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HOUSE OF REPRESENTATIVES—Wednesday, February 1, 2017

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 1, 2017.

I hereby appoint the Honorable DAVID G. VALADAO to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

PRESIDENT TRUMP'S FIASCOS

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

Mr. GUTIÉRREZ. Mr. Speaker, for the last 2 weeks, we have lurched from one fiasco to another, played out on a national and international stage. There were press briefings and Presidential statements filled with official lies. We have witnessed tragedies, late night firings, policy changes, and clarifications, also known as backtracking, and then we have come back for another round of fiascos.

We are told we will not have a National Security Council as we always have had, one with the top minds of the intelligence community and the head of the Joint Chiefs of Staff. No, in-

stead, we will have a nationalist security council, with Breitbart's Steve Bannon and his personal experience as a former Navy officer right there in the situation room. I am not feeling safer already.

The President has acted to criminalize immigrants and to make every immigrant an equal priority for deportation. Trump actually buried a requirement in his executive order to count, every week, the number of crimes committed by immigrants and to have the government officially tally every single week the number of Mexican rapists, criminals, and drug dealers—the ones Donald Trump has been talking about since he launched his campaign.

But interestingly, by law, the Federal Government and the Centers for Disease Control and Prevention cannot conduct research into how many people are killed by guns—that is outlawed—and how we can prevent gun violence—that is outlawed. No, the NRA and its wholly owned subsidiary, the Republican Party, has outlawed that. But the new immigrant rape report is ripped from the headlines of Breitbart and other rightwing websites, except that now it is the basis of government policy. We are really getting a lesson in who is and who is not a criminal in this post-“1984” world of newspeak.

We all know that there are millions of undocumented immigrants from all over the world, but this administration keeps whipping out that Mexican thing. Let's face it, the people thinking up these policies think all Latinos are Mexicans and all Mexicans are immigrants. So if you are an immigrant from Mexico, except for a few good ones, you are a criminal, a rapist, or a murderer.

Millions and millions of people who the President wants to deport are people with traffic violations. They drove without a license in many States because the State in which they live and pay taxes does not issue driver's licenses to them. They are moms and dads who came back after they were deported because that is what moms

and dads tend to want to do: to be with their children, watch them grow up, nurture and love them. And Trump's targets include young people and teenagers who are listed on a “gang registry” because a local cop thought they dressed or acted like they might be in a gang.

But if you hire maids or nannies and do not pay the proper amount of Social Security and FICA taxes, or if they are undocumented immigrants and you don't pay the taxes, you are not called a criminal. No, you are called a Cabinet Secretary. In fact, we will put you in charge of the budget, including Social Security, the one you failed to pay.

Or you can run the Department of Commerce, yes. If your business engages in the shady business of foreclosing on grandmas and widows, you get to be the Secretary of the Treasury.

If you close down the Department of Energy, that is what you want to do, close down the Department of Energy, guess what you get to do. You get to run it.

If you oppose public schools, you get to be Secretary of Education.

And if you have opposed every inch of progress for civil and human rights in this country with every fiber of your being—immigrant rights, gay rights, basic civil rights for people of color, basic protections to make sure that everyone's vote counts equally—well, in that case, guess what you get to do, you get to run the Department of Justice, the agency ultimately charged with making sure everyone gets equal protection under the law.

Up is down, down is up, and it is only his second week.

I feel our new President has some learning to do, and a lot of that learning has to do with the three branches of government, like what the executive branch should do when a Federal judge tells them to stop doing something they shouldn't be doing in the first place.

I think the new President has a lot to learn about the freedom of religion, the

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

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

separation of church and State, and how our refugee policies work. I think the people of Chicago could teach him a lot about the Fourth Amendment and its ban on unreasonable search and seizure and the illegality of holding immigrants in jail without a warrant.

So I am offering to give the President my copy of the Constitution, autographed by Khizr Khan, the father of a U.S. Army captain killed in Iraq in 2004, who asked a question I don't think any one of us knows the answer to. That question is: Has the President ever read the Constitution? I am proud I will be standing with Mr. Khan and other leaders of different faiths later today at a press conference on the actions taken by our new dear leader.

We can all see through the emperor's new clothes and his Chinese-made tie, and the view isn't pretty, Mr. Speaker.

MUSLIM REFUGEE EXECUTIVE ORDER

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

Mr. QUIGLEY. Mr. Speaker, just hours after the President's misguided, counterproductive, and objectively anti-American Muslim ban was signed, we saw the effects. Chaos erupted at airports around the country, including in my own district at Chicago O'Hare. Green card holders were held in legal limbo. Refugees fleeing violence and persecution were sent away before boarding U.S.-bound flights, even after enduring years of thorough screening and vetting.

Unfortunately, this is not the first time we have turned away innocent people seeking safety in our country. In 1939, the German ocean liner *St. Louis* Manifest and its 937 Jewish passengers, almost all Jewish refugees, were turned away from the Port of Miami and sent back to Europe. Of those passengers, 254 were murdered in the Holocaust.

We all bear a responsibility to learn from the evils of history so that we will never make the same mistakes again. It is our turn to step up and fight to protect the values of our Nation and ensure that we are on the right side of history. Because who can possibly forget the photo of Alan Kurdi, the 3-year-old Syrian boy who was washed up on a Turkish beach. Or Omran Daqneesh, the 5-year-old Syrian boy covered in blood as he waited for emergency care after being rescued from a building in Aleppo hit by an airstrike. These devastating images have become symbols of the refugee crisis. We cannot let them symbolize our inaction, too.

The President's executive order creating this Muslim ban undermines the foundational ideas of this country, a Nation founded by immigrants with the intention of providing freedom, op-

portunity, and a better life to all who seek it. Making good on one of his most extreme campaign promises, the President signed this order with little or no input from his own national security advisers nor from specialists at the State Department, Homeland Security, or the Justice Department, once again signaling his strong and continued dismissal of facts, evidence, and advice from seasoned experts.

Contrary to the President's misguided belief, Islam is not the issue, and his decision to go after Muslims instead of terrorists only fuels our enemies' propaganda. The President's Muslim ban undermines our national security goals and is counterproductive in the fight against terrorism. The ban jeopardizes our strategic partnerships with allies in the Middle East who are on the very front lines in the fight against ISIS. Asylum seekers and foreign nationals have provided invaluable assistance to our military and diplomats in a variety of roles overseas. I agree with Senators MCCAIN and GRAHAM, who said this ban will become "a self-inflicted wound in the fight against terrorism." Ultimately, this order is more likely to increase terrorist recruitment than to deter it.

Outrage over this ban extends far beyond national security and counterterrorism experts. For example, we are seeing sharp criticism from business leaders across the country, including CEOs of companies like Google, Apple, Facebook, and Airbnb. They recognize that immigrants play a huge role in fostering our Nation's entrepreneurial spirit, advancing new technology, creating startups, all which spur innovation and economic activity across the country.

Universities and academics across the country are also grappling with what the President's restrictions mean for their students and for scholarship and academia more broadly. Students benefit from the inclusion of all world views, which provide us with a deeper understanding of science, the arts, economic policy, national security, and all other aspects of our society.

Let's be clear. My own city of Chicago has been and will continue to be home to an immigrant and refugee community from all around the world, and we are forever enriched and grateful for the contributions that make this country great. I, along with the majority of American people who took to the streets to make their opposition heard loud and clear, demand that the administration rescind this shameful order before even more grave and lasting damage is done.

Let's call a spade a spade. Despite the White House's insistence that this is not a Muslim ban, the policy laid out by the President will almost exclusively impact Muslims. In fact, the President went so far as to point out that this administration will prioritize

the admittance for Christian refugees. If this is not a religious test, then what is?

Refugees of all faiths, creeds, race, and national origins have looked to America as a beacon of freedom. So long as this ban is in effect, that light shines less brightly. We will not etch a new inscription at the base of the Statue of Liberty. Instead, her golden lamp will continue to welcome those who are tired, poor, and yearning to be free, just as it always has.

TRUMP'S REFUGEE EXECUTIVE ORDER: SEPARATING FACT FROM FICTION

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

Mr. BABIN. Mr. Speaker, I rise to express my fervent support for President Trump's executive order: Protecting the Nation from Foreign Terrorist Entry.

I, along with many other Members of Congress, have been speaking out for more than a 1½ years about the dangers posed by our U.N.-run refugee resettlement program. I applaud President Trump for following through on his promise by imposing strict vetting for seven countries that President Obama labeled in 2016 as countries of particular concern for terrorism.

Liberal activists and politicians are leveling baseless assertions about the Trump policy only to see a lazy and complicit media parrot their claims without exercising due diligence to validate it. To me, this is fake news. And in this incident, it is the mainstream media that is pushing this misinformation. Let's separate myth from fact and inject a little coolheaded commonsense into this national dialogue.

Friday's executive order does a few things: It pauses the entry of all refugees for the next 120 days; it caps refugee admissions for fiscal year 2017 at 50,000; it stalls, for 90 days, the admission of foreign nationals from seven countries that are well established as terrorist hotspot countries; and it puts priority on highly persecuted religious minorities when the refugee program resumes.

The media has echoed the protesters' assertion that this is somehow a Muslim ban. They are flat-out wrong. Remember, it was President Obama who created this seven-country list, not President Trump.

If it were a Muslim ban, then why doesn't it include restrictions on the other 40 majority Muslim nations? That makes no sense. That is because this is a targeted approach to deal with the threat posed by terrorists who operate freely in these failed states and pose a direct threat to the American people. There is absolutely nothing in this executive order that says anything about banning any particular group of people.

Another shortsighted fallacy being propagated is that President Trump is the only President to ever implement restrictions on refugee admissions. Conveniently forgotten is the fact that in 2011, President Obama stopped processing refugees from Iraq for 6 months after a terrorist plot was uncovered involving two Iraqi refugees who had come into the United States.

□ 1015

Previous Presidents of both parties have responded to global threats with refugee admission limitations, so characterizing Trump's actions is unprecedented, is simply fiction and a gross demonstration of partisanship.

As ISIS has infiltrated the ranks of refugees in Europe, the President is similarly responding to global threats with the appropriate safeguards as he sees fit.

This is something that he should be praised for—not condemned.

The notion that the executive order is inherently un-American must be addressed as well. After all, America is the land made up of immigrants that has been a safe harbor to millions fleeing persecution around the world since her inception.

But in order for this to continue, we must be vigilant to protect our homeland.

America is the greatest Nation in the world, and if we let up on our pursuit of the highest national security standards, we will see this greatness slip away—to the detriment not only of all American citizens, but to the entire world.

Finally, I must address the false notion that having a Christian ethic demands that we accept all refugees with open arms. Well, if that is the case, why aren't we opening the doors wide to the 60 million refugees worldwide rather than only a fraction of 1 percent?

As a follower of Jesus Christ, I do believe that we should help those in need around us, and that America should be involved in helping the displaced and persecuted whenever we can.

Perhaps a more compassionate approach might be to take the money that we spend settling one refugee in the United States and, instead, for the same price, provide for 12, for a dozen, refugees in a safe haven near their own home countries.

Just as a father's primary responsibility is to care for his own children, the chief role of the President and other national leaders is to ensure the best interest of the citizens under their charge.

If President Trump were to overlook the safety of the American people, it would simply be an abdication of his own responsibility that the American people elected him to do.

It seems the President's opponents have cherry-picked particular Bible

verses to suit their own political agenda, while ignoring other basic Biblical concepts of stewardship and responsibility out of sheer political convenience.

To conclude, the hysteria surrounding this national security executive order must come to an end.

After all, the main provisions of this executive order are temporary in nature and are in line with what many Presidents in the past have done.

ISIS presents one of the most extensive and complex threats to our Nation, and we do want our President to take every precaution to make sure that Americans are safe.

This—not the false narratives of Trump's opponents—must be the focus of the national dialogue, and we must share in what he is doing.

NSC APPOINTMENTS TO PRINCIPALS COMMITTEE

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

Mrs. MURPHY of Florida. Mr. Speaker, today I will introduce the Protect the National Security Council from Political Interference Act.

I would like to thank my House colleagues who have signed on as original cosponsors of this legislation.

I have worked at the Department of Defense, and I am a member of the Armed Services Committee. I believe the most solemn responsibility of Federal policymakers is to keep the American people safe, and to do so in a way that is faithful to the moral and ethical principles that have made this country exceptional, and a force for good in a dangerous and unpredictable world.

Within the complex Federal bureaucracy, the National Security Council is, arguably, the most important institution when it comes to debating and deciding issues related to homeland security, foreign policy, intelligence collection, and the national defense. Choices about whether to deploy men and women into combat are made during the meetings of the NSC or its main subgroup, the Principals Committee. So, too, are decisions about how to defend the homeland against terrorism and how to support our allies and counter our adversaries across the globe. The NSC's deliberations are so serious because the stakes are so high.

Since the creation of this body by Congress in 1947, Presidents from Truman to Obama have prescribed the organizational structure and role of the NSC according to their personal preferences within the broad parameters set by Congress. This is how it should be. The NSC is a policymaking instrument, and the President is entitled to utilize this instrument in the manner that the President sees fit.

However, historically, there has been a bipartisan consensus that the NSC

debates should be divorced from the world of electoral politics. The Presidents of both parties have sought to establish an NSC policy process that is not contaminated or perceived to be contaminated by political considerations.

Josh Bolton, chief of staff to President George W. Bush, may have put it best while explaining why President Bush excluded political counselor Karl Rove from all NSC meetings: "... the President ... knew that the signal he wanted to send to the rest of his administration, the signal he wanted to send to the public, and the signal he especially wanted to send to the military, is that, 'The decisions I'm making that involve life and death for the people in uniform will not be tainted by any political decisions.'"

I am filing this bill because I believe that President Trump's directive organizing the NSC breaks from this longstanding, bipartisan tradition of constructing a wall to separate national security policymaking from domestic politics to the greatest extent possible.

Specifically, the President's directive authorizes the Assistant to the President and Chief Strategist Stephen Bannon to be a permanent member of the NSC and to attend all NSC and Principals Committee meetings. Mr. Bannon's role in the administration has a strong political component. Indeed, it appears unprecedented for a political counselor so deeply enmeshed in politics to serve as a permanent member of the NSC.

Senator JOHN MCCAIN, the chairman of the Senate Armed Services Committee, described Mr. Bannon's appointment as a radical departure from any National Security Council in history.

Therefore, my bill will amend Federal law to ensure that no individual, whose primary responsibility is political in nature, shall be designated as a member of the NSC or be authorized to regularly attend meetings of the NSC or the Principals Committee. This language would apply to Democratic Presidents and Republican Presidents alike. Our men and women in uniform, our intelligence and homeland security professionals, and our citizens should feel secure in their knowledge that the critical decisions made by the NSC are free from political considerations. The American people deserve a national security policymaking process that inspires confidence, not cynicism.

My bill also contains a second provision. The President's directive prescribes a diminished role on the Principals Committee for the Director of National Intelligence and the Chairman of the Joint Chiefs of Staff. The directive limits their attendance to only those meetings where issues pertaining to their responsibilities and expertise are to be discussed.

While this language is not unprecedented, it has caused concern among

many experts of all political stripes, particularly when it is juxtaposed against the decision to give Mr. Bannon unfettered access to the NSC PC meetings.

Accordingly, my bill will express the view of Congress that the DNI and the Chairman of the Joint Chiefs of Staff, given their importance to national security, should have a standing invitation to attend all PC meetings.

I invite my colleagues to support this legislation which seeks to protect the NSC from political interference, and to ensure that the President receives the best possible advice from his national security experts—experts who will recommend actions because they are in the best interest of the American people and not because they are politically expedient.

FAREWELL TO SCOTT GRAVES

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I just came back from the organizing committee meeting with my good friend from California for the House Agriculture Committee. I appreciate the opportunity to work with this gentleman and all of the folks who serve on that committee that really provides policy to our Nation's agriculture industry.

It is about making sure that Americans have access to affordable, high quality, and safe food. I actually look at the Agriculture Committee as well as having a dual mission of making sure that the rural economies of our Nation are robust or successful.

Mr. Speaker, I rise to say thank you and farewell to Scott Graves, staff director of the House Agriculture Committee, an individual who served well for many years.

Mr. Speaker, as you know, there is a right way to do business here in the House, and Scott Graves has understood what it takes to manage the Agriculture Committee, the chairman's personal affairs and agenda. But he also has found time to help out members of this committee from both sides of the aisle.

Knowing is one thing; execution is everything.

I have always been impressed with the way we have been able to work on the committee in a bipartisan manner for the good of agriculture, and 320 million Americans have benefited from safety, innovation, and forward thinking of the agriculture industry.

Under Scott's leadership, he made this look easy. Now, as he embarks upon the next step in his career, I wish Scott Graves all the best, his wife, his little boy, and his little one to be born later this year.

The Commonwealth of Pennsylvania has a slogan on every road sign enter-

ing the State, and the sign reads, "You've got a friend in Pennsylvania." Well, Scott, you don't have to drive far, but realize this holds true for me and all of my staff, you've got a friend in Pennsylvania.

SNAP HELPS LIFT PEOPLE OUT OF POVERTY

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as chairman of the Agriculture Subcommittee on Nutrition for the 115th Congress, I am confident that we must work to ensure that the Supplemental Nutrition Assistance Program known as SNAP is meeting the needs of those that it is intended to serve.

The House Agriculture Committee hearings have highlighted how nutrition matters and the specific ways that vulnerable populations are well served by a strong, sound, and reliable food program.

SNAP serves a diverse population who share a common need for nutritional support beyond what is available based on personal means, family support, and community resources.

Now, according to a 2015 USDA report, 42.7 percent of SNAP recipients are children, while single parent households are more susceptible to food insecurity, especially those who are single mothers. Two-parent families also struggle, at times, to put food on the table.

Children whose households face food insecurity, face both negative developmental and health consequences.

A child's future success goes beyond what any single government program can or should achieve. SNAP is not the only means of breaking the cycle of poverty, but it certainly plays a key role in increasing food security for children.

Mr. Speaker, for me, SNAP is not merely a food program but a pathway that works to lift people out of poverty. It is a tool for the better health and development of our children who deserve no less.

ALI FAMILY AND EXECUTIVE ORDER

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

Mr. COSTA. Mr. Speaker, I rise today to call attention to a 12-year-old girl Emon Ali, who is stuck in Djibouti. Emon and her father, Ahmed Ali, who is an American citizen, are in Djibouti because of President Trump's flawed executive order to ban travel to the United States.

The Ali family is like many immigrant families throughout our country, including my own, who came to the United States in hopes of achieving the American Dream.

As Americans, we know that the Statute of Liberty is a symbol of freedom and new beginnings for immigrants past and present, and it is a

symbol around the entire world for the values that America holds.

Since the founding of our country, immigrants from all over the world have been coming to the United States to make a better life for themselves and their families, or to escape persecution.

Mr. Ali and his wife immigrated to the United States and earned their U.S. citizenships in hopes of achieving that American Dream.

They had been making a living in my district and are supporting their two daughters in Los Banos, California. But they have also been living in sadness and heartbreak because their 12-year-old daughter, Emon, was born in Yemen before the civil war.

For 6 years, the Ali family has been working through the appropriate channels to get their daughter a visa so she can gain U.S. citizenship and be reunited with her family legally.

On January 26, after years of going through a thorough vetting process, Emon finally received her immigrant visa—after 6 years. You could call that extreme vetting.

One day later, on the 27th, President Trump turned the Ali family's and hundreds of other families' lives upside down by signing an executive order to implement a travel ban to prohibit refugees and others from coming to the United States. That is not the American way.

Hours after this executive order was signed, Emon and her father went to the airport in Djibouti, passed through security, and, when boarding the plane, Emon was told by the airline that she could not board because of the recently signed executive order.

□ 1030

The immigrant visa issued to Emon would have given her status as a lawful permanent resident upon entering the U.S. And since she is 12 years old and both of her parents are U.S. citizens, Emon would have immediately been eligible to file for U.S. citizenship.

President Trump's executive order is preventing this legal process from taking place and is putting Emon and her father in harm's way while they wait in Djibouti.

In the past 48 hours, the Trump administration has been defending this executive order, saying it is not a travel ban or a ban on refugees. So I would like to ask the President: How is this executive order not a ban on refugees or individuals who have been legally approved to enter the United States? It certainly is a ban for Emon. And how is keeping this 12-year-old girl out of the United States from joining her family making America safer? It is not making Americans safer.

Extreme vetting was in place during both the Bush and Obama administrations. We just didn't call it that by name.

This travel ban is flawed, both in its lack of adherence to American values and its technical execution, which is banning Emon from coming here, and it could possibly be ruled unconstitutional.

A bipartisan group of national security experts agree that the executive order does not make Americans safer and could potentially put our country at greater risk for terrorist attacks. I agree with them.

Since September 11, 2001, we have focused a bipartisan effort to improve American security for Americans both at home and abroad, and by and large, it has been very successful.

It is our first constitutional duty to ensure the national defense and the safety of Americans, but I think President Trump's executive order is doing the opposite. The executive order will create a rallying cry for Islamic extremists around the world to say that America is now engaged in a war against the religion of Islam. No good can come from that. It is clear that this executive order is putting Emon and her father in harm's way in Djibouti.

So, Mr. President, Secretary Kelly, I appeal to your compassion and to your common sense. This 12-year-old girl, Emon, has been extremely vetted for 6 years or whatever you would like to call it. She is not a threat to our country. Let her join her American family.

My staff and I are working diligently through the appropriate channels with the Department of Homeland Security and the Department of State to bring Mr. Ali and his daughter home as soon as possible.

The SPEAKER pro tempore. Members are advised to direct their remarks to the Chair and not to the President.

RECTIFICATION FOR MERRICK GARLAND

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

Mr. AL GREEN of Texas. Mr. Speaker, in April of 1963, literary history was made when Dr. King published his letter from the Birmingham jail.

In that letter, Mr. Speaker, Dr. King proclaimed: "Injustice anywhere is a threat to justice everywhere." Mr. Speaker, these words were true then and they are true today. Injustice anywhere is still a threat to justice everywhere.

And, Mr. Speaker, when the Republican leadership decided to hold up Merrick Garland, they did more than hold up a nominee. They did more than prevent him from being heard. They did more than approve him such that he could become a Justice on the Supreme Court. They did more than prevent President Obama from having the opportunity to appoint a nominee to the Supreme Court, Mr. Speaker.

When they held up Merrick Garland, they hijacked justice. They hijacked justice and prevented the American people from having the opportunity to hear of the credentials of Merrick Garland so that he could receive just consideration. They didn't have to approve him, but they should have in the sense of justice. They should have given him the opportunity to be heard.

They hijacked justice. When you hijack justice, this type of injustice cannot go unchecked. We cannot allow the legitimization of that hijacking to take place today.

If we move forward with the nominee being proposed by the Republican leadership by the President of the United States, this would be an effort not only to legitimize, it would legitimize the process that they employed to hijack justice.

I refuse to stand with those who would hijack justice. The American people refuse to stand with those who would hijack justice. The American people are demanding that a just system be in place.

The only way a just system can be in place is for what happened to Merrick Garland to be rectified. This is not retaliation that I am speaking of. This is not retaliation. This is rectification.

There has to be rectification for what happened to Merrick Garland, and rectification requires that the Senate take up Merrick Garland. I believe the American people want the Senate to take up Merrick Garland so that he, too, can receive justice; so that this country can receive justice; so that the American people can receive justice; so that they can hear about Merrick Garland's credentials.

Yes, the current nominee has great credentials, but so does Merrick Garland. There are many adjectives that can be used to describe the current nominee, but there are many great adjectives that can be utilized to describe Merrick Garland.

Merrick Garland deserves his day. Without his day, we cannot go forward in a just way. So I encourage the American people to do that which is just; contact those who have a voice in this and say to them: Do not approve any nominee until there is justice for Merrick Garland and justice for the American people, justice for what occurred when they hijacked a nominee to the Supreme Court, hijacked a nomination, hijacked an opportunity. Hijacking cannot be tolerated.

Dr. King was right; injustice anywhere is still a threat to justice everywhere. But he also went on to say immediately thereafter that life is an "inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

This hijacking that took place last year is going to impact all in this country indirectly because every per-

son in this country will be subjected to the rulings of a Supreme Court with a nominee that will have an asterisk by his name because his opportunity exists as a result of a hijacking that took place.

Injustice anywhere is a threat to justice everywhere, and we ought to realize that this injustice cannot be tolerated and must be rectified. It is not retaliation. It is rectification.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the Senate.

DO NOT DESTROY THE AMERICAN DREAM

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

Ms. DELAURO. Mr. Speaker, I rise to share a story that has weighed heavy on my heart.

The President speaks about keeping America safe. He speaks about building a wall. He speaks about deporting undocumented immigrants. His rhetoric of hate and fear is causing millions of families unspeakable pain. This is happening in every community across our country and it is happening in my community.

I want to share a letter I received from one of my office's most dedicated interns one week after the election. This young man was such a positive force in my office. He took on tasks with a smile. He had an insatiable appetite for learning about our government. He was one of the finest interns our office has ever seen.

I was proud to have him to be one of the first people that our constituents interacted with when they contacted our office. But a week after the election, this young man, Sergio, went home. He left me this letter, which I will read to you in its entirety because Sergio tells his own story better than I ever could:

"Dear Representative DeLauro:

"I was honored to intern in your Washington office and learn more about the government of the United States, and more specifically responding to constituents' concerns. Walking through the long tunnels that connect the congressional buildings to the Capitol I began to envision myself working in the District of Columbia upon graduation. But like for many people, the election results have forced me to take a different path.

"After the Presidential election, all the stability that had allowed my family and me to become part of the American life was turned into fear and doubt about our future. Not only has the President-elect vowed to deport millions of undocumented immigrants, but he also promised to remove the DACA program. For this reason, I had to return to New Haven and assist my family as we figure out which decisions are

the best to take moving forward. Thus, I am sorry to inform you that I will no longer be able to continue my internship in your Washington, D.C. office.

"I want to express that while I am in constant fear questioning whether I will be able to complete my undergraduate degree, or if my U.S.-citizen sister will be separated from us, I am not giving in. My best memory working in your office was running into an old employer who came to the office for a Capitol tour. Reflecting on the aspirations I had working as a busser to get myself through high school, I remember your persona always providing me with hope. That hope has grown exponentially as I reminisce on the times you walked into the office and greeted all your interns with such gratitude and enthusiasm.

"With infinite gratitude, Sergio."

How does this promising young man's fear make us safer? How can we stand idly by while his family navigates unspeakable anxiety and pain? How can we live with ourselves if we let these hateful policies stand?

Sergio is a bright young man dedicated to public service, and now he is a young man questioning his future and the future of his family. This story breaks my heart; it should break yours.

President Trump's executive orders are not just anti-immigrant; they are anti-American. Most of our families, including my own, came to this country as immigrants.

My father came through Ellis Island in 1913 as an immigrant from Italy. He was in school, and he had to leave school in the seventh grade as he was 11 years old because his teachers and his classmates laughed at him.

He got himself an education, served his country in the United States military for 8 years, served on the City Council in New Haven, worked as hard as he could along with my mother, whose mother and father came from Italy before her. They scrimped and they saved to give me the finest education. And as an immigrant family, they could only dare dream that I would sit in the United States House of Representatives and be here today.

It is the American Dream. It is what this Nation is all about as we stand under this dome in this building, the seat of our democracy.

Do not let any individual, any political party destroy that American Dream. Our country is made richer by immigrants. We have always welcomed men, women, and children to our shores so that they can build a better life and build a stronger nation.

The President's executive orders are an insult to our country's roots and our values. Instead of uniting us, he threatens to further divide us.

I stand with Sergio and the millions of people like him whose futures are in flux because of this administration's misguided policies.

Do not destroy the American Dream.

NATIONAL CATHOLIC SCHOOLS WEEK

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

Mr. LIPINSKI. Mr. Speaker, today I rise in support of National Catholic Schools Week and to recognize the outstanding contributions that Catholic schools have made and continue to make to our Nation.

As a proud graduate of St. Symphorosa Grammar School and St. Ignatius College Prep and as a strong supporter of Catholic education, I have introduced H. Res. 57, honoring January 29 through February 4 as National Catholic Schools Week. I would like to thank the gentleman from New Jersey (Mr. SMITH) for working with me on this resolution and on other issues. Following his Catholic faith, Mr. SMITH is one of our greatest defenders of freedom and human rights around the world.

This year marks the 43rd anniversary of Catholic Schools Week. Since 1974, Catholic Schools Week has celebrated the important role that these institutions play in America and their excellent reputation for providing a strong academic and moral education as well as teaching community responsibility and outreach.

□ 1045

This year's theme, "Catholic Schools: Communities of Faith, Knowledge, and Service," highlights the values that are the centerpiece of a Catholic education.

Today, over 2 million elementary and secondary school students are enrolled in over 6,600 Catholic schools. These students typically surpass their peers in math, science, reading, history, and geography in the NAEP test. The same is true for SAT scores. And the graduation rate for Catholic high school students is 99 percent, with 85 percent of graduates enrolling in a 4-year college. As we continually hear disturbing reports about our national test scores, these statistics are truly remarkable and should be commended.

Notably, the success of Catholic schools does not depend on selectivity. These academic achievements are realized by students from all walks of life. Catholic schools accept 9 out of 10 students who apply and are highly effective in providing a quality education to students from every socioeconomic category, especially the disadvantaged and underserved urban communities. Over the past 30 years, the percentage of minority students enrolled in Catholic schools has more than doubled, and today they constitute about one-third of all Catholic school students. In times of economic hardship, Catholic schools can provide an affordable alter-

native to other forms of private education.

In addition to learning reading, writing, and arithmetic, students also learn responsibility and how to become persons of character and integrity. America's Catholic schools produce graduates with the skills and integrity needed by our businesses, governments, and communities, emphasizing a well-rounded educational experience and instilling the values of giving back to the community and helping others. That is why "service" is in this year's Catholic Schools Week theme. My own decision to pursue a career in public service was fostered, in part, by dedicated teachers throughout my formative years at Catholic schools.

I celebrated Catholic Schools Week last week at a number of schools in my district. I visited St. Barbara Grammar School, which is located in the Bridgeport neighborhood of Chicago. I met with Principal Nicole Nolzco and the student council, and I spoke to and took questions from an all-school assembly.

I visited Everest Academy in Lemont, where Principal Lori Broncato and Father Jason gave me a tour of the quickly growing school, and I answered questions from students before the whole school wowed me with an impressive version of the song, "America."

Finally, I visited my alma mater, St. Symphorosa, in the Clearing neighborhood in Chicago. I met with Principal Kathy Berry and Father Idzi and spoke to students about my experiences at St. Sym's and how my Catholic education made it possible for me to serve in the U.S. Congress.

These are just three of the many wonderful Catholic schools in my district that are part of the Chicago Archdiocese and the Joliet Diocese.

Mr. Speaker, I hope my colleagues will join me in congratulating and thanking Catholic schools across the country, which provide first-class, well-rounded educations and contribute so much to our Nation.

RECESS

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

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

Eternal God, we give You thanks for giving us another day.

We thank You that we are a nation fashioned out of diverse peoples and cultures, brought forth on this continent in a way not unlike the ancient people of Israel. As out of a desert, You led our American ancestors to this promised land where they declared their independence and constituted a new nation founded upon unalienable rights given to us by You, our Creator.

Bless our Nation with wisdom, knowledge, and understanding, and bless the Members of this people's House. Renew in us the adoption by Your Spirit that we may affirm our freedoms, not only with the conviction in the way we understand others, but in ourselves by actions proven beyond words.

Bless us this day and every day. May all that is done here this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mrs. DINGELL) come forward and lead the House in the Pledge of Allegiance.

Mrs. DINGELL led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

UNDOING JOB-KILLING REGULATIONS

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

Mr. PEARCE. Mr. Speaker, many times, people ask me: Just what is it about regulations that kills jobs? That is what we are involved in this week is undoing some of those regulations. I will be introducing one today to unwind a regulation that the BLM recently put into place.

What happened is, over a year ago, for the first time in 40 years, we allowed Americans to export oil. We are diminishing the trade deficits—that is, we are making our economy stronger—by shipping to South American countries and to countries all over the world. It is good for American jobs. Then the BLM comes in and puts in its onshore oil and gas order No. 3 rule, which will make it more difficult for us to produce oil off of public lands. It simply shouldn't be there.

We are introducing legislation today that will reject that as a bureaucratic entanglement of job creation in the country. That is as simple as we could be. We look forward to the support of the Members of the House.

EXPAND AND STRENGTHEN SOCIAL SECURITY

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

Mr. HIGGINS of New York. Mr. Speaker, this week in 1940, the first Social Security check was issued. Since then, it has been one of our Nation's most impactful and successful programs.

Social Security is based on a simple premise: if you work hard, you should live a dignified retirement. It has been a critical lifeline for America's seniors, tens of millions of whom were pulled out of poverty because of this program.

In order for Social Security to continue to fulfill its promise, Congress and the administration need to work together. I am concerned that the new administration may wish to dismantle Social Security as we know it. The President's choice for Budget Director has a long track record of calling for raises in the retirement age and of lowering Social Security benefit payouts. In 2011, when my Republican colleagues proposed cuts to Social Security, the nominee argued that the cuts were not rapid enough. This is unacceptable.

We cannot afford to weaken Social Security. We should expand and strengthen this program. We need to make Social Security more generous and increase the benefits so that today's and tomorrow's retirees get the dignified retirements that they have earned. This is also good for economic growth, higher wages, higher demand,

higher economic growth, and opportunity.

THE ROBESONIAN

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

Mr. PITTENGER. Mr. Speaker, I rise in honor of The Robesonian newspaper in Lumberton, North Carolina, and their exceptional public service during the massive floods caused by Hurricane Matthew.

Last October, Lumberton was inundated with rain. The water treatment plant was under 4 feet of water; Interstate 95 was shut down; hundreds of homes and businesses were destroyed. The devastation, which I witnessed firsthand, was unbelievable. The Robesonian's own offices were destroyed, and much of the staff suffered personal loss, slept in offices, went without showers; yet the newspaper continued to share vital information online and via social media.

Mr. Speaker, during this emergency, The Robesonian's website and social media were the only way many residents of Robeson County could access updated information on shelters and water distribution.

Thank you to the dedicated staff of The Robesonian for putting the community first and serving with distinction during the Hurricane Matthew floods.

MUSLIM AND REFUGEE BAN

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

Mrs. DINGELL. Mr. Speaker, I rise to give voice to my constituents and their families whose worlds have been turned upside down following President Trump's executive order last Friday, which they feel is directed at Muslims. Since the order was signed, we have been flooded with calls, with messages; and no matter where I am in the district, people are scared and terrified.

I cannot convey to this House enough the feelings of individuals who have gone through a stringent vetting process, who hold green cards, who are official legal residents—in some cases, even citizens—who are afraid that someone is going to knock on their door at 3 a.m. and take and deport them from this country. They are real people.

The Detroit headlines are full today of stories of an Iraqi whose mother died, who had served with the military in Iraq, and was trying to bring his mother back. He is an American citizen. Another is a doctor whose wife is in Qatar and had taken her baby home—both here legally.

We all care about keeping this Nation safe. We also have to protect the

fundamental pillars of our Constitution.

MIAMI LIGHTHOUSE DIAMOND ANNIVERSARY CELEBRATION

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to commend the Miami Lighthouse for the Blind and Visually Impaired, an amazing nonprofit service organization which is located in my congressional district, on its recent Diamond Anniversary Celebration of 85 years of service.

The Miami Lighthouse has served south Florida since 1931, offering essential programs and experiences for all of those who have visual impairments.

As a co-chair of the Congressional Vision Caucus, I understand the importance of the mission of the Miami Lighthouse: to provide vision rehabilitation, eye health services that promote independence, to collaborate with and train professionals, and to conduct research in related fields.

Mr. Speaker, organizations like the Miami Lighthouse form the backbone of our civil society.

Congratulations to my dear friend Virginia Jacko and all of the staff and many volunteers of the Miami Lighthouse as they continue their life-changing work into their 86th year.

TRUMP WHITE HOUSE'S POLICIES

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

Ms. KELLY of Illinois. Mr. Speaker, I rise to give voice to millions of Illinoisans who are outraged by President Trump and his disastrous first week in office. He has already managed to achieve a 50 percent disapproval rating. Here is a recap of his first week:

He closed the White House telephone line, has attacked the health of millions of families and started the process to repeal the ACA—something that experts estimate will kill 43,000 Americans a year, has put politicians and politics between women and their ability to make their own healthcare choices.

His Cabinet is stocked with a foreclosure king, a billionaire lobbyist, and someone rejected from the Federal bench for racially charged rhetoric.

He capped off last week with the unconstitutional and un-American Muslim ban that makes us less safe. It was so awful that it achieved bipartisan condemnation. Even our allies are starting to retreat from us. More than a million U.K. citizens signed a petition to keep President Trump from visiting.

As we face new and emerging threats, can we afford to allow this administra-

tion to alienate us from long-held allies? Mr. Speaker, it is time to get serious about the Trump White House's policies.

MOMENT OF SILENCE HONORING CHIEF SPECIAL WARFARE OPERATOR RYAN OWENS

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

Mr. LAHOOD. Mr. Speaker, I rise with a heavy heart to honor Ryan Owens, a Navy SEAL from Peoria, Illinois—my hometown—who paid the ultimate sacrifice for his country over the weekend in Yemen.

Ryan Owens, with his elite counterterrorism unit, SEAL Team Six, was fatally wounded during a night raid against al Qaeda in Yemen. The Department of Defense reported that the raid was a success but that the price was steep.

The Constitution of our great Nation was written in ink, but those principles are defended in blood. This remarkable man's sacrifice is a painful reminder of the immeasurable cost of our freedom and national security and of the dark evil we face as we wage the war against terrorism.

My thoughts and prayers are with Ryan's grieving family this week: his father, his wife, and his children. I pray that they will take comfort in knowing that his death was not in vain and that neighbors, community, and Nation are joining them in mourning his death and in remembering his life. Ryan Owens will be posthumously awarded with the Purple Heart.

Mr. Speaker, at this time, I would ask that the House rise in a moment of silence to pay tribute to Navy SEAL Ryan Owens for his exceptional service to our country.

STOP THE MUSLIM AND REFUGEE BAN

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

Ms. PINGREE. Mr. Speaker, just hours before President Trump's inauguration, I met a young woman in my district from Djibouti who was named Fozia. Fozia had worked with our military as an interpreter. She came to the United States for the freedom and safety she could not find in her home country; but as a Muslim and immigrant, the rhetoric she heard during the election had made her question whether she was welcome here.

Since President Trump has issued his backdoor ban on Muslim immigrants and a halt on all refugees, I have thought of Fozia often as well as thousands of other refugees and asylees who have undergone arduous journeys and

thorough vetting to make Maine their home.

These good people have enriched our State in many ways—raising families and filling a vital need in our aging workforce. They live in New England cities with French names that were built by Irish laborers, reminders of the many generations of immigrants who came here for a better life and who helped make our country great.

President Trump's order is likely unconstitutional, but without a doubt, it is un-American. This Congress is guilty of the same sin if we don't do everything in our power to stop it.

□ 1215

PRESIDENT'S EFFORTS ARE BEING DISTORTED

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

Mr. DUNCAN of Tennessee. Mr. Speaker, approximately 58 percent of the people in this world have to get by on \$4 or less a day. This means roughly 4 billion of the 7 billion in the world are living in extreme or very great poverty.

If we simply opened our borders, probably several hundred million would come here over the next 2 or 3 years. Our entire infrastructure—our schools, hospitals, jails, sewers, roads—in fact, our entire economy could not handle a massive, rapid influx like that.

The American people are the kindest, most generous people in the world. We have allowed far more immigration than any other country over the last 50 years—many millions. No other country has even come close. But we must enforce our immigration laws.

The great majority of the American people want border security. President Trump's immigration order was not a Muslim ban. It did not even apply to 9 of the 10 largest population Muslim countries.

The President's efforts are being completely distorted. He is simply trying to do what the people want.

TRUMP'S IMMIGRATION POLICIES POPULAR

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

Mr. SMITH of Texas. Mr. Speaker, for days the media has saturated the news with stories savaging President Trump for his immigration executive orders.

The President wants to protect Americans by temporarily halting the admission of refugees from seven countries considered security threats to the United States.

Despite the media's heavily biased coverage, the American people still

agree with the President. A USA Today poll found that 53 percent support “registering immigrants from Muslim-majority countries.” Only 41 percent oppose it.

Even the poll was slanted against the President. The question asked implied that all Muslim-majority countries were affected, which is not true. It also used the word “register,” which has negative connotations and besides is not accurate.

A more factual question that inquired about stricter vetting of refugees from the seven countries that pose security risks likely would have garnered even more support for the President’s executive actions.

The media did everything they could to turn the public against the President, but it didn’t work. The American people are smarter than the media thinks.

REPEAL OF MEDICAL DEVICE TAX

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

Mr. BANKS of Indiana. Mr. Speaker, I rise today to urge my colleagues on both sides of the aisle to support a permanent repeal of the medical device tax.

The more than 7,000 medical device companies in the United States contribute hundreds of billions of dollars to our economy every year, employing over 400,000 Americans, and creating lifesaving technologies that benefit patients around the world.

Many of these device manufacturers are based in my district in and around Warsaw, Indiana, and we are proud that Warsaw is often called the orthopedic capital of the world.

The vast majority of medical device manufacturers employ fewer than 50 people, with many generating little to no sales revenue. This is what makes the potential reinstatement of the 2.3 percent excise tax on medical device sales so harmful. This misguided tax would subject the medical device industry to one of the highest corporate tax rates in the world and eliminate thousands of jobs.

Repealing this tax has broad, bipartisan support in both Chambers of Congress, and I urge my colleagues to make eliminating this tax a top legislative priority in 2017.

RECOGNIZING CHANCELLOR KEITH CARVER

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

Mr. KUSTOFF of Tennessee. Mr. Speaker, I rise today to recognize Chancellor Keith Carver and celebrate his appointment as chancellor of the University of Tennessee at Martin.

I have known Keith Carver for more than 30 years, and I could not think of

anyone more deserving of this prestigious role. We met during college at the University of Memphis. And during that time, I was always impressed by his energy, his creativity, and his focus. Most importantly, he was and certainly still is an incredibly strong leader; and that is the most important part.

I believe that Dr. Carver is the right person at the right time—a time when this university needs strong, responsible leadership.

I am so excited for the town of Martin, for the University of Tennessee system, and the entire Volunteer State in this prosperous new era under Dr. Carver’s strong leadership. I can’t wait to see what great things we can accomplish together.

PROVIDING FOR CONSIDERATION OF H.J. RES. 41, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 40, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 71 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 71

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers”. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and

controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. COSTELLO of Pennsylvania). The gentleman from Colorado is recognized for 1 hour.

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

GENERAL LEAVE

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

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

There was no objection.

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

I rise today in support of the rule and the underlying resolutions.

Before us is a resolution of disapproval that restores constitutional rights and empowers individuals with disabilities. Many of us know someone who struggles with a disability. We know friends or family who have mental challenges. We know these people, and we know they deserve the same constitutional protections as everyone else.

That is why this resolution is so important. It ends discrimination against individuals with disabilities. It restores due process rights. It keeps the Social Security Administration focused on its duty.

Mr. Speaker, the Obama administration’s last-minute regulation to strip disability benefit recipients of their constitutional rights is deeply troubling.

The regulation at hand declares that just because an individual needs assistance in managing their disability benefits, they are also unfit to own a firearm. But this kind of thinking is discriminatory, forcing those with disabilities to choose between their constitutional rights or their disability benefits turns back the clock on disability rights.

This regulation singles out a single constitutional right to strip away from a group of Americans. It doesn’t make sense.

Why take away one right and not others? Why not also strip those citizens of the right to vote or the right to trial by jury or the right to free speech?

In this country, your rights can’t be limited without due process, but this regulation limits a constitutional right and only offers the recourse of appeal after the decision has been made. When it is easier to have your rights stripped away than to have them restored, it

means your due process rights have also died in the process.

Mr. Speaker, this resolution restores the due process rights of individuals with disabilities. This resolution also refocuses the Social Security Administration. The agency's job is to administer benefits to Americans, not adjudicate cases concerning constitutional rights.

Mr. Speaker, I am also worried that this regulation will divert precious Social Security Administration resources from vital agency tasks. We trust the agency to fulfill our commitments to seniors and those with disabilities. This regulation distracts from those sacred promises.

I thank Mr. JOHNSON and my colleagues for their hard work on this resolution. We need to pass it.

Mr. Speaker, we also need to pass the joint resolution of disapproval for the Dodd-Frank section 1504 regulation. This resolution restores competitiveness to American energy companies. It allows American companies to comply with foreign and domestic laws, and it protects American workers abroad.

Section 1504 of Dodd-Frank requires companies to report their payments to our government or foreign governments related to oil, natural gas, and mineral extraction. After reporting this to the SEC, the agency publishes these disclosures. This process is costly and unfair to American businesses.

By forcing disclosure of project-level sensitive business information, American energy companies will face a disadvantage against government-owned energy companies. Since government-owned companies control three-quarters of the world's oil supply, this regulation could drastically impair the competitiveness of American companies. And the actual cost of compliance limit, estimated by the American Petroleum Institute to take 217,000 employee hours over a 3-year period, would be devastating.

Section 1504 must also be rolled back because it might force American companies to break the law of foreign countries. Some foreign nations prohibit the very disclosure requirements required by this SEC regulation. Our companies should not have to decide between following the rule of law here and following it abroad.

Finally, by forcing such detailed and specific disclosures to the public, section 1504 could make energy extraction sites prime targets for terrorists. Whether in the U.S. or abroad, we need to wisely protect American workers from terrorism and other threats.

Mr. Speaker, this resolution restores competitiveness to American companies, allowing them to contribute to the global energy economy in a safe, secure, and legal manner.

It is time for Congress to reassert its authority and fix this poorly implemented legislation.

I commend the work done by Representative HUIZENGA and my colleagues on this important resolution, and I urge its passage.

I reserve the balance of my time.

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

I thank the gentleman from Colorado (Mr. BUCK) for extending me the customary 30 minutes.

Mr. Speaker, we are only one month into 2017; and today we have another closed rule or, as I call them now, Putin rules. This is the kind of process they have in Russia: no amendments, no debate, no nothing, completely shut down. It is your way or the highway.

This is not the way the United States House of Representatives, the greatest deliberative body in the world, should be run. This is shameful. I have very serious concerns about the road that we are traveling down, Mr. Speaker.

The 115th Congress is only a few weeks old, and we have already ushered in a process that is alarmingly restrictive. Sadly, it has become routine in this Republican House for the majority to close down the process, rush bills through the House without regular order, enforce the rules for Democrats but not for Republicans, and insist on spending all of our time on partisan legislation instead of working together to find bipartisan compromises and solutions to the real problems facing American families and workers.

Mr. Speaker, today's legislation makes clear that the Republicans are eager to repeal protections put in place to help the American people. We should be working to expand opportunity for hardworking families and strengthen safeguards to put the American people first, not corporations, not wealthy CEOs, not big donors, and not special interests, but the people ought to come first.

□ 1230

Today is another sad day. We are engaged in what I would call mindless legislating. While my Republican friends say they want to repeal needless regulation—something that we all want to do—the process my Republican friends have embraced, to put it gently, is reckless. No matter what you think of a particular regulation, or rule—or, in many cases, they are protections—no matter what you may think of a particular regulation, there is no denying that these rules that my Republican friends are bringing to the floor to repeal went through a vigorous process that took months and months, and even years to complete.

They went through agency review. They went through a lengthy comment period, oftentimes thousands, if not tens of thousands, of people weighed in on the pros and cons of a particular idea. But the idea that we would just erase them with the blink of an eye, no hearings, no markups, nothing, it is a

mindless way to legislate and a disturbing way to govern.

The “act first and think later” approach was on full display with President Trump's Muslim ban. It was so hastily enacted that his own Secretary of Homeland Security didn't even know that the President was signing the executive order until he saw it on cable news. The Trump White House did such a poor job of briefing the Federal agencies charged with enforcing the policy that airports across the country were caught completely off guard, and there was widespread confusion and chaos about how to carry it out.

That is what happens when you don't embrace a process that is thoughtful. You get confusion, you get chaos, and you usually get bad policy.

The mindless approach to governing by Republicans continued this week. On Monday, President Trump announced that, for every new regulation passed, two regulations must be repealed. That is it. No details on what kind of regulations would be repealed, or why they would be repealed. This is a blind shotgun and arbitrary approach to our Nation's laws. We shouldn't be dumbing down the way we govern. The American people deserve better from their leaders in Congress, and I think they deserve better from their leaders in the White House.

Now, when this legislation came before the Rules Committee the other night, there were plenty of questions. The hearing went on for a long time. Lots of the questions came from my Republican friends. And I will tell you, the chairman's answers were not always that enlightening. I think maybe some more hearings would have helped. But in response to some of these objections, namely, did the bill undergo any review by a committee, one of my Republican friends—and it may have been the gentleman from Colorado—said: We don't have time. We don't have time for hearings. We have so many regulations that we want to repeal.

Don't have the time for a hearing? Don't have the time to understand what we are doing? I thought that was part of our job. We were supposed to deliberate. We were supposed to read the bill. We were supposed to understand the impact of the actions that we may or may not take in this Congress. That is our job.

The American people have given us the responsibility to take the time to do our job right and to carefully consider the laws we pass. To say that we don't have time for hearings and deliberation—never mind, we don't have time to allow an open process where people might want to offer amendments—is ridiculous. It is shameful. And I will tell my Republican friends, stand up to your leadership on this. This is not the way this House should be run.

So as we consider the repeal of the NICS rule, we should remember that

Congress has failed to take any meaningful action on gun violence at all. We have massacres on a regular basis in this country. All we do is we have a moment of silence. That is our response. We have a high rate of suicides in this country due to gun violence. It is something we ought to talk about. And I think that the NICS rule is a commonsense, responsible gun safety measure that could potentially save the lives of thousands of people in this country. I think Congress has the responsibility to keep our families safe, not remove safeguards that help prevent gun violence.

Far too many have lost their lives to preventable gun violence. This rule is intended to keep firearms out of the hands of those suffering from severe mental illness. That is a commonsense idea that I think we all should agree on. In 2007, President George W. Bush signed a bipartisan bill to identify individuals ineligible to possess firearms because of severe mental health issues. This rule allows for a reporting method to ensure that the law is implemented effectively.

It is intended to save lives. Every year in the United States, more than 21,000 people kill themselves, and mental illness is also an important factor. A gun is used in the majority of these cases. The people listed on NICS are the 75,000 dealing with the most severe mental illnesses. These are people who need help, not access to a dangerous weapon like a gun.

I think this rule is a critical step, but we must close the online gun show loopholes, and we must ensure universal background checks. I think we ought to bring to the floor a bill that says that if the FBI and our security agencies have put you on a terrorist watch list and think that you are too dangerous to fly on an airplane, then you ought not to be able to go out and buy a gun.

But under the way this House is run, we can't even bring those things to the floor for a debate. The Republican leadership and the Republican Rules Committee blocks it so that there can't be real deliberation on the House floor.

When people ask me all the time, Why can't you have a debate on this, or why can't you have a vote on it, I have to explain that the House Rules Committee, run by nine Republicans, says no to everything, says no to every idea that they don't absolutely embrace. And that is not the way Congress should be run.

Mr. Speaker, even if you disagree with me on the value of this rule, I think it is an important enough issue that there ought to have been a hearing. There ought to have been that opportunity to deliberate and to talk about it and what the impacts are. But no, nothing. We don't have the time. So here we are.

Mr. Speaker, the other bill before us is a naked attempt by Republicans to

undo anticorruption rules. The rule that they are so upset about would require energy companies on the U.S. stock exchange to disclose payments they make to foreign governments for access to their natural resources.

Now, there are reasons for this. It is important that there be transparency. We heard all about the plans to drain the swamp, but President Trump and the Republicans are doing all they can to turn the swamp into a cesspool.

Putting aside all of his conflicts of interest that, I think, are on a collision course with corruption, I mean, repealing things like this, is just a bad idea. The Republicans in Congress are trying to roll back regulations like this one that are aimed at increasing transparency and fighting corruption.

ExxonMobil heavily lobbied against this rule. And now, with former ExxonMobil CEO Rex Tillerson on the cusp of becoming our country's new Secretary of State, Republicans are proposing to kill this anticorruption rule that benefits Big Oil. That is reckless, and it is irresponsible.

When this rule was enacted as part of the Dodd-Frank bill in 2010, the Big Oil lobbies strongly fought against it in court, but Congress fought back to assert America's traditional role as a global leader in fighting corruption. American leadership delivered results. The European Union promptly moved to enact nearly identical legislation, as did Canada with support of its global mining companies.

But now, Big Oil is back seeking repeal of the rule so their payments can be kept secret from the American people. They claim they will be at a competitive disadvantage to foreigners, or they will have to reveal commercially sensitive information.

But with Europe and Canada in the same disclosure system, the playing field is now level and the companies already filing have suffered no commercial harm, nor revealed vital secrets. The fact is, this won't cost a single American job, and the only thing oil companies will need to do differently is report their numbers.

Aside from Big Oil, those most eager to repeal this rule are autocrats in places like Russia, Iran, and Venezuela—with oil wells, gas fields, or copper mines—who want to keep the money secret from their citizens. Why should we do their bidding? Why should we be in league with them?

On top of that, this rule is our most affordable and effective way to fight corruption abroad. We cannot afford to betray our own principles and severely undercut our allies in Europe and Canada. It would cost countless lives over the long run and endanger our security. We need to put American interests first, ahead of the special interests, ahead of the corporate interests, and retain that important rule.

Obviously, I urge my colleagues to vote "no" on the repeal of these two

rules, but you got to do what you got to do. But I urge you to vote "no" on this rule.

And I ask you to vote "no" because it should be a principle vote.

This place is becoming so closed up, so restrictive, that this is not a deliberative body anymore. We are not talking about things anymore. It is basically whatever the leadership wants, whatever Donald Trump wants, you bring to the floor, rubber stamp it, and that is it.

I don't care what political party you are in, nobody who got elected by the people of this country should stand for that kind of process.

With that, I reserve the balance of my time.

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

I appreciate my colleague from Massachusetts raising the issue of a thoughtful process and whether this legislation was rushed to the floor.

I think it is worth noting that the original legislation, which this rule seeks to amend, became law in a time when my colleague was in the House and his party was in the majority. The NICS Improvement Amendments Act of 2007 was introduced in the House on June 11, 2007.

The bill was moved by Congressman CONYERS under suspension of the rules and passed by the House on June 13, 2007. There was no markup in the Judiciary Committee. There was no meaningful debate on the floor. The bill was rammed through the House in 3 days without any thought to the potential consequences of its passage. It passed the Senate by unanimous consent.

I did not see others standing up to leadership at that point in time. In its implementation, we are seeing the consequences. They involve the stripping away of constitutional rights and due process rights. They involve the elimination of due process rights. They involve discrimination against individuals with disabilities.

As for the point that this rule that we are now debating somehow encourages corruption, the fact is that this regulation puts U.S. companies at a competitive disadvantage to state-owned entities abroad that are not subject to SEC regulation.

Additionally, it costs hundreds of millions of dollars in compliance costs for U.S. businesses. The Foreign Corrupt Practices Act already prohibits bribes to foreign governments to obtain or retain business. These are legitimate payments being made to foreign governments, the payments that we are discussing here, and we should still prosecute any corruption to the full extent of the law.

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

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

With regard to the NICS bill, I have a very different version of history than

the gentleman does, including one that represents a bipartisan compromise with the Bush White House.

So I have a very, very different recollection of history than he does on that. And on the other bill, it is all about corruption, and it is all about giving Big Oil what they want.

At the end of the day, the two interests that are most happy with the repeal of this rule are Big Oil and Russia. And if that is where we believe that we ought to be using our energy to help then go ahead and vote to repeal it. But again, I think that this process speaks for itself.

Mr. Speaker, I am going to urge my colleagues to defeat the previous question, and, if they do, I will offer an amendment to the rule to bring up Representative LOFGREN's bill to overturn and defund President Trump's immoral, unconstitutional, and discriminatory executive order banning Syrian refugees and suspending immigration from certain countries.

President Trump's executive order flies in the face of our Nation's values. It compromises our national security by providing terrorist groups with a recruiting tool. This executive order needs to be overturned, and, if we defeat the previous question, we will bring up legislation to do just that.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Ms. LOFGREN) to discuss our proposal.

Ms. LOFGREN. Mr. Speaker, I urge Members to vote against this previous question so that the bill to overturn President Trump's ill-advised ban on travel can be addressed.

□ 1245

There has been a lot of dustup and discussion about this, but, really, if you read the order, it is very clear what it does. It suspends entry for 90 days of all immigrants—that is green card holders—and nonimmigrants from seven Muslim majority countries. It also suspends all refugee admission for 120 days.

Now, there has been discussion about the Middle East refugees, but if you look at last year, most of the refugees who came in were from the Congo and also from Burma. Those individuals who have suffered—they have been tortured—are going to stay in the refugee camps at least for 120 days, and, obviously, this disrupts the program. This will be a much longer end to the refugee program.

Now, there is an exception, and the President has said he wants to let

Christian refugees in, and the order itself says minority religions. There is a problem not only with violating the law because the Immigration and Nationality Act prohibits discrimination based on nationality and on religion, but also the premise is that Christians who had been persecuted were not admitted as refugees. That is simply false. That is false. There were large numbers of refugees who have been persecuted, including Christians. This order violates the Immigration and Nationality Act. It also violates the Constitution. That is why my bill should be brought up.

I am going to give you just two examples. One is General Talib al-Kenani, who is an Iraqi four-star general who is commanding an elite, American-trained counterterrorism unit that has led the fight against ISIS for the last 2 years. His wife and children were moved to the United States because staying in Iraq was too unsafe for them. He is now unable to visit his family in the United States. He told CBS News: "We thought we were partners with our American friends, and now we realize we are just considered terrorists."

How does this help the fight against ISIS?

I want to give you another example. Remember the Yazidis? The Yazidis were being persecuted by ISIS. We remember that they had been isolated at the top of a mountain in Syria; and when President Obama was in office, he acted. We bombed ISIS and we saved the Yazidis. This is what President Obama said: "When we have the unique capabilities to avert a massacre, then I believe the United States of America cannot turn a blind eye. We can act, carefully and responsibly, to prevent a potential act of genocide. That's what we're doing on that mountain."

I mention this because there is an individual, a Yazidi woman, who had been the only Yazidi person—woman—in the Iraqi parliament, Vian Dakhil. One week after the President's announcement, she was injured in a helicopter crash during a mission to deliver humanitarian aid to the Yazidis who were trapped in the siege by ISIS. She has received awards in London, in Dubai, in Vienna, and in Geneva for her human rights work. Ironically, she was supposed to come to Washington, D.C., next week to come to the U.S. Capitol to receive an award from the Tom Lantos Human Rights Commission. Now, we remember our late colleague, Tom Lantos, the only Member of Congress who survived the Nazi concentration camps, and we have established this humanitarian prize in his memory. This valiant woman now can't come to Washington, to the U.S. Congress, to receive the Tom Lantos Human Rights Prize because of President Trump's ban on individuals coming from Syria.

This is a ridiculous situation. It is illegal, it is unconstitutional, it is con-

trary to American values, and it doesn't make any sense. So I would hope that we can defeat this previous question and that we can do something responsible: stand up for the rule of law, stand up for the Constitution, stand up for common sense, and overturn this executive order.

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

Mr. MCGOVERN. Does the gentleman have any other speakers?

Mr. BUCK. I am waiting for one. I do not have a speaker now, but the gentleman's eloquence would be welcome at this point and any way that the gentleman would like to inform us on important issues.

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

Mr. Speaker, again, as my distinguished colleague, Ms. LOFGREN, stated, we want to defeat the previous question because we are horrified, quite frankly, by the impact that President Trump's executive orders on immigration have had on a lot of good, decent people, many of whom have already been vetted. We have students who have been held up who have student visas, we have dual citizens who have been caught up in this mess, and we have people coming to get human rights prizes. I could go on and on and on, but we need to correct this. We are better than this.

I would suggest to my Republican friends, rather than circling the wagons to try to defend the indefensible, they ought to join with us and defeat the previous question so that we can actually do the right thing and overturn this narrowminded, misguided, and discriminatory policy.

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

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

Mr. SESSIONS. Mr. Speaker, I am pleased to join my colleagues, the gentleman from Massachusetts (Mr. MCGOVERN), who sits on the Rules Committee, and Mr. BUCK, who is handling, I think, his first rule as a member of the Rules Committee today. Mr. BUCK is from Windsor, Colorado. He is a second-term Member and is doing an awesome job not only on his homework duties of recognizing how important it is for Members to understand what we are talking about and why we are doing things, but also enunciation of rules that we are talking about that were promulgated by an administration.

Mr. Speaker, what we are really here today to talk about is there are some of those rules and regulations where perhaps you didn't go through the process that you should have or where there was really a determination made by the American people that rule-making goes too far. That is why we are here today.

We are here today because there is a group of rules that were promulgated

that don't work and that did not really see, in our opinion, the balance of what was going to be in it for the American people. So, in particular, we are here to talk about a Social Security rule that discriminates against individuals with disabilities by denying them their constitutional rights.

The gentleman, Mr. MCGOVERN, spoke very clearly about a meeting that we had at the Rules Committee. I think that the witnesses that we had were very specific and that they questioned—including Mr. BUCK, who was most active in his participation in the hearing—to work through the rule that is promulgated but doesn't make sense when you evaluate it. The administration chose to, I think, without due process, take away from a person based upon a disability that had nothing to do with their ability to effectively control a weapon, but based upon other criteria and to take away a person's Second Amendment rights.

We oppose that. That is one of the reasons why we are here today. This rule that we are going to take away wrongly discriminates against those receiving disability benefits and, I believe, falsely promulgates a stereotype against individuals with mental illness, calling them dangerous. There are people who do have mental illnesses, there are people who are struggling in life, and there are people who need help and seek help; but that is not a criteria for taking away a person's constitutional right.

We are joined in what we believe by the National Council on Disability. This is what they said in a letter that they sent that was dated January 24 of this year: "There is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess, or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee. . . ."

So what happened is the rule by the administration linked together these characteristics that they think identify a person as being a risk so they take away their constitutional right. We couldn't really relate to anybody that had done this, but it simply sounded like a good idea, I am sure, to people, and so they did this.

Mr. Speaker, we are not trying to right all wrongs at the Rules Committee, but when you take away somebody's constitutional rights and take advantage of a person because of their disability, I don't think that is fair.

I am proud of what Mr. BUCK is doing here. I am proud that we stood up on this issue, and I am pleased to be on the floor not only to support Mr. BUCK, but people who also live in the congressional district that I represent in Dal-

las, Texas. I have received several calls from people. While I will not say their names, they live in Dallas, Texas; Garland, Texas; Wylie, Texas; and Rowlett, Texas; and they are worried about their ability to lose their constitutional rights simply because they have some help in managing their affairs but not related to a constitutional right of owning a weapon.

So I am pleased to do this. There is no grandstanding necessary. There is an understanding of some things that can be written properly and some things that can't, and I simply think they got it wrong, and that is what we are going to do here today. I thank the gentleman, Mr. BUCK, for allowing me the chance to speak on this important issue.

Mr. MCGOVERN. Mr. Speaker, I ask the gentleman from Colorado if he has additional speakers or is that the speaker we were waiting for?

Mr. BUCK. Mr. Speaker, I have a few comments before I close, and then I would like to recognize the chairman for additional comments.

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

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

Mr. Speaker, I thank the chairman of the Rules Committee for being here today and just reinforce some of what the chairman had to say.

As I travel Colorado, I hear from individuals of all walks of life about the regulatory burdens that they face, the burden that has been placed upon them by their own government and how those burdens have impeded their life, liberty, and certainly pursuit of happiness. Small-business owners who would not open their business today because of the change in the business climate find that their tax burden, their regulatory burden, and the attitude of Federal regulators is such that they would choose a different path had they had to do it all over again.

I talked to school administrators who are, again, facing a pile of paperwork to comply with school and nutrition requirements that have been promulgated by this previous administration.

□ 1300

I talk to veterans who have to wait on long, long lines and fill out ridiculous paperwork because the Veterans Administration is unable to recognize the necessity, the importance of what those veterans are trying to accomplish at the VA. I am deeply concerned about the regulations, and I am proud that my colleagues have decided to address some of these regulations in the way that they have. I appreciate the chairman standing up on this issue.

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

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Massachusetts not

only, once again, for being here, but for responsibly standing up for his party and the things which they not only have a right to bring to the floor, but an opportunity for him to discuss those things as he chooses to justify the rules that we are going to not only discuss their merits, but to really ensure that the American people understand why we believe that these rules that were promulgated need to be overturned.

Mr. Speaker, the second joint resolution that was included in Mr. BUCK's rule is a resolution that discusses the Securities and Exchange Commission related to what is called disclosure of payments by resource extraction issuers.

My gosh, what does that mean? Well, we understood the previous administration is anti what they call Big Oil. They are after anybody that is in the oil business. You and I both understand that our country and the world is stronger because we don't freeze to death in the winter and we don't get too hot in the summer because we have available energy at a great price.

But it means that companies in the United States also go around the world to find other places where they may extract oil or resources related to energy, and the Securities and Exchange Commission published in the Federal Register, on July 27, 2016, a rule that would place American companies—and only American companies—that extract valuable resources—meaning energy—from other places in the world and that they would have to publicly disclose arrangements and deals that they make related to them buying these resources.

The Securities and Exchange Commission understands already the rules that are on American companies, including a rule that we know as the Foreign Corrupt Practices Act, which means that an American company cannot go overseas and induce through bribing someone to do something. But now, in order to stop these companies—many of them large companies, many of them medium-sized companies, but their nexus is that they are energy companies—they are going to require in this rule that that company tell everybody, including competitors, what the deal might be that they got. So a private contract that might be between a country, a company, and an American company is now going to see the light of day.

Mr. Speaker, I think that is wrong. Fortunately, so does my party. We think that is wrong, because it unnecessarily puts U.S. companies at a competitive disadvantage to many state-owned competitors around the world who are competing, many times, for the same resources.

In other words, we just told them what the deal is—how much money, what the arrangement is, how it might

be concluded—and that is a violation, in my opinion, of not only the power that the SEC has, but I think it is unwise. I think it is blatantly unwise that we would unearth contracts from the free enterprise system while, at the same time, knowing they have to follow the rules of engagement, meaning the rules under the Foreign Corrupt Practices Act, at the same time.

So, Mr. Speaker, what we are here to say is that we believe that these agencies are trying to harm America's opportunity to go and seek out good deals, better deals, and to find long-term contracts around the globe, wherever they might be, and that they have singled out energy companies, that they have gone out of their way in what was known as the Obama administration to single out energy companies because they don't like energy deals.

Mr. Speaker, what has happened as a result of not only this, but legislation that the Congress has done on December 18, 2015, is we changed the Federal law related to the export of U.S. energy. Before, there was a provision, some 40-year-old provision, that did not allow energy from the United States to be sold overseas. Once we did that, it completely turned the market upside down. So what might be deals then and deals now are in the best interest of consumers instead of what might be OPEC or a few other energy-rich countries.

We think that what this was done for was to punish those companies that can go find better deals by telling everybody what happened—but it was mostly done to punish—and it put us at a disadvantage.

We are here on the second part of this joint resolution to say that the rule that was promulgated on July 27, 2016, is bad for America, is bad for consumers, and most of all, it is bad for America to have rules and regulations that take away the power of a private contract.

We stand up and say: What are we going to do about it? We are going to go through the deliberate action that was taken not only at the White House, but was taken on the floor of the House of Representatives so that we have our say in the matter on rules and regulations.

Mr. Speaker, I would advise my colleague, Mr. BUCK, that there is a person who heard this debate going on and has come to the floor. I don't know if he would choose to yield time to the gentleman from Kentucky (Mr. MASSIE), but I have been told that Mr. MASSIE would like to help me along on some of my comments because of his excitement about what this rule does.

Mr. BUCK. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. HULTGREN). The gentleman from Colorado has 7½ minutes remaining. The

gentleman from Massachusetts has 9¾ minutes remaining.

Mr. BUCK. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. MASSIE).

Mr. MASSIE. Mr. Speaker, I thank my colleagues, SAM JOHNSON and RALPH ABRAHAM, for sponsoring this joint resolution. I would also like to point out that my colleague from Colorado is a member of the Second Amendment Caucus, and he has been working hard on this issue.

H.J. Res. 40 would strike down a rule that was finalized by the Social Security Administration just days before the close of the 114th Congress. This rule is yet another example of the previous administration's last-ditch efforts to attack our Second Amendment rights.

Any attempt to curtail the right of Americans to defend themselves and their liberty is untenable. This scheme is particularly appalling because of whom it targets and how the administration sought to implement the rule.

The rule targets our grandparents, our elderly mothers and fathers who have been awarded disability benefits and have had a family member or guardian appointed to handle their finances. They haven't committed a crime or demonstrated that they were a danger to society. There is no trial, no presumption of innocence. Their names are sent to the NICS database and their firearms are taken away, their right to own a firearm.

Hardened criminals don't have their rights violated to that extent without due process, so why would it be acceptable for our seniors?

These men and women have worked hard to raise families, worked a job, and paid their fair share of taxes. Now they are being told that, in order to receive their Social Security benefits, they must first surrender the fundamental right to defend themselves. Is this the level of pettiness to which we have sunk?

The House and the American people have soundly rejected gun control in all of its forms year after year; yet this last administration bypassed the legislative process, imposed a rule, and completely disregarded due process in order to strip seniors of their constitutional rights. Our seniors deserve better than that.

This rule is not about protecting anyone. This rule should be seen for what it truly is: awful, politically motivated, and a dangerous infringement on our Second Amendment rights.

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

Mr. Speaker, in closing, I am not sure where to begin, because I have heard so many fascinating things here today.

The distinguished chairman of the Rules Committee said we are here today to enunciate the rules. I don't

know what there is to enunciate. The only thing to enunciate is this is a closed rule. It is yet another closed rule. There is no opportunity to have any real deliberation, no real discussion. On top of that, there were no hearings on any of this stuff.

No matter what your position is, I have to be honest with you, listening to the gentleman, Mr. MASSIE, just speak, I think it would have been nice if the Judiciary Committee could have actually had a hearing on this and maybe delved into some of the issues that the gentleman raised.

When people say that there is no due process, I would remind them that, under the rule, impacted beneficiaries are notified that this determination is being considered and they are provided a process to challenge that determination. Should the Social Security Administration determine that that recipient is able to safely use or possess guns, rights are restored and the person's name is removed from NICS. That is what it says.

Now, if there is a way to improve this, I am all for improving it; but by passing this measure here today, you prevent the agencies that are impacted here from ever being able to revisit the issue unless Congress deemed it appropriate.

So we are not trying to fix anything here. Basically, what we are doing is the bidding of the National Rifle Association to eliminate anything aimed at protecting people from gun violence in this country.

The gentleman from Colorado talked about the fact that his constituents want the right to protect their rights for life, liberty, and the pursuit of happiness. Well, my constituents want that, too, but they have a right to not have to be victims of gun violence. They have a right to protect their loved ones who may use a weapon against themselves or their family members.

But again, we can have this argument on whether or not we should do more—and I believe we should—to protect people in this country from gun violence, but that discussion ought to have happened first in the Judiciary Committee, at a minimum, not in the Rules Committee. I am on the Rules Committee. I admire the intellect of everybody on the Rules Committee, but our expertise is not on judiciary matters.

Similarly, on the other rule that is being repealed, the Financial Services Committee should have deliberated on that. I think there are some serious issues raised by repealing that rule, issues that I think go to the heart of corruption not only here in the United States, but around the world.

When the chairman of the Rules Committee got up and gave his description that somehow the U.S. oil companies are only being singled out, it

makes my case why we should have had a hearing. What he just said, in my opinion, does not reflect reality.

The fact of the matter is, I looked at section 1504 of Dodd-Frank. It doesn't just require all extractive companies in the U.S. It says that all extractive companies, U.S. and foreign, listed on the U.S. exchanges are to publicly disclose the payments they make to governments for oil, gas, and mining resources.

□ 1315

And then, on top of that—and I said this earlier—is that other countries have followed suit. Canada and the European Union and Norway have all passed similar laws. It is not just the United States being singled out. That is just wrong. Maybe, if we had a hearing in the committee of jurisdiction, that would have been clear, and this wouldn't be a point of contention.

The fact of the matter is, it is a simple reporting requirement. It places no limits or restrictions on who companies can pay money to or how much or for what. It has absolutely no regulatory effect on any aspect of their business operations. There is absolutely no benefit to nullifying this commonsense law unless your objective is to make it easier for corrupt elites to steal money. The rule has no regulatory impact on business operation and does not define illegal or improper payments. It is a simple reporting requirement.

There is a problem with corruption, especially in places like Russia. Now, I know with the new administration, Russia is now in, and we are all supposed to say nice things about Russia. But Russia has a terrible record on human rights, and Russia has a terrible record when it comes to corruption, and we know that. We ought to not just cave to everything that Russia wants, and Russia and Big Oil want this repealed.

So I would say to my colleagues that we can argue about the merits of all of this, and that is fine, but I go back to my original point. This is the rule, and the Speaker of the House talked about the importance of regular order. I have heard my colleagues talk about the importance of regular order. We don't have regular order. You are all out of order. We end up coming to the floor with legislation that is always under restrictive processes, and most of the time now, in this new Congress, completely closed rules. That doesn't just disadvantage Democratic lawmakers who may have some ideas or may want to raise some issues, it disadvantages Republicans who may want to come to the floor with thoughtful ideas.

I urge my colleagues to absolutely vote "no" on this rule because, again, we are getting into this habit where it is closed, closed, closed, closed, closed, and it undermines the integrity of this

House of Representatives. It really is shameful.

Finally, I will urge my colleagues to vote "no" on the previous question so that we can have a debate and a vote on overturning President Trump's awful, discriminatory executive orders on immigration. It jeopardizes our national security. It was carelessly implemented, carelessly put together. It is shameful. It is unconscionable that we are confronted with the mess that we are confronted with now.

I know it is uncomfortable to talk about issues that impact the new President who is of your party, but this is absolutely the right thing to do. And if you want to vote no on these things, vote no on them, but allow us to have the debate and allow us to have the vote. I urge "no" on the previous question and "no" on the rule.

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

Mr. BUCK. Mr. Speaker, I yield myself the balance of my time to close.

I thank the gentleman from Texas and the gentleman from Kentucky for their remarks, and I appreciate the insightful remarks from the gentleman from Massachusetts. I am troubled right now. I am struggling to remember—as the gentleman describes Russia with its terrible record on human rights, I am trying to remember exactly who it was who had the reset button with Vladimir Putin, and I don't think it was the Trump administration. I could be wrong.

Mr. Speaker, America has come so far in advancing the rights of those with disabilities. We have also fought long and hard to protect our constitutional rights. The rule before us achieves both of those ends. The Obama administration's last-ditch effort to strip constitutional rights from individuals with disabilities must not stand. We also cannot stand for regulations that place American companies at a disadvantage and place their workers at risk.

The rule before us will undo the costly and dangerous reporting requirements placed on America's energy companies operating abroad. When we repeal this unwise regulation on American energy companies, they can again fully contribute to the world's energy economy.

Mr. Speaker, I urge support for this rule and the underlying measures.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to the rule governing debate on H.J. Res. 40, and the underlying legislation, because in a nation that leads the civilized world in deaths by gun violence, the last thing we should be doing is making it easier for persons suffering from a very severe, long-term, mental disorder that makes them incapable of managing their financial benefits and unable to do any kind of work in the U.S. economy, even part-time or at very low wages to obtain deadly firearms.

The Republicans have brought to the floor this week a Congressional Review Act (CRA)

of Disapproval to overturn Social Security Administration (SSA) regulations to comply with existing federal law governing the submission of records to the National Instant Criminal Background Check System (NICS).

H.J. Res. 40, would vacate an important rule issued by the Social Security Administration implementing the NICS Improvement Amendments Act of 2007.

That law, which we adopted in the wake of the tragic mass shooting at Virginia Tech, requires federal agencies to report to the National Instant Criminal Background Check System (NICS) records of individuals who are statutorily prohibited from purchasing or possessing firearms.

The statute was enacted with bipartisan support, and we should stand together to defend efforts to see that it is fully implemented.

Let us be clear what a submission vote on this legislation is about: the Republican's goal is to weaken our firearms background check system.

The shootings at Virginia Tech in April 2007 presented the deadliest shooting rampage in U.S. history.

On April 16 2007, the violence began around 7:15 a.m., ending in the deaths of 32 students and teachers after being gunned down on the campus of Virginia Polytechnic Institute and State University by Seung Hui Cho, a student at the school, who later died from a self-inflicted gunshot wound.

Only four months prior, on December 13, 2005, Cho had been ordered by a judge to seek outpatient care after making suicidal remarks to his roommates and was subsequently evaluated at Carilion-St. Alban's mental health facility.

On February 9, 2007, Cho picked up a Walther P-22 pistol that he purchased online, just days before, on February 2 from an out-of-state dealer at JND Pawn shop in Blacksburg, across the street from Virginia Tech.

In March of 2007, Cho purchased a 9mm Glock pistol and 50 rounds of ammunition from Roanoke Firearms for 571 dollars.

The attack, resulting from these preventable actions, left 30 people dead and another 17 wounded.

In all, 27 students and five faculty members died as a result of the actions of a known mentally unstable individual who was nonetheless allowed to purchase a firearm.

On December 14, 2012, Lenny Pozner dropped off his three children, Sophia, Arielle, and Noah, at Sandy Hook Elementary School in Newtown, Connecticut.

Noah had recently turned 6, and on the drive over they listened to his favorite song, for what turned out to be the last time.

Half an hour later, while Sophia and Arielle hid nearby, Adam Lanza walked into Noah's first-grade class with an AR-15 rifle.

Noah was the youngest of the 20 children and seven adults killed in one of the deadliest shootings in American history.

Depending on whom you ask, there were twenty-six, twenty-seven, or twenty-eight victims in Newtown.

It is twenty-six if you count only those who were murdered at Sandy Hook Elementary School; twenty-seven if you include Nancy Lanza—Adam's own mother; twenty-eight once Adam turned the gun on himself.

There are twenty-six stars on the local fire-house roof.

On the anniversary of the shootings, the governor of Connecticut asked churches to ring their bells twenty-six times.

Americans have spoken and they are outraged by the countless, needless gun related deaths claiming the lives of their children.

To ensure the continued safety of American families, the Gun Control Act of 1968 prohibits certain categories of individuals from possessing firearms, including those who, using outdated terminology, are “adjudicated as a mental defective.” (This is referred to as the “federal mental health prohibitor.”)

The 1993 Brady Handgun Violence Prevention Act requires federally licensed firearms dealers to run background checks on prospective gun purchasers through NICS.

NICS includes records from various databases on individuals who are prohibited by law from purchasing and possessing firearms.

In response to the mass shootings at Virginia Tech, prior to which the shooter’s mental health prohibitor should have been, but was not, reported to NICS, Congress in 2007 unanimously approved legislation to adopt the NICS Improvement Amendments Act.

As senior member of the House Committees on Judiciary and Homeland Security and Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations, I supported the 2016 Social Security Administration (SSA) rule, which committed the SSA to submit records to the gun background check system for social security recipients prohibited from possessing guns due to severe mental illness.

It is a critical process for enforcing the law that bars prohibited people from passing background checks and purchasing firearms.

The only way we are going to prevent guns from getting into the hands of people who should not have them, people who pose a known and documented danger to themselves and others, is through a system based on robust, accurate and complete information.

Prior to the new SSA rulemaking, the agency had no process for submitting records of prohibited people to the National Instant Criminal Background Check System (NICS).

NICS therefore, has been missing records for those prohibited individuals.

NICS is only as good as the records it contains.

With those records missing from the system, these individuals are able to pass a background check and complete a purchase even though they are legally prohibited from purchasing guns under longstanding federal law.

The SSA regulation closes this gap by committing the agency to begin submitting prohibiting records into the gun background check system.

The rule does not impact any beneficiaries who are not already prohibited under law, and does not impact people based on disability findings that have been made prior to the rule taking effect.

Americans have spoken and they are outraged by the countless, needless gun related deaths claiming the lives of their children.

Under the regulation, only individuals with the most severe mental impairments, who are (1) unable to earn any income due to their

mental incapacity, and (2) have been found incapable of managing their own benefits meet the NICS reporting system cautionary criteria to report the names of certain individuals who are prohibited by law from purchasing or possessing firearms to the National Instant Criminal Background Check System (NICS).

SSA has evaluated legal, medical and lay evidence and determined that these individuals are not capable of managing their own benefits.

SSA estimates that about 75,000 people per year will meet these criteria for reporting to NICS.

Disability examiners make the determination based on medical and other evidence, but physicians or psychologists review the evidence and sign off on the cases.

An individual who has a diagnosis of schizophrenia, suffers from hallucinations and delusions, and most days cannot care for herself—feeding, dressing, communicating with those around her.

Her symptoms and medical history meet the criteria in the listing for schizophrenia.

She receives disability benefits and has a representative payee.

She would meet the criteria for reporting.

An individual who has significant intellectual disability that prevents him from working at any level (i.e., he meets the listing for intellectual disability), and is unable to understand how to pay rent or use his benefits to buy food.

He qualifies for disability benefits and has a representative payee.

He would meet the criteria for reporting.

Placing anyone into the NICS as a “prohibited person” is not something we should take lightly, but it is a task that must be done in limited circumstances and as required by statute.

The circumstances addressed by this rule require that we work together on this serious and unfortunate issue.

The Congressional Review Act (CRA) resolution of Disapproval would, if passed by the House and Senate and signed by the President, deem the rule to have not been in effect at any time and would also prohibit SSA from reissuing a rule that is substantially the same.

The Republican’s use of the CRA process to overturn the rule is an extreme exercise in bad governance.

Rather than fixing or improving the rule, it would ban reporting by the SSA entirely.

There would be no opportunity to simply improve aspects of the rule, and we would prevent full implementation of the law we enacted after the Virginia Tech shooting.

I cannot support that result and therefore oppose this resolution, and I urge my colleagues to do the same.

Subverting long-standing gun safety laws under the guise of protecting Constitutional rights, while simultaneously pushing for repeal of health reform laws that provided care to these communities rings hollow.

Now is not the time to weaken our background checks system by excluding those with the most severe and incapacitating forms of mental impairment.

The Social Security Administration should be commended for its efforts to keep children and families safe by following the lead of other

agencies and enforcing laws that have been on the books for decades.

I urge you to oppose this Republican scare tactic of a rule, and the underlying bill.

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

AN AMENDMENT TO H. RES. 71 OFFERED BY
MR. MCGOVERN

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

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 724) to provide that the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 724.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

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

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

yield to him for an amendment, is entitled to the first recognition.”

The Republican majority may say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 231, nays 191, not voting 10, as follows:

[Roll No. 70]

YEAS—231

Abraham	Barr	Brady (TX)
Aderholt	Barton	Brat
Allen	Bergman	Bridenstine
Amash	Biggs	Brooks (AL)
Amodei	Bilirakis	Brooks (IN)
Arrington	Bishop (MI)	Buchanan
Babin	Bishop (UT)	Buck
Bacon	Black	Bucshon
Banks (IN)	Blum	Budd
Barletta	Bost	Burgess

Byrne	Hudson
Calvert	Huizenga
Carter (GA)	Hultgren
Carter (TX)	Hunter
Chabot	Hurd
Chaffetz	Issa
Cheney	Jenkins (KS)
Coffman	Jenkins (WV)
Cole	Johnson (LA)
Collins (GA)	Johnson (OH)
Collins (NY)	Johnson, Sam
Comer	Jones
Comstock	Jordan
Conaway	Joyce (OH)
Cook	Katko
Costello (PA)	Kelly (MS)
Cramer	Kelly (PA)
Crawford	King (IA)
Culberson	King (NY)
Curbelo (FL)	Kinzinger
Davidson	Knight
Davis, Rodney	Kustoff (TN)
Denham	Labrador
Dent	LaHood
DeSantis	LaMalfa
DesJarlais	Lamborn
Diaz-Balart	Lance
Donovan	Latta
Duffy	Lewis (MN)
Duncan (SC)	LoBiondo
Duncan (TN)	Long
Dunn	Loudermilk
Emmer	Love
Farenthold	Lucas
Faso	Luetkemeyer
Ferguson	MacArthur
Fitzpatrick	Marchant
Fleischmann	Marino
Flores	Marshall
Fortenberry	Massie
Fox	Mast
Franks (AZ)	McCarthy
Frelinghuysen	McCaul
Gaetz	McClintock
Gallagher	McHenry
Garrett	McKinley
Gibbs	McMorris
Gohmert	Rodgers
Goodlatte	McSally
Gosar	Meadows
Gowdy	Meehan
Granger	Messer
Graves (GA)	Mitchell
Graves (LA)	Moolenaar
Graves (MO)	Mooney (WV)
Griffith	Mullin
Grothman	Murphy (PA)
Guthrie	Newhouse
Harper	Noem
Harris	Nunes
Hartzler	Olson
Hensarling	Palazzo
Herrera Beutler	Palmer
Hice, Jody B.	Paulsen
Higgins (LA)	Pearce
Hill	Perry
Holding	Pittenger
Hollingsworth	Poe (TX)

NAYS—191

Adams	Chu, Judy	DeSaulnier
Aguilar	Cicilline	Deutch
Barragán	Clarke (NY)	Dingell
Bass	Clay	Doggett
Beatty	Cleaver	Doyle, Michael
Bera	Clyburn	F.
Beyer	Cohen	Ellison
Bishop (GA)	Connolly	Engel
Blumenauer	Conyers	Eshoo
Blunt Rochester	Cooper	Espallat
Bonamici	Correa	Esty
Boyle, Brendan	Costa	Evans
F.	Courtney	Foster
Brady (PA)	Crist	Frankel (FL)
Brown (MD)	Crowley	Fudge
Brownley (CA)	Cuellar	Gabbard
Bustos	Cummings	Galleo
Butterfield	Davis (CA)	Garamendi
Capuano	Davis, Danny	Gonzalez (TX)
Carbajal	DeFazio	Gottheimer
Cárdenas	DeGette	Green, Al
Carson (IN)	Delaney	Green, Gene
Cartwright	DeLauro	Grijalva
Castor (FL)	DeBene	Gutiérrez
Castro (TX)	Demings	Hanabusa

Hastings	Maloney, Sean	Sarbanes
Heck	Matsui	Schakowsky
Higgins (NY)	McCollum	Schiff
Himes	McEachin	Schneider
Hoyer	McGovern	Schrader
Huffman	McNerney	Scott (VA)
Jackson Lee	Meeks	Scott, David
Jayapal	Meng	Serrano
Jeffries	Moore	Sewell (AL)
Johnson (GA)	Moulton	Shea-Porter
Johnson, E. B.	Murphy (FL)	Sherman
Kaptur	Nadler	Sinema
Keating	Napolitano	Sires
Kelly (IL)	Neal	Slaughter
Kennedy	Nolan	Smith (WA)
Khanna	Norcross	Soto
Kihuen	O’Halloran	Speier
Kilmer	O’Rourke	Suozi
Kind	Pallone	Swalwell (CA)
Krishnamoorthi	Panetta	Takano
Kuster (NH)	Pascarell	Thompson (CA)
Langevin	Payne	Thompson (MS)
Larsen (WA)	Pelosi	Titus
Larson (CT)	Perlmutter	Tonko
Lawrence	Peters	Torres
Lawson (FL)	Peterson	Tsongas
Lee	Pingree	Vargas
Levin	Pocan	Veasey
Lewis (GA)	Polis	Vela
Lieu, Ted	Price (NC)	Velázquez
Lipinski	Quigley	Viscosky
Loeb sack	Raskin	Walz
Lofgren	Rice (NY)	Wasserman
Lomgren	Richmond	Schultz
Lowey	Rosen	Waters, Maxine
Lujan Grisham,	Roybal-Allard	Watson Coleman
M.	Ruiz	Welch
Lujan, Ben Ray	Ruppersberger	Wilson (FL)
Lynch	Rush	Yarmuth
Maloney,	Ryan (OH)	
Carolyn B.	Sánchez	

NOT VOTING—10

Blackburn	Price, Tom (GA)	Walker
Clark (MA)	Russell	Zinke
Kildee	Smith (TX)	
Mulvaney	Taylor	

□ 1346

Ms. BONAMICI and Mr. KENNEDY changed their vote from “yea” to “nay.”

Mr. BLUM changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 231, noes 191, not voting 10, as follows:

[Roll No. 71]

AYES—231

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

Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)

Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed

Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Stefanik
Stewart
Stivers
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Cabajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clarke (NY)
Clay

Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel

Eshoo
Español
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gotthelmer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur

Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowe
Lujan Grisham, M.
Lujan, Ben Ray
Lynch
Maloney
Carolyne B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng

Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider

Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Clark (MA)
Hartzler
Kildee
Mulvaney

Price, Tom (GA)
Russell
Smith (TX)
Taylor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1352

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

Mr. BISHOP of Utah. Mr. Speaker, pursuant to House Resolution 70, I call up the joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 70, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior relating to the "Stream Protection Rule" (published at 81 Fed. Reg. 93066 (December 20, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) and the

gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.J. Res. 38.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 4 minutes.

We are starting an historic week in the House, something that was replicated almost two decades ago, but we are doing it again and are using the Congressional Review Act to look at actual rules and regulations. What we are doing is the right thing.

In 1996, when this act was first passed, President Clinton, after signing it, said that this act would give congressional accountability for regulations. Even Harry Reid said that this act would be reclaiming for Congress some of its policymaking authority, and SANDER LEVIN of Michigan, at the time, also said that now we are in a position to do something ourselves. If a rule goes too far afield from the intent of Congress in its passing the statute in the first place, we can stop it. That is exactly what we are attempting to do, and this is one of the first of those activities we will be doing this week.

The Congressional Review Act actually has three purposes in mind. They said, if a rule has excessive costs, if a rule goes beyond the particular agency's statutory authority, and if a rule is duplicative or unnecessary, it should be reviewed by Congress and rescinded. That is exactly what we are going to do because this rule, commonly called the stream protection rule, does all three of those criteria.

What I want to do is talk about this rule that was passed at the last minute by the former administration—it actually went into effect on the very last day of the administration—and say that it violates all of those three elements. The act itself—the rule itself—was done in secret. They had their own opaque study that they did without letting anyone know what the data was. We asked for it repeatedly, but the agency refused to tell us. Even in 2015, Congress passed a law in the Appropriations Act that mandated they tell us the data, the information. They simply ignored that law. They have refused to work with Congress in any particular way.

□ 1400

Actually, it violates law. If this rule goes forward, it violates the NEPA law. If gone into implementation, it would violate the Endangered Species Act.

It violates a memo of understanding the Federal Government had with 10

States at the time. In fact, there are 14 States suing over this rule and regulation. We have the letters of support from 14 State attorneys general in support of what we are attempting to do here.

If put into effect, it clearly violates the Clean Water Act by its effort to redefine hydraulic balance, which this agency does not have the authority to do. It is given to other elements.

It also puts us at risk of litigation on a takings issue. There is precedent for that. It could happen again, all because of this ill-defined and unnecessary rule and regulation.

If we roll it back, there is still protection. There will always still be protection. In a Department of the Interior study, they clearly said that 93 percent of all the impact has already been taken care of and does not actually exist. It would be easy for us to do and it would put us back to a rule established in 1983 that is effective in protecting these areas. Ninety three percent of all streams have no impact by this issue whatsoever.

It also clearly says, under the report when this rule was being done, that the States that are legally supposed to be coordinated and be a part of the process were shut out of the process. It is one of the reasons why they are still suing, which means the memo of understanding signed by those States was ignored by the agency in coming up with this rule. The States that regulate 97 percent of the Nation's coal production, States and tribes that abate well over 90 percent of the abandoned mine problems—they have it in line, they have it ready, they are ready to move forward with it—they were simply shut out of the process. It is a poor process.

There was a former icon of this body, a great Member who once allegedly said: If I let you make the policy and you let me make the procedure, I will screw you over every time.

This is poor procedure that has produced a poor rule, which will result in poor policy. At best, this rule is redundant. It is clearly unnecessary, and it does have the potential of hurting people nefariously when it does not need to.

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

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

I rise in strong opposition to this resolution, which would put coal company profits ahead of clean water and public health. The stream protection rule has been in development for 7 years and puts in place modest, commonsense protections for people who live near coal mines.

This isn't just a rule to protect streams. This is a rule to protect people's health, to protect people's homes, and to protect the clean water that they rely on. These folks felt strongly enough about this rule to submit public comments.

The rule is designed to protect people like Donetta from West Virginia, who nearly lost her life when chemicals from coal fields found their way into her water supply and interacted with her medication in such a way that it nearly destroyed her liver.

The rule is designed to protect people like John from Alabama, who reports lakes that have turned gray and streams that have turned orange.

This rule is designed to protect people like David from Tennessee, who watched a creek near his grandmother's home become lifeless due to strip mining nearby.

This rule is designed to protect people like Josh from North Carolina, who can no longer fish in the streams near a family home and wants coal companies to be held accountable for the damage that they did.

This rule is designed to protect people like Jonita from Kentucky, a coal miner's daughter whose water supply is tainted with heavy metal and other toxins from coal sludge. She wrote: "Coal put the food on my table. It also put the poison in my water. Reasonable trade-off?"

I don't believe that Jonita or anyone else should have to make that trade-off. No one's water supply should be sacrificed in the name of higher bonuses for coal company CEOs. Those coal executives have made it their overriding goal to kill this regulation; and after spending nearly \$50 million on political campaign contributions over the past 6 years, they now have a Congress and a President to do it.

So for the first time in 16 years and just the second time ever, Republicans are going back to Newt Gingrich's playbook and trying to successfully use the Congressional Review Act simply because the coal industry feels like it shouldn't be held accountable.

But as we know, this is only the first of five regulations that we will be repealing just this week. Later today, they are going to get rid of the rule that requires increased transparency on the part of oil, gas, and the mining industry. Later this week, we will be fighting for the right of oil and gas companies to pollute the air with methane.

This is the Republican agenda in the age of Trump; an attack on clean water, an attack on clean air, an attack on transparency, and an attack on human health. If you are a CEO or a wealthy Republican donor, this is great news; and you will love the next couple of years. But if you are an ordinary American that depends on their government to hold companies accountable through tough but fair enforcement of regulations, you should be extremely worried.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield to 3 minutes to the gentleman

from Ohio (Mr. JOHNSON) to explain this joint resolution.

Mr. JOHNSON of Ohio. Mr. Speaker, make no mistake about it, the stream protection rule is not about protecting streams. It was designed for one purpose—to regulate the coal mining industry out of business. It is the centerpiece of the Obama administration's war on coal.

The simple truth is revealed when you begin to follow the Office of Surface Mining's 7-year approach to writing this job-killing rule, a process which began only after the previous administration discarded the rule's predecessor, a 2008 regulation that underwent 5 years of extensive environmental review and public comment.

That was just the beginning. Since then, millions of taxpayer dollars have been needlessly spent developing this rule. Contractors were hired to help rewrite the rule, but then subsequently fired when it was leaked that the initial revisions of the rule would cost thousands of jobs, and that was within the first few months of this attempted rewrite.

Unfortunately, estimated job losses have only skyrocketed since the final rule was released. What is troubling is that, throughout the rule's rewrite, the administration refused to visit mines or to actually assess the impact of the rule on operating mines.

There were attempts to cover up data that concealed the rule's true economic impact. The Office of Surface Mining also repeatedly refused to provide Congress with important documents it used to develop the rule, while keeping State regulating agencies charged with implementing this onerous rule in the dark and at arm's length throughout the entire rewrite.

Now, after 7 years of this politically motivated rewrite, the previous administration issued the final rule as they were leaving town, well after the American people—particularly those men and women in coal country—had sent a clear message to Washington. Politically motivated attacks on the livelihoods of those who keep the lights on will not stand.

The issuance of this rule, after all these facts are considered, proves what I said earlier. This rule is about one thing: regulating the coal industry and putting thousands of hardworking Americans that depend on the coal industry for their livelihoods in the unemployment line.

No one cares more about our streams that run through coal country than those who live there, and no public officials know better how to create a balance between protecting both jobs and the environment than those serving in local and State governments that represent coal-producing communities. It is certainly not the beltway bureaucrats in Washington.

I look forward to what I hope to be and should be a bipartisan vote supporting today's important resolution.

Mr. GRIJALVA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LOWENTHAL), the ranking member of the Committee on Natural Resources' Subcommittee on Energy and Minerals Resources.

Mr. LOWENTHAL. Mr. Speaker, I rise today to oppose H.J. Res. 38.

The science is clear: mountaintop removal mining is harmful to the health of people who live near these mines. Anyone with a computer can go to Google Earth and see the tremendous scars on the landscape from mining companies that blast the tops off mountains and then dump the waste into the valleys below. But largely invisible to the naked eye is the suffering of people who live in the nearby communities because of these harmful practices.

The stream protection rule will protect hundreds of vulnerable families and children who live near these sites from lung cancer, heart disease, kidney disease, birth defects, hypertension, and other health problems.

If the majority has a problem with this final rule, as they say they do, they should hold a hearing in the Natural Resources Committee to discuss its merits. There we would have an opportunity to talk to the administration and hear from those who are most affected by mountaintop removal mining.

Instead, they have decided to bypass regular order, go straight to the Congressional Review Act, which will take a chainsaw to this commonsense pollution rule. This is a reckless approach.

I urge my colleagues to take time to listen to the voices of the American people. Please put the health and safety of American families first and vote "no" on this reckless resolution.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. JENKINS), someone who has forgotten more about coal than I will ever know.

Mr. JENKINS of West Virginia. Mr. Speaker, I rise in support of this resolution. Like so many folks, I have been fighting this misguided rule for years. Miners have been fighting this rule for years. And States—bipartisan, Democrat and Republican—have been fighting this rule for years.

Stopping this rule matters to West Virginians, to our miners, to our families, to our consumers. We produce 95 percent of our electricity from coal. It is reliable and it is affordable. Coal employs 20,000 West Virginians, and tens of thousands more make their living related to coal.

The loss of a coal job and the closing of a coal mine affects us all. Its severance tax revenues help to fund our schools, pay for our police and fire departments, and put money in the coffers of our local governments.

This rule would cost cities and counties \$6.4 billion in tax revenue over a year, with the decline in coal mining. That means even more cuts.

When we lose coal jobs, we lose other jobs as well. When coal families lose a paycheck, they aren't able to buy goods and services like they used to. That hurts small businesses, our shops, and our restaurants.

It is estimated that this rule would kill 281,000 coal jobs and related jobs in other fields. My State can't afford to lose any more jobs, and I know that goes for other coal States.

However, despite these facts and the objections of more than a dozen States, the Office of Surface Mining adopted a go-it-alone approach. They ignored input that contradicts their agenda. They withheld information on the rule and restricted States from reviewing it. Well, that ends today.

I thank Chairman BISHOP, I thank the House Natural Resources Committee, and I thank the leadership of the House for their support on this resolution. Thank you, Senator CAPITO and Leader MCCONNELL, for your leadership in the Senate. We also have the support of the White House on this resolution.

With a simple majority vote in the House and the Senate, we will end this rule and stop this job-killing, anticoal agenda.

I urge support on this joint resolution.

Mr. GRIJALVA. Mr. Speaker, it should be noted for the record that the Republican majority conducted a 4-year investigation into the development of this rule, holding 12 hearings, issuing two subpoenas, collecting 25 hours of audio recordings and 13,500 pages of documents, but were unable to uncover any political interference or misconduct in the development of this rule.

I yield 1½ minutes to the gentleman from Michigan (Mrs. LAWRENCE).

□ 1415

Mrs. LAWRENCE. Mr. Speaker, I rise today in strong opposition to H.J. Res. 38. This rule is a much-needed update to existing mining regulations. It ensures that communities that reside by mining operations monitor water pollution levels.

I am standing here today to continue to speak up and fight for clean water in America. I promised that I would stand up and make sure that never again in America another community would be poisoned by the water. I say to you, Mr. Speaker, that miners deserve clean water as well.

This resolution monitors drinking water sources for pollution, such as lead and other toxic substances, and provides that information to the public. Have we learned something from Flint, Mr. Speaker?

This rule will also help protect land and forests by ensuring that companies restore the land and water sources that were impacted by a precious occupation in our country, and that is mining operations.

Let's defeat this resolution that prohibits commonsense rulemaking, protects the environment, and protects the rights of Americans to have access to clean, safe drinking water, while also creating jobs.

Mr. BISHOP of Utah. Mr. Speaker, I don't want to quibble over details, but we actually held 13 hearings and passed four bills over the last three Congresses about this particular rule and found countless problems with it. That is why we are here today.

I yield 3 minutes to the gentleman from West Virginia (Mr. MCKINLEY), who knows the real impact on his constituents that this rule will have.

Mr. MCKINLEY. Mr. Speaker, as chairman of the Congressional Coal Caucus, I rise today in strong support for this action.

After 8 long, tortuous years, our coal communities have endured a withering attack from Washington bureaucrats focused on this agenda of anticoal. What has been the result?

Across this country, in the coal fields of this country, 400 mines have closed down, 83,000 coal miners have lost their jobs, 246 power plants have closed down, and our electric utility bills have gone up 45 percent.

Then, right before President Obama left town, his administration punctuated its war on coal with this damaging further rule. This rule is nothing more than an organic manifestation of a Washington bureaucracy drunk with power. If it is left unaddressed, this rule would shut down an additional number of coal mines, and 78,000 men and women would lose their jobs because of this rule.

For the last 2 years, our Coal Caucus, bipartisan members, have made stopping this rule our number one priority, because it has nothing to do with the health of America, the safety of America, and the life of Americans.

Simply put, it was President Obama's attempt to drive a final nail into the coffin of an industry that made America great.

Look, enough is enough. This war on coal has to come to a stop, and I think this election set the tone for that.

Now that we finally have a President who understands the painful impact of excessive and unnecessary regulations, we should pass this CRA as quickly as possible so he can sign it.

It is time to give the families of the coal fields all across America a chance to get relief from the unelected bureaucrats in Washington.

I thank the chairman for his work in getting this. I thank him for the co-sponsorship that we have had with Congressmen JOHNSON and JENKINS to help

us out on this, to get this before us. We have to do this for the people of West Virginia and around the country.

Mr. GRIJALVA. Mr. Speaker, if there is a war on coal, it is being led by the natural gas industry who produces a cheaper product at a lower cost. And if there is any trouble that coal is in, it is directly attributed to the free market and that competition.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUFFMAN), the ranking member of the Subcommittee on Water, Power and Oceans.

Mr. HUFFMAN. Mr. Speaker, I rise in opposition to this attempt to politically override the Interior Department's stream protection rule.

Much like the destructive mountaintop removal practice that this rule is designed to prevent, this Republican assault on the environment and the health of coal mining communities is a crude and dirty process.

Using the Congressional Review Act, a single hour in Congress is going to be enough to remove a rule that reflects 7 years of national public debate, including at least 30 stakeholder meetings, over 100,000 public comments. This blows up the regular legislative and regulatory process, ignores science, marginalizes public health, and puts communities at risk.

Let me be clear: when the coal dust settles on this devastating resolution, it certainly won't be Members of Congress who are left drinking polluted drinking water or battling lung cancer, heart disease, and birth defects.

Much like the coal executives who profit from exhausting and polluting the natural resources of these communities, the GOP will move on to the next target and look for the next way to let business off the hook, to let them externalize their costs to the environment, to local communities, and, ultimately, to the U.S. taxpayers who have to clean up the mess.

But communities in the Appalachian Mountains, vital salmon streams in Alaska, and much-needed water supplies across this country will be left dealing with the aftermath, while our Republican colleagues boast about having provided so-called regulatory relief.

For all the talk about coal jobs from Republicans and our new President, you would think they would care just a little about protecting the health of these coal miners and their families and their communities. And yet, when given a chance to protect the water quality of 6,000 miles of streams in coal country, this House is choosing to side with the polluting industry instead.

That is shameful, and we should oppose this wrong-headed resolution.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), who chaired most of our 13 hearings on this issue, and who represents a State that is

suining because they were ignored in this rule, where they should have had their rights under the Clean Water Act, which is part of the problem we have here.

Mr. LAMBORN. Mr. Speaker, on December 20, 2016, the stream rule was finalized in the last days of the Obama administration by the Office of Surface Mining Reclamation and Enforcement, OSM. Ostensibly, the rule is about keeping American waterways clean. In reality, it is a power grab aimed at giving Federal regulators more authority to make coal too expensive for anyone to mine or use.

But no one should be surprised. In 2008, then candidate Barack Obama told the San Francisco Chronicle that while people would still be free to build a coal-powered electricity plant under his energy policies, it would bankrupt them because of the high costs his regulations would impose. And that is exactly what President Obama has tried to do.

Under the stream protection rule, Federal regulators will have expanded power to draw up new standards that make it harder to get a coal mining permit. OSM's Federal water standards would suddenly take precedence over the State standards that have long governed the industry under the Clean Water Act. The Fish and Wildlife Service would also gain the power to veto coal permits.

The aim is to take permitting power from States and impose a one-size-fits-all standard. When this process started, 10 States signed on to Interior's rule-making process as State cooperating agencies. But 8 of the 10 later withdrew because Interior wasn't interested in what they had to say.

The subcommittee I chaired held 13 hearings to expose the flaws behind this rule. The rule provides no discernable environmental benefits, while duplicating extensive existing environmental protections at both the Federal and State levels.

In fact, the rule's only purpose appears to be to support the environmental lobby's "keep it in the ground" platform, locking away up to 64 percent of our domestic coal reserves, putting tens of thousands of Americans out of work, and raising energy costs for millions of Americans.

I urge my colleagues to join me in supporting the joint resolution of disapproval under the Congressional Review Act.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BROWN), a member of the Natural Resources Committee.

Mr. BROWN of Maryland. Mr. Speaker, I rise in opposition to H.J. Res. 38. Today, I speak against eliminating the Department of the Interior's stream protection rule. The proposed rule is about balancing the need to support our American coal industry with our

responsibility to safeguard and protect our environment.

What is most concerning and simply outrageous is that this bill proposes to not only overturn the stream protection rule, but it would prohibit the Interior Department from ever issuing a similar rule in the future, even as technology advances and best practices to safeguard the environment improve.

The rule, which was drafted over 7 years, after 30 public meetings and over 100,000 public comments, is the first major update to surface mining regulations in more than 30 years, but is being rolled back without even a single hearing in this Congress, which doesn't follow regular order.

Mr. Speaker, Maryland has a rich history of coal mining, a history that predates our Nation's founding. Yet, for a decade, we have witnessed a slow decline in coal production and a shift toward cheaper and cleaner sources of energy. Nevertheless, the industry in Maryland continues to employ hundreds of people, produce nearly 2 million tons annually, and coal is the leading export commodity leaving the port of Baltimore. I support the coal industry in Maryland.

But in Maryland, where the streams from our mountain panhandle, coal country, flow into the Potomac and eventually the Chesapeake Bay, we have taken proactive steps to mitigate the environmental impact associated with mining, requiring companies to develop and follow reclamation plans, divert streams, treat acidic drainage with chemicals, and control erosion and runoff.

However, our efforts and requirements haven't kept up with modern technology and innovative best practices. And the proposed rule enables us to employ better technology to better achieve our environmental goals.

The Department of the Interior estimates that compliance costs will amount to a de minimis percentage of coal industry revenues, there will be a minimal impact on mining jobs, and it will create good-paying, green jobs. We will protect 6,000 miles of streams, 52,000 acres of forest, and reduce 2.6 million more tons of carbon dioxide emissions.

Mr. Speaker, representing families in the Chesapeake Bay watershed, I understand firsthand that once the ecologies of streams, rivers, and bays are degraded, they cannot be easily reclaimed.

Now is not the time to turn back or turn our back on technology that is available and that is offered up in this rule.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GOSAR), part of our committee who has heard the 13 hearings, understands this issue, and was part of the House when we voted four different times to be opposed to this particular rule.

Mr. GOSAR. Mr. Speaker, there is no question that President Obama put his own environmental legacy ahead of the well-being of the American people. The Obama administration squandered taxpayer money for 8 years attempting to force the stream protection rule down our throats.

The deception and lack of transparency utilized to implement this rule were unprecedented. Along with manipulating job loss numbers, the administration even changed the rule's name, thinking the American people might forget about it. But the fact is, you can't put lipstick on this pig. Whether you call it the stream buffer zone rule or the stream protection rule, the rule still stinks.

The American people who want good-paying careers have missed out on hundreds of thousands of jobs around the country as a result of President Obama's ideologically-driven war on coal. But today is a new dawn in America, and this job-killing, midnight regulation is now directly in the crosshairs of the Trump administration and of this Congress.

On behalf of all hardworking Americans, I urge my colleagues to vote to support this commonsense legislation.

Mr. GRIJALVA. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BEYER), a member of the Natural Resources Committee.

Mr. BEYER. Mr. Speaker, with respect, I quote Mr. MCKINLEY: "We have to do this for the people of West Virginia and around the country." And I agree, and this is why we need the stream protection rule.

It is a commonsense approach to minimizing the impacts to surface water and groundwater from coal mining.

In Appalachia alone, mountaintop removal has been responsible for the destruction of 2,000 miles of streams. Peer reviewed studies have linked mountaintop removal mining to cancer, birth defects, and serious health problems for residents living near these mining sites.

Just look at my Virginia map. The highest death rates in the State and the most chronic diseases are in the coal fields.

□ 1430

I saw this firsthand while I was Lieutenant Governor of Virginia for 8 years, when mountaintop removal mining became the most prevalent coal mining technique in central Appalachia.

That is why this is so important. Communities near coal mining sites have a right to know what is in their water because it impacts their livelihood and their lifespan.

This rule includes commonsense monitoring of streams—many of which are important drinking water sources—for pollutants such as lead, selenium,

and manganese. Basic monitoring for these toxins is essential, given their potential impacts on human health and the environment.

The rule also requires that streams and lands disturbed by surface coal mining be restored. This would result in the protection or restoration of approximately 6,000 miles of streams and 52,000 acres of forest over the next two decades.

This is really important because we know the contamination of streams by coal mining pollution threatens everything from fishing and outdoor recreation to small businesses like restaurants and farms that are relying on clean, safe water. This rule is an appropriate balancing act between our energy needs and our environmental protections, and it is also appropriately flexible to coal mining companies.

Most importantly, the Congressional Review Act doesn't make sense here. If you want to trim a tree, you don't chop it down and bury it under cement so it will never grow again. The Congressional Review Act is an extreme measure that would permanently damage our surface mining laws. We have heard that it was a product of more than 7 years of work and the chairman talks about the 13 hearings, but not one has been held in the 18 months since the rule was proclaimed.

The Congressional Review Act describes the vast amount of work that the Office of Surface Mining did in order to create this rule.

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

Mr. GRIJALVA. I yield the gentleman an additional 1 minute.

Mr. BEYER. Mr. Speaker, what is most dangerous is, because of the lack of clarity regarding the Congressional Review Act's prohibition on similar rulemakings, the agency may never take future efforts to update and improve surface mining regulations. Even if you don't like this surface protection rule, disallowing any future protections for the water and health of communities living near coal mining operations makes no sense at all.

I urge my colleagues to vote against this bill.

Mr. BISHOP of Utah. Mr. Speaker, I now have the pleasure of recognizing people who are not on our committee but still know how silly this rule actually is.

I yield 1 minute to the gentleman from Illinois (Mr. BOST).

Mr. BOST. Mr. Speaker, the Obama administration antical regulation was a solution in search of a problem. It wasn't intended to protect the environment. It was intended to put coal miners out of work. And, sadly, it has been successful in achieving that goal.

A study of the rule estimates it would destroy more than one-third of our coal jobs, and that nearly half of

all coal resources would effectively be off limits to mining. In addition, the OSM rule has ignored clear congressional directives to share information with the States.

If ever there has been a time for Congress to act, this is it. I urge my colleagues to support this resolution.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MCEACHIN), the ranking member of the Natural Resources Committee, Subcommittee on Oversight and Investigations.

Mr. MCEACHIN. Mr. Speaker, I rise today in opposition to this resolution to overrule the stream protection rule, just as I would oppose any measure that threatened the quality of our drinking water.

Clean drinking water is a fundamental health need, and meeting that need is one of our most basic responsibilities in this Congress. We must not put special interests ahead of the health of our constituents.

The stream protection rule is very simple:

It strengthens and clarifies existing water quality protections with respect to mining.

It requires that affected streams be restored when mining is finished.

It gives communities accurate information about water quality so they can best protect themselves from pollution.

Mr. Speaker, these protections are not onerous, but their benefits are vast.

We have seen in Flint, Michigan, and elsewhere the painful consequences when people lack access to safe drinking water. We must do more to prevent that kind of suffering and damage. Nixing this rule would, instead, mean that we are doing less.

The stream protection rule is the product of a careful year's-long process. Countless stakeholders participated at two dozen public meetings, and regulators received tens of thousands of public comments.

Mr. Speaker, this rule was crafted in the sunshine, but we are about to overrule it in the dead of night. After all of that work, this resolution of disapproval did not even receive a committee hearing.

Mr. Speaker, if this body is seriously going to weaken vital drinking water protections, the American people deserve ample opportunities to inform themselves and to make their voices heard. This rushed-through proposal denies them that opportunity.

I find this measure to be very disturbing, and I find the process concerning. I urge all of my colleagues on both sides of the aisle not to go down this path.

Mr. BISHOP of Utah. Mr. Speaker, nice to know that 2:30 in the afternoon is the dead of night.

I yield 1 minute to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, a little over a year ago, I took a mile-long, 30-minute ride with coal miners into a 3½-foot-high coal mine in the mountains of Pennsylvania. I was reminded that day about the incredible work ethic of the folks in western Pennsylvania, the same work ethic that literally built this country in the 19th and first half of the 20th centuries.

The regulation we vote on today is one of the last rules that the Obama administration pushed out. This regulation has a single purpose: the demise of the coal industry and the thousands of middle class jobs that depend on it. This regulation is the culmination of former President Obama's ideological war on American energy that provides minimal benefit but tremendous cost.

I care about the miners and the workers I met with whose middle class jobs are at risk. I care about utility customers whose electric bills will go up because this regulation will take valuable American energy offline. I care about the communities that are hurt when these coal mines close.

This country continues to make tremendous progress on cleaning up the environment, progress that will continue without this job-killing regulation. If you care about the workers, if you care about these communities, you will vote "yes" on this CRA and block this job killer.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, I rise in opposition to this dangerous effort to block the stream protection rule, a commonsense proposal that has the potential to save lives and will improve the health, outcomes, and well-being of families over time throughout coal country.

This bottle of—I guess you could call it a liquid—wasn't taken from an industrial waste site or from the runoff of a landfill. This came from the drinking well of the Urias family's home in Pike County, Kentucky.

Despite what it looks like, there is water in there along with chemicals, toxic minerals, and known carcinogens, all present in this family's drinking water because of mountaintop removal.

The mountaintop removal process begins with beautiful mountains that look just like this. These are Appalachian Mountains near the West Virginia-Kentucky border.

First, they raze an entire side of the mountain, tearing trees from the ground and burning down any plant growth. From there, they use explosives to blast the tops off the mountains and push rock and dirt out, ultimately filling the surrounding streams and waterways with debris, blast materials, and other dangerous elements

and minerals that end up in the drinking water of the Urias family and countless others throughout coal country.

This is what is left.

As we have noted during our fight for funding to help the families of Flint, Michigan, dealing with water contamination, this should not happen here in America in the 21st century; yet families in coal country have been dealing with this for 40 years. So you can imagine how many people's health has been jeopardized by this practice.

The stream protection rule that the House is about to block would serve as one of the only safety measures that would protect these families from poisonous drinking water, higher rates of cancer, lung disease, respiratory illness, cardiovascular disease, birth defects, and the countless negative health effects that plague this region.

If my colleagues on the other side of the aisle want to block the safeguards of the stream protection rule, they should at least consider supporting my legislation, the Appalachian Communities Health Emergency Act, or ACHE Act. I introduced this bill earlier today with Representative SLAUGHTER to suspend new mountaintop removal permits until the Department of Health and Human Services can conduct a comprehensive Federal study of the health effects of this reckless mining method used in my State of Kentucky and throughout coal country.

I believe mountaintop removal should be banned, but at a minimum, we should halt all new permits until the safety of the residents in the surrounding communities is assured. Therefore, I urge my colleagues to oppose today's effort to block this potentially lifesaving rule and support the ACHE Act.

We have failed to protect the families in these communities, and passage of this bill will inflict another blow to their health and well-being. They deserve far better.

I will make a final offer to my colleagues on the other side. If anybody wants to come and take a drink out of this, I will withdraw the ACHE Act and vote for their legislation.

Mr. BISHOP of Utah. I am pleased to yield 1 minute to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, in the waning days of his Presidency, the Obama administration finalized the stream buffer rule, a final parting shot at the coal industry on his way out the door. Not once did the Office of Surface Mining visit and assess the economic impact of this rule on operating mines. In fact, in their analysis, they relied on "hypothetical mines."

These aren't hypothetical mines and they aren't hypothetical jobs that will be affected. In the real world, this rule could mean the end of coal production in Ohio and the end of thousands of

good-paying jobs in countless communities like the one I grew up in.

Ohio will be directly impacted by this rule. Fifty-nine percent of our electricity comes from coal-fired power plants, and Ohio's coal industry employs thousands of hardworking Americans.

Mr. Speaker, I urge my colleagues to vote to stop this rule, to stop the war on coal, and to stop this rule which could cause hardworking Americans to lose their jobs. I urge my colleagues to support this joint resolution of disapproval under the Congressional Review Act.

Mr. GRIJALVA. I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Colorado (Mr. TIPTON), another State that was promised, in the Clean Water Act, to have authority which was taken away by this simple rule.

Mr. TIPTON. Mr. Speaker, the United States is blessed with a wealth of domestic energy resources, allowing our Nation to responsibly develop safe, abundant, and affordable energy to meet our own needs.

The Third District of Colorado has blue skies, clean water, while maintaining a healthy amount of responsible development of oil, natural gas, and coal production in its many communities.

According to the Energy Information Agency, coal accounted for approximately 60 percent of the electricity generated in Colorado in 2015; yet this vitally important resource that provides affordable energy and jobs to many of our families' homes has come under attack. Backed by radical interests, the government has issued new rules and regulations under the guise of environmental protections, but whose true intent is to bankrupt the coal industry with regulatory compliance.

The stream protection rule is a solution in search of a problem. Modern mining operations are already adept at avoiding impacts to watersheds, as the Office of Surface Mining's own numbers show. The industry is also already subject to a wide array of environmental statutes and regulations enforced by various Federal and State co-operating agencies.

I urge the passage of this resolution and encourage my colleagues to support it.

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

I would like to read a few lines from letters of opposition to this resolution. The first comes from a coalition of 75 national and local environmental groups who are strongly opposed to this bill.

They write: "This long awaited rule provides local communities with information they desperately need about

water pollution caused by nearby coal mining operations, and includes several important protections for clean water and the health of communities surrounding coal mining operations. Any attack on the safeguards in the Stream Protection Rule is an attack on clean water and should be opposed."

Wildlife and sportsman groups are also opposed.

The National Wildlife Federation writes: "The Stream Protection Rule is an important water quality rule for our nation. It seeks to empower State regulatory authorities to ensure coal mining and reclamation best practices, taking into account their unique regional distinctions and impacts to local communities and wildlife.

"... any efforts to undermine the safeguards afforded by the finalized Stream Protection Rule, a rule with years of stakeholder outreach and engagement, would be an attack on clean water and should be opposed."

Travel Unlimited says: "The rule is a worthy, sensible effort to reduce the huge impacts of mountaintop removal coal mining ... on our Appalachian streams and rivers."

And it goes on and on. They all go on to point out the specific impact of mountaintop removal mining on fishing and wildlife and sportsmen.

"Mountaintop removal mining practices create a survival risk for brook trout and other wild trout populations, and impede efforts to restore brook trout in already degraded watersheds."

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

Mr. BISHOP of Utah. I am pleased to yield 1 minute to the gentleman from Kentucky (Mr. COMER), a new Member of Congress, who realizes that this rule is long on regulations and short on real new protections for people.

□ 1445

Mr. COMER. Mr. Speaker, I rise to speak in favor of repealing the stream protection rule.

I represent a coal-producing district whose economy has been devastated by the former President's and his renegade of unelected bureaucrats' war on coal.

Last year, a Presidential candidate boasted among a liberal political crowd that she would put a bunch of coal miners out of work. She went on to say that the government would then essentially come in and put those hardworking, out-of-work coal miners on welfare.

Well, Mr. Speaker, my coal miners don't want to be on government welfare. They want the government to get out of their way and let them work.

Because of senseless, onerous regulations like the stream protection rule, the liberals in Washington have succeeded in putting most coal miners out of work. I believe that with the passage of H.J. Res. 38 and a sensible energy

policy created and implemented by businesspeople instead of bureaucrats, we can begin to bring coal jobs back to Kentucky and help provide the struggling economies in Kentucky's coal counties.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LAMALFA), one of the other members of our committee who has served for a long time and has heard many of these arguments before.

Mr. LAMALFA. Mr. Speaker, I rise today in support of the measure for congressional disapproval of the Department of the Interior's stream protection rule, which was created under the guise of protecting the environment but, instead, has been very harmful to American jobs.

They have attempted to cripple an industry—energy—that has provided vast amounts of energy to States across this country for decades. My home State of California has had a long history of mining that has led to incredible economic growth and job opportunities for many of my local communities.

This one-size-fits-all approach fails to provide any regulatory certainty to industry and denies important tax revenue from energy extraction to the American taxpayer.

I appreciate my colleagues bringing this to the floor, and I hope we can sort through the rhetoric on this against energy jobs of a very important segment across the country that supplies so much of our energy currently, and can do it with safety and a mind for redeveloping our economy.

Mr. GRIJALVA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, the opposition to this particular bill goes from coast to coast. We just heard from California. Now we will go back to the East Coast.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. YOHIO).

Mr. YOHIO. Mr. Speaker, I stand here today in support of the livelihood of an entire region of our country and industry that was unfairly targeted by the Obama administration in pursuit of an ideological agenda to do away with our Nation's abundant coal resources.

The previous administration targeted the coal industry and, by extension, the hardworking Americans employed by the industry under the guise of protecting the environment. We all want clear air and water for our Nation's prosperity, but this rule is so strict, it makes it impossible for companies to continue to operate. It results in layoffs, closed businesses, and ultimately an entire region unemployed.

Our Nation is blessed with an abundance of natural resources and we should utilize them all: oil, hydro-

power, wind, solar, and yes, clean coal, too. We must be prudent about how we regulate our energy industries because when one sector is pushed out, it is the moms and dads at the end of the month paying their electric bill that feel the impact the most. All Americans will be affected, but it will be felt more by the ones who can least afford it.

That is why I am opposed to the rule, and I urge my colleagues to support the CRA.

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

The use of the Congressional Review Act has been categorized as reckless and extreme. The CRA was going to cause significant and lasting harm.

If successful, two things are going to happen: the regulation is void and the agency is prohibited from issuing another similar rule ever again.

I mention that because this is about health. It is about the health of the people living around those mining operations and it is about mountaintop removal and the documented analysis that proves that it is a danger to health. It contaminates water and it is destructive to the environment.

It is curious that we had 13 hearings—I stand corrected—and an investigation that went on in perpetuity, it seemed like. Yet, once the rule was finalized and published in 2015, we never had another hearing on the item again, which begs the question: If the whole point was to delay and prevent this rule from ever taking effect and, more importantly, make it susceptible to the Congressional Review Act, mission accomplished for the majority.

But the long-term consequences of using the CRA on a rule that is designed to protect people's health, on a rule that is designed to make coal companies be transparent and disclose to the public, on a rule that every scientific analysis and the science is clear that this rule was indeed there to protect both people and communities, I think that is the permanent harm being done by this action today—denying the people in those communities to return to past practices that created the problem that we are dealing with and that this rule attempted to address that created that problem.

Now we return to those times where unregulated mountaintop removal causes the destruction to both human beings and the environment that we see as a legacy. I think it is not only disrespectful to the people of those regions, but it, again, puts their health and the well-being of both the environment and humanity in that area at major risk. It is not only reckless and extreme to use the CRA, it is also dangerous.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. BARR), who clearly understands the situation that this rule has presented.

Mr. BARR. Mr. Speaker, I appreciate the opportunity to speak in favor of this Congressional Review Act resolution on behalf of the thousands of fellow Kentuckians who have lost their jobs in the coal industry.

In eastern Kentucky, not far from where I live, it is not just a recession that they are experiencing. What is happening in eastern Kentucky is a little depression over the last several years. The stream protection rule would be the final death knell of a proud industry that has literally powered America for over a century.

When I talk to the men and women of eastern Kentucky about the prospects of losing even more jobs in an economically depressed place, it is just absolutely devastating. So I applaud the work of the committee and I applaud the work of this House to take this matter seriously to end this regulation that would put even more of my fellow Kentuckians in economic distress.

Instead of looking at environmental questions as a matter of the need to have more government central planning, let's solve environmental problems in a different way, through innovation and technology.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise in support of this resolution providing for a congressional disapproval of the stream buffer rule.

In my home State of Illinois, coal production employs roughly 5,000 workers and the industry contributes \$2 billion a year to our State's economy. In southern Illinois, these are some of the region's best-paying jobs.

Unfortunately, this rule was one of the final shots the Obama administration fired in their war on coal. Unless reversed, this rule is directly going to hurt our Illinois coal miners and those working at coal power plants and, in the end, consumers—those who pay the utility bills in this country.

The last administration refused to work in good faith with the States when finalizing the rule, even after Congress told them to do so in the 2015 omnibus bill.

I include in the RECORD a letter from the Illinois Department of Natural Resources in opposition to the rule.

ILLINOIS DEPARTMENT OF
NATURAL RESOURCES,
Springfield, IL, January 30, 2017.

Re The Stream Protection Rule and The Congressional Review Act.

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

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SPEAKER RYAN AND MAJORITY LEADER MCCONNELL: As the regulatory authority for administering the federal Surface Mining

Control and Reclamation Act ("SMCRA") in the State of Illinois, the Department of Natural Resources ("Department") appeals Congress to use its power under the Congressional Review Act to disapprove the "Stream Protection Rule" ("Rule"), issued by the Office of Surface Mining Reclamation and Enforcement ("OSM") at 81 Fed. Reg. 93066 (Dec. 20, 2016).

The Rule's "one size fits all" approach to regulatory performance standards fails to incorporate important regional differences, such as local geology, hydrologic regime, and climate, as required under SMCRA. For example, stream loss has rarely been a problem in the State of Illinois given the regional hydrogeology of the Illinois Basin. To universally require long term upstream and downstream monitoring would place an undue burden on the State to continually review such data. The rule gives no discretion to state regulatory authorities.

Despite the claims of OSM in its Regulatory Impact Analysis, the Rule would place significant burdens and additional costs on state regulatory programs. Compliance with the rule would require the Department to revise and restructure its entire coal mining program and add \$600,000 to \$800,000 per year in staffing and equipment costs.

OSM's failure to properly consult with the State of Illinois and the other states has resulted in a burdensome and unlawful Rule that usurps states' authority as primary regulators of coal mining as intended by Congress under SMCRA, and demands congressional action.

The Congressional Review Act provides Congress the authority to take action to avoid the harm imposed by the Rule. Accordingly, we respectfully request that you and your colleagues in the Congress pass a joint resolution disapproving the Final Stream Protection Rule under the procedures of the Congressional Review Act, S U.S.C. 801 et seq., so that it shall have no continuing force or effect.

Thank you for your careful consideration of this request.

Sincerely,

WAYNE A. ROSENTHAL,

Director, Department of Natural Resources.

Mr. RODNEY DAVIS of Illinois. In this letter, IDNR notes that the Office of Surface Mining failed to properly consult with the State of Illinois and the other States, resulting in a burdensome and unlawful rule that usurps States' authority as primary regulators of coal mining as intended by Congress and demands congressional action.

Mr. Speaker, rules like this are what the CRA is all about. I ask for your support.

Mr. GRIJALVA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 1 minute.

The stream protection rule has got to be the poster child for the Congressional Review Act's action. There are 400 changes to the bill. There are 400 changes in over 1,600 pages of regulations, and there is no new, real protection above and beyond what we were using since the Reagan administration. But it does outline benefits and potential problems for 70,000 people directly with their jobs, for 300,000 people

whose jobs are threatened in a ripple effect, and, unfortunately, for everyone else. Every time you turn a light on, your costs will be exacerbated because of this particular rule.

This rule affects the most vulnerable of our population and it hurts them. It is time for us to realize that it is time to stop making rules and regulations for an ideological approach, and, instead, new rules and regulations that help people, not hurt people, as this particular one does.

That is why this House, on four different occasions over the last three congresses, has voted against this particular proposal.

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

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

Mr. Speaker, our opposition to this action being proposed by the Republicans to eliminate the stream protection rule is, indeed, an action that goes against fundamental science, goes against the public health of the American people in those communities, and, overall, takes the Congressional Review Act and uses it as a bludgeon to keep generations and generations in those areas at risk in their health, their water, and the general environment in the area.

The issue of cost is an issue that comes up. The loss of jobs has been the creation of competition, not because of any proposed rule.

Second of all, when we were dealing with the horrors of black lung, we were dealing with issues of mine safety for coal miners and the struggles that their unions had to go through to get mine safety and healthcare protection for their workers.

At the time, I am sure, those were considered cost factors and why not do it. The cost factor here is about human life and it is about protection of water. I would suggest that that should be the priority of this Congress and not emboldening or enriching the mine operators and their profit line.

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

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

Mr. GRIJALVA. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), my friend.

Mr. DEFAZIO. Mr. Speaker, I have been involved for 28 years on the Natural Resources Committee on these issues.

What we are talking about today is simple here. Yes, it is cheaper. If you blow the top off a mountain and you dump it in the valley and you bury a stream, it is cheaper. Okay.

Is that what we are all about here? The most destructive, least environmentally responsible, but cheapest way of doing things?

If we are going to set the precedent here, I can think of a whole lot of other

areas that relate to clean water, clean air, and things that are important to the American people and the sustainability of our environment that will go away because it would be cheaper. If we can just dump the waste out the back door of the factory, that is cheaper.

□ 1500

If we can just put whatever we want up the stack and people wear gas masks, that is cheaper. That is the major argument we are hearing today. This rule, a 100-foot buffer—a 100-foot buffer—for toxic materials around streams is too expensive. It is cheaper to blow the top off the mountain, get the coal out, and take all the overburden and other assorted stuff and dump it in the valley and bury the stream.

The only problem is then it rains. What happens when it rains? Well, you can either cap that whole thing and make it impermeable and then have big runoff downstream or, as it generally happens, the water percolates down through all the waste and becomes a toxic flow.

Now, you say, well, these are only seasonal streams. Well, seasonal streams run into other streams. What happens when you get those toxic flows is you kill the other streams. I am seeing this actually in my district, not from a coal mine, but from a foreign corporation which improperly mined and went bankrupt and left us with the waste. I have seen the miles of stream that are killed from the toxics that are leaching out from the overburden from the mining that is done. This is an absurd place to say we are overregulated.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. Mr. Speaker, in his last month in office, President Obama fired one last shot in his war on coal. By finalizing the so-called stream protection rule, the Obama administration made it more difficult for an already distressed industry to provide a reliable and affordable energy source for our economy.

In reality, the only thing President Obama tried to protect was the jobs of bureaucrats at the expense of hard-working Americans. This rule adds no new environmental protections. It only duplicates what Federal and State regulators are already doing to protect the environment.

Additionally, this rule could close off as much as half of the U.S. coal reserves for mining. The bureaucrats writing this rule did not truly understand the impact of this because, in the 7 years they took to write it, no one bothered to visit an actual mine.

We cannot allow out-of-control bureaucrats to regulate an industry that employs thousands of Americans out of existence simply to save the radical liberal agenda. I urge my colleagues to join me in supporting this resolution of

disapproval of yet another regulatory overreach by the Obama administration.

Mr. GRIJALVA. Mr. Speaker, I urge a “no” vote. I think the arguments have been made. The precedent being set tonight by this House is a dangerous and extreme precedent that we will all come to regret. I urge a “no” vote.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. ROGERS), the former chairman of the Committee on Appropriations.

Mr. ROGERS of Kentucky. I thank the chairman for yielding me this time.

Mr. Speaker, President Obama made it his mission to bankrupt the coal industry when he took office, and through a slew of job-killing regulations, he has nearly made good on that promise. His administration spent 7 years and over \$10 million in taxpayer dollars writing the stream protection rule. Even though the bipartisan 2016 omnibus appropriations bill directed the Interior Department to engage with the States before finalizing this rule, the agency refused to comply, leaving crucial voices out of the rule-making process.

Under this midnight regulation, at least half of the Nation's coal reserves would be restricted from mining, and one-third of current coal-related jobs would be at risk. This would mean more devastating job losses in coal communities across the country, especially in Kentucky, where we have already got nearly 13,000 miners out of work.

It is time to end the madness and give our communities in the coal areas a chance to rebuild. I urge support of this resolution.

Mr. GRIJALVA. Mr. Speaker, I have no other speakers. I yield back the balance of my time.

Mr. BISHOP of Utah. I yield myself the balance of my time to close.

Mr. Speaker, we have heard a lot of false science today, which is appropriate since the agency that concocted this rule refused to allow any of the data they used to make the rule to be made public. We asked for it. We asked for it in legislation. They simply refused to comply. Ninety-three percent of the sites are not having any impact on the streams, and the other seven percent we already had rules that covered them that did this protection. There is no real new protection in this particular act.

The States, which regulate 97 percent of the coal mines in the United States, were shut out of the process, which is why they are suing over it. This rule undercuts the State primacy that was provided in the Surface Mining Control and Reclamation Act.

What we are doing here today with this effort is to reestablish the article

I authority that we have in the Constitution by saying we are responsible for the policy, not some agency of the executive branch.

Adopting this resolution protects the rights of States tasked with regulating the coal industry in their borders, and it also actually helps people. People are going to be harmed if this act is not repealed and actually goes into effect, and the most vulnerable of our populations are the ones who will suffer the most because of it.

Because of that reason, it is right for Congress to do our responsibility here and now and repeal this bad act that was done in secret that was not allowed to have the openness that we have requested in the past and that is simply redundant at best, totally unnecessary, and does the harm that it does to real people: 70,000 direct jobs, over 300,000 indirect jobs, as well as a higher cost to everyone who uses energy in this Nation.

I ask my colleagues to support the resolution of disapproval and vote for its final passage.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I stand in strong opposition to H.J. Res. 38, the resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

I would like to express both my support of the Stream Protection Rule as well as my deep concern over the use of the Congressional Review Act to derail smart regulations that protect our citizens' health while simultaneously creating a precedent of recklessly obstructing federal rulemaking.

The Stream Protection Rule is an effective and sensible regulation that has undergone years of development in order to compel big polluters and industry actors to responsibly dispose of dangerous waste so that our water supply and ecosystems remain free of toxic pollutants. The attempt to dismantle this rule will cause irreparable harm to clean drinking water sources for millions of Americans. The Stream Protection Rule provides Americans with an environmental monitoring system that assures the cleanliness of the water.

The residents of the 4th District of Georgia, like many of the constituents of my colleagues, live alongside and depend upon rivers to be protected from harmful pollutants and toxic chemicals that are the product of mining and industrial run-off. Run-off from mining and industry sources contaminate stream water with various lethal toxins, including lead and arsenic. These pollutants not only impact the lives of people living in close proximity to the run-off sources of heavy pollutants, but all people who live downstream.

The water protected by this rule is the same water consumed by our families, including children and the elderly. Those exposed to carcinogens in their water can suffer from birth defects, cancer, and even death.

Clean and safe water is in the interest of all Americans, regardless of their income level or political party. It matters not whether a state is red or blue, access to clean water will always

be necessary, and it should be mandatory. Clean water is a human right and this rule ensures our country can provide clean drinking water to its citizens.

I ask my colleagues this question: if the Stream Protection Rule is overturned are you prepared to tell your constituents and their families that their water will be less safe to drink or use?

I am not alone in my stance. More than 70 groups representing the interests of a wide-spread of American citizens have expressed their strong disapproval with this resolution. Two of these groups, the Savannah Riverkeeper and Altamaha Riverkeeper organizations, represent the environmental concerns of my home, the great state of Georgia. These groups along with dozens of others have expressed to our country's elected officials that a resolution of disapproval for the Stream Protection Rule would significantly jeopardize the well-being of millions of Americans.

By subjecting the Stream Protection Rule to the Congressional Review Act, we set a dangerous precedent in delegitimizing federal rulemaking procedure, while we elevate the interests of corporations over the health and safety of our citizens. The health of our nation's children must supersede the maximization of profits.

For the sake of the millions of Americans who rely on the safety regulations established by this rule, I strongly urge my colleagues to vote NO on the resolution. The citizens of our nation will thank you for putting their health first.

Mr. JOHNSON of Ohio. Mr. Speaker, the Resolution of Disapproval under the Congressional Review Act that we consider today, if enacted, would void the Stream Protection Rule (SPR). In light of an independent analysis of the potential impacts of the rule including the loss of at least one third of existing coal mining jobs, this resolution is absolutely critical for our Nation's coal miners, their communities, and the related industries that support and rely on coal mining.

If enacted, the joint resolution disapproving the SPR would bar the Office of Surface Mining, Reclamation and Enforcement (OSM) from reissuing the rule in substantially the same form, or issue a new rule that is substantially the same as the SPR, unless specifically authorized by subsequently enacted legislation. The SPR represents a near-complete regulatory re-write by adding, amending or modifying 475 different regulations under the Surface Mining Control and Reclamation Act (SMCRA) program. The unlawful and offending features of the rule include impermissibly duplicating and conflicting with other federal and state laws; diminishing the exclusive regulatory jurisdiction of States with approved programs under SMCRA; interfering with the primary governmental responsibility SMCRA delegates to States for developing, issuing and enforcing regulations for surface coal mining and reclamation operations within their borders; applying to underground mining operations standards and requirements intended for surface mining operations despite the distinct differences between surface and underground mining; and, requiring changes to approved state programs without a demonstra-

tion that the state program is no longer effective in meeting the purposes of SMCRA. Therefore, any rule which includes any of these components is substantially the same as the SPR for purposes of the Congressional Review Act.

An example of impermissible duplication or conflict with other federal and state laws or the authorities of other agencies would be a recently completed biological opinion and memorandum of understanding (MOU) between OSM and the U.S. Fish and Wildlife Service, the SPR allows the U.S. Fish and Wildlife Service to effectively veto any SMCRA permit simply by withholding approval. Issuing SMCRA permits is the exclusive province of SMCRA regulatory authorities, which in most cases are the States with approved SMCRA programs. Nothing in SMCRA or the Endangered Species Act (ESA) gives the U.S. Fish and Wildlife Service the power to disapprove, veto, or otherwise withhold a SMCRA permit. Any rule subsequently promulgated by OSM which gives the U.S. Fish and Wildlife Service the authority to directly or indirectly disapprove SMCRA permits would be substantially the same as the SPR and therefore impermissible.

There are many other provisions which overlap, duplicate, or conflict with the requirements of other state and federal laws, which is prohibited by Section 702 of SMCRA. For example, the SPR violates both the Clean Water Act (CWA) and SMCRA by claiming for OSM the authority not only to enforce the CWA, but to also superimpose regulations that duplicate, conflict with and override CWA programs. Similarly, OSM vastly expanded the applicability of the ESA by requiring states and operators to account for species proposed for listing as threatened or endangered, which runs counter to the intent of the ESA and would have circumvented the rulemaking process established in the Administrative Procedures Act. Such self-deputization and usurpation of authority is a cornerstone of the SPR and any future rulemaking by OSM which attempts to duplicate, usurp, conflict with, or otherwise overlap with the existing requirements of other state and federal laws and the authorities of other state and federal agencies would be substantially the same as the SPR.

The SPR includes dozens of provisions which diminish the states' authority under SMCRA. Because of the wide diversity in physical conditions across the nation's coal fields, Congress expressly delegated to the states the authority for developing and tailoring SMCRA's requirements to those conditions. A good example of how the rule tramples the states' authority is its attempt to set a national definition for "material damage to the hydrologic balance outside the permit area." With the diversity in physical conditions and hydrology across the states and even within a state, it defies commonsense to promulgate a federal definition. It also robs the states of their delegated authority to tailor their rules in a manner that is suitable for meeting that statutory objective. To make matters worse, the rule precludes states from making appropriate adjustments on how SMCRA objectives should be achieved for distinct types of operations such as surface or underground mines. The rule is replete with examples of the mindset that only Washington knows best.

Ironically, it's the states that possess the vast experience of regulating 97 percent of the coal mines in this country since SMCRA was passed in 1977. A rule that attempts to repeat this "one-size-fits-all" model would be substantially the same as the SPR.

The SPEAKER pro tempore (Mr. HOLDING). All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 71, I call up the joint resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers", and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 71, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers" (published at 81 Fed. Reg. 49359 (July 27, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.J. Res. 41, introduced by the gentleman from Michigan, (Mr. HUIZENGA), the chairman of the Subcommittee on Capital Markets and Government Sponsored Enterprises of the Committee on Financial Services.

This resolution disapproves a burdensome and controversial Securities and Exchange Commission rule that places an unfair burden on American public companies that is not applied to many of their foreign competitors.

Virtually every day we hear from many Americans about how this economy is just not working for them. It is just not working for working Americans like Keith from Dallas in my district who wrote me: "I am 53. I have a grown son who lives with me. It seems like the cost of everything keeps going up, yet wages do not keep pace."

The economic opportunities of Keith and millions of Americans like him are not helped by top-down, politically driven regulations that give many foreign companies an advantage over American public companies.

That is exactly what this Securities and Exchange Commission regulation that we are talking about today does. It forces American public companies to disclose inexpensive proprietary information that can actually be obtained by their foreign competitors, including state-owned companies in China and Russia. This is just one regulation out of thousands and thousands that are burdening our companies, our job creators, and are costing our households, by one estimate, over \$14,000 a year, Mr. Speaker.

Even though this is a Securities and Exchange rule, section 1504 of Dodd-Frank has nothing to do with investor protection nor anything else we were told the Dodd-Frank Act was supposed to do. As the acting chairman of the Securities and Exchange Commission has said, this rule "neither reforms Wall Street nor provides consumer protection and it is wholly unrelated, and largely contrary, to the Commission's core mission."

In addition, Mr. Speaker, the SEC estimates that ongoing compliance costs for this rule could reach as high as \$591 million per year. It is just an outrage,

Mr. Speaker. That is \$591 million every year that could better be used to hire thousands more Americans in an industry where the average pay is 50 percent higher than the U.S. average. Literally we could be talking about 10,000 jobs on the line for this ill-advised rule. This is significant, given that millions of Americans, like Keith from my district, have not seen their wages increase while our economy has been stymied under the Obama administration.

Now, for those who claim that somehow by rolling back this rule, that this undermines anticorruption efforts, let me remind everyone that Mr. HUIZENGA's resolution, that the Foreign Corrupt Practices Act, which the SEC and the Department of Justice administer, already makes it illegal to pay former government officials when it comes to winning or maintaining business opportunities.

To further prove the point, Mr. Speaker, just this year the SEC has brought enforcement actions or settled four separate cases for violations of this anticorruption law. So even without this SEC rule, fraud will still be fraud, corruption will still be corruption, and both will still be illegal. The SEC and the Department of Justice will still have the authority to vigorously pursue those who break the law and hold them accountable, as they well should. So no one, Mr. Speaker, should fall for this false argument of our opponents.

Let's also remember that this joint resolution does not repeal section 1504 of Dodd-Frank. I wish it did, but it doesn't. Rather, it vacates a flawed SEC rule that mimics a previous rule that was already struck down by a U.S. District Court. It is a rule that by the SEC's own estimates has taken 51 employees over 20,000 hours to promulgate, defend, and repromulgate. Fifty-one employees, 20,000 hours that could have been directed at rooting out Ponzi schemes, that could have been used to promote capital formation or make our capital markets more efficient.

□ 1515

Furthermore, this rule still goes far beyond the statute passed by Congress and mandates public specialized disclosures that cost more and more, and is more burdensome than the law requires.

So, Mr. Speaker, for those who religiously defend the Dodd-Frank law, they should be in vigorous support of what Mr. HUIZENGA brings to the floor today because the rule flies in the face of the Dodd-Frank Act. So when an agency exceeds its statutory authority, it is no longer regulating, Mr. Speaker, it is legislating. And all of us, Republicans and Democrats alike, should be able to agree that when the executive branch acts in such a manner, Congress has a duty, a duty under article I of the Constitution, to check this executive overreach.

As such, this House should wholeheartedly support Mr. HUIZENGA's resolution. It simply tells the SEC to go back to the drawing board, comply with the Dodd-Frank Act, and come up with a better role that will not put American public companies at an unfair disadvantage and cost us jobs.

I reserve the balance of my time.

Ms. MAXINE WATERS of California.

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

H.J. Res. 41 would roll back the SEC's rule that implemented an important congressional mandate in Dodd-Frank requiring oil, gas, and mining companies to publicly disclose payments made to foreign governments for access to their natural resources.

That rule helps fight corruption in the extractive industries sector, provides investors with crucial information on their investments, and enables citizens to demand greater accountability from their governments for spending that serves the public interest. It also helps to diminish the political instability in resource-rich countries, which is not only a threat to investment but also to our own national security.

Specifically, the disclosure rule enables shareholders to make better informed assessments of opportunity costs, threats to corporate reputation, and the long-term prospects of the companies in which they invest.

In addition, opening the extractive industries to greater public scrutiny is key to increasing civil society participation in resource-rich countries, which are often underdeveloped countries that are politically unstable, rife with corruption, with a history of civil conflict fueled, in part, by natural resources.

Moreover, the SEC's rule is a reasonable disclosure and places no limits or restrictions on who companies can pay money to, how much, or what for. After 5 years of robust debate and input, the final rule accommodated a number of industry concerns, providing companies with a generous 4-year phase-in period and a case-by-case exemption process for companies that face implementation challenges. The SEC also allowed companies to comply with the disclosure by using a report prepared for other substantially similar disclosure regimes, which include regimes in the European Union and Canada.

Nevertheless, Republicans continue to claim that the SEC's rule is harmful and puts American companies at a competitive disadvantage to their foreign competitors.

Well, Mr. Speaker, they are entitled to their own set of opinions, but they are not entitled to their own set of facts. I suppose these are alternative facts.

The truth is that U.S. companies are not the only ones required to make these disclosures. Many foreign companies must report under the U.S. rules,

including a number of state-owned oil companies, such as China's PetroChina and Sinopec, and Brazil's Petrobras.

Also, after the SEC issued its initial rule in 2012, the rest of the world followed our lead, establishing a global standard for the public disclosure of extractive payments companies make to governments.

A wave of transparency laws have been adopted in foreign markets that mirror the U.S. law. This includes legislation in the European Union, Norway, and Canada, which are all now in force. These laws cover the vast majority of oil, gas, and mining companies that compete with U.S. firms.

Now, leading global oil companies like BP, Shell, and Total, as well as Russia's state-owned companies—Gazprom, Rosneft, and Lukoil—are entering their second year of reporting under EU rules without any negative impact.

So contrary to Republican claims, U.S. and foreign companies already compete on a more level playing field here and abroad. Therefore, rolling back the SEC's disclosure rule would directly undermine the interests of extractive companies in having a level playing field.

Worse, once the rule is nullified by this resolution, the SEC would not be able to put another rule in place that is substantially similar. This would create different reporting regimes directly contravening what companies have requested from the SEC. And, the SEC final rule accommodated industry concerns by including a generous phase-in period. U.S.-listed companies are not required to report until 2019. The rule also provides for case-by-case exemptions if covered companies face any implementation issues.

Therefore, the rule does not put U.S. companies at a competitive disadvantage, nor does it impose an unreasonable compliance burden.

I would also point out to my Republican colleagues the importance of the SEC's disclosure rule in protecting U.S. national security and energy security interests.

Specifically, it helps protect U.S. national security interests by helping prevent the corruption, secrecy, and government abuse that has catalyzed conflict, instability, and violent extremist movements in Africa, the Middle East, and beyond.

As ISIS demonstrated, nonstate actors can benefit from trading natural resources in order to finance their operations. Project-level disclosures in the rule will make hiding imports from nonstate actors more difficult, thereby limiting their ability to finance themselves with natural resource revenues.

Corruption and mismanagement of oil revenues destabilizes regions and leads to conflict. And, resource-rich countries like Venezuela, Iraq, and Angola are considered to be among the

top ten countries perceived to be the most corrupt according to Transparency International.

In addition, transparency of Russian companies and its extractive industry is critical. The SEC's rule would create transparency of Exxon and other company payments to the Russian Government. Gazprom, Rosneft, and Lukoil are already disclosing under the U.K. rules, and BP has already reported payments to the Russian Government. The SEC's disclosure rule will make a crucial contribution as Russian citizens seek to follow the money received by their government.

A vote to roll back the SEC's resource extraction disclosures would be a vote to abandon U.S. leadership in the fight against global corruption.

I strongly urge my colleagues to oppose H.J. Res. 41.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HUIZENGA), the chairman of our Capital Markets Subcommittee and the author of H.J. Res. 41.

Mr. HUIZENGA. Mr. Speaker, section 1504 of the Dodd-Frank Act was like many other provisions that were ultimately included in the sprawling law. They had absolutely no relationship to the underlying cause of the financial and housing crisis.

However, some have used the financial crisis to hijack Federal securities law in order to push a socially motivated agenda. Specifically, section 1504 of the Dodd-Frank Act requires companies registered with the Securities and Exchange Commission to annually report payments such as taxes, royalties, fees, production entitlements, and those types of things made to a foreign or the U.S. Federal government relating to the commercial development of minerals, oils, and natural gas.

Companies subject to section 1504 must report the type and total amounts of these payments made for each project, as well as the type and total amounts of payments made to each government. These payments cover, as I said, taxes and other things that are really business expenses.

While this may be a laudable goal, using Federal securities law and the SEC to enforce social issues is inconsistent with the SEC's core mission and completely inappropriate. Just to remind everyone, the SEC's mission by law is to: One, protect investors; two, maintain fair, orderly, and efficient markets; and three, facilitate capital formation. I would liken what they are doing by having the SEC put this rule in place sort of like requiring your police department to be in charge of road repair, too. It is just not their expertise.

The SEC recognized this fact and stated that section 1504 "appears designed primarily to advance U.S. for-

eign policy objectives," not investor protection or capital formation. Notwithstanding the merits of the underlying policy goals, conducting American foreign policy is not what Congress created the SEC to do. In fact, just moments ago, the U.S. Senate confirmed Rex Tillerson as the Secretary of State, and I would suggest that we let him direct our foreign policy. With all due respect to the commissioners and the SEC staff, none of them are really foreign policy experts.

As we debate this resolution, let's be clear on what this isn't about. Some have tried to argue that a vote to vacate this provision is a vote for corruption somehow. This couldn't be further from the truth. Now, I understand and sympathize with the sense and the feeling of this that this rule makes supporters feel better about themselves, but it does not solve the real world issues. This foreign rule that has been brought up is really like comparing apples and oranges with the foreign rules versus this particular rule. And if we allow them to rewrite this particular rule, we might actually mirror what the EU and what other foreign governments are doing.

Despite the claims to the contrary, H.J. Res. 41 does nothing to undermine the ability of the SEC and the Justice Department to police against foreign corruption. In fact, both of these agencies still have, at their disposal, Federal laws, including the Foreign Corrupt Practices Act, which prohibits bribing foreign officials.

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

Mr. HENSARLING. I yield the gentleman an additional 30 seconds.

Mr. HUIZENGA. And even without this SEC extraction rule in effect, fraud will still be fraud and corruption will still be corruption. Both will still be illegal activities that should be punished to the fullest extent of the law.

Voting for this resolution is a vote to right the ship. This is a vote to reset the regulatory process. Congress needs to send this flawed regulation back to the SEC drawing board and instruct the SEC to get the provision right by promulgating an appropriate rule under section 1504.

I urge my colleagues to support this resolution.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the ranking member of the Subcommittee on Capital Markets on the Financial Services Committee.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I want to thank the gentlewoman for yielding to me, and for her leadership in so many areas, including her leadership on this joint resolution.

I rise today in strong opposition to the resolution, which would repeal an

SEC anticorruption rule. I fail to understand why anyone in this body would want to repeal something that helps us fight corruption.

The SEC rule would require companies registered in the United States to disclose the payments that they make to foreign governments for the development of oil, natural gas, or other minerals.

Unfortunately, there is a long and very sad history of corruption where Big Oil or mining companies strike deals with foreign governments to extract their natural resources. Too often, the money from the oil or mining company ended up going to pay bribes to corrupt politicians and not to benefit the ordinary citizens of the country.

The SEC rule is intended to bring some basic transparency to these deals—that is all we are talking about, transparency—by requiring U.S. companies to disclose the payments they make to foreign governments—who the payments went to, how much they paid, who in the government got the money that should be going to the people.

□ 1530

It tells the people and the country where this natural resources money is going. This is just common sense, and it is outrageous and unbelievable to me that anyone would oppose simple transparency rules that combat corruption.

I have been a long-time supporter of this rule. I spoke in favor of it during the Dodd-Frank debate, and I sent a letter to the SEC urging them to finalize this rule as quickly as possible.

Mr. Speaker, I include in the RECORD this letter, on which I was joined by roughly 58 of my colleagues.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 2014.

Re Implementation of Section 1504.

Hon. MARY JO WHITE,
Chair, U.S. Securities and Exchange Commission,
Washington, DC.

DEAR CHAIR WHITE: We are aware that the Securities and Exchange Commission (SEC) recently announced its anticipated agenda for the next ten-month period, and that the agenda includes a proposal to initiate rulemaking for Section 1504 of the Dodd-Frank Act by March 2015.

While we are pleased that the SEC plans to begin focusing its attention on this important provision, which mandates revenue transparency in the extractive industries, we believe that the rulemaking for section 1504 should be on a swifter, more definite time line. We strongly urge you, therefore, to issue a proposed rule for public comment no later than the end of this year.

The initial rule issued by the SEC on August 22, 2012 adhered closely to the intent of the law, and we applaud the SEC for its forceful legal defense of the rule. In light of the District Court's July 2013 decision, which vacated the rule on procedural grounds but did not foreclose any regulatory options, we believe the Commission should issue a re-

vised rule that is equally strong. The existing rulemaking record should provide the necessary basis to swiftly schedule a new rulemaking and to reissue a rule mandating public disclosure by company and by project with no exemptions. Anything less would undermine the intended purpose and benefits of Section 1504 for investors, companies, governments and their citizens.

We would note that after the SEC issued its rule in 2012, the rest of the world followed our lead, establishing as a global norm the public disclosure of oil and mineral payments by company and by project with no exemptions. The European Union and Norway passed disclosure laws modeled on the Commission's August 2012 rule. The Canadian government has committed to adopt the same requirements and plans to have legislation passed by April 2015 and regulations in place that summer. Several globally important oil and mining companies also support payment transparency at the project-level, citing significant business benefits, while others have begun voluntarily disclosing detailed payment information.

And in March, the United States was accepted as a candidate country in the Extractive Industries Transparency Initiative, which is a global effort designed to increase accountability and openness in these industries, and specifically requires project-level reporting in line with the standard set by Section 1504 and its sister legislation in Europe.

The implementation of Section 1504 is critical. Resource revenue transparency allows shareholders to make better-informed assessments of risks and opportunity costs, threats to corporate reputation, and the long-term prospects of the companies in which they invest. It is no surprise, then, that investors with assets worth over \$5.6 trillion recently called on the SEC to quickly reissue a strong rule to align with transparency rules in other markets.

Public reporting of extractive payments is also fundamental to improving governance, curbing corruption, improving revenue management, and allowing citizens to demand greater accountability from their governments for spending that serves the public interest. This, in turn, can help create more stable and democratic governments, as well as more stable business environments, which contribute to the advancement of U.S. national security interests.

Since its passage, Congress has continued to support the strong implementation of Section 1504 rules. Last year, legislation to implement an agreement between the U.S. and Mexico to develop oil and gas reserves in the Gulf of Mexico (HR 1613) was significantly delayed when the House version of the bill included a waiver from Section 1504 requirements.

The White House strongly objected to the House bill precisely because of the waiver, and issued a Statement of Administration Policy calling the exemption unnecessary and claiming it would directly and negatively impact U.S. efforts to increase transparency and accountability in the oil, gas, and minerals sectors. Congress ultimately passed a version of the bill that did not include the Section 1504 waiver.

Importantly, the final legislation was supported by the same industry groups and lawmakers who initially alleged that Section 1504 would create conflicts of law and put American companies at a competitive disadvantage.

The court decision, along with data and analysis from the previous rulemaking proc-

ess, has provided the Commission with a road map to develop a revised rule requiring public disclosure at the project level with no exemptions. We strongly urge you to prioritize setting out a swift and fixed timeline for the implementation of section 1504, including the release of a proposed rule for public comment no later than the end of 2014.

Sincerely,

Maxine Waters, Member of Congress; Peter A. DeFazio, Member of Congress; Carolyn B. Maloney, Member of Congress; Henry A. Waxman, Member of Congress; Gregory W. Meeks, Member of Congress; Eliot L. Engel, Member of Congress; Nita M. Lowey, Member of Congress; José E. Serrano, Member of Congress; Brad Sherman, Member of Congress; Wm. Lacy Clay, Member of Congress;

George Miller, Member of Congress; John Yarmuth, Member of Congress; Marcy Kaptur, Member of Congress; Carolyn McCarthy, Member of Congress; Allyson Y. Schwartz, Member of Congress; Keith Ellison, Member of Congress; Louise McIntosh Slaughter, Member of Congress; John Conyers, Jr., Member of Congress; Rosa L. DeLauro, Member of Congress; Michael E. Capuano, Member of Congress; Gwen Moore, Member of Congress; Karen Bass, Member of Congress;

Mark Pocan, Member of Congress; Raúl M. Grijalva, Member of Congress; Earl Blumenauer, Member of Congress; Alan S. Lowenthal, Member of Congress; Rush Holt, Member of Congress; Jared Huffman, Member of Congress; James P. Moran, Member of Congress; James P. McGovern, Member of Congress; Lois Capps, Member of Congress; Sam Farr, Member of Congress; William R. Keating, Member of Congress; Carol Shea-Porter, Member of Congress;

Katherine Clark, Member of Congress; Barbara Lee, Member of Congress; Betty McCollum, Member of Congress; Peter Welch, Member of Congress; Janice D. Schakowsky, Member of Congress; Jim McDermott, Member of Congress; André Carson, Member of Congress; Adam B. Schiff, Member of Congress; Paul Tonko, Member of Congress; Bill Foster, Member of Congress; Anna G. Eshoo, Member of Congress; Eleanor Holmes Norton, Member of Congress;

John B. Larson, Member of Congress; Matthew A. Cartwright, Member of Congress; Jerrold Nadler, Member of Congress; Charles B. Rangel, Member of Congress; Henry C. "Hank" Johnson, Jr., Member of Congress; Susan A. Davis, Member of Congress; Adam Smith, Member of Congress; Theodore E. Deutch, Member of Congress; Michael M. Honda, Member of Congress; Ann McLane Kuster, Member of Congress; Michael H. Michaud, Member of Congress; Zoe Lofgren, Member of Congress.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, let's also be clear about what the SEC's rules do not do. They do not place any restrictions on who companies can pay money to. It doesn't restrict how much money they can pay or what they can pay for. It doesn't stop corruption; it just simply says you have to report it so that the people in the country—and everyone—knows what is going on.

In fact, there was bipartisan support for this rule. The amendment to Dodd-Frank that required this rule was known as the Cardin-Lugar amendment because it was cosponsored by Republican Senator Dick Lugar. Senator Lugar was a long-time chairman of the

Senate Foreign Relations Committee, so he understood the negative impact that these corrupt deals could have on developing countries.

The only reason—and I repeat, the only reason—to vote for this resolution is to help corrupt governments steal money from their people.

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

Ms. MAXINE WATERS of California. I yield the gentlewoman an additional 1 minute.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I am going to repeat this phrase since people were knocking me out of order.

The absolute only reason they should vote for this—and I want to warn those on both sides of the aisle—is to help corrupt governments steal money from their people; so I strongly urge a “no” vote.

Now, several of my colleagues on the other side of the aisle have pointed out that the foreign and corrupt rule will take care of this, but the foreign and corrupt rule only covers bribery. It doesn’t cover unjust enrichment. It doesn’t cover governments stealing from themselves.

Use of the Congressional Review Act to strike the rule would prohibit the Commission from promulgating any rule that is “substantially similar” to that rule, effectively preventing it from ever fulfilling its statutory mandate in the Dodd-Frank Act, contrary to the will of Congress.

I urge a strong “no” vote.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. WAGNER), the subcommittee chair of our Oversight and Investigations Subcommittee.

Mrs. WAGNER. I thank Chairman HENSARLING for the time.

I thank my colleague, Mr. HUIZENGA, the chair of the Capital Markets and Government Sponsored Enterprises Subcommittee, for his leadership on this issue.

Mr. Speaker, I am proud to cosponsor the SEC disclosure rule for resource extraction, which is an important tool for Congress to use in disapproving excessive red tape brought by Washington bureaucrats.

The previous administration placed crushing regulatory burdens on the American people. In 2015 alone, Federal regulations cost almost \$1.9 trillion—nearly \$15,000 per American family. This particular SEC regulation, which was issued by the Obama administration, regarding resource extraction disclosures will make it more expensive for our public companies that are involved with energy production to be competitive overseas with foreign state-owned companies.

Mr. Speaker, I am pleased to support this resolution of disapproval. The SEC has estimated that ongoing compliance costs for this rule could reach as high

as \$591 million annually and fully admit that it has the potential to divert capital away from other productive opportunities, like growing a business and creating jobs.

Securities law should not be used to advance foreign policy objectives, particularly when the compliance cost of implementing those objectives is so expensive—with no added benefit of investor protection.

While this rule had already been vacated before the U.S. District Court of D.C. in 2013, I am happy that, through this resolution of disapproval, Congress—we the people—can now weigh in as well on this harmful rule. I urge the passage of this resolution.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. FOSTER), a member of the Financial Services Committee and of the Science, Space, and Technology Committee.

Mr. FOSTER. I thank Ranking Member WATERS for yielding.

Mr. Speaker, I rise in opposition to H.J. Res. 41 and in support of the SEC rule requiring resource extraction companies to disclose payments to governments.

Historically, payment for resources is a huge source of corruption in developing countries, which, for most of us, is morally abhorrent; but what I want to talk about is the competitive advantage that we gain when we embrace the principles of the democratic rule of law, transparency, and morality that our financial system depends upon. We passed Dodd-Frank to strengthen our financial system in a time of crisis but also to make it more transparent and effective for American consumers and investors.

Section 1504 of Dodd-Frank directed the SEC to publish a rule requiring issuers to disclose the types and amounts of payments for each project and to each government annually. The provision improved disclosures made to financial regulators and to investors.

Private and public institutional investors—representing trillions of dollars invested on behalf of American families—voiced support to the SEC in favor of the rule. There are two main reasons for this support from institutional investors:

First, all investors want to be able to review payments to all governments, to assess the exposure the issuer may have to corruption risk. The SEC has jurisdiction over compliance with the Foreign Corrupt Practices Act, and investors need to know whether fines for potentially corrupt payments could be levied against firms in which they are considering investing.

Investors should always have the right to know material information about the firms, and systemic non-compliance with the law is always material. It should not take an event of noncompliance that has been uncov-

ered by the regulators to inform investors when simple transparency requirements, like the annual reporting of payments, can alert them to the risk.

Secondly, some investors may simply want to stay away from investments in firms that make payments to certain governments. Many resource-rich nations in the developing world lack a democratic rule of law and are often governed by oppressive regimes that exploit their land and environment, extracting resources for their rulers’ financial gain at the expense of their citizens. Investors have the right to know this information because they own the company and may feel a moral responsibility for its action.

For these two reasons, extractive payments are information crucial to an investor’s analysis of an issuer’s securities.

The United States equity markets are the most efficient in the world because we have strong disclosure laws and strong enforcement at the SEC. The disclosure of payments made to foreign governments is a relevant factor in valuing securities and is crucial to avoiding asymmetries in information, which can and will be exploited. These disclosures actually enable the market to police an issuer by punishing excessive payments to questionable governments with a devaluation of its equities.

In short, there are three market-based reasons to disclose payments to foreign governments:

First, these disclosures promote market integrity; second, they provide investors with crucial information for valuing securities; third, they enable investors to make ethical values-based decisions on where they allocate their resources—a right that we should be enhancing rather than eroding.

I urge my colleagues to vote “no” on H.J. Res. 41.

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. BARR), the chairman of our Monetary Policy and Trade Subcommittee.

Mr. BARR. Mr. Speaker, section 1504 of the Dodd-Frank Act requires the Securities and Exchange Commission—an agency not charged with the responsibility of carrying out American foreign policy—to promulgate a resource extraction issuer disclosure rule. That regulation, which is the subject of today’s resolution, requires publicly traded U.S. firms to disclose payments that they make to governments for the commercial development of oil, natural gas, or mineral resources.

The intent of the rule, as my colleagues on the other side of the aisle point out, is to allow local populations to see how much revenue is generated by their natural resources; but, in practice, if fully implemented, this rule will have a very negative impact on Americans and on the people it is purported to help.

First, the rule puts American firms at a severe competitive disadvantage, and we have talked about this before. Because section 1504 applies only to companies that are listed on U.S. exchanges, it forces them to disclose payments in detail in a way that would put them at a competitive disadvantage to non-U.S. companies, like those located in China. The SEC estimates that the initial cost of compliance for U.S. firms could be as high as \$700 million and that the ongoing costs could be as large as \$591 million annually. That is \$591 million that American businesses could be putting to better and more productive use, like in creating jobs and investing in their workers. The SEC, itself, admitted that compliance costs would result in diverting capital away from other productive opportunities.

In addition, these disclosures will include sensitive commercial proprietary information and trade secrets that foreign state-owned competitors can use against American firms, and 50 percent of the firms that are likely to be obligated to comply with this rule are smaller reporting companies. While larger firms can more easily adjust their financial reporting systems in order to collect the required data or can even alter their business models to make the rule less burdensome, the smaller firms that will be forced to comply with this rule will have a very difficult time. This will lead to a consolidation in the industry, to a reduction in competition, and to higher prices for American consumers.

These projects are often carried out in countries with underdeveloped economies. As a result, they provide much-desired work for local populations, and they help improve the standard of living in the area, lifting many people out of poverty. This rule will stifle economic development in areas that need it most, potentially limiting the ability of these regions to thrive.

In conclusion, Mr. Speaker, this is not about investor protection. Instead, it is going to undermine capital formation, and it is going to hurt smaller firms, and it is going to hurt jobs in this country. The Securities and Exchange Commission, as it admits itself, is not in a position to conduct American foreign policy. Let's leave this to the State Department, and let's focus on SEC rules that are core to its mission: investor protection and capital formation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE), the ranking member of the Subcommittee on Monetary Policy and Trade on the Financial Services Committee.

Ms. MOORE. I thank the ranking member.

Mr. Speaker, I rise in strong, strong opposition to this legislation that

seeks to overturn carefully crafted SEC anticorruption rules for extractive industries.

Section 1504 requires that gas and oil companies that are listed on U.S. exchanges to disclose payments made to foreign governments. Congress mandated these rules in Dodd-Frank, and it was a bicameral decision. It was thoughtful and bipartisan. There were multiple hearings in both Chambers and a conference report.

These Dodd-Frank rules were the first of their kind, and they have become the model for 30 other industrialized countries' own rules. These rules have been so necessary because of the so-called resource curse, in which we have seen countries—particularly Africa—that have lots of resources, but there is widespread poverty because of the corruption of these extractive industries. Surprisingly, these companies have implemented them, and they are currently complying with them globally.

Now, we have heard a whole lot of whining and, quite frankly, lying about how these regulations have cost us jobs; but, certainly, the Obama economy has created a lot of prosperity. In fact, Mr. Speaker, investor advocates at asset management companies and civil society groups that are fighting corruption and instability support these rules. We should be supporting them. In fact, companies that have \$10 trillion under management say that these disclosures help them manage risk.

□ 1545

Now, I am not going to go into a long-winded explanation of the ills and issues related to illicit payments related to extractive industries to foreign governments. We know about them. I guess that we are appalled by this vote, but I guess it's the beginning that we are going to be appalled for the next 1,500 days.

It shouldn't be surprising, Mr. Speaker, that the friend and ally of Russian leader Vladimir Putin—and now President Trump's nominee for Secretary of State—Rex Tillerson lobbied against this very rule when he was at Exxon. Specifically, he said it would hurt their Russian operations. Transparency will hurt ExxonMobil's Russian operations.

So the question has just got to be asked, Mr. Speaker: What does that mean?

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Speaker, just the implication that transparency is going to hurt Putin's Russia is *prima facie* proof that we need these rules.

What payments to Putin does Rex Tillerson not want shareholders and the American people to see?

Today, we should be demanding more transparency and not less from the most conflicted President and administration in history. We are now trying to make transactions less apparent.

All my colleagues should reject this joint resolution, not only on substance, but it is an abuse of the Congressional Review Act.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, we are all painfully aware that Washington's financial control law, Dodd-Frank, is full of provisions that have nothing to do with protecting consumers or preventing another financial crisis.

The SEC rule in question today is no exception. This politically motivated rule, tucked into a provision under the miscellaneous provisions of Dodd-Frank, fails to advance the core mission of the SEC, which is to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation.

Ensuring that payments by oil, gas, and other mineral companies are transparent and accountable is a worthwhile public policy goal, but it is outside the securities laws' core mission of investor protection.

Not only should this rule and its enforcement fall outside the purview of the SEC, but the rule itself is fundamentally flawed.

Like so many rules and regulations emanating from Dodd-Frank that harm our economy, it is more complex and costly than is required by statute, which calls into question the extent to which it meets the SEC's economic analysis requirement.

The SEC itself estimates the cost for compliance at between \$239 million to \$700 million initially and from \$96 million to \$591 million annually after that.

I am also concerned that this rule could force companies to withdraw from certain countries. Among other things, some foreign countries have laws to prohibit the sort of disclosures called for in this rule.

Since the rule provides no exemptions, American firms may be forced to abandon business ventures that provide jobs and opportunities for Americans.

I understand that some opponents of our effort have tried to label the SEC's policy as an anticorruption rule. It is important to keep in mind that nothing in today's resolution to repeal the rule undermines the ability of the SEC or the Department of Justice to fight corruption. Even without this rule, the Foreign Corrupt Practices Act remains in force and any corrupt activities by Americans will be prosecuted to the fullest extent of the law.

The rule under consideration today, however, is unnecessary, poorly written, outside the core responsibilities of the agency, and it would impose significant costs on publicly listed companies with no discernible benefit.

I urge my colleagues to support this resolution.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO), a senior member of the Financial Services Committee and the Transportation and Infrastructure Committee.

Mr. CAPUANO. Mr. Speaker, let's be honest, guys: leveling the playing field, capital formation. Come on.

All this rule was written for is to expose bribery. There is no line in any corporate report that says: paid for bribery. It comes up as royalty fees. It comes up as gifts. It is bribery, pure and simple.

Every company in a foreign country is subject to it, especially a Third World country, especially when it comes to natural resources, and we all know it.

If you think this rule is overbroad, yet you are still truly appalled by bribery and the results of it, submit some other option for us to do it. That is all this rule was ever meant to do.

Give us an alternative, as opposed to simply repeal this. It is just like health care; you complain, complain, complain, but no alternative.

Honestly, if you put forth a proposal that says the Foreign Corrupt Practices Act is now legal, it is okay to have bribery, but you have to report it, people like me might be open to it. I understand.

Mr. HUIZENGA. Will the gentleman yield?

Mr. CAPUANO. I yield to the gentleman from Michigan.

Mr. HUIZENGA. Mr. Speaker, I will point out, though, what my resolution does, is it directs the SEC to go back to the drawing board. It is not our job to write the rule. You are asking for that proposal. The SEC wrote a rule; it got struck down by the courts. They got sued again.

Mr. CAPUANO. Mr. Speaker, reclaiming my time, I respectfully disagree. This, for all intents and purposes, prohibits them from doing it, number one.

Number two, you have an obligation. You have an obligation, if you don't like what exists, to propose an alternative. That is the way the world should work.

Every time we don't like something, we offer an alternative. You don't have to like the alternative, but there is an alternative offered.

Mr. HUIZENGA. Will the gentleman yield?

Mr. CAPUANO. I yield to the gentleman from Michigan.

Mr. HUIZENGA. Mr. Speaker, I would be happy to write a rule. I am not sure that the gentleman from Massachusetts would be happy with it. I am not sure that the SEC would be happy with it.

Again, having that debate here in the well of the House, I was not here for

the writing of Dodd-Frank. I am dealing with the echo effects of it, and that is what we are trying to do right now. So rather than us having that, I put it back to the SEC.

Mr. CAPUANO. Mr. Speaker, reclaiming my time, I respect the gentleman's intentions on this. I understand the concept of a level playing field. If the Chinese are bribing a Third World country, we should be able to compete with them. If that is the case, make our companies allowed to bribe them, as long as we know what is going on. Now, I don't know how you are going to write that law, but I am happy to work with you any time you want.

Here is the problem: bribery is insidious. It is secretive. It can't be found.

Now, I am a Catholic. I probably am not the best Catholic in the country. I think we could probably all agree to that.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 1 minute to the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Speaker, the basic tenets are pretty clear. Here is what they write, one line from the U.S. Conference of Catholic Bishops: "... where governance is weak and corruption is rampant extractive, industry revenue that is not transparent becomes a curse that deepens poverty, destroys democratic institutions, defrauds elections and allows autocratic leaders to remain in power against the will of the people."

If you really believe that people around this world should benefit by true and open democracy, you have to provide them the opportunities to do that. I happen to agree with the bishops.

If you want to allow our companies to bribe foreign governments, say it. I don't like it, but it is a reality of the world. They have been doing it for generations.

That is all this attempt was. And to simply repeal it says: It is open business day, guys. Go in, pass the cash around, stick it to the regular people, and don't tell them about it.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. Mr. Speaker, I thank my colleague from Michigan (Mr. HUIZENGA) for offering the resolution under consideration today.

This resolution of disapproval will repeal the SEC's resource extraction rule, which imposes burdensome disclosure requirements on public companies engaged in the commercial development of natural gas, minerals, and oil.

The SEC's mission is to protect investors, maintain efficient markets,

and facilitate capital formation. Unfortunately, the resource extraction rule is well outside the bounds of these mandates, which acting SEC Chair Michael Piwowar noted in his dissent of the rule saying that it "... neither reforms Wall Street nor provides consumer protection and it is wholly unrelated, and largely contrary, to the Commission's core mission."

When our businesses are being overwhelmed by compliance obligations, it is crucial that our regulators do everything in their power to ensure regulations do not actively disrupt growth by enforcing nonmaterial, socially motivated disclosures like those included in the resource extraction rule.

The SEC itself has admitted that this rule will be costly. The SEC estimates that the ongoing compliance cost for the resource extraction rule could reach as high as \$592 million annually and noted that the disclosure requirements could result in capital being diverted away from productive opportunities. An agency tasked with maintaining efficient markets and facilitating capital formation should not be promulgating unnecessary and burdensome rules like this.

Dodd-Frank is full of examples like the resource extraction rule that require Federal agencies to engage in rulemaking on topics outside of their substantive experience and jurisdiction. In the future, I urge my colleagues to craft legislation in a bipartisan manner that only requires actions consistent with the mission of the applicable agency. Until then, however, it is necessary for Congress to exercise its oversight power to unwind these misguided regulations that have hampered economic growth.

I am happy to lend my support to this resolution and encourage my colleagues to support this commonsense measure.

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

The SPEAKER pro tempore. The gentleman from California has 7 minutes remaining. The gentleman from Texas has 11½ minutes remaining.

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

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, I rise today in strong support of this resolution, providing congressional disapproval of a rule submitted by the SEC relating to disclosure of payment by resource extraction issuers.

Section 1504 of the Dodd-Frank Act requires a public company engaged in the commercial development of natural gas, minerals, or oil to report payments made to foreign governments for these natural resources.

At a time when our President and my Republican colleagues are looking to

cut regulations on businesses, the SEC estimates that ongoing compliance costs for this rule to be as high as \$591 billion. Let me say that again: one agency, one rule, \$591 billion.

Let me go back to something many of my colleagues have already mentioned today, the SEC mission. I will quote from their own website. The mission of the SEC is to “protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation.”

If investor protection is truly the mission of the SEC, then why was this provision of the Dodd-Frank listed in the section titled “miscellaneous provisions”?

Mr. Speaker, American companies should be protected, and no one denies that. But to put them at a competitive disadvantage against their foreign counterparts by implementing this rule is just plain wrong.

Now, my friends on the other side of the aisle will argue that Republicans are gutting an important transparency policy meant to combat corruption. Well, Mr. Speaker, my response to those claims are this: Republicans are the party of transparency. We value accountability. But in this instance, the Dodd-Frank Act instructed a Federal agency, without any substantial experience in resource extraction or foreign policy, to craft this mandatory disclosure for certain public companies. As many of my colleagues have said today, industry is already publicly disclosing the work they do in foreign countries and will continue to do so. The difference is simple; they do it at a level that does not cause competitive harms.

Mr. Speaker, I urge my colleagues to support passage of this resolution and erase a top-down, Washington-knows-best provision that is harmful to American companies and American investors. We should and can do it better.

In God We Trust.

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

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HILL).

Mr. HILL. Mr. Speaker, I rise in support of H.J. Res. 41. As you have heard today, it has an immense cost to our economy. The SEC estimates, as you have heard from other Members, up to \$590 million per year, Mr. Speaker. Now, think about that. That is \$5 billion over 10 years. And if we put a 10 multiplier on it, that is \$50 billion of investable capital that could be put out for productive use helping the world have more mineral resources. Instead, it goes to this ill-advised rule.

□ 1600

In the past two decades, the United States has lost more than 50 percent, Mr. Speaker, of its public companies,

in large part due to the costs and regulatory burdens of being associated with being a public company. Dodd-Frank's resource extraction rule piles on even more harmful red tape for those publicly traded companies in the United States that are global energy providers.

As this rule only applies to publicly traded companies, this increased burden puts U.S. companies at a disadvantage. Over 75 percent of the extracted minerals are owned by state-owned enterprises, Mr. Speaker, that are not covered by this rule. That puts our companies at a competitive disadvantage. It requires our companies to reveal confidential information, putting our companies at a competitive disadvantage.

And if, Mr. Speaker, the people want transparency, the best way to handle that is through self-disclosure through global transparency and accountability. There are important public policy goals, and 51 countries have entered into the Extractive Industry Transparency Institute, which is self-reporting and publishing, by country, by company, both public and private, these important issues about mineral extraction.

Finally, Mr. Speaker, if it is about corruption, our friend, Senator Proxmire from Wisconsin, long ago, in the 1970s, passed the Foreign Corrupt Practices Act. There is no more act feared by global corporate America than complying with the Foreign Corrupt Practices Act and ensuring that our companies, our shareholders are not prone or party to bribery.

I support this resolution.

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

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. TROTT).

Mr. TROTT. Mr. Speaker, I rise in support of H.J. Res. 41, offered by my good friend, Mr. HUIZENGA. This resolution is simple. It repeals an onerous rule that puts American manufacturing and energy companies at a global disadvantage.

Both foreign and American companies sell products and energy in our economy, but only American companies are required to jump through additional hoops, regulations that cost billions of dollars and pass on hundreds of millions of dollars to consumers. Michiganders know all too well what happens when government tips the scale in favor of foreign companies: jobs are lost overseas, and the investment necessary to create jobs is delayed or canceled.

My friends across the aisle have suggested that this resolution is about bribery. It is not. This resolution and, in fact, the election on November 8 is about jobs, the loss of American jobs.

Manufacturers in Michigan don't need special treatment. The unparal-

leled product of hardworking men and women in Michigan speaks for itself. But I think we can all agree that the American Government should be their ally, not their opponent. Repealing this rule does just that.

I encourage my colleagues to support this resolution.

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

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUDD).

Mr. BUDD. Mr. Speaker, this resolution would overturn a Securities and Exchange Commission rule that, according to the agency, is supposed to “help combat global corruption and empower citizens of resource-rich countries to hold their governments accountable. . . .”

Well, that is a grand idea, but we have a financial regulator to protect the American investor, not to combat global corruption or empower citizens for other countries. I am sure we could send the SEC off to fight any number of other international problems—religious oppression, authoritarian regimes, malaria, maybe even leprosy.

The question is if a financial regulator mandated to combat all these things can fulfill its core mission to provide financial transparency and prevent fraud. Given that we had a financial crisis that the SEC didn't foresee and did nothing to prevent, that would suggest that it needs even less on its plate, not more. What this joint resolution does is put the American investor first and help us to stop sending the SEC off on global rabbit trails.

I urge a “yes” vote.

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

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. TENNEY).

Ms. TENNEY. Mr. Speaker, if you opened up your copy of Dodd-Frank, this big thick book with 2,300 pages of microscopic print, and went all the way back to title XV, way back in the back, under “Miscellaneous Provisions,” you would find excessive complexity and a regulation that only breeds corruption, not the other way around.

In these provisions lies section 1504, which directs the SEC, the Securities and Exchange Commission, to adopt a rule requiring resource extraction issuers to report payments to the U.S. and foreign governments for the commercial development of certain natural resources and make them available to the public.

Though we all fully support transparency and accountability, I believe that section 1504 fails to protect investors while simultaneously decreasing the productivity of capital markets and competition in the marketplace.

This rule has stifled job growth and expansion.

The SEC estimated that the cost of the new rule would be somewhere between \$239 million and \$700 million in initial startup compliance costs alone. After the first year, the SEC projects it would be an annual ongoing cost of compliance ranging from \$100 million to \$591 million. Rather than this rule, companies could reinvest these dollars into creating opportunities for local communities, which will result in the creation of more good-paying jobs for Americans.

My district in central New York and the Southern Tier has the highest or one of the highest unemployment rates in the Nation and a lower median household income than the national average. Section 1504 is merely another example of how bureaucratic government overreach can result in lost opportunities for the people in the 22nd District of New York and all hard-working American workers. However, instead of taking this opportunity to empower our citizens who are eager to get back to work, we are fueling additional costly government regulations.

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

Mr. HENSARLING. I yield the gentlewoman an additional 30 seconds.

Ms. TENNEY. Let me emphasize, we are not eliminating the SEC's or the DOJ's enforcement authority. We are simply asking them to revisit this rule. Both of these agencies still retain their power to ensure a level playing field and to root out corruption.

It is important we recognize that vacating this rule is part of the joint resolution. I urge my colleagues to vote in favor of this resolution.

Mr. HENSARLING. Mr. Speaker, I am prepared to close. I have no other speakers at this time.

I reserve the balance of my time.

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

I include a number of articles in the RECORD. One is a Bloomberg article, entitled: "Exxon Set for Early Victory As Congress to Rescind Payments Rule." The other one is a Politico Magazine article that says: "Tillerson tried to get this rule killed. Now Congress is about to do it for him." The other article is a Washington Post article: "One of House GOP's first targets for regulatory rollback is tops on the oil industry's wish list."

[From Bloomberg Government, Jan. 30, 2017]
EXXON SET FOR EARLY VICTORY AS CONGRESS
TO RESCIND PAYMENTS RULE

(By Catherine Traywick)

For years the oil industry has appealed to the executive branch and courts to de-fang a U.S. rule forcing Exxon Mobil Corp., Chevron Corp. and other producers to disclose their payments to foreign governments.

Now, the Republican takeover in Washington is handling it for them.

The House of Representatives is set to vote this week on killing a Securities and Exchange Commission edict that requires publication of overseas payments by oil, natural gas and mining companies. The industry says the rule, part of the 2010 Dodd-Frank act, gives global rivals a competitive edge. Backers say it will help keep payments to foreign nations in government coffers, not private pockets.

"To roll it back would be a complete abdication of U.S. initiative and leadership on issues of corruption," said Daniel Kaufmann, president of the Natural Resource Governance Institute, an International Transparency watchdog.

The SEC rule, set to take effect next year, is one of a series of Obama administration regulations Republican lawmakers are trying to reverse using the Congressional Review Act, a law that allows Congress to undo regulations with a simple majority vote.

Congress also plans to vote this week to kill rules curbing methane venting and mountain-top mining. To do so, both chambers must pass a resolution disapproving the rules, which the president would then have to sign. While President Barack Obama would have reliably vetoed such resolutions, President Donald Trump is likely to sign it.

Trump argues that curbing regulations is key to unleashing investment by U.S. companies. He pledged to rescind two existing regulations for each new one that's issued.

"The SEC's rule forces U.S. companies to disclose proprietary information to its competitors while foreign entities do not. This can give some large industry players an advantage on future business projects," the American Petroleum Institute, an industry group, said in a statement.

House Majority Leader Kevin McCarthy pledged in a Wall Street Journal op-ed, to "take the ax" to the SEC rule, which he characterized as "an unreasonable compliance burden."

Transparency advocates dismiss that argument, pointing out that the European Union and U.K. already require such disclosures from some of Exxon's biggest competitors. BP Plc, Total SA and Royal Dutch Shell are among those that annually report taxes, bonuses and other payments to foreign governments.

U.S. ADVANTAGE

Because Exxon and Chevron aren't listed on the European exchanges, they don't have to comply with the EU disclosure rules. That may give them an edge over other oil majors who must report project-level payments, critics say.

In its 2015 disclosure to the UK, Rosneft reported \$29.8 million in payments to the Russian Federation, Vietnam, Brazil and Norway. In the same year, BP reported \$15.2 billion in payments to 23 countries, Total disclosed \$16.7 billion to 44 countries, and Shell reported \$21.8 billion to 24 countries.

The idea behind the measure is simple: If foreign oil companies disclose payments of \$1 million to the government of Country X, then the lawmakers and citizens of Country X will know that \$1 million should show up on the country's budget. If less shows up, that means it has been diverted for private use.

ExxonMobil and Chevron say they support financial transparency in the oil sector. Both are members of an advisory committee under the Interior Department that oversees a voluntary corporate financial disclosure program.

SEC COMMENTS

In comments to the SEC, the companies say they would support a version of the regu-

lation that protected company-specific data. They argue that the current SEC rule would make available potentially valuable company information to state-owned competitors such as Saudi Aramco and Cnooc Ltd., neither of which are subject to the disclosure rules.

The American Petroleum Institute successfully challenged an earlier version of the rule in court, forcing the SEC to rewrite it. API asked the agency to consider a reporting model that detailed payments by resource type and production method—omitting company-specific data. But, the SEC didn't adopt that approach.

"The SEC largely ignored industry's comments," said Exxon spokesman Bill Holbrook. While the final rule included exemptions for acquired companies and exploratory activities, it "remains based on the EU's model and likely will adversely affect the ability of publicly-traded companies to compete globally," he said.

A Chevron spokesperson did not respond to a request for comment.

PATTERN OF BEHAVIOR

Transparency advocates say they're concerned that the repeal effort is part of a pattern of behavior among Republican lawmakers.

"The GOP that tried to gut the ethics committee is trying to gut a critical anti-corruption law," said Jana Morgan, director of the advocacy group Publish What You Pay. "It sends a really disturbing message."

The planned vote is generating tension among members of the anti-corruption advisory committee on which Exxon, Chevron and API sit. The panel, made up of representatives from government, industry and civil society, publishes an annual report detailing U.S. government revenues from the oil, natural gas and mining industries, as well as voluntarily reported payments made to the U.S. government from companies in those sectors.

Civil society members of the committee say Exxon's opposition to the SEC rule jeopardizes its standing on the panel. At a meeting on Wednesday, members will discuss whether Exxon, Chevron and API should keep their seats at all.

"I really have to question whether it's appropriate for companies like Exxon and Chevron and API to continue to sit around this table," said Zorka Milin, an attorney with the anti-corruption group Global Witness, and a member of the advisory committee.

[From POLITICO Magazine, Feb. 1, 2017]
TILLERSON TRIED TO GET THIS RULE KILLED.
NOW CONGRESS IS ABOUT TO DO IT FOR HIM

(By Michael Grunwald)

The leader of the world's most valuable company doesn't typically fly to Washington to fight one obscure amendment to a 2,300-page bill, especially a motherhood-and-apple-pie-style amendment designed to prevent and expose corruption abroad. But back in 2010, ExxonMobil's then-CEO, Rex Tillerson, was deeply worried about Section 1504 of the Dodd-Frank Wall Street reforms, a bipartisan amendment that required drilling and mining companies to disclose any payments they make to foreign governments. So Tillerson and one of his lobbyists paid a half-hour visit to the amendment's Republican co-author, then-Sen. Richard Lugar, to try to get it killed.

Tillerson argued that forcing U.S. oil firms to reveal corporate secrets—such as paying foreign governments—would put them at a

competitive disadvantage. He also explained that the provision would make it especially difficult for Exxon to do business in Russia, where, as he did not need to explain, the government takes a rather active interest in the oil industry. But Lugar believed greater transparency could help alleviate the “resource curse” of corruption that plagues so many mineral-rich countries, so he told Tillerson they would have to agree to disagree. Section 1504 stayed in the bill, the bill became law, and the disclosure requirement became an international example: France, Canada and the United Kingdom all went on to use it as a model for similar rules.

Seven years later, Republicans are preparing to confirm Tillerson today as President Donald Trump’s secretary of State, despite allegations that he’s too cozy with Russia. At the same time, the GOP is preparing to try to kill the disclosure rule created under Section 1504, despite warnings from international aid groups that the move would provide a wink-and-nod blessing to hidden corporate payments to petro-thugs. The House is expected to act Wednesday afternoon, and since the move relies on a special mechanism for reversing rules enacted late in a presidential term, Senate Republicans will need a mere majority rather than a filibuster-proof 60 votes to follow suit.

So after all of Trump’s promises to drain the swamp, an anti-anti-corruption bill pushed by Big Oil and his own top diplomat might be the first policy legislation to reach his desk.

“It would be a real tragedy for democracy and human rights,” says Lugar, the former chairman of the Senate Foreign Relations Committee, who now leads a center in his name focusing on global issues. “It’s hard to believe this would be such a high priority right now.”

The so-called resource extraction rule is not one of President Barack Obama’s most prominent legacies, but one reason getting rid of it is such a high Republican priority is that it’s one of his most vulnerable legacies. That’s because it was only finalized last June; two weeks too late to avoid scrutiny under the Congressional Review Act, a law allowing Congress to strike down end-of-term regulations with simple majorities. The CRA has only been used once before, when Congress erased a Clinton-era workplace ergonomics rule in 2001. But now that the Republicans have control of both houses of Congress and the White House, they hope to use the CRA to wipe out a variety of Obama rules, starting Wednesday with this and another measure opposed by extractive industries, a “stream protection” rule restricting discharges from mining operations.

Aside from anti-Obama politics, the other reason gutting the Section 1504 rule is a high priority for Republicans is that their supporters in the oil industry really hate it. In fact, oil interests successfully sued to block an earlier version of the rule, contributing to the delays that pushed the final rule past the Congressional Review Act deadline.

On Tuesday, American Petroleum Institute president Jack Gerard sent a letter to House leaders reiterating the industry’s longstanding complaints that the rule would damage the competitiveness of U.S. firms. He noted that America already has laws like the Foreign Corrupt Practices Act that specifically ban U.S. firms operating abroad from making illicit payments, describing the additional rule as regulatory overkill. And he said the rule injected the Securities and Exchange Commission into a “social agenda issue” that had little to do with its mission

of policing fraud and protecting investors. By striking it down, Gerard wrote, “Congress can reclaim its authority, and in the process protect American companies, workers, and investors.”

Tillerson alluded to those competitiveness arguments in his written responses to Senate questions about his confirmation, noting that since the Section 1504 rule would impose restrictions on U.S.-based companies, part of his job as secretary of State would be to make sure “foreign companies or investors do not get an unfair advantage by cheating or keeping to a lower standard.” But groups that specialize in fighting global poverty and corruption argue that those arguments make no sense now that foreign nations have adopted similar rules; in fact, conglomerates like BP, Total and even Russian oil majors listed in London have already filed disclosures under those rules. A blog post on the issue on Tuesday from Oxfam America—which sued the Obama administration in 2014 for moving too slowly to revise the rule after the initial effort was struck down in court—was titled “From Russia With Love,” characterizing the GOP effort as a gift to Vladimir Putin and other authoritarian leaders of resource-rich countries.

“Why would Congress want to take a stand for facilitating corruption?” asked Jana Morgan, director of Publish What You Pay USA, a coalition of groups focused on accountability in the extractive industries. “Why would anyone want to help the oil industry hide payments to kleptocracies?”

Lugar pointed out that in 2010, his amendment introducing Section 1504 with Democratic Sen. Ben Cardin had a fair amount of bipartisan support. But so far, no Republicans have come out against the resolutions to strike it down, filed by Bill Huizenga of Michigan in the House and Jim Inhofe of Oklahoma in the Senate. If the GOP can cobble together a majority for the resolution in the Senate, Democrats can spend five hours of floor time delaying it, but they can’t stop it. And nobody seems to think that Trump, who had lunch with Tillerson Wednesday, would veto it, regardless of his fiery rhetoric about taking on special interests. The White House did not respond to a request for comment.

Most of Obama’s most important regulations, like his Clean Power Plan to rein in greenhouse-gas emissions or other Dodd-Frank financial rules designed to rein in Wall Street, were completed early enough to avoid Congressional Review Act challenges. Trump and the Republicans will have to take on protracted legislative and judicial fights to kill those rules. But there are plenty of less prominent late-term rules that Republicans can take on if they’re willing to devote the floor time, on issues ranging from paid sick days for federal contract workers to energy efficiency for ceiling fans to carcinogenic beryllium in the workplace.

In general, the rules that are most likely to face challenges are the rules that could cause problems for the best-connected Republicans. And the kind of rules that inspire impassioned lobbying campaigns by the CEOs of mega-corporations like Exxon Mobil seem unlikely to survive in the current Washington environment.

“It’s a tough political landscape,” says Zorka Milin, a senior legal adviser for the anti-corruption group Global Witness. “The issue of corruption ought to resonate with both parties, but we know this won’t be easy to stop.”

[From the Washington Post, Feb. 1, 2017]

ONE OF HOUSE GOP’S FIRST TARGETS FOR REGULATORY ROLLBACK IS TOPS ON THE OIL INDUSTRY’S WISH LIST

(By Steven Mufson)

One of the House Republicans’ first targets for regulatory rollback is torn from the oil industry’s wish list: eliminating recent Obama administration requirements that oil, gas and mining companies divulge more information about business payments they make to foreign governments.

A House resolution this week, which aims to scrap the transparency rule imposed by the Securities and Exchange Commission, is one of the first measures that seeks to use the Congressional Review Act to undo regulations adopted during the final months of the Obama administration.

And it comes at a potentially awkward moment for former ExxonMobil chief executive Rex Tillerson, who opposed the SEC regulation and who is now awaiting confirmation for the position of secretary of State.

The review act could be used to nullify regulations dating back to June last year, experts on the law say.

In this case, the SEC drafted the regulation in response to directions in the Dodd-Frank financial reform legislation. The directive was in an amendment backed by Sen. Ben Cardin (D-Md.) and then-Sen. Richard Lugar (R-Ind.). “Information is power,” Lugar said at the time. “It is power for shareholders and power for citizens living under oppressive regimes.”

The SEC says that it would “combat government corruption through greater transparency and accountability.”

But the SEC’s first version of the regulation was struck down by a federal district court in the District of Columbia after the American Petroleum Institute and U.S. Chamber of Commerce filed suit in 2012. That prompted a second attempt by the SEC. Because the final version was imposed near the end of the Obama administration, it now falls within the time frame that permits Congress and the president to use the review act to undo the regulation.

The oil industry has been particularly incensed about the regulation, complaining that the SEC rule would put them at a competitive disadvantage to foreign firms and be unduly expensive.

The SEC has argued that the rule would help fight corruption not only by companies but by governments around the world. It has also noted that global companies have begun to provide, on a voluntary basis, more comprehensive disclosures. In December 2015, then-commission member Luis A. Aguilar said that at least two large resource extraction companies were already providing payment disclosure on a project basis, and at least one other major resource extraction company was voluntarily providing other disclosures.

“Other global companies are also beginning to open their books to permit a window into their resource extraction payments to foreign governments,” he said.

But Jack Gerard, president of the American Petroleum Institute, said in an interview that big oil and gas companies compete with state-owned companies that do not have disclosure requirements and that the SEC rule would allow those companies to win contracts after seeing what U.S. firms pay.

“We think it’s a regulation that would have an unintended consequence of hurting U.S. business’s ability to compete,” he said. He said the SEC’s requirement that information be provided on a project basis was particularly objectionable.

He also cited the SEC's own estimates of the cost the regulation would impose on oil, gas and mining companies. Gerard said compliance would cost between \$96 million and \$591 million annually for the entire industry. On an individual corporate basis, that would work out to \$225,000 to \$1.4 million a year, Gerard said.

ExxonMobil spokesman William F. Holbrook said "the SEC largely ignored industry's comments and published a notice of a final rule that remains based on the [European Union's] model and likely will adversely affect the ability of publicly traded companies to compete globally."

Other groups disagree. "Rolling back this law will enable the corruption President Trump told us all he would end," said Corinna Gilfillan, head of the U.S. office of Global Witness, an advocacy group that targets environmental and human rights abuses. "The oil industry has been striking backroom deals with dictators and tyrants for decades, wrecking developing economies and the environment in the process."

She added that "this law helps prevent it by making sure people can see how much money is changing hands for their resources, and who is really benefiting from those deals."

The House resolution was introduced by Rep. Ken Buck (R-Col.). The House might take it up as early as Wednesday or later in the week.

Ms. MAXINE WATERS of California. Mr. Speaker, I am absolutely surprised at how brazen our friends on the opposite side of the aisle are. They come here on this floor today with this rule that they would like to overturn. They have not been in committee. We have not had any hearings. They have moved very, very quickly to do exactly what all of these articles are discussing. They are concentrating on how to roll back disclosure that the SEC had developed a rule for for the oil industry.

And why are they trying to do this?

It is so interesting that this is happening on the same day that Mr. Tillerson has just been voted on to be the Secretary of State for the United States Government, the former CEO of Exxon; and I am going to talk about that connection, which should cause a lot of people to be concerned.

This government is not about disclosure. First of all, the President of the United States refuses to disclose his income tax returns. I didn't expect them to support disclosure of the oil industry to avoid corruption.

As a matter of fact, they have the audacity to come here today and say that it is too expensive to be honest. It costs too much money to these huge billionaire oil companies to disclose, and somehow that is going to prevent them from creating jobs. That is nonsense.

I would like to just show some connections here.

Both during his campaign and since his election, Donald Trump has surrounded himself with people who have extensive ties to Vladimir Putin and the Russian Government, and then we are going to see the connection be-

tween Tillerson and the Russian Government. First of all, let's look at this circle of people around him and their connection to Russia.

Paul Manafort, Trump's former campaign manager, was a paid lobbyist for Viktor Yanukovich, the pro-Russian politician in Ukraine who fled to Russia in 2014 and was subjected to U.S. sanctions related to Russian aggression in Ukraine. Manafort has also been involved in multimillion-dollar business deals with Russian and Ukrainian oligarchs, which were reportedly the subject of an FBI inquiry.

The other person, Roger Stone, Trump's longtime friend, is reportedly under investigation for possible links with Russia. He has denied ever visiting Russia but admitted he had worked in Ukraine. Stone announced in a speech last summer that he had spoken to WikiLeaks founder Julian Assange, and Stone predicted that there would be additional leaked documents, a prediction that came true within weeks.

Let's go to another person. Michael Flynn, Trump's National Security Adviser, did a paid series of events in Moscow, including a speech and appearance at a party for RT, a Kremlin-funded TV station, where he was photographed sitting next to Vladimir Putin.

Trump's nominee for Secretary of Commerce, Wilbur Ross, was a business partner of Viktor Vekselberg, a Russian oligarch and Putin ally, in a major financial project involving the Bank of Cyprus.

Finally, former ExxonMobil CEO Rex Tillerson, Trump's nominee and now the person who has been voted by the Senate for Secretary of State, signed a multibillion-dollar agreement with Russia in 2011 on behalf of ExxonMobil for an oil drilling project in the Arctic. The project was brought to a halt in 2014 as a result of the sanctions that were imposed on Russia in response to Russia's aggression in Ukraine.

Putin personally awarded Tillerson the Order of Friendship in 2013. Don't forget, this President talked about lifting sanctions. Oh, you can see the connection here.

In addition to that, I just want to point out that it comes as little surprise that ExxonMobil is one of the leading companies in the fight against the global initiative to enhance the transparency of extractive industry payments made to foreign governments, given its long history of engaging in questionable transactions with governments of oil-rich countries such as Nigeria, Pakistan, Equatorial Guinea, Angola, and Chad.

The move to eviscerate the rule issued under section 1504 that we are talking about here today makes clear that Republicans in Congress and the Trump administration believe that profits are more important than people and that fighting corruption is less im-

portant than enriching oil, gas, and mining companies.

Without the SEC's extractive industry transparency rule, citizens around the world will lose a critical tool for holding their governments and corporations accountable for how natural resource proceeds are used.

Let's talk about Nigeria. Just days before the Securities and Exchange Commission issued its final rule pursuant to section 1504 of the Dodd-Frank Act, Global Witness, a highly respected and good governance NGO, issued a report detailing how a major oil deal, as I referred to earlier, struck by ExxonMobil with the Nigerian Government, was being investigated by Nigeria's Economic and Financial Crimes Commission, an agency charged with uncovering high-level corruption.

□ 1615

The investigation relates to a widely reported deal in which the Nigerian Government in 2009 agreed to renew a 40 percent share of three oil licenses from Mobil Producing Nigeria, a wholly-owned subsidiary of ExxonMobil. This is all about the billionaires. Just follow the dollars and you can see what this is all about.

Little town, America, needs to know that this is not about them. This is about these billionaires, and they will go to any extent to continue to steal from them.

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

Mr. HENSARLING. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. STEWART). The gentleman from Texas has 3 minutes remaining.

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

Mr. Speaker, I certainly hope that the American people are watching this debate because it will certainly confirm their decision to deny Democrats control of the House, to deny them control of the Senate, and to deny them control of the White House.

Now, Mr. Speaker, their words may claim they care about jobs, but their policies don't. That is what we are here to talk about, Mr. Speaker, is jobs, and we are talking about a rule promulgated by the Securities and Exchange Commission that can cost \$591 million a year and can cost us 10,000 jobs.

My friends on the other side of the aisle have been clearly tone deaf to the pleas of the American people. They want to go back to work. They are tired of part-time jobs. They are tired of stagnant paychecks. They are tired of decimated savings. That is why they have turned to the Republican Party, and that is why we are going to help give them a healthy economy with policies, including rolling back this foolish rule from the Securities and Exchange Commission, a rule that in a

previous iteration has already been struck down by courts.

Now, you listen to the other side of the aisle, Mr. Speaker, and you hear all this talk about corruption. It appears that some of my friends on the other side of the aisle are ignorant that the Foreign Corrupt Practices Act is already in the Federal code. For those who do not know, I have done the homework for you: 15 U.S.C. 78dd-1. Look it up yourself.

So, Mr. Speaker, this has nothing to do with corruption. Rarely has more of a red herring come across the House floor. Let me tell you what this is really about, Mr. Speaker. It is about a radical, leftist, and elitist agenda that promotes narrow special interests and has declared war on carbon-based industry and energy and the industry and jobs that are represented by it. That is what this is really about.

By the way, why is the Securities and Exchange Commission involved in this? Why isn't this—listening to them—part of the Homeland Security Department or maybe part of the Department of Defense? What will they have the SEC do next, deliver the mail? Will they become our air traffic controllers?

Meanwhile, there are Ponzi schemes taking place in America. Meanwhile, we have markets that are not efficient creating the jobs that the American people demand.

Let's vote for jobs. Let's vote to get America back to work. Let's vote down this leftist, elitist agenda declaring war on carbon-based jobs. Let's vote for H.J. Res. 41.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 71, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.J. Res. 41 will be followed by 5-minute votes on passage of H.J. Res. 38, and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 235, nays 187, not voting 10, as follows:

[Roll No. 72]

YEAS—235

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

NAYS—187

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

Cooper	Kelly (IL)	Pocan
Correa	Kennedy	Polis
Costa	Khanna	Price (NC)
Courtney	Kihuen	Quigley
Crist	Kilmer	Raskin
Crowley	Kind	Rice (NY)
Cummings	Krishnamoorthi	Richmond
Davis (CA)	Kuster (NH)	Rosen
Davis, Danny	Langevin	Roybal-Allard
DeFazio	Larsen (WA)	Royce (CA)
DeGette	Larson (CT)	Ruiz
Delaney	Lawrence	Ruppersberger
DeLauro	Lawson (FL)	Ryan (OH)
DelBene	Lee	Sánchez
Demings	Levin	Sarbanes
DeSaulnier	Lewis (GA)	Schakowsky
Deutch	Lieu, Ted	Schiff
Dingell	Lipinski	Schneider
Doggett	Loebach	Schrader
Doyle, Michael	Lofgren	Scott (VA)
F.	Lowenthal	Scott, David
Ellison	Lowe	Serrano
Engel	Lujan Grisham,	Sewell (AL)
Eshoo	M.	Shea-Porter
Espallat	Luján, Ben Ray	Sherman
Esty	Lynch	Sinema
Evans	Maloney,	Sires
Fitzpatrick	Carolyn B.	Slaughter
Foster	Maloney, Sean	Smith (NJ)
Frankel (FL)	Matsui	Smith (WA)
Fudge	McCollum	Soto
Gabbard	McEachin	Speier
Gallo	McGovern	Suozi
Garamendi	McNerney	Swalwell (CA)
Gottheimer	Meng	Takano
Green, Al	Moore	Thompson (CA)
Grijalva	Moulton	Thompson (MS)
Gutiérrez	Murphy (FL)	Titus
Hanabusa	Nadler	Tonko
Hastings	Napolitano	Torres
Heck	Neal	Tsongas
Higgins (NY)	Nolan	Vargas
Himes	Norcross	Veasey
Hoyer	O'Halleran	Velázquez
Huffman	O'Rourke	Visclosky
Jackson Lee	Pallone	Walz
Jayapal	Panetta	Wasserman
Jeffries	Pascarell	Schultz
Johnson (GA)	Payne	Waters, Maxine
Johnson, E. B.	Pelosi	Watson Coleman
Jones	Perlmutter	Welch
Kaptur	Peters	Wilson (FL)
Keating	Pingree	Yarmuth

NOT VOTING—10

Cartwright	Mulvaney	Walker
Clark (MA)	Price, Tom (GA)	Zinke
Kildee	Rush	
Meeks	Taylor	

□ 1643

Mr. GALLEGO and Ms. ESHOO changed their vote from "yea" to "nay."

Messrs. GONZALEZ of Texas, VELA, JOYCE of Ohio, and SANFORD changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 194, not voting 10, as follows:

[Roll No. 73]

YEAS—228

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

NAYS—194

Adams	Beatty	Blunt Rochester
Aguilar	Bera	Bonamici
Barragán	Beyer	Boyle, Brendan
Bass	Blumenauer	F.

Brady (PA)	Heck	Pelosi
Brown (MD)	Herrera Beutler	Perlmutter
Brownley (CA)	Higgins (NY)	Peters
Bustos	Himes	Pingree
Butterfield	Hoyer	Pocan
Capuano	Huffman	Poliquin
Carbajal	Jackson Lee	Polis
Cárdenas	Jayapal	Price (NC)
Carson (IN)	Jeffries	Quigley
Cartwright	Johnson (GA)	Raskin
Castor (FL)	Johnson, E. B.	Reichert
Castro (TX)	Kaptur	Rice (NY)
Chu, Judy	Keating	Richmond
Cielline	Kelly (IL)	Ros-Lehtinen
Clarke (NY)	Kennedy	Rosen
Clay	Khanna	Roybal-Allard
Cleaver	Kihuen	Ruiz
Clyburn	Kilmer	Ruppersberger
Cohen	Kind	Ryan (OH)
Connolly	Krishnamoorthi	Sánchez
Conyers	Kuster (NH)	Sanford
Cooper	Langevin	Sarbanes
Correa	Larsen (WA)	Schakowsky
Courtney	Larson (CT)	Schiff
Crist	Lawrence	Schneider
Crowley	Lawson (FL)	Schrader
Cummings	Lee	Scott (VA)
Curbelo (FL)	Levin	Scott, David
Davis (CA)	Lewis (GA)	Serrano
Davis, Danny	Lieu, Ted	Sewell (AL)
DeFazio	Lipinski	Shea-Porter
DeGette	LoBiondo	Sherman
Delaney	Loeb sack	Sinema
DeLauro	Lofgren	Sires
DelBene	Lowenthal	Slaughter
DeSaulnier	Lowe y	Smith (NJ)
Deutch	Lujan Grisham, M.	Smith (WA)
Dingell	Luján, Ben Ray	Soto
Doggett	Lynch	Speier
Doyle, Michael F.	Maloney, Carolyn B.	Suozzi
Ellison	Maloney, Sean	Swalwell (CA)
Engel	Matsui	Takano
Eshoo	McCollum	Thompson (CA)
Espaiilat	McEachin	Thompson (MS)
Esty	McGovern	Titus
Evans	McNerney	Tonko
Fitzpatrick	Meng	Torres
Foster	Moore	Tsongas
Frankel (FL)	Moulton	Vargas
Fudge	Murphy (FL)	Veasey
Gabbard	Nadler	Vela
Gallego	Napolitano	Velázquez
Garamendi	Neal	Visclosky
Gonzalez (TX)	Nolan	Walz
Gottheimer	Norcross	Wasserman
Green, Al	O'Halloran	Schultz
Green, Gene	O'Rourke	Waters, Maxine
Grijalva	Pallone	Watson Coleman
Gutiérrez	Panetta	Welch
Hanabusa	Pascrell	Wilson (FL)
Hastings	Payne	Yarmuth

NOT VOTING—10

Clark (MA)	Mulvaney	Walker
Kildee	Price, Tom (GA)	Zinke
Meeks	Rush	
Messer	Taylor	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1650

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

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

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

MOMENT OF SILENCE HONORING VICTIMS OF QUEBEC TERRORIST ATTACK

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

Mrs. WATSON COLEMAN. Mr. Speaker, I thank my colleagues for joining me tonight to stand in solidarity with our neighbors in Canada, and honor the victims of the January 29 terrorist attack at the Quebec Islamic Cultural Center in Quebec City.

A house of worship is a place of refuge, peace, and reflection, but for the 6 people killed, the 19 wounded, and the entire community, that hallowed ground is now tainted—yet, shall always remain covered in love.

Let our presence here serve as a reminder that we will stand up against bigotry and hatred wherever it takes place.

I now ask my colleagues to bow their heads and join us for a moment of silence.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 611

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that Representative HIMES be removed as a cosponsor of H.R. 611.

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

There was no objection.

AMERICA DOES NOT NEED THE STREAM PROTECTION RULE

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

Mr. CRAMER. Madam Speaker, North Dakota does not need the stream protection rule and neither does the Nation. By passing this resolution today disapproving the Office of Surface Mining edict, we are responding to the cries of the American people who are tired of nationwide job-killing regulations from Washington.

Madam Speaker, the Obama administration took nearly an entire term and over 10 million taxpayer dollars developing this job killer designed to prevent billions of dollars of coal reserves from ever being developed with absolutely no environmental benefit.

Today's action prevents further destruction of jobs and low-cost energy for the American people.

I urge the Senate to swiftly send this resolution to the President's desk.

□ 1700

ATTORNEY GENERAL NOMINEE

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

Ms. JACKSON LEE. Madam Speaker, first of all, I would like to acknowledge the fallen Navy SEAL officer in Yemen and offer my concern to his family. I will rise tomorrow to continue my questioning on that, but today I wanted to make sure that I prayerfully acknowledged the sacrifice he made for this Nation.

I rise today because we are one step further for the nominee for the Attorney General of the United States of America. And I join my colleagues in the Senate, the other body, who raised concern of not being able to inquire of Mr. SESSIONS what his position would be on what has been determined by five courts, at least, of the unconstitutionality of the executive order. It is a ban on Muslims, it is a violation of the First Amendment, equal protection of the law, and due process—First Amendment being freedom of religion.

Therefore, we now have an Attorney General making the first step, Mr. SESSIONS, where we do not know whether you will be able to embrace the laws that protect the most vulnerable women, children, the civil rights of many, and the voting rights of many, and, frankly, I believe those questions should be answered.

I conclude by saying, when you questioned Deputy Attorney General Yates, she was able to say that she would stand as an independent, objective person Attorney General having oversight over the White House. Will you be able to do the same?

TRAFFICKING AT THE SUPER BOWL—NOT IN OUR TOWN

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

Mr. POE of Texas. Madam Speaker, as the United States is gearing up for the Super Bowl in Houston, unfortunately, so are many human sex traffickers.

Just a few days ago, a 21-year-old trafficking victim with mental special needs was rescued in Houston. The young girl was kidnapped off the streets of Ohio by a dastardly trafficker. He put her in his car and told her: Now you work for me. She was brought to Houston specifically to be trafficked at the Houston Super Bowl. However, the woman's mental disabilities and seizures became too much for the moral-less trafficker, so he dropped the victim off downtown Houston where she later was sexually assaulted by a local criminal.

A Good Samaritan rescued the girl and brought her to the hospital. As exploiters and buyers roam the streets looking for prey in Houston, they should know that Mayor Turner, the Department of Homeland Security, and local law enforcement are prepared to jail traffickers and rescue victims.

No trafficking. Not in our town. We will protect victims and prosecute the slave trafficking deviants and buyers. And that is just the way it is.

GET AMERICA MOVING BY INFRASTRUCTURE INVESTMENT

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

Mr. DEFAZIO. Madam Speaker, the clock is ticking. Not that clock, but the new clock that I put up on the Democratic side of the Transportation and Infrastructure Committee, which is the cost of congestion clock.

The President has proposed \$1 trillion investment in infrastructure. He went to the Republican Conference last week and said: Fix it first, and we want it in the first 100 days. I am with him on that, we should do that, and I have proposals to actually fund a way to get there. Not to \$1 trillion, but a good part of the way.

So this clock indicates, from the day he was sworn in, noon a week ago Friday to today, the cost of congestion for American commerce, the movement of goods, and the American people. It is \$438 million per day.

So the clock is ticking. Let's get America moving again, and let's invest in our infrastructure.

UNITED IN REINING IN REGULATIONS

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

Mr. ALLEN. Madam Speaker, for the last 8 years, Americans have felt the burden of excessive and intense regulatory overreach having to comply with time-consuming rules and regulations. But that ends now. For the first time in 8 years, the legislative branch and the executive branch are on the same page. We must get the government out of the way.

Last week, I joined my colleagues on the One In, One Out Act, which requires Federal agencies to repeal or revise a rule before they can issue a new one, and any new rule must be of equal or lesser cost to Americans.

And in true Trump fashion this week, the President announced his own version, the one in, two out executive order.

These measures are commonsense at their core. To begin growing our economy and creating jobs, we have got to reduce the size and scope of the Federal Government and tackle the mountain of red tape surrounding our Nation's job creators. Americans are ready for growth and innovation, and, for the first time in a long time, the President is on our side.

SCALING BACK BURDENSOME REGULATIONS IMPLEMENTED BY THE OBAMA ADMINISTRATION

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

Mr. LAMALFA. Madam Speaker, this week, House Republicans have undertaken the effort to scale back some of the burdensome regulations implemented by the previous administration.

The use of so-called midnight rules to slip in regulations at the last minute and without congressional approval was a favorite tool of the last President. Many of these regulations would negatively impact, and have, American people by destroying their jobs, hamstringing our economy, often for no good reason.

That is why, at the very start of the 115th Congress, we passed the Midnight Rules Relief Act, which utilizes the Congressional Review Act, to allow Congress to review multiple midnight rules en bloc.

Additionally, we now have the unique opportunity to utilize the CRA, Congressional Review Act, and express our disapproval for some of these harmful, burdensome regulations that hurt jobs and stunt the economy, in order to protect the American people from these harmful effects.

The regulatory state has been rapidly expanding in recent years for too long, and I am happy to see that Congress is taking action to reverse this destructive behavior.

U.S.-MEXICO RELATIONSHIP

The SPEAKER pro tempore (Ms. TENNEY). Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. O'ROURKE) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. O'ROURKE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. O'ROURKE. Madam Speaker, with the President's recent announcement that through an executive action he would commit resources and national attention and focus on building a wall with our neighbor to the south—Mexico—and given some of the rhetoric that we have heard over the last year in the Presidential campaigns about rapists and criminals coming from the country of Mexico, one might be confused, at best, or, at worst, believe that we have some kind of crisis on our border with Mexico, some kind of crisis in

our relationship with our closest neighbor, a country that has done more to benefit the United States than any other country I can imagine, a country that is the number one trading partner of the State of Texas, the third largest trading partner of the United States, our partner on security, on economic development and growth, and on other important hemispheric issues.

It is important today that we take this opportunity to ensure that our colleagues in the House have the facts. And it is with those facts that we can make better decisions, informed judgments, and a policy that is truly going to benefit not just the U.S.-Mexico border, not just border States like Texas, New Mexico, Arizona, and California, but the entire United States. Here are some facts that I would like to start with, and then I want to ensure that some of my colleagues who can bring their wisdom and experience and perspective to this are able to do so.

The first fact that we should know is that we have record low levels of northbound migration from Mexico. In fact, more Mexican nationals today are going south into Mexico than are coming north into the United States. We have less than zero migration from Mexico. Total northbound apprehensions of any people from any country coming across our southern border are also at historic lows. And if there are any surges in people or populations coming across that border, it happens to be young children and families fleeing horrific, historic violence in the northern triangle of Central America. And those little kids, they are not trying to evade detection, they are not trying to climb fences, they are not trying to escape the Border Patrol. They are, in fact, turning themselves in, and presenting themselves to Border Patrol agents and to Customs and Border Protection officers at our ports of entry.

We should also note that we are expending record amounts of U.S. taxpayer resources to secure the border—\$19 billion a year this year, last year, and the years going forward—only to increase with these executive orders. We have more than doubled the size of the Border Patrol in these last 15 years from just a little under 10,000 agents to over 20,000 agents on the U.S.-Mexico border and some on the U.S.-Canada border.

There has never been a terrorist, a terrorist organization, a terrorist plot, or a terrorist act connected to our border with Mexico. There has been with our northern border with Canada. There has been connected to our international airports. There have been homegrown radical terrorists. There has never been a case of terrorism connected with our border with Mexico.

But just in case, and we should remain vigilant, just in case, we have got those 20,000 Border Patrol agents, we

have got thousands of Customs and Border Protection officers, we have 600 miles of fencing and physical obstructions already on our border with Mexico, we have aerostat blimps, we have drones flying overhead, we have a concentration of Federal law enforcement—DEA, FBI, among others—including one of the largest military installations anywhere in the world—Fort Bliss in El Paso, Texas, with 32,000 Active Duty servicemembers. We have the security resources already that we need.

I also think it is important to mention that El Paso, Texas, which is conjoined with Ciudad Juarez in Mexico and forms what I think is the largest true binational community in the world, certainly the largest on the U.S.-Mexico border, El Paso, Texas, is not just the safest city on the U.S.-Mexico border, it is not just the safest city in the State of Texas, it is the safest city in the United States. And it is not an outlier. If you look at other U.S. border cities, like San Diego, California, you will find that they are among the safest in the United States. In fact, there is a positive correlation with the number of migrants and immigrants, documented and otherwise, in a community and that community's relative safety. The U.S. side of the U.S.-Mexico border is far safer than the average American city deeper into the interior. These are some of the facts that we need to have at our command as we are developing policy, as we are judging the President's recent executive actions, and as we are thinking about how best to secure this country.

Here is another fact that we need to keep in mind. If we are committing resources where they are not needed, where, for example, we don't have terrorism, where we don't have a problem with immigration, where we don't have an issue with security, then by definition we are taking those resources from where they could be best used, where we have known risks and threats, where we have real problems against which we must contend, where we are not keeping Americans as safe as they could be because we are directing resources where they don't need to be, this is something that we need to know, I think, as we make policy for this country, as we fulfill our most important solemn obligation, which is the safety and security of this country and every American within it.

Madam Speaker, I am very fortunate today to be joined by some outstanding colleagues. One whom I would like to introduce from the great State of New York is a new colleague, he himself an immigrant to this country. He represents tens of thousands of immigrants in his Congressional District, has already, from day one, become a leader on this issue, introducing legislation that provides a more rational, humane, smarter approach to some of

these issues that have been blown out of proportion, politicized, mythologized, and from that steering the country in the wrong direction. Here is somebody who wants to get us back on track.

Madam Speaker, I yield to the gentleman from New York (Mr. ESPAILLAT).

□ 1715

Mr. ESPAILLAT. I thank the gentleman from Texas.

Madam Speaker, back in 1987, then-President Ronald Reagan issued one of his most famous speeches—"tear down this wall"—as he addressed then-Soviet leader Mikhail Gorbachev to insist that he open the barrier dividing East and West Berlin. It was, perhaps, one of the most exciting times as we watched to see, finally, if the Cold War would end. It was a moment of hope and strength and character that propelled our country to a higher regard and standard of our identity throughout the global community.

Today, in stark contrast to that famous speech given by President Ronald Reagan, President Trump orders the construction of a \$25 billion wall that divides communities, separates families, and perpetuates fear and hate. It sets a dangerous precedent and fails to elevate our country and confidence abroad the way it was back when President Reagan gave that famous speech. The economic ramifications will be devastating to the entire country, going as far north as New York City, because it is \$25 billion or more that will be spent on building this wall that could otherwise go to other meritorious projects.

These executive actions also secure what I call insecure communities, not Secure Communities—a program that strains relationships between law enforcement and communities along the border and throughout that region of our country.

We live in a global society and are connected with countries and citizens from around the world. To build this wall not only separates the United States from our bordering country—our neighbor, Mexico, which is one of our biggest trading partners—but the wall itself sends a strong message to citizens around the world that they are not welcome here in America. The President's wall and his anti-immigrant agenda is a continuation of the irrational and hateful rhetoric we have witnessed from him before, and it stands contrary to who we are as Americans and to what we believe as a nation.

I am proud to introduce one of my first bills in Congress, called This is Our Land, which is legislation that will prohibit this divisive wall from being erected on public lands. This is a time when we should be investing in our infrastructure—in roads, bridges, tunnels, airports, schools, housing—and

also respecting our public lands. Building President Trump's wall would trample on our public lands and potentially put precious endangered species at risk and likely disrupt or destroy environmentally important ecosystems and habitats. It would also deplete precious resources from our cities. We should be building a wall around Trump to stop these irrational executive orders—instead of this ludicrous \$25 billion wall between our closest ally.

Mr. O'ROURKE. I thank the gentleman from New York for his comments—again, bringing his experience to bear and, right from the beginning, introducing legislation, not just criticizing or complaining, but offering an alternative. It reminds us that, if we are to spend \$20 billion on building something in this country—which is the upward cost of what President Trump's proposal would take from the American taxpayer—there are roads; there are bridges; there are tunnels. There are legitimate infrastructure needs on which we could spend that money that would put people to work, and it would be money much better spent.

Madam Speaker, I yield to the gentleman from California (Mr. PETERS), someone who represents a part of the border that really demonstrates what is beautiful about the United States-Mexico relationship in San Diego and Tijuana. He is a fierce advocate for our shared economic development and growth, for the jobs that are connected to that, and for everything that is beautiful about the U.S.-Mexico border.

Mr. PETERS. I thank Mr. O'ROURKE for putting together this Special Order to talk about what is really an important issue and, with all of the things going on, something that has even got a little bit lost.

Madam Speaker, for the region that I represent in San Diego, the border is an economic engine—it is a job creator. Home to the Otay Mesa, San Ysidro, and Tecate ports of entry, San Diego-Baja is the busiest border crossing in the world. From life sciences to electronics, San Diego is an attractive place to start a business and to manufacture goods, in part, because of our proximity to border crossings and international trade.

Last month, Mr. O'ROURKE and other members of the Congressional Border Caucus and I held a hearing with local leaders from chambers of commerce from around our districts to discuss real pragmatic solutions and issues around the border. I was joined by Jerry Sanders, who San Diegans well know as the former mayor. He is also the former police chief of San Diego and is now the current president of the San Diego Regional Chamber of Commerce. During that hearing, Mayor Sanders said that an efficient border is a safe border, and he knows something

about safety from his time as a police chief. We also know that 99 percent of what gets screened at border crossings is safe and that there is no need to worry about its coming into the country. What we need is to get more efficient at approving the 99 percent of safe cargo and travelers and better at stopping the 1 percent that we don't want to come in.

One of the big challenges that we faced when I first came to Congress was in border delays. We saw that delays at the border crossing were costing us, at that point, \$7.2 billion of economic activity in our county and 35,000 jobs annually—numbers so big that they are almost unbelievable, but those numbers came from independent assessments.

One of the great successes I have had in Congress, in working with my colleagues within our congressional delegation, is to have worked together to secure more than \$500 million to finish the expansion and the improvements at the San Ysidro border crossing. We did that in working with Democrats JUAN VARGAS and SUSAN DAVIS and with Republicans DUNCAN HUNTER and DARRELL ISSA because we all understood how important the United States-Mexico border is to our regional economy.

By investing in infrastructure and innovation in San Diego, Tijuana, and across the border, we are keeping Americans safe and supporting the export of goods made in America by American workers. In San Diego and in other communities, we are embracing this forward-looking approach of opportunity and job creation.

Now President Trump wants to put us in reverse by building a wall, which we have assessed at \$15 billion. I mean, I have heard estimates of its being from \$18 billion to \$20 billion. By any count, it is a waste of money. Let's say, for purposes of argument, it is \$15 billion. It took Congress more than a year to approve \$170 million to help Flint, Michigan, recover from a crisis that has poisoned children and left an entire city without clean water—\$170 million compared to \$15 billion for a wall that nobody needs. We are talking about spending 100 times the money for Flint to build a wall that will do nothing to make us more secure, to make our children safer, or to make us more prosperous.

\$15 billion is exactly how much the American Society of Civil Engineers says we will need to fill the funding gap for infrastructure needs at all of our Nation's ports for the next decade. So, if you took the money you were going to spend on this wall, you could cover all of the investment we would need at our ports around the country for the next decade. We are going to spend it on a wall.

\$15 billion is also three times as much money as the Federal Government spends to help the homeless every

year. For the cost of this wall, we could build the Navy the 11th aircraft carrier that it needs. For 60 times less—or 1-60th—we could finish the modernization of the Otay Mesa border crossing, which is the third busiest commercial port of entry along our southern border and which facilitates \$35 billion in trade every year.

What are we doing here?

Unlike President Trump's wall, this investment will support long-term job creation and increase revenues and is a much more responsible way to spend American taxpayer dollars. Let's be clear. American taxpayers are going to foot the bill for this wall, not Mexico. It is the leader of the Senate and Speaker RYAN who have committed they are going to spend \$15 billion on this wall. That is American taxpayers. That is not Mexico.

Instead of trying to turn his campaign rhetoric into policy, we would prefer that President Trump listen to those who understand what business is like at the border, to those who understand that border cities are safe, like El Paso, like San Diego, and that the border is an opportunity for America, not a threat. We don't need a wall. We need to hire more Customs officers. We need newer screening technologies. We need to modernize and expand our infrastructure at other border crossings like we are already doing at San Ysidro. That is how you would create jobs in America. That is how you would keep us safe.

I thank my friend BETO O'ROURKE for his leadership and for his hosting this conversation today. I look forward to working with the gentleman in diverting this money from this silly proposal—this dangerous proposal—to the kinds of things and investments that our country needs from Texas to California.

Mr. O'ROURKE. I thank the gentleman from California for sharing his community's perspective and for reminding us that, when it comes to Mexico and our shared connection with Mexico—the U.S.-Mexico border—we have much more to look forward to than we do to fear.

In fact, in the State of California, there are hundreds of thousands of jobs that depend on U.S.-Mexico trade. In the State of Texas, it is just under a half a million. In fact, every single State in the Union, including Alaska, has tens—if not hundreds—of thousands of jobs that depend on the flow of U.S.-Mexico trade, which happens at our ports of entry and comes through at our border. There are 6 million jobs in this country, which represent hundreds of millions of dollars in salaries and economic growth and add-on effects, that are dependent on U.S.-Mexico trade. When we begin to prioritize our separation, in sealing Mexico off from the United States literally physically, we deprioritize those connections that make us stronger, that grow

our economy, and that create more jobs in the United States.

One thing that we should know, as long as we are talking about sharing facts and confronting some of these unfortunate, untrue myths about the border, is that, when we export to Mexico, of course, we win—we are building things in our factories; we are sending them to Mexico; the Mexican consumer buys them; those dollars are flowing back to the U.S. worker. It also happens that, when we import from Mexico, we win as 40 cents of every dollar of value that we import from Mexico originates in the United States. Literally, factory floor jobs in Ohio, in Iowa, in Michigan are producing things that go to Mexico and that are part of the final assembly that is reimported to the United States.

We certainly make things in America today, but we make a lot of things in the United States and in Mexico concurrently. Our economies, our production platform—our future—is inextricably connected, and to try to break that apart is not simply going to hurt Mexico. It is going to hurt the United States. It is going to hurt the U.S. worker. It is going to hurt our economy. It is going to hurt our opportunity at growth.

If we continue to cast Mexico as the enemy, if we threaten trade wars or to pull out of free trade agreements, if we construct a wall to try to humiliate that country at a time that it poses no security threat to the United States, the consequences are not going to be good. You may remember that I reminded you that migration from Mexico over the last 4 years is less than zero. More Mexicans are going south than are coming north to the United States. If you build a wall, withdraw from our trade agreements, try to delink our economies, where you do not have a security or an economic problem today, you will in the future have one. You will give people in Mexico a reason to flee that country and to seek opportunity and jobs and connections and safety and shelter somewhere else, and that somewhere else, in many cases, is, in fact, going to be the United States.

If we want to make this country safer, if we want to make this country more prosperous, if we want to protect the American worker, then the policies that this President has adopted in the first 10 days in office are precisely the wrong way to go about doing it. They will make us less secure; they will slow down this country's economy; they will jeopardize the 6 million jobs that depend on U.S.-Mexico trade.

If the U.S.-Mexico border is as secure as it has ever been—look at any metric, and you will see that I am right—if we are having record low levels of northbound migration and apprehensions, if we are spending record amounts, if we are using new tech-

nologies, like drones, to patrol the border, if we have 20,000 Border Patrol agents, which is also a record high, why is there so much concern, why is there so much interest, why is there so much anxiety, why is there so much fear built up around the border?

□ 1730

I will tell you, this is a long time in coming. And when we say that there are real issues with where these border measures are coming from, let me give you an example of some of those.

One of our colleagues, when describing young Mexican immigrants coming to this country, said: Look at them. They have calves the size of cantaloupes. They are bringing drugs into this country.

When you have a Presidential candidate dismiss Mexican immigrants as rapists and criminals, despite the fact that immigrants commit crimes in this country at a much lower level than native-born U.S. citizens, when you have this kind of rhetoric, when you have this kind of mischaracterization, when you have this kind of vilification of an entire people and their connection to us at the U.S.-Mexico border, then you be the judge of where these priorities are coming from and what they are about and why they in no way reflect the real concerns, threats, and issues that we have in this country today.

My colleagues, the fact of the matter is Mexico presents opportunity to the United States and it always has. Whether it is the \$90 billion in U.S.-Mexico trade that passed through just the points of entry in El Paso, the city I have the honor of serving in Congress, and Ciudad Juarez, the city with which it is connected, whether it is the 6 million jobs that we already have in the United States economy, whether it is our security cooperation to ensure that we are disrupting transnational criminal organizations that are trying to move drugs and human chattel into this country, whether it is our work to address the real security issues in the northern triangle countries of Central America that border Mexico, we will lose a very valuable partner. We will lose those things that we want most: job growth, economic development, security for the people that we represent.

When we begin to humiliate that country and its leadership—and President Pena Nieto has canceled a trip to visit the United States in just 1 week of this administration—nothing good will follow that.

We cannot wall Mexico off from the United States. We cannot wish them to disappear. They will always be there, and they should always be there. And we should be grateful that they will always be there because they have always been a part of our history, our success, those things that are best about the United States; and, God willing, they will always be part of our future.

I think it is going to take each and every one of us—every Republican, every Democrat, every person who doesn't feel affiliation to a party—to stand together behind and with the facts, with the truth, with this country's best interests in mind. I am confident that if we do that, if we will simply look at what is happening today, what has happened historically with that country, where our interests lie, we will make better policy. We will not be constructing walls between the two countries.

We will, at some point—hopefully, sooner rather than later—tear down the 600 miles of fencing that already separates us. We will build more bridges that connect us, not just for trade, not just for economic growth, but for the reasons that the people I represent are so grateful for and proud of, the place that they call home, a city that, with Ciudad Juarez, forms the largest binational community in the world, where last year alone 32 million times people from El Paso and Juarez crossed into each other's cities.

Our families are on both sides of the border. Our business partners are on both sides of the border. Students at the University of Texas at El Paso, who live in Ciudad Juarez and are Mexican nationals, are granted instate tuition because we want to attract the very best and the very brightest. And we are going to find them all over the world—in the United States, certainly, but also in Mexico.

I want to read to you a comment that a constituent of mine posted on our Facebook page this evening when I let my constituents know I would be on the floor talking about the border, asking them to share the truth and the reality, their perspective versus the myth that we hear so often here in Congress, on national TV, and from those who don't live on or understand the border.

Lisa Esparza said:

The border has been great because I grew up in Ciudad Juarez. I came to El Paso, paid for an education at a private school, learned English. I love the fact that I am binational, and I can think and speak in two languages.

Lisa and millions of *fronteriza* and *fronterizo* border residents exemplify the best of this country, literally, of what makes America great.

El Paso, for those of you who do not know, has, for more than a century, served as the Ellis Island of the Western Hemisphere. If you came up from Mexico or your family did—or El Salvador or Guatemala or Honduras or Costa Rica or Argentina—there is a good chance that you came through the ports of entry in El Paso, Texas; that your family may have, before they went on to a destination further in the United States, settled in Segundo Barrio or in Chihuahuita. This is a community where they learned our laws, our values, where they learned to

speak English, where they went to school, where they not just participated and believed in the American Dream, but became net contributors to it. It is one of the reasons that El Paso, Texas, is the safest city in the United States.

It is the safest city not in spite of the large number of immigrants who live in my community—and, by official counts, 24 percent of the people that I represent were born in another country. It is not in spite of those people who were born in another country that El Paso is so safe. It is, in large part, because of their presence.

Families made extraordinarily difficult decisions to leave their home country—their home city, their families, the language they knew, the customs that they loved—to come to a new country. They make sure that they follow our laws. They make sure that their kids follow our laws. They make sure that their kids are doing the right thing by this country so that they can get ahead, have an opportunity and a crack at the American Dream. Not only is there nothing wrong with that, there is something profoundly great about that. It is what has helped make El Paso the safest city, a wonderful city in America, a great country.

I yield to the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM), someone else who understands the value of our relationship with Mexico, the special character of border people, and the value of immigration and immigrants.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Madam Speaker, the people who, in fact, know the border issues the best—whether it is companies or lawmakers, both Republicans and Democrats, border communities, trade groups, economists, and law enforcement officials—all agree that building a wall is unnecessary, impractical, ineffective, and it is a complete waste of time and taxpayer money.

This wall, in fact, damages New Mexico's economy, and that is without taking into account President Trump's idea to now impose a 20 percent tax on Mexican imports to pay for it. In the end, we know that it is American jobs, American consumers, and American companies that will be hurt.

Given that the United States already maintains approximately 650 miles of border fence, drones, cameras, motion detectors, thermal imaging sensors, ground sensors, and 21,370 Border Patrol agents, the wall is completely unnecessary for the stakeholders who are, in fact, most impacted. The only person it truly benefits is President Trump by furthering his isolationist, divisive, and anti-immigrant agenda.

I agree that this country should be building, and I agree with my colleague from El Paso, Mr. O'ROURKE, that there is a wonderful thing, an incredible

thing about building bridges, building highways, building buildings, and re-focusing our energy on making sure that everyone has a fair shot and that we are looking at those economic values and those economic indicators. That is not what we are doing here. We are diverting our attention for an unnecessary, huge, colossal mistake that hurts the progress that border communities and border States have made.

Mr. O'ROURKE. Madam Speaker, I thank the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM) for bringing her State's experience and perspective to bear on this issue and for being a champion for the best in our traditions and our values.

I would like to build on the gentlewoman's remarks and talk about one of the consequences of building walls. I have already made the case that the border is as secure as it has ever been. Those who study and understand security issues have come to the conclusion that extra miles of wall don't deter migrants.

The lower levels of migration that we have seen to this country have a lot more to do with the U.S. economy and its struggling performance in the immediate aftermath of the Great Recession and throughout that road to recovery and, relatively speaking, the performance in other countries, including Mexico, that has afforded Mexican nationals more opportunity to stay there.

The border is as secure as it has ever been. We have recently doubled the size of the Border Patrol. We are using the latest and greatest technology to remain as vigilant as possible, which we should.

It is also important to know the character and quality of the Border Patrol agents and Customs and Border Protection officers who man the line, who are at our ports, and who have one of the most difficult, dangerous jobs that anyone has in the Federal Government. The conditions in which they work, the situations which they must anticipate, the constant vigilance that they must maintain, and the kind of threats that they have to be aware of—which include drug smuggling, which is critically important to stop; which include human smuggling, which we must deter and stop; and which includes, even though there has never been a terrorist or terrorist act connected to the U.S.-Mexican border, includes the possibility that sometime that might happen—those men and women are literally on the front line protecting this community.

I would like to see some of the \$14 billion to \$20 billion proposed for the construction of a wall put behind our Border Patrol agents to improve their salaries, their working conditions, and the ability for them to do their job and to keep us safe.

I would like to hire more Customs and Border Protection officers, the

men and women in blue at our ports of entry who facilitate legitimate trade and travel at our ports of entry. They are the ones who help to keep this economy humming while keeping us safer.

Madam Speaker, one of the consequences, though, of building walls, while it doesn't make us safer and while it uses a lot of resources that could be better put toward other more legitimate security challenges, it does do one thing that I want all of us to know about. It does ensure that migrants coming to this country will unnecessarily suffer, and many will die.

In the same time where we have gone from 1.6 million apprehensions a year—that was the year 2000, 1.6 million apprehensions on our southern border—to last year, when there were just a little over 400,000, so a quarter of the level that we had 15, 16 years ago, in that same time that we have had record low levels of migration, we have maintained record high levels of migrant deaths. So those few migrants who do try to cross in between our ports of entry and do encounter physical barriers are going to more remote sections of the border. They are dying of thirst. They are dying of exposure. These are otherwise preventable deaths.

So I ask you to think about it this way. Whether you are looking at the moral dimension of this—the otherwise preventable deaths, the effort to humiliate our closest partner in the country, of Mexico—whether you look at the economic dimension of this, if you want to protect those 6 million jobs that depend on a strong U.S.-Mexico connection, whether you look at the security dimension and taking our eye off the ball when it comes to real threats, proven threats that we have in this country at our international airports, at our northern border with Canada or increasingly homegrown radicals in the United States radicalized over the internet, if you want to remove resources from those real threats, then go ahead and build a wall if it makes you feel good. But it is going to make us less safe, it is going to make us less economically secure, and it is going to be to our lasting shame. It will haunt us, and it will haunt us for generations for anyone who supports this or does not stand up and speak against it.

I would like to leave you with two anecdotes that I think exemplify the beauty, the strength, and the safety of the border. The first is a story of an event that took place this weekend in El Paso and Ciudad Juarez, where we are joined by the Rio Grande River channel. Right now, all that water is stored up at the Elephant Butte Reservoir in New Mexico. Really, there is just a little trickle in the river channel not more than a couple of inches deep.

Thanks to the Border Network for Human Rights and thanks to the Border Patrol who allowed this, they were

able to organize 300 families from Mexico and El Paso who were allowed to meet—one family at a time—in the middle of that river channel, both sides clearly identified so there would not be any security or immigration issues.

□ 1745

And those families got to spend a total of 3 minutes together, families who, in some cases, had not seen each other for decades. A young woman posted on Facebook that she drove down from Oklahoma City to see her dad who she had not seen in 10 years.

You had folks meeting grandchildren they had never seen before, sons or daughters-in-law that they had never seen before, weeping, crying, laughing, hugging, holding, kissing for 3 minutes.

That, to me, is absolutely beautiful. That, to me, is family values. That, to me, shows you the extent to which people will try to be together, to be with each other, to do the things that perhaps you and I, as U.S. citizens, take for granted. And that happened in El Paso, Texas, thanks to the Border Network for Human Rights, thanks also to the men and women in the Border Patrol.

It didn't compromise our security. It didn't add any new immigrants to this country. It was just doing our best under the current conditions.

The other anecdote that I would like to share with you, and which I will close on, involves another outstanding organization in the community that I have the honor to serve, Annunciation House, led by Ruben Garcia, who—when we faced unprecedented numbers of young children and young families, young moms in their teens and twenties, coming up from Honduras and Guatemala and El Salvador, which have become the deadliest countries, not just in Central America, not just in the Western Hemisphere, but in the world, the deadliest countries in the world; kids being murdered and raped and sold into slavery.

Those kids fleeing that horrific brutality and violence, coming up the length of Mexico, sometimes riding on top of a train known as *la bestia*, or the beast, to come and present themselves at our border, not evade detection, not try and escape, not try to do anything against the law; literally, as the law proscribes, presenting themselves at our points of entry to a Border Patrol agent, or a Customs and Border Protection officer, and asking for help and for shelter, depending on the best traditions inscribed on the Statue of Liberty, counting on the United States in their moment of need.

Well, the Border Patrol were outstanding. The agents themselves, out of their own pockets often, were buying toys and gifts for these young children, taking care of them, having their hearts broken, doing their best to serve them. Agents who work for ICE and

immigration were doing their best as well.

As that flow of people, the number of people became too many temporarily for us to hold and to process, they got in touch with Ruben Garcia at Annunciation House, which is a charity operated in El Paso, Texas. And Ruben took those asylum seekers, those refugees, and housed them, clothed them, fed them, insured they had showers and medication and a visit with a doctor, the ability to talk to their families deeper in the interior of the United States and, most importantly, especially for my colleagues on the other side of the aisle, had a full and complete understanding of their legal obligations under U.S. law, what they were allowed and not allowed to do, what their court expectations were, and that they must appear in court, and that their issue must be adjudicated, and that they may or may not be able to stay in this country.

Annunciation House, Ruben Garcia, the volunteers who work for him, and hundreds of other El Pasoans who contributed did this at not a penny's cost to the Federal taxpayer or to our government.

So \$20 billion to build a wall or Annunciation House taking care of refugees, asylum seekers, little kids who need our help for free?

That is the border. That is the best of us. That is the best of this country. That is what we need to think about. Those are the folks we need to listen to. Those are the facts we need to understand before we even contemplate building a wall, separating ourselves from Mexico, giving in to the nativist sentiment and instinct that was so proudly on display during this Presidential election.

I think if we look at the facts, if we take the best from the border, we are going to get the best policy and the best outcome from the United States.

And after all, isn't that why we were all sent here? Isn't that what we are supposed to do when our voters sent us here to do the work of the American people?

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

CONDITIONS AT THE SOUTHERN BORDER OF THE UNITED STATES

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

Mr. KING of Iowa. Madam Speaker, it is my honor to address you here on the floor of the United States House of Representatives. And I came here to the floor with a bit different topic in mind, but as I listened to the gentleman from Texas, I thought it would be a good idea, while there still was a captive audience on the topic, to re-

fresh some things with perhaps a bit different perspective.

And that would be that, from my time and experience, I have traveled most every mile of the southern border, that would be 2,000, all together. I think it would be true that I have traveled every mile of California and Arizona and New Mexico, and most all the miles in Texas. I have flown a lot of it. I have driven a lot of it. I have been out on the water on some of it. And I have spent some nights down on the border, a number of them in some of the dangerous crossings, like San Miguel's crossing on the Tohono O'odham Reservation. It is one of those without any night vision and without what we would call official security.

So when I hear that the border is as secure as it has ever been and that there is no security threat to the U.S., which is what we have just heard here in this previous hour, Madam Speaker, I absolutely don't agree with that.

And if there is no terrorism that is any factor at all, that there has never been a terrorist attack on the southern border, I would point the gentleman to the five heads that were lined up on the Mexican side of the fence across from the people that were driving to church in New Mexico a few years ago. I think those children that looked out the windows of their cars as they were getting a ride to church were victims of the terror that was created by heads stacked along the side of the highway within feet of our U.S. border.

As I spend time with the Border Patrol agents that have made a career out of protecting our border down there, they tell me that there are murders on the Mexican side of the border, where they just throw the body over the fence on to the U.S. side; and other cases where they identify bodies on the Mexican side of the border, and they will call the Mexican security people, whom they have good relations with, as a rule, and they will see the equivalent of an S-10 pickup pull up and just throw the body in the back of the pickup and drive away, with zero forensics and very little attempt to identify who the perpetrators might be that have committed these murders there so close to the border.

I have made surprise visits down to the border on a number of occasions, and I make it a point to drop in and see what is going on and talk to the people that are there protecting and guarding our border.

I recall one of those visits down to Sasabe, Arizona, at a relatively rural crossing there. I pulled into that port of entry and port of exit for us, and I got out and I decided on the spot that, well, I should let them know who I am for reasons of courtesy, and so I introduced myself.

Madam Speaker, I said: I'm Congressman STEVE KING from Iowa.

That agent immediately said: I can't talk to you. And he turned and walked away.

And so I went to the next agent and I introduced myself: I'm STEVE KING from Iowa.

And he said: I can't talk to you, but talk to Mike. Mike is the supervisor here tonight, and he's ready to retire, and he has terminal cancer. He will talk to you.

And I went and spoke to Mike. The gentleman's name is Mike Crane. It was Mike Crane. He did have terminal cancer. That is verified. And he has since passed away.

But as we were speaking about the difficulties in securing the border and the illegal crossings, both one east and one west of the crossing at Sasabe, he got a phone call, and he said, Excuse me, and stepped away, and he was gone for a couple of minutes outside the circle.

He came back in and he said: There's been a knifing on the Mexican side of the border, and so there will be an ambulance coming through this border and this crossing in a few minutes. And I've called in U.S. ambulances with oxygen on them, and I've called in a helicopter to fly this victim out and to the Tucson University Hospital.

So we waited there for a few minutes. The Mexican ambulance came across the crossing. I did have an EMT with me and I asked him to do what he could to lend a hand to help save this victim's life, so he was in the middle of that process.

In the Mexican ambulance there was only one glove—just one glove—and a roll of gauze and nothing else, no oxygen, no medical equipment. It was an ambulance as far as the shell of it was concerned, and the painting on the outside said "ambulance," but inside, it was just the same thing as an old home bread truck.

So they took him out of that Mexican ambulance. The U.S. ambulances had arrived fairly close to that period of time and they put him on oxygen and stabilized him, and then we loaded him off on to a helicopter and flew him up to Tucson University Hospital.

I went to Tucson that night, and the next morning I went to Tucson University Hospital and, essentially, talked my way in to visit this victim that had been stabbed in the liver with a knife or a shiv that was—I just recall it was 3½ inches wide at the hilt. That was the width of the wound in him.

I went to the room that he was in and they said: Okay, here he is behind this curtain.

It was a two-patient room. When I walked behind the curtain, the individual there who had been knifed the night before was not the one that I had seen and been part of taking care of at Sasabe. It was a different victim that had been wounded under the same circumstances, probably a different loca-

tion in a different fight and brought into Tucson University Hospital to be stabilized.

As I was, I will say, looking at the situation, the patient whom I knew had been wounded the night before was rolled down the hallway in a wheelchair. He had been stabilized. He looked a lot better. We didn't know if he was going to live.

So then I assessed the situation and, Madam Speaker, I then met with the chief financial officer of the Tucson University Hospital and other leaders there in the hospital and collected a whole series of narratives about the cost of the medical care that has been assumed by the United States, even from people who have injuries in a foreign country.

This cost on this particular incident was \$30,000 to bring the wounded Mexican into the United States—parole him into the United States is the legal term that we use—and then to send him back to Mexico once he was stabilized. And they had to post an agent with him to guard him during that period of time.

Now, I am not here on the floor tonight taking a position on whether that is right or wrong. From a moral standpoint, it is right. But we should be aware of what is going on. This is not a stable border. It is not a safe border.

I have sat on the border at the other crossing in Tohono O'odham Reservation, San Miguel crossing, and there, throughout the night, I heard vehicles coming through the mesquite brush, and you can listen and hear the doors open. You hear the individuals get out and drop their packs on the ground. They will close the door and you can hear them talking and whispering to each other; pick their packs up and walk off through the brush.

I sat there and tried to count the shadows, and I won't give you those numbers because none of us are sure what we see when it is pitch black out, but I know what I heard. And we counted a good number of people that were delivered down there to that crossing who came through the fence, which it would be rare for that to hold an old cow as they walk a four-barbed wire fence with the barbs pushed down where they have been continually crossing in the path through there, you can easily see.

When the gentleman from El Paso tells us that we are down to the low crossing level of kind of a modern history lowest crossing level of roughly 400,000 people last year, compared to not quite 1.6 million in the year 2000, I would point out that we count those who we can count, those who we see and those who we willingly see.

If we are not looking for them, if we are not guarding the portion of the border that they are pouring through, and we say we have counted 400,000 at-

tempts coming into the United States, that doesn't mean that there are only 400,000 attempts; that only means we counted 400,000.

The same goes with the interdiction of roughly 1.6 million. They were more aggressive then. And I will say that Bill Clinton was successful in interdicting more border crossing attempts than any other President. I don't know that that was his goal or his objective, but I believe that was the statistical results.

To that extent, Madam Speaker, I don't disagree with the gentleman from Texas. And I agree that the border crossings have slowed down. Ten years ago they were greater than they are today, but it is not logical, in fact, it is not rational to assert that the border is as secure as it has ever been. Neither is it logical or rational to say that it is no security threat.

In the times that I have been on the border, I have encountered the incidents of seven different persons of interest from nations of interest. That is our vernacular that we use when we see people that are coming from—I will call them—terrorist-spawning states. If an Iranian or an Iraqi or a Yemeni shows up at the southern border and they are interdicted by our Border Patrol, they are then placed into the hands of the FBI. At the moment that that happens, it becomes a classified incident.

I doubt if the gentleman from El Paso encounters this. I am down there for the purpose of hearing some of those things, one of the purposes. And I have seven of them that I have logged in my time that I have been down there. And if there have been seven incidents of persons of interest from nations of interest, and I am only going to learn about that in that window between the time they are interdicted and the time that they are taken into the custody of the FBI.

□ 1800

So how many hundreds are there and perhaps more that are terrorists that are crossing into the United States? We know the easiest way to get into the United States illegally is to cross our southern border. So these assertions that we don't have a border security problem and that it is not a security threat are false. Their idea is that we should just simply leave the border open.

I heard hire more agents not to secure the border, but to facilitate crossing through legal crossings. I think there are some things we can and should be doing with facilitating legal crossings to and from the United States of America.

I don't disagree with the full breadth of that statement, Mr. Speaker, but the facts are 80 to 90 percent of the illegal drugs consumed in America come from or through Mexico—80 to 90 percent. It is more than a \$60 billion annual business pouring into the United

States. Out of that \$60 billion worth of drugs, a lot of that is laundered in the United States and brought back into Mexico and points south down toward—and for cocaine, for example, from Colombia. We saw a big bust of Colombian cocaine that was smuggled into the nose of an airplane that was found by the maintenance crew when they diverted the plane for maintenance. But 80 to 90 percent of the illegal drugs come from or through Mexico.

It is an American problem. It is a demand we have on the streets of America for more than \$60 billion of illegal drugs that kill thousands of our citizens. We have seen the addiction. We have seen the heroin addictions that have emerged in the United States and become part of the news in the last few years, but the people who die from overdoses of drugs has accelerated to more than die because of car accidents in the United States.

Now, that is alarming when you consider most all of us travel in cars in this country. Not a very big percentage of us are addicted to drugs, but it is a very high percentage of those who are drug addicted that are dying because of the drugs they are getting and the overdoses and the bad drugs that they are getting, and we need to shut that down and shut that off.

It isn't a final solution, I would agree, because, Mr. Speaker, there are two sides to this equation. One of them is that we need to address the supply of drugs, the transport of illegal drugs into the United States and the delivery of them in the United States to their retail destination. But the other side is we need to shut down the demand on those illegal drugs. That is a topic that this Congress has not taken up in the time that I have been here. I have stood here on this floor a number of times and discussed the need for us to shut down the demand for illegal drugs.

Mr. Speaker, I will set that component aside for a moment and acknowledge that part of this problem is the United States' demand for illegal drugs. The deaths in the United States aren't solely the responsibility of the drug dealers. It also is the responsibility of our society to restigmatize illegal drug use and abuse and to clean up our society using a number of tools that we haven't yet developed: the will in our society to address the drug consumption problem in America.

Nonetheless, we have developed the will, I believe, especially with the election of Donald Trump, to address the illegal drug supply coming into America and to shut off the smuggling of drugs into the United States.

So when I hear from the gentleman from El Paso that he wants open borders and he thinks walls and fences insult people and they damage the relationships between us and Mexico, what about 100,000 dead Mexicans that die in the drug wars? Doesn't that damage

our relationship between the United States and Mexico far more than the size of a wall that would probably save tens of thousands of Mexican lives by drawing a line, creating a barrier, and keeping the illegal drugs on the south side of that border away from the \$60 billion-plus demand in the United States? I think that damages our relationship a lot more if we continue to allow that to happen.

The flow of illegal drugs flows this way into the United States. This is from the Drug Enforcement Agency. I said to them that I want to know about the drug distribution in America, who controls it. I know the answer, but I asked the question so I have got their response.

It is the Mexican drug cartels that control almost all of the illegal drug distribution in the United States of America. They are the cartels that operate in every major city, that control the illegal drug supply in nearly every major city; and if there is a significant exception, it is the southern tip of Florida—Miami—where more of those drugs come out of South America, across, through Haiti, and are smuggled into the United States. A lot by boat come through the Caribbean and into Miami and points along Key West. That is more a Haitian connection, South American connection, and to some degree a Cuban connection. But the balance of illegal drugs distributed in America are done so by the Mexican drug cartels.

I asked the Drug Enforcement Agency, I said to them: What would be the result of the illegal drug distribution chains in America if, magically, everyone who is illegally in America woke up in their home country tomorrow morning, what would that do to the illegal drug distribution system in the country? Their answer is: It would sever at least one link in every distribution chain of illegal drugs in America, at least one, and in many cases every link of that chain of distribution of illegal drugs.

In other words, for a brief time, if that magical miracle thing happened that everybody woke up in their home country, say, tomorrow morning, there would be an instantaneous suspension of the transfer of illegal drugs through that chain into America and into the hands of the users, where tens of thousands are dying because of the drug abuse that they are committing. That is how bad this drug stream is in America.

I cannot be convinced that it is not a national security problem. I can't be convinced that it is not a social problem, a law enforcement problem, a criminal problem, and an economic problem. We are allowing these crimes against the humanity of the United States and turning a deaf ear—a deaf ear—because we don't want to speak about how bad this is because some-

body over on that side will start calling names again. Well, I don't think I ever got up in the morning without a bunch of them calling me names before I ever got up—no matter how early—and I am immune to that, but I think we need to speak the truth.

With regard to the offensiveness of fences and walls, and having traveled almost all of this border and examined it for the prospects of the need to build a fence, a wall, and a fence on our southern border, I would recount, Mr. Speaker, to you what I saw from the helicopter over El Paso.

The gentleman spoke and said that El Paso is the safest city in America. I have to check the data on that, but I do recall that El Paso is unusually safe in comparison to the other border cities between Texas and Mexico or even between New Mexico, Arizona, California and Mexico. Why would El Paso be an unusually safe city if it sits on the border in the fashion that it does? And it does.

The gentleman from El Paso recounted that it is because they get along with each other and because they have 25 percent immigrants in his constituent population, and somehow they have reached this balance of comity that they get along and so they don't commit crimes against each other. I didn't hear him address the drug problem at all. He may have and I missed it.

But I will submit that is not the reason why the crime rate is low in El Paso. Anybody who would like to fly over the border and take a look at that in El Paso can see why the crime rate is low. I recall President Obama going down there and standing within about a mile of the border a few years ago and making remarks. He said that some people want to build a wall on the border, some want to build a fence, some want to build a moat, and some way want to put alligators in it. That was President Obama's statement. He was standing there, by the way, facing north with his back to the border. Not very far away is a fence, a canal, another fence, a security road, the Rio Grande river, another fence, another security road, and another fence.

So if you have to get through all those fences and two bodies of water that were flowing—when I looked at it—at a pretty brisk pace, and I know it slows down during the low season, that would be the reason they don't have a lot of illegal activity in El Paso because they have probably the best security structures that we have between us and Mexico. It is a testimony to why we need to build a fence, a wall, and a fence. It is not a testimony as to why we don't, but a testimony as to why we do.

If anybody wanted to look, and look at this objectively, perhaps the gentleman from El Paso would show us the crime data on what the crimes were in

El Paso before they built the fence, the canal, the road, the fence, the river, the road, and the fence. It is pretty hard to get through that. You have got to be able to climb, swim, and maybe burrow underneath one or two, and then you have got the traffic, the security traffic that travels inside of that. The Border Patrol has that traveled with their white with green striped vehicles there.

This is a secure barrier between El Paso and Mexico, and it has kept El Paso safer than other border cities. I believe you will find, if you look at the years before the security was built, that the crime rate was higher than it is today in El Paso.

So if we want to really do this from an analytical perspective, perhaps we could extrapolate some of those numbers and project that kind of security to, oh, Laredo, for example, McAllen, Brownsville, and maybe San Diego, which already has better crime rates now after they built their barriers across Smuggler's Gulch. Everybody who has a fence admits they are safer than before they had one.

There is another tragedy, Mr. Speaker, that I recall the gentleman speaking to. He said that we should tear down the 600 miles of barrier that we have. Well, it is the opposite. We need to build them up. But, in any case, he said that those who study walls say they don't deter illegal traffic coming across them. Indeed.

I wonder if the gentleman studied what was going on in Israel, the fencing that they built in Israel, and if he happened to even notice the tweet that came out from Prime Minister Netanyahu just a couple days ago. He said that they built a barrier to protect them in Israel, and it is nearly 100 percent effective. Their lives depend upon it. So they built an effective barrier, Mr. Speaker. Anyone who is watching history knows this.

I hear the other side refer to a wall that we will build on the Mexican border as they compare it to the Berlin Wall. I wonder if they know enough about history to relate any other walls that have been built in history.

Not quite a year ago, we had Victor Davis Hanson, one of my top two favorite authors in the country and one of the deepest, most thoughtful, well-read, and prolific writers of history that goes far back to the Greek Peloponnesian era and beyond. He has a terrific understanding of the history of the globe and how it unfolded, especially to Western civilization and came to us. I said: Mr. Hanson, I would like to know, I can think of the Berlin Wall as a wall that was built to keep people in. It was built by Communists to keep people in. Can you think of another wall in history that was built to keep people in?

I look across the history that I know, the rest of the walls were built to keep

people out. Victor Davis Hanson thought for a little while. He said: Well, one could note the wall, the fence, the barrier between North and South Korea is at least in part built to keep people in North Korea.

I don't disagree with that. It is just another case where Communists had to lock their people up to keep them from freedom.

So I would challenge anyone who is listening, Mr. Speaker, dig through your history books, Google this to the end of the Earth if you like. I would like to know if there is another example of a fence or a wall that has been built by a nation-state on its borders that is built for the purpose of keeping people in—other than Berlin and the barrier between North and South Korea.

In both cases, it was keeping Communists locked in a Communist nation and keeping them from accessing the God-given liberty and freedom that we enjoy here in this country. The rest of the walls throughout history, including the Great Wall of China, were built to keep people out.

The examples of that, in the Great Wall of China, would be that the segments of the Great Wall of China were built by different emperors. In fact, they were not a unified China during those years. I am going back several hundred years before Christ. Different emperors built different segments of the wall. They built them because they concluded the Mongols were coming down from the north and were raiding the Chinese. The Chinese decided they didn't want to be the subject of those raids any longer.

When you are not defended like that, you have a couple of choices. One, of course, is to submit and be killed, and that is not an option for the survivors at least. Another is you can run raids up into the Mongolian area and provide them a punishing deterrent to ever coming back into China again. A third alternative was to build the Great Wall of China.

They built it in segments. It had gaps in between it. By about 245 B.C., the first emperor of China, the unifier of China, Qin Shi Huang, decided to connect all of these segments of the Great Wall of China, so we have got one continuous wall. You could pull a chariot on top of it, it was so big and so well built. That wall—we believed up until the last few years—was 5,500 miles long, at least 2½ times as long as we need to build on the Mexican border.

He connected that together. I am sure he had cheap labor. I don't have any doubt about that. They may have worked for free and board and room, but they connected the great walls of China. Their emperor, Qin Shi Huang, established the continuity of that wall that now, by satellite, Chinese scientists have identified it as it really was—13,000 miles long.

□ 1815

That is 13,000 miles. We need to build a dinky, little 2,000-mile wall here—a fence, a wall, and a fence—and people say it is too expensive. It doesn't cash flow. We can't possibly do that. It is too hard. There are mountains on the border. There are complications. There are little toads that need to jump across the border. There are long-nosed bats that get confused if they have to fly over the top of it. There are these little species out here that we should worry about. And we have got an Indian reservation that spans both sides of that border. That is Tohono O'odham.

All of these complications right away would be too expensive. The woe-is-me people come out. They have been manufacturing all these reasons why it doesn't make sense to build a fence, a wall, and a fence on the southern border, creating every kind of difficulty that you can imagine.

I will just tell you, Mr. Speaker, in my lifetime, I started a construction company in 1975. We are in the business of earthmoving and structural concrete work. We do underground utilities of all kinds. We know pretty well what it takes to do a job.

We bid jobs nearly every week, and we are out there with, let's say, two underground utility crews, a farm drainage crew, and an earthmoving crew, mix and match, according to the needs of the job we are doing.

Throughout the last more than 10 years, I have drawn up a design that I think is the most effective way to build a wall on the southern border, one that is cheap and effective and that will stand and last a long time with very low and very little maintenance. I will just briefly describe that for the RECORD, Mr. Speaker.

We have an ability to slip formed concrete. A lot of the curbs and gutters that you see around on our streets aren't forms that are set up and poured any longer with a concrete worker with a board pulling that up on the edge of that 2-by-12 on the back. Instead, it is slip form, where you simply drive the machine along, it scrapes the concrete off, and you pour it with a low enough slump that it will stand in the mold that you leave it in.

I propose that we go in and trench that 5 or 6 feet deep, and as we do so with the trencher, we pull the slip form along with that. Pour the trench full of concrete, 5 to 6 feet deep, so it is hard to dig under it, and it also becomes a wall that stabilizes the vertical sections that will go up above the Earth, and leave a slot in there so we can drop in precast panels.

When that is done, you have got a footing that is 3 to 4 feet wide. It has got a notch in it that drops down a foot or 18 inches that has a 6- or 7-inch gap to receive the precast concrete panels.

The precast concrete panels are poured pretty much on site, where they

don't have to be moved very much. As you do that, you move along and pour the concrete panels. When they are cured, you just take a crane or an excavator and pick them up one at a time to drop them into the slot. Drop the next one into a slot.

They are tongue and groove. You lay that all out along the border. And yes, you have to tie it in so that it doesn't tip on you vertically. You have to engineer it. The strongest force on that wall isn't going to be people trying to get through or over it, it is the wind force on the full face of the wall that you have to design for.

We can do all of that, and it is simple. Then, with that kind of a pace, even the crews that we have today in our little, old construction company—and I will say for the RECORD, Mr. Speaker, I am not proposing that King Construction build this, but I am asserting that it is not expensive, it is not complicated, and many companies in America have the full capability of building a good wall on the border that will stand for a long time. But, in any case, we slip form that footing foundation with the open slot in it, and then we drop the precast panels in. They can be whatever height the President of the United States would like. If he wants a 12-foot wall, we can build that, and I can price that out and put an estimate in place.

As I mentioned to the Secretary the other day, we are not proposing that we build it for the price I put into his hands, but if you call my bluff, we will. His answer was: Well, will you build 10 miles? I said: No, we want a thousand miles.

That is how good I think my estimate is. Our word would be good. But we will find cheaper bids out there if we put this together right. So we can put this together for substantially less than I am hearing from this gentleman. I don't know where he is getting his numbers. Mine are real. We cranked them out in the sophisticated software bidding package that King Construction uses for multiple jobs that are going on. Every week, we are bidding some kind of jobs.

When I stood on the floor here 10 years ago and said that we will build a wall with a 5-foot foundation in it, a slot in it, and precast panels, a functional 12-foot height, 6-inch wide concrete with wire on top, and we can do that for \$1.3 million a mile. That is for the foundation, the wall only. That is not for right-of-way acquisition, that is not for maintenance roads, that is not for all the bells and whistles that we need, or for the fence on either side that I believe we need, but that is what the wall would cost—roughly in the area of \$1.3 million a mile.

If that doesn't sound plausible, Mr. Speaker, I will put this in a perspective for everybody that is listening here. We are just finishing up, and will here, I

guess, a year from this fall, almost 300 miles of highway across the middle of Iowa through expensive cornfields. It is interstate-equivalent. It is four lanes. It is all built with the medians and the ditches.

When you look at an interstate highway, first, you have to by the right-of-way. Then you have to do the environmental and archeological tests. Then you do the engineering. Then you have the contracts. Then you have to do the clearing and grubbing. You strip the topsoil, stockpile it, move the Earth, and then when that is done, you go in and put in any subgrade that you have got.

Then you pave, then you shoulder it. Then you seed it. While all this is going on, then you paint the stripes on it, put the signs up, and you put a fence on either side of that. Then you cut the ribbon, and it is open to traffic. You are hearing people talk about a \$20 or \$30 billion project to build a 2,000-mile wall on the southern border.

I will submit, Mr. Speaker, this: we built that highway through the center of Iowa for roughly 300 miles for an average cost of something slightly less than \$4 million a mile. That is buying the right-of-way going through Iowa cornfields, not the desert, and that is all of the engineering, the earthmoving, the paving for our highway strength structure.

Can anybody think that, at \$4 million a mile to build an interstate, you can't build a fence for about \$1.3? I will tell you that, in the \$2 million a mile category, we will have a fence, a wall, and a fence on 80 percent of that southern border.

And there will be maybe 20 percent of that, and probably not more than 20 percent of that, that is tougher than that, and that is rock and it is mountain. Some of it is semivertical. What I have long said is: Let's build that fence, the wall, and the fence until they stop going around the end.

You don't have to commit to a thousand-mile barrier right away and build it out into the Gulf at the Rio Grande and the Gulf of Mexico where the Rio Grande dumps in or run it into the Pacific Ocean in San Diego, although those are probably good places to have it. You build it until they stop going around the end.

If you build it into the mountain and the stone and they decide it is too hard to travel all that way and climb those mountains, you don't need to build it any further. But when they start going around the end, then you build it.

We can build right over the top of the mountains, if we need to. We can put that foundation in there and drop the panels in right up nearly vertical face, if we need to. It is a lot more design and is expensive. Or, we can build the wall around the base of the mountain, where it makes more sense to do that.

In some places, we probably won't need to build one for a long time, if

ever, but let's build it where it's cheap and fast and where there is a lot of traffic. Let's shut it all off, Mr. Speaker, and let's do so for a cheap and economic price of a good concrete wall that will last for a century or more standing there with very little maintenance.

And yes, I think we should have vibration sensors, and I think we ought to have infrared where we need it. I think we ought to have cameras where it makes sense. We need people to patrol that. That all goes with the package.

I will say, as I said to President Trump more than a month ago, we build the wall until they stop going around the end. This is the centerpiece of our border security. And then all of the other things we do with sensors and lights and sensing wire on top of the wall, all of that are accessories to the centerpiece, which is the concrete wall.

Donald Trump never said a fence. I am going to build you a fence. He said wall. Some of his people, usually it is the ones that come from more to the left of the Republican center than those who come from the right of the Republican center, will say: Well, he really meant virtual. He didn't really mean that we are going to build a wall. It might be a fence, or there might be places where we don't really need to do anything. You will hear all of that. They are saying that because they never believed in border security.

If you remember, Mr. Speaker, there was a document that was put out shortly after the election in 2012, in November of 2012, called the autopsy report. That autopsy report gave an assignment to Republicans that said you have to do outreach to certain groups of people, and you have to play identity politics. Don't be caught pandering, but play identity politics, and we shouldn't be securing the border because that offends people that want to cross it legally.

That was the message that was driven out of there. It wasn't based on polling and data and statistics—at least not the data that I watched. Instead, it was a product of the party itself.

I bring this up not to turn any heat up on anyone but to illustrate that the very election of Donald Trump as President of the United States refutes that autopsy report received in 2012. It says that all people want to live in a lawful society, except for the people who are breaking the law.

We want to live in a lawful society. We want a peaceful society. We don't want violence. We don't want drugs. We don't want heads lined up on the border. We don't want to have the kind of slaughter over drug wars in the United States that has been taking place in Mexico far too many years.

When they report 100,000 people killed over the last decade or so in the drug wars in Mexico, and, by the way,

the \$60-plus billion of drugs a year that come into America, there is also that same amount of money that is wired back to Mexico. That is either laundered drug money or the fruit of the wages of people who are working in America sending their wages out of the United States.

That is not necessarily an economic boon for us when you see \$60 billion worth of drugs ruining the lives of American drug addicts and \$60 billion worth of wages or drug money going back to funnel into and fuel the economy of Mexico. That is stupid for the United States of America to accept that kind of transfer of a massive transfer of wealth and that destruction of our own people.

As bad as it is, 100,000 Mexicans killed in the drugs wars over the last decade or perhaps a little less than that, many more Americans have died because of drug overdoses in that period of time. And do we shed a tear for them? We should. And there are others we should shed a tear for, Mr. Speaker.

There are others like Kate Steinle, a beautiful brown-haired, blue-eyed, 32-year-old lady out with her father along the wharf in San Francisco. If I can remember his name—Juan Francisco Lopez-Sanchez is his name—was deported at least five times from the United States for committing felonies.

And what did he do? He came back into the United States, and he went to a sanctuary city, San Francisco, that had put out the beacon in the advisement that said: Come to our city. We will protect you. We will not let Federal immigration officials disturb your life here. We have hearts for people who are criminals, who are felons violating American laws with impunity being deported and coming back into America.

So he is living in a sanctuary city in San Francisco. He shot Kate Steinle in the back, and she fell and died in her father's arms, this beautiful young lady. When I saw that story, when it came up on my Twitter account that day, I looked at that and re-tweeted the story with a quote that said: This will make you cry, too.

Just sitting alone, reading my email, when I saw that story, it made me cry, Mr. Speaker, because I know that Kate Steinle is not 1 of the 124 who her father, Jim Steinle, spoke of when he so courageously testified before the House Judiciary Committee. I give him great credit for having the courage to do so, and to commemorate his daughter's life. She is not 1 of 124, which were essentially undocumented who were documented to be released who committed homicide after they had been released by our previous administration.

That number is not 124. Mr. Speaker, that number is in the thousands. It is in the thousands—the Americans who died at the hands of criminal aliens who are in the United States illegally

committing crimes against. And I call them Americans. Sometimes they are green card holders, lawful permanent residents.

□ 1830

Sometimes they are here on a visa. They are legally in the United States. Sometimes they are illegal aliens that also crept into America that die at the hands of those who should not be here.

Now, from where I stand, every life that has been sacrificed, that has been taken at the hand of someone who is unlawfully present in the United States of America, every life could have been saved. Every crime is a preventable crime, and I have lived that and believed that for a long time, Mr. Speaker.

As I came to this Congress some 14 years ago, I listened to the witnesses before the Immigration Subcommittee, and the witnesses would continually testify about how many lives were lost in the Arizona desert as people were trying to sneak into America. Having snuck across the border and they are trying to creep through the desert, often the heat will affect them, and they will be without water and they will die of exposure or exhaustion. The numbers went from roughly 200 a year in the Arizona desert, I recall them going up to as high as 450. That testimony would come almost every hearing, someone would come in and testify to the number of lives lost on an annual basis in the Arizona desert.

I began to wonder, as I would hear the news stories in the United States of the Kate Steinles and the Jamiel Shaws—Jamiel Shaw's son, Jas Shaw, a 17-year-old high school football star who was killed on the streets in southern California at the hand of a Mexican drug gang member who had been given the assignment to go out and kill a Black person. Jas, the son, had just spoken to his father on the cell phone and said: I will be home in just a few minutes, Dad.

But he never came home because he was shot in the head and killed up the street a block or two from his home because he was Black, because the assignment to his murderer was to go kill a Black person. Jamiel Shaw will never, never forget those days. Neither will Jas's mother, who was serving in the military and, I believe, deployed at the time. Both of them have testified here in the United States Congress.

There are others. Sarah Root from Modale, Iowa, a perfect 4.0 grade point average, studying criminal investigation at Bellevue University in Omaha. I believe the date that she graduated would have been January 30, 2016. The next day she was run over and brutally killed by a drag racing, illegal alien, Mejia—Eswin, I believe his first name was, Mejia—who had 2½ times the legal blood alcohol content. He was drag racing, and he ran Sarah Root, this per-

fect young woman with the beginning of her adult life set up perfectly in front of her, the only daughter of her father, Scott, and her mother, Michelle. She had a brother, Scotty. Sarah's parents have both testified also before the House Committee on the Judiciary.

This is personal, Mr. Speaker. It is personal to these families that have lost a loved one that they know would be alive today if the administrations had enforced existing immigration laws.

When I read the very, very sad story in Cottonwood, Minnesota, southwest Minnesota, not very far from my district, several years ago where a schoolbus full of kids was taking kids home from school, from after school, and an illegal alien who had twice encountered law enforcement and twice been released on the streets because the local law enforcement decided "it is not my job," ran the schoolbus off the road and into the ditch, and the bus rolled over. Four grade-school children were killed up by Cottonwood, Minnesota: a brother and a sister, and then separate children from two other families. Three families grieving at the tragic, horrible death of their grade-school children.

If we had enforced our immigration laws, those children would be alive today. They would be living, laughing, loving, studying, maybe teaching. They would be falling in love and doing all of the things that we want them to do as Americans, but their lives were snuffed out because we had an administration that refuses to enforce the law.

Others would say: Well, Congressman KING, you cannot assert that it is because of illegal activity or illegal aliens in America that brought about the death of those four children in Cottonwood, Minnesota, or the death of Sarah Root from Modale, Iowa, or the death of Kate Steinle in San Francisco, or Jas Shaw, or Brandon Mendoza, or Dominic Durden.

All of their lives and thousands more have been lost because we refused to enforce immigration law.

They tell me: No, crimes will be committed, bad things will happen; it has got nothing to do with not enforcing immigration law.

My answer to them is, Mr. Speaker: Then you go tell those parents in Cottonwood, Minnesota, that their children would still be dead if we had deported the perpetrator who killed them. You go tell the parents of Kate Steinle that she would still be dead if Juan Francisco Lopez-Sanchez had been effectively deported or locked up for a mandatory 5-year sentence, as we have written into Kate's law, that Kate would still be dead if we had enforced such a law on Sanchez. Or go tell the mother of Brandon Mendoza that her fine and proud law enforcement son would still be dead if we had deported

the illegal who ran him down that day. Or tell Jamiel Shaw that his son, Jas, would still be dead if we had deported the illegal alien who murdered his son on the street in his neighborhood.

We know better, Mr. Speaker.

This is personal. It is personal in the lives of thousands of families in America who are suffering thousands of incidents of their grief that will be part of their lives. For generations, they will look back, and they will grieve for those lost family members who will not be there on Easter or on Christmas or on Thanksgiving, and they will grieve for the grandchildren who were never born, and they will call upon their surviving brothers and sisters: Now you are responsible to be the parents of the grandchildren for the parents who lost their daughter or lost their son.

That is what is at stake here, Mr. Speaker.

We are a nation of laws, but we are, today, a nation of not yet fully enforced laws, and we have had a President in the past who seemed to want to bring in the maximum number of illegal aliens and leave them here and keep them here. He never demonstrated a desire to enforce the law as he opened up the borders of America to people who are coming from terrorist-spawning countries. Now, thankfully, we have Donald Trump, who has stepped up to close those borders back down again and get a handle on this migration so that the American people can be safer. But we will be a lot safer with a fence, a wall, and a fence on our southern border.

By the way, at this point now, the United States is spending, annually, \$13.4 billion a year—that is billion with a B—to secure our southern border, and we are getting perhaps 25 percent enforcement efficiency in that southern border—25 percent. That, by the way, is the testimony of the Border Patrol before the Committee on the Judiciary. It is not a number that is brought up from someone who wants to be critical of them.

I salute the Border Patrol. They have got a tough job. But their operation has not been managed for the purpose of securing our border and achieving border security. They have tried to redefine it as to something else.

Oh, \$13.4 billion a year spent on our 2,000-mile southern border. Now, somebody out there, Mr. Speaker, has done the math on that and divided 2,000 miles into \$13.4 billion. That comes to \$6.7 million a mile to secure our southern border, \$6.7 million a mile for every mile every year, day and night—\$6.7 million.

I would just ask people, contemplate that cost, that heavy cost, \$6.7 million a mile. What can you buy for that?

Well, you can buy an interstate highway, and you can have \$2.7 million left over and change per mile. We can take one annual budget of our southern bor-

der—if we do what Mr. O'ROURKE wants to do and open the border, we can lay the Border Patrol off for a year, take that \$6.7 million a mile, the \$13.4 billion, and we can build an interstate highway the full length of that and have \$2.7 million a mile left over. That is how much money is being spent on the southern border to get 25 percent efficiency.

You cannot convince me that if we spend \$1.3 million a mile for the wall—if we dial that up to 2 or a little more than \$2 million a mile so we can cover a fence on either side of that wall and access roads that would be built out of necessity to build it and to maintain it and to patrol it—a couple million dollars a mile on that, wouldn't give us something pretty close to Israeli-level border security. That is nearly 100 percent. That is up into the 99 percentile and beyond that into the efficiency of the security of our border. Of course we could get that kind of security on our border.

It doesn't mean we just build it and walk away. People on that side would like to have you think that, that somehow we would just build a wall and walk away and we leave the ladders put up on the south side of the border. No, we would maintain that. We would patrol it. We would fly it. We would patrol it with vehicles. We would have vibration sensors. We would put wire on top, and that wire on top would signal to us if anybody grounded that wire, tried to breach that, touch that wire, brought it to the ground. It would tell us in the control centers exactly where that breach was attempted to take place. We would zero our enforcement in on them and we would enforce it, and we would maintain it so that it functions 100 percent all the time.

I see the fence we have got on the border now, and sometimes they will come on the other side, take a set of wire cutters, cut themselves a gate through a chain-link fence. I believe I saw this in Lukeville, Arizona. There they take a chain and thread it through the chain-link fence, put a padlock on it, and it is their personal gate to come and go into America whenever they see fit, with a great, big huge brown mastiff on a bigger chain yet laying there by that gate with a growl under his throat waiting for anybody who might decide they want to walk through that gate in the fence.

We can do a lot better. We will do a lot better, \$6.7 million a mile. Let me pose this another way for people who have a different way of putting images in their head.

For me, I live out in the country in Iowa. We have gravel roads every mile, in the flat country at least. From where I live, my west road runs a mile out there to the intersection where it goes on in four directions, gravel road.

So let's just say that General Kelly, Secretary Kelly, came to me and he

said: STEVE, I want you to guard your west mile, and I want you to secure that border so that 25 percent of the people that are trying to get across there will be interdicted and won't be able to get across that border. So what would you take to give me that level of security for a mile of road and, say, a mile, the west gravel road from my house?

He said: I have got a bid. I will give you \$6.7 million—that is the average going rate for a mile—and you will get that every year. By the way, we do our budgets on a 10-year contract, so I will give you \$67 million to secure 1 mile of Iowa gravel road.

Do you think I could secure that border for \$67 million for 10 years? And do you think that I would hire a lot of people to sit there in their humvees and talk back and forth on the radio and let people walk around them coming across that border if my job was to secure it? No. I would build a fence, a wall, and a fence on that mile. I would spend less than \$2 million for that mile.

Yes, I would hire a border patrol, and I would put the bells and whistles, the accessories on that wall so that we had the warning signals that are there. I would minimize the labor; I would maximize the technology. But I would put the resources there to get the job done 100 percent, not 25 percent, and I could do it for, you know, a lot less than \$6.7 million per mile per year. It wouldn't take a \$67 million contract for a 10-year contract to secure that border. Infrastructure does its job. You build the wall.

Remember President Obama, he said he had prosecutorial discretion, and so he created these great classes of people and violated the Constitution and granted a waiver for the application of our criminal laws against people who had come into the United States illegally. And he said: Well, we are doing this on a case-by-case basis.

Janet Napolitano wrote the memo. We have got the ICE memo or the Napolitano memo that lays out the exemptions to the law. Seven times in there she wrote, "on an individual basis only." That is in there because she knows that the court case turns on prosecutorial discretion, which can only be applied if you are not going to enforce the law, the prosecutors do have discretion. If it is not practical to do so, if you don't have the resources, they should use the resources to their best advantage. You can do that on an individual basis and be within the law and be constitutional.

But once you have a President Obama creating huge classes of people that number in the hundreds of thousands—in fact, in the millions—then what you have, Mr. Speaker, is a violation of the law and the Constitution, and it is the executive branch, the President of the United States making

up law as he goes along and violating the separation of powers.

□ 1845

Well, through that, when the President says: I have prosecutorial discretion, and anybody who walks across the border is not going to be troubled. We will meet them with the welcome wagon and fly them to any State in the Union they choose—that happens, Mr. Speaker—it is real. That is not a fabrication or an embellishment. It is even worse than that.

But what benefit does a wall have? In addition to, it provides security of the United States of America. A wall doesn't have prosecutorial discretion. We make up its mind when we build the wall. And if they can't get across there, and we maintain and protect it, then we get the effectiveness of it, regardless of who the President is. And if we get a President in the future who doesn't secure and maintain and enforce the wall, then we have a serious cause that we can point to rather than a vague legal argument manufactured by a former adjunct professor who taught constitutional law at the University of Chicago.

And so, Mr. Speaker, building a fence, a wall, and a fence on our southern border is a wise and prudent thing to do. It will pay for itself before we can even get it built. It will dramatically slow down the illegal drugs that are coming into America that come from or through Mexico. Remember, 80 to 90 percent of them. Dramatically slow them down. The illegal traffic that is coming in, it will shut off most all of that. I would agree with the gentleman from El Paso that we should then beef up our ports of entry so we can facilitate a faster flow of legal traffic in and out of America.

But the American people need to decide who is coming into America and who is leaving America. We should not have an immigration policy that is established by the people who live anywhere but America or by the people who are anything but citizens of the United States. The citizens of America should make this decision through their elected representatives by exercising the enumerated power in the Constitution that Congress has to establish immigration laws.

Internally, our domestic laws need to be enforced. And we need to recruit local law enforcement by expanding the 287(g) program and the Secure Communities program. We need to incorporate the city police, the county sheriff and deputy force, and the highway patrol, or Division of Criminal Investigation—Department of Public Safety officers, as Texas has—all to work with our Federal officers, so it is a seamless network working together to provide secure communities in America, restore the respect for the rule of law, shut down the flow of drugs

into the United States, shut off the illegal traffic into America, shut off the terrorists who are sneaking into America because the easiest and most reliable way for them to get here is across our southern border. If we do all of that, there will be respect for both countries that will be established.

And I would say this to President Trump. And that is, he is a builder, I am a builder. I don't have any doubt about how to build that wall or to build the fences on the south and north side of that so that we have two no-man's lands to patrol. I don't know that he has any doubt about it either. He has said that he will build a big, beautiful wall.

Well, I am looking for the architect's ideas on beauty. That is not my forte. But the structural functionality and the efficiency of its construction is my forte. And I encourage that we draw up the plans and designs for this and let contracts to those contractors who can effectively and efficiently do this in a competitive low-bid fashion with a proper inspection, and we will build that barrier that can stand for a long time, designed to keep people and contraband out, as every other wall in the history of the world, including the Great Wall of China and the walls that were built in northern England and those across northern Germany. The Romans built walls there to protect themselves as well.

Each wall, with the exception of those designed by communists to keep their subjects in, has been designed to keep people out. There is a huge moral difference between a wall to keep people in and a wall to keep criminals, terrorists, and also decent people, and contraband out. It is a simple equation.

Mr. Speaker, I appreciate your attention here this evening on this topic. I look forward to the construction of the fence, the wall, and the fence on our southern border, and the restoration of the respect for the rule of law.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CLARK of Massachusetts (at the request of Ms. PELOSI) for today and the balance of the week on account of family emergency.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON HOMELAND SECURITY FOR THE 115TH CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, February 1, 2017.

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

DEAR MR. SPEAKER: Pursuant to clause 2(a) of rule XI of the Rules of the House of Rep-

resentatives, I submit the Rules of the Committee on Homeland Security for the 115th Congress for publication in the Congressional Record. On February 1, 2017, the Committee on Homeland Security met in open session and adopted these Committee Rules by a recorded vote of 18 yeas and 10 nays, a quorum being present.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Enclosure.

(Adopted February 1, 2017)

RULE I.—GENERAL PROVISIONS.

(A) *Applicability of the Rules of the U.S. House of Representatives.*—The Rules of the U.S. House of Representatives (the “House”) are the rules of the Committee on Homeland Security (the “Committee”) and its subcommittees insofar as applicable.

(B) *Applicability to Subcommittees.*—Except where the terms “Full Committee” and “subcommittee” are specifically mentioned, the following rules shall apply to the Committee's subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chairman and Ranking Minority Member.

(C) *Appointments by the Chairman.*—Clause 2(d) of Rule XI of the House shall govern the designation of a Vice Chairman of the Full Committee.

(D) *Conferences.*—The Chairman is authorized to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(E) *Committee Website.*—The Chairman shall maintain an official Committee web site for the purposes of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members, other Members, and the public at large. The Ranking Minority Member may maintain a similar web site for the same purposes. The official Committee web site shall display a link on its home page to the web site maintained by the Ranking Minority Member.

(F) *Activity Report.*—The Committee shall submit a report to the House on the activities of the Committee in accordance with House rule XI 1(d).

RULE II.—SUBCOMMITTEES.

(A) *Generally.*—The Full Committee shall be organized into the following six standing subcommittees and each shall have specific responsibility for such measures or matters as the Chairman refers to it:

(1) Subcommittee on Counterterrorism and Intelligence;

(2) Subcommittee on Border and Maritime Security;

(3) Subcommittee on Cybersecurity and Infrastructure Protection;

(4) Subcommittee on Oversight and Management Efficiency;

(5) Subcommittee on Transportation and Protective Security; and

(6) Subcommittee on Emergency Preparedness, Response and Communications.

(B) *Selection and Ratio of Subcommittee Members.*—The Chairman and Ranking Minority Member of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the Full Committee, consistent with the party ratios established by the Majority party, except that each subcommittee shall have at least two more Majority Members than Minority Members.

(C) *Ex Officio Members*.—The Chairman and Ranking Minority Member of the Full Committee shall be ex officio members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chairman and Ranking Minority Member of the Full Committee shall only be counted to satisfy the quorum requirement for the purpose of taking testimony and receiving evidence.

(D) *Powers and Duties of Subcommittees*.—Except as otherwise directed by the Chairman of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.

RULE III.—SPECIAL COMMITTEE PANELS.

(A) *Designation*.—The Chairman of the Full Committee may designate a special panel of the Committee consisting of Members of the Committee to inquire into and take testimony on a matter or matters that warrant enhanced consideration, and to report to the Committee.

(B) *Party Ratios and Appointment*.—The chairman of a special panel shall be appointed by the Chairman of the Full Committee. The Ranking Minority Member of the Full Committee may select a ranking minority member for a special panel and may appoint additional minority members, consistent with the ratio of the full committee. The Chairman and Ranking Minority Member may serve as ex officio members.

(C) *Duration*.—No special panel shall continue in existence for more than six months.

(D) *Jurisdiction*.—No panel shall have legislative jurisdiction.

RULE IV.—REGULAR MEETINGS.

(A) *Regular Meeting Date*.—The regular meeting date and time for the transaction of business of the Full Committee shall be at 10:00 a.m. on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.

(B) *Additional Meetings*.—At the discretion of the Chairman, additional meetings of the Committee may be scheduled for the consideration of any legislation or other matters pending before the Committee, or to conduct other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chairman.

(C) *Consideration*.—Except in the case of a special meeting held under clause 2(c)(2) of House Rule XI, the determination of the business to be considered at each meeting of the Committee shall be made by the Chairman.

RULE V.—NOTICE AND PUBLICATION.

(A) *Notice*.—

(1) *Hearings*.—(a) Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee shall make public announcement of the date, place, and subject matter of any hearing before the Full Committee or subcommittee, which may not commence earlier than one week after such notice.

(b) However, a hearing may begin sooner than specified in (a) if the Chairman of the Committee, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin such hearing sooner, or if the Committee so determines by majority vote, a quorum being present for

the transaction of business. If such a determination is made, the Chairman shall make the announcement required under (a) at the earliest possible date. To the extent practicable, the names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing.

(2) *Meetings*.—The Chair shall announce the date, time, place and subject matter of any meeting, which may not commence earlier than the third day on which Members have notice thereof except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived if the Chairman with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting sooner or if the Committee so determines by majority vote, a quorum being present for the transaction of business.

(a) At least 48 hours prior to the commencement of a meeting for the markup of legislation, or at the time of announcement of the meeting, if less than 48 hours under Rule V(A)(2), the text of such legislation to be marked up shall be provided to the Members, made publicly available in electronic form, and posted on the official Committee web site.

(b) Not later than 24 hours after concluding a meeting to consider legislation, the text of such legislation as ordered forwarded or reported, including any amendments adopted or defeated, shall be made publicly available in electronic form.

(3) *Briefings*.—The Chairman shall provide notice of the date, time, place, and subject matter of a Member briefing. To the extent practicable, a Member briefing shall not commence earlier than the third day on which Members have notice thereof.

(4) *Publication*.—House Rule XI 2(g)(3)(C) is hereby incorporated by reference.

RULE VI.—OPEN MEETINGS AND HEARINGS; BROADCASTING.

(A) *Open Meetings*.—

(1) All meetings and hearings of the Committee shall be open to the public including to radio, television, and still photography coverage, except as provided by Rule XI of the Rules of the House or when the Committee, in open session and with a majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or rule of the House of Representatives.

(2) The Committee or Subcommittee may meet in executive session for up to five additional consecutive days of hearings if agreed to by the same procedure.

(B) *Broadcasting*.—Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, in accordance with the provisions of clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries. Pursuant to clause 2(e) of rule XI of the Rules of the House of Representatives, the

Committee shall, to the greatest extent practicable, provide audio and video coverage of each hearing or meeting in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

(C) *Transcripts*.—A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All transcripts of meetings or hearings that are open to the public shall be made available.

RULE VII.—PROCEDURES FOR MEETINGS AND HEARINGS.

(A) *Opening Statements*.—At any meeting of the Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chairman presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.

(B) *The Five-Minute Rule*.—The time any one Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be extended when permitted by unanimous consent.

(C) *Postponement of Vote*.—The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment and may resume proceedings on a postponed vote at any time after reasonable notice to Members by the Clerk or other designee of the Chairman. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(D) *Record*.—Members may have 10 business days to submit to the Chief Clerk of the Committee their statements for the record, and, in the case of a hearing, additional questions for the hearing record to be directed towards a witness at the hearing.

RULE VIII.—WITNESSES.

(A) *Questioning of Witnesses*.—

(1) Questioning of witnesses by Members will be conducted under the five-minute rule unless the Committee adopts a motion permitted by clause 2(j)(2) of House Rule XI.

(2) In questioning witnesses under the five-minute rule, the Chairman and the Ranking Minority Member shall first be recognized. In a subcommittee meeting or hearing, the Chairman and Ranking Minority Member of the Full Committee are then recognized. All other Members who are present before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have been recognized. To the extent practicable, each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

(3) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion, may permit a specified

number of Members to question a witness for a period longer than five minutes, but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.

(4) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion, may permit Committee staff of the Majority and Minority to question a witness for a specified period of time, but the time allotted must be equally apportioned to the Majority and Minority staff and may not exceed one hour in the aggregate.

(B) *Minority Witnesses.*—House Rule XI 2 (j)(1) is hereby incorporated by reference.

(C) *Oath or Affirmation.*—The Chairman of the Committee or any Member designated by the Chairman, may administer an oath to any witness.

(D) *Statements by Witnesses.*—

(1) Consistent with the notice given, and to the greatest extent practicable, witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48 hours in advance of the witness's appearance before the Committee.

(2) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include a curriculum vita and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two preceding calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing. Such disclosures shall include the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing, and the amount and country of origin of any payment or contract related to the subject matter jurisdiction of the hearing originating with a foreign government. Such statements, with the appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

RULE IX.—QUORUM.

Quorum Requirements.—Two Members shall constitute a quorum for purposes of taking testimony and receiving evidence. One-third of the Members of the Committee shall constitute a quorum for conducting business, except for (1) reporting a measure or recommendation; (2) closing Committee meetings to the public, pursuant to Committee Rule IV; (3) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law. The Chairman's staff shall consult with the Ranking Minority Member's staff when scheduling meetings and hearings, to ensure that a quorum for any purpose will include at least one Minority Member of the Committee.

RULE X.—DECORUM.

(A) *Breaches of Decorum.*—The Chairman may punish breaches of order and decorum, by censure and exclusion from a hearing or meeting; and the Committee may cite the offender to the House for contempt.

(B) *Access to Dais.*—Access to the dais before, during, and after a hearing, markup, or other meeting of the Committee shall be limited to Members and staff of the Committee. Subject to availability of space on the dais, Committee Members' personal staff

may be present on the dais during a hearing if their employing Member is seated on the dais and during a markup or other meeting if their employing Member is the author of a measure or amendment under consideration by the Committee, but only during the time that the measure or amendment is under active consideration by the Committee, or otherwise at the discretion of the Chairman, or of the Ranking Minority Member for personal staff employed by a Minority Member.

(C) *Wireless Communications Use Prohibited.*—During a hearing, markup, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

RULE XI.—REFERRALS TO SUBCOMMITTEES.

Referral of Bills and Other Matters by Chairman.—Except for bills and other matters retained by the Chairman for Full Committee consideration, each bill or other matter referred to the Full Committee shall be referred by the Chairman to one or more subcommittees within two weeks of receipt by the Committee. In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Full Committee. Bills or other matters referred to subcommittees may be reassigned or discharged by the Chairman.

RULE XII.—SUBPOENAS; COUNSEL.

(A) *Authorization.*—The power to authorize and issue subpoenas is delegated to the Chairman of the Full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member prior to issuing any subpoena under such authority. To the extent practicable, the Chairman shall consult with the Ranking Minority Member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and Federal holidays. The Chairman of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena.

(B) *Disclosure.*—Provisions may be included in a subpoena with the concurrence of the Chairman and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.

(C) *Subpoena duces tecum.*—A subpoena duces tecum may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.

(D) *Counsel.*—When representing a witness or entity before the Committee in response to a document request, request for transcribed interview, or subpoena from the Committee, or in connection with testimony before the Committee at a hearing, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by

the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

RULE XIII.—COMMITTEE STAFF.

(A) *Generally.*—Committee staff members are subject to the provisions of clause 9 of House Rule X and must be eligible to be considered for routine access to classified information.

(B) *Staff Assignments.*—For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows, or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chairman shall appoint, supervise, where applicable determine remuneration of, and may remove Majority staff. The Ranking Minority Member shall appoint, supervise, where applicable determine remuneration of, and may remove Minority staff. In consultation with the Ranking Minority Member, the Chairman may appoint, supervise, determine remuneration of and may remove shared staff that is assigned to service of the Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.

(C) *Divulgence of Information.*—Prior to the public acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

RULE XIV.—CLASSIFIED AND CONTROLLED UNCLASSIFIED INFORMATION.

(A) *Security Precautions.*—Committee staff offices, including Majority and Minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer shall be on duty at all times during normal office hours. Classified documents and controlled unclassified information (CUI) formerly known as sensitive but unclassified (SBU) information may be destroyed, discussed, examined, handled, reviewed, stored, transported and used only in an appropriately secure manner in accordance with all applicable laws, executive orders, and other governing authorities. Such documents may be removed from the Committee's offices only in furtherance of official Committee business. Appropriate security procedures, as determined by the Chairman in consultation with the Ranking Minority Member, shall govern the handling of such documents removed from the Committee's offices.

(B) *Temporary Custody of Executive Branch Material.*—Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from

which they were obtained at the earliest practicable time.

(C) *Access by Committee Staff.*—Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearances and a need-to-know, as determined by the Chairman or Ranking Minority Member, and under the direction of the Majority or Minority Staff Directors.

(D) *Maintaining Confidentiality.*—No Committee Member or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Committee Member or authorized Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session except for purposes of obtaining an official classification of such testimony. Classified information and controlled unclassified information (CUI) shall be handled in accordance with all applicable laws, executive orders, and other governing authorities and consistently with the provisions of these rules and Committee procedures.

(E) *Oath.*—Before a Committee Member or Committee staff may have access to classified information, the following oath (or affirmation) shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House.

Copies of the executed oath (or affirmation) shall be retained by the Clerk of the Committee as part of the records of the Committee.

(F) *Disciplinary Action.*—The Chairman shall immediately consider disciplinary action in the event any Committee Member or Committee staff member fails to conform to the provisions of these rules governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to Minority staff, the Chairman shall consider such disciplinary action in consultation with the Ranking Minority Member.

RULE XV.—COMMITTEE RECORDS.

(A) *Committee Records.*—House Rule XI 2(e) is hereby incorporated by reference.

(B) *Legislative Calendar.*—The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.

(C) *Members Right To Access.*—Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

(D) *Removal of Committee Records.*—Files and records of the Committee are not to be removed from the Committee offices. No

Committee files or records that are not made publicly available shall be photocopied by any Member.

(E) *Executive Session Records.*—Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless authorized by the Committee, a majority being present. Such information may be made available to appropriate government personnel for purposes of classification. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.

(F) *Availability of Committee Records.*—The Committee shall keep a complete record of all Committee action including recorded votes and attendance at hearings and meetings. Information so available for public inspection shall include a description of each amendment, motion, order, or other proposition, including the name of the Member who offered the amendment, motion, order, or other proposition, and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices and also made publicly available in electronic form and posted on the official Committee web site within 48 hours of such record vote.

(G) *Separate and Distinct.*—All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chairman and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.

(H) *Disposition of Committee Records.*—At the conclusion of each Congress, non-current records of the Committee shall be delivered to the Archivist of the United States in accordance with Rule VII of the Rules of the House.

(I) *Archived Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The Chairman shall consult with the Ranking Minority Member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE XVI.—COMMITTEE RULES.

(A) *Availability of Committee Rules in Electronic Form.*—House Rule XI 2(a) is hereby incorporated by reference.

(B) *Changes to Committee Rules.*—These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken and such changes are not inconsistent with the Rules of the House of Representatives.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes

p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 2, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

446. A letter from the Acting Commissioner, Social Security Administration, transmitting notification that the Administration has made a determination to contract with Equifax and ADP to obtain wage information from payroll data providers for the Supplemental Security Income and Social Security Disability Insurance programs, pursuant to Sec. 6.302-7(c)(2) of the Federal Acquisition Regulations; to the Committee on Oversight and Government Reform.

447. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Adjustments to Civil Monetary Penalty Amounts [Release Nos.: 33-10276; 34-79749; IA-4599; IC-32414] received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

448. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Section 5000A Hardship Exemption for HCTC-eligible Individuals (Notice 2017-14) received January 27, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SCALISE (for himself and Mr. JODY B. HICE of Georgia):

H.R. 781. A bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in the ordinary course of carrying out its tax exempt purpose; to the Committee on Ways and Means.

By Mr. MCHENRY (for himself and Ms. MENG):

H.R. 782. A bill to amend the Internal Revenue Code of 1986 to increase the amount excluded from gross income for employer-provided dependent care assistance; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. PALLONE):

H.R. 783. A bill to amend chapter 178 of title 28 of the United States Code to permit during a 4-year period States to enact statutes that exempt from the operation of such chapter, lotteries, sweepstakes, and other betting, gambling, or wagering schemes involving professional and amateur sports; to the Committee on the Judiciary.

By Mr. PALLONE (for himself and Mr. LOBIONDO):

H.R. 784. A bill to amend title 28 of the United States Code to exclude the State of New Jersey from the prohibition on professional and amateur sports gambling to the extent approved by the legislature of the State; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself and Mr. WILSON of South Carolina):

H.R. 785. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce.

By Mr. YARMUTH (for himself, Ms. SLAUGHTER, Mr. CONNOLLY, Ms. DEGETTE, Ms. MCCOLLUM, Mr. TONKO, Mr. CARTWRIGHT, Ms. SCHAKOWSKY, Ms. NORTON, Mr. BEYER, Mr. GRIJALVA, Mr. DEFAZIO, Ms. LEE, Mr. SCHIFF, Mr. BLUMENAUER, and Mr. MCNERNEY):

H.R. 786. A bill to place a moratorium on permitting for mountaintop removal coal mining until health studies are conducted by the Department of Health and Human Services, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. CUMMINGS, Mr. GARAMENDI, Mr. GRIJALVA, Ms. KAPTUR, Mr. MEEKS, Ms. MOORE, Ms. NORTON, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Mr. ELLISON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VEASEY, Mr. POCAN, Mr. TAKANO, Mr. MCGOVERN, and Mr. RYAN of Ohio):

H.R. 787. A bill to amend the Help America Vote Act of 2002 to promote early voting in elections for Federal office and to prevent unreasonable waiting times for voters at polling places used in such elections, and for other purposes; to the Committee on House Administration.

By Mr. HUNTER (for himself, Ms. CHENEY, Mr. WITTMAN, Mr. YOUNG of Alaska, Mr. WALZ, Mr. KINZINGER, Mr. PALAZZO, Mr. WESTERMAN, Mr. ABRAHAM, Mr. COMER, Mr. SESSIONS, Mr. KELLY of Pennsylvania, Mr. MARSHALL, Mr. LATTI, Mr. FARENTHOLD, Mr. JOHNSON of Ohio, Mr. MAST, Mr. GOSAR, Mr. LAMALFA, Mr. WELCH, Mr. LAMBORN, Mr. CUELLAR, Mr. PEARCE, and Mr. POLIS):

H.R. 788. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUDD (for himself, Mr. SANFORD, Mr. MEADOWS, Mrs. BLACK, and Mr. GOHMERT):

H.R. 789. A bill to amend the Foreign Assistance Act of 1961 to limit assistance to the Palestinian Authority and the Palestine Liberation Organization, and for other purposes; to the Committee on Foreign Affairs.

By Ms. KAPTUR (for herself, Mr. LYNCH, Mr. RYAN of Ohio, Mr. POCAN, Ms. DELAUNO, Ms. NORTON, Ms. SCHAKOWSKY, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. SLAUGHTER, Mr. JONES, Mr. WELCH, Mrs. WATSON COLEMAN, Mr. SERRANO, Mr. LIPINSKI, Mr. GARAMENDI, Ms. SPEIER, Mr. ELLISON, Mr. CONYERS, Ms. GABBARD, Mr. GRIJALVA, Mr. TONKO, Mr. MCGOVERN, Mr. DEFAZIO, Ms. LEE, Mr. CAPUANO, Ms. PINGREE, and Ms. FUDGE):

H.R. 790. A bill to repeal certain provisions of the Gramm-Leach-Bliley Act and revive the separation between commercial banking and the securities business, in the manner provided in the Banking Act of 1933, the so-called "Glass-Steagall Act", and for other purposes; to the Committee on Financial Services.

By Mr. CARSON of Indiana:

H.R. 791. A bill to posthumously award a Congressional gold medal to Muhammad Ali, in recognition of his contributions to the Nation; to the Committee on Financial Services.

By Mr. KELLY of Pennsylvania (for himself and Mr. MICHAEL F. DOYLE of Pennsylvania):

H.R. 792. A bill to amend the Internal Revenue Code of 1986 to extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. LARSEN of Washington (for himself, Mr. AGUILAR, Mr. CARBAJAL, Mr. CONNOLLY, Mr. COOPER, Mr. COURTNEY, Ms. DELBENE, Mr. GARAMENDI, Mr. HECK, Mr. KILMER, Mr. O'HALLERAN, Mr. PERLMUTTER, Mr. WALZ, and Mr. MCGOVERN):

H.R. 793. A bill to amend the National Security Act of 1947 to provide for additional requirements relating to the regular attendees of meetings of the National Security Council and bodies thereof; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself, Mr. HOYER, Ms. LOFGREN, and Mr. RASKIN):

H.R. 794. A bill to amend the Help America Vote Act of 2002 to reauthorize and improve the operation of the Election Assistance Commission, to provide funds to States to make security upgrades to voter registration lists and processes, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODNEY DAVIS of Illinois (for himself, Mr. PETERS, Ms. STEFANIK, Mr. POLIS, Mr. MACARTHUR, Ms. PINGREE, Mr. CRAWFORD, Mr. BLUMENAUER, Mr. ELLISON, Mr. VARGAS, Mr. BEYER, Mr. SWALWELL of California, Mr. ROUZER, Mr. BLUM, Mr. NOLAN, Mr. YOUNG of Iowa, Mr. BUCSHON, Mrs. LAWRENCE, Mr. TED LIEU of California, Ms. KUSTER of New Hampshire, Mr. HIMES, Mr. COSTELLO of Pennsylvania, and Ms. BROWNLEY of California):

H.R. 795. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided educational assistance to employer payments of qualified education loans; to the Committee on Ways and Means.

By Mr. DESANTIS:

H.R. 796. A bill to amend title 18, United States Code, to establish a uniform 5-year post-employment ban on the lobbying of any officer or employee of the executive branch or any Member, officer, or employee of Congress by former executive branch officials and former Members, officers, and employees of Congress, to establish a lifetime post-em-

ployment ban on lobbying on behalf of foreign governments by former senior executive branch officials, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Miss GONZÁLEZ-COLÓN of Puerto Rico:

H.R. 797. A bill to amend title XIX of the Social Security Act to remove the matching requirement for a territory to use specially allocated Federal funds for Medicare covered part D drugs for low-income individuals; to the Committee on Energy and Commerce.

By Miss GONZÁLEZ-COLÓN of Puerto Rico:

H.R. 798. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit and to provide the same treatment to families in Puerto Rico with one child or two children that is currently provided to island families with three or more children; to the Committee on Ways and Means.

By Mr. HILL (for himself, Mr. RICHMOND, Mr. WALKER, Mr. WESTERMAN, and Mrs. LOVE):

H.R. 799. A bill to authorize the Attorney General, in consultation with the Secretary of Education, to establish a pilot program to make grants to historically Black colleges and universities to provide educational programs to offenders who have recently been, or will soon be, released from incarceration, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUFFMAN (for himself, Mr. POCAN, and Mr. NOLAN):

H.R. 800. A bill to establish the Office of Rural Broadband Initiatives within the Department of Agriculture, to preserve open Internet requirements, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Natural Resources, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself, Mrs. NAPOLITANO, Mr. RODNEY DAVIS of Illinois, Mr. LIPINSKI, Mr. SCHIFF, Ms. JUDY CHU of California, Mrs. TORRES, and Mr. KINZINGER):

H.R. 801. A bill to amend the National Trails System Act to designate the Route 66 National Historic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. MEADOWS:

H.R. 802. A bill to prohibit Senegal from receiving certain forms of development assistance for a two-year period and make available such assistance to Rwanda and Uganda, and for other purposes; to the Committee on Foreign Affairs.

By Ms. MENG:

H.R. 803. A bill to direct the United States Postal Service to designate a single, unique ZIP Code for Glendale, New York; to the Committee on Oversight and Government Reform.

By Mrs. MURPHY of Florida (for herself, Ms. VELÁZQUEZ, Mr. BEYER, Mr. HIGGINS of New York, Ms. CLARKE of

New York, Ms. CLARK of Massachusetts, Ms. BORDALLO, Mr. BLUMENAUER, Ms. MENG, Mr. SCOTT of Virginia, Mr. MOULTON, Ms. MCCOLLUM, Mr. VARGAS, Ms. MOORE, Mr. SCHRADER, Ms. ROSEN, Ms. LEE, Mr. FOSTER, Mr. GARAMENDI, Mr. CÁRDENAS, Ms. SHEA-PORTER, Mr. KIND, Mr. JOHNSON of Georgia, Ms. CASTOR of Florida, Mr. TONKO, Mr. SERRANO, Mr. WELCH, Ms. SPEIER, Mr. CUELLAR, Ms. PINGREE, Mr. CICILLINE, Ms. BONAMICI, Mr. TED LIEU of California, Mr. NADLER, Mr. BEN RAY LUJÁN of New Mexico, Ms. MATSUI, Mr. CROWLEY, Mr. HIMES, Mr. DEFazio, Mr. COHEN, Ms. SCHAKOWSKY, Mr. SOTO, Mr. COSTA, Mr. RUPPERSBERGER, Ms. SINEMA, Ms. JUDY CHU of California, Mr. MCGOVERN, Mr. KILLMER, Mr. RASKIN, Mr. BROWN of Maryland, Mr. SMITH of Washington, Mr. POLIS, Mr. CORREA, Mr. EVANS, Ms. BROWNLEY of California, Ms. ROYBAL-ALLARD, Mr. TAKANO, and Mr. SWALWELL of California):

H.R. 804. A bill to amend the National Security Act of 1947 to protect the National Security Council from political interference, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES (for himself and Mr. VALADAO):

H.R. 805. A bill to authorize the conveyance of and remove the reversionary interest of the United States in certain lands in the City of Tulare, California; to the Committee on Natural Resources.

By Mr. OLSON (for himself, Mr. FLORES, Mr. LATTI, Mr. BISHOP of Georgia, Mr. MCCARTHY, Mr. CUELLAR, Mr. SCALISE, Mr. COSTA, Mr. CRAMER, Mr. LONG, Mr. JENKINS of West Virginia, Mr. BURGESS, Mr. RENACCI, Mr. HENSARLING, Mr. MCKINLEY, Mr. GUTHRIE, Mr. BUCHSHON, Mr. JOHNSON of Ohio, Mr. WEBER of Texas, and Mr. BABIN):

H.R. 806. A bill to facilitate efficient State implementation of ground-level ozone standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAULSEN (for himself, Mr. KIND, Mrs. BLACKBURN, Ms. MATSUI, Mr. MEEHAN, Ms. DELBENE, Mrs. RADEWAGEN, Mr. RYAN of Ohio, Mr. ELLISON, Mr. RUPPERSBERGER, Mr. CICILLINE, Mrs. COMSTOCK, Ms. JENKINS of Kansas, Mr. STEWART, Mr. THOMPSON of Pennsylvania, Mr. MURPHY of Pennsylvania, Mr. CARTER of Georgia, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. MCCOLLUM, Mr. KELLY of Pennsylvania, Mr. JOYCE of Ohio, Mr. BLUMENAUER, Mr. BARLETTA, Mrs. NAPOLITANO, Mr. FOSTER, Mr. SESSIONS, Mr. CARSON of Indiana, Mr. SWALWELL of California, Mr. PASCRELL, Mr. LARSON of Connecticut, Ms. SLAUGHTER, Ms. ROYBAL-ALLARD, Ms. FRANKEL of Florida, Ms. BROWNLEY of California, Mr. KILDEE, Mr. POCAN, Mrs. WAGNER, Mr. HECK, Ms. JUDY CHU of California, Mr. MARINO, Mr. YOUNG of Alaska, Mr. LANGEVIN, Mr. COSTELLO of Pennsylvania, Mr. WILSON of South Carolina, Mr. ABRAHAM, Mr. LOWENTHAL, and Mr. POLIQUIN):

H.R. 807. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM (for himself, Mr. LANCE, Mr. ZELDIN, and Mr. LAMBORN):

H.R. 808. A bill to impose nonnuclear sanctions with respect to Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, the Judiciary, Intelligence (Permanent Select), and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS:

H.R. 809. A bill to amend title 38, United States Code, to clarify presumptions of service-connection relating to the exposure to herbicides of certain veterans who served in the Armed Forces during the Vietnam Era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUSH:

H.R. 810. A bill to increase public safety by punishing and deterring firearms trafficking; to the Committee on the Judiciary.

By Mr. RUSSELL (for himself, Mr. MEADOWS, and Mr. BLUMENAUER):

H.R. 811. A bill to amend the Internal Revenue Code of 1986 to treat obligations financing professional sports stadiums as private activity bonds if such obligations meet the private business use test; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. JOYCE of Ohio, Ms. FUDGE, Mrs. BEATTY, Ms. KAPTUR, Ms. NORTON, Mr. CUMMINGS, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Washington, Mr. RICHMOND, Mr. CONYERS, Ms. MOORE, Mr. CLAY, and Mr. SOTO):

H.R. 812. A bill to award a Congressional Gold Medal to Simeon Booker in recognition of his achievements in the field of journalism, including reporting during the Civil Rights movement, as well as social and political commentary; to the Committee on Financial Services.

By Ms. SÁNCHEZ (for herself, Ms. ROYBAL-ALLARD, Mr. BLUMENAUER, Ms. SINEMA, Mr. NADLER, Mr. TAKANO, Mr. LARSEN of Washington, Mr. NOLAN, Mr. SOTO, Mr. POLIS, Mr. CICILLINE, Ms. PINGREE, Mr. VELA, Ms. CASTOR of Florida, Mr. GONZALEZ of Texas, Ms. JUDY CHU of California, Mr. GARAMENDI, Mrs. TORRES, Mr. SWALWELL of California, Mr. DESAULNIER, Mr. GRIJALVA, Mr. AGUILAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HIMES, Ms. ADAMS, Mr. LANGEVIN, Mr. MCNERNEY, Ms. SHEA-PORTER, Ms. WILSON of Florida, Mr. PETERS, Mr. BEYER, Mr. LIPINSKI, Mr. COURTNEY, Ms. LEE, Mr. LOWENTHAL, Mr. AL GREEN of Texas, Mr. KILDEE, Mr. SEAN PATRICK MALONEY of New York, Ms. MOORE, Mr. MEEKS, Mr. RUSH, Mr. CÁRDENAS, Mr. YARMUTH, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. DEFazio, Mr. VARGAS, Mr. THOMPSON of California, Ms. CLARK of Massachusetts, Ms. KUSTER of New

Hampshire, Mr. SMITH of Washington, Mr. DELANEY, Mr. SERRANO, Ms. LOFGREN, Mr. PERLMUTTER, Mr. BEN RAY LUJÁN of New Mexico, Mr. POCAN, Mr. GENE GREEN of Texas, Mr. BERA, Mr. KENNEDY, Mrs. NAPOLITANO, Mr. CONYERS, Mr. TED LIEU of California, Mr. KIND, and Mr. DEUTCH):

H.R. 813. A bill to restore access to year-round Federal Pell Grants; to the Committee on Education and the Workforce.

By Mr. ZELDIN:

H.R. 814. A bill to amend title 38, United States Code, to clarify that the estate of a deceased veteran may receive certain accrued benefits upon the death of the veteran, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ZELDIN:

H.R. 815. A bill to amend title 38, United States Code, to adjust certain limits on the guaranteed amount of a home loan under the home loan program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. PEARCE (for himself, Mr. GOSAR, Mr. STEWART, Mrs. RADEWAGEN, Mr. CRAMER, Mr. GOHMERT, Mr. NEWHOUSE, Mr. BIGGS, Mr. WESTERMAN, and Mr. LAMBORN):

H.J. Res. 56. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Site Security"; to the Committee on Natural Resources.

By Mr. ROKITA:

H.J. Res. 57. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. GUTHRIE:

H.J. Res. 58. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues; to the Committee on Education and the Workforce.

By Mr. MULLIN (for himself, Mr. GOSAR, Mr. GOHMERT, Mr. CRAMER, Mrs. BLACKBURN, Mrs. RADEWAGEN, Mr. CARTER of Georgia, Mr. COLLINS of Georgia, Mr. SESSIONS, Mr. BIGGS, Mr. FRANCIS ROONEY of Florida, Mr. NEWHOUSE, Mr. PERRY, Mr. HIGGINS of Louisiana, Mr. TIPTON, and Mr. ADERHOLT):

H.J. Res. 59. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act"; to the Committee on Energy and Commerce.

By Mrs. BEATTY (for herself, Mr. BUTTERFIELD, Ms. NORTON, Mr. GRIJALVA, Mr. CONYERS, Mr. MEEKS, Ms. MOORE, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. CLAY, and Mr. RYAN of Ohio):

H. Con. Res. 16. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the Buffalo Soldiers; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Ms. ADAMS, Ms. BASS, Mrs.

BEATTY, Mr. BISHOP of Georgia, Ms. BLUNT ROCHESTER, Mr. BROWN of Maryland, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DEMINGS, Mr. ELLISON, Mr. EVANS, Ms. FUDGE, Mr. HASTINGS, Ms. JACKSON LEE, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCEACHIN, Mr. MEEKS, Ms. MOORE, Ms. NORTON, Mr. PAYNE, Ms. PLASKETT, Mr. RICHMOND, Mr. RUSH, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SEWELL of Alabama, Mr. THOMPSON of Mississippi, Mr. VEASEY, Ms. MAXINE WATERS of California, Mrs. WATSON COLEMAN, and Ms. WILSON of Florida):

H. Con. Res. 17. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 108th anniversary; to the Committee on the Judiciary.

By Mr. MEEHAN (for himself and Mr. DEUTCH):

H. Con. Res. 18. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. CROWLEY (for himself, Mrs. LOWEY, Mr. ENGEL, Mrs. BEATTY, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mr. CÁRDENAS, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. COHEN, Mr. DANNY K. DAVIS of Illinois, Ms. DELAURO, Mr. ELLISON, Mr. ESPAILLAT, Mr. EVANS, Mr. FOSTER, Ms. FRANKEL of Florida, Mr. GOTTHEIMER, Mr. GENE GREEN of Texas, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. HECK, Mr. HIGGINS of New York, Ms. JACKSON LEE, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. KENNEDY, Mr. KHANNA, Mr. KILDEE, Mr. LARSEN of Washington, Mrs. LAWRENCE, Mr. LEVIN, Mr. TED LIEU of California, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MENG, Mrs. MURPHY of Florida, Mrs. NAPOLITANO, Mr. NEAL, Mr. PASCRELL, Ms. PINGREE, Mr. RICHMOND, Ms. ROSEN, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. SCHNEIDER, Mr. SERRANO, Mr. SIREN, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. TONKO, Ms. TSONGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. BUSTOS, Mr. DEUTCH, Mr. VELA, Mr. SOTO, Mr. SMITH of Washington, Mr. AGUILAR, Mr. COURTNEY, Mr. QUIGLEY, Mr. POCAN, Mr. NOLAN, Mr. O'HALLERAN, Mr. BRADY of Pennsylvania, Mrs. DINGELL, Ms. TITUS, Ms. KELLY of Illinois, Mr. NORCROSS, Mr. POLIS, Mr. DESAULNIER, Mr. NADLER, Mr. PANNETTA, Mr. HASTINGS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mrs. TORRES, Mr. BISHOP of Georgia, Mr. BEN RAY LUJÁN of New Mexico, Mr. KILMER, Mr. KEATING, Miss RICE of New York, Ms. DELBENE, and Mr. GRIJALVA):

H. Res. 78. A resolution reiterating the indisputable fact that the Nazi regime targeted the Jewish people in its perpetration of the Holocaust and calling on every entity in the executive branch to affirm that fact; to the Committee on Foreign Affairs.

By Mr. AL GREEN of Texas (for himself, Ms. ADAMS, Ms. BASS, Mrs. BEATTY, Mr. BISHOP of Georgia, Ms. BLUNT ROCHESTER, Mr. BROWN of Maryland, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DEMINGS, Mr. ELLISON, Mr. EVANS, Ms. FUDGE, Mr. HASTINGS, Ms. JACKSON LEE, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCEACHIN, Mr. MEEKS, Ms. MOORE, Ms. NORTON, Mr. PAYNE, Ms. PLASKETT, Mr. RICHMOND, Mr. RUSH, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SEWELL of Alabama, Mr. THOMPSON of Mississippi, Mr. VEASEY, Ms. MAXINE WATERS of California, Mrs. WATSON COLEMAN, and Ms. WILSON of Florida):

H. Res. 79. A resolution recognizing the significance of Black History Month; to the Committee on Education and the Workforce.

By Mr. THORNBERRY (for himself and Mr. SMITH of Washington):

H. Res. 80. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. WALDEN:

H. Res. 81. A resolution providing amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Fifteenth Congress; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SCALISE:

H.R. 781.

Congress has the power to enact this legislation pursuant to the following:

The First Amendment guarantees both free speech and the free exercise of religion.

The Free Speech Fairness Act restores these fundamental liberties to churches and nonprofits.

By Mr. MCHENRY:

H.R. 782.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. LOBIONDO:

H.R. 783.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Section 8 or Article 1 of the United States Constitution.

By Mr. PALLONE:

H.R. 784.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section VIII.

By Mr. KING of Iowa:

H.R. 785.

Congress has the power to enact this legislation pursuant to the following:

This act erases the forced-dues clauses in the National Labor Relations Act (NLRA) and Railway Labor Act (RLA). As such, this bill makes specific changes to existing law in a manner that returns power to the States and to the People, in accordance with Amendment X of the United States Constitution.

By Mr. YARMUTH:

H.R. 786.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the Constitution

By Mr. COHEN:

H.R. 787.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4

By Mr. HUNTER:

H.R. 788.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

The Congress shall have Power to . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BUDD:

H.R. 789.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Ms. KAPTUR:

H.R. 790.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. CARSON of Indiana:

H.R. 791.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of Article I of the Constitution.

By Mr. KELLY of Pennsylvania:

H.R. 792.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I Section 8 of the United States Constitution.

By Mr. LARSEN of Washington:

H.R. 793.

Congress has the power to enact this legislation pursuant to the following:

As described in Article I, Section 1, "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Mr. BRADY of Pennsylvania:

H.R. 794.

Congress has the power to enact this legislation pursuant to the following:

This proposal is introduced pursuant to Article I.

By Mr. RODNEY DAVIS of Illinois:

H.R. 795.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of, and the sixteenth Amendment to, the United States Constitution.

By Mr. DESANTIS:

H.R. 796.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2 (Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member).

By Miss GONZÁLEZ-COLÓN of Puerto Rico:

H.R. 797.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the U.S. Constitution

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Miss GONZÁLEZ-COLÓN of Puerto Rico:

H.R. 798.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the U.S. Constitution

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Mr. HILL:

H.R. 799.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. HUFFMAN:

H.R. 800.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or office thereof.

By Mr. LAHOOD:

H.R. 801.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2—"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . ."

By Mr. MEADOWS:

H.R. 802.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Ms. MENG:

H.R. 803.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mrs. MURPHY of Florida:

H.R. 804.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact the Protect the National Security Council from Political Interference Act of 2017 pursuant to Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Necessary and Proper Clause supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the

text. Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

By Mr. NUNES:

H.R. 805.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution of the United States.

By Mr. OLSON:

H.R. 806.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution of the United States

By Mr. PAULSEN:

H.R. 807.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—to provide for the general welfare

Article 1, Section 8, Clause 18—necessary and proper clause

By Mr. ROSKAM:

H.R. 808.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. ROSS:

H.R. 809.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. RUSH:

H.R. 810.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: "The Congress shall have power to . . . regulate commerce . . . among the several states . . ."

By Mr. RUSSELL:

H.R. 811.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. RYAN of Ohio:

H.R. 812.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. SÁNCHEZ:

H.R. 813.

Congress has the power to enact this legislation pursuant to the following:

Article One, section 8, clause 18:

Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.

By Mr. ZELDIN:

H.R. 814.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. ZELDIN:

H.R. 815.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. PEARCE:

H.J. Res. 56.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 and Article I, Section 8, clause 18

By Mr. ROKITA:

H.J. Res. 57.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. GUTHRIE:

H.J. Res. 58.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. MULLIN:

H.J. Res. 59.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 38: Mr. SAM JOHNSON of Texas.

H.R. 44: Mr. LOEBACK.

H.R. 60: Mr. TAYLOR, Miss GONZÁLEZ-COLÓN of Puerto Rico, and Mr. FRELINGHUYSEN.

H.R. 82: Mr. SAM JOHNSON of Texas.

H.R. 113: Mr. KILMER, Mr. TED LIEU of California, Mr. SMITH of Washington, Mr. CARTWRIGHT, Mr. SIRE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SCHIFF, Mr. MCNERNEY, and Mr. FOSTER.

H.R. 122: Mr. CUMMINGS, Ms. NORTON, Ms. MOORE, Ms. LEE, Mr. LEWIS of Georgia, Mr. JEFFRIES, and Mr. VEASEY.

H.R. 125: Mrs. CAROLYN B. MALONEY of New York.

H.R. 149: Ms. SCHAKOWSKY, Mr. ELLISON, Ms. NORTON, Ms. JUDY CHU of California, and Mr. RICHMOND.

H.R. 151: Mr. COHEN.

H.R. 159: Mr. SERRANO.

H.R. 169: Mr. SMITH of Washington.

H.R. 174: Mr. SMITH of Nebraska.

H.R. 202: Ms. MENG.

H.R. 233: Mr. COOK.

H.R. 241: Mr. BYRNE and Mr. SMITH of Texas.

H.R. 244: Mr. CARTER of Georgia and Mr. GIBBS.

H.R. 245: Ms. GABBARD and Mr. CARTER of Texas.

H.R. 246: Mrs. BROOKS of Indiana, Mr. THOMAS J. ROONEY of Florida, Mr. BUDD, Mr. WILSON of South Carolina, Mr. TROTT, Mr. HUNTER, Ms. KUSTER of New Hampshire, Mr. THOMPSON of Pennsylvania, Mr. SHIMKUS, and Mr. GOODLATTE.

H.R. 257: Mr. VARGAS.

H.R. 300: Mr. SMITH of Nebraska.

H.R. 334: Ms. JAYAPAL.

H.R. 354: Mr. RICE of South Carolina.

H.R. 361: Mr. GOHMERT.

H.R. 365: Mr. TIPTON and Mr. FORTENBERRY.

H.R. 371: Ms. ESHOO, Mrs. DEMINGS, Mr. PRICE of North Carolina, and Mr. JEFFRIES.

H.R. 391: Mr. FRANCIS ROONEY of Florida.

H.R. 392: Mr. MURPHY of Pennsylvania, Mr. PERRY, Mr. TED LIEU of California; Mr. CRAMER, Mr. YODER, Mr. SENSENBRENNER, Mr. COSTELLO of Pennsylvania, Mr. MCCAUL, Mr. COSTA, Mr. PALLONE, Ms. MOORE, Mrs. BROOKS of Indiana, Mrs. MCMORRIS RODGERS, and Mr. CARTWRIGHT.

H.R. 394: Mr. HUIZENGA, Ms. SINEMA, Mr. LONG, and Mr. DEFazio.

H.R. 422: Mr. WALKER.

H.R. 488: Mrs. TORRES.

H.R. 490: Mr. BABIN.

H.R. 504: Miss RICE of New York and Mr. JONES.
 H.R. 512: Mr. BRADY of Pennsylvania.
 H.R. 520: Mr. CULBERSON.
 H.R. 523: Mr. HOLDING.
 H.R. 532: Mr. BLUMENAUER, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. GALLEG0, Mr. RASKIN, and Mr. VEASEY.
 H.R. 559: Mr. KELLY of Mississippi.
 H.R. 604: Mr. ROGERS of Alabama, Mrs. BLACK, Mr. BARTON, Mr. SAM JOHNSON of Texas, and Mr. KING of Iowa.
 H.R. 625: Mr. VELA.
 H.R. 628: Mr. HULTGREN.
 H.R. 632: Ms. HANABUSA, Mr. MASSIE, and Mr. VALADAO.
 H.R. 637: Mr. BUDD, Mrs. LOVE, Mr. CONAWAY, Mr. MCCAUL, Mr. MITCHELL, Mr. MCCLINTOCK, Mr. RENACCI, and Mr. ROSS.
 H.R. 643: Mr. KING of Iowa.
 H.R. 644: Mr. COLLINS of New York.
 H.R. 660: Mr. MCCLINTOCK.
 H.R. 673: Mr. GOHMERT, Mr. JONES, Mrs. WAGNER, Mr. ABRAHAM, and Mr. LATTA.
 H.R. 681: Mr. SMITH of Missouri and Mr. BANKS of Indiana.
 H.R. 683: Mr. COHEN.
 H.R. 696: Mr. GALLEG0, Ms. BROWNLEY of California, Mr. MCGOVERN, Mrs. BEATTY, and Mr. GARAMENDI.
 H.R. 721: Mr. YOUNG of Alaska.
 H.R. 722: Mr. DANNY K. DAVIS of Illinois and Mr. EVANS.

H.R. 739: Ms. MCCOLLUM, Mr. GUTIÉRREZ, and Mr. MCGOVERN.
 H.R. 743: Mr. GOSAR.
 H.R. 747: Ms. DELBENE.
 H.R. 749: Mr. PETERSON.
 H.R. 771: Mr. MCEACHIN, Mr. BRADY of Pennsylvania, Mr. RUSH, and Ms. BASS.
 H.R. 772: Mrs. BROOKS of Indiana.
 H.J. Res. 6: Mr. ZELDIN and Mr. MAST.
 H.J. Res. 17: Mr. COMER, Mr. ZELDIN, and Mr. BARR.
 H.J. Res. 19: Mr. POLIS and Ms. BROWNLEY of California.
 H.J. Res. 27: Mr. LUETKEMEYER and Mr. ALLEN.
 H.J. Res. 36: Mr. WILLIAMS, Mr. NEWHOUSE, Mr. BIGGS, Mr. BRIDENSTINE, Mr. BRAT, Mr. ROTHFUS, and Mr. ARRINGTON.
 H.J. Res. 38: Mr. NEWHOUSE, Mr. YOH0, Mr. WOODALL, and Mr. ABRAHAM.
 H.J. Res. 43: Mr. ROKITA, Mr. COLLINS of Georgia, Mr. BIGGS, Mr. CARTER of Georgia, Mr. ARRINGTON, Mr. EMMER, Mr. BISHOP of Utah, Mr. BOST, Mr. BROOKS of Alabama, Mr. BYRNE, Mr. CULBERSON, Mr. NEWHOUSE, Mr. FORTENBERRY, Mr. RICE of South Carolina, Mr. MITCHELL, Mr. BUDD, Mr. AMASH, Mr. LOUDERMILK, Mr. DESANTIS, Mr. ROGERS of Kentucky, and Mr. THOMPSON of Pennsylvania.
 H.J. Res. 44: Mr. YOUNG of Alaska, Mrs. LOVE, Mr. NEWHOUSE, Mr. BIGGS, and Mr. CHAFFETZ.

H.J. Res. 46: Mr. CRAMER.
 H.J. Res. 48: Mr. BEYER and Mr. SERRANO.
 H. Con. Res. 5: Ms. LEE.
 H. Res. 23: Mr. POCAN and Mr. GRIJALVA.
 H. Res. 28: Mr. REED, Mr. PASCRELL, Mrs. BEATTY, Mr. DENHAM, Mr. CAPUANO, Mr. MEEHAN, and Mr. THOMPSON of California.
 H. Res. 31: Mr. THOMPSON of California, Mr. TED LIEU of California, Mr. BILIRAKIS, Ms. NORTON, Mr. RICHMOND, Mr. DEFAZIO, Mr. HASTINGS, Mr. JOHNSON of Ohio, Ms. LOFGREN, and Ms. MCCOLLUM.
 H. Res. 35: Mr. DESJARLAIS.
 H. Res. 38: Mr. SMITH of Texas, Mrs. BLACKBURN, Mr. DESANTIS, Mr. SANFORD, Mr. ROE of Tennessee, Mr. YOH0, Mr. BARTON, Mr. LAMBORN, Mr. LAMALFA, Mr. DAVIDSON, and Mr. KING of Iowa.
 H. Res. 61: Mr. ELLISON.
 H. Res. 72: Mr. KING of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 611: Mr. HIMES.

SENATE—Wednesday, February 1, 2017

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful God, enthroned above all other powers, thank You for the opportunity to be called Your children.

Lord, our heart aches because of the pain and pessimism in our world, so use our lawmakers to bring hope where there is despair. Remind our Senators that Your power is far above any conceivable command, authority, or control. Empower them to protect and defend the Constitution of this great land against all enemies foreign and domestic. Our Father, inspire our Senators through the decisions they make to build monuments of courage and moral excellence.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mrs. ERNST). The clerk will report the unfinished business.

The senior assistant legislative clerk read the nomination of Rex W. Tillerson, of Texas, to be Secretary of State.

The PRESIDING OFFICER. Under the previous order, the remaining postcloture time will be equally divided between the two leaders or their designees.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. McCONNELL. Madam President, last night President Trump announced an outstanding nominee for the Supreme Court, Judge Neil Gorsuch of Colorado. While Judge Gorsuch has a significant legacy to live up to as the nominee for the seat left vacant by the loss of Justice Scalia, I am confident his impressive background and long record of service will prepare him well for the task ahead.

Like Justice Scalia, Judge Gorsuch understands the constitutional limits of his authority. He understands that a

judge's duty is to apply the law evenhandedly, without bias toward one party or another. He understands that his role as a judge is to interpret the law, not impose his own viewpoint or political leanings.

He has also been recognized from people on both sides of the aisle as a consistent, principled, and fair jurist. Judge Gorsuch has a stellar reputation and a resume to match, with degrees from Harvard and Columbia, a Ph.D. in legal philosophy from Oxford, and just about every honor, award, and scholarship you can possibly imagine.

When he graduated from law school, Judge Gorsuch did not just clerk for one Supreme Court Justice, he clerked for two. They were Justices nominated by Presidents of different political parties—Anthony Kennedy, a Reagan appointee, and Byron White, who was nominated by JFK.

Judge Gorsuch received a unanimously “well qualified” rating by the American Bar Association when he was nominated to his current position on the court of appeals. He was confirmed without any votes in opposition. That is right—not a single Democrat opposed Judge Gorsuch’s confirmation, not Senator Barack Obama, not Senator Hillary Clinton, not Senators Joe Biden or Ted Kennedy. In fact, not a single one of the Democrats who still serve with us opposed him, including the ranking member of the Judiciary Committee, Senator FEINSTEIN, and the Democratic leader himself, Senator SCHUMER. In the coming days, I hope and expect that all Senate colleagues will again give him fair consideration, just as we did for the nominees of newly elected Presidents Clinton and Obama.

This is a judge who is known for deciding cases based on how the law is actually written, not how he wishes it were written, even when it leads to results that conflict with his own political beliefs. He understands that his role as a judge is to interpret the law, not impose his own viewpoint. Here is how Judge Gorsuch himself put it: “A judge who likes every result he reaches is very likely a bad judge, reaching for results he prefers rather than those the law compels.”

Some of our colleagues and some others on the left see the role of a judge very differently. In last year’s Presidential debate, our former colleague, Secretary Clinton, stated her view that a Supreme Court Justice—now listen to this—ought to look more favorably on certain political constituencies than others; that it was the job of the Supreme Court to “stand on the side” of

this group or another over that one. Some of our current colleagues seem to share this view. The assistant Democratic leader said that what is important to him are the political views of a Supreme Court nominee, what or perhaps whom they are going to stand for.

The problem with that approach is that it is great if you happen to be the party in the case whom the judge likes; it is not so great if you are the other guy. Justice Scalia believed this to his very core. He was an eloquent champion of the Constitution who was guided by important principles like applying the law equally to all, giving every litigant a fair shake, and rulings based on the actual meaning of the Constitution and our laws, not what you or your preferred political constituency wished they meant. These principles helped guide Justice Scalia for many years. The record of Judge Gorsuch indicates that he will continue this legacy of fair and impartial justice.

Now, of course, that does not much matter to some over here on the far left. Despite his sterling credentials and bipartisan support, some on the far left decided to oppose Judge Gorsuch before he was even nominated. We already know what they will say about him as well. It is the same thing they have been saying about every Republican nominee for more than four decades. They said Gerald Ford’s nominee, John Paul Stevens, “revealed an extraordinary lack of sensitivity to the problems women face.” They said Reagan’s nominee, Anthony Kennedy, was a “sexist” who would “be a disaster for women.” They said George H.W. Bush’s nominee, David Souter, was a threat to women, minorities, dissenters, and other disadvantaged groups. So it is not terribly surprising that they would say it again this time. What is disappointing is that leading Democrats in the Senate would adopt the same rhetoric. The ink was not even dry on Judge Gorsuch’s nomination when the Democratic leader proclaimed that Judge Gorsuch had—you guessed it—demonstrated a hostility toward women’s rights. I hope our colleagues will stick to the facts this time around.

We know that Justice Scalia’s seat on the Court does not belong to any President or any political party; it belongs to the American people. When it became vacant in the middle of a contentious Presidential election, we followed the rule set down by Vice President Joe Biden and Democratic Leader Senator SCHUMER, which said that Supreme Court vacancies arising in the midst of a Presidential election should not be considered until the campaign

ends. It is the same rule, by the way, that President Obama's own legal counsel admitted she would have recommended had the shoe been on the other foot.

I have been consistent all along that the next President, Democrat or Republican, should select the next nominee for the Supreme Court. I maintained that view even when many thought that particular President would be Hillary Clinton. But now the election season is over and we have a new President who has nominated a superbly qualified candidate to fill that ninth seat. So I would invite Democrats who spent many months insisting we need nine to join us in following through on that advice by giving the new President's nominee a fair consideration and an up-or-down vote, just as we did for past Presidents of both parties.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

UNANIMOUS CONSENT AGREEMENT—AUTHORITY FOR COMMITTEE TO MEET

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate Select Committee on Intelligence have leave to meet after 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Madam President, I rise today on a matter of great importance to everyone in this body and everyone in America: the future of the Supreme Court. Last night, the President nominated Judge Neil Gorsuch. We in the Senate have a constitutional duty to examine his record robustly, exhaustively, and comprehensively, and then advise and consent if we see fit. We have a responsibility to reject if we do not. We Democrats will insist on a rigorous but fair process. There will be 60 votes for confirmation. Any one Member can require it. Many Democrats already have.

And it is the right thing to do.

On a subject as important as a Supreme Court nomination, bipartisan support should be a prerequisite; it should be essential. That is what 60 votes does.

This is nothing new. It was a bar met by each of President Obama's nominations. In my mind, 60 votes is the appropriate way to go, whether there is a Democratic President or a Republican President, Democratic Senate or a Republican Senate.

Because a 60-vote threshold is essential, those who say that at the end of this process, there are only two possible results—that the Senate will confirm this nominee or the Republicans will use the nuclear option to change the rules of the Senate—are dead wrong. That is a false choice.

If this nominee cannot meet the same standard that Republicans insisted upon for President Obama's Su-

preme Court nominees—60 votes in the Senate—then the problem lies not with the Senate but with the nominee.

The answer should not be to change the rules of the Senate but to change the nominee to someone who can earn 60 votes. Sixty votes produces a mainstream candidate, and the need for a mainstream, consensus candidate is greater now than ever before because we are in new territory in two ways; first, because the Court, under Chief Justice Roberts, has shown increasing drift to become a more and more pro-business, pro-special interest Court, siding more with corporations and employers and special interests over working and average Americans. This in an environment where starkly unequal concentrations of wealth and ever-increasing corporate power—aided and abetted by the Citizens United decision—has skewed the playing field even more decisively toward special interests and away from the American citizen. A mainstream nominee would help reverse that trend, not exacerbate it; and, second, another important reason we are in a new world here, making a 60-vote margin even more important than it was before—as important as it was before—is this: This administration, at least since its outset, seems to have less respect for the rule of law than any in recent memory and is challenging the Constitution in an unprecedented fashion. So there is a special burden on this nominee to be an independent jurist.

Let's go over each point. First, we have a special responsibility to judge whether this nominee will further tip the scales on the Court in favor of Big Business and powerful special interests instead of the average American because over two decades this Court has shifted dangerously in the direction of Big Business and powerful special interests.

According to a study by the Minnesota Law Review, the Roberts Court has been the most business-friendly Supreme Court since World War II. It is the most corporate Court in over 70 years. It was pro-corporate when it frequently favored forced arbitration as a way to settle disputes, a process that limits the ability for individuals to form a class and collectively go after large corporate interests; it was pro-corporate when it repeatedly refused to hear legitimate cases where individuals have been harmed by faulty products, discriminatory practices, or fraud; and it was pro-corporate when it came down with one of the worst decisions in the history of the Court: Citizens United. By equating money with speech, the Citizens United decision cut right at the heart of the most sacred power in our democracy: the franchise of our citizens. It has poisoned our politics by allowing dark money to cascade into the system, entirely undisclosed.

With absolutely no precedent, the Roberts Court came up with the theory that money necessarily equals speech, and under the First Amendment, you are allowed to put your ad on TV 11,000 times to drown out all others, especially average Americans. That dampens the power of their voices, dilutes the power of their votes. The Citizens United decision was the worst decision in 100 years, and it is the embodiment of this new era of the corporate special interests Court.

At a time when massive inequality plagues our economy, dark money floods our politics, and faith in institutions is low, this rightward shift in the Court is an existential threat to our democracy.

Now, more than ever, we require a Justice who will move the Court back in the direction of the people, not only because that is what the law requires but because that is what our system of government requires—summed up, of course, by President Lincoln's declaration that it is "a government of, by, and for the people."

Second, we must insist upon a strong, mainstream, consensus candidate because this Supreme Court will be tried in ways that few Courts have been tested since the earliest days of the Republic, when constitutional questions abounded, because, again, this administration seems to have little regard for the rule of law and is likely to test the Constitution in ways it hasn't been challenged for decades.

Just 2 weeks in, the new administration has violated our core values, challenged the separation of powers, stretched the bounds of statute, and tested the very fabric of our Constitution in an unprecedented fashion. The President has questioned the integrity of our elections without evidence, issued legally and constitutionally dubious Executive actions, such as the one on immigration and refugees, and fired his Acting Attorney General for maintaining her fidelity to the law, rather than pledging obedience to the President. For that, the White House accused her of betrayal.

Acting Attorney General Sally Yates offered her professional legal opinion, but because it contradicted the administration's position, she was fired, even though the very purpose of the Department of Justice is to be an independent check on any administration.

We are just 13 days into this new administration. How many more of these dismissals will take place over the next 4 years?

This is not even close to normal. Many of us have lived through the first few weeks of several administrations of both parties. This is not even close to normal.

Now, more than ever, we need a Supreme Court Justice who is independent, who eschews ideology, who will preserve our democracy, protect

fundamental rights, and will stand up to a President who has already shown a willingness to bend the Constitution.

The Supreme Court is now the bulwark standing between a President who, in too many instances, has little regard for the law, for the separation of powers, for American ideals, for the power of the legislative branch, and for the sanctity of the Nation.

Now, more than ever, we require a Justice who will fulfill the Supreme Court's role in our democracy as a check and balance on the other branches of government.

Because this President has started out in such a fundamentally undemocratic way, we have to examine this nominee closely. As to the nominee himself, I have serious concerns about how he measures up on these two great issues I just described.

First, Judge Gorsuch has consistently favored corporate interests over the rights of working people. He repeatedly sided with insurance companies which wanted to deny disability benefits to employees. In employment discrimination cases, Bloomberg found he has sided with employers a great majority of the time. In one of the few cases he sided with an employee, it was a Republican woman who alleged she was fired for being a conservative.

He wrote in an article in 2005 that securities class actions were just tools for plaintiffs' lawyers to get "free ride[s] to fast riches," ignoring the fact that these lawsuits often bring justice to thousands and thousands of people who have no power without the class action suit.

On money and politics, he seems to be in the same company as Justices Thomas and Scalia, willing to restrict the most commonsense contribution limits.

It seems President Trump, who has said he would be for the working man and woman, has not chosen someone who routinely sides with the average American. Instead, it seems he has selected a nominee to the Supreme Court who sides with CEOs over citizens.

Second, Judge Gorsuch lacks a record demonstrating the kind of independence the Court desperately needs right now. He has shown a tendency to let ideology influence his decisions, criticizing "liberals" for turning to the courts to advance policy. The irony is this: Those who blame liberals for legislating through the courts are usually activist judges themselves. In recent years, conservative judges have proven to be the true activists, completely reimagining the scope of the First Amendment through *Citizens United*, gutting key provision of the Voting Rights Act that had lasted for decades and decades, and attempting to roll back the established law of the land, *Roe v. Wade*.

Judge Gorsuch has shown disdain for the use of the courtroom to vindicate

fundamental rights, a viewpoint that should be anathema to anyone in the legal system but is particularly inappropriate for somebody who seeks a seat on the highest Court in the land. Because of this, women are duly worried about the preservation of their rights and equality, as is the LGBT community. With an administration that has already challenged fundamental American rights and will do so again, the courtroom must be a place where those rights can be vindicated.

As Senators, we are endowed with an awesome power to judge whether this man, Judge Gorsuch, has the right to a title that is higher than all the others in our judicial system, the title of "Justice."

Therefore, we must be absolutely certain that this person is a strong, mainstream candidate who has respect for the rule of law and the application of basic constitutional rights to all Americans, a deference to precedent, a non-ideological approach to the Court, and the resolve to be a bulwark against the constitutional encroachments of this administration.

Judge Neil Gorsuch, throughout his career, has repeatedly sided with corporations over working people, demonstrated a hostility toward women's rights, and, most troubling, hewed to an ideological approach to jurisprudence that makes me skeptical that he can be a strong, independent Justice on the Court. Given that record, I have very serious doubts that Judge Neil Gorsuch is up to the job.

The Supreme Court now rests in a delicate balance. We cannot allow it to be further captured by corporate influence or bullied by Executive overreach.

The Senate has a responsibility to weigh this nominee with the highest level of scrutiny, to have an exhaustive, robust, and comprehensive debate on Judge Gorsuch's fitness to be a Supreme Court Justice. We Democrats will ensure that it does.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

AUTHORITY FOR COMMITTEE TO MEET VITIATED

Mr. SCHUMER. Madam President, I ask unanimous consent that the request in relation to the Senate Select Committee on Intelligence be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF NEIL GORSUCH

Mr. GRASSLEY. Madam President, last evening, I had the pleasure of being at the White House when President Trump introduced his nominee to be Associate Justice of the Supreme Court, Judge Neil Gorsuch, who happens to be serving on the Tenth Circuit Court of Appeals. It shouldn't surprise anybody that President Trump delivered on a promise made during the campaign, when he listed 21 people he

would choose from. Everybody knew ahead of time what sort of a judge he would put on for this vacancy or any future vacancy.

Judge Gorsuch's decade of service on the Tenth Circuit has earned him a reputation as a brilliant, principled, and mainstream judge, just exactly the sort of mainstream that Senator SCHUMER must have been thinking about when he said he wants a mainstream judge.

It has already been widely reported that he was unanimously confirmed by a voice vote to the Tenth Circuit in 2006.

There are still 31 Senators in this body who voted for the judge at that particular time; 12 of them are Democrats, and one of them is Senator SCHUMER. Judge Gorsuch was supported, of course, by both of his home State Senators for the Tenth Circuit. One happened to be a Republican, and one a Democrat. He has been recognized as a great jurist by Members from both parties. For instance, when he was sworn into the Tenth Circuit, Senator Salazar, then a Democratic Senator from Colorado, remarked that the judge "has a sense of fairness and impartiality that is a keystone of being a judge."

The judge happens to be fourth generation Coloradan. He is eminently qualified to be the next Associate Justice of the Supreme Court. His decades of experience span many facets of our legal system. A graduate of Columbia University and Harvard Law School, the judge was also a prestigious Marshall scholar at Oxford. He served as Principal Deputy Attorney General at the Department of Justice.

Judge Gorsuch also knows the Supreme Court well, having clerked for Supreme Court Justices Byron White and also Anthony Kennedy, who is still on the Court.

He currently serves with distinction on the Tenth Circuit, where he has established himself as a mainstream judge with a reputation as a fair and brilliant jurist. As a mainstream jurist, Judge Gorsuch enjoys broad respect across the ideological spectrum. At the confirmation hearing for his current judgeship on the Tenth Circuit, he was introduced by Republican Senator Allard from Colorado and Democratic Senator Salazar from Colorado. Senator Salazar, of course, isn't exactly a conservative firebrand, having most recently served as head of the transition team of Secretary Clinton.

At his hearing in 2006, William Hughes, Jr., a Democratic candidate for the House of Representatives, authored a strong letter of recommendation for Judge Gorsuch stating:

I have never found, nor thought, Neil's views or opinions to be tainted or swayed by any partisan leanings. Quite to the contrary, his approach to all things professional and personal has always been moderate and practical.

There are plenty of other examples of strong bipartisan support for Judge Gorsuch. Even observers in the press recognize his reputation for fairness. Just last week the *Denver Post* endorsed the judge, saying: He “has applied the law fairly and consistently.”

Judge John Kane, a colleague on the District Court of Colorado, appointed by President Carter, says this about Judge Gorsuch:

[He] listens well and decides justly. His dissents are instructive rather than vitriolic. In sum, I think he is an excellent judicial craftsman.

After his nomination was announced last evening, the highest praise so far came from President Obama's former Solicitor General, Neal Katyal, who described the nominee this way:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law. To boot, as those of us who have worked with him can attest, he is a wonderfully decent and humane person. I strongly support his nomination to the Supreme Court.

To me, following the law wherever that law and case may lead is perhaps the most important attribute for a Supreme Court Justice to possess. That principle guided Justice Scalia's decisionmaking and it is also how Judge Gorsuch has said judges should approach the law.

The judge once wrote, quoting Justice Scalia:

If you are going to be a good and faithful judge, you have to resign yourself to the fact that you are not always going to like the conclusion you reach. If you like them all the time, you are probably doing something wrong.

That gets back to something very basic. A judge is supposed to be dispassionate. A judge is supposed to leave their personal views out of it. A judge looks at the law on the one hand and the facts of the case on the other and makes the decision based on just those two things. So from what I have learned so far, the judge's judicial record reflects this philosophy of being dispassionate, following the Constitution and the laws passed by Congress. I think he said last night something like this: A judge is supposed to judge and a legislature is supposed to legislate, and a judge should not be legislating.

Judge Gorsuch doesn't legislate from the bench, nor does he impose his own beliefs on others. To quote from a speech at Case Western, he said that judges should strive “to apply the law as it is, focusing backward, not forward, and looking to the text, structure, and history to decide what a reasonable reader at the time of the events in question would have understood the law to be—not to decide cases based on their own moral convictions or the policy consequences they believe might serve society best.”

I believe it is this fundamental sense of fairness and sense of duty in uphold-

ing the Constitution and the laws passed by Congress that has led Judge Gorsuch to be a highly regarded jurist.

After the tragic passing of Justice Scalia, we made it clear that the Senate would wait for the American people to have a say in the future of the Court. I said even before the election that no matter who won the Presidential election, we would move forward with the new President's nominee. I maintained this position even on the eve of the election, and I maintained that position even when everyone seemed to believe that our next President would be Secretary Clinton. I have been consistent.

Unfortunately, some of my Democratic colleagues—the very Senators who held all those rallies chanting “we need nine”—have already said they intend to do everything they can to stop this eminently qualified judge. That is very, very unfortunate. I hope and trust that approach won't be uniform on their side.

So I look forward to moving forward with a hearing, when we will learn a great deal more about Judge Gorsuch, and I look forward to an up-or-down vote on his nomination.

I thank the Senate, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, finally, on Monday, the Senate moved forward with the nomination of Rex Tillerson to be the next Secretary of State. His confirmation before this Chamber to serve as our top diplomat should have been a no-brainer, but we know that our Democratic colleagues are still trying to relitigate the election of November 8, and because their preferred candidate lost, they are now trying to do everything they can to slow-walk and to hamper the ability of the winner, President Trump, to get his Cabinet up and running to govern the country. While they think they may be hurting the President and his administration, what they are really doing is hurting the American people whom the government serves. I hope they will reconsider.

It is really sad it has taken this long due to the foot-dragging of our colleagues across the aisle who are sort of in a resistance mode. I really do believe it is like the stages of grief, like the Kubler-Ross stages, where the first one, of course, is denial, the second is anger, and then ultimately you get to acceptance. But they are a long way to acceptance, and they are still in the anger phase of their grieving the outcome of the November 8 election.

When the shoe was on the other foot, we confirmed seven of President Obama's Cabinet nominees on the day he was inaugurated—January 20, 2009—but apparently this is the new normal.

I just hope our Democratic colleagues realize that this is not serving the public interest, and it is not, frankly, good politics, it strikes me, to be so angry and throw a temper tantrum—or, as I said yesterday to some folks, growing up, people used to talk about throwing a hissy fit, and this really strikes me as throwing a hissy fit.

Much has been made of Rex Tillerson's incredible leadership role in a major corporation. Obviously, he has done a tremendous job for one of the largest businesses in the world. He was working for the shareholders of that corporation in that capacity. Now his enormous experience and aptitude and talent are going to be put to work for the American Nation and for the American people.

I believe that not only is he a person of conviction and competence, he is also a man of character. He believes in putting this country first, and I have no doubt he will serve the United States with great integrity and care.

It is none too early for us to transition to somebody of his great qualifications and experience. Our country is no longer respected by many of our friends around the world because we have withdrawn from international leadership. We are no longer feared by our adversaries, who are all too quick to fill the leadership vacuum around the world—Russia being perhaps the most obvious example not only in Crimea and in Ukraine but obviously in Syria and now in Libya. It is dangerous. It is destabilizing. So I am very pleased that we will have a new Secretary of State and a new national security leadership team.

If there is one thing that I think President Trump has done right, it is select good people, from MIKE PENCE as the Vice President, Gen. Jim Mattis as Secretary of Defense, Rex Tillerson as Secretary of State, and Gen. John Kelly of the Department of Homeland Security. I think he has chosen very well. I could go on and on with his Cabinet members and say the same thing about each one of them.

We will vote on the confirmation of Mr. Tillerson shortly, between 2 and 2:30 p.m. or in that time frame.

NOMINATION OF NEIL GORSUCH

Madam President, what I want to talk about as well is the announcement that President Trump made last night about his choice to fill the Supreme Court vacancy left open by the tragic death of Justice Antonin Scalia. I couldn't be more pleased with his nomination of Judge Neil Gorsuch of the U.S. Court of Appeals for the Tenth

Circuit. I can't imagine that the President could have chosen a more qualified, more principled, or more mainstream pick for the job of Justice of the U.S. Supreme Court.

We have all heard some of the details of his personal background, including that he is a Colorado native and that he served in the Denver-based Tenth Circuit Court for a decade, and he is well known and respected in legal circles for his intellect, his brilliant writing, and his faithful interpretation of the Constitution and laws passed by Congress. In short, he is a tremendous jurist with an impeccable legal and academic record. He went to schools like Columbia University, Harvard Law School, and Oxford as a Marshall scholar.

In addition to his decade on the bench, his professional experience includes many years practicing law. As a recovering lawyer myself and recovering judge, I can say that one of the things I think the Supreme Court needs is more people with practical experience, serving as lawyers for clients in court. We have some people with great academic credentials but very few people with any practical experience as practicing lawyers. It is important because once they get on the U.S. Supreme Court, Justices are totally isolated from the rest of the world by the nature of their job. So people need to come to that job with the experience of working with individuals, understanding the strengths and the weaknesses of the legal system and what their role should be.

He not only practiced law at a top law firm as a partner, he had prestigious clerkships, including on the Supreme Court of the United States. He actually clerked for two Supreme Court Justices—Justice Byron White and Justice Anthony Kennedy—as well as served in the Department of Justice.

There is absolutely no question that Judge Gorsuch is a qualified, high-caliber nominee, and I have no doubt that he will serve the Nation well. The reason I say he is a qualified, high-caliber nominee is because when he was confirmed to the Tenth Circuit Court of Appeals, he was confirmed by the Senate on a voice vote. In other words, he was essentially voted for unanimously, including by people like Senator SCHUMER, the Democratic leader, who was here at the time, and others of our colleagues across the aisle. So I think it is going to be very important for the American people, as they hear the inevitable criticism of this nomination, to remember the Senators who were here at the time Judge Gorsuch was confirmed to the Tenth Circuit, and they expressed none of those concerns or reservations then.

I think, most importantly, Judge Gorsuch will honor the legacy of Justice Antonin Scalia on the U.S. Supreme Court, but even more impor-

tantly, he will honor the U.S. Constitution and the unique role of our judiciary and our system of government. I think one of the things Justice Scalia made a point of during his professional lifetime was to point out how judges had unfortunately become policymakers rather than interpreters and appliers of the Constitution and the written law. Of course, the problem with that is that judges in the Federal system don't stand for election, so we have lifetime-tenured, unelected Federal judges becoming, in effect, a trump card or super-legislature for our system of government. That certainly isn't what James Madison and the Founding Fathers contemplated. Justice Scalia was a tribute to that traditional role of interpreter of a written Constitution and written laws and respecting the limited, albeit important, role judges play in our system of government.

Put another way, Judge Gorsuch meets every test, and he passes all of them with flying colors.

We have heard from the Democratic leader that President Trump needed to appoint a mainstream nominee. Well, there is no doubt that if that is the litmus test for our friends on the other side of the aisle, Judge Gorsuch meets that test. He has the respect of even people who served on the other side of him in litigation and people whose ideological views differ quite a bit.

Here is what a former Solicitor General under President Obama had to say about Judge Gorsuch:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law.

He goes on to say:

I strongly support his nomination to the Supreme Court.

This is the sort of respect Judge Gorsuch, in his tenure as a judge, has generated. He has gained respect even from people who are on the opposite end of the ideological spectrum because they realize that Judge Gorsuch will be, first and foremost, somebody who applies the written Constitution and enforces the rule of law—laws passed by the political branches of government—and does not attempt to supplant his own personal agenda for that of the chosen representatives of the American people. As I said, that is why 11 years ago Democrats joined with Republicans to confirm him unanimously to the Tenth Circuit. I mentioned Senator SCHUMER, who was here at the time, as well as Senator DURBIN and several members of the Judiciary Committee still serving in the Senate, including the ranking member, Senator FEINSTEIN from California, and the senior Senator from Vermont, Senator LEAHY. All of them were here at the time. Because of the voice vote, they didn't note any dissent or disagree-

ment, so we would say that essentially is a unanimous vote of the U.S. Senate. So it will be interesting to hear from them about any reservations or concerns they now voice. I hope that at least they will allow us to have an up-or-down vote on the nomination of this outstanding nominee.

To hear Judge Gorsuch last night and to look at his biography, to read his extensive record and appreciate his scholarship and his commitment to the rule of law—all of this is to see precisely the kind of person who should be confirmed to the Supreme Court. I believe the American people will see that as clear as day.

I hope our colleagues across the aisle will resist the temptation to obstruct and drag their feet when it comes to this important nomination. I hope they will not kowtow to some of the extreme factions in their own party.

They have repeatedly argued for the importance of having nine Justices on the Supreme Court. Now that the American people have spoken by electing President Trump, and he has now announced his pick, they should honor that selection. That pick is superb, the kind of nominee who was supported unanimously by Democrats in the past and is endorsed by President Obama's own Solicitor General.

Let's move forward with an undeniably qualified nominee.

Madam President, I ask unanimous consent that all remaining quorum calls during consideration of the Tillerson nomination be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I am coming back to the floor to correct the record on my earlier comments, where I said Republicans "insisted" on 60 votes for each of President Obama's nominees. Sixty votes is a bar that was met by each of President Obama's nominees, but at the time, there was no need for a cloture vote because we knew each of them would garner 60.

This is important to clarify because I believe 60 votes is the right standard for this nominee—not because they did it to us or we did it to them but because 60 votes, as I mentioned in my remarks, produces a mainstream candidate and, as I laid out earlier, the Supreme Court requires a mainstream candidate now more than ever.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINRICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINRICH. Madam President, since President Trump was inaugurated, he has unveiled a series of damaging and truly un-American Executive orders—in particular, the Executive order banning refugees and individuals from Muslim-majority countries from entering our country.

For President Trump and his team, it is a projection of an inward-looking, isolationist vision for America. For many New Mexicans, myself included, it is also seen as an attempt to fundamentally change our American values. We are not a country that discriminates based on how you pray. We are not a nation that turns our back on the innocent victims of terrorism or the allies who have risked their own lives so that American soldiers might live.

President Trump's actions seek to turn us into the kind of authoritarian Nation that we have always stood against. He has promoted this dark vision instead of asserting America's longstanding role as a voice for democracy, for freedom, human rights, the environment, tolerance, and respect for women—values which extend far beyond our shores.

In essence, this selfish and bully-like mentality abandon the values that we hold dear and which have defined our great Nation as a global power.

It should come as no surprise that President Trump's nominees to be our Nation's top diplomats—Nikki Haley, Rex Tillerson—have no diplomatic experience. On Nikki Haley's first day on the job, President Trump announced that he would be cutting funding for the United Nations by 40 percent, and Ambassador Haley announced to the world that the United States is now "taking names" of those who disagree with us.

In an attempt to show strength, the Trump administration is actually creating weakness. By stepping away from multinational organizations that we helped establish—organizations like the U.N. and NATO—and by presenting a hostile attitude to other countries and allies, the United States is walking away from its role as the indispensable Nation.

This morning, former CIA Director and retired GEN David Petraeus warned that the global alliances of the United States are at risk, stating:

Americans should not take the current international order for granted. It did not will itself into existence. We created it.

Likewise, it is not naturally self-sustaining. We have sustained it. If we stop doing so, it will fray and, eventually, collapse.

Just as I am not confident in President Trump's nominee for Ambassador to the United Nations, I am equally concerned, if not more so, about his choice for Secretary of State. During his Senate confirmation hearing, Rex Tillerson, the former CEO of ExxonMobil, demonstrated that he is blatantly unaware of global affairs. He failed to recognize and condemn human rights violations around the world, including in Saudi Arabia and the Philippines, and declared dangerous policy positions without knowing what those policies would actually mean.

In his hearing, Mr. Tillerson repeatedly avoided answering the most rudimentary questions about foreign policy by stating things like "I'd need more information on that issue."

For as long as I can remember, throughout grade school and college, women in Saudi Arabia have lacked basic freedoms. Yet Mr. Tillerson either had no knowledge of women's issues in Saudi Arabia or fails to value the importance of that issue, which I believe to be an American value.

The United States faces an increasing number of global threats, including North Korea, Russia, China, Iran, and terrorist organizations across multiple continents. We face evolving threats from nonstate actors and terrorist organizations such as Al Qaeda and the Islamic State. Instability and civil war in the Middle East have led to the greatest global refugee crisis since World War II. Russia and China are acting aggressively to assert their influence and challenge and provoke American interests and allies. Global threats such as pandemic disease, nuclear proliferation, and climate change require international cooperation and responses.

The next Secretary of State will be diving headfirst into all of these incredibly daunting and gravely important foreign policy challenges. Mr. Tillerson's lack of foreign policy experience, combined with a President who promotes an isolationist world view, leaves me deeply concerned for the future of American foreign policy.

The world looks to America to uphold human rights, to promote democratic values, and to take the lead on many challenges we face as an international community. The American people look to the White House and to the State Department to represent our fundamental American values on that international stage. The American people expect their leaders to show that their only interest is in representing the public's best interest.

Americans have reason to doubt where Rex Tillerson's interests rest. His world view has been shaped through the lens of looking out for

what is best for his company's profits, not what is best for the American people, not what is best to address complex international challenges. Just like negotiating a real estate deal does not prepare one to lead the Nation, negotiating oil deals does not prepare you to be a diplomat whose primary interest is in advocating for American values.

When Mr. Tillerson has worked with foreign governments to pursue lucrative oil deals and profits, he has been agnostic to human rights and to America's diplomatic and security interests as well. As Exxon's CEO during the Iraq war, Mr. Tillerson undermined the State Department's efforts to keep Iraq cohesive as a nation and instead served the interest of his company's financial gain, in direct conflict to the American interest.

Under Mr. Tillerson's guidance, ExxonMobil signed a deal directly with the Kurdish administration in the country's northern region, a move that fueled Kurdish secessionist ambitions and undercut the legitimacy of Iraq's central government. This deal was drawn despite the State Department's recommendation that they wait until national legislation was passed because a law governing nationwide oil investments was being reviewed by Parliament.

In Russia, Mr. Tillerson worked closely with Vladimir Putin's government to forge deals to drill for oil in the Arctic, the Black Sea, and Siberia. Mr. Tillerson developed such a cozy relationship with the Kremlin that in 2013 he was awarded the Order of Friendship by Vladimir Putin, the highest honor awarded to non-Russians.

After Russia unlawfully invaded the Ukraine and took Crimea, the United States and the European Union enacted sanctions against Russia that Mr. Tillerson would be partly responsible for overseeing as Secretary of State. Right now, when we are trying to hold Russia accountable for its illegal aggression in Eastern Europe, for its war crimes in Aleppo, and for its interference in our own Nation's election, how on Earth can we trust someone with such a cozy relationship with the Putin government to be our Secretary of State?

Mr. Tillerson's record also leads one to wonder how he will address the imperative to implement the Paris climate agreement, especially since President Trump is now exploring how to withdraw from it. At the height of the debate on climate change legislation in Congress, Mr. Tillerson spent tens of millions of dollars to kill a bill that would have reduced our carbon emissions sooner. It has also been reported that his scientists at Exxon have known about the relationship between carbon emissions and climate since the 1980s and that Exxon even made business decisions about what resources to develop and how based on

that knowledge. Yet, under Mr. Tillerson's leadership, they chose to withhold those findings and fund groups determined to sow confusion and doubt. How can we be confident that Mr. Tillerson will help America address the impacts of climate change and put America's security and values first as our top diplomat?

Those conflicts of interest are troubling enough, but the most troubling reason I cannot support Mr. Tillerson's nomination is this: In just the first week and a half of the Trump White House, we have seen numerous cases of Trump nominees saying one thing during their confirmation hearings before this body and then the administration turning around and doing something entirely different. After Secretary Mattis told us that he opposed the Muslim travel ban and Director Pompeo stated his opposition in hearings to torture, we saw this administration move forward with both.

I have seen nothing that shows me that Rex Tillerson will stand up to President Trump's dangerous vision for American foreign policy. What will he do to stand up for NATO? What indication do we have that he will call on the President to act in the interests of the American people and not the interests of President Trump's business holdings in numerous nations around the world?

The Secretary of State sits on the National Security Council. Will Mr. Tillerson stand up to Steve Bannon, President Trump's political strategist who has been outrageously placed on the National Security Council, while, I would add, the Chairman of the Joint Chiefs and the Director of National Intelligence were demoted? President Trump has shown that he trusts the former leader of the far-right Web site Breitbart News more than our leading generals and his appointed leader of the intelligence community. You can already see the influence of Mr. Bannon, who has made a career out of selling hateful and divisive propaganda aimed at women, Hispanics, African Americans, Jews, and other minorities in the actions President Trump has taken in his first days in office.

During his first week in office, President Trump floated the idea of bringing back the CIA's use of "black site" prisons and torture techniques, imposed a gag order on our Federal agencies, and renewed talk of a wall on our southern border.

All of this culminated with an Executive order blocking refugees from around the world from entering the United States. This is not greatness. In fact, this is un-American. I will not stand aside as the values that created the greatest Nation on Earth are trampled upon.

This dangerous Executive action has already had a clear human impact. In New Mexico, the Albuquerque Journal reports that our universities have

issued an advisory to foreign students and faculty: "Don't leave the country if you want to come back." Think about that.

My office has already heard from New Mexicans who fear for their safety and the safety of their families abroad as a direct result of this order. A man who moved to the United States as a refugee from Iraq and settled in my hometown told me that his wife and two kids went to Baghdad to attend his mother-in-law's funeral. They are currently in Iraq and scheduled to return in February. They are all green card holders. They are part of our community. President Trump's Executive order has left him and his family feeling in limbo. He said: "I am afraid about our destiny as a family, I am afraid I will lose them."

The heartbreaking human impact we have already seen is only part of why the Muslim travel ban was such an appalling action for the President to take.

George Washington once said: "I had always hoped that this land might become a safe & agreeable Asylum to the virtuous & persecuted part of mankind, to whatever nation they might belong." It is very clear that President Trump is clearly no George Washington. This Executive order flies in the face of that sentiment and, I believe, the sentiment we share as Americans.

I joined my colleagues in sending a letter to President Trump about this order. I am particularly outraged about the absurd and careless nature of the order, which will have a profound effect on many Iraqi men and women who risked their lives and the lives of their families on behalf of our soldiers, on behalf of American soldiers.

Late last summer, I traveled to Iraq, to Kuwait, to the heart of Africa, and I met with top military officials to discuss operations against ISIL, Al Qaeda, and other terrorist organizations. In order to find a lasting solution in that volatile region, we must take a smart approach that provides training, resources, and support to our regional allies, like the Iraqi security forces, rather than putting tens of thousands of U.S. troops on the frontlines there ourselves. Alienating our regional allies, alienating Muslims as a whole puts all of that at risk.

Former Cabinet Secretaries, senior government officials, diplomats, military servicemembers, and intelligence community professionals who have served in the Bush administration and the Obama administration together have expressed their deep concern this week with President Trump's Executive order. In a letter, they warned:

This Order not only jeopardizes tens of thousands of lives, it has caused a crisis right here in America and will do long-term damage to our national security.

In the middle of the night, just as we were beginning our nation's commemoration of

the Holocaust, dozens of refugees onboard flights to the United States and thousands of visitors were swept up in an Order of unprecedented scope, apparently with little to no oversight or input from national security professionals.

Also this week, the Iraqi Parliament, in direct response to President Trump's Muslim travel ban, voted to implement an identical visa ban on Americans.

How can we possibly think this is in our national security interests?

Rex Tillerson has not answered questions about President Trump's Muslim travel ban. Mr. Tillerson needs to tell us where he stands on this un-American policy. If we are going to move forward on his nomination, Mr. Tillerson needs to reassure the American people and he needs to reassure this body that he understands the repercussions of these kinds of appalling actions. He needs to show us that he will stand up for American values and against the President's dangerous impulses that will isolate our Nation, alienate our allies, and abdicate our role as leader of the free world. Mr. Tillerson has not shown any of that to me, to this body, or to the American public.

Thousands of New Mexicans have flooded my office with letters, emails, and phone calls urging me to oppose his nomination. I share New Mexicans' well-founded concerns about Mr. Tillerson's qualifications to lead the State Department and to stand up for our Nation's interests.

I will not support his nomination, and I urge my colleagues on both sides of the aisle to stop and think carefully about this vote we are about to take. Our Nation's future role in the world is at stake.

Mrs. FEINSTEIN. Madam President, I rise today in opposition to Rex Tillerson's nomination to be our next Secretary of State. I don't believe Mr. Tillerson is an appropriate selection to be our Nation's chief diplomat.

During his confirmation hearing, Mr. Tillerson repeatedly evaded questions related to transparency and corporate responsibility. For instance, on multiple occasions Mr. Tillerson stated that he was unaware of Exxon's history of lobbying Congress; yet, according to lobbying disclosure forms, Exxon lobbied against a variety of Iran and Russia-related sanctions since at least 2010. When pressed on the matter, Mr. Tillerson even claimed he didn't know if Exxon lobbied for or against these energy-related sanctions bills.

Additionally, I am troubled by Mr. Tillerson's response to questions about Exxon's dealings with Iran, Syria, and Sudan. According to public documents, Exxon established a joint venture with Shell to conduct business with state sponsors of terror. That joint venture—Infineum—sold petroleum products to Iran, Sudan, and Syria, when those nations were being sanctioned by the United States.

During that time, Mr. Tillerson rose from senior vice president to president and director and eventually to chairman and CEO of Exxon; yet, during his testimony, Mr. Tillerson claimed to be unaware of Infineum's purposeful evasion of sanctions. Instead of recognizing the larger national interest, Mr. Tillerson suggested that American companies could legally avoid sanctions by setting up shell companies outside of the United States.

Infineum is not the only example of Exxon's history of undermining American policy. Under Mr. Tillerson's leadership, Exxon signed oil exploration contracts with the Kurds in Iraq. Doing so undermined the United States "one Iraq" policy and exacerbated the long-simmering conflict between the central government and the Kurds. That is because Exxon signed contracts to explore oil at six sites. Three of those sites were on disputed land claimed by both the Kurds and the Iraqi central government.

By agreeing to explore in disputed territory on behalf of the Kurds, Exxon changed the facts on the ground in favor of the Kurds. Exxon's decision may have been good for Exxon, but it certainly did not benefit a stable, unified Iraq.

I am also concerned by Mr. Tillerson's response to questions about Russia. Russia has invaded Ukraine, annexed Crimea, intervened in Syria, and meddled in our own elections; yet Mr. Tillerson refuses to offer support for international sanctions against Russia.

He refuses to describe Russia's bombing of Syrian hospitals and schools—and a U.N. humanitarian aid convoy—as war crimes.

Russia remains in violation of the Minsk agreement and continues to occupy Crimea, indiscriminately bomb in Syria, and hack American think tanks.

Now is not the time to remove sanctions against Russia, and I have little confidence Mr. Tillerson is committed to pushing back against Russian aggression.

Finally, Mr. Tillerson's indifference to the two-state solution between Israel and the Palestinians is unacceptable. Specifically, Mr. Tillerson said that a two-state solution is a "dream" and openly questioned whether or not it could ever become a reality. The reality is that, without a two-state solution, Israel cannot be both a democracy and a majority-Jewish state.

Today Israel is constructing settlements throughout the West Bank. Palestinian terror and incitement continue. Mr. Tillerson's almost casual dismissal of the two-state solution is disqualifying for a Secretary of State. Our chief diplomat must understand the urgency of the situation and must be willing to engage both sides in the pursuit of peace.

I simply do not believe Mr. Tillerson is interested in doing so.

Mr. Tillerson's lack of transparency, history of working against our national interests, close ties to Russia, and indifference to Israel's future make him unfit to serve as the Secretary of State.

I intend to oppose Mr. Tillerson, and I urge my colleagues to do the same.

Mr. VAN HOLLEN. Madam President, my father served in the Foreign Service at the Department of State, so I spent some of my early years overseas. I was proud to be part of a family that represented our great country. I learned firsthand the critical role of our Nation's diplomats, the risks that they take to serve our country, and the part that they play in spreading American ideals of freedom and democracy around the world.

The cabinet position of Secretary of State is as old as our Nation. Thomas Jefferson served as President Washington's Secretary of State. The Secretary is the President's top foreign policy adviser and our Nation's chief representative abroad. Today the State Department reaches across the world, advancing our interests, shaping our relationships, advocating for human rights, and working to advance peace.

In addition, the Secretary of State will encounter a department of employees who are deeply concerned about the role that they will play and the actions that they may be expected to take in service to the new President. Last week, the Washington Post reported that the State Department's entire senior management resigned, including officials who had worked in both Republican and Democratic administrations. This was an unprecedented loss of institutional knowledge.

And by yesterday afternoon, a dissent letter by State Department staff saying that President Trump's executive order to temporarily bar citizens from seven Muslim-majority countries would not make the Nation safer had attracted around 1,000 signatures, far more than any dissent cable in recent years.

President Trump's campaign rhetoric has shaken our allies—wavering on our commitment to NATO, gratuitously escalating arguments with China and Mexico, and empowering an increasingly aggressive Russia. Mr. Trump has made fawning statements about Russian President Vladimir Putin. In October 2007, Mr. Trump said of Putin, "he's doing a great job." In December 2011, Mr. Trump praised Putin's "intelligence" and "no-nonsense way." In June 2013, Mr. Trump wondered if Putin would be his "new best friend." And in July 2015, Mr. Trump said, "I think I'd get along very well with Vladimir Putin."

And Mr. Trump has questioned the reality of climate change. He tweeted, "The concept of global warming was created by and for the Chinese in order to make U.S. manufacturing non-competitive."

The Secretary of State thus must play a crucial role in maintaining relationships between the United States and our allies around the world. In the face of Mr. Trump's statements and actions, the need for a strong Secretary of State is all the more important.

President Trump has nominated Rex Tillerson, the former CEO of ExxonMobil, to take on this critical role. Mr. Tillerson, who has never served in government, has spent many years building business relationships with Russia and Vladimir Putin, and in 2013, even received the Russian Order of Friendship, an award given to foreigners who work to improve relations with Russia.

Mr. Tillerson has had particularly close dealings with Igor Sechin, the head of a state-owned Russian oil company whom the United States has sanctioned and banned from entering the United States.

In 2014, Mr. Tillerson opposed sanctioning Russia for its actions in Ukraine and reportedly lobbied the government against those sanctions. According to Reuters, "[Tillerson] added that Exxon does not 'generally' support sanctions and has made that view known to the U.S. Government. . . . 'We're having conversations such that our views are being heard at the highest levels.' Tillerson told reporters." And yet, in his confirmation hearing, Mr. Tillerson denied that he or Exxon directly lobbied against the sanctions.

Given Russia's interference with U.S. elections and Russia's increased provocation of our allies, we need to be able to rely on our Secretary of State to advance U.S. interests above all. Mr. Tillerson's long and close relationship with Russia casts doubt on his ability and inclination to pursue additional sanctions as necessary and on the quality of advice that he will give the President. And despite the active national conversation about Russia, Mr. Tillerson said in his hearing that he and President Trump had not even discussed Russian policy with any specificity.

I am also concerned that Mr. Tillerson does not seem to view human rights as a critical issue for the State Department. In addition to refusing to condemn Russian and Syrian atrocities as war crimes, he did not condemn Philippine President Duterte's extrajudicial killings. This is particularly disturbing, as President Duterte has alleged that President Trump approves of his actions. Mr. Tillerson appeared hesitant to weigh in on human rights abuses. But the State Department cannot be silent and must be an outspoken voice for human rights, even to our allies.

Mr. Tillerson appears not to appreciate America's role as a beacon of light around the world that stands up for the rule of law and human rights.

This is especially troubling, as President Trump's order last Friday to suspend America's refugee programs is an attack on everything for which our country stands. President Trump's order has made us less safe by playing into ISIS's propaganda, casting our fight against terrorism as a fight against an entire religion. That is not who we are as a nation. We must remain vigilant and resolute against efforts to sow fear and division, and we must fight together to protect the rights and freedoms of all people.

President Trump's executive order highlights the need for a Secretary of State who will push back against President Trump's worst impulses. Mr. Tillerson, however, seems ready to do the opposite and reinforce many of President Trump's worst instincts. Mr. Tillerson's lack of focus on human rights and the rule of law indicate that he seems not to appreciate the role of American in the world—particularly dangerous traits when President Trump is retreating from America's 70-year special role in the world, retreating—in the words of a recent article in *The Atlantic*—to a pre-1941 world of “closed borders, limited trade, intolerance to diversity, arms races, and a go-it-alone national race to the bottom.”

Finally, I seriously question Mr. Tillerson's commitment to working with our allies and cosigners of the Paris Climate Agreement to confront one of our greatest global challenges. While at certain points, he has acknowledged the dangers of climate change, he has more recently questioned the science and the human contribution. In his hearing, he acknowledged that climate change does exist and that the United States needed to have a seat at the table, but he failed to express any urgency to respond or a clear commitment to the Paris Agreement.

While Mr. Tillerson may be a skilled business dealmaker, the job of the Secretary of State and the leader of our State Department requires the experience and determination to meet our current challenges. Given his extensive ties to Russia and questionable commitment to advancing human rights and combatting climate change, I do not believe that Mr. Tillerson is the right person for this job, and I will vote against his confirmation.

The PRESIDING OFFICER. The Senator from South Dakota.

NOMINATION OF NEIL GORSUCH

Mr. THUNE. Madam President, last night President Trump announced the nomination of Judge Neil Gorsuch to the Supreme Court. He will fill the spot left vacant by the death of Justice Antonin Scalia.

Justice Scalia left a profound mark on our judicial history. He had a brilliant mind, a ready wit, and a vivid and colorful writing style that made reading his decisions not only illuminating

but enjoyable. But most importantly, Antonin Scalia had a profound respect for the rule of law and the Constitution. He knew that he was a judge, not a legislator, and his job was not to make the law but to interpret the law. That is exactly what he did.

For 30 years, Justice Scalia ruled on the plain meaning of the laws and the Constitution. His politics, his personal opinions, his own feelings about a case—none of those was allowed to play a role in his decision. He asked what the law said, what the Constitution said, and he ruled accordingly, even when he didn't like the result. Justice Scalia once said:

If you are going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you are probably doing something wrong.

Needless to say, Justice Scalia left some big shoes to fill. But after learning a little about Judge Gorsuch, I have to say that if anyone can come to fill them, I think Judge Gorsuch can. Like Justice Scalia, Judge Gorsuch has a brilliant mind. He shares Justice Scalia's gift for the written word. The *Washington Post* noted the many people “who have praised Gorsuch's lucid and occasionally lyrical writing style.” *Slate* called Judge Gorsuch's writing “superb, incisive, witty, and accessible.”

But most importantly, like Justice Scalia, Judge Gorsuch understands the role of a Supreme Court Justice. He knows that a Justice's job is to interpret the law, not write it. In a speech last year, Judge Gorsuch said the following: “Perhaps the greatest project of Justice Scalia's career was to remind us of the differences between judges and legislators.”

Understanding those differences is indispensable. Brilliance, eloquence, learning, compassion—none of those things matter if you don't understand the proper role of the Supreme Court. That role is to interpret the law, not make the law—to judge, not legislate; to call balls and strikes, not to try and rewrite the rules of the game.

It is great to have strong opinions. It is great to have sympathy for causes or organizations. It is great to have plans for fixing society's problems. But none of those things has any business influencing your ruling when you sit on the Supreme Court. Judge Gorsuch understands this. That is why I trust him to sit on the Supreme Court.

When Judge Gorsuch was nominated to the Tenth Circuit Court of Appeals 10 years ago, he was confirmed by a unanimous vote here in the Senate. You can't really get a more bipartisan confirmation than that. At the time, then-Senator Ken Salazar, a Colorado Democrat who later became Interior Secretary under Obama, noted that Judge Gorsuch “has a sense of fairness

and impartiality that is a keystone of being a judge.”

Given the wide respect in which Judge Gorsuch is held, his outstanding record, and his previous overwhelmingly bipartisan confirmation, I am hopeful that his nomination will move quickly through the Senate. Senate Democrats have spoken a lot about the need to fill the ninth seat on the Supreme Court. Now is the chance.

I congratulate Judge Gorsuch on his nomination, and I look forward to seeing him confirmed to the Supreme Court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF BETSY DEVOS

Ms. COLLINS. Madam President, I come to the floor to announce a very difficult decision that I have made; that is, to vote against the confirmation of Betsy DeVos to be our Nation's next Secretary of Education. This is not a decision that I have made lightly. I have a great deal of respect for Mrs. DeVos. I believe she is a good person. I know she cares deeply about the children of this Nation. But for the reasons that I will explain, I simply cannot support her confirmation.

Later today, the Senate will vote on a motion to proceed to the DeVos nomination. I will vote to proceed to the nomination because I believe that Presidents are entitled to considerable deference for the selection of Cabinet members, regardless of which political party is in power, and that each and every Senator should have the right to cast his or her vote on nominees for the Cabinet. That is why, during President Obama's administration, I voted for procedural motions, including cloture, to allow the President's nominees for Secretary of Defense and for Secretary of Labor to receive up-or-down votes by the full Senate, even though I ultimately voted against those two nominees on the Senate floor. At the time, I stated that it is appropriate for every Senator to have an opportunity to vote for or against an individual Cabinet member, and I still believe that is the right approach.

Let me again make clear what I said at the beginning of my remarks, which explains why this has been a decision that I have not made lightly. I know that Mrs. DeVos cares deeply about children. I recognize that she has devoted much time and resources to try to improve the education of at-risk children in cities whose public schools have failed them. I commend her for those efforts.

I wrote to Mrs. DeVos, seeking her assurances in writing that she would not support any Federal legislation mandating that States adopt vouchers nor would she condition Federal funding on the presence of voucher programs in States. She has provided that commitment, and I ask unanimous consent that the exchange of correspondence with Mrs. DeVos be printed in the RECORD at the conclusion of my statement.

Nevertheless, like all of us, Mrs. DeVos is the product of her experience. She appears to view education through the lens of her experience in promoting alternatives to public education in Detroit and other cities where she has, no doubt, done valuable work. Her concentration on charter schools and vouchers, however, raises the question about whether she fully appreciates that the Secretary of Education's primary focus must be on helping States and communities, parents, teachers, school board members, and administrators strengthen our public schools.

While it is unrealistic and unfair to expect a nominee to know the details of all the programs under the jurisdiction of the Department of Education, I am troubled and surprised by Mrs. DeVos's apparent lack of familiarity with the landmark 1975 law, the Individuals with Disabilities Education Act—known as the IDEA—that guarantees a free and appropriate education to children with special needs.

The mission of the Department of Education is broad, but supporting public education is at its core. I am concerned that Mrs. DeVos's lack of experience with public schools will make it difficult for her to fully understand, identify, and assist with those challenges, particularly for our rural schools in States like Maine.

In keeping with my past practice, I will vote today to proceed to debate on Mrs. DeVos's nomination. But I will not, I cannot, vote to confirm her as our Nation's next Secretary of Education.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, January 24, 2017.

Mrs. BETSY DEVOS,
Education Secretary-Designate,
Washington, DC.

DEAR MRS. DEVOS: I am writing to follow up on the questions posed to you in your confirmation hearing regarding your position on school vouchers should you be confirmed as Secretary of Education. I have concerns about the impact of such a voucher program, especially on rural school districts with limited budgets and numbers of students.

The needs of public schools in Maine are very different from those in large urban areas, where some schools have failed our children. The majority of Maine's schools and school districts are small and rural, and the constraints on resources and the realities of distance greatly influence the policies and practices for delivering high-quality

education in those settings. The concern I hear in Maine from teachers, administrators, and parents is that school vouchers will divert scarce resources from public schools.

During my time as a U.S. Senator, I have visited more than 200 schools in Maine. At each visit, I have seen repeatedly the skilled and dedicated teachers, administrators, and staff working closely with parents to deliver the best possible education for their students. Likewise, I have spoken with students who are vibrant members of their communities and excited about learning. Our public schools have a tremendous impact on students and communities, and the U.S. Department of Education is an important partner in fulfilling the promise of high-quality public education for all students.

Please respond in writing to the following question: Would you oppose a federal mandate that would require states to adopt private school vouchers? I ask that you respond prior to the Senate Health, Education, Labor, and Pensions Committee mark-up on January 31.

Sincerely,

SUSAN M. COLLINS,
United States Senator.

JANUARY 25, 2017.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

Dear SENATOR COLLINS: Thank you for the opportunity to answer your question about my position on federal education mandates regarding private school vouchers.

As a strong proponent of local control, I believe the decision of whether to provide vouchers, scholarships, or other public support for students who choose to attend a nonpublic school should not be mandated by the federal government. Rather, this is a state and school district matter.

The Every Student Succeeds Act made great strides in returning control over education decisions to states and local communities, and I applaud your efforts in passing that important law. Decisions about whether to provide parental choice will vary from state to state and district to district, reflecting local needs.

As I stated during my confirmation hearing before the U.S. Senate Health, Education, Labor, and Pensions Committee on January 17, while I am a strong supporter of school choice, I am also respectful of state and local decisions on this issue. Therefore, if confirmed, I will not impose a school choice program on any state or school district.

Senator Collins, I look forward to working with you to support Maine's teachers, schools and districts as they work to provide a high quality education to every student.

Sincerely,

BETSY DEVOS.

Ms. COLLINS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak on the upcoming motion to proceed to the DeVos nomination for a period of 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I would like to share my thoughts with my colleagues today about the President's nominee to be Secretary of Education. I shared many of these thoughts yesterday with my colleagues on the Senate HELP Committee.

Like my colleague from Maine, this nomination has been a very difficult one for me. It has been very personal. As I mentioned in committee, I take very personally the education of the children in my State. I take very personally the contributions that our educators, our administrators in the schools—all that they provide and the importance that we should all place on the education of America's children.

I don't think it is an overstatement to say that I have struggled with how I will cast my vote on the nomination of Mrs. DeVos. Again, I take very personally the success of Alaska's schools and the success of Alaska's schoolchildren. We have a lot of schools in Alaska, as we all do around the country. My schools, I would challenge you all, are a little bit more diverse than perhaps in other parts of America just because of our geography. We are isolated. Eighty-two percent of the communities are not attached by a road. The communities are small. The schools are smaller.

In our urban centers, what some find unusual is we have more diversity in our populations than most people could understand or even imagine. One of the neighborhoods in my hometown of Anchorage hosts the most ethnically diverse schools in the United States of America. So I have urban schools that have rich diversity, and I have very rural, very remote, extremely remote schools that face challenges when it comes to how we deliver education. So knowing that we have the strongest public school system is a priority for me.

I have spent considerable time one-on-one with Mrs. DeVos before and after the committee hearing. I spent the entirety of the Senate HELP Committee listening carefully to the questions that colleagues put to her. Afterward, I reviewed not only her written responses to me but those that she had responded to other colleagues. I requested further that she provide certain commitments in writing. After speaking with her at length and considering everything that I have learned, I have the following comments to share:

First, I must state that I absolutely believe Betsy DeVos cares deeply for all children. I think we all acknowledge that she could have spent her time, her energy, and her considerable

resources on almost anything else that she chose to do. I admire her for choosing to help children to access a better education because she could have chosen to do many other things, but she chose to work for children, and I appreciate that.

Now, as Senators, we are in the position to provide advice and consent on the President's nominee. My view has been—and has been since I came to the U.S. Senate—that under almost all circumstances, a President has the right to have their nominees considered and to receive a full vote by the entire Senate.

So I have gone back, and I have looked at how I, as a Senator, have handled confirmations under President Bush and President Obama. When cloture votes have been called on Cabinet nominees, my practice has been to vote aye. I voted aye twice for Secretary of Defense Hagel. I voted aye for Secretary of Labor Perez, even though I voted against his confirmation in the final vote.

So, Mrs. DeVos.

She has answered thousands of questions that have been put to her. Neither the Office of Government Ethics, the Senate HELP Committee, nor I have found any substantive reason to question Mrs. DeVos's name or reputation, but yet I have heard from thousands—truly thousands of Alaskans who share their concerns about Mrs. DeVos as Secretary of Education. They have contacted me by phone, by email, in person, and their concerns center—as mine do—on Mrs. DeVos's lack of experience with public education and the lack of knowledge she portrayed in her confirmation hearing.

Alaskans are not satisfied that she would uphold Federal civil rights laws in schools that receive Federal funds. They question her commitment to students with disabilities' rights under IDEA. They fear that the voucher programs that are intended to serve them may actually rob them of the opportunity to benefit from an education in an inclusive environment with their nondisabled peers.

After 8 years of the micromanagement that we have seen from this previous administration, quite honestly, they are very concerned that Mrs. DeVos will force vouchers on Alaska. Now, she has said that she has not. She has committed publicly and to me personally that she will not seek to impose vouchers on our States. She has committed to implementing Federal education laws as they are written and intended, and this is a welcome departure from what we had seen with the two previous Secretaries of Education.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for an additional 1½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Thank you, Mr. President.

She has committed that the focus she will give, not only to Alaska but to all States will not undermine, erode, or ignore public schools and that she will, in fact, work to support our public schools. She has committed to me that she will come to Alaska in order to learn from Alaska's educators, our parents, school board members, and our tribal representatives to see for herself the challenges we face.

I still continue to have concerns. I think Mrs. DeVos has much to learn about our Nation's public schools, how they work and the challenges they face.

I have serious concerns about a nominee to be Secretary of Education who has been so involved in one side of the equation—so immersed in the push for vouchers—that she may be unaware of what actually is successful within the public schools and also what is broken and how to fix them.

Betsy DeVos must show us that she truly understands the children of Alaska and across America, both urban and rural, who are not able to access an alternative choice in education, as in so many of my communities. She must show us that she will work to help the struggling public schools that strive to educate children whose parents are unable to drive them across town to get to a better school. That she will not ignore the homeless students whose main worry is finding somewhere safe to sleep and for whom their public school is truly a refuge. And that she will fight for the children whose parents don't even know how to navigate these educational options.

I believe that my colleagues here in the Senate and the many, many they represent have the right to debate these questions, to air their thoughts and concerns and perspectives about this nomination, and again I believe that any President has the right to expect that we do so.

I conclude my remarks to make clear that my colleagues know firmly that I do not intend to vote, on final passage, to support Mrs. DeVos to be Secretary of Education. I thank the chairman of the committee for working with me and with my colleagues on this matter, but I cannot support this nominee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I come to the floor to thank the Senator from Alaska and the Senator from Maine for this reason: They are following a long and venerable tradition in the United States Senate that too many Senators do not follow. They are

allowing—despite their final view on the substance of an issue—the full Senate to make a decision on an important issue.

It used to be that a motion to proceed to an issue was routine. It used to be that after a certain period of time, we would cut off the vote so we could have an up-or-down vote, 51, on an important issue.

We have gotten away from that, but Senator COLLINS and Senator MURKOWSKI have been among the most consistent Senators who would say, absent extraordinary circumstances, "I am going to vote to allow the vote to come to the floor so the full Senate can make its decision," and I thank them for that.

Madam President, as to Mrs. DeVos, I ask unanimous consent to have printed in the RECORD, following my remarks, an article about why the Senate should promptly confirm Betsy DeVos as U.S. Education Secretary, which I believe it will do so.

Mrs. DeVos will be an excellent Education Secretary. She has commitment to public education. She has said that. There is no better example of that than her work on the most important reform of public schools in the last 30 years, which is charter schools.

Charter public schools are the fastest growing form of public education to give teachers more freedom and parents more choices, and she has been at the forefront of that public school activity. Second, she has spent her time truly helping to give low-income parents more choices and better schools for their children, but is that a reason not to support her? I would be surprised if any President supported an Education Secretary who didn't support charter schools. I would be surprised if a Republican President nominated an Education Secretary who didn't believe in school choice.

What I especially like about Mrs. DeVos is that she believes in the local school board, instead of the national school board. She has made it clear that there will be no mandates from Washington to adopt Common Core in Arkansas or Tennessee if she is the Education Secretary, there will be no mandate in Washington to evaluate teachers in Washington State this way or that way if she is the Secretary, and there will be no mandate from Washington to have vouchers in Maine or Alaska if she is the Secretary.

She believes in the bill we passed in December of 2015, with 85 votes, that restores to States and classroom teachers and local school boards the responsibility for making decisions about standards, about tests, about how to help improve schools, about how to evaluate teachers. That passed because people were so sick and tired of Washington telling local schools so much about what to do.

She will be that kind of Education Secretary. She will be an excellent

Education Secretary. The two Senators have followed a venerable and honorable tradition in the Senate by saying they will vote to allow the full Senate to consider her nomination, and when we do, I am confident she will be confirmed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Jan. 24, 2017]

SENATE SHOULD PROMPTLY CONFIRM BETSY DEVOS

(By Sen. Lamar Alexander)

Democrats desperately are searching for a valid reason to oppose Betsy DeVos for U.S. Education Secretary because they don't want Americans to know the real reason for their opposition.

That real reason? She has spent more than three decades helping children from low-income families choose a better school. Specifically, Democrats resent her support for allowing tax dollars to follow children to schools their low-income parents' choose—although wealthy families choose their children's schools every day.

Tax dollars supporting school choice is hardly subversive or new. In 2016, \$121 billion in federal Pell Grants and new student loans followed 11 million college students to accredited public, private or religious schools of their choice, whether Notre Dame, Yeshiva, the University of Tennessee or Nashville's auto diesel college. These aid payments are, according to Webster's—"vouchers"—exactly the same form of payments that Mrs. DeVos supports for schools.

America's experience with education vouchers began in 1944 with the GI Bill. As veterans returned from World War II, federal tax dollars followed them to the college of their choice.

Why, then, is an idea that helped produce the Greatest Generation and the world's best colleges such a dangerous idea for our children?

Mrs. DeVos testified that she opposes Washington, D.C., requiring states to adopt vouchers, unlike her critics who delight in a National School Board imposing their mandates on states, for example, Common Core academic standards.

So, who is in the mainstream here? The GI Bill, Pell Grants, student loans, both Presidents Bush, President Trump, the 25 states that allow parents to choose among public and private schools, Congress with its passage of the Washington, D.C. voucher program, 45 U.S. senators who voted in 2015 to allow states to use existing federal dollars for vouchers, Betsy DeVos—or her senate critics?

The second reason Democrats oppose Mrs. DeVos is that she supports charter schools—public schools with fewer government and union rules so that teachers have more freedom to teach and parents have more freedom to choose the schools. In 1992, Minnesota's Democratic-Farmer-Labor party created a dozen charter schools. Today there are 6,800 in 43 states and the District of Columbia. President Obama's last Education Secretary was a charter school founder. Again, who is in the mainstream? Minnesota's Democratic-Farmer-Labor party, Presidents Bush, Clinton and Obama; the last six U.S. Education Secretaries, the U.S. Congress, 43 states and the District of Columbia, Betsy DeVos—or her senate critics?

Her critics dislike that she is wealthy. Would they be happier if she had spent her

money denying children from low-income families choices of schools?

Mrs. DeVos' senate opponents are grasping for straws. We didn't have time to question her, they say, even though she met with each one of them in their offices, and her hearing lasted nearly an hour and a half longer than either of President Obama's education secretaries.

Now she is answering 837 written follow up questions from Democratic committee members—1,397 if you include all the questions within a question. By comparison, Republicans asked President Obama's first education secretary 53 written follow-up questions and his second education secretary 56 written follow-up questions, including questions within a question. In other words, Democrats have asked Mrs. DeVos 25 times as many follow-up questions as Republicans asked of either of President Obama's education secretaries.

Finally, Democrats are throwing around conflict of interest accusations. But Betsy DeVos has signed an agreement with the independent Office of Government Ethics to divest, within 90 days of her confirmation, possible conflicts of interest identified by the ethics office, as every cabinet secretary is required to do. That agreement is on the internet.

Tax returns? Federal law does not require disclosure of tax returns for cabinet members, or for U.S. Senators. Both cabinet members and senators are already required to publish extensive disclosures of their holdings, income and debts. Cabinet members must also sign an agreement with the Office of Government Ethics to eliminate potential conflicts of interest.

One year ago, because I believe presidents should have their cabinet in place in order to govern, I worked to confirm promptly President Obama's nomination of John King to be Education Secretary, even though I disagreed with him.

Even though they disagree with her, Democrats should also promptly confirm Betsy DeVos. Few Americans have done as much to help low-income students have a choice of better schools. She is on the side of our children. Her critics may resent that, but this says more about them than it does about her.

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

TRAVEL BAN

Mrs. SHAHEEN. Mr. President, I came to the floor today to join with Senators and people across this country in speaking out against the President's misguided and, I believe, destructive Executive order that has abruptly closed our borders to all refugees as well as citizens from seven Muslim-majority countries.

During the campaign, Candidate Trump called for a "total and complete shutdown of Muslims entering the United States." I had certainly hoped that once in office, he would receive wise and prudent counsel and he would realize that elevating such a Muslim ban to the status of official U.S. policy would have very negative consequences.

Instead, what we have seen is that a small group in the White House acting in secret produced this Executive

order. They did so without legal review and even without the knowledge of the Secretary of Homeland Security, the Secretary of Defense, or the nominee to be Secretary of State. As a result, as we all know, we saw a weekend of chaos and confusion—a self-inflicted wound to our national security and to our reputation in the world.

The consequences go far beyond the scenes of disorder that we witnessed in recent days. By singling out Muslim-majority countries and banning their citizens from entry into the United States and by denying entry to all refugees, the President has greatly damaged America's image across the world and, perhaps, worst of all, this Executive order is a gift to ISIS, Al Qaeda, and to every other radical jihadist group. On social media they celebrated the travel ban as a confirmation to their narrative that the United States is at war with Islam and that they are engaged in a clash of civilizations. One ISIS sympathizer praised the Executive order as a "blessed ban," comparing it to what he called "the blessed invasion" of Iraq, which inflamed anti-American anger across the Islamic world. This is dangerous because this is a powerful recruitment tool for our enemies.

I am also deeply concerned that this Executive order endangers our troops and our diplomats who are in the field. Today, more than 5,000 American troops are supporting Iraqi troops in the fight to reclaim Mosul and drive ISIS out of Iraq. By discriminating based on religion and nationality, the President's order undermines the local alliances and the trust established by our troops and diplomats in the field. This order is so ill-considered that, as originally drafted, it even barred Iraqi civilians, including translators who provided essential assistance to the U.S. mission.

Just to be clear, this Muslim ban is un-American. It is offensive to our Nation's core values and ideals. The right way forward is not to carve out small exceptions to the Muslim ban. It is to repeal the ban entirely. The President has called for what he has termed "extreme vetting," but the truth is that our vetting procedures are already thorough and rigorous. It takes as long as 24 months for a refugee to make it through the process and come to the United States. The entire screening process takes place outside the United States. So it doesn't pose a threat to people here in America.

In my home State of New Hampshire, the President's Executive order has caused shock and profound concern, especially in our business and academic communities, as well as in our immigrant communities. T.J. Parker is the CEO of PillPack, a company that employs nearly 400 people in Manchester, which is the largest city in New Hampshire. He said on Monday: "This ban is

wrong and goes against our values as a company and as Americans.”

He continued: “I’m also deeply concerned about any measures that could discourage talented individuals from studying and working in the U.S.”

The Union Leader newspaper reported yesterday that more than 700 refugees who settled in New Hampshire over the past decade are from the seven countries singled out in the Executive order and would have been banned from entry. These immigrants are not Iraqis, Somalis, Sudanese or Syrians. They are proud loyal members of our diverse American family. Many of them have spouses or children still in refugee camps, and they hope to be united with their families. The President’s order has now slammed the door on these hopes.

Yesterday the Associated Press in New Hampshire reported on Dr. Omid Moghimi, an internist at New Hampshire Dartmouth-Hitchcock Medical Center. An American citizen, he fell in love with a childhood friend in Iran and married her in Tehran in 2015. Here is the picture of the two of them on their wedding day. After months of vetting for entry to the United States, his wife had an appointment for her visa interview. That appointment was abruptly canceled after the President’s Executive order, and Dr. Moghimi worries that this could become permanent. He is now in his first year of a 3-year residency, and he fears he will have to leave the United States in order to live with his wife, who volunteers at daycare centers and an orphanage. Dr. Moghimi told the AP: “There’s no evidence that she is in any way even a miniscule threat, security risk, and there are many, many cases like her out there.”

If this Executive order stays in effect, we lose the opportunity to have Dr. Moghimi practice in the United States and maybe serve a community in New Hampshire, and it has a real impact on their lives. The ill-advised words and actions, including this Executive order, have damaged America’s standing in the world and harmed our national security. But the Senate has an opportunity to send a very different message to our allies and to our enemies across the globe. We can make clear that America’s democracy is founded on a system of checks and balances, and that the President doesn’t speak for America or make policy all by himself. I urge my Senate colleagues to join with us in supporting legislation to repeal the President’s order. We need to send a clear message to the world that America does not support discrimination based on religion. We welcome appropriately vetted refugees from wars and violence, and we respect our Muslim allies, including our friends in Iraq who have sacrificed so much in the fight against ISIS.

In recent days we have seen what happens when America betrays its

ideals and its allies. The Senate has a responsibility to reassert those ideals and to reassure our allies. I urge my colleagues to support legislation that Senator FEINSTEIN put forward to repeal the President’s Executive order.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, I rise today to speak about the nominee for Secretary of State. I will be brief and to the point.

Mr. Rex Tillerson led his last organization in a lobbying campaign to undermine the national security interests of the United States in favor of Russia, Iran, and corporate profit. Putting narrow corporate interests ahead of America’s national security interests is inexcusable for a CEO and disqualifying for a nominee to be our Nation’s chief diplomat.

I will vote against Rex Tillerson’s nomination for Secretary of State, and I encourage my colleagues to do the same.

Thank you, Mr. President. I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All postcloture time has expired.

The question is, Will the Senate advise and consent to the Tillerson nomination?

Mr. ISAKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—56

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Cochran
Collins

Corker
Cornyn
Cotton
Crapo
Cruz
Daines
Enzi
Ernst
Fischer

Flake
Gardner
Graham
Grassley
Hatch
Heitkamp
Heller
Hoeven
Inhofe

Isakson
Johnson
Kennedy
King
Lankford
Lee
Manchin
McCain
McConnell
Moran

Murkowski
Paul
Perdue
Portman
Risch
Roberts
Rounds
Rubio
Sasse
Scott

Sessions
Shelby
Sullivan
Thune
Tillis
Toomey
Warner
Wicker
Young

NAYS—43

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken

Gillibrand
Harris
Hassan
Heinrich
Hirono
Kaine
Klobuchar
Leahy
Markey
McCaskill
Menendez
Merkley
Murphy
Murray
Nelson

Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warren
Whitehouse
Wyden

NOT VOTING—1

Coons

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on confirmation.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. MCCONNELL. Mr. President, I move to table the motion to reconsider, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the motion to reconsider the vote on confirmation.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER (Mr. TOOMEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—55

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Cochran
Collins
Corker
Cornyn
Cotton
Crapo
Cruz
Daines
Enzi
Ernst
Fischer
Flake

Gardner
Graham
Grassley
Hatch
Heitkamp
Heller
Hoeven
Inhofe
Isakson
Johnson
Kennedy
King
Lankford
Lee
Manchin
McCain
McConnell
Moran
Murkowski

Paul
Perdue
Portman
Risch
Roberts
Rounds
Rubio
Sasse
Scott
Shelby
Sullivan
Thune
Tillis
Toomey
Warner
Wicker
Young

NAYS—43

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Donnelly	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NOT VOTING—2

Coons

Sessions

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Alabama (Mr. SESSIONS) and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 38 Ex.]

YEAS—53

Alexander	Flake	Moran
Barrasso	Gardner	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heitkamp	Risch
Cassidy	Heller	Roberts
Cochran	Hoeven	Rounds
Collins	Inhofe	Rubio
Corker	Isakson	Sasse
Cornyn	Johnson	Scott
Cotton	Kennedy	Shelby
Crapo	King	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Toomey
Enzi	McCain	Wicker
Ernst	McConnell	Young
Fischer	Menendez	

NAYS—44

Baldwin	Cortez Masto	Heinrich
Bennet	Donnelly	Hirono
Blumenthal	Duckworth	Kaine
Booker	Durbin	Klobuchar
Brown	Feinstein	Leahy
Cantwell	Franken	Manchin
Cardin	Gillibrand	Markey
Carper	Harris	McCaskill
Casey	Hassan	Merkley

Murphy	Schatz	Van Hollen
Murray	Schumer	Warner
Nelson	Shaheen	Warren
Peters	Stabenow	Whitehouse
Reed	Tester	Wyden
Sanders	Udall	

NOT VOTING—3

Coons Sessions Tillis

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

THE JOURNAL

Mr. McCONNELL. Mr. President, I move that the reading of the Journal be waived.

The PRESIDING OFFICER. The question is, Shall the Journal stand approved to date?

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—54

Alexander	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Gardner	Paul
Boozman	Graham	Perdue
Burr	Grassley	Portman
Capito	Hatch	Risch
Cassidy	Heitkamp	Roberts
Cochran	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Sullivan
Cruz	King	Thune
Daines	Lankford	Tillis
Durbin	Lee	Toomey
Enzi	McCain	Wicker
Ernst	McConnell	Young

NAYS—44

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Stabenow
Carper	Manchin	Tester
Casey	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Donnelly	Menendez	Warner
Duckworth	Merkley	Warren
Feinstein	Murphy	Whitehouse
Franken	Murray	Wyden
Gillibrand	Nelson	

NOT VOTING—2

Coons Sessions

The PRESIDING OFFICER. The Journal stands approved to date.

The majority leader.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. McCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 11, Elisabeth DeVos to be Secretary of Education.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER (Mr. GARDNER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—1

Coons

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Pat Roberts, Roy Blunt, John Boozman, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

The PRESIDING OFFICER. The Senator from Missouri.

NOMINATION OF NEIL GORSUCH

Mr. BLUNT. Mr. President, I am proud to have a chance to speak in support of your fellow Coloradan, Neil Gorsuch, President Trump's nominee to be an Associate Justice of the Supreme Court.

Clearly, we all understand this is an important decision and an important institution. The Supreme Court is the only Court specified in the Constitution and often the final arbiter of how the Constitution and the law is to be applied. In the history of the Court, in the history of the country, only 112 individuals have had the honor to serve on the Supreme Court. As we debate the qualifications and qualities of the person who has been nominated, and I hope to see confirmed as the 113th person to serve as an Associate Justice or a Justice on the Court, it is really vital we understand that we have a nominee who has a deep understanding and appreciation of the role of the Court and the role the Court plays in our democracy.

Judge Gorsuch embodies these principles through a lifetime of service, and he has really prepared himself in many unique ways for this moment. He graduated from Columbia University, where he was elected to Phi Beta Kappa and earned his law degree from Harvard Law School. After law school, Judge Gorsuch served as a Supreme Court clerk to two different Justices, Justice Byron White and Justice Anthony Kennedy. It has been pointed out that if Judge Gorsuch is confirmed to serve on the Court, he will be the first person ever to serve with someone for whom he clerked, and hopefully he and Justice Kennedy will have an opportunity to serve together.

After clerking on the Court, he went on to a successful career in private law practice, spending 10 years litigating a

broad range of complex trials and appeals.

In 2004, just in case his Harvard law degree wasn't enough, as a Marshall scholar, he received a doctorate in philosophy from Oxford University.

At every point in his preparation, it has been understood he was at the top of that preparatory activity. He has served his country in the Justice Department, working as the Principal Deputy Associate Attorney General. In 2006, 10 years ago, President George W. Bush nominated him to serve on the Tenth Circuit Court of Appeals. At the time of his nomination, the American Bar Association gave him a unanimous "well qualified" rating, the highest rating. The Senate then confirmed his nomination unanimously by a voice vote.

Today I believe the Senate has 11 Democrats serving with us who were part of that unanimous process. In his decade on the Tenth U.S. Circuit Court of Appeals bench, Judge Gorsuch has demonstrated a steadfast commitment to upholding the rule of law and interpreting the Constitution as its authors intended.

I am confident he will continue to adhere to the Constitution, apply the rule of law, and not legislate from the bench. I think he understands, as Justice Scalia did, that the job of a Justice of the Supreme Court is not to decide what the law should be or what the Constitution, in their opinion, should say but decide what the law is and what the Constitution does say.

His keen intellect and devotion to law are very well understood and appreciated throughout the legal profession. He has the integrity, the professional qualifications, and the judicial temperament to serve on the Nation's highest Court.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from earlier this week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Jan. 26, 2017]

TRUMP WOULD DO WELL TO CONSIDER NEIL GORSUCH FOR SUPREME COURT
(By the Editorial Board)

Then-U.S. Sen. Ken Salazar, right, introduces Neil Gorsuch at his nomination hearing to the U.S. Court of Appeals for the 10th Circuit on June 21, 2006. Gorsuch is being considered as a possible replacement for the late U.S. Supreme Court justice Antonin Scalia.

President Donald Trump is on the verge of making his most enduring appointment to date and we are encouraged by one of the names on his list to replace former Supreme Court Justice Antonin Scalia.

Neil Gorsuch is a federal judge in Denver with Western roots and a reputation for being a brilliant legal mind and talented writer. Those who have followed Gorsuch's career say that from his bench in the U.S. 10th Circuit Court of Appeals he has applied the law fairly and consistently, even issuing provocative challenges to the Supreme Court to consider his rulings.

Liberals who dreamed of a less-conservative Merrick Garland on the court will undoubtedly gasp at a suggestion that Gorsuch would be a good addition to a court that has been shorthanded for more than a year.

Gorsuch is most widely known for ruling in the Hobby Lobby contraception case before it reached the Supreme Court in 2014. His controversial decision was upheld in a 5-4 vote. Gorsuch wrote in the case that those with "sincerely held religious beliefs" should not be forced to participate in something "their religion teaches them to be gravely wrong."

We disagreed with that ruling, saying the Supreme Court wrongly applied constitutional protections of religious freedom to a corporation that remained owned by a small group of like-minded individuals.

We argued that even closely held corporations—primarily functioning as money-making entities and not religious institutions—shouldn't be able to opt out of the Affordable Care Act mandate that insurance cover contraception by citing First Amendment protections intended for individuals and churches.

But in considering Gorsuch's body of work and reputation—and yes, we like his ties to Colorado as well—we hope Trump gives him the nod.

We are not afraid of a judge who strictly interprets the Constitution based solely on the language and intent of our nation's founders, as long as he is willing to be consistent even when those rulings conflict with his own beliefs.

As Denver Attorney Jason Dunn, who considers himself a longtime fan of Gorsuch, explains, his views stem "from a belief in a separation of powers and in a judicial modesty that it is not in the role of the courts to make law. Justice Scalia would put it: If you like every one of your rulings, you're probably doing it wrong."

A justice who does his best to interpret the Constitution or statute and apply the law of the land without prejudice could go far to restore faith in the highest court of the land. That faith has wavered under the manufactured and false rhetoric from critics that the high court has become a corrupt body stacked with liberals. And while Democrats will surely be tempted to criticize the nomination of anyone Trump appoints, they'd be wise to take the high road and look at qualifications and legal consistency rather than political leanings.

Gorsuch, at 49, will have years to whittle away at that damaging lack of trust. A July 2016 Gallup Poll found that 52 percent of Americans disapproved of the way the Supreme Court handled its job. The finding is striking, considering the same poll in 2000 found only 29 percent of Americans disapproved.

We could do far worse than a thoughtful graduate from Columbia, Harvard and Oxford universities, who clerked for two Supreme Court justices and calls Denver home.

Mr. BLUNT. I wish to share a little of that editorial where the Denver Post says:

We are not afraid of a judge who strictly interprets the Constitution based solely on the language and intent of our nation's founders, as long as he is willing to be consistent even when those rulings conflict with his own beliefs.

As Denver Attorney Jason Dunn, who considers himself a longtime fan of Gorsuch, explains, his views stem "from a belief in a separation of powers and in a judicial modesty that it is not in the role of the courts to

make law. Justice Scalia would put it: If you like every one of your rulings, you're probably doing it wrong."

That is similar to what you and I heard Judge Gorsuch say last night; that a good judge doesn't rule based on what a judge likes to have happen but what the law and the Constitution insists does happen.

Going back and continuing just one more paragraph from that Denver Post editorial:

A Justice who does his best to interpret the Constitution or statute and apply the law of the land without prejudice could go far to restore the faith in the highest court of the land. That faith has wavered under the manufactured and false rhetoric from critics that the high court has become a corrupt body stacked with liberals. And while Democrats will surely be tempted to criticize the nomination of anyone Trump appoints, they'd be wise to take the high road and look at qualifications and legal consistency rather than political leanings.

That is in the middle of that editorial that is now in the RECORD.

The Supreme Court is one of the most important legacies this President is likely to leave. I think he made a very well-considered and right choice in selecting Judge Gorsuch to begin shaping the long-term view of the Court. I look forward to hearing more from the judge as this confirmation process moves forward and to seeing him confirmed as an Associate Justice of the Supreme Court.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we began public hearings on the Supreme Court nominees in 1916. Since we began those, the Senate has never denied a hearing or a vote to a pending Supreme Court nominee—never, since 1916 until last year.

Last year Senate Republicans waged an unprecedented blockade against the nomination of Chief Judge Merrick Garland, a fine judge with impeccable credentials and with strong support from both Republicans and Democrats, a man who should be on the Supreme Court today. This is the first time since 1916 that had ever been done. Instead, bowing to the extreme right of their party, Republicans who knew him and who even had said publicly before how much they respected him and how he should be on the Supreme Court refused even to meet with him, let alone accord him the respect of a confirmation hearing—even though the Constitution says that we shall advise and consent and even though each one of us has raised our hand in a solemn oath saying we will uphold the Constitution.

So this is exactly what happened. The Republicans held hostage a vacancy on the Supreme Court for a year so that their candidate for President could choose a nominee. The blockade of the Merrick Garland nomination was shameful, but I think it is also corro-

sive for our system of government. Candidate Donald Trump, who verbally attacked a sitting Federal judge in what Speaker RYAN called "a textbook example of a racist comment," encouraged Senate Republicans to "delay, delay, delay." Candidate Trump then went further. He said he would outsource the vetting of potential nominees to far-right organizations, many of them lobbying organizations, that want to stack the judiciary with ideological conservatives who are outside the mainstream. He promised a nominee who would overturn 40 years of jurisprudence established in *Roe v. Wade*. With the selection of Judge Gorsuch, it appears as though he is trying to make good on that promise.

When we confirmed Judge Gorsuch for the Tenth Circuit Court of Appeals—and I was a Member of the Senate at the time—I knew he was conservative, but I did not do anything to block him because I hoped he would not impose his personal beliefs from the bench. In fact, at his confirmation hearing in 2006, Judge Gorsuch stated that "precedent is to be respected and honored." He said it is "unacceptable" for a judge to try to impose "his own personal views, his politics, [or] his personal preferences." Yet, just last year, he tried to do that. He called for important precedent to be overturned because it did not align with his personal philosophy.

From my initial review of his record, that I have just begun, I question whether Judge Gorsuch meets the high standard set by Merrick Garland, whose decisions everybody would agree were squarely within the mainstream. And with the ideological litmus test that President Trump has applied in making this selection, the American people are justified to wonder whether Judge Gorsuch can truly be an independent Justice. So I intend to ask him about these and other important issues in the coming months.

Republicans rolled the dice last year. They subjected the Supreme Court and the American people to a purely political gamble. They ignored the Constitution and did something that had never been done before in this country.

I know President Trump likes to boast that he won the election in a massive landslide. Well, of course he didn't. Secretary Clinton received more than 2.8 million more votes from the American people than President Trump. But more importantly, due to Senate Republicans' political gambit, the U.S. Supreme Court clearly lost in this election. This is really no way to treat a coequal branch of government, and it is certainly not the way to protect the independence of our Federal judiciary—something that is the bedrock of our Constitution.

The President's electoral college victory—which was far narrower than either of President Obama's victories—is

hardly a mandate for any Supreme Court nominee who would turn back the clock on the rights of women, LGBT Americans, or minorities; or a nominee who would use theories last seen in the 1930s to undermine all we have accomplished in the last 80 years. If he follows these right-wing lobbying groups who helped vet him for the President, if he follows what they want, then critical programs, like Social Security and Medicare and Medicaid, key statutes, including the Civil Rights Act, the Voting Rights Act, and the Clean Air Act, could well be at risk.

So after nearly a year of obstruction—unconstitutional, unprecedented obstruction—I really don't want to hear Republicans say we now must rush to confirm Judge Gorsuch. I know the President thinks they should, but I also wonder how seriously even he takes this. His announcement yesterday was like he was announcing the winner of a game show: I brought in these two people, and now here is the winner. We are talking about the U.S. Supreme Court; treat it with the respect it deserves.

For all of the Republican talk of Democrats setting the standard with the confirmations of Justice Sotomayor and Kagan, they ignored the standard they set in the shameful treatment of Chief Judge Garland. In fact, I remember when—and I was chairman at the time—when we set the schedule for the hearings and the vote on Justice Sonia Sotomayor, and I remember the Republican leader rushing to the floor and saying: Oh, this is terrible. You are rushing it. You are moving it so fast.

I pointed out that we were setting the schedule to the day—to the day—the same as we set for Chief Justice John Roberts. So I asked the obvious question: Are you telling me the schedule was OK for him but not OK for her? We followed the schedule.

We need time to look at all of these nominees.

I would note, as one who has tried cases in Federal courts, as a lawyer, and as one who has chaired the Judiciary Committee, I would say the courts are a vital check on any administration, especially one that, like this one, has found itself on the losing side of an argument in Federal court in only its first week—they lost on something that a first-year law student could have told them they were going to lose. But with great political fanfare, the President issued an order. Fortunately, the order was seen for what it was: No Muslims need show up in our country.

Judge Gorsuch, to be confirmed, has to show that he is willing to uphold the Constitution even against President Trump, even against the lobbying groups the President had vetting him.

His record includes a decade on the Federal bench. The Judiciary Committee must now carefully review his

decisions. We have to conduct a thorough and unsparing examination of his nomination. That is what I will do, just as I have done for every nominee—everybody currently on the Supreme Court and many before them. Whether nominated by a Republican or a Democrat, I did a thorough and unsparing examination of their nomination. The Senate deserves nothing less. More importantly, the American people deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

TRAVEL BAN

Mr. KAINE. Mr. President, I rise to speak on a special day. Today is my wife's birthday. Today is National Freedom Day, when we recognize President Lincoln's signing the 13th Amendment banning slavery. This is the reason we celebrate Black History Month in February.

Today, February 1, begins American Heart Month, acknowledging the great heart of the American people, as well as the need for health care.

But today, February 1, is also the first day of World Interfaith Harmony Week. In 2010, King Abdallah II of Jordan spoke before the U.N. General Assembly, and he asked the U.N. to declare a week every year to promote understanding and tolerance between the world's religions. In his speech before the U.N., this is what King Abdallah said:

It is also essential to resist forces of division that spread misunderstanding and mistrust, especially among peoples of different religions. The fact is, humanity everywhere is bound together, not only by mutual interests, but by shared commandments to love God and neighbor, to love the good and neighbor. What we are proposing is a special week, during which the world's people, in their own places of worship, could express the teachings of their own faith about tolerance, respect for others and peace.

The resolution was adopted unanimously at the U.N. General Assembly, and all nations, religions, and peoples were asked to observe it.

By happy coincidence, as the Presiding Officer knows, King Abdallah is in Washington right now. He visited with Senators here at the Capitol yesterday and today. Earlier today I met with him, and I told him I would speak in his honor in the hopes that his words might inspire us at a challenging time.

The word of last Friday's Executive orders regarding immigration and refugees—orders which implemented the President's campaign rhetoric to implement a Muslim ban—shocked the country this weekend. I traveled to Roanoke and Blacksburg, VA—communities in the southwestern portion of my Commonwealth. I was there to meet with local health care providers and students pursuing health care careers. I had planned the trip to go talk about the Affordable Care Act, but at my first event, two families came to

me with a concern. Working together with Roanoke Catholic charities, they had helped settle a Syrian refugee family in Blacksburg 1 year ago. The Syrian family was a mom and dad and four kids. These sponsors told me how well the family was doing and how welcoming this community was in bringing this family to Virginia and taking them in.

The employer of the Syrian father runs a construction company, and he hired him to do construction work. He told me, kind of chuckling about it: Senator, not all my workers agree with me on politics, but no one better say a bad word about their Syrian coworker around them.

He went on to describe how the employees at his construction firm had done a number of things, including collecting funds to help the children have soccer shoes there, in Southwest Virginia. But they didn't tell me this story because it is a happy story about resettlement of a family, although that is a point of the story.

Here is why they came to see me. The community was poised to welcome a second family from Syria—a mother, father, and five minor children—to meet them at the Roanoke airport tomorrow and help them find a home in the United States. This refugee family they were supposed to meet tomorrow fled Syria 4 years ago. They had been living in a refugee camp in Jordan, undergoing 4 years of vetting in the hopes they could come to America. Now, their sponsors pressed papers into my hand and said: What will happen to this family? Are they now shut out of the dream they have worked so hard to achieve? Are we now shut out from our desire to offer them the Christian hospitality of our community?

We have been working to get answers to these questions, but as of today, we know nothing about this family's fate.

There are so many questions I struggle to answer in the aftermath of these orders. The orders single out people based on their Muslim faith by targeting primarily Muslim nations and allowing exceptions to be made for Christians and other religious minorities. Why?

The orders single out seven countries—countries where citizens have been exposed to genocide and other crimes against humanity—while leaving countries that have actually exported terrorists to the United States untouched. Why?

The order was applied to legal permanent residents of the United States until clarified and also to brave people who had helped American soldiers on the battlefield, thereby earning a special immigrant visa status. Why?

We can have security procedures that are based on the danger of an individual rather than a stereotype about where they were born or how they worship.

I am called to reflect on these events by King Abdallah's words suggesting that the world should recognize this week as World Interfaith Harmony Week. He told us today that the order is being viewed with deep anxiety in his country, which is one of our strongest allies in the Arab world—indeed, in the entire world. I am called to reflect on these events by my own citizens in Roanoke and Blacksburg, working with a church group, who just want to serve others in a way commanded by their faith and by all faiths.

At the Presiding Officer's desk, there is a book of the rules of the Senate and there is also a Bible. In a week where all are called to reflect upon their own religious traditions of tolerance and peace, there is wisdom in that Book for our Nation.

Exodus 22:21: "You shall not wrong or oppress an alien, for you were aliens in the land of Egypt."

Leviticus 19:34: "The alien who resides with you shall be to you as a citizen among you; you shall love the alien as yourself for you were aliens in the land of Egypt."

Deuteronomy 1:16: "Give the members of your community a fair hearing and judge rightly between one person and another whether citizen or resident alien."

Deuteronomy 10:18-19: "For the Lord your God loves the strangers, providing them with food and clothing. You shall also love the stranger for you were strangers in the land of Egypt."

Deuteronomy 24:17: "You shall not deprive a resident alien or an orphan of justice."

Deuteronomy 26:5: "A wandering Aramaean was my ancestor, he went down into Egypt and lived there as an alien."

Matthew 2:13-23: Jesus began his life as a refugee in Egypt.

Matthew 25:34: "I was hungry and you fed me. I was thirsty and you gave me drink. I was a stranger and you invited me into your home."

The traditions of this nation, other nations, religions, and peoples point us in the same direction. Pope Francis reminded us of these very words when he spoke to us in the fall of 2015 and told us—as individual leaders and as a nation—that the yardstick we use to measure and evaluate others is the yardstick that will be applied to us.

On this opening day of World Interfaith Harmony Week, I pray that we commit to peaceful understanding and appreciation of people from diverse faith backgrounds. I pray that the unjust immigration orders that target suffering people based on where they were born or how they worship will be rescinded. I pray that Congress and the administration will work together to set up appropriate security procedures that do not discriminate on the grounds of religion or national origin, and I pray that we will be true to our

best principles and not sacrifice them for the sake of politics.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Colorado.

NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, as I stated repeatedly before the Presidential election of this past year, we stood, and continue to stand, at a very pivotal time in our Nation's history.

After 8 years of using the judicial and regulatory systems to push through its legislative agenda, the balance of power had shifted from what our Founders intended. Our Founders intended the Congress to make the laws and write the laws, the executive branch to implement the laws, and the judiciary to be guardians of the Constitution, not to make the laws.

That is why we said that the next President of the United States, whether they be Democrat or Republican, would have the opportunity to fill the vacancy on the Supreme Court, following the Biden rule—the edict that there wouldn't be a confirmation hearing for a Supreme Court nominee until after that year's Presidential election—to allow the American people to make their decision, giving the American people a say in the direction of this country for years to come. In return, they have given us this nominee.

It is with great pride that I rise today to talk about the nominee today—a fellow Coloradan, Judge Neil Gorsuch, President Trump's nominee to the Supreme Court. Judge Gorsuch comes to the Court with that unique western perspective that the Presiding Officer and I share. Our States of Utah and Colorado obviously like to see that western perspective shared at the Tenth Circuit Court, where it is housed in the West, but at every level of our courts and to the Supreme Court—adding to Justice Kennedy's background and to others who share that same perspective and history in the Supreme Court.

Born in Denver, Judge Gorsuch is a fourth-generation Coloradan, coming from a long line of individuals who have dedicated their life to service not only to the State of Colorado but to the Nation. His mother, Ann Gorsuch, served in the Colorado House of Representatives and, during the Reagan administration, she was the first female Administrator of the Environmental Protection Agency. His grandfather, John Gorsuch, founded one of Denver's largest law firms, Gorsuch Kirgis, where both he and Neil's father, Dave, practiced throughout the firm's successful 60-year-old history. His stepfather, Robert Buford, was a former speaker of the Colorado House of Representatives who went on to become the head of the Bureau of Land Management.

Judge Gorsuch is also one of our country's brightest legal minds, with a

sterling reputation, and significant experience as a Federal judge and a private litigator. He has impeccable academic credentials and is a widely respected legal scholar. He received his bachelor's degree from Columbia University, graduated from Harvard Law School, and was a Marshall scholar at Oxford University, where he obtained a doctorate in legal philosophy.

Of course, I cannot forget the summer he spent at the University of Colorado as well. Judge Gorsuch clerked for two Supreme Court justices—Byron White, a Colorado native as well. In fact, in his comments last night after the announcement of his nomination, Judge Gorsuch mentioned that he worked for the only Coloradan to serve on the Supreme Court and also the only leading rusher in the NFL to ever serve on the Supreme Court.

He also clerked for Justice Anthony Kennedy, as well as for Judge David Sentelle on the U.S. Court of Appeals for the D.C. Circuit. Following his clerkships, Judge Gorsuch went into private practice, eventually rising to the rank of partner in the elite litigation law firm of Kellogg Huber, leaving practice in 2005 to serve as a high-ranking official in the Bush administration Justice Department. A year later, President George W. Bush nominated Gorsuch to serve on the Tenth Circuit Court of Appeals, a position for which he was confirmed by a unanimous vote. I think it is very telling that not only was he confirmed by a unanimous vote, but roughly 11 or 12 members of the Democratic conference were there to vote for Judge Gorsuch. There are people serving today who voted for Judge Gorsuch. I believe SCOTUSblog recently reported that when Judge Gorsuch was nominated to the Tenth Circuit Court, then, Neil Gorsuch's confirmation hearing was sparsely attended. I believe it mentioned that only a few people attended. I think Senator LINDSEY GRAHAM, our colleague from South Carolina, was one of the Senators to attend his confirmation hearing. I believe Senator LEAHY, our colleague from Vermont, submitted questions for the record. But as SCOTUSblog cited, very few people attended his confirmation hearing because of the high caliber and high quality of the nomination. He was introduced by my predecessor from Colorado, Ken Salazar, and was praised from Senator Salazar's perspective for being impartial, fair, and the having the kind of temperament that we need in the circuit court.

Judge Gorsuch is an ardent faithful defender of the Constitution and has the appropriate temperament, as then-Senator Salazar noted, to serve on the Nation's highest Court. Of course, he was then talking about the Tenth Circuit Court. Judge Gorsuch recognizes that the judiciary isn't the place for social or constitutional experimen-

tation, and efforts to engage in such experimentation delegitimizes the Court. He has said:

This overweening addiction to the courtroom as the place to debate social policy is bad for the country and bad for the judiciary. . . . As a society, we lose the benefit of the give-and-take of the political process and the flexibility of social experimentation that only the elected branches can provide.

Here we see his understanding that certain debates are to take place where debate is held by those elected directly by the people—in the Congress.

Judge Gorsuch believes in the separation of powers as established by our Founding Fathers in the Constitution. As he rightly stated, "a firm and independent judiciary is critical to a well-functioning democracy," understanding the value of three branches of government, the value of an independent judiciary, understanding that there are certain things dedicated exclusively to the judiciary, to the legislative branch, and to the executive.

Judge Gorsuch is not an ideologue. He is a mainstream jurist who follows the law as written and doesn't try to supplant it with his personal policy preferences. He said: "Personal politics or policy preferences have no useful role in judging; regular and healthy doses of self-skepticism and humility about one's own abilities and conclusions always do."

Judge Gorsuch understands the advantage of democratic institutions and the special authority and legitimacy that come from the consent of the government. He said: "Judges must allow the elected branches of government to flourish and citizens, through their elected representatives, to make laws appropriate to the facts and circumstances of the day."

Judge Gorsuch appreciates the rule of law and respects the considered judgment of those who came before him. He said:

Precedent is to be respected and honored. It is not something to be diminished or demeaned.

This morning, I had the opportunity to meet with Judge Gorsuch—of course, knowing him from Colorado and the town of Boulder, where he lives today, and also where I received my law degree. We spent a lot of time talking about our favorite passions in Colorado, whether it is fly-fishing, whether it is paddle-boarding. Of course, he spends a lot of time out on the Boulder Reservoir, enjoying recreation—just like every other person in Boulder does and every other person in Colorado does—as somebody who understands the great outdoors. We talked about the rule of law. We talked about the separation of powers, his concern over originalism and textualism, and following in the footsteps of other great Justices on the Supreme Court.

We talked about something he said last night when his name was put forward for nomination by President

Trump. We talked about a statement he made to this effect: If a judge likes every opinion that they have written, every decision that they have reached, they are probably a bad judge. I think this goes to his insistence that, as a judge, you must put your personal beliefs, your personal policies aside to rule as the rule of law requires and to rule as the Constitution and the statutes require.

We discussed in our meeting decisions he made of which he didn't like the outcome but believed that the rule of law required a certain outcome—whether it was a felon who possessed a handgun or whether the Federal Government had misspoken to the accused and he believed that the government had done the accused wrong.

While Judge Gorsuch personally believed that perhaps he would have liked to have found a guilty decision or agreed with a guilty decision, he couldn't do it because of the standards that were applied in the case—the grammatical gravity that had to be ignored in order to reach the conclusion the lower court had reached.

His ability to put personal opinions aside, I think, is what makes him an ideal candidate for the U.S. Supreme Court. Over the coming days and months, we are going to have many opportunities to talk about the qualities of Judge Gorsuch, but we have already heard many people complain that perhaps they didn't pay enough attention to Judge Gorsuch 10 years ago. They talked about their concern, this newfound concern that was not available—that apparently wasn't there 10 years ago when this Senate unanimously supported Judge Gorsuch.

I have even heard complaints that they didn't like the way that his nomination was announced—a complaint about how the President announced the nomination. Those are the kinds of concerns we are hearing about Judge Gorsuch today because they didn't like the way he was announced.

We are going to have a lot of opportunity to talk about his temperament, those things he believes are important as a judge, those things he believes are important to make decisions. I look forward to having a conversation about what I believe is a brilliant legal mind—someone of a brilliant legal mind, someone with a sterling reputation, someone who has been known as a feeder judge of clerks to the highest Court in the land, someone who rules on the law and not on his personal beliefs, someone who believes in the Constitution and not in the role of legislator from the bench.

I am grateful I had this opportunity to support a Coloradan, a man of the West, to Nation's highest Court, and I look forward to working to place Judge Gorsuch as Associate Justice to the U.S. Supreme Court.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, we are in the second week of the Trump Presidency, and it is pretty clear that something is happening in our country. All across the Nation, Americans in quiet towns and boisterous cities are taking to the streets to fight for American values. They are protesting in the streets and calling their Representatives. They are getting involved in local organizations, and they are organizing around the causes they support.

We know that American values are threatened when the President issues an order banning immigrants from the country based on their religion. We know that American values are threatened when politicians try to break apart a health care system that has extended medical benefits to millions of Americans, and we know that American values are threatened when a President tries to stack his government with billionaires and insiders who have a history of grinding working people into the dirt.

Yesterday something happened that is a threat to our American values. President Trump nominated Judge Neil Gorsuch to serve on the Supreme Court. For years now, I have repeated this warning: America's promise of equal justice under the law is in danger. Over the last three decades, as the rich have grown richer and middle-class families have struggled, the scales of justice have also tilted, tilted in favor of the wealthy and the powerful.

This is not an accident. It is part of a deliberate strategy to turn our courts into one more rigged game for folks at the top, and its effects have been devastating. Recent court decisions have protected giant businesses from accountability, made it harder for people who have been injured or cheated to get a hearing, gutted longstanding laws protecting consumers who have been swindled, and unleashed a flood of secret money into our politics that is rapidly tilting the entire government in favor of the wealthy.

Billionaires and corporate giants have launched a full-scale attack on fair-minded, mainstream judges. It has happened at every level of our judiciary, but the best example was the unprecedented blockade of Judge Merrick Garland's nomination to the Supreme Court. Judge Garland was an obvious consensus nominee and a straight shooter who followed the law. Why block him? The problem was that Judge Garland's career didn't reflect a sufficient willingness to bend the law to suit the needs of the rich and powerful. And for that sin, far-right groups, financed by Big Business interests, spent millions of dollars attacking him, to torpedo his nomination and keep that seat open.

They did something else that is even more damaging: Far-right groups also

drew up a list of "acceptable" Supreme Court nominees, people who demonstrated they were sympathetic to the rich and the powerful. Judge Neil Gorsuch made the cut, and his nomination is their reward.

Judge Gorsuch is intelligent and accomplished. He is polite, respectful, and articulate. Make no mistake, his professional record, which I have reviewed in detail, clearly and consistently favors the interests of big corporations over workers, big corporations over consumers, and big corporations over pretty much anybody else.

Let's not mince words. The nomination of Judge Gorsuch is a huge gift to the giant corporations and wealthy individuals who have stolen a Supreme Court seat in order to make sure that the justice system works for them. What I am saying shouldn't be controversial. They haven't made a secret of what they were doing. This is exactly why Judge Gorsuch has been on their list for 4 months. He is the payoff for their multimillion-dollar investment.

Throughout his professional career, Judge Gorsuch has shown a truly remarkable insensitivity to the struggles of working Americans and an eagerness to side with businesses that break the rules over workers who are seeking justice.

Even before he became a judge, Judge Gorsuch famously argued in favor of limiting the ability of investors and shareholders to bring lawsuits when companies commit fraud, whining about how annoying it is for billionaire corporations to have to face their investors when they cheat them.

As a judge for more than a decade, he has twisted himself into a pretzel to make sure that the rules favor giant companies over workers and individual Americans. Let me just count some of the ways. He has sided with employers who deny wages, employers who improperly fire workers, employers who retaliate against whistleblowers for misconduct. He has sided with employers who denied retirement benefits to their workers. He has sided with big insurance companies against disabled workers who were denied benefits. He has ruled against workers in all kinds of discrimination cases. He has even argued that the rights of corporations outweigh the rights of the people working for them, for example, allowing businesses to assert religious beliefs so they can limit their employees' access to health care.

Listen to that one again. He thinks that a company can assert a religious belief and decide whether female employees get access to birth control. Let's be clear. That means a lot of employees will be living at the whim of their employers.

Judge Gorsuch has written dismissively about lawsuits to vindicate the rights of vulnerable people.

Equal marriage? Assisted suicide? Keep those issues out of his courtroom.

He is willing to open the doors wide when big corporations show up in his court to challenge health and safety rules they don't like or regulations to prevent them from polluting our air and water, poisoning our food, undermining our public safety, or just plain cheating people. When that happens, Judge Gorsuch is ready to go, to override the rules with his own views. On that score, he is even more extreme than Justice Scalia.

This is exactly the type of Supreme Court Justice that giant corporations want, but they have never been quite so brazen about it. Spending millions to slime a consensus straight shooter nominee like Merrick Garland and steal a Supreme Court seat, then drawing up a public list of "acceptable" alternatives and handing it over to a billionaire President so he can do his buddies a favor. That is bold. That is bold, and that is not how America is supposed to work.

Our courts are supposed to be neutral arbiters, dispensing justice based on the facts and the law, not people chosen to advance the interests of those at the top.

Let's be clear. This fundamental principle might be more important today than it has ever been in modern history. Every day our new President finds more ways to demonstrate his hostility for an independent judiciary, for a civil society, and for the rule of law. That is precisely the reason that our Constitution gives us a neutral, independent judiciary. We don't need Justices who have been handpicked for their willingness to kowtow to those with money, power, and influence. We need Justices who will stand up to those with money, power, and influence.

Judge Gorsuch may occasionally write in vague terms about the importance of the independent courts. Today, right now, that simply is not good enough. Now, more than ever, the United States needs a Supreme Court that puts the law first every single time. That means Justices with a proven record of standing up for the rights of all Americans—civil rights, women's rights, LGBTQ rights, and all the protections guaranteed by our laws.

We cannot stand down when American values and constitutional principles are attacked. We cannot stand down when the President of the United States hands our highest Court over to the highest bidder, and that is why I will oppose Judge Gorsuch's nomination.

Mr. President, I yield.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Judge Neil M. Gorsuch to serve as the next Associate Justice of the Supreme Court of the United States. Judge Gorsuch has been nominated to fill the seat left vacant by the late Justice Antonin Scalia.

Justice Scalia was a dear friend of mine, and his death was a great loss to me and to our country, not just to me personally but for the whole Nation. Justice Scalia joined the Supreme Court after years of unbridled activism by the Court, during which time Justices imposed their own left-wing views—completely unmoored from the law as written—on the American people.

In response, he led a much needed revolution based on the enduring principle that the role of a judge is to say what the law is, not what a judge wishes it were. As the intellectual architect of the effort to restore the judiciary to its proper role under the Constitution, Justice Scalia was a singularly influential jurist.

To say that he leaves big shoes to fill is an understatement. Any worthy successor to his legacy will not only be committed to continuing his life's work but also capable of delivering the sort of intellectual firepower and leadership that Justice Scalia provided for decades.

Of all the potential candidates for this position, this vacancy, Neil Gorsuch stands out as the jurist best positioned to fill this role. His resume can only be described as stellar: Columbia University, a Marshall Scholarship to study at Oxford, Harvard Law School, clerkships for Judge Sentelle on the D.C. Circuit and for Justices White and Kennedy on the Supreme Court, a distinguished career in private practice and at the Department of Justice, and more than a decade of service on the U.S. Court of Appeals for the Tenth Circuit.

Even among his many talented colleagues on the Federal bench, his opinions consistently stand out for their clarity, thoughtfulness, and airtight reasoning. In the words of one of his colleagues appointed by President Carter, Judge Gorsuch "writes opinions in a unique style that has more verve and vitality than any other judge I study on a regular basis." He continued: "Judge Gorsuch listens well and decides justly. His dissents are instructive rather than vitriolic. In sum, I think he is an excellent judicial craftsman."

This view of Judge Gorsuch's capabilities is broadly shared across a wide swath of legal observers. Consider some other descriptions of his qualifications from outlets that could hardly be considered conservative. The New York Times reported on his "credentials and

erudition." The Los Angeles Times called him a "highly regarded . . . jurist," and ABC News described how "in legal circles, he's considered a gifted writer."

I think there can be no doubt that Judge Gorsuch has the credentials to make him a capable and effective member of the U.S. Supreme Court. Nevertheless, I have long held that a nominee's resume alone—no matter how sterling—should not be considered sufficient evidence to merit confirmation to the Supreme Court. Rather, we should also consider a nominee's judicial philosophy. In this analysis, Judge Gorsuch has developed a record that should command ironclad confidence in his understanding of the proper role of a judge under the Constitution.

Judge Gorsuch's opinions and writings show a clear fidelity to a judge's proper role. While his body of work is replete with examples of this fidelity, I want to point to one example in particular, a lecture he delivered last year in the wake of Justice Scalia's death that is one of the most thoughtful and persuasive cases for the proper role of a judge that I have ever read. In it, he affirmed his allegiance to the traditional account of the judicial role championed by Justice Scalia, which he described as such:

The great project of Justice Scalia's career was to remind us of the differences between judges and legislators. To remind us that legislators may appeal to their own moral convictions and to claims about social utility to reshape the law as they think it should be in the future. But that judges should do none of these things in a democratic society. That judges should instead strive (if humanly and so imperfectly) to apply the law as it is, focusing backward, not forward, and looking to text, structure, and history to decide what a reasonable reader at the time of the events in question would have understood the law to be—not to decide cases based on their own moral convictions or the policy consequences they believe might serve society best.

As Justice Scalia put it, "If you are going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you are probably doing something wrong."

This is exactly the kind of judicial philosophy we need our judges to espouse, and Neil Gorsuch is exactly the man to embody it on the Supreme Court. If there is one line in that lecture to which I could draw attention, it is the quotation of Justice Scalia's formulation of the very basic notion that a good judge will oftentimes reach outcomes that he does not personally agree with as a matter of policy. Such a notion should be uncontroversial.

Indeed, many of Justice Scalia's brightest opinions came in cases in which I suspect he would have voted differently as a legislator than as a judge. Yet such a concept might seem wholly foreign to a casual observer of

media coverage of the Supreme Court, in which cases are invariably viewed through a political lens. Decisions and Justices are regularly described as liberal or conservative, with little attention paid to rationale and methodology, the matters properly at the core of a judge's work. This phenomenon reflects a regrettable dynamic observed by Justice Scalia himself. As the late Justice observed, when judges substitute their personal policy preferences for the fixed and discernible meaning of the law, the selection of judges—in particular, the selection of Supreme Court Justices—becomes what he called a mini-plebiscite on the meaning of the Constitution and laws of this country. Put another way, if judges are empowered to rewrite the laws as they please, the judicial appointment process becomes a matter of selecting life-tenured legislators practically immune from any accountability whatsoever.

If we value such a system of judicial review, a system deeply at odds with the Constitution's concept of the judiciary, then one can easily see why judicial selection becomes a matter of producing particular policy outcomes. Thus, it is easy to see why many on the left who believe in such a system demand litmus tests on hot-button policy issues. To them, a judge is not fit to serve unless they rule in a way that produces a particular policy. Simply put, this is a terrible way to approach judicial selection. It undermines the Constitution and all of the crucial principles that it enshrines from the rule of law to the notion that our government's legitimacy depends on the consent of the government.

A good judge is not one that we can depend on to produce particular policy outcomes. A good judge is one we can depend on to produce the outcomes commanded by the law and the Constitution. Neil Gorsuch has firmly established himself as that kind of a judge. In Neil Gorsuch's America, the laws that bind us are made by the people's elected representatives, not unelected, unaccountable judges. In Neil Gorsuch's America, the powers and limits of each branch of government are decided by the Constitution, no matter whether their enforcement produces a liberal or conservative outcome. In Neil Gorsuch's America, the basic freedoms of the American people enumerated in the Bill of Rights are carefully protected, whether they are in fashion lately with the left, the right, both or neither. In Neil Gorsuch's America, the views that matter are yours and mine, not those of a handful of lawyers in black robes in Washington.

For these reasons, I applaud the President for his absolutely stellar choice. Judge Gorsuch will do us proud as our next Supreme Court Justice. I will do everything in my power to en-

sure his confirmation. I will have more to say on this in the future, but I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, it hasn't even been 2 weeks, and President Trump has already demonstrated that he has little tolerance for independent thinking and dissent. He has his own version of reality, which is why his administration resorts to alternative facts.

When the media accurately reported how small the crowd was at his inauguration, he presented us with alternative facts. When the media pointed out he lost the popular vote by the largest margin of any President, he boldly proclaimed, without any evidence, that 3 to 5 million people voted illegally. Many consider this whopper as a cynical way to encourage more States to pass voter suppression laws justified by the bogus claim of widespread voter fraud.

Just 2 days ago, the President again showed the American people how intolerant he is of principled dissent when he fired acting Attorney General Sally Yates after she refused to enforce or defend his totally unjustifiable, knee-jerk, and probably unconstitutional Executive order on Muslim immigration.

By firing Sally Yates, the President demonstrated once again that he values loyalty to himself above service to the American people and adherence to the Constitution. This is particularly disturbing as we begin to consider the President's nomination of Judge Neil Gorsuch to sit on the Supreme Court.

I am only beginning to scrutinize Judge Gorsuch's record, but I am very concerned that he will be a rubberstamp for President Trump's radical agenda. You don't have to take my word for it. You only have to listen to what the President has been saying over the past 2 years. In June 2015, then-Candidate Trump told CNN's Jake Tapper that he would apply a pro-life litmus test for his nominees to the Supreme Court. He did it again at a press conference last March, during the third Presidential debate, and shortly after his election.

This isn't the only litmus test President Trump promised to apply. In February 2016, President Trump committed to appointing a Justice who would allow businesses and individuals to deny women access to health care on the basis of so-called religious freedom. In February 2016, President Trump told Joe Scarborough he would make upholding the Heller decision on guns another litmus test for his Supreme Court nominee. Like tens of millions of Americans, I am deeply concerned that President Trump applied each of these tests before he nominated Judge Gorsuch to the Supreme Court.

In the weeks and months ahead, I will carefully and extensively scruti-

nize Judge Gorsuch's record. I will question him on his judicial philosophy and how he interprets the Constitution. I will insist he clarify his position on a woman's constitutionally protected right to choose, on voting rights, and the appropriate balance between corporate interests and individual rights. I will do my job as a United States Senator. The American people deserve nothing less from each of us.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STREAM BUFFER RULE

Mr. MCCONNELL. Mr. President, for the last 8 years, the Obama administration has pushed through a number of harmful regulations that circumvent Congress, slow growth, shift power away from State and local governments toward Washington, and kill a lot of jobs. Even on the way out the door, the former administration's regulatory onslaught continued as they pushed through more midnight regulations. These nearly 40 major regulations, which were pushed through by the Obama administration since election day, would cost Americans a projected \$157 billion, according to one report.

Fortunately, with a new President, we now have the opportunity to give the American people relief and our economy a boost. One of the most important tools we have is the Congressional Review Act, which allows Congress to provide relief from heavy-handed regulations that hold our country back.

The House just took an important step by sending us two pieces of legislation that will reassert congressional authority and make a real impact for the American people.

One of those resolutions will address a regulation that puts U.S. companies at a competitive disadvantage to private and foreign companies. Passing this resolution will allow the SEC to go back to the drawing board so that we can promote transparency, which is something we all want, but to do so without giving giant foreign conglomerates a leg up over American workers. We will take it up soon.

The other resolution, which we will take up first, will address an eleventh-hour parting salvo in the Obama administration's war on coal families that could threaten one-third of America's coal-mining jobs. It is identical to the legislation I introduced this week and is a continuation of my efforts to

push back against the former administration's attack on coal communities.

Appalachian coal miners, like those in my home State of Kentucky, need relief right now. That is why groups like the Kentucky Coal Association, the United Mine Workers Association, and 14 State attorneys general, among others, have all joined together in a call to overturn this regulation.

The Senate should approve this resolution without delay and send it to the President's desk. The sooner we do, the sooner we can begin undoing the job-killing policies associated with the stream buffer rule. This is not a partisan issue; this is about bringing relief to those who need it and protecting jobs across our country. I hope our friends across the aisle will support our Nation's coal miners and join me in advancing this resolution.

After we address these regulations, both the House and the Senate will continue working to advance several other CRA resolutions that can bring the American people relief.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. SCHUMER. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

The PRESIDING OFFICER (Mr. TILLIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—55

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCain	Wicker
Enzi	McCaskill	Young
Ernst	McConnell	
Fischer	Moran	

NAYS—42

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Feinstein	Murphy	Warren
Franken	Murray	Whitehouse
Gillibrand	Nelson	Wyden

NOT VOTING—3

Coons	Durbin	Sessions

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 38.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.J. Res. 38, a joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—56

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Sessions
Cotton	Kennedy	Shelby
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Manchin	Tillis
Donnelly	McCain	Toomey
Enzi	McCaskill	Wicker
Ernst	McConnell	Young
Fischer	Moran	

NAYS—42

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Feinstein	Murphy	Warren
Franken	Murray	Whitehouse
Gillibrand	Nelson	Wyden

NOT VOTING—2

Coons	Durbin

The motion was agreed to.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

The PRESIDING OFFICER. Pursuant to 5 USC 802(d)(2), there will be up to 10 hours of debate, equally divided between the proponents and the opponents of the resolution.

The Senator from Utah.

NOMINATION OF NEIL GORSUCH

Mr. LEE. Mr. President, I rise to speak about the nomination of Judge Neil M. Gorsuch to be an Associate Justice on the U.S. Supreme Court.

Confirmation of anyone appointed to the Federal judiciary is a big deal. Confirmation of someone appointed to serve on the Supreme Court of the United States is an exceptionally weighty matter. I therefore approach this with the seriousness it deserves. I approach this as one who has argued in front of Judge Gorsuch. I found as a lawyer that he is an exceptional judge, an unusual judge—a judge who comes to argument with an unusual degree of preparation, having read all the briefs and apparently all of the cases and all of the statutes cited in the briefs.

There are some judges who at oral argument are constantly asking questions, but they are not necessarily questions that need to be asked. Perhaps some judges want to hear the sound of their own voices. That is, of course, something that would never happen here, in the U.S. Senate, but it happens sometimes with other people. There are other judges who might be quiet throughout an argument. Then there is a unique category of judge, a judge who doesn't necessarily speak constantly but a judge who listens attentively and then pounces at the moment when he or she sees the pivotal moment in the case arising.

The late Justice Oliver Wendell Holmes, Jr., used to say there was a point of contact in every case. When asked, he pointed out that the point of

contact in any case is the place where the boy got his finger caught in the machinery. I learned that quote when I was in law school. I have never entirely understood what it means, but it reminds me of the fact that in every case, there is a pivotal fact and a pivotal aspect of the law which, when properly understood, can help lead the court to a proper disposition of the legal question at hand.

Judge Gorsuch is one of those rare judges who is able to seize upon the point of contact in any case. He does so with seeming effortlessness. Yet I know he does it in a way that requires a lot of effort because these things don't just come naturally. They come only as a result of faithful study of the law, of faithful attention to detail in every case, reading every brief in every case.

Judge Gorsuch does this in part because he was well trained. When we look at his background, we can see that excellence has always been something we have been able to see from him. He graduated with honors from Harvard Law School and received a doctorate in jurisprudence from Oxford. He clerked for three brilliant and very well-respected jurists: Judge David Sentelle on the U.S. Court of Appeals for the D.C. Circuit and Justice Byron White, as well as Justice Anthony Kennedy of the U.S. Supreme Court. We could not ask for a better legal education or a stronger record of accomplishment from a young lawyer.

After his clerkship, Judge Gorsuch entered into private practice, where he was a trial attorney for 10 years. In 2005, he joined the U.S. Department of Justice as Principal Deputy Attorney General, and he became a judge on the Tenth Circuit in 2006, where he has served for the last decade.

Judge Gorsuch has what I would consider—and I think what most would acknowledge—is the correct approach to the law. He is a judge's judge, both literally and figuratively—literally, because he sits on the U.S. Court of Appeals for the Tenth Circuit. He literally judges the rulings of other judges. It is his job to decide whether other judges have done the right thing. And he is a judge's judge figuratively in the sense that he has the characteristics that all judges aspire to—or at least should. He decides cases based on what the law says and not on the basis of what a particular judge might wish the law said.

I particularly enjoyed last night listening to Judge Gorsuch speak at the White House, his reference to what he considers an important, telltale sign of a good judge or a bad judge. He said: "A judge who likes every outcome he reaches is very likely a bad judge, stretching for results he prefers rather than those the law demands." So a bad judge is one who necessarily likes all the results he reaches, and it naturally follows that a good judge will, from

time to time, necessarily disagree with some of the judge's own rulings. In other words, the outcome of the case doesn't necessarily match up with the outcome the good judge would prefer—or the judge, an all-powerful ruler who had the power not only to interpret the law but also make it, establishing rules, embodying policies that would govern in all cases.

This is the essence of the conservative legal movement—the judicial conservative movement, we might say—in which Justice Scalia was so influential, which is why it is so fitting that Judge Gorsuch has been named to replace Justice Scalia.

Judges do not have a roving commission specifically to address all of the evils that plague society. They don't have a roving commission to decide big policy questions of the sort we debate in this Chamber every day. The judge's role, rather, is to apply the facts to the case at hand, and, in the case of the Supreme Court, to provide guidance to lower courts so they can resolve difficult and consequential questions of law. Judge Gorsuch understands the difference between being a judge and being a legislator, and that is very much reflected in his work on the bench.

When I had the privilege of practicing law and appearing in front of Judge Gorsuch, I was able to be the beneficiary of his skill as a judge and of his commitment to the rule of law. Over the last few days, I have had the privilege of reading many of his opinions. I spent hours upon hours poring through his opinions. Knowing that he might well be named to the Supreme Court, knowing he was one of the potential nominees made me want to learn more about him than I already knew. I have to say, every single opinion I read, without exception, was impeccable to an unusual degree. They are methodical. They are careful. They are studious. They reflect a degree of academic and professional craftsmanship rarely seen. He treats the parties appearing before him with dignity and respect. He takes their arguments seriously, and he respectfully explains their arguments as he addresses them.

I know from my time in the practice of law that no one likes to lose a case, but I doubt any litigant has read a Judge Gorsuch opinion and felt like he failed to understand their position or that he failed to take their views seriously with the credibility and dignity they deserve. This is a crucial yet, sadly, often underrated factor when reviewing the work of any judge.

Most of all, his opinions are just brilliant. They are digestible to lawyers and nonlawyers alike. This is crucial because the judiciary belongs to everyone in this country, not just to attorneys. Judge Gorsuch's opinions are memorably written without being snarky, and he scatters his opinions

with literary and philosophical references to highlight the legal points he is making while also just making the opinion much more interesting. As someone who has read more than my fair share of judicial opinions, I can tell you that Judge Gorsuch's opinions are among the very best I have ever read. I don't just mean a few of them, I mean every single one of them that I have read, which is a lot of them. They are very, very good. In fact, they are Supreme Court caliber.

Judge Gorsuch has written hundreds of opinions, but there are two recently decided cases I wish to highlight.

He is a critic of an obscure but very significant legal rule known as the Chevron doctrine. When the Supreme Court decided the Chevron case back in 1984, the Justices may not have thought they were deciding a big case. They might not have realized the extent to which the decision in *Chevron v. NRDC*—the extent to which that case would have such a profound impact on the Federal judiciary and on the state of the law in the United States of America, but Chevron is in fact one of the most important Supreme Court cases that most of us have never heard of. It says that the courts must defer to an agency interpretation of a statute if the statute is ambiguous.

The problem with Chevron, as Judge Gorsuch has pointed out, is that it tends to divest the courts of their obligation to "say what the law is," as Chief Justice John Marshall wrote in *Marbury v. Madison*. It has led to a system in which executive agencies not only make and enforce the law but also interpret the law, arrogating to themselves, in effect, some aspects of the powers allocated to all three branches of the Federal Government. This is a violation of the doctrine of separation of powers, one of the most important protections in the Constitution, one of the two fundamental structural protections in the Constitution, as important as any other provision in our founding document.

Worse, doctrines that have developed in response to Chevron allow agencies to stake out a legal position, lose in court, and stake out a new legal position that reaches the same outcome. As Judge Gorsuch points out, that creates fair notice and equal protection problems.

Now, there are two additional points to make about Chevron. First, in the coming days, we will undoubtedly hear some of my colleagues complain that getting rid of Chevron will somehow make the air less clean, our food less safe, our financial system more unstable, and cause a whole lot of other problems, but as Judge Gorsuch has written, "We managed to live with the administrative state before Chevron. We could do it again. Put simply, it seems to me that in a world without

Chevron, very little would change—except perhaps the most important things.”

Second, it is important to note here that the Chevron doctrine is not a particularly ideological one.

Indeed, in the 1980s, Chevron primarily assisted the Reagan administration’s deregulation efforts, and junking the doctrine today would constrain the Trump administration’s use of regulations. So eliminating the doctrine would affect equally Republican and Democratic policy goals. In any event, I am sure, based on his background and on his record, Judge Gorsuch’s critique of the doctrine is not about politics; it is about first principles. At the end of the day, Chevron is neither Republican nor Democratic; it is neither liberal nor conservative. It is simply wrong.

In another notable case, Judge Gorsuch was the lone dissenter in a case in which an 11-year-old student was arrested for generating fake burps in class. As heinous a crime as some might perceive this to be, it is not ordinarily the kind of thing that results in calling the police. Judge Gorsuch would have concluded that clearly established law prevented the arrest and that the child’s parents should prevail in a lawsuit against the school officials who decided to call the police in response to this childish act in class. This is not uncommon for Judge Gorsuch, who has voted not to provide qualified immunity in several cases and has voted in many cases for the underdog, for someone who might otherwise not have had a chance in court but for the willingness of one very brave and astute and diligent judge to study the law and the facts of that case aggressively so as to make sure that justice was accorded to the parties.

There are other important areas of the law where Judge Gorsuch has made an important contribution during his time on the U.S. Court of Appeals for the Tenth Circuit. I will be talking about some of those at length in the days and weeks to come. He has been a staunch advocate for the First Amendment. He has read criminal statutes to constrain the government’s power, where appropriate, and has voted in several cases to withhold qualified immunity. All of these are important, and I look forward to discussing them with my colleagues.

Before I close, I want to talk a bit about the confirmation process. In 2006, Judge Gorsuch’s nomination to the Tenth Circuit was so uncontroversial that it lasted 26 minutes—just 26 minutes, less time than a “Brady Bunch” episode. He was confirmed on a voice vote. Among other notable Members of the Senate the day that Judge Gorsuch was confirmed were Minority Leader SCHUMER, ranking member of the Judiciary Committee FEINSTEIN, Senator DURBIN, and Senator LEAHY.

Already, prominent liberal lawyers are praising his nomination. Neal

Katyal, who served as Acting Solicitor General under President Obama, has a New York Times op-ed in which he urges liberals to support Judge Gorsuch. Katyal writes:

I, for one, wish it were a Democrat choosing the next justice. But since that is not to be, one basic criterion should be paramount: Is the nominee someone who will stand up for the rule of law and say no to a president or Congress that strays beyond the Constitution and laws? I have no doubt that if confirmed, Judge Gorsuch would help restore confidence in the rule of law. His years on the bench reveal a commitment to judicial independence—a record that should give the American people confidence that he will not compromise principle to favor the president who appointed him.

Judge Gorsuch is exactly the type of judge who should be confirmed, who should be allowed to serve on the Supreme Court of the United States. This vacancy was a central issue in the 2016 election. The people have now spoken, and I plan to honor the results of this election by working as hard as I can to see Judge Neil Gorsuch confirmed to the Supreme Court of the United States.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor tonight to start debate on what is called the Congressional Review Act of the stream protection rule. For people who are probably saying “I don’t understand any of that; could you explain it to me?” what we are going to do tonight is to start this debate, which is really about clean water, and it is about making sure that polluters clean up their messes, particularly when it comes to streams and the beauty we have in our country that is used by many people. And it is about making sure that rules for polluters paying are enforced in law and, clearly, agencies which have developed those rules in conjunction with laws that are already on the books continue to have those laws in effect.

We are in a new administration, and already the debate is starting where people would like this end result to be clean water, 0; Donald Trump, the new President, 1. That is because this administration is starting a war on clean water, and tonight that debate is coming to the Senate floor. It is coming to the Senate floor because the last administration worked for more than 5 years on producing something to make sure that we had safe drinking water and safe stream water for fishing and to make sure that industries that are known for polluting ensure that their level of pollution is cleaned up.

After more than 5 years in the implementation of that rule, after thousands and thousands of hours of discussion and debate, as it has become a rule, now there is one thing that can stop it. There is one thing that can stop it; that is, if Congress uses its authority

under the Congressional Review Act to repeal it within the 60 days of legislative action that it has become effective.

What is happening is that the Trump administration and our colleagues on the other side of the aisle are trying to say that we want to repeal more than 5 years of hard work of clearly outlining a stream protection rule to protect streams in the United States of America from pollution caused by certain types of mining activity.

Let me show you a picture of what I am talking about. This stream could be anywhere in America. It could be anywhere in the United States of America. It is probably a good picture. Why? Because it shows the great outdoors. Probably for me, it is somewhere I would like to hike. It shows a stream, but it shows the degradation of that stream with the pollution in the stream.

Whether you are Trout Unlimited, which supported this rule, or you are the Wilderness Society, or all the hunting and fishing groups that supported this rule, or you are just one of the many citizens in a State where mining exists and you are happy that it exists there but you also want them to be clean up their messes—these are the people who do not want to see this level of degradation in the streams.

Why don’t they want to see it? Because first and foremost they obviously don’t want to see it, but if you are a fisherman and you are out fishing, you certainly don’t want to see the impacts that selenium is causing on fish.

There are a couple of incidents here where the impacts of selenium on fish are shown in this diagram. Deformation both here in the tail and here in the mouth of fish are impacts from selenium in streams. We do not want to see selenium having that kind of impact on our fish.

What do we want to do? We want to make sure that we are measuring selenium in the streams and that we are cleaning it up. That is what we want to do. The notion that somehow people have described a rule for stream protection that is about having safe drinking water and having safe fishing water is about a “war on coal” is just wrong-headed. This is about making sure that we don’t overturn something that took over 5 years to get in place. And I should say, it is the first time in 33 years that we have updated this rule.

For 33 years, the Department of the Interior has said that the hydraulic impact of mining on a stream should be mitigated. What has changed in the last 33 years is that we now have better technology and we have more information about selenium. We know that it impacts fish, and we want mining companies to measure their impacts on headwaters and make sure they are doing something to minimize this selenium impact.

I know people think that maybe in this process for 5 years—somehow that created a decrease in the amount of coal in the United States of America, even though the rule was just getting started. Let's look at the real issue. The real issue is that natural gas becoming cheaper in the United States of America has pushed down the demand for purchasing coal, a more expensive product that had nothing do with this rule.

I have been in business and, yes, you plan for the future. And if you think your business is going to have to increase its insurance or change its business practices, yes, you consider all of that, but this chart clearly shows that our electricity grid has gone from having 50 percent of it supplied by coal now down—as this line is crossing here—to about 30 percent of our electricity grid from coal.

This rule was not in place. Saying that you want to have safe drinking water has nothing to do with what has happened in the marketplace as natural gas has become a more viable option than coal. This chart shows it.

We have another chart that also shows this 23-percent decline in coal. Why? Again, because of natural gas consumption going up. For those on the other side who would like to say this is somehow about a war on coal, I will tell you, we should not denigrate anybody for the job that they have done to support their families. In fact, I believe we should make sure they have a pension, make sure they have health care.

It is a tragedy that we bailed out Wall Street from the U.S. Treasury, and as pension programs all across America imploded, nobody wanted to bail out the pension program for miners so they could retire with the kinds of health benefits that other people do. If we want to help individuals who are suffering in coal country, I suggest that we take care of their pensions.

In the meantime, what we should do is make sure we are preparing for the health and safety of people who depend on these streams for multiple uses; that is to say, there are those in an outdoor economy who count just as much on those streams and count on them not being polluted because of certain mining activities.

This chart can be shown in just about every State of the United States. The outdoor economy in our States—the people who like to go fishing, the people who like to go hunting, the people who like to navigate our rivers and want to do so when they are not polluted—is 6.1 million direct jobs in the United States. That basically dwarfs the coal industry.

This isn't about saying one job is better than the other, but the notion that somehow we are hurting our economy because we want to have clean streams and we want people to be able to safely

catch fish without selenium in them is basically ignoring the facts. By not regulating the coal industry to make sure they are cleaning up their mess, you are hurting the 6.1 million jobs that depend on having clean streams.

I know people here probably understand that Montana is full of streams. That movie, "A River Runs Through It," is iconic in the Northwest as an example of why people love the outdoors because they want to fish. They want the experience of going and being outdoors and having the wonder of that.

I personally have been in the streams of West Virginia and have had a fabulous time. I want other people to understand that these streams are worth protecting all over the United States of America. But the movie is not called "A River Runs Through It and a Mine Sits on Top of It." We don't have people moving to Montana and buying ranches, making investments, hiring people, and diversifying because they want to see the mines in Montana. They want to see the beauty of the outdoors. They want it to be pure and pristine, and they want people to clean up their pollution. If we are talking about an economy and you want to talk about jobs, do not ruin the \$80 billion in tax revenue that comes from an outdoor industry because you want to allow an industry to continue to pollute.

I am going to continue for the next year to make this point to my colleagues in the West who are going to try to overturn every rule they don't like because they think somehow that they want to claim it impacts jobs. We are going to have this discussion, and we are going to show that the outdoor economy is just as important and is actually producing more jobs and producing more revenue. The only point of conflict, I think, is when one impacts the other to the degree of creating pollution and then taking a beautiful stream away from us—because no one wants to fish in a stream with that level of pollution.

Why are we here? We are here because certain types of mining—particularly, mountaintop removal mining—make it way more challenging to protect those streams. As I mentioned, for the last several years, people have been discussing what to do to make sure that these companies are making sure the environmental impacts are minimized. The production of these mines has actually fallen a great degree in the last several years.

We have been working, as I said, during this time period to make sure that we implement the right kind of regulations so that people will clean up this mess. As I mentioned, it has been basically since the early eighties until this level of attention was given to a new rule. Why do we want to change a rule that was from 1983? Because it says that you must minimize the disturb-

ances to the prevailing hydraulic balance at the mine site and offer areas and quality of water and ground water systems, both during and after the mining operations.

President Trump did not invent that. That has been in law all along. The notion that somehow that has changed is not correct. It has been in the opening days of the Trump administration that people are trying to say that stewardship doesn't matter, that somehow, yes, we want to have immaculate water and immaculate air—as President Trump said—but it is OK if regulations cause a problem for business. What business? The outdoor industry or the coal industry? Because right now, you are talking about making a change to what is protection of those streams and repealing a law that is about safe drinking water. We don't want to eliminate that.

We want to make sure that we use the best technology available to minimize the disturbances, address the impacts on fish and wildlife, and any other related environmental issues. We know a lot more about mining and fishing. As I showed you one picture, I will show you another impact of selenium. Basically, it is showing the deformation. What we now know much more about is how selenium does impact these areas.

What is at stake if you kill the stream protection rule? Our sportsmen—groups like the National Wildlife Federation and Trout Unlimited—say this:

The resolution is an ill-conceived tool for jettisoning a very useful rule that protects mountain head water streams and communities throughout the coal country in Appalachia. We urge you to oppose striking this rule, and to instead work with the Department of Interior to protect these streams, and make necessary improvements to improve the CRA, instead of using it as a cleaver.

They go on to say:

150,000 passionate trout anglers work to conserve, protect and restore our Nation's trout and salmon fisheries and their watersheds. And our members give back to the resources they love by investing dollars and hundreds of thousands of volunteer hours to conserve streams.

So you can see that they feel passionately about this. They feel passionately because this is part of our outdoor economy and what people have passion about.

In my State, people would say: Well, you have these other jobs. No, actually, in our State, there are 250 abandoned mines in Washington. Yes, if we don't clean them up, and if we don't make sure there is reclamation, there is still pollution.

We have had a mine history in our State, but we want responsible mining and we want responsible cleanup. With today's rule that is in place and that you are trying to repeal—to repeal safe drinking water, basically—that would

take those tools away and allow pollution to continue. What is the cost of that? It is very small. You would think that the way some people go on about this, that somehow this is astronomical amounts of money. Basically, it is about 0.1 percent of the industry's annual revenue. When you are in business, you think about your costs. You think about your cost of doing business. Yes, the cost of doing business has to include making sure that you clean up pollution. To me, this is an industry that makes way more than this in its annual revenue.

Am I empathetic to my colleagues who represent States that are changing in their energy mix and resources? Do you think we need to have a plan for that? Yes. Do I think we need to have a plan for how we are going to diversify? Yes, I do. But this is not an economic debate about how we are going to save jobs. In reality, as I showed in the chart before, the natural gas prices are driving coal to a much lower level of our electricity grid than ever before in our history, and that is not going to change.

Let's make sure we clean up our streams. Let's make sure we use the best technology available to make sure we are detecting that pollution and require people to have a minimal amount of responsibility in the cost of what it takes to make sure that selenium is not in drinking water or impacting our fish.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

SPIRIT OF BIPARTISANSHIP

Mr. TILLIS. Mr. President, I want to thank my colleague from Utah and his eloquent comments about the Supreme Court nominee. I would like to associate myself with everything he said. He has the kind of experience and insight that I hope so many Members on both sides of the aisle will listen to.

I am here to talk about the spirit of bipartisanship and getting things done. I submitted an editorial to my local newspaper down in Charlotte a couple of weeks ago. The whole premise of my opinion was that in November the voters did not vote for a Republican mandate; they voted for a results mandate. They are tired of the gridlock they see up here in Washington. They are tired of people promising things they know they can't deliver. They are wanting for a leader in President Trump and in the congressional leadership people who want to produce results. They want people who want to work across the aisle and come up with bipartisan solutions to a lot of the problems that confront this Nation.

You would have thought that I changed my registration and became a member of the minority party with the criticism that I got from people on my side of the aisle. I was called a RINO. For those of you who don't know what

that is, that is a Republican in name only.

When I was the speaker of the house in North Carolina, the last thing I was ever called was a RINO. We worked on a conservative agenda that made sense. We gained the support of a number of Democrats along the way. North Carolina is a lot better place because of the courage of those folks who were willing to work across the aisle to help our great State, to go from one of the laggards in terms of economic performance to one of the leading States in the Nation for economic performance over the course of about 4 years.

I don't really care about the criticism from the talking heads—from the far left or the far right—because I consider them one of the great threats that we have to actually turning this Congress around and getting things done. I am going to do everything I can to reach across the aisle and produce solutions to some of the most vexing problems we have.

There are solutions within our reach. If you think about immigration reform, there is a 40-year-old failure on the part of the Republicans and Democrats to address the immigration problem. Everybody wants their position on one end of the spectrum or the other versus what the American people want or a solution to the problem—a solution that makes sure the American worker is respected and taken care of, that our borders are secure, and that we end this 40-year-old failure on the part of Washington to solve the problem.

They want solutions on criminal justice reform. We have many people in prison who, after they get out, are more likely to go back into prison because we really haven't thought about commonsense ways to help them enter back into society and have productive lives, beyond just going back into a criminal enterprise. We can solve that problem, but we can only solve it if we have Republicans and Democrats come together—and silence the voices who want their perfect version based on their ideology—on a solution that makes sense to the average American.

The agenda that we want to complete can only be completed if we have people who have the courage to come to this floor and do what I consider to be political courage. It is not courageous for me as a Republican to stand up to a Democrat and oppose their view. That is my job. I am a conservative. I am a proud conservative. Courage, in terms of someone who would walk onto this floor, is someone who can look at a person—a fellow Republican and conservative—and say: We are not going to go where you want to go because we are here to get something done—not just to make speeches, not to talk about an unachievable goal, but to make progress on things that are sound, conservative policies. But

maybe we have to make some compromises. Maybe we have to go a little bit further than we want because we want to get something done. We want to pass things that are good. If we wait to only pass things that are perfect, then we will be guilty of doing exactly what many other people have done in this body—to promise a lot and deliver very little.

I took a lot of hits for my op-ed and my public comments about bipartisanship, about compromise, about respect, about reaching across the aisle. I am willing to take those hits because I would rather go down as someone who is willing to go get something done than someone who is willing to only settle for the perfect, knowing that perfect never happens here. The Founding Fathers didn't expect perfect. The Founding Fathers introduced defects, if you read the Federalist Papers, that prevented any one ambition from prevailing. To have ambition set against ambition is foundational to our democratic institution here. We are not going after perfect. We are going to go after good.

I was really excited. I got some great comments from my friends across the aisle. I thought this is an area where we can work together. There are a lot of areas where we can't work together because our world views are so different. Let's not focus on those. Let's focus on things on which we can work together. I thought we had a minority leader who was actually committed to that. At least that is what I thought. But I have to say I am beginning to wonder if we haven't gotten a different sort of view of the leadership. Comments today do not reflect the comments of not so long ago. In 2012, the minority leader said:

Everything doesn't have to be a fight. Legislation is an art of working together, building consensus, compromise.

I could have written that. I absolutely agree with that principle. That is why I got criticized by folks on my side of the aisle—or the talking heads, anyway, the conservative talking heads—because I wasn't willing to take a purist position.

Now, you fast forward. And the minority leader made this comment when he was not the minority leader. But today this is what we are hearing just within the last month: "The only way we're going to work with him"—that would be President Trump—"is if he moves completely in our direction and abandons his Republican colleagues."

Does that sound like bipartisanship? Does that sound like somebody who wants to reach across the aisle and work on immigration reform, criminal justice reform, sentencing reform—things where I believe there is a majority of people in this body, as many as 60 or more votes—who would be willing to move legislation? I don't think so.

We have to make sure that people like this are accountable to the American people, the so-called real people. I will get to that in a little bit. That is not bipartisanship. That is not leadership. That is divisiveness. That is gridlock. That is the stuff that inspired me to run in 2014. That is the thing I am against, whether it is a Democrat saying it or a Republican saying it.

I think we can also expect more of what really stems—or what you can infer from the latest position of the minority leader, more gridlock. We will go to the next chart. The sort of a double standard here, duplicity, really drives me crazy. Situational ethics I will call it or situational principles. On the one hand, you stand firm on something. You fast forward because you didn't like the outcome of the election, and suddenly you no longer take that same position.

People can rationalize it any way they want to, but I think the real people, the real voters, the folks out there, see this for what it is. It is taking a so-called principled position when that particular position benefits your agenda, not necessarily something that is bipartisan, something that actually serves a political agenda.

The Supreme Court, I think that is what we are going to see here. I have presided. I have been a freshman for 2 years. We get to preside a lot. I get to hear a lot of these floor speeches. I heard endless speeches talking about how we needed to do our job, how we actually—here is another quote from the now minority leader:

The Supreme Court handles the people's business. As President Reagan put it, every day that goes by without a ninth justice is another day the American people's business is not getting done.

Now what we are hearing is that same group of people say they are going to use every lever they can to stop us from seating a ninth Supreme Court Justice. What has changed, except for the fact that you are not happy with the outcome of the election? So I think we need to recognize that the American people are sick of Democrats and Republicans promising things, but if they don't get their way in the election outcome, if they are not able to set the agenda, then they are no longer interested in bipartisanship.

I have a lot of confidence in this body. I have a lot of confidence in a number of people on the other side of the aisle. I think there is a pent-up demand among Members here who want to see results—not perfect, but good. I am going to do everything I can to work with those. I will do an equal amount of time focused on those who I don't think are acting in the best interests of their own constituents. They are not listening to the real people in America, the real people who did not endorse a Republican mandate in November.

They said: It is time to stop. It is time to get things done. It is time to treat people with respect on both sides of the aisle. It is time to accept good, and it is time to stop pretending that this body can produce perfect. Now, I have to say I am glad to see my colleagues on the other side of the aisle are starting to look at the so-called real people.

Last week, the Republicans were in Philadelphia. We were at a retreat. At the same time, there was a group of my colleagues on the other side of the aisle who were meeting up in West Virginia. There was a Politico article that I thought was particularly interesting. This was a part of the published agenda that was reported by Politico, an agenda that says they are getting people together. They want to talk about speaking to those who feel invisible in rural America, listening to those who feel unheard, and a discussion with Trump voters.

There was another entry in the agenda, I believe, that says talking to real people. I am here to talk to the real people tonight. You have Members in the Senate who want to get things done. We know you are hurting. We know the government has failed you, Democrats and Republicans. We have failed to actually take the tough votes. We have failed to deliver. It is time for us to deliver.

I believe we have a President who expects us to reach across the aisle and solve problems. I am going to be a part of solving that problem. We have a great opportunity here with the Supreme Court nomination. It is time to get past the election results, get over it, and get to work. It is time to recognize that the real people, the people who sent a mandate here—but the mandate was not Republican, it wasn't far right, it wasn't far left—all they said was produce results.

I am going to produce results. I am going to expect my Members to produce results. I am going to go into my conference, when it looks like we are going down the path of taking an intransigent position that does not produce a result, and I am going to call them out. I am also going to hold my colleagues on the other side of the aisle to the same standard.

I am going to hope to find folks who want to solve the immigration problem in a respectful, methodical way. I want to work with people on the other side of the aisle who want to solve the criminal justice problem, the sentencing reform, the judicial reform bills that are moving through that have, I believe, far more than 60 votes to support it.

We have to work on these. We will save the other ones where we simply can't find common ground, and those will be the arguments that we can have that can influence future elections, but for the next 2 years, let's get work

done. Let's actually be able to go back to our State and proudly proclaim that we had the courage to stand up to people on our side of the aisle when getting to perfect was at the expense of doing something good.

If we do that, we will have one of the most productive legislative sessions. The 115th Congress could go down in history as one of the most productive Congresses in the last 100 years. I want to be a part of that story. I want to go back to North Carolina and be proud of what I did, proud of the compromises, proud of the bipartisan relationships that we did to solve these problems.

I am going to go to other States who may be up for reelection in 2018 and either thank the Members on the other side of the aisle who worked with us for those solutions or campaign against them because they failed to actually look at their constituents and do the right thing.

There are a lot of opportunities here. I, for one, am going to spend every waking hour to make sure I do my part, and I can be proud of the work I did to produce results, to answer that mandate by the electorate that came in November to produce results.

I have every confidence that there are enough Members here to join us. With that, we will do great things. We will fulfill the promises we made. There is nothing more rewarding than being able to look your constituents in the eye and say: We did it. We listened to you. We compromised. We treated people with respect. We delivered.

I call on all my Members to think again about what they can do to be a part of providing the solutions. I look forward to working with them in this Congress.

THE PRESIDING OFFICER. The Senator from Hawaii.

MR. SCHATZ. Mr. President, I rise to speak on the stream protection rule. One of the first things we learn as kids is that if you make a mess, you are responsible to clean it up. It is good manners, but it is also a matter of ethics. It is about doing the right thing. This is the spirit, this is the idea behind the stream protection rule. It simply tells coal companies doing mountaintop mining that they need to clean up their mess if they make a mess. It seems pretty common sense to me.

Opponents of this rule argue that this is somehow an unfair burden on coal companies because coal is doing poorly in the emergency markets. Opponents seem to want to say that asking companies to be responsible to clean up whatever mess may have been made makes it harder for them to compete.

The truth is, coal is having a very difficult time in energy markets, but it is not because they are being required to clean up after themselves. It is because other energy resources are becoming cheaper. Solar is cheaper now

than ever. The natural gas revolution is now in competition with coal. It is very difficult to get a new coal-fired powerplant on line. It may be even more difficult to recapitalize an old one. So coal is struggling, but the reason is not the stream protection rule.

There is another aspect of this, which is, since when is there no cost to doing business? Since when are any companies allowed to come in, pollute, and then walk away without doing anything about it? If you hired a contractor to work on your house and they left a pile of materials in your kitchen, you wouldn't say: Well, that is just the cost of doing business. You would say: Clean up the mess. That is part of the job.

There is no question that coal mining is a tough business, but it also can sometimes be a messy business. That is a simple fact. If we ignore the pollution that is caused, if we ignore the cost the public bears when toxic substances are dumped without proper treatment or when coal-fired powerplants spew carbon pollution into the atmosphere, for that matter, we are ignoring the cost of doing business.

To be fair, we have to make sure every industry, including the coal industry, plays by the same rules as everyone else. Up until December of last year, some coal companies just were not playing by the same rules. Mountaintop mining had leaked dirty water and waste into the streams. Researchers estimate that this has destroyed 2,000 miles of stream in the United States of America.

That destruction has a domino effect. It threatens the health of people who depend on those streams for their drinking water, it poisons fish, birds, plants, and it reduces the quality of life for people across the country. That is why the stream protection rule was established. It is there so parents don't have to worry when their kids go play by the stream or go fishing behind their house. It is there so ranchers don't have to worry about a nearby mine that could harm their land, and fishermen don't have to worry if the salmon catch is poisoned or if there are fewer fish because salmon are dying from pollution.

This rule is so communities don't have to worry that their daily lives will be changed because a company is not being responsible and cleaning up after itself. This may surprise some people, but the rule will actually create jobs. People like to talk about how burdensome regulations are, especially in the environmental space, but the truth is, it will not lead to fewer jobs.

The Department of Interior predicted it will actually create hundreds of jobs a year, not take them away. Most of all, it is going to have a real positive impact on the world we live in. Over the next two decades, researchers estimated that the stream protection rule

would protect or restore 6,000 miles of streams. That is more than the distance between eastern Maine and my home State of Hawaii.

So if you care about protecting local water supply, if you care about having a place for your kids to go hiking and fishing, if you care about holding everyone to the same standard, then don't let this bureaucratic mumbo jumbo get in the way. This rule was created to fix a specific problem, and repealing it could effectively exempt mountaintop coal mining from modern regulation indefinitely.

This is a very important point that has to be made about Congressional Review Act votes. We are going to have a slew of them over the next probably 2 or 3 months. Here is the thing about a CRA vote because it gets rather technical. It is not just overturning a regulation. The way the law works, is that not only is the regulation overturned but an administration can never touch this issue again. We can't do anything that is "substantially similar."

So if you want to do something about the stream protection rule, make a law; override the rule that was just made and craft legislation. You have a working majority in both Chambers, work with the bipartisan group. You have four or five Democrats who voted for the CRA. Let's legislate.

What is going to happen when the CRA vote succeeds is we are never going to be able to touch the question of pollution from mountaintop removal again—literally. That is how CRA works. So every time we have a CRA vote, it is not just whether you like the particular rule and want to overturn it, it is whether you never want to touch this subject matter again. That is a rather serious threshold that we have to come through.

We are going to do a lot of CRAs. I know everybody on the Republican side is raring to go to sort of undo all the rules that were done under the Obama administration. Fair enough. We understand. You have the Presidency. You have both Chambers. It is certainly your prerogative to take up all of these CRAs, but be careful because you are not going to be able to touch these issues again. You are forfeiting your prerogative to touch these issues again.

So for the sake of public health and in order to leave a better world for our kids, we need to keep this rule in place.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I am here to speak in support of the Congressional Review Act on the stream protection rule.

I want to say to those who participated in the last election—where part of the discussion was the Federal Government knows all and needs to be in your life and in your business life every

day, and it knows the best one-size-fits-all way—that help is on the way today. A lot of the talk of the election is now going into action in the form of the Congressional Review Act.

In particular, the stream protection rule was a last-minute power grab that was aimed at giving more power to the Federal Government.

Now, at the onset, I would like to say this: I don't have any charts. I don't have any pictures, but then I thought, you know what. Yes, I do. I have a lot of pictures on my device here, which I will not open up because it is against the rules and you will not be able to see anyway. But in these pictures, you will see a picture of me fishing in a beautiful stream in West Virginia, where trout is unlimited. You will see me riding an ATV on a Hatfield-McCoy Trail, which is the old mining trails and the old lumber trails in southern mine country in West Virginia, where thousands of people come every year. You will see me visiting a school or a business park that is built on the top of what is a reclaimed mountaintop removal.

If you have ever been to West Virginia, they don't call us the Mountain State for nothing. It is mountain after mountain after mountain, difficult terrain, and in some ways it is very difficult to have any kind of economic development.

So when the laws are enforced—the laws that we have now, in terms of water protection and reclamation—after the mining is finished, we have been able to have some economic development projects that have been to the benefit of many communities there.

So I have no charts. I live there. This is my home. I can drive 4 miles and be at a coal mine very easily, probably less than that.

I heard the argument about outdoor recreation, that people want to have outdoor recreation. I just described three outdoor recreation activities in my State, and the ranking member was talking about how she fished in West Virginia and enjoyed it and had good luck. I hope. Anyway, we have beautiful trout streams, but the outdoor recreator doesn't want to see a coal mine. I would bet the outdoor recreator doesn't want to see a nuclear plant, probably doesn't want to see a windmill farm, probably doesn't want to see a natural gas plant because when you are getting away to recreate, I don't know that anybody would want that, but I can tell you what they do want.

They want the steel that is in their truck to get them there. They want the electricity that they have to have when they go home at night to cook their food or clean their clothes or all the different things that electricity does.

There are tradeoffs to everything. Certainly coal has provided the base-load of the industrial revolution for

this country, and we still, I think, have a great role to play.

There are estimates with this rule. The other thing is, it was said that there were no rules in place until we had this rule. That is absolutely false—absolutely false. This rule was rushed in. It was worked on for 5 years, yes. It had 10 State regulators. Let me go back.

The regulation, under the Clean Water Act, is done by the States through the EPA, in conjunction with State and Federal, with the EPA overseeing what the States are doing to make sure they are meeting the minimum standards.

So there are protections in place, and we welcome those protections. Where we live, where everybody lives, we want that. Can we do better? Absolutely, we can do better. We should always strive to do better.

This rule has been in the making for 5 years. Ten States came to this table, 10 States which were most heavily impacted, to try to help the Department of Interior develop this rule.

Our DEP Secretary Randy Huffman says that this proposed version of a stream protection rule—and this is not a Republican-Democrat thing. This is a Democratic Governor's DEP commissioner saying that it was "an unnecessary, uncalled for political gesture." He went on to say that "the combined administrative record developed throughout the history of mining regulation under SMCRA is totally devoid of any indication of a need for this radical rewrite of the regulations governing the way coal is mined in America."

Other States have made comments as well. We had the Ohio Chief of Mineral Resources Management Lanny Erdos testify before our EPW Committee. "OSM has not provided for meaningful participation with the cooperating or commenting agency States."

Basically, these State regulators who were charged with the primacy of putting forward the water standards in their States and overseeing mining in their States were basically invited into the party and then put in another room and not listened to. Then, eight of them walked away. That has to tell you, this wasn't an even playing field and was probably a very insincere effort to include everybody's opinions.

In Wyoming, Todd Parfitt said: "The failure to engage cooperating agencies throughout this process is reflected in the poor quality of the proposed rule."

We have heard a lot about the empathetic voices of the job losses: 60,000 miners since 2011, many of them in my State. Many of these men and women who were making \$80, \$90,000 a year no longer have a job. They are living in communities that are decimated.

Our State is \$500 million in the hole. We are trying to transition. We are trying to do the right thing, but rules

like this that we are about to overturn through the CRA process are such an overreach of authority.

The EPA has already gotten slapped down by the Supreme Court for the match rule. They put a stay on the Clean Power Plan. There are definite questions as to the authorities that the past administration has put forward.

United Mine Workers of America President Cecil Roberts says: "We are especially concerned with the long-term negative impact this rule is very likely to have on future longwall coal mining in the United States and associated employment impacts on our miners."

We have heard about mountaintop removal. There is a strong belief that this will impact our underground mining as well. That is pretty much—I wish I knew the exact percentage, but I would say well over 70 or 75 percent of the mining and maybe more than that.

I hosted Senate committee field hearings centered on energy jobs in Beckley, Logan, and Morgantown. Bo Copley, a coal miner who lost his job, talked about the impact regulatory policies were having on him, his young family, his community, and his former colleagues.

We heard about the fact that the health and pension of our miners is in deep trouble. I have been very much on board. Senator MANCHIN and I have been working hard—along with Senator PORTMAN, Senator BROWN—with those more affected regions to make sure the health care and pensions of our miners are funded and that those miners know that the benefits that were promised will be there for them and their families. The promises made will be promises kept, but this downturn in the coal industry heavily affects the ability for the pension funds to be solvent and for the health benefits to be carried on. So there is a direct correlation between the overregulation we have seen and the effects in the health and pension funds.

The ranking member on the Energy Committee—and we just had a good conversation. I will paraphrase what she said: Sometimes I think we are sort of talking by one another. And I think maybe she is right in certain respects, and she mentioned the effect of natural gas on the coal industry. Yes, that has had an effect on the coal industry, but this rule that was proposed, rushed in at the last minute by the Department of Interior, would have an even more devastating effect than the combination of regulations to this point, the combination of the natural gas and market conditions.

So you ask: Oh, how rushed in was it if it was being worked on for 5 years?

Well, they didn't publish the rule until December 20, 2016, after the election—the election in which overregulation was one of the key factors that was discussed during the election and

the effect on economies and businesses and the ability for American workers to continue to work hard and keep their jobs, but Americans rejected the continuation of these policies.

So they published the rule on December 20, 2016, and then it was made effective January 19, 2017.

What is January 19, 2017? It was the day before President Obama left office. There is no irony there at all, I don't think.

I am here to say that Senator MCCONNELL and I have put this forward. It is one of the first ones that has come forward in terms of the Congressional Review Act. Help is on the way, and the President will sign this. He has said in his Statement of Administration Policy: "The administration is committed to reviving America's coal communities, which have been hurting for too long."

Again, I can tell you about it. I could probably show you pictures of it. I live there. These are my friends. These are folks I see every day. I see them in the grocery store. And we have seen the effects in our region to the point of six of our counties are in deep, deep depressions.

So I want to congratulate the House of Representatives for passing this earlier today. I want to thank West Virginia Representatives DAVID MCKINLEY, EVAN JENKINS, and ALEX MOONEY for voting yes and getting a strong vote. I would like to thank Leader MCCONNELL for his leadership on this and the 27 other cosponsors of this bill.

Lastly, I would like to say, we heard the Senator from Hawaii talk about how this is really going to create jobs. Well, I found an article from the Wall Street Journal on December 20, 2016, and I am going to quote from it.

Interior's projections about the economic impact are laughable. OSM reckons the rule would cost a mere 124 coal mining jobs a year—

Whereas, other estimates are almost as much as one-third of the jobs—

but instead of visiting operating mines, the wizards at OSM built their estimates on computer models. They even reported a net gain in jobs—

And I think this is what the Senator from Hawaii was talking about—as miners are replaced by workers implementing the rule.

Less mining but more workers—genius.

This reminds me a little bit of when we were talking about all of the regulatory burdens of Dodd-Frank, which I am sure we will be getting into in another CRA. I was on the Financial Services Committee over in the House for a long time, and we learned, when Dodd-Frank went into effect, within a year and a half, the largest growing profession was bank auditors. So the government has created jobs for bank auditors to put forward their rules. It sounds a lot like that is what OSM has done with this rule.

I would just like to close with this. We are going to move forward with this because it is important to our region. It is important to a lot of working people. It will not and does not in any form or fashion allow fowling of the water, fowling of our streams. There are protections that are carried forth through our State regulators who came to the table for this rule, who felt they were not being listened to and, over the course of 5 years, all drifted out. I don't think they were invited back. I am confident this will have an effect of saying: America, you voted to unleash the American economy, to let our regulators regulate, to let our clean water statutes move forward in conjunction with State and Federal regulators, to let Americans know that the Federal Government is not going to be reaching into every aspect of your life and it is going to result in losing your job, creating hopelessness, 72 teachers being laid off in my county last month because we have lost people, real estate values going down, and the loss of a valuable resource that leads to the strength and to the viability and to the security because energy security is security for our country, for our whole country.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise in opposition to this effort under the Congressional Review Act to block implementation of the stream protection rule.

CRA offers Congress an important tool, as we know, to consider potentially egregious rules that are promulgated usually at the end of Presidential terms. The stream protection rule, which we are considering this evening, is not one of those.

I live in a State—Delaware—whose citizens can be adversely affected by the upstream actions of others and border States whose citizens could be compromised by the things we do.

I take it as a matter of faith that we should treat other people the way we want to be treated. We call that the Golden Rule, and I know that not everyone shares my passion for the Golden Rule, even though it appears not just in my faith, those who happen to be Catholic or Protestant, Jewish, Muslim, Hindu, Buddhist—it appears in all faiths, the idea that we ought to treat other people the way we want to be treated.

I also believe the Federal Government should act to protect citizens from the harm of the actions that other citizens would do to them. This stream protection rule is, I believe, one of those actions.

I am a native West Virginian. I was born in Beckley, WV, a coal mining town in South Central West Virginia. I understand well the role coal mining has played in supporting families in my native State and communities there for

longer than any of us can personally remember.

I also know that mining operations have had a devastating impact on the lives of those who have endured compromised drinking water and destroyed natural habitat, with a loss of the fish and wildlife that define the fabric of my native State and all other States.

This rule has been a long time coming, as we have heard this evening. Indeed, we are living with rules governing mining conduct that go back, I believe, as far as 30 years. It is time for an upgrade, and I think the rule before us is a sound, responsible, and carefully developed answer to that need.

In what is becoming an art form in this country, there are myths—some call them alternative facts—that are swirling around this rule. As ranking member and the senior Democrat on the Environment and Public Works Committee, I want to address a couple of them.

Some would attack this rule's provisions as redundant and inconsistent with State obligations under the Clean Water Act. I am also a former Governor and am keenly aware of the problems of inefficient governance and avoided at all costs conflicts between State agencies. It wasn't always easy, but we didn't need Federal actions to compound those frictions. I am happy to say that the drafters of this rule heard those concerns, and this rule promotes collaboration and coordination between mining and environmental agencies and clarifies their roles, preserving their authorities under the surface mining and clean water laws.

Both the EPA and the Army Corps of Engineers concurred with the final rules, and in doing so, EPA said: "We have concluded that nothing in the Stream Protection Rule is inconsistent with the provisions of the Clean Water Act and that the final rule does not inhibit the EPA's Clean Water Act authority to require that surface mining activities comply with all applicable provisions of the Clean Water Act, particularly those provisions related to water quality."

The EPA goes on to say: "The final Stream Protection Rule incorporates measures to limit duplication and avoid inconsistency in the implementation of Surface Mining and Reclamation Act and Clean Water Act programs, while supporting complementary, comprehensive, and effective environmental reviews of proposed surface coal mining operations."

Some would say that the stream protection rule allows the U.S. Fish and Wildlife Service to veto Surface Mining Control and Reclamation Act permits. That is not true. It is true that section 7 of the Endangered Species Act does require the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior to consult with the U.S. Fish and Wildlife Service

if any action "may affect" listed terrestrial and freshwater species.

The stream protection rule allows permit applicants and regulatory authorities to achieve ESA compliance in a variety of ways but does not provide the Fish and Wildlife Service any veto authority over permits. Indeed, this past year, the Office of Surface Mining Reclamation and Enforcement and the Fish and Wildlife Service completed consultation under the Endangered Species Act, resulting in what is known as the 2016 Biological Opinion. This new Biological Opinion smooths the way for more efficient Endangered Species Act compliance, while providing important protections to industry and State regulators regarding possible impacts of mining operations on protected species.

I think it is important to note that if we kill this rule, that protection for industry and State regulators will go away. Let me repeat that. I think it is important to note that if we kill this rule, that protection for industry and State regulators will go away, and those players will have to resort to a more cumbersome case-by-case review under the Endangered Species Act for all activities that might affect protected species. That would be a shame for a struggling industry.

For those and a host of other reasons my colleagues will offer today, I urge a "no" vote on this resolution.

I thank the Presiding Officer, and I yield back my time.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Georgia.

NOMINATION OF NEIL GORSUCH

Mr. PERDUE. Mr. President, during the Presidential campaign last year, President Donald J. Trump promised the American people he would nominate an unwavering supporter of the U.S. Constitution to the Supreme Court. He has now kept that promise.

I personally applaud the President for nominating Judge Neil Gorsuch to serve on the U.S. Supreme Court. He is an outstanding choice. Throughout his career, Judge Gorsuch has been a stalwart, standing strong in support of the U.S. Constitution. He has repeatedly shown his commitment to our country's founding principles of economic opportunity, fiscal responsibility, limited government, and individual liberty. These principles have served to make our Nation exceptional throughout our history. Each branch of government has the shared charge of preserving and protecting those rights for all Americans. Judge Gorsuch has had a remarkable career in both the public and private sectors and has demonstrated a keen understanding and appreciation of the law.

He has an outstanding academic record. He is an outsider to the political nonsense here in this town. He has an impeccable judicial record, and he is actually called a "judge's judge" in the Scalia mold. He is a mainstream judge.

Actually, when he was confirmed in his current position, he was confirmed by 11 Democrats who are still in this body today, including Senators LEE, FEINSTEIN, SCHUMER, and DURBIN. Clearly, Judge Gorsuch will honor the formidable and impressive legacy of defending the Constitution left by Justice Scalia.

Throughout last year, I and other Members in the Senate held our ground in saying that no nominee to the Supreme Court should be confirmed until after the Presidential election. We believed the American people deserved a voice in the process. We also knew that the hyper-partisanship and politics of a Presidential election cycle should never have any place in the nomination and confirmation of a Supreme Court Justice, which we all know is a lifetime appointment. The integrity of the advice and consent process, clearly spelled out in Article II, Section 2 of the Constitution, was at stake. In protecting the integrity of the sacred constitutional process, we did our job.

Our position was exactly the same, ironically, as held by former Vice President Biden, former Minority Leader Harry Reid, and others in earlier times and earlier debates.

Now that President Trump has announced his nomination, it is time to continue doing our job. I hope the minority leader and Members of the minority party will walk away from the hypocrisy they are already demonstrating this year.

Last June, the current minority leader tweeted: "In order for justice to remain a pillar of this nation, we must have a functioning judicial branch. The [Supreme Court of the United States] must have nine [sitting Justices]." Later that same month, the minority leader said before the U.S. Senate: "Every day that goes by without a ninth Justice is another day the American people's business is not getting done." So why would the current minority leader and some of the Democrats in this body now say they will filibuster any nominee to the Supreme Court before even knowing who would be nominated?

The minority leader railed on the Senate floor. Yet last month he went on CNN and said: "We absolutely would keep the seat open . . . we will fight it tooth and nail, as long as we have to."

Again, this was before a nominee was even announced.

The political theater of 2016 has no place in the confirmation process this year. Now is the time to govern, not to engage in the far-off political theater of 2018 and 2020. As we move forward in this process, I hope the minority leader and my colleagues across the aisle will remember that. I hope they will put the integrity of the Constitution before the scope of their political ambition and their bitterness about last year's election outcome.

I would remind my colleagues across the aisle that Republicans put aside political theater to confirm two Justices to the Supreme Court under both President Obama and President Clinton. Now President Trump has nominated Neil Gorsuch, who is a principled judge who will put the Constitution of the United States and the rights of all Americans at the forefront of any decision he takes. Judge Gorsuch's record of service and his commitment to the Constitution is quite clear. I am looking forward to voting to confirm his nomination and to ensure that we have a fully functioning High Court.

I strongly urge my colleagues across the aisle to put aside their partisan self-interest and do what is right for our country. Our children and our children's children deserve nothing less.

TRAVEL BAN

Mr. President, I also would like to speak momentarily to the President's recent Executive order to strengthen our refugee screening process that he thinks will protect America, and I agree with him.

The minority leader's tear-jerking performance over the past weekend belongs at the Screen Actors Guild awards, not in a serious discussion of what it takes to keep America safe. Folks back home are fed up with Members of this body stirring up global hysteria to score political points.

Let's be clear. This temporary action is not a so-called Muslim ban, and no Muslim ban has been put into place. As a matter of fact, the five countries most heavily populated with Muslims around the world were not included in this temporary pause on movement. In fact, almost 90 percent of the world's Muslim population is not even remotely affected by this temporary pause.

The seven countries that were included in President Trump's Executive order—Iraq, Iran, Syria, Libya, Somalia, Sudan, and Yemen—were included for specific reasons. Each of these nations was previously identified by President Obama as posing national security threats to the United States.

This is not a target at any religion; it is simply a temporary pause in the movement of individuals from nations of concern in order to assess whether our current screening system is in the best possible shape to protect Americans. I am apoplectic that Members of the minority party and the former President of the United States would actually say or imply otherwise. Their comments encouraging civil unrest and disobedience are both deplorable and unacceptable.

The failed foreign policy of President Obama in Syria and the broader Middle East has made the world more dangerous than at any time in my lifetime and has helped to create the current refugee crisis around the world. We are at war with ISIS, and we know they

have identified and targeted our refugee system as a point of weakness. They have already exploited the refugee systems of nations in Europe, carrying out terrorist attacks and killing innocent people.

It would be malfeasance for our President not to take action and immediately review our current screening process to ensure we are helping those in need and keeping terrorists out. This temporary pause will allow us to assess our current screening process and strengthen it as needed. Moving forward, the implementation of this temporary pause must be efficient and effective.

During this screening review period, we should avoid overreacting to the responsible steps that have been taken to prioritize the protection of all Americans. It is totally irresponsible and ridiculous for the minority leader, Members of this body, the former President, President Obama, and others to suggest that it is anything other than a rational, responsible step to keep America safe and deal with the ISIS threat once and for all.

I yield my time.

THE PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I know my colleague from Oregon is around somewhere and wanted to speak on this rule, and when he shows up on the floor, we will certainly give him the time to do so. I want to make a couple of points while we are waiting for him.

First, in this discussion here with my colleagues, there is some discussion and I guess the start of what will be a continuing theme that somehow, if you get rid of regulations, we are going to restore competitiveness to the U.S. economy. Nothing could be further from the truth.

If you ask businesses what we need to do to be competitive as a country, they will say: Make sure we have a great education system. Make sure we invest in R&D. Let's develop new technology.

If we look at where businesses are locating, they want to locate in beautiful, pristine places because they know that is where their employees will want to locate. So, first of all, that somehow the government is going to restore the economy by deregulating and letting polluters pollute is just not correct. It is not what America wants. What people want is to have safe drinking water, and they want an outdoor economy that is supported by having a great environment.

So I want to say a couple of other things. Obviously, this rule that we are talking about and that has been developed over a long period of time is an improvement over the 1983 rule because it gives us a better idea on the pollution that is happening. Now, if people don't want to know that information, I guess that is OK. The court, counter to

what my colleague from West Virginia said, did not say that it was suspending the rule. It said that it was still in effect, that the pollution had to be cleaned up. It said: Come back and look at the economic impact. But somehow, some are saying that the Supreme Court decision on the MATS rule gave EPA and others a get-out-of-jail-free card; you don't have to look at pollutants. They have to look at pollutants.

So what is this issue about? It is about clean water.

Mr. President, I wish to enter into the RECORD a couple of articles that I have seen from constituents. My colleague from West Virginia mentioned a few people. These are the real people in America who want this.

One of them is a gentleman named Ben Kurtz, who happens to be from Grand Junction, CO. This is what he says:

It's often said that drag is a fly fisherman's greatest enemy. The truth, however, is that a wet fly or heavy drag is irrelevant if you don't have clean water to fish. Our lakes, rivers, streams and the fish that inhabit them are all extremely sensitive to pollution. And right now, many of these streams all across our country are being threatened by dirty groundwater stemming from coal mines.

Despite this, it's been nearly a decade since the Department of Interior has updated its Stream Protection Rule—an inadequate, Reagan-era regulation governing impacts to waterways from coal mining which was weakened even further under the Bush administration.

For the last six years, DOI has been engaged in the process of updating and gathering input on the rule, with the ultimate goal of revising it to make it more effective, in line with the challenges our waters face today as well as the law Congress passed in the 1970s to create it. While it has been a long time coming, that process now appears to be coming to a close.

Once finalized, the revised rule would establish common-sense new protections that would safeguard the health of our waterways, and by extension, the communities that are impacted by them. For example, the rule would strengthen baseline requirements for water quality testing to ensure that coal mining operations are not polluting streams in a manner similar to that of the old hardrock mines throughout the West.

In addition, the revised standards would require coal mines to develop a plan for how to protect fish and wildlife while also putting in place measures that will reduce impacts on habitats and improve reclamation of mines that have shuttered.

I mentioned earlier as a side note to this letter that we have 250 such mines in our State.

These proposed changes are just common sense: The rule is low-cost (independent analysts have calculated that the safeguards would cost between 1 and 60 cents per ton of coal that's mined) and while the revisions are expected to result in cleaner waters and improved public health, its impact on jobs will be slim to none.

Still, the issuing of a strong final Stream Protection Rule is not a foregone conclusion, as the coal industry is intent on maintaining the status quo. Were that to transpire it

would mean streams that are at greater risk of being polluted with coal mine waste and runoff.

Taking all of this into account, it's clear that whether you're a fly fisherman or not, the revised rule is something we should all support. Cleaner waters not only mean better fishing but cleaner and healthier communities too.

Speaking on behalf of my fellow fly fishermen, I applaud the Department of the Interior for its ongoing efforts to enact sensible safeguards that protect the federal lands we all support and enjoy. It's time for DOI to push the Stream Protection Rule update across the finish line so we fishermen—

Obviously, this letter was written before that—

can go back to worrying about the little things—like what color fly to cast—rather than fretting over groundwater pollution that threatens our vibrant ecosystems and jeopardizes our health.

Well, I think Mr. Kurtz said it the best.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROTECTION FOR OUR RIVERS AND STREAMS IS LONG OVERDUE
(By Ben Kurtz)

It's often said that drag is a fly fisherman's greatest enemy. The truth, however, is that a wet fly or heavy drag is irrelevant if you don't have clean water to fish. Our lakes, rivers, streams and the fish that inhabit them are all extremely sensitive to pollution. And right now, many of these streams all across the country are being threatened by dirty groundwater stemming from coal mines.

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improved public health, its impact on jobs will be slim to none.

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Ms. CANTWELL. Mr. President, I can read others, but these are the people who are concerned about this rule. These are the individuals who want to know whether we are going to do our job and to say that polluters must pay. I believe that if we have the technology and the rules to do that, why would miners object? Why would the mining industry object to having the correct information?

I will read another letter from a Montana rancher this time.

As a long-time rancher of north of Billings, water supply has been a 70-year-old struggle for my ranch. The coal industry has posted a threat to my water supply since the 1970s, and more recently increased mining, spurred by fast-growing markets and the export to Asia, which has sparked water damage across the West. The limited water we are talking about in the West makes it doubly valuable and in need of protection. As the saying goes: "Whiskey is for drinking and water is for fighting." So it is absolutely essential that we protect the water we have, and sometimes that means a stronger rule from the Federal Government.

Most cattle ranchers in the Bull Mountains where I live rely on a combination of wells and natural springs to water our livestock. And like other nearby operations, my ranch is currently being literally undermined by coal mines using massive and destructive long wall machines that make it difficult for efficient mining because of surface disruptions, impairing coal aquifers, subsiding recharge areas, and they pull surface streams underground. I can think of no industry that degrades water in such a reckless and cavalier way as the coal industry. From acid mine drainage and thousands of mines' buried headwaters across Appalachia, to eating streams on the prairie that are destroying wells and springs in Montana's Bull Mountain.

While Montana surface mining laws require reclamation of the area over long mines, reclamation is a slow and uncertain process, and water in the existing mines in Montana has not been reclaimed, according to the bond-released statistics. These proposals for mining are to be included along these rivers and even moving along tributaries, to get it out of the way of coal mining. In Wyoming, Angelo Creek is slowly

being eaten by a coal mine. With all of it as a backdrop, I am happy to see the proposal by the Department of the Interior to update this regulation put in place over 30 years ago.

So the proposed Stream Protection Rule would safeguard communities from destructive coal mining practices and keep pace with our current science and modern mining practices. These new rules would minimize impacts to surface and groundwater such as springs on my property by requiring companies to avoid mining practices that permanently pollute and diminish streams, requiring coal companies to test and monitor the conditions of streams that their mining might impact before and during and after operations.

The proposed rule would also require companies to restore streams and other waters that they were using and that were capable of supporting, like in the ranching area, prior to the mining activities. The Department of the Interior could also improve parts of the stream protection rule by providing technical assistance.

It is very well to have good standards and test these out in rules, but if they are poorly implemented on the ground and over time, the results will be like no rule. So the Interior Department's work to update and modernize these decade-old rules and regulations is absolutely essential if we are going to keep a bad situation from getting worse. Clean water in the West is too precious to let coal companies pollute it or diminish it.

This happens to be from a woman named Ellen Pfister who has a cattle ranch in the Bull Mountains area of Shepherd, MT.

So these are just two examples of people who really want to see us do something. Why? Because clean water is so important to them. It is so important to the outdoor economy, and it is important to this particular rancher who wants to make sure that clean water is an aspect of their farming.

There are a couple of other points I wanted to make about the rule and this notion that somehow overregulation has destroyed the pension program. It is so amazing that here in the Senate, somebody thinks that overregulation could blow that big of a hole into the pension program. The pension program had a more than 23-percent drop in the implosion of the economy in 2008 and 2009. So that kind of hole was there before this process. It is sad that now miners who are going to reach a retirement age won't have a pension to retire on. I think it is appalling that we bailed out Wall Street and we don't want to help with a pension program that basically took a major hit during the downturn. What are we saying to people? We don't care about those pensions, but we will turn over the keys to the Treasury to someone else?

So the notion that, somehow, standing up for clean water is equated with the pension program is just not true. We support those workers. We will do anything to help them from all aspects of that picture, including giving them a pension and making sure they have health care and retirement. We have had that discussion, and many of my

colleagues had that discussion here late into the night just at the end of last year. I am sure that we are waiting for a response from Leader MCCONNELL as to when he is going to put that kind of legislation on the Senate floor. But, unfortunately, what we have instead is a rule trying to hold back making sure that we have safe drinking water, safe fishing water, and an outdoor economy that can count on these things.

I thank my colleague from Hawaii for being here earlier and talking about this issue, as well as my colleague who is the ranking member from the EPW committee, Senator CARPER from Delaware, making an eloquent statement and talking about the West Virginia economy, as he is a native of West Virginia, and now my colleague from Oregon, who is also addressing this issue. I appreciate their coming to the floor tonight and being part of this discussion.

This is so important to all of us and really to all of our country. I think making sure that people understand how important clean water is to various aspects is so important. So I thank my colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the comments just delivered by my colleague from Washington State. Our two States are roughly the same size. They have similar amounts of coastline. We have citizens who share a lot of perspective on the country and that may be apparent in the comments I am about to make.

Mr. President, from our earliest days, long before the Founding Fathers gathered in Philadelphia to declare that 13 disparate colonies were united and "absolved from all allegiance to the British Crown" and long before they sought to "form a more perfect Union," our streams, our rivers, and our lakes have been the economic lifeblood of our Nation. They have supported commerce and trade, fishing and agriculture. They have facilitated the ability to travel the vastness of this continent. They have sustained our growing communities and served as critical resources for public health.

It is no wonder, then, that generations of Americans have worked incredibly hard to protect these natural resources to keep them clean and safe. That is why here, in the Senate and in the House, in 1972, we passed the Clean Water Act that formed the foundation for our Nation's water regulations. It is why, 2 years later, the House and Senate developed and passed the Safe Drinking Water Act, to make sure that public drinking water supplies are safe throughout the Nation.

I recall the impact of these acts in my home State of Oregon. The Klamath River was considered extraordinarily polluted. You could boat down

it and see pipes dumping into it at regular intervals. Then, over time, as the State worked hard to identify those pipes, remove those pipes, and make sure that all pollution went through water treatment, the river got better. It got healthier.

Now, it is not without its problems. Its problems still exist. There is still nonpoint pollution that affects life in the stream. But it is a far more beautiful and far healthier river than it was before we passed the Clean Water Act.

We have proceeded to be fairly fierce about our enforcement. We have prosecuted polluters who have bypassed the law and dumped the results of their processes directly into our streams and our waterways. We have worked to protect wetlands, and we have worked to protect estuaries, understanding more and more about the role these various bodies of water play in our economy and play in our natural system and making sure they can continue to play that role so that we have a sustainable environment, one that is not at war with our economy.

We have made the two work very well together, and we have accomplished all this through the debate and dialogue that we have had in the Senate and in the House and that the experts have brought to bear in our committee hearing rooms. We have accomplished it through the testimony of concerned citizens across the Nation who have identified one particular problem or another problem and have brought those challenges to us here in this body, and we have worked to address them. If you have ever visited a nation that didn't have this kind of process and seen the intense, incredible pollution of its waterways, then you know what a difference it makes to have this public process. I invite you to visit China and see what happens when there is no public process for taking into account and rectifying the challenges when industrial waste is simply dumped into our waterways.

We take a lot of pride in protecting our streams, our rivers, and our lakes. That process has continued over these past years at the Department of the Interior, where the Office of Surface Mining Reclamation and Enforcement was working on the stream protection rule.

I am going to show a picture to give some scale to the type of mining that the Department of the Interior, Office of Surface Mining Reclamation and Enforcement was trying to address. We see here the little tiny tractor. This is actually a massive tractor dwarfed by the scale of this massive mine. Indeed, in many cases, the entire top of the mountain is blown off to get at the coal seams underneath. In the process, a tremendous amount of rock debris is created and a tremendous amount of fracturing that can lead to water that moves through the water table eventually finds its way into streams.

The goal has been to find a way that this type of mining can be done in respectful balance with the streams that are further down the mountainside. That is the challenge, and it wasn't easy to address. That is why this rule has been under development for 7 years, from 2009 right up through December of 2016—virtually the entire length of the Obama administration. During this period of consideration, there have been multiple reiterations of what the rule could look like and what actually works in the real world, with stakeholder after stakeholder after stakeholder saying: This is what you have to do to make it work. The goal was that this type of mining would be done, but not in a fashion which would destroy the streams. That is why it took so much hard work to do this.

There were hundreds of hours of meetings, responses to over 114,000 comments on the rule. But here we are in the evening, with little attention being paid by the vast bulk of Senators spending just a couple hours and planning to undo this work.

Under the Senate rules under the Congressional Review Act, we have just 10 hours of debate. Some of that can be yielded back by one side or the other, so maybe it will only be a few hours of debate. In those few hours, we hold in our hands the fate of the streams downstream from this mining. This is the premise: Will they conduct this mining in a fashion and followup with restoration to protect the streams that will otherwise be devastatingly impacted?

I am going to say yes. Let's take to heart the 100,000-plus hours of work or the 114,000 comments and the multitude of meetings over 6 years, the work of professionals who talked to every stakeholder. Let's take to heart their work and not undo it in just an hour or two here on the floor.

The Senate works in a way now that, even with something that has such a profound impact, Senators aren't here listening to each other; thus, we are not sharing our thoughts back and forth the way the old Senate used to debate. It is almost in silence that we are undoing or potentially undoing all of this work. Shouldn't we be celebrating that so many folks came together to craft a strategy that would not cause this type of mining to destroy the down-mountain streams?

Let me show an example of what a down-mountain stream looks like. This is a stream that probably ran blue not too long ago. It now runs orange. It is full of toxic metals and who knows what. I rather doubt that any Member of the Senate would volunteer to go and take a cup of water from this stream and drink it. We can just look at it and know it is deadly.

So we are trying to keep in place a rule carefully crafted so this stream—

which not so long ago ran blue or ran turquoise or deep green because it was a natural stream without this devastating pollution—will stay in that natural state. That is the goal. That is the point of this rule.

I want to be very clear that the stream protection rule is designed to enable mining and stream sustainability to go hand-in-hand. Coal mining is changing in America. It has adopted a number of practices that have made it safer. Machinery has also gotten bigger in ways that mean far fewer people are employed in it. It is also changing because the economies of the energy market are changing. We see that natural gas prices have dropped so low that many utilities are shutting down their coal plants and they are opening up natural gas plants or they are investing in wind or solar renewables. But we need to recognize that for 150 years coal mining families have worked incredibly hard, at great personal risk to their health, to put meals on their tables and to provide power to our Nation. So let's have this conversation about protecting our streams with a full respect for the mining economy and the families that have put their lives at stake and worked to put food on the table.

There is no reason we can't do what we have done in so many other parts of our economy to make the industrial process or the manufacturing process or the mining process be one that works in harmony with our environment, instead of at odds with the environment. That is the goal of the stream protection rule. It updates our 30-year-old coal mining regulations to better reflect the industry as it is today, in 2017.

The fact is, we know a great deal more about the impacts of various coal mining processes on both the people and communities and environment—much more now than we did when most of the regulations were put together decades ago. We know that when we use explosives to blast the summit of a mountain as is done in mountaintop removal, everything gets blasted up into the air and pushed down into the valleys where it ends up in rivers and streams. What is the result of that? If that newly blasted rock doesn't block the flow of the river and streams entirely, it is still in constant contact with them, leaching out pollutants into the water, and those pollutants include things like heavy metals and other toxics that pose enormous threats to the region's fish and to the plants and to the animals and, yes, even to the people who live downstream. There are pollutants like selenium, a metalloid that is toxic to fish even at a very low level, causing deformities, causing reproductive failures, causing death.

One way to tell the health of a stream is that it has life in it, but I

doubt anyone would come out and say: Last year, I fished here when this was a blue-green stream, but this year I am not because with one glance at this stream, you know all the fish are dead.

There are other pollutants like cadmium, a pollutant that is not safe at any level and has been tied to cancer in humans. So as cadmium goes down into water, flows into the streams and cities and small towns further down, it adds to the health risks of the folks living in the areas.

Waste dumps called valley fills are left in place even when the mining is completed and the company moves on. We know that the rubble from mountaintop mining is impacting our streams and waterways because we have measured it. According to the Environmental Protection Agency's statistics, valley fills from mountaintop removal are responsible for burying 2,000 miles of vital Appalachian headwater streams. Now, 2,000 miles is a lot of streams. Picture 2,000 miles of a blue-green stream reduced not just to a toxic red stream but to no stream at all because it has been completely covered and eliminated. That is a lot of fishing holes that are gone forever.

In addition to that, we know the fish populations downstream have been reduced by two-thirds from the places where mountaintop removal is occurring.

We know that communities nearby are contending with contaminated drinking water and that babies are being born with higher rates of birth defects. I think about the birth of my two children. Like every parent, we pray and hope that the child is going to be born free of birth defects.

So this rule is about something very close to our hearts. For some, it is the beauty of natural streams. For some, it is the opportunity to fish and see wonderful natural places. But for others, it comes straight to the question of whether their children are going to be born with birth defects. At the other end of life, we see downstream elevated levels of lung cancer, elevated levels of heart disease, elevated levels of kidney disease, elevated levels of hypertension.

So I ask: Is it right that here, in the dark of night, with just a few hours of discussion and virtually no one here in the Senate Chamber, we are going to undo 7 years of work designed to reduce birth defects, reduce lung cancer, reduce heart disease, reduce kidney disease, reduce hypertension, reduce contaminated drinking water?

In just a few short hours, we will be making a decision that will result in an impact on thousands of people, as well as thousands of miles of streams. The stream protection rule is pretty straightforward in its design. I will give a few details about what it is intended to do.

One is that it improves construction standards for waste piles. What is a

waste pile? Well, it is pretty much what it sounds like. It is a pile built from accumulated rock waste that is removed when you do mountaintop mining. Why do we need to improve their construction? Because these piles grow to enormous size. They can involve millions and millions of tons of rock and debris. Over time, erosion in the soil around them can create dangerous, unstable slopes that can eventually produce landslides. So how you design it matters. These coal piles can have high levels of coal dust or hydrocarbons. And then there is the acid rock drainage. As water comes down in rain and it percolates down through these, it ends up seeping out into the groundwater or into the stream and poisoning the groundwater or poisoning the stream.

That is why it matters how you have a construction standard for a waste pile. Isn't it smart to have such a standard in place and one that has been developed over hundreds of meetings over 6 years so that mining is much more compatible with clean streams and healthy people?

Another thing this rule does is it enhances restoration by strengthening bonding requirements. It is not unknown, unfortunately, that coal miners would just abandon the mine once their operations were finished, leaving all sorts of undone business that adds to the enormous contamination that even a small amount of mining can do.

In 1977, Congress passed a law saying that miners needed to restore the land after their mining operation was completed and that they needed to provide a bond up front to pay for the cleanup cost just in case the company decided it didn't want to follow through on the cleanup after it completed extracting the coal. Strengthening that and making sure the bonding process actually works right, that the bond is actually there to do the cleanup, makes a lot of sense.

Years ago, I was immersed in first developing housing with Habitat for Humanity and then building affordable multiplexes for a nonprofit, Human Solutions. Companies that were being paid to do their work had a construction bond. The bond made sure that if the company somehow disappeared in the middle of the night, the work was going to get done. That bond was very important to the nonprofit, that what they were investing in—the payments they made were actually going to result in what was contracted to be delivered. That is the same thing here. A company that comes in and says: We got permission to mine—it is saying to the public, with a good bonding system, yes, you can be confident that the cleanup work will be done. That needed to be strengthened because often it is not done. That is another piece of this puzzle.

Then there is another piece that is related to coal slurry and reducing the

odds of coal slurry causing a lot of damage. Coal slurry is liquid waste generated when mined coal is washed off. You have a lot of water that is thickened with debris from washing the coal, and it can be held in a basin, but if the walls of that basin fail and that coal slurry gets into the streams, it does massive damage.

That transpired in Martin County, KY, 16 years ago. An estimated 306 million gallons of slurry spilled into two tributaries of the Tug Fork River. How much is 306 million gallons? It is a lot of swimming pools, almost more than you can imagine. Another way to look at it is it is 30 times larger than the *Exxon Valdez* oilspill, one of the worst environmental disasters ever.

There it is. It was a big, massive pond that spilled into the forests and into the rivers in that situation in Martin County. Overnight, one of the tributaries, the Coldwater Fork, a 10-foot-wide stream, became 100 yards of slurry. In some places, the spill was over 5 feet deep. It spread out and covered people's yards on the banks. Hundreds of miles of the Big Sandy River were polluted as a result as the stuff washed down the stream. The Ohio River was polluted. The water supply for 27,000 people was contaminated.

It is not that it has just happened once; it has happened other times. It happened in Buffalo Creek Hollow, WV, in 1972. In that case, it was 132 million gallons of slurry. That is about a third of the size of the other spills, so I guess you could say that instead of being 30 times *Exxon Valdez*, it was only 10 times *Exxon Valdez*. But it did a lot of damage. It created a wave going downstream that was 30 feet high. Can you imagine how much material is required to create a wave of—a flash flood of coal slurry 30 feet high? This didn't happen away from human civilization; this wave of coal slurry killed 125 people. This wave of toxic coal slurry hit and injured over 1,000 more people—1,121 more people. It left 4,000 people homeless, wiped out their homes and their towns.

That is the type of damage that can occur, so why not have a rule that has looked at how these ponds are created and said, here is a standard so that the pond is not overloaded or overtopped or the wall does not collapse and cause a tidal wave that will kill more than 100 people or injure more than 1,000 or leave 4,000 people homeless. Having a standard is the logical thing to do. It helps the companies because then they know exactly what they need to do to make that pond safe.

Those are some examples of what is in this rule.

I think it is important to understand another factor. This rule requires careful mapping before the mining is done so that the restoration process can be held accountable to restore the contours that existed previously, or as

close as you can get. Without an understanding of what the land looked like beforehand, it is hard to say what it should look like when it is restored.

Those are commonsense measures. That is it. Common sense. Common standards for safety, for protection of the streams and the wildlife and the people. Isn't that what we should be all about? Shouldn't we not be undoing that, as we will be in a couple of hours, in a deserted Senate Chamber in the middle of the night? That is wrong.

If you want to change these standards—and I say this to my colleagues, and I know many do care a great deal about the environment—then have the courage to do it in daylight. Have the courage to do it in a committee. Have the courage to invite the public in to testify. But here we are tonight, hiding from the population across America, undoing this important work for the safety of our people. That is wrong.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is my understanding that the Senator will take us through the closing script, and as a part of that, I will be recognized in the order to make my remarks.

With that understanding, I yield the floor.

What if I suggest that I begin my remarks, that you give me the high sign whenever the closing script is prepared—it is. Never mind.

I yield the floor.

The PRESIDING OFFICER. This is the high sign.

Mr. WHITEHOUSE. The high sign has been received.

The PRESIDING OFFICER. The Senator from Colorado.

MORNING BUSINESS

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, I was necessarily absent for the votes on the motion to proceed to legislative session and the motion to proceed to a joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule, H.J. Res. 38.

On vote No. 41, had I been present, I would have voted "nay" on the motion to proceed to legislative session.

On vote No. 42, had I been present, I would have voted "nay" on the motion to proceed to H.J. Res. 38.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULES OF PROCEDURE

Mr. ROBERTS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator STABENOW, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY 115th Congress

RULE 1—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive ses-

sions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk. (b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information: (1) A detailed biographical resume which contains information relating to education, employment, and achievements; (2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and (3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nomi-

nee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony.—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions: (1) Do you agree or disagree to poll the proposal; and (2) Do you favor or oppose the proposal. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking

minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record.

These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

SPECIAL COMMITTEE ON AGING

RULES OF PROCEDURE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Special Committee on Aging, having adopted rules governing its procedures for the 115th Congress, have a copy of their rules printed in the RECORD, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING COMMITTEE RULES 115TH CONGRESS

JURISDICTION AND AUTHORITY

A.1. There is established a Special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

2. For the purposes of paragraph I of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

B.1. It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

2. The special committee shall, from time to time (but not less than once year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

C.1. For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the serve of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

2. The chairman of the special committee or any Member thereof may administer oaths to witnesses.

3. Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

D. All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. Convening of Meetings

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

2. Notice and Agenda:

(a) Written or Electronic Notice. The Chairman shall give the Members written or electronic notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) Shortened Notice. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. Convening of Hearings

1. Notice. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing on shortened notice.

2. Presiding Officer. The Chairman shall preside over the conduct of a hearing when present, or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. Witnesses. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least 48 hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or

any Member, may request and administer the oath.

5. Testimony. At least 48 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than five minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 40 copies of such statement with the clerk of the Committee 48 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. Counsel. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. Minority Witnesses. Whenever any hearing is conducted by the Committee, the Ranking Member shall be entitled to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. Closed Sessions and Confidential Materials

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written or an electronic request to the Chairman no later than twenty-four hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. Broadcasting

1. Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. Quorums and Voting

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. Hearings. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) Committee rules changes and (3) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. Investigations

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Committee investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member.

Staff shall keep the Committee fully informed of the progress of continuing Committee investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. The Chairman and Ranking Minority Member, acting together, shall authorize a subpoena. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Committee Investigative Reports. All reports containing Committee findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. Depositions and Commissions

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. Subcommittees

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority

vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

IX. Reports

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

X. Amendment of Rules

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed or via polling, subject to Rule V(4).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE MEMBERSHIP

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources' subcommittee assignments for the 115th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENERGY AND NATURAL RESOURCES

115TH CONGRESS SUBCOMMITTEE ASSIGNMENTS ENERGY

Cory Gardner, *Chairman*

James E. Risch; Jeff Flake; Steve Daines; Jeff Sessions; Lamar Alexander; John Hoeven; Bill Cassidy; Rob Portman; Joe Manchin III, *Ranking*; Ron Wyden; Bernard Sanders; Al Franken; Martin Heinrich; Angus King; Tammy Duckworth; Catherine Cortez Masto.

PUBLIC LANDS, FORESTS, AND MINING

Mike Lee, *Chairman*

John Barrasso; James E. Risch; Jeff Flake; Steve Daines; Cory Gardner; Jeff Sessions; Lamar Alexander; John Hoeven; Bill Cassidy; Ron Wyden, *Ranking*; Debbie Stabenow; Al Franken; Joe Manchin III; Martin Heinrich; Mazie Hirono; Catherine Cortez Masto.

NATIONAL PARKS

Steve Daines, *Chairman*

John Barrasso; Mike Lee; Cory Gardner; Lamar Alexander; John Hoeven; Rob Portman; Mazie Hirono, *Ranking*; Bernard

Sanders; Debbie Stabenow; Martin Heinrich; Angus King; Tammy Duckworth.

WATER AND POWER

Jeff Flake, *Chairman*

John Barrasso; James E. Risch; Mike Lee; Jeff Sessions; Bill Cassidy; Rob Portman; Angus King, *Ranking*; Ron Wyden; Bernard Sanders; Al Franken; Joe Manchin III; Tammy Duckworth.

Lisa Murkowski and Maria Cantwell are *ex officio* members of all Subcommittees.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

RULES OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have the committee rules for the Health, Education, Labor, and Pensions Committee printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Lamar Alexander, *Chairman*

RULES OF PROCEDURE (AS AGREED TO JANUARY, 2017)

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD-430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business; provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the com-

mittee or subcommittee is physically present.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing or executive session it intends to hold at least one week prior to the commencement of such hearing or executive session. In the case of an executive session, the text of any bill or joint resolution to be considered must be provided to the chairman for prompt electronic distribution to the members of the committee.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution shall be before the committee or a subcommittee for final consideration, the clerk shall distribute to each member of the committee or subcommittee a document, prepared by the sponsor of the bill or joint resolution. If the bill or joint resolution has no underlying statutory language, the document shall consist of a detailed summary of the purpose and impact of each section. If the bill or joint resolution repeals or amends any statute or part thereof, the document shall consist of a detailed summary of the underlying statute and the proposed changes in each section of the underlying law and either a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and, in italics, the matter proposed to be added, along with a summary of the proposed changes; or a side-by-side document showing a comparison of current law, the proposed legislative changes, and a detailed description of the proposed changes.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or

a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term "majority" as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments electronically to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(a) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(a) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the

committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

SUBCOMMITTEE MEMBERSHIP

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have the subcommittee assignments for the Health, Education, Labor, and Pensions Committee printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS CHILDREN AND FAMILIES

Mr. Paul, Kentucky, *Chairman*

Mr. Casey, Pennsylvania, *Ranking Member*

Ms. Murkowski, Alaska; Mr. Burr, North Carolina; Mr. Cassidy, Louisiana; Mr. Young, Indiana; Mr. Hatch, Utah; Mr. Roberts, Kansas; Mr. Alexander, Tennessee (*Ex Officio*); Mr. Sanders, Vermont; Mr. Franken, Minnesota; Mr. Bennet, Colorado; Mr. Kaine, Virginia; Ms. Hassan, New Hampshire; Mrs. Murray, Washington (*Ex Officio*).

EMPLOYMENT AND WORKPLACE SAFETY

Mr. Isakson, Georgia, *Chairman*

Mr. Franken, Minnesota, *Ranking Member*

Mr. Roberts, Kansas; Mr. Scott, South Carolina; Mr. Burr, North Carolina; Mr. Paul, Kentucky; Mr. Cassidy, Louisiana; Mr. Young, Indiana; Mr. Alexander, Tennessee (*Ex Officio*); Mr. Casey, Pennsylvania; Mr. Whitehouse, Rhode Island; Ms. Baldwin, Wisconsin; Mr. Murphy, Connecticut; Ms. Warren, Massachusetts; Mrs. Murray, Washington (*Ex Officio*).

PRIMARY HEALTH AND RETIREMENT SECURITY

Mr. Enzi, Wyoming, *Chairman*

Mr. Sanders, Vermont, *Ranking Member*

Mr. Burr, North Carolina; Ms. Collins, Maine; Mr. Cassidy, Louisiana; Mr. Young,

Indiana; Mr. Hatch, Utah; Mr. Roberts, Kansas; Mr. Scott, South Carolina; Ms. Murkowski, Alaska; Mr. Alexander, Tennessee (*Ex Officio*); Mr. Bennet, Colorado; Mr. Whitehouse, Rhode Island; Ms. Baldwin, Wisconsin; Mr. Murphy, Connecticut; Ms. Warren, Massachusetts; Mr. Kaine, Virginia; Ms. Hassan, New Hampshire; Mrs. Murray, Washington (*Ex Officio*).

COMMITTEE ON FOREIGN RELATIONS

RULES OF PROCEDURE

Mr. CORKER. Mr. President, the Committee on Foreign Relations has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator CARDIN, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted January 31, 2017)

RULE 1—JURISDICTION

(a) *Substantive*.—In accordance with Senate Rule XXV.1(j)(1), the jurisdiction of the committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The committee is also mandated by Senate Rule XXV.1(j)(2) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight*.—The committee also has a responsibility under Senate Rule XXVI.8(a)(2), which provides that "... each standing committee ... shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) *"Advice and Consent" Clauses*.—The committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation*.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the committee and shall deal with such legislation and oversight of programs and policies as the committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the chairman or by vote of a majority of the committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the chairman or the committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments*.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the committee may receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the committee may serve on more than four subcommittees at any one time.

The chairman and ranking member of the committee shall be *ex officio* members, without vote, of each subcommittee.

(c) *Hearings*.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the chairman of the full committee or by decision of the full committee. Hearings of subcommittees shall be scheduled after consultation with the chairman of the committee with a view toward avoiding conflicts with hearings of other subcommittees insofar as possible. Hearings of subcommittees shall not be scheduled to conflict with meetings or hearings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 3—MEETINGS AND HEARINGS

(a) *Regular Meeting Day*.—The regular meeting day of the Committee on Foreign

Relations for the transaction of committee business shall be on Tuesday of each week, unless otherwise directed by the chairman.

(b) *Additional Meetings and Hearings.*—Additional meetings and hearings of the committee may be called by the chairman as he may deem necessary. If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon filing of the request, the chief clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk shall notify all members of the committee that such special meeting will be held and inform them of its date and hour.

(c) *Hearings, Selection of Witnesses.*—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may select and call an equal number of non-governmental witnesses to testify at that hearing.

(d) *Public Announcement.*—The committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least seven calendar days in advance of such meetings or hearings, unless the chairman of the committee, or subcommittee, in consultation with the ranking member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member. The chairman, in consultation with the ranking member, may also propose special procedures to govern the consideration of particular matters by the committee.

(f) *Closed Sessions.*—Each meeting and hearing of the Committee on Foreign Relations, or any subcommittee thereof shall be open to the public, except that a meeting or hearing or series of meetings or hearings by the committee or a subcommittee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting or hearing to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or hearing or series of meetings or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national de-

fense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by government officers and employees; or

(B) the information has been obtained by the government on a confidential basis, other than through an application by such person for a specific government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or government regulations.

A closed meeting or hearing may be opened by a majority vote of the committee.

(g) *Staff Attendance.*—A member of the committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at committee meetings and hearings. The chairman or ranking member may authorize the attendance and seating of such a staff member at committee meetings and hearings where the member of the committee is not present.

Each member of the committee may designate members of his or her personal staff for whom that member assumes personal responsibility, who holds, at a minimum, a top secret security clearance, for the purpose of their eligibility to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

In addition, the majority leader and the minority leader of the Senate, if they are not otherwise members of the committee, may designate one member of their staff for whom that leader assumes personal responsibility and who holds, at a minimum, a top secret security clearance, to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

Staff of other Senators who are not members of the committee may not attend closed sessions of the committee.

Attendance of committee staff at meetings and hearings shall be limited to those designated by the staff director or the minority staff director.

The committee, by majority vote, or the chairman, with the concurrence of the ranking member, may limit staff attendance at specified meetings or hearings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or sworn testimony at any duly scheduled meeting a quorum of the committee and each subcommittee thereof shall consist of one member of such committee or subcommittee.

(b) *Business.*—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the committee, including at least one member from each party, shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members is physically present, including at least one member from each party, and a majority of those present concurs.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the committee.

(b) *Presentation.*—If the chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the committee, or any subcommittee thereof, shall submit an electronic copy of the written statement of his proposed testimony at least 24 hours prior to his appearance, unless this requirement is waived by the chairman and the ranking member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the chairman may authorize expenditures of funds for the expenses of witnesses appearing before the committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose

return shall occur at a time and place other than that of a scheduled committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the chairman or any other member designated by him may convene a hearing by giving 4 hours notice by telephone or electronic mail to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing (including by electronic mail), with the chief clerk of the committee, with the 3 days to begin at 11:00 p.m. on the same day that the committee has ordered a measure or matter reported. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

(c) *Roll Call Votes.*—The results of all roll call votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) *General.*—The committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent to ratification. Because the House of Representatives has no role in the approval of treaties, the committee is therefore the only congressional committee with responsibility for treaties.

(b) *Committee Proceedings.*—Once submitted by the President for advice and consent, each treaty is referred to the committee and remains on its calendar from Congress to Congress until the committee takes action to report it to the Senate or recommend its return to the President, or until the committee is discharged of the treaty by the Senate.

(c) *Floor Proceedings.*—In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress “shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.”

(d) *Hearings.*—Insofar as possible, the committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the chairman and the ranking member, the Committee on Foreign Relations shall not consider any nomination until 5 business days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the committee shall be heard in public session, unless a majority of the committee decrees otherwise, consistent with Rule 3(f).

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) the nominee has filed a financial disclosure report and a related ethics undertaking with the committee; (3) the committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; (5) for persons nominated to be chiefs of mission, the report required by Section 304(a)(4) of the Foreign Service Act of 1980 on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated; and (6) the nominee has provided the committee with a signed and notarized copy of the committee questionnaire for executive branch nominees.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on committee business unless specifically authorized by the chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the committee within 30 days. This report shall be furnished to all members of the committee and shall not be otherwise disseminated without authorization of the chairman and the ranking member. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded to consult the Senate Code of Conduct, and, as appropriate, the Senate Select Committee on Ethics, in the case of travel sponsored by non-U.S. Government sources.

Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the chairman and ranking member of the full committee.

(b) *Domestic Travel.*—All official travel in the United States by the committee staff shall be approved in advance by the staff director, or in the case of minority staff, by the minority staff director.

(c) *Personal Staff Travel.*—As a general rule, no more than one member of the personal staff of a member of the committee may

travel with that member with the approval of the chairman and the ranking member of the committee. During such travel, the personal staff member shall be considered to be an employee of the committee.

(d) *PRM Travel.*—For the purposes of this rule regarding staff foreign travel, the officially-designated personal representative of the member pursuant to rule 14(b), shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations.

RULE 12—TRANSCRIPTS AND MATERIALS PROVIDED TO THE COMMITTEE

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all committee and subcommittee meetings and hearings and such transcripts shall remain in the custody of the committee, unless a majority of the committee decides otherwise. Transcripts of public hearings by the committee shall be published unless the chairman, with the concurrence of the ranking member, determines otherwise.

The committee, through the chief clerk, shall also maintain at least one copy of all materials provided to the committee by the Executive Branch; such copy shall remain in the custody of the committee and be subject to the committee's rules and procedures, including those rules and procedures applicable to the handling of classified materials.

Such transcripts and materials shall be made available to all members of the committee, committee staff, and designated personal representatives of members of the committee, except as otherwise provided in these rules.

(b) *Classified or Restricted Transcripts or Materials.*—

(1) The chief clerk of the committee shall have responsibility for the maintenance and security of classified or restricted transcripts or materials, and shall ensure that such transcripts or materials are handled in a manner consistent with the requirements of the United States Senate Security Manual.

(2) A record shall be maintained of each use of classified or restricted transcripts or materials as required by the Senate Security Manual.

(3) Classified transcripts or materials may not leave the committee offices, or SVC-217 of the Capitol Visitors Center, except for the purpose of declassification or archiving, consistent with these rules.

(4) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts or materials. Their contents may not be divulged to any unauthorized person.

(5) Subject to any additional restrictions imposed by the chairman with the concurrence of the ranking member, only the following persons are authorized to have access to classified or restricted transcripts or materials:

(A) Members and staff of the committee in the committee offices or in SVC-217 of the Capitol Visitors Center;

(B) Designated personal representatives of members of the committee, and of the majority and minority leaders, with appropriate security clearances, in the committee offices or in SVC-217 of the Capitol Visitors Center;

(C) Senators not members of the committee, by permission of the chairman, in the committee offices or in SVC-217 of the Capitol Visitors Center; and

(D) Officials of the executive departments involved in the meeting, hearing, or matter, with authorization of the chairman, in the committee offices or SVC-217 of the Capitol Visitors Center.

(6) Any restrictions imposed by the committee upon access to a meeting or hearing of the committee shall also apply to the transcript of such meeting, except by special permission of the chairman and ranking member.

(7) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a committee meeting or hearing, members and staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself or is a member or staff of a relevant committee or executive branch agency and possess an appropriate security clearance, or unless such communication is specifically authorized by the chairman, the ranking member, or in the case of staff, by the staff director or minority staff director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All noncurrent records of the committee are governed by Rule XI of the Standing Rules of the Senate and by S. Res. 474 (96th Congress). Any classified transcripts or materials transferred to the National Archives and Records Administration under Rule XI may not be made available for public use unless they have been subject to declassification review in accordance with applicable laws or Executive orders.

(2) Any transcript or classified committee report, or any portion thereof, may be declassified, in accordance with applicable laws or Executive orders, sooner than the time period provided for under S. Res. 474 if:

(A) the chairman originates such action, with the concurrence of the ranking member;

(B) the other current members of the committee who participated in such meeting or report have been notified of the proposed declassification, and have not objected thereto, except that the committee by majority vote may overrule any objections thereby raised to early declassification; and

(C) the executive departments that participated in the meeting or originated the classified information have been consulted regarding the declassification.

RULE 13—CLASSIFIED INFORMATION

(a) *General.*—The handling of classified information in the Senate is governed by S. Res. 243 (100th Congress), which established the Office of Senate Security. All handling of classified information by the committee shall be consistent with the procedures set forth in the United States Senate Security Manual issued by the Office of Senate Security.

(b) *Security Manager.*—The chief clerk is the security manager for the committee. The chief clerk shall be responsible for implementing the provisions of the Senate Security Manual and for serving as the committee liaison to the Office of Senate Security. The staff director, in consultation with the minority staff director, may appoint an alternate security manager as circumstances warrant.

(c) *Transportation of Classified Material.*—Classified material may only be transported between Senate offices by appropriately cleared staff members who have been specifically authorized to do so by the security manager.

(d) *Access to Classified Material.*—In general, Senators and staff undertake to confine their access to classified information on the basis of a “need to know” such information related to their committee responsibilities.

(e) *Staff Clearances.*—The chairman, or, in the case of minority staff the ranking member, shall designate the members of the committee staff whose assignments require access to classified and compartmented information and shall seek to obtain the requisite security clearances pursuant to Office of Senate Security procedures.

(f) *PRM Clearances.*—For the purposes of this rule regarding security clearances and access to compartmented information, the officially-designated personal representative of the member (PRM) pursuant to rule 14(b), shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations.

(g) *Regulations.*—The staff director is authorized to make such administrative regulations as may be necessary to carry out the provisions of this rule.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the committee as a whole, under the general supervision of the chairman of the committee, and the immediate direction of the staff director, except that such part of the staff as is designated minority staff shall be under the general supervision of the ranking member and under the immediate direction of the minority staff director.

(2) Any member of the committee should feel free to call upon the staff at any time for assistance in connection with committee business. Members of the Senate not members of the committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations and other matters within the jurisdiction of the committee. In addition to carrying out assignments from the committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and national security and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Personal Representatives of the Member (PRM).*—Each Senator on the committee

shall be authorized to designate one personal staff member as the member's personal representative of the member and designee to the committee (PRM) that shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations where specifically provided for in these rules.

(c) *Restrictions.*—

(1) The staff shall regard its relationship to the committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply, unless staff has consulted with and obtained, as appropriate, the approval of the Senate Ethics Committee and advance permission from the staff director (or the minority staff director in the case of minority staff):

(A) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group; and

(B) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations.

(2) The staff shall not discuss their private conversations with members of the committee without specific advance permission from the Senator or Senators concerned.

(3) The staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself or is a member or staff of a relevant committee or executive branch agency and possesses an appropriate security clearance, or unless such communication is specifically authorized by the staff director or minority staff director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in certain cases, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate, which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the committee with respect to certain matters, as well as the timing and procedure for their consideration in committee, may be governed by statute.

(b) *Amendment.*—These rules may be modified, amended, or repealed by a majority of the committee, provided that a notice in writing (including by electronic mail) of the proposed change has been given to each member at least 72 hours prior to the meeting at which action thereon is to be taken. However, rules of the committee which are based upon Senate rules may not be superseded by committee vote alone.

COMMITTEE ON INDIAN AFFAIRS

RULES OF PROCEDURE

Mr. HOEVEN. Mr. President, I ask unanimous consent that the “Senate Committee on Indian Affairs rules for the 115th Congress” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON INDIAN AFFAIRS COMMITTEE RULES FOR THE 115TH CONGRESS

RULES OF PROCEDURE

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, as supplemented by these rules, are adopted as the rules of the Committee to the extent the provisions of such Rules, Resolution, and Acts are applicable to the Committee on Indian Affairs.

MEETING OF THE COMMITTEE

Rule 2. The Committee shall meet on Wednesday/Thursday while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3(a). Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

(b). Except as otherwise provided in the Rules of the Senate, a transcript or electronic recording shall be kept of each hearing and business meeting of the Committee.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that holding the hearing would be non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours' notice.

(b). Each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, at least 48 hours in advance of a hearing, in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Any bill, resolution, or other matter to be considered by the Committee at a business meeting shall be filed with the Clerk of the Committee. Notice of, and the agenda for, any business meeting of the Committee, and a copy of any bill, resolution, or other matter to be considered at the meeting, shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is published except by

the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

(c). Any amendment(s) to any bill or resolution to be considered shall be filed with the Clerk not less than 48 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Except as provided in Senate Rule XXVI 7(a), a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported without a recorded vote from the Committee unless an objection is made by a Member, in which case a recorded vote by the Members shall be required. A Member shall have the right to have his or her additional views included in the Committee report in accordance with Senate Rule XXVI 10.

(c). A Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and conforming changes to the measure.

(d). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8(a). Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary.

(b). At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule.

(c). Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, Internet, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the Committee and to publish those rules in the Congressional Record not later than March 1 of the first year of each Congress. Today the Committee on Homeland Security and Governmental Affairs adopted committee rules of procedure.

Consistent with Standing Rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Committee on Homeland Security and Governmental Affairs printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY GOVERNMENTAL AFFAIRS

PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Wednesday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee chief clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 5 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 5-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis,

other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, by no later than 4:00 p.m. two days before the meeting of the Committee or Subcommittee at which the amendment is to be proposed, and, in the case of a first degree amendment in the nature of a substitute proposed by the manager of the measure, by no later than 5:00 p.m. five days before the meeting. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present, or by consent of the Chairman and Ranking Minority Member of the Committee or Subcommittee. This subsection shall apply only when at least 120 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for

taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal

Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

F. Naming postal facilities. The Committee will not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans.

G. Technical and conforming changes. A Committee vote to report a measure to the Senate shall also authorize the Committee Chairman and Ranking Member by mutual agreement to make any required technical and conforming changes to the measure.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 5 days in advance of such hearing, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the

matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses at a hearing or deposition or the production of memoranda, documents, records, or any other materials. The Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman has not received a letter of disapproval signed by the Ranking Minority Member within 72 hours, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, of the Ranking Minority Member's receipt of a letter signed by the Chairman providing notice of the Chairman's intent to issue a subpoena, including an identification of all individuals and items sought to be subpoenaed. Delivery and receipt of the signed notice and signed disapproval letters and any additional com-

munications related to the subpoena may be carried out by staff officers of the Chairman and Ranking Minority Member, and may occur through electronic mail. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the Government, or of a corporation or association, the Committee Chairman may rule that representation by counsel from the Government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the Government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide electronically a written statement of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Swearing in witnesses. In any hearings conducted by the Committee, the Chairman or his or her designee may swear in each witness prior to their testimony.

K. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee. The Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman has not received a letter of disapproval of the deposition signed by the Ranking Minority Member within 72 hours, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, of the Ranking Minority Member's receipt of a letter signed by the Chairman providing notice of the Chairman's intent to issue a deposition notice, including identification of all individuals sought to be deposed. Delivery and receipt of the signed notice and signed disapproval letter and any additional communications related to the deposition may be carried out by staff officers of the Chairman and Ranking Member, and may occur through electronic mail. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local

law to administer oaths. Questions shall be propounded orally by a Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention to file supplemental, Minority, or additional views at the time of final Committee approval of a measure or matter shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the pro-

posed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the foregoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations
Subcommittee on Federal Spending Oversight and Emergency Management
Subcommittee on Regulatory Affairs and Federal Management

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

(1) The Chairman and Ranking Minority Member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members.

(2) Any Member of the Committee may attend hearings held by any subcommittee and question witnesses testifying before that Subcommittee, subject to the approval of the Subcommittee Chairman and Ranking Member.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination,

and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the U.S. Government Accountability Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to pre-hearing questions submitted by the Com-

mittee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104-1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

RULE 10. APPRAISAL OF COMMITTEE BUSINESS

The Chairman and Ranking Minority Member shall keep each other apprised of hearings, investigations, and other Committee business.

RULE 11. PER DIEM FOR FOREIGN TRAVEL

A per diem allowance provided a Member of the Committee or staff of the Committee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member of the Committee or staff of the Committee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses. (Rule XXXIX, Paragraph 3, Standing Rules of the Senate.)

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-83, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost \$70 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-83

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Republic of Korea.

(ii) Total Estimated Value:

Major Defense Equipment* \$66 million.

Other \$4 million.

Total \$70 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Eighty-nine (89) AGM-65G-2 Maverick Missiles.

Non-MDE includes:

Missile containers and other related elements of support.

(iv) Military Department: Air Force (KS-D-YHF).

(v) Prior Related Cases, if any: FMS Case KS-D-YAF-\$22.55M—14 Mar 12.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress: January 31, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea—AGM-65G-2 Maverick Missiles

The Government of the Republic of Korea (ROK) has requested the potential sale of eighty-nine (89) AGM-65G-2 Maverick missiles, missile containers and other related elements of support. The total estimated program cost is \$70 million.

This proposed sale contributes to the foreign policy and national security of the United States. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in the region. It is vital to U.S. national interests to assist our Korean ally in developing and maintaining a strong and ready self-defense capability. This sale increases the ROK's capability to participate in Pacific regional security operations and improves its national security posture as a key U.S. ally.

The proposed sale will improve the ROK's capability to meet current and future threats. The ROK will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. The ROK, which already has AGM-65G missiles in its inventory, will have no difficulty absorbing these additional missiles.

The proposed sale of this equipment and support does not affect the basic military balance in the region.

The principal contractor is Raytheon, Tucson, AZ. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-83

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AGM-65G-2 Maverick is an air-to-ground close air support missile with a lock on before launch day or night capability. The G model has an imaging infrared (IIR) guidance system. The infrared Maverick G can track heat generated by a target and provides the pilot a pictorial display of the target during darkness and hazy or inclement weather. The warhead on the Maverick G is a heavyweight penetrator warhead. Maverick hardware is UNCLASSIFIED. Performance and operating logic of the countermeasures circuits are SECRET. Overall system classification is SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon effectiveness or be used in the development of a system with similar or advanced capabilities.

3. This sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-85, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost \$70 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. RIXEY,
Vice Admiral, USN Director.

Enclosures.

TRANSMITTAL NO. 16-85

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Republic of Korea.

(ii) Total Estimated Value:

Major Defense Equipment* \$60 million.

Other \$10 million.

Total \$70 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Sixty (60) AIM-9X-2 Sidewinder Block II All-Up-Round Missiles.

Six (6) AIM-9X-2 Block II Tactical Guidance Units.

Non-MDE include:

Containers, spares and missile support, U.S. government and contractor technical assistance, and other related elements of logistics support.

(iv) Military Department: Navy (KS-P-AMA).

(v) Prior Related Cases, if any: FMS Case KS-P-AKR, KS-P-AKZ.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.

(viii) Date Report Delivered to Congress: January 31, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea—AIM-9X-2 Sidewinder Missiles

The Government of the Republic of Korea (ROK) has requested a possible sale of sixty (60) AIM-9X-2 Sidewinder Block II All-up-Round Missiles and six (6) AIM-9X-2 Block II Tactical Guidance Units, containers, spares and missile support, U.S. Government and contractor technical assistance, and other related elements of logistics support. The estimated cost is \$70 million.

This proposed sale contributes to the foreign policy and national security of the United States. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in the region. It is vital to U.S. national interests to assist our Korean ally in developing and maintaining a strong and ready self-defense capability. This sale increases the ROK's capability to participate in Pacific regional security operations and improves its national security posture as a key U.S. ally.

The ROK intends to use the AIM-9X-2 Sidewinder Block II missiles to supplement its existing inventory of AIM-9X-2 Block II missiles. The ROK will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. The ROK will have no difficulty absorbing these additional missiles into its armed forces.

The proposed sale of this equipment and support does not affect the basic military balance in the region.

The principal contractor is Raytheon Missile Systems Company, Tucson, AZ. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea. However, U.S. Government or contractor personnel in-country visits will be required on a temporary basis in conjunction with program technical oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-85

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AIM-9X-2 Block II Sidewinder Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missile includes a high off-bore sight seeker, enhanced countermeasures rejection capability, low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Cueing System. The software algorithms are the most sensitive portion of the AIM-9X-2 missile. The software continues to be modified via a pre-planned production improvement (P31) program in order to improve its counter-countermeasure capabilities. No software source code or algorithms will be released. The missile is classified as CONFIDENTIAL.

2. The AIM-9X-2 will result in the transfer of sensitive technology and information. The equipment, hardware, and documentation are classified CONFIDENTIAL. The software and operation performance are classified SECRET. The seeker/guidance control section and the target detector are CONFIDENTIAL and contain sensitive state-of-the-art technology. Manuals and technical documentation that are necessary for support operational use and organizational management are classified to SECRET. Performance and operating logic of the counter-measures circuits are classified SECRET. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and similar critical information.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

TRIBUTE TO BRIGADIER GENERAL FRANCIS XAVIER TAYLOR

Mrs. FEINSTEIN. Mr. President, today I wish to recognize an extraordinary public servant and a dedicated leader of the U.S. intelligence community, Brig. Gen. Francis Xavier Taylor, the Under Secretary for Intelligence and Analysis, I&A, at the Department of Homeland Security.

I had the pleasure of presiding as chairman of the Intelligence Committee for the confirmation hearing for General Taylor in 2014 and have witnessed his leadership over the past 2 and a half years as I&A has made perhaps the most impressive progress of any intelligence agency over this time.

After nearly 40 years of honorable service to our Nation, Under Secretary Taylor retired on the last day of the Obama administration.

Prior to his work at DHS, Frank Taylor served for 31 years in the U.S. Air Force and at the U.S. Department of State as an ambassador for counterterrorism and head of diplomatic security. He also served as vice president of security at General Electric. For the past 2 years, he has applied the leadership skills, understanding of security at home and abroad, and his close personal friendship with Secretary Jeh Johnson to transform the Office of Intelligence and Analysis.

I&A's mission is to equip the Homeland Security Enterprise with timely intelligence and information it needs to keep the homeland safe, secure, and resilient. It provides critical intelligence to the leadership of the DHS and its components; State, local, tribal, and territorial governments, and private sector partners. The office itself was formed after the creation of DHS through the Homeland Security Act of 2002 and has seen significant change and disruption in its short lifetime. Due to Under Secretary Taylor's leadership, I&A is much further along on its vision of becoming a premier element of the IC, driving information sharing and delivering unique predictive intelligence and analysis to operators and decisionmakers at all levels.

During his confirmation hearing, General Taylor was asked why I&A needed to exist, given the domestic mission of the FBI and the analytic work of the National Counterterrorism Center. He was asked to justify the office's existence if it produced one analytic product per employee per year. Members questioned him on the need for State and local fusion centers and the support provided to them by the Federal Government. I focused my questions on why an intelligence agency should have more than 60 percent of its staffing come from a contractor workforce.

As we begin 2017, those questions are no longer applicable. Under Secretary Taylor has transformed the organization. He removed internal I&A stovepipes and realigned the organization to more closely reflect the intelligence cycle. Where homeland intelligence analysis had too often relied on repackaging products from other members of the IC, DHS collection now forms the basis of I&A production. Under Secretary Taylor also ordered that finished intelligence include DHS and State-local-tribal Partner data. Within 1 year, the organization achieved great success on this front, ensuring 80 percent of finished intelligence in fiscal year 2016 included unique homeland-derived data. Under his leadership, I&A is fulfilling the unique homeland-focused role that Congress intended. The con-

tract workforce is below 25 percent and the office is producing valuable intelligence analysis, tips to law enforcement, compiling and improving the quality of DHS data for intelligence purposes, strengthening our watch listing capability, and lending expertise to decision makers from the President down to the cop on the beat.

Under Secretary Taylor has worked tirelessly to mature and strengthen the Department's relationship with the State and local fusion centers and make information sharing a priority, changing the way the IC analyzes the domestic threat picture. When I have visited my local fusion center in San Francisco, I receive nothing but praise for the support that I&A provides and the importance of local, State, and Federal information sharing. The most recent example of this partnership is the Field Analysis Report, FAR, an intelligence report written by State and local intelligence analysts in coordination with I&A for the State and local audience. This is an important development from intelligence handed down from intelligence agencies inside the Federal beltway that, at times, misses the mark of what the local customer needs. FARs are among the most highly rated finished intelligence products coming out of I&A and are a direct result of General Taylor's vision.

Under Secretary Taylor also took to heart the need to invest in the workforce and address extremely low employee morale. He has restructured the workforce, drastically reducing the ratio of supervisors to workers, streamlining management and developing what he calls "seed corn"—young, junior intelligence professionals brought in to rejuvenate the organization and help develop a truly homeland-focused workforce. Besides shifting the balance of the staff, Under Secretary Taylor focused on hiring, growing, and investing in the workforce and ensuring that inherently governmental work is done by governmental employees and clear communication between the workforce and the leadership.

Members of the Intelligence Committee spend most of our time on international events and the often controversial practices of the CIA, NSA, and FBI. We have had the luxury in the recent past not to have to worry on the intelligence coming from and provided to our homeland security professionals because of the leadership and uncommon skill of Under Secretary Frank Taylor. We owe him a tremendous debt of gratitude. I wish to thank Under Secretary Taylor for his decades of exceptional service to our country and to wish him and his wife, Connie, the very best in the days and years ahead as he retires for the fourth time.

Thank you.

REMEMBERING ROBERT JUSTIN STEVENS

Mr. MCCAIN. Mr. President, I rise today in fond memory of Robert Justin Stevens, a former staffer of mine who recently passed away—entirely too young—after a long, arduous fight with cancer.

Justin was exemplary in his desire to serve and his love for public policy and politics. He was a dedicated public servant who worked tirelessly to improve the lives of Americans. Over the last few years, Justin managed Federal policy and advocacy for homeland security, public safety, and military-related issues as legislative director with the National Governors Association.

Before that, Justin worked with me and later with Senator Scott Brown as a professional staff member at the Senate Homeland Security and Governmental Affairs Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security. There, he helped us to identify and address waste, fraud, and abuse in government spending and financial improvement, audit readiness, and business transformation at our Federal agencies. During my 2008 Presidential campaign, Justin served as a senior advance team lead. It was in that context that I was first introduced to Justin's boundless love of life and energy.

Justin also served as the director for candidate operations and advance for the Scott Brown for Senate 2012 campaign; a financial systems analyst with the EMCOR Group; and a Navy/NASA University Faculty Fellowship program manager with the American Society for Engineering Education, ASEE.

Justin never took his young life for granted. An avid runner and adventurous soul, Justin sought to improve himself by taking courses in furtherance of a master's in national security and strategic studies at the U.S. Naval War College, after having received a B.S. in business administration from the University of Florida and graduating East Lake High School. Also, unbowed by his continuing struggle with cancer and always filled with hope, Justin married the love of his life, Elizabeth.

Justin will be forever remembered for the joy he brought to the lives of his family, friends, and colleagues with his humor, energy, and selflessness. Throughout his young life, Justin always made sure that those closest to him knew how important they were to him.

Cindy and I extend our warmest condolences to Justin's wife, Elizabeth; his mother, Karen; his stepmother, Jean Nowakowski, with whom Justin was exceptionally close; his siblings, Bryan and Damon; his niece, Magdalena and nephew Jackson.

REMEMBERING DR. HENRY HEIMLICH

Mr. PORTMAN. Mr. President, today I wish to pay tribute to the life of a famous Ohioan, Dr. Henry Heimlich.

The son of Jewish immigrants who fled Central and Eastern Europe for a better life in America, Henry Judah Heimlich spent his life helping others.

As a 21-year-old medical student, he was riding a train from Connecticut to New York City when the train derailed. Henry rescued one of his fellow passengers that day. That was the first of the many lives he would save.

By 23, he had his medical degree. Two years later, he left his internship at Boston City Hospital to serve in the Navy during World War II. He was sent to treat American Marines and Chinese soldiers in the Gobi desert of Inner Mongolia, behind Japanese lines. In those rugged conditions, he came up with a new solution to help there hundreds of people there who had a certain bacterial infection that caused blindness.

In 1957, after sketching the idea on the back of a napkin, he became the first American doctor to repair a damaged esophagus using a tube made from the patient's stomach. A year later, it became a standard procedure in the United States.

In 1964, based on those experiences during World War II operating without electricity in the Gobi desert, he invented the Heimlich chest drain valve, which drained blood and air out of the chest to help those with gunshot wounds or collapsed lungs. It all started with a toy noisemaker he found at a dime store. He noticed that the toy had a flutter valve, which he realized could be used as a model for a valve to prevent fluids from flowing back into the lungs.

This invention was immediately used to save the lives of American soldiers serving in Vietnam, and more than 4 million of these valves have sold since then.

In 1968, Dr. Heimlich moved to my hometown of Cincinnati and became surgery director of Jewish Hospital and professor of surgery at the University of Cincinnati. He taught at UC until 1978, when he became a professor of advanced clinical science at Cincinnati's Xavier University. He taught at Xavier until 1989.

In 1974, he became famous around the world for finding a better way to save someone from choking.

At that time, some 4,000 Americans were dying every year from choking, and it was one of the leading causes of accidental death. Many of those victims were kids who choked on small toys.

With a great feeling of compassion for them, Dr. Heimlich set out to find a solution. Whatever it was, it would have to be a quick and efficient solution because, within just 4 minutes of

being deprived of oxygen, the brain becomes irreversibly damaged.

Dr. Heimlich thought that the conventional techniques used at that time were not just ineffective but actually harmful because they risked pushing the blockage farther down the windpipe, making the problem worse.

At Jewish Hospital in Cincinnati, Dr. Heimlich led 2 years of research that discovered a new, more effective technique of dislodging objects from the esophagus: putting pressure just below the diaphragm to create upward air pressure in the chest. Just days after it was made public, a restaurant owner in Washington State used it to save someone's life.

It was simple and easy—so simple that, within a few years, a 5-year-old boy in Massachusetts used it to save one of his friends. You can even use it on yourself if necessary.

As Dr. Heimlich put it, "the best thing about it is that it allows anyone to use it to save a life." Everyone can and should learn this technique.

Letters began pouring in. Within a year, Dr. Heimlich received some 200 from people around the country who had successfully used the Heimlich maneuver to save a life and the American Medical Association had endorsed it. Within 2 years, the American Red Cross recommended it.

The Heimlich maneuver is estimated by some to have saved as many as 50,000 or even 100,000 lives just in America—not to mention countless others around the world.

To put a face to these numbers, consider that the Heimlich maneuver has saved the lives of future-President Ronald Reagan in 1976. It has saved the lives of New York City Mayor Ed Koch, basketball commentator Dick Vitale, news anchorman John Chancellor, television personality Simon Cowell, as well as actors Walter Matthau, Elizabeth Taylor, Marlene Dietrich, Carrie Fisher, Goldie Hawn, Nicole Kidman, and Halle Berry, and so many other people who have touched our lives. The maneuver has been used by Cincinnati Reds third basemen Todd Frazier, Israeli Prime Minister Ehud Barak at Camp David, and an 83-year-old Clint Eastwood.

We have all benefited from this innovative technique.

This discovery, I think, really sums up Dr. Heimlich's life, because he used to say that his focus was to find "simple, creative solutions to seemingly insurmountable health and medical problems." Time and again, he did just that, authoring more than 100 scientific papers and presenting more than 250 medical lectures over his lifetime.

In 1980, he invented the MicroTrach, a more efficient portable oxygen system that, because of its smaller size, gave patients more mobility. In 1981, Dr. Heimlich received the "Distinguished Service Award" from his colleagues with the American Society of

Abdominal Surgeons, and he received the 1984 "Arthur Lasker Award for Public Service" for his "simple, practical, cost-free solution to a life-threatening emergency, requiring neither great strength, [nor] special equipment [nor] elaborate training."

In 1985, Surgeon General C. Everett Koop declared that the Heimlich maneuver was the best method to be used when someone is choking. From 1986 to 2005, the American Red Cross and the American Heart Association issued the same recommendation.

Dr. Heimlich's medical career lasted some 70 years. In his final years, he remained active, swimming and exercising regularly. Living at a retirement home run by Episcopal Retirement Services in Cincinnati, he saved the life of an 87-year-old fellow resident named Patty Ris this past May using his famous maneuver.

Dr. Heimlich passed away on December 17 at age 96 at Christ Hospital in Cincinnati. He was married to his wonderful wife, Jane, for 61 years, and he is survived by his four children and three grandchildren.

His son Phil is a good friend of mine and a former Cincinnati city councilman and Hamilton County commissioner.

Jane and I send our condolences to our friends in the Heimlich family. We are grateful for Dr. Heimlich's work and for his life. We will miss him, but even in his absence, his ideas will live on and continue to save lives.

Thank you.

TRIBUTE TO LAYNE BANGERTER

Mr. CRAPO. Mr. President, today I wish to recognize the outstanding work of a longtime member of my Senate staff, Layne Bangert, who has been appointed as special assistant to President Donald Trump.

Layne has been a valued member of my staff for more than 13 years. Serving as director of agriculture and natural resources, he has provided sound counsel on critical issues for our State. For example, Layne dedicated countless hours to crafting the Owyhee Public Land Management Act and has worked to ensure sound implementation of the agreement. His well-honed ability to build relationships has been key to the success of this and many other efforts.

As a rancher and farmer, Layne has unique on-the-ground experience with how Federal policies affect land, water, and people. He also has significant understanding from his work for the U.S. Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services and the U.S. Fish and Wildlife Service. He has used this experience to inform a number of critical agricultural and natural resources issues, including wildlife, conservation, forestry, water, and agricultural pro-

grams. He knows the right balance needs to be struck between conservation and responsible natural resources practices and that the one-size-fits-all approach never works in real America. Layne is the kind of guy that you want in your corner—he listens, uses common sense, and then works to come up with the best possible solutions.

Layne is positive, encouraging, and affable while also having a pragmatism shaped by extensive experience. His insight will no doubt be extremely valuable to the Trump administration. While I will miss having Layne as a member of my staff, I wish him all the best in this new endeavor and look forward to our continued friendship. Thank you, Layne, for your hard work on behalf of Idahoans and our country, and congratulations on this next step in your career. I wish you, Betsy, and your wonderful family continued success.

TRIBUTE TO ADELE GRIFFIN

Mr. RUBIO. Mr. President, today I want to recognize Adele Griffin, a longtime Senate staffer in my Jacksonville office, for her years of hard work; for me, my staff, and the people of the State of Florida.

A fifth-generation Floridian, Adele previously worked under Senator Mel Martinez and Senator George LeMieux before her time in my office. Adele has been a dedicated and diligent leader who took special pride in addressing the many issues facing northeast Florida over the years.

I would like to extend my sincere thanks and appreciation to Adele for all the great work she has done and wish her a happy retirement.

ADDITIONAL STATEMENTS

TRIBUTE TO RON CHASTAIN

• Mr. BOOZMAN. Mr. President, today I wish to recognize MG Ron Chastain for his four decades of service to the State of Arkansas and to our Nation. For 32 years, he worked at the U.S. Department of Agriculture's Farm Service Agency and served for the last 6 years as my Agricultural Liaison in Arkansas. He has also enjoyed a distinguished military career in the Arkansas National Guard that spanned nearly four decades.

Ron was born and raised in Arkansas and graduated from Arkansas Tech University with a degree in biology in 1972. In 1974, he began his career with the USDA. He was the supervisory program specialist in Arkansas and dealt with Federal farm programs at the county, district, and State levels. He is a recipient of the USDA Service to Agriculture Award and also received recognition for his suggestions that improved the administration of Federal farm programs.

At the same time, Major General Chastain was a dedicated member of the Army National Guard serving our State and Nation on weekends, evenings, and multiple overseas deployments. While in uniform, he honorably served as deputy commanding general for the Arkansas Army National Guard at the U.S. Army Forces Command, the adjutant general of the Arkansas National Guard, as Chief of Staff, wartime, of U.S. Forces Korea, commander of the 39th Brigade Combat Team in Iraq, and commander of the 25th Rear Operations Center during Operation Desert Storm. A veteran of two wars, Major General Chastain was awarded the Army Distinguished Service Medal, Legion of Merit, and two Bronze Star medals. He has also been inducted into the distinguished Arkansas Military Veterans' Hall of Fame.

In 2010, "the General" retired from the Arkansas Army National Guard. Shortly thereafter, I called to congratulate him on his impressive military career, and during our conversation, he said he would be happy to help me in any way he could. I knew that he could bring his unique experience and expertise to help me represent the agriculture community in Arkansas, so I asked him to join my staff.

As a member of my team, Major General Chastain has been a professional and tireless advocate on behalf of Arkansas' farmers and ranchers. The Arkansas Farm Bureau recently recognized his hard work and contribution to our State's agriculture community. Ron also educated thousands of young Arkansans about the history and proper care of the U.S. and Arkansas flags during his time with my office.

MG Ron Chastain dedicated his career to leading and serving others. I want to thank him for all that he has done on behalf of Arkansas, and I wish him well on his retirement. I know he will enjoy spending more time with his family and working on his farm. As a model public servant for so many years, his retirement and all the recognition he has garnered are well deserved. •

RECOGNIZING xCRAFT ENTERPRISES, LLC

• Mr. RISCH. Mr. President, my home State of Idaho has long been known for its incredible natural resources and vibrant agricultural economy. What some may not know, though, is that Idaho is also home to a burgeoning technology industry, thanks to a number of impressive innovators who bring their entrepreneurial spirit and innovations to our State. As chairman of the Senate Committee on Small Business and Entrepreneurship, it is my pleasure to recognize one of these great innovators, xCraft Enterprises, LLC in Coeur d'Alene, as the Senate Small Business of the Month for January 2017.

xCraft has made Idaho proud with their considerable success and continuous innovation in and contribution to the unmanned aerial vehicle, UAV, or drone, industry.

Cofounder and CEO JD Claridge has always had a passion for flight. He built numerous flying toys as a child, and at the age of just 7, he constructed a hang glider and even convinced a friend to test it. JD harnessed this lifelong love of flying and started xCraft Enterprises, LLC, along with fellow aviation enthusiast, Charles Manning. Their vision for the company was to develop small, powerful, long-range drones that serve the needs of both hobbyists and commercial customers. With the expertise and skills of their team of highly educated engineers and business people, they have turned their aviation dream into a successful small business endeavor.

xCraft's patent-pending drones are built with lightweight materials that allow for long-range flight and are also capable of flying preprogrammed GPS-enabled flight paths. Notably, the company has designed a drone which has the ability to carry and utilize a smartphone, making it possible to link advanced smartphone technology to an economically priced small drone. In addition, xCraft has been recognized as a leader in the UAV and technology industries for producing one of the fastest racing drones available on the market today, exceeding speeds of 100 miles per hour. This continuous innovation and reinvention adds an immense value to the numerous and diverse industries that drones play a major role in, helping to drive the entire American economy forward.

Today xCraft offers seven drones of varying sizes and capabilities. There is no telling what their next innovation will be, but I know it will be another great contribution to their industry and the many others that depend upon it. It is my honor to recognize JD, Charles, and all of the employees at xCraft Enterprises, LLC in Coeur d'Alene. Thank you for your commitment to innovation and for carrying on the entrepreneurial spirit that is so valued in our great State of Idaho. I look forward to following your continued growth and success.●

REMEMBERING ELIZABETH HOWARD SWAIN

● Mr. SANDERS. Mr. President, today I wish to honor Elizabeth Howard Swain. Elizabeth was a lifelong champion of community health care centers, as well as the people they serve, and a wonderful colleague, mother, and friend.

After graduating from Boston University with a B.A. in sociology and a master's degree in political economics, Elizabeth moved with her family to Seattle, WA. In 1981, she began working

at Seattle's 45th Street Clinic, a Federally Qualified Health Center, FQHC, and eventually became the executive director, a position she held for 10 years. Elizabeth founded the Community Health Plan of Washington and worked as the regional health officer at Public Health of Seattle and King County, as well as the assistant vice president for public policy for the Community Health Network of Washington.

In 2005, Elizabeth was recruited to be CEO of the Community Health Care Association of New York State, an advocacy organization that supports more than 65 FQHCs. In Albany, she was a strong advocate for community-based primary care and was known for her ability to bring rival forces together and create partners out of adversaries.

Elizabeth also championed FQHC's and the importance of community-based primary care in the American health system in regular meetings with members and staff of the U.S. Senate Health, Education, Labor, and Pension Committee. While Elizabeth was grateful that I secured significant funding for FQHCs through the Affordable Care Act, as a strong supporter of universal health care, she was disappointed that neither the "public option" provision, much less a single-payer Medicare for all plan, were part of the ACA. Elizabeth remained true to her commitment to provide quality health care for all Americans, and she did all of this with tremendous energy and compassion for the most vulnerable and medically underserved populations.

Elizabeth understood the need to move health care dollars into the front end of the system, where they could be used more efficiently to prevent illness, through patient care management, case management and nutrition, and by keeping people out of expensive hospital settings. She also recognized the critical need for all-inclusive and integrated health care, including dental care and mental health services, in both urban and rural communities served by FQHC's.

Elizabeth will be sorely missed. She is survived by her sisters Julia, Cynthia, and Judith and children Kalil, Carmen, and Alexis.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committee.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 58. An act to require the Secretary of Homeland Security to submit a study on the circumstances which may impact the effectiveness and availability of first responders before, during, or after a terrorist threat or event, and for other purposes.

H.R. 276. An act to amend title 49, United States Code, to ensure reliable air service in American Samoa.

H.R. 347. An act to amend the Homeland Security Act of 2002 to provide for requirements relating to documentation for major acquisition programs, and for other purposes.

H.R. 366. An act to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes.

H.R. 437. An act to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities.

H.R. 505. An act to amend the Homeland Security Act of 2002 to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes.

H.R. 526. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security a board to coordinate and integrate departmental intelligence, activities, and policy related to counterterrorism, and for other purposes.

H.R. 549. An act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes.

H.R. 584. An act to amend the Homeland Security Act of 2002 to enhance preparedness and response capabilities for cyber attacks, bolster the dissemination of homeland security information related to cyber threats, and for other purposes.

H.R. 612. An act to establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity.

H.R. 642. An act to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes.

H.R. 655. An act to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes.

H.R. 665. An act to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes.

H.R. 666. An act to amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes.

H.R. 677. An act to amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

H.R. 678. An act to require an assessment of fusion center personnel needs, and for other purposes.

H.R. 687. An act to amend the Homeland Security Act of 2002 to establish a process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes.

H.R. 690. An act to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes.

H.R. 697. An act to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes.

At 5:08 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 38. Joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

H.J. Res. 41. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 58. An act to require the Secretary of Homeland Security to submit a study on the circumstances which may impact the effectiveness and availability of first responders before, during, or after a terrorist threat or event, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 276. An act to amend title 49, United States Code, to ensure reliable air service in American Samoa; to the Committee on Commerce, Science, and Transportation.

H.R. 339. An act to amend Public Law 94-241 with respect to the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

H.R. 347. An act to amend the Homeland Security Act of 2002 to provide for requirements relating to documentation for major acquisition programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 366. An act to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of

Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 381. An act to designate a mountain in the John Muir Wilderness of the Sierra National Forest as "Sky Point"; to the Committee on Energy and Natural Resources.

H.R. 437. An act to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities; to the Committee on Homeland Security and Governmental Affairs.

H.R. 505. An act to amend the Homeland Security Act of 2002 to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 526. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security a board to coordinate and integrate departmental intelligence, activities, and policy related to counterterrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 538. An act to redesignate Ocmulgee National Monument in the State of Georgia and revise its boundary, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 549. An act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 558. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 584. An act to amend the Homeland Security Act of 2002 to enhance preparedness and response capabilities for cyber attacks, bolster the dissemination of homeland security information related to cyber threats, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 612. An act to establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity; to the Committee on Homeland Security and Governmental Affairs.

H.R. 642. An act to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 655. An act to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 665. An act to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 666. An act to amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 677. An act to amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 678. An act to require an assessment of fusion center personnel needs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 687. An act to amend the Homeland Security Act of 2002 to establish a process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 690. An act to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 697. An act to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 274. A bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS, from the Special Committee on Aging, without amendment:

S. Res. 31. An original resolution authorizing the expenditures by the Special Committee on Aging.

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. Res. 36. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mr. CORKER, from the Committee on Foreign Relations, without amendment:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Foreign Relations.

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 255. An act to authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 321. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HATCH for the Committee on Finance.

*Steven T. Mnuchin, of California, to be Secretary of the Treasury.

*Thomas Price, of Georgia, to be Secretary of Health and Human Services.

By Mr. GRASSLEY for the Committee on the Judiciary.

Jeff Sessions, of Alabama, to be Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL (for himself and Mr. HEINRICH):

S. 249. A bill to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land, and for other purposes; to the Committee on Indian Affairs.

By Mr. SCHATZ (for himself, Ms. HASSAN, Mrs. SHAHEEN, Ms. HIRONO, and Ms. CANTWELL):

S. 250. A bill to prohibit any hiring freeze from affecting any Department of Defense

position at, or in support of, a public shipyard; to the Committee on Armed Services.

By Mr. WYDEN (for himself, Mr. HEINRICH, and Ms. STABENOW):

S. 251. A bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. LEAHY, Mr. DURBIN, Mr. KING, Mr. REED, Mr. BLUMENTHAL, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, Ms. BALDWIN, Ms. HIRONO, Mr. UDALL, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. WHITEHOUSE):

S. 252. A bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. CASEY, and Mr. HELLER):

S. 253. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mr. UDALL (for himself, Ms. MURKOWSKI, Ms. HEITKAMP, Mr. TESTER, Mr. FRANKEN, Mr. HEINRICH, and Mr. SCHATZ):

S. 254. A bill to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages; to the Committee on Indian Affairs.

By Mr. SCHATZ (for himself, Mr. BROWN, Mrs. MURRAY, Mr. CARDIN, and Mr. VAN HOLLEN):

S. 255. A bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. HEITKAMP (for herself and Ms. COLLINS):

S. 256. A bill to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for himself and Ms. COLLINS):

S. 257. A bill to clarify the boundary of Acadia National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON (for himself and Mr. RUBIO):

S. 258. A bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies; to the Committee on the Judiciary.

By Mr. NELSON (for himself, Mr. RUBIO, and Mr. MENENDEZ):

S. 259. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. RISC, Mr. ROBERTS, Mr. PORTMAN, Mr. TILLIS, Mr. CASSIDY, Mr. RUBIO, Mr. GRASSLEY, Mr. MCCAIN, Mr. INHOFE, Mr. FLAKE, Mr. HELLER, Mr. THUNE, Mr. DAINES, Mr. MORAN, Mr. BLUNT, Mr. COCHRAN, Mr. SCOTT, Mr. TOOMEY, Mr. JOHNSON, Mr. ISAKSON, Mr. SHELBY, and Mr. WICKER):

S. 260. A bill to repeal the provisions of the Patient Protection and Affordable Care Act

providing for the Independent Payment Advisory Board; to the Committee on Finance.

By Mr. BLUNT (for himself, Mr. KING, Mrs. MCCASKILL, Mr. MCCAIN, Mr. BOOZMAN, Mr. SCOTT, and Ms. HEITKAMP):

S. 261. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CAPITO (for herself, Mr. BROWN, Mr. PORTMAN, Mr. CASEY, and Ms. STABENOW):

S. 262. A bill to amend the Internal Revenue Code of 1986 to extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Finance.

By Mrs. CAPITO (for herself, Mr. FLAKE, Mr. MANCHIN, Mrs. FISCHER, Mr. CORNYN, and Mr. INHOFE):

S. 263. A bill to facilitate efficient State implementation of ground-level ozone standards, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LANKFORD (for himself and Mr. PAUL):

S. 264. A bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in ordinary course of carrying out its tax exempt purpose; to the Committee on Finance.

By Ms. BALDWIN (for herself, Ms. WARREN, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. VAN HOLLEN, and Mr. MERKLEY):

S. 265. A bill to prevent conflicts of interest that stem from executive Government employees receiving bonuses or other compensation arrangements from nongovernment sources, from the revolving door that raises concerns about the independence of financial services regulators, and from the revolving door that casts aspersions over the awarding of Government contracts and other financial benefits; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH (for himself and Mr. CARDIN):

S. 266. A bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S. 267. A bill to provide for the correction of a survey of certain land in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. YOUNG (for himself and Mr. RUBIO):

S. 268. A bill to provide the legal framework necessary for the growth of innovative private financing options for students to fund postsecondary education, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. 269. A bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes; to the Committee on Indian Affairs.

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. PORTMAN, and Mr. ISAKSON):

S. 270. A bill to prohibit the use of premiums paid to the Pension Benefit Guaranty Corporation as an offset for other Federal spending; to the Committee on the Budget.

By Mrs. FISCHER:

S. 271. A bill to strengthen highway funding in the near term, to offer States additional financing tools, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHATZ (for himself, Mr. BROWN, Ms. WARREN, and Mr. MERKLEY):

S. 272. A bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RISCH (for himself, Mr. CRAPO, Mr. HATCH, Mr. HELLER, Mr. LEE, Mr. DAINES, and Mr. ENZI):

S. 273. A bill to provide for the protection and recovery of the greater sage-grouse by facilitating State recovery plans, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. DURBIN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. WYDEN, Ms. CANTWELL, Mr. UDALL, Mr. VAN HOLLEN, Mr. MURPHY, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. CARPER, Mr. SANDERS, Mr. MARKEY, Ms. BALDWIN, Mr. CARDIN, Mr. HEINRICH, Ms. HASSAN, Mr. BROWN, Ms. STABENOW, Ms. CORTEZ MASTO, Mr. Kaine, Ms. HARRIS, Mr. LEAHY, Mr. PETERS, Mr. COONS, Mr. MENENDEZ, Mrs. MURRAY, Mr. BOOKER, Mr. WHITEHOUSE, Mr. FRANKEN, Ms. HIRONO, Ms. WARREN, Mr. KING, Mr. CASEY, Mr. WARNER, Mr. REED, Mr. SCHATZ, Mrs. SHAHEEN, Ms. DUCKWORTH, and Mr. BENNET):

S. 274. A bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States; read the first time.

By Mr. WYDEN (for himself, Mr. HEINRICH, and Ms. STABENOW):

S.J. Res. 16. A joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. RISCH, Mr. ROBERTS, Mr. PORTMAN, Mr. CASSIDY, Mr. GRASSLEY, Mr. MCCAIN, Mr. INHOFE, Mr. HELLER, Mr. THUNE, Mr. DAINES, Mr. MORAN, Mr. JOHNSON, Mr. ISAKSON, and Mr. SCOTT):

S.J. Res. 17. A joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act; to the Committee on Finance.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S.J. Res. 18. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Department of the In-

terior relating to Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska; to the Committee on Energy and Natural Resources.

By Mr. PERDUE (for himself, Mr. COTTON, Mr. ISAKSON, Mr. JOHNSON, Mr. LANKFORD, Mr. LEE, and Mr. ROUNDS):

S.J. Res. 19. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Ms. COLLINS:

S. Res. 31. An original resolution authorizing the expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. RISCH:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Ms. MURKOWSKI:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. JOHNSON:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. CARDIN (for himself, Mr. RUBIO, Mr. DURBIN, Mr. COTTON, Mr. MENENDEZ, Mr. BLUNT, Mr. NELSON, Mr. GARDNER, Mr. Kaine, and Mr. PERDUE):

S. Res. 35. A resolution expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes, including free and fair elections; to the Committee on Foreign Relations.

By Mr. HOEVEN:

S. Res. 36. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. CORKER:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Ms. HIRONO (for herself, Mr. SANDERS, Mr. WYDEN, Mr. BOOKER, Mr.

SCHATZ, Mr. BROWN, Mr. WHITEHOUSE, Ms. CANTWELL, Ms. WARREN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. Kaine, Mrs. MURRAY, Mr. COONS, and Mr. DURBIN):

S. Res. 38. A resolution recognizing January 30, 2017, as "Fred Korematsu Day of Civil Liberties and the Constitution"; to the Committee on the Judiciary.

By Mr. ALEXANDER:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Ms. HEITKAMP (for herself, Mr. LANKFORD, Ms. STABENOW, Ms. BALDWIN, Mr. SCHATZ, Mr. UDALL, Mr. THUNE, Mr. MORAN, Mr. TESTER, Mr. HEINRICH, Mr. DAINES, Mr. HOEVEN, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. FRANKEN, Mr. PETERS, Ms. HIRONO, and Mr. BARRASSO):

S. Res. 40. A resolution designating the week beginning on February 5, 2017, as "National Tribal Colleges and Universities Week"; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. PERDUE, Ms. HIRONO, Mr. CRAPO, and Mrs. FEINSTEIN):

S. Res. 41. A resolution raising awareness and encouraging the prevention of stalking by designating January 2017 as "National Stalking Awareness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 18

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 18, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 55

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 55, a bill to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

S. 82

At the request of Mr. REED, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 82, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 87

At the request of Mr. TOOMEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 87, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S. 96

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Mr.

KING) was added as a cosponsor of S. 96, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 175

At the request of Mr. MANCHIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 175, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 178

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 178, a bill to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

S. 203

At the request of Mr. BURR, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 220

At the request of Mr. SASSE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 220, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 224

At the request of Mr. RUBIO, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 229

At the request of Mr. HEINRICH, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 229, a bill to provide for the confidentiality of information submitted in requests for the Deferred Action for Childhood Arrivals Program and for other purposes.

S. 236

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 240

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. SCHATZ), the Senator from Colorado (Mr. BENNET), the Senator from Illinois (Ms. DUCKWORTH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 240, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. 247

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 247, a bill to provide an incentive for businesses to bring jobs back to America.

S. 248

At the request of Mr. MURPHY, the names of the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. GILLIBRAND), the Senator from Vermont (Mr. LEAHY) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 248, a bill to block implementation of the Executive Order that restricts individuals from certain countries from entering the United States.

S.J. RES. 8

At the request of Mr. UDALL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S.J. Res. 8, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 9

At the request of Mr. INHOFE, the names of the Senator from Arizona (Mr. FLAKE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. HATCH), the Senator from Kentucky (Mr. PAUL), the Senator from Alaska (Mr. SULLIVAN), the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 10

At the request of Mr. THUNE, his name was added as a cosponsor of S.J. Res. 10, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of the Interior relating to stream protection.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi

(Mr. WICKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from Montana (Mr. TESTER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 18

At the request of Mr. COONS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 18, a resolution reaffirming the United States-Argentina partnership and recognizing Argentina's economic reforms.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. CASEY, and Mr. HELLER):

S. 253. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise in support of the Medicare Access to Rehabilitation Services Act, which I am introducing today with my colleagues Senators COLLINS, CASEY, and HELLER. This important bill repeals the monetary caps that limit Medicare beneficiaries' access to medically necessary outpatient physical therapy, occupational therapy, and speech-language pathology services.

Limits on outpatient rehabilitation therapy services under Medicare were first imposed in 1997 as part of the Balanced Budget Act. The decision to impose limits on these services was not based on data, quality-of-care concerns, or clinical judgment—its sole purpose was to limit spending in order to balance the Federal budget. Since 1997, Congress has acted 12 times to prevent the implementation of the therapy caps through moratoriums and an exceptions process. While these short-term actions have provided necessary relief to our seniors, a long-term solution is essential to bring permanent relief and much-needed stability for both patients and providers.

We need a full repeal of the existing caps on physical therapy, occupational therapy, and speech-language pathology services. These annual financial caps limit services often needed after a

stroke, traumatic brain injury, or spinal cord injury, or to effectively manage conditions such as Parkinson's disease, multiple sclerosis, and arthritis. Arbitrary caps on these vital Medicare outpatient therapy services are simply unacceptable. They also discriminate against the oldest and sickest Medicare beneficiaries, who typically require the most intensive therapy, and disadvantage Medicare beneficiaries who live in regions with higher health care costs.

In a 2009 report issued by the Medicare Payment Advisory Committee, MEDPAC, it was estimated that the therapy cap, if enforced without an exceptions process, could negatively impact 931,000 Medicare beneficiaries. Arbitrarily capping outpatient rehabilitation therapy services would likely cause some beneficiaries to delay necessary care, force others to assume higher out-of-pocket costs, and disrupt the continuum of care for many seniors and individuals with disabilities.

I urge my colleagues to join me and Senator COLLINS in supporting the Medicare Access to Rehabilitation Services Act to ensure that our seniors have access to the outpatient rehabilitation therapy services that they need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 253

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Access to Rehabilitation Services Act of 2017".

SEC. 2. OUTPATIENT THERAPY CAP REPEAL.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395(l)) is amended by striking subsection (g).

(b) CONFORMING AMENDMENTS.—Section 1842(t)(2) of the Social Security Act (42 U.S.C. 1395u(t)(2)) is amended—

(1) by striking "(2) Each request" and all that follows through "1833(a)(8)(B)," and inserting "(2)(A) Each request for payment, or bill submitted, for therapy services described in subparagraph (B)"; and

(2) by adding at the end the following new subparagraph:

"(B) The following therapy services are described in this subparagraph:

"(i) Physical therapy services of the type described in section 1861(p) and speech-language pathology services of the type described in such section through the application of section 1861(l)(2), including services described in section 1833(a)(8)(B), and physical therapy services and speech-language pathology services of such type which are furnished by a physician or as incident to physicians' services.

"(ii) Occupational therapy services of the type that are described in section 1861(p), including services described in section 1833(a)(8)(B), through the operation of section 1861(g) and of such type which are furnished by a physician or as incident to physicians' services."

By Mr. CORNYN (for himself, Mr. RISCH, Mr. ROBERTS, Mr. PORTMAN, Mr. TILLIS, Mr. CASSIDY, Mr. RUBIO, Mr. GRASSLEY, Mr. MCCAIN, Mr. INHOFE, Mr. FLAKE, Mr. HELLER, Mr. THUNE, Mr. DAINES, Mr. MORAN, Mr. BLUNT, Mr. COCHRAN, Mr. SCOTT, Mr. TOOMEY, Mr. JOHNSON, Mr. ISAKSON, Mr. SHELBY, and Mr. WICKER):

S. 260. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 260

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Seniors' Access to Medicare Act of 2017".

SEC. 2. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

Effective as of the enactment of the Patient Protection and Affordable Care Act (Public Law 111-148), sections 3403 and 10320 of such Act (including the amendments made by such sections) are repealed, and any provision of law amended by such sections is hereby restored as if such sections had not been enacted into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 30—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERTS submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry (in this resolution referred to as the "committee") is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$2,463,834, of which amount—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$4,223,716, of which amount—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$1,759,882, of which amount—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate such sums as may

be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 31—AUTHORIZING THE EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Ms. COLLINS submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 31

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging (in this resolution referred to as the “committee”) is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$1,399,763, of which amount—

(1) not to exceed \$3,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$3,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$2,399,594, of which amount—

(1) not to exceed \$6,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$6,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$999,831, of which amount—

(1) not to exceed \$2,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative

Reorganization Act of 1946 (2 U.S.C. 4301(i)); and

(2) not to exceed \$1,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. RISCH submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship (in this resolution referred to as the “committee”) is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and

the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$1,520,944, of which amount—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$2,607,332, of which amount—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$1,086,388, of which amount—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations

account for "Expenses of Inquiries and Investigations" of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 33—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MURKOWSKI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 33

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources (in this resolution referred to as the "committee") is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$3,219,522.

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$5,519,181.

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$2,299,659.

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. JOHNSON submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (in this resolution referred to as the "committee") is authorized from March 1, 2017, through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017, through September 30, 2017, under this resolution shall not exceed \$5,591,653, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the

period October 1, 2017, through September 30, 2018, under this resolution shall not exceed \$9,585,691, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018, through February 28, 2019, under this resolution shall not exceed \$3,994,038, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017, through September 30, 2017;

(2) for the period October 1, 2017, through September 30, 2018; and

(3) for the period October 1, 2018, through February 28, 2019.

SEC. 5. INVESTIGATIONS.

(a) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance,

conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety, including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(b) EXTENT OF INQUIRIES.—In carrying out the duties provided in subsection (a), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(c) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this section, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(2) to hold hearings;

(3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) to administer oaths; and

(5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(d) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(e) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and any duly authorized subcommittee of the committee authorized under S. Res. 73, agreed to February 12, 2015 (114th Congress), are authorized to continue.

SENATE RESOLUTION 35—EXPRESSING PROFOUND CONCERN ABOUT THE ONGOING POLITICAL, ECONOMIC, SOCIAL AND HUMANITARIAN CRISIS IN VENEZUELA, URGING THE RELEASE OF POLITICAL PRISONERS, AND CALLING FOR RESPECT OF CONSTITUTIONAL AND DEMOCRATIC PROCESSES, INCLUDING FREE AND FAIR ELECTIONS

Mr. CARDIN (for himself, Mr. RUBIO, Mr. DURBIN, Mr. COTTON, Mr. MENENDEZ, Mr. BLUNT, Mr. NELSON, Mr. GARDNER, Mr. KAINE, and Mr. PERDUE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 35

Whereas the deterioration of basic governance and the economic crisis in Venezuela have led to an unprecedented humanitarian situation in which people are suffering from severe shortages of essential medicines and basic food products;

Whereas Venezuela lacks more than 80 percent of the basic medical supplies and equipment needed to treat its population, including medicine to treat chronic illnesses and cancer as well as basic antibiotics, and 85 percent of pharmacies are at risk of bankruptcy, according to the Venezuelan Pharmaceutical Federation;

Whereas, despite the massive shortages of basic foodstuffs and essential medicines, President of Venezuela Nicolas Maduro has rejected repeated requests from civil society organizations to bring humanitarian aid into the country;

Whereas the International Monetary Fund assesses that, in Venezuela, gross domestic product will contract 10 percent and inflation will exceed 700 percent in 2016, accelerating to over 1,600 percent in 2017, the worst anticipated growth and inflation performance in the world;

Whereas Venezuela's political, economic, and humanitarian crisis is fueling social tensions that are resulting in growing incidents of public unrest, looting, violence among citizens, and an exodus of Venezuelans abroad;

Whereas Caracas continues to have the highest per capita homicide rate in the world at 120 per 100,000 citizens, according to the United Nations Office on Drug and Crime;

Whereas the deterioration of governance in Venezuela has been exacerbated by widespread public corruption and the involvement of public officials in illicit narcotics trafficking and related money laundering;

Whereas, on August 1, 2016, General Nestor Reverol, Venezuela's current Minister of Interior and former National Guard commander, was indicted in the United States for participating in an international cocaine trafficking conspiracy;

Whereas, on November 18, 2016, Franqui Francisco Flores de Freitas and Efraim Antonio Campo Flores, nephews of President Maduro and Venezuelan First Lady Cilia Flores, were convicted by a United States Federal jury on charges of conspiring to import cocaine into the United States;

Whereas international and domestic human rights groups, such as Venezuelan organization Foro Penal, recognize more than 100 political prisoners in Venezuela, including opposition leader and former Chacao mayor Leopoldo Lopez, Judge Maria Lourdes Afiuni, Caracas Mayor Antonio Ledezma,

and former San Cristobal mayor Daniel Ceballos;

Whereas the 1999 Constitution of the Bolivarian Republic of Venezuela serves as the foundation for political processes in Venezuela;

Whereas, in December 2015, the people of Venezuela elected the opposition coalition (Mesa de Unidad Democrática) to a two-thirds majority in the unicameral National Assembly, with 112 out of the 167 seats;

Whereas, in late December 2015, the outgoing National Assembly confirmed to the Supreme Court of Venezuela magistrates politically aligned with the Maduro Administration and, thereafter, the Supreme Court blocked four legislators, including 3 opposition legislators, from taking office;

Whereas, during the first year of the new legislature, the Supreme Court has repeatedly overturned legislation passed by the democratically elected National Assembly;

Whereas, in 2016, President Maduro has utilized emergency and legislative decree powers to bypass the National Assembly, which, alongside the actions of the Supreme Court, have severely undermined the principles of separation of powers in Venezuela;

Whereas, in May 2016, Organization of American States Secretary General Luis Almagro presented a 132-page report outlining grave alterations of the democratic order in Venezuela and invoked Article 20 of the Inter-American Democratic Charter, which calls on the OAS Permanent Council "to undertake a collective assessment of the situation";

Whereas, in late October 2016, Venezuela's state courts and National Electoral Council, which are comprised of political allies of President Maduro, halted efforts to hold a referendum pursuant to provisions of the Venezuelan constitution to recall President Maduro, thereby denying the Venezuelan people the ability to pursue a democratic solution to Venezuela's crisis; and

Whereas, in November 2016, sectors of the opposition and the Government of Venezuela initiated a dialogue, facilitated by the Vatican, in an effort to pursue a negotiated solution to the country's political, economic, social, and humanitarian crisis: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern about widespread shortages of essential medicines and basic food products faced by the people of Venezuela, and urges President Maduro to permit the delivery of humanitarian assistance;

(2) calls on the Government of Venezuela to immediately release all political prisoners and to respect internationally recognized human rights;

(3) supports meaningful efforts towards a dialogue that leads to respect for Venezuela's constitutional mechanisms and resolves the country's political, economic, social, and humanitarian crisis;

(4) affirms its support for OAS Secretary General Almagro's invocation of Article 20 of the Inter-American Democratic Charter and urges the OAS Permanent Council, which represents all of the organization's member states, to undertake a collective assessment of the constitutional and democratic order in Venezuela;

(5) calls on the Government of Venezuela to ensure the neutrality and professionalism of all security forces and to respect the Venezuelan people's rights to freedom of expression and assembly;

(6) calls on the Government of Venezuela to halt its efforts to undermine the principle

of separation of powers, its circumvention of the democratically elected legislature, and its subjugation of judicial independence;

(7) stresses the urgency of strengthening the rule of law and increasing efforts to combat impunity and public corruption in Venezuela, which has bankrupted a resource-rich country, fuels rising social tensions, and contributes to elevated levels of crime and violence; and

(8) urges the President of the United States to provide full support for OAS efforts in favor of constitutional and democratic solutions to the political impasse, and to instruct appropriate Federal agencies to hold officials of the Government of Venezuela accountable for violations of United States law and abuses of internationally recognized human rights.

SENATE RESOLUTION 36—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. HOEVEN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 36

Resolved, That, in carrying out its powers, duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2017, through September 30, 2017; October 1, 2017, through September 30, 2018; and October 1, 2018, through February 28, 2019, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2017, through September 30, 2017, under this resolution shall not exceed \$1,184,317.00, of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2017, through September 30, 2018, expenses of the committee under this resolution shall not exceed \$2,030,258.00, of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2018, through February 28, 2019, expenses of the committee under this resolution shall not exceed \$845,941.00, of which amount (1) not to exceed \$20,000 may be expended for the procurement

of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2017, through September 30, 2017; October 1, 2017, through September 30, 2018; and October 1, 2018, through February 28, 2019, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 37—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. CORKER submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. RES. 37

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations (in this resolution referred to as the "committee") is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$3,889,028, of which amount—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$6,666,904, of which amount—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$2,777,877, of which amount—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) **EXPENSES OF THE COMMITTEE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) **VOUCHERS NOT REQUIRED.**—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) **AGENCY CONTRIBUTIONS.**—There are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary for agency contributions re-

lated to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 38—RECOGNIZING JANUARY 30, 2017, AS “FRED KOREMATSU DAY OF CIVIL LIBERTIES AND THE CONSTITUTION”

Ms. HIRONO (for herself, Mr. SANDERS, Mr. WYDEN, Mr. BOOKER, Mr. SCHATZ, Mr. BROWN, Mr. WHITEHOUSE, Ms. CANTWELL, Ms. WARREN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. Kaine, Mrs. MURRAY, Mr. COONS, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 38

Whereas, on January 30, 1919, Fred Toyosaburo Korematsu was born in Oakland, California, to Japanese immigrants;

Whereas Fred Korematsu graduated from Oakland High School in 1937 and attempted to enlist in the military twice but was unable to do so because his selective service classification was changed to enemy alien, even though Fred Korematsu was a United States citizen;

Whereas Fred Korematsu trained as a welder and worked as a foreman at the docks in Oakland until the date on which he and all Japanese Americans were fired;

Whereas, on December 7, 1941, Japan attacked the military base in Pearl Harbor, Hawaii, causing the United States to declare war against Japan;

Whereas, on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066 (7 Fed. Reg. 1407 (February 25, 1942)), which authorized the Secretary of War to prescribe military areas—

(1) from which any or all people could be excluded; and

(2) with respect to which, the right of any person to enter, remain in, or leave would be subject to any restriction the Military Commander imposed in his discretion;

Whereas, on May 3, 1942, the Lieutenant General of the Western Command of the Army issued Civilian Exclusion Order 34 (May 3, 1942) (referred to in this preamble as the “Civilian Exclusion Order”) directing that all people of Japanese ancestry be removed from designated areas of the West Coast after May 9, 1942, because people of Japanese ancestry in the designated areas were considered to pose a threat to national security;

Whereas Fred Korematsu refused to comply with the Civilian Exclusion Order and was arrested on May 30, 1942;

Whereas, after his arrest, Fred Korematsu—

(1) was held in squalor for 2 ½ months in the Presidio stockade in San Francisco, California;

(2) was convicted on September 8, 1942, of violating the Civilian Exclusion Order and sentenced to 5 years of probation; and

(3) was detained at Tanforan Assembly Center, a former horse racetrack used as a holding facility for Japanese Americans before he was exiled with his family to the Topaz internment camp in the State of Utah;

Whereas more than 120,000 Japanese Americans were similarly detained, with no

charges brought and without due process, in 10 permanent War Relocation Authority camps located in isolated desert areas of the States of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming;

Whereas the people of the United States subject to the Civilian Exclusion Order lost their homes, livelihoods, and the freedoms inherent to all people of the United States;

Whereas Fred Korematsu unsuccessfully challenged the Civilian Exclusion Order as it applied to him and appealed the decision of the United States District Court to the United States Court of Appeals for the Ninth Circuit, which sustained his conviction;

Whereas Fred Korematsu was subsequently confined with his family in the internment camp in Topaz, Utah, for 2 years, and during that time, Fred Korematsu appealed his conviction to the Supreme Court of the United States;

Whereas, on December 18, 1944, the Supreme Court of the United States issued *Korematsu v. United States*, 323 U.S. 214 (1944), which—

(1) upheld the conviction of Fred Korematsu by a vote of 6 to 3; and

(2) concluded that Fred Korematsu was removed from his home not based on hostility toward him or other Japanese Americans but because the United States was at war with Japan and the military feared a Japanese invasion of the West Coast;

Whereas, in his dissenting opinion in *Korematsu v. United States*, 323 U.S. 214 (1944), Justice Frank Murphy called the Civilian Exclusion Order the “legalization of racism”;

Whereas Fred Korematsu continued to maintain his innocence for decades following World War II, and his conviction hampered his ability to gain employment;

Whereas, in 1982, legal historian Peter Irons and researcher Aiko Yoshinaga-Herzig gained access to Government documents under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), that indicate that while the case of Fred Korematsu was before the Supreme Court of the United States, the Federal Government misled the Supreme Court of the United States and suppressed findings that Japanese Americans on the West Coast were not security threats;

Whereas, in light of the newly discovered information, Fred Korematsu filed a writ of error coram nobis with the United States District Court for the Northern District of California, and on November 10, 1983, United States District Judge Marilyn Hall Patel issued her decision in *Korematsu v. United States*, 584 F. Supp. 1406 (N.D. Cal. 1984), that—

(1) overturned the conviction of Fred Korematsu;

(2) concluded that, at the time that senior Government officials presented their case before the Supreme Court of the United States in 1944, the senior Government officials knew there was no factual basis for the claim of military necessity for the Civil Exclusion Order; and

(3) stated that although the decision of the Supreme Court of the United States in *Korematsu v. United States*, 323 U.S. 214 (1944), remains on the pages of United States legal and political history, “[a]s historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees”;

Whereas the Commission on Wartime Relocation and Internment of Civilians, authorized by Congress in 1980 to review the facts

and circumstances surrounding the relocation and internment of Japanese Americans under Executive Order 9066 (7 Fed. Reg. 1407 (February 25, 1942)), concluded that—

(1) the decision of the Supreme Court of the United States in *Korematsu v. United States*, 323 U.S. 214 (1944), is overruled by the court of history;

(2) a grave personal injustice was done to the United States citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed, and detained by the United States during World War II; and

(3) the exclusion, removal, and detention of United States citizens and resident aliens of Japanese ancestry was motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership;

Whereas the overturning of the conviction of Fred Korematsu and the findings of the Commission on Wartime Relocation and Internment of Civilians influenced the decision by Congress to pass the Civil Liberties Act of 1988 (50 U.S.C. 4211 et seq.) to request a Presidential apology and the symbolic payment of compensation to people of Japanese ancestry who lost liberty or property due to discriminatory actions of the Federal Government;

Whereas, on August 10, 1988, President Reagan signed the Civil Liberties Act of 1988 (50 U.S.C. 4211 et seq.), stating, “[H]ere we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.”;

Whereas, on January 15, 1998, President Clinton awarded the Medal of Freedom, the highest civilian award of the United States, to Fred Korematsu, stating, “[i]n the long history of our country’s constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu.”;

Whereas, despite the fact that history demonstrates that discriminatory actions breed immoral, unconscionable, and unconstitutional actions levied against religious, ethnic, and racial minorities in the name of national security, recent actions by President Trump have publicly fanned religious, ethnic, and racial prejudices;

Whereas, on January 27, 2017, President Trump issued—

(1) an Executive order that suspends for 90 days the entry into the United States of immigrants and nonimmigrants who are nationals of 7 Muslim-majority countries, prohibiting the issuance of any visa to relatives, family members, and tourists from the 7 designated countries based solely on the nationality of the individual;

(2) an Executive order indefinitely suspending the admission as refugees of Syrian nationals, even though, as of January 2017, there are more than 4,000,000 registered Syrian refugees who have fled the destructive civil war in Syria;

(3) an Executive order slashing refugee admissions numbers for fiscal year 2017 from 110,000 to 50,000, even as other countries move to take in refugees; and

(4) an Executive order directing the United States Refugee Assistance Program to prioritize refugee claims based on religious persecution in which the religion of the refugee is a minority religion in the country of nationality of the refugee, a priority that singles out for exclusion members of the Islamic faith;

Whereas Fred Korematsu remained a tireless advocate for civil liberties and justice throughout his life by—

(1) speaking out against racial discrimination and violence targeting Arab, Muslim, South Asian, and Sikh Americans in the wake of the September 11, 2001, tragedy; and

(2) cautioning the Federal Government against repeating mistakes of the past that singled out individuals for heightened scrutiny on the basis of race, ethnicity, nationality, or religion;

Whereas, on March 30, 2005, Fred Korematsu died at the age of 86 in Larkspur, California;

Whereas Fred Korematsu is a role model for all people of the United States who love the United States and the promises contained in the Constitution of the United States, and the strength and perseverance of Fred Korematsu serve as an inspiration for all people who strive for equality and justice; and

Whereas the recent actions of President Trump run directly counter to the history and legacy of justice exemplified by Fred Korematsu: Now, therefore, be it

Resolved, That the Senate—

(1) honors Fred Toyosaburo Korematsu for his—

(A) loyalty and patriotism to the United States;

(B) work to advocate for the civil rights and civil liberties of all people of the United States; and

(C) dedication to justice and equality;

(2) recognizes January 30, 2017, as “Fred Korematsu Day of Civil Liberties and the Constitution”; and

(3) denounces any governmental effort to discriminate against any individual based on the national origin or religion of the individual.

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions (in this resolution referred to as the “committee”) is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$5,105,487, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$8,752,264, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$3,646,777, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2018 and February 28, 2019, respectively.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 40—DESIGNATING THE WEEK BEGINNING ON FEBRUARY 5, 2017, AS “NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK”

Ms. HEITKAMP (for herself, Mr. LANKFORD, Ms. STABENOW, Ms. BALDWIN, Mr. SCHATZ, Mr. UDALL, Mr. THUNE, Mr. MORAN, Mr. TESTER, Mr. HEINRICH, Mr. DAINES, Mr. HOEVEN, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. FRANKEN, Mr. PETERS, Ms. HIRONO, and Mr. BARRASSO) submitted the following resolution; which was considered and agreed to:

S. RES. 40

Whereas there are 37 Tribal Colleges and Universities operating on more than 75 campuses in 16 States;

Whereas Tribal Colleges and Universities are tribally chartered or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas Tribal Colleges and Universities serve students from more than 250 federally recognized Indian tribes;

Whereas Tribal Colleges and Universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which enhances Indian communities and enriches the United States as a whole;

Whereas Tribal Colleges and Universities provide access to high-quality postsecondary educational opportunities for American Indians, Alaska Natives, and other individuals living in some of the most isolated and economically depressed areas in the United States;

Whereas Tribal Colleges and Universities are accredited institutions of higher education that effectively prepare students to succeed in their academic pursuits and in a global and highly competitive workforce;

Whereas Tribal Colleges and Universities have open enrollment policies, and approximately 15 percent of the students at Tribal Colleges and Universities are non-Indian individuals; and

Whereas the collective mission and the considerable achievements of Tribal Colleges and Universities deserve national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on February 5, 2017, as “National Tribal Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe National Tribal Colleges and Universities Week with appropriate ceremonies, activities, and programs to demonstrate support for Tribal Colleges and Universities.

SENATE RESOLUTION 41—RAISING AWARENESS AND ENCOURAGING THE PREVENTION OF STALKING BY DESIGNATING JANUARY 2017 AS “NATIONAL STALKING AWARENESS MONTH”

Ms. KLOBUCHAR (for herself, Mr. PERDUE, Ms. HIRONO, Mr. CRAPO, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 41

Whereas approximately 15 percent of women in the United States, at some point during their lifetimes, have experienced stalking victimization, during which the women felt very fearful or believed that they or someone close to them would be harmed or killed;

Whereas, during a 1-year period, an estimated 7,500,000 individuals in the United States reported that they had been victims of stalking;

Whereas more than 80 percent of victims of stalking reported that they had been stalked by someone they knew;

Whereas 11 percent of victims of stalking reported having been stalked for more than 5 years;

Whereas two-thirds of stalkers pursue their victims at least once a week;

Whereas victims of stalking are forced to take drastic measures to protect themselves, including changing their identities, relocating, changing jobs, or obtaining protection orders;

Whereas the prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among victims of stalking than the general population;

Whereas many victims of stalking do not report stalking to the police or contact a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas national organizations, local victim service organizations, campuses, prosecutor's offices, and police departments stand ready to assist victims of stalking and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the response of the criminal justice system to stalking through more aggressive investigation and prosecution;

Whereas there is a need for an increase in the availability of victim services across the United States, and the services must include programs tailored to meet the needs of victims of stalking;

Whereas individuals 18 to 24 years old experience the highest rates of stalking victimization, and rates of stalking among college students exceed rates of stalking among the general population;

Whereas up to 75 percent of women in college who experience behavior relating to stalking experience other forms of victimization, including sexual or physical victimization;

Whereas there is a need for an effective response to stalking on each campus; and

Whereas the Senate finds that “National Stalking Awareness Month” provides an opportunity to educate the people of the United States about stalking: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 2017 as “National Stalking Awareness Month”; and

(2) applauds the efforts of service providers for victims of stalking, police, prosecutors, national and community organizations, campuses, and private sector supporters to promote awareness of stalking;

(3) encourages policymakers, criminal justice officials, victim service and human service agencies, institutions of higher education, and nonprofit organizations to in-

crease awareness of stalking and the availability of services for victims of stalking; and

(4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through “National Stalking Awareness Month”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. WICKER. Mr. President, I have two requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on February 1, 2017, at 2:30 p.m., in room SD-106 of the Dirksen Senate Office Building.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on February 1, 2017, in room SD-562 of the Dirksen Senate Office Building at 2:30 p.m. to conduct a hearing entitled “Stopping Senior Scams: Developments in Financial Fraud Affecting Seniors.”

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my science fellow, Christy Veeder, be allowed the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

Mr. GARDNER. Mr. President, I understand an appointment was made during the adjournment of the Senate, and I ask it be stated for the RECORD.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, reappoints the Senator from Vermont, Mr. LEAHY, as a member of the Board of Regents of the Smithsonian Institution.

UNANIMOUS CONSENT AGREEMENT—READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. GARDNER. Mr. President, I ask unanimous consent that not withstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 27, 2017, at a time to be determined by the majority leader in consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 40, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 40) designating the week beginning on February 5, 2017, as "National Tribal Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 40) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

NATIONAL STALKING AWARENESS MONTH

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 41, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 41) raising awareness and encouraging the prevention of stalking by designating January 2017 as "National Stalking Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 41) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

MEASURE READ THE FIRST TIME—S. 274

Mr. GARDNER. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 274) to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

Mr. GARDNER. I now ask for a second reading and, in order to place the bill on the calendar under provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, FEBRUARY 2, 2017

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Thursday, February 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.J. Res. 38; finally, that there be 6 hours of debate remaining, equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator WHITEHOUSE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

STREAM PROTECTION RULE

Mr. WHITEHOUSE. Mr. President, we are gathered here this evening to seek to defend against the Congressional Review Act effort to overturn the clean stream protection rule. It is interesting that this first Congressional Review Act measure that we are taking up should be one that puts money into the pockets of the fossil fuel industry and lifts their obligation to clean up public streams that they have ruined with their pollution.

As I have been in the Senate, I am in my second term, and I am more than halfway through it. By Senate standards, I don't expect that is very senior, but it is enough that I have seen some patterns develop.

One of the patterns I have seen develop is that my friends on the other side of the aisle talk a really good game on deregulation, on regulatory reform. They give speeches on the burden of undue regulation. They give speeches about the cost of regulation. Over and over they seek deregulation.

But when it comes time to actually do something, every single time that I can remember, the deregulatory effort goes to the benefit of two groups. One is Wall Street and the other is polluters. The rest is just talk.

Sure enough, here we are with the first Congressional Review Act effort, and the choices are money in the fossil fuel company's pockets versus our natural heritage of clean streams for ourselves and our children. And which way do we go? Put the money in the fossil fuel pockets—to heck with the clean streams. This would be 0.3 percent of coal industry revenues to clean up after the mess they have made.

I grew up and I was taught that if you spill something, you clean it up. If you make a mess, you clean it up. But in this building, if it is the fossil fuel industry, if you make a mess, too bad, we will take care of you. You are our guys. We don't care about the stream. We don't care about the people who live downstream. We don't care about people who might fish in it. We don't care about the fact that this is God's creation. We care about making the coal companies happy.

It happens over and over. If it is not polluters, it is Wall Street. If it is not Wall Street, it is polluters. As to all this talk about deregulation, watch where it goes—Wall Street and polluters. Here we are with the archetypal challenge between private benefit and public harm. The very purpose of government—even conservative commentators say—is to protect the public from being harmed by those who cause them harm as they pursue their private benefit. What could be more the case than coal waste polluting public streams? We don't care; we are going to go to bat for the coal companies. I tell you, there are special rules around here for the fossil fuel industry.

We heard President Trump's promises to drain the swamp of the outside influence of corporate special interests and lobbyists in our government. Well, particularly when it comes to fossil fuel interests, that oft-repeated promise seems to have evaporated in the murky haze of his transition. From the very outset, operatives of the Koch brothers and other fossil fuel interests have infiltrated his team.

Some of the biggest swamp alligators have floated up as his nominees to run federal agencies that protect our public health, that enforce our laws, that maintain our natural resources, and even those who carry out our international diplomacy. With all these nominations, the President isn't draining the swamp. He is filling it with exactly the kind of big special interests that most Americans voted to keep out.

Our Republican colleagues are jamming and stacking the confirmation hearings in a rush to fill in this swamp Cabinet before the American people

can get a good look at the nominees. By the way, the byproduct of all of this is the swamp gas of climate denial.

A strong majority of voters polled since the election called on President Trump to do more to address global warming. So let us look at the record of this fossil fuel swamp Cabinet.

Today, we voted on ExxonMobil CEO Rex Tillerson to be our Secretary of State. Like President Trump, Tillerson and ExxonMobil have been talking out of two sides of their mouths about climate change. Sometimes Tillerson acknowledges climate change exists, pointing to a revenue-neutral carbon fee like the one I have introduced as the best way to address it. At other times, he plays up imagined scientific uncertainty and overestimates the costs of action. In 2012, Tillerson said:

I'm not disputing that increasing CO₂ emissions in the atmosphere is going to have an impact. It will have a warming impact.

As far back as 2009, he backed a revenue-neutral carbon fee like the one I introduced as the best way to address the problem. But in 2013, he questioned whether we should do anything at all to slow climate change, asking: "What good is it to save the planet if humanity suffers?"

That is the climate deniers' false premise—that humanity will suffer from our solving a problem that they face.

In 2015, Tillerson told an ExxonMobil shareholder meeting that he thought the world should wait for science to improve before solving the problem of climate change. He couldn't find one State university in this country that would agree with him. He says that because it is the fossil fuel industry stall strategy. It is so ironic coming from the longtime head of ExxonMobil to say we should wait because it has been well documented by the Los Angeles Times, by Inside Climate News, and by others that ExxonMobil—despite conducting some of the leading climate science for decades—has played a devious role in undermining public understanding of these dangers.

For years, Exxon has underwritten a shadowy network of denial organizations—we have called it here on the Senate floor the web of denial—with the purpose of delaying any steps to reduce the use of fossil fuel. Between 1988 and 2005, ExxonMobil contributed over \$16 million to a network of phony-balance think tanks and pseudo-science groups that spread misleading and false claims about climate science. In response to public outrage about ExxonMobil's role in funding climate denial—it knew it had been caught—it claimed that it would stop and that it had stopped. But in 2015, ExxonMobil was still funneling millions to groups pedaling climate denial. According to its own publically available "2015 Worldwide Global Giving" report, over \$1.6 million, or one-fifth of

ExxonMobil's public information and policy research contributions went to organizations active in deceiving the public about climate change—groups like the American Legislative Exchange Council, the National Black Chamber of Commerce, the Hudson Institute, and the Manhattan Institute.

Under Tillerson's leadership, Exxon spent untold millions of dollars obstructing climate action and burying real science in a cloud of nonsense. The nonprofit research organization Influence Map found that ExxonMobil spent at least \$27 million obstructing climate action in 2015 alone. This was after they had said publically that they would knock it off. Tillerson even fought his own shareholders. The Institute for Policy Studies reports shareholders of ExxonMobil have introduced 62 climate-related resolutions over the past 25 years. Under his guidance, management has opposed every one of them.

Rex Tillerson once openly mocked a shareholder who asked about investing in renewables. Tillerson responded that renewable energy only survives on the backs of enormous government mandates that are not sustainable. "We on purpose choose not to lose money," he said. Well, one of the ways they choose not to lose money is by spending huge amounts on a big, complex PR machine to churn out doubt about the real science and to protect the enormous market failure that forces the rest of us to pay for the cost of Exxon's carbon pollution. To say that renewable energy only survives on the backs of government mandates and subsidies is a bitter irony from the CEO of a company in an industry that has been calculated by the International Monetary Fund to get subsidies of \$700 billion a year in the United States alone from not having to pay for the damage that its product causes.

Now, \$700 billion a year is quite the subsidy. We heard this special brand of fossil fuel doublespeak in his confirmation hearing. "The increase in greenhouse gas concentrations in the atmosphere are having an effect," he said. "Our ability to predict that effect," he continued, "is very limited."

Wrong. Our ability to predict that effect is clearly established. The scientists who study our planet's climate system know that is the case. They understand that our carbon pollution has already driven unprecedented changes in the climate, and they know that rising concentrations of greenhouse gases will bring rising temperatures, higher sea levels along our coast, a warmer and more acidic ocean, and changes in weather patterns.

None of this is subject to serious doubt in the scientific community. When asked whether he sees climate change as a national security issue, Tillerson replied, "I don't see it as the imminent national security threat that perhaps others do."

Well, let's talk about those "others" for a minute. They are the "others" who are in charge of defending our country and its interests, the people whose job it is to monitor global trends and prepare for future threats. They are intelligence and security experts like the former Director of the CIA, the Chair of President George W. Bush's National Intelligence Council, the former commander of the U.S. Pacific Command.

The "others" include the top brass at the U.S. Department of Defense, which has in its Quadrennial Defense Reviews for years described climate change as a "global threat multiplier." These "others" might just know what they are talking about, and they are not burdened with the conflict of interest of being the CEO of a company that is sponging a \$700-billion subsidy off the American taxpayers every year. Perhaps the problem is that Mr. Tillerson is too steeped in the fossil fuel industry to hear the "others" who have dedicated their careers to defending the American people.

The United States ought to represent to the world a model of democratic leadership and honesty. That is how we get away with saying that we are a city on a hill. That is how we explain to the world that we hold up a lamp in its darkness. The telling responses from Mr. Tillerson's hearing matter because he will be the one to direct or abdicate America's global leadership on this critical issue.

We may be blind in this Chamber to the fact that the fossil fuel industry is calling the shots, pulling the strings, has control over our democracy, and is going around breaking our democratic checks and balances in order to seize control. But the rest of the world knows. You don't think the rest of the world can see why this body will do anything on climate change when every American State university knows that it is coming on, when every American scientific society knows that it is coming on, when our defense professionals know that it is coming on and warn us about it, when NASA and NOAA know that it is coming on and warn us about it?

You don't think that the people of Russia and China and Germany know that we are the ones who have a craft driving around on the surface of Mars? You don't think they know how good our scientists are, and you don't think they know that the NASA scientists are telling us climate change is serious, it is coming at us, it is going to be catastrophic if we don't act—we have to do something? They know that.

Everybody sees it. It is in plain view. What is missing is that Congress will not act because the tentacles of the fossil fuel industry swarm through this place. The world sees it and knows it and history will judge us for it.

Tillerson has spent his career leading an international oil company that has

been consistently and fundamentally dishonest with the world as to what ExxonMobil knew about climate change. His professional life has been centered on extracting—extracting fossil fuels from the earth, extracting drilling concessions from corrupt regimes, extracting special tax favors from Congress, and extracting profits for his shareholders.

Well, American leadership in a dangerous world is about more than that. That is why I could not support his nomination. He is just one of several individuals nominated by President Trump who cannot accept the science of climate change or who harbors close ties to the fossil fuel industry or both—usually.

Oklahoma attorney general Scott Pruitt is Trump's nominee for Administrator of the Environmental Protection Agency, the bureau most directly responsible for leading the U.S. effort to stave off the effects of climate change. Mr. Pruitt has such deep political and financial ties to fossil fuel companies and front groups that it is hard to tell where they give off and he begins. He has served as the industry's mouthpiece and attack dog for years.

When he was asked during his Environment and Public Works Committee confirmation hearing to explain his dealings with the fossil fuel industry through secretive, dark money groups that he operated, which have been tied to specific companies he would be charged with regulating should he be confirmed, he provided misleading, incomplete, and evasive answers.

So we submitted substantive followup questions, asking him to set the record straight. Once again, he chose to provide evasive and empty responses. Right now, his record is a black hole of special interest secrecy about his dark money links to the fossil fuel industry. That ought not to be acceptable to anybody in the Senate.

We have a constitutional duty to provide advice and consent on administration nominations. Any Senator who believes that Congress should have a role in overseeing this administration should take note of this. In response to questions following up on Pruitt's hearing, rather than providing information sought by the committee, he instructed the Senate to file open records act requests for the information with the State of Oklahoma.

If Pruitt is willing to tell Senators who are poised to vote on his nomination to go to the back of a very long, first-come, never-served line to learn more about his conflicts of interest, I can hardly imagine how unresponsive he will be when Congress asks for information about changes he wants to make to the renewable fuel standard, changes he wants to make to clean air protections, changes he wants to make to our clean water protections or to toxic regulations.

By the way, he has stonewalled for more than 2 years, producing 3,000 emails between him and his office and identified fossil fuel companies and front groups—stonewalled an open records request for 2 years. His office admits there are at least 3,000 of them. Of the 3,000 emails between him and the fossil fuel industry that his office has admitted exist, how many do you suppose he has produced for the Environment and Public Works Committee—out of 3,000? Pick a number. I will tell you what the number is: zero; not one.

The party that for a long time had a really determined interest in emails suddenly has no interest in these emails at all. Emails? What emails? If it is fossil fuel companies on the other end of the emails, suddenly it does not matter. Pruitt does not want the Senate and the American people to know about his dealings with his polluter patrons. But we should know. It is our job to know. The public should know—but not when it is fossil fuels.

President Trump also nominated Senator SESSIONS of Alabama as Attorney General, the position responsible for enforcing Federal environmental laws, like the Clean Air Act. He has invented the notion that the sky is not right in Alabama for solar power, saying, "In my home State of Alabama, one would think we have a good bit of sunshine, but in truth, we have a lot of clouds, and solar is not effective in our area."

In a 2015 interview with the Family Research Council, Senator SESSIONS said he was not even sure that global warming exists. That same year in a hearing with the EPA Administrator, Senator SESSIONS claimed that "carbon pollution is CO₂, and that's not really a pollutant; that's a plant food, and it doesn't harm anybody except that it might include temperature increases."

This is the man who wants to be Attorney General of the United States, who says he is going to follow the law. There is a Supreme Court case on point that says carbon is a pollutant. What does he say? Carbon pollution is CO₂, and it is not really a pollutant. That is just plain not the law.

By the way, try telling my Rhode Island fishermen, whose stocks are disappearing from the warming waters off our coast, that CO₂ does not harm anybody. Trying telling it to Senator MERKLEY's shell fishermen in Oregon who have had shellfish hatcheries wiped out by acidified seas coming in.

I asked Senator SESSIONS at the confirmation hearing whether, as Attorney General, he would make decisions in environmental cases based on scientifically accepted facts. Senator SESSIONS, to his credit, responded that he would and said that the "theory" of global warming "always struck me as plausible."

Well, if he is confirmed, he will have to hold a lot of these fossil fuel compa-

nies accountable under our environmental laws, and I hope he will familiarize himself with the science that he committed to follow because I intend to hold him to his pledge.

Last, over at the Department of Energy, Trump chose former Governor Rick Perry of Texas, a one-time Presidential candidate who campaigned on eliminating altogether the Department he now hopes to lead. Perry also does not accept the scientific consensus on climate change.

He has said:

Historically in Texas we've always had substantial periods of drought. World temperatures have also been changing for millennia. I truly believe the science is not settled on the issue of man-made global warming.

Well, he had not checked with Texas universities when he said that. He was the Governor of Texas. He has not even checked with his own universities.

I went down to Texas. I had a hearing with climate scientists from the major Texas universities. They came in and said what they knew: It is real. It is coming. We are already seeing it. It is important. We have to get ahead of it. It is caused by CO₂. We can solve that. Let's get to work.

It is not a complicated message. It is coming from his home-State universities.

Why would a Governor not follow the message of science developed and propagated by his own home-State universities? Why? Because the fossil fuel industry is so powerful that it will not let people recognize the truth. In the confirmation, Perry continued to hedge his bets. He said:

I believe the climate is changing. I believe some of it is naturally occurring, but some of it is also caused by man-made activity. The question is how do we address it in a thoughtful way that does not compromise economic growth, the affordability of energy or American jobs.

Well, if Governor Perry were actually being thoughtful about it, he would heed economic analyses like the Risky Business Project that show if we don't address climate change in a serious way, worsening storms, rising seas, warmer temperatures, and other extreme weather events will cost the United States billions of dollars. Just ask the insurance industry. In fact, ask our own CBO who testified today that these are concerns we need to look at.

President Trump's Cabinet nominees should be working for the American people. But their public records show that they are more likely to listen to the Koch brothers, to ExxonMobil, to Devon Energy, to Murray Energy, to the special interests and the fossil fuel industry, and that they will not listen to our military, they will not listen to our national labs, they will not listen to NASA, even though they have that rover driving around on Mars and presumably know a little something about

science. They are more likely to protect the profits of polluters than protect the health of Americans.

Mr. President, there is too much at stake here to let Washington sink into the polluters' swamp. This whole scenario is an embarrassment to our country. It is going to be a lasting stain on our national reputation.

Bringing us back to this Congressional Review Act, here we go again. The Congressional Review Act action was brought to benefit coal company polluters at the expense of our natural heritage, our children, and our common good, just so they don't have to clean up the mess they left behind, just so they don't have to clean up ruined public streams. It is just the latest demonstration that in this Congress,

fossil fuel is king, doesn't care for our future, doesn't care for anything but what goes into its own pockets, and it is a disgrace.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 11 a.m. tomorrow.

Thereupon, the Senate, at 9:25 p.m., adjourned until Thursday, February 2, 2017, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SUPREME COURT OF THE UNITED STATES

NEIL M. GORSUCH, OF COLORADO, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE ANTONIN SCALIA, DECEASED.

DEPARTMENT OF JUSTICE

ROD J. ROSENSTEIN, OF MARYLAND, TO BE DEPUTY ATTORNEY GENERAL, VICE SALLY QUILLIAN YATES, RESIGNED.

RACHEL L. BRAND, OF IOWA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE DEREK ANTHONY WEST, RESIGNED.
STEVEN ANDREW ENGEL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE VIRGINIA A. SEITZ, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate February 1, 2017:

DEPARTMENT OF STATE

REX W. TILLERSON, OF TEXAS, TO BE SECRETARY OF STATE.

EXTENSIONS OF REMARKS

RECOGNIZING FAMILIES IMPACTED BY THE NATIONAL OPIOID EPIDEMIC

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to include in the RECORD the personal stories of families from across the country that have been impacted by the opioid and heroin epidemic. In the U.S. we lose 129 lives per day to opioid and heroin overdose. In my home state of New Hampshire I have learned so many heartbreaking stories of great people and families who have suffered from the effects of substance use disorder.

Earlier this year, my colleagues and I were joined by many of these courageous families who came to Washington to share their stories with Members of Congress and push for action that will prevent overdoses and save lives. Since then, we passed both the Comprehensive Addiction and Recovery Act and the 21st Century Cures Act to provide much needed funding and critical policy changes to fight this epidemic.

The advocacy of these families truly is so important to leading change in Washington and I am proud to preserve their stories.

KEVIN "KEV" CAROTENUTO—PROSPECT PARK, PENNSYLVANIA

Kevin "Kev" Carotenuto was born on May 3, 1993. By the time Kevin got to middle school, he was a talented athlete and very involved in sports, however, school just didn't click for him. Kev started showing signs of ADHD very early on. His mother tried to get him an Individualized Education Program (IEP) but was denied, so she put him in counseling. Kev turned to drugs to cope with the stress of his struggles.

Kev was arrested shortly after his 18th birthday for robbery of three houses in his family's neighborhood. He didn't commit the crimes alone, but wouldn't snitch on his friends. He received an 18 month sentence in county prison and \$30,000 in restitution. Both Kevin's parents visited him and put money on his books the entire time he was in prison.

Six months after his release, Kev started using heroin. He was in and out of countless treatment facilities until he was sent back to jail in February of 2015. Kev was caught using heroin in a public bathroom and was arrested for violating probation. He was sentenced to seven months in county jail.

Kev was released the Monday before Thanksgiving to a local halfway house. He was put on blackout for seven days and then was allowed to go out for four hours at a time. Kevin worked for the newspaper union as an extra so he would call in daily for work. The Thursday after Thanksgiving Kevin was booked for an 11 p.m. to 5 a.m. shift.

Kev told the halfway house that he had work but proceeded to contact a cellie from jail who came to pick him up. When Kev arrived back at the halfway house he tested hot for suboxone. He was kicked out immediately and the halfway house never notified his family. Kevin was on the streets for a week before he came clean with his mother.

Kev said it was time for him to be a man and he would get himself to rehab. He was approved for 26 days of treatment. Seven days before his release, Kev's mother requested a family meeting with his counselor. The counselor informed her that on Monday the aftercare specialist was going to have a conference call between Kev, herself and the counselor. Monday came and went and no call, so Kev's mother started leaving messages with the counselor. She called every day and left messages—no response.

January 7, 2016, came around and Kev said, "Ma, come get me, I got my coin." Off she went to pick him up. He came home so happy and ready to stay clean. He went to probation the next day where he asked the probation officer (PO) to see him twice a week to keep him honest, which the PO did for one week. The following week the PO told Kev he didn't have time to see him so often. The PO ordered Kev to complete IOP, so on January 8th he called and was told the first opening was 22 days away. Kevin went 22 days with no treatment except for NA meetings and a bible study group of men in recovery.

On the 29th of January Kev went to IOP for his evaluation and when he came out he said, "All good, my first session is on February 1st." On February 1st Kev's mother woke up and went into Kev's room and found him sitting on the side of the bed with his head in his hands and his hoodie on. She said his name two times and got no response. She then called 911. When she went to touch Kevin's shoulder, his stiff body fell to the floor. His mother saw the needle 1/2 full of clear liquid. She went to move his hoodie to get to his neck to check his pulse and all she saw was the side of his face—purple and cold. He was Dead. A mother's worst fear comes true.

Kev passed away on February 2, 2016, from an overdose of poisoned heroin.

JESSICA MARY MILLER—GLENSHAW, PENNSYLVANIA

Jessica Mary Miller died at the age of 31. Jessica struggled with addiction for 15 years and was also afflicted with severe mental illness.

Jessica died at the hands of her mentally ill boyfriend. She had been in the relationship for only five months and thought she found the "love" of her life. Jessica had been doing much better than she had been past, and her mother was hopeful she may be ready to overcome her struggles with addiction. But like many women who battle addiction, she desired a partner who would make her feel worthy and wanted. It didn't matter what they looked like, how old they were, or what they provided financially—she just needed assurance from a romantic relationship.

One night, after Jessica boyfriend's unemployment check came in, they got into a fight about how the money was going to be

spent. Her mother only assumes this was the main argument from the phone call she got from Jessica that night. After they spoke on phone at approximately 10 p.m., the police were at Jessica's mother's door at 5 a.m. to tell her Jessica had been strangled and was found outside the steps of her apartment. At first, the police told her mother that Jessica died by suicide but the boyfriend was later charged and convicted for murder by strangulation and is now serving 25 years in jail.

Jessica's mother is writing to show that not only drug overdoses are killing our children, but also the fall out of both drug use and mental instability. Not only girlfriends or spouses, but the innocent children who can't fend for themselves when their parents are so engulfed in their addiction.

It has been three years since Jessica's death and there isn't a day that goes by that her mother doesn't think of her. Many might find this strange, but her mother does not hate the person who took Jessica's life, as he is just as sick as Jessica was. They chose to be together and she knew what he was like, and chose to stay. A mentally healthy person would not put herself in that position. This was not Jessica's only bad romantic relationship, they were all bad, and her addiction drove her from one bad relationship to another.

KENT DAVID CHARLES EDWARDS—PHOENIX, ARIZONA

Kent Edwards, 18 years old, died of an accidental prescription drug overdose in 2003. One night during his sophomore year of high school, Kent called his mother to say that he was out with some friends and wasn't coming home that night. He was calling because he didn't want to worry his mother, but when they hung up she knew something was wrong. Kent's mother waited for him when he came home at 6:00 a.m.

Life changed for the Kent's family that morning. Kent went to the doctor and tested positive for substances. His family restricted and monitored Kent's activities. They made a lot of changes that next year and Kent adjusted fairly well. He transferred schools and graduated with ease. Kent got a job he loved and spent time with his friends and family. His family thought they had dodged the bullet—Kent didn't want to be addicted to drugs so they mistakenly thought they were in the clear. It seemed that all was well, but Kent's family didn't know any better.

Before Kent turned 18, he was scheduled to have his wisdom teeth removed. His mother filled the prescription before his surgery. As she was looking at the bottles, she noticed that one of them had fewer pills in it than the other. When she confronted Kent about it he admitted to having taken some.

She asked Kent why and his answer was chilling. He asked his mother to think about a time in her life when she had felt "Great"—"The Best." When she nodded Kent said, "The first time you get high, it's better than that. It feels so good that you want to feel that way again—only it's physically, chemically impossible." He explained how the drugs alter your brain chemistry and why people take more and increase their frequency of use in an attempt to get back to the feeling of that first high.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

On a Monday in September, 2003, there was a knock on the Kent's family's door and soon they heard the words: "Your son has died."

Kent and two other kids crushed some Oxycontin and washed them down with beer. Kent got sleepy and the other two left. As Kent slept, the drug slowed his respiratory system down until it stopped completely. His roommate found him the next day—already gone.

CALEB SMYTHIA—LOUDON, TENNESSEE

Caleb Smythia, oldest of four, was his mother's biggest fan and the idol of his brother and two sisters. Caleb was a great cook, loved all kinds of music and had a passion for playing the guitar. Music became so much a part of Caleb's life because he found it to be therapeutic.

Caleb's struggles began at age 16. He went through many rough patches and began abusing methamphetamine. When objects and money kept missing at home, his mother filed an unruly charge against him and Caleb became a child of the state. He spent over a year and a half in three different foster homes and one group home. Unfortunately, Caleb was never placed in a treatment facility, even though he relapsed and tested positive for five different drugs in his system.

When Caleb eventually went home, he seemed to have his life back on track. After graduating high school, Caleb had hopes of going to culinary school. However, within days after graduating, Caleb returned to his old friends who were abusing methamphetamine and pills.

Eventually, problems with Caleb were so bad that his mother told him he was no longer welcome in her home. One late night in the pouring rain, Caleb knocked on the door. His mother told Caleb she would take him to the ER or to a treatment facility but he couldn't come into the house. Even though Caleb was at such a low point and begged for help, the ER turned him away.

Another night Caleb arrived at his mother's door bloodied and broken. Caleb had been beaten and tortured for two hours by eight members of the local college baseball team. One of the players had given Caleb \$35 and asked him to get Percocet. Caleb was so deep in his addiction that he kept the money in order to get a fix. To retaliate, the team forced a mutual friend to trick Caleb into another drug deal. When Caleb went to meet the friend, he was abducted, thrown in the back of a truck, and held down by his throat. The baseball team drove Caleb to a field where he was kicked and stomped while curled in a fetal position. Caleb begged for his life and promised to pay them \$50 if they let him go. The next day, two of the boys came to Caleb's mother's house to get the money. One of them was holding the same baseball bat they had used to break Caleb's knee the night before. Three of the eight boys were charged and convicted of felony assault for which they received 10 years probation. Caleb refused to testify against his attackers in court because he felt like he deserved the beating.

The Caleb's family soon moved and everything seemed to be well again. However, Caleb's mother worked two jobs and didn't know that Caleb was getting into his grandmother's pain pills. Caleb went to live 200 miles away with his father. Unfortunately, Caleb wasn't kept safe—his father also had a substance abuse disorder. Caleb overdosed and died on Christmas morning of 2015, after being sold a black market pills that contained fentanyl.

MICHAEL "MIKE" JAMES TURNER—NORWALK, CONNECTICUT

So many people think "drunk" or "junkie" when they see someone suffering from addiction. What they can't see is a person that is stuck in a body they can no longer control.

Mike Turner suffered from addiction. He was also type I diabetic and had a chiari malformation in his brain. He had a long history of alcohol and drug abuse and in the end, it was heroin that took him. Those were Mike's labels, but that is not who Mike was—the man he was, was an affectionate, exciting and hilarious dad, boyfriend, son, brother, and uncle. He had integrity, he was honest, and charitable. Mike participated in Chiari Malformation Cancer, Autism and Addiction events. He planned on going back to school to become an addiction counselor.

Mike acknowledged his issues and fought to better himself in the best way he knew how. Mike even went through a parenting course to try to be a better dad. He loved his kiddos—Mike Jr. and Amber—more than anything. He was all about his family and looked forward to weekly Sunday dinners at his mom's house.

Mike was a funny guy—pretty clumsy and always getting into mischief. He was so positive and encouraged everyone around him in their pursuits. Everyone who knew the real Mike loved him.

Mike had his demons, however, and he knew that overcoming his addiction was the most important thing. As long as he was using he was useless to his kids, his family, and his job. Mike knew the hurt his addiction caused others and that destroyed him. It devastated his family to witness his hurt and share his pain. Mike tried detoxing and treatment numerous times. He was part of a group called the SNAKES—Soldiers Needing Accountability Keeping Each Other Sober in Christ. In April 2016, he graduated from a program with 9 months clean.

On April 22, 2016, just three weeks after his graduation, Mike was living with his girlfriend, Theresa, again: He woke up with a start that morning and said he had low blood sugar. By 8:30 a.m., his sugar was up and he said he was feeling much better.

Mike's last message to Theresa was at 9:17 a.m.: "no worries im alive :cP." Theresa called him after her meeting around 10:30. He didn't answer so she called again . . . still no answer. She kept trying. Theresa had another meeting that ended around 11:45. She tried calling again and there was still no answer. Fearful that his sugar had dropped too low, she ran home. When Theresa got home around 12:30 p.m., she opened the door and found Mike.

Mike had relapsed after being 9 months clean. Theresa had no idea that he had been using. He overdosed some time between 9:17 and 10:30 that morning, on April 22, 2016. He was 33 years old.

NICHOLAS WADE BRANHAM—FREDERICK, MARYLAND

Nicholas Wade Branham passed away from a heroin overdose on July 15, 2016. He was 30 years old.

Nicholas was born on December 30, 1985. He struggled with addiction for several years, along with his girlfriend, who preceded him in death on January 16, 2011. It was her passing that helped him to get his life together and to get clean. Nicholas had been sober for almost five years; therefore, his passing was complete shock to me and utterly devastating. He was my son. He was my best friend. He was my everything.

Nicholas had a passion for tattoos and cooking. He was very sarcastic and funny—

he always made me laugh. His family misses his laughter so much. Nicholas had such a kind heart. His mother loves to hear his friends tell stories of how Nicholas would prank them, but more importantly of how he would rescue them in a time of need or just be there for them if they needed someone to talk to.

"I really just don't understand any of this," writes his mother. "I hate that this is my son's legacy because he was so much more than that. Nicholas was a good person, a son, a grandson, a nephew, a cousin and a friend. He is so sorely missed. Rest in peace my dear sweet boy."

JOHN "BUBBA" CARTER—PELHAM, NEW HAMPSHIRE

John "Bubba" Carter died of a drug overdose on July 16, 2016.

Bubba was a sweet young man. He was always looking out for others and putting them above himself. Watching Bubba self-destruct was like a heart palpitation that just wouldn't quit. He was one of those people that you only get once in a lifetime; one of those people who changes your life the second they enter it. Their smile lights up your life, and it's something that never fails to make your day one hundred percent better. Bubba will always be that person for his sister—the person who could always make her day better just by being around. Bubba never knew how much he was loved and how many people cared about him. He grew up in a loving home with parents that never kept alcohol or prescription drugs around. His mother is a police officer, who sees the tragedy of what drugs do to families every day on the streets, and his father has been in recovery for 20 plus years; it just goes to show that drug addiction can happen to anyone.

Bubba started using drugs when he was 13 years old. First it was marijuana and alcohol, and soon after he was introduced to Adderall, Percocet, cocaine, and heroin. His drug addiction took over his life quickly. The times Bubba was strong enough to ask for help, he would. Bubba went to his first treatment facility when he was 15 years old, after he overdosed by mixing adderall and alcohol while at a party in town. "It was hard to see my mother struggling to get her son back from the drug monsters that controlled him," writes Bubba's sister.

Bubba attempted many times to live a life of sobriety. At 16 years old, he entered his second treatment facility, after having high levels of THC that put him into a drug-induced psychosis. After completing this program, Bubba attempted to attend AA and NA meeting regularly but the triggers that surrounding him were too strong. The stigma of drug addiction surrounded him everywhere he went. Bubba encountered people that would attack his sobriety by bringing up his past drug use. This made him feel as if no matter how hard he tried to stay clean he was still living in the shadows of his addiction.

On March 17, 2016, with the help of family and friends, Bubba entered his final detox and treatment facility. After three weeks, he left the facility and returned home. His family learned later on that Bubba maintained a full 30 days of sobriety on his own between March and April. He was very proud of himself. Bubba relapsed in May of 2016.

Two weeks prior to Bubba's death on June 30, 2016, his entire family, along with some of his friends, attempted an intervention. At the time Bubba was no longer living at home. Although his family kept in contact with him, they had decided to stop enabling him hoping he would choose recovery again.

During this intervention the police were also involved and tried to help him, but because Bubba knew all the "right" words to say, their hands were tied. They then learned that Bubba had started using heroin intravenously.

On that same day but before the intervention, Bubba called his sister and ask to meet up to talk. She frequently recorded conversations with him hoping one day she could use them as a strategy to encourage him to stay clean. His sister immediately went to see him. When they met, Bubba spoke about his goals, and how he no longer wanted to live a life that made him feel unworthy to be loved. Bubba didn't want to cry anymore, didn't want to feel hungry because he spent all his money of drugs and didn't want to struggle. That's when his sister noticed the track marks on his arms. "My heart ached. My face drained in color and I started to shake. I didn't want to see my little brother hurting. Before I drove off, Bubba asked for a hug and said 'If I don't see you in two weeks, I want you to know I love you.' But I didn't know two weeks was going to come so soon."

Even though Bubba was suffering from addiction, it never stopped him from caring for and loving others; he was always putting people before himself. After his death, his family have had many strangers and friends contact them and told them stories about their interactions with him. Bubba always expressed to his family, that he was an outsider and did not have many friends, but they knew that was his addiction making him believe those lies. As his family saw from the outpour of support from extended family, friends and the community, Bubba was loved beyond measure. They got a letter from a neighbor that said Bubba helped her weed her yard because he saw her struggling to walk with her cane. She didn't know who he was until she saw his obituary in the paper. Another girl told them about how Bubba paid for her coffee in the drive thru and they became close friends and encouraged each other daily.

"Addiction is real," writes Bubba's sister. "It is affecting families everyday and making them question if they're going to see their loved ones ever again. It's time for us to unite and break the silence."

"I know that if my brother was here he would tell everyone struggling that it is okay to reach out for help, it doesn't make you weak. You need to associate with people who inspire you, people who challenge you to rise higher, people who make you better. Don't waste your valuable time with people who are not adding to your growth. Your destiny is too important."

"Our brothers and sisters are the first real relationships we have outside of our parents. Bubba was my brother—my first friend and the first person I learned to play with, share with, and laugh with. Bubba was the first person who picked on me, fought with me and taught me forgiveness. A life without him was never in sight. And I think that's the hardest thing to get over."

HONORING THE 90TH BIRTHDAY OF THOMAS H. BIRDSONG III

HON. DONALD S. BEYER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. BEYER. Mr. Speaker, I rise today to celebrate the 90th birthday of Thomas H. Birdsong III, a great Virginia business leader.

Mr. Birdsong has a lifetime of leadership and commitment within the peanut commodities business. His company, Birdsong Peanut, is the largest company of its kind in the United States. Birdsong Peanut Company got its start in 1914 as a feed and seed store in Courtland, Virginia. In 1939 the founder of Planters Peanuts, asked the company to relocate near his factory in Suffolk, Virginia. That plant is still in operation today. Mr. Birdsong partners with farmers throughout the United States and sells to peanut product manufacturers around the world. His clients consist of companies such as Mars, Snickers, and Smuckers.

Thomas H. Birdsong III graduated from Randolph-Macon College in 1949, received the Algernon Sydney Sullivan Award from the college in 2009, and in 2013 received an honorary degree of law. He has also served as a philanthropic leader at Randolph Macon College. His commitment to quality and service has proven successful not only in the peanut business but also in community relationships both at home and around the globe.

I am honored to congratulate Mr. Birdsong on his 90th birthday celebration; I thank him for the many lives that he has touched along the way. It is for these reasons that I join Mr. Birdsong's family and friends in wishing him a blessed 90th birthday and continued health and happiness in the years to come.

MITCH MORRISSEY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and congratulate Mitch Morrissey as he completes his tenure as the Denver District Attorney. I would also like to thank Mitch's wife, Maggie, for lending her husband to the Denver community for so many years. During his time in office, Mitch made it his mission to protect the public, advocate for victims of crime, and respect the rights of the accused. He worked tirelessly to promote stronger relations between law enforcement and the Denver community.

For 11 years, Mitch has been the chief prosecutor for the Second Judicial District. Prior to his election, he worked in the Denver District attorney's office for 20 years, 10 of which he served as the Chief Deputy D.A. In his role as D.A., Mitch was responsible for thousands of felony and misdemeanor prosecutions each year, supervising over 70 attorneys and 120 staff members, all while prioritizing victims' needs. Mitch led an invaluable team of Victim Advocates with a particular focus on those in under-served areas and communities. He is nationally known for his expertise in DNA technology, applying it in criminal prosecutions and working to ensure DNA science is admissible in our courtrooms. In addition, Mitch's relationship with and support for Colorado's law enforcement community has been exceptional. Thanks to his hard work, Mitch is also the recipient of numerous awards, including "Prosecutor of the Year," by the Colorado District Attorneys Council and the "Patriot Award," by the Employer Support of the Guard and Reserve.

Mitch is also a true son of Colorado. He is a Denver native, a graduate of the University of Denver College of Law, the University of Colorado at Boulder, and Mullen High School.

I congratulate Mitch for his achievements. I applaud his dedication, leadership, and commitment to justice for Colorado's citizens. I am proud of the work he has accomplished and wish him all the success and happiness in the years to come.

APPLAUDING ERRICAL BRYANT FOR HER SERVICE TO ALA- BAMA'S FIRST CONGRESSIONAL DISTRICT

HON. BRADLEY BYRNE

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. BYRNE. Mr. Speaker, I rise today to share my deepest appreciation for my Director of Operations, Errical Bryant, for her years of service to Alabama's First Congressional District. Today marks Errical's final day serving the people of Southwest Alabama.

Like so many on Capitol Hill, Errical started out as an intern for Congressman Sonny Calahan in 2000. After working for a period of time as a door attendant in the U.S. Senate, Errical returned to serving the First District as Constituent Services Director for Congressman Jo Bonner. She later added the responsibilities of Administrative Director and Scheduler. Errical served in this position for over ten years, until Congressman Bonner retired from Congress in 2013.

Mr. Speaker, I asked former Congressman Jo Bonner to share his appreciation for Errical. Congressman Bonner said, "Simply put, Errical is a wonderful human being—one of the finest people I know—and her many characteristics of honesty, hard work, dedication, and patriotic duty are the very qualities that will well serve America's next Attorney General. There are very few people in Alabama who have interacted with our office over the past 14 years who have not had the pleasure of working with Errical Bryant. In many ways, she has become the face of Alabama's First Congressional District in Washington and she has always made visitors feel extra special and at home, forever representing Congressman Byrne and me in the most professional manner humanly possible. While Errical's strengths are considerable, her talents are unlimited and her love of country is second to none."

When I was elected to Congress, one of the first pieces of advice I received from Congressman Bonner was to hire Errical. I distinctively remember my wife, Rebecca, and I meeting with her to discuss the position. During our meeting, Errical said "If you do everything I tell you to do, then you will be a really good Congressman." Having worked with Errical over the last three years, I can say there was a lot of truth to that statement.

As my Director of Operations, Errical handles everything from scheduling meetings to managing office finances to planning special events. She is a master of the little things and keeps the office running smoothly and effectively. Despite all the stress and pressure of a

Congressional office, Errical keeps the train on the tracks and the schedule moving.

She has also helped countless people from Southwest Alabama arrange successful visits to our nation's capital. Upon their arrival to Washington, she has been a welcoming face ensuring southern hospitality remains ever present in our office. In addition to planning everyday visits, she has overseen ticket distribution for multiple presidential inaugurations and major gatherings.

Errical has arranged important visits to Southwest Alabama for other Members of Congress, cabinet officials, and foreign ambassadors. These visits were planned and executed perfectly, which helped leave a positive impression of our part of the country on both national and world leaders.

As our internship program coordinator, Errical has also helped mold and shape the next generation of leaders. She has instilled professionalism and confidence in countless young professionals that will serve them well in whatever career path they take.

In addition to all of her official duties and responsibilities, Errical has served as the office's unofficial party planner and executive chef. Displaying the same southern hospitality she shows to our constituents, Errical has organized countless celebrations for co-workers, usually bringing in a classic "Pouncey Family" homemade cake or pie.

I asked some of her current and former colleagues for one word that describes Errical, and I think these hit home: dedicated, steady, diligent, passionate, ethical, motivated, funny, sunny, meticulous, loyal, accommodating, conscientious, and tenacious.

Mr. Speaker, Errical has been "the face" of Alabama's First Congressional District for much of the last fifteen years, and her service will be missed. As she moves on to begin a new role, I want to wish her and her husband, Thurston, all the best.

So, on behalf of Alabama's First Congressional District, I want to thank Errical for her years of hard work, commitment, and service to Southwest Alabama.

THE IMPACT OF THE REPEAL OF THE ACA

HON. ROBIN L. KELLY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. KELLY of Illinois. Mr. Speaker, I include in the RECORD this article concerning the repeal of ACA.

[From the Washington Post]

REPEALING THE AFFORDABLE CARE ACT WILL
KILL MORE THAN 43,000 PEOPLE ANNUALLY

(By David Himmelstein and Steffie Woolhandler)

Now that President Trump is in the Oval Office, thousands of American lives that were previously protected by provisions of the Affordable Care Act are in danger. For more than 30 years, we have studied how death rates are affected by changes in health-care coverage, and we're convinced that an ACA repeal could cause tens of thousands of deaths annually.

The story is in the data: The biggest and most definitive study of what happens to

death rates when Medicaid coverage is expanded, published in the New England Journal of Medicine, found that for every 455 people who gained coverage across several states, one life was saved per year. Applying that figure to even a conservative estimate of 20 million losing coverage in the event of an ACA repeal yields an estimate of 43,956 deaths annually.

With Republicans' efforts to destroy the ACA now underway, several commentators have expressed something akin to cautious optimism about the effect of a potential repeal. The Washington Post's Glenn Kessler awarded Sen. Bernie Sanders (I-Vt.) four Pinocchios for claiming that 36,000 people a year will die if the ACA is repealed; Brookings Institution fellow Henry Aaron, meanwhile, predicted that Republicans probably will salvage much of the ACA's gains, and conservative writer Grover Norquist argued that the tax cuts associated with repeal would be a massive boon for the middle class. But such optimism is overblown.

The first problem is that Republicans don't have a clear replacement plan. Kessler, for instance, chides Sanders for assuming that repeal would leave many millions uninsured, because Kessler presumes that the Republicans would replace the ACA with reforms that preserve coverage. But while repeal seems highly likely (indeed, it's already underway using a legislative vehicle that requires only 50 Senate votes), replacement (which would require 60 votes) is much less certain.

Moreover, even if a Republican replacement plan comes together, it's likely to take a big backward step from the gains made by the ACA, covering fewer people with much skimpier plans.

Although Aaron has a rosy view of a likely Republican plan, much of what they—notably House Speaker Paul D. Ryan (R-Wis.) and Rep. Tom Price (R-Ga.), who is Trump's nominee to head the Department of Health and Human Services, which will be in charge of dismantling the ACA—have advocated in place of the ACA would hollow out the coverage of many who were unaffected by the law, harming them and probably raising their death rates. Abolishing minimum coverage standards for insurance policies would leave insurers and employers free to cut coverage for preventive and reproduction-related care. Allowing interstate insurance sales probably would cause a race to the bottom, with skimpy plans that emanate from lightly regulated states becoming the norm. Block granting Medicaid would leave poor patients at the mercy of state officials, many of whom have shown little concern for the health of the poor. A Medicare voucher program (with the value of the voucher tied to overall inflation rather than more rapid medical inflation) would worsen the coverage of millions of seniors, a problem that would be exacerbated by the proposed ban on full coverage under Medicare supplement policies. In other words, even if Republicans replace the ACA, the plans they've put on the table would have devastating consequences.

The frightening fact is that Sanders's estimate that about 36,000 people will die if the ACA is repealed is consistent with well-respected studies. The Urban Institute's estimate, for instance, predicts that 29.8 million (not just 20 million) will lose coverage if Republicans repeal the law using the budget reconciliation process. And that's exactly what they've already begun to do, with no replacement plan in sight.

No one knows with any certainty what the Republicans will do, or how many will die as

a result. But Sanders's suggestion that 36,000 would die is certainly well within the ballpark of scientific consensus on the likely impact of repeal of the ACA, and the notion of certain replacement—and the hope that a GOP replacement would be a serviceable remedy—are each far from certain, and looking worse every day.

AFAQ SELECTED TO REPRESENT TEXAS AT THE CONGRESS OF FUTURE SCIENCE AND TECH- NOLOGY LEADERS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Shaikh Afaq of Sugar Land, TX, for being chosen to represent Texas as a Delegate at the Congress of Future Science and Technology Leaders by the National Academy of Future Physicians and Medical Scientists.

Shaikh was nominated to this position because of her excellent academic record and desire to enter the Science, Technology, Engineering and Math (STEM) field. Through this program she will be able to meet some of the most important leaders in the STEM industry, including Nobel Prize winners and top scientific university deans. The Congress of Future Science and Technology Leaders is hosted to help motivate the top students in the country to pursue their desired careers in the STEM fields.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Shaikh Afaq for being selected as a Delegate at the Congress of Future Science and Technology Leaders. We are extremely proud and expect great things from her in the future.

RECOGNIZING FAMILIES IM- PACTED BY THE NATIONAL OPIOID EPIDEMIC

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to include in the RECORD the personal stories of families from across the country that have been impacted by the opioid and heroin epidemic. In the U.S. we lose 129 lives per day to opioid and heroin overdose. In my home state of New Hampshire I have learned so many heartbreaking stories of great people and families who have suffered from the effects of substance use disorder.

Earlier this year, my colleagues and I were joined by many of these courageous families who came to Washington to share their stories with Members of Congress and push for action that will prevent overdoses and save lives. Since then, we passed both the Comprehensive Addiction and Recovery Act and the 21st Century Cures Act to provide much needed funding and critical policy changes to fight this epidemic.

The advocacy of these families truly is so important to leading change in Washington and I am proud to preserve their stories.

CARLTON FREDRICK MESSINGER II—
HOLDERNESSE, NEW HAMPSHIRE

On Sunday, September 28, 2014, Carlton's (Carl) family found out that he had been using heroin on and off for about a year. They were as shocked and bewildered as any parents could possibly be. They asked themselves: "How does a young adult who is a college graduate and taking advanced classes in chemistry and biology, getting A's & B's in the classes so he can apply to dental school use heroin?" His mother immediately thought that's not my child, there has to be a mistake. How did we miss this? How does a functioning member of society who six months ago started a thriving eBay business selling vintage transformer toys use heroin? There were many questions swirling around in her head after being told about Carl's heroin use. She felt, and still does feel, at times, that she is in a movie and this has not really happened to her family. She feels that Carl is out of town and will be coming back home someday. But then reality hits and she realizes Carl is never coming home.

Within minutes of being told about Carl using heroin, his family confronted him. After a lengthy, calm, and rational discussion, he confessed to using and that he was weaning himself off of it with Suboxone. Carl told his parents he wanted their help. The result of that meeting was an agreement: Carl would immediately enter a detox program, then enter a treatment facility.

After six phone calls and much frustration, his mother finally found a detox center that would take Carl. The reason for her frustration was not that there wasn't a bed available or that they didn't take their insurance; the real frustration was his mother was told over and over again that if they didn't take our insurance, they could not accept him as a cash-only client. These specific detox centers had an agreement with insurance companies that they would accept approved insurance clients only.

Carl's mother finally found The Farnum Center in Manchester, NH, where Carl could enter as cash paying inpatient client if their insurance denied the request for coverage. As expected, their insurance denied the request to cover detox treatment for drug addiction. His mother was told that if Carl had an alcohol addiction it would be covered. She was also told that the insurance companies did not think you could die from drug detox.

Carl entered The Farnum Center detox program on Wednesday morning, October 1, 2014. At the end of the six-day inpatient program, everyone in the facility was convinced that Carl was going to make it. They made his family feel wonderful about their son; Carl had stopped using heroin on his own two months prior and was now detoxing off of suboxone. They also mentioned how Carl had helped other patients realize they could be treated for heroin addiction and have a better life. Before departing, the discharging doctor mentioned that if Carl was not ready to go right into rehab, he may be able to stay clean on his own since he had already stopped using heroin on his own and had previously used suboxone.

In another lengthy, calm, and rational discussion Carl made a case for not going to a treatment facility. Based on Carl's request, and the information his family received from the detox doctors, they ultimately agreed. After he successfully completed the detox program Carl moved home, and his parents felt they could monitor his progress adequately.

They all agreed that he would have to stay clean and sober during this two-week trial period. At the end of the two weeks, Carl would be drug tested. If he tested positive he would enter treatment immediately. If at any time after the two week period Carl tested positive for drugs he would immediately go to treatment, no discussion. At the end of the two weeks, Carl took the drug test and passed with flying colors. His family congratulated him, and hugged him. They truly felt they had their son back and on the road to recovery.

On Tuesday, October 21, 2014, Carl came down with a bad upper respiratory infection and was taken to the doctor the next day. Carl's parents found out later that he never saw his regular doctor for this visit. He saw a doctor who was not familiar with Carl's medical history, and had no idea that he had just come out of detox for heroin addiction. They also discovered later that Carl's primary care doctor never wrote in his chart about his heroin addiction, and having just completed detox. Even though his primary care doctor was part of the process of getting Carl help.

Carl's parents found out after his death that the doctor never asked him if he had any alcohol or drug abuse issues before prescribing a codeine cough syrup for the infection. They learned that, five years before, the medical center had removed a template that would cue doctors to ask patients about substance use disorders prior to prescribing a narcotic. Carl's mother had a conversation with the CFO of this medical center, only to be told that, "Yeah, we don't do such a good job with this issue. Our clinicians need to be mindful of these issues."

When Carl's mother picked up the prescription for Carl, she was not aware that Cheratussin AC Syrup is a codeine cough syrup. There were no labels on the bottle stating that this cough medicine does in fact have codeine, and it can stimulate drug-seeking behavior. However, buried on the second page of the patient prescription information sheet it lists the following: "Though very—unlikely abnormal, drug-seeking behavior is possible with this medication."

The codeine in the cough syrup triggered the need for Carl to use again. His mother found him dead in his bathroom, with the syringe still in his hand. The memory of finding him cold, dead and blue will be something she lives with every day. "This is an experience no parent should have to go through," writes Carl's mother.

"Carl died from fentanyl intoxication. There was no heroin in Carl's system, only fentanyl and codeine from the cough medicine. As my husband has said: this was the perfect storm. Unfortunately it took our son's life. Carl never had a chance to embrace sobriety. I feel some of the people we put our trust in failed Carl."

"Carl was an educated, smart, and vital young man who came from a family who loved him very much. He had his whole life ahead of him and is sorely missed by his parents, brother, family, friends and everyone that knew him. We know Carl is in a better place. Carl will always be in our hearts."

TYLER REED—POTEAU, OKLAHOMA

Tyler came into this world on January 27, 1992. Tyler was a natural fighter, independent and won the hearts of everyone he met. He excelled in all sports but was most passionate about baseball until ninth grade when he suddenly lost interest and quit playing. It was later learned that he had started experimenting with marijuana and alcohol and as a result, he started getting into trouble

at school. As a single mother, Tyler's mom found herself at odds with a strong-willed boy who told her he just wanted "to have fun and not be tied down by responsibilities, those will come soon enough." By the time Tyler graduated high school in 2010, he was using marijuana and alcohol almost daily and experimented with K2, bath salts and Xanax.

Tyler had dreams of becoming a Texas Ranger, but he had gone too far into his head and couldn't see a way out. He had gotten in trouble with the law for underage drinking and possession of marijuana on several occasions. He finally got his head clear for a while and started working on the road to pay off his fines. Everything seemed to be falling into place, but his love for fun and adventure kept him searching for the next good time.

On many occasions Tyler woke up still wasted, wondering where his money went. In May 2015 he came to me once again and said he was tired of the life he was living. He asked his mother for help. Tyler longed to have a straight mind and clean life but he just couldn't seem to shake the addiction. Despite his desire to clean up, he refused to go to an inpatient facility. As a nurse his mother set an alternative plan of care in motion and he stayed clean and sober for 29 days, until one day he left and she didn't hear from him for weeks. When his mother put out a missing person alert he surfaced just to let her know he was OK; she knew he was using again.

They talked off and on for a month while he was staying with a woman known in town to be a meth user. When she was arrested in August 2015 Tyler came asking for a place to stay. His mother let him stay under the conditions that he would get a job and stay drug-free. He did for a while but quickly reverted back to his partying lifestyle. She struggled with him and the choices he was making. His mother didn't know how to handle it.

One of Tyler's friends was found dead in a field from an overdose of meth, and Tyler was questioned in his death. Tyler's innocence was later proven, but that didn't curb the harassment he took from people that still believed he was guilty. That event shook Tyler and his mother thought he was on his way to being clean and sober. He seemed ready to conquer the world.

On February 6, 2016, Tyler went out with some people he thought he could trust. They drank and smoked pot and when Tyler passed out one of them shot him in the spine with a lethal dose of methamphetamines. Tyler was rushed into the hospital at 3:00 AM on February 7, 2016, with a core temperature of 108 degrees. The doctors didn't expect him to make it past the hour, but Tyler lived for 24 days in critical condition with severe multi-system organ failure. He was never able to speak a word again but he communicated with eye and hand movement. Drugs took his life away and his mother believes he realized that on March 2, 2016, when he tried to climb out of the hospital bed—it was as if he was saying, "I am out of here momma, I'm going home."

"Tyler lived a short 24 years," writes his mother. "He had so much more life to live. As I said before, Tyler was a fighter and very independent, he wasn't going to be taken care of for the rest of his life. He thought he had control over his addiction and that he wasn't hurting anyone but himself. But there are so many of us hurting because his life ended on March 3, 2016, when he stopped fighting and was set free from the pain. I hope and pray that sharing his story will

help someone else who is struggling. I have to believe that his life was not cut short for nothing, that good things will rise out of this tragedy. Rest, my sweet Tyler, and save a place for me. I'll be home soon. Until then I will share your story with whoever will listen!"

ADAM SCHULTZ—SANDY, UTAH

Adam Schultz was an incredible person, who lost his life to an accidental heroin overdose on November 24, 2012, after 150 days of being clean. He struggled every day with a substance use disorder. Adam worked hard on his recovery through treatment, recovery support, and medication.

Adam was born December 19, 1989, and his family were lucky enough to bring him home on Christmas Eve. He was their 9 lb. 4 oz. big, baby boy. Adam was always smiling and happy. He learned to walk at a very young age and his motor was always running. His family often referred to him as the "Adam Bomb." At five years old he was diagnosed with ADHD and put on medication for hyperactivity and impulsivity.

Adam was gifted with his hands. He loved woodworking and became the handyman around the house. He was computer-literate and had received his A+ certification as a computer technician as well. He was regularly called by many with PC emergencies and were in need of troubleshooting or computer repairs. Adam never hesitated to help when asked. However, his true passion was working on cars. At age 13, he bought a 1966 mustang and decided to restore it himself and worked on it all through high school. He also loved his Mitsubishi Eclipse and always kept it in tip-top shape.

As a teen, Adam struggled with depression and it was difficult to find the right treatment. The doctors put him on multiple medications, which ended up causing seizures. He was then diagnosed with epilepsy and once the medication was adjusted the seizures stopped.

Despite all the diagnoses and medications, the one that had the biggest impact on Adam's life came in 2007, when he was 17 years old. Adam was diagnosed with degenerative disk disease and given a prescription for OxyContin. This dangerously addictive medication quickly became a problem, and Adam was soon physically dependent, not just for pain but also to function in his daily life. This was where his addiction began.

In January 2008, at 18 years old, Adam checked himself into the hospital for being suicidal. He was then diagnosed with bipolar disorder and an addiction to opiates. He received counseling, started on bipolar meds, and was put on high doses of Suboxone to help with his addiction and also relieve his back pain. But six months later, after another night in the psych ward, he gave up on that medication and started using heroin.

"It is absolutely paralyzing to learn that your son has a substance use disorder," writes Adam's mother. "The stigma of having a child struggling with addiction caused us to withdraw rather than seek help. We learned how to live life with the truth hidden in the back of our hearts. We knew Adam was more than his addiction, and we desperately wanted our boy back."

Adam suffered and struggled for many years; finally, he found a medication that seemed to work for him. Adam received injections of Vivitrol for opioid addiction, and his life started getting back on track. After not using for 13 months, he relapsed and this time he started injecting heroin. After a six-month relapse, he set up an appointment to start receiving his Vivitrol shots again. In

early November of that year, Adam was due for another injection. When he went in for his appointment, he managed to convince his doctor that he was ready to "try" one month without the shot. His entire life, Adam hated being on medication; whenever he started doing better, he insisted he didn't need it any more. So he stopped taking Vivitrol and scheduled an appointment for December to be re-evaluated.

Weeks later, Adam totaled his car on his way home from work. This was just too much and, after 150 days of not using heroin, Adam relapsed and lost his battle with addiction. Over 300 people attended his funeral. A woman Adam worked with told his family that just a few days before, Adam would have stopped to help someone fix a flat tire; this just goes to show you that people are more than their addictions.

ANDREW BENJAMIN SMITH—LAS VEGAS, NEVADA

Margie Borth's world was forever changed on October 5, 2014, when her husband uttered those words: "I just received an email—Andrew is addicted to heroin." The news hit like a baseball bat between the eyes. Suddenly, all of the questions she'd been struggling with regarding her son were answered: Why so many car accidents? Why is he so distant? Why does he get mad and refuse to talk? Why doesn't he have any money?

Still I tried—I tried everything I could possibly think to do in such a desperate situation. I begged, sobbed, hugged, listened, scolded, yelled, pleaded—I mothered. I bargained with Andrew and with God.

But he was just visiting for the weekend and soon he had to get back to his job. Within two weeks, he was in the hospital with his first DUI and another wrecked car. He had overdosed on the streets of Las Vegas while driving. Thank god no one was hurt. He died just 21 days later, after spending a short stint in rehab.

When remembering Andrew, the first thing people talk about is his intellect. He was extremely bright; he thrived in accelerated programs and graduated from college in three short years. Many of his friends have said, "He was the smartest guy I've ever met." Then we remember his razor-sharp, witty, often self-effacing sense of humor. Andrew was also inquisitive, a good listener and a loyal friend. He was polite and people took to liking him immediately.

He was driven and it seemed as though he had the world at his fingertips. Andrew was confident about his opinions, view of the world and goals in life. He inspired many people during his short life. He was well loved by co-workers and a role-model for new employees at his new position in Las Vegas. His employer said they had so many plans for Andrew's future. She told me he always volunteered for extra projects, never complained and would have given the shirt off his back to someone in need.

Andrew began experimenting with drugs in high school, but his addiction to Oxycontin developed in 2009 while he was attending college in Florida during the Pill Mills—Oxy was cheap and readily available. Andrew often expressed his frustration with trying to find people on his intellectual level; Oxy made him feel more like everyone else. Oxy made people, life and college feel tolerable. Throughout the trajectory of his use, he thought he was in control. Even when he was forced to switch to heroin in 2014, he told a friend, "Heroin is not so bad, it's just like Oxy." In August 2014, he took a job promotion in Las Vegas and thought he could leave heroin behind: "Mom, I never planned

to do heroin here," he said. "I planned to quit, but I realized I was an addict when I got to Las Vegas and still had to have it." Even at the very end, when his life really began to unravel, he still thought he had the upper hand on this drug. He refused long-term treatment and thought he could return to work after detox. I spend the last 6 days of his life with him, he was clean for 19 days before he overdosed. During that time, he told me what I wanted to hear, "I don't want to do heroin again, Mom." But he struggled; he was deeply sad and ashamed of what his life had become. On the surface, he was a successful corporate executive who appeared to have everything in check. He had great credit and a 401k. But in reality, he was a struggling addict who lived for Oxycontin and ultimately heroin—he was desperate to keep it a secret.

On a Monday afternoon, on November 10, 2014, Andrew handed me two red roses and said he wanted to go to an AA meeting. I was so excited that he was finally making progress and dropped him off at a meeting soon after. An hour later when he didn't respond to my texts or phone calls, I knew in my heart what had happened. The hospital called 45 minutes later. He was found in the bathroom of a Petsmart just down the street. It was too late to save him. He died alone.

I simply miss my son—he was my only boy and my youngest. Even though we lived in different cities, he was always present in my life except for the few times that he distanced himself due to his drug use. Even then, I knew I'd eventually get a phone call and a visit. I had hopes of grandchildren because he talked about becoming a father someday. He wanted to meet someone educated, maybe a doctor.

What I miss most is what could have been. He talked about wanting to move to the Pacific Northwest eventually, close to Portland, OR, where I live. I always thought he would join us. I miss his open-mindedness and intellect. His willingness to try new foods, adventures, places, his sense of humor. I miss our playful banter. I miss every phone call that ended in, "I Love You". Now there is just an enormous void in my life where he used to be. Sadness and tears are now a part of my everyday.

RON SLINGER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Ron Slinger for being honored by the Arvada Chamber of Commerce with the Chairman's Choice Award.

The Chairman's Choice is selected annually by the Chairman of the Arvada Chamber of Commerce Board of Directors to recognize a member of the community who has shown leadership and outstanding support to the Arvada Chamber.

Ron's extensive involvement, leadership and contributions in Arvada have resulted in a significant and long lasting impact in the community. His sense of humor and kindness bring positive energy and perspective to any opportunity he undertakes. Ron is a true advocate for the Arvada Chamber and has fully dedicated himself to the betterment of the community.

I extend my deepest congratulations to Ron Slinger for this well-deserved honor from the Arvada Chamber of Commerce.

SUPREME COURT NOMINEE NEIL GORSUCH

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. SEWELL of Alabama. Mr. Speaker, I rise today in response to President Trump's recent nomination of Judge Neil Gorsuch to the Supreme Court. I now call on my Senate colleagues to rigorously vet his nomination and ensure that his values and constitutional philosophies align with those of mainstream America. At this critical juncture in our nation's history, it is important that this nominee be a fair and impartial adjudicator of the laws that protect the rights of all Americans.

In the coming days and weeks, I look forward to learning more about the judicial opinions and constitutional philosophy of Judge Gorsuch. Unfortunately, Republicans did not extend this same courtesy to President Obama's nominee Merrick Garland. For 300 days, Senate Republicans defied the Constitution, ignoring President Obama's nominee, and refusing to even give him a hearing. However, I along with my Democratic colleagues value the Constitution over partisan politics.

Therefore, I hope for a fair and vigorous vetting process of Judge Gorsuch and his judicial record. The Supreme Court will likely make many critical decisions in the upcoming decades, affecting issues from voting rights to privacy rights to consumer protections. America needs a justice whose interpretation of the Constitution aligns with American values and the rule of law.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. ELLISON. Mr. Speaker, due to other commitments, I missed the following roll call votes:

Roll call no. 66, I would have voted yes.

Roll call no. 67, I would have voted yes.

RECOGNITION OF SAM PROLER'S 100TH BIRTHDAY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. BRADY of Texas. Mr. Speaker, I rise today in recognition of Sam Proler's 100th birthday. The world was a different place when Sam Proler was born a century ago. The oldest of nine children, Sam was born to Ben and Rose Proler during war times. Sam started working at the age of 13 and was later joined

by his brothers. Through hard work, innovation and perseverance, the Proler's achieved the American Dream—Proler Steel Corp.

What would become the country's largest scrap metal recycling operation, Proler Steel Corp, NYSE (PS), started from a meeting between Sam Proler and Henry Ford. It was that meeting that led to an idea that there could be a better way to recycle used cars.

Through research and modifying mining machines, Sam Proler did what no one else had done before—he figured out how to melt entire vehicles in mere seconds. At that time, the recycling industry could not keep pace with the numbers of discarded cars each year. His invention was a game changer that helped reinvent the steel industry, and this led to the employment of hundreds of thousands of workers in the United States at more than 35 plants.

Because of Sam Proler, used cars and appliances gained new life as recycled steel. In fact, his patented process is known around the world as "Prolerized" scrap.

Sam Proler is one of America's original, innovative recyclers long before it was popular to be environmentally conscious. His innovation helped shape an American industry and protect our environment.

When you go to sell a used car for recycling, remember the name Sam Proler. Because of him, that car will be recycled into steel in a process that saves energy, conserves our nation's natural resources and protects our environment.

We know his lovely wife Marie, daughters Nina and Joyce, grandchildren and great-grandchildren are incredibly proud of what he has accomplished in his century. As we wish Sam Proler a Happy 100th Birthday, America also says thank you to one of our nation's innovative citizens.

IN RECOGNITION OF OTTO CONSTRUCTION'S 70TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. MATSUI. Mr. Speaker, I rise today to recognize Otto Construction as they celebrate their 70th Anniversary. As the community and members of Otto Construction gather today, I ask my colleagues to join me in honoring them and their long history of service to the Sacramento region and beyond.

A three generation family-owned business, Otto Construction was founded in 1947 by John F. Otto. When he opened Otto Construction, it was with the core values of honesty, integrity, and compassion. He strived to provide the best service to their customers delivering quality projects while maintaining high standards at a competitive price. When John's son, Carl Otto, joined the family business in 1971, he brought his commitment to civic duty and community involvement to the organization which helped intertwine their business and the Sacramento community to create a larger footprint. Joining the company in 2000, Allison Otto represents the third generation. Allison's

focus is in the marketing department, carrying the same commitment to our community as her grandfather and father.

Otto Construction has helped build the Sacramento community, not just with the projects they have done, such as historical renovations, building community centers and hospital buildings, but with the impact they have had throughout their charitable work. Otto Construction has partnered with the Society for the Blind, Sacramento Food Bank & Family Services, Eskaton Foundation and Sacramento SPCA, with many of their employees serving on the boards of nonprofits. A few notable projects include the Powerhouse Science Center, the California Lottery Headquarters, Bonney Field, the restoration of the Julia Morgan House, and Shriner's Hospital.

Mr. Speaker, as the family and members of Otto Construction celebrate their 70 years of service to the Sacramento region and beyond, I ask all my colleagues to join me in honoring them for their dedication to their community through their business practices and charitable work that have made them so successful throughout the years.

HONORING DR. CARTER G. WOODSON

HON. EVAN H. JENKINS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. JENKINS of West Virginia. Mr. Speaker, I rise today to honor the legacy of Dr. Carter G. Woodson and to celebrate his legacy with all of you at Marshall University. We are proud to call Dr. Woodson one of our own in Huntington, West Virginia, and to celebrate his work to honor and remember the achievements of African Americans. During Black History Month, it is only fitting that we stop to remark on the life of the Father of African-American History.

Dr. Woodson dedicated his life to educating others, becoming one of the first African Americans to earn a doctorate in history from Harvard University. He returned to his alma mater in Huntington, Douglas High School, where he became the principal and shaped the lives of countless West Virginians. He also documented the important contributions African Americans have made to our nation's history and ensured their accomplishments were not forgotten.

The Carter G. Woodson Lyceum at Marshall University will carry on his legacy and provide Black History Month events for the Marshall and Huntington communities. I wish you well as you celebrate the life of Dr. Woodson and the contributions of African Americans during the month of February.

HONORING JOHN ELINE OF
PENNSYLVANIA

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. PERRY. Mr. Speaker, today I honor my constituent, John Eline, on his upcoming retirement upon 10 years of service with Adams County Emergency Services, and for his ongoing commitment to his community.

Mr. Eline served as Adams County's Director of Emergency Services and provided calm leadership, professionalism and a strong work ethic to a wide range of challenges, including implementation of a new digital emergency radio system and preparations for the 150th Anniversary of the Battle of Gettysburg in 2013. Mr. Eline is also very active in our community, volunteering with the Gettysburg Fire Department, previously serving 12 years on Gettysburg's Borough Council and more than two decades with Gettysburg Hospital.

Mr. Eline's dedication has touched the lives of many people and challenged all with whom he served to be the best. His legacy of service to his community is admirable.

On behalf of Pennsylvania's Fourth Congressional District, I commend and congratulate John Eline upon his retirement after many years of service to Adams County and our fellow citizens.

IN MEMORY OF TYRUS WONG

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. SCHIFF. Mr. Speaker, I rise today to honor the life of celebrated artist Tyrus Wong, of Sunland, California, who passed away on December 30, 2016, at the age of 106.

Tyrus Wong, best known for his beautiful, impressionistic renderings in the Walt Disney Studio's animated film "Bambi," was born as Wong Gen Yeo in China on October 25, 1910. He and his father emigrated to the United States in 1920.

Tyrus' father taught his son calligraphy, drawing and painting, encouraging Tyrus' artistic talents. Tyrus attended junior high school in Pasadena, but left that school to attend Otis Art Institute, now Otis College of Art and Design, on a full scholarship. At Otis, Mr. Wong studied great western artists and Chinese brush paintings, especially Song dynasty landscapes that expressed mountains, trees and fog with nominal brush strokes. He graduated from Otis and joined the Depression-era Federal Art Project, creating paintings for government buildings and other institutions. During this time period he was a featured artist at an Art Institute of Chicago exhibition that included artists such as Pablo Picasso, and was active in organizing local art exhibitions for Los Angeles' Asian artists.

In 1937, Tyrus married Ruth Ng Kim, and after the birth of their first daughter, Kay in 1938, he began working for Disney as an "inbetweeners," where he worked on hundreds

of Mickey Mouse sketches. After learning about Disney's film "Bambi," which was in pre-production, he created watercolors and drawings of a deer in a forest, and those tiny, evocative renderings became the basis for the film's visual style and he became the film's lead artist. In 1941, after a Disney animators' strike, Mr. Wong went to work at Warner Brothers Studios as a film production illustrator and sketch artist, where he drew set designs and storyboards for movies such as "Sands of Iwo Jima," "Rebel Without a Cause" and "Auntie Mame." Tyrus retired from Warner Bros. in 1968, but continued to work as an artist, creating greeting cards for Hallmark Cards, working as a ceramicist, and building and designing exquisite hand-made kites.

Mr. Wong's life and work has been featured in many significant exhibitions at The Walt Disney Family Museum in San Francisco and The Museum of Chinese in America in New York City and his striking Chinese Dragon mural is prominently displayed in Chinatown. Tyrus is featured in several documentaries, including the award-winning documentary "Tyrus," in which he shared his struggles with poverty, racism and adversity.

Mr. Wong is survived by his daughters: Kay Fong, Tai-Ling Wong, Kim Wong and two grandsons.

I would like to ask all Members to join me in remembering Tyrus Wong, a Disney Legend, whose innovative work inspired generations of animators, and who leaves a lasting legacy as one of the foremost artists in Los Angeles, California.

LA PATISSERIE FRANCAISE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud La Patisserie Francaise for being honored by the Arvada Chamber of Commerce as Business of the Year.

To be honored as the Business of the Year by the Arvada Chamber, businesses must have established a reputation for providing a superior level of customer service, using ingenuity and innovation to overcome challenges, and be an active participant and supporter of community activities.

La Patisserie Francaise is well known for their extraordinary leadership and heartfelt commitment to the city of Arvada. The owner, Sadie Russo, goes above and beyond in her commitment to the community through her donations to local organizations as well as serving as an advocate for the City of Arvada.

I extend my deepest congratulations to La Patisserie Francaise for this well-deserved recognition by the Arvada Chamber of Commerce.

TO HONOR THE IMPERIAL COURT
DE FORT WORTH/ARLINGTON

HON. MARC A. VEASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. VEASEY. Mr. Speaker, I rise today to honor the Imperial Court de Fort Worth/Arlington (ICFWA) in celebration of its 37 years of service to the LGBTQ community in the 33rd Congressional District of Texas.

In 1979, thirty founding members established the Fort Worth/Arlington chapter of the International Court System—one of the oldest and largest LGBTQ organizations in the world. ICFWA is a social-community service organization that sponsors fundraisers for charities in the community, advocates on behalf of the LGBTQ community, and provides a social support system for members of the LGBTQ community.

The ICFWA has given to a number of organizations throughout its decades of service to Fort Worth and Arlington. ICFWA fundraisers have benefitted the Samaritan House, Cancer Care Services, Health Services of North Texas, Meals on Wheels, and the Aids Outreach Center. Throughout 2015 and 2016, the ICFWA gave over \$21,000 to various causes and charities.

The LGBTQ community has experienced discrimination at their places of employment and in general society. Due to the work of LGBTQ advocacy groups, such as the ICFWA, progress has been made to ensure that Americans of any sexual orientation are not treated differently under the law, have equal access to healthcare services, and that their rights are well protected.

Members of the ICFWA have fiercely served the LGBTQ community by addressing the needs of those suffering from HIV/AIDS. The ICFWA helped form the Treehouse Commission, which is still active today, during the peak of the HIV/AIDS crisis to foster coordination among organizations aiding those affected by HIV/AIDS.

Several ICFWA members sat on the founding committee of the Samaritan House, a home for persons with HIV/AIDS, in 1991. When the local AIDS Outreach Center lost grant funding, the ICFWA took on the responsibility of funding the food pantry so that clients would not go hungry.

The ICFWA will honor the work of all of its members in March at its XXXVIII annual coronation in Fort Worth, Texas as the Court chooses a new Emperor and Empress.

I honor the Imperial Court de Fort Worth and Arlington's ceaseless support and fearless advocacy for the LGBTQ community.

INTRODUCTION OF THE STREAM-
LINED AND IMPROVED METHODS
AT POLLING LOCATIONS AND
EARLY VOTING ACT

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. COHEN. Mr. Speaker, I rise today in support of the Streamlined and Improved

Methods at Polling Locations and Early Voting Act, also known as the "SIMPLE" Voting Act for short. I introduced this bill earlier today.

This is a scary time for voting rights. We are witnessing an assault on voting rights the likes of which our nation has not seen since the passage of the Voting Rights Act in 1965. The President is alleging, without evidence, that there is widespread voter fraud in our country.

We know where this is heading. It is just the latest attempt to turn back the clock on voting rights since the Supreme Court overturned a key portion of the Voting Rights Act in 2013.

In the name of protecting Americans from supposed in-person voter fraud, a fraud that is virtually non-existent, States have been enacting voter ID laws. The real reason for these laws, however, has been anything but election integrity. It has been about partisan politics and discrimination.

But don't take my word for it. Take the words of legislators like the then-Pennsylvania House Majority Leader who boasted in 2012 that the state's newly enacted voter ID law would allow Mitt Romney to win his state. While speaking about his legislature's accomplishments, he said, "Voter ID, which is going to allow Governor Romney to win the state of Pennsylvania: done."

Or take the more recent comments of a freshman Republican Wisconsin state representative last year who, while being interviewed about the 2016 election, said, "And now we have photo ID, and I think photo ID is going to make a little bit of a difference as well."

Or take the word of the U.S. Court of Appeals for the 4th Circuit which said that new provisions of a voter ID law in North Carolina, "target African Americans with almost surgical precision[.]" According to the court, the law imposed cures for problems that did not exist, and "Thus the asserted justifications cannot and do not conceal the State's true motivation."

The right to vote is the cornerstone of our democracy. It is sacred. Yet, sadly, we have an ugly history in this nation of efforts to limit people's ability to access this constitutional right.

We need to make it easier for people to vote, not harder, and that is why I have introduced this bill today.

If enacted, the SIMPLE Voting Act would require states to allow early voting for federal elections for at least two weeks prior to election day, and to the greatest extent possible ensure that polling locations are within walking distance of a stop on a public transportation route.

It would also require that sufficient voting systems, poll workers and other election resources are provided, that wait times are fair and equitable for all voters across a state, and that no one be required to wait longer than one hour to cast a ballot at a polling place.

None of this should be controversial. This is all common sense, or at least should be, to those who want to help more Americans to vote.

I urge my colleagues to pass this bill.

RECOGNIZING AND HONORING EDDIE MANFORD BUFFALOE, SR. ON THE OCCASION OF HIS RE- TIREMENT FROM LAW ENFORCE- MENT

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. BUTTERFIELD. Mr. Speaker, I rise to honor and recognize my constituent and friend, Officer Eddie Manford Buffalo, Sr. as he retires from seventeen years of honorable service as a courtroom bailiff for District and Superior Courts in Northampton County, North Carolina. The past seventeen years as a courtroom bailiff is but a part of a long and storied career in law enforcement that spanned more than half a century.

Officer Buffalo was born in Northampton County in Gumberry, North Carolina on June 3, 1931. He was one of ten children born to the former Geneva Brooks and Eddie Bruce Buffalo. He attended Northampton County Training School in Garysburg, North Carolina which was recognized as a "Christian Institution for Negro Youths of Both Sexes." Following graduation, on December 5, 1951 at age 20, Eddie Buffalo enlisted in the United States Army.

He served on active duty for two years before transferring to the Army Reserve where he served an additional five years. After nearly seven years of military service, Eddie received an Honorable Discharge and returned to his Northampton County home.

It was in 1961 that Eddie's law enforcement career commenced when he volunteered as a Special Deputy with the Northampton County Sheriff's Department where he worked the night shift. In 1965, Officer Buffalo became a full time Deputy Sheriff with the Northampton County Sheriff's Department. His love of law enforcement compelled him to learn everything he could about his work.

Officer Buffalo participated in and completed significant training at the Northampton County Law Enforcement Officers Training School, United States Treasury Department's Alcohol, Tobacco and Firearms division; Roanoke-Chowan Training Center; and the University of North Carolina at Chapel Hill.

In 1991 at the age of 70 and after sixteen years with the Northampton County Sheriff's Department, Officer Buffalo was appointed Chief of Police for the town of Rich Square. He honorably and faithfully protected the residents of Rich Square and led his department for eight years. During his service as Police Chief, in June of 1996, Chief Buffalo was tragically shot by a citizen during a domestic dispute but he recovered and continued serving the people of that community until his retirement in 1999. Always driven to serve others, he embarked on yet another career in public service by serving as a courtroom bailiff for District and Superior Courts in Northampton County.

From 1999 until 2016—17 years—Officer Eddie Buffalo kept the peace when court was in session. He served as a bailiff under three different elected Sheriffs and is now ready to enjoy his hard earned retirement.

At every step along his storied life, Police Chief Eddie Buffalo, Sr. was accompanied by his wife the former Ruth Langford. The two were married on January 4, 1959 and just recently celebrated their 58th wedding anniversary. Together, they had three sons—Anthony, Deon, and Eddie Jr. who followed in his father's footsteps in law enforcement and now serves as Chief of Police in Elizabeth City, North Carolina.

Mr. Speaker, Chief Eddie Manford Buffalo, Sr. has dedicated his entire adult life to public service. I ask my colleagues to join me in recognizing the dedication and selflessness displayed by Chief Buffalo over a more than 70 years first as a soldier, then as a volunteer Special Deputy, Deputy Sheriff, Police Chief, and finally as a courtroom bailiff. While Chief Buffalo is deserving of far greater accolades from a grateful public, my colleagues in the United States House of Representatives join me in expressing our sincere appreciation for Chief Buffalo's hard work and sacrifice.

RECOGNIZING FAMILIES IM- PACTED BY THE NATIONAL OPIOID EPIDEMIC

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to include in the RECORD the personal stories of families from across the country that have been impacted by the opioid and heroin epidemic. In the U.S. we lose 129 lives per day to opioid and heroin overdose. In my home state of New Hampshire I have learned so many heartbreaking stories of great people and families who have suffered from the effects of substance use disorder.

Earlier this year, my colleagues and I were joined by many of these courageous families who came to Washington to share their stories with Members of Congress and push for action that will prevent overdoses and save lives. Since then, we passed both the Comprehensive Addiction and Recovery Act and the 21st Century Cures Act to provide much needed funding and critical policy changes to fight this epidemic.

The advocacy of these families truly is so important to leading change in Washington and I am proud to preserve their stories.

ZACHARY "ZACH" LEN—BRIDGEWATER, NEW JERSEY

Zach was born on April 20, 1989. He grew up in the ice rink—he started skating at four and never stopped. Zach had a way about him, always smiling and laughing. He was always quiet and shy at first but once he was comfortable he would open up. When Zach went to college, he started to dabble with prescription pills. Zach did a great job hiding his addiction from the world. Eventually, it became clear that he had a problem, and that it was out of control. That is when the cycle of detox and enrollment in treatment centers began. This vicious cycle would take place every couple of months; Zach would be sober for some time, relapse, then start the cycle all over again.

Zach and his sister's relationship became very rocky during the three years prior to

his death. She could read Zach like a book and he knew that. When Zach would use he would stay as far away from his sister as possible and, when he was sober, it was like learning to love a new person. "I couldn't stand being around him when he was using," writes his sister. "He was nasty and argumentative. I would have done anything in my power to take this burden away from Zach, but he was the only one who had the power to change and overcome his struggles. And he tried. He tried so hard."

Zach touched many lives with his strength, determination, courage, and compassion. Zach was an amazing chef, and was able to make anyone laugh. He loved his friends more than anything else and would do anything for them. Everyone wanted the same thing for Zach: they wanted him to be happy and sober, but most of all they wanted Zach to stay alive. Zach was a free spirit and wasn't afraid to be who he was. He loved going to shows with his friends, and supporting their bands. He would even make them continue to jam when everyone else was done. Zach would dance this dorky silly dance, smile, and enjoy life. He never seemed to worry about what the next day would bring.

But things are not always as they seem. Zach was ashamed of his addiction; he kept it very private and very rarely would ask for help—he wanted to keep his closest friends out of that part of his life.

"It will be three years on January 28, 2017, and the pain doesn't seem to ever go away," writes his sister. "All of us—me, my parents, and Zach's friends are still learning to live this 'new normal' life, a life without Zach."

"On that cold Tuesday, we lost a son, a grandson, a brother, a nephew, a cousin, a best friend. I will never get to go to a New York Ranger game like we always talked about, or a Dave Matthews concert. So many things we had always talked about, that now I will experience by myself for the both of us."

"I'm so thankful for all the times we shared and all of the memories we made as kids and as adults. I will treasure them always. They are frozen in time in my mind. Images of Zach at happier times is the way I want to remember him. They say a picture is worth a thousand words, and I couldn't agree more."

DANIEL AARON LUCEWICH—PERTH AMBOY,
NEW JERSEY

Daniel was considered the Golden Boy in his family. He had a high IQ and was loved by all of his teachers. Growing up, Daniel worked for his aunt and uncle at the family restaurant, Peter Pank; he was often referred to as the "Prince of the Pank."

Daniel cherished the holidays and everything they were about—especially how it brought his extended family together. During the holidays, Daniel would put up all the outdoor decorations—his family even won a place in our township's holiday decorating contests for several years. From the age of ten, Daniel was well known within his family for being extremely skilled at assembling anything; he could put things together without the instructions.

Daniel loved surfing. He and his friends would surf off the inlet near Point Pleasant. He also enjoyed bowling and golfing with his uncle and hanging with his cousins playing cards. However, Daniel's most passionate hobby was buying cars and fixing them up.

Daniel was always there for his friends. He was the person they called when they needed a hand moving, painting an apartment, or even changing a flat tire at three in the

morning. Daniel truly had a heart of gold. He lit up a room just by walking into one. Daniel loved his two sisters Fallon and Katie and his older brother Christopher.

His entire family loves and misses him dearly.

ALEXANDER "ALEX" JOSEPH MARKS—
HUNTINGTON BEACH, CALIFORNIA

The final death certificate from the Orange County Coroner arrived in the Marks family mailbox: "Cause of death: acute heroin intoxication." On February 6th, 2013, Alex's father found their 19-year-old son, Alexander Joseph Marks, dead in his bedroom at their home in Huntington Beach, California. His family found a needle and heroin on Alex's desk. They couldn't believe that Alex had turned to heroin and were devastated to learn this was the way their son had died.

As you can imagine, the Marks family are having a difficult time. The wound is so deep, so raw; they thought he had overcome his addiction. Alex was working over college break before he was to go back to school to become an electrician. Externally, it looked like he was doing well, but now his family understands that internally, he was sick with the disease of addiction. There was no note . . . Alex's family learned later that he had accidentally overdosed because after so many months of being clean, his tolerance was low.

During elementary and junior high school Alex was bullied. He had two rare medical conditions: Osteochondromatosis (a rare bone disease) and Von Willebrand (a blood clotting disease), in addition to mental health issues. At a young age, he had experiences that no kid should; many surgeries after which he was prescribed pain medications, countless doctor visits, and home health care nurses who administered IV medication. He was diagnosed with ADHD around the 5th grade.

Alex's Grandma died during his freshman year of high school. She had been the rock in his life and he had a hard time living without her. He began self-medicating with pot and alcohol to cover his grief, which eventually led to him using pills and other drugs. Meanwhile, he was having a rough time trying to fit in socially and many of his friends were also using drugs. Alex was not involved in school activities, no matter how many times his family encouraged him.

When his addiction progressed, Alex was admitted to the University of California, Irvine as well as Loma Linda Medical Center psychiatric hospital. Upon release, he attended a local treatment program and was expected to return to high school after 30 days. His family sought help from many medical professionals and was diagnosed with depression and bipolar disorder. When nothing seemed to be helping, Alex was sent to Heritage Residential Treatment Center in Provo, Utah, where he spent 8 months in a dual diagnosis treatment center. He came home and graduated high school but within a few months he was hanging out with old friends and local's he'd met in treatment. In December 2011, at the age of 18, Alex was arrested and charged with a felony for receiving stolen property with the intent to sell. He was sent to jail for 7 months.

Alex followed the path of many before him; he was stealing for drug money—opioids. He ended up with 3 years' probation with the stipulation that if he completed all that was required, the felony would be removed from his record. These tough learning experiences made him realize that he never wanted to go back to jail. He wanted his freedom—he wanted his life back.

On July 5, 2012, Alex was released from jail at 3 a.m. (without guidance or supervision—something his family will never understand). Although he was overwhelmed by the court fees and classes he had to take, Alex was determined to succeed. Once again he was a joy to be around and his family believed that the worst was over. He started an electrician training program at Long Beach City College and never missed a day the entire semester.

On Tuesday, February 5, 2013, two young adults came to the house; his family believes Alex may have met these "friends" at his court ordered drug classes. They also believed Alex purchased heroin that day, from these "friends". Alex returned home from meeting with his probation officer around 7:30 p.m., had some soup, watched the Lakers game with his dad, said "Goodnight, I love you," and then went to his room. At approximately 5:30 a.m. on February 6, 2013, his father found Alex dead in his room. The coroner report stated he had died around midnight.

"I'm sure this story is all too similar to many you've heard or read before from other families who have been through this nightmare," writes Alex's mother. "These past 4½ years have been the most difficult of our lives."

"One of the most frustrating parts of this journey, was how hard it was to get good help for Alex. I prayed each and every day for God to shine his light upon my son; to bring the right people into his life. He needed someone other than his parents to help him but this did not happen."

"As you can imagine, writing this is very difficult, but we must not stay silent. We must speak out in order to make the changes that are needed both for mental health and addiction treatment in this country."

SEAN McLARTY—AUSTELL, GEORGIA

Sean McLarty was born on July 11, 1980, in Lithia Springs, Georgia. Growing up, he was a very happy and loving child and he carried those qualities into adulthood. Sean was always an absolute joy to be around. He had a knack for making people smile; the room would light up whenever he entered. He had two children, Caleb and Mina, who were the loves of his life.

Sean always had an aspiration for acting and went on to be featured in several films and TV shows. He had a small role in one of Tyler Perry's House of Payne episodes; played a mute crook in a movie called Three Rookies; was in the youtube series Fighting Angels; and had roles in various short films. Sean was also exceptional at repairing computers and electronics—if it was broken, he could fix it.

Prior to his unexpected death, Sean wanted to start an organization that he would name "Families Against Drugs," to help families affected by addiction, and let them know they are not alone in this fight. He had a huge vision for this organization. However, Sean could not seem to help himself.

On March 28, 2011, Sean was found dead in a motel room just south of Atlanta, Georgia. The autopsy report determined the cause of death to be from the toxic effects of Methamphetamine. However, even the police officer in charge of his case, didn't believe there was enough meth in Sean's system to cause death.

After speaking to someone close to him, Sean's family found out that he had been in possession of a drug called 1,4-Butanediol, which is comparable to the drug "gamma-Hydroxybutyric acid" (GHB); and acts as a stimulant and aphrodisiac, enhancing euphoria. This drug is what is believed to have killed Sean. 1,4-Butanediol is odorless, colorless, and extremely difficult to detect in toxicology screening.

Sean was never a regular drug user, he used more casually. When Sean died from an overdose, it seemed unreal that it would happen to someone like him, with so much potential and life left to live.

AMBER MERSING—PITTSBURGH,
PENNSYLVANIA

"Thinking about Amber's story and how to share it with 144aDay was difficult," writes Amber's Uncle Lou. "I am sure you all understand the emotions involved in putting this together. As I thought, I recalled Amber's funeral service in Pittsburgh, PA. Her grandfather and her cousin (my daughter) both spoke wonderful words during the service and I felt this would be the best way to share Amber's story."

"Below is what my daughter Gianna (12 years old) wrote. She stood and delivered this to everyone at Amber's funeral service. Savannah (Gianna's sister/Amber's cousin) stood up at the podium to read a scripture with her Aunt Nina (Amber's Mom). I am so proud of all of them."

Hello,

Amber was like a sister to me. We had so much fun together from gymnastics competitions to dancing. I loved her so much. I loved how we were close cousins. And I will always remember all the fun we had. I am gonna miss her alot. I want for everyone in this room to remember that she is looking down at us. One more thing—in heaven she is with Blaze. She used to dress up with him and get their picture taken.

Amber's grandfather delivered a beautiful eulogy after Gianna spoke, here is what he said:

Where do I begin? I feel like a bird with a broken wing. God only allowed us to have Amber for a short period of time but during that time she touched many lives and left us with a lot of memories. To me, she was both a child and a grandchild; the two could never be separated. She brought the joy of a grandchild and the anxiety of a child all at one time. Amber came into my life as a toddler and those good memories will remain with me forever.

I thank God for putting Amber in my life and I am thankful that I got to see her grow from a helpless little girl into a beautiful young lady. Amber was a big part of my life for the last twenty plus years. I was blessed to have known her for most of her time on Earth. I'm sure that Amber has left all of you with a lot of good memories and I hope that you share those memories with me and with each other some time.

Amber liked being the center of attention when she was in her comfort zone, but would hide when that comfort zone began to collapse. She dreamed of singing in front of a large audience when it was just a couple of us. But when the couple of us became a few of us, she would go into hibernation. She was both shy and outgoing and could switch from one to the other and back again in the blink of an eye.

Her creativity was endless. She and Grandma could turn scraps of anything into works of art. Amber had an interest in everything from acrobatics to woodworking and all things in between. Amber gave me those hand-made treasures with such pride and I still have many of them.

Amber also had that gentle side. She seldom raised her voice and was uncomfortable when others did so in anger. She was a caretaker at heart, which showed when she worked at Norbert's. Amber was the oldest of our grandkids, so she loved playing with and helping her younger cousins. She learned patience from her Grandma and passed some of

that on to me. I loved those hugs when we parted company.

Amber could light up any room she entered even as she struggled with depression—she so wanted to be happy. She handled the depression in the best way that she could. I watched her go through those ups and downs so many times. When she thought she had a plan to regain control of her life, she would get slapped down again and would not be capable of following through with her plan. After seeing Amber's struggle, I thanked God that I have never personally experienced those ups and downs. I also thank God that it is not my place to judge her if she felt that she was doing her best. Jesus said, "Judge not, and you will not be judged, condemn not, and you will not be condemned, forgive, and you will be forgiven." (Luke 6:37) Because one's behavior toward others often ends up being paid back in kind—and sometimes even to a greater degree—Jesus continued to urge His disciples to be tolerant. In particular, Jesus prohibits condemning others and commends forgiveness.

I remember Amber as that little girl who would run and jump on my lap in happiness and run to me when she was afraid. There were the play-in-the-dirt clothes and pretty girl dresses; dance lessons, softball games, and taekwondo; pierced ears, nose, lip, etc; curly hair, braided hair, and straight hair; tennis shoes and high heels; Disney movies and *The Nightmare Before Christmas*; school and church; and so on and so on and so on. Pick any of them or add your own. Some of them I didn't like at the time but I'm going to miss every single one. I have a lot of memories and no one can take them away. Amber has been immortalized in my heart and those memories will remain. I'm sure all of you have fond memories of Amber that you will hold on to.

Amber believed in God and I believe that Jesus has welcomed her into Heaven where she will spend eternity. Amber no longer has to deal with the pain associated with mortality. I have faith that I will see her again and that she will be there to welcome me into eternity. I will miss her dearly but I can now think of her as an angel that is looking over me and she will look out for me when I need help. I love you Amber and I always will.

TRENTON MUNN—IONIA, MICHIGAN

Trenton Munn, died August 21, 2016, from an accidental heroin overdose. He was 31 years old.

Trenton suffered from drug addiction since his late teen years. He fast became addicted to Oxycontin, and when that became hard to come by, he turned to heroin. It was a cheaper, easier to find alternative.

When his son, Harley was born in May 2012, Trenton tried to quit cold turkey. He wanted to get clean for his son. Trenton also suffered from anxiety and depression. During the past four years Trenton tried repeatedly to get off heroin.

This past March his family discovered that Trenton had advanced to shooting up heroin. Even though he had said he would not stick a needle in his veins.

After many failed attempts in treatment, with everyone telling us we had to do tough love, we decided to remove Trenton from our home. It broke his family's hearts having to put their child out on the streets.

Trenton was then taken in by a friend. The friend promised he didn't condone heroin and there'd be none of it in his home.

Throughout this past summer, Trenton would come to his family's home for his parental visits with his son. Since his son's

mother had gotten in trouble with the law, Trenton was given full custody of Harley. Trenton also had just began a new job, was looking healthier and had gained some weight. His family thought he was kicking his addiction. Things were looking up.

Due to Trenton not having a car, his parents were driving him to and from work. The last day they saw their son was Saturday, August 20, 2016. They picked him up from work at 4:00 p.m., as usual. Nothing really seemed out of the ordinary, other than Trenton not asking what his mother was making for supper. He normally would come have dinner with his family.

When his parents arrived at the friend's house where Trenton was living, he told them he'd see them in the morning and that he loved them. He didn't text or call them that evening.

The dreaded call came at 4:21 a.m. from the friend Trenton was living with. The friend began with: "I think you need to come out here!" Trenton's mother asked him what was wrong and he replied, "I think Trent's overdosing!" His mother hung up the phone immediately, jumped out of bed screaming. They got into their car and drove as fast as they could.

They arrived at the friend's home in a matter of minutes. The police and the ambulance were already there. They were met by an officer on the porch of the house. It was too late. Trenton was dead.

The authorities believe Trenton received what they call a "hot load": heroin laced with fentanyl.

That same weekend, over 75 overdoses were reported in Ohio. The heroin was laced with elephant tranquilizers.

"This has been the worse pain we ever felt," writes Trenton's mother. "Nothing or no one can ever bring our son back. Our grandson is going to grow up without his father."

JEFFERSON CENTER FOR MENTAL HEALTH

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the Jefferson Center for Mental Health for being honored by the Arvada Chamber of Commerce as the Non-Profit of the Year.

To be honored as the Non-Profit of the Year by the Arvada Chamber, a non-profit must show how they support Arvada through their programs, services and involvement. These non-profits are known for their ingenuity and innovation to overcome challenges as well as their active and effective work with the local business community.

The Jefferson Center for Mental Health is one of these non-profits. As a community mental health center that looks to inspire hope and improve the lives of the members of their community, their incredible work and innovative approach has helped to serve those in our community who often have nowhere else to turn. In addition to receiving this recognition, Jefferson Center for Mental Health has also been named a Top Workplace for four straight years by the Denver Post.

I extend my deepest congratulations to the Jefferson Center for Mental Health for this

well-deserved recognition by the Arvada Chamber of Commerce.

RECOGNIZING BLACK HISTORY MONTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. VISCLOSKY. Mr. Speaker, it is with great respect that I rise today to celebrate Black History Month and its 2017 theme—The Crisis in Black Education. This year's theme reflects on the crucial role of education in the past, present, and future of the African American community. As Americans, we come together to commend the many educators, writers, and mentors who have worked so diligently to improve educational opportunities for African American students throughout the country, but we must acknowledge that there is still much more progress to be made.

Throughout American history, the unfortunate reality is that there have been racial barriers to equal education. The crisis in black education began during the era of slavery when it was against the law for slaves to learn how to read and write. Before the Civil War, free blacks in northern cities had to walk long distances to attend the one school regulated solely for African American students, while this limitation did not exist for white children. By 1910, segregation was established throughout the south. African American schools were of lower quality and received less government funding per student than in white schools. During the Civil Rights Movement, significant steps toward positive change were made, including the Supreme Court case of Brown vs. Board of Education, which outlawed segregated school facilities for black and white students at the state level. The Civil Rights Act of 1964 ended state and local laws requiring segregation.

Today, many African American youth remain exposed to public school systems where resources are limited, overcrowding occurs, and a glaring racial achievement gap is evident, especially in urban areas. As Americans, we must continue to work together to resolve the crisis in black education as it is, without a doubt, one of the most critical issues facing our communities.

This month and always, it is important that we honor and celebrate America's greatest advocates for equal rights and civil liberties. Along with this month's theme, we honor those who have fought for equal educational opportunities for African Americans, including Booker T. Washington, W.E.B. Du Bois, Cornell West, Maxine Smith, Carlotta Walls LaNier, Joe Lewis Clark, Fannie Jackson Coppin, and Alexander Crummell, among many others. As we pay tribute to these heroes of American history, let us remember their profound perseverance, sacrifice, and struggle in the fight for freedom and equality, and the remarkable impact their contributions have had in shaping our great nation.

Mr. Speaker, I ask that you and my distinguished colleagues join me in celebrating Black History Month and honoring those who

fought, and continue to fight, for civil rights and justice. We honor the African American educators, scholars, and supporters of educational equality, who have played such a critical role in changing the landscape of American society for the better. As we reflect on the state of black education, let us never forget the struggle of our predecessors while remembering that there is still much work to be done.

HONORING THE SERVICE OF WIN AND POLLY BELANGER

HON. ELISE M. STEFANIK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. STEFANIK. Mr. Speaker, I rise today to honor and recognize Win and Polly Belanger of Willsboro, New York, for their consistent and enduring dedication to community service.

After retiring from the United States Air Force in 1988, Win Belanger moved to Willsboro, New York, with his wife Polly, where they have worked for the betterment of their community by lending both their ears and their voice.

By urging individuals in Essex County to become more involved in their government and enter into public service, the Belangers have helped to encourage authentic and sincere representation. Additionally, Win has shown a steadfast commitment to the wellbeing of his peers through his work on the Willsboro Central School budget committee, the town zoning board and as a founding member and officer of the Willsboro Community Housing Assistance Task Force.

On behalf of Essex County, I would like to thank Win and Polly for their service, their patriotism and their friendship, while also wishing them the best of luck in their future endeavors.

MEGAN VILLANUEVA SELECTED TO REPRESENT TEXAS AT CONGRESS OF FUTURE MEDICAL LEADERS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Megan Villanueva of Katy, TX, for being chosen to represent Texas as a Delegate at the Congress of Future Medical Leaders by the National Academy of Future Physicians and Medical Scientists.

The Congress of Future Medical Leaders is an honors program for high school students who plan to become physicians or go into medical research fields. Students must be nominated by their teachers, have a minimum 3.5 GPA, proven desire to enter the medical field, and inspire and motivate their peers. Multi-talented Megan has also received awards and has been acknowledged for her artistic skills. In junior high school, she also won the gold medal at the Houston Livestock Show and Rodeo School Art Program competition.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Megan Villanueva for being selected to represent Texas at the Congress of Future Medical Leaders. We wish her luck and look forward to seeing her future success in the medical field.

RECOGNIZING DIANA FOOD'S INVESTMENT IN BANKS COUNTY, GEORGIA

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to announce the exciting economic investment Diana Food, a global provider of natural ingredients to the food and beverage industries, has made in Banks County, Georgia. Georgia has previously been recognized as one of the best states for business, and Diana Food's decision to establish a facility in Northeast Georgia is a testament to the strong workforce and economic promise that Georgia provides.

Diana Food provides innovative, sustainable ingredients for the food industry, and the company's new \$50 million facility will provide more than 80 new jobs to the heart of the Ninth District of Georgia, invigorating the local economy and showcasing Georgia as a premier state in which to do business. I grew up and raised a family just a county line over from Banks County, and can attest to the vigor of the local economy; Diana Food made the right choice. This decision is a win for Banks County, for the state of Georgia, and, most importantly, for the people who call our corner of the Peach State home.

Mr. Speaker, I am honored to congratulate Banks County on its economic drive and Diana Food on their decision to expand operations to Georgia. I am looking forward to seeing the positive community impact this investment will have on Banks County, Northeast Georgia, and the future of Georgia business.

PERSONAL EXPLANATION

HON. JOHN H. RUTHERFORD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. RUTHERFORD. Mr. Speaker, I was unavoidably detained and I missed the following roll call votes. Had I been present, I would have voted:

YEA on Roll Call 36
NAY on Roll Call 37
NAY on Roll Call 38
NAY on Roll Call 39
NAY on Roll Call 40
NAY on Roll Call 41
NAY on Roll Call 42
NAY on Roll Call 43
NAY on Roll Call 44
YEA on Roll Call 45
NAY on Roll Call 46
NAY on Roll Call 47

NAY on Roll Call 48
 NAY on Roll Call 49
 NAY on Roll Call 50
 YEA on Roll Call 51
 NAY on Roll Call 52
 NAY on Roll Call 53
 YEA on Roll Call 54
 YEA on Roll Call 55
 YEA on Roll Call 56
 NAY on Roll Call 57
 YEA on Roll Call 58
 YEA on Roll Call 59

AWARDING THE CONGRESSIONAL
 GOLD MEDAL TO HUMANITARIAN
 AND SPORTING LEGEND MUHAM-
 MAD ALI

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. CARSON of Indiana. Mr. Speaker, as we begin Black History Month, I am proud to reintroduce legislation to award the Congressional Gold Medal to Muhammad Ali in recognition of his contributions to our nation. I believe it is long past time to recognize an American civil rights activist and sporting legend with Congress' highest honor. Unfortunately, Congress failed to act before The Champ's death last summer, at the age 74, so I ask my colleagues to join me now in honoring an American hero. Over the course of his illustrious career, Muhammad Ali produced some of our nation's most lasting sports memories. From winning a Gold Medal at the 1960 Summer Olympics, to lighting the Olympic torch at the 1996 Summer Olympics, his influence as an athlete and a humanitarian spanned over fifty years.

Despite having been diagnosed with Parkinson's disease in the 1980s, Ali devoted his life to charitable organizations. Ali, and his wife Lonnie, were founding directors of the Muhammad Ali Parkinson Center and Movement Disorders Clinic in Phoenix, AZ and helped raise over \$50 million for Parkinson's research. In addition to helping families cope with illness, Ali led efforts to provide meals for the hungry and helped countless organizations such as the Make-A-Wish-Foundation and the Special Olympics.

Muhammad Ali's humanitarian efforts went beyond his charitable activities in the United States. In 1990 Muhammad Ali traveled to the Middle East to seek the release of American and British hostages that were being held as human shields in the first Gulf War. After his intervention, 15 hostages were freed. Thanks to his devotion to diplomatic causes and racial harmony, Ali was the recipient of many accolades, including being chosen as a "U.N. Messenger of Peace" in 1998 and receiving the Presidential Medal of Freedom in 2005 from President Bush.

Through his unyielding dedication to his sport and to struggling populations around the world, Muhammad Ali still serves an example of service and self-sacrifice for generations of Americans. The Congressional Gold Medal is a fitting commemoration of his life and work, for which he is deservedly known as "the Greatest."

Mr. Speaker, I hope my colleagues will join me in recognizing one of our nation's most lasting and influential figures by signing on to this important legislation.

RECOGNIZING FAMILIES IM-
 PACTED BY THE NATIONAL
 OPIOID EPIDEMIC

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to include in the Record the personal stories of families from across the country that have been impacted by the opioid and heroin epidemic. In the U.S. we lose 129 lives per day to opioid and heroin overdose. In my home state of New Hampshire I have learned so many heartbreaking stories of great people and families who have suffered from the effects of substance use disorder.

Earlier this year, my colleagues and I were joined by many of these courageous families who came to Washington to share their stories with Members of Congress and push for action that will prevent overdoses and save lives. Since then, we passed both the Comprehensive Addiction and Recovery Act and the 21st Century Cures Act to provide much needed funding and critical policy changes to fight this epidemic.

The advocacy of these families truly is so important to leading change in Washington and I am proud to preserve their stories.

VICTOR BENJAMIN SURMA—BRIDGEVILLE,
 PENNSYLVANIA

Victor Benjamin Surma was born July 20, 1983. He died on January 26, 2014 from a heroin overdose. Victor was an excellent athlete. At the age of 15 he fractured his spine playing football. The orthopedic surgeon prescribed oxycodone. Prior to being prescribed a narcotic, Victor did not drink or use drugs. Victor was a fly fisherman, outdoorsman, excellent mogul skier. He was a good student and he had a bright future. Victor played football at a Division I college. His third year, he quit the team.

Victor struggled with substance abuse. His parents were unaware that prescription drugs would be highly addictive because of the history of drug and alcohol abuse in both of their families. Education and prevention, especially for families with genetic predisposition to abuse is essential knowledge, beginning at the earliest age for children.

Victor had a dual major in college in business and communications. He was a successful campaign model during and after college, and an orthopedic sales representative for Smith and Nephew. Victor was awarded "Rookie" of the year in sales nationwide. To maintain his ability to work, Victor would drive an hour after a 10 hour day of working in the hospital to find a doctor who would give him suboxone. The effort to obtain suboxone daily exhausted Victor physically and mentally. He could only work with the daily dose of suboxone, but could not function without having a doctor closer to his home. No one could.

Victor could not stop using prescription drugs. He fought like a soldier to stop the urges to use drugs. Victor also was unin-

formed in thinking he was weak and was shamed because of his drug habit.

Victor went to Caron Rehab, Gateway Rehab, Wonderland Rehab, two rehab facilities in Florida, Mountainside Rehab, and the last rehab was associated with Harvard Medical Center. Admittance to emergency room care when he voluntarily required life saving intervention was denied. His parents accompanied Victor to Mercy Hospital in Pittsburgh, Pennsylvania. The blood test indicated so many drugs in Victor's system that he qualified for admittance. However, there were not enough beds. They left not knowing what to do and Victor continued using.

Victor got two DUI's and lost his license for two years within a week of being denied admittance to Mercy Hospital. He lost his lucrative job, all his accumulated money in bank accounts, his two cars, and became so desperate and ashamed he went into a downward spiral. Isolation from friends, family, and society was heart-wrenching.

Once his source of income was depleted, Victor started using heroin. At this point he qualified for methadone. His parents would drive Victor to the methadone clinic, and it was at the clinic where he made the acquaintance of a drug dealer. Victor was aware of the seriousness of drug dealing and would not participate. However, Victor had fallen so low that his parents paid a huge amount of money for him to go to a Harvard affiliated drug program.

Victor was clean for 6 months prior to his overdose. He humbled himself to work in retail, walk to work, and his parents were his only social life. At the Harvard affiliated rehab, Victor obtained a sponsor and the doctor advised Victor's parents to support his move to an apartment in New York City.

When Victor died, he was alone. The autopsy indicated a small amount of heroin and cocaine, but because he had not been using for 6 months it hit him like a freight train. The NYPD discovered his sponsor was a drug dealer from Long Island, NY. The phone records indicate the sponsor called Victor at 3 a.m. the morning of his overdose.

After his death, the community did not know what to say to his family. It was horrible for them not to have support even in light of Victor's death. Addiction was perceived as a weakness, poor parenting, not as a disease.

Victor's parents hope is to give support to other parents and families who are isolated and have a loved one suffering from substance abuse disorder. Insurance companies must step up and cover treatment. Treatment needs to be more than 28 days. If Victor's parents had known that he may have had a chance to live with this disease with the help of extended rehab, they would have done anything possible to facilitate Victor's recovery. His family looks at Victor's death as a wasted, tragic loss of a loving, intelligent, compassionate, and vital person for this world.

Victor's family misses him every second of every day. Losing a child to drug overdose is another stab in their hearts as support and compassion recognizing addiction as a disease is nil. Only through legislation, education and insurance participation can we as a society stop this fatal disease.

KELSEY SUZANNE VAUDREUIL—WELLINGTON,
 FLORIDA

Kelsey Suzanne was born August 25, 1991, in West Palm Beach, Florida, but lived most of her life in her hometown of Wellington. Growing up, Kelsey was a sweet, soft spoken child who made friends easily. She had two brothers, Korey and Austin, whom she loved

with all of her heart. In Kelsey's pre-teen years she loved the baton and was very involved with a discipleship group from church, which strengthened her faith and wisdom in God.

At age 16, Kelsey began working at a small town movie theatre in Wellington—sadly, that is where her opiate use began. From there on, Kelsey then graduated from smoking opiates to using heroin. For seven years, off and on, Kelsey was in and out of detox clinics, treatment centers, residential facilities, hospitals, and halfway houses. Kelsey's mother was her biggest cheerleader; she loved, encouraged, and begged her to stop using and to try again. No matter how Kelsey felt her mother kept pushing her with God's love and her own.

There was probably around seven or eight times her mother allowed Kelsey to live at home, but only if she promised she'd stay clean and not use. This privilege would end if she used drugs. Sadly, after a short stint at home, Kelsey started using again. Her mother unfortunately had to ask her to leave—how that killed her to have her child leave without knowing where or who she would go to but the boundaries had to be put in place.

Kelsey had lost her father in March of 2011, which broke both her and her brothers' hearts. Kelsey's mother believe this intensified her drug use. Even though Kelsey said she was okay, she always had that big beautiful smile of hers that covered so much pain. Kelsey also miscarried her son, Mason, at four months along. This was devastating for her; the shame and guilt she carried was overwhelming.

In 2012, Kelsey was almost a year sober and living in an all-girls halfway house. There she built strong sober relationships and learned to manage her life and her addictions. She was working a full time job at a café, which she really enjoyed and the customers loved her. Her mother was so very proud and happy for her. Kelsey later left the halfway house and moved into an apartment with a friend, only to end three short months later after relapsing.

On December 17, 2014, at 6:10 a.m., Kelsey's mother received a knock on my door from a policeman, who handed her a small piece of paper and told her to call the Lantana Police Department. She truly thought to herself, "Oh, Kelsey must have gotten into trouble." The detective on the other end of the phone said, "Ma'am I'm sorry to tell you your daughter, Kelsey Suzanne Vaudreuil is deceased." Kelsey passed away in a motel room—how that broke her mother's heart. She'll never know what truly happened that night, but the autopsy report said it was a multiple intoxication, accidental overdose. Kelsey's little frame just couldn't handle anymore poison but in God's great Mercy, he took her home at 2:50 a.m. in that small motel room.

"Drug use has plagued my family for years," writes Kelsey's mother. "Kelsey's passing has changed mine, my family's, and friend's lives forever. It's a loss that I can never truly find the right words to express other than to say it's a void in my heart that cannot be filled."

"Addiction is a horrible disease and drugs don't care anything about you. If you are in active drug use, please reach out! Don't isolate yourself; there's no shame. Remember, YOU ARE LOVED!"

JUSTIN WOLFE—PHILADELPHIA,
PENNSYLVANIA

Justin was intelligent, kind, thoughtful, loving, caring and loved life to the fullest. However, Justin's story is similar to most

who have an addiction, and that is he began drinking at 15 and eventually moved on to other substances, which was learned while he was in college. Justin in his younger years played soccer, ice hockey, street hockey, lacrosse and did karate. He attended Drexel and Syracuse Universities, respectively, but mid-year was dismissed from each due to aberrant behavior. Justin saw therapists as a result of his aberrant behavior and drinking since he was 15 years old. However, they thought it was his anxiety, OCD and behavior, not realizing he had a hidden addiction. His dream was to complete college and become a successful businessman. However, the punishments, reprimands and good parenting did not halt Justin's behavior of what we later learned was a deep seated addiction.

In April of 2012, Justin approached his mother and admitted that he was addicted to Percocet and Oxycontin. She took him to their family physician and during the appointment, Justin asked the doctor not to tell me about his issues, claiming that the news would "kill me." The physician told his mother to take Justin to a crisis center immediately for treatment, but Justin convinced her, without the doctor's knowledge, to take him to a suboxone doctor that he had found instead.

Two months later his father was finally informed, against Justin's wishes, about his addiction to Percocets. He demanded that Justin go to an inpatient rehab but he said as a 21 year old he could make his own decision; he didn't want to go to an inpatient facility for fear of being exposed to more dangerous drugs, such as heroin and crack cocaine. Unbeknownst to us, he had been using heroin for quite some time at that point. Eventually, he agreed to participate in an outpatient treatment program for the summer and began weekly psychiatric visits. While he was in the program Justin's father contacted the intake director to inquire about his progress. He was informed that they could not disclose any information under HIPAA regulations. The following September Justin attended Temple University as a sophomore and joined a wonderful fraternity AEPI. He continued to see a psychiatrist and things seemed to be going well, which made his passing on December 19th, 2012, all the more shocking to his family.

Justin's father explained Justin's history of substance abuse to the psychiatrist who tried to counsel him and monitor his prescriptions for depression, anxiety, and OCD. After Justin passed away his father learned that he hadn't disclosed his heroin addiction—except to say that he had tried it once.

Throughout Justin's time in college, he made friends who had also been in and out rehab, including one boy who was attending pharmacy school, a local judge's son who worked for a Governor, and an attorney's son. These examples demonstrate how addiction is indiscriminate—its devastation reaches all ethnicities and socioeconomic backgrounds. When his family found out that Justin had passed away from an overdose of heroin, the entire family was shocked. Only upon further investigation did his father learn that heroin is rampant in our communities—killing our children and destroying the lives of their families.

"We, as a society, need to advance education in schools at every grade level regarding the dangers of abusing opiates and the slim recovery rates of those who become addicted," writes Justin's father.

"It seems as though no one speaks about their family's struggle with addiction due to embarrassment or shame. However, within

two months of my son's death, I spoke to well over 25 parents who came forward with stories similar to mine—several stints of rehab—only to lose their child to an overdose. Many families I have spoken to could no longer afford the high costs of treatment; their insurance would only cover a limited period of rehabilitation."

Justin was not violent and would never intentionally hurt a soul, but his addiction hurt and endangered the lives of those close to him, including his younger brother. I thank God that Justin never hurt anyone on the road. I have pictures of his apartment that demonstrate how he was living at college; there were cigarette burns on his bedding from all of the times he nodded out.

No one could save Justin—not his family, friends, nor Justin himself, but it is his father's hope that with much needed change, Justin's tragedy and his advocacy can help to save millions of young lives. Since Justin's passing, his father has spoken to close to a thousand parents and children regarding opiate and heroin abuse in order to bring awareness, education and prevention amongst our communities. If there is one pertinent fact that he can bring to the forefront, that is for every parent to have a Power of Attorney, a Medical Directive for their 18 year old so they are made aware of their symptoms, medical condition and are apprised of every step throughout their young adult's care.

BRADLEY MICHAEL ZULICK—BUTLER,
PENNSYLVANIA

Bradley Michael Zulick was born August 21, 1986, in Butler, Pennsylvania. As a child, he always made his family laugh and brought joy and laughter to everyone lucky enough to know him. His friends and family describe him as funny, thoughtful, and a polite young man. He was loving, kind-hearted and was a spirit lifter, with a contagious personality and smile. Brad was also a fantastic athlete, a great friend, and everyone's best friend. He was truly one of a kind. Brad loved everyone, and everyone loved him. His family meant the world to him. Brad also enjoyed spending time with his friends' children.

Throughout Brad's short life, one of his biggest interests was sports—whether he was participating or simply watching, he was always engaged. In high school, he excelled at football, basketball, and track, and also enjoyed playing golf. Even when he was older he still participated in small-sided football games, church basketball leagues, dek hockey, and baseball games. No one knew more about sports than Brad, which helped him to become an outstanding sports trivia player.

Every year Brad played in the Lyndora Turkey Bowl, a neighborhood football game held on Thanksgiving Day, where the younger guys played against the older generation. Brad enjoyed these games so much. He also was a passionate supporter of Pitt Panther football and regularly attended games with his dad, sister, cousins, and friends. Pitt games are precious memories of times spent with Brad.

Brad loved music; going to concerts with his close friends was what he looked forward to more than anything. In school, history was Brad's favorite subject. He studied history at Indiana University of Pennsylvania and went on to receive his associate's degree from Butler County Community College on May 19, 2009. We were all so proud of him for this accomplishment. It seemed Brad's life would be everything he dreamed it could be. We all were so hopeful that he would have a bright future.

However, around the time Brad graduated from college, he became addicted to prescription pills. "I knew there was a problem," writes his mother. "But because I was naive, I didn't know exactly what was wrong. Brad was becoming moody and depressed—the total opposite of the laid-back young man he always was in the past."

In January of 2014, Brad admitted his addiction to prescription pills and asked for help. It was believed he was using heroin at that time, but he didn't admit it. His mother's heart broke as she watched Brad sobbing because of the shame and guilt he felt from his addiction. He told her he was lost. His family tried so hard to help him. Brad went into treatment three times. He always believed he could overcome his struggles with addiction but his mother never truly understood how hard it really was for him.

The saddest day of her life was March 17, 2016—the day Brad lost his battle with addiction. He passed away from an overdose of heroin laced with Fentanyl. Brad's parents lost their baby, their only son that day. Their daughter, Kelly, lost her only sibling and best friend. They all are struggling with the grief of such a huge loss.

ETHAN CLEWELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Ethan Clewell for being honored by the Arvada Chamber of Commerce with the Behind the Scenes Award.

The Behind the Scenes Award recipient is selected by the Arvada Chamber of Commerce staff to recognize an individual who has gone above and beyond to support the efforts of the Arvada Chamber.

Ethan Clewell is the epitome of an unsung hero. He works tirelessly behind-the-scenes to help ensure the success of many community and chamber events. In addition, Ethan dedicates his time and has helped make significant contributions to Leadership Arvada and Arvada Young Professionals. The Arvada Chamber team can always count on Ethan to go above and beyond.

I extend my deepest congratulations to Ethan Clewell for this well-deserved honor from the Arvada Chamber of Commerce.

REPORT TO THE PRESIDENT ON 902 CONSULTATIONS

HON. GREGORIO KILILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. SABLAN. Mr. Speaker, I rise today to memorialize the Report to the President on 902 Consultations and in so doing recognize the vitality of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

The Covenant is the fundamental agreement that brought the Marianas into this na-

tion. It was approved by 79 percent of island voters in a 1975 plebiscite and by the U.S. Congress in U.S. Public Law 94-241 the following year. President Ronald Reagan brought the Covenant into full force and effect in 1986, pursuant to his Proclamation 5564.

The Covenant lays out in detail the nature and conditions of the relationship between the Northern Mariana Islands and the United States. There is recognition embedded in this agreement, however, that matters may arise periodically affecting the relationship, and the Covenant provides a mechanism for their examination. Section 902 requires that the President of the United States and the Governor of the Commonwealth of the Northern Mariana Islands will appoint special representatives at least every ten years to meet and consider these matters and then make a report and recommendations regarding them.

In January of this year, special representatives of the President and the Commonwealth, having met pursuant to Section 902, issued their Report to the President. Today, I include in the RECORD a web address to that report, so that it will be available to all Members of Congress and to the public at large, and so that the work and recommendations of all involved in producing this document will be memorialized and widely accessible. The address is: <http://sablan.house.gov/sites/sablan.house.gov/files/documents/902%20Final%20Report.pdf>.

25 YEAR AND GOING STRONG: KSBJ AND TIM McDERMOTT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. POE of Texas. Mr. Speaker, since 1999, Houstonians wake up each Sunday and get ready for church. They get in their cars and tune into 89.3 KSBJ and start their mornings with Tim McDermott on his show "Enter His Gates." The show features some of Houston's favorite praise and worship artists. I can't think of a better way to start a Sunday than lifting up God.

For the past 25 years, Tim McDermott has worked to bring followers of Jesus Christ together. Serving as KSBJ President and General Manager since 1992, he is the longest running general manager at any major Houston radio station. It is the mark of a good manager when an organization shows growth, and that's exactly what KSBJ has done. In 1992, when Tim started, the station had only 11 employees and drew around 45,000 listeners each month. Today, the station has close to 100 employees and draws over 800,000 listeners from not just Houston, but all over the west coast.

It is often said that if you love what you do, you will never work a day in your life. The same could be said for Tim. He says he's never considered his role at KSBJ a job. Instead, he considers it a passion and a calling. The station's core value system promotes a passion for Christ, a love for people, a servant's heart and the belief that we are better together.

Under Tim's leadership, KSBJ has received various recognitions in the radio broadcast industry, including National Religious Broadcaster's Radio Station of the Year, Christian Music Broadcaster's Station of the Year and Best Christian Workplace. Not only does time strive to make KSBJ an outstanding Christian radio station, he also mentors other radio stations both around the U.S. and internationally.

Congratulations to Tim McDermott and KSBJ on 25 years of service to Houston Communities.

And that's just the way it is.

HONORING MR. SCOTT C. GRAVES

HON. TED S. YOHO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. YOHO. Mr. Speaker, I rise today to recognize the work, commitment, and character of Scott C. Graves, House Agriculture Committee staff director. Scott is my kind of man—intelligent, understanding, and a straight shooter. His rise from an intern on the House Agriculture Committee to the committee's staff director over 10 years speaks to his strong work ethic. Raised on a cattle ranch in Texas, his commitment to rural America is unquestioned—a view shared on both sides of the aisle. His work as a steadfast advisor to Chairman CONAWAY solidified his role as a leader who is both fair and firm.

But it's Scott's character that I notice most. As a member of the Agriculture Committee for the past 4 years, I have had the privilege to witness that character as he balances not just the demands of committee members, staff, and interest groups; but of a growing family. Scott, thank you for your guidance, your example, and your friendship. I wish both Scott and his lovely wife Haley all the success in the world as they turn the page onto a new chapter in their lives.

RECOGNIZING SCOTT CHESTER GRAVES

HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today in recognition of Scott Graves, Staff Director of the House Committee on Agriculture. After 10 years of dedicated service to agriculture policy on Capitol Hill, Scott is leaving his position on the Committee at the end of this month.

As Staff Director of the House Committee on Agriculture, Scott has helped develop a strategic vision for the Committee and its forty-five Members that has directly shaped American agriculture policy. Working directly alongside Chairman MIKE CONAWAY, Scott has also dedicated himself to working for the best interests of all members of the agriculture community.

Having worked with Scott personally, I have seen firsthand the level of expertise and commitment that has made him an invaluable

asset to the Committee. His hard work has benefited not only the staff he works with daily, but the Members on both sides of the aisle that he has loyally served.

In today's age, it is a rarity to find the combination of character, ability, and professionalism that Scott exemplifies. On behalf of the House Committee on Agriculture, I would like to thank Scott for his service and wish him the best of luck in his future endeavors.

OPPOSING THE PRESIDENT'S
EXECUTIVE ORDER

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. SMITH of Washington. Mr. Speaker, I stand in strong opposition to the President's unjust and un-American executive order that blindly bars individuals from entering our country. This action, and the situation that resulted from it, has hurt an enormous number of families, including several in Washington state. In fact, a constituent of the district I represent, a man who risked his life and the lives of his family by selflessly volunteering as an interpreter in support of U.S. forces in Iraq, was affected by this travel ban.

I demand the Statue of Liberty Values Act—the SOLVE Act—be voted on and passed by the House. This legislation would rescind and defund this ill-considered and harmful executive order that hurts refugees and many others who are arbitrarily denied the ability to travel to the United States. By sowing confusion in a thinly veiled attempt to ban an entire religion from entering our country, the President has clearly shown his inability or unwillingness to govern in an reasoned and inclusive manner.

KRISTINA BURGOS EARNS GIRL
SCOUT GOLD AWARD

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Kristina Burgos of Sugar Land, TX, for earning her Girl Scout Gold Award.

The Gold Award is the highest achievement a Girl Scout can earn. To earn this distinguished award, Kristina had to spend at least 80 hours developing and executing a project that would benefit the community as well as have a long-term impact on girls. For her Gold award project, Kristina built a granite pathway in the Jardin de La Vida located at the Boys & Girls Club of Richmond-Rosenberg, TX, to make the garden more accessible for people with disabilities. Kristina is a sophomore at Clements High School and aspires to study English or film in college.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Kristina Burgos for earning her Girl Scout Gold Award. We are confident she will have continued success in her future endeavors. We are very proud.

RECOGNIZING FAMILIES IM-
PACTED BY THE NATIONAL
OPIOID EPIDEMIC

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to include in the RECORD the personal stories of families from across the country that have been impacted by the opioid and heroin epidemic. In the U.S. we lose 129 lives per day to opioid and heroin overdose. In my home state of New Hampshire I have learned so many heartbreaking stories of great people and families who have suffered from the effects of substance use disorder.

Earlier this year, my colleagues and I were joined by many of these courageous families who came to Washington to share their stories with Members of Congress and push for action that will prevent overdoses and save lives. Since then, we passed both the Comprehensive Addiction and Recovery Act and the 21st Century Cures Act to provide much needed funding and critical policy changes to fight this epidemic.

The advocacy of these families truly is so important to leading change in Washington and I am proud to preserve their stories.

JC CONNERS—MILWAUKEE, WISCONSIN

JC Connors came to his mother over five years ago worrying and wanting to get off of drugs. Unfortunately—by that time—he had little control over his addiction; his brain was shutting down and we didn't understand. On August 13, 2016 JC succumbed to the disease of addiction; he overdosed and died. He was 38 years old!

How does a hard-working, healthy man become severely addicted to drugs? It shocked us all. Some time ago, JC was introduced to oxycodone, a simple pill, that a friend told him would help with stress and make him "feel good"—adding that the best part was that it wasn't easily detected and didn't get you in trouble like alcohol. Unaware, JC took the pill, not realizing the downfall that was about to happen.

JC wasn't your stereotypical addicted individual. He was high-functioning, worked hard at his job, and spent time with his family. He fooled them all by managing his everyday life so well. But slowly over time he started to deteriorate. JC eventually shared with his mother what he came to realize later: "This so called 'medicine' shouldn't be on the market. It's misused. I'm really sick. Something's wrong. My minds off."

After realizing this JC tried hard to stop but couldn't, with each attempted he was further consumed by his addiction. His family tried seeing doctors, therapists, etc., but they all seemed detached. JC was only a number in a long line of individuals also struggling with an addiction. We tried outpatient therapy but that didn't work either.

At another program, his family learned how this particular drug stops your brain from producing the "right" chemicals to function and if this continues part of your mind goes missing. We also learned that it can take years for the brain to recover and start producing these much needed chemicals again for health brain functioning. Meanwhile, the individual just wants to feel "okay" and as hard as they try the only way

to function "okay" is going back on the drug.

JC overdosed Thanksgiving 2015 and survived. He overdosed for a second time this past June, again, he survived. He then spent five days in the hospital with complications related to this overdose. The day JC was released, neither the doctors nor the staff learned or inquired about his past history with addiction, they only sent him home with the suggestion he see a therapist. So, his family trusted the professionals. Two months later, JC was gone. He had fallen through the cracks and we didn't understand fully the depth of his struggles until it was too late.

My daughter asked me to write this so JC's story would be heard and to relate this message to everyone: we need to be aware and come to terms with the realization of what these drugs do to the human brain, yet these drugs are out there and way too easy to come by. Why is this happening? We need to sympathize, understand and help those struggling with addiction, not stigmatize them. JC was told by many professionals that, "he had to want help and had to want to help himself." The outside help he did try failed him, so he thought he was better off overcoming his struggles on his own. We, his family didn't understand the severity of his addiction, so we let him try. We came to realize this was a terrible mistake! Professionals need to make it VERY clear to both the individual and their families that overcoming addiction can't be easily done on their own. Additionally, they need to better help us, the families, understand that our loved ones might not be thinking rationally due to the addiction compromising healthy brain functioning.

Yes, JC chose to use, but had little knowledge of the effects these drugs have on the brain because they aren't being properly explained to the public. His last years were a hard existence and he paid the ultimate price, but my son was so much more than his addiction. He was a kind, sincere, caring person, who would do anything for anyone. A kid at heart, JC believed there was good in everyone and truly wanted to turn his life around. He was a great man who was loved by so many, who just made a terrible mistake, but so did the medical system.

ANTHONY FIORE—WARRINGTON,
PENNSYLVANIA

Growing up, Anthony tried to fit in with the "good kids," but was shunned on many occasions. He then began to change to fit into a group that would accept him. This group of friends started smoking pot in 8th grade, and transitioned to Oxycontin by 12th grade. Anthony always wanted to have friends and was very loyal to them.

Anthony was very intelligent—he never had to study but always had above a 3.5 GPA. He enjoyed making people laugh, and would joked around a lot. He got accepted into Penn State's Main Campus in State College, PA, based on his SAT scores and his GPA. In his sophomore year he joined a fraternity.

During Christmas break in 2009, Anthony told his family he was addicted to Oxycontin. He said he could detox at home, and would take some time off before returning to college. This was the first time his parents heard anything about this.

In January 2010, Anthony returned to school and started using again. When he came home at the end of the semester, his family sent him to a relative's house for the summer—far away from anything that we thought could trigger his addiction. The entire summer they kept in touch with Anthony; he was passing drug tests, and everything seemed to be going well. Anthony

wanted to go back and finish college, so his family let him return that fall.

It was not until early 2011, that Anthony's family found out he was using again. They then pulled him out of school on medical leave, but this time he went to a 28 day inpatient treatment center. When he returned, everything seemed fine. Anthony had a friend pick him up to go to Narcotics Anonymous meetings and he would show his family the various chips he received for being clean for a certain amount of time. It appeared that he was clean and again, his family allowed him to return to Penn State.

At some point, Anthony switched to heroin because it was significantly cheaper. Two of his best friends, one day, came to Anthony's parents house and told them Anthony was injecting heroin. Because of their courage, his family had more time with Anthony. Anthony was then referred to an inpatient rehab facility in Pennsylvania. At the time his family didn't have insurance, so they only kept Anthony for about five days; just long enough to detox. While there, Anthony was diagnosed with depression but his family were never informed of this diagnosis. That summer Anthony stayed home, worked, and seemed to be doing fine. His family refused to let him go back to Penn State's main campus; so Anthony enrolled at the Abington campus, which was about 30 minutes from our home.

What his family later came to find out was that Anthony made a copy of his dad's car key and was sneaking out in the middle of the night to get heroin. At some point he added cocaine to the mix. On May 23, 2013, Anthony overdosed in his parent's basement. One of the boys he was with came and got his mother, and she called 911. Anthony was given Naloxone, which saved his life.

In the emergency room the nurses tried to give him another Naloxone shot, but Anthony wouldn't allow it—he wanted to enjoy what was left of his high. This shows how powerful of a hold heroin has on its victims; less than an hour earlier Anthony had almost died but he still wanted the drug. Because his heroin usage depressed his breathing so much, fluid built up in his lungs, and Anthony developed pneumonia.

Anthony then tried Vivitrol, another relapse prevention medication; this was given as a shot every 28 days by a doctor. When Anthony started receiving his shots, it worked. Then one day, Anthony told his family he wasn't going to get the shot anymore. They did everything we could to convince him and in the end they told Anthony he could no longer live them if he wasn't going to get the shot.

In the summer of 2013, Anthony and some other boys robbed a drug dealer, thinking that a drug dealer wouldn't go to the police. A warrant was issued. Months later, Anthony was stopped for possession of heroin, and when police found out about the warrant for the robbery, he was sent to prison. His family refused to bail him out, despite Anthony's constant pleas. They felt, at the time, prison was where he needed to be; at least we knew he would be safe and clean.

After about a month in prison, a private criminal defense attorney was hired; who was able to arrange Anthony's release on his own recognizance, on the condition that he immediately enter an inpatient rehab facility. By this time, we had insurance but the program only guaranteed 21 days. His family begged them to keep him longer, but they said that's all our insurance would cover.

When Anthony was released, he truly wanted to stay clean. He started cooking

dinner for the family and hanging out with his younger brother, which he never did before. "It was great to see my two boys together," writes Anthony's mother. "They went to movies, to the gym, and did various things brothers do together. I finally had my Anthony back and we felt like he had won. He looked good, acted fine, and was not argumentative and agitated as he was when using. Anthony was doing well and saving to move out on his own."

While Anthony was living with his family, they told him none of the boys he previously hung around with could come over again and he should find new friends. This lasted about four or five months, and one day he told us one of his old friends was coming over. Anthony said he was the only other person he knew who was also clean; but in reality, this friend was not clean and was still using. This friend was with Anthony the entire night and morning when he died. He said he didn't have any idea what happened, however, he did find time to steal Anthony's debit/credit card from his body, and proceed to spend \$2,500.00.

"I found my son's body," writes his mother. "What an awful thing for a mother to go through. We are broken. Anthony is not defined by his addiction. He was a loving and caring son, brother, grandson, nephew, and cousin. He was very intelligent, kind, thoughtful, and funny. He was a hard-working young man with a bright future."

MEGAN ROSE KELLEY—APPLETON, WISCONSIN

Megan Rose Kelly, forever 22, was the youngest of four siblings. From a young age, Megan was helpful and always nice to people—she was a joy to be around. Growing up, Megan was involved in soccer and Girl Scouts. She was well-liked by everyone who met her.

Megan, who was a kind and beautiful girl, had a lot of insecurities. In the eighth grade, to better fit in with her peers, Megan started hanging around with people who were drinking to have fun. As things progressively got out of hand, Megan's mother turned to a social worker for help. Megan was put in counseling and an outpatient drug treatment.

At 14, Megan met a guy who was seven months younger and had been diagnosed with bipolar disorder. Through this destructive relationship, Megan turned to shoplifting and began experimenting with more drugs. By sophomore year of high school, Megan started skipping school, which resulted in truancy charges.

Throughout high school, Megan got into enough trouble where she had to serve time in jail and was court ordered to be on probation for three years. After two years, her probation officer decided to take her off of probation. Things then started to settle down for Megan, until the summer of 2013, when her mother was told that Megan was addicted to prescription painkillers. She confronted Megan, but denied it. Later that summer, Megan and her boyfriend of four years got into huge argument and broke up. Soon afterwards, she started seeing another guy.

Megan's mother spoke with Megan multiple times about her addiction, and each time she blew her off. On November 2, 2013, her mother spent the entire day with Megan and her new boyfriend cleaning her house. Around 4:30 PM Megan and her mother both left; Megan went to work and her mother drove home.

Around 10:10 PM that night, Megan's mother received a phone call from her sister telling her that Megan's boyfriend was dead. It was found out that Megan's boyfriend had

been snorting Percocet throughout the day, and died as a result. Shortly afterwards, two of his friends showed Megan how to inject heroin. By March 2014, Megan came to her mother and asked her for help, sending Megan to a rapid detox facility in Detroit. Megan's mother was reluctant to spend the \$7,800, but Megan begged and said it was a matter of life or death.

After Megan completed detox, she got so sick she ended up having to go to the hospital and was hooked up to an IV. She was diagnosed with pancreatitis, caused by heroin use. This was when her mother first found out Megan was using heroin, and the nightmare had only just begun.

Three days later, after being discharged from the hospital, Megan was arrested and charged with four felony counts involving heroin. The next day at court, Megan's mother paid \$10,000 to bail Megan out.

Over the next five months, Megan's mother thought she was doing great; Megan was passing all of her drug tests. One night, Megan was stopped by the police because her car windows were too darkly tinted, and was rearrested when they found syringes on her.

Megan spent four months in jail before she was sentenced. During her sentencing, the judge said that heroin was a powerful drug, only to deny Megan a nine-month court-ordered inpatient treatment program for a drug that kills. Four months into her sentence, Megan relapsed, overdosed, and died. "My life forever changed that day," writes Megan's mother. "Her sentence became a death penalty."

KIRSTYN KING—RICHMOND, VIRGINIA

Kirstyn King was born in the early afternoon on December 8, 1990. She was a perfect baby and everything her family had hoped for in an infant daughter. The first time they saw her tiny, sweet face, they were overwhelmed with love, hope and emotions they had never experienced before. Her mother saw her own future and past in Kirstyn's eyes and cried with joy, she knew she'd do everything to protect her child and new family.

As the years went by, Kirstyn's mother worked hard and elevated their financial status to a six-figure income. A lot happens over the passage of time and in that particular period there were mostly beautiful memories, but, unfortunately, there were also agonizing ones that still haunt her today. Despite her every attempt to shield her family from life's worst, Kirstyn was harmed and sexually exploited when she was a young teenager. This started a slow avalanche as she rebelled and struggled. Her mother tried to help her but she felt so powerless. Kirstyn's despair was evident and her mothers attempts to make it all go away were futile.

"Around this time, I injured my back falling down the stairs," writes Kirstyn's mother. "The physical pain was unlike anything I had ever experienced. This led to a prescription pill addiction that bottomed out in a horrible way. After layoff and foreclosure, I began writing my own prescriptions to support my escalating habit. I ended up in jail. I had never been in trouble in my life and suddenly I was a felon, effectively homeless and jobless, after being a homeowner twice over with a promising career."

"My children never used drugs more than the occasional sampling. Kirstyn suffered from anxiety and once I went to jail, the mom that had always saved the day was powerless to help her. Her fiancé transferred with a government contractor to England and her brother, nearly 18, moved with his

father to California. She felt alone and began heavily and carelessly self-medicating."

Kirstyn was shy, gentle and gorgeous. She adored animals and wanted to save all of them. She would find the least attractive, the most broken of the bunch, and that would be the cat or dog she wanted to take home. From tadpoles to earthworms, there wasn't a creature that she was afraid of and didn't love. She had an infectious belly laugh and always saw the best in others. She complemented other girls and gave the most she could of her wonderful soul. She was the life of the party and a risk-taker with a childlike spirit. Her light wasn't reciprocated. In fact, it was abused. On October 16, 2011, Kirstyn lost her life to her brief addiction. I was in jail and could do nothing. All I can tell you is that it is a grief I'll never be able to fully comprehend or articulate.

"As a recovered addict and grieving mother of a 20 year old who lost her promising life to addiction, I know we must do more," writes Kirstyn's mother. "Those in recovery who are able to speak must be heard and represented in this fight to find solutions for this crippling American epidemic. We can't continue to villainize and hunt for the dealer or "that bad kid" that influenced our child. We need to dig deep, open our eyes and ask, why does America hurt? We are a nation in crisis."

MATT KLOSOWSKI—BEAR, DELAWARE

Have you ever met a guy whose smile could light up a room? Who made you feel like you had found a long lost friend? The kind of guy who would give you the shirt off his back? That guy who brings every stray dog home and makes it a member of the family? That was Matt Klosowski. He had that happy-go-lucky personality that drew people in and made them fall in love. Unfortunately for Matt, he never loved himself enough. He experimented with marijuana in high school and after graduating to pills, ended up in his first 30 days inpatient treatment facility.

Matt went on to become an excellent mechanic. He moved to the beach, bought a home and opened his own business. His adult life appeared successful and drug-free. Matt's family took a deep breath and started to relax, only to discover soon after that Matt was hiding his addiction. At first it was just casual use—a Saturday night party or coming down from a busy week of work. But he was slipping back into the deadly mindset that made him believe he was in control.

The beginning of the end began when Matt suffered a back injury—he had been lifting an engine when he felt a pop. The next day he could barely walk. Matt called his mother to let her know that the doctor gave him Percocet. Matt struggled with an addiction to Percocet for seven years. During that time he lost everything he had worked so hard to gain. He tried to continue working on cars while he was abusing pills, but it was obvious to his steady customers that something was terribly wrong and they took their business elsewhere. His business closed six months after his injury. After missing too many mortgage payments his beach house was repossessed by the bank. Everything he loved now gone.

During those seven years Matt was in and out of treatment. Due to his insurance, how-

ever, Matt was never permitted to stay for the length of time he needed to learn how to handle life without pills. He would come home clean and his family would look into his clear eyes and thank God that Matt was back. He was such a joy to be around. He didn't want to be tortured by cravings. Our life would start to feel normal again but his family's joy was short-lived when, within a matter of weeks, Matt returned to his world of numbness and the cycle began again.

Matt's last attempt to get clean took place at a treatment center close to home. As his mother watched Matt struggle with demons that had plagued him for most of his adult life, she was proud and hopeful. Matt was coming back. Each time she visited she was greeted by his clear eyes and beautiful smile. She remembers sitting together looking out over the water. Matt was headed to a recovery home in Florida. She was unsure about his decision but remembered every book she read always talked about how different people, places and things are the best choice to support new sobriety. When Matt left for Florida on June 2, 2014, he wrapped her up in a big bear hug and told her he was so happy to have the monkey off his back. Little did she know that monkey would find him in Florida.

Matt was starting a new life and Once again he was living by the sea—his happy place. He found a job, his self esteem returned, and his mother believe that this was his "ah-ha" moment, that finally he was in a good place.

For reasons her heart will never understand, Matt relapsed and died. He lost his battle on January 3rd, 2015.

CAROL HODGES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Carol Hodges for being honored by the Arvada Chamber with the Chairman's Choice Award.

The Chairman's Choice Award is selected annually by the Chairman of the Arvada Chamber of Commerce Board of Directors to recognize a member of the community who has shown leadership and outstanding support to the Arvada Chamber.

Carol Hodges serves the Arvada Chamber and her community with a sense of pride, energy and commitment. She is always willing to step up when called upon and works diligently to see each project through to the end. Carol's kindness and service has made a difference in Arvada and helped make it a great place to live, work and play.

I extend my deepest congratulations to Carol Hodges for this well-deserved recognition by the Arvada Chamber of Commerce.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4,

1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 2, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 7

9:30 a.m.

Committee on Armed Services

To receive a closed briefing on cyber threats.

SVC-217

FEBRUARY 8

10 a.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine Inspector General recommendations for improving Federal agencies.

SH-216

Committee on Environment and Public Works

To hold an oversight hearing to examine modernizing our nation's infrastructure.

SD-406

2:30 p.m.

Committee on Armed Services

Subcommittee on Readiness and Management Support

To hold hearings to examine the current readiness of United States forces.

SR-232A

Committee on Indian Affairs

To hold an oversight hearing to examine emergency management in Indian Country, focusing on improving the Federal Emergency Management Agency's Federal-tribal relationship with Indian tribes.

SD-628

FEBRUARY 9

10 a.m.

Committee on Foreign Relations

To hold hearings to examine the United States, the Russian Federation, and the challenges ahead.

SD-419

SENATE—Thursday, February 2, 2017

The Senate met at 11 a.m. and was called to order by the Honorable DAN SULLIVAN, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who remains the same when all else fades, thank You for loving and using us for Your glory.

Guide our Senators in the footsteps of those who were willing to risk all for freedom, who transformed dark yesterdays into bright tomorrows.

Lord, uphold our Nation with Your wisdom and might, enabling it to continue to be a city of refuge for those whose hearts yearn for freedom. Keep us all from untimely and self-made cares, as we continue to look to You, the Author and Finisher of our faith.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 2, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAN SULLIVAN, a Senator from the State of Alaska, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. SULLIVAN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 274

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 274) to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, I was surprised by a statement my friend the Democratic leader made right here yesterday. I am glad he came back to the floor to correct himself, though. I think we all appreciated the Democratic leader making clear that Republicans did not—let me repeat, did not—insist on 60-vote thresholds for either of President Obama's two first-term Supreme Court nominees. Did not. We thank the Democratic leader for clearing that up. His statement also reminds us that both of the Supreme Court Justices President Clinton nominated got straight up-or-down votes as well. There is no reason someone like Judge Gorsuch, who has received widespread acclaim from both sides of the aisle, should be treated differently now.

When he was nominated to his current seat on the court of appeals, Judge Gorsuch received the American Bar Association's highest possible rating—unanimously “well qualified.” At his confirmation hearing, no one had a single negative word to say about him—not a single negative word. At his confirmation vote, no one cast a negative vote against him—not then-Senator Obama, not then-Senators Clinton, Biden, or Kennedy, and not my good friend Senator SCHUMER, either. Judge Gorsuch was confirmed in exceptionally fast time for a court of appeals nominee—just 2 months. So you have to wonder, if this nominee was so non-controversial in 2006 that a rollcall vote was not even required, what could possibly have changed since to justify threats of extraordinary treatment now? What has happened in the last 10 years? If the Democratic leader or any-

one else in his conference did not raise a concern in committee or cast a single negative vote then, let alone even ask for a rollcall vote, what could possibly justify these so-called grave concerns—grave concerns—he claims to have now?

Professor Laurence Tribe, President Obama's law school mentor, called Judge Gorsuch a “brilliant, terrific guy who would do the Court's work with distinction.” This is Laurence Tribe, the President's constitutional law professor, one of the best-known liberal professors in the country.

Neal Katyal, President Obama's top Supreme Court lawyer, lauded Judge Gorsuch as “one of the most thoughtful and brilliant judges to have served our nation over the last century.” Over the last century. That is President Obama's Supreme Court lawyer.

The left-leaning Denver Post recently highlighted Judge Gorsuch's reputation as a “brilliant legal mind” who applies the law “fairly and consistently.”

I am happy to report that we have even been assured by liberal talk show host Rachel Maddow that Gorsuch is “a relatively mainstream choice.” Rachel Maddow.

Turns out, in the years since Judge Gorsuch's unopposed Senate confirmation, he has shown himself to be the very kind of judge everyone hoped he would be, one who demonstrates a “sense of fairness and impartiality” that Democratic then-Senator Salazar lauded him for in 2006, which Salazar called a “keystone for being a judge.” That was the Democratic Senator from Colorado when he was confirmed in 2006.

That was Judge Neil Gorsuch's reputation back then, and it is his richly deserved reputation still, as those in both parties who have known and worked with him continue to tell us. As one Democrat and Denver attorney put it, Judge Gorsuch is “smart [and] he's independent.” The things we have heard from so many about Judge Gorsuch—smart and independent, fair and impartial, thoughtful and brilliant—are just the qualities we should expect in our next Supreme Court Justice. They are the same qualities I am confident Judge Gorsuch will bring to the Court.

CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. MCCONNELL. Mr. President, this Republican-led Congress is committed to fulfilling our promises to the American people. That work continues now

as we consider legislation to push back against the harmful regulations from the Obama administration. On its way out the door, the Obama administration forced nearly 40–40—major and very costly regulations on the American people. Fortunately, we now have the opportunity to work with a new President to begin bringing relief from those burdensome regulations.

Last night, the House sent us two resolutions under the Congressional Review Act—one of the best tools at our disposal to undo these heavy-handed regulations.

This afternoon, the Senate will have the opportunity to pass the first of these resolutions, a measure to overturn the stream buffer rule. The resolution before us now is identical to the one I introduced earlier this week, and it aims to put a stop to the former administration's blatant attack on coal miners. In my home State of Kentucky and others across the Nation, the stream buffer rule will cause major damage to communities and threaten coal jobs. One study actually estimated that this regulation would put as many as one-third of coal-related jobs at risk. That is why the Kentucky Coal Association called it "a regulation in search of a problem." They joined with the United Mine Workers of America and the attorneys general of 14 States on both sides of the aisle urging Congress to act. We should heed their call now and begin bringing relief to coal country. Today's vote on this resolution represents a good step in that direction.

Once our work is complete on this legislation, we will turn to another House-passed resolution that will protect American companies from being at a disadvantage when doing business overseas. Although the Securities and Exchange Commission may have had good intentions, the resource extraction rule costs American public companies up to nearly \$600 million annually and gives foreign-owned businesses in Russia and China an advantage over American workers. We all want to increase transparency, but we should not raise costs on American businesses, only to benefit their international competition. Let's send the SEC back to the drawing board to promote transparency without the high costs or negative impacts on American businesses.

These CRA resolutions keep the interests of American families and workers in mind. Today, we will continue to chip away at the regulation legacy of the Obama years, with more CRA resolutions in the coming days as well.

Let's pass these two resolutions without delay so we can send them to the President's desk and continue giving the power back to the people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, I spoke at length about the Supreme Court nomination yesterday, but I just want to underscore a few points. We in the Senate have a constitutional duty to examine the record of Judge Gorsuch robustly, exhaustively, and comprehensively, and then advise and consent, as we see fit. We have a responsibility to reject if we do not.

We Democrats will insist on a rigorous but fair process. Part of that process entails 60 votes for confirmation. Any one Democrat can require it. Many already have. It was a bar met by each of Obama's nominations; each received 60 votes. Most importantly, it is the right thing to do. And I would note that a 60-vote threshold was reached by each of them either in cloture or in the actual vote.

On a subject as important as a Supreme Court nomination, bipartisan support is essential and should be a prerequisite. That is what a 60-vote threshold does; 60 votes produces a mainstream candidate. And the need for a mainstream consensus candidate is greater now than ever before because we are in major new territory in two ways.

First, because the Supreme Court, under Chief Justice Roberts, has shown increasing drift to become a more and more pro-business Court—siding more and more with corporations, employers, and special interests over working and average Americans—we need a mainstream nominee to help reverse that trend, not accelerate it. I will remind my colleagues, that is how President Trump campaigned, but his nominee seems not to be in that direction at all—not for the average working person but, rather, for special business interests.

Second, given that this administration—at least at its outset—seems to have less respect for the rule of law than any in recent memory and is testing the very fabric of our Constitution within the first 20 days, there is a special burden on this nominee to be an independent jurist, someone who approaches the Court without ideological blinders, who has a history of operating outside and above politics, and who has the strength of will to stand up to a President who has already

shown a willingness to bend the Constitution.

Requiring 60 votes has always been the right thing to do on Supreme Court nominations, especially in these polarized times. But now in this new era of the Court, in this new administration, there is an even heavier weight on this tradition. And if the nominee cannot gain the 60 votes, cannot garner bipartisan support of some significance, then the answer is not to change the rules; the answer is to change the nominee and find someone who can gain those 60 votes.

Changing the rules for something as important as the Supreme Court gets rid of the tradition, eliminates the tradition of mainstream nominees who have bipartisan support. It would be so, so wrong to do. I know many of my colleagues on the other side are hesitant to do it, and I hope they will remain strong in that regard.

NOMINATIONS OF BETSY DEVOS AND ANDREW PUZDER

Mr. SCHUMER. Now, on another matter, the pending nominations of the President's Cabinet, again, we are in uncharted waters with this administration. They have not proposed a normal Cabinet. This is not even close to a normal Cabinet.

I have never seen a Cabinet this full of bankers and billionaires, folks with massive conflicts of interest and such little experience or expertise in the areas they will oversee. Many of the nominees have philosophies that cut against the very nature of the Department to which they were nominated.

Let me give you two examples this morning: Betsy DeVos, the nominee for the Department of Education, and Andrew Puzder, nominee for the Labor Department.

First, Betsy DeVos. When you judge her in three areas—conflicts of interest, basic competence, and ideology, views on education policy—it is clear that Betsy DeVos is unfit for the job of Education Secretary.

In all three areas, ideology, competence, and conflicts of interest, she rates among the lowest of any Cabinet nominee I have ever seen. At her hearing, she didn't seem to know basic facts about Federal education law that guarantee education to students with disabilities. She didn't seem to know the basic facts of a long simmering debate in education policy measuring growth proficiency. And in her ethics agreement, which was delivered to the committee after her first hearing, it was revealed that she would keep interests in several companies that benefit from millions of dollars in contracts from the Department of Education, which she would oversee.

There was a rush to push her through—one round of questions, 5 minutes each. Why? Why did someone

generally as fair as the chairman of that committee do that? My guess, an educated guess: He knew how incompetent this nominee was, how poorly she fared under normal questions, and the idea was to rush her through.

Well, that is not what we should be doing on something as important as this. And if the nominee can't withstand a certain amount of scrutiny, they shouldn't be the nominee.

The glaring concerns have led two of my Republican colleagues, the Senators from Maine and Alaska, to pledge a vote against her confirmation, leaving her nomination deadlocked at 50 to 50. I believe both of them cited the fact that in their State, charter schools are not the big issue; it is public schools. How are we going to treat public schools? Particularly in rural areas, as I am sure my friend the Presiding Officer knows, there is not a choice of schools outside the major metropolitan areas, the major cities. If you don't have a good public school, you have nothing. So particularly people from the rural States should be worried, in my judgment, about our nominee's commitment to public education.

For the first time ever, we have the chance that the Vice President and a pending Cabinet nominee, the nominee for Attorney General, Senator SESSIONS, are casting the deciding votes on a controversial Cabinet position for Betsy DeVos. Mr. President, this has never happened before.

The White House will, in effect, get two deciding votes in the Senate on a nominee to the President's Cabinet: the Vice President and the nominee for Attorney General, our friend Senator SESSIONS.

It highlights the stunning depth of concern this nominee has engendered in Republicans and Democrats alike. It is clear now that Senators of both parties agree she is not qualified to be Secretary of Education. And I would hope that my colleagues on the other side of the aisle—this is such an important position; the nominee is so laddered on issue after issue after issue that we could get someone better. I don't think it will be that hard. It will be President Trump's nominee. It will not be us deciding, but it will be someone who has basic competence, fewer conflicts of interest, and, above all, a commitment to public education.

So I urge my Republican colleagues, friends, to stand up and reject Betsy DeVos, as the Cleveland Plain Dealer urged in an editorial this morning.

This is not a normal nominee, once again. In my view, when I dipped into her record and how she performed in her brief hearing, she has not earned and should not receive the Senate's approval.

Second, the nominee for the Department of Labor, Andrew Puzder. The hearing for his nomination has now been delayed four times because he

still hasn't submitted key paperwork laying out his disclosures and detailing a plan for divesting, if necessary, to avoid conflicts of interest. But that might be the least of the Senate's concerns.

This is a nominee who is being sued by dozens of former employees due to workplace violations. This is a nominee who has repeatedly attacked the minimum wage, opposed the overtime rule, and advocated for more automation and fewer jobs. He talked about—I think in very positive terms—robots and how they may run the fast food industry. This is a nominee for Secretary of Labor who not only wants workers to earn less, he wants fewer workers.

For several of these Cabinet positions, it seems the President has searched for candidates whose philosophies are diametrically opposed to the very purposes of their Departments. For Education, pick someone with no experience in public schools and has spent her career advocating against them. For Labor, pick someone who has spent his career trying to keep the wages of his employees low and advocated against policies that benefit workers.

Again, I repeat: This is not your typical Cabinet. This is highly, highly unusual.

So when my Republican colleagues come to the floor every day to complain about delays and holdups, I would remind them that this is very serious. These Cabinet officials will have immense power in our government and wield enormous influence over the lives of average Americans: their wages and the education of their children, for instance.

To spend a few more days on the process is well worth it. And if they prove unfit for the austere and powerful roles they are about to take up, then it is our responsibility, as Senators who advise and consent, to reject their nomination.

UKRAINE

Mr. SCHUMER. One final point: I want to take a moment to mention Ukraine.

Yesterday Rex Tillerson was sworn in as Secretary of State. In addition to dealing with the fallout from the President's first engagements with Australia and Mexico, I want to call the Secretary's attention to the situation in Ukraine.

Since President Trump's call with Mr. Putin last weekend, there has been a significant increase in violence. I hope Secretary Tillerson will ensure that there is a strong statement from the Trump administration condemning these escalatory actions by the Russians.

I also hope my Republican counterparts will start doing what they did last year every time this happened:

Come to the floor and demand that the Senate act on tough sanctions against Russia. As I have said before, Russia remains a strategic threat to our Nation, and countering them needs to remain a deeply bipartisan effort.

Mr. President, I yield the floor.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 38, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 6 hours of debate, equally divided in the usual form.

The Democratic whip.

NOMINATION OF NEIL GORSUCH

Mr. DURBIN. Mr. President, I listened carefully this morning to the statement made by the Republican majority leader, and I was a little bit curious as to what he was trying to say because he talked about a judicial nominee who rated unanimously "well qualified" by the American Bar Association, who received kudos from Republicans and Democrats alike, including Members of the Senate, who went through the Senate without a hitch, and then he couldn't understand why there would be more questions asked now for another appointment.

I was puzzled. I thought he was talking about Merrick Garland. We remember him, don't we? Merrick Garland was, of course, President Obama's nominee to fill the vacancy on the Supreme Court.

Senator MCCONNELL this morning said repeatedly: So what has changed since the first time Judge Gorsuch came before the Senate? Senator MCCONNELL, what has changed is you, what you did when Merrick Garland's name was sent up. For the first time ever in the history of the U.S. Senate, Senator MCCONNELL denied a hearing and a vote to a Presidential nominee to the Supreme Court. It never happened before, not once in history. And if you think, well, maybe the Democrats didn't have a chance to show the same steel will, the same political determination, in the last year of his Presidency, Ronald Reagan nominated Anthony Kennedy to fill a vacancy on the Supreme Court. He sent the nomination down to the Senate. I believe Senator Biden was the chairman of the Judiciary Committee at the time. There was a Democratic majority. In the last year of Reagan's Presidency, a so-called lameduck year by Senator MCCONNELL's description, the Democratic majority in the Senate gave

President Reagan the respect of honoring his constitutional responsibility to fill the vacancy and sent Anthony Kennedy to serve on the Supreme Court. So Senator MCCONNELL has asked what has changed. He has changed. He has changed the Senate.

And here is the good news for him. We are not going to forswear our own demands that a Presidential nominee for the Supreme Court is deserving of a hearing and a vote. I said that over and over again when Merrick Garland was being stonewalled by Senator MCCONNELL and the Republicans in the Senate. I will say it again. I do believe the President's nominee has a right to a hearing and a vote. That nominee also has a responsibility to show us that he is not only qualified to serve on an important appellate court but to serve with a lifetime appointment to the highest Court in the land.

On Tuesday night, President Trump announced he would nominate the Tenth Circuit Court Judge Neil Gorsuch to the Supreme Court. It is important to put that nomination in context. This is not a run-of-the-mill nomination. It is an extraordinary time in America's history. President Trump's announcement was actually supposed to happen today. Why was it sped up? Why did they hurry it up? Well, because of the avalanche of criticism being heaped on the Trump administration for their Executive orders on refugees and immigration. They had to change the subject. After dozens of legal immigrants were detained at airports over the weekend solely because of their country of origin, including children, seniors, interpreters who helped our troops, Federal courts stepped in to block the President's Executive order.

We have done some research, and we are going to do some more. We think this is the first time in the history of the United States that a new President within the first 10 days had an Executive order stopped in the Federal courts. It shows how controversial that order was, that the Federal courts would step in with this brand new President and say: Stop. This has to be weighed as to whether it is legal or constitutional.

Then on Monday there was the unprecedented firing of an Attorney General who refused to defend President Trump's unlawful Executive order in court. President Trump moved up his Supreme Court announcement to try to change the headlines. In doing so, he made it even more clear how critical it is that we have an independent judicial system, not a rubberstamp for the President. It's especially vital at this moment in our history.

President Trump and his agenda are likely to come before the Supreme Court eventually. From his violations of the Constitution's emoluments clause to his unprecedented Executive

actions, President Trump is likely to keep the High Court busy. We need Justices on the Supreme Court who are truly independent.

President Trump's announcement came 10 months and 15 days after a White House announcement about another Supreme Court nominee I mentioned earlier, Judge Merrick Garland, perhaps the most well-qualified, mainstream, independent nominee to come before the Senate. Merrick Garland is a son of Illinois, a good man, and an outstanding judge. Judge Gorsuch himself once described Judge Merrick Garland as "among the finest lawyers of his generation."

Merrick Garland was subjected to unprecedented obstruction by Senate Republicans and Senator MCCONNELL. Republican Senators simply ignored their constitutional responsibility to consider this nomination, for political reasons. It was worse than a filibuster.

Do you remember the time when Senator MCCONNELL and a number of others in the leadership said they would not even meet with the President's nominee—would not even give him the courtesy of a meeting? Merrick Garland was the first Supreme Court nominee in our Nation's history to be denied any consideration by the Senate—no hearing, no vote—nothing. It was shameful.

I took an oath of office to support and defend the Constitution—every Senator does—and to bear true faith and allegiance to it. I take it seriously. Even though my Republican colleagues chose to ignore their responsibilities when it came to filling that Supreme Court vacancy in an election year, I know we have a constitutional responsibility to give Judge Gorsuch a hearing and a vote. I will do my due diligence as a Senator and give his nomination fair consideration. That is what the advise and consent responsibility of article I, section 8 of the Constitution requires.

If my Republican colleagues complain about the process for Judge Gorsuch, just remember that no one ran a worse process on a Supreme Court nominee than my Republican colleagues themselves did for Merrick Garland. They really have no right to complain.

Now that President Trump has nominated Judge Gorsuch, Senators will embark on a thorough review of his record. He was confirmed to the Tenth Circuit in 2006, but the level of scrutiny is far higher for Supreme Court nominees and lifetime appointments to the High Court. He now has a lengthy judicial record which we will review carefully.

There are parts of his record that already raise questions and concerns. In recent years, we have watched the Supreme Court transform into a corporate Court, where all too often cases seem to break for the big corporations,

regularly against the little guy. We need a Supreme Court that gives the American people a fair shot against corporate elites, corporate special interests. Judge Gorsuch's record as a judge and advocate raises concerns as to whether he would hasten that trend toward a corporate court.

I note that yesterday, Reuters published an article entitled "As Private Lawyer, Trump High Court Pick Was Friend to Business." The article said that while Judge Gorsuch was in private practice, he "often fought on behalf of business interests, including efforts to curb securities class action lawsuits, experience that could mould his thinking if he is confirmed as a [Supreme Court] justice."

During his time on the bench, Judge Gorsuch appears to have a consistent pattern of favoring companies over workers in cases involving employment discrimination, worker safety, and other matters. That is why we need to carefully review his record.

Judge Gorsuch must also answer important questions about his views on issues of fundamental importance to American people, such as our right to privacy. Is there anything more important? Almost on a daily basis we are being asked if we are ready to give up a little more of our privacy. We know that corporate interests and business interests are collecting data on us. We can find it every time we log on to the Internet and there is this cascade of ads on the side of the page asking us if we want to buy something that we just happened to buy a couple months ago. We know as well that information is being catalogued carefully and being used by business interests to promote their products and to categorize us as Americans. We also believe—I think there are even some Republicans who believe—that individuals have a right to privacy when it comes to the overreach of the Federal Government and when it comes to critical decisions so important to our personal lives. At that last heartbreaking moment when a family member has to decide about the medical care for someone who is nearing death, is that going to be subject to a court order or is that going to be a decision made privately by a family? At that moment when a family faces the pregnancy of a teenage girl in the household, is that a family decision or is that a decision where government has the last word? The Supreme Court decides this, and we need to ask Judge Gorsuch what he thinks and understand clearly what he says.

We also believe that when it comes to our security—not just our privacy but our security—the Supreme Court time and again will have the last word. When it comes to the issue of safety, health, and environmental protection, where will this new Supreme Court nominee be? Is he going to bend toward the corporate interests and look the

other way as we face climate change, the pollution of streams, the contamination of our drinking water, and dangers to our public health? If he is going to rule consistently for the corporate interest no matter what, he certainly doesn't, as far as I am concerned, represent the values we need on the Supreme Court. He needs to answer questions as well on immigration, privacy, campaign finance, and voting rights.

Like Justice Scalia, Judge Gorsuch professes to be an originalist. Let me address that for a moment. I have been with the Judiciary Committee for quite a few years. Time and again, whether it is the nominee for Attorney General or nominees for the High Court, here is the cliché we are given: We are just going to apply the rule of law, whatever the law says. That is what we do. We are originalists. I call that the robotic view of justice; that if you just plug in the facts, a computer can tell you the answer because a computer compares it to the law. Yet we know better. We know judges make decisions based on a variety of concerns, and they weigh some facts more carefully and give some facts more strength than others. This rule of law by robotic justice is a fiction. We know that each nominee, whether from a Democrat or Republican, brings views to the Court that will decide how many cases will lean.

Judge Gorsuch has to answer the questions forthrightly. There is a cottage industry of teaching nominees to give thoughtful nonanswers to important questions. That will not cut it for me or many of my colleagues. The American people want honest, candid candidates for the bench.

We know Judge Gorsuch is the hand-picked nominee by President Trump and has been lauded by rightwing organizations all over the United States. They hope he will be a dependable vote in their favor, but he has to demonstrate—to me and to many other Senators—that he will be prepared to disappoint the rightwing if the Constitution and law require it.

Since the confirmation of Justice Clarence Thomas in 1991, Supreme Court Justices have had to show they can pass the threshold of 60 votes to get confirmed. I expect nothing less from this nominee. Justice Elena Kagan, nominated by President Obama, received 63 votes; Justice Sonya Sotomayor, nominated by President Obama, received 68 votes; Justice Sam Alito had a cloture vote where he received 72 votes and subsequently received 58 votes for his actual confirmation; Justice Roberts, 78 votes; Justice Breyer, 87; Justice Ginsburg, 96.

Judge Gorsuch has a burden to bear. He has to demonstrate that he is a nominee who will uphold and defend the Constitution for the benefit of all of us, not just for the advantage of a privileged few.

I take my constitutional responsibility very seriously when it comes to the Supreme Court. As a member of the Judiciary Committee, I am reviewing the record and preparing questions to ask the nominee. It is going to take some time. It usually does, several months. But my Republican colleagues have kept this seat vacant since February of last year, so they don't have any basis for arguing and complaining that we just have to move on this really fast.

I am sorry we are not considering the nomination of Merrick Garland, an eminently qualified mainstream judge who deserved better treatment than he received from Senate Republicans and Senator McCONNELL. No one deserved the treatment Merrick Garland received.

With my oath to support and defend the Constitution in mind, I will consider Judge Gorsuch's nomination pursuant to the Senate's role of advise and consent. I will strive to be thorough, fair, and focused on the important principles I have discussed today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Alaska.

Ms. MURKOWSKI. Thank you, Mr. President.

I come to the floor this morning to speak on the resolution of disapproval that is before us, but I want to make just a few comments following my colleague, the minority whip.

I am pleased to hear him say that he does look forward to the opportunity for a hearing on Judge Gorsuch and the opportunity for a vote. I think we recognize that we have in front of us an individual who has truly a stellar legal reputation, who has committed himself to the law in a remarkable way. When he was before this Senate for confirmation leading up to the Tenth Circuit, he enjoyed very strong support. I would like to think that on yet further review of this very strong individual, our colleagues will do the due diligence that is necessary as we perform our constitutional role of advise and consent.

There is so much that I will respond to at a later time when I go into more detail about my support for Judge Gorsuch and why I think he is exactly the type of individual we want to see named to the Supreme Court, but the comment has been made, not only by my colleague from Illinois but from others, that somehow or other Judge Gorsuch is for Big Business and not the little guy. It seems that the criticism is based on this viewpoint that courts should not defer to Federal agency interpretations of their own rules, and certainly Big Business is a frequent challenger of government overreach. But, as the Presiding Officer and I both know, so are ordinary Americans—people like John Sturgeon, an Alaskan

who took on the Federal Government, took on the agencies, and took on the Park Service because he was told he could not use a hovercraft in an area where he had operated one for decades. John Sturgeon, with the help of a few friends, who did everything from garage sales to fund his litigation, and with just the generosity out of their own pockets, took all the way to the Supreme Court the question of whether or not the Park Service's regulation had exceeded their legal authority.

I happen to believe very strongly that Judge Gorsuch is clearly on the right track here when he questions the deference that courts give to our government agencies. I think most Alaskans would probably agree with us on this point—that when we are talking about the scales of justice, they should not be tipped in favor of our Federal agencies.

Again, I am pleased to hear that the minority whip agrees that a filibuster is not appropriate, is not the way to proceed with this fine nominee. I look forward to learning more about Judge Gorsuch but also to be able to share more of my observations at a later point in time.

Mr. President, I wish to join my colleagues in support of H.J. Res. 38 to disapprove and nullify the Department of Interior's so-called stream protection rule. I wish to begin my comments by thanking Majority Leader McCONNELL and Senator CAPITO of West Virginia for sponsoring the Senate version of this resolution. I also wish to note that I am proud to be listed with the Presiding Officer as a cosponsor on this bipartisan measure with 28 colleagues in support.

Now, by name alone, the stream protection rule may sound pretty innocent, pretty well intentioned, but as we have heard and as we will hear throughout this debate, the reality is really different. This regulation will have severe economic impacts. It will cost us jobs. It will cost us revenues as well as affordable energy all across our country.

By way of background, the rule revises longstanding regulations for coal mining under the Surface Mining Control and Reclamation Act, something around here we simply call SMCRA. Now this rule was finalized in December of 2016, and it took effect 2 weeks ago, making more than 400 changes to existing regulations.

Now, 400 is just a number that shows the scope of the changes that the Obama administration has made, but it hardly does justice to the sweeping substance of the changes or the deliberately opaque process that the Obama administration followed to make them.

SMCRA is supposed to be an example of cooperative federalism, and many States have approved programs that allow them to regulate coal mining within their own borders. But beyond

that, the law explicitly directs the Federal Government to work with States to engage with them whenever any changes are made. So it requires a high level of cooperation and collaboration.

Contrary to the collaborative mood intended by SMCRA, the Obama administration chose to draft the stream protection rule behind closed doors. It ignored the input and recommendations that were provided by States and other stakeholders. It subverted the law, basically, to meet its own policy objectives, which was to keep the coal in the ground. Ultimately, that is what they wanted to do, and it finalized a rule that will shut down coal mining in several regions in our country, including possibly in Alaska, if it is allowed to stand.

Now, the Obama administration claimed that this rule would cost only \$81 million a year and that it did not qualify as what is considered “economically significant” as a rule, as a result of that. We will likely hear that number touted by some of the opponents of this resolution and probably some who will claim that we are exaggerating the impact. But I don’t think we should forget how the Obama administration determined that the rule was insignificant in the first place.

In January of 2011, the Associated Press obtained documents showing that this rule was projected to eliminate 7,000 direct jobs across the country. So instead of going back and fixing the rule to avoid these potential job losses, what happened? The Department of Interior fired the independent contractor that had made the projection. So, effectively, we have a situation where the Department essentially cooks the books instead of fixing the rule. It then took steps to rebrand the rule, changing the name from the “stream buffer zone rule” to the “stream protection rule” making the rule sound rather innocuous.

So what the American people should know is that there is a real discrepancy between the economic impacts the Obama administration estimated and what other sources project will happen if the rule is left in place. The projection is that up to 30 percent of the direct jobs in coal mining will be lost, and domestic coal production will fall 29 to 65 percent, with anywhere from \$15 billion to \$29 billion in lost annual coal resource value and \$3.3 billion to \$6.5 billion in lost State and Federal revenue.

So with estimates like this, it is no wonder that this rule has drawn such strong bipartisan opposition from Alaska all the way to Appalachia. If you are doubting the statistics—if you are saying, well, I am hearing certain things on one side and others on another—you need to talk to people out there. We did that. Instead of just taking what the Obama administration said, we went out and we asked people

Last March, I held a field hearing of the Energy and Natural Resources Committee, and we held the field hearing up in Fairbanks, AK. Among our witnesses was a woman by the name of Lorali Simon. The occupant of the Chair knows her well. She works for Usibelli Coal Mine, an initially family-owned and operated coal mine—which has been very successful—and provides coal and power to the residents of the Interior, and has been for a long time. Ms. Simon spoke about how coal resources contribute significantly to our State by providing jobs and a reliable energy source.

She explained that coal is the cheapest source of energy in Interior Alaska for everything from the local community to our military bases there and how usability has helped to create business for others like our Alaska railroad. She also highlighted the broader picture about how coal strengthens our national and energy security. So those are all good things, in my book.

But Lorali also testified about the stream protection rule. She said that, if the rule was finalized as it was proposed—which it has been—it will likely kill all coal development in Alaska. She also noted that Congress passed SMCRA, but during the Obama administration, she said: “We were seeing unelected federal employees violate legislative intent, which will kill America’s coal industry.”

Now, Lorali Simon is not alone in her criticisms or her opposition to this rule. Our Governor in Alaska, an Independent by the name of Governor Bill Walker, recently noted that it was one of the worst of many different actions the Obama administration took to limit resource development in our State of Alaska.

The attorneys general of 14 different States wrote:

The rule would have a disastrous effect on coal miners, their families, workers in affected industries, and their communities. It would also impose very significant costs on American consumers of electricity, while undermining our Nation’s energy supply.

That is pretty tough—not only a disastrous effect on the coal miners but the cost on American consumers of electricity, undermining our Nation’s energy supply.

The Interstate Mining Compact Commission described this rule as a “burdensome and unlawful rule that usurps states’ authority as primary regulators of coal mining as intended by Congress under SMCRA” while also seeking to impose “an unwarranted top-down, one-size-fits-all approach that does not take into account important regional and ecological differences.”

Then, finally, the U.S. Chamber of Commerce noted that the rule “exceeds the Department’s authority, will cause significant economic harm and job losses, and interferes with long-

standing and successful state efforts to protect water quality.”

It is very clear to me that this rule simply cannot stand. We have an opportunity here to make sure that is the case. So if you are concerned about families paying more for their heating and their electricity bills, you should support this resolution. If you are worried about job losses due to access restrictions and rising energy costs, you should support this resolution. And, if you care about States’ rights, which so many of us do, or overregulation by the Federal Government, which we clearly do, you should support this resolution.

I have noted to a couple of people today that this is a pretty good day to be debating a disapproval resolution under the Congressional Review Act. It is Groundhog Day, and it is exactly what the last 8 years have felt like for anyone who has paid attention to the regulations that were just churned out by the Obama administration. The SPR rule is a perfect place to start as we sort through the major burdens that the last administration imposed through its relentless regulatory actions.

So, again, I wish to thank Leader MCCONNELL and Senator CAPITO for sponsoring and leading this legislation, and know that I intend to vote for it. I urge my colleagues to do the same.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I see my colleague from Texas. Did he want to make remarks in leader time?

Madam President, I come to the floor to talk about the action today in the Senate, which is to try to overrun the clean water rule as it relates to the mining industry.

The bottom line is, polluters should pay for the pollution, and that is what the rule says, and that is what is trying to be overrun today after a very short debate in the Senate.

Some of my colleagues on the other side of the aisle would like to say it is about the coal industry and a war on coal. If they are so concerned about the coal industry, I would suggest to them and coal workers that they take up the pension bill they promised to take up in the last Congress and have failed to take up.

Last December, thousands of coal miners came to Washington, DC, and asked the Senate to live up to their promise that was made and put their health on the line and make sure that they had a pension program. More than

20,000 retired coal miners are at risk of losing their health care if we do nothing by April, and they have a very small pension—averaging about \$530 a month—that is also at risk.

I know some of my colleagues would like to believe this is somehow entirely related to a war on coal, but that narrative ignores the facts. In 2008, right before the financial crisis, the United Mine Workers' pension plan was 93 percent funded—in 2008, 93 percent funded. Its actuaries projected it was on track to reach full funding in several years.

So this notion that somehow the discussion behind the scenes by the Interior Department or the EPA caused an implosion in the mining industry and thereby they didn't have resources is not the case. What is the case is that the financial crisis hit, and Wall Street speculators blew up our economy, costing it \$14 trillion—according to the Dallas Fed—and many in this body bailed them out. But we did nothing to bail out the miner pension program. Those pensions were thrown into crisis. By 2009, the United Mine Workers' plan had dropped from the 93-percent funded level down to the low seventies—a 20-percent drop in a single year. So despite the fact that the plan was well managed, the investment returns continued to be problematic. Wall Street—not the Department of the Interior or EPA—is the reason mine workers have so much challenge today.

If they care so much about the mining industry and the workers, then bring that legislation forward on the floor of the Senate today instead of trying to overturn a rule that says polluters should pay.

These safe drinking water issues and fishing issues are so important to an outdoor economy that employs a million-plus workers and is a vital part of practically every State's economy. The notion that somehow this is a jobs issue—if they want to protect jobs in the outdoor industry, then please allow people to fish in rivers where they don't have to worry about selenium. This is a big issue, whether talking about Montana, Colorado, Washington, or the State of Alaska.

I will say that the Alaskan issues of salmon and habitat far outweigh the 113 jobs the Alaska coal industry produces. Both can be seen as valuable jobs, but if we want to know about an economic impact to the State, it is dwarfed by the issue of making sure salmon have clean rivers and streams to migrate through.

This legislation today is about trying to protect those waters. I would again say that the effects of mountaintop removal have been called out by the press for a long time. I wish to quote from a Washington Post editorial:

For decades, coal companies have been removing mountain peaks to haul away coal lying just underneath. More recently, scientists and regulators have been developing

a clearer understanding of the environmental consequences. They aren't pretty.

In the 1990s, coal miners began using large equipment to strip away mountaintops in states such as West Virginia. The technique made it economical for them to extract more coal from troublesome seams in the rock, which might be too small for traditional mining or lodged in unstable formations. Environmentalists were appalled, but the practice spread and now accounts for more than 40 percent of West Virginia coal production.

Burning coal has a host of drawbacks: It produces both planet-warming carbon dioxide and deadly conventional air pollutants. Removing layers of mountaintop in the extraction process aggravates the damage. The displaced earth must go somewhere, typically into adjoining valleys, affecting streams that run through them. The dust that's blown into the air on mountaintop removal sites, meanwhile, is suspected to be unhealthy for mine workers and nearby communities.

Scientists have recently produced evidence backing up both concerns. Over the summer, a U.S. Geological Survey study compared streams near mountaintop removal operations to streams farther away. In what should be "a global hotspot for fish biodiversity," according to Nathan Hitt, one of the authors, the researchers found decimated fish populations, with untold consequences for downstream river systems. The scientists noted changes in stream chemistry: Salts from the disturbed earth appear to have dissolved in the water, which may well have disturbed the food chain.

Last week, the Charleston Gazette reported on a new study finding that dust from mountaintop removal mining appears to contribute to greater risk of lung cancer. West Virginia University researchers took dust samples from several towns near the mountaintop removal sites and tested them on lung cells, which changed for the worse. The findings fit into a larger, hazardous picture: People living near these sites experience higher rates of cancer and birth defects.

Again, all this is from the Washington Post editorial.

With these sorts of problems in mind, the Environmental Protection Agency is taking a more skeptical look at mountaintop removal mining permits. The Clean Water Act gives the government wide authority over industrial operations that change rivers and streams.

The EPA has already used its efforts, in some cases where there was concern, to revoke a permit and has instructed its branches and offices to be more careful.

The coal industry and its allies—

And we have heard some of them here—

are howling. Skeptics of mountaintop removal, one industry pamphlet insisted, "promote an anti-coal, anti-business agenda that uses environmental issues as a mere pawn to redistribute wealth, grab power, and put forth liberal, social ideology. The GOP-controlled House passed a bill that would strip the EPA of some of its permitting power. But just this month—

Because that was a couple years ago—

the Obama administration once again prevailed in court, beating back another industry challenge.

This editorial ends by saying:

The emerging scientific evidence should cut through the rhetoric. The EPA is right to move more firmly to protect health and the environment.

We are right to defend this rule and law and say that polluters should pay. Madam President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, yesterday the Senate took up legislation to block the stream buffer rule, which is a job-killing regulation from the Obama administration—something the Obama administration will be long remembered for—a regulatory overreach that strangled the growth of our economy and the jobs that come along with it. This is a prime example of a misnomer, though. It is not really about protecting streams, as it claims, but about killing the coal industry and energy production in our country.

One of the things that have caused our economy to grow historically has been access to low-cost energy, but unfortunately this regulation has made that not possible in coal country, taking many jobs along with it and I think in part, at least, responsible for the vote President Trump got in many parts of the country that felt left behind by the economy and because of job-killing regulations like the stream buffer rule.

NOMINATION OF NEIL GORSUCH

Madam President, yesterday I had the chance to meet with Judge Gorsuch personally, the man President Trump nominated to serve on the U.S. Supreme Court.

It is plain to me now why President Trump selected him to be the nominee for the seat vacated by the death of Justice Scalia. Judge Gorsuch's experience, intellect, and background make him uniquely qualified and qualify him as a mainstream nominee. That seems to be the nomenclature that has been embraced by our colleagues across the aisle. They said they hope President Trump nominates a mainstream nominee. Well, he did. But I fully expect our colleagues across the aisle to try to paint him as some sort of extremist, which they can't do based upon his distinguished record on the Tenth Circuit Court of Appeals for the last 10 years as a Federal judge or his previous life. They are going to have to make things up in order to cause people to believe this nominee is not a mainstream nominee.

I look forward to working with my colleagues on the Judiciary Committee to do our job of advice and consent and to see the nomination come to the floor, where I hope he will be confirmed. I trust he will be confirmed one way or the other.

Unfortunately, Senate Democrats—particularly their leader, the Senator from New York—have already announced that they will fight tooth and nail against any nominee put forward

by President Trump. Predictably, the minority leader has made clear that he will try to filibuster the President's choice. It has been ironic to watch him come here and extol the virtues of the 60-vote cloture requirement for confirming a Supreme Court Justice when he and the rest of his colleagues invoked the so-called nuclear option to change the Senate rules by breaking those rules and reducing the cloture requirement for lower Federal court judges and Cabinet members to 51.

We see what happened as a result of that action. Now they find themselves on the receiving end of that 51-vote requirement caused by the nuclear option. So much for immediate gratification and not so much for taking the long view in terms of how the Senate ought to operate.

This sort of resistance mentality that has grown up among our colleagues on the other side of the aisle ignores the fact that we had an election on November 8. The American people made their choice, and it is plain that our Democratic colleagues are simply not happy about the choice they made and are going to undermine and resist this President no matter what, particularly when it comes to staffing his Cabinet with the people he has chosen to serve the Nation as part of his administration.

The American people also indicated they wanted us to move forward, away from the bickering, away from the gridlock, away from this mentality that we were here to serve someone else other than the American people. They want results, not politics as usual. I think that is the lesson we all should have learned from this last election. The sad reality is that it is increasingly clear to me that my Democratic colleagues didn't learn the right lesson last November and are trying to bring the Chamber to a standstill.

Thanks to the nuclear option that then-Majority Leader Senator Reid championed and which all of our Democratic friends voted for, they are not going to be able to stop President Trump's nominees to the Cabinet because all it requires is 51 votes. Yes, they can slow it down, but they can't stop it. My question is, What purpose is to be served from keeping the President fully staffed with the Cabinet that he has chosen, knowing that you are ultimately going to lose the fight?

Unfortunately, this is not about the Senate alone. This is about the American people. For 2 days in a row, Senate Democrats on the Finance Committee, which has been one of the most bipartisan committees in the U.S. Senate—our Democratic colleagues, each and every one of them, boycotted the meetings to consider President Trump's nominees.

I sit on the Finance Committee. As I said, it has historically been a bipartisan committee, but our Democratic

colleagues chose to relinquish their responsibility and ignore their duties to their constituents. Unfortunately, this type of behavior has become par for the course throughout the first days of President Trump's administration. We have seen other examples of slow-walking nominations, invoking every procedural rule that there is to deny unanimous consent—the sort of normal courtesies that go along with working in the Senate on technical or procedural matters.

We have seen countless examples of their slowing down the nomination process intentionally, even for highly qualified candidates.

On the Judiciary Committee, on which I also sit, there is another example with respect to the nomination for Attorney General of Senator JEFF SESSIONS, a well-respected colleague in this Chamber. I am glad we were finally able to move his nomination out of the committee yesterday. But the truth is that even though many Democrats on the committee had worked side by side with Senator SESSIONS and had cosponsored legislation with him, they themselves said what a good man he was. They voted against him after slowing down this obvious choice to lead the Justice Department.

President Trump talks about draining the swamp in Washington, DC. The biggest swamp in Washington, DC, has been a Justice Department headed by Eric Holder and, sadly, by his successor Loretta Lynch. They have refused to enforce the rule of law and instead turned that into a political outpost for the Obama administration. Attorney General JEFF SESSIONS is going to change that. He is going to enforce the law, and he will respect the law no matter who wins and who loses because his duty is to the Constitution and laws of the United States and to enforce those laws as Attorney General and, yes, to defend those laws.

Some of our Senate colleagues were shocked when Deputy Attorney General Sally Yates—although the Office of Legal Counsel said that the Executive order issued by the President was legal and proper in its form—wrote a letter saying she was instructing the line lawyers in the Justice Department not to defend it in court. President Trump fired her, and he should have. That is political grandstanding by somebody who should know better, considering her distinguished career at the Department of Justice for the last 30 years.

I don't know who gave her the bad advice, but I am glad that President Trump decided to fire someone who basically defied their duties to the Department of Justice and to the U.S. Government and preferred to take the side of politics and misinformation.

We know that the Senate is continuing with other nominations as well. I see this morning that the Envi-

ronment and Public Works Committee finally voted out the nomination of the attorney general of Oklahoma, Scott Pruitt, for Director of the Environmental Protection Agency. Unfortunately, our Democratic colleagues' bad habits on the Finance Committee have spilled over to the Environment and Public Works Committee, and they chose to boycott that hearing as well. Notwithstanding that boycott, the majority of the committee did vote out the nomination, and we will take that up soon.

This lack of cooperation is unprecedented. It really is unprecedented. At this point in 2009, President Obama had 11 of his Cabinet members confirmed by the Senate—11. Today we have only five confirmed, and many of those who have been confirmed were slow-walked by our Democratic colleagues for one lame excuse or another. This is not because President Trump's nominees aren't qualified; it is because our colleagues on the other side of the aisle are determined to undermine this new President and his administration, no matter what cost is paid by the country.

After the election, President Obama, to his credit, talked about the importance of a peaceful transition of power from one administration to the next. Some of our colleagues who are now obstructing this President's Cabinet members have also paid lip service to a peaceful transition of power. What we are seeing is a hostile transition of power—mindless obstruction, foot dragging, and delay for delay's sake.

Let me remind them once again that the American people voted on November 8 and chose a President who has the authority to nominate the people he sees fit to serve on his Cabinet. We can't afford to let this administration operate with one hand tied behind its back for the foreseeable future. We need to do our job and provide the President and the country with the experts and advisers that the administration needs to keep our country safe and to keep government functioning for the people.

I hope soon—I am not optimistic, but I hope that soon our Senate Democrats will start working with us and not against us and, more importantly, against the interests of the American people who sent them here.

TRIBUTE TO LINDA BAZACO

Madam President, I want to spend a few minutes recognizing an extraordinary public servant on my staff who served in a unique capacity that many may not know exists.

One of the most important things we get to do as Members of Congress is to act as the intermediary or intercessor between our constituents and a Federal Government that sometimes is not responsive, particularly in dealing with Federal agencies. For instance, when somebody isn't receiving their proper

check from the Social Security Administration or is having trouble getting an appointment at a Veterans Administration clinic or is in need of assistance with foreign adoptions, where do they turn? They turn to people like Linda Bazaco, who heads my casework program in Dallas, TX, and is going to be retiring soon.

I am proud to say that we do our very best to make sure that the 28 million people I have the privilege of representing get the very best help possible to help navigate the very real and very personal issues that involve the Federal bureaucracy. That way, my office—specifically my constituent services or what we call my casework team—can help ensure that no Texan who reaches out to us slips between the cracks.

In some circles, apparently, we have a reputation for bragging in Texas, but I have to say my staff are some of the absolutely best in the field when it comes to getting responses for Texans from Federal agencies. I like to say that if it can be done, it will be done. In that way, we play an important role in holding the bureaucracy accountable and reminding the Federal Government who their customer really is. It is the taxpayers to whom they ought to be responsive. They shouldn't need to call their Senator or their Congressman or Congresswoman in order to get responses from the Federal Government, but, in fact, sometimes they do, and sometimes—well, it is our privilege to help.

As I indicated, the person who has led this effort in my office for the last many years is Linda Bazaco, someone whom I came to know after she worked for my predecessor, Senator Phil Gramm. Linda fervently believes in the concept of government accountability and has developed a way to get the answers that Texans need and deserve.

As I indicated, she started under my predecessor, Senator Phil Gramm, about 27 years ago. Today, Linda's system has become the gold standard for other elected officials to get results on behalf of their constituents and, in doing so, has impacted constituents' lives in profound ways: benefits, checks, expedited passports, medical care, or even the most basic—simply a return phone call from an agency. All the while, Linda has done this with enthusiasm and with an eye toward quality and getting results for the people of Texas.

Linda, along with the team she has built, has pushed the government to be more accountable and responsive to the tens of thousands of Texans who have reached out to my office and, in most cases, will never know she was their secret weapon.

Soon Linda will be taking on another challenge. After serving the 28 million people of Texas for nearly 27 years now, she will take up an even more impor-

tant role; that is, a full-time grandmother extraordinaire. I couldn't be prouder of having someone of her caliber as a leader on my team, and I wish her and her husband Val and her three children and her five beautiful grandchildren the absolute best in the next chapter of their lives.

On behalf of all the generations of Texans you have helped over the decades, the staff members you have led along the way, and at least two U.S. Senators, Linda, thank you for your service.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I know we are going back and forth. I wish to inquire if my colleague seeks to speak.

Go ahead because we are expecting someone on our side.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, I ask to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF NEIL GORSUCH

Mr. ROUNDS. Madam President, I rise today to discuss President Trump's Supreme Court nominee, Judge Neil M. Gorsuch.

As you know, the vacancy exists because last year Supreme Court Justice Antonin Scalia died suddenly at the age of 79, leaving an unexpected vacancy on our Nation's highest Court.

As I said at the time of his passing, replacing Justice Scalia, one of the Court's strongest defenders of our Constitution, would be extremely difficult. For nearly three decades, with his brilliant legal mind and animated character, Justice Scalia fiercely fought against judicial activism and legislating from the bench. To say our next Justice has big shoes to fill would be an incredible understatement. That is why the decision was made early on by Leader MCCONNELL and others to give the American people a voice in this process, by waiting to confirm the next Justice until the 45th President was in office and able to nominate someone him or herself. We held that belief, even when it looked like our party would not win the Presidency.

As we have been reminded before, elections have consequences. The American people chose to elect President Trump, who throughout his campaign said that he would nominate someone in the mold of the late Justice Scalia. With his pick of Judge Gorsuch, President Trump made an excellent choice in fulfilling that promise. We believe Judge Gorsuch espouses the same approach to constitutional interpretation as Justice Scalia and has a strong understanding of federalism upon which our country is built.

Because the current makeup of the Court is evenly split between

conservative- and liberal-leaning Justices, this ninth spot is as important as it has ever been. The next Justice has the potential to hold incredible influence over the ideological direction of the Court for a generation to come. The Supreme Court is the final authority for interpreting Federal laws and the Constitution. It is one of the most important responsibilities found within our federalism.

Since our very first Supreme Court—Justice James Wilson took the oath of office in October of 1789—there have been just 112 Justices to serve on the Court. These lifetime appointments are established under article III in the Constitution and are the ultimate authority over all of the Federal courts and State court cases involving Federal law.

Since it was established, the decisions the Supreme Court has made have guided and altered the course of our Nation. The decisions it makes often have long-lasting ramifications, that in one vote can dramatically alter the course of our country. Based on what I know of Judge Gorsuch, I believe he has the aptitude for this lifetime appointment. He is greatly respected on both sides of the aisle. In fact, he was previously confirmed to the U.S. Court of Appeals for the Tenth Circuit unanimously, and not a single Republican or Democratic Member of the Senate dissented. As such, we expect the Senate will continue its tradition of approving highly competent, qualified individuals to the Supreme Court in an up-or-down vote, following a thorough vetting process.

I thank President Trump for nominating to the Supreme Court a judge who has lived up to the Scalia gold standard. I also thank the American people who voted in November in support of our efforts to retain Scalia's legacy on the Court when his replacement is confirmed.

Perhaps most importantly, I thank Judge Gorsuch for his lifelong commitment to defending our Constitution and applying the law as it was written. If confirmed, I am confident he will be an outstanding member of the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I would like to continue the debate on the measure before the Senate, which is to basically overturn a provision that would require coal polluters to make sure they clean up the damage they do to the clean water streams of our Nation.

We are here today because the agency who is in charge of setting these rules has finalized a rule. They did so after more than 5 years of discussion. They set it because there was so much scientific information about the great degradation to our streams caused by

mining, when rocks are blown up and selenium is introduced into the stream. I have pictures I showed last night of deformed fish, pictures of river streams that are polluted. I have pictures of obvious degradation of the environment around them.

The real issue is, the rule is now in place, and my colleagues want to exempt the coal industry from such regulation. Why would you want to exempt anybody from cleaning up their mess? Polluters should pay. I know my colleagues are starting to chorus on some refrain about the economy, which makes no sense. Natural gas has driven a very competitive market to consuming more natural gas than coal, and Wall Street blew up the pension program of the miners, and now it is in jeopardy. If you want to help miners, then come address their health and safety and their pension program. If you want to make natural gas more expensive, maybe you could make coal competitive again, but I don't think that is what we really want in America.

My colleagues somehow ignore the fact that the people of the United States of America are going to demand clean water one way or another. You can protect the coal industry here with special interests and the amount of lobbying they do, or you can step up this process and have a regulation that works for the United States of America so the outdoor industry, sportsmen and fishermen—who have many more jobs—can continue to thrive. Why do I say that? Because my colleague from Texas brought up the EPA nominee, Mr. Pruitt, who is coming to us from Oklahoma. I found, with great pleasure, the same arguments that the other side of the aisle is trying to make, they tried to make in Oklahoma. “Oh, my gosh. It is environmental regulation that is stopping us from producing a greater, more robust farming economy. We need to do something to stop those untoward regulations.”

What did they do? They had a big initiative for the ballot that basically said: Let's make it really hard for anybody to regulate in regard to farming, unless they show it is somehow in the greater State interest. Even in red-state Oklahoma, they got it. They knew it was a fast run on the Clean Water Act, and they defeated that basically 60 to 40.

If we want to have a debate by debate, State by State, a discussion about clean water because people here will not defend the right for people to have clean streams, then we will have that debate. My colleagues sometimes try to say: Well, this is what attorneys general are concerned about. Some of them don't like the rule. You have ample opportunity to change the rule. You could come here and propose legislation. You could ask your colleagues now to do something and move forward

on an alternative, but that is not what is happening. This egregious approach is not only getting rid of a rule that currently protects us, for safe streams, but because it is a Congressional Review Act overriding that rule, it will prohibit us from taking up, in the same fashion, an approach to make sure this is regulated in the future. That is right. Turning down the rule this way will stop an agency from doing the job it is supposed to do. Why not just leave it to the States? That is like saying: I am going to leave clean air, clean water, or nuclear waste cleanup to whatever a State decides. That is not what Federal law is about.

Here is an editorial from Kentucky where a “proposed \$660,000 settlement of the Clean Water Act violations between the State's environmental agencies, and two of its largest companies, underwent a 30-day review.” What was that about? That was about the State of Kentucky failing to implement the old law. This was in 2010. The State of Kentucky's Attorney General—they were such laggards at this—people sued the companies in the State because the State wasn't doing its job. Eventually, they uncovered, as the article says, “massive failures by the industry to file accurate water discharge monitoring reports. They filed an intent to sue, which triggered the investigation by the State's energy and environmental cabinet.” The notion that States are on the job and doing their job in Kentucky—they weren't.

A State case was provoked by other people who were monitoring for clean water. It is our prerogative to set a standard for miners to clean up their mess. That is what we are talking about. Now the other side of the aisle wants to overturn that, saying that polluters don't have to pay.

How did we get to this situation? As mentioned, the past administration worked hard at coming up with a stream protection rule. Why did they come up with a new stream protection rule? Because it had been 33 years since we had a stream protection rule. The old rule did not prohibit mining through streams. Guess what? Neither does the new rule. The new rule says you are not prohibited from mining through a stream, but by gosh you ought to be required to mitigate the mess you create in the water system by mining through that stream.

We are talking about mitigation requirements, and we are talking about measurements. Why do we need that? Because since 1983, when the previous rule was put in place—we now know that things like selenium cause very bad things to happen in water, with rocks and the discharge. We know selenium can cause the deformation of fish and that eating those fish can make you sick. That is why we want to have a rule to understand the impacts and to mitigate for them. I think about

this particular picture, and the deformation in the fish tail and in the fish lip—the front end of the fish—are extreme examples of what selenium is doing in our water supply. Why would you not want—as someone blowing up a mountaintop and creating this kind of stream damage, why would you not want them to mitigate that? Why would you want to protect them? Because you think you are protecting some coal industry jobs that basically have fallen off because natural gas has become a cheaper product? Your economic strategy is a race to the bottom. You think if you have the lowest environmental standards in the United States of America, that is somehow going to generate jobs? I think it is just the opposite. I have so many people in Washington State who say: I can't attract employees unless we have a clean environment here because people want to live in a clean environment, they want to fish, they want to hunt, they want to recreate, and they want an opportunity to do so. As a company, I can attract the best and the brightest because they know they are going to live in that kind of environment.

The notion that this kind of “let us make sure the coal industry doesn't have to play by the rules, they get an exemption from clean water” is some sort of economic strategy for the future of coal country, it is absolutely not.

Saying that AGs are going to do the job, we have many examples of where they haven't. There are also examples from Ohio and Pennsylvania, where the degradation is so bad it is nearly impossible to clean up.

Let us talk a little bit about the comparison of jobs from outdoor industry and the coal industry. It is not to demean the jobs of the coal industry and the individuals who have worked their whole lives in that sector or to say that one job is better than the other. There are over 6 million jobs directly in the outdoor industry. They generate \$80 billion in tax revenue, but if you come to Montana and there is a mine on top of a stream and people don't want to go there to fish and recreate anymore, then you have caused damage. What are we talking about by State? Let's look at it. Montana, there are 64,000 jobs related to outdoor recreation. Why? Because Montana is beautiful. It has so many streams. I mentioned last night that wonderful movie called “A River Runs Through It.” It doesn't say, “A River Runs Through It and a Mountaintop Mine Sits on Top of It.” That is not what that movie was about. It was about the beauty of the great outdoors. There are 122,000 recreation jobs in Utah. There are 125,000 in Colorado, 50,000 in Wyoming. There are 28,000 in North Dakota. Are people down here defending those jobs? I am defending

them because a clean stream is a great source of recreation for people. I don't want to fish or hike in a stream with selenium that could poison me or poison other people. What is wrong with polluters paying? I say nothing.

The economic cost of this legislation is very minimal. The industry would be responsible for less than .01 percent of the economic cost; that is, the pollution that would be required to clean up from this type of effort would be minimal to the industry. So what are they complaining about? What are they complaining about? They don't want to measure selenium in the water. They don't want to be responsible for mitigating it.

The economic challenges that the industry faces from natural gas have nothing to do with this issue. This issue is about whether polluters should pay and whether we as a body are going to not only overturn this rule that is about clean water and safety for our communities by having streams protected. It is also about whether we are going to preclude another administrative approach to fixing this issue.

The Congressional Review Act is a very large cannon blowing a hole in the clean water requirements for the coal industry. Once you turn this down, you cannot easily reinstate something new. So our colleagues on the other side of the aisle, if they truly wanted to do something about this, could come to the floor today and say: I propose something different. President Trump, if he wanted to propose something different that both guaranteed clean water and moved us forward, he could propose something. Instead, they simply want to repeal this.

So this chart shows just what I have been referring to; that coal basically now in 2016 is getting beat by natural gas. It is getting beat by natural gas because it has become a cheaper source. We are not going to get into the details of how that happened, but we are going to say here today that the notion that you want to let them off the hook from meeting environmental rules and regulations as a way to be competitive is a dangerous, dangerous precedent for the United States to be setting.

We will not win, and our economy will not win from that situation. What we have to do instead is make sure that we are taking care of our environment and being competitive in all sorts of industry issues. For example, this story was about, in West Virginia, how mountaintop mining caused a fish species to disappear. "We are seeing significant reductions of the species of abundant fish downstream from mining operations."

To me, that would be an anathema in the Pacific Northwest. Fishing is everything. If somehow we were involved in a mining process that was killing fish, that would be the worst thing that

could happen to our economy. There is no reason for us not to set rules and regulations to make sure the mining industry cleans up their mess.

I hope our colleagues will understand how detrimental this rule is. Do not give the mining companies an exemption from cleaning up messes in their streams. Let's say that we are going to do the public interest and not special interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, today we are going to be voting on the first of what will be many resolutions of disapproval under the Congressional Review Act to roll back the avalanche of Federal regulations that the Obama administration placed on the U.S. economy and, most importantly, the working men and women of this great country.

Nowhere have these regulations been more of a burden than on the energy industry of America, which employs millions, millions of Americans—Democrats, Republicans, good, hard-working Americans, and thousands of hard-working Alaskans, my constituents. So I am particularly pleased that the first of these actions—and we are going to be using the Congressional Review Act a lot because the economy and families in America need relief—in the Senate is to nullify the so-called stream buffer rule of the Department of Interior.

My colleague and friend, the senior Senator from Alaska, Ms. MURKOWSKI, was down on the floor a little bit about ago. She described just how sweeping this rule was in scope and how despite the Federal law called SMACRA, which requires cooperative Federalism, working closely with the States, the Obama administration did not give the States any input—certainly not my State.

But what I wanted to talk about on this rule in particular and why it is so important to have not just Republicans but Democrats—and I am going to encourage my colleagues on the other side of the aisle to please support this resolution of disapproval—why it so important we vote for this resolution of disapproval today is because of the coal miners in America—the coal miners in America, who have been under incredible strain and their families.

The vote we take today is going to offer them the first signs of relief in years. Now, there were projections by the Department of Interior's own contractors—as my colleague, Senator MURKOWSKI, mentioned a little bit ago—that thousands of coal miners would lose their jobs because of this rule—thousands.

A study showed that estimates would be one-third of coal miners, coal-mining jobs in the country were at risk because of this rule. That is a big deal. That is a big deal. One-third. Studies

are showing that by the Department of Interior's own contractor. But not to worry, the Obama administration issued the rule anyway. Again, as my colleague Senator MURKOWSKI mentioned, there were concerns—very legitimate concerns in my State—that this rule could literally kill every coal-mining job in Alaska, at the Usibelli coal mine in interior Alaska.

So what was the so-called stream buffer rule really about? What was it? Well, I think we all know. It was the last salvo in the Obama administration's arsenal in the war on coal miners, a war that has left thousands of hard-working Americans out of work, injured, in despair in its wake. That is what happened. Just look at what happened. Look at our own Federal Government going to war against hard-working Americans. That is what happened for 8 years—disgraceful in my view.

Now it is time to fight back. Now it is time to fight back. Now it is time for this body to show coal miners in America that we are actually on their side and not against them and not trying to ruin them and their families. I want to recount a recent colloquy by a bunch of my colleagues from the other side of the aisle from last December—right before recess.

Many of my colleagues—all of whom I respect highly—on the other side of the aisle, my Democratic colleagues, came down to the floor. They were saying how coal miners of America were under siege, how they needed help. They were talking about my good friend and colleague Senator MANCHIN's bill with regard to protecting coal miner pensions, which, by the way, I am a cosponsor of.

So I agree about protecting our coal miners, but I watched a lot of those remarks. My colleagues were down on the floor for several hours, but what I found very ironic was that I looked at a lot of these Senators and asked: Where were you during this 8-year war against coal miners? What were you doing? I hate to say it, but a lot of them were allies in the Obama administration's assault on hard-working families and coal miners.

I am not saying that about my good friend from West Virginia, JOE MANCHIN, but there were a lot who were. Heck, some were even leading the charge, but, nevertheless, several were down here on the floor right before the holidays lamenting about what has happened to the coal miners in America. So to my colleagues who were down here shedding tears for America's coal miners in December, I want to offer a challenge to you. Here is your chance. Here is your chance. This is a rule that our own Federal Government has said will put thousands of coal miners out of work. If you really care about the coal miners of America, whether in West Virginia or Alaska,

come down on the Senate floor this afternoon when we have this vote and vote for this resolution of disapproval, if you want to help the coal miners, if you want to turn this around so there is no war against them, led by the Federal Government. Its own studies said: Yep. Sorry. You and your families are going to be out of work. If you really care like you were saying in December, then come down to the floor today and vote for this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I think my colleague from Massachusetts is here on the floor to speak. I will let him have some time.

I would say to my colleague from Alaska, the real bait-and-switch is the side of this aisle that allows the Finance Committee to pretend like it is going to do something on the pension program and votes a month before the election, and then after the election, fails to act on such an important issue. I hope people are not advocating pollution as an economic strategy because it will not work.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Madam President, I thank the Senator from Washington State for her tremendous leadership on all of these environmental issues, which are now on the table in our country for the first time in a generation.

TRIBUTE TO BILL BONNAVILLIAN

Before I turn to the resolution the Senate is debating, I want to take a minute to recognize the contributions of Bill Bonnavillian to advancing America's science and technology policy. Last month, Bill stepped down as the head of the Washington office of the Massachusetts Institute of Technology after 11 years.

Bill's leadership of the office continued MIT's historic role of providing a vision for advancing science policy and ensuring that knowledge generated at MIT was relevant and available for policymakers in Washington, DC. His leadership will be missed at the MIT Washington office, but I am glad to know he will be staying engaged with the MIT community. I hope he will continue to provide guidance to this body since now, more than ever, we need science to inform the decisions we are making on the Senate floor.

Today, Madam President, congressional Republicans are beginning the process of going one by one to overturn commonsense rules that have long been opposed by the oil and gas, coal, and other industries in the United States of America. The majority is trying to undo these rules by deploying a rarely used procedural tool known as the Congressional Review Act.

In fact, the majority is talking about using the Congressional Review Act, or

CRA, so often that it could actually get hard to keep track of which industry is benefitting from week to week to week from the Republicans' use of the CRA. I brought down a helpful tool so the viewers at home can keep track of which industries are benefitting each week from Republicans using the CRA to roll back protections for public health, for clean air, for clean water, for clean soil, for the health of the families in our country.

So let's consult our wheel to see who is the big winner of the GOP giveaway this week.

Up first are the mining and the coal industries. They are the first big winners of the GOP Congressional Review Act wheel of giveaways. That is right. First up for repeal by the Republican Congress are public health protections against the toxic practice of mountaintop removal coal mining.

These protections were put in place by the Obama administration because a Bush-era rule was thrown out by the courts. These commonsense rules to monitor and ultimately restore streams impacted by coal mining are despised by the coal industry. Those that created the problem despise any rules that would require remedying the problem, as it affected public health—no surprise.

Mountaintop removal mining is one of the most environmentally destructive practices on Earth. Mountains are turned into barren plateaus. Streams in the bottoms of nearby valleys are filled with debris and buried. Heavy metals destroy water quality for nearby residents and ruin ecosystems.

The rule that the Republicans are attempting to repeal today protects the public health and drinking water of millions of American citizens in Appalachia and elsewhere across our country.

The rule requires that lead, arsenic, selenium, and other toxic pollutants are monitored. It requires that streams that are damaged or destroyed must be restored.

Now, the majority likes to say that there is a war on coal, but the only war that coal is losing is in the free market to natural gas, to wind, to solar. These are the sources of electricity that the utilities of our country, that the citizens of our country have been moving to over the last 10 to 15 years. There is a war going on in the marketplace.

Adam Smith is spinning in his grave as he listens to the Republicans trying to protect an industry from market forces. Adam Smith is actually spinning so fast in his grave that he could qualify as a new energy source for our country. That is how shocked he would be about this attempt to undermine the public health and safety in our country on behalf of an industry that is losing a battle in the marketplace.

It is the free market that ultimately is causing these changes, and the coal

industry is saying: Please protect us from having to protect the public health and safety—clean air, clean water. Please protect us from having to protect families affected by our industries.

A few years ago, we generated roughly 50 percent of our electricity from coal. Now it is down to 30 percent of all electricity generated in our country from coal—50 percent to 30 percent of all electricity in a handful of years.

Coal has been replaced in the free market by natural gas, which has grown from a little over 20 percent of U.S. electricity generation a decade ago to 35 percent today. That is coal's big problem—natural gas, another fossil fuel, but one that emits one-half of the greenhouse gas pollutants as does coal.

Coal has also been replaced by clean energy, by wind, especially, which has grown by 5 to 6 percent of our generation, and by solar, which is now 1 percent of our generation.

In other words, if you go back to 2005 and you look at our country, natural gas was a relatively small percentage of electrical generation, and so were wind and solar. As we debate this issue here today, wind and solar are now up to 7 percent of all electricity generated in our country, up from 1 percent just a little bit more than 10 years ago. It is growing so fast as a preference for American industry, American utilities, and American homes, that it poses a marketplace threat.

So what we need to do now, finally, is to have the big debate out here as to what are the implications for public health and safety and what do we have to do in order to maintain the high standards that we have created for the protection of families over the last generation.

Last year, electricity generation from natural gas surpassed that from coal for the first time since 1949, when data collection began. Why? To quote the Department of Energy:

The recent decline in the generation share of coal, and the rise in the share of natural gas, was a market-driven response to lower natural gas prices that have made natural gas generation more economically attractive.

Between 2000 and 2008, coal was significantly less expensive than natural gas. However, beginning in 2009, large amounts of natural gas produced from shale formations changed the balance.

While the cost of coal has risen by 10 percent since 2008, the cost of natural gas has fallen by more than 60 percent. For a power producer considering new generation capacity, the lifetime cost of electricity from a new coal-fired powerplant is 67 percent higher than from a new natural gas powerplant and 17 percent than from a newly constructed wind farm, according to the National Academy of Sciences.

The reason no one is building coal-fired powerplants is very clear: It is the

free market. Coal cannot compete in the free market. In 2016, we added more than 14,000 new megawatts of solar. We are going to add 7 to 8,000 new megawatts of wind. We are going to add nearly 9,000 new megawatts of natural gas, and we added virtually no new megawatts of coal-fired generation in our country. We are projected to add no new coal generation this year as well. It will be more natural gas, more wind, and more solar.

The marketplace is rejecting coal as a source of electricity. The marketplace is doing that. This isn't a conspiracy. It is competition in the free market.

Lest my colleagues think that this is just happening in the United States, it is not. More than half of all electrical generating capacity added in the world last year was renewable.

Let me say that again. More than half of all new electrical generating capacity added in the world last year was from renewable energy—wind and solar—across the planet.

China recently announced that it intends to invest \$360 billion on renewable energy by 2020. They intend to create 13 million Chinese jobs in renewable energy in that time.

This isn't a conspiracy. It is competition, and the competition for those clean energy jobs is global.

When we started carrying iPhones, it wasn't a war on black rotary dial phones; it was a technological revolution. When we started using Macs and PCs, it wasn't a war on typewriters; it was a technological revolution. The horseless carriage wasn't a war on horses; it was a technological revolution that moved us to automobiles.

The move away from coal and oil toward clean energy and natural gas isn't a war; it is a revolution—an American-made free market revolution.

We now have more than 400,000 Americans employed in the solar and wind industries. By 2020, there are projected to be 600,000 Americans working in these clean energy industries. It is not a war. It is a revolution.

Now, next there is going to be another industry to win in the CRA, the Congressional Review Act giveaway game. That is right. The next winner will be the oil and gas industries.

Republicans intend to move to overturn a bipartisan requirement under the Dodd-Frank bill that publicly traded oil, gas, and mining companies disclose to their investors when they make payments to foreign countries, but that requirement is vigorously opposed by ExxonMobil, the American Petroleum Institute, and the oil and gas industry.

Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act was a bipartisan provision authored by Senators CARDIN and LUGAR. It requires oil, gas, and mining companies to disclose payments to foreign

governments, and that is now in jeopardy.

The Dodd-Frank disclosure rule goes to the core of the Securities and Exchange Commission's mission of investor protection. Secret payments can easily be expropriated by corrupt governments. They can also be a signal that a company is involved in risky business overseas—risks that investors need to know about when making investments.

By eliminating this disclosure requirement, using the Congressional Review Act, we are potentially allowing for oil companies to make secret, undisclosed payments to foreign governments. Those could include payments intended to gain an advantage over other companies or even bribes to foreign officials.

Eliminating this disclosure requirement could allow for oil companies to make secret payments to foreign nations that could have serious implications for these nations and for investors.

I urge my fellow Senators to reject these resolutions and keep in place the commonsense protections for public health, clean water, and financial disclosure.

Earlier today, the Republicans on the Environment and Public Works Committee reported out the nomination of Oklahoma Attorney General Pruitt.

Democrats on the committee have grave concerns about his ability to uphold the EPA's mission to "protect human health and the environment."

So what we are talking about here is the totality of a picture. The use of the CRA to—one by one by one—go after these environmental protections that have been put in place to increase the health of Americans, to reduce their exposure to arsenic, to lead, and to other dangerous chemicals. This first one that we are debating goes right to the heart of that issue. What the coal industry is doing is using the justification of their need to be competitive with the natural gas, wind, and solar industries, a battle they are losing in the financial marketplace, as a justification for undermining the public health of our country so they can be more competitive.

In other words, the price to be paid to make the coal industry more competitive with other industries to which they are losing market share in the electrical generation market is that the public health has to be compromised and we have to turn a blind eye to the impact on the children and the families in our country who are being exposed to these dangerous chemicals.

That is the price we have to pay as a nation? It is unacceptably high.

So Adam Smith looks on, and Adam Smith judges us here today.

This marketplace defeat of coal by natural gas, wind, and solar is one that

is being used to hurt children and hurt families in our country. I do not think it is an acceptable position for our Nation to take. I urge a rejection of that motion.

I yield back to the leader of this effort on the Senate floor, the great Senator from Washington.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the opportunity to get wedged in here. There are a number of very interesting things happening today. One is the CRA that I am very much concerned about. I know that my good friend from Massachusetts did not misrepresent something intentionally; however, this is a little bit more complicated than people think it is.

I spoke earlier this week on our need to roll back a lot of these regulations that were handed down during the Obama administration. They are all a part of that War on Fossil Fuels, and as you hear, that war is still going on with some of those individuals. However, President Obama is gone, and now we have to look at some of these overregulations.

For a number of years, I chaired the Environment and Public Works Committee. During that period of time, that particular committee had the jurisdiction over the EPA, which is where most of the bad regulations came from. When I say "bad regulations," I am talking about the overregulations that make it very difficult for our companies to compete with foreign companies that don't have these types of regulations.

Let me share something that is not very well understood, and that is what a CRA really is. There are a lot of people of the liberal persuasion who would like very much to have everything they could regulated in Washington, DC. For example, one of the fights we had was the WOTUS fight. If you ask any of the farmers and ranchers in America—not just in my State of Oklahoma but Nebraska and many other States—what is the most serious problem they have, they would say it is the overregulation of the EPA. If you ask them, of all the regulations, which ones are the most difficult for the farmers out there trying to scratch a living, they will say it is the regulations on water.

Historically, the jurisdiction of water is a State jurisdiction. Now, a liberal always wants that jurisdiction to be with the Federal Government in Washington. That is their nature. I don't criticize them for that. They believe that. But if you ask the farmers in my State of Oklahoma, they will say they don't want that to happen. Historically, water has always been the State's jurisdiction, with the exception of navigable water. We understand that navigable water should have a Federal jurisdiction. In fact, I would have to

say there was a real effort 6 years ago by a Senator who at that time was representing the State of Wisconsin and a House Member who was representing a district in Minnesota. Those two individuals introduced legislation to take the word “navigable” out of water regulations so the Federal Government would have jurisdiction over all of the water in the States as opposed to the State having that jurisdiction. Not only did we defeat the legislation, but both of those Members were defeated in the polls when they came up for reelection on that issue. The people are clearly on our side.

Where does a CRA come in? A CRA is something that has been used to shed light on what we are doing here. I am talking about with respect to our elected representatives. If there are regulations that are punitive to the businesses back home, when the Senator goes back to his or her State, they can say: Well, that wasn't I, that was an unelected bureaucrat who did that. I am opposed to it. They have a shield so people don't really know where they stand. A CRA takes away that shield because the CRA challenges a regulation, and it has to be voted on, forcing Members of the Senate and the House to be responsible for how they are really voting. It is a way of shedding light.

We have a lot of CRAs coming. One is going to be a CRA that I sponsored having to do with a regulation in the Dodd-Frank bill, in section 1504. As I mentioned, most of the overregulations come from the EPA, but this particular regulation didn't come from the EPA. It came from the Dodd-Frank banking legislation having to do with financial services. It is in a section that had nothing to do with financial services. Section 1504 requires all information to be made public that would come from a bid. In the United States of America, our oil and gas companies are in the private sector, but in China it is run by the government. If we are competing for an oil and gas issue that might be in Tanzania and we are competing with China, China would be competing as a government, and we would be doing it in the private sector. Section 1504 requires the private sector to disclose all elements of their bid when they are competing for a contract with China. The reason for this initially was to preclude a country's leaders from attempting to steal money that was given to them for a certain oil project. With this disclosure, they would not be able to do it. Well, you don't have to have all the components of the bid. All you have to have is the top line, how much money was actually sent to, in this case, the country of Tanzania.

The courts came along in 2014 and said this regulation was wrong. There are a couple of problems. One problem is that there is no reason in the world that you should have a mandate to disclose all the details of a bid because

that is giving away information to the competition, giving the other side an advantage. The other problem is the expense of it. We are talking about \$600 million a year that would be borne by the private sector in America that China would not have to pay. So it only punishes those within the United States.

After the courts threw this out, the SEC should have reworked the rule. They were instructed to rework the rule so every detail of the bidding did not have to be disclosed, just the total amount. That solved the problem that was perceived to be out there because then it would be known that so much money, for instance, maybe a check for \$50 million, would go out, and we wouldn't have to break down the details of it. The main thing is, we need to know, in good government—and that was the intention in the first place—how much money was going to a foreign government.

Some have argued that the CRA is motivated by companies who want to get around transparency. That is clearly not the case. The courts have said it is not the case. Oil and gas companies in particular are longstanding supporters of greater transparency initiatives such as the Extractive Industries Transparency Initiative, the EITI, that is a multilateral, multistakeholder global initiative composed of energy companies, civil society organizations, and host governments. The EITI rules would apply equally to all companies that would be operating in a country. That would level the playing field.

We have also heard from those on the left saying that voting to repeal the rule would be a vote in favor of corruption. Yet, importantly, the United States already has in place the Foreign Corrupt Practices Act, which prohibits the paying of bribes to foreign officials to assist in obtaining or trying to retain business. The Federal Government is able to bring civil enforcement actions against companies that violate this rule, and section 1504 of the Dodd-Frank Act did not change that. That was in place before and is still in place now. If we pass the CRA and eliminate section 1504 of the Dodd-Frank Act, it is not going to change things.

There are others in the humanitarian community who have expressed concern to me that the CRA will undermine efforts to fight corruption in other governments around the world. Let me assure you that I support your goal.

The courts were emphatic when they said this regulation should be repealed. In fact, it was taken down by the court way back in 2013. Well, it has come back up again. What we want to do is merely comply with what the courts told us to do in 2013, and that is to use the CRA to knock out this section 1504 and go back and rewrite it to take out merely the requirement for a break-

down of all the individual elements of a contract. That is something we intend to do.

I see my good friend from West Virginia, who I think would understand just as well as anyone that when I go back to my State of Oklahoma, they say to me: You have a President—this was back when President Obama was President—who has a War on Fossil Fuels. Fossil fuels are coal, oil, gas, and I would include nuclear. Coming from my State of Oklahoma, they ask: Explain how, if 89 percent of the power that is generated in America comes from fossil fuels and nuclear and they are successful in doing away with it, how do we run this machine called America? The answer is, we can't. We have to have it.

I think we all understand what we want to do is have this rule changed so we are not put at a competitive disadvantage so we are able to go ahead and compete with countries that have a government-run system. To be able to do that, we need to rewrite this particular act. Again, the courts have already agreed to that and that is what we are attempting to do.

For those concerned about the timing and speed of the CRA, I have good news. The actual rule is not set to go into effect until 2018 anyway. The more swiftly we can enact the CRA, the more time it will give us and the SEC to rework it. This is something that is perfectly acceptable.

Some of my critics say we can't come back with a rule that is substantially the same. This will not be substantially the same. Actually, this is what the court recommended in 2013.

In closing, I want to ask this question: If we put forth a rule that makes it harder for U.S. companies overseas, who will fill the void? The U.S. companies have the best environmental standards, the best labor practices, and the least corruption of many of the other countries. However, if this vacuum is there, the business will go to companies from China, India, and Mexico that don't care about pollution and don't care about labor standards. That is not what we want to have happen. What we need to do is foster a strong competitive environment, with reduced corruption overseas, for the benefit of those living under these governments.

So I invite my colleagues to join me in this effort to do away with this regulation through the CRA and to repeal section 1504 of Dodd-Frank and rewrite it so it accomplishes the goal of stopping corruption and at the same time is not going to put us at a competitive disadvantage.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from West Virginia.

MR. MANCHIN. Mr. President, I rise also to speak about the rule. I want everyone to know that the State of West Virginia has been a heavy-lifting State.

We are a construction State. We mined the coal that made the steel that built the guns and factories that enabled our Nation to defend us and gave us the great country we have.

We have done everything. There is no one in West Virginia, Oklahoma, or any extraction State who wants dirty water or dirty air. Pitting people against each other is just wrong. The way this comes down is that this is a duplicative rule, this stream protection rule that was put in place.

My colleagues know that last year the Department of Interior Office of Surface Mining and Reclamation Enforcement basically decided to send the final stream protection rule to the White House without fulfilling their obligations or even a request by myself to contact and work with the local authorities and to work with the States that are involved. They did nothing. They would not reach out to us whatsoever. This was one of many of President Obama's administration's regulations that absolutely crippled West Virginia families and businesses with no plan to replace or create new jobs or help these communities.

Not only is this rule very alarming in its scope and potential impacts, the rulemaking was executed in a very flawed way. The rules by the Department of Interior and Office of Surface Mining and Reclamation must be based on comprehensive data that is available to stakeholders, particularly when those rules threaten to eliminate thousands of jobs. All we have asked was to come to the DEP, the West Virginia Department of Environmental Protection, and tell us what is not working, tell us what you want us to do differently, work with us and help us strengthen where there is a flaw.

Not once did we ever get that type of courtesy. States critical to the implementation of this rule were left out of the process in any meaningful way. The Office of Surface Mining failed to work with States throughout this process, despite the clear congressional intent. Furthermore, agencies should not be assuming duplicative rules that overlap regulations under other environmental laws such as the Clean Water Act.

This rule is excessive and duplicative. It has over 400 changes to the Surface Mining Control and Reclamation Act—which is what we refer to as SMCRA—that duplicate existing practices and protections that the EPA and the Army Corps already oversaw.

So, basically, we already have two agencies that have to do with any type of permitting that goes through the EPA, in conjunction and in alliance with the Army Corps. This overstepped and took all the powers away from them completely. Why would we want to duplicate? If we have an agency that is not doing its job, either change the personnel or get rid of the agency;

don't just create another duplicative role and another agency to oversee it.

During my time in the Senate, I have been committed to policies that protect our coal-mining communities and economies, and that is why I introduced this resolution of disapproval to undo this harmful, duplicative regulation.

I am a firm believer in the balance between the economy and the environment. I believe that everything we do in life should have a balance, and we should try to find that balance. But when you are trying to basically use overreach, duplicative rules—a nuisance—which do nothing but create havoc and make it almost impossible to go forward, you can't hire enough lawyers and enough accountants to get through the paperwork the government can put on you.

But never once, from any of us—from West Virginia or any other State that does the heavy lifting—none of us think that we should discard the Clean Water Act or the Clean Air Act. Those are things that we will cherish and we will protect, and those came about by Republicans and Democrats working together—Republican administrations. We are all for that; we are just not for beating us over the head with a hammer when we can work to fix things if we think there is an error.

The consequences of this regulation will have far-reaching impacts on the future of coal mining and therefore all other things we can count on. I think, as the Senator from Oklahoma just said, in West Virginia, we have what we call “all of the above” energy. We want all of the above to be used, and use it in the cleanest fashion, and design and develop new technologies that we can use and depend on. We depend on coal, we depend on natural gas, and we depend on nuclear power for the majority of our energy.

The other thing I have said is that I believe we should be developing renewables also, and we are doing that. Wind, solar, biomass—we do everything. But if you believe that is going to run the country in the energy you use every day and take for granted, then tell me what 4 hours of the day you want your electricity to run. What 4 hours of the day do you want your refrigerator to stay cold? What 4 hours of the day do you want to heat your home? Tell me what 4 hours of the day you take for granted that anything and everything you want works 24 hours a day, because you will not have baseload. Those are the facts. If you don't like it, then let's continue to work to make it better, but don't just put your head in the sand and say: I am going to have whatever I have. This will work fine. And I have no fossil. I don't need fossil.

I am sorry, the world doesn't work that way. This country doesn't work that way. The grid system—your light switch—doesn't work that way.

So today once again I am standing on behalf of West Virginians and common-sense people all over this country, and we have a lot of them in West Virginia. I ask my colleagues to hear their voices and vote in support of this resolution that gets rid of these overreaching, duplicative rules that do nothing but create havoc on the economy and the well-being of the citizens of our great country.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I think all of us understand the gravity of moving forward on a CRA. It is not a usual procedure; it is limited in terms of filibuster rules, and it is extraordinary. In this case, unfortunately, it is necessary. Had the previous administration actually listened and worked constructively with Senator MANCHIN and me and my utilities and the coal industry in North Dakota, we would not be standing here now.

This was a rule that had a specific intent of addressing mining practices in Appalachia. Yet the former administration made the rule applicable to the entire country.

I don't know that any of those folks drafting the rule had ever been to North Dakota to see just how different our mining practices and geology are compared to Appalachia, so I invited former Assistant Secretary Schneider out last year to take a look for herself. When she came out, she heard directly from North Dakota utilities, regulators, and coal companies, and she saw how our operations differ and how my State is a national leader in reclamation. Based on the final rule, it is apparent that the rule was already made before her visit, and the input of the folks back home in my State, quite honestly, was not taken seriously.

North Dakota coal stakeholders estimate that the rule could cost coal producers in North Dakota alone approximately \$50 million annually in additional compliance costs and take more than 600 million tons of otherwise mineable, affordable coal off the table.

I will tell you, when you look at the landscape of North Dakota and you are sitting there and you are explaining this and you are showing how one rule would require equipment to be moved, draglines to be moved, and how all of that makes absolutely no sense in terms of the resource and, in fact, in terms of the difficulty of actually doing reclamation that needs to be done in that situation; when you are standing out there and you actually look at it, the only conclusion you can come to when you see the net result of this rule is that it was intended to shut down coal mining. That is the only conclusion I could come up with. It wasn't about clean air and clean water;

it wasn't about protecting this resource; it was about shutting down the coal mines.

So this impacts not only the ability of our utilities to access this affordable and abundant resource, it hits thriving rural communities throughout North Central North Dakota, communities like Hazen, Washburn, and Beulah that rely on coal for good-paying jobs, for funding our schools, for fire protection, for law enforcement and other community resources that allow our rural communities and healthy middle class to thrive in the State of North Dakota.

One-size-fits-all rules do not make any sense. And when you look at the application of this rule and once-size-fits-all, it clearly makes no sense. The beautiful mountains, forests, and streams that dominate the West Virginia landscape, as just described by my great friend Senator MANCHIN, are nothing like the rolling prairies, the buttes, and the prairie potholes of North Dakota. How anyone can look at these two States and think that a rule which is promulgated which will be universally applied can logically be applied to those two different landscapes—the logic of that completely escapes me.

A rule that requires enhancements to the land, including trees and permanent fencing to keep livestock away from streams—well, in North Dakota, we are pragmatists. Not only do we return the land to the same or better condition, we usually convert that land from farm or ranchland to this beautiful landscape we see here.

I want everyone to understand what reclamation looks like. I want you all to understand that this used to be a strip mine. This used to be a big hole in the ground producing coal. And over generations, and restoring this to the topography—the biggest challenge we have in North Dakota is convincing the original landowner, who would love it to be straight so it is easier to farm, that we have to put it back the way it was.

My colleagues can look at this landscape, and they cannot tell me that the company that did this and the State that set the standards and the commitment that was made to reclamation was not honored; that it is not working in North Dakota and that we need a one-size-fits-all stream regulation to fix a problem that doesn't exist—a problem that is going to cost us \$50 million and hundreds of jobs in my State. This is exactly why the people of this country get frustrated, and the people of this country do not understand why Washington, DC, thinks they know it all.

As a matter of fact, our reclamation programs are highly regarded, and we are, in fact, recognized for doing the best reclamation in the country. I would point to the 2016 Abandoned Mine Land Reclamation Small Project

Award that went to our mine reclamation project in Bowman, ND.

Our coal industry and our utilities are always willing to work with the Federal Government on regulations that focus on actual results, on improving environmental safety and standards. They are willing to do that again. They have never had an issue with updating this regulation. All that was asked was that the former administration listen to them, actually believe their eyes when they see the work we are doing and understand the impact of that rule.

It was done in haste, it was done hurriedly, and it was done so they could check a mark and say: See, we really are leaving it in the ground.

If you want to be leave-it-in-the-ground, then have the courage to come here and say that this country, in the next 20 years, will not extract one fossil fuel from the ground.

I have great respect for Senator MARKEY. He was just here talking about how we have made progress because of the conversion from coal mining to natural gas. It is a little disingenuous, I would say, because the whole while, we are talking about how this conversion would not have been made possible if it weren't for industry practices of utilizing fracking to extract natural gas.

This is a structured movement using bogus regulations to promote a national policy without having the courage to just advance that national policy forward, which is to leave it in the ground.

We heard from Senator MANCHIN. I want everyone who says: We are going to pursue a leave-it-in-the-ground national policy—I want them all to think about what that does to women and children who live on fixed incomes. I want you to think about what that means for reliable, redundant, and affordable power generation in our country. We are going to let the market decide.

We have moved toward wind energy, which, ironically, the big movement of wind energy was facilitated by a compromise we reached over a year ago that dealt with allowing for the export of crude oil out of this country—the lower 48—in exchange for more permanency and for production tax credits and investment tax credits. We can, in fact, achieve a public policy result if we work together and if we don't have hidden agendas like “leave it in the ground.”

This rule was wrong, it was structured wrong, and it attacks an industry that does this. I will tell my colleagues, I have been out there. I have worked in this industry and I have been a regulator of this industry. This is not unique. This is what reclamation looks like in North Dakota. And to suggest that we have not been good stewards, to suggest that somehow we

are contaminating this beautiful resource by what we are doing, is wrong on so many levels. It is costly to our consumers. It costs us jobs, and it is wrong on so many levels.

With that, I would say, please—this is a process that should only be used very rarely but I think is being used appropriately in this situation with the stream rule. So I stand with my friend JOE MANCHIN in helping sponsor this CRA. We will continue to fight for our industry, fight for our good-paying jobs, and fight for commonsense regulation that actually achieves the purpose of protecting this beautiful resource we have in North Dakota.

Thank you, Mr. President.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I am deeply concerned about efforts underway to use the Congressional Review Act to eliminate protections that have saved lives and cleaned up our environment. I certainly respect the views of my friend and colleague from North Dakota, but there are other perspectives to consider. And while today it is a stream buffer rule, tomorrow it will be some other rule intended to protect the health of our communities and our citizens.

The Congressional Review Act is a rarely used tool that can erase rules that have taken years and much public input to develop. Passing a CRA resolution, as we are being asked to do in this instance, also prevents us from implementing similar protections in the future. The reason is that by passing this kind of resolution, it prevents us from implementing any kind of other rule that is similar in nature.

Regardless of whether you voted for Donald Trump or Hillary Clinton, nobody wants to live in a dirty environment where we don't have clean water, clean rivers, clean streams, or clean air. Once again, we are being told to choose between a clean environment and creating jobs.

In Hawaii, we have one of the lowest unemployment rates in the country and some of the most robust protections for our environment. Today's debate over the stream buffer rule and future debates under the Congressional Review Act are not about States' rights. Today's debate is not about regulation for the sake of regulation. It is not about a war on coal; it is about preventing fossil fuel companies from creating unhealthy communities by polluting the water we drink and the air we breathe.

The Department of the Interior has been working on this rule for 7 years—7 years. It replaces an outdated regulation that was written during the Reagan administration in 1983.

Science has come a long way in 34 years. In that time, we have learned a lot about the detrimental impacts of

coal mining on clean water and public health. Clean water is essential, and politically expedient decisions we make now will have lasting impacts for years to come, as families in Flint, MI, know all too well.

The stream buffer rule that we are being asked to undo requires coal companies to monitor water for contaminants. Communities have a right to know what is in their drinking water. They have a right to know that their water is clean. They have a right to know what kind of contaminants are in their water. I don't think this is an unreasonable expectation. Why are we making this debate a fight between supporting jobs for coal miners and clean water?

Divide and conquer is a time-tested tactic that ends up hurting vulnerable populations and communities. Let's not fall prey to such divisive tactics. This is why I am perplexed as to why we are voting to undo the progress we have made. I will be voting against the CRA and any other CRAs that harm our environment and public health and force us to make a false choice.

Again, while I respect the views of my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

Mr. President, I yield the floor.

Mr. CARDIN. Mr. President, I wish to oppose the resolution of disapproval on the stream protection rule. Each Congress has an opportunity to promote having cleaner air and cleaner water. Our job description shouldn't include hollowing out the protections for clean air and clean water which previous Congresses have provided.

Clean air and clean water are vital not just to human health and the environment, but to our economy as well. The number of premature deaths due to poor water quality affects our economy. The number of school or work days missed due to health problems affects our economy. The ability of industries to have access to clean water affects our economy.

Like many of my colleagues, I am proud to represent part of Appalachia, in the western part of Maryland. I have enjoyed skiing, hiking, and simply enjoying one of the most beautiful places in our country. Recreational activities along the Appalachian Mountains depend upon clean air and clean water. And recreation is a huge part of expanding economic opportunities in Appalachia.

Over the years, I have met with many people directly affected by the mining practice known as mountaintop removal, and I have worked very hard to address their concerns in a bipartisan manner. For instance, in the 111th Congress, I introduced S. 696, the Appalachia Restoration Act, with the senior Senator from Tennessee, Mr. ALEXANDER, to help protect streams and rivers.

The stream protection rule updates 33-year-old regulations to implement the Surface Mining Control and Reclamation Act. The update establishes clear requirements for responsible surface coal mining that will protect 6,000 miles of streams and 52,000 acres of forests over the next two decades, preserving community health and economic opportunities, while meeting the Nation's energy needs.

The stream protection rule includes reasonable and straightforward reforms to revise three-decades-old coal mining regulations to avoid or minimize harmful impacts on surface water, groundwater, fish, wildlife, and other natural resources. There are a number of very positive, reasonable, and economically feasible changes in the proposed stream protection rule that make it an improvement over the existing regulations.

The rule incorporates the best available science, technology, and modern mining practices to safeguard communities from the long-term effects of pollution and environmental degradation that endanger public health and undermine future economic opportunities for affected communities.

The final Rule gives regulators more tools to measure whether a mine is designed to prevent damage to streams outside the permit area.

The rule would require companies to avoid mining practices that permanently pollute streams, destroy drinking water sources, increase flood risk, and threaten forests.

It would also require companies to restore streams and return mined areas to the uses they were capable of supporting prior to mining activities and replant these areas with native trees and vegetation, unless that would conflict with the implemented land use.

To help mining companies meet these objectives, the rule requires testing and monitoring the condition of streams that might be affected by mining before, during, and after their operations to provide baseline data that ensures operators can detect and correct problems and restore mined areas to their previous condition.

Using the Congressional Review Act, CRA, to attack a rule that protects people and communities from harmful impacts of irresponsible coal mining operations, such as buried streams, floods, and subsidence, will benefit coal companies that cut corners at the expense of the people who live in Appalachia. And if the resolution is passed, agencies will be prohibited from promulgating any other "similar" rule, unless Congress passes enabling legislation.

Opponents of the rule call it a "job killer." That is myth. The regulatory impact analysis, RIA, for the rule estimates that, overall, employment will increase by an average of 156 full-time jobs. According to the RIA, the rule

will create more than twice as many jobs as it will eliminate by requiring operators to perform more duties for reclamation, including stream monitoring. Likewise, the impact on an average household's monthly electricity bill is slight: just 20 cents per month.

Coal miners and their families need jobs, and they need clean water. The two aren't mutually exclusive. What they don't need is this attempt to gut a reasonable rule designed to protect them from an environmental disaster, which is much more likely to occur if the Senate passes this resolution of disapproval.

Mr. SANDERS. Mr. President, I oppose the Republicans' current efforts to gut environmental protections that put industry profits before public health. In repealing the EPA stream protection rule, Republicans are again choosing to put the health and well-being of average Americans in jeopardy in favor of the interests of the Big Coal industry.

This bill seeks to unravel clean drinking water protections implemented by the Obama administration. The last time I checked, no one voted to pollute the environment in the last election. The majority of Americans do not agree that we should be dismantling protections that ensure clean air and clean water.

The stream protection rule shields communities from toxic pollution from coal mining, updating regulations that are more than 30 years old. These protections bolster those in the Clean Water Act and establish a long-overdue monitoring requirement for water pollutants—including lead, arsenic, and selenium—known to cause birth defects and other severe human health impacts. The rule was updated to better protect public health and the environment from the adverse effects of surface and underground coal mining.

This rule would protect or restore about 6,000 miles of streams and 52,000 acres of forest over two decades. It would prevent water pollution by authorizing approval of mountaintop removal mining operations only when natural waterways will not be destroyed, requiring protection or restoration of streams and related resources, such as threatened or endangered species. It gives communities in coal country much needed information about toxic water pollution caused by nearby mining operations. Long-term, the rule would ensure that premining land use capabilities are restored and guarantee treatment of unanticipated water pollution discharges.

Mountaintop mining destroys communities. Let's be clear. This rule helps protect communities from the pollution caused by mountaintop removal coal mining. In Appalachia, mountaintop removal coal mining has been responsible for the destruction of 2,000 miles of streams and 2.5 million

acres of the region's ancient forests. States have issued advisories that people should not eat the fish in mined areas because of chemical contamination. In dozens of peer-reviewed studies, mountaintop removal mining has been linked to cancer, birth defects, and other serious health problems among residents living near these sites. According to Kentuckians for the Commonwealth, the public health costs of pollution from coal operations in Appalachia are \$75 billion every year.

According to a 2011 study in the *Journal of Community Health*, in counties where mountaintop removal occurs, cancer rates are almost twice than those nearby where there is none. As many as 60,000 additional cases of cancer are linked to the practice within those 1.2 million Americans who live in these areas.

In addition, a 2011 study in the scientific peer-reviewed journal *Environmental Research* found that, even after accounting for socioeconomic risks, birth defects were significantly higher in mountaintop mining areas compared to non-mining areas.

Likewise, a 2011 study in the *Journal of Rural Health* found that areas in Appalachia with mountaintop removal have significantly higher death rates from heart disease than other areas with similar socioeconomic conditions. Researchers in the same *Rural Health* study estimated that more than 700 additional deaths occur annually.

Yet the rule is dogged by many myths and falsehoods spurred by the fossil fuels lobby. Almost a quarter of a billion dollars have been spent by opponents of the rule—the coal mining industry, electric utilities, National Association of Manufacturers, railroads, and the U.S. Chamber of Commerce—on political lobbying and campaign donations. They—and Republicans—claim that implementing this rule will kill coal production—not true. Coal production is impacted by many factors, including low natural gas prices. The CEO of the coal company Murray Energy even said, “I’ve asked President-elect Trump to temper his comments about . . . bringing coal back. It will not happen.”

In comparison, this rule could actually create jobs. Many of the jobs created by the rule will be construction-type jobs easily conducted by former coal miners.

Another myth is that the rule is a huge economic burden on industry—not true. The economic impacts of implementing this rule are small relative to the size of the coal industry. Industry compliance costs are estimated to average only 0.3 percent or less of the coal industry's \$31.2 billion 2015 estimated annual revenues. Conversely, the costs of repealing the rule are borne by Appalachian families and small businesses. Families in these communities will be the ones to endure

significant health impacts. Businesses like restaurants, farms, and the outdoor recreation industry rely on clean water and are jeopardized by coal contamination in their community's streams.

I urge my colleagues to vote no on this effort to kill the important protections provided by the stream protection rule. We must reject efforts to put the interests of the Big Coal industry above the health and well-being of the American people.

Mr. VAN HOLLEN. Mr. President, with the resolution on the floor today, our Republican colleagues are beginning their effort to roll back critical health, safety, and environmental safeguards that the Obama administration put in place.

The tool that they are using, the Congressional Review Act, is a particularly blunt instrument. The Congressional Review Act allows the majority to rush a resolution of disapproval through the Senate with limited debate and only a limited opportunity for Americans to see what Congress is doing.

But a resolution of disapproval under the Congressional Review Act does not just send a rule back to the drawing board. Instead, the resolution repeals the rule and prohibits the Agency from ever proposing anything like it again. An analysis in the *Washington Law Review* reported that it is “conceivable that any subsequent attempt to regulate in any way whatsoever in the same broad topical area would be barred.”

The rule before us today, the stream protection rule, deals with how waste from surface mining, also called “mountaintop mining,” is handled. The rule prevents this waste from being dumped near streams. The waste from these mining operations includes toxic pollutants like lead and arsenic. And these pollutants can cause serious health problems in surrounding communities. A 2008 study in the *Journal of the North American Benthological Society* found that 98 percent of streams downstream from mountaintop mining operations were damaged. This rule limits pollution near streams, requires monitoring of water quality, and creates standards to restore streams after a mining operation ends.

The Reagan administration first put forward stream protections in 1983, exercising authority under the Surface Mining Control and Reclamation Act of 1977. Today more than 30 years later, we better understand the effects of surface mining, and it makes sense to update our standards to protect public health. The Bush administration revisited the issue in 2008, but a Federal court vacated the Bush administration rule because they failed to fully consider effects on wildlife.

Under the Obama administration, in 2009, the Office of Surface Mining Reclamation and Enforcement, or OSMRE,

began considering options to bring these stream protections up to date with the current scientific understanding. In the course of developing the updated rule, OSMRE shared information and solicited comment from State regulatory authorities and incorporated their feedback. The Office of Management and Budget's Office of Information and Regulatory Affairs continued the stakeholder engagement process. The Obama administration considered the issue deliberately, for 7 years, before publishing the final rule in December.

OSMRE acted appropriately with the Stream Protection Rule. But the question before us today is not whether the rule is perfect. Today we are considering whether the Agency should be permitted to update the old 1983 rule at all. I believe that it was right for the government to update this outdated regulation and use the best available science to protect drinking water and safeguard public health. Therefore, I urge my colleagues to join me to vote against this resolution to disapprove the rule.

Ms. HIRONO. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold her suggestion?

Ms. HIRONO. Yes, I will.

The PRESIDING OFFICER. The Senator from Nebraska.

NOMINATION OF NEIL GORSUCH

Mrs. FISCHER. Mr. President, I rise to address the nomination of Judge Neil Gorsuch to serve on the Supreme Court of the United States.

I will address Mr. Gorsuch's qualifications and his extensive legal experience in a moment, but first, I invite my Senate colleagues to consider: What do we seek in a nominee to our Nation's highest court?

Maybe it is easier to say what we don't want. We do not want a law-maker. Washington has plenty of those, 100 Senators and 435 Members of Congress. We do not want a crusader for a cause. Most of all, we do not want a trailblazer.

What we want is a follower of the Constitution. We want a Supreme Court Justice who will follow the laws, as written, and uphold the rule of law. This demands discipline; it requires the rarest of virtues: humility. There is no room for hubris on the Supreme Court.

We do not want a Justice who believes he knows better than our Founders. That is not his job. A Supreme Court Justice should neutrally apply the laws as written by Congress and as understood by the Framers of our Constitution. They must not impose their personal preferences upon the law or upon the American people. I want to say again that we want someone who will follow the law and uphold the rule of law.

We also seek a keen legal mind. A nominee must possess the sharpest intellect and only the most rigorous academic qualifications. This person may be one of nine human beings who will resolve questions affecting the freedoms and the rights of millions. Therefore, in addition to ironclad commitment to the rule of law and brilliant intellect, this person must be a known quantity. There must be a reliable record for us to carefully assess.

In exercising our constitutional power of advice and consent, we don't make guesses here in the U.S. Senate. We hold hearings; we ask probing questions. This is how we will determine if Mr. Gorsuch is the legal disciple, brilliant mind, and known quantity the American people need and the person the American people deserve. The evidence so far suggests that he is.

As a judge on the U.S. Court of Appeals for the Tenth Circuit, Mr. Gorsuch has served 10 years in extraordinary fashion. He was confirmed by a voice vote here in the U.S. Senate. His opinions reflect a history of upholding the rule of law. His conduct on the bench demonstrates an exemplary judicial temperament. He is enormously well qualified. His educational background is impressive: an undergraduate degree from Columbia, a law degree from Harvard, and a Ph.D. from Oxford University. Judge Gorsuch clerked for the Supreme Court. Further, he is well within the mainstream.

Among his many impressive academic distinctions, he is a Truman Scholar. This sizeable financial award is given by the Harry S. Truman Scholarship Foundation to young people pursuing a career in public service. I note that my colleague from Delaware, Senator COONS, is a Truman Scholar. Former Secretary of State Madeleine Albright serves as president of the Truman Foundation. Senator MCCASKILL of Missouri is a board member. All are highly respected Democrats. It should be telling that the organization, now headed by Secretary Albright and Senator MCCASKILL, helped Mr. Gorsuch fund his graduate studies.

Jeffrey Rosen of the nonpartisan National Constitution Center had this to say about the judge: "He sometimes reaches results that favor liberals when he thinks the history or the text of the Constitution or the law require it, especially in areas like criminal law or the rights of religious minorities."

Norm Eisen, Special Counsel for Ethics and Government Reform in the White House for President Barack Obama, attended law school with Mr. Gorsuch. He called him, simply, "a great guy."

There is much more that can and will be said about the nominee in the days to come. Much of it will contribute to a vigorous confirmation process. Sadly, I suspect much of it will not. Many, including some in this Chamber, have

said they will oppose any nominee, no matter how qualified.

Americans deserve better than this bitter feud in the U.S. Senate. The Presidential campaign is over. As the Washington Post recently editorialized, "A Supreme Court nomination isn't a forum to refight a presidential election." The newspaper's editors urged against "a scorched-earth" response.

Senate Republicans gave President Bill Clinton an up-or-down vote on his first two Supreme Court nominees. Senate Republicans gave President Obama an up-or-down vote on his two first Supreme Court nominees. This is a chance for my colleagues in the U.S. Senate to show how high-minded they can be. They can permit a similar up-or-down vote on this President's first Supreme Court nominee.

I invite them to engage with me in a respectful, civil dialogue as we carry out our duty of advice and consent. We need a vigorous confirmation process, and I will work for that vigorous, open, respectful, and transparent process. I hope all of my colleagues on both sides of the aisle will join me in that.

Mr. President, I yield back the remaining proponent debate time.

The PRESIDING OFFICER. The proponent's time is yielded back.

The Senator from Delaware.

NOMINATION OF NEIL GORSUCH

Mr. CARPER. Mr. President, I would just remind my colleagues that a lot of folks in my State and people I talk to around the country believe it is outrageous that the last President nominated a candidate for the Supreme Court for almost a year—a full 10 months—before stepping down before his term ended, and that nominee never got a hearing.

We had a National Prayer Breakfast this morning, as our Presiding Officer knows. One of the occurring themes of the speakers at the Prayer Breakfast was the Golden Rule, the obligation to treat other people the way we want to be treated. I think that should apply to this nominee from this President. I also believe it should have applied to the last nominee from the last President. I think the way Merrick Garland was treated was outrageous, and he was roundly praised by Democrats and Republican, Members of this body, alike. The fact that he never got a vote I think is appalling. It runs against everything I was taught to believe.

Perhaps the Presiding Officer's parents raised him the same way. My parents raised us to believe that two wrongs don't make a right. Two wrongs don't make a right. Folks on our side believe—although deeply troubled by the way the last nominee for the last administration was treated—this nominee deserves a hearing. My hope is that he gets one and there is time set aside to prepare for that hearing. My hope is that he will take the time to come and

meet with us, particularly those of us who have concerns about his nomination.

I think he should be subject to the same 60-vote margin the last several Supreme Court nominees were subjected to and passed; I think in one case it was 62 votes, and in another case, 63 votes.

I just want to let my friends on the other side—and they are my friends—know that we and, frankly, a lot of people in this country are still troubled, looking back. We are going to look forward with the Golden Rule in mind. My hope is that our colleagues will do the same in the future.

Mr. President, I rise on a subject that some of my colleagues have talked about here today. It is one that we have been discussing for almost the last 24 hours. It is a Congressional Review Act resolution to disapprove the stream protection rule.

People may wonder, What does this mean? There once was a Senator from Nevada named Harry Reid. He once wrote a law that said: If Congress doesn't like a particular rule that has been approved and has gone through the process—drafting, all the approval processes—published in the Federal Register, and something like 60 days on the legislative calendar have run, then that rule is official; it is in full effect. However, if a Member of this body or the House wants to use the Congressional Review Act authored by Senator Harry Reid, they can repeal a rule for which the 60-day legislative clock has not run since that rule or regulation was published in the Federal Register.

In this case, 60 legislative days have not passed since the stream protection rule was promulgated, printed in the Federal Register, and one or more of our colleagues has said: Let's use the CRA—Congressional Review Act—to see if we can block or repeal it.

I spoke on this yesterday, and I am happy to have a chance to talk a little bit about it again today.

A prevailing argument in favor of this resolution to kill the rule is the significant negative economic implications of managing mining operations and site reclamation in such a way that life and economy continue along with and after extraction ends.

Let's take a few minutes to reflect on the other side of the coin. I can assure you that hunters, fishermen, birdwatchers, and recreation enthusiasts of all ages, sorts, and varieties in my home State of Delaware—and I am sure in every State in our Nation—value an environment that supports the places they treasure and the species they seek. That is not the legacy of mining.

Because of historically weak reclamation and restoration requirements, Appalachia now has more than a million acres of economically unproductive grasslands that cannot support farming, ranching, or the hardwood

forest products sectors. That is one of the reasons for and one of the many strengths of this rule: to focus on post-mining economic uses of land, which could include ranching, forestry, tourism, birdwatching, hunting, fishing, and the list goes on.

In America today, there are 47 million men, women, and children who hunt and fish. We all represent them. According to a 2014 report from the National Wildlife Federation, these activities deliver an astonishing \$200 billion to the country's economy, and they support one and a half million jobs.

I wish to also point out that mining impacts on headwaters are particularly important, as they represent the very foundation of our water system that supports all these activities and generates all of these benefits. Just to illustrate this point, Appalachia—a region in which I grew up—is the world's leading hotspot of aquatic biodiversity. I was born in Beckley, WV, and we lived there for 6 years or so after I was born and I came back a whole lot over the years to hunt and fish with my grandfather, but I had no idea there was this kind of biodiversity in that region.

There are more species of freshwater fish in one river system in Tennessee than in all of Europe. Think about that—more species of freshwater fish in one river system in Tennessee than all of Europe. Yet surface coal mining has destroyed more than 2,000 miles of streams in this region alone. Cutting the heart out of our ecosystems is no way to do business.

The question is, Would mining companies respect and consider these values and benefits as part of their operations and reclamation efforts without surface mining and clean water laws and the effective protections provided by the stream protection rule? I would say probably not. It is no surprise, then, that conservation and fishermen's organizations, such as Trout Unlimited, the American Fly Fishing Trade Association, the Izaak Walton League of America, and Theodore Roosevelt Conservation Partnership, so strongly support this rule and robust implementation of the Clean Water Act. In fact, 82 percent—over 8 out of 10—of America's hunters and anglers feel that we can protect water quality and also have a strong economy and good jobs at the same time. It is a false choice to say we can't have both at the same time.

The stream protection rule would protect and restore an estimated 6,000 miles of streams and 52,000 acres of forest over two decades—areas important for hunting, fishing, and outdoor recreation.

All these activities would provide local citizens and communities with economic opportunity to replace or build upon what often are one-industry

regions. They, in turn, support local economies and create accessible work opportunities for residents, many of whom would otherwise struggle to make ends meet, care for their health, and support their families. In the end, this is a much more valuable and sustainable future for everybody concerned.

These truths hold in their unique ways in mining States across our country, whether they involve ensuring salmon runs in Alaska or ranching in Wyoming.

I will close by repeating a point I made previously in support of this stream protection rule. This past year, the Office of Surface Mining Reclamation and Enforcement and the Fish and Wildlife Service completed consultation under the Endangered Species Act, resulting in what is known as the 2016 Biological Opinion. This new Biological Opinion smooths the way for more efficient Endangered Species Act compliance and provides some important protections to industry and State regulators regarding possible impacts of mining operations on protected species.

I think it is important to note that if we kill this rule—and I hope we will not—that protection for industry and State regulators will go away, and those players will have to resort to a more cumbersome case-by-case review under the Endangered Species Act for all activities that might affect protected species. That would be a shame. That would be a shame, especially for a struggling industry.

For this and for so many other reasons, this is a job-creating, economy-expanding rule. Why wouldn't we support it? Once again, I urge a "no" vote on this resolution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, yesterday I had the chance to come to the floor and talk about the changes I have seen in the streams and rivers in my home State of Oregon as we worked to clean them up, restore them for wildlife, restore them for swimming, restore them for boating, and restore them for drinking water, and how terrific it was to see this occur.

We are now considering a parallel provision—a provision designed really to protect the streams near intense mining zones. I had a chance yesterday to go through the details of the regulation and how it made, for example, the coal slurry ponds more secure so they wouldn't rupture. As I pointed out, one ruptured and killed over 100 people and injured more than 1,000 people, not to mention the damage it did to the ecosystem for an extended length downstream. I talked about the toxic chemicals that are leaching out of improperly developed piles, as they are called. Today I want to share a few more of the stories of folks who live in the area and how important it is for them.

Sam Needham, who lives near Appalachia, VA, talks about the changes he has seen in rivers near his home since he moved there in 1978. Sam said that when they first moved there, "Callahan Creek that runs near our house . . . was full of different kinds of fish. Now I don't see any fish in the water. I wish it could be like it was in the 70's and 80's, but with all the runoff from sediment ponds and mines, I don't think it will ever be like that again." Sam supports the stream protection rule. He said: "I would like to see regulations to protect our waters and maybe one day be able to fish in Callahan Creek again." He is not asking for a tremendous amount.

Chad Cordell of Charleston, WV, said that he has "been concerned about the impacts of mountaintop removal since learning the beautiful valleys and streams of my home state were being buried under hundreds of feet of rubble." He said he wants "strong, science-based protections for the creeks, streams, and rivers that are the lifeblood of our state," and he noted that "attacking the Stream Protection Rule isn't the way to build strong, healthy, resilient communities or a strong, stable economy."

John Kinney of Birmingham, AL, said:

I have lived most of my life in Jefferson County, Alabama, enjoying the outdoors, particularly canoeing and fishing on the Black Warrior and Cahaba River.

While it seems that many folks in regulatory agencies don't consider Alabama to be part of Appalachia, and don't understand the extent of coal mining in our state, I have seen the devastating impact of coal mining in our state . . . first hand.

He goes on:

I have seen lakes turned gray downstream of mines. I have seen streams turned bright orange downstream of coal preparation plants. I have seen sloughs that once formed deep channels (perfect spots for largemouth bass) filled in with sediment.

John wants to see Federal protections "that help protect water quality for all uses downstream of coal mines and associated industries" and wants to see the stream protection rule stay where it is.

Here is a final story. It is from Chuck Nelson, a fourth-generation coal miner from West Virginia who dug coal underground for 30 years. He became an advocate for environmental rules like the stream protection rule after a coal processing plant was built near his home. Thick, black coal dust was always coating his home inside and out. His wife developed very bad asthma problems, and his kids couldn't use the swimming pool because of a thick black skin always on the top of the water. He decided to make his voice heard, and he came to DC from West Virginia 25 times to talk to lawmakers and regulators. He was a regular citizen. He saw a problem impacting his wife, and he wanted us to work to fix

it. He finally succeeded when the stream protection rule was finalized in December.

It amounts to this: The way that one conducts mountaintop coal mining has a huge impact, just as it does with other industries. Having basic rules about how that work is done ensures sustainability of the nearby streams. This was done with a tremendous amount of involvement of stakeholders, tremendous number of meetings, 6 years of coordination, trying to find a way that doesn't paralyze coal mining but does protect the streams. That is the balance which was being searched for, discovered, and implemented with this rule, and we should leave it in place. We shouldn't destroy these years of work to protect our beautiful streams with just a few hours of debate, with no public notice or awareness of what is going on. If we want to review this thoughtfully and seriously, let's have it done in committee, where the public can participate and Senators can take a deliberate stand and not destroy this work to protect these thousands of miles of streams in a blink of an eye.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there is a provision in the law which allows the Congress to review regulations within 60 days after they are written and decide up or down. That is what we are doing here.

This is about the stream rule that has a direct impact on mining operations, particularly coal mining operations. This has been a battle that has been going on for decades—decades—trying to establish a fair environmental standard for those in mining operations. Efforts have been made, some with limited success. Courts have thrown out earlier versions. So the Obama administration decided they would tackle this. They spent 6 years rewriting 380 pages of rules. Over 150,000 public comments were solicited and received.

This is a pretty controversial matter, as you can tell. I have been amused by the critics of this rule who said: Well, Obama just did that as he was going out the door. No. They worked on it for years. There were, as I said, over 100,000 public comments. It is not easy. It is tricky and it is challenging, but they produced it. Now today the Republicans in the Senate and the House want us to wipe it away.

What difference would it make? If you don't live next to a coal mine, do you think, well, what difference does it make in my life?

I listened to JEFF MERKLEY, my friend from Oregon, talk about the streams and the rivers. Maybe I don't fish, and I don't care. I don't go out camping, either, and I haven't been hiking. Whether the fish are alive or dead or the streams are polluted or

not, who cares? I guess some people feel that way. I don't, even though I don't use our natural resources as much as some. But there is a bigger issue here. This is not just about whether there will be fish alive in the stream or the lake.

Let me tell you what that issue is. The issue is the safety of our drinking water. Do you know what is going on when these mining operations dump all this debris into the streams? It rains. Water is flowing. The stream water goes downstream. Now follow the water from the dumping of the mining operations to the chemicals included in that dumping—arsenic, for example. As it goes downstream, it doesn't just kill the fish. In my State, 1 out of 10 people in Illinois depend on those internal river and stream sources for their drinking water. If you don't have honest, realistic, and safe standards when it comes to drinking water, you have decided to up the risk of the people who are drinking the water that comes out of the tap.

I think that is a problem. Have you had a conversation with your family at any point about what is going on? Why do we have so much cancer in this area? Why do we have so many problems in this area? Could it be the drinking water? We have asked that question ourselves in our own area of Central Illinois, and many other families have asked the same.

If we take the approach which we are being asked to today and wipe away the safety standards for the water that is ultimately flowing into the taps where we drink it, shame on us. Shame on us. Is it too much to ask the mining operations not to dump their trash into the streams? Is it too much to ask them to restore vegetation after they have chopped off the top of a mountain in West Virginia? In Illinois, I can tell you the strip mining, which went on for years and decades left a lot of areas of beautiful farmland in Illinois forever blighted.

Whatever happened to the coal companies that stripped off that land, took the coal, and left the mess behind? Long gone. You couldn't find them if you wanted to.

What Senator CANTWELL has said, and we ought to remember, we believe polluters should pay. We believe that the ultimate responsibility, when it comes to keeping our environment clean, our drinking water safe, is on the polluter. The Republicans disagree.

They say: Well, it is just Obama's War on Coal.

All right. If you want to bring it down to that level, then it is Trump's War on Clean Drinking Water. That is what this vote is all about. That is what it is all about. Shame on us if we decide to eliminate this protection for families and run the very real risk that the pollution in those streams could cause public health issues, as well as

the death of wildlife and fish downstream. That is why I think this vote is so important.

This is a first. You heard what Republicans have said is the reason American business is not growing—overregulation. You get this picture of some mettlesome, busybody bureaucrat dreaming up some other way to make life more difficult for people who own businesses. I will tell you there is some of that, and I am not going to defend it, but there is also a conscientious effort by people who are scientists to try to make sure that those of us who are not scientists live in a world that is safe, safe for the air we breathe, safe for the water we drink. If we start sweeping that away, rejecting the science that proves overwhelmingly that we are going through global warming and climate change, rejecting the science that says the runoff in these streams and rivers could ultimately hurt not only wildlife but ultimately hurt the American people and the water they drink, shame on us.

Well, we will get rid of regulations, coal mining operations will make more money, and maybe they will continue on—I am sure they will in some respect—but will we be better off as a nation?

This is day 14 of the Trump Presidency. It seems like a lot longer to some of us. Republicans in the Senate and the House have decided to strike a blow for eliminating science-based regulation to protect the public health. It is a shame, but it is going to happen. They have the votes on the Senate floor. They are in control and now the American families are going to ask us: Were you there? Were you standing up for us when the safety of our drinking water was at stake?

I will be voting no on this effort to repeal this legislation.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank my colleague from Illinois for being on the floor to speak. He is right. We are going to keep score. There are going to be attempts by the Trump administration and the other side of the aisle to level the score against clean water; that is to say, polluters don't have to pay. So if we pass this override of existing clean water rules—yes, this will be the start. Trump 1, clean water 0.

Unfortunately, it is probably not going to the end because what is happening now is, Republicans control everything in Congress. They want to use their ability to have very little debate and to then override rules that are on the books to protect streams in the United States of America.

I so appreciate my colleagues coming to the floor to explain this issue, as this is critical. It is critical because the impacts of mining destroy headwaters. Between 1992 and 2000, coal

mines were authorized to destroy about 1,200 miles of headwater streams, and this resulted in the loss of 4 percent of our upper headwater streams in areas of Appalachia in a single decade.

The surface mining impact on water from fractured rocks above coal seams react chemically with the air and water and produce higher concentrations of minerals, irons and trace metals, and those headwaters in West Virginia typically measure with electricity conductivity on an order of magnitude of those downstream. What that is saying is, these chemicals react in the water to create problems. Understanding what has been going on with that level of conductivity is one of the big advances in science in the last 10 years. That is why we want to update the rule because we now know what goes on when selenium is in the water. The conductivity is highly correlated with the loss and the absence of various species that are very pollution sensitive.

This level of stream degradation comes from the various fractured rock. When sulfate is present, you get acid mine drainage. That acid mine drainage then mobilizes metals toxic to fish—such as iron and aluminum and zinc—and that is where we start to have problems. A 2008 study found that 93 percent of streams downstream of surface mining operations in Appalachia were impaired, and our colleagues don't want to make sure that the mining companies monitor that and do stream restoration?

Another study found that adverse impacts of Appalachian mines extended on an average of 6 miles downstream; that is, this acid mine drainage is flowing 6 miles downstream. Why not have the mines measure this at the top of the stream, understanding what the selenium impact is, and doing something to minimize the impact on our streams that we are going to have to live with forever.

What is wrong with selenium? It causes very serious reproductive problems, physical deformities, and at high concentration it is toxic to humans. Basically, it is the similar effect to arsenic poisoning.

These coal mines are transforming our landscape, lowering our ridges, and raising our valley floors. One study in 2013, in Central Appalachia, found that mining lowered these ridgetops by an average of 112 feet. What we are trying to say is, you are impacting wildlife downstream; that the deforestation of these sites allows the flow of these rivers to increase flooding. The effects are worsened because the compacted soil on these sites also causes a problem. It is not much better than just plain old asphalt; that is, it means that plants and forests cannot grow back, it means that it impairs these various species, and it causes problems.

Mr. President, I ask unanimous consent to have printed in the RECORD an

article from the Pittsburgh Post-Gazette.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Post-Gazette, Jan. 31, 2017]

A PLUME OF POLLUTION DISCOLORS PART OF
MONONGAHELA RIVER

(By Don Hopey)

An iron-orange acid water discharge from a long-abandoned coal mine discolored the Monongahela River for a four-mile stretch along the Allegheny County-Washington County border over the weekend, raising public concern but causing no problems for public water suppliers downriver.

The discharge from the Boston Gas Mine, its volume boosted by recent rains, enters the river in the small Sunfish Run tributary at Sunnyside, in Forward, 34 river miles from Pittsburgh's Point. Beginning Saturday evening and continuing through Sunday, it was visible flowing downriver in a 75-foot wide plume that hugged the east bank until blending into the river near New Eagle.

"It was orange, and it had to be an enormous amount of water to color the Mon," said Janet Roslund, a resident of Monongahela, where she viewed the plume. "Something about that is just not right."

Neil Shader, a spokesman for the Pennsylvania Department of Environmental Protection, said the plume likely contained iron, aluminum and manganese, and the department is continuing to take water samples. "At this time there is no concern for drinking water, and water systems have systems in place to remove the contaminants," he said.

The Ohio River Valley Water Sanitation commission notified all downriver water suppliers on the Allegheny and Ohio rivers, but the closest, Pennsylvania American Water, with intakes 10 miles down the Mon in Elrama and 18 miles downriver at Becks Run, reported no water quality problems.

"We've been monitoring the intakes for the past 40 hours and have found no impacts to the water supply," Gary Lobaugh, a water company spokesman said Monday. "We've increased our sampling of source water to every hour but seen nothing impacting our water quality."

According to Joe Donovan, a geologist at West Virginia University who studies abandoned mine discharges in the Mon Valley, the abandoned Boston Gas mine is a large mining complex that has approximately eight outcrop discharges along the river between Donora and Monongahela. The one on Sunfish Run that created the orange plume in the river is the largest, he said.

"Nothing new here," he said. "(The) flow may be up this time of year, especially right after a precip event."

Ms. CANTWELL. The discharge from the long-abandoned Boston Gas Mine in Pennsylvania turned a 4-mile stretch of the Monongahela River orange. The Pennsylvania Department of Environmental Protection said the plume likely contained iron, aluminum, and manganese. A geologist at West Virginia University who studies abandoned mine discharges said the abandoned mine is a large mining complex that has approximately eight outcrop discharges and created this large plume.

Mr. President, I ask unanimous consent to have printed in the RECORD an AP story dated January 28, 2017.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, Jan. 28, 2017]

UNDERGROUND FIRES, TOXINS IN UNFUNDED
CLEANUP OF OLD MINES

(By Michael Virtanen)

PRESTON COUNTY, W.VA. (AP).—An underground coal mine fire burns beneath a sprawling hillside in West Virginia, the pale, acrid smoke rising from gashes in the scarred, muddy earth only a stone's throw from some houses.

The fire, which may have started with arson, lightning or a forest fire, smoldered for several years before bursting into flames last July in rural Preston County. The growing blaze moved the mine to the top of a list of thousands of problem decades-old coal sites in West Virginia awaiting cleanup and vying for limited federal funds.

State officials say \$4.5 billion worth of work remains at more than 3,300 sites abandoned by coal companies before 1977, when Congress passed a law establishing a national fund for old cleanups. That program was part of an effort to heal the state from the ravages of an industry that once dominated its economy but has fallen on hard times.

"West Virginia is right at the top for needs," said Chuck Williams, head of Alabama's efforts and past president of the National Association of Abandoned Mine Lands Programs. He said Pennsylvania, Kentucky and West Virginia—all states with a mining history that extends back two centuries—account for the lion's share of unfinished work among the 28 states and Indian tribes in the program.

Despite being one of the most affected, federal officials have only one-third of West Virginia's proposed cleanup costs on their \$7 billion national list of high-priority work. The sites include old mines that leak acidic water into streams and kill wildlife and dangerous holes that attract children. Tunnels and caverns beneath homes also need to be shored up and new water lines are needed where wells are polluted.

"Our program exists to abate health and safety hazards," said Rob Rice, chief of the West Virginia Office of Abandoned Mine Lands and Reclamation, which is handling the mine fire. "We have so much need. It's frustrating for us."

Environmental improvements are a secondary but major benefit, he said.

"This whole area has been extensively mined," said Jonathan Knight, riding recently through the exurbs east of Morgantown. A planner for the state office, he said housing developments have been built above old mines that many homeowners don't even know about.

The state will get \$23.3 million from the federal reclamation fund this year, which is replenished by fees on mining companies. The mines pay 12 cents per ton of underground coal mined and 28 cents per ton from surface mining, but the funding has dropped the past three years with a downturn in coal production.

It will cost about \$1 billion just to extinguish all of West Virginia's 43 fires in abandoned mines, according to the state office. They could have been caused by forest fires, arson, lightning strikes or even old underground explosions that never went completely out.

About \$5 million will be spent to extinguish the Preston County fire, smoldering a stone's throw from houses in a mostly rural

area near the hamlet of Newburg. In October, the office spent \$209,400 to cut trees and plug holes feeding the fire with oxygen.

The state office, with about 50 staff, is paid from the federal Abandoned Mine Reclamation Fund along with the contractors it hires. Together they close mine portals, extinguish fires, support collapsing hillsides and sinking houses, and treat acidic water leaking out along with dissolved metals. The need for drainage work won't end for centuries. The grants also fund water lines to replace polluted wells.

"There's more water within mine pools in West Virginia than there is in the lakes of West Virginia," Rice said. "More than 2,500 miles of streams are severely degraded because of mine drainage in West Virginia."

The state program has brought several back to life with new treatment systems.

The federal program is scheduled by law to expire in 2021, leaving behind about \$2.5 billion in a trust fund expected to pay for any ongoing work needed by 25 states and three Indian tribes to address problems from pre-1977 abandoned coal mines. West Virginia has set aside about \$55 million of its grant money received already for continuing water treatment funded by the interest.

The federal program has collected more than \$10.5 billion in fees from coal production and distributed more than \$8 billion in grants to states and tribes, according to the federal Office of Surface Mining Reclamation and Enforcement. It will provide nearly \$181 million in fiscal 2017.

"We continue to discover threats from left-behind mine pits, dangerous highwalls, acid mine drainage that pollutes our water supplies, and hazardous mine openings," federal director Joe Pizarchik said earlier this year. An Obama administration appointee, he resigned effective last week.

Pollution and lurking underground dangers from mining since 1977 fall into a different category because the federal government made them the responsibility of the companies. They were required to post bonds before opening mines, with the state taking over if they default.

Ms. CANTWELL. The article talked about Preston, WV, and a fire in an abandoned coal mine that smoldered for several years. This mine is one of "thousands of problem decades-old coal sites in West Virginia awaiting clean-up."

These abandoned sites include old mines that leak acidic water into streams and killing wildlife. Tunnels and caverns beneath homes threaten water sources where wells are polluted.

All of these are examples of the kind of damage that is being done by these mines.

Mr. President, I ask unanimous consent to have printed in the RECORD another article from the Columbus Dispatch.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Columbus Dispatch, July 20, 2014]

IN WEST VIRGINIA, MOUNTAINTOP MINING IS CAUSING FISH SPECIES TO DISAPPEAR

WASHINGTON.—In West Virginia's Appalachian Mountains, fish are vanishing. The number of species has fallen, the populations of those that remain are down, and some fish look a little skinny.

A new government study traces the decline in abundance to mountaintop removal, the

controversial coal-mining practice of clear-cutting trees from mountains before blowing off their tops with explosives.

When the resulting rain of shattered rock hits the rivers and streams that snake along the base of the mountains, minerals released from within the stone change the water's chemistry, the study said, lowering its quality and causing tiny prey such as insects, worms and invertebrates to die.

"We're seeing significant reductions in the number of fish species and total abundance of fish downstream from mining operations," said Nathaniel Hitt, a research fish biologist for the U.S. Geological Survey's office in Kearneysville, W.Va., and one of the study's two authors.

Hitt and his co-author, Doug Chambers, a biologist and water-quality specialist in the Charleston, W.Va., office of the USGS, took a 1999 study of the Guyandotte River basin's fish populations by Penn State researchers to compare them over time.

For two years starting in 2010, they sampled the populations in waters downstream from an active mountaintop coal-mining operation. In one of the sample areas, the Mud River watershed, which contains the largest tributary of the Guyandotte River, at least "100 point-source pollution-discharge permits associated with surface mining have been issued," the study said.

North America's central Appalachian Mountains, where the basin lies, are considered a global hot spot of freshwater-fish biodiversity, but few researchers have investigated the impact of mountain strip mining on stream fish, and the effects "are poorly understood," the study said.

Hitt and Chambers found that the number of species was cut in half and the abundance of fish fell by a third. The silverjaw minnow, rosyface shiner, silver shiner, bluntnose minnow, spotted bass and largemouth bass, plus at least two other species detected before their study, were no longer there.

Another fish species—the small and worm-like least brook lamprey, never before detected—had moved in.

In areas of the river basin where there was no mountaintop mining, fish flourished. In addition to species that had been in those waters previously, seven new ones were found, including the spotfin shiner, the spottail shiner and the golden redbreast.

"I think if we only focus on the fact that it's fish . . . some people will say, 'So what?'?" Chambers said. But fish and the invertebrates they eat are canaries in a coal mine for researchers, "indicators of the water quality," he said.

The USGS looks "at the nation's water resources . . . their significance to the nation, and tries to understand processes that are degrading water quality. Tainted water may not be suitable for additional uses."

Research such as the USGS' study of mountaintop mining, published online this month by the Society for Freshwater Science, is viewed with suspicion in coal country, where mining operations provide thousands of jobs.

"The people opposed to the coal industry are trying to pile on with more studies," said Bill Raney, president of the West Virginia Coal Association. "It sounds like this is one of those studies that sets out to show there's harm done. It sounds like perhaps more of the same."

Raney said he has not seen the USGS study and cannot strongly criticize its methods or conclusions, but people "don't just wake up in the morning and decide they are going to do mountaintop mining," he said. "It takes

three to four years to get a permit. Every aspect of the operation is analyzed."

Mountaintop removal as a way of extracting coal has been in practice since the 1960s, but its use has expanded in the past two decades, and it now takes place in the Appalachian regions of Ohio, Kentucky and Virginia in addition to West Virginia.

The coal that the process produces provides power to hundreds of thousands of homes, industry advocates say, and creates about 14,000 jobs that pay middle-income salaries in regions where work is hard to find.

"The average mining wage is more than \$66,000 per year . . . 57 percent higher than the average for industrial jobs," according to the National Mining Association. "Mountaintop mining accounts for approximately 45 percent of the entire state's coal production in West Virginia."

Raney's association disputes allegations that mining destroys streams and mountains, saying that state permits and government regulations require the land to be restored after use.

But the Sierra Club Eastern Missouri Group called the practice "quite possibly the worst environmental assault yet" because of the amount of landscape it removes and the effects on people and animals.

Homeowners in one West Virginia community, Lindytown, were bought out by a company before the town essentially disappeared after mountaintop removal. Homes and a grave site were left behind. Cascading debris has buried streams, affecting a diversity of wildlife, a major concern raised by the U.S. Environmental Protection Agency.

Often, companies are granted exemptions that ease requirements to restore land. Conservationists call the practice a plunder, and protesters, including Quakers in Appalachia and demonstrators at the White House, have called on the government to end it and banks to stop funding it.

"Mountaintop-removal mining is one of the fastest-changing land-use forms in the region," Hitt said. "One of the main questions for our research lab is how biological communities respond to land-use changes."

In the case of the fish, they seemingly do not respond well, Chambers said. "To sum up, 10 fish species were apparently extirpated from the mined sites," meaning they were wiped out, he said.

Fish with a more diverse diet appeared to fare well, but those that relied primarily on invertebrates, such as small aquatic insects, tended to fare poorly.

"It's telling us that the water quality is changing," Chambers said. Water in that area is not used for drinking, he said, but "if you look at it from a regulatory perspective, you have to determine if the water is fishable, swimmable, drinkable—all of these are benchmarks."

Ms. CANTWELL. The article states: "The report found that the number of species was cut in half and the abundance of fish fell by a third, downstream from these mining operations."

I wish to talk about a mine now owned by Murray Energy that in 2009 spewed pollution in Pennsylvania, killing 43,000 fish and 15,000 mussels. Seven years later, the fish and mussels are still missing and not returning. They have paid a fine, but we are still living with the damage.

As my colleagues can see, this issue is about overriding a rule that helps protect our streams and rivers and

makes sure that the wildlife there has safe drinking water and to make sure that we enjoy these natural areas. As I have pointed out through this debate, there are many jobs in the outdoor industry, and that is why sportsmen such as Trout Unlimited and the wildlife federations that are coalitions of hunters and fishermen all support this rule and don't want it overturned.

I know that the coal industry has spent \$160 million over the last dozen-plus years trying to defeat regulation of its industry. Actually, the 0.1 percent they would have to pay was a lot lower than what they were spending on their lobbying issues. Instead, they should help us all get to the bottom.

But why have we done this by trying to fight today? That is because the science has told us that since 1983, we have a lot more information about the toxic level in the streams because of these products. We simply want a rule that reflects that the mining industry must measure and mitigate that impact. What is wrong with allowing science to lead the way?

I know our colleagues like to say that States should be left to do this, but you do have to have a Federal standard. You do have to have a Federal standard that they adhered to. It would be as if today I said: Let's override what we have done in this Nation in setting a miles per gallon for automobiles and just leave it up to the States instead.

Well, we are saying we should have fuel efficiency but let's just leave it up to the States about how many miles per gallon we really should have in automobiles.

If we did that, how many regulations do you think we would have? Do you think we would have the same fuel efficiency we have today?

What is happening is these coal companies are going into States, going into their areas, and lobbying lawmakers there against regulation, and in a couple of cases I have discussed today they were successful in getting Kentucky to fall asleep at the switch so the citizens brought the lawsuits to clean up the mines. They were successful because they finally caught the attention of people who should have been doing their job.

This rule, as it has been put in place, does give States flexibility. Its key definition says States get discretion to establish an objective criteria for measuring standards and restoring the streams. It basically says the final rule has several options to demonstrate compliance on the area of fish-and-wildlife. States can use their judgment about the types, scope, and location of enhancements. It says on groundwater, States can choose their sampling, protocol, subsequent analysis, and baseline. On rain measurements, States can choose whether to require mines to prepare a hydrologic model about the

mine, and States can choose to allow mining companies to change their drainage patterns as they look at re-building ephemeral streams.

There is a lot of flexibility for the States. A lot of them haven't been doing as good a job as we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let's sit down and do that legislatively. Let's not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate committee of jurisdiction over the Surface Mining Control and Reclamation Act, SMCRA.

I am strongly opposed to disapproving the Office of Surface Mining Reclamation and Enforcement's stream protection rule because I both support the substance of the rule and I believe the Congressional Review Act is an inappropriate and extreme legislative tool.

While my opposition to H.J. Res. 38 and its Senate companion, S.J. Res. 10, is clear, in the event that either resolution is enacted, I would look forward to a timely reissuance of a new rule. Notwithstanding the delay resulting from enactment of either disapproval resolution, the authority SMCRA grants to OSMRE through the Secretary of the Interior will persist—so will the clear obligations in the statute.

The provision in the Congressional Review Act that prohibits reissuance of a future rule "in substantially the same form" as the rule being disapproved, unless specifically authorized by another future law, does not diminish my confidence. Under the ample authority granted to the Secretary of the Interior under SMCRA, a large variety of forms of implementing its obligations under SMCRA remain available to the Agency.

The resolution represents a major setback for many communities affected by coal mining that had participated in an extensive 8-year rulemaking process. But it does not limit OSMRE's ability or obligation to implement SMCRA's statutory requirements fully, including but not limited to regulations that define material damage to the hydrologic balance outside the permit area; give effect to the SMCRA's prohibitions against material damage to the hydrologic balance outside the permit area; prohibit harmful mining activity within a certain perimeter, including the stream buffer zone as under the 1983 regulations; require permitting decisions to be based on full and complete information; ensure protections for fish and wildlife; and guarantee that adequate financial assurances are put into place to provide for full and complete reclamation.

I expect any Secretary of the Interior to follow the law and fully implement the ongoing obligations under SMCRA.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—54

Alexander	Flake	Moran
Barrasso	Gardner	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heitkamp	Risch
Cassidy	Heller	Roberts
Cochran	Hoeven	Rounds
Corker	Inhofe	Rubio
Cornyn	Isakson	Sasse
Cotton	Johnson	Scott
Crapo	Kennedy	Shelby
Cruz	Lankford	Sullivan
Daines	Lee	Thune
Donnelly	Manchin	Tillis
Enzi	McCain	Toomey
Ernst	McCaskill	Wicker
Fischer	McConnell	Young

NAYS—45

Baldwin	Franken	Nelson
Bennet	Gillibrand	Peters
Blumenthal	Harris	Reed
Booker	Hassan	Sanders
Brown	Heinrich	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Collins	Leahy	Udall
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—1
Sessions

The joint resolution (H.J. Res. 38) was passed.

The PRESIDING OFFICER. The majority leader.

MOTION TO PROCEED TO
EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 14, JEFF SESSIONS to be Attorney General.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—53

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	

NAYS—45

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Markey	Udall
Duckworth	McCaskill	Van Hollen
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Carper Sessions

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of JEFF SESSIONS, of Alabama, to be Attorney General.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of JEFF SESSIONS, of Alabama, to be Attorney General.

Mitch McConnell, Johnny Isakson, Jeff Flake, Steve Daines, James Lankford, Dan Sullivan, Thom Tillis, Rob Portman, John Hoeven, Roger F. Wicker, John Thune, Deb Fischer, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts.

MOTION TO PROCEED TO
LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 45 Ex.]

YEAS—51

Alexander	Daines	King
Barrasso	Enzi	Lankford
Blunt	Ernst	Lee
Boozman	Fischer	McCain
Burr	Flake	McConnell
Capito	Gardner	Moran
Cassidy	Grassley	Murkowski
Cochran	Hatch	Paul
Collins	Heller	Perdue
Corker	Hoeven	Portman
Cornyn	Inhofe	Risch
Cotton	Isakson	Roberts
Crapo	Johnson	Rounds
	Kennedy	Rubio

Sasse
Scott
Shelby

Sullivan
Thune
Tillis

Toomey
Wicker
Young

NAYS—47

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken

Gillibrand
Harris
Hassan
Heinrich
Heitkamp
Hirono
Kaine
Klobuchar
Leahy
Manchin
Markey
McCaskill
Menendez
Merkley
Murphy
Murray

Nelson
Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—2

Graham Sessions

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader is recognized.

MOTION TO PROCEED TO
EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 13, Thomas Price to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

NAYS—48

Baldwin	Cantwell	Cortez Masto
Bennet	Cardin	Donnelly
Blumenthal	Carper	Duckworth
Booker	Casey	Durbin
Brown	Coons	Feinstein

Franken	Manchin	Schatz
Gillibrand	Markey	Schumer
Harris	McCaskill	Shaheen
Hassan	Menendez	Stabenow
Heinrich	Merkley	Tester
Heitkamp	Murphy	Udall
Hirono	Murray	Van Hollen
Kaine	Nelson	Warner
King	Peters	Warren
Klobuchar	Reed	Whitehouse
Leahy	Sanders	Wyden

NOT VOTING—1

Sessions

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Jerry Moran, Pat Roberts, Roy Blunt, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—52

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	King	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NOT VOTING—1

Sessions

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 12, Steven Mnuchin to be Secretary of the Treasury.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—51

Alexander	Cochran	Daines
Barrasso	Collins	Enzi
Blunt	Corker	Ernst
Boozman	Cornyn	Fischer
Burr	Cotton	Flake
Capito	Crapo	Gardner
Cassidy	Cruz	Graham

Grassley	McCain	Rubio
Hatch	McConnell	Sasse
Heller	Moran	Scott
Hoeven	Murkowski	Shelby
Inhofe	Paul	Sullivan
Isakson	Perdue	Thune
Johnson	Portman	Tillis
Kennedy	Risch	Toomey
Lankford	Roberts	Wicker
Lee	Rounds	Young

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—1

Sessions

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

Mitch McConnell, Roger F. Wicker, John Boozman, Orrin G. Hatch, Roy Blunt, John Cornyn, Steve Daines, Tim Scott, John Hoeven, Michael B. Enzi, John Barrasso, John Thune, Mike Rounds, Mike Crapo, James M. Inhofe, Joni Ernst, Chuck Grassley.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 49 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. BLUNT). The majority leader.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 41.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 41, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers."

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers."

The PRESIDING OFFICER. Pursuant to 5 U.S.C. 802(d)(2), there will now be up to 10 hours of debate, equally divided between the proponents and the opponents of the joint resolution.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today to discuss the regulatory burden imposed by the SEC's extractive resource rulemaking and offer my support for the resolution to disapprove it.

I will take a few minutes to talk about the complicated history of this rule and then about the concerns with the way it was formulated.

The SEC originally adopted the rule in 2012 and was challenged in court by the Chamber of Commerce and the American Petroleum Institute. In 2013, the U.S. district court threw out the regulation, contending, among other things, that the SEC misread the requirements of the statute. The SEC did not appeal the decision, acknowledging that it needed to rewrite the rule.

The SEC's proposed timetable for a new rule was delayed several times, and in 2014, Oxfam America sued to

compel the SEC to move forward on a new rulemaking. The court ordered the SEC to file an expedited schedule and, as a result, a new rule was proposed in 2015 and finalized last year.

As one can see, this rule and its various iterations have been fraught with controversy for many years. Advocates of the rule have said that it will combat corruption in resource-rich nations. The SEC's final rule raised doubts about this. The final rule stated several things, including: The direct causal relationship between increased transparency in the extractive industry and social benefits is "inconclusive." In fact, it noted that "research and data available at this time does not allow us to draw any firm conclusions." Unlike the potential benefits, though, the costs are reasonably certain.

The SEC estimated up to \$700 million in initial costs and up to \$590 million in ongoing annual costs. Put another way, each company would endure between \$560,000 and \$1.6 million in initial costs, and between \$224,000 and \$1.3 million in additional costs each year. We cannot view these costs as affecting only the largest companies, but must consider the plight of the smaller ones.

Just under half of all companies covered by this rule are considered smaller companies, and they would be disproportionately impacted by millions of dollars in fixed costs—money that could be better spent on jobs and growth.

Finally, the President's statement of administration policy also endorses this resolution. Some of the reasons it highlights include:

In some cases, the rule would require companies to disclose information that the host nation of their project prohibits from disclosure or is commercially sensitive.

The rule would impose unreasonable compliance costs on American energy companies that are not justified by quantifiable benefits.

Moreover, American businesses could face a competitive disadvantage in cases where their foreign competitors are not subject to similar rules.

I have repeatedly stressed the need for the U.S. financial system and markets to remain the preferred destination for investors throughout the world, and this rule harms this status.

I urge my colleagues to support this resolution and to preserve the integrity of our securities laws and capital markets.

Mr. President, I ask unanimous consent to at this time enter into a colloquy with my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Mr. President and chairman of the Banking Committee, I appreciate the time and the recognition. As the chairman knows, I am a member of the Foreign Relations Committee and a former chairman of the

African Subcommittee, and I have traveled to both of those continents for many years. I have seen resource-rich and poverty-poor countries where they have a natural resource investment and wealth, but they never reinvest in their people.

I think transparency is important in seeing to it that the resources they receive for selling those natural resources are made available to their people so that the resources go to the benefit of the people and not the government.

Are you also aware that I am not a big supporter of the Dodd-Frank disclosure bill, but I also have concerns that simply vacating the rule implementing the Lugar-Cardin amendment without providing for a replacement would create a setback for U.S. leadership in anti-corruption efforts around the world?

Because of what we have done in transparency and anti-corruption, countries like the United Kingdom, the EU, Norway, and Canada have followed our lead, and I do not want to lose that. Therefore, I wish to ask the chairman of the Banking Committee a couple of questions to ease my fears about this question.

First, I would like to direct a couple of questions to the chairman. It is my understanding that this joint resolution does not—underscore not—repeal section 1504 of Dodd-Frank law; is that correct?

Mr. CRAPO. Yes, that is correct. What this resolution does is to cause the current SEC rule to not take effect. As it was characterized yesterday on the House floor and will be characterized further today on the Senate floor, what the SEC will need to do is to go back to the drawing board and come up with a better rule that complies with the law of the land.

Mr. ISAKSON. I thank the chairman for that answer.

I would like his commitment to work with me and other members of the caucus who are concerned and who want to be assured that the SEC will move forward with the implementation of this replacement provision as soon as possible.

Mr. CRAPO. I thank my colleague. I will work to ensure that the SEC implements all of its congressional mandates.

Mr. ISAKSON. I thank the Chair.

Mr. CRAPO. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President—

Mr. INHOFE. Will the Senator from Ohio yield for a request?

I ask unanimous consent that at the conclusion of the remarks of the Senator from Ohio, I be recognized for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Up to 5 minutes?

Mr. GRASSLEY. OK, as long as I get to speak after this issue is over.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in opposition to the resolution before us, which really ought to be titled the “Kleptocrat Relief Act.”

My Republican colleagues today are trying to repeal a critical bipartisan rule initiated by Senator Lugar, a Republican from Indiana, and Senator CARDIN, a Democrat from Maryland. It is a critical bipartisan rule to prevent corruption.

This transparency rule is part of the Dodd-Frank Wall Street reform law. It is one of the best anti-corruption tools that President Trump now has to keep his promise to, in his words, “drain the swamp” in Washington and around the world.

But now, in just week 2 of his Presidency, Republicans are racing to use an obscure law called the Congressional Review Act to wipe it out. The CRA was not intended to hand a new President the power to roll back regulations that protect workers, protect the environment, protect investors, and protect consumers.

In this case, Republicans are using the CRA to target rules that have gone through extensive years-long administrative and public review, including on issues that agencies were specifically ordered by this Congress to study and address.

Republicans’ unprecedented use of the CRA is not about Congress performing due diligence or agency oversight, it is a gross abuse of power to make their big corporate allies happy. I heard my friend from Idaho talk about the Chamber of Commerce and the American Petroleum Institute. That is just a start.

The rule they are trying to repeal protects U.S. citizens and investors from having millions of their dollars vanish into the pockets of corrupt foreign oligarchs. It does that by requiring all oil, gas, and mineral companies listed on U.S. stock exchanges to disclose the royalties and the bonuses and the fees and the taxes and other payments they make to foreign governments.

This kind of transparency is essential to combating waste, fraud, corruption, and mismanagement, as Senator ISAKSON talked about the poverty he sees in these resource-rich countries.

Yet Rex Tillerson, whom this body just, I believe yesterday, confirmed with a pretty much partisan vote—Rex Tillerson and congressional Republicans want to strip it away. Rex Tillerson, in his years as CEO of ExxonMobil—and we will talk about that in a moment—strongly opposed this rule, almost by himself, with ExxonMobil as the head of that company.

At Mr. Tillerson’s confirmation hearing, Senator KANE from Virginia introduced into the record a 2008 report by Republican Senate Foreign Relations Committee staff. That report was the basis—Republican staff, I assume at the behest of Senator Lugar and others—that report was the basis for what eventually became section 1504 of Dodd-Frank, known as the bipartisan Cardin-Lugar amendment to fight corruption in mineral-rich developing countries. That report concluded that many resource-rich countries are poor because their vast mineral resources often breed corruption. That corruption lines the pockets of the kleptocrats—read “thieves”—increases poverty, increases hunger, and increases instability.

As Senator Lugar said:

Paradoxically, history shows that rather than a blessing, energy reserves can be a bane for many poor countries, leading to fraud, corruption, wasteful spending, military adventurism and instability. Too often, oil money that should go to a nation’s poor ends up in the pockets of the rich or is squandered on the trappings of power and massive showcase projects instead of being invested productively and equitably.

That is called the resource curse. It prevails all over the world today. For example, oil-rich Venezuela is running out of food and medicine. Resource-rich Nigeria is in an economic mess wracked by terrorism and poverty. Armed groups have fought for years over mineral wealth in the Congo and elsewhere in Africa.

Resource-rich countries in Asia have similar problems. The natural resource sector in so many countries is famously corrupt—the world’s single most corrupt industry, according to the Organisation for Economic Co-operation and Development. But oil companies can no longer hide behind the excuse of confidentiality. Increasingly, companies are expected to disclose what they pay in taxes and other payments to governments whose natural resources they extract. That is what this language from Senator Lugar, Senator CARDIN, and Senator LEAHY did. That is what the rule does. That is what we should do. This Congress wants to undo that. This is now required under the laws of the United States and 30 other countries, as well as international initiatives. In other words, what we did here was followed by 30 other countries, and a number of more responsible energy companies, I would say, passed this language and began to implement these laws.

The Extractive Industries Transparency Initiative is a global standard that aims to put information about government revenues from natural resource deals into the public domain in 51 countries, including ours. This includes telling us what taxes the companies pay, which is key to ensuring citizens know what benefits they get—from Venezuela or Nigeria or Congo—from their own natural resources.

Let me offer some concrete examples of the kind of corruption we are talking about. This just turns your stomach.

In Equatorial Guinea, according to anti-corruption groups, oil companies, including Exxon, have had a long history of problems on this front. The regime of President-for-life Obiang, who executed his brutal uncle to gain power almost 40 years ago, has been tarnished with allegations of corruption, cronyism, brutal political repression, routine human rights violations, and drug trafficking for years and years.

Years ago, the Senate Permanent Subcommittee on Investigations released a report and held a public hearing which revealed that a number of oil companies—again, ExxonMobil; they keep coming up in this—were making direct payments into an account in the name of the Republic of Equatorial Guinea located at Riggs Bank in Washington, DC. Virtually all of the money in the account, tens of millions of dollars, consisted of royalties and other payments from oil companies, primarily—surprise—ExxonMobil, to the country of Equatorial Guinea for the right to explore and produce oil in that country. But instead of paying the money to the government or the national treasury of Equatorial Guinea, the companies sent the money to the account at Riggs Bank. That account was controlled by President-for-life Obiang and two of his relatives. The account signatories were the President-for-life, his son, and his nephew. Imagine that. Instead of paying the national treasury, the oil companies made payments into this account in another country, controlled by a dictator and his relatives. I can't believe we in this body support that. How could the citizens of Equatorial Guinea know how much royalty money was coming in for their oil in their country and where it was going when it was in a secret account controlled by a dictator? The answer, obviously, is they couldn't.

The report from the PSI—the committee that investigated—documented that some of the funds from that account were used to make suspicious transactions. The United States then investigated the President-for-life's family finances. Prosecutors noted that President-for-life Obiang's son "received an official government salary of less than \$100,000 a year but used his position and influence as a government minister to amass more than \$300 million worth of assets through corruption and money laundering." He paid himself \$100,000 but found a way to amass \$300 million more—all in violation of the laws of his country and our country both.

In 2014, the son settled a case brought by Federal prosecutors. He agreed to sell his \$30 million mansion in Malibu, his Ferrari, and various items of Michael Jackson memorabilia he had collected.

The New York Times reported earlier this month that he is still working to delay his trial on corruption charges in France, where prosecutors say he amassed a personal fortune of \$115 million, which he used to indulge his tastes.

When he served as Agriculture Minister of Equatorial Guinea, prosecutors say he used his influence over the timber industry—next to oil, the most important export industry in the country—to line his pockets.

Last November, prosecutors in Switzerland seized luxury cars belonging to him, and last month, at the request of the Swiss, the Dutch authorities seized his 250-foot, \$100 million yacht named the "Ebony Shine" as it was about to sail to Equatorial Guinea. He said the yacht belonged to his country's government. All the while, his people are starving.

You can't make this stuff up. If the bill before us were adopted, the Obiang family would be celebrating. They would be celebrating in Washington, in California, and in Equatorial Guinea.

In Nigeria, again according to Global Witness, a major oil deal struck by—surprise—ExxonMobil with the Nigerian Government is being investigated by Nigeria's Economic and Financial Crimes Commission, a law enforcement agency that investigates high-level corruption. The probe centers on a protracted and controversial deal agreed to by ExxonMobil and the Nigerian Government in 2009 to renew three lucrative oil licenses, which at the time accounted for around a quarter of Nigeria's entire oil production.

ExxonMobil agreed to pay \$600 million to renew the licenses and construct a powerplant at a cost of \$900 million to the company, making a total contribution of \$1.5 billion. Yet documents suggest that the Nigerian Government may have valued the licenses at \$2.5 billion and that the Chinese oil company CNOOC offered to pay \$3.7 billion for the same licenses—over six times the amount reportedly paid by ExxonMobil.

Other incredible and notorious examples abound. It would be reason enough for us to act to try to help the millions of people around the world who are victims of this corporate collusion, but in today's world, the resource curse doesn't just impact far-off countries; it affects Americans every day. It has empowered anti-American dictators in Iraq, Libya, and Syria, situations which cost American lives and American taxpayer dollars. It worsens global poverty, which can be a seedbed and a fertile growing ground for terrorism against us and our allies. It leads to the instability that threatens global oil supplies. It raises gas prices at home.

That is why we need this rule—all of the above—to protect American national security interests by combating

the corruption and secrecy, with all these oil companies at the table with them. That has caused conflict, instability, and violent extremist movements in Africa and the Middle East. As ISIS has demonstrated, nonstate actors benefit from trading natural resources in order to finance their terrorist operations.

Despite all this, the Republican-led House of Representatives, as Senator CRAPO said, voted yesterday to repeal this bipartisan initiative—an initiative that holds Big Oil accountable and protects the American people. Today, the Senate Republican leadership is following suit. It is a little ironic in light of the fact that Candidate Trump, at almost every rally in my State, almost every rally in State after State after State where he was campaigning, talked about draining the swamp.

Since the rule's creation, ExxonMobil, led by Mr. Tillerson—now the Secretary of State—and Big Oil allies, such as the American Petroleum Institute, the U.S. Chamber of Commerce, and the Heritage Foundation, have fought to kill it.

Who else opposes this rule besides Senate Republicans, House Republicans, and President Trump? There are the autocrats in Russia. We know about the connections between Russia and the Secretary of State. We don't know quite enough about the connections between our President and President Putin because we can't get the President's tax returns. We know something is going on. Everybody knows it. Nobody knows quite what.

Who else opposes it? Autocrats in Iran, where Advisor Flynn made some interesting and provocative comments today, autocrats in Venezuela, autocrats in Africa with oil wells, gasfields, or copper mines who want to keep their payments a secret. It is working for them. It is working for the autocrats. It is working for Exxon. Apparently it is working for Republicans in the House and Senate too. I am not sure exactly how, but I know it is working.

More than 30 countries—mostly the United States, Canada, and European nations—have adopted similar anti-corruption standards. Senator LUGAR, Senator LEAHY, and Senator CARDIN's law passed as part of Dodd-Frank, and the SEC is adopting this rule. More than 30 other countries in the world followed our lead, and some of the more responsible oil companies were prepared to comply. So to be clear, with Europe and Canada in the same disclosure system, the playing field is now level. It is working.

Many companies already report such payments under European rules and are doing just fine, so this is hardly causing them undue burdens in the regulatory framework that my colleagues like to talk about. That is why many in industry support the rule, despite the actions of Exxon, the bad actor

here, and the CEO of Exxon—now, amazingly, our Secretary of State.

BP and Shell—two major, large oil companies—have publicly endorsed payment reporting and lining up U.S. rules with those in other markets. Foreign and state-owned oil companies from China and Brazil, including CNOOC, PetroChina, Sinopec, and Brazil's Petrobras, are required to disclose under U.S. rules, leveling the playing field for U.S. companies. Gazprom, Rosneft, BP, and Shell already report under UK rules. The largest mining companies in the world, including Newmont Mining, BHP Billiton, and Rio Tinto, have supported similar reporting. Oil, gas, and mining workers unions, such as United Steelworkers, back the rule.

Notice who doesn't back the rule: Exxon, the American Petroleum Institute, and autocrats in Iran, Russia, and Venezuela.

Investors also support it—including investor groups with \$10 trillion under management—so they can better understand and manage the reputational, expropriation, sanction, and other risks facing firms in which they invest. It is supported by the American Catholic bishops, the Presbyterian Church—all kinds of religious groups.

Who is against it? Republicans in the House, Republicans in the Senate, the President of the United States, ExxonMobil, the Secretary of State, who used to be CEO of ExxonMobil, and autocrats in Iran and Venezuela. We get the picture.

All these groups who care about justice, who care about fair play, who care about doing business with predictable and fair rules, like BP and Shell, all of them support it—Global Witness, the ONE Campaign, Oxfam, and Publish What You Pay.

We need to be clear on one other thing my friend from Idaho said: This rule won't cost a single American job. Everything oil companies can legally do today is still allowed under the anti-corruption rule. They only have to do one more thing: They have to report their numbers to the Securities and Exchange Commission. How can that cost millions of dollars?

The Cardin-Lugar rule makes Big Business and government more transparent, fights corruption, and does it all without hurting taxpayers. It is a creative approach to global problems that our leaders did embrace until we had a President who wants to "drain the swamp," he says—should be embracing, not rejecting at the behest of just a few actors.

Again, who is lobbying to overturn this rule? It is autocrats around the world. It is Exxon. It is the American Petroleum Institute. It is a very small number of companies, when so many people are on the other side.

If we repeal this measure today, shareholders, investors, and poor com-

munities around the world will continue to see their money and natural resources stolen by crooked oligarchs. We will be undoing the moral leadership. This is in so many ways a moral question that Senator CARDIN, Senator Lugar, and Senator LEAHY brought to us bipartisanship, with broad support by both parties. We will be turning a blind eye to corruption, we will be betraying our principles, and we will be undercutting our allies in Europe and Canada who followed our lead and crafted their own rules based on ours.

Under the terms of the Congressional Review Act, any future "substantially similar" rule will be forever prohibited from being written by the SEC. That makes no sense.

I hope this effort fails. I know my Republican colleagues understand this because enough of my colleagues recognize the merits of this anti-corruption measure and they refuse to kowtow to the dinosaur wing of Big Oil. It is not even all of Big Oil; it is the dinosaur wing of Big oil. It is the autocrats. It is the American Petroleum Institute. It is the Chamber of Commerce. It is ExxonMobil.

I thank Senator CARDIN and Senator LEAHY for their work, and I thank former Senator Lugar from Indiana for the important work he did on this measure.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know that President Obama is gone now, but his War on Fossil Fuels is alive and well. However, they are not winning that.

Back in Oklahoma, they ask me the question sometimes: If all of the liberals are concerned and if they are all opposed to fossil fuels—and to nuclear, I might add; coal, oil, gas, and nuclear—if coal, oil, gas, and nuclear are responsible for 89 percent of the power it takes to run this country, how do you run the country without those? Those are the kinds of questions we get.

I appreciate and—I know it is a very popular statement that was made by my friend from Ohio; unfortunately, it has nothing to do with the issues we are looking at right now.

Back during the time Dodd-Frank was considered, it was dealing with banks and financial institutions. It had nothing to do with energy. Yet section 1504 was put in there. Part of section 1504 required that information be provided during the course of a competitive situation for some kind of a project.

I will give you an example. We have a private sector in our oil and gas. For China, that is a government project. If we are competing with them—let's say for some cause that is in Tanzania or someplace—they said, so that there is a safeguard and there can't be corruption, so that if we should win—I say

"we," but I am talking about the private sector in the United States of America—then they have to report the information to the SEC, which in turn makes it published. Their intent was not to have to break down everything that was in that offer. It is the bottom line.

What is the total cost that goes to these countries? What are the total costs? That is all they care about because if that money went to Tanzania—and there are some corrupt officials there and they might steal some of the money, but to keep that from happening, we want to report what the cost was in the winning party. You don't have to have all that information.

In fact, in 2013, the court struck this down because they said that was not the intent. The intent was to have the total figure, so they said, even suggested—and our intent at that time was to vacate that, as the court did vacate that rule and send it back and have the SEC redo it in such a way that it would affect only the amount of money that would go that might cause some corruption at some time. That is what it was all about. Unfortunately, they put together another one that was very similar and required a lot of information that was not necessary.

I would like to correct something on the CRA that the Senator from Ohio said. The CRA is there because when an unelected bureaucrat comes out with some kind of an unreasonable rule that is very costly to the people of this country and it is done by someone who is not an elected official, the elected official says: Look at this. Wait a minute. This is something that people are complaining about when I go home.

They love that because they can say: This wasn't me. This wasn't me. This was an unelected bureaucrat that put these rules in.

What a CRA does is make us in the House and in the Senate more accountable because we have to then stand up and vote on something, saying that we endorse this rule or we don't endorse this rule. That is what it is all about.

Anyway, we have an opportunity here to go ahead, and I am certainly hoping that we will do this and change this rule so that it would make as a requirement nothing but the amount of money that is paid by the winning party in a situation where they are competing with each other.

If that happens, then we will know how much money that was, and we will be able to go to the party and find out if they are stealing some of this money. Why is it necessary to have all of the components of competition when you have the private sector in the United States of America competing with countries like China where it is a government-owned institution?

That is all this is about. All we want to do is to be able say we want to report so that the public knows how

much the total bid or, in this case, the total amount was, not all the components that went into the calculation of that. That is all it is about.

My time has expired.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The majority leader.

ORDER OF BUSINESS

Mr. McCONNELL. Mr. President, I wish to lay out the schedule for everyone. I know they are interested in knowing the way forward. I have discussed with the Democratic leader where we go from here.

The Senate is going to debate the pending joint resolution tonight for as long as there is interest in debate. Tomorrow the Senate will convene at 6:30 a.m. and immediately proceed to two rollcall votes: passage of the joint resolution of disapproval and cloture on the nomination of Betsy DeVos.

Restating that, debate tonight as long as our friends on the other side would like to debate, and tomorrow we will convene at 6:30 a.m. and immediately turn to two rollcall votes: passage of the joint resolution of disapproval and cloture on the nomination of Betsy DeVos.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, has the distinguished majority leader finished?

Mr. McCONNELL. Yes.

Mr. LEAHY. Mr. President, Republicans in both Chambers have introduced a resolution to permit oil, gas, and mining companies to continue making secret payments—involving billions of dollars—to corrupt foreign governments in exchange for access to their countries' natural resources.

This resolution would overturn legislation on which I worked closely with former Republican Senator Richard Lugar and Senator CARDIN and was included as section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide greater transparency when such payments are made and help better inform investors and combat massive corruption in the process.

One would think that everyone here would support a commonsense rule that will protect investors and make it a lot harder to get away with the theft of billions of dollars in public funds in some of the poorest countries of the world. But apparently, that is not a concern, at least not to the sponsors of this resolution or those who intend to support its passage.

Some Republicans and their friends in the oil and gas industry say this rule creates unacceptable burdens. That is utterly without merit, as I will explain in a moment.

But even assuming there were a grain of truth to that, rather than proposing to amend the underlying legislation, which would require bipartisan support, this resolution is being advanced

under the Congressional Review Act, to enable a simple majority vote to completely dismantle the rule with minimum debate.

Keep in mind that the rule is simply the product of the U.S. Securities and Exchange Commission, SEC, implementing bipartisan congressional intent and would not take effect until the end of 2018. Despite what some have claimed, the SEC has not twisted the statute in any way when they developed this rule. But if this rule is overturned, the SEC will be prevented from issuing any substantially similar rule, potentially in our lifetimes.

In other words, what we are doing here is, for all practical purposes, the death knell for global efforts—involving most of our closest allies—to combat massive corruption resulting from the extraction of natural resources and help investors assess risk in the often murky and unstable oil, gas, and mining sectors. This is an issue on which the United States, until now, has been a global leader.

I mention this because the sponsors of this resolution have said that they support the goals of this rule, and all they want to do after overturning it is make some minor adjustments to it. That is the epitome of disingenuous. The rule does not take effect until the end of 2018. If that was what they really wanted to do, they would propose an amendment, and we could discuss it. Their real purpose, even if they are reluctant to say so, is to prevent disclosure.

This rule has two primary purposes. First, it is to protect investors. Investors whose combined net worth exceeds \$10 trillion, support this rule and its equivalency with the rules adopted by some 30 other governments. And second, to protect the public.

The practical effect of overturning this rule is that U.S. and foreign companies will be able to continue to make secret payments to corrupt foreign autocrats like Vladimir Putin and kleptocracies in Africa like the governments of Angola and Equatorial Guinea. By doing so, these companies will be aiding and abetting those kleptocrats when they pocket the proceeds for their personal use. We have seen this for years. The people of those countries barely survive on \$1 or \$2 per day, while their leaders drive Mercedes, fly private jets to vacation homes on the French Riviera or in Santa Monica, and pay off the armed forces to keep themselves in power.

And where does the money come from that pays for that grotesque flaunting of wealth? From the royalties paid by U.S. and other foreign companies.

Do we really want to be complicit in that kind of thievery and immorality by shielding it from public scrutiny? Do we really think that the American people want to be tarred with it indi-

rectly through the shady activities of American companies? Do we really want to hide important information from investors who are trying to assess risk in the companies they invest in? Of course not.

Anyone who reads this rule and pays the slightest attention to the estimated \$1 trillion lost to crime, corruption, and tax evasion in these countries and the millions of deaths attributed to corrupt practices where these extractive companies operate will recognize the fallacy of the baseless attacks by those who oppose it.

The sponsors of this resolution claim that this rule puts American businesses at a competitive disadvantage. What are they talking about? The rule applies to both U.S. and foreign companies and complements existing laws elsewhere in the world. In fact, Chinese state-owned companies, like PetroChina and Sinopec, are covered by the U.S. law. Great Britain, the EU, Canada, and Norway are just four examples of governments that have adopted similar rules, with Russian state-owned companies like Rosneft and Gazprom covered in the U.K.

I challenge the sponsors of this legislation to provide any objective facts to support the argument that U.S. companies are disadvantaged by this rule. That is a pernicious myth.

The sponsors have also repeated the self-serving claims of the petroleum industry that complying with this rule would unacceptably increase their cost of doing business. While that has become the predictable complaint of the business community whenever such a rule is promulgated, in this instance, they base it on an outdated and discredited analysis. The irony is that, even if one were to agree with their most farfetched, worst-case scenario, it pales compared to their immense profits.

If we overturn our rule, what prevents others from doing the same? And then we are right back where we started. Once again, we will have paved the way for secret payments and billions of dollars stolen from the public treasuries and squirreled away in Swiss bank accounts by the Robert Mugabes of the world.

There is another aspect to this that no one has talked about, and that is the connection between corruption and terrorism, particularly in Africa. Terrorist groups flourish where government corruption contributes to incompetent, corrupt military forces. Terrorists benefit when revenues from these activities are kept in the dark, enabling them to radicalize and recruit an impoverished and resentful population. By overturning this rule, Senators should know that violent extremists, terrorists, and other criminal enterprises will be among the beneficiaries.

Corruption is among the most corrosive forces that breed instability and

violence, and then countries like ours end up trying to feed and shelter the innocent people who bear the brunt of it.

It not only wreaks havoc on the people of those countries; it hurts American companies trying to do business there, and it hurts Americans who invest in these risky companies. If the norm is nondisclosure, then bribery becomes an unavoidable and accepted way of doing business.

That is what companies from countries like Russia and China that compete with American companies would prefer because corruption is what they are best at. But this rule requires those foreign companies and others to similarly disclose their profits. Are the sponsors of this resolution even aware of this? This rule will enhance U.S. competitiveness. This rule protects investors and the public.

When it was first passed, section 1504 put the United States at the forefront of transparency and government accountability efforts. And as I have already said, that leadership paid off. Other countries have followed our example. This resolution will jettison a decade of work here and abroad. There is no excuse for it. There is no need for it. If there are legitimate concerns about section 1504, then let's talk about ways to amend it and improve it.

But let's not, by overturning this rule, tell the world that we don't believe in transparency and good governance, that we will turn our backs on the theft and misuse of payments made by U.S. companies, that we do not care about the people of those countries who suffer the consequences, and that we do not care about American investors who deserve this critical information so they can have confidence in the companies they invest their hard-earned money in. This resolution is an affront to the values and to the citizens of our great and good Nation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Senator LEAHY for his comments. Ten years ago, I was privileged to be elected by the people of Maryland to represent them in the U.S. Senate. I came to the Senate with Senator BROWN at that time. It was our first year. Senator BROWN had the opportunity to serve on the Banking Committee. I had the opportunity to serve on the Senate Foreign Relations Committee. Today I hold the position on the Senate Foreign Relations Committee that Senator Lugar held when I first went on the committee; that is, the ranking member of the committee.

I remember one of the very first hearings we had in the Senate Foreign Relations Committee on resource, curse or blessing. It was a matter of concern to every single member of the Senate Foreign Relations Committee, Democrats and Republicans. We saw

the faces of people from nations in Africa who had a resource wealth, but they had the resource curse. The people were living in horrible poverty. Yet the country had mineral wealth—gas and oil—that was being exploited but not for the benefit of the people. It was being used to obtain income for their leaders to funnel corrupt practices. Senator Lugar, in October of 2008, authored a committee report of the Senate Foreign Relations Committee entitled “The Petroleum And Poverty Paradox: Assessing U.S. And International Community Efforts To Fight The Resource Curse.”

We went through the regular legislative process as to how we could deal with the circumstance that we knew the United States must exercise leadership. As Senator BROWN has pointed out the whole history and the importance of it—and all of the details—I just want to fill in some of the details as to how this came about because we were looking for a way in which we could turn the wealth of a nation to its people and cut off the corruption that it funded. The corruption was not just the obscenity of wealth being used by their leaders—as Senator BROWN pointed out in Equatorial Guinea—it was also the fact that this wealth that was coming to these leaders was also being used for criminal activities, to finance illegal drug activities and to finance terrorism.

I take issue with my friend from Oklahoma and his comments. There has never been an effort in this legislation to affect the supply of any source of energy here or anywhere around the world. That is being done. The question is, Where does the money go that is being used to exploit these resources? Do they go to the people of the country where the resource is located or do they go for corruption? That is what we attempted to do—Senator Lugar and I and others. I thank Senators LEAHY and DURBIN, who was on the floor earlier and was one of our early leaders, Senators MENENDEZ and WICKER. We did this not only in the Senate Foreign Relations Committee at the time I was chairman of the Senate U.S. Helsinki Commission—the Helsinki Commission, and Senator WICKER was helping, we worked in that organization to see how we could deal with transparency and how the American leadership could help the international effort to end the resource curse. As a result, legislation was authored and introduced in order to try to deal with this issue. Senator Lugar and I authored a bill, a bill that said we want to know where the money is going so we can track the money. We wanted to be able, for the people of that nation, to say: We know money is coming in now. Our leaders show us where the money is going.

That legislation was introduced. It was debated. It became part of the

Dodd-Frank law. Quite frankly, it was supported in a rather bipartisan way, and it became law. Ever since its enactment, it has been fought by the American Petroleum Institute. I am not sure why because today other countries have adopted similar standards. This information is readily available as far as the way it is compiled by companies. Many oil and mineral companies today are supplying this information with no complaints, no problems, but it was fought.

Tonight we are debating the use of the Congressional Review Act. It was pointed out earlier tonight that before today, it only had been used once since its 1996 enactment. The reason is because it is a sledgehammer approach to dealing with issues that should be dealt with by a scalpel, but here is the real abuse. We are using the Congressional Review Act—which is supposed to be used when an agency goes rogue, when they start to do things that were never intended by Congress, were never authorized by Congress. Section 1504 was passed by Congress, and it has taken the SEC almost a decade to get the rules out. And we are saying they abused their power? Maybe they abused their power by delay, but they certainly haven't abused their power with what they have come forward with. They are carrying out congressional mandate as they should. It was never the intent of the CRA to be used for this type of a process. So I just urge my colleagues to recognize that this is not the right way we should be proceeding.

In September 2009, with Senator Lugar's help, I introduced legislation. It was bipartisan. Senators MERKLEY, WICKER, SCHUMER, LEAHY, DURBIN, FEINSTEIN, MENENDEZ, and others joined in that effort. The SEC was directed to develop rules on oil, gas, and mining companies as to how the disclosures could be made on the U.S. stock exchange so they could disclose their rights and payments made to foreign governments. That is what we mandated. Why do we want to know that? Because these royalties and payments were basically bribes to government leaders because it never went to the people. It was in the U.S. interest, not only because of how those funds were used against our principles and not only did it finance illegal activities, but it could have been a source for stable governments, which was important for U.S. interests that we have stable governments. It helps us in our foreign policy and national security. It also gives us a stable source of oil, gas, and minerals. Investors have the right to know. They have the right to know in what countries their companies are investing their stockholder investments.

It was a reasonable request by Congress. One of my colleagues indicated that it was held to be inappropriate by our courts. That was on a process issue.

It was not on a substantive issue. That was corrected. A new rule has come out, and now we are using a CRA in order to block it. The rule, as it is currently worded, provides for a reasonable period for enforcement. So it is not even going into effect immediately because we are allowing the companies to have ample time in order to comply with the rule.

I just want to make this point. It creates a level playing field. It does not put American companies at a disadvantage. This is a level playing field. Thirty countries already require this. The EU requires this. Canada requires this. Do you want to know why they did it? Because the United States led. We passed the law. I met with the Europeans. I met with the Canadians. They said: This is a good bill. You are our leaders. You are doing it. We are going to do it also so they did it. It is in effect in these countries. Oil companies and mineral companies have complied with it. They are fine. Guess what. It wasn't difficult. Shell, BP, France's Total, Russian's Rosneft, Lukoil, Gazprom—their huge giant—all have reported. It has not caused any competitive problems. They are not losing any proprietary rights, as has been suggested. There has been no harm done.

When I listen to the cost-benefit analysis and listen to our distinguished chairman talk about the data is not really available, the reason the data is not available is because we don't have disclosure. If we get the information, then we will be able to tell exactly how we can deal with the problems in Ghana or Nigeria or in Equatorial Guinea or problems in so many countries where the people are hurting with some of the worst poverty rates in the world. We will be able to find that information out, but if we don't know what is being paid by U.S. companies, how do you do a cost-benefit analysis? I don't know how you could possibly do it.

I heard the numbers, the cost of compliance, and I would challenge that. I would challenge the cost of compliance numbers because this information is already available. Companies know where their money is going. It is a normal business issue. I heard it is going to cost hundreds of millions of dollars of contracts. I don't want to minimize the cost, but as a percentage of the business they are doing, it is minor. The benefit we get if the money can go to the people and deal with these horrible conditions that we see in these resource-wealthy countries, then it is certainly worth the effort. That is part of our effort in dealing with other countries, to try to lift up the standard of living in so many of these countries.

So when we look at, again, what is at stake—what is at stake? And that is to allow the wealth of a country to go to its people for its stability. I have heard

my colleagues say: Well, we are not against this. The law is still there. All we are talking about is this regulation. Once we pass this CRA, we are going to go back to work with the SEC and bring in a new rule. Do you really believe that? Do you really believe that if we pass this CRA, that we are going to see a new rule come out of the SEC? It has taken us 9 years to get to where we are right now. Do you really believe that with the law saying that the SEC cannot bring out a rule that is substantially the same in form, unless authorized by a subsequent law of Congress—do you really believe that will not be challenged in the courts with lengthy litigation before we will ever see another rule take effect?

Let us be clear about this. I am going to continue to do everything I can to make sure that the people of these nations get the wealth of their country. I am going to do everything I can. I am going to work with all my colleagues on both sides of the aisle. I really do believe in the sincerity of my colleagues, that they believe in this transparency. It is going to be tested. I am going to come back and see where we can make sure that 1504 is enforced because if I heard my chairman—and I respect him greatly, we work on a lot of issues together—when the chairman says that he is going to make sure the SEC complies with all congressional mandates—this is a congressional mandate—and it is our responsibility to make sure the SEC complies with Section 1504. If our colleagues pass this CRA—and I hope you don't—it is our responsibility to make sure the SEC complies with 1504. I am going to be here urging in every way I can to make sure that happens.

Mr. President, I ask unanimous consent that the statement from Publish What You Pay, which talks about a lot of the different aspects and myths that have been said, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLISH WHAT YOU PAY UNITED STATES
MYTH BUSTING: THE TRUTH ABOUT THE CARDIN-
LUGAR ANTI-CORRUPTION PROVISION

The Cardin-Lugar Provision requires U.S.-listed oil, gas and mining companies to publicly disclose the project-level payments they made to the U.S. and foreign governments for the extraction of oil, gas and minerals.

The Cardin-Lugar provision is a landmark piece of bipartisan legislation. The final anticorruption rule implementing the Cardin-Lugar provision passed by the SEC in June 2016 significantly advances international efforts to curb corruption and has been applauded by investors, companies and governments around the world. However, a great deal of misinformation has been spread about the rule. Below you will find evidence correcting the most glaring inaccuracies put forward.

But before getting into the myths, here are some hard facts.

Research concludes that increased transparency resulting from the disclosures required by the Cardin-Lugar Rule could lower the cost of capital for covered companies by \$6.3 billion to \$12.6 billion.

The international norm of resource sector payment transparency, built on strong American leadership, is estimated to have increased predicted global GDP by \$1.1 trillion.

Investors representing nearly \$10 trillion in assets under management support of the Cardin-Lugar Rule.

Between 2011-2014 conflict linked to corruption in Libya led to five U.S.-listed companies missing out on an estimated \$17.4 billion due to production disruptions.

Myth 1: Compliance costs for disclosure could reach as high as \$591 million per year.

Facts: The only comprehensive cost analysis submitted to the SEC concluded that the total aggregate compliance cost to industry in the first year would amount to \$181M and would not exceed \$74 million per annum in subsequent years.

The \$591 million number comes from an outdated SEC estimate from the 2012 version of the final rule. The reason the number is so high is because API claimed that there were countries that prohibited disclosure and if companies were forced to disclose they would have to hold a 'fire-sale' of all of their assets in that country—this number comes from the assumption that every company would lose their assets in these countries where disclosure was supposedly prohibited. It is (1) disingenuous to quote this cost estimate from the 2012 regulation, instead of quoting from the 2016 regulation, and (2) irrelevant because the SEC now allows for companies to apply for an exemption if they believe disclosure is prohibited in a country, therefore the above estimate is wildly inaccurate.

Myth 2: U.S. companies are at a competitive disadvantage because non-U.S. companies do not have to make the same disclosures, and the rule applies only to public companies.

Facts: The U.S. law covers all oil, gas and mining companies listed on U.S. stock exchanges not simply companies based in the United States. Thus, the rule covers all companies filing an annual report with the SEC both foreign and domestic. This includes foreign oil majors BP, Shell, and Total as well as leading state-owned oil companies from China and Brazil, such as PetroChina and Petrobras. But a significant number of foreign companies are already required to make the same type of disclosures under the rules in other jurisdictions.

Since the passage of Cardin-Lugar in 2010, important U.S. allies have followed our leadership in payment transparency and now 30 countries have adopted their own mandatory disclosure rules for companies listed on their stock exchanges. And while in many ways, the Canadian and EU requirements are more stringent (and also cover private companies), the laws in all jurisdictions have been deemed equivalent by the SEC. Companies are allowed to submit the same reports in all jurisdictions. These laws already cover the vast majority of companies that compete with American firms including Russia's state-owned companies, Gazprom and Rosneft which are required to report in the UK.

Myth 3: The SEC rule is burdensome.

Facts: The Cardin-Lugar Provision is a reporting requirement, which is not onerous and does not limit the operations of oil, gas, and mining companies; the rule simply requires companies to publicly report payments that companies would track in the

normal course of doing business. The rule is a straightforward requirement to make that data transparent and usable by investors and citizens. Leading global oil and mining majors such as Shell, BP and Total, along with Russian state-owned companies, are entering their second year of reporting under EU rules without any negative impact or reported issue. In fact, many major companies have publicly endorsed this type of reporting and have called on the U.S. to ensure our rules are harmonized with those other markets.

Myth 4: The rule requires companies to disclose proprietary information that could help foreign competitors.

Facts: The SEC rule requires companies to disclose payment information; it does not mandate the disclosure of proprietary, confidential or commercially sensitive information by companies. Numerous companies are already reporting under the similar rules in other markets, such as Shell and BP, and none have reported any competitive harm from payment transparency. However, the SEC's rule nonetheless contains safeguards. To the extent a company legitimately believes that disclosure will risk exposing proprietary information, they can apply to the SEC for exemptive relief on a case-by-case basis.

Furthermore, a competitor cannot use payment data to "reverse engineer" a company's return on investment or the contract terms of a specific project. Complex factors such as access to technology and finance determine a company's success in winning bids with host governments—not transparency of payments. Extractive companies that are covered by payment disclosure requirements in other jurisdictions have continued to win bids.

Myth 5: This rule was not properly vetted by Congress.

Facts: The Cardin-Lugar Amendment enjoyed bipartisan support and was subject to extensive review in both the House and Senate, and it was unanimously supported in conference. It is based on underlying legislation with a long Congressional history that was the subject of multiple hearings in both the House and Senate. In fact, the first precursor was a Republican House resolution on oil and mining transparency from 2006. For this reason, propositions to repeal the rule signify an inappropriate use of the CRA. The intent of the CRA is to address midnight rules, not rules like 1504 that have undergone years of extensive regulatory development.

Myth 6: The SEC rule will cause companies to lose out on foreign contracts.

Facts: Opponents of the Cardin-Lugar anti-corruption provision have claimed that companies could be placing themselves at odds with legal or contractual prohibitions on reporting in countries like Angola, China, Qatar, and Cameroon and may subsequently lose out on business in those countries due to the transparency rule. In the six years since this law was passed, no company has produced evidence that any country prohibits this type of disclosure, and numerous submissions to the SEC have demonstrated no such prohibitions exist. The experience of companies already reporting under the parallel disclosure rules in other countries likewise confirms the absence of any prohibition on reporting; companies like BP and Shell have disclosed project-level payments made in Angola, China, and Qatar with no repercussions. Nor have these companies lost out on bids because of payment disclosure requirements. Nonetheless, the Cardin-Lugar provision contains safeguards to ensure that

companies that face a legitimate problem can apply for an exemption from disclosure on a case by case basis.

Myth 7: The Cardin-Lugar provision has nothing to do with the SEC or investors.

Facts: It is important to note that the SEC extractives transparency rule is not a case of agency overreach. Congress specifically mandated the SEC issue this rule in Section 1504 of the 2010 Dodd-Frank Act, and by issuing the 2016 rule the SEC complied with the will of Congress. Both Senator Cardin and Senator Lugar, the original sponsors of the bill, along with Senators Leahy, Durbin, Brown, Warren, Baldwin, Markey, Coons, Shaheen, Whitehouse, Menendez and Merkley, expressed explicit support for the SEC's interpretation of Section 1504 during the rule-making process.

The rule has significant benefits for investors. Throughout the rulemaking process, investors worth nearly \$10 trillion of assets under management repeatedly emphasized their support for payment disclosures under the rule. The rule provides investors with critical information for assessing risk in the often murky and unstable oil, gas and mining sectors, with positive follow-on impacts for firms that benefit from increased investor confidence and certainty. The increased transparency resulting from this provision has been estimated to lower the cost of capital for covered U.S.-listed firms by \$6.3 billion to \$12.6 billion.

Myth 8: We don't need Cardin-Lugar because we have the Foreign Corrupt Practices Act.

Facts: While the Foreign Corrupt Practices Act (FCPA) remains an important statutory tool critical to fighting global corruption, its scope is confined to bribery. Bribery is only one tool used to facilitate corruption. All too often, it is the legal payments made to governments that are misused, or siphoned off to the bank accounts of a country's corrupt elites. However, the fact that companies are already subject to the FCPA does mean the burden of reporting payments to comply with the Cardin-Lugar rule is minimal; companies are already required to collect and track payment information as part of the books and records provision of the FCPA. In this way, the two laws work very well together in creating a strong regulatory foundation to prevent corruption.

Myth 9: This rule is the same as the one sent back to be revised by the courts in 2013 and did not incorporate the Court's or industry concerns.

Facts: The American Petroleum Institute filed suit to challenge the original rule issued by the SEC in 2012, despite its largest member companies claiming to support transparency. The earlier version of the rule was vacated by the court and sent back to the SEC in 2013 on narrow procedural grounds, not on the substance of the rule. Since then, the SEC has had another two years of public consultations and internal analysis, resulting in an even more robust record with substantial evidence supporting each aspect of the 2016 rule. That evidence also includes the experience of companies already reporting on their payments under similar rules in other jurisdictions. The SEC's final rule strikes an appropriate balance by requiring the level of transparency Congress intended, while also accommodating industry concerns by providing companies with the opportunity to apply for case-by-case exemptions when they face reporting challenges and a generous phase-in period. Reporting will only begin at the end of 2018.

Myth 10: Sections 1504 (extractives transparency) and 1502 (conflict minerals) are the same thing/substantially similar.

Facts: Section 1504 requires U.S.-listed oil and mining companies to annually disclose the company's major payments made to the U.S. and foreign governments. It is simply a financial disclosure of payments companies already track.

Section 1502 mandates that a certain set of companies using tin, tungsten, tantalum or gold in their products undertake supply chain due diligence and report annually to the SEC regarding the source of the minerals used in their products and whether the minerals are sourced in conflict areas in the Democratic Republic of Congo.

Myth 11: The Cardin-Lugar rule poses a security risk for American companies and their employees working abroad.

Facts: There is no evidence justifying the claims that the Cardin-Lugar rule would have any negative impacts on security. In fact, all available evidence points to the contrary. The United Steelworkers explicitly argue that the Cardin-Lugar anti-corruption rule will enhance employee safety. Generally, 1504 helps protect U.S. national security interests by preventing the corruption, secrecy, and government abuse that has catalyzed conflict, instability, and violent extremist movements in Africa, the Middle East and beyond. As ISIS demonstrated, non-state actors can benefit from trading natural resources in order to finance their operations; project level reporting will make hiding imports from non-state actors more difficult, thereby limiting their ability finance themselves with natural resource revenues.

Myth 12: This law increases prices at the pump and takes capital away from other business opportunities.

Facts: All of the data suggests that transparency actually helps company balance sheets by lowering the cost of capital and increasing investor confidence. On the other hand, corruption costs oil and mining companies millions of dollars every year from instability and fragility in resource-rich countries, which contributes to increased operating risks, waste, inefficiency, and delays. For instance, between 2011 and 2014, the conflict in Libya fueled in part by citizens' frustration with corruption and poor governance caused five U.S.-listed oil companies to miss out on more than \$17 billion in revenues due to production disruptions in the country.

Mr. CARDIN. Let me conclude, for years, Congress has been fighting to shine a light on the billions of dollars paid by extracted companies to foreign governments. By taking away one of the only tools we have to shine a light on extracted payments' associated corruption, we are sending a message to corrupt leaders around the world that the United States does not care about corruption; that we won't hold them accountable, and that they should continue with business as usual: Exploiting their own people, and perhaps even funding terrorist organizations with some of their secret proceeds. It is not in our national interest to stop an anticorruption rule that bolsters America's national security, advances our humanitarian and anticorruption goals, and demonstrates U.S. moral leadership.

I urge my colleagues to join me in voting against this resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF NEIL GORSUCH

Mr. GRASSLEY. Mr. President, I want to take a few minutes to comment on some of the initial reactions that I have heard from my Democratic colleagues on the President's nomination of Judge Gorsuch to be an Associate Justice of the Supreme Court.

First of all, even before we had the nominee, there were many of the Democratic Members vowing to filibuster the nominee, site unseen. That, of course, is very unfortunate, as well as being ridiculous—in other words, saying you are going to filibuster somebody before you even know who the nominee is. But of course, given how the minority has treated the President's Cabinet nominees so far, it is not exactly surprising that they would say this before the President even nominated somebody for the Court.

Then, of course, this week the President announced his nominee. Judge Gorsuch, of course, was confirmed by the Senate in 2006 without a single “no” vote and is universally respected as one of the finest and most fair-minded judges in the country. In fact—get this—one of President Obama's Solicitors General called him “one of the most thoughtful and brilliant judges to have served our Nation over the last century.”

Now, if an Obama Solicitor General says that and that is not mainstream enough, I don't know what is. After the President's announcement, something very interesting happened. Right out of the gate, there were a number of Senate Democrats calling for “a hearing and a vote.” Well, that certainly sounds very encouraging. The press picked up on these comments, and one newspaper even reported that after learning who the nominee was, there were already seven Senate Democrats opposed to filibustering this nominee.

At first glance, it appears those Democrats were trying to be consistent with their stance from last year that a nominee deserves a hearing and an up-or-down vote. But of course, now they conveniently seem to have dropped the up-or-down portion of that stand.

Now, isn't that a nice trick, a new trick. Take, for example, one of my colleagues, who last year said: “The Constitution says the Senate shall advise and consent, and that means having an up-or-down vote.” But oddly, just yesterday, that same colleague said: “I support a 60-vote margin for all Supreme Court nominees.”

That is a very nice sleight of hand. But most of the Senators are not that gullible. The Washington Post Fact Checker certainly took notice of their wordsmithing. That has earned them two Pinocchios. When you look at the facts, a 60-vote threshold has never

been a standard, as the minority leader said yesterday. Otherwise, we would not have two of the current justices sitting on the Supreme Court.

Of course, my colleagues tried unsuccessfully to filibuster Justice Alito. The Senate voted 72 to 25 to invoke cloture. He was then confirmed 58 to 42 on an up-or-down vote.

Justice Thomas, now on the Supreme Court for 25 years, was confirmed 52 to 48. There was no cloture vote on Justice Thomas's nomination. In fact, the Senate did not set any sort of a requirement that there be 60 votes for 7 of the 8 justices serving on the Court. So, if there has been any sort of requirement or practice in the Senate on Supreme Court nominees, it has, in fact, been that the nominee does not need 60 votes, although many of them received that kind of support.

We already know some Members have pledged to filibuster the nominee. This minority leader stated that part of the “fair process” is a 60-vote threshold. I suppose that if you are already committed to attempting a filibuster on a Supreme Court nominee before you even know who that person might be, then you might consider that part of a fair process.

Of course, we all know—all Republicans and Democrats know—that launching a filibuster against a Supreme Court nominee is not part of a fair process. It never has been. But I suppose we should cut our colleagues just a little bit of slack. They are having a hard time figuring out how to make good on their promise to attack the nominee no matter who it is, when they have now been presented with a nominee with impeccable credentials as well as broad bipartisan support.

This brings me to the second brief point that I want to make. Judge Gorsuch had barely finished speaking at the White House, and there were already attacks on the nominee by some on the left. Some of my colleagues on the other side of the aisle had already taken to the Senate floor to attack and mischaracterize Judge Gorsuch's record. Though we expected it, these scurrilous attacks are untoward and obviously misplaced. After all, those on the left trot out the same tired arguments against every Republican nominee.

Now, you know, going back a few years—maybe, too far for some of you younger Members—they attacked Justice Stevens because he “revealed an extraordinary lack of sensitivity to problems that women face.”

They called Justice Kennedy a sexist who “would be a disaster for women.” They said there was “ample reason to fear” Justice Souter. Of course, you know what turned out. Justices Stevens and Souter turned out to be favorites of the left, and too often Justice Kennedy has ruled the liberal way.

This morning, the Washington Post editorial board noted that, while we ar-

gued last year—meaning the paper argued last year—that the President should not fill a Supreme Court vacancy that occurs during a Presidential election year, Senate Republicans—quoting the Post—“refrained from tar- raring Mr. Garland personally.”

Now, in contrast, the paper noted that this dissent is unwarranted this early by writing this: “Trashing Mr. Gorsuch as an outlandish radical, despite his impeccable credentials, the wide respect he commands in his field, his long service as an appeals court judge and the unanimous voice vote he received the last time the Senate considered him for the Federal bench is, at the very least, premature.”

Our friends on the other side of the aisle would do well to take note of the Washington Post's observation. So I would like to make this point. If the process we have witnessed for the President's Cabinet nominees is any guide, I am quite confident that we will hear all manner of reasons and arguments about why we should delay a hearing on Judge Gorsuch.

But as my friend and former chairman of the Judiciary Committee, Senator LEAHY, often noted, Supreme Court nominees don't have the opportunity to respond to personal attacks outside of their confirmation hearing. So I am going to consult with the ranking member on timing for the hearing. But I can tell you what we are not going to do. We are not going to delay this hearing, especially in the face of all of these attacks on his record and character, which, both for the record and for his character, are unjustified.

So I will conclude with this. I had the good fortune of meeting one-on-one with Judge Gorsuch yesterday. He is as impressive a person in person as he is on paper. I expect that as my friends on the other side of the aisle meet Judge Gorsuch and actually review his record, they will find him to be an imminently qualified and universally respected judge, whose decisions faithfully applying the text of the law place him well within the judicial mainstream.

Now, maybe people that say they want a mainstream judge wanted an activist judge who will read the text the way the judge wants it read for their own personal views, as opposed to the intent by Congress. But Judge Gorsuch is doing what any judge should do reading the law. He said: If any judge likes every decision he makes, then he is not a very good judge.

Now, this is what we are going to do. We are going to do our due diligence, and we are going to send a questionnaire to Judge Gorsuch in the next day or so. I will expect he will answer that questionnaire promptly, and then we will do what I said before the election, before we knew who was going to be the next President.

In fact, we thought it was going to be Secretary Clinton. When I say we, the country as a whole had that in their mind. There was no doubt about it. So I said before the election, as the one responsible for not having a hearing on the previous nominee, that, whoever was elected President, this process was going to move forward.

So we will have that hearing where Members can ask this nominee any questions they deem appropriate. We will vote on him in committee, and the full Senate will vote on his nomination. But given his exemplary record and the facts as we know them, I expect this nominee to be confirmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I am going to try to be very brief.

I am rising to return to the topic of the effort of the CRA to roll back transparency in the oil and gas industry, and I will speak briefly. I know my colleague from Arizona is here and wants to speak too.

The issue has been described. It is an SEC rule requiring energy companies to disclose the payments they make to foreign governments for natural resources. The reason is that many countries with abundant natural resources are run by dictators, and there has been a long history of payments by oil companies—American and others—to those dictators that don't get to the people and actually further the corruption of the country.

Just one example: An IMF report stated that in just 1 year, 1998, the Government of Equatorial Guinea received \$130 million in oil revenue, and \$96 million of that went directly into the personal bank account of the dictator, Teodoro Obiang. Meanwhile, hunger in that country is rampant, and that is what led to this.

I am on the Foreign Relations Committee. In preparation for our hearing on the nomination of Rex Tillerson, the former CEO of ExxonMobil, for Secretary of State, I read a wonderful report that was done by Senator Lugar when he was the ranking member of the Senate Foreign Relations Committee.

October 2008: Report to members of the Foreign Relations Committee from the ranking member. The title was "The Petroleum And Poverty Paradox: Assessing U.S. And International Community Efforts to Fight The Resource Curse." I read this. I read the book "Private Empire," a recent history of ExxonMobil written by journalist Steve Coll, to prepare for my examination of Rex Tillerson for Secretary of State.

This particular report was the basis for the 2010 law that was described by Senator CARDIN, and it was sponsored in a bipartisan way. It didn't prohibit any company from doing anything. It

only required companies that pay foreign governments to disclose those payments.

I voted yesterday against Rex Tillerson for Secretary of State because I believe a public official's duty—especially Secretary of State—has to be to the country. I was worried, based on three areas of his testimony, that Rex Tillerson could not set aside his loyalty to ExxonMobil.

He refused to answer questions that I asked him about ExxonMobil's knowledge of climate science, yet their efforts to convince the public that the science was not settled. He told me he wouldn't answer my questions.

He did not demonstrate to the committee's satisfaction, in my view, that he could be independent in Russia. For example, he said that ExxonMobil had not lobbied against sanctions against Russia, when we actually have the lobbying forms to suggest they had.

In both of those areas, I found his responses wanting, and I voted against him.

I will be honest. I asked him about the resource curse question, and today I kind of feel like I got snookered.

I said: There is a lot of concern about these countries that let resource wealth go to dictators and further corruption. What are you going to do about it, as the Secretary of State, working on development, for example, of some of these poor nations? And he talked about high-minded values and virtues of the things the United States could do that would battle corruption and increase transparency.

He didn't tell me that he had been personally involved in an effort to defeat the legislation that passed Congress in 2010. Now there is press out suggesting that is the case, and he didn't tell me that apparently there was an effort underway to undermine the transparency statute that was so important.

I have to put it on the record. Within 1 day—within 1 day of the Senate approving Mr. Tillerson for Secretary of State, the Trump administration has relaxed sanctions on Russia. That happened today. And now, apparently, we are going to vote to eliminate a law that requires transparency among companies like ExxonMobil.

I kind of feel like I got snookered at the hearing. What public interest is at stake in rolling this back? I don't think there is any.

Some say: Well, look, it is about leveling the playing field. The United States shouldn't be at a competitive disadvantage, but U.S. companies are at a disadvantage. Companies listed on the U.S. stock exchange—wherever they are from—are required to do this transparency, these disclosures, and many are already doing it. Because we have led, the European Union and Canada have said this is a great idea, and they are doing it too.

It would be a horrible thing if the United States pulled away from its leadership.

In conclusion, I am concerned that in the opening 2 weeks of the Trump administration—despite a lot of promises about what they would do in the economy—what has the administration done about the economy?

On day one, they entered an Executive order retracting an FHA mortgage reduction, thereby requiring homeowners with FHA loans to have to pay more for their monthly mortgages. They have done a Federal hiring ban that falls disproportionately on veterans because the Federal workforce is a veteran-heavy workforce. They have done the immigration rules that we have discussed which not only affect immigrants but have a dramatic negative effect on America's technology industry.

And then in the first two uses of the CRA procedure since the 1990s, they have eliminated a rule to allow more pollution of streams in poor areas where coal is produced, and now this—allowing companies to escape transparency and make the very kinds of payments that lead to corruption in foreign governments, corruption so severe that a former Republican Member of this body was compelled to write a superb report in 2008 and have bipartisan legislation passed.

I urge my colleagues to vote against the CRA repeal of this rule.

Mr. DURBIN. Mr. President, during my time in the Congress, I have had the privilege of visiting many other nations, often fragile or new democracies struggling to meet the needs of growing numbers of youth and emerging middle classes.

For example, many of the fastest growing economies are in the developing nations of Africa and Asia. In fact, a few years ago, the World Bank said Africa was on "the brink of an economic take-off."

Such economic gains should be welcome news for lifting millions out of poverty, providing better basic services such as education and health care, and improving the lives of women.

They are also opportunities to create more markets for our goods and services, to add to our global allies, and to reverse the conditions that lead to violent extremism.

But for those of us who have visited many such nations, we are also aware of a major impediment to realizing these improvements—namely effective and clean government.

You see, too often, endemic corruption—frequently around lucrative extractive oil and minerals—robs untold sums from generation after generation in many of these nations.

Just look at such oil rich nations as Angola, Venezuela, Nigeria, or Equatorial Guinea, where government after government squandered and stole the

oil wealth from its own people, far too many of whom still live in terrible squalor.

Some of you may remember the devastating column Nicholas Kristof wrote in 2015, "Deadliest Country for Kids." Here is how he describe Angola: "This is a country laden with oil, diamonds, Porsche-driving millionaires and toddlers starving to death. . . . this well off but corrupt African nation is ranked No. 1 in the world in the rate at which children die before the age of five. . . . Under the corrupt and autocratic president, Jose Eucardo dos Santos, who has ruled for 35 years, billions of dollars flow to a small elite—as kids starve."

He continues: "There are many ways for a leader to kill his people, and although dos Santos isn't committing genocide he is presiding over the systematic looting of his state and neglect of his people. . . . Let's hold dos Santos accountable and recognize that extreme corruption and negligence can be something close to a mass atrocity."

In 2008, Republican Foreign Relations Committee staff, under then-Senator Richard Lugar, released a report on this scourge, "The Petroleum and Poverty Paradox."

The report from Lugar discussed the "resource curse" which is a "phenomenon whereby large reserves of oil or other resources often negatively affect a country's economic growth, corruption level and stability."

Why is this important? Let me quote from the report: "This 'resource curse' affects us as well as producing countries. It exacerbates global poverty which can be a seedbed for terrorism, it dulls the effect of our foreign assistance, it empowers autocrats and dictators, and it can crimp world petroleum supplies by breeding instability. . . . This report argues that transparency in revenues, expenditure and wealth management from extractive industries is crucial to defeating the resource curse."

Wise words from a wise man.

And so, this report became the basis for a very thoughtful, bipartisan law that I was proud to support which tried to tackle this issue in a very common-sense manner.

It simply required that the SEC issue a rule requiring all oil, gas, and mineral companies listed on the U.S. Stock Exchange to disclose royalties, bonuses, fees, taxes, and other payments made to foreign governments as a transparency tool for fighting corruption.

The U.S. law became the catalyst for others: all 28 European Union member states have enacted similar legislation, followed by Norway and then Canada, who are key players in extractive industries—further establishing an international norm.

Moreover, a study conducted by business professors at George Washington

University and Catholic University found that increased transparency resulting from disclosures required under the rule lowers the cost of capital for covered U.S. listed firms by up to \$12.6 billion.

So claims that this is burdensome and will result in competitive harm to American firms are unfounded and simply untrue.

So here we are, 4 months since our intelligence services disclosed that a former KGB official led a cyber act of war on our Nation and democracy—and what is the priority of the Republican majority?

Establishing an independent commission to look into the Russian attack?

No.

Taking up bipartisan legislation to tighten sanctions on Russia for its attack on our Nation?

No.

In fact, not a single Republican has even come to the Senate floor to discuss these grave matters of national security.

Ronald Reagan, who understood the Russian mentality so well, must be turning in his grave to see this abdication by his party.

Instead, what is the majority party's priority?

Well, repealing health care from millions without an alternative—and, now, trying to strip this good governance anticorruption law—one led by a member of their own party and subject to years of debate and input—aimed at addressing corruption that robs so much from the world's poor—not exactly draining the swamp.

This isn't an onerous rule. It is simply a matter of disclosure, transparency, and good governance. It is hard to understand opposition to greater transparency.

As such, I will vote against his measure and I urge my colleagues, especially my Republican colleagues who have made helping the world's poor one of their endeavors to do the same, don't vote to put more money in the pockets of the world's worst autocrats at the expense of the world's most vulnerable.

Mr. UDALL. Mr. President, President Trump made bold claims about his intention to "drain the swamp." But here we are, debating a measure that would do the exact opposite. The Senate is actually voting to kill an anticorruption regulation.

This regulation was the result of bipartisan effort led by Senator Dick Lugar. Senator Lugar was my mentor when I first joined the Senate. He helped me better understand the role and traditions of this body; and he showed me what it meant to be a statesman.

Senator Lugar was one of the most thoughtful foreign policy experts to serve in the Senate. He chaired the Foreign Relations Committee, and he

was deeply respected on both sides of the aisle.

He understood the "resource curse." How developing countries with billions of dollars in oil, gas, or other valuable minerals often had the worst poverty, how the governments of these countries made deals with huge corporations to sell their resources, but the citizens of those countries never saw the benefits. Instead, corrupt leaders would enrich themselves, rather than use the funds to pay for healthcare, education, infrastructure, or housing.

Senator Lugar, with Senator CARDIN, developed legislation to address the resource curse, to bring transparency to an opaque system. The result was section 1504 of the Dodd-Frank Act. It directed the SEC to issue a rule requiring all oil, gas, and mineral companies listed on U.S. stock exchanges to disclose the payments they make to foreign governments.

This allows the citizens of those countries to hold their leaders accountable. It shines a light on corruption. And when citizens can demand that this money is used for their benefit, it reduces their need for foreign aid.

Opponents of this rule claimed it would put American companies at a disadvantage. In fact, it made the U.S. a leader. Other countries followed suit and passed similar requirements.

The Cardin-Lugar rule became the global standard for transparency. Today, 80 percent of the world's largest publicly listed oil, gas and mining companies—including state-owned companies from Russia, China, and Brazil—are subject to disclosure rules.

This resolution of disapproval is just one of many misguided efforts by Republicans to use the Congressional Review Act to kill regulations that protect the most vulnerable.

The CRA was enacted in 1996 as part of the radical deregulatory and anticonsumer actions by shepherded by Newt Gingrich. Before now, the CRA has successfully been used to overturn only one rule.

There is a reason it has only been successfully used once. The CRA is a blunt weapon. It is a poorly written law that comes with unintended consequences. The CRA allows Congress to strike down a rule in its entirety with only an hour of floor debate in the House and without the ability to filibuster it in the Senate.

This flawed process can undo years of careful work by stakeholders and Federal agencies. Work done through an open, thoughtful rulemaking process. The Cardin-Lugar rule took years to finalize. Republicans want to kill it in a day.

And let's be clear—it does kill the regulation. Earlier today, Leader MCCONNELL mischaracterized this effort. He said, "Let's send the SEC back to the drawing board to promote transparency."

But that is not what the CRA does. It doesn't send the agency "back to the drawing board." What it does do is prohibit the agency from issuing another regulation that is "substantially the same," unless Congress specifically authorizes the agency to do so through subsequent legislation.

The courts have not yet determined how different a new regulation must be so that is not "substantially the same." This discourages an agency from issuing a new similar regulation once a rule has been blocked.

This is not going back to the drawing board. This is going back to corruption.

Mr. VAN HOLLEN. Mr. President, with this resolution, the Senate majority is continuing its rush to overturn Obama administration consumer and investor protections, this time by targeting a bipartisan anticorruption measure.

In 2008, under the direction of Senator Richard Lugar, Republican staff of the Senate Foreign Relations Committee produced a report, "The Petroleum and Poverty Paradox: Assessing U.S. and International Community Efforts to Fight the Resource Curse." They traveled to some of the most resource-rich countries in the world and explored how government corruption, fraud, and instability prevented those nations' people from benefitting from their oil, gas, and mineral reserves. Rather than spurring national economic development, benefits were concentrated among government and military elites and organized crime. According to the nonprofit research organization Global Financial Integrity, in 2012, developing countries "lose roughly \$1 trillion per year to crime, corruption, and tax evasion."

The 2008 Foreign Relation Committee report led to the bipartisan Cardin-Lugar amendment to direct the Securities and Exchange Commission to require that all oil, gas, and mineral companies listed on U.S. stock exchanges disclose their payments to foreign governments, including royalties, fees, taxes, and bonuses. Congress enacted the Cardin-Lugar amendment as section 1504 of the Dodd-Frank Act.

These transparency provisions are critical to combatting corruption in resource-rich nations. And these provisions are critical to protecting investors by ensuring that they have a clear picture of companies' interactions with foreign nations.

As the Foreign Relations Committee report noted: "transparency in extractive industries abroad is in our interests because mineral wealth breeds corruption, which dulls the effects of U.S. foreign assistance; inequitable distribution of mineral revenues creates civil unrest, threatening political and energy instability and adding a price premium to commodities such as oil and gas; and energy rich countries can become emboldened militarily."

The Cardin-Lugar amendment continued American leadership in anticorruption efforts, and has established a new global standard. Similar rules are now in effect in Europe, Norway, and Canada and apply to 80 percent of the world's largest publicly listed oil, gas, and mining companies, including state-owned oil companies in Russia, China, and Brazil.

While many of the world's largest extractive businesses have expressed support for transparency, including BP, Shell, and Newmont Mining, the SEC rule has been strongly opposed by a narrow group, including ExxonMobil. I am concerned to see the Senate acting to repeal this rule and prohibit the SEC from ever establishing a similar anticorruption and investor-protection measure in the same week that it voted to confirm Rex Tillerson, former CEO of ExxonMobil, to be Secretary of State.

There is no logical reason to go against international norms and repeal a rule supported by much of the regulated industry, investors, and advocates for transparency and government reform in favor of a narrow opposition led by ExxonMobil. I urge my colleagues to reject this special-interest favor to ExxonMobil and maintain this important tool to fight corruption and protect investors.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. FLAKE pertaining to the introduction of S. 276 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF NEIL GORSUCH

Mr. FLAKE. Mr. President, I want to speak for a couple of minutes about the Supreme Court.

A year ago, we lost one of the greatest legal minds to ever serve on the Nation's highest Court. For nearly three decades, Justice Antonin Scalia fought for individual liberty and defended the integrity of the Constitution.

No Justice in recent memory has so fundamentally influenced the trajectory of the Supreme Court. From his landmark decision that protected our Second Amendment right to bear arms to his staunch defense of limited government and enumerated powers, Justice Scalia stood as a bulwark against any erosion of our constitutional rights by an activist judiciary. He did this with his unshakable commitment to an originalist interpretation of the Constitution. Through this lens, he did not read words that were not there or infer intent that did not exist. Instead, Justice Scalia simply understood the Constitution, as the Founders understood it.

Judge Scalia's passing marked a watershed moment for the future of our country. Suddenly, in the midst of the last Presidential campaign, voters were empowered to determine the philo-

sophical balance of the Supreme Court at the polls. By entrusting Republicans with the stewardship of our Federal Government, voters signaled their desire for change and for the values that our party embraces. From strong separation of powers to a commitment to federalism, to religious freedom, people in Arizona and around the country wanted to restore these foundational principles. Now, President Trump's nomination of Judge Neil Gorsuch to the Supreme Court will help usher in that change and solidify those values on the Court for a generation to come.

Earlier this week, I had the opportunity to attend the ceremony at the White House and listen to Judge Gorsuch accept his nomination. I was impressed by his humble respect for the law and for his commitment to service. I was particularly struck by his recognition that "it is for Congress, not the courts, to write new laws" and that a Justice should make decisions based on what the law demands, not the outcome that he or she desires.

I also appreciate his experience as an appellate court judge. This experience has given him a firm understanding of a properly functioning Federal circuit. As someone who has tried to reform an oversized and overworked Ninth Circuit, I really appreciate that insight.

Judge Gorsuch is an accomplished, mainstream jurist with a judicial philosophy worthy of Judge Scalia's seat. We can be confident that he will read the law as written and not attempt to legislate from the bench, but if we allow rigid partisan and ideological calculus to seep into our confirmation process, I fear that no President will ever be able to get a Cabinet or Supreme Court pick confirmed.

A favorite line of our former President is that "elections have consequences." Indeed, they do. Like it or not, the winning party governs. That is democracy, and we have a responsibility now to govern.

My hope is a return to the long-standing traditions of bipartisan cooperation on this Supreme Court nomination. Judge Gorsuch is experienced. He is qualified, and he deserves a fair hearing. He deserves an up-or-down vote on the Senate floor. I am confident that when he receives that up-or-down vote, he will fill the vacancy on the Supreme Court.

I yield back.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, back on the topic of the evening: the Congressional Review Act action to overturn the SEC's rule.

I am just kind of at a loss for words. There are people back home asking how politics is going, and they have a certain set of assumptions about the way Congress works. They watch "House of Cards." They watch movies about politics. They have watched

other TV shows on Hulu and Netflix, whatever it may be. I submit to you that what we are doing right now is so corrupt, so grotesque, so obvious, so trite that it wouldn't even make the cut as a plot for a TV show about politics because who would believe that the Republican Congress, as one of their first acts, would pass a law prohibiting the implementation of a rule that requires oil companies to disclose what kind of foreign payments they are making for the privilege of extracting resources.

So what does that mean? You have oil companies that in order to extract resources in places like Africa and elsewhere—mostly poor countries around the globe—they have to cut a deal with whoever is in charge of the government in order to have access to that resource. Whether it is in Equatorial Guinea, Indonesia, Africa, Myanmar, or elsewhere, they cut a deal with the governing despot, usually. That money very often makes it directly into the pockets of the family of the people who run the country. This is what Senator CARDIN was elucidating, as was Senator LEAHY and the ranking member, Senator BROWN.

But this issue was new to me, and I came to the floor not as a member of the Senate Foreign Relations Committee but as a citizen. I can't believe we are doing this. This is one of the stinkiest pieces of legislation that I have seen in my now 5 years in the Senate and my 8 years in the Hawaii State Legislature, in my life in politics. I can't believe that we would have the gall to put a bill on the floor to prevent us from disclosing what kinds of foreign payments—that is a euphemism—are being made to despots and autocrats around the planet. These are American companies traded on the stock exchange, American companies making foreign payments, euphemistically, for the privilege of extracting primarily oil. Our ability as a country to be the world's lone superpower—as Madeleine Albright called us, “the indispensable nation,”—to be the superior country when it comes to money, morals, and might is now in question. Everywhere you look, it seems like America is ceding global leadership.

China is set to outshine the United States on climate change policy—China. Germany's Prime Minister is explaining international conventions on refugees to the President of the United States. We have insulted some of our closest allies in the fight against ISIS with a Muslim ban.

Now we are alienating ourselves from Australia, a country that has stood with the United States in every major conflict since the beginning of the 20th century. It is hard work to offend Australia. You have to go out of your way in a phone call between the United States and Australia to have it go sideways.

So the world is asking if the United States will still lead in the fight against ISIS. The world is asking if the United States will still keep its word, and they are asking if the United States is still the moral leader for the world.

I think everyone in the Congress would agree that the answers to these questions should be a resounding yes, but somehow one of the first orders of business in this Republican Congress is not a bill that demonstrates American leadership but one that concedes it, because that is exactly what we would do if we overturn the Cardin-Lugar amendment.

If we diminish our moral compass, the rest of the world stops looking at the United States as the leader among nations. The law we are voting to repeal set a new international standard in the fight against corruption. It requires oil and mining companies that are listed on the U.S. Stock Exchange to report any payments they may make to foreign governments. The idea is that the companies won't bribe dictators in mineral rich countries because they know they will have to disclose the payments.

After the United States passed this law in 2010, some 30 countries followed our lead, but we never got to implementing it. So today, more than one-third of the world's oil and gas companies have strong legal incentives to do business the right way. If Republicans get rid of this disclosure requirement, it will be bad for American consumers.

In 2004, a Senate subcommittee uncovered that oil companies, including ExxonMobil, have paid hundreds of millions of dollars to the President of Equatorial Guinea, which is an oil-rich country in Africa. That money didn't go to the businesses and citizens. It went directly into the pockets of the President who has been called Africa's nastiest dictator. Instead of buying food or roads for people—by the way, most people who live there live on less than \$1 a day—the President and his family bought real estate in Paris, luxury cars and life-sized statues—plural—of Michael Jackson.

Getting rid of this amendment will also be bad for national security. Senator Lugar is one of the Republican Party's most distinguished foreign policy voices and the former chairman of the Foreign Relations Committee. He understood the risk. He understood how corruption fuels insecurity, poverty, and oppression in other countries and how that can contribute to the condition that breeds violent extremism. That is why he fought for the level of transparency required by this rule and to make it harder for dictators to steal from their own citizens. That means that getting rid of the Cardin-Lugar amendment is also bad for investors. If a company is operating in a risky, corrupt, unstable country,

investors have the right to know. If a company is perhaps even adding to the region's insecurity, investors have a right to know that too. But that right is now in jeopardy.

The way Republicans are going about this, we won't be able to revisit this once it is all said and done. This is an important point. I said it last night on the stream protection rule, and I think it bears repeating. If you do a CRA action—we are now on the third in American history, and the second was yesterday. The first was sometime in the eighties, about ergonomics. The reason this never gets done is because, when you overturn a regulation using the Congressional Review Act, it is an incredibly blunt instrument. What happens under law is that the rule can't be promulgated again. You can't tweak this thing.

As to the concerns that were expressed by some of the Members on the Republican side about the modifications they would like, if we want to legislate, let's legislate. But what they are going to do is overturn this rule and the Securities and Exchange Commission from doing anything “substantially similar” ever again. Everybody who understands the CRA under the law understands that, basically, we can't touch this topic again. So this isn't about fixing a reg or being a check on runaway bureaucrats. These so-called bureaucrats, these civil servants in the Securities and Exchange Commission, had a statute. They were told to do something. Now, they took forever to do it, but that is not running away and going rogue. That is going a little slow, I will grant you, but they did the right thing pursuant to the law.

Now—I don't know why, but I have my suspicions; I don't know why, but I have my suspicions—we are overturning both a rule and a law that requires the disclosure of payments to foreign governments made primarily by oil companies. It is one of the most awful things I have seen done in the Congress—not just when I have been here but as I have observed it over the last 20 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate my colleague from Hawaii, both on the substance of the issue and on the Congressional Review Act and how it is an unsuitable tool in a situation like this because of how it bars the door for a simple way to replace or modify a regulation.

I am coming to the floor tonight to share my concerns about a basic challenge we have in the world. This basic challenge is that when you get a ruler of a country who is corrupt, they forge contractual relationships, particularly if they are rich in minerals or oil, and they pocket the money and they spread the corruption. It makes it virtually

impossible for the interests of the people of that country to be represented by their government because whatever governing body they have keeps making decisions based on those corrupt payments.

Now, we are a nation that values government by the people—of, by, and for the people. That is the vision of our Nation, but that vision would not be fulfilled if the Members of this body were being paid by foreign companies to serve the interests of the foreign companies instead of the interests of the people. We can understand from our own perspective our own desire to have a government that serves our citizens and that other nations want to have a government that serves their citizens. That is what this particular bill and the regulation that flows from it were all about. It was section 504 of Dodd-Frank, the resource extraction rule, that was passed now 7 years ago.

It took quite a while to get the regulation into place. The first version came out in 2012, after a tremendous amount of consultation was struck down in court because it was challenged by one of the companies that did not want to have transparency in international payments. Then folks went to work again and produced a rule that went into effect this last year. Unfortunately, we are about to strike that down.

I was thinking about how one of the champions for this was Senator Dick Lugar of Indiana. I was so impressed by his thoughtfulness when I came to the Senate. He had been here quite a while, and he worked to really understand issues, and he worked to solve problems. He didn't work to obstruct an administration because it was of a different party. He didn't work to sabotage the work of this body because one party or the other was in the majority. He worked to solve problems. He had really a deep understanding of the challenges in the world.

He could see this from his considerable experience. He was on foreign relations for a very long time, and he served as its chair. He knew from his own work in that committee, from his own studies, from his own travels, and his own conversations—overseas conversations with foreign governments and conversations with our State Department and our Defense Department—that we had a significant issue in which contracts with large companies are used to defeat government of, by, and for the people in nations around the world. He wanted to do something about it. He had partnerships, and Members of our own body who are still serving here today were deeply involved in this.

It was a tremendous provision, but the American Petroleum Institute wasn't happy about it because it has worked really well for oil companies to not disclose and to make deals with

ruling dictators and ruling families or ruling governing groups, whether they be in a so-called elected form or unelected form.

Well, finally, last year the rule was completed in June. They crafted a rule that, for the most part, made various stakeholders happy and it won broad international support. Dozens of other countries—including Canada, Norway, and countries of the European Union—followed American leadership. They adopted similar laws. So our particular law made it clear that if a company was listed on our stock exchange—on any of our exchanges—and it made a significant payment—\$100,000 or more—it had to disclose that payment. That wasn't just U.S. companies. It wouldn't just have been U.S. companies. It was any company listed on our exchange, no matter where it was based. Other companies followed suit. So companies based in other countries were affected. So, basically, it was a vision that in short order took over the entire world, with developed countries coming together and saying that we are going to stop this process that destroys governments for the people in so much of the world.

It isn't just kind of a theoretical question of some liberal vision of how governments work. We are talking about the difference between the decisions of dictators to stash billions of dollars overseas or build health care clinics. We are talking about the difference between dictators buying hundreds of the world's most expensive sports cars or developing an education system in their countries. We are talking about the fundamental quality of life for millions and millions of people around the world. This provision, this resource extraction rule, went in an enormous direction in terms of making the world a better place. Shouldn't that be what we are about?

This challenge of foreign contracts with money diverted into the pockets of the dictators and the ruling class—the money that should go to the development of the country—is particularly a problem in resource rich countries with weak institutions. They have weak courts. They have weak investigative branches to find corruption. They have courts that essentially exorcise the ability to try people for which there is evidence, who should be charged and should be convicted. So the same corruption that affects the decisions that are made protects those who make those decisions. This means that if you have someone who grows up in this country and says: We have hundreds of billions of dollars of resources and nothing to show for it; so let's change that system; let's change that system and enable the people of this country to benefit from schools and health care and transportation; let's develop our nation, they are stymied by this complex web of undisclosed cor-

ruption. So that is what this bill is all about, and that is what this rule stemming from the section of the bill is all about.

Let's take, for example, a poster child for this resource curse. In many countries, it is known as the oil curse. Oil is a particularly prominent case. But the Democratic Republic of the Congo has not just some oil but a lot of minerals. It is a significant producer of the world's cobalt, diamonds, tin, gold, and other minerals. This problem of a corrupt dictator goes way back to decades ago. His name was well known around the world: Mobutu Sese Seko. He ruled from 1965 to 1997, so 32 years, three decades. It is estimated that he diverted from the country \$4 billion to \$15 billion. That is a lot of roads being built in a poor country. That is a lot of food for people who are near starvation. That is a lot of public school education. That is a lot of health care clinics. So one very rich man was stashing money in Swiss bank accounts rather than that money going to the government to do fundamental responsibilities for the people. The country has an estimated \$24 trillion in mineral deposits. When we think about that, the \$4 billion to \$15 billion doesn't sound like very much.

Often, the way it works is these corrupt payments enable companies to get contracts far below cost, which is not a good thing, obviously, for these impoverished nations, to be essentially giving away their money because they are being bribed to do so.

So that is extremely disturbing to me, this particular issue being done here late in the evening, with very few of my colleagues here—mostly colleagues who are trying to fight this rule. Those who are supporting the multinational corporations, the multinational corporations that don't like to have disclosure, they are not here to talk about how this is damaging the lives of millions of people in the poorest countries around the world. Maybe we need to have a rule in the Senate that if you are going to damage the lives of millions of people, you have to actually be here to hear the debate.

This debate is limited to just 10 hours, 5 hours on either side. If one side gives back their time, it is just 5 hours. There are not a whole lot of conversations. Maybe we could limit the conversation to 20 minutes a person or 10 minutes a person so we get a lot of voices in.

Before we go about the process of destroying the lives of millions of people all around the world, maybe, instead of just listening to the lobbyists for a multinational bank in your office, you should be here on the floor to have a conversation about the damage you are contemplating doing. Maybe then we would have an actual debate here in the U.S. Senate—a place that used to be a place where people did come and

listen to each other debate issues. Perhaps there are good arguments to the contrary that I haven't heard because my colleagues aren't here presenting them. And maybe out of that mutual exchange, we would find a path to do something other than using this crude and destructive tool to strike down this very important provision.

There are three groups who benefit from this disclosure rule. The first group who benefits is the investors in a company who want to invest in companies that have responsible practices. The disclosure gives them the ability to have that information.

The second group who benefits is consumers who want to buy products from companies that engage in responsible practices, and disclosure enables them to do that.

The third group, though, really is the most important group, and that is a group of citizens in the country who are being corrupted by these payments because when they hear that a company has a contract and has paid X amount of billion dollars for that contract, then the newspapers of that country and the citizens of that country can try to get additional information: Did you take the percentage of that that was supposed to go to the regional government and actually get it disbursed to the regional government? Did you take the percentage of that that was supposed to go to the local city or province and did it get there? They can start to see that there is this lump of money that is supposed to be serving the citizens, and they can ask questions about how it serves the citizens. What bank account did it go into—so they can follow the money and track the money. But they have no ability to do that if these payments are hidden. That is what this is about.

So it is about investors who want to do the right thing, consumers who want to use their marketing and purchasing power to do the right thing, but it is really about the citizens of that country not having their resources diverted when they desperately need the fundamental things, such as transportation and education and health care.

Well, Senator Lugar said recently that if we allow this rule to be repealed, it would be "a real tragedy for democracy and human rights."

I agreed with Senator Lugar when he said, "It is hard to believe that this would be such a high priority right now." We have a lot of issues in the world that we are challenged by, including security issues. We have a lot of nominations to address and debate. Why is it such a high priority at this moment to tear down a provision that improves the quality of life for millions of people in some of the poorest countries in the world? Why is it so important at this moment to tear down a law that reduces corruption in govern-

ments around the world? Why is it so important right now to destroy this provision that helps create an opportunity for "we the people," a government that we profess to believe in?

It is well known that the CEO of ExxonMobil traveled to Washington to personally lobby Senator Lugar on this section. He wanted this provision scrapped, and that individual is now our Secretary of State. That certainly disturbs me, that the day after he became Secretary of State, the provision he lobbied for as an oil executive is being accomplished here on the floor.

Because of his testimony in committee, there was some hope that he would stand up and fight for the fundamental visions of our country, the fundamental values and principles of our country, and if so, he would be sending out information right now saying: Stop what you are doing because I know how this works around the world and how it destroys "we the people" governments, and we shouldn't be doing it; that is, we should keep the provision we have right now.

Nigeria is another nation that has had a resource curse or oil curse. Last year, a deal was struck between ExxonMobil and the Nigerian Government—or it came under investigation last year by that country's anti-corruption and law enforcement agency, the Economic and Financial Crimes Commission. The investigation surrounds a 2009 agreement where an Exxon subsidiary and the Nigerian Government agreed to renew a 40-percent share in three new oil licenses. Exxon reached a deal to pay \$600 million for those licenses, and it built a powerplant at a cost of \$900 million, so it made a \$1.5 billion investment. So a \$1.5 billion investment—that sounds like a pretty high sum for a contract.

However, an outside group who was investigating corruption found that the Nigerian Government had valued those contracts at \$2.15 billion—in other words, \$1 billion more than what Exxon was paying. Furthermore, they found that wasn't just in theory because another bidder offered \$3.75 billion, and that is more than twice what Exxon paid. But the Exxon deal was chosen.

Isn't there some sense that something is wrong when a government rejects a payment that is \$2.25 billion more than the offer that was accepted? That is what happens with corrupt payments between powerful companies and dictators. That is what destroys government of, by, and for the people around the world.

It is estimated that over time—that is, since 1960, so after the last 57 years—\$400 billion of Nigerian oil revenues have disappeared due to corruption—\$400 billion disappeared. What would \$400 billion do to improve the lives of Nigerians?

That is why transparency in these payments is so important. It affects

impoverished people all over the world. We can have all of our aid programs, we can have our Food for Peace Program, we can have our Millennium Corporation, but this type of deal does so much more damage than all the good we do through our programs that we budget for and put money into.

If we enable, if we promote corruption around the world, we do enormous damage. That is why a bipartisan group of Senators, including Dick Lugar leading it, took this on.

How about Equatorial Guinea. It is one of Sub-Saharan Africa's largest oil producers, and it, like many other oil countries, has the oil curse. President Obiang has been in power since he ousted his uncle in a military coup in 1979 and declared himself President for life. Let's just say what he is: He is a dictator. His government has been known to detain arbitrarily and torture critics, to disregard elections. It has been prosecuted for using oil profits for financial gain of the President's family. The result is, although this country is one of the wealthiest African nations per capita, the majority of the Nation's citizens survive on less than \$2 a day. Let me clarify that. It is one of the richest African nations per capita, but a large percent of the citizens survive on less than \$2 a day because President Obiang and his extended network—his extended corrupt network—are stealing the resources of the country, and they are doing it often through contracts with oil companies like Exxon, which happens to be a major partner in exploiting the resources of Equatorial Guinea.

Less than half of Equatorial Guinea has access to clean drinking water, a fundamental need and a fundamental factor in health. Twenty percent—that is one out of every five children—die before reaching the age of 5. This is because of the corruption that is facilitated by undisclosed sums, reinforcing a dictator—a dictator whose family owns fleets of fancy sports cars, luxury yachts, private jets, massive properties in Europe, massive properties in Brazil, and properties right here in the United States. But one-fifth of the children die before age 5. That is why this is so important.

Let me conclude by saying that what we are doing here tonight in putting this forward with no real debate because my colleagues are not here—a few colleagues are here to give speeches like I am giving to say "Stop, this is wrong," but our colleagues are not here to hear us. What is happening tonight is an enormous travesty. It is an enormous blight on the United States, which led the world in taking on this problem and now is abandoning not just that leadership but is abandoning the principle. The world is worse off for it.

I hope that my colleagues will somehow come to an inspiration or a revelation, that those who are not here listening to this will come to an understanding that something is wrong with this and will oppose this effort to repeal this very important provision. But I know that the heavy hand of corporate lobbying is behind the fact that this is on the floor tonight, and I am not optimistic. That saddens me a great deal.

Let us strive to have a process that honors the importance of the issues before us. This short debate, with virtually no one present, does not honor it and does enormous damage, and it is just wrong.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, for the first time in more than a decade, the Republican Party controls the House, the Senate, and the White House. This week they are starting to roll out their legislative agenda.

So now that they have complete control of the agenda, what do the Republicans have in store? Something to bump up wages for working families or something to create more jobs? Something to tackle the student debt crisis? Maybe something to deal with all the jobs that get shipped overseas? No, one of the Republican Party's first orders of business is a giveaway to ExxonMobil that will help corrupt and repressive foreign regimes and make it easier to funnel money to terrorists around the world.

Here is the problem. Big corporations like Exxon—or other oil, gas, and mining companies—often pay millions of dollars to foreign governments to access natural resources located in these countries. Many of these foreign regimes are corrupt, and Exxon's massive payouts regularly end up in the pockets of government officials rather than in the hands of the people. These corrupt officials get filthy rich while their citizens face punishing poverty and dangerous working conditions. Worse still, some of these undisclosed payments can end up financing terrorists.

Just over 6 years ago, Congress passed a bipartisan provision to help tackle this problem. With the strong support of Senator Dick Lugar, the leading Republican on the Senate Foreign Relations Committee, Congress required oil, gas, and mining companies to disclose any payments they make to governments to extract natural resources. Republicans and Democrats agreed that shining a light on these payments would help combat corruption and terrorism around the globe and help citizens in some of the very poorest nations in the world hold their own governments accountable.

Disclosing these foreign payments also helps investors right here in the United States so they can make more informed investment decisions. Some

investors may want to stay away from companies that could face expensive lawsuits for violating the Foreign Corrupt Practices Act or other anti-corruption laws. Other investors, quite frankly, may just prefer not to invest in companies that could be helping prop up corrupt foreign governments or indirectly financing terrorism.

Congress directed the Securities and Exchange Commission to write the rule, and the SEC spent years soliciting input from investors, from human rights advocates, from anti-corruption experts, and from oil, gas, and mining companies. The agency ultimately issued a ruling last year, and it worked. The rule gained the support of faith groups, human rights groups, development organizations, and anti-corruption advocates all around the world. The rule also earned the support of investors who collectively controlled more than \$10 trillion in assets, and—we should really be proud—it set an international standard, with the European Union, Canada, and other countries adopting similar standards for companies in their own countries.

But it didn't go down well with everyone. A handful of powerful oil and gas companies have been after this requirement from the start, and Exxon has been leading the pack on this. In fact, Rex Tillerson, the CEO of Exxon at the time, personally lobbied against the requirement back in 2010. His reason? What was his objection? The foreign payments rule would undermine Exxon's ability to do business in Russia. Listen to that again. If Exxon has to tell the world about the millions of dollars it hands over to the Russian Government, Exxon wouldn't be able to do as much business in Russia. So now the Republican Congress wants to rush in to help out poor Exxon so they can keep the secret money flowing to these Russian officials.

This Exxon giveaway shows just how bankrupt the Republican agenda is. They don't have any ideas for helping working families. It is just one corporate giveaway after another—making their big business donors happy and keeping the campaign contributions flowing for the next election. But the economic lives of our working families, our moral leadership in the world, the safety of our financial system, and the water we drink and the air we breathe—all of those—are just afterthoughts to the corporate wish list.

If you are a corrupt foreign dictator, Republicans rolling back the rules is great for you. If you are an oil company executive, Republicans rolling back the rules is great for you. But if you are anyone else, you should be outraged that the Republican Congress is so willing to throw you under the bus to please these groups.

I urge all of my colleagues to vote against this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HEROIN AND PRESCRIPTION DRUG ABUSE EPIDEMIC

Mr. PORTMAN. Mr. President, I rise tonight to talk about a problem that is affecting every single one of the States represented in this Chamber and every one of our communities. It is one that folks back home are, unfortunately, experiencing and, frankly, we don't talk enough about this in Washington. It is this epidemic of heroin and prescription drug abuse.

How bad is it? We just learned very recently that for the first time in 23 years, life expectancy in the United States has gone down, and there is no question that the surge in heroin and prescription drug addiction is one of the reasons. In fact, the demographic that saw the biggest drop in life expectancy was among middle-aged White women—the very group that has been hardest hit by the heroin and prescription drug epidemic in overdoses and overdose deaths. Unbelievably, this epidemic is actually driving down life expectancy in our great country.

It has been pretty dramatic. The number of heroin users in the United States has tripled since 2007, and the number of heroin overdoses has tripled just since 2012. It has gotten to the point where we are now losing one American life about every 12 minutes to this epidemic. So during this talk today, which will be about 12 minutes, we expect another American to die of a heroin overdose.

Congress has begun to act, and I applaud the House and the Senate for that. We have acted over the last year to do a couple things. One is that, in the appropriations bill that passed at the end of last year, we put more money aside for treatment. So States are now receiving grants—\$500 million this year, \$500 million next year. These grants are needed. It is going to the hardest hit States. It is going to States based on their need, which I think is very important, because some States are hit harder than others. My colleague from Ohio is here on the floor, and he has been very involved in this issue as well. My State has been one of those States hardest hit. Some think that Ohio now has the highest number of overdoses when we add prescription drugs, heroin, and synthetic heroin, like fentanyl.

Second, last summer Congress took what I think is the biggest step we have taken in decades in terms of fighting this issue when we passed the Comprehensive Addiction and Recovery Act. The President signed it into law. It is already helping with regard to providing more prevention efforts, treatment, and long-term recovery. It is also helping our law enforcement and other first responders to be able to handle this growing crisis.

We fully funded this Comprehensive Addiction and Recovery Act—also

called CARA—this year, and now we need to ensure that the new administration that has just come in continues to effectively implement this program as quickly as possible.

Just in the last few weeks, three of CARA's grant programs got up and running. One is funding for drug courts. Those who are involved with drug courts back home already know this, but it is a very effective way to take those who are in the criminal justice system because of a drug issue—prescription drug and heroin issues in particular—and get them into a diversion program where they can get treatment, with the risk of going back to incarceration if they do not stay clean. This is really working well in some of our communities in Ohio. They are also using interesting new techniques, including a medication called VIVITROL, to keep people off of their addiction.

Second, we have just put in place for the first time ever programs for recovery support services. Again, in this legislation, CARA, we funded long-term recovery. So it is not just a detox center, not just a treatment center that might be short term, which they usually are, but longer term recovery, including getting people into sober housing, providing them with people who will support them and encourage them. That, we have found out, keeps people from relapsing and is incredibly powerful.

Third, there has been a grant to empower States and local governments to help fight this epidemic.

This is all-important. It is real progress. But our work is far from done. In fact, there are five more CARA grant programs yet to be implemented.

Again, I call on the new administration to do so urgently. I know they are focused on this issue. We just need to get these programs up and going to help our communities right now.

Near my hometown of Cincinnati, OH, the Winemiller family of Wayne Township had a pretty tough Christmas. They were missing a son and a daughter because of heroin. Over Easter weekend last year, Roger Winemiller found his daughter Heather dead of a heroin overdose in their bathroom. She left behind an 8-year-old son. Then, just 5 days before Christmas, Heather's brother Gene—a father of three children under 18—died of a heroin overdose. Gene started abusing painkillers when he was in his early twenties. He became addicted, and when the pills were too expensive, he switched to heroin, which is cheaper and, really, more accessible.

Unfortunately, this is a fairly common story in my home State and around the country. We are told this is how four out of five heroin addicts in the United States started on heroin—prescription drugs.

Heather and Gene both got clean several times. Heather was clean for 3

years before she relapsed and died. These were vibrant people; they loved life. Heather loved gardening, and she was a huge Ohio State Buckeyes fan. Gene loved rock music, hunting, and fishing. But they both made the tragic mistake of trying these drugs, and it changed their lives forever.

Gene Winemiller's funeral took place at Blanchester Church of Christ in Blanchester, OH. I know Blanchester, OH, pretty well. It is a small community of about 4,000 people. The very next day, there was another funeral in that same church in this small town of 4,000 people for a heroin overdose. As Gene's dad Roger puts it, "I can't emphasize enough: No one—no one—is immune from this epidemic."

Unfortunately, he is right. It knows no zip code. It is in the rural areas. It is in the suburban areas. It is certainly in our inner cities. It is everywhere.

Take Cleveland, in Northeast Ohio, for example. Cleveland medical examiner Thomas Gilson said that "2016 was an unprecedented year." The number of overdoses in Cleveland doubled in 2016 compared to 2015—doubled. Overdoses are happening all over the Cleveland area. More than 150 heroin overdose deaths happened in the city and another 150 happened in the suburbs, kind of evenly split. It is everybody, every group, every age group—African American, White, Hispanic.

Take Dayton, OH, in Southwest Ohio, as another example. In Dayton last year, there were more than 2,500 overdoses, about 7 a day. About half of the victims were men, and about half were women—some in the cities and some in the suburbs, with 60 percent in their thirties and forties and 40 percent who were either younger or older than that. So this is happening all over our State and all over our country—in cities, suburbs, inner cities, and rural areas and to rich and poor, old and young alike.

In 2015, Ohio statewide experienced a record 3,050 drug overdose deaths, which is a 20-percent increase from 2014, and more than quadruple the number of overdose deaths in 2000. In 2015, we lost an Ohioan every 3 hours to this epidemic. Sadly, the toll was even higher in 2016. We don't have the final numbers yet.

One of Ohio's economic assets, of course, is our location. We are centrally located. It is great for transportation. They say half of America's consumers are within 1 day's drive from Cincinnati, Cleveland, and Columbus. Unfortunately, that central location also makes us very vulnerable to drug traffickers.

Last year, Ohio State troopers confiscated nearly 160 pounds of heroin. Depending on the potency, that could be equivalent to more than \$50 million—or more than 180,000 injections—of heroin. That is nearly triple the amount of heroin seized the year be-

fore. The Ohio State Highway Patrol also confiscated a record-level number of illegal painkillers and methamphetamines last year.

We have to thank our law enforcement officers because they are saving lives every day by keeping this poison out of our communities, certainly, but also helping to reverse the overdoses with this miracle drug called naloxone or Narcan. In 2015, the last year we have numbers for, Narcan was administered 16,000 times. Think about that: 16,000 people were saved who could have died of an overdose, thanks to our first responders and their professionalism. We don't have numbers yet for 2016, but, again, it is going to be, unfortunately, far higher than that.

The Washington Post recently published a report on the heroin epidemic in Chillicothe, OH, where there were more than 300 overdoses last year, and where a single police officer, Officer Ben Rhodes, says that he used naloxone to reverse an overdose more than 50 times. One church in Chillicothe, Zion Baptist Church, recently had funerals for three overdose victims in 1 week. I know Chillicothe. It is a small town of about 21,000 people.

Heroin and prescription drug painkillers are flooding our communities to meet a rise in demand. CARA, this legislation I talked about, will reduce that demand by increasing access to treatment for those who need it and preventing new addictions from starting in the first place through better prevention and education efforts.

After CARA became law, I introduced bipartisan legislation to take another step. This is called the Synthetics Trafficking and Overdose Prevention Act, or the STOP Act. Again, it builds on CARA because it helps reduce the supply of drugs coming into our communities.

Some of the deadliest drugs coming into Ohio are synthetics—drugs such as fentanyl, carfentanil, or U4, essentially synthetic heroin that is made in a laboratory somewhere. Guess where these drugs are coming from: overseas. Boy, they are incredibly powerful. Fentanyl can be more than 50 or even 100 times as powerful as heroin. According to the Drug Enforcement Agency, it takes about 2 milligrams to kill you. Carfentanil is even more powerful than that—up to 10,000 times as powerful as morphine. It is so powerful that it is used primarily as a tranquilizer for large animals like elephants.

Heroin bought on the street today in Ohio and elsewhere is often laced with these drugs to make it more potent. Roger Winemiller, the Dad I talked about a few moments ago who lost his two kids, compares buying heroin to playing Russian roulette because you never know the potency of the drug that you are buying. Many of these spates of overdoses in our urban areas in Ohio are because of the mix with fentanyl and carfentanil.

These fentanyl deaths in Ohio have increased nearly fivefold in the last 3 years. Three years ago we had about 1 in every 20 overdoses in Ohio because of fentanyl. Now it is one in five. We expect it soon to be one in three. You can see where this is going.

I talked a minute ago about the trafficking of drugs on our interstate highways. That is a serious problem, but so is the problem of traffickers shipping these drugs through our mail system to our communities to meet this growing demand.

Just yesterday the U.S.-China Commission released a report about the trafficking of Chinese fentanyl into this country. The report says:

The majority of fentanyl products found in the United States originate in China. . . . Chinese law enforcement officials have struggled to adequately regulate the thousands of chemical and pharmaceutical facilities [laboratories] operating legally and illegally in the country, leading to increased production and export of illicit chemicals and drugs. Chinese chemical exporters . . . covertly ship drugs to the Western hemisphere.

That is from a report just yesterday. Right now these drugs are difficult to detect before it is too late. Part of the reason is that, unlike private carriers such as UPS or FedEx, the Postal Service does not require information about packages. If you are a private carrier, you have to have electric customs data for packages coming into the country, saying where it is from, what is in it, where it is going. This means the U.S. Postal Service is a more attractive way for traffickers to get these dangerous drugs like fentanyl or carfentanil into our country. It shouldn't be this way. It doesn't have to be this way.

The STOP Act would close that loophole and make the Postal Service require advanced electronic data. Where is it coming from? What is in it? Where is it going? That information on these packages before they cross our borders would be incredibly helpful. It is common sense. It would help stop these dangerous synthetic drugs from being trafficked into the United States, and it would save lives. That is what our law enforcement officials are telling us.

I know the scope of this epidemic is daunting. It is in your State of Indiana. It is in my State of Ohio. Its consequences are hard to even think about because it is about the overdose deaths, but it is far more than that. It is about people not being able to live out their dream. It is about higher costs for law enforcement. It is about crime. It is about our workforce and people not being able to go to work and not being able to find workers who are drug free. It is about so much that affects our communities.

Yet there is hope. We have to work here in Congress to continue to promote legislation and policies that will help us to achieve the dream of turning

this tide around. The STOP Act that I talked about is going to help keep some of that poison out of our communities and increase the cost of heroin. That is good.

These synthetic heroin increases are really concerning. Treatment is incredibly important, and it can work. I have met so many people across Ohio who have beaten their addiction—people who are now back on their feet, back with their kids, back with their families. It is hard, but with treatment and a supportive environment, particularly this longer term recovery, it can be done.

Last year I met with Aaron Marks in Columbus, OH, at a conference held by the Ohio Association of County Behavioral Health Authorities. Aaron is from Cleveland, a suburb called Beachwood. He began using prescription painkillers as a freshman at Beachwood High School. He was just 13 years old.

Again, it is a story that is all too common. Often because of an accident or injury, people start using these pain pills.

He was smart, had good grades. He got into the University of Cincinnati, a great school. One day at UC he ran out of pills. A fellow student who was living in the same dorm room offered him something else. He said: It is cheaper; it is called heroin.

He tried it. Soon, he had sold virtually everything he owned to buy more. Finally, with the help of Glenbeigh treatment center in Cleveland, OH, Aaron got clean and has stayed that way for more than a decade. Aaron is now a successful manager of business development at American Express.

We can have a lot more success stories like Aaron's if we all engage—all of us. Washington, DC, is not going to solve this problem. It will be solved in our communities. It is going to be solved in our families. It is going to be solved in our hearts.

Washington, DC, can play a more constructive role. In passing this legislation, it makes sense to give people the tools they need to be able to fight this scourge. The role is put the right policies in place, like the STOP Act, like fully funding treatment, like fully funding CARA in the coming months. We can then bring down the demand for these dangerous drugs, and we can keep these poisons from coming into our communities and build on the progress that Congress has made over the past year. Let's not let up until we finally turn the tide of this epidemic and begin to save lives.

I yield back.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to begin by complimenting my colleague, the Senator from Ohio, Mr. PORTMAN. He has been the leader in the U.S. Senate on addressing this issue

that literally is impacting every single one of our States—whether it is Ohio or Alaska or Indiana where the Presiding Officer is from—and it is a killer.

The opioid epidemic that is happening is something we all have to work together on, but we have hope, as Senator PORTMAN said. I believe we have hope because of communities, because of brave Americans like those he is talking about.

We also have hope because of guys like ROB PORTMAN, and we would be a lot less further along in this country in turning around this epidemic and highlighting it for Americans if it weren't for him. I really want to commend my colleague from Ohio. He has done such a great job and is so passionate about this issue.

TRIBUTE TO ANDREW KURKA

Mr. President, in the last few weeks I have come to the floor to recognize an exceptional Alaskan—someone who spends time giving back to our community by sharing their time and talents up north. There are thousands of these people, of course, in my great State, and I would love to recognize every single one of them. They do so much for all of us.

We Senators are not humble about our States. I certainly believe my State is the most beautiful place in America. It is probably the most beautiful place in the world. I ask anyone who is watching to come visit us, you will love it—guaranteed.

It is the people that make my State so special—kind, generous people, full of rugged determination, full of patriotism, full of compassion. Many of them are willing to go the extra mile, literally, in some of the most difficult terrain and extreme conditions of the world to help friends and neighbors and use their strength and skills to inspire us all.

I wish to tell you a little bit about Andrew Kurka, an extraordinary Alaskan from Palmer, which is a beautiful community about 45 miles outside of Anchorage. In his younger years, Andrew was a wrestler. He put his heart into it. For his efforts, he was very successful. He was a six-time Alaska State champion in freestyle and Greco-Roman wrestling.

When he was 13, he suffered a spinal cord injury in a four-wheeler accident. His physical therapist urged him to keep going, to keep trying, to stay active, and actually paid for his first skiing lesson with a group called Challenge Alaska, a nonprofit Paralympic sports club.

According to an article in the Alaska Dispatch News, Andrew is "willing to give just about anything a try—bodybuilding, water-skiing, ultra-marathon, handcycling." He even raced in the Arctic Man ski and snow machine race in Alaska—a race that is not for the faint of heart. It is one tough race.

It is in sit skiing where he truly excels. He has been a longtime member of the U.S. Paralympic team and has won numerous medals. Just last month, he won three medals, including the Gold for the men's downhill race at the World Para Alpine Championships in Italy—the Gold for the whole world.

His accomplishments are amazing enough, but his willingness to serve and be a role model for others is what makes him a true Alaska treasure. He is involved in numerous organizations for great causes, and he travels all across Alaska and the country, visiting with children with medical problems and urging them to dream big the way he has.

"I have spent my life hoping to be an example to others," Andrew said. "Having the chance and being put in a position where I can make a difference means the world to me." That is Andrew.

For his determination against all odds, for his accomplishments, for his compassion, and for making the United States and Alaska proud last month in Italy at the World Para Alpine Championships, Andrew Kurka is this week's Alaskan of the Week.

Congratulations, Andrew, from all of your supporters. You are a great inspiration to all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

OPIOID ADDICTION

Mr. BROWN. Mr. President, I appreciate the comments of my friend from Alaska—also from Cleveland—and those of my friend from Cincinnati, Senator PORTMAN, about opioids. I appreciate his leadership in my State, the work he has done, and the work we have done together on opioid addiction. It is a tragedy, and I don't go much of anywhere in the State without finding someone who is affected, someone who is addicted in a family, or a close friend who has died.

As Senator PORTMAN said, Ohio has more opioid deaths than any State in the country. We are the seventh largest State, but the State with the most deaths. It is troubling, and clearly we are not dealing with it as well as we should.

Mr. President, I rise to close the debate on this motion today on the Congressional Review Act to wipe out the SEC rule. I rise in opposition to the bill, as a number of colleagues on my side of the aisle have very strong feelings on it. With the exception of my friend from Idaho, the chairman of the Banking Committee, there weren't many Republicans who wanted to come to the floor for this, in part because I think it is just the supporters they have on their side don't make you want to rush to the floor and support them. Some called this the Kleptocrat Relief Act. I will give you a real quick history before I wrap up.

There is a provision in Dodd-Frank to deal with giving the President and others the best anticorruption tools we could have around the world, where countries that have lots of natural resources have been countries with all the wealth from natural resources. They are some of the most corrupt governments with some of the worst poverty anywhere on Earth.

This legislation in Dodd-Frank, and the rule that came out of it from the SEC, was going a long way to preventing corruption. What we saw was the support. Thirty countries in the world followed suit from our country. The companies that were affected, with a few very notable exceptions, were beginning to do what they knew they needed to do and should have done and that the rule called for. As a result, we were going in the right direction until this new administration, this new Congress.

I ask unanimous consent to have printed in the RECORD relevant letters from investors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 14, 2013.

MARY JO WHITE,
Chairman, U.S. Securities and Exchange Commission, Washington, DC.

DEAR CHAIRMAN WHITE: As investors representing more than US\$5.6 trillion in assets under management, we commend the U.S. Securities and Exchange Commission (SEC) for its leadership in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Section 1504). The rules were carefully considered and reflected investors' substantial interest in oil, gas and mining industry payment transparency. The SEC's leadership encouraged the development of a public global disclosure standard that includes the European Union Transparency Directive and regulation under development in Canada.

On July 2, the U.S. District Court for the District of Columbia made a ruling in *American Petroleum Institute et al. vs. Securities and Exchange Commission* vacating the rules for the implementation of Section 1504 and requiring the Commission to review them. We encourage the SEC to continue its vigorous defense of the Section 1504 rules as it responds to the U.S. District Court's decision.

It is in the interest of investors and companies subject to both the U.S. and EU requirements that the reporting obligations in these jurisdictions are as uniform as possible. Consistent and predictable regulations may lower compliance costs and enhance the salience of disclosures. Therefore, we hope that the SEC will take all necessary steps to ensure that the rules go into effect as early as possible and that they maintain continuity with regulations in other jurisdictions. In doing so, the SEC should have due regard to the lengthy deliberations it conducted before the promulgation of the rules, and the inputs from diverse constituencies including many investors.

Payment disclosure regulations, such as Section 1504 and the European Union Transparency Directive, play a critical role in encouraging greater stability in resource-rich

countries, which benefits both the citizens of those countries and investors. The Extractive Industries Transparency Initiative (EITI) Board Chair Clare Short has stated that mandatory payment disclosure regulations would "strengthen the local accountability EITI provides." In fact, the latest revision of the EITI standard explicitly made project level payment disclosure contingent on alignment with SEC and EU regulation. We encourage the SEC to keep the complementary nature of regulations such as Section 1504 and EITI in mind as it considers its response to the U.S. District Court.

Investors depend on the SEC's leadership and deliberate consideration of disclosure requirements that protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation. We commend the Commission on issuing rules for the implementation of Section 1504 that reflect thorough contemplation of these factors and are confident the SEC will continue to act in the interest of investors as it responds to the U.S. District Court's July 2 ruling in *API vs. SEC*.

APRIL 28, 2014.

MARY JO WHITE,
Chair, U.S. Securities and Exchange Commission, Washington, DC.

Re: Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act

DEAR CHAIR WHITE: We write on behalf of the 34 undersigned institutional investors to convey our strong support for the leadership the U.S. Securities and Exchange Commission (SEC) has shown in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [Section 13(q) of the Securities Exchange Act of 1934]. This letter follows up on a prior submission made to the SEC on August 14th 2013 on this subject and signed by many of the institutions below.

By way of introduction, the signatories of this submission manage assets that collectively total more than US\$ 6.40 trillion, and our mandate is to deliver sustainable long-term returns to our pensions, insurance and savings clients. It is in this spirit that we wish to contribute our views on the value to investors of improving transparency and governance in the extractives sector through regulations such as Section 1504. We also welcome the parallel submission by Calvert Investment Management et al, and note the common objectives our respective groups of signatories share in promoting high standards of transparency in the extractives sector.

We would like to highlight that we have only belatedly become aware of the detailed submission made on April 15, 2014 by the American Petroleum Institute (API) on this subject. Inasmuch as we had produced this statement, and secured approvals from the undersigned institutions, well before having had an opportunity to review the API submission, we wish to draw your attention to a brief supplementary comment that several of our signatories will shortly be submitting by way of parallel submission in order to address any additional points that are relevant to the API's arguments.

The undersigned signatories strongly support the Extractive Industries Transparency Initiative (EITI). As such, we not only welcome the US's involvement as an EITI Supporting Country since the Initiative's inception in 2003, but are particularly pleased to note its recent admission as an EITI Candidate Country. We regard the United States' decision as instrumental in establishing the

de facto global standard for transparency in the extractives sector, and see the steady progress being made as a critical factor in helping to reduce volatility in the oil and other vital hard commodity markets, with beneficial impacts on global financial markets and the real economy.

In line with our support for the EITI, we also highlight that we regard the mandatory project-level reporting provision contained in Section 1504 as entirely consistent with, and complementary to, the goals of the EFL. As such, we wish to underscore the important revisions made in 2013 to the EITI Standard that aim specifically to ensure convergence with the disclosure standard pioneered by Section 1504. These are now echoed in similar legislation already passed by the European Union (Transparency and Accounting Directives) and in progress in Canada (Canadian Mandatory Reporting in the Extractive Sector).

In short, Section 1504 started a process that has now been embraced by the world's other key jurisdictions: where initially it could have placed US listed companies at a commercial disadvantage, this risk has been reduced. As institutions based in numerous international jurisdictions, with both customers and assets spread around the globe, we welcome this virtuous development, and consider that regulations favouring not only high, but just as importantly, globally consistent standards of transparency, are essential to safeguarding the effective functioning of the financial markets.

Finally, we highlight that our portfolios have substantial exposure to the global extractives sector, through both equity and fixed income instruments, and that many of the undersigned also invest actively in the sovereign debt of resource-dependent emerging nations whose fiscal governance has a direct bearing on the quality of the credits they hold. It is therefore specifically with a view to safeguarding and enhancing our clients' portfolio returns that we contribute the following comments.

Chair White, your fellow SEC Commissioner Michael Piowar has recently been reported to have voiced the concern that Section 1504 may have involved a degree of legislative overreach, by allowing "special interests, from all parts of the political spectrum that are trying to co-opt the SEC's corporate disclosure regime to achieve their own objectives." Commissioner Piowar raises a valid point that merits discussion: as investors whose interests are inextricably bound with the commercial interests of the oil and mining companies in which we invest, we wish to clarify that we fully agree that the remit of the SEC is, and should remain, that of safeguarding the efficient functioning of financial markets. We also agree that legislative and regulatory tools aimed at achieving purely social aims properly belong within instruments other than SEC regulation.

However, it is our contention that Section 1504, in line with the broader purpose of the Dodd Frank Act, i.e. mitigating systemic financial market risk, plays an essential role in containing behaviours related to extractive sector activity that contribute to damaging levels of financial and economic instability.

As you know, Section 1504 calls for the provision of detailed publicly-available information regarding payments to government. The purpose of such disclosure is to: a) defuse suspicions by civil society; b) curb the incidence of corruption and fiscal mismanagement; c) and thereby reduce the social and

political risk factors that drive high levels of operating risk in resource-dependent emerging nations. The latter notably exacerbates the volatility and risk in the commodities markets. It is precisely because of its role in helping to counteract these damaging pressures that we regard Section 1504 as very much in the interests of investors, and consistent with the basic mission of the SEC.

Nevertheless, as investors, we are sympathetic to the concerns of industry regarding the practical impacts of any new legislation in terms of potential administrative complexity and cost burden, particularly in respect of companies that operate in multiple jurisdictions. As such, it is imperative that the disclosure regulations introduced by Section 1504 reflect alignment between the US, EU and Canada—all key jurisdictions for extractive industry issuers. Firstly, this would simplify compliance for extractive companies, particularly for those that already have dual listings. Secondly, it would lift overall transparency standards while deterring less scrupulous issuers from actively seeking out more opaque regulatory regimes. Such 'forum-shopping' would not only harm well-governed companies through unfair competition, but expose investors to higher risk, and the general public to greater systemic risk.

Our strong interest as investors is therefore to achieve both consistency across competing jurisdictions and high standards, rather than regarding them as necessarily mutually exclusive. In this regard, the moves by the EU and Canada to follow in Dodd Frank 1504's footsteps signal a clear trend that is now very difficult to reverse: transparency has firmly taken hold, and it would be a mistake to roll backwards.

As a large group of diverse investment institutions, we acknowledge that different investors may make greater or lesser use of the granular data produced through such disclosure for individual stock decision purposes, depending on the nature of their portfolios and investment processes. However, while individual investment strategies may differ, we are strongly of the view that disclosure of the type called for by Section 1504 affords the following benefits to investors:

Putting such information in the public domain is of major indirect benefit to investors, thanks to its impact on the overall quality of the business climate: better transparency helps to build trust with the citizenry, deter corruption through better scrutiny of revenues and spending, and reduce the likelihood of contract rescissions. An anonymous compilation of the submissions required by Section 1504 would likely not provide the information necessary to serve this purpose.

The value of such a standard lies in its consistent application across all global markets: this means that country exemptions should not be granted in cases where foreign jurisdictions wish to impose secrecy—otherwise, such exemptions, often referred to as the "tyrant's veto", will merely serve to encourage such governments to introduce anti-transparency standards, thereby undermining the very object of this regulation.

The impact of such disclosure on competitiveness has been overstated, as demonstrated by the strong support afforded to Section 1504's Canadian equivalent by the leading trade associations in the Canadian mining sector (Mining Association of Canada and Prospectors and Developers Association of Canada), and the more nuanced position of the Canadian Association of Petroleum Producers relative to the American Petroleum Institute. We also note that this information

can be easily obtained by purchasing specialist research—which merely ensures that it is available to competitors who can afford to pay, but not to citizens who cannot. More importantly, as investors, we stand to benefit more from efficient, competitive markets that enable ethical behaviour than we do from isolated instances of companies gaining a temporary negotiating advantage through secrecy.

The impact on companies' compliance costs should be given due consideration, and we would therefore urge that with regard to the definition of 'project', the disclosure framework in Section 1504 be consistent with best practice for disclosing disaggregated production information that references the legal relationship between individual projects and host governments. Such an approach may be modeled on the project-level disclosures that have been developed under the EU Directives and also made by Statoil, the large Norwegian-based international oil company, as well as Tullow Oil, the FTSE100 UK oil company. These base their definition, either implicitly or explicitly, on economic rather than geological entities (so-called 'payment liability'), which we regard as a cost-efficient way of mirroring internal corporate reporting. We recommend a single consistent standard in preference to allowing companies to self-define project boundaries for two reasons: 1) a multiplicity of reporting standards would cause confusion and drive up compliance costs; 2) flexibility for companies would also risk undermining the aim of the regulation. Such a standard should also require a consistent and reasonable degree of disaggregation, as this would meet the aims of the regulation, namely improving fiscal governance at both national and subnational level.

In conclusion, we are pleased to signal our strong support for the SEC's leadership in establishing a mandatory reporting standard in the extractives sector that is complementary to the EITI, aligned with equivalent standards in the EU and Canada, and designed pragmatically to deliver the very real benefits that we see coming from enhancing fiscal transparency and accountability in resource-dependent emerging nations. The SEC has demonstrated great diligence in appreciating the changing needs of investors through the implementation of Section 1504. We remain confident that the Commission will see the process through to a conclusion that fulfills its mission and advances the interests of all its stakeholders.

We thank you for your attention to this submission, and remain at your disposal for any further information or clarification.

APRIL 28, 2014.

MARY JO WHITE,
Chair, U.S. Securities and Exchange Commission, Washington, DC.

DEAR CHAIR WHITE: As investors representing more than \$2.85 trillion in assets under management, we applaud the U.S. Securities and Exchange Commission (SEC) for its leadership in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [Section 13(q) of the Securities Exchange Act of 1934]. The rules the SEC adopted for the implementation of Section 13(q) on August 22, 2012 would protect investors and promote efficient capital markets by providing investors with valuable factual information on risk profiles and company performance. Delay in implementation of these rules or their significant revision would continue to deny investors this valuable information.

The opportunities and challenges of both operating and investing in the oil, gas and mining industries have changed significantly in recent decades as companies have been increasingly compelled to explore and produce in countries with challenging governance and business environments, including some with pervasive corruption. We believe that Section 13(q) creates a chance for disclosure requirements to evolve in a manner that reflects the changing dynamics of these industries.

Investors' decisions regarding the oil, gas and mining industries and the efficient functioning of markets in general rely on the public disclosure of relevant information from issuers that is comprehensive and consistent. Therefore, we agree with the Commission's August 2012 rules for Section 13(q) that require issuer-by-issuer, government-level, and project-level public disclosures and believe that these are beneficial to investors.

Issuers' annual public Exchange Act reporting is an indispensable factor for investment decision-making. It must be done on a basis that allows investors to make decisions about the securities of individual issuers. An anonymous compilation of the submissions required by Section 13(q) would likely not provide the information necessary to serve this purpose. It is in the interest of both investors and issuers that the data disclosed pursuant to Section 13(q) maintains consistency across each issuer's operations. Following the enactment of Section 13(q), other jurisdictions have responded with complementary regulatory efforts, most notably the European Union Accounting and Transparency Directives and Canada's commitment to establish mandatory payment transparency reporting standards. Consistency with these reporting mandates requires payment information for all countries in which issuers operate, without exception.

Section 13(q) and its complementing regulations also require project-level disclosure. It would be most beneficial to investors if this disclosure were consistent with best practice for disclosing disaggregated production information that references the legal relationship between individual projects and host governments. Such an approach may be modeled on the project-level disclosures made by Statoil, the large Norwegian-based international oil company, as well as Tullow Oil.

The SEC has demonstrated great diligence in appreciating the changing needs of investors through the implementation of Section 13(q). We also welcome the parallel comment submitted by Allianz Global Investors et al., and note the common objectives our respective groups of signatories share in promoting high standards of transparency in the extractives sector. We remain confident that the Commission will see the process through to a conclusion that fulfills its obligations and advances the interests of all parties.

Mr. BROWN. Mr. President, on one side of this argument, one side of this rule, we see in the end—and this kind of sums it up. We have these 30 countries that followed us and passed the rules and the laws the same as we did. We have on our side, the American Catholic Bishops, the Conference of Bishops, the Presbyterian Church, groups like the One Campaign and Oxfam—public interest groups that made their mission trying to end corruption and deal with the economic and social distress and devastation

brought on by some of these companies and some of these kleptomaniacal—for want of a better term—governments. That is on the one side.

On the other side, we have my Republican friends in the Senate and House. We have Rex Tillerson, the new Secretary of State, who lobbied vigorously and unceasingly against this rule as president of Exxon. We have Exxon on the other side. We have the Chamber of Commerce and the American Petroleum Institute. And on that side for this bill—against the rule—we have autocrats in places like Russia, Iran, Venezuela. You can bet on this vote tomorrow morning, if 7 a.m. comes out the way it looks like it will, you can bet there will be celebrations in Russia, in Iran, and Venezuela, in all these countries where these kleptocrats, where these leaders who are so corrupt, where they benefited so much.

I think that really sums it up, how important it is that we defeat this bill, how important it is that this President, who came to town and has been in office less than about 2 weeks, his second week in office—his campaign was all about drain the swamp, and one of the first things he did, with his Republican House and Senate Members following along like sheep, they have done this. It is just incredible how they moved so quickly to side with the autocrats, to side with the Russians, to side with Big Oil, to side with ExxonMobil and these autocrats in places like Iran and Russia. It is not a good commentary on this body. I am sorry to see it.

I ask my colleagues to vote no.

I yield back my time.

Mr. CRAPO. Mr. President, I yield back the remaining Republican time.

The PRESIDING OFFICER (Mr. SULIVAN). Without objection, the majority time is yielded back.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate be in a period of Morning Business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN SALAMONE

• Mr. BOOKER. Mr. President, today I wish to honor the life and service of New Jersey John Salamone. John is a World War II veteran, a beloved member of the Lyndhurst community, and an inspiration to many.

A native of Hoboken, John Salamone began his service upon enlistment in the U.S. Navy in 1943 at the age of 17. After basic training, he was assigned to the medical corps and deployed to the

Pacific Theater on the hospital ship the U.S.S. Haven. John's service in the Pacific took him to the Battle of Okinawa, to the liberation of POWs in the Philippines, and to the destroyed city of Nagasaki.

John's experiences during the war changed him. For several years following his return, he used his training to assist others as a volunteer emergency medical technician in his community. After seeing the devastation of the atomic bomb released over Nagasaki, John became passionate about sharing his war experiences with others in the hopes that the United States might never again deem atomic war necessary. To this day, he still prays for peace.

John is treasured by all who have been fortunate enough to meet him, and thanks to his outgoing and affable nature, almost everyone in the township of Lyndhurst knows him. John is a fixture there: he was a Little League coach, a member of the Elks Lodge and the Knights of Columbus, and a member of St. Luke's Roman Catholic Church, where he still attends mass every Sunday, just as he has for more than 50 years. For 68 years, until her death, John was the loving husband of Mary Salamone, and he is the proud father of Robert Salamone, Maureen Hirsch, and Mary Ann Osgoodby. In his retirement, after a 40-year career in sales with Chemical Bank, John spends his time doting on his seven grandchildren and nine great-grandchildren, advocating for the veterans community, and sharing his unique story as a U.S. Navy corpsman during World War II.

John's remarkable commitment to his community and our Nation is an example for all who seek to serve. It is an honor to formally recognize him for his tremendous contributions to his fellow citizens and thank him for his faithful service.●

REMEMBERING JOE BILL DEARING

• Mr. BOOZMAN. Mr. President, today I wish to remember Joe Bill Dearing, an Arkansan with a big heart who loved to tell a good story and was a legend in Hereford cattle breeding. He passed away on Monday, January 30, 2017, at the age of 88.

Joe was born in Harrison, AR. He married his high school sweetheart, Dennie, in 1947, and the couple pursued a career in farming at their Red Robin Farm.

Joe came from a family of farmers so his passion for the industry and dedication to his craft came as no surprise. He established a nationally recognized herd of Polled Hereford cattle and became an internationally recognized Hereford cattle breeder.

This success also earned them the recognition of "Boone County Family Farm of the Year" in 1973.

He took his expertise to Montana in 1978 to work in the cattle industry and was active on the national cattle show circuit, winning the award for national champion bull in 1994 and 1995.

After his decades of raising cattle, he could still remember in detail his prized animals. He was more than happy to share pictures and stories of his cattle.

Joe was a longtime member of the Union Baptist Church where he served as a deacon, church secretary, and treasurer.

The Dearings were so kind to my daughters when they were showing cows through 4-H. We spent countless hours with Joe and Dennie traveling all over the country, and we witnessed the great examples of integrity and character that defined their lives.

Joe Dearing left a lasting legacy. He was a beloved husband, friend, community member, and cattle rancher. I was proud to call him my friend, and in fact, he and Dennie always seemed more like family. He will be greatly missed. My thoughts and prayers are with his loved ones during this difficult time.●

TRIBUTE TO ALLY MARTIN

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Ms. Ally Martin of Wheatland County, a tough ranch hand with a very bright future. This young lady has flat out excelled in her community. The superintendent of Harlowton Public Schools said of Ally, "I have known Ally for her whole life and she has yet to disappoint me."

Ally is the oldest of four siblings on a working sheep and cattle ranch not too far from the Musselshell River in central Montana. Anyone who knows the amount dedication and perseverance it takes to keep this type of family business running knows that Ally's achievements in sports, school, and 4-H are remarkable. Ally gets her grit from her family. Her parents would drive 25 miles to take Ally to her part-time job washing dishes and waiting tables at the Crazy Mountain Inn in Martinsdale.

From 2013-2015, Ally was recognized as the Wheatland County 4-H "Grand Champion" for her sheep project. Ally meticulously cross-bred Suffolk sheep into her family's Targhee flock, making noticeable gains to weaning weight. Some of her 4-H peers even started using her lambs in 4-H as well. Ally has been able to shoulder the demands of the ranch while ranking first in her class academically, earning all-State athletic honors in basketball and track, and participating in student government. Ally commits to whatever she sets her mind to, from ranching to school to sports.

Ally broke new ground as the first person from Harlowton High School ap-

pointed to the U.S. Military Academy at West Point. The number of cadets at West Point will be nearly double the population of Wheatland County. Ally won't flinch at this. She is not one to seek out comfort, make excuses, or look for shortcuts. She will do what she has always done—wake up when almost everyone else is still sleeping, focus on the tasks at hand, and simply get the job done. Her exemplary hardwork and leadership will serve our Nation well in the military. Good luck, and Godspeed, Ally; the people of Montana support you.●

250TH ANNIVERSARY OF THE MATTATUCK DRUM BAND

● Mr. MURPHY. I would like to congratulate the Mattatuck Drum Band, the oldest continually operating marching band in the Nation, on its 250th anniversary. The Mattatuck Drum Band's performances have captivated audiences in Connecticut since before the founding of our Nation and deserve recognition for continuing this important musical tradition over so many years.

During the marching band's formative years in the early 1770's, it was known as the Farmingbury Drum Band. The group performed at Farmingbury church events, where churchgoers were called into services by drumbeat—a common practice for churches without a bell. During the American Revolution, many members of the band served as wartime fifers and drummers, providing military field music for soldiers fighting for American independence. Shortly after returning home from the war, the band grew in popularity and changed their name to the Wolcott Drum Band.

In the 19th century, many band members continued their service to the military during the War of 1812 and in the Civil War, participating in rallies and recruiting events to "drum up" support for the militia. Following the Civil War, however, many band members relocated, and interest in the group waned. The group was revived in 1881, when the remaining active members of the band moved the group to Waterbury and renamed it the Mattatuck Drum Band. The uniform first donned by this group in 1884 is still worn by the Mattatuck Drum Band today.

As the band continued into the 20th century, their main purpose shifted from rallying support for the militia to bolstering the morale and feelings of patriotism amongst the public. Although many Mattatuck Drum Band members enlisted to serve their country during World War I and World War II, the musicians still found ways to practice and keep the group active. In 1961, the Mattatuck Drum Band travelled to Washington to participate in the inaugural parade of President-

Elect John F. Kennedy. They received a standing ovation and applause for their performance.

Today the Mattatuck Drum Band performs at many parades and celebrations, using their powerful drum beats to continue the patriotic tunes and traditions that have inspired so many Americans over generations. I would like to congratulate the Mattatuck Drum Band on their incredible history of service and inspiration. It is my hope that the band continues this incredible musical tradition for many more years to come.●

MESSAGE FROM THE HOUSE

At 4:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res 37. Joint resolution disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation.

H.J. Res 40. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 274. A bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BARRASSO from the Committee on Environment and Public Works.

Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

*Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

By Mr. ENZI for the Committee on the Budget.

*Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. HEITKAMP (for herself, Mr. BOOZMAN, Mr. UDALL, Mr. LEAHY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. KING, Ms. COLLINS, Ms. STABENOW, Mr. DONNELLY, Ms. BALDWIN, Mr. WYDEN, Mr. WARNER, and Mr. COCHRAN):

S. 275. A bill to allow the financing by United States persons of sales of agricultural commodities to Cuba; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 276. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. MANCHIN:

S. 277. A bill to establish a Rural Telecommunications and Broadband Advisory Committee within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES (for himself and Mr. WARNER):

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO:

S. 279. A bill to amend the Water Resources Development Act of 1986 to modify a provision relating to acquisition of beach fill; to the Committee on Environment and Public Works.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 280. A bill to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE:

S. 281. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER (for himself, Mr. HEINRICH, Mr. GARDNER, Mr. TESTER, Mr. RISC, Mr. DAINES, Mr. BENNET, and Mr. UDALL):

S. 282. A bill to promote the development of renewable energy on public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Mr. TILLIS, Mr. COONS, Mr. MERKLEY, Mr. WYDEN, and Ms. HIRONO):

S. 283. A bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of

Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 284. A bill to amend title XVIII of the Social Security Act to prevent surprise billing practices, and for other purposes; to the Committee on Finance.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 285. A bill to ensure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 286. A bill to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 287. A bill to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument; to the Committee on Energy and Natural Resources.

By Mr. DAINES (for himself, Mr. LANKFORD, Mr. BLUNT, and Mr. HATCH):

S. 288. A bill to require notice and comment for certain interpretative rules; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for himself and Mr. GARDNER):

S. 289. A bill to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself and Mr. BOOZMAN):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. LEAHY, Mr. MERKLEY, Mr. HEINRICH, Mrs. FEINSTEIN, and Ms. HARRIS):

S. 291. A bill to amend the National Security Act of 1947 to modify the requirements for membership in the National Security Council and cabinet-level policy forum, and for other purposes; to the Select Committee on Intelligence.

By Mr. REED (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. ISAKSON):

S. 292. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT (for himself, Mr. BOOKER, Mr. BLUNT, Mr. BENNET, Mr. GRAHAM, Mr. COONS, Mrs. CAPITO, Mrs. GILLIBRAND, Mr. PETERS, Mr. GARDNER, Mr. YOUNG, and Mr. WARNER):

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in opportunity zones; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. RUBIO, Mr. MANCHIN, Mr. DAINES, Mr. CASEY, Mr. GARDNER, Mr. BOOZMAN, Mr. TESTER, Ms. HIRONO, and Mr. HELLER):

S. 294. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food

and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAINES (for himself, Mr. SULLIVAN, and Ms. MURKOWSKI):

S. 295. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself, Mr. DAINES, and Ms. MURKOWSKI):

S. 296. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 297. A bill to increase competition in the pharmaceutical industry; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BARRASSO:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CORNYN, and Mr. WYDEN):

S. Res. 43. A resolution recognizing January 2017 as National Mentoring Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 54

At the request of Mr. BOOKER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 54, a bill to prohibit the creation of an immigration-related registry program that classifies people on the basis of religion, race, age, gender, ethnicity, national origin, nationality, or citizenship.

S. 56

At the request of Mr. SULLIVAN, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. KENNEDY), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. ISAKSON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. ROUNDS), the Senator from Indiana (Mr. YOUNG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Montana (Mr. DAINES), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. PERDUE),

the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 56, a bill to require each agency to repeal or amend 2 or more rules before issuing or amending a rule.

S. 58

At the request of Mr. HELLER, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

S. 59

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 94

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 94, a bill to impose sanctions in response to cyber intrusions by the Government of the Russian Federation and other aggressive activities of the Russian Federation, and for other purposes.

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 182

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 182, a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

S. 208

At the request of Mr. KING, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 208, a bill to amend the Internal Revenue Code of 1986 to make the Child and Dependent Care Tax Credit fully refundable, and for other purposes.

S. 212

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 212, a bill to provide for the development of a United States strategy for greater human space exploration, and for other purposes.

S. 224

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 241

At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 241, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. 244

At the request of Mr. LEE, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 244, a bill to repeal the wage requirement of the Davis-Bacon Act.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 255

At the request of Mr. SCHATZ, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 255, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes.

S. 264

At the request of Mr. LANKFORD, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 264, a bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in ordinary course of carrying out its tax exempt purpose.

S. 272

At the request of Mr. SCHATZ, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 274

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. TESTER), the Senator from Indiana (Mr. DONNELLY), the Senator from Florida (Mr. NELSON) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 274, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S.J. RES. 1

At the request of Mr. BOOZMAN, the name of the Senator from Montana

(Mr. TESTER) was added as a cosponsor of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S.J. RES. 5

At the request of Mr. CARDIN, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S.J. Res. 5, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 9

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 11

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation".

S.J. RES. 13

At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S.J. Res. 13, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Montana (Mr. DAINES) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

S.J. RES. 15

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S.J. Res. 15, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule

submitted by the Director of the Bureau of Land Management relating to resource management planning.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S.J. RES. 19

At the request of Mr. PERDUE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 276. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

Mr. FLAKE. Mr. President, one of the most important elements of the rule of law is the promise of swift access to the courts, but that promise has been broken in my home State of Arizona. That is because Arizona falls under the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit, a circuit that is both oversized and overworked.

With the jurisdiction encompassing 13 districts spread across nine States and 2 U.S. territories, the Ninth Circuit covers 1 in 5 Americans. It hears roughly 12,000 appeals each year. The next busiest circuit doesn't even hear 9,000, and for the thousands of cases under its consideration, the average turnaround time exceeds 15 months.

Now, if excessive delays weren't bad enough, it turns out the Ninth Circuit is overturned by the Supreme Court 77 percent of the time when the Supreme Court grants cert—77 percent of the time. That is obviously higher than any other court. So not only is the court excruciatingly slow, but in many instances it is simply wrong.

The court, itself, is unusually large. It has 29 authorized judgeships. That is 12 more than the next largest circuit.

The Ninth Circuit is so big that it can't even rehear cases as a whole body, like every other appeals court does. Instead, cases are reheard with limited en banc; these are panels of 11 judges each. That means that only one-third of its judges are deciding law for the entire court—only one-third.

Of the States suffering under the weight of the Ninth Circuit's crushing backlog, Arizona shoulders a uniquely heavy burden. Per capita, Arizona has the busiest Federal docket in the circuit. That puts Arizonans at the back of an already long line just to get their day in court.

As if the deluge of cases continues to fill the Ninth Circuit's docket, the line keeps getting longer and longer if you happen to live in Arizona.

With problems like these, we are left to ask: Is the Ninth Circuit simply too big to succeed? If you are an Arizonan, the answer is unquestionably yes.

Arizonans deserve better, and that is why today I am introducing a bill to break up the Ninth Circuit.

With the support of my colleague from Arizona, JOHN MCCAIN, and the support of Gov. Doug Ducey, I have introduced the Judicial Administration and Improvement Act. This bill would create a new Twelfth Circuit by moving Arizona, as well as Alaska, Idaho, Montana, Nevada, and Washington, out of the Ninth Circuit. Doing so would create two smaller appellate courts where one dysfunctional court stood, all the while establishing stronger local, regional, and cultural ties. This would help alleviate the Ninth Circuit's enormous caseload and ensure a more timely and accurate judicial process for both circuits.

Now, importantly, the bill would also free the new circuit from the Ninth Circuit's precedent. That means States like Arizona would be able to chart their own legal course, consistent with their local needs and traditions.

A fair and functioning judiciary is one of the pillars of our democracy. Geography shouldn't limit a citizen's access to the courts.

The Judicial Administration and Improvement Act will right this wrong by restoring faith in our judicial system and securing the access to Justice that Americans deserve.

By Mr. DAINES (for himself and Mr. WARNER):

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, in recent years we have seen the inability of the Federal Government to quickly adapt to changing technology and emerging threats. In June of 2015 the Office of Personnel Management, OPM, was infiltrated with a major cyber breach, af-

fecting more than 22 million current and former Federal employees, including myself. In January of 2016, another nearly half a million Americans had their social security numbers stolen when the Internal Revenue Service was hacked.

I spent 28 years in the private sector, 12 years with a global cloud computing company. We faced cyber threats daily, and our customers expected security of their data. We delivered, not once was our data compromised. Until I came to the Federal Government and received the letters from OPM, my data had been secured too.

I know firsthand that industry has the talent and incentive to keep their information systems secure. The Federal Government should continue to innovate and utilize industries' expertise and learn from their best practices.

That is why I am introducing the Support for Rapid Innovation Act. This legislation will extend the authorization for the Secretary of Homeland Security to carry out innovative research and development projects that will enhance our Nation's cyber security. It will focus efforts on developing more secure information systems, technologies for detecting and containing attacks in real-time, and develop cyber forensics to identify perpetrators. This will be done by leveraging private sectors' innovation and ingenuity.

I want to thank Senator WARNER for being an original cosponsor of this bill and Representative RATCLIFFE of Texas for leading introduction of companion legislation in the House of Representatives. I ask my Senate colleagues to join us in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 278

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support for Rapid Innovation Act of 2017".

SEC. 2. CYBERSECURITY RESEARCH AND DEVELOPMENT PROJECTS.

(a) CYBERSECURITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

"SEC. 321. CYBERSECURITY RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Under Secretary for Science and Technology shall support the research, development, testing, evaluation, and transition of cybersecurity technologies, including fundamental research to improve the sharing of information, information security, analytics, and methodologies related to cybersecurity risks and incidents, consistent with current law.

"(b) ACTIVITIES.—The research and development supported under subsection (a) shall

serve the components of the Department and shall—

“(1) advance the development and accelerate the deployment of more secure information systems;

“(2) improve and create technologies for detecting and preventing attacks or intrusions, including real-time continuous diagnostics, real-time analytic technologies, and full lifecycle information protection;

“(3) improve and create mitigation and recovery methodologies, including techniques and policies for real-time containment of attacks, and development of resilient networks and information systems;

“(4) support, in coordination with non-Federal entities, the review of source code that underpins critical infrastructure information systems;

“(5) assist the development and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

“(6) assist the development and support of technologies to reduce vulnerabilities in industrial control systems;

“(7) assist the development and support cyber forensics and attack attribution capabilities;

“(8) assist the development and accelerate the deployment of full information lifecycle security technologies to enhance protection, control, and privacy of information to detect and prevent cybersecurity risks and incidents;

“(9) assist the development and accelerate the deployment of information security measures, in addition to perimeter-based protections;

“(10) assist the development and accelerate the deployment of technologies to detect improper information access by authorized users;

“(11) assist the development and accelerate the deployment of cryptographic technologies to protect information at rest, in transit, and in use;

“(12) assist the development and accelerate the deployment of methods to promote greater software assurance;

“(13) assist the development and accelerate the deployment of tools to securely and automatically update software and firmware in use, with limited or no necessary intervention by users and limited impact on concurrently operating systems and processes; and

“(14) assist in identifying and addressing unidentified or future cybersecurity threats.

“(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

“(1) the Under Secretary appointed pursuant to section 103(a)(1)(H);

“(2) the heads of other relevant Federal departments and agencies, as appropriate; and

“(3) industry and academia.

“(d) TRANSITION TO PRACTICE.—The Under Secretary for Science and Technology shall support projects carried out under this title through the full life cycle of such projects, including research, development, testing, evaluation, pilots, and transitions. The Under Secretary shall identify mature technologies that address existing or imminent cybersecurity gaps in public or private information systems and networks of information systems, protect sensitive information within and outside networks of information systems, identify and support necessary improvements identified during pilot programs

and testing and evaluation activities, and introduce new cybersecurity technologies throughout the homeland security enterprise through partnerships and commercialization. The Under Secretary shall target Federally funded cybersecurity research that demonstrates a high probability of successful transition to the commercial market within two years and that is expected to have a notable impact on the public or private information systems and networks of information systems.

“(e) DEFINITIONS.—In this section:

“(1) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ has the meaning given such term in section 227.

“(2) HOMELAND SECURITY ENTERPRISE.—The term ‘homeland security enterprise’ means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.

“(3) INCIDENT.—The term ‘incident’ has the meaning given such term in section 227.

“(4) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given such term in section 3502(8) of title 44, United States Code.

“(5) SOFTWARE ASSURANCE.—The term ‘software assurance’ means confidence that software—

“(A) is free from vulnerabilities, either intentionally designed into the software or accidentally inserted at any time during the lifecycle of the software; and

“(B) functioning in the intended manner.”.

“(f) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to second section 319 the following new item:

“Sec. 321. Cybersecurity research and development.”.

(b) RESEARCH AND DEVELOPMENT PROJECTS.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “2016” and inserting “2021”;

(B) in paragraph (1), by striking the last sentence; and

(C) by adding at the end the following new paragraph:

“(3) PRIOR APPROVAL.—In any case in which the head of a component or office of the Department seeks to utilize the authority under this section, such head shall first receive prior approval from the Secretary by providing to the Secretary a proposal that includes the rationale for the utilization of such authority, the funds to be spent on the use of such authority, and the expected outcome for each project that is the subject of the use of such authority. In such a case, the authority for evaluating the proposal may not be delegated by the Secretary to anyone other than the Under Secretary for Management.”.

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “2016” and inserting “2021”; and

(B) by amending paragraph (2) to read as follows:

“(2) REPORT.—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the projects for which the authority granted by subsection (a) was utilized, the rationale for such utili-

zations, the funds spent utilizing such authority, the extent of cost-sharing for such projects among Federal and non-Federal sources, the extent to which utilization of such authority has addressed a homeland security capability gap or threat to the homeland identified by the Department, the total amount of payments, if any, that were received by the Federal Government as a result of the utilization of such authority during the period covered by each such report, the outcome of each project for which such authority was utilized, and the results of any audits of such projects.”; and

(3) by adding at the end the following new subsection:

“(e) TRAINING.—The Secretary shall develop a training program for acquisitions staff on the utilization of the authority provided under subsection (a) to ensure accountability and effective management of projects consistent with the Program Management Improvement Accountability Act (Public Law 114-264) and the amendments made by such Act.”.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

By Mr. DAINES (for himself, Mr. LANKFORD, Mr. BLUNT, and Mr. HATCH):

S. 288. A bill to require notice and comment for certain interpretative rules; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 288

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Regulatory Predictability for Business Growth Act of 2017”.

SEC. 2. REQUIRING NOTICE AND COMMENT FOR CERTAIN INTERPRETATIVE RULES.

Subchapter II of chapter 5 of title 5, United States Code, is amended—

(1) in section 551—

(A) in paragraph (13), by striking “and” at the end;

(B) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(15) ‘longstanding interpretative rule’ means an interpretative rule that has been in effect for not less than 1 year; and

“(16) ‘revise’ means, with respect to an interpretative rule, altering or otherwise changing any provision of a longstanding interpretative rule that conflicts, or is in any way inconsistent with, any provision in a subsequently promulgated interpretative rule.”; and

(2) in section 553—

(A) in subsection (b)(A), by striking “interpretative rules” and inserting “an interpretative rule of an agency, unless the interpretative rule revises a longstanding interpretative rule of the agency”; and

(B) in subsection (d)(2), by striking “interpretative rules” and inserting “an interpretative rule of an agency, unless the interpretative rule revises a longstanding interpretative rule of the agency.”.

By Mr. REED (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. ISAKSON):

S. 292. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators CAPITO, VAN HOLLEN, and ISAKSON in the introduction of the Childhood Cancer Survivorship, Treatment, Access, and Research, STAR, Act of 2017. This legislation is an extension of ongoing bipartisan efforts in the Senate over the past decade to get us closer to the goal of hopefully one day curing cancers in children, adolescents, and young adults. Representatives McCaul, Speier, Kelly, and Butterfield are introducing the companion legislation in the other body.

I first started working on this issue after meeting the Haight family from Warwick, Rhode Island in June of 2004. Nancy and Vincent lost their son, Ben, when he was just nine years old to neuroblastoma, a very aggressive tumor in the brain.

With the strong support of families like the Hights for increased research into the causes of childhood cancers and improved treatment options, I introduced bipartisan legislation that eventually was signed into law in 2008 as the Caroline Pryce Walker Conquer Childhood Cancer Act.

This was an important step. Yet, more work remains. The STAR Act seeks to advance pediatric cancer research and child-focused cancer treatments, while also improving childhood cancer surveillance and providing resources for survivors and those impacted by childhood cancer.

If a treatment is working, doctors elsewhere should know immediately. The same should happen if a treatment isn't working, or if other major medical events occur during the course of a particular treatment. It is critical that doctors, nurses, and other providers are able to effectively communicate information about the disease, the treatment process, and what other health and development impacts children can expect to experience with a particular course of treatment.

As such, the STAR Act would reauthorize the Caroline Pryce Walker Conquer Childhood Cancer Act, creating a comprehensive children's cancer biorepository for researchers to use in searching for biospecimens to study and would improve surveillance of childhood cancer cases.

This legislation also includes provisions dealing with issues that arise for

survivors of childhood cancer. Unfortunately, even after beating cancer, as many as two-thirds of childhood cancer survivors are likely to experience at least one late effect of treatment; as many as one-fourth experience a late effect that is serious or life-threatening, including second cancers and organ damage.

We must do more to ensure that children survive cancer and any late effects so they can live a long, healthy, and productive life. This legislation would enhance research on the late effects of childhood cancers, improve collaboration among providers so that doctors are better able to care for this population as they age, and establish a new pilot program to begin to explore improved models of care for childhood cancer survivors.

Lastly, this bill would ensure more pediatric expertise at the National Institutes of Health to better leverage the research investment to improve pediatric cancer research by requiring the inclusion of at least one pediatric oncologist on the National Cancer Advisory Board and improving childhood health reporting requirements to include pediatric cancer.

Last year, Senator CAPITO and I were able to get a provision of this bill included in the 21st Century CURES Act, which was signed into law at the end of the year. That provision will provide some clarity for patients and their physicians attempting to access new drugs and therapies from pharmaceutical companies. When a patient has run out of other options, the last thing they and their families need is to spend months being given the run-around trying to access a potential treatment.

I am hopeful that we can build on this momentum. Indeed, it was heartening to see the House of Representatives pass the Childhood Cancer STAR Act as one of its last acts of the 114th Congress by a unanimous vote. While, the Senate was unable to follow suit as time ran out at the end of the year, HELP Committee Chairman ALEXANDER and Ranking Member MURRAY have committed to working with Senator CAPITO and me to move the legislation this year.

The Childhood Cancer STAR Act has the support of the American Cancer Society Cancer Action Network, St. Baldrick's Foundation, and Children's Oncology Group, among others. I look forward to our continued work with these stakeholders to build support for the bill and with the HELP Committee to see this bill advance through the legislative process.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 42—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BARRASSO submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 42

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works (in this resolution referred to as the “committee”) is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$3,060,871, of which amount—

(1) not to exceed \$4,666 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,166 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$5,247,208, of which amount—

(1) not to exceed \$8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$2,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$2,186,337, of which amount—

(1) not to exceed \$3,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$834 may be expended for the training of the professional staff of the

committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 43—RECOGNIZING JANUARY 2017 AS NATIONAL MENTORING MONTH

Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CORNYN, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 43

Whereas, in 2002, the Harvard T.H. Chan School of Public Health and MENTOR: the National Mentoring Partnership established National Mentoring Month;

Whereas 2017 is the 15th anniversary of National Mentoring Month;

Whereas the goals of National Mentoring Month are—

(1) to raise awareness of mentoring;

(2) to recruit individuals to mentor; and

(3) to encourage organizations to engage and integrate quality in mentoring into the efforts of the organizations;

Whereas young people across the United States make everyday choices that lead to the big decisions in life without the guidance and support on which many other people rely;

Whereas a mentor is a caring, consistent presence who devotes time to a young person to help that young person—

(1) discover personal strength; and

(2) achieve the potential of that young person through a structured and trusting relationship;

Whereas quality mentoring—

(1) encourages positive choices;

(2) promotes self-esteem;

(3) supports academic achievement; and

(4) introduces young people to new ideas;

Whereas mentoring programs have shown to be effective in combating school violence and discipline problems, substance abuse, incarceration, and truancy;

Whereas research shows that young people who were at risk for not completing high school but who had a mentor were, as compared with similarly situated young people without a mentor—

(1) 55 percent more likely to be enrolled in college;

(2) 81 percent more likely to report participating regularly in sports or extracurricular activities;

(3) more than twice as likely to say they held a leadership position in a club or sports team; and

(4) 78 percent more likely to pay it forward by volunteering regularly in their communities;

Whereas 90 percent of young people who were at risk for not completing high school but who had a mentor said they are now interested in becoming mentors themselves;

Whereas mentoring can play a role in helping young people attend school regularly, as research shows that students who meet regularly with a mentor are, as compared with the peers of those students—

(1) 52 percent less likely to skip a full day of school; and

(2) 37 percent less likely to skip a class;

Whereas youth development experts agree that mentoring encourages smart daily behaviors, such as finishing homework, having healthy social interactions, and saying no when it counts, that have a noticeable influence on the growth and success of a young person;

Whereas mentors help young people set career goals and use the personal contacts of the mentors to help young people meet industry professionals and train for and find jobs;

Whereas all of the described benefits of mentors serve to link youth to economic and social opportunity while also strengthening the fiber of communities in the United States; and

Whereas, despite the described benefits, 9,000,000 young people in the United States feel isolated from meaningful connections with adults outside their homes, constituting a “mentoring gap” that demonstrates a need for collaboration and resources: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes January 2017 as National Mentoring Month;

(2) recognizes the caring adults who—

(A) serve as staff and volunteers at quality mentoring programs; and

(B) help the young people of the United States find inner strength and reach their full potential;

(3) acknowledges that mentoring is beneficial because mentoring encourages educational achievement and self-confidence, reduces juvenile delinquency, improves life outcomes, and strengthens communities;

(4) promotes the establishment and expansion of quality mentoring programs across the United States to equip young people with the tools needed to lead healthy and productive lives; and

(5) supports initiatives to close the “mentoring gap” that exists for the many young people in the United States who do not have meaningful connections with adults outside their homes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 190. Mr. CRAPO (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the resolution S. Res. 27, honoring the life and achievements of Eugene A. “Gene” Cernan.

TEXT OF AMENDMENTS

SA 190. Mr. CRAPO (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the resolution S. Res. 27, honoring the life and achievements of Eugene A. “Gene” Cernan; as follows:

In the 12th whereas clause of the preamble, strike “2016” and insert “2017”.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my team member, Patrick Drupp, be granted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE AND ACHIEVEMENTS OF EUGENE A. “GENE” CERNAN

Mr. CRAPO. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 27) honoring the life and achievements of Eugene A. “Gene” Cernan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAPO. Mr. President, I ask unanimous consent that the resolution be agreed to; that the Cruz amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 27) was agreed to.

The amendment (No. 190) was agreed to, as follows:

(Purpose: To amend the preamble)

In the 12th whereas clause of the preamble, strike “2016” and insert “2017”.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 27

Whereas Gene Cernan was born on March 14, 1934, in Chicago, Illinois, was raised in the suburban towns of Bellwood and Maywood, and graduated from Proviso Township High School;

Whereas Gene Cernan began his career as a basic flight trainee in the United States Navy;

Whereas Gene Cernan was one of fourteen astronauts selected by NASA in October 1963 to participate in the Gemini and Apollo programs;

Whereas Gene Cernan was the second American to have walked in space having spanned the circumference of the world twice in a little more than 2½ hours in 1966 during the Gemini 9 mission;

Whereas Gene Cernan served as the lunar module pilot for Apollo 10 in 1969, which was referred to as the “dress rehearsal” for Apollo 11’s historic landing on the Moon;

Whereas Gene Cernan was commander of Apollo 17 in 1972, during the last human mission to the Moon;

Whereas Gene Cernan maintains the distinction of being the last man to have left his footprints on the surface of the Moon;

Whereas Gene Cernan was one of the three men to have flown to the Moon on two occasions;

Whereas Gene Cernan logged 566 hours and 15 minutes in space, of which more than 73 hours were spent on the surface of the Moon;

Whereas Gene Cernan and the crew of Apollo 17 set records that still stand today, for longest manned lunar landing flight, longest lunar surface extra vehicular activities, largest lunar sample return, and longest time in lunar orbit;

Whereas Gene Cernan retired from the Navy after 20 years and ended his NASA career in July 1976; and

Whereas, on January 16, 2017, Gene Cernan passed away in Houston, Texas, leaving behind a vibrant history of space exploration and advocacy for NASA, a legacy of inspiring

young people to “dream the impossible”, and a documentary that encourages continual human space exploration: Now, therefore, be it

Resolved, That the Senate honors the life of Gene Cernan, a Naval aviator, fighter pilot, electrical engineer, and the last astronaut to walk on the Moon.

NATIONAL MENTORING MONTH

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 43, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 43) recognizing January 2017 as National Mentoring Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAPO. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

ORDERS FOR FRIDAY, FEBRUARY 3, 2017

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 6:30 a.m., Friday, February 3; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.J. Res. 41, with no debate time remaining; finally, that following the disposition of H.J. Res. 41, the Senate vote on the motion to invoke cloture on the DeVos nomination, rule XXII notwithstanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 6:30 A.M. TOMORROW

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:06 p.m., adjourned until Friday, February 3, 2017, at 6:30 a.m.

HOUSE OF REPRESENTATIVES—Thursday, February 2, 2017

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 2, 2017.

I hereby appoint the Honorable MIKE BOST to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

DON'T ROB VICTIMS OF CRIME

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

Mr. POE of Texas. Mr. Speaker, before I came to Congress, I spent my other life in the criminal justice system, first as a prosecutor in Texas, and then as a criminal court judge for over 22 years. I heard about 20,000 to 25,000 felony cases during that time, everything from stealing to killing. I saw a lot of people come to the courthouse, and most of those individuals did not want to be there. That included defendants, but it also included victims of crime.

Victims were people from all types of backgrounds. Mr. Speaker, they all had something in common. They were a silent group of people who were preyed on by criminals. After the crime was over, many suffered for years.

Finally, Congress came up with a novel idea, a law that established the Crime Victims Fund to support victims of crime. But instead of using taxpayer money for the fund, Congress had a different idea. Why not force the criminals, the traffickers, the abusers, and other folks to pay for restitution for the victims of crime. They inflicted

pain and suffering on innocent people. They should be the ones to pay for that.

So in 1984, when President Ronald Reagan was President, he signed the Victims of Crime Act, otherwise known to us as VOCA. Because of this new law, convicted felons in Federal Court are assessed fees and fines and must pay into the Crime Victims Fund. The money in this fund is to be used for a wide range of victim services:

It establishes and takes care of domestic violence shelters, where spouses can hide from their abusers.

It establishes rape crisis coalition centers.

It promotes and sends money to victim advocates throughout the United States who go to court with victims of crime, especially violent crime.

It gives victims restitution and pays for critical medical and counseling programs.

It also goes to train police officers. It does a lot of good things and is wisely spent by the Angels of Compassion in victim services that help restore victims.

Over the years, because our Federal judges have continued to fine and assess greater penalties to criminals, the VOCA fund, as of today, holds approximately \$12 billion. That is a lot of money, even for Washington, D.C. What a wonderful idea.

And let me make it clear once again: This is not taxpayer funded money. Criminals paid for this. Criminals are paying the rent on the courthouse and they are paying for the system that they have created.

So what is the problem?

Well, the problem is, Mr. Speaker, only a fraction of that money is spent each year for victims, depriving them of needed services and that money. More money continues to go in the fund every year because less and less of a percentage of it is spent, thus, the \$12 billion.

Mr. Speaker, the fund, every year, is robbed, literally, by Congress to offset the costs of totally unrelated things, literally stealing money from the victims and sending that money to the abyss of the Federal Treasury to offset special pet projects. That money does not belong to Congress to spend on anything other than victims of crime. It belongs to the victims who have endured suffering and abuse.

Victims do not have a high-priced, high-dollar lobbyist to come up here to Washington and advocate on their behalf to get the money that they are en-

titled to. That is our responsibility, Congress' responsibility. They expect us to be their voice.

JIM COSTA from California and I are co-chairs of the Victims' Rights Caucus, and we believe the first responsibility of government is to protect the innocent, especially those robbed, pillaged, and sexually assaulted by crime.

Congress needs to quit stealing the money from victims and giving it to other projects. We must stop this robbing by bureaucrats, taking money out of the crime fund, so that we can ensure victims have access to the resources that they need to become survivors of crime.

To achieve this goal, Representative JIM COSTA and I have reintroduced the Crime Victims Fund Preservation Act. This bill creates a "lockbox" to ensure that money in the fund cannot be used for anything other than victims' programs authorized under the law of the VOCA statute in 1984.

Victims must be rescued and taken care of. The bill ensures the money that victims are entitled to is in a safe place from pilfering hands. Give the victims a fighting chance, and do not continue to victimize them more by taking restitution money from them. It is just wrong to play this financial ledger mumbo-jumbo that Congress plays every year to take money away from victims and give it to other projects.

Don't touch victims' money. It is just wrong, Mr. Speaker.

And that is just the way it is.

END HUNGER NOW

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

Mr. MCGOVERN. Mr. Speaker, a recent USDA report on "Foods Typically Purchased by SNAP Households" has sparked conversation in the press and on Capitol Hill about ways to promote healthy eating among those who rely on SNAP benefits. Quite frankly, I am troubled by the way the report has been characterized and by some of the responses.

Flashy headlines and convenient sound bites selectively highlighting findings that tell only half the story are damaging to what should be our shared goal of ensuring that our most vulnerable neighbors have the support they need for their families. In fact, one of the key findings in the report is that the spending habits by SNAP

households and non-SNAP households are very similar.

I think it is safe to say that all of us could be making healthier choices when it comes to the food that we eat. But if we want to talk about promoting healthy eating among those who rely on SNAP, we need to start by enhancing and making further investments in nutrition education programs, increasing access to healthy foods in underserved communities, and expanding pilots that have proven effective in increasing fruit and vegetable consumption. Most importantly, Mr. Speaker, we need to increase SNAP benefits so low-income families have the ability to purchase healthier foods.

Last Congress, the House Agriculture Committee completed a thorough review of SNAP—17 hearings. As ranking member of the Nutrition Subcommittee, I participated in each of these hearings, and we heard time and time and time again that the current SNAP benefit, which averages \$1.40 per person per meal, is inadequate. It is hard to buy a cup of coffee these days for \$1.40.

This meager benefit is often too low for families to stave off hunger during the month, and certainly does not provide enough support to allow families to maintain healthy diets on a consistent basis. Without additional benefits, we know that people are making very difficult choices. They have to choose between food or medicine, between food for their families or stable housing.

Research from the Center on Budget and Policy Priorities has found that increasing SNAP benefits by a mere \$30 per month would lower food insecurity, decrease fast-food consumption, and increase vegetable consumption.

Similarly, USDA's Healthy Incentives Pilot provided SNAP recipients in Hampden County, Massachusetts, with additional benefits if they purchased targeted fruits and vegetables, and it was highly successful. The result was an increase in healthy food consumption. Participants in this pilot consumed 26 percent more targeted fruits and vegetables per day and spent more of their SNAP benefits on these items than did nonparticipants.

We know that low-income families who rely on SNAP have to make difficult choices in trying to stretch their meal budgets and often select cheaper foods that contain refined grains and added sugars and fats. This research from the Center on Budget and the results of projects such as the one in Massachusetts confirm what we know to be true: providing additional resources for food to families living in poverty will enable them to make healthier choices for themselves and their families.

We should not be demonizing the poor by policing their shopping carts, Mr. Speaker. It is far too easy and has

become far too commonplace for those of us with steady incomes and paychecks that provide us with access to the healthiest foods to second-guess the choices of these families struggling to make ends meet. It is insulting and it is mean-spirited and more than a little hypocritical to suggest that we meal plan for those living in poverty while we continue feeding our families the same foods that some of us suggest we should limit in our antihunger programs.

Eating more nutritious foods should be a goal for all of us, Mr. Speaker. It will lead to better health, reduced medical costs, more engaged kids who are able to learn better, and also more productive adults.

But if we are going to promote healthier eating and work to end hunger now, we must start by increasing the current SNAP benefits. And I would say to any of my colleagues who dealt this: You try living on a SNAP budget. You try living on \$1.40 per person per meal. You will find it not only difficult to put food on the table, but especially challenging to make nutritious and healthy choices.

As we consider the next farm bill, let us enhance the SNAP benefit. It is the right thing to do.

MUSLIM BAN

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

Mr. GARRETT. Mr. Speaker, in 1947, Senator Arthur Vandenberg famously stated that politics stop at the water's edge. What that meant was that partisan fighting and attacks should cease when they compromise America's role in missions abroad and, indeed, when they compromise the safety and security of Americans abroad as well.

Yesterday, Mr. Speaker, I sat in the Homeland Security Committee and heard over two dozen references from my esteemed colleagues across the aisle to a Muslim ban. When President Obama expanded its own screening for refugees for majority Muslim nations, he said it was because of "the growing threat from foreign terrorist fighters," and nary a peep was heard.

Our colleagues across the aisle said this Muslim ban will endanger Americans and serve as a recruiting tool to ISIS. Mr. Speaker, I agree, except there is no Muslim ban.

Talk of a Muslim ban makes Americans less safe at home, true; it makes Americans less safe abroad, true; and if politics stop at the water's edge and there is no Muslim ban, then why use partisan politics to perpetrate falsehoods that do just those very things.

Let's look at the facts:

Of the 2.3 billion Muslims on the planet Earth, 11 percent live in the countries named in Mr. Trump's executive order. Nine-tenths of 1 percent live

in Syria, a single nation pulled out for heightened scrutiny.

The duration of the heightened scrutiny held to the Syrian refugee population is one-half that of the same action taken by Mr. Trump's predecessor, President Obama, as it related to Iraqis in 2011 when nary a peep was heard because politics are supposed to stop at the water's edge.

We hear questions: Does the President have a constitutional right to do this? I say, no, he has a constitutional duty to do this.

We look at Article II and see the clear and present danger clause. We hear the language of the Obama administration speaking of growing terrorist threats from abroad. We see in Article II and in the oath that the President takes that it is his duty to protect Americans from all threats, all enemies, foreign and domestic.

So what we know is that the executive order affects a scant 7 of well over 50 majority-Muslim nations. There is no religious test because it also affects millions of Christians living in these nations. It affects about 11 percent of the global Muslim population. There are exceptions granted.

We know that ISIS is using the refugee system to infiltrate Western nations. We know that first- or second-generation radical Islamists have killed over 70 Americans since Boston and wounded over 300 on U.S. soil.

□ 1015

We know that, just over a month ago, a dozen innocent individuals at a Christmas market in Berlin were murdered and 50 more were injured by a refugee. We know that the fallacious concept of a Muslim ban inflames and enrages our enemies and serves as a recruiting tool.

So the question then becomes: Why do some Members of this esteemed body continue to perpetuate what is willful ignorance at best and a falsehood at worst? Why say there is a Muslim ban when there is not?

Mr. Speaker, if politics stop at the water's edge, then Members won't play loose with the facts to score political points. Members won't advance a false narrative that endangers Americans. Members will support this President, as they did the last President, as he seeks to discharge his duty to defend the United States, its citizens, and our Constitution against all enemies, foreign and domestic.

TRUMP IMMIGRATION EXECUTIVE ORDER

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

Ms. BROWNLEY of California. Mr. Speaker, last Saturday, a U.S. Army interpreter, who risked his life serving

our country for over a decade in Mosul and Baghdad, was stopped at the airport and detained for 18 hours. His name was Hameed Khalid Darweesh.

Why was he detained?

Because he came from a country that was singled out by President Trump because of the religion of its people. He did so not to increase safety, but to instill fear.

When people are afraid, they tend to let their President and their elected leaders do anything they think will protect them, and they ignore just about everything else.

When the American people are afraid, they might ignore a President's promise that he would "drain the swamp." When they are afraid, they might forget that a President has treated Vladimir Putin better than he has treated the heads of state of our allies and trading partners. They might ignore his attacks on women, on minorities, on our environment, on our health care, on our civil rights, on our public education system; and they might even ignore investigations into his vast conflicts of interest.

They might be willing to overlook the very principles of our Constitution that, indeed, make us safe. One of these principles is freedom of religion, because our Founding Fathers knew that despots all over the world have used fear of another group's religion to do terrible, terrible things throughout the history of man. So when the President singles out who can come into this country and who cannot based on one's religion, he is insulting and turning his back on our Constitution—a Constitution that keeps us safe, a Constitution that, by its own example, helps to keep the world safe.

Let's be clear. When Mr. Trump bars a man like Hameed, an interpreter who helped protect our troops from coming into our country, because of his religion, he is not protecting us; he is endangering us and he is endangering the world. We cannot let it stand. We must resist.

UPHOLDING OUR NATION'S VALUES OF A DEMOCRATIC GOVERNMENT

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

Mr. POCAN. Mr. Speaker, it is only day 13 into the Donald Trump administration and we are already faced with yet another round of questions about President Trump's potential conflicts of interest over his business holdings.

The most recent issue to raise questions is President Trump's Muslim ban executive order. At face value, this action looks like yet another harmful step in his divisive agenda. Trump's hateful scapegoating of refugees will make us less safe, and it goes against our country's moral fiber and small

"d" democratic values. It is hard to believe that these seven countries were targeted based on a serious threat that was posed by their citizens who were traveling to the United States.

The people responsible for some of the most egregious attacks on American soil in recent decades, including 9/11, the Times Square bombing, the Boston Marathon bombing, the Pulse nightclub shooting, and others did not come from these seven countries. In fact, refugees from these countries already face a lengthy and rigorous vetting process led by our security intelligence agencies. This 20-step process involves multiple background checks, interviews, and screenings, and it frequently takes between 18 and 24 months for approval.

However, these seven countries do have at least one thing in common. According to Bloomberg News, The Trump Organization does not have business or has not pursued business deals in any of them. President Trump does, on the other hand, have business ties to other countries in the region that were excluded from the ban. His FEC filings indicate The Trump Organization has development projects in Saudi Arabia and business projects possibly related to Egypt. These countries were excluded from the executive order despite their being home to many of the terrorists who carried out 9/11. In Turkey, President Trump has a licensing deal for two luxury towers to use his name—a deal he received up to \$5 million for just last year. He also has licensing agreements with businesses in other countries in the region.

I am not saying that we should ban people from these countries. I firmly oppose any ban that is based on nationality or religion, but it is unacceptable that business interests have played potentially a role in such a destructive policy that also makes our country less safe in the long run. This move will likely damage relationships with our Muslim allies who are fighting ISIS militants, and be used as a tool by the Islamic State to increase their recruitment and radicalization efforts.

Of course, my friends in the majority and in the White House claim that the seven countries under this order were similarly targeted by our previous administration. In reality, President Trump's discriminatory ban is drastically different than President Obama's specific changes to the State Department Visa Waiver Program, in which the changes focused on expedited visa privileges for dual nationals and did not target all citizens from specific countries; but I will bet you didn't hear Sean Spicer make that distinction. Instead, the administration is busy downplaying the number of people who were impacted by this decision and is claiming that only 109 people were affected—aka alternative facts. At least 700 people were denied boarding after

the order was issued, and 90,000 people in these countries already have visas but will not be able to travel to the United States.

It is time for the President to stop defending his divisive and unconstitutional executive order and start being transparent about his business interests. Every President who has been elected in the modern era has released his tax records to ensure the American people that his actions will not be impacted by financial holdings. After promising throughout the campaign to release his tax returns, President Trump's advisers recently announced that he will indefinitely hide this information from the public. These holdings potentially put President Trump in direct violation of the Emoluments Clause of the Constitution on day one.

The safeguard is designed to prevent corruption and foreign influence over policy decisions by not allowing Federal officials to take money from a foreign entity without there being congressional approval; but we have seen report after report of foreign leaders and diplomats choosing to stay at the Trump International Hotel in Washington, D.C., in order to gain favor with the administration. They stand to profit from foreign governments, including a big paycheck from a Chinese bank, which is a large tenant at the Trump Tower. These are just tip-of-the-iceberg examples of direct conflicts in both domestic and foreign policy under this President.

Mr. President, it is time for you to fix this. One, divest your business holdings immediately to remove any suggestion of there being a conflict in your decisionmaking. Two, show us your tax returns so that your business and financial interests are transparent to the American people. Three, get rid of your unconstitutional executive order, which will make us less safe and only serve to embolden our enemies.

Short of that, we will have to take other actions, including legislative directives, resolutions of disapproval, even exploring the power of impeachment.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

ACTING ON AMERICA'S INFRASTRUCTURE PLAN

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

Mr. DEFazio. Mr. Speaker, last week, President Trump traveled to Philadelphia to address the Republican Conference. He talked about his pledge to spend \$1 trillion on our crumbling infrastructure, and he expressed frustration that it is not part of the first 100 days' agenda of the Republican leadership. I share that frustration. It

is never on the agenda for the Republican leadership to invest in American infrastructure.

We did manage to pass a bill through the last Congress—the FAST Act—that was a decent continuation of our investments, but it lacked funding dramatically, and at the end of 5 years, our infrastructure will be in worse condition. So I share the President's frustration.

He also said, "fix it first." Last week, I talked about harbors. It is easy to take care of the harbor issue. All you have to do is spend the tax for the purpose for which it has been collected, but the Republicans don't want to do that.

Today I am going to talk a little bit about rail—in particular, the Northeast Corridor. We had a report by Amtrak that assessed the needs on this corridor, which is shared by freight and rail and carries a phenomenal number of people and goods every day. Over 2,200 Amtrak commuter and freight trains work some portion of this route every day. However, it is in a state of serious disrepair.

One of the most critical areas is in Baltimore, the Baltimore and Potomac Tunnel. It was an investment made by the Government of the United States of America. It began during the Civil War and finished just after. It has held up. That is a pretty amazing amount of time, but it is at the point of failure now, and if that tunnel fails, it will choke off all of the movement of goods and people from Washington, D.C.—points south—to the northeast. It is a major economic engine—a hugely populated area of the United States of America.

The tunnel fix has gone through an environmental impact statement; so they can't drag out with, "Oh, it is those darned regulations and environmental restrictions. We can't get it done." No. We can get it done. We have got a plan. We have got an engineering design. All we need is the money—the investment—by the Government of the United States. Now, we have a Speaker who says, "Oh, if it is worth doing, the private sector will do it." No. This is an asset which serves both private and public interests, and it needs a Federal investment. That is \$4 billion.

If you go all the way up to Boston, you are looking at over \$30 billion: bridges—critical bridges—that are 100, 110, 120, 130 years old and that are falling apart. It is time for some action here.

If we go a little further north, up to New York, we have the Hudson River tunnel, which is another engineering miracle. The Hudson River tunnel was completed in, oh, 1909. Then, of course, even though that has held up pretty well, it was flooded during Hurricane Sandy, and the salts that got in there are accelerating the erosion of that tunnel, and it is near the point of fail-

ure; so we would no longer be connected to New York City through the Hudson River tunnel. There are 200,000 passengers who use that every day. That would be a blow not only to the New York and regional economy, but to the national economy should that tunnel fail.

Other countries are making these investments. I was in Japan last year. They have a rail system that they built 40 years ago. It has run on time for 40 years. It has had no accidents for 40 years, and it travels at about 200 miles an hour. We, the great United States of America, can sometimes get trains up to 20, 30 miles an hour—at critical sections of this rail infrastructure—but we do not have time for that. First, we have to repeal the Affordable Care Act. Then we have to cut taxes for the wealthiest among us, and maybe they will build the tunnels and bridges and name them after themselves. I don't think so. They will be buying more super yachts and expensive places to go on vacation.

It is past time for this Congress to act in making critical investments in America's infrastructure. Yesterday, I unveiled a clock which tracks the cost of delays and congestion to the economy and to the people of the United States on a daily basis because of deteriorated infrastructure. The clock is ticking. It is time to stop that clock and rebuild our country.

□ 1030

DANTE SAWYER GOODBYE

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

Ms. KELLY of Illinois. Mr. Speaker, I rise today to thank a long-time staff member in my office, Dante Sawyer, who, after nearly 4 years of service to the families of the Second Congressional District, is moving on to new opportunities to work in the office of Cook County State's Attorney Kim Foxx.

It will be a tall task replacing Dante in my office, but I am comforted and take pride in the fact that Dante will make a huge difference in a new capacity.

When I first came to Congress and was deciding who I wanted to represent me in the field; who I wanted to serve the families I care so much about; and who had the compassion, presence, and leadership abilities to make a difference back in Chicago, I knew that Dante was the difference maker that I needed.

Dante has a million dollar mind and an irreplaceable heart. He is the pulse of the people with a gift for public service.

It is no secret that the Chicagoland area has been rocked by gun violence and economically distressing cir-

cumstances. And there is much that needs to be done for the families of Chicago. It is sad that January of 2017 has started off with just as many shootings as January of 2016—and 2016 was the most violent year for Chicago with nearly 700 gun deaths last year.

But Dante holds the belief that I do, that nothing stops a bullet like an opportunity. And each year, he has been a lead staffer on my team in coordinating a youth job and resource expo in the Second Congressional District.

Through this work, Dante has helped me leave a mark in offering economic opportunity, mentorship, and job readiness training to thousands of Chicagoland youth, helping to ensure the success of the next generation.

He will be gone from my office, but his service continues. Congratulations, Dante, and continued success to his wonderful wife and his brilliant daughters, Jordan and Payton.

I am honored to have the privilege to have worked with you. And on behalf of the families of the Second Congressional District, thank you so much for a job well done.

CHICAGO GUN VIOLENCE

Ms. KELLY of Illinois. Mr. Speaker, last month, as I mentioned, Chicago suffered just as many gun shootings as the year before, and 2016 was a record-setting month itself.

I have come to the floor countless times to draw attention to this epidemic. Last week, President Trump threatened to send in the Feds in response to the carnage. It was very disheartening to hear and see on the news that my colleagues made jokes at their Republican retreat last week about this.

This morning, he spoke at the National Prayer Breakfast. In that vein, I remind him of the Gospel of Matthew: violence begets violence; hate begets hate.

The proper response is not threat of more force, increased demonization, or further withering of police-community relations.

More cops on the beat alone is not the solution. It is mentorship, job training, and increased economic development.

Nothing stops a bullet like an opportunity. I keep an open invitation to President Trump to visit my district so he can learn this himself and speak to those in the trenches, and those victimized by gun violence, instead of just demonizing in 140 characters from the safety of the White House residence.

REAFFIRM INTERNATIONAL ALLIANCES

Ms. KELLY of Illinois. Our international alliances are vital to U.S. security. Allies like Australia have never failed to answer the U.S.'s call for help. For decades, Australia and the U.S. have cooperated on everything from military and intelligence to diplomacy and trade.

Yet, now, as we face increasing tensions in the Asia Pacific, President

Trump seems determined to promote instability and uncertainty.

To assist with the rebalance to Asia, the United States has 2,500 marines stationed in Darwin. This forward posture allows the U.S. greater operational flexibility and military integration with Australia.

I encourage President Trump to coordinate more closely with the State Department so he can fully understand the delicate balance of international affairs.

Historical tensions between countries like Taiwan and China, and India and Pakistan require particular attention to historical precedents and agreements.

The U.S. will gain nothing by projecting uncertainty or hostility toward our allies. They have sent their sons and daughters off to war on our behalf and formed bonds on the battlefield that will never be forgotten.

I urge my colleagues to reaffirm our international alliances and reject efforts by the administration to undermine decades of peace and security.

HONORING DR. CAROL MITCHELL

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

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell's career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in, what was at the time, a segregated Port Arthur, Texas. Her identical twin sister, Bishop Sarah Davis, graduated as covealedictorians from Lincoln High School in Port Arthur. After graduation, she attended North Texas State University in Denton. North Texas State University afforded Dr. Mitchell her first educational experience with an integrated school.

During this time, Carol had the fortune of studying chemistry and geology at Morris Brown College and at Emory University through summer education programs.

Dr. Mitchell and her sister, who also attended North Texas State University, were the first African Americans initiated into the North Texas Green Jackets, a student community service organization further cultivating Dr. Mitchell's love for public service and education.

In 1970, after graduating from North Texas State University with a bachelor of science in secondary education, Dr. Mitchell married her husband, Glenn Mitchell, and moved to Omaha, Nebraska. In Omaha, she continued her work in public service, teaching science and chemistry for 15 years at

Omaha Burke High School, culminating as the supervisor of all science education for the entire Omaha public school system.

In 1991, Dr. Mitchell took an instructor position at the University of Nebraska Omaha, and for the next 22 years, Dr. Mitchell educated future science teachers in the college of education. It was during this time that Dr. Mitchell earned her doctoral degree from the University of Nebraska-Lincoln.

Dr. Mitchell's public service went far beyond just the Omaha and Midwestern region, to include work and study abroad. Among her many postdoctoral accomplishments, she twice had the honor of working at Oxford University in England and through her service with the African Methodist Episcopal Church, and she conducted Summer Science Institute courses in chemistry and biology for students and teachers and countries across Southern Africa.

Since 1991, she has received 21 awards, including the STEM Legacy Award from the Empowerment Network earlier this year, and the UNO Alumni Excellence in Teaching Award in 2009.

Dr. Mitchell has led a vibrant and inspiring life of public service in education and has worked to enrich the lives of all of her students and coworkers through her love of science and education.

Her many accolades and awards throughout her life as a student, educator, and public servant attest to the legacy she has left.

Though starting life with the challenges of a segregated community, she has persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

IMPORTANCE OF ANIMAL WELFARE IN OUR COMMUNITIES

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

Mr. BLUMENAUER. Mr. Speaker, today we are starting efforts to reformulate the Animal Protection Caucus here for this Congress. I have been pleased for several years to serve as the co-chair. Last Congress, it was with our friend Congressman MIKE FITZPATRICK from Pennsylvania—a bipartisan effort involving over 130 men and women in Congress who are dedicated to efforts of animal protection.

The welfare of animals says a lot about us. Animal abuse is often a precursor to domestic violence. We find that the health and welfare of animals in our communities speak to the environmental protections. We find that people who are able to deal meaning-

fully with animal welfare have a chance, in many cases, to have benefits that go far beyond what you would imagine.

Animals have a capacity to have a calming influence on people. We see this as volunteers bring pet rabbits to nursing homes to be able to deal with people. Animals have a way of reducing people's blood pressure. It is a great symbiotic relationship.

Here in Congress, we have a wide variety of areas that we can work on together to advance animal protections. We have strengthened laws against animal fighting. We have raised awareness about the barbaric practice of horse soring injuring them to produce the distinctive gait. We promote humane treatment of animals in agricultural research, to be able to reduce the harmful effects on animals in production of cosmetics.

We have bipartisan legislation that would allow people to have their animals at domestic violence shelters, or for emergency services.

One of the things that was most jarring for me, illustrated by what happened with Katrina—2005 hurricane in New Orleans—that there were times where people would not abandon their home because they were afraid of what would happen to their puppy.

We have seen women who are in a situation of domestic violence refuse to leave their abuser because they are afraid of what is going to happen to their kitten that would be left behind.

I am pleased that, in this Congress, the Republican co-chair is going to be my friend Congressman VERN BUCHANAN from Florida. VERN brings to this issue personal passion, energy, and new ideas. And I am quite confident we will continue the efforts with the caucus to be able to promote animal welfare, promote understanding on Capitol Hill.

We have had, on a monthly basis, bipartisan briefings of legislation with Republican and Democratic cosponsors that garner broad support. And I am hopeful together that this can be, in a time when there is more than a little contention and controversy—that this is an area that we can come together to work on, on Capitol Hill.

We are supported by organizations like the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, Born Free, The Humane Society; representative of the over 25,000 organizations across the country that are dedicated to animal protection.

I am hopeful that each of my colleagues will join us in this bipartisan effort, focus on simple commonsense things that we can do that bring us together to promote animal welfare, to be able to make all of God's creatures better off, and in so doing, reinforce our humanity.

AMERICAN HEART ASSOCIATION— GO RED FOR WOMEN CAMPAIGN

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

Mrs. BEATTY. Mr. Speaker, today I rise to support American Heart Association's Go Red for Women campaign.

The Go Red for Women campaign is an incredible public awareness initiative, spearheaded by the American Heart Association to promote heart-healthy lifestyles.

We have great results. Since Go Red for Women started in 2004, more than 627,000 women's lives have been saved, and I am so proud that I was an initiator and supporter of Go Red for Women in my great State of Ohio in the capital city of Columbus.

Yes, we have made great progress, Mr. Speaker, but we still have a long way to go in helping to prevent cardiovascular disease, including stroke.

Cardiovascular diseases claim more lives each year than all forms of cancer combined, and it is just not women, Mr. Speaker. That includes men, also. However, women do have a higher risk of stroke than their male counterparts.

In fact, 90 percent of all women have one or more risk factors for developing heart disease. Collectively, cardiovascular disease and stroke cause one in three women's death each year, killing approximately one woman every minute.

□ 1045

Yet, even with these eye-catching statistics, according to the American Heart Association, almost half of all the women, Mr. Speaker, are not aware of heart disease, and that it is the leading cause of death for women.

For African American women like me, the risk of heart disease is far greater. Cardiovascular disease is the leading cause of death for African American women, killing almost 50,000 annually. Of African American women ages 20 and older, 49 percent have heart disease, but only 1 in 5 African American women believe they are personally at risk.

Mr. Speaker, I was one of them. I suffered a cerebral brain stem stroke in 1999. But after my personal experience, I decided to do something about it. I decided to get more engaged, and I am so proud to say that I was appointed to serve on the American Heart Association Board, and at that time, I was the only non-healthcare professional or cardiovascular physician on the board.

That is why, Mr. Speaker, when I came to Congress, I decided that I would be engaged, and I became the co-chair of the Congressional Heart and Stroke Coalition, where my colleagues and I work very hard to raise the awareness about the prevalence and the severity of cardiovascular disease.

Last Congress, Mr. Speaker, I introduced the Return to Work Awareness

Act, which would assist survivors of stroke and other debilitating health occurrences to be able to return to work.

Mr. Speaker, I will always be an active participant in education and awareness. I will reintroduce that important piece of legislation this month, during American Heart Month, and I invite all my colleagues, Democrat and Republican, to join me in sponsoring this piece of legislation.

This month, as we celebrate American Heart Month, let us recommit ourselves to becoming more educated about cardiovascular diseases, improving our heart health, and continuing to fight against this devastating disease.

Today, Mr. Speaker, I want the Nation to know that women will stand on the Capitol steps, and we will have our photo taken, all dressed in red, because we want to stand united to help educate this Nation, that if we stand together, maybe, just maybe, we can send a strong signal to America that we can fight against this disease.

I want to personally thank Nancy Brown for allowing me to serve with her on the Board, and welcome the new CEO, Steven Houser, and so many of the volunteers across this Nation and the leaders because we know, Mr. Speaker, that we need to recognize all Americans who are battling heart disease and express gratitude to all of them.

RECESS

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

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

We give You thanks, O God, for giving us another day.

There have been many prayers this day rising to You from those engaged in the political discourse of this Nation. We give You thanks for those who were able to gather at the National Prayer Breakfast and those across this land who joined their prayer intentions with the many who attended.

Bless the Members of this people's House now as they gather to do the legislative work they are called to do. May their prayers this day be authentic and heard by You, the living God.

May their work be fruitful and beneficial to those whom You favor, the poor. And may all they do be done in humility and charity, knowing that we are all earthen vessels through whom Your Spirit might shine forth.

And, finally, may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

RECOGNIZING NATIONAL CATHOLIC SCHOOLS WEEK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as our Nation celebrates National Catholic Schools Week, I rise to recognize the lasting contributions of Catholic education in my south Florida community.

Carrollton School of the Sacred Heart, Our Lady of Lourdes Academy, and Immaculata-LaSalle High School are just a few of the many Catholic institutions serving my district. These schools do more than just provide their students with an excellent education, Mr. Speaker. Each one of them is also dedicated to instilling a religious grounding and moral values in our students so that they can dedicate their lives to serve our God, their families, and our community.

Congratulations to the teachers, administrators, and staff at our fantastic Catholic schools. Thank you for your dedication to building a brighter future for all of south Florida.

FUNDING LEGAL SERVICES IN PROTECTION FROM EXECUTIVE ORDERS

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

Mr. CORREA. Mr. Speaker, today I am introducing the DREAMers, Immigrants, Refugees—or DIRE—Legal Aid Act. This bill will fund legal services to protect them from the recent executive orders.

In my district last week, I held an immigration town hall. The place was packed with people who were afraid for their neighbors and afraid for our communities, and this was before the executive order was released. When I was at LAX this past Saturday evening, I saw the fear escalate. President Trump's executive orders directly challenge the due process rights that are guaranteed to all of us under the Constitution.

My legislation will help DREAMers, immigrants, and refugees have access to legal representation. Refugees are already vetted by the State Department, and the State Department does a very good job. If we want to do extreme vetting, let's do it right, and let's do it legally.

If we wish to remain a beacon of freedom to the world, we must stand up for immigrants and refugees who look to America as a place of hope. We can't just claim we are the greatest Nation in the world—we have to be the greatest Nation in the world.

MICHIGAN ON THE FOREFRONT OF AUTOMOTIVE AND TECHNOLOGICAL INNOVATION

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

Mr. WALBERG. Mr. Speaker, I rise to highlight an exciting, new development that builds on Michigan's leadership in the auto industry.

Earlier this week, General Motors and Honda announced a joint venture to produce an advanced hydrogen fuel cell system. With an investment of \$85 million, this operation will bring new, good-paying jobs, and it will be based at a manufacturing facility in southeast Michigan. This is just the latest example of how Michigan continues to be on the forefront of automotive and technological innovation that has the potential to revolutionize the industry.

Mr. Speaker, that is not all. A few weeks ago, GM also announced a plan to invest an additional \$1 billion in United States manufacturing, which will create thousands of jobs for American workers.

With our State's world-class workforce and commitment to cutting-edge research, Michigan will remain a global automotive leader for generations to come.

SLEEP APNEA IN THE RAILROAD INDUSTRY

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

Mr. SIREs. Mr. Speaker, I rise to recognize the grave consequences that undetected obstructive sleep apnea has on safety in the railroad industry.

Obstructive sleep apnea is caused by the obstruction of the airway during sleep. Untreated sleep apnea can cause unintended sleep episodes that may result in attention deficits and in a loss of situational awareness. It is a serious safety concern in railroading and has been a factor in numerous crashes:

The September New Jersey Transit crash in Hoboken, New Jersey, was operated by an engineer with undiagnosed sleep apnea;

In April 2011, a BNSF coal train collided with a standing train in Iowa that resulted in the deaths of two crew members. Medical records showed that both crew members had multiple risk factors for sleep apnea;

In December 2013, a Metro-North Railroad passenger train derailed, killing four passengers and injuring 60. The engineer fell asleep due to undiagnosed sleep apnea.

I am pleased that the Federal Railroad Administration finally released a safety advisory that calls for railroads to screen train operators for sleep apnea, and I hope it is instituted quickly.

REMEMBERING DESSEY L. KUHLE

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

Mr. ALLEN. Mr. Speaker, last week, the Augusta community mourned the loss of a legend in the business community—Dessey Landrum Kuhlke.

Dessey was the most caring and selfless leader I had ever known. As a longtime resident of the area, Dessey graduated from Georgia Southern University and served in the United States Army from 1959 to 1965.

I was fortunate enough to work for him and with him during my 35-year career in construction and the development industry. I had the opportunity to serve alongside him in the Augusta Exchange Club and sit in front of him on Sundays at Trinity on the Hill United Methodist Church.

Dessey was a husband, a father, a grandfather, a friend, and a mentor to many in our community. He and his wife, Barbara, lost two of their children at a young age, and Dessey was the rock that held that family together.

Mr. Speaker, I have recently lost two of my heroes: Arnold Palmer in September and Dessey Kuhlke last week. But through the loss, I can't help but

smile when I think about the possibility of those two getting together with family in Heaven and playing a round of golf. Augusta is a better place because of Dessey Kuhlke. We will remember him often.

100TH ANNIVERSARY OF BUFFALO'S HISTORIC COLORED MUSICIANS CLUB

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

Mr. HIGGINS of New York. Mr. Speaker, as the Nation recognizes Black History Month, I rise to pay tribute to a special history in my western New York community.

This Friday marks the 100th anniversary of the opening of Buffalo's historic Colored Musicians Club. The club's origin stretches back to 1917 when a group of African American musicians sought to create its own safe haven in a then-segregated community. They banded together, organized, and started Local 533 of the American Federation of Musicians.

Some of the world's most prolific jazz musicians have performed at the club. The likes of Billie Holiday, Duke Ellington, and Ella Fitzgerald all impressed crowds in the building near the corner of Broadway and Michigan. Through the years, the Colored Musicians Club has become an important community and cultural center, featuring a museum to educate new generations of the club's key role in Buffalo and our country's history.

As this landmark celebrates a century of work, we support its continued success and celebrate the example it sets in advancing the coming together of community and culture.

HONORING FORMER REPRESENTATIVE TOM BARLOW

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

Mr. COMER. Mr. Speaker, I rise to honor the life and legacy of Thomas Jefferson Barlow, III—a former Member of this honorable body—who passed away on Tuesday, January 31, at the age of 76.

Mr. Barlow, a Democrat, represented the citizens of Kentucky's First Congressional District from January 3, 1993, until January 3, 1995. Mr. Barlow was a tremendous public servant who had a positive impact on thousands of people. He was dedicated to making lives better, but he never sought fame or glory. He got satisfaction in having his voice heard and in influencing public policy.

He was born in Washington, D.C., but his family roots ran deep in Ballard County, Kentucky, where his ancestor and namesake, Thomas Jefferson Barlow, was an original settler in the town

of Barlow. He grew up in Chevy Chase, Maryland, and graduated from Sidwell Friends School in Washington, D.C.

In his political career and private life, he worked tirelessly to help the less fortunate, to create jobs, to improve the environment, and to improve education. His professional career included work in State government and as a business executive.

Although he lost his reelection bid in 1994, he was not discouraged and continued to make his voice heard by running for additional races for the House and the U.S. Senate. In fact, he used the same vehicle in all of his campaigns, and its odometer topped 400,000 miles when it finally wore out after 13 years. He was always outspoken and stood up for what he felt was right even if it was in opposition to his own political party's views.

He lived with his wife of 28 years, Shirley Pippin Barlow, in Paducah, Kentucky, where he was a former director of the River City Mission, which helped homeless people get on their feet, and the Lone Oak Kiwanis Club. He was also an active member of the Grace United Methodist Church in La Center, Kentucky.

I ask my colleagues to join me in sending condolences to the Barlow family.

REFUGEE BAN

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

Ms. ADAMS. Mr. Speaker, 2015: "Calls to ban Muslims from entering the U.S. are offensive and unconstitutional."—Governor MIKE PENCE.

2016: "A religious test for entering our country is not reflective of our fundamental values. I reject it."—Speaker PAUL RYAN.

2017: Acceptance from both PENCE and RYAN.

What has changed?

This unconstitutional executive order and its hasty implementation has created chaos and confusion at our Nation's airports. With the stroke of a pen, President Trump negligently and shamefully turned his back on thousands of desperate men, women, and children who were fleeing war zones. Green card holders and visa card holders who have been denied entry and detained for hours have dominated our news.

This is not who we are.

This ban will make America safer. That is an alternative fact. This ban emboldens our enemies, serves as a recruitment tool for terrorists, and puts our servicemembers in the Middle East in greater danger. That is fact.

I urge my Republican colleagues to speak out just like they did in 2015 and 2016. We can't afford your silence.

RECOGNIZING NATIONAL CATHOLIC SCHOOLS WEEK

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

Mr. LAHOOD. Mr. Speaker, I rise to commemorate National Catholic Schools Week.

America's Catholic schools educate over 2 million students from diverse backgrounds each year, effectively preparing them for a brighter future and instilling in them faith-filled values. Data show that Catholic schools are often the highest-performing educational institutions in our communities. In fact, 99 percent of students from Catholic schools graduate from high school.

This week, I applaud Catholic schools for making a difference with students throughout our country; I applaud the educators who invest in their students' academic and spiritual formation; and I applaud the 28 Catholic grade schools and high schools that faithfully work in the 18th Congressional District of Illinois.

Today I am a cosponsor of a resolution that expresses congressional support of Catholic schools for their invaluable contributions to students and families across America. It is with deep gratitude that I recognize those Catholic educators who are shaping the next generation.

□ 1215

PROVIDING FOR CONSIDERATION OF H.J. RES. 36, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A FINAL RULE OF THE BUREAU OF LAND MANAGEMENT, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. COLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 74 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 74

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 36) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation". All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amend-

ment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. GRAVES of Louisiana). The gentleman from Oklahoma is recognized for 1 hour.

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

GENERAL LEAVE

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

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

There was no objection.

Mr. COLE. Mr. Speaker, on Tuesday, the Rules Committee met and reported a rule for consideration of two important measures, which would overturn two significant onerous regulations finalized in the waning days of the Obama administration.

First, the resolution provides for the consideration of H.J. Res. 36, providing for congressional disapproval of the so-called BLM methane rule. The rule provides for 1 hour of debate, equally divided and controlled by the chair and the ranking member of the Natural Resources Committee and provides for a motion to recommit.

In addition, the resolution provides for consideration of H.J. Res. 37, providing for congressional disapproval of the so-called blacklisting rule. The rule provides 1 hour of debate, equally divided and controlled by the chair and ranking member of the Oversight and Government Reform Committee and provides for a motion to recommit.

Mr. Speaker, burdensome regulations are crippling our businesses. The Obama administration finalized 38 major rules between election day and inauguration day. It is estimated those rules will cost our economy \$41.2 billion. Sadly, this was just par for the

course with the previous administration. In 2016, the Obama administration finalized over 400 regulations at a cost of over \$160 billion to the economy. Over the entire Obama Presidency, over 3,000 regulations, at a cost of \$873.6 billion, were finalized.

I am heartened by President Trump's regulatory freeze, which has been estimated to save over \$180 billion in regulatory costs, followed by his executive order which aims to revoke two regulations for every new regulation put forward.

Specifically, H.J. Res. 36 overturns the BLM methane rule. The rule is a significant regulatory overreach by the Bureau of Land Management. Under the Clean Air Act, the Environmental Protection Agency has the authority to regulate methane emissions, which it currently does. Instead, the BLM has decided to also assert authority over methane in a way that is both duplicative and unnecessary, yet has significant negative impact on jobs, energy production, and Federal, State, and local revenues.

Mr. Speaker, this is a regulation in search of a problem. According to a 2015 EPA study, methane emissions from both natural gas systems and crude oil production have fallen by significant margin, even while oil and natural gas production have exploded. The BLM flaring rule is both costly and unnecessary.

The second rule considered by this resolution is similarly a solution in search of a problem. For decades, the Federal Government has had a suspension and debarment process in place to deny Federal contracts to bad actors who violate basic worker protections. However, President Obama signed an executive order directing various agencies to add another layer of bureaucracy onto the Federal procurement system. Prior to awarding a contract, each agency's contracting officer and a newly created labor compliance adviser will be required to review both violations and alleged violations to determine whether an employer should be awarded a Federal contract. Even the courts have agreed this is overreach. In October of 2016, a Federal district judge blocked enforcement of these rules, citing concerns with the violation of due process rights and executive overreach.

For these reasons, Mr. Speaker, it is critical that we prevent implementation of these rules which are unnecessary and add even more regulatory burdens to our struggling businesses and anemic economy.

Mr. Speaker, I urge support for the rule and the underlying legislation.

I reserve the balance of my time.

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

I rise today in opposition to this rule and the underlying resolutions.

The resolutions that this rule provides consideration for threaten our air

and don't protect the American people. My colleagues on the other side of the aisle claim that somehow repealing these rules will create jobs. It will actually destroy jobs, jobs that are associated with recapturing methane.

This is what a methane flare looks like. I drive by them in Colorado, and the potential for capturing, rather than flaring that methane, is important for the quality of our air and to reduce our emissions.

The House majority has made it their priority to instill fear and uncertainty in hardworking American families. People, who come here legally on visas who have lived here for many years, even small businesses, rather than focusing on jobs or having constructive conversations about immigration, are worried about their employees and, in some cases, even their owners being deported or not allowed back after conducting business overseas.

Republicans apparently would rather help shield large corporations from transparency, eliminate regulations that protect families from water and air pollution, and require companies to follow wage rules.

To add to this uncertainty and fear, President Trump has signed an executive order already that bans refugees and citizens from predominantly Muslim countries. Well, America is a nation of immigrants—those who fled political and religious persecution, violence in their home countries, and those seeking to build a family in a country that values freedom and upholds civil rights.

Our new President has decided that the best use of taxpayer money is to build a wall on our southern border. Our President has used his first 2 weeks in office to generate fear and uncertainty among vulnerable households who may lose their health insurance rather than create jobs and improve our economy. The new President has even limited the ability of the Environmental Protection Agency to communicate with the public about things like methane flaring.

The two Congressional Review Act resolutions we are discussing today—like the previous ones that, I should point out, do not follow regular order—they didn't receive any hearings in this Congress. They were a closed rule with no amendments allowed. I offered two amendments to the methane rule amendment. Neither were allowed to even be debated on this floor of this House, no less adopted.

I would like to quote from Speaker RYAN when he took the gavel in October of 2015. He said: "We need to let every member contribute—not once they have earned their stripes, but right now." In a further quote, Speaker RYAN said: "The committees should retake the lead in drafting all major legislation. If you know the issue, you should write the bill. Open up the process."

"In other words, we need to return to regular order."

Yet, here we are again with two CRAs that did not come through regular order, did not have a hearing with no opportunity for Members on either side of the aisle, Democrats or Republicans, with good ideas to make these pieces of legislation any better. Apparently, Speaker RYAN's commitment doesn't apply to CRAs or issues that keep our air and water clean or protect workers.

I would like to ask that Speaker RYAN explain to his colleagues how he is sticking to his commitment of regular order and to clarify what that means.

Not one amendment was allowed to be heard on the floor on either of these bills. This is a closed rule, including two of mine.

First, let's talk about the methane waste rule. It is very important to my constituents where fracking has worsened the quality of the air and upset neighborhoods across my district in Colorado.

□ 1230

The first amendment offered in the Rules Committee was to the methane waste rule, and it would have added Bureau of Land Management scientific findings. It would offer transparency and truth to this Congressional Review Act, providing facts about methane, methane waste, and why it is necessary for this rule to be moved forward. Without this rule, we would be seeing a lot more of this in areas like my district and my State.

In the last few weeks, a war on science has been begun by this administration. If we support facts, then we should let facts speak for themselves and be as objective as possible. We should have allowed that amendment which would have listed the scientific truths around methane and this rule.

Scientific facts are clear. The current rule would supply energy for up to 740,000 more households per year. Rather than burn that methane into the atmosphere, we can actually provide energy for 740,000 more households; and that methane is 25 times more dangerous and potent as carbon dioxide for worsening the impact of global warming.

Even if you want to ignore the energy impact of helping more Americans have power or the climate impacts of increasing climate change, if we look at this rule from a jobs perspective, this CRA would destroy American jobs.

I would like to explain how this methane waste CRA rule will affect the jobs of thousands of employees of the more than 70 companies headquartered in the U.S. that provide services and equipment to identify and capture natural gas and methane leaking from pipelines, processing equipment, and wells, including many in my home

State of Colorado. This rule directly threatens the livelihood of many businesses and employees in my home State.

If, for some strange reason, the job creation argument isn't enough for you, how about the hundreds of millions of dollars American taxpayers would collect over the next decade from additional royalties?

Oil and gas companies are required to pay for the methane they collect and sell from public lands, and the more that is captured rather than burned off, the better not only for the companies and the employees, but also for taxpayers as we try to reduce our budget deficit.

An estimated \$140 million in royalties over the next decade would be lost if this CRA moves forward. That is \$140 million more in deficit spending that this rule signifies if it were to pass, and that is why it is opposed by Taxpayers for Common Sense and most other fiscally conservative groups.

Again, if job creation, science, and taxpayer savings aren't enough, how about the cancer-causing impacts, carcinogenic effects, of oil and gas drilling?

Stacy Lambright lives in Thornton, Colorado, near my district with her husband, Eric, and her two kids, Jack and Molly. Stacy became a community activist and a member of Moms Clean Air Force after she found out her neighborhood park frequented by children and families was directly next to a leaking oil and gas fracking well.

Stacy and her family have been living in the neighborhood for over 14 years, and they have started to experience health concerns after oil and gas drillers moved in. Since 2015, Stacy's been documenting an unusual amount of nosebleeds in her family. Just as recently as Monday, her daughter had a nosebleed, while her son had six nosebleeds last month, something they never had before. And Stacy's husband's asthma has significantly increased.

They have lived in the neighborhood for 14 years and only recently, since the drilling occurred, have they had these health impacts. There have been no changes in their home or surrounding neighborhood other than the increased amount of fracking and oil and gas wells and leaks, documented leaks, to existing wells.

This methane rule further threatens the health of constituents as we gather additional data, and that is why Stacy is advocating for stronger legislation and better management practices, not worse management practices, with regard to existing oil and gas wells.

The safety and health of Stacy's family should be a top priority for Congress, but it appears, instead, the Republicans' top priority in this resolution is bringing us back to a time when our water is polluted, our skies are

smoggy, and health issues from dirty air are a burden for families.

I know it has been argued—we probably will again—that oil and gas companies are fixing and capping leaks on their own, but that is false. There is a massive amount of gas leaked every day, and these companies have not reduced methane emissions from the field one bit. Again, absent this rule, we will see more of this kind of activity, not less.

Another argument is that infrastructure, like pipelines, is important to prevent methane flaring. And of course that is true, but a GAO report says that only 9 percent of venting and flaring is due to the lack of infrastructure, so it is only a small part of the overall issue.

And, by the way, this rule doesn't block or in any way impede any new infrastructure projects, and more infrastructure alone clearly won't solve the problem of leaking wells and flaring methane.

The issue of leaking methane, in particular, is partially addressed by this rule, which, by the way, doesn't go far enough. However, what they wrote has been proven to work in creating jobs and cleaning up our air.

In Colorado, we have a methane rule that, frankly, this rule is largely based on, and I know it has worked in Colorado. And while we need to do a lot better in my home State, at least some level of baseline can work for the whole country.

Oil production on Federal lands went up 28 percent between 2010 and 2015 under the Obama administration. There is no question that BLM has and still has authority to regulate methane. It is a waste of taxpayer money, a misuse of our public lands to do anything other than to reduce our methane emissions.

Just as an aside, the benefits of this rule include increased job creation, cleaner air, healthier families, and the climate.

BLM was extraordinarily conscientious when drafting this rule. They held eight public forums. They extended the comment period for 75 days. Over 300,000 public comments were collected and addressed. The BLM's methane rule was done out in the open with public input as opposed to, by the way, this process, which was done behind closed doors, without a public hearing, and didn't even have a committee hearing.

It doesn't make sense to use the CRA to repeal this BLM methane rule. This BLM methane rule creates jobs, protects our families, saves taxpayer money, and reduces our budget deficit.

The second amendment I offered got to the heart of the problem with CRAs in general. Regardless of the rules that they are impacting, they are a reckless, blunt tool, and they are not the right instrument for honest, thoughtful legislating.

If Congress has a problem with the authority under which the methane rule was issued, we should amend the statutory authority of the agency, not use a congressional resolution of disapproval.

My other amendment simply said that the agency has the right and authority to write a rule impacting this issue which, otherwise, the CRA could effectively prevent; and due to that uncertainty, passing the CRA creates even more uncertainty for the industry.

As the Denver Post, a newspaper that has endorsed dozens of Republicans over the last few years, said in regards to this methane waste rule: "Congress is getting ready to use an ax where it needs a scalpel."

The Congressional Review Act is one of the most ridiculous tools to be used by Congress, and, regardless of whether you disagree or agree with the policy, the better way to approach it would be to amend the statutory authority of the agency to make it clear whether they have the authority to issue this kind of rule and under what conditions.

While we may disagree on that, and we may be able to offer and bring to the floor amendments regarding agency authority, that is the appropriate venue for this discussion.

Let's move on to the other bill under this rule, the Fair Pay and Safe Workplaces bill. My Republican colleagues continue to refer to this order as a problematic order. Unfortunately, it is another attempt to mislead the American people. This is a tactic the Republican elite have called "providing alternative facts."

The rule under CRA today comes from the Fair Pay and Safe Workplaces executive order, and it is sorely needed legislation. What this rule says is, if you are a company that consistently breaks the law, without regard for your workplace, workers, taxpayers, or the community, you should not receive millions of dollars in taxpayer contracts.

It makes common sense to me. If you are abusing workers, have engaged in tax fraud, why would we want to contract with you with our taxpayer dollars?

Companies that cut corners in safety or fair pay, dozens of other areas, shouldn't get to compete for our taxpayer money against good actors and companies that play by the rules. Everybody needs to start from a level playing field.

Now, to be clear, there are only a few bad actors. The vast majority of companies have no issue at all with this rule. But unscrupulous actors who have ignored the law, violated the law, cut corners, should not be rewarded; and, to this day, there are a few bad actors that continue to receive billions of dollars of your taxpayer money in Federal contracts.

In 2010, a GAO report proved that there was a problem. GAO investigated 15 Federal contractors cited for violating hundreds of Federal labor laws enforced by the Department of Labor, OSHA, and the National Labor Relations Board. The Federal Government awarded these 15 Federal contractors over \$6 billion in government contract obligations, your money going to known violators in 2009 alone.

How about that for waste, fraud, and abuse?

Now, look, I don't know about my colleagues on the other side of the aisle, but fiscal responsibility is core to my beliefs as a Member of Congress. That is why I am a proud cosponsor of an amendment to require a balanced budget.

I believe in the value of hard work and personal responsibility. If we know a company is cutting corners, taking the easy way out, and avoiding the responsibility of the law, why would we reward them with your money?

Organizations throughout the country, representing a diverse group of stakeholders, agree. The Leadership Conference on Civil and Human Rights, the Paralyzed Veterans of America, the Service Employees International Union all join me in opposition to this Congressional Review Act. They recognize the value of hard work. They don't support companies who cheat. I don't know why my Republican colleagues do.

This rule modernizes an antiquated system. Right now it is virtually impossible for procurement officials to know if company A has had any violations when they are up against company B for a contract. If company A has been cheating workers out of overtime and that allows them to underbid Company B, they shouldn't get the contract and be rewarded for violating the law.

This executive order will increase coordination, simplification, access to information, and streamline the system.

This executive order does not set up any way for companies to be banned or disbarred. That process has always existed and will still exist alongside this as a separate, independent process. In fact, what this process does is it provides a remedial path for companies to right the ship, to get right with the law, to be eligible, once again, for Federal contracts.

A simple or rare mistake should, of course, not bar a company from participating in the Federal recruitment process. Instead, companies with repeated and excessive transgressions should be helped to follow the law and create a better workplace and be rewarded to be better stewards of taxpayers dollars.

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

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

Not surprisingly, my friend and I have a number of disagreements on the wisdom of getting rid of these particular regulations. We do agree on the importance of actually capturing methane gases. Frankly, my friend is right. That is a profitable thing, and most companies try to do it on their own.

We do, frankly, need more infrastructure in this area, no question about that. The BLM has been less than cooperative in allowing that infrastructure to be built on Federal land, and that has made this problem more difficult than it needs to be.

But it is important to recognize, overall, the amount of methane gas that actually escapes has gone down steadily and, frankly, dramatically, even as production has moved up. So additional regulation is unlikely to change that process. It may actually complicate it.

In terms of where the appropriate authority lies, again, I would just remind my friend, as he knows, the Environmental Protection Agency has the authority to do this. So if it felt like it needed it, it could.

The BLM has actually moved into a new area beyond its traditional jurisdiction because it does not have authority, under the Clean Air Act, to draft these kind of rules and regulations. The Clean Air Act, again, is already in place. The EPA has the authority. If we need to do something, let's do it.

In terms of the disbarment procedure for contractors, what we have is already awfully robust. Almost 2,000 firms, or on 2,000 occasions, companies were disbarred in 2015 from Federal contracting work. It was the same in 2014. So there is something in place. We don't need additional regulatory expense, additional people working for the government. We can rely on the procedures we already have.

My friend is concerned about the lack of hearings. I would remind him, while we haven't had hearings on these items in this Congress, we certainly did on both of them in the last Congress, in some cases, multiple hearings. There is not any need to rehash and go over the same ground, in my view.

Finally, in terms of just the process itself, the Congressional Review Act actually limits the form in which these sorts of things can be brought forward. If amendments are made in order, frankly, the item loses its privilege in the United States Senate, which, obviously, changes the speed at which you can move and perhaps even the number of votes that are required to actually move forward.

So we think, again, these are items that have been explored, looked at, debated. The evidence is pretty clear. We think it is important to move quickly in these areas, and I would urge the body to do so. Adopt the rule. Support the underlying legislation.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule.

What does this rule do? It enables the repeal of protections for American workers. These are regulations that ensure that Federal contractors must disclose labor violations across 14 basic labor laws.

□ 1245

Our Federal contractors employ approximately 28 million workers, and while the vast majority of contractors are in compliance, unfortunately, every year American workers are denied their overtime wages, they are discriminated against for their gender, or their age, or had their health and their safety put at risk.

Why is this Republican majority working so hard to ensure that billions of taxpayer dollars continue to go to contractors that cheat their workers? This executive order targets those bad actors and the most egregious cases.

The intention of the executive order was to encourage compliance with the law and level the playing field for contractors who are playing by the rules. If there are no violations, bidders simply check a box.

What should we be doing here in this body? We should be increasing worker protections, not demeaning them or decreasing them. The more than one in five Americans who would be affected should be protected by our labor laws.

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

I just want to make a couple of good points. Remember, my friends, disbarment is already a very common procedure. It was invoked over 2,000 times. So having another regulatory hurdle and hoop to jump through, just simply isn't necessary.

Again, these regulations were, frankly, generated in the final waning months of the Obama administration. They haven't been in action, and there is sort of a regulatory fit. It is not, by the way, unusual for just the last administration. All administrations have this tendency near the end, and that is one of the reasons why we have the Congressional Review Act in the first place, so that when administrations, in their waning days, decide they want to leave difficult situations or push through things that they didn't see fit to do over an 8-year period, Congress can expeditiously make sure that those regulations aren't put in place and businesses are forced to begin to comply with them.

As I pointed out in my opening remarks, the regulations released by the last administration—over 3,000 of them in an 8-year period—cost the economy over \$870 billion. The regulations that

were issued between election day and Inauguration Day cost the economy over \$40 billion. That is real money. That is real investment that could go elsewhere and could hire people.

So I would think that these, along with the other Congressional Review Act bills that will be coming forward, and have already come forward, will actually give the economy a much-needed shot in the arm, will help stimulate job creation and movement, and we have a timeframe in which we have to operate.

So if we actually followed all of the procedures my friend suggested, many of these regulations, frankly, would never get reviewed before they went on the books.

So it is better to act quickly. I think it is better for American business.

Again, I urge the support of the rule and the underlying legislation.

I reserve the balance of my time.

Mr. POLIS. I am prepared to close if the gentleman doesn't have any remaining speakers.

Mr. COLE. I am certainly prepared to close.

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

First of all, the gentleman from Oklahoma referenced that these have been the subject of hearings. I would point out that there are over 50 new Members of this body who were not part of the last Congress who have not had a chance to look at it. And there has been time.

They could have had hearings and markups last week or the week before prior to these bills coming to the floor. I just came from a hearing in one of my committees today. So they certainly could have been done consistent with the timeline, had that been the desire.

But, again, the better approach, the correct approach, would be to amend or change the authorities of the authorizing agency for these rules, rather than use the CRA process.

Mr. Speaker, President Trump's immoral and unconstitutional executive order banning Syrian refugees and suspending immigration from many countries is an attack on our core American values as a nation of law and a nation of immigrants.

This callous indifference of human suffering not only has tarnished and hurt our image abroad but harmed our national security by alienating allies and providing terrorist groups with new recruiting tools.

If we defeat the previous question, I will offer an amendment to the rule to bring up Representative LOFGREN's bill to overturn and defund this dangerous executive order.

Let me be perfectly clear for people watching what this vote means. A "no" vote on the previous question gives us the opportunity to overturn this order and bring up Representative LOFGREN's bill. A "yes" vote means the House will

continue to do nothing to stop President Trump's executive action and, instead, choose with allowing more methane to be spewed into the atmosphere.

This will be the third such vote the House takes this week, and, so far, every vote cast by a Republican Member in Congress has been in favor of turning a blind eye to President Trump's unconstitutional and dangerous order.

The American people should take notice and insist that their elected Representatives vote "no" and reject this administration's disgraceful policy.

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

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

There was no objection.

Mr. POLIS. The fact that these CRA proposals that we have before us have not gone through any sort of special order, regular order; the fact that CRAs are cumbersome and reckless tools; and the fact that all they do is take away protections from our air and from our workers should make it easy for every Member of this body to join me in voting "no" on this rule and on the underlying bills.

We should be keeping regulations and standards predictable that put Americans at the top of our priority list, not oil and gas companies, and not companies that are bad actors and violate our law by refusing to pay overtime to their workers.

We should value clean air, and we should value companies that play by the rules. We should value regulations that protect our taxpayer dollars rather than increase our deficit by \$140 million. We can do all of these things by simply defeating this rule and defeating the underlying bills.

I urge my colleagues to vote "no" on the previous question, "no" on the rule, and "no" on the underlying bills.

I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

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

I want to thank my friend. As always, he is always thoughtful, always a good person to hold a debate and a conversation with.

On this one, we simply disagree. My friend referenced some of the "conservative groups" that are supporting the maintenance of the flaring rule, the BLM.

Just for the record, I want to add some that I am actually more familiar with: the Americans for Tax Reform, Citizens Against Government Waste, Americans for Prosperity, and Tax-

payers Protection Alliance. All of those are in favor of the repeal of this regulation, and all of them think it will actually save businesses money and increase activity as opposed to the regulation which we think actually discourages economic activity.

Again, these are regulations—in both cases, they were adopted in the final waning days of the administration. These are things that Congress had serious doubts against, but, obviously, couldn't override an administration when they were in office.

The Congressional Review Act itself is done, so we can do this sort of exercise after an administration leaves, and actually go back and undo some of the damage that I think is routinely done by both parties in their waning days, when they would actually be better off to just simply let the new people get into their jobs and actually go about their business.

We have appropriate regulatory authority in both of these areas. Again, the Environmental Protection Agency has the power under the Clean Air Act to issue whatever regulations it cares to on methane. And here, frankly, we ought to pat business on the back because, as we have increased production of both oil and natural gas, methane has consistently gone down dramatically and steadily over the years.

I suspect that process will continue with or without the regulation of the Federal Government because, quite frankly, it makes good business sense. And, quite frankly, most people in private business want to be good stewards to the environment. They are not out to try and damage our air or our water.

The same thing is true in terms of bad actors—and there certainly are some bad actors—that engage in activities that are inappropriate for Federal contractors who violate the law. That is why, under current law, almost 2,000 companies were disbarred in 2015; a similar number in 2014.

So, again, what we have in place appears to be working. Why we would create an additional hurdle, hire additional people, and force companies to do additional paperwork is beyond me. I don't think it is the wise thing to do; I don't think it is the necessary thing to do.

Mr. Speaker, in closing, I want to encourage all Members to support the rule.

H.J. Res. 36 and H.J. Res. 37 both undo regulations that should never have been made in the first place. By preventing the implementation of these onerous, duplicative regulations, we will relieve the burdens faced by American small business.

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

AN AMENDMENT TO H. RES. 74 OFFERED BY
MR. POLIS

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 724) to provide that the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 724.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess.

□ 1305

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 1 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 74; and

Adoption of House Resolution 74, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.J. RES. 36, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A FINAL RULE OF THE BUREAU OF LAND MANAGEMENT, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 74) providing for consideration of the joint resolution (H.J. Res. 36) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation", and providing for consideration of the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 230, nays 188, not voting 14, as follows:

[Roll No. 74]

YEAS—230

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

Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood

NAYS—188

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

LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Messer
Mitchell
Moonenar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis

Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Lowey
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halloran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi

Brady (PA)
Bucshon
Clark (MA)
Hastings
Hudson

Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sanchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema

NOT VOTING—14

Jones
Meehan
Moore
Mulvaney
Price, Tom (GA)

□ 1328

Messrs. DAVID SCOTT of Georgia and GENE GREEN of Texas changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. MEEHAN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 74.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 190, not voting 10, as follows:

[Roll No. 75]

AYES—232

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat

Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook

Flores
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance

Rush
Russell
Walker
Zinke

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

Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moonenar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis

NOES—190

Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison
Engel
Eshoo
Espallat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Heck

Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham,
M.
Luján, Ben Ray
Lynch

Maloney,	Peterson	Sires
Carolyn B.	Pingree	Slaughter
Maloney, Sean	Pocan	Smith (WA)
Matsui	Polis	Soto
McCollum	Price (NC)	Speier
McEachin	Quigley	Suozi
McGovern	Raskin	Swalwell (CA)
McNerney	Rice (NY)	Takano
Meeks	Richmond	Thompson (CA)
Meng	Rosen	Thompson (MS)
Moore	Roybal-Allard	Titus
Moulton	Ruiz	Tonko
Murphy (FL)	Ruppersberger	Torres
Nadler	Ryan (OH)	Tsongas
Napolitano	Sánchez	Vargas
Neal	Sarbanes	Veasey
Nolan	Schakowsky	Vela
Norcross	Schiff	Velázquez
O'Halloran	Schneider	Visclosky
O'Rourke	Schrader	Walz
Pallone	Scott (VA)	Wasserman
Panetta	Scott, David	Schultz
Pascarella	Serrano	Waters, Maxine
Payne	Sewell (AL)	Watson Coleman
Pelosi	Shea-Porter	Welch
Perlmutter	Sherman	Wilson (FL)
Peters	Sinema	Yarmuth

NOT VOTING—10

Clark (MA)	Mulvaney	Walker
Hastings	Price, Tom (GA)	Zinke
Hudson	Rush	
Jones	Smith (TX)	

□ 1336

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HUDSON. Mr. Speaker, on rollcall No. 74 and 75 I was unable to cast my vote in person due to an emergency dental procedure. Had I been present, I would have voted "Yes."

RECESS

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

Accordingly (at 1 o'clock and 38 minutes p.m.), the House stood in recess.

□ 1341

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 1 o'clock and 41 minutes p.m.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 71, I call up the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 71, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007 (published at 81 Fed. Reg. 91702 (December 19, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their designees.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials to H.J. Res. 40.

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

There was no objection.

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

Mr. Speaker, today I rise in strong support of H.J. Res. 40, a joint resolution providing for congressional disapproval of the rules submitted by the Social Security Administration relating to implementation of the NICS Improvement Amendments Act of 2007.

On December 19, 2016, in the waning days of the previous administration, the Social Security Administration published a rule finalizing the criteria for sending the names of certain Social Security beneficiaries to the National Instant Criminal Background Check System, NICS.

Under the rule, an individual's name will be sent to the NICS if they receive disability insurance or supplemental security income benefits based on having a mental disorder, the person is between age 18 and the full retirement age, and the SSA determines that the person needs a representative payee to manage their benefits. Individuals who meet these criteria would be prohibited from exercising their Second Amendment right to possess firearms.

This rule is a slap in the face of those in the disabled community because it paints all those who suffer from mental disorders with the same broad brush. It assumes that simply because an individual suffers from a mental condition, that individual is unfit to exercise his

or her Second Amendment rights. No data exists to support such an egregious assertion. In fact, studies show that those who suffer from mental disorders are more likely to be victims of crime rather than perpetrators of crime.

Furthermore, there is a total absence of any meaningful due process protections under the rule. Currently, citizens lose their right to possess a firearm when they have been convicted by a judge or jury of a felony or misdemeanor crime of domestic violence, when they have been dishonorably discharged after given a hearing, or when they have been deemed a fugitive after being given an option to appear and avail themselves of their due process rights, among other reasons.

□ 1345

All of these have one thing in common: they all provide due process to the affected individual.

Under the SSA rule, the affected party has no ability to defend himself or to even introduce evidence before the SSA denies his right to possess a firearm. Additionally, at no time during the process during which the SSA is seeking to deny someone his Second Amendment rights must the Social Security Administration make a determination that the individual poses a risk to himself or others. This is the standard that has long been used to determine if the right to possess a firearm should be prohibited.

Some may point to the rule's appeals process as providing a form of due process. However, the appeals process is severely flawed because it puts the burden on individuals to prove that restoring their Second Amendment rights would not pose a danger to public safety or be contrary to the public interest. In every other instance in which someone is facing a loss of his ability to possess a firearm, the burden is on the government to prove that the individual should have his right taken away. Under this flawed system, the individual bears the burden against the government. This is not what due process looks like.

During debate on the rule for this joint resolution, I heard a number of reasons from my colleagues on the other side of the aisle as to why they opposed this joint resolution. Quite frankly, I am shocked at what little regard they have for the disabled community. The gentleman from Massachusetts claimed that this joint resolution was done at the bidding of the National Rifle Association. Yes, the National Rifle Association does support H.J. Res. 40. However, what my colleague from Massachusetts failed to mention during the debate yesterday was who else supports the joint resolution.

Supporters include the American Association of People with Disabilities, the National Disability Rights Network, the Autistic Self Advocacy Network, the Bazelon Center for Mental

Health Law, the Arc of the United States, the Consortium for Citizens with Disabilities, the Disability Law Center of Alaska, the National Council on Independent Living, and the National Coalition for Mental Health Recovery. Even the National Council on Disability—an independent Federal agency that makes recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families—has called on Congress to utilize the Congressional Review Act in order to repeal this rule.

It was also mentioned—and will, undoubtedly, be mentioned here later today—that this rule received over 91,000 comments. What they didn't tell you, and what I am guessing they won't tell you today, is that the overwhelming majority of the comments opposed the rule. Opposition wasn't based on small, technical issues. It was based on the fundamentally flawed concept of the rule. Many of the organizations I mentioned earlier provided comments to the agency. Rather than listen to the organizations advocating for the rights of the disabled, the previous administration decided to ignore them.

I thank the gentleman from the State of Texas (Mr. SAM JOHNSON) for his hard work on this important issue that affects law-abiding citizens in every congressional district in America.

I ask my colleagues to support this resolution—to stand with the disabled community and to stand with the Constitution. Support H.J. Res. 40.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to yield the control of the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON), the sponsor of this resolution.

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

There was no objection.

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

I rise in opposition to H.J. Res. 40, a measure that would vacate an important rule issued by the Social Security Administration to help reduce gun violence.

This resolution of disapproval is particularly problematic because, pursuant to the Congressional Review Act, it would not only invalidate this rule but prohibit the agency from adopting substantially the same rule in the future, even an improved version of the rule. How unusual.

As we consider this resolution today, I ask my colleagues to consider, for just a moment, how we arrived at this point and, more precisely, what is at stake.

In 1968, after a decade of assassinations and gun violence, Congress worked to pass the Gun Control Act.

That law lists certain categories of individuals who are prohibited from purchasing and possessing firearms, including felons, fugitives, those who have renounced their citizenship, those who have been dishonorably discharged, and also those “adjudicated mentally defective.” Today, we don't commonly use that outdated and unfortunate terminology. Instead, we refer to the “Federal mental health prohibitor,” which remains an important—although challenging—feature of our Federal gun laws.

Because it was common sense that we needed a system to help prevent guns from getting into the hands of those who were legally prohibited from possessing them, Congress took bipartisan action to enact the Brady Act in 1993. That statute established a National Instant Criminal Background Check System—some call it NICS—and it requires federally licensed gun dealers to conduct checks on prospective purchasers in order to verify that they are not prohibited on the basis of the statutory categories.

Although unwisely limited only to sales conducted by licensed gun dealers, the NICS system is extremely beneficial as far as it goes. Critically, however, this background check system is only as good as the completeness of the records it includes. This fact was tragically underscored in 2007, when a student on the campus of Virginia Tech shot and killed 32 people. The shooter had a mental health record that was serious enough that it should have been reported to the system, but it was not.

As a result, Congress enacted the bipartisan NICS Improvement Amendments Act that same year in order to provide incentives for States to do a better job of submitting disqualifying mental health records to the system. The law also requires Federal agencies to submit any such information that they have. While some States have done a great job of complying with the law, others have not, which remains a critical challenge. As we expect States to do more to comply, we must also ensure Federal agencies are doing their part.

The rule under consideration, which was finalized last December after an extensive rulemaking process that considered more than 91,000 comments from the public, is intended to impact only a very narrow range of individuals whom the agency determines should be prohibited from possessing firearms under the statutory mental health prohibitor, which has been the law for decades. The rule applies only to those individuals who have a very severe, long-term mental disorder that makes them unable to do any kind of work in the American economy, including even part time or at very low wages.

These individuals must have been determined through an evaluation of all

of the evidence that they are not capable of managing their own benefits and must be assigned a representative payee. This designation is given only after an individual is notified orally and in writing at the outset of the process that the gun eligibility determination would be the result of the assignment of a representative payee. After the determination is made, the affected individuals may appeal the decision to the agency and then, ultimately, to a Federal court.

Of course, we must avoid taking actions that would unfairly stigmatize individuals who suffer from mental illness or a disability. This is true in many respects, but, with regard to issues of public safety, we must recognize that people who suffer from mental illness should not be assumed to be dangerous. In fact, they are much more likely to be victims of crime than to be perpetrators. With those considerations in mind, my colleagues, it can be difficult to apply the mental health prohibitor, but, still, we must apply and enforce the law.

If I were proposing such a rule, I cannot say whether this process would be exactly what I would recommend. We have not held hearings on this issue, and we have not had the chance to examine all appropriate considerations. I can say that the agency has undertaken a commendable effort in accordance with President Obama's directive to ensure that the NICS background check system has the information that it believes, after a thorough rulemaking process, corresponds to a long-standing category of firearms prohibition.

Accordingly, we should not completely disregard the agency's efforts, and I urge my colleagues to strenuously oppose H.J. Res. 40.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Former President Obama was never a champion of the Second Amendment right to keep and bear arms. He fought to deny Americans their constitutional rights throughout his whole 8 years in office. In fact, on his way out the door, former President Obama finalized a rule that discriminates against individuals with disabilities and that deprives law-abiding Americans of their Second Amendment rights. Under this rule, certain Social Security disability beneficiaries, who also need help, would be stripped of their Second Amendment rights. More specifically, their names would be reported to the National Instant Criminal Background Check System.

Mr. Speaker, just because someone has a disability does not mean he is a threat to society. Furthermore, needing help to manage your benefit does not make you dangerous; but you don't

have to take my word for it as the disability community has also raised serious concerns with regard to this rule.

The National Council on Disability, which is the independent agency that is charged with advising Congress and the President on disability policy, said:

“There is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm.”

In addition, Mr. Speaker, I include in the RECORD many letters of support I have received for my bill from one of the disability community's Second Amendment groups and civil rights groups and others.

NATIONAL COUNCIL ON DISABILITY,

Washington, DC, January 24, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

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

DEAR MAJORITY LEADER MCCONNELL AND SPEAKER RYAN: I write on behalf of the National Council on Disability (NCD) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702. In accordance with our mandate to advise the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities, NCD submitted comments to SSA on the proposed rule on June 30th, 2016. In our comments, we cautioned against implementation of the proposed rule because:

“[T]here is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee.”

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCD recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCD is a nonpartisan, independent federal agency with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCD believes that SSA's final rule falls far short of meeting these criteria.

Additionally, as NCD also cautioned SSA in our comments on the proposed rule, we

have concerns regarding the ability of SSA to fairly and effectively implement this rule—assuming it would be possible to do so—given the long-standing issues SSA already has regarding long delays in adjudication and difficulty in providing consistent, prompt service to beneficiaries with respect to its core mission. This rule creates an entirely new function for an agency that has long noted that it has not been given sufficient resources to do the important work it is already charged with doing. With all due respect to SSA, our federal partner, this rule is simply a bridge too far. In fact, it is conceivable that attempts to implement this rule may strain the already scarce administrative resources available to the agency, further impairing its ability to carry out its core mission.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCD urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCD feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Regards,

CLYDE E. TERRY,
Chair.

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
Fairfax, VA.

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

Hon. NANCY PELOSI,
House Minority Leader,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: I am writing on behalf of the National Rifle Association Institute for Legislative Action (NRA-ILA) to urge you to vote yes on H.J. Res. 40. This measure is a joint resolution to disapprove, under the Congressional Review Act, a Social Security Administration (SSA) rule that would result in hundreds of thousands of law-abiding Americans permanently losing their Second Amendment rights.

SSA claims its rule was mandated by the NICS Improvement Amendments Act of 2007 (NIAA), as interpreted by the Obama administration's Department of Justice. The supposed intent of the rule is for SSA to identify disability or Supplementary Security Income beneficiaries who qualify as prohibited “mental defectives” under the Gun Control Act (GCA) and report them to the National Instant Criminal Background Check System (NICS).

NICS came online nearly 20 years ago, but at no point before this new regulation did SSA consider its own operations or decisions as somehow implicated by the prohibitions in the GCA. Clearly this was not provoked because of the NIAA or because of changes in the SSA's own procedures, but because of the antigun politics of the Obama administration. President Obama made clear that if Congress would not support his desire for increased gun control, he would act on his own. That's why he issued this proposal in the final days of his administration.

The SSA received over 91,000 comments in response to its proposed rule, the overwhelming majority of them in opposition. Comments submitted by NRA-ILA explained

in detail how the rule misread the underlying statutes; ignored binding case law; targeted harmless individuals who do not pose a risk of harm; violated due process; and hijacked the SSA's legitimate functions for political purposes.

Our opposition was joined by mental health professionals and advocates for the mentally ill, who argued that the proposal was not supported by evidence or science; added to the stigma of mental illness; and created disincentives for mentally ill persons to seek help and benefits to which they are entitled.

Reporting law-abiding, non-dangerous individuals to NICS and forcing them, as a condition of removal, to prove they are not a threat to society is inconsistent with the GCA, the Second Amendment and basic due process.

For these reasons, the NRA strongly supports H.J. Res. 40. Because of the importance of this issue to NRA members and gun owners throughout the country, votes on H.J. Res. 40 will be considered in future candidate evaluations and we will notify our members accordingly.

Sincerely,

CHRIS W. COX.

NATIONAL COALITION FOR
MENTAL HEALTH RECOVERY,
Washington, DC, January 29, 2017.

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

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: I write on behalf of the National Coalition for Mental Health Recovery (NCMHR) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702.

NCMHR submitted comments to SSA on the proposed rule in June 2016. In our comments, we cautioned against implementation of the proposed rule because there is no causal connection between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee.

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCMHR recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCMHR is a nonpartisan, is a nonpartisan, nonprofit with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been

afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCMHR believes that SSA's final rule falls far short of meeting these criteria.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCMHR urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCMHR feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Sincerely,

DANIEL B. FISHER, M.D., Ph.D.,
Chair NCMHR.

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
Washington, DC, January 26, 2017.

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

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The Co-Chairs of the Rights Task Force of the Consortium of Citizens with Disabilities (CCD) urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Prior to the issuance of the Final Rule, the CCD Rights Task Force conveyed its opposition to the rule through a letter to the Obama Administration and through the public comment process. We—and many other members of CCD—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the

NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

On behalf of the CCD Rights Task Force, the undersigned Co-Chairs,

DARA BALDWIN,
National Disability
Rights Network.

SAMANTHA CRANE,
Autistic Self-Advocacy
Network.

SANDY FINUCANE,
Epilepsy Foundation,
Law.

JENNIFER MATHIS,
Bazelon Center for
Mental Health.

MARK RICHERT,
American Foundation
for the Blind.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, February 1, 2017.

Vote YES on the Resolution of Disapproval,
H.J. Res. 40 (Social Security Administration NICS Final Rule)

Vote NO on the Resolution of Disapproval,
H.J. Res. 37 (Federal Acquisition Regulation/Fair Pay and Safe Workplaces EO)

DEAR REPRESENTATIVES: On behalf of the American Civil Liberties Union (ACLU), we urge members of the House of Representatives to support the resolution disapproving the final rule of the Social Security Administration which implements the National Instant Criminal Background Check System Improvement Amendment Acts of 2007.

Additionally we urge members to oppose the resolution of disapproval of the rule submitted by the Department of Defense, the General Services Administration, and NASA relating to the Federal Acquisition Regulation that implement the Fair Pay and Safe Workplaces Executive Order 13673.

SOCIAL SECURITY ADMINISTRATION (SSA)'S IMPLEMENTATION OF THE NICS IMPROVEMENT AMENDMENT ACTS OF 2007 HARMS PEOPLE WITH DISABILITIES

In December 2016, the SSA promulgated a final rule that would require the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients—who, because of a mental impairment, use a representative payee to help manage their benefits—be submitted to the National Instant Criminal Background Check System (NICS), which is used during gun purchases.

We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent. There is no data to support a connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence. The rule further demonstrates the damaging phenomenon of "spread," or the perception that

a disabled individual with one area of impairment automatically has additional, negative and unrelated attributes. Here, the rule automatically conflates one disability-related characteristic, that is, difficulty managing money, with the inability to safely possess a firearm.

The rule includes no meaningful due process protections prior to the SSA's transmittal of names to the NICS database. The determination by SSA line staff that a beneficiary needs a representative payee to manage their money benefit is simply not an "adjudication" in any ordinary meaning of the word. Nor is it a determination that the person "[l]acks the mental capacity to contract or manage his own affairs" as required by the NICS. Indeed, the law and the SSA clearly state that representative payees are appointed for many individuals who are legally competent.

We recognize that enacting new regulations relating to firearms can raise difficult questions. The ACLU believes that the right to own and use guns is not absolute or free from government regulation, since firearms are inherently dangerous instrumentalities and their use, unlike other activities protected by the Bill of Rights, can inflict serious bodily injury or death. Therefore, firearms are subject to reasonable regulation in the interests of public safety, crime prevention, maintaining the peace, environmental protection, and public health. We do not oppose regulation of firearms as long as it is reasonably related to these legitimate government interests.

At the same time, regulation of firearms and individual gun ownership or use must be consistent with civil liberties principles, such as due process, equal protection, freedom from unlawful searches, and privacy. All individuals have the right to be judged on the basis of their individual capabilities, not the characteristics and capabilities that are sometimes attributed (often mistakenly) to any group or class to which they belong. A disability should not constitute grounds for the automatic per se denial of any right or privilege, including gun ownership.

FAIR PAY AND SAFE WORKPLACES REGULATIONS
ADVANCE WORKER SAFETY AND RIGHTS

The rules implementing the Fair Pay and Safe Workplaces Executive Order take an important step towards creating more equitable and safe work conditions by ensuring that federal contractors provide workplaces that comply with federal labor and civil rights laws.

Employers that have the privilege of doing business with the federal government must meet their legal obligations. The Fair Pay and Safe Workplace regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws and that they are complying with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

Congress should stand with workers, increase the accountability of federal contractors and oppose any attempts to undo the Fair Pay and Safe Workplaces regulations. These rules will help ensure that the federal government does not contract with employers that routinely violate workplace health

and safety protections, engage in age, disability, race, and sex discrimination, withhold wages, or commit other labor violations.

If you have any questions, please feel free to contact Vania Leveille, senior legislative counsel.

Sincerely,

FAIZ SHAKIR,
*Director, Washington
Legislative Counsel.*

VANIA LEVEILLE,
*Senior Legislative
Counsel, Wash-
ington Legislative
Office.*

THE JUDGE DAVID L. BAZELON CENTER FOR MENTAL HEALTH LAW,
Washington, DC, January 30, 2017.

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

Hon. NANCY PELOSI,
*Office of the Democratic Leader,
Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The Bazelon Center for Mental Health Law urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." The Center is a national legal advocacy organization that protects and advances the rights of adults and children with mental disabilities.

This rule would require the Social Security Administration to forward the names of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person "lacks the capacity to contract or manage his own affairs" as a result of "marked subnormal intelligence, or mental illness, incompetency condition or disease." The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA.

Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and em-

ployment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule. We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

JENNIFER MATHIS,
Director of Policy and Legal Advocacy.

□ 1400

Mr. SAM JOHNSON of Texas. Mr. Speaker, we need to put a stop to this rule now. That is why I introduced H.J. Res. 40, along with Congressman ABRAHAM, to overturn this rule and make sure the constitutional rights of individuals with disabilities are protected.

I urge my colleagues to vote "yes" and pass this resolution.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I rise in opposition to H.J. Res. 40. This resolution undermines our NICS background check system.

I am a gun owner and a strong supporter of the Second Amendment, but this isn't about denying people the right to own a gun. It is about upholding the law, and the law is very clear on who should be reported to the NICS system.

The law was passed more than a decade ago to keep guns out of the hands of people who can't responsibly own them. These are not people just having a bad day. These are not people simply suffering from depression or anxiety or agoraphobics. These are people with a severe mental illness who can't hold any kind of job or make any decisions about their affairs. So the law says very clearly that they shouldn't have a firearm.

The Supreme Court in the Heller decision recognized that the Second Amendment grants Americans the right to own firearms, but they also stated that reasonable restrictions to that right can apply, such as when a person is diagnosed with a severe mental illness.

The Social Security Administration is simply obeying the law.

So what exactly is the objection here?

Passage of this resolution puts Americans at risk. It would prevent the Social Security Administration from reporting the names of those who should not have a gun and prohibit that indefinitely.

If there are concerns about the rules, let's revise it. But the CRA process is not a revision. It would ban Social Security from even amending their rule. This is a dangerous overstep, and I urge Members to consider the safety of our districts. No one wants another Virginia Tech. No one wants another Newtown.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. ABRAHAM).

Mr. ABRAHAM. Mr. Speaker, I am honored to introduce this resolution with my good friend, Representative SAM JOHNSON of Texas, one of the greatest patriots I have had the honor to come in contact with and a lifelong defender of our freedoms in America.

This resolution can be boiled down to one point: no bureaucrat should be able to deny an American his or her constitutional rights just because someone else handles their finances.

In the midnight hour of President Obama's last days in office, the Social Security Administration finalized a rule that would allow it to send the name of any beneficiary to the FBI's criminal background check system if they are assigned a representative payee due to mental impairment.

Allowing bureaucrats at the Social Security Administration to determine whether or not a beneficiary is fit to exercise their Second Amendment rights is a clear violation of due process that every American is afforded.

When this awful rule was proposed in 2015, both Representative SAM JOHNSON of Texas and I introduced legislation to prevent the Social Security Administration from carrying it out. With the introduction of this joint resolution, I am pleased that Congress and the President will now have the opportunity to review and to reverse this terrible rule.

That is why I strongly urge my colleagues, in both the House and the Senate, to pass this resolution and keep the government bureaucracies from putting themselves before the Constitution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, at a time here in America when mass shootings have become all too frequent, at a time when bullets literally rip apart human bodies and human families and cause so much pain, at a time when effective groups like Moms Demand Action for Gun Sense and Texas Gun Sense and the P.E.A.C.E. Initiative are asking this Congress to act to reduce

gun violence, this Congress has committed itself to doing absolutely nothing about that violence.

If you are on the terrorist watch list and you cannot fly, not to worry about buying a gun. It's "No fly," but you can still buy.

Today we are told the problem isn't that there are too many guns out there causing too much harm to American families. There are not enough. A group is being left out, omitted from access to guns.

There are a group of Americans, who either from birth or by contracting some mental disability later in life, have a mental impairment that is so significant that we ask taxpayers across America to provide them support through the Social Security disability system. They are declared to be disabled.

And within that group that is taxpayer funded, there is a much smaller group whose disability is so severe that they can't handle their own affairs. They can't receive a check. But these folks say don't worry that you can't place a check in their hand and you have to give it to someone else, it is okay to put a gun in their hands. That is what this proposal does.

Now, we have, as they have failed to point out, a system in place at the Veterans' Administration so that if someone is a veteran and they are disabled, there is a process by which they are included within this system.

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

Mr. CONYERS. Mr. Speaker, I yield an additional 1 minute to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, but these folks, instead of reaching out to do something about gun violence in America, propose to make them more accessible to individuals that are so impaired they cannot take care of themselves in many ways and cannot even accept a check and are saying: Give them a gun.

There are already safeguards in this Rule. Someone can appeal being listed and say: You know, I can't accept a check, but I do have the ability to own a gun. And they can do that through the Social Security Administration, as soon as they see their name on the list. Or if they are denied a purchase at a later time and they are someone who doesn't belong on this list, there is a way for them to get off the list.

In short, there is due process to ensure they are not unfairly denied gun access. But the American people and the families that are being hurt day after day by gun violence, they deserve some due process, too.

Let's uphold this Rule and reject this giant step backward that will only produce more gun violence and more families torn asunder.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of this resolution to repeal a rule which would arbitrarily revoke the Second Amendment rights of certain Social Security beneficiaries. The inability to manage one's Social Security benefits does not correlate with the capacity to judiciously use firearms.

By adding Social Security beneficiaries to the NICS list with no judicial review and forcing them to go through an appeals process to be removed, this rule would also violate the due process rights of these Americans.

I would also like to focus on the component of this rule which would inhibit the ability of Social Security disability beneficiaries to be approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives to work with or around certain materials.

Mr. Speaker, there is bipartisan agreement we should be investing in and rebuilding our infrastructure. There is also bipartisan agreement we should be empowering people receiving benefits, like disability insurance, to return to work if they are able to do so.

However, this rule will create a new barrier for beneficiaries seeking to return to work in industries like construction by forcing them to navigate a complex appeals process before they can be reemployed.

Let me say again, if we do nothing about this rule, it will prevent law-abiding Americans who are able to do so from getting off the disability rolls and returning to work.

We can work together on constructive ways to prevent those who would do us harm from having access to firearms and explosives. This rule is not the way to do so.

I urge support for the resolution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS of New York. Mr. Speaker, I rise in opposition to H.J. Res. 40 with a message, and that is: Do not repeal this rule.

The Social Security Administration rule is intended to promote and to preserve the integrity of gun ownership in America.

I have heard it said by gun owner advocates that a steady hand is the best gun control. I believe that, but a steady hand requires a rationale mind.

The Social Security Administration rule that my colleagues on the other side want to eliminate is written carefully and narrowly, affecting a very small group of people with a very severe, long-term mental disorder that makes them unable to do any kind of work in the U.S. economy, even part-time or with very low wages and, also, people not mentally capable of managing their own benefits.

The Social Security Administration rule ensures that individuals, who are already prohibited from having guns

under existing Federal law, have their names included on the National Instant Criminal Background Check System.

Mr. Speaker, 93 percent of Americans support background checks and believe that systems should be in place to ensure that guns are not in the hands of individuals who have been determined already by Federal law to be unable to use them safely.

I urge my colleagues to reject H.J. Res. 40.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I thank Chairman SAM JOHNSON of Texas for his work on this important resolution and his many years of service to our country.

Mr. Speaker, in the final weeks of President Obama's final term, the Social Security Administration finalized a rule that flat out discriminates against millions of individuals with disabilities by denying them their Second Amendment rights.

But it gets worse. Not only does the rule place these innocent individuals' names in the National Instant Criminal Background Check System, it does so in a way that strips them of their due process. Specifically, it would subject these people to a very timely appeals process requiring them to prove their own innocence before their name could be removed.

In other words, this rule turns due process on its head by shifting the burden of proof from the government to the individual to ensure their constitutional right is not stripped away.

Moreover, as a member of the Social Security subcommittee, I am very concerned that this rule falls way outside the bounds of the Social Security Administration's mission. Instead of using the Social Security administrator's field office staff to help Ohioans manage and understand their benefits, this rule diverts resources away from that core mission toward one that is constitutionally suspect.

That is why I am proud to be an original cosponsor of Chairman SAM JOHNSON of Texas' resolution that protects Americans' Second Amendment rights and protects Americans with disabilities, their constitutional right, to due process under the law.

I urge my colleagues to support this joint resolution of disapproval.

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

Members of the House, we have some organizational support for opposing this resolution. The first is the AFL-CIO, one of our largest unions in the country. The second is the Consumer Federation of America, and then there is this great organization, Everytown for Gun Safety across the country.

In addition, the Americans for Responsible Solutions organization is opposed to H.J. Res. 40. Finally, the

Brady Center to Prevent Gun Violence is also opposed to this measure, as is the Consumer Federation of America.

□ 1415

If Members believe this rule needs further refinement or that it does not afford adequate due process, then we should have the conversation with an eye toward improving the rule, but that is not what has been done. Unfortunately, this is what we are not discussing today. Instead, H.J. Res. 40 would invalidate all aspects of this rule and prohibit the agency from adopting substantially the same rule.

We should not summarily dismiss this rule, which would undermine the effort to make the NICS more effective. If H.J. Res. 40 passes Congress and is signed into law, some individuals will be able to pass firearm background checks solely because Congress prevented relevant records from being submitted to the system.

The Social Security Administration's rule is about making Americans safer from the scourge of gun violence and, unfortunately, believe me, H.J. Res. 40 would do the opposite.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Speaker, I rise today in strong support of H.J. Res. 40.

As part of our bold agenda for the American people, we are reining in the out-of-control bureaucracy in Washington. We are taking action to roll back 8 years of Obama administration overreach.

Today we are stopping an egregious violation that flies in the face of the Constitution. This regulation, finalized in the final days of the Obama Presidency, would deny certain Social Security recipients their Second Amendment rights without due process.

If you receive Social Security disability payments and someone helps you manage those payments, this regulation stops you from being able to purchase a firearm, your name gets added to a Federal database, and the burden is on you to prove it doesn't belong there. This is absolutely outrageous.

This regulation discriminates against individuals with disabilities by denying them their Second Amendment rights and violating their rights of due process. And it gives far too much power to bureaucrats at the Social Security Administration, who should be focused on making sure people get the benefits they deserve, not deciding who can own a gun.

This is why we are standing up for the Second Amendment rights of all disabled citizens. Being disabled doesn't make you a danger to society, and getting help managing your bene-

fits doesn't mean you forfeit your constitutional rights.

Mr. Speaker, I want to absolutely thank Congressman SAM JOHNSON and Congressman RALPH ABRAHAM for their leadership on this issue. I strongly support this resolution, and I urge my colleagues to do the same.

Mr. Speaker, I include in the RECORD additional letters of support.

NATIONAL ASSOCIATION OF COUNTY
BEHAVIORAL HEALTH & DEVELOPMENT
DISABILITY DIRECTORS,

Washington, DC, February 1, 2017.

Re NACBHDD and NARMH Letter of Support for the CRA on the SSA NICS Rule.

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

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: NACBHDD and NARMH urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NACBHDD is a national organization that represents county mental health, substance use, and developmental; disability directors in Washington, DC. NARMH represents rural mental health in the Capital.

Prior to the issuance of the Final Rule, NACBHDD and NARMH conveyed our opposition to the rule through a letter to the Obama Administration and through the public comment process. We join many of our mental health coalition members and advocates who—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regard-

ing disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely yours,

RON MANDERSCHIED, PHD,
Executive Director.

NATIONAL ALLIANCE
ON MENTAL ILLNESS,
Arlington, VA, January 31, 2017.

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

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Alliance on Mental Illness (NAMI) writes to urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security and Supplemental Security Income (SSI) disability beneficiaries who use a representative payee to help manage their benefits, and who have been found eligible by meeting or equaling an SSA mental impairment listing, to the National Instant Criminal Background Check System (NICS).

NAMI is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness, with more than 1,100 state and local affiliates nationwide. NAMI recognizes and supports the need to prioritize reducing gun violence in the U.S. However, we are gravely concerned that the rule, as adopted, perpetuates unfounded stereotypes about people with mental illness and other mental disabilities that have no basis in fact. Moreover, we believe that the rule may have unintended negative consequences, including deterring individuals from seeking or receiving help when they need it.

Our specific concerns about the rule are the following:

There is no evidence supporting the proposition that people who are assigned Representative Payees on the basis of mental illness or other mental disabilities pose increased risks for gun violence or threats to public safety;

Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, the assignment of a Representative Payee to a recipient of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) is not equivalent to an adjudication. Rather, it is a unilateral determination by the SSA that a person may need help in managing his or her benefits. There is no hearing, the beneficiary is afforded no opportunity to testify or provide evidence why he or she should not be assigned a Representative Payee, and there are no other due process protections typically associated with formal adjudications.

The new rule reinforces unfounded perceptions associating mental illness and other mental disabilities with violence. Scientific studies that have assessed risk factors for violence contain no evidence linking difficulties with managing benefits with increased risks for violence.

SSI and SSDI provide vital links to medical benefits for people with mental illness. The rule may deter individuals from applying for these benefits for fear that their names will be added to a public database maintained by the FBI. Without such benefits, access to mental health treatment and services will be impeded.

Mr. Speaker and Madam Leader, NAMI asserts that the adoption of this misguided rule in the aftermath of Congressional adoption of a comprehensive bill to improve mental health care in America is exactly the wrong step to take. We therefore urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage it inflicts on people with mental illness and other disabilities.

Thank you for your prompt attention to these concerns.

Sincerely,

MARY GILBERTI, J.D.,
Chief Executive Officer.

NATIONAL ASSOCIATION FOR RIGHTS
PROTECTION AND ADVOCACY,
Huntsville, LA, January 31, 2017.

Hon. MITCH MCCONNELL,
Senate Majority Leader,
Washington, DC.

Hon. CHUCK SCHUMER,
Senate Minority Leader,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: The National Association of Rights Protection and Advocacy (NARPA) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." NARPA was formed in 1981 to provide education and advocacy in the mental health arena. Members are attorneys, people with psychiatric histories, mental health professionals and administrators, academics, and non-legal advocates. Central to NARPA's mission is the promotion of those policies and strategies that represent the preferred options of people who have been diagnosed with psychiatric disabilities.

This rule requires the Social Security Administration to forward the names of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS). The rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person "lacks the capacity to contract or manage his own affairs" as a result of "marked subnormal intelligence, or mental illness, incompetency condition or disease." The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA.

Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule. We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

ANN RIDER,
President.

NATIONAL COUNCIL
ON INDEPENDENT LIVING,
Rochester, New York, January 27, 2017.

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

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Council on Independent Living (NCIL) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NCIL represents people with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the country.

Prior to the issuance of the Final Rule, NCIL joined the CCD Rights Task Force to convey its opposition to the rule through a letter to the Obama Administration and through the public comment process. We—and many other members of CCD—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns.

Respectfully,

KELLY BUCKLAND,
Executive Director.

JANUARY 31, 2017.

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

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Disability Leadership Alliance (NDLA) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NDLA is a national cross-disability coalition that represents the authentic voice of people with disabilities. NDLA is led by 14 national organizations run by people with disabilities with identifiable grassroots constituencies around the country. The NDLA steering committee includes: ADAPT, the American Association of People with Disabilities, the American Council of the Blind, the Association of Programs for Rural Independent Living, the Autistic Self Advocacy Network, the Hearing Loss Association of America, Little People of America, the National Association of the Deaf, the National Coalition for Mental Health Recovery, the

National Council on Independent Living, the National Federation of the Blind, the National Organization of Nurses with Disabilities, Not Dead Yet, Self Advocates Becoming Empowered, and the United Spinal Association.

Prior to the issuance of the Final Rule, NDLA conveyed its opposition to the rule through letters to Vice President Biden, to President Obama, and to Congress. NDLA members also raised concerns through letters to the Obama Administration and through the public comment process. We—and many other disability rights organizations—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

ADAPT, American Association of People with Disabilities, Association of Programs for Rural Independent Living (APRIL), Autistic Self Advocacy Network, Little People of America, National Association of the Deaf, National Coalition for Mental Health Recovery, National Council on Independent Living, National Organization of Nurses with Disabilities, Not Dead Yet.

NATIONAL DISABILITY
RIGHTS NETWORK,

Washington, DC, January 30, 2017.

Re National Disability Rights Network letter of support for Use of Congressional Review Act on the Social Security Administration NICS Rule.

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

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Disability Rights Network (NDRN) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration on De-

cember 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration (SSA) to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NDRN is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies for individuals with disabilities. Collectively, the P&A/CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

Prior to the issuance of the Final Rule, NDRN joined the Consortium for Citizens with Disabilities (CCD) Rights Task Force conveying its opposition to the rule through a letter to the Obama Administration and through the public comment process. We—and many other members of CCD—opposed the rule for a number of reasons, including:

The damaging message that would be sent by a SSA policy change, which focuses on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's SSDI benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this rule and prevent the damage that it may cause on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns.

Sincerely,

CURT DECKER,
Executive Director.

NEW YORK ASSOCIATION OF PSYCHIATRIC REHABILITATION SERVICES, INC.,
Albany, NY, January 31, 2017.

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

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: On behalf of thousands of

New Yorkers with psychiatric disabilities, the New York Association of Psychiatric Rehabilitation Services (NYAPRS) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007."

By way of reference, NYAPRS is a 36 year old statewide coalition that has brought together New Yorkers with psychiatric disabilities and community recovery providers to advance policies, programs and social conditions that advance recovery, rehabilitation, rights and community inclusion.

This rule would require the Social Security Administration to forward the names of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person "lacks the capacity to contract or manage his own affairs" as a result of "marked subnormal intelligence, or mental illness, incompetency condition or disease." The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA.

Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to

use the Congressional Review Act to repeal this rule. We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Please feel free to contact me at any time.

Sincerely,

HARVEY ROSENTHAL,
Executive Director.

SAFARI CLUB INTERNATIONAL,
Washington, DC, January 31, 2017.

Re Safari Club International Support for
House Joint Resolution 40.

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

Hon. NANCY PELOSI,
House Minority Leader,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: Safari Club International (Safari Club) supports House Joint Resolution 40, which provides for Congressional disapproval under the Congressional Review Act of the final rule submitted by the Social Security Administration (SSA) relating to "Implementation of the NICS Improvement Amendments Act of 2007," adopted on December 19, 2016, 81 Fed. Reg. 91702.

Safari Club seeks Congressional disapproval of the rule for several reasons. It deprives an individual of the ability to receive or possess a firearm, including for recreational hunting, due to that individual's inability to manage his or her financial affairs (Firearms Rule). Under the Firearms Rule, the prohibition would apply when the SSA designates a representative payee because of the individual's mental impairment. A mental impairment that makes an individual incapable of handling his/her financial affairs does not necessarily equate to an inability to properly abide by the law in the use of firearms. The Firearms Rule unfairly attributes illegal conduct to law abiding citizens.

In addition, the Firearms Rule fails in its attempt to rectify its unfair treatment of individuals with mental impairments through its program for individuals to request relief from Federal Firearms prohibitions. This program places on the individual with a mental impairment the costly and burdensome task of collecting and presenting data to overcome the presumption that he or she is incapable of abiding by the law. This program forces upon law-abiding citizens the task of confronting a federal bureaucracy just to prove that they should not be unfairly treated as a criminal due to a mental impairment.

For these reasons, Safari Club supports a joint resolution stating "that Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, and such rule shall have no force or effect."

Sincerely,

LARRY HIGGINS,
President, Safari Club International.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Mr. Speaker, the regulatory state in America is alive and well. I wish I could say as much for our economy and our personal freedoms, but I believe that that is about to change thanks in large part to the recent Presidential election.

Over the last 8 years, we have replaced a free enterprise system with a regulatory bureaucracy that has crushed our economy, stifled our innovation, and quashed the great American spirit.

America has never seen such an onslaught of abusive and burdensome actions from the fourth branch of government. The cumulative cost of regulations on our American economy is almost \$2 trillion. It costs almost \$60 billion just to enforce all the regulations on the books.

Let me give you, though, an example of a regulation that is far worse in its effects than just simply economic burden or burden on our people.

Today, I stand with my friend and great American hero, SAM JOHNSON, in strong support of H.J. Res. 40 to strike down the Obama administration's last-ditch effort to infringe upon our Second Amendment rights. In the 11th hour, the Obama administration quietly sneaked in a rule that threatens to deny certain Social Security beneficiaries their right to purchase a firearm. Federal law makes it a crime already to possess a firearm if an individual has been adjudicated as a mental defective or has been committed to a mental institution. This midnight rule designates Social Security beneficiaries as having a mental impairment simply because they ask someone to manage their finances.

Just because an elderly or disabled individual chooses to delegate their financial responsibilities to another does not make them mentally incompetent, nor does it waive their right to due process. Many people, even in this Chamber, are designated to manage the finances of their parents on Social Security, and they do so because their parents may prefer not to deal with the complexities of our current financial environment.

Not only would this proposed rule be a continuation of the Obama administration's regulatory fiat, it would be irresponsible and dangerous and a breach of one of our fundamental rights. We cannot allow the Federal Government to haphazardly restrict our freedoms and the freedoms of over 4 million law-abiding Americans who would otherwise be responsible gun owners. In fact, they are some of the most vulnerable Americans who need to be able to protect themselves.

As noted by the Founders and in the plain language of our Constitution, the Federal Government shall not infringe upon our right to keep and bear arms.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume, and I would like to emphasize several points additionally.

The degree of impairment required for reporting to the NICS is extremely high, to the extent that someone is not capable of working at any job in the economy, no matter how basic. Some-

one receiving Social Security benefits as a retiree, even if they have mental impairment and have been assigned a representative payee, would not meet the criteria for reporting to the NICS because they are not receiving benefits because of disability.

Further, the rule went into effect in January, but compliance is not required until December of this year. This would only impact claims going forward and will not involve retroactively assessing individuals already receiving Social Security disability payments based on mental impairment.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOHIO).

Mr. YOHIO. Mr. Speaker, I thank Chairman JOHNSON for standing up and defending our Nation's Constitution again, not just in his service to our country during the Vietnam era, but here in Congress and his many years here.

Mr. Speaker, I rise in support of this legislation. As a tireless advocate for the protection of our Second Amendment rights, I am disappointed, but not surprised, in the Obama administration's attempt to impair Americans' right to own firearms, by fiat, in its last days of existence. It is unconscionable and unthinkable that a President would do that to the citizens of this country.

This rule claims to strengthen the National Instant Criminal Background Check but, in reality, acted as a gun grab on individuals who receive disability insurance benefits or Supplemental Security Income payments. Participants in those programs should not be forced to worry that, in order to receive government assistance, they must sacrifice their constitutional liberty at the random whim of a government bureaucrat. The Second Amendment to our Constitution states very clearly that the right to keep and bear arms "shall not be infringed," and Congress cannot stand by and allow unaccountable rulemaking from a previous administration to infringe on that right.

I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. JUDY CHU), my colleague, a member of the Judiciary Committee.

Ms. JUDY CHU of California. Mr. Speaker, I rise in strong opposition to this use of the Congressional Review Act to repeal the Social Security Administration's rule strengthening the National Instant Criminal Background Check System. The rule in question implements already-existing law to establish a commonsense streamlining of information which will help improve our background check system for gun purchases.

It is important to note that individuals with disabilities are actually more likely to be victims than perpetrators of gun violence, which is why I support more far-reaching gun safety measures like universal background checks and a ban on the most dangerous weapons.

However, when there have been instances of mass shootings committed by those with a history of mental health issues, top Republicans, including Speaker RYAN, have stood on this very floor to say that they believe we should focus on mental health issues. Well, this is their chance to prove that those were not just empty words; but, instead, they are showing their true loyalties and again resisting any attempt to strengthen basic safeguards to ensure responsible gun ownership.

This is a commonsense regulation that sets a high bar for referring names to the background check system. No one's rights are unduly restricted. An appeals process has been built in to afford due process. So it is clear that my Republican colleagues' concerns are not about safety, but about maximizing profits for gun manufacturers, even if it costs the lives of fellow Americans.

And worse, they are using the restrictive Congressional Review Act to do so. This will not only make it easier for even those with severe mental health issues to buy a gun, but it will also take the option for writing similar rules off the table forever, tying the hands of all future administrations.

This is reckless. Gun deaths are a daily scourge in our country, and it is up to us to do whatever we can to mitigate the risk of the dangerous weapons in the wrong hands. I urge my colleagues to vote "no" on this resolution.

Mr. SAM JOHNSON of Texas. Mr. Speaker, having no other speakers, I reserve the balance of my time.

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

Members of the House, this is a very serious matter. This rule, and I have to emphasize this, does not run afoul of the Second Amendment. You can oppose this—well, let's put it like this: The Heller Court, in the Supreme Court case, said that "nothing in the Court's opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill." I emphasize "and the mentally ill."

And it is in that sense that I join with the AFL-CIO, Consumer Federation of America, Everytown for Gun Safety, Americans for Responsible Solutions, the Brady Center to Prevent Gun Violence, and many thoughtful citizens who support the Second Amendment in opposing the measure that is on the floor now.

I urge Members to vote "no."

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

□ 1430

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself the balance of my time.

This is about constitutional rights of individuals with disabilities. Just because someone has a disability does not mean they are a threat to society. Furthermore, needing help to manage your benefits does not make you dangerous.

Mr. Speaker, I include in the RECORD additional letters of support.

AMERICAN ASSOCIATION OF
PEOPLE WITH DISABILITIES,
Washington, DC, January 26, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The American Association of People with Disabilities (AAPD) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

AAPD is a national disability rights organization that works to improve the lives of people with disabilities by acting as a convener, connector, and catalyst for change, increasing the economic and political power of people with disabilities.

Prior to the issuance of the Final Rule, AAPD conveyed its opposition to the rule to the Obama Administration. We, and many other disability rights organizations, opposed the rule for a number of reasons, including:

1) The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

2) The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

3) The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

AAPD urges Congress to act, through the CRA process, to disapprove this new rule to prevent the damage that it inflicts on the disability community and the extraordinarily damaging message it sends to soci-

ety that people with mental impairments could should be feared and shunned.

Thank you for taking our position into consideration.

Yours truly,

HELENA R. BERGER,
President & CEO.

ADAPT,
Rochester, NY, January 31, 2017.

ADAPT urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

ADAPT is a national grass-roots community that organizes disability rights activists to engage in nonviolent direct action, including civil disobedience, to assure the civil and human rights of people with disabilities to live in freedom.

We oppose the rule for a number of reasons, including:

1) The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

2) The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

3) The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, have urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns.

Sincerely,

BRUCE DARLING,
National Organizer.

ASSOCIATION OF MATURE
AMERICAN CITIZENS,
February 1, 2017.

Hon. CHUCK GRASSLEY,
U.S. Senator, Iowa,
Washington, DC.
Hon. RALPH ABRAHAM,
5th District, Louisiana,
Washington, DC.
Hon. SAM JOHNSON,
Chairman, Social Security Subcommittee, House
Committee on Ways and Means, Wash-
ington, DC.

DEAR SENATOR GRASSLEY, CHAIRMAN JOHN-
SON, AND CONGRESSMAN ABRAHAM: On behalf
of the 1.3 million members of AMAC, the As-
sociation of Mature American Citizens, I am
writing in support of the Joint Resolution to
protect certain Americans' Second Amend-
ment rights, H.J. Res. 40. Using the Congres-
sional Review Act, this Joint Resolution is
meant to undo a Social Security Administra-
tion (SSA) regulation that would deprive
thousands of Americans who are disabled and
who utilize a "representative payee" in order
to acquire their benefits of their ability to
purchase a firearm. This regulation is both
unnecessary and unfair to thousands of law-
abiding seniors and citizens who wish to ex-
ercise their basic Second Amendment rights.

In December 2016, SSA finalized a rule pro-
viding that any American receiving dis-
ability benefits due to a "mental disability"
and who are also receiving assistance in
managing their benefits should be labeled
"mentally defective." As a result, those who
are inappropriately labeled as "mentally de-
fective" are mandatorily reported to the Na-
tional Instant Criminal Background Check
System—a federal list of people who are
barred from purchasing firearms—as re-
quired by the Gun Control Act. This finalized
rule unjustly equates persons with disabili-
ties and those who require assistance to
manage their benefits to those who are actu-
ally "mentally defective."

Aside from the fact that this regulation in-
appropriately equates disabled persons rely-
ing on representative payees with those who
are "mentally defective," AMAC objects to
the way in which this regulation has been
implemented. Over the past several years,
Americans, particularly seniors, have been
at the mercy of executive overreach and
mandate. As millions of American seniors
rely on SSA for their retirement income, the
burden of this regulation has been largely
concentrated in our communities. This Joint
Resolution is a welcome reprieve to seniors
who have had their Second Amendment
rights subverted by an administration and
agency with significant influence over their
retirement income.

As an organization committed to rep-
resenting the interests of mature Americans
and seniors, AMAC is dedicated to ensuring
senior citizens' interests are protected. This
midnight regulation has placed an undue
burden on those requiring assistance to man-
age their benefits and who suffer from dis-
ability. As an organization, we thank Sen-
ator Grassley, Chairman Johnson, Congress-
man Abraham, and their respective staffs for
their quick response and steady resolve to
protect seniors and those who have been af-
fected by this regulation. We ask Congress to
quickly pass this Joint Resolution and re-
store the basic Second Amendment rights
this rule has abridged.

Sincerely,

DAN WEBER,
President and Founder of AMAC.

THE ARC,
Washington, DC, January 30, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC
LEADER PELOSI: The Arc of the United States
(The Arc) writes to urge you to support a
Congressional Review Act (CRA) resolution
to disapprove the Final Rule issued by the
Social Security Administration (SSA) on De-
cember 19, 2016, "Implementation of the
NICS Improvement Amendments Act of
2007." This rule would require the Social Se-
curity Administration to forward the names
of all Social Security and Supplemental Se-
curity Income (SSI) disability beneficiaries
who use a representative payee to help man-
age their benefits, and who have been found
eligible by meeting or equaling an SSA men-
tal impairment listing, to the National In-
stant Criminal Background Check System
(NICS).

The Arc is the largest national commu-
nity-based organization advocating for peo-
ple with intellectual and developmental dis-
abilities (I/DD) and their families, with over
660 state and local chapters nationwide. The
Arc is devoted to promoting and protecting
the human and civil rights of people with in-
tellectual and developmental disabilities and
has over 60-years of history of advocating for
the rights of children and adults with dis-
abilities. The Arc is concerned about the
safety of all Americans, including through
gun violence. However, The Arc—and many
other members of the Consortium for Cit-
izens with Disabilities (CCD)—opposes the
rule for a number of reasons, including:

The damaging message that may be sent
by an SSA policy change, which focused on
reporting individuals who receive assistance
from representative payees in managing
their benefits to the NICS gun database. The
current public dialogue is replete with inac-
curate stereotyping of people with mental
disabilities as violent and dangerous, and
there is a real concern that the kind of pol-
icy change encompassed by this rule will re-
inforce those unfounded assumptions.

The absence of any data suggesting that
there is any connection between the need for
a representative payee to manage one's So-
cial Security disability benefits and a prop-
ensity toward gun violence.

The absence of any meaningful due process
protections when interfering with an individ-
ual's constitutional right, prior to the SSA's
transmittal of names to the NICS database.
Although the NICS Improvements Act of 2007
allows agencies to transmit the names of in-
dividuals who have been "adjudicated" to
lack the capacity to manage their own af-
fairs, SSA's process does not constitute an
adjudication and does not include a finding
that individuals are broadly unable to man-
age their own affairs.

The potential for the rule to deter some
people with mental impairments from seek-
ing access to the Social Security and SSI
disability benefits that they are eligible for,
out fear of being added to the NICS or having
their privacy violated.

We urge Congress to act, through the CRA
process, to disapprove this new rule and pre-
vent the damage that it inflicts on the dis-
ability community.

Respectfully Submitted,

MARTY FORD,
Senior Executive Officer, Public Policy.

AUTISTIC SELF ADVOCACY NETWORK,
Washington, DC, January 30, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC
LEADER PELOSI: The Autistic Self Advocacy
Network (ASAN) urges you to support a Con-
gressional Review Act (CRA) resolution to
disapprove the Final Rule issued by the So-
cial Security Administration (SSA) on De-
cember 19, 2016, "Implementation of the
NICS Improvement Amendments Act of
2007." This rule would require the Social Se-
curity Administration to forward the names
of all Social Security Disability Insurance
(SSDI) and Supplemental Security Income
(SSI) benefit recipients who use a represen-
tative payee to help manage their benefits
due to a mental impairment to the National
Instant Criminal Background Check System
(NICS).

The Autistic Self Advocacy Network is a
nationwide 501(c)(3) advocacy organization
run by and for autistic people ourselves.
ASAN promotes public education and public
policies that are aimed at eliminating stig-
matizing attitudes and increasing autistic
Americans' access to all aspects of the com-
munity.

Prior to the issuance of the Final Rule, the
Autistic Self Advocacy Network conveyed its
opposition to the rule through a letter to the
Obama Administration and through the pub-
lic comment process, in addition to joining
in public comments as a member of the Con-
sortium of Citizens with Disabilities Rights
Task Force. We—and many other disability
rights organizations—opposed the rule for a
number of reasons, including:

1) The damaging message that may be sent
by a SSA policy change, which focused on re-
porting individuals who receive assistance
from representative payees in managing
their benefits to the NICS gun database. The
current public dialogue is replete with inac-
curate stereotyping of people with mental
disabilities as violent and dangerous, and
there is a real concern that the kind of pol-
icy change encompassed by this rule will re-
inforce those unfounded assumptions.

2) The absence of any data suggesting that
there is any connection between the need for
a representative payee to manage one's So-
cial Security disability benefits and a prop-
ensity toward gun violence.

3) The absence of any meaningful due process
protections prior to the SSA's trans-
mittal of names to the NICS database. Al-
though the NICS Improvements Act of 2007
allows agencies to transmit the names of in-
dividuals who have been "adjudicated" to
lack the capacity to manage their own af-
fairs, SSA's process does not constitute an
adjudication and does not include a finding
that individuals are broadly unable to man-
age their own affairs.

Based on similar concerns, the National
Council on Disability, an independent federal
agency charged with advising the President,
Congress, and other federal agencies regard-
ing disability policy, has urged Congress to
use the Congressional Review Act to repeal
this rule.

We urge Congress to act, through the CRA
process, to disapprove this new rule and pre-
vent the damage that it inflicts on the dis-
ability community.

Sincerely,

SAMANTHA CRANE,
Director of Public Policy,
Autistic Self-Advocacy Network.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, February 1, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: You will soon consider a number of resolutions that will disapprove rules offered within the last six months of the Obama Administration, pursuant to the Congressional Review Act. On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support the following resolutions:

Rep. Bill Johnson's (R-Ohio) resolution to disapprove the Department of the Interior's (DOI) Stream Protection rule. The rule rewrites more than 400 regulations, while threatening one-third of the nation's coal mining workforce. The rule would also override preferable existing regulations at both the state and federal level.

Rep. Bill Huizenga's (R-Mich.) resolution to disapprove the Securities and Exchange Commission's (SEC) rule, "Disclosure of Payments by Resource Extraction Issuers." The SEC, whose mission is to maintain efficient markets, estimates compliance of the rule could reach \$591 million annually. The rule also fails to protect investors and prevents capital formation.

Rep. Sam Johnson's (R-Texas) resolution to disapprove a rule promulgated by the Social Security Administration relating to the National Instant Criminal Background Check System (NICS). This rule misinterprets the NICS Improvements Amendment Act, and it allows disability or Supplemental Security Income beneficiaries to be deemed "mental defectives" in NICS without any due process as required by law.

Rep. Virginia Foxx's (R-N.C.) resolution to disapprove the so-called "blacklisting" rule promulgated by the Department of Defense, General Services Administration, and National Aeronautics and Space Administration. This rule requires employers bidding on federal contracts to disclose both violations and alleged violations of state and federal labor laws for every contract bid, and to update that information every six months during the contract. This rule unnecessarily drives up the cost of projects, violates due process, and puts small business at a disadvantage.

Rep. Rob Bishop's (R-Utah) resolution to disapprove the Bureau of Land Management's (BLM) Venting and Flaring rule. This rule is an example of agency overreach, as BLM lacks the statutory authority to regulate air quality. Further, the rule fails to address BLM's real problem: a backlog of permits for the pipelines, in turn forcing the methane companies to vent and flare gases wastefully.

It is critical that Congress removes as many of the "midnight regulations" as possible forced on taxpayers by the previous administration. All votes on these resolutions will be among those considered for CCAGW's 2017 Congressional Ratings.

Sincerely,

TOM SCHATZ.
President.

DISABILITY LAW CENTER,
Anchorage, AK, January 25, 2017.

Re: Social Security "Implementation of the NICS Improvement Amendments Act of 2007".

Sen. LISA MURKOWSKI,
Anchorage, Alaska.
Sen. DAN SULLIVAN,
Anchorage, Alaska.
Congressman DON YOUNG,
Anchorage, Alaska.

DEAR SENATORS MURKOWSKI AND SULLIVAN, AND CONGRESSMAN YOUNG: This past summer, our office commented on Social Security's proposal to report certain beneficiaries to the federal firearms database. A copy of these comments is attached. Despite those comments, and many others, the agency went ahead with its proposal. 81 Fed. Reg. 91702 (December 19, 2016). According to press reports today, you will soon have before you a joint resolution disapproving these new regulations. This is to urge you carefully to consider, and, if appropriate, pass this joint resolution.

This is not a situation where Congress would be asserting its political will over an agency that carefully analyzed the comments on its proposed regulations and responded to those comments in a thoughtful way. Instead, in its responses to comments, Social Security:

1) Simply failed to take into account that its disability determination process does not purport to decide whether someone is a "mental defective," that Social Security is not the kind of "court, board, commission, or other lawful authority" that makes such findings, and that written decisions saying that someone qualifies for benefits typically do not mention whether the person meets or equals the mental Listings, thus omitting information necessary for people to decide whether to appeal. 81 Fed. Reg. at 91703.

2) Relied, repeatedly, for its legal analysis on a DOJ Guidance that has not been published anywhere, let alone published in the Federal Register. 81 Fed. Reg. at 91703, 91704, 91706.

3) Responded to the suggestion that people might not apply for disability benefits they deserved because they would be reported to the database by saying that the reason they were on the database would be kept private, so they would not be "stigmatized" or "embarrassed." 81 Fed. Reg. at 91707. It isn't a matter of stigmas or embarrassments. It's a matter of wanting to own a firearm and being discouraged from applying for benefits because you know that if you get benefits you may lose your property.

4) Agreed that the process can assign someone a representative payee even though the person is competent, 81 Fed. Reg. at 91709-10, but did not see that this fact ought to keep that person from going onto the federal firearms database; and

5) Completely failed to analyze whether putting someone on the database restricts Alaskan subsistence activities as protected by ANILCA.

This is agency decisionmaking that is, for want of a better word, wrong. It deserves to be analyzed and rejected under the Congressional Review Act.

Mr. SAM JOHNSON of Texas. Mr. Speaker, as the ACLU said: "We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent. There is no data to support a connection between the need for a representa-

tive payee to manage one's Social Security disability benefits and a propensity toward gun violence."

Mr. Speaker, we must act today to protect the rights of individuals with disabilities.

Mr. Speaker, I urge the adoption of H.J. Res. 40, and I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I have always been a strong ally of the disability community and have paid close attention to the concerns many have had with this rule.

I'm proud to have been the lead sponsor of the Americans with Disabilities Act in 1990, which opened doors of independence, access, opportunity, and equity for millions of Americans with differing abilities.

In Congress, Democrats have put forward commonsense gun safety laws that would prevent violent and dangerous individuals with mental disabilities from purchasing firearms. However, the Republican-led Congress would not allow even a vote on such legislation.

President Obama took a series of limited steps within his authority, one of which was this rule, whose aim has been to prevent those who shouldn't have guns from obtaining them. I believe that, absent action from Congress to enhance our background check system, this rule represents an imperfect but necessary step.

It is imperfect because it stigmatizes the disability community unfairly and needs a stronger appeals process to protect the rights of those who fall under its purview. I disagree with the premise that having a mental disability that precludes independent management of one's finances correlates with a heightened risk of violence. I have read the rule and recognize that it was written in a narrow way so that it applies only to those with severe mental illnesses.

I've had many discussions over the past several days with leaders in the disability community. I've grappled with the very difficult questions this resolution poses and ultimately decided that, given these circumstances, the best step right now is to oppose this resolution.

I look forward to working closely with the disability community and gun safety advocates to push for Congress to take up legislation that keeps all Americans safe from gun violence while protecting the rights of those with differing abilities.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise in strong opposition to this misguided resolution that will only imperil the lives of more Americans.

In 2007, this body passed the National Instant Criminal Background Check System Improvement bill with a unanimous voice vote.

We all agreed that the background check system needed better information, especially after dangerous individuals slipped through the cracks and were able to purchase guns they never should have been allowed to buy in the first place.

Like Jared Loughner, who killed six people in Arizona who were at a grocery store to meet our colleague Gabby Giffords.

He passed background checks even though he had a history of drug use and disturbing behavior that should have been in the system.

So the Obama Administration, at Congress's direction wrote this rule to make sure that federal mental health records make their way into the background check system, so that it can effectively deny purchases to individuals who are already prohibited from buying guns.

And let's be clear about what we're talking about.

This rule only affects those with very severe, long-term mental disorders, and who have been identified by doctors and psychologists as severely mentally disabled.

It does not paint disability recipients with a broad brush.

8.8 million Americans receive Social Security disability benefits, yet SSA estimates only 75,000 would meet the criteria under this rule.

That is less than one percent.

Let's also be clear: this resolution is an attempt to hamstring our federal agencies and to keep them from improving the background check system.

Rather than work with a new administrator to improve the rule, the Majority would rather have no rule at all because this bill not only repeals this background check improvement rule, it also prohibits the federal government from issuing a similar rule in the future.

We've got it backwards. We shouldn't be repealing gun safety rules, we should be strengthening them. Gun violence is an epidemic in this country and we have done literally nothing in Congress about it since Republicans took the majority in the House in 2011.

I urge my colleagues to oppose this bill.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I strongly oppose this bill that uses dangerous procedure to advance dangerous policy to erode our important firearms background check system and undermine public safety.

In response to the tragic mass shooting at Virginia Tech, the National Instant Criminal Background Check System Improvement Amendment Act was passed by Congress unanimously and signed into law by President Bush because everyone agreed that we need federal and State agencies to submit relevant information to maintain an accurate, effective system.

This bill directly undermines public safety by permanently blocking a federal agency from submitting records to this critical safeguard system.

I know the high cost of gun violence on families and communities. I know that policy makers have an obligation to address public safety carefully and responsibly. Reasonable people can disagree about whether the rule by the Social Security Administration struck the right balance between the threshold and process reporting to the background system. While opponents have raised some concerns about whether there is sufficient due process in this rule, the solution is not to block the rule entirely. Rather, the solution is to fix it.

Therefore, I oppose this CRA because it would permanently prohibit the Social Security Administration from ever reporting individuals to this critical safety system, which is an extreme, dangerous, irresponsible, and irreversible action that threatens the safety of our communities.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to H.J. Res. 40, disapproving of the

Social Security Administration's (SSA) rule-making on the Implementation of the NICS Improvement Amendments Act of 2007. While I have reservations about the rule, I do not believe the Congressional Review Act is the way to fix it.

Under the rule, individuals with a severe, long-term mental disorder who SSA determines are unable to manage their benefits would be placed on the NICS list and prohibited from purchasing a firearm. That tens of thousands of Americans die each year due to gun violence is unconscionable, and I do believe that the government has a role to play in alleviating this public health crisis.

However, as Co-Chair of the Bipartisan Disabilities Caucus, I understand the concerns of many mental health and disability rights advocates that this rule also has the potential to perpetuate the stigma that people with psychiatric or intellectual disabilities are more prone to violence, when they are often more likely to be the victims of violence. I also believe the due process procedures in this rule can and should be strengthened. Nonetheless, I believe these concerns can be addressed without resorting to the Congressional Review Act, and I cannot support this resolution of disapproval.

This is particularly true as passage of the resolution of disapproval could limit SSA's future regulatory activity in this area and could discourage other ongoing efforts to improve gun safety laws. I look forward to working with both the disability community and the Administration to protect the rights of individuals with disabilities while maintaining the integrity of the rulemaking process.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 71, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

A recorded vote was ordered.

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

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. CHAFFETZ. Mr. Speaker, pursuant to House Resolution 74, I call up the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Department of Defense, the General

Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 74, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation (published at 81 Fed. Reg. 58562 (August 25, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 37.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of the resolution.

During the past 8 years, the number of newly issued regulations and the costs of those regulations have surged. By the prior administration's own estimates, Federal regulations promulgated over the last 10 years alone have imposed a cost of more than \$100 billion annually on American taxpayers.

H.J. Res. 37, which we are considering today under the Congressional Review Act procedures, represents an important step toward rolling back this tsunami of rules. Once a CRA resolution of disapproval for a rule is enacted, agencies cannot reissue the rule or any substantially similar rules in the future.

H.J. Res. 37 revokes the Fair Pay and Safe Workplaces rule, otherwise known as the blacklisting rule.

I want to thank Chairwoman Foxx for her leadership on this resolution of disapproval. I also want to recognize my fellow original cosponsors, Mr. CHABOT and Mr. MITCHELL, for their leadership on this issue as well.

I want to highlight the impact of this rule on the Federal acquisition system as well as contractors. This rule requires Federal contractors to report violations and alleged violations of 14

Federal labor laws and undefined equivalent State labor laws for the previous 3 years. Contractors must collect and report this information every time they submit a proposal for a contract and then every 6 months during the contract performance. Then Federal contract officers consult with their agency's newly created agency labor compliance adviser before determining if a contractor is eligible for a contract award.

There are a number of reasons this rule should be revoked. The Federal acquisition system is already a very complex, inefficient system. This contractor blacklisting rule is exactly the type of requirement an already complex Federal acquisition system does not need. The rule adds another contractor clause to an increasingly long list of clauses in every Federal contract. It slows down a process that already has trouble delivering goods and services in a timely manner. It increases the burden on Federal contract officers who have to review and assess the significant volume of information and take on the role of labor law experts.

The rule imposes significant costs on contractors, which means the government, which ultimately means the taxpayers. The rule itself is estimated to cost contractors and subcontractors more than \$458 million in the first year and \$413 million in the second year of its implementation. Some experts believe the government underestimated these costs.

The cost to establish a new information collection, reporting, and assessment system to comply with the rule would be prohibitively expensive for most contractors, especially the small contractors. Mr. Speaker, this is where the rubber meets the road. It is these small contractors.

In fiscal year 2016, the Federal Government spent more than \$470 billion contracting for goods and services. We need to be looking for ways to reduce, not increase, spending in this area.

The rule discourages competition and reduces access to innovation. The last thing we need to do for the Federal acquisition system is to discourage competition and innovation, particularly for first time participants who want to join the Federal marketplace. There are already so many barriers to entry, particularly for these small businesses. So think about the small business at home. They want to compete for these Federal contractors. They may be a very small organization.

Even after we pass the resolution of disapproval, there are still rules, there are still laws, and there are still a lot of burdens that they have to deal with. But I want to cite some Bloomberg data about the number of first time Federal vendors. We have fallen to a 10-year low—down 24 percent in 2007 to only 13 percent in 2016.

What that means is the big are probably getting bigger, but the small guy, the mom, the pop, and the woman who is starting a new business and wants to compete for these Federal contracts don't have a fighting chance. For the Federal Government to put more burdens on there, especially things that haven't been substantiated, is just not fair, and it is just not right.

□ 1445

The rule duplicates existing labor enforcement mechanisms to hold contractors accountable and, therefore, I believe, is not necessary.

Revoking this rule will not leave Federal contractors free to violate labor laws. To the contrary, the Department of Labor has significant oversight and investigation resources to enforce the Federal labor law.

Further, if there is a bad-apple contractor not complying with the law, contract officers already have the authority to refer contractors for suspension and disbarment.

This rule raises due process and First Amendment concerns. One of the most disturbing parts of the rule is that contractors would be required to report alleged violations—not confirmed—just the alleged violations of the 14 Federal labor laws, and the undefined equivalent of State labor laws.

It deprives contractors of their legal rights to challenge such allegations. The reporting requirement covers non-final administrative merits determinations without regard to the severity of the alleged violation.

Contractors would have to disclose National Labor Relations Board complaints, OSHA citations, EEOC non-final letters of determination, even though these cases have not been adjudicated and the record is incomplete.

Contractors challenged this rule in Federal Court, and the judge, in granting a preliminary injunction for the rule, found this reporting requirement could also impact contractors' First Amendment rights. The judge said that the rule could result in compelled speech by requiring contractors to report allegations that would cause a reputational harm, particularly if after adjudication the allegation is found to be without merit.

This rule increases costs, complexity, and reduces competition in the Federal acquisition system. We are having trouble getting new entrants in to compete as contractors, and, therefore, I urge the support of the passage of H.J. Res. 37.

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

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

Mr. Speaker, I rise in strong opposition to this resolution which would disapprove of the Fair Pay and Safe Workplaces rule that was finalized in August of 2016.

The Federal Acquisition Regulation requires Federal contractors to be "responsible," to have a satisfactory record of integrity, and business ethics.

The Fair Pay and Safe Workplaces rule would require Federal contractors to self-report on violations of 14 fundamental Federal labor and non-discrimination laws.

This includes laws like the Occupational Safety and Health Act, or OSHA; the Fair Labor Standards Act; the Family and Medical Leave Act; and the Civil Rights Act.

These Federal laws apply to all businesses in the United States, and a vast majority of Federal contractors comply with them as well. Unfortunately, studies by the GAO, the Center for American Progress, and others show that there are a few bad apples that consistently violate these fundamental Federal labor laws, yet continue to be awarded Federal contracts.

That is just plain wrong. Americans' tax dollars should not go to contractors who persistently and willfully violate such laws.

It also puts contractors who do obey the law at an unfair disadvantage because they willingly bear the cost of compliance to provide safe and fair workplaces.

The Fair Pay and Safe Workplaces rule would also improve the effectiveness and efficiency of the Federal acquisition process by promoting healthy and productive workplaces.

As the final rule notes, "Contractors that consistently adhere to labor laws are more likely to have workplace practices that enhance productivity and increase the likelihood of timely, predictable, and satisfactory delivery of goods and services."

This rule should be a win-win. It helps the Federal Government ensure compliance with fundamental labor and nondiscrimination laws and, at the same time, improve the efficiency of the Federal contracting process.

I urge our Members to vote "no" on this ill-conceived disapproval resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. BOBBY SCOTT), the ranking member of the Committee on Education and the Workforce, be allowed to control the time on this side.

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

There was no objection.

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

Mr. CHAFFETZ. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from North Carolina (Ms. FOXX), the lead sponsor of the joint resolution and the chair of the committee.

Ms. FOXX. Mr. Speaker, I thank the chairman of the Oversight and Government Reform Committee for yielding time.

Mr. Speaker, we are here today to stand up for workers, taxpayers, and small businesses.

We all agree employers who do business with the Federal Government should be held to high standards, and their employees deserve strong protections. That is why for decades the Federal Government has had a system in place to deny contracts to employers who violate Federal labor laws.

Time and again, Republicans in Congress urged the Obama administration to enforce the current system to ensure workers receive fair pay and safe workplaces.

Instead, the previous administration did the exact opposite. It went in search of a problem that doesn't exist. It took its eye off the ball, and we are here today to demand better.

The Obama blacklisting rule empowers government agencies to deny employers Federal contracts for alleged violations of various Federal labor laws and similar State laws. That is right. Under this rule, bureaucrats can determine employers are guilty until proven innocent, and then deny them the ability to do business with the Federal Government.

This is one important reason why a Federal district judge recently blocked implementation of the rule because it would have a chilling effect on the due process rights of American citizens. But that is not the only reason why we are here today. Rather than streamline the procurement process to better protect taxpayers and workers, the Obama administration added new layers of red tape on to a system plagued by delays and inefficiencies. Simply put, this rule is a bureaucratic nightmare. It turns our already complex Federal procurement process into a convoluted regulatory maze.

Despite what our Democrat colleagues will claim, this rule will actually hurt workers by making a system designed for their protection less efficient. Law-abiding small-business owners, the backbone of our Nation's economy, will be less inclined to bid on Federal contracts.

As a result, we will see less competition in the Federal contracting process. With less competition, hard-working taxpayers will be forced to pay more for goods and services provided to the U.S. Government.

Perhaps most concerning is the threat this rule poses to our national security. Higher costs and a delayed contracting process will jeopardize the resources our Armed Services depend on to keep our Nation safe. With men and women currently stationed in harm's way, this is simply unacceptable.

If workers, taxpayers, and small businesses stand to lose, then who stands to gain?

The answer is Big Labor. Union leaders often file frivolous legal complaints

to gain leverage against employers. This is just one more partisan rule that stacks the deck in favor of union leaders.

The facts are clear: this rule is fatally flawed. It is not in the best interest of workers, small-business owners, our military or hardworking taxpayers. It is also unnecessary, but you don't have to take my word for it.

Last October, our colleagues in the Congressional Progressive Caucus—Representatives KEITH ELLISON and RAÚL GRIJALVA said: "The Department of Labor has full authority under current law to hold Federal contractors accountable."

I could not agree more. In fact, that is what Republicans have been saying all along.

I urge my colleagues to stand up for workers, small-business owners, taxpayers, and our national security by supporting this commonsense resolution. Then let's work together to ensure existing policies are enforced and workers have the protections they deserve.

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that the gentlewoman from North Carolina (Ms. FOXX) be permitted to control the remainder of my time.

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

There was no objection.

Ms. FOXX. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Before I address the disapproval resolution, I just want to acknowledge the important role Federal contractors have in meeting the needs of the Federal Government. Employment and critical services in many districts, including my own, are heavily reliant on Federal contractors, including those who serve a critical role for our Nation, supporting the needs of the military, the Coast Guard, Homeland Security, and many others.

That said, it is imperative that contractors are bidding on a level playing field when they compete for contracts. Unfortunately, this resolution would effectively reward contractors who cut corners, endanger the rights of their workers, and, studies show, compromise quality.

Although most Federal contractors obey labor laws, studies by the GAO, the Senate HELP Committee, and others document that Federal contractors with histories of serious, willful, and repeated violations of labor employment and nondiscrimination laws continue to be rewarded with Federal contracts.

For context, it is important to know that contracting rules already require agencies to determine whether or not a prospective contractor is responsible

before awarding a contract. Amongst the criteria considered is whether or not the contractor has "a satisfactory record of integrity and business ethics," and "a satisfactory performance record."

As previous speakers have noted, violations can already be considered. However, contracting officers don't have access to a list of those violations until this rule is issued, nor are contracting officers required to review a bidder's labor violations history.

The rule implementing the executive order on Fair Pay and Safe Workplaces does not add any extra layers of review. Rather, it would fill that data gap by requiring contractors to disclose whether they have violations of 14 longstanding labor laws, including the Fair Labor Standards Act, OSHA, Vietnam Era Veterans Readjustment Assistance Act, and nondiscrimination laws.

It only applies to contracts over \$500,000, so we are not talking about mom-and-pop operations. But if listing those violations of fair pay and safe workplace laws constitutes an administrative burden, more the reason to make them be listed.

They are to be disclosed. And although we have heard about allegations, and although some violations may not be final, the only thing that has to be disclosed are those violations for which there has been an agency determination. That is, an allegation is made, it is investigated, and the company has been found to be in violation. It may be on appeal or whatnot, but there has at least been an agency determination of guilt.

The rule requires contracting officers to focus on whether such violations are serious, repeated, willful or pervasive. The rule helps bring those contractors with a history of violations into compliance by way of labor compliance agreements so they can continue to be considered for contracting opportunities while they improve their records.

Some have mislabeled this rule as the "blacklisting rule," but this suggestion and characterization ignores the rules' meaningful compliance provision. The reality is that this rule would, according to the nonpartisan Congressional Research Service, encourage agency contract officials to push bidders with serious labor law violations "to enter into labor compliance agreements" rather than to disbar or suspend them.

I want to point out that a coalition of 20,000 construction contractors submitted testimony to the Small Business Committee where they wrote: "Employers—primes and subs have more rights, remedies and redress for non-responsibility determinations based on lack of integrity or business ethics under the executive order than the current Federal Acquisition Regulation procedures specifically provide."

Now, this testimony suggests that the rules are far more contractor-friendly than the detractors have characterized.

It would be premature to dismantle this rule because it hasn't even been put into effect because it has been under a court injunction. Further, repealing the rule under the CRA would bar future consideration of substantially similar rules unless Congress enacts subsequent enabling legislation.

So the bottom line is that there are winners and there are losers if this legislation passes. The winners, if this legislation passes, would be companies who willfully, and repeatedly, and pervasively violate labor laws. The winners would be the contractors who cut corners and gain an unfair competitive advantage over law-abiding contractors.

□ 1500

The losers will be workers who are employed by Federal contractors. They will be more susceptible to wage theft, unfair working conditions, and unsafe workplaces run by unscrupulous contractors. Losers will be the law-abiding contractors who lose contracts because they abide by the laws protecting their workers.

This is why the Fair Pay and Safe Workplaces rule enjoys support from a widespread number of businesses, veterans, civil rights, and labor organizations from the Easterseals to Paralyzed Veterans of America, to the Leadership Conference on Civil Rights and the International Brotherhood of Teamsters. That is why I oppose this legislation.

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

Ms. FOXX. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. CHABOT), the chair of the Committee on Small Business.

Mr. CHABOT. Mr. Speaker, I rise today in strong support of H.J. Res. 37. I want to commend my colleague from North Carolina (Ms. FOXX) for her leadership in sponsoring this measure. I am proud to be a cosponsor.

The blacklisting rule is a textbook example of executive overreach that became standard operating procedure during the previous administration. Instead of using the existing suspension and debarment system to deal with bad actors, the Obama administration imposed an unnecessary regulation that placed significant burdens on all Federal contractors, even though they admitted that "the vast majority of Federal contractors play by the rules."

This kind of action—failing to enforce existing rules and then imposing a burdensome, redundant regulatory scheme—is exactly what frustrates the American people about Washington. We all want bad actors to be held accountable, but this rule is unnecessary red

tape that punishes everyone for the actions of a few.

As chairman of the Committee on Small Business, I am concerned that we already have 100,000 fewer small businesses doing business with the Federal Government than we did back in 2012. So in the second term of the Obama administration, we lost 100,000 small businesses doing business with the Federal Government across the country. That means we have less competition, and that is bad for job creators and it is bad for taxpayers alike because, when there is less competition, we pay more, so the tax dollars that we send here to Washington are not used as efficiently as they ought to be.

The Committee on Small Business held several hearings and roundtables on this rule over the last 2 years, heard directly from small businesses, and examined the Obama administration's rule very closely. What we found was quite alarming.

The blacklisting rule would force innocent small businesses to settle unproven claims, disclose commercially sensitive information to their competitors, and report information the Federal Government already has. So we are going through this whole process, and the Federal Government has already got it; but they are not competent enough to use what they have already got, so they want to put it on the contractor to do even more. It makes no sense.

Ultimately, this rule will result in small businesses being blacklisted from participating in Federal contracting based on accusations—just accusations—where they may ultimately be found innocent. They didn't do anything wrong, yet they are barred from doing business with the government. Again, it makes no sense.

I urge my colleagues to support H.J. Res. 37. Passage of this joint resolution will undo a duplicative and unnecessary regulation that harms small business, hurts competition, and prevents taxpayers from getting the best bang for their buck.

I again want to thank the chairwoman for her leadership in pushing this forward. I urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to congressional Republicans' attempt to repeal Fair Pay and Safe Workplaces protections for Federal contract workers.

We all know President Trump is no fan of transparency. He has steadfastly refused to disclose his own tax returns, so it is no surprise that he and the Republicans would oppose disclosure of labor, employment, civil rights, and nondiscrimination law violations by bidders for Federal contracts.

What I really don't understand is why Members of Congress would ask American taxpayers to subsidize companies that routinely violate our labor laws. Voting for this resolution actually rewards companies that discriminate, stiff their employees on pay, or cut corners on safety, and it puts responsible businesses that play by the rules at a disadvantage.

This resolution harms women. Women make up the majority of low-wage workers. Fair Pay and Safe Workplaces protections ensure that our tax dollars do not support sexual harassment and sex discrimination on the job, regular occurrences especially for low-wage working women.

This resolution harms veterans, including disabled veterans. Repeal means that we won't know whether a contract bidder routinely violates section 503 of the Rehabilitation Act, which Paralyzed Veterans of America, Disabled American Veterans, and Vets First say is "necessary to prevent discrimination in the workplace and during the hiring process."

This resolution also harms older workers. To quote AARP: "... age discrimination in the workplace persists as a serious and pervasive problem. The Fair Pay and Safe Workplaces Executive Order is the first executive order since 1964 addressing the obligation of those who receive federal contracts not to discriminate on the basis of age."

If you don't want your taxpayer dollars to be used to undermine Fair Pay and Safe Workplaces protections, then all Members should oppose this resolution.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to our distinguished colleague from Michigan (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.J. Res. 37. I am proud to join Chairwoman FOXX and Chairmen CHAFFETZ and CHABOT as an original cosponsor.

H.J. Res. 37 would void the Fair Pay and Safe Workplaces rule, commonly known as the blacklisting rule. The blacklisting rule is an additional layer of Federal bureaucracy that crushes the ability of small and midsize companies to compete for Federal contracts and adversely impacts timing and efficient procurement while massively increasing costs.

The blacklisting rule requires Federal contractors to report violations, including alleged violations of 14 Federal labor laws and equivalent State laws, over the previous 3 years. Contractors have to collect that information from all of their subcontractors, and they are liable for that information, placing a huge administrative burden on those contractors. Also, not only when they bid for the contract, but every 6 months, they must renew that information.

Federal contract officers—by the way, there are over 37,000 of them, an

amazing number—would then be required to consult with newly created labor compliance advisers. Yes, it creates more bureaucrats.

The final rule, itself, estimates costs for contractors and subcontractors of more than \$458 million in the first year—a half a billion dollars—and more than \$413 million in the second year. Amazing costs. This compliance cost is catastrophic for small and midsize businesses.

Those who deny workers basic protections are already protected by the suspension and debarment process. The blacklisting rule is simply another bureaucratic hoop. In 2015, nearly 1,000 suspensions and 2,000 debarments were undertaken. Put simply, the suspension and debarment system has worked to protect workers and government.

Moreover, the rule requires contractors and subcontractors to report on alleged labor law violations and violations that have not been fully adjudicated. A business could be deemed ineligible for a Federal contract, or blacklisted, because the contractor reported alleged labor law violations while still exercising their legal right to pursue adjudication. That is antithetical to our Constitution.

H.J. Res. 37 will remove a regulation that raises serious due process concerns, duplicates existing enforcement mechanisms, increases the cost of Federal contracting, and expands the Federal bureaucracy.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. BONAMICI), the vice ranking member of the Committee on Education and the Workforce.

Ms. BONAMICI. Mr. Speaker, I rise today in opposition to H.J. Res. 37.

President Obama's Fair Pay and Safe Workplaces rule reinforces employment protections and laws that help veterans, individuals with disabilities, older Americans, minorities, and LGBTQ workers. It protects workers in our country so they receive a fair day's pay for a fair day's work.

This rule was passed in response to discovering that billions of taxpayer dollars went to companies that violated Federal workplace laws. A contractor who cheats workers out of their pay, endangers their safety at work, or engages in discriminatory practices should be required at least to disclose this information when bidding for Federal contracts. Taxpayer dollars should not support the exploitation of workers. That is just common sense.

The resolution before us would also remove critical protections for workers that allow them to access our judicial system. The Fair Pay and Safe Workplaces rule bans forced arbitration in workplace discrimination and sexual assault cases for contracts of \$1 million or greater, a policy already in place at the Department of Defense that was enacted with broad bipartisan support

in 2010. Workers deserve the opportunity to have their day in court to seek justice for their sexual assault and discrimination claims.

I oppose this resolution to disapprove of these protections because it gives serial law violators a free pass at the cost of workers' safety, and it disadvantages the law-abiding contractors in Oregon and across the country who follow our Nation's laws.

H.J. Res. 37 before us today would reward unlawful and discriminatory conduct. I urge my colleagues to oppose it.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. WALBERG. Mr. Speaker, I thank the gentlewoman for yielding and for introducing this legislation and sponsoring it. I rise today in support of H.J. Res. 37.

We all agree that bad actors who deny workers basic protections and violate the Fair Labor Standards Act should not be rewarded with government contracts funded by taxpayer dollars. However, the Department of Labor's rule effectively blacklists Federal contractors for alleged violations and would require contractors to defend themselves against these allegations without being entitled to a formal hearing.

The Federal District Court has already ruled that the Department of Labor rule violates contractors' due process rights. Additionally, this rule is unnecessary because the Department of Labor already has significant oversight and investigation capabilities to assess contractor compliance with Federal labor laws.

This rule supersedes agencies' existing authority to hold contractors accountable under the current suspension and debarment system. My question is why don't they use it?

Misguided regulatory policies, like the blacklisting rule, don't stop bad actors, but they do end up adding new layers of redundant bureaucratic red tape, harming employers and older workers, disabled workers, female workers, minority workers, and workers, in general, alike.

I urge my colleagues to support the resolution of disapproval and roll back this duplicative and unnecessary rule.

Mr. SCOTT of Virginia. Mr. Speaker, can you advise both sides how much time is remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 17½ minutes remaining. The gentlewoman from North Carolina has 12½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. NORCROSS), a member of the Committee on Education and the Workforce.

Mr. NORCROSS. Mr. Speaker, I include in the RECORD two letters from

organizations that have long led the fight for workers' rights: the AFL-CIO and the International Brotherhood of Teamsters.

AFL-CIO,

February 1, 2017.

DEAR REPRESENTATIVE: The AFL-CIO urges you to oppose the Congressional Review Act resolution of disapproval of the regulations implementing the Fair Pay and Safe Workplaces Executive Order.

The Fair Pay and Safe Workplaces regulations implement the common-sense proposition that companies wanting to receive lucrative taxpayer-funded government contracts should comply with the law and respect workers' rights. The Executive Order and implementing regulations establish a process for reviewing the records of companies bidding for federal business and ensuring that companies that receive this business comply with the law and respect workers' rights. The regulations improve the contracting process and establish more fairness, so that companies that respect workers' rights do not have a competitive disadvantage when competing against companies that cheat by misclassifying their workers as independent contractors, ignoring health and safety hazards, or engaging in wage theft. Repealing these regulations will remove an important incentive for companies to pay their workers what they are due, protect their health and safety, and comply with the law.

The regulations are needed because the current procurement system does an inadequate job screening prospective contractors and their compliance (or non-compliance) with the law. According to the U.S. Government Accountability Office, federal contracts have been awarded to companies with significant records of violating wage and hour, health and safety, and other worker protection laws. A report by the Committee on Health, Education, Labor and Pensions similarly found that the government regularly awards federal contracts to companies with significant violations of worker protection laws.

Wiping out these regulations using the Congressional Review Act is a draconian and unnecessary act. If Congress adopts this resolution, agencies will be forever barred from adopting similar regulations in the future. This is overkill. If Congress has concerns about aspects of the regulations, it can work with the Trump Administration to modify those provisions through the regular rule-making process. Congress should not use the blunt instrument of the CRA to wipe out the rules and prevent their adoption in the future.

Sincerely,

WILLIAM SAMUEL, *Director*,
Government Affairs Department.

[From the International Brotherhood of Teamsters, Feb. 2, 2017]

ROLL BACK OF 'FAIR AND SAFE WORKPLACES'
WILL HURT WORKERS, REWARD BAD ACTORS
HOFFA STATEMENT OF LEGISLATION AIMED AT
RESCINDING EXECUTIVE ORDER

WASHINGTON.—The following is a statement from Teamsters General President James P. Hoffa on the House of Representative's consideration of legislation later today that would roll back the Fair Pay and Safe Workplaces executive order issued by President Obama in 2014 and instituted last year.

"Federal government contractors receive taxpayer dollars to provide a service or product. And as part of that agreement, they

should be expected to follow the law when it comes to the workplace and their employees. When they don't, they hurt working families, they gain unfair advantage over companies that play by the rules, and they should be held accountable for their actions.

"That's what the Fair Pay and Safe Workplaces executive order that took effect last August ensures. There is nothing controversial about it. Lawmakers should want workers to receive the paychecks they earn, be safe on the job and not be discriminated against.

"Taxpayer money should not be handed to companies that blatantly violate labor and workplace laws. If elected representatives are as truly interested in standing up for workers as they claim, they will stop efforts to overturn rules that protect employee pay and ensure workers can provide for their families."

Founded in 1903, the International Brotherhood of Teamsters represents 1.4 million hardworking men and women throughout the United States, Canada and Puerto Rico.

Mr. NORCROSS. Mr. Speaker, before entering public office, I was an electrician. I used to work on top of bridges doing very dangerous work. Imagine climbing 150 feet up over water. But over the course of that career, three times, there were gentlemen I worked with who never went home, never clocked out, never went home to see their wife or their children.

Every day, 13 Americans are killed on the job; they didn't go home to see their wife, their children, their husband. Sometimes accidents are unavoidable, but many, many times they aren't, and that is what we are talking about here.

□ 1515

The rule doesn't talk about hurting companies. We are talking about basic information, the same information that everybody in this room would ask if they were building an addition on their house. You would want to know, if you were spending \$10,000, whether or not that contractor had any violations, did he finish the job, were people killed on the job. But when we are spending \$81 billion of the American taxpayer, somehow we don't want to know that. If you go for a loan, they want to know what your background is, even if you had given it ten times before. If you are going to college, they certainly want to know your background.

So what we are talking about here is simple transparency. It is not just about workplace safety. It is about giving a free pass for something that they did wrong. Let me repeat that. Something that contractors did wrong. If they did nothing wrong, they have nothing to fear. That is why I stand in opposition to this rule.

When I vote against this legislation, I want everybody in this room to think about 13 men and women who aren't going home tonight, who wouldn't have to tell anybody that they were killed on their jobs.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Ala-

bama (Mr. BYRNE), my distinguished colleague.

Mr. BYRNE. Mr. Speaker, I appreciate the chairwoman for yielding, and for her leadership on our committee.

I rise today to offer my strong support for H.J. Res. 37. This legislation is about protecting our Nation's workers, small businesses, and taxpayers.

As a former labor and employment attorney, I have seen the maze that businesses must jump through in order to become a Federal contractor. Well, this rule would only make things that much harder for them.

This regulation, due to the price of compliance, could force small- and medium-sized businesses, who can't afford to hire a massive legal team, out of being able to get contracts with the Federal Government.

This rule will add subjectivity to the Federal procurement process and deprive contractors of due process rights. As an attorney, I take that threat very seriously.

We should be in the business of supporting policies to make it easier for these kinds of businesses to get new work, not harder.

Now, Mr. Speaker, I know my colleagues on the other side say this is just about punishing bad actors. But this rule would require Federal contractors to disclose even alleged violations of wrongdoing, regardless of whether or not there is any credibility to the claims. Right now, there are effective policies in place to prevent bad actors and contractors that break the law from receiving government contracts.

This could be especially damaging for employers who are the target of union organizing campaigns, or in a situation where a competitor files a claim in an effort to gain a competitive advantage. It elevates the risk of frivolous complaints and the loss of business.

Instead of muddying the water and making it harder for our Nation's small- and medium-sized businesses, let's use the current framework, not a new burdensome regulation, to enforce the law and hold any bad actors accountable.

I hope my colleagues will join me in supporting this resolution to block an overreaching and counterproductive rule.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), the ranking member on the Subcommittee on Workforce Protections.

Mr. TAKANO. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise today in opposition to overturning the Fair Pay and Safe Workplaces rule under the Congressional Review Act. Undoing this rule would once again allow unethical Federal contractors to collect billions of dollars from taxpayers while steal-

ing from, endangering, and discriminating against their employees.

Right outside this building, on January 20, President Trump promised to give power back to the people and empower everyday Americans. I do not understand how allowing Federal contractors to hide records of wage theft, safety violations, and discrimination keeps that promise.

I am particularly concerned with what repealing this rule will mean for our Nation's veterans. Because Federal contractors are encouraged to employ the men and women who have served, they will be greatly affected if we let companies off the hook for repeatedly violating workplace laws.

In addition, President Obama's executive order helps to guarantee that Federal contractors comply with longstanding law that protects veterans and people with disabilities from discrimination in the workplace. It also encourages contractors to recruit, hire, promote, and retain these individuals.

This is why the Paralyzed Veterans of America wrote a letter to the Speaker and minority leader asking that they oppose this resolution to ensure fair and safe working conditions for our veterans. PVA was also joined in a separate letter by Vietnam Veterans of America and disability advocates, including Easterseals, the American Association of People with Disabilities, and dozens more opposing the resolution we are debating today.

Mr. Speaker, I include in the RECORD both letters.

PARALYZED VETERANS OF AMERICA,
Washington, DC, January 30, 2017.

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

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

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: Paralyzed Veterans of America urges you to reject a Congressional Review Act (CRA) disapproval resolution of the 2016 Federal Acquisition Regulation rule designed to reduce employment discrimination against people with disabilities and veterans, including those with service-connected disabilities. PVA is the nation's only Congressionally-chartered veterans' service organization solely dedicated to representing veterans with spinal cord injuries and/or diseases.

Disapproving this rule will weaken important nondiscrimination and affirmative hiring provisions intended for people with disabilities and veterans. For more than four decades, individuals with disabilities and veterans have been protected by federal laws against discrimination in employment with employers that do business with the federal government. In addition, these landmark laws (Rehabilitation Act of 1973 and Vietnam Era Veterans' Readjustment Assistance Act of 1974) have required large federal contractors to take affirmative action to recruit, hire, promote, and retain these individuals, who traditionally face higher unemployment rates than their peers. The Federal Acquisition Regulation (81 Fed. Reg. 58562)—that is being targeted by this CRA resolution of disapproval—simply ensures that companies

that want to do business with the federal government disclose whether they have been in violation of these longstanding requirements.

Please ensure that veterans and other individuals with disabilities are not denied fair and equal employment opportunities by voting against the CRA resolution of disapproval of the Federal Acquisition Regulation published at 81 Fed. Reg. 58562.

Thank you for your consideration.

Sincerely,

CARL BLAKE,
Associate Executive Director.

CONSORTIUM FOR CITIZENS WITH
DISABILITIES,
February 1, 2017.

Hon. PAUL RYAN,

Speaker of the House of Representatives, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,

Democratic Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The undersigned members of the Consortium for Citizens with Disabilities (CCD) and our allies urge you to reject a Congressional Review Act (CRA) disapproval resolution of the 2016 Federal Acquisition Regulation rule designed to reduce employment discrimination against people with disabilities and veterans, including those with service-connected disabilities.

CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Disapproving this rule would weaken important nondiscrimination and affirmative hiring provisions intended for people with disabilities and veterans. For more than four decades, individuals with disabilities and veterans have been protected by federal laws against discrimination in employment with employers that do business with the federal government. In addition, these landmark laws (Rehabilitation Act of 1973 and Vietnam Era Veterans' Readjustment Assistance Act of 1974) have required large federal contractors to take affirmative action to recruit, hire, promote, and retain these individuals, who traditionally face higher unemployment rates than their peers. The Federal Acquisition Regulation (81 Fed. Reg. 58562)—that is being targeted by this CRA resolution of disapproval—simply ensures that companies that want to do business with the federal government disclose whether they have been in violation of these longstanding requirements.

Please help ensure individuals with disabilities and veterans have a fair shot at employment by voting against the CRA resolution of disapproval of the Federal Acquisition Regulation published at 81 Fed. Reg. 58562.

Thank you for your consideration.

Sincerely,

American Association of People with Disabilities, American Foundation for the Blind, Association of University Centers on Disabilities (AUCD), Autistic Self Advocacy Network, Bazelon Center for Mental Health Law, Center for Public Representation, Disability Power & Pride, Easterseals, Goodwill Industries International, Institute for Educational Leadership, National Association of State Head Injury Administrators, The National Council on Independent Living, National Disability Rights Network, National

Down Syndrome Congress, Special Needs Alliance, Paralyzed Veterans of America, The Advocate Group, The Arc of the United States, United Cerebral Palsy, United Spinal Association, Vietnam Veterans of America [VVA].

Mr. TAKANO. Mr. Speaker, the Federal Government, which spends billions of dollars contracting with private companies every year, has an obligation to demonstrate and promote responsible behavior. We should not be in the business of working with contractors who repeatedly violate our Nation's labor laws, particularly when they harm the veterans who have served our Nation so bravely.

Repealing this rule sends the wrong message to employers, the wrong message to veterans, and the wrong message to hardworking Americans who deserve to be treated with respect in the workplace.

Ms. FOXX. Mr. Speaker, I include in the RECORD a list of organizations supporting this disapproval resolution.

LETTERS IN SUPPORT OF H.J. RES. 37

Society for Human Resource Management (SHRM).

Other Stakeholders (19 signatories): Aerospace Industries Association, American Council of Engineering Companies, American Foundry Society, American Hotel & Lodging Association, American Trucking Association, Associated Builders and Contractors, Inc., Associated General Contractors, College and University Professional Association for Human Resources (CUPE-HR), HR Policy Association, Independent Electrical Contractors, Information Technology Alliance for the Public Sector, International Foodservice Distributors Association, National Association of Manufacturers, National Defense Industrial Association, Professional Services Council, Society for Human Resource Management, The Coalition for Government Procurement, U.S. Chamber of Commerce, WorldatWork.

Ms. FOXX. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ESPAILLAT), a member of the Committee on Education and the Workforce.

Mr. ESPAILLAT. Mr. Speaker, I would like to thank my colleague and ranking member of the Education and the Workforce Committee, Mr. SCOTT, for yielding.

I stand here in opposition to this resolution, which looks to undo rules that provide safety and fairness in the workplace.

The Fair Pay and Safe Workplaces rule speaks for itself. It ensures that contractors entrusted with taxpayer dollars cannot exploit their workers and that repeated lawbreakers do not get a competitive advantage. This standard does not impose extra regulations on contractors. It simply requires that they follow the law.

These laws make sure women are paid the same wages for the same work. They make sure that employers are paying a fair rate for overtime

work. They protect employees with disabilities. And they protect workers who are victims of sexual assault or sexual harassment by ensuring those individuals have an opportunity to be heard.

A 2013 Senate report found that government contractors are often among the worst violators of the workplace safety, wage, and hour laws. Nearly one in three companies with the worst safety and wage violations are Federal contractors. Americans working for Federal contractors lose up to \$2.5 billion each year to violations of minimum wage laws alone. This is unacceptable and exactly why this order was executed—to protect workers.

We have a duty to our constituents, and this rule rightfully asks the Federal Government to take another look at contractors who have violated labor laws before awarding a contract. By upholding this order, we can continue to ensure that taxpayers get a fair deal for their money, something my Republican colleagues certainly should be in favor of.

Some Republicans will claim that this order creates a so-called blacklist by preventing companies from receiving Federal contracts. However, the opposite is true. The order, in fact, provides new tools for contractors to come into compliance with the law. This order is in the interest of the people and our constituents who we were sent here to represent. Rolling back these protections would demonstrate that we would rather side with employers who cut legal corners by not paying a fair wage than with our constituents who work day in and day out to provide for their families.

Not only will rescinding this rule hurt our constituents, but it would also hurt law-abiding companies by forcing them into unfair competition with companies that cut corners and knowingly violate the law. As we look to invest in our country's infrastructure, I cannot think of a more important time to ensure that employees working for Federal contractors are treated fairly. This rule is an important safeguard that protects employees, and its rollback will be a disgrace.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I rise in opposition to this resolution and the complete dismantlement of the Fair Pay and Safe Workplaces executive order.

Among other worker protection benefits, President Obama's Fair Pay and Safe Workplaces executive order prohibits Federal contractors from using forced arbitration clauses in employment contracts involving civil, sexual

assault, and harassment disputes. It directs companies with Federal contracts of \$1 million or more not to require their employees to enter into pre-dispute arbitration proceedings for disputes arising out of title VII of the Civil Rights Act or from sexual assault or harassment cases, except when valid contracts already exist.

This existing order built upon existing policy that was successfully implemented at the Department of Defense, the largest Federal contracting agency, and it will help improve contractors' compliance with labor laws.

Simply put, Mr. Speaker, the Fair Pay and Safe Workplaces executive order required Federal contractors to give employees their day in court. By doing away with this order, the new administration is subjecting workers to forced arbitration, which is a private and fundamentally unfair process.

Unlike the court system, which was developed through centuries of jurisprudence, forced arbitration does not provide important procedural guarantees of fairness and due process that are the hallmark of our courts. There are no requirements that witnesses testify under oath or affirmation, rules of evidence and procedure are not relied upon, the caselaw that has been developed over centuries is not used as precedent, and arbitration proceedings are often secretive, sealed, and there is no meaningful right to appeal.

Behind closed doors and shrouded in secrecy, forced arbitration enables employers to conceal wrongdoing from the public and to undermine employee rights.

Since 2007, I have championed the Arbitration Fairness Act, which would eliminate forced arbitration clauses in employment, consumer, and civil rights cases. The executive order took us one step closer.

Americans deserve better than private, unaccountable tribunals that adjudicate disputes, mostly in favor of the employer. Equal access to justice for all should not be an aspiration but a guarantee for all Americans.

I ask my colleagues to oppose H.J. Res. 37.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just want to restate a couple of provisions.

One is this underlying regulation only applies to contracts in excess of \$500,000. As previously stated, this information that is to be disclosed can already be considered in contracting. This regulation makes it available so it can be considered.

It is not just allegations. We are talking about agency determinations after an investigation.

Now, the regulation requires consideration of the fact of whether or not a determination is final or whether it is

on appeal. That is to be considered. But not all violations in the fullest of time are to be considered at all. Only those that are serious, repeated, willful, or pervasive violations of fair pay and safe workplace violations are to be considered.

And so for the people who are not blacklisted, the guilty are encouraged to participate in labor compliance agreements so they can continue to receive contracts while they improve their records.

□ 1530

In closing, Mr. Speaker, let us recall who the winners and losers are if this resolution of disapproval passes. The winners will be the unscrupulous contractors who cut corners and compromise the safety of their workers. The losers will be the workers, who are the most susceptible to wage theft and unfair working conditions, and the law-abiding contractors who face unfair competition.

Mr. Speaker, I include in the RECORD three letters: one from The Leadership Conference on Civil and Human Rights, another from the American Industrial Hygiene Association, and, finally, one from a coalition of 134 business, labor, and civil society groups which stand in opposition to this resolution of disapproval.

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
Washington, DC, January 31, 2017.

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

Hon. NANCY PELOSI,
Minority Leader,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we write in strong opposition to the use of the Congressional Review Act (CRA) to repeal the regulations implementing the Fair Pay and Safe Workplaces Executive Order.

The Fair Pay regulations represent a much-needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes.

Employers that have the privilege of doing business with the federal government also have a responsibility to abide by the law. The Fair Pay regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws. They also encourage companies applying for federal contracts to comply with federal civil rights laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of

the Civil Rights Act as well as claims of sexual harassment and sexual assault.

We urge you to oppose any attempts to roll back the protections that stem from the Executive Order on Fair Pay and Safe Workplaces. The Order and implementing regulations provide strong protections against the federal government contracting with employers that routinely engage in discrimination based on race, sex, age, or disability, violate workplace health and safety protections, withhold wages, or commit other labor violations. If you have any questions, please feel free to contact June Zeitlin, Director of Human Rights Policy.

Sincerely,

WADE HENDERSON,
President & CEO.

NANCY ZIRKIN,
Executive Vice President.

—
AIHA PROTECTING WORKER HEALTH,
January 31, 2017.

EXPRESSING CONCERN FOR WORKER HEALTH & SAFETY RELATED TO H.J. RES. 37 "DISAPPROVING THE FINAL RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION RELATING TO THE FEDERAL ACQUISITION REGULATION"

DEAR U.S. REPRESENTATIVES: On behalf of the American Industrial Hygiene Association (AIHA), I am writing to express our concern with H.J. Res. 37, which would overturn a final rule that amended the Federal Acquisition Regulation to implement Executive Order 13673 "Fair Pay and Safe Workplaces", and is currently scheduled for consideration this week on the House floor under Suspension of the Rules. While the final rule and Executive Order address many topics, our concerns are limited to those areas dealing with worker health and safety, as these are the subjects in which AIHA and its members possess unique expertise and knowledge.

Instead of a blanket repeal of this rule, AIHA encourages you to engage with occupational and environmental health and safety professionals, and others in a constructive dialogue that examines how best to improve worker health, safety, and socioeconomic prosperity—all of which are closely linked. As currently drafted, H.J. Res. 37 threatens to slow progress towards healthier and safer workplaces; as such, we encourage you to oppose its passage.

Founded in 1939, AIHA is the premier association of occupational and environmental health and safety professionals. AIHA's 8,500 members play a crucial role on the front line of worker health and safety every day. Our members represent a cross-section of industry, private business, labor, government and academia.

Thank you for your consideration of AIHA's concerns and recommendations. AIHA looks forward to working with you to help protect worker health and safety. Please feel free to contact Mark Ames, AIHA's Director of Government Relations.

Respectfully,

LAWRENCE SLOAN, CAE,
Chief Executive Officer, AIHA.

JANUARY 31, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
 Hon. NANCY PELOSI,
Minority Leader,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of the undersigned organizations, we write in strong opposition to the use of the Congressional Review Act (CRA) to repeal the regulations implementing the Fair Pay and Safe Workplaces Executive Order. We are organizations dedicated to protecting workers, eliminating workplace discrimination and protecting access to justice. The Fair Pay regulations represent a much-needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes.

Employers that have the privilege of doing business with the federal government also have a responsibility to abide by the law. The Fair Pay regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws. They also encourage companies applying for federal contracts to comply with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

We ask you to stand with American workers and oppose any attempts to roll back the protections that stem from the Executive Order on Fair Pay and Safe Workplaces. They provide strong protections against the federal government contracting with employers that routinely violate workplace health and safety protections, engage in age, disability, race, and sex discrimination, withhold wages, or commit other labor violations. These protections should not be repealed.

Sincerely,

9to5 California, 9to5 Colorado, 9to5 Georgia, 9to5 Wisconsin, 9to5, National Association of Working Women, A Better Balance, A. Phillip Randolph Institute, AFL-CIO, African American Ministers In Action, AJ Rosen & Associates LLC, Alaska Wilderness League, Alliance to End Slavery & Trafficking, Amalgamated Transit Union, American Association for Access, Equity and Diversity, American Association of People with Disabilities, American Association of University Women (AAUW), American Civil Liberties Union, American Federation of State, County and Municipal Employees, American Federation of Teachers.

Americans for Democratic Action, Arkansans Against Abusive Payday Lending, Bazelon Center for Mental Health Law, Bend the Arc Jewish Action, BlueGreen Alliance, Brazilian Worker Center, Brotherhood of Locomotive Engineers and Trainmen—Wyoming State Legislative Board, Business and Professional Women/Florida (BPW/FL), Business and Professional Women/St. Petersburg-Pinellas (BPW/SPP), California Employment Lawyers Association, Catalyst, Center for Justice & Democracy, Center for Law and Social Policy, Coalition of Labor Union

Women, Coalition on Human Needs, Coalition to Abolish Slavery & Trafficking, Communications Workers of America, Demand Progress, Demos, Economic Policy Institute Policy Center.

Equal Pay Today, Equal Rights Advocates, Family Equality Council, Family Values @ Work, Farmworker Association of Florida, Feminist Majority, Fight for \$15, Food & Water Watch, Friends of the Earth, Futures Without Violence, Gender Justice, Good Jobs Nation, Health Justice Project, Hindu American Foundation, Human Rights Campaign, Institute for Science and Human Values, Inc., Interfaith Worker Justice, International Association of Machinists and Aerospace Workers, International Brotherhood of Teamsters.

International Federation of Professional and Technical Engineers, IFPTE, International Union of Bricklayers and Allied Craftworkers, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Jobs With Justice, Jobs with Justice of East Tennessee, Knox Area Workers' Memorial Day Committee, Labor Council for Latin American Advancement, Labor Project for Working Families in Partnership with Family Values @ Work, Lambda Legal, Lawyers Committee for Civil Rights Under Law, The Leadership Conference on Civil and Human Rights, Main Street Alliance, Make the Road New York, MassCOSH—Massachusetts Coalition for Occupational Safety & Health, MomsRising.org, NAACP, National Alliance for Fair Contracting, National Asian Pacific American Women's Forum, National Association of Consumer Advocates.

National Association of Human Rights Workers, National Association of Social Workers, National Bar Association, National Black Justice Coalition, National Center for Law and Economic Justice, National Center for Lesbian Rights, National Center for Transgender Equality, National Consumer Law Center (on behalf of its low income clients), National Council of Jewish Women, National Council of La Raza, National Disability Rights Network, National Education Association, National Employment Law Project, National Employment Lawyers Association, National Fair Housing Alliance, National Guestworker Alliance, National Health Law Program, National Immigration Law Center, National Organization for Women, National Urban League.

National Women's Law Center, National Youth Employment Coalition, Oxfam America, Paralyzed Veterans of America, The National Partnership for Women & Families, People's Action, Policy Matters Ohio, PowHer New York, Pride at Work, Progressive Congress Action Fund, Public Citizen, Public Justice, Public Justice Center, Restaurant Opportunities Centers United, Retail, Wholesale & Department Store Union, Santa Clara County Wage Theft Coalition, Sargent Shriver National Center on Poverty Law, Service Employees International Union (SEIU), Sierra Club, South Florida Interfaith Worker Justice.

Southwest Women's Law Center, Sugar Law Center for Economic & Social Justice, The American Association for Justice, The Consumer Voice, The Maryland Consumer Rights Coalition, UltraViolet, Union of Concerned Scientists, Unite Here, United Steelworkers, UWUA—Utility Workers Union of America, The Voter Participation Center, Washington State Labor Council, AFL-CIO, WisCOSH, Inc., Women Employed, Women's Voices for the Earth, Workplace Fairness, Women's Voices Women Vote Action Fund.

Mr. SCOTT of Virginia. Mr. Speaker, I urge my colleagues to vote “no” on this resolution of disapproval.

I yield back the balance of my time.

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

In closing, I thank my colleagues—Chairman CHAFFETZ, Chairman CHABOT, and Representative MITCHELL—for joining us in this important effort as well as to thank my colleagues who came and spoke on this resolution.

Workers deserve strong protections. The best way to ensure fair pay and safe workplaces is to enforce the existing suspension and debarment system. It is also important to remind my colleagues of what the Congressional Progressive Caucus said:

The Department of Labor has full authority under current law to hold Federal contractors accountable.

It is clear we don't need more layers of red tape to prevent bad actors from receiving taxpayer-funded contracts. Creating a bureaucratic maze would only make a system less efficient that is designed to protect workers. Furthermore, the blacklisting rule would undermine the ability of small businesses to compete for Federal contracts, would increase costs for taxpayers, and would jeopardize the resources of our Armed Forces—the ones they need to keep this country safe.

I urge my colleagues to block this harmful rule and vote “yes” on H.J. Res. 37.

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

Mr. SMITH of Texas. Mr. Speaker, I rise today in support of House Joint Resolution 37, which annuls a poorly-written regulation put in place by the Obama administration.

We need to clean up the regulations that the previous administration imposed upon American business. We need to reform them, and ensure that they serve a useful purpose. This is especially important for the Department of Defense and NASA.

The regulation in question does not allow contractors to exercise their right of due process. Rather than letting our legal system provide justice, American companies could be blacklisted by contracting agencies if “preliminary determinations” had been made against them.

This is not how our justice system works. Perhaps that is why this regulation was halted by a nationwide injunction.

We should protect American workers. The regulation we strike today was poorly crafted, and it would ultimately do America's workforce more harm than good.

As Chairman of the Science Committee, I know that such a regulation would impede NASA from carrying out its mission of exploration and place an unnecessary cost on taxpayers by diminishing competition.

NASA should not be hampered by such unnecessary regulations and needs to focus its resources on the challenges of outer space exploration.

The Federal procurement process cannot afford to be bogged down with defective regulations. Congress must clean up how our government does business to ensure that it is just and efficient.

I encourage my colleagues to support this important legislation.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, we often tell young people that if they work hard and play by the rules, their efforts will be rewarded.

Yet this unjust resolution fails to put our federal government's money where its mouth is.

It will ensure that our tax dollars continue to go to companies that fail to live up to their end of this bargain.

Time and again, reports have cited the glaring frequency with which serial labor law violators receive federal contracts.

In the mid-1990s, GAO identified dozens of companies of violating core workplace protections, like the National Labor Relations Act and the Occupational Safety and Health Act.

And these abuses have continued. Reports in 2010 and 2013 again found that companies with significant labor citations continued to receive federal contracts.

The Fair Pay and Safe Workplaces rule makes certain that our agencies have the information about these violations they need to protect American workers and safeguard our tax dollars.

It makes clear that companies who violate our landmark labor protections, who deny overtime pay or family leave, and who deny workers' rights to organize are not rewarded for repeatedly flouting the law.

It also ensures that workers who have been discriminated against or sexually harassed can have their day in court. They cannot be forced into arbitration.

Our procurement laws already ask that tax dollars only go to responsible contractors, with "a satisfactory record of integrity".

Serial labor law violators do not meet this test.

What's more, numerous studies have found that contractors with better compliance records also perform better.

So let's not brush around the edges; this is not about safeguarding tax dollars.

This vote is about allowing labor abuses to go rewarded.

I cannot stand for that. I urge my colleagues to vote no.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 74, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. SCOTT of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on passage of H.J. Res. 40.

The vote was taken by electronic device, and there were—ayes 236, noes 187, not voting 9, as follows:

[Roll No. 76]

AYES—236

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

NOES—187

Adams	Garamendi	Norcross
Aguilar	Gonzalez (TX)	O'Halleran
Barragán	Gottheimer	O'Rourke
Bass	Green, Al	Pallone
Beatty	Green, Gene	Panetta
Bera	Grijalva	Pascarell
Beyer	Gutiérrez	Payne
Bishop (GA)	Hanabusa	Pelosi
Blumenauer	Heck	Perlmutter
Blunt Rochester	Higgins (NY)	Peters
Bonamici	Himes	Pingree
Boyle, Brendan	Hoyer	Pocan
F.	Huffman	Polis
Brady (PA)	Jackson Lee	Price (NC)
Brown (MD)	Jayapal	Quigley
Brownley (CA)	Jeffries	Raskin
Bustos	Johnson (GA)	Rice (NY)
Butterfield	Johnson, E. B.	Richmond
Capuano	Kaptur	Ros-Lehtinen
Carbajal	Keating	Rosen
Cárdenas	Kelly (IL)	Roybal-Allard
Carson (IN)	Kennedy	Ruiz
Cartwright	Khanna	Ruppersberger
Castor (FL)	Kihuen	Ryan (OH)
Castro (TX)	Kildee	Sánchez
Chu, Judy	Kilmer	Sarbanes
Cicilline	Kind	Schakowsky
Clarke (NY)	Krishnamoorthi	Schiff
Clay	Kuster (NH)	Schneider
Cleaver	Langevin	Schrader
Clyburn	Larsen (WA)	Scott (VA)
Cohen	Larson (CT)	Scott, David
Connolly	Lawrence	Serrano
Conyers	Lawson (FL)	Sewell (AL)
Cooper	Lee	Shea-Porter
Courtney	Levin	Sherman
Crist	Lewis (GA)	Sinema
Crowley	Lieu, Ted	Sires
Cummings	Lipinski	Slaughter
Davis (CA)	Loeb sack	Smith (WA)
Davis, Danny	Lofgren	Soto
DeFazio	Lowenthal	Speier
DeGette	Lowey	Suozi
Delaney	Lujan Grisham,	Swalwell (CA)
DeLauro	M.	Takano
DelBene	Luján, Ben Ray	Thompson (CA)
Demings	Lynch	Thompson (MS)
DeSaulnier	Maloney,	Titus
Deutch	Carolyn B.	Tonko
Dingell	Maloney, Sean	Torres
Doggett	Matsui	Tsongas
Doyle, Michael	McCollum	Vargas
F.	McEachin	Veasey
Ellison	McGovern	Vela
Engel	McNerney	Velázquez
Eshoo	Meeks	Visclosky
Espallat	Meng	Walz
Esty	Moore	Wasserman
Evans	Moulton	Schultz
Foster	Murphy (FL)	Waters, Maxine
Frankel (FL)	Nadler	Watson Coleman
Fudge	Napolitano	Welch
Gabbard	Neal	Wilson (FL)
Gallego	Nolan	Yarmuth

NOT VOTING—9

Clark (MA)	Mulvaney	Rush
Hastings	Peterson	Walker
Jones	Price, Tom (GA)	Zinke

□ 1556

Mr. DEFAZIO changed his vote from "aye" to "no."

Mr. CORREA changed his vote from "no" to "aye."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 428, RED RIVER GRADIENT BOUNDARY SURVEY ACT

Mr. SESSIONS. Mr. Speaker, this afternoon, the Rules Committee issued

an announcement outlining the amendment process for H.R. 428, the Red River Gradient Boundary Survey Act.

The amendment deadline has been set for Monday, February 6, at 3 p.m. Amendments should be drafted to the bill as introduced and which can be found on the Rules Committee website.

Mr. Speaker, please be advised, if there are any questions, Members may contact me or any member of the Rules Committee staff.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 180, not voting 17, as follows:

[Roll No. 77]

AYES—235

Abraham	Cole	Goodlatte
Aderholt	Collins (GA)	Gosar
Allen	Collins (NY)	Gowdy
Amash	Comer	Granger
Amodei	Comstock	Graves (GA)
Arrington	Conaway	Graves (LA)
Babin	Cook	Graves (MO)
Bacon	Costello (PA)	Griffith
Banks (IN)	Cramer	Grothman
Barletta	Crawford	Guthrie
Barr	Cuellar	Harper
Barton	Culberson	Harris
Bergman	Curbelo (FL)	Hartzler
Biggs	Davis, Rodney	Hensarling
Bilirakis	Denham	Herrera Beutler
Bishop (GA)	Dent	Hice, Jody B.
Bishop (MI)	DeSantis	Higgins (LA)
Bishop (UT)	DesJarlais	Hill
Black	Diaz-Balart	Holding
Blackburn	Duffy	Hollingsworth
Blum	Duncan (SC)	Hudson
Bost	Duncan (TN)	Huizenga
Brady (TX)	Dunn	Hultgren
Brat	Emmer	Hunter
Bridenstine	Farenthold	Hurd
Brooks (IN)	Faso	Issa
Buchanan	Ferguson	Jenkins (KS)
Buck	Fitzpatrick	Jenkins (WV)
Bucshon	Fleischmann	Johnson (LA)
Budd	Flores	Johnson (OH)
Burgess	Fortenberry	Johnson, Sam
Byrne	Fox	Jordan
Calvert	Franks (AZ)	Joyce (OH)
Carter (GA)	Frelinghuysen	Katko
Carter (TX)	Gaetz	Kelly (MS)
Chabot	Gallagher	Kelly (PA)
Chaffetz	Garrett	Kind
Cheney	Gibbs	King (IA)
Coffman	Gohmert	Kinzinger

Knight	Olson	Simpson
Kustoff (TN)	Palazzo	Sinema
Labrador	Palmer	Smith (MO)
LaHood	Paulsen	Smith (NE)
Lamborn	Pearce	Smith (NJ)
Lance	Perry	Smith (TX)
Latta	Pittenger	Smucker
Lewis (MN)	Poe (TX)	Stefanik
LoBiondo	Poliquin	Stewart
Long	Posey	Stivers
Loudermilk	Ratcliffe	Taylor
Love	Reed	Tenney
Lucas	Reichert	Thompson (PA)
Luetkemeyer	Renacci	Thornberry
MacArthur	Rice (SC)	Tiberi
Marchant	Roby	Tipton
Marino	Roe (TN)	Trott
Marshall	Rogers (AL)	Turner
Massie	Rogers (KY)	Upton
Mast	Rohrabacher	Valadao
McCarthy	Rokita	Wagner
McCaul	Rooney, Francis	Walberg
McClintock	Rooney, Thomas	Walden
McHenry	J.	Walorski
McKinley	Ros-Lehtinen	Walters, Mimi
McMorris	Roskam	Walz
Rodgers	Ross	Weber (TX)
McSally	Rothfus	Webster (FL)
Meadows	Rouzer	Wenstrup
Meehan	Royce (CA)	Westerman
Messer	Russell	Williams
Mitchell	Rutherford	Wilson (SC)
Moolenaar	Sanford	Wittman
Mooney (WV)	Scalise	Womack
Mullin	Schweikert	Woodall
Murphy (PA)	Scott, Austin	Yoder
Newhouse	Sensenbrenner	Yoho
Noem	Sessions	Young (AK)
Nunes	Shimkus	Young (IA)
O'Halleran	Shuster	Zeldin

NOES—180

Adams	Doyle, Michael	Lowenthal
Aguliar	F.	Lowe
Barragán	Ellison	Lujan Grisham,
Bass	Engel	M.
Beatty	Eshoo	Luján, Ben Ray
Bera	Españillat	Maloney,
Beyer	Esty	Carolyn B.
Blumenauer	Evans	Maloney, Sean
Blunt Rochester	Foster	Matsui
Bonamici	Fudge	McCollum
Boyle, Brendan	Gabbard	McEachin
F.	Gallego	McGovern
Brady (PA)	Garamendi	McNerney
Brown (MD)	Gonzalez (TX)	Meeks
Brownley (CA)	Gottheimer	Meng
Bustos	Green, Al	Moore
Butterfield	Green, Gene	Moulton
Capuano	Grijalva	Murphy (FL)
Cardinal	Gutiérrez	Nadler
Cárdenas	Hanabusa	Napolitano
Carson (IN)	Heck	Neal
Cartwright	Higgins (NY)	Nolan
Castor (FL)	Himes	Norcross
Castro (TX)	Hoyer	O'Rourke
Chu, Judy	Huffman	Pallone
Cicilline	Jackson Lee	Panetta
Clarke (NY)	Jayapal	Pascarell
Clay	Jeffries	Payne
Cleaver	Johnson (GA)	Pelosi
Clyburn	Johnson, E. B.	Perlmutter
Cohen	Kaptur	Peters
Connolly	Keating	Pocan
Conyers	Kelly (IL)	Polis
Cooper	Kennedy	Price (NC)
Correa	Khanna	Quigley
Costa	Kihuen	Raskin
Courtney	Kildee	Rice (NY)
Crist	Kilmer	Richmond
Crowley	King (NY)	Rosen
Cummings	Krishnamoorthi	Roybal-Allard
Davis (CA)	Kuster (NH)	Ruiz
Davis, Danny	Langevin	Ruppersberger
DeFazio	Larsen (WA)	Ryan (OH)
DeGette	Larson (CT)	Sánchez
Delaney	Lawrence	Sarbanes
DeLauro	Lawson (FL)	Schakowsky
DelBene	Lee	Schiff
Demings	Levin	Schneider
DeSaulnier	Lewis (GA)	Schrader
Deutsch	Lieu, Ted	Scott (VA)
Dingell	Lipinski	Scott, David
Doggett	Loebbeck	Serrano
Donovan	Lofgren	Sewell (AL)

Shea-Porter	Takano	Visclosky
Sherman	Thompson (CA)	Wasserman
Sires	Thompson (MS)	Schultz
Slaughter	Titus	Waters, Maxine
Smith (WA)	Tonko	Watson Coleman
Soto	Tsongas	Welch
Speier	Vargas	Wilson (FL)
Suozi	Veasey	Yarmuth
Swalwell (CA)	Vela	

NOT VOTING—17

Brooks (AL)	LaMalfa	Rush
Clark (MA)	Lynch	Torres
Davidson	Mulvaney	Velázquez
Frankel (FL)	Peterson	Walker
Hastings	Pingree	Zinke
Jones	Price, Tom (GA)	

□ 1607

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING MEMBERS TO THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY AND THE JOINT COMMITTEE ON PRINTING

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Resolution 82, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. BACON). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the resolution is as follows:

H. RES. 82

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE OF CONGRESS ON THE LIBRARY AND JOINT COMMITTEE ON PRINTING.

(a) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration and the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations:

- (1) Mr. Loudermilk.
 - (2) Mr. Brady of Pennsylvania.
 - (3) Ms. Zoe Lofgren of California.
- (b) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:
- (1) Mr. Rodney Davis of Illinois.
 - (2) Mr. Walker.
 - (3) Mr. Brady of Pennsylvania.
 - (4) Mr. Raskin.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GROUNDHOG DAY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today is a big day in the Fifth Congressional District of Pennsylvania, specifically, in Punxsutawney, Pennsylvania, as our most famous resident had his day in the sun, literally.

Early this morning, Punxsutawney Phil, our weather-expert groundhog saw his shadow. For those of you who know the old German legend, this means that we are in for six more weeks of winter.

Punxsy Phil has been forecasting the weather since the 1800s. He drinks a magical punch annually on February 2, which is an elixir of life that extends his life by 7 years.

Crowds gathered on Gobbler's Knob before sunrise today for the 131st celebration. While there are many wannabes, accept no substitution for the original prognosticator.

The crowd chanted Phil's name repeatedly to awaken him, and then Phil, known in his hometown as the Seer of Seers, came to deliver the news. Records going back to 1887 show that Phil has forecasted a longer winter 103 times and an early spring just 18 times.

Today in Punxsutawney it was a balmy 30 degrees, so don't pack up your winter gear just yet. Phil says we have six more weeks.

Happy Groundhog Day.

IMPACTS OF THE IMMIGRANT BAN

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

Mr. CARBAJAL. Mr. Speaker, today I rise to tell the story of how last week's reckless and poorly implemented executive order indiscriminately banning immigrants from seven countries directly impacted two University of California, Santa Barbara graduate students in my district.

My office was contacted by Hassan Arbabi, a Ph.D. student in mechanical engineering at UCSB. Hassan reached out to me on behalf of his girlfriend, Maryam Rasekh, who has also been accepted into UCSB's Ph.D. program for electrical engineering.

Maryam, an Iranian citizen, left the United States to undergo the vetting process for her F-1 student visa in order to attend graduate school in Santa Barbara. For months, Maryam interviewed and underwent an exhaustive administrative immigration process.

Maryam's F-1 student visa was approved on Friday, January 26, the same day the President signed his executive order banning all immigrants from Iran. The order prevented Maryam from returning to the United States to begin her studies.

We have in place the strictest vetting process in the world. Banning immigrants like Maryam from pursuing higher education degrees does not

make us safer. It prevents people like Maryam from making important scientific advances and contributing to our Nation.

REMEMBERING THOMAS J. MAHONEY, JR.

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember Mr. Thomas J. Mahoney, Jr. of Savannah, Georgia, a highly-respected local attorney and community leader. He passed away on January 20 at 80 years of age.

Mr. Mahoney graduated from Savannah's Benedictine Military School in 1954 and earned his law degree from the University of South Carolina.

In his first career after college, he worked as an FBI Special Agent in Chicago, Baltimore, and Washington. During this time, Mr. Mahoney met the love of his life, Judy, with whom he had four children.

After 2 years in the FBI, Mr. Mahoney returned to Savannah and joined the law firm Mahoney & Cole, P.C. Through his hard work and determination, he worked up the ranks to become its president and CEO.

He used his legal knowledge to make coastal Georgia a better place to live, serving as the Chatham County attorney, city attorney for Tybee Island, judge for Tybee Island, and assistant city attorney for Savannah. He also served as the special assistant attorney general for the Georgia Ports Authority since 1987, helping it to grow to its current, impressive size.

Thank you, Mr. Mahoney, for everything you have done for the Savannah community. You will be missed.

□ 1615

VICTIMS OF SEX TRAFFICKING

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

Mr. PAULSEN. Mr. Speaker, we all know that human trafficking is a major problem right here in the United States. It is happening in every one of our communities.

This week, as millions of Americans gather to watch the Super Bowl, I would like to shine a light on another troubling fact, and that is that there is an increase in the human trafficking and sex trafficking in the days surrounding the Super Bowl.

Last year, in a few weeks leading up to the Super Bowl event, the Santa Clara Sheriff's Office identified 42 potential victims of sex trafficking during a series of stings and cited 30 additional men for soliciting prostitution.

The good news is, Mr. Speaker, we are drawing attention to this fact and

working hard to end this heinous practice. Next year, my home State of Minnesota will be hosting the Super Bowl, and our host committee is already working hard in collaboration with Federal and local law enforcement, with government agencies, with advocacy groups and victims' service organizations to develop a comprehensive and coordinated plan to address the issue. That is because, Mr. Speaker, over the next year, we will continue to end the practice of human trafficking, working tirelessly, and this is a wonderful opportunity to showcase how we can have freedom from the ugliness of trafficking.

THIDWICK BOOKS

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

Mr. POE of Texas. Mr. Speaker, Thidwick Books is a small, 865-square-foot bookshop that has been in the same building since 1999, but now it is being forced to either close its doors forever or move away.

Serial plaintiff Craig Yates has sued multiple other merchants, including Thidwick Books. He generally makes vague claims about the designs of retail stores and claims that they violate the Americans with Disabilities Act.

These small businesses do not have the resources to contest unfounded lawsuits or, in many cases, even know what the alleged violations are. The businesses are told to either pay a settlement or get sued with further litigation. Oftentimes, small businesses choose to pay the extortion rather than to defend the expensive, unfounded drive-by lawsuit.

The bipartisan bill, the ADA Education and Reform Act of 2017, improves access to public accommodations for the disability community while preventing well-meaning businessowners from falling victim to drive-by lawsuits.

Mr. Speaker, the ADA was designed to improve access for the disabled, not to enrich unscrupulous lawyers and the plaintiffs.

And that is just the way it is.

HOUSE OF REPRESENTATIVES PROTECTS SENIORS' SECOND AMENDMENT RIGHTS

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

Mr. LAMALFA. Mr. Speaker, I am thankful we have in the process here as elected officials the ability to hold accountable Federal agencies and new rules that will be made at midnight. I am speaking of legislation passed today to allow, in many cases, seniors who might see their Second Amendment rights limited or taken away by a

last-minute rule that would require them to be turned in to the national background check system in this country, thereby, because they might be on SSI or disability, losing their ability perhaps to own a firearm under their Second Amendment rights.

The House of Representatives took steps today to ensure their ability to not be singled out because they might be in a particular system and assumed to be a risk—unlike anybody else. So we can do good work sometimes, and we do when we strike out for protecting people's rights.

**SUPPORTING JUDGE NEIL
GORSUCH'S NOMINATION TO U.S.
SUPREME COURT**

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

Mr. GARRETT. Mr. Speaker, I rise today to express my support of the President's selection of Neil Gorsuch as nominee to the United States Supreme Court. Mr. Speaker, it is my sincerest hope that the Members of this body and our body down at the other end of the building will recognize just what a wonderful selection Mr. Trump has made.

In fact, candidly, Mr. Speaker, were it my selection, I probably would not pick someone who had clerked for liberal jurist Byron "Whizzer" White or the split vote on the Court, Anthony Kennedy. In fact, I wonder if the habits of the individuals in the Senate—who might have the opportunity to confirm—to resist every single thing that comes across their desks these days might not, in fact, lead to a more conservative nominee should Judge Gorsuch not be nominated.

I would again commend Mr. Trump for this middle-of-the-road selection. I think he will maintain the balance on the Court that Mr. Kennedy has here today.

I hope my colleagues on the other side of the aisle are wise enough to understand just what a benevolent and middle-of-the-road selection Mr. Gorsuch is.

LET US SHOW MERCY

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

Ms. JACKSON LEE. Mr. Speaker, tomorrow is going to be a devastating day for so many. For decades, America has been engaged in resettling refugees. I remember the Vietnamese, the Iraqis, and the people from Afghanistan. More importantly, I remember the excitement I had in visiting the Statue of Liberty and being reminded of what a great country this is.

Tomorrow, with the 120-day suspension, we will literally devastate refugee

families, some of whom waited 10, 12, 15 years, who have sold all their goods and who are good people who want to come to this country, and, as well, their documents will expire.

I am asking the administration to have mercy and to be as the Chaplain ordered us to do: to find our grounding in being able to be servants.

I would ask that we not devastate these families causing them to completely be derailed from moving toward being refugees in this country. No terrorist has been found in refugees.

I believe it is crucial that we show mercy in the spirit of prayer, as in the prayer breakfast this morning. Let us show mercy.

**SUPPORT FOR BLM METHANE
RULE**

(Ms. MICHELLE LUJAN GRISHAM of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, late last year, the Bureau of Land Management finalized its methane rule, which will reduce harmful emissions by curbing the wasteful venting, flaring, and leaking of natural gas.

Not only is methane a potent greenhouse gas, but every cubic foot of gas that is wasted cheats New Mexican taxpayers out of precious royalty and tax payments which go toward public education, infrastructure, and community development programs. Considering that the Governor of New Mexico has proposed cutting money from school districts to close an estimated \$70 million deficit, we simply cannot afford to let money disappear into thin air.

Unfortunately, the House of Representatives is considering legislation that will not only rescind BLM's methane rule, but also prohibit the consideration of any similar rule to curb methane emissions and protect taxpayer interests ever again.

I strongly support efforts to work with all stakeholders, especially small, independent producers who may, in fact, have difficulties implementing BLM's new standards, but taking a sledgehammer to our Nation's energy policy is irresponsible and counterproductive.

I urge my colleagues to oppose this legislation and instead work to make this rule work for both producers and taxpayers alike.

**NEW MEMBERS WORKING TOWARD
A COMMON GOAL**

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

Mr. COLLINS of Georgia. Mr. Speaker, it is good to be back on the floor. We have had a productive week so far. Things are moving along. We are doing exactly what we promised the American people, and that is removing regulatory burden, that is beginning to move toward an economy that looks after the needs of our communities—our moms, dads, aunts, uncles, and grandkids. They come together to know we are working toward a common goal, and that is looking ahead and making sure that what we do is in the best interests of our neighbors and our communities.

Today, I want to continue in what we started, Mr. Speaker, just a week or so ago. We are introducing the folks that the country has sent from our side to be Members here, to join myself and others, to take this fight from the majority not only from their streets in the campaigns, but now onto the floor of the House.

So this afternoon, we are going to start off with one of our new Members from New York's 19th Congressional District, JOHN FASO. I found out as I was looking through his background that JOHN comes from the same hometown as President Martin Van Buren and also our former colleague Chris Gibson, who was here for a while.

I think if there is anything that sums up what I have heard from JOHN's heart, it is the economic condition that we are in and the fact that our debts cannot continue to be sustained, and we have to put in good practices that not only take into account his district—which is a wonderful part of New York State—and the growing application there, but how we can take that all over the country.

So with great pride, it is my privilege to introduce the newest Congressman from New York's 19th Congressional District, JOHN FASO, to tell us a little bit about why he is here and his vision for what we have.

Mr. Speaker, I yield to the gentleman from New York (Mr. FASO).

Mr. FASO. Mr. Speaker, I appreciate that, and I appreciate the gentleman from Georgia's hospitality in yielding the floor to me at this time.

Mr. Speaker, indeed, I am privileged to represent the 19th Congressional District of New York State. This encompasses a wide area of the mid-Hudson Valley and the Catskill region. The district touches Vermont in the northeast corner and Pennsylvania in the southeast corner. We go out to Cooperstown, and we have great local locations like Woodstock. Many people are familiar with Woodstock, where the concert was supposed to be back in the late 1960s, but also where the concert occurred in Bethel, New York, in Sullivan County. The district encompasses all or part of 11 counties.

The gentleman from Georgia referenced the fact that I have resided for

the last 30, almost 34, years in Kinderhook, New York, the hometown of Martin Van Buren, our eighth President. Our district also has within it the town of Hyde Park in Dutchess County, which is the home of a President who was extraordinarily well-known and recognized for his great contributions to our country, Franklin D. Roosevelt. I encourage people to come visit Hyde Park and the Roosevelt home and mansion, and also Kinderhook.

I would be remiss if I did not also mention that the 19th District has the Baseball Hall of Fame in Cooperstown, New York, where I know a number of Members will be coming up later this year to play a game of baseball in a charitable fundraising event.

Mr. Speaker, Mr. COLLINS had made reference to the economic condition. The economic condition in upstate New York is extremely difficult. Of the 11 counties in my district, for instance, all 11 have lost population in the last 5 years. What has happened is that people are leaving because of high local taxes and burdensome rules. These come not just from Albany, but also from Washington. This is one of the things that I think the people sent me here to Congress to work on.

I ran on a platform of economic growth. We must get our economy moving, and we must get it moving fast and growing at rates that are not in the anemic 1.5 to 1.8 percent level, but up to 3, 3.5, and 4 percent if we are going to produce enough wealth and opportunity for our children and grandchildren. Indeed, Mr. Speaker, we cannot allow this generation to leave to the next generation a country that is immeasurably poorer and less well off than the country that we were given by our parents and grandparents.

I am privileged to serve on three committees here in Congress: the Budget Committee; the Transportation and Infrastructure Committee, where I am honored to serve as the vice chairman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials; and also the Committee on Agriculture. All three of these committees are going to be vitally significant in terms of my tenure here in these 2 years of Congress, but also for the people of our district.

Agriculture, we have a robust and growing agricultural economy. It is dairy, where a lot of dairy farmers are struggling with the low price of milk, but also fruits and vegetables. We have got a remarkable number of new producers—yogurt producers, cheese producers, and beef and pork producers—because we live only 125 to 150 miles away from the city of New York and the tremendous metropolitan area and the tremendous market that that entails.

On the Agriculture Committee, I will be fighting hard to protect the interests of our dairy community and small

farmers and to make sure that we encourage our young people to go into agriculture. I am pleased to soon support a measure which will encourage young people to go into agriculture.

On the Committee on Transportation and Infrastructure, I mentioned the Railroads, Pipelines, and Hazardous Materials Subcommittee. Our district is blessed to have the beautiful Hudson Valley. The Hudson Valley—the Empire State corridor of Amtrak—is one of the busiest in the Nation. It is also one of the profit centers for Amtrak. Many, many people ride the train between Albany and New York City on a daily basis, in fact. It is vitally important to our commerce and to our business interests in our district.

We also have a number of freight rail facilities. I will be working closely with folks out in Otsego County and Oneonta for the project that they are looking at for their rail facility in that community.

Lastly, as I mentioned, I serve on the Budget Committee. Just today, we heard a report from the Congressional Budget Office. The chief of the CBO came before us. He indicated that today we have almost \$20 trillion of national debt.

□ 1630

That is just the on-the-books government national debt. He also said to us that within 10 years we are going to be facing another \$10 trillion on top of that. And \$30 trillion, my colleagues, is not sustainable. It is, in essence, generational theft. It is saying we would spend today our children's and grandchildren's inheritance and that we are forcing, by borrowing way beyond our means, our children and grandchildren in the future to pay for our spending today.

So this, indeed, is a crisis point. It is a crisis point for our country. It is a crisis point for every man, woman, and child in our Nation.

In fact, if you look at the data, right now our national debt is the equivalent of about \$60,000 for every man, woman, and child in America. We have to get this under control. The way to get it under control is we have to deal with growth. We have got to get economic growth. Smart tax and regulatory changes can help us spur the private sector economy to grow this economy, to create more opportunity, to create more wealth and jobs for our families all across the Nation, but particularly, from my vantage point, in upstate New York.

But we also need to take a hard look at reforming entitlement programs. There is precedent for doing this. President Ronald Reagan, Tip O'Neill, the great former Senator from New York State Daniel Patrick Moynihan, and others came together in the early eighties and fixed the Social Security financing problem for over 40 years.

Well, the timeline for fixing that problem is running out.

I encourage people at home and citizens all across this country, pull out your Social Security earnings statement. Pull out that statement that the Social Security Administration sends to you each year. If you look at it closely, it will say that, in 2034, just a mere 17 or 18 years from now, Social Security can only pay approximately 75 or 76 percent of the promised benefits.

We have it in our capacity to fix this problem to assure that all the seniors are taken care of and that those close and near retirement will not be affected. But we also have to reform the system so that our children and grandchildren have the prospect of something there for them in the future. We cannot, again, be the generation to leave our kids and our grandchildren holding the bag with a country less wealthy, with less opportunity than the country that our parents and grandparents gave to us.

So I am really pleased to have this opportunity to come before the House today. I am very happy that Mr. COLLINS has, with his wisdom and experience here in the House, afforded us this opportunity to come here and describe what is going on in our district, why we came here, what we want to do, and what we hope to accomplish over the next 2 years.

Mr. COLLINS of Georgia. Mr. Speaker, one of the reasons we do this—and I think Congressman FASO actually mentioned this—is what we forget so many times is we come in here, and we are grouped together as 435, but, the reality is, we all come from our individual districts.

Listening to the gentleman's story, listening to why he came, that is what keeps us grounded. This is the wonderful hallowed halls for us to remember all the history that has been here, but, when we come here, you bring that personal story. And that is what the voters elected you to do.

Again, it is a pretty amazing district. I am learning about a lot of districts. When you have the area of Woodstock and Cooperstown in the same district, that is pretty cool.

I appreciate the gentleman being here, and I am looking forward to his service.

Mr. FASO. Well, I look forward to working with the gentleman from Georgia, and I look forward to working with all of my colleagues on both sides of the aisle to try to fix what is wrong with our country today, to improve on what we already have, and to create a sustainable future for all Americans. This is why I ran, and that is why I am here.

I thank the gentleman from Georgia for the opportunity to come before the House to speak with him today.

Mr. COLLINS of Georgia. We are very glad to have the gentleman here.

Mr. Speaker, as we go along, you have seen one great new Member from New York's 19th District, but then there is also a new Member who comes from the Big First out in Kansas. He is a doctor. He has been married for 32 years and has four children.

I think the coolest thing about this is we talk about a culture of life. For me, it is not just a life issue of getting up every day. I believe that you take every day as a gift that has been given to you, and you grasp and you take that joy. But life has to start. For a doctor who delivers 5,000 babies, it is pretty cool to see that life, as a husband who has been there.

He has talked about his greatest role as a husband and father. That is mine and, I think, Mr. Speaker, as most, as we look at this. Seeing my kids come in was a special time. To know what that means in the life of a family, Dr. Marshall brings that personal touch to the House. He brings that personal touch from the Midwest.

Mr. Speaker, you do know I am in the Air Force Reserve. Mr. Speaker understands that very well. Also, I will say that he served as well in our once-parent operation, the Army Reserve. It is good to have him here. That military background also gives us a new perspective because our world is not a safe place, and we need to understand what we are going through.

Mr. Speaker, I yield to the gentleman from the Big First, the First District of Kansas, Dr. ROGER MARSHALL.

Mr. MARSHALL. Mr. Speaker, I thank the gentleman for Georgia for yielding.

I am so proud to be here today. Before I talk about my district, I just want to say thanks to my fellow freshman class. I am so grateful to be part of the freshman class of the 115th Congress—a freshman class that includes 10 Members with military experience, a sheriff's officer, an FBI agent, two physicians, a dentist, and the rest of the class being mostly businessmen and businesswomen full of real-life experiences, which helps us solve problems with some little common sense.

As my family and I traveled our district of Kansas this last 2 years, traveling 30,000 miles, they constantly identified the three common problems. They were concerned about the economy, national security, and health care.

The first 2 years of those travels, I listened a lot. The last 6 months, I focused on solutions. I thought I would share today some of the common solutions that my classmates and I have talked about, as well as my constituents back home.

First of all, as far as the economy goes, the number one problem with the economy is government overregulation. Overregulation creates uncertainty and consolidation. When there is uncertainty, businesses don't grow; they don't invest.

The overregulation creates consolidations. So instead of having three or four community banks in town, consolidation forces there to be only one bank. Oftentimes, those single banks no longer even make bank loans to people from their own community. Consolidation has occurred in hospitals and with physician practices as well, all too often.

I am so proud to stand up here today and hear that the Senate also approved one of the laws we have passed repealing regulations. We think, as we go down this path, repealing regulation will be a continued path for small businesses to grow. That is where 80 percent of our future job growth is going to come from: small businesses.

It is hard to believe, when I talk about national security, that men and women who live 1,300 miles inland from the nearest ocean, separated by mountains and rivers, are concerned about their own safety.

It is hard to imagine that before there was the Paris massacre or San Bernardino or Orlando that my constituents in Kansas were concerned about national security. I stand beside our President in making our border secure and working through immigration and refugee issues to make our Nation more secure. We think that is vitally important, and that is one of the reasons we elected this President and many, many people from my class as well.

Lastly, I want to talk about health care, something very near and dear to my heart.

For the past 6 years, I have lived the nightmare of ObamaCare. It has caused many, many physicians I know to quit, to give it up. ObamaCare has reduced us to data entry positions rather than physicians who can listen and develop their clinical skills as we try to work with patients to solve their healthcare problems.

ObamaCare has led to consolidation of physician practices. It has led to high prices as well for insurance products. It has led to \$12,000 deductibles for most families. It is no longer affordable. It is like having no insurance at all.

Eighty percent of Americans are not happy with the Affordable Care Act, but I want to assure the American public and my constituents that, for every 5 seconds I have spent thinking about repeal, I have spent 5 days thinking about replace.

Though quite often the press wants to talk about this as two separate books, this is one book in my life—a book of repealing and replacing as quickly and efficiently as possible.

I want to assure all my constituents back home that, if you are on an ObamaCare product right now, we are not pushing you off any cliff. We are going to give you a period of transition where you can have a truly affordable

healthcare product that works for you without a \$6,000 or \$12,000 deductible.

We are a party of solutions. If you will look at Dr. PRICE's bills he submitted the last 6 years, you will see great alternatives and solutions that the party has presented. We do think there are good solutions out there.

Speaking of Dr. PRICE, I can't help but just stop and say we need to approve him, confirm him as quickly as possible. Dr. PRICE is a physician, an orthopedic surgeon from Georgia, who has served Congress in multiple ways, including leading the Budget Committee.

I have not met a man I would rather have serve as the Secretary of HHS than Dr. TOM PRICE, a mentor to me—a mentor to many of us—a kind man, a Godly man, a person who cares about patients, who understands health care, but he also understands government. Before we can take many more steps with health care, we need someone in that position. I believe with all my heart that Dr. PRICE will do a great job.

I look forward to continuing my next several weeks here working with the freshmen, working with the rest of Congress. We are so optimistic. We think that great days are ahead of us.

I am going to close with a memory today that I will have forever of going to the National Prayer Breakfast. I have had the privilege of going to many, many events, but this may have been the greatest event I ever attended in my life to see men and women, leaders across the world, praying for our President, praying for our Vice President.

I am just thrilled to be a part of this. I am proud to turn this country back in a positive direction.

Mr. COLLINS of Georgia. It is good to have Dr. MARSHALL here and be a part of bringing that vitality of someone in the health field, knowing and understanding that relationship between the patient and the doctor and finding the best way so that all can have that access. I think that is what we see.

He ended with something, and I will sort of end with that: the prayer breakfast. From my background as not only an Air Force chaplain but also a pastor for over 11 years, we can have disagreements. And we are going to have disagreements. But what I have found is, when you pray for each other, you can have disagreements, but you can't be mad.

I think that is what we have got to do as a country is we have our disagreements and we move forward and we look for what is best for the individuals and not best for what is this government.

I think that is what you brought to the table today and talked about, that passion to get it back to the individual who looks to Washington, knows it is

there, and doing what the Constitution said, but not overreaching into the areas of their life that take them away from the things they want to do.

So I appreciate the gentleman's service. I appreciate him being here. It is going to be great as we go forward.

Mr. Speaker, we have gotten a fast start. There are some things going on where we are doing what we promised. I had an interview just the other day, and the reporter asked me the question: Well, what do you think about X? They named off like two or three things. I said: What is surprising right now to many folks who have reported on this place for so long is the fact that things are getting done and being promised to get done, and they are happening.

Mr. Speaker, that is what we are sent here for. And as we see that through the regulatory issues we have been dealing with this week, we are going to deal with again next week, and as we look ahead to the battles of repealing and putting together access to affordable health care for all Americans and not doing the scare tactics and not doing the straw man and not trying to push anybody off a cliff but saying: let's talk about this together; let's listen and work together, as opposed to the way it was done.

Then, we look into tax reform. We look into energy development. It is a time in America to be smiling. It is a time when we can look around and the rest of the world is saying: that is the country that we know. That is the shining light that we know. That is the place that the world looks to. Because we are the freest country in the world, and we gave our spirit to others.

□ 1645

So it is exciting for me, as part of my work for the Republican Conference, to bring the freshman Members up here to let them tell about their areas. And as we do so, it just shows you, I believe, that America, in many of these districts, saw promise. And we are looking forward to continuing with our new Members and continuing to introduce them over the next weeks.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a joint resolution of the House of the following title:

H.J. Res. 38. Joint resolution disapproving the rule submitted by the Department of Interior known as the Stream Protection Rule.

The message also announced that pursuant to sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, reappoints the Senator from Vermont (Mr. LEAHY) as a member of the Board of

Regents of the Smithsonian Institution.

RUSSIAN AGGRESSION AGAINST UKRAINE

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

Ms. KAPTUR. Mr. Speaker, the day after our new President spoke to the President of Russia, Vladimir Putin, we saw a surge in Russian aggression and attacks in eastern Ukraine. Every American must realize, Russia is testing our new administration's resolve to stand up for liberty.

Since Russia invaded Crimea in February 2014, 10,000 innocent Ukrainians have been killed by Russian aggression, and this has increased over the past week. Dozens more have been displaced—17,000, in fact.

These actions violated the 1994 Budapest Memorandum on Security Assurances that stated: the Russian Federation would respect the independent sovereignty and existing borders of Ukraine.

Russia's new aggression is another step in its campaign to undermine the democratic order that has existed in our Transatlantic Alliance since the end of World War II and cold war.

America must stand up for the people of Ukraine and our European alliances and denounce the actions of President Putin. We have to stand up or we face—Russia will face condemnation by the world community. Russia should withdraw her heavy weapons from that region. They should stop financing separatists. They should allow repairs for critical infrastructure and fulfill all of their agreements under the Minsk accords.

What is happening is a global shame.

THE AMERICAN PHILOSOPHY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Maryland (Mr. RASKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RASKIN. Mr. Speaker, I am delighted to be here with my colleague PRAMILA JAYAPAL from Seattle, Washington. We wanted to talk about what has been happening over the last week with the executive orders on immigration and asylum that have taken place, and we want to try to take a broad perspective on this; to put it in some historical, legal and constitutional context; and then also to talk very specifically about the executive orders and what has been taking place with them in different parts of the country; and about the multiple Federal judicial rulings imposing injunctions on enforcement of those orders.

But I wanted to begin, actually, by stepping back from the heat of the cur-

rent crisis and looking, instead, at the idea of America.

Well, what is the idea of America? America was created, as the great Tom Paine said, as a haven of refuge for people fleeing political and religious repression from all around the world.

Remember the radicalism of the American Revolution and our Declaration of Independence and our Constitution. We were the first Nation on Earth conceived in revolutionary insurgency against monarchy, dictatorship, autocracy, theocracy, and the merger of church and State.

The American colonists were rebelling against, not just the king and all of the whimsical depredations and abuses of the crown, but also against centuries of religious warfare in Europe between the Protestants and the Catholics, holy inquisition, holy crusades, witchcraft trials, endless wars between the Catholics and the Protestants.

Our forefathers and foremothers wanted to break from that history and put into our Constitution the separation of church and State—as Jefferson called it, the wall of separation between church and State, the establishment clause, the idea of free exercise of religion, freedom of speech, the right to petition for redress of grievances, the right of people to assemble, freedom of thought, freedom of conscience in the United States.

But it would be a land that would be open to people who were fleeing authoritarianism, who were trying to get away from repressive regimes, and kings, and monarchs, and princes, and tyrants, and dictators, and despots everywhere. That was the idea behind America.

Well, then in this Presidential campaign, then candidate Donald Trump said that he wanted to impose a Muslim ban, a ban on Muslims coming to America, which would cause our forefathers and foremothers to turn over in their graves to hear that somebody running for President of the United States wanted to impose a ban on the immigration of people based on their religious faith, in a country that was designed on the principle of free exercise of religion, designed on the principle of no establishment of religion, designed on the principle of no religious tests for public office or political participation that suddenly we would say we are not going to accept people—in the 21st century—based on their religious heritage.

And of course, anybody can make up their religion anyway. Anybody can say what they are. So it is as futile and as silly as it is anathema and apathetical to our basic constitutional ideals.

Well, that Muslim ban has, in its bizarre way, become law now in the United States of America. The President issued an executive order as one of

his first actions on people coming to our country from Iran, Iraq, Libya, Syria, Somalia, Sudan, and Yemen, those seven countries. And we have got to interrogate what exactly the logic of this is.

The President and his chief strategists of the alt-right, named Steve Bannon, have defended this order on the grounds of national security. The idea is that somehow we are defending the national security and the defense by banning people from those countries.

All right, we all support national security. If that would advance our national security, it is something we should look at.

Well, what is the evidence that that is going to benefit our national security? Our country now is no stranger to terror and to terrorism. All of us remember that shocking, fateful day, 9/11, back in 2001, when America changed forever.

Those 19 hijackers came from three countries. And which three countries on this list of seven did they come from? None of them. Those hijackers came from Saudi Arabia. The overwhelming majority of them came from Saudi Arabia, then Egypt then United Arab Emirates.

None of those three countries is on this list of seven. Why not? Well, a couple of different theories are out there. One is that President Trump has business interests in those countries. He is doing business with corporations in Saudi Arabia, in Egypt, and in the United Arab Emirates. So that is one leading theory that is out there. The other is that these are rich and powerful countries. So despite the fact that they were the lead exporters from this prism of terrorist hijackers to the United States, they get a pass.

And instead, we pick on Yemen, and Somalia, and Iraq—our presumed ally—that another Republican President sunk hundreds of billions of dollars into waging a war based on the mythology that there were weapons of mass destruction in that country, but now they are on our side. Yet, we have imposed a ban of people coming in as refugees from Iraq. But Saudi Arabia gets a pass; Egypt gets a pass; United Arab Emirates gets a pass because they are on the rich side.

So what exactly do these seven countries have in common if it doesn't have anything to do with our national security? Because if you look at the other terrorist events that have taken place in our country, for example, the Boston Marathon bombers, those young men who were implicated in that crime against the people of the city of Boston and the people of the United States came from Russia originally.

Is there a ban on Russia being imposed here? Quite the contrary. Earlier today, President Trump relaxed sanctions on Russia, made it easier for

American businesses to export information technology to Russian companies, according to news reports.

I haven't seen the exact order yet, but there is an executive order that is lessening sanctions on Russia, despite the fact that two of the most infamous terrorists against the United States originally came from there. So what do those seven countries have in common?

Well, they are all Muslim countries. They are poor Muslim countries. They are poor Muslim countries that Donald Trump doesn't do business with. And so maybe that is it. Maybe the idea is, we are going to wage a worldwide war on the poorest, most vulnerable Muslim countries, even if they don't pose any special threat to us, because that will conform to Steve Bannon's ideological world view of a major contest between the Christian west and radical Islamic terror.

I think that would be it. But President Trump, of course, puts his business interests even above the racism and White nationalism of Steve Bannon, because the business interests have to come first in all cases.

So that is the best that we can make of what has been imposed on the country, an Orwellian policy imposed with Kafkaesque incompetence all over the United States of America. So the airports are in an uproar, families have been dislocated, children agonized over the situation, panic spreading across America. And part of me wants to think, well, this is just the misfortunes of a beginning President. Maybe this is part of a design by Steve Bannon who has proclaimed himself a Leninist who wants to tear the system down, tear the government down; to start over again.

Maybe that is what is going on. Who knows? But all of this brings us back to the emoluments clause. Now the emoluments clause, Article I, section 9, clause 8 of the Constitution was inserted by our great Founders because they feared foreign monetary dominance of the United States Government.

They knew that kings and princes, dictators and despots, traitors and saboteurs all over the place would try to use their money to compromise the integrity of Republican government, Republican democracy.

Remember, we were trying something new here, what our great Republican President Abraham Lincoln would later come to call the "government of the people, by the people, and for the people."

That was the experiment that we launched then, and they knew that there was a basic problem, which is, the room will not hold all. We can't have a New England town meeting every time we need to make a decision, so we have got to elect people to go be our Governors.

But when you elect them, now you have got an agent. And the problem all

of you lawyers know out there—in principal agent law—is how do you make sure the agent actually serves the client rather than the interests of the agent himself or herself?

And the Founders understood that, and they were afraid that the people who we elected might go to Washington and be corrupted by foreign money, by all of the diplomats and spies running around offering gifts, and gold, and snuffboxes, and diamonds, and so on. And so what they said was that no official in our government, no official could accept any gifts, or emolument, any payment of any kind at all from a foreign government, a king, a prince, or a foreign government. No foreign payments.

And that is something that has been observed scrupulously for more than two centuries by our Presidents. Nobody has even come close to the line of violating that.

When Benjamin Franklin was Ambassador to France, he received a snuffbox from the people of France. He came back, and he brought it to Congress and asked Congress to approve, because it is up to this body to decide whether or not a foreign payment is acceptable or not.

And Congress said: Mr. Franklin, because of your extraordinary reputation for integrity, for decency, and for honesty, we understand you have not been compromised by that snuffbox, and it is just a snuffbox, and you can keep it.

But today, what we have got now is a President who has hundreds of millions of dollars of interest all over the world—in Russia, in the Philippines—millions of dollars of loans from the Government of China, the Trump Hotel, which is renting out banquet rooms, dining halls, floors, hotel rooms, to foreign governments and embassies from all over the world who come here to try to influence our government.

And what do we hear about the emoluments clause? Has the President come to ask us whether or not we approve of these arrangements? Nothing. Nothing has happened. Is it affecting policy? Every single day.

And I come back—before I turn it over to my colleague—to what we are talking about, which is these executive orders which have this very bizarre quality, my fellow Americans.

□ 1700

They apply to poor Muslim countries where Donald Trump has no business interests. These executive orders don't apply to Saudi Arabia, they don't apply to Egypt, they don't apply to the United Arab Emirates, they don't apply to any of the countries where Trump Industries has business. That is precisely why the Founders put in the emoluments clause. I know it is a bit of a mouthful, but every American has got to learn to say it. All it means is

payments. This is the foreign bribery clause in our Constitution.

These terrible immigration orders, which have created chaos and pandemonium across the land, are a perfect demonstration of why we need to enforce the emoluments clause and why this President needs to divest himself immediately of all these foreign concerns, or this Congress must hear the appeals that are coming from our side of the aisle and must listen to the fact that these payments that are being received on a daily basis by the President are a threat to the American constitutional order.

Mr. Speaker, I yield to the gentlewoman from Washington (Ms. JAYAPAL), my good friend and colleague from Seattle, Washington.

Ms. JAYAPAL. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN), my friend and colleague, and I thank my other colleagues also who are here today to shine a light on the abuses that happened last week and last weekend with the executive order that was passed and signed into law by this President.

Mr. Speaker, this order is in direct contrast with the values that this country was built on: foremost, to be a refuge. That is how so many people in the history of this country have come here. Instead, our President has chosen to close the doors on people who are fleeing violence in their home countries, and it is based on their religion.

This ban is discrimination in its purest form. It does not make us safer. In fact, Mr. Speaker, I believe that doing what we did has actually put fodder into the hands of those who really do wish to do us harm by being able to say that America hates Muslims, that America hates Islam, and that America hates immigrants and refugees, none of which is true to the history and the founding of this country.

The reality, Mr. Speaker, is that the International Rescue Committee has said that it is more challenging for refugees to get into the United States than anyone else. They are the most heavily vetted group there is. As you can see here, there are 20 steps involved in the process, and those who do get approved have been through the most rigorous background checks, fingerprinting, and questioning.

Instead of making us safer, this ban is simply throwing people into chaos. Many of us over this last weekend went to our airports across the country—Dulles; New York; Seattle, Washington, my hometown. We were called to the airport because there was chaos that erupted across the country, chaos that erupted at the airports, because people who had legal documents to come to the United States were coming in and being told that the executive order meant that they no longer could actually stay here in this country.

Mr. President, what happened then for me, when I went to the Sea-Tac

Airport at 1 in the afternoon on Saturday, I found a Somali family who had been waiting, a U.S. citizen woman who had been waiting to be reunited with her husband. She believed that finally she was going to get to hold him in her arms. Instead, Mr. Speaker, what happened is that he was put on a plane and sent back to Heathrow, but perhaps somewhere else. We were not given any information about what was going to happen to that gentleman.

We found out that there were two additional individuals who were already put on a plane ready to be deported. We, along with the ACLU, the Northwest Immigrant Rights Project, and our governor, were able to file for a temporary restraining order. We were able to take that restraining order on our phone to the plane and say: Stop this plane.

That literally, Mr. Speaker, is how we were able to get those two people off of the plane. We were able to then get them legal counsel after much intervention.

Mr. Speaker, it should not be this way. This is a country that was built by immigrants. It is a country that has welcomed people from across the world to come here as a refuge, as a sanctuary. My State of Washington is one of the top States in the country for refugee resettlement. The reality is we are destroying the very principles of compassion, of humanity, of being a refuge, of building this country with immigrants and refugees.

Literally thousands of people came to the airport to say: We welcome refugees; we welcome immigrants.

This is not the America that we know and love. We are better than this.

This is not the first time I have had to fight against these illegal deportations. After 9/11, we had similar situations, not as bad as this, but we had the National Security Entry-Exit Registration System, NSEERS. It required that men from 25 Muslim and Arab countries were going to be fingerprinted and registered. This was under the Bush administration. At the time, Attorney General John Ashcroft said: You are either with the terrorists or you are with us.

That is a false choice, Mr. Speaker. The reality is that security and liberty do not oppose each other. They go hand in hand, and we cannot sacrifice one for the sake of the other.

Mr. Speaker, we were able to fight that, and we finally did end that special registration program, but now here we are again. We know the shame of history when we have not been on the right side of it. We know that in 1942, 125,000 Americans of Japanese ancestry were put into internment camps, and it took us a very long time to come back and apologize. Mr. Speaker, when we did, we said we will never do that again. Yet, here we are for the first time again instituting a religious test as to who can get into this country.

Let us be clear that it is a Muslim ban. It does not mean that every single Muslim country necessarily has been targeted yet. But what it does mean is that Muslims are being scrutinized in a different way simply for being Muslim.

A constituent of mine called my office this week to tell me another very disturbing story, and she told me that I could tell it here on the floor. She was passing through immigration into Houston on her way back home from Seattle. Dr. Angelina Godoy was traveling back from Central America where she was doing research. She is a U.S. citizen. She said she was so alarmed by what happened to her that she wanted to call and get it on the record.

Angelina is a human rights professor and she has traveled through immigration many times. This was the first time she said she had experienced anything like this. Her immigration officer asked her about her political views. When she said that she was deeply concerned about the President's actions, he asked her why she wasn't concerned with all the refugees that were flooding into our borders. And he used that word "flooding." When she said she didn't think that they were flooding in, he told her that she can't tell him that based on the fake news she is seeing on television.

Mr. Speaker, this is incredibly disturbing. Are we going to now check the views of every U.S. citizen who is coming into the our borders to see whether they agree with these executive orders or not?

Well, I am here to tell you that it may be the thought that fear and patriotism together is the way to suppress dissent. We will not be suppressed with fighting for the very values that make us great.

In cities around the country, what gives me hope is that people stood up to stand up against this hatred. The Muslim ban is unconstitutional, and we are standing here today to demand that it be repealed.

You can see here the chart that I referred to earlier. There are 20 steps that you must go through in order to be screened. Syrian refugees are probably the most screened individuals in our country today. And there are 5 million Syrian refugees who are pouring out of the country.

Mr. Speaker, this is not a time to turn our backs on them. This is a time to make sure that we are taking care of the women, the children, the families, the majority of refugees to this country who are women and children and families. The majority who have family members here that they are waiting to be reunited with, that is who we are talking about, Mr. Speaker.

Mr. RASKIN. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN)

and the gentlewoman from Washington (Ms. JAYAPAL) for their tremendous leadership. They have hit the ground running here in Congress in defense of our Nation's immigrants and refugees and for all who just seek to live the American Dream. So thank you very much for your leadership and for calling us together tonight.

Mr. Speaker, in his first week as President, Donald Trump issued an executive order essentially banning immigrants and refugees from the United States on the basis of religion. This action effectively shuts our gates to some of the most vulnerable people in the world fleeing danger and death.

This ban flies in the face of our fundamental values as Americans. It is, yes, morally reprehensible and will only serve to make the United States less safe. This executive order is also a direct threat to our national security. Banning Muslim immigrants and refugees only fuels ISIS propaganda by promoting the false idea that the United States is at war with Islam. This halfway ban is felt in our communities across the Nation.

In my district, one Iranian student at the University of California, Berkeley was not allowed to board the plane to return to the United States. She is now forced to withdraw from the semester. This is a disgrace.

Mr. Speaker, this Nation is and has been and will always be a Nation of immigrants. This ban and this President and his executive orders do not reflect our values. This is not who we are.

As the President's divisive ban was implemented, we witnessed thousands of Americans bring what I call "street heat." Men, women, and children across the country stood up to the President and declared with one voice: Not on our watch.

These protests, the voice of the American people, give me hope. If we stand together and resist, we will prevail.

While the President continues his attack on immigrants, refugees, and Muslims, I vow to stand up for our communities with my colleagues with a clear message saying once again: This is not who we are. This Muslim ban is hateful, it is unconstitutional, and it is downright wrong.

Finally, let me just say that February is Black History Month. As an African American woman, I am reminded of the bans and exclusions of African Americans and my ancestors and the legacy of slavery where my ancestors were brought here in chains, built this country, and continued to fight for freedom and justice. As an African American, there is no way I can tolerate any ban on anyone seeking refuge in this great country.

Finally, and in conclusion, as a member of the Appropriations Committee, I just want to say that I am going to fight tooth and nail to prevent funding

for these misguided anti-immigrant and anti-refugee policies.

Mr. RASKIN. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Speaker, last Saturday night, I was at Los Angeles International Airport. I went out to show unity and stand with those that stand against this ban. I think it is wrong. I think it is unconstitutional and unAmerican. But what I saw there was startling.

I want to tell you the story of Fatema. Fatema is a legal permanent resident. She got a notice in the mail that she was about to be sworn in to become a U.S. citizen on February 13. She was traveling with her 1-year-old son who is an American citizen. She was the victim and was being detained. Reports from lawyers on the ground were that she was being pressured to sign away her right to be a legal permanent resident right after they had sent somebody back, a student, who had a visa to be here.

□ 1715

I was there, along with one of my colleagues, JUDY CHU, fighting, trying to get to the detainee to make sure that she had access to an attorney. I asked to go to CBC, the Customs and Border Protection. Conveniently, they were shut down. They had closed the office.

So I asked somebody: Can you walk me down to the arrivals so I could talk to somebody?

They wouldn't do it. I got a telephone number. I called. None of my questions were answered. They wouldn't answer a single question: Were any of my constituents being detained? Could I get a lawyer to somebody?

They wouldn't even say yes or no. All I was told was I had to call this Washington, D.C., number—a 202 number. Now, it was Saturday night. It was 7 p.m. on the Pacific Coast.

I called. I left a message, asking for a return call. I didn't get one. I demanded, with my colleague, that we get a briefing privately, behind closed doors, outside the press. We didn't get one.

As a matter of fact, when I called back, I asked: Who is your manager? Who are you answering to?

She said: The President.

Oh. You have talked to Donald Trump?

It was really disturbing. And then she hung up on me—and I am a Member of the United States Congress. I couldn't get any answers to try to protect the very constituents that we fight for, the constituents whom we represent. It was very disturbing.

These immigration orders are unsettling, but they are also a disservice to the Customs and Border Protection when you don't give a heads-up, when you don't have a warning on how

things are going to be carried out. This led to mass confusion not just at LAX, but at airports across the country.

I hear often that this affected just a small number of travelers, but it affected a lot more than that. We saw the masses of people coming out. We saw lawyers who had to go down there and give their time. A shout-out to the ACLU and to the attorneys at public counsel and to so many other attorneys who went down there and gave their evenings, their time, and who have been standing up and fighting for people in court to get people to come back.

Just today, at Los Angeles International Airport, there was a press conference held to welcome back the one person who was allowed to come back—an Iranian citizen who was deported and sent back, who was forcibly removed on Friday night even though he had a legal right to be here. Hopefully we are going to hear more of these stories, but it shouldn't be that way. People should not show up at the airport and get on a flight in a country in which they have a right to be just to have to turn around and be sent back after being detained for hours on end. This isn't right.

As a Member of Congress, I will work to ensure that the Federal Government obeys the Constitution, respects our history as a nation of immigrants, and does not unlawfully target anyone because of one's national origin or faith.

Mr. RASKIN. I thank the gentlewoman.

Mr. Speaker, I yield to the distinguished Congresswoman from New York, YVETTE CLARKE.

Ms. CLARKE of New York. I thank the gentleman from Maryland and the gentlewoman from Washington State for hosting this very important Special Order hour.

Mr. Speaker, I rise to voice my outrage over Donald Trump's unconscionable, ill-conceived, horribly executed and implemented executive order that limits Muslim immigration and travel into the United States.

This order is an appalling affront to American interests. It is contrary to our ideals and values as a nation, and it flies in the face of our history and the core conviction of freedom from religious persecution that this Nation was built upon. It provides the fuel to our enemies and makes a mockery of our democracy and Constitution. Most importantly, it tears families apart by prohibiting people with valid travel documents from entering the country.

I saw this firsthand on Saturday when I visited JFK International Airport to witness the needless chaos and confusion that this order has created. One person who lives in my district who has been affected by this order is Dr. Kamal Fadalla. Dr. Fadalla is a Sudanese hospital resident in Brooklyn, New York. He is trained to save

lives, not to take them. Yet, due to Donald Trump's egregious executive order, Dr. Fadlalla has been prevented from returning back to the United States to help heal our sick and save lives.

There is no justification for this shameful order, and it is no wonder that the Acting Attorney General, Sally Yates, risked her job and reputation rather than act as Donald Trump's enforcer. I commend Ms. Yates for her personal integrity and fidelity to our Constitution. Ironically enough, during her confirmation hearing, it was Donald Trump's own nominee for Attorney General who suggested that Ms. Yates maintain the integrity of the Department of Justice at all times and that she must refuse to enforce orders that were unconstitutional. This week, Ms. Yates made good on her answer to Senator SESSIONS and upheld her oath to faithfully uphold our Constitution.

For these reasons, I will proudly introduce a resolution that commends Ms. Yates for her act of moral courage and for her adherence to the dictates of the United States Constitution. I call on all of my colleagues to sign on to this resolution and for House leadership to schedule a vote to commend Ms. Yates. Most importantly, though, I call on Donald Trump to rescind this egregious order that harms our economy, that contravenes our values, and that endangers our national security.

I thank the gentleman and gentlewoman for yielding.

Mr. RASKIN. I thank the Congresswoman for her comments.

Mr. Speaker, I yield to the distinguished Congressman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I thank Congressman RASKIN, and I thank Congresswoman JAYAPAL.

Mr. Speaker, the truth is that the House of Representatives has tremendously benefited by these two awesome freshmen who have come in here like gangbusters. I am sure that my classmate and friend of many years from New York, Ms. YVETTE CLARKE, will agree with me that we are always trying to welcome these folks who have come straight off the campaign trail, because you really know how people are feeling when they come straight off the campaign trail—fresh. I am sure the Congressman from Rhode Island, DAVID CICILLINE, agrees.

The people of this country are fundamentally fair folks. Our countrymen and -women believe that everybody ought to be treated with dignity and respect. Yes, we believe that we have to have an economy that works for everybody. Absolutely true. We also believe that people should be treated based on their behavior, based on who they are, based on what they bring, not based on their race, their sex, their gender, their religion. In fact, this idea is enshrined in the Constitution.

The first clause of the First Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Later on in the Constitution, it reads that Congress shall not impose any religious test for participating—serving—in public office.

In America, you don't have to have one religious belief or another. In America, you can be a Christian, a Muslim, a Jew, a Hindu, or of no faith whatsoever. You can be Baptist; you can be Methodist; you can be whatever you want to be. That is up to you, and it is a private matter. Americans basically understand that this is right because the Framers of the Constitution, people like Thomas Jefferson and others, looked over at some of the Colonies and even looked at some of the conflicts in Europe and said that we don't need to be mixed up—fighting—with each other over religion.

Now, the Framers got a lot of things wrong. They got women's rights wrong; they got race wrong; they got Native American rights wrong. There were many things that they needed to correct in this Nation.

As the great Thurgood Marshall said, we were defective from the start, and we needed to have civil wars and civil rights movements and other movements to make this country the country that it is today.

Yet one thing we did decently in the beginning is with regard to religious freedom—until now. Donald Trump is introducing a religious test for whether or not people can be a part of this American story.

Donald Trump claims: Oh, I don't have a Muslim ban.

Wait a minute, President Trump. Wasn't it you who, on December 7, 2015, said that you were calling for a ban on all Muslims who enter into the United States? Wasn't it you who said it multiple times throughout your campaign? Didn't you say you wanted to have a Muslim database for all of the Muslims who were in the country? Didn't you say you wanted to shutter mosques? You said these things, and now, all of a sudden, you are shy about saying that you are running a Muslim ban.

These people who say, oh, it is not a Muslim ban surprise me because I am, like, I thought you all were proud of it. I thought you were bragging about it. I thought it was how you rode your way into office—by appealing to people's fears and trying to whip up hostility among different Americans of different faiths and traditions. Yet now, all of a sudden, you are shy about saying what you are doing, which is a Muslim ban. Yes, it is a Muslim ban. Just because it doesn't ban every Muslim everywhere does not mean that the people who are banned are not banned because they are Muslim. That is exactly why they are banned. That is why they are banned.

He was asked on a TV program: Would you give preferential treatment to people of another faith?

He said: Yes, I would give preferential treatment to another faith.

He said it. It is on the record. So don't come telling me how there is no Muslim ban. There is one, and these people who bragged so much about it—I mean Trump and Bannon and all of the rest of them—should not act like there is not a Muslim ban now. There is a Muslim ban. It is a religious test for entry into this country. It is unconstitutional; it is immoral; and it is wrong.

I just want to say to all of my fellow Americans right now, if they can ban Muslims, they can ban Jews; if they can ban Jews, they can ban Seventh-day Adventists; if they can ban Seventh-day Adventists, they can ban Mormons; and if they can ban Mormons, they can ban Catholics. It is wrong, and we should stand up and say that it is wrong and immediately demand that it be repealed right away. I think this is absolutely critical that we do so.

I want to share a story for a moment longer, if the gentleman doesn't mind, because I know we have some really excellent speakers coming right behind me, and I want to yield to them as quickly as I can. I want to share a story about one of the families that has been affected in my own home State of Minnesota.

One person who was prevented from flying to United States this week is a little girl from Somalia whose mother came to Minneapolis as a refugee in 2013. This child was stuck in Uganda without her family because she hadn't been born by the time her mother was granted refugee status. When her mother, Samira, was given permission to come to the United States 4 years ago, she was told to leave her daughter behind with friends of the family in Uganda and apply for reunification in the United States. This little girl was supposed to fly to Minnesota and rejoin her family on Monday. Instead, her flight was canceled because of the Muslim ban.

President Trump is not making our country safer. President Trump is reinforcing the narrative of people who don't like our country.

What does ISIS ultimately say? That America is at war with Islam.

I am here to tell everybody on the planet that America is absolutely not at war with Islam or with any other religion. The American people are of a peaceful nation. The people who live in the United States want to live in harmony with all of the other people of the world; but this particular person who happens to occupy the Presidency doesn't reflect the values that we represent. He doesn't reflect who we are. The thing that he is doing is actually reinforcing the narrative of the people

who would mean to do all of us harm no matter what religion we may be.

I just want to sit down now and say: For the sake of this young woman and for the sake of Samira's daughter, who is languishing in Uganda right now and who wants to be reunited with her family, may we please get rid of this ban and get rid of this unlawful executive order?

□ 1730

Mr. RASKIN. Mr. Speaker, I yield to the distinguished gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) and the gentlewoman from Washington State (Ms. JAYAPAL) for organizing tonight's Special Order hour on this very important topic.

I join my colleagues in expressing my strong opposition to the President's Muslim ban, a religious test. It is the first time we have seen this in modern times.

We have been at war since 9/11 against terrorism, and our most urgent responsibility is to keep America safe, but President Trump's Muslim ban makes it harder to do this. The Muslim ban makes it harder to work with our allies. The Muslim ban makes it harder to recruit intelligence assets. The Muslim ban makes it harder to enlist allies in our fight against ISIS.

We should help people who are fleeing ISIS rather than slam the door in their faces. Instead, President Trump's Muslim ban likens these individuals to terrorists. This isn't a plan, and it won't keep America safe.

We need a real plan, a plan that honors our values and a plan that does not discriminate based upon a person's religion. We need a plan that keeps our country safe and respects freedom of religion, whether people are White, Black, Brown, Christian, Muslim, Jewish, young, or old. Immigrants and refugees have made incredible contributions to our great country, and it is time for our President to say this.

In my home State of Rhode Island, like so many places around the country, when we watched on television news reports of an executive order being issued and people who are lawfully authorized to return home to the United States being held in detention and being prevented from coming back into America, we were sick to our stomach.

People in Rhode Island rallied, like people did all across this country, to express their outrage, to say this is not America and these are not our values. This is inconsistent with our Constitution. While we saw this administration working to undo basic constitutional rights and civil liberties—including, most importantly, freedom of religion—people all across America spoke out.

In addition to recognizing that this didn't comport with our deeply held be-

liefs and faith and confidence in our Constitution, we also knew that these were families fleeing unspeakable violence as part of the refugee program who are also being denied access into the United States. People were fleeing ISIS and then coming to America only to have the door slammed in their faces.

As has been said, the refugee program that we have in place is the single most difficult way for someone to be allowed to enter the United States. It is a 10- or 12-step process.

If you go to the website, you can see what you have to go through to be authorized to come into the United States as a refugee, and included in that is a determination that you do not pose a danger to the national security or to the American people. So it is embedded in the process already. It is a process that takes anywhere from 18 to 24 months. It is a process which has been in place and has worked successfully. There hasn't been a single Syrian refugee who has been charged with having been engaged in any terrorist activity.

By the way, the world is facing the largest refugee crisis since World War II. The U.N. estimates that 4.9 million refugees have registered, and there are about 6 million total if you include those that aren't registered. Turkey has taken 2.7 million refugees. Lebanon has taken 1 million refugees. Jordan has taken 655,000 refugees. Iraq has taken 228,000 refugees.

Do you know how many the United States accepted last year? About 16,000. So, Mr. Speaker, we have a lot more to do to meet our responsibilities with respect to accepting refugees who go through this very rigorous process.

I am here tonight to speak out as loudly as I can against the executive order that ends the Syrian refugee program that has worked so successfully and that puts in place a Muslim ban that is making us less safe.

This isn't a Democratic or a Republican issue. There have been a number of Republicans who have knowledge that this is making us less safe. Senator LINDSEY GRAHAM and Senator JOHN MCCAIN said this may well do more to help terrorist recruitment than improve our security.

There are a number of other national security experts who have said this will not make us safer. There are a number of veterans organizations that have said the same. Business leaders have said the same.

This will not make us safer, and it has really brought the scorn of the world, as people have seen an America that has always stood for values of welcoming people and of diversity and being a place that people come to—like my great-grandfather did—to build a better life to suddenly be slamming its doors and instituting a test based on religion. It does violence to our history and to our Constitution.

I want to just ask the gentleman from Maryland (Mr. RASKIN), who is not just an ordinary lawyer, but a scholar, a professor of law, whether or not he has done an analysis as to the constitutionality of the President's Muslim ban.

There have been, I think, four courts now who have, in fact, entered orders invalidating key parts of these orders based on their assessment that they don't comport with our Constitution.

I ask the gentleman to share his assessment as to whether or not my view of this—and, I think, the view of these courts—is the correct one.

Mr. RASKIN. Mr. Speaker, I will be very brief here because a number of our colleagues from around the country are waiting to weigh in.

Let me just say that this executive order is like a bad issue spotter on a constitutional law final exam. It is riddled with so many constitutional errors and violations, starting with the ban on religious free exercise, equal protection of the laws. The way it has been implemented has been draconian and Kafkaesque around the country, violating due process and the right to counsel, which has been the source of a lot of the successful constitutional litigation that has already taken place.

It hasn't even been out on the street for a week, and I think five or six Federal district courts have struck down different aspects of it. So it is a Pandora's box, and it is going to be the gift that keeps giving to constitutional lawyers across the country.

Again, we are urging the President just to withdraw it at this point.

Mr. CICILLINE. Mr. Speaker, I join my colleagues in urging President Trump to rescind both of these unconstitutional executive orders.

Mr. RASKIN. Mr. Speaker, I yield to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) as well as the gentlewoman from Washington State (Ms. JAYAPAL) for hosting this important Special Order hour. Congressman RASKIN and Congresswoman JAYAPAL are two of the newest members of the Congressional Progressive Caucus, and I want to express my gratitude for their leadership.

Mr. Speaker, last week, President Trump issued an executive order that violated America's basic commitment to projecting hope and tolerance around the world. With a stroke of his pen, he turned his back on a humanitarian crisis and shut the door on desperate families fleeing unspeakable violence. It has taken just 2 weeks for this administration to undermine our moral authority and weaken our role in promoting peace and stability in a volatile world.

In airports across the country, in streets of coastal cities and midwestern towns, in States that voted for

Secretary Clinton and in States that voted for President Trump, the American people are expressing their outrage at the Muslim ban. Patriotic men and women are standing up for the compassionate, exceptional country we strive to be.

Religious leaders are standing up to say: This is not who we are.

Veterans are standing up to say: This is not what we fought for.

There was a time when Republican leadership stood with them. These two tweets to my right are a memorial to a time when Vice President PENCE and Speaker RYAN were prepared to publicly oppose policies they called un-American. Now, when faced with the reality of this policy, Speaker RYAN is choosing to support the ban. Our Vice President deleted his tweet. We had to search around to find the original tweet, and it is right over there.

The American people deserve better.

Let's be clear. The President's executive order makes America less safe. The only threat to America posed by Syrian refugees is to our conscience. Instead of protecting the homeland from terror, the President has gift-wrapped powerful propaganda for our enemies.

This is not just my opinion or the opinion of Democrats in Congress. This is what we have heard from dozens of national security experts from both parties. They are warning us that this executive order is a stain on our reputation and a setback for counterterrorism efforts around the world. Yet congressional Republicans remain silent.

Mr. Speaker, our democracy has endured and prospered for more than two centuries because of our system of checks and balances. Congress has a responsibility to act when the executive branch advances reckless and ill-conceived policies. We are failing to fulfill that duty by refusing to repeal the Muslim ban, by refusing to investigate the President's many conflicts of interest. And by refusing to stand up for America's most basic principles, my friends across the aisle are putting our global leadership and the integrity of our government at risk.

If ever there was a time to choose your country over your party, this is it.

Mr. RASKIN. Mr. Speaker, we have four more speakers. We have had an overwhelming response to the Progressive Caucus' Special Order on the executive orders here.

I yield to the gentleman from Wisconsin (Mr. POCAN).

Mr. POCAN. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) and the gentlewoman from Washington State (Ms. JAYAPAL) for the Progressive Caucus' Special Order hour.

I was on the floor earlier today talking about my concerns very specifically around this, as it relates to the

countries that were selected and the fact that these were not countries that were selected for any reason other than the fact that they are Muslim countries and that Mr. Trump has decided that they should be included.

What I want to talk about tonight is my district and how this affects it. We saw the crowds in New York, California, Chicago, Boston, and other big cities that have international airports and the activities this weekend; but in Madison, Wisconsin, we have had a very direct impact. We have 115 faculty, students, and staff, right now, impacted by this decision. In fact, there is one joint national Canadian-Iranian student who is in Brazil who has been advised not to come back.

What I want to do is read into the RECORD this statement. We are working on a case of someone who is an Iraqi national, and this is a letter written by someone who served with him in the military. I want to read this very quickly:

I am contacting you regarding John, an Iraqi national who earned a special immigration visa for his work with the U.S. Army over two different 3-year periods in Baghdad and another region of Iraq.

My personal acquaintance with him, where he is a translator in a small 12-man military training team I led. The recent executive order curtailing immigration from Iraq, along with six other countries, has halted his plan to emigrate with his family.

He and his fellow translators provided an invaluable service to the team. They braved the same dangers we all faced. They rode in the same vehicles, walked the same streets, met with the same people. The only difference is they were unarmed and, after missions when we returned to secure FOBs, they had to return to live in their communities unprotected.

John was wounded while working with the U.S. Army, and he provided honorable service to the country for years.

This is who is the target of President Trump's executive order banning Muslims. This is wrong, and we need it to stop.

President Trump, rescind your order.

Mr. RASKIN. Mr. Speaker, the gentlewoman from Washington State (Ms. JAYAPAL) and I thank all of the Members who have come pouring out in response for this Progressive Caucus Special Order.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

□ 1745

Ms. SCHAKOWSKY. Mr. Speaker, refugees that are fleeing for their lives are not the enemy. Look at this 3-year-old Syrian boy, Aylan Kurdi, who washed up on a beach in Turkey. He and his older brother and his mother drowned. They were among, literally, thousands of people who drowned escaping the violence that was certain in their home country of Syria.

Now the President is trying to keep them out of our country. He is con-

demning more children like Aylan to their death with this executive order. And in face of this immoral action by the administration, I have witnessed the decency and generosity of people in my district. I was proud to join people of all faiths in rallies to support our refugees and our Muslim neighbors.

I was with lawyers who rushed to O'Hare Airport to offer assistance to those who suddenly are detained under the executive order.

I have received hundreds of letters. One was from a couple who had joined with 13 friends to welcome and provide assistance to a family that wanted to resettle from Syria. They had collected money. They had collected furniture. They had worked for over a year in order to make this happen, and they finally got word that they were actually going to get a family to come.

Then, on January 30, they got official word that the family would not be allowed to enter. And now they don't know what happened to that family.

Let me just read the end of that letter. He said:

Now we don't know what happened to the family. Because they are Syrian, they are indefinitely banned from the United States. Meanwhile, we have a warm apartment and \$12,000 waiting for them. We have rooms full of furniture stockpiled, and no way to get to them.

As a group of Chicagoans, as a second-generation American myself, we came together to aid a family in dire need and to affirm the quintessential American values of openness and inclusiveness.

I can't stop thinking about that couple, what they are telling their children right now, and where they will sleep tonight.

Turning our back on families and children who are fleeing a war is not our best strategic interest as a nation, nor is it in our best interest as decent human beings.

Thank you from Maria Demopolis, Chicago, Illinois.

Mr. RASKIN. Mr. Speaker, I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I rise here to protest the deaths that are occurring, protest the horrible situation that our President has put upon us.

I include in the RECORD a letter that I have received from the University of California at Davis, and the Mayor of the City of Davis, California, who have so clearly laid out the impact that the immigration ban and the ban on refugees has put upon the university and the community.

[From Ralph J. Hexter, Interim Chancellor, University of California Davis, and Robb Davis, Mayor, city of Davis]

We have over 5000 international students and scholars at UC Davis, many of whom are actively questioning what future actions by this administration might mean for them. This is an incredibly disorienting time for all our international guests.

Here are some specific cases that illustrate challenges that students and scholars all over the country are facing at this time. These are specific to our community. (Note: as you know, F-1 status is for students at

any degree level authorized to study in the US at accredited universities. J-1 can refer either to students or scholars in the US Visitor Exchange Program)

1. A former J-1 scholar from Iran is in the US arranging the move of his wife and son, while awaiting green card processing. He was to have left the US for final interviews and processing but is now uncertain. He has an appointment in UC Davis' Plant Sciences Department.

2. An Iranian PhD student who was to have started at UC Davis this spring (he was accepted), recently obtained his visa, was to arrive in March, 2017, to start classes April 4. His ability to start then is now in doubt. In addition, his proposed roommate, who is already here from Iran, was counting on him to share expenses. This person now finds himself in a difficult situation.

3. An Iranian F-2 (spouse of F-1) is concerned about her ability to change to F-1 status to become a student. She has been accepted at UC Davis.

4. An Iranian student applying for a Master's program in Engineering at UC Davis is asking about whether she should continue her application process.

5. The spouse of an F-1 student (F-2 status) is currently stuck outside the US and unable to be reunited with her family.

6. An Iranian F-1 PhD student, who started in Fall 2016 quarter had invited his father to visit. This student has a sister with two children in the US and she and they are American citizens. The father/grandfather had a visa interview scheduled in Yerevan, Armenia for February 8th so he could come on a tourist visa to visit the student son and daughter and grandchildren. His visa interview has now been canceled. Attached are the pictures of the two grandchildren he will not be able to see. He has not been able to see his daughter for five years.

7. Scholar advisors at UC Davis are being asked by scholars of these countries if it is safe to travel within the USA. The fact that scholars must ask this shows the fear that exists.

8. Departmental staff is questioning whether to admit students or invite scholars from these countries for summer and fall arrivals. There is much confusion.

9. A high profile scholar from one of the countries (his profile might put him at risk) was set to come to UC Davis to do research on responses to humanitarian abuses in his country. Because of the order, UC Davis was not permitted to provide him with documentation necessary to obtain a visa. These stories were gathered in the past 5 hours WITHIN the City of Davis and the University. We are a small city of 65,000.

The fact that Iranians are the main nationality represented comes as no surprise. UC Davis and the City of Davis are home to many Iranians and have been for a generation at least. The fact that the Trump Administration can point to NO attacks by Iranians on US soil or against US interests makes their exclusion seem particularly arbitrary and cruel to us.

MAYOR DAVIS' LETTER TO GARAMENDI ON
MUSLIM BAN

(By Vanguard Administrator)

REPRESENTATIVE GARAMENDI: Thanks for your interest in the challenges the City of Davis and UC Davis are facing in light of President Trump's executive order restricting entry for citizens from 7, predominantly-Muslim nations. UC Davis has 87 students or scholars from Iran, Iraq and Libya, with unknown numbers of Iranian faculty, family

members and workers with permanent residency living in our City.

In addition, the following shows the large numbers of students and scholars from other predominantly Muslim countries currently at UC Davis. While these countries are not covered by the current Executive Order, students and scholars from them are very concerned about their future status and ability to travel home or receive visitors from home.

1. Bangladesh: 14 students, 9 scholars
2. Egypt: 14 students, 7 scholars
3. Indonesia: 147 students, 1 scholar
4. Malaysia: 49 students, 6 scholars
5. Morocco: 4 students, 1 scholar
6. Nigeria: 4 students, 2 scholars
7. Pakistan: 18 students, 14 scholars
8. Turkey: 31 students, 9 scholars

Beyond these numbers we have over 5000 students and scholars at UC Davis, many of whom are actively questioning what future actions by this administration might mean for them. This is an incredibly disorienting time for all our international guests.

Here are some specific cases that illustrate challenges that students and scholars all over the country are facing at this time. These are specific to our community. (Note: as you know, F-1 status is for students at any degree level authorized to study in the US at accredited universities. J-1 can refer either to students or scholars in the US Visitor Exchange Program)

1. A former J-1 scholar from Iran is in the US arranging the move of his wife and son, while awaiting green card processing. He was to have left the US for final interviews and processing but is now uncertain. He has an appointment in UC Davis' Plant Sciences Department.

2. An Iranian PhD student who was to have started at UC Davis this spring (he was accepted), recently obtained his visa, was to arrive in March, 2017, to start classes April 4. His ability to start then is now in doubt. In addition, his proposed roommate, who is already here from Iran, was counting on him to share expenses. This person, now finds himself in a difficult situation.

3. An Iranian F-2 (spouse of F-1) is concerned about her ability to change to F-1 status to become a student. She has been accepted at UC Davis.

4. An Iranian student applying for a Master's program in Engineering at UC Davis is asking about whether she should continue her application process.

5. The spouse of an F-1 student (F-2 status) is currently stuck outside the US and unable to be reunited with her family.

6. An Iranian F-1 PhD student, who started in Fall 2016 quarter had invited his father to visit. This student has a sister with two children in the US and she and they are American citizens. The father/grandfather had a visa interview scheduled in Yerevan, Armenia for February 8th so he could come on a tourist visa to visit the student son and daughter and grandchildren. His visa interview has now been canceled. Attached are the pictures of the two grandchildren he will not be able to see. He has not been able to see his daughter for five years.

7. Scholar advisors at UC Davis are being asked by scholars of these countries if it is safe to travel within the USA. The fact that scholars must ask this shows the fear that exists.

8. Departmental staff is questioning whether to admit students or invite scholars from these countries for summer and fall arrivals. There is much confusion.

9. A high profile scholar from one of the countries (his profile might put him at risk)

was set to come to UC Davis to do research on responses to humanitarian abuses in his country. Because of the order, UC Davis was not permitted to provide him with documentation necessary to obtain a visa.

These stories were gathered in the past 5 hours WITHIN the City of Davis and the University. We are a small city of 65,000.

The fact that Iranians are the main nationality represented comes as no surprise. UC Davis and the City of Davis are home to many Iranians and have been for a generation at least. The fact that the Trump Administration can point to NO attacks by Iranians on US soil or against US interests makes their exclusion seem particularly arbitrary and cruel to us.

Finally, I wanted to share with you a joint statement from Interim Chancellor Ralph Hexter and me to our campus and community. Thanks for helping us get the word out on the challenges that we are facing in light of the Executive Order.

A MESSAGE TO THE COMMUNITY ON THE IMMIGRATION EXECUTIVE ORDER:

Our city and university host over 5,000 international students, faculty members and scholars, as well as their families. Many of them come from nations with majority Muslim populations. These are our neighbors, friends and colleagues. They have faces and stories we know well. They contribute in myriad ways to our community and our university. They are part of us. We are deeply concerned by the impact of the recent executive order that restricts the ability of students, faculty, staff and other members of our community from certain countries to return to the United States if they are currently traveling or plan to travel abroad. The threat of the order and the order itself are already having impacts on people in our town and university, on their academic, professional and personal lives.

We understand it is the federal government's role to maintain the security of the nation's borders. However, this executive order's impact on our friends and colleagues is inconsistent with the values of our community. It has created uncertainty and fear that hurts the University of California, Davis, and the city of Davis.

We have long been deeply enriched by students, faculty, scholars and health care professionals from around the world—including the affected countries—coming to study, teach, research and make our lives richer and better. Any effort to make these valuable members of our community feel unwelcome is antithetical to our mission of expanding learning and generating new knowledge. Nothing, however, will cause us to retreat from the shared principles of community we have developed together, and to all of our friends from here and abroad, you have our commitment to welcome you.

Sincerely,

RALPH J. HEXTER,
Interim Chancellor.
ROBB DAVIS,
Mayor, city of Davis.

Mr. GARAMENDI. It is a terrible situation, but I do want to—

The SPEAKER pro tempore (Mr. BANKS of Indiana). The time of the gentleman from Maryland has expired.

Mr. RASKIN. Could we allow the gentleman to complete his statement just with 1 minute?

The SPEAKER pro tempore. The gentleman may ask unanimous consent to address the House for 1 minute.

Mr. RASKIN. I ask unanimous consent for just 1 minute to complete—

The SPEAKER pro tempore. Does the gentleman from California ask unanimous consent to address the House for 1 minute?

Mr. KING of Iowa. Mr. Speaker, reserving my right to object, I would just like to note that we knew where the clock was going on this, but I made a speech today in the Judiciary Committee, and I want to stand by my word and acknowledge the gentleman and not object so the gentleman can complete his statement.

Mr. RASKIN. I thank the gentleman. That is very gracious of the Congressman.

HORRORS OF THE IMMIGRATION BAN

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

Mr. GARAMENDI. I will just finish this up very quickly. I think we need to look to where this problem emanates. It emanates from the President's adviser, Mr. Bannon. He has been at this for some time talking about the nature of America being a White nationalist nation. So if we look beyond the horror that this ban places, we need to look to where it emanates, Mr. Bannon, clearly this comes from him, and we need to focus our attention on what he has done to this Nation's values.

I yield to the gentleman from Maryland.

Mr. RASKIN. If the gentleman has a few seconds left, I would just say I know the distinguished Congressman KING is going to go, and then we have a couple more people who were left over from the Progressive Caucus Special Order who will stay for 1-minute after.

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

Mrs. LAWRENCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

Mr. KING of Iowa. Mr. Speaker, I do now object because I have been waiting for a half hour.

The SPEAKER pro tempore. Objection is heard.

THE PRESIDENT'S EXECUTIVE ORDER IS NOT A MUSLIM BAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I regret I wasn't able to work with all of

the speakers here tonight they wanted to pack within that hour. I understand that they have prepared themselves to give this speech tonight, and there will be opportunities in each succeeding day. I just wanted to recognize their right to speak on this floor under the rules and be as lenient as I can, and also, of course, defending my own rights at the same time.

But I would acknowledge that we did have a discussion before the Judiciary Committee today, and I want this Congress to have the level of comity so that we can exchange ideas and bounce them off of each other. And I have long believed that if I can't sustain myself in debate, I have got two choices. One of them is go back and do more research and build enough information that I can to sustain myself; and the other is adopt the other fellow's position. I am not very inclined to do that, but I am inclined to listen to their positions.

So, as I have listened to these positions here for more than an hour here on the floor, things come to me and I hear these words recurring over and over again. I didn't get a full count on it, but I know I heard 7, 8, 10, or maybe even more, times saying that the President's executive order is a Muslim ban.

Now, looking through that executive order—and I haven't read it thoroughly word by word, but those who were vetting that executive order, to use that term, tell me the word "Muslim" is not used in that executive order. I am going to assert that is the case, that President Trump did not use the word "Muslim" in his executive order, and that the executive order is not a Muslim ban, but is a ban on travel from seven countries that are Muslim majority.

If it was his intention to try to block Muslims from coming into America, he would have started with Indonesia rather than Iraq and Syria and the war-torn countries.

So I will assert it is not a Muslim ban, except that the words "Muslim ban" are in the talking points of the Democrats, and they will repeat it over and over and over again, as if somehow they could amend the executive order to have the words "Muslim ban" in there so they can have their grievance to the executive order.

I saw this unfold on Friday, when the President issued his executive order. It was a big day, I admit. He has had a lot of executive orders, and they have been raining down pretty fast on this country, and I am glad of that.

We should objectively deal with the directive that is there. It is a temporary travel ban that focuses on the seven countries that President Barack Obama identified as the most dangerous countries, I call them terrorist-spawning countries. It is a prudent thing on the part of the President to temporarily suspend travel from those

countries. I would have added a few more countries in the suspension of the travel to the United States.

It is his intention, and I think it is clearly stated within his executive order to evaluate the security circumstances coming from each of these countries and determine how we can have a better policy, especially to do extreme vetting on the travel people that are coming from not only these seven countries, but other countries that do send terrorists to us. And I won't start down that list, but we know it is extensive.

I will say some of the countries that are not on this list are Saudi Arabia, Pakistan, Afghanistan, and other countries that would be listed as Arab countries, but including Indonesia, which is the largest population of Muslims, but the lowest concentration of terrorist production per Islamic society that I know of in the world.

So I think this reflects the danger and the risk to Americans and a prudent approach to this. It is not only the ban on travel that is not a Muslim ban, not a Muslim ban—if I had to say that enough times to negate the times that that has been asserted here on the floor, I suppose I could; but we are going to hear it in the news every day because that seems to be what pays off politically.

The argument that it was a religious test; this executive order is not a religious test. It doesn't reference religion. In fact, when I have asked questions of the officials of the Obama administration, I have said to them: Why is it that Christians don't seem to be allowed into the United States as refugees under the Obama administration?

We saw one group that was 1,500-some-strong that had one Christian in there. So I traveled to Geneva, Switzerland, and sat down with the lead on UNHCR, the United Nations Council on Refugees. And there, I believe her name is Kelly Clements, I asked: Do you determine when you are vetting refugees, what their religious is?

She says: Yes, we do.

And she said they had 115,000 refugees that they had run through their process that they had vetted.

And of those 115,000, I said, how many of them are Christians?

And she said: 15,000.

So the rest of them, roughly the 100,000, she said almost all of them would be Muslim.

But they fill out a form. They attest to their religion. They are in the database. We can identify Christians. They are the ones that are persecuted. They are the ones that are being targeted because of their religion. The Assyrian Christians, the Chaldean Christians, and then not Christians, but the Yazidis, they are the three groups that are targeted the most. We should establish an international safe zone for them in their neighborhood.

When the word comes out that these countries have accepted a list of refugees, such as Lebanon or Jordan, there are also countries that haven't accepted any significant number, like Saudi Arabia.

Why shouldn't the neighbors accept refugees, Mr. Speaker?

They are the ones that have the most security at stake. They are the ones that are most invested in trying to establish stability in that part of the world.

Don't we want people who have lived, say, in the Nineveh Plains region since antiquity to be close to home so that when security circumstances and economic circumstances settle down, they can come back to their homes where they have lived since antiquity?

Of course we do.

We see data from last year that says \$64,000 is about the typical cost of resettling one refugee in the United States; \$64,000. But that same amount of money will take care of a dozen people over in their neighborhood rather than one person here in America.

Why shouldn't we get a 12-to-1 return on the taxpayers' investment and help people in the region where they live so that they can go back to their homeland again and grow their families and grow their population and their industry and re-establish their roots rather than let ISIS push the Christians out of the Middle East and push the versions of Islam out that they hate the most?

If we take people out of there and resettle them in large numbers, we are giving them the region that they would like to have ethnically cleansed of the people they disagree with. So we are helping out their war effort by pulling people out of the way and bringing them here.

They need to stay close to home. Especially the young men need to take up arms and defend their own country.

I went over to the Middle East and I walked in that river of epic migration, that river of humanity that is flowing into Europe and has been flowing into Europe for 2 years, nearly solid. As I walked in that river of humanity, I asked them a lot of questions and I was able to communicate with them; sometimes an interpreter, sometimes hand signals, sometimes a word here or there of English or something else.

Here is what I asked them: Where are you going?

This was in Serbia. In my mind, as I watched them board the trains in Serbia—1,000 at a time and day and night, I might add—I would say: Where are you going?

Germany.

Do you have family there?

No.

Do you have friends there?

No.

Do you have a job there?

No.

What will you do?

I don't know.

How will you live?

Germany will take care of me.

That is the answer that I got over and over again. Eighty-one percent of that human river were, let's say, military-age males.

They left their family? They leave their family in Syria and Iraq to go into Europe? What responsible father does that when he should be home defending his country and defending his family?

They are not going because they are war refugees, for the most part. That wave is over. They are going primarily because they are economic refugees. They are economic refugees because we hang the carrot out in front of them and we say: Come to the United States. We will bring you over here and we will make sure that we take care of all of your needs. You don't have to worry about anything.

□ 1800

We are competing with countries like Germany, Austria, Sweden, and the Netherlands because they offer a standard of living. The law in Germany is that there is a baseline standard of living that every human being receives, work or not.

Angela Merkel says: Come to Germany, and we will take care of you.

I recall a 10-minute-and-49-second videotape of her in a townhall meeting speaking to a blonde German lady who stood up and said: Why are you doing this? They are killing us. They are raping us. They are taking German jobs. Why do you do this?

Chancellor Merkel's answer was: We cannot be ruled by fear, and your voice is a voice of fear.

So she just devalued or denigrated the voice of the grief-stricken German woman.

She said: We cannot stop them. We must take care of them. The violence that they are perpetrating against Germans is not going to be as great as that which we have perpetrated against others in our most recent history.

That is the statement, Mr. Speaker. The constitution in Germany says they have to accept refugees. We put that in there post-World War II. Because they had created so many, we required that they take them. In their law that they have written there is a baseline standard of living. The other part was Nazi guilt. So Chancellor Merkel opened that all up because of those roughly four reasons that I have given you, and 1.6 or so million poured into Germany.

The last two New Year's Eves have seen rape after rape after rape—many of them not even investigated—right there next to the dome of the Cologne Cathedral. It is an annual event now: New Year's Eve in Cologne, migrant men come and rape German women there. That is the last 2 years, and you

hardly find that in the news unless you know where to look. I do look, and I talk to people over there.

This is not a Muslim ban. This is not a religious test. You can read the executive order and determine that. The difference is my constituents will check to see if I am telling them the truth. Others' constituents apparently don't hold them accountable. It has no reference to whatever color people are, whatever race they are, whatever ethnicity, or whatever the national origin—I guess in a way because it says if you are coming from these nations. I will agree, we have Iraqis who have helped us and saved American lives, and we have Afghans who have helped us and saved American lives. But, on balance, this has been blown completely out of proportion.

Here is another statement that was made about the refugees. This is a quote from the gentleman who spoke here, "an executive order banning Muslims." Again, it is an executive order, and it bans travel from seven Muslim countries—primarily Muslim countries—but it bans Christians as well as Muslims coming from those countries. As for the Christians, I think we should have been allowed in because they are the ones who were targeted.

By the way, Egypt is not on this list, but the Christians were targeted there. They blew up the church where the Coptic Pope presides. I visited him there. They killed 50 or so Christians, and they have blown up churches all over the place. That is, by the way, Muslims attacking Christians, just for the record.

When the gentlewoman spoke here of the 3-year-old who washed up on the beach, that is the one that troubles me a lot. I saw that image. I watched that picture, and it went right into my heart like it did most everybody else in this country. That has been several weeks ago that America was mobilized by that little boy lying face down on the shores of the Mediterranean after the boat had capsized and many of them had drowned, including his father.

But it came out a couple of days ago that that family had been living in Turkey for 3 years, and that the father of that little boy's sister had been sending money to them so that they could slip into Europe because the father needed a new set of teeth. They were motivated so the father could get dental work perhaps most likely in Germany. It wasn't because they were running from the war. They had stabilized themselves in Turkey for 3 years. They were going to Germany for the dental work of the father. That is a matter now of public record that has been exposed by Kerry Pickett who did the research back on this and corroborated by a number of other news outlets as well.

So it isn't always what we see. It isn't always what it seems. The people

who speak into the megaphone in the airports aren't always telling us the truth. We find out sometimes it is anything but the truth.

What is the truth is that there has been a tragic war in the Middle East, and it continues. The civilian population has been decimated in Syria, and there are refugees going in all directions. A lot of it is because we have created and we have allowed for a power vacuum—a power vacuum in Syria. That brought Putin into that power vacuum, and he was able to assert himself and, so far, at least, protect al-Assad. In doing so, we see the operations of the invasion that has come out of Baghdad and gone up towards Mosul and taken the east side of the river in Mosul. The west side is still held by ISIS.

I think that is a shortsighted strategy to have Shia militia, Iranian-supported Shia militia going in to take Mosul when Mosul is populated by Kurds in the suburbs and Sunni Muslims in the inner city. How are the Shias going to govern a city that doesn't, in any substantial way, include their population? So I am troubled by shortsighted decisions that don't seem to take into account the tribal connections that we know have been so much a part of the sectarian strife that has been a part of Iraq, Syria, and also Iran in the Middle East.

I want people to be self-determining. I want people to be able to determine their own government and rule their own countries. This is going to take a prudent knowledge of those tribes, and it is going to take input from them. We need to build alliances in the Middle East with the moderate Muslim countries that will join with us in bringing out stable governments that respect the autonomy of the populations that live within the various regions. That is the best solution that can come about, and it doesn't put a lot of American boots on the ground.

So I hope we can step back, Mr. Speaker, and take a deep breath and recognize it is not a Muslim ban, and it is not a religious test. But I want this statement to go into the RECORD with clarity, and that is that the President of the United States not only has the constitutional authority to bring about this suspension of travel from these seven countries because of security reasons, he is specifically authorized to do so by the United States Code, by Federal Law. So he is operating within the law; he is operating within the Constitution; and he is operating within the realms of prudence, at least on a temporary basis.

I am hopeful that the input that we have is an input that will help bring about the dialogue in this country. The debate we have here on the floor hopefully causes people to think about this, go back and read the executive order, look for the word Muslim or Muslim

ban, look for any kind of religious test. There is none. But I think we ought to know.

I mentioned and didn't go deeply enough into this that when the executive branch of government, the USCIS in particular, and ICE included, when I asked them: When you have these applicants for refugees that you say you are vetting, then do you know what religion they are?

They say: No.

Do we ask them? No. We don't ask, but the information is there in the database at UNHCR, at the United Nations. They had vetted 15,000 Christians, and one got through in a list of 1,500. I think that was probably a mistake. I think there was a religious test for refugees under Obama, and I think it was a preference for Muslims, and it was discriminating against Christians.

I hope that we can have a stable policy that brings people relief, but I think the prudent one is give them a place to live in the Middle East, protect them, and create an international safe zone so that they can live in peace where they have lived since antiquity.

Mr. Speaker, I have addressed the topic of what I heard as I sat on the floor tonight. I really came to the floor here to speak in favor of Judge Neil Gorsuch.

Mr. RASKIN. Will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Maryland and welcome him to the United States Congress.

Mr. RASKIN. I thank you for your thoughtful comments tonight, and I think you made some good points. I think you effectively made the point that this is not, strictly speaking, a Muslim ban. It is not a ban on all Muslims entering the country. In the popular vernacular, the public has taken up basically what was the current President's language that he used during the campaign. So people are using it for kind of a shorthand.

But I want to ask you about the ban. It is not the case that there is no religious reference in the executive order because it does say that the religious minorities from those countries are given preference, and that would be the Christians in those countries.

One thing I think that does need to be corrected is thousands of Christians were admitted from the Muslim world under the Obama administration, and there was no discrimination. In fact, I think there were almost as many Christians admitted as Muslims.

But here is my real question for you. The 9/11 hijackers—which was the worst terrorist atrocity ever committed on our shores, thousands of Americans were killed, the country plunged into chaos—came from three countries: Saudi Arabia, Egypt, and the United Arab Emirates. All three of those countries where Trump Industries does business were exempted from

the ban on the seven countries. Why? What is the policy justification for not including that?

None of the countries that are included in the ban produced any of the terrorist attacks that we saw in Orlando, in San Bernardino County, or any of the other ones. So how were those chosen and the source countries for the 9/11 attack exempted?

Mr. KING of Iowa. Reclaiming my time, in addressing both of those topics, the gentleman's data that says that more Christians than Muslims have been brought in as refugees, I have heard that as an Obama administration information that has come out. That doesn't match up with the data that I have seen when I traveled to places like Geneva and looked at that or looked at the data that came out before that release. The data up to that release indicated entirely the opposite which I have identified. And the data that came out in the last weeks of the Obama administration asserted that they had a significant number of Christians who were part of that.

I appreciate the gentleman's point that the executive order references religious minorities, and I appreciate that it does, because I think they are the ones that are targeted. But the gentleman's point about the origin of the terrorists who attacked us on 9/11 is an accurate point, and the largest number of them came from Saudi Arabia.

I would just assert that because Donald Trump has done business in three of those countries, I would be surprised if he didn't do business in a place like Dubai where they have developed a wonderland out of the desert, and his business in each of those countries. How many other countries has he done business in? I don't think we can correlate that. But what we can correlate is that these seven countries are the countries identified by the Obama administration.

So, maintaining my time, we can have conjecture on this back and forth. But the facts are that it is the Obama administration that identified these seven countries, and it is the Trump administration that brought them forward with the travel ban on them. I believe it is a coincidence that these other countries are places among many countries that Donald Trump has done business in.

I know that I only have about 7 minutes remaining to take up Judge Gorsuch, but I would yield to the gentleman briefly, simply out of the comity that we discussed earlier today.

Mr. RASKIN. Again, that is very gracious of you, and I appreciate the spirit with which you engage in this dialogue. I think it is something we really do need to get to the bottom of. To my knowledge, Trump Industries is not doing business in the poor Muslim

countries that were targeted like Somalia, Libya, and so on, but perhaps I can be corrected.

In any event, the fact that he has done business in Saudi Arabia, in Egypt, and United Arab Emirates—in the wealthier Muslim countries—it may be logical as a matter of business practice, but I don't think that can become the basis for American foreign policy. I think that is the reason why this policy has created such outrage in America and around the world because it doesn't seem to have any national security logic to it. It is not about terrorism unless you can convince me that those seven countries actually generated terrorism.

Mr. KING of Iowa. Reclaiming my time, it is conjecture that any of the Trump businesses had anything to do with this decision. It is pure conjecture. If the argument is that Donald Trump didn't do business in Somalia, I wouldn't blame him one bit. If anybody watched "Black Hawk Down" then they would know a good reason. It is essentially a terrorist state in Somalia.

So I will thank the gentleman for his comments, and I am going to turn then to Judge Neil Gorsuch and see if I can make that point yet this evening, and it is this: We had this vacancy in the Supreme Court. It is a vacancy that is brought about by the tragic death of Justice Antonin Scalia, a man whom many of us have admired for a long time and enjoyed his friendship, his company, his sense of humor, his gregariousness, and also especially his dissenting opinions that were written for the law school students whom he always understood would have to read the dissent when they studied the cases. He wanted to write them in such a way that they would read them, hopefully enjoy them, and remember them. He has been a speaker before the Conservative Opportunity Society which I have chaired for some time, and he has done it a number of times. We really enjoyed his company. We had very engaging debates and discussions.

There is a huge hole in the United States Supreme Court created by the loss of Justice Scalia. I am grateful that we have taken serious time in filling that hole and seeing a nominee come forward that has the chance to grow into the shoes of Justice Scalia.

□ 1815

As I went to the White House a couple of nights ago to be there to witness the ceremony of the nomination of Judge Neil Gorsuch, we were all briefed on a lot of things that had to do with his bio. I am just quickly going to touch on some of the high points in Judge Gorsuch's bio.

His undergraduate school was Columbia University, with honors, Phi Beta Kappa; Harvard Law School, cum laude; a Truman Scholar, where he re-

ceived his juris doctorate; then went to Oxford as a Marshall Scholar and received another doctoral degree, a Ph.D. in philosophy. Then he became a clerk for Justice White, and then, later on, for Justice Kennedy.

If he is confirmed, it will be, we think, the first time that there has been a clerk that became a Justice on the Supreme Court serving with the Justice whom he clerked for. So that is a unique component of Judge Gorsuch.

He is a man of the West. He has a strong work ethic and common sense. He is an outdoorsman. He loves to fly-fish, and he raises animals in his barn at home.

His background, he was not born with a silver spoon in his mouth, but worked blue-collar jobs and worked his way up. We know that he accelerated his education very well.

For his 10 years on the bench, he clerked for the judge on the D.C. Circuit, and then from there, clerking for the Supreme Court Justices, whom I mentioned, White and Kennedy.

He was then appointed by George W. Bush on May 10, 2006, after a decade in private practice where he became a partner in a large law firm. They must have liked him there. They took him in as an associate, and he became a partner for a decade.

Then in his heart was that he wanted to be a judge, and he wanted to protect the Constitution and the rule of law. After a year at the Department of Justice, George W. Bush appointed him to the D.C. Circuit. There, he was confirmed by the United States Senate, without dissent, by a voice vote on July 20, 2006. He served for more than a decade as a district court judge. His record is stellar.

When I asked questions about Judge Gorsuch, I learned a number of things. One of them was that, of the 21 candidates that were listed by, first, President-elect Trump and, now, President Trump—he would draw from that list and nominate, and then seek confirmation and appoint from that list—each candidate was asked the question as they were interviewed: Who would you name for this position if it isn't going to be you?

A tough question.

So, it is like saying, I would interpret that as: Who do I think is second best? That is the only reason I would be there is if I thought I was the best choice. I would think that is what all of them must have thought as they were interviewed.

There were 21 candidates. You take one out of that number, because that is Judge Gorsuch himself. We don't know how he answered this question. When the other 20 were asked, if it is not to be you, who shall it be, everyone said Judge Neil Gorsuch.

There can't be a stronger endorsement than that. It shows a respect from all of his competing peers. I be-

lieve that they believe he will do the best and the clearest job of preserving, protecting, and defending our Constitution and read the letter of the Constitution and interpret it, as Judge Scalia did, to mean what it says and to be understood to mean what it says and was understood at the time of ratification of the body of the Constitution or the various amendments, whichever the case may be. That is the strongest and most profound.

When I asked the question what is his level of respect for stare decisis, the people who know him and studied him say he has more respect for the text of the Constitution than the decisions that have been made along the way. I think that he will recognize those decisions.

I asked that question, would he look into them to determine if that rationale has helped his rationale but always anchor it back to the Constitution and the original understanding. This is secondhand of the people that know him, but the best answer I can get from that is yes.

The next one is the Chevron doctrine. He has written about the Chevron doctrine. It is pretty clear that he thinks that the Chevron doctrine is unjustly created by the courts and that you shouldn't give administrators of undue legislative authority the benefit of the doubt.

So those things sound really good to me. I am looking forward to the confirmation hearings. Hopefully, an expeditious confirmation of Judge Gorsuch. I am very, very happy with the selection that President Trump has made, and I really appreciate what I saw there that night as I watched Judge Gorsuch.

In the middle of his speech, he turned and looked at his wife, Marie Louise, and there was that significant eye contact that told me that they are a bonded couple that are a team together. The friends of the family tell me she is more conservative than he is.

So I look forward to his confirmation. I think the President of the United States has made a terrific choice. Let's get the judicial branch of government up and running again, along with the executive branch, and let's keep up pace here in the House. We have got some work to do, too.

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

OPPOSITION TO MUSLIM BAN

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

Ms. JAYAPAL. Mr. Speaker, I want to just conclude our earlier Special Order where many of my colleagues spoke out in strong opposition to the Muslim ban that was just signed by President Trump.

I would like to read a short paragraph from the letter that we have now submitted to Secretary Kelly. It has been signed by over 110 of my colleagues in the House. It requests that we have an immediate emergency meeting and briefing. I include in the RECORD the entire letter, and I will just read a short portion.

“The Executive Order is both controversial and confusing. For example, the International Rescue Committee called the Order ‘harmful and hasty’ noting ‘America has the strongest, most successful resettlement program in the world.’ Over 4,000 academics, including 25 Nobel Laureates, have signed a petition denouncing the Order, writing ‘this measure is fatally disruptive to the lives of these immigrants, their families, and the communities of which they form an integral part. It is inhumane, ineffective, and un-American.’”

HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2017.

Hon. JOHN F. KELLY,
Secretary of Homeland Security, Department of
Homeland Security, Washington, DC.

SECRETARY KELLY: We write to strongly condemn the President's executive order issued January 27, 2017, titled “Protecting the Nation From Foreign Terrorist Entry into the United States,” and the ensuing actions taken by the U.S. Department of Homeland Security (DHS) and its agencies, in particular Customs and Border Protection (CBP), to implement the order, and to request an urgent briefing regarding the same. We hope you will urge the President to immediately rescind the Executive Order, which has created profound chaos and fear among refugees and immigrants who have been admitted to the United States, as well as their families. As a nation of immigrants that has been a refuge for people fleeing persecution from around the world, these actions are contrary to who we are as a nation.

We understand that you met yesterday at 4:30 PM with Chairs and Ranking Members of relevant Committees to discuss “recent executive actions.” You should understand that such a time limited meeting with a subset of Members and Senators in no way obviates the need for the briefing we are requesting for all Members. Such full Member briefings are a frequent occurrence on Capitol Hill after important events such as the issuance of the January 27 Executive Order. They allow all Members to benefit from the knowledge and experiences of the executive branch so that we may be well informed in our legislative and oversight affairs and serve our constituents best. The full Member briefing regarding the Executive Order is particularly needed given the unsettling events of last evening—the abrupt firing of Acting Attorney General Sally Yates and the termination without explanation of Daniel Ragsdale as acting Director of Immigration and Customs Enforcement (ICE). The need to brief the full Democratic Caucus is also necessary as we now understand that guidance concerning the January 27 Executive Order has been provided to Members of the Republican Conference, but not the Democratic Caucus. According to yesterday's Washington Post, “substantive guidance [concerning the Executive Order was given] to congressional Republicans . . . late Saturday. . . . In a two-page memo that offered some details on the policy . . .”.

The Executive Order harms our families, economy, and national security. Over the weekend, individuals—some of whom have been lawful permanent residents for decades—were found stranded outside the United States, leaving families in turmoil. Technology companies, including industry leaders like Microsoft, Google, and Apple, report that the Executive Order could directly impact their employees and hinder their ability to attract the best talent from around the world. In addition, the policy reflected in the Executive Order is counterproductive to our national security. We understand that scores of American diplomats stationed across the globe are drafting a formal “dissent memo” to register their objections, stating that the order will “not achieve its aim of making our country safer” and will instead result in a “drop in international good will towards Americans and a threat to our economy.” We need to develop relationships with Muslim countries and others seeking to combat terrorism. Unfortunately, the Order alienates many of the groups we need to have working alongside us.

The Executive Order is both controversial and confusing. For example, the International Rescue Committee called the Order “harmful and hasty” noting “America has the strongest, most successful resettlement program in the world.” Over 4,000 academics, including 25 Nobel Laureates, have signed a petition denouncing the Order, writing “[t]his measure is fatally disruptive to the lives of these immigrants, their families, and the communities of which they form an integral part. It is inhumane, ineffective, and un-American.” The Order has resulted in widespread confusion, as hundreds of individuals have been improperly detained at our airports, at least four federal courts have issued stays concerning the Order, and protests have broken out at airports and other venues nationwide. At the time this letter was sent, 16 State Attorneys General have condemned the Executive Order.

In the interest of exercising proper Congressional oversight of DHS and CBP and of holding agencies accountable, we write to urgently request an emergency briefing this week with you and others at DHS and the Administration concerning the Executive Order. Among other things, we would like to receive the following, either at or in advance of the briefing:

Any DHS guidance, directive, or policy regarding interpretation and implementation of the Executive Order, specifically is it pertains to current visa holders seeking entry into the United States, visa applicants, lawful permanent residents, dual citizens, and U.S. citizens, as well as clarification on the status of the individuals from the seven designated countries in the Order who are applying for or renewing immigration benefits.

Details on individuals who have been prevented from entering the country, including the airport at which they arrived, location of detention, number provided with interpretation services, number who have been released broken down by airport, number of individuals who were sent back broken down by nationality, and a breakdown of the immigration status of those being detained and those who were sent back.

The manner in which DHS is complying with the various court-issued stays of removal, including the number of individuals who have been provided access to counsel.

What, if, any accommodations are being considered for interpreters and translators from the seven designated nations who have

worked with our military and intelligence, as well as notable academics coming to do research in the U.S.

The manner in which the exceptions to the Executive Order's application with respect to “religious minorities” will be applied, particularly given Mr. Trump's series of statements concerning his preference for Christian refugees.

In addition, and among other things, we would like to be briefed by you on the accuracy of President Trump's assertion that the Executive Order can be justified because then-president Obama had “banned visas for refugees from Iraq for six months” in 2011. It is our understanding that in 2011 the Iraqi resettlement program was subject to a simple reduction for a short time while new security measures were added. In stark contrast, Mr. Trump's Executive Order calls for a suspension of all refugees, not just one category, in addition to suspending the Syrian program indefinitely.

For decades both Democratic and Republican Presidents have supported granting safe haven to families fleeing persecution, violence, terror, sexual slavery, and torture. At a time of unprecedented forced migration across the world, the need for American leadership in these areas has not subsided.

Given the urgency, widespread confusion and dangerous impact of the Executive Order, we would appreciate hearing from you as quickly as possible so that we may ensure the briefing occurs by no later than Friday, February 3. The lives and well-being of many individuals, as well as our ability to partner with foreign governments to fight terrorism, depends on it.

Sincerely,

JOHN CONYERS, Jr.
Member of Congress.
ZOE LOFGREN,
Member of Congress.
PRAMILA JAYAPAL,
Member of Congress.
(And an additional
111 Members of
Congress.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. MCCARTHY) for today on account of personal reasons.

Mr. HASTINGS (at the request of Ms. PELOSI) for today and February 3.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON AGRICULTURE FOR
THE 115TH CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, February 2, 2017.

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

DEAR MR. SPEAKER: I am pleased to submit for printing in the Congressional Record, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on February 1, 2017.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts

from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

Sincerely,

K. MICHAEL CONAWAY,
Chairman.

RULE I.—GENERAL PROVISIONS

(a) **Applicability of House Rules.**—(1) The Rules of the House shall govern the procedure of the Committee and its subcommittees, and the Rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees. (See Appendix A for the applicable Rules of the U.S. House of Representatives.)

(2) As provided in clause 1(a)(1) of House Rule XI, each Subcommittee is part of the Committee and is subject to the authority and direction of the Committee and its Rules so far as applicable. (See also Committee Rules III, IV, V, VI, VII, VIII and XI, *infra*.)

(b) **Authority to Conduct Investigations.**—The Committee and its subcommittees, after consultation with the Chairman of the Committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under Rule X of the Rules of the House and in accordance with clause 2(m) of House Rule XI.

(c) **Authority to Print.**—The Committee is authorized by the Rules of the House to have printed and bound testimony and other data presented at hearings held by the Committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee and its subcommittees shall be paid from applicable accounts of the House described in clause 1(k)(1) of House Rule X in accordance with clause 1(c) of House Rule XI. (See also paragraphs (d), (e) and (f) of Committee Rule IX.)

(d) **Vice Chairman.**—The Member of the majority party on the Committee or Subcommittee designated by the Chairman of the full Committee shall be the vice chairman of the Committee or Subcommittee in accordance with clause 2(d) of House Rule XI.

(e) **Presiding Member.**—If the Chairman of the Committee or Subcommittee is not present at any Committee or Subcommittee meeting or hearing, the vice chairman shall preside. If the Chairman and vice chairman of the Committee or Subcommittee are not present at a Committee or Subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d) of House Rule XI.

(f) **Publication of Rules.**—The Committee's Rules shall be publicly available in electronic form and published in the Congressional Record not later than 30 days after the Chair is elected in each odd-numbered year as provided in clause 2(a) of House Rule XI.

(g) **Joint Committee Reports of Investigation or Study.**—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS— REGULAR, ADDITIONAL AND SPECIAL

(a) **Regular Meetings.**—Regular meetings of the Committee, in accordance with clause

2(b) of House Rule XI, shall be held on the first Wednesday of every month to transact its business if notice is given pursuant to clause 2(g)(3) of House Rule XI. The Chairman shall provide each Member of the Committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. (See paragraph (f) of Committee Rule XI for provisions that apply to meetings of subcommittees.)

(b) **Additional Meetings.**—(1) The Chairman may call and convene, as he or she considers necessary, which may not commence earlier than the third day on which Members have notice thereof after consultation with the Ranking Minority Member of the Committee or after concurrence with the Ranking Minority Member, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such additional meetings pursuant to the notice from the Chairman.

(2) A hearing or meeting may begin sooner than specified in clause (1) (in which case, the chair shall make the announcement specified at the earliest possible time) if the Committee so determines by majority vote in the presence of the number of Members required under the Rules of the Committee for the transaction of business.

(3) At least 24 hours prior to the commencement of a meeting for the markup of a measure or matter the Chair shall cause the text of such measure or matter to be made publicly available in electronic form.

(c) **Special Meetings.**—If at least three Members of the Committee desire that a special meeting of the Committee be called by the Chairman, those Members may file in the offices of the Committee their written request to the Chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the Majority Staff Director (serving as the clerk of the Committee for such purpose) shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House Rule XI. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Majority Staff Director (serving as the clerk) of the Committee shall notify all Members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) **Open Meetings and Hearings.**—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the Committee or a Subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI.

(b) **Broadcasting and Photography.**—Whenever a Committee or Subcommittee meeting for the transaction of business, including the

markup of legislation, or a hearing is open to the public, that meeting or hearing shall:

(1) To the maximum extent practicable the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

(2) Be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. When such audio and visual coverage is conducted in the Committee or Subcommittee, written notice to that effect shall be provided to each Member. The Chairman of the Committee or Subcommittee shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) **Closed Meetings—Attendees.**—No person other than Members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

(d) **Addressing the Committee.**—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration (See Committee Rule VIII (e) relating to questioning a witness at a hearing). The time a Member may address the Committee or Subcommittee for any such purpose shall be limited to 5 minutes, except that this time limit may be waived by unanimous consent. A Member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) **Meetings to Begin Promptly.**—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) **Prohibition on Proxy Voting.**—No vote by any Member of the Committee or Subcommittee with respect to any measure or matter may be cast by proxy.

(g) **Location of Persons at Meetings.**—No person other than the Committee or Subcommittee Members and Committee or Subcommittee staff may be seated in the rostrum area during a meeting of the Committee or Subcommittee unless by unanimous consent of Committee or Subcommittee.

(h) **Consideration of Amendments and Motions.**—A Member, upon request, shall be recognized by the Chairman to address the Committee or Subcommittee at a meeting for a period limited to 5 minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in Committee or Subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the Committee or Subcommittee or voted on until the requirements of this paragraph have been met.

(i) **Demanding Record Vote.**—

(1) A record vote of the Committee or Subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(2) The Chairman of the Committee or Subcommittee may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. If the Chairman postpones further proceedings:

(A) the Chairman may resume such postponed proceedings, after giving Members adequate notice, at a time chosen in consultation with the Ranking Minority Member; and

(B) notwithstanding any intervening order for the previous question, the underlying proposition on which proceedings were postponed shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(j) Submission of Motions or Amendments In Advance of Business Meetings.—The Committee and Subcommittee Chairman may request and Committee and Subcommittee Members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member of the Committee or the Subcommittee twenty-four hours before a Committee or Subcommittee business meeting.

(k) Points of Order.—No point of order against the hearing or meeting procedures of the Committee or Subcommittee shall be entertained unless it is made in a timely fashion.

(l) Limitation on Committee Sitzings.—The Committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(m) Prohibition of Wireless Telephones.—Use of wireless phones during a Committee or Subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS.

(a) Working Quorum.—One-third of the Members of the Committee or Subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) Majority Quorum.—A majority of the Members of the Committee or Subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution, or other measure (See clause 2(h)(1) of House Rule XI, and Committee Rule IX);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g), 2(k)(5), and 2(k)(7) of House Rule XI;

(3) the authorizing of a subpoena as provided in clause 2(m)(3) of House Rule XI (See also Committee Rule VII); and

(4) as where required by a Rule of the House.

(c) Quorum for Taking Testimony.—Two Members of the Committee or Subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS.

(a) Maintenance of Records.—The Committee shall keep a complete record of all Committee and Subcommittee action which shall include:

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes, which shall include a record of all Committee and Subcommittee

action, a record of all votes on any question, and a tally on all record votes.

The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and by telephone request and also made publicly available in electronic form within 48 hours of such record vote. Not later than 24 hours after adoption of an amendment to a measure or matter, the chair of the Committee shall cause the text of such amendment adopted thereto to be made publicly available in electronic form. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition; the name of each Member voting for and each Member voting against such amendment, motion, order, or other proposition; and the names of those Members present but not voting.

(b) Access to and Correction of Records.—Any public witness, or person authorized by such witness, during Committee office hours in the Committee offices and within 10 calendar days of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical, and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the Committee. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the Committee. The Committee or Subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed 10 calendar days after the last oral testimony, unless the Committee or Subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed, unless the Committee or Subcommittee determines otherwise. The Committee or Subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) Property of the House.—All Committee and Subcommittee records (including hearings data, charts, and files) shall be kept separate and distinct from the congressional office records of the Members serving as Chairman. Such records shall be the property of the House, and all Members of the House shall have access thereto. The Majority Staff Director shall promptly notify the Chairman and the Ranking Minority Member of any request for access to such records.

(d) Availability of Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House Rule VII. The Chairman shall notify the Ranking Minority Member of the Committee of the need for a Committee order pursuant to clause 3(b)(3) or clause 4(b) of such House Rule, to withhold a record otherwise available.

(e) Special Rules for Certain Records and Proceedings.—A stenographic record of a business meeting of the Committee or Subcommittee may be kept, and thereafter may

be published, if the Chairman of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee.

(f) Electronic Availability of Committee Publications.—To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT.

For the purpose of carrying out any of its function and duties under House Rules X and XI, the Committee and each of its subcommittees is authorized to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings.

RULE VII.—SUBPOENAS AND OATHS.

(a) Issuance of Subpoenas.—In accordance with clause 2(m) of House Rule XI, a subpoena may be authorized and issued by a majority of the Committee or by the Chairman in consultation with the Ranking Minority Member. Such consultation shall occur at least 48 hours in advance of a subpoena being issued under such authority. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(b) Oaths.—The Chairman of the Committee, or any member of the Committee designated by the Chairman, may administer oaths to any witnesses.

RULE VIII.—HEARING PROCEDURES.

(a) Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See Committee Rule VI and paragraph (f) of Committee Rule XI for provisions relating to Subcommittee hearings and meetings.)

(b) Announcement.—The Chairman of the Committee shall, after consultation with the Ranking Minority Member of the Committee, make a public announcement of the date, place, and subject matter of any Committee hearing at least 1 week before the commencement of the hearing. The Chairman of a Subcommittee shall schedule a hearing only after consultation with the Chairman of the Committee and the Ranking Minority Member of the Subcommittee. After such consultation, the Chairman of the Subcommittee shall consult the Chairmen of the other subcommittees and shall request the Majority Staff Director to make a public announcement of the date, place, and subject matter of such hearing at least 1 week before the hearing. If the Chairman of the Committee or the Subcommittee, with concurrence of the Ranking Minority Member of the Committee or Subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman of the Committee or Subcommittee, as appropriate, shall request the Majority Staff Director to make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House

Information Systems as soon as possible after such public announcement is made.

(c) **Scheduling of Witnesses.**—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the Chairman of the Committee or Subcommittee, unless a majority of the Committee or Subcommittee determines otherwise.

(d) **Written Statement; Oral Testimony.**—(1) Each witness who is to appear before the Committee or a Subcommittee, shall insofar as practicable file with the Majority Staff Director of the Committee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee Members, staff, and the news media. Insofar as practicable, the Committee or Subcommittee staff shall distribute such written statements to all Members of the Committee or Subcommittee as soon as they are received, as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them at the discretion of the Chairman of the Committee or Subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (b) of Committee Rule VII, the Chairman of the Committee, or any Member designated by the Chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony:

- (i) a curriculum vitae;
- (ii) disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current calendar year or either of the 2 preceding calendar years by the witness or by an entity represented by the witness; and
- (iii) disclosure of the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government received during the current calendar year or either of the 2 preceding calendar years by the witness or by an entity represented by the witness.

Such statements, with appropriate redactions to protect the privacy of witnesses, shall be made publicly available in electronic form not later than 1 day after the witness appears.

(e) **Questioning of Witnesses.**—Committee or Subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for 5 minutes until such time as each Member of the Committee or Subcommittee who so desires has had an opportunity to question the witness for 5 minutes; and thereafter the Chairman of the Committee or Subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the Committee or Subcommittee determines otherwise, no Committee or Subcommittee staff shall interrogate witnesses.

(f) **Extended Questioning for Designated Members.**—Notwithstanding paragraph (e),

the Chairman and Ranking Minority Member may designate an equal number of Members from each party to question a witness for a period not longer than 60 minutes.

(g) **Witnesses for the Minority.**—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those minority Members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon as provided in clause 2(j)(1) of House Rule XI.

(h) **Summary of Subject Matter.**—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all Members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman of the Committee or Subcommittee shall, to the extent practicable, make available to the Members of the Committee any official reports from departments and agencies on such matter. (See paragraph (f) of Committee Rule XI.)

(i) **Open Hearings.**—Each hearing conducted by the Committee or Subcommittee shall be open to the public, including radio, television, and still photography coverage, except as provided in clause 4 of House Rule XI (See also paragraph (b) of Committee Rule III.). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(j) **Hearings and Reports.**—(1)(i) The Chairman of the Committee or Subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee Rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a Member of the Committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (i) of this rule, if by a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The Committee or

Subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinence of testimony and evidence adduced at its hearings. A witness may obtain a transcribed copy of his or her testimony given at a public session. If given at an executive session, a transcribed copy of testimony may be obtained when authorized by the Committee or Subcommittee. (See paragraph (c) of Committee Rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the Members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

RULE IX.—THE REPORTING OF BILLS AND RESOLUTIONS

(a) **Filing of Reports.**—The Chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Committee unless a majority of the Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within 7 calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Majority Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

(b) **Content of Reports.**—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

- (1) a statement of the intent or purpose of the bill or resolution;
- (2) a statement describing the need for such bill or resolution;
- (3) a statement of Committee and Subcommittee consideration of the measure, including a summary of amendments and motions offered and the actions taken thereon;
- (4) the results of each record vote on any amendment in the Committee and Subcommittee and on the motion to report the measure or matter, including the total number of votes cast for and against, and the names of Members voting for and against such amendment or motion (See clause 3(b) of House Rule XIII);

(5) the oversight findings and recommendations of the Committee with respect to the subject matter of the bill or resolution, as required pursuant to clause 3(c)(1) of House Rule XIII and clause 2(b)(1) of House Rule X;

(6) the detailed statement described in House Rule XIII clause 3(c)(2) and section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in

section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the Committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) an estimate by the Committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years) (see clause 3(d)(1) of House Rule XIII), together with—(i) a comparison of these estimates with those made and submitted to the Committee by any Government agency when practicable and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(10) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the Committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

(11) the changes in existing law (if any) shown in accordance with clause 3 of House Rule XIII;

(12) the determination required pursuant to section 5(b) of P.L. 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee;

(13) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104-4);

(14) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act (P.L. 104-1);

(15) a statement indicating whether any provision of the measure establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program. The Statement shall at a minimum explain whether—

(A) any such program was included in any report from the Government Accountability Office to Congress pursuant to section 21 of P.L. 111-139; or

(B) the most recent catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (P.L. 95-220, as amended by P.L. 98-169), identified other programs related to the program established or reauthorized by the measure; and

(16) a statement estimating the number of directed rule makings required by the measure.

(c) Supplemental, Minority, Additional, or Dissenting Views.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, additional, or dissenting views, all Members shall be entitled to not less than 2 subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such writing and signed views with the Majority Staff Director of the Committee. When time guaranteed by this paragraph has expired (or, if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk of the House not later than 1 hour after the expiration of such time. All such views (in accordance with clause 2(l) of House Rule XI and clause 3(a)(1) of House Rule XIII), as filed by one or more Members of the Committee, shall be included within and made a part of the report filed by the Committee with respect to that bill or resolution.

(d) Printing of Reports.—The report of the Committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority, additional, or dissenting views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, additional, or dissenting views (and any material submitted under clause 3(a)(1) of House Rule XII) are included as part of the report.

(e) Immediate Printing; Supplemental Reports.—Nothing in this rule shall preclude—

(1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, additional, or dissenting views has been made as provided by paragraph (c); or

(2) the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(f) Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) Committee Prints.—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

(h) Post Adjournment Filing of Committee Reports.—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a Member gives notice at the time of approval of intention to file supplemental, minority, additional, or dissenting views, that Member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the Chairman of the Committee may file at any time

with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of House Rule XI without the approval of the Committee, provided that a copy of the report has been available to each Member of the Committee for at least 7 calendar days and the report includes any supplemental, minority, additional, or dissenting views submitted by a Member of the Committee.

(i) Conference.—The Chairman is directed to offer a motion under clause 1 of House Rule XXII whenever the Chairman considers it appropriate.

RULE X.—OTHER COMMITTEE ACTIVITIES

(a) Authorization and Oversight Plan.—(1) Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public to adopt its authorization and oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Oversight and Government Reform, to the Committee on House Administration, and the Committee on Appropriations.

(2) Each such plan shall include, with respect to programs and agencies within the committee's jurisdiction, and to the maximum extent practicable—

(A) a list of such programs or agencies with lapsed authorizations that received funding in the prior fiscal year or, in the case of a program or agency with a permanent authorization, which has not been subject to a comprehensive review by the Committee in the prior three Congresses;

(B) a description of each such program or agency to be authorized in the current Congress;

(C) a description of each such program or agency to be authorized in the next Congress, if applicable;

(D) a description of any oversight to support the authorization of each such program or agency in the current Congress; and

(E) recommendations for changes to existing law for moving such programs or agencies from mandatory funding to discretionary appropriations, where appropriate.

(3) Each such plan may include, with respect to the programs and agencies within the Committee's jurisdiction,—

(A) recommendations for the consolidation or termination of such programs or agencies that are duplicative, unnecessary, or inconsistent with the appropriate roles and responsibilities of the Federal Government;

(B) recommendations for changes to existing law related to Federal rules, regulations, statutes, and court decisions affecting such programs and agencies that are inconsistent with the authorities of the Congress under Article I of the Constitution; and

(C) a description of such other oversight activities as the Committee may consider necessary.

(4) In the development of such plan, the Chairman of the Committee shall coordinate with other committees of jurisdiction to ensure that programs and agencies are subject to routine, comprehensive authorization efforts.

The Committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(c) of House Rule X. The Committee shall include in the report filed pursuant to clause 1(d) of House Rule XI separate sections summarizing the legislative and oversight activities of the Committee under House Rule X and House Rule XI, a summary of the authorization and oversight plan submitted by the

Committee under clause 2(d) of House Rule X, a summary of actions taken and recommendations made with respect to the oversight and authorization plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon.

(b) Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Budget Act Compliance: Views and Estimates (See Appendix B).—Not later than 6 weeks after the President submits his budget under section 1105(a) of Title 31, United States Code, or at such time as the Committee on the Budget may request, the Committee shall, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) Budget Act Compliance: Recommended Changes.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

(e) Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall, after consultation with the Ranking Minority Member, determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in clause 11 of House Rule I, the names of those Members of the Committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The Chairman shall, to the fullest extent feasible, include those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority party Members to minority party Members on the Committee. In making recommendations of Minority Party Members as conferees, the

Chairman shall consult with the Ranking Minority Member of the Committee.

(f) Hearing on Waste, Fraud, and Abuse.—(1) The Committee, or a Subcommittee, shall hold at least one hearing during each 120-day period following the establishment of the Committee on the topic of waste, fraud, abuse, or mismanagement in Government programs which the Committee may authorize.

(2) A hearing described in subparagraph (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the Committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

(g) Hearing on Agency Financial Statements.—The Committee or a Subcommittee, shall hold at least one hearing in any session in which the Committee has received disclaimers of agency financial statements from auditors of any Federal agency that the Committee may authorize to hear testimony on such disclaimers from representatives of any such agency.

(h) Hearing on GAO High-Risk-List.—The Committee or a Subcommittee, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the Committee may authorize are at high risk for waste, fraud, and mismanagement, known as the 'high-risk-list' or the 'high-risk series'.

(i) Activities Report.—(1) Not later than January 2 of each odd-numbered year, the Committee shall submit to the House a report on the activities of the Committee. After adjournment sine die of the last regular session of a Congress, or after December 15 of an even-numbered year, whichever occurs first, the Chair may file the report, a copy of which shall be made available to each Member of the Committee for at least 7 calendar days, with the Clerk of the House at any time.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of House Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken with respect thereto.

RULE XI.—SUBCOMMITTEES

(a) Number and Composition.—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of Members set forth in paragraph (c) of this rule, including ex officio Members.¹ The Chairman may create additional subcommittees of an ad hoc nature as the Chairman determines to be appropriate, subject to any limitations provided for in the House Rules.

(b) Ratios.—On each Subcommittee, there shall be a ratio of majority party Members to minority party Members which shall be consistent with the ratio on the full Committee. In calculating the ratio of majority party Members to minority party Members, there shall be included the ex officio Members of the subcommittees and ratios below reflect that fact.

(c) Jurisdiction.—Each Subcommittee shall have the following general jurisdiction and number of Members:

General Farm Commodities and Risk Management (23 members, 13 majority and 10 minority)—Policies, statutes, and markets relating to commodities including barley, cotton, cottonseed, corn, grain sorghum, honey, mohair, oats, other oilseeds, peanuts, pulse crops, rice, soybeans, sugar, wheat, and wool; the Commodity Credit Corporation; risk management policies and statutes, including Federal Crop Insurance; producer data and privacy issues.

Commodity Exchanges, Energy, and Credit (16 members, 9 majority and 7 minority)—Policies, statutes, and markets relating to commodity exchanges; agricultural credit; rural development; energy; rural electrification.

Conservation and Forestry (16 members, 9 majority and 7 minority)—Policies and statutes relating to resource conservation, forestry, and all forests under the jurisdiction of the Committee on Agriculture.

Nutrition (23 members, 13 majority and 10 minority)—Policies and statutes relating to nutrition, including the Supplemental Nutrition Assistance Program and domestic commodity distribution and consumer initiatives.

Biotechnology, Horticulture, and Research (16 members, 9 majority and 7 minority)—Policies, statutes, and markets relating to horticulture, including fruits, vegetables, nuts, and ornamentals; bees; and organic agriculture; policies and statutes relating to marketing and promotion orders; pest and disease management; bioterrorism; adulteration and quarantine matters; research, education, and extension; and biotechnology.

Livestock and Foreign Agriculture (16 members, 9 majority and 7 minority)—Policies, statutes, and markets relating to all livestock, poultry, dairy, and seafood, including all products thereof; the inspection, marketing, and promotion of such commodities and products; aquaculture; animal welfare; grazing; foreign agricultural assistance and trade promotion.

(d) Referral of Legislation.—

(1)(a) In General.—All bills, resolutions, and other matters referred to the Committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the Committee. After consultation with the Ranking Minority Member, the Chairman may determine that the Committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the Committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the Committee.

(2) The Chairman, by a majority vote of the Committee, may discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred to the Subcommittee and have such bill, resolution, or other matter considered by the Committee. The Committee having referred a bill, resolution, or other matter to a Subcommittee in accordance with this rule may discharge such Subcommittee from further consideration thereof at any time by a vote of the majority Members of the Committee for the Committee's direct consideration or for reference to another Subcommittee.

(3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation, or other matters not specifically within the jurisdiction of a Subcommittee, or that is within the jurisdiction

of more than one Subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the Chairman for the purpose of considering the matter and reporting to the Committee thereon, or make such other provisions deemed appropriate.

(e) Participation and Service of Committee Members on Subcommittees.—(1) The Chairman and the Ranking Minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The Chairman and the Ranking Minority Member may not be counted for the purpose of establishing a quorum.

(2) Any Member of the Committee who is not a Member of the Subcommittee may have the privilege of sitting and nonparticipatory attendance at Subcommittee hearings or meetings in accordance with clause 2(g)(2) of House Rule XI. Such Member may not:

(i) vote on any matter;

(ii) be counted for the purpose of establishing a quorum;

(iii) participate in questioning a witness under the 5-Minute Rule, unless permitted to do so by the Subcommittee Chairman in consultation with the Ranking Minority Member or a majority of the Subcommittee, a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) Subcommittee Hearings and Meetings.—(1) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the Committee on all matters referred to it or under its jurisdiction after consultation by the Subcommittee Chairman with the Committee Chairman. (See Committee Rule VIII.)

(2) After consultation with the Committee Chairman, Subcommittee Chairmen shall set dates for hearings and meetings of their subcommittees and shall request the Majority Staff Director to make any announcement relating thereto. (See paragraph (b) of Committee Rule VIII.) In setting the dates, the Committee Chairman and Subcommittee Chairman shall consult with other Subcommittee Chairmen and relevant Committee and Subcommittee Ranking Minority Members in an effort to avoid simultaneously scheduling Committee and Subcommittee meetings or hearings to the extent practicable.

(3) Notice of all Subcommittee meetings shall be provided to the Chairman and the Ranking Minority Member of the Committee by the Majority Staff Director.

(4) Subcommittees may hold meetings or hearings outside of the House if the Chairman of the Committee and other Subcommittee Chairmen and the Ranking Minority Member of the Subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the Committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of Committee meetings under paragraph (a) of Committee Rule II and special or additional meetings under paragraph (b) of Committee Rule II shall apply to Subcommittee meetings.

(6) If a vacancy occurs in a Subcommittee chairmanship, the Chairman may set the

dates for hearings and meetings of the Subcommittee during the period of vacancy. The Chairman may also appoint an acting Subcommittee Chairman until the vacancy is filled.

(g) Subcommittee Action.—(1) Any bill, resolution, recommendation, or other matter forwarded to the Committee by a Subcommittee shall be promptly forwarded by the Subcommittee Chairman or any Subcommittee Member authorized to do so by the Subcommittee.

(2) Upon receipt of such recommendation, the Majority Staff Director of the Committee shall promptly advise all Members of the Committee of the Subcommittee action.

(3) The Committee shall not consider any matters recommended by subcommittees until 2 calendar days have elapsed from the date of action, unless the Chairman or a majority of the Committee determines otherwise.

(h) Subcommittee Investigations.—No investigation shall be initiated by a Subcommittee without prior consultation with the Chairman of the Committee or a majority of the Committee.

RULE XII.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) Committee Budget.—The Chairman, in consultation with the majority Members of the Committee and the minority Members of the Committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and subcommittees. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) Committee Staff.—(1) The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See clause 9 of House Rule X.)

(2) The Ranking Minority Member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of Committee staff pursuant to any primary or additional expense resolution, the Chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See clause 6(d) of House Rule X.)

(c) Committee Travel.—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members

and Committee staff regarding domestic and foreign travel (See clause 8 of House Rule X). Official travel for any Member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Committee Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of Members and Committee staff seeking authorization.

(2) In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections, and investigations involving activities or subject matter under the jurisdiction of such Subcommittee to be paid for out of funds allocated to the Committee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection, or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose, and the following conditions shall apply with respect to their use of such currencies:

(i) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

RULE XIII.—AMENDMENT OF RULES

These Rules may be amended by a majority vote of the Committee. A proposed change in these Rules shall not be considered by the Committee as provided in clause 2 of House Rule XI, unless written notice of the

proposed change has been provided to each Committee Member 2 legislative days in advance of the date on which the matter is to be considered. Any such change in the Rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

ENDNOTE

¹The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See paragraph (e) of this Rule).

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS FOR THE 115TH CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 2, 2017.

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

DEAR MR. SPEAKER: I respectfully submit for publication, the attached copy of the rules of the U.S. House of Representatives, Committee on Veterans' Affairs for the 115th Congress which were approved via voice vote by the Full Committee on January 31, 2017.

Sincerely,

DAVID P. ROE, M.D.,
Chairman.

JURISDICTION OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

Rule X of the Rules of the House of Representatives establishes the standing committees of the House and their jurisdiction. Under that rule, all bills, resolutions, and other matters relating to the subjects within the jurisdiction of any standing committee shall be referred to such committee. Clause 1(s) of Rule X establishes the jurisdiction of the Committee on Veterans' Affairs as follows:

- (1) Veterans' measures generally.
- (2) Cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad (except cemeteries administered by the Secretary of the Interior).
- (3) Compensation, vocational rehabilitation, and education of veterans
- (4) Life insurance issued by the Government on account of service in the Armed Forces.
- (5) Pensions of all the wars of the United States, general and special.
- (6) Readjustment of servicemembers to civil life.
- (7) Servicemembers' civil relief.
- (8) Veterans' hospitals, medical care, and treatment of veterans.

RULE 1—GENERAL PROVISIONS

(a) **APPLICABILITY OF HOUSE RULES.**—The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in Committees and subcommittees.

(b) **SUBCOMMITTEES.**—Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) **INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.**—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made

part of the rules of the Committee to the extent applicable. Pursuant to clause 2(a)(3) of Rule XI of the Rules of the House, the Chairman of the full Committee is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(d) **VICE CHAIRMAN.**—Pursuant to clause 2(d) of Rule XI of the Rules of the House, the Chairman of the full Committee shall designate the Vice Chairman of the Committee.

RULE 2—REGULAR AND ADDITIONAL MEETINGS

(a) **REGULAR MEETINGS.**—The regular meeting day for the Committee shall be at 10 a.m. on the second Wednesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Wednesday meeting of the Committee.

(b) **ADDITIONAL MEETINGS.**—The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) **NOTICE.**—The Chairman shall notify each Member of the Committee of the agenda of each regular and additional meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances the Chairman determines to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the Ranking Minority Member, or in such Member's absence, the next ranking minority party member of the Committee.

RULE 3—MEETINGS AND HEARINGS GENERALLY

(a) **OPEN MEETINGS AND HEARINGS.**—Meetings and hearings of the Committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of Rule XI of the Rules of the House.

(b) **ANNOUNCEMENT OF HEARING.**—The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date, in accordance with Rule XI, clause 2(g)(3)(B) of the Rules of the House of Representatives. In the latter event, the Chairman or the subcommittee Chairman, as the case may be, shall consult with the Ranking Minority Member and make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(c) **WIRELESS TELEPHONE USE PROHIBITED.**—No person may use a wireless telephone during a Committee or subcommittee meeting or hearing.

(d) **MEDIA COVERAGE.**—Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 4(f) of House rule XI as follows:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the pub-

lic as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobe lights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) If requests are made by more of the media than will be permitted by a committee or subcommittee chair for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the Members of the Committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

(e) REQUIREMENTS FOR TESTIMONY

(1) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours (exclusive of weekends and holidays) in advance of his or her appearance, or at such other time as designated by the Chairman after consultation with the Ranking Member, a written statement of his or her proposed testimony. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the Chairman. Each witness shall limit any oral presentation to a summary of the written statement.

(2) Pursuant to clause 2(g)(5) of Rule XI of the Rules of the House:

(A) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness and related to the subject matter of the hearing.

(B) The disclosure required by this Rule shall include the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing and the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(f) CALLING AND QUESTIONING WITNESSES

(1) Committee and subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous consent of all members present. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. Except as otherwise announced by the Chairman at the beginning of a hearing, members who are present at the start of the hearing will be recognized before other members who arrive after the hearing has begun. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) Notwithstanding the provisions of paragraph (1) regarding the 5-minute rule, the Chairman after consultation with the Ranking Minority Member may designate an equal number of members of the Committee or subcommittee majority and minority party to question a witness for a period not longer than 30 minutes. In no event shall the Chairman allow a member to question a witness for an extended period under this rule until all members present have had the opportunity to ask questions under the 5-minute rule. The Chairman after consultation with the Ranking Minority Member may permit Committee staff for its majority and minority party members to question a witness for equal specified periods of time.

(3) Non-Committee Members may be invited to sit at the dais for and participate in Committee hearings with the unanimous consent of all Members present. Further, non-Committee Members may be recognized for questioning of witnesses but only after all Committee Members have first been recognized.

(4) When a hearing is conducted by the Committee or a subcommittee on any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman of a majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

(g) SUBPOENAS.—Pursuant to clause 2(m) of Rule XI of the Rules of the House, subpoenas may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(h) NOTICE REQUIREMENTS

(1) The text of all bills or resolutions for markup, and any amendments in the nature of a substitute to such bills or resolution to be first recognized by the Chairman, shall be made available, via written or electronic notice, to Committee members at least 48 hours prior to a scheduled markup, except as agreed to by unanimous consent.

(2) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment proposed to a bill or resolution under consideration by the Committee, or proposed to an amendment in the nature of a substitute noticed under paragraph (1), unless a written or electronic copy of such amendment has been delivered to each Member of the Committee (or subcommittee for purposes of subcommittee markups) at least 24 hours before the meeting at which the amendment is to be proposed, and such amendment is in compliance with subsection (i) of this rule. This paragraph may be waived by unanimous consent and shall apply only when the 48-hour written notice has been provided in accordance with paragraph (1).

(i) CONGRESSIONAL BUDGET OFFICE SCORING.—The Committee shall not include any bill or resolution for consideration during a Committee markup which is not accompanied by an accounting from the Congressional Budget Office of the mandatory and discretionary costs or savings associated with such bill or resolution.

The accounting from the Congressional Budget Office need not be official, but is expected to provide Committee members with an approximation of the budgetary impact a bill or resolution may have prior to any vote to favorably forward or report such bill or resolution. The requirements of this paragraph may be waived by a majority of Committee members, a quorum being present.

RULE 4—QUORUM AND RECORD VOTES;
POSTPONEMENT OF PROCEEDINGS

(a) WORKING QUORUM.—A majority of the members of the Committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(b) QUORUM FOR REPORTING.—No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee was actually present.

(c) RECORD VOTES.—A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any record vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the Committee on the bill or resolution.

(d) PROHIBITION AGAINST PROXY VOTING.—No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

(e) POSTPONING PROCEEDINGS.—Committee and subcommittee chairmen may postpone further proceedings when a record vote is ordered on the question of approving a measure

or matter or on adopting an amendment, and may resume proceedings within two legislative days on a postponed question after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 5—SUBCOMMITTEES

(a) ESTABLISHMENT AND JURISDICTION.

(1) There shall be four subcommittees of the Committee as follows:

(A) Subcommittee on Disability Assistance and Memorial Affairs, which shall have legislative, oversight, and investigative jurisdiction over compensation; general and special pensions of all the wars of the United States; life insurance issued by the Government on account of service in the Armed Forces; cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior; burial benefits; the Board of Veterans' Appeals; and the United States Court of Appeals for Veterans Claims.

(B) Subcommittee on Economic Opportunity, which shall have legislative, oversight, and investigative jurisdiction over education of veterans, employment and training of veterans, vocational rehabilitation, veterans' housing programs, transition of servicemembers to civilian life, civil service reform and other employee related issues at the Department of Veterans Affairs, and servicemembers civil relief.

(C) Subcommittee on Health, which shall have legislative, oversight, and investigative jurisdiction over the Veterans Health Administration (VHA) including medical services, medical support and compliance, medical facilities, medical and prosthetic research, homeless programs, and major and minor construction.

(D) Subcommittee on Oversight and Investigations, which shall have oversight and investigative jurisdiction over veterans' matters generally, and over such matters as may be referred to the subcommittee by the Chairman of the full Committee for its oversight or investigation and for its appropriate recommendations. The subcommittee shall have legislative jurisdiction over information technology and procurement generally, and over such bills or resolutions as may be referred to it by the Chairman of the full Committee.

(2) Each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(b) VACANCIES.—Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

(c) RATIOS.—On each subcommittee, there shall be a ratio of majority party members to minority party members, which shall be consistent with the ratio on the full Committee.

(d) REFERRAL TO SUBCOMMITTEES.—The Chairman of the Committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the Committee, as the Chairman deems appropriate. In referring any measure or matter to a subcommittee, the Chairman of the Committee may specify a date by which the subcommittee shall report thereon to the Committee.

(e) POWERS AND DUTIES

(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and

report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman of the Committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairman of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any member authorized by the subcommittee to do so, shall notify the Chairman and the Ranking Minority Member of the Committee of the subcommittee's action.

(3) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(4) Non-Committee Members may be invited to sit at the dais for and participate in subcommittee hearings with the unanimous consent of all Members present. Further, non-Committee Members may be recognized for questioning of witnesses but only after all subcommittee Members have first been recognized for questioning.

(5) Each subcommittee shall provide the Committee with copies of such record votes taken in subcommittee and such other records with respect to the subcommittee as the Chairman of the Committee deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—GENERAL OVERSIGHT RESPONSIBILITY

(a) PURPOSE.—Pursuant to clause 2 of Rule X of the Rules of the House, the Committee shall carry out oversight responsibilities. In order to assist the House in—

(1) Its analysis, appraisal, evaluation of—

(A) The application, administration, execution, and effectiveness of the laws enacted by the Congress, or

(B) Conditions and circumstances, which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) Its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 5, shall have oversight responsibilities as provided in subsection (b).

(b) REVIEW OF LAWS AND PROGRAMS.—The Committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee (whether or not any bill or resolution has been intro-

duced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee.

(c) OVERSIGHT PLAN.—Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Oversight and Government Reform, in accordance with the provisions of clause 2(d) of Rule X of the Rules of the House.

(d) OVERSIGHT BY SUBCOMMITTEES.—The existence and activities of the Subcommittee on Oversight and Investigations shall in no way limit the responsibility of the other subcommittees of the Committee on Veterans' Affairs for carrying out oversight duties.

RULE 7—BUDGET ACT RESPONSIBILITIES

(a) BUDGET ACT RESPONSIBILITIES.—Pursuant to clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget not later than six weeks after the President submits his budget, or at such time as the Committee on the Budget may request—

(1) Its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

(2) An estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

RULE 8—RECORDS AND OTHER MATTERS

(a) TRANSCRIPTS.—There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(b) RECORDS.—

(1) The Committee shall keep a record of all actions of the Committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of Rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(2) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees, including a record of the votes on any question on which a recorded vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3 or clause 4 of Rule VII of the Rules of the House, to withhold a record otherwise available, and the matter shall be pre-

sented to the Committee for a determination on written request of any member of the Committee.

(d) AVAILABILITY OF PUBLICATIONS.—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

RULE 9—TRAVEL

(a) REQUIREMENTS FOR TRAVEL.—All requests for travel, funded by the Committee, for Members and staff in connection with activities or subject matters under the general jurisdiction of the Committee, shall be submitted to the Chair for approval or disapproval. All travel requests should be submitted to the Chair at least five working days in advance of the proposed travel. For all travel funded by any other source, notice shall be given to the Chair at least five working days in advance of the proposed travel. All travel requests shall be submitted to the Chair in writing and include the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to occur.

(3) The names of the locations to be visited and the length of time to be spent in each.

(4) The names of members and staff of the Committee for whom the authorization is sought. Travel by the minority shall be submitted to the Chair via the Ranking Member.

(b) TRIP REPORTS.—Members and staff shall make a written report to the Chair within 15 working days on all travel approved under this subsection. Reports shall include a description of their itinerary, expenses, and activities, and pertinent information gained as a result of such travel.

When travel involves majority and minority Members or staff, the majority shall submit the report to the Chair on behalf of the majority and minority. The minority may append additional remarks to the report at their discretion.

(c) APPLICABILITY OF HOUSE RULES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 10—FACILITY NAMING

(a) FACILITY NAMING.—No Department of Veterans Affairs (VA) facility or property shall be named after any individual by the Committee unless:

(1) Such individual is deceased and was:

(A) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(B) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(C) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(D) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(2) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual. Evidence of a Member's support in

writing may either be in the form of a letter to the Chairman and Ranking Member or co-sponsorship of legislation proposing to name the particular VA facility in question.

(3) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal.

(b) The above criteria for naming a VA facility may be waived by unanimous consent.

ADJOURNMENT

Ms. JAYAPAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Friday, February 3, 2017, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

449. A letter from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — End Use Certificates (EUCs) [Docket ID: DOD-2017-OS-0004] (RIN: 0790-AJ05) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

450. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's joint final rule — Community Reinvestment Act Regulations (RIN: 3064-AD90) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

451. A letter from the Associate General Counsel for Legislation and Regulations, Office of Housing — Federal Housing Commissioner, Department of Housing and Urban Development, transmitting the Department's Major final rule — Federal Housing Administration: Strengthening the Home Equity Conversion Mortgage Program [Docket No.: FR-5353-F-03] (RIN: 2502-AI79) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

452. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Interstate Transport for Wyoming [EPA-R08-OAR-2016-0521; FRL-9959-15-Region 8] received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

453. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Interstate Transport for Utah [EPA-R08-OAR-2016-0588; FRL-9959-18-Region 8] received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

454. A letter from the Director, Regulatory Management Division, Environmental Pro-

tection Agency, transmitting the Agency's final rule — Approval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements to Address Interstate Transport for the 2008 Ozone NAAQS [EPA-R09-OAR-2014-0812; FRL-9958-82-Region 9] received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

455. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) [EPA-HQ-OAR-2016-0646; FRL-9958-70-OAR] received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

456. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Revisions to Sudan Licensing Policy [Docket No.: 160901810-6810-01] (RIN: 0694-AH10) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

457. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rules — Revised Inspection of Records and Related Fees [Docket No.: EP 737] received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

458. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Standardized Bycatch Reporting Methodology [Docket No.: 1512-01999-6969-02] (RIN: 0648-BF51) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

459. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Removal of Vessel Upgrade Restrictions for Swordfish Directed Limited Access and Atlantic Tunas Longline Category Permits [Docket No.: 160531477-6999-02] (RIN: 0648-BG10) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

460. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 16 [Docket No.: 160706587-6999-02] (RIN: 0648-BG21) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

461. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Revisions to Framework Adjustment 55 to the Northeast Multispecies Fishery

Management Plan [Docket No.: 160929900-6900-01] (RIN: 0648-XE927) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

462. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2016-2018 Atlantic Bluefish Specifications; Correction [Docket No.: 151130999-682603] (RIN: 0648-XE336) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

463. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers [Docket No.: 151130999-6225-01] (RIN: 0648-XF049) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

464. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Witch Flounder Trimester Total Allowable Catch Area Closure for the Common Pool Fishery [Docket No.: 151211999-6343-02] (RIN: 0648-XF030) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

465. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's modification of fishing seasons — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #6 Through #21 [Docket No.: 151117999-6370-01] (RIN: 0648-XE680) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

466. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Atlantic Highly Migratory Species; North Atlantic Swordfish Fishery [Docket No.: 120627194-3657-02] (RIN: 0648-XF062) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

467. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Georges Bank Cod Trimester Total Allowable Catch Area Closure and Possession Prohibition for the Common Pool Fishery [Docket No.: 151211999-6343-02] (RIN: 0648-XF133) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

468. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule

— Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Annual Catch Limit [Docket No.: 151215999-6960-02] (RIN: 0648-XF071) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

469. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of Connecticut [Docket No.: 150903814-5999-02] (RIN: 0648-XF096) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

470. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2017 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts [Docket No.: 150916863-6211-02] (RIN: 0648-XF108) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

471. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 9 [Docket No.: 150306232-6736-02] (RIN: 0648-BE96) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

472. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2016 [Docket No.: 160301167-6658-02] (RIN: 0648-BF89) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

473. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Department's final rule — Adjustment of Civil Penalties for Inflation for FY 2017 [NRC-2016-0165] (RIN: 3150-AJ82) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

474. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rules — Rules Relating to Board-Initiated Investigations [Docket No.: EP 731] received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

475. A letter from the Director, Office of External Affairs, Economic Development Administration, Department of Commerce, transmitting the Department's final rule — Regional Innovation Program [Docket No.: 160615526-6999-02] (RIN: 0610-AA68) received

January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CALVERT (for himself, Mr. ROYCE of California, Mr. BUCHANAN, Mr. BISHOP of Michigan, Ms. TITUS, Ms. MCCOLLUM, Mr. MARINO, and Ms. ROYBAL-ALLARD):

H.R. 816. A bill to amend the ICCVAM Authorization Act of 2000 to improve reporting about animal testing and alternative test method use by Federal agencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. BUTTERFIELD, Mr. CARTWRIGHT, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. COURTNEY, Mr. DANNY K. DAVIS of Illinois, Ms. DELAULO, Mr. GALLEGO, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS, Ms. KELLY of Illinois, Mr. LANGEVIN, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. POCAN, Ms. SCHAKOWSKY, Mr. TONKO, Mr. WELCH, Mr. CONYERS, Mr. ELLISON, Mr. ESPAILLAT, Mrs. LAWRENCE, and Ms. SHEA-PORTER):

H.R. 817. A bill to amend title XVIII of the Social Security Act to prevent surprise billing practices, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself and Mr. COSTA):

H.R. 818. A bill to safeguard the Crime Victims Fund; to the Committee on the Budget, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS of Georgia (for himself, Mr. GOHMERT, Mr. CARTER of Georgia, Mr. FARENTHOLD, Mr. JODY B. HICE of Georgia, Mr. ALLEN, and Mr. GAETZ):

H.R. 819. A bill to amend the Internal Revenue Code of 1986 to prohibit aliens in an unlawful immigration status from claiming the earned income tax credit; to the Committee on Ways and Means.

By Mr. MCCAUL (for himself, Ms. SPEIER, Mr. BUTTERFIELD, and Mr. KELLY of Pennsylvania):

H.R. 820. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAULO (for herself, Ms. PELOSI, Mr. NEAL, Mr. DOGGETT, Mr. LEVIN, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. BEN RAY LUJÁN of New Mexico, Mr. LARSON of Connecticut, Ms. SÁNCHEZ, Mr. GUTIÉRREZ, Mr. PASCRELL, Mrs. DINGELL, Mr. MEEKS, Ms. NORTON, Mr.

SOTO, Mr. DANNY K. DAVIS of Illinois, Mr. KHANNA, Ms. ESTY, Mr. BUTTERFIELD, Ms. SCHAKOWSKY, Mrs. LAWRENCE, Mr. KENNEDY, Ms. SLAUGHTER, Ms. SHEA-PORTER, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. HOYER, Ms. ESHOO, and Ms. WASSERMAN SCHULTZ):

H.R. 821. A bill to amend the Internal Revenue Code of 1986 to increase the child credit for children under the age of 6, and for other purposes; to the Committee on Ways and Means.

By Mr. NEAL (for himself, Ms. PELOSI, Ms. DELAULO, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. CROWLEY, Mr. DANNY K. DAVIS of Illinois, Ms. SÁNCHEZ, Ms. SEWELL of Alabama, Mr. KEATING, Ms. NORTON, Ms. FUDGE, Ms. SCHAKOWSKY, Ms. CLARK of Massachusetts, Mr. KENNEDY, Mr. HOYER, Mr. DOGGETT, Ms. DELBENE, and Mr. COHEN):

H.R. 822. A bill to amend the Internal Revenue Code of 1986 to make improvements in the earned income tax credit; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Ms. PELOSI, Mr. NEAL, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CARTWRIGHT, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CICILLINE, Mr. COHEN, Mr. CONYERS, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELANEY, Ms. DELAULO, Ms. DELBENE, Mr. DEUTCH, Mr. ELLISON, Ms. ESTY, Mr. GALLEGO, Mr. GARAMENDI, Mr. HASTINGS, Mr. HIGGINS of New York, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. TED LIEU of California, Mr. LOESACK, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. POCAN, Mr. PRICE of North Carolina, Miss RICE of New York, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. HOYER, Mr. SHERMAN, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Ms. TITUS, Mrs. TORRES, Mr. VEASEY, Mrs. WATSON COLEMAN, Mr. BLUMENAUER, Mr. HECK, Ms. SLAUGHTER, Ms. KAPTUR, Ms. SHEA-PORTER, Ms. HANABUSA, and Mr. PAYNE):

H.R. 823. A bill to amend the Internal Revenue Code of 1986 to extend and modify the American Opportunity Tax Credit, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Missouri:

H.R. 824. A bill to amend title 23, United States Code, to prohibit expenditure of certain transportation and infrastructure funds for a project located in a sanctuary jurisdiction, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOSAR (for himself, Mr. POLIS, Mr. FRANKS of Arizona, Mr. THOMPSON of California, Mr. AMODEI, Mr.

BIGGS, Mr. CARTWRIGHT, Mrs. COM-STOCK, Mr. COOK, Mr. COSTA, Mr. DEFazio, Ms. DELBENE, Mr. GRIJALVA, Mr. HUFFMAN, Mr. LABRADOR, Mr. LAMALFA, Mr. LOWENTHAL, Mr. PERLMUTTER, Mr. SCHRADER, Mr. SCHWEIKERT, Ms. SINEMA, Mr. TIPTON, and Mr. PEARCE):

H.R. 825. A bill to promote the development of renewable energy on public land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIDSON (for himself and Mr. BUDD):

H.R. 826. A bill to require the head of each executive agency to relocate such agency outside of the Washington, D.C., metropolitan area, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. VARGAS:

H.R. 827. A bill to establish certain conservation and recreation areas in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. TIBERI (for himself, Mr. KIND, Mr. MEEHAN, Mr. NEAL, Mr. RENACCI, Mr. AGUILAR, Mr. SMITH of Missouri, Ms. SEWELL of Alabama, Mr. PAULSEN, Ms. DELBENE, Mr. REICHERT, Mr. COOPER, Ms. JENKINS of Kansas, Mr. MOULTON, Mr. STIVERS, Mr. LARSON of Connecticut, Mr. LANCE, Mr. POLIS, Mr. SENSENBRENNER, Mr. KHANNA, Mr. RODNEY DAVIS of Illinois, Mr. YODER, Mr. KILMER, Mr. ROUZER, Mr. SOTO, Mr. MARCHANT, Mr. BLUMENAUER, Mr. UPTON, Mr. HIMES, Mr. COLLINS of New York, Mr. O'HALLERAN, and Mr. PERRY):

H.R. 828. A bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in opportunity zones; to the Committee on Ways and Means.

By Mr. UPTON:

H.R. 829. A bill to amend title XIX of the Social Security Act to clarify the treatment of lottery winnings and other lump sum income for purposes of income eligibility under the Medicaid program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. KINZINGER, Mr. BILIRAKIS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BURGESS, Mr. CICILLINE, Mr. COHEN, Mr. CONNOLLY, Mr. COSTA, Mr. DELANEY, Ms. DELBENE, Mr. FITZPATRICK, Mr. HARRIS, Ms. KAPTUR, Mr. KEATING, Ms. KELLY of Illinois, Mr. LEVIN, Mr. LIPINSKI, Mr. MEEHAN, Mr. PASCRELL, Mr. RUSH, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mrs. WAGNER, and Mr. WEBER of Texas):

H.R. 830. A bill to contain, reverse, and deter Russian aggression in Ukraine, to assist Ukraine's democratic transition, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOST (for himself, Mr. COSTA, Mr. MARSHALL, Ms. KELLY of Illinois,

Mr. KING of Iowa, Mr. COMER, Mr. SOTO, and Mr. ALLEN):

H.R. 831. A bill to amend the Agricultural Act of 1961 to modify the limitations applicable to qualified conservation loan guarantees, and for other purposes; to the Committee on Agriculture.

By Mr. CAPUANO:

H.R. 832. A bill to amend title 9 of the United States Code to require that arbitration proceedings in certain disputes involving consumer financial products and services be open to the public; to the Committee on the Judiciary.

By Ms. FRANKEL of Florida (for herself, Mr. CURBELO of Florida, Ms. ROS-LEHTINEN, Mr. MAST, Ms. WASSERMAN SCHULTZ, Mr. WEBSTER of Florida, Mr. DIAZ-BALART, Mr. DEUTCH, Mr. CRIST, and Ms. WILSON of Florida):

H.R. 833. A bill to amend the Water Resources Development Act of 1986 with respect to the acquisition of beach fill, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 834. A bill to authorize the President to award the Medal of Honor posthumously to Doris Miller for acts of valor during World War II while a member of the Navy; to the Committee on Armed Services.

By Mr. LAMBORN (for himself, Mr. POLIS, and Mr. TIPTON):

H.R. 835. A bill to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument; to the Committee on Natural Resources.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 836. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself, Mr. CORREA, Mr. EVANS, Mr. BLUMENAUER, Mr. GALLEG0, Ms. MENG, Mr. RUIZ, Ms. BARRAGÁN, Ms. LOFGREN, Ms. CLARK of Massachusetts, Mr. POCAN, Mr. SOTO, Mr. TAKANO, Mr. CÁRDENAS, Mr. GRIJALVA, Mrs. WATSON COLEMAN, Mr. VARGAS, Mrs. NAPOLITANO, Mr. ESPAILLAT, Mrs. TORRES, Mr. CASTRO of Texas, Mr. GONZALEZ of Texas, Mr. SWALWELL of California, Mr. PALLONE, Mr. KIHUEN, Ms. HANABUSA, Mr. VELA, Mr. MCGOVERN, Mr. KHANNA, Mr. FOSTER, Mr. CUMMINGS, Mrs. CAROLYN B. MALONEY of New York, Mr. GENE GREEN of Texas, Mr. RASKIN, Mr. LEWIS of Georgia, Mr. CARBAJAL, Mr. O'ROURKE, Mr. VEASEY, Ms. CLARKE of New York, Mr. GARAMENDI, Mr. NADLER, Ms. NORTON, Ms. PINGREE, Mr. CUELLAR, Mr. JOHNSON of Georgia, Ms. MOORE, Ms. MCCOLLUM, Ms. LEE, Ms. VELÁZQUEZ, Mr. WELCH, Ms. SÁNCHEZ, Mr. TONKO, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. GUTIÉRREZ, Ms. JUDY CHU of California, Mr. QUIGLEY, Mr. ENGEL, and Ms. TITUS):

H.R. 837. A bill to prohibit construction of a continuous wall or fence between the United States and Mexico, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUIZ:

H.R. 838. A bill to amend the Federal Election Campaign Act of 1971 to prohibit a candidate for election for Federal office from using amounts contributed to the candidate's campaign to make payments to vendors owned or controlled by the candidate or by an immediate family member of the candidate; to the Committee on House Administration.

By Mr. RUIZ:

H.R. 839. A bill to prevent the enrichment of certain Government officers and employees or their families through Federal funds or contracting, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUIZ:

H.R. 840. A bill to amend the Ethics in Government Act of 1978 to require the President, Vice President, and Cabinet-level officers to release their tax returns, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mr. COHEN, Mrs. WATSON COLEMAN, Ms. PINGREE, Ms. DELAURO, Ms. SHEA-PORTER, Ms. CLARKE of New York, Mr. MEEKS, Mr. SOTO, Ms. SLAUGHTER, Mr. TAKANO, Mr. MCGOVERN, Mr. GARAMENDI, Mr. BLUMENAUER, Ms. ESHOO, and Mr. ELLISON):

H.R. 841. A bill to prohibit the appropriation of funds to the Executive Office of the President until the restoration of the White House phone-in comment line; to the Committee on Oversight and Government Reform.

By Ms. STEFANIK (for herself, Mr. MESSER, Mr. WELCH, Mr. TONKO, and Mr. YOUNG of Iowa):

H.R. 842. A bill to direct the Librarian of Congress to ensure that each version of a bill or resolution which is made available for viewing on the Congress.gov website is presented in a manner which permits the viewer to follow and track online, within the same document, any changes made from previous versions of the bill or resolution; to the Committee on House Administration.

By Mr. NEWHOUSE (for himself, Mr. PEARCE, Mr. GOSAR, Mr. GOHMERT, Mr. CRAMER, Mrs. RADEWAGEN, Mr. SESSIONS, and Mr. BIGGS):

H.J. Res. 60. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the United States Fish and Wildlife Service relating to the use of compensatory mitigation as recommended or required under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. WOMACK (for himself, Mr. AMODEI, Mrs. BLACKBURN, Mr. JENKINS of West Virginia, Mr. ADERHOLT, Mr. FRANKS of Arizona, Mr. BYRNE, Mr. OLSON, Mr. PALAZZO, Mr. FORTENBERRY, Mr. COOK, Mr. ABRAHAM, Mr. WILSON of South Carolina, and Mr. JOHNSON of Ohio):

H.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to prohibit the physical desecration of the flag of

the United States; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 19. Concurrent resolution expressing the sense of Congress regarding reconsideration of the merits of awarding the Medal of Honor posthumously to Doris Miller for acts of valor during World War II for which he was originally awarded the Navy Cross; to the Committee on Armed Services.

By Mr. HARPER:

H. Res. 82. A resolution electing Members to the Joint Committee of Congress on the Library and the Joint Committee on Printing; to the Committee on House Administration; considered and agreed to.

By Mrs. BROOKS of Indiana (for herself and Mr. DEUTCH):

H. Res. 83. A resolution providing amounts for the expenses of the Committee on Ethics in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mrs. DINGELL (for herself, Mrs. COMSTOCK, Mr. GARAMENDI, Mr. BISHOP of Georgia, Ms. HANABUSA, Mr. RYAN of Ohio, Ms. BROWNLEY of California, Mrs. BEATTY, Mr. HASTINGS, Ms. NORTON, Mrs. MURPHY of Florida, Ms. LOFGREN, Ms. ESTY, Mr. SERRANO, Ms. WILSON of Florida, and Mr. KENNEDY):

H. Res. 84. A resolution expressing support for designation of February 4, 2017, as National Cancer Prevention Day; to the Committee on Energy and Commerce.

By Mr. KRISHNAMOORTHY (for himself, Mr. SMITH of Washington, Mr. POLIS, Ms. LEE, Mr. CARTWRIGHT, Mr. LANGEVIN, Mr. SERRANO, Ms. WASSERMAN, Mr. SCHULTZ, Mr. GARAMENDI, Mr. KIND, Mr. SCHIFF, Mr. SOTO, Mr. HASTINGS, Mr. DELANEY, Ms. SHEA-PORTER, Mr. CÁRDENAS, Ms. MCCOLLUM, Ms. PINGREE, Ms. MATSUI, Mr. BLUMENAUER, Ms. BONAMICI, Mr. WELCH, Mr. QUIGLEY, Ms. HANABUSA, Mr. GRIJALVA, Ms. NORTON, Mr. MEEKS, Ms. LOFGREN, Ms. TITUS, Mr. TONKO, and Mr. COHEN):

H. Res. 85. A resolution expressing the commitment of the House of Representatives to continue to support pledges made by the United States in the Paris Agreement; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CALVERT:

H.R. 816.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution, specifically clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. DOGGETT:

H.R. 817.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution of the United States

By Mr. POE of Texas:

H.R. 818.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution which states that Congress has the power "to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. COLLINS of Georgia:

H.R. 819.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 3 of the Constitution

By Mr. MCCAUL:

H.R. 820.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Ms. DELAURO:

H.R. 821.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the Sixteenth Amendment

By Mr. NEAL:

H.R. 822.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1, and the Sixteenth Amendment.

By Mr. DOGGETT:

H.R. 823.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8 and the 16th Amendment of the Constitution.

By Mr. SMITH of Missouri:

H.R. 824.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4 of the Constitution provides with the power to establish "uniform rule of naturalization."

By Mr. GOSAR:

H.R. 825.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2. (The Property Clause.)

The Property Clause gives Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and states that nothing in the constitution shall be so construed as to prejudice any claims of the United States, or of any particular state. Currently, the federal government possesses approximately 1.8 billion acres of land. The U.S. constitution specifically addresses the relationship of the federal government to land.

The Property Clause gives Congress plenary power and full-authority over federal property. The U.S. Supreme Court has described Congress's power to legislate under this Clause as "without limitation." This Act falls squarely within the express constitutional power set forth in the Property Clause.

By Mr. DAVIDSON:

H.R. 826.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have Power . . .

Clause 17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to

exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-yards, and other needful Buildings; And

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. VARGAS:

H.R. 827.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, as enumerated in Article IV, Section 3, Clause 2 of the U.S. Constitution.

By Mr. TIBERI:

H.R. 828.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I

By Mr. UPTON:

H.R. 829.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, which states that Congress shall have the power to "regulate commerce with foreign nations, and among the several states . . ."

By Mr. ENGEL:

H.R. 830.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution.

By Mr. BOST:

H.R. 831.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Article Section I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purpose in taxing and spending.

By Mr. CAPUANO:

H.R. 832.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. FRANKEL of Florida:

H.R. 833.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 834.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. LAMBORN:

H.R. 835.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 836.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 18 of the United States Constitution, "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 837.

Congress has the power to enact this legislation pursuant to the following:

article I, section 8, clause 18

By Mr. RUIZ:

H.R. 838.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Mr. RUIZ:

H.R. 839.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Mr. RUIZ:

H.R. 840.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Ms. SPEIER:

H.R. 841.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Ms. STEFANIK:

H.R. 842.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. NEWHOUSE:

H.J. Res. 60.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mr. WOMACK:

H.J. Res. 61.

Congress has the power to enact this legislation pursuant to the following:

Article V, U.S. Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 34: Mr. COMER, Mr. BABIN, Mr. JODY B. HICE of Georgia, and Mr. AMASH.

H.R. 38: Mr. RICE of South Carolina.

H.R. 80: Mr. PALAZZO.

H.R. 82: Mr. YOUNG of Iowa.

H.R. 112: Mr. FRANCIS ROONEY of Florida.

H.R. 193: Mr. MOONEY of West Virginia.

H.R. 244: Mr. POLIQUIN.

H.R. 245: Mr. WEBER of Texas.

H.R. 257: Mr. WILLIAMS and Mr. PERRY.

H.R. 275: Mr. EVANS.

H.R. 281: Mr. AMODEI and Mr. FASO.

H.R. 299: Mr. CRAWFORD, Mr. MAST, Mr. WITTMAN, Mr. GIBBS, Mr. PAULSEN, Mr. SOTO, Mr. TED LIEU of California, Mr. HASTINGS, Mr. KENNEDY, Ms. ROYBAL-ALLARD, and Mr. AMODEI.

H.R. 303: Mr. CALVERT, Ms. STEFANIK, Mr. GOODLATTE, Mr. COSTELLO of Pennsylvania, Mr. GARAMENDI, Mr. GAETZ, Mr. LOBIONDO, Mr. JONES, Mr. KILMER, Mr. BUCHANAN, Mr. ROUZER, and Mr. FARENTHOLD.

H.R. 355: Mr. GOSAR and Mr. DESANTIS.

H.R. 365: Mr. SMITH of Missouri.

H.R. 376: Mr. SOTO, Mr. DEFazio, Mr. GALLEG0, Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mr. COHEN, Ms. KELLY of Illinois, Ms. MENG, Mr. NADLER, Mr. WELCH, Mr. KIND, and Mrs. NAPOLITANO.

H.R. 387: Mr. CHAFFETZ, Mr. YARMUTH, Mr. JOYCE of Ohio, Mr. LOWENTHAL, Mr. BARLETTA, Mr. CONNOLLY, Mr. CAPUANO, Mr. LEWIS of Minnesota, Mr. ROE of Tennessee, Mr. FORTENBERRY, Ms. SHEA-PORTER, Mr. BEN RAY LUJAN of New Mexico, Mr. O'ROURKE, Mr. BILIRAKIS, Ms. BROWNLEY of California, and Mr. BLUM.

H.R. 422: Mr. MARSHALL and Mr. PEARCE.

H.R. 428: Mr. SESSIONS.

H.R. 448: Ms. LEE.

H.R. 457: Ms. PINGREE and Mr. SARBANES.

H.R. 489: Mrs. WATSON COLEMAN, Mr. KIHUEN, Ms. LOFGREN, Ms. JAYAPAL, and Ms. WASSERMAN SCHULTZ.

H.R. 502: Mr. SCHIFF, Mr. FLEISCHMANN, Mr. VISCLOSKEY, Mr. MCNERNEY, and Mr. KILMER.

H.R. 512: Mr. ROTHFUS.

H.R. 529: Mr. WITTMAN.

H.R. 544: Mr. MARSHALL, Ms. PINGREE, Mr. GROTHMAN, Mr. LOBIONDO, Mr. SEAN PATRICK MALONEY of New York, Mr. COLLINS of New York, Mr. COHEN, Mr. ABRAHAM, and Mr. CALVERT.

H.R. 548: Mr. SHIMKUS.

H.R. 578: Mr. GARAMENDI.

H.R. 611: Mr. OLSON, Mr. YOUNG of Iowa, Mr. HIGGINS of Louisiana, Mr. PERRY, Mr. JOHNSON of Ohio, Mr. VALADAO, Mr. KING of Iowa, Mr. ALLEN, Mr. WITTMAN, and Mr. COLLINS of New York.

H.R. 624: Mr. COSTA, Mr. LATTA, Mr. GROTHMAN, and Ms. BROWNLEY of California.

H.R. 635: Mr. COHEN.

H.R. 637: Mr. KELLY of Mississippi, Mr. STIVERS, Mr. RICE of South Carolina, and Mr. HUDSON.

H.R. 647: Mr. DESAULNIER.

H.R. 676: Mr. GUTIERREZ, Mr. YARMUTH, Mr. DANNY K. DAVIS of Illinois, Mr. RUSH, and Ms. SLAUGHTER.

H.R. 696: Mr. SOTO, Mr. KEATING, and Mrs. DINGELL.

H.R. 721: Mr. CARTER of Texas.

H.R. 722: Mr. VEASEY.

H.R. 739: Ms. LEE, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. GALLEG0, Ms. NORTON, Mr. VARGAS, Mr. VELA, Mr. O'ROURKE, Mr. TED LIEU of California, Mr. SOTO, Mrs. TORRES, Ms. VELÁZQUEZ, and Ms. CLARKE of New York.

H.R. 741: Mr. PETERSON.

H.R. 748: Mr. SIREs, Mr. VEASEY, Mr. CÁRDENAS, Mr. HASTINGS, Mr. KIHUEN, Mr.

TAKANO, Mr. DANNY K. DAVIS of Illinois and Ms. WASSERMAN SCHULTZ.

H.R. 749: Mr. O'HALLERAN.

H.R. 750: Mr. CONNOLLY, Mr. LARSON of Connecticut, Mr. NOLAN, Mrs. BLACKBURN, Mr. ELLISON, Ms. SLAUGHTER, Ms. PINGREE, Mr. KING of Iowa, Ms. DELBENE, Mr. RYAN of Ohio, Mr. MULLIN, Mr. GIBBS, Mr. LANGEVIN, Mr. WOODALL, Ms. TITUS, Mr. CRAMER, Mr. JOYCE of Ohio, Mr. BARLETTA, Mr. TIBERI, Mr. BARR, Mr. WALZ, Mr. PAULSEN, and Ms. WASSERMAN SCHULTZ.

H.R. 761: Mrs. DINGELL.

H.R. 772: Mr. LANCE.

H.R. 778: Mr. PETERSON.

H.R. 785: Mr. PITTENGER and Mr. DUNCAN of South Carolina.

H.R. 786: Ms. LOFGREN, Ms. DELAURO, and Ms. SHEA-PORTER.

H.R. 787: Ms. CLARKE of New York.

H.R. 795: Mr. COFFMAN.

H.R. 800: Mr. O'HALLERAN, Mr. CONYERS, Mr. HASTINGS, Mr. THOMPSON of California, and Mr. MCGOVERN.

H.R. 804: Mr. DEUTCH, Ms. JAYAPAL, Mrs. DINGELL, Mr. NOLAN, Mr. SARBANES, Mrs. CAROLYN B. MALONEY of New York, Mr. RYAN of Ohio, Mr. SUOZZI, Mr. CLAY, Mr. DANNY K. DAVIS of Illinois, Mr. GRIJALVA, and Mrs. NAPOLITANO.

H.J. Res. 27: Mr. PALMER, Mr. COLLINS of Georgia, Mr. BARR, Mr. KING of Iowa, Mrs. ROBY, Mr. HUIZENGA, Mr. JORDAN, Mr. BRIDENSTINE, Mr. HULTGREN, Mr. KELLY of Pennsylvania, and Mr. MOONEY of West Virginia.

H.J. Res. 37: Mr. SESSIONS, Mr. PALMER, Mr. GOSAR, Mr. FARENTHOLD, Mr. GROTHMAN, Mr. ROTHFUS, Mrs. RADEWAGEN, Mr. KNIGHT, Mr. GOHMERT, Mr. MEADOWS, Mr. ROE of Tennessee, Mr. WALBERG, Mr. BYRNE, and Mr. WILSON of South Carolina.

H.J. Res. 53: Mr. ESPAILLAT, Ms. JAYAPAL, Mr. SOTO, Mr. MCNERNEY, and Mr. SCOTT of Virginia.

H.J. Res. 55: Mr. NEWHOUSE,

H.J. Res. 57: Mr. SESSIONS and Ms. FOXX.

H.J. Res. 58: Ms. FOXX and Mr. SESSIONS.

H.J. Res. 59: Mrs. WAGNER, Mr. GROTHMAN, Mr. BRIDENSTINE, and Mr. MARCHANT.

H. Con. Res. 16: Ms. FUDGE.

H. Res. 15: Mr. MEEHAN, Mrs. NOEM, Mr. THOMPSON of California, Mr. DENHAM, Mr. LANCE, Mr. HIGGINS of New York, Mr. FOSTER, Mr. RYAN of Ohio, Mr. BISHOP of Georgia, Mr. POCAN, Mr. LYNCH, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. NORCROSS, Mr. CLAY, Mr. JOHNSON of Georgia, Ms. TSONGAS, Mr. DEUTCH, Mr. RODNEY DAVIS of Illinois, Mr. KILDEE, and Mr. GARAMENDI.

H. Res. 66: Mr. CARSON of Indiana, Mr. POLIS, and Mr. LANGEVIN.

H. Res. 78: Ms. SLAUGHTER, Mrs. DEMINGS, Ms. HANABUSA, Ms. MOORE, Mr. GALLEG0, Ms. SHEA-PORTER, Mr. WELCH, Mr. SHERMAN, Mrs. WATSON COLEMAN, Mr. DOGGETT, Mr. PALLONE, Mr. LYNCH, Ms. BLUNT ROCHESTER, Mr. GARAMENDI, Ms. MAXINE WATERS of California, Mr. KIND, Mr. CLYBURN, Mr. DELANEY, and Mr. JEFFRIES.

EXTENSIONS OF REMARKS

100TH BIRTHDAY OF DOLORES
BELLUCCI CONTES

HON. DANIEL M. DONOVAN, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. DONOVAN. Mr. Speaker, I rise today to recognize the 100th Birthday of Brooklyn's Dolores Bellucci Contes.

Dolores was born on February 19, 1917, and has been a resident of Bay Ridge, Brooklyn for over 80 years. In fact, she has lived at the same address since 1950. In 1951, after her husband's sudden death, she was widowed at the age of 33. Despite her grief, she demonstrated strength and temerity by becoming a working mother in order to support her children. Dolores got remarried in 1961 to her late husband, George Contes, with whom she spent 50 joyous years.

I cannot emphasize enough Dolores' determination and wisdom. She owned a local small business, "Nail Elegance," for many years. Moreover, the fact that she worked until the age of 91 is simply astounding. It takes a special kind of person to have the kind of dedication and work ethic that Dolores has had her entire life.

Mr. Speaker, I wish Dolores Bellucci Contes a very happy 100th birthday. Simply put, people like Dolores are what make Brooklyn great. She has truly lived a life worth living, and I am honored to represent her in Congress.

HONORING THE PASSING OF MARSHALL
EDWARD MCCABE, MD,
MG, U.S. ARMY (RETIRED)

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to honor the passing of Marshall Edward McCabe, MD, MG, U.S. Army (Retired). MG McCabe passed peacefully at his home in Richmond, VA on January 29, 2017 at the remarkable age of 93. He is survived by his wife of 70 years, Alice Keshian McCabe, and their three children, Malanie McCabe, Dr. Marshal E. McCabe and Allison McCabe O'Brien, their grandchildren, Kathryn O'Brien Holder, Gregory Boehling O'Brien, their great grandchildren, Taylor Alice Holder, Cooper Ian and Callan Edward Cox, and Baby O'Brien arriving in 2017.

MG McCabe was a highly decorated Army Doctor who was first called to active duty in 1948 at the 97th General Hospital in occupied Germany. In 1953, he applied for and was tendered a Regular Army commission where he completed his residency in Internal Medi-

cine at Walter Reed General Hospital. In 1964, he was assigned as Chief Medical Consultant in the office of the Surgeon General U.S. Army (OTSG) Washington. In 1972, he was promoted to Brigadier General and assigned as the first chief of staff of the newly established U.S. Army Health Services Command, which assumed operation control of most Army medical personnel for the Western hemisphere. In 1975, he was promoted to Major General and assumed Command of the U.S. Army Medical Command, Europe in Germany. Before he retired in 1980 after serving 35 illustrious years in the Army, MG McCabe served as Commander of the U.S. Army Health Services Command where he commanded over 49,000 personnel and over 80 direct reporting subordinate commands.

MG McCabe or "Pard" as he was known by those close, was a loving husband, father, grandfather and great-grandfather who loved spending time with his family. I am grateful to have known MG McCabe and am thankful for his loyal patriotism and selfless service to his country. MG McCabe will be dearly missed by his family and friends and the Country sends its greatest gratitude for his time to the U.S. Army.

HONORING THE LIFE OF THE
HONORABLE LIZETTE PARKER

HON. JOSH GOTTHEIMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. GOTTHEIMER. Mr. Speaker, I rise today to honor the life and legacy of the Honorable Lizette Parker—a fearless community leader and a devoted public servant. She is greatly missed by the people of Teaneck, New Jersey, who benefitted immeasurably from her involvement in the community and dedication as their mayor and people across Bergen County and the state whose lives she improved.

Mayor Parker was committed to a life of service to those around her. She began her career as a social worker, and she eventually earned seats on the Bergen County Board of Social Services and the Teaneck Town Council. In these roles, she established herself as a force for economic and social justice, tackling issues pertinent to families and youth such as poverty, housing, health care, and respect and appreciation for diversity. In July of 2014, she became the first African-American to serve as Mayor of Teaneck—a watershed accomplishment for the community. As a tenacious advocate for the people of Bergen County, Mayor Parker earned recognition from the Girl Scouts of America, the NAACP, and the Urban League, among other impressive honors.

Mayor Parker's passion and leadership inspired residents young and old, and her life

left a lasting impact on the Teaneck community. I am grateful that the scholarship program she established will be continued in her name by her family—a fitting testament to her admirable efforts to improve the lives of young people in Bergen County.

Mr. Speaker, I am grateful for Mayor Parker's contributions to our community, and I am optimistic that her spirit will continue to live on in the hearts of those who she served.

CONGRATULATING CAPTAIN BILL
PFISTER ON HIS RETIREMENT

HON. BRADLEY BYRNE

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. BYRNE. Mr. Speaker, I rise today to congratulate Captain William "Bill" Pfister on his retirement and honor him for his over fifty years of service to our country as a member of the U.S. Navy and a key leader in our nation's shipbuilding industry.

Bill Pfister graduated from the United States Naval Academy in 1962, and he went on to serve in the Navy for 27 years. Among his many honors, he is a recipient of the U.S. Navy Legion of Merit Award and several Meritorious Service Medals. He retired from the Navy in 1989 and continued to support the Navy through his work on various shipbuilding projects.

He was "employee negative one" for Austal USA and helped select the Mobile, Alabama site. During his years at Austal, he has overseen the impressive construction and expansion of a first-class shipbuilding operation. To put it simply: Bill took a green field and built it into the Austal of today.

Austal USA is now the largest private sector employer in Alabama's First Congressional District, employing over 4,000 people. Much of the success and growth at Austal is because of Bill Pfister's hard work, vision, dedication, and leadership.

Bill has also taken an active role in our local community through involvement in civic clubs and organizations including the Partners for Environmental Progress, the local Navy League chapter, Mobile Baykeeper, Propeller Club, and the Military Officers Association of America. Like a true sailor, Bill also enjoys spending time boating on Mobile Bay.

Mr. Speaker, Bill Pfister has poured his heart and soul into the success of Austal USA and the overall mission of the United States Navy. So, on behalf of Alabama's First Congressional District, I wish Bill and his wife, Sally, all the best upon his retirement. Our nation will be forever grateful for his service and sacrifice.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

TRIBUTE TO HONOR RAYMOND
LAWRENCE SULLIVAN, JR., M.D.
ON THE OCCASION OF HIS RE-
TIREMENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Ms. ESHOO. Mr. Speaker, Raymond Lawrence Sullivan, Jr., was born in San Francisco on October 4, 1942. He was the second of six children and grew up in San Francisco and Hillsborough. He has three living siblings, Philip Sullivan, Mary Sullivan Ward and Mother Agnes of the Cross, C.J.M.

Larry was educated at St. Catherine's Grammar School in Burlingame, Bellarmine College Prep in San Jose, the University of San Francisco, and the UCSF Medical School. He did his residency in Anesthesiology at Stanford, and served our country in the U.S. Navy Medical Corps from 1968 to 1970.

Larry married Victoria Growney on August 13, 1966. Together they have raised three magnificent children: Larry Sullivan III; Kasey Sullivan Bradstreet, JD; Loretta Sullivan Chang, MD; Brian Sullivan; and Jason Lally, their foster child who is part of their extended family. Their four grandchildren, Liam, Andrew and Thomas Chang, and Oscar Bradstreet bring them untold joy.

Dr. Sullivan joined the medical staff of O'Connor Hospital as an anesthesiologist in 1975 and has served there until his retirement. From 1982 to 1988 he served as Clinical Assistant Professor of Anesthesia at Stanford University School of Medicine. At O'Connor Hospital he was Anesthesia Department Chair, a member of the Critical Care Committee, President of the Medical Staff, Member of the Hospital's Board of Directors, and Chair of the Medical Staff Advisory Committee. He was honored in 2011 with the Vincentian Spirit Award given by O'Connor Hospital.

Dr. Sullivan has given generously of his time and talents to his professional community as a member of the Santa Clara County Medical Association, the American Medical Association, the California Society of Anesthesiologists, the American Society of Anesthesiologists (CSA) and the California Medical Association. From 1997 to 2006 he served on a Specialty Delegation to the CMA House of Delegates and received the Distinguished Service Award from the CSA in 2009.

Larry served as a referee and coach of the American Youth Soccer Association in Palo Alto, and was Scoutmaster of Troop 57, Stanford Area Council, where he guided 35 Scouts to Eagle Scout rank.

Mr. Speaker, I ask my colleagues to join me in honoring an extraordinary physician, a devoted son, husband, father, grandfather, vital member of our community, and a treasured personal friend. Larry Sullivan is a man of integrity and he lives a life instructed by his faith. I have never met a finer human being or a finer family. How proud I am to call them my friends and to have the privilege of representing them. I ask the entire House of Representatives to join me in wishing my dear friend Larry, a great and good man, and his devoted wife Vicky, every blessing that retirement has to offer.

HONORING CONGRESSMAN
THOMAS JEFFERSON BARLOW III

HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. COMER. Mr. Speaker, I rise today to honor the life and legacy of Thomas Jefferson Barlow III, a former member of this honorable body, who died Tuesday January 31, 2017, at the age of 76.

Mr. Barlow, a Democrat, represented the citizens of Kentucky's 1st Congressional District from January 3, 1993, until January 3, 1995. He was not a typical politician. In 1992, he defeated a nine-term incumbent in what was one of the country's biggest upsets of that political cycle. He was outspent in that campaign by more than 4 to 1 and won because of his hard work and downhome, face-to-face campaign style. He narrowly lost his reelection bid in the Republican wave of 1994.

Mr. Barlow was a tremendous public servant who had a positive impact on thousands of people. He was dedicated to making lives better but never sought fame or glory. He got satisfaction out of having his voice heard and influencing public policy.

He was born in Washington, D.C., but his family roots ran deep in Ballard County, Ky., where his ancestor and name sake, Thomas Jefferson Barlow, was an original settler in the town of Barlow. He grew up in Chevy Chase, Maryland and graduated from Sidwell Friends School in Washington, D.C. He received a degree in history from Haverford College near Philadelphia, Pennsylvania.

In his political career and private life, he worked tirelessly to help the less fortunate, create jobs, improve the environment and improve education. His professional career included work in state government, as a business executive, a banker and as a consultant for the Natural Resources Council from 1972 until 1983 when he returned to his family roots in western Kentucky.

Although he lost his reelection bid in 1994, he was not discouraged and continued to make his voice heard by running additional races for the House and the U.S. Senate. In fact, Mr. Speaker, he used the same vehicle in all of his campaigns and its speedometer topped 400,000 miles when it finally wore out after 13 years. He was always outspoken and stood up for that he felt was right, even if it was in opposition to the views of his political party.

He lived with his wife of 28 years, Shirley Pippin Barlow, in Paducah, Kentucky, where he was a former director of the River City Mission, which helped homeless get on their feet, and the Lone Oak Kiwanis Club. He also was an active member of Grace United Methodist Church in La Center, Kentucky.

In addition to his wife, he is survived by a daughter, Allison Barlow Ochshorn of New York; a son, Thomas J. Barlow IV of Michigan; grandchildren, Nora Barlow and Rose Barlow who live in England, Tessa Ochshorn and Sarah Ochshorn both of New York; a sister, Henrietta Friedholm of Michigan; a brother, William Barlow of Colorado; step-children, Gerri Clark of Paducah, Elaine Duke of Ten-

nessee, Edward Yancy of Kentucky; step-grandchildren, Chad Clark of Kentucky, Brandon Duke of Tennessee, Eliza Clark of Kentucky, and Wesley Duke of Tennessee.

Funeral services will be held at 2 p.m. Saturday at Milner & Orr Funeral Home and Cremation Services of Paducah, Kentucky, with Rev. Jamie Curtis and Pastor Charles Moore officiating. Burial will follow at Woodlawn Memorial Gardens. Visitation will begin at 10 a.m. Saturday at the funeral home.

HONORING VALERIE SALMONS ON
35 YEARS OF SERVICE TO THE
VILLAGE OF BARTLETT

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. ROSKAM. Mr. Speaker, I rise today to honor a distinguished public servant from the Illinois's 6th Congressional District. Valerie Salmons has dedicated many years to her community, including 35 years with the Village of Bartlett. Valerie's service is not limited to Bartlett, as she has made many positive impacts throughout the greater Chicago area.

In 1982, Valerie was hired by the Village of Bartlett as their first full-time Village Administrator. Since then, the Village's population has grown three fold and is now considered home by more than 30,000 people. The Village's growth did not stop there. Along with an increasing population, the Village has doubled its size from eight to almost sixteen square miles. She has been an asset to numerous presidents, managers, and board members, who have been a part of Bartlett Village Hall. Current Village President Kevin Wallace noted Valerie's leadership was "very comforting" saying, "She has been a wonderful Village Administrator, and the proof is in the way the Village operates".

While working full time to serve her community, Valerie fostered economic development and broadened Bartlett's commercial tax base. She has helped lead the municipal staff with major changes to the downtown, and was a major force behind the many successful commercial projects, such as the Brewster Creek Business Park, Bluff City Industrial Park and Blue Heron Business Park. She also played an essential role in the development of parks, playgrounds, athletic fields and bike paths, while always practicing careful fiscal management.

In addition to her work for Bartlett, Valerie was the first woman appointed to the Illinois Law Enforcement Training and Standards Board in 1990. Former Gov. Jim Thompson initially named Valerie, and five Illinois governors have reappointed her since. She was also the first woman elected to serve as the board's chairwoman.

Through hard work and no small amount of perseverance, Valerie has helped countless people and tremendously improved her community. Distinguished Members, please join me in congratulating Valerie on 35 years of service and wish her well in retirement.

IN RECOGNITION OF ANGELA
PLOWMAN'S 30 YEARS OF PUBLIC
SERVICE

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mrs. COMSTOCK. Mr. Speaker, I am honored to recognize a local attorney in Virginia's 10th District, Angela Plowman, who will be departing from her position as Town Attorney of Middleburg. For nearly 20 years, Mrs. Plowman has served Loudoun County and the Middleburg community, serving both as an Assistant County Attorney and as a Town Attorney for the Middleburg Town Council.

She began her career in Loudoun County in 1999 as an Assistant County Attorney. In this position, she was responsible for handling a wide range of legal affairs and provided legal guidance to county attorneys and council members. Given her strong work ethic and dedication to her community and the law, Mrs. Plowman became the Town Attorney for the Middleburg Town Council in 2012. In this role, she worked in close collaboration with the town council and represented Middleburg's interests thoroughly.

In addition to practicing law, Mrs. Plowman has exemplified her dedication to our Loudoun County community by serving in a leadership role as a board member of the Loudoun Habitat for Humanity—an organization that builds homes for those who are in need in the 10th District.

Mrs. Plowman lives in Loudoun along with her husband Jim, our Commonwealth Attorney for Loudoun County, and their three children. She will continue to practice law in the area and plans to remain very involved in local affairs.

Mr. Speaker, I now ask that my colleagues join me in recognizing Mrs. Plowman's years of public service. Today, we honor and celebrate the contributions she has made to the town and all its citizens. I wish her all the best in her future endeavors.

HONORING WILTON A. LANNING

HON. BILL FLORES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. FLORES. Mr. Speaker, I rise today to honor Wilton A. Lanning of Waco, Texas, who upon his retirement from the Waco Business League, received the Waco Business League Lifetime Achievement Award. This award was established in 2009 to honor individuals in the Waco community that embody the exemplary ideals and values of society, and have had a substantial impact on the community.

As Executive Director of the Waco Business League, Wilton Lanning utilized his wealth of experience and his love for the city of Waco to support local businesses, grow the economy, and foster opportunity. He also serves as a member of the Board of the Brazos Higher Education Service Corporation, where he furthers their goal of providing students and fami-

lies with resources they need to make informed decisions about financing their higher education and building a better life.

Some of Wilton's notable past contributions to the Waco business community include serving on the boards of Hillcrest Baptist Medical Center, the Waco Industrial Foundation, and the Waco Mammoth Foundation. Wilton is a past Chairman of the Greater Waco Chamber of Commerce, member of the Board of the Vanguard College Preparatory School, and past Chairman of the Board of the YMCA.

Though transcending his influence in the business community, Wilton has built his life on a foundation of serving and giving back to others—a value he learned as an Eagle Scout and certainly reinforced by his father who served as a captain in the U.S. Army. Wilton has been a life-long supporter of Baylor University and an active member of the Baylor Alumni Association. In fact, his family has received the Baylor Alumni Association's First Family of Baylor Award. He has received the National Philanthropy "Lifetime Achievement Award" and the Waco Junior Chamber of Commerce has recognized him with their "Distinguished Service Award."

Mr. Speaker, Wilton A. Lanning worked tirelessly to better the Waco community. From his 40 years at Waco's then-oldest business, Padgett's, to his time with the Business League, Wilton has certainly left an enduring impression on Central Texas. He will always be known as a great philanthropist and businessman; but I am confident that above all else he would want to be known first as a husband to LaNell, father to Bill and Robert, and servant of Christ through his leadership at Columbus Avenue Baptist Church.

Today, I have requested that a United States flag be flown over the United States Capitol to honor the many contributions of Wilton A. Lanning.

As I close, I urge all Americans to continue praying for our country during these difficult times, for our military men and women who protect us from external threats, and for our first responders who protect us here at home.

IN RECOGNITION OF JOSH
AIRHEART'S SERVICE TO BOY
SCOUT TROOP 59

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. HUDSON. Mr. Speaker, I rise today to recognize Mr. Josh Airheart for his service to Boy Scout Troop 59 in Concord, North Carolina. Mr. Airheart has served as Scoutmaster of Troop 59 for 15 years and will soon be retiring from the position.

Having lived in Cabarrus County his entire life, Mr. Airheart has established himself as a staple of our community. He is a lifetime member of New Gilead Church, home of Troop 59, where he began his own scouting career many years ago. In 1987, Mr. Airheart earned the rank of Eagle Scout, showcasing his own commitment to service.

Beginning in 2002, Mr. Airheart returned to Troop 59 as Scoutmaster. Recognizing the

significant impact scouting had on his own life, he began to share his passion with the young men of the troop. The troop then continued to blossom under his guidance as he helped an impressive 26 members achieve the rank of Eagle Scout. In 2015, he was recognized for his efforts by the Central North Carolina Council as Scoutmaster of the Year.

Along the way, Mr. Airheart has been a living embodiment of the Scout Oath, showing the young men of the troop how to integrate it in everything they do. While he may be leaving his official capacity with Troop 59, I know he will continue to be a role model for all of those in our community.

Mr. Speaker, please join me today in recognizing Mr. Josh Airheart for his dedication and commitment to service as Scoutmaster of Troop 59.

CONGRATULATIONS TO MRS. LUZ
GAMBOA RANGEL

HON. WILL HURD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. HURD. Mr. Speaker, I rise today to recognize the 107th birthday of Luz Gamboa Rangel of Crystal City, Texas.

Luz was born on the Texas-Mexico Border on February 8, 1910 and moved to Texas with her mother and brother in 1914. She has lived in South Texas for the past 103 years. Most of those years have been spent on the same piece of land in Crystal City, Texas—a gift from her husband after they married. Today Luz loves spending time with family and making use of her good sense of humor. Luz has seen more in her lifetime than many of us likely ever will and I have no doubt that we could all learn a thing or two from her. Luz's family and community are blessed to have her as part of their lives.

On behalf of the Twenty-third Congressional District of Texas, congratulations to Mrs. Luz Gamboa Rangel on turning 107 years old, and may she celebrate many more.

INTRODUCTION OF THE JOINT
RESOLUTION PROVIDING FOR
CONGRESSIONAL DISAPPROVAL
OF THE FINAL RULE OF THE
UNITED STATES FISH AND WILD-
LIFE SERVICE RELATING TO THE
USE OF COMPENSATORY MITIGA-
TION AS RECOMMENDED OR RE-
QUIRED UNDER THE ENDAN-
GERED SPECIES ACT OF 1973

HON. DAN NEWHOUSE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce legislation disapproving of the Compensatory Mitigation Policy (CMP) rule finalized in the final days of the Obama administration. On December 27, 2016, the U.S. Fish and Wildlife Service (USFWS) released its final Endangered Species Act (ESA) CMP,

which violates existing environmental law and puts future economic development across the country at risk. This rule establishes policies that are a significant departure from existing practices regarding compensatory mitigation and limits private-sector, voluntary involvement in developing compensatory mitigation plans. My legislation utilizes the Congressional Review Act to block this dangerous rule and will prevent the potential catastrophic impacts it would have on our nation's economy.

The CMP exceeds USFWS' statutory authority by adopting the mitigation goals of "net conservation gain" and "no net loss," which are not grounded in federal statute. This directive is a significant departure from existing practice and runs counter to current law. The policy will lead to an extensive, time-consuming valuation process in which development projects are required to initiate an assessment process, as well as undertake "advance mitigation," that could tie up many economic projects in burdensome, costly procedures.

This overbroad policy could jeopardize an extensive range of economic development activities in every corner of the U.S., while also impacting a wide-range of industries, including: agriculture, forestry, mining, natural resource development, energy production, conservation projects, and building and road construction. The final CMP will also have significant strategic, legal, and financial implications for development projects large and small, while ensnaring future economic growth in a maze of permitting setbacks and bureaucratic red-tape.

We must protect our country's economic future and ensure burdensome rules and regulations promulgated by a bloated bureaucracy do not threaten desperately needed job creation and economic growth. The integrity of the law is threatened by misguided federal policies like the USFWS's CMP rule, and I urge all members to join me in supporting this legislation to block yet another oppressive and overreaching regulation promulgated by the previous administration.

RECOGNIZING THE WORK OF THE METROPOLITAN POLICE DEPARTMENT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the work of the Metropolitan Police Department, in particular the Second District, and the Office of the Attorney General for the District of Columbia. Representatives from these agencies worked closely with D.C. residents on Belmont Road NW and the leadership of the Islamic Center of Washington to forge a remedy to a life-threatening situation that had hate-crime implications.

These individuals provided extraordinary guidance and intervention in bringing closure to a situation that had exposed D.C. residents to racial and homophobic slurs, as well as threats of bodily harm, for more than five years.

I therefore rise with pride to salute police officers Lt. Jerome M. Merrill, Sgt. Brian H. Brown, Sgt. Miguel Rodriguezgil, and Mr. James T. Towns, Community Engagement Director, with the Office of the Attorney General. In particular, I applaud the leadership efforts of Dr. Khouj, Imam, and Abassie Jarr-Koroma of the Islamic Center of Washington, and A. Mario Castillo, a resident of Belmont Road, who coordinated the teamwork on this matter.

This civic success story brings to mind a fitting quote attributed to the great American poet and writer Maya Angelou, "It's good to remember that in crises, natural crises, human beings forget for a while their ignorance, their biases, their prejudices. For a little while, neighbors help neighbors and strangers help strangers."

Mr. Speaker, I ask the House of Representatives to join me in applauding my constituents and the law enforcement officers.

HONORING MILTON BRONSTEIN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. LANGEVIN. Mr. Speaker, there are so many ways to describe Mr. Milton Bronstein. He is a kind and generous person, who is always willing to lend a hand when he sees a friend in need. He is a committed and hard-working public servant who puts service above self. He is a capable and respected labor leader who dedicated much of his life to improving conditions for Rhode Island workers. He was a devoted husband to his late wife, Claire. He is a wonderful father to Harvey, Andrew, and Cindy.

And to me and to so many other Rhode Islanders, Milton—who today turns 100 years old—is a steadfast and dependable friend.

Milton's career started in the Department of Treasury, where he would remain for three decades. He is perhaps best known, however, for his work as a labor organizer, serving as the first president of Rhode Island's AFSCME Chapter, Council 94. Countless laborers in my home state of Rhode Island are better off thanks to his tireless work, and when you speak to labor organizers today, it is clear that Milton has set the gold standard of how to effectively lead. After stepping down as Council 94 president, Milton jumped right back into action, serving as the retiree chapter's vice president until he retired just last year at the age of 99. Even today, at 100 years old, Milton remains a trusted mentor and adviser to many in the labor movement and in public service.

I want to wish a very happy birthday to Milton as he celebrates 100 years of a life well lived. Milton, has been a changemaker in our state and in the lives of those of us who have been lucky enough to know him and work with him. I cannot thank him enough for his service and for his support through the years. Rhode Island owes him a debt of gratitude. Happy birthday.

HONORING THE CENTENNIAL MILESTONE OF MR. JOHN FIORE, DISTINGUISHED RESIDENT OF SCHENECTADY IN THE STATE OF NEW YORK

HON. PAUL TONKO

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. TONKO. Mr. Speaker, I rise today to honor the centennial celebration of John M. Fiore of Schenectady, New York, who turns 100 years old today, February 2nd, 2017.

John was born on February 2, 1917 to Vito and Maria Fiore. He graduated from Mt. Pleasant High School in 1934 and was the first freshman in the class when it opened in 1931.

After graduating John worked for GE as a Production Specialist with more than 45 years of service.

John went on to serve his country in World War II from 1942–1946, and received an honorary discharge as a Corporal.

In 1953 John married Mary Gerardi who passed away in 1972 after a long battle with illness.

He takes great pride in his family. John's parents came from Italy penniless and raised seven children, all of whom lived into their 90s and were outstanding citizens.

John is known to friends and family for his gardening, and shows a generous spirit in sharing fresh produce with his family and friends. Earlier in life John was also an active bowler, golfer and in later years took up duplicate bridge playing three times a week.

John is also a sports fan. He is a longtime fan of the New York Yankees and New York Knicks. One of his greatest joys is rooting for Union College, Notre Dame, and the University of Connecticut, all schools attended by members of his family.

John's greatest role has been that of doting father. He took an active role in his son Nicholas's activities, including Carmen Little League, Babe Ruth, CYO Basketball and Pop Warner Football. Later, he watched his grandson Nicholas, Jr. play recreational basketball. He was also a player agent for Carmen Little League and later served as Commissioner of Rotterdam Babe Ruth.

NATIONAL RIGHT TO WORK

HON. JOE WILSON

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. WILSON of South Carolina. Mr. Speaker, I was grateful yesterday to join my friend, Congressman STEVE KING, to introduce the National Right to Work Act.

At least 80 percent of Americans favor barring the forcing of employees to pay dues as a condition of their employment, and this bill would protect workers by eliminating the forced-dues clauses in federal statute. It still allows workers to unionize if they chose to do so—but makes membership voluntary, not mandatory.

Right-to-work states, like South Carolina, have seen first-hand that job creation and economic growth comes from expanded freedoms. Right to work was crucial for South Carolina becoming the leading manufacturer and exporter of tires, with Michelin, Bridgestone, Continental, and Giti, while also being America's largest exporter of cars with BMW and soon Volvo.

I appreciated joining Congressman STEVE KING, with Mark Mix, President of the National Right to Work Committee, on this important issue that will positively promote jobs.

In conclusion, God Bless Our Troops and we will never forget September 11th in the Global War on Terrorism.

BOND COUNTY BICENTENNIAL

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, this year, beautiful Bond County, located in the southeastern part of Illinois, celebrates its bicentennial—200 years as a county is a great honor.

Bond County was one of the state's original 11 counties when Illinois applied for statehood in 1818. It was named after the first governor of Illinois, Shadrach Bond who helped develop the first big transportation and infrastructure project for Illinois.

Bond County has witnessed many moments in our nation's history. Both Abraham Lincoln and Stephen Douglas gave speeches there in 1858 for their Senatorial election and the Liberty Bell made its way through the county in 1915. Additionally, President Ronald Reagan appeared there in 1980 for a campaign speech.

Bond County is also home to Greenville College, a 4-year Christian university founded on prayer that focuses on the pillars of faith and community to advance students' learning. Greenville facilitated multiple mission trips, study abroad programs, and home-service projects in 2016.

There is much for the citizens of this county to be proud of. A county with such a rich history of beauty, politics, and pride deserves to be recognized after 200 fantastic years.

IN RECOGNITION OF KAREN SHORTER

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the 15th year anniversary of the organ donation made by one of my constituents, Karen Shorter, of Manassas Park, Virginia. On July 30th, 2002, Ms. Shorter donated one of her kidneys to Janet Melson Burns, a neighbor in need. Together they volunteered at the National Kidney Foundation as members of their Speaker's Bureau. Through the Foundation's Speaker's Bureau they both

came to Capitol Hill where they spoke on the importance of the prevention and treatment of various kidney diseases.

Every year, Ms. Shorter and Ms. Burns celebrate a Happy Life Day on the anniversary of their transplant. These two have a ferocious friendship that transcends distance made. This is evident by the fact that even though Janet and her husband live in Atlanta, Georgia, she and Karen still make time for their Happy Life Day celebration. Through the transplant they have come to know personally each other's direct and extended family. This action has brought them closer together as people, neighbors, and friends. I am proud to have Karen Shorter as my constituent in the 10th district and hope she continues to share her heartwarming story on organ donation. In addition to her selfless act of kindness, Ms. Shorter recently retired after 25 years of government service to the Federal Bureau of Prisons in Washington, DC and I thank her for her service.

Mr. Speaker, I ask my colleagues to join me in applauding Ms. Shorter for her actions and volunteer work and to wish them a "Happy Life Day" when they meet in Charleston, South Carolina this July.

IN RECOGNITION OF MARGARET MARY CANTY, RSCJ AS SHE CELEBRATES HER 50TH JUBILEE AS A RELIGIOUS OF THE SACRED HEART

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Margaret Mary Canty, RSCJ for her life and service and work on behalf of the southeast Michigan community. As a former headmistress and current member of the Academy of the Sacred Heart's Board of Trustees, Sister Canty has served the school and community at large through her tireless efforts and service.

As Headmistress of the Academy of the Sacred Heart in Bloomfield Hills from 1988 through 2000, Sister Canty's leadership played a critical role in helping the school grow and evolve to meet the needs of the students, staff and community at large. Under Sister Canty, the school established the Early Childhood Program and oversaw a successful capital campaign that allowed it to expand its science facilities and build a new After School Learning center. These actions helped the Academy of Sacred Heart modernize and serve a new generation of students. After she left Sacred Heart in 2000, Sister Canty worked with the Kenwood Academy (now Doane Stuart) in New York, in a variety of positions to help the school restructure and serve its retired RCSJs. Today, Sister Canty serves on the Academic of the Sacred Heart's Board of Trustees, where she provides guidance and advice to the school.

Sister Canty's life of service and leadership has inspired a new generation of thoughtful and community-minded students and educators. Her tenure at both Sacred Heart and

Doane Stuart was transformative, and the initiatives that she has championed continue to help cultivate a new generation of Sacred Heart leaders. It is my hope that these institutions will build on Sister Canty's legacy of excellence in the coming years.

Mr. Speaker, I ask my colleagues to join me in honoring Margaret Mary Canty, RSCJ on her 50th Jubilee for her lifetime of service and accomplishments. Sister Canty has served the southeast Michigan community well through her work with the Academy of the Sacred Heart and the critical role her involvement played in its growth and development.

TRIBUTE TO EDGAR AND NANCY MUENZER AND THE PARK RIDGE CIVIC ORCHESTRA

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the work of the late Edgar and Nancy Muenzer, co-founders of the Park Ridge Civic Orchestra. To honor their hard work and tireless commitment, the Park Ridge Civic Orchestra will be presenting a "Founders Memorial Concert" on Wednesday, February 8, 2017 featuring Chicago Symphony Orchestra violinist David Taylor as guest soloist at The Pickwick Theatre in Park Ridge, Illinois.

The Park Ridge Civic Orchestra (PRCOchestra) features more than 70 professional musicians, renowned soloists, and top-ranked student talents and serves the north and northwest areas of Chicago, its suburbs, and beyond. Founded in 1994 by veteran Chicago Symphony Orchestra first violinist Edgar Muenzer, his wife Nancy, and a cadre of devoted supporters, the PRCOrchestra fulfilled the Muenzer's wish to give back after a rewarding lifetime in professional music. Now led by a group of local business owners, musicians, civic leaders, and others, the PRCOrchestra continues to bring enriching, live classical music to the community.

The PRCOrchestra's founder Edgar Muenzer was the orchestra's conductor and music director for two decades from 1994 to 2014. A longtime Park Ridge resident with his wife Nancy, Edgar brought many years of performing, conducting, and teaching to this role. In 2014, Edgar stepped down from the position of Music Director, giving the reins to his son, current PRCOrchestra Music Director Victor Muenzer. He then continued to serve as Music Director Emeritus until his death in 2016. Among the many honors he earned during his illustrious life, Maestro Muenzer was named Conductor of the Year by the Illinois Council of Orchestras. Edgar and his wife Nancy also earned the Illinois Humanities Council Studs Terkel Humanities Service Award for their tireless commitment to bringing inspiring music to the community.

Nancy K. Muenzer was the co-founder of the Park Ridge Civic Orchestra and wife of Edgar Muenzer. A driving force behind the Orchestra's successful development, the charismatic Mrs. Muenzer worked tirelessly to inspire and enlist major sponsors and donors in

support of the Orchestra. Through Mrs. Muenzer's direct efforts and that of the generous music-lovers she recruited, the PRCOchestra performed five major concerts each year at the historic Pickwick Theatre in Park Ridge. Mrs. Muenzer also managed an array of special events and smaller concerts in between. Mrs. Muenzer continued in her role until 2014, helping the Orchestra transition to the next generation.

Mr. Speaker, I ask the House of Representatives to join me in honoring the late Edgar and Nancy Muenzer and the members of the Park Ridge Civic Orchestra for their dedication to cultivating enriching classical music in the community. I congratulate and wish each of them every success in their upcoming "Founders Memorial Concert." Illinois's Ninth Congressional District is proud to be home to the brilliantly talented members of this organization, and for their outstanding gifts, leadership, and service, these members are worthy of the highest praise.

IN MEMORY OF LOUISE EPTING

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. ROHRBACHER. Mr. Speaker, Americans should remember what makes us a great and free country. It isn't a gift. It is earned by those conscientious individuals who get involved, donate their time, and do their share. Millions of them, from the first generation of Americans until the present time.

Louise Epting was one of these. She was a beloved mother, daughter, sister and grandmother. Born in New York City, the former bobbysoxer and Frank Sinatra devotee became a nurse before settling down to raise her three children with her then-husband. Following their divorce in the 1970s, Louise continued to work hard to support her children and ensure their needs were met. Later in life, Louise followed her children to California in order to be closer to them and her future grandchildren. Louise embraced her role as the family's matriarch.

Known by her nickname "Sugar," Louise was also a dedicated volunteer for many Republican causes. She worked tirelessly for everything she believed in, dedicating time and energy to a wide variety of candidates and issues. Working to better her community, she spent countless hours volunteering at the schools her grandchildren attended in Huntington Beach, California.

A fiercely proud American, Louise "Sugar" Epting represents true patriotism, and is among the best our country has produced. A devout Catholic, she departs this world to enter the realm of heaven where we know she joins so many of her loved ones. Compassionate, caring, and cherished by many, Louise leaves behind a lasting legacy of love for her faith, family, friends, and country.

PERSONAL EXPLANATION

HON. SCOTT TAYLOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. TAYLOR. Mr. Speaker, due to my attendance of the dignified transfer ceremony of Chief Special Warfare officer Ryan Owens at Dover AFB, I was unable to vote yesterday. Had I been present, I would have voted YEA on Roll Call No. 72; and YEA on Roll Call No. 73.

TRIBUTE TO THE DALLAS CENTER-GRIMES MIDDLE SCHOOL MOCK TRIAL TEAMS IN THE FIRST SESSION OF THE 115TH CONGRESS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate the members of the 2016 Dallas Center-Grimes Middle School Mock Trial teams on their success at the 33rd Annual Iowa Middle School Mock Trial State Competition in Des Moines, Iowa, which took place from November 14 through November 16, 2016.

The state competition featured 34 teams from around the state of Iowa. The two teams representing Dallas Center-Grimes defied expectations when both teams placed among the top ten. The members of the Green team, which placed 8th, were Garrett Bond, Audrey Frett, Dante Chittenden, Megan Grimes, Rachel Becker, Madison Stone, Josh Ward, and Huston Halverson. The members of the Purple Team, which placed 10th, were Molly Patterson, Sierra Sonberg, Alex Romig, Cale Schmitz, Elizabeth Vance, Sierra Mason, Emma Wagner, and Jordan Smith. The coaches of the two teams were Shannon Wallace, Jill Altringer, Kim Cross, Kathryn Pagel, and Jessica McCartan.

Mr. Speaker, the success of these students and coaches exemplifies the rewards of determination, commitment, and team work. I am proud to represent these young leaders in the United States Congress. I ask my colleagues in the United States House of Representatives to join me in congratulating them for their success in the state competition and in wishing them nothing but continued success in school and beyond.

FINANCIAL SERVICES COMMITTEE
RULES

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. SHERMAN. Mr. Speaker, on Thursday, I voted for the Rules Improvement Package suggested by the Ranking Member even though there are elements of the package that

would not be needed by the Committee in normal circumstances.

TRIBUTE TO TERI HUYCK

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Ms. MOORE. Mr. Speaker, Planned Parenthood of Wisconsin (PPWI) President and CEO Teri Huyck will retire on February 3, 2017, after leading Wisconsin's largest most trusted non-profit health care organization for nine years.

Teri Huyck came to Planned Parenthood of Wisconsin during a difficult time as interim director in 2008. She had been the Vice President and Chief Operating Officer of Planned Parenthood Chicago. Upon her arrival, the morale and financial stability of the Wisconsin Chapter of Planned Parenthood improved and eight months later, Teri Huyck dropped "interim" from her title and officially took over as president and CEO. She began an aggressive fundraising campaign that raised an additional \$500,000 and reorganized the organization.

Currently, Planned Parenthood of Wisconsin employs about 200 people and has a \$21 million annual budget that comes from state and federal funding, Medicaid and private-pay patients and private donations. Planned Parenthood provides health care to about 70,000 men and women a year across the state providing services that include: annual exams, cancer screening, colonoscopies, pregnancy testing and counseling, sexually transmitted disease testing and treatment, and abortions. Family planning and prevention accounts for more than 95 percent of the services Planned Parenthood of Wisconsin performs. The organization gives out 200,000 cycles of birth control pills per year. The majority of the women and men who come here are not seeking an abortion.

Ms. Huyck has made it her mission to be transparent and tells the unvarnished truth to everyone she meets. A self-proclaimed "farm girl from Ohio," she joined the Planned Parenthood organization following a career as a hospital administrator in Ohio and Illinois who wanted to combine her skills in the health care field with her passion for women's issues. Teri remembers when Roe v. Wade was decided and learned her passion for women's issues from her mother. Teri's childhood friend was raped and as a result became pregnant in the mid-1970s. The friend chose abortion and was treated poorly. This incident left a lasting impression on her as well.

Teri has a Bachelor's degree in Psychology with high honors from Ohio State University and a Master's degree in Hospital and Health Administration from Xavier University in Cincinnati.

I am grateful to have had the opportunity to know and work with Teri since she assumed her role at Planned Parenthood of Wisconsin. We have stood together on many issues to ensure both women and men in Wisconsin have access to health care. I join with her family, friends and colleagues to congratulate her on her retirement. I wish her much success as she transitions into a different phase

of her life with her husband, Perry who recently retired, as well. Mr. Speaker, I am proud to honor Teri Huyck. The citizens of the Fourth Congressional District and the State of Wisconsin are privileged to have someone of her ability and dedicated service working on their behalf for so many years. I am honored for these reasons to pay tribute to Teri Huyck.

IN RECOGNITION OF JEFF DUBÉ

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge Lieutenant Jeff Dubé who recently departed from the Leesburg Police Department after 23 years of service. Throughout Lt. Dubé's impressive career at the department, he always maintained a strong attitude and a willingness to embrace new roles and responsibilities. Additionally, before joining the Leesburg Police Department, Lt. Dubé served eight years on active duty in the U.S. Marine Corps.

During his tenure at the Leesburg Police Department, Lt. Dubé served in many roles, including field training officer, shift supervisor, training officer, civil disturbance unit com-

mander, recruitment and hiring, property and evidence and the accreditation manager. Additionally, Lt. Dubé enjoyed liaising with the media, as he tried to keep the community informed about human interest stories as well as emergencies as they unfolded.

Police officers come from all walks of life to serve and protect their fellow citizens. Officers, like Lt. Dubé, place their lives in jeopardy so that the rest of us may rest easy and the constituents of the 10th District are indebted to their dedication. The work he has done to selflessly serve our community and our country is an inspiration, and it is an honor to represent him.

Mr. Speaker, I ask my colleagues to join me in applauding Lt. Jeff Dubé for his dedication to serving our community and country for so many years. I wish him the best in retirement and in all of his future endeavors.

BOND COUNTY'S HEALTH
DEPARTMENT 50TH ANNIVERSARY

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, this year, Bond County's Health Depart-

ment celebrates fifty years of serving the community.

For five decades, healthcare professionals at Bond County Health Department have provided citizens with important health services such as immunizations, dental clinics, maternal and child health education, and much more. Their mission to promote good health, safety, and sanitation has helped thousands of people across the area.

The Bond County Health Department has excelled at meeting the needs of the population it serves. Whether it be assisting seniors with home healthcare, inspecting the food safety of community restaurants, or helping new parents with infant and child resources, Bond County Health Department has been an important part of southwestern Illinois. For half a century, they have worked to improve public health in the region and have provided valuable education to the citizens of Bond County.

I understand the important role of institutions like Bond County Health Department and I commend its staff for all of their hard work over the years. Congratulations on your 50th anniversary, and I wish you all the best in the years to come.

SENATE—Friday, February 3, 2017

The Senate met at 6:30 a.m. and was called to order by the Honorable RON JOHNSON, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who has ordained the seasons of our lives, thank You for the steadfastness of Your mercy and long-suffering. Inspire our lawmakers to open themselves to the gift of Your presence, remembering that You are always with them. Where there is fear, give courage. Where there is anxiety, give peace. Where there is despair, give hope. Where there is sadness, give joy. May our Senators joyfully encounter You on a daily basis. Inspire them to hear Your words and obey Your commands.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 3, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RON JOHNSON, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. JOHNSON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

NOMINATION OF BETSY DEVOS

Mr. SCHUMER. Mr. President, very briefly because I know we have to vote,

the nominee for the Secretary of Education is one of the worst nominees who has ever been brought before this body for a Cabinet position. On the grounds of competence, on the grounds of ideology, and on the grounds of conflict of interest, she scores very, very low. That is why my good friend, who has great integrity, the Senator from Tennessee, had to rush her hearing through. Five minutes of questions and nothing else—they were so afraid to hear what she might or might not know.

So I would urge my colleagues over the weekend—those who have committed and those who have not—to look into their consciences. Sometimes loyalty to a new President demands a bit too much. With this nominee, it does. Please think about it over the weekend. This person, Mrs. DeVos, does not deserve to be Secretary of Education.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 41, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers."

The ACTING PRESIDENT pro tempore. All time is expired.

The joint resolution was ordered to a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	McCaskey	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NOT VOTING—1

Markey

The joint resolution (H.J. Res. 41) was passed.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Pat Roberts, Roy Blunt, John Boozman, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 52 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskey	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

The PRESIDING OFFICER (Mrs. FISCHER). On this vote, the yeas are 52, the nays are 48.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, with this vote, the Senate will move

early next week to confirm the nomination of Betsy DeVos to be the U.S. Education Secretary. In my judgment, she will be an excellent and important Education Secretary for this country.

The No. 1 job of the U.S. Education Secretary is to help create an environment in which our 100,000 public schools succeed, because that is where 9 out of 10 of our children go.

When I was Education Secretary for President George H.W. Bush in the early 1990s, I had the privilege of working with a man named David Kerns, who had been the chief executive officer of the Xerox Corporation. He came in as the Deputy Education Secretary at a time when he was not only one of the country's leading businessmen, but he was also the leading businessman who tried to help change public education. David Kern's belief was that it was very difficult to help children by changing public education if you try to do it from within. As all of us do, he respected the teachers, the parents, and the students who work within the public education system, but over the last 30 years, as this country has worked to try to improve our public schools, much of that energy has come from outside the public school establishment. Among those were the Governors of the country.

In the mid-1980s, all of the Governors met together—in 1985 and 1986—on one subject for a whole year. The purpose was, how can we help improve our public schools? I was chairman of the National Governors Association that year, Bill Clinton was the vice chairman, and we did that in a bipartisan way. We did that from outside the schools. Since that time, many Governors and many business leaders have worked hard in support of our public schools, trying to help them have even better opportunities for our children. Among those has been Betsy DeVos. The Governors I spoke of are Governors who are familiar names in this country. I think of Gov. Jeb Bush, Gov. John Engler of Michigan, Gov. Mitt Romney, and the work they did in their respective States to make their public schools better and to create other opportunities for children. All of the three Governors I mentioned—Bush, Romney, and Engler—support Betsy DeVos.

As chairman of the Senate's Education Committee, there are 22 Governors who have written letters to me supporting Betsy DeVos. They see her as someone from outside the system of public education who, as they worked for 30 years, can help change and improve it.

Madam President, I ask unanimous consent to have printed in the RECORD following my remarks the names of the 22 Governors who support her. They come from Alabama, Arizona, Arkansas, Florida, Illinois, Indiana, Kansas, Kentucky, Maine, Michigan, Mis-

issippi, Missouri, North Dakota, Nebraska, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

The Governors of all those States support Betsy DeVos. Four of the last Education Secretaries support Betsy DeVos. Bill Bennett, Rod Paige, Margaret Spellings, and I support her. Joe Lieberman, who served in this body and worked on the DC voucher program for many years, endorsed her. She has strong support from the Governors who for 30 years have been working hard to successfully improve our public schools.

Some have said: Well, she has spent her time working on giving children choices of schools other than public schools.

She has done that, and it has always puzzled me as to why anybody would criticize that. The idea that a low-income child should have the same opportunity or more of the same opportunities as a wealthy family has would seem to me to be a very all-American idea. Not only does it seem to be, it is an idea that underlies the most successful piece of social policy our country has ever enacted, arguably—the GI bill for veterans in 1944. Think about that. The veterans came home from World War II. We gave them a scholarship. It followed them to the college of their choice. Ms. DeVos has argued for the same thing for children. Why is an idea that has helped to create the greatest generation and the greatest colleges of the world so dangerous for schools?

I would argue that she has been among the forefront of the leaders—like the Governors—for the most successful reform of the last 30 years to change and improve public education, and that would be the public charter schools. Those began with 12 schools in Minnesota created by the Democratic-Farmer-Labor Party in the early 1900s. Since then, charter schools have been supported by every President—President Obama, President Clinton, Presidents Bush. President Obama's most recent Education Secretary was a founder of charter schools. Four times, this Congress, by big bipartisan majorities, has supported charter schools. The last six U.S. Education Secretaries have supported charter schools. Charter schools have grown from 12 Democratic-Farmer-Labor schools to 6,800 today, and 2.7 million children attend them. Teachers have more freedom and parents have more choices. They are public schools, and Betsy DeVos was in the forefront of helping to create that opportunity for public education.

Finally, she believes what 85 of us voted for in the law that President Obama called a "Christmas miracle" in December of 2015, and that is to reverse the trend from a national school board and restore control of our children and our schools to those closest to the children. There will be no mandates for

common core, no mandates for teacher evaluation, no mandates for vouchers, and no mandates for anything else from a U.S. Department of Education headed by Betsy DeVos. We will be swapping a national school board for what she believes in, which is a local school board, which is what 85 of us voted for.

I am pleased to support her.

Madam President, I ask unanimous consent to have printed in the RECORD following my remarks an article published by Max Eden on January 29, 2017, which shows Detroit charter schools—by three major studies—are better and children perform better than the traditional schools of Detroit.

I look forward to casting my vote for Betsy DeVos for U.S. Education Secretary early next week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS AMONG DEVOS SUPPORTERS

22 State Governors, including:

Gov. Robert Bentley, Alabama; Doug Ducey, Arizona; Gov. Asa Hutchinson, Arkansas; Gov. Rick Scott, Florida; Gov. Bruce Rauner, Illinois; Gov. Eric Holcomb, Indiana; Gov. Sam Brownback, Kansas; Gov. Matthew Bevin, Kentucky; Gov. Paul LePage, Maine; Gov. Rick Snyder, Michigan; Gov. Phil Bryant, Mississippi.

Gov. Eric Greitens, Missouri; Gov. Doug Burgum, North Dakota; Gov. Pete Ricketts, Nebraska; Gov. Brian Sandoval, Nevada; Gov. Chris Christie, New Jersey; Gov. Susana Martinez, New Mexico; Gov. John Kasich, Ohio; Gov. Mary Fallin, Oklahoma; Gov. Bill Haslam, Tennessee; Gov. Greg Abbott, Texas; Gov. Scott Walker, Wisconsin.

Former Governors:

Jeb Bush; Mitt Romney; John Engler.

Four Former Education Secretaries:

William Bennett; Rod Paige; Margaret Spellings; Lamar Alexander.

Former Senators:

Joe Lieberman; Bill Frist.

Democrats including:

Eva Moskowitz, founder and CEO of Success; Academy Charter Schools; Anthony Williams, former Mayor of Washington, D.C.

EDEN: WHEN THE NEW YORK TIMES'S REPORTING ON DEVOS AND DETROIT CHARTERS LOOKS LIKE 'ALTERNATIVE FACTS'

(By Max Eden)

The campaign against Education Secretary—designate Betsy DeVos has been both predictable and extraordinary. It's no surprise that the education establishment was perturbed by the selection of a school choice advocate, and opposition from interest groups is to be expected.

But in an era when the president of the United States has declared a "running war" on the media, accusing reporters of distorting facts to attack him, the work of one education journalist unfortunately lends some credence to that argument.

Some critical coverage has been responsible and fair, but DeVos was sadly not "spinning" when she told the Senate that there's been a lot of "false news" about her record. The New York Times has been most conspicuous in this regard. The editorial angle of its national education correspondent Kate Zernike was clear from her first piece on the nominee, "Betsy DeVos,

Trump's Education Pick, Has Steered Money From Public Schools."

Liberal bias at the Times is less than a non-story; if anything, I'd argue a partisan press is healthy in a pluralistic democracy. But when America's "paper of record" makes verifiably false claims, they must be checked and corrected. Here are two significant ones.

In a front-page June article titled "A Sea of Charter Schools in Detroit Leaves Students Adrift," the Times education correspondent asserts that "half the charters perform only as well, or worse than, Detroit's traditional public schools."

That claim was echoed by a Times editorial and would be big, if true. DeVos was nominated based on her school choice advocacy. If that work helped foster charter schools that are worse than the worst-in-the-nation Detroit Public Schools, that would be profoundly troubling. But if Detroit's charters are better (even if not as much better as we'd desire), then it's a different story entirely.

Fortunately, they are better.

There are three key studies that compare Detroit's charter and district schools: one from Stanford University, one from the center-right Mackinac Center and one from Excellent Schools Detroit (ESD), a local education nonprofit. As Jason Bedrick, a policy analyst at the Cato Institute's Center for Educational Freedom, and I demonstrated in Education Next, all three show that charters significantly outperform district schools. Perplexed at how the Times reached the opposite conclusion, I reached out to Zernike.

Some critics assumed that Zernike was twisting data from the Stanford study, the presumptive source of district-to-charter comparisons. But Zernike informed me that she chose to use the ESD study after contacting the Stanford study's author and determining that the data was too outdated for her purposes.

I asked why she chose the ESD data over the Mackinac Center's. Mackinac grades schools using a complex regression taking into account students' socioeconomic background. ESD grades on a combination of raw test scores, test-score growth and a school climate survey, but it doesn't consider socioeconomic status.

She explained that Mackinac is "a partisan group that is pro-school choice and anti-DPS. ESD, despite how GLEP [the DeVos-backed Great Lakes Education Project] will characterize it, supported charters and traditional public schools, and the measures seemed broader."

When I told her that sounded more like political than methodological reasoning, she countered, "It's not politics, it's methodology. I think graduation rate was the only thing Mackinac used to compare," and added that she thinks the ESD data "do break down for demographics." Wrong and wrong.

Now, it's possible that she didn't simply default to the politically congenial option without further scrutiny. Perhaps she just failed to properly recall the details several months later. Whatever the case, the ESD data also show charters outperforming district schools.

So, how did the Times national education correspondent reach the opposite conclusion?

Now, bear with me, here because it's complicated and it makes no sense.

First she separated out K-8 district schools and high schools, calculating their respective average scores, weighted by student enrollment. She included high-performing selective-admissions district schools and excluded low-performing Detroit public schools

that have been taken over by the state. (Neither decision is justifiable in a traditional-to-charter comparison.)

Then she saw that for both K-8 district schools and high schools, the (inflated) weighted average score was higher than the median charter school score, and concluded that "half the charters perform only as well, or worse than, Detroit's traditional public schools."

On the high school side, the unweighted average score of .33 is significantly lower than the weighted average of .41. It's worth noting that the .41 is above the charter median score and the .33 is below it. So going by the weighted average was the only way to arrive at that result for high schools.

On the K-8 side, the weighted and unweighted averages are essentially equal. That average is indeed slightly higher than the median charter score, but it's much higher than the district's median score. So on K-8 schools, by her same faulty logic, it would also be accurate to say that "two thirds of the public schools perform only as well, or worse than, Detroit's traditional public schools."

If that sounds silly, it's because comparing an average to a median is statistical nonsense. The "apples to oranges" metaphor is apt but insufficient here. Essentially, Zernike took a basket of apples, pulled out the rotten ones, kept the genetically modified ones, made statistically weighted applesauce, and plopped that applesauce in the middle of a row of organic oranges. Then she drew a false conclusion that's become central to the case against Betsy DeVos's nomination for secretary of education.

Personally, I doubt the mathematical mistakes were conscious or intentional. But what really matters is that the ESD, Mackinac and Stanford studies all show Detroit charters significantly outperforming traditional public schools.

The second claim also involves the Times's editorial against DeVos, in this case lamenting that she funded charter advocacy efforts, "winning legislative changes that have 'reduced oversight and accountability.'" The editorial linked to a December article by Zernike covering a legislative debate on Detroit charter regulation wherein "Ms. DeVos pushed back on any regulation as too much regulation."

Whatever the rhetorical merit of that editorial claim, it is flat false. In a Detroit News op-ed, to which the article later links, DeVos called for two additional regulations: A-F school accountability grades and default closure for failing schools, both charter and district. She certainly pushed back on some regulations as too much. But the bill that passed included the additional accountability regulations for which she advocated. In fact, the final legislation boosted Michigan's accountability score on the National Alliance of Charter School Authorizers index.

Given the fact that the main subject of her article was a net increase in charter accountability, Zernike admits on Twitter that she's "not sure what the ed board meant by that," but notes that "MI legislation in 2011 (not June bill) did weaken oversight." Zernike's December article refers to the 2011 legislation in one passing sentence. Her June article noted that "the law repealed a long-standing requirement that the State Department of Education issue yearly reports monitoring charter school performance." While true, that provision didn't merit mention among the 12 key changes in the official legislative summary (five of which increased charter regulation).

It's possible that the Times's editorial was referring to that repealed reporting requirement from 2011 when it claimed that DeVos backed "legislative changes that have reduced oversight and accountability." But that seems unlikely, given that the editorial linked to Zernike's December article on the 2016 legislative debate and that piece doesn't even mention the 2011 provision. It seems more likely that the editors honestly confused an increase in accountability that was smaller than some stakeholders wanted with an actual, absolute reduction. And given the reporting they relied on, it would be hard to blame them.

Education blogger Alexander Russo has skillfully outlined the "problematic media coverage" of Betsy DeVos, in which journalists have latched onto hyper-simplified story lines while ignoring complexities and eschewing nuanced criticism.

Whatever your take on DeVos or the media, everyone loses when the line between fact and falsehood is blurred beyond distinction. At a time when the president's advisers proudly tout "alternative facts," critical, fact-based reporting is more necessary than ever, especially from outlets with the weight and influence of *The New York Times*. Their readers, and America's schoolchildren, deserve better. Correcting the record would be a good start.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I am on the floor today to stand with parents, students, teachers, families, and communities across our country to make sure they have a voice to strongly oppose Betsy DeVos and her plans to privatize public schools and destroy public education in America. I urge my colleagues to stand with their constituents and join Democrats and Republicans in rejecting this nomination.

I come to the floor as a former preschool teacher, someone who got my start in politics fighting for strong public schools, a former school board member, a Senator committed to standing strong for public education in America, and a mother and grandmother who cares deeply about the future of our students in our schools.

Like so many people across the country, I am someone who owes everything I have to a strong public education I received growing up in this country. I believe it is my responsibility to do everything I can to make sure the opportunities that were there for me and so many others are open to every student in this country, no matter where they live or how they learn or how much money their parents have. In general, I believe the Federal Government and specifically the Department of Education has an important role to play in making that happen.

I take the position of Secretary of Education very seriously. Leading this agency in this moment is a critical job. I consider it to be my job to do everything I can to make sure the person who fills it is truly committed to putting students and families first. As I will discuss in detail today and in the coming days, I do not believe Betsy DeVos is the right person to do that.

Before I get into Ms. DeVos's failed record and her lack of experience, I wish to make a point about how I approach nominees and how that impacts my perspective on this one.

Many of my colleagues on the other side of the aisle are going to spend their time in this debate trying to impugn the motives of Democrats and Republicans who are trying to stop this nomination. They will try to say that President Trump won the election and he should be able to pick anyone he wants to fill this position and that we should all sit down and be quiet. I reject that. I believe the Senate has an important role to play in this process. It is our constitutional duty to take these nominations seriously, and I refuse to stand by and just watch.

President Trump absolutely has the right to nominate people for his Cabinet who he thinks will carry out his vision for the country, but that does not mean the Senate should be a rubberstamp. To the contrary, we owe it to the people we represent to make sure every nominee is not only qualified for the position and free of conflicts of interest but that he or she will put families and workers first and not millionaires and billionaires or big corporations.

President Trump was the first Presidential candidate in decades to not release his tax returns, and he is openly flouting ethics conventions regarding his personal and family businesses.

I believe that in an administration where lines around potential conflicts of interest are very likely to be blurred at the top, they need to be even clearer at the individual agencies. So I will not apologize for demanding that the Senate do its job when it comes to doing our due diligence with these nominees. I will not back down from asking my questions for my constituents—the ones they would want me to ask. I will not stop fighting as hard as I can to oppose a Secretary of Education who doesn't stand with them.

I am extremely disappointed at how this process has gone so far. I have great respect for the chairman of our committee, but I have never seen anything like it, especially coming out of our Health, Education, Labor, and Pensions Committee, where until now we have worked together across party lines so well. Right from the start, it was very clear that Republicans intended to jam this nominee through the process as quickly as possible. Corners were cut, precedents were ignored, debate was cut off, and reasonable requests and questions were blocked. Again, I have never seen anything like it on this committee, Democratic administration or Republican, Democratic majority or Republican. It has been truly frustrating and deeply disappointing.

I believe it is our job in the Senate to scrutinize nominees, but Republicans

were acting like it was their job to protect Ms. DeVos, to shield her from questioning. First, Republicans rushed us into a hearing before we had Mrs. DeVos's ethics paperwork in. That might seem like a small thing, it may seem like a procedural issue, but it was important.

Every single nominee during the Obama administration had their ethics paperwork in before a hearing in our committee. The Republican majority leader made having ethics paperwork in before a hearing a core demand of his during the Obama administration. The reason for this is simple: Senators should be able to ask nominees questions about their finances, their potential conflicts of interest, how they plan to avoid them, and how they plan to uphold the letter and spirit of our ethics laws. But without the Office of Government Ethics financial disclosure and without their review, Senators go into a hearing in the dark on a nominee's ethics and finances, and that is exactly what we were pushed into with Mrs. DeVos.

Secondly, when we got into that hearing, we were told that Democrats would only have 5 minutes each to ask questions—5 minutes to ask about Betsy DeVos's finances, her long record of privatization of public education, her vision for this Department, and the many, many issues in this Department's jurisdiction—5 minutes and, then, cut off.

Now, this was completely unprecedented and absolutely wrong. Never before had it been the case in our committee—not a single time that I recall—that a Senator, who had a question for a nominee, was cut off and blocked from asking it. Democrats were sitting in the hearing, waiting, hoping the chairman would change his mind, but we were shut down and we were silenced, and Mrs. DeVos was protected from answering additional questions.

Third, after we finally got Betsy DeVos's ethics paperwork and had a number of questions about it, I requested another hearing where we could ask her those questions. That was a reasonable request. It was rejected.

Fourth, I had a number of questions for Betsy DeVos about missing information in her paperwork to the committee, and she has simply not provided the committee with the required financial disclosures.

We have a strong tradition in our committee of not moving to vote until the ranking member's questions are answered to satisfaction, and that tradition was ignored as Betsy DeVos was jammed through.

Then, finally, after a vote was pushed through the committee as quickly as possible, with questions about rules being bent or ignored to get that done, this nomination is now being rushed to

this floor, and Republicans are attempting to jam it through here as well. It is pretty clear to me why. The more people learn about Betsy DeVos, the more they realize how wrong she is for our students and our schools. The more they hear about her background, the more they see her as one more way President Trump has broken his promise to “drain the swamp.” The more that comes out about her failed record, her tangled finances, conflicts of interest, and her lack of understanding or experience, the more the pressure increases on Republicans to put their allegiance to President Trump aside and stand with their constituents.

So I understand why some Republicans want to rush to get this through. I think it is absolutely wrong, and I know people are paying attention.

I want to make one final point on this. The chairman of our committee, the senior Senator from Tennessee, has brought up the idea of “fairness” when it comes to how we should approach this nomination—that he believes President Trump’s nominees should be treated “fairly.” But my friend, the senior Senator from Tennessee, is defining fairness in an interesting way. He is saying that, if Republicans didn’t scrutinize President Obama’s nominees and if they didn’t take the time to do their due diligence, then, it would be unfair for Democrats to do that for President Trump’s.

Well, I don’t agree with that. I define fairness very differently. I believe the fair thing to do is what is fair for our constituents, that we work for them and should do right by them—not for a party, a nominee, or an administration. I believe the “fair” thing to do is to scrutinize these nominees, ask tough questions, and push for real answers, and that we should err on the side of deeper review and more robust questioning, rather than on the side of pointing to how Democrats and Republicans were treated in the past and “fairness” to nominees.

So I think it is clear that this nominee is being rushed through and corners are being cut.

I want to take some time now to talk about why I will be opposing her and urging all of our colleagues to do the same. I have three main reasons, and they are these: open questions about her tangled finances and potential conflicts of interest; strong concerns with her record, her lack of experience, and her clear lack of understanding of basic education issues; and the belief that her vision for education in America is deeply at odds with where parents, students, and families across the country want to go.

First of all, there is her tangled finances and potential conflicts of interest. I mentioned this a bit before. I have never seen a nominee with such tangled and opaque finances and who is refusing to shine anything close to an appropriate level of light on them.

Mrs. DeVos is a billionaire, and her inherited money is invested, along with other members of her family, in potentially hundreds of holding companies. Now, these holding companies often invest in other holding companies, and it is often very hard to untangle the individual companies in which she and her family actually own stakes. That is very relevant because we know her family has had significant education company holdings in the past, and they would be impacted by the decisions she made if confirmed.

Mrs. DeVos has told us that she will comply with all ethics rules should she be confirmed, but we still have questions, and she still has not fulfilled the committee requirements. We have questions about areas in Mrs. DeVos’s ethics paperwork, where it is simply unclear if assets she continues to hold have potential conflicts of interest, and we have not been given the full answers.

We also want to know more from her about the family trusts she is maintaining positions in, and we have not been given the full answers.

Finally, as I mentioned before, I have raised a number of questions about Mrs. DeVos’s failure to provide the required financial disclosure to the committee, and I have not been given full answers there either.

Secondly, I have very strong concerns with Betsy DeVos’s record, her lack of experience, and her clear lack of understanding of basic education issues. I will take these one at a time.

Nominees for this position have generally been people who were committed to students, had a long career dedicated to education, and were focused on keeping public education strong for all students and all communities.

Betsy DeVos is very different.

First of all, she is first and foremost a Republican and conservative activist and megadonor. She was chair of the Michigan Republican Party, and she and her family have reportedly donated hundreds of millions of dollars to Republicans and conservative groups over the years.

Second of all, Betsy DeVos has spent her career and her fortune rigging the system to privatize and defund public education and hurt students in communities across our country. She has no experience with public schools, except through her work trying to tear them down.

She has committed herself for decades to an extreme ideological goal: to push students out of public schools and weaken public education, no matter what. She has spent millions of dollars in political donations, organizations, and super PACs to try and influence elections and policies to accomplish that goal.

It is not difficult to pick out where Betsy DeVos has focused. The signs are usually pretty easy to see. Where she

has succeeded in getting her way, too often there are weaker public schools, worse outcomes, and fewer true opportunities for students.

In fact, the only people guaranteed to benefit when Betsy DeVos focuses her attention on a community or a State are the TV stations who see hundreds of thousands or millions of dollars in money pour into attack ads against her political opponents.

But all people need to do is watch her hearing in our committee, and they can learn everything they need to know. This is a hearing that people across the country heard about—and for good reason. From local newspapers to local news to the “Daily Show” to “The View” and posts that went viral on social media, a whole lot of people heard Betsy DeVos herself for the first time in that hearing, and they were not impressed, to put it mildly. They watched as Democrats were blocked from asking questions in an unprecedented and disappointing attempt to protect this nominee. Then, on the questions we were allowed to ask, they saw a nominee who was clearly ill-informed and confused and gave a number of very concerning responses to serious and reasonable questions.

Let’s go through what Betsy DeVos said to us. She refused to rule out slashing investments in or privatizing public schools—privatizing public schools.

She was confused that Federal law provides protections for students with disabilities.

She did not understand a basic issue in education policy—the debate surrounding whether students should be measured based on their proficiency or their growth.

She argued that guns needed to be allowed in schools across the country to “protect from grizzlies.”

Even though she was willing to say President Trump’s behavior towards women should be considered sexual assault, she would not commit to actually enforcing Federal laws protecting women and girls in our schools.

Her hearing was such a disaster, and it was so clear how little she understood about education issues, that a number of people and groups who usually stay on the fence—or even sometimes stand with Mrs. DeVos on some issues—could not stand with her anymore.

Parents watching across the country saw a nominee who doesn’t seem to care about or understand the education issues that impact them and their kids.

This takes me to my final point right now on Betsy DeVos. Her vision for education in America is one that is deeply at odds with where parents and students and families across the country want us to go. At a time when education and the opportunity it affords is more important than ever, she would take our country in the absolute wrong direction.

Eli Broad, a philanthropist and a strong charter school advocate, put it very well when he said: "At the risk of stating the obvious, we must have a Secretary of Education who believes in public education and the need to keep public schools public."

He went on to say: "With Betsy DeVos at the helm of the U.S. Department of Education, much of the good work that has been accomplished to improve public education for all of America's children could be undone."

I completely agree. Parents across the country want their government and their representatives fighting tooth and nail to improve public schools for all students in every community, while Betsy DeVos is committed to privatizing public schools and diverting public funds into taxpayer-funded vouchers that will leave far too many of our students behind.

I will add that I have many friends here in the Senate representing rural States that will be severely impacted by a Secretary of Education who implemented a radical agenda like this.

The bottom line is that strong public education is at the heart of true opportunity in America—something we all strive for and work for every day. People understand that. They see that Betsy DeVos's vision for this job is a direct attack on that core national value.

I truly believe this is what has motivated so many people around the country to stand up and speak out. They saw her disastrous hearing on the news and going viral on social media. It is clear that people across the country care so deeply about education and are so passionate about making sure we have strong public schools that seeing President Trump nominate someone like Betsy DeVos to run this Department just hits very close to home to a whole lot of people, and it is so deeply offensive to them. For parents of students in our public schools, it is very hard to see a billionaire—who never went to public school, who didn't send her children to public school—put in a position to work against your interests.

For teachers who work so hard every day in our public schools, it is hard to see your work denigrated.

For so many others in communities across the country, something about Betsy DeVos has lit a fire underneath them, as well, and they have all decided to do something about it. Senate office phone lines have been shut down over the past week with so many callers weighing in against Betsy DeVos. Every office is receiving tens of thousands of letters asking the Senate to reject her. Almost 40,000 have come in to my office alone. Millions of people have signed petitions with the same message. There have been rallies and protests across the country and millions more posting on Facebook, shar-

ing it with their friends, tweeting, and doing everything they can to make their voices heard.

I wish to share just a sample of what I have heard from my constituents.

One teacher from Mukilteo School District, a 26-year veteran of Washington State public schools, said she has worked tirelessly at title I elementary schools to help children achieve their greatest potential. If DeVos is confirmed, this teacher is terrified her school will lose its funding.

Another constituent of mine from Federal Way tells me she has grandchildren in Michigan who are at risk because of Mrs. DeVos's reckless policies there, and she does not want to see this disaster repeated throughout our country.

The regional superintendent in Wenatchee, a small city in North Central Washington, told me that he and his colleagues didn't even know where to begin laying out their concerns about Betsy DeVos.

A fourth grade teacher from Spokane, WA, reached out to tell me she watched the confirmation hearing and was shocked at how little Betsy DeVos seemed to understand about the issues she faces every single day in her classroom.

Those are just a few examples. There are thousands upon thousands in every community, in every State, and it is having an impact. Every Member of this body has felt the pressure. Already, two Republicans have made it clear that the voices of their constituents have pushed them into the "no" column, and I know there are other Republicans who take seriously what their constituents have to say and who have serious concerns about putting partisanship ahead of their States' and their constituents' interests.

I don't like that we are rushing into this without the information we need. But if the majority is going to jam this through, we are going to do everything we can to have a robust debate over the next few days.

So I am here to say: I am proud to stand with parents; I am proud to stand with students; I am proud to stand with teachers; I am proud to stand with those in my home State of Washington and across the country who support strong public schools and true education opportunities for all; and I am proud to stand up and fight back against Betsy DeVos.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LANKFORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF NEIL GORSUCH

Mr. LANKFORD. Madam President, I rise to talk about what is going on in

the Senate right now and the work that is done. It is early in the morning right now. It is 8 a.m. In Senate time, we have already done a series of votes that started at 6:30 this morning to be able to work through some of the nominations, and we have a great deal of work to be done.

In the middle of the work that we are taking on right now, there is a lot of conversation about personnel. As you know well, the Senate is in the personnel business as much as we are in the legislative business, especially at the beginning of a Presidential term. One of the biggest decisions that we will make in the Senate will be the Supreme Court.

Americans voted last year, in great measure, about the Supreme Court—in the direction of the Supreme Court. President Trump put out a list of 21 individuals he said he would choose from so the American people would be fully aware that this is the type of individual he would go after, and you can look at any of these to be able to evaluate it.

As I looked through that list of 21, one name stuck out to me. It is the name Neil Gorsuch, who is from Oklahoma, as many people in this Chamber know. Neil Gorsuch represents the Tenth Circuit. He served on that circuit with great distinction, which includes Oklahoma. We have been able to see his work in what has happened on the bench, the opinions he has put out and the consistency, how he has been respected by individuals on both sides of the aisle throughout Oklahoma and across the Tenth Circuit.

Neil Gorsuch went onto the bench in 2006. He was put on the bench by President Bush. What is interesting is this body, when they debated Neil Gorsuch in 2006, unanimously approved him with a voice vote. Not a single Senator opposed Neil Gorsuch when he went onto that Tenth Circuit bench in 2006. That means at that time Senator Barack Obama supported him. Senator Hillary Clinton supported him. Senator Joe Biden supported him. Senator CHUCK SCHUMER supported him in 2006. All these individuals looked at who he was, what he was about, and supported him going on the Tenth Circuit bench.

What has he done since that time? He has been a remarkable judge. He has advocated for something very clearly; that is, the role of each branch of government and each branch of government doing its job and only its job. He has spoken out on an issue I have spoken out on this floor about several times and oftentimes in committee, an issue called Chevron deference. It is one of those issues that most people don't track, but I hear a lot of people say the Executive orders are out of control and the executive branch is putting all these Executive orders out. I will typically smile at folks and say, actually, if you want to go down into

the heart of it, it is not Executive order, it is Chevron deference.

In the 1980s, the Supreme Court gave the ability to every President to interpret the law as they choose to and to be able to put regulations in if under this term they were reasonable in interpretation. In other words, if a piece of legislation mentioned a topic, then a President could create regulations around it.

It started slow, but I will tell you that has accelerated in the last several years. What has happened in the last several years is, Presidents have reached in, looked at a statute, tried to find a gray area of the statute, and used their deference ability to be able to interpret it.

In his writings, Neil Gorsuch has stepped out and said what that does, to be able to give that kind of deference to any President, is to give the President the ability to literally legislate an issue and then implement the issue and do his own interpretation of the issue. That is all three branches all piled into one. That is the President having the ability to say I am also the Court, I am also the legislative branch, and I am going to execute this out. That is a government out of balance.

What Judge Gorsuch has done is over and over again pushed out this basic judicial philosophy that our Nation was founded on three separate parts of government; that the legislative branch is the only branch that legislates; that the executive branch carries it out; and there is only one branch that interprets the law, and that is the courts.

If we were to move back to that simple model, it gives balance and consistency to all individuals to be able to know what the law says, what is the law, and to be able to actually push that out in such a way that people can trust it stays consistent.

I am proud to be able to sit down and have conversations with Neil Gorsuch in the days ahead. I am looking forward to getting a chance to meet with him in my office and to be able to work through other areas and issues he faces.

When President Trump selected Neil Gorsuch and suggested him for the bench, as I have mentioned before, my first thought was we couldn't have a better judge to be able to come out of the Midwest and to be able to speak out for the issues that real Americans want to be able to speak out for and to be able to have a Court that is consistently speaking, "What did the law say when it was written? Let's just do that."

There are a lot of other personnel issues that are in front of the Senate right now. Betsy DeVos is in the process of what is called a cloture vote right now for Secretary of Education. That is final closing of debate and to be able to move to a vote that will happen Monday or Tuesday of next week.

I will tell you, there has been a lot of conversation about Betsy DeVos, and I have heard the debate on this floor and in conversations and things I have read. What is interesting to me is, to be able to hear person after person stand up and say she is not for public education.

Let me tell you where I am on this. Nine out of ten students in our Nation are in public schools. I grew up in public schools. My kids attend public schools. Many of my family members work in public schools or have worked in public schools. I am very passionate about what happens in our public schools because the vast majority of our students will be influenced and will be trained in our public schools. That has to be a primary focus of what we do.

What is interesting to me is, Betsy DeVos was very outspoken during her confirmation process about her support for public schools. Did her children attend public schools? No, they did not, as Barack Obama's children did not attend public schools, as many other wealthy families' children did not attend public schools. Many wealthy families choose to do that because they have that option. Betsy DeVos, though, has been a person to raise her hand and say: Why do only wealthy families get to choose where their kids go to school? Why is that? Why don't other families have the same option that wealthy families have? But Betsy DeVos has been outspoken in saying it is a main responsibility to be able to focus on the improvement of our public schools because, again, that is where the vast majority of our students attend school.

It has also been interesting to me that all of these statements against Betsy DeVos often don't take into account this basic thing: Betsy DeVos for decades has been passionate about trying to help students in the inner city, students who are in poverty—any student—to be able to have every opportunity in education they can possibly have. I would think that as a nation we would encourage that, and that would be a positive thing rather than a negative thing.

In 2015, this body looked at a public school education law called No Child Left Behind and said that the direction of public school education was going the wrong way. And for 15 years, we have had mandates coming down on our schools from Washington, DC, mandating what type of curriculum they use in their school, what kind of teacher evaluation is done for our public school teachers, what kind of testing requirement will come down on our schools. This body, with 85 of 100 voting for it, said that No Child Left Behind is putting Federal mandates on every school. The place where those decisions should be made is not Washington, DC; it is in local districts—done by parents,

done by teachers, done by superintendents, and done by State legislators. That is exactly what Betsy DeVos has said as well.

Betsy DeVos has been very clear. She is not trying to promote every State and every district doing charter schools, allowing vouchers for private schools, allowing other options. That is completely the decision of the school. While I have heard people say that if she is put in place, she will take away all this money from the schools, it is not her role nor her capacity to even do that. She has been very clear in saying that all of those decisions are made by local districts and by State legislators and by parents—where the decisions should be made.

Betsy DeVos has been very clear that No Child Left Behind was the wrong direction. In a very bipartisan way, 85 Members of this body agreed with that 2 years ago. President Obama agreed with that 2 years ago. And we all said that the best place for education decisions to be made is at the local level.

Betsy DeVos was asked very directly: Will you go to these districts and try to impose on them to be able to put charter schools and private school access there? Her answer was: No, it is up to that local district what they choose to do—but nor would she try to stand in the way. If a local district or if a State chose to provide other options, it is not her role in the Federal Government to try to stand in the way of that. Quite frankly, I find it refreshing that someone would say: We are not going to run your school from Washington, DC. What you choose to do in your schools, you are allowed to do.

Again, there has been a lot of conversation about charter schools and other options that are out there. I hear people all the time say that there is a problem with vouchers. How could the Federal Government be involved in any money going to private schools or public schools or whatever that may be? We settled that issue decades and decades ago. It is called the GI Bill. When the GI Bill was passed after World War II, the Federal Government told those veterans coming back from the war: You can choose to go to any school you want to go to—public school, private school, wherever it may be. The GI Bill is still considered one of the most effective tools that our Nation has ever done in higher education. It is a voucher program. And many people have not had the opportunity to think through: What does this mean?

Again, Betsy DeVos has been very clear in saying it is not her desire to be able to impose that on every State, but if a State chooses to do that, why would we stop them when we have already seen clear evidence that the GI Bill was already successful in its time, going back now 60-plus years? It is an issue that we look at and say: Why would we stand in the way of charter

schools when, in the past, they have been very well received by Republicans and Democrats alike?

President Obama was a supporter of charter schools. Both of his Secretaries of Education were outspoken supporters of charter schools. In fact, one of them helped found a charter school. Charter schools are public schools, and they are received well.

In my State of Oklahoma, we just had another school that came online that is a charter school that has been approved by our State board of education in a unanimous vote just a few weeks ago. These are decisions that are made by local districts. These are decisions that don't work in every area, in every location, especially in many rural areas. It doesn't work the same way. So why don't you allow that local district to make those decisions? Why don't you allow that State to make that decision? Why don't you give the authority to Oklahoma to do it? Let's not ask Betsy DeVos; in fact, allow Congress to hold her to account to make sure that our Secretary of Education is not trying to impose on our States what she wants to do but is allowing our State to do what we want to do. What we ask of a Secretary of Education is not to run our schools but to stay out of our schools' business and to allow us to be able to make those decisions.

She is not going to step in and try to take funds away. Those are not her funds to give and to be able to monitor. Our decision is—what do we want to do as a State in education? What options do we want to provide to our kids? What I would ask most of a Secretary of Education is to leave us alone and allow us to do what we can for our kids.

Quite frankly, I don't have a problem with school choice, even as a parent who sent my kids to public schools when I could have sent them to private schools. I thought the school was doing a great job in my area. I was glad for my kids to be able to be involved in it.

But why would we ever tell a parent: If you will give us just 5 more years, we will get this school cleaned up and turned around. Their child doesn't have 5 more years. Their child has one shot. And if they wait 5 more years, they graduate from high school and without the opportunities they needed. It may work for their younger brother, but they couldn't wait.

Why don't we give that ability back to the parent? As an avid supporter of public education, as a person with deep respect for teachers in my school, as a person who—I myself have a secondary education degree from college; I spent 22 years working for students, and I cannot tell teachers enough: Thank you for your thankless service. They spend all day with students who don't want to be there most of the time. They deal with parents at night who

are upset that their child got a B-plus rather than an A. And they work tirelessly through a lot of bureaucracy. We are grateful for that. I can assure them that this Congress will make sure that no Secretary of Education, including the next one, reaches into any classroom and tells them how to do their business.

NOMINATIONS OF JEFF SESSIONS AND SCOTT PRUITT

Madam President, we have a couple of others I want to mention, as well. JEFF SESSIONS, who is coming out of this body, will be the next Attorney General. He will be a great Attorney General because JEFF SESSIONS has proved over the years that he is passionate about the law. He did it when he was in Alabama. He has done it here in the Senate. He has been an individual who is very focused: What does the law say? Let's do that.

He has been a person who is a lover of all people but also a person who is not opposed to confronting people when they need to be confronted. It is a good role for an Attorney General. I look forward to seeing him in that spot.

We have a favorite son in this fight as well. His name is Scott Pruitt. Scott Pruitt has been beat up a lot by the special interest lobbyists and environmental lobby. They put out all kinds of stuff about him. I encourage them to actually meet Scott Pruitt and to hear from him. Scott Pruitt has been passionate about the environment. Scott Pruitt actually likes breathing clean air. I know that may be shocking to people, but he actually likes clean air. In fact, he likes clean water as well. I don't know if you knew that or not.

Scott Pruitt has been a very good attorney general for us and has also been very focused on doing this one thing: What does the law say? Let's do that.

Some of the pushback that Scott Pruitt has had is not that he is opposed to the law; it is that he is not willing to push beyond the law, to be more creative with the Clean Water Act, and to be more creative with the Clean Air Act. It is not the job of the executive branch to be creative with an old law; it is to implement the law and to do it well.

I fully expect Scott Pruitt to hold every person and every company that are polluters to account because we as a nation all want clean air and clean water. But I also fully expect him to push back when someone says to him "You ought to do this," and for him to respond "That may be nice, but that has to pass Congress because the Environmental Protection Agency can't make up the rules; they can only implement the rules that have been given to them by Congress." I am looking forward to Scott Pruitt serving in that role.

In the weeks ahead, as he has advanced out of committee, he will come to the floor, and we will have a full

vote here. I am willing to tell all of my colleagues that when Scott Pruitt is at the Environmental Protection Agency, you will be pleasantly surprised with how fair he is, how responsive he is, and how passionate he is about actually implementing the law.

These are long days for us because there are an awful lot of stall tactics going on. President Trump is trying to put his Cabinet together. By this point, 2 weeks in, President Obama had almost all of his Cabinet done already. Over 20 individuals were already in place in President Obama's first term. The other party has blocked as many as they possibly can so that President Trump can't get to work. You may think that is a nice political thing to do, but the Nation had an election. And as President Obama said, elections do have consequences.

President Trump should be allowed to put together his Cabinet just as Republicans allowed President Obama to put together his Cabinet before. It is a fair thing, and it is the right thing to be able to do. We all need to be able to get our work done. President Trump included. Let's let him put his team together and get to work as the American people have asked him to do.

Madam President, with that, I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HEITKAMP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

Ms. HEITKAMP. Madam President, I come to talk about a topic that is near and dear to my heart. Although I don't serve on the committee of jurisdiction, I will tell some stories today that will demonstrate to you about why I feel so strongly about this nominee and so strongly about this position.

I want to start with my dad's story. My dad grew up on a small family farm outside the town of Barney, ND, not that you would know where that is. When he became an eighth grader—when he graduated with an eighth-grade education, he wanted to go to high school in Wyndmere, but as was the custom at the time, the oldest son was expected to stay on the farm and not get an education beyond the eighth grade and help support the family. That is not unusual. There is probably a number of people in this body whose parents have a similar experience, but this story really came home to me when my dad was diagnosed with melanoma.

Unfortunately, with part of that disease, the cancer moved to his brain and something remarkable happened for all of us, and that was that he would relive

parts of his life. He would believe—as the cancer took over his brain, that part would activate his memory, and he would be doing things like calling bingo in the middle of the night during this time when he was in hospice care. It would alarm us, and maybe sometimes even amuse us, but he would truly believe he was calling bingo at the Mandan VFW Hall.

I remember taking care of him one night, when he started reliving the experience of not going to high school and started really talking about how that affected his life, begging his father. I would never have known that without the cancer, but that education experience was so critical to his future and the future of his children. That experience that he had taught us and informed us and mandated that we appreciate public school education and the opportunity that came with it.

That leads to our story, the seven children of Ray Heitkamp who had a great public school education in Mantador, went to high school in Hankinson. Some of my siblings were fortunate enough to go to parochial school before St. Francis closed down, but we all graduated from Hankinson High School. Then something truly remarkable happened in this country—truly remarkable because we had a chance to go to college. From the time we were just children, my mother would tell us we were going to college. We would wonder, back in the sixties, how that was ever possible.

Then the Federal Government did something truly remarkable. It said our most important asset and our greatest future lies in the education of our children, and we want to help our children advance with that education. We saw what happened with the GI bill when GIs came home from World War II and went to college and became doctors and lawyers, became bankers, became businessmen, and worked to build their communities. We saw that.

We said: Wouldn't it be great if every kid had that opportunity, not just returning veterans but every kid.

So I remember coming here, my first day that I presided in the U.S. Senate after I was elected in 2012, and I was so busy getting ready to serve that I hadn't really gotten to that spot where I realized: Wow. I am standing in the most deliberative body in the world, and I am a U.S. Senator. I remember gaveling in, asking Pastor Black to come forward and give the prayer, and then we turned—as the pages know, we turned to say the Pledge of Allegiance. It was at that moment when I asked myself, "In what country can the daughter of a school cook and a construction worker serve in the U.S. Senate?"

We are blessed in this country to have opportunity, but that opportunity is diminished if we don't support public school education. That opportunity

will not be available to future generations. We will continue to divide this country in ways that will destroy our democracy.

So where do we go today and how does this have anything to do with today?

This is our Nation's story. Public school education, which began in Massachusetts, and every step and every development of public school education has expanded the opportunity for children with disabilities to achieve their highest calling through public school education. Children of a school cook and a construction worker can become a U.S. Senator. Any achievement we all have is because someone cared about our education and cared about our opportunities.

I was fortunate, I had parents who believed in education. Way too many children today are in homes where education isn't a priority. Maybe that home is racked with poverty, addiction, huge challenges. Even homeless children deserve a public school education, deserve access to education.

We are the envy of the world. Children in other countries die for the opportunity for public school education. This is foundational, not just to the individual development but to the future of our country.

So where are we today? Sure, we have challenges in education. No one is denying that. No one is saying our public school education, our entire education system is perfect. The challenge I have in North Dakota is achieving quality education in a rural setting. How do we do that when maybe there are only two high school seniors, and if they are going to go to the next school, they are going to drive at least an hour and a half a day. That is not unheard of. I can only imagine what that looks like in Alaska.

There are parts in our State where we are challenged every day to deliver high-quality education. We have a technology barrier. Fortunately, in North Dakota, we have technology and broadband in many of our schools. That is not true across this country. We need to do more in broadband, bringing high-quality education tools to schools. We need to recruit the best teachers for our rural schools, the best teachers for our urban schools—the best people.

During my time as Attorney General, I did a project involving juvenile justice. We went around to all of the schools, mainly talking to junior high kids because we believed that was the point at which they were making choices that may change the trajectory of their life. We were going around high schools talking to junior high kids. One of the things that kids told us over and over again is, they did not want their teachers to know when they had done something illegal. Why is that? It is not because they didn't trust their

teachers with that information. The other group they didn't want to know was their parents because they didn't want to disappoint the heroes in their lives. Contrary to what people think—because they think children's heroes are some sports hero or some rapper or some performer, and that is absolutely not true. Do you know who kids' heroes are? First, they will say their grandparents or parents or a sister or a brother, one of their family members. Next what we hear is their third grade teacher, their seventh grade math teacher, their high school coach who maybe made their life a little bit easier when they were in school. Those are their heroes. These are the people who are doing the critical work all too often of helping to raise our kids in very challenging circumstances.

So when we do not support public school education with highly qualified nominees for the highest education job in the country, what does that say to people who may choose an opportunity in education? It says we don't think very much of them because we are just willing to go ahead with a D-minus applicant because maybe that applicant had a big checkbook.

I want to talk a little bit about my colleague who is on the floor today, PATTY MURRAY, and a colleague who is not, and that is Senator ALEXANDER. I can state that I was in State office when No Child Left Behind was passed. It was so apparent to me and everyone at that level that this was not a public policy that was going to achieve the intended results, but yet we maintained that public policy for decades—through gridlock, through the inability to sit down and compromise, through the inability to put politics aside and put children first.

Then something remarkable happened in the last Congress. In a highly contentious partisan environment, two great leaders, Senator MURRAY and Senator ALEXANDER, sat down, and they knew the time had come to reverse the No Child Left Behind Act and replace it with something that was going to be much more successful so the Every Student Succeeds Act was passed, and we are now on the path of implementation. We set a new policy for public school education.

We need a leader in the Department of Education who believes in public school education and who can administer that policy, who can leave policy to the local and State school boards, to parents, to PTAs, and to local folks. We want policy. We need someone who can collaborate and implement and work with schools across our country to make this policy work and then report fairly back to us when something is not working to tell us that wasn't a good idea. We need more afterschool programs. We need a hot lunch program that actually serves more kids in the morning so kids are ready to learn. That is what we need.

So what did we get with this nominee? In my opinion, we got a highly unqualified nominee for one of the most significant positions in government for our most precious resource, our children. That is what we got.

So I am standing today, explaining my belief that we need to do something different than approve this nominee. We need to send the right message to all of those educators, all of those State officials, and all of those parents who came together and worked with Senator MURRAY and Senator ALEXANDER to form a policy. Dissent was hardly anywhere. If it was, it was whispered on the edges. We need somebody who appreciates that work, who understands that work, and who would never say public schools are a dead end.

Public schools are not a dead end. They are the beginning of opportunity. We have to work hard to make sure that happens, but we have to start from a foundational belief that public school education is critically important and needs to be protected, supported, and advocated for. We have to start there, and I think we are not there with this nominee.

I wish to say it is not just my judgment that I bring to the floor of the Senate today. I bring to the floor the judgment of thousands of North Dakotans who have called me.

Hopefully, I did something to give people greater access to my advocacy in the Senate for them. I opened a portal on my Web page and asked people to tell us what they wanted to have done with these nominees. I have received thousands—in fact, 4,600. It may not sound like a lot to other offices, but that is a lot from a State of only 730,000 or 740,000 people. Of those 4,600, over half were on this nomination. Of those who called this office or sent a message to the portal, 92 percent of them said: Please, do not vote to approve Betsy DeVos. These are incredible statistics, very telling statistics.

I wish to read some of the comments I received from North Dakotans. I received a comment from Amber of Burleigh County, who said:

My husband and I are both public educators and we know how critical a good public school education is for students all across North Dakota, including our two daughters. We need a leader at the U.S. Department of Education who supports students, teachers, and public schools. Unfortunately, Betsy DeVos wants to dismantle public schools.

Judith from Cass County said:

DeVos has no public education experience or training of any kind; she has never been a teacher or school administrator, served on any public board of education, or even attended a public school. It is clear DeVos is not qualified to be the head of the U.S. Department of Education.

Patricia from Bottineau County told me:

As a former public school teacher and grandmother of 6, I do not support Betsy DeVos for Secretary of Education. She

should not get this job with no experience in education other than trying to get rid of public schools.

An editorial today in the Fargo Forum, a very conservative newspaper in my State—I might say, it is not known for its liberal bias—said:

Of Trump's Cabinet nominees, DeVos is among the least qualified for the intended job because of her uninformed and ideologically skewed views of public education. Her ignorance was on display during her Senate committee hearing during which she was unable to answer even softball questions about long-standing education policies.

If we were inclined to support Ms. DeVos, I felt it was my job to watch the hearings. By anyone's measure, I think the hearings were clearly a disaster for this nominee. But I think it also represented—more than the lack of knowledge and qualifications—an attitude. That attitude is that it is clear she doesn't understand the importance of public schools and refused to rule out taking Federal investments away from public schools. In fact, I think it was very clever in not revealing the true agenda, which is to privatize—not just charter schools. In fact, some of the greatest charter school advocates in this country do not support her nomination.

She doesn't understand basic education policy, yet she wants to lead the Federal agency overseeing education in our country. She doesn't understand or know of current Federal laws that support and protect students with disabilities. She has shown her severe lack of knowledge about rural schools, which represent about one-third of the public schools nationwide. She never attended or taught in a public school or had any of her children in a public school.

Students, parents, and teachers across North Dakota have stood up to say no to Betsy DeVos. In the Senate, only one more vote is needed to stop this nomination from proceeding.

I ask my colleagues who have not made up their mind, my colleagues whom I know care deeply about children to think about the great history of our country and think about the enormous privilege we had as children and as young adults to access that public school education. I ask them to think about how else someone who is the daughter of a school cook and a janitor and a seasonal construction worker could be in the Senate if it weren't for public school education.

Please, we can find someone so much better—someone who understands the new Federal policy, who has the ability to collaborate with public officials and not criticize, someone who hasn't said the work of these people who have dedicated their lives is a dead end, and someone who has respect for public school education.

We can do so much better. Our kids need it and deserve it. Children in the most precarious and difficult situations need a champion, whether it is

because they have disabilities or whether they come from poverty and don't have a parent who really cares about their education or is too busy trying to put food on the table to worry about whether the homework gets done. We can make a difference here. We can send a message out to all of those school teachers who have dedicated their lives, who are our kids' heroes, that their life work matters. We are going to send them the best this country has to offer to be their leader.

Madam President, with that, I yield the floor, and I yield my time to Senator MURRAY.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HEITKAMP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HEITKAMP. Madam President, I yield the remainder of my postcloture debate time to Senator MURRAY.

The PRESIDING OFFICER. The Senator has that right.

Ms. HEITKAMP. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Madam President, I rise today to address the potential confirmation of Betsy DeVos as Secretary of Education. I rise today not just as a Senator from Montana; I am a former public school teacher, a former public school board member. I have a mother who was a teacher and an aunt who was a teacher. I have a daughter who is a teacher. I have a sister-in-law who is a teacher. I have a number of teachers in my family. They all have either taught at or currently teach at public schools. When I was growing up, education was a critical part of what we developed into. Public education was something that my parents thought was very important. That was instilled in them by my grandmother, who over 100 years ago immigrated to this country from Sweden, due in part to the public education system we have in this country today.

When I came home from school every day, my mother would quiz me on what went on in public education. By the way, I went to the same school she did. She would find out what had transpired, both the interactions with the kids and what went on academically in the school, and also offer me a hand if I needed help with the academic portion. We would talk about my experiences in the public school because it

was important. She knew it was important.

She was the daughter of a homesteader. When she was a child, homesteading wasn't exactly looked upon kindly by the ranchers of the community. They thought homesteaders were taking away their right to make a living—breaking up that good grass and putting wheat on it, making it so cattle couldn't continue to graze there. There was a lot of friction between ranchers' and farmers' kids. They all went to the same public school. In my particular case, it was Big Sandy Public Schools. In the environment of that public school, those kids learned to get along. What resulted from that was the "greatest generation." We live in a world today due in much part to their figuring out a way to get along, figuring out a way to communicate, figuring out a way to make the world a better place. That was due I think entirely because of the public education system we have in this country today.

Our public education system is—and this cannot be argued—the foundation of our democracy. When I was growing up and the Vietnam conflict was going on and there were conflicts around the world, everybody said: You know, these countries need to have a democracy. And then there was a realization that without an educated population, democracies really don't work.

We have had a democracy in this country for nearly 250 years because of the success of our public education system. We have had a middle class in this country that has been the envy of the world because of our—listen to me—public education system. It is the foundation of our democracy, it is the foundation of our economy, and it is a place where we learn to live together peacefully.

What is troubling about the nomination of Betsy DeVos as Education Secretary is that she wants to privatize this public education system we have. I had her in my office. We talked about vouchers, and we talked about privatizing education. We talked about accountability. Her response to the public education system was that it was failing. Her response to that was, pull a few kids out. Pull the kids out who don't have any disabilities, pull the kids out who are a little smarter, and put them into a classroom, and that will be what makes this country great again. This country is already great, and if we do that, I am here to tell the people of the Senate today that we will destroy the foundation of this country and we will destroy—it may take a few years—we will destroy our democracy.

It would be different if Betsy DeVos had spent 1 hour, 1 minute, 1 second in a public education classroom. She was not educated in public schools. She has not dealt with public schools. I dealt with it as a teacher. I dealt with it as

a school board member for 9 years. In fact, my second public service job was on the Big Sandy School Board. It is important because my first one dealt with soil and soil conservation, and my second one dealt with education. She has been in neither of those positions. Quite frankly, it doesn't matter that she wasn't in those—except it does because if you don't touch base with what is going on and see the successes that are happening in public education, you can have a warped view of what is going on in this country right now, and that warped view will cause you to do things like say "You know what, we are going to put up charter schools, we are going to have vouchers, and ultimately we are going to take away public education as we know it today." Instead of saying "You know what, we are going to invest in accountability, we are going to invest in teachers' salaries, and we are going to invest in a 21st-century education system so our kids can compete," the answer is "No, we are going to pull kids out of the school."

I am going to tell you a secret. I taught in the late seventies. I am far from a master teacher; I taught for a couple of years. I quit teaching because I could do anything else in society and make more money. I could cut meat for a day and make as much money as I made teaching school for a week.

Wouldn't it be a little bit smarter, instead of privatizing the schools, as Betsy DeVos wants to do, to invest in those schools? Let's give the kids the maximum opportunity we can give them. Let's value public education, and let's value education.

I am going to tell you what happens in a rural State like mine with privatization. My school system in my hometown of Big Sandy has about 175 kids. That is not an exception for Montana; there are a lot of schools that have 175 kids or fewer. By the way, that is not high school; that is K-12. Let's say that for whatever reason, somebody wants to set up a charter school a few miles down the road and suck a few kids out of Big Sandy and maybe suck a few kids out of the Fort Benton school system and a few more out of the Chester system. Pretty soon, they have their little charter school, and there is less money to teach the kids who are left in those public schools. What do you think is going to happen to those kids who are left there? That is going to take away from our public education system. Ultimately, it will cause those schools to close because the money that funds our education is at a bare minimum right now.

The other thing that has happened in our public education system is that Congress—people here—has made the promise to local schools to fund kids with disabilities, the IDEA Program, things we can do to help fix public education. Let's fund what we promised—

40 percent. It is funded at 16 percent right now. So if we had a person who was going to go in as Secretary of Education and said: You know what, this is a problem, and we are going to fight to make sure that folks have the money from the Federal level to be able to teach the kids; and we are going to live up to our promise; and, by the way, IDEA is a good program that needs to be fully funded, and the Federal Government needs to do their part at 40 percent, I may have a different opinion. But that is not what she wants to do. She, in fact, wants to do something far worse than that.

She told me she wanted to block grant the money for IDEA, which would further put another nail in the coffin of schools around the country, and then put three or four in the rural schools.

It has been documented here earlier this morning that the phones have been ringing off the hook. They have been ringing off the hook opposed to Betsy DeVos. There are 1 million people who live in Montana. Over 3,000 people have contacted me opposing her. I have had 20 contact me to support her. Phones are ringing off the hook. In fact, the phones are ringing to the tune of 1,200 to 1,500 calls a day. The phone system has shut down. There are some Senators who aren't even answering their phone because they don't want to hear it. But the truth is that public education is important in this country. People know what is at risk here. To have somebody who has never spent any time in the classroom of a public education system is asking for catastrophic results.

I am going to read a few comments from people in my great State who have sent me emails and letters about Betsy DeVos. Here is one from Melee in Missoula:

Mrs. DeVos has no place in our national education system. She is clearly not prepared nor does she even have the most basic experience to do this job well. Our students, teachers, and parents, deserve an excellent candidate, and she is not it.

Kelly from Laurel:

As a mother of an 11-year-old daughter, the thought of this woman in charge of our Nation's school system scares me.

Sandy from Billings:

It would be nice to have an Educational Secretary who has actually worked, I say WORKED, in education instead of some rich woman who has never spent a day in public schools.

Kim in Kalispell:

We need an Education Secretary that knows what the I-D-E-A Act actually is and the needs of rural school districts. We can do better and our kids deserve better.

Jenessa from Froid wrote me quite a long letter. I think it is particularly poignant, so I want to read this to you. It is a little bit long, but I think it is very clear. I want to back up a little bit and tell you that Froid is a very

small town, not unlike Big Sandy. It doesn't have a lot of kids, but it has great people. Here is what Jenessa says:

After marrying my husband, a local farmer, in August 2010, I put down my roots with plans to spend my entire teaching career in Froid. With Mrs. DeVos pushing for private school funding, our small school will be one of the first to suffer.

Having two small boys that will be soon entering into their school years, they will be the third generation to walk the halls of Froid Public School. I want them to be able to spend all 13 of their public school years in the same school.

As an educator, I have seen what a small rural school can do for a student. While we may not get the same opportunities as large schools, when the opportunities knock on our door, we have a large percentage of students take advantage.

They have pride in their school and their community. Montana is currently suffering from teacher shortage. With a lack of funding, this shortage will only get worse.

I am currently in the process of earning my Masters degree in Educational Leadership. With this degree, I have been given the opportunity to become the principal of our small school. A school my family attends, my roots are dug, and I do not want a woman like Betsy DeVos having control over [our school].

Please vote no. A vote for Betsy is a vote for private control. A vote for Betsy is against the community of Froid.

A vote for Betsy is against Froid Public School. A vote for Betsy is a vote against public school teachers across this country and against the great State you represent. A vote for Betsy is a vote against my family. A vote for Betsy is a vote against me.

Mary from Red Lodge:

As a 32-year veteran educator in a rural public school, I am deeply concerned about the appointment of Betsy DeVos as Education Secretary. I'm inclined to say that her loyalty and financial backing of Mr. Trump were the reasons for the misguided appointment and not her experience and knowledge in education issues.

To be in such an esteemed position as Education Secretary, one would expect years of experience and an advanced degree to understand the ongoing issues we face in U.S. education.

Sara from Billings:

As a first grade teacher in a low-income school, I believe wholeheartedly in Montana's public schools.

Betsy DeVos believes in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly fail.

The marketplace solution of DeVos will destroy our democratically governed community schools. Her hostility towards public schools disqualifies her.

She will not work to provide a free and fair education to my students who struggle every day with hunger, with homelessness, and more. I am asking you to vote against the confirmation of Betsy DeVos.

But I have heard from far more than that—from parents to grandparents, to doctors, to average Joes who oppose this nomination. Education is something that affects everybody's life. In my opening remarks, I talked about the need for public education for de-

mocracy to work and exist. As a former school teacher and as a former board member, I can tell you that there are a lot of things we can do to make public education better, and we ought to do it.

There are hard things to do. It is much easier to say: Let's just destroy the program and privatize it, and then see what we end up with. That would be a bad decision, and that is why we should not vote for Betsy DeVos.

The impacts are huge. They are huge on our economy, they are huge on our form of government, and they are huge for us being a leader in this free world we live in.

In closing, I want Montanans to know that we have heard you. You called, you wrote, and you contacted me on Facebook and Twitter. Your message has been loud and clear. It is a message that we are hearing all across this country. It is a message that, quite frankly, if we confirm this lady, will not make America great again. In fact, it will, over time, destroy this very country that we love.

As to people who I talk to who say: The Secretary of Education doesn't matter; it is not going to affect me—I don't know whom you are kidding. The fact of the matter is, this will affect every school in every community in this country.

We can say President Trump got elected, and he needs to have the team that he wants. I am not going to vote for a team that destroys the public education system in this country. I would not be doing a service to the people who came before me—the previous generations—and I certainly would not be doing a service to my kids and my grandkids and the generations to come after. This is a very important decision. If we want to do the tough work of debating our public education system and determining how we can make it better, get the best people in the classrooms, and get the best academic material in there for them to work off of, let's do that. But let's not destroy the public education system that has made this country great for generation after generation after generation.

I urge my colleagues to stand with the thousands of Montanans and the millions of Americans who have told us to vote no on Betsy DeVos.

Madam President, I yield my remaining postcloture debate time to the Senator from Washington, Mrs. PATTY MURRAY.

The PRESIDING OFFICER. The Senator has that right.

Mr. TESTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HIRONO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Madam President, why are we even debating the nomination of a person who clearly does not believe in our Nation's public schools? No matter whether you are a Democrat, Republican, Independent, no matter what part of the country you live in, whether rural or city, whether you have children or not, who would say that education is not important or valuable? Who would say that education is not foundational to success in life?

Nine of every 10 students in the United States attend a public school. Who among us would say those students should be led by a person who does not believe in public schools? Who among us would say that we should have an Education Secretary who does not commit to making public schools better for the sake of all of our children?

Then we should ask ourselves: Is Betsy DeVos the best that we can do for our children and young people? Does Betsy DeVos believe in public schools? No. Has Betsy DeVos ever been a teacher, a principal, or even attended public school? No. Does Betsy DeVos believe that we should hold charter schools—which are public schools, by the way—equally as accountable as other public schools? No. Does Betsy DeVos understand educational civil rights laws that provide all children with disabilities the opportunity to pursue a free and appropriate public education? No. Did Betsy DeVos commit to holding schools accountable for campus sexual assault? No. Again, I ask: Is Betsy DeVos the best that we can do for our children and young people? No.

Again, why are we even here to debate whether such a person should lead the Department of Education? I feel as though we are going down a rabbit hole where up is down and down is up. It should not be asking too much to have an Education Secretary who will stand up for public schools and the millions of our children and young people who attend our public schools all across our country.

Education is foundational. I think we all acknowledge that. I speak from experience. When I came to this country at almost 8 years old, I did not speak a word of English. I attended public schools where I learned how to speak English, developed my love of reading, and ultimately prepared for college. Public schools really helped prepare me for life.

I had a great sixth grade teacher. His name is Yoshinobu Oshiro. Before he was a teacher, Mr. Oshiro served in the military intelligence service during World War II, one of the segregated Japanese-American units that went on to earn the Congressional Gold Medal. He really cared about his students, and he encouraged me to study hard.

I have stayed in touch with Mr. Oshiro for decades. When I was last home in Hawaii about a month ago, I invited him to the historic meeting of President Obama and Prime Minister Abe of Japan at Pearl Harbor. I wanted to make sure that Mr. Oshiro met both Prime Minister Abe and President Obama. This happened. Today, I have a photo of Mr. Oshiro. There he is, meeting President Obama on that historic day in Hawaii.

Mr. Oshiro was a very important part of my life. In public schools across the country, there are many more Mr. Oshiros, teachers who go out of their way to support and encourage their students. They deserve a leader who will fight for them, who understands the challenges our public schools face, and who is committed to meeting those challenges. They deserve a leader who wants all of our children in public schools to succeed. If you can truly say that Betsy DeVos is that leader, that she is the best we can do for the millions of children attending public schools in our country, then vote for her. But I cannot. Thousands of my constituents agree.

I yield the remainder of my postcloture debate time to Senator MURRAY.

THE PRESIDING OFFICER. The Senator may receive up to 40 minutes.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING LAVELL EDWARDS

Mr. HATCH. Madam President, I rise today to honor the memory of LaVell Edwards, a giant of the gridiron who guided the Brigham Young University football program through decades of unprecedented success. Surrounded by his family, Coach Edwards passed away peacefully on the morning of December 29, 2016.

Born to Philo and Addie Edwards in 1930 in Orem, UT, he excelled in football and basketball at Lincoln High School.

Following graduation, he decided to attend Utah State University to play football. LaVell figured that if he played for BYU, the hometown school, he would have lived at home and been required to milk the family cows, so he went north to Logan. At Utah State, he met the love of his life, Patti Covey. A few months after the two went on a blind date, they were married in Beaver Dam, UT.

Following graduation, LaVell served in the Army for 2 years. After receiving an honorable discharge from the military, he became head football coach at Granite High School in Salt Lake City.

After eight seasons as head coach, LaVell was hired at BYU by Hal Mitchell in 1962. LaVell humorously remarked that he was hired only because Coach Mitchell wanted to run the single wing offense and Coach Edwards was the only Mormon running that offense at the time.

After 10 seasons as an assistant coach at BYU, he was promoted to head coach in 1972. Prior to his promotion, BYU had never achieved much success in football. In LaVell's words, it was a matter of when, not if, he would be fired. So he decided to do something that few other coaches were doing at the time: make the forward pass the focal point of the offense. LaVell's bold move revolutionized the game of football. His quarterbacks ended up throwing for over 100,000 yards, and four of them won the Davey O'Brien Award, given annually to college football's best quarterback. One of his quarterbacks even won the Heisman Trophy, which is awarded each year to college football's best player. LaVell's high-powered offense boosted the team to national prominence and culminated in BYU's 1984 national championship victory.

Following this historic season, Coach Edwards was named the AFCA National Coach of the Year. With LaVell at the helm, BYU consistently finished in the top 25. He would eventually lead the Cougars to 19 conference championships and 257 victories, making him the seventh winningest coach in college football history. He coached 31 all-Americans, 6 College Football Hall of Famers, and 2 Outland Trophy winners. Coach Edwards himself was ultimately inducted into the College Football Hall of Fame in 2004.

Despite his tremendous success on the field, LaVell always remained humble. He also never lost his sense of humor. Although college football fans typically remember Coach Edwards for his trademark sideline scowl, he was renowned for his wit. He quipped on this fact, saying, "Someone once said I'm a happy guy; I just forgot to tell my face." With his disarming humor and clever one-liners, LaVell could lighten the mood and make almost anyone laugh.

Coach Edwards also had a remarkable ability to delegate. Although he knew football forward and backward, he surrounded himself with capable coaches and he let them do their jobs. His assistants were some of the best ever in college football, partially because he let them have free reign. This quality allowed him to focus on the personal element of football.

He valued all of his players, and by all accounts, his door was always open to them. Indeed, many of his players have spoken about having frequent meetings with him that helped change their lives for the better. At his funeral, hundreds of former football play-

ers showed up—Hall of Famers, top-notch-rated people in almost every case. I was there at the funeral on Saturday.

Coach Edwards simply cared about people, and I was fortunate to witness this up close. In the 100th Congress, I had the pleasure of working with him when he was president of the American Football Coaches Association. Together, we helped to pass legislation that allowed the AFCA to establish multiemployer pensions for college football coaches. Given the uncertain nature of the coaching profession, this legislation was an important achievement for coaches and their families across the country.

Although football was important to LaVell, his faith was first and foremost. While he was coaching at BYU, LaVell served as a lay bishop in a Mormon student congregation. He thoroughly enjoyed the interactions he had with those students.

Throughout his life, he served his church in many other positions of responsibility. Following his retirement from coaching in 2000, LaVell and Patti served a public affairs mission in New York City for the Mormon Church. He served honorably in that capacity and even put his experience as a football coach to good use.

I might add that he invited me to come up and go to dinner with a number of dignitaries in that area so that he could chat with them and tell them a little bit about his faith and his beliefs, and it was a privilege to do so.

He and Patti were terrific missionaries and good people. While a missionary, LaVell aided in the establishment of Harlem's first high school football program in decades.

Coach Edwards and Patti also met with many different political and religious leaders, and, as he put it, they looked to "build bridges" between these leaders and his church.

Madam President, LaVell Edwards was a champion on and off the field. Not only was he one of the most successful coaches in college football history, he was also one of the greatest men I ever knew. I will be forever grateful for my own friendship with LaVell, and I pray that we will always remember the humility and humor that were the hallmarks of his life. It was one of the privileges of my life to have a personal relationship with him and Patti. They are two of the finest people I have ever met.

I have to say that LaVell would drop anything to support his religious beliefs, and he was a tremendous influence on literally hundreds, if not thousands, of football players and others who watched what he said, watched what he did, and loved how well he did those things.

I personally was befriended by him on a number of occasions, and it meant a lot to me. It means a lot to me to

this day not because he was so important, he was one of the greatest coaches who ever lived, and he was in the Hall of Fame, but because he was down-to-earth, a person who loved to play golf, loved all sports, and loved being with people. And when he supported you, it was really support.

All I can say is, he is one of the greatest men I have ever met in my life. He had a great influence on so many people—still does. His wife is every bit as great as he has been. Both are tremendous human beings who have made this world a better place to live.

From a football standpoint, I think most coaches who knew him would say he was unexcelled, and I agree that is true, but that was minor compared to the type of life he lived, the type of things he did, the type of honors he shared, the type of kindness he showed, the ability to talk to people and help them through the problems they had, and, of course, the overall genuine goodness of a fellow whose life was well spent, who touched so many lives, literally hundreds of thousands of lives over the years, and who had this tremendous sense of humor that made being around him a real pleasure.

I am grateful I knew LaVell Edwards well. I am grateful for the life he lived. I am grateful for the example he set. I am grateful for the joy he brought to so many people. And I wish his dear wife Patti well. I just hope that these words will be a little bit of consolation for her.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise to strongly oppose the nomination of Betsy DeVos for Secretary of Education.

I want to start by just reading from some letters from some young constituents that I received.

From one little boy named Theodore:

Dear Senator Gillibrand, I am a public student in PS 3. I love my school.

Please vote against Betsy DeVos because she's against public schools. I'm happy here.

From Felix:

Dear Senator Gillibrand, I am a public school student in New York, and I love my school. Please vote against Betsy DeVos as Secretary of Education because she is prejudice against public schools. I am in third grade and am a boy. Love, Felix.

Dear Senator Gillibrand, my name is Mina, and I am a public school student. I love my school (PS3), and I hope you vote against Betsy DeVos because she does not support public schools. Sincerely, Mina.

These are just three letters out of thousands of letters, phone calls, and

emails from my constituents. I have never heard so much from my constituents about someone so ill-prepared for the job they have been nominated for.

I am unconvinced that this nominee in any way would use her position to actually fight for the 2.6 million students and 200,000 teachers in the public schools in my State.

She refused during hearings to commit to protecting the Federal funding that goes to our title I schools which serve students from our lowest income families. She refused to uphold critical Federal laws, like the Individuals with Disabilities Education Act, in schools that receive this absolutely necessary Federal funding. She refused to commit to upholding title IX guidance from the Department of Education, which has played an instrumental role in addressing the problem of sexual assault in our schools across the country. She even wavered on whether guns have any place in and around our schools, she said she would oppose gun-free school zones. She doesn't have any experience working as a teacher or as a school administrator at any point in her career. Instead, she has spent decades advocating for education policies that would fundamentally undermine our public school education system.

What kind of message does this send to our students and their families and our teachers if we put our trust in a person who has worked so tirelessly throughout her career to weaken public schools?

I am astonished by how little the nominee seems to understand about the basic needs of New York's schools, teachers, and parents. I am very disturbed about how out of touch her statements are with basic values.

In New York, we have over 2.6 million students who attend public schools, including 450,000 with disabilities. We have over 200,000 public schoolteachers.

Ninety percent of all students in our country go to public school. Public schools serve all kids. They feed them if they show up hungry. Public schools help all kids with disabilities and don't send them somewhere else. Public schools help all students reach their God-given potential, and public schools are held accountable for meeting the requirements of our Federal education system and essential civil rights protections, but this nominee has vilified public schools.

Teachers and students around the country have raised their voices about this nominee, and they have made their views very clear. They do not want us to confirm Betsy DeVos to lead the Department of Education because they feel she is not an Education Secretary for all of America. I have heard from tens of thousands of them. Listening to what my constituents say, they are pretty concerned.

I would like to read a couple more letters. This one is from a school social

worker in a middle school. She was hired to help underserved children develop effective executive functioning skills and survive their day-to-day lives.

My students are resilient, intelligent, loving young women and men, and they face indescribable hardships that no child should have to experience.

The ideologies and policies represented by Betsy DeVos and the Trump administration put my students' futures on the line.

Please continue to represent and fight for my students by denying the confirmation of Betsy DeVos for Secretary of Education.

Here is another letter:

While I teach in a private school setting, my sixth grade daughter attends a public middle school, and my second grade son attends a funded special education school to address his speech and language delays.

We rely on the excellent public schools in our community to support the learning needs of our children, as do hundreds of thousands of other families in New York City and millions of families across the Nation.

Here is another letter from a teacher in one of the poorest school districts in my State. He wrote:

I not only teach the State-mandated curriculum—we offer elite educational programming to all those who reside in our district.

I am honored on a daily basis to know that I have been able to level the playing field for many students by offering them the keys to success through their education.

Students who come to us homeless, underfed, victims of poverty and trauma are given the same access to success as those more fortunate.

Because of our public school systems, they have been able to achieve the American dream and achieve all their dreams.

These are real concerns. These are heartfelt worries. This is what the people of New York are saying and people across this country. We need to listen to our constituents. We need to serve them. We need to represent them. We need to listen to our teachers across our States who work so hard every day to make sure our children can learn and reach their potential. We need to listen to our families and our students who have expressed very real fears that this nominee will cause damage to our public schools.

So I stand with my colleagues from both parties to oppose this nomination. I will not support the confirmation of someone who is such a threat to our public school system.

I encourage everyone in this Chamber to think about the students and teachers in their States who desperately need a leader to run the Department of Education. I urge all of my colleagues to vote this nominee down.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise in opposition to the nomination of Betsy DeVos to be the Secretary of Education. This is not a position I take lightly. I have never opposed the confirmation of a nominee for Secretary of Education. I also have never seen the intensity of opposition to a nominee for this position as we have witnessed with Mrs. DeVos.

Thousands of Rhode Islanders—educators, parents, community leaders—have written or called to express their dismay that a person with Mrs. DeVos's record and background would be chosen to lead the Department of Education. What I have seen and heard about Mrs. DeVos leads me to agree with my constituents—she is uniquely unsuited and unqualified for this critical position.

The U.S. Secretary of Education oversees the Federal Government's role in ensuring educational equity in our public schools regardless of family income, race, ethnicity, language, or disability. Mrs. DeVos's work has been in the opposite direction. She has dedicated her time, political capital, and personal fortune to creating private sector alternatives to public education.

She has also fought to shield those alternatives from the same standards and accountability that apply to public schools. For example, she spent a reported \$1.45 million to reward or punish Michigan legislators as part of her effort to kill an accountability plan that would have included charter schools. This hostility to public schools and affinity for using public dollars to fund private schools or for-profit education companies makes her, in my estimation, a poor choice to lead the U.S. Department of Education.

Mrs. DeVos's crusade for vouchers raises another fundamental question about whether she respects the separation between church and state. This is a founding principle of our Nation. However, in the past, she has talked about her education reform efforts in religious terms as advancing God's Kingdom and reversing what she feels is a trend of public schools displacing church in community life. In an administration that has signaled a willingness to discriminate based on religion, these views are cause for real concern and they have no place at the U.S. Department of Education.

Mrs. DeVos's crusade for school choice in Michigan has been a failure for students. Since 2000, student achievement in that State has fallen. In 2000, Michigan students scored above the national average on the National Assessment of Education Progress in fourth grade reading and math. By 2015, they were below average.

As a single-issue educational reformer, Mrs. DeVos does not have the breadth of knowledge necessary to

oversee our national education policy from preschool through adult education and postsecondary education. Her policy solution for education is choice. As they say, when all you have is a hammer, everything is a nail. This one-size-fits-all approach is a real danger given the diversity of our students, our institutions, our communities, and the different educational challenges across the lifespan of individual Americans.

I know many parents and students and employers are worried about our schools. I share that worry, and we need to do more, but Mrs. DeVos's plan to eliminate those neighborhood schools rather than do the hard work of repairing, renovating, and providing the supports that enable all schools to be ready to learn at school is cause for alarm.

During her hearing, Mrs. DeVos displayed little understanding of the Federal student aid programs that provide approximately \$150 billion in assistance to students struggling to pay for college. So not only does she have a single-minded focus on private charter elementary schools, she has very little grasp—from her hearing testimony—on the challenges for postsecondary education in the United States.

She also appeared confused about questions regarding the Individuals with Disabilities Education Act—the landmark law enacted in 1975, and updated many times since, that protects the rights of children with disabilities to a free and appropriate education. At first, she suggested that States should be allowed to decide whether or how to enforce the law, and that, in my view, is a disqualifying answer. This has been a Federal initiative that has proved successful.

Indeed, many of us can recall when students with special needs were ignored—totally ignored—until the IDEA, and now they have been incorporated into our public school systems and into our educational system, which has benefited these students, their families, and our country.

I also share my colleagues' concerns about Mrs. DeVos's finances and her ability to carry out her duties as Secretary free from conflict of interest. Her ethics disclosures show investments and relationships across a range of education interests from for-profit early childhood education companies to for-profit education management entities, advocacy organizations, education software, campus services, private student loans, and student loan debt collectors. She has not fully disclosed her assets to the Senate Health, Education, Labor, and Pensions Committee and has declined to provide information on the holdings in two family trusts that she will retain if she is confirmed. This lack of transparency raises real questions about whose interests will be served under her admin-

istration at the Department of Education.

Education is really the launching pad for the American dream. It is the engine that drives this country forward. The Secretary of Education must be a champion for public education.

As we have seen from the Office of Civil Rights data collection, we have significant gaps in opportunities and resources in schools across this country. Our Secretary of Education must be dedicated to helping States and school districts close those gaps. These children cannot afford to have resources drained from their public schools for vouchers that will do little to improve the quality of education in their communities.

And as many of my colleagues in rural States have indicated, there is just, in many places geographically, the inability to substitute a public school with a vouchered charter or private school. If we break faith with these public schools, we will leave thousands of Americans, particularly in rural communities, without any real choice.

The Secretary of Education should be working toward helping our teachers, principals, school leaders, and parents ensure that we are reaching all students and helping them succeed. All students include students with disabilities and English language learners. All students, together, learning from one another and not in separate and, indeed, perhaps inherently unequal environments. Our goal should be equal opportunity. And if we pursue that goal, we will see the progress and success of America continue.

We need a Secretary of Education who is prepared on day one to lead our Federal student aid system that includes a student loan portfolio of over \$1 trillion with more than 40 million borrowers. This is another aspect of the responsibilities in postsecondary education that, in her testimony and in her presentation, Mrs. DeVos appeared to be ill-informed about. Our Secretary of Education must be at the forefront of expanding college access, improving affordability, and ensuring that students' educational and financial interests are protected.

We need a Secretary of Education who is prepared to address the needs of adult learners, especially those who have been left behind in a changing economy. Mrs. DeVos has provided no insight as to how she will lead the Department of Education's efforts to support adult learners.

In fact, one of the realities of this economy is that learning today is lifelong, lifetime learning. We have left the period in which a high school diploma would be adequate for a person to get a good job, move up through the ranks in a company, retire comfortably, and provide for the next generation. Now, the intensity of education and the duration of education

has to be for a lifetime. And, once again, that knowledge, that expertise, was not demonstrated in her testimony.

Sadly, I do not believe that Mrs. DeVos is the Education Secretary that we need. She has dedicated her time and wealth to promoting alternatives to public education, which I believe is the bedrock of our democracy. I think one of the most significant reasons this country grew and expanded was that going back to our earliest days, we, more than any other Nation in the world, pioneered free public education, accessible to all, and that engine drove this country forward. To ignore that, to abandon public education, would be a tremendous setback to not only our economy but to the fabric of our society.

Her focus on vouchers and for-profit education calls into question—very dramatically—her commitment to public schools. It does not seem to be her major priority, and I would argue that has to be a major priority of the Secretary of Education, along with the Federal role of ensuring that the rights of all students are protected, regardless of where they live. This can't be a Department of Education that is focused on certain ZIP Codes and ignores other ZIP Codes.

Furthermore, nothing in her background and in her testimony before the Health, Education, Labor, and Pensions Committee inspires confidence that she has the experience or vision necessary to oversee public education policy, including higher education and adult education.

For these reasons, I cannot support her nomination, and I would urge my colleagues to join me in voting no.

As I indicated in my opening remarks, having served under both Republican Presidents and Democratic Presidents, this is the first time I have ever felt that I could not support a nominee for the Department of Education.

With that, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to thank my many colleagues who have been here this morning to talk about this critical appointment, the Secretary of Education, who oversees all of our K-12 and higher education in this country. It is a principle so many of us care about. I have heard passionately from so many of my colleagues here today about what public education means to them, what it means to our country, what it means to our democracy, and what it means for kids of all different backgrounds to come together in a public education system that is guaranteed by this country. The dangerous views of this nominee, Betsy DeVos as Secretary of Education—who has said repeatedly she will not protect

the investments we have made, but rather has the philosophy that we should take money away from our public education students and put it to vouchers for private schools—will undermine our whole entire democracy. It is why we have heard across this country from so many parents and teachers and students and grandparents and business leaders who are urging Senators from every State to vote no on this nominee.

Certainly we can do better. Certainly the last election was not about sending our K-12 and higher education system into chaos, certainly not at a time when one of the most important things people care about is the stability of our economy, the ability to get a job. Fundamental to that is being able to know you can go to a school, no matter where you are or where you live or how much money you have, and get a good education. We need to keep that, and no one wants to send that system into chaos at this time. That is why people are speaking out.

As I mentioned earlier today, I have heard from thousands of people in my home State who have contacted me with concerns about this nomination of Betsy DeVos to be the Secretary of Education. An overwhelming number of them are people who have spent time in our classrooms with our kids; that is, our teachers. Many of them have spent decades in public schools dedicating their own lives to helping our children learn in school districts of all different sizes, and those teachers deserve a voice today.

So I thought I would take a few minutes to tell my colleagues a little bit about what I am hearing and why they believe we should oppose Betsy DeVos as Secretary of Education.

I heard from a teacher from my hometown of Bothell, WA, who wrote me and said that public education is the basis of equality for all students in this country. Our Founding Fathers recognized the importance of having educated citizens and the need to provide it for all of our children. Education for profit doesn't work. And we need to do what we can to make sure we fight privatization of our education system.

I heard from another woman in central Washington who works with low-income students. As she noted, taking title I funding and putting it toward private schools will be devastating to small communities. She is echoing what I am hearing from rural communities across my State and what I am hearing from many other Senators who have talked to me about what they are hearing from rural communities in their States.

From Seattle, I heard from an educator who told me that she wanted to see fellow educators—or at least people with some experience in our public schools—running this Department.

That is why she opposes Betsy DeVos—no experience.

A retired teacher from Mercer Island asked me to oppose this nomination. She has spent 37 years teaching children in our public schools.

On the other side of my State, in Spokane, a 28-year teaching veteran says strengthening public education is the best thing we can do for schools like hers that are located in a high-poverty district.

In Prosser, a public school teacher and a former lawyer told me that he is committed to both the public education system and the Constitution. He called the nomination of Betsy DeVos an affront to both, given what he called her track record of undermining public schools and the need for separation of church and State. He said that only through access to high-quality learning opportunities can we remain free.

I heard from a teacher—also a parent—from Issaquah who said: "This nomination is very disappointing." In order to "make America great again" she said we need fully funded schools for teachers who have the time and the resources to prepare students to be lifelong learners.

In Monroe, WA, a teacher for 35 years says she is afraid of what DeVos could mean to public education.

From Camano Island, a retired teacher of 31 years said all children deserve the same access to high-quality public education.

A teacher from Vancouver School District tells me that our public schools deserve better than someone who has called them a dead end, adding that the Secretary of Education should be an advocate for the principle of free, quality, and equal education. She worries that if we don't defend public education from the views of Mrs. DeVos, then we have failed the future of this democracy.

I received a succinct message from Dave in Seattle, in all caps, where he writes: "ABSOLUTELY NO."

Those are just a few of the many, many people I am hearing from. There are literally thousands and thousands more. I know that is true from all of our colleagues here. Why? Because people are making their voices heard loud and clear. They want a Secretary of Education with real experience in public schools who is truly dedicated to strengthening our public education system across the country.

I am proud to stand with my constituents and the public school educators from Washington State to urge our colleagues to vote no on Betsy DeVos.

We have had a good number of Senators here today to talk about this. I know we are going to be spending Monday, Monday afternoon, into the night Monday, Tuesday morning hearing from many other Senators and having a very robust debate.

I hope that all of those who are listening, and everyone in this country, stands up at this time and thinks about what public education means to this freedom and this democracy, and I know they will, as they have been continuing to let their voices be heard by their elected representatives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. ERNST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. ERNST. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REAR ADMIRAL CRAIG FALLER

Mr. KING. Mr. President, today I wish to recognize and congratulate RADM Craig Faller on his outstanding service to our Nation as the Navy's chief of legislative affairs from June 2014 through January 2017. During that time, he was the Navy's lead advocate on Capitol Hill and had the challenging job of communicating with all 535 Members of Congress, handling their constituent inquiries, and properly representing the Navy while taking into account military, political, and budgetary priorities.

Admiral Faller selflessly devoted the last 2 and a half years of his life to ensuring our Nation's sailors were represented in Congress, and he excelled in that role. He established warm and lasting relationships with my colleagues, garnering respect and admiration in both Chambers of Congress and on both sides of the aisle. He worked with us to establish the first-ever Senate Navy Caucus and broadened the Navy's outreach beyond members of defense committees. His efforts, along with those of the Chief of Naval Operations, introduced the Navy to Senators who would not otherwise have had exposure to the great work our sailors are doing around the globe.

On behalf of my colleagues and the U.S. Congress, I thank Admiral Faller for his dedicated service to the Navy and our Nation. I also thank his wife, Martha, for her support and sacrifice. I wish them fair winds and following seas as he moves on to his next assignment as the senior military assistant to the Secretary of Defense.

MESSAGES FROM THE HOUSE

At 10:57 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 36. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation".

ENROLLED JOINT RESOLUTIONS SIGNED

At 11:46 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled joint resolutions:

H.J. Res. 38. Joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

H.J. Res. 41. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. HATCH).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-663. A communication from the President of the United States, transmitting, pursuant to law, the fiscal year 2016 Annual Nuclear Weapons Stockpile Assessments from the Secretaries of Defense and Energy, the three national security laboratory directors, and the Commander, United States Strategic Command (OSS-2017-0053); to the Committee on Armed Services.

EC-664. A communication from the General Counsel, Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, two (2) reports relative to vacancies in the Office of Science and Technology Policy, Executive Office of the President, received in the Office of the President pro tempore of the Senate; to the Committee on Commerce, Science, and Transportation.

EC-665. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Dakota Access Pipeline; to the Committee on Environment and Public Works.

EC-666. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Technical Collection for the New START Treaty (OSS-2017-0108); to the Committee on Foreign Relations.

EC-667. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities of the Community Relations Service for fiscal year 2016; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-10. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, in *United States of America v. States of Louisiana, Texas, Mississippi, Alabama, and Florida*, 33 U.S. 1 (1960), the seaward boundary of the state of Louisiana in the Gulf of Mexico was judicially determined by the United States Supreme Court to be three geographical miles, despite evidence showing that Louisiana's seaward boundary historically consisted instead of three marine leagues, a distance equal to nine geographic miles or 10.357 statute miles; and

Whereas, the seaward boundaries in the Gulf of Mexico for the states of Texas and Florida were determined to be three marine leagues; and

Whereas, the unequal seaward boundary imposed upon Louisiana has resulted in (1) economic disparity and hardship for Louisiana citizens and entities; (2) economic loss to the state of Louisiana and its political subdivisions; and (3) the inability of the state of Louisiana and its political subdivisions to fully exercise their powers and duties under the federal and state constitutions and state laws and ordinances, including but not limited to protection and restoration of coastal lands, waters, and natural resources, and regulation of activities affecting them; and

Whereas, in recognition of all of the above the Legislature of Louisiana in the 2011 Regular Session enacted Act No. 336, which amended Louisiana statutes to provide that the seaward boundary of the state of Louisiana extends a distance into the Gulf of Mexico of three marine leagues from the coastline, and further defines "three marine leagues" as equal to nine geographic miles or 10.357 statute miles; and

Whereas, Act No. 336 further provides that the jurisdiction of the state of Louisiana or any political subdivision thereof shall not extend to the boundaries recognized in such Act until the United States Congress acknowledges the boundary described therein by an Act of Congress or any litigation resulting from the passage of Act No. 336 with respect to the legal boundary of the state is resolved and a final nonappealable judgment is rendered; and

Whereas, through the federal Submerged Lands Act of 1953, Congress has the power to fix the unequal disparity of the lesser seaward boundary forced upon Louisiana by recognizing and approving that Louisiana's seaward boundary extends three marine leagues into the Gulf of Mexico; and

Whereas, as shown by the national impact of natural and manmade disasters such as hurricanes Katrina and Rita in 2005 and the Deepwater Horizon BP Oil Spill in 2010, the seaward boundary of Louisiana is vital to the economy and well-being of the entire United States, since among other benefits the Louisiana coastal area: (1) serves as both host and corridor for significant energy and commercial development and transportation; (2) serves as a storm and marine forces buffer protecting ports and the vast infrastructure of nationally significant oil and gas facilities

located in such area; (3) provides critical environmental, ecological, ecosystem, and fish, waterfowl, and wildlife habitat functions; (4) provides protection from storms for more than 400 million tons of water-borne commerce; and (5) offers recreational and ecotourism opportunities and industries that are known and appreciated throughout the world; and

Whereas, the Louisiana coastal area accounts for 80% of the nation's coastal land loss, with its valuable wetlands disappearing at a dramatically high rate of between 25-35 square miles per year; and

Whereas, hurricanes Katrina and Rita turned approximately 100 square miles of southeast Louisiana coastal wetlands into open water, and destroyed more wetlands east of the Mississippi River in one month than experts estimated to be lost in over 45 years; and

Whereas, the economic, environmental, and ecological damage of the Deepwater Horizon BP Oil Spill is already calculated in terms of billions of dollars, and potential longer-lasting impacts are still being determined; and

Whereas, adopted in 2006, the federal Gulf of Mexico Energy Security Act (GOMESA) would provide ongoing revenues to Louisiana from federal oil revenue derived from gulf leasing and drilling, with the first payment in 2017 estimated to be approximately \$176 million, and with such monies dedicated to coastal restoration, hurricane protection and coastal infrastructure; and

Whereas, despite strenuous objection, efforts are now underway to repeal or amend GOMESA that would result in depriving Louisiana and other gulf coast states of such monies; and

Whereas, the extension of Louisiana's seaward boundary into the Gulf of Mexico for three marine leagues will provide a much-needed stream of revenue for use in the state's ongoing efforts to clean up, rebuild, protect and restore the Louisiana coastal area from losses suffered due to both natural and manmade disasters, and will benefit both the state and the entire nation: Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the President of the United States, to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on the Budget, without amendment:

S. Res. 46. An original resolution authorizing expenditures by the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER (for himself, Mr. COCHRAN, Mr. LEAHY, Mr. GRASSLEY, Mrs. MURRAY, Mr. WYDEN, Mr. DURBIN, Mr. REED, Ms. COLLINS, Mr. CARPER, Ms. CANTWELL, Ms. MURKOWSKI, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. WICKER, Mr. UDALL, Mr. WARNER, Mr. BENNET, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. COONS, Mr. PORTMAN, Ms. BALDWIN, Mr. DONNELLY, Ms. HIRONO, Mr. KING, Ms. HEITKAMP, Mr. MARKEY, Mr. PETERS, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HASSAN, and Mr. DAINES):

S. 298. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. LEE (for himself and Mr. PAUL):

S. 299. A bill to require the appropriation of funds to use a fee, fine, penalty, or proceeds from a settlement received by a Federal agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER (for himself, Mr. UDALL, and Mrs. GILLIBRAND):

S. 300. A bill to amend the Internal Revenue Code of 1986 to require that return information from tax-exempt organizations be made available in a searchable format and to provide the disclosure of the identity of contributors to certain tax-exempt organizations; to the Committee on Finance.

By Mr. LANKFORD (for himself, Mr. BLUNT, Mr. LEE, Mr. CRUZ, Mr. MORAN, Mr. ISAKSON, Mr. INHOFE, Mr. DAINES, Mr. THUNE, Mr. SASSE, Mr. RISCH, Mr. ROBERTS, Mr. CASSIDY, and Mrs. ERNST):

S. 301. A bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself and Mr. CRAPO):

S. 302. A bill to enhance tribal road safety, and for other purposes; to the Committee on Indian Affairs.

By Mr. BOOKER (for himself, Mr. SCHATZ, Ms. HIRONO, Mr. DURBIN, Ms. HARRIS, Mr. MERKLEY, and Mr. CARPER):

S. 303. A bill to discontinue a Federal program that authorizes State and local law enforcement officers to investigate, apprehend, and detain aliens in accordance with a written agreement with the Director of U.S. Immigration and Customs Enforcement and to clarify that immigration enforcement is solely a function of the Federal Government; to the Committee on the Judiciary.

By Mr. THUNE (for himself and Mr. ROUNDS):

S. 304. A bill to amend the Indian Health Care Improvement Act to allow the Indian Health Service to cover the cost of a copayment of an Indian or Alaska Native veteran receiving medical care or services from the Department of Veterans Affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. TOOMEY (for himself and Mr. DONNELLY):

S. 305. A bill to amend title 4, United States Code, to encourage the display of the flag of the United States on National Vietnam War Veterans Day; considered and passed.

By Mr. TESTER (for himself and Mr. WHITEHOUSE):

S.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies, and other corporate entities established by the laws of any State, the United States, or any foreign state; to the Committee on the Judiciary.

By Mr. TOOMEY:

S.J. Res. 21. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Ms. STABENOW, Mr. CASEY, Mr. FRANKEN, Ms. BALDWIN, Mr. MURPHY, Mr. KING, Ms. HASSAN, and Mr. ISAKSON):

S. Res. 44. A resolution designating February 6 through 10, 2017, as "National School Counseling Week"; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Ms. MURKOWSKI, Ms. WARREN, Ms. HASSAN, Mrs. FISCHER, Ms. STABENOW, Mrs. SHAHEEN, Ms. BALDWIN, Mrs. CAPITO, Ms. HEITKAMP, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. COLLINS, Ms. CANTWELL, Mrs. MURRAY, Mr. DURBIN, and Ms. DUCKWORTH):

S. Res. 45. A resolution designating February 2017 as "American Heart Month" and February 3, 2017, as "National Wear Red Day"; to the Committee on the Judiciary.

By Mr. ENZI:

S. Res. 46. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. DONNELLY (for himself, Mr. RUBIO, and Mr. TOOMEY):

S. Res. 47. A resolution supporting the contributions of Catholic schools; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. CRAPO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 132, a bill to amend title 54, United States Code, to provide for congressional and State approval of national monuments and restrictions on the use of national monuments.

S. 166

At the request of Mr. BOOKER, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 166, a bill to require the Secretary of the Treasury to mint coins in commemoration of Muhammad Ali.

S. 170

At the request of Mr. RUBIO, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 170, a bill to provide for nonpreemption of measures by State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 229

At the request of Mr. HEINRICH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 229, a bill to provide for the confidentiality of information submitted in requests for the Deferred Action for Childhood Arrivals Program, and for other purposes.

S. 240

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Ms. HEITKAMP), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. TESTER) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 240, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. 260

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Colorado (Mr. GARDNER) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. 260, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S.J. RES. 9

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 11

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation".

S.J. RES. 17

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S.J. Res. 17, a joint reso-

lution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. CRAPO):

S. 302. A bill to enhance tribal road safety, and for other purposes; to the Committee on Indian Affairs.

Mr. BARRASSO. Mr. President, I rise today to discuss a bill I just introduced, the John P. Smith Act.

Just a few short weeks ago, I came to the floor to recognize John Smith, a Wyoming resident who was a life-long advocate for transportation safety. For nearly three decades, "Big John" Smith led the Department of Transportation for the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Reservation. Wyoming lost one of its great representatives and leaders on December 31, 2016, but John's legacy lives on through the changes he effected on the Wind River Reservation.

John's unwavering commitment to improving transportation infrastructure earned him awards and respect the country over. More importantly, Big John inspired others to invest in transportation and road safety on the Wind River Reservation. It is only fitting that a bill, which seeks give additional tools to tribal governments across the country, would be named after such a committed man.

The John P. Smith Act will streamline requirements for tribal transportation projects to help make intersections, railroad crossings, and other tribal transportation features safer for the people who depend on this infrastructure. Relatively minor changes can dramatically improve public safety around roads. The John P. Smith Act makes sure that simple things, like installation of rumble strips, improvement of roads for pedestrian or cyclist safety, and even basic signage would not be subject to months or years-long delays due to bureaucratic backlog.

When he testified before the Committee of Indian Affairs when I was Chairman, Mr. Smith told the stories outlining the many tragic deaths on dangerous roads in Indian country. He shared that at the time of his testimony, the Wind River Reservation in Wyoming had the highest rate of pedestrian deaths in the United States. The John P. Smith Act would ensure that basic safety measures could be put in place in a timely manner. Big John shared, "When you have narrow roads, with sharp curves, no medians and no shoulders, you are asking for trouble." The projects included in this bill will help to save lives in tribal communities.

John Smith has been described as a "Champion of Change" by the White House, a skillful diplomat by his peers, and I was proud to call him my friend. It is with great honor and respect that I am pleased today to introduce the John P. Smith Act to build on John's lifetime of transportation safety achievements.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 44—DESIGNATING FEBRUARY 6 THROUGH 10, 2017, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY (for herself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Ms. STABENOW, Mr. CASEY, Mr. FRANKEN, Ms. BALDWIN, Mr. MURPHY, Mr. KING, Ms. HASSAN, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 44

Whereas the American School Counselor Association has designated February 6 through 10, 2017, as "National School Counseling Week";

Whereas school counselors have long advocated for equal opportunities for all students;

Whereas school counselors help develop well-rounded students by guiding students through academic, personal, social, and career development;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors play a vital role in ensuring that students are ready for college and careers;

Whereas school counselors play a vital role in making students aware of opportunities for financial aid and college scholarships;

Whereas school counselors assist with and coordinate efforts to foster a positive school climate, resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in their communities and the United States;

Whereas students face myriad challenges every day, including peer pressure, bullying, mental health issues, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas a school counselor is one of the few professionals in a school building who is trained in both education and social and emotional development;

Whereas the roles and responsibilities of school counselors are often misunderstood;

Whereas the school counselor position is often among the first to be eliminated to meet budgetary constraints;

Whereas the national average ratio of students to school counselors is 491 to 1, almost twice the 250 to 1 ratio recommended by the American School Counselor Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week will increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 6 through 10, 2017, as “National School Counseling Week”; and

(2) encourages the people of the United States to observe National School Counseling Week with appropriate ceremonies and activities that promote awareness of the role school counselors play in schools and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 45—DESIGNATING FEBRUARY 2017 AS “AMERICAN HEART MONTH” AND FEBRUARY 3, 2017, AS “NATIONAL WEAR RED DAY”

Ms. HIRONO (for herself, Ms. MURKOWSKI, Ms. WARREN, Ms. HASSAN, Mrs. FISCHER, Ms. STABENOW, Mrs. SHAHEEN, Ms. BALDWIN, Mrs. CAPITO, Ms. HEITKAMP, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. COLLINS, Ms. CANTWELL, Mrs. MURRAY, Mr. DURBIN, and Ms. DUCKWORTH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 45

Whereas heart disease affects men, women, and children of every age and race in the United States;

Whereas, between 2003 and 2013, the death rate from heart disease fell nearly 30 percent, but heart disease continues to be the leading cause of death in the United States, taking the lives of approximately 800,000 individuals in the United States and accounting for 1 in 3 deaths across the United States;

Whereas congenital heart defects are the most common birth defect in the United States, as well as the leading killer of infants with birth defects;

Whereas, each year, an estimated 790,000 individuals in the United States have a heart attack, of whom an estimated 115,000 die;

Whereas cardiovascular disease and stroke account for \$555,000,000,000 in health care expenditures and lost productivity annually;

Whereas, by 2030, cardiovascular disease and stroke will account for \$1,093,900,000,000 in health care expenditures and lost productivity annually;

Whereas individuals in the United States have made great progress in reducing the death rate for coronary heart disease, but this progress has been more modest with respect to the death rate for coronary heart disease for women and minorities;

Whereas many people do not recognize that heart disease is the number 1 killer of women in the United States, taking the lives of 298,840 women in 2015;

Whereas nearly ⅔ of women who unexpectedly die of heart disease have no previous symptoms of disease;

Whereas nearly ½ of all African-American adults have some form of cardiovascular disease, including 48 percent of African-American women and 44 percent of African-American men;

Whereas Alaska Natives die from heart disease at younger ages than individuals from other ethnic groups;

Whereas it is estimated that 36 percent of Alaska Natives and American Indians who die of cardiovascular disease die before reaching 65 years of age;

Whereas many minority women, including African-American, Hispanic, Asian-American,

and Native-American women and women from indigenous populations, have a greater prevalence of risk factors or are at a higher risk of death from heart disease, stroke, and other cardiovascular diseases, but such women are less likely to know of the risk;

Whereas, between 1965 and 2017, treatment of cardiovascular disease for women has largely been based on medical research on men;

Whereas, due to the differences in heart disease between men and women, more research and data on the effects of heart disease treatments for women is vital;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of heart disease, including high blood pressure, high blood cholesterol, smoking tobacco products, exposure to tobacco smoke, physical inactivity, obesity, and diabetes mellitus;

Whereas an individual can greatly reduce the risk of cardiovascular disease through lifestyle modification coupled with medical treatment when necessary;

Whereas greater awareness and early detection of risk factors of heart disease can improve and save the lives of thousands of individuals in the United States each year;

Whereas, under section 101(1) of title 36, United States Code, the President is requested to issue an annual proclamation designating February as American Heart Month;

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate National Wear Red Day during February by “going red” to increase awareness about heart disease as the leading killer of women; and

Whereas, every year since 1964, the President has issued a proclamation designating the month of February as American Heart Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2017 as “American Heart Month” and February 3, 2017, as “National Wear Red Day”;

(2) supports the goals and ideals of American Heart Month and National Wear Red Day;

(3) recognizes and reaffirms the commitment in the United States to fighting heart disease and stroke by—

(A) promoting awareness about the causes, risks, and prevention of heart disease and stroke;

(B) supporting research on heart disease and stroke; and

(C) expanding access to medical treatment;

(4) commends the efforts of States, territories and possessions of the United States, localities, nonprofit organizations, businesses and other entities, and the people of the United States who support American Heart Month and National Wear Red Day; and

(5) encourages every individual in the United States to learn about the risk of the individual for heart disease.

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. ENZI submitted the following resolution; which was referred from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget (in this resolution referred to as the “committee”) is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$3,534,372, of which amount—

(1) not to exceed \$35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$21,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$6,058,924, of which amount—

(1) not to exceed \$60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$36,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$2,524,552, of which amount—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$15,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 47—SUPPORTING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. DONNELLY (for himself, Mr. RUBIO, and Mr. TOOMEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 47

Whereas Catholic schools in the United States are internationally acclaimed for their academic excellence and provide students with more than an exceptional scholastic education;

Whereas Catholic schools instill a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in young people in the United States;

Whereas Catholic schools provide a high level of service to the United States by providing a diverse student population from all regions of the country and all socio-economic backgrounds, with 36.4 percent of students from ethnic and racial backgrounds and 17.4 percent of whom are non-Catholic, with a strong academic and moral foundation;

Whereas Catholic schools are an affordable option for parents, particularly in underserved urban areas;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas Catholic schools are committed to community service, producing graduates who hold “helping others” as one of their core values;

Whereas the total Catholic school student enrollment for the 2015–2016 academic year was almost 2,000,000 and the student-teacher ratio was 13.1 to 1;

Whereas Catholic schools educate a diverse population: 20.3 percent racial minorities; 16.1 percent Hispanic/Latino; 17.4 percent non-Catholic;

Whereas the Catholic high school graduation rate is 99 percent, with 87 percent of graduates attending 4-year colleges;

Whereas, in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, “Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.”;

Whereas the week of January 29, 2017, to February 4, 2017, has been designated as National Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops, and February 1, 2017, as National Appreciation Day for Catholic Schools;

Whereas National Catholic Schools Week was first established in 1974 and has been celebrated annually for the past 43 years;

Whereas, while some Catholic schools are challenged by declining enrollments and school closures, the good news is that there is a strong demand and enthusiasm for Catholic schools;

Whereas 32 percent of Catholic schools have waiting lists for admission and new schools are opening across the country; and

Whereas the theme for National Catholic Schools Week 2017 is Catholic Schools: Communities of Faith, Knowledge and Service: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of National Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of the thousands of Catholic elementary and secondary schools in the United States;

(2) applauds the National Catholic Educational Association and the United States Conference of Catholic Bishops on their selection of a theme that all can celebrate; and

(3) supports the continued dedication of Catholic schools, students, parents, and teachers across the United States toward academic excellence, and supports the key role they play in promoting and ensuring a brighter, stronger future for the United States.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Dr. Anne Ordway, a fellow in my Health, Education, Labor, and Pensions Committee, be granted floor privileges for the remainder of the first session of the 115th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIETNAM WAR VETERANS RECOGNITION ACT OF 2017

Mrs. ERNST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 305, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 305) to amend title 4, United States Code, to encourage the display of the flag of the United States on National Vietnam War Veterans Day.

There being no objection, the Senate proceeded to consider the bill.

Mrs. ERNST. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 305) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 305

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Vietnam War Veterans Recognition Act of 2017”.

SEC. 2. DISPLAY OF FLAG ON NATIONAL VIETNAM WAR VETERANS DAY.

Section 6(d) of title 4, United States Code, is amended by inserting “National Vietnam War Veterans Day, March 29;” after “third Monday in February;”.

ORDERS FOR MONDAY, FEBRUARY 6, 2017

Mrs. ERNST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Monday, February 6; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that the Senate proceed to a period of morning business for leader remarks, with no motions in order, for up to 15 minutes; and following leader remarks, the Senate proceed to executive session to resume consideration of the DeVos nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

ORDER FOR ADJOURNMENT

Mrs. ERNST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate proceed to executive session to resume consideration of the DeVos nomination and that it stand adjourned under the previous order at 1:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

February 3, 2017

CONGRESSIONAL RECORD—SENATE, Vol. 163, Pt. 2

1793

ADJOURNMENT UNTIL MONDAY,
FEBRUARY 6, 2017

adjourned until 12 noon on Monday,
February 6.

Thereupon, the Senate, at 1:30 p.m.,
adjourned until Monday, February 6,
2017, at 12 noon.

The PRESIDING OFFICER. Under
the previous order, the Senate stands

HOUSE OF REPRESENTATIVES—Friday, February 3, 2017

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

PRAYER

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

You are the source of life and love. Hear the prayers of Congress, both for the good of this Nation and the good of humanity around the world. Help this Congress and the President to discern Your will in our day.

By drawing on the truth taken from a diversity of opinions, may a solid foundation be formed upon which a stable future may be built.

May short-term gains or self-interest never prove to be an obstacle to true vision. Rather, Lord, grant depth perceptions, clear analysis, and creative response to the needs of our time for solidifying the common good, for we freely choose to be Your people and act accordingly.

And finally, may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

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

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

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

Mr. HULTGREN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. GARAMENDI led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 3, 2017, at 8:11 a.m.:

That the Senate agreed to without amendment H.J. Res. 41.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER

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

LET'S WORK WITH PARENTS, NOT AGAINST THEM

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

Ms. FOXX. Mr. Speaker, Randi Weingarten of the American Federation of Teachers spoke recently on valuing the input of parents in building great public schools, but the actions of one AFT affiliate stand in stark contrast to that vision.

As Chicago resident Michael Hendershot explained in *The Wall Street Journal*, his daughter's elementary school was forced to lay off its librarian last year. Fortunately, parents stepped up and volunteered their time to keep the library open. Unfortunately, the Chicago Teachers Union shut down the parents' plan and the library along with it. It seems anything that weakens union control over the school must be stopped, even if it denies students access to their library. How shameful.

If we want to build great public schools, then we must work with parents, not against them. So let's work together—Congress, the new adminis-

tration, and the American public—to empower parents and help all children receive an excellent education.

MORE FLOOD PROTECTION NEEDED ACROSS THE COUNTRY

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

Mr. GARAMENDI. Mr. Speaker, feast or famine. California, for 5 years, had a water famine, and now we have a feast.

I want to shout out to the Army Corps of Engineers, to the local flood control districts in my district, in Sacramento, the Sutter Butte District I share with Mr. LAMALFA, and also other flood control districts. Despite the heavy water flows, the levees have held.

I ask all of my colleagues here in the House and over in the Senate to keep in mind that we need more flood protection all across this Nation; otherwise, there will be great suffering.

NATIONAL DAY OF PRAYER

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

Mr. LAMALFA. Mr. Speaker, this week many people and leaders from the USA and all around the world converged on Washington, D.C., for the National Prayer Breakfast.

Its tradition started 65 years ago under President Eisenhower and with partners in the Congress to take a little time to come together as leaders and a people in prayer and fellowship. It is a bipartisan effort—indeed, ideally, a nonpartisan coming together. Some might say a bunch of politicians coming together, well, but some very powerful testimonies come from this time together.

This year, from right here in this building, Senate Chaplain Barry Black, who also served as a Navy admiral, gave a strong message on the power of prayer, that our prayers are, indeed, heard in Heaven.

Two years ago, an amazing, humble, personal testimony delivered by NASCAR race driver Darrell Waltrip had everyone talking later. I would recommend anyone to find this video and enjoy that moving personal message of the lows and the highs, the lows and the highs of fame and celebrity and that you need God in your life.

This can also happen, and does, in local communities as tens of thousands

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

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

of prayer breakfasts happen on the National Day of Prayer, which this year will be May 4, as it is always the first Thursday of May, as proclaimed by President Reagan.

I urge you as Americans, if you don't have one in your community, start one. If you do have one, please participate.

MUSLIM BAN IS AGAINST OUR FUNDAMENTAL VALUES

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

Mr. PANETTA. Mr. Speaker, I rise today to speak out against President Trump's Muslim ban, an executive order that emboldens our enemies, undermines our alliances, and offends our American values. This ban has, among other things, blocked visas for interpreters from the Middle East, people who risk their lives to save American lives.

When I was deployed to Afghanistan as an intelligence officer, I worked with many interpreters; and at first, I realized they not only provided accurate information, they kept us safe. As time went along and I got to know them, what I came to realize is that they were the ones who were unsafe. They were the ones who were risking their lives to save our lives.

When I got to know them, I would ask them: Why are you taking this risk? Why are you doing this? And the reason they gave me was similar to the one my grandfather gave me, my Italian immigrant grandfather, as to why he came here to America back in 1921, and that is they came here to give their children a better life.

Mr. Speaker, to me, that is the definition of the American Dream. President Trump's executive order not only makes us unsafe, it is against our fundamental values. If people are willing to take risks to live the American Dream, we don't stop them; we welcome them. That is why my family is here. That is why I am here.

TRIBUTE TO DAN HALLIBURTON

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

Mr. JOHNSON of Ohio. Mr. Speaker, I rise today to pay tribute to a stalwart public servant. Dan Halliburton started his public service career as a law enforcement officer, eventually retiring in 2009 from the Ohio State Highway Patrol with over 32 years of service.

But he didn't stop there. He felt the call to serve more, and in 2010, Dan joined my team, tasked with representing the largest geographical and most rural district in the State of Ohio.

Very quickly, Dan distinguished himself as a man of and for the people. He

expertly managed my transportation so that we could be out amongst the people I represent. He built lasting relationships with local elected officials, law enforcement, and business owners. But what set Dan apart, was his genuine care and concern for the people of Appalachia. It was reflected in the high level of service he provided them.

So on behalf of the hardworking people of eastern and southeastern Ohio, Godspeed to Dan Halliburton and his family as he begins his well-deserved retirement.

GI INTERNSHIP PROGRAM ACT

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

Mr. SCHNEIDER. Mr. Speaker, too many of our veterans struggle to find a job despite their unique leadership abilities and proven skill sets.

At the same time, I hear from small businesses that our economy skills gap is widening. Manufacturers want to hire, but positions sit unfilled because they cannot find qualified workers.

That is why I am proud to introduce, this week, the GI Internship Program Act. The bill brings together these two sides, veterans and our small businesses, to bridge the skills gap and expand the job opportunities available to those who served our Nation.

Since 1944, we have committed to providing our returning military men and women a quality education, but not every lesson is best learned in the classroom. This legislation allows veterans to receive their post-9/11 GI Bill benefit as a stipend while participating in a qualifying 6-month to 1-year internship or apprenticeship, at no additional cost to taxpayers.

I am proud to introduce this bipartisan bill with my colleague from Florida, Congressman TED YOHO. I encourage our colleagues to join us in support of our veterans and manufacturers on this win-win commonsense legislation.

IN MEMORY OF SERGEANT FIRST CLASS SEAN COOLEY

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

Mr. KELLY of Mississippi. Mr. Speaker, today I am humbled to rise in memory of Army Sergeant First Class Sean Cooley.

Sean was my friend, and on this day in 2005, he paid the ultimate sacrifice to protect our country. It was a privilege to serve with him during our deployment to Iraq and Operation Iraqi Freedom III.

SFC Cooley was assigned to the Mississippi Army National Guard's Company B, 150th Combat Engineer Battalion, headquartered in Lucedale, Mississippi.

SFC Cooley gave his life when an IED detonated near him on February 3, 2005, while on a combat mission in the Babil province, Iraq. SFC Cooley was the first 155th soldier from the Dixie Thunder Brigade to sacrifice his life in Iraq and was the 21st soldier with Mississippi ties to die in the war on terror.

SFC Cooley followed in the footsteps of both of his grandfathers by serving in the U.S. Navy. He joined the Seabees in 1991 and later joined the Mississippi National Guard in 1997. SFC Cooley was a platoon sergeant in B Company, 150th Engineer Battalion of the 155th Brigade Combat team that included 3,500 Mississippians.

SFC Cooley was a great NCO, a great leader, and a great soldier, both on and off the battlefield.

While serving in the Mississippi Guard, SFC Cooley obtained a degree in nursing and became an RN in 1996. His commitment to care for the needs of others will always be remembered, as remembered by Lieutenant Colonel Robinson, his commander, who said he was sick and down at one time during a training incident, and SFC Cooley gave him both medicine and water and made sure that he took care of him. SFC Cooley will forever be remembered for his random acts of kindness.

Sergeant First Class Cooley's mother, Kathryn, says her husband, Jerry; their son, Patrick; and Sergeant First Class Cooley's wife, Laura, could not be more proud of his devotion to the military service and this Nation.

Sean Cooley embodied the characteristics that made him a great leader, soldier, and American.

OPPOSING THE BAN ON REFUGEES

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

Mr. LOWENTHAL. Mr. Speaker, I rise today to voice my strong opposition to President Trump's ban on the entry of refugees from around the world as well as the ban on refugees and citizens from seven select countries.

This ban, whether temporary or not, is shameful, and wholly un-American. There are better ways to protect our Nation, ways that are effective and stay true to our American values.

For example, in the 1970s and 1980s, thousands of my constituents fled the horrors of war and genocide in Vietnam and in Cambodia as refugees. Today, these immigrants and their children are doctors, lawyers, teachers, parents, students, all integral to the success of our Nation.

America has long endured as the shining beacon on the Hill. Sadly, that light was dimmed by the President's immigration executive order. Our Nation is great because it has been built by refugees and immigrants from every part of the world.

□ 0915

REMEMBERING EMILY HART

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

Mr. CARTER of Georgia. Mr. Speaker, I rise to remember Mrs. Emily Hart, who passed away on Monday, January, 23, 2017. She was 82 years of age.

Mrs. Hart was born in 1934 to her parents, Emily and Edwin Tribble, in Washington, D.C., where her father worked as an editor of the old Washington Star newspaper for nearly 40 years. She spent her early education in Washington, D.C., before she moved on to Vassar College in New York City, where she studied political science.

No matter where she was, Mrs. Hart dedicated her time and energy to bettering the community. In Washington, she was a proud member of the National Cathedral Foundation and the National Preservation Historical Society. In St. Simons, she joined the Coastal Georgia Historical Society; was a devout member of the Christ Church Frederica; and worked with the St. Simons Land Trust, which works to preserve the island's natural beauty and improve the quality of life in the community.

Although she was always aiding the community, her greatest joy came from her family, which included her husband—retired U.S. Marine Colonel Nick Hart—her three children, and her seven grandchildren.

Her sharp wit, passion for learning, and detailed stories of the past are what will be remembered most dearly. I express my condolences to Mrs. Hart's family for their loss. She will be missed.

SUPPORT SCIENCE FUNDING

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

Mr. McNERNEY. Mr. Speaker, I have spoken on the House floor on specific science topics ranging from twin primes to measuring atmospheric carbon. Modern society depends on science. Farmers are able to feed much of the world's current population because of science. Without science, we would further strip our forests and pollute even more of our precious water supplies; and our Nation has the strongest military in the world because of science. But science allows for far more than just furthering our survival as it provides leisure, communications, and all things Internet.

Today we depend on the science of yesterday, and, tomorrow, society will depend on the science of today. If we care about the short- and long-term future, then we need to support scientific research. We need to encourage col-

laboration with the scientists of other nations; we need an open and competitive science environment; and we need to make sure that all Americans have a basic understanding of science.

Science is a part of our Nation's critical infrastructure, and I ask my colleagues to continue to support science funding to keep America great.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A FINAL RULE OF THE BUREAU OF LAND MANAGEMENT

Mr. BISHOP of Utah. Mr. Speaker, pursuant to House Resolution 74, I call up the joint resolution (H.J. Res. 36) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation", and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. HULTGREN). Pursuant to House Resolution 74, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 36

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation" (published at 81 Fed. Reg. 83008 (November 18, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) and the gentleman from California (Mr. LOWENTHAL) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.J. Res. 36.

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

There was no objection.

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

For the last decade, there has been an ongoing renaissance in the United States in energy production. It has changed our geopolitics; our economy has been strengthened; our security has been enhanced; and there have been thousands of new, good-paying jobs that have been created from it. This energy boom, according to a 2015 survey, has saved the American family around \$1,000 a year, and this growth of

the last decade has come in spite of consistent anti-energy policies of the previous administration. It has especially hit those of us in the West very hard—those who are public land States in the West—who use our resources to fund our infrastructure and to pay for our schools and our essential government services.

This rule, which is allegedly to help the environment, actually is designed to stop production; therefore, it becomes a prime candidate for a repeal under the Congressional Review Act, which was passed into law in 1996 and signed by President Clinton. At that time, Clinton said that this was a great way for Congress to be held accountable, and it truly is in that any rule is subject to this rule if it has one of three criteria: one, excessive costs; two, it was done beyond the particular agency's statutory authority; or, three, it is duplicative or unnecessary or redundant. With this particular rule, we have the trifecta because it is not just one of those criteria—it offends all of those criteria.

The Clean Air Act gives the Environmental Protection Agency, in its working with States, the authority to develop issues and regulations that address air quality. The Bureau of Land Management does not, and they are the ones who instituted this particular rule. In fact, the contortions the BLM went through to say they have the legal authority is almost embarrassing. The contortions they went through would qualify for an opening act on the Las Vegas Strip. Instead, it reminds us of when the BLM came up with the hydraulic fracturing rule only for them to be rebuked by the courts for simply doing what they did outside their delegated authority.

This is the same thing. This is an illegal rule, and it is a costly one. Our effort to educate our children, to build infrastructure, to provide essential government services—in other words, to make people's lives better—depends on our ability to deal with our resources. This is a costly rule. On Friday, it was estimated by one source that it could cost the industry up to \$20 billion; it was estimated to cost States up to \$6 billion; and it was estimated to cost the Federal Government in lost royalties up to \$600 million a year. It is a costly rule and is a totally unnecessary rule.

Without this rule, the American energy industry will continue to do what they have done for well over a decade—reduce methane emissions on their own by investing in technology that not only helps the environment, but that helps them grow their business, which will lead to more jobs for Americans and more funding for State education programs and infrastructure. Since 2005, methane emissions have actually decreased even as production has increased, and there is absolutely no reason to believe that this progress will

suddenly stop because we strike this unnecessary rule, this illegal rule, this totally redundant rule.

There are some who will say: Well, we need this rule to protect the taxpayers because we are burning up the royalty payments.

Oh, really? If one looks at the BLM's actions—their management on sage-grouse, their lease cancellations, pulling acreage out of lease sales at the last minute, their constant barrage of revenue-reducing agency actions—you will realize that saving taxpayers money is not the real goal here.

Look, there are only three things you can do with the methane. You can build pipelines to capture it and take it away where it can be used for the benefit of mankind. Unfortunately, the agencies in the last administration refused to do that. Even though, legally, they had to make decisions on pipelines within 60 days, there is not a single BLM office anywhere in the Nation that was meeting that legal deadline. Instead, it was open for months afterwards when nothing was happening. If you can't have the pipelines to move it away, you have to burn it. So, if they won't give the pipelines and if now they are trying to stop the burning of it, the only other option is not to drill at all.

Our policy should be to fund and make sure those pipelines and those rights of ways are approved so that we can actually capture the methane and use it for productive purposes. Unfortunately, this rule's real goal is to do the third element—simply stop the production. That is counterproductive.

I urge my colleagues to support this resolution because it will help people and it will support people. This rule's repeal is a vote for people and making sure that their lives are better, not worse.

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

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

I rise in strong opposition to this resolution, which would waste resources, waste money, pollute our air, and worsen the impacts of climate change.

When it comes to regulations that we should keep on the books, the BLM Methane Waste Prevention Rule is a no-brainer. Currently, oil and gas companies are venting, flaring, or leaking hundreds of millions of dollars' worth of natural gas each and every year.

People who are sitting at home may wonder: Why would a company simply waste or burn off such a valuable resource?

The answer is simple: They want the oil, and they want it now. To them, the natural gas that goes along with the oil is just a nuisance; so they burn it off or they don't make the effort that is required to ensure that their equipment isn't leaking.

The problem is, when they are operating on public lands, this isn't their natural gas to waste. They cannot waste this. This belongs to the American people. So when that gas is simply burned off or is allowed to escape, the royalties that are owed to the American people are gone with the wind; and instead of generating electricity or heating our homes, this wasted resource generates pollution and heats our planet.

For people who live near oil and gas wells, this is not just a climate problem. Methane contributes to low-level ozone, which causes a number of health problems, such as shortness of breath, more frequent asthma attacks, and chronic obstructive pulmonary disease. When the methane leaks, you also get leaks of benzene, which is a known carcinogen, and of other volatile organic chemicals that further contribute to ozone and smog and can contribute to liver and kidney damage, nausea, and other health problems.

Now, my colleagues on the other side say that this is exactly the problem—the Bureau of Land Management is trying to regulate air pollution, and that is the job of the Environmental Protection Agency. The fact is, though, that the Bureau of Land Management has very clearly written a waste prevention rule, as they are authorized and required. I will state that again—as they are authorized and required to do under the Mineral Leasing Act.

Section 30 of the Mineral Leasing Act reads:

Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed.

The BLM simply did its job by writing this rule, and now that they have done the job that Congress required of them, the majority is attempting to argue that Congress never gave the BLM that job in the first place. If you look at the statute, that claim is clearly an alternative fact. Just because preventing the waste of methane helps keep our air clean and moderates the severity of climate change, it doesn't mean the BLM is doing anything outside of their authority. The BLM is not regulating the quality of the air around oil and gas sites. It is just trying to make sure that methane stays out of the atmosphere and gets into the marketplace.

Another argument you have heard from the majority is that this is an effort to shut down oil and gas production on Federal lands. It is just another salvo in their war, which they claim is the Obama war on energy, except that that is simply not true. I am almost tired of having to say this, but the production of Federal onshore oil went up, not a little bit—it went way up under

President Obama—but by 71 percent, as a matter of fact, between 2009 and 2015.

Now, would this Methane Waste Prevention Rule hurt production? Would it drive operators off Federal lands?

To answer that, let's just take a look at one of our States—Colorado, which, in early 2014, enacted methane venting and flaring regulations that the BLM used as a model in writing its own rule. I want to state this really clearly: after Colorado enacted their methane regulations, their production went up 47 percent from 2013 to 2014 and another 32 percent in 2015. Colorado's oil production from Federal lands has been up 28 percent over the past 5 years also.

Clearly, strong methane waste regulations do not scare away oil and gas companies.

What about the claim that companies have to burn off natural gas because the BLM takes too long to process pipeline applications?

If we look at a recent report from the Government Accountability Office just from last year, they found that only 9 percent of flaring was due to the lack of pipelines and that 91 percent had nothing to do with pipelines.

□ 0930

How about the point that is made at the oil and gas companies' insistence that they are making great strides in reducing their own methane emissions so they don't need additional oversight?

Members, that is a myth as well. Oil and gas producers in the field emitted 45 percent more methane in 2014 than they did in 1990. In fact, methane emissions from oil and gas producers went up 21 percent in the past 24 years.

The majority also says this is a power grab, an effort by BLM to take power away from the States, except that the BLM has regulated venting and flaring since the Carter administration. And this has not stopped States from setting their own regulations, as I have just said that Colorado has done, which they will still be free to do under this rule. In fact, despite all the complaints about one-size-fits-all regulations, companies still have to follow State regulations when they operate on Federal land.

Mr. Speaker, none of these arguments against the regulation hold any water, but the benefits of this regulation would be huge: enough gas saved to supply up to 740,000 households each year; the reduction of an estimated 185,000 tons of methane emissions, which would have the same impact as taking nearly 1 million cars off the road; and up to \$14 million each year to the American taxpayer from additional royalties, and that number could be even larger if the price of natural gas increases, which the majority is trying to do by expediting natural gas exports.

The BLM methane waste prevention rule is a win for the taxpayer, a win for

the environment, a win for the climate, and a win for common sense. That is why it is supported by over 80 percent of voters in Western States, including both Democrats and Republicans, according to a poll just released this week. If my colleagues have not seen that poll, I would be happy to share it with them.

Unfortunately, the Republican anti-regulatory, antitaxpayer, antihealth, antienvironment machine must be continually fed. Earlier this week, they voted to strip clean water and transparency regulations. Today, they are going after clean air.

I ask my colleagues to stand up and put a stop to this, to speak for the ordinary Americans who don't own oil and gas or coal companies, which those companies donate immense sums of money to politicians. The industry has to do its share and not simply demand that the farmers, the ranchers, the sportsmen, the conservationists, and all the rest of us have to put up with their waste in the name of higher profits. I ask my colleagues to do this by voting "no" on H.J. Res. 36.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE), who knows exactly what this means to his State and his State's economy.

Mr. PEARCE. Mr. Speaker, New Mexico gets 40 percent of its State's revenues from oil and gas, that is, 40 percent of our teachers' pay, 40 percent of our government institutions, law enforcement, hospitals—40 percent. So when the Federal Government begins to adjust the rules, we in New Mexico take an interest because it provides our jobs and it provides the way we educate our children.

Now, we have two points of view being postulated on this argument nationwide. One says that the government is suddenly becoming the model of efficiency. I wonder where that efficiency is with regard to the \$200 billion of fraud in Social Security, Medicare, and Medicaid. The government hasn't suddenly gotten efficient about that. Or just your local post office, has it suddenly gotten efficient about that? Or you could listen to the argument that the government is suddenly interested in the environment and we are going to make it clean.

The BLM did not say a word when the Gold King Mine spill not only was allowed, but mandated to be turned loose by the EPA. The heavy metals ran down across those public lands and currently sit in the streambeds in New Mexico, and our friends say that the government is suddenly all worried about the environment.

When you look specifically at the venting and flaring rule, we are told that oil and gas production went up dramatically in the last years. The truth is, when you dissect it down, oil

and gas production on private lands went up dramatically. Oil and gas on public lands, the government lands owned by the BLM and other agencies, went down dramatically.

So when the BLM decided to go in and control the venting and flaring of gasses, then we in New Mexico looked and said, is the government suddenly being more concerned about us or is it one more wink and nod to the special interests who want to kill the industries? They have already succeeding in killing the timber industry in this country. They have the coal industry on its back, and they want to kill the oil and gas industry that provides the jobs in New Mexico.

Yes, we have an opinion about that. Oil and gas production, again, educates our kids. Oil and gas production provides our jobs. It provides the way of life that we in this country are looking for. We contribute heavily to that, but we don't stand silently when the government suddenly decides our best interests are at stake.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, we could go through all of the examples. The truth is many reports say that over three-quarters of the marginal wells—those are the ones in New Mexico; we have the stripper wells, the marginal wells—will be shut in by this action.

You are going to take money away from our State government. You are going to take jobs away from the people. I support the resolution. We should back this regulation off, cut the red tape that is starving America's jobs out of this country.

Mr. LOWENTHAL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Mr. Speaker, I rise in strong opposition to this resolution and efforts to roll back important protections for not only our environment, but for American taxpayers.

Our Nation's public lands belong to all Americans, and they are managed to balance many competing uses: recreation; responsible economic development; sustainable resource extraction; yes, renewable energy; military purposes; and conservation of historic American landscapes, just to name a few. As such, they should be subject to strong national standards that protect our shared water, shared lands, wildlife, and the multiple uses they support.

It is also critical to remember that use of our public lands is a privilege, not a right; and companies seeking to exercise that privilege, whether they be fossil fuel companies or clean energy companies developing wind, solar, and geothermal projects, should be held to a very high standard to pre-

serve and protect resources that belong to all of the American people.

We must also make sure that the taxpayers get a fair return for the use and development of our commonly shared resources. The Mineral Leasing Act, as written by Congress, calls upon the Secretary of the Interior to prevent the waste of oil and gas resources on public lands.

The Bureau of Land Management's methane waste rule achieves all of these shared goals: the rule prevents the waste of resources that belong to all American people, which, by law, it is required to do; it reduces the amount of greenhouse gas pollution coming off our public lands; and it increases royalty payments to Federal taxpayers and the States.

The methane waste rule also supports job creation and American innovation in new technologies. The methane mitigation industry is a growing and emerging field that uses modern technologies to identify and capture wasteful emissions. In fact, a 2014 report commissioned by the Environmental Defense Fund found that methane mitigation companies provide jobs in 46 States and support 102 manufacturing and assembly locations, with 59 percent of all companies across the industry being small businesses.

If Republicans had brought this resolution before the House Natural Resources Committee, we could have more thoroughly examined its negative impacts on job creation. Instead, it was rushed to the House floor with only this 1 hour of debate.

I urge my colleagues to oppose this resolution.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, perhaps no aspect of America's economy has been as overregulated as energy under the Obama administration; so this week, the House has already acted to repeal two of the most damaging energy regulations.

This morning we continue the fight to reduce the unnecessary regulatory costs that are passed along to all Americans by repealing the Bureau of Land Management's venting and flaring rule. Some estimates show that this rule could inflict staggering costs of \$1.26 billion on national, State, and local economies, while generating less than \$4 million in new royalties.

In addition, the legal basis for this rule is tenuous at best. The Clean Air Act authorizes the EPA, not BLM, working in conjunction with States, to make rules affecting air quality.

The BLM's venting and flaring rule's extreme compliance cost will force many companies to shut in their wells rather than to continue to operate them. This will be particularly true for marginal wells that are often run by family-owned businesses.

And beyond the loss of jobs in Colorado and elsewhere, State and Federal Governments would lose up to \$114 million in tax receipts. This is money that States like Colorado depend on for funding education and other critical services.

The increase in natural gas production is to the benefit of everyday Americans. The U.S. energy boom saved drivers \$550 in fuel costs each year and saved American households over \$1,000 last year alone.

Affordable, environmentally responsible energy development is critical to the U.S. economy, but this rule is a needless burden on American families. I urge my colleagues to join me in supporting the joint resolution of disapproval.

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

I want to be very clear about the situation on public lands because there are a lot of misleading statements that are being thrown about. We heard that the majority insists that oil and gas production on Federal lands is down. To support this, they often show misleading charts that compare apples to oranges or use visual tricks to hide the facts.

The facts are Federal onshore oil production was up 71 percent between 2009 and 2015. All the panic that we have heard for years that President Obama is trying to shut down oil and gas was based on as much reality as the claim that he was coming to get everyone's guns.

I will say it again: there was a 71 percent increase in oil production on onshore Federal lands under President Obama's watch. And it is the oil producers that are wasting and leaking methane at a faster and faster rate since it is not a product they care about. They just want the oil.

With an unfortunate likely return to a drill-at-all-cost mentality under President Trump, we need the BLM methane waste prevention rule more than ever. I urge my colleagues to defeat H.J. Res. 36 and support cutting down on methane waste.

I reserve the balance of my time.

□ 0945

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TIPTON), who also understands this issue because it is part of the livelihood of his constituency.

Mr. TIPTON. Mr. Speaker, I know I, and many of my colleagues, share concern about a Federal regulatory code that has become so bloated with redundant, ineffective, and unnecessary rules that the sheer bulk of it threatens to suffocate American economic recovery and long-term prosperity.

The Bureau of Land Management's rule to reduce venting and flaring from existing oil and natural gas operations

is one such example of duplicative and unnecessary regulation. Aside from the fact that the authority to regulate air quality does not rest with the BLM, we certainly don't need the BLM rule in addition to the EPA methane rule and State regulations, which our colleagues on the other side have noted and lauded that have come out of the State of Colorado.

For all of the costs this rule would impose on industry, the supposed benefits of the rule would be emission reductions in the neighborhood of less than one one-hundredth of a percent of global greenhouse emissions. That is the definition of an ineffectual rule.

Methane is a marketable resource, and the oil and gas industry would prefer to economically capture and sell that resource, rather than vent or flare it, which is a necessary safety procedure in the absence of other viable options.

Instead of using its authority to take actions that would effectively facilitate capture versus venting or flaring, like processing pipeline right-of-way permits in a timely manner, the agency has once again issued a rule that unnecessarily burdens energy development.

There are cost-effective strategies available that will achieve emission reductions, and it is those strategies that we should focus our efforts on, rather than duplicative regulations.

I urge my colleagues to support this resolution.

Mr. LOWENTHAL. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 15½ minutes remaining. The gentleman from Utah has 17½ minutes remaining.

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

Mr. Speaker, we have heard a lot from Members from Colorado about how this onerous methane rule will hurt industry in Colorado. I would like to read from a couple of Colorado editorials that came out this past week in support of maintaining the BLM methane rule.

On Saturday, The Denver Post posted an editorial entitled "Congress shouldn't butcher federal methane rules." In it, they say: "Congress is getting ready to use an ax where it needs a scalpel. . . ."

Make no mistake, Mr. Speaker, the Congressional Review Act is an ax. It is an ax being swung blindfolded after several shots of whiskey. It shows a complete lack of seriousness on the issue, and it could have serious, long-term consequences.

That is why The Denver Post editorial board asks Republicans to be surgeons and not butchers, and to avoid repealing what they call a thoughtful regulation.

This past week, another editorial was published on Wednesday by the Grand

Junction, Colorado Daily Sentinel entitled, "Stop methane leaks." Referring to their State's own methane waste rules, they say: "We're fortunate to have the rule in Colorado. But if the federal rule isn't enforced, the results can undermine our own gains."

Air quality does not recognize State lines. Under-regulated drilling in Utah produces bad air that blows into the western slope communities.

These editorial boards have seen firsthand that methane waste prevention rules work, and they know that it is in everyone's interest to keep the BLM rule in place.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Speaker, I rise today in support of the measure for congressional disapproval of the BLM's methane rule under this Congressional Review Act. This egregious rule passed in the last few days of the previous administration is yet another regulatory blow to responsible energy development on lands held by the Federal Government for the American people.

I think the American people have a right to expect that their Federal Government is not only holding these lands, but that it is utilizing this asset, an asset that can gain income to the Federal Government on their behalf to maintain more lands, and also to utilize the energy at low cost from domestically produced energy that comes from their lands, instead of importing it from somewhere else, et cetera. It goes without question that producing it here in this country is a giant benefit to the U.S. and its economy.

As a strong proponent of an all-of-the-above energy approach, I believe natural gas will continue to significantly transform and modernize our Nation's energy infrastructure. Domestically produced energy has so many positive effects it should be a no-brainer.

The BLM claims that this rule helps capture methane waste, resulting in a reduction in greenhouse gas emissions. Let's face some facts. According to a report by the EPA, methane emissions from natural gas production have decreased by 38 percent in the last 10 years, while gas production on Federal lands has increased by 33 percent. Believe it or not, this reduction was done through voluntary action on behalf of industry, without changes to Federal regulations, in capturing and utilizing this asset.

Even in my home State of California, the oil and gas industry has created tremendous opportunity for our workforce. A recent report shows that total economic contribution of oil and gas in California, in 2013, resulted in the creation of 455,000 jobs and \$72 billion in value added to the State economy, approximately 3.4 percent of State GDP;

indeed, no small numbers when the State of California is in big trouble fiscally, as it pursues more things like high speed rail and other nonsense.

Stifling this vibrant and booming economic driver in my State and others would be detrimental to the U.S. economy as a whole, while making us more reliant upon energy from unstable regions of the globe and the higher costs to consumers at home and in their workplace.

Furthermore, the BLM falsely claims it has authority under existing law to regulate oil and gas emissions. Such authority already belongs to the EPA and the States under the Clean Air Act, not the BLM.

Indeed, the BLM needs to get its priorities and its jurisdiction in order. The agency spends valuable taxpayer resources developing a rule to prevent methane flaring, yet denies rights-of-way permitting for pipelines, which would help eliminate these kinds of releases altogether. That is one of the important benefits of the Congressional Review Act is accountability by an elected Congress over a bureaucracy.

Failure to reverse this rule would result in a net loss in royalties that would negatively impact not just the Federal Government but Indian tribes as well which rely on energy revenue to meet their health care, housing, and other needs of their members on their lands.

The abuses and overreach by a previous Obama administration have gone long enough. It is time we put an end to the senseless, counterproductive regulations, and restore commonsense solutions to energy development on the people's Federal lands.

The administration taking credit for increased gas production is disingenuous, as most of it occurred on private lands, leaving our public assets and potential unused.

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

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. LAMALFA. Indeed, it would be a loss for the American public to continue along that path.

Mr. Chairman, I appreciate the efforts in bringing this forward and the opportunity to have a Congressional Review Act for the accountability.

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

Mr. Speaker, I would like to reinforce a point that I made in my opening statement. Oil and gas companies and the industry would like to say they have done a tremendous job cutting methane emissions on their own.

In fact, just this week, the Western Energy Alliance spearheaded a letter saying: "Methane emissions from oil and gas production have declined by 15 percent since 1990, without any Federal regulations."

What we have been hearing today, and my friends on the other side, is continually using some variation of this reduction that they say occurs. The problem is, and I repeat that the problem is, is that claim is just flat out false. That is the definition of an alternative fact.

Methane reduction, since 1990, has come entirely from natural gas storage, from the distribution and the transmission of natural gas. Out in the field, however, what we are talking about, out in the field, where companies are actually drilling, methane emissions are up.

For natural gas production, methane in the field, methane emissions are up by 31 percent. For oil production, emissions are up a staggering 76 percent.

Mr. Speaker, the industry has not fixed this problem on their own, and they are not going to fix this problem on their own. Only strong rules and oversight are going to hold companies accountable to reduce methane waste and, for that reason, we must defeat this resolution.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. CRAMER), who lives in an area where he clearly understands what this issue is about.

Mr. CRAMER. Mr. Speaker, BLM's Methane and Waste Prevention rule really is an overreach of authority that is already held by the EPA and the States. In fact, in North Dakota, the Department of Mineral Resources has waste prevention or conservation rules in place and is the first in the Nation to set gas capture requirements and goals.

Requiring operators to meet yet another set of rules, in addition to States' permits, results in substantial increases in both time and cost without any additional benefit to the public or to the environment, and that would also subject operators to conflicting rules, which actually could have the adverse effect that this rule aims at.

Just in North Dakota alone, it is estimated this rule would cost \$24 million in lost tax revenue, and \$240 million per year would be lost in production, but \$39 million, most importantly, would be lost in royalty revenues, not to big, rich oil companies who make large contributions, as our friends on the other side like to talk about, but to regular people, farmers and ranchers and landowners who own the royalty, who get the royalty. These are the very people the Democrats love to talk about but don't seem to know how to talk to.

Methane leaks are wasteful, but there is a natural incentive to capture it. Methane is not a waste product, it is a commodity.

The overall, best-case scenario impact of this rule would be a reduction

of 0.06 percent. Now, if the BLM really wants to do something, they could streamline the permitting of the infrastructure that would capture it.

I know of two pipeline projects in North Dakota alone that, had they been allowed to move forward, at no expense to the government, had they been allowed to move forward by the BLM, without its heavy hand of regulation, would have reduced emissions 6 percent; 6 percent with the natural incentive, stopped by the BLM, rather than this rule, which would, perhaps in the best case scenario, reduce it 0.06 percent.

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

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. CRAMER. In wrapping up, I thank the chairman for the time and for his leadership.

Let's pass this CRA and overturn this egregious, unproductive BLM rule and return the authority where it belongs, back to the States.

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

As I have mentioned before, Mr. Speaker, this rule will not just reduce waste and increase taxpayer revenues, it will also reduce air pollution and improve public health.

In support of that, we received a letter this week from 13 medical and public health groups, including the American Lung Association, the American Public Health Association, the Asthma and Allergy Foundation of America, the Public Health Institute, and many more, pointing out the importance of the BLM methane waste prevention rule for cutting down on harmful methane emissions.

They write: "... we strongly urge you to oppose any Congressional Review Act resolution of disapproval..." for the BLM rule.

They point to the volatile organic compounds that also pollute the air when natural gas leaks, saying that these chemicals "include benzene, a known carcinogen; ethylbenzene, a probable carcinogen; and toluene, a neurotoxin that may also cause miscarriages and birth defects."

□ 1000

Also, these chemicals are "precursors to the formation of ground-level ozone, a dangerous air pollutant that causes permanent lung damage. By limiting emissions of volatile organic chemicals, oil and natural gas limits will reduce the risk of ozone formation in the air and, thus, the risk of ozone-related health effects, including asthma attacks, hospital admissions, and, unfortunately, premature deaths."

These health impacts are just one more set of reasons why repealing the BLM Methane Waste Prevention Rule is the wrong way to go.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 2½ minutes to the gentleman from Arkansas (Mr. WESTERMAN).

Mr. WESTERMAN. Mr. Speaker, American workers and American businesses are the most innovative and productive in the world. This is no more evident than in our oil and gas fields—the ones in my district, in my State, across our country, and offshore.

Mr. Speaker, in spite of the Obama administration's war on energy, our producers made huge gains in technology, production, and productivity to meet the needs and lower energy costs.

The gentleman from California is correct, energy production has increased during the Obama administration. According to this 2016 CBO report, both oil and gas production has increased on State and private lands both onshore and offshore. However, during the same time, under the heavy hand of the Obama administration, production on Federal lands has decreased. The Energy Information Administration reported that oil production on non-Federal lands has increased 89 percent while it has decreased 10 percent on Federal lands, while gas production has increased 37 percent on non-Federal lands and decreased 37 percent on Federal lands.

The Bureau of Land Management's venting and flaring rule is an overreach of the Obama administration. This is not about the environment. It is about extending the war on energy to private and State lands. The rule increases costs on producers, which are then passed on to customers, stifling job growth and hurting the economy.

The BLM, as it has already been said, does not even have the legal authority to regulate air quality. It is an authority expressly provided to the EPA by the Clean Air Act. Methane emissions are already on the decline, dropping 21 percent since 1990 to 2014. This drop occurred despite the rise in natural gas production by nearly 47 percent. If the venting and flaring rule goes into full effect, it will cost nearly \$1 billion by 2025.

The result of overregulation is a decrease in domestic energy production, lost jobs, a battered economy, and an increased dependence on foreign energy sources. A repeal of the venting and flaring rule is necessary to protect our economy, the Constitution, and the American people.

Mr. Speaker, I urge my colleagues to support the resolution.

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

Mr. Speaker, it may no longer be Groundhog Day, but it feels like we have been here doing the same thing over and over again.

Once again, Republicans are doing the bidding of wealthy fossil fuel com-

panies at the expense of ordinary Americans. On Wednesday, we were here so our majority could strip away clean water protections from coal mining. Later on that day, the majority gave our new Secretary of State, Rex Tillerson, the former CEO of ExxonMobil, a gift by repealing the requirement for oil and gas companies to tell the public how much money they paid to foreign governments.

Now, today we are here to shower more goodies onto the oil and gas industry by repealing a rule designed to keep them from wasting—and I urge you to hear that term, “wasting”—natural gas and also polluting our air.

Really, Mr. Speaker? Less than 2 weeks into the new all-Republican government and they are already handing out early Valentine's Day gifts to their wealthy donors. Instead of chocolates and flowers, they are giving their oil and coal executives the right to pollute our air, dump waste into our water, and do it all under the cover of darkness. Republicans are using the Congressional Review Act so fast that I doubt they even know what they are repealing from day to day. It's Friday, so I guess it must be air pollution day.

Let me warn everyone that is watching this telecast that they are not going to stop at trying to destroy clean air, clean water, and transparency. Dozens of health, safety, transparency, and consumer protections are on the chopping block, and Republicans are more than happy to swing the ax.

Mr. Speaker, I urge my colleagues to protect the BLM Methane Waste Prevention Rule and defeat this resolution.

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

Mr. BISHOP of Utah. Mr. Speaker, I reserve the right to close, and I reserve the balance of my time.

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

I include in the RECORD two letters opposing this resolution and supporting the BLM Methane Waste Prevention Rule. The first is from 78 environmental, conservation, public interest, and sportsmen's groups urging a “no” vote on this resolution. The second is a letter from 13 public health and medical organizations strongly urging a “no” vote on this resolution because of the damage that it will do to public health.

JANUARY 31, 2017.

DEAR MEMBER OF CONGRESS: On behalf of our millions of members and supporters, we write to urge you to oppose any effort to use the Congressional Review Act to overturn the Bureau of Land Management's Methane and Natural Gas Waste Rule. We rely on laws and regulations to protect taxpayer resources and to keep our air and water clean and healthy. While we oppose the use of the CRA for any rule, the BLM rule is one of the anticipated targets to be considered under a Congressional Review Act Resolution.

The BLM rule is a common sense policy that requires the oil and gas industry to reduce venting, flaring, and leaks at industry operations on public and tribal lands by deploying methane mitigation technology. Currently, more than \$330 million worth of natural gas is wasted on public and tribal lands each year, meaning that taxpayers could lose out on \$800 million in royalties over the next decade due to venting and flaring of this gas. Repealing this rule would harm public health and reduce revenue to the federal government and Western states. The BLM estimates the rule's net benefits range from \$46 to \$204 million per year. And economic studies have found the technologies and practices included in this rule to be very cost effective since the gas captured can be sold to the benefit of industry and taxpayers. Leaked natural gas contains volatile organic compounds, an asthma irritant; benzene; and other hazardous air pollutants that are known carcinogens. After Colorado implemented a similar rule, natural gas production increased, and the standard has been popular.

The Congressional Review Act (CRA) is a blunt instrument that seeks to undermine the federal rulemaking process. It allows Congress to overturn a recently finalized rule—major or otherwise—through an expedited process called a Resolution of Disapproval. In the Senate, a Resolution of Disapproval requires only a simple majority vote, may circumvent the committee process and cannot be filibustered. If the resolution passes and is signed by the President, the rule becomes void and the promulgating agency is prevented from issuing a rule that is “substantially the same” in the future without an act of Congress. By essentially voiding the rulemaking process and mandating that substantially similar rules not be pursued in the future, the CRA on the BLM's Methane Rule wastes taxpayer money and defies the public interest.

We request that you vote in opposition to this attack on commonsense standards which limit wasted resources and protect the American taxpayer, public health, and the environment. Vote no on the BLM Methane CRA Resolution.

Sincerely,

Alaska Wilderness League, Alliance of Nurses for Healthy Environment—Colorado Chapter, American Family Voices, Back Country Horsemen of New Mexico, Bold Alliance, Californians for Western Wilderness, Center for Biological Diversity, Chesapeake Physicians for Social Responsibility, Citizens for a Healthy Community, Clean Air Council, Clean Air Task Force, Clean Water Action, Coalition for Clean Air, Colorado Farm & Food Alliance, Conservation Colorado, Conservation Voters New Mexico, Dakota Resource Council, Demand Progress, Earth Action, Inc., Earthjustice, EarthRights International, Earthworks, Elders Climate Action, Environmental Defense Fund, Environmental Entrepreneurs, Environmental Integrity Project, Environmental Law and Policy Center, Environmental Working Groups.

Friends of the Earth, Grand Canyon Trust, Great Old Broads for Wilderness, Gulf Coast Center for Law & Policy, Hair on Fire Oregon, Hixon Center for Sustainable Environmental Design at Harvey Mudd College, Idaho Organization of Resource Councils, Institute for Science and Human Values, Interfaith Power & Light, Iowa Environmental Council, League of Conservation Voters, League of Women Voters of the United States, Los Padres ForestWatch, Mayor of

Lafayette, Colorado, Montana Conservation Voters, Montana Environmental Information Center—MEIC, National Association of Consumer Advocates, National Center for Lesbian Rights, National Consumer Voice for Quality Long-Term Care, National Parks Conservation Association, Natural Resources Council of Maine, Natural Resources Defense Council, New Mexico Sportsmen, NextGen Climate, Northern Plains Resource Council, NW Energy Coalition, Physicians for Social Responsibility, Physicians for Social Responsibility Maine Chapter.

Pipeline Safety Coalition, Powder River Basin Resource Council, Public Citizen, Rachel Carson Council, San Juan Citizens Alliance, Sierra Club, SLO CLEAN WATER. ORG., Southern Environmental Law Center, Southern Utah Wilderness Alliance, The Ohio Environmental Council, The Wilderness Society, Union of Concerned Scientists, US Human Rights Network, Voices for Progress, WE ACT for Environmental Justice, Western Colorado Congress, Western Environmental Law Center, Western Organization of Resource Councils, Wholly H2O, WildEarth Guardians, Wilderness Workshop, Wyoming Outdoor Council.

FEBRUARY 1, 2017.

DEAR REPRESENTATIVE: On behalf of the tens of thousands of members of the undersigned medical and public health organizations, and the communities we serve, we strongly urge you to oppose any Congressional Review Act resolution of disapproval that would block air pollution limits that address the leakage of methane, including the Bureau of Land Management (BLM) Methane and Waste Prevention Rule.

The Congressional Review Act is a blunt tool that would permanently block actions by BLM to reduce dangerous and wasteful methane leaks from the oil and gas industries. Use of the Congressional Review Act would not only block current actions to solve manageable problems; it would also prevent BLM from moving forward with substantially similar actions in the future.

Methane fugitive emissions (leaks) occur from oil and gas wells, drilling-related infrastructure and natural gas pipelines. Estimates of the amount of methane lost to leakage range from 9.3 percent to about 12 percent. Not only are these leaks wasteful, but they also create dangerous threats to health.

Volatile organic compounds (VOCs), gases recognized as hazardous air pollutants, accompany the methane extracted from deep underground wells. VOCs include benzene, a known human carcinogen; ethylbenzene, a probable carcinogen; and toluene, a neurotoxin (affecting the nervous system) that may also cause miscarriages and birth defects. Comprehensive methane limits would immediately reduce emissions of these life-threatening substances.

VOCs are also precursors to the formation of ground-level ozone, a dangerous air pollutant that causes permanent lung damage. By limiting emissions of VOCs, oil and natural gas limits will reduce the risk of ozone formation in the air and, thus, the risk of ozone-related health effects, including asthma attacks, hospital admissions and premature deaths.

Finally, methane itself is a highly potent driver of climate change, one of the greatest threats to public health in our time. Methane is an extremely powerful heat-trapping gas; over its first 20 years in the atmosphere, it is 84 times more effective at retaining heat than is carbon dioxide . . . The resulting

higher temperatures mean longer and hotter heat waves and more ground-level ozone; these in turn contribute to asthma attacks, cardiovascular disease, heart attacks and premature death. Climate change also increases the frequency and intensity of storms, droughts, wildfires and flooding; these are associated with accidental deaths, crop losses, air pollution, water contamination, and the spread of disease-causing pathogens. If we as health and medical organizations are to protect the public's health, it is vital that our nation make progress in the fight against climate change.

The Congressional Review Act, if applied to BLM's Methane and Waste Prevention Rule, would block feasible, affordable steps to reduce methane leakage. It would deprive Americans of vital protections from carcinogenic and neurotoxic substances and from climate change. Please make the health of your constituents your priority and reject the use of Congressional Review Act resolutions on actions that would protect our health and our current and future wellbeing.

Sincerely,

Allergy & Asthma Network, Alliance of Nurses for Healthy Environments, American Lung Association, American Public Health Association, American Thoracic Society, Asthma and Allergy Foundation of America, Center for Climate Change & Health, Health Care Without Harm, National Association of County & City Health Officials, National Environmental Health Association, Physicians for Social Responsibility, Public Health Institute, Trust for America's Health.

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

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

Much has been said about what Colorado has been able to do as a State on this particular issue, and that's good because Colorado, as a State, has the legal responsibility and legal authorization to work with the EPA on this particular issue. Naturally, industry would be liking that because the States are far more effective in dealing with industry than the BLM ever is, which still does not have statutory authority in this particular area.

In fact, even Colorado has its limits. When they were cut out of the process on the stream buffer rule that we talked about earlier, they also joined the lawsuit against the EPA and against the Federal Government for that particular issue. It is simply hypocritical for BLM to pretend that this is about waste when they refuse to actually solve the problem by pipeline approval and rights-of-way approval, which is the total solution.

So what we come down to is that simply this is a rule that violates all three of the criteria set forth in the Congressional Review Act. It is a rule that is terribly expensive; it is a rule that is redundant; and it is a rule that exceeds the statutory authority of the entity that is making that particular rule, a prime candidate for use of the Congressional Review Act, which is our responsibility. It's a congressional responsibility to establish these standards, not the executive branch agencies.

If someone has decided not to vote for this resolution, to actually support this rule, I could ask: What is the deciding factor that pushed them over into accepting that position? Was it simply because this rule is redundant and unnecessary? That without this rule, emissions were being lowered and they were lowered before this rule was implemented and they will be lowered after this rule is decimated at the same time? Is it because of the redundancy? Did they decide to vote against this particular rule because, well, of the cost increase that it will bring?

The idea that affordable energy is being harmed by this particular rule is real, and that means that any person is going to feel an increased cost in their energy consumption. Whether it is trying to heat his or her home or every time they turn on a lightbulb, this rule raises that cost. Once again, it hurts the people who are at the bottom of our economic level who are the most vulnerable to these kinds of increases.

Is that what decided you to vote against this resolution or tipped you in the balance of trying to support the rule? Or is it simply the fact that it is an illegal rule? Is that the defining issue, that it simply is an illegal rule where they have no statutory authority to do what they did?

If those criteria are not good enough, then I ask you and urge you to do something that actually helps people and helps reduce the cost of energy and make sure that we have affordable energy so this economic and energy renaissance that we have had in the last decade can continue not just on State and private lands, but it can continue on Federal lands as well, which it has not done.

We need to do this to support people. We need to do this so that States can fund their infrastructure and States can actually fund their education system and people can turn on the lightbulb without having to take out a loan at the local bank to do so.

This rule repeal is the right thing to do. You should vote "yes" on this resolution because it helps people.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong opposition to H.J. Res 36, expressing disapproval of the Methane Waste Rule submitted by the Department of the Interior, Bureau of Land Management.

The Methane Waste Rule is a critical update to decades old regulation that provides clear and established requirements for the responsible extraction of methane gas ensuring that public health is not put at risk from these harmful emissions.

The rule, crafted in an extensive and transparent public process in line with the Bureau of Land Management's mandate to capture wasted methane, includes reasonable reforms to avoid and minimize waste of natural gas from flaring, venting and leaking from oil and gas production operations. Grounded in peer-

reviewed, scientific evidence, the rule updates 37-year old regulations to keep pace with modern technological advancements. It promotes the replacement of older technology, with new, modern equipment that is cost effective, and, when combined with a broader scientific understanding of the deleterious effects caused by these activities both to public health and the environment, works to better protect the American people from these harmful emissions.

With methane emissions increasing by 45 percent since 1990 and a 319 percent increase in flaring from 2009, the United States must act swiftly to not only protect public health, but the environment too. When these natural gases are released, they emit ozone-destroying volatile organic compounds (VOCs) which are 86 times more destructive to the protective ozone in our atmosphere than carbon emissions.

During the development of this critical rule, the Department of Interior received over 200,000 public comments, hosted public meetings, and engaged in broad outreach to stake holders nationwide over a 3-year period. This rule was carefully developed and thoroughly considered.

Furthermore, it is important that tax payers understand that this is also a cost-savings rule, mitigating the over \$330 million worth of natural gas wasted every year as a result of flaring, venting, and leaking.

Ultimately, repealing the Methane Waste Rule would undermine the health, well-being, and economic prosperity of the American public and do nothing to combat the growing concern of climate change. I strongly urge my colleagues to reject H.J. Res 36. Any effort to undermine this important health, economic, and environmental protection results in a lose-lose situation for the American public and I oppose it.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. LOWENTHAL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the joint resolution will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 191, not voting 20, as follows:

[Roll No. 78]

YEAS—221

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

NAYS—191

Adams	Brownley (CA)	Cooper
Aguilar	Bustos	Correa
Barragán	Butterfield	Costello (PA)
Bass	Capuano	Courtney
Beatty	Carbajal	Crist
Bera	Cárdenas	Crowley
Beyer	Cartwright	Cummings
Bishop (GA)	Castro (TX)	Curbelo (FL)
Blumenauer	Chu, Judy	Davis (CA)
Blunt Rochester	Cicilline	Davis, Danny
Bonamici	Cleaver	DeFazio
Boyle, Brendan	Clyburn	DeGette
F.	Cohen	Delaney
Brady (PA)	Connolly	DeLauro
Brown (MD)	Conyers	DelBene

Demings	Lawson (FL)	Richmond
DeSaulnier	Lee	Ros-Lehtinen
Deutch	Levin	Rosen
Dingell	Lewis (GA)	Roybal-Allard
Doggett	Lieu, Ted	Ruiz
Doyle, Michael	Lipinski	Ruppersberger
F.	Loebach	Ryan (OH)
Ellison	Loftgren	Sánchez
Eshoo	Lowenthal	Sanford
Espallat	Lowe	Sarbanes
Esty	Lujan Grisham,	Schakowsky
Faso	M.	Schiff
Fitzpatrick	Luján, Ben Ray	Schneider
Foster	Lynch	Schrader
Frankel (FL)	Maloney,	Scott (VA)
Fudge	Carolyn B.	Scott, David
Gabbard	Maloney, Sean	Serrano
Gallo	Mast	Sewell (AL)
Garamendi	Matsui	Shea-Porter
Gonzalez (TX)	McCollum	Sherman
Gotthelmer	McEachin	Sinema
Green, Al	McGovern	Sires
Green, Gene	McNerney	Slaughter
Grijalva	Meehan	Smith (WA)
Gutiérrez	Meeks	Soto
Hanabusa	Meng	Speier
Heck	Moore	Stefanik
Higgins (NY)	Moulton	Suozi
Himes	Murphy (FL)	Swalwell (CA)
Hoyer	Nadler	Takano
Huffman	Napolitano	Thompson (CA)
Jayapal	Neal	Thompson (MS)
Jeffries	Nolan	Titus
Johnson (GA)	Norcross	Tonko
Johnson, E. B.	O'Halleran	Torres
Kaptur	O'Rourke	Tsongas
Katko	Pallone	Vargas
Keating	Panetta	Veasey
Kelly (IL)	Pascarell	Vela
Kennedy	Payne	Velázquez
Khanna	Pelosi	Visclosky
Kihue	Perlmutter	Walz
Kilmer	Peters	Wasserman
Kind	Pingree	Schultz
Krishnamoorthi	Pocan	Waters, Maxine
Kuster (NH)	Polis	Watson Coleman
Langevin	Price (NC)	Welch
Larsen (WA)	Quigley	Wilson (FL)
Larson (CT)	Raskin	Yarmuth
Lawrence	Reichert	
	Rice (NY)	

NOT VOTING—20

Carson (IN)	Gosar	Price, Tom (GA)
Castor (FL)	Hastings	Reed
Clark (MA)	Jackson Lee	Rush
Clarke (NY)	Jones	Scalise
Clay	Labrador	Walker
Engel	Mulvaney	Zinke
Evans	Nunes	

□ 1034

Messrs. MAST, BLUMENAUER, and MEEHAN changed their vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

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

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

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to the gentleman from California (Mr. MCCARTHY), the majority leader and my friend, for the purpose of inquiring of the schedule for the week to come.

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

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

On Tuesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. Last votes of the week are expected during the evening hours on Tuesday.

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

Mr. Speaker, the House will also continue our work under the Congressional Review Act to undo onerous Obama administration regulations through three more joint resolutions. The first, sponsored by Representative BRETT GUTHRIE, will stop a rule that significantly expands the Federal Government's involvement in teacher education.

□ 1045

Without our action this could result in fewer teachers serving some of our Nation's most vulnerable children, and it could make it harder for schools to recruit the best teachers. That is the exact opposite of what Americans want for their children.

The second, sponsored by Representative TODD ROKITA, would address how the accountability provisions of the Every Student Succeeds Act are being implemented. This bipartisan law empowered States to hold schools accountable, but somehow, when the regulation came out, there was an expanded Federal role. This was not what Congress intended nor what is best for our students.

And the third, Mr. Speaker, sponsored by Representative LIZ CHENEY, addresses how the Department of the Interior regulates resource management plans. These plans guide how BLM manages all Federal lands. But the rule only addresses how BLM must deal with the public, as well as State and tribal governments. We are rightfully concerned that there is no process or procedure for local governments in these new rules.

Finally, my friend may notice that a familiar face is not sitting next to me today, but Ben Howard is up in the gallery today. After serving 8 years on Capitol Hill, the last 6 in my office, our friend Ben has left the job. He is now working in the White House Office of Legislative Affairs.

Ben was one of the first people we hired when I was elected majority whip. It was here that most people around the Hill got to know Ben through his always witty floor updates

and always constant Penn State football commentary. When I was elected majority leader, I asked Ben to be the floor director, a position in which he has served well for the past 2-plus years.

My friend would be happy to know that Ben is from Maryland. He was born and raised and currently resides in Olney with his wife, Amy, and their two young sons, John and Daniel.

So on behalf of myself, our entire team, and the entire Republican Conference, I want to thank Ben for his years of service and for his hard work, and wish him many years of happiness.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the schedule of regulations to come. I am sure we will have some discussions about that next week. In fact, we are going to have some discussions about all of these regulations which we believe reduce the protections, according to the American people, by a number of the regulations that are sought to be repealed.

However, first, Mr. Speaker, let me note that, first of all, we have another Ben in Maryland. He is the senior Senator, a former colleague of ours, BEN CARDIN. He had a TV ad which ended with "My Friend, Ben."

I want to say hi to my friend Ben, who has—indeed, as all of you know, I think the staff that serve with us make such an extraordinarily positive difference, and they sometimes—or most of the time—rise above what might be the partisan confrontation that Members have and continue to try to reach consensus so that this institution will run positively and well for the American people. Ben Howard has been one of those people.

I know that Shuwanza Goff, who sits next to me and is my floor director, has worked very positively with Ben through the years and appreciates very much his working with us. Kelly also falls into that category.

But Ben, we are going to miss you. I am sure that wherever you go, you are going to advantage the enterprise that you associate with. Olney, Maryland, is one of our thriving communities in Maryland. We are always proud of our Marylanders, and they always do a good job.

So I will say to him, Godspeed. I don't want to wish Penn State a lot of success, but, nevertheless, I do want to wish you a lot of success, Ben. Thank you very much for your service.

Now let me move on to, perhaps, some subjects that we might not have as much agreement on as we do have on Ben Howard and his quality and the service he has given this institution.

One of the first acts of Congress, of course, as you know, Mr. Leader, which was the plan, was to begin the reconciliation process to repeal the Affordable Care Act. The budget resolution set a deadline of January 27 for committees to report legislation re-

pealing the law. It is now the 3rd of February, and after voting 65 times to repeal the ACA, House and Senate Republicans, Mr. Speaker, do not have, as far as I know, and don't appear to have, a replacement and are, as I read in the papers, Mr. Speaker, divided on the path forward.

Repealing the ACA without replacing it immediately will not only cause 30 million Americans to lose their coverage, but it would increase the cost for tens of millions more and would, I suggest, disadvantage everybody who has insurance, and clearly those who do not and would not have access.

MARK MEADOWS, who chairs the House Freedom Caucus, said: "We need to slow down the process so we can understand a little bit more the specifics and the timetable of replacement votes and reconciliation instructions. . . ."

That was in Politico on January 9 of this year.

Senator BOB CORKER, in the Senate, said: "There's more and more concerns about not doing" repeal and replace "simultaneously. You would think after 6 years, we would have a pretty good sense of what we would like to do."

We have not seen a repeal and replace bill. The President said it ought to be done contemporaneously. BOB CORKER and others have said it ought to be done contemporaneously. We haven't seen it. So my question, Mr. Majority Leader, is: Does the gentleman expect that if repeal does move forward, that a replacement bill would be considered simultaneously?

I yield to my friend.

Mr. MCCARTHY. I thank the gentleman for yielding.

I am not sure if, in the beginning of your question, you want us to speed up or slow down, but I thank the gentleman for the question.

Mr. HOYER. I can clarify that for the gentleman.

Mr. MCCARTHY. I heard your question. Your question asked it both ways.

Regardless of who won the election, the simple fact is ObamaCare is a failure. Regardless of who won the election, we would both be sitting here today having the same conversation about what we would replace it with.

Let's just simply talk about the facts.

There were 23 co-ops created in ObamaCare. They were given \$2 billion. As of today, 18 of them have failed. There are roughly a little more than 3,000 counties in America; 1,022 of those counties, roughly one-third, now only have one insurance company. Five States only have one insurance company, thanks to ObamaCare.

All of America knows the old quotes: if you like your health plan, you can keep it—we know that is no longer true—or if you like your doctor, you can keep it—that is no longer true.

When the President said that our premiums would go down by \$2,500, now we

know that is not true. So, yes, we would have this discussion regardless of who won this election. ObamaCare has failed.

So, yes, we are going to work together, just as, after the last election, I put a letter out to every Governor, Republican or Democrat, every insurance commissioner, Republican or Democrat, to provide us with their ideas. We welcome every idea on the other side of the aisle, too, because we will do this differently. We welcome your ideas as well.

If you noticed in the Energy and Commerce Committee, they have the hearing schedule. We will begin, and it will be an open process. We welcome your participation because we want a system that works, we do not want a system that has failed, and I believe we have the ideas to make it work correctly.

Mr. HOYER. I thank the gentleman.

We are not in agreement, Mr. Speaker. What we will be doing would be 180 degrees different. We would not be pretending that we are going to repeal an Affordable Care Act that has been a success.

We do not agree, Mr. Speaker, that having 30 million Americans insured that were not insured before the Affordable Care Act is a failure. We do not agree that people with preexisting conditions who can now get insurance is a failure. We do not agree that people who are 26 or younger being on their family's policy when they don't have a job or alternative insurance is a failure. We do not agree that Americans having the security that their insurance will not be canceled because they reached an annual limit is a failure. We do not agree that Americans having no lifetime limit so that if they have a catastrophic illness they will still have coverage—that is not a failure.

What is a failure is to have pretended for the last 6 years that they wanted to repeal the Affordable Care Act and have no replacement as of this time. That was a failure.

The President says, Mr. Speaker, that his plan is going to make sure that everybody is insured, comprehensive coverage, and that costs will come down. He, of course, Mr. Speaker, has now offered a bill to effect that objective. We would welcome such a bill so that we can consider it.

No, Mr. Speaker, had the 3 million additional people who voted for Hillary Clinton more so than voted for Donald Trump prevailed—the Electoral College prevailed, but the majority of the American people that voted, the plurality, voted for policies to keep the Affordable Care Act as Mrs. Clinton said she would do if she were elected.

So, Mr. Speaker, the majority leader is in deep error on we would be having the same debate. But he is right; we had an outcome of a party and a Presi-

dent who said they were going to repeal the Affordable Care Act.

GOP Conference Chair CATHY MCMORRIS RODGERS stated: "Let me be clear: no one who has coverage because of ObamaCare today will lose that coverage."

The majority leader said something about the President saying, if you like your policy, you can keep it. In fact, the President was substantially right on that. Yes. Were there minimum coverages so that people weren't scammed by insurance companies saying you got insurance, but, oh, by the way, we don't cover that, by the way, we don't cover that? Have you seen those ads about, I bought a new car and I had a wreck a day later and, guess what, the insurance company wants to give me 80 percent, 90 percent, 70 percent less? That is what the insurance companies were doing. People thought they had insurance for something, and they didn't have it.

So CATHY MCMORRIS RODGERS says you are not going to lose anything. Well, I don't know. If it was so bad, why don't you repeal it? Why don't you offer a bill to repeal it and to undermine all those factors of the Affordable Care Act that are now available to the Americans that I suggested?

President Trump—I said this, but I want to repeat it—said last month that Republicans were nearing completion of an ACA replacement that would provide insurance for everybody. Bring it on. Bring it on. Insurance for everybody. Let's see it.

He went on to say his plan would have lower numbers, much lower deductibles. God bless him. Bring it on. Let us see it. Let's vote on it. It is not on the floor, and I am not sure when it will be on the floor, but perhaps the majority leader could tell us.

My question to you is: When do you expect such a bill consistent with the President's representation to the American people of everybody having insurance and at lower cost and lower deductibles? When do we expect a bill like that on the floor?

I yield to the majority leader.

Mr. MCCARTHY. I thank the gentleman for yielding.

Since ObamaCare has passed and now that we know what was in it, you would know that there are 1,400 pages in there that give a great deal, amount of power to the Secretary of Health and Human Services. Unfortunately, today, that Secretary has not been confirmed.

That Secretary has not been confirmed simply because of politics. It is not on my side of the aisle. It is on the Democrats' side of the aisle over in the Senate.

□ 1100

Do you know how far they have gone? How much do they really want to work on health care when you actually said it needed to be reformed? They

wouldn't even show up in committee. So how much do they really care about Americans? They don't even show up in committee to ask the questions. They wanted to run and hide. So how much do they really want to work?

If we want to go quote by quote, when we go back to what President Obama said when the premiums were going to lower by \$2,500, what do we say to Arizona when they went up 116 percent or to Tennessee by 63 percent and then three-quarters of Tennessee counties only have one provider or to Minnesota by 59 percent or to Oklahoma by 59 percent or to Alabama, 58, or to Pennsylvania, 53, or to Nebraska, 51?

Can we stop this rhetoric, and can we now get to work? Because I will tell you this: next month is when we begin because I am hopeful that we will no longer put up with the political games on the Senate side and that we will confirm the new Secretary because you have to have a Secretary in place if you want to reform ObamaCare, because you gave so much power to the Secretary. We all know that. So let's work together on behalf of the American people and end this pain.

I will tell you this: the unfortunate reality, in today's system, is that coverage does not always mean care. The deductibles are so high that many people don't even go to their doctors. I can tell you that in States, prior to ObamaCare, their high-risk pools were cheaper then for their care than now in just buying ObamaCare. We all know it is a failure. So let's stop playing the political games, and let's put the people before politics, and let's put a system in that works. Our door is open, and the committee is open for all ideas. Let's work together to solve it.

Mr. HOYER. I thank the majority leader for his comments.

I don't think he wants me to delve very deeply into why we do not have a Secretary of Health and Human Services. It is because the Republicans have not produced nor has the nominee produced full disclosure, as the gentleman knows, of his financial dealings with respect to legislation that he introduced and supported. They want full information so that they can make a considered judgment. I won't go further into that deep well, however.

I will say to the gentleman that you don't need a Secretary to bring legislation to the floor, and this is not an issue that is new this year or that is as a result of the November election of last year. It is, frankly, after 65 votes on this floor, to repeal the Affordable Care Act without having an alternative.

I will tell my friend, the majority leader, with great respect, you have had 6 years. You can catalog all of the things that you think are bad. Obviously, you don't mention any of the things that are good except so many in

your caucus—perhaps the overwhelming majority of the caucus—say we are going to keep preexisting conditions, and we are going to keep 26. Of course, we are not going to eliminate annual limits, because that will hurt people and force them into bankruptcy. I don't hear that discussion going on. But the fact of the matter is, Mr. Leader, you cannot get away from the fact that 6 years have gone by since we adopted the Affordable Care Act—6 years of complaining about how awful it is.

By the way, as the gentleman knows, the majority of people now have made it very clear they do not want to repeal the Affordable Care Act unless they see a replacement on the table that they can consider and look to for alternatives. And that, as you know, Mr. Leader, is the first time in the 6 years because people said, “yes, we don't like the Affordable Care Act” in a vacuum, but now, when it really may be repealed, they are looking at it much more closely, and they don't know what is going to replace it, and they are concerned.

I have, I will tell you, family after family after family—I had somebody come up to me in the grocery store two nights ago, at Harris Teeter—with tears in his eyes—who said: Don't let them repeal the Affordable Care Act. I have a son who has a dire illness; and but for the fact of the Affordable Care Act, he would not be covered, and we couldn't keep him alive—with tears in his eyes.

So, when I hear you cataloging some of the things, those cases aren't mentioned. The 30 million aren't mentioned. The preexisting condition isn't mentioned.

I will say to my friend that you don't need a Secretary of Health and Human Services to bring a bill forward.

Mr. MCCARTHY. Yes, you do.

Mr. HOYER. Going to go to another subject, Mr. Leader, obviously, we are very concerned about the Affordable Care Act, but we are also very concerned—as we talked about executive orders on this refugee ban that were issued, according to almost everybody, without much consultation with anybody other than within the White House—of an order banning Muslim refugees from coming into this country even after very strong vetting.

I know that the position is, oh, this is not a ban. The complication you have to that representation is the President keeps mentioning it as a ban, as he said he was going to do in the election, and he referred to it as a ban just a few days ago. But I would point out to you, Mr. Leader—and I am sure you know this—not a single terrorist act—not one—has been perpetrated by a refugee coming into this country from any one of the seven nations mentioned in the ban. We believe this is not only contrary to the Constitution

but that it is contrary to our principles.

Let me make it clear, Mr. Leader, so that there is no confusion: nobody on this side of the aisle doesn't want to make America's borders secure, America's land and assets safe, and the American people safe. Every one of us on this side of the aisle wants to make sure that that happens, and we certainly want to make sure that the vetting is appropriate. As the majority leader knows, the vetting today is a very long and very careful process. We believe this ban alienates our allies and emboldens terrorists who are now saying: See, this really is a war on Islam.

That will not be consistent with the safety of our men and women whom we have at the point of the spear and will not be consistent to the safety and security of our allies in the Middle East.

Senators MCCAIN and GRAHAM have said exactly that.

They pointed out:

“Our government has a responsibility to defend our borders, but we must do so in a way that makes us safer and upholds all that is decent and exceptional about our nation.” This is JOHN MCCAIN and LINDSEY GRAHAM. “It is clear from the confusion at our airports across the nation that President Trump's executive order was not properly vetted.” Senator GRAHAM and Senator MCCAIN, chairman of the Armed Services Committee and the gentleman from South Carolina.

They go on:

“We are particularly concerned by reports that this order went into effect with little to no consultation with the Departments of State, Defense, Justice, and Homeland Security. Such a hasty process risks harmful results.” This continues to be a quote by Senator MCCAIN and Senator GRAHAM. “Ultimately, we fear this executive order will become a self-inflicted wound in the fight against terrorism.” Senator MCCAIN knows something about increased risk.

He went on to say, along with Senator GRAHAM:

“This executive order sends a signal, intended or not, that America does not want Muslims coming into our country. That is why we fear this executive order may do more to help terrorist recruitment than improve our security.” They said that on the 29th of January, just 4 days ago.

At least four times this week, Mr. Leader, we asked for the consideration of H.R. 724, which rescinds and defunds the refugee ban. The Speaker said, when he took office initially—and he repeated this year—that we were going to have an open, transparent process and that we would consider the important issues of the day on this floor, with an opportunity for every Member of this House to offer alternatives.

I know the committee would not report it out, but this is a critical issue

to our country, to our safety, and to our values; and I ask the gentleman:

Is there a possibility that you would bring to the floor next week or the week thereafter—preferably next week—H.R. 724 so that the Members of this House—the people's Representatives—could speak to this critically important issue consistent with the observations of Senator MCCAIN and Senator GRAHAM?

I yield to my friend.

Mr. MCCARTHY. I thank the gentleman for yielding.

I listened to the Speaker when he took office, too, and he also said “regular order.” In the schedule for next week, it is not on the list.

The executive order signed by the President, really, as you know, is based on legislation that passed this House with overwhelming bipartisan support. It was following the attacks over the past 2 years. It was the SAFE Act that passed this House 289–137, and the Visa Waiver Program Improvement and Terrorist Travel Prevention Act that passed by 407–19. I will point out that these two bills received veto-proof majorities, and President Obama signed the visa waiver bill into law.

President Trump's actions are temporary pauses and reassess our vetting procedures to keep our country safe. While there was, certainly, some confusion with how this was implemented over the weekend, the Secretary of Homeland Security is effectively addressing key issues to ensure legal permanent residents who are returning to our country are allowed entry unless our security services have a compelling reason to suggest otherwise. America remains a place of refuge for those seeking peace, freedom, and opportunity across the world.

Now, my friend knows, because we have been in meetings this week, that our rhetoric matters. Other people listen to what we say. In these types of situations, especially with a new administration, I have always told my children: at any time in a situation, let's take a deep breath; let's not lose our heads. Especially with a brand new administration, I try to give them the benefit of the doubt. They don't have their Cabinet there yet. Let's let them get their footing. It is not a ban—it is a pause. It is based upon two pieces of legislation that passed this House.

You love to quote people; so if I may:

“House Democrats and House Republicans have no greater priority than keeping Americans safe. This is neither a partisan issue nor is it a partisan difference. Many Americans are frustrated with the pace of progress against ISIS in Iraq and Syria. I want to see the administration and Congress working together to protect our Nation. The reforms in this bill are an excellent start.

“This legislation will make it easier for law enforcement to vet those visitors who are coming from Visa Waiver

countries, such as in Europe, to ensure that we are not admitting those who have traveled to places like Iraq and Syria and link up with ISIS.”

That was said by you.

Mr. HOYER. I think that is an excellent quote, which I still agree with.

Mr. MCCARTHY. So you know the importance.

What I would say to the gentleman is: let's work with this administration.

As we sat in our meeting this week with leaders of other countries, I thought their advice to us was good advice: let's not say what this is not, because we may get political points with one another, but it puts them in harm's way, and they know what the truth of this is.

I think you and I agree on a lot of different things, and we are cordial with one another when we disagree, and I think this is an area in which sometimes we may disagree, but sometimes we have shown we could agree.

□ 1115

I know you want to keep America safe, and I know we want to keep America safe.

I also know it is a brand new administration. I also know that when I go down to that White House—you have been there with me—there is not a lot of staff there. I know there are going to be a few hiccups along the way. I am going to work with them. I am going to help them, and I want you to help us help them as well.

Mr. HOYER. Mr. Speaker, may I ask the gentleman from California to do something?

The advice that the gentleman gives to his children about taking a breath, perhaps before they tweet—

Mr. MCCARTHY. My kids don't tweet.

Mr. HOYER. That is good advice as well.

Would you give that advice to the President of the United States and tell him to take a breath before he makes policy or before he offends our allies or before he creates great fear in those who hear what he has to say off the cuff?

Yes, I understand that rhetoric counts. You might talk to him about that as well. He is the one that calls this a ban. I know that everybody else is trying to clean it up, and I hope that is the case. In fact, I have seen the head of Homeland Security, Secretary Kelly, trying to clean it up.

It is a darn shame that it wasn't cleaned up before. It was a darned shame that the time was not taken to do an order that would make sure that vetting was appropriate, as my quote and our legislation that you talked about urged.

It is good advice to your children and good advice to this President: Take a breath. Just don't, as immediately it comes to mind, tweet it and have the

impact not known to you, your staff, or to the country.

Almost invariably, we have seen this has a negative effect.

I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, President Obama said that he was rooting for President Trump's success.

I would also give the advice, let's not root against him. He still doesn't have his own Cabinet. When I watched and listened to what some on the other side of their own leadership say about some there, I could see where the rhetoric continues to rise. I think we should put that down. The election is over, and now is the time to govern.

There are big problems out there. We can score as many political points as we want back and forth, but there are challenges. You and I have worked together on so many issues out here, from opioids, from the visa waiver so many different times. And we have disagreed others times.

I think it would behoove us and the American public that we can show the leadership to do that, and I look forward to working with you on these issues.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comment. I think we have demonstrated over the years that we ascribe to that concept.

My point to you is, in the first 10 or 12 days of this administration, that concept has been put at great risk. I think the gentleman's advice is good, and we have pursued that.

I simply urge the gentleman from California to suggest to the President of the United States that he adopt that concept as well.

I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, it is good to have these colloquies back.

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

ADJOURNMENT FROM FRIDAY, FEBRUARY 3, 2017, TO MONDAY, FEBRUARY 6, 2017

Mr. MCCARTHY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday, February 6, 2017, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. BERGMAN). Is there objection to the request of the gentleman from California?

There was no objection.

PAYING TRIBUTE TO GARY ANDRES

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

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to a very good

friend, certainly a trusted adviser and, by everyone's account, one of the very best staff directors ever on the Energy and Commerce Committee, Mr. Gary Andres.

I first met Gary when he was a young staffer working in the White House for President Bush 41. Over the years, I became so close with both Gary and his wonderful wife, Sue.

Gary came on board day one for my committee chairmanship, and we assembled an all-star staff of the most professional, talented, and kind people on Capitol Hill. In Gary, we got a trusted counselor with a strategic mind second to none. Gary also understands that sometimes you can't change the direction of the winds, but you can adjust your sails so that you are always going to reach that destination.

Nowhere was this more important than during our herculean, bipartisan 21st Century Cures Act effort. For more than 3 years, Gary was our five-star general; and thanks to his tireless leadership, we got the job done for patients and families across the country.

What drove us more than anything else was that the clock was ticking for folks with terrible diseases, and we couldn't waste a day to get this bipartisan bill to the President for him to sign into law. It ended up being what many say was the most significant legislation enacted in the 114th Congress.

But it went beyond the 21st Century Cures Act. There were 562 hearings, 354 measures through the House, 200 signed into law in the last 6 years, substantial legislative wins. Whether it be the doc fix, saving Medicare, pipeline safety, health reforms, opioids, so many more, Gary was with us at the table.

Gary understands how important this institution is. He has a reverence for the people's House. But Gary was also quick with a smile, a witty insight, or a laugh. He never lost his perspective, his temper, or eagerness to engage on an issue.

I know I speak for all of the Members and staff on both sides of the aisle when we say: Thank you, Gary. We are going to miss you, but we know that we are going to continue to lean on you for advice no matter what the issue is.

As Gary moves on to that next venture, I wish him the very best.

To his wonderful wife, Sue, who is in the gallery today, it has been an honor to work with this distinguished gentleman.

HONORING GARY ANDRES

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

Mr. PALLONE. Mr. Speaker, I second and reiterate what my colleague from Michigan (Mr. UPTON) just said about Gary Andres.

I actually remember, when I was first elected to Congress in 1988 and when

the first President Bush was President, being outside of the Capitol, outside the House Chambers and talking to Gary. He was, I believe, the White House congressional liaison at the time.

I was a young Member and didn't really know what was going on around here with a Republican President; and Gary was so warm, so helpful, trying to help me out, even though I was of the other party, even though I was a freshman Member. And that continued on so many occasions, both under President Bush and, of course, afterwards and most recently, with the Energy and Commerce Committee as a staff director.

What Representative UPTON said is absolutely true, Gary was always the fighter for the Republicans, for the majority; but at the same time, he always wanted to work with Democrats.

Gary, like Congressman UPTON, believed very strongly that if we were going to accomplish anything, it had to be done on a bipartisan basis. I know Congressman UPTON mentioned in particular the 21st Century Cures Act, but it was true with everything.

One of the reasons that we were so successful, I think, in the last session in doing so many pieces of legislation that were important to the country was not only because of Congressman UPTON and his leadership, but also because of Gary and his working with Jeff Carroll, who is our minority staff director.

So I wish Gary well. There are very few people that I can say, over the last 29 years that I have been here, who was always trying to reach out and do the right thing. I think that is so important.

So congratulations and good luck in the future, Gary.

IN APPRECIATION OF GARY ANDRES

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

Mr. WALDEN. Mr. Speaker, as the new chairman of the Energy and Commerce Committee, I, too, want to join in showing my appreciation and affection for Gary. He has given our committee and, dare I say, our country incredible service for many years.

I am grateful for his friendship, I am grateful for his guidance, his counsel and, as we have gone through this transition, his advice, a steady hand, incredible intellect, a curiosity about how to get policy done.

From his start on Capitol Hill working in both Bush administrations and then leading the Energy and Commerce Committee staff effort, he has this passion for public service. He is relentless in his devotion to serving the American people and to driving the committee over time and really putting together a great team.

As you have heard, because of his leadership, the committee successfully shepherded through dozens of pieces of really important bipartisan legislation for the American people that have made their lives better, such as the 21st Century Cures Act, modernizing our chemical safety laws, improving pipeline safety, among many others.

We are fortunate to have had such a gifted adviser, exceptional leader, tireless advocate at the helm of this committee staff for the last 6 years.

It has been a real honor, Gary, to work with you. I wish you, Sue, and your whole family the very best in the years ahead. You have given this country incredible service, and we appreciate you for that.

God bless you and Godspeed.

BABY FATEMEH

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

Ms. BONAMICI. Mr. Speaker, this is Fatemeh. She is not a terrorist. She is a 4-month-old baby girl who is in immediate need of open heart surgery. Her parents desperately want the best care for her, so they planned to bring her from their home in Iran to Portland, Oregon, to one of the best hospitals for pediatric heart surgery. That is where Fatemeh's uncle and grandparents all live. They are U.S. citizens.

Then President Trump hastily issued the executive order, and the family's plans were brought to a halt. The order is supposed to expire in 90 days, but Fatemeh's family does not know if she can wait that long.

Now, I don't know what the President had in mind when he signed that order, but it probably wasn't baby Fatemeh. Keeping 4-month-old babies out of our country does not make us safer. It puts her life in danger and it diminishes the United States in the eyes of the world.

My office has reached out to Fatemeh's family in Oregon to be of assistance, but it is heartbreaking and disgraceful that this even happened. I hope the courts invalidate this unconstitutional executive order soon, and I hope it is in time for baby Fatemeh.

THE IMPORTANCE OF MENTORING

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

Mr. HILL. Mr. Speaker, I rise to recognize the importance and impact of mentoring in our society.

I recently heard from a constituent, Karissa, who works with the Boys & Girls Club in my district in Bryant, Arkansas.

One of her mentees was struggling, having trouble in school, finding it difficult to build friendships with her fel-

low students. Karissa's guidance and encouragement helped build confidence, which led to participation in the school's JROTC program and improving her camaraderie with her fellow cadets.

At-risk youth face many difficult challenges, and life is infinitely more challenging without the support of caring adults.

With mentors, at-risk youth are less likely than their peers to skip school or use drugs and are more likely to go to college, play sports, and volunteer in our communities.

Whether it is through a mentoring organization like Scouting or the Boys & Girls Clubs, a nonprofit, a religious institution, or school, being a positive influence for our young people goes a long way in strengthening our communities and serving the best interest of our children.

□ 1130

DON'T REPEAL ACA WITHOUT A REPLACEMENT

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

Mr. HECK. Mr. Speaker, Shirley is from my district, and I heard from her this past December when she told me about her daughter, Sarah. Sarah has had health problems all of her life and, unfortunately, because it has been too expensive, she has not been able to afford health insurance, but she was finally able to be covered under the Affordable Care Act because of the historic Medicaid expansion. It made a big difference in her life because just 2 years ago, she was diagnosed with thyroid cancer.

Now, Sarah may be just a statistic to some, and, indeed, she is 1 of 601,000 Washingtonians who have been covered under the Medicaid expansion; 20,000 of whom have been treated for cancer.

But to Sarah's mother, Sarah can't just be boiled down to an ACA statistic. To Shirley, Sarah is her daughter who will lose this coverage if Congress repeals the healthcare law without a comparable replacement. It would put Sarah, in her fight against thyroid cancer, back to square one.

Friends and colleagues, I plead with you, go to your districts. Talk to the Shirleys; talk to the Sarahs. Listen to them.

Their stories matter because they matter.

THE MENACE OF THE DESERT— WARMONGER

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

Mr. POE of Texas. Mr. Speaker, the Ayatollah, the menace of the desert,

had defied yet another U.N. resolution prohibiting missile tests. No surprise. Iran just can't follow the rules. Time and time again, Iran has tested ballistic missiles with no consequences. The last time, they launched two missiles with "Israel must be wiped off the Earth" written on them in Hebrew. Also, the Ayatollah has clearly stated numerous times he wants to destroy the United States.

Even worse, Mr. Speaker, we are paying him to do it. Yes, that is right. Obama slipped the rogue tyrant \$150 billion hoping that appeasement would make the Ayatollah be nice. Well, guess what? Obama was wrong, and the U.S. is less safe. The Ayatollah, in my opinion, is using our money to build weapons to destroy us.

Mr. Speaker, there must be clear consequences for the dictator of Iran and his mullah cronies for warmongering. The people of Iran need to change this regime, and the menace of the desert just needs to go.

And that is just the way it is.

CONDEMNING ESCALATION OF VIOLENCE IN UKRAINE BY RUSSIAN-BACKED SEPARATISTS

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

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I strongly condemn the escalation of violence in eastern Ukraine by Russian-backed separatists and call for an immediate withdrawal of heavy weapons.

I am deeply concerned about the loss of life and deteriorating humanitarian conditions that exist there. There has been an "uncountable" amount of violations of the Minsk agreement according to the OSCE. Russian separatist forces must immediately honor the ceasefire to allow for humanitarian assistance.

I call on this administration to step up and see this through. Thousands have already died in this conflict, including at least eight in just the last 5 days. Seventeen thousand civilians, including 2,500 children, do not have access to water, electricity, or heat during the height of winter.

I urge Secretary Tillerson to provide Ukraine with defensive weapons—as Congress has already approved—and to provide meaningful support to our Ukrainian allies against Putin's aggression.

When it comes to Russia, we must see this administration's true colors.

CELEBRATING CATHOLIC SCHOOLS WEEK

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today marks the conclusion of the annual Catholic Schools Week in America, and I rise today to celebrate these quality educational institutions.

This year, the theme celebrated was "Catholic Schools: Communities of Faith, Knowledge and Service." Schools across the country observe the week with masses, open houses, and other activities for students, families, parishioners, and community members. Through these events, schools focus on the value Catholic education provides to young people and contributions to their church, communities, and to our Nation.

Mr. Speaker, Catholic schools provide an excellent education to Catholics and non-Catholics alike. These schools offer academic excellence and faith-filled education for students nationwide. National test scores, high school graduation rates, college attendance, and other data show Catholic schools frequently outperform schools in both the public and private sectors.

While there have been challenges to enrollment in some areas, the good news is that there is a strong demand and enthusiasm for the rigorous and quality education Catholic schools provide. Nearly 30 percent of the schools have waiting lists for admission, and new schools are opening across the country.

Congratulations to all involved in Catholic Schools Week and your efforts to educate the next generation.

ISIS AND FORCES OF DARKNESS

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

Mr. SHERMAN. Mr. Speaker, as many have explained on this floor, Trump's executive order, his Muslim ban, repudiates our values and violates our Constitution.

After 20 years on the Foreign Affairs Committee, I think it is important to come to this floor and explain how that executive order is harmful to our national security. Trump's executive order plays right into the ISIS narrative. It says that there is a clash of civilizations and that all Islam is our enemy. ISIS, which has, perhaps, a few hundred thousand followers, dreams of convincing all of Islam—dreams of convincing 1.5 billion Muslims—that they are at war with America and the West.

We do not have a clash of civilizations. We have a clash between civilization and the forces of darkness bent on destroying civilization, whether they reside in Raqqa or at 1600 Pennsylvania Avenue.

IN MEMORY OF GRANT RONNEBECK

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

Mr. BIGGS. Mr. Speaker, I rise today in memory of a young man who would have been my constituent.

Two years ago last week, 21-year-old Grant Ronnebeck was manning the counter at a Mesa, Arizona convenience store. An illegal alien walked into the store and shot Grant in the head, killing him, over a pack of cigarettes that the man did not want to pay for.

The illegal immigrant, Apolinar Altamirano, had been out on bond awaiting deportation due to a violent criminal history. Grant had his whole life ahead of him, but lost it because of the failure of his government to protect him from criminally violent, illegal immigrants.

I have introduced H.R. 486, otherwise known as Grant's Law. This bill would end the practice of releasing illegal aliens guilty of deportable crimes so they are no longer a danger to innocent American citizens.

I was emboldened last week when President Donald Trump invited Grant's father, Steve, to the White House to witness the signing of an executive order administratively ending this dangerous policy. I am thankful for a President that protects Americans and seeks the rule of law. However, if Congress fails to pass H.R. 486, this policy remains a temporary Presidential order and does not carry the permanent force of law.

We must make sure that Grant's fate never again happens to any young man or woman. We must pass Grant's Law.

THE WEEK IN REVIEW

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

Mr. GOHMERT. Mr. Speaker, here it is, Friday. It has been a good week in Washington. We have gotten some of President Trump's nominees approved and through the Senate. Call them like you see them, I think.

Majority Leader MITCH MCCONNELL has done a great job this week. I applaud his efforts. And as a result of what President Trump has been doing—and actually part of it is just his getting elected—has done for our economy because people know—at least a lot of people know—he is going to keep his word. He is already showing he is doing that, and he has repealed some of the executive orders that have been doing so much damage to our economy.

And when we say economy, what we mean is, the rank and file people, the

backbone of America who have been struggling, who have made less money than they did 8 years ago when adjusted for inflation. Those are the people we are talking about; those who have been out of work, the 94 or 95 million who have become so desperate, they pulled out of even applying for work.

I enjoyed, to an extent, the exchange between my friend, KEVIN MCCARTHY and my friend across the aisle Leader HOYER. And I get amused when I hear Democrats quoting Senator MCCAIN and Senator GRAHAM—wonderful people. LINDSEY GRAHAM, it is a real joy to be around talking to LINDSEY GRAHAM. But if you look at positions they have taken, it would make you think twice about quoting them as positions you wanted to have supporting yours.

I mean, nothing stands taller than the 30 million of the 90 million or so living in Egypt, when they rose up that June because a Muslim brother named Morsi was seizing power. He was on his way to becoming the Chavez in North Africa, and the people rose up. It was not only the largest peaceful demonstration in the history of the world, it was the largest demonstration in the history of the world.

All over Egypt, moderate Muslims, Christians, Jews, secularists, they all rose up, went to the streets and demanded the removal of the man who would be king, the Muslim brother named Morsi. The difference in this king is, as many of the Egyptians have pointed out when I have been in Cairo and other places, he wasn't just going to be king. He was going to be the puppet of the spiritual leader of Islam in Egypt.

Some of my Egyptian friends, when I have been over there, say: yeah, we have seen video of him taking his orders from the spiritual imam, and he followed his leadership. So if that is true, then he wasn't just going to be king. He was going to be a king puppet.

But the Muslim brother was removed as a result of 30 million people rising up peacefully. Morsi only, allegedly, got around 13 million to claim the win and made clear his opponent knew—for the original Presidential election—that if he raised a stink about any votes being fraudulent, they would burn the country down—that was some of his supporters. Because the Muslim Brotherhood, if you go back and check, when churches are burned, it is normally the Muslim Brotherhood over there.

In Egypt, they had been anathema to representative government, to civilized government, to nonsectarian government. They want a new caliphate to start with basically the old Ottoman Empire and Erdogan in Turkey; he is undoing all of the great reforms made by the great Ataturk nearly 100 years ago, and he is undoing them.

□ 1145

There are those in Turkey who would like to see a caliphate—a new Ottoman

Empire—and it have its leadership in Turkey. They long for the days when they ruled an expansive caliphate.

I had a reporter say: Why would you say that?

I said: Go look at a map. I know you weren't ever taught what the Ottoman Empire was. Go look at a map and look at the countries where our President is supporting an uprising that eventually, if we don't stop it, will become anarchy or it will become part of the caliphate.

The new jobs report that is just out: 227,000 new jobs. And from what I'm hearing from constituents, these aren't just the part-time jobs or the minimum wage jobs that the previous President bragged about. He had to brag about it because he didn't have anything else to talk about. People lost their full-time jobs and could only acquire part-time jobs, and this administration bragged about those. If they got two part-time jobs to make up for losing their full-time job, this Administration bragged: We created two jobs.

I would submit that when you are creating two jobs by causing a person to lose all of their benefits and full-time employment, you haven't done such a good thing.

Fortunately, the people of Egypt did not listen to Senator MCCAIN and Senator GRAHAM when they flew to Cairo and begged for the people of Egypt to return the Muslim "brother who would be king" back into his royal kingship. I know they weren't intentionally supporting an evil ruler; it is just they didn't know. So, hopefully, they will become more aware that it is not a good thing to support the Muslim Brotherhood.

With regard to Australia and the alleged news about President Trump getting into it with the leader of Australia, well, to whom is the leader of Australia accountable? To whom does the leader of Australia owe his allegiance?

It is the people of Australia. So when he calls or talks to President Trump and begs or demands Trump to take these refugees that the Prime Minister in Australia knows are a threat to the safety of the Australian people, when he wants them out of Australia, there is a reason—because his allegiance is not to the people of the United States—his allegiance is to the people of Australia. So, naturally, being allegiant to the people of Australia, he wants the dangerous refugees out of Australia.

President Obama, basically by his actions, in effect, was saying: Give us not your tired, your poor, the people yearning to be free, but give us your people that yearn to destroy America because we're going to bring them in. We're not going to vet them properly because we have got no information to properly vet them. That's how we have been able to let people in who had their fingerprints on IEDs that killed Ameri-

cans, and maimed Americans because we are not properly vetting them.

Oh, yeah, we compare any information we have against what we've got. But don't forget, as Phil Haney, the whistleblower from Homeland Security, pointed out, he was personally required to delete massive pages of information about terrorist ties of people coming into the United States because they did not want those terrorist ties in the Homeland Security database. Then he also, of course, was on his computer when he saw somebody above his pay grade deleting things that he personally put in about terrorist ties. They were deleting them.

So when Janet Napolitano talks about, We get a ping and we connect the dots, she caused massive numbers of dots to be deleted. They are not there. We don't know who we are getting. When anyone comes from Syria—we know ISIS has taken governmental printing areas before. They can produce official Syrian passports not with the support of the Syrian Government, but just because they have the equipment to do it. So when we get information saying, I am from Syria, maybe they are, and maybe they're not. We don't know where they're from.

The FBI Director created one of the most incredible political stunts of any FBI Director in history last summer when he stepped up and outlined that a crime had been committed by Presidential candidate Hillary Clinton. But then he goes on to say: But no reasonable prosecutor would pursue this. It is incredible the extent he went to to help Hillary Clinton.

I know there were some of my Democratic friends that got mad at him when a week before the election he said that they were reopening the investigation. But if you look at the circumstances, it was information that we had FBI agents who were so upset that Comey wouldn't reopen the investigation. When they knew some of what was in the computers that they had gotten ahold of belonged to Anthony Weiner and Hillary Clinton's closest adviser and confidante, Huma Abedin Weiner, the word was we had FBI agents saying that: If you don't reopen, we're going to have a press conference, we're going to resign, and we're going to out you that you're protecting Hillary Clinton. So what could he do to help Hillary Clinton but say: "I am going to reopen the investigation?"

I commented to somebody in the media back then:

Well, of course, it may appear to help Hillary. We will know whether that was his intent or not because you can't examine tens of thousands of emails adequately. You can do an algorithm search, but you can't adequately investigate them for a crime, including false statements to the FBI, within a week. So if he comes out before the election and says that there is nothing here, then we

know why he came out and said that we are reopening. It was to stop FBI agents from resigning and from outing him for protecting Hillary Clinton.

So what happens?

Two days before the election, he said: Yeah, we checked it all out.

He couldn't possibly have.

He said: We checked it all out, and there is nothing here to prosecute.

So that same FBI Director, though, didn't help the Obama administration. On occasion, he was calling them like he saw them; and that is:

Yeah, we will vet these people, but when they give us information from Syria, we have no information against which to vet that. We have to accept it for what it is because, yeah, we're technically vetting it against what we have, but we have nothing, so we don't know who these people are.

So, in the meantime, the economy is turning around.

How sad is it when we have just lived through 8 years under a President's policies that were so abysmal for the good of America that the economy, when adjusted for inflation, was slower than it was in the 4 years of Jimmy Carter?

I know there are some in the media that would grab 1 month and say: See, this was a good month.

Let's look at the 8 years compared to the 4 years of President Carter, 4 of the worst years for the American economy in history since the Depression. President Obama, over 8 years, had a slower economy when adjusted for inflation. That is pretty sad.

It is also sad this week to read this article from The Daily Caller: "Laura Wilkerson, whose teenage son was tortured and murdered by an illegal alien in 2010, got into an emotional confrontation with House Democratic Minority Leader NANCY PELOSI at a CNN town hall event Tuesday night.

"Wilkerson told PELOSI, 'In 2010, one of the illegals slaughtered my son. He tortured him, he beat him, he tied him up like an animal, and he set him on fire. And I am not a one-story mother. This happens every day because there are no laws enforced at the border. We have to start giving American families first.'

"On the issue of PELOSI and Democrats' support for sanctuary cities, Wilkerson asked, 'How do you reconcile in your head about allowing people to disavow the law?'

"There's nothing, I'm sure, that can compare to the grief that you have, and so I pray for you,' PELOSI said."

PELOSI went on: "But I do want to say to you that in our sanctuary cities, our people are not disobeying the law. These are law-abiding citizens. It enables them to be there without being reported to ICE in case of another crime that they might bear witness to."

"PELOSI then asked if her son was murdered in a sanctuary city. Josh, Wilkerson's son, was murdered just

outside Houston, Texas, which is a sanctuary city."

So I believe in the power of prayer. I think it's one of the greatest gifts God gave us. C.S. Lewis talked about we are here on Earth behind enemy lines, if you would.

Can you imagine being behind enemy lines and getting messages from your home headquarters and you refuse to open them and read them?

He says that we have a Bible. Those are messages from our home headquarters. We ought to be reading them.

I do believe in the power of prayer, just like our minority leader, Ms. PELOSI; but we need to distinguish between things that we should pray for and things that we can fix ourselves. Things that are outside our control, we ought to be praying about. Those things which are in our control—when it is within your control—to return to the rule of law, enforce the laws that exist, treat everybody fairly under the law, that's something you don't really have to pray about. You just help us do it.

I have not met Tommy Nelson, a pastor in Denton, Texas, but I listened to a 12-hour Bible study he did; and one of his comments on that study in Ecclesiastes was basically what so many people say: We don't have to worry; God is in control.

Tommy Nelson said: Yeah, God is in control, but just because He is in control doesn't mean He wants us to lean on our shovel and pray for a hole. When you have got a shovel in your hand, you don't have to pray for a hole; you just start digging.

When you have got the tools to protect the American people and enforce the rule of law, you just do it. Now, you can pray for wisdom to help you as you go.

I know it may have been a Freudian slip—may not have been—but when Minority Leader PELOSI was asked about illegal aliens, she referred to them as "our people."

I don't know; could that be because they know when illegal aliens vote, they vote Democrat?

We know that most dead people vote 100 percent Democrat. I have encouraged the Republican Party: Let's don't have any group that we're not willing to recruit votes from, and traditionally dead people vote 100 percent Democrat. Perhaps it's time that some of them started voting Republican for a change.

In any event, the minority whip, Mr. HOYER, was talking about a fellow with tears in his eyes saying: Please don't repeal ObamaCare because my son will be unable to get insurance if you repeal ObamaCare.

Well, that gets to all of us when somebody with tears in their eyes comes to us and begs for help. The only reason he had tears in his eyes is because of the false information being put out by the Democratic Party, be-

cause when we repeal ObamaCare, people are not going to lose their insurance. Some Americans have a right to be skeptical because they were told by President Obama and all of the Democrats: No, no, when we pass ObamaCare, nobody loses their insurance.

Well, we found out that that was a lie to millions of Americans. Some of them were able to get insurance. Some of it ended up being Medicaid. Most of the new people got Medicaid, which is not really the insurance they were hoping for, but that's the insurance most people got.

□ 1200

I had 17 people come to my office in Lufkin. They were looking to make a show and not so much to give information; otherwise, they would have called for an appointment.

My district representative there was at a service honoring her late father at a hospice and she forgot, in her emotional state, to put a note on the door that she was running to that. Anyway, they made a big deal, here is an office not occupied. Hopefully, they will have a little sympathy for somebody in her situation.

But they weren't looking to get information to me. That is why the reporter had more information about the meeting when my office had no information about the meeting. If they want an appointment, we make appointments. I am here most of the time, so I can't be there. I have got people to meet with them.

This article, February 1, Melissa Quinn, Daily Signal:

"Pamela Weldin's experiences with ObamaCare can be boiled down to just a few numbers.

Since the health care law's implementation 3 years ago, Weldin, 60, has lost her insurance four different times"—under ObamaCare. "And the Nebraska woman is currently enrolled in her fifth new insurance policy in four years."

She said: "'Yet again, and through no fault of my own'. . . 'I'm just sitting here minding my own business, and here we go again.'" She gets thrown off another insurance policy.

Anyway, she goes on to explain she has been denied coverage because of a preexisting condition related to her career as a dental hygienist.

People are not going to lose their insurance. All we are going to do is create the opportunity to have far better insurance policies than you have got under ObamaCare. You are not going to get a penalty for having better insurance than what ObamaCare required. So you don't have to pay a penalty, and you can have good insurance and you won't be taxed for having better insurance. It is going to be a great day for America to do that.

That brings me to a point I want to get to next about the wall.

An article here, February 1, Virginia Hale from Breitbart, says: "Smuggling Migrants to Europe Now a Major Funding Source for Islamic State."

Well, it only makes sense that the Islamic State would figure that out, because we had information they consulted with the drug cartels in Mexico. As the Border Patrolmen have told me during the middle of the night the times I have been down there, there is not an inch of the Mexican border that is not controlled by some drug cartel. Nobody crosses that border illegally without paying something to the drug cartel or promising to work for them when they get to America.

What a great business model. You are selling drugs, making billions of dollars getting it across the border illegally into the United States, and, unlike most businesses where you have to pay the employee, they get the employee to pay them as part of their debt repayment to get them into the United States.

So, what a business model, making billions from selling drugs illegally gotten into the United States, and then the Department of Homeland Security, as one told me down on the border: They call us their logistics, in the drug cartels, because we ship people all over the country to cities where they need drug sales, prostitutes, mules. We send them there, and then they have got people selling drugs for them.

If we build a wall—and I know there are areas like where the Rio Grande is so wide you don't need a wall, you just have people guard the border—it cuts off the massive flow of drugs into the United States. It means the billions of dollars going to the drug cartels that they can use to corrupt the Mexican Government will dry up to thousands. Drug cartels know it.

So I would submit, Mr. Speaker, the only Mexican leaders that object to a wall and total security of our border between Mexico are either ignorant—they don't understand that the reason they are 60-something in world economies instead of being fourth or fifth or sixth is because of the corruption that comes from the drug cartels. You dry up the billions of dollars they are making with a wall and border security, and Mexico gets in the top 10 economies. But, yes, it means the drug cartels dry up. They are either ignorant of what will really happen when we secure the border or they are in the pocket of the drug cartels. Those are the only two choices.

If you are a Mexican leader and you oppose the United States enforcing our border, you are in the pocket of the drug cartels or you are just ignorant of why your economy is not one of the top 10 in the world. You have got the best location. You have got two continents north and south above you. They would be great markets. You have got two great oceans on either side to ship. You

have got incredible natural resources. You have got some of the hardest working people in the world in Mexico.

So why is it so far down the chain of economies? Well, drug cartels. The wall and border security will dry them up and the Mexican people will be free with a vibrant economy, and they will take their appropriate place in the great economies of the world.

I have been joined by my friend from Florida, and I mean that truly. I think the world of MATT GAETZ.

I yield to the gentleman from Florida (Mr. GAETZ).

Mr. GAETZ. I thank the gentleman from Texas for yielding.

Mr. Speaker, I rise today to speak to the danger that is currently posed by the Islamic Republic of Iran.

Iran and its fundamentalist government pose the gravest threat to global peace, stability in the Middle East, and Israel's existence.

Iran continues to extend its dangerous hegemony through the region in places such as Lebanon, by arming and training Hezbollah; in Gaza, by arming Hamas; in Syria, Iraq, and Yemen.

Iran's taking hostage of U.S. sailors and its continued ballistic missile tests and death threats to Israel highlights Iran's evil intentions and the need for the United States to play a leading role in rolling back Iran's growing influence and its push to destabilize the Middle East and the world. These issues have been exacerbated by the irresponsible and catastrophic nuclear deal between Iran and the P5+1.

It is obvious to anyone that the \$150 billion given to Iran will be used to fund more terror and further Iran's destructive ambitions. In addition, the nuclear deal legitimizes Iran's ability to enrich uranium and functionally ensures Iran's path to a nuclear weapon within 10 years. The deal is structured to mask Iran's inevitable noncompliance.

As a member of the Florida Legislature, I had supported Florida's Iran divestment. As a Member of Congress, I very much look forward to reauthorizing the Iran Sanctions Act.

I am extremely proud of President Trump and his administration for enacting appropriate sanctions against Iranian officials who have been engaged in the most recent destructive and destabilizing nuclear tests.

Unfortunately, Mr. Speaker, Americans, Israelis, and all citizens of the world who aspire to peace continue to be harmed by the reckless and irresponsible foreign policy of the past President's administration. Former President Obama believed in a policy of appeasement toward Iran. This is not dissimilar to the policies of appeasement that Neville Chamberlain used when confronting the threats of Nazi Germany. But if President Obama was America's Neville Chamberlain, perhaps his time has given rise to Donald

Trump and the opportunity to be America's Winston Churchill.

I support President Trump's efforts to send a message to Iran that ballistic missile testing will not be tolerated. Iran only understands strength. For the last 8 years, they have seen from this country far too much weakness and far too much willingness to accept their destructive role in the world.

Mr. Speaker, the way Iran operates is through a series of franchises for terror. Whether that is Hamas or Hezbollah, the Houthis in Yemen, we see time and time again Iran acting as a neo-Persian, neo-Ottoman Empire. That cannot be tolerated in a peaceful world. It cannot be tolerated in the most dangerous neighborhood on Earth. It underscores the purpose of Americans speaking with resolve and with strength in condemning the most recent ballistic missile tests and in standing with our greatest ally, Israel.

It was shameful that, in the waning hours of the Obama administration, President Obama was willing to allow the United Nations to take action against Israel while continuing its furtherance of appeasement toward some of the most dangerous countries on the planet Earth who do not share our values or our interests.

So I am glad to see an American reset, a resurgent America again speaking to the great values that have functioned as a beacon of hope for the world for generations. That is what we must return to, and that is what President Trump is doing today. I applaud his administration. I applaud his Secretary of the Treasury for stepping forward and advancing these needed sanctions.

I am hopeful that this Congress will continue to take action to show support for President Trump in this endeavor, but we must also recognize that this is but a first step. So much damage has been done to the cause of peace for the last 8 years under President Obama, and we have much work to do in this Congress, whether it is rebuilding and restoring our military so that we can be a force for peace, whether it is making sure that our allies know that we will stand with them, or whether it is making sure that our adversaries know that we are very serious and there will be serious consequences for their bad behavior.

I am proud of this America that we are working toward together. I am proud of these policies.

The gentleman from Texas may now wish to speak to the importance of Americans speaking with a voice of clarity for peace, prosperity, and strength throughout the Middle East and the world.

Mr. GOHMERT. If the gentleman might take a question. I appreciate that clarity. It is clarity that has been missing for a long time.

We have people screaming that President Trump should not have put a temporary pause that was half as long as the pause President Obama put on. I understand there is so much stress and pressure when you are President; he probably just forgot he put a 6-month ban, previously, on a Muslim nation sending people in.

You made so clear the case for concern about Iran, and I am with you. I am thrilled that we have a President that is not choosing to give our lunch money, figuratively speaking, to the big bully in the schoolyard.

I don't know if my friend from Florida ever got bullied in elementary school. I did. I learned early on that it doesn't help to give bullies money. They are not going to leave you alone until you stand up to them. Maybe they whip you, but they don't want to go through what you put them through again by standing up to them, so they leave you alone.

In our case, we are strong enough to take on any bully; but instead, we paid the big bully, Iran, as you pointed out, massive amounts, billions and billions of dollars. We agreed to pay them up to \$150 billion.

We have got some friends here in Congress in the House and Senate that were so upset with the President having this 90-day pause on seven countries. They didn't realize—I know we get so busy here that we don't notice a lot of other things, but they apparently hadn't realized that those seven countries were designated by the Obama administration. One of them, Iran, a country you have talked so eloquently about, we have people here in this body that don't think we should hold up refugees from Iran.

As the gentleman was talking about, the Government of Iran has not shown any good faith at all. Would the gentleman be concerned about having people that the Iranian Government allowed to slip out of the country and come into the United States? Do you have any problem with President Obama's pause on that refugee surge into the United States?

Mr. GAETZ. I thank the gentleman from Texas for yielding.

Isn't it refreshing to have a President of the United States who is willing to do, in office, precisely the things he said he would do on the campaign trail, notably, putting the interests of Americans and the security of Americans first in a world that even former Secretary of State George Shultz said is more dangerous and perilous today than the highest tensions of the Cold War?

□ 1215

So to specifically answer the gentleman's question, I am grateful that President Trump is prioritizing the security of Americans. My hope is that in the 115th Congress, we will work with

the President, with his administration to ensure that, as we continue to mature these policies and advance them, we do them in a way that is easily understandable for those enforcing them and for the American people, and that it sends a message to the world that America continues to be the most generous country on the planet when it comes to welcoming individuals who share our values and who aspire to be productive and prosperous and inclusive.

What we have no tolerance for are those who would want to come to the United States of America not to be part of the American experience, but to destroy it. Too often that has not just been the fear that we have felt from some who have been embedded by Daesh within refugees, but it is exactly what is preached by the Government of Iran.

How silly of the United States to think that we would give hundreds of billions of dollars to a nation that calls America the Great Satan, that seeks to wipe Israel off of planet Earth, and believe that that money will be used for peaceful purposes. It won't. Iran's desires for expanded hegemony are not to stabilize the Middle East, they are expressly to destabilize the Middle East. This regime in Iran will never share America's values, so America should not be funding the very destructive behavior that has done so much to harm the lives of so many people.

The gentleman from Texas brings up a great point. If we hadn't endured the policies of appeasement for the last 8 years, if America hadn't withdrawn from the world stage so suddenly, then perhaps we would not have the conditions in the Middle East that have made life so difficult for people that they have wanted so badly to be refugees to Europe and to the United States. We should want countries to succeed that are willing to be stable and inclusive, but those who are our sworn enemies, those who do not share our values should receive no quarter from the United States of America.

Mr. Speaker, I have the great honor to serve on the House Committee on Armed Services. We received briefings this week, thanks to Chairman THORNBERRY, from General Petraeus and other national security experts. They reinforced the fact that the world is dangerous as a consequence of American withdrawal. I am grateful that the 115th Congress will stand with President Trump in his agenda to rebuild our military, to rebuild our standing, and to make very clear to the world that we will be with you if you want peace. But if you aspire to spread terror, there is no role for you on the global stage, and we will not do the things to elevate those terrible regimes to any place of prominence.

This is a great time for revival and renewal in this country, and as Ameri-

cans do more to rebuild the country internally and grow our economy and achieve more prosperity with lower and fairer taxes, with a regulatory climate that is more acceptable for a prosperous country, we also have to keep an eye on the world and our position on the global stage. I think that it is refreshing that that is a time of revival and restoration of American prominence, because the world is a safer place when America is the strongest country in the world. President Trump's actions today to create sanctions against those who have been directly involved in ballistic missile tests send a clear message: We will stand with our allies, and we will stand against the enemies of peace.

Mr. GOHMERT. Those are such great points. The counterargument is made often to us: "Other than the San Bernardino shootings, has there been a terrorist attack involving a non-U.S.-born attacker since 9/11?"

There was a great article in *The Federalist* by Kyle Shideler on January 30. He answers: Yes, but first of all, why exclude the San Bernardino killers, terrorists?

Tashfeen Malik was born in Pakistan, and that attack killed 14. As Phil Haney, the whistleblower from Homeland Security, pointed out, if he had not been removed from the line, he would have been allowed to secondarily question someone like Tashfeen Malik. It is worth noting, under the Obama administration, under Jeh Johnson, and before him, Janet Napolitano, they punished people who pointed out radical Islamists rather than giving them positions where they could recognize radical Islamists.

Phil Haney points out that Tashfeen Malik is actually a man's name. The woman came, and if she had come through him, he would have asked: Well, why do you have a man's name, and it happens to be a man who was a terrorist centuries ago?

Well, to ask a question like that, you have to be well educated into the history of radical Islam. Not Islam, but radical Islam.

We have spent so much money as a country and even as a Congress on countering violent extremism. We hear from Homeland Security whistleblowers—some of them don't want to go public yet, but we hear from them that so much of that money was spent on conferences and seminars teaching our Homeland Security agents, our FBI agents, our State Department people, our intelligence people to spot Islamophobes. They would teach them the phrases to look for when someone reported a potential radical Islamist so that they would know that that is an Islamophobe. That is exactly why in San Bernardino, when someone reported this guy as a potential radical Islamist, that he was crazy, that he was going to hurt somebody, they

wrote him off as just being prejudiced against Islam. It is because of the money spent by this government intimidating people into refusing to notice radical Islam and getting them punished. If they didn't find people who they named Islamophobes, their career was over.

Mr. GAETZ. Will the gentleman yield for a question?

Mr. GOHMERT. I yield to the gentleman from Florida.

Mr. GAETZ. I thank the gentleman for yielding. The gentleman is from Texas. I am from Florida. Both of our States have seen many of the negative economic consequences of illegal immigration, but my question relates to the negative national security consequences that result from illegal immigration.

We are receiving more reports that ISIS, Daesh, other Islamic fundamentalists are exploiting America's weakness on our southern border with Mexico for their own economic gain, as well as to smuggle people into the United States who may function as lone wolves or even as a part of a coordinated terrorist attack against Americans.

So I would hope that the gentleman would speak to the interconnectivity between the need for strong border security and a wall on our southern border with Mexico and the risks posed by Islamic fundamentalism.

Mr. GOHMERT. I thank the gentleman. I would also note, as this Federalist article points out, yeah, of course, when there is a terrorist attack, it also affects the economy. That is why Osama bin Laden wrote about how they had only spent a tiny amount of money to train their people from 9/11 and that it had clearly cost America trillions of dollars, that even if they couldn't bring us down any other way, if they could do other attacks like that, costing relatively low amounts to them but costing us billions and trillions, they could bring us down economically.

So it only makes sense, though, Iran wants to bring us down, so they ought to be one of the seven that the Obama administration named as a threat, and they were. But even just recently at Ohio State University, Abdul Razak Ali Artan ran over several students with a car before attacking them with a butcher knife. That was a refugee born in Somalia, one of the seven countries that the Obama administration named as a threat, and so President Trump took the Obama administration seriously and named them as one of seven, that we would have not a permanent ban but a temporary ban for 90 days. The guy ran over numerous students at Ohio State, but our friends on the other side of the aisle and their friends in the mass media, they refuse to notice what is going on.

Look at Tsarnaev, the Tsarnaev brothers in Boston. As we know, Russia

notified the United States not once but twice that the older Tsarnaev had been radicalized, and he had been to a country, and the people he hung around with were radicals, and it seemed like they probably radicalized him.

So what happens? Well, they get information to our intelligence community, and, since, they have been trained for the last 8 years to only notice Islamophobes. You can tell someone is an Islamophobe if they complain about a radical Islamist, then you know you have got an Islamophobe. So of course if they want to stay in the intelligence community, they are not going to be looking. They are going to follow their training, look for Islamophobes instead of looking for radical Islamists. I am sure they looked into it, but, based on their training, they have no basis to work with.

So what happens? Russia notified us again. As I understand, they notified the FBI. And as the FBI Director commented, look, we sent an FBI agent to interview him, and he said, basically, he wasn't a terrorist, he was a good guy. Wow. Imagine that. Somebody who wants to kill Americans might also lie. Who would have ever thought? Except American juries. I have seen it as a judge. I have seen juries find that if you will lie to them, you may do a lot worse things as well. Well, the reverse is also true. Often, if you are willing to take someone's life, you might just be willing to lie about it as well.

So the FBI didn't even stop there, taking the word. They didn't take the word of Tsarnaev. They went to his mother, and apparently his mother said: No, my son is not a terrorist. He is a good boy. He is a good boy.

There you go, full FBI investigation. Not under the old FBI. Not the way most FBI agents have ever been trained. But, of course, under the last 8 years of training of the FBI, they were afraid to ask the tough questions.

The truth is, they don't know the questions to ask. They don't know that you should ask about whether there has been a tremendous increase in the amount of study of the Koran and a massive increase in the memorization of the Koran, and a change in the appearance, and knowing what to look for, and asking questions like: What do you think about Qutb, the Egyptian martyr, the Muslim brother who wrote the little book "Milestones" that Osama bin Laden said, along with Mr. Nasif, for whom Huma Abedin worked at one time according to the masthead of the publication, he credited Nasif and also Qutb's book "Milestones" to radicalizing him.

If you haven't been trained with Kim Jensen's 700 pages, which were outlawed by the FBI for a while, because he clearly explained what FBI agents should be looking for. Mr. Jensen told me that they banned his information,

they struck it, and wouldn't allow anybody to be trained. Under incident information, they train people what to look for in a radical Islamist. But then they brought it back, but only for some of the leaders. The rank and file for so long under this administration did not get the benefit of his 700 pages that would help train. Why? Because CAIR, the Council on American Islamic Relations, who had implications in the Holy Land Foundation trial, the biggest supporter of terrorism ever prosecuted in the United States, convictions all around in November of 2008, and they should have gone on to prosecute the named co-conspirators. The only reason they didn't is because a new administration came in.

Khalid Sheikh Mohammed—the mastermind of 9/11, of the brutal killing of about 3,000 Americans and other foreigners, innocent victims—has bragged about his planning. In a guilty plea where the judge went through, as I used to, to make sure they understood their rights, he bragged about that and some terrorist attacks they didn't even know he had involvement in. He was bragging.

□ 1230

And he says, if we have terrorized you, then praise be to Allah. And he says such things as we deserve attack, we deserve to be killed in America, anyone who is a low-life Jew or says that God has a Son.

So those of us who believe God had a Son, and He loved the world so much He sent His only begotten Son and whosoever believes in Him shall not perish but have eternal life, anybody who believes that is worthy of death under the Koran, according to the brilliant teacher and mastermind of the 9/11 attack. And then he quotes from the Koran that anyone who tries to combine someone with Allah is worthy of death, and that means any Christian. They have explained these things.

But Khalid Sheikh Mohammed went through an expansive hearing with a judge explaining what all he was involved in and why he was guilty of 9/11 and praise be to Allah for all of the people that were killed on 9/11 at the Pentagon, at the World Trade Centers.

Why was he not sentenced? Because we had an election in 2008, and before the plea was made final, we had a new Attorney General named Eric Holder. At that point, all bets were off. They didn't follow up the plea was withdrawn, and he still hasn't been sentenced for the things he admitted to over 8 years ago.

Had they simply moved forward with the guilty plea, if we had had a President for the last 8 years that made clear "you might as well plead guilty because nobody else is going to let you out," then we would have finished the guilty plea, and he would have been appropriately sentenced. But instead,

this administration chose to send hope to Khalid Sheikh Mohammed he might end up being one of the people they release; because, if they close Guantanamo Bay, he either gets moved to the United States or we let him go, maybe like we have for some who went to Yemen and are back in the fight, or other people like Saudi Arabia and are back in the fight.

He had real hope once President Obama came in and Eric Holder became Attorney General, and Loretta Lynch after him, that he might get released even after he admitted to the most important role in the killing of 3,000 people on American soil on 9/11. He still has not been prosecuted. They didn't follow up on his guilty plea. The plea was withdrawn.

That man should not be allowed out of prison. He is a threat to the world, and he is a valuable tool in the hands of radical Islam.

Well, thank God, as President Obama said, elections have consequences. We have a President who didn't take an oath of office to protect all of the people of Australia. He made clear that our friends will know they are our friends, and I can see him working very closely with the Prime Minister of Australia in the future. But leaders around the world are now taking notice: Wait a minute. America has a President that is not coming to us and apologizing for America's goodness and their pursuit of freedom for as many people as they can—not apologizing.

He is making clear, if you are our friend, you are going to feel it. If you are our enemy, you are going to feel it. So I think Iran may have finally met their match. We don't have an apologist to come in and apologize for America's efforts, the blood, the treasure that has been spent on behalf of people around the world.

And now even our Australian Prime Minister understands: Look, I want to work with you—President Trump feels that way; he wants to work with them, and he will work with them—but my oath is to the United States of America and I know your oath is to Australia. I know because of your oath to help and protect the people of Australia you want to get rid of those refugees, some of whom may be dangerous.

I know President Obama said: Yeah, we will take the dangerous people that may hurt Australians. Never mind we have got Americans being hurt. We will take them.

Well, there is a different sheriff in town here in Washington, and leaders around the world need to know that starting on January 20, the United States is no longer going to take actions that are detrimental to our own well-being, to the well-being of Americans, and to the security of the United States under our Constitution. So thank God, thank Trump, thank those that are seeing with clarity what is going on.

We will look forward to working with the Mexican leaders that realize the only way Mexico ever achieves its rightful economic place in the world is if a wall is built where it can be so that our border is enforced and the drug cartels are impoverished. Then Mexico can be one of the top economies in all the world because of the best workers, some of the best workers in the world, and massive natural resources with which they have been blessed. They just, so far, have not had America be the kind of good neighbor that would help them stop the drug cartels. Instead, we would have Presidents, administrations like the past one, that would send 2,000 weapons to the drug cartels instead of stopping them.

It is a new day. Thank God it is.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Ms. PELOSI) for today.

Ms. CLARKE of New York (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE (at the request of Ms. PELOSI) for today on account of duties in congressional district.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE FOR THE 115TH CONGRESS

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, February 2, 2017.

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

DEAR MR. SPEAKER: Pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives and clause (b) of rule I of the Rules of the Committee on Transportation and Infrastructure, I submit the Rules of the Committee on Transportation and Infrastructure for the 115th Congress for publication in the Congressional Record. On January 31, 2017, the Committee on Transportation and Infrastructure met in open session and adopted these Committee Rules by voice vote with a quorum present.

Sincerely,

BILL SHUSTER,
Chairman.

RULE I. GENERAL PROVISIONS

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of

the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable. Pursuant to clause 2(a)(3) of Rule XI of the Rules of the House, the Chairman of the Committee is authorized to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(b) PUBLICATION OF RULES.—Pursuant to clause 2(a) of Rule XI of the Rules of the House, the Committee's rules shall be publicly available in electronic form and published in the Congressional Record not later than 30 days after the Chairman is elected in each odd-numbered year.

(c) VICE CHAIRMAN.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

(a) REGULAR MEETINGS.—Regular meetings of the Committee shall be held on the last Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman, there is no need for the meeting. This paragraph shall not apply to meetings of any subcommittee.

(b) ADDITIONAL MEETINGS.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting. Such notice shall also be made publicly available in electronic form and shall be deemed to satisfy paragraph (d)(1).

(d) NOTICE.—

(1) MINIMUM NOTICE PERIOD.—Pursuant to clause 2(g)(3) of Rule XI of the Rules of the

House, the Chairman shall make a public announcement of the date, place, and subject matter of a Committee or subcommittee meeting, which may not commence earlier than the third day on which members have notice thereof.

(2) **CHANGES IN MEETING TIMES.**—A meeting may commence sooner than announced if the Chairman, with concurrence of the ranking minority member, determines there is good cause to begin the meeting sooner or the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business. The Chairman shall make a public announcement of the meeting time change at the earliest possible opportunity.

(3) **NOTIFICATION OF DAILY DIGEST CLERK.**—The clerk of the Committee shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after a public announcement of a time change for a Committee or subcommittee meeting is made under this paragraph.

(e) **PROHIBITION ON SITTING DURING JOINT SESSION.**—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY

(a) **MINIMUM PERIOD FOR AVAILABILITY OF COMMITTEE MARKUP TEXT.**—Pursuant to clause 2(g)(4) of Rule XI of the Rules of the House, the Chairman shall make publicly available, in electronic form, the text of any legislation to be marked up at least 24 hours prior to the commencement of a meeting for the markup of legislation, or at the time of a meeting announcement under paragraph (d)(2) of Committee Rule II if made within 24 hours before such meeting.

(b) **OPEN MEETINGS.**—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(c) **MEETINGS TO BEGIN PROMPTLY.**—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(d) **ADDRESSING THE COMMITTEE.**—Except as provided under paragraph (e) of Committee Rule VI, a Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes, or for a period of time designated by the Chairman with concurrence of the ranking minority member, until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this paragraph.

(e) **PARTICIPATION OF MEMBERS IN SUBCOMMITTEE MEETINGS AND HEARINGS.**—All members of the Committee who are not members of a particular subcommittee may, by unanimous consent of the members of such subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the subcommittee may not vote on any matter before the subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(f) **BROADCASTING.**—Whenever a meeting for the transaction of business, including the

markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee Internet broadcast system shall be fair and non-partisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House. Further, pursuant to clause 2(e)(5) of Rule XI of the Rules of the House, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings. The Committee shall also maintain the recordings of such coverage in a manner that is easily accessible to the public.

(g) **ACCESS TO THE DAIS AND LOUNGES.**—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(h) **USE OF CELLULAR TELEPHONES.**—During a hearing, mark-up, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

(i) **AVAILABILITY OF TEXT OF AMENDMENTS IN ELECTRONIC FORM.**—Pursuant to clause 2(e) of Rule XI of the Rules of the House, not later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee, the Chairman shall cause the text of the amendment to be made publicly available in electronic form.

RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER

(a) **AUTHORITY TO SIT AND ACT.**—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) **AUTHORITY TO CONDUCT INVESTIGATIONS.**—

(1) **IN GENERAL.**—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) **MAJOR INVESTIGATIONS BY SUBCOMMITTEES.**—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) **OATHS.**—The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(d) **ISSUANCE OF SUBPOENAS.**—

(1) **IN GENERAL.**—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investiga-

tions or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) **ENFORCEMENT.**—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) **EXPENSES OF SUBPOENAED WITNESSES.**—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE V. QUORUMS AND RECORD VOTES; POSTPONEMENT OF VOTES

(a) **WORKING QUORUM.**—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) **QUORUM FOR REPORTING.**—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) **APPROVAL OF CERTAIN MATTERS.**—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding \$15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) **QUORUM FOR TAKING TESTIMONY.**—Two members of the Committee or subcommittee

shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) **RECORD VOTES.**—A record vote may be demanded by one-fifth of the members present.

(f) **POSTPONEMENT OF VOTES.**—

(1) **IN GENERAL.**—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chairman of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) **RESUMPTION OF PROCEEDINGS.**—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(g) **AVAILABILITY OF RECORD VOTES IN ELECTRONIC FORM.**—Pursuant to clause 2(e)(1)(B)(i) of Rule XI of the Rules of the House, the Chairman shall make the result of any record vote publicly available for inspection at reasonable times in the offices of the Committee and in electronic form within 48 hours of such record vote.

RULE VI. HEARING PROCEDURES

(a) **ANNOUNCEMENT OF HEARING.**—

(1) **MINIMUM NOTICE PERIOD.**—Pursuant to clause 2(g)(3) of Rule XI of the Rules of the House, the Chairman shall make a public announcement of the date, place, and subject matter of a Committee or subcommittee hearing, which may not commence earlier than the one week after such notice.

(2) **CHANGES IN HEARING TIMES.**—A hearing may commence sooner than announced if the Chairman, with concurrence of the ranking minority member, determines there is good cause to begin the hearing sooner or the Committee so determines by majority vote, a quorum being present for the transaction of business. The Chairman shall make a public announcement of the hearing time change at the earliest possible opportunity.

(3) **NOTIFICATION OF DAILY DIGEST CLERK.**—The clerk of the Committee shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after a public announcement of a time change for a Committee or subcommittee hearing is made under this paragraph.

(b) **WRITTEN STATEMENT; ORAL TESTIMONY.**—

(1) **FILING OF STATEMENT.**—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony. The Chairman, with the concurrence of the ranking minority member, may take the following actions for failure to comply with this requirement: (A) exclude such witness' written testimony from the hearing record; (B) bar such witness' oral presentation of the testimony; or (C) both (A) and (B). Each witness shall limit his or her oral presentation to a summary of the written statement.

(2) **TRUTH IN TESTIMONY INFORMATION.**—Pursuant to clause 2(g)(5) of Rule XI of the Rules of the House, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source of each Federal

grant (or subgrant thereof) or contract (or subcontract thereof), or the amount and country of origin of any contract or payment originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(3) **AVAILABILITY OF INFORMATION IN ELECTRONIC FORM.**—Statements filed under this paragraph, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(c) **MINORITY WITNESSES.**—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) **SUMMARY OF SUBJECT MATTER.**—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) **OPENING STATEMENTS; QUESTIONING OF WITNESSES.**—

(1) **OPENING STATEMENTS.**—

(A) **CHAIRMAN AND RANKING MEMBER.**—At a hearing of the Full Committee, the Chairman and ranking minority member of the Committee shall each be entitled to present an oral opening statement of five minutes. At a hearing of a subcommittee, the Chairman and ranking minority member of the Committee and the Chairman and ranking minority member of the subcommittee shall each be entitled to present an opening statement for five minutes.

(B) **OTHER MEMBERS.**—At a hearing of the Full Committee or a subcommittee, other members of the Committee or subcommittee, as appropriate, may submit written opening statements for the record. The Chairman presiding over the hearing may permit oral opening statements by other members of the Committee or subcommittee, as appropriate, with the concurrence of the ranking minority member.

(2) **QUESTIONING OF WITNESSES.**—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) **PROCEDURES FOR QUESTIONS.**—

(1) **IN GENERAL.**—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(2) **EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.**—The chairman of the committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) **EXTENDED QUESTIONING OF WITNESSES BY STAFF.**—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit Committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) **RIGHT TO QUESTION WITNESSES FOLLOWING EXTENDED QUESTIONING.**—Nothing in subparagraph (2) or (3) affects the right of a member (other than a member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) **ADDITIONAL HEARING PROCEDURES.**—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS

(a) **FILING OF REPORTS.**—

(1) **IN GENERAL.**—The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) **REQUESTS FOR REPORTING.**—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) **QUORUM; RECORD VOTES.**—

(1) **QUORUM.**—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) **RECORD VOTES.**—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) **REQUIRED MATTERS.**—The report of the Committee on a measure or matter which has been approved by the Committee shall

include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) **ADDITIONAL VIEWS.**—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, additional, or dissenting views, all members shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such written and signed views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e) **ACTIVITIES REPORT.**—

(1) **IN GENERAL.**—Not later than January 2 of each odd numbered year, the Committee shall submit to the House a report on the activities of the Committee.

(2) **CONTENTS.**—The report shall include—

(A) separate sections summarizing the legislative and oversight activities of the Committee under Rules X and XI of the Rules of the House during the Congress;

(B) a summary of the authorization and oversight plan submitted by the Committee under clause 2(d) of Rule X of the Rules of the House;

(C) a summary of the actions taken and recommendations made with respect to the authorization and oversight plan specified in subdivision (B);

(D) a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon; and

(E) a delineation of any hearings held pursuant to clauses 2(n), (o), or (p) of Rule XI of the Rules of the House.

(3) **FLING.**—After an adjournment sine die of the last regular session of a Congress, or after December 15 of an even numbered year, whichever occurs first, the Chairman may file the report described in subparagraph (1) with the Clerk of the House at any time and without approval of the Committee, provided that—

(A) a copy of the report has been available to each member of the Committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, additional, or dissenting views submitted by a member of the Committee.

(f) **OTHER COMMITTEE MATERIALS.**—

(1) **IN GENERAL.**—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) **DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.**—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) **DISCLAIMER.**—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Transportation and Infrastructure (or pertinent

subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(4) **COMPILATIONS OF LAWS.**—To the maximum extent practicable, the Committee shall publish a compilation of laws under the jurisdiction of each subcommittee.

(g) **AVAILABILITY OF PUBLICATIONS.**—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS

(a) **ESTABLISHMENT.**—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios, are:

(1) Subcommittee on Aviation (39 Members: 22 Majority and 17 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (16 Members: 9 Majority and 7 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (15 Members: 9 Majority and 6 Minority).

(4) Subcommittee on Highways and Transit (50 Members: 28 Majority and 22 Minority).

(5) Subcommittee on Railroads, Pipelines, and Hazardous Materials (34 Members: 19 Majority and 15 Minority).

(6) Subcommittee on Water Resources and Environment (32 Members: 18 Majority and 14 Minority).

(b) **EX OFFICIO MEMBERS.**—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) **RATIOS.**—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES

(a) **AUTHORITY TO SIT.**—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Full Committee and subcommittee meetings or hearings whenever possible.

(b) **CONSIDERATION BY COMMITTEE.**—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) **GENERAL REQUIREMENT.**—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be

by the Full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the Full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) **RECALL FROM SUBCOMMITTEE.**—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) **MULTIPLE REFERRALS.**—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT

(a) **PURPOSE.**—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) **AUTHORIZATION AND OVERSIGHT PLAN.**—Not later than February 15 of the first session of each Congress, the Committee shall adopt its authorization and oversight plan for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) **REVIEW OF LAWS AND PROGRAMS.**—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate

subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) **REVIEW OF TAX POLICIES.**—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) **ENSURING ANNUAL APPROPRIATIONS.**—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) **REVIEW OF MULTI-YEAR APPROPRIATIONS.**—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) **VIEWS AND ESTIMATES.**—In accordance with clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) **BUDGET ALLOCATIONS.**—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) **RECONCILIATION.**—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS

(a) **KEEPING OF RECORDS.**—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, gram-

matical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is taken.

(b) **PUBLIC INSPECTION.**—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) **PROPERTY OF THE HOUSE.**—All Committee records (including hearings, data, charts, and files) shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) **AVAILABILITY OF ARCHIVED RECORDS.**—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) **AUTHORITY TO PRINT.**—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

RULE XV. COMMITTEE BUDGETS

(a) **BIENNIAL BUDGET.**—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) **ADDITIONAL EXPENSES.**—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) **TRAVEL REQUESTS.**—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) **MONTHLY REPORTS.**—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XVI. COMMITTEE STAFF

(a) **APPOINTMENT BY CHAIRMAN.**—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) **APPOINTMENT BY RANKING MINORITY MEMBER.**—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) **INTENTION REGARDING STAFF.**—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XVII. TRAVEL OF MEMBERS AND STAFF

(a) **APPROVAL.**—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

- (1) The purpose of the travel.
- (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.
- (3) The location of the event for which the travel is to be made.
- (4) The names of members and staff seeking authorization.

(b) **SUBCOMMITTEE TRAVEL.**—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) **TRAVEL OUTSIDE THE UNITED STATES.**—

(1) **IN GENERAL.**—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be

filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of the travel.

(B) The dates during which the travel will occur.

(C) The names of the countries to be visited and the length of time to be spent in each.

(D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.

(E) The names of members and staff for whom authorization is sought.

(2) INITIATION OF REQUESTS.—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(d) REPORTS BY MEMBERS AND STAFF.—Within 15 legislative days from the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each member and staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(e) APPLICABILITY OF LAWS, RULES, POLICIES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committees on House Administration and Ethics pertaining to such travel, and by the travel policy of the Committee.

RULE XVIII. COMMITTEE PANELS

(a) DESIGNATION.—In accordance with clause 5(b)(2)(C) of Rule X of the Rules of the House, the Chairman of the Committee, with the concurrence of the ranking minority member, may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) DURATION.—No panel designated under paragraph (a) shall continue in existence for more than six months after the date of the designation.

(c) PARTY RATIOS AND APPOINTMENT.—The ratio of majority members to minority members on a panel designated under paragraph (a) shall be as close as practicable to the ratio of the Full Committee. All majority members of the panels shall be appointed by the Chairman of the Committee, and all minority members shall be appointed by the ranking minority member of the Committee. The Chairman of the Committee shall choose one of the majority members so appointed to serve as Chairman of the panel. The ranking minority member of the Committee shall similarly choose the ranking minority member of the panel.

(d) EX OFFICIO MEMBERS.—The Chairman and ranking minority member of the Committee may serve as ex-officio members of a panel designated under paragraph (a). The Chairman and ranking minority member are authorized to vote on matters that arise before the panel and shall be counted to satisfy the quorum requirement for any purpose.

(e) JURISDICTION.—No panel designated under paragraph (a) shall have legislative jurisdiction.

(f) APPLICABILITY OF COMMITTEE RULES.—A panel designated under paragraph (a) shall be subject to all Committee Rules herein.

ENROLLED JOINT RESOLUTIONS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 38. Joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

H.J. Res. 41. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers".

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, February 6, 2017, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

476. A letter from the Acting Secretary, Department of Education, transmitting the Department's final regulations — Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans; Open Licensing Requirement for Competitive Grant Programs; Family Educational Rights and Privacy Act [Docket ID: ED-2016-OESE-0032; Docket ID: ED-2015-OS-0105] (RIN: 1810-AB27; 1894-AA07; 2017-00958) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

477. A letter from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting the Department's final regulations — Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans; Open Licensing Requirement for Competitive Grant Programs; Family Educational Rights and Privacy Act [Docket ID: ED-2016-OESE-0032; ED-2015-OS-0105] (RIN: 1810-AB27; 1894-AA07; 2017-00958) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

478. A letter from the Acting Secretary, Department of Education, transmitting the Department's final regulations — Family Educational Rights and Privacy Act received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

479. A letter from the Assistant General Counsel for Legislation, Regulation and En-

ergy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedure for Walk-in Coolers and Walk-in Freezers [Docket No.: EERE-2016-BT-TP-0030] (RIN: 1904-AD72) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

480. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Ceiling Fans [Docket No.: EERE-2012-BT-STD-0045] (RIN: 1904-AD28) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

481. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Enterprise Assessments, Department of Energy, transmitting the Department's final rule — Procedural Rules for DOE Nuclear Activities [Docket No.: EA-RM-16-PRDNA] (RIN: 1992-AA52) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

482. A letter from the Acting Deputy Assistant Secretary, Office of Congressional Relations, Department of Agriculture, transmitting the Department's Fiscal Year 2016 Agency Financial Report, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

483. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a notification of a federal vacancy and designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

484. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a notification of a federal vacancy and designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

485. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a notification of a federal vacancy and designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

486. A letter from the Director, Office of the White House Liaison, Department of Commerce, transmitting a notification of a federal vacancy and designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

487. A letter from the General Counsel, Office of Science and Technology Policy, Executive Office of the President, transmitting two notifications of a federal vacancy and designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

488. A letter from the Acting Assistant Attorney General, Department of Justice,

transmitting the Department's annual report on the activities of the Community Relations Service for Fiscal Year 2016, pursuant to 42 U.S.C. 2000g-3; Public Law 88-352, Sec. 1004; (78 Stat. 267); to the Committee on the Judiciary.

489. A letter from the Program Specialist, LRAD, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Rules of Practice and Procedure; Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments [Docket ID: OCC-2017-0002] (RIN: 1557-AE14) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

490. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Lower Mississippi River, Natchez, MS [Docket No.: USCG-2016-1017] (RIN: 1625-AA00) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

491. A letter from the Attorney, CG-LRA, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Pipeline Canal, Orange, TX [Docket No.: USCG-2016-1051] (RIN: 1625-AA00) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

492. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Pleasure Beach Bridge, Bridgeport, CT [Docket No.: USCG-2015-1088] (RIN: 1625-AA00) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

493. A letter from the Attorney, CG-LRA, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; James River, Newport News, VA [Docket No.: USCG-2016-0987] (RIN: 1625-AA00) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

494. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 150121066-5717-02] (RIN: 0648-XE930) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOODLATTE (for himself, Mr. GARRETT, Mr. GRIFFITH, Mr. PETERSON, and Mr. CHABOT):

H.R. 843. A bill to provide for a safe harbor for reports to potential employers by current or former employers of violent behavior or

threats thereof by employees; to the Committee on the Judiciary.

By Mr. DUNCAN of South Carolina (for himself, Mr. BARLETTA, Mr. LAMALFA, Mr. ZELDIN, Mr. GOSAR, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. BABIN, Mr. BRAT, and Mr. LUETKEMEYER):

H.R. 844. A bill to amend the Immigration and Nationality Act to facilitate the removal of aliens identified in the terrorist screening database, and for other purposes; to the Committee on the Judiciary.

By Mr. CARBAJAL (for himself, Ms. PINGREE, Mr. KEATING, Mr. LOWENTHAL, Mr. HECK, and Ms. BONAMICI):

H.R. 845. A bill to provide for ocean acidification collaborative research grant opportunities; to the Committee on Science, Space, and Technology.

By Mr. WILSON of South Carolina:

H.R. 846. A bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan for military surviving spouses to offset the receipt of veterans dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. GRAVES of Missouri:

H.R. 847. A bill to preserve the name of the Squaw Creek National Wildlife Refuge, and for other purposes; to the Committee on Natural Resources.

By Mr. NEWHOUSE (for himself, Mr. ABRAHAM, Mr. BISHOP of Georgia, Mr. COLLINS of New York, Mr. CONAWAY, Mr. COSTA, Mr. CRAMER, Mr. CUELLAR, Mr. DENHAM, Mr. GIBBS, Mr. KING of Iowa, Mr. LONG, Mrs. McMORRIS RODGERS, Mr. O'HALLERAN, Mr. PETERSON, Mr. ROUZER, Mr. SCHRADER, Mr. SIMPSON, Ms. SINEMA, Ms. STEFANIK, Mr. THOMPSON of Pennsylvania, Mr. VALADAO, Mr. VELA, Mrs. WAGNER, Mr. YOHIO, Mr. NUNES, Mr. PITTSINGER, Mr. KIND, Mr. DAVID SCOTT of Georgia, and Mr. LUETKEMEYER):

H.R. 848. A bill to amend the Solid Waste Disposal Act to incentivize efficient nutrient management practices and to clarify the citizen suit provisions of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROE of Tennessee (for himself, Mr. RUIZ, Mr. MEEHAN, Mr. GOSAR, Mr. HURD, Mr. BOST, Mr. ABRAHAM, Mr. KING of Iowa, Mrs. BROOKS of Indiana, Mr. HENSARLING, Mrs. WAGNER, Mr. BUCHSON, Mr. MARSHALL, and Mr. ALLEN):

H.R. 849. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALMER (for himself, Mr. ADERHOLT, Mr. ALLEN, Mr. BABIN, Mrs. BLACKBURN, Mr. BLUM, Mr. BRAT, Mr. BRIDENSTINE, Mr. BROOKS of Alabama, Mr. BUCK, Mr. BYRNE, Mr. CHAFFETZ, Mr. COFFMAN, Mr. DAVIDSON, Mr. DUNCAN of South Carolina, Mr. DUNN, Mr. EMMER, Mr. FARENTHOLD, Mr. FLEISCHMANN, Ms. FOXX, Mr. GOHMERT, Mr. GRIFFITH, Mr. HARRIS, Mr. HENSARLING, Mr.

JODY B. HICE of Georgia, Mr. JORDAN, Mr. MCCLINTOCK, Mr. MULLIN, Mr. PALAZZO, Mr. PERRY, Mr. RATCLIFFE, Mr. RENACCI, Mr. ROKITA, Mr. ROUZER, Mr. SANFORD, Mr. SCHWEIKERT, Mr. SMITH of Missouri, Mr. SMITH of Texas, Mr. WALBERG, Mr. WALKER, Mr. WESTERMAN, Mr. YOUNG of Iowa, Mr. ABRAHAM, Mr. CARTER of Georgia, Mrs. HARTZLER, Mr. HUDSON, Mr. MCHENRY, Mr. MOONEY of West Virginia, Mr. RUSSELL, Mr. AUSTIN SCOTT of Georgia, Mr. ARRINGTON, and Mr. BUDD):

H.R. 850. A bill to require the appropriation of funds to use a fee, fine, penalty, or proceeds from a settlement received by a Federal agency, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BEATTY (for herself, Mr. STIVERS, Mr. HECK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Mr. CUMMINGS, and Mr. MEEKS):

H.R. 851. A bill to require the Secretary of Housing and Urban Development to discount FHA single-family mortgage insurance premium payments for first-time homebuyers who complete a financial literacy housing counseling program; to the Committee on Financial Services.

By Mr. BEYER (for himself, Mr. LARSEN of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PRICE of North Carolina, Mr. COURTNEY, Mr. SWALWELL of California, Mr. YARMUTH, Mr. PAYNE, Ms. SLAUGHTER, Mr. HECK, Mr. WELCH, Mr. NORCROSS, Mr. SOTO, Mr. TONKO, Mr. COHEN, Ms. DELAURO, Mr. SARBANES, Miss RICE of New York, Mr. POCAN, Mr. BRADY of Pennsylvania, Ms. SPEIER, Mr. CROWLEY, Ms. NORTON, Ms. SCHAKOWSKY, Ms. MCCOLLUM, Mr. ELLISON, Mr. CARSON of Indiana, Ms. JAYAPAL, Mr. CONYERS, Ms. LOFGREN, Mr. KIND, Mr. MCGOVERN, Mr. CONNOLLY, Mr. KILDEE, Ms. KAPTUR, Mr. DANNY K. DAVIS of Illinois, Ms. CLARK of Massachusetts, Ms. VELÁZQUEZ, Mrs. DINGELL, Mr. LEWIS of Georgia, Mr. MOULTON, Mr. SEAN PATRICK MALONEY of New York, Ms. ESTY, Mrs. NAPOLITANO, Mr. SERRANO, Mr. QUIGLEY, Mr. CARTWRIGHT, Mr. DELANEY, Ms. SHEA-PORTER, Mr. RUSH, Mrs. WATSON COLEMAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. SIRS, Mr. BUTTERFIELD, Ms. ESHOO, Mr. PASCRELL, Ms. BONAMICI, Mr. NADLER, Mr. KENNEDY, Mr. CUMMINGS, Ms. PINGREE, Mr. HASTINGS, Mr. WALZ, Mr. GUTIERREZ, Mr. CÁRDENAS, Mr. O'ROURKE, Mr. HIGGINS of New York, Mr. LARSON of Connecticut, Mr. KEATING, Mr. DEFazio, Mr. ESPAILLAT, Mr. SUOZZI, Mr. JEFFRIES, Mr. CICILLINE, Mr. TED LIEU of California, Ms. LEE, Mr. SCOTT of Virginia, Mr. HIMES, Mr. BLUMENAUER, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. GRIJALVA, Ms. DELBENE, Ms. JUDY CHU of California, Ms. MENG, Mr. RASKIN, Ms. TSONGAS, Mr. ENGEL, Mr. MCEACHIN, Mr. GARAMENDI, Ms. TITUS, Mr. LEVIN, Mrs. CAROLYN B. MALONEY of New York, Mr. LANGEVIN, Ms. CLARKE of

New York, Mr. DOGGETT, Mr. LYNCH, and Ms. MATSUI):

H.R. 852. A bill to amend the Immigration and Nationality Act to provide that an alien may not be denied admission or entry to the United States, or other immigration benefits, because of the alien's religion, and for other purposes; to the Committee on the Judiciary.

By Mrs. BLACK:

H.R. 853. A bill to prohibit Federal funding to entities that do not certify the entities will not perform, or provide any funding to any other entity that performs, an abortion; to the Committee on Energy and Commerce.

By Mr. BUCHANAN (for himself, Mr. NEAL, Mr. RENACCI, and Mr. KIND):

H.R. 854. A bill to amend the Internal Revenue Code of 1986 to modify the qualification requirements with respect to certain multiple employer plans with pooled plan providers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTWRIGHT (for himself, Mr. CUMMINGS, Mr. ELLISON, Ms. JENKINS of Kansas, Mr. NEAL, Ms. TSONGAS, Mr. LIPINSKI, and Ms. SCHAKOWSKY):

H.R. 855. A bill to amend title 31, United States Code, to require the Secretary of the Treasury to provide for the purchase of paper United States savings bonds with tax refunds; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Ms. KELLY of Illinois, Ms. DELBENE, Mr. CARTWRIGHT, Ms. SLAUGHTER, Ms. BORDALLO, Ms. NORTON, Mr. PAYNE, Mr. WELCH, and Mr. MCGOVERN):

H.R. 856. A bill to reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, Oversight and Government Reform, the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 857. A bill to provide for conservation and enhanced recreation activities in the California Desert Conservation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. CORREA (for himself, Ms. HANABUSA, Mrs. NAPOLITANO, Mr. CÁRDENAS, Mr. GUTIÉRREZ, Mr. ESPAILLAT, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. LEE, Ms. CLARKE of New York, Ms. JUDY CHU of California, Mr. GARAMENDI, Mr. LOWENTHAL, Mr. HUFFMAN, Ms. BARRAGÁN, Mr. NADLER, Ms. VELÁZQUEZ, Mr. LEVIN, Ms. JAYAPAL, Ms. MAXINE WATERS of California, Mrs. TORRES, Ms. JACKSON LEE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CARBAJAL, Mr. VARGAS, Ms. LOFGREN, Mr. PERLMUTTER, Mr. GONZALEZ of Texas, Mr. TAKANO, Mr. BROWN of Maryland, Mr. SOTO, Mr. BEN RAY LUJÁN of New Mexico, Mr. BLUNT ROCHESTER, Mr. YARMUTH, Mr. KHANNA, Mr. SUOZZI, Mr. GRIJALVA, Mrs. WATSON COLEMAN, Mr. JEFFRIES, Mr. BLUMENAUER, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr. VELA, Mr. DESAULNIER, Ms. NORTON, Mr. CUMMINGS, Mr. HASTINGS, Ms. ROY-

BAL-ALLARD, Mr. O'ROURKE, Mr. SCHNEIDER, Mr. VEASEY, Ms. ESHOO, Ms. SPEIER, Ms. MCCOLLUM, Mr. THOMPSON of California, and Mr. RASKIN):

H.R. 858. A bill to require the Attorney General to make grants to nonprofit organizations to offer legal assistance to certain aliens lawfully admitted for permanent residence, DACA recipients, and refugees, and for other purposes; to the Committee on the Judiciary.

By Mr. CUMMINGS:

H.R. 859. A bill to prevent conflicts of interest that stem from executive Government employees receiving bonuses or other compensation arrangements from nongovernment sources, from the revolving door that raises concerns about the independence of financial services regulators, and from the revolving door that casts aspersions over the awarding of Government contracts and other financial benefits; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of Tennessee (for himself, Mr. ROE of Tennessee, and Mr. COHEN):

H.R. 860. A bill to direct the Secretary of Health and Human Services to establish a grant program for States that provide flexibility in licensing for health care providers who offer services on a volunteer basis; to the Committee on Energy and Commerce.

By Mr. GAETZ (for himself, Mr. MASSIE, Mr. PALAZZO, and Mr. LOUDERMILK):

H.R. 861. A bill to terminate the Environmental Protection Agency; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Transportation and Infrastructure, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFITH (for himself, Mr. GUTHRIE, and Mrs. BLACKBURN):

H.R. 862. A bill to amend title XIX of the Social Security Act to transition the Medicaid thresholds applied for determining acceptable provider taxes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H.R. 863. A bill to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOVE (for herself, Mr. ELLISON, Mr. HILL, and Mr. CLEAVER):

H.R. 864. A bill to amend the Fair Debt Collection Practices Act to restrict the debt collection practices of certain debt collectors; to the Committee on Financial Services.

By Mr. MCCLINTOCK (for himself, Mr. COOK, Mr. GOSAR, Mr. STEWART, Mr. VALADAO, Mr. NEWHOUSE, Mr. MCCARTHY, Mr. LAMALFA, Mr. WESTERMAN, Mr. LABRADOR, Mr. NUNES, Mr. DENHAM, and Mr. KNIGHT):

H.R. 865. A bill to make a categorical exclusion available to the Secretary of Agriculture and the Secretary of the Interior to develop and carry out a forest management activity on National Forest system lands derived from the public domain or public lands

to address insect or disease infestation declared as an emergency in a State by the Governor of such State, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MENG (for herself, Mr. MCNERNEY, Mrs. DINGELL, Mr. KEATING, Mr. ISSA, Ms. ESHOO, Mr. CICILLINE, and Mr. ROYCE of California):

H.R. 866. A bill to amend title 18, United States Code, to extend the coverage of the Federal prohibition against stalking in order to provide protection to friends and co-workers, and for other purposes; to the Committee on the Judiciary.

By Ms. MENG (for herself, Mr. GENE GREEN of Texas, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. GRIJALVA, Ms. LOFGREN, and Mr. MCGOVERN):

H.R. 867. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling \$5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Ms. MENG (for herself, Ms. JUDY CHU of California, Mr. TED LIEU of California, Mr. MEEKS, Ms. VELÁZQUEZ, and Mr. SWALWELL of California):

H.R. 868. A bill to establish within the Smithsonian Institution the National Museum of Asian Pacific American History and Culture, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MENG (for herself, Ms. JUDY CHU of California, Mr. TED LIEU of California, Mr. MEEKS, Ms. VELÁZQUEZ, and Mr. SWALWELL of California):

H.R. 869. A bill to establish the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY (for himself, Ms. JACKSON LEE, and Mr. BABIN):

H.R. 870. A bill to direct the National Aeronautics and Space Administration to plan to return to the Moon and develop a sustained human presence on the Moon; to the Committee on Science, Space, and Technology.

By Mr. GRAVES of Georgia (for himself, Mr. LOUDERMILK, and Mr. HUIZENGA):

H.J. Res. 62. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act; to the Committee on Financial Services.

By Mr. KINZINGER (for himself, Mr. JODY B. HICE of Georgia, Mr. HUNTER, Mrs. ROBY, Mr. BYRNE, and Mr. WENSTRUP):

H.J. Res. 63. A joint resolution to authorize the use of the United States Armed Forces against the Islamic State of Iraq and the Levant; to the Committee on Foreign Affairs.

By Ms. FOXX (for herself and Mr. SCOTT of Virginia):

H. Res. 86. A resolution providing amounts for the expenses of the Committee on Education and the Workforce in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. ELLISON (for himself, Mr. CONYERS, and Ms. MOORE):

H. Res. 87. A resolution expressing the sense of the House of Representatives that a Global Marshall Plan holds the potential to demonstrate the commitment of the United States to peace and prosperity through poverty reduction in the United States and abroad; to the Committee on Foreign Affairs.

By Mr. HARRIS (for himself, Ms. KAPTUR, Mr. FITZPATRICK, and Mr. LEVIN):

H. Res. 88. A resolution calling on the Russian Federation to stop the violence in Ukraine, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LANGEVIN (for himself and Mr. DONOVAN):

H. Res. 89. A resolution expressing the sense of the House of Representatives regarding the recent presidential elections and transfer of power in The Gambia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LOWENTHAL (for himself, Mr. CICILLINE, Mr. COHEN, Mr. CONYERS, Mr. GRIJALVA, Mr. HASTINGS, Mr. KEATING, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. MEEKS, Ms. MOORE, Ms. NORTON, Mr. POCAN, Miss RICE of New York, Mr. SWALWELL of California, Mr. TONKO, Ms. TSONGAS, Mr. YARMUTH, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. ELLISON, Ms. ESHOO, Mr. DESAULNIER, Mr. MCNERNEY, and Mr. CÁRDENAS):

H. Res. 90. A resolution expressing the sense of the House of Representatives that gun violence is a public health issue and Congress should enact by the end of the 115th Congress comprehensive Federal legislation that protects the Second Amendment and keeps communities safe and healthy, including expanding enforceable background checks for all commercial gun sales, improving the mental health system in the United States, and making gun trafficking and straw purchasing a Federal crime; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GOODLATTE:

H.R. 843.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, of the Constitution, which grants Congress the power to provide for uniform laws that remove barriers to trade and facilitate commerce nationwide; and Article I, Section 8, Clause 9; Article III, Section 1, Clause 1; and Article III, Section 2, Clause 2 of the Constitution, which grant Congress authority over federal courts.

By Mr. DUNCAN of South Carolina:

H.R. 844.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 grants Congress the right to set forth rules for Naturalization.

By Mr. CARBAJAL:

H.R. 845.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. WILSON of South Carolina:

H.R. 846.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

The Congress shall have the power to provide for the common defense.

By Mr. GRAVES of Missouri:

H.R. 847.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3

“The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. . .”

The outgoing Administration changed the name using prior executive authority despite the public support for the current name—Squaw Creek. Therefore, as Congress, we are using our authority and prerogative under the Constitution with regard to federal lands.

By Mr. NEWHOUSE:

H.R. 848.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, commonly referred to as the “Commerce Clause” of the United States Constitution.

By Mr. ROE of Tennessee:

H.R. 849.

Congress has the power to enact this legislation pursuant to the following:

The repeal of this provision is consistent with the powers that are reserved to the States and to the people as expressed in Amendment X to the United States Constitution.

By Mr. PALMER:

H.R. 850.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 provides, “No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.”

By Mrs. BEATTY:

H.R. 851.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution which grants Congress the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BEYER:

H.R. 852.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States of America.

By Mrs. BLACK:

H.R. 853.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 9, Clause 7 of the United States Constitution.

By Mr. BUCHANAN:

H.R. 854.

Congress has the power to enact this legislation pursuant to the following:

Article I, sec. 8.

By Mr. CARTWRIGHT:

H.R. 855.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 2: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

Article I, Section 8, Clause 3: To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

By Mr. COHEN:

H.R. 856.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COOK:

H.R. 857.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CORREA:

H.R. 858.

Congress has the power to enact this legislation pursuant to the following:

(1) The U.S. Constitution including Article 1, Section 8.

By Mr. CUMMINGS:

H.R. 859.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Mr. DUNCAN of Tennessee:

H.R. 860.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the U.S. Constitution, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Under Article I, Section 8 of the U.S. Constitution, Clause 18: The Congress shall have Power *** To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GAETZ:

H.R. 861.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.

By Mr. GRIFFITH:

H.R. 862.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. LARSON of Connecticut:

H.R. 863.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution;

Clause 18 of Section 8 of Article I of the Constitution;

Clause 2 of Section 3 of Article IV of the Constitution.

By Mrs. LOVE:

H.R. 864.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. MCCLINTOCK:

H.R. 865.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2 (the Property Clause), which confers on Congress the power to make all needful Rules and Regulations respecting the property belonging to the United States.

By Ms. MENG:

H.R. 866.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the Constitution of the United States

By Ms. MENG:

H.R. 867.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution.

By Ms. MENG:

H.R. 868.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the U.S. Constitution.

By Ms. MENG:

H.R. 869.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the U.S. Constitution.

By Mr. POSEY:

H.R. 870.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States:

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 18 of the Constitution of the United States

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. GRAVES of Georgia:

H.J. Res. 62.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the Constitution.

By Mr. KINZINGER:

H.J. Res. 63.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 11 of the Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 24: Mr. VISCLOSKEY, Mr. DUNCAN of Tennessee, Mr. TROTT, Mr. JODY B. HICE of Georgia, Mr. NEWHOUSE, Mr. ALLEN, and Mr. MESSER.

H.R. 38: Mr. HOLLINGSWORTH.

H.R. 40: Mr. BUTTERFIELD.

H.R. 82: Mr. MEADOWS.

H.R. 112: Mr. SOTO.

H.R. 113: Mr. CRIST, Mr. CARSON of Indiana, Mr. LOBIONDO, and Mr. FASO.

H.R. 173: Mr. POLIQUIN, Mr. JOHNSON of Georgia, Ms. SANCHEZ, Mr. HIMES, Mr. LOWENTHAL, Mr. HIGGINS of New York, Mr. LIPINSKI, Mr. TED LIEU of California, Mr. LAHOOD, Mr. MCKINLEY, and Mr. VALADAO.

H.R. 179: Ms. WILSON of Florida and Mr. JOYCE of Ohio.

H.R. 202: Mr. ESPAILLAT.

H.R. 217: Mr. ROE of Tennessee and Mr. DUNCAN of South Carolina.

H.R. 267: Mr. SWALWELL of California and Mr. PAYNE.

H.R. 298: Mr. MASSIE.

H.R. 328: Mr. GARAMENDI, Ms. SHEA-PORTER, Mr. MEEKS, and Ms. VELÁZQUEZ.

H.R. 329: Mr. ELLISON, Ms. SHEA-PORTER, Ms. LOFGREN, Ms. FUDGE, and Mr. SOTO.

H.R. 336: Ms. NORTON.

H.R. 367: Mr. THORNBERRY.

H.R. 380: Mr. LUETKEMEYER.

H.R. 387: Mr. MESSER, Mr. MULLIN, Mr. LONG, Mr. GRAVES of Georgia, Mr. MARCHANT, Mr. CHABOT, Mr. THOMPSON of Pennsylvania, Mr. FARENTHOLD, Mr. MEEHAN, Mr. BERGMAN, Mrs. BLACKBURN, Mr. SMITH of Missouri, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. FRELINGHUYSEN, Mr. BRAT, Mr. PALMER, Mr. FLEISCHMANN, Mr. STIVERS, Mr. COSTELLO of Pennsylvania, Mr. WELCH, Mr. COLLINS of New York, and Mr. MCKINLEY.

H.R. 392: Mr. SESSIONS, Ms. DELAURO, Mr. BRADY of Pennsylvania, and Mr. JOHNSON of Georgia.

H.R. 400: Mr. BUCHANAN and Mr. SMITH of Missouri.

H.R. 428: Mr. SAM JOHNSON of Texas.

H.R. 431: Mrs. COMSTOCK.

H.R. 468: Mr. BILIRAKIS and Mr. POSEY.

H.R. 475: Mr. BABIN.

H.R. 485: Ms. FUDGE.

H.R. 564: Mr. ROUZER and Mr. BISHOP of Michigan.

H.R. 568: Ms. SCHAKOWSKY and Ms. MCCOLLUM.

H.R. 578: Ms. SHEA-PORTER.

H.R. 617: Mr. JOHNSON of Georgia, Mr. LYNCH, and Ms. JUDY CHU of California.

H.R. 627: Mr. GARAMENDI, Mr. MCKINLEY, and Mr. VELA.

H.R. 628: Mr. JOYCE of Ohio and Mr. VALADAO.

H.R. 637: Mrs. BLACKBURN and Mr. DUNCAN of Tennessee.

H.R. 639: Mr. FRANKS of Arizona, Mr. CRAWFORD, Mrs. WAGNER, Mr. MARSHALL, Mr. DENT, Mr. NEWHOUSE, and Mrs. NOEM.

H.R. 656: Mr. SMITH of New Jersey.

H.R. 657: Mr. DELANEY.

H.R. 664: Mr. KELLY of Pennsylvania and Ms. KUSTER of New Hampshire.

H.R. 673: Mr. BABIN, Mr. ROUZER, and Mr. GROTHMAN.

H.R. 676: Mr. LOWENTHAL.

H.R. 681: Ms. HERRERA BEUTLER.

H.R. 696: Miss RICE of New York, Ms. SCHAKOWSKY, Mr. HIGGINS of New York, Mr. LEWIS of Georgia, Ms. ADAMS, Mr. BISHOP of Georgia, and Mrs. TORRES.

H.R. 715: Mr. GARRETT.

H.R. 724: Mr. CARSON of Indiana.

H.R. 746: Mr. MCGOVERN.

H.R. 747: Mr. RENACCI.

H.R. 749: Mr. GUTHRIE.

H.R. 771: Mr. SOTO.

H.R. 786: Mr. CONYERS and Mr. HASTINGS.

H.R. 787: Ms. ESHOO.

H.R. 793: Ms. JAYAPAL, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Ms. HANABUSA.

H.R. 804: Ms. WASSERMAN SCHULTZ, Ms. DELBENE, Ms. HANABUSA, Mr. CAPUANO, and Mr. RUSH.

H.R. 812: Mr. CARSON of Indiana and Mr. HASTINGS.

H.R. 813: Mr. BRADY of Pennsylvania, Mr. O'HALLERAN, and Mr. KILMER.

H.R. 825: Mr. CÁRDENAS.

H.R. 828: Mr. CURBELO of Florida and Mr. JOYCE of Ohio.

H.R. 831: Mr. YOHO.

H.R. 841: Ms. JUDY CHU of California and Mr. TONKO.

H.J. Res. 6: Mr. MOONEY of Virginia and Mr. HUDSON.

H.J. Res. 26: Ms. JAYAPAL and Mr. CICILLINE.

H.J. Res. 31: Mr. BEYER.

H.J. Res. 33: Mr. MOULTON, Mr. CARTWRIGHT, Mr. THOMPSON of California, Ms. PINGREE, Mr. SERRANO, Mr. LOEBSACK, Mr. POLIS, Mr. DAVID SCOTT of Georgia, Mr. GUTIÉRREZ, Ms. HANABUSA, and Mrs. DEMINGS.

H.J. Res. 39: Mr. MCKINLEY.

H.J. Res. 43: Ms. CHENEY and Mr. BACON.

H.J. Res. 51: Mrs. BROOKS of Indiana, Mrs. WAGNER, Mr. MARSHALL, Mr. ALLEN, and Mr. ROUZER.

H.J. Res. 57: Mr. BYRNE.

H.J. Res. 58: Mr. ROE of Tennessee and Mr. BYRNE.

H.J. Res. 59: Mr. JENKINS of West Virginia.

H. Res. 28: Mr. TAKANO, Mr. COSTA, Ms. MATSUI, and Mrs. TORRES.

H. Res. 78: Mr. CARTWRIGHT, Mr. LOWENTHAL, Ms. FUDGE, Ms. JUDY CHU of California, and Mrs. CAROLYN B. MALONEY of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. BRADY OF TEXAS

The provisions that warranted a referral to the Committee on Ways and Means in H.J. Res. 42 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

DAVID MAO, DEPUTY LIBRARIAN
OF CONGRESS

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Mr. HARPER. Mr. Speaker, I rise today to recognize and commend the Deputy Librarian of Congress, David Mao, who is leaving the Library of Congress after 11 years of distinguished service to accept a position with the Georgetown University Law Center.

Mr. Mao, who holds a law degree from Georgetown University and a library degree from Catholic University, began his tenure at the Library in 2005, serving for five years in the Congressional Research Service, before working in and later leading the Law Library. In 2015 Librarian of Congress Dr. James Billington appointed Mr. Mao to become Deputy Librarian of Congress. Later that year he succeeded Dr. Billington, serving as Acting Librarian of Congress for nearly a year until Dr. Carla Hayden was nominated, confirmed, and sworn-in as the current Librarian of Congress last year. As Deputy Librarian under Dr. Hayden, Mr. Mao oversaw the U.S. Copyright Office, CRS, Library Services, and the Law Library within the Library of Congress.

During Mr. Mao's tenure as acting Librarian of Congress and Deputy Librarian, he has distinguished himself by his steady leadership during a time of transition for the Library of Congress. Among many achievements he led efforts to improve the Library's information technology operations, including hiring a new permanent Chief Information Officer, strengthened the institution's overall operations, and created a new department focusing on national and international outreach.

In my positions as Chairman and Vice Chairman of the Joint Committee on the Library of Congress in previous terms, I have always been impressed by David's self-effacing and gracious manner, and his exceptional leadership of the world's premier library. He is a wonderful example of a public servant. I thank him for his service to the Library of Congress, to the U.S. Congress, and, more broadly, to the American people. He will be missed on Capitol Hill. I wish him well.

HONORING CHIEF LARRY EUGENE
PRATT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize the outstanding achievements of Chief Larry Eugene Pratt. Chief Pratt is one of the most respected fire

district chiefs and is retiring from the Kearney Fire and Rescue Protection District after 53 years of service. I join with the families, fellow firefighters, and citizens of the Kearney community in congratulating Chief Pratt on his many years of success, contributions to the community and now his retirement.

Chief Pratt began his firefighting career as a junior firefighter in 1963 while he was still in high school. Due to lack of manpower in the mid-1960s, Chief Pratt was one of approximately a half dozen students who were dismissed from Kearney High School to respond to calls during his high school career. While Chief Pratt was still a volunteer firefighter, he began a career working for Hallmark Cards for 34 years. In 1973, Chief Pratt became the Assistant Fire Chief and a year later after completing his EMT certification he was elected Fire Chief serving from 1975 through 1990. When the Kearney Fire and Rescue Protection District was created in 1990 Chief Pratt was appointed Fire Chief. In March 2001 he was hired as a career Chief.

During Chief Pratt's tenure, the call volume increased from 209 to a projected 1700 and the career positions increased from 3 to 28. With additional personnel and equipment, the ISO classification improved from a Class 8 to a Class 4 for the entire District.

Chief Pratt truly believes in public service and commitment to keeping his community safe. Chief Pratt is a past president of the Missouri Association of Fire Chiefs 1976 through 1978, past president of the Fire Fighters Association of Missouri 1989 through 1992, and past president of the Missouri Association of Fire Protection Districts 2011 through 2013. Chief Pratt has been a member of the International Association of Fire Chiefs and Missouri Valley Division of Fire Chiefs since 1978 and received his Chief Fire Officer Designation in August 2002. Chief Pratt is a charter member of St. Michael's Knights of Columbus Council and the Kearney Rotary Club, and serves on the Board of Directors of the Kearney Area Development Council and KCB Bank.

Mr. Speaker, I ask that you join me and the rest of the Kearney community, family and firefighters in applauding Chief Larry Eugene Pratt's outstanding achievements and contributions to the community, and the State of Missouri. I wish Chief Pratt and his family the very best in years to come.

IN RECOGNITION OF THE TEXAS
PRAYER CAUCUS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Mr. BURGESS. Mr. Speaker, I rise today to recognize The Texas Prayer Caucus and the

first "Call to Prayer Day" that will be held Monday, February 6, 2017 on the steps of the Texas Capitol in Austin.

State Director Debbie Terry, Chairman Scott Sanford and Vice Chairman Matt Krause have organized the event to bring the Texas Legislative Prayer Caucus into a network of 30 other states in an officially registered, members-only, bipartisan, bicameral caucus for lawmakers committed to action in prayer and the protection of religious liberties.

Recognizing the role of our Creator in government and society, the Prayer Caucus "Call to Prayer Day" is an admirable demonstration of the rights outlined by our country's founding fathers in the First Amendment of our Bill of Rights ensuring the "free exercise" of religion and speech as well as "the right of the people to peaceably assemble."

I commend the Texas Prayer Caucus and their commitment to lift up our country, state and government leaders in prayer.

PRESIDENT TRUMP MUST INVESTIGATE VOTER SUPPRESSION INSTEAD OF VOTER FRAUD

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. SEWELL of Alabama. Mr. Speaker, today, I rise in response to the recent and unfounded claims of voter fraud made by President Trump. Throughout our nation's history, it has been tradition for a newly inaugurated president to try and establish common ground across party lines and heal divisions to ensure that our society transitions between administrations with a positive outlook. However, many of the President's actions have been contrary to this tradition, and his obsession with voter fraud is just a senseless distraction from the real issue of voter suppression in this nation.

The reality is that there is quantifiable evidence that voter fraud is so rare it never influences the outcome of any major U.S. election. Instead of investigating these baseless claims of voter fraud, our taxpayer dollars would be better spent looking into how millions of Americans were denied their constitutionally protected right to vote because of modern-day voter suppression tactics, like voter ID laws, across the country.

In my home state of Alabama, nearly 250,000 Alabamians who don't have a valid voter ID, could not vote in the 2016 election. This is unconscionable and should not be allowed to continue. The solution to the voting issue is a simple one. We can strengthen our democracy by making it easier, not harder, to vote. We should work in a bi-partisan way, as has been our history, to restore the full protections of Voting Rights Act of 1965. The narrative of voter fraud is a myth. However, voter

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

suppression is a real and overly prevalent national issue that must finally be addressed once and for all.

PERSONAL EXPLANATION

HON. LOIS FRANKEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. FRANKEL of Florida. Mr. Speaker, on roll call vote 77, I was not present because I was unavoidably detained. Had I been present, I would have voted "NAY."

RECOGNIZING MS. NAOMI BASHKANSKY FOR HER PERFORMANCE AT THE 2016 WORLD SCHOOL CHESS CHAMPIONSHIP

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Ms. Naomi Bashkansky of Bellevue, Washington for her victory at the 2016 World School Chess Championship. Like many other students of Olde Middle School, Naomi works every day to balance extra-curricular activities, family commitments, and school life. With the help of coaches, teachers, and family, she strives to mold her own unique identity as a student, a friend, a daughter, and a citizen. Although many aspects of Naomi's life may be familiar to us all, there was nothing ordinary about her performance at the chess championship.

Naomi's accomplishment and strength of character are deserving of the highest level of praise. Naomi not only out-performed 400 young chess players representing 30 different countries, but she graciously represented the people of the 9th Congressional District and the United States of America.

During the competition, Naomi's path to victory was not always clear; she suffered some early losses and could have easily admitted defeat, but she did no such thing. As she competed in the championship round, she bore not only the weight of her own expectations, but also the burden of representing the nation. At such a young age, Naomi's courage and determination is certainly extraordinary. I know I will continue to hear about her achievements for years to come.

Mr. Speaker, it is with great pleasure that I congratulate Ms. Naomi Bashkansky on a hard-earned victory and wish her the best of luck in the future.

COMMEMORATING BLACK HISTORY MONTH

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. JACKSON LEE. Mr. Speaker, this February we recognize and celebrate the 40th commemoration of Black History Month.

This month we celebrate the contributions of African Americans to the history of our great nation, and pay tribute to trailblazers, pioneers, heroes, and leaders like the 44th President of the United States, Barack Obama; Rev. Dr. Martin Luther King, Jr.; Supreme Court Justice Thurgood Marshall; U.S. Senator Blanche Kelso Bruce; U.S. Congresswoman Barbara Jordan; U.S. Congressman Mickey Leland; Astronauts Dr. Guion Stewart Bluford, Jr. and Mae C. Jemison; activists, intellectuals, authors, and artists like Frederick Douglass, Booker T. Washington, James Baldwin, Harriet Tubman, Rosa Parks, Maya Angelou, Toni Morrison, and Gwendolyn Brooks just to name a few of the countless number of well-known and unsung heroes whose contributions have helped our nation become a more perfect union.

The history of the United States has been marked by the great contributions of African American activists, leaders, writers, and artists.

As a member of Congress, I know that I stand on the shoulders of giants whose struggles and triumphs made it possible for me to stand here today and continue the fight for equality, justice, and progress for all, regardless of race, religion, gender or sexual orientation.

The greatest of these giants to me are Mrs. Ivalita "Ivy" Jackson, a vocational nurse, and Mr. Ezra A. Jackson, one of the first African Americans to succeed in the comic book publishing business.

They were my beloved parents and they taught me the value of education, hard work, discipline, perseverance, and caring for others.

And I am continually inspired by Dr. Elwyn Lee, my husband and the first tenured African American law professor at the University of Houston.

Mr. Speaker, I particularly wish to acknowledge the contributions of African American veterans in defending from foreign aggressors and who by their courageous examples helped transform our nation from a segregated society to a nation committed to the never ending challenge of perfecting our union.

A few years ago about this time, I was honored to join my colleagues, Congressman JOHN LEWIS and Congressman CHARLES RANGEL, a Korean War veteran, in paying tribute to surviving members of the Tuskegee Airmen and the 555th Parachute Infantry, the famed "Triple Nickels" at a moving ceremony sponsored by the U.S. Army commemorating the 50th Anniversary of the 1964 Civil Rights Act.

The success of the Tuskegee Airmen in escorting bombers during World War II—achieving one of the lowest loss records of all the escort fighter groups, and being in constant demand for their services by the allied bomber units—is a record unmatched by any other fighter group.

So impressive and astounding were the feats of the Tuskegee Airmen that in 1948, it helped persuade President Harry Truman to issue his famous Executive Order No. 9981, which directed equality of treatment and opportunity in all of the United States Armed Forces and led to the end of racial segregation in the U.S. military forces.

It is a source of enormous and enduring pride that my father-in-law, Phillip Ferguson Lee, was one of the Tuskegee Airmen.

Clearly, what began as an experiment to determine whether "colored" soldiers were capable of operating expensive and complex combat aircraft ended as an unqualified success based on the experience of the Tuskegee Airmen, whose record included 261 aircraft destroyed, 148 aircraft damaged, 15,553 combat sorties and 1,578 missions over Italy and North Africa.

They also destroyed or damaged over 950 units of ground transportation and escorted more than 200 bombing missions. They proved that "the antidote to racism is excellence in performance," as retired Lt. Col. Herbert Carter once remarked.

Mr. Speaker, Black History Month is also a time to remember many pioneering women like U.S. Congresswoman Shirley Chisholm; activists Harriet Tubman and Rosa Parks; astronaut Mae C. Jemison; mathematicians like Katherine G. Johnson, Dorothy Vaughan and Mary Jackson; authors Maya Angelou, Toni Morrison, and Gwendolyn Brooks; all of whom have each in their own way, whether through courageous activism, cultural or intellectual contributions, or artistic creativity, forged social and political change, and forever changed our great Nation for the better.

It is also fitting, Mr. Speaker, that in addition to those national leaders whose contributions have made our nation better, we honor also those who have and are making a difference in their local communities.

In my home city of Houston, there are numerous great men and women. They are great because they have heeded the counsel of Dr. King who said:

"Everybody can be great because anybody can serve. You only need a heart full of grace. A soul generated by love."

By that measure, I wish to pay tribute to some of the great men and women of Houston:

1. Rev. F.N. Williams, Sr.
2. Rev. Dr. S.J. Gilbert, Sr.
3. Rev. Crawford W. Kimble
4. Rev. Eldridge Stanley Branch
5. Rev. William A. Lawson
6. Rev. Johnnie Jeffery "J.J." Robeson
7. Mr. John Brand
8. Ms. Ruby Moseley
9. Ms. Dorothy Hubbard
10. Ms. Doris Hubbard
11. Ms. Willie Bell Boone
12. Ms. Holly HogoBrooks
13. Mr. Deloyd Parker
14. Ms. Lenora "Doll" Carter

As we celebrate Black History Month, let us pay tribute to those who have come before us, and pay forward to future generations by addressing what is the number one issue for African American families, and all American families today: preserving the American promise of economic opportunity for all.

Our immediate focus must be job creation, and enacting legislation that will foster and lay the foundation for today's and tomorrow's generation of groundbreaking activists, leaders, scientists, writers and artists to continue contributing to the greatness of America.

We must continue to preserve the American Dream for all.

Mr. Speaker, I am proud to stand here in celebration of the heroic and historic acts of African Americans and their indispensable contributions to this great Nation.

It is through our work in creating possibilities for today and future generations that we best honor the accomplishments and legacy of our predecessors.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. VELÁZQUEZ. Mr. Speaker, I missed roll call no. 77 on February 2, 2017 due to an unscheduled constituent meeting off the House Floor that unexpectedly ran long. Had I been present for the roll call, I would have voted "NO".

INTRODUCTION OF THE RETURN TO PRUDENT BANKING ACT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. KAPTUR. Mr. Speaker, this year marks the nine-year anniversary of the greatest financial crisis in a generation. This economic disaster nearly caused the destruction of our country's entire financial infrastructure and led to what we call now the Great Recession.

However, during the last nine years Wall Street Banks have succeeded and in the process have caused the financial failure of millions of Americans. JPMorgan Chase, Bank of America, Citigroup, Wells Fargo, Goldman Sachs and Morgan Stanley have all reported record profits during the recession. Wall Street in the last nine years has regained ALL of its pre-crisis wealth with interest, while Main Street has yet to see a real recovery.

During the 1990's, Wall Street's biggest banks and speculation houses concocted a fraudulent and greedy scheme to create false money. Then, in 2008, their crime exploded, nearly destroying capitalism. Their recklessness was so extreme it wiped out the net worth of 44 percent of Hispanic American households, 33 percent of African American households, and 11 percent of Caucasian households, respectively.

This was a taking of historic dimension never reimbursed to this day. It sucked out the wealth from millions of American families. It's time for Congress to ensure that these failures in our banking system are never repeated.

That is why I have reintroduced the Return to Prudent Banking Act. To build on the momentum and the movement to reinstate Glass-Steagall.

Since last summer, fifteen state legislatures introduced resolutions calling for Congress to reinstate Glass Steagall. Democrats and Republicans have memorialized support for Glass-Steagall in their respective political platforms. Even President Trump has declared his support for a new Glass-Steagall law and we are obligated to work with him to do just that.

I was proud to join with 57 members of the House who several years ago voted against the Gramm-Leach-Bliley Act, the bill that over-

turned Glass Steagall. As the anti-regulation movement won the day, that law was a clear signal that Wall Street was in charge. Banks grew larger and riskier, and American taxpayers were given the bill when the deregulated financial sector fell apart.

This is a reality that has sunk its teeth deep into the flesh of our Republic, influencing more and more who is elevated to office.

Mr. Speaker, these banks have to be defanged. Restoring Glass Steagall is a first step among other items, like a campaign finance reform, better trade deals, and better deals for American workers.

TRIBUTE TO JUDY HOOPES

HON. LISA BLUNT ROCHESTER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. BLUNT ROCHESTER. Mr. Speaker, I rise today to honor the life of Judith H. Hoopes, of Greenville, Delaware, a lifelong Delawarean and an invaluable member of our community.

A 1960 graduate of Duke University, her college major in history led to her long-time involvement with the Delaware Historical Society. She was involved in many state arts organizations, including her appointment as Chair of the Delaware State Arts Council by then-Governor Pete duPont. Dedicated to her community, Judy was a valuable asset to the numerous non-profits in Delaware she lent her support. She was a founding board member and past Chair of the Delaware Community Foundation, was the first woman to Chair the YMCA board, a founder of the Fund for Women, and a longtime Woodlawn Trustee. For these and many other contributions Judy received the Lifetime Achievement in Philanthropy Award from the Association of Fundraising Professionals.

Judy and her late husband Robert were married for 53 years. Their family was the focus of their lives, and their wonderful children and grandchildren are a testament to their good work. I am honored to call their daughter, Stephanie, and son, Robert Jr., friends. Their commitment to community and love of Delaware will surely carry on their mother's spirit. My sympathy goes out to Stephanie, Robert and his wife Hilary, Judy's five grandchildren James, Elizabeth, Penelope, Riter, and Charlotte, as well as their extended family and Judy's many friends.

We are deeply saddened by the loss of Judy, and I want to express my deep gratitude for her dedication and service to her community, and the state of Delaware.

HONORING MICHAEL MINASIAN

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. SÁNCHEZ. Mr. Speaker, I rise today with a heavy heart to honor the life and the passing of a special person from Montebello,

California. Mr. Michael Minasian was an irreplaceable member of the Armenian-American community, who was born to survivors of the Armenian genocide in 1931. Mr. Minasian's success wasn't handed to him; for five years he and his family lived in a camp for displaced persons after World War II. When Mr. Minasian and his family immigrated to the United States, he attended night school to learn English while helping his parents support the family.

From 1953 to 1955, Mr. Minasian served in the U.S. Armed Forces in West Germany, and became a citizen in 1954. He returned to the Los Angeles area where he produced the bilingual "Armenian Radio Hour" and put his entrepreneurial spirit to work, first through owning the International Music Center in East Los Angeles, and later by building a successful insurance agency. More recently, Mr. Minasian reinvented himself as a land developer, building tracts of single family homes. Through his businesses, Mr. Minasian helped develop the City of Montebello and much of Eastern Los Angeles County bears his mark.

Mr. Minasian's contributions to the economy of our community were rivaled only by his civic leadership. A champion of the Armenian-American community, he spearheaded efforts to build the Armenian Genocide Martyrs Monument, which towers over Montebello's Bicknell Park. As founder of the Armenian Assembly, he paid his success forward to young Armenians by creating a Washington, DC internship placement program. Mr. Minasian has even made a difference right here in the United States Congress, where he successfully led the fight for passage of Armenian-genocide resolutions in 1975, 1984, and 1985.

Countless organizations in Montebello have benefitted from Mr. Minasian's leadership. He served as President of the Montebello Junior Chamber of Commerce and Chairman of the Montebello Citizens Advisory Committee on Park Planning and Design. He has also served on the boards of directors of the Montebello Chamber of Commerce and the Armenian Educational Foundation. His contributions to the Armenian Revolutionary Federation, the Montebello American Legion, and as Human Services Commissioner for the City of Montebello will not be forgotten.

Mr. Minasian's life embodies the spirit of our hardworking immigrant community. His legacy will serve as a shining example, not only to the Armenian-American community but for all future generations, of the difference that one man or woman can make in his or her community. I hope my colleagues will join me in sending my condolences to his widow, Lydia, and their four children and six grandchildren.

IN RECOGNITION OF RON RUBIN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate Ron Rubin on being an honoree at the National Museum of American Jewish History's Only in America Gala. This honor seeks to recognize those individuals who have greatly helped in the development of the Museum and for service to the

business, cultural, and philanthropic communities. His contributions to our community have been recognized by many, and I am grateful for his work for the people of Philadelphia.

Ron's career began in the 1950s when he joined his father's small real estate firm. Throughout his career, Ron has worked to guide growth for major development in office buildings, retail centers, and malls up and down the East Coast. Ron's work helped make the Rubin Organization one of the largest real estate companies in the United States. After the Rubin Organization was acquired by the Pennsylvania Real Estate Investment Trust (PREIT), Ron served as CEO of PREIT and was recently appointed Chairman of the Board of Trustees.

In the 1990s, Ron helped to revitalize the Center City Business District by helping develop the Center City District business-improvement group. He has worked closely with many Philadelphia organizations including PECO Energy, the Greater Philadelphia Chamber of Commerce, the Kimmel Center, and the Jewish Federation of Greater Philadelphia. As the co-chair of the Board of Trustees of the National Museum of American Jewish History, Ron helped oversee the expansion of the Museum to its current location on Independence Mall.

Ron's hard work and dedication to improving Philadelphia embodies the Museum's motto of "Dream, Dare, Do." In recognition of his years of service to Philadelphia, I ask that you and my other distinguished colleagues rise to congratulate him on this honor.

INTRODUCTION OF PUTTING OUR VETERANS BACK TO WORK ACT

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

MR. COHEN. Mr. Speaker, I rise in support of the Putting Our Veterans Back to Work Act, a bill I introduced earlier today to help veterans gain skills for good paying jobs by reauthorizing the Veterans Retraining Assistance Program (VRAP). The VRAP program, signed into law in 2011 and expired in March 2014, provided training for education that led to high demand occupations, including management, business and financial operations, protective service, construction and transportation among other careers. In the two years of the implementation of VRAP, the Department of Veterans Affairs approved over 126,000 applications, of which, 76,000 veterans enrolled in a training program.

The Putting Our Veterans Back to Work Act extends the authority of the Secretary of Veterans Affairs (VA) to provide rehabilitation and vocational benefits to members of the Armed Services with severe injuries or illnesses, extends rehabilitation programs for persons who have exhausted their rights to unemployment benefits under state law and reauthorizes collaborative veterans' training, mentoring and placement programs.

This legislation builds on our vow to hire our nation's heroes by directing the Secretary of the VA to establish a Federal web-based em-

ployment portal containing information on Federal programs and activities concerning employment, unemployment and training programs that are geared towards veterans. This legislation also directs the Secretary of Homeland Security and the Attorney General to award grants to hire veterans as firefighters and law enforcement officers. Finally, the Putting Our Veterans Back to Work Act directs the heads of executive agencies to consider favorably as an evaluation factor for civilian and defense contracts at or above \$25 million, a prospective contractor with a workforce of at least 5 percent veterans.

The men and women who signed up to defend America and our values, whether they served during Vietnam or more recently in Iraq or Afghanistan, are owed our gratitude and our promise to support them as they transition to civilian life. I urge my colleagues to pass the Putting Our Veterans Back to Work Act to ensure that our heroes are afforded meaningful employment opportunities. This is a promise that we must keep.

INTRODUCTION OF THE DREAMERS, IMMIGRANTS, AND REFUGEES (DIRE) LEGAL AID ACT

HON. J. LUIS CORREA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

MR. CORREA. Mr. Speaker, today, I am introducing the DREAMers, Immigrants, and Refugees (DIRE) Act. This legislation will provide funds for legal services to protect DREAMers, immigrants, and refugees from President Trump's Executive Order.

Last week, I held an immigration town hall. Scores of my constituents attended because they were afraid for their families and communities. This was before the Executive Order was released. When I was at the Los Angeles International Airport (LAX) on Saturday, I saw this fear escalate. Immigrants and refugees were unjustifiably detained and denied access to counsel at airports across our country. President Trump's Executive Order directly challenges the right to due process, which is guaranteed under our Constitution. My legislation will guarantee that DREAMers, immigrants, and refugees have access to legal aid.

I am deeply concerned about the actions taken by the Trump Administration. The refugees that have been granted status by the U.S. Government undergo an intensive security screening process that takes an average of 18 to 24 months. The security screening is performed by multiple federal agencies, including the National Counterterrorism Center, the FBI Terrorist Screening Center, the Department of Homeland Security, the State Department, and the Department of Defense. The security screening that refugees undergo is the most intensive of any individual entering the United States.

It is sad that the Trump Administration would detain individuals, who fear for their lives in their home countries and seek refuge in the United States, with the intent to deport them back into harm's way. These actions are a misrepresentation of our American values.

Our country has always stood up for the oppressed and welcomed the persecuted. It is un-American to turn our backs on those that need our help the most.

If we wish to remain a beacon of freedom to the world, we must stand up for the immigrants and refugees looking towards the United States for hope. We cannot just claim we are the greatest nation in the world. We actually have to act like it too.

IN RECOGNITION OF THE WOMEN IN DATA SCIENCE CONFERENCE AND THE PARTICIPANTS FROM THE UNIVERSITY OF MICHIGAN

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Mrs. DINGELL. Mr. Speaker, I rise today to recognize the Women in Data Science Conference (WiDS) and the Michigan In Data Science professors and scholars who are participating in this forum. WiDS plays an important role in bringing together world-class researchers to share cutting edge findings and best practices.

The Women in Data Science conference is a Stanford University-affiliated technical conference that brings together the latest data science techniques and findings across a variety of disciplines. The conference features exclusively women speakers and includes seven distinguished scholars from the University of Michigan from its College of Engineering and School of Information. Their research covers a variety of fields including healthcare, artificial intelligence and machine learning. Additionally, it includes a poster session to showcase current student and faculty research as well as a livestream featuring industry and academic leaders at Stanford University.

Data science is a new field that has the potential to revolutionize our understanding of a variety of disciplines, and forums like WiDS play a critical role driving advances by facilitating knowledge transfer between top scholars and industry researchers. It is inspiring to see women from the University of Michigan leading the way in publishing groundbreaking discoveries that further our understanding of critical areas like healthcare, communications and statistical analysis. The real-world impact of this research underscores the importance of the work being showcased, and it is my hope that the University of Michigan continues to be a leader in this field.

Mr. Speaker, I ask my colleagues to join me in honoring the University of Michigan researchers and other participants in the Women in Data Science Conference. The innovative research and support for women help inspire and educate individuals about the important work being done on data science across the country.

INTRODUCTION OF THE FARM
REGULATORY CERTAINTY ACT**HON. DAN NEWHOUSE**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce my legislation, the Farm Regulatory Certainty Act. In 2015, a federal judge ruled in a citizen suit that dissolved manure nitrates constitute a "solid waste" under the Resource Conservation and Recovery Act (RCRA). Four dairies in Washington State that were proactively working with the EPA to address nutrient management issues at their dairies were held culpable of "open dumping" by a federal judge. A farmer myself, I firmly believe farmers have and must continue to lead the charge on good stewardship and conservation, which this ruling undermined. While there are a number of statutes that do govern agricultural nutrient management practices, Congress never intended for RCRA to be one of those statutes. In fact, the EPA's own regulations promulgated back in the 1970s agree that agricultural wastes, such as manures and fertilizer, were not intended to be governed under this law. This misguided ruling has placed farmers across the country in a legal uncertainty. It is incomprehensible that Congress and EPA intended that agricultural nutrients be exempt from this law, and then have a court find farmers at fault for non-compliance with the very law they are exempt from. Farmers need to know with certainty to what rules apply to them.

The legislation I introduce today would clarify and reaffirm that RCRA was not intended to govern agricultural nutrient management activities. Moreover, if a farmer is already engaged in legal action and is diligently working with the state or federal regulators to address nutrient management issues, then they would be preempted from citizen suits under this bill.

We want to continue to encourage farmers to be good, proactive stewards, and create an climate where farmers can feel comfortable working with regulators to address stewardship issues—not have farmers fear that documents they provide to regulators will be acquired by third-parties and used against them in "double-jeopardy"-like lawsuits. This commonsense legislation will clarify Congress' intent on this statute, and work to restore a relationship of trust and confidence between farmers and regulators.

HONORING THE LIFE OF JAMES J.
SPINELLO**HON. DINA TITUS**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. TITUS. Mr. Speaker, I am honored to include in the RECORD some inadequate yet heartfelt words to celebrate the life and mourn the loss of James J. Spinello. Jim was my dear friend, respected colleague, and trusted confidant. We met in 1988 when he was a Young Turk in the Nevada Assembly. Along

with his friends, Matt Callister, Gene Porter, and Wendell Williams, he was a legislator with a mission. As members of the Marvin Sedway/Gary Gray posse of talented young idealists, they set out to change the world—and indeed they have made Nevada a better place, each in his own way.

As an Assemblyman, Jim served as Chair of the Education Committee where he led the fight for class size reduction and as Vice Chair of the powerful Ways and Means Committee where he championed more funding for mental health. He was the serious, scholarly one of the bunch who had the compassion, knowledge, and work ethic to get things done.

After two terms he went on to manage Nevada's state workers compensation system. He joined the administrative team at Clark County in 1997 for several years before becoming an integral player at R&R. Partners where he served as director of local government affairs. He loved his R&R family, especially Billy Vassiliadis, who was there for him in the most generous ways until the very end.

Meanwhile, he taught classes part time at the University of Nevada, Las Vegas and the College of Southern Nevada, which he thoroughly enjoyed. He was a natural teacher and role model who entertained, educated, and inspired. He brought his practical experience as well as his academic training and a vast wealth of information to the classroom.

Throughout all this time, Jim remained a wonderful friend, a man I trusted totally, which is a rare thing in politics today. We shared a Mediterranean temperament—mine Greek and his Sicilian. Boy, was he Sicilian. He had black curly hair and a beautiful singing voice (we called him Spinatra). He loved red wine and pasta, and loyalty was very important to him.

Jim enjoyed traveling, especially with his beloved daughters, Lilly and Chessa. He traveled to Sicily with his girls to visit his mother's village and found some slightly suspect cousins along the way. Everything he did, he did with their futures in mind. He was very proud of them and spoke of them often. At the Sicilian wake following his service, there was consensus among those who had known Jim for a long time that he was, simply put, a really good guy—in the very best sense of the words. Billy V. noted that his legacy is in his girls and the many young people he taught in class and in the work place. Dick Cooper commented on how ethical he was: He just couldn't not tell the truth. Another legislative colleague, Ernie Alder, said Jim was polite enough to laugh at his jokes. And Tom Warden and Marc Hechter, who had been with Jim every day those last weeks, recalled when Jim had selflessly been there for them in trying times. Matt called him a true friend and Chris Giunchigliani remarked on his amazing strength of character and spirit.

Tears were shed. Stories were told. Memories were bittersweet. He was a wonderful person to work with, to have a martini with, to stay out of or be in trouble with. He was loyal to me and I will always try to be loyal, in words and deeds, to his memory. The Spinner set a high bar. His passing is Nevada's loss.

RECOGNIZING NATIONAL
CATHOLIC SCHOOLS WEEK**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Ms. ROS-LEHTINEN. Mr. Speaker, as our nation celebrates National Catholic Schools Week, I rise to recognize the lasting contributions of Catholic education in my South Florida community.

Marian Center School and Services, Archbishop Edward McCarthy High School, Cardinal Gibbons High School, St. Thomas Aquinas High School, Archbishop Coleman F. Carroll High School, Archbishop Curley-Notre Dame High School, Immaculata-LaSalle High School, Monsignor Edward Pace High School, Our Lady of Lourdes Academy, St. Brendan High School, Archdiocese of Miami Virtual Catholic School, St. John Vianney Seminary, Belen Jesuit Preparatory, Carrollton School of the Sacred Heart, Chaminade-Madonna College Preparatory, Christopher Columbus High School, and Archbishop Curley Notre Dame are just a few of the Catholic institutions serving my district.

These schools do more than provide their students with an excellent education.

Each one of them is also dedicated to instilling a religious grounding, academic excellence, and moral values in their students so that they can dedicate their lives to serve God, their families, and their community.

Congratulations to the teachers, administrators, and staff at our fantastic Catholic schools.

Thank you for your dedication to building a brighter future for South Florida.

HONORING S. JEROME FELDMAN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2017

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor a great Pennsylvanian, Mr. S. Jerome Feldman. A well-respected and greatly admired member of our community, Mr. Feldman is celebrating his 85th birthday today, February 3rd.

I have known Jerome and his wife Helene for many years and have always found them to be extraordinarily kind-hearted and wholly selfless people. His lifetime of charitable work and his dedication to peace and our national security is without peer. Jerome served our country with honor as a member of the United States Navy during the Korean War. Well-liked among his peers in the Navy, his bravery and commitment earned him the respect of everyone who served with him as well as the undying gratitude of our nation.

Mr. Feldman continues his advocacy for peace and security through his support of our closest ally, the State of Israel. He is also an active member of Philadelphia's Jewish community, one of our nation's oldest and most vibrant Jewish communities.

More than anything, Jerome is a family man, a neighbor and a friend to many, including me. He is the sort of man that Pennsyl-

vania is proud to call a native son, and I am equally proud to call Jerome a friend.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring

S. Jerome Feldman on the occasion of his 85th birthday on February 3rd of this year.

HOUSE OF REPRESENTATIVES—Monday, February 6, 2017

The House met at noon and was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 6, 2017.

I hereby appoint the Honorable ADRIAN SMITH to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MESSER) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, through whom we see what we could be, and what we can become, thank You for giving us another day.

Send Your spirit upon the Members of this people's House to encourage them in their official tasks. Be with them and with all who labor here to serve this great Nation and its people.

Assure them that whatever their responsibilities, You provide the grace to enable them to be faithful in their duties and the wisdom to be conscious of their obligations and fulfill them with integrity.

Remind us all of the dignity of work and teach us to use our talents and

abilities in ways that are honorable and just and are of benefit to those we serve.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. EMMER led the Pledge of Allegiance as follows:

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

VETERAN JOHN GRAW, WELCOME TO MINNESOTA'S SIXTH

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

Mr. EMMER. Mr. Speaker, I rise today to welcome an incredible individual who is new to Minnesota's Sixth Congressional District.

John Graw, a World War II veteran, recently moved to Ramsey to be closer to his daughters. Upon his arrival in Ramsey—which was, coincidentally, the day before Veterans Day—the Ramsey City Council awarded John with a key to the city and a letter welcoming him to the community.

John was a master sergeant in the U.S. Army Air Force and served with the Mediterranean Allied Air Force that fought in the North African Campaign as well as the European theater in Italy and France during World War II.

I am so glad that John received such a warm welcome to Ramsey, especially because he came to the defense of our Nation during one of its darkest times. It is inspiring to know that this hero lives among us, and it is an honor to stand here today and welcome this member of the Greatest Generation to our community.

ARMY RECOGNITION FOR ARKANSAS CONGRESSMAN STEVE WOMACK

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

Mr. HILL. Mr. Speaker, I rise today to honor the achievement of a true Arkansas leader, my colleague and friend, Representative STEVE WOMACK.

Early this year, STEVE was awarded the Department of the Army's Decoration for Distinguished Civilian Service, which is the highest award the Secretary of the Army may bestow upon a civilian.

Before being elected Representative for Arkansas' Third Congressional District, STEVE dedicated most of his adult life to the Arkansas Army National Guard where he retired as a colonel after 30 years of service.

He has been awarded the Meritorious Service Medal, the Army Commendation Medal, and the Legion of Merit. His example is one all Americans and Arkansans can admire, and I treasure our work together here in the 115th Congress representing our State of Arkansas.

NOAA BETRAYED THE AMERICAN PEOPLE

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

Mr. SMITH of Texas. Mr. Speaker, a whistleblower has charged that the National Oceanic and Atmospheric Administration falsified data in a study that attempted to disprove the widely accepted 15-year halt in global warming. This was done in an effort to garner public support for the Obama administration's Clean Power Plan and the United Nations' Paris climate agreement.

NOAA's officials suppressed internal debate about the study and actively obstructed the House Science Committee's investigations of concerns about the data. However, one brave scientist decided to step forward and blow the whistle on NOAA.

According to Dr. John Bates, NOAA put its thumb on the scale to justify their predetermined conclusions and support the President's agenda, even if that meant violating their own scientific integrity rules.

The Science Committee will continue to investigate this scandal. Americans have a right to unbiased science.

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

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

We can thank Dr. Bates for his heroic act and for having the courage to step forward in the face of the liberal media's smear campaigns.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 3, 2017, at 1:52 p.m.:

That the Senate passed S. 305.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:45 p.m. today.

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1645

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky) at 4 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

CRAGS, COLORADO LAND EXCHANGE ACT OF 2017

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 618) to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 618

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Craggs, Colorado Land Exchange Act of 2017".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to authorize, direct, expedite, and facilitate the land exchange set forth herein; and

(2) to promote enhanced public outdoor recreational and natural resource conservation opportunities in the Pike National Forest near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

SEC. 3. DEFINITIONS.

In this Act:

(1) BHI.—The term "BHI" means Broadmoor Hotel, Inc., a Colorado corporation.

(2) FEDERAL LAND.—The term "Federal land" means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to BHI to and from such land on Forest Service Road 371, as generally depicted on the map entitled "Proposed Craggs Land Exchange—Federal Parcel—Emerald Valley Ranch", dated March 2015.

(3) NON-FEDERAL LAND.—The term "non-Federal land" means the land and trail easement to be conveyed to the Secretary by BHI in the exchange and is—

(A) approximately 320 acres of land within the Pike National Forest, Teller County, Colorado, as generally depicted on the map entitled "Proposed Craggs Land Exchange—Non-Federal Parcel—Craggs Property", dated March 2015; and

(B) a permanent trail easement for the Barr Trail in El Paso County, Colorado, as generally depicted on the map entitled "Proposed Craggs Land Exchange—Barr Trail Easement to United States", dated March 2015, and which shall be considered as a voluntary donation to the United States by BHI for all purposes of law.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If BHI offers to convey to the Secretary all right, title, and interest of BHI in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to BHI the Federal land.

(b) LAND TITLE.—Title to the non-Federal land conveyed and donated to the Secretary under this Act shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(c) PERPETUAL ACCESS EASEMENT TO BHI.—The nonexclusive perpetual access easement to be granted to BHI as shown on the map referred to in section 3(2) shall allow—

(1) BHI to fully maintain, at BHI's expense, and use Forest Service Road 371 from its junction with Forest Service Road 368 in accordance with historic use and maintenance patterns by BHI; and

(2) full and continued public and administrative access and use of FSR 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary.

(d) ROUTE AND CONDITION OF ROAD.—BHI and the Secretary may mutually agree to improve, relocate, reconstruct, or otherwise alter the route and condition of all or portions of such road as the Secretary, in close consultation with BHI, may determine advisable.

(e) EXCHANGE COSTS.—BHI shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this Act, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

SEC. 5. EQUAL VALUE EXCHANGE AND APPRAISALS.

(a) APPRAISALS.—The values of the lands to be exchanged under this Act shall be determined by the Secretary through appraisals performed in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice;

(3) appraisal instructions issued by the Secretary; and

(4) shall be performed by an appraiser mutually agreed to by the Secretary and BHI.

(b) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(1) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land parcel identified in section 3(3)(A), BHI shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under paragraph (1) shall be—

(A) deposited in the fund established under Public Law 90-171 (commonly known as the "Sisk Act"; 16 U.S.C. 484a); and

(B) made available to the Secretary for the acquisition of land or interests in land in Region 2 of the Forest Service.

(3) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land parcel identified in section 3(3)(A) exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to BHI, and surplus value of the non-Federal land shall be considered a donation by BHI to the United States for all purposes of law.

(c) APPRAISAL EXCLUSIONS.—

(1) SPECIAL USE PERMIT.—The appraised value of the Federal land parcel shall not reflect any increase or diminution in value due to the special use permit existing on the date of the enactment of this Act to BHI on the parcel and improvements thereunder.

(2) BARR TRAIL EASEMENT.—The Barr Trail easement donation identified in section 3(3)(B) shall not be appraised for purposes of this Act.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) WITHDRAWAL PROVISIONS.—

(1) WITHDRAWAL.—Lands acquired by the Secretary under this Act shall, without further action by the Secretary, be permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

(2) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the Federal land parcel to BHI.

(3) WITHDRAWAL OF FEDERAL LAND.—All Federal land authorized to be exchanged

under this Act, if not already withdrawn or segregated from appropriation or disposal under the public lands laws upon enactment of this Act, is hereby so withdrawn, subject to valid existing rights, until the date of conveyance of the Federal land to BHI.

(b) **POSTEXCHANGE LAND MANAGEMENT.**—Land acquired by the Secretary under this Act shall become part of the Pike-San Isabel National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(c) **EXCHANGE TIMETABLE.**—It is the intent of Congress that the land exchange directed by this Act be consummated no later than 1 year after the date of the enactment of this Act.

(d) **MAPS, ESTIMATES, AND DESCRIPTIONS.**—

(1) **MINOR ERRORS.**—The Secretary and BHI may by mutual agreement make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange, and may correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(2) **CONFLICT.**—If there is a conflict between a map, an acreage estimate, or a description of land under this Act, the map shall control unless the Secretary and BHI mutually agree otherwise.

(3) **AVAILABILITY.**—Upon enactment of this Act, the Secretary shall file and make available for public inspection in the headquarters of the Pike-San Isabel National Forest a copy of all maps referred to in this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

I rise in strong support of H.R. 618, the Craggs, Colorado Land Exchange Act of 2017 that I introduced along with Congressman TIPTON and Congressman POLIS. This legislation will facilitate a mutually beneficial land exchange between the U.S. Forest Service and the Emerald Valley Ranch in El Paso and Teller Counties in Colorado.

Specifically, this legislation would convey to the United States the 320-acre Craggs property located on the west side of Pikes Peak that is currently owned by The Broadmoor Hotel, and a perpetual public-access easement for the lower portion of the popular Barr Trail. In exchange, an 83-acre Federal parcel located at Emerald Valley Ranch on the southeast side of Pikes Peak and a perpetual access easement along two Forest Service roads would be granted to The Broadmoor. This would eliminate the management and

liability issues currently facing the United States because of the significant upgrades and improvements The Broadmoor has made to the Emerald Valley Ranch parcel.

This land exchange is intended to provide increased recreational opportunities for the public on the Pike National Forest. The 320-acre Craggs property is completely surrounded by the Pike National Forest and has been the top acquisition priority for the Pikes Peak Ranger District for several years. The property provides several opportunities to connect Forest Service trails emanating from the Craggs campground with trails in the Putney Gulch area. In addition, existing trails within the property could become key links in the proposed Ring the Peak trail.

I thank Chairman BISHOP and Chairman MCCLINTOCK and the entire staff of the Subcommittee on Federal Lands for all of their work and bringing this bill to the floor.

I urge the adoption of the measure, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I thank the Speaker for the recognition and Mr. LAMBORN for bringing forward this bill.

H.R. 618 is legislation I am proud to cosponsor because it is a commonsense land exchange in my home State of Colorado. It authorizes the Forest Service to exchange the Emerald Valley Ranch for the larger ecologically sensitive Craggs parcel. The world-famous Broadmoor Hotel—that I visited many times and attended many education conferences at—currently has a 25-year special use permit to operate the guest ranch on the Emerald Valley parcel. This parcel has lost its National Forest character, and conveying it out of Pike National Forest will simplify management at that site and replace it with a parcel that is more appropriate.

In exchange, the Forest Service will receive the 320-acre Craggs parcel and a permanent trail easement for the historic Barr Trail. The Craggs property connects with several Forest Service trails in the Pikes Peak Ranger District and has been identified by the Forest Service as a priority for acquisition. I am glad that, under this bill, we can accomplish that priority.

The exchange eliminates a large private inholding in the National Forest and removes the need for Federal land management of the Emerald Valley Ranch. It is a win-win scenario. Essentially, this legislation simplifies land management around Pikes Peak, while protecting public lands and growing our economy.

The Forest Service testified in support of H.R. 618. I support its adoption, as do stakeholders across the spectrum.

It has been a pleasure to work with my colleagues, Mr. LAMBORN and Mr. TIPTON, on this bill, and I appreciate

their hard work and constructive work for this legislation.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I echo what my colleague has just said about those of us from Colorado working together. Of the six bills that we are going to be discussing today, four of them are from Colorado; and yourself, myself, and Representative TIPTON from southwest Colorado have collaborated on these four bills. It is bipartisan and we have worked hard and have gotten some good legislation to offer to the House for consideration. I look forward to doing this through the rest of the afternoon, plus two other bills as well.

Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

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

I, as well, am prepared to close and I just want to highlight my agreement with the gentleman from Colorado (Mr. LAMBORN). When people work together, these are the kind of commonsense results we get. Unfortunately, on these bills, I don't think we will be making the front page of The Washington Post or The New York Times or the FOX News Talk hour, but that is so much of the workhorse-type work that we need to do in this body.

What we have done with Mr. TIPTON, Mr. LAMBORN, and myself is we have been able to put together the commonsense priorities around public land management. The district I have the honor of representing is 65 percent public land. So these are everyday issues that my constituents deal with living in and around public land.

It is very exciting to be passing H.R. 618 and allowing getting rid of the private inholding, putting some appropriate land in the management of the Forest Service and, of course, doing something that will also benefit one of our iconic conference centers and hotels in Colorado Springs that I have had the opportunity to be a guest and a conferee at so many times.

I deeply appreciate the work of Mr. TIPTON and Mr. LAMBORN. I urge a "yes" vote.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 618.

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

A motion to reconsider was laid on the table.

ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST CONVEYANCE ACT OF 2017

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 698) to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 698

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Elkhorn Ranch and White River National Forest Conveyance Act of 2017”.

SEC. 2. LAND CONVEYANCE, ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST, COLORADO.

(a) LAND CONVEYANCE REQUIRED.—Consistent with the purpose of the Act of March 3, 1909 (43 U.S.C. 772), all right, title, and interest of the United States (subject to subsection (b)) in and to a parcel of land consisting of approximately 148 acres as generally depicted on the map entitled “Elkhorn Ranch Land Parcel—White River National Forest” and dated March 2015 shall be conveyed by patent to the Gordman-Leverich Partnership, a Colorado Limited Liability Partnership (in this section referred to as “GLP”).

(b) EXISTING RIGHTS.—The conveyance under subsection (a)—

(1) is subject to the valid existing rights of the lessee of Federal oil and gas lease COC-75070 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalty payments on the lease referred to in paragraph (1) for the duration of the lease.

(c) EXISTING BOUNDARIES.—The conveyance under subsection (a) does not modify the exterior boundary of the White River National Forest or the boundaries of Sections 18 and 19 of Township 7 South, Range 93 West, Sixth Principal Meridian, Colorado, as such boundaries are in effect on the date of the enactment of this Act.

(d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—The conveyance directed under subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

H.R. 698, the Elkhorn Ranch and White River National Forest Conveyance Act sponsored by my colleague, Congressman SCOTT TIPTON of the great State of Colorado, and cosponsored by Congressman POLIS and myself, resolves a longstanding surveying issue in the White River National Forest in western Colorado.

In the early 20th century, the U.S. Government issued a series of patents conveying Federal land to private landowners in the region. However, a land survey conducted in 1949 brought these conveyances into question, and the ownership of the land has been in dispute for nearly 70 years. In 2014 the White River National Forest conducted a survey to finalize the land ownership and concluded that 148 acres were improperly within the forest's boundary.

This legislation simply conveys this land back to its rightful ownership. This land conveyance is consistent with the existing forest management plan, and the Forest Service is managing this land as though it were already private property.

This bill has the support of a wide range of stakeholders in the community and I thank the Congressman from Colorado for his work on this legislation. I would point out, as we discussed earlier, there is bipartisan support from within the Colorado delegation for this bill as well.

I urge adoption of the measure and I reserve the balance of my time.

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

Living in and around public land, as Mr. TIPTON, Mr. LAMBORN, and I do, we often have these kinds of bills to address the interactions between our communities and our Federal lands in Colorado.

H.R. 698 is another bill that addresses public lands. I am proud to join Mr. TIPTON as a cosponsor of this bill. It will convey 148 acres of land to the Gordman-Leverich Partnership, a company in Colorado, which will remedy a land dispute between a private landowner and the Forest Service.

Way back in 1947, just a few years after my dear mother—who is watching us on C-SPAN as we speak—and my father were born, an administrative error occurred that shifted the boundary between the Elkhorn Ranch and the White River National Forest. This survey placed 148 acres of private land inside the forest boundary without providing consideration to the landholders. Since then, the title of the ranch has changed several times, but the administrative error has never been corrected.

We all know how we hold private property rights dear in this country, and this bill will correct the error, acknowledge the correct boundary of the

Elkhorn Ranch, providing the current owner with a clear and free title rather than the encumbrance that the disputed nature of the land previously provided.

It will help avoid costly litigation to both sides, provides clarity for landowners and the Forest Service. It recognizes today's reality on the ground and it will help local officials in the Forest Service as well.

I thank my colleague, Mr. TIPTON, for his good work on this legislation, working with stakeholders. I want to point out that the Forest Service testified in support of this bill. I join my colleagues in urging its adoption.

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

Mr. LAMBORN. Mr. Speaker, I appreciate those comments. I would point out, for anyone who is interested, that the three of us who are here—and I am about to yield the floor to Representative TIPTON—we are all on the Natural Resources Committee. This is a committee that is going to be doing a lot of exciting and interesting things in this Congress. We are going to be very busy. I am looking forward to that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TIPTON), my friend and colleague, who is also a member of the committee.

Mr. TIPTON. Mr. Speaker, I would like to extend my thanks to my colleagues, Mr. POLIS and Mr. LAMBORN. I think among our three congressional districts, we hold the vast majority of public lands in the State of Colorado. I appreciate the opportunity to be able to work with you on these significant bills, to be able to address many of the challenges that we have, and to be able to work together in a bipartisan manner as well.

Mr. Speaker, thank you for allowing me time to be able to discuss this important legislation. H.R. 698 is a very straightforward bill, which Congressmen LAMBORN and POLIS and I have reintroduced this year that confirms private ownership of 148 acres of land in my congressional district.

The lands concerned were patented into private ownership via the United States land patents issued in 1914, 1917, and 1957, but their ownership came into question by virtue of a 1949 government survey which erroneously showed them to be National Forest land rather than private land. A long-held U.S. law specifically states that a government resurvey cannot take away private property or private property rights.

Mr. Speaker, the Forest Service and the private landowner of the Elkhorn Ranch only became aware of the potential title issue in the early 2000s, and thereafter, the Forest Service conducted a lengthy and thorough review of the matter. Upon completion of their review in 2014, both the supervisor and the surveyor of the White

River National Forest concluded the ownership of the 148 acres should be confirmed in the successors in interest to the original patentee; namely, the Elkhorn Ranch.

In reaching this conclusion, the Forest Service noted that the land has never been managed as National Forest land and, indeed, has been fenced and occupied with stock ponds, developed springs, roads and other private improvements, and has been used as private land for ranching and agriculture for the better part of the past 100 years.

Mr. Speaker, this bill is a simple matter of fairness and equity to a private landowner to honor government land patents that were granted by the Federal Government to the landowner's predecessors 60 to 100 years ago. The bill is supported by both the surveyor and supervisor of the White River National Forest; the Garfield County surveyor; the Garfield County Commissioner; the city of Rifle; Colorado Club 20, which represents 20 Colorado counties; and Piceance Energy, which has a lease on part of the area.

□ 1700

In addition, the legislative hearing that was held on the same bill in 2015, the administration testified that this bill is a practical and workable way to address this longstanding issue. This bill is identical to the one that passed out of the House by voice vote in the last Congress, and I once again urge my colleagues to support this legislation.

Once again, I extend my thanks to my colleagues Congressman LAMBORN and Congressman POLIS for all of their hard work on this legislation.

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

Mr. Speaker, I would like to highlight, as Mr. TIPTON said, a number of the bills that we are going through, including this one, have passed the House before, and yet the Senate failed to send them to the President's desk. These are real issues that our constituents face.

Mr. Speaker, I urge the Senate to simply take up these noncontroversial bills, pass them, and allow President Trump to sign them so we can resolve these real-life issues that affect our constituents. While it feels good to pass a bill as a legislator—and Mr. TIPTON deserves credit, and I look forward to being able to argue for the passage of a bill that I am a lead sponsor on shortly; and, of course, we recently passed, by voice vote, Mr. LAMBORN's bill—these issues will remain pending until the Senate acts.

I urge my colleagues in the Senate to bring forward these bills so we can address these pressing concerns that our constituents have and deal with them in an appropriate multistakeholder manner, where Democrats and Republicans can join in support of addressing

the real-life issues that those of us who represent areas in and around public land have.

I urge a "yes" vote.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 698.

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

A motion to reconsider was laid on the table.

ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 2017

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 688) to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 688

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arapaho National Forest Boundary Adjustment Act of 2017".

SEC. 2. ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally depicted as "The Wedge" on the map entitled "Arapaho National Forest Boundary Adjustment" and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. A lot described in this subsection may be included in the boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) BOWEN GULCH PROTECTION AREA.—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306(a)(2)(B)(i) of title 54, United States Code, the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1965.

(d) PUBLIC MOTORIZED USE.—Nothing in this Act opens privately owned lands within the boundary described in subsection (a) to public motorized use.

(e) ACCESS TO NON-FEDERAL LANDS.—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands

through lands now or hereafter owned by the United States within the boundary described in subsection (a) shall have the continued right of motorized access to their lands across the existing roadway.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

H.R. 688, sponsored by Congressman JARED POLIS and cosponsored by Congressman TIPTON and myself, would adjust the boundary of the Arapaho National Forest in the State of Colorado to incorporate 93 acres. It passed the House under suspension of the rules during the 113th and 114th Congresses.

The legislation would incorporate 10 undeveloped parcels of land into the Arapaho National Forest. The parcels sit between the Arapaho and the Rocky Mountain National Park and will help the Forest Service to better manage this land. The bill ensures that private landowners with parcels within the national forest will continue to have access through these parcels. Additionally, the land purchased by the Forest Service must be with the written consent of the landowner.

I urge adoption of the measure.

I reserve the balance of my time.

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

Mr. Speaker, I am proud to have introduced the Arapaho National Forest Boundary Adjustment Act, also known as the Wedge Act.

Frankly, Mr. Speaker, I wish all of my bills could come to the floor so quickly, within a week of introducing them. But I am very glad, on behalf of Grand County, which I am honored to represent, that we could move so expeditiously, at least through the House, through this body.

Once again, I will call upon the Senate, upon passage, to move on this bill. Again, this is another bill the House did its work on, we did pass last session, and the Senate failed to pass into law.

It is very important for Grand County. It is a commonsense protection of public lands. It was coordinated with local landowners and local officials, supported by the county commissioners and Federal land agencies.

The legislation involves a parcel of 10 lots in Grand County, which we and

locals call the “wedge.” As indicated by its name, the parcel is wedged between Arapaho National Forest and Rocky Mountain National Park, effectively separating the two. Although the wedge is integral for the successful management of the public land, it remains outside of the National Forest Service boundary.

Millions of visitors already enjoy the parcel's beauty as they travel west from the 13,000-foot apex of the Rocky Mountains, along the Trail Ridge scenic byway and into the destination town of Grand Lake, in my district. The area is undeveloped. Seven of the ten parcels are already being managed by the U.S. Forest Service. The owners of the remaining parcels are all in favor of this bill. It is very important to point out that all of the stakeholders are supportive of this effort in statute.

Development of the wedge parcel would significantly affect the health of Rocky Mountain National Park and hurt the adjoining Colorado River headwaters. Not only would the development harm clean water for millions, but it could also harm the economic potential for what is truly a jewel of the National Park System, Rocky Mountain National Park, supporting millions of visitors in the surrounding communities.

In recognition of these potential threats to the quality and character, as well as the economy and jobs in the area, there has been significant support locally for this bill. Supporters include everyone from local officials, like the Grand County Commissioners and the town of Grand Lake, to conservation and outdoor recreation groups, including Headwaters Trails Alliance, Conservation Colorado, and the Rocky Mountain Nature Conservancy.

H.R. 688 simply responds to the wishes of my constituency—including the landholders in these areas, particularly those living in and around the wedge, as well as the visitors every year—by incorporating it into the Arapaho National Forest boundary and adding the lots owned by the Forest Service into the adjacent Bowen Gulch Protection Area, just as we did when the House passed this exact bill last year.

This strong, bipartisan bill has the express support of my Colorado colleagues in both chambers, including the cosponsorship of Mr. TIPTON and Mr. LAMBORN, and introduction by Senator BENNET and Senator GARDNER in the Senate.

It was passed out of the Natural Resources Committee unanimously last Congress and passed here on the House floor. Unfortunately, the clock ran out before the Senate was able to consider it. I am looking forward to, after expeditiously moving it out of this body, allowing the Senate to do their work and pass this bill into law.

I am extremely grateful for the House Natural Resources Committee's

support of this bill. I urge my colleagues to vote in favor of its passage.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I would like to just build on what my colleague was saying about the rest of his bills.

On this one, there is strong collaboration and consensus. I look forward to working with him to pass it. I will make an offer on the rest of his bills. If he lets me help him write them, I bet we could get them to the floor sooner.

In all seriousness, the Rocky Mountain National Park is a crown jewel of the National Park System. I believe it is in the top five of all parks in the entire country in terms of visitorship. It is very popular, and for good reason. It is a spectacular and accessible place near Boulder, Colorado, not far from Denver.

Mr. Speaker, I have no additional speakers.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I urge my colleagues to pass this bill.

Furthermore, I call upon the United States Senate to bring up these series of bills that are very important to those of us like Mr. TIPTON, Mr. LAMBORN, and me, who represent areas with substantial public land where our constituents in the private sector, our residents, interact every day with issues around public land and land management. These issues will improve the quality of life in our communities. This bill will help improve the quality of the tourism experience, as well as the conservation goals of Rocky Mountain National Park.

I urge a “yes” vote.

I yield back the balance of my time.

Mr. LAMBORN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 688.

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

A motion to reconsider was laid on the table.

BOLTS DITCH ACCESS AND USE ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 689) to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 689

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bolts Ditch Access and Use Act”.

SEC. 2. BOLTS DITCH ACCESS.

(a) ACCESS GRANTED.—The Secretary of Agriculture shall permit by special use authorization nonmotorized access and use, in accordance with section 293.6 of title 36, Code of Federal Regulations, of the Bolts Ditch headgate and the Bolts Ditch within the Holy Cross Wilderness, Colorado, as designated by Public Law 96-560, for the purposes of the diversion of water and use, maintenance, and repair of such ditch and headgate by the Town of Minturn, Colorado, a Colorado Home Rule Municipality.

(b) LOCATION OF FACILITIES.—The Bolts Ditch headgate and ditch segment referenced in subsection (a) are as generally depicted on the map entitled “Bolts Ditch headgate and Ditch Segment”, dated November 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

Since 1882, the town of Minturn, Colorado, has used Bolts Ditch to fill Bolts Lake, a place of recreation for the town and an important source of water for the surrounding community. When Congress passed the Colorado Wilderness Act in 1980, 450 feet of Bolts Ditch was inadvertently included in the Holy Cross Wilderness area, leading to questions and the town's ability to access this important infrastructure. After a discussion amongst stakeholders, the town agreed to seek a legislative solution to address this access issue.

This bipartisan bill, sponsored by Congressman JARED POLIS and cosponsored by Congressman TIPTON and myself, simply allows the Forest Service to issue a special use permit to the town of Minturn to allow nonmotorized access to maintain a headgate and water ditch in the Holy Cross Wilderness. This bill ensures the town will have access to Bolts Ditch for basic maintenance needs.

H.R. 689 was developed in consultation with the community and the Forest Service and enjoys support from a wide range of groups in the region. I urge adoption of the measure.

I reserve the balance of my time.

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

Mr. Speaker, I introduced H.R. 689, the Bolts Ditch Access and Use Act, at the request of our local community in my district, Minturn, Colorado. In Eagle County, Minturn really needs this legislation because it improves

public land and water management in my district.

The bill has bipartisan support. I thank Mr. TIPTON and Mr. LAMBORN for collaborating with me on this bill here in the House. I am thankful that Senator GARDNER and Senator BENNET have partnered to pass this bill as well.

This legislation passed the House last session, but once again was held up in the Senate. I call upon the Senate, after House passage, to act expeditiously to put this matter to rest. I am very hopeful we can get it across the finish line soon.

I am grateful to the town of Minturn, to the conservation community, and to water utilities for working together for a commonsense solution that I am proud to support. This is an example of how we can truly solve any problem when everybody comes together and works together to solve it.

The need for this bill is to solve a vital local problem for the people of Minturn, Colorado, a town of about 1,000 people in Eagle County. The problem it fixes results from a mistake, an error, in the 1980 Wilderness Act, which inadvertently left Bolts Ditch off of the list of existing water facilities, where it should have been included.

This legislation would simply authorize the special use of the Bolts Ditch headgate and the segment of the Bolts Ditch within the Holy Cross Wilderness area, allowing Minturn to use rights that it already has, existing water rights, to fill Bolts Lake.

The residents of Minturn, including the mayor, whom I have met with, who brought this bill to me, as well as Coloradans across the central mountains, have long relied on water infrastructure like Bolts Ditch to access clean and affordable drinking water for our growing communities. This bill will ensure that the town of Minturn is able to utilize a crucial resource, and do so without compromising the sanctity of the surrounding wilderness areas.

I thank the Republican and Democratic staffs on the committee for working with us on this bill.

It is very important for the people of Minturn and for our central mountain region in Colorado to pass this bill into law. I urge its passage.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I have no additional speakers.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I am grateful that this body is moving forward on the Bolts Ditch land boundary adjustment bill. I am hopeful that, after passage, the Senate will bring this bill up and pass it on until it becomes law to remove any encumbrances that Minturn has in accessing its pre-existing water rights due to a clerical error from the 1980s. I urge a "yes" vote.

I yield back the balance of my time.

Mr. LAMBORN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 689.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1715

BLACK HILLS NATIONAL CEMETERY BOUNDARY EXPANSION ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 337) to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 337

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

SECTION 1. SHORT TITLE.

The Act may be cited as the "Black Hills National Cemetery Boundary Expansion Act".

SEC. 2. WITHDRAWAL AND TRANSFER OF PUBLIC LAND FOR CEMETERY USE.

(a) DUE DILIGENCE.—Prior to the withdrawal and transfer in subsection (b), the Secretary of Veterans Affairs will complete appropriate environmental, cultural resource and other due diligence activities on the public lands identified in subsection (c), so that the Secretary of Veterans Affairs may confirm that the land is suitable for cemetery purposes. The Secretary of Veterans Affairs shall notify the Secretary of the Interior of such due diligence activities prior to initiating and shall coordinate as needed during the performance of such activities.

(b) WITHDRAWAL AND TRANSFER.—After completion of the due diligence activities in subsection (a) and upon receipt by the Secretary of the Interior of written confirmation from the Secretary of Veterans Affairs that the land is suitable for cemetery purposes, and subject to valid existing rights, the public lands described in subsection (c) shall be—

(1) withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, for as long as the lands remain under the administrative jurisdiction of the Secretary of Veterans Affairs;

(2) deemed property as defined in section 102(9) of title 40, United States Code, for as long as the lands remain under the administrative jurisdiction of the Secretary of Veterans Affairs; and

(3) transferred to the administrative jurisdiction of the Secretary of Veterans Affairs

for use as national cemeteries under chapter 24 of title 38, United States Code.

(c) LAND DESCRIPTION.—The public lands withdrawn, deemed property, and transferred under subsection (b) shall be the approximately 200 acres of land adjacent to Black Hills National Cemetery, South Dakota, generally depicted as "Proposed National Cemetery Expansion" on the map entitled "Proposed Expansion of Black Hills National Cemetery—South Dakota" and dated June 16, 2016, except the land located within 100 feet of the centerline of the Centennial Trail (which runs along the northern boundary of the "Proposed National Cemetery Expansion") and that is located south of the Trail.

(d) BOUNDARY MODIFICATION.—Immediately after the public lands are withdrawn, deemed property, and transferred under subsection (b), the boundary of the Black Hills National Cemetery shall be modified to include the public lands identified in subsection (c).

(e) MODIFICATION OF PUBLIC LAND ORDER.—Immediately after the public lands under subsection (b) are withdrawn, deemed property, and transferred under subsection (b), Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), shall be modified to exclude the lands identified in subsection (c).

SEC. 3. LEGAL DESCRIPTIONS.

(a) PREPARATION OF LEGAL DESCRIPTIONS.—As soon as practicable following receipt of written confirmation from the Secretary of Veterans Affairs that the land is suitable for cemetery purposes, the Secretary of the Interior shall publish in the Federal Register a notice containing the legal descriptions of the public lands withdrawn, deemed property, and transferred under section 2(b).

(b) LEGAL EFFECT.—The legal descriptions prepared under subsection (a) shall have the same force and effect as if the legal descriptions were included in this Act, except that the Secretary of the Interior may correct any clerical and typographical errors in the legal descriptions.

(c) AVAILABILITY.—Copies of the map referred to in section 2(c) and the legal descriptions prepared under subsection (a) shall be available for public inspection in the appropriate offices of—

- (1) the Bureau of Land Management; and
- (2) the National Cemetery Administration.

(d) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary of the Interior for reasonable costs incurred by the Secretary of the Interior in implementing this section, including the costs of any surveys.

SEC. 4. RESTORATION TO PUBLIC LANDS FOR NON-CEMETERY USE.

(a) NOTICE AND EFFECT.—Upon a determination by the Secretary of Veterans Affairs that all or a portion of the lands withdrawn, deemed property, and transferred under section 2 shall not be used for cemetery purposes, the Secretary of Veterans Affairs shall notify the Secretary of the Interior of such determination. Subject to subsections (b) and (c), the Secretary of Veterans Affairs shall transfer administrative jurisdiction of the lands subject to such notice to the Secretary of the Interior.

(b) DECONTAMINATION.—The Secretary of Veterans Affairs shall be responsible for costs of any decontamination of the lands resulting from contamination on the lands withdrawn, deemed property, and transferred under section 2(b) while the Secretary of Veterans Affairs exercised jurisdiction over those lands subject to a notice under subsection (a) determined by the Secretary of the Interior to be necessary for the lands to be restored to the public lands.

(c) RESTORATION TO THE PUBLIC LANDS.—The lands subject to a notice under subsection (a) shall only be restored to the public lands upon acceptance by the Secretary of the Interior and a determination by the Secretary of the Interior that such lands are suitable for restoration to the public lands and operation of one or more of the public land laws.

(d) OPENING ORDER.—If the Secretary of the Interior accepts the lands subject to such a notice and determines that the lands are suitable for restoration, in whole or in part, the Secretary of the Interior may open the lands to operation of one or more of the public land laws and may issue an order to that effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

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

There was no objection.

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

I rise in strong support of H.R. 337, the Black Hills National Cemetery Boundary Expansion Act, sponsored by Congresswoman KRISTI NOEM of South Dakota.

This bill expands the Black Hills National Cemetery, outside of Sturgis, South Dakota, by permanently transferring the jurisdictional authority of approximately 200 acres of undeveloped Federal land from the Bureau of Land Management to the Department of Veterans Affairs.

Originally opened in 1948, the cemetery now houses a memorial carillon, a memorial to Korean war veterans, and is the final resting place of many notable veterans, including Medal of Honor recipient Sergeant Charles Windolph. With its existing acreage, the cemetery can only accommodate a finite number of additional burials. Transferring jurisdiction of the land from the BLM to the VA will provide space for hundreds of additional grave sites for future generations of American veterans. Without the transfer, the National Cemetery Administration will be forced to close the cemetery to further burials in the very near future.

This is a commonsense piece of legislation that will ensure that the Black Hills National Cemetery can continue to provide proper burial sites and final resting places for America's fallen heroes.

At this point, I include in the RECORD an exchange of letters with Chairman ROE of the Veterans' Affairs Committee regarding this bill. I thank him

for helping to expedite the consideration of this bill today.

I commend Representative NOEM for working closely with both the BLM and the VA on this issue, and I urge the adoption of the measure.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 1, 2017.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 337, the Black Hills National Cemetery Boundary Expansion Act. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Veterans' Affairs.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Veterans' Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 337 and into the Congressional Record during consideration of the measure on the House floor. Thank you.

Sincerely,

DAVID P. ROE, M.D.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, February 2, 2017.

Hon. DAVID P. ROE, M.D.,
Chairman, Committee on Veterans' Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: H.R. 337, the Black Hills National Cemetery Boundary Expansion Act, was introduced on January 5, 2017. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Veterans' Affairs.

I thank you for allowing the Committee on Veterans' Affairs to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support having the Committee on Veterans' Affairs represented on the conference committee. Finally, to memorialize our understanding, I would be pleased to include your letter and this response in the Congressional Record when the bill is considered by the House.

Thank you for your response and cooperation. I look forward to further opportunities to work with you this Congress.

Sincerely,

ROB BISHOP,
Chairman, Committee on Natural Resources.

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

This bill provides the Veterans Administration with 200 acres of Federal land, which are currently managed by the Bureau of Land Management, in order to expand the Black Hills National Cemetery.

National cemeteries are reserved for the brave men and women who make the ultimate personal sacrifice while serving in the military in defense of our freedom, and it is important that we have the sufficient space to meet all of those interment requests. These heroes have served our country and deserve to permanently rest in a cemetery that honors their sacrifice and commitment to the ideals that hold us together as a nation.

With respect to the Black Hills National Cemetery specifically, the BLM and the VA determined that only Congress can provide the permanent jurisdiction transfer that is needed for this particular expansion; thus, we are considering this bill and, after passage, are encouraging our friends in the Senate to do the same.

Of course, this bill represents a small fraction of the ways we can support our veterans and need to support our veterans to demonstrate our appreciation for those who have served. We need to improve access to education and job training. We need to increase funding and raise the bar on accountability for the Department of Veterans Affairs. We should work to shorten wait times at VA hospitals by allowing nurses to practice to the full extent of their licensure to ensure quality care in a quicker way at a reasonable cost, and there are many other things we need to do to make sure that those who proudly put their lives on the line—or in this case, who have paid the ultimate price to protect our freedom—and their families and loved ones are cared for by this country in recognition of their sacrifice.

I do believe this simple change in land ownership will have an impact by providing the men and women who have bravely served a final resting place. Expanding the Black Hills National Cemetery is a noble and worthy cause that deserves our support.

I thank my colleague from South Dakota for bringing this issue forward and for her hard work in guiding this bill through Congress. I urge my colleagues to join me in supporting this bill.

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

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Colorado for his gracious remarks.

I yield such time as she may consume to the gentlewoman from the great State of South Dakota (Mrs. NOEM), who is working hard for the people of her State.

Mrs. NOEM. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 337, the Black Hills National Cemetery Boundary Expansion Act.

I thank the chairman of the committee and his staff for working so hard to move this bill through Congress. Their support means so much to our veterans and to their families.

Those who have served and those families who have sacrificed beside them deserve our Nation's eternal gratitude. Since 1948, the Black Hills National Cemetery has been one way that we have shown that appreciation to them. The cemetery currently covers about 100 acres of land and is home to the Korean War Veterans Memorial. Its peaceful landscape serves as the final resting place for hundreds of servicemembers and their family members.

Chief David Beautiful Bald Eagle is among the brave men and women buried here. Born in a tepee in 1919, Chief Bald Eagle served our country in World War II as a paratrooper and as one of the legendary Lakota code talkers. We lost him last summer, but his life continues to be an inspiration to the Lakota people and those who knew him.

Brigadier General Richard E. Ellsworth was also laid to rest there. He was a man who flew 400 combat missions during World War II. He earned numerous medals and returned to the U.S., where he eventually became wing commander of the Rapid City Air Force Base. In 1953, that base was renamed in his honor.

The surrounding community also does its part to honor this hallowed ground. On a brisk day this past December, Pennington County 4-H, the Sturgis Boy Scouts, the Veterans of Foreign Wars Auxiliary, and community members came together and placed over 1,000 wreaths on the graves of servicemembers who were laid to rest at this cemetery. They upheld the vow that those laid to rest should never be forgotten. Now we must do our part to uphold that very same vow.

So we honor the legacy of these veterans and many others at the Black Hills National Cemetery, but the facility is not going to have the room it needs to continue serving future veterans without expansion. This bill would allow that expansion by transferring around 200 acres of adjacent land near Sturgis, South Dakota, from the Bureau of Land Management's jurisdiction to the Department of Veterans Affairs. My office worked with these agencies and the stakeholders in crafting this legislation, and all agreed that this land transfer is necessary.

The transfer of this land will provide the Black Hills National Cemetery with the additional burial space that is needed to assure that today's veterans and servicemembers, as well as their families, will be able to utilize the space and that we will be able to uphold our commitment and offer this Nation's eternal gratitude for everything that they have done for us.

Again, I thank the committee, my colleagues, and the chairman for supporting this bill. I urge a "yes" vote.

Mr. POLIS. Mr. Speaker, I urge my colleagues to support this bill that supports our veterans.

I yield back the balance of my time. Mr. LAMBORN. Mr. Speaker, I urge the adoption of this bill.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 337.

The question was taken.

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

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

The yeas and nays were ordered.

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

FORT FREDERICA NATIONAL MONUMENT BOUNDARY EXPANSION ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 494) to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 494

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Frederica National Monument Boundary Expansion Act".

SEC. 2. FORT FREDERICA NATIONAL MONUMENT, GEORGIA.

(a) MAXIMUM ACREAGE.—The first section of the Act of May 26, 1936 (16 U.S.C. 433g), is amended by striking "two hundred and fifty acres" and inserting "305 acres".

(b) BOUNDARY EXPANSION.—

(1) IN GENERAL.—The boundary of the Fort Frederica National Monument in the State of Georgia is modified to include the land generally depicted as "Proposed Acquisition Areas" on the map entitled "Fort Frederica National Monument Proposed Boundary Expansion", numbered 369/132,469, and dated April 2016.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) ACQUISITION OF LAND.—The Secretary of the Interior may acquire the land and interests in land described in paragraph (1) by donation or purchase with donated or appropriated funds from willing sellers only.

(4) WRITTEN CONSENT OF OWNER.—No non-Federal property may be included in the Fort Frederica National Monument without the written consent of the owner.

(5) NO USE OF CONDEMNATION OR EMINENT DOMAIN.—The Secretary of the Interior may not acquire by condemnation or eminent domain any land or interests in land under this Act or for the purposes of this Act.

(6) NO BUFFER ZONE CREATED.—Nothing in this Act, the establishment of the Fort Frederica National Monument, or the management plan for the Fort Frederica National Monument shall be construed to create buff-

er zones outside of the Monument. That activities or uses can be seen, heard, or detected from areas within the Fort Frederica National Monument shall not preclude, limit, control, regulate, or determine the conduct or management of activities or uses outside of the Monument.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

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

There was no objection.

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

H.R. 494, introduced by my colleague Congressman BUDDY CARTER of Georgia, expands the boundary of Fort Frederica National Monument by authorizing the Secretary of the Interior to acquire approximately 21 acres of land. The St. Simons Land Trust currently owns the additional acreage and will steward the land until the National Park Service can acquire the property.

The Fort Frederica National Monument, located on St. Simons Island, Georgia, preserves the archaeological remnants of a fort established in 1736 by James Oglethorpe. Oglethorpe constructed the fort to protect the Colony of Georgia from attack from the Spanish. The fort successfully fended off a Spanish attack in 1742 and confirmed Georgia as a British territory.

This bipartisan legislation is fully supported by the Georgia delegation, and an identical version of this legislation passed the House by voice vote in the 114th Congress. I urge the passage of the bill.

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

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

This bill expands the Fort Frederica National Monument to include a 20-acre property, known as the North Marsh, currently owned by the St. Simons Land Trust. The National Park Service evaluated the property in a 2014 study and determined that its acquisition would provide additional opportunities to protect and interpret resources that are associated with the site.

Fort Frederica, which is located on St. Simons Island, Georgia, was built by James Oglethorpe in 1736 to protect the Colony of Georgia from Spanish Florida. The National Park Service has managed the fort since 1936 when President Franklin D. Roosevelt used the

Antiquities Act to designate the site as a national monument. This bill is an important reminder of how a decision to protect and elevate our shared national heritage resonates generation after generation.

Here we are today, 80 years after President Roosevelt made the decision to establish a national monument, and we are looking at a terrific opportunity to expand it and increase the resources it protects. By using money from the Land and Water Conservation Fund—a Federal program that wasn't yet around in President FDR's time and of which I fought hard to reauthorize in this body—we can continue this important legacy. It is good to highlight the work of the Land and Water Conservation Fund as we pass this bill with regard to a national monument that has been with us for 80 years.

I thank the majority for advancing this bill, and I look forward to working with them to advance similar legislation.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. I thank the gentleman for yielding.

Mr. Speaker, the First Congressional District of Georgia includes all 100 miles of Georgia's coastline and barrier islands. It was on one of these islands that the founder of Georgia, General James Oglethorpe, built a fort in 1736 to protect the new British Colony from the Spaniards. He named the fort and nearby town "Frederica" in honor of the Prince of Wales. In 1742, Fort Frederica's strategic location helped the British win a decisive victory against the Spanish in the Battle of Bloody Marsh. After this battle, the Spanish abandoned their attempts to take over the territory, and Georgia was fully secured as a British Colony. Today, Fort Frederica National Monument is a popular destination in Glynn County, featuring portions of the original fort, a museum, and extensive hiking trails.

H.R. 494 would allow for a small addition of adjacent land that contains artifacts from prehistoric human settlements. With this addition, visitors will be able to see a more complete story of the history of Georgia—from its earliest human residents, to colonial times, to modern day.

I thank the chairman for his consideration of this bill, and I thank the Natural Resources Committee's staff for its efforts. I also thank the entire Georgia delegation for supporting and cosponsoring this legislation.

Mr. POLIS. Mr. Speaker, I thank my colleagues for advancing this bill. I look forward to working with them to advance similar legislation that expands, protects, and enhances our public lands. It is particularly a privilege for me to work on a bill that uses resources and that highlights for the

American people the value of the Land and Water Conservation Fund.

I urge a "yes" vote.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 494.

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

A motion to reconsider was laid on the table.

□ 1730

EMAIL PRIVACY ACT

Mr. YODER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 387) to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 387

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Email Privacy Act".

SEC. 2. VOLUNTARY DISCLOSURE CORRECTIONS.

(a) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "divulge" and inserting "disclose"; and

(ii) by striking "while in electronic storage by that service" and inserting "that is in electronic storage with or otherwise stored, held, or maintained by that service";

(B) in paragraph (2)—

(i) by striking "to the public";

(ii) by striking "divulge" and inserting "disclose"; and

(iii) by striking "which is carried or maintained on that service" and inserting "that is stored, held, or maintained by that service"; and

(C) in paragraph (3)—

(i) by striking "divulge" and inserting "disclose"; and

(ii) by striking "a provider of" and inserting "a person or entity providing";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "wire or electronic" before "communication";

(B) by amending paragraph (1) to read as follows:

"(1) to an originator, addressee, or intended recipient of such communication, to the subscriber or customer on whose behalf the provider stores, holds, or maintains such communication, or to an agent of such addressee, intended recipient, subscriber, or customer"; and

(C) by amending paragraph (3) to read as follows:

"(3) with the lawful consent of the originator, addressee, or intended recipient of such communication, or of the subscriber or customer on whose behalf the provider stores, holds, or maintains such communication";

(3) in subsection (c) by inserting "wire or electronic" before "communications";

(4) in each of subsections (b) and (c), by striking "divulge" and inserting "disclose"; and

(5) in subsection (c), by amending paragraph (2) to read as follows:

"(2) with the lawful consent of the subscriber or customer";

SEC. 3. AMENDMENTS TO REQUIRED DISCLOSURE SECTION.

Section 2703 of title 18, United States Code, is amended—

(1) by striking subsections (a) through (c) and inserting the following:

"(a) CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS IN ELECTRONIC STORAGE.—Except as provided in subsections (i) and (j), a governmental entity may require the disclosure by a provider of electronic communication service of the contents of a wire or electronic communication that is in electronic storage with or otherwise stored, held, or maintained by that service only if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that—

"(1) is issued by a court of competent jurisdiction; and

"(2) may indicate the date by which the provider must make the disclosure to the governmental entity.

In the absence of a date on the warrant indicating the date by which the provider must make disclosure to the governmental entity, the provider shall promptly respond to the warrant.

"(b) CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS IN A REMOTE COMPUTING SERVICE.—

"(1) IN GENERAL.—Except as provided in subsections (i) and (j), a governmental entity may require the disclosure by a provider of remote computing service of the contents of a wire or electronic communication that is stored, held, or maintained by that service only if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that—

"(A) is issued by a court of competent jurisdiction; and

"(B) may indicate the date by which the provider must make the disclosure to the governmental entity.

In the absence of a date on the warrant indicating the date by which the provider must make disclosure to the governmental entity, the provider shall promptly respond to the warrant.

"(2) APPLICABILITY.—Paragraph (1) is applicable with respect to any wire or electronic communication that is stored, held, or maintained by the provider—

"(A) on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communication received by means of electronic transmission from), a subscriber or customer of such remote computing service; and

"(B) solely for the purpose of providing storage or computer processing services to

such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing.

“(C) RECORDS CONCERNING ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE.—

“(1) **IN GENERAL.**—Except as provided in subsections (i) and (j), a governmental entity may require the disclosure by a provider of electronic communication service or remote computing service of a record or other information pertaining to a subscriber to or customer of such service (not including the contents of wire or electronic communications), only—

“(A) if a governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that—

“(i) is issued by a court of competent jurisdiction directing the disclosure; and

“(ii) may indicate the date by which the provider must make the disclosure to the governmental entity;

“(B) if a governmental entity obtains a court order directing the disclosure under subsection (d);

“(C) with the lawful consent of the subscriber or customer; or

“(D) as otherwise authorized in paragraph (2).

“(2) **SUBSCRIBER OR CUSTOMER INFORMATION.**—A provider of electronic communication service or remote computing service shall, in response to an administrative subpoena authorized by Federal or State statute, a grand jury, trial, or civil discovery subpoena, or any means available under paragraph (1), disclose to a governmental entity the—

“(A) name;

“(B) address;

“(C) local and long distance telephone connection records, or records of session times and durations;

“(D) length of service (including start date) and types of service used;

“(E) telephone or instrument number or other subscriber or customer number or identity, including any temporarily assigned network address; and

“(F) means and source of payment for such service (including any credit card or bank account number), of a subscriber or customer of such service.

“(3) **NOTICE NOT REQUIRED.**—A governmental entity that receives records or information under this subsection is not required to provide notice to a subscriber or customer.”;

(2) in subsection (d)—

(A) by striking “(b) or”;

(B) by striking “the contents of a wire or electronic communication, or”;

(C) by striking “sought,” and inserting “sought”; and

(D) by striking “section” and inserting “subsection”; and

(3) by adding at the end the following:

“(h) **NOTICE.**—Except as provided in section 2705, a provider of electronic communication service or remote computing service may notify a subscriber or customer of a receipt of a warrant, court order, subpoena, or request under subsection (a), (b), (c), or (d) of this section.

“(i) **RULE OF CONSTRUCTION RELATED TO LEGAL PROCESS.**—Nothing in this section or in section 2702 shall limit the authority of a governmental entity to use an administra-

tive subpoena authorized by Federal or State statute, a grand jury, trial, or civil discovery subpoena, or a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction to—

“(1) require an originator, addressee, or intended recipient of a wire or electronic communication to disclose a wire or electronic communication (including the contents of that communication) to the governmental entity;

“(2) require a person or entity that provides an electronic communication service to the officers, directors, employees, or agents of the person or entity (for the purpose of carrying out their duties) to disclose a wire or electronic communication (including the contents of that communication) to or from the person or entity itself or to or from an officer, director, employee, or agent of the entity to a governmental entity, if the wire or electronic communication is stored, held, or maintained on an electronic communications system owned, operated, or controlled by the person or entity; or

“(3) require a person or entity that provides a remote computing service or electronic communication service to disclose a wire or electronic communication (including the contents of that communication) that advertises or promotes a product or service and that has been made readily accessible to the general public.

“(j) **RULE OF CONSTRUCTION RELATED TO CONGRESSIONAL SUBPOENAS.**—Nothing in this section or in section 2702 shall limit the power of inquiry vested in the Congress by article I of the Constitution of the United States, including the authority to compel the production of a wire or electronic communication (including the contents of a wire or electronic communication) that is stored, held, or maintained by a person or entity that provides remote computing service or electronic communication service.”.

SEC. 4. DELAYED NOTICE.

Section 2705 of title 18, United States Code, is amended to read as follows:

“§ 2705. Delayed notice

“(a) **IN GENERAL.**—A governmental entity acting under section 2703 may apply to a court for an order directing a provider of electronic communication service or remote computing service to which a warrant, order, subpoena, or other directive under section 2703 is directed not to notify any other person of the existence of the warrant, order, subpoena, or other directive.

“(b) **DETERMINATION.**—A court shall grant a request for an order made under subsection (a) for delayed notification of up to 180 days if the court determines that there is reason to believe that notification of the existence of the warrant, order, subpoena, or other directive will likely result in—

“(1) endangering the life or physical safety of an individual;

“(2) flight from prosecution;

“(3) destruction of or tampering with evidence;

“(4) intimidation of potential witnesses; or

“(5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

“(c) **EXTENSION.**—Upon request by a governmental entity, a court may grant one or more extensions, for periods of up to 180 days each, of an order granted in accordance with subsection (b).”.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act shall be construed to pre-

clude the acquisition by the United States Government of—

(1) the contents of a wire or electronic communication pursuant to other lawful authorities, including the authorities under chapter 119 of title 18 (commonly known as the “Wiretap Act”), the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), or any other provision of Federal law not specifically amended by this Act; or

(2) records or other information relating to a subscriber or customer of any electronic communication service or remote computing service (not including the content of such communications) pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), chapter 119 of title 18 (commonly known as the “Wiretap Act”), or any other provision of Federal law not specifically amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. YODER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. YODER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on H.R. 387, currently under consideration.

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

There was no objection.

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

Thank you for this opportunity to have this very important debate on a critical piece of legislation that has been a long time in the coming. I thank the chairman of the Judiciary Committee, Representative GOODLATTE, and Ranking Member CONYERS for their work and leadership in shepherding this bill through the process and getting us to this moment on the floor today. I thank my colleague, Mr. POLIS, for cosponsoring this legislation and working so tirelessly over the past few years.

I think we originally introduced this bill back in 2013, and it takes a while sometimes for a good idea to reach this point in Congress, Mr. Speaker, and this is an idea whose time has come. So I rise today to support these long overdue, bipartisan ideas in this legislation that will bring our digital privacy laws into the 21st century.

Mr. Speaker, the year was 1986. We can all try to think back where we were in 1986. I am sure Kentucky had a good basketball team back then. I know Kansas did. I was 10 years old, hoping to get a new Nintendo game console for Christmas so I could play Super Mario Brothers. You could buy a ticket to see Top Gun for \$2.75. In the tech world, 1986 marked the debut of the first laptop computer. It was 12 pounds. A mobile phone was the size of a small pet.

Mr. Speaker, it was also the year in which Congress passed the Electronic

Communication Privacy Act. Now, this law, at the time, there were only 10 million email users worldwide. Most of us probably didn't have email at that time. Most Americans didn't for sure. Now, today, 232 million Americans send an email at least once per month. The first text message wouldn't be sent for another 6 years, and now Americans send more than a billion texts each year.

Mr. Speaker, the times and technologies have changed, but the laws have not kept pace. Federal laws regarding how we treat and protect the privacy of digital communications have been unchanged since 1986 and, because of it, our digital content is not afforded the same Fourth Amendment protections as our paper documents on our desks in our home.

Now, the Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures." Yet when it comes to what is on Americans' cell phones, their home computers, what might be in the cloud, or on their business computer, whatever it is, our laws allow Federal agencies like the IRS, the SEC, or law enforcement to kick down their virtual doors and search an innocent American's private communications and data storage without a warrant, without probable cause or any type of due process.

Now, many Americans take great precautions to protect and store their digital communications on services like Dropbox, for example, or an iCloud. Yet our Federal laws perversely treat that data storage as if somehow that data has been abandoned by its owner and, therefore, that data loses its constitutional protection.

Well, in 1986, Mr. Speaker, lawmakers believed within reason that individuals and families wouldn't store mass amounts of data online. They wouldn't leave their Gmail stored online. They might have their own servers, or they would delete the emails or delete the data.

Therefore, if an individual actually left information on a third-party storage, it was akin to that person leaving their documents in a garbage can at the end of their driveway, therefore, voiding its Fourth Amendment protections. Thus, that individual had no reasonable expectation of privacy in regards to that email under the Fourth Amendment.

As we all know, virtually everyone now stores millions of emails and tons of gigabytes of data and other personal items on third-party servers. Those emails contain pictures and videos of our kids, our business transactions, our most sensitive information that the government shouldn't have access to without a warrant, without due process as required by the Constitution of the United States.

Establishing these privacy protections are critical for both ensuring that American's rights are protected, but also, Mr. Speaker, ensuring that companies that do business in America know that they can ensure their customers that if they store with them, they can protect it; that that information won't be intruded upon or searched and seized without due process of law, without their permission, without the government proving that they have a need for that information and protecting individuals' rights.

We ensure that cloud computer services are covered by the same warranty for content requirements and that all data is treated as if it is paper documents given our law modernization that is desperately needed.

In addition to updating our constitutional rights, these privacy protections do create business certainty, making sure consumers will be happy to continue to use cloud storage services.

Mr. Speaker, fundamentally, these changes in my bill codify the Sixth Circuit's decision in *U.S. v. Warshak*, which held that email content is protected by the Fourth Amendment. A decision which, while important, needs to be enshrined in law as it only currently applies in the Sixth Circuit. It must be applied nationwide.

Mr. Speaker, today we can cast a unifying vote in these divided times. We so desperately want to find points of bipartisanship and collegiality and to tell the American people that this Congress, this government is doing great things to help protect Americans' rights and to help modernize our laws in a way that is consistent with how we communicate today.

I thank my colleagues on the left side of the aisle for their strong work and strong support. This is a unifying bill. It passed the House last year 419-0. So it is the type of thing that is great policy coming out of the Judiciary Committee. I look forward to seeing it pass again on the floor later today.

So, Mr. Speaker, we can send a unifying vote and a unifying message to the American people today. We can dispel the myth that Congress doesn't work together, and we can send a strong message to the American people that their privacy matters.

I urge passage.

I reserve the balance of my time.

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

In 2014, in a unanimous ruling delivered by Chief Justice Roberts, the Supreme Court concluded that the police may not search a cell phone without first demonstrating probable cause.

Citing an obvious Fourth Amendment interest—namely, the right to be free from unreasonable search and seizure—in the vast amount of data we store on our personal devices, the Court wrote:

"The fact that technology now allows an individual to carry such information in his hand does not make the information any less worthy of the protection for which the Founders fought. Our answer to the question of what police must do before searching a cell phone seized incident to an arrest is accordingly simple—get a warrant."

With that decision, the Court took a bold step toward reconciling the Fourth Amendment with the advent of modern communications technology.

Today the House takes a similar step to reconcile our interests in privacy and due process with the realities of modern computing. We do so for the second time.

H.R. 387, the Email Privacy Act, recognizes that the content of our communications, although often stored in digital format, remains worthy of Fourth Amendment protection. And to investigators and government agents who seek access to our email, our advice is rather simple: get a warrant.

It is an idea whose time has long since come. So this bill will allow us to move to a clear, uniform standard for law enforcement agencies to access the content of our communications; namely, a warrant based on probable cause.

H.R. 387 also codifies the right of the providers to give notice of this intrusion to their customers, except in certain exigent circumstances that must be also validated by the court.

We should note the absence of a special carve-out from the warrant requirement for the civil agencies, like the Securities and Exchange Commission and the Internal Revenue Service.

Last Congress, in the Judiciary Committee, we reached quick consensus that a civil carve-out of any kind is unworkable, unconstitutional, or maybe both. I would have preferred to keep the notice provisions of the original bill, which are absent from the version we reported from committee.

In the digital world, no amount of due diligence necessarily tells us that the government accessed our electronic information. The government should have an obligation to provide us with some form of notice when intruding on a record of our most private conversations.

I fully understand that not everyone shares this view, and I am willing to compromise, for now, in order to advance the important reforms that we will adopt today.

I am proud of the work we have done. Last Congress, the House passed this legislation that has already been noted by 419-0. I hope that today we can send our colleagues in the Senate a similarly strong signal to pass this bill.

This legislation is several years in the making, and it should not be delayed any further.

Accordingly, I urge my colleagues to support H.R. 387, the Email Privacy Act.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. GOODLATTE) will control the time of the majority.

There was no objection.

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

Today, the House of Representatives will again vote to approve legislation that reforms and modernizes the Electronic Communications Privacy Act or ECPA. Last year, identical legislation passed with unanimous bipartisan support by a vote of 419-0.

Reforming ECPA has been a top priority for me as chairman of the Judiciary Committee. I have worked with Members of Congress, advocacy groups, and law enforcement agencies for years on many complicated nuances involved in updating this law.

The resulting bill is a carefully negotiated agreement to update the procedures governing government access to stored communications content and records.

Thirty years ago, when personal computing was still in its infancy and few of us had ever heard of something called the world wide web, Congress enacted ECPA to establish procedures that strike a fair balance between the privacy expectations of American citizens and the legitimate needs of law enforcement agencies.

In 1986, mail was sent through the U.S. Postal Service, a search engine was called a library, and clouds were found only in the sky. In 1986, computer storage was finite and expensive. It was unheard of that a commercial product would allow users to send and receive electronic communications around the globe for free and store those communications for years with a third-party provider.

So much has changed in the last three decades. The technology explosion of the last three decades has placed a great deal of information on the internet, in our emails, and on the cloud. Today, commercial providers, businesses, schools, and governments of all shapes and sizes provide email and cloud computing services to customers, students, and employees.

□ 1745

The Email Privacy Act establishes for the first time in Federal statute a uniform warrant requirement for stored communication content in criminal investigations, regardless of the type of service provided, the age of an email, or whether the email has been opened.

The bill preserves the authority for law enforcement agents to serve the warrant on the provider because, as with any other third-party custodian, the information sought is stored with them. However, the bill acknowledges that providers may give notice to their

customers when in receipt of a warrant, court order, or subpoena, unless the provider is court-ordered to delay such notification.

The bill continues current practice that delineates which remote computing service providers, or cloud providers, are subject to the warrant requirement for content in a criminal investigation.

ECPA has traditionally imposed heightened legal process and procedures to obtain information for which the customer has a reasonable expectation of privacy, namely, emails, texts, photos, videos, and documents stored in the cloud. H.R. 387 preserves this treatment by maintaining in the statute limiting language regarding remote computing services.

Contrary to practice 30 years ago, today, vast amounts of private, sensitive information are transmitted and stored electronically. But this information may also contain evidence of a crime, and law enforcement agencies are increasingly dependent upon stored communications content and records in their investigations.

To facilitate timely disclosure of evidence to law enforcement, the bill authorizes a court to require a date for return of service of the warrant. In the absence of such a requirement, H.R. 387 requires email and cloud providers to promptly respond to warrants for communications content.

Current law makes no distinction between content disclosed to the public, like an advertisement on a website, versus content disclosed only to one or a handful of persons, like an email or text message. The result is that law enforcement could be required to obtain a warrant even for publicly disclosed content. The bill clarifies that commercial public content can be obtained with process other than a warrant.

Lastly, H.R. 387 clarifies that nothing in the law limits Congress' authority to compel a third-party provider to disclose content in furtherance of its investigative and oversight responsibilities.

Thirty years ago, the extent to which people communicated electronically was much more limited. Today, however, the ubiquity of electronic communications requires Congress to ensure that legitimate expectations of privacy are protected, while respecting the needs of law enforcement. I am confident that this bill strikes the necessary balance and does so in a way that continues to promote the development and use of new technologies and services that reflect how people communicate with one another today and in the future.

I would like to thank Congressman YODER and Congressman POLIS for introducing the underlying legislation.

It is my hope that today the House will once again approve this legislation that embodies the principles of the

Fourth Amendment and reaffirms our commitment to protecting the privacy interests of the American people without unduly sacrificing public safety. I urge my colleagues to support this bipartisan legislation.

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

Mr. CONYERS. Mr. Speaker, when the gentleman from New York (Mr. NADLER) was chairman of the Constitution, Civil Rights, and Civil Liberties Subcommittee in 2010, he held three hearings on various aspects of ECPA, including the need for a warrant requirement.

I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in strong support of H.R. 387, the Email Privacy Act. I am proud to be an original cosponsor of this legislation, which will provide a critical update to the privacy laws governing electronic communications.

The Electronic Communications Privacy Act, or ECPA as it is known, was enacted in 1986. It was an attempt to reestablish a balance between privacy and law enforcement needs at a time when personal and business computing was becoming more commonplace. Over the last 30 years, however, we have seen a revolution in communications technology, and what might have made sense in 1986 is vastly out of date today.

New technologies, including cloud computing, social networking, and location-based services, have rendered many of the law's provisions outdated, vague, or inapplicable to emerging innovations. For example, even a single email is potentially subject to multiple different legal standards under current law.

In 2009 and 2010, when I was the chairman of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, we held multiple hearings to consider reforms to our Nation's electronic and privacy laws. This work culminated in the Electronic Communications Privacy Act Modernization Act of 2012, a bill I introduced along with Ranking Member CONYERS requiring law enforcement to obtain a warrant based on probable cause before searching emails. That approach, now embodied in the Yoder-Polis Email Privacy Act, is what we are here today to consider.

In an era in which government access to an individual's private information held by third-party providers has become far too easy, this legislation will finally update our laws to reflect our new understanding of what it means, in the words of the Fourth Amendment, for "people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Clarifying the laws will also help industry stakeholders who currently

struggle to apply the existing, outdated categories of information to their products and services, and it will provide a clear standard for law enforcement.

This bill is not perfect and, clearly, there is more to be done. In particular, we must keep working to require a probable cause warrant for location information. However, this bill is an important step forward toward ensuring that our laws strike the right balance between the interests and needs of law enforcement and the privacy rights of the American people. I urge my colleagues to support it.

I congratulate all those involved in its development.

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. EMMER).

Mr. EMMER. Mr. Speaker, the American people's Fourth Amendment right against unreasonable search and seizure by our government must always be protected. Unfortunately, our privacy protections from government intrusion have not kept pace with the way we communicate with each other. It is long past time that we update our Nation's electronic communication privacy laws.

The last time we updated these laws was 1986. That was 6 years after the U.S. Olympic Hockey team's Miracle on Ice, 2 years after I graduated from college, and 1 year before the Minnesota Twins won their first World Series. Simply put, Mr. Speaker, that was a long time ago.

Today, more than 200 million Americans have access to a smartphone, and many more use email and cloud technology. However, many Americans may not realize that these antiquated laws allow law enforcement to read every email that is more than 6 months old, without a warrant.

The Email Privacy Act would codify the reasonable expectation of privacy Americans already have in their electronic communications by requiring a search warrant for private digital communications.

I was pleased to support this legislation when it passed unanimously in the House last Congress, and I look forward to its swift consideration in both Chambers in the 115th. I urge all of my colleagues to support this long overdue modification of the law.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. POLIS), a former member of the Judiciary Committee and the lead Democratic sponsor of this bill.

Mr. POLIS. Mr. Speaker, the passage of the Email Privacy Act is long overdue. The fact that the law that governs the government access to emails dates from 1986, before email was really a mass phenomena, is a glaring loophole in our privacy protection laws.

1986 was a time when we used floppy disks to store our information, when, if

any internet existed at all, it was just a few people at research universities communicating with another. It was far from a mass phenomena.

Today, this bill catches up with the reasonable expectation that consumers already have that their emails are private. Just as Americans view their phone conversations as private, their physical letters through the mail private, Americans view their emails the same way. Yet, until we close this loophole, the government maintains access, without a warrant, to emails that are older than 6 months in a way that they do not allow access to your old personal letters filed away in a filing cabinet in your office. They don't allow access to old voice mails, and emails are, frankly, no different.

The Email Privacy Act requires that Americans have the same legal protection for our emails as we do for paper letters, faxes, and other types of communication that may remain sitting around. Updating this law simply aligns the law to the digital and physical world. It has taken too long already. Today is a major step forward.

I would like to highlight the House has already passed this bill unanimously last session. How rare it is not just Democrats and Republicans coming together, not just Chairman GOODLATTE and Ranking Member CONYERS, but every single Democrat and Republican coming together, Mr. Speaker. That is rare, and yet this body has spoken overwhelmingly last session and I hope will speak overwhelmingly again today to encourage the Senate to promptly bring up this bill and pass it into law.

This bill is a strong victory for bipartisanship. This bill has been one of the most popular bills in the entire Congress. I am proud to say, as the lead Democrat, this bill had 314 cosponsors last Congress and passed unanimously.

Back when Congress passed the Electronic Communications Privacy Act in 1986, it is fair to say that electronic communications meant something different than it means today. Thirty years ago, modern email simply didn't exist. And today, with 24/7 accessibility, accessibility on our smart devices, in our homes, everywhere else, it has been estimated that there were 205 billion emails sent each day by Americans. Those emails contain private communications for millions of us, and they deserve the same right of privacy as the letters in your file cabinet or your desk.

You often hear Members talk about commonsense bills. Well, this bill really defines common sense. When you read our bill, there is nothing more common sense than the Email Privacy Act, which is why the bill passed 419-0 last Congress. Unfortunately, the bill didn't make it to a Senate Judiciary Committee vote, which is why I am so thrilled that Chairman GOODLATTE and

Mr. CONYERS have succeeded in having Mr. McCARTHY and Speaker RYAN bring this bill forward so early this session, giving the Senate a chance to act.

I want to thank my colleague, Mr. YODER, for his hard work as the lead sponsor on this bill. I remember he and I, in gathering floor sponsors, would have these friendly contests of who could get more, Democrats or Republicans. That is how popular this bill was in terms of gaining 314 cosponsors, more than any other bill in the House of Representatives at that time.

I urge my colleagues to vote "yes" on this bill. Send a strong message to the Senate to vote immediately on the Email Privacy Act. Tell the Senate it is time to stand up for the privacy of Americans. This bill must be passed. I urge my colleagues to vote "yes."

Mr. CONYERS. Mr. Speaker, I have no further speakers.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I urge my colleagues to vote for this good legislation.

I yield back the balance of my time.

Mr. SWALWELL of California. Mr. Speaker, I rise in support of H.R. 387, the Email Privacy Act.

As I said last Congress, current law is woefully out of date when it comes to protecting privacy in electronic communications. I support H.R. 387, just as I supported the same legislation previously, because it is long past time we afforded Americans the privacy they are due online.

At the same time, I am disappointed this bill has come straight to the Floor, and not through the Judiciary Committee, a committee on which I sit. Nor are any Members able to offer amendments on the Floor. Going through the committee process and allowing amendments on the Floor would have enabled us to address some of the concerns raised by law enforcement about H.R. 387, such as its view that the bill fails to enable personnel to expediently obtain critical evidence. As a former prosecutor I share its interest in making sure that while we improve privacy protections we do not impede the ability to bring people swiftly to justice. I urge the Senate to work to address the points raised by law enforcement so we can continue to improve H.R. 387.

I encourage all Members to support H.R. 387.

Mr. JOHNSON of Georgia. Mr. Speaker, I stand in strong support to H.R. 387, the Email Privacy Act.

Enacting the amendments outlined in this bill will provide a much needed update to the Electronic Communication Privacy Act of 1986 (ECPA). ECPA paved the way for protecting the rapidly advancing field of electronic communications. Although this law made headway in assuring the privacy of the telecommunications of Americans, electronic communications have far outpaced the current regulation.

The provisions of the Email Privacy Act reaffirm the rights granted Americans by the Fourth Amendment. Citizens should not be subjected to unlawful search and seizure of their private property. The communications of Americans are personal and private and must

be treated as such by our government. H.R. 387, however, recognizes that circumstances may require law enforcement to move quickly and require access to electronic communications. Preserving law enforcement's ability to preserve records, to delay notification to subscribers that a warrant is out for their data, and by requiring timely responses to warrants reflects the security concerns expressed during the Judiciary Committee markup. Ensuring law enforcement has probable cause in order to access stored email, texts, and photos, while also providing the above exceptions and flexibility to the rule balancing the needs of law enforcement and public safety with the right to individual privacy.

Calls for reform have come from both sides of the aisle. Upholding the Fourth Amendment is not a partisan issue and I am overjoyed to see my colleagues from both parties standing by this bill. Failing to pass the Email Privacy Act endangers the principal values of our Republic. Our constituents have entrusted us, not only as their Representatives, but as defenders of the Constitution and the rights of all Americans.

The passage of the Electronic Communications Privacy Act will engender confidence in both law enforcement and privacy laws as Americans will know their emails will only be accessed if there is cause. I strongly urge my colleagues to vote Yes on the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. YODER) that the House suspend the rules and pass the bill, H.R. 387.

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

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

FEBRUARY 6, 2017.

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

DEAR SPEAKER RYAN: I, Pete Aguilar, am submitting my resignation from the House Armed Services Committee effective immediately. It has been a privilege and honor to have served on this committee and I look forward to serving my constituents in a new capacity as a member of the House Appropriations Committee.

Sincerely,

PETE AGUILAR,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2017.

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

DEAR SPEAKER RYAN: I, Scott Peters, am submitting my resignation from the House Armed Services Committee effective immediately. It has been a privilege and honor to have served on this committee.

Sincerely,

SCOTT H. PETERS.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 58 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOODALL) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 44, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF THE INTERIOR RELATING TO BUREAU OF LAND MANAGEMENT REGULATIONS; PROVIDING FOR CONSIDERATION OF H.J. RES. 57, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO ACCOUNTABILITY AND STATE PLANS; AND PROVIDING FOR CONSIDERATION OF H.J. RES. 58, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO TEACHER PREPARATION ISSUES

Mr. BYRNE, from the Committee on Rules, submitted a privileged report (Rept. No. 115-9) on the resolution (H. Res. 91) providing for consideration of the joint resolution (H.J. Res. 44) disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976; providing for consideration of the joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965;

and providing for consideration of the joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 689, by the yeas and nays;

H.R. 337, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

BOLTS DITCH ACCESS AND USE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 689) to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 22, as follows:

[Roll No. 79]

YEAS—409

Abraham	Boyle, Brendan	Cicilline
Adams	F.	Clark (MA)
Aderholt	Brady (PA)	Clarke (NY)
Aguilar	Brat	Clay
Allen	Bridenstine	Cleaver
Amodei	Brooks (AL)	Clyburn
Arrington	Brooks (IN)	Coffman
Babin	Brown (MD)	Cohen
Bacon	Brownley (CA)	Cole
Banks (IN)	Buchanan	Collins (GA)
Barletta	Buck	Collins (NY)
Barr	Bucshon	Comer
Barragán	Budd	Comstock
Barton	Burgess	Conaway
Bass	Bustos	Connolly
Beatty	Butterfield	Conyers
Bera	Byrne	Cook
Bergman	Calvert	Cooper
Beyer	Capuano	Correa
Biggs	Carbajal	Costa
Bilirakis	Cárdenas	Costello (PA)
Bishop (GA)	Carson (IN)	Courtney
Bishop (MI)	Carter (GA)	Cramer
Bishop (UT)	Carter (TX)	Crawford
Black	Cartwright	Crist
Blackburn	Castor (FL)	Crowley
Blum	Castro (TX)	Cuellar
Blumenauer	Chabot	Culberson
Blunt	Chaffetz	Curbelo (FL)
Bonamici	Cheney	Davidson
Bost	Chu, Judy	Davis (CA)

Davis, Danny	Joyce (OH)	Palmer	Upton	Walters, Mimi	Wilson (FL)	Carter (GA)	Graves (MO)	Matsui
Davis, Rodney	Kaptur	Panetta	Valadao	Walz	Wilson (SC)	Carter (TX)	Green, Al	McCarthy
DeFazio	Katko	Pascarell	Vargas	Wasserman	Wittman	Cartwright	Green, Gene	McCaull
DeGette	Keating	Paulsen	Veasey	Schultz	Womack	Castor (FL)	Griffith	McClintock
Delaney	Kelly (IL)	Payne	Vela	Waters, Maxine	Woodall	Castro (TX)	Grothman	McCollum
DeLauro	Kelly (MS)	Pearce	Velázquez	Watson Coleman	Yarmuth	Chabot	Guthrie	McEachin
Demings	Kelly (PA)	Pelosi	Visclosky	Weber (TX)	Yoho	Chaffetz	Hanabusa	McGovern
Denham	Kennedy	Perlmutter	Wagner	Webster (FL)	Young (AK)	Cheney	Harper	McHenry
Dent	Khanna	Perry	Walberg	Welch	Young (IA)	Chu, Judy	Harris	McKinley
DeSantis	Kihuen	Peters	Walden	Westerman	Zeldin	Cicilline	Hartzler	McMorris
DeSaulnier	Kildee	Peterson	Walker	Williams		Clark (MA)	Hastings	Rodgers
DesJarlais	Kind	Pingree	Walorski			Clarke (NY)	Heck	McNerney
Diaz-Balart	King (IA)	Pittenger				Clay	Hensarling	McSally
Dingell	King (NY)	Pocan				Cleaver	Herrera Beutler	Meadows
Doggett	Kinzinger	Poliquin				Clyburn	Hice, Jody B.	Meehan
Donovan	Knight	Polis				Coffman	Higgins (LA)	Meng
Doyle, Michael	Krishnamoorthi	Posey				Cohen	Higgins (NY)	Mitchell
F.	Kuster (NH)	Price (NC)				Cole	Hill	Moolenaar
Duffy	Kustoff (TN)	Quigley	Brady (TX)	Jeffries	Rohrabacher	Collins (GA)	Himes	Mooney (WV)
Duncan (TN)	Labrador	Raskin	Cummings	Kilmer	Rush	Collins (NY)	Holding	Moore
Dunn	LaHood	Ratcliffe	DelBene	Lynch	Sessions	Comer	Hollingsworth	Moulton
Emmer	LaMalfa	Reed	Duncan (SC)	Meeks	Sires	Comstock	Hoyer	Mullin
Engel	Lamborn	Reichert	Ellison	Mulvaney	Smith (WA)	Conaway	Hudson	Murphy (FL)
Eshoo	Lance	Renacci	Grijalva	Poe (TX)	Zinke	Connolly	Huffman	Murphy (PA)
Espallat	Langevin	Rice (NY)	Gutiérrez	Price, Tom (GA)		Conyers	Huizenga	Nadler
Esty	Larsen (WA)	Rice (SC)		Richmond		Cook	Hultgren	Napolitano
Evans	Larson (CT)	Roby				Cooper	Hurd	Neal
Farenthold	Latta	Roe (TN)				Correa	Issa	Newhouse
Faso	Lawrence	Rogers (AL)				Costa	Jackson Lee	Noem
Ferguson	Lawson (FL)	Rogers (KY)				Costello (PA)	Jayapal	Nolan
Fitzpatrick	Lee	Rokita				Courtney	Jenkins (KS)	Norcross
Fleischmann	Levin	Rooney, Francis				Cramer	Jenkins (WV)	Nunes
Flores	Lewis (GA)	Rooney, Thomas				Crawford	Johnson (LA)	O'Halleran
Fortenberry	Lewis (MN)	J.				Crist	Johnson (OH)	O'Rourke
Foster	Lieu, Ted	Ros-Lehtinen				Crowley	Johnson, E. B.	Olson
Fox	Lipinski	Rosen				Cuellar	Johnson, Sam	Palazzo
Frankel (FL)	LoBiondo	Roskam				Culberson	Jones	Pallone
Franks (AZ)	Loeb sack	Ross				Curbelo (FL)	Jordan	Palmer
Frelinghuysen	Lofgren	Rothfus				Davidson	Joyce (OH)	Panetta
Fudge	Long	Rouzer				Davis (CA)	Kaptur	Pascarell
Gabbard	Loudermilk	Roybal-Allard				Davis, Danny	Katko	Paulsen
Gaetz	Love	Royce (CA)				Davis, Rodney	Keating	Payne
Gallagher	Lowenthal	Ruiz				DeFazio	Kelly (IL)	Pearce
Gallego	Lowe	Ruppersberger				DeGette	Kelly (MS)	Pelosi
Garamendi	Lucas	Russell				Delaney	Kelly (PA)	Perlmutter
Garrett	Luetkemeyer	Rutherford				DeLauro	Kennedy	Perry
Gibbs	Lujan Grisham,	Ryan (OH)				Demings	Khanna	Peters
Gohmert	M.	Sánchez				Denham	Kihuen	Peterson
Gonzalez (TX)	Luján, Ben Ray	Sanford				Dent	Kildee	Pingree
Goodlatte	MacArthur	Sarbanes				DeSantis	Kind	Pittenger
Gosar	Maloney,	Scalise				DeSaulnier	King (IA)	Pocan
Gottheimer	Carolyn B.	Schakowsky				DesJarlais	King (NY)	Poliquin
Gowdy	Maloney, Sean	Schiff				Diaz-Balart	Kinzinger	Polis
Granger	Marchant	Schneider				Dingell	Knight	Posey
Graves (GA)	Marino	Schrader				Doggett	Krishnamoorthi	Price (NC)
Graves (LA)	Marshall	Schweikert				Donovan	Kuster (NH)	Quigley
Graves (MO)	Massie	Scott (VA)				Doyle, Michael	Kustoff (TN)	Raskin
Green, Al	Mast	Scott, Austin				F.	Labrador	Ratcliffe
Green, Gene	Matsui	Scott, David				Duffy	LaHood	Reed
Griffith	McCarthy	Sensenbrenner				Duncan (TN)	LaMalfa	Reichert
Grothman	McCaull	Serrano				Dunn	Lamborn	Renacci
Guthrie	McClintock	Sewell (AL)				Emmer	Lance	Rice (NY)
Hanabusa	McCollum	Shea-Porter				Engel	Langevin	Rice (SC)
Harper	McEachin	Sherman				Eshoo	Larsen (WA)	Roby
Harris	McGovern	Shimkus				Espallat	Larson (CT)	Roe (TN)
Hartzler	McHenry	Shuster				Esty	Latta	Rogers (AL)
Hastings	McKinley	Simpson				Evans	Lawrence	Rogers (KY)
Heck	McMorris	Sinema				Farenthold	Lawson (FL)	Rokita
Hensarling	Rodgers	Slaughter				Faso	Lee	Rooney, Francis
Herrera Beutler	McNerney	Smith (MO)				Ferguson	Levin	Rooney, Thomas
Hice, Jody B.	McSally	Smith (NE)				Fitzpatrick	Lewis (GA)	J.
Higgins (LA)	Meadows	Smith (NJ)				Fleischmann	Lewis (MN)	Ros-Lehtinen
Higgins (NY)	Meehan	Smith (TX)				Flores	Lieu, Ted	Rosen
Hill	Meng	Smucker				Fortenberry	Lipinski	Roskam
Himes	Messer	Soto				Foster	LoBiondo	Ross
Holding	Mitchell	Speier				Fox	Loeb sack	Rothfus
Hollingsworth	Moolenaar	Stefanik				Frankel (FL)	Lofgren	Rouzer
Hoyer	Mooney (WV)	Stewart				Franks (AZ)	Long	Roybal-Allard
Hudson	Moore	Stivers				Frelinghuysen	Loudermilk	Royce (CA)
Huffman	Moulton	Suozzi				Fudge	Love	Ruiz
Huizenga	Mullin	Swalwell (CA)				Gabbard	Lowenthal	Ruppersberger
Hultgren	Murphy (FL)	Takano				Gaetz	Lowe	Russell
Hunter	Murphy (PA)	Taylor				Gallagher	Lucas	Rutherford
Hurd	Nadler	Tenney				Gallego	Luetkemeyer	Ryan (OH)
Issa	Napolitano	Thompson (CA)				Garamendi	Lujan Grisham,	Sánchez
Jackson Lee	Neal	Thompson (MS)				Garrett	M.	Sanford
Jayapal	Newhouse	Thompson (PA)				Gibbs	Luján, Ben Ray	Sarbanes
Jenkins (KS)	Noem	Thornberry				Gohmert	MacArthur	Scalise
Jenkins (WV)	Nolan	Tiberi				Gonzalez (TX)	Maloney,	Schakowsky
Johnson (GA)	Norcross	Tipton				Goodlatte	Carolyn B.	Schiff
Johnson (LA)	Nunes	Titus				Gosar	Maloney, Sean	Schneider
Johnson (OH)	O'Halleran	Tonko				Gottheimer	Marchant	Schrader
Johnson, E. B.	O'Rourke	Torres				Gowdy	Marino	Schweikert
Johnson, Sam	Olson	Trott				Granger	Marshall	Scott (VA)
Jones	Palazzo	Tsongas				Graves (GA)	Massie	Scott, Austin
Jordan	Pallone	Turner				Graves (LA)	Mast	Scott, David

NAYS—1

Amash
NOT VOTING—22

□ 1851

Messrs. KRISHNAMOORTHY and LEWIS of Georgia changed their vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BLACK HILLS NATIONAL CEMETERY BOUNDARY EXPANSION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 337) to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 80]

YEAS—407

Abraham	Bergman	Brat
Adams	Beyer	Bridenstine
Aderholt	Biggs	Brooks (AL)
Aguiar	Billakis	Brooks (IN)
Allen	Bishop (GA)	Brown (MD)
Amash	Bishop (MI)	Brownley (CA)
Amodei	Bishop (UT)	Buchanan
Arrington	Black	Buck
Babin	Blackburn	Bucshon
Bacon	Blum	Budd
Banks (IN)	Blumenauer	Burgess
Barletta	Blunt Rochester	Bustos
Barr	Bonomici	Butterfield
Barragán	Bost	Byrne
Barton	Boyle, Brendan	Calvert
Bass	F.	Capuano
Beatty	Brady (PA)	Carbajal
Bera	Brady (TX)	Carson (IN)

Sensenbrenner	Tenney	Walorski
Serrano	Thompson (CA)	Walters, Mimi
Sewell (AL)	Thompson (MS)	Walz
Shea-Porter	Thompson (PA)	Wasserman
Sherman	Thornberry	Schultz
Shimkus	Tiberi	Waters, Maxine
Shuster	Tipton	Watson Coleman
Simpson	Titus	Weber (TX)
Sinema	Tonko	Webster (FL)
Slaughter	Torres	Welch
Smith (MO)	Trott	Wenstrup
Smith (NE)	Tsongas	Westerman
Smith (NJ)	Turner	Williams
Smith (TX)	Upton	Wilson (FL)
Smucker	Valadao	Wilson (SC)
Soto	Vargas	Wittman
Speier	Veasey	Womack
Stefanik	Vela	Woodall
Stewart	Velázquez	Yarmuth
Stivers	Visclosky	Yoder
Suozi	Wagner	Yoho
Swalwell (CA)	Walberg	Young (AK)
Takano	Walden	Young (IA)
Taylor	Walker	Zeldin

NOT VOTING—25

Cárdenas	Jeffries	Richmond
Cumplings	Johnson (GA)	Rohrabacher
DelBene	Kilmer	Rush
Deutch	Lynch	Sessions
Duncan (SC)	Meeks	Sires
Ellison	Messer	Smith (WA)
Grijalva	Mulvaney	Zinke
Gutiérrez	Poe (TX)	
Hunter	Price, Tom (GA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1858

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 18, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 18

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 25, 2017, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such condi-

tions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore (Mr. BUDD) laid before the House the following resignation as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2017.

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

DEAR SPEAKER RYAN: I, Joaquin Castro, am submitting my resignation from the House Armed Services Committee effective immediately. It has been a privilege and honor to have served on this committee. Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

JOAQUIN CASTRO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ISRAEL BONDS' "A NIGHT ON THE BEACH"

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

Ms. ROS-LEHTINEN. Mr. Speaker, this Saturday night is Israel Bonds' "Una Noche en la Playa"—"A Night on the Beach"—in Miami Beach.

Over the years, I have had the honor of participating in many of Israel Bonds' programs. The work that Israel Bonds does is vital in expanding and growing Israel's economy and has helped Israel become a global leader and innovator in so many sectors.

With all of the threats now facing the Jewish state, the work of Israel Bonds is more important now than ever. The guest speaker will be none other than the Israeli Ambassador to the United States, my good friend and Miami Beach native, Ron Dermer.

The Israel Bonds event will also serve as a commemorative tribute to Isaac and Nieves Olemberg. Isaac and Nieves were dear friends who did so much for the south Florida community, for the American Jewish community, for the Cuban American community, and for Israel, herself. Their memories will forever live on through their kindness and compassion.

CONGRATULATING THE NEW ENGLAND PATRIOTS

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

Mr. LANGEVIN. Mr. Speaker, "Never stop believing." Those words are going to be on the front page of The Providence Journal tomorrow morning.

Like all true tests of faith, last night's Super Bowl wasn't easy going, and there were times, I have to say, when I was tempted to throw up my hands and just go to bed, but I followed the words of our quarterback and—oh, boy—was I rewarded.

What a game.

If there were any doubts, Mr. Speaker, about who the greatest quarterback of all time is, Tom Brady answered them last night; if there were any who questioned whether Bill Belichick was the best coach on the planet, this morning, they are silent; and I am sure they would all admonish me if I didn't say that football is a team sport. So, for those who had not yet been satisfied that the amazing string of successes my New England Patriots put together makes them the NFL's finest team, Super Bowl LI speaks for itself.

Mr. Speaker, it was truly a team effort, and I offer my heartfelt congratulations to Bob Kraft and to the entire Patriots franchise.

Congratulations, Patriots and Patriots Nation.

HONORING JIM BOEHEIM'S COACHING CAREER

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

Mr. KATKO. Mr. Speaker, I rise to congratulate Syracuse University basketball coach Jim Boeheim upon the occasion of his 1,000th win this past Saturday over the mighty Virginia Cavaliers.

Coach Boeheim has dedicated over 40 years of his life to Syracuse University, and he and his wife, Juli, are known locally for their outstanding generosity and philanthropy.

While central New York happily celebrated Coach Boeheim's 1,000th win this past weekend, the occasion was not recognized by the NCAA due to arbitrarily harsh sanctions that followed an 8-year investigation that eliminated scholarship opportunities for students and that vacated Coach Boeheim of 108 wins.

While we cannot stand for impropriety in collegiate athletics, we must have transparency, consistency, and fairness from the NCAA—an organization that is charged with promoting higher education opportunities and protecting the welfare of students. That is why I have and will continue to champion bipartisan legislation in the House to reform the NCAA and bring accountability and due process to this organization. There is no denying that Jim Boeheim was the coach for 1,000 basketball wins at Syracuse University, and the NCAA should recognize that fact.

Our community celebrates and congratulates Coach Boenheim for this tremendous achievement, and it is my high honor to recognize him here today.

Congratulations, Coach—and Go Orange.

AMERICA IS A DEFENDER, NOT AN OFFENDER

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

Ms. JACKSON LEE. Mr. Speaker, I know this Nation's values. Many of us study it in the Constitution, and as a senior member of the Judiciary Committee, we review that document on many occasions. We are a nation that stands for principles of democracy; so I am very disturbed by an interview that was given by the White House this weekend that defended Putin—a man who invades to dominate, to kill, a man who supports a despot in Syria who has killed and gassed his own people—and compared his acts to any that the men and women in the United States military or in the United States may have done. It is not comparable to or even equal or even anywhere near the kind of despotism of Russia under Putin.

I am offended, and I apologize to the American people for any comparison. I believe it to be appropriate for the White House to clarify and to apologize for suggesting that our values and the efforts we take to protect people who may encounter efforts of war in any way can be compared to Putin, who is, in fact, someone who kills—and kills to dominate, not to help.

America is a defender, not an offender. I stand here proudly, supporting the values of the United States of America, a country that believes in the blessings of God and democracy.

SHORE UP FLOOD CONTROL SYSTEM INFRASTRUCTURE

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

Mr. LAMALFA. Mr. Speaker, over the weekend, I had a chance to go out in the district and look at the conditions of our flood control system in northern California, which, I am sure, is reflective of a lot of the systems across this country. One particular area I was shown has had 10 feet of levee eaten away just since the end of December. This points out, with recent legislation that has been passed—good legislation—that we still aren't, by any means, close to fulfilling our infrastructure needs.

Our flood control systems all over the country and in my own district in northern California need immediate re-

sults. We expect a great amount of rain. I know we complain about drought in California—feast or famine—but we need to continue to shore up these systems here because, otherwise, it will place communities in danger from the high flows we could get.

With so much rain forecasted in the near future and with our lakes getting full, there won't be a place to put that water. We need this infrastructure, and we need the Army Corps and everybody to be on board with fully developing and permitting these projects and getting the money going. Urgency is needed.

A BEACON OF DEMOCRACY

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

Mr. MCEACHIN. Mr. Speaker, in our country, political enemies do not disappear in the dark of night or become, mysteriously, fatally ill. In our country, the press is separate from the government, and journalists do not find themselves jailed or out of business for writing articles with which the government disagrees. While the journalists are not made to write accolades about leadership or about whether they agree or not, I stand here in light of the President's words that were aired over the weekend that suggested that our country is comparable to Russia.

In our country, laws and the Constitution are supreme, not just one person. The courts rule on our Constitution, not one leader. In our country, lawyers, advocates, and citizens are free to challenge the government and its leadership without fear of reprisals.

Mr. Speaker, our country has been a beacon of democracy and freedom and hope for people all around the globe. I would suggest to the White House that it stop squandering that reputation with idle comments and dangerous actions.

HONORING COLONEL BYRON DEEL

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

Mr. DESJARLAIS. Mr. Speaker, I rise to honor Colonel Byron Deel, Chief of the Joint Staff, Tennessee National Guard, who will be retiring this week after 32 years of dedicated service.

Throughout his career, Byron has held numerous leadership roles with a wide range of responsibilities. Whether it be his command of the Joint Counterdrug Task Force or his current position as Chief of the Joint Staff, Byron has exemplified a work ethic and a regard for others that is second to none.

Colonel Deel's career includes two deployments: in 2001 to Bosnia and in

2005 to Afghanistan. His exemplary service is reflected in the numerous commendations he has received, including the Bronze Star and the Tennessee National Guard Distinguished Service Medal, among a long list of many others. It is also important to mention that his wife, Mary Deel, whom Byron introduces as the "better deal," serves in the National Guard as the Education Services Officer.

On a personal note, Byron has been an invaluable resource for me and my staff on issues that impact our guardsmen. While I am sorry that Tennessee is losing an officer of such high caliber, I extend a heartfelt thanks for his outstanding service and wish him the very best in his retirement.

□ 1915

VIOLATIONS LINGER

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

Ms. KAPTUR. Mr. Speaker, candidate Donald Trump promised he would drain the swamp. The American people believed him. But instead of draining the swamp, it has become abundantly clear he is driving his own pylons deeply into the swamp.

Already, Trump Incorporated is making significant profits off the President's position. Personal profits aren't what serving the public is about.

My mother used to ask about the superrich: Do they ever fill up?

In fact, The New York Times Editorial Board wrote a scathing indictment of Trump Incorporated. I include that article in the RECORD.

[From the New York Times, Feb. 1, 2017]

WHITE HOUSE INC.

(By the Editorial Board)

As a candidate, President Trump spent contributors' money for office space that he owned, stays at his resorts and food at his restaurants. He spent contributors' money on Trump-branded wine and water. He displayed Trump merchandise at campaign events. Now he seems determined to milk the presidency, apparently synonymous with his brand in his eyes, for a fortune.

"The brand is certainly a hotter brand than it was before," Mr. Trump observed, with satisfaction, shortly after the election.

Last week, an executive of the Trump Organization, Eric Danziger, said it would open Trump-branded hotels in the 26 largest metropolitan areas in the country, up from five. The business, he said, would focus its expansion domestically for "the next four or eight years." The fee to join the Mar-a-Lago club in Palm Beach, Fla., which Mr. Trump calls the "Winter White House," just doubled to \$200,000.

This news came less than a week after Mr. Trump and his inauguration committee hosted parties and other events at the Trump International Hotel in Washington, in the government-owned Old Post Office. Even his press secretary, Sean Spicer, has become a pitchman: "It's an absolutely stunning hotel," he said recently. "I encourage you to go there if you haven't been by."

Self-dealing is such standard procedure for this White House that a cynic (or satirist) might say it's time to give in and try to put Mr. Trump's conflicts of interest to work for the public. Maybe if he had hotels in every nation, he'd have a financial interest in being less bellicose, and more supportive of the free flow of trade and of people, even if they happen to be Mexican or Muslim.

But we really prefer the old-fashioned approach in which presidents put the public interest ahead of their own finances. Federal ethics officials have told Mr. Trump that he should divest his business interests to avoid allegations of bribery and to assure Americans that their needs are his only concern. Mr. Trump argues that he can put a "firewall" between his businesses and himself by having his eldest sons manage them. The president and the Trump Organization last week hired lawyers to keep an eye on the Trumps, a laughable ploy that doesn't meet ethical or anti-corruption standards and constitutional requirements.

Mr. Trump has argued that the law permits the president to keep his business—even though no modern president has done so, and far poorer ones than he have sold off business interests to serve. He and his lawyers have played down the importance of the emoluments clause of the Constitution, which prohibits government officials from accepting gifts or income from foreign governments without the approval of Congress. And he refuses to release his tax returns and divest his assets and put the proceeds in a blind trust, as his cabinet nominees are doing right now.

Consider the Trump Hotel. Mr. Trump has a 60-year lease on the property with the General Services Administration. That contract states that no elected federal official "shall be admitted to any share or part of this lease, or to any benefit that may arise therefrom." That unambiguous clause exists to prevent corruption and self-dealing by government officials.

Since Mr. Trump officially violated the lease when he assumed office, the agency is clearly obligated to cancel the lease or require that it be sold to another hotel operator. Ranking Democrats on the House and Senate committees with jurisdiction over the agency have for weeks been asking it to address the lease violation. So far, the agency, which reports to the president, appears to have done nothing. Mr. Trump's lawyers preposterously contend that because he was not an elected official when the lease was signed, he hasn't broken it.

Aside from violating the lease terms, Mr. Trump is very likely violating the emoluments clause by holding on to the hotel. His lawyers have said that he will donate profits from rooms rented to foreign governments to the Treasury, but that's no cure. Experts say it would be next to impossible to account for foreign "profits"—which, of course, would be based on the hotel's own calculations. Is the hotel prepared to open its books so the public can judge those numbers for itself?

Congress ought to demand that the G.S.A. uphold the terms of the hotel lease and shame Mr. Trump into selling his other businesses, the fortunes of which are now hitched to the presidency. Democrats have been trying to do this, but the Republicans who run the House and Senate have not joined them. So far, they lack the spine to challenge the president. Just imagine how they would have reacted if Hillary Clinton had been elected and the Clinton Foundation were merely leasing a government building, let alone using it to generate revenue.

If the agency doesn't act, a competing hotel could sue to demand that it cancel the

lease because the president's control of the hotel represents unfair competition. The Trump Hotel has been drawing business away from other hotels, precisely because its proprietor occupies the White House. Indeed, the hotel has promoted itself on Twitter with an image of a man relaxing in one of its rooms, gazing out upon a building that looks very like the White House (it's actually the Environmental Protection Agency, which Mr. Trump campaigned to abolish). Since the election, embassies from countries that include Bahrain, Kuwait and Azerbaijan have held receptions at the hotel, and diplomats say it's important that they be seen patronizing it.

Mr. Trump has boasted that the presidency boosts his brand. He should focus instead on how his commercial ambition is tarnishing the image of public service. If he continues to reduce the most powerful office in the world to a marketing scheme, ethical public servants, in Congress and across the government, can't stand by and watch.

Ms. KAPTUR. Mr. Speaker, it bodes ill for our beloved Republic. Trump Incorporated appears as if it plans to milk the Presidency with his enhanced international profile. The Trump Organization is looking to expand domestic branded hotels in the 26 largest metropolitan areas, up from five.

At his Mar-a-Lago Club, which the President dubbed the Winter White House, the club fees just doubled to \$200,000. The Trump inaugural committee hosted parties and other events at the Trump International Hotel, and his official staff in the West Wing sound like salesmen endorsing that hotel. All this is with the backdrop of President Trump refusing to fully divest his company, put his assets in a true blind trust, or release his tax returns. The question of President Trump's Emolument Clause violations linger behind every action he takes. It is time for him to fess up.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

NATIONAL SCHOOL COUNSELING WEEK

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today on the start of National School Counseling Week to recognize the tremendous impact that school counselors have on our students.

School counselors are committed to helping students realize their full potential. They encourage students to explore their ability, strengths, interests, and talents as these traits relate to career awareness and development.

National School Counseling Week is sponsored by the American School Counselor Association and is always observed during the first full week of February. This week's theme is "School Counseling: Helping Students Realize Their Potential."

Mr. Speaker, what we know is that school counselors are integral to student success. Counselors not only help students reach their academic and career goals, but they focus on assisting with social and personal development, too. Many parents also benefit from the assistance of school counselors as they encounter the challenges of raising children in today's world.

Our counselors play a vital role in the total education of children. I salute these professionals in the Commonwealth of Pennsylvania and throughout the United States for their dedication to preparing our students to achieve success and become productive members of society in this ever-changing world.

Thank you to our school counselors for all you do to help educate students nationwide. Happy National School Counseling Week.

REMEMBERING DR. ARTHUR ROSENFELD

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

Mr. TONKO. Mr. Speaker, the energy world was saddened by the recent passing of Dr. Arthur Rosenfeld on January 27. I rise today to pay tribute to his extraordinary life and countless contributions.

Known as the godfather of energy efficiency, Dr. Rosenfeld's efforts brought awareness to the tremendous benefits of efficiency. As a physicist at UC Berkeley, Dr. Rosenfeld became interested in efficiency during the 1973 oil embargo. He soon began pushing efficiency standards for appliances and buildings for California, and eventually for the entire Nation. He went on to work as an adviser at the Department of Energy and served on the California Energy Commission.

According to the American Council for an Energy-Efficient Economy, a group that Dr. Rosenfeld helped found, savings from energy efficiency gains have averted the need to build more than 300 large power plants since 1990.

The EPA has estimated that between 1992 and 2014, its ENERGY STAR program, a program built on the shoulders of Dr. Rosenfeld's work, has helped families save over \$350 billion on utility bills while reducing greenhouse gas emissions by more than 2.5 billion metric tons.

The cleanest and cheapest kilowatt-hour of electricity that one may take advantage of is the one we do not use.

We salute Dr. Rosenfeld.

THE RIGHT TO TRY

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

Mr. FITZPATRICK. Mr. Speaker, I rise today on behalf of the millions of

Americans who receive the devastating news of a terminal diagnosis each year. Even with the amazing work done in American medical research and development, for too many families, access to these potentially lifesaving treatments will come too late, if at all.

It is time for this body to come together with Federal regulators and industry leaders to clear the path forward to take care of those brave Americans who are fighting simply for a chance to live. A bill introduced today jointly by myself and Congressman BIGGS will offer these brave Americans a chance to extend their lives.

Mr. Speaker, the Right to Try Act would ensure that terminally ill patients, together with their physicians and pharmaceutical manufacturers, will have the right to try investigational treatments where no alternative exists. In fact, this bipartisan idea is already the law of the land in 33 States of our Nation.

For patients and their doctors, the Right to Try Act affords them an opportunity to try therapies where the benefits far outweigh the risks. Whether it is a father courageously battling ALS or a brave child living with Duchenne muscular dystrophy, all those fighting for their lives deserve a right to try. They deserve a right to live.

THE DRIVE FOR FIVE

(Ms. KUSTER of New Hampshire asked and was given permission to address the House for 1 minute.)

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today because the Drive for Five is complete. I want to join New England in congratulating our New England Patriots on their incredible victory in Super Bowl LI. Fans across the Granite State agree that Super Bowl LI will go down in history as one of the most amazing comebacks of all time, and it cements the legacy of Tom Brady and Bill Belichick as the greatest quarterback-coach duo ever.

The game was remarkable for team effort. After finding themselves down by 25 points, the Patriots did not fall victim to despair. They, instead, showed true resolve and perseverance as the offense executed drive after drive and the defense held the powerful Atlanta offense in check.

Whether it was the record 14 catches by James White, the record 466 passing yards by Tom Brady, the forced fumble by Dont'a Hightower, the mind-boggling catch by Julian Edelman, or the coaching of Bill Belichick, everyone did their part.

So let me take a moment, Mr. Speaker, to say to the New England Patriots: Thanks for doing your job.

Congrats, Pats.

CONGRATULATING THE NEW ENGLAND PATRIOTS

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

Mr. CICILLINE. Mr. Speaker, a lot of history was made last night. I, too, want to join my New England colleagues to say congratulations to the New England Patriots on an extraordinary victory at Super Bowl LI.

A lot of history was made. This was the greatest comeback in Super Bowl history where our team was down by 25 points in the third quarter to come on to victory. It is the only team to win in Super Bowl history in overtime; and it is an incredible display of the extraordinary talent of Tom Brady, the only quarterback in history to win five Super Bowls. This establishes Tom Brady unequivocally as the greatest quarterback ever.

Also, congratulations to Bill Belichick for his extraordinary coaching, to Jonathan and Robert Kraft, and the whole Patriots organization for all that they have done.

This was a great and wonderful night and an important example and display of determination and persistence. It is really a lesson for all of us to never stop fighting and, for young people, the importance in believing in yourself.

Mr. Speaker, the victory last night by our great team, the New England Patriots, raised the spirits of our entire Nation.

Congratulations to the Pats. Thank you for a great season and thank you for a great victory last night.

OPPOSE THE UNCONSTITUTIONAL BAN

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

Mr. PAYNE. Mr. Speaker, earlier today I joined members of my community to discuss the impact of President Trump's Muslim and refugee ban.

I wanted to read from a statement given by one of my constituents who participated in the discussion today. Her name is Nureed. She wrote:

I have always been grateful for being an American and for the sacrifice my parents made to afford me my American Dream. Yet, every day, since the Republican nominee for President was announced, I have feared for my safety and the safety of my little children.

I hold my breath every day praying that the day will not come that I need to flee my home for fear of retribution or, worse, because of my faith.

Mr. Speaker, Nureed is an American who realized the American Dream. She is not a threat to this Nation, nor are her young children a threat to this Nation.

President Trump wants to shut the door to the American Dream. He is

tearing apart the fabric of this Nation before our eyes. I urge my Republican colleagues to remember Nureed's words and to oppose the President's unconstitutional ban.

EXPRESSING STRONG OPPOSITION TO D.C.'S ASSISTED SUICIDE PROGRAM

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

Mr. ROTHFUS. Mr. Speaker, I rise here tonight to raise a very serious and consequential issue that is taking place in our Nation's capital. Washington, D.C., our Federal city, the second hometown of every American, is just weeks away from implementing a deadly assisted suicide program.

The D.C. City Council recently passed a so-called Death With Dignity Act, which would allow adults who have been diagnosed with a terminal disease and who have been told they have 6 months or less to live to receive a prescription from their doctor to end their life. Six States, including California, Oregon, Vermont, Washington, Montana, and Colorado, have already headed down this dangerous path.

I raise this issue tonight, Mr. Speaker, because our Founders gave Congress the power in the Constitution to "exercise exclusive Legislation in all Cases whatsoever over such District" that would become the seat of the Government of the United States.

As a result, this Congress has the opportunity to stop this law. I am grateful that my colleagues are here tonight to join me: Dr. WENSTRUP, Mr. JODY B. HICE of Georgia, Dr. HARRIS, Dr. HARTZLER, Dr. MARSHALL. They are joining me tonight to speak in defense of patients who deserve protection, especially when dealing with the unimaginable difficulty of a terminal disease.

Like me, they are deeply troubled that in Washington, D.C., an alabaster city that gleams as a beacon for the principles on which we were founded, this policy is about to be put in place, jeopardizing the lives of the most vulnerable among us.

Mr. Speaker, Washington, D.C., is, indeed, a remarkable city. I still remember coming to this special place as a 10-year-old child with my parents, coming down the George Washington Parkway in Virginia, as millions of other tourists have, with excitement to see our national monuments and the Capitol in which I now speak.

We Americans approach this city with awe, as we know how Washington is intertwined with our Nation's history and that this city both guards our

Nation's founding documents—the Declaration of Independence and the Constitution—and hosts the very government that our Constitution envisioned. Those founding documents frame a Republic grounded in the principles of sovereignty in the people, subject to the protection of God-given inalienable rights, among them the right to life, liberty, and the pursuit of happiness.

Nowhere, Mr. Speaker, in my opinion, is the view of this city more beautiful than from the hills of Arlington Cemetery in Virginia and, specifically, the resting place of our 35th President, John F. Kennedy. One cannot think of President Kennedy without thinking also of his inaugural address, which is a call to action for a new generation of Americans. That call was grounded in the exceptional nature of our land.

□ 1930

"And yet," President Kennedy said, "the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state but from the hand of God."

D.C.'s assisted suicide law, Mr. Speaker, threatens the inalienable rights of vulnerable citizens. Not only does the new D.C. statute tear at the tapestry of our Nation's founding, it directly contradicts the Hippocratic oath every physician takes, to do no harm.

I shudder to think of the lives that will be lost because our society tells the weak, the despairing, the suffering, or the hopeless that suicide is the best option for them. Laws similar to the D.C. Death with Dignity Act in the U.S. and Europe have resulted in individuals being pressured to end their lives, and insurance companies covering the reimbursements for suicide treatment but not for other care.

If patients find themselves unable to pay for expensive treatments out-of-pocket, they may find their options severely limited when facing a new diagnosis, facing a disability, or struggling with mental illness. In some cases, death may become the only affordable option.

Proponents of physician-assisted suicide point to real and tragic stories of suffering individuals at the end of their lives. However, according to a report by the National Institutes of Health, pain is not the primary factor motivating patients to seek a lethal dose of medication. More commonly cited motivations include depression, hopelessness, and the loss of control or autonomy. Allowing physicians to prescribe lethal medications to these patients would mean we are abandoning our Nation's most vulnerable citizens and, instead, succumbing to a culture that is worse than the disease.

Instead of death and despair that are the underlying principles of assisted suicide, our laws should reflect a cul-

ture that promotes life and hope, even in our suffering, even in our illness, and even in our weakness.

Jeanette Hall of Oregon was diagnosed with cancer in the year 2000. She was a supporter of her State's assisted suicide program, and she even voted for it. She considered taking her own life with the help of her physician when she learned she only had 6 months to live. Thankfully, she had a life-affirming doctor who simply asked her how her son, who was attending the police academy at the time, would feel about it. This made her stop and think.

His question inspired her to opt for radiation and chemotherapy, instead of suicide, and, over a decade later, she is still sharing her testimony. She is extremely happy to still be alive.

I have no doubt that Americans like Jeanette with chronic illnesses, disabilities, or struggling with mental illness will be exploited under this law, and perhaps even encouraged to pursue suicide rather than continue living until natural death. This dangerous trend is already taking shape in the six States that have legalized physician-assisted suicide. Precious lives have already met a premature end.

Mr. Speaker, there is dignity in all human life, and the root meaning of dignity is worth. Nothing—not illness, not weakness, or despair—can decrease the worth of a human life. I cannot stand idly by and watch our laws corrupt our culture.

I am thankful to be joined by several of my colleagues who refuse to let this dark policy move forward unchecked. With that, I would like to yield to my colleague from Ohio (Mr. WENSTRUP). Dr. WENSTRUP is a physician. He has served our country in the Army Reserves having deployed to Iraq to treat our wounded servicemembers. Dr. WENSTRUP, is the prime sponsor of H.J. Res. 27, which will overturn this misguided legislation.

Mr. WENSTRUP. I appreciate that, and I thank you for yielding and thank you for taking the charge on this this evening to share this message.

Mr. Speaker, first, do no harm. Do no harm. These are three short words, but, to physicians, they represent a sacred charge—three short words that now hang in the balance here in the District of Columbia after the D.C. Council passed the Death with Dignity Act legalizing physician-assisted suicide in the Nation's Capital.

In authorizing doctors to violate the Hippocratic oath of "do no harm," physician-assisted suicide undermines a key safeguard that protects our Nation's most vulnerable citizens: the disabled, the sick, the poor—a key safeguard that helps to ensure our loved ones receive the best medical care when they need it the most.

Instead of simply providing end-of-life comfort and a potential for cure, D.C.'s new law is poised to do more

harm than good. This act leaves patients unprotected, doctors unaccountable, and our most vulnerable citizens at risk of having fewer medical options at their disposal rather than having more. It is too broad. This act allows adults diagnosed with a terminal disease having less than 6 months to live to receive a prescription for medication to end their life on their own—alone.

There are concerns that the definition of "terminal disease" is too broad since most doctors will admit that accurately predicting life expectancy is almost impossible; and it is. There are many conditions such as diabetes or HIV—they are considered incurable or irreversible, and they are terminal if left untreated. There are many diseases that are terminal if left untreated, but curable if treated.

This bill fails to accurately protect patients from coercion or abuse. Despite the fact that depression is commonly associated with a patient seeking assisted suicide, D.C.'s legislation does not make screening for mental illness mandatory. It also has no safeguard against pressure that family members or heirs might exert on a patient to choose suicide.

It leaves doctors unaccountable. Compliance with the bill's limited safeguards is difficult to track because the bill directs doctors not to place the actual cause and manner of death on the death certificate. It doesn't say "suicide." The report requirements in the bill are not subject to the Freedom of Information Act. Perhaps most concerning of all, once the prescription for lethal medication is filled, oversight is nonexistent. There is no requirement to ensure that the prescription was used as intended.

This could limit care. Under the new law, patients may end up with fewer options, not more options. D.C. residents who are not able to pay for health care out of pocket may find their options limited when facing a new diagnosis, suffering from a chronic illness, facing a disability, or struggling with mental illness. For certain medical conditions, assisted suicide could become the cheapest option.

Ultimately, whatever its intentions, D.C.'s new law puts patients at risk and could limit their access to high-quality health care. It could limit their access to cures. It prioritizes cost over compassion, cost over care. We have weighed this legislation. We have looked at it seriously, and we find it very wanting. D.C. residents deserve better.

Twenty-two years ago, my sister was diagnosed with an incurable cancer, and she had very little time to live. She was, at one point, given the option of a bone marrow transplant, and her insurance said: It is experimental. We don't cover it.

We had to fight that, and we were going to do it anyway. It is 22 years

later. She survived. She is doing well. She is married and has two children, but somebody was telling her: It is not worth it.

This affects people with disabilities. This affects the poor. This attitude reminds me of a comment from the movie, "It's a Wonderful Life" when Mr. Potter says to George Bailey: "George, you're worth more dead than alive." That is not who we are, folks.

In this bill, there is no verification or validation that the prescription was taken as intended, for the person intended, or even taken at all. There is no witness necessary, no provider to address any complications that may occur when taking the medications, no assurance that it is not misused or used on someone else, and no actual cause of death is reported.

In this, they say: "Actions taken in accordance with this act do not constitute suicide, assisted suicide, mercy killing, or homicide." Oh, really? Maybe they should look up the definitions of those words. The definition of homicide is the killing of one person by another whether intended or not. The definition of suicide is the act of taking one's own life voluntarily and intentionally.

This bill is bad for the people of D.C. This is bad for America. This is not who we are. This is not who we are as a compassionate, caring group of Americans—especially caregivers, especially doctors. We can do better, and we all need to stand up against this.

Mr. ROTHFUS. Dr. WENSTRUP, I thank you for introducing this legislation and for having the courage to live the life you have lived in serving our Armed Forces overseas.

I yield to the gentleman from Georgia (Mr. JODY B. HICE) who co-chairs our Values Action Team.

Mr. JODY B. HICE of Georgia. I thank my friend and colleague for leading this Special Order and for taking the leadership on this very important issue.

Mr. Speaker, I am here to try to explore our leadership to bring H.J. Res. 27 to the floor and, hopefully, to enable us, the Members of the people's House, to strike down this deeply flawed and deceptively written Death with Dignity Act that has been passed in the District of Columbia.

This is not a bill about the elderly. It is not a bill about the sick and dying, as has been stated here. This is a bill that legalizes suicide. It actually attempts to normalize euthanasia. As you know, Mr. Speaker, this bill applies to individuals with "a terminal disease." We all know that could be applied to almost anyone. We could have someone with diabetes, for example, who is able to live a perfectly normal life, in spite of the fact of having an insulin dependency, but without the insulin, it could be terminal—they would be. So this bill applies to individuals who also may have been misdiagnosed.

I appreciate Mr. ROTHFUS mentioning Jeanette Hall. What a powerful story that is—someone who actually voted for this bill in Oregon, and then a few years later comes to find out that she herself has cancer. She tries to have her doctor help her end her life. The doctor urges her to fight to have treatment. She does so, and now 16 years later, she is alive and healthy.

There is no reason for us to have this bill. If you look at the suicide rate in Oregon since that bill was passed in that State in 1997, they have 42 percent above the national average of suicide in that State.

I appreciate Dr. WENSTRUP, too. Just the flaws that he identified that this bill has are alarming. The fact that it, more than likely, will—certainly, the potential is there—lead to elder abuse. The bill has no requirement that the death certificate lists the real cause of death. It will just be required to say "natural causes" when, in fact, there was a lethal drug injected. The drug itself is not required to be disclosed. The bill does not require a medical professional to be present to administer the lethal drug.

Furthermore, as was alluded to a moment ago, the bill bars law enforcement and, arguably, courts from reviewing medical records at the Department of Health, effectively potentially preventing them from doing their jobs in cases where there may have been foul play.

Mr. Speaker, please know that this does not simply apply to D.C. residents but to those who reside in D.C., which would include everyone in this House.

I urge my colleagues to join in co-sponsoring H.J. Res. 27. I urge our leadership to bring this to the floor for a vote. I thank the gentleman for giving me the opportunity to speak.

□ 1945

Mr. ROTHFUS. I thank Representative HICE.

Mr. Speaker, this law, the point about what is going to go on the death certificate, we have had a debate lately in our country about alternative facts, and here we have a law that says you can't say on the death certificate what the cause of death was. It's going to be poison. It's going to be some administered drug that is not supposed to be used as it was intended, as it was authorized by the FDA to be used, but for a whole other purpose—to end the life of somebody. I think that is a very serious concern. I think, again, this is at war with truth and at war with logic.

Mr. Speaker, I yield to the gentleman from Missouri (Mrs. HARTZLER). VICKY co-chairs our values action team with Mr. HICE.

Mrs. HARTZLER. Thank you very much, Representative ROTHFUS. I appreciate so much your leadership on this issue, as well as Dr. WENSTRUP, bringing this very, very necessary bill

to the floor. Time is of the essence, and literally lives are at stake. Sometimes you hear that discussed here, well, this bill is going to impact life. This one truly does. This is a life-or-death matter with just a time limit.

The way that this works is that the Constitution gives Congress authority over the District of Columbia. While they can have their own council and they can make laws, we have ultimate oversight as elected Representatives of this country over what happens here. When they pass a bill here allowing death to occur by physician-assisted suicide, we have the opportunity and we have the obligation to step in and to say no.

As Representative ROTHFUS said, this is the people's town. This is representative of our entire country here, and this does not represent what we stand for, that if someone has an awful diagnosis that they are encouraged and enabled to be able to take their own life without any—any—oversight in this. We have got to reject this. That is why we are here tonight.

The statistics are staggering. Suicide is the tenth leading cause of death across the spectrum of ages, and the death toll is, sadly, on the rise. Nearly 43,000 individuals took their own life in 2014. Now, that is a heart-wrenching number of people desperate and seemingly without hope and whose solution to traumatic life situations, clinical depression, or mental disorders was to take their own life.

But another, more sinister layer to this suicide crisis in America arises when agents of healing become distributors of lethal dosages. Five States now and the District of Columbia have legalized physician-assisted suicide.

The taking of human life is a criminal act in nearly every State and throughout the Federal Code; yet a few regions of the country, sadly, have embraced the tragic idea that it is better to prescribe death than to provide life-sustaining care, and they are tasking the medical profession, those sworn to provide and take care of people—they have tasked them with carrying out this ghastly deed.

So you go to your doctor on one hand when you have an illness or your child is sick and you are asking and expecting the doctor to be looking out for your best interests and to prescribe medicine to help you get better, and then the next day you are tasking that same physician—you are supposed to go back and ask them to kill your relative and prescribe death medicine? This is wrong.

But here is another sobering fact: legalizing physician-assisted suicide can lead to an increase in overall suicide rates. That was just what was shared by Representative HICE, what has exactly happened in Oregon, with an over 40 percent higher rate of suicide there than in other places. So if you are concerned about suicide prevention, you

should be concerned about efforts to normalize doctors prescribing a bottle of pills intended to end a patient's life.

Physician-assisted suicide preys on the sick, the elderly, and the disabled. The frail are the most vulnerable to rising healthcare costs, elder abuse, and physician-assisted suicide. There is no accountability should a family member, friend, or medical provider determine that a particular patient is too sick, too old, or too disabled to continue living. Any doctor can write a prescription, and no witness is required.

Physician-assisted suicide shreds human dignity by legally and subjectively distinguishing between a life worth living and a life better off dead. The focus should be on improving healthcare options, palliative, and end-of-life care for terminally ill patients, not killing those suffering from sickness or disease.

So I call on my fellow Members of Congress to pass the resolution of disapproval sponsored by Dr. BRAD WENSTRUP to reject D.C.'s dangerous policy and to ensure that all Americans, including those here in the District of Columbia, are granted the basic right to life.

Mr. ROTHFUS. Mr. Speaker, I thank Representative HARTZLER for coming to the floor tonight and speaking on this bill. It is interesting that legalizing assisted suicide can lead to an increase in suicide. We spend hundreds of millions of dollars in our country on suicide prevention. It would seem that laws such as the one that the District of Columbia has passed really go against that fundamental public policy that we have in this country of saying no to suicide.

With that, it is a real privilege for me to yield to the gentleman from Maryland (Mr. HARRIS). ANDY HARRIS is another physician whom I serve with who has served in our Nation's military.

Mr. HARRIS. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding to me.

The gentleman just brought up an interesting point. It is true that in the Netherlands, when they reviewed their experience, they found that just legalizing physician-assisted suicide actually increases the amount of nonphysician-assisted suicide. It sends the wrong message. It absolutely sends the wrong message.

I want to thank the good doctor from Ohio for introducing this bill because certainly the Nation's Capital is one where we should be very careful since the Constitution has entrusted us with approving or disapproving the laws in the Nation's Capital. It behooves Congress to take a good look at a law like this, the so-called Death with Dignity Act. Now, that is striking because most people don't associate suicide with dignity in any way, shape, or

form, and for good reason. But I will get to that.

There are a lot of myths associated with the bill. First of all, assisted suicide somehow offers patients more choices. It actually doesn't. What it does is it actually sends a very strong message that regardless of the many types of disease you might have and the many types of treatment that may be available, there is one final, common pathway that the State—in this case, the District—would now say is perfectly acceptable. In fact, it is not only perfectly acceptable, it is legal to actually go to a physician and ask them to participate in your suicide. That doesn't lead to more choice; that ultimately leads to less choice.

But the use of the word "dignity" is striking to me because the number one group of individuals, if we would collectively look at how we would describe those individuals to whom this applies, really, are individuals with some kind of disability, perhaps with a disease or disability that, according to the law, two physicians would just have to agree, knowing how imperfect the idea to predict lifespan is, that those could result in death in 6 months. Associating that kind of problem with the ultimate outcome of death by suicide I think removes dignity. It doesn't add dignity to anyone's life.

Worse than that, what we have done now and what we have seen in terms of the functional reduction of choice is that, according to many of the new payment systems for health care in this country, you actually align the incentives of the patient's health care from top to bottom.

What do I mean by that?

Now over half the physicians in the country no longer work for themselves; they are employed by entities. Frequently, these entities share the same financial risk as the physicians in terms of their being driven to save money. That is it. There are numerous incentives to save money within the law. If you don't believe me, go back and read the Medicare rules and regulations.

In fact, it should be noted that in the Netherlands, where assisted suicide has been legal for years, the average age for women is 65 who participate; for men it is 62. That means, Mr. Speaker, almost half the individuals are Medicare patients. There are powerful incentives built into Medicare to save money—powerful incentives—accountable care organizations, for instance, where the physician who is the patient's attending physician happens to work for the same healthcare system that shares in financial incentives if money is saved.

Mr. Speaker, I would proffer—and I think any Member who is against this legislation and for the Death with Dignity Act should stipulate that, clearly,

it saves money to give someone a \$300 prescription for secobarbital rather than pay for expensive cancer therapy or expensive therapy that might cure a patient. That doesn't give a patient dignity. That doesn't add to their dignity. What that does is it now places the patient in the situation, if they truly understand the financial incentives in the system, to actually question whether their physician is doing the right thing for them.

In fact, the consulting physician under the Death with Dignity Act doesn't have to belong to a different financial entity. A physician working for this healthcare entity who actually saves money through the act of suicide can send the patient right across the hall to a consulting physician to agree, that consulting physician being a part of the same accountable care organization. That is wrong. But that is the situation patients will find themselves in, questioning whether their physician has a financial incentive to write that lethal prescription.

Now, the other straw man that is set up very frequently, and if you look at the Pew Research study that asks people their opinion, "Do you think we should allow death with dignity?" they frequently mention only one situation: a patient with terminal disease in extreme pain. But, Mr. Speaker, the data is that only 20 percent of patients who seek physician-assisted suicide have pain as their primary reason.

Now, we are all compassionate people. Every human being has suffered pain, some human beings more than others, and it is not hard to understand how someone answering that poll question thinking of a patient with terminal illness in severe pain, knowing what pain is about, how difficult it is to treat pain unless it is done with the most modern methods, might say, yeah, maybe dying is better. But, Mr. Speaker, that is a straw man: 80 percent of patients say it is something else; 92 percent saying it is losing autonomy—losing autonomy.

Our solution to losing autonomy in a patient or being less able to engage in activities making life enjoyable, 90 percent of patients saying that, society's solution is to write a lethal prescription?

I will tell you, I am most troubled—and I will close with this. As a physician, I went into medicine to actually help people, to help people get better. That is why people go into health care. That is why my daughters became nurses. They became nurses to help people get better. God knows that is what we want to do. That is true compassion.

But now to say that if a physician, against their Hippocratic oath, shall prescribe a medication that knowingly kills a patient—and let's not mince words. That is what the Death with Dignity Act does. It says a licensed

practitioner with a license to heal now has a license to kill—knowingly kill—a patient put under their care. That is a step, Mr. Speaker, I would offer that, as a society, we should take a long and hard look at before we ask our healers to, effectively, become killers.

Mr. ROTHFUS. Mr. Speaker, I thank Dr. HARRIS for taking a long, hard look at what is going to happen here in the District of Columbia if we do not bring H.J. Res. 27 to the floor to block this misguided legislation.

Dr. HARRIS talked about compassion. Certainly, we all have family members, we all have friends who have had very difficult illnesses, and we have been at bedsides when people have passed.

□ 2000

It is good to know that we have palliative care that is available to help people in pain, to make sure that they are getting everything they can without having a doctor violate his or her Hippocratic oath to do no harm.

I really thank Dr. HARRIS for his words and for reminding us how he was called to the healing arts. He has got family members engaged in the healing arts.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. MARSHALL), another Representative that we are joined by this evening, a newer member from the Big One, I think it is called, also having served in the Army Reserve. He did not do his physician's work in the Army Reserve, because I don't know what the rules are with women servicemembers and giving birth, but certainly we have women servicemembers giving birth. I don't think they are overseas, although they may be in Germany and other places. I don't think they are going to be in a war zone.

Certainly, he has got plenty of experience. He has delivered over 5,000 babies. He certainly has seen his share of difficult cases with patients. It is good to have him here this evening to talk about this legislation.

Mr. MARSHALL. Mr. Speaker, I rise tonight with fellow physicians and other colleagues to speak out against the shameful act being allowed in some parts of this country: physician-assisted suicide.

When I became a physician, I took an oath in which I promised to help the sick and to abstain from all intentional wrongdoing and harm. To help intentionally take the life of a patient is morally abhorrent.

It is not only the beginning of a slippery slope that devalues the sanctity of all human life. It is not only based on a subjective set of qualifications lawyers and lobbyists agree to. It is against the very oath that my fellow physicians swear to uphold. I encourage my colleagues to fight for these same beliefs, to treat life as sacred, and, first of all, to do no harm.

Mr. ROTHFUS. Mr. Speaker, it is simple: this Congress has a responsi-

bility. The Founders made us, this Congress—the House and the Senate—the stewards of this city, this beautiful Federal alabaster city. The Founders vested in us the exclusive legislative power over the District of Columbia.

H.J. Res. 27, which will block the so-called D.C. Death With Dignity Act, is a bill that goes to the character of this Congress, to the character of the District, to the character of this country.

Will this Congress allow this law to go into effect?

For the vulnerable, I hope not. For the physicians who are supposed to heal, I hope not.

Earlier in my remarks, I talked about how beautiful it is to look at this city from Arlington and to recollect our 35th President and the inspiring words he spoke on January 20, 1961. He ended that address with these words: "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

Mr. Speaker, let's lead the land we love. Let this House move ahead with H.J. Res. 27 and prevent this legislation, the D.C. Death With Dignity Act, from staining our Nation's capital.

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

CHALLENGES AHEAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. O'ROURKE) is recognized for 60 minutes as the designee of the minority leader.

Mr. O'ROURKE. Mr. Speaker, yesterday, our country and the community that I have the honor of representing, El Paso, Texas, lost one of our best: Dr. Joseph E. Torres, who was 93 years old at the time of his death, still practicing dentistry in the community of El Paso, and somebody who left a terrific legacy for his family, for our community, for this country, and for all posterity.

Dr. Torres served in the U.S. Army Air Corps from 1942 to 1945. He first served as an infantryman, and then later as a bombardier and a navigator for the B-17 aircraft.

Dr. Torres flew 13 bombing missions over Germany, one of the most difficult missions to be assigned to anybody, over the course of World War II. He later joined and served as a lieutenant in the Army Air Corps Reserve from 1945 to 1947. He later joined the Air Force Dental Reserve, where he reached the rank of colonel.

As I said, he was a practicing dentist in El Paso, Texas. After his time in uniform, he continued to serve his community and he continued to serve his El Pasoans, his fellow Texans, and

his fellow Americans. He never stopped being an advocate for servicemembers, veterans, and this country.

So here today we mourn his loss.

Preceding him in death from that Greatest Generation, not too long ago, in August 2016, was Maynard L. Beamesderfer, known as "Beamy" to his friends and his fans. He was one of the original 350 Pathfinders, who were the first combat paratroopers to jump into Normandy, France, before the D-day invasion in 1944. He was a member of the 501st Parachute Infantry Regiment and 101st Airborne Division. Mr. Beamesderfer died at the age of 92.

The third gentleman that I want to introduce to you and who I would like to talk about today and whose story I would like to share is someone I greatly admire and who I have had the privilege of meeting several times and being able to introduce my oldest son Ulysses to. That is Retired Lieutenant Colonel Robert E. Chisolm, "Bob," who is a founding member of the 82nd Airborne Division Association in El Paso. He is someone who is very much still with us, full of vigor, strength, energy, and an inspiration at a time that we so badly need him.

He is also the rarest of Americans. He is a combat veteran of World War II, he is a combat veteran of Korea, and he is a combat veteran of Vietnam. In fact, he is one of only 325 combat veterans in the history of the United States military authorized to wear the Triple Combat Infantryman Badge for combat service in three separate wars.

During World War II, he earned the Legion of Merit Award, which can only be obtained after receiving direct approval from the President of the United States. He was also recognized by the French Government more recently in 2012, at which time a French general awarded him the French Legion of Honor Award and the status of Knighthood.

We are grateful for the service of these three amazing Americans, these three outstanding El Pasoans, these three great examples to each and every one of us of who we are when we are at our best and what we are willing to do to serve this country and the cause of freedom and the best interests of humanity.

It is these three men and others who join them in the Greatest Generation, the men and women throughout this country who endured and suffered, survived, and began to thrive through the Great Depression. Following that, they proudly and gladly served their country in World War II in a world away, whether it was in North Africa, Italy, Europe, or the Asia Pacific.

These were men and women who fought for not just this country, but who fought for and won a world order that has more or less sustained us for the last 75 years; a world order that was won, fought for, and sustained

through enormous treasure, blood, and sacrifice of this country, sustained, fought for, and won by men like Bob Chisolm, “Beamy” Beamesderfer, and Dr. Torres.

I bring them up today so, one, we can pay honor and tribute to them; and, two, so that we can remember what is at stake today, in 2017, seemingly a world away from when Dr. Torres first served in the Army Air Corps in 1942. It is a world where the United States is the sole superpower, where we guarantee the lanes of trade, the connections between countries, the viability of an entire continent in Europe. The benefits from the treasure and the blood and the sacrifice and our sustainment of these policies over the last 70 to 75 years has accrued primarily to the United States, but also to our allies and also, I would argue, to the rest of the world.

We have largely seen in that time a time of peace, a time where we avoided major world wars, where we peacefully sustained and outlasted the Soviet Union and ushered in a new era of peace in Eastern Europe.

When we think about the challenges that we face today, those countries who do not see a place in this world order that we won and have sustained—countries like Russia, China, Iran, North Korea, each of whom, in their own way, pose a threat not just to the United States, not just to their neighbors in their respective regions, but to the world and the order that we have bought at such a dear cost.

When we think about what is going on today, it is critically important that we move forward very carefully and mindful of what it took to bring this world order about and what could happen if this world order collapses.

As General David Petraeus told us last week in a House Armed Services Committee meeting, this world order did not will itself into existence. It did not sustain itself. It did not win itself. All of that was done by Americans, for Americans, for our allies, for our interests, and our values around the world. It is important that we be mindful of that when all of that is at stake and when it is under threat unlike any time since the collapse of the Soviet Union.

As we begin a new Congress with a new administration, we have several choices before us. We can shore up that world order and the alliances and relationships that underpin them. An example is the North Atlantic Treaty Organization, or NATO, our partnership with 28 European countries that has effectively kept the peace on that continent for more than 70 years. Or we can refer to that arrangement and that treaty as obsolete and we can ask the Europeans to take care of their own business without assistance or alliance from the United States.

Perhaps that is in the best interest of this country. Perhaps that reduces the

burden on the United States taxpayer. Perhaps that reduces the burden on the servicemembers now deployed in Europe, reassuring that continent.

Perhaps it is also better for Russia as they continue to probe the weaknesses in the Western alliance; as they move into Ukraine and seize Crimea or are active in the eastern part of that country; as they interfere in elections throughout the Western world, most notably our own in 2016, but not limited solely to the United States, and where we fear they may be active again in interfering in other elections in the free world.

□ 2015

Perhaps this is good for Russia to think of NATO as obsolete or to withdraw our commitment because our allies are not ponying up their fair share of the burden, and I think that is a real concern. Maybe that is good for us. Maybe that is good for Europe. It is certainly going to be good for Russia. The consequence for that, my colleagues, may very well be that, while we might save some in what we are spending in treasure and sacrifice and service in Europe today, we may be called back again, as we were in the World War I and afterwards in World War II to defend that continent from tyranny at extraordinary costs to our treasury, to the lives of those who serve, to the lives that are lost, to the lives that are changed forever.

When we look at another part of the world in the South China Sea and to our allies there like Japan, the Philippines, increasingly, Vietnam, perhaps it is better that we allow China to decide what is best for that region and for those countries at the expense of those who, today, are our allies. Certainly, it would save the taxpayer the resources that we expend today to prop up and support our allies, to ensure their defense, and to ensure our interests. Perhaps it would be good for those countries in that region, including Taiwan. It would certainly be good for China, a growing competitor not just in the South China Sea, not just in Asia, but, increasingly, around the world.

So we have a choice there to make as well: Do we retrench, withdraw, close ourselves off from the rest of the world and our commitments and our obligations? Again, the benefit of which has largely accrued to us, as it has to our allies and much of the rest of the world. Or do we fix what is not working now; sustain, perhaps even grow, that commitment; meet the threats; and address the fears that that part of the world has? It comes at some cost, and it is not a trivial one.

But I would argue that we cannot foresee the future where the United States is not involved in the South China Sea, in east Asia, with our allies in that region. We don't know for sure

what will happen, but we know that power abhors a vacuum. We know that where the United States is not, other world powers will be; and they certainly don't have the interests of our citizens, our values, and our way of life at heart.

When it comes to the Middle East and the series of serious challenges that we face there from Iraq and Syria to north Africa in Libya, to our difficult relationship with Saudi Arabia, who is an ally and at the same time the source of so much that threatens that region and, ultimately, the United States, certainly, in the short term, it would be cheaper to withdraw our commitments and our support, our resources and our servicemembers, who are there at such great cost, again, to this country and to themselves and to their families, who bear the burden of the fight and sustain those injuries when they are incurred and mourn the losses of those servicemembers who never make it back.

It is easy to argue, in the short term, that that could be good for the United States. But it is hard to argue, in the long term, that, without our leadership, without some level of involvement, including military involvement, but especially diplomatic and political engagement with the governments and the people and the interests in the Middle East, it is hard to argue that, without that, our interests, our goals, our values will be respected, accepted, honored, and seen through. What is much more likely is that we will find ourselves there again, responding to a great crisis at greater expense of life and treasure to this country.

And that story repeats throughout the world. Whatever country, whatever region, whatever hemisphere, whatever continent, when the United States is not there, neither are our interests, neither are we able to benefit, and neither is the world able to depend on some level of peace, security, and stability.

I urge this House, our new President, those whom we represent to think about what is at stake right now around the world, to understand how this international order was brought about, how it was fought for and won and sustained, and how tragic it would be, after 75 years, after the noble sacrifice of so many of the Greatest Generation and of the generations that followed who served in Korea, who served in Vietnam, who served in the first Gulf War, who are serving today in our wars that followed the attacks of 9/11, how terrible would it be for us to lose what we have fought so hard to gain in the span of one administration?

It does not have to be that way. I think working together, across party lines, with this administration, with Congress, both Houses, with the American people, certainly supporting our servicemembers and honoring the sacrifices of our veterans, I think together

we can meet this challenge, just as we have met serious challenges in the past. But we are going to need to correct our course, and we will need to do so immediately.

No longer can we mock allies, try to humiliate our neighbor to the south, the country of Mexico.

No longer can we call into question an alliance that has withstood the test of time and has ensured the peace of this country and the continent of Europe: the NATO alliance.

No longer can we threaten to withdraw from international obligations, whether they are at the U.N., whether they are bilateral trade negotiations or multilateral trade agreements.

No longer can we think that the United States can serve as a bunker against the rest of the world. It is too late for that. It was too late for that in World War II when the three brave gentlemen that I began my speech with decided to serve this country and to purchase the freedom and the world order that so many take for granted today.

I think it is incumbent upon us to try to offer an alternative to the course that we are currently on, an alternative that I would say starts here at home and with those countries that border ours. It starts with acknowledging that Mexico, for example, is far more an opportunity than it is a threat to the United States, that today we do hundreds of billions of dollars of trade with Mexico, trade that is unique in its character such that, when we export to Mexico, certainly we win. Those are U.S. jobs, U.S. products being exported to the country of Mexico, bought by Mexican consumers. The proceeds flow back to the U.S. worker and to the owners of those businesses and companies.

But when we import from Mexico, it is important to remember, 40 percent of the value of our imports from that country were generated here in the United States. Those same factory floor jobs in Michigan, in Indiana, in Ohio, in Tennessee, in Texas produce products that are exported to Mexico for final assembly and then brought back into the United States.

Forty percent of the value of our imports from Mexico are U.S. content. When we look at China, it is 4 percent. When we export to Mexico, we win. When we import from Mexico, we win. We win jobs, 6 million American jobs that, today, are dependent on U.S.-Mexico trade.

Nearly half a million of those are in the State of Texas alone, each one of them jeopardized by the course that this country has taken under this new administration, each one of those potentially lost if we cannot redevelop a positive relationship with the country of Mexico, certainly one in which our interests are most important to the United States, where the U.S. worker is preeminent, but where, nonetheless,

we understand the larger picture and the longer game, that our future—the United States and Mexico—is a shared future, that the way we manufacture today is done together, both countries producing products that are made in North America along with Canada. That is what is going on here today, that we are linked in a way that cannot be unlinked without causing serious trauma, job loss, economic downturns, and insecurity for the United States.

In the last 30 years, as we have grown closer to Mexico and had a stronger economic relationship with that country that results in the hundreds of billions of dollars of trade that cross our ports of entry every year, at the same time, we have grown a stronger, closer security relationship such that the most notorious criminal mastermind in the history of Mexico, Joaquin Guzman, El Chapo, was recently extradited to the United States despite considerations of Mexican sovereignty. Despite, perhaps, the loss of pride that is entailed in sending that country's criminal who is responsible for countless deaths, for drug production, drug transit, and the drugs that cross into the United States and are consumed in Mexico and other parts of the world, Mexico did that precisely because of the strong security relationship that has grown between these two countries.

So should we pursue a path of humiliation for our southern neighbor? Should we build a 2,000-mile wall in a hopeless effort to seal that country off from ours? Should we propose imposing a 20 percent tax on all goods coming in from Mexico which, again, remember, will not just hurt the Mexican worker, but will hurt the U.S. worker as well?

Should we do all that, not only will we hurt ourselves economically, we will deeply damage the security bonds that exist today between those two countries, security bonds that keep us safe, that keep us secure, that help explain why today, despite the headlines, despite the campaign rhetoric, the facts show that the U.S.-Mexico border has never been more secure. It has never been more safe. It has never posed less of an immediate risk or hazard to Americans.

It has a lot to do with the brave men and women in the United States Border Patrol, those who also serve in police departments like ours in El Paso, in sheriff's departments like those under the command of Sheriff Richard Wiles in El Paso County. It has a lot to do with the immigrant populations who live in the communities along the U.S.-Mexico border who are such a part of our safety because they are striving to get ahead, to keep out of trouble, to learn, to study, to do better, to contribute to, participate in, and reap the benefits of the American Dream.

But we are also safe because the country of Mexico has made a commit-

ment to help keep us safe. When we are concerned about transnational criminal organizations coming from the three most dangerous countries in the world today—El Salvador, Guatemala, Honduras—we have a partner in Mexico, who checks their advance at Mexico's southern border, who ensures, when we have the greatest humanitarian crisis this hemisphere has ever seen because of the brutality and violence that we see in those northern triangle countries in Central America, that Mexico is our partner in helping to provide shelter, sustenance, and aid to those frightened young children leaving the northern triangle.

Some still make their way to the United States and present themselves, not trying to evade detection, but present themselves to Border Patrol agents and Customs officers at our ports of entry. No wall could ever keep them out.

But as many as are coming from Central America today, we have record low levels of northbound migration and asylum-seeking attempts crossing the U.S.-Mexico border. The number last year was somewhere around 400,000 northbound apprehensions. The number 16 years ago was 1.6 million northbound apprehensions.

For all the reasons that I gave, and one of them an important one—and we must keep that in mind—is Mexico: our relationship, our partnership, part of that world order that we have fought for, worked so hard for, sustained at such great cost. These are the dividends that world order is producing for the United States today in jobs, in economic growth, in the security and safety of our communities and the people we represent.

□ 2030

El Paso, Texas, in fact, is the safest city in the United States today. It was the safest city last year, it was the safest city the year before that, and it has been among the safest cities in America for the last 15 years. It is not an outlier, and it is not an anomaly. The second safest city is San Diego, California, another large U.S. border city, conjoined with its sister city of Tijuana.

So when we upend this world order, when we upend our relationships, when we bully, humiliate, and threaten the countries with whom we have been allied and partnered for so many years now, not only will they suffer, which I can only assume is the intent of the President, but so will we. We also do deep disservice and dishonor to those who have fought so hard, worked so long, and done so much to build up something today that we are the lucky heirs to.

Furthermore, our leadership position in the world is not sustained on blood and treasure and diplomacy alone. It is the values that we live out each and

every day in our homes, in our communities, and, yes, here in our government, in the United States Congress. Values that include taking in the world's refugees.

After screening, ensuring the security and safety of the communities into which they will come, which we have always done—and no one is vetted or screened more thoroughly than a refugee from another country trying to enter the United States—most will not be able to make it, even under previous administrations. But after that screening has taken place, when they come to this country, those refugees, those asylum seekers, and those immigrants are the ones who have helped to build this success story, this exceptional country, this indispensable Nation, the United States.

And when we turn off the lamp of liberty, when we no longer shine as a beacon to the refugees, the aspirational people around the world who are looking for a better life, who were called to our shores by our values and what we represent around the world, and what we have always fought for and proved in actions beyond our words, when that lamp goes out, when we begin religious tests for the kinds of immigrants who we will bring into this country, when we do things that are immediately politically popular but are not in the best traditions of this country, we lose that place of prominence around the world, not just to the countries and the decisionmakers within those countries—the kings and queens and presidents and prime ministers—we lose that place of prominence with the people around the world who have always looked to the United States for example and for leadership.

And so I ask my colleagues to join me in ensuring that, as troubling as this course has been in the first few weeks of this administration, we remember that we still have time to correct it and that we have an obligation to offer an alternative, one that has served this country so well for so long and is a source of so much of our strength, our exceptionalism, and our greatness. I call on my colleagues to move beyond Presidential fiat, beyond executive order, beyond the whims of a new administration, and to set in law our values and our priorities.

Ultimately, we must be able to reform our system of immigration laws. But short of that, we must at least be able to honor the ones who are already on the books. We have to do more to ensure that those who need us most in the world can find a home in this country, not solely for their benefit. That is the moral imperative. That is the argument that can persuade us in our hearts, but also because the value and the benefit will accrue to this country economically in our security, in our vibrancy, and in ensuring that the next generation is going to be the leaders,

whether it comes to the businesses that are created, the books and the art that are created, the leadership that is needed, and the service that we demand in uniform throughout the world.

Certainly that comes from native born U.S. citizens, but it also, as we know when we think about the history of this country, that comes from those who came to our shores. Or, like most of the Western Hemisphere, whether your family came from Mexico or El Salvador or Argentina, there is a good chance that your Ellis Island was El Paso, Texas, that your family first set foot on U.S. soil in the community that I have the honor to represent today. Whether it was in Segundo Barria, or the Chihuahueta neighborhood, or the Chamizal district, El Paso has been that first welcoming community to millions who have answered the promise, the potential, the opportunity, and the beacon of hope that we have provided for the world.

It is no accident, and it is totally connected, that El Paso's safety is directly proportional to our connection to the rest of the world, to Mexico, to these people who so many of our political leaders want to sow fear and anxiety and misapprehension about. They want to vilify these people, call them rapists and thugs and criminals, when the facts bear out that they are the very reason that we are so secure and so safe.

So imagine in the Ellis Island of the Western Hemisphere—El Paso, Texas—building a wall that would forever separate and divide us from the rest of the hemisphere, from the place where we meet the rest of the world. That, too, will compromise our leadership position in the world. That, too, will dishonor the noble sacrifice that we have seen from countless servicemembers from those who pursue U.S. policy around the world, and to those who are now serving in more than 140 countries around the globe.

I think about another country and another wall at another time that proved American exceptionalism when the Soviets constructed the Berlin Wall to keep East Germans from being able to flee to the West, those East Germans who, in some way, were responding to the hope that I am talking about that we have so long represented around the world. It was the United States that overcame that wall. It was people like General James H. Polk who ensured that the people of East Berlin had hope, that the people of West Berlin had hope, that we made every effort to fulfill our commitments, not just to Americans on American soil, but to American values wherever they may be represented around the world. While other governments were building walls, the United States was doing the right thing.

And it was a President of the United States, Ronald Reagan, who challenged

the Soviet empire to tear down this wall. How far have we come that today, in 2017, in the living lifetime of those who served with President Reagan, who voted for President Reagan, who lived in the America that President Reagan was a President of, that we are contemplating building a wall that would keep people out, that would separate people who have a common future, a common history? And in places like El Paso and Ciudad Juarez, 3 million people who form the largest binational community in the world, two people who have a common identity, nothing to be afraid of, nothing to be anxious about, nothing to be scared of. We, the United States, are at our best when we are strong, when we are confident, when we are bold. We are at our worst when we are anxious, when we are afraid, when we are scared.

Mr. Speaker, I ask that we not make policy out of fear, that we not stoke anxiety, that we not lose the best, strongest traditions of who we are as Americans, but, instead, follow those traditions. And when we do, we will be able to change the course that this country is now on. We will be able to help this President to do the right thing, the right thing for this country, in this country more importantly, but to do the right thing for this country when it means standing up for our values, our interests, our allies around the world.

Mr. Speaker, for many in this country and for many around the world, these are some of the darkest days in recent memory. But I have hope because we have had far darker days in this country before. And the institutions, such as the one that we are in today, and the American people whose work we do at whose pleasure we serve, who we represent in this Chamber, are a remarkable, resilient people. And they will help to bring this body, this administration, this government, and this country to its senses. And when we get there, I am confident that we are going to do the right thing, I am confident that we are going to honor the best traditions of this country, we are going to honor the brave men and women who have served, who helped to build what we have today, which so many people take for granted. Mr. Speaker, I am confident that working together, Republican and Democrat, we are going to do what is best for the world and what is best for America.

I yield back the balance of my time.

SECURITY AND GENEROSITY: ON BEING AMERICA

The SPEAKER pro tempore (Mrs. COMSTOCK). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY) for 30 minutes.

Mr. FORTENBERRY. Madam Speaker, if the gentleman from Texas (Mr.

O'ROURKE) would mind lingering in the Chamber for just a moment, I want to make a couple of comments on what he said. Because he began his talk with a commemoration of some extraordinary Americans, World War II veterans. And as I was waiting my turn to speak, I couldn't help but reflect upon perhaps one of the most extraordinary opportunities that I have been given as a Member of the House of Representatives.

A bipartisan delegation went to the 70th anniversary of the D-day invasion. President Obama, of course, spoke, and dignitaries from around the world, including the Queen of England, also made an appearance.

When we got to the cemetery area at Omaha Beach, we were meeting veterans who had fought there or in the vicinity. One of the first gentlemen I met, he had only a thumb, and he was sitting in a wheelchair. And I just asked him, because it was such a celebratory atmosphere and everyone was so engaged by the heroism of these men and the opportunity to be back so many years later—I just asked him: Did that happen here?

He said: Yeah, right over there on the beach.

Well, his daughter was with him, and she told me a moment later: Actually, what happened was we think that he was shot on the hip and one of his grenades began to go off and he was throwing it away from himself.

I looked at him and I said: How are you here?

And he said: I don't know.

Another man had been a part of the paratroopers who dropped in behind enemy lines the night before near the town of Sainte-Mere-Eglise, and I will come to that town in a moment. And I asked him: What was your assignment?

He said: Hill 60, or some number.

And I said: Where is that?

He said: Right over there. He said: Guard the bridge at La Fiere.

I said: That is the bridge at La Fiere.

An old Norman-style, arched stone bridge, maybe a car-length wide, obviously just one lane to get a horse and cart over.

He said: Do not let the Germans cross that bridge, that was our assignment, and we held them.

Another man looked at me and said: I haven't been here in 70 years. A much better reception this time.

This great humor, this depth of character that these extraordinary men showed was so evident that day.

□ 2045

To continue the story a little bit more, Captain Luther Sextan Fortenberry, my grandfather, left his family in August of 1944. He was a medical doctor and was initially at a hospital in England. The records are a little bit unclear; but, in November of '44, he was killed, and he left his 8-year-old son—my father—behind. He was initially

buried at Sainte-Mere-Eglise, at the cemetery there. He was reinterred in Arlington National Cemetery.

One of the guides that we had during that trip was a former British military officer, and he had a complete command of the details of the battle. In fact, I was so impressed by him that I invited him to come to Nebraska to speak to my veterans, and he accepted. So, later that summer, he hosted him in Nebraska. One of my little towns is called Columbus, Nebraska. Columbus is actually the place where Andrew Jackson Higgins was born—the Higgins boat inventor, which was the troop carrier that landed there on Omaha and Utah Beaches that day. President Eisenhower said of Andrew Jackson Higgins that he won the war for us.

He is very much associated with Louisiana because that is where he spent his adulthood, in shipbuilding, and he would not let go of the idea that we needed this innovative type of troop carrier. He is from Columbus, Nebraska. In the front of Columbus, Nebraska—which is a small, agricultural town, a wonderful community of 25,000 people—they have built an extraordinary World War II memorial that is a replica of the Higgins boat, with beautiful bronze sculptures of the troops in their charging off that boat.

When my friend, the former British military officer who now does—again—tours and commentary on the battle, saw this, he looked at me and said: JEFF, this belongs on Utah Beach because there is nothing like that there anymore.

I will make a long story short.

Some of the members of the community who had worked on that project heard this. They said: Well, we can build another one.

I was trying to tamp down expectations because I knew how difficult that would be; but the day before the 71st anniversary, that new World War II memorial was put in the breach where our troops first came through, where General Roosevelt led our troops through on Utah Beach. Right in the breach, a memorial that was constructed by the good people of Columbus, Nebraska, now sits as a permanent display—a replica—of the Higgins boat, right next to the World War II museum right there on Utah Beach. I understand it is extraordinarily popular as one is able to enter onto the boat and experience the life-like reality of what it must have been like to be in that moment. The French even moved one of their own monuments, by the way. This is the cooperation we had with the French Government. They moved their own monument to General Le Clerc—their general who had followed the pathway or fought, as well, into Germany.

I apologize for holding the gentleman up, but he talked about a number of things. Obviously, we are going to have

big, important debates about a number of the sensitive points he talked about; but where there is no debate is in the character of the men and women who served in World War II. I thank the gentleman so much.

Madam Speaker, I want to give this commentary tonight, as well, on some of the dynamics of the moment. Before I begin, I would like to share with you that, outside of my office, there hangs a framed copy of a piece of legislation. In fact, it was one of the earliest pieces of legislation that I worked on here, and I am quite proud of it. The bill increased the number of Iraqi translators who could come to the United States. These persons served alongside our troops and put themselves and their families at great personal risk in service to our country. Among those who benefited from this expanded policy were members of the Yazidi faith tradition—a peaceful, ancient faith—that, very sadly, ISIS has targeted as a part of its extermination campaign against Christians and other religious minorities, including innocent Muslim communities.

Madam Speaker, as we all know, America has long opened her arms to persons who flee persecution, who wish to rebuild their lives and become good citizens here. My hometown of Lincoln, Nebraska, is a diverse, welcoming community with a number of first-generation Americans, and we are the better for it. However, when there is chaos and disorder at our border or if there is uncertainty in immigration policy and procedures, this problem undermines the ability of our country to be generous; or, worse, it affects our safety. There are two principles being held in the balance here: keeping America safe and keeping America generous.

President Trump's executive order to protect the Nation from foreign terrorist entry into the United States has suspended all new refugee admissions into the U.S. for 120 days. In addition, it blocks all travelers for 90 days from seven countries of concern—Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen—which was a list, by the way, created by the Obama administration in 2015. Refugees from Syria are banned indefinitely, and travelers from these countries with a green card will be allowed since they are permanent United States residents.

Madam Speaker, from my perspective, I believe it is reasonable to pause and review our refugee policy from dangerous parts of the world; but, clearly, the implementation of the policy has caused some confusion, difficulty, and concern, some of which has been clarified.

As an example, there is a Yazidi man named Nawaf, who was one of those military translators—again, putting himself at great risk to serve alongside our troops. Nawaf visited my office last Monday. It was in the evening. He requested help for his wife, Laila. Two of

his brothers live where I live—in Lincoln, Nebraska. Although I didn't recognize him at first, I remembered that a president of a university in Iraq, whom I know, once told me about a Yazidi student who had become class valedictorian of that university; so I began to piece this story together.

Nawaf arrived in America just last year. Following 18 months of vetting, his wife was awarded a special visa about a week and a half ago; but as Nawaf was explaining to me both with great composure and, frankly, a certain sensitivity to our security concerns, he told me that his wife, Laila, was barred from entry.

Madam Speaker, immigration and refugee policy always involves a difficult choice. A country has to consider first its absorption capacity, the possibilities of assimilation, as well as the necessity of those coming to accept the values of the host country's. I think a review of this policy or of these principles—a review of what has happened in Europe—actually sheds some light.

For example, Germany recklessly threw open its borders recently, and a wave of persons—many young, single men—entered the country, sparking an uptick in crime and violence and, possibly, the conditions for more terrorist attacks. Confusion continues as to who is where, and the German Government's rapidly considered and naive refugee policy has unwittingly created an anti-immigration backlash and political turmoil.

Madam Speaker, the immigration and refugee movement should always be a means of last resort. Everyone can't come to the West. Rather, it is the responsibility of governments around the world to create the conditions in which people can live securely. If that breaks down, as a first order response, robust humanitarian assistance and repositioning persons in nearby safe zones creates the possibility of a right of return and avoids the trauma of uprooting persons from their homes and their cultures.

Madam Speaker, with all of the complex considerations surrounding immigration, though, it is important to remember that we are not dealing with statistics, that we are not dealing with some remote geopolitical policy, but that we are dealing with the lives of real persons. So, happily, last Friday morning, after my office successfully worked on the case, Laila arrived, and with open arms and flowers, Nawaf, her husband, welcomed her to America.

Madam Speaker, given now that the executive order has been put on a temporary halt as the administration goes through the appeals process, I also think it is appropriate to pause and speak about the broader issues at stake here—what it means to be a nation and what it means to have a binding narrative as a people.

Madam Speaker, I am quite sure our soldiers know this feeling all too well—

I have experienced it. Perhaps you have experienced it, too—when you are in a far-off place, with no one familiar around you, and then you, all of a sudden, have that feeling of connection because you see it—you see an American flag. At that moment, the flag is more than a piece of cloth with stars and stripes. It is an enduring symbol that expresses a deep, unspoken narrative about who we are as a people and about the ideals that unite us as a nation.

If you ask most people what America means, I would suggest that they would probably use one word: freedom. Yet I am afraid, Madam Speaker, that this word “freedom” is so overused that we have forgotten its essential meaning. Most properly understood, freedom is the ability to do what one ought—to take responsibility for oneself, one's family, one's community, and, by extension, one's nation. Freedom is not a detachment from responsibility to do whatever you want. That is a self-destructive idea that erodes freedom, resulting not only in the loss of oneself, but in the degradation of the entire community.

Of course, we often reflect on what it means to be an American when discussing immigration. America has long offered the hope of freedom for immigrants who are yearning to work for a better future for themselves, for their families. To those tempest-tossed, to those tired, poor, huddled masses yearning to breathe free, America has lifted its lamp beside the golden door. Implicit in this worldwide welcome was a basic compact that those who came here, however arduous their journey, must undertake the responsibility of citizenship. Of course, many people gleefully do.

In fact, America's very survival as a beacon-handed land requires those who immigrate to assimilate and adopt the values proposition that makes our country unique in the history of the world. Those values include respect for others, the acceptance of law and order as a prerequisite for the orderly functioning of society, and the desire to participate constructively as a citizen. Those who refuse to assimilate or reject these time-honored values take advantage of the sacrifices and hard-fought gains of generations of Americans who have built and often died for what we cherish and what we so eagerly share with people from around the world. That is fundamentally unfair and is an abuse of the idea of freedom itself.

Madam Speaker, individual freedom is achieved most fully in the context of community. When the government or interest groups see freedom merely as a functional meeting of material needs alone, it undermines the social dimensions of freedom, which are rooted in authentic human relationships.

□ 2100

Conversely, the proper amount of government, a government well-ordered, provides protection and creates the guardrails for individuals to flourish together, generating meaning for persons and community. The right political approach in America can restore that golden mean.

Madam Speaker, there is a story I would like to tell. There is a man, and he is talking to his young son. He said: Son, you see that beautiful, lovely home there on the hill? One day, if it is your heart's desire, if you are willing to work hard and be patient, and if you do what is right, then maybe you could earn that home one day.

Another man in another country took a very different approach talking to his young son. He said: See that big mansion on the hill there? If you work hard enough, if you stay focused, and if you position yourself right, one day you can get that guy.

You see, Madam Speaker, our country is not based on the principle of envy. It is based on respect and responsibility. To make America flourish again, politically, economically, and culturally, a restoration of this ideal is necessary to create the conditions for a true and lasting freedom.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE of Texas (at the request of Mr. MCCARTHY) for today on account of personal reasons.

Mr. JEFFRIES (at the request of Ms. PELOSI) for today.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON SMALL BUSINESS
FOR THE 115TH CONGRESS

COMMITTEE ON SMALL BUSINESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2017.

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

DEAR SPEAKER RYAN: Enclosed herewith are the Rules and Procedures for the 115th Congress that were adopted by the Committee on Small Business at its organizational meeting on February 1, 2017.

Sincerely,

STEVE CHABOT,
Chairman.

1. GENERAL PROVISIONS

(A) Rules of the Committee. The Rules of the House of Representatives, in total (but especially with respect to the operations of committee, Rule X, cl. 1(q), cl. 2, cl. 3(1) and Rule XI), are the rules of the Committee on Small Business (“Committee”) to the extent applicable and are incorporated by reference.

(B) Appointments by the Chair. Pursuant to the Rules of the House, the Chair shall designate a Member of the Committee Majority to serve as Vice Chair of the Committee. The Vice Chair shall preside at any

meeting or hearing during the temporary absence of the Chair. The Chair also reserves the right to designate a Member of the Committee Majority to serve as the Chair at a hearing or meeting.

2. REFERRAL OF BILLS BY THE CHAIR

The Chair will retain consideration of all legislation referred to the Committee by the Speaker. No action will be required of a Subcommittee before legislation is considered for report by the Committee. Subcommittee chairs, pursuant to the rules set out herein, may hold hearings on any bill referred to the Committee.

3. SUBCOMMITTEES

(A) Generally. Each Subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee, and to the Rules of the House and the rules adopted herein, to the extent applicable. The Chairman and Ranking Member of the Committee are *ex officio* Members of all Subcommittees for the purpose of any meeting conducted by a Subcommittee.

(B) The Committee shall be organized into the following five subcommittees:

(1) Subcommittee on Agriculture, Energy, and Trade.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will address policies that enhance rural economic growth, increasing America's energy independence and ensuring that America's small businesses can compete effectively in a global marketplace.

Oversight of agricultural policies.

Oversight of environmental issues and regulations (including agencies such as the Environmental Protection Agency and the Army Corps of Engineers).

Oversight of energy issues, including expansion of domestic resources, whether they are renewable or non-renewable.

Oversight of international trade policy with particular emphasis on agencies that provide direct assistance to small businesses, such as: the Small Business Administration's (SBA) Office of International Trade, the Department of Commerce's United States Export Assistance Centers, the Department of Agriculture's Foreign Agricultural Service, and the Export-Import Bank.

Oversight of infringement of intellectual property rights by foreign competition.

(2) Subcommittee on Health and Technology.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will address how health care policies may inhibit or promote economic growth and job creation by small businesses. In addition, the Subcommittee will examine small business job growth through the creation and adoption of advanced technologies.

Oversight of the implementation of the Patient Protection and Affordable Care Act.

Oversight of availability and affordability of health care coverage for small businesses.

Oversight of general technology issues, including intellectual property policy in the United States.

Oversight of United States telecommunications policies including, but not limited to, the National Broadband Plan and allocation of electromagnetic spectrum.

Oversight of the Small Business Innovation Research Program.

Oversight of the Small Business Technology Transfer Program.

(3) Subcommittee on Economic Growth, Tax, and Capital Access.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will evaluate the operation of the financial markets in the United States and their ability to provide needed capital to small businesses. In addition, the Subcommittee will review federal programs, especially those overseen by the SBA, aimed at assisting entrepreneurs in obtaining needed capital. Since the tax policy plays an integral role in access to capital, this Committee also will examine the impact of federal tax policies on small businesses.

Oversight of capital access and financial markets.

Implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

SBA financial assistance programs, including guaranteed loans, microloans, certified development company loans, and small business investment companies.

Oversight of the Department of Agriculture business and industry guaranteed loan program.

Oversight of general tax policy affecting small businesses.

The management of the SBA disaster loan program.

(4) Subcommittee on Investigations, Oversight, and Regulations.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will probe the efficient operation of government programs that affect small businesses, including the SBA, and develop proposals to make them operate in a more cost-effective manner. This Subcommittee also will review the regulatory burdens imposed on small businesses and how those burdens may be alleviated.

Oversight of general issues affecting small businesses and federal agencies.

Oversight of the management of the SBA.

Oversight of the SBA Inspector General.

Implementation of the Regulatory Flexibility Act.

Oversight of the Office of Information and Regulatory Affairs at the Office of Management and Budget.

Use of the Congressional Review Act.

Transparency of the federal rulemaking process as required by the Administrative Procedure and Data Quality Acts.

Implementation of the Paperwork Reduction Act.

(5) Subcommittee on Contracting and Workforce.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will assess the federal procurement system, including those programs designed specifically to enhance participation by small businesses in providing goods and services to the federal government. The Subcommittee will examine various programs designed to provide technical assistance to small businesses, whether specifically aimed at federal contractors or small businesses in general. Finally, the Subcommittee will review the broad scope of workforce issues that affect the ability of small businesses to obtain and maintain qualified employees.

Oversight of government-wide procurement practices and programs affecting small businesses.

Oversight of federal procurement policies that inhibit or expand participation by small businesses in the federal contracting marketplace.

All contracting programs established by the Small Business Act, including HUBZone, 8(a), Women-, and Service Disabled Veteran-Owned Small Business Programs.

Technical assistance provided to federal contractors and perspective contractors through SBA personnel, Offices of Small and Disadvantaged Business Utilization, and Procurement Technical Assistance Centers.

The SBA Surety Bond guarantee program.

Oversight of all federal policies that affect the workforce including, but not limited to, the roles of the Department of Labor and the National Labor Relations Board.

SBA entrepreneurial development and technical assistance programs unrelated to participation in the federal government contracting.

(C) Powers and Duties of Subcommittees. Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on any matters referred to it. Prior to the scheduling of any meeting or hearing of a Subcommittee, the Chair of the Subcommittee shall obtain the approval of the Chair of the Committee.

(D) Hearing Time and Date. No hearing or meeting of a Subcommittee shall take place at the same time as the meeting or hearing of the full Committee or another Subcommittee, *provided however*, that the Subcommittee Chairs may hold field hearings that conflict with those held by other Subcommittees of the Committee.

4. COMMITTEE STAFF

(A) Majority Staff. The employees of the Committee, except those assigned to the Minority as provided below, shall be appointed and assigned, and may be removed by the Chair of the Committee. The Chair shall fix their remuneration and they shall be under the general supervision and direction of the Chair.

(B) Minority Staff. The employees of the Committee assigned to the Minority shall be appointed and assigned, and their remuneration determined, as the Ranking Minority Member of the Committee shall decide.

(C) Subcommittee Staff. There shall be no separate staff assigned to Subcommittees. The Chair and Ranking Minority Member shall endeavor to ensure that sufficient Committee staff is made available in order that each Subcommittee may carry out the responsibilities set forth in Rule 3, *supra*.

5. MEETINGS

(A) Regular Meeting Day. The regular meeting day of the Committee shall be the second Wednesday of every month when the House is in session. The Chair may dispense with the meeting of the Committee, if in the sole discretion of the Chair, there is no need for such meeting.

(B) Additional Meetings. Additional meetings may be called as deemed necessary by the Chair or at the request of the majority Members of the Committee pursuant to Rule XI, cl. 2(c) of the rules of the House. At least 3 days' notice of such an additional meeting shall be given unless the Chair, with the concurrence of the Ranking Minority Member, determines that there is good cause to call the meeting on less notice or upon a vote by a majority of the Committee (a quorum being present). To the extent possible, the three days shall be counted from the 72 hours before the time of the meeting. Announcements of the meeting shall be published promptly in the Daily Digest and made publicly available in electronic form.

(C) Business to be Considered. The determination of the business to be considered at each meeting shall be made by the Chair subject to limitations set forth in House Rule XI, cl. 2(c).

(D) Meeting Materials. The Chair shall provide to each Member of the Committee, to

the extent practicable, at least 48 hours in advance of a meeting, a copy of the bill, resolution, report or other item to be considered at the meeting, but no later than 24 hours before the meeting. Such material also shall be made available to the public at least 24 hours in advance in electronic form.

(E) Special and Emergency Meetings. The rules for notice and meetings as set forth in Rule 5 of these Rules shall not apply to special and emergency meetings. Clause 2(c)(2) of Rule XI and clause 2(g)(3)(A) of Rule XI of the Rules of the House, as applicable, shall apply to such meetings.

6. NOTICE AND ANNOUNCEMENT OF HEARINGS

(A) Announcement of Hearings. Public announcement of the date, place and subject matter of any hearing to be conducted by the Committee shall be made no later than 7 calendar days before the commencement of the hearing. To the extent possible, the seven days shall be counted from 168 hours before the time of the Committee's hearing.

(B) Exception. The Chair, with the concurrence of the Ranking Minority Member, or upon a vote by the majority of the Committee (a quorum being present), may authorize a hearing to commence on less than 7 days' notice.

(C) Witness Lists. Unless the Chair determines it is impracticable to do so, the Committee shall make a tentative witness list available at the time it makes the public announcement of the hearing. If a tentative witness list is not made available at the time of the announcement of the hearing, such witness list shall be made available as soon as practicable after such announcement is made. A final witness list shall be issued by the Committee no later than 48 hours prior to the commencement of the hearing.

(D) Hearing Material. The Chair shall provide to all Members of the Committee, as soon as practicable after the announcement of the hearing, a memorandum explaining the subject matter of the hearing and any official reports from departments and agencies on the subject matter of the hearing. Such material shall be made available to all Members of the Committee no later than 48 hours before the commencement of the hearing, unless the Chair, after consultation with the Ranking Minority Member, determines that certain reports from departments or agencies should not be made available prior to the commencement of the hearing. Material provided by the Chair to all Members, whether provided prior to or at the hearing, shall be placed on the Committee website no later than 48 hours after the commencement of the hearing, unless such material contains sensitive or classified information, in which case such material shall be handled pursuant to Rule 16 of the Committee's Rules.

7. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings. Each meeting of the Committee or its Subcommittees for the transaction of business, including the markup of legislation, shall be open to the public, including to radio, television, and still photography coverage, except as provided by House Rule XI, cl. 4. If the majority of Members of the Committee or Subcommittee present at the meeting determine by a recorded vote in open session that all or part of the remainder of the meeting on that day shall be closed to the public because the disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person or otherwise would violate any law or

rule of the House; *provided however*, that no person other than Members of the Committee, and such congressional staff and such executive branch representatives they may authorize, shall be present in any meeting which has been closed to the public.

(B) Hearings. Each hearing conducted by the Committee or its Subcommittees shall be open to the public, including radio, television and still photography coverage. If the majority of Members of the Committee or Subcommittee present at the hearing determine by a recorded vote in open session that all or part of the remainder of the hearing on that day shall be closed to the public because the disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person or otherwise would violate any law or rule of the House; *provided however*, that the Committee or Subcommittee may by the same procedure also vote to close one subsequent day of hearings. Notwithstanding the requirements of the preceding sentence, a majority of those present (if the requisite number of Members are present under Committee rules for the purpose of taking testimony) may vote: (i) to close the hearing for the sole purpose of discussing whether the testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate Rule XI, cl. 2(k)(5) of the House or (ii) to close the hearing, as provided clause 2(k)(5) of Rule XI of the House.

(C) Participation in Subcommittee Hearings. The Chair and Ranking Minority Member are *ex officio* Members of all Subcommittees for any hearing conducted by a Subcommittee. Members of the Committee who wish to participate in a hearing of the Subcommittee to which they are not Members shall make such request to the Chair and the Ranking Minority Member of the Subcommittee at the commencement of the hearing. The Chair, after consultation with the Ranking Minority Member of the Subcommittee, shall grant such request.

(D) Non-Participatory Attendance by Other Members of the House. No Member of the House may be excluded from non-participatory attendance at any hearing of the Committee or any Subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or Subcommittees, for purposes of a particular subject of investigation, to close its hearing to Members by the same procedures designated to close hearings to the public.

(E) Procedure to Participate. Members of Congress who are not Members of the Committee but would like to participate in a hearing shall notify the Chair and the Ranking Minority Member and submit a formal request no later than 24 hours before the commencement of the meeting or hearing.

(F) Audio and Video Coverage. To the maximum extent practicable, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen and view the proceedings and shall maintain the recordings of such coverage in a manner easily accessible to the public.

8. WITNESSES

(A) Number of Witnesses. For any hearing conducted by the Committee or Subcommittee there shall be no more than four non-governmental witnesses of which the Ranking Minority Member of the Committee or Subcommittee (as appropriate) is entitled to select one witness for the hearing.

(B) Witnesses Selected by the Minority. Witnesses selected by the Ranking Minority Member of the Committee or Subcommittee shall be invited to testify by the Chair of the Committee or Subcommittee (as appropriate). Rule 8(D) shall apply with equal force to witnesses selected by the Ranking Minority Member of the Committee or Subcommittee.

(C) Small Business Week Exception. The limitations set forth in the preceding paragraph shall not apply if the Committee holds a hearing to honor the work of the small business community in conjunction with the annual celebration of Small Business Week. Witness limitations for such a hearing shall be determined by the Chair in consultation with the Ranking Minority Member.

(D) Statement of Witnesses.

(1) Each witness who is to appear before the Committee or Subcommittee shall file an electronic copy of the testimony with the Committee and the Ranking Minority Member no later than 48 hours before the commencement of the hearing. In addition, the witness shall provide 25 copies of the testimony by the commencement of the hearing. The Chair may waive the requirement by the witness providing 25 copies in which case the Committee or Subcommittee shall provide the 25 copies.

(2) Each non-governmental witness shall provide to the Committee and the Ranking Minority Member, no later than 48 hours before the commencement of the hearing, a curriculum vitae or other statement describing their education, employment, professional affiliation or other background information pertinent to their testimony.

(E) Witness Disclosure. As required by Rule XI, cl. 2(g) of the Rules of the House, each nongovernmental witness before the commencement of the hearing shall file with the Chair a disclosure form detailing any contracts or grants that the witness has with the federal government, as well as the amount and country of origin of any payment or contract related to the subject of the hearing originating with a foreign government. In addition, each non-governmental witness shall file with the Committee Chair a disclosure form detailing any payments or contracts received from a foreign government if such payments or contracts are related in any manner to the subject matter of a hearing. Such information shall be posted on the Committee website within 24 hours after the witness appeared at the hearing.

(F) Failure to Comply. The failure to provide the materials set forth by the deadlines set forth in these rules may be grounds for excluding both the oral and written testimony of the witness unless waived by the Chair of the Committee or Subcommittee.

(G) Public Access to Witness Materials. The Committee will provide public access to printed materials, including the testimony of witnesses in electronic form on the Committee's website no later than 24 hours after the hearing is adjourned. Supplemental material provided after the hearing adjourns shall be placed on the Committee website no later than 24 hours after receipt of such material.

(H) Questioning of Witnesses. Except when the Committee adopts a motion pursuant to subdivisions (B) and (C) of clause 2(i)(2) of Rule XI of the Rules of the House, Committee Members may question witnesses only when they have been recognized by the Chair for that purpose. Members shall have the opportunity, as set forth in Rule XI, cl. 2(j) of the Rules of the House, to question

each witness on the panel for a period not to exceed five minutes. For any hearing, the Chair of the Committee or Subcommittee may offer a motion to extend the questioning of a witness or witnesses by the Member identified in the motion for more than five minutes as set forth in Rule XI, cl. 2(j)(B).

(I) Order of Questioning. The Chair of the Committee or Subcommittee shall commence questioning followed by the Ranking Minority Member. Thereafter, questioning shall alternate between the majority and minority Members. Before the gavel has been struck, or in the case of Members arriving simultaneously, the order of questioning shall be based on seniority among Members of his or her own party. After the gavel has been struck, Members first to arrive shall have priority over Members of his or her own party.

(J) Consideration of Ratio. In recognizing Members to question witnesses, the Chair may take into consideration the ratio of majority and minority Members present in such a manner as to not disadvantage the Members of either party.

9. QUORUM

(A) Determining a Quorum. A quorum, for purposes of reporting a measure or recommendation, shall be a majority of the Committee Members.

(B) Quorum for a Hearing. For purposes of taking testimony or receiving evidence, a quorum shall be one Member from the Majority and one Member from the Minority. The Chair of the Committee or Subcommittee shall exercise reasonable comity by waiting for the Ranking Minority Member even if a quorum is present before striking the gavel to commence the hearing. For hearings held by the Committee or a Subcommittee in a location other than the Committee's hearing room in Washington, DC, a quorum shall be deemed to be present if the Chair of the Committee or Subcommittee is present.

10. RECORD VOTES

(A) When Provided. A record vote of the Committee shall be provided on any question before the Committee upon the request of any Member of the Committee. A record of the vote of each Member of the Committee on a matter before the Committee shall be available in electronic form within 48 hours of such record vote, and, with respect to any roll call vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those Members voting for and against.

(B) Public Access to Record Votes. The Chair of the Committee shall, not later than 24 hours after consideration of a bill, resolution, report or other item, cause the text of the reported item and any amendment adopted thereto to be made publicly available in electronic form.

11. SUBPOENAS

(A) Authorization and Issuance. A subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witness and the production of such books, records, correspondence, memoranda, papers and documents, as deemed necessary. Such subpoena shall be authorized by a majority of the full Committee. The requirement that the authorization of a subpoena requires a majority vote may be waived by the Ranking Minority Member of the Committee.

(B) Issuance During Congressional Recess. The Chair may issue a subpoena, in consulta-

tion with the Ranking Minority Member, when the House is out for session for more than three legislative days.

12. AMENDMENTS DURING MARKUP

(A) Availability of Amendments. Any amendment offered to any pending legislation before the Committee must be made available in written form by any Member of the Committee. If such amendment is not available in written form when requested, the Chair shall allow an appropriate period for the provision thereof and may adjourn the markup to provide sufficient time for the provision of such written amendment. Such period or adjournment shall not prejudice the offering of such amendment.

(B) Drafting and Filing of Amendments. For amendments to be accepted during markup, there is no requirement that the amendments be filed prior to commencement of the markup or prepared with the assistance of the Office of Legislative Counsel. Even though it is not necessary, Members seeking to amend legislation during markup should draft amendments with the assistance of the Office of Legislative Counsel and consult with the Chair or Ranking Minority Member's staff (as appropriate) in the preparation of such amendments.

13. POSTPONEMENT OF PROCEEDINGS

(A) When Postponement is Permissible. The Chair, in consultation with the Ranking Minority Member, may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chair may resume postponed proceedings, but no later than 24 hours after such postponement, unless the House is not in session or there are conflicts with Member schedules that make it unlikely a quorum will be present to conduct business on the postponed proceeding. In such cases, the Chair will consult with Members to set a time as early as possible to resume proceedings but in no event later than the next meeting date as set forth in Rule 5 of these Rules.

(B) Resumption of Proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

14. COMMITTEE RECORDS

(A) The Committee shall keep a complete record of all actions, which shall include a record of the votes on any question on which a recorded vote is demanded. The result of any vote by the Committee, or if applicable by a Subcommittee, including a voice vote shall be posted on the Committee's website within 24 hours after the vote has been taken. Such record shall include a description of the amendment, motion, order, or other proposition, the name of the Member voting for and against such amendment, motion, order, or other proposition, and the names of Members present but not voting. For any amendment, motion, order, or other proposition decided by voice vote, the record shall include a description and whether the voice vote was in favor or against.

(B) Transcripts. The Committee shall keep a complete record of all Committee and Subcommittee activity which, in the case of a meeting or hearing transcript, shall include a substantially verbatim account of the remarks actually made during the proceedings subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks.

(C) Availability of Records. The records of the Committee at the National Archives and

Records Administration shall be made available in accordance with Rule VII of the Rules of the House. The Chair of the Committee shall notify the Ranking Member of the Committee of any decision, pursuant to Rule VII, cl. 3(b)(3) or cl. 4(b), to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination of the written request of any Member of the Committee.

(D) Publishing and Posting of Records. The Committee Rules shall be made publicly available in electronic form and published in the Congressional Record not later than 30 days after the Chair of the Committee is elected in each odd-numbered year.

15. COMMITTEE WEBSITE

The Chair shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about Committee's activities to Committee Members and other Members of the House. The Ranking Minority Member may maintain a similar website for the same purpose, including communicating information about the activities of the Minority to Committee Members and other Members of the House.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

(A) Access to classified or sensitive information supplied to the Committee or Subcommittees and attendance at closed sessions of the Committee or a Subcommittee shall be limited to Members and necessary Committee staff and stenographic reporters who have appropriate security clearance when the Chair determines that such access or attendance is essential to the functioning of the Committee or one of its Subcommittees.

(B) Procedures Governing Availability. The procedures to be followed in granting access to those hearings, records, data, charts, and files of the Committee which involve classified information or information deemed to be sensitive shall be as follows:

(I) Only Members of the House of Representatives and specifically designated Committee staff of the Committee on Small Business may have access to such information.

(II) Members who desire to read materials that are in possession of the Committee shall notify the Clerk of the Committee in writing.

(III) The Clerk of the Committee will maintain an accurate access log, which identifies the circumstances surrounding access to the information, without revealing the material examined.

(IV) If the material desired to be reviewed is material which the Committee or Subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, individuals will be required to sign an access information sheet acknowledging such access and that the individual has read and understands the procedures under which access is being granted.

(V) Material provided for review under this rule shall not be removed from a specified room within the Committee offices.

(VI) Individuals reviewing materials under this rule shall make certain that the materials are returned to the proper custodian.

(VII) No reproductions or recordings may be made of any portion of such materials.

(VIII) The contents of such information shall not be divulged to any person in any way, form, shape, or manner and shall not be discussed with any person who has not received the information in the manner authorized by the rules of the Committee.

(IX) When not being examined in the manner described herein, such information will be kept in secure safes or locked file cabinets within the Committee offices.

(X) These procedures only address access to information the Committee or Subcommittee deems to be sensitive enough to require special treatment.

(XI) If a Member of the House of Representatives believes that certain sensitive information should not be restricted as to dissemination or use, the Member may petition the Committee or Subcommittee to so rule. With respect to information and materials provided to the Committee by the Executive Branch or an independent agency as that term is defined in 44 U.S.C. 3502, the classification of information and materials as determined by the Executive Branch or independent agency shall prevail unless affirmatively changed by the Committee or Subcommittee involved, after consultation with the Executive Branch or independent agency.

(XII) Other materials in the possession of the Committee are to be handled in accordance with normal practices and traditions of the Committee.

17. OTHER PROCEDURES

The Chair of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

18. AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed by a majority vote of the Members, at a meeting specifically called for such purpose, but only if written notice of the proposed change or changes has been provided to each Member of the Committee at least 72 hours prior to the time of the meeting of the Committee to consider such change or changes.

19. BUDGET AND TRAVEL

(A) Allocation of Budget. From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives in the 115th Congress, the Chair, after consultation with the Ranking Minority Member, shall designate one-third of the budget under the direction of the Ranking Minority Member for the purposes of minority staff, travel expenses of minority staff and Members, and minority office expenses.

(B) Authorization of Travel. The Chair may authorize travel in connection with activities or subject matters under the legislative or oversight jurisdiction of the Committee as set forth in Rule X of the Rules of the House. The Ranking Minority Member may authorize travel for any Minority Member or staff of the minority in connection with activities or subject matters under the Committee's jurisdiction as set forth in Rule X of the Rules of the House. Before such travel, there shall be submitted to the Chair of the Committee in writing the following at least seven (7) calendar days prior specifying: a) the purpose of the travel; b) the dates during which the travel is to occur; c) the names of the states or countries to be visited and the length of time spent in each; and d) the names of Members and staff of the Committee participating in such travel.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows;

S. 305. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Vietnam War Veterans Day; to the Committee on the Judiciary.

ADJOURNMENT

Mr. FORTENBERRY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 7, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

495. A letter from the Acting Secretary, Department of Education, transmitting the Department's final regulations — Open Licensing Requirement for Competitive Grant Programs [Docket ID: ED-2015-OS-0105] (RIN: 1894-AA07) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

496. A letter from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

497. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps [Docket No.: EERE-2016-BT-TP-0029] (RIN: 1904-AD71) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

498. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Compressors [Docket No.: EERE-2014-BT-TP-0054] (RIN: 1904-AD43) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

499. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2015-0795] [EPA-HQ-OPP-2015-0796] [EPA-HQ-OPP-2015-0797; FRL-9957-22] received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

500. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propamocarb; Pesticide Tolerance [EPA-HQ-OPP-2016-0083; FRL-9957-68]

received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

501. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the FY 2016 annual report of Military Assistance and Military Exports, pursuant to 22 U.S.C. 2415(a); Public Law 87-195, Sec. 655 (as amended by Public Law 104-164, Sec. 148); (110 Stat. 1435); to the Committee on Foreign Affairs.

502. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the Navy's proposed Letter of Offer and Acceptance to the Republic of Korea, Transmittal No. 16-85, pursuant to Sec. 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

503. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the Air Force's proposed Letter of Offer and Acceptance to the Republic of Korea, Transmittal No. 16-83, pursuant to Sec. 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

504. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the Agency's reports containing the September 30, 2016, status of loans and guarantees, issued under Section 25(a)(11) of the Arms Export Control Act; to the Committee on Foreign Affairs.

505. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's 2016 Data Mining Report to Congress pursuant to Implementing Recommendations of the 9/11 Commission Act of 2007, pursuant to 42 U.S.C. 2000ee-3(c)(1); Public Law 110-53, Sec. 804(c)(1); (121 Stat. 363); to the Committee on Foreign Affairs.

506. A letter from the Chief Financial Officer, Federal Mediation and Conciliation Service, transmitting the report of the Federal Mediation and Conciliation Service under the Federal Managers' Financial Integrity Act for Fiscal Year 2016; to the Committee on Oversight and Government Reform.

507. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Final Rule To List Two Guitarfishes as Threatened Under the Endangered Species Act [Docket No.: 150211138-7024-02] (RIN: 0648-XD771) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

508. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surflam and Ocean Quahog Fishery; 2017-2018 Fishing Quotas [Docket No.: 160816746-6999-02] (RIN: 0648-XE819) received January 26, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

509. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern

United States; Blueline Tilefish Fishery; Secretarial Interim Action [Docket No.: 160609505-6505-01] (RIN: 0648-BG07) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

510. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 160411325-6535-02] (RIN: 0648-XE568) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

511. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements of the Adam Walsh Child Protection and Safety Act of 2006, pursuant to 42 U.S.C. 16991; Public Law 109-248, Sec. 635; (120 Stat. 644); to the Committee on the Judiciary.

512. A letter from the Regulations Coordinator, ASFR/OGAPA/Division of Grants, Department of Health and Human Services, transmitting the Department's final rule — Annual Civil Monetary Penalties Inflation Adjustment (RIN: 0991-AC0) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

513. A letter from the Chief, Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting the Department's final rule — Civil Penalty Inflation Adjustment [Docket ID: BSEE-2017-0001; 17XE1700DX EXISF0000.DAQ000 EEEE50000] (RIN: 1014-AA34) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

514. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Department's final rule — Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN: 3052-AD21) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

515. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Uniform National Discharge Standards for Vessels of the Armed Forces — Phase II Batch One: Delay of Effective Date [EPA-HQ-OW-2013-0469; FRL-9959-30-OW] received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

516. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a copy of a memorandum, entitled "Construction of the Dakota Access Pipeline"; jointly to the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. BYRNE: Committee on Rules. House Resolution 91. Resolution providing for consideration of the joint resolution (H.J. Res. 44) disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976; providing for consideration of the joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965; and providing for consideration of the joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues (Rept. 115-9).

Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Missouri (for himself, Mr. LARSON of Connecticut, and Mr. ROYCE of California):

H.R. 871. A bill to amend the Internal Revenue Code of 1986 to exempt premiums paid on non-cash-value property and casualty insurance from the taxes to enforce reporting on certain foreign accounts; to the Committee on Ways and Means.

By Mr. TED LIEU of California (for himself, Ms. JUDY CHU of California, Mr. CUMMINGS, Ms. NORTON, Ms. MOORE, and Ms. SLAUGHTER):

H.R. 872. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance medical device communications and ensure device cleanliness; to the Committee on Energy and Commerce.

By Mr. GALLAGHER (for himself and Mr. MOULTON):

H.R. 873. A bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes; to the Committee on Natural Resources.

By Mr. LOEBSACK (for himself, Mr. STIVERS, Mrs. BUSTOS, Mr. LEWIS of Georgia, Ms. KELLY of Illinois, Mr. WEBER of Texas, Mr. LOBIONDO, Mr. HIMES, Mr. VARGAS, Mr. BARLETTA, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. O'ROURKE, Mr. MCCAUL, Mr. THOMAS J. ROONEY of Florida, Mr. QUIGLEY, Mr. OLSON, Mr. GALLEGO, Mr. DELANEY, Mr. GARAMENDI, Mr. SABLON, Mr. CURBELO of Florida, Ms. SLAUGHTER, Mr. JONES, Mr. COOPER, Mr. SESSIONS, Mr. DENHAM, Mr. GIBBS, Mr. YOUNG of Alaska, Mr. CARDENAS, Mr. VALADAO, Mr. KING of New York, Mr. PAULSEN, Mrs. RADEWAGEN, Mr. VELA, Ms. SHEAPORTER, Mr. SOTO, Ms. GABBARD, Mr. RYAN of Ohio, Mr. EMMER, Mr. GOODLATTE, Mr. SWALWELL of California, and Mr. KATKO):

H.R. 874. A bill to amend title 38, United States Code, to ensure that certain veterans receive in-patient psychiatric care provided

by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. NEWHOUSE:

H.R. 875. A bill to facilitate and streamline the Bureau of Reclamation process for creating or expanding water storage, rural water supply, and water recycling projects under Reclamation law, and for other purposes; to the Committee on Natural Resources.

By Mr. KATKO (for himself, Mr. MCCAUL, Mr. ROGERS of Alabama, Mr. FITZPATRICK, Mr. HIGGINS of Louisiana, Mr. KING of New York, Mr. VELA, Mr. KEATING, and Mrs. WATSON COLEMAN):

H.R. 876. A bill to amend the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, and for other purposes; to the Committee on Homeland Security.

By Mr. AMODEI (for himself, Mr. ABRAHAM, Mr. BURGESS, Mr. KILMER, Mr. BARLETTA, Mr. WEBSTER of Florida, Mr. DEFazio, Mr. BUSHON, Mr. THOMAS J. ROONEY of Florida, Mr. JONES, Miss RICE of New York, Ms. CLARK of Massachusetts, Ms. KUSTER of New Hampshire, Mr. HECK, Mrs. BLACKBURN, Mr. HILL, Mr. KELLY of Pennsylvania, Mr. LOBIONDO, Mrs. BROOKS of Indiana, Mr. RENACCI, Mr. CRAMER, Mr. SEAN PATRICK MALONEY of New York, Mr. BYRNE, Mr. ROUZER, Mr. LOUDERMILK, Mr. CARTWRIGHT, Mr. MARINO, Mr. AUSTIN SCOTT of Georgia, Mr. STEWART, Mr. POCAN, Mr. FRANKS of Arizona, Mr. KIND, Mr. CARTER of Texas, Mr. ROSS, Mr. KING of New York, Mr. WITTMAN, Mrs. ROBY, Mr. PEARCE, and Mr. WENSTRUP):

H.R. 877. A bill to direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the helicopter pilots and crewmembers who were killed while serving on active duty in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BIGGS (for himself, Mr. FITZPATRICK, Mr. CRAMER, Mr. GROTHMAN, Mr. MESSER, Mr. PITTENGER, Mr. STEWART, Mr. LANCE, Mr. OLSON, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. CARSON of Indiana, Ms. MCSALLY, Mr. YOHIO, Mr. ROHRABACHER, Mr. DUNCAN of South Carolina, Mr. LEWIS of Minnesota, Mr. BARR, Mr. BRIDENSTINE, Mr. GOMERT, Mr. BANKS of Indiana, Mr. SMUCKER, Mr. BRAT, Mr. SENSENBRENNER, Mr. SCHWEIKERT, Mr. MARINO, Mr. ROKITA, and Mr. ISSA):

H.R. 878. A bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Ms. ESTY):

H.R. 879. A bill to require the Government Accountability Office to conduct periodic reviews of the flood insurance rates and flood

insurance rate maps under the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. BURGESS (for himself, Mr. GENE GREEN of Texas, Mr. HUDSON, and Ms. CASTOR of Florida):

H.R. 880. A bill to amend the Public Health Service Act to facilitate assignment of military trauma care providers to civilian trauma centers in order to maintain military trauma readiness and to support such centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. THOMAS J. ROONEY of Florida, Mrs. BLACKBURN, Ms. BROWNLEY of California, Ms. JUDY CHU of California, Mr. COHEN, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. MCCAUL, Mr. NADLER, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Texas, Mr. TIPTON, Ms. WASSERMAN SCHULTZ, Mr. SCHIFF, Mr. FRANKS of Arizona, Mr. ISSA, Mr. DEUTCH, Mr. CONYERS, Mr. MARINO, and Mr. COLLINS of Georgia):

H.R. 881. A bill to amend title 17, United States Code, to provide for direct payment of statutory sound recording performance royalties to record producers, and for other purposes; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr. HURD, Mr. GENE GREEN of Texas, Mr. DOGGETT, Mr. GONZALEZ of Texas, Mr. AL GREEN of Texas, Mr. O'ROURKE, and Mr. VELA):

H.R. 882. A bill to provide for a general capital increase for the North American Development Bank, and for other purposes; to the Committee on Financial Services.

By Mr. DESANTIS:

H.R. 883. A bill to amend title 18, United States Code, to provide a certification process for the issuance of nondisclosure requirements accompanying certain administrative subpoenas, to provide for judicial review of such nondisclosure requirements, and for other purposes; to the Committee on the Judiciary.

By Mr. HILL:

H.R. 884. A bill to clarify that volunteers at a children's consignment event are not employees under the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. LARSON of Connecticut):

H.R. 885. A bill to extend the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals; to the Committee on Ways and Means.

By Mr. JONES:

H.R. 886. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to permit dependents of retired members of the Armed Forces who reside in military housing to attend Department of Defense elementary and secondary schools; to the Committee on Armed Services.

By Mr. JONES:

H.R. 887. A bill to amend the Immigration and Nationality Act to extend honorary citizenship to otherwise qualified noncitizens who enlisted in the Philippines and died while serving on active duty with the United States Armed Forces during certain periods of hostilities, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 888. A bill to amend title 38, United States Code, to improve dependency and in-

demnity compensation for survivors of certain totally disabled veterans; to the Committee on Veterans' Affairs.

By Mrs. CAROLYN B. MALONEY of New York (for herself and Mr. POE of Texas):

H.R. 889. A bill to provide for the establishment of an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to the promotion of commercial sex acts and trafficking in persons crimes, and to increase the criminal monetary penalty limitations for the underpayment or overpayment of tax due to fraud; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARINO (for himself, Ms. JUDY CHU of California, and Mrs. COMSTOCK):

H.R. 890. A bill to establish the United States Copyright Office as an agency in the legislative branch, and for other purposes; to the Committee on the Judiciary.

By Mr. MEADOWS (for himself and Mr. FARENTHOLD):

H.R. 891. A bill to amend title 49, United States Code, with respect to employee protective arrangements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MENG:

H.R. 892. A bill to adjust the amount of monthly old-age, survivors, and disability insurance payments under title II of the Social Security Act based on locality-based comparability payment rates; to the Committee on Ways and Means.

By Ms. MENG:

H.R. 893. A bill to protect, improve, and modernize the act of voting; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN:

H.R. 894. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain interest and money market fund dividend income payments to charity and to modify the requirements relating to the reporting of such payments; to the Committee on Ways and Means.

By Mr. ROKITA (for himself, Mr. MESSER, and Mr. FRANKS of Arizona):

H.R. 895. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified elementary and secondary education tuition; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself, Mrs. BEATTY, Mr. KELLY of Pennsylvania, Mr. RENACCI, Mr. STIVERS, and Mr. WENSTRUP):

H.R. 896. A bill to amend the Internal Revenue Code of 1986 to exempt amounts paid for aircraft management services from the excise taxes imposed on transportation by air; to the Committee on Ways and Means.

By Mr. ZELDIN (for himself, Mr. KING of New York, Mr. SUOZZI, and Miss RICE of New York):

H.R. 897. A bill to authorize the Secretary of Veterans Affairs to make grants to State and local entities to carry out peer-to-peer mental health programs; to the Committee on Veterans' Affairs.

By Mr. SCHRADER:

H.J. Res. 64. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to regulate campaign contributions for Federal elections; to the Committee on the Judiciary.

By Mr. ZELDIN (for himself, Mr. SMITH of New Jersey, Mr. ENGEL, and Ms. MENG):

H. Con. Res. 20. Concurrent resolution expressing the sense of the House of Representatives regarding the execution-style murders of United States citizens Ylli, Agron, and Mehmet Bytyqi in the Republic of Serbia in July 1999; to the Committee on Foreign Affairs.

By Mr. ENGEL (for himself, Mr. ISSA, Mr. SHERMAN, Mr. KEATING, Mrs. NAPOLITANO, Ms. GABBARD, Mr. DEUTCH, Mr. BERA, Mr. TED LIEU of California, Mr. CASTRO of Texas, Ms. KELLY of Illinois, Mr. SUOZZI, Mr. MEEKS, Mrs. TORRES, Mr. SIREN, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SPEIER, Mr. CONNOLLY, Ms. HANABUSA, Ms. BORDALLO, Mr. HASTINGS, Mr. EVANS, Mr. SMITH of Washington, Mr. ESPAILLAT, Mr. COURTNEY, Mr. CROWLEY, Mr. HIMES, Mr. SCHNEIDER, Ms. TITUS, Mr. COHEN, and Mr. MCGOVERN):

H. Con. Res. 21. Concurrent resolution reaffirming a strong commitment to the United States-Australia alliance relationship; to the Committee on Foreign Affairs.

By Mr. WILSON of South Carolina (for himself, Mr. ROGERS of Alabama, Mr. MOULTON, Mr. YOHO, and Mr. SHERMAN):

H. Res. 92. A resolution condemning North Korea's development of multiple intercontinental ballistic missiles, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself and Mr. GRIJALVA):

H. Res. 93. A resolution providing amounts for the expenses of the Committee on Natural Resources in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Ms. CLARKE of New York (for herself, Mr. RASKIN, Ms. JAYAPAL, Mr. TED LIEU of California, Mr. VARGAS, Mr. GRIJALVA, Ms. LOFGREN, Mr. SOTO, Ms. VELÁZQUEZ, Mr. COHEN, Mr. CONYERS, Ms. SPEIER, Ms. MCCOLLUM, and Ms. BASS):

H. Res. 94. A resolution commending Sally Quillian Yates for refusing to enforce Donald Trump's discriminatory Executive Order 13769 (82 Fed. Reg. 8977; relating to "Protecting the Nation From Foreign Terrorist Entry Into the United States"); to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers

granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Missouri:

H.R. 871.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 provides Congress with the power to "lay and collect Taxes, Duties, Imposts and Excises."

By Mr. TED LIEU of California:

H.R. 872.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article 1, Section 8.

By Mr. GALLAGHER:

H.R. 873.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. LOEBSACK:

H.R. 874.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation provided by Article 1, Section 8 of the United States Constitution.

By Mr. NEWHOUSE:

H.R. 875.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mr. KATKO:

H.R. 876.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. AMODEI:

H.R. 877.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BIGGS:

H.R. 878.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. BILIRAKIS:

H.R. 879.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. BURGESS:

H.R. 880.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight, Clause One "To lay and collect Taxes, Duties, Imposts and

Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States"

Article One, Section Eight, Clause Three "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"

By Mr. CROWLEY:

H.R. 881.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: "The Congress shall have Power [. . .] To regulate Commerce with foreign Nations, and among the several States . . ."

By Mr. CUELLAR:

H.R. 882.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. DESANTIS:

H.R. 883.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution. Specifically, Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

By Mr. HILL:

H.R. 884.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. SAM JOHNSON of Texas:

H.R. 885.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. JONES:

H.R. 886.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, section 8 of the United States Constitution (clauses 12, 13, 14, 16 and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

By Mr. JONES:

H.R. 887.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the United States Constitution gives Congress the authority to "establish a uniform rule of naturalization" and to "make rules for the government and regulation of the land and naval forces".

By Mr. JONES:

H.R. 888.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, section 8 of the United States Constitution (clauses 12, 13, 14, 16 and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 889.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution which provides Congress with the power to lay and collect taxes and regulate commerce among the several states.

By Mr. MARINO:

H.R. 890.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 8: To promote the Progress of Science and useful Arts, by security for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

By Mr. MEADOWS:

H.R. 891.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 "The Congress shall have the power To . . . regulate Commerce . . . among the several States . . ."

By Ms. MENG:

H.R. 892.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Ms. MENG:

H.R. 893.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. PAULSEN:

H.R. 894.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ROKITA:

H.R. 895.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII, Clause I: The Congress shall have Power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

By Mr. TIBERI:

H.R. 896.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 or Article I

By Mr. ZELDIN:

H.R. 897.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. SCHRADER:

H.J. Res. 64.

Congress has the power to enact this legislation pursuant to the following:

This joint resolution is enacted pursuant to the power granted to Congress under Article V of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 60: Mrs. BROOKS of Indiana and Mr. BACON.

H.R. 112: Mr. WEBSTER of Florida.

H.R. 140: Mr. WOMACK.

H.R. 176: Mr. ROHRBACHER.

H.R. 233: Mr. LOBIONDO and Mr. KIND.

H.R. 275: Mr. THOMPSON of Pennsylvania and Mr. SHUSTER.

H.R. 299: Mr. BERGMAN, Mr. GAETZ, Mr. GALLAGHER, Mr. RENACCI, Mr. SMITH of New

Jersey, Mr. SARBANES, Mr. WEBER of Texas, Mr. KILMER, Mr. FOSTER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, Ms. HANABUSA, Mr. BRIDENSTINE, Mr. VEASEY, Mr. CASTRO of Texas, and Mrs. LOVE.

H.R. 332: Mr. LOEBSACK, Mr. PALLONE, Mr. CAPUANO, and Mr. CONNOLLY.

H.R. 334: Mr. POCAN, Mr. PALLONE, and Mr. CAPUANO.

H.R. 350: Mr. WOMACK.

H.R. 358: Mr. LAMALFA.

H.R. 367: Mr. MITCHELL, Mr. MAST, Mr. SAM JOHNSON of Texas, Mr. RENACCI, Mr. JOHNSON of Ohio, Mr. COLLINS of Georgia, Mr. COMER, Mr. JORDAN, and Mr. HIGGINS of Louisiana.

H.R. 369: Mr. MCCLINTOCK.

H.R. 387: Ms. HERRERA BEUTLER, Mr. ROUZER, Mr. GRAVES of Missouri, Mr. LIPINSKI, Mr. JORDAN, Mr. NEWHOUSE, Mr. LABRADOR, Mr. BABIN, Mr. THOMAS J. ROONEY of Florida, Ms. GRANGER, Ms. JENKINS of Kansas, Mr. GRIJALVA, Mr. ELLISON, Mr. LANCE, Mr. MEADOWS, Mrs. ROBY, Ms. SINEMA, Mr. PAYNE, Mr. HILL, Mr. TIPTON, Mr. ZELDIN, Mr. SWALWELL of California, Mr. GUTHRIE, Ms. LEE, Ms. MCSALLY, Mr. WALBERG, Mr. SCALISE, Mr. RICHMOND, Ms. JACKSON LEE, and Mr. WOODALL.

H.R. 392: Mr. VEASEY, Mr. NEWHOUSE, Miss RICE of New York, Mrs. WATSON COLEMAN, Mr. MCGOVERN, Mr. SMITH of Washington, Ms. JAYAPAL, Mr. POE of Texas, Ms. JACKSON LEE, and Mrs. NAPOLITANO.

H.R. 394: Mr. ROE of Tennessee and Mr. ROTHFUS.

H.R. 400: Mr. LOUDERMILK and Mr. FITZPATRICK.

H.R. 406: Ms. SHEA-PORTER.

H.R. 421: Mr. YOUNG of Iowa.

H.R. 422: Mr. GOODLATTE.

H.R. 428: Mr. RATCLIFFE.

H.R. 439: Mr. AGUILAR.

H.R. 468: Mr. HUFFMAN.

H.R. 476: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mr. SENSENBRENNER.

H.R. 490: Mr. BRIDENSTINE and Mr. MARSHALL.

H.R. 512: Mr. GARRETT.

H.R. 525: Mr. GARRETT.

H.R. 539: Mr. BARR.

H.R. 553: Mr. BABIN.

H.R. 559: Mr. GAETZ, Mr. COFFMAN, and Mr. BRAT.

H.R. 592: Mr. KILMER, Mr. AGUILAR, Mr. VALADAO, Mr. DOGGETT, Mr. DENHAM, and Mr. SMITH of Missouri.

H.R. 630: Ms. MOORE.

H.R. 632: Mr. THOMPSON of California, Mr. ELLISON, Ms. KAPTUR, Mr. WELCH, and Mr. BERGMAN.

H.R. 637: Mr. NEWHOUSE and Mr. HARPER.

H.R. 662: Mr. ROE of Tennessee.

H.R. 692: Mr. COLLINS of New York, Mr. GAETZ, and Mr. GRAVES of Georgia.

H.R. 694: Mr. NEWHOUSE.

H.R. 696: Ms. SLAUGHTER, Mr. SIRES, Mr. RASKIN, and Mr. LOWENTHAL.

H.R. 712: Mr. THOMPSON of California.

H.R. 713: Mr. THOMPSON of California.

H.R. 724: Mr. LAWSON of Florida.

H.R. 732: Mr. ABRAHAM, Mr. GOSAR, and Mr. DUFFY.

H.R. 747: Mr. MEEHAN, Ms. NORTON, and Mr. CRAMER.

H.R. 757: Ms. NORTON, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BEYER, Mr. LYNCH, Mr. NORCROSS, Mr. CUMMINGS, Mr. MCEACHIN, and Mr. SARBANES.

H.R. 769: Mr. WEBER of Texas, Mr. GOSAR, Mr. MOONEY of West Virginia, Mr. KUSTOFF of Tennessee, and Mr. DIAZ-BALART.

H.R. 771: Mr. LEVIN.

H.R. 772: Mr. AGUILAR, Mr. HOLDING, and Mr. ROKITA.

H.R. 777: Mr. DEFAZIO.

H.R. 781: Mr. MURPHY of Pennsylvania, Mr. JOHNSON of Louisiana, Mr. BANKS of Indiana, Mr. MASSIE, Mr. DUNCAN of South Carolina, Mr. PITTENGER, Mr. ROGERS of Alabama, Mr. PALMER, Mr. RENACCI, Mr. BYRNE, and Mr. GAETZ.

H.R. 782: Mrs. WAGNER, Mr. ROUZER, Mr. PITTENGER, and Mrs. COMSTOCK.

H.R. 785: Mr. GOHMERT, Mr. BARR, Mr. BUCHSHON, and Mr. GOODLATTE.

H.R. 787: Ms. SCHAKOWSKY, Mr. SWALWELL of California, Mrs. BEATTY, Mr. JEFFRIES, Mr. CARSON of Indiana, and Mr. RASKIN.

H.R. 789: Mr. DUNN, Ms. CHENEY, and Mr. BRAT.

H.R. 793: Mr. GALLEGO and Mrs. BUSTOS.

H.R. 804: Mr. ENGEL, Mr. PAYNE, Mr. GOTTHEIMER, Mr. HASTINGS, Ms. SLAUGHTER, Mr. SCHIFF, Mr. LYNCH, Mrs. WATSON COLEMAN, Mr. DESAULNIER, Mr. HECK, and Mr. ESPAILLAT.

H.R. 816: Mr. GRIJALVA and Mr. BLUMENAUER.

H.R. 820: Mr. CICILLINE, Mr. MEEHAN, Mr. WENSTRUP, Miss RICE of New York, Mr. PITTENGER, Mr. FOSTER, Mr. FARENTHOLD, Mr. GARAMENDI, Mr. WITTMAN, Mr. LANCE, Mrs. BLACKBURN, Mr. HURD, Ms. SINEMA, Mr. PASCRELL, Ms. PINGREE, Mr. KNIGHT, Mr. RODNEY DAVIS of Illinois, and Mr. DUNCAN of Tennessee.

H.R. 821: Mrs. WATSON COLEMAN, Mrs. BEATTY, Mr. CICILLINE, Ms. BONAMICI, Ms. FRANKEL of Florida, Mr. THOMPSON of California, Ms. DELBENE, Ms. KAPTUR, Ms. BASS, Mr. BEYER, Mr. CLYBURN, Mr. COHEN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. CUMMINGS, and Mr. COURTNEY.

H.R. 831: Mr. HURD.

H.R. 841: Mr. GUTIÉRREZ.

H.R. 842: Mr. AMASH.

H.R. 850: Mr. BANKS of Indiana and Mr. FERGUSON.

H.R. 852: Ms. HANABUSA, Mr. LAWSON of Florida, Mr. SCHNEIDER, Mr. PANETTA, and Mr. HUFFMAN.

H.R. 860: Mrs. BLACKBURN.

H.R. 866: Mr. GUTIÉRREZ.

H.R. 868: Mr. SABLAN and Mr. TAKANO.

H.R. 869: Mr. SABLAN and Mr. TAKANO.

H.J. Res. 6: Mr. THOMAS J. ROONEY of Florida and Mr. DAVIDSON.

H.J. Res. 27: Mr. MARINO, Mr. WITTMAN, Mr. MARSHALL, Mr. OLSON, Mr. DUFFY, Mr. LOUDERMILK, Mr. SCHWEIKERT, Mr. GOHMERT, and Mr. BYRNE.

H.J. Res. 42: Mr. JODY B. HICE of Georgia, Mr. GROTHMAN, Mr. YOHO, Mr. ALLEN, and Mr. DUFFY.

H.J. Res. 43: Mr. CALVERT, Mr. CHAFFETZ, Mr. ROGERS of Alabama, Mr. AUSTIN SCOTT of Georgia, Mr. HARPER, Mr. DAVIDSON, Mr. WESTERMAN, Mr. TURNER, and Mr. GUTHRIE.

H.J. Res. 44: Mr. LABRADOR.

H.J. Res. 48: Mr. HUFFMAN and Ms. NORTON.

H.J. Res. 53: Mr. RASKIN.

H.J. Res. 57: Mr. GROTHMAN, Mr. MITCHELL, Mr. YOHO, Mr. ALLEN, Mr. BIGGS, Mr. THOMPSON of Pennsylvania, Ms. STEFANIK, Mr. FERGUSON, and Mr. BUDD.

H.J. Res. 58: Mr. MITCHELL, Mr. YOHO, Mr. JENKINS of Kansas, Mr. ALLEN, Mr. BIGGS,

Mr. THOMPSON of Pennsylvania, Ms. STEFANIK, and Mr. FERGUSON.

H.J. Res. 59: Mr. THOMAS J. ROONEY of Florida.

H.J. Res. 62: Mr. ROSS.

H.J. Res. 63: Mr. CURBELO of Florida.

H. Con. Res. 8: Mr. FASO.

H. Con. Res. 13: Mr. WENSTRUP, Mr. LAMBORN, Mr. CARTER of Georgia, and Mr. NEWHOUSE.

H. Res. 15: Ms. KAPTUR, Ms. BONAMICI, Ms. PINGREE, Ms. MATSUI, Mr. COSTA, Mr. RUSH, Mr. REED, Mr. GRIFFITH, Mr. BEN RAY LUJÁN of New Mexico, Mr. PASCRELL, Mr. WEBSTER of Florida, and Mr. LOWENTHAL.

H. Res. 28: Ms. SHEA-PORTER, Mr. ESPAILLAT, Mr. PETERS, and Mr. LOWENTHAL.

H. Res. 30: Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. LIPINSKI, Mrs. DAVIS of California, and Ms. WASSERMAN SCHULTZ.

H. Res. 31: Mr. LOWENTHAL, Mr. BEN RAY LUJÁN of New Mexico, Mr. GRIFFITH, Ms. MATSUI, Mr. SWALWELL of California, Mr. SCOTT of Virginia, Ms. JUDY CHU of California, Ms. PINGREE, Ms. TITUS, Mr. PETERS, Ms. BONAMICI, Mr. PRICE of North Carolina, Mr. CARSON of Indiana, Mr. GOODLATTE, and Mr. BISHOP of Michigan.

H. Res. 38: Mr. BYRNE.

H. Res. 60: Mr. KING of Iowa and Mr. ISSA.

H. Res. 78: Ms. LOFGREN, Mr. DEFAZIO, Mr. MCNERNEY, Mr. MOULTON, and Mr. LANGEVIN.

H. Res. 85: Mr. MCGOVERN.

H. Res. 90: Ms. SCHAKOWSKY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. BISHOP OF UTAH

The provisions in H.R. 428 that warranted a referral to the Committee on Natural Resources do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

OFFERED BY MR. BISHOP OF UTAH

The provisions in H.J. Res. 44 that warranted a referral to the Committee on Natural Resources do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

OFFERED BY MS. FOXX

The provisions warranting a referral to the Committee on Education and the Workforce in H.J. Res. 57 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MS. FOXX

The provisions warranting a referral to the Committee on Education and the Workforce in H.J. Res. 58 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SENATE—Monday, February 6, 2017

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God of infinite goodness, confirm Your past mercies to us by empowering us to be faithful to Your commands. Help our lawmakers this day to use their understanding, affections, health, time, and talents to do what You desire. May they desire to please You with faithful service as You rule their hearts without a rival, guiding their thoughts, words, and works.

Lord, enable them to fulfill their duty to love You with all their heart, mind, soul, and strength. Take possession of their hearts, and order their steps by the power of Your loving providence. Pour down Your blessings upon our Senators that they may ever promote liberty and justice for all.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. FISCHER). Under the previous order, the leadership time is reserved.

LEGISLATIVE SESSION**MORNING BUSINESS**

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with leaders permitted to speak therein for up to 15 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to resume consideration of the nomination of Elisabeth Prince DeVos to be Secretary of Education, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THE CABINET

Mr. SCHUMER. Madam President, I rise this morning to speak directly to my friends on the other side of the aisle.

Now is the time to put country before party. I understand the pull of party loyalty. I understand deference to a new President. But from what we have seen in the first 2 weeks of this administration, party loyalty is demanding too much of my Republican colleagues on several issues. On the matter of the Cabinet, on the matter of the President's Executive order on immigration, and on the matter of dealing with Russia, we need Republicans to set aside partisan considerations in favor of doing what is best for the country; otherwise, our institutions of government, our Constitution, and our core American ideals may be eroded.

My friends on the other side of the aisle are going along with the President and treating many of these things as if they are normal, but America knows they are not. We need Republicans to start recognizing it, saying it, and stepping up to the plate to do something about it.

I understand my Republican colleagues will go along with the President 90 percent of the time, but there are certain issues that are too important that demand putting country above party. Now is the time to put country above party.

First, on the Cabinet, our norms of good government and above all ethics are being tested by a Cabinet unlike any other I have seen in my time in public office. There are so many billionaires with so many conflicts of interest and so little expertise in the issues they would oversee.

Take the nomination we are now considering: Betsy DeVos for Education Secretary. In my mind she is the least qualified nominee in a historically unqualified Cabinet. On conflicts of interest, she ranks among the worst. In her ethics agreement, which was delivered to the committee after the first hearing, it was revealed that she keeps interests in three family-owned trusts that have holdings in companies that

could be affected by matters related to the Department of Education. Independent ethics watchdogs have criticized her ethics agreement for failing to deal with these conflicts of interest.

On philosophy of education, her views are extreme. She seems to constantly demean the main purpose of her job—public education. Nine out of 10 American kids attend public schools. Her views on public education are a major concern, particularly for Senators from rural areas. There is not a lot of choice of schools outside major metropolitan areas. If you don't have a good public school in your neighborhood or in your community, you have nothing. Any Senator from a rural State should be worried about her commitment to public education.

We in New York have the third largest rural population in America. I am worried for those schools where, if the school is no good, you don't have much choice; you don't have any choice.

Above all, and on basic competence, Mrs. DeVos has failed to make the grade. She didn't seem to know about the Federal education law that guarantees education to students with disabilities. She could not unequivocally say that guns shouldn't be in the schools, and she didn't seem to know about a long simmering debate in education policy about measuring growth versus proficiency. Frankly, Mrs. DeVos's answers at the hearings were embarrassing, not only for her but for my Republican colleagues on the committee who rushed her nomination through with 5 minutes of questions, only one round, and at 5 p.m.

Cabinet Secretaries can't be expected to know everything, but this is different. The nominee for Secretary of Education doesn't know some of the most basic facts about education policy. She has failed to show proficiency, and there is no longer any time for growth.

The American people are speaking in one loud voice against this nominee. I have had many people come up to me in New York and say: I voted for Donald Trump, but I am making calls about this nominee. Americans across the country in red and blue States have been flooding our offices with phone calls and emails, asking the Senate to vote no on Betsy DeVos. Local newspaper editorial boards, many of whom have endorsed Trump, are saying the same thing.

My friends, the Senators from Maine and Alaska, were profiles in courage last week when they announced their opposition to her nomination, but, unfortunately, so far they are the exception. We need just one more vote, and

we can get a Secretary of Education who is a lot better than the one who was nominated. I ask my colleagues on the other side of the aisle to follow the courageous example of the Senators from Maine and Alaska. We have an obligation as Senators—not as Republicans and not as Democrats, but as Senators—to evaluate these nominees and their fitness for office because these nominees are going to wield immense power over the lives of Americans for the next 4 years. I ask my Republican colleagues to look into their conscience and cast their votes tomorrow, not based on party loyalty but based on whether or not Mrs. DeVos is qualified to be our Nation's leader on education policy. If one doesn't measure up, the Senate has a responsibility to reject the nomination.

I realize it rarely occurs, but this should be an exception because she is so uniquely unqualified, whether it comes to competence, whether it comes to philosophy against the public schools, or whether it comes to conflicts of interest, which still exist in far too many instances with Mrs. DeVos.

TRAVEL BAN

Madam President, second, the President's Executive order on immigration and refugees is so poorly constructed, so haphazardly implemented, so constitutionally dubious, so wrong in terms of what America is all about, and so contrary to our basic values as Americans that my Republican friends should feel a duty to country to help us rescind it. Several Members on the other side—I think it is over a dozen—have expressed concerns about it. Several spoke out strongly and unequivocally about imposing any type of ban during the campaign, but now that we have such a ban, they are unfortunately silent. It is time for that silence to end and for Republicans to step up to the plate and start backing up their words with actions.

On Friday, the order was temporarily blocked by a Federal judge, Judge Robart. On Saturday, the President questioned his court credibility via tweet and then asked the country to blame any potential attacks on the country on the judge and the courts. He is not a “so-called” judge as the President tweeted but rather a Senate-confirmed Bush appointee. That is not how we do things here in America.

There is a separation of powers for a reason. An independent judiciary is absolutely necessary to ensure Presidents and Congresses do not break the law or impinge on the Constitution, but this President has shown a certain callousness when it comes to judges who rule against his whim—Judge Curiel during the campaign and Judge Robart now. Instead of attacking the judge, the President should be working with Congress to tighten up security where it is actually needed.

The President has said that if there are attacks, the judge will be to blame. I will remind him that not one attack on U.S. soil has been perpetrated by a refugee from one of the seven countries in the Executive order. This order doesn't make us any safer; if anything, the Executive order increases the risk of lone wolf attacks, our greatest threat. That is what happened in San Bernardino, it is what happened in Orlando, and no authority less than Senator JOHN MCCAIN has said exactly that—that it will increase the likelihood of attacks by lone wolves, those disaffected people who are egged on by the evil ISIS.

So I make this offer to my friends on the other side of the aisle: Join Democrats in rescinding the Executive order, and we will work with you in a bipartisan way in good faith to actually make our country safer. Close up that visa waiver program where people from countries—just because they are generally friendly to us—are not checked. We know places such as France and Belgium have homegrown terrorists lured by ISIS. They can get on a plane and come here far more easily than a refugee from those seven countries. Let's tighten that up. Instead, the President gives us this Executive order. Lord knows how he came to it. Every expert on terrorism will say there are a lot more important and better things that we need to do.

So let me repeat: The stakes are too high for party loyalty to stand in the way of doing what is right to protect this country. We ought to scrap the order and start over. The order not only does not protect us from terrorism but makes it worse. It stands in the face of what America is all about. Our country has welcomed immigrants, and the beautiful lady with the torch in the harbor of the city in which I live has beckoned us for generations.

RUSSIA

Finally, Madam President, I ask my Republican colleagues to put country over party when it comes to Russia. This administration has shown a disquieting reluctance to criticize Russia when it flouts international norms and laws. The administration seems hesitant to enforce new sanctions and has even hinted at relaxing existing sanctions at what has always been our most formidable enemy along with ISIS: Russia and Putin.

Unbelievably, just yesterday the President insinuated that the Russian and American Governments were somehow morally equivalent. When asked about Putin's authoritarian regime, President Trump responded: “There are a lot of killers. You think our country is so innocent?” Can you imagine if a Democrat had said that? Every one of these seats would be filled with people decrying that kind of moral equivalence.

Russia, a dictatorship where Putin kills his enemies, imprisons the press,

and causes trouble anywhere he can in the world is morally equivalent to this great land? Come on. Where are you? You know if the Democrats had said that you would be howling at the moon, and rightfully so. But here, I don't hear much.

Vladimir Putin has little or no respect for the diversity of his people, for freedom of religion and expression, for a free press, for free and fair elections in Russia—and America, it seems—and he has demonstrated on more than one occasion that he will go to any length to silence political dissidents, including murdering them. I would ask President Trump: Does that sound like America? Maybe in President Trump's mind it does, but it sure doesn't to most of America—just about every American. It is not the America that this body represents.

As I said, my Republican colleagues ought to be aghast. I don't think anyone from the other side would associate himself or herself with those comments. I am encouraged that the Republican leader and other Senate Republicans have criticized the President for those dangerous remarks, but what worries me most is the policy. Russia is a persistent and strategic threat to this Nation. Will this administration cozy up to Putin and his oligarchs and relax sanctions? Will they look the other way when Russia supports separatists in Ukraine, commits human rights violations alongside Iran, Hezbollah, and the Assad regime? Putin is the kind of person who, if you give him an inch, he takes 10 miles. We all have come across people like that.

President Trump's rhetoric is ceding more of the battlespace to our enemies each day. So what we must do in this body is ensure that current sanctions stay in place and are robustly enforced. We also need to increase sanctions on Russia for its interference with our election. We ask our colleagues to step up to the plate, do what they know is right, and join us in making sure that the President cannot unilaterally reduce sanctions and that we strengthen sanctions for what he has tried to do in our election. The stakes are too high to let loyalty to this President—any President—stop this body from doing the right thing for the American people.

On the Cabinet and particularly Mrs. DeVos, on the Executive order, the lack of respect for an independent judiciary, and on Russia, I ask my Republican colleagues once again to consider principle over party and their duty to country before deference to the President.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, over the last few weeks, people across the country have continued to make their voices heard in opposition to the

nomination of Betsy DeVos—moms and dads, grandmothers and grandfathers, students young and old, and cities, towns, urban, suburban, and rural communities. People are standing up and they will not be silenced. Thousands upon thousands have joined protests in their communities. Hundreds of thousands have emailed or called their Senators, jamming our phone lines, swamping the voicemail system, and shattering records. Millions have engaged on social media, sharing information with their friends, signing petitions, and pressuring their elected officials.

It has made a difference. Every single Democrat will be standing with their constituents and opposing Betsy DeVos. Just last week, two Republicans announced their opposition as well. I can tell you I know for a fact there are other Republicans who are feeling the heat and could come around.

This nomination is dead even right now, on the razor's edge. Fifty Senators, Democrats and Republicans will vote to reject Betsy DeVos. We need just one more Republican to join us, to stand on the side of students, parents, and public education in America and say no to Betsy DeVos.

I come to the floor to kick off the final day of debate on this nomination. On Friday, I spoke at length, making my case for why the Senate should oppose Betsy DeVos. Democrats will hold the floor for the next 24 hours, until the final vote, to do everything we can to persuade just one more Republican to join us.

I strongly encourage people across the country to join us. Double down on your advocacy, keep making your voices heard for these last 24 hours.

Over the past 3 weeks, I have heard a number of Republicans wonder why Democrats and so many parents and teachers across the country were so focused on this nomination in this moment. President Trump has done so much in these first few weeks, and so many of his people he has nominated to run critical agencies have not been people I can support, but what is it about Betsy DeVos that has inspired so much grassroots energy and opposition across this country?

I think I understand. It is very clear to me. For the vast majority of people across the country, public education isn't just another issue, it is different. For those of us who owe everything we have to the strong public education we received, for those who saw our children and grandchildren move through our public schools, for those of us who walked into a public classroom ourselves to teach or have friends or family who have dedicated their lives to teaching, for those of us who see the role strong public schools play in our communities, especially our rural communities, often offering an educational

and a community resource where it simply wouldn't otherwise be offered, we believe that a commitment to strong public schools is part of America's core, the idea that every student in every community should have the opportunities that strong public schools offer. This is a notion that is embedded in our values. It is who we are. It is in our blood.

For those people across the country who feel that way, who believe those things, the nomination of Betsy DeVos truly hits close to home. It was a slap in the face because she doesn't approach this the way most of us do. She doesn't cherish public education. She doesn't value it. She is someone who has dedicated her career and her inherited fortune to privatizing public schools, to tearing down public education, to defunding it in order to push more taxpayer dollars into private schools and for-profit charters. She has called public education "a dead end." Where she sits from a distance, she has called it "an embarrassment." She has disparaged those who work in our public schools, saying our best and our brightest "steer clear." She has said education is "an industry."

An industry? Well, for someone such as she, a billionaire, rightwing activist who spent her career and inherited fortune buying and selling companies, she just doesn't understand an "industry" that isn't focused on profits and that doesn't exist in the free market. When people across the country hear someone such as Betsy DeVos say these things about public education, when they hear a rightwing conservative billionaire more focused on her antigovernment ideology than helping our students, when they see that someone who spent her career trying to destroy public schools has been nominated to lead the Federal Agency dedicated to public education, they start to pay some attention.

In a Senate hearing, when they see that person so clearly lack any of the issues, when they see her unable to explain basic concepts in education policy, unwilling to make basic commitments to not privatizing or defunding our public schools, confused about the need for Federal protections for students with disabilities and so committed to a rightwing agenda that she pointed to the need for guns in our schools to protect against "potential grizzly bears" in response to a question from a Senator representing the Newtown families, people across the country pay even more attention, and they start to make their voices heard.

I am not surprised that opposition to Betsy DeVos has caught fire across the country. I am not surprised people are talking about it to their friends, writing letters to the Senators, and showing up to protest when they have never done anything like that before because this is about their kids, their schools,

and their communities. It is about the core idea that we are a nation that invests in strong public education and one that strives to guarantee the promise and opportunity it affords to every student in our country—not that public education is perfect, of course not. We have a lot of work to do, but that work should be directed toward strengthening public schools, not tearing them down. Public education is something that should be valued as an important piece of the fabric of this Nation and the expansion of our middle class, not scorned and ridiculed by billionaires who never had any use for it themselves.

Friday I spent a lot of time on the floor laying out my case in detail opposing Betsy DeVos. I talked about the open questions that are remaining regarding her tangled finances and potential conflicts of interest. I ran through the strong concerns with her record, her lack of experience, and her lack of clear understanding of basic education issues. I discussed my strong belief that her vision for education in America is deeply at odds with where parents, students, and families across our country want to go. I went through the process of how Republicans jammed this nominee through our committee, cutting corners and doing everything possible to protect her from scrutiny. I will not go through all of that again now, but I do want to make one more point, one I hope will be compelling to my Republican friends who are still resisting pressure from their constituents and sticking with Betsy DeVos; that is, no matter what you think about Betsy DeVos's policy ideas, no matter what you think of her qualifications to run this agency, no matter what you think about her personal understanding of the issues or her financial entanglements, one thing is very clear; if she is confirmed, she would enter this job as the most controversial and embattled Secretary in the history of this Department. She would start this job with no credibility inside the agency she is supposed to lead, with no influence in Congress, as the punch line in late-night comedy shows, and without the confidence of the American people.

A vote for Betsy DeVos is a vote for a Secretary of Education who is likely to succeed only in further dividing us on education issues and who may try to take steps to try to implement her anti-student agenda but would do so with people across the country. So many of us in the Senate are on guard and ready to fight back.

I urge my Republican friends—and we just need one more—let's cut this off right now. Let's ask President Trump to send us someone who is qualified, who understands the issues, and who truly cares about public education. Together, let's stand with our constituents and say no to Betsy DeVos.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I wish to start by thanking Senator MURRAY and the Members of the HELP Committee for the work they have done to cast light on the record and the lack of record of Mrs. Betsy DeVos, President Trump's nominee to be Secretary of Education.

As the Senator from Washington has told us, the more the American people learn about the record of Betsy DeVos, the more concerned they become. The American people are making their voices heard in every Senate office. The switchboard has been essentially shut down, and I can tell you that I have received over 14,000 calls from Maryland on this nominee alone.

People are calling because the more they look at the record, the more they realize this nominee's lack of commitment to the essential mission of the Department of Education. That mission is to provide every child in America with access to a quality public education. This concern about the nominee is shared across political parties.

As Senator SUSAN COLLINS of Maine said on this floor, Mrs. DeVos's concentration on vouchers "raises the question about whether she fully appreciates that the Secretary of Education's primary focus must be on helping States and communities, parents, teachers, school board members, and administrators strengthen our public schools."

Regardless of ZIP Code, our mission must be to provide every child with access to a high-quality neighborhood public school. It is absolutely true that in too many places around in country we are failing to meet the goal, but the response to a troubled school should not be to walk away from it in favor of sketchy voucher schemes. Instead we must work together to provide the necessary resources and interventions to help those schools and those students achieve success. Over the last 2 years, I have spent a lot of time traveling over the great State of Maryland. I visited schools, talked to college students, and heard from parents. No matter where I went, in every part of our State, everybody wanted the same thing: a good school, affordable college, either community college or 4-year colleges, and a fair shot at reaching their dreams.

The U.S. Department of Education is supposed to help them get that opportunity. Let me take a moment to talk about what the Department of Education means to some neighborhoods in my State of Maryland. Not long ago, I visited a pair of community schools in Baltimore City, the Historic Samuel Coleridge-Taylor Elementary School in Upton/Druid Heights in West Baltimore and the Benjamin Franklin High School in Brooklyn, South Baltimore.

Upton/Druid Heights is a historic African-American community in Baltimore. Supreme Court Justice Thurgood Marshall, jazz great Cab Calloway, and civil rights pioneer Lillie Mae Carroll Jackson all walked its streets, but today it is a community in distress. Most of its children live in poverty; 95 percent of the students at Samuel Coleridge-Taylor Elementary are on free or reduced lunch. Despite its challenges, it has a strong faith-based institution and community groups. Mrs. DeVos's approach to schools such as Samuel Coleridge-Taylor has been to give up on them, to abandon them, and to divert resources to voucher programs.

Fortunately, the Department of Education did not abandon this school. In 2012, it designated Upton/Druid Heights as a Promise Neighborhood. The Department provided resources to support comprehensive services for families. These include B'more for Healthy Babies, which has dramatically reduced infant mortality rates in the city; Parent University, to help educate parents of young children; and financial literacy and education, to help with filling out income tax forms and to help families manage their budgets.

In 2012, Samuel Coleridge-Taylor became a community school. It has a community school coordinator, a position that can be filled using funds under title I of the Elementary and Secondary Education Act, which provides financial assistance to schools with high numbers of children from low-income families. The community school coordinator works with parents, students, educators, and community residents to learn the needs of the neighborhood and form partnerships to meet them. The University of Maryland School of Social Work, which is located just down the road, joined them to provide trauma training so that teachers could recognize and respond to trauma among the children and go on home visits to work with families. They received a grant to build a first-ever playground on campus—something that most schools take for granted. Local churches provided safe spaces for kids. The Weinberg Foundation donated a beautiful library. There is a jobs center, where parents can look for employment, and a food bank, to send kids home with something to eat over the weekend. The school was transformed into a place where kids want to be, receiving the mayor's award for the greatest drop in students at risk for chronic absenteeism. It has been a success story.

In a little different part of town, Ben Franklin High School exists, and it is isolated geographically in the Brooklyn neighborhood. It is on a peninsula at the southern part of the city. Brooklyn is a historic waterfront neighborhood with strong ties to manufacturing. The Brooklyn community built

ships for the United States in World War II. Many families in Brooklyn have been there for generations. As manufacturing left and Bethlehem Steel closed—Bethlehem Steel provided about 12,000 good-paying manufacturing jobs—times got tougher for those working families.

In the year 2011, Benjamin Franklin was one of the bottom 5 percent of schools in the State of Maryland—again, one of those schools that this nominee would have walked away from in favor of vouchers. Again, the good news is the Department of Education did not walk away. It provided extra funding to help turn things around. Using the community schools model, they assessed and responded to the needs of the students.

Interns from the University of Maryland School of Social Work provided mental health services. The United Way offers a workforce development program and an onsite early childhood development center that helps teen parents graduate, knowing their children have quality care. A family stability program helps families avoid homelessness. CSX is working with the school to build a football field.

Students worked together with their neighbors to take ownership of their communities and protest the placement of an incinerator near them. Some figured that this low-income neighborhood was a good target to put an incinerator, but the community fought back and won. They have put thousands of hours into community service, including the Chesapeake Bay cleanup. The school's office of student service learning helps connect students to internships and job-training programs.

In Brooklyn, the crime rate and the teen pregnancy rates have dropped, and attendance at Ben Franklin is up. When I asked the students what they liked about the school, they said: "We feel like someone cares now," and "everyone is positive."

At both of these schools, Samuel Coleridge-Taylor and Ben Franklin, the principals told me that the community schools model allowed them to form partnerships to meet the needs of their students' lives so that they could focus on delivering a high-quality education. Because the students' needs are being met more comprehensively, the students can focus on learning, and because we have a team outside of the teachers who are helping provide some services to these kids, the teachers can focus on teaching.

It is important for us to understand that every child who walks through the doors of a school has a unique family circumstance and their own individual needs.

The community school approach emphasizes the fact that no school is an island unto itself. Every school is part of a neighborhood, and we need to understand the special circumstances of

the children and families in those neighborhoods. It is not just for urban schools like Samuel Coleridge-Taylor and Ben Franklin. Community schools have shown success in rural areas of Pennsylvania, North Carolina, Montana, and all across the country.

This idea that every child should receive a good public education is as old as our Republic itself. Our Nation's Founders knew the contribution of education to the success of our democracy. They knew that an educated population would be a strong safeguard against tyranny. In a letter in 1786, Thomas Jefferson wrote:

I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness.

As early as 1779, Jefferson was putting forward legislation to create a public school system that would give children a fair start. Jefferson later wrote to John Adams:

It was a bill for the more general diffusion of learning. This proposed to divide every county into wards of five or six miles square, like your townships; to establish in each ward a free school for reading, writing and common arithmetic; to provide for the annual selection of the best subjects from these schools, who might receive, at the public expense, a higher degree of public education at a district school.

He went on to say:

Worth and genius would thus have been sought out from every condition of life, and completely prepared by education for defeating the competition and birth for public trusts.

Though America did not start the public education system at that moment in time, those ideas and that philosophy of education as the great equalizer and tool to develop the talents of Americans, regardless of the circumstances of their birth, were the foundation of the public school system that we have today.

President Trump gave remarkably little attention to education during his campaign. He pretty much ignored the public school education system in favor of his \$20 billion voucher scheme that would drain huge amounts of resources from neighborhood schools like the two in Baltimore that I just discussed. With the President offering only vague promises and pricey schemes, it is even more important that we have an Education Secretary with a steady hand and a deep understanding of the critical mission of the Department. It is clear that Mrs. Betsy DeVos is not the right person for the job.

Mrs. DeVos advocates a concept of industrialized, privatized, and for-profit schools. This thinking is too small and too cramped for our kids. Our goal should not be vouchers for children to try to shop for a school with no accountability for quality. Our goal should be a neighborhood school for every child that meets their needs.

We cannot abandon the families who cannot afford to make up the difference between the value of the voucher and the tuition at the private school. What do we say to them? We cannot abandon the students who cannot get accepted into private schools because many of these private schools say yes to some and no to others. What do we say to those who have the doors closed on them? We cannot abandon the schools that a voucher program would drain the resources from, and \$20 billion is a huge amount of the resources that we currently provide for schools like the two I mentioned in Baltimore City and schools in neighborhoods throughout the country. So instead of a risky voucher program, we need to make our schools better by giving them the flexibility to meet student needs and the support to make sure that our children are all ready to learn.

In her hearing and in the responses to the questions for the record, Mrs. DeVos displayed an astonishing ignorance about the agency that she intends to run and, indeed, about the role of public schools in our country. All of us who have been part of this debate know that one of the most fundamental discussions in K-12 policy has been over accountability and how best to measure student knowledge and school performance. There has been an intense discussion over whether to measure school and student performance by student proficiency or by student improvement and student growth. Mrs. DeVos seemed totally confused about this discussion that is going to the heart of many of the debates here in Congress.

Perhaps we should not be so surprised that she has such little understanding of the public education system, as she has spent much of her career attempting to dismantle it in favor of private, charter, and for-profit schools. She has been referred to as the "four-star general of the voucher movement." She has forcefully worked to expand vouchers, including spending millions on a failed ballot initiative to bring vouchers to the State of Michigan. When that didn't work, she created the Great Lakes Education Project to fund nonprofits and donate to State legislators who would advance vouchers and charters. With respect to the millions of dollars she and her family have spent trying to influence lawmakers, she stated: "We expect a return on our investment."

She received a return in Michigan, where she played a role in a 1993 law that created incentives for charters to come to Michigan. The for-profit industry, in particular, responded, and they operate nearly 80 percent of the charters in the State of Michigan. In 2011, she pushed successfully for a law that allowed even low-performing charters to expand and repealed the requirement that the State publish annual re-

ports on charter performance. I think we all believe that transparency is important, and it is shocking that there would be an effort to put the facts under the rug. After years of criticism, modest accountability measures were introduced in 2015, although Mrs. DeVos opposed and successfully stripped a provision from the bill that would have established a commission to explore ways to improve Detroit public schools.

Seventy percent of Detroit charter schools ranked in the bottom quarter of Michigan schools. The nonprofit Education Trust calls their poor performance a "civil rights issue." In a report just last June, the New York Times called the situation in Detroit "a public education fiasco that is perhaps unparalleled in the United States." It would be a big mistake to impose that fiasco on the rest of the country.

Mrs. DeVos has also advocated for online charter schools, and she was formerly an investor in the largest for-profit online school operator, K-12, Inc. In her response to questions about this model, she cited questionable statistics for the accomplishments of several virtual academies. Those statistics were disproved in an article in Education Week which compared them to the publicly reported figures used for State accountability.

For example, Ms. DeVos wrote that Utah Virtual Academy has a 92-percent graduation rate. In fact, the most recently publicly reported figure is 42 percent. The last thing we need is a Secretary of Education coming up with alternative facts.

While I believe that nonprofit public charter schools are important incubators for innovation, they have to play by the same rules as the rest of our schools. But Mrs. DeVos has rejected that equal playing field.

In an exchange with Senator Kaine from Virginia where he repeatedly asked her whether or not the charter schools would have the same standards applied to them as public schools that received Federal funding, she refused to agree.

It is pretty extraordinary when we have a nominee saying that she supports a taxpayer-funded blank check for some schools. Our Secretary of Education must be a responsible steward of taxpayer dollars and ensure that funds are delivering quality and results for students.

Another area where Mrs. DeVos raises serious concerns is that of enforcement of equal rights, especially the rights of children with disabilities. All of us know the Department of Education has the very important job of enforcing civil rights laws and making sure we have equal access to education throughout the Nation. Congress prohibited discrimination in education on the basis of race, color, and national

origin in title VI of the Civil Rights Act of 1964. Title IX of the Education Amendments of 1972 prohibited sex discrimination. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability.

But all of us know that as late of the mid-1970s, public schools still accommodated only one of five children with disabilities, and many States had laws that explicitly excluded children with certain disabilities. When Congress addressed this with the passage of the IDEA legislation, it was a big breakthrough for our country and for our children. The IDEA was very straightforward and very simple: Every child deserves a “free appropriate public education” in the “least restrictive environment.” The law requires schools to design an “individualized education program” for each child with a disability.

IDEA has been a lifesaver for children with disabilities and their families. It has empowered them to get the quality education they could not earlier receive, and the law gives them tools with which they can fight to ensure that schools address their needs. This is why it was so alarming at the hearing to hear Mrs. DeVos say that the application of IDEA and the rights behind IDEA really was a State function—the same States that historically discriminated against these very children. That is not what the IDEA legislation is all about. It is a national standard to make sure we do not have discrimination based on disability. Yet, Mrs. DeVos in exchange concluded with: “I think that’s an issue that’s best left to the States.”

So whether it is her position with respect to vouchers and poaching resources that otherwise would go to improve our public schools or lack of support for the very idea behind IDEA, we have a nominee who the overwhelming majority of the American people recognize is the wrong choice to be the custodian of the Department that is responsible at the Federal level for providing support and educational opportunities to our children.

In closing, with respect to the issue of guns in schools—and Senator MURRAY, the ranking member, has addressed this as well—it was pretty shocking to hear Mrs. DeVos trivialize the issue of gun violence in schools when she was asked about this by the Senator from Connecticut, Mr. MURPHY, quipping that guns might be necessary to kill grizzly bears. We have had lots of debates in this Chamber, and obviously there are strong feelings. But I think we would all agree that the safety of our kids and our schools is not something that should be trivialized.

In conclusion, let us heed the words of the editorial board of the Detroit Free Press. They have witnessed firsthand the experiments that Mrs. DeVos

has made about education and have written in an editorial: “Make no mistake: A vote to confirm Betsy DeVos as U.S. Secretary of Education is a vote to end public education in this country as we know it.”

In a speech in 2015, Betsy DeVos said bluntly: “Government really sucks.” I suggest that she should not be leading the agency entrusted at the Federal level with the education of our children, which, as our Founder said, is really the root of equal opportunity and the opportunity for every child to achieve their dreams.

I join with the distinguished Senator from Washington State in urging my colleagues to vote no on Betsy DeVos for Secretary of Education. We can do better. We can do a lot better for our kids.

The PRESIDING OFFICER. The Senator from Hawaii.

Mrs. HIRONO. Madam President, constituents from every State who care about our public schools and our students in public schools have broken records calling us, their Senators, in opposition to Betsy DeVos as Education Secretary.

In the past few weeks, I have heard from thousands of Hawaii residents concerned about voting for an Education Secretary who clearly does not believe in our Nation’s public schools. I wish to share two of their messages today.

One constituent wrote to me:

Dear Senator Hirono,

As a proud Hawaii educator for 30 plus years, I’m deeply troubled by the possible appointment of Betsy DeVos to the position of US Secretary of Education.

Although I would personally never consider applying for a job I am not qualified to serve in, it’s baffling to me that our new Commander in Chief thinks someone who has NO experience as a teacher or administrator could be remotely prepared to lead our nation in this role.

I don’t have to explain to you what a selfless calling being a teacher is, nor do I believe our Hawaii delegation takes educating Hawaii’s keiki lightly, so I implore you to work with other leaders in DC to make sure we have a suitable nominee for this essential position.

Mahalo,

Sandy from Honolulu

Sandy and teachers like her devote more time and effort than is mandated to ensure that our public school students have a solid foundation in education and for life. Teaching is a calling, and I have met with many teachers who are totally committed to doing the very best they can for their students, and they want nothing less from the next Secretary of Education. They deserve a better qualified, better experienced, better prepared, and more committed Secretary of Education than Betsy DeVos.

Next, I wish to share a message from Lorelei, a middle school principal on Oahu. Her letter begins:

Dear Senator Hirono,

As a strong supporter of public education, I ask that you oppose the confirmation of Betsy DeVos as Secretary of the U.S. Department of Education.

Educators and students deserve a secretary who can commit to supporting every student in all public schools, and a leader that will work tirelessly to promote a public education system that provides each child with the optimum conditions for teaching and learning.

Betsy DeVos’ past work in education and her performance at the recent confirmation hearing demonstrated neither a depth of experience nor knowledge base in education policy and on critical issues facing the community.

She ends her letter by saying:

As a principal, I have spoken with teachers, parents, students, and community members across the political spectrum and there is widespread agreement that Betsy DeVos is not the right person for the job.

As Lorelei said, it shouldn’t be asking too much to have an Education Secretary who will stand up for public schools and the millions of our children who attend our public schools. That person is certainly not Betsy DeVos.

In his opening remarks at Betsy DeVos’s confirmation hearing, the chairman of the HELP Committee said that Mrs. DeVos was in the “mainstream” for supporting vouchers to send students to private schools, instead of investing in our public schools. This is not mainstream thinking. Being told otherwise is again dealing in “alternative facts.”

The chairman went on to repeat a so-called argument that Betsy DeVos and other school choice advocates make—that vouchers are simply Pell grants for primary and secondary education. Now, this is a real head scratcher, and I say: What? Here we go again down the rabbit hole, where up is down and down is up.

Pell grants and vouchers are fundamentally different. Pell grants help offset the ever-rising cost of a voluntary college education. All colleges charge students tuition, and Pell grants provide opportunity to low-income students to be able to go to college.

In contrast, every American child has a right to a free primary and secondary public education. Vouchers actually take resources away from public schools and make it that much harder to provide a good education for all of our students.

Vouchers take money away from public schools; Pell grants don’t. When a student uses a Pell grant at a private college or university, it has no impact on the funding a State college or university receives. But when a student uses a voucher to attend a private school, it takes away money from local public schools. How is taking money away from local public schools mainstream thinking? The Secretary of Education should be focused on improving our public schools, not taking money away from them.

Furthermore, saying that Pell grants are similar to vouchers reveals a fundamental lack of understanding of the Pell grant program. Among her many duties as Secretary, Betsy DeVos would be in charge of managing \$30 billion per year of Pell grants, which help more than 8 million students afford a college education in this country.

During the 2014–2015 school year, more than 21,000 students in Hawaii were able to finance their college education with nearly \$81 million in Pell grants. Last Congress, I led legislation to protect and strengthen the Pell grant program. But under Republican majorities, Pell grants are under the constant threat of irresponsible cuts and dismantlement, even though college today is more expensive than ever.

Can we really trust Betsy DeVos to fight to protect Pell grants? Somebody who equates Pell grants with vouchers is not someone who understands her responsibilities under the Pell Grant Program. So can we really trust Betsy DeVos to support the Pell Grant Program? I don't think so.

I have spoken out against Betsy DeVos's nomination a number of times, but some questions need repeating. What are we telling our students if we have an Education Secretary who is not committed to improving the public education system so that our students can succeed in school and in life? Nine out of every 10 students in the United States attend public school. What are we saying to them? Is it the best we can do to give them an Education Secretary who does not believe in the public schools they attend? Who doesn't believe that their education is worth fighting for?

If this is the message you want to send to our students and their families, then vote for Betsy DeVos. On behalf of the nearly 200,000 public school students in Hawaii and their teachers and other educators in Hawaii, my answer is a strong, strong no.

I urge my colleagues to question Betsy DeVos's commitment to our public schools and to the millions of students who go to public schools and vote against her nomination.

I yield the floor.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise to speak this afternoon about the nomination of Betsy DeVos to be Secretary of Education. I know we will have had some time later today and even tonight, but I wanted to review some of

the concerns I have about her nomination in the allotted time that I will have—I guess about 15 minutes.

The first concern I have is a broad concern that I think is shared by a number of Senators on the Health, Education, Labor, and Pensions Committee. The ranking member, Senator MURRAY, is here with us on the floor, and I am grateful for her leadership on this nomination debate, as well as many other issues.

I guess the broad concern I have is Betsy DeVos's commitment to public education. I come from a State where we have had a tradition of public education since about the 1830s. I am fairly certain—I will stand corrected—but Pennsylvania might have been the first State to have public education as far back as the 1830s. It is part of the bedrock of the foundation of our State.

Still, today, 92 percent of Pennsylvania students attend a traditional public school. We have charter schools. We have roughly 175 or so, but all of those charter schools in Pennsylvania have to be, by statute, public nonprofit entities. Public charter schools are what we have in Pennsylvania. We don't have for-profit private sector charter schools. It is not allowed by law.

There are some limited circumstances when one entity could affiliate with a for-profit entity, but we have nothing like what Mrs. DeVos has supported in Michigan and across the country. For a Senator from Pennsylvania to be questioning a nominee for Secretary of Education about for-profit charter schools is unusual because we don't have that entity in Pennsylvania.

My concern is substantial—and I will develop this later—about her commitment to public education. In fact, in my meeting with Mrs. DeVos, because of my concerns, I said something very simple, but I said it for a reason, to remind her about her obligation if she were to be confirmed. I said: You will not be the Secretary of private education; you are going to be the Secretary of Education, and for most of the country, that means traditional public schools, and I hope you understand that.

That is a broad concern that I have, and I will talk more about it. My line of questioning the day of our hearing—I should say the evening of our hearing—focused on campus sexual assault; and that, of course, is an area of urgent concern for a lot of people here, a lot of members of the United States. It is also of greater concern now because of her nomination. What do I mean by that?

Let me walk through how I got to my questions with her. We know the Department of Justice tells us that college women are twice as likely to be sexually assaulted than robbed in the time they are in college. This is a number that comes from the Centers for

Disease Control. We also know that one in five college students experience attempted or completed sexual assault while they are in college.

This is a direct threat to young women all across the country, and I think we have only begun as a country—as a nation, I should say—to begin to take steps to combat sexual assault, to insist that colleges and universities do more to insist that everyone in the education field, every person on a college campus assumes some level of responsibility.

One of the reasons we can start down that path and begin to be certain that we are at least beginning to wrestle with this problem and give young women on our campuses more protection is because of recent legislation. We are not done. We have a lot more to do, but I will highlight one bill that I led the fight on—the Campus Sexual Violence Elimination Act, known as Campus SaVE. That became law in 2013, when we were reauthorizing—a fancy Washington word for doing it again or improving the law—the Violence Against Women Act. I was glad we were able to take a substantial step to tackle this horrific problem of sexual assault on campus.

That legislation was followed by regulations. If I could summarize them, that law and the regulations that followed made sure that colleges and universities have clear guidelines, that victims know what their rights are, that victims know where to turn in the event of an assault, that we do a lot more on prevention, that bystanders can no longer be inactive, that they have to be trained and prepared to help, and that the entire college campus is focused on preventing sexual assault and then making sure, in the aftermath of an assault, it is dealt with appropriately.

This legislation has helped campus communities respond to not only sexual assault but domestic assault, dating violence, as well as stalking. It does give students and employees the opportunity to do more than has been done on college campuses.

When I was questioning Mrs. DeVos, I asked her if she would commit to upholding title IX, the nondiscrimination statute that includes important protections against sexual assault. I asked her very specifically about the Department of Education's Office for Civil Rights, which had issued guidance in 2011 that advises institutions of higher education to use the so-called preponderance of the evidence standard for campus conduct proceedings. Some may be familiar with that standard. It is a standard that we have used in our jurisprudence for civil cases across the country. You don't have to prove, nor should a victim of sexual assault on campus have to prove by the higher standard; say clear and convincing is a higher standard or beyond a reasonable

doubt is a criminal standard. What the Department of Education said to the university campuses across the country is, the standard you should use is preponderance of the evidence. They based that determination after consulting with experts and advocates across the country. That is the state of law currently, the guidance from the Department of Education about that evidentiary standard, my legislation Campus SaVE, and that is where we are now.

I simply asked Mrs. DeVos whether or not she would commit to enforcing current law and abiding by the 2011 Department of Education guidance. Her response was that it would be premature—I am using her word “premature”—to make that kind of commitment. I was stunned by that answer. Why would it be premature to say you are going to enforce current law? Why would it be premature to say that you can’t make a commitment to insisting upon an evidentiary standard that is in place right now? That made no sense to me, and I don’t think it made any sense to people across the country who have been working on this problem and trying to get the attention of the Senate and the House and any administration for years, if not for decades.

We finally arrived at a place where we are at long last dealing with sexual assault in a very aggressive and appropriate and fair manner. Now we have a nominee who says she is not sure whether she can commit to that. That gave me great pause and is one of the reasons I don’t support her nomination. I have several reasons. I know I am running low on time, but I will wrap up this portion in a moment.

Another area of concern is the answers to questions she gave with regard to specific questions about students with disabilities. This was a set of questions asked by a number of Senators, but I will try to summarize it this way. She seemed to have a lack of knowledge, an apparent and I think obvious lack of knowledge, about basic Federal law, a law that was passed decades ago, the Individuals with Disabilities Education Act. She didn’t seem to know that was a Federal statute. She seemed to assert that somehow States could decide whether to enforce the policy that undergirded that Federal law. That, of course, is not the case. It is Federal law, and we have to make sure individuals—in this case, students with disabilities—get the rights they are accorded by virtue of that law. Her lack of knowledge in this area was of concern, but maybe even greater concern was a lack of—or seeming lack of, in my judgment—determination to once again enforce this law, to make sure that on her watch the law that would protect students with disabilities would be enforced to the full extent of the law and nothing less. She

didn’t seem to be willing to commit to that or didn’t seem to have the kind of commitment I would expect from a Secretary of Education.

What we would all expect, Democrats and Republicans, I would hope, is a Secretary of Education who is a champion for public schools, is a champion for those children in public schools, will fight battles and urge States to make the investments in public education, would urge the Congress to make investments in public education, in early learning, and all of the concerns we have about lack of funding in public education.

I would hope both parties would want a Secretary of Education who is a champion for students with disabilities, who would be a champion for those who are victims of sexual assault on our college campuses. Unfortunately, because of a series of questions posed both at the hearing and in written questions that were submitted for the record—to which Mrs. DeVos gave written answers—I see that basic commitment lacking. For that and many reasons which we will develop a little later tonight, I will be voting no on her confirmation vote.

I appreciate this opportunity to share some of my thoughts and hope to be back later this evening.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise to speak in opposition to the nomination of Betsy DeVos for Secretary of Education. My mom was a public schoolteacher, and she taught second grade until she was 70 years old. She loved teaching. Her favorite unit was actually the Monarch Butterfly Unit, where she would dress up as the monarch butterfly, and she would teach the kids about metamorphosis. The costume she wore, she would also wear to the supermarket afterward. She was dressed as this big monarch butterfly, with little antennae on her head and a sign that said: “To Mexico or bust” because that is where the monarch would fly on its way from Canada through Minnesota and down. It was the night before my mom’s funeral at the visitation where I met a family who came up to me, and the mom was sobbing. I didn’t know what was going on. I had never met them. They had their older son with them who had pretty severe disabilities. She said: You know, your mom had my kid here in school when he was in second grade. Now he was grown up. She said: He always loved

that Monarch Butterfly Unit. After he graduated, your mom would continue to go to the grocery store, and that was why she would go to the store every year. He had gotten a job bagging groceries. She would stand in the line in her monarch butterfly outfit for years and give him a big hug when she got to the end of the line. That was my mom. She loved her kids and she was a devoted teacher.

I went to public school through elementary to high school. My daughter went to public school. I learned that basic right we have in this country; that every child should have the right to an education. That led me to the conclusion—after reviewing the record of the hearing and talking to my colleagues on the committee—that this nominee and I do not share the same value when it comes to that public education. I note that two of my Republican colleagues, Senators COLLINS and MURKOWSKI, have come to the same conclusion. One of the most troubling examples of Mrs. DeVos’s views came when she was questioned by two of my colleagues. I note Senator MURRAY is here. We thank her for her leadership on the Health, Education, Labor, and Pensions Committee. Two of my colleagues, Senators MAGGIE HASSAN and TIM KAINE, asked the nominee about whether schools should meet the standards outlined in the Individuals with Disabilities Education Act or, as it is known, IDEA. Mrs. DeVos said she would leave the decision of whether to offer equal educational opportunities to the States. This is simply unacceptable. It is not the kind of leadership we need. This is not why we have IDEA. I think most education professionals and people who are experts in this area would know that is not the answer.

I occupy the Senate seat that was once held by Minnesota’s own Hubert Humphrey. He was someone who was never at a loss for words. He delivered a speech to the Minnesota AFL-CIO 40 years ago. One line of that speech is just as appropriate and meaningful today as it was back then. He said:

The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the needy, the sick and the disabled.

I submit that Mrs. DeVos’s opposition toward providing equal education opportunities to students with disabilities does not meet that moral test. Her views are at odds with decades of bipartisan support for IDEA.

In 1975, when Congress passed the original version of IDEA, half of all children with disabilities were not receiving appropriate educational services, and 1 million children with disabilities were excluded entirely from the public school system. In an impassioned floor speech, then-Senator and later Vice President Walter Mondale of

Minnesota talked about the need for IDEA. Before the 1975 law, disabled children were placed in segregated schools and classes with little emphasis on an education, training, or development. Many parents also gave up on the poor services offered by the public schools. As a result, disabled students remained at home. To tackle this problem, Republicans and Democrats came together to pass legislation ensuring that students with disabilities would have equal access to public education, just like all other kids. The law guaranteed and continues to guarantee today—the Federal law—that students with disabilities get a free and appropriate public education. It is not a State-by-State requirement. It is a Federal requirement.

In 1975, both Minnesota Senators played a significant leadership role in enacting this groundbreaking civil rights legislation. Senator Humphrey called IDEA one of the most significant pieces of legislation and a major commitment in this Nation's commitment to its children. Then-Senator Mondale argued that this landmark legislation holds a promise of new opportunity for 7 million children in this country. When Congress first enacted this law in 1975, this was not a partisan issue. The law passed both Houses with overwhelming majorities. The Senate voted in favor of the landmark legislation by a margin of 87 to 7; the House, by a vote of 404 to 7. Bipartisan support for IDEA grew stronger over time.

In 1991, President George H.W. Bush signed into law a bill that reauthorized the Disabilities Act. That bill was introduced by former Democratic Senator Tom Harkin and former Minnesota Republican Senator Dave Durenberger. The reauthorization was so uncontroversial that it passed by a voice vote in both the House and the Senate. Members from both parties supported IDEA when it was reauthorized again in 2003. Every single member of the Minnesota delegation, all 10—Democrats and Republicans alike—supported IDEA's reauthorization that year. For four decades, IDEA has garnered support from both sides of the aisle because we all understand the need to support the most vulnerable among us.

Every Member of Congress knows a family member or a person who has been affected by disability. For a lot of lawmakers, this is personal. When my daughter was born, she couldn't swallow for nearly 2 years. She had a feeding tube, and the doctors didn't know what was wrong with her. It ended up being a temporary problem and not a permanent disability, but those 2 years I still look back at as a gift. They were a gift that brought our family closer together, but they were a gift because they made me understand what parents of kids with disabilities face every single day. This wasn't just a temporary

thing for the parents I met. This was something they face every single day.

Since the passage of IDEA, our Nation has moved to fulfill the promise of providing a high-quality education to kids with disabilities. Today, more than 4.7 million children with disabilities rely on IDEA to protect their access to high-quality education. Over the last 40 years, the Democratic and Republican Members who have come before me have all fought to preserve those critical rights and opportunities.

These are American values. But they are especially near and dear to our State, where we have this long and proud tradition of working to ensure that people with disabilities have access to the same basic resources and opportunities as everyone else. This is not just the original work by Senators Humphrey and Mondale, carried on, of course, by Senator Durenberger and others, but it happened in our State as well.

To cite a few examples, it was the Minnesota Ramp Project that introduced a new American model for building statewide standardized wheelchair ramps. Minnesota was the State that sent Paul Wellstone to the Senate, where he fought long and hard for mental health parity. My State is also home to some of the most innovative centers for the disabled in the country, including PACER, the Courage Center, and ARC.

When it comes to educating children with disabilities, Minnesota has also been one of the Nation's leaders. In 1957, our State became one of the first States in the Nation to pass a law requiring that special education services be provided to children and youth with disabilities. In our State, from birth to adulthood, kids with disabilities have access to the quality of life they deserve.

Through IDEA, our State is able to receive Federal funding for early intervention services that help diagnose disabilities or developmental delays among infants and toddlers. Minnesota also provides each child with a disability and their family a personalized K-12 education plan and the support needed to transition from high school to postsecondary education.

These civil rights protections and funding under IDEA have also been an area of bipartisan cooperation among members of the Minnesota delegation. We would like to see even more funding. We don't see us move backwards. At least one Minnesota Republican has cosponsored every version of IDEA and its reauthorization over the last 40 years. We have never had a Secretary of Education who has put these commonsense bipartisan benefits at risk.

Today, over 124,000 Minnesota children rely on the protections in IDEA. I have heard from families in my State, and so many of them tell me how that Federal law has made a real difference

in their lives. A mom from Watertown, MN, told me all about her son who was born with Down syndrome. She is so thankful for the Federal law because this protection ensures that he can have everyday experiences like other kids.

It allows her son to be fully integrated with the rest of the students in his high school. As a result, he has developed many friendships and a strong social network. When she asks her son whether he likes school, he always says a resounding "yes."

A mother of two autistic kids who are deafblind, reached out to me from Farmington, MN. She tells me that she depends on IDEA because the law gives her an opportunity to participate in designing individualized education programs for her children. These programs allow her to tailor the best possible educational plans.

A woman from Lakeville, MN, told me that when her son was born with intellectual and developmental disabilities in the late 1980s, and she was so worried about what his future would look like. But because of IDEA, he received specialized services at school while still being included in activities with the rest of his peers. Today, she tells me that he is a successful young adult who happily lives, learns, and works in his community.

During my time in the Senate, I have worked to share those Minnesota values that you hear resonating in those letters across the country. That is why I helped lead the push in Congress to successfully pass bipartisan legislation with Senators Burr and Casey called the Achieving a Better Life Experience Act, or ABLE Act, a law that will help people with disabilities and their families better plan for their futures. It is a law that President Obama signed.

We have made progress in removing barriers and empowering people with disabilities. Of course, we know that the ABLE Act alone is not enough. We still need to ensure that the Federal Government lives up to its promise to support education for those with disabilities by enforcing and protecting the IDEA and fully funding special education. Providing equal educational opportunities for children with disabilities is an issue that cuts across partisan lines.

It is an issue of decency and an issue of dignity, and I believe it is an issue that we must all stand behind as Americans. I cannot support a nominee that would jeopardize the education of millions of disabled children across our country or someone that is not fully informed at her own hearing about such an important law. We have continuously maintained and strengthened educational laws for children with disabilities because every child deserves a chance to succeed.

I think about my mom and all those years of teaching—teaching 30 second

graders at age 70. I think about that boy, who is now a man, who in the second grade had her as a teacher. He had severe disabilities, but she did everything to make his learning experience as good as all the other kids that were in that class.

I think of how he loved that butterfly unit and felt the passion that my mom brought to teaching it. In her own free time, she would go visit him at his job at that checkout line in the grocery store in her butterfly outfit. That was integrating kids with disabilities into our school systems. That is what special teachers and special education experts who see all children as special are all about.

Thank you. I urge my colleagues to join me in opposing Mrs. DeVos's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Minnesota for her comments. She speaks from experience and knowledge, as has the senior Senator from Washington State, on this issue.

In my years here, I have seen thousands of confirmation votes, literally at all levels, up to and including Cabinet members and Supreme Court justices. I have voted for a large majority of a President's nominations—both Republican and Democratic Presidents. Some may not have been those I would have chosen, but I felt that, at least, the President should be given the prerogative, if the person is qualified.

Now, ideology is one thing, and qualification is another. Out of those thousands of confirmation votes, I have a hard time remembering any that were like this one. This one had a whirlwind confirmation hearing and committee vote. It was almost as though they were afraid to have the nominee actually have to appear and answer questions. And now the Senate is going to vote on the nomination of Betsy DeVos to lead the Department of Education.

I will be very blunt. On the very little time that she was allowed to be shown to the public, she showed—and I certainly believe this—that she does not have the qualifications to uphold the Department of Education's primary goal—that of ensuring that all students—all students, not just the wealthy, but all students—have access to a quality, public education that allows them to succeed.

I am both a father and a grandfather, and I am proud of it. I watched my children go to school. And now I see my grandchildren going to school. I understand well the impact of education on our children. When students have access to strong public education from the very beginning, they are more apt to succeed in the long run.

Our Nation's public schools—as is the case in my home State of Vermont—

hold the promise of student success through strong State accountability measures and legal protections regardless of one's race, income, or learning ability. They offer nutritious meals for underserved students, many of whom receive their only meals of the day at school. Any teacher will tell you that if you have a hungry child, you have a child who cannot learn. If a child is fed, you have a child who can learn.

Public education means strong teachers and school leaders, technology in the classroom, an assessment to test not just how well a student can memorize material for an exam on a particular day of the year, but how much they have grown over the course of many months.

Many of the schools have counselors and nurses. They operate under a modern infrastructure to support those with disabilities and children in foster care. But public education also means that both the States and the Federal Government are held accountable for everyone having access to the same excellent resources.

In fact, just over 1 year ago, this body agreed to these protections. We passed the Every Student Succeeds Act here in the Senate by a vote of 85 to 12—an amazing, overwhelming, bipartisan vote. It was the firm agreement among the majority of the Senate—Republicans and Democrats alike—that all students deserve access to critical public school resources in order to succeed. We made a promise that we would do better by our students; that public schools would be the premier standard for outstanding education for all.

Unfortunately, the nominee before us—in the very little time that she was allowed to testify and be questioned in the confirmation hearing—showed that she does not share these same goals. Instead, she has referred to public schools as a “dead end.”

Well, if you are a billionaire, you have a choice to go wherever you want to school. Maybe these people in a public school are not good enough for you? Well, then, go buy a school if you want. Most people don't have that option. Most people are hard working. My wife and I were when our kids were in school. Our children are today.

What does Betsy DeVos advocate for? She advocates for the privatization of education. She has funneled millions of dollars into organizations and initiatives to promote private school vouchers and school choice.

These efforts have diverted public funds toward private schools, schools that are not held to any antidiscrimination or accountability standards. These schools can discriminate all they want.

At her confirmation hearing—in the very little time that she did speak—she did not understand the Individuals with Disabilities Education Act. This is a landmark law. It is a Federal law

that public schools in all 50 States must follow.

Lastly, Mrs. DeVos and her family have contributed to anti-LGBT causes and anti-women's health efforts, which are in direct conflict to the one who is supposed to lead the Department of Education. How can a nominee disagree with the mission of the Department of Education and be fit to oversee that agency and promote the civil rights of schools and college campuses?

She also appears to oppose efforts to expand college access, in an era when college is so important. Again, in the little bit of time she was allowed to testify before the Senate HELP Committee in January, Mrs. DeVos, when asked, would not agree to work with States to offer free community college to eligible students, instead saying that “nothing in life is truly free.” This is an easy thing to say if you are a billionaire.

She also admitted to knowing little about the Pell Grant Program and Federal student loans, as neither she nor her children have ever had to use such resources. As most of us know our children will have to use them, this is simply out of touch with the real life expectations of millions of students and families who rely on these funds to make college attainable.

It is what I hear from hard-working families in Vermont. Parents tell me that their child is going to be the first one in their family to go to college, and the only reason they can do it is because they can get Pell grants or Federal student loans. Mrs. DeVos's answer is: What are those?

College tuition rates have climbed more than 300 percent in the last decade. It is unacceptable to deny students Federal financial resources. To say, well, if you are rich, you can have them, but otherwise, tough.

As it is, students are increasingly saddled by insurmountable student loan debt. Many forgo starting a family, or buying a house or a car. Many of these students have also fallen prey to for-profit institutions, many of which continue to offer the false promise of gainful employment upon graduation. In reality, many of these institutions offer nontransferable credits or unaccredited degrees, and are increasingly shuttering their doors, leaving students with egregious debt and nowhere to turn to finish their degrees.

The Department of Education has an extremely important role to ensure that all students—of every race, income level, or whether that student has disabilities or not—have access to the critical tools provided by public schools and by student financial aid programs.

Thousands—thousands—of Vermonters have called or written to me worried that Mrs. DeVos does not agree with these principles. When I say thousands, to put that in context, we are

the second smallest State in the Union. Thousands have contacted me. I share these concerns of my fellow Vermonters.

They know my children went to public school. They want to be able to send their children to public school too. They want the best education.

I am telling these Vermonters I will not support this confirmation. It is dangerous and shortsighted to confirm someone who has so much to learn about our Nation's public schools and the challenges they face.

Universal free public schools were a revolutionary American invention. It has helped make America the great Nation it is today. So in the United States, we should strengthen public schools, not snub them.

Mrs. DeVos is the wrong choice for our children but also for our Nation's future. Our public schools need strong leadership, not someone who has made it her life's work to undermine their success. So I oppose this nomination. I hope my fellow Senators will too.

TRAVEL BAN

Mr. President, while I have the floor, I will just take another minute or two to mention something else, as I have mentioned Vermont.

On February 1 of this year, Vermont welcomed 31 new U.S. citizens from 14 countries through a naturalization ceremony in Rutland, VT. Later that night, more than 1,000 people from our small city in Vermont gathered on our statehouse lawn—just a few feet from where I was born and raised—in support of refugees and immigrants.

We Vermonters understand what community means. It is a helping hand in a time of need. It is a kind word in a moment of distress. It is a welcoming embrace to calm a fear. We may be small, but in Vermont there is no limit to our compassion.

As with each of our 50 great American States, immigration is a rich part of Vermont's past. For decades, we have opened our communities to immigrants and refugees. They have all become part of the fabric of our State. They have enriched us with their diverse cultures.

Since the President signed his disgraceful Executive order that stymied our immigrant resettlement program and sent a shameful message to Muslims that they are not welcome in our country, I have heard from hundreds of Vermonters. Compassionate Vermonters, pleading that we continue our Refugee Resettlement Program and welcome refugees of all religions, concerned Vermonters, anxious about the threats to our Constitution's protected freedoms and rights, nervous Vermonters wondering what next steps this administration will take in the name of security, but are just rooted in politically charged scare tactics.

Vermonters have already proven that we will not back down. Marching in

Montpelier and in Washington on January 21, Vermonters' voices were heard. In candlelit vigils across the State, their empathy has been seen. At the naturalization ceremony on February 1, Vermont's welcoming spirit could be felt.

A man I admire greatly, Federal District Court Judge Geoffrey Crawford, gave stirring remarks at that naturalization ceremony, and the impact of those remarks are summarized by this one line, which he directed particularly to our new Muslim citizens: "You are equal in the eyes of the law." Judge Crawford's message was simple: You are welcome. You are equal. You are protected.

My fellow Vermonters inspire me every day. We should all take note from their example of what it means to be patriotic Americans.

So I ask unanimous consent that Judge Crawford's remarks from the February 1, 2017, naturalization ceremony in Rutland, VT, be printed in the RECORD at the conclusion of my remarks.

I look at Judge Crawford. Frankly, I have no idea what either he or the other Federal district judge's politics are. I just know they uphold the law. We are fortunate in this country to have a Federal court system made up of men and women of integrity, competence, and independence.

I was shocked this weekend when the President of the United States tried to demean the Federal judiciary, tried to downgrade an individual Federal judge because he disagreed with him. And it was almost within hours that he praised President Putin and tried to excuse the assassinations—the assassinations—carried out in Russia against journalists or those who disagreed with Putin—by saying: Well, that is no different than our country.

Well, Mr. President, I am proud to be a citizen of the United States of America, and we are different than Russia. You may have some "friendship" with Vladimir Putin, but let me tell you right now, show some more respect to our country and to our Constitution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF JUDGE GEOFFREY CRAWFORD AT 2/1/17 U.S. NATURALIZATION CEREMONY, RUTLAND, VT

Welcome—all of you—to your naturalization ceremony. You will all leave here as American citizens. We are very happy to include you among us. Let me take a moment to talk about a few things.

First, although our theme today is one of welcome and new beginnings, we should all start by considering both the difficulties of the journeys you have made and the richness of the backgrounds which you bring. First the journey. The Latin poet Catullus said it best:

"Multas per gentes et multa per aequora vectus"

In English,

"Carried through many nations and over many seas"

Your journeys have not been easy. Some of you have left family—all of you have left friends and the comfort of familiar surroundings for this new place. Some of you are refugees from lands which are broken by war. Today we honor the commitment of our nation to welcoming and caring for refugees. Some of you experienced hunger, illness and hardship. All of you come in search of a better life. But it would not be right to forget the value of the lives and communities from which you come.

As we welcome you, we honor your heritage—your parents, your culture, and the lands of your birth. You bring variety and energy and new ideas to us. You know a lot that we do not know. You have had experiences that we want to hear about. We are lucky that you have chosen to make your lives here. We need each of you because of what you will contribute to us—your work, your ideas, your sense of humor, your food, your children.

Let me speak directly about our new citizens who are Muslims. What I have to say is simple: you are equal in the eyes of the law. You are just as welcome here as citizens as anyone else. Your faith and your right to worship are honored and protected by our laws. We recognize that the Muslim faith is ancient and learned and that it has contributed greatly over more than a thousand years to our shared civilization. Muslim citizens and residents have served America for more than two centuries in military service, in scientific research, in literature and the arts, in the professions, in commerce, in labor—in all the ways that we all contribute to the daily life of our nation. As Muslims, you have the same right as any other citizen. These include protection from discrimination on the basis of your relations and your national origin and protection of your right to worship freely. These protections are not empty promises. They form part of our constitutional law. These protections are enforced every day by our courts. But let me turn towards a happier subject. This is a day of celebration. Today we welcome you as our brothers and sisters, common citizens of the county we all love and which you have chosen as your own.

What can you expect in the years ahead as American citizens? Two things stand out: opportunity and individual freedom. These are the values which have brought people like your family and mine to America for more than two centuries. Let's talk about both.

Opportunity means the chance to work, to go to school, to find a way to support yourself which has meaning for you, to have money for your family, to rent or buy a home, to educate your children and some day to retire with dignity. Because our economy is strong, there is room for you to find a place which suits you. It is never easy, and there are many disappointments along the way, but it is possible and millions have succeeded before you.

This is a very open society for workers. One job leads to another. Your first job is not going to be your last. You are already in a select group—people who have chosen to come here and have the drive and enthusiasm to join us as citizens. The same energy which carried you through the naturalization process will help you in your search for a good job.

Now, let's talk about freedom. Freedom means the chance to speak, assemble in groups, worship, and engage in politics without fear of interference from the government.

If I can make one respectful suggestion, it is that you use this freedom by getting involved in a cause or a committee or a campaign. Maybe something local—like asking for a sidewalk where one is needed—maybe national—like volunteering on a political campaign. In case you haven't noticed, we are in the middle of a presidential race this year. There is a candidate for every possible political belief. I urge you to take part in any way that suits your own convictions and interests. Freedom is strongest when it is used, not when it sits dusty on the shelf, and we welcome your involvement in public life together.

People who are born in the United States sometimes take it for granted. Like people anywhere. Or they concentrate on our faults and the unfair things about our society. New Americans such as you bring optimism. You would not have come if you did not see the chance for a better life for your family. One thing is certain—after the work to obtain citizenship, no one here is going to take it for granted. I ask that in the years ahead, you hold on to the hope and great expectation we all share with you on this day.

Thank you so much for coming to join us today as American citizens.

Mr. LEAHY. Mr. President, I yield the remainder of my time to Senator SCHUMER.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise today to call on my colleagues to reject the nomination of Betsy DeVos as the next Secretary of Education.

It is difficult to imagine a worse choice to head the Department of Education. Betsy DeVos doesn't believe in public schools. Her only knowledge of student loans seems to come from her own financial investments connected to debt collectors who hound people struggling with student loans. Despite being a billionaire, she wants the chance to keep making money off shady investments while she runs the Department of Education. We need someone in charge of the Nation's education policy who knows what they are doing and who will put America's young people first, and that is not Betsy DeVos.

Let's start with her record. Betsy DeVos has used her vast fortune to undermine Michigan's public schools. She is sure she knows what is best for everyone else's children, even though she has no actual experience with public schools.

In Michigan, the K-12 policy she has bankrolled has drained valuable taxpayer dollars out of the public schools and shunted that money into private schools, sketchy online schools, and for-profit charter schools. Even worse, DeVos believes these schools should get the money with virtually no accountability for what these schools do with taxpayer dollars. The results have been a disaster for Michigan kids.

Let's be perfectly clear. This is not a debate about school choice. It is not a debate about charter schools. There are people on all sides of this debate who

are genuinely pouring their hearts into improving educational outcomes for children. Massachusetts charter schools are among the very best in the country, and they understand the difference.

Before her nomination hearing, I received an extraordinary letter from the Massachusetts Charter Public School Association. The letter outlines their opposition to Betsy DeVos's nomination, citing her destructive record of promoting for-profit charter schools without strong oversight for how those schools serve students and families.

People who work hard to build good charter schools with high accountability are offended by the DeVos nomination. This abysmal record is troubling because the Secretary of Education is responsible for safeguarding the investments that the Federal Government makes in public schools and for holding States accountable for delivering a good education for all their students, especially those who need the help the most.

The Secretary is also responsible for enforcing critical civil rights laws, like the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act, but Betsy DeVos's confirmation hearing demonstrated to the entire world she is embarrassingly unprepared to enforce these laws.

Her apparent unfamiliarity with these critical civil rights laws has terrified families who have children with special needs, terrified families in Massachusetts and all across the country. These parents are afraid we could have an Education Secretary who doesn't even have a basic understanding of the Federal laws that guarantee their kids a chance to receive a public school education.

We still have a long way to go to make sure all kids in this country have a shot at a decent education, particularly children living in poverty, children of color, children with disabilities, and children who are immigrants or refugees. That is why the Federal Government got involved in education in the first place, to make certain that all of our children, not just some of them but that all of our children get a chance at a first-rate education.

Public education dollars should come with some basic accountability for how that money is spent and some basic expectations about what we get in return for these investments, not just doled out to some for-profit school that doesn't even meet basic standards in educating our children. This is also true in higher education, where the financial stakes are huge for America's college students.

The Department of Education is in charge of making sure that the \$150 billion that American taxpayers invest in students each year through grants and loans gets into the right hands and

that students get an education that will help them pay back their loans.

The student aid program is not well understood, but it is vitally important to get it right because \$1 trillion of student loan debt currently out there will impact the future of an entire generation.

Betsy DeVos has no experience in higher education. During her confirmation hearing, I gave her the opportunity to show that she is at least serious about standing up for students. I asked her basic, straightforward questions about her commitment to protecting students and taxpayers from fraud by these shady for-profit colleges. Her response was shocking. She refused to commit to use the Department's many tools and resources to keep students from getting cheated when fraudulent colleges break the law.

In her responses to my written questions, she even refused to commit to doing what the law requires by canceling the loans of students who have been cheated by lawbreaking colleges. An Education Secretary who is unwilling to cut off Federal aid to colleges that break the law and cheat students would be a disaster for both students and taxpayers. Betsy DeVos's refusal to guarantee debt relief for defrauded students could leave thousands of Americans saddled with student loan debt that by law they are not required to pay.

Betsy DeVos also refused to rule out privatizing the Direct Loan Program. Think about this. As if our students don't have enough problems already, DeVos is ready to let Wall Street banks get their claws into our students and start charging extra profits on top of the already high cost of student loans.

If Betsy DeVos won't commit to strengthening the Federal student loan program and running it for students, then she is absolutely unfit to be in charge of it.

I am also deeply concerned about the conflicts of interest and potential government corruption if Betsy DeVos is allowed to take the reins of the Department of Education. Betsy DeVos is a multibillionaire, and that is fine, but for her, that is apparently not enough. She already makes money off of several businesses that could profit from decisions she makes as Secretary of Education—several businesses, at least, that we know about. She said she will get rid of the ones we know about, but she wants to keep her family trusts and whatever investments two of them hold a secret—a secret from Congress and a secret from U.S. taxpayers. She says she doesn't have to follow rules that everyone else follows and tell the Senate what her investments are or what they will be in those secret trusts. I want you to think about that for just a minute. She already has billions of dollars, but she won't give up

her secret trust and her chance to make investments that could create conflicts of interest while she is running the Department of Education? Who exactly does Betsy DeVos want to help out—the young people of America or her own bank account?

You know, I really don't get this. I disagree with her education policy, but the one thing we ought to be able to agree on is that no one, especially not some billionaire, ought to keep investments that go up or down in value depending on the decisions she makes while she has a job working for the U.S. Government. Because of that concern, I wrote a letter with several of my Democratic colleagues to raise concerns about her potential conflicts that aren't clearly resolved by her public ethics agreement. We asked her some simple questions about the lack of financial transparency and the shady investments she plans to keep while she has a government job. What did we get back? Nothing. Zero. Bupkes. She thought our basic questions about ethics weren't even worth an answer. That stinks. This whole process stinks.

At every step along the way, the Republicans have made it clear that no matter her inexperience, no matter her radical views, no matter her potential conflicts of interest, no matter her secrecy, no matter her blowing off basic anti-corruption practices, they will ram this nomination down the throats of the American people sideways. Here are just a few egregious examples.

First, committee Democrats were allotted 5 minutes—5 minutes total—during her hearing to question Betsy DeVos on her troubling record. Republicans suddenly invented a new rule that we couldn't ask additional questions. This is an important job. I asked President Obama's Secretary of Education multiple rounds of questions, and he had led a public education system in the past, but I guess when a Republican nominee and megadonor is in line to run education policy, we are supposed to fall in line and keep quiet.

Second, breaking with standard practice and what we did for President Obama's Education nominees, we were forced to hold Betsy DeVos's hearing before the ethics review of her billions was completed. The complicated ethics review raised a ton of additional questions, but we got absolutely no chance to question her about it.

Third, Betsy DeVos is the first nominee ever to go through the HELP Committee who has flat-out refused to fully disclose her financial holdings. She will be the first nominee in recent history to hold secret trusts. She was supposed to complete a form that requires nominees to list in detail all of their assets, investments, and gifts so that the committee has a full understanding of the nominees' potential conflicts of interest. No, she wants to keep many of her holdings in a family trust a secret, so she just won't tell.

Fourth, Republicans ignored and overrode the rules of the Senate in order to barely squeeze the DeVos nomination out of committee as quickly as possible. And now, with at least 50 Senators—Democrats, Republicans, and Independents—publicly opposed to this nomination, the Republican leadership has rigged the vote so that Senator SESSIONS can drag her across the finish line just before he is confirmed as Attorney General. Why is Senator SESSIONS even voting on this nomination? It is a massive conflict of interest. As the AG, SESSIONS will be responsible for enforcing the law against DeVos if her cesspool of unresolved financial conflicts results in illegal behavior, but apparently the Republicans just don't care.

Let's face it: The Republican leadership wants DeVos, and they are willing to ignore her hostility to public schools, willing to ignore her indifference to laws that protect special needs kids, willing to ignore the giant ethical cloud that hangs over her—ignore it all so that billionaire and Republican campaign contributor Betsy DeVos can be Secretary of Education. The American people can see what is happening here.

I commend my Republican colleagues, Senators COLLINS and MURKOWSKI, for standing up for what is right and saying they will vote against Betsy DeVos's nomination on the floor. I know how difficult it can be to stand up for what is right even under overwhelming pressure from your own team to just keep your head down and go with the flow. They have been listening to the teachers and parents in their States, and I deeply respect their principled opposition to this nomination.

I have also heard from thousands of teachers, parents, and education leaders in Massachusetts raising deep concern about Betsy DeVos's nomination. I hear their concern, and I share their concern.

You know, this isn't just politics, this is deeply personal. It is personal for me. My first job out of college was as a teacher. I taught little ones, children with special needs, in a public elementary school. I have never lost my appreciation for the importance of strong public education because I have seen how public education opened a million doors for me, and I know it opens doors for young people in Massachusetts and all across this country. I believe that strengthening America's public schools is critical for securing a better future for our children and for our grandchildren. I also understand the vital role the Secretary of Education plays in making sure every young person has real opportunities and a fighting chance to succeed.

We are one vote away from making sure this job is not entrusted to Betsy DeVos. One vote. We need just one more Republican to stand up for the

children of America, to stand up for public education, to stand up for college students, to stand up for decency and honesty in government. With just one more Republican, we can say this Senate puts kids ahead of partisan politics. With just one more Republican, we can say this Senate still cares about public officials who put the public ahead of their own interests. Just one more Republican, that is all we need. Just one.

I assumed that the rush to complete this nomination has something to do with the fact that Republicans' phones have been ringing off the hook from citizens who are outraged by the idea of this nomination. Before these Republicans decide whether to help Donald Trump reward a wealthy donor by putting someone in charge of the Department of Education who doesn't really believe in public education, I want them to hear from the people of Massachusetts, the people who on their own have contacted me about this nomination.

I have received countless letters and calls from constituents in Massachusetts, including a batch of letters from a new local grassroots organization—Essex County #6 Indivisible—that is very concerned that Betsy DeVos is a danger to our schools. So I just want to share a few of those letters with my colleagues right now.

I heard from Matt Harden, who is a teacher from Plymouth, and he wrote this:

I have been a teacher for fifteen years and a parent for seven. I feel incredibly proud of the schools in the Commonwealth of Massachusetts, and view my position as a music educator not simply as a job but a vocation. The recent referendum in the Commonwealth regarding the expansion of cap on Charter Schools was soundly defeated by the electorate. I have grave concerns about Ms. DeVos and her ties to corporate interests in education. Schools are not businesses, and students are not products on an assembly line. This line of thinking is a clear and present danger to our students, and reflects a lack of familiarity with the public education system.

In this matter, my concerns are not limited to the borders of our own state but the equitable access to education across our nation. Ms. DeVos is not the right person to be an intellectual and educational leader for our nation—we need real change and ideas, not privatization and politicization of our youngest and most vulnerable citizens.

I also heard from Alexandra Loos, a special education teacher from Cambridge. She had this to say:

I am a special education teacher who works with children with developmental disabilities, and I urge you to vote against the confirmation of Betsy DeVos as Secretary of Education.

I have grave concerns about the qualifications of Ms. DeVos due to her lack of experience in the public education system as well as her record of support for charter and private schools that are not obligated to follow Federal education standards or guidelines.

Most urgently, as a professional who specializes in evaluating and treating children

with autism, Down syndrome, learning disabilities, ADHD, and other developmental and behavioral disorders, I am extremely concerned about Ms. DeVos's apparent lack of understanding of the Individuals with Disabilities Education Act (IDEA), the federal law that guarantees "a free and appropriate public education" to children with disabilities. During her confirmation hearing this week, Ms. DeVos appeared to be unfamiliar with IDEA . . . stating that she felt that enforcement of this federal law should be left up to the states. This is unacceptable and clearly indicates that Ms. DeVos is unqualified to serve as Secretary of Education.

With approximately 13% of public school children in special education, it is essential that an Education Secretary be knowledgeable and supportive of the federal laws that guide special education services. Please vote "no" on Ms. DeVos's confirmation.

Yes, Alexandra. Yes.

My office also heard from Diana Fulerton, a school adjustment counselor from Salem. Diana said she had never written to a politician before, but she felt strongly enough about Betsy DeVos to write:

I am a school adjustment counselor in an elementary school in Gloucester. I have never gotten involved much in politics until this election. I went to the Boston Women's March on Saturday and this is my first time writing to a politician. I am extremely concerned about Trump's nomination for Secretary of Education, Betsy DeVos. In my work I support students who are very vulnerable: on IEPs, in high-poverty environments, identifying as gay or transgender, and coming from backgrounds where English is a second language. I believe that Ms. DeVos' extreme and uneducated positions on the needs of students in public schools could harm my children. Please vote against her nomination as Secretary of Education.

Thanks, Diana. I will.

I heard from another teacher from Newton, who said:

I am opposed to Betsey DeVos as the next Secretary of Education. I have spent my entire life as a teacher—first in public and private schools for 14 years teaching French, then as a member of the faculty of Lesley University for 26 years, and now as a teacher in a Life Long Learning program at Brandeis. I cannot imagine having a Secretary of Education who has never had any direct educational experience. I am also very worried about her views of public education and her appalling record on civil rights. Strong education is the foundation of our democracy. Please do what you can to maintain and improve our current system.

Thank you.

Yet another teacher contacted our office, this one from Abington. She wrote:

I believe in my community's public schools. In fact, I've worked in them as a teacher for over 15 years. The nomination of Betsy DeVos has me seriously considering a change of employment. Betsy DeVos believes in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly fail, and yet she has never worked in a school. The marketplace solution of DeVos will destroy our democratically governed community schools. Her hostility toward public schools disqualifies her. I am asking you to vote against the confirmation of Betsy DeVos.

We also heard from parents all across the State, including Leslie Boloian, a mother from Andover. Leslie said:

I am a mother of an 8 year old who is dyslexic. She is smart and very capable of learning what other kids can learn; however, she needs specialized education. Through the public school system, she is learning to read and continues to reach new milestones daily. I fear that Betsy DeVos could put my daughter's education at risk.

I urge you to oppose Secretary of Education nominee Betsy DeVos, who is best known for her anti-public education campaigns!

The chance for the success of a child should not depend on winning a charter lottery, being accepted by a private school, or living in the right ZIP code. It is our duty to ensure all students have access to a great public school in their community and the opportunity to succeed. Betsy DeVos has consistently worked against these values, and her efforts over the years have done more to undermine public education than support all students.

Betsy DeVos has no experience in public schools, either as a student, educator, administrator, or even as a parent. She has lobbied for failed schemes, like vouchers to fund private schools at taxpayers' expense. These privatization schemes do nothing to help our students most in need, and they ignore or exacerbate glaring opportunity gaps.

We need a Secretary of Education who will champion innovative strategies that we know help to improve success for all students, including creating more opportunities and equity for all. Betsy DeVos is not that person, and I urge you to vote against her for Secretary of Education.

Thank you, Leslie.

Kate Brigham, a mother from Somerville, also wrote. She said.

My name is Kate Brigham, and I am a constituent of yours from Somerville. . . . I'm writing to urge you to vote against Betsy DeVos' confirmation as Secretary of Education. The future of our kids here in Somerville and across the country are depending on you to see the difference between education progress and privatization.

The majority of America's school children attend public schools. We cannot leave their futures and the future of our country in the hands of a woman whose ideas to privatize school funding have already left the state of Michigan and its children in shambles. Her personal financial conflicts of interest are staggering.

The Individuals with Disabilities Education Act—which DeVos did not know was a federal law—guarantees rights to both students with disabilities and to their parents. So this isn't just about civil rights; it's also crucial to families. We cannot afford a Secretary of Education who's "confused" on what the law is. My own 2-year-old daughter benefits from MA's wonderful Early Intervention program and will need special education services when she turns 3 in September.

IDEA and the ADA were both signed into law by Republican Presidents. Disability rights are not and cannot become a partisan issue. Thank you for ensuring that public education for ALL will be protected. Somerville, and Massachusetts, needs it. And we won't succeed with Betsy DeVos as Secretary of Education.

Thank you, Kate. Thanks for writing.

Samantha Lambert, a mother of four from Everett, also contacted us with her concerns. Samantha wrote:

I am a voter from MA who has struggled with the change coming as a result of this election. . . . It is difficult to focus when there is a new outrage at every turn.

No one frightens me more than Betsy DeVos. Why? The impacts of her ignorance and disdain for public education will remain with us for a generation. I have 4 children, all educated in the Everett Public School System, one of whom benefits from Special Education.

We have one opportunity to get it right with our children. I was asked by a conservative friend who was curious why this appointment brought such a backlash, and the answer was simple for me. Our job is to protect our children, the nation's children. Those unable to influence their future with a vote. There is no mandate for the destruction of our most treasured institution, the foundation of our democracy.

My son deserves a free and fair education, as do his siblings. As do their peers. The children in our school district are in the lower socioeconomic rung. Many rely on public transportation and neighborhood public schools. That takes the choice out of school choice, doesn't it? It favors students on economic lines, furthering the divide and putting an undue burden on the schools left behind who will struggle to serve the students that need this gift of education most.

The public hearing demonstrated that Mrs. DeVos is wholly unqualified for this appointment. Her answers or lack of answers, specifically regarding IDEA and school choice, were frightening. As a parent, I was literally shaking.

My nine-year-old son was listening to a portion and heard Senator Hassan mention dyslexia in her question. He cheered and asked if we were going to make sure all kids get special help to read. I couldn't answer him because in her answer, Mrs. DeVos seemed not to know that IDEA is a Federal law protecting these beautiful minds. Protecting them from being a line item that can be wiped away, their future successes and achievements going right along with it.

I ask you, please oppose Betsy DeVos for Education Secretary, for the good of ALL our nation's children.

Thank you, Samantha. Thanks for writing.

We also heard from Laura Fukushima, a mother and former teacher from Dedham. She wrote to say:

Before having my own children, I taught in public schools for five years—three in Boston and two in Tennessee (Sumner County)—and I'm writing to ask you to vote against confirming Betsy DeVos as Secretary of Education.

It's evident that Ms. DeVos is passionate about education—judging from the enormous amounts of money she has poured into shaping policy—and I have no reason to doubt her intentions are good. But that doesn't qualify her for this job. Here are my concerns:

1) Aside from having no experience in public schools, either as a parent or a student, she has no experience in any kind of school as an educator.

2) At her confirmation hearing, she demonstrated a lack of basic understanding of many pertinent issues and concepts—an intimate knowledge of which is required to shape good educational policy.

3) Despite lacking both the prerequisite knowledge and experience within the field of education, she actively used her wealth to sway legislators in Michigan away from

their initial support of bipartisan measures, based on a broad coalition of informed participants, to regulate and improve charter schools. (For the record, I do support charter schools, but understanding that there is a vast disparity in their quality, I see the need for rigorous oversight.) Her efforts, I believe, have been more detrimental than beneficial to the children of Detroit.

4) Her suggestion that enforcing IDEA should be left to the states is very troubling. Such policy would leave our most vulnerable students very far behind.

While I agree with Ms. DeVos that our educational system would benefit from some additional choice for parents, I think she's wildly mistaken if she believes a completely free market will fix our schools. We need a Secretary of Education who believes in proper oversight and can help create effective measures of assessment and accountability to improve education for all our children. That's what the Department of Education is for. To run it successfully, we need a Secretary, unlike DeVos, who is well trained in the field.

Thank you, Laura.

A mother from Clinton also wrote about how she would be personally affected by Betsy DeVos, saying:

I have an 8-year-old daughter with Autism Spectrum Disorder who receives services through our public elementary school. I believe that every individual deserves an equal education. IDEA must be upheld! My daughter is doing very well with her studies because of the supports she receives. She is a very smart girl but needs and deserves accommodations. I am thankful there are laws to protect her.

Betsy DeVos thinks that states should decide how to fund education for individuals with disabilities. I believe it should remain federally mandated. I wouldn't be able to afford a private education for my daughter in a special school. I know there are many more parents like me.

I also opposed expanding Charter schools in our state. I believe publicly funded schools should be publicly run and overseen.

I request you reject Betsy DeVos for Education Secretary.

Thank you.

Another parent wrote to say:

I am writing to express my strong opposition to the confirmation of Betsy DeVos as Secretary of Education. She has demonstrated NO commitment to public education throughout her life, and her support of charter schools in Detroit has been a demonstrated failure. The framing of for-profit charter schools as providing "choice" for parents is a false framing—it provides the illusion of a poorly regulated and poorly supervised choice for some parents while limiting the resources and choices left to the other parents and leading to a downward spiral in the quality of public education. Transferring public funding of education to for-profit charter schools, creaming off the children of the most motivated parents, and leaving the more difficult, lower income, and children with special education challenges is a prescription for failure of public schools and will result in herding lower-income students into dysfunctional schools, setting them up for a lifetime of underemployment.

I am not a teacher, nor a member of a teacher's union. I am a mother, and I was proud to send my son to the Brookline Public Schools for his entire K-12 education. I want other children to have a chance for a quality education, not to be the fodder for a

private, for-profit charter school with no commitment to the public good.

Quality public education is the foundation of a free society and the key to sustaining a vibrant economy in the future. Please oppose the confirmation of Betsy DeVos.

A woman from Canton also wrote in. She said:

As a parent of public school children, I urge you to reject the nomination of Betsy DeVos as Secretary of Education. A free and appropriate education is the cornerstone of our democracy, but Ms. DeVos has shown no interest in preserving public education. In fact, she has worked tirelessly to divert public funds into private pockets by way of deregulating and expanding charter schools and to offer vouchers which can be used at private and religious schools. This is a clear violation of our principle of separating church and State.

Ms. DeVos's strategies have had disastrous consequences in Michigan. Eighty percent of charter schools there operate for profit. When schools look first to satisfy investors, they rely on teaching to standardized tests, not on educating children. Here in Massachusetts, we overwhelmingly rejected the idea, one funded by billionaires, and resisted by parents and public school teachers.

Please join us in opposing a "lead educator" who has never gone to a public school nor sent her children to one. Please consider that the nation's future depends on educating every child, and that to do so, we need to restore and strengthen our public school system, not dismantle it in favor of profiting off the backs of our youth.

Thank you.

It is no surprise that we also heard from many constituents struggling with student loans. One of those was Liam Weir, a college student from Brighton, who had this to say:

As a college student and a resident of the State of Massachusetts, I am writing you to express my deep concern over the potential appointment of Betsy DeVos to the position of Secretary of Education. Ms. DeVos is extraordinarily unqualified to lead such a department. The fact that the President has chosen such a person, with no experience in education administration in any capacity at any level, is an insult to the millions of teachers, students, and school administrators across the country. Ms. DeVos's policies will undermine already struggling public school systems by allocating taxpayer funds to advance a cynical and deeply troubling agenda against established science. I myself am a recipient of Federal college grants and loans, and I am growing increasingly concerned about Ms. DeVos's competency in managing the looming student debt crisis.

Now more than ever is a time for the Education Department to be run by capable and caring individuals, not willfully ignorant ones.

A young mother from Winthrop also reached out to us. She had this to say:

I urge you to vote No on the confirmation of Betsy DeVos, a singularly unqualified individual . . . among a veritable sea of unqualified individuals this administration has chosen to lead our country.

My husband and I have no personal stake in public education over the next 4 years. Our daughter is only 7 months old. But I am the child of two public schoolteachers in RI, my friends are teachers, my friends' children are in school, my nephews, cousins, etc. I believe in public schools and I believe that

Betsy DeVos is not the right direction for our public education system. She is dangerous, and her lack of knowledge is appalling.

Also, and I thank you so much for asking about this at her hearing—student loans are not a business, they are a crisis in this country. My husband has a six figure debt, with interest rates at 7.5 percent. He had to take a job . . . rather than pursue his dreams of working in criminal justice because he needed a job that could pay his \$1,000 a month student loan bill. Our saving grace is that I have a good job, and my student loan debt is nearly paid off—because I was loaned a reasonable amount at a reasonable 2 percent interest rate. We are a case study in how the program should work vs. predatory lending.

That is so true. Thanks for writing.

Liz Bosworth, a mother of two from North Dartmouth, had this to say:

While I am fully aware that you do not support the nominations for many of President Trump's nominees, I am currently most concerned about Ms. DeVos. I watched parts of her hearing and I remain concerned that there was a denial for a second hearing. I hope this leads to continued questions and a final opposition of her as Secretary of Education. Your lines of questioning served to highlight her lack of qualifying experience but still, in light of this last six month's politics, I believe anything is possible.

As the mother of two small children and a daughter-in-law, niece, cousin, friend, and wife of public school teachers, I find her to be quite alarming and somewhat scary as the potential leader of that office. We are strong proponents of public education and of teaching our children to value their time in school and to achieve high levels of success.

With that comes some anxiety around their aspirations to higher learning. As a master's level social worker, I will be paying off my loans until I start to pay for my son's higher education. I do not want the debt for my children that I have. At this rate, I am saving far much less money per month for their college funds while paying off my own. I want my children to go higher than myself, but I want them to do so with a level of confidence in their finances that I was not afforded. Ms. DeVos, highlighted by you in her confirmation hearing, has not been involved with student loans on any level and does not have the experience to become entrusted with my current debt or the debt of my children.

Finally, I would like to highlight my abject fear of the treatment of those students with learning disabilities, particularly severe and profound disorders, if she is confirmed. While I see many walks of life in my field, my mother was a proud special education teacher in New Bedford for 33 years. She was proud to be able to teach life skills like budgeting, simple cooking and social skills to her students who may not ever be college ready. We worry about those kids and what will become of them if Ms. DeVos is confirmed. My husband is currently employed in a collaborative that works with mentally ill children who need a different kind of educational process but can still achieve the same goals. I am not sure they would ever qualify for a voucher to attend some Charter school.

We are committed to families and community maintenance of all students with the right care at the right time. I am not sure that Ms. DeVos is committed in the same way.

Please vote to oppose Ms. DeVos.

Thank you, Liz. Thanks for writing.

I heard from another student in Boston who told me the following:

I am writing to you today as a public school teacher and a Ph.D. Candidate in Urban Education, Leadership and Policy Studies. I believe in public schools. Betsy DeVos believes in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly failed. The "marketplace" solution of DeVos will destroy our democratically governed community schools. She has no professional experience in the education field. She does not truly understand the nuances of public education nor does she want to understand.

I managed to earn scholarships that took care of most of my schooling, but I still have about \$80,000 in student loans. (Not bad for 2 expensive private institution degrees!) I am a first generation college student and my single mother could not afford to help me pay for my schooling. Betsy DeVos just doesn't have experience in K-12 public schools, but she has no experience in running the student loan department. The Federal student loan program is far from perfect. We need someone running it who is knowledgeable in the process, believes in making college more affordable, and understands what it feels like to not be sure how you will pay for college. She has no qualifications of any kind in this area.

I am asking you to vote against the confirmation of Betsy DeVos. Please consider this request and the thousands of other people across the country who vehemently disagree with Ms. DeVos's candidacy.

Thank you.

Sarah Rothery, a mother of two from Northborough, told me about her two sons, saying:

I am writing to ask that you oppose the confirmation of Ms. DeVos for the cabinet position for which she was nominated under President Trump. I have put 2 sons through college thanks to Stafford loans and personal savings and I think she has no idea what is involved in middle class families financing college educations today. One of my sons is now an 8th grade history teacher in a public charter school, Abbot Kelly Foster, in Worcester, and worries that Ms. DeVos has no real understanding of urban education as well.

Thank you, Sarah. Thanks for writing.

I have also heard from Alicia Bettano, a former student from Merrimac who bravely shared with me her own experiences. This is from Alicia:

I suffer from a Non Verbal Learning Disorder. Up until I was 13 years old I was not diagnosed with anything. I went to aides, speech therapists, everyone. I had trouble in the maths and in sciences. I was thought of as stupid. I was yelled at by aides. When I was 13 and diagnosed, my teachers didn't understand. They thought sitting me closer to the white board would allow me to understand better, despite the fact that it was their teaching methods that confused me. I was told I would not go to college or graduate. My parents had to hire an advocate to work for me to get my teachers and school to understand my disability. It took me some time to figure out what I wanted and needed, but in May I graduated college.

Betsy DeVos would be a horror for those with disabilities; not just learning ones, but mental ones. I was lucky I had parents and

one teacher backing me. What about the ones that don't? Putting Betsy DeVos into office will hurt our children in America—that's not making America great.

Alicia, thank you for writing. I really appreciate it. Congratulations on your graduation.

A man from Brookline also wrote in, saying this:

As someone passionate about education, especially the education of students in Massachusetts, and as a graduate of a public elementary school, middle school, high school and college; as a young professional burdened by education debt; as the husband of an early childhood educator working in a struggling Boston neighborhood; as a member of a family filled with men and women dedicated to careers in public education, I strongly urge you to oppose Secretary of Education nominee Betsy DeVos. My vote for or against candidates in future elections will be informed by whether the candidate publicly opposed this Secretary of Education nominee.

Betsy DeVos has consistently worked against public education and she is incredibly unqualified for this position. At best, she should be an undersecretary focused on public-private partnerships. If you must work with the incoming administration, suggest her nomination for that role, but you must oppose her cabinet-level appointment.

DeVos has no experience in public schools, either as a student, educator, administrator or even as a parent. She has lobbied for, and been employed by, initiatives that have undermined public education in America.

We need a Secretary of Education who will champion innovative strategies that we know help to improve success for all students, including creating more opportunities and equity for all. I urge you to vote against Ms. DeVos for Secretary of Education.

What does Betsy DeVos have to say to Matt and Diana or to the thousands of other teachers who have more experience in public education than she does? What does she have to say to Leslie and Samantha, whose children have benefited from the programs she wants to cut? What does she have to say to Sarah, who relied on Stafford loans to put her sons through college?

It is not just individuals who are worried about Betsy DeVos. We have heard from groups across the State as well. The Massachusetts Charter Public School Association wrote me, saying this:

Dear Senator Warren,

As the Association representing the 70 Massachusetts commonwealth charter public schools, we are writing to express our concerns over the nomination of Elisabeth DeVos as U.S. Secretary of Education. We do not express these reservations lightly, but we believe it is important to raise certain issues that should be addressed by the nominee.

Both President-elect Trump and Ms. DeVos are strong supporters of public charter schools, and we are hopeful they will continue the bipartisan efforts of the Clinton, Bush and Obama Administrations to promote the continued expansion of high quality charters while pursuing reforms that will strengthen traditional public schools.

But we are concerned about media reports of Ms. DeVos' support for school vouchers and her critical role in creating a charter

system in her home state of Michigan that has been widely criticized for lax oversight and poor academic performance, and appears to be dominated by for-profit interests.

As the senior Senator from Massachusetts and a member of the U.S. Senate Committee on Health, Education, Labor & Pensions (HELP), which will hold hearings on the nomination, you will be in a position to ensure the nominee commits to holding the national charter school movement to the highest levels of accountability and oversight that are the hallmark of the Massachusetts charter system.

By all independent accounts, Massachusetts has the best charter school system in the country. We are providing high quality public school choices for parents across our state. Our urban schools are serving the highest need children in Massachusetts, and are producing results that have researchers double-checking their math. These gains held across all demographic groups, including African American, Latino, and children living in poverty.

The cornerstone of the Massachusetts charter public school system is accountability. The process of obtaining and keeping a charter is deliberately difficult. The state Board of Elementary and Secondary Education is the sole authorizer and historically has approved only one out of every five applications. Once approved, each charter school must submit to annual financial audits by independent auditors and annual performance reviews by the state Department of Elementary and Secondary Education. Every five years, each charter must be renewed after a process as rigorous as the initial application process. For-profit charter schools are prohibited by Massachusetts law.

Our schools have also created partnerships with many Massachusetts public school districts to foster collaboration and best practices sharing, and have forged an historic Compact between Boston charter public schools and the Boston Public Schools that has become a national model.

Bipartisan support has been key to the development and success of the Massachusetts system. Created in 1993 by a Democratic Legislature and a Republican Governor, public charter schools have continued to receive support from all Governors, Republican and Democratic alike, and Democratic legislative leaders.

If the new President and his nominee intend to advance the cause of school choice across the country, they should look to Massachusetts for their path forward.

The history of charter schools in Michigan offers a more cautionary tale. The same researchers from Stanford that declared Massachusetts charter public schools an unqualified success, had mixed reviews for Michigan's charters.

According to media reports, last year Ms. DeVos actively campaigned against bipartisan legislation that would have provided more oversight for Michigan's charters. If these reports are true, we are deeply concerned that efforts to grow school choice without a rigorous accountability system will reduce the quality of charter schools across the country. We hope you agree that quality, not quantity, should be the guiding principle of charter expansion. Without high levels of accountability, this model fails.

We ask that you use the hearing to probe the incoming Administration's intentions regarding education policy in general and school choice and quality specifically.

We'd be happy to provide you with more information on the Massachusetts model and

would welcome a meeting with your staff to brief them on our concerns.

Sincerely,

Massachusetts Charter Public School Association Board of Directors.

The people of Massachusetts cannot afford Betsy DeVos. This is why I will vote no on her nomination and why I urge my colleagues to do the same.

Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF NEIL GORSUCH AND THE CABINET

Mr. McCONNELL. Mr. President, President Trump's outstanding Supreme Court nominee Neil Gorsuch has earned high praise from all across the political spectrum.

Some of it has come from unlikely corners, whether Democratic Senators, left-leaning publications, President Obama's own legal mentor, even his former top Supreme Court lawyer. We have heard from those Gorsuch has taught. We have heard from many who have worked alongside him. In fact, just a few days ago we received a letter from several of his former law colleagues. So let me share some of that with you now. The letter began:

We are Democrats, Independents, and Republicans.

Many of us have served in government, some during Republican and some during Democratic administrations; some of us have served in both. We have clerked for Supreme Court justices and appellate and district court judges appointed by Democratic and Republican presidents. We represent a broad spectrum of views on politics, judicial philosophy, and many other subjects as well. But we all agree on one thing: Our former colleague, Neil M. Gorsuch . . . is superbly qualified for confirmation.

He is a man of character, decency, and accomplishment, [one who represented all of his clients] without regard to ideology [and one] who merits this appointment.

Clearly, it is not going to be easy to paint Judge Gorsuch as anything but extremely qualified and exceptionally fair, but that hasn't stopped some on the left from trying. They started musing about blocking any nominee before the President had even nominated anyone. It is a good reminder that much of the opposition we are seeing from far left groups and Democratic Senators isn't so much about Judge Gorsuch as it is about their dissatisfaction with the outcome of the election.

As a Washington Post headline recently declared, "Democrats' goal with court nomination: Make it a referendum on Trump."

"[P]rominent Senate Democrats," the article read, are "giving the nominee's 10-plus years on the U.S. Court of Appeals for the 10th Circuit almost secondary consideration." It seems they believe their best, and perhaps only, bet to bring down this highly qualified judge is by "inject[ing] Trump into the process."

The very next day, the New York Times ran an article about Democrats'

apparent hope that this Supreme Court fight will be "More About Trump Than Gorsuch." In other words, our Democratic colleagues are finding it hard to oppose Judge Gorsuch on the merits, so they are trying to divert attention and invent new hurdles for him to surmount. That is the playbook. Sure enough, we see them running the play.

Consider the assistant Democratic leader's speech the other day. It was supposedly about Judge Gorsuch. He sure had a lot to say about President Trump, about things President Trump has done, about things President Trump might do, about refighting old battles but precious little about the qualifications of the actual nominee before us, and precious little about the increasing number of accolades he has been receiving, especially from well-known folks on the political left. I mentioned several a moment ago.

Now we can add another to the list: Alan Dershowitz, the famous constitutional scholar and longtime Harvard law professor. Dershowitz described Gorsuch as "highly credentialed and hard to oppose" and dismissed the idea that he would be caricatured as some sort of "extreme right-wing [ideologue]." "[T]hat doesn't seem to fit what I know about him," Dershowitz said, adding that Gorsuch will "be hard to oppose on the merits." Indeed, he will.

That is precisely why our Democratic colleagues are making the debate on his nomination about other things and other people. That is also why they are arguing that there are special hurdles for Judge Gorsuch to clear—hurdles they are forced to admit were not there for the first-term nominees of Democratic Presidents.

When even a leftwinger like Rachel Maddow can't help but admit that Judge Gorsuch is "a relatively mainstream choice," when even Maddow characterizes a Democratic attempt to filibuster his nomination as "radical," it is hard to argue otherwise. That will not stop many on the far left from trying.

I invite Democrats, who spent many months insisting "we need nine," to now follow through on that advice by giving this superbly qualified nominee fair consideration and an up-or-down vote. It is time to finally accept the results of the election and move on so we can all move our country forward.

That would also apply to other nominations before the Senate. Just before the election, the Democratic leader said he believed the Senate has a "moral obligation, even beyond the economy and politics, to avoid gridlock." Put simply, he said: "We have to get things done." Yet just a few months later, Democratic obstruction has reached such extreme levels that the smallest number of Cabinet officials have been confirmed in modern history at this point in a Presidency. It

is a historic break in tradition, a departure from how newly elected Presidents of both parties have been treated in decades past.

In fact, by this same point into their terms, other recent Presidents from both sides of the aisle had more than twice as many Cabinet officials confirmed as President Trump does now. President Obama had 12 Cabinet officials confirmed at this point in his term, President George W. Bush had all 14 Cabinet nominees confirmed at this point, President Clinton had 13, and President Trump has a mere 4.

It seems this gridlock and opposition has far less to do with the nominees actually before us than the man who nominated them, just like we are seeing with President Trump's outstanding Supreme Court pick. The Democratic leader and his colleagues are under a great deal of pressure from those on the left who simply cannot—cannot—accept the results of a democratic election. They are calling for Democrats to delay and punt and blockade the serious work of the Senate at any cost. They would like nothing more than for Democrats to continue to resist and prevent this President from moving our country forward.

Unfortunately, many of our friends across the aisle have given in to these groups' calls for obstruction, and some have even gone to unprecedented lengths to delay for delay's sake. They have forced meaningless procedural hurdles, they have stalled confirmation votes as long as possible, they have postponed hearings, and they have even boycotted committee meetings altogether. Their excuses are ever-changing, and some border on the absurd. "We don't like the seating arrangement," they say. "We can't be late to a protest," they argue. There was even some excuse about a YouTube video.

Look, enough is enough. The American people elected a new President last November. Democrats don't have to like that decision, but they do have a responsibility to our country. The American people want us to bring the Nation together and move forward. It is far past time to put the election behind us and put this President's Cabinet into place, just as previous Senates have done for previous newly elected Presidents of both parties.

Mr. President, now I wish to say a few words about one nominee whom we will be voting on tomorrow. The nominee for Education Secretary, Betsy DeVos, is a well-qualified candidate who has earned the support of 20 Governors and several education groups from across the Nation. As Education Secretary, she will be our students' foremost advocate, working to improve our education system so that every child has a brighter future.

Importantly, she also understands that our teachers, students, parents,

school boards, and local and State governments are best suited to make education decisions—not Washington bureaucrats. I have every confidence that Mrs. DeVos will lead the Department of Education in such a way that will put our students' interests first, while also strengthening the educational opportunities available to all of America's children.

I urge colleagues to join in confirming Betsy DeVos so that she can begin the very important work before her without further delay.

THE PRESIDING OFFICER. The Senator from Texas.

THE CABINET AND CONGRESSIONAL REVIEW ACT

Mr. CORNYN. Mr. President, I sat here and listened with interest to the majority leader's comments about this strategy of obstruction and slow walking the President's Cabinet. I share his frustration. More than that, on behalf of the people we were sent here to represent—the American people—I regret that petty politics has gotten in the way of the ability of our colleagues across the aisle to get over the fact that the election didn't turn out quite the way they hoped and to get back to work on behalf of the American people.

This week we will continue to grind our way through consideration of President Trump's nominees, despite the best efforts of our friends across the aisle to obstruct and to slow walk. Because of their insistence on taking advantage of every possible procedural delay, they have tried to grind the Senate to a near halt, but we have overcome that obstruction. We came together early Friday morning and voted to move forward with the President's nominee for Education Secretary—about 6:30 in the morning. It was a little earlier than we usually convene, but I am glad we were able to get it done.

I am confident that we will get Mrs. DeVos confirmed soon. Then, thanks to former Democratic leader Harry Reid, the Democrats know they cannot block these nominees from taking office. Because of the so-called nuclear option, they reduced the voting threshold from 60 to 51, meaning that, with 52 Republicans and, hopefully, with a little help from some of our friends across the aisle, every single one of President Trump's Cabinet nominees will be confirmed. We can take that to the bank.

All they can do, which is all they have done up to this point, is to slow the process down for no reason other than the fact that they can. Again, thanks to Senator Reid, all of the President's nominees will be confirmed. This type of behavior is really pretty juvenile, if you ask me, and it can't actually accomplish anything. It is a strategy in search of a goal. They don't have any particular goal in mind, because at the end of the day, the President will get the Cabinet that he has nominated and deserves.

After the vote tomorrow on Mrs. DeVos for Cabinet Secretary of Education, we will vote to confirm Senator SESSIONS, our longstanding colleague, as Attorney General. In addition to him and the Education Secretary, we have the Secretary of Health and Human Services and the Secretary of Treasury, too. These, of course, are key positions in the new administration.

Now, 18 days after President Trump's inauguration, he still doesn't have the help he needs in these critical posts. I believe this kind of mindless obstruction is actually irresponsible, if not downright dangerous. I know our Democratic colleagues said they confirmed General Mattis, the Secretary of Defense, and later on the Director of the CIA and, yes, they finally confirmed the Secretary of State. But the Attorney General is part of the national security Cabinet. They run a lot of the counterterrorism efforts for the Department of Justice.

This is not only irresponsible, but this is, I believe, dangerous. It should also be an embarrassment. The American people expect their Senators and Congress to do our jobs and fulfill the duties to those who we represent. If our Democratic colleagues don't want to support one of the very well-qualified nominees of the President, that is fine. That is their right, but don't slow walk and slow down the institution of the Senate just to score some political points or to feed some of the irrational rage that you see depicted in some quarters.

Dragging this out doesn't do any good. It won't change the outcome, and it ill serves the American people. Let's get these nominations done so they can be sworn in and begin their service to this new administration and, more importantly, to the American people.

In addition to our work on nominations, last week the Senate started to consider a number of measures to block a host of regulations put in place by the Obama administration during the last 6 months that President Obama was in office. Under President Obama, our country witnessed a volcanic profusion of rules and regulations that empowered unelected bureaucrats and shut out the voices of the elected representatives of the people.

The result? Job creators have less freedom to operate and innovate and are instead suffocated by more and more redtape and compliance costs. That translates into a slower growing economy, which means less jobs and which means the American people are the ones who get hurt, directly as a result of this profusion of redtape and regulation.

According to recent reports, the 600-plus regulations issued by the Obama White House came with a \$700 billion pricetag for our economy. Our economy is not even growing at 2 percent. I think this overregulation is largely re-

sponsible because this profusion of regulations hit businesses both big—they can absorb some matter of the costs—but also small businesses, including local community banks that are going out of business on a daily basis because they simply can't afford to compete and to pay for the countless lawyers to comply with all of the redtape and the mindless regulation from the previous administration. It is not just financial services. It is health care, it is agriculture, and it is all sectors of the economy.

I am grateful that President Trump has made it clear where he stands on all of this, and he has already issued guidance requiring the government to cut regulations should it want to add more: Cut two regulations for every one you want to add. With President Trump in the White House, Congress can reverse many of the Obama regulations. That gives the American people and our anemic economic growth some relief.

Through the Congressional Review Act, Congress can review and ultimately block recent regulations handed down by the Federal Government. That is what we did last week, and that is what we are going to continue to do. We can roll back many of the Obama administration rules that are killing jobs and stifling economic growth.

At the end of last week, we repealed the rule called the stream buffer rule, which actually didn't have anything to do with streams. It was a job-killing regulation that was more about stifling domestic energy production, and I am glad we did away with it.

On Friday, Congress passed another resolution—one I was happy to cosponsor. That was aimed at chipping away the regulatory burdens for our community banks and other financial services organizations brought on by Dodd-Frank.

I am all for transparency, but I am against laws that give advantages to foreign companies over our own. This Securities and Exchange Commission rule would have done that by forcing American companies to disclose confidential information that their foreign competitors can keep under wraps. It should go without saying that each of us want a level playing field for our businesses, which help to create jobs and grow the economy. That is why we blocked this rule.

Of course, this and other resolutions are the first few steps in a broader strategy to kill overbearing regulations so that our innovators and our entrepreneurs aren't suffocated by unnecessary paperwork and bureaucracy. That is part of what the American people sent us here to do. Certainly, the verdict they rendered on November 8 is that they did not want a continuation of the status quo under the previous administration. They wanted change.

It is integral to restoring our economy—the kind of change we are bringing about to restoring our economy and helping it grow for everyone.

I look forward to working with the White House and with our colleagues as we continue to find new ways to build up the American economy.

Mr. President, if I can just close on one last topic. I see some colleagues here wishing to speak. Tomorrow we will vote on the nomination of Betsy DeVos to the Department of Education. The Federal Government, through the Department of Education, funds about 10 percent of public education, because most of that comes from our States; that is, the funding and the regulation of education from kindergarten through the 12th grade. What this fight over this well-qualified nominee is all about is power—as so many of these fights in Washington, DC, are about—and the desire to keep power over public education in all of our States and all across the country right here inside the beltway.

I believe President Trump chose wisely, not because he chose another education bureaucrat who knows all the acronyms and knows the arcanum known to people who have been brought up within that establishment. Instead, he chose an outsider, someone much like himself but someone more interested in results, rather than paying homage to and feeding the education establishment here in Washington, DC, and retaining the power over the important decisions that should be handed back down to the States, down to teachers, parents, and students, as they choose how best to get to accomplish our universal goal of making sure every child has a good education.

This fight isn't about the quality of education in our country. This fight, for those who are opposing Mrs. DeVos, is largely about whether we should retain power here in Washington, DC, so that Washington can continue to dictate to the States, parents, and teachers what policies they need to apply in our K-12 education system or whether we are going to return that power back where it should be—back into the hands of parents, teachers, and local school districts.

That is what this fight is all about. That is why I am glad that tomorrow we will confirm Betsy DeVos as Secretary of Education. Listen to what the American people told us on November 8 when they said they didn't want to maintain the status quo because the status quo is not working for them, it is not working for our economy, and, certainly, it is not working for our children, each of whom deserves a good education.

Yes, Mrs. DeVos will shake things up a little bit but, more importantly, she is going to be part of this effort to return power to parents and teachers and

to our local school districts. That is what this vote will be about tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

REPEALING AND REPLACING OBAMACARE

Mr. HATCH. Mr. President, I rise to briefly discuss a number of ongoing efforts in the early days of the 115th Congress. It is a strange time to be working on Capitol Hill, as strange as I have seen in my four decades in the Senate. That is true for a number of reasons. Let me give you an example. Republicans currently control the Senate, the House, and the White House, and are in widespread agreement about most major policy issues. Sure, there are details that need to be worked out, both on the process and the substance on things like tax reform, trade, and of course health care reform, but by and large Republicans all have the same ultimate goals for these key areas. Yet despite the overwhelming consensus that exists on most of these issues, there seems to be an obsession with advancing a narrative of a deeply divided Republican majority. According to this popular narrative, House and Senate Republicans have completely different views on tax reform, Republicans in Congress oppose everything President Trump wants to do on trade, and Senate Republicans are deeply at odds on how to press forward on repealing and replacing ObamaCare.

As chairman of the Senate committee that is right in the middle of all these issues, I get asked to comment on these matters, literally, dozens of times every day. The questions take many forms. Senator X says Congress should do “blank” with ObamaCare. What do you think? Can the House's tax reform plan pass in the Senate? President Trump said “blank” today. Is that going to fly in your committee?

These questions may seem straightforward. However, the underlying question behind all of these lines of inquiry is: Will you publically disagree with or criticize another Republican so we can write another story about Republican divisions? Matters such as repealing and replacing ObamaCare or reforming the Tax Code are certainly important topics that are rightly under intense public scrutiny. However, given that these monumental efforts are still in the early stages, the fact that there are some relatively minor differences of opinion shouldn't be all that noteworthy. The existence of these differences in the initial stages of the process doesn't significantly jeopardize the success of these efforts. The purpose of the legislative process—particularly the process we use in the Senate—is to allow differences to be aired and worked through so, at the end of the process, consensus can be reached. Differing views on some issues at the beginning of the process are to be expected. Once again, they are hardly noteworthy.

Case in point, Republicans are united in our desire to repeal and replace ObamaCare. The vast majority of us want reforms that are more patient-centered and market-driven. As far as I know, pretty much all of us want to return most of the authority for regulating the health care system back to the States. On some of the other questions, let me make clear what my position is just so there is no confusion on these points. I believe we should repeal ObamaCare—including the taxes—and provide for a stable transition period. I believe the work to replace ObamaCare should also begin immediately, meaning that our repeal bill should include as many ObamaCare replacement policies as procedures allow. A more complete replacement can and should be crafted in the coming months as we work through some of the more complicated issues. That has been my position since roughly March of 2010, when the final pieces of ObamaCare were signed into law. I have repeated it numerous times over the years. Moreover, I believe most Republicans in Congress share that same view.

Do some Republicans have different views regarding the proper order and procedure for this endeavor? I am sure they do. But I don't know of a single Republican who does not want to get rid of ObamaCare. I certainly don't know any Republicans who are fine with the status quo in our health care system. That being the case, no one should be trying to parse anyone's words or split hairs in order to manufacture divisions in the Republican ranks on repealing and replacing ObamaCare.

I have little doubt that we can work through whatever differences do exist, and, more importantly, I think we will. I am not going to speculate today on the floor about what the final process or product will look like, but I will say that at the end of the day, only 3 numbers matter: 218, 51 and 1. Those are the numbers of supporters we need at each step to pass an ObamaCare repeal and replacement.

At this point, given what we currently know, I strongly believe that the process I described earlier—a full repeal and a responsible transition, coupled with a sizable downpayment on replacement, followed by a committed effort to implement additional replacement policies in the coming months—provides the best path forward to achieving those thresholds. Like I said, most Republicans in Congress agree with me.

We can discuss other ideas, and I am happy to engage in that discussion, but those numbers—218, 51, and 1—have to be the standard by which we judge any alternatives. And while I would love to see the final product pass with even larger numbers, and even with some Democrats onboard with us, those numbers give us a clear picture as to how much consensus is necessary.

Once again, I think we can get there, and I am continually working with colleagues in both the House and Senate to make sure we do.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor this afternoon to oppose the nomination of Betsy DeVos, President Trump's choice to be Secretary of Education. I fundamentally disagree with my colleague from Texas who said earlier that this is a fight about power and who maintains power, whether it is going to stay in Washington or whether it is going to be in our State and local communities.

In New Hampshire, we believe in local control of education. It is a bedrock principle of our public education system. This fight, today, is not about power in Washington versus power in the States; this is a fight about whether we are going to continue to support our public school system and our system of public higher education, or are we going to take the money out, the support out, and divert it into private and religious schools, and gut the public education system in this country?

My parents were part of the "greatest generation," and they raised me in post-World War II America. They understood that the best way for my sisters and me to have opportunities for the future was to make sure we had a solid education. I benefited by going to great public schools in the State of Missouri and in the State of Pennsylvania, and I was also able to receive a quality public higher education. Without the opportunity to attend public universities in Pennsylvania and later in West Virginia and in the State of Mississippi, I would not have been able to get a college education because my parents wouldn't have been able to afford to send me to a private college or university, just like they wouldn't have been able to afford to send me to private K-12 schools.

I am grateful for the public schools I attended and proud of the support my parents and so many other parents have given to public schools across America. My children and grandchildren have benefited from the great public schools in New Hampshire.

As Governor, I was proud to work with the Republican legislature to improve the public schools in the State of New Hampshire. We expanded public kindergarten in our State because at the time I became Governor, we didn't have public kindergarten for all students. We were able to open the door for an additional 25,000 kids to go to public kindergarten. We were able to increase funding for schools in New Hampshire during my time as Governor. I learned during those experiences and also as a teacher—I taught in public schools in Dover, New Hampshire and also in Mississippi—the close

connection between quality public education and a strong, growing economy.

I taught in Mississippi in 1970. At that time, there was no requirement for all young people to attend school. So if you didn't want to go to school, you didn't have to. We saw the negative impact that had on economic indicators in the State of Mississippi. Since then, the State has adopted compulsory education for students in Mississippi. But it was a great lesson to me to see how important good schools are and how they contribute to a strong economy in this country.

As Governor, when I talked to businesses in the State of New Hampshire, one of the things they told me that they needed in order for their businesses to succeed was a skilled workforce, young people who had a good education, who could learn advanced skills on the job. They looked to locate in communities where there was a strong system of public education.

I value public schools as one of our Nation's bedrock civic and democratic institutions because they provide the best opportunity for kids from all walks of life to get a quality education. They pass on to each new generation, including the children of immigrants, America's shared ideals and values.

Regrettably, after careful study of Mrs. DeVos's record as an activist, I have concluded that she doesn't agree with this view of our public schools. She has no relevant experience as a teacher or as a leader in public schools. She has never attended a public school, and she has not sent any of her children to a public school. To the contrary, she has spent her entire career and countless millions of dollars of her personal fortune working not to improve public schools but to privatize them, to weaken them by diverting public funds to private and religious schools. Given her past record, it makes no sense to put Mrs. DeVos in charge of the Department of Education unless the aim is to devalue, defund, and perhaps eventually destroy our public schools. I think that is unacceptable.

In my State of New Hampshire, support for our public schools is bipartisan and it is passionate. In rural communities and small towns and our cities across the State, public schools are institutions that have strong support within our communities. They are a big part of our communities' identities and shared experiences. Across centuries and generations in the Granite State, public schools have been at the heart of our common civic life.

I think it is not surprising that my office has been inundated with letters, emails, and phone calls strongly opposing the DeVos nomination. My office has received more than 4,000 letters and emails from Granite Staters. That may not seem like a lot to somebody from the State of California, but from

the State of New Hampshire, to have 4,000 letters and emails on a nomination is unheard of. And almost all of them oppose this nomination. In addition, we have received 1,405 telephone calls in opposition and only 3 in support. I am impressed not only by the volume of constituent messages but by the intensity of their opposition.

Megan is a social studies teacher in New Hampshire. She writes:

Mrs. DeVos clearly lacks even a basic understanding of Federal education policy, laws and instructional practices. She has no relevant experience. There is just no way I would ever be certified to instruct students in New Hampshire if I lacked as much knowledge and experience in my field. But she gets to be the nation's chief educator? How is this good for kids?

Roger is a retired public school teacher from the central part of my State, and he writes:

Please reject DeVos because she is anti-public education in word and in practice, lacking the understanding of the public education system and having no understanding of the dreamers sitting in public schools this morning, creating their own American dreams, learning of the promise and justice that is America.

Sam from our Seacoast region writes:

It is important that we maintain a strong public school system. This is not a partisan issue. Any person, regardless of party, can see that Miss DeVos is unqualified to fill the position. You need to vote "no" to save our education system.

Mike from one of our university towns writes:

I am really concerned that we might have someone with so little experience in education and with seemingly anti-public education views as our next education leader. I fear that a DeVos confirmation will only exacerbate the already segregated school experiences that children have in our country. I want all students to have a fair shake at a high-quality school experience, not just those who live in wealthy communities or who have parents savvy enough to advocate on their behalf.

Many of the letters I have received are from parents who are outraged by Mrs. DeVos's comments on the Individuals with Disabilities Education Act, which is one of the landmark civil rights laws of the 20th century. In response to a question from my colleague, Senator HASSAN, Mrs. DeVos made it clear that she was unaware that that law was a Federal law and that it governs all our public schools in the United States.

IDEA ensures that children with disabilities have the opportunity to receive a free appropriate public education and that they are accommodated in our schools and classrooms, just like all other children. In her testimony, Mrs. DeVos said that decisions about how to treat students with disabilities should be left to the States. Can you imagine? What would happen in States that decide they don't want to make sure that those students can go to school?

I received this message from Marilyn, who lives in the western part of New Hampshire. She says:

Thank you for opposing the confirmation of Betsy DeVos as Education Secretary. She is a dangerous, unqualified choice. As the parent of a daughter with Down syndrome, I fear for the future of IDEA if DeVos is in charge.

Ashley Preston, who was the Teacher of the Year in New Hampshire in 2016, wrote this to me:

If our Secretary of Education does not understand and value the importance of Federal laws such as IDEA, how can we expect states and local school districts to do that? These are the elements crucial to ensuring the best chance for our future.

Mr. President, the Department of Education has oversight not only of K-12 public schools but also higher education, including a portfolio of more than \$1.2 trillion in Federal student loans. I have had the opportunity not only to teach in our K-12 schools but to work in public universities in New Hampshire and in private universities. Listening to Mrs. DeVos's testimony, I was appalled by her lack of understanding of higher education policy. She acknowledged that neither she nor her children had ever received a Federal loan or Pell grant. And this is the worst part: When asked to commit to enforcing rules that ensure students are not cheated and end up with no degree but a mountain of student debt—in other words, the predicament of students who went to Trump University and so many other for-profit colleges—she refused to do that. She refused to say that this is something that we should support as a policy in America.

I am also deeply concerned by her support for charter schools that are not accountable and her reputation as “the four-star general of the voucher movement.” I believe there is a role for charter schools. I think as we try to improve our public system of higher education, we need to look at a number of models. I voted for New Hampshire's charter school law, but we should hold them accountable just as we hold our public schools accountable. We should ensure that they do not drain resources from public schools.

There was a report that came out in 2013 that was done by a working group under the auspices of the Annenberg Institute for Social Reform. They uncovered similar challenges across charter schools. They found that there was uneven academic performance; that some of them had overly harsh discipline practices; that funding sometimes destabilized traditional schools; that there was a lack of transparency and oversight that led to conflicts of interest and, in some cases, fraud; and that many of them practiced policies that kept students out for various reasons.

Mrs. DeVos was one of the architects of Michigan's first charter school law in 1993. It has been widely criticized for

lacking accountability and safeguards for students. In her confirmation hearing, Mrs. DeVos refused to agree that for-profit charter schools should be held to the same standards as public schools. Just as disturbing is her support for school vouchers, which would siphon funding from public schools and divert it to private and religious schools.

Advocates of vouchers like to call it school choice, but, in practice, parents have learned that choice is not a reality. Florida, under Governor Jeb Bush, was the first State to enact a statewide voucher system, and nearly 93 percent of private and parochial schools in Florida—after that law—refused to accept any voucher students.

In New Hampshire, we have parts of the State where, if we don't have public schools, there are no other choices for our students. I don't care whether you have a voucher or not. You can't drive 3 or 4 hours to get to the closest private school.

So let's be clear: Vouchers and other privatization schemes advocated by Mrs. DeVos are not about pedagogy; they are about ideology. They are all about disdain for what many voucher advocates like to call government schools. Well, what they call government schools are our public schools. They are schools that our communities have created and control locally for the education of their kids.

What Mrs. DeVos fails to understand is that quality education has nothing to do with whether a school is public or private. We have public schools in New Hampshire that can do better, and we have public schools that are world class. The same can be said about our private schools in New Hampshire. But what counts in public and private schools alike are high-quality teachers, support from parents and communities, facilities where kids can learn and be safe, rigorous academic standards, and the resources to make sure that children get the instruction they need, including individualized assistance for kids with special needs. What counts is the political and budgetary commitment to create high-quality schools in every neighborhood, regardless of ZIP Code. Because Betsy DeVos does not understand these basic truths about education in America, because she is driven by an ideological hostility to our public schools, she is the wrong person to serve as our Secretary of Education.

I intend to vote no on the nomination of Mrs. DeVos, and I urge my colleagues on both sides of the aisle to join me in rejecting this unqualified nominee.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I rise today to speak in opposition to the nomination of Betsy DeVos for Sec-

retary of Education. My reason is very simple: Mrs. DeVos lacks the experience required to oversee the Department of Education, an agency that serves over 50 million public school children across America.

Despite spending many years giving hundreds of millions of dollars to back political candidates and ballot initiatives that support unproven education policies, she remains shockingly unfamiliar with Federal law and even some very basic education concepts. Educating our children is an incredibly important job, and we need someone who is experienced, prepared, and well qualified to lead the Department of Education.

As I have said before, Mrs. DeVos has no experience in public education at any level, not as a teacher, not as an administrator, not as a student, not as a parent, not as a school board member, and not even as a borrower of public loans for college.

Ask any parent; our children are what we hold most dear. It only makes sense that the individual whom we entrust with our children's education should have at least some—some—experience in public education. Mrs. DeVos has absolutely no experience—I repeat, no tangible experience—with neighborhood public schools. In fact, her only experience in education is her work lobbying for the transfer of taxpayer money to private schools.

She has also pushed for the rapid expansion of charter schools without sufficient accountability to parents and to students, which brings me to her track record in my home State of Michigan. Mrs. DeVos has pushed for school vouchers to send our public tax dollars to private schools. Her staunch advocacy for the use of taxpayer funding for private and charter school systems earned her the nickname as the “four-star general of the pro-voucher movement.”

The vast majority of children in Michigan and in the United States attend neighborhood public schools. Voucher programs rob these children of the resources they need to receive high-quality education near where they live. Michigan voters soundly rejected her plan, and we cannot—I repeat, we cannot—put her in a position to push for voucher programs on a national scale that will weaken our neighborhood schools and will weaken, in particular, our rural schools.

Let me be clear: I support innovative models for improving our education system but only when those models are proven to work. For example, I worked hard to ensure that all children have access to the skills and education that are vital to joining the modern workforce and competing in today's global economy. I introduced legislation that will reduce the price tag for higher learning by allowing students to complete college-level courses while they are still in public high school.

The Making Education Affordable and Accessible Act will help students save time and money as they kick-start their careers through a very personalized curriculum. Whether an early-middle college program or a dual and concurrent enrollment program, these models help traditional public school students save money and get ahead by earning college credits while they finish their high school education.

These programs are typically run by a local school district or an intermediate school district and are offered at little or no cost to the student. They also help students identify their major or interest area sooner so that they can complete their college degree and graduate as much as 1 year earlier. Across the State of Michigan, students are participating in more than 90 early and middle college programs, programs that are proven to significantly increase high school graduation rates.

Jobs for the Future found that, nationally, 90 percent of early college students graduate high school versus 78 percent nationally. This is just one example of the kind of innovative approach with proven results that policymakers should support to improve education outcomes.

Education reform must be driven by data and validated outcomes and not by political ideology. Our primary focus must always be on increasing opportunities for the millions of students in our neighborhood public schools. Given Mrs. DeVos's history of supporting policies that undermine traditional public schools and the communities they serve, I do not think she would act in the best interests of American students.

Michigan has been devoted to great public education for generations, a commitment that stretches back to even before the founding of our State. Some of our State's earliest pioneers, including my ancestors, settled under the guidance of the Northwest Ordinance, which stated that "schools and the means of education shall forever be encouraged." Our Nation has strived to live up to this creed ever since, honoring the fundamental truth that all of our children have the right to an education no matter who they are, where they live, how much money their parents have, or how they learn.

All levels of government—State, local and Federal—share the responsibility of ensuring that our children have access to quality education. In addition to providing significant Federal dollars to local school districts, the Federal Government plays a critical role in preventing discrimination and creating opportunity.

Federal education laws play a vital role in ensuring that all students have equal access to learning opportunities, laws like the landmark 1975 Individuals with Disabilities Education Act, or IDEA.

Before the enactment of IDEA, too many of our children with disabilities were denied the chance to learn from our broader communities. Likewise, our broader communities were denied the chance to learn from these youth and the extraordinary perspectives and contributions they offer to American society.

Now, thanks to IDEA, 6.5 million of our children, or 13 percent of all public school students, are not condemned to a life of isolation or mere accommodation. Instead, Federal law ensures that every child has access to the resources he or she needs to become productive and included members of our increasingly diverse 21st-century society.

IDEA assists public schools with offering high-quality special education and early intervention services for children with disabilities from birth to age 21. As a result, IDEA is responsible for millions of youth with disabilities graduating from high school, enrolling in college, and finding jobs as valuable participants in the American economy.

But IDEA will not enforce itself; it is the responsibility of the Department of Education and its leadership to monitor, evaluate, and provide technical assistance to States, making sure that our schools are offering learning opportunities that meet every student's needs.

It is the responsibility of the Senate to determine whether Mrs. DeVos can carry out this task and live up to the creed of "forever encouraging" education. Unfortunately, Mrs. DeVos has demonstrated little comprehension of the Federal role in protecting students with disabilities' equal right to an education. This became evident when she was asked directly about IDEA during her confirmation hearing, and Mrs. DeVos tried to excuse her erroneous answer by saying, "I may have confused it." Every student knows the importance of doing their homework, studying for their exams, and practicing for any class presentations in advance. Every educator knows that the answer "I may have confused it" is not a response that leads to a passing grade.

With the stakes as high as they are, it is clear that Mrs. DeVos did not do her homework. She did not study for her potential role. She did not practice for her interview with the Senate committee and, most importantly, the American people. She has contributed millions of dollars to Republican politicians over the years and probably thought that was the only qualification that she needed. We need to prove to the American people that she is wrong.

I take my responsibility under the U.S. Constitution to provide advice and consent to the President very seriously, and I know my colleagues here in the Senate do so as well. Given Mrs. DeVos's weak performance in her inter-

view before the American people and her inability to demonstrate a basic understanding of key education concepts, I do not think we can give her a passing grade.

As Senators, we do not operate under a model of social promotion under which we pass an unqualified individual to a higher office simply because they showed up. Perhaps this is why Mrs. DeVos's nomination is expected to see the most bipartisan opposition to her confirmation of all of the President's nominations to date.

Mrs. DeVos's response regarding IDEA during her confirmation hearing was not the only response that I found alarming. As the father of two college-age daughters, I am extremely concerned about ensuring that our college campuses provide safe environments where students can learn and grow.

I was shocked by a recent comprehensive report done by one school that found that over 20 percent of female undergraduates experienced unwanted sexual contact. Sadly, this problem is not confined to one school. It is a public safety and health crisis that we must immediately take action to address.

The Department of Education has taken important first steps to combat the prevalence of campus sexual assault by opening investigations in over 200 schools and publishing guidance to ensure that universities are affording students title IX protections, the freedom from discrimination on the basis of sex and freedom from sexual violence.

Mrs. DeVos apparently has a different reaction to the threats many young students face while pursuing their higher education. As we saw during her confirmation hearing, she said it is "premature" for her to say if she will choose to uphold the Department of Education's guidance on preventing sexual violence. This is completely unacceptable to me as a Senator representing over 500,000 undergraduate students attending one of Michigan's outstanding colleges and universities, and this is completely unacceptable to me as a father.

It is also unacceptable in the eyes of over 1,000 graduates of the same school in Michigan that Mrs. DeVos attended herself: Calvin College. Calvin College alumni from the class of 1947 to the class of 2020 sent my office an extensive petition expressing their deep concern with Mrs. DeVos's nomination. In their letter, these alumni presented several reasons they oppose Mrs. DeVos's confirmation. Specifically, they expressed concerns that she does not understand or support the many Federal policies—like IDEA and title IX—that she would be required to enforce. They wrote: "This is especially concerning given that the Individuals with Disabilities Education Act and title IX, which ensure that all students' educational experiences are free of discrimination

that impede learning, are not of value to Mrs. DeVos." I cannot agree more with her fellow alumni.

My office has received over 8,000 calls in opposition to the nomination of Betsy DeVos, and I am sure my colleagues have also heard from thousands of their own constituents all across this country. The American people are making their voices heard, and they are telling the Senate that Mrs. DeVos is not the right choice to lead the Department of Education. I urge my colleagues to listen to their constituents who are forcefully—forcefully—rejecting Mrs. DeVos's misguided vision for neighborhood public schools in America.

I will be standing with the people of Michigan, and I once again call on my colleagues to join the bipartisan opposition to Mrs. DeVos's nomination. Our children's future depends on it, and for their sake, please vote no.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe Betsy DeVos is going to be an excellent Secretary of Education.

NOMINATION OF JEFF SESSIONS

Mr. President, I have been fortunate enough to get to know JEFF SESSIONS over the past 20 years. Not only is he a colleague whom I admire and respect, he is also one of my very best friends. I actually suffered through with him back when he had a nomination that was rejected by this body many years ago.

As you know, Senator SESSIONS has been nominated by the President to be the next Attorney General of the United States. It is an incredible honor. There is no doubt in my mind that my friend will be perfect for the job. He is more than qualified for this position, and I know he will keep his word when he says he plans to uphold the laws we pass in Congress.

Senator SESSIONS was elected to the Senate in 1997. That was 2 years after I was elected, and we have been very close friends ever since. For 20 years now, we have known each other and worked alongside each other on both the Senate Armed Services Committee and the Environment and Public Works Committee. Those are the two major committees we have been on. He is seated just to my right in each one of the committees, and, as the Chair knows, you get to know a person pretty well when you have been sitting there for these 3- or 4-hour-long meetings. So we have had that relationship with each other.

Not only have we worked together, but we have also traveled and prayed together. You really get to know someone when you work, travel, and pray together. When working, a person's mind is revealed; when traveling, a person's character is revealed; and when

you pray, the person's heart is revealed. I have come to know Senator SESSIONS as a God-fearing family man who puts others before himself and has a deep respect for the rule of law.

Family man—every time he has a grandchild, his wife and my wife talk about our competing grandchildren.

He helps those in need and makes sure that the legal system is protecting our citizens and holding criminals accountable.

A person only needs to look at the legislation and causes he has championed to know him. He played a key role in fighting for fairness and funding for the rural HIV/AIDS patients when negotiating a reauthorization of the bipartisan Ryan White CARE Act. His advocacy brought funding to low-income, mostly African-American women who did not have easily accessible health care before. Senator SESSIONS has been an author and supporter of many pieces of bipartisan legislation, including protecting victims of child abuse, reducing prison sentences for those who are unfairly targeted, and helping the families of our fallen military personnel.

As a member of the Senate Armed Services Committee, Senator SESSIONS has become a fierce advocate for keeping our country safe from terrorism, and he understands the risks we face. In fact, Senator SESSIONS is tough on crime and is well suited to oversee Federal law enforcement activities and to assist local governments in their efforts.

Violent crime has recently been increasing. Furthermore—and I just found this out—the shooting deaths of police officers has increased by 68 percent just in the last year, between 2015 and 2016. That is pretty remarkable. These trends are unacceptable, and Senator SESSIONS has pledged to reverse the course by strengthening the partnership between Federal and local law enforcement and by going after drug traffickers, aliens who violate the laws, and criminals who use guns to commit crimes.

There is no question that Senator SESSIONS is qualified to do what he says he will and what the job asks of him. He served as a U.S. attorney for Alabama's Southern District, and he was also Alabama's attorney general, so he clearly knows the job. He doesn't have to be trained. It is because of his previous experiences that he will be able to transition from a partisan legislator to our Nation's top law enforcement officer with great ease.

Countless groups of people have come out to support the nominee: the Fraternal Order of Police, the National Sheriffs' Association, former U.S. attorneys, a former FBI Director, current State attorneys general, and many more. All of the law enforcement professionals are behind him, and there is a reason for it: It is because that is his record, and people are aware of it.

So I would like to take a minute to point out that it is cruel and unfair that people have tried to paint a picture of Senator SESSIONS as someone and something he is not. I think this is something that needs to be said.

The man the opposition has painted does not exist. You all know JEFF SESSIONS. You know that the awful things being said about him are completely false. In fact, back in 1981, the Ku Klux Klan ordered the tragic, extremely undeserved murder of a young African-American man by the name of Michael Donald. Because of Senator SESSIONS's help and support, these Klan members were convicted and given either life sentences or the death penalty. That is JEFF SESSIONS. Furthermore, he later played a major role in the destruction of the Ku Klux Klan in Alabama when he helped bring a civil suit against them. As a result, the KKK went bankrupt, and he caused them to fall apart in that region. Again, those were JEFF SESSIONS' efforts.

Before we vote on the confirmation of our friend and colleague, I ask that you all take a moment to seriously reflect how Senator SESSIONS has worked diligently with you over the past two decades and how perfectly qualified he is for this position.

As for me, I thank him for his tireless efforts in Congress, for his friendship, and for his fellowship. He will go down as one of the truly great U.S. Attorneys General in this country's history.

Mr. President, there are a lot of other nominees whom I have gotten to know. I had an experience of actually going to Trump Tower and getting to know some of the people who advise him. As I looked around the table, I saw people who were the right kind of people in health care, the right kind of people in energy, and the right kind of people in the military to give him advice in areas he might not have been exposed to in the past.

And I just noticed that it has been very slow. I was not aware of this until a few minutes ago, that apparently the Cabinet confirmations are the slowest since George Washington. This is something that is really wrong. You can criticize someone, but after a while, you just go ahead and you know the votes are there, and you make sure that you go ahead and do it.

NOMINATION OF NEIL GORSUCH

Mr. President, I would say this to the Presiding Officer, since he and I are both from Oklahoma, which is in the Tenth Circuit: Last week President Trump announced that he was nominating Judge Neil Gorsuch of the Tenth Circuit Court of Appeals to be a U.S. Supreme Court Justice. As someone who had been following the news and rumors of who the pick would be—I had been looking into potential nominees for weeks—I was pleased to see Judge Gorsuch's name come up because we know something about him.

After the untimely death of Justice Scalia a year ago, it was clear that the Presidential election would be about the direction of the Supreme Court for the next generation or maybe even generations. With the results of the election—the Republican President and Republican Congress—the American people have entrusted us to confirm a Supreme Court Justice who will adhere to the rule of law and will not try to read between the lines when interpreting legislation or the Constitution. With the selection of Judge Gorsuch, I believe President Trump has picked such a Justice. The President might not know or remember, but George W. Bush nominated Judge Gorsuch to his current position, and the Senate confirmed him unanimously by voice vote. We went back and looked at the record, and no one voted against him.

There is no question that Judge Gorsuch is qualified for the Supreme Court. He is a graduate of Columbia University, Harvard Law School, and Oxford. He clerked for Judge Sentelle of the U.S. court of appeals for the D.C. Circuit. He clerked for Supreme Court Justices Byron White and Anthony Kennedy, so he knows the job. There is no need for on-the-job training for him.

He has been in private practice. He has been a principal deputy to the Associate Attorney General and Acting Attorney General at the U.S. Department of Justice.

Much like the Justice he has been nominated to replace, Judge Gorsuch has become known for his writing style. One of his former law clerks said that his “favorite aspect of the judge’s writing is his ability to humanize disputes.”

It appears that Gorsuch has more in common with the late Justice Scalia than just writing abilities. He has said that “assiduous focus on text, structure, and history is essential to the proper exercise of the judicial function.” That judicial philosophy has been borne out in his record on the Tenth Circuit.

My home State of Oklahoma is within the Tenth Circuit jurisdiction, so we know him very well. Oklahoma is the home of Hobby Lobby. Everyone is familiar with what Hobby Lobby is. A lot of people don’t realize this, but it started out when I was in the State legislature. The Greens, who have Hobby Lobby, started out in their garage. At that time, they were putting together things that they could frame—miniature picture frames and that type of thing. With a loan of \$600, David and Barbara Green began making miniature picture frames.

Today, Hobby Lobby is the largest privately owned arts and crafts store in the world, with over 700 stores in all but three States. They are people of faith, and when they were facing fines under ObamaCare for not providing certain insurance coverage that vio-

lated their faith, they were faced with an impossible choice. They took it to court, risking millions of personal dollars in doing so.

In siding with Hobby Lobby against ObamaCare’s contraceptive mandate, Judge Gorsuch stressed the point that it is not for a court to decide whether the owners’ religious convictions are correct or consistent, but instead the court’s role is “only to protect the exercise of faith,” and the Supreme Court agreed.

Again, Judge Gorsuch defended the religious beliefs of the Little Sisters of the Poor in his dissent of the Tenth Circuit’s refusal to rehear their case against the Obama administration regarding the same mandate that Hobby Lobby was contesting.

Time and again, Judge Gorsuch has defended religious expressions in public space. In addition to defending the First Amendment protections regarding the free exercise of religion, he is also skeptical of the idea that agencies should be given a wide latitude when interpreting statutory language. In a recent opinion, Judge Gorsuch suggested that the precedent of the judiciary to give deference to agencies on statutory interpretations limits the courts when reviewing the legality of agency actions. Gorsuch believes it is for Congress to write the laws, the executive to carry them out, and the judiciary to interpret them, just as our Founding Fathers intended.

I look forward to working with my colleagues to move Judge Gorsuch’s nomination forward. He is going to be confirmed, and he will make a great Justice of the U.S. Supreme Court.

With that, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before my colleague from Oklahoma leaves the floor, while we disagree on this current debate in terms of voting, I just have to say when I see him that I constantly thank him for his efforts last year to work with us for the community of Flint. We are finding some hope in terms of replacing and addressing the lead contamination, and without the distinguished Senator from Oklahoma, that literally would not have happened. We have things we disagree on and agree on, and this one—coming together with the families of Flint, particularly with the children and the water impacts—he will always have a warm place in the hearts of all of us who care deeply about that issue. I thank my colleague very much.

Mr. President, I want to speak today about the nomination of Betsy DeVos. Betsy DeVos’s nomination is very personal to many people who live in Michigan because Betsy DeVos is from Michigan, and her vision of education and her actions have unfortunately played a major role in undermining our public schools.

Families all across our State can tell the story of her work with Michigan schools firsthand because they have seen it firsthand. They have lived it firsthand. They all say the same thing. Democrats, Republicans, Independents, people who live in cities that are big and small, parents and teachers, principals, and community leaders from across the State—overwhelmingly, they have told me that Betsy DeVos should not be our next Secretary of Education.

Everywhere I go, I can’t believe how people will stop me about this and how strongly people feel in Michigan about this. They are saying this because, among other things, she has pushed for policies that have made charter schools in Michigan less accountable and has taken dollars away from public schools where the vast majority of children get their education. These are policies that have hurt our children and put their futures at risk.

I have received so many emails and phone calls from people involved every which way; at the grocery store, out at public events, people come up to me. I just want to share a couple of e-mails.

Chris is a teacher from Harper Woods and worked as a teacher in the Detroit public schools for over 20 years. He wrote: Betsy DeVos believes in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly fail. The marketplace solutions of DeVos will destroy our democratically governed community schools. Her hostility toward public education disqualifies her.

Those were Chris’s comments.

In Michigan last year, State legislators put together a bipartisan plan, and our State legislature—House and Senate—majority is Republican. They put together a bipartisan plan to increase both funding and accountability for Detroit public schools.

There are a lot of wonderful things happening in Detroit. Businesses are coming back to Detroit, and economic development is also, but we have major work to do for our children and their schools. So there was a huge bipartisan effort that came together to increase funding and accountability for the public schools, including charter schools. It was a commonsense proposal. Betsy DeVos led the effort to stop it, particularly the part that brought critically needed public accountability for for-profit and nonprofit charter schools.

Unfortunately, right now in Michigan we have a system where anyone can apply to open a charter school. There are no statewide standards for revoking the charter, and taxpayer money is sent to them with virtually no public disclosure requirement. For example, we have for-profit charter management companies that say they are private businesses; therefore, even though they are getting public money,

they say they are private businesses, and they should not have to comply with a series of disclosure requirements regarding teachers and other information that, frankly, parents would want to know and taxpayers have a right to know.

Thirty-eight percent of charters in Michigan are at the bottom 25 percent of the schools in our State. When you look at the bottom one-fourth, 38 percent of the charters are in that category, and there is unfortunately very little accountability for their performance.

Sadly, precious taxpayer dollars have been taken away from public schools—neighborhood schools—to fund these charters. When it comes to funding for public schools, she will not commit to protecting the critical Federal dollars that serve our children.

One mom, Hillary Young from Detroit, came to Washington to watch the confirmation hearing on Betsy DeVos in the HELP Committee. She wrote to me. She said that she was not impressed and told a group of parents afterwards: As a parent I can't stand silently and watch other children be subject to similar circumstances to my child in Detroit. My sixth grader was without a math teacher for over half the year last year because of funding reductions. The effect of DeVos's policies is not parents voting with their feet to go to better schools; it is children bearing the burden for fixing the education system they are supposed to be served by.

She goes on to say: DeVos's free market school choice system has left our city's education landscape in chaos, leaving less choice, less quality, and even more government bureaucracy.

We have seen parents get involved and speak out all across Michigan and, frankly, all across the country. I have received more mail, more emails, more phone calls on this nominee than any other, and I have received a lot on a lot of nominees, but there is a broad outcry.

People like Kathleen, who is a farmer and a grandmother from Farmington Hills, wrote to me: We have 15 grandchildren who are in the public school system, and we are terrified that there will be no more public schools and that the quality will be far inferior to charter and other private schools. I am writing you to respectfully ask that you do not vote to confirm Betsy DeVos as Secretary of Education.

I am deeply concerned about what we heard in committee about her views on special education. In the HELP Committee hearing last week, she suggested that States should decide on whether or not to enforce IDEA, the Individuals with Disabilities Act that has been such a landmark, opening doors of schools in every neighborhood across our country, for children with disabilities. This law was enacted in 1975, and

makes sure that children with disabilities have the same educational opportunities as other children.

My nephew Barry, who has now gone through the special education system in Michigan, is a wonderful young man with Down syndrome. And I have seen personally how important that was for him, to be able to go on and be successful in the community as a part of the community. It is a very important civil right, frankly, for children with disabilities, as well as an essential part of our educational system.

Betsy DeVos, after her hearing, when she was asked about special education, followed up with a letter days later and wrote about expanding the conversation about school choice opportunities for parents of children with disabilities, but she didn't say anything about helping those in traditional public schools or helping students in the schools they are in now.

For me, this is not about politics or partisan messaging or even charters or private schools versus traditional public schools; it really is about what is best for our children and for our country. Families in Michigan and all across the country know this. Tens of thousands of people have called me over the last few weeks and sent emails and letters. Who we choose to be the Secretary of Education doesn't just affect the over 50 million children who attend public elementary and secondary schools, it affects the future of our country, and it is a fundamental difference in views. A competitive free market system, with winners and losers, works in the private marketplace. I support that. Business is open. They compete, and if they don't do well, they close, or they do very well and they go on and they grow. That is a strength in our country. But it doesn't work for educating our children because we can't afford losers. We can't afford losers when it comes to something as basic as fundamental education and creating opportunity for our children in the future. We need to provide every opportunity for every child to work hard and succeed.

I support having choices. I support magnet schools and public charters—I did that as a State Senator—as well as other choices that are great opportunities for children, if there are equal standards and public accountability for taxpayers' dollars so that parents can have confidence in that accountability, and if it is part of the public school system, the public process, and only if they are in addition to quality neighborhood schools in every neighborhood and in every ZIP Code. It is not just a slogan to say it shouldn't matter where you live, what kind of opportunity you get or that your child has, and that is becoming more and more true. It certainly is in Michigan, where this philosophy has been a test case, and we are seeing it across the country. We

can't afford losers. A winners-and-losers system is not good enough for our kids.

Betsy DeVos has a record of working against the vision of accountability and standards and choice within a system where every child has a quality neighborhood school in their neighborhood in every ZIP Code. She has worked against that vision. She doesn't believe in it. We have fundamental differences in what will help our children for the future. That is why I will be voting no on her confirmation.

Thank you.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I wish to thank my friend the Senator from Michigan for her comments and her views on this nominee.

I rise today to add my voice to those expressing concern about the nomination of Betsy DeVos to serve as U.S. Secretary of Education. The chorus of concerns not only comes from those colleagues who have already come to the floor last week or earlier today or throughout the evening and into tomorrow morning, but it also comes from literally tens of thousands of my constituents who have contacted me about Mrs. DeVos. I have been flooded with phone calls, emails, and social media messages from Virginians all across the Commonwealth, in many ways, in numbers that I haven't seen since the debate about the ACA. These Virginians worry about Mrs. DeVos's confirmation. They worry about what it would mean for our children, our students, and for progress toward improving and providing every child with a quality public education regardless of their ZIP Code.

Like many of my colleagues, I bring to the debate some direct experience as both a State and local elected official. I had the great honor of serving as Governor of Virginia. I was responsible in that job for how we were preparing our students for success in college and in the workforce. I took that responsibility very personally.

As somebody who attended good public schools all of my life, as somebody who was lucky enough to be the first in my family to graduate from college, I realized that I wouldn't have been able to have been Governor or, for that matter, obviously, Senator without that foundation I received from my education. Those public schools—and I had the opportunity to go to public schools in three different States growing up, and many of those public school teachers were the folks who framed my views about government, about our system, about how we actually get through in life.

I believe in many ways public schools and the whole notion of public education really form the cornerstone of what is the social contract in America—that getting that basic public education is the right of all individuals.

When I think back on everything I was able to accomplish as Virginia's Governor, the validation I valued the most was that when I left the Governor's office in 2006, Virginia was consistently recognized by independent validators as the Nation's best State for a lifetime of educational opportunity from pre-K to college and beyond.

So as someone who is committed to reforming and looking at how we can make sure our public education can work for all, as someone who spent a career before in business and tried working in a philanthropic sense on how we could expand educational opportunities, I believe I bring some experience to this debate. That is why I stand here today unable to support the nomination of Betsy DeVos to serve as Secretary of Education.

To put it simply, Mrs. DeVos's single-minded focus on charter schools, on vouchers, and on converting Federal education dollars into a different program is simply out of step with the education climate in the Commonwealth of Virginia. Let me make clear that I have supported public charter schools. I believe they are a tool that ought to be in the toolkit. I have taken on those forces who stand for simply no reform in education. But I am unconvinced that Mrs. DeVos's complete setting of different priorities at the Federal level is in the best interest of our students, our teachers, or our public schools. That is exactly what I have been hearing from constituents all over the State, and I would like to very briefly share some of those concerns I have heard.

Laura from my hometown of Alexandria writes this:

While many of our . . . President's cabinet picks worry me, none worry me more than Betsy DeVos for Secretary of Education.

She says:

I come from rural Appalachia, where [I] worked my way through public school in one of the poorest counties in the country, but that didn't stop me from ending up here in Northern Virginia working for the intelligence community.

In areas like my hometown, where public schools are the only option, they become the lifeblood of a community. . . . On limited resources, our high school had to get creative about how to provide for the students, often partnering with the local university. But shutting the school down in favor of charters, or adding a for-profit alternative, definitely wasn't an option in my low-income area.

Another letter from a school administrator from the Shenandoah Valley says this:

At her confirmation hearing it was quite clear she had no knowledge of instruction, curriculum, federal programs and—most disturbing—had no understanding of the federal laws that are in place to protect children with disabilities.

It is a serious business to educate children, and the consequences are huge if we do it wrong.

Another comment—and again, these are just samples of thousands—is from

Olivia, a teacher in Williamsburg, who shared this:

I see so much potential in my students every day, and I feel very energetic as a young teacher about the opportunities that I know our public schools are providing already—and are capable of providing in the future.

She said:

I am concerned for my LGBT students, low-income students, and for the future of myself and my colleagues as public school educators trying to do good for our students.

I have received thousands of similar heartfelt messages from every corner of Virginia. I welcome this level of public attention and citizen engagement.

Sometimes, as the President's nominees have come forward, I voted for many of them, much to the consternation of some folks. But it is my job to weigh, regardless of that public opinion, what I think is best for students in Virginia and, for that matter, students across the country.

With this outpouring from teachers, parents, students, administrators, civil rights groups, charter school proponents and opponents, and from both sides of the political aisle, I believe it does weigh. That is what I have done. I have listened to my constituents, but more importantly, I have listened to Mrs. DeVos's own words before the Senate HELP Committee, and let me say that I still have a lot of unresolved questions after reviewing Mrs. DeVos's testimony.

For starters, Mrs. DeVos did not demonstrate that she understood the Individuals With Disabilities Education Act, IDEA. She didn't understand that it is actually a Federal law passed by Congress and signed by President George H.W. Bush, contrary to the impression Mrs. DeVos seemed to have at her confirmation hearing, saying that somehow complying with IDEA was simply a voluntary measure. That is not right, it is not the law, and, boy oh boy, did that frighten a whole lot of parents whose kids have special needs and without IDEA, would not have those needs met. They are concerned that Mrs. DeVos's seeming lack of familiarity with IDEA is indicative of how, if confirmed, her Department of Education would fail to protect the rights of these children—and every child—toward a free and appropriate public education that allows even kids with special needs to flourish.

Another area under the Department of Education's jurisdiction where I have concerns about Mrs. DeVos's commitment and level of understanding is campus sexual assault compliance and enforcement. Since 2014, I have been proud to support bipartisan legislation led by my colleagues, Senator GILLIBRAND and Senator McCASKILL, the Campus Accountability and Safety Act. At the end of last Congress, this legislation had the support of more than one-third of the U.S. Senate, as

well as a broad coalition of advocacy groups, law enforcement organizations, and many of our leading colleges and universities. The Department of Education's own Office of Civil Rights has also played a very important role in initiating and in conducting title IX investigations. So you can understand why so many folks, including myself, were concerned when Mrs. DeVos did not demonstrate any depth of knowledge about the difference of opinion surrounding particular policy issues related to campus sexual assault.

Similarly, when asked about a basic principle of education policy related to measuring student achievement, Mrs. DeVos was not able to articulate an understanding of the difference between growth and proficiency.

In the same vein—and while this has become the subject of late night comedy, I think it is a very serious matter—Mrs. DeVos was not able to clearly express her understanding or her commitment to enforcing the Gun-Free School Zones Act, which, again, is Federal legislation, also signed by President Bush, where compliance is not optional.

These are fundamental tenets of Federal education policy, not some obscure metrics, not small bills that languish in committee or small compromises. These are the principles and cornerstones of Federal education civil rights policy, and they cannot be more central to the Secretary of Education's core responsibilities of safeguarding students' civil rights and safety.

For all of those reasons and others, I am not able to support Mrs. DeVos's nomination to be Secretary of Education.

I know the Presiding Officer has had to hear a number of these comments. I hope that if she is not confirmed, the President will send down an Education Secretary nominee who brings more mainstream views to this very important issue. There are those of us, like me, who are all for education reform, but it has to be led by someone who will always put the needs of our kids first, and making sure they get a fair and appropriate education is guaranteed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I am deeply disappointed by the qualifications of President Trump's nominee to be the leader of our Department of Education. Betsy DeVos has clearly shown a disregard—even a hostility—for the public school system. So I stand with the thousands of parents, teachers, and students of New Mexico in fighting to stop her confirmation.

Simply put, education is too important to New Mexico children and our State's economy to have a Secretary of Education not fully invested in the success of our public schools.

As someone who grew up going to public school, who is sending my own kids to public schools, I am deeply troubled by Betsy DeVos's record on privatization, which goes well beyond simply voicing support for vouchers and private school. Mrs. DeVos has been a key player in the well-moneyed effort to privatize and siphon funds away from public education, and she has time and again undermined the teachers we all rely upon.

It appears as though Betsy DeVos's most notable experience in education is spending her career and her fortune advocating for policies that divert public tax dollars away from public schools and into private schools. I cannot support a nominee who wants to weaken the kinds of public schools that so many New Mexicans rely on.

The privatization policies pushed by Mrs. DeVos would be especially damaging to rural New Mexico, where there are few options to begin with. It is not uncommon for students to travel more than an hour to get to and from school in those parts of the State. School administrators often wear multiple hats, sometimes running the after-school program or driving the local schoolbus. In rural areas in my home State, the public school is often the only choice, and there simply aren't enough students to support the kinds of for-profit private schools that Mrs. DeVos wants to replace them with.

Having a Secretary of Education who has spent her entire career pushing a privatization agenda is not reassuring to New Mexicans and is at odds with the needs of the students and families across my State.

Further, I do not believe that Mrs. DeVos understands the Federal Government's trust responsibility in serving Native American students. Given Mrs. DeVos's rushed nomination hearing in the HELP Committee, Senators were given very little opportunity to question her about her understanding of tribal issues and impact aid. So I am concerned that she will push her privatization agenda in these areas as well.

For example, the Zuni Public School District is a small rural district in Western New Mexico. Earlier this week, their school board sent me a letter asking that I oppose Mrs. DeVos's nomination. I want to take a moment and read a few passages from this letter:

The beauty of the United States public school system, unlike many in the rest of the world, is that we take everyone who walks through our doors and love every child who sits in our desks, without question.

This Board therefore stands by all of our students, no matter what color or ethnicity, regardless of their creed; every child who identifies on the spectrum of L,G,B,T, or Q; every child with either a physical or learning disability, or both . . . every child who speaks a second language; every immigrant child as well as every Native American child who can trace their lineage in this land back

thousands of years; every child who sees their education as the bridge between their most ardent dreams and their most hopeful futures.

These are powerful words that I fully support, and I thank the Zuni Public School District for speaking out on this matter. We should all be this concerned.

Mr. President, I ask unanimous consent that the entire letter from the Zuni Public School District be printed in the RECORD at the conclusion of my remarks.

During her nomination hearing, Mrs. DeVos demonstrated over and over that she is unfamiliar with even basic education issues, and she failed to commit to uphold the responsibilities of the Secretary of Education to support public schools. Given that Mrs. DeVos has no relevant experience as a teacher or school administrator, we should be very concerned with entrusting her to enforce key protections under title IX, under IDEA, and under other civil rights laws. In particular, Mrs. DeVos's lack of commitment to the Office of Civil Rights within the Department of Education, combined with the fact that she and her family have donated enormous sums of money to organizations that are anti-LGBTQ, anti-women's rights, and anti-Muslim, is simply troubling.

The mission of the Office of Civil Rights is to ensure equal access to education and to promote educational excellence throughout the Nation with vigorous enforcement of civil rights. During her nomination hearing, Mrs. DeVos would not commit to continuing the Office's policies that are making our college campuses safer by focusing on prevention and response to sexual assault. In fact, she has donated money to organizations that actually make it harder to prosecute sexual assault on our college campuses. As amazing as that sounds, it is true.

If my Republican colleagues rubberstamp this nominee, they will confirm a Secretary of Education who doesn't believe in public schools, who will unravel rural education, and who has even worked to make it harder to protect women against sexual assault on college campuses. I believe that we have a moral imperative to ensure that all students have equal protections while attending school. Mrs. DeVos will be a massive step in the wrong direction.

As the members of the Zuni Pueblo wrote to me in their letter, "our children are our most sacred gifts." This is what we are voting on with this confirmation.

We need an Education Secretary who is committed to upholding these principles. We need an Education Secretary who is committed to ensuring that every student has access to quality education, regardless of their background or their ZIP code, regardless of

their ethnicity or their religion, and regardless of their gender or sexual orientation.

In the last few weeks, my office has fielded thousands of calls and letters asking me to oppose this nomination. I have heard from more than 8,000 constituents on this one topic alone, many of whom called as parents, teachers, and some as students. That is more than any other Trump nominee whom we have considered to date. Never has an Education Secretary nomination received so much attention and opposition.

I stand with the thousands of parents, teachers, and students across the country, and in my home State of New Mexico, fighting to stop this nomination. I urge my colleagues to join me in voting no.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ZUNI PUBLIC SCHOOL DISTRICT #89,

12 TWIN BUTTES DR., ZUNI, NM,

January 30, 2017.

TO OUR HONORABLE SENATORS AND REPRESENTATIVES: We, the Board of Education of Zuni Public School District, ask you to add your support as we stand in opposition to the appointment of Betsy DeVos as United States Secretary of Education on the following grounds:

During her confirmation hearing, Mrs. DeVos demonstrated that she was woefully ill-equipped to head the Department of Education. She has never attended a public school, never taught or administered in a public school, and her children have never attended a public school. She does not hold any degree in the field of education, either in theory, administration, or practice. She has a documented history of promoting a charter and voucher based system that she supported in her home state of Michigan, diverting funding and support away from public education and deserving children. Furthermore, when questioned in her hearing, Mrs. DeVos was unable to explain the difference between growth and proficiency, nor was she familiar with the federal law behind IDEA, two essential and basic aspects of education. As well, Mrs. DeVos advocated in her hearing to allow the presence of guns in schools during an era of rampant mass violence based primarily on the use of guns in schools. Mrs. DeVos has also publicly stated that she sees education as a way to further proselytize for the Christian faith, which would constitute a violation of the Constitutional separation of Church and State in public schools as it would in all federal institutions.

Our pueblo of Zuni is a small community in a western pocket of rural New Mexico. We are neither a rich district nor one that wields a great deal of political influence. What this Board does represent is a rich, Indigenous tradition and culture that holds high the ideals of hard-work, humility, and integrity. We are an agricultural, peace-loving society that has lived in this land since time immemorial.

Yet our memory is long. We remember the era during which education was combined with religion to be used as a weapon against the Native peoples of this great nation. We know the trauma such action has caused to reverberate through generations of good, decent Americans. We also know the resilience of those same people who, despite the infliction of weaponized education, have come

today to see literacy as their American birthright, and to crave that sacred American Dream for which we are all Constitutionally entitled to strive. This is a living medicine and healing that must not be undone through the dissolution of the separation of church and state, one that we must nurture and safeguard for all American children.

We are reminded during this time that, as you do, we hold publicly-elected positions designed to represent a broad spectrum of constituent. The beauty of the United States public school system, unlike many in the rest of the world, is that we take everyone who walks through our doors and love every child who sits in our desks, without question. This Board therefore stands by all of our students, no matter what color or ethnicity, regardless of their creed; every child who identifies on the spectrum of L,G,B,T, or Q; every child with either a physical or learning disability, or both; every child who speaks a second language; every immigrant child as well as every Native American child who can trace their lineage in this land back thousands of years; every child who sees their education as the bridge between their most ardent dreams and their most hopeful futures.

We further stand by each parent, guardian, grandparent, sibling, aunt, uncle; every member of kin that builds and holds strong the dream of education for each of our children, knowing as we have always known in Zuni that our children are our most sacred gifts.

And we, the Board of Education in Zuni Public School District, stand by the teachers, aides, administrators, counselors, liaisons, nurses, secretaries, custodians, cooks, and bus drivers who as their daily work participate in the painstaking and deeply patriotic act of ensuring equitable access to education for all of our students. It is through the diligence and action of just such citizens that this nation is able to deliver unto each new generation of American a passport to the possibility of American success.

The children, families and hard-working faculties and staff of the American public school system deserve a Secretary of the Department of Education who is most eminently qualified, through both education and experience, to advocate for all Americans: diverse, complex, and brilliant citizens; to work toward the most equitable education for all; and to uphold this cornerstone of our democratic republic.

It is for these reasons that the Zuni Public School District Board of Education respectfully requests your most passionate and vocal support in opposing the appointment of Mrs. Betsy DeVos. We also ask that you look toward the experienced and qualified education professionals working within the public school system to fill this highest position in the field.

E:lah'kwa (Thank you) for your representation,

ZUNI BOARD OF EDUCATION:
MR. JEROME HASKIE,
Board President
MS. STEPHANIE VICENTI,
Vice Board President
MS. MASIKA SWEETWYNE,
Secretary
MS. BERNADETTE PANTEAH,
Member
MS. SHELLY CHIMONI,
Member.

Mr. HEINRICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, I rise to express my concern with the nomination of Betsy DeVos as the Secretary of Education.

The State of West Virginia is a State made up of a lot of small towns. We don't have any what you call large metropolitan areas. We are an urban rural State. For many communities in West Virginia, our schools are more than just classrooms, teachers, and textbooks. Our children in West Virginia learn more in their public school than reading, writing, and arithmetic. They are the heart of the community and a home away from home for most of them. They are a safe place to stay after school where no harm will come to them. They are a place where nutritional meals are served and health care services are provided by trusted school nurses.

After meeting with Mrs. DeVos and watching her answer questions at her confirmation hearing, I have a hard time believing she has the qualifications to be the Secretary of Education. I believe in local control of education and also that strong public schools are vital to our State's future.

Education is local. Each one of our 55 counties is responsible for the financing of the schools. If the counties do not have the sufficient funds, we have what we call a school aid formula that basically offsets that so that every child in West Virginia will get a quality education.

In my State, charter schools and school vouchers would pull already limited public funds and resources from the schools, students, and teachers who need them the most and could be harmed and would probably be harmed.

There are some towns in West Virginia with only one school—one school only—where students have to travel for more than an hour on a bus to get to the school that has been consolidated. Voucher policies would be completely useless in these places. There is no place for them to attend.

In areas where there are a few private schools in my State, a voucher program would have devastating effects for public school children. The limited dollars that we do have, if you deviate that money whatsoever, then basically you are going to have the strain on the public system that will not be able to pick it up in the rural areas. There is no other way for us to have the funding we need.

Vouchers will siphon public funding away from our public schools, causing them to have to cut resources like teachers, advanced coursework, and

preschool programs. They often do not pay the entire cost of attendance at a private school, making them unusable by low-income students and families.

Vouchers also can strip students with disabilities and their families of their rights under the Individuals with Disabilities Education Act. The most troubling part of that hearing, if you watched it or saw any parts of it, was the lack of understanding that every child deserves the opportunity for a quality education no matter what his or her disabilities may be. That is a responsibility we have as Americans.

With that, if you have never been in a public school setting, you have never attended a public school yourself and have always been privately schooled, your children have never attended a public school and have always either been privately schooled or home schooled, you have probably never been in a setting where you have seen a disabled child trying to get the opportunities that other children have, with a special aide who is working with them. You can say that is a waste of resources. I guess you could say that if it wasn't your child. If it wasn't somebody you knew, it would be easy to say that. But just the empathy you would have—it would be hard for a person to understand that. I believe that is a compelling reason to make me take pause and say that I believe we need somebody who has had that diversity, who has had that real classroom experience.

Another thing—never to be in a PTA meeting where you have problems with schools. You might have problems with the bus and transportation. You might have problems with extracurricular activities or lunch programs or a routine study program, where you can sit down with other parents and work through these programs. That is something that is hard for most of us in West Virginia to ever conceive, that you could never be in that position and never have that experience in life. I believe communities in West Virginia know our students' needs better than someone who never attended or worked in the public school system.

Many West Virginians have called and written to me expressing their concern about Mrs. DeVos. I have a letter I want to read from Diane from Marion County, my home county. We have hundreds of letters that have come in. Diane writes:

I am asking you to vote against the confirmation of Mrs. Betsy DeVos as Secretary of Education. As an educator with 44 years of experience in public schools, I recognize we have many issues, but I also know we do much that is right for children. Educators no longer simply teach core content. We know that children can only thrive if their social, emotional and physical needs are met. The whole child is now the focus of every teacher, and teaching has become a very difficult but a very rewarding job.

Educators need and DESERVE a Secretary of Education that knows and understands

the tremendous responsibility each of us has accepted. We do not have the time to get the leader "in step" with us. We need and DESERVE someone who understands how policies can impact what we are able to do for our children. . . . We need and DESERVE someone who understands the value of academic growth versus proficiency. We need and DESERVE someone who understands how important it is to send food home in backpacks because our children will not eat during a weekend or holiday break.

I want to stop there and give you a personal experience. When I was Governor of the State of West Virginia, I would go around to the schools. The school would tell me what was going on in the community. I would always go to the cooks because they really had the pulse of the school. This was May, and school was getting ready to let out for the summer. One of the cooks was crying in the kitchen. I couldn't figure out what was wrong. I went back and tried to console her and talk to her.

I said: Can you explain why you are so upset? You are just about out for the summer.

She said: I know these little kids aren't going to eat much this summer.

She wanted to stay and cook through the summer, have all year so the kids would have nutrition. That tells you what we are dealing with in an awful lot of rural settings.

We need and DESERVE a leader who knows that almost every teacher utilizes his/her own personal funds to buy pencils, paper, classroom supplies and instructional materials for our students because the budget for what our children DESERVE is not given to us. That is the strain we already have on the system now. If you put any more strain on that by taking funds away makes it almost impossible.

My request is not politically motivated—my request for you to vote against Mrs. DeVos is about the teachers I work with in Marion County and across WV. One of the pillars of a great civilization is education. Although the American system of education is not perfect, we are still envied by many nations.

Education is a hope for children of poverty as well as those who have economic security. Please encourage President Trump to seek out a former or current state superintendent of education or a chancellor of higher education or anyone with the knowledge to walk in step with us as we make a brighter future for our children.

During her hearing, Mrs. DeVos demonstrated a lack of knowledge about the basic issues in public education, including the debate about how best to measure student progress. She also did not appear to have a solid understanding about the amount of student loan debt in this country, which is now the second-largest source of consumer debt in the United States, surpassed only by home mortgages.

Not only does she lack the institutional knowledge, but she has no personal or family experience with the student loan system or any experience running a major loan program like the one she would be in charge of as Secretary of Education. This leads me to

believe that she would be unable to run the program effectively and efficiently.

What I have said and spoke to other people about—I understand and I think most of us have been in Washington long enough to understand how the system works. Even though the person would have the greatest of intent, the most honorable of intent, wanting to do a balanced job, if they never had the experience and they are charged with setting up programs that are supposed to incentivize schools, school districts, States, those programs are not going to lean to where they have no knowledge; those programs will go to where they have the most knowledge and in a direction of the policies they believe in. With that being said, incentives would go in that direction. When the incentives go in that direction, it pulls further resources away from a rural public education system.

At her hearing, Mrs. DeVos failed to recognize that the Individuals with Disabilities Education Act is a Federal law protecting access for individuals with disabilities to a decent public education and that she would be in charge of ensuring that the school implemented the act. No child should ever be denied access to the same public education because they suffer from a disability. As both a Governor and a father, I can never look a parent in the eyes and tell them their child cannot get the same education as another child simply because they suffer from a disability and it would be too costly for us to do.

West Virginians need an Education Secretary who has an understanding of the needs of all children, including those with disabilities, and is committed to ensuring they receive a quality education. A strong education is the building block for success for every child and the foundation for our country's long-term economic strength. We need an Education Secretary that understands the challenges that students, teachers, and schools in rural areas face.

Betsy DeVos has spent her career working in the private school system, not investing in and improving the public school system. Much of the policies that Mrs. DeVos supports would divert public funds to private schools—whether it was intentional or not—strip accountability from these schools, and significantly harm the public school system in my little State of West Virginia, which is all we have.

It is difficult to speak—and I try not to make it personal because I don't believe in the toxic rhetoric that goes on sometimes in this room, and it shouldn't in this great Senate Chamber of ours and on the Hill. So I know this is probably a good lady who is well-intentioned. She just doesn't have that personal experience it takes to grab this entire country and understand that we are different. States are dif-

ferent. We depend on it. We can't always go in one direction, and that is the flexibility. They are saying: Well, we will give you flexibility. We need the support from Washington to have the flexibility to make sure the children of West Virginia have the same opportunities that a child in Pittsburgh, PA, might have in a larger school district, one in a metropolitan area that could afford—because you don't have all the travel and everything else that is involved—to have a charter school.

In my State, even the legislature couldn't. They looked at charter and voucher systems, and they couldn't find a pathway forward because of the limited funding and knowing that it would divert. If there is no more funding going into it, that means you have to cut the pie more. They were concerned about even going in this direction. My legislature, in the last 2 years, has flipped completely to a Republican majority in both the House and Senate. They are all good people, well-intended. They are looking at all these different avenues, but at the end of the day, you have to take care of those whom you are responsible for. In rural West Virginia, that is a child who might have to ride 1 hour just to go to school. I don't know where you would put a charter school. I don't know where, with the voucher system, you could send him.

If we have a problem in deficiencies, that is basically the responsibility of the county and the community. It is the responsibility of the parents and guardians to be involved. It is a responsibility for all of us to speak up. I guess what we are going to end up with is all the children with disabilities or children who basically do not have the means or a person in their family who is able to drive them or take them to a special school; they are all going to be left, so-called, behind.

It is just not who we are in West Virginia. I ask for your consideration that maybe we can find a Secretary who has the experience and understanding and has the real-life experience—they might have attended a public school themselves. I am a product—I am sure you are a product of public schools. We are a product of the public school system, probably, more than likely, rural public school systems. We did pretty well with them. People cared. We had to give a little bit and make some sacrifices, and we did that. The bottom line was that there were no options. We made the best out of what we had. These kids aren't going to have options. The majority of kids in West Virginia or Oklahoma will not have those options. You better make sure that school system you have, a public school in a rural setting, is giving that child every opportunity that he and she can excel. Who knows, maybe one day they will be sitting in my seat or your seat. I hope so.

With that, I say I must oppose her achieving the Secretary position that President Trump has nominated her for, with all due respect. I think I stated my reasons for that. I would hope that people understand our rural public schools truly need a champion. We need that champion to really step forward and lift us all up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I am here this afternoon to stand up to one of the most dangerous nominees in President Trump's Cabinet of Big Oil, big banks and big billionaires who are going to be populating the Cabinet of the United States.

The Secretary of Education is responsible for a budget that includes \$36 billion for elementary and secondary education, \$150 billion for higher education each year. On top of that, the Secretary of Education is responsible for more than \$1.2 trillion in outstanding Federal loans.

This nominee, Betsy DeVos, would shape the policies and programs that affect more than 50 million students across our country. Young people may be 16 percent of our population, but young people represent 100 percent of the future of the United States.

We need a Secretary of Education who believes that all children deserve access to a quality public education, regardless of income, race, ethnicity, neighborhood, or disability status. Betsy DeVos does not share this commitment to equal opportunity, and she is unqualified to serve as Secretary of Education.

Betsy DeVos has a long and well-documented record of opposing public school systems. She has implemented school choice voucher programs. She has simultaneously expanded and deregulated charter schools. In Massachusetts, we recognize that education is a passport to the job opportunities of the 21st century. Massachusetts students at the 4th, 8th, and 10th grades are No. 1 in America in math, verbal, and science. We are No. 1 in math, verbal, and science, 4th, 8th, and 10th grades. If Massachusetts were a country, we would be second behind Singapore in reading for the whole planet. That is Massachusetts.

We have a very high percentage of our students who are minorities in our home State. I live in Malden. Malden is a city of 60,000 people. Malden High School, 2016 graduation class, 28 percent White, 25 percent Asian, 24 percent Latino, 23 percent Black, 1 percent Pacific Islander. What is our goal? Our goal in Malden—our goal in Massachusetts—is to be No. 1. No. 1, not just in the United States but No. 1 in the world. We know you can do it if you make a commitment to these kids.

It is not just our traditional public schools. It is our public charter

schools, our private schools, our preparatory schools that are enormously successful. Many of them are world famous, these high schools. People send their children from around the country to go to a school in Massachusetts.

The success of our public charter schools is largely due to very strong accountability measures brought about through State regulations and rigorous oversight. That is the key to our charter school system. It is accountability. It is oversight. It should not be draining money out of the charter school system for profits for private corporations. It has to be invested in the kids, but Betsy DeVos wants charter schools to have less accountability and has fought to keep charter schools unregulated across Michigan.

When the Michigan State Legislature introduced a bipartisan bill that would have expanded oversight of charter schools, Betsy DeVos stepped in. She and her family donated \$1.45 million to State legislators in order to strip the helpful oversight accountability language out of the bill. That works out to \$25,000 a day over the 7-week period the bill was being debated. Betsy DeVos and her unlimited funding ultimately succeeded in blocking the commonsense accountability legislation. The students and families of Detroit were denied the key protections in oversight that their schools needed.

Betsy DeVos's school choice priorities go beyond expanding and deregulating charter schools. She has pushed for voucher programs that would use taxpayer money, your money, to pay for a child's private school tuition. Under a national voucher system, the funding that would normally go to local school districts would instead be diverted away from public schools toward for-profit, private institutions. In addition to the private schools that benefit from a voucher system, 80 percent of the charter schools in Michigan are run by for-profit companies, a much higher percentage than any other State. These companies are focused first and foremost on making money. We don't allow this to happen in Massachusetts. We have only one goal, and that is to be No. 1.

That money must stay in the school system, especially if you are trying to educate a minority population, which is the future workforce of our country. That is key. They don't come from the traditional backgrounds in many circumstances. The Secretary of Education must fight for all children and families, not promote companies seeking to profit off the backs of our students. Not even Michigan—the State where DeVos and her family money have tried to exert the most influence over education policy—has implemented a statewide voucher system. Despite spending \$5.6 million on a campaign to promote school vouchers, the DeVos family failed to amend the

Michigan State constitution. If Betsy DeVos is allowed to expand her school choice policies across the United States, it would be devastating for our students and for the future of our country. Her ideas are too extreme. They will not work for our students or for school districts in our Nation.

I also share serious doubts that Betsy DeVos will support all students in America. The Individuals with Disabilities Education Act is the primary Federal law that ensures that all students in every State have access to a free and appropriate public education, regardless of physical or mental handicaps, learning or attention disorders. This law covers students who are blind, deaf, vocally or mobility impaired, and those with autism or ADHD. Congress passed the original form of IDEA in 1975. It is a bedrock law in our country. Yet when Betsy DeVos was asked about it during her nomination hearing before the HELP Committee, she stated that States should be responsible for determining how, and even if, to enforce IDEA.

Remember, IDEA goes right to the heart of what we are going to do for those kids with disabilities. That is a bedrock law in our Nation. States must abide by it. We need a Secretary of Education who understands long-standing Federal education law and will commit to protecting every student in America because every student deserves the guarantee that they can and they will receive a free and appropriate public education that is promised and protected by law.

If this laundry list of efforts to undermine public education wasn't enough to cause skepticism about Betsy DeVos's qualifications to be Secretary of Education, in her confirmation hearing, Betsy DeVos would not commit to keeping guns out of our schools. Her response when asked about the issue was: "I think that is best left to locals and States to decide." Guns do not belong anywhere near our schools or our students and teachers, not in public or private schools, not in elementary schools, and not in our high schools. I am proud to have stood with Senators CHRIS MURPHY and RICHARD BLUMENTHAL on the floor of the Senate for 15 hours calling for congressional action on commonsense gun safety legislation. As a Senator, the safety and security of Massachusetts' schools, neighborhoods, and communities are my top priority.

Our Secretary of Education has the safety of every student in every State in his or her hands, and I do not believe Betsy DeVos is up to that job. I do not stand alone in this conclusion that Betsy DeVos is unfit to be Secretary of Education. I received tens of thousands of letters and phone calls from constituents all across Massachusetts urging me to reject her nomination. These come from teachers and administrators, the people who work on these

issues every day. I have a letter here from Todd Simendinger, the principal of Rockport Elementary School in Rockport, MA.

He wrote to me last week and said:

Senator Markey, as a strong supporter of public education, I ask that you oppose the confirmation of Betsy DeVos as Secretary of Education. We must have a secretary who can commit to supporting every student in all public schools and provide leadership that will help our neighborhood schools succeed. Betsy DeVos's record in education and her performance at the recent confirmation hearing prove that she is the wrong candidate for the job. As a principal, I have spoken with teachers, parents, students, and community members who agree that America's future depends on a strong investment in our Nation's public schools.

The offices of so many of my colleagues who have spoken on the floor already have, like me, received these kinds of letters and messages literally on a minute-by-minute basis from our constituents. Their passion is born of a deep commitment to ensuring that the very best education for all of the children of the Commonwealth can only be provided if the standard for that education is high. I commend them, and I agree with their concerns. All children deserve that standard.

So, from my perspective, you cannot have a more fundamental issue before us, this privatization of the public school system in America, the voucherization of our public school system in America. There is a model. It is Massachusetts. We do it right now. We are No. 1 in the country. We look over our shoulders at those who are behind us. But it is a standard that basically says: We are going to invest in the public schools and the charter schools. We are going to make sure they have the highest possible standards.

That is a recipe for ensuring that every child, regardless of their national nationality or their income, gets the education they need for a portable passport to a global economy for the rest of their lives. That has to be our goal. What is happening using the philosophy of Betsy DeVos is a failure. It is a proven failure. We already see the results. What is happening in Massachusetts, what happens in implementing the standards of the laws that we already have on the books across our country—it points us in the correct direction.

So with that, I urge a “no” vote on Betsy DeVos and her nomination as Secretary of the Education Department.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE NEW ENGLAND PATRIOTS

Mr. MARKEY. Mr. President, American history was made last night. The New England Patriots won the Super Bowl. This triumvirate of Robert Kraft, Bill Belichick, and Tom Brady continues this historic journey to being recognized as the greatest single football team in the history of the United States. Even as the Falcons were ahead by 25 points, even as the rest of the country thought the game was over, we in Massachusetts, we in New England, we have our own motto: In Belichick we trust. In Brady we trust.

We knew it was not over. We knew there was still hope. We knew there was a plan that could be implemented that would ensure that the Patriots once again would prevail.

I thank the Presiding Officer for giving me this opportunity to be recognized on this most important of all subjects. This incredible Patriots victory has brought joy to people all across New England. It has brought dismay to people in other parts of the country. They still continue to be mystified by this incredible team and the incredible leadership those three great leaders provide. But for us, we realize we are in the presence of greatness. We know how spoiled we are to have such a great team.

I just wanted to rise and congratulate the New England Patriots, their leadership of Bob Kraft, Bill Belichick, Tom Brady, but all of this team, because their motto is a very simple motto. It says: Do your job. That is what every Patriot did last night. Because they stuck it out through every single play, at the end of the day, they were able to enjoy that historic victory.

For my part, I can't be more proud of any group of New Englanders. It was just a fantastic victory. As a season ticket holder, when I was 19 years old, when it was seven games at \$6 apiece—\$42 as a season ticket holder at Fenway Park. You can imagine how almost impossible it is to believe that we have reached such a stage where even those who have been critics of the Patriots now are forced to recognize that Bill Belichick is the greatest coach of all time; Tom Brady is the greatest quarterback of all time; and the Patriots, led by Robert Kraft, is the greatest franchise of all time. We are very proud that victory last night cemented that place in history.

Once again, I just want to congratulate each and every one of them and especially the Patriots fans who, through thick and thin, have been with that team every step of the way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rise today as a product of New Jersey public schools, the son of Cuban refugees whose parents decided to leave everything behind because they did not like the dictatorship from the right and did not like what they saw in the Sierra Maestra, as the Castros were seeking to overthrow that government from the right, and who fled their own country in order to seek a better life in the United States.

They were the lucky ones. They saw the handwriting on the wall, and they got out before the true brutality of the Castro regime took hold in Cuba. When they arrived here, they had nothing more than the promise of a brighter future and, if not for them, then for their children.

In so many ways, it is the quintessential immigrant story; indeed, the quintessential American story. My mother worked as a seamstress in the factories of New Jersey. My father was an itinerant carpenter. We didn't have a lot of money—just enough to live in a small apartment in a tenement in Union City and put food on the table. But that was plenty. It was plenty because my parents knew that living in America gave their children access to a free public education, and they always taught us that an education was the key toward a better life.

Growing up, I was a quiet kid. I was very studious. I got good grades, but I struggled with public speaking. I know some of my colleagues wouldn't believe that today, but it is true.

Unfortunately for me, one of the final requirements before I graduated high school was a public speech class. Again, I did all the work, but I refused to actually stand up in front of the class and speak. I thought I could get away with it, but my teacher, Gail Harper, had other ideas.

She kept me after class. After my classmates left, she forced me to recite short stories and poetry and speeches I had written that were part of the classwork. Eventually she told me that I was going to be the narrator in a school production, which meant that I was going to be speaking on stage in front of the entire student body. I was petrified—petrified. And I was inclined to refuse.

I am not sure if there would have been a more terrifying thought to me in the world than having to get up in front of my entire student body, but Ms. Harper told me that she knew that I could succeed. If I refused, however, she would have no choice but to fail me. And if you knew my late mother, that was not an option.

So I swallowed my fear, and when I got out there, I found that Ms. Harper's

work paid off. Not only did I realize that I could overcome all of that fear and anxiety, but it had instilled in me a hunger to keep working, to get better at speaking in front of people, a skill that I honestly owe my life's work to.

For me, Ms. Harper was so much more than a teacher; she was a mentor and one of the unsung heroes of our public education system. And I am privileged to have had an opportunity to tell her that during her lifetime.

Now, thanks to my parents' commitment and incredible public school-teachers like Ms. Harper, this product of New Jersey public schools went on to get a law degree from Rutgers University, a State institution, and was able to rise from a tenement in Union City to 1 of 100 Senators in a country of over 300 million people.

I got my start in politics fighting for public schools in my hometown. When I was in high school, I was told that because of my grades and my activities, I could be in the senior honors program but that I had to cough up \$200 for the books. My parents were poor. We lived in a tenement. I didn't have \$200 for the books. And I couldn't understand, for the life of me, if I had the ability and the grades but not the money, that I would be barred from being in the honors program. So I raised such a ruckus that they gave me the books, told me to be quiet, and they put me in the honors program. But I had friends who had the same circumstances; they had the ability and the grades, but they didn't have the money. Unlike me, they didn't say anything, and they didn't get in. So I didn't think that was right.

I petitioned to change the school board from being appointed by the mayor at the time to being elected by the public. Ultimately, I won the fight to change that school board and became the youngest school board member at that time in history when I was 20 years old.

So I understand the promise of public education. I understand the challenges that come with it. I understand the need for parental engagement and the extraordinary impact that good teachers can have on our children's lives.

I understand that our schools need access to adequate resources in order to allow every student to reach their full potential. And I understand that we have a long way to go to ensure that we truly do guarantee every child in America equal access to a high quality public education regardless of where they live, regardless of the hap-
pstance of where they were born, regardless of their station in life.

Most importantly, I understand that our public education system has formed the foundation upon which the American dream has been built for generations. It is the great socializing factor of our Nation, and there is no substitute for it. At its core, it is an all-

taker system. It does not care whether you are wealthy or poor, whether your family predates European settlement, came on the Mayflower, or is first-generation American. It does not care whether you are White or Black or Hispanic or Asian or Christian or Jewish or Muslim. It does not care whether you struggle with learning disabilities or autism or Down syndrome.

Our public education system welcomes you with open arms and adheres to the fundamental principles that all are welcome, all are equal, and all deserve a chance to learn and earn a better life for themselves and their families.

While we work to improve public education and renew our commitment to our children, we need a partner in the Federal Department of Education that also understands these challenges and shares our values. Unfortunately, I do not believe that Betsy DeVos is that candidate.

While I do not question her intentions, her limited experience and advocacy for policies that fundamentally undermine public education make her unqualified to be the Secretary of Education.

Mrs. DeVos has never participated in the public education system that she would be tasked with overseeing either as a student or a parent or a teacher or an administrator. I don't see that fact in and of itself alone as disqualifying but, coupled with the policies that she has advocated for in her home State of Michigan—pushing for more charter schools while simultaneously working against accountability for them, even as they profit off the backs of children while showing little improvement in student outcomes; advocating for voucher schemes that put public funding into private schools even for families that do not need the additional assistance, while depriving public schools of vital funding that they depend upon to provide a quality education to every student—it becomes clear that Mrs. DeVos does not understand that fundamental commitment to American children.

My concerns about Mrs. DeVos were compounded by the answers she gave in her confirmation hearing before the HELP Committee. Guns have no place in our schools—at least in my view—except in the hands of trained law enforcement personnel tasked with keeping our children safe, yet when asked if she would do away with gun-free school zones, if told to do so by the President, Mrs. DeVos, after trying to avoid the question with a nonanswer about grizzly bears attacking schools, said she would “support the President.”

I do not believe that it is the role of a Cabinet Secretary to simply and blindly support the President, regardless of how misguided or dangerous an idea might be, nor do I believe that it is reasonable or responsible to make it

easier to bring guns in and around schools, where they endanger our children. We must do a better job of securing universal background checks and treating mental health issues, but more guns is not the answer.

Mrs. DeVos also said in her testimony that she believed that compliance with the Individuals with Disabilities Education Act should be left up to the States. IDEA, as the act is known, guarantees a “free, appropriate public education” that is individualized to meet the needs of every student with disabilities.

When Congress first passed IDEA in 1975—though it was called then the Education for All Handicapped Children Act—it came with a promise that the Federal Government would cover 40 percent of the cost to educate those with special needs. Unfortunately, we have not met that obligation, providing less than half of that funding in recent history.

IDEA is Federal—not State—law. It is Federal law that needs increased funding and attention from the Federal Government. And when this was pointed out to Mrs. DeVos, she said simply that she “may have been confused.”

Our children with disabilities deserve a real Federal partner that understands the challenges they face and is committed to getting them the resources they deserve, not a Secretary of Education who is confused about the Federal role in education.

These are only a few examples of how Mrs. DeVos has shown herself to be unprepared and unqualified for the very serious position to which she has been nominated.

If confirmed, Mrs. DeVos would take over a multibillion-dollar Federal student aid and student loan program that helps American families afford the skyrocketing cost of higher education.

I, myself, was a recipient of Pell grants and other Federal student aid and would not have been able to afford the cost of a college degree without them. Yet not only does Mrs. DeVos have no experience with student loans or managing such a program, she has very little, if any, engagement with any policy issues pertaining to higher education.

At a time when trillions of dollars of student debt are acting as a barrier to obtaining a higher education, hindering a generation of graduates from entering the middle class, and acting as a drag on our economy, we deserve a nominee who understands these issues.

As we continue to struggle with the best ways to measure student progress and achievement, we deserve a Secretary of Education who understands basic concepts like the difference between proficiency and growth.

So let me just say, my own experiences have given me an incredible faith in the power of public education systems, while Mrs. DeVos has worked

only to undermine them. I believe that the Federal Government can be a strong partner in ensuring a free, quality public education for all students, especially those with disabilities, while Mrs. DeVos seems to think that the Federal Government should not be involved in these endeavors.

I believe that guns must remain out of our schools, but Mrs. DeVos seemed to indicate that they could have a place there. Most importantly, I believe that our students, parents, teachers, and educators should be able to trust the person tasked with overseeing them. And the 50,000 New Jerseyans who have reached out to me to oppose her nomination have clearly shown that she has not earned that trust.

Here is one example of a constituent who reached out to my office.

Dear Senator,

My name is Beth More and I live in your great State of New Jersey in Fanwood in Union County. I am writing today to express my deep opposition to the appointment of Betsy DeVos as Secretary of Education. As a mother of two boys in our public school system, and one with special needs, I am deeply concerned and troubled by Mrs. DeVos's lack of public school experience. In fact, the thought of her steering money and funding away from public schools is not only a threat to my children, but a threat to the 50 million other children currently receiving a public education. She lacks understanding in even the most basic issues that affect our schools, and that, my Senator, is scary. I urge you to strongly oppose this and tell your other colleagues in the Senate the same.

So I implore my colleagues to put politics aside, to examine Mrs. DeVos's qualifications closely, and to be open to the input that you all are receiving from your own constituents, like Beth More.

I hope that if you are open in your mind in that regard, you will oppose Betsy DeVos's nomination to be Secretary of Education, as I will.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senator as the Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 115th Congress: the Honorable ROGER WICKER of Mississippi.

The Chair, on behalf of the President of the Senate, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Ex-

ecutive Commission on the People's Republic of China: the Honorable MARCO RUBIO of Florida (Chairman), the Honorable JAMES LANKFORD of Oklahoma, the Honorable TOM COTTON of Arkansas, the Honorable STEVE DAINES of Montana, and the Honorable TODD YOUNG of Indiana.

The Chair, on behalf of the President of the Senate, pursuant to Public Law 85-874, as amended, reappoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: the Honorable ROY BLUNT of Missouri.

QUORUM CALL

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Ex.]

Cantwell	Grassley	McConnell
Capito	Isakson	Menendez
Cornyn	Kaine	Murphy
Donnelly	Lankford	Tillis
Fischer	McCain	

The PRESIDING OFFICER (Mr. MORAN). A quorum is not present.

The clerk will call the names of absent Senators.

The senior assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Ex.]

Barrasso	Gardner	Murray
Cotton	Moran	Schumer

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

Mr. McCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. FLAKE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nebraska (Mr. SASSE), and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 53 Ex.]

YEAS—91

Alexander	Fischer	Murphy
Baldwin	Franken	Murray
Barrasso	Gardner	Nelson
Bennet	Gillibrand	Paul
Blumenthal	Graham	Perdue
Blunt	Grassley	Peters
Booker	Harris	Portman
Boozman	Hassan	Reed
Brown	Hatch	Risch
Burr	Heinrich	Roberts
Cantwell	Heitkamp	Rounds
Capito	Hirono	Sanders
Cardin	Hoeben	Schatz
Carper	Inhofe	Schumer
Casey	Isakson	Scott
Cassidy	Johnson	Sessions
Cochran	Kaine	Shaheen
Coons	Kennedy	Shelby
Corker	King	Stabenow
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Van Hollen
Daines	Markey	Warner
Donnelly	McCain	Warren
Duckworth	McCaskill	Whitehouse
Durbin	McConnell	Wyden
Enzi	Menendez	Young
Ernst	Merkley	
Feinstein	Moran	

NAYS—4

Collins	Rubio
Heller	Wicker

NOT VOTING—5

Flake	Sasse	Udall
Murkowski	Toomey	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The Senator from Tennessee.

(The remarks of Mr. ALEXANDER pertaining to the submission of S. Res. 50 are located in today's RECORD under "Submitted Resolutions.")

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I rise to urge my colleagues to join me in opposing the nomination of Betsy DeVos to be Secretary of Education. Simply put, Betsy DeVos is completely unqualified to serve as Secretary of Education in this great Nation.

Many others share this view. I have heard from thousands of parents, teachers, and other citizens of Wisconsin who are concerned about the future of our education system urging me to oppose Mrs. DeVos and certainly opposing her vision for America's students. As of today, over 20,000 Wisconsinites have emailed me, and we have had over 7,000 phone calls opposing the confirmation of Mrs. DeVos, and Senate Democrats are unified in our opposition to Mrs. DeVos serving in this capacity. Even two Senate Republicans have announced that they cannot support Betsy DeVos. If just one more of my Republican colleagues were to announce their opposition and were to vote no, we could do the right thing and tell President Trump that he really needs to find a new candidate, a new candidate for Secretary of Education who is qualified to run that Department.

While Betsy DeVos has spent decades advocating for a particular vision for education, she has never actually worked as a teacher or as an administrator. Her career has involved investing hers and her family's considerable wealth and using those resources to advance the privatization of our K-12 education system. She did not attend a public school either for grade school, high school, or college, and nor did her children. She has never worked as a teacher, principal, professor, counselor, or in any other formal role in our education system.

Her confirmation hearing before the Health, Education, Labor, and Pensions Committee clearly demonstrated how little she knows about Federal education law and policy. It was startling to see her ignorance about critical measures like the Individuals with Disabilities Education Act or the debate over growth versus proficiency as a measure of student achievement. Betsy DeVos has demonstrated that she has neither the knowledge nor the experience in education that would allow her to be a successful leader of the Department of Education. Mrs. DeVos has worked to advance a vision of K-12 education that is fundamentally hostile to our public education system.

My home State of Wisconsin has a long and very proud tradition of support for public education. Back at the founding of our State, we wrote the guarantee that every child should receive a free public education into our very founding document, our State Constitution. Wisconsin had the first kindergarten in the United States. Wisconsin is proud of something that we actually call the Wisconsin idea in higher education; that the walls of the classroom should be the borders of the State, if not the borders of this Nation or the entire world.

Mrs. DeVos's experience in education, however, has been a decades-long effort to privatize it. Her record of support for vouchers as well as charter schools that lack adequate accountability and oversight is very troubling and could lead to diversion of public dollars in even greater amounts out of public education.

Regardless of any vision or experience on education, Mrs. DeVos is a nominee with, let's say, complex and opaque finances. She has a very opaque record of financial dealings and political giving, including on matters directly related to the work that the Department does which she seeks to lead. Given her and her family's investments in companies that benefit directly from Federal education programs, I remain very concerned about what we simply still don't know.

I am also troubled by Mrs. DeVos's and her family's long history of contributing to organizations that have been hostile to the lesbian, gay, bisex-

ual, and transgender community, even promoting the discredited idea that sexual orientation or gender identity can be changed through conversion therapy.

While she told me and several of my colleagues at her hearing that she believes all students should be treated equally, I really remain concerned about how this long history of support for these anti-LGBTQ organizations will influence a Department which, over the last 8 years, has shown some tremendous leadership in supporting LGBTQ students and parents in the education system.

The Federal Government's primary role in elementary and secondary education is to promote equity. I am not convinced that Mrs. DeVos will be the leader the Department needs to do just that. Congress passed the Elementary and Secondary Education Act in 1965 as a civil rights measure. It was designed to ensure that every student, regardless of ZIP Code or parents' income, has access to a quality public education.

We continued that important tradition in reauthorizing this law, which is now in the form of a very strongly bipartisan bill, the Every Student Succeeds Act. The next Secretary of Education will have to implement that act.

I fear that Mrs. DeVos, as a vocal proponent of State and local control, will not be the strong voice we need to hold States accountable for serving all students, particularly those who have been historically left behind.

When we passed the Every Student Succeeds Act, we made sure there were strong Federal guardrails to assure that we never forget why there is a Federal role in education to begin with, for equity and civil rights and to make sure that every child can succeed. Furthermore, I am very concerned that Mrs. DeVos would not commit to robustly supporting the Department's Office for Civil Rights or enforcing the very guidance that protects transgender students from discrimination.

Betsy DeVos lacks knowledge about and commitment to the Federal laws that ensure students with disabilities have access to the various supports that they need to receive and benefit from a quality public education.

As I noted, she has demonstrated a complete lack of understanding about our Federal obligations to these students. I have heard from numerous parents in Wisconsin, parents of students with disabilities who were appalled by her inadequate answers to questions at our education panel hearing. She was unprepared to answer questions about the Individuals with Disabilities Education Act, and these parents have written to express their distress about what her filling the role of Secretary of Education could mean for their children if she were to be confirmed.

One Wisconsin mother of three special needs children wrote to me about how this Federal law provided the legal rights that she needed to advocate for them, to advocate for the best possible educational environment for her three sons with special needs.

I heard from another mother, Melissa from Beloit, who detailed how the Individuals with Disabilities Education Act makes it possible for her daughter, Rowenna, who has Down Syndrome and autism, to actually thrive in a public education setting, along with her peers.

Finally, as a strong proponent of making college more accessible and affordable, I do not believe that Mrs. DeVos has the experience or vision that will allow her to successfully lead the Department in supporting higher learning.

There is a student debt crisis in this country, but Mrs. DeVos doesn't have a plan to address it and has even expressed skepticism about a Federal role.

While she has acknowledged that there are some bad actors in higher education, she has also refused to commit to enforcing regulations that help students who are defrauded by dishonest schools like Corinthian Colleges. We need a Secretary of Education who is an advocate for those students, not one who is looking for ways to shirk that responsibility.

Despite the fact that the Department oversees billions of dollars in grants and loans that allow students to pursue higher education, she has expressed skepticism about any Federal role in making college more affordable. She has even refused to oppose cuts to a program that helps students who commit to a career in public service or to support efforts to ensure that the value of the Pell grant keeps pace with the cost of college.

For all of these reasons and many others, Betsy DeVos is not the right choice for Secretary of Education. I call on my colleagues to defeat her on the question of confirmation and to afford this new President the chance to send us a nominee who is prepared to be an advocate for all students and public education in this country.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON. Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Florida is recognized.

CHINESE POLITICAL PRISONERS JIANG TIANYONG AND TANG JINGLING

Mr. RUBIO. Mr. President, I know that we are in the middle of an important debate about a topic of education in our schools. One of the topics I hope young Americans will learn more about is the state of affairs across the world when it comes to human rights.

We are a vibrant society engaged in a heated debate, as we often have been throughout our history, about items of political matters. If you look here today, there are people standing up to speak on different sides of an issue. You see that the Republican Party today controls the White House, the Senate, and the House, and yet you have people with the freedom in this country to be able to stand up and oppose that. We have seen that across the country with demonstrations and speeches and all sorts of other protected speech. We are very fortunate and blessed to live in a nation with those freedoms. That is not the case all over the world.

I wanted to take this opportunity in the midst of all of this debate and discussion about an important topic, the nomination before the Senate, to remind people that despite our differences on these issues, we are truly blessed to be able to live in a country where opposing the party in power does not mean you go to jail.

As I have been doing for some time now, I wanted to come this evening and highlight yet another example of human rights abuses that is taking place in a very important part of the world. For the past couple of years, my office and I have been highlighting human rights cases through our social media campaign. We call it hashtag "Expression NOT Oppression."

The goals of this are to raise awareness about these cases and the individuals who are suffering at the hands of these repressive governments. We know that through history some of the oppressed people—we may not think these floor speeches matter; we may not think that mentioning it here in this forum matters, but it does to them because one of the first things oppressors tell them is that the world has forgotten about them, and they don't matter anymore. That is one of the first reasons we come: to raise awareness and let them know we know their names, we know their story, and we will continue to speak out on their behalf.

The second reason is to show their families and their loved ones that elected officials—like me here in the United States—have not forgotten them because we know that tyrants, as I said, like to tell political prisoners that they are alone in their struggle.

The third reason is to call for action, whether it is for the administration to make their causes a priority, too, or to call on these governments to release these individuals.

There is one more reason I think that this effort, hashtag "Expression NOT Oppression," is important. As well as all the good work being done here on both sides of the aisle in defense of human rights, promotion of democracy and the defense of God-given freedoms like religious freedom and freedom of

the press and free speech, which we celebrate here even in this debate, have to continue to be pillars of our foreign policy. I hope that these cases we highlight bring those guiding principles to light.

Today, I want to discuss the cases of two Chinese political prisoners whose courageous wives I had the opportunity to meet last week when they visited in Washington, DC. These women personally requested that I intervene on behalf of their husbands, pressing on the Chinese Government to unconditionally release them and, in the case of one, to account for his whereabouts. Perhaps just as importantly, they urged me that I press our own State Department to prioritize these cases diplomatically in the hope that these families can be reunited in the not-too-distant future.

I come here today to urge our now new Secretary of State, Mr. Tillerson, to prioritize the release of these men in his diplomatic engagement with China. In the coming weeks, I also expect that we will have a chance to hear from the President's nominee to be U.S. Ambassador to China, Governor Branstad of Iowa. When he comes before the Senate Foreign Relations Committee for his confirmation hearing, I will bring up these cases and others and urge him to make their freedom a priority of his work if confirmed.

Jiang Tianyong is a 45-year-old lawyer. He was disbarred by the Chinese Government because of his vigorous human rights advocacy, including his representation of blind legal advocate Chen Guangcheng, fellow rights lawyer Gao Zhisheng, Falun Gong practitioners, and other human rights cases. Despite the risks of this work, he has been steadfast in his support of the families and of their right to lawyers and legal advocates caught up in China's sweeping nationwide crackdown on the legal community in July of 2015, which ensnared roughly 250 lawyers and advocates.

Consistent with a spate of recent media stories, Jiang's wife indicated that his family and friends lost contact with him in late November of last year. That is when a Chinese state-controlled newspaper reported he had been detained for a series of trumped-up charges.

His wife has received no formal confirmation of his precise whereabouts, and, to date, he has been denied access to a lawyer of his choosing. Even more troubling is that this is entirely legal under China's laws, even though it violates all international norms of justice. Under China's own laws, authorities may hold him, or anyone, for up to 6 months without informing his family where he is held and without allowing him to access a lawyer, conditions that the United Nations Committee Against Torture has found place "detainees at a high-risk of torture." Indeed, reports

over the past months about four other human rights lawyers provide detailed information about the Chinese authorities' use of torture to extract "confessions" and impose unbearable psychological pressure.

All of these realities underscore that China remains a country of rule by law. Congressmen CHRIS SMITH of New Jersey and I cochair the Congressional-Executive Commission on China, which found in our 2016 annual report that "the Chinese Communist Party has continued to reject the notion that the rule of law should supercede the Party's role in guiding the functions of the State." As such, lawyers, advocates, dissidents and others often find themselves in the party's crosshairs, persecuted under the law, rather than protected by it, and they have no recourse of justice.

A second Chinese individual I want to highlight today is lawyer Tang Jingling, who has also been disbarred for his rights advocacy. He first gained prominence as a lawyer working on cases related to village compensation, corruption, and by representing activists. In January of last year, he was convicted of "inciting subversion of state power." That is the charge, and he was sentenced to 5 years in prison. He was first detained in May 2014 on suspicion of "picking quarrels and provoking troubles." Just imagine that. Picking quarrels and provoking troubles is a crime in China. This happened, by the way, during the lead up to the 21st anniversary of the Tiananmen Square protests, when the Chinese Government worked desperately to wipe out any discussion or memory of this historically brutal crackdown. In reality, all Tang and other activists did was participate in a nonviolent disobedience movement seeking legal and social reform in China.

Following his conviction, Tang eloquently wrote:

Inside the grand edifice of the court, we can see stately and ornate furnishings and decorations, and we can see the government employees in dignified attire. But we cannot see the law and we can definitely not see justice.

He continues, movingly, speaking of the faith that has sustained him in the midst of injustice:

The Holy Bible has a passage that reads: "Blessed are those that are persecuted for righteousness' sake." Today, we have been pronounced guilty, thrown in prison, separated from our families, and have endured humiliation and difficulties—and I am far from being able to convince and prove to others how these tribulations could have become my blessings. But God's will is inevitably difficult to understand. I often pray and ask him to give me more strength, so that I may persevere until the moment of revelation. I dare say, in 2011, while in a secret jail, and now in detention, almost every day I have passed has been calm and fulfilling. I have never lost my direction.

The courage and conviction of these men should be an inspiration to us

all—an inspiration that should propel us to act. I would add a reminder again of how blessed and fortunate we are to live by the grace of God in a nation where we have the freedom to speak, to object, to state our views without fear of the circumstances and the consequences that these brave men now face. The Chinese people who yearn for the protection of their most basic human rights and bravely stand with their fellow marginalized countrymen are China's greatest asset—not its biggest threat, as the government of the Communist Party wrongly believes. Any government which views its own people with such fear and hostility will, as has often been said, find itself on the wrong side of history.

So I hope more of my colleagues in this body, in the House, and especially in the administration will join their voices in support of these political prisoners and all who languish in jails, prisons, and gulags simply because they want a better life, because they want a say in their future and have bravely made these aspirations clear.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

CONGRATULATING THE NEW ENGLAND PATRIOTS

Ms. HASSAN. Mr. President, before getting to the matter at hand, I thought I would take a minute to congratulate the New England Patriots, the Kraft family, Bill Belichick, Tom Brady, and all of the Patriots players and fans everywhere for the greatest comeback victory in Super Bowl history. They really demonstrated the grit and determination and resilience that New Hampshire and New England is known for, and we are very, very proud of them.

Mr. President, I rise today to join my colleagues in opposing the nomination of Betsy DeVos to serve as the Secretary of Education. Our Nation recognized early in its history that public education is a necessary foundation for our democracy. It is critical that we continue to support a strong public education system that prepares all of our young people to participate in our democracy and to compete in the 21st century workforce.

All public officials, regardless of their party affiliation, should share a reverence for the importance of public education to our country's success, both now and into the future. They must show a commitment to enforcing our laws so that all students have the opportunity to succeed. I agree with my colleagues that Mrs. DeVos has not shown a commitment to or an understanding of these principles, and that is why I oppose her nomination.

This nomination process has been extremely disappointing from the start. Mrs. DeVos failed to provide critical information on her finances. Members of the HELP Committee were only given 5 minutes to question Mrs. DeVos

on her views on our Nation's education system.

In the questions she did answer before the committee, Mrs. DeVos demonstrated a complete lack of experience in, knowledge of, and support for public education. She was unable to address basic issues—issues any New Hampshire school board member could discuss fluently.

She showed that she lacks an understanding of issues facing students with disabilities. She has potential conflicts of interests that she still has not answered basic questions about. She supports diverting taxpayer dollars to private schools without accountability requirements.

As Governor of New Hampshire, I supported public charter schools. They play an important role in driving innovation in education and in providing additional opportunities for nontraditional learners, but they must meet the same standards as other public schools.

In Detroit, Mrs. DeVos led efforts to oppose accountability requirements, even for for-profit charter schools. In her testimony before the HELP Committee, she declined to support enforcing accountability requirements. It is clear that Mrs. DeVos would pursue policies that would undermine public schools in my home State of New Hampshire and across our Nation.

In the past several weeks, thousands of Granite Staters—including students, parents, teachers, principals, and superintendents—have called and written into my office. They have shared their concerns about Mrs. DeVos. They understand that she is completely unqualified for this position. Our children, their families, and our Nation deserve better than a Secretary of Education who does not value public education.

Ensuring access to public education for every student is an issue that is deeply personal to my family. Shortly after my husband Tom and I welcomed our first child into the world, our son Ben, we found out that he had severe and pervasive physical disabilities. It became clear to Tom and me that we were going to need a little bit of extra help if our son was going to have the kind of future we all want our children to have.

We were lucky because we found that help in our community—not only among friends and neighbors but in a public school system that welcomed Ben. I still remember the day that a schoolbus pulled into our driveway. We wheeled Ben onto the lift and up into the bus, and off he went at age 3 to his first day of preschool—a publically funded, inclusive preschool. As I sat on the stoop and watched the bus pull away, I found myself thinking that if Ben had been born a generation or two earlier, Tom and I would have been pressured to put Ben in an institution.

There wouldn't have been the resources in our community or in our school system to include Ben.

But because of the work of the champions—the families, the advocates—who went before the Hassan family, Ben was able to go to school in his hometown. He was able to learn and to make friends, to do what we all want our children to do. That is the power of public education. It is the power of making sure that all kids are included.

Our family was able to live like any other family and feel like any other family because Ben could go to school in his hometown. As Ben went from preschool to elementary school to middle school to high school, we found that his peers accepted him, interacted with him, and grew with him. I still remember a day when I got a call from one of Ben's teachers, saying that the tire on his power wheelchair had gone flat. That is the type of call that a parent of a child with complex needs dreads because it means that you have to stop everything—because if the wheelchair can't move, your child can't go through their day.

But instead of my needing to take a day off from work and pursue the repair of Ben's chair, it was other students in our Career and Technical Education Center in Exeter who came forward and said: "We can fix that." Their education preparing them for a trade and a career served Ben's needs that day beautifully. Both Ben and his peers learned that day. Ben's experience in public education was made possible because of so many advocates, educators, and families who came before our family.

But this was not always the case for students who experience disabilities. When I served in the New Hampshire State Senate, I grew to know a woman named Roberta. Roberta, born in the early 1950's, had spent a good portion of her life in our State's school for individuals with disabilities. Roberta left that State school as we began to work, after the passage of the IDEA, to bring people out of institutions and into the communities.

Later, as Roberta learned to advocate for herself and tell her story, she recorded some of her memories from the Laconia State School, the separate school—so-called school—for students with disabilities. Roberta wrote:

Some of the attendants and residents at the Laconia State School sexually, verbally, emotionally and physically abused and assaulted me. The staff said they did this to me because I misbehaved or acted silly. The attendants and residents there hit and kicked me with their hands and feet. They pulled my hair, whipped me with wooden or metal coat hangers, wet towels, hair brushes, mop and broom handles, hard leather belts, straps, rulers and hard sticks, stainless steel serving utensils and clothes.

Roberta adds:

Additionally, they bullied me by laughing at me and calling me names. They spat at

me, bit and pinched my arms and other body parts causing me pain. The employees and supervisors at the institution threw buckets of cold water on my body, clothes and all. They said that the cold water would calm me down.

Roberta's experience was, unfortunately, what life was like for some students with disabilities before IDEA. Years later, after Roberta left Laconia State School, after she was re-integrated into her community, she appeared before a State senate committee that I was chairing because she was the main proponent of a law that we passed in the New Hampshire State Senate to remove the word "retarded" from all of our State statutes. Roberta knew that it was the judgment of people who first interacted with her, people who believed she had intellectual disabilities, that caused her parents to believe that they had to put not only Roberta but her sister Jocelyn in an institution. Both Roberta and Jocelyn happened to have the misfortune of being born with disabilities.

It is that contrast between Roberta's experience and my son's that keeps me focused on the importance of making sure that we include all children in our public school system but also that we have the laws in place to ensure that they get the free appropriate education that all American children deserve.

Unfortunately, Mrs. DeVos has demonstrated a lack of understanding of the challenges facing students with disabilities. At our hearing earlier this month, I questioned Mrs. DeVos on whether she would enforce IDEA. Not only did she decline to assure Senators that she would enforce the law to protect students with disabilities, but she was confused about whether IDEA was indeed a Federal law to begin with.

While I am pleased that Mrs. DeVos later clarified that she is no longer confused about whether IDEA is a Federal law, she has done nothing to reassure me that she would enforce it or that she understands how fragile the gains we have made under IDEA are.

The voucher system that Mrs. DeVos supports has often, intended or not, hurt individuals who experience disabilities. Children and families lose legal protections enshrined in the IDEA. In some cases, students and their families have to sign away their civil rights before they can receive their vouchers. Yet many of the private schools that take those vouchers—the schools that Mrs. DeVos wishes to push students to—lack basic resources or accommodations for children who experience disabilities.

So if a family determines that the school that has accepted their voucher really does not have the resources or the expertise to educate their child, they have no legal recourse. Mrs. DeVos's unfamiliarity with IDEA, her comments on students with disabilities was something my office heard about often from Granite State parents who

contacted the office with concerns about her nomination.

A mother from Hopkinton, NH, wrote to tell me about her daughter who attends Hopkinton High School and experiences severe disabilities—is non-verbal and requires assistance for all aspects of her daily care.

This mother wrote:

Despite all of this, because of the extraordinary support we have received, she is living a rich and loving life at home and is part of the public school system. I have no confidence that Betsy DeVos would understand or support the role that public schools have for taking care of all students.

This mother also called Mrs. DeVos's lack of understanding of IDEA "appalling."

I also heard from a parent from Concord, NH, who said:

My stepdaughter currently has a 504 plan for both a physical and cognitive disability at Concord High School, who, incidentally, are doing an excellent job of working with her to make sure her learning needs are met. My children deserve a future and so do all children.

This parent said she was feeling "vulnerable" as a result of Mrs. DeVos's nomination. Parents all across our Nation deserve to know that the rights of their children will be protected, and they are rightfully concerned with Mrs. DeVos's nomination.

In New Hampshire, I am proud of our work to build a future where every child can get the kind of education they need to be competitive and successful leaders in the 21st century economy. Just last week, I visited Souhegan High School in Amherst, NJ. Souhegan has become a pioneer in competency-based education. I visited numerous classrooms where students were doing hands-on lessons in Earth science, in literature to make sure they could master the material before them in a way that would stick with them.

They were great examples of what we have learned about the importance of hands-on, project-based learning, how much better students retain information, knowledge, problem-solving skills, when they actually have a problem to solve, and how important it is for them to learn to collaborate with their fellow students, just the way we expect people to collaborate as a team in the workplace.

After I visited the classes, the students at Souhegan had formed a panel to talk with me. There, students with a variety of interests, backgrounds, and education levels talked to about how important it was for them to have control of their own learning, to learn in a way, in a style that worked for them to work with their peers and build off of each other's strengths and learn from each other.

I also talked with them about New Hampshire's pilot, project-based competency assessment program called PACE, something that New Hampshire

received waivers to do over the last year, and they are in the process of continuing right now. New Hampshire is piloting a program that moves us away, just as was recommended and foreseen by the Every Child Succeeds Acts from high-stakes, one-time testing to project-based assessments that are built into the project-based competency learning they are doing.

We are seeing great success with this pilot, and schools across the country are beginning to adopt it as well. That is the power of strong, innovative public education. This was an approach developed by teachers and parents and students and our Department of Education and our statewide school board as well as local school boards together. Just as we have important initiatives surrounding project-based learning in New Hampshire, we also have strong public charter schools.

I still recall a visit to our North Country Charter School in one of the more rural parts of New Hampshire, a school that was formed—a regional effort—to allow students for whom traditional high school was not working, whether it be because of their learning style, because of particular events that were happening in their home, or other emotional or developmental issues.

It allows them to come together and go to school in a way and in a place that works for them, keeping them in school, helping New Hampshire meet its goal set in law that no child drop out of high school before age 18.

The strength of the students I saw at the Country Charter School graduation was extraordinary; students who would overcome particular challenges, whether it was personal, whether it was academic—speaking for themselves and about themselves and their vision of their own future to a crowded, excited room of friends and family.

That is another kind of public education that supplements our statewide public education system and is something we can work together to do, holding all schools accountable. The vision that Mrs. DeVos, on the other hand, outlined and has devoted much of her work to, would dismantle the progress we have made, diverting taxpayer dollars to private, religious, and for-profit schools without accountability requirements.

Mrs. DeVos advocates for a voucher system that leaves out students whose families cannot afford to pay additional tuition costs, and leaves behind students with disabilities because the schools do not accommodate their complex needs. In his book, "Our Kids," Robert Putnam notes that education should be a mechanism to level the playing field, but today the inequality gap is growing because affluent students start better prepared and are more able to pay.

Putnam also points out that daycare and transportation needs constrain the

amount of choice that poor parents have when it comes to voucher programs. We should all be working to fix that gap, but the voucher programs that Mrs. DeVos advocates for threaten to increase the gap. The system that Mrs. DeVos advocated for in Detroit, MI, has undermined public schools and hurt students in the process.

In 2014, Michigan taxpayers spent \$1 billion on charter schools, but laws regulating them are weak and the State demands little accountability. The Detroit Free Press reported on the Detroit school system, finding a system where school founders and employees steered lucrative deals to themselves or to other insiders, where schools were allowed to operate for years despite their poor academic records.

The Detroit Free Press described a system with no State standards for those who operate charters and where a record number of charter schools, run by for-profit companies, refuse to detail how exactly they are spending taxpayer dollars.

One Detroit mother said that Mrs. DeVos's "push for charter schools without any accountability exposed my children and their classmates to chaos and unacceptable classroom conditions."

In Florida, the McKay Scholarship Program voucher for students with disabilities that Mrs. DeVos has pointed to also raises significant concerns, including no due process rights for students under IDEA, no accountability requirements for participating schools, and absolutely no evidence of student success.

Additionally, the McKay voucher often does not cover the full cost of the private school, leaving parents responsible for tuition and fees above the scholarship amount, not to mention responsibility for transportation. This puts students and their families at risk. Rather than taking the approach we have in New Hampshire, where charter schools supplement a strong public education system, this system of unaccountable schools destabilizes and undermines public schools.

Now, given that Mrs. DeVos's goals for K-12 education are what they are and the fact that we were only given 5 minutes to question her at the hearing, many key issues facing American students were not discussed at all in her confirmation hearing. In particular, we did not talk about higher education. When I was Governor of New Hampshire, I was proud of our work to make college more affordable, building a 21st century workforce pipeline for our businesses.

We froze tuition for the first time in 25 years at our public university system, and we actually lowered it at our community colleges. We engaged in increasing and more robust job training efforts, where we partnered businesses

with community colleges or other learning centers to make sure we were engaged in the kind of job training that would prepare students for the 21st century economy.

I was hoping that at our hearing for Mrs. DeVos's confirmation, we would discuss higher education, but issues relating to higher education have been lost altogether in this discussion. What is clear, though, is that Mrs. DeVos has absolutely no experience in higher education. Her written responses following our hearing were troubling. On student debt, Pell grants, reauthorization of the Higher Education Act, and job training efforts, her responses were vague and offered no vision for issues that are critical to millions of Americans. When asked about for-profit colleges, which have had a history of taking advantage of students, including but not limited to our veterans, Mrs. DeVos said she was agnostic—that is her word—about the tax filing status of higher education institutions. That is just not acceptable.

I believe we should be expanding Pell grants. We should lower the interest rates on student loans. We should be expanding apprenticeship and job training opportunities. We need to crack down on predatory for-profit colleges.

We need an Education Secretary who understands and is able to focus on higher education, and it is clear that Mrs. DeVos does not have that experience or focus.

Mr. President, our Founders understood that public education for our citizens was essential to the functioning of our democracy. In 1786, Thomas Jefferson wrote:

I think by far, the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom, and happiness.

Generation after generation has worked to build on those ideals, including, as we do that work, more and more Americans in the process and creating a system that gives all students an opportunity to succeed.

We need an Education Secretary who is committed to upholding that principle, not rolling our progress back, and we should all be working together to ensure that we have strong neighborhood public schools, not dismantling them.

I join with my colleagues here today and the thousands from my State who have made their voices heard. We need just one more vote to defeat this nomination and to make clear that the Senate truly values our Nation's public schools.

I surely hope that there is another Senator willing to break with the President and vote against this woefully unqualified nominee.

We all have learned in this wonderful country of ours, with each generation,

as we include more and more people who have been marginalized, left out, who weren't counted, that when we include them, we certainly honor their freedom and dignity—important and sufficient, of course, in its own right. Then when we do that, we also unleash the talent and energy of everyone, and that strengthens us all, helps us thrive, helps our economy grow, and makes sure that America not only leads but deserves to.

It is our job in the Senate to listen to the thousands speaking up for our children and for the public education system that serves all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DONNELLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

Mr. DONNELLY. Mr. President, I rise today to speak about the nominee for Secretary of Education, Betsy DeVos. I am here not only to reiterate my concerns about Mrs. DeVos but to share some of the letters and emails I have received from Hoosiers about her nomination.

Every Hoosier and every American deserves access to a quality education. It prepares our students to enter the workforce, to secure good-paying jobs, and to succeed. As I have said, after reviewing the record of Mrs. DeVos, I believe she lacks the commitment to public education needed to effectively lead the Department of Education. I am deeply concerned that she will not focus on priorities important to Hoosier families: expanding access to early childhood education, improving our public schools, and addressing increasing student loan debt.

Now I want to share some of the concerns I have heard from people all across Indiana about Betsy DeVos.

A current undergraduate student at Purdue wrote to me, urging me to vote against Betsy DeVos. The student wrote as follows:

I am concerned that she will cause major damage not only to our public K-12 schools, of which I graduated from, but also to federal student aid programs, which allow many of my fellow students and I to attend our nation's fantastic public universities.

A mother of three children in Fishers wrote:

I believe our democracy needs well-funded and accountable public schools for all. Mrs. DeVos demonstrates zero interest in supporting strong public education. For the future of our children, our democracy, and our standing in the global economic system, I ask that you vote against Mrs. DeVos.

A soon-to-be college graduate who is pursuing a career in public education wrote:

I will be graduating from Indiana Wesleyan University in Marion. I have spent the past semester student teaching at a local school district in Gas City, IN.

One of the largest reasons that I wanted to embrace a career in public education is to push students to see their potential, just as I had a teacher do the same for me. Teaching is not simply facilitating learning, but rather it is taking the time to fully invest in the students. Getting to know their students, listening to what they have to say, and using the resources presented to best prepare students to succeed.

I have been able to see this firsthand and put this into practice as I have been in three different school districts throughout my time at Indiana Wesleyan University. . . . As a soon-to-be teacher in the state of Indiana, I ask you to consider voting no for the nomination of Betsy DeVos for Secretary of Education.

I chose this path as it directly impacted me, and I want to see students find success. With the right reform, we can see this happen, but with the suggested reforms of Betsy DeVos, we will not be able to help students succeed.

Here's another story. This one is from Muncie.

As a mother and public education advocate, I am writing to request that you vote no to the appointment of Betsy DeVos as Secretary of Education. As you are aware, there are many challenges facing education in the United States. . . . Ms. DeVos' track record in the state of Michigan would be devastating to the country as a whole if she were to be given the position of Secretary of Education. For the sake of my children, their dedicated teachers and children across the nation, I respectfully request your "no" vote to her appointment.

A woman in Zionsville wrote as follows:

I feel that the DeVos agenda plans a dangerous voucher program that robs public schools of money and allows unprecedented support of K-12 programs with opaque standards, curriculum and accountability. In Indiana we have struggled with the skills gap and graduating students that are prepared for the available workforce positions. . . . I beg you to speak out against the appointment of Ms. DeVos as Secretary of Education.

Hoosiers have the right to an educational system that strives for high standards, transparency, and success, and I do not believe the DeVos model will be able to deliver on any front.

A retired special education teacher who taught in Mishawaka for 24 years wrote:

I implore you to vote "no" on the confirmation of Betsy DeVos as Secretary of Education. Her selection by Donald Trump was clearly an attempt to further dismantle the public school system in the United States. The poor, the disadvantaged, and the disabled would suffer great educational setbacks with her as Secretary of Education.

A woman in West Lafayette wrote:

As a future special education teacher, I find it horrifying that [Ms. DeVos] seems to be unaware of the IDEA Act, which protects the rights of millions of children with disabilities. It is completely unacceptable that our country should have someone in charge of education who is unaware of this monumental law. Education is so important for

the future of this country and everyone deserves equal opportunity to get a good education. . . . This is why I ask you to please vote no for DeVos.

In a letter from Greenwood, a woman wrote:

As a mother of two children, one with severe disabilities, please know I do not support Betsy DeVos as Secretary of Education. I can only hope that you will bear with me as I offer the story of my son below.

My son was born full-term and healthy. From 18 hours until two weeks old, he fought for his life. At two weeks old, a heart defect was discovered. Next was heart surgery, recovery, and he was home at exactly one month old. Saying we were ill-prepared for the future would be an understatement, to say the least.

We had no way of knowing the repair to his heart would not also repair all the damage to his brain and body. He was eventually gifted multiple diagnoses: cerebral palsy, congenital heart disease, significant mental and physical disabilities and severe GERD. To match the diagnoses, he was also provided coordinating medical equipment: wheelchair, communication device, standing equipment, a special seating device, feeding pump, and leg braces.

Skip ahead to today and you'll discover a 15-year-old doing his absolute best to find his place in this quick-paced world. It took a long time, but over the past 3 to 4 years, he mastered his communication device and has shown he is capable of learning and understanding.

While it took all this time for him to show us, it took the relentless dedication of very special teachers to really make it happen. His teachers worked tirelessly to develop extremely specific Individualized Education Plans for him. I am certain without the Individuals with Disabilities Act and Free Appropriate Public Education, he would not have achieved his current level of learning. I also feel his teachers would not have been able to get him to this level without the right educational tools in our public schools.

I wanted you to feel my emotions and how difficult his life truly is. Please don't make his education any harder than it already has been.

A former public schoolteacher in Indianapolis wrote:

I watched all of Betsy DeVos's Senate confirmation hearing. As the minutes churned by fear, fury, and grief built within me. I will not sit back and watch as a nominee for Secretary of Education prepares to take the helm who does not commit to protecting children in public schools. I hope you stand with me to firmly reject Betsy DeVos for Secretary of Education. We must commit our care, our love, and our attention to upholding the promise that all kids deserve a shot at success through education.

These kids are our future, and we owe it to them to lead wisely. Unfortunately, Ms. DeVos will not lead us to that future.

A mom in Evansville wrote:

I have one child in college and two others in public elementary schools. My children have received and are getting very good education in public school and are in advanced classes. I am very concerned about the appointment of a woman who has been advocating against our public school system for years. We must do better for our children. Please fight for our public schools and our children, and do everything in your power to keep Betsy DeVos from becoming our Secretary of Education.

This is just a small sampling of the letters and emails I have received from Hoosiers all over our State who are deeply troubled and who are opposed to Betsy DeVos. They wrote to me not as Republicans, Democrats, or Independents but as concerned Hoosiers, as moms and dads who love their kids. They are worried about an issue we should all be able to agree on: the importance of ensuring our children have access to a quality education.

While I said I would vote against Betsy DeVos's nomination, I will continue to fight for our public schools, our teachers, and our students. I will continue fighting for them because ensuring our students have access to good schools and good teachers lays a foundation for our students to reach their potential, and it is fundamental to their success and in turn our country's success.

We love our schools, we love our kids, and all we want is the best for them and an extraordinary education. That is why I will be voting against Betsy DeVos for Secretary of Education.

Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER.

THE PRESIDING OFFICER. The Senator from New York may accept 18 minutes.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HARRIS. Mr. President, I rise to speak about the nominee for the Department of Education, Betsy DeVos. I cannot vote for her confirmation.

The mission of the Department of Education, as mentioned, "is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." The Department achieves this by establishing policies on Federal financial aid for education and distributing as well as monitoring those funds, collecting data on America's schools and disseminating research, focusing national attention on key educational issues, prohibiting discrimination, and ensuring equal access to education. After considering that mission, I do not believe Betsy DeVos should be the next Secretary of Education.

Surely we can agree that every child in the United States should have access to a first-rate education to ensure a chance of a good job and good pay. I know this from my own life experiences and, in particular, the impact that a good teacher can have on a young child. You see, my first grade

teacher, Mrs. Frances Wilson, God rest her soul, attended my law school graduation. I would not be standing here were it not for the education I received, and I know that to be true for so many of our colleagues in the Senate.

After I reviewed Betsy DeVos's nomination, including her record and confirmation testimony, and after speaking with teachers and students and parents from across California, it is clear she does not understand the importance or the impact of a public school teacher like Mrs. Frances Wilson.

Why? Well, first and foremost, our country needs a Secretary of Education who has demonstrated basic competency when it comes to issues facing children. They just need to know what they are talking about. When questioned in the hearing by my colleague Senator FRANKEN, it was clear Mrs. DeVos didn't know the difference between two basic theories of testing: proficiency and growth. This, in fact, is one of the biggest debates occurring in the education community today, and she was unaware of the significance of the nuances and the difference between the two. As we know, proficiency essentially asks whether a student has a basic competency or understanding of a subject; looking at a child and asking: Is that third grader reading at third grade reading level?

Growth. It is a question of whether a student is progressing from year to year or asking if a third grader who started their year reading at first grade level can now read at second grade level. Has there been progress? This debate will define how we are judging schools across the country, and her lack of knowledge and fluency demonstrates her complete lack of experience, understanding, and curiosity about one of the hottest issues in modern education.

Now let's talk about guns in schools. At first, she at best showed ambivalence toward gun-free school zones, but it gets better. She went on to say that she does not have any questions, and that without any questions, she does not believe you need guns in schools. Then she went on to say, well, but we need guns in schools, yes, because grizzly bears may pose a significant threat to the safety of our children and perhaps their education.

I say Ms. DeVos poses a far greater threat to public education.

Let's talk about title IX. Another moment in her hearing is when the nominee refused to commit to actually enforcing title IX. Now, let's be clear that title IX was brought into being because our country had a rampant policy of discrimination against women in our education system. For example, women were not being admitted to the University of Virginia. Even Luci Baines Johnson, the daughter of President Johnson, was barred admission to

Georgetown University after she got married because it was common perception at that point in time that if she was married, then that is what she should pursue. She should pursue a career in the home and could not be capable of doing that as well as working outside the home. Title IX is a law that guarantees women and girls the right to a safe education, free from discrimination.

Let's be clear how title IX helps today. It is title IX that required universities to prioritize a safe environment for girls—safe from abuse and sexual assault. We know this is a real issue. In fact, the Department of Education estimates that one in five women has been sexually assaulted during her college years.

As attorney general of California, I was proud to bring together colleges and local law enforcement agencies to create protocols for investigating and prosecuting sexual assaults. It has helped schools and law enforcement implement changes to California law to better protect survivors of sexual assault. I championed new methods to allow California to process rape kits and clear a longstanding backlog of rape kits in the State crime labs. I fought to ensure that survivors have the support they need and that their attackers face swift accountability and consequences for their crimes.

There is no question that ending campus sexual assault should be a moral imperative for our country, and it should be a priority for the next Secretary of Education of the United States. For that reason, it is unfortunate—and, yes, troubling—that Mrs. DeVos will not guarantee enforcement of title IX.

Then let's talk about the Individuals with Disabilities Education Act, or IDEA. I know my colleague Senator HASSAN has spoken extensively about this. This act has been around for decades—four decades, to be exact. Before it existed, we were not prioritizing these children. We did not give them the services they needed. We had written off a whole population of our children. When asked by my colleague MAGGIE HASSAN about this piece of legislation, the nominee showed a complete lack of knowledge about how it is implemented. That is simply unacceptable. We cannot go back to a time when we wrote off a whole population of people, and it cannot only be the parents of those children—but all of us, as the adults of a society and a country—who look out for our most vulnerable children.

Then, let's talk about for-profit colleges, which I know something about since I had to sue one of the biggest for-profit colleges, which was defrauding students as well as taxpayers. I know about the reality of abuses of for-profit colleges, and I applaud my colleague ELIZABETH WARREN, who asked

whether or how she would protect against waste, fraud, and abuse at for-profit colleges. She asked this of the nominee, and it was troubling to see that the nominee was equivocal at best.

Now, let's talk about the nominee's record as it relates to the children of her home State of Michigan. Since the growth of charter schools, Michigan has gone from performing higher than average on the National Assessment of Educational Progress in the year 2000 to below average by the year 2015. A 2015 Federal review found an "unreasonably high" number of charters in Michigan which were among the bottom 5 percent of schools nationwide. According to a report from Chalkbeat, an education publication, when the Michigan legislature attempted to add oversight for both charter schools and traditional public schools in Detroit, the nominee's family opposed the measures and poured \$1.45 million in the legislature's campaign coffers—an average of \$25,000 a day for 7 weeks. The oversight measures, she is happy to say, never made their way into the legislation. We cannot have someone who wants to lead our highest Department of Education who does not support the importance of oversight, of making sure that the children are getting the benefit of their bargain.

According to data released from the Michigan Association of Public School Academies in 2015, only 17 percent of Detroit charter school students were rated proficient in math, compared to 13 percent of students in traditional public schools. Even Eli Broad, a great Californian and strong supporter of dramatic education reforms, has expressed strong concerns about the nominee's nomination. That should tell us all something.

Now let's talk about the impact on California. During the campaign, President Trump said he would take \$20 billion from existing Federal education programs—which, by the way, is more than half of the Department's budget for K-12 education—and instead put that money into a voucher-like system. The President also committed to getting rid of the Department of Education in its entirety, which would put half a million teachers out of work. The nominee has committed to working with him on these plans.

Let's be clear. This plan would be devastating for public schools, including the schools in California that serve over 6 million students. This also means California students could lose \$2.3 billion in Federal education funding, which could end critical programs. For example, the Individuals with Disabilities Education Act serves thousands of California's disabled students and serves them well. But his plan would slash \$1.3 billion in Federal funding—money that our children rely on. The Trump proposal to cut the Department of Education budget would also

harm California's students. Some \$3.8 million in Pell grants for California students could be lost, 43,000 or more teacher positions in California could be eliminated, and \$8.96 billion in student loans could be at risk for California's college students.

The bottom line is this—fewer teachers, fewer resources for students and parents, and less aid to make college affordable. Maybe one school will cut their after-school program or stop teaching the arts, or it doesn't have a guidance counselor or decides they will just let class size balloon because they don't have enough teachers. We know that is not good enough for any of us.

There is a clear connection between public education and public safety. When I was the district attorney of San Francisco, there was a rash of homicides one year. All of us in a position of leadership were rightly concerned, and we did the predictable and the right thing: We figured out how to put more cops on the street, we looked at our gang intervention strategies, and we figured out very predictable and good ways of reacting to these crimes after they occurred.

But I asked a question. I asked a member of my staff: Do an assessment and tell me who are these homicide victims? In particular, who are the homicide victims under the age of 25? The reason I asked that question is pretty simple. There were just a lot of them. Sure enough, the data came back to me. It included the fact that, of the homicide victims under the age of 25, 94 percent were high school dropouts.

Over the years, I have taken a closer look at this issue. I have learned that 82 percent of the prisoners in the United States are high school dropouts. I have learned that an African American man who is a high school dropout between the age of 30 and 34 is two-thirds as likely to be in jail, have been in jail, or dead. There is a direct connection between what we do or do not do in our public education systems and the price we all pay in terms of our public safety. I say to everyone concerned: There are good reasons to care about the education of children. If nothing else, be concerned about why you have to have three padlocks on your front door. If we don't educate our children in our public school system, we all pay the price.

Mrs. DeVos's agenda means fewer teachers and resources and worse schools. Fundamentally, her lack of understanding of the rights teachers have today, the rights parents have today, and the rights students have today mean one thing: She cannot—and will not—uphold the law if she does not understand the law. Her testimony has made clear that she does not understand IDEA, she does not understand initiatives like gun-free zones in schools, and she does not understand the history or the need for title IX.

If Betsy DeVos gets her way and cuts funding for public schools, that means fewer teachers. If she does what she did in Michigan, that will mean poor outcomes with fewer high school graduates. What we know is that these are the kinds of policies that prevent us from actually achieving all that we know we can be as a country, which is about paying attention to all the members of our society, and, in particular, our children, and investing in them with the education they so richly deserve so they can one day stand in this Chamber as a Member of the Senate, doing the best of what we know we can do as a country.

Simply put, I will say this. It is clear from her testimony that Betsy DeVos has not done her homework. She hasn't done her homework in terms of preparing for the job, and she did not do her homework in terms of preparing for her hearing. I say that right now the Senate must do our job, we must do our homework, and we must refuse to confirm her as the next Secretary of Education.

Mr. President, I yield the floor.

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I wish to begin by congratulating our new Senator from California for her first speech in the Chamber. I know it is not her first official speech, but she is here on this important night to talk about the state of public education in this country and this confirmation process. So I thank her for her remarks. I also want to thank the ranking member of the Education Committee of the Senate, Senator MURRAY from Washington State, who is here tonight as well. I know she has been here all day today and was here all day on Friday as well, because the set of issues we are discussing are so important.

As I sat here listening to the Senator from California, I was thinking about the work we have done recently on the committee on which we both serve—the Health, Education, Labor, and Pensions Committee—with the leadership of Chairman ALEXANDER, a Republican from Tennessee, and Ranking Member Senator MURRAY, from Washington State, to pass a new reauthorization of No Child Left Behind—a bill that if you said: Let's have a rally on the steps of the Capitol to keep No Child Left Behind the same, not a single person in the United States would have shown up for that rally. It took this body 7 years—7 years after we were supposed to reauthorize No Child Left Behind—

to actually do the work. But when we did the work, we were able to get it through the committee once unanimously. This committee has on it, among other people, Senator BERNIE SANDERS from Vermont and Senator RAND PAUL from the Commonwealth of Kentucky. They seldom agree on anything, but they agreed on that bill. We got it out of the committee almost unanimously, and then passed it on the floor of the Senate with over 80 votes. It passed with a huge bipartisan vote in the House of Representatives, and it was signed by the President. It was 7 years too late, but we were able to do it in a bipartisan way—which is what education issues should always require. It is a shame that tonight we are here with a partisan divide because of the selection President Trump has made to lead the Department of Education.

So I just want to say thank you again to Senator MURRAY for her leadership.

Since our first days before we founded this country, education has been an American value. In Massachusetts, Pennsylvania, and elsewhere, colonists recognized their collective responsibility to educate their children. They wrote into law that children, both wealthy and poor, must be taught to read and write, and to learn a skill, like blacksmithing, weaving, or shipbuilding, to secure their economic independence. As democracy took root in early America, public education became not just an ideal but an imperative. An enlightened public, the Founders believed, was essential to self-government.

Thomas Jefferson wrote that we must “educate and inform the whole mass of the people. . . . They are the only sure reliance for the preservation of our liberty.”

Benjamin Franklin believed: “The good education of Youth has been esteemed by wise Men in all Ages, as the surest Foundation of the Happiness both of private Families and of Commonwealths.”

With education, the common man would be able to select leaders wisely and fight back against the tyrannical instincts of those in power. He would be able to understand, maintain, and protect his rights, so that government could not usurp authority and devolve into despotism.

In a country “in which the measures of Government receive their impression so immediately from the sense of the Community as in ours,” George Washington explained, “knowledge . . . is proportionally essential.”

This set of beliefs represented a fundamental break from the aristocratic ways of the old world. A republic that was “for the people” and “by the people” required an educated people.

With this new world also came a new conviction that individuals could determine their own future, that their

birth or circumstance no longer limited their potential. This foundational idea grew to become the American dream: Every child, regardless of who her parents are or where she came from, could achieve an education and grow up to achieve a better life.

Over time, as our Republic became more and more democratic, as the right to vote and lead was secured by African Americans and women, education became the fundamental means by which Americans sought to secure their liberty and their equality.

Perfecting our Union by expanding education has not come without struggle, but we have often succeeded because we have recognized that symbiotic relationship among the needs of our country and the success of individual Americans and our aspiration to move forward. This included the need for a universally literate workforce in the 1830s and the creation of Horace Mann's Common School Movement; the demand at the turn of the 20th century to replace out-of-date Latin schools with progressive high schools that prepared students for the emerging industrial workforce; the challenge of providing World War II veterans with a career path and the creation of the GI bill for college education; and the need to tear down the barriers of Jim Crow school systems in the 1950s and 1960s.

Too often, as a country, we confronted these challenges too late and at the tragic expense of our fellow American's potential. "With all deliberate speed" has proven not fast enough, especially for children living in places like the Mississippi Delta and South Central Los Angeles.

At each of these turning points, we have asked for more from our public schools. To their credit, our educators—teachers, specialists, and principals—have risen to the challenge, many times much sooner than the rest of us. They have helped us build a nation admired for our forward progress, for opportunity, and for equality.

That is the American ideal from our founding until today. I come to the floor tonight with a sense of urgency because our generation is at risk of being the first American generation to leave less opportunity to our children than we inherited. If we do that, we will have broken a fundamental American promise to our children.

In our Nation, education is supposed to be at the heart of opportunity, but today our education system fails far too many kids. Schools that once were engines of opportunity and democracy are now too often traps for intergenerational poverty.

As a result, only 3 out of 10 children born to very low-income families in the United States will make it into the middle class or higher. Only 4 out of 100 will make it to the top 20 percent of income earners. Already, the United States has less social mobility than at

least 12 other developed countries—among them, Canada, Japan, and Germany.

In America, children growing up in poverty here hear 30 million fewer words than their more affluent peers by the time they reach kindergarten. In fourth grade, only one in four of our students in poverty is proficient in math, and fewer than that can read at grade level. As few as 9 will receive a bachelor's degree by age 25.

As a nation, we are falling behind the rest of the world. When George Bush, the son, became President in 2000, we led the world in college graduates. Today we are 16th in the world. American 15-year-olds score lower than their peers in 14 countries in reading, 36 countries in math, and 18 in science.

Much of the rest of the developed and developing world is figuring out how to produce more and more educated citizens, while the United States is standing still and therefore falling behind. We must refuse to accept outcomes that are a tragedy for our children, a threat to our economy, and an immeasurable risk to our democracy.

To make change, we need to stop treating America's children as if they belong to someone else. To meet our children's needs, we must invent a 21st century approach to education, a system for the delivery of free, high-quality education built for the future, not for the past.

We must have the courage to shed old ways of thinking, abandon commitments to outdated approaches, and explore new ideas. This reenvisioned system must focus like a laser on what is best for kids, not what is convenient for adults. It must be comprehensive and integrated from early childhood to postsecondary education.

A 21st century system of public education must set high expectations, demand rigor, and create meaningful accountability. This system must embrace different kinds of schools and create a culture that is focused on continuously learning from each other—among traditional, charter, and innovation schools, and across districts, cities, and States.

We need to change fundamentally how we prepare, recruit, place, train, retain, and pay teachers and school leaders. That entire system belongs to a labor market that discriminates against women and said you have two professional choices: one is being a teacher and one is being a nurse. So why don't you come teach Julius Caesar every year for 30 years of your life in the Denver Public Schools, where we are going to pay you a wage far lower than anybody else in your college class would accept.

Those days are gone. We had discrimination in the labor market that actually subsidized our school system because very often the brightest students in their class—very often

women—had no other career options and therefore were willing to teach.

That whole system needs to be transformed in the 21st century. We have 1.5 million new teachers whom we have to hire over the next 6 to 8 years in this country, and we have no theory about how to hire them or how to keep them. Fifty percent of the people are leaving the profession now in the first 5 years.

This new system of public education should embrace technology and personalized learning. We must create space for innovation in school autonomy, and we must also provide choice to parents and kids, but our goal is not, and should not be, school choice for choice's sake.

For a youngster in a low-income family, there is no difference between being forced to attend a lousy school and being given the chance to choose among five lousy schools. That is no choice at all. It is certainly not a meaningful one. The goal is, and must be, to offer high-quality education at every public school so parents can choose among grade schools in their neighborhood and throughout their cities and towns.

We must refuse to accept the false choice I have heard over and over again during this confirmation process that you either support school choice in whatever form or you defend the status quo, just as we must reject the idea that you cannot support public schools and advocate for change.

This old rhetoric and manufactured political division will not work for our kids. We need to rise above the narrow, small politics that consume our attention and permit and prevent us from making tough choices. Instead, we need to recognize that a 21st century education can and should look very different than a 19th century education or a 20th century education, and no matter what approach or method of delivery, it must be high quality.

The good news is, we know it is possible to reverse course and create meaningful change. Several cities around the country have already begun creating roadmaps to this 21st century approach. Denver is one of them.

In Denver, we made a deal—create a public choice system that authorizes charters, creates innovation schools, and strengthens traditional schools. We empowered schools through autonomy and worked to create a culture of shared learning and innovation focused on all ships rising. We demanded quality, and we implemented strong accountability. High-performing schools were rewarded, replicated, and expanded. Low-performing schools had to be improved or be shut down.

We made tough decisions. We closed schools. I sat in living rooms, classrooms, and gymnasiums with parents urging them to demand more from the school district, even if it meant that their child had to go to a different

school. Along with concerned citizens, teachers, and principals, I went door-to-door to enroll kids in new schools.

Denver created innovative teacher and school leadership policies. We tried to rethink the tired model of the last century and create a new career for this one. That is why today in Denver you will find teachers teaching other teachers and being paid for it, knowing that their job is not only to educate their students but also to improve the honorable craft of teaching so our kids can achieve even more.

We used the levers of Federal law, strong accountability, and civil rights protections as the backbone of change. We cannot have made the changes we did had it not been for the national demand for improvement in our schools—the civil rights impulse that underlies the Federal involvement in public education, as well as the courage of our community to demand something better for our children. Denver has begun to see the results of hard work.

Over the last decade, Denver Public Schools students' achievement growth increased faster than the State's in both math and English. This outcome was achieved by students qualifying for free and reduced-price lunch and also students not qualifying for free and reduced-price lunch. Latino and African-American students' achievement in English and math grew faster than their counterparts' throughout the State.

Sixty-one percent more students graduated in 2016 than in 2006. We have a long way to go, but I would suspect that if we could say of every urban school district in America that we are graduating 60 percent more students this year than we were a decade ago, we would be feeling a lot better about where we are headed as a country. In Denver, over that time, the overall ontime graduation rate increased almost 30 points, and the ontime graduation rate for Latino students has doubled since 2007.

Since 2006, Denver Public Schools' enrollment has increased—many cities have lost enrollment—over 25 percent, making it the fastest growing urban school district in America, partly because Denver has grown but also because parents and kids and families have now found schools that are responsive to their families' needs and supportive of their children.

I am the first to say, and I always will be the first to say, that we still have a lot of work to do to make sure the ZIP Code Denver's children are born into doesn't determine the education they receive. But cities like Denver are moving in the right direction. Now we need to move a nation in the right direction.

Tonight, as we stand here in this marbled Chamber among these statues that tie us to our past, I am thinking of our future. I am thinking of the mil-

lions of poor children across time zones our Founders could not have imagined, heading home after a long day at school, shifting their backpacks of books to find a comfortable spot, sharpening pencils for math and pastels for art, clearing a space on a busy dinner table for homework. I am thinking about children teaching other children, older brothers and sisters teaching their younger siblings, expecting that they will have more opportunity than their parents. I am remembering the naturalization ceremony I attended just last Friday at Dunn Elementary School in Fort Collins, CO, where Kara Roth's fifth grade class welcomed 26 new Americans from 13 countries to the United States. I am thinking about teachers and principals and students—while we are here speaking—who are up tonight, planning for tomorrow, and hoping for a future that allows them to review at home before they teach tomorrow the best lessons for teaching the productive and destructive forces of volcanoes, what Scout learns in "To Kill a Mockingbird," or the mathematical reasoning that calls on us to invert the second fraction when we divide. I am imagining a country that fulfills our generational responsibility by providing quality early childhood education to every American family who wants it—a K-12 school for every child to which every Senator would be proud to send his or her child or grandchild and access to college and skills training that prepare students for economic success without shackling them to a lifetime of debt.

All of that leads me to comment briefly on President Trump's nomination for Education Secretary. I have no doubt that Mrs. DeVos sincerely cares about children. It is not her fault that President Trump nominated her. So let me be clear that I am addressing the President and not Mrs. DeVos when I say that this nomination is an insult to school children and their families, to teachers and principals, and to communities fighting to improve their public schools all across this country.

Even with the limited questioning allowed at the education committee hearing, it quickly became clear that Mrs. DeVos lacks the experience and the understanding to be an effective Secretary of Education. The bipartisan progress of American education achieved over the last 15 years was predicated on a deep commitment to three principles: transparency, accountability and equity.

Mrs. DeVos's testimony and public record failed to establish her commitment or competence to protect any of these foundational principles. Her "let a thousand flowers bloom" approach asks American school children to take a huge step backward to a world without the high expectations and transparency that we need to give parents and taxpayers the information they de-

serve on how our schools are performing. Those high expectations, paired with the clear commitment to accountability, ensure that our successful schools should be replicated and our struggling schools should be held accountable for improvement, regardless of whether it is a choice school or a district school.

Finally, we know that the Secretary of Education holds the sacred job of ensuring that every child in America gets the resources and the support they deserve, regardless of their income, background, or educational needs. This commitment to equity is at the core of the Elementary and Secondary Education Act. Mrs. DeVos has shown no evidence of her commitment to be the torch bearer for both excellence and equity. Her ideology and dogmatic approach communicates a lack of understanding and appreciation of the challenges we face and the depths of solutions they demand.

A commitment to choice without a commitment to quality serves ideology rather than improvement, and a commitment to competition without a commitment to equity would forsake our democratic ideal that a free, high quality public education must open the doors of opportunity for all. For the first generation of students to whom that promise feels elusive, they deserve an Education Secretary who has the courage, competence, and commitment to orient our mighty education system to build opportunity for all. Mrs. DeVos shows none of those skills, and our young people cannot afford to wait 4 years for their chance at the American dream.

Millions of Americans recognize this, which is why this nomination has generated more controversy than any other. I look forward to working with anyone—as I have over the years, including even Mrs. DeVos—anyone interested in improving our children's opportunities and taking seriously the future of our democracy. But I will not support her nomination. I will vote no on this nomination and urge my colleagues to do the same.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, over the course of this debate, over the last 9 hours, plus 6 hours on Friday of the 30 hours that we have on this, many Senators have come to the floor to talk about their concerns about the nomination of Betsy DeVos to be Secretary of Education.

There are open questions about her extensive financial entanglements.

There are open questions and a clear concern about her lack of understanding of basic education issues. We have heard that time and again, as well as the many ways in which her vision for our education system is really at odds with where families and communities nationwide want us to go.

But let me take just a moment to focus on one major concern in particular. It is a public health threat that I know is deeply concerning for families and communities across this country, and that is the epidemic of sexual violence on our college campuses. One out of five women and 1 out of 71 men are sexually assaulted while in college. In 2013 alone, college campuses reported 5,000 forcible sex offenses, and a recent study indicated that number could be much greater.

There should be no question that sexual violence on our campuses is a great, widespread, and unacceptable problem—one that I expect any incoming Secretary of Education to be informed about, to be concerned about, and committed unequivocally to confronting head-on.

Much of the discussion so far has been about the commitment of a Secretary of Education to our K–12 system. Serious concerns have been raised, but it is important to know in this debate that the Secretary of Education also has responsibility over our higher education institutions.

In our hearing, Betsy DeVos actually agreed with me that President Trump's horrifically offensive leaked comments from 2005 describe sexual assault. She was clear. But I was deeply disappointed, to say the least, in Mrs. DeVos's responses to simple questions about whether she would seek to continue the Obama administration's work to protect students and stand with survivors. When she was asked whether she would uphold the guidance issued under the Obama administration to hold schools accountable for stronger, more effective investigations of sexual assault, she wouldn't commit to that. She would not commit to that. When I asked her whether she would continue key transparency measures, like weekly public reports on active investigations into potentially mishandled sexual assault cases, she dodged the question.

These answers are especially concerning given that Mrs. DeVos has gone so far as to donate to an organization dedicated to rolling back efforts to better support survivors and increase accountability. Let me tell you that again. Mrs. DeVos has gone so far as to donate to an organization dedicated to rolling back efforts to better support survivors and increased accountability.

Let's be clear. The epidemic of sexual assaults on our college campuses means that in States across the country, students' basic human rights are

being violated. I am deeply proud to see the work that has been done on this issue over the last few years. Survivors have bravely stepped up to make clear they expect far better from their schools and their communities. By speaking out, by being courageous and speaking out, they have shown other survivors they are not alone.

Key university leaders have made fighting campus sexual assault a top priority by developing new partnerships in their communities and prioritizing prevention. New measures to increase transparency and awareness went into effect in 2013 thanks to the reauthorization of the Violence Against Women Act. These are hard-won steps forward on an issue where some Democrats and Republicans have finally been able to find common ground.

There is much more to do. The next Department of Education should not be standing on the sidelines, much less taking us backward on an issue that is so critical to student safety on campus.

So I hope that as my colleagues are listening to the debate here today, tonight, and tomorrow, that they consider what Mrs. DeVos's leadership at the Department of Education means on this issue, the issue of making sure men and women on our college campuses can go there to learn and not be worried about being a victim of sexual assault and having nowhere to turn and not have the confidence that their voices will be taken seriously.

On another area, nominees for Secretary of Education have largely been people, over the past, who were very committed to our students, who had long careers dedicated to education, and who were focused on keeping public education strong for all of our students and for all of our communities.

Public education is a core principle that our country was founded on, that no matter who you are, where you come from, or how much money you have, this country is going to make sure all young people get an education. That is how our country has been strong in the past. That is how our country has to be in the future. Free public education.

Well, Betsy DeVos is a very different nominee. She has spent her career and her fortune rigging the system to privatize and defund public education, which will hurt students in communities across our country. She is not personally connected to public school—except, by the way, through her work over the years trying to tear them down. She has committed herself for decades to an extreme ideological goal to push students out of our public schools and weaken public education.

I can talk at length about Betsy DeVos's record of failure and her devastating impact on students, but all people really need to do is watch her hearing in our Health, Education,

Labor, and Pensions Committee. Just go back and watch the hearing. This was a hearing that people across the country heard about—and for good reason—from local newspapers, to local news, to “The Daily Show,” to “The View,” and posts that went viral on social media. A lot of people in our country heard Betsy DeVos for the first time in that hearing. They were not impressed.

She refused to rule out slashing investments in our public schools. She was confused that Federal law provides protections for students with disabilities. She did not understand the basic issues in education policy or the debate surrounding whether students should be measured based on their proficiency or their growth. She argued, as we have all heard, that guns needed to be allowed in schools across the country to “protect from grizzlies.” Even though she was willing to say that President Trump's behavior toward women should be considered sexual assault, as I just talked about, she would not commit to actually enforcing Federal law protecting women and girls in our schools. Her hearing, quite frankly, was a disaster. It was so clear to millions of families how little she really understood about education issues.

I have to tell you, as a former preschool teacher myself and a former school board member, someone who got my start in politics fighting for strong public schools, as a Senator committed to standing strong for public education in America, as a mother and a grandmother who really cares deeply about the future of our students and our schools, I know that we can and we must do better for our children and our students and our parents and our teachers.

The decision we are making here on whether to confirm Betsy DeVos for Education Secretary will help set the course for our public education system for years to come. So I hope, again, that our colleagues are listening to this debate and thinking about it and not just voting rotely on this. This is so important.

Quite frankly, I am disappointed that our Republican colleagues have moved us so fast into this debate. I have been in the Senate a long time. I know what the usual practices are when we go through hearings and listen to nominees from Presidents who are Republican and Democrat, Republican majorities and Democratic majorities. I was here when the Senate was 50–50. There are practices we have to make sure that all Senators get the information they need so they can make a wise decision with their vote for which they will be held accountable.

Quite frankly, the usual practices here were really being ignored. The right thing to do was being ignored. This nominee was jammed through like I have seen none other. Corners were

being cut. The minority was being brushed aside. I really think that is wrong.

Earlier this month, Republicans on the Health, Education, Labor, and Pensions Committee scheduled Mrs. DeVos's hearing even though she had not yet finished her standard ethics paperwork and even though she had not and still, by the way, has not answered my questions about her financial disclosures to our committee. In fact, when we started the hearing, the Republican chairman, the senior Senator from Tennessee, whom I have worked with greatly—we worked together to pass the replacement of No Child Left Behind. I have a tremendous amount of respect for him. But I was shocked and surprised when he preemptively declared that he would be limiting questions for each Senator to just 5 minutes—a shocking and disappointing breach of committee tradition, clearly intended to limit public scrutiny.

Mrs. DeVos is a billionaire. She has extraordinarily complicated and opaque finances, both in her own holdings and those in her immediate family. We know that she has invested in education companies, for-profit companies, for decades. Over 100 conflicts were identified. Her ethics paperwork raises questions about the company in which she plans to remain invested. She still, by the way, has not fully answered my questions about her committee paperwork.

As I told the Republican chairman at our markup, the process that has taken place on Mrs. DeVos's nomination is a massive break in the tradition of this body. We should not have had a vote in this committee until all Senators had received appropriate responses to reasonable questions and until a second hearing was held so that Senators could get these serious concerns addressed and do their job scrutinizing the nominee.

Understand, we had a hearing. We were limited to 5 minutes each. And we did not have all of the paperwork, so we could not do our homework to make sure we were asking the questions we needed that needed to have a public debate. So, again, that is another reason I am deeply concerned about this nominee. We do not yet know whether there are conflicts of interest.

For a Secretary of Education who wields tremendous power over our K-12 system and our higher education system—as we all know, there have been tremendous questions over the past decade about access to higher education; whether you go to college and get the degree you have been promised; whether institutes have been responsible and accountable; and how we as the Senate and House can come together to make sure that when a student takes out a student loan or invests in a higher education institution, they know they are getting their mon-

ey's worth and if there are taxpayer dollars involved, that the taxpayers are getting their money's worth as well. So conflicts of interest are extremely important to this nominee. To this point right now, here we are voting tomorrow, and we don't have the answers to those questions.

So these are just a few things. I have been out here on the floor to talk about them. We have heard from many of our other colleagues. It is no surprise to me that this has lit a firestorm across the country. Having a Secretary of Education, someone who is responsible for our children's education—schools are the center of our community. Community members own those schools in their minds. This is where they send their kids to school, where they have basketball games, music concerts. It is where the community comes together. Yes, we all complain about public education. Who hasn't? But at the end of day, we love our local schools, and we want them to know that the Secretary of Education—the highest person in the land to oversee them—has that love, too, and is there because they want to make them better, not because they want to tear them down.

So, yes, this nominee has taken off like no other because of her hearing, because of her conflicts, because she has attacked and gone after basic public education, which so many people are proud of in their own communities and want to make better. So I, like everybody else, have heard from many of my constituents, more than I can ever remember in my entire Senate career. This has ignited a public storm. I want to share some stories from my constituents who have reached out and urged me to vote against Betsy DeVos because they know better than anybody why their school is so important to them, why their teachers are so important to them, why their children's public education is so important to them.

One of the major concerns I have continued to hear from my constituents about is her disconnect from the working class.

A woman from Marysville, WA, said: Betsy DeVos, a billionaire herself, does not represent the working class and certainly not her family experience with public education.

Betsy DeVos never attended public school or even sent her own children to public school.

In Olympia in my State, an employee at a high-poverty public school says she works with some of the most in-need children in the area. She is very concerned that Betsy DeVos's push toward a privatized public school system would only benefit those in wealthy communities and leave her most vulnerable students behind. She believes Betsy DeVos would absolutely not look out for their best interests.

In our rural communities, there is no private school to get that voucher and send your kids to. The policies she is pushing only mean that those schools will have taxpayer dollars taken away from them to send to other kids with vouchers to go to private schools, who live nearby or have the additional resources to use those vouchers to go to school.

A teacher in Seattle wrote to me with a story that I can't get out of my head. It really inspires me to keep going in this fight. This teacher serves preschoolers with special needs who face a number of challenges. She teaches at a title I school, where most families are low income, and many of them are immigrants and non-native English speakers.

She believes that her children deserve access to the best educators out there and that if DeVos's agenda was put in place—a system of privatized public education—her students would be failed, because without strong public schools, we would fail students who are low income or living with disabilities or impacted by trauma or who belong to racial or ethnic minorities. She says Betsy DeVos does not have her students' best interests in mind, and her students deserve the best, as I believe all of our students do, no matter their financial status, their race, their religion, or any other difference they might have from their peers.

A mother in North Bend wrote to me expressing her worry that vouchers only benefit the wealthy, leaving the middle class and poor without the benefit of a good education. Being part of a middle-class family herself, she is proud that her first grader is already mastering addition and subtraction and is reading and writing sentences all because of her local public school.

My constituent in Auburn said that money and ZIP Code should not determine who gets a better education, and she said that Betsy DeVos's worrisome policies would make that the case. She is strongly urging me to reject a nominee who doesn't look out for those who are the most in need.

A man in Kelso wrote in, saying that the public school system is what ensures we all get a good education. It is what gives so many parents hope that their child can have an even better life than they had, that public education is a great equalizer for everyone to have a chance to succeed, and I couldn't agree more.

Those are just a few of the letters I have gotten from people who are worried that the nominee's push for taking public tax dollars and using them for private schools and for-profit schools only, robbing our public schools of the resources they need, will not be the right choice for public education.

I wanted to share a few other letters from my constituents who wrote to me regarding Betsy DeVos's nomination.

One of them was from Seattle. She emphasized how important it is that our Secretary of Education be dedicated to providing a quality education to all students and to strengthening our public education institutions. She strongly believes that Betsy DeVos will not be that kind of Secretary.

A retired teacher in Federal Way asked me to work as hard as I can to protect public education because she believes every child's right to a free and quality public education is at risk with Betsy DeVos's nomination.

Many constituents expressed their disbelief that the nominee for Secretary of Education has absolutely no experience in public education. Her children never even attended a public school.

One, a teacher in Bellingham, is fearful of an Education Secretary who doesn't truly understand what the needs of kids look like today. She asked how someone with no experience can be expected to lead our country's education system.

A woman in Puyallup wrote to me, saying that education is the greatest gift we can give to our children, and she thinks that confirming Betsy DeVos, with her plans to weaken public education, will rob so many children of that gift.

Mr. President, those are just a few of the letters I am getting. There are many more, and later this evening, I will be reading from some of those letters because they tell the story better than I do.

I know some of our colleagues are wondering why this woman set off such a firestorm when her nomination came up and why so many people are calling and writing and rallying and letting their voices be heard.

It is not easy to rally the public. This came from within. This came from many people in this country who understand, as so many of us do, that public education and the right to an education, free—free education is critical and fundamental and a core philosophy of this country that all of us want to be successful and want to be great again.

To have a Secretary of Education who doesn't agree with that, who in fact promotes the exact opposite, who has said that our public education system is a dead end, who has proposed, promoted, and paid for campaigns to take public tax dollars to send to private, for-profit schools, that is not what our country was built on. It is not the foundation that our forefathers put out in front of us.

They said: We are going to build a system unlike any other, where no matter who you are or where you come from or how much money you have or what you look like, in this country, we are going to make sure you get an education, a free education, paid for by all of us, to go to school in your commu-

nity and to be who you want to be. That is a dream of this country, and we will not stand by and give our votes to a Secretary of Education who does not share that philosophy.

That is why there is a firestorm. That is why parents and teachers and students and grandparents and community leaders and superintendents from across the country are writing us and asking us to vote no. It is not too late. If we have one more Republican who votes no, then we will be able to say to the President: Mr. President, we reject this nominee, and we ask that you send us one who will work with all of us to make sure our public education system is a core principle of this country, is valued by this country, and is pursued by the top person in the Department of Education, our Secretary of Education. It is not too late.

With that, I have many more letters that I will be reading later. I know some of our other colleagues will be over here. Again, I ask everyone to stop and think. This is a critical nomination. It has hit a chord in our country because people do care. They want our country to be strong. They want this country to be great, and they know our public education system is an absolutely critical part of that.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROUNDS). Without objection, it is so ordered.

Mr. FRANKEN. I thank the Presiding Officer.

Mr. President, I rise this evening in opposition to the nomination of Betsy DeVos to be our next Secretary of Education. This is one of the most important jobs in our government. The Department of Education bears responsibility for making sure that every child in America has the opportunity to fulfill his or her potential, which means that the Secretary of Education has an enormous amount of power to shape our Nation's future. This is not a job for amateurs.

President Obama's first Secretary of Education was Arne Duncan, who had spent 7½ years building a record of accomplishment as CEO of Chicago's public school system, previous to which he had been director of a mentoring program and the founder of a charter school.

When Secretary Duncan stepped down, he was replaced by Dr. John King, Jr., the recipient of a doctorate in education administrative practice. He had served as Deputy Secretary under Arne Duncan and was previously the education commissioner for the

State of New York. Each brought to the job a background in public education that informed their understanding of what students, parents, teachers, and administrators need in order to succeed, which brings me to Betsy DeVos.

There are reasons to be skeptical about Mrs. DeVos's nomination right off the bat. As my Republican colleague, Senator COLLINS of Maine, put it: "The mission of the Department of Education is broad, but supporting public education is at its core."

Well, in Mrs. DeVos, President Trump sent us a nominee with no experience in public education. Mrs. DeVos has never been a public school superintendent or a public school principal or a public schoolteacher. She has never attended a public school. She has never sent a child to a public school. Mrs. DeVos has no formal background in education, no classroom experience, and no demonstrated commitment to supporting public education whatsoever.

In fact, Mrs. DeVos has a long history of actively undermining public education. She and her family have spent millions of dollars advocating for an ideology that would steal funds from public schools in order to fund private and religious education. Let's take a moment to talk about what that means.

Mrs. DeVos ran a political action committee called "All Children Matter," which spent millions in campaign contributions to promote the use of taxpayer dollars for school vouchers. The argument was that these vouchers would allow low-income students to leave the public school system and attend the private or religious school of their family's choice. Mrs. DeVos has described this as "school choice," claiming that it would give parents a chance to choose the best school for their children, but that is not how it works. In reality, most school vouchers don't cover the whole cost of private school tuition, nor do they cover additional expenses like transportation, school uniforms, and other supplies, which means the vouchers don't create more choices for low-income families; they simply subsidize existing choices for families who could already afford to pay for private school.

As it happens, we have a real-life test case that we can look at to determine whether Mrs. DeVos's argument holds water. Mrs. DeVos heads up a voucher program in the State of Indiana, and guess what happened. Today, more than half of the students in the Hoosier State who received vouchers never actually attended Indiana public schools in the first place, which means that their families were already in a position to pay for private school. Indeed, vouchers are going to families earning as much as \$150,000 a year.

I am sure these families appreciated the extra help, but as of 2015, nearly

half of Indiana's children relied on free and reduced-price lunch programs. These are the kids Mrs. DeVos claims would be helped by school vouchers; instead, taxpayer dollars were taken away from public schools that remain the only choice for these low-income families and given to families who could already afford private school, who were already sending their kids to private school. That is the reality of school vouchers.

That is why after Mrs. DeVos developed a similar proposal for a voucher program in Pennsylvania and an analysis projected that, just like in Indiana, the vouchers would mostly benefit kids already enrolled in private schools, voters rejected it on multiple occasions. Yet Mrs. DeVos and her family continued their fight for school vouchers. In fact, she has been such a fervent advocate that her political action committee, "All Children Matter," received the largest fine for violating election law in Ohio's State history—a \$5.3 million fine that nearly a decade later she still hasn't paid.

Why do this? The evidence is clear that Mrs. DeVos's voucher obsession doesn't help low-income families. Quite to the contrary, it represents a serious threat to the public school system—a system that as many as 90 percent of the children rely on—but Mrs. DeVos describes as "a dead end."

The truth is that Mrs. DeVos's education advocacy isn't really about education at all. She describes her goal as follows: to advance God's kingdom. Now many families choose to send their children to religious schools, and many children receive an excellent education at religious schools, but it is the public school system that the Secretary of Education is supposed to focus on, and that is not the part that Mrs. DeVos and her family have put at the forefront of her advocacy.

Mrs. DeVos spent a decade serving on the board of the Acton Institute, which seeks to infuse religion in public life, beginning with public education. She and her family have devoted millions to promote the institute's work, including promoting ideas like this:

We must use the doctrine of religious liberty to gain independence for Christian schools until we train up a generation of people who know there is no religious neutrality, no neutral law, no neutral education, and no neutral civil government. Then they will get busy in constructing a Bible-based social, political, and religious order which finally denies the religious liberty of the enemies of God.

Those are the words of Gary North, a Christian Dominionist for whom the Acton Institute serves as a forum.

Of course, not everyone who believes in the potential of parochial schools shares his view, but this is the kind of stuff Mrs. DeVos and her family have spent millions and millions of dollars promoting. It is fine for someone to hold strong religious views and to ad-

vocate for those views and to spend their family fortune encouraging others to adopt, but it is entirely fair to ask whether the mission of building a Bible-based social, political, and religious order is compatible with the mission of the Department of Education. So, yes, based on Mrs. DeVos's radical ideology, I was skeptical when her nomination was sent to the Senate, but I understand that others in this body may not have shared my discomfort.

Within this Chamber we have important differences when it comes to education policy and, for that matter, the appropriateness of using taxpayer funds to advance God's Kingdom. And do you know what? That is fine. But we all have the exact same responsibility when it comes to vetting the President's Cabinet nominees.

Each of us is called upon to determine not just whether we agree with the nominee's ideology but whether that nominee is free from relevant conflicts of interest and, critically, whether the nominee is competent, whether he or she is capable of doing the job. Making that call is our job, and that is why we have the process that we have. It is why we ask to see the nominee's financial information. It is why we ask them to submit written answers to questionnaires about their experience and their record. And it is why we have them come to the Senate to sit in front of committees and to answer our questions.

Unfortunately, during her hearing, Mrs. DeVos proved beyond a shadow of a doubt not only that her ideology is fundamentally incompatible with the mission of the Department of Education but that she is fundamentally incompetent to be its leader. Throughout the hearing, she was unable to answer basic questions about her views on important issues, she was unfamiliar with basic concepts of education policy, and she was unwilling to make basic commitments to continue the Department's work on behalf of our most vulnerable children.

Let me give you one example of what I mean. During my 5 minutes of questioning, I asked Mrs. DeVos to weigh in on the debate about measuring growth versus measuring proficiency. I am going to take a few moments right now to make sure that everyone here and everyone watching at home understands what this debate is about and just how central it is to the future of education policy. The difference between the two approaches, proficiency and growth, is very easy to explain.

Let's say a fifth grade teacher has a student who comes into the classroom reading at a second grade level. Over the course of the school year, the teacher brings the student up to a fourth grade level. If we are measuring growth, we would say: Well, that teacher brought that student up two grade levels in 1 year. That teacher is a hero.

If we are measuring for proficiency, we would say: Well, that student is still reading below grade level. That teacher is a failure.

That is the difference between measuring growth and measuring proficiency. It took me all of 30 seconds to explain that, but I could spend all night talking about what this debate means for students, teachers, school leaders, and our entire education system.

Everyone agrees that there should be accountability in our education system—accountability for school systems, schools, teachers. We want to know we are getting results. That was the core idea behind all the standardized testing in No Child Left Behind. The problem was that No Child Left Behind set up a system in which we assessed student learning by measuring proficiency and only proficiency. As the law was implemented, all sorts of problems emerged from taking this approach.

For example, teachers in Minnesota would tell me how measuring proficiency would lead to what they called "a race to the middle." See, measuring proficiency only measures whether or not students are performing at grade level—at this line of proficiency, at grade level—and a teacher is measured by what percentage of her students or his students are above proficiency or at proficiency. A teacher does not get credit for helping kids who were already well above grade level to perform better, and they don't get credit for helping kids who are way below grade level start to catch up. So we had this race to the middle because it is a yes-or-no question: Did this student achieve proficiency or not? A teacher's entire career could depend on how many of his or her students met that arbitrary goal.

So under this system, understand this, please. A teacher had a strong incentive to ignore all of the students at the top who were already going to meet proficiency. No matter what you did to that kid, that kid was going to beat proficiency in the No Child Left Behind test at the end of the year. They had a strong incentive to ignore all the kids at the bottom because, no matter what you did, that student wouldn't reach proficiency. The only thing—or one of the only things—I liked about No Child Left Behind was the name. And we were leaving behind the kids at the top and the kids at the bottom because of the insistence on proficiency.

I can't overstate how central this issue is to education, and I can't tell my colleagues how important it is to educators across America. If you talk to any State education secretary, any district superintendent, any local school board member, any principal, any classroom teacher—and, heck, parents—they will have an opinion on measuring growth versus measuring proficiency.

So when Mrs. DeVos came before the HELP Committee, I asked for her opinion on this very basic—this extremely basic—extremely important question, and she had no idea what I was talking about. Let me be clear. She wasn't reluctant to declare her opinion. She wasn't trying to strike a middle ground. She did not know what I was talking about.

We would not accept a Secretary of Defense who couldn't name the branches of the military. We would not accept a Secretary of State who couldn't identify Europe on a map. We would not accept a Treasury Secretary who doesn't understand multiplication. In fact, in nearly any circumstance, if a candidate for a job is asked a question that basic and that important and simply whiffs on it the way that Mrs. DeVos did, there is no second question. There is just a thank you for your time, and we will let you know, and will you please send in the next candidate.

Earlier this year, the University of Minnesota hired a new head football coach. I wasn't there for the interview. But imagine if the first question for a candidate for football coach of your university was as follows: How many yards does it take to get a first down? And imagine if the candidate answers as follows: Thank you for your question, Mr. Athletic Director; I can pledge to you that I will work very hard to get as many first downs as possible to make sure, we hope, that we lead the team to touchdowns.

This wasn't the question. The question was this: How many yards does it take to get a first down?

Well, thank you again for the question. I can tell you this: I will look forward to working with you to prevent the other team from getting first downs also.

Understand, that is how basic my question to Mrs. DeVos was, and that is how shocking it was that she simply didn't know enough about education policy to answer it.

This inexplicable failure alone was enough for me to conclude that Mrs. DeVos lacked the knowledge and understanding that should be a bare minimum for anyone seeking the position. But the entire hearing—the entire hearing—was a showcase for her lack of qualifications. I would urge any of my colleagues who haven't had a chance to watch it. I urge you to do so before casting a vote for this nominee. It was one of the most embarrassing scenes I have witnessed during my time in the Senate. In fact, I believe it may have been one of the most embarrassing performances by a nominee in the history of the Senate.

Asked about the right of children with disabilities to get a quality public education, she didn't know that this right is protected by a Federal law—the Individuals with Disabilities Edu-

cation Act. Asked about guns in schools, she suggested that maybe guns should be kept on hand in case grizzly bears attacked. This was in answer to a question from Senator MURPHY, who in Congress represents Sandy Hook and who, as a Senator, represents those parents. That was her answer to him.

Asked about whether she would hold private parochial schools that get taxpayer funding to the same standard of accountability as public schools, she couldn't or wouldn't say.

Asked about a family foundation that has donated millions of dollars to an organization promoting conversion therapy for LGBT youth, she claimed she had no involvement, which is ridiculous. Even if Mrs. DeVos's own role as vice president of that foundation was a 13-year clerical error, as she now claims, she herself has donated approximately \$75,000 to support that anti-LGBT organization's work.

Now, understand that none of these were difficult questions. None of these were gotchas. All of these failures took place during a single 5-minute-per-Senator round of questioning, because after that first round, the hearing was cut off and our chairman refused to allow any further questions.

By the way, I would like to say a word about that move to cut off questioning. I have great respect for the chairman of the HELP Committee, LAMAR ALEXANDER. We have worked together, and he worked with Senator MURRAY on the reauthorization of No Child Left Behind, changing it to ESSA, the Every Student Succeeds Act. I respect the chairman tremendously. But his decision to end that hearing was wrong, and his rationale was simply false. Our chairman insisted that because Secretary Duncan and Secretary King had been subject to only a single round of questions, there was a precedent to deny the minority a second round of questioning of Mrs. DeVos. That simply isn't so.

First of all, as I discussed earlier, both Ernie Duncan and John King were experienced education professionals with long records of public service. Even if Republican Members had occasion to disagree with them on policy matters, there was no question that their backgrounds had prepared them for the job of Secretary of Education, and that is the bigger point here. There were no further questions. In both cases, committee members weren't denied the opportunity for a second round of questioning. They simply chose not to engage in one. Indeed, when I asked the Congressional Research Service, they confirmed that those hearings did not establish the precedent that our chairman claimed.

Instead of allowing us to question Mrs. DeVos further, the chairman invited us to submit additional questions in writing, presumably so that she could get some help from her Trump

administration handlers in answering them. Even so, her written responses only served to further expose her own lack of understanding of how education policy affects Americans.

For example, I asked Mrs. DeVos in writing about the effects of trauma and adverse childhood experiences on education. This is a subject I have been interested in for a long time. A lot of kids in our country live in extreme poverty. Some may have a parent in prison or a parent who has passed away. These kids may also experience physical abuse or emotional abuse or neglect. There may be some drug or alcohol abuse taking place in the house. Some have witnessed domestic violence in their home or street violence in their neighborhood. Some have seen siblings shot and killed right in front of them. Decades of research have shown that the trauma that comes from such adverse childhood experiences actually changes a child's brain chemistry and affects their behavioral development, their mental and physical health, and their chances to succeed in school and in society longterm. But research has also shown that these challenges can be overcome and that the kids who do overcome them are the most resilient kids you have ever met.

Our public education system was designed to give these kids a shot. Teachers and administrators often lack the resources they need to give these children the chance they deserve. Because Mrs. DeVos's crusade for school vouchers would further rob our public schools of these limited funds, I wanted to know her thoughts on this important issue.

This is take-home. Her written answer was brief and superficial. She wrote that she had heard that children are impacted by trauma and that trauma can cause difficulties in a child's education. That was it. Was she unfamiliar with the literature? Was she unwilling to acknowledge that poor kids face special challenges? Would she be remotely interested in addressing these challenges as Secretary of Education? I guess we may never know.

I also asked Mrs. DeVos in writing about her vision for education in rural communities. As the Presiding Officer knows—the Governor and now Senator from South Dakota—many of our children in America attend school in rural America, 10 million American kids, schools that struggle with teacher shortages and transportation challenges. I asked how would her school choice agenda help them. In her response, she pointed to online schools, which are often run by for-profit companies, many with questionable records. In fact, one of the country's biggest online schools recently agreed to a \$168.5 million settlement in California for allegedly defrauding families—a \$168.5 million settlement.

But even online schools that aren't out to rip off students often wind up

failing them. A 2015 Stanford study showed that, on average, kids in online schools lose the equivalent of 72 days of learning in reading and 180 days of learning in math, and that is for each 180-day school year, which means that kids in online schools can fall up to a year behind in math.

Of course, as the Presiding Officer knows, many rural communities lack reliable broadband access. I have been on rural education tours where I find students who go to a McDonald's parking lot so they can get WiFi to read their public school assignment or get materials to study. This is another answer that wasn't an answer at all, yet another piece of evidence that Mrs. DeVos is simply not up to this job.

Like many Americans, I have serious concerns about many aspects of the Trump administration's agenda. Still, I believe that as a United States Senator, it is my job to evaluate each nominee on his or her own merits. That is why I voted for nominees like Secretary Mattis and Secretary Chao, even though I disagree with them on important issues. General Mattis, for example, has nearly a half century of military service under his belt, he has earned the respect of leaders on both sides of the aisle, and I believe he will be a much needed voice of reason on the Trump administration's foreign policy. Ms. Chao has a lengthy background in public service, including as Secretary of Labor and Deputy Secretary of Transportation. I believe she will bring significant and valuable experience to her important role. I may well take issue with the decisions they make and the agenda they implement as members of President Trump's Cabinet, but at the very least, each illustrated during their confirmation hearings that they have a basic understanding of the issues they will be responsible for. Mrs. DeVos is different.

I have heard from Minnesotans about many of President Trump's nominees, but the outcry over this nomination far surpasses anything else. As of a week ago, my office had received 3,000 calls about this nominee. A grand total of 12 were in favor of her confirmation. Additionally, we received more than 18,000 letters and emails, and again the overwhelming majority of them have urged me to oppose this nomination.

For example, a woman from Brainerd, MN, wrote to say that she never contacted one of her representatives before and didn't consider herself very political—in fact, she was neither a Democrat nor a Republican, but she has a daughter in second grade and a son beginning kindergarten in the fall, and she wanted me to vote against Betsy DeVos. "How," she asked, "is someone who has never had any experience in public education supposed to competently preside over it?"

A mother of two public school students in Faribault, MN, wrote of Mrs.

DeVos: "As I watched her during the hearing, I was in disbelief that she would be appointed to such an important position."

Another constituent from Warren, MN, wrote: "This woman is so unqualified, it's scary."

Last week, I went to dinner with Vice President Walter Mondale at his favorite restaurant. Afterward, he took me into the kitchen to greet some of the men and women who worked at the restaurant. One of the guys in the kitchen—I am a little unclear of whether he was taking dishes to the dishwasher or he was washing dishes. He is not a teacher, he is not an education advocate, just a guy who works in the kitchen. He said: "Please vote against DeVos."

There is a reason why this nomination has been met with such overwhelming resistance on the part of the American people, and I know I am not the only one who has heard it. In fact, two of my Republican colleagues and fellow HELP Committee members who sat through that hearing, Senator COLLINS and Senator MURKOWSKI, have stepped forward to announce they cannot vote for this nominee. They don't agree with me on every aspect of education policy, but, believe me, when we put ESSA—Every Student Succeeds Act—together, the committee voted unanimously. There is a lot of agreement on education policy on our committee, but Senator COLLINS and Senator MURKOWSKI saw the same hearing I did. Like me, they saw a nominee who simply does not understand the needs of the students our Secretary of Education is supposed to serve.

I will let my colleagues speak for themselves as to the reasons why they will be joining me in voting against this nominee, but I would like to close by asking a few questions of my colleagues who are still considering a vote in her favor.

If Mrs. DeVos's performance didn't convince you that she lacks the qualifications for this job, what would have had to have happened in that hearing in order to convince you? If you cannot bring yourself to vote against this nominee, is there anyone President Trump could nominate for any position that you could vote against? If we cannot set party loyalty aside long enough to perform the essential duty of vetting the President's nominees, what are we even doing here?

The Constitution gives us the power to reject Cabinet nominations specifically so we can prevent fundamentally ill-equipped nominees like Betsy DeVos from assuming positions of power for which they are not qualified. Let's do our job. For the sake of our children, let's do our job.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to add a few Rhode Island voices

to the voice of the Senator from Minnesota. By the way, I am not cherry-picking my correspondence to find the rare letters in opposition to this nominee. We have had an unprecedented avalanche of opposition to this nominee. It is running well more than 100 to 1 against her, and it is people from all walks of life.

Here is a letter from William, a 12th grader in Pawtucket, RI. William took the trouble to write to me. Let me start with the topic line: "Concern over Betsy DeVos."

Hello, Senator Whitehouse!

My name is William and I am a senior at Blackstone Academy Charter School, a public charter school in Pawtucket, Rhode Island. I am contacting you today due to my concern about educational equality, specifically Betsy DeVos' ability to commit to practices that ensure that the children who need the most help aren't forgotten about and brushed under the rug. These children are our kids of color, as well as our low-income kids attending urban public schools with limited resources.

Having attended a Pawtucket public school, I can confidently say that there are some genuinely brilliant minds here in this very city, in the areas where somebody like Mrs. DeVos would least expect. Yet it also cannot be denied that the students here begin their journey on ground that is unequal to that of other kids who are not people of color, or are not part of the public school system, etc. These bright young saplings are being crushed before they are given the chance to blossom, and that is a systemic problem that DeVos, given her various shortcomings, will only serve to perpetuate and make worse.

DeVos, given her support of the privatization of public schools and her open disdain towards the LGBTQIA community, has established that she will not improve the experiences of marginalized communities. Her interest is not the betterment of education for people, but the monetization of education to put money in her pockets and the pockets of people like her. DeVos will never spearhead movements that promote equity in education and will continuously disappoint us all throughout her term which will not be defined by deviating from the status quo and creating a system that our troubled but gifted youth can thrive in. In fact, she will do the opposite.

With this in mind I ask that you, Senator Whitehouse, openly speak out against Betsy DeVos, and do everything in your power to keep her out of the Secretary of Education office. I also ask that you continue to remember me and children like me; public school youth who could be incredible if they are just given the opportunity to thrive.

Thank you for your time!

William.

Now let's hear from Da-naijah, a 10th grader from Central Falls, RI.

Dear Senator Sheldon Whitehouse,

My name is Da-naijah, and I am in 10th grade at Blackstone Academy School which is a public charter school. I live in Central Falls, RI. I'm writing today because I'm concerned about kids being able to afford college, regardless of background. I care about this because I have plenty of family members and friends who go to public school, and they either want or are trying to go to college. I know they will need help with paying for college because they don't come from a

very wealthy background. Fair and equal education is so important to me because I think everyone should be treated fairly regardless of how they look because we are humans. I am concerned about Betsy DeVos being nominated for Secretary of Education because she doesn't have any experience with classrooms. Also because she basically doesn't like public schools since she is trying to make public school private and is trying to take resources away from public schools. With that being said, I hope that you do everything you can to help the kids in public school get equal education and fair education as much as private schools do. Please read my email when you can and I would like to thank you for your time.

Sincerely,
Da-Naijah

Next is Sara. She also lives in the city of Central Falls.

I am writing today because I'm concerned about the education in the public schools in my city. The students in Central Falls are not given the education they deserve in the environment of Central Falls as of schools in other districts. This is important to me because my younger brother is a disabled boy, and it worries me that he won't continue to get the education he deserves. I'm very concerned about the nominee Betsy DeVos because she has 0 experience in the role of Secretary of Education and there are videos on almost any social media as well as YouTube to prove it and it clearly shows she has no experience and will put our education, or I'll say "future" at risk. Please Senator I hope you can do everything you can to prevent her nomination. . . . Thank you!

Sincerely,
Sara

The last one I will read is from Jennyfer, 10th grade at Blackstone Academy Charter School, from Pawtucket.

I'm writing today because I'm concerned about students in public schools not receiving the same and fair education students in charter and private schools have. I care about students in public schools because I want every student to have the privilege of receiving fair and equal education as I have the chance too.

Fair and equal education is so important to me because I'm a Latina and a woman of color. I deserve the same equal and fair education as every other individual. I want my siblings who go to a public school to receive the same education and resources I get.

I am concerned about Betsy DeVos [that she] will take that privilege away from students in public schools.

I hope you do everything you can to prevent Betsy DeVos from taking this privilege away from students in public schools.

Thank you for your time!

There are more letters that I could read, but one point I would like to make is that these are students writing from charter schools. In the flood of opposition from Rhode Island that we have seen to this nominee, it has included teachers, managers, and students in charter schools. There has been a notion developed that this is a battle between public schools and charter schools and that public schools aren't good, but they want to trap children in them; that charter schools are the way out; and that Mrs. DeVos will lead us off into that charter school happy land.

The fact is, it is not that simple. We have great charter schools in Rhode Island, and we have some great public schools in Rhode Island. We have both. The charter school leaders are opposed to her nomination. Why is that? It is in part because the transition from charter to public schools can be done fairly or it can be done unfairly. In all of her work, Mrs. DeVos has shown that she would do it unfairly.

There is an obvious—what demographers would call—selection bias between the kids who turn up in a charter school that they have to select to go into and the kids who are still in the public school that is left behind.

The selection bias is based on all sorts of different reasons. It could be as simple as they have more engaged parents. The parents are interested enough in their education to take the trouble to sign them up for the charter school, and that creates a slightly different demographic than the ones who are left behind. It helps the charter school population, and it makes it easier for the charter school.

Charter schools have authority that public schools don't have with respect to discipline; indeed, the ability to remove children and return them to the public schools. They are able to force students to sign contracts and agreements regarding their behavior. Public schools can't do that. Again, that confers an advantage on the charter school that a public school doesn't have.

Children with disabilities often get immense support through the public school system. When they try to go to the charter school, they see that the supports for the children with disabilities aren't there, and so it doesn't make sense to move to a charter school. The charter schools tend to get a smaller population of children with disabilities. They don't have that additional expense of dealing with and meeting a child wherever their abilities and disabilities are. The public school keeps that expense.

In Rhode Island, we have people flooding into Providence. We teach kids who speak something like 70 original languages in our Providence public schools. A new immigrant is going to go to the public school. That is where they go. It is going to take them time to get settled and to learn about America and to pick up enough language to understand that a charter school exists, to make the choice to move their child there, and by the time they do, fine, if they make the choice. But, again, the public school had to be there for them; again, it is an advantage to the charter school.

It is all great for charter schools, but the idea that they are outperforming public schools and there is no recognition of that selection bias is just unfair to the public schools. It gets worse when you move from the selection bias on students to the funding because the

way it often works and the way it works in Rhode Island is that the money follows the student. If you are in the public school and you are selected for a charter school, then a certain stipend of money goes with you to support that charter school.

The problem is that as that money gets taken out of the public schools' budget, the costs in the public school didn't follow you to the charter school. The money followed you to the charter school, but many of the costs remained. If one child leaves a public school classroom and goes to a charter school, you still have to turn the lights on, you still have to hire the teacher, you still have to heat the building, you have maybe one less pencil and one less piece of paper in the room, but those are tiny costs. The fixed costs remain.

That is a very serious threat to public schools. Anybody who truly supports the charter school movement, as our charter schools do, has to understand, first, the selection bias problem and understand that the testing and accountability has to be fair between public and charter schools and, second, this funding problem—that if you are simply pulling the money out of the public schools into charter schools and the costs are staying behind, what you are doing is crashing the revenues but leaving the expenses of public schools.

The public school students are going to suffer from that. If you don't adjust for it, you are being unfair to the public schools, and you are being unfair to the students. This is a serious enough problem that our Providence City Council is debating the issue right now and, as students move to charter schools, trying to figure out: How do you provide adequate funding so you are not stripping the public schools of what they need to continue to teach the other students? Not only are they serious about trying to figure out this budget equation at the city council level, but Moody's, the service that looks at municipal budgets and determines how sound they are and rates municipalities, has looked at this problem of charter school movement and the remaining costs in public schools and identified it as a fiscal threat to municipalities.

These are both real problems, and the refusal of Mrs. DeVos to grapple with them suggests to our charter school leaders and to me that this is not just an effort to enhance students in being able to go to a good charter school; this is actually an attack on public schools.

There are all sorts of reasons somebody might want to knock down public schools. One is that they simply don't like teachers unions. Teachers unions tend to vote Democratic, let's face it. If you want to cripple teachers unions, destroy the schools they work in. That is a really nasty reason to get into this charter school fight, but it is real, and it is out there.

A second is, if you want to bring for-profit investment into this space, a lot of money gets spent on education. People who could figure out how to make money in this space want to get their noses in and to get a chunk of that money. When they come in, they may or may not do a good job, but they are highly profit motivated. If you are interested in trying to facilitate them and to give them a money making opportunity, then you may well want to damage public schools in order to support their move to for-profits.

This creates a fairly significant problem when you connect it to the next piece of Mrs. DeVos's application. That is conflict of interest. One of the basic elements that we are here to look at in our advice and consent process is conflict of interest. Will the nominee be able to do a fair job? Will she be looking at things fair and square or will she have conflicts of interest that impede the fair exercise of her judgment?

One place that we need to look for conflict of interest is when we have nominees who have run political dark money operations. This is a new thing for us. Not too long ago we swore in a new President—President Barack Obama. When we did, we had ethics rules, government ethics offices, filing requirements, and all of that in place. That was 2008. Then came the Citizens United decision—one of the worst decisions that five Justices on the Supreme Court have ever made, and it opened up the floodgates of dark money.

This nominee is a practitioner of the dark arts of dark money. We know nothing about what she has done, but the conflicts of interest ought to be pretty obvious. If you raised millions of dollars from people in your dark money operation, then there is an indebtedness there that somebody might think could be an appearance of impropriety or conflict.

We should know so that evaluation can be made. Or if you spent dark money in support of certain things, we should know so that we can connect the dots and evaluate the linkages and see whether it is a conflict of interest.

We wrote to Mrs. DeVos about this. The first letter was January 5, 2017. We got an answer, and the answer was spectacularly incomplete and unhelpful. So we wrote a second letter on January 27. I wish to take a minute and read this letter because I think it explains our predicament.

Elisabeth DeVos
Trump-Pence Transition Team
Pennsylvania Avenue, NW
Washington, DC
Dear Mrs. DeVos,

Thank you for your response of January 17, 2017, to our January 5, 2017 letter—

Mr. President, let me ask unanimous consent to have printed in the RECORD the letter at the end of my remarks.

Thank you for your response of January 17, 2017, to our January 5, 2017 letter requesting

additional information on your vast political fundraising and spending network. Along with various responses and objections to our request, you produced a series of already public campaign finance reports related to the American Federation for Children Action Fund, a 527 organization, and its various State affiliates. For the reasons that follow, we view your response as, while sizable, non-responsive.

We requested you provide information about two 501(c)(4) organizations with which you have been associated: the American Federation for Children and the Great Lakes Education Fund. You acknowledged your association with these entities in your disclosures to the Office of Government Ethics (OGE). You also acknowledged in your letter to us that “[e]ach organization with which [you] have been involved is independent.” It is not clear what you mean by “independent” since you have already acknowledged your association with these organizations. I hope you can appreciate how both fundraising and spending of these organizations (from whom? to whom? in what amounts? your personal role?) might produce conflicts of interests in potential decisions if you are confirmed to serve as Secretary of the Department of Education.

Our concerns are not hypothetical as known contributors to your political organizations have had business before Department of Education. For example:

Vahan Gureghian: In 2010, Gureghian donated \$100,000 to the American Federation for Children Action Fund. Mr. Gureghian founded and is the CEO of CSMI LLC, a Pennsylvania charter school management company and helped found the Chester Community Charter School. He has been a major donor in promoting charter schools in Pennsylvania.

I will interrupt reading the letter for a moment to point out how obvious it is that somebody involved in the charter school movement could very easily have business before the Department of Education. Who knows how much he gave? We know of about \$100,000, but it could be a lot more. He knows. She knows, but the public won't know. When bids or competitions are up, that is simply not fair.

On to the next one and back to the text of the letter:

J.C. Huizenga: Between 2005 and 2007, Huizenga donated \$25,000 to All Children Matter, and in 2010 he donated \$30,000 to the American Federation for Children Action Fund. Mr. Huizenga founded the National Heritage Academies, a for-profit charter network that has 80 schools in 9 States and has received over \$43 million in federal funding. According to a 2012 review by the Michigan Department of Education of the schools in the “focus” category, due to significant gaps in achievement, more than half were managed by National Heritage Academies. It has been reported that Mr. Huizenga said that his involvement with charter schools was due to realizing that “privatizing public education was not only practical but also desperately needed.”

Again, to step back out from the letter, here is somebody who is in the for-profit charter school business, whose charter schools are more than half of the troubled charter schools reviewed by the Michigan Department of Education and who wants to privatize pub-

lic education. He is linked with her through the dark money operation. We don't know anything about the dark money side.

David L. Brennan: Brennan donated a total of \$200,000 to All Children Matter from 2004 to 2007, prior to AMC's wind down due to campaign finance violations.

This is a series of campaign violations, finance violations, that led to the \$5 million fine that neither the entity nor Mrs. DeVos have ever paid.

In 2010, he donated \$39,000 to the American Federation for Children Action Fund. He is the founder of White Hat Management LLC, a for-profit charter school management company that operates 15 schools in three states with over 12,000 students. Since 2008, Whitehat and its affiliates have received \$3.6 million in federal funds including IDEA funds.

How are we ever going to know if people like this—who are making big, dark money contributions into the dark money operation that she runs—will not be rewarded in a pay-to-play fashion with grants and favors and an advantage in competition at the Department of Education? You would ordinarily evaluate that by knowing that the conflict of interest existed. But because it is dark money, we will never know.

They will know. She will know, but the public will never know. The Senate will never know. The press will never know.

While you may not have a direct financial interest in the for-profit education enterprises headed by those listed above, your political fundraising relationship with them, and perhaps others, could cause a reasonable person concern over your impartiality in matters involving them.

Let me step out of the letter again. Doesn't that make sense? If you were applying for a grant before the Department of Education and your competitor was somebody who had given \$1 million to Mrs. DeVos's Action Fund, wouldn't you want to know that? Don't you think the public should know that? If you were to find out later that had taken place, and they were awarded the grant and you were not, wouldn't that rankle you a bit? Wouldn't that suggest to you that perhaps we are not being treated fairly because of that big contribution that was made? But we will never know. We are disabled from doing our constitutional job of reviewing these nominees for conflict of interest when it is dark money that is at stake.

The OGE process does not capture conflicts that arise through political activity. . . .

This is the first transition of Presidents since the Citizens United decision. This is the first one; so there is no history. We have to do it now, but we are not—not for this nominee, not for other nominees. We are leaving a black hole of secrecy around this enormous conflict of interest potential.

The OGE process does not capture conflicts that arise through political activity so it is

incumbent upon us to assure the Senate record is complete as to such conflicts and how they will be resolved.

These are just the publically known examples of potential conflicts. Our original request asked you for information to assess potential conflicts with 501(c)(4) organizations that are not required to publicly disclose donor information. Accordingly, we reiterate our request that you provide:

A list of all donors, their total donations, and affiliations, who have contributed to the American Federation for Children 501(c)(4), and the Great Lakes Fund 501(c)(4) since their inception.

A list of donations made by you, members of your family, and foundations or organizations with which you are affiliated, to other 501(c)(4) organizations over the past five years.

That seems like a perfectly reasonable request.

According to the American Federation for Children's IRS Form 990 filed for the year 2014, it spent nearly \$1.1 million on political activities, including a \$315,000 transfer to the American Federation for Children Action Fund, Wisconsin IE Committee.

I think most people here know how this works, but to make it clear for people listening, many political organizations require that the donors be disclosed. So if you want to engage in the dark money game and hide your political influence-seeking, what you do is you take your money and you give it to a 501(c)(4), a dark money operation. Then they in turn give it to the political action group. That is what happened here. \$1.1 million into the American Federation for Children, \$315,000 transferred to the American Federation for Children Action Fund in Wisconsin. The only function that provides is to launder the identity of who the donor was. So that all you see is the money emerging from the dark money organization, with no transparency as to who put it in.

Because donations to a 501(c)(4) are anonymous, they effectively launder the identities of donors to the other parts of the political apparatus. But you know, and the donors know, and therein lies the potential for conflict of interest. Additionally, you refused to disclose donations to 501(c)(4) organizations that you, your family and your foundation have made. You explained, "(t)he information requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education."

That was her answer to the first letter. Our letter here continues:

Your donations to 501(c)(4) organizations are indeed relevant to your nomination, just as your donations to political candidates, parties and causes are. One obvious instance would be where groups to which you have made political contributions are before the Department as advocates or grant seekers. Again, you know and the donors know, and therein lies the potential for conflict of interest. Senators have a Constitutional duty to provide advice and consent on Presidential nominees, and understanding the scope and nature of potential conflicts of interest is at the heart of that duty.

I do hope that we can agree on that in this Body: That part of our advice

and consent role is to understand the potential for conflicts of interest. If we can't agree on that, then we have a real problem here, because that is the purpose or at least one purpose of what we do.

Your role in raising and distributing "dark money" clearly raises the possibility of such conflicts. As a result, we renew our request for information related to your 501(c)(4) organizations as outlined above.

Please contact us if you have any questions regarding this request. We look forward to your additional information and disclosures and timely and responsive answers.

Well, as of today, what we have is no answer at all—no answer at all. This is a recurring problem here. This business of dark money not being caught by the rather obsolete, in that respect, government ethics reporting conventions that have been carried forward from the Obama transition before all of this became a problem doesn't just apply to Mrs. DeVos.

Secretary of State Tillerson, as CEO of ExxonMobil, ran a massive dark money operation. ExxonMobil has money all over front groups that deny climate change, all over political groups to try to discourage action on climate change, and a lot of it is dark money. There has been reporting that traces it back to Exxon, but we never know how much because it is dark money, and Mr. Tillerson hasn't told us one thing about it in his hearing.

We will be considering shortly the nomination of Scott Pruitt as the EPA Administrator. Scott Pruitt ran a dark money operation as the attorney general of Oklahoma. Why would an attorney general want to run a dark money operation in the first place? That is a whole separate question—but he did. It was called the Rule of Law Defense Fund, and what it did was it took in money, prevented the donors from having their identities revealed, and then funneled the money publicly to the Republican Attorneys General Association. It was an identity laundering machine for the Republican Attorneys General Association for big donors who didn't want anybody to know who the source was of the money that was being funneled into the Republican Attorneys General Association. That is fine, I guess. I would like to be rid of all of it. We should pass the DISCLOSE Act and clean this mess up. But for sure, when somebody who has run a dark money operation comes before the Senate seeking to be nominated to a Cabinet office, we hold a constitutional duty to protect that office from improper conflicts of interest. Surely, then, their role in the dark money operation should be disclosed.

It only makes sense. But, no, like Mrs. DeVos, absolute stonewall on any information related to the Rule of Law Defense Fund and Mr. Pruitt's dark money operation, a black hole of secrecy and enormous opportunity for conflict, because obviously, given his

background and given where the rest of his fundraising went, you can draw a reasonable conclusion about where the dark money came from: Devon Energy, ExxonMobil, American Petroleum Institute, Murray Coal—the usual suspects. That is where a lot of his other money came from. You have to believe it went here. But do we know that? No. He could have taken \$1 million from one of those groups and then, as EPA Administrator, be ruling on an application of theirs and we would not know. Please don't anyone tell me that is not a potential conflict of interest. I mean, we can deal with alternate facts around here, but that is just crazy.

We don't know about Mrs. DeVos's dark money. We don't know about Tillerson's dark money. We don't know about Pruitt's dark money. It is as if there has been an understanding—some secret handshake around here—that nobody will allow dark money information into the nomination process. That is just wrong. That is just wrong. It infects this nomination of Mrs. DeVos. We have to get answers to these questions.

Let me move on to one other point: student college debt. I had a meeting recently. I think all of us had the same experience. From our home States, groups come to visit us and to get our time and to bring our attention to problems that concern them. I think we all get visits from the same groups. We get visits from our community bankers from our home States. We get visits from our credit unions in our home States. We get visits from the automobile dealers in our home States. We get visits from the insurance brokers in our home States. We get visits from the Realtors in our home States.

When the Realtors of Rhode Island came in to visit me the last time, they raised a new issue that I had not heard before from them. The issue that they raised was this: You know, we are starting to have a real problem financing houses for the next generation of home buyers, the young home buyers who are coming into the market and who would ordinarily be buying their starter homes. The problem we are finding with them is that they are so loaded up with college debt that we can't finance the purchase of a home for them.

That is how enormous the student loan debt problem is in this country. It is now preventing so many young people from buying a home that the Realtors have noticed and put it on their problem list as something for us to take action on.

If the Realtors have noticed this, I don't think it is asking too much for a nominee for Secretary of Education to have noticed this. If, in fact, she has noticed this, I don't think it is asking too much for her to have thoughts and a plan, because we are well over \$1 trillion in debt for these kids. I think it is

about \$1.3 trillion now. It has been a known problem for some time. Over and over again, Democrats have tried to find and propose solutions here in the Senate. Over and over again, we have been shot down. But it remains a very considerable issue.

You would think that a new Secretary of Education coming in would want to hit the ground running on this issue. She would have something she wanted to get done to solve it. There would be a plan or an outline. We may not agree with it, it may be something that we have to work together to find a way to get it to the floor, but at least there would be a starting point. All I got was, well, I would be interested in your views on that issue. How is it possible that with over \$1 trillion in student debt piled up, with the student debt problem so severe that even Realtors have put it on their to-do list to get something done about it, that a nominee for the Secretary of Education has nothing? Pockets out. Nothing to get started on this problem. Is she ever going to take an interest? I don't know.

But it would seem to me, particularly when you look at where we are in the HELP Committee—our ranking member, Senator MURRAY, is here. Senator MURRAY and Chairman ALEXANDER helped lead us together through the ESSA, the reform of No Child Left Behind, the Every Student Succeeds Act. It passed roaring through the Senate. The House even picked it up and took it. It came out of committee unanimously. States are still working on implementation of it because it freed them up to do a lot more things, and so they have to go through the process of deciding how they are going to take advantage of its new freedoms. So with respect to elementary and secondary education, we are actually in pretty good shape. All we have to do is implement the bipartisan popular law that we passed. So where is the attention going to be? Well, what we have not passed is the Higher Education Reform Act.

So if you know at all that has been going on in education in the Congress, which is not asking too much of a Secretary of Education nominee, you know that we have just implemented a major reform of elementary and secondary education, that our next order of business is higher education, and that an elemental part of that is going to be college debt.

So the fact that this nominee has nothing on that issue and is in the traditional deer-in-the-headlights-nominee mode of, well, I look forward to working with you on that Senator. Oh, yes, I understand that is a serious problem, Senator, but actually I don't have any ideas; I don't have any plans; I don't have any strategy; I have nothing. Let's just work together on it. That is not very convincing to me.

I see the Senator from New Jersey here. The night is going on, so I will yield the floor to him, but I will close by saying that this recurring question about nominees who are involved in dark money operations and then refuse to disclose anything about their dark money operations so that it remains a black hole of secrecy and potential conflict of interest is wrong. It is just wrong.

I know there are forces in this building that love the dark money, and there are huge special interests behind the dark money. There are a lot of people who benefit from the dark money who don't want any light on it ever. But once a nominee has had their name put in for a Cabinet position of the Government of the United States, by God, they ought to disclose their dark money connections because otherwise it is an avenue toward conflict of interest. Where there is conflict of interest, there comes scandal. It is our job to head that off by getting the information before the public so everybody can evaluate it, and we have been knee-capped in that effort by an absolutely positive shutdown from the other side of the aisle on any information about any dark money from any nominee.

They don't have to be nominees. If they don't want to cough up their dark money information, they can turn the papers back in and tell President Trump: Find someone else. I would rather keep my secrets.

But you should not keep your secrets and get the job.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 27, 2017.

ELISABETH DEVOS,
Trump-Pence Transition Team,
Washington, DC.

DEAR MRS. DEVOS, Thank you for your response of January 17, 2017, to our January 5, 2017 letter requesting additional information on your vast political fundraising and spending network. Along with various responses and objections to our request, you produced a series of already public campaign finance reports related to the American Federation for Children Action Fund, a 527 organization, and its various state affiliates. For the reasons that follow, we view your response as, while sizeable, non-responsive.

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Our concerns are not hypothetical as known contributors to your political organizations have had business before Department of Education. For example:

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J.C. Huizenga: Between 2005 and 2007, Huizenga donated \$25,000 to All Children Matter, and in 2010 he donated \$30,000 to the American Federation for Children Action Fund. Mr. Huizenga founded the National Heritage Academies, a for-profit charter network that has 80 schools in 9 states and has received over \$43 million in federal funding. According to a 2012 review by the Michigan Department of Education, of the schools in the “focus” category, due to significant gaps in achievement, more than half were managed by National Heritage Academies. It has been reported that Mr. Huizenga said that his involvement with charter schools was due to realizing that “privatizing public education was not only practical but also desperately needed.”

David L. Brennan: Brennan donated a total of \$200,000 to All Children Matter, from 2004 to 2007, prior to AMC's wind down due to campaign finance violations. In 2010, he donated \$39,000 to the American Federation for Children Action Fund. He is the founder of White Hat Management LLC, a for-profit charter school management company that operates 15 schools in three states with over 12,000 students. Since 2008, White Hat and its affiliates have received \$3.6 million in federal funds including IDEA funds.

While you may not have a direct financial interest in the for-profit education enterprises headed by those listed above, your political fundraising relationship with them, and perhaps others, could cause a reasonable person concern over your impartiality in matters involving them. The OGE process does not, capture conflicts that arise through political activity so it is incumbent upon us to assure the Senate record is complete as to such conflicts and how they will be resolved.

These are just the publicly known examples of potential conflicts. Our original request asked you for information to assess potential conflicts with 501(c)(4) organizations that are not required to publicly disclose donor information. Accordingly, we reiterate our request that you provide:

A list of all donors, their total donations, and affiliations, who have contributed to the American Federation for Children 501(c)(4) and the Great Lakes Education Fund 501(c)(4) since their inception.

A list of donations made by you, members of your family, and foundations or organizations with which you are affiliated, to other 501(c)(4) organizations over the past five years.

According to the American Federation for Children's IRS Form 990 filed for the year 2014, it spent nearly \$1.1 million on political activities, including a \$315,000 transfer to the American Federation for Children Action Fund—Wisconsin IE Committee. Because donations to a 501(c)(4) are anonymous, they effectively launder the identities of donors to the other parts of your political apparatus. But you know, and the donors know, and therein lies the potential for conflict of interest.

Additionally, you refused to disclose donations to 501(c)(4) organizations that you, your family, and your foundation have made. You explained, “[t]he information requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education.” Your donations to 501(c)(4) organizations are indeed relevant to your nomination, just as your donations to political candidates, parties, and causes are. One obvious instance would be where groups to which you have made political contributions are before the Department as advocates or grant seekers. Again, you know, and the donors know, and therein lies the potential for conflict of interest. Senators have a Constitutional duty to provide advice and consent on presidential nominees, and understanding the scope and nature of potential conflicts of interest is at the heart of that duty. Your role in raising and distributing “dark money” clearly raises the possibility of such conflicts. As a result, we renew our request for information related to your 501(c)(4) organizations as outlined above.

Please contact us if you have any questions regarding this request. We look forward to your additional information and disclosures and timely and responsive answers.

Sincerely,

SHELDON WHITEHOUSE.
ROBERT P. CASEY, JR.
TAMMY BALDWIN.
BERNARD SANDERS.
AL FRANKEN.
ELIZABETH WARREN.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from New Jersey.

Mr. BOOKER. Mr. President, I know the night is going on. I just want to take a moment to express my appreciation to all the staff members and Senators who remain here on the floor. A lot of folks who work here, from the gentleman typing very quickly, all the way to a lot of the folks working, I just want to express my gratitude for the long night, particularly to the pages. It is their second week here, and they suddenly are being forced to grapple with not just school but the long nights of the Senate. I really do respect them and am grateful for their, how should I say, endurance tonight as well.

I rise today, as many of my colleagues have, to speak to the nomination of Betsy DeVos and to speak specifically in opposition to her nomination to serve as Secretary of Education. I have listened to as many of my colleagues' words as I can. I want to say that particularly those on the Senate Health, Education, Labor, and Pension Committee have and will and continue to expand upon many of the concerning elements of Mrs. DeVos's record, concerns that I share about her lack of support for critical accountability measures, her lack of familiarity with many of the basic financial aid policies and programs which are so essential for people to have access to higher education, her inability to say that guns should not be in school, and her seeming lack of understanding of many of the fundamental yet critical education policy perspectives that I think are necessary for a job of this magnitude.

I know there has been much said and there will be many more issues brought up of concern to many of the Democrats who spoke tonight, but tonight I would like to focus on an area that is very personal to me and also very personal to millions of Americans, that is essential to this role but one that may not be immediately understood when you talk about a Secretary of Education, but it is absolutely critical to that Department. In fact, I think it is one of the more critical roles of that Department when it comes to fulfilling the ideals of our Nation.

Within the Department of Education is the Office for Civil Rights. That office is profoundly important, but it is one that many people don't have a full understanding of. What I would like to do right now is highlight four areas in which the Office for Civil Rights functions and also talk as it relates to my concerns about and my opposition to Betsy DeVos to serve as Secretary of Education.

First, I would like to talk about what is at stake for children with disabilities and their families and their parents. About 13 to 14 percent of our American school-age children—about 6.5 million kids and young adults in America—are students with a disability.

Here in the United States, I am so proud that we have a deep belief and, in fact, our laws, passed by people of both Houses, both parties, dictate that all children be treated with dignity and respect and that they will get the educational opportunities all children deserve. Indeed, our laws reflect that, but the spirit of America is to see that in this Nation all of our children have unique gifts, all of our children have beauty, and we as a nation collectively believe they all deserve a strong pathway to the fundamental American ideal. They deserve pathways to life and liberty and the pursuit of happiness, that when we say “justice for all,” we really do mean all children.

But unfortunately, as the work of the Department of Education's Office for Civil Rights demonstrates, the Federal Government is often at odds with some school districts that do not properly enforce protections granted to students with disabilities under the Federal law, again passed by both Houses, passed by both parties. Within our country, thousands of parents do not believe their children are receiving justice in their local school systems for their children with disabilities. They reach out to the Federal Government for help, for relief, for that justice.

Take the example of one child, the case of a 9-year-old child in California whose name is withheld for privacy. This child—and let's call her Jane—is a student like so many others. She has the same dreams and aspirations, has hopes, has promise, and has untapped, unlimited potential.

At the age of 9, this child, “Jane,” had been physically restrained in her school more than 92 times during an 11-month period by her school because of her disability. As a part of that restraint, she had been held facedown for a total of 2,200 minutes.

The Office for Civil Rights at the Federal level, the Federal Government, it took them to investigate this case, and they found that the district was in violation of the Federal law and required the school district to stop using these kinds of restraints on students and to actually take the time and energy to invest the resources in training the staff on alternative intervention methods, methods that recognize the dignity of that child and show that we have the potential and power to elevate that child, not to so savagely restrain them.

This was not only unconscionable treatment that the Federal Government intervened in, but clearly it was illegal within the bounds of Federal law. This is not the way that anyone here, anyone in this body with a child with a disability, any of us would want our children to be treated.

If I had a child, I know it is not the way I would want them treated. Frankly, when it comes to the children of America, they are our children. Whether Republican or Democrat, we know that our children, our kids, American children—all children, frankly—deserve better than this kind of physical abuse. It is for these kinds of reasons that I believe we need to have an aggressive Office for Civil Rights because the story of Jane, of a 9-year-old, is not an anomaly. It is not something that is rare.

Unfortunately, as we are seeing, there are many violations of Federal law that go on when it comes to our children with disabilities. There is tremendous evidence that this kind of abuse still goes on in our country, and there needs to be an ultimate authority that can investigate this abuse and, if necessary, hold those people accountable who are the abusers. And the additional step that the Office for Civil Rights does is it gives advisement, gives instruction on how to make sure the abuse does not happen in the future.

We need our Office for Civil Rights to work with school districts to establish those policies and procedures to prevent that abuse.

When Mrs. DeVos, during her testimony, was given the opportunity to speak to the millions of parents who have real, legitimate concerns about their children with disabilities and the treatment they receive in school—she was given the opportunity to speak to the vital role of the Federal Government in protecting our children and affirming those rights, about the role of the Office for Civil Rights, and instead of taking that opportunity, instead of

seizing the moment to talk about what she would be doing to lead, she actually denied a role for the Federal Government. When asked about protecting students with disabilities, she simply said: "It should be left up to the States."

Well, I will tell you right now, for that 9-year-old child physically restrained more than 92 times, held facedown for hours, the Federal Government clearly had an important role to play for that mom, for that family, for that child in making sure this kind of atrocity doesn't happen and will not happen for more children.

Secondly, I would like to talk about what is at stake with the Office for Civil Rights as it relates to children who are different, whether that be the color of their skin, whether they wear a hijab to school as an expression of their faith or if they are a minority or, again, a child with a disability.

For example, I have spoken much as a Senator about the school-to-prison pipeline and often how certain categories of children experience different types of discipline for the same act in school just because of how they look.

School disciplinary policies, we know, play a big role in a child's success, and those disciplinary policies are clearly treating different children in different ways. There will be different outcomes for those categories of kids.

We know that children who have out-of-school suspensions often graduate at significantly lower rates, have significantly higher run-ins with the law. I am one who believes we cannot allow discrimination to happen in that manner in our school.

These are the facts. This is the data. Take, for example, the fact that Black students are 3.8 times more likely than their White peers to receive one or more out-of-school suspensions, while students with disabilities actually are twice as likely as those without to receive one or more out-of-school suspensions.

Let me give you the specific case of Tunette Powell, who wrote about her son who is Black. His name is Joah. He was suspended five times in 2014. He was 3 years old.

She said: "One after another, White mothers confessed the trouble their children had gotten into. Some of the behavior was similar to JJ's," her son's. "Some was much worse. Most startling" to her was that "none of their children had been suspended."

She continues to write. "After that party," where she had heard this from other White parents, "I read a study reflecting everything I was living. Black children represent 18 percent of preschool enrollment but make up 48 percent of preschool children receiving more than one out-of-school suspension, according to the study released by the Education Department's Office for Civil Rights in March," she writes.

One of the critical things about the Office for Civil Rights is that they have been proactively collecting data about differences in treatment in our schools.

Now there are many people who actively assert that the role of the Office for Civil Rights has grown too large, that they are poking around in local matters too much, that even collecting such data, as was relied on by this mother, is an intrusion into States' rights. I believe, when it comes to civil rights, when it comes to religious freedom and the treatment of our children, I do not believe that the Office for Civil Rights has grown too large. I believe they are offering critical transparency into the workings of our schools; that they are collecting data that parents and policymakers and civil rights groups can use to see who is being left behind, who might be facing discrimination, who is not receiving justice.

What do we have to be afraid of even on just the collection of data to allow ourselves to have that transparency, to create an environment of accountability?

I worry that if this is not a priority for the next Secretary of Education, then closing the achievement gap, shutting down the school-to-prison pipeline, and empowering all children to have an equal opportunity to learn will be undermined.

These are real problems in our country, and they aren't just going to go away. The Federal Government, especially when they insist upon data transparency, is an active partner in helping us to receive the justice that we deserve and need and pledge allegiance to as a country.

I had hoped during the hearings of Mrs. DeVos that I would hear more; that even if I had the opportunity to talk to the nominee myself, I would have asked for more information around these issues, but I didn't have that opportunity, and in the very rushed hearing, the issue wasn't raised.

I believe, though, that based on the testimony that was given, that the nominee may not see this as a vital function of the Office for Civil Rights and, in fact, may shrink that office and the ongoing proactive investigations that we see right now into such matters.

We know that the school-to-prison pipeline, particularly for young people of color, isn't just real; it is actually pervasive. But during Mrs. DeVos's confirmation hearing, when asked about the Office for Civil Rights within the Department of Education that is responsible for rectifying such unjust situations, she refused to comment. She refused to comment. She refused to commit herself even to directing the Office for Civil Rights to investigate such civil rights violations. I don't understand why it is difficult to even commit the Department to continuing such investigations, but that commitment was denied.

I want to next talk about the serious problem we have in America with sexual assault and sexual violence in schools and on college campuses. Mr. President, 1 in 5 women and 1 in 16 men are sexually assaulted in their college years, but only 1 percent of assailants on college campuses are arrested, charged, or convicted.

We still know that too many people on college campuses who have been sexually assaulted, who are survivors, are routinely denied justice and are forced to even live or even go to class with their attackers.

The Office for Civil Rights has risen to this challenge and this crisis. They have opened investigations in over 200 schools in America. There is a crisis of campus sexual assault in America, and now the Office for Civil Rights is expanding their work. They have stepped up to that challenge. In addition to that, they have issued guidance to all college campuses on preventing and combating sexual assault.

Mrs. DeVos, again, during her testimony—many of us were hoping she would rise to the occasion, that she would speak to this issue. She was given a chance, given a chance not just to speak to the issue but to talk to the Federal role in meeting this crisis, to acknowledge that this is an issue our Nation must grapple with and must end, but she did not speak to the concerns of parents. She did not speak to the concerns of survivors. She did not speak to America about the urgent need for all of us to be engaged in dealing with the crisis for which there has been silence for too long.

More than this, she did not speak to the role of the Office for Civil Rights, to the expanding role they have been taking, to the expanding investigations on college campuses all across the country, giving no confidence to me or to others that this will be a role that will continue—in fact, a role that I believe should be expanded.

Again, even when she was specifically asked about upholding guidance within the Department of Education on combating and preventing sexual assault—not asked to commit on the investigations, not asked to commit to expanding the efforts but just asked about upholding the guidance within the Department of Education on combating and preventing sexual assault, she refused to commit to maintaining that guidance.

I would like to speak to another area. Before I do, I do believe in this idea of transparency that my previous colleague talked about when it comes to donations. Some of the charities that have received donations from Mrs. DeVos have a history of fighting against efforts to combat sexual assault, and some of these organizations worked to make it more difficult for sexual assault victims to seek justice.

That brings me to an area in which I have a deep level of concern. I hope

Mrs. DeVos will take the opportunity to set the record straight because much has been written even before the hearings involving an area where there is a clear crisis in our country. It is the crisis involving the safety and security of our lesbian, gay, bisexual, and transgender youth in America.

Lesbian, gay, bisexual, and transgender youth face a stunning level of discrimination inside and outside of schools starting at a very young age. We know that LGBT youth are two times more likely than their heterosexual peers to be physically assaulted in schools. LGBT youth are four times more likely to attempt suicide. According to youth risk behavior surveys, 34 percent of lesbian, gay, bisexual, transgender students were assaulted on school property. More than one-third of LGBT school students were bullied on school property, and 13 percent of lesbian, gay, bisexual, and transgender students did not go to school because of concerns for their safety. We know in America that this kind of harassment has no place in our classrooms, no place in our schools, and it has no place anywhere in our country, but it is all too common and all too often unaddressed.

I would like to talk about a parent. Her name is Wendy Walsh. The harassment against Wendy's son Seth began for him in the fourth grade when his classmates suspected he was gay. By the time he reached the seventh grade, the bullying, the verbal and physical abuse in person and online was so bad that he was afraid to walk home from school. This child lived in terror of just going to class. After one bullying incident in a local park, his mom says that 13-year-old Seth came home from school. She talked to him. He asked to borrow a pen from his mom. That conversation will be the last time she would see her son alive. The next time Wendy saw her son Seth, he had hanged himself on a tree in their backyard.

After Seth's death, Wendy, experiencing a level of grief and agony I cannot imagine, decided to file a complaint with the Department of Education Office for Civil Rights. When the Office for Civil Rights came in and investigated, they found that Seth's school district was in violation of several Federal laws, that they failed to intervene and stop the bullying and harassment and torment that this child endured from a precious age until his death, that their actions could have potentially prevented the death of one of our children, an American child, a child of beauty and of worth and of dignity and protection.

Wendy went to the Federal Government to the Office for Civil Rights, and they took her concerns seriously. They aggressively investigated. Because of their investigation and because of Wendy's courage in her time of grief, the school district, in violation of Fed-

eral law, was required to take steps—though not there to prevent her child's death—they were required to take steps to prevent the kind of harassment, tormenting, and bullying from happening to other students. I am not sure if any of that is solace to a mother who lost her child. I am not sure if it gave her comfort, but I am hopeful that with an active Office for Civil Rights at the Federal Department of Education, at a time where more than 10 percent of lesbian, gay, and bisexual youth are missing school because of that kind of fear, when one-third are reporting bullying and harassing in person or online, at this level of unconscionable treatment for any child, there is a role for the Federal Government to protect our children. I believe if we take these matters seriously that we can insure that this kind of bullying and harassment will come to an end in America. It is unacceptable in a country this great. There are laws against this, and there are folks who have an obligation to enforce those laws; that is, the Office of Civil Rights.

I believe things will get better, but they will not get better automatically because we hope for them, because we pray for them; they will get better because we are a country that loves our children, and love is not a being verb. It demands action. We see time and time again that children aren't seeing the kind of action where they are, and thank God right now there is a place for parents to go. They can appeal to the Federal Government. The Department of Education, the Office for Civil Rights, has to be led by someone who takes this seriously, who sees the calls for justice for lesbian, gay, bisexual, and transgender youth as valid, that sees the crisis, that sees the problem.

It was widely reported, when Mrs. DeVos's nomination was made—widely reported—that her family had given support, significant support, and that she herself gave significant support to discriminatory extremists, dangerous and hateful groups that promote ideas that say a child who is gay is somehow lesser than a child that is not; groups that have supported things like conversion therapy, something that has been resoundingly condemned—dangerous ideas that are hurtful to children. With all of that, with all the articles that have been written, this was a chance for Mrs. DeVos to sit before the American public knowing that these concerns are out there, and it is understandable, even if she doesn't hold them, it is understandable that this was a moment for her to allay the fears of the thousands and thousands of children who are being isolated and hurt by bullies, the people who are assaulting their dignity—these children have suicide rates that are unconscionably high—for the parents mourning their kids, with all that swirl, the hearing was her chance to set the record

straight to say: I will uphold the value and dignity of these children, but more than that, I recognize there is a crisis in our country, and I will work with the Office for Civil Rights to do something to address this evil in our country. We have so many kids being hurt and harmed. This was her chance to go beyond just denying that she believed in conversion therapy, to go beyond just words in asserting that she values equality. This was her chance. It should have been understood that because of the record and the charitable donations that there was a degree of suspicion; that there was an understandable degree of legitimate fear that she would not continue the courageous work of the Office for Civil Rights in combating discrimination, harassment, and physical abuse of children across our country. She had the opportunity.

Given the fears and concerns that have been expressed, I would have hoped she would have spoken directly to the work of the Office for Civil Rights to protect lesbian, gay, bisexual, and transgender teens who are factually experiencing some of the highest levels of hate crimes and violence and bullying of any children in America; that she would have made some affirmation that she would be a champion for their equality, for their dignity, and the Office for Civil Rights would continue its needed work, but she didn't.

I hoped she would stand up and say: We have violence on our college campuses; that right now silence is allowing insidious realities to exist. We have a problem with reporting rates. We have a problem with reports being made and not being taken seriously; that she could have used that as an opportunity to speak against what is happening to an unconscionable level of young women on college campuses—something that we would never want to have happen to any of our daughters; to make a pledge that the Office for Civil Rights would not just continue campus advisories but would fight to hold those college campuses accountable, but she didn't.

For students and families across the country, this may not be a celebrated part. We may not all know in America that the Department of Education has an Office of Civil Rights, but for so many families with children on college campuses and preschools, grade schools, high schools, the Office for Civil Rights has been the difference—the difference makers between injustice and justice, the difference makers between violence and security, the difference makers between who we say we are as a nation, liberty and justice for all, and experiencing a terrible, awful lie.

I feel compelled to speak out on the vital importance of the Education Secretary, regardless of party, regardless

of background. I feel a personal responsibility to assure that if I cast my vote as a Senator, that whoever takes that office will be tireless in the defense of all the rights, privileges, and liberties of our students because I personally stand here today because of the role of the Federal Government in enforcing civil rights laws. I stand here today because of the courageous Federal laws that were put in place—bipartisanship, Republicans and Democrats, great battles on this floor for civil rights and disability rights, for title IX protections for women. I am a product of these kinds of fights over the Federal role when it comes to civil rights. I stand here today because of our collective history. I stand here today because of our dramatic history. I believe in States' rights. It is enshrined in our Constitution, but I cannot ignore the role of the Federal Government. *Brown v. Board of Education* is perhaps one of the most famous Supreme Court cases affirming the Federal role.

I hung a picture in the front of my office. I come out of my office into where my assistant sits, and the first thing I see on the wall in front of me is a Norman Rockwell painting. There is this young girl in that painting, and she is striding proudly to school, and behind her are racial epithets, a tomato smashed against that wall. She is a little girl—God, her courage—named Ruby Bridges. There are these White men surrounding her walking just as tall, and they are escorting that girl to school. There is clearly hate swirling around. You can look at that picture, and you can feel it. But I don't care what your background or religion is, you look at Norman Rockwell's painting—as I make sure I do every day as I leave my office as a U.S. Senator and I see that picture—and I am reminded that sometimes when there is hate, sometimes when there is violence, sometimes the State doesn't get the job done. Sometimes, the most vulnerable child needs a little help—not just from a loving teacher or a loving parent but from a government that stands behind her and says: You matter.

I can't stand here today without recognizing that this is my history, that this is your history, that it is all of our history, and that our Federal Government has a role to play. I drink deeply from the wells of the freedom and the struggles and the sacrifice. I reap the harvest from Ruby Bridges and her courage.

Our country has come so far. There is so much love, so much more recognition of the dignity of all children. But, come on, we are not there yet. Children are often harassed because they wear a head scarf. I recently heard about a Sikh child wearing a turban who was still harassed; a mother concerned that her kid, no worse than another but seems to get suspended more for the same behavior. As to children with dis-

abilities, parents are still concerned that even though we have affirmed their rights and dignities in law, those laws aren't being carried out like they should.

God, there are young women on a college campus today who rightfully question whether their campus is committed to eradicating sexual violence.

With all of these things going on, we have to have champions here. We have to have people who understand that public education is a right for everyone. Some of the most profound battles in our country have been fought to get equal access for children to school, so that they can stride toward that school door knowing that they will get a quality education, free from bullying, free from harassment, free from the binds of hatred or discrimination that might hold them back in their lives.

Now, I have faith in who we are as a Nation. I know we are a loving country and a good country, but we haven't got it perfect yet. So I stand here today in opposition to this nomination because I believe we need a champion. I wish I had a chance to meet with the nominee. I wish the hearings had been longer. I have never seen them so rushed. But there is too much at stake right now. There are too many problems that still exist.

Sadly, there still is a need for an Office of Civil Rights in the Department of Education that is aggressive when it comes to the defense of freedom and our rights. I did not hear such a commitment from this nominee. There are millions of parents who didn't hear her speak to the concerns they have about their gay child, the concerns they have about their child with a disability, their concerns about their children going off to college. We did not hear that commitment. In fact, what we heard was a belief that States can figure it out. There was a failure to commit to even the most basic continuance of the Office of Civil Rights.

I am glad I hung that picture in front of my office. I may not be able to get what I consider an open hearing and answers to these questions because I walk by Ruby Bridges. I feel I owe her a duty to not vote for someone who has been silent on the issues that are so critical to this country being who we say we are.

There is a child, I think, who wonders right now. Somewhere in America, that child is wondering if this country will prove itself true to them. They are probably enduring some things I never had to endure. They are probably worried about their safety. They are probably being put in a situation where they are questioning their worth. They probably feel alone and isolated. My prayer is that this child knows that, even though it isn't perfect and it won't be easy, that child somehow knows that they are not alone, that there will be people fighting for them.

I was taught, in the words of a great poet, that there is a dream in this land with its back against the wall; to save the dream for one, we must save it for all.

May the Office of Civil Rights in the years to come remain vigilant, remain strong, and remain expansive in their efforts. I have no confidence it will do so under this person and, therefore, I oppose this nomination. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to thank the Senator from New Jersey, who has given us such a compelling reason to remind all of us why we are here at almost midnight and why we all intend to keep talking and keep working and keep trying to convince one more Senator to say no to this nominee. He reminds us of the basic principle in this country that our forefathers dreamed of and that they put into our Constitution and that we have fought for, which is that every child should have dignity and every child should have a public education. That is why it is so important that we have someone who leads this agency who shares that conviction. I really want to thank Senator BOOKER for his tremendous words tonight.

As the ranking member on this committee, who has been here throughout the Friday debate and through the 12 hours of debate we have had tonight and we will continue to have up until the vote tomorrow, I have had the opportunity to hear many Senators speak passionately. Senator TESTER was here on Friday. He is from a very rural State, and he was speaking about how important it is to not have funds robbed away from the public education systems in those small little school districts to go to students with vouchers for private schools that don't exist in those rural communities. He talked about the importance of our public schools and our public school institutions in a slightly different way than the Senator from New Jersey did. He talked about how, when his grandparents settled in Montana, instead of being ranchers like those before them, they were wheat farmers. There were cattlemen and wheat farmers who were fighting and at odds with each other in the community, and where they came together was in their schools, because both cattlemen's kids and ranchers' kids were in the same school, and they played basketball together, and it healed the wounds of that community.

The Senator from New Jersey just talked about the Office of Civil Rights and why it is so important—that no matter what we look like or what this country stands for, this country says you have a right to an education. It is in our public schools where kids from all strata and all economic lives, with

different backgrounds and different colors and different religions and different thoughts come together and heal our communities.

That is what is at risk with this nominee, and that is why so many Senators on our side have said: To one more Republican Senator, send this nomination back to the President who campaigned saying: Let's heal this Nation; let's bring people together; send us a nominee who actually does that.

Again, I want to thank the Senator from New Jersey and all of the Senators who have been here to speak about how important it is to have a public education.

I wouldn't be in the Senate tonight without a public education. I come from a family of nine, and my father, who was a World War II veteran, got sick when I was in junior high. He was diagnosed with multiple sclerosis. My mom had been at home taking care of seven kids. She didn't have a job. She didn't have skills. We didn't know what was going to happen to us. But we had a public education system that was there for us. Our country was there for us with a public education system—not with a voucher that said you can go to a private school that we couldn't afford even with it or to be able to get one, but a public education school in our community that gave the education to each one of those kids in my family—all seven of us. Then it allowed us to go on to college with Pell grants and student loans, because our government was there for us, even though my dad was sick and my mom had to stay home and take care of him. We had food stamps for a while, and it was tough, but we made it because this country had a commitment to public education for every student, no matter where you lived or where you came from or what challenges you had at home.

That is why I am here in the Senate, and that is why many of us are here in the Senate. It is why this nominee has sparked such an interest across this country. Like many Senators—I think, like all Senators—my office has been inundated with mail and phone calls and emails and rallies and people saying: Please, stop this nominee, and send us someone who can actually work for all of us, because education is a critical piece for each one of us. It is across the country.

I want to share some of the letters that I have received about this nominee. I have received 48,000 pieces of mail opposed to Mrs. DeVos; the number of pro-DeVos emails and letters is in the teens. I have 48,000 pieces, and they are all personal. These aren't rote emails and letters; these are personal pleas. Why and how? Because these people saw this nominee at this hearing, and their expectations for our education system in this country are high. They want someone leading the De-

partment of Education who knows the issues, who believes in public education. They were appalled at what they heard, and they said no.

Mrs. Mary Ann Whittaker, a woman from Longview, WA, a small rural community:

Dear Senator Murray,

As an educator of 30 years and a mother who has helped to raise and educate five children, I was shocked and dismayed by the lack of knowledge and depth of understanding that Ms. DeVos has about education. Our education system needs a leader who can be a true leader in this arena, with the background and backbone to do what is in the best interest of the children of this great country—please do everything in your power to make sure this woman is not allowed to gain this position. Thank you—on behalf of thousands of children and educators in the state of Washington!!

I heard from Joel Puchtler of Seattle, WA. He said:

Please do everything in your power to stop DeVos from becoming Secretary of Education. She is transparently incompetent, and will be destructive to the nation's education system through both intent and ineptitude. Demand a competent appointee from the president-elect.

I am an educator. My wife is an educator. My grandfather was the first Commissioner of Education (so called at the time) under the Johnson administration. He would be thrilled to see a competent woman in this appointment, but categorically horrified at the possibility of DeVos, just as I am.

These are the kinds of reactions I am hearing from my constituents. Why? Because we had this nominee come before our committee. We were allowed 5 minutes each to ask her questions. She has a very complex financial background. We were not allowed to look at those financial background papers before we had a chance to talk to her, so we only had some information. The only thing we could do was ask her questions about what she believed in. Her answers were astounding, and many people saw them, whether it was about IDEA and the ability of children with disabilities in this country to get an education, whether it was about policy debates we are having on education, or what she saw as her drive and her ambition. People in this country want someone who feels passionate about public education, not someone who has used her vast amounts of wealth and her experience to go after what she calls an education system that is incompetent and, in her opinion, needs to go away. Her drive has been to take the funds out of public education and go for private, for-profit education.

I can understand that a woman who is a billionaire with a lot of money invested in companies wanting companies to succeed, but our public education system is not a company. Our public education system is something that is derived from the communities that it is in, from the teachers who are there, from the parents who participate

as school board members and teacher volunteers. It is the driving passion of our communities. It is not something people want ripped away, torn apart, or degraded. That is why this nominee has touched a nerve across the country.

I heard from Mrs. Rebecca Blankenship. She lives in Gig Harbor. She said:

Dear Senator Murray,

I am writing to urge you to oppose the nomination of Betsy DeVos as the Secretary of Education. As a certified teacher who has taught for many years in Public schools and as a parent of two young girls in the Peninsula School District, I find DeVos to be completely unqualified for the position as she has no public school experience, has actively funneled money away from schools in need and lacks the fundamental educational background to make decisions that impact millions of students.

There is no issue more important to me than our education system.

I heard from Ms. Carol Pelander, a former teacher, from Tacoma, WA:

As a retired public school teacher, who continues to work part-time training new teachers, I am extremely concerned about the potential damage that will be done to public education if Betsy DeVos is confirmed as the Secretary of Education. Our mission as educators includes teaching our kids how to live and work together effectively in a diverse community, and the proposals brought to the table by Ms. DeVos to privatize education will further divide us as a community and significantly reduce our already limited resources. She is not qualified for this important leadership position.

I have been in the Senate for a long time. I have gotten a lot of emails, a lot of phone calls, talked to a lot of constituents, and been to a lot of community meetings. These thousands of letters that we are getting are not form letters. These are letters of people telling stories. They are passionate about their public schools. They have spoken louder about this nominee than any other, saying: This is not what I want for my country.

I have heard from many people in our rural communities who are so concerned about privatizing our public education system because they don't have a private school to send their kids to, even if the voucher that she espouses were enough to put them into one.

I grew up in a rural community. I grew up in the small town of Bothell. Coming in to town, I remember the sign that said 998 people, and I remember the day it said that 1,000 people lived in Bothell. Our schools were the heart and soul of our community. It is where you met your neighbors. It is where you sent your kids to play basketball. Everybody showed up for the football games and the music concerts. It was our community. We loved it, and we owned it. Did we say it was perfect? Did my parents say it was perfect? No. But it was the heart and soul of that community, and they did not want to lose it, just as so many other parents

in this country want a Secretary of Education who wants all kids to have a good education.

I have so many letters here. I have one from Adam Brickett, from McClure Middle School in Seattle. He says:

Thank you for your years of service representing our state. I have never contacted an elected official before—

By the way, many of my letters start with that.

I have never contacted an elected official before but with the changes happening in our country I feel the need to now. I'm writing specifically to you today about the nominee for Secretary of Education, Betsy DeVos.

As a middle school teacher for Seattle Public Schools I work hard every day to ensure that my students get the best education possible to be successful in their future careers and lives. I am concerned that Ms. DeVos does not have the experience necessary nor the best intentions for our nation's students and schools to be our Secretary of Education. I believe she would put profits and money ahead of students, schools and teachers. I felt this way before her nomination hearing and feel even more strongly after her hearing. I am worried about the damage she could do to an already fragile public education system. I know I am not alone as virtually all the colleagues I have spoken with have expressed similar dismay with her nomination.

Her record of attacking public schools and funneling money to charter and parochial schools with little to no oversight is troubling. Her lack of experience whatsoever with public education is also very disturbing. Not only has she never been an educator or administrator but she has never even attended or enrolled her children in public education.

A high quality, public education is one of the most powerful tools a society has. Please don't allow someone with no experience and who is fundamentally against public education to become the person in charge of it. I respectfully ask you and your colleagues in the senate to do what is right by our nation's students and reject Ms. DeVos as Secretary of Education.

Thank you again for your tireless service to the residents of Washington.

I have 48,000 letters. My staff handed me a pile of them. They are all very similar. They are very heartfelt. They are not just writing a rote letter to us. They watched the hearings, they listened, they care about our public schools, and some of them are Trump supporters. They want this President to support our public schools.

They did not in this past election have a debate about whether we should privatize public schools. We talked about the debate—and I know my candidate didn't win. But in this country, I never heard a debate about taking public education away, about voucherizing our public schools, about having someone who is the top person—the Secretary of Education—espouse positions that are so fundamentally opposed to what I grew up with and obviously to so many parents, teachers, students, family members, superintendents, people involved in schools, and business leaders. They are

writing to us now because they saw the same thing we did in this hearing.

Let me read a letter from Trina Whitaker from Mukilteo Schools. She says:

This is my 16th year of being a teacher in our public school system in WA State. I am an advocate of public schools as I feel strongly that all our students deserve the right to free and quality education.

I am opposed to the nomination of Betsy DeVos for the Secretary of Education system. Her past actions and beliefs clearly demonstrate that she is not an advocate for our public schools. It would be so damaging if we move in the direction of privatizing public education.

Please consider opposing the nomination of Betsy DeVos in the best interest for our public school system.

Let me read another letter from Rachel Guim of Seattle. She says:

As a committed public school teacher, I believe in our neighborhood public schools, which open their doors to all children, because unlike Betsy DeVos, I see them work for children and their families every single day. We as a community are being undermined by charters, vouchers, for-profit schools and online schools. Precious tax dollars are being wasted creating a parallel school system (when we're already underfunded and not meeting the legal requirements)! Our democratically governed schools—we, the people you have vowed to represent—need your commitment and support. Choice is a disguise for school privatization, nothing more. Stop the takeover of our democratically governed schools. . . . Do not vote to confirm Betsy DeVos.

And she goes on. Again, there are so many letters from so many people from so many different walks of life, all concerned about having a Secretary of Education who doesn't represent the best values and the best beliefs of our country.

Ms. Amanda Smith, a Kindergarten teacher, wrote to me and said:

Hello,

I am a kindergarten teacher in a public elementary school. I am very concerned about Betsy DeVos' potential nomination as secretary of education. As someone who never attended public school, didn't send her kids to public school, does not have an education degree and has never taught, she hardly seems like a fitting candidate for secretary of education. Can anything be done to stop this nomination?

From Gina McMathier, a teacher in Port Townsend, WA:

Dear Patty Murray,

As a recently retired public school teacher, I especially urge you to fight against Betsy DeVos's nomination for education secretary. She is not in any way qualified for the job. Her commitment to charter schools combined with a lack of experience with public schools could destroy our nation's educational system.

Public school teachers provide an education for all of our students. Teachers need more respect and remuneration. We need the very best college graduates to be attracted to the profession. I have known so many dedicated and effective public school teachers during my 25-year career and those of us retiring baby boomers need the best successors possible. They need your support. Don't let this undermine our efforts.

Thank you again for all your [work].

What I hear from people over and over again is that they want somebody leading our public school system in this country who actually believes in public schools, who has the education, the experience, the compassion, the willingness to understand what our forefathers did when they created this country and said: We are going to have a country—a democracy—that has a public education system paid for by all taxpayers to assure that everyone, no matter who they are or where they come from, is not denied a public education. They can learn to read and write and communicate and get the skills they need to be successful. They can dream who they want to dream to be and be there.

We do not want to go backward, and we are one vote away from changing where we are on this nomination, sending this back to the President, and asking him to please send us a Secretary of Education who can get the votes in the Senate, who will be an Education Secretary for all people, from all walks of life, from our rural communities and our urban communities, no matter who they are or where they come from. That, I think, is a great possibility and would be a great outcome.

I know that my colleague is on the floor and is ready to speak as well. Again, I have so many letters from so many people—48,000—who have voiced their opinion on this, more than I have ever had with any other nominee in my memory or any other issue in my memory. I thank all those who have written in and spoken out and stood up for public education. It is the foundation of our democracy, and it is our responsibility, our goal to continue that for them.

Mr. President, I yield the floor.

MORNING BUSINESS

COMMITTEE ON FINANCE

RULES OF PROCEDURE

Mr. HATCH. Mr. President, the Committee on Finance has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Senate Committee on Finance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings*.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer*.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums*.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations*.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling*.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions*.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote*.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes*.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the

committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas*.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations*.—In considering a nomination, the committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the committee may request. The committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings*.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings*.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings*.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum, and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences*.—Persons admitted to the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy, and propriety

traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings*.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy, and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. *Subcommittees*.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(f) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(g) Subcommittee meeting times shall be coordinated by the staff director to ensure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only

upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(h) All nominations shall be considered by the full committee.

(i) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markings of the committee, whether they be open or closed to the public. A transcript, marked as “uncorrected,” shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended, or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) ***Committee on Finance***, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * * RULE XXVI COMMITTEE PROCEDURE * * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * *

H.J. RES. 41

Mr. SANDERS. Mr. President, I strongly opposed the Republicans' efforts to gut the SEC rule regarding transparency for oil and mining industry payments to foreign governments.

I hope the American people are paying attention. One of the first substantive legislative matters that Republicans are trying to send to the President is a measure that makes it easier for oil companies to corrupt foreign governments and undermine U.S. foreign policy goals.

This bill seeks to unravel human rights and transparency protections implemented by the Obama administration. The rule requires oil and mining companies to tell the SEC how much money they pay to foreign governments to extract natural resources. It is a simple, common-sense requirement to improve transparency and combat corruption in some of the most corrupt and dysfunctional countries in the world. In fact, dozens of other countries require that their companies report payments to foreign governments.

Time and again, we have seen oil and mining companies go into other nations that are poor and lack basic democratic institutions and pay huge sums of money to autocratic corrupt regimes. According to a recent article in *Foreign Affairs*, when Rex Tillerson led Exxon as its chairman and CEO,

Exxon “cut lucrative deals with dictators in oil-rich pockets of Africa, extending the lifespans of autocratic regimes in places such as Angola, Chad, the Democratic Republic of the Congo, and Equatorial Guinea.” Thanks to their countries’ oil reserves, the leaders of these poor countries have been able to remain in power for decades.

Yet the rule is dogged by many myths and falsehoods spurred by the fossil fuels lobby. More than \$200 million was spent by opponents of the rule—the oil and gas industry and the U.S. Chamber of Commerce—on political lobbying and campaign contributions. According to a report in *POLITICO*, when our newly confirmed Secretary of State, Rex Tillerson, was the CEO of Exxon Mobil, he personally lobbied vigorously against transparency and disclosure, saying that if other people knew how much his company paid foreign governments, it would be bad for his business. In fact, Rex Tillerson said that there was one country in particular where this rule would be hard for Exxon—Russia.

Another Republican myth is that U.S. companies are at a competitive disadvantage because non-U.S. companies do not have to make the same disclosures and the rule applies only to public companies—not true. The U.S. law covers all oil, gas, and mining companies listed on U.S. stock exchanges—not simply companies based in the United States. This includes BP, Shell, and Total, as well as leading state-owned oil companies from China and Brazil, such as PetroChina and Petrobras.

Republicans also claim that this rule increases prices at the pump—again, not true. Corruption costs oil and mining companies millions of dollars every year from instability and fragility in resource-rich countries, which contributes to increased operating risks, waste, inefficiency, and delays.

When leaders tap a country’s oil revenues to keep themselves in power, it is called petro-authoritarianism. When the United States allows companies to secretly pay authoritarian governments for rights to their petroleum and mineral resources, we become implicit in the resulting human poverty and rights abuses. We cannot let that stand, which is why we have this SEC reporting requirement.

I urged my colleagues to vote no on this effort to kill the important protections provided by the SEC rule regarding transparency for extractive industry payments to foreign governments. We should be putting human rights interests ahead of the financial interests of a few powerful oil companies. That is why I urged my colleagues to vote against putting the profits of industry above the interests of our Nation and lesser developed nations all over the world.

CONFIRMATION OF MICHAEL POMPEO

Ms. KLOBUCHAR. Mr. President, the Senate recently voted to confirm Representative Mike Pompeo to be the Director of the CIA. While I do not agree with many of the views that Congressman Pompeo has expressed in the past, I have worked with him on legislation, and I know that he is a dedicated and experienced public servant. I believe he is qualified to lead the CIA at a critical time in our country’s history. I was also extremely concerned about the nature of the President’s press conference in front of the CIA memorial wall that honors those who lost their lives while in service. This press conference occurred before Representative Pompeo was confirmed by the Senate, and it provided an additional reason for putting seasoned leadership at the Agency without delay.

Like many of my colleagues, I was concerned about Congressman Pompeo’s past views on torture. That is why I personally asked Representative Pompeo about the use of torture, and as he did at his hearing, he stated unequivocally that he would not use illegal enhanced interrogation techniques at the CIA. Senator FEINSTEIN and I have requested and received written confirmation to reinforce the commitment he made at his hearing to uphold laws that ban torture. As a member of the Senate Judiciary Committee, I intend to exercise robust oversight to ensure that these laws are upheld.

I am opposed to torture. In 2007, I voted against Michael Mukasey for Attorney General because of his views on waterboarding. In 2015, I voted to strengthen the legal prohibition on torture by limiting interrogation techniques and requiring that the Red Cross has access to all detainees. I have also introduced bipartisan legislation, the Torture Victims Relief Act, to support torture treatment programs in the United States and abroad to help torture survivors recover from their trauma and rebuild productive lives.

The 1984 United Nations Convention Against Torture has been ratified by 157 countries, including the United States. The world continues to look to America for its steadfast leadership and we must continue to fight against the practice of torture and other cruel and inhuman treatments.

TRIBUTE TO WILLIAM “BILL” CANTY

Mr. COCHRAN. Mr. President, I wish to recognize and commend William “Bill” Canty of Oxford, MS, on the occasion of his retirement after a distinguished 27-year career as a staff member for the U.S. Senate.

Bill has earned my respect and that of the thousands of people in north Mississippi who know him as a dedicated field representative on my staff.

I am confident that the tenacity, loyalty, and work ethic that characterized Bill’s work for me were forged early in life with the lessons he learned as an outstanding student athlete.

Bill grew up in the shipbuilding town of Pascagoula, MS, where he earned letters in basketball, baseball, and football. As a college freshman at Furman University, he started at quarterback for the Paladins and set school records throughout his college football career, completing 215 passes for 2,460 yards and 24 touchdowns. He was elected unanimously in 1988 for induction into the Furman University Hall of Fame.

Bill played professional football for the Toronto Argonauts, a Canadian Football League organization, but was soon called to serve his country. After serving as an Army combat training officer, he began an extensive coaching career during which he earned a reputation for developing quarterbacks and strong passing offenses—first at Furman, then at Florida State University and the University of New Mexico.

In 1978, Bill returned home to Mississippi to coach at the University of Mississippi. He is one of the only coaches in the SEC to ever have been both the offensive and defensive coordinator in back to back seasons. Bill left coaching in 1987 and settled in Oxford.

Following his coaching career, Bill turned his leadership talents in a new direction. Fellow Pascagoula native and former U.S. Senator Trent Lott first hired Bill as a field representative, and I was fortunate to bring him on my staff in 2008.

Bill has served my office and the people of Mississippi honorably and with great dedication.

I am deeply grateful for having the benefit of his excellent service to our State and Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO TOM BURAK

• Ms. HASSAN. Mr. President, today I wish to ask my colleagues to join me in recognizing Tom Burack and honoring his more than a decade of service to the State of New Hampshire. As commissioner of the New Hampshire Department of Environmental Services, he has been a strong advocate for our State and our environment.

Our economic vitality as a State hinges on our pristine lakes and rivers, our clean air, and our strong protection of these natural resources. Under Tom’s leadership, the department has focused on combating the serious challenge of climate change and ensuring that New Hampshire citizens and visitors have access to clean air, water, and land while providing excellent customer service—all of which is critical to our State’s economy and future success. This includes the development of

the 2009 Climate Action Plan, New Hampshire's entrance into the Regional Greenhouse Gas Initiative, RGGI, the creation of the MtBE Remediation Bureau, and the formation of the State Government Energy Committee, among many others.

Tom has also led and facilitated a voluntary, informal network of State agency commissioners for 8 years, helping to bring agencies together to improve the operations of and drive innovation and efficiency in State government. He is a leader on the regional and national levels as well, including envisioning and coleading an overall modernization of how environmental protection services are delivered nationwide through a joint State-tribal-Federal initiative known as E-Enterprise for the Environment. All of these actions and the many others that are too numerous to list have helped to strengthen our environment, protect public health, and combat climate change.

New Hampshire's natural resources and scenic beauty must be protected, and doing so requires strong collaboration. As commissioner, Tom embodied New Hampshire's "all-hands-on-deck" spirit, working collaboratively with our neighboring States on issues like RGGI, local communities on issues like water quality and contamination, other State agencies on issues like State government energy efficiency, and partners at the Federal level.

New Hampshire and our country have benefitted enormously from Tom's vision, energy, and leadership, and I thank Tom for his tireless dedication to protecting our environment and his immense contributions that have helped make New Hampshire a special place to live, work, visit, and raise a family.●

REMEMBERING BOB BOALDIN

● Mr. MORAN. Mr. President, throughout his life, Bob Boaldin was dedicated to serving God, his family, his friends, and his community in Elkhart. As a stalwart figure of southwest Kansas who worked in the communication industry for many years, he was in many ways responsible for connecting the Big First to the world.

Bob was born on November 3, 1939, in Oklahoma City. He grew up in Elkhart, KS, and graduated from the local high school. While attending one semester at Oklahoma Panhandle State University, he met his wife of 58 years, Dian Whitecotton. He and Dian raised two sons and a daughter: Travis, Trenton, and Roxanna. Bob was a wheat and milo farmer who worked part time at the Elkhart Phone Company until 1964, when he began his lifelong career in communications.

In the 1970s, he purchased Elkhart Telephone Company and became the owner of Elkhart TV cable system. He

also served as president of the State of Kansas Telephone Association and on the board of directors at the OPASTCO, Organization for the Promotion and Advancement of Small Telephone Companies. He was a founding member of the organization's Foundation for Rural Education and Development, which continues to help graduating high school seniors succeed by offering them academic scholarships. In 1986, Bob also began serving on the board of the U.S. Telecom Association.

His service to Elkhart and to Morton County will not be forgotten—he was a city councilman, mayor, and county commissioner for many years. He also worked as a local EMT for 13 years. He was an avid supporter of the county fair and always sought opportunities to serve his city and his State.

Bob's leadership abilities and desire to help his community led him to a number of roles advising members of the local and State levels of government, joining the Kansas Supreme Court Blue Ribbon Commission, helping to found WEKANDO, Western Kansas County Commissioners Organization, participating in the Kansas 911 Coordinating Council, and serving as president of the State of Kansas Legislative Policy Group.

He loved his cow-calf operation and worked hard to keep his cattle well fed. He was an active member of the Hillcrest Baptist Church community and gave his time during his younger years as a Sunday School teacher, nursery worker, school superintendent, and deacon.

Bob was an exemplary neighbor, friend, and leader. His lifelong efforts to improve the quality of life for those around him will impact generations of Kansans to come. I am thankful for my friendship with him and for his service to so many. Our prayers are with his wife and family. May he rest in peace.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-668. A communication from the Acting Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-13, Survey of New Foreign Direct Investment in the United States, and Changes to Private Fund Reporting on Direct Investment Surveys" (RIN0691-AA85) received in the Office of the President of the Senate on February 6, 2017; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURR, from the Select Committee on Intelligence, without amendment:

S. Res. 48. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. HATCH, from the Committee on Finance, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON (for himself, Mrs. SHAHEEN, Mr. ALEXANDER, Mr. BARRASSO, Mr. CARPER, Mr. ENZI, Mrs. FISCHER, Ms. HASSAN, Mr. JOHNSON, Mr. KAINE, Ms. KLOBUCHAR, Mr. MCCAIN, Mr. PORTMAN, and Mr. WARNER):

S. 306. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mrs. ERNST (for herself, Mr. COONS, Mrs. GILLIBRAND, and Mrs. FISCHER):

S. 307. A bill to enhance the database of emergency response capabilities of the Department of Defense; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself and Mr. BLUMENTHAL):

S. 308. A bill to amend title XI of the Social Security Act to require applicable manufacturers to include information regarding payments made to physician assistants, nurse practitioners, and other advance practice nurses in transparency reports submitted under section 1128G of such Act; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. CARDIN):

S. 309. A bill to establish a Community-Based Institutional Special Needs Plan demonstration program to target home and community-based care to eligible Medicare beneficiaries; to the Committee on Finance.

By Mr. PORTMAN (for himself and Mr. BENNET):

S. 310. A bill to clarify that nonprofit organizations such as Habitat for Humanity may accept donated mortgage appraisals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Ms. COLLINS):

S. 311. A bill to amend the Public Health Service Act to authorize grants for training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Ms. HASSAN):

S. 312. A bill to redesignate the Saint-Gaudens National Historic Site as the "Saint-Gaudens National Historical Park", and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOZMAN (for himself and Mr. COTTON):

S. 313. A bill to clarify that volunteers at a children's consignment event are not employees under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. DAINES):

S. 314. A bill to enhance consumer rights relating to consumer report disputes by requiring provision of documentation provided by consumers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SULLIVAN (for himself, Ms. BALDWIN, Mr. BOOZMAN, Mr. COTTON, Mr. KING, Mr. MANCHIN, and Mr. TILLIS):

S. 315. A bill to direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the helicopter pilots and crewmembers who were killed while serving on active duty in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HATCH (for himself and Mr. BARRASSO):

S. 316. A bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote American energy security, development, and job creation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LANKFORD (for himself, Mrs. MCCASKILL, Mr. JOHNSON, Ms. HEITKAMP, Mr. MCCAIN, Ms. HASSAN, Mr. PORTMAN, Mr. DAINES, and Mrs. FISCHER):

S. 317. A bill to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Ms. MURKOWSKI):

S. 318. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. BOOKER, Mr. ROUNDS, Mr. FRANKEN, Ms. BALDWIN, Mrs. GILLIBRAND, and Mr. BROWN):

S. 319. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits; to the Committee on Veterans' Affairs.

By Mr. DAINES (for himself and Mr. BOOKER):

S. 320. A bill to require the Federal Aviation Administration to establish annual performance objectives and to hold the Chief NextGen Officer accountable for meeting such objectives; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR:

S. Res. 48. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Ms. COLLINS (for herself and Ms. KLOBUCHAR):

S. Res. 49. A resolution declaring that achieving the primary goal of the National Plan to Address Alzheimer's Disease of the Department of Health and Human Services

to prevent and effectively treat Alzheimer's disease by 2025 is an urgent national priority; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. ALEXANDER, Mr. MARKEY, Mr. RUBIO, Mr. DURBIN, Mrs. SHAHEEN, Mr. COONS, Mr. SCHATZ, Mr. BOOKER, and Mr. BLUNT):

S. Res. 50. A resolution reaffirming a strong commitment to the United States-Australia alliance relationship; to the Committee on Foreign Relations.

By Ms. HIRONO (for herself, Mr. BROWN, Mr. CARDIN, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. MARKEY, Ms. WARREN, Mr. CARPER, Mr. FRANKEN, Mrs. MURRAY, and Ms. CANTWELL):

S. Res. 51. A resolution recognizing the contributions of Federal employees and pledging to oppose efforts to reduce Federal workforce pay and benefits, eliminate civil service employment protections, undermine collective bargaining, and increase the use of non-Federal contractors for inherently governmental activities; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 26, a bill to amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes.

S. 120

At the request of Mr. HELLER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 120, a bill to provide for the creation of the Missing Armed Forces Personnel Records Collection at the National Archives, to require the expeditious public transmission to the Archivist and public disclosure of Missing Armed Forces Personnel records, and for other purposes.

S. 223

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 223, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 224

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 240

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 240, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. 247

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 247, a bill to provide an incentive for businesses to bring jobs back to America.

S. 272

At the request of Mr. SCHATZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 274

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 274, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. 291

At the request of Mr. WARNER, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 291, a bill to amend the National Security Act of 1947 to modify the requirements for membership in the National Security Council and cabinet-level policy forum, and for other purposes.

S. 301

At the request of Mr. LANKFORD, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 301, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

S.J. RES. 1

At the request of Mr. BOOZMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S.J. RES. 2

At the request of Mr. CRUZ, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing

an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. J. RES. 19

At the request of Mr. PERDUE, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. CON. RES. 6

At the request of Mr. BARRASSO, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 38

At the request of Ms. HIRONO, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. Res. 38, a resolution recognizing January 30, 2017, as "Fred Korematsu Day of Civil Liberties and the Constitution".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself and Mr. BOOKER):

S. 320. A bill to require the Federal Aviation Administration to establish annual performance objectives and to hold the Chief NextGen Officer accountable for meeting such objectives; to the Committee on Commerce, Science, and Transportation.

Mr. DAINES. Mr. President, in 2003, Congress mandated the Next Generation Air Transportation System known as NextGen, transitioning our radar-based system with radio communication to a satellite-based one, to increase safety and efficiency. NextGen deployment has been bogged with delays and cost overruns, highlighted by Government Accountability Office reports. Final implementation is to be completed by 2025. This legislation would simply create measurable annual performance goals and hold Federal officials accountable to meeting these goals through the remainder of implementation.

I want to thank Senator BOOKER for being an original cosponsor of this bill, and I ask my other Senate colleagues to join us in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 320

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "NextGen Accountability Act".

SEC. 2. NEXTGEN ANNUAL PERFORMANCE GOALS.

Section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ANNUAL PERFORMANCE GOALS.—The Administrator shall establish annual NextGen performance goals for each of the performance metrics set forth in subsection (a) to meet the performance metric baselines identified under subsection (b). Such goals shall be established in consultation with public and private NextGen stakeholders, including the NextGen Advisory Committee."

SEC. 3. NEXTGEN METRICS REPORT.

Section 710(e)(2) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 49 U.S.C. 40101 note) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following:

"(F) a description of the progress made in meeting the annual NextGen performance goals relative to the performance metrics established under section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note)."

SEC. 4. CHIEF NEXTGEN OFFICER.

Section 106(s) of title 49, United States Code, is amended—

(1) in paragraph (2)(B), by adding at the end the following: "In evaluating the performance of the Chief NextGen Officer for the purpose of awarding a bonus under this subparagraph, the Administrator shall consider the progress toward meeting the NextGen performance goals established pursuant to section 214(d) of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note)"; and

(2) in paragraph (3), by adding at the end the following: "The annual performance goals set forth in the agreement shall include quantifiable NextGen airspace performance objectives regarding efficiency, productivity, capacity, and safety, which shall be established in consultation with public and private NextGen stakeholders, including the NextGen Advisory Committee."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 48—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BURR submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 48

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the

Select Committee on Intelligence (in this resolution referred to as the "committee") is authorized from March 1, 2017, through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017, through September 30, 2017, under this resolution shall not exceed \$3,217,448, of which amount not to exceed \$10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017, through September 30, 2018, under this section shall not exceed \$5,515,626, of which amount not to exceed \$17,144 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018, through February 28, 2019, under this resolution shall not exceed \$2,298,177, of which amount not to exceed \$7,143.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017, through September 30, 2017;

(2) for the period October 1, 2017, through September 30, 2018; and

(3) for the period October 1, 2018, through February 28, 2019.

SENATE RESOLUTION 49—DECLARING THAT ACHIEVING THE PRIMARY GOAL OF THE NATIONAL PLAN TO ADDRESS ALZHEIMER'S DISEASE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PREVENT AND EFFECTIVELY TREAT ALZHEIMER'S DISEASE BY 2025 IS AN URGENT NATIONAL PRIORITY

Ms. COLLINS (for herself and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 49

Whereas the number of individuals in the United States with Alzheimer's and related dementias (referred to in this preamble as "Alzheimer's") is as high as 5,400,000, which is more than double the number in 1980;

Whereas based on the trajectory of Alzheimer's, as many as 16,000,000 individuals in the United States may have Alzheimer's by 2050;

Whereas the increasing prevalence of Alzheimer's and other dementias is a global health crisis that afflicts an estimated 46,780,000 individuals worldwide as of August, 2015 and may afflict more than 131,000,000 individuals by 2050;

Whereas Alzheimer's is a leading cause of death in the United States with data indicating that more than 500,000 deaths each year are attributable to the disease;

Whereas Alzheimer's is the only disease among the top 10 causes of death in the United States without an effective means to prevent, slow, or stop;

Whereas Alzheimer's places an enormous financial strain on families, the health care system, and State and Federal budgets;

Whereas the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) are estimated to bear more than two-thirds of the total costs of this care in 2016;

Whereas a RAND Corporation study published in 2013 and commissioned by the National Institute on Aging found that Alzheimer's is the costliest disease in the United States, costing more than cancer and heart disease;

Whereas in 2015, an estimated 15,800,000 family members and friends of individuals with Alzheimer's provided those individuals with 18,100,000,000 hours of unpaid care, an amount valued at more than \$221,300,000;

Whereas Alzheimer's disease has a disproportionate impact on many populations including women, African Americans, and Latinos;

Whereas the global cost of Alzheimer's exceeds \$818,000,000,000 each year, an amount equal to approximately 1 percent of the world's gross domestic product;

Whereas in December 2013, the G-8 nations met and adopted a political declaration supporting the goal of a cure or disease-modifying therapy for dementia by 2025 as well as collectively and significantly increasing resources committed to dementia research;

Whereas Alzheimer's takes an emotional and physical toll on caregivers that results

in a higher incidence of chronic conditions, such as heart disease, cancer, and depression among caregivers;

Whereas the National Plan to Address Alzheimer's Disease of the Department of Health and Human Services makes recommendations relating to family caregivers of individuals with Alzheimer's to provide care while maintaining personal health and well-being;

Whereas the National Plan to Address Alzheimer's Disease supports informal caregivers by—

(1) identifying the support needs of caregivers;

(2) developing and disseminating modes for intervention;

(3) providing information that caregivers need, particularly in crisis situations; and

(4) assisting caregivers in maintaining personal health and well-being;

Whereas a strong and sustained research effort is the best tool to slow the progression and ultimately prevent the onset of Alzheimer's;

Whereas while the cost to the Medicare and Medicaid programs of caring for individuals with Alzheimer's is estimated to be \$160,000,000,000 in 2016, the United States, through the National Institutes of Health, will spend about \$991,000,000 on Alzheimer's research in 2016;

Whereas the Chairman of the Advisory Council on Alzheimer's Research, Care, and Services created by the National Alzheimer's Project Act (42 U.S.C. 11225) has testified before Congress that the United States must devote at least \$2,000,000,000 each year to Alzheimer's research to reach the goal of preventing and effectively treating Alzheimer's by 2025; and

Whereas the public members of the Advisory Council on Alzheimer's Research, Care, and Services unanimously agree with the testimony of the Chairman regarding the amount of money required to reach the goal for 2025: Now, therefore, be it

Resolved, That the Senate—

(1) is committed to strengthening the quality of care and expanding support for individuals with Alzheimer's disease and related dementias (referred to in this resolution as "Alzheimer's") and family caregivers of individuals with Alzheimer's;

(2) declares that achieving the primary goal of the National Plan to Address Alzheimer's Disease to prevent and effectively treat Alzheimer's by 2025 is an urgent national priority;

(3) recognizes that bold action and considerable increases in funding are necessary to meet that goal;

(4) encourages greater collaboration between the United States and other global governments, particularly the G-7 nations, to advance a global Alzheimer's and dementia research plan;

(5) supports innovative public-private partnership and the pursuit of innovative financing tools, incentives and other mechanisms to accelerate the pursuit of disease-modifying therapies; and

(6) strives to—

(A) double the amount of funding the United States spends on Alzheimer's research in fiscal year 2017; and

(B) develop a plan for fiscal years 2018 through 2021 to meet the target of the Advisory Council on Alzheimer's Research, Care, and Services for the United States to spend \$2,000,000,000 each year on Alzheimer's research.

SENATE RESOLUTION 50—RE-AFFIRMING A STRONG COMMITMENT TO THE UNITED STATES-AUSTRALIA ALLIANCE RELATIONSHIP

Mr. CARDIN (for himself, Mr. ALEXANDER, Mr. MARKEY, Mr. RUBIO, Mr. DURBIN, Mrs. SHAHEEN, Mr. COONS, Mr. SCHATZ, Mr. BOOKER, and Mr. BLUNT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 50

Whereas Australia is a fellow democracy and vital partner of the United States;

Whereas the United States and Australia share core values as well as deep cultural, security, and people-to-people ties;

Whereas Australia has been a treaty ally of the United States since the signing of the Australia-New Zealand-United States (ANZUS) Treaty in 1951;

Whereas an alliance bond is a sacred vow of friendship and trust, and Australia has always been a faithful and reliable partner to the United States;

Whereas United States-Australia defense and intelligence ties and cooperation are exceptionally close, and Australian forces have fought together with the United States military in every significant conflict since World War I and over 100,000 Australian service members have paid the highest price in the course of their service alongside United States allies;

Whereas Australia was one of the first countries to commit troops to United States military operations in Afghanistan and Iraq after September 11, 2001;

Whereas Australia is a close partner of the United States, sharing information essential to the defense and security of the two countries, including through the Five Eyes intelligence community;

Whereas the United States-Australia alliance is an anchor for peace and stability in the Indo-Asia Pacific region and around the world;

Whereas, United States and Australia signed the U.S.-Australia Force Posture Agreement at the annual Australia-United States Ministerial consultations (AUSMIN) in August 2014, paving the way for even closer defense and security cooperation;

Whereas, on October 2015, United States and Australia defense agencies signed a Joint Statement on Defense Cooperation to serve as a guide for future cooperation;

Whereas Australia has welcomed proposals to reposition United States Marines to maintain Marine forces in the western Pacific and improve the United States strategic posture in the Indo-Asia Pacific region;

Whereas Australia has led peacekeeping efforts in the Indo-Asia Pacific, including in Timor-Leste and the Solomon Islands;

Whereas Australia and the United States share strategic interests in the Indo-Asia Pacific region and globally, and have worked together to promote these shared goals and objectives;

Whereas the United States and Australia have been free trade agreement partners since 2005, and the United States has a positive trade balance with Australia;

Whereas robust United States-Australia defense cooperation contributes not only to the mutual defense of the two countries but also to American jobs;

Whereas more than 300,000 United States jobs are supported by United States exports to Australia and nearly 9,000 Australian

companies sell or operate in the United States;

Whereas the United States and Australia work closely in the numerous global and regional fora, including the World Trade Organization and the Asia-Pacific Economic Cooperation forum;

Whereas Australia shares many of the United States' concerns in the struggle against Islamist militancy in Southeast Asia and beyond, and is part of the global coalition to defeat the "so-called Islamic State (IS)"; and

Whereas the United States and Australia have enjoyed a close relationship over many successive Republican and Democratic administrations: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong alliance relationship between Australia and the United States;

(2) supports continued diplomatic, military, and economic cooperation between Australia and the United States; and

(3) reaffirms the importance of a United States-Australia relationship based on mutual respect and befitting a close and longstanding United States alliance partner crucial to the preservation of United States national interests in the Indo-Asia Pacific region and around the world.

Mr. ALEXANDER. Mr. President, tonight the Senator from Maryland, Mr. CARDIN, and I and a bipartisan group of U.S. Senators, have submitted a resolution reaffirming the strong alliance between the United States and Australia. I wish to speak about that for a few minutes.

I don't know what happened during last week's telephone call between the President of the United States and the Prime Minister of Australia, but I do know this: The people of the United States do not have better friends than the people of Australia.

We are more than friends. As one Australian told me when our family lived there thirty years ago, "Well, we're mates all right. The English may be our ancestors but you Americans are our cousins. First cousins. We started out the same kind of people. Underprivileged, a long way from home, doing the same kind of thing, looking for a new life. Found a hard life. Hoped it would be a better one for our children. Each wave of new ones lifted up the last ones. A pioneering spirit in the countryside here. In America, too."

Even though they live down under on the other side of the world, for a century Australians have stood with us every time we are at war, and we have stood with them. During World War II, when Australian troops were fighting in North Africa and Europe, and the Japanese were bombing Darwin four times a day, the United States came to the rescue. In 1992, Dick Cheney and I, as members of President George H.W. Bush's Cabinet, traveled to Australia to celebrate the 50th anniversary of the Battle of the Coral Sea, when the U.S. Navy stopped Japan's advance. Today, no two countries trust one another and cooperate in security arrangements

more than Australia and America. We trade, we visit one another, and our students study in each other's universities.

Thirty years ago, our family lived an American dream and we moved to Australia. We arrived on Australia Day, January 26, 1987, 199 years after the first fleet of English settlers sailed into Sydney Harbor. After 8 years of swiveling in the Governor's chair, on the very day I was sworn out of office, my wife Honey and I and our four children flew to Sydney for Six Months Off in the "Land Down Under." It was my wife's idea: an opportunity for a retreat from the merry-go-round of power and to discover what really was important.

We rented a home in view of the most beautiful harbor in the world, bought an Australian car, and I learned to drive on the wrong side of the road. Our four children walked to Australian schools, and we all sank deeply into the culture of America's favorite cousins. I attended Chester A. Arthur Society meetings, where Australian Parliament members competed to show that they know more about American history than United States Senators do. We spent the night in the South Wales bush. We saw 9-foot crocodiles in the Northwest Territory. We traveled by train to see the Melbourne Zoo and took a horseback trip across the Snowy Mountains. It didn't take long for us to understand what Mark Twain meant when he wrote: "When a stranger from America steps ashore in Sydney . . . the thing that strikes him is that it is an English City with American trimmings."

We made friends then that exist to this day. Last year, four of those friends, the Australian Foreign Minister Bob Carr and the Australian Ambassador to the United States Kim Beazley and their wives, spent the weekend with us at our home outside the Great Smoky Mountains in Tennessee. We cherish those friendships and our country's relationship with Australia. It is always appropriate for the U.S. Senate to reaffirm the importance of that relationship, and I am glad to join Senator CARDIN and a long list of bipartisan U.S. Senators to do that again today.

To offer a more complete understanding of what makes the Australians our favorite cousins, I ask unanimous consent to have printed in the RECORD chapter 30 from my book "Six Months Off," written after our time in Australia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAPTER 30—FIRST COUSINS

"When a stranger from America steps ashore in Sydney . . . the thing that strikes him is that it is an English city with American trimmings."—Mark Twain, *Following the Equator*

You would have thought the Sydney taxi driver, who was English, was speaking of his barely grown-up stepchildren.

"They hate the English, the Australians. Why? Because they realize we're superior. Minute they find out you're from England they've got a chip on their shoulder. It's the convict thing—you know they came from convicts. It's the darndest thing I've ever gotten myself into. I've been here four years and now I've got a superiority complex."

The taxi paused at the entrance to the harbor bridge, but no one was waiting to take the toll. I had read in the morning Herald how toll-takers were striking in support of the postal workers, who had stopped carrying mail while they bargained for a pay increase. We sped on across without paying and the genealogy lesson continued. "Master the little quirks of living here and you know it's not a bad place, but the Aussies still need convincing of the fact. They'll find their own identity one day. Then they won't have to come on so strong. Over the years England ruled a bit too heavily here, but the Aussies are their own people now. They don't have to always prove themselves to anybody, but they do."

The Grand Ballroom of the Sheraton Wentworth Hotel was crowded with guests, black-tied and long-gowned for the Australian-American Bicentennial Dinner. Honey and I found our places and introduced ourselves and found that the other ten who were dining with us at large round table number 27 were all Australian. We sat down and then were immediately invited to rise so that the American ambassador could toast the queen of Australia. The governor-general of Australia responded with a toast to the president of the United States, and we sat again.

"He is the only man in Australia for whom everyone will always stand," explained the lady on my right, as the governor-general began speaking so gently that the raucous table talk in the ballroom quieted.

"It is a happy accident of fate that the Constitution of the United States was being signed in 1787 just as our first fleet was sailing eastward across the Atlantic from Rio to Cape Town on the third leg of its ten-months long voyage. The fleet carried a cargo of convicts who would have been on their way to Georgia had not the American Revolution succeeded and denied the British the opportunity to send their prisoners to America."

The lady on my right, who wore a white dress and dangling gold earrings, whispered, "It's the 'in' thing now, you know, to trace back to see if your ancestors were on the first fleet. A lot of people have always known they were descended from lawbreakers, but very few had been willing to spend money to prove it."

The governor-general was proceeding toward a triumphant conclusion. "The links between our two nations have evolved from earliest times. Out pioneers, like yours, were as unlikely a band as one could conceive. Your gold rush spilled into ours. Our constitution has been built on yours. Our soldiers have died together and we have shared freedoms of speech and of associations and of laws and of humanities and of civil liberties—and now both of us are a melting pot. We read your prose, we speak your poetry and watch your plays and films. We even watch your terrible TV dramas!"

Applause and generous expressions of affection erupted all around, and the governor-general smiled, cautiously retreated, and sat, and Dame Leonie Kramer of the University of Sydney rose and strode to the microphone and spoke bluntly.

"We are profoundly interested in one another, but we are more profoundly ignorant. Americans, for example, are enchanted that this is the land of the crocodiles but they don't seem to have enough sense to stay out of the water when they are here."

Dame Leonie Kramer then sat, and our table plunged into grilled fresh fish and boiled asparagus tips and hot conversation.

The car dealer on my left said, "When I was in America, they thought we had roos hopping in the streets and crocs in the swimming pools and abos behind the fences." His short-cropped hair and narrow tie and innocent eagerness would have made him a perfect candidate for the role of father in a 1950s American family television series.

His plumpish wife agreed. "Most Americans can't find Australia on the map, and even when they do you always have to prove to them that it's as big as the United States."

Her husband laughed. "One bloke coming to the America's Cup almost went back when he found out Perth is as far from Sydney as L.A. is from New York."

A tanned young blond woman, sitting between the car dealer and me, said, "I was skiing in Denver once, was on the lift, and an American man was in the next seat and he was trying to come on to me, and so he asks me, 'In Australia it's summer, isn't it?', and I say 'Right.' And then in a minute he says, 'And what month is it in Australia?'"

The Australians especially enjoyed that, which encouraged the blonde, who turned to me and asked, "How do you like Australia?" She asked this in the same worried way Californians used to question visiting New Yorkers.

I said, "It's beautiful and friendly, but what surprises me is how much like America it is. Sometimes I think I'm at a family on another planet."

The blonde said, "It is another planet, orbiting in sight of the big ones but never to be one."

The plumpish wife of the car dealer agreed. "We always seem to be missing something."

I said, "But, for an American, coming to Australia is almost better than going home again. When you try to go home again it's a disappointment. It's only nearly perfect. But when you come to Australia it's such a pleasant surprise how nearly perfect it is."

The car dealer said, "I reckon everyone in America must have heard about your family reunion. Three hundred thousand of 'em coming this year. That's what the telly said."

The lady in the white dress and earrings on my right asked, "Isn't Australia just the flavor-of-the-month in America? Couldn't we just as well be Timbuktu?"

"It's more than that," her thin and red-faced husband said. He was a member of Parliament.

Honey, who was sitting on the right of the member of Parliament, suggested, "Some Americans come here looking for 'The America that Was.'"

The M.P. said, "Some of us hope America is the 'Australia the Might Be.'"

The car dealer leaned across the table and said to them, "And you'll both be disappointed. Australia's the land of bushmen and sheepshearers and croc hunters in about the same way America's the land of Hopalong Cassidy and the cowboys."

His plumpish wife supported him. "Crocodile Dundee's a fairy tale, isn't that right? And America's not really like Miami Vice." She didn't seem entirely sure.

I said, "Sometimes we don't know so much about ourselves. Sometimes we're visitors in our own countries."

Waiters arrived with plates of an Australian dessert called a Pavlova—whipped cream and fresh papaya in meringue shell—and exclamations over its fluffiness only temporarily diminished the conversation.

"Well, we're mates, all right." The car dealer could not tolerate a lull. "The English may be our ancestors, but you Americans are our cousins."

"First cousins," said the thin, red-faced member of Parliament, whom I sensed correctly was preparing to make a statement. "We started out the same kind of people, underprivileged, a long way from home, doing the same sort of thing, looking for a new life. Found a hard life. Hoped it would be better for the children. Each wave of new ones lifted up the last ones. A pioneering spirit in the countryside here. In America, too."

"I love America!" exclaimed the wife of the Australian bicentennial chairman who was sitting across the table. Her cheerful face had been hidden behind an enormous centerpiece of flowers. "When they sing 'New York, New York' I get excited with the best of 'em. It's our second home. It opens your eyes a bit, doesn't it, to get out of your own country."

"When you do, we look awfully small." The speaker was a dour bald gentleman sitting next to her, who might have been seventy, a plywood manufacturer who was rather obstructed by the centerpiece. For the moment, he held the floor. "Our GNP is about the size of the GNP of Los Angeles."

The blond woman said, "Australia's a village, same names always popping up."

The plywood man said, "Americans have got a head start and size and location and better education, and they have more self-confidence."

This resonated with the blond woman's male guest, whose name I never got in all the din and who now decided to talk to me. "We follow America. You regulate the stock market, so we do it, too. You change school curriculum. We do it, too. Don't think about it. Just do it."

"We'd have been better off to start with pilgrims and a revolution, instead of convicts," said the plywood manufacturer.

"We could have used an Alamo," suggested the car dealer. "We had Gallipoli," said the blonde's friend.

"Wouldn't it have been nice to have something in the center besides a red desert?" sighed the plywood man's wife.

The last of the fluffy Pavlova had been scraped from the plates, and the coffee and mints arrived.

The young blond woman suddenly turned to me and insisted, "I reckon I ought to have a quarter of a vote every time you elect a president. I should. After all, we sit here half our time waiting for American to do something. Our prime minister can't make a deal with Gorbachev. No one's wondering what Australia's trade policy will be. We have to depend on you."

"We already do," said the member of Parliament. "Do what?" asked the blonde.

"Depend on America. For defense. For things we really enjoy. Ask any of our school kids. I've done it. 'Where would you like to go on this planet?' and nine out of ten say, 'Disneyland.' The script for every Australian Tonight show was prepared by an American until recently."

The car dealer was saying to Honey, "We never can have anything like the things that you have in America. There're not enough of us Aussies. Disneyland and interstate highways—things that are ordinary to you—are a wonder to us. Space stations. All the museums in Washington, D.C."

"Another reason we can't is what's happening on Pitt Street," intoned the plywood manufacturer.

"The esplanade work?"

"The lack of it. Did you hear the workers complained about passersby harassing them for leaning on their shovels? And that yesterday the arbitration board awarded them a twenty-seven-cent wage increase because of the harassment!"

The blond woman's date said, "Watch them on MacQuarie Street, at the restoration, the workers smearing suntan oil. It would make a good frame for 'still life.' I watched them from my club window yesterday at lunch."

The car dealer said, "Sunday's Herald said United stewards works twice as much as Qantas stewards."

I said, "You see that on flights to Tokyo. The same Qantas crews going up on Monday and coming back on Thursday. And last month the Bridgestone Tire Company president told me his tire plants work three hundred forty-five days in Japan and America, and the Bridgestone plant in Adelaide works only two hundred ten."

The plywood man looked positively funereal. "We're unusual, all right. We pay double time for afternoon work, for overtime, for vacation. We pay for days off on a butchers' picnic and a bakers' picnic—everybody has a picnic and we pay for that. How are we going to compete with the rest of the world when we're on a picnic?"

Now the men were enjoying long cigars and the ladies were doing their best to survive the haze, and my watch said the dinner had already lasted three hours.

Honey said, "I see a lot of Japanese cars and American fast foods, but I don't hear much proper English. Is it because I'm American and just don't notice it?"

"It's because we've changed," said a lady across the table who up till now had been mostly listening. "We moved here in 1978. We decided Sydney winters were better than English summers, so we sold our house in London. Then, Australians still spoke of 'going home' to England. Now, no one talks about 'going home.' Australianess is coming out all round. We're more American, too, but mainly we're prouder of being Australian."

The wife of the member of Parliament said to Honey, "Read our children's books. I'll send you some for your children. Instead of stories about English hobgoblins, there are more about aborigine spirits and stories full of the sounds of frogs croaking and of the didgeridoo, hostile and growling like the belly of the earth."

Honey said, "The new Sheraton in Yulara was lovely, brown like the desert and built like sails."

The wife of the M.P. said, "Our Australianess came out all right when they tried to kill the brumbies in the Snowy Mountains. Put a stop to that."

Honey said, "We've seen a lot of Australia in David Williamson's plays and Mary Gilmore's poetry and Ken Done's bright splashy painting . . ."

". . . and Fred Elliot's old marine watercolors even if he was drunk a lot," I added.

The wife of the plywood manufacturer said, "And I believe we're learning that our harsh vast spaces and distance from everyone sometimes can be a wonderful advantage." Those were the first words she had uttered in nearly two hours.

From behind the centerpiece of flowers came the cheerful contribution of the wife of the bicentennial chairman. "Eight hundred ten of our eight hundred thirty shires have bicentennial committees."

The member of Parliament added, "At least now we toast the queen of Australia instead of the empire." His wife, on my right with white dress and earrings, asked me, "Have you tried the wickety grubs, the moth larvae the abos used to eat? They're all the rage. Large and crispy and in all the best restaurants."

"No," I said, "but I have been to the beaches and I have thought about those convicts who were laughing at the aborigines standing there sandy and naked and greasy. Now, the descendants of some of those first-fleet convicts are on the same beaches, sandy and naked and greasy."

The member of Parliament had arranged himself into speaking position. "Remember. The English left us. We didn't leave them. They joined the Common Market. Gave us five years to adjust our exports."

This roused the car dealer, who said, "It goes back to the last war. Churchill said, 'Let them have Australia. We'll win it back.' Our boys were on the other side, fighting in North Africa and in Europe and the Japanese were bombing Darwin four times a day. The Americans saved us."

His wife, who was finishing off his mints, too, agreed. "Two Christmases ago there were ten thousand American sailors in Perth and some family took every one of 'em home for the holidays."

The lights dimmed and the official bicentennial film began. Trumpets heralded the arrival of the first fleet of "settlers" on Australia's Identity Day, January 26, 1788, and violins moved the story quickly along into the nineteenth century, and then lingered amid the excitement of the gold rush at Ballarat.

I whispered to the wife of the member of Parliament, "It didn't mention that the 'settlers' were convicts."

"No worries," she said. "The first bicentennial logo forgot Tasmania. Had to make a new one. But it's a good thing, our bicentennial. Helps us remember important things."

SENATE RESOLUTION 51—RECOGNIZING THE CONTRIBUTIONS OF FEDERAL EMPLOYEES AND PLEDGING TO OPPOSE EFFORTS TO REDUCE FEDERAL WORKFORCE PAY AND BENEFITS, ELIMINATE CIVIL SERVICE EMPLOYMENT PROTECTIONS, UNDERMINE COLLECTIVE BARGAINING, AND INCREASE THE USE OF NON-FEDERAL CONTRACTORS FOR INHERENTLY GOVERNMENTAL ACTIVITIES

Ms. HIRONO (for herself, Mr. BROWN, Mr. CARDIN, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. MARKEY, Ms. WARREN, Mr. CARPER, Mr. FRANKEN, Mrs. MURRAY, and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 51

Whereas Federal agencies are tasked with the fundamental responsibility of serving to protect, promote, and preserve the rights and interests of the people of the United States;

Whereas the activities of the Federal Government encompass a broad range of activities, including—

(1) conducting and supporting military operations;

(2) protecting the homeland, including transportation, communications, financial, and other systems;

(3) preserving and enhancing public health;

(4) supporting the least fortunate;

(5) defending the rights and interests of individuals and consumers;

(6) enhancing and preserving the environment of the United States; and

(7) promoting and facilitating commerce;

Whereas, to achieve these objectives, many Federal agencies conduct operations 24 hours per day, 7 days per week, and 365 days per year;

Whereas, according to the Office of Personnel Management, the Federal Government directly employs approximately 2,100,000 individuals to carry out the functions of the Federal Government;

Whereas, in the past 50 years, the population of the United States increased from approximately 198,000,000 individuals to more than 321,400,000 individuals, while the Federal workforce actually decreased from approximately 2,200,000 employees to approximately 2,100,000 employees;

Whereas the Federal Government functions most effectively, and the interest of the public is served, when the Federal Government offers fair compensation, including pay, health, retirement, and other benefits, to attract and retain qualified, diverse, and dedicated Federal employees;

Whereas, to ensure the integrity of the Federal civil service, it is essential that Federal employees have access to constitutionally protected due process rights and the ability to bargain collectively;

Whereas full- or part-time Federal employees should primarily be responsible for the activities and functions of the Federal Government;

Whereas the effective functioning of the Federal Government and the integrity of the civil service have been undermined by efforts to decrease pay and benefits and reduce rights with respect to due process and collective bargaining;

Whereas, through these efforts, Federal employees have already contributed more than \$180,000,000,000 to the reduction of the Federal deficit, primarily in the form of higher retirement contributions and foregone wages;

Whereas reductions to pay and benefits, the removal of collective bargaining rights, and the elimination or degradation of civil service due process rights would make it harder for the Federal Government to attract the best and brightest to public service;

Whereas reinstatement of the "Holman Rule" by the House of Representatives as part of the Resolution entitled "Resolution adopting rules for the One Hundred Fifteenth Congress", approved January 3, 2017, presents a direct threat to the employment and compensation of Federal employees, will not result in substantial savings to the Federal Government, and serves primarily to undermine the morale of the Federal workforce;

Whereas the Federal hiring freeze ordered by the President on January 23, 2017, will impact the ability of the Federal Government to provide services across the United States, including the ability to process the payment of Social Security and other benefits and conduct workplace, food, and product safety inspections; and

Whereas it is in the interest of Congress and the United States for the Federal Government to be able to attract a diverse, dynamic, and dedicated workforce in order to serve the people of the United States: Now, therefore, be it

Resolved, That the Senate will deny the passage of any legislation, and challenge any action of the executive branch, that—

(1) erodes fair compensation for Federal employees, including by reducing wages, unjustifiably raising health insurance premiums, and unnecessarily or irresponsibly reducing the overall Federal workforce, such as an appropriations bill passed by the House of Representatives that contains a provision adopted by the House of Representatives under section 3(a) of the Resolution entitled "Resolution adopting rules for the One Hundred Fifteenth Congress", approved January 3, 2017;

(2) undermines the value of employee retirement programs, including by reducing earnings on retirement savings, unjustly increasing employee contribution levels, or seeking to transition fully to a private-sector styled plan consisting solely of cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986;

(3) diminishes the ability of Federal employee unions to effectively represent and protect the rights of employees;

(4) reduces fundamental protections for civil servants, including the right to due process; or

(5) increases the use of non-governmental contractors to perform inherently governmental functions.

SENATE RESOLUTION 52—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. HATCH submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2017, through September 30, 2017; October 1, 2017, through September 30, 2018; and October 1, 2018, through February 28, 2019, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2017, through September 30, 2017, under this resolution shall not exceed \$4,710,670, of which amount (1) not to exceed \$17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2017, through September 30, 2018, expenses of the committee under this resolution shall not exceed \$8,075,434, of which amount (1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or

organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2018, through February 28, 2019, expenses of the committee under this resolution shall not exceed \$3,364,764, of which amount (1) not to exceed \$12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2017.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the pay-

ment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2017, through September 30, 2017; October 1, 2017, through September 30, 2018; and October 1, 2018, through February 28, 2019, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

AUTHORITY FOR COMMITTEE TO MEET

Mr. MCCONNELL. Mr. President, I have one request for a committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Monday, February 6, 2017, in S-216, the President's Room of the U.S. Capitol, during a vote on the Senate floor, currently expected to occur circa 6 p.m.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that my defense fellow, Captain James Hart, be granted floor privileges for the remainder of this calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOOKER. Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following member of my staff: Erin Robinson.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lamar Alexander:									
France	Euro		1,693.00						1,693.00
Egypt	Pound		534.00						534.00
Austria	Euro		366.00						366.00
Sarah Fairchild:									
France	Euro		1,693.00						1,693.00
Egypt	Pound		534.00						534.00
Austria	Euro		366.00						366.00
Patrick Magnuson:									
Korea	Won		1,062.00						1,062.00
Japan	Yen		1,403.00						1,403.00
United States	Dollar				20,598.16				20,598.16
Michael Bain:									
Korea	Won		1,062.00						1,062.00
Japan	Yen		1,403.00						1,403.00
United States	Dollar				19,111.56				19,111.56
Robert Henke:									
Korea	Won		1,062.00						1,062.00
Japan	Yen		1,403.00						1,403.00
United States	Dollar				19,111.56				19,111.56
Carlisle Clarke:									
Cuba	CUC		813.00						813.00
United States	Dollar				469.00				469.00
Heideh Shahmoradi:									
Cuba	CUC		813.00						813.00
United States	Dollar				469.00				469.00
Jessica Schulken:									
Cuba	CUC		813.00						813.00
United States	Dollar				469.00				469.00
Laura Friedel:									
Cuba	CUC		813.00						813.00
United States	Dollar				469.00				469.00
Dianne Nellor:									
Cuba	CUC		813.00						813.00
United States	Dollar				469.00				469.00
Rachel Santos:									
Cuba	CUC		813.00						813.00
United States	Dollar				469.00				469.00
Patrick Carroll:									
Cuba	CUC		813.00						813.00
United States	Dollar				469.00				469.00
Paul Grove:									
Ukraine	Hryvnia		1,487.41		195.50				1,682.91
United States	Dollar				1,669.56				1,669.56

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tim Rieser:									
Switzerland	Franc		2,210.00						2,210.00
United States	Dollar				2,054.00				2,054.00
Jason Wheelock:									
Norway	Krone		384.00						384.00
Finland	Euro		310.80						310.80
United States	Dollar				4,244.77				4,244.77
Paul Grove:									
Afghanistan	Afghani		99.00						99.00
United Arab Emirates	Dirham		453.00						453.00
United States	Dollar				8,530.16				8,530.16
Jason Wheelock:									
Afghanistan	Afghani		99.00						99.00
United Arab Emirates	Dirham		453.00						453.00
United States	Dollar				8,530.16				8,530.16
Adam Yezerski:									
Belarus	Ruble		482.00						482.00
Moldova	Leu		218.00						218.00
United States	Dollar				4,896.66				4,896.66
* Delegation Expenses:									
United Arab Emirates	Dirham					234.58			234.58
Japan	Yen				3,023.84				3,023.84
Korea	Won				827.50	369.43			1,196.93
Cuba	CUC				2,592.00				2,592.00
France	Euro				1,121.54	2,085.70			3,207.24
Egypt	Pound					2,141.60			2,141.60
Ukraine	Hryvnia					822.82			822.82
Belarus	Ruble					95.60			95.60
Total			24,468.21		99,789.97	5,749.73			130,007.91

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR THAD COCHRAN,
Chairman, Committee on Appropriations, Jan. 13, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ozge Guzelsu:									
United States	Dollar				8,052.26				8,052.26
Vietnam	Dong		932.45						932.45
Malaysia	Ringgit		873.46						873.46
* Delegation Expenses:									
Vietnam	Dong					300.00			300.00
Malaysia	Ringgit					277.05			277.05
Mariah McNamara:									
United States	Dollar				20,367.60				20,367.60
Argentina	Peso		607.42						607.42
Colombia	Peso		897.09						897.09
* Delegation Expenses:									
Argentina	Peso				437.36				437.36
Colombia	Peso					154.33			154.33
Senator Deb Fischer:									
France	Euro		1,400.91						1,400.91
Egypt	Pound		416.07						416.07
Austria	Euro		866.86						866.86
Joe Hack:									
France	Euro		1,400.91						1,400.91
Egypt	Pound		492.51						492.51
Austria	Euro		926.89						926.89
* Delegation Expenses:									
France	Euro				1,115.54	2,078.92			3,194.46
Egypt	Pound					2,141.61			2,141.61
Austria	Euro				1,864.46	725.06			2,589.52
William Greenwalt:									
United States	Dollar				9,967.56				9,967.56
United Kingdom	Pound		1,859.00						1,859.00
Cord Sterling:									
United States	Dollar				9,967.56				9,967.56
United Kingdom	Pound		1,910.00						1,910.00
Samantha Clark:									
United States	Dollar				9,967.56				9,967.56
United Kingdom	Pound		1,887.00						1,887.00
* Delegation Expenses:									
United Kingdom	Pound				2,267.80				2,267.80
Kathryn Wheelbarger:									
United States	Dollar				14,898.86				14,898.86
Oman	Rial		656.93						656.93
Turkey	Lira		204.89						204.89
Thomas Goffus:									
United States	Dollar				15,524.58				15,524.58
Oman	Rial		656.93						656.93
Turkey	Lira		192.30						192.30
Michael Kuiken:									
United States	Dollar				14,898.86				14,898.86
Oman	Rial		656.93						656.93
Turkey	Lira		204.89						204.89
* Delegation Expenses:									
Oman	Rial					175.90			175.90
Turkey	Lira				28.66				28.66
Senator Joe Donnelly:									
United States	Dollar				24,402.48				24,402.48

February 6, 2017

CONGRESSIONAL RECORD—SENATE, Vol. 163, Pt. 2

1939

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Georgia	Lari		405.00						405.00
Slovakia	Euro		325.58						325.58
Rachel Lipsey:									
United States	Dollar				14,587.66				14,587.66
Georgia	Lari		634.50						634.50
Slovakia	Euro		326.83						326.83
Jonathan Epstein:									
United States	Dollar				12,564.98				12,564.98
Georgia	Lari		630.05						630.05
* Delegation Expenses:									
Georgia	Lari				1,716.32				1,716.32
Slovakia	Euro				807.41				807.41
Austria	Euro					278.79			278.79
Senator Joe Manchin:									
Japan	Yen		341.07						341.07
South Korea	Won		471.48						471.48
Ricky Nussio:									
Japan	Yen		341.07						341.07
South Korea	Won		471.48						471.48
Emily Farnell:									
Japan	Yen		378.29						378.29
South Korea	Won		480.54						480.54
Senator Angus King:									
Japan	Yen		343.00						343.00
South Korea	Won		476.60						476.60
Stephen Smith:									
Japan	Yen		343.00						343.00
South Korea	Won		476.60						476.60
Senator Claire McCaskill:									
Japan	Yen		317.28						317.28
South Korea	Won		491.76						491.76
Nick Rawls:									
Japan	Yen		317.28						317.28
South Korea	Won		491.76						491.76
* Delegation Expenses:									
Japan	Yen				3,813.72				3,813.72
South Korea	Won					2,886.74			2,886.74
Anish Goel:									
United States	Dollar				4,719.76				4,719.76
Sri Lanka	Rupee		934.72						934.72
Maldives	Rufiyaa		356.15						356.15
Ozge Guzelsu:									
United States	Dollar				11,426.40				11,426.40
Sri Lanka	Rupee		556.22						556.22
Maldives	Rufiyaa		435.00						435.00
Thomas Goffus:									
United States	Dollar				17,902.39				17,902.39
Afghanistan	Afghani		35.33						35.33
Germany	Euro		415.92						415.92
Slovakia	Euro		564.34						564.34
Hungary	Forint		261.52						261.52
Croatia	Kuna		285.47						285.47
Slovenia	Euro		233.60						233.60
Kathryn Wheelbarger:									
United States	Dollar				16,236.86				16,236.86
Afghanistan	Afghani		29.33						29.33
Germany	Euro		369.19						369.19
* Delegation Expenses:									
Germany	Euro				349.73				349.73
Slovakia	Euro				89.87				89.87
Hungary	Forint					43.00			43.00
Croatia	Kuna					35.00			35.00
Cord Sterling:									
United States	Dollar				17,841.28				17,841.28
Singapore	Dollar		409.65						409.65
Diego Garcia	Dollar		131.00						131.00
Djibouti	Franc		450.00						450.00
United Kingdom	Pound		463.00						463.00
* Delegation Expenses:									
United Kingdom	Pound				872.52				872.52
Jacqueline Kerber:									
United States	Dollar				13,668.76				13,668.76
South Korea	Won		2,077.87						2,077.87
Daniel Lerner:									
United States	Dollar				13,568.76				13,568.76
South Korea	Won		1,771.12						1,771.12
Adam Barker:									
United States	Dollar				13,568.76				13,568.76
South Korea	Won		1,892.87						1,892.87
Jonathan Epstein:									
United States	Dollar				14,820.13				14,820.13
South Korea	Won		1,605.44						1,605.44
* Delegation Expenses:									
South Korea	Won				3,051.56		982.48		4,034.04
Senator Jack Reed:									
United States	Dollar				16,529.36				16,529.36
Afghanistan	Afghani		80.00						80.00
Elizabeth King:									
United States	Dollar				16,629.36				16,629.36
Afghanistan	Afghani		48.00						48.00
Iraq	Dinar		50.00						50.00
Michael Noblet:									
United States	Dollar				16,583.73				16,583.73
Afghanistan	Afghani		18.00						18.00
Iraq	Dinar		50.00						50.00
Michael Kuiken:									
United States	Dollar				16,654.38				16,654.38
Afghanistan	Afghani		83.00						83.00
Iraq	Dinar		27.00						27.00
* Delegation Expenses:									
Afghanistan	Afghani				996.00				996.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Iraq	Dinar				13,800.00				13,800.00
Thomas Goffus:									
United States	Dollar				11,824.08				11,824.08
Romania	Leu		184.03						184.03
Bulgaria	Lev		291.35						291.35
Poland	Zloty		198.41						198.41
Mariah McNamara:									
United States	Dollar				11,544.24				11,544.24
Romania	Leu		184.03						184.03
Bulgaria	Lev		295.21						295.21
Poland	Zloty		179.15						179.15
* Delegation Expenses:									
Romania	Leu				278.36				278.36
Senator John McCain:									
Canada	Dollar		550.00						550.00
Christian Brose:									
Canada	Dollar		550.00						550.00
Elizabeth O'Bagy:									
Canada	Dollar		576.30						576.30
Senator Deb Fischer:									
Canada	Dollar		547.00						547.00
Senator Dan Sullivan:									
Canada	Dollar		565.84						565.84
Senator Jeanne Shaheen:									
Canada	Dollar		532.80						532.80
Bryan Maxwell:									
Canada	Dollar		575.23						575.23
Joshua Lucas:									
Canada	Dollar		532.80						532.80
Senator Tim Kaine:									
Canada	Dollar		444.00						444.00
* Delegation Expenses:									
Canada	Dollar					8,491.50			8,491.50
Senator Joni Ernst:									
United States	Dollar				14,364.36				14,364.36
Afghanistan	Afghani		83.00						83.00
Kurt Freshley:									
United States	Dollar				14,867.86				14,867.86
Afghanistan	Afghani		83.00						83.00
Cord Sterling:									
United States	Dollar				25,787.28				25,787.28
Myanmar	Kyat		463.00						463.00
Thailand	Baht		387.00						387.00
Anish Goel:									
United States	Dollar				11,229.11				11,229.11
Myanmar	Kyat		336.00						336.00
Thailand	Baht		193.00						193.00
Ozge Guzelsu:									
United States	Dollar				15,750.44				15,750.44
Myanmar	Kyat		631.00						631.00
Thailand	Baht		323.00						323.00
* Delegation Expenses:									
Myanmar	Kyat				1,405.00				1,405.00
Thailand	Baht					214.95			214.95
Adam Barker:									
United States	Dollar				12,991.88				12,991.88
Uganda	Shilling		438.00						438.00
South Africa	Rand		200.00						200.00
Jonathan Epstein:									
United States	Dollar				11,360.96				11,360.96
Turkey	Lira		74.00						74.00
Germany	Euro		260.98						260.98
Netherlands	Euro		200.77						200.77
* Delegation Expenses:									
Turkey	Lira					663.19			663.19
Netherlands	Euro					336.63			336.63
Thomas Goffus:									
United States	Dollar				10,047.06				10,047.06
Norway	Krone		100.54						100.54
Denmark	Krone		410.70						410.70
Finland	Euro		667.03						667.03
Iceland	Krona		346.45						346.45
Kathryn Wheelbarger:									
United States	Dollar				11,368.22				11,368.22
Norway	Krone		157.00						157.00
Denmark	Krone		374.08						374.08
Finland	Euro		687.45						687.45
Mathew Donovan:									
United States	Dollar				10,259.06				10,259.06
Norway	Krone		63.56						63.56
Denmark	Krone		390.04						390.04
Finland	Euro		656.51						656.51
Iceland	Krona		346.45						346.45
* Delegation Expenses:									
Denmark	Krone				1,173.80				1,173.80
Finland	Euro				1,409.71				1,409.71
Iceland	Krona				477.00				477.00
Senator John McCain:									
United States	Dollar				3,197.43				3,197.43
Mexico	Peso		553.90						553.90
Stephanie Hall:									
United States	Dollar				2,734.43				2,734.43
Mexico	Peso		550.72						550.72
Mikayla Mowzoon:									
United States	Dollar				2,976.76				2,976.76
Mexico	Peso		592.73						592.73
Steven Barney:									
United States	Dollar				15,433.66				15,433.66
South Korea	Won		1,096.23						1,096.23
Japan	Yen		371.53						371.53
Allen Edwards:									
United States	Dollar				15,433.66				15,433.66

February 6, 2017

CONGRESSIONAL RECORD—SENATE, Vol. 163, Pt. 2

1941

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
South Korea	Won		980.95						980.95
Japan	Yen		391.84						391.84
James B. Hickey:									
United States	Dollar				15,433.66				15,433.66
South Korea	Won		1,174.69						1,174.69
Samantha Clark:									
United States	Dollar				15,433.66				15,433.66
South Korea	Won		1,029.60						1,029.60
Japan	Yen		397.49						397.49
Gerald Leeling:									
United States	Dollar				15,433.66				15,433.66
South Korea	Won		1,019.53						1,019.53
Japan	Yen		379.53						379.53
Jonathan Clark:									
United States	Dollar				15,433.66				15,433.66
South Korea	Won		1,022.82						1,022.82
Japan	Yen		399.01						399.01
* Delegation Expenses:									
South Korea	Won				597.70				597.70
Japan	Yen				950.00				950.00
Total			62,779.63		645,757.54		19,785.15		728,322.32

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR JOHN MCCAIN,
Chairman, Committee on Armed Services, Jan. 31, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rachel Burkett:									
Austria	Euro		366.00						366.00
France	Euro		1,666.00						1,666.00
Egypt	Egyptian Pound		526.00						526.00
* Delegation Expenses:									
France	Euro					1,603.62			1,603.62
* Delegation Expenses:									
Egypt	Egyptian Pound					1,070.81			1,070.81
Senator Lisa Murkowski:									
United States	Dollar				1,217.92				1,217.92
Canada	Dollar		264.20						264.20
Isaac Edwards:									
United States	Dollar				814.42				814.42
Canada	Dollar		318.00						318.00
* Delegation Expenses:									
Canada	Dollar					360.00			360.00
Total			3,140.20		2,032.34		3,034.43		8,206.97

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR LISA MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Jan. 6, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amanda Gunasekara:									
United States	Dollar				14,418.96				14,418.96
Morocco	Dirham		2,109.00						2,109.00
Adrian Deveny:									
United States	Dollar				2,146.06				2,146.06
Morocco	Dirham		4,062.00						4,062.00
Emily Enderle:									
United States	Dollar				4,316.06				4,316.06
Morocco	Dirham		5,504.83						5,504.83
Katie Thomas:									
United States	Dollar				10,066.36				10,066.36
Morocco	Dirham		2,109.00						2,109.00
Total			13,784.83		30,947.44				44,732.27

SENATOR JOHN BARRASSO,
Chairman, Committee on Environment & Public Works, Feb. 2, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Everett Eissenstat:									
Japan	Yen		775.91						775.91
Brunei	Dollar		464.78						464.78
Malaysia	Dollar		709.67						709.67
United States	Dollar				17,769.02				17,769.02
Christopher Campbell:									
Japan	Yen		902.15						902.15
Brunei	Dollar		230.23						230.23
Malaysia	Dollar		539.39						539.39
France	Euro		50.00						50.00
United States	Dollar				16,029.36				16,029.36
Jay Khosla:									
Japan	Yen		766.83						766.83
Brunei	Dollar		475.00						475.00
Malaysia	Dollar		557.73						557.73
United States	Dollar				17,273.03				17,273.03
Shane Warren:									
Japan	Yen		957.10						957.10
Brunei	Dollar		433.41						433.41
Malaysia	Dollar		582.11						582.11
United States	Dollar				17,769.02				17,769.02
* Delegation Expenses:									
United States	Dollar						3,354.12		3,354.12
Douglas Petersen:									
Switzerland	Swiss Franc		951.82						951.82
United States	Dollar				12,108.26				12,108.26
Shane Warren:									
Peru	Sol		2,424.27						2,424.27
United States	Dollar				6,502.50				6,502.50
Everett Eissenstat:									
Peru	Sol		2,439.76						2,439.76
United States	Dollar				8,145.50				8,145.50
Jayne White:									
Peru	Sol		2,519.20						2,519.20
United States	Dollar				5,678.50				5,678.50
* Delegation Expenses:									
United States	Dollar						3,412.59		3,412.59
Total			15,779.36		101,275.19		6,766.71		123,821.26

* Delegation Expenses include transportation, embassy overtime, as well as official expenses in accordance with the responsibilities of the host country.

SENATOR ORRIN HATCH,
Chairman, Committee on Finance, Jan. 13, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
Canada	Dollar		651.30						651.30
Senator Christopher Coons:									
Canada	Dollar		543.05						543.05
* Delegation Expenses:									
Canada	Dollar				1,887.00				1,887.00
Senator John Barrasso:									
Afghanistan	Dollar								
United States	Dollar				15,185.36				15,185.36
Charles Ziegler:									
Afghanistan	Dollar								
United States	Dollar				14,797.86				14,797.86
Senator John Barrasso:									
France	Euro		1,489.50						1,489.50
Egypt	Egyptian Pound		684.00						684.00
Austria	Euro		667.51						667.51
Senator James Risch:									
France	Euro		1,952.00						1,952.00
Egypt	Egyptian Pound		675.00						675.00
Austria	Euro		1,173.00						1,173.00
Chris Socha:									
France	Euro		1,946.00						1,946.00
Egypt	Egyptian Pound		661.00						661.00
Austria	Euro		1,154.00						1,154.00
Senator Jeff Flake:									
France	Euro		1,685.50						1,685.50
Egypt	Egyptian Pound		735.04						735.04
Austria	Euro		878.40						878.40
Colleen Donnelly:									
France	Euro		1,583.00						1,583.00
Egypt	Egyptian Pound		530.09						530.09
Austria	Euro		906.02						906.02
* Delegation Expenses:									
France	Euro						7,986.15		7,986.15
Egypt	Egyptian Pound						5,354.03		5,354.03
Austria	Euro						1,812.65		1,812.65
Senator Ben Cardin:									
Colombia	Colombian Peso		313.00						313.00
Senator Bob Corker:									
Cuba	Dollar		446.20						446.20
United States	Dollar				429.00				429.00
Todd Womack:									
Cuba	Dollar		511.00						511.00
United States	Dollar				429.00				429.00
Caleb McCarry:									
Cuba	Dollar		511.00						511.00

February 6, 2017

CONGRESSIONAL RECORD—SENATE, Vol. 163, Pt. 2

1943

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				429.00				429.00
* Delegation Expenses:									
Cuba	Dollar						10.00		10.00
Senator Jeff Flake:									
Mexico	Dollar		503.21						503.21
United States	Dollar				3,143.45				3,143.45
Chandler Morse:									
Mexico	Dollar		595.24						595.24
United States	Dollar				2,877.25				2,877.25
* Delegation Expenses:									
Mexico	Dollar						228.00		228.00
Senator Edward Markey:									
Haiti	Dollar		532.00						532.00
United States	Dollar				2,167.36				2,167.36
Philip McGovern:									
Haiti	Dollar		532.00						532.00
United States	Dollar				2,053.36				2,053.36
* Delegation Expenses:									
Haiti	Dollar						601.60		601.60
Senator Robert Menendez:									
Austria	Euro		950.66						950.66
Cyprus	Euro		1,357.07						1,357.07
United States	Dollar				12,021.68				12,021.68
Fred Turner:									
Austria	Euro		1,197.38						1,197.38
Cyprus	Euro		1,436.63						1,436.63
United States	Dollar				12,027.26				12,027.26
* Delegation Expenses:									
Austria	Euro						2,071.40		2,071.40
Cyprus	Euro						4,010.93		4,010.93
Jaime Fly:									
Japan	Yen		981.19						981.19
Philippines	Peso		640.93						640.93
Korea	Won		708.18						708.18
United States	Dollar				4,028.86				4,028.86
Carolyn Leddy:									
Japan	Yen		609.64						609.64
Philippines	Peso		533.93						533.93
Korea	Won		657.36						657.36
United States	Dollar				3,422.46				3,422.46
* Delegation Expenses:									
Japan	Yen						1,234.45		1,234.45
Philippines	Peso						70.26		70.26
Korea	Won						401.38		401.38
Clyde Hicks:									
Philippines	Peso		282.00						282.00
Thailand	Baht		813.00						813.00
Burma	Kyat		482.00						482.00
United States	Dollar				3,735.00				3,735.00
* Delegation Expenses:									
Philippines	Peso						35.13		35.13
Thailand	Baht						521.72		521.72
Burma	Kyat						1,261.00		1,261.00
David Kinzler:									
Kuwait	Dinar		359.57						359.57
Saudi Arabia	Riyal		1,119.67						1,119.67
United Arab Emirates	Dirham		511.96						511.96
United States	Dollar				6,669.65				6,669.65
Dana Stroul:									
Kuwait	Dinar		415.57						415.57
Saudi Arabia	Riyal		1,119.23						1,119.23
United Arab Emirates	Dirham		561.87						561.87
* Delegation Expenses:									
Kuwait	Dinar						78.91		78.91
Saudi Arabia	Riyal						681.00		681.00
United Arab Emirates	Dirham						499.35		499.35
Joshua Klein:									
Morocco	Dirham		2,736.61						2,736.61
United States	Dollar				2,616.96				2,616.96
Michael Phelan:									
Oman	Rial		1,239.65						1,239.65
Sudan	Sudanese Pound		1,135.51						1,135.51
Ethiopia	Birr		528.92						528.92
United States	Dollar				4,842.36				4,842.36
* Delegation Expenses:									
Oman	Rial						316.78		316.78
Sudan	Sudanese Pound						406.96		406.96
Lowell Schwartz:									
Austria	Euro		616.08						616.08
Netherlands	Euro		134.00						134.00
United States	Dollar				2,157.06				2,157.06
* Delegation Expenses:									
Austria	Euro						174.86		174.86
Total			42,986.67		94,919.93		27,756.56		165,663.16

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR BOB CORKER, Chairman,
Committee on Foreign Relations, Jan. 27, 2015.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), AMENDED 3RD QUARTER, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
* Delegation Expenses:									
Singapore	Dollar						1,188.00		1,188.00
Total							1,188.00		1,188.00

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs,
Jan. 18, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Heidi Heitkamp:									
Japan	Yen		341.07						341.07
South Korea	Won		455.21						455.21
Matthew Squeri:									
Japan	Yen		321.07						321.07
South Korea	Won		455.21						455.21
* Delegation Expenses:									
Mexico	Peso						540.00		540.00
* Delegation Expenses:									
El Salvador	Dollar						1,708.63		1,708.63
* Delegation Expenses:									
Guatemala	Quetzal						509.53		509.53
Senator Thomas R. Carper:									
United States	Dollar				2,192.25				2,192.25
Mexico	Peso		45.00						45.00
El Salvador	Dollar		106.00						106.00
Guatemala	Quetzal		379.88						379.88
Holly Idelson:									
United States	Dollar				2,192.25				2,192.25
Mexico	Peso		45.00						45.00
El Salvador	Dollar		106.00						106.00
Guatemala	Quetzal		379.88						379.88
Gabrielle Batkin:									
United States	Dollar				2,171.00				2,171.00
Guatemala	Quetzal		436.88						436.88
El Salvador	Dollar		186.00						186.00
Senator Ben Sasse:									
France	Euro		1,742.50						1,742.50
Egypt	Pound		313.82						313.82
Austria	Euro		786.50						786.50
* Delegation Expenses:									
Israel	Shekel								
Senator Ron Johnson:									
United States	Dollar				10,942.89				10,942.89
Israel	Shekel		556.00						556.00
Brooke Ericson:									
United States	Dollar				10,698.89				10,698.89
Israel	Shekel		956.00						956.00
Dan Lips:									
United States	Dollar				10,698.89				10,698.89
Israel	Shekel		956.00						956.00
Klon Kitchen:									
France	Euro		265.56						265.56
Egypt	Pound		140.44						140.44
Austria	Euro		286.22						286.22
Senator Ben Sasse:									
United States	Dollar				482.98				482.98
Canada	Dollar		572.80						572.80
Total			9,833.04		39,379.15		2,758.16		51,970.35

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs,
Jan. 18, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Perry:									
United States	Dollar				22,446.62				22,446.62
Ukraine	Hryvnia		148.77						148.77
Georgia	Lari		574.08						574.08
Lithuania	Euro		876.43						876.43
Matthew Rinkunas:									
United States	Dollar				22,446.62				22,446.62
Ukraine	Hryvnia		154.00						154.00
Georgia	Lari		594.00						594.00
Lithuania	Euro		829.00						829.00

February 6, 2017

CONGRESSIONAL RECORD—SENATE, Vol. 163, Pt. 2

1945

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
* Delegation Expenses:									
Georgia	Lari						1,360.81		1360.81
Lithuania	Euro						768.86		768.86
Total			3,176.28		44,893.24		2,129.67		50,199.19

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR CHUCK GRASSLEY,
Chairman, Committee on the Judiciary, Feb. 2, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 30, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James Risch			684.00						684.00
	Dollar						1,693.00		1,693.00
			1,030.00						1,030.00
			591.00						591.00
	Dollar						1,099.00		1,099.00
			1,906.00						1,906.00
	Dollar						1,039.00		1,039.00
			1,918.00						1,918.00
	Dollar				561.00				561.00
Ryan White			536.00						536.00
	Dollar						1,693.00		1,693.00
			934.00						934.00
	Dollar						1,099.00		1,099.00
			560.00						560.00
	Dollar						1,693.00		1,693.00
			1,681.00						1,681.00
	Dollar						1,039.00		1,039.00
Chris Joyner			929.00						929.00
	Dollar						1,000.00		1,000.00
	Dollar						913.94		913.94
Senator Angus S. King, Jr.			808.00						808.00
	Dollar						289.00		289.00
			514.00						514.00
	Dollar						381.00		381.00
James Catella			808.00						808.00
	Dollar						289.00		289.00
			1,028.00						1,028.00
	Dollar						381.00		381.00
Paul Matulic			125.00						125.00
	Dollar				16,128.00				16,128.00
			400.00						400.00
Hayden Milberg			125.00						125.00
	Dollar				16,128.00				16,128.00
			400.00						400.00
James Catella			125.00						125.00
	Dollar				16,128.00				16,128.00
			400.00						400.00
	Dollar								125.00
Chad Tanner			125.00						125.00
	Dollar				16,128.00				16,128.00
			400.00						400.00
Senator Ron Wyden			327.00						327.00
	Dollar				1,780.00				1,780.00
			327.00						327.00
Isaiah Akin			1,236.00						1,236.00
	Dollar				1,780.00				1,780.00
			1,188.00						1,188.00
Senator James Lankford							108.00		108.00
	Dollar								388.00
			388.00						388.00
			304.00						304.00
	Dollar								136.00
			136.00						136.00
Emily Harding			1,188.00				33.00		1,188.00
	Dollar						108.00		108.00
			389.00						389.00
			304.00						304.00
	Dollar						33.00		33.00
			136.00						136.00
Adam Farris			389.00						389.00
	Dollar						33.00		33.00
			304.00						304.00
			136.00						136.00
	Dollar								33.00
			1,189.00						1,189.00
	Dollar						108.00		108.00
Total			25,204.00		68,633.00		13,031.94		106,868.94

SENATOR RICHARD BURR,
Chairman, Senate Select Committee on Intelligence, Jan. 31, 2017.

1946

CONGRESSIONAL RECORD—SENATE, Vol. 163, Pt. 2

February 6, 2017

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Phoebe Wong:									
United States	Dollar				1,085.86				1,085.86
France	Euro		1,879.00						1,879.00
Total			1,879.00		1,085.86				2,964.86

SENATOR DAN COATS,
Chairman, Joint Economic Committee, Dec. 14, 2016.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ambassador David Killion:									
Austria	Euro		2,058.00						2,058.00
United States	Dollar				12,557.06				12,557.06
* Delegation Expenses:									
Austria	Euro		1,706.42						1,706.42
Germany	Euro		2,190.00						2,190.00
United States	Dollar				11,995.66				11,995.66
* Delegation Expenses:									
Germany	Euro		2,725.00						2,725.00
Total			8,679.42		24,552.72				33,232.14

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR ROGER WICKER,
Chairman, Commission on Security and Cooperation in Europe,
Jan. 12, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), STAFF DELEGATION HALPERN FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Julie Adams:									
United States	Dollar				2,443.46				2,443.46
France	Euro		226.50						226.50
United Kingdom	Pound		1,189.37						1,189.37
Laura Dove:									
United States	Dollar				2,443.46				2,443.46
France	Euro		208.47						208.47
United Kingdom	Pound		1,171.33						1,171.33
Elizabeth MacDonough:									
United States	Dollar				2,443.46				2,443.46
France	Euro		220.50						220.50
United Kingdom	Pound		1,183.37						1,183.37
Hazen Marshall:									
United States	Dollar				2,443.46				2,443.46
France	Euro		227.27						227.27
United Kingdom	Pound		1,190.15						1,190.15
Gary Myrick:									
United States	Dollar				2,443.46				2,443.46
France	Euro		283.50						283.50
United Kingdom	Pound		1,246.37						1,246.37
* Delegation Expenses:									
France	Euro				1,084.00				1,084.00
Total			7,146.83		12,217.30		1,084.00		20,448.13

* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR MITCH MCCONNELL,
Majority Leader, Jan. 27, 2017.
SENATOR HARRY REID,
Democratic Leader, Dec. 23, 2016.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Hawkins:									
United States	Dollar				12,712.16				12,712.16
United Kingdom	Pound		348.57						348.57
Total			348.57		12,712.16				13,060.73

SENATOR MITCH MCCONNELL,
Majority Leader, Jan. 31, 2017.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER (Mr. LEE).
The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise this now-early morning, on a new day, to talk about this nomination, which has been the subject of so much debate, so much contention and, I believe, so much concern across the country and in my home State of Pennsylvania.

I spoke earlier today of some of the basic history of my State that principally involves public education. In the 1830s—the early 1830s, to be exact—a debate started in Pennsylvania about public education, the culmination of which led to the enactment under State law of the Free School Act in 1834 in Pennsylvania. We have had a bedrock foundation of free public education all these generations. It is part of who we are as a State.

In our Commonwealth, even today with all of the changes in education and all of the change in policy over time, we are still a State where 92 percent of our schoolchildren are educated in public schools. That is the State we are. We don't have any for-profit charter schools, and that has been the subject of debate in this nomination.

We have, by law, public nonprofit entities as charter schools. It is a significant point of difference between what is law in Pennsylvania and what is part of our education traditions and what the nominee has stood for in her time as a private citizen. We will get to that a little bit later.

I wanted to start tonight with a basic assessment, and then I will go through a series of issues. The basic assessment and determination that I have made is that I should vote against the nomination of Betsy DeVos to be the next U.S. Secretary of Education. The principle reason for that is her views on public education—what I believe to be a lack of total commitment to public education and what that would mean for the country.

I have heard from people across my State—urban and rural, suburban, Democrats, Republicans, all kinds of people—who have spoken with one voice against this nomination. That is one of the factors that I have to consider when making a decision, but even

I could not have imagined the scope of that response from people across Pennsylvania.

I know we still have a number of hours left before the vote, but, to date, if you count all of the contacts that have been made with my office—or I should say offices in Pennsylvania and here in Washington—it is over 100,000 contacts, whether made by telephone or email or by letter or otherwise.

I have been in the U.S. Senate for more than 10 years now. This is my 11th year. No nomination has even approached that number of contacts from individuals who felt that they had to speak up and speak out, literally, in the context of a nomination.

I wanted to start with one particular issue and develop it rather fully; that is, the issue of sexual assault on our campuses. This is the line of questioning that I pursued with Mrs. DeVos when she came before the HELP Committee—the Health, Education, Labor, and Pensions Committee—just a couple of days ago.

I want to start with the stark reality of sexual assault on college and university campuses across the country. Here is what the Centers for Disease Control and Prevention tell us: One in five women on college campuses experience attempted or completed sexual assault—one in five. That is an abomination. That is a stain on our country. That is something we should not allow to continue.

In the last couple of years, we have just begun to tackle that horrific problem, that insult, that outrage for young women and their families all across the country. We passed legislation that I will talk about in a moment, but this is a matter, I believe, of basic justice.

Hundreds of years ago, St. Augustine said: “Without justice, what are kingdoms but great bands of robbers?” If we don't get serious about this problem—the problem of sexual assault and what happens to young women on our college campuses—we are robbing them of basic justice. We are robbing them of an opportunity to get a higher education.

In many instances, because of that assault, that young woman's life is destroyed or largely compromised or

harmed in some fashion. Sometimes she cannot finish her higher education, so she is robbed of that opportunity because the rest of us didn't do enough to prevent that assault.

When we remember those words of Augustine about a basic definition of justice, we should remember and decide whether we are doing enough to prevent her from being robbed of her dignity, robbed of her safety, robbed of the ability to move forward with public education, and, of course, robbed from her basic pursuit of happiness as a young person on a college campus who should have a reasonable expectation of safety and security.

Too often, the college or the university has failed her. Often—too often, I should say—our society has failed her. This is a serious issue. As I said, some young women never recover, and others struggle for the rest of their lives.

Let me say this about the young men who engage in this kind of conduct: Any young man who engages in this kind of conduct on a college campus is a coward, and we should call them on it. They are cowards. They should be brought to justice—swift and certain justice—when they engage in this kind of a crime. It is happening too often on our college campuses.

As we seek to hold these young men fully accountable for sexual assault on college campuses, we better have a Secretary of Education who is fully committed—fully committed—to making sure that we are holding these students accountable. That is the least we can expect from a Secretary of Education and from a President and an executive branch and a Congress of both parties and both Houses that are committed to protecting young women on our campuses.

What have we done about it? First of all, we haven't done enough. That is the basic foundation of what I will say, but we have made some progress the last couple of years. I introduced legislation a couple of years ago, the Campus SaVE Act, known more fully as the Campus Sexual Violence Elimination Act. That became law in 2013 as part of the reauthorization of the Violence Against Women Act.

As the process works around here, you pass a law in 2013 and the regulatory process starts. The regulations

didn't go into effect until the summer of 2015. We are into our second college school year of those regulations being part of our law.

Here is what they do, and I will summarize my legislation in short order. Basically, what Campus SaVE does is two or three things: One is make sure that we are taking steps—and colleges and universities are required to take steps pursuant to this law—to bring about strategies of prevention so that we are doing everything we can on that campus to prevent these kinds of assaults.

Second, we want to make sure that more and more students and faculty and administration are aware of the problem. It is everyone's problem. It is not just the problem of that victim, not just the problem for young women. It is everybody's problem. If you are a young man on the campus, you can't just be a bystander. You have to be a bystander who does something about this problem. If you are in the college administration or otherwise, you have to be part of the solution.

We passed legislation, got the regulations in effect, and now colleges and universities have to abide by them. This act is now helping improve how campus communities at large respond to sexual assault, to domestic violence in those circumstances, to dating violence. That is a third category.

The fourth category is stalking.

All of those circumstances are covered. All of that behavior by a college student is covered. We want to make sure that institutions have clearly defined policies, and they let the victim know way ahead of time that she has not just rights but she also has opportunities to pursue justice in more ways than one. She can leave that campus and seek the help of local law enforcement if she wants to.

She has to be informed of her right to do that. If she wants to go to a court and seek a protective order, not only must the college tell her about that right, but the college or university has to help her do it. Also, of course, there are the procedures for conducting hearings in a fair and appropriate manner.

We have a long way to go to hold perpetrators accountable. There is still more work to do on that. Too many young men over many generations have been protected in one way or another. Some institution, some individual on the campus or off the campus has protected them and swept these issues and these crimes under the rug.

We are going to continue to work on this issue, but that leads me to the nominee for Secretary of Education. I asked Betsy DeVos in the hearing if she would commit to upholding title IX, which is a nondiscrimination statute that includes important protections against sexual assault. Specifically, I asked her to uphold the guidance from 2011 of the Department of

Education's Office for Civil Rights, which advises institutions of higher education to use the preponderance of the evidence standard for campus conduct proceedings.

Some people know the difference between one level of evidentiary standards versus others. They made a determination that preponderance of the evidence was the right standard. I asked her a very specific question as to whether she would uphold that basic evidentiary standard, and she said it was "premature to make such a commitment."

I also asked her whether she would enforce the law as it relates to sexual assault, and she didn't seem to believe that she had to answer that question in a manner that would give us confidence that she would uphold the law.

To say that it is premature to answer questions like that, instead of saying "Yes, it is my duty as Secretary of Education to uphold the law, to enforce the law, to hold perpetrators accountable, to protect victims"—if she had said that, and then said "Well, but I will have to review some of these policies," that would be different. She just said that it was premature to make a commitment.

She has a duty—not a duty that she can escape if she were to be Secretary of Education—to uphold the law to protect victims. I believe that the Secretary of Education not only must comply with the law, but the Secretary of Education as it relates to those victims on college campuses or potential victims has to be, in my judgment, not just an advocate but an unyielding advocate, a determined advocate, a champion for those students to substantially reduce the likelihood that we are going to continue to see one in five women being victims of sexual assault on our college campuses.

To say that her answer alarmed both survivors and the great advocates who have been in the trenches helping those survivors for years is an understatement. I will just read two reactions.

One survivor, Jess Davidson, wrote an open letter to Mrs. DeVos as part of a "Dear Betsy" campaign. She said:

I haven't always felt that I had the space or safety to tell my story and stand up for survivors. However, I was lucky enough to attend college under a government administration that fought for survivors of sexual assault.

It was only because committed government leaders believed that it was important to uphold Title IX and address campus sexual violence that I was able to overcome what happened to me.

Later in her letter, Jess Davidson said:

Ms. DeVos, certainly my education, if not my life, was saved by committed leaders standing up and fighting for the rights of survivors of sexual assault. So today I am writing you to ask, that if confirmed, you do the same.

Jess goes on from there. She says:

Because if survivors do not feel their government is fighting for them, they won't speak up. I almost didn't.

That is one survivor telling us how difficult it was for her to speak out or to speak up about this issue because of the pain and the horror that she lived through. Mrs. DeVos may not have to answer my questions fully, as much as I pursue an answer, but she does have to answer the questions of those survivors like Jess and so many others because if she is confirmed as Secretary of Education, she is not some independent operator. She is a servant of the people. The people are her boss. Jess is her boss. If she is confirmed, she better understand that she is a public servant. The private sector would be in the rear-view mirror. You can't treat people the way that she might have treated people up to this point in time.

She is a servant of the people if she is confirmed, and she better have an answer for Jess every day that she is on the job if she is confirmed.

Another survivor, Sofie, works for an organization called End Rape on Campus. She wrote:

Our country has finally begun to shatter the silence on sexual violence, and survivors nationwide are refusing to go back to how things were before. Students, parents, and survivors nationwide deserve to know whether Betsy DeVos is truly committed to keeping all students safe in school. Betsy, we are counting on you.

Betsy DeVos, if she is confirmed as Secretary of Education, has to answer those questions that Jess posed, that Sofie posed, and so many others. She may try to avoid questions posed to her by Senators or by the media, but she has a sacred duty that she cannot escape to give answers to these survivors and to the advocates who so bravely support them day in and day out, year in and year out. It is about time the Congress of the United States did a lot more to support these victims as well.

Maintaining protections for victims of campus sexual assault is not part of some negotiation. This has to be mandatory work that we do together. In reference to her answer to my question about it being premature to commit to enforcing a law on sexual assault and fully embracing the guidance that the Department put forth in 2011—and by the way, the same guidance put forth in the Bush administration—if she is going to change that guidance on the evidentiary standard, thereby making it harder for victims and better for the perpetrator, by the way, when you raise the standard of evidence, she better have a good explanation for that.

She will have to have a good explanation for the victims and the survivors as to why she changed a policy that has been in place for two administrations, not just one, two—a Republican administration and a Democratic administration.

I would apply the same test to the entire administration. Now the Trump

administration has an obligation, as well, not just Mrs. DeVos if she were to be confirmed. They must commit as an administration to keep strong campus sexual assault protections in place and not go back to the dark days when this scourge was not a priority—not a priority here in Washington and not a priority on college and university campuses across the country.

If they want to fight on this, I am ready to fight for a long time against anyone who is going to try to weaken these protections. We are not going to allow this administration or any Secretary of Education to turn back the clock and allow young men to continue to prey upon young women with impunity and without consequence as they often have been able to do over the years.

Let me move to a second issue—students with disabilities. It is often overlooked in our debates about education. We have debates about funding, debates about philosophy, debates about who has the best idea, and sometimes we forget students with disabilities, who have a right under Federal law to have the opportunity for a full education, an appropriate education. Ensuring that all students receive high-quality education is absolutely critical, and it is something that is particularly important for students with disabilities and their families.

In my judgment, Mrs. DeVos displayed a total lack of knowledge regarding the Individuals with Disabilities Education Act. That is a 1975 law. The so-called IDEA is four decades old, and its predecessor was the so-entitled Education for All Handicapped Children Act, the old version of it many years ago. Together they have been the bedrock civil rights and education laws that guarantee that students with disabilities receive the same educational opportunities as their peers who do not have a disability.

According to the Department of Education, prior to 1975—prior to IDEA—U.S. schools educated only one in five children with disabilities and many States have laws excluding students, including those who are deaf, blind, and emotionally disturbed or intellectually impaired.

Since the passage 40 years ago of IDEA, the vast majority of children with disabilities are now educated in public schools with their peers. We know that high school graduation rates are higher today than they have ever been. Students with disabilities are going on to higher education in greater numbers.

In the last two decades, reading and math scores on the National Assessment of Educational Progress have increased substantially. We have seen this from the beginnings of the debate in Pennsylvania. Way back in 1971, the PARC vs. Pennsylvania case—PARC standing for the acronym P-A-R-C, one

of the cases that helped establish the right of all children to have an appropriate public education. We know that in the hearing, Senator Kaine from Virginia asked Mrs. DeVos whether all schools that have received Federal funding should have to meet the requirements of IDEA. She said: “I think that’s a matter that is best left to the States.”

That is obviously the wrong answer when you are talking about a Federal statute. States don’t have an option of not complying with Federal law. Given the opportunity to clarify her answer, Mrs. DeVos continued to insist that States should be able to determine whether they provide services to students with disabilities.

Let me say it plainly. That is dead wrong. That is unambiguously, definitively wrong. States can’t decide not to comply with the IDEA—the law that 4 years ago enshrined that basic right for students with disabilities to get an appropriate education. I hope by now, on the eve of her confirmation vote, that she has done some studying and learned that IDEA is the law of the land. If she wants to change it, she better line up votes in the House and the Senate to overturn the law that made sure that students with disabilities have those basic guarantees.

Once again, the best words are from people who write to us and contact us about these issues.

Kristin, who is from Southeastern Pennsylvania, wrote the following with regard to her son:

Being parents of a high-functioning autistic child, we value and cherish our public school system. In fact, our public school experience has been life changing for our son. He’s getting a great education, and has made remarkable strides. He not only benefits from the resources, caring attention provided by teachers, administrators, assistants and school staff and an Individualized Education Plan—accommodations afforded by IDEA that private schools can simply ignore, and charter schools do a poor job of meeting—but he has also had the opportunity to meet all sorts of kids. I am proud and thrilled that his small group of friends include kids whose parents were born in other countries or who practice other religions. This is the benefit of a quality, well-funded, public school education; an informed citizenry and an introduction to the cultures and perspectives beyond our own neighborhoods.

No one has said it better, in my judgment, than Kristin, about the value of public education; the value of that public school to her son who has autism, but he is a high-functioning autistic child. The vistas of opportunities for learning that have been opened to that child because of that school and because of the IDEA that helps that child with a disability—any kind of disability—to get an appropriate education under our system—and a lot of that started way back in the 1830s in Pennsylvania when the Free Schools Act was passed.

So, again, I say very directly to Mrs. DeVos as a nominee and if she is confirmed as the Secretary of Education, that Mrs. DeVos must guarantee Kristin and her son that she will support public schools and children with disabilities without exceptions, not with equivocation, not with some bizarre, erroneous argument about what States might want to do but full commitment, full compliance with the IDEA, full compliance with the law as it relates to any child with a disability. She has an obligation once she takes the oath of office, a sworn duty as a servant of taxpayers, as a servant of those parents like Kristin, to make sure she meets Kristin’s expectations, not the expectations of a President and not the expectations of insiders here in Washington. She has to answer to the expectations of Kristin and taxpayers like her and her son. So she has a heavy burden of proof based upon her testimony to date.

Mr. President, I am going to move to another topic, a topic that has been the subject of much attention lately, but frankly not enough attention over many years. It is an issue that affects all kinds of children in our schools at various ages and at various circumstances. I am talking about bullying, something that sometimes people in my generation somehow conclude has always been a problem and is just a continuing problem from one generation to the next. They are wrong on the facts. It is a much worse problem today than it has ever been, and that is largely caused by the failure to deal with it. It is also caused by the ability of the bully to follow the bullied student home and to torment them and sometimes to aggravate other bullies around them to torment them all day long in school and at home all through the night, day after day, week after week.

In addition to ensuring equal protection of students with disabilities as we just talked about, I am also concerned that Mrs. DeVos will not be fully committed to enforcing civil rights protections for students, including those who identify as LGBTQ.

This is obviously connected as well to the issue of bullying, because often the most likely victims of bullying, we know, are LGBT students and students with disabilities. It affects all students. There is no question about that. But there are too many stories and too many newspaper stories, in particular, about someone who was bullied persistently over time. That has led to suicides and lead to some terribly tragic outcomes for students and their families.

Bullying, when you think about it—or I should say, when we consider the tolerance we have built up, I guess, over years to allow bullying to continue—in many ways is the ultimate betrayal of our kids. We say to our

kids: Go to school. You have to go to school and stay in class and pay attention and do your homework and study hard for quizzes and tests. If you do that, you are going to progress and you are going to be a person who has opportunities in the world. But you have to stay in school and you have to concentrate on your work.

It is the ultimate betrayal for us as parents, as a society, to tell that to a child, and then we put them in schools where the efforts against bullying are not a priority. So it is a real betrayal of our children to send them to schools and then not protect so many of them from bullying. So in so many ways, as adults, we fail our kids when we allow that to happen.

For many LGBTQ students, schools are anything but safe. The Centers for Disease Control in 2016 put out a report called the "Youth Risk Behavior Surveillance" annual report, which looks at the health and well-being of our 9th through 12th grade students. Students who identify as gay are almost twice as likely to have been threatened or injured by a knife or a weapon on school property—twice as likely.

Students who identify as gay are almost three times more likely to stay home from school because of safety concerns. Sixty percent of students identifying as gay had felt so sad and hopeless almost every day for 2 or more weeks in a row that they had stopped doing usual activities.

Finally, the most sobering of all, the rate of suicide attempts is four times greater. Let me say that again. Suicide attempts are four times greater for young people who happen to be gay, and two times greater for young people that are questioning than that of a straight young person. With the advent of text messaging and social media and social networking, many children find they cannot escape the harassment even as they go home at night.

It follows them from the moment they wake until the moment they go to sleep. I will give you one example from Pennsylvania, right in the heartland of our State, Snyder County. You can't get much more small town and emblematic of the rural and smalltown communities in our State than a county like Snyder County.

The story of Brandon Bitner, a teenager from that part of the State, in central Pennsylvania, is a chilling reminder of the horror—the absolute horror—of bullying. This is what one news account wrote:

Brandon Bitner, 14 years old, of Mount Pleasant Mills, PA, walked 13 miles from his home early Friday morning in November of 2010 to a business intersection and threw himself in front of an oncoming tractor-trailer, after leaving a suicide note at his home. There seems to be little doubt in students' mind why Brandon did what he did. "It was because of bullying," this friend wrote to the *Daily Item*, a paper in central Pennsylvania. It was because of bullying. "It

was not about race or gender, but they bullied him for his sexual preferences, the way he dressed. Which," she said, "they wrongly accused him of."

We know that Brandon's suicide note reportedly explained that he was constantly bullied at Midd-West High School in Middleburg, which is also Snyder County, where he was a freshman. Bullies allegedly called Brandon names. He stated in the note that a humiliating event in school this past week was "the straw that broke the camel's back." Brandon was an accomplished violinist, having been a member of the Susquehanna Youth Orchestra in 2009.

That is smalltown Pennsylvania, Snyder County, right in the middle of our State. So you have a 14-year-old who is driven to suicide because of bullying—persistent, pernicious, violent, evil bullying—that drove him to throw himself in front of a tractor-trailer 13 miles from his home.

Now, we know that laws cannot wipe out human behavior or the darkness of human nature sometimes. While we do have Federal laws that promote school safety, there is currently nothing in place to comprehensively address issues of bullying and harassment. It is critical that anti-bullying and harassment laws and policies enumerate or list characteristics that are most frequently the subject of bullying and harassment, such as race, color, natural origin, sex, sexual orientation, gender identity or expression, disability and religion—sometimes known in the law as protected classes.

It is important that in any bullying policies, those categories are so enumerated. This is the most effective strategy for preventing and prohibiting both bullying and harassment. Research shows the effectiveness of these policies, and even the American Bar Association agreed, passing a resolution unanimously in 2011 supporting enumerated protections, not vague references to protecting young people from bullying but very specific enumerated policies.

Now, we have made progress in developing legislation, but we have not gotten the support we need to get it passed. We tried this during the debate on the Every Student Succeeds Act, which, as many of you know, is the reauthorization and the many changes made to the No Child Left Behind legislation. But we did not get this policy as part of that. So we have a ways to go.

Now, I had hoped that the next Secretary of Education would be interested in tackling these issues. While Mrs. DeVos has expressed a desire to work on preventing bullying, her record and financial giving seem to suggest otherwise, especially as it relates to LGBTQ students.

Mrs. DeVos and her family's foundations have given millions of dollars to

organizations that are expressly opposed to this work—much of the funding coming from the Edgar and Elsa Prince Foundation, which is one of her family foundations. So, in other words, she is supporting groups that do not want to pass anti-bullying legislation that enumerates the protected groups of students.

I think that is a big mistake. I think it is wrong. We will continue to fight them. But I hope that those donations that the family foundations have made will not prohibit her from taking strong action against bullying as Secretary of Education. Once again, I will say it: When she becomes Secretary of Education—if she is confirmed—she is no longer a private citizen engaged in fights about ideology or fights about policy or fights about politics. She is a servant of the people if she is going to be Secretary of Education.

So I would hope she would rethink that original predisposition to be against those policies. I will move on because I know we are limited in our time.

Now, I wanted to conclude with a couple of remarks about questions regarding ethics and potential conflicts of interest, because that seems to be a persistent theme with regard to a number of the nominations.

We know that a lot of questions have been asked lately of Mrs. DeVos. I wanted to review some of those. There are at least potential conflicts of interest if she became Secretary of Education. We know that we have a tradition not only here in Washington in the Federal Government, but it was very much a part of State government in Pennsylvania when I served there. It is part of the tradition in our State that we opt on the side of more transparency for candidates and for public officials about disclosure of information, especially information that could compromise an individual in public office—tax returns, for example, when people run for office. Providing Mrs. DeVos's tax returns would be a small price to pay to become Secretary of Education as part of that transparency. It would also go a long way to ease the public's discomfort around some of the potential conflicts of interest in the assets and family trusts that DeVos will be retaining if she were to be confirmed.

The letter of agreement between Betsy DeVos and the Office of Government Ethics is necessary but not sufficient to alleviate her and her family's financial conflicts of interest. The HELP Committee has always used its own requirements for vetting a nominee, which are and always have been a step beyond those gathered by the Office of Government Ethics.

The committee requires full disclosure of all assets over \$1,000 in the two-part committee questionnaire required by the committee rules. So there is a

lot more to do. I know we are running out of time. There is a lot more to do, I believe, in terms of her fully disclosing information about her family's or her own financial transactions, what stakes they will maintain in some of these entities if she were to be confirmed.

This is not about probing someone who has a lot of personal assets and is wealthy. This is about the taxpayers' right to know what their Secretary of Education, or even a nominee for this job, has in her portfolio and her family.

So I will conclude with this. Our children and our families and our taxpayers deserve a Secretary of Education who is fully committed to being a champion for public schools and public education.

I will harken back to what Kristin said in part of the letter I read: Their public school experience has been "life-changing." They "value and cherish our public school system." I hope that Betsy DeVos, if she were to be confirmed, would value and cherish public education and make it a live-changing experience for every student in those public schools.

For the many reasons I have outlined, I will vote against her nomination tomorrow.

I yield the floor.

THE PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, I appreciate the time.

I think we have had a very interesting debate on Betsy DeVos and frankly on public education. Listening to my friends on the left, I have been encouraged, encouraged because I am excited that for the first time in a very long time, we are actually having a conversation about the important role of public education in America. This is a necessary component to success in life.

I have been inspired, inspired by Senators who have spoken eloquently and passionately about the importance of our public education system, the challenges they fear might come with the appointment of Betsy DeVos to be Secretary of Education.

I have also been disappointed and frustrated by some of the statements made by my friends on the other side. What this is not, what this should not be is a partisan issue. This is not an issue of Republicans versus Democrats. That is not what this is about. This is not even a political issue, nor is this an issue about teachers.

I, for one, am so very thankful for incredible teachers. I think of Mrs. Lynch, Mrs. Greenberg, my fourth grade teacher, Mrs. Wynn—God bless her soul. I was a handful. I think of Coach Roberts and Mr. White. We called him Mighty White, Mr. White. What an amazing English teacher I had in my senior year. Ms. Barry and Ms. Myers, wonderful Spanish teachers.

This is not about teachers. It is not necessarily about Betsy DeVos, not even Betsy DeVos. For me, the issue is simply an issue of quality education. I will, without any question, have a very specific conversation on Betsy DeVos. For me, however, this is simply about quality education and how we get there.

My story is familiar to many people in this Chamber. I have spoken about it a number of times. I will tell you that my entire time in the Senate—the 4 years I have been here—I have been talking consistently about the power of education and the necessity of quality education. I call it the opportunity agenda.

The opportunity agenda, which has been my focus for the last 4 years, focuses first on education, making sure that every single ZIP Code in America has a quality choice for education. This is so important to me.

As a poor kid growing up in a single-parent household, I was not doing very well. From 7 to 14, I drifted in the wrong direction. As a freshman in high school, I basically flunked out. I failed world geography. I may be the first Senator to fail civics. I even failed Spanish and English. When you fail Spanish and English, no one considers you bilingual, no one. They did call me, by the way, "bi-ignant" because I could not speak in any language, and that is where I found my unhappy self.

I have two major blessings in my life: a wonderful mother who believed in my future, who encouraged me, who inspired me, who did everything necessary to try to keep me on the right track, and I had a powerful mentor.

I am so thankful that during the hardest times of my life, I found myself in the position to receive a quality education, and I learned from my sophomore year forward to take advantage of that positive, strong opportunity for a quality education, but that was not always the case.

I remember by the time I was in the fourth grade, I had gone to four different elementary schools because there is something transient about poverty. So we moved around some. Picking the right school was difficult, challenging. So, for me, when I think about this topic, when I hear my friends on the left, when I think about the debate around the Nation, this is simply a clear debate and discussion around education. It changed my life for the better.

I will tell you, this is not a Republican or a Democratic issue. Both Republicans and Democrats around this Nation—maybe not in this Chamber but around this Nation—support Betsy DeVos to be the next Secretary of Education, and that is good news.

Let me just talk for a few minutes about Betsy DeVos. I have listened to the concerns as we have heard from the Senator from Pennsylvania. Tens of

thousands of folks have called the offices of all Senators, to include mine. I have been on the phone, answering the phone in my office so I could have a chance to chat with my constituents who called in from inside the State. I certainly had a ton of calls from outside the State.

Here are some of the concerns I heard from my constituents that I know were serious concerns and important parts of the conversation. One serious concern was the lack of experience she has.

I will tell you, she brings with her a fresh set of eyes; that, yes, she has no official experience, but she has invested the last 28 years of her life in improving public education. She has supported, without any question, the creation of public charter schools.

I had the privilege of speaking at a charter school in Michigan started by Betsy DeVos and her husband 3 or 4 years ago, an aviation high school that focuses on making sure the students are prepared to be competent and to qualify for good jobs in the aviation transportation sector. It is a phenomenal school. I enjoyed my interaction with the kids.

I will tell you that not only has she spent the last 28 years in public education, not only has she spent millions of her own money focusing on education, but she has a set of fresh eyes. I will explain to you in a few minutes why that is so important if we are going to improve the quality of education experienced in the rural areas, like West Virginia or in South Carolina, as well as the inner cities, from Chicago to Detroit and parts of South Carolina as well. So that will be an important part of the conversation as we move forward.

The second thing I have heard from my constituents that I think is really important is that she doesn't support accountability equally for charter schools and other public schools.

I had a chance to talk to Betsy DeVos, and I would not support her if she was not going to treat all the schools the same as it relates to accountability. That is important, and that is a place where she has been crystal clear, from my perspective.

The third issue I have heard is that supporting Betsy DeVos will somehow ruin public education. I will tell you, I have had the chance to sit down and chat with her about the role of public education. She agrees with many on our side of the aisle, when she said very clearly, she supports public education. She supports quality public education. She supports charter schools. She supports school choice.

I do not believe there is a binary choice between public education and school choice. I think that is not an accurate description that we face. I think she will help to improve public education.

One of my friends on the left said that public education is a right, but for too many of our children quality public education is not. It is simply not happening.

I will tell you, as I think about the numbers around this concept, I look at those schools around the Nation that meet or exceed our national standard in the area of English or language arts.

In my home State, in the county where I was born, Charleston County, if you break it down—and this is a debate that has become a debate so often about where you live and what you look like so I wanted to break it down by the demographics I have heard so often from my friends on the left because these are important demographics. It is very important for us to understand and appreciate the necessity of improving quality education for all of our students.

I see in Charleston County meeting or exceeding the English standards that we have set, that 78 percent of our White kids are doing just fine in meeting and/or exceeding those national standards, but, unfortunately, only 24.4 percent of our Black students meet or exceed those standards. I heard that of the Hispanic students in Charleston County, only 27.7 percent meet or exceed those standards.

I will tell you that if you think about where we are, as a nation, on the issue of public education and if you drive into some of the inner cities, like Chicago or Detroit or Philadelphia, you have to ask yourself: What is the experience of that child in public education? Because I think this is the central debate for our country. It is around education because a poor education has a strong correlation with our incarceration rates. A poor education has a strong correlation with high unemployment rates. A poor education has a correlation with low lifetime income.

So the importance of the issue of quality education—particularly in those places in our country that seem to be under tremendous stress—we should drill into the numbers so we can appreciate what the future looks like for those kids. This is such an important issue.

In Chicago, 65 percent of our majority students meet or exceed the standard in English or language arts, but only 22 percent of our African-American kids meet or exceed the standards; 29 percent of our Hispanic kids in Chicago meet or exceed the standards.

What are the numbers in Detroit? Well, in Detroit, only 13 percent of our majority students meet or exceed those English standards; 9 percent—1, 2, 3, 4, 5, 6, 7, 8, 9 percent—of the African-American kids meet or exceed those standards; 12.5 percent of our Hispanic kids meet or exceed those standards. Just correlate those numbers to the incarceration rates, to the employment

rates, to the lifetime income rates, and to the rate of hopelessness in those communities.

I know we are having a debate about the Secretary of Education. It is an important debate, but a more important debate centers around the educational experience of our students all over this Nation and what that means long term for this Nation and for the students and for our communities all over the country.

Philadelphia is another place. For 53 percent—barely half of the majority students—meet or exceed the standards; 24 percent of African-American students and 23 percent of Hispanic students meet or exceed the standards.

What does that mean? That means that while we are having a debate about education, while we are having a debate about Betsy DeVos, maybe it is not about Betsy DeVos. Maybe it is not about the great teachers I have had and others have had. We should all celebrate quality public education. I do. I am a tremendous supporter of it, but there is a place in this Nation—from Appalachia, the rural areas in West Virginia, the rural areas of South Carolina, inner cities that I have just named—where a quality education is not the norm. As a matter of fact, the exact opposite is the norm, and that means we all will pay a hefty price, not financially because that is secondary. We lose human potential when it is not developed, and that is a travesty, one that we can ill afford as a nation.

While I am seriously concerned about our debate on Betsy DeVos and I am seriously concerned about public education, I am very concerned about the quality outcomes not being experienced by our rural kids and our inner-city kids, and far too often we forget to have a debate about the children in the system. We have a debate about the system, we have a debate about the Secretary of the system, but we haven't thoroughly vetted the accomplishments or the lack of accomplishments within that system. So we ought not cast a shadow over all public education. We should, however, illuminate or cast a bright light into problem areas and look for options to improve the outcome for those kids not only trapped in a failing system but for the rest of their lives playing catchup. That is where our focus should be.

We have heard a whole lot of hyperbole about what the next Secretary of Education can do, as if that person could somehow with a magic wand change education. That is patently false. It would take action by this Congress to have that happen. The reality of it is that while it is an important position, she cannot act unilaterally, and the one commitment that I made sure I had from her—she viewed the world of education in the same paradigm as I do, which is we don't want a top-down approach to education; we ac-

tually want school districts and local communities and counties and States to lead the charge, because about \$550 billion that supports public education doesn't come from the Federal Government, it comes from the States and the local school districts. That is where the decisions should be made.

I am a supporter of school choice; however, it would just be an option under the best-case scenario where States would have more options at the cafeteria. I don't want to mandate and she is not going to be able to mandate school choice. That will be our decision, and I have decided I don't want to make it happen. I want to give the States and the local school districts the opportunity to make their own decisions, which does lead me, of course, to my support and her support of school choice.

I would submit that most of us in this Nation support school choice. I know that is a controversial statement and one you have to back up with facts. Here is a fact: The fact is that we as a nation consistently support school choice. It is called a Pell grant. A Pell grant is a Federal subsidy that oftentimes goes to private schools—colleges. Unfortunately, many kids who do not meet or exceed the standards in English, math, and science will never experience the Pell grant because they don't go on to a 2-year or a 4-year education. They don't go to a technical school or to a college. They don't find themselves experiencing what we as a Federal Government provide—a clear and specific option to take your Federal dollars to your private colleges.

We all seem to support school choice; we just don't seem to support it for those kids trapped in failing school districts and underperforming schools. Those kids will not see the Pell grants so often. Too often, too many of those kids will not see a Pell grant, which is absolutely, positively, unequivocally school choice.

I will state that I am hopeful. I am hopeful because I believe that men and women in this Chamber are sincere and serious about the debate around public education. And I will tell you there are reasons to believe that in spite of the dismal performance that I have read, there are reasons to be hopeful that the future for those kids in public education can get better—significantly better.

As I wrap up my comments, let me reflect upon what is possible for kids who were underperforming to become high-achieving. So often we label those kids as at-risk kids. I prefer to call them high-potential kids. There are examples in this Nation where those kids who were performing so poorly, according to the third grade statistics, around meeting or exceeding expectations, according to ESSA, those kids, later in life and in different programs and in New York City specifically, are

doing incredibly well. Let me give a couple of examples, and I will close with this good news and more to be continued later this morning.

There is a group of schools called Success Academies which are public charter schools that are performing at the highest levels in the State of New York. Here is the good news: These kids are 87 percent African American and Hispanic. And I went through the numbers earlier—dismal numbers meeting or exceeding standards in English. The numbers are very similar in math. They are very similar in science. But here is what is possible: In all the New York State schools, the top-performing schools in the State—looking at their performance, 94 percent success rate in math, 82 percent in English, 99 percent in science. To break those numbers down as I did earlier with the African-American and Hispanic students, in math, here is how you reverse the achievement gap: 93 percent of African-American Success Academy scholars outperform the majority of students in New York City. Eighty percent of them are African Americans and 80 percent of them are Hispanic. They are at 80 percent.

You see, Mr. President, with the right focus, with the right emphasis, with options like a cafeteria, when parents have a choice, the students have a chance not just in education but a better chance in life.

Thank you, Mr. President.

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUBIO). Without objection, it is so ordered.

Mr. BENNET. Mr. President, the hour is late, or early in the morning, and my colleague from Hawaii is here. Before I leave the floor, I want to say how pleased I am to see the Senate actually debating the state of education in America.

I said earlier today when I was here that if you are born poor in this country, you arrive at kindergarten having heard 30 million fewer words than your more affluent peers, and if you are born poor in this country, by the time you get to the fourth grade, only about one in four kids is proficient in mathematics, fewer than that are proficient readers. What it all adds up to is that if you are poor in the United States, your chances of getting a college degree by the time you turn 25 are about 9 in 100.

I often think about that when I am in this Chamber because there are 100 desks here, and if we were poor kids living in America, the desks that would

be occupied by college graduates would be the three desks that my colleague from Hawaii is sitting at in the front row over there, the four desks behind him, and then two more desks in the following row. Every other desk in this Chamber if they were occupied by poor children in this country, would be occupied by somebody who didn't have a college degree.

Sometimes people say to me: Well, don't you know that not everybody will go to college. College isn't for everybody. I find that when people say that, they are often talking about other people's children, not their own children. Even if that is true—and I do believe we should build a robust system in this country that is not about a college degree but is about acquiring skills and knowledge that can put people on the path to acquiring a salary that is actually worth something. In fact, the Presiding Officer and I have a bill together that would allow students to use Pell grants for those kinds of educational opportunities that may not get you to a college degree but will put you on the pathway to acquiring greater skills.

I think it is very important that we have a system where people are acquiring that kind of knowledge, but it also is true that it is, I think, completely at war with who we are as Americans; that there is a class of people in the United States, in the land of opportunity, who because they are unlucky enough to be born poor, are unlucky enough to go to schools that nobody in this Chamber would ever be content sending their kid or their grandkid to.

In fact, if we had the results that we have for poor children in America for the children and grandchildren of the Members of this body, I am sure we would all leave and go back home and fix this problem. We don't talk enough about the State of public education in this country. We almost don't talk about it at all.

We just had a Presidential election in this country where the issue didn't come up almost at all. I am glad we are having the debate, and I strongly believe that the person President Trump has nominated is ill-equipped to help the country overcome the challenges we face in public education and put us on the path we need to be on, which is a path that says that we are going to provide in the United States robust, high-quality early childhood education for every family in America that wants it.

We are going to have a system of public education in this country that provides a K-12 school for every single child in America that is a school that any Senator would be proud to send their kid. We are going to make sure that every young person in the United States, and maybe even people who aren't so young, has the ability to graduate from college or acquire the skills and knowledge they need to com-

pete in the 21st century and do that without acquiring a mountain of debt that requires them—in the case of people graduating now from colleges in Colorado—to take 22 years of their lives to pay that debt back. It doesn't make any sense.

This is the land of opportunity. The gateway to opportunity is a high-quality education, and too many of our kids in this country in the 21st century don't have access to it. My hope is that when we get through this debate, we can focus on the work that is happening in places like Denver, CO, where we have seen, in just a 10-year period, a 60-percent increase in the number of kids who are graduating from high school.

I am the first to say that we have a long way to go in Denver in terms of making sure that a kid's ZIP Code doesn't determine the education they get. I said earlier tonight and I believe if we could say that every single city in America, every single urban district and every single rural district where there are poor children and kids of color going to school that we had increased the graduation rate over the last 10 years by 60 percent, I think we would feel a lot better about where we are headed as a country.

That is a fundamental challenge for this country. It is the most important domestic issue we face, and I hope this debate tonight, this 24 hours we are spending on this nominee, is not the end of our debate.

As I said the other day in the Health, Education, Labor, and Pensions Committee, I think it would be a useful exercise for that committee to spend the next year studying what is going on in public education in this country, what is working well, what is not working well, and figure out how we can work—the Federal Government can work—with States, local governments, and local school districts to provide the kind of opportunity that every kid in America deserves.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

Mr. SCHATZ. Mr. President, I wish to tell a story about Evelyn, a young woman I met from Molokai, which is a small rural island in the State of Hawaii. It is the kind of place that has one radio station, one high school, and everybody knows everybody. Of course, everyone in town knows Evelyn.

They were all so very proud of her when she invented a pH sensor that can detect even small changes in the

ocean's environment. Her device is nothing short of groundbreaking. It is actually more accurate than the devices that marine scientists at our Federal agencies have been using, and it is way less expensive. It is an estimated $\frac{1}{2}$ nd of the price, and it requires half the maintenance.

This invention makes Evelyn an accomplished scientist, an innovator, an entrepreneur, and a passionate ocean steward, but she is also a junior in public high school, Molokai High School. She is proof that our public school students can compete and innovate at the highest levels and that public schools can be a path to just about anything, which is why public schools and public education are to be held up and supported and understood as the great equalizer, the bedrock of our democracy, our civil society, our country. You can trace back the history of public education in America to the Original Thirteen Colonies. In 1635, boys in Boston could get a free education, and by 1647, the Massachusetts Bay Colony required every town to provide boys a basic education.

Some 340 years later, our public education system has come a long way, but some things don't change. Our communities still understand how public education lays a foundation for success. It gives every American the chance to pursue their dreams. But the nominee for Secretary of Education doesn't seem to understand that, which is why we see constituents flooding the phone lines, Facebook and Twitter, faxes, and the in-boxes of U.S. Senators.

In terms of pure volume, this last week has been the highest point for American interaction with the U.S. Congress in our history. Think about that. Think about what we have been through as a country together, and yet, this week and last, more people have called their Members of the Senate than literally ever before because that is the level of passion people feel for public education and because Americans across the country are concerned and worried about what will happen to public education under Betsy DeVos. My office alone has received thousands of messages about her nomination.

I just want to be clear about this. There are certainly advocacy organizations that make it easy for you to contact your Member of Congress. They have form letters. They have Web forms. They make it easy. They populate the thing. They pop off an email, and you just sign at the bottom. That isn't what I am talking about. These are organically generated, individual letters from across the State of Hawaii.

Talking with colleagues, that is what is happening. People are, on their own, calling because everybody has a story about public education. Everybody has a reason to be passionate about public education. Let me share a few of these concerns.

A parent on the Big Island of Hawaii wrote:

As a mother of two, and as a woman who went back to graduate school in her 50s, I understand the importance of free education in public schools as a fundamental American right, one which can create a lifelong love of education and learning.

A constituent from Kihei, Maui, wrote:

Public schools are not failing. We, as in our American culture, are failing them.

Another one from Kahului, Maui, wrote:

Children are not a business, they are not a commodity. Public education has its issues (of course it does), but privatizing teachers and turning education into an opportunity for the rich to get richer on one of the last social services we provide to everyone in this country is not the answer.

Here is one from a teacher on the island of Molokai:

The nominee for Secretary of Education, Betsy DeVos, has zero experience serving in public schools and is not qualified for the job. I do not believe she understands the needs of our students and what effort it has taken to move our schools as far along as we have. Public education is a great responsibility and cannot be left to those who have never worked directly with children in need.

These are children who experience school as a safe place when they are valued, fed and educated. This serious responsibility of public education in no way can be left or replaced by a voucher system.

Here is another message from a constituent on the Big Island:

My family has very strong ties to the education community—many of which are or were educators. My husband is an English as a second language teacher, and my mother-in-law is currently a third grade teacher, so this issue cuts deep in our beliefs. We at a minimum deserve a leader with some experience and who knows at least some of the laws already in place as well as how to enforce them.

Mrs. DeVos has never known what a child from Milolii has to do just to get a good education. She has never had to make the choice to go to college or to stay home, try to save money while also helping to support her household. Neither her nor her children had to question if she can afford out of state tuition. She does not represent our plight and she does not know our challenges.

I ask you from the pureness of my heart as a mom who wants what is best for not only my child, but for every mother's child, to please demand an educational representative with experience and our values in mind.

Here is a message from another parent:

This is not about which side of the political arena you fall upon. I believe there are many Republicans and Democrats who are far more qualified and knowledgeable than Mrs. DeVos. Our kids deserve better.

She is right—our kids do deserve better. But right now, not all of them are getting the education they deserve. A 2016 report found that half a million 15-year-old students in the United States haven't mastered the basics in any subject—not math, not reading, not science—and more than a million scored below the baseline level in science.

U.S. News and World Report noted that if we could pull those kids up to a basic understanding, our economy could grow by an estimated \$27 trillion over the time period that these students are in the workforce. Set aside the human impact for a moment. Set aside the family impact. If all you care about is economic development, we are leaving \$27 trillion on the table because we are not lifting up every child to learn as much as they possibly can and reach their potential.

In too many places, we are failing these kids. The impact is both negative and far reaching. Our failure impacts their ability to go to college or learn a trade, to make a decent paycheck, to provide for their family, and to pursue the American dream. But we don't have to fail these children. This Congress can make choices that will improve education for all. We can make, instead of break, the future for our kids. We can decide to increase funding for disadvantaged students. We can decide to protect our students from bullying, sexual harassment, and gun violence. We can decide to set up children for success with universal access to early childhood education.

There is abundant brain science now that confirms every parent's instinct, which is that the first 5 years of a child's life—of an infant's life into being a toddler, then to being a little kid—those first 5 years are the most important years for a child. Now we don't have to just use our instincts because there is abundant brain science and data that have come in that have shown, in terms of the efficacy of a Federal dollar spent, there is nothing that has a greater impact in terms of reducing social service spending, in terms of economic development, than investing in early childhood education.

We can decide to adhere to common-sense accountability standards to ensure a high-quality education to all children, regardless of who your parents are or where you live. We can decide to invest in wage-boosting apprenticeship careers and technical education. We can make college more affordable so our students can access higher education without taking on crushing debt.

But to accomplish these goals, we need an excellent Department of Education to make it happen because the agency is responsible for implementing Congress's decisions. It is up to the executive branch to ensure equal access to education and to promote educational excellence throughout the Nation. That is literally the mission statement of the U.S. DOE—to ensure equal access to education and to promote educational excellence. And that is the way I look at the Secretary nominee. Is she committed to ensuring access—equal access to education and promoting educational excellence?

The Secretary of Education is responsible for the mission of overseeing

a \$36 billion budget in K-12 and about \$150 billion in higher education funding. This person is responsible for enforcing key civil rights protections for our students. This person advises the President on all things education in the United States, whether it is a policy that will affect a local public school or a policy that will impact millions of student borrowers.

Up until this moment, every Secretary of Education who has served in the President's Cabinet has had the resume required to take on these responsibilities.

Shirley Hufstедler was the first Secretary of Education to be in the Cabinet, serving under President Carter. As the daughter of a schoolteacher and a part-time teacher herself, she was also a trailblazing lawyer who was considered a favorite to be the first woman nominated to the Supreme Court.

Terrel Bell was a teacher, a professor, and then a superintendent of a school district in Utah before he served under President Reagan.

William Bennett was a professor at three universities who released research about higher education curriculums before heading the Department to serve under President Reagan.

Laurel Cavazos was dean of Tufts Medical School before becoming president of Texas Tech University. He would go on to be the first Secretary of Education for President George H.W. Bush.

The esteemed Senator ALEXANDER served as Governor of Tennessee and president of the University of Tennessee before becoming President Bush's Secretary of Education.

Richard Riley championed funding and support for education as Governor of South Carolina before leading the Department of Education under President Clinton.

Rod Paige was a professor, a dean, an innovator in education, and the superintendent of the Houston school district before he served under President George W. Bush.

Margaret Spellings advised then-Governor George Bush on education in Texas before becoming his second Secretary of Education.

Arne Duncan served as the CEO for Chicago's public school system before joining the Obama administration as Secretary of Education.

John King, Jr., was the commissioner of education for New York and Deputy Secretary of Education before he led the Department as Secretary for President Obama.

Every Secretary who has led the Department came to the job with a history in government or in the classroom. They served as elected officials or as policy advisers in the executive branch or worked as administrators or educators. But now this administration is asking us to make an exception by confirming someone who really doesn't

have any relevant experience. She has never served in the government, never taught in the classroom, never managed a school district.

One woman from Oahu wrote me to say:

She is supremely unqualified to lead the department. As a retired public school teacher—30 years both in regular and special education—I am aghast that she is even being considered. When one is being nominated to uphold Federal education laws and is “confused” by what IDEA entails, it becomes very apparent that this person is a poor choice for this position.

Another letter I got from an educator reads:

I taught in both public and private schools for 10 years on the mainland before moving to Hawaii and teaching for more than 15 additional years. Watching video clips on the news of her Senate hearings, it is appalling to see how little she knows about the topic of education. I worry for all of our children. I worry for our country. Please, if you can, do what you can do to see that we get someone more qualified to help guide our children and our country. HELP!

Everything that has happened since Mrs. DeVos has been nominated has unfortunately only confirmed the concerns I heard from constituents. Because her hearing was so short, Senators followed up with written questions, and in some cases, her responses lifted language from other sources without citing them. In one response, she wrote, “Every child deserves to attend school in a safe, supportive environment, where they can learn, thrive and grow.” Fine. Well, an Obama official used the exact same language in a press release regarding the rights of transgender students, but she did not cite that official or the press release.

In another example, she answered a question about title IX investigations in the following way: “Opening a complaint for investigation in no way implies that the Office of Civil Rights has made a determination about the merits of that complaint.” That is the exact language the Department of Education uses in its own guidance. There is nothing wrong with citing a source, especially when that source is the Department you want to run, but it has to be cited. That is one of the first things you teach a child in seventh and eighth grade when they are trying to learn how to do research—cite your sources.

But the central issue isn't the lack of a seriousness of purpose during the hearings and in the questions for the record, although I think that was what caused the Nation to kind of wake up and rise up about the challenge in front of us when it comes to public education. This was not part of some master strategy on the part of Democrats. What happened in those hearings is that MICHAEL BENNET, AL FRANKEN, CHRIS MURPHY, and ELIZABETH WARREN just did their jobs and asked questions.

If you told me that a clip about the distinction between proficiency and

growth—I mean, that is the wonkiest thing in the world. But what happened was 2 million people or more saw that on Facebook. This wasn't part of our political strategy. What happened was that people saw the hearing and got very worried that we will have the wrong person in charge of public education policy at the Federal level. So you have people left, right, and center. You can ask the Senate Republicans whether they are getting phone calls too. They are getting phone calls too. This is not a Democratic strategy. What is happening is that we have the wrong person who may be confirmed as the Secretary of Education.

The central issue is that there remain concerns around Mrs. DeVos's basic understanding of education policy. During her confirmation hearings, there were several moments when she didn't seem to fully grasp the important parts of Federal law on education.

The Washington Post actually published an article called “Six astonishing things Betsy DeVos said—and refused to say—at her confirmation hearing.”

DeVos refused to agree with a Democrat that schools are no place for guns, citing one school that needs one to protect against grizzly bears.

When Senator Chris Murphy asked her whether she would agree that guns don't belong in schools, she said, “I will refer back to Senator Enzi and the school he was talking about in Wyoming. I think probably there, I would imagine that there is probably a gun in the schools to protect from potential grizzlies.”

This would be hilarious if it weren't so serious. This would be hysterically funny if this weren't the person who is about to become our Secretary of Education.

When asked whether she would support President Trump if he, as promised, moved to end gun-free zones around schools, she said: “I will support whatever the President does,” even if that means moving guns into schools, allowing guns in schools. She added: “If the question is around gun violence and the results of that, please know that my heart bleeds and is broken for those families that have lost any individual to gun violence.”

DeVos refused to agree with Senator TIM Kaine that all schools that receive public Federal funds—traditional public, charter, or private schools that receive voucher money—should be held to the same standards of accountability.

A little background on this issue. I have a great charter school movement in the State of Hawaii, but the deal we have struck—and it is imperfect, and they are always arguing about fixed costs and capital costs and all the rest of it, but the basic bargain when charters work is that they are legitimately a public school. What does that mean? That means they are held to the same standards as traditional public schools

because to the extent that you have two categories of public schools with different metrics, then you are basically playing a game, trying to divert money from one to the other.

OK, so TIM KAINE's question was exactly right. If public money is involved—whether it is vouchers to a private school, school choice to a charter school, or a traditional public school—shouldn't we measure each school's success in the same way, just to be fair?

KAINE said: If confirmed, will you insist upon equal accountability in any K-12 school or educational program that receives taxpayer funding—whether public, public charter, or private?

DeVos said: I support accountability.

KAINE said: Equal accountability?

DeVos: I support accountability.

KAINE: Is that a yes or a no?

DeVos: I support accountability.

KAINE: Do you not want to answer my question?

DeVos: I support accountability.

This is someone who either did not prepare for the hearing or is basically walking into this hearing saying: I have the votes. I don't have to answer your questions. I don't have to reassure the parents, teachers, and students who are desperately worried about what is going to happen to public education because I have the votes.

KAINE said: Let me ask you this. I think all schools that receive taxpayer funding should be equally accountable.

I mean, he is so polite, but he is also very lawyerly. So he asked the question 14 different ways, trying to get the answer.

Do you agree?

DeVos: Well, they don't. They are not today.

KAINE: Well, I think they should. Do you agree with me?

Well, no.

KAINE, interrupting her, said: You don't not agree with me. And then he moved on to another topic.

DeVos appeared to have no idea what AL FRANKEN was talking about when he referred to the accountability debate about whether to use test scores to measure student proficiency or student growth.

I mean, there is a debate about student proficiency and student growth, and I won't bore you with the details except to say that I don't expect regular folks out there to be into the weeds about the difference between proficiency and growth. I get how wonky that is. I absolutely expect the Secretary of Education nominee to know about this.

I mean, even if you are brand new to the topic, if you just have smart people in the room who briefed you on it—10 hours maybe—you would be ready to talk about proficiency and growth. This is what I am talking about when I talk about a lack of preparation, a lack of humility around what advice

and consent means, and the Senate has an obligation to take every nomination seriously.

FRANKEN noted that the subject has been debated in the education community for many years and said, when she didn't weigh in and just looked at him without much of an expression on her face: It surprises me that you don't know this issue.

But it is not just issues like accountability or guns in schools that concern me. On a whole host of issues, Mrs. DeVos's views are far out of the mainstream of education policy.

I want to highlight four policy areas where Mrs. DeVos's views are beyond my line in the sand. Let's start with K-12 education. I think we can all agree that this country has work to do when it comes to public education. But I am worried that Mrs. DeVos would prefer to privatize our public schools instead of improving them.

Take a look at her track record. She has fought to strip away protections around K-12 education and introduce a profit motive into our education system. She has lobbied for vouchers and for for-profit schools. She has been relatively successful in her lobbying efforts. In her home State of Michigan, she had an enormous influence on the State's approach to education.

Now, I would point any Senator on the fence about her nomination to look at this case study because it speaks volumes. In 2000, Michigan fourth and fifth grade students had higher than average test scores in math and English.

Fifteen years later, students now perform below average. Last spring, the Atlantic published a fascinating article about Detroit's education system, which has been most influenced by the policies that Mrs. DeVos champions. I would like to read a few excerpts from it.

Three months into her son's first pass at third grade, Alysia Heard had a breakdown. Judah was bright, but had begun calling himself stupid. The chaos of Detroit's precarious education landscape had forced him to switch schools every few months, leaving him further and further behind.

There was no central system to transfer Judah's records when he moved, and according to Heard the school where he started the 2014-15 academic year had a single teacher assigned to 44 third-graders. Heard was virtually alone in trying to deal with the fact that her boy, then 8, could write only the first two letters of his name.

Heard says she was one of the parents Detroit Public Schools turned to when it needed a strong family showing at a rally or community members to serve on a task force. She was running for the Detroit School Board. But when she needed help, she had nowhere to turn.

"Here I was this advocate for education, and I couldn't find a place for my son," she says. "I was crying in the principal's office and I said, 'I don't know what to do.' The principal said, 'I don't either.'"

The scope of the problems plaguing Detroit schools—both traditional district schools

and charters—is almost unfathomable. According to the most recent National Assessment of Educational Progress, only 4 percent of Detroit's eighth grade students can read and perform math at grade level, the lowest rate among the nation's big cities.

Schools aren't located where families need them—

Think about this—

and campuses often open and close with no coordination or notice. Over the last six years, most schools in the city have either opened or closed—or both. In one neighborhood in the city's southwest quadrant, home to a large Latino population and a number of industrial zones, a dozen schools opened or closed in the span of 18 months. And when a parent shows up to find a child's classroom abandoned, good luck finding a new one. There are more than 200 schools with roughly 50 different enrollment processes and almost no standard for performance.

Some 44 percent of the Detroit students are enrolled in charter schools, the second-highest rate in the Nation, behind New Orleans. One of those schools is the Detroit Leadership Academy, which two years ago was solidly at the back of a flagging pack. Abutting a crumbling freeway access road in the city's working-class Castle Rouge neighborhood, several grades at the school's elementary campus did not boast a single student reading or performing math at grade level.

During the summer of 2015, a network of three charter schools called Equity Education Solutions—which unlike most of the city's charter operators is a nonprofit—was tasked with turning the school around, a restart required under law because of its consistently poor performance. Central Michigan University, the authorizing entity that granted the school permission to exist, told the fledgling network it had 8 months to fix things.

In reality, the operators of Detroit's charter schools almost never close them because of poor academic performance. So even a school where no child is achieving at grade level can continue enrolling new students.

That is school choice for you. That is the charter school movement for you—not in every instance, but this is how it manifested itself in the State of Michigan, where Betsy DeVos played a major role.

And the higher-education institutions that authorize them, often have financial incentives to keep the schools open; charter networks give authorizers a percentage of the funding.

So the agency, which is often a university or some other institution, actually gets a cut of the revenue for authorizing. So they have a problem saying: This charter must be shut down—because that costs them money.

In some States in exchange for that revenue, charter authorizers are encouraged to provide support and accountability, but not in Michigan, where the trustees of the colleges doing the authorizing are appointed by the governor. "Not even the governor has the authority to shut down chronically low-performing charter authorizers in Michigan," Education Trust-Midwest noted in a report released last week, "despite the fact that such authorizers serve nearly 145,000 Michigan children—and their charter schools take in more than \$1 billion annually."

Critics say this is especially problematic because almost all of Detroit's charter schools are run by for-profit companies.

Think about that. This is public education. Right? These are public dollars. Suddenly, they are going to for-profit companies. It would be one thing to have the old talk from Members on the other side of the aisle: We should run government like a business. Well, if the point is to run things efficiently to do more innovation, fine. If the point is to try to suck as much revenue out of the taxpayer as we possibly can and deliver a minimal service, you know, I don't think we should run the public education system like that kind of a business. In this case, it is not running it like a business; it is running a business with Federal and State tax dollars.

The private businesses aren't required to disclose their earnings, but a 2014 investigation by the Detroit Free Press suggests profits are huge.

During the 2012-13 school year, the paper found, traditional Detroit public schools spent an average of about \$7,000 per student in the classroom. Charter schools spent about \$2,000 less per pupil.

They are getting the same amount of money, and they are spending \$2,000 less per kid. Yet they spent double that rate on per-pupil funding on administrative costs. That is their skim. That is their profit.

Meanwhile, the oversupply of seats in for-profit schools has arguably kept nonprofit charter networks with better track records out of the market.

So they really are operating like a business, like an airline; right? They are operating like a credit card company, a financial services company. I mean, this is the private sector at work in public education. There are some private sector models where I think: Hey, let's have a partnership with the Department of Education to try to see how much clean energy we can develop. Let's work with the Department of Commerce on export promotion. But there are some aspects of what the government does that are not a good fit with the private sector. This is one of them. This is not some ideological test. It is just not working.

We are ripping off our taxpayers, and we are giving a bad value to the students who deserve better.

The Senate bill under consideration at the Michigan statehouse would have created a Detroit commission with the power to change all of that. The leaders of the Michigan Association of Public School Academies, the main charter lobby association, and some of Michigan's for-profit management companies have long lobbied against policies that would have tightened accountability. The most influential of them is Betsy DeVos, a major player in Michigan's Republican Party and in the efforts to widen the for-profit sector.

They have argued that proposals such as that put forward by the Senate bill disregard the needs of Detroit's children. "Legislators should not give in to this anti-choice, anti-parent, and anti-student agenda aimed at protecting and maintaining the status quo for deeply entrenched adult interest groups," Betsy DeVos opined in the Detroit News. "After all, since DPS has lost 75 percent of

their enrollment in the past decade, haven't Detroit parents already voted resoundingly by fleeing for higher quality and safer schools elsewhere?"

But critics, including Stephen Henderson, the Detroit Free Press's editorial page editor, says it's groups such as the DeVos foundations that have an agenda.

"House Republicans, for instance, are also standing in the way of [a bill] which would, quite simply, slow the spread of mediocre or failing schools."

The article ends with a few paragraphs about Arlyssa Heard, the advocate described in the beginning of the story.

After enrolling her son in two more schools that didn't work, she found a small startup school that has strategies for helping Judah compensate for his ADHD. He had to repeat the third grade, but has rocketed ahead. Now he talks about becoming a scientist.

The realization that better is possible has redoubled Heard's willingness to make the trek to Lansing as often as parent voices need to be heard. "Who are these people who are making the decisions and why aren't they in the schools," she asks. "Why can't we know? Why can't you just be accountable to the people you are serving?"

Now, during the confirmation hearing, Senator BENNET, whom I greatly admire, and who is a former superintendent of the Denver Public Schools, asked Mrs. DeVos how the policy failures in Detroit might inform her leadership at the DOE.

She replied: I think there is a lot that has gone right.

Senator PATTY MURRAY, a former school board president, asked if Mrs. DeVos would promise not to privatize public education or cut funding. A pretty straightforward question. A pretty mainstream question, right? I mean, if you get sort of a mainstream Republican nominee for Secretary of Education, they know how to answer this question. They may have a different view of common core. They may have a different view of the teachers' unions. They may have a different view on charter school choice. But everybody knows it is the third rail; you do not talk about privatizing public education.

Here is her response:

I look forward, if confirmed, to working with you to talk about how we address the needs of all parents and all students.

We acknowledge today that not all schools are working for the students that are assigned to them. I'm hopeful that we can work together to find common ground and ways that we can solve those issues and empower parents to make choices on behalf of their children that are right for them.

I don't know what that means. It is not a complicated question, right? I mean, certainly in the United States Senate, you get a lot of complicated questions, right, on the Senate Foreign Relations Committee, on the Education Committee. I happen to be the ranking member of the Communications Subcommittee on the Commerce Committee, and half of what I say is totally unintelligible to people who don't work in tech and telecom.

But this is a very straightforward question. The question is, Do you promise not to work on privatizing public education? And the answer is basically: No, I don't promise. I mean, it is a word salad, but it doesn't mean anything. And she was given a very easy opportunity to disavow her intent to privatize public education.

Privatization is not the answer. We should not be funneling taxpayer money into unregulated and unaccountable private schools.

We need to champion access to public education and the accountability measures that give all of our students a chance to succeed.

But in Michigan, Mrs. DeVos lobbied to block accountability standards for charter schools and lift the cap on charter schools. These actions pushed the number of unregulated, for-profit operators of charter schools from 255 to 805.

Now, this doesn't mean that charter schools are the boogeyman here, right? I mean, there may be some disagreements between people who support charter schools and people who support traditional public schools, but at the end of the day, the legitimate, mainstream charter school proponents will always want to be able to look you in the eye and say: Look, this is not about vouchers, and this is not about privatization. This is about the flexibility to innovate. They understand the basic bargain in the charter movement has to be: OK. It is public education dollars, and there are a couple of things that are mandatory, right? You have to comply with Federal and State law. You have to be subject to the same accountability standards, and you have to take all comers. So it is very important to the mainstream charter people—

I was interested to know because I have a good relationship with education reformers and with the charter movement, so when I heard about Mrs. DeVos, I was interested to hear what they had to say. They were, in a lot of ways, more alarmed than anyone because they believed this would be the death knell for real charters because, to the extent that charters are just cover for privatizing public education, well, now it is going to be a fight. Now it is going to be a fight.

We have some great charter schools in my home State of Hawaii. They are doing innovative things for their students, and that is something we should all support, but when Mrs. DeVos talks about charter schools, she is not talking about those schools. She is talking about privatization.

The rallying cry behind privatization is often school choice, but choice doesn't work as a practical matter in many places across the country. In a lot of communities, particularly in rural areas, school choice is not a practical response to the problems. There is

no school down the road, right? There is no little Catholic school. There is no private charter school. There is no public charter school. There is just the school, right? Because the town is too small to have multiple options.

So when you talk about taking—and I heard a figure of \$20 billion out of the K–12 budget which is not that—I mean, it is \$20 billion out of \$36 billion—and providing it for school choice and for charters, well, what about Alaska, right? What about Nebraska? What about the Dakotas? What about parts of Hawaii, where if you give a parent and a student a voucher, and they say: Well, I have this voucher for private education, for charter schools, and yet there is only one school left, all you did was viscerate the budget of the only school in your neighborhood. That is how this is going to work as a practical matter.

I don't know if that is the intent or not. I honestly don't know if that is the intent or not, but that is how it would end up working. To drain money from traditional public education hurts people in small communities, in rural communities, and places where there is no possibility of multiple schools.

School choice can drain resources. When a charter school opens up, the public school has to divert resources from its students, and that is something I have heard about from people in Hawaii.

One teacher whom I heard from who has worked for two decades in both Hawaii and Michigan wrote this to me:

Ms. DeVos would be a disaster for public education. She has never been a teacher to know what current educational practices consist of.

Her advocacy for more unaccountable (often for-profit) charter schools and greater use of vouchers so that students could attend private or religious schools would take needed resources away from local public schools.

Her mission, in short, is to privatize public education. I've witnessed firsthand in Michigan what happens when schools privatize.

DeVos should be opposed not only for what she could do, if confirmed, but for what she's done in Michigan.

The DeVos family set up the Great Lakes Education Project, which has played a leading role in thwarting efforts to regulate charter schools in Detroit and, for the most part, failed to deliver on their promises of a better education for students.

I just want to pause for a moment and thank all of the people who write my office every day but in particular the people who have been writing my office on all of these nominees because it wasn't that difficult to pull these incredibly insightful, passionate, individually written letters, and this is happening across the country.

You know, you get the pundits as you leave the Senate. If it is the middle of the day and not 2:30 in the morning, the media kind of comes to you, and they stick the microphone in your face, and they ask you about: Is there a new tea party on the left?

All I can tell you is, there are millions and millions and millions of people who are rising up. I don't think they are all on the left. I mean, when I saw those marches, there were lots of progressives, lots of people who believe in liberal and progressive causes, but I also saw some people who have never marched in their lives. I also saw some people who just care about public education. They don't even know what their politics are, except they saw Betsy DeVos, and they said: No, this is not what I voted for. This is not what I want for my son or for my daughter or for my niece or my nephew. This is not what I want for the country's future, which brings me to the second policy area that I think we ought to consider and that is for-profit colleges.

What is happening with some for-profit colleges is nothing less than a national scandal. Students are being hurt, and we are wasting tens of billions of dollars. So here are the facts:

Almost 2 million students are enrolled in for-profit programs, and they have collectively taken on \$200 billion in debt to attend, but they often leave with little to show for it. More than half drop out within a few months. At some colleges, fewer than 5 percent of their students ever graduate.

For those who leave without a degree, repaying loans is an incredible struggle. Students at for-profit colleges default on student loans at double the rate of students at nonprofit colleges. This is morally outrageous on its own, but it is particularly egregious to the American taxpayer because these substandard programs are financed almost entirely by the Federal Government, and the amount is staggering.

In total, for-profits receive over \$32 billion a year in Federal financial aid. That is 20 percent of the total aid, and they serve 12 percent of the students—20 percent of the aid, 12 percent of the students, \$32 billion in Federal funding.

There are several for-profit companies that each take in more than \$1 billion in Federal aid a year and graduate fewer than 10 percent of their students. Think about that. We taxpayers are paying most of the bill a year, and these kids are not graduating. They take in more than \$1 billion, and they are graduating fewer than 10 percent of their kids.

Not only are the education metrics on student performance awful, but many of these for-profit colleges are also under investigation for fraud and deception. Essentially, they have been lying to students and to State and Federal agencies to cover up how bad their record is.

Even while prosecutors go after these schools for fraud, they remain accredited, and they continue to rake in Federal funds.

Here are a few examples. Education Management Corporation faces charges of fraud and deception brought by pros-

ecutors in 13 States and the Department of Justice and was facing a lawsuit to recover \$11 billion in Federal and State funds. Yet EMC is still accredited and still received \$1.25 billion from the U.S. DOE last year.

Ultimately, the Department of Justice secured a \$100 million settlement, and a separate coalition of State attorneys general reached another settlement for \$102 million in student loan debt relief for former students.

ITT Educational Services was investigated and sued by 19 States, the SEC, the CFPB, and the DOJ. It is also under scrutiny from U.S. DOE for failure to meet financial responsibility standards. They remained accredited until the day they shut their doors. Think about that. They were still accredited by the U.S. DOE, right, until they were shut down by the U.S. DOJ.

The year before, they received just under \$600 million. Their closure has left thousands of students in the lurch, with hundreds of thousands of dollars in student loan debt.

Another 152 schools are under investigation by a working group of 37 State attorneys general. They too are still accredited. Collectively, they received \$8 billion in Federal financial aid last year.

So what do these schools have in common? They never lose their accreditation, even when there are ongoing investigations of fraud and deceptive practices that harm students.

Accreditation is the key to the castle for accessing the spigot of Federal financial aid. It is supposed to signify that a program provides a quality education for its students, but here is the thing. This accreditation doesn't mean much. The Government Accountability Office released a study on accreditation in 2014, and its findings were shocking. Over a 4-year period, the GAO found that accreditors sanction only 8 percent of the institutions they oversaw and revoked accreditation for just 1 percent. They revoked accreditation for just 1 percent. So 99 percent of them, even if there is nothing wrong, they keep those Federal funds flowing in.

Even more troubling, GAO found that there was no correlation between accreditor sanctions and educational quality. In other words, schools with bad student outcomes were no more likely to be sanctioned by their accreditor than schools with good student outcomes.

Our accreditation system is totally broken. According to the Higher Education Act, accreditation agencies are supposed to be the "reliable authorities as to the quality of education or training offered" by institutions of higher education. That is the reason for making accreditation a core criteria for receiving Federal funds.

How are we following the law when accreditation reviews find that 99 percent of these institutions are providing

an education of value? How can we say with a straight face that accreditors are acting as reliable authorities on educational quality?

Here is the problem—money. Incentives are lined up against being critical and against setting high standards. The problem can be traced back to the funding and the governance of the accreditation agencies themselves.

First, accrediting agencies are funded by the same institutions they accredit. Colleges pay an additional fee to become accredited and annual dues after that. They pay for site visits and other services.

Second, accrediting agencies are run by and are overseen by the institutions they accredit. The member institutions elect their own academics and administrators to serve on the board of the accreditation agency. So everyone is in on it, right? Everyone makes money pretending this is fine.

We have a system that is dysfunctional, if not corrupt, in which it is far too easy to become and remain accredited.

This is a very similar system to what we had with S&P and Moody's and all of these rating agencies that had financial incentives to determine that all of these derivatives and credit default swaps and crazy financial instruments that were clearly not creditworthy were getting AAA ratings. Why? Because the financial incentives over time had enmeshed the accreditors with the accrediting. This is supposed to be a sort of independent relationship because they are supposed to be certifying to the consumer that everything is all good, right? And what happened? The system came crashing down.

I don't think the system will come crashing down, except that the system is already coming crashing down on the students who are getting ripped off. You ask schools that are taking in more than \$1 billion of Federal funds. There are several schools, every year with Federal funds in excess of \$1 billion, and 5 percent of the kids are graduating. For the sake of students and taxpayers, the Department has to make this a top priority, but I am not convinced that Mrs. DeVos will do that.

She has no experience in higher education, a fact that does not bode well for the 6,000 colleges and universities in this country. When Senator WARREN questioned her about this in her confirmation hearing, her response was concerning. This is what the transcript says:

Ms. WARREN. How do you plan to protect taxpayer dollars from waste, fraud, and abuse from colleges that take in millions of dollars in Federal student aid?

Mrs. DEVOS. Senator, if confirmed, I will certainly be very vigilant.

Ms. WARREN. How? How are you going to do that? You said you are committed.

Mrs. DEVOS. The individuals with whom I work in the department will ensure that fed-

eral moneys are used properly and appropriately.

Ms. WARREN. You are going to subcontract making sure that what happens with universities that cheat students doesn't happen anymore? You are going to give that to someone else to do? I just want to know what your ideas are for making sure we don't have problems with waste, fraud, and abuse.

Mrs. DEVOS. I want to make sure we don't have problems with that as well. If confirmed, I will work diligently to ensure that we are addressing any of those issues.

Ms. WARREN. Well, let me make a suggestion on this. It actually turns out there are a whole group of rules that are already written and are there, and all you have to do is enforce them. What I want to know is, will you commit to enforcing those rules?

Mrs. DEVOS. Senator, I will commit to ensuring that institutions which receive federal funds are actually serving their students well.

Ms. WARREN. So you will enforce the gainful employment rule to make sure that these career colleges are not cheating students?

Mrs. DEVOS. We will certainly review that rule.

Again, this goes back to somebody who is kind of walking into a hearing saying: Look, I got the vote. I don't have to learn about public education. I don't have to listen to Democrats' concerns. I don't have to listen to teachers' concerns or students' concerns or the concerns of experts in education. I don't have to learn about higher education, which is, by money spent, about three-quarters of the U.S. Department of Education.

Ms. WARREN. You will review it? You will not commit to enforce it?

Mrs. DEVOS. And see that it is actually achieving what the intentions are.

Ms. WARREN. I don't understand about reviewing it. We talked about this in my office. There are already rules in place.

And so on—Senator WARREN's exchange there is very revealing.

I know Republicans care very deeply about waste, fraud, and abuse. I hear about it all the time, and I hope they will consider this nominee's tepid commitment to this issue as they talk with their constituents about how they are going to vote.

The third issue I am concerned about is college affordability. The rising cost of college is one of the biggest middle-class issues of our time, if not the biggest issue of our time. No generation escapes this problem. If you are a student or a parent, you worry about paying for college. I know plenty of grandparents who are worried about their children who are still paying off their college loans and are now trying to save up for their students.

The Federal Government is giving \$140 billion in Federal aid to institutions of higher learning in grants and loans. That is a good thing, not a bad thing. That is Federal policy. We decided we wanted to make college affordable because higher education is the straightest line for us to develop the workforce we need and for people to move up the economic ladder. But with that \$140 billion, we need to be making college more affordable, and we are actually getting the opposite re-

sult. Both in raw dollars and inflation-adjusted dollars, we are spending more in Federal grants and Pell grants, and the cost of college goes up and up and up. Average Pell grant awards have increased by almost 20 percent in the past 10 years. In the same period, Pell grants covered 25 percent less.

We are officially paying more and getting less. This is because college costs are growing faster than the cost of all other consumer goods—twice as fast as health care costs. It is impossible to get ahead nowadays without a college degree, but the growing cost of college is preventing some from getting a degree in the first place and leaving others with unmanageable levels of debt. It is clear that our system isn't working.

If we are subsidizing higher education with Federal dollars, we have a responsibility to incentivize institutions of higher education to become more affordable, provide access to lower income students, and deliver quality education. We want to reward those schools that are focused on affordability and give incentives for the rest to make affordability part of the mission. But based on Mrs. DeVos's testimony, it is unclear whether or not she agrees.

In 2011, the Department of Education sent colleges and universities a letter that made clear that sexual assault is prohibited under title IX. It advised schools to be responsive to reports of sexual violence and gave guidelines on how schools should process those reports. But during Mrs. DeVos's hearing, she had an exchange with Senator CASEY that indicates she would roll back this progress. Let's take a look at the transcript.

Mr. CASEY. Would you agree with me that the problem, and that's an understatement in my judgment, that the problem of sexual assault on college campuses is a significant [one] that we should take action on?

Mrs. DEVOS. Senator, thank you for that question. I agree with you that sexual assault in any form or in any place is a problem.

Mr. CASEY. I ask you, would you uphold the 2011 Title IX guidance as it relates to sexual assault on campus?

Mrs. DEVOS. Senator, I know that there's a lot of conflicting ideas and opinions around that guidance, and if confirmed I would work with you.

And so on.

My concerns about Mrs. DeVos go to policy, to preparation, but most of all to a basic understanding of what public education is about. It goes to a basic commitment to the mission of public education.

Every Senator's office has phones ringing off the hook with people telling us that Mrs. DeVos is not the right choice. So, to my Republican colleagues, you don't have to take my word for it; you don't have to take the word of the other 49 Senators who know that Mrs. DeVos will not be the

leader of the Department of Education that we all need. You only have to take the word of the people in your own State and the groups whom we look to and trust when it comes to our country's education system. These are the people whom we are here to serve. They are the parents, the grandparents, the teachers, the faculty, the school board members, and the students who count on us to make the right decision.

We may not agree on who would make the perfect Secretary of Education, but we can agree that people across the country are speaking out against Mrs. DeVos, and it is up to us to listen. I will be voting no on her nomination, and I ask Republicans to follow the advice of their constituents and join me.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAINE. Mr. President, I rise this evening, along with many of my colleagues, to speak in opposition to the nomination of Betsy DeVos to be U.S. Secretary of Education.

I oppose Mrs. DeVos, whom I had the chance to see at her confirmation hearing before the HELP Committee, for three basic reasons. I think the children and parents and teachers of this country are entitled to a Secretary of Education who is a champion for public education. They can be a supporter of choice, charters, vouchers, home schooling, but 90 percent of our kids go to public schools and they need a champion.

Second, I want a Secretary of Education who is pro-accountability and has the idea and view that if any school, whether public or private, receives taxpayer funding, they should be held to the same accountability standards for their students.

And third, very particularly, I am deeply concerned about Mrs. DeVos's commitment to the Individuals with Disabilities Education Act which, in my view, is one of the best pieces of legislation that Congress ever passed.

In my 4-plus years in the Senate, I have not had a single issue that has generated so much effort to contact my office as the nomination of Betsy DeVos. Last week, we passed 25,000 contacts by constituents—letters, emails, phone calls—and those have continued to ratchet up over the weekend with voice mails and more letters in our system and more emails coming into the office, and we have dealt with some contentious issues over the last 4 years.

For example, we shut the government down in October of 2013 because of the inability of the House and the Senate to sit down at a conference table and work out a budget. That is a hugely important issue to the Nation, and especially in Virginia, where we have nearly 200,000 Federal employees. Even a shutdown of the government for 13 days didn't lead to as much contact in my office as the DeVos nomination.

I want to spend some time on those three reasons for which I will oppose her, but before I do, I wish to speak about why this is personally so very important to me. It is important to me because of the Commonwealth I represent. It is important to me because of the personal histories of my wife and I and our kids in the public schools of Kansas, where I grew up, and in the Commonwealth of Virginia. It is important to me because of my previous public service as a mayor and Governor, where education was the largest line item in the budgets of my city and my Commonwealth. Finally, it is important to me because I have recently been added as a member of the HELP Committee—Health, Education, Labor, and Pension Committee—that shepherded this nomination through a challenging but very illuminating confirmation hearing a couple of weeks ago.

So let me start there. Why does this matter a lot to me? I will begin with Virginia.

Thomas Jefferson, when he was Ambassador to Paris in the early 1780s, wrote one of the great early works of American literature: "Notes on the State of Virginia." It was an effort to describe the Virginia of the day but also his dreams for Virginia—his dreams for the Virginia economy and the Virginia society, even looking into the future. Jefferson became the first person to really lay out a vision for compulsory public education in the United States. He had a very detailed plan in that book for the division of the State into small school districts and that education would be compulsory at least for young people—men and women—who were White.

He used the phrase to promote his educational plan that is still—a paraphrase of it is still in the Virginia Constitution, talking about why public education was so important. He said: "Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population." If you want to have a great government, if you want to have a great economy, if you want to have great happiness, what you should do is diffuse knowledge among the general population. It was for that reason that he said we needed a public education system.

Jefferson wouldn't have imagined an Internet and search engines, where all knowledge would be digitized and at

the fingertips of people all around the planet, but that is kind of what he was talking about. If you diffuse knowledge among the general population, that is the best guarantee of the success of society, and so he laid out this very ambitious plan in the 1780s.

Sadly, Virginia didn't adopt it. The first early adopter of a compulsory public education I think was Massachusetts, and other States did as well. Jefferson stayed active in promoting education not just through his proposal for a K-12 system, but he also hatched the idea for the University of Virginia—one of the three things on his tombstone at Monticello: Author of the statute of religious freedom, author of the Declaration of Independence, founder of the University of Virginia. He did not even see fit to put that he was President of the United States or Governor of Virginia on his tombstone. Education was what he was passionate about and he founded the University of Virginia.

So we had some great educational thinkers in our Commonwealth who understood from our earliest days that education would be the key to our success.

Sadly, the great ideas weren't carried into practice, and Virginia, as was the case with many States in the country, ran a very segregated education system. When I was born in 1958—I am 58 years old right now; I turn 59 in 2½ weeks—you could not go to school in Virginia with somebody whose skin color was different. Women couldn't go to the University of Virginia, and many of our major universities were segregated on the grounds of sex. So we had a tradition where we recognized the power of education, but even though our great Founders did, we really thwarted the dreams and achievements of our students by not allowing them to be all they could be.

In 1951, a young high school student by the name of Barbara Johns was attending a segregated public high school in Prince Edward County, VA. She was 16 years old. Her school was overcrowded. It was poorly heated. She saw White students in her community having a great new high school built for them. Some kids in her high school, because of poor transportation, were killed in a bus accident, and in April of 1951 she said: I am tired of this. I am a kid, but I am not going to accept second-class citizenship, and she, encouraged one day with a fake note to the principal of her school to go to the administrative office—and then she gathered all the students in the auditorium at Moton High School in Farmville, VA, and said: We are going to walk out. We are going to walk out of our high school because we are tired of being treated as second-class students and we are going to call civil rights lawyers and ask them to represent us.

Barbara Johns and her classmates did that, and the Virginia case became

part of *Brown v. Board of Education* that in 1954 led to the Supreme Court ruling saying that all children were entitled to an education; we couldn't segregate kids based on the color of their skin. It was the only one of these civil rights cases that was actually led by schoolkids advocating for themselves.

Barbara Johns shared the same vision that Thomas Jefferson did: Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population. And she stood up and said: I have the right to it just like everybody else does, and I am not going to take second-class status.

Well, the Prince Edward story is one of the most powerful stories in American educational history because after the *Brown v. Board* decision was resolved, many Southern States fought against integration for a number of years. In 1959, finally, 5 years after *Brown*, Federal courts ruled that you have to integrate your schools. If you have public schools, you have to integrate them, and Prince Edward County did something that no other jurisdiction in the United States did. They decided, OK, if we have public schools, we are required to treat kids equally based on the color of their skin. I have an idea: We will close all of our public schools. So Prince Edward County, for a period of 5 years, shut down all of their public schools. Do you know what they did? They used county funds and State funds to support vouchers to private schools, and they gave those vouchers to students who were White so they could go to private schools. They called them segregation academies and they set them up all over Virginia. In Prince Edward County, White students, if they were wealthy enough, could go to these academies with some State support, but poor White students and African-American students were deprived of education for 5 years.

I think you can start to see why supporting public education today is very important in Virginia because in my lifetime, we didn't. In my lifetime, we closed down public schools rather than let kids learn together if their skin colors were different. In my lifetime, we put State dollars into private schools so they could set up and allow segregation to go forward and avoid the law of the land that kids could learn together because of the color of their skin.

This was Virginia at the time I was born. It will not surprise you that a State that didn't want kids to learn together because their skin colors were different and a State that allowed schools to close down was a State with very poor educational performance. The Virginia in the 1950s, forget about test scores, forget about SAT scores, forget about AP exams, we were one of the worst States in the country in the percentage of our kids that attended

school. It will not surprise you to know that in addition to having a poor record of attending school, our economy was bad. Those things are directly connected. If you don't value education, if you say kids can't learn together if their skin colors are different, if you say women can't go to major universities, your economy is not going to be very strong. So Virginia was a low-education, low-income State when I was born.

Today, it is very different. The officials in Virginia continued to battle to try to resist the integration of schools. My father-in-law, my wife's dad, was the first elected Republican Governor in the history of the Commonwealth, elected in 1969. He came into office in January of 1970. The previous Governors, who had been Democrats, had fought against integration, had used all kinds of tricks and strategies to avoid integrating schools, and my father-in-law, as Governor, took a historic stand. He said: In this Commonwealth, we are putting segregation behind us. We are now going to be an aristocracy of merit, regardless of race or creed, and he embraced a court busing order in the fall of 1970. He escorted my wife's sister into what had been a primarily African-American high school in downtown Richmond, and his wife, the First Lady, escorted my wife into a similar middle school. The picture of my father-in-law Linwood Holton, this courageous Republican Governor, and my sister-in-law Tayloe walking into the school on that day was the front page of the *New York Times*. It was the front page of the *New York Times* because in the civil rights era, there were so many pictures of Southern Governors standing in a schoolhouse door blocking kids who were African American from coming into schools with White students. That was a common picture. There is only one picture of a Southern Governor escorting a child—his child—into a school that was predominantly African American with a big smile on his face saying, finally, Virginia is going to embrace the vision of Thomas Jefferson. Education should be for everybody. We shouldn't segregate it based on race. During the time he was Governor, I think immediately before, we dropped the segregation based on gender in our States' colleges. And surprise, with those two moves, Virginia started to move. Virginia started to move from a low-education, poor State to a high-education State that now has top 10 median income.

Now we are a State known for our educational system. Now we are a State where we are always in the top five in the percentage of our kids who take and pass AP exams. Our SAT scores are very strong relative to other States. Our higher education system is viewed as very powerful, and it is because we, in the words of the letter of

Corinthians, put away childish things. We put away segregation, we put away gender division, we put away using public dollars to support private academies so kids and their families could erase the law of the land, and as we did that, as we embraced the Jeffersonian vision to improve education, the State's economy improved, and now we are the top 10 in the country.

In my lifetime, no State in this country has moved further economically from low median income, back of the pack, to front of the pack than Virginia has, and our State has moved because we have embraced that everybody has God-given talent. We have embraced investments in our education system, beginning with this Barbara Johns walkout and then with the courageous Republican Governor and then Governors who followed—Democrats and Republicans, business leaders, teachers, communities leaders. We were late to the game, but we eventually embraced the Jeffersonian vision, and now we have an education system we can be proud of. It is a public education K-12 that educates about 1.2 million kids. We have great private schools. We have a vigorous home school network in Virginia. We don't do vouchers for private schools because of our painful history of the way vouchers were used to support segregation and avoid integration in the 1950s and 1960s, but we have a system that is public and private and home school and charter. It is a system that isn't perfect, it is a system we need to always battle to improve, but it is a system we are so proud of, we have gone from back of the pack to front of the pack.

We care about public education in my Commonwealth, and we do not take kindly to people who trash the state of public education today because we know how far we have come. We know how far we have come. That is who my State is. Personally, I went through 13 years of education K-12; 7 public education, 6 Catholic education. My wife Anne was educated in the public schools of Virginia—in Roanoke, Richmond, and Fairfax County—as were her siblings. We have been married for 32 years. Our three children have all graduated from Richmond public schools. They have had wonderful careers. I wrote a piece a few years ago when my daughter, my youngest, graduated called "Forty Years as a Public School Parent" because my three children spent a combined 40 years in the Richmond public schools.

The Richmond public schools are like a lot of school systems. There are 25,000 kids or so in an urban environment. It is a high-poverty school district; probably nearly 80 to 90 percent of the children in the school system are on free or reduced lunch. It is overwhelmingly a minority school system; three quarters or more of the students are minority.

But my kids got a fantastic public education in these public schools of Virginia. They have all graduated and gone on, one to graduate from George Washington, an infantry commander in the Marine Corps; one to graduate from Carleton College, a visual artist; and one is about to graduate from New York University—all built on the foundation of a great public education in the public schools of my city.

I told you about my wife being part of the generation of kids who integrated the public schools of Virginia. Then, in the wonderful arc of history, she went from a kid living in the Governor's mansion and integrating Virginia's public schools to a First Lady working on foster care reform and recently stepped down as secretary of education in Virginia. I watched my wife grapple with exactly the same kinds of challenges at a State level that the current Secretary of Education will grapple with at the Federal level. I think I know a little bit about what it takes to do this job and to do it well.

In addition to our personal connections in the history of our State, let me talk about my professional connection to our schools and why I view this as such an important position. I mentioned that I have been a mayor and I have been a Governor. I am a little bit unusual. There have only been 30 people in the history of the United States who have been a mayor, a Governor, and a U.S. Senator. There have been a lot of Governors who are Senators, but being mayor will kill you. That is why there are so few who can do all three.

But when you are a mayor, as I was—the biggest line item in my budget was public schools. At the time I was mayor, we had about 53 public schools. I had a goal when I was mayor: I would go to a school every week. On a Thursday morning, I would go visit one of our schools to see what is being done. If it was the biggest line item, that means it was the most important thing. I wanted to make sure I understood not just my kids' schools but the schools that all the kids in our city went to. I wanted to know what was working and what wasn't.

Then I got elected to statewide office as Lieutenant Governor and Governor. I made a vow when I was Lieutenant Governor. Just like I went to a school a week when I was mayor until I visited them all, I made a vow when I was Lieutenant Governor that I would go to a school in every one of Virginia's cities and counties to make sure I understood public education in my Commonwealth. I should have thought before I made that pledge because there are 134 cities and counties in Virginia. It took me 4½ years to travel to every one of our cities and counties to try to understand public education in my Commonwealth. I am not aware of anybody who has made

that pledge, and after I did it, I can understand why nobody would ever make that pledge again. But I wanted to make sure that I understood not just the schools my own kids went to but the schools other kids went to all around our Commonwealth.

Northern Virginia and its high-tech suburbs, Wise County, where my wife is from, the coalfields of Appalachia, the tobacco-growing regions of Southside Virginia, manufacturing regions south of Richmond, oystermen and watermen and tourism on the Eastern Shore of Virginia—I wanted to see the schools in every part of my Commonwealth. I wanted to see them because I was writing budgets. The biggest line item in the State budget was education. The biggest line item in the city was for education. I didn't want to know our schools just from a budget or just from a newspaper article. I wanted to know them from seeing them. I wanted to know them from seeing what came out of my kids' backpacks every day in terms of the curricula requirements and other things my kids would do in the Virginia public schools.

I am saying all this first because I am just trying to convey why this is so important. There is nothing that we do as a society that is more important to our future than the way we educate our young. The most precious resource in the world today is not oil, it is not water; it is talent. The cities or States or countries that know how to raise talent, grow talent, attract talent, reward talent, encourage talent, and celebrate talent are going to be the most successful because they will attract and grow and reward their own talent and bring other people here, but they will also attract the institutions that want to be around talent—great companies, great think tanks, great universities.

There is an inextricable causal link between your commitment to a system of public education and the success of your city or your State or your country. There is nothing we do in this Chamber or in the Federal Government that will be more likely to affect our economic outcome than the care with which we direct attention to our education system.

The last reason it is important to me is because of my new membership on the HELP Committee. I have had my family background. I care deeply about my State. I professionally worked on education, and my wife has too. But now I have a platform in the Senate. I tried to get on the committee right when I got here. I wasn't able to. I couldn't complain because I got great committees. I am on the Armed Services, Foreign Relations, and Budget Committees. But I really wanted to be on the HELP Committee because education has been at the core of what both my wife and I have tried to do in Virginia for the last 32 years. Now I am

fortunate enough to be on the committee.

In one of my first meetings on the committee, we had a confirmation hearing for Betsy DeVos for Secretary of Education. We didn't have all the information at the time we had the hearing for Mrs. DeVos, but we had done our homework. I have a wonderful staffer, Krishna Merchant, who had helped prepare me. We had done our homework. We were put under some pretty tight time constraints: We each only got 5 minutes to ask questions. Five minutes isn't a lot of time when you are talking about something as important as the educational mission of the Federal Government to help our society succeed in educating our kids. I decided that in my 5 minutes, I wanted to ask Mrs. DeVos about three things. I wanted to ask her whether she could be a champion for public schools. That is a simple kind of a question. I wanted to ask her whether she believed in equal accountability for all schools if they receive taxpayer dollars. I wanted to ask her about her thoughts on the education of kids with disabilities because I care deeply about that topic but also because I believe that the Individuals With Disabilities Education Act points a direction for the future of American public education, and I wanted to see what she thought about it.

I had three test questions. I had three test questions for our nominee, and she did not satisfy me on any of them. Let me start with the first one.

Can you be a champion for our public schools?

There are 1.2 million kids in Virginia. Ninety percent of the children who are educated in this country are educated in public schools.

I am a huge supporter of private schools. I went to Catholic schools for 6 years. When I was Governor, I did a lot of great work with kids and their parents who chose homeschooling as an option. I like options. But just as a matter of fact, 90 percent of the kids in this country go to public schools, and it is going to be at that number or near it for as long as we can see.

In Richmond, we have some great private schools. Richmond has 1 million people, and so private schools can set up and find enough students. But there are corners of my Commonwealth where it is very hard to start a private school because there are just not enough students. That is not just the case for Virginia; my colleagues on the HELP Committee from Alaska or from Maine share this. There are parts of their States where, talking about vouchers for private schools, you might as well be talking Esperanto. That is just not going to happen in some of these very rural communities. So you have to have a champion for public schools.

In my research on Betsy DeVos, she gave a speech in 2015 that troubled me.

It was a speech about the state of American public education. Here are two direct quotes, one of which is not the greatest language for the CONGRESSIONAL RECORD, but she said that when it comes to education, "government really sucks." She also said public schools are a "dead end." This is not something she said 10 or 20 years ago; this is something she said about a year and a half ago. This is her view of public education in this country. Betsy DeVos never attended public school for a day, never taught at a public school, and didn't send her children to public schools. That is not a disqualifier. I think you can have a great Secretary of Education who hadn't attended public schools, who had come from private schools and had good private school examples to learn from. I think that is fine. But if you have never attended public school for a day, if your children have never attended for a day, if you never taught at a public school, I kind of have the attitude: What gives the right to stand up and say public schools are a "dead end"? Really? There are 1.2 million kids in Virginia. Ninety percent of kids in this country. Public schools are a "dead end." Government education "really sucks." What gives you the right to say that?

So I asked her some questions about these statements. I asked her: Is the morale of the workforce important? How important are teachers?

Teachers are very important.

Is morale an important thing for teachers? Should they have good morale to do their job?

Yes, absolutely.

Does the attitude of a leader affect the morale of people who are doing a job in the organization?

Absolutely.

Well, what does it say to a teacher teaching these tens of millions of kids in this country—or the 1.2 million kids in Virginia—what does it say to a teacher that the Federal Secretary of Education says that government education sucks and public schools are a dead end? I would submit, it transmits a horrible message.

I think we need a Secretary of Education who will empower kids, who will empower teachers, who will celebrate what is great about public education, who isn't afraid to point out what is bad about it, who isn't afraid to point out the things that need to be improved. But if you just paint it all with a broad brush and it is all bad, you are going to miss an awful lot of really good things about American public education.

I sometimes get down on some of my colleagues on my side about this. There is kind of an anti-business attitude: Businesses are bad. There are some bad businesses, but most businesses are really good. You shouldn't paint with a broad brush, whether talking about business or any institution, but you

definitely should not paint with a broad brush and say that public schools in this country are a dead end when you have hundreds of thousands of great teachers and counselors and bus-drivers and cafeteria workers and people going to work every day. They are not going there because their salaries are great; they are going there because they care deeply about students, and they want to either teach them or in other ways impress life lessons upon them so their kids can have happy lives.

So the first test I found Betsy DeVos wanting in my examination of her in the HELP Committee was that simple one. If you cannot be a champion for public schools, you should not be Secretary of Education.

When we were having a discussion in the committee, some of the colleagues who were kind of coming back at us a little bit were saying: Well, OK, we get it. You are against charters, or you are against vouchers, or you are against Betsy DeVos because she wants to expand choice.

But most of us are from States that have significant choice. I pointed out that Virginia doesn't do vouchers, but we have a very robust homeschooling network. I have been a huge supporter of it. Choice is fine, but you have to be a champion for public schools, and if you are not, you shouldn't be Secretary of Education. That is reason No. 1.

Second, I wanted to interview Betsy DeVos about accountability. Accountability. Should schools be accountable for the success of their students, for outcomes? This is very important, and it is very important to get this right.

Sometimes my wife, as secretary of education in a State, would sometimes tear her hair out about the Federal mandates and strings and regulations and rules. The HELP Committee did a good job last year before I was on the committee rewriting No Child Left Behind—the Every Student Succeeds Act—to try to reshift the balance a little bit to allow cities, counties, and States more flexibility in trying to determine how to educate their students, while holding them accountable for outcomes. I wanted to ask Betsy DeVos: Will you hold all schools accountable for outcomes—particularly because when he was a candidate, President Trump said some things about what he wanted to do with public education. President Trump as a candidate said that he wanted to take \$20 billion of Federal money and give it to private schools to allow them to run voucher programs of the kind that Mrs. DeVos has promoted in Michigan, Indiana, and other States. That is a lot of money, \$20 billion. That is money that is taken out of the allocation for public schools. If you take \$20 billion out of public schools, especially in some rural areas—in my view, having done a lot of

budgets and worked on this as a mayor and Governor—you are potentially going to weaken the public schools.

(Mrs. ERNST assumed the Chair.)

I wanted to understand from Mrs. DeVos how we are going to do this. You take the \$20 billion out of the public schools; I think that is going to weaken public schools. What I wanted to ask her is, When you give the \$20 billion to private schools, as President Trump wants to do—and I asked her this question over and over again. I think I asked her four times. If you give Federal taxpayer dollars to private schools, will you hold them equally accountable to the public schools that are getting this money, equally accountable for the outcomes of the students, for the need to report disciplinary incidents, for working on important issues like education and kids with disabilities? Will you hold any school that gets Federal money equally accountable? I asked her this.

She said: I believe in accountability.

I said: That is not my question. I believe in accountability too. But I am asking you, Should you hold all schools equally accountable if they receive Federal taxpayer money?

Well, I believe in accountability.

I asked her again, Should you hold schools equally accountable?

Well, they are not all held equally accountable now.

I am not asking about what you think about the situation right now. I am asking you what you think is the right policy. Is it the right policy, if we are going to give \$20 billion to private schools, to hold all schools equally accountable?

Well, I believe in accountability.

She wouldn't answer my question.

I phrased it a different way. I said: Let me tell you this, Mrs. DeVos. I believe all schools that get Federal money should be held equally accountable. Do you agree with me?

She said: No.

She doesn't believe that schools that get Federal money should be held equally accountable. I have a big problem with that. The whole goal of the choice movement is to provide choices so that students can learn in environments that are best suited to them. Choice is also supposed to promote some competition that will encourage everybody to up their game.

If you hold the public schools accountable while you are taking some of their money away and you give that money to private schools and you don't hold them accountable, you are not promoting fair competition. You are not promoting student outcomes. You are basically taking money away from public schools and giving it to private schools.

Again, in Virginia, we had a painful experience with that—closing schools down, defunding public schools, and giving money to private schools. That

is a second reason that is very, very important to me. I don't think that she supports the notion of equal accountability for both public and private schools that receive taxpayer funding.

If we are going to do the proposal that President Trump says—we haven't seen a budget yet, but we may see one at the end of February, early March. If we are going to suddenly start taking billions and billions of dollars away from public schools and giving them to private schools, I want to know they are going to be equally accountable.

The third issue that I asked Mrs. DeVos about was education and kids with disabilities. Let me tell you why this one is so important to me. It is important because it is right. It is also important because it points a path to the future of education in this country.

Before the Individuals with Disabilities Education Act was passed in 1975, we had hundreds of thousands of children with a gap between their potential and what they were doing because schools were very spotty, communities were very spotty, States were very spotty in providing meaningful educational opportunities to kids who had disabilities.

Generation after generation of kids would go to school, but they wouldn't get an education that was tailored to their needs. They would finish their education not having the skills they needed to be all they could be. If you think about that collective delta between what these kids could do and what they could have done had they had the best education, it is tragic. That was the genesis behind the Individuals with Disabilities Education Act in 1975.

It is as if we have all these children who are capable of so much more if this society will only work to help them achieve, and the core of the Individuals with Disabilities Education Act is a simple thing. If a student is identified as having a disability of some kind, the student gets an IEP, an individualized education plan. If you have a diagnosed disability, then you are entitled under Federal law to an IEP where you get an education that is tailored to your particular circumstance.

My three kids went through the Richmond Public Schools. One had an IEP for a couple of years. That is pretty common. It is pretty common that you get an IEP, and with a tailored education, you don't need it for your whole 13 years of K-12 education. You need it for a couple of years of speech therapy or a couple of years of something else. Then, within a few years, you are completely mainstreamed, and you don't need IEP anymore. The individualized attention helps you climb up and then be completely competitive with your colleagues and with your peers.

There are other students who need an IEP for their entire educational career,

and that is fine too. They are entitled to it under the Individuals with Disabilities Education Act.

What it has meant from 1975 to today—it is 40-plus years—is that this massive cohort of kids with special needs are not in the shadows. They are not shunted aside. They are not pushed into classes where the expectations for them are low. Instead, they are challenged to be all they can be, and they are happier, and their families are happier, and society is better off as a result. This is a very important thing, and I know this to be the case.

Every family in this country has somebody in the family with a disability—or will at some point in the life of a family—and every person in this country has a friend with a disability. The issues dealing with the education of students with disabilities are important morally, but they are important because this is about our friends and our family and our neighbors.

The other thing about the Individuals with Disabilities Education Act that I find so powerful is I think it has been the best single idea about K-12 education we have come up with. It is better than testing. It is better than choice. It is better than all the other strategies because the nub of the idea is you should have an individualized education. It raises the question, Why do you have to have a diagnosed disability to get an individualized education?

With computer technology and so many other tools that a teacher can use in a class of 20 or even 30 students, there is an awful lot that you can do to tailor the education to each individual student. I was a teacher. I ran a vocational school in Honduras that taught kids to be welders and carpenters. We individualized the education. I put together a list of 60 carpentry projects from the simplest one to the most complicated one, and all the students started on the same project the first day of school, but then they proceeded at their own pace. Only when they did the first one to the carpenter's satisfaction could they go to the second one. That meant it was individualized because everybody worked at a different pace until they got it right and they could move to the next one. That is what the IDEA basically is: Education should be individualized to the student, and more and more, that is what we are doing in education all around the country.

I asked Mrs. DeVos questions about the IDEA because of the fairness and justice issues for students with disabilities but also because the notion of individualized education is the greatest single idea out there that will ultimately be the idea that I think will be the revolutionary next step in American public education.

I asked her a pretty simple question. Once again, if the President pursues his

plan to take \$20 billion and invest it in private schools, should the private schools receiving those dollars have to follow the Individuals with Disabilities Education Act? Should they have to work with students with disabilities, diagnose the disability they have, and then offer them a fair and appropriate education tailored to that disability?

It is a pretty simple question. You get the money from the Feds. Should you have to follow the law? Remember, this is a Federal civil rights law. It applies to every ZIP Code in this country. It applies to every school district in this country.

My question of Mrs. DeVos was, If a private school gets Federal money, should they have to follow this important civil rights law?

Her answer to me was: I think the States should make that decision. I think that should be up to the States.

I said: It is a Federal civil rights law. It applies everywhere.

The States should make the decision.

We struggled in my State of Virginia with States' rights arguments because after the Supreme Court decided on another really important civil rights principle, you couldn't segregate schools. Barbara Johns' walkout of Moton High School, and *Brown v. Board of Education*—and now it is the law of the land. You can't segregate kids on basis of race. It is unconstitutional under the 14th Amendment.

The leaders of my State stood up in court for years and said: You can't tell us what to do; education is a States' rights thing. We don't have to follow the Supreme Court. We don't have to follow civil rights statutes at the national level. We believe in States' rights.

States' rights arguments have been used throughout our history to rebut the notion that Congress or the Supreme Court can pass civil rights laws of applicability all around the country.

I was surprised. I did not know what Mrs. DeVos's history would be, unlike reading her speeches where she says the public schools are a dead end and government is soft. I didn't know what her position would be on the IDEA. When she told me that a Federal civil rights law should be a State decision, I was very, very troubled. I was surprised.

I blurted out: Well, what do you mean it should be a State decision? If you are a parent and you have kids with disabilities and the State isn't treating them right, you are supposed to move around the country until you find a State that treats your kids well? You are not entitled to have the law apply to you in the community where you live and you are going to have to move somewhere until you find a State that is going to treat your kid OK?

I think it should be a State decision.

Later on in the hearing, one of my other colleagues, MAGGIE HASSAN, the

Senator from New Hampshire, who has a child with cerebral palsy, followed up on this, and Mrs. DeVos tried to back out of it: Well, I wasn't sure we were talking about a Federal or State law.

I was very, very troubled by this. I was troubled by it again because of the peculiar history that we have had in Virginia and other States where people have used States' rights arguments to try to trump Federal civil rights statutes.

I would say that the answers to the questions about students with disabilities became kind of a pivotal part of that hearing because both Senators COLLINS and MURKOWSKI, who have since said they are going to vote against the nominee, at that hearing and then in the markup session we had last week talked about that as one of the things that they found troubling.

Another member of our committee, who is supporting Mrs. DeVos, Senator ISAKSON of Georgia, also found it of enough concern that he had a written exchange with her. He wrote her a letter and asked her a question: Do you really understand what the IDEA is?

She wrote a letter back, which I have had the opportunity to review, but I still don't believe that the letter she wrote demonstrates a real understanding for this issue of the rights of kids with disabilities.

This is a really important point. Some of the States that have voucher programs—we don't have these programs in Virginia for the reasons I have described, but there are States that do—Indiana, Florida. Some of the States that have voucher programs and receive public money for kids make children sign away their rights under the IDEA as a condition of being admitted to the school. You want to come to our private school and you want to use voucher money to do it? We will let you in, but you have to sign saying you will never take us to court for violating your rights, for not treating you fairly under the IDEA, and only if you sign such a waiver, will we allow you to come to our school. I just don't think that is fair. I don't think that is right. Especially if we are now going to give \$20 billion of Federal money to private schools, I think they should have to follow the law.

Many private school principals in Richmond—I talked to them about this issue long before the hearing on Mrs. DeVos, and they are pretty candid often with parents of kids with disabilities. My longtime secretary in my office—who has worked for me for nearly 30 years—has a daughter with a disability. She was going to parochial schools for a while in the early grades, but as she was progressing up into late elementary school, there just weren't the programs in the parochial school that were tailored to her particular situation, partly because the school was just too small. In a really small school,

it is tough to do education of kids with disabilities. You have to have some particular training to be able to do it. The difference of a small K-8 parochial school and a larger county school is pretty big. The principal was candid and honest in a way that my secretary appreciated and I did too. "We just don't have the kind of educational program for somebody of your daughter's special needs that the public high school has. You really should think about that." My secretary agreed and made the change to the public school. It was actually a better environment because the resources—which are not cheap—the resources to help do disability-specific education were there.

Imagine now what would happen if we start to invest money in private schools, and we don't make them follow the disabilities law. Follow this through. We take \$20 billion away from public schools. That is weakening public schools' ability to do a lot of things, including educating kids with disabilities. We give the money to private schools. We don't require them to follow the Disabilities Act. So families—like many we know—say, I might like to go to private school, but there is not enough appropriate education, so I am not going to. I am going to stay with the public school. So we have just taken the dollars away from the public school, but all the kids with the significant needs, the needs that are really costly to deal with, are going to stay in the public school. It is a spiral that is a bad spiral.

We will defund you, but all the kids with the significant needs that are costly, they are going to stay. That will dilute and hurt the quality of the education they will get, while the private school is getting the money and not having to follow the requirements of the IDEA. They get the money. They don't have to be equally accountable for it. They don't have to follow the requirements of the IDEA. This is very troubling stuff.

Those were the three questions I got to ask her in 5 minutes. Can you be a champion of public schools, do you believe that any school receiving Federal taxpayer dollars should be equally accountable for student outcomes, and should schools receiving Federal taxpayer dollars have to follow the requirements of the IDEA? With each of those questions, I was prepared to get an answer I liked, but I got an answer I didn't like.

I don't think Mrs. DeVos can be a champion of public schools. She has told me she doesn't think all schools should be equally accountable to receive Federal taxpayer dollars, and she is not committed to schools that are receiving Federal moneys following the Individuals with Disabilities Education Act. This explains to me why the volume of calls into my office over this have been so high—higher than the

government shutdown, higher than any other nominee, higher than any other issue. We have been at war with ISIS for two and a half years. I have been trying to make the case that we shouldn't be at war without a vote of Congress. I get a lot of calls in my office about it, but it is not ringing off the hook like it has been ringing off the hook with respect to the DeVos nomination. While I credit Mrs. DeVos for being philanthropic, and I credit her for caring about kids—that is very sincere. I see that in her philanthropy and her care. I don't see in her an understanding of the role that public schools play for 90 percent of our kids. Using arguments like States' rights arguments, that brings up a real painful history in my State. I don't want to see that return and especially be at the pinnacle of educational policy.

I mentioned the volume of calls we are receiving. We all asked ourselves in the office, what has explained this volume? I think the thing that explains the volume is the disability issue. Because a lot of folks with disabilities are not used to their issues ever being made front and center in anything. It matters so much to them. As we said, every family has somebody with a disability or who will have a disability. People know folks with disabilities. But the disability community—which are Democrats, Republicans, Independents and every ZIP Code in this country—they are not used to their issue being the front and center issue in something. They are more used to being ignored or being marginalized.

At this hearing, when the disability issue became front and center—I think that is one of the reasons the uptick of concern has been so significant, because people who otherwise are not that into politics or otherwise not that into who is the Cabinet Secretary going to be, there is one thing they do know, which is they want Americans with disabilities to receive equal treatment. They want them to be all they can be. It is good for their happiness and good for our economy and good for our society.

I was honored last week to write an op-ed about this issue with a former member of this body, Senator Harkin of Iowa, somebody the Presiding Officer knows very well. Senator Harkin was one of the congressional authors of the Americans with Disabilities Act. Senator Harkin was a champion of the Individuals with Disabilities Education Act. All the issues surrounding Americans with disabilities were very close to his heart. We really miss that because he was such a champion, and I am not sure anybody can really fill his shoes on that issue. But we wrote an op-ed about this disabilities point in Time magazine that has gotten a lot of attention because it touches every family.

I will start to recap a little bit now as I await my colleague who is going to

be following me. I will just go back to where I started. This is not a minor matter. It is a little bit unusual to be on the floor at 10 to 4 in the morning. It is a little unusual to be speaking 30 hours in a row. I had some folks ask me: Why would you do 30 hours of speeches on this? I said: Well, don't you think the Secretary of Education is important enough—education in our country is important enough to spend a day and a half, a day and a quarter talking about it?

I go back to that Jeffersonian vision: Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population. The United States, beginning in the early 1900s—then after the GI bill it really accelerated. We became the educational leader in the world. We weren't necessarily that during the 1800s—Germany, other nations, England were—but we really became the educational leader. We made education available to all. The GI bill helped democratize higher education and make it available to many more.

Our education system is still one of our crown jewels. The number of foreign students who come to our country to go to college, compared to the reverse, is still a tribute to the fact our education system is so strong. I haven't really talked about higher education at all. That is also within the province of the Secretary of Education. The basic point I am making is, of anything we do that is about whether we will be successful as a country tomorrow, education is key. That is why we are taking 30 hours to dig into issues of concern.

I put three questions on the table. The three I put on the table are all about K-12 education. I had colleagues at the hearing who asked searching questions about higher education, the cost of higher education, student loan debt, what is the right way to deal with debt, how do we make college less expensive. These are critical issues too. I am very passionate about a career in technical education. My dad was a welder, and I ran a school in Honduras that taught kids to be carpenters and welders. This is a big and important job. It is such a big and important job, it would be wrong to expect any person to be an expert on all of it. That would not be a fair hurdle to set for somebody. You are going to have to come in and bring expertise in and hire good people to work with you, but I think there are some fundamental threshold questions: Can you support and be a champion for public education? That seems fundamental. Do you believe in equal accountability for everybody that gets Federal dollars? That seems fundamental. Do you believe that kids with disabilities should be able to get this kind of education? That seems fundamental. And in those areas, Mrs. DeVos did not succeed.

I voted for a number of the Cabinet nominees of President Trump. I am not standing here taking the position that I am voting against all of them. In fact, I voted for quite a few because even if they would not be people who I would nominate, President Trump is the President. He is entitled to have his own team, but the advice and consent function of the Senate means, in certain cases, if people do not seem to meet the threshold criteria for being able to do the job and do it well—that is how you exercise advice and consent and express opposition to a nominee. That is what I am going to do in this case.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURPHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Madam President, let me just express my thanks to all of those who have facilitated the floor staying open through the evening. We still have a ways to go. I know that puts a lot of pressure on staff here and on all of the folks who make this place operate. We thank you for that. These are, in the minds of many of my constituents, very exceptional times and they call for exceptional tactics and probably a few more exceptional moments on the floor of the Senate. I appreciate everyone here staying through this long evening.

When I was a kid, I took an art class at a little one-room schoolhouse on Wells Road in my hometown, where I grew up, of Wethersfield, CT. That little one-room schoolhouse is still there. It is iconic. It is a part of Wethersfield's history. The town is really proud of it. There is not a lot that happens in that one-room schoolhouse any longer.

But once upon a time there was a lot that happened in that one-room schoolhouse. That is where the kids of Wethersfield, CT, the oldest town in the State of Connecticut, got their education. You know, wrapped up in the identity of this country is this association with those little one-room schoolhouses that were peppered throughout the landscape of New England and, indeed, across the country, as our new Nation progressed west.

It symbolizes the deep connection that this country has had with this very unique idea of public education. I say that as a means of trying to explain to folks why we are here at 4:20 in the morning, why this nomination—the nomination of Betsy DeVos for Secretary of Education—has commanded this kind of exceptional attention, why

the switchboards here at the Capitol have been experiencing a volume never before seen in the history of this place.

There is a special connection between our constituents and the idea of public education, because it is rooted in some of the founding ideals of this country. This country stands for the notion that you can come from anywhere, you can be of any background, and you will have a chance to make it here in the United States.

We did not just say that; we lived that value. We built a society in which people could actually take that idea of succeeding, despite any built-in impediments they may have faced, and we turned it into a reality. Public education from the very beginning of this country has been at the root of that uniquely American idea—the idea that you can succeed despite any barriers that may have been presented in front of you by circumstance or by birth.

Public education at the outset was in those one-room schoolhouses. Everybody packed into one place, all sorts of ages and learning abilities, and one teacher, normally a female, at the front of the classroom. But over time, this country adapted. We learned from others. It was Horace Mann, the famous Massachusetts educator, who borrowed from ideas that he had found in Prussia and brought to the United States, the idea of the professionalization of public education, the professionalization of teachers, the sorting of students into grades, the idea that it wasn't just enough to put a whole bunch of kids into one classroom, that we needed to actually think through pedagogy. We needed to put some time into making sure there were high-quality teachers and instruction in all of our classrooms.

You can go around the country and find a lot of schools named after Horace Mann because what we have today springs forth from many of his ideas, from his commitment to high-quality public education.

The system that he helped create is the one in which many of us grew up in. I went to public schools in Wethersfield, CT. My mother went to public schools in Wethersfield, CT. My father went to public schools in Wethersfield, CT. They met in public schools in Wethersfield, CT. My wife went to public schools in Fairfield, CT. My kids go to public school today. So when I try to figure out why my office got 13,000 phone calls and emails with regard to this nomination, I think it is because public education is so deeply connected to who we feel we are as a country. We feel we are the most powerful, the most affluent Nation on Earth because of our unique commitment to public education; this idea that in order to succeed, you need first to have access to learning, to the ability to read and write, to do arithmetic, to be able to think creatively about

science and the history of your country and your people, but also because public education is personal.

When we talk about who we are, when we all think about our own personal biographies, it starts with where we went to school. Not everybody went to public school, but the vast majority of people in this country went to public school.

When you think about who you are today, almost everybody's story runs through a great public school teacher. The things that you learn that make you who you are today, they probably come first and foremost from your parents or from whoever raised you, but, boy, you learn an awful lot about how to relate to people, about values. You make mistakes; you correct those mistakes in school, whether it be in the classroom or out on the playground.

For me, it was my fifth grade teacher Ms. Evanisky, who instilled in me a love of learning but also a discipline about how to learn. I don't know that teachers would do this today, but Ms. Evanisky had a list of all the assignments each week on the chalkboard and had our initials next to each one we had completed. There were 20 or 30 each week, and she would erase your initials and move it to the next one. It probably was a little bit too much of an exercise in public shaming for the kids who fell behind, but, boy, there was accountability because every day you walked in, you saw whether you were keeping up with the assignments that week or you were falling behind. There was a rigor to it that attracted me and made me a better learner.

There were two male teachers I had in high school and middle school: Mr. Hansen, my eighth grade social studies teacher, and Mr. Peters, my junior-year American history teacher, who got me thinking about government and the effect it has on my life and the life of people around me.

My family did not have a history of politics or public service. My love of public service, my interest in government comes from teachers who inspired me to care about the role people played in our common history.

So when I think about why I am here today, I think about teachers. I think first and foremost about my parents, but I think about teachers, and so do millions of other people around the country.

Our common experiences are rooted in our public schools, and, of course, it is still personal today for millions and millions of folks in my State and across the country because they have their kids, as I do, in public school, and they are seeing the great benefit that comes to their kids, the growth that happens in our public schools, and the continued learning that happens for our educators.

Public education is different today than it was when I went. We learned

things, that we can't just focus on teaching basic skills, like reading, writing, and arithmetic, but today we have to teach other skills, like social and emotional skills. We are getting better all the time in public education, and that is why people are so proud of it.

So when presented with a nominee for the Department of Education who says that public education is a "dead end" for students in this country, people take it personally. It feels different than when they listen to the nominee for Secretary of the Treasury talk about banks or when they hear the nominee for Secretary of Health and Human Services talking about health insurance.

When you say that public schools are a dead end and then, as Mrs. DeVos has, spend your entire career trying to empty out public schools and put kids into private schools, it hurts. It hurts because, well, we all know public schools can be better. We all have our critiques of the public education we got or the public education our kids have gotten. We know it is not a dead end.

Public education wasn't a dead end for me. I got to be a U.S. Senator because of the public education I got. It wasn't a dead end for my mother, who grew up in the housing projects of New Britain, CT. Because of the public schools that challenged her as a very poor little girl growing up in New Britain, she got to be the first woman in her family to go to college. It wasn't a dead end for my father, who went to public schools and ended up running one of the biggest companies in Hartford, CT. And I hope it won't be a dead end for my kids, who are getting smarter and smarter every single day they go to public schools.

Public schools aren't a dead end. They can always get better. But to have someone in the Department of Education who doesn't believe in the way that most public school parents, most public school products believe in public education, it is offensive, and that is why our offices have received this unprecedented volume of correspondence.

I represent a pretty small State. Connecticut isn't that big. But I got 13,000 letters and emails opposing Mrs. DeVos's nomination in a short period of time. She was only nominated a couple months ago. I don't know that there is any other subject in the entire time that I have been in government in which I received more correspondence over a short period of time like that. I received 13,000 pieces of correspondence, and almost all of them are in opposition to it.

That is the other thing. There were a few people who called who support her nomination, but almost without exception, people are calling in to my office and to Republican offices telling us that she is not the right fit.

I am writing to you as the mother of two children in kindergarten and first grade. My son is 5 and is autistic. I watched the recent nomination hearing on Betsy DeVos, and I am left sick to my stomach. I implore you to not support this woman for Secretary of Education.

I am beyond worried at what this might mean for our school systems, and particularly what this would mean for the education and development of my son. We fight every single day for my son. We work for the services he needs. I spent 2 hours on the phone yesterday with health insurance companies trying to get his occupational therapy covered. With Betsy DeVos in charge of the public schools, I can't even imagine the roadblocks we would face.

As a parent, all I want is for my son to grow and develop and thrive like any other child. It is hard enough doing this with his disabilities, knowing our President openly mocks those who are disabled. Please, please, please do not support his nominee. I fear for my son.

Another piece of correspondence from a college student from Old Lyme, CT:

I strongly urge you to oppose the Secretary of Education nominee Betsy DeVos, whose confirmation hearing proved that she lacks both the experience and qualifications to lead the Department of Education.

Mrs. DeVos has had no experience in public schools, not as a student, an educator, an administrator, or even as a parent. Further, she admittedly has no experience with higher education or student loans.

I am a student about to earn my undergrad college degree this spring. I highly suspect that Mrs. DeVos has no interest in repairing or mending my or my fellow students' colossal debt problems, nor does she have the intent to alleviate the strain of other costs on parents and guardians.

I might read some more of these letters, but they are sort of endless, and they speak to a real worry people in my State have about Mrs. DeVos's commitment to public education. So let me talk a little bit about why they are concerned.

They are right to point out that this nominee has really no personal experience in our public school system. She didn't go to public schools. Her kids didn't go to public schools. She wasn't a public school educator. But that is not disqualifying in and of itself. I mean, all of us work on policy in which we don't have personal experience. It is the fact that she has spent her entire career and much of her family's enormous fortune trying to undermine public education that is so concerning.

Mrs. DeVos, as it has been repeated over and over on this floor, is a big fan—perhaps the biggest fan in the country—of vouchers, which is a means of giving students a handful of money so that they can go to a private school or a nonpublic school.

In theory, there is an attraction to this idea that you should be able to take that amount of money that we generally allocate to your education and bring it to a school of your choice. But in practice, vouchers are a disaster for our kids. Why? Well, first and foremost, it is because, contrary to what

Betsy DeVos and her family believe, the free market doesn't work the same for education as it does for the breakfast cereal industry, right? Kids are not free actors in the way that other consumers are. So what happens is that the parents and the families who have the means and the income to go find and afford private school do so. They take that voucher and then they bring it into the private sector, and the kids and the families who don't have the means to do that get left behind in underperforming schools, and the imperative to fix those underperforming schools gradually disappears.

Well, vouchers are never going to equal the amount of money that it costs to send a student to most private schools. It may cover the cost of the cheapest private schools, but families of means take those vouchers and supplement it with money that they already have and send their kids to private schools. So vouchers just end up taking wealthier families and moving those kids into private schools, while leaving behind kids who don't have parents who can supplement the amount of money in the voucher to allow those kids to go to private schools. So vouchers become a means of both economic and racial segregation. White families or families of higher economic means take the vouchers and they send their kids to private schools and families with kids of lower economic means get left behind in lower performing public schools.

Vouchers are a wonderful way to guarantee that you have very little mixing of kids of different backgrounds or races and incomes, and that is what the evidence bears out. But vouchers have been used in even more insidious ways over the years. Think about what has happened to disabled kids.

In many States, kids with disabilities will be offered a voucher to go to a private school that may have a basket of services that is more appropriate for them, but they have to make a deal with the school district in order to get that voucher. They have to renounce their legal rights to contest an appropriate education in order to get that voucher. For many families, that voucher is a very shiny object that looks like their salvation, but then, when they get to that voucher school and find out they are in fact not getting the services they thought they were going to get for their child—maybe because that school is being run by a for-profit company and they don't have that child's education in their best interests, and they have profit motives as their driving imperative—the parent can't exercise their rights under Federal law because they signed them away in order to get the voucher.

In States like Florida, this happens tens of thousands of times over, where low-income, disabled kids sign away

their right to contest services that are guaranteed to them in order to get a voucher, only to find that when they get to that school, the services they were promised aren't there and now they have no legal ability to try to get those services. The rug is pulled out from under them. They are left with no protection. So vouchers have been used in terribly insidious ways to take from students and families rights that wealthier families that don't need to rely on the voucher would never sign away.

So it is not that Democrats oppose Mrs. DeVos's nomination because we don't like charter schools. Frankly, it is not because many of us don't support school choice. I don't have any problem with public school choice done right. I don't have any problem with charter schools. In fact, I have a long history of supporting high quality charter schools. What we oppose is a voucher system that dramatically underfunds education and that requires students to lose or sign away their right to get a quality education.

Further, we oppose voucher systems that just end up taking public dollars and putting them in the hands of Wall Street. What is exceptional about Mrs. DeVos's experience in Michigan, what makes it different, frankly, from the experience of charter schools in Connecticut, is that in Michigan charter schools are by and large run by for-profit companies. Let me tell you, the operators of for-profit charters, I am sure, have the best interests of those kids in mind, but the investors in those for-profit charter schools have profit as their primary motivation. The people telling those administrators what to do have investor returns first on their mind and educational returns for the kids second, because if they didn't, they would be a nonprofit charter school. If your primary mission was to run schools for the benefit of kids, you would be a nonprofit. The reason you set yourself up as a for-profit is so you could make money. I don't know why any school is operated on a for-profit basis. But in Michigan, 80 percent of charters are owned by for-profit operators. We have seen what has happened in the higher education States. We have seen the fraud that is perpetuated on students because for-profit colleges have as their primary motivation making as much money as possible, not the education of kids. So vouchers, underfunded, tied to the denial of rights for disabled kids, and established as a means of enrichment for investors in for-profit companies are a terrible idea.

But students, parents, and teachers in Connecticut are concerned about Mrs. DeVos's nomination for other reasons as well. I wish that every minority kid and every disabled kid and every poor kid in this country got a fair shot, but that is not how education is played out. The Federal Government

is involved in education for one primary reason and that is civil rights. The whole reason that the Federal Government got into the business of education is because children—primarily minority children, primarily black children—were being denied an equal education. So in *Brown v. Board of Education*, it was held that separate education is unequal education, and in a series of civil rights acts following that decision, the Federal Government established laws to protect children and their parents from that kind of unjustifiable racist discrimination.

It happened in schools all over this country. Black kids were not given an equal education. Even after the schools were desegregated, States and municipalities found ways around the legal requirements to give an unequal education to minority kids.

Here is a news flash for you. Racism hasn't vanished in this country. Discrimination has not been defeated. We are watching the President today pry on people's prejudices as a means of dividing this country to his benefit. All across this country you can see examples of sometimes intentional discrimination and other times unintentional subconscious discrimination that continues to happen all over the United States, like what happens in school discipline. If you are an African-American boy in this country and you goof off at school, you are twice as likely, right now as we speak, to be suspended or expelled than if a White student engages in the exact same behavior. Disabled students all across this country are discriminated against.

I will give you an example from not so long ago in Texas. In Texas, an investigation by the Houston Chronicle discovered that the Texas Education Agency had arbitrarily decided that only 8.5 percent of students would get special education services. No matter if the school district had a higher percentage of kids with disabilities, the Texas Education Agency said that only 8.5 percent of students in any particular school district can get special education services. What happened? Kids all across the State who were disabled were denied the services that they needed.

In Kentucky, just 2 years ago, an autistic 16-year-old named Brennen was severely injured, with both his legs broken when he was restrained at school. An investigation found that he suffered two broken femurs, a partially collapsed lung, and blood loss. He spent 8 days in an intensive care unit. An investigation found out that over the past 2 years, nearly 8,000 students in one county in Kentucky had been physically restrained, and 150 of them in this one county had been badly injured. That is just one example of what happens to disabled students all across this country. They get secluded and locked into chains and ropes, literally,

as a means of trying to control their behavior. That doesn't work. That is by and large illegal, but it happens because still today minority kids, disabled kids, and poor kids don't have the political power that other school children have. Their parents might not be as loud as other parents are, and so they get intentionally or unintentionally discriminatory treatment.

That is why, at the Federal level, we have a history of requiring that States provide equal education to minority kids, disabled kids, and poor kids. That was a bipartisan commitment in the No Child Left Behind law. It continues to be a bipartisan commitment in the new education law we passed. Republicans and Democrats voted for a bill that holds schools accountable for equal outcomes, equal opportunity for every kid.

Now we dramatically amended that accountability requirement in the new law. We recognized that it probably didn't make sense for Washington to decide how you measure accountability and how you intervene in schools where you are not getting results for those vulnerable populations, but we still require that every State have an accountability regime. Republicans and Democrats both voted for that. I sponsored the amendment with Senator PORTMAN that put that accountability section into the bill.

Another reason that parents and students in Connecticut are deeply worried about Mrs. DeVos's nomination is because she has a history of fighting accountability. In Michigan, she fought a State law that would have made all schools in that State—whether they be public, private, charter, or traditional—accountable for their results. When questioned before the Education Committee about her position on accountability by Senator KAINE, who just finished speaking, her answers were bizarre.

Senator KAINE: "Will you insist upon equal accountability in any K-12 school or educational program that receives Federal funding whether public, public charter, or private?"

Here is the easy answer to that question: Yes.

That is not a gotcha question. I know folks have said that the Democrats were trying to embarrass Mrs. DeVos in the hearing, but that is an easy question.

Will you support equal accountability in any K-12 school that receives Federal funding—public, public charter, or private? The answer to that question is yes. But she says: "I support accountability."

OK. That is not as good, but maybe it is heading in the right direction.

"Equal accountability for all schools that receive Federal funding?" asks Senator KAINE.

"I support accountability," she says.

Senator KAINE is sort of figuring out that this might be an evasion rather

than an answer. He says: "Is that a yes or no?"

"I support accountability."

Senator KAINE: "Do you not want to answer my question?"

"I support accountability."

"OK, let me ask you this. I think all schools that receive taxpayer funding should be equally accountable. Do you agree with me or not?"

"Well, they're not today."

"But I think they should. Do you agree with me or not?"

"Well, no."

So at the end of that line of questioning, Senator KAINE finally gets his answer—that Betsy DeVos does not support equal accountability for public, public charter, or private schools. That isn't surprising because she didn't support equal accountability when she was pushing for private charter schools in Michigan.

(Mr. JOHNSON assumed the Chair.)

Mr. President, that has devastating consequences for our children, to have a Secretary of Education who is not going to require accountability for results in schools, regardless of how they are established. It has devastating consequences for poor kids, Black kids, Hispanic kids, and disabled kids who need in a Secretary of Education a champion for them, not someone who advertises in her committee meeting who is not going to fight for accountability in our schools.

Frankly, I am friends with some of the operators of charter schools in and around Connecticut. In my experience, the supporters of charter schools have tended to be the loudest champions of accountability because for many charter school proponents, they go hand in hand. Accountability gives you sort of a clearer sense of the outcomes in public schools, which for charter school advocates tends to be an advertisement for an alternative way of education.

So charter schools, even those that are regularly critical of the public schools, like Mrs. DeVos, normally argue for accountability, but not Betsy DeVos. She has a long career of opposing accountability. And if you look at an examination of the charter schools that she has supported, you can figure out why. Her charter schools aren't very good. If they had to be measured on equal footing with public schools in Michigan, the results would not be an advertisement for her or for her nomination to be Secretary of Education.

In Michigan, they have set up a Byzantine system in which there are like 30 different regulators of charter schools, all with a confusing array of different ways that they measure performance. There is no way in Michigan to pull out data about how disabled students are doing on a school-by-school basis. They intentionally obfuscate the results of charter schools. Why? Because many of them—many of those associated with Mrs. DeVos—are

not getting good results for their kids. That doesn't mean charter schools can't get good results; many of them can. But if you don't have accountability, if you don't require charter schools to prove they are doing good for kids, then many of the bad ones will continue to provide low-quality results without any accountability.

So many of the parents in my State are very concerned about Betsy DeVos when it comes to whether she is going to stick up for disabled students and low-income students.

I asked her specifically whether she would keep on the books a regulation that was passed at the end of last year which gives guidance for States on how they develop these accountability regimes for vulnerable populations. Again, this was an easy answer because everybody in the educational space supports this regulation—superintendents, principals, teachers, parent groups, civil rights groups, groups representing the disabled. Frankly, it was a Herculean task for then-Secretary John King to come up with an accountability framework that all those groups would support, but they all support it.

So I asked Mrs. DeVos in the hearing would she work to implement that regulation or would she work to undermine it, and she gave me no answer. She certainly refused to commit to implement that regulation which, by the way, is supported by everybody in the educational space. Undoing it would be a giant headache for everybody who works in education. Nobody wants it undone. Yet she would not commit to keeping it in place.

Then I asked her another super simple no-brainer when we submitted written questions. I just said: Would you support the maintenance of the civil rights data collection system? This is like once every 2 years, you have to report data on the performance of your minority kids in your State's schools. Once every 2 years, you have to submit this report, and it is very important because it is one of the only ways the Federal Office of Civil Rights and the Department of Education can figure out if minority kids—Black kids, Hispanic kids, Native Americans—are getting a raw deal. She wouldn't even commit to maintaining the data collection, never mind do anything with it.

So at some point, you have to figure out that where there is smoke, there is fire. She has been given all of these opportunities to say: I am going to be a champion for disabled kids. I am going to stand up for minority kids. I am going to make sure that every child, no matter their race, no matter their religion, no matter their learning ability, gets an equal education. Every time she was given an opportunity to set the record straight, she obfuscated, she fudged, she clouded.

When she got a question about the Individuals With Disabilities Education Act, she didn't seem to know what it was. So maybe that is why the answers were fuzzy when it came to protecting students with disabilities—she didn't know what the law was. Maybe if she was asked specific questions about the accountability framework that demands results for minority kids, she would have given a similar answer because she might not have known what that was, either.

If you are going to be Secretary of Education, you need to have a moral commitment to protect these kids, but at the very least you have to know what the Federal laws are that provide those protections. Over and over again, she was given the chance to show that moral commitment; she did not. And in that hearing, she showed a troubling lack of knowledge about the statutes that protect those children. The Secretary of Education, more than anybody else in this country, is responsible for delivering results for our kids. The Federal Government is not in education, except for the cause of civil rights.

Finally, I wish to speak about what was, to me, maybe the most troubling answer she gave in that hearing. We had 5 minutes to question this witness. We had 5 minutes. I worked pretty hard to become a U.S. Senator. My constituents think this is a pretty important job. I was given 5 minutes to ask questions of the next Secretary of the Department of Education—the person who is going to be in charge of the thousands upon thousands of public schools in this country. There is no precedent in this committee—the Health, Education, Labor, and Pensions Committee—for Senators being cut off, being denied questions when they have them.

We spent a lot of time in the committee hearing arguing over how much time we were going to get to question Mrs. DeVos, and it became pretty apparent why Senator ALEXANDER was restricting questioning as the hearing went on. This was a nominee who was simply not qualified. This was a nominee who was not ready for this hearing, who is not ready to be Secretary of Education. I had a wonderful meeting with Mrs. DeVos. She is a nice person, but she is not qualified to be Secretary of Education. Senator ALEXANDER knew that. What I gather is that Senator ALEXANDER sat down with her, figured out that she was not qualified, knew that she was not going to perform well, and came into that hearing with the specific intention of limiting our questions, because as the hearing went on, it got worse and worse.

I really wanted to ask questions about protecting disabled kids and low-income kids, so I had planned to ask all of my questions about whether she was prepared to stick up for those kids. She

gave very short answers to my questions that, as I said, didn't give me any confidence that she is going to stand up for those children.

When I looked down at my clock, I still had 30 seconds left. I only had 5 minutes, so I better use all of my time. So I asked her what I thought was a no-brainer. I asked her whether she thought guns should be in schools. She probably should have known that question was coming from me. I wasn't intending on asking it, but my public service is defined by what happened in Sandy Hook, CT, in December of 2012. And she knows she is going to work for a President who has promised to ban States' and local districts' ability to keep guns out of schools. And so her answer, which has now been replayed on the Internet a million times, was shocking.

First, her inability just to plug in to the emotion of this issue. The first thing you should say in response to that question is, our No. 1 obligation as education policy professionals is to keep kids safe. Start there. Start with a commonality about our obligation to keep kids safe. But that is not where she started. She started by saying: Well, that is really up to the States and the local school districts.

The reason she gave for that is now infamous—that some schools in this country need to be protected against grizzly bear attacks. It is probably unfair how much attention that response was given; she sort of came up with it on the spur of the moment. I don't suggest that it reflects her full thinking on the subject of guns in schools. But she then immediately contradicted her answer. Her first answer was that really should be up to States and local school districts, so I asked her the next logical question: Well, if President Trump asked you to implement his proposal to ban local school districts' and States' ability to decide for themselves as to whether they want guns in schools, would you support it? She said: I would support whatever he did, whatever he asked me to do.

So on the one hand, she says it should be up to States and local school districts whether they have guns in the classroom, and then on the other hand, she says that she would support a Federal prohibition on gun-free school zones. You can't have it both ways.

Much of the outpouring of opposition from Connecticut is due to the answer she gave to that question.

Parents in Sandy Hook, CT, can't understand—can't understand—how a Secretary of Education could think that putting guns in our schools would make our schools safer. This idea the right has—and the folks the DeVos family hang around with—that if you just load up our communities with guns, it will guarantee that the good guys will eventually shoot the bad guys has no basis in evidence. Rou-

tinely, guns that the good guys have to protect against the bad guys get used to shoot the good guys, and even when guns are around when bad stuff goes down, they don't get used to shoot the bad guys. Parents and teachers in this country are freaked out that we would have a Secretary of Education who would promote arming our schools.

Although at the end of that short back-and-forth between Mrs. DeVos and me, she did admit that kids getting killed in schools was a bad thing, suggesting that schools need to be armed in order to protect against wild animal attacks doesn't suggest that is on the top of your mind.

How deeply offensive that answer was to families like those in Sandy Hook who have gone through these tragedies and who know that the answer is not to arm principals and administrators and teachers with high-powered weapons so they can engage in a shootout inside a school.

Even that school in Wyoming that she referenced noted within 24 hours that they didn't feel like they needed a gun to protect against grizzly bears. They had a fence and they had bear spray and that was good enough.

I admit, she has gotten probably a little bit too much grief for that particular answer, but it capped off her performance in that hearing that was disqualifying; that showed a lack of interest in protecting vulnerable kids—poor kids, Black kids, Hispanic kids, disabled kids; showed a stunning unfamiliarity with the laws that govern education; demonstrated an enthusiasm for market-based principles in public education that simply don't work; showed a disregard for the danger of profit motivation driving decisions in education; and uncovered some incredibly dangerous positions that we had not previously known about, like her enthusiasm for putting guns in schools. That is why 13,000 people in my little State of Connecticut sent letters and emails and made phone calls in opposition to her nomination.

I had a really nice meeting with Mrs. DeVos in my office. I concede that she could have spent her money and her time—she has a lot of money—on something other than trying to make schools better.

So I give her credit. I give her a lot of credit for the fact that she spent much of her fortune and put a lot of time into making kids' education better. But that is not a qualification alone. Being rich and spending your money for a good cause doesn't automatically qualify you to be in the Cabinet.

Despite those good intentions, over and over again, Mrs. DeVos has shown she is willing, with her time and money and with her advocacy, to make good on her belief that public schools are a dead end, to empty out our public schools of money and students, to use

taxpayer funds to enrich for-profit investors, and to leave behind millions and millions of vulnerable kids who need a champion in the Department of Education.

Public schools were not a dead end for me. Public schools were not a dead end for my parents. Public schools were not a dead end for my wife. I am sure, having only watched my kids progress through second grade and pre-K, that public schools will not be a dead end for my children. But to have a Secretary of Education who doesn't believe the public schools that are going to be under her charge can lead to results for our kids like they have for generations is unacceptable. It is why this body in a bipartisan way should rise up and say no to her nomination and ask this President to appoint someone who is going to be a daily champion of our public schools and not use the Department of Education to undermine them.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, this morning and throughout the night, the Senate has been considering the nomination of Betsy DeVos to be the next Secretary of Education. My colleagues have come down here to the floor, and I appreciate my colleague, who just completed his comments, for his knowledge and his insights on public education and his passion for a system of education that provides opportunity to every child in America.

We are down here speaking through the night to raise the issue of why the nominee for Secretary of Education is so completely inappropriate. We see the passion that has arisen across America, ordinary citizens calling us up on the phone, inundating our phones, thousands of phone calls—I had more phone calls in a single day than I normally get in a couple of weeks—inundating us with thousands of emails and letters.

Why is there so much public passion about this nomination? The short answer is that public education is a cherished institution in the United States of America. Public schools are a vital pathway through which our children have the opportunity to gain the knowledge that allows them to thrive in our society. We don't want to see that system of public education, that gateway for a successful life, destroyed by Betsy DeVos. That is why the American people are sending us so many letters and emails and making so many phone calls—because Betsy DeVos has

no education experience, no public school experience.

Our students, teachers, communities, and our Nation deserve leadership that does have public education experience, someone who does have a passion for the success of every child, not someone who is simply dedicated to trying to tear down public schools so she can run private profit institutions and put money in the bank.

What do we really care about in the United States of America? Do we care about the education of our children or about an entrepreneur hijacking the public education system for personal profit? That is why the citizens of this country are so outraged by this nomination and outraged that Senators on this floor are planning to vote for her later today.

I had the chance to go to school starting in first grade down in Roseburg, OR. Roseburg is a timber town. My mother showed me the path that was somewhere between a quarter of a mile and half a mile long. I walked that path over to the first grade school. It had classrooms that did not have hallways; they opened to the outside. The school ground was a magical place for me to go in the first grade.

I still remember vividly Mrs. Matthews. Mrs. Matthews was a very stern public school teacher. She had probably about 20 people in her classroom, 20 little kids. She was determined that by the end of the first grade, we would all read at the third grade level. That was her mission in life. And we would do math at the third grade level. Thus, every moment in that classroom we were working.

She was a senior teacher. I thought of her as quite old at the time. I don't know if she was in her fifties or sixties. Suddenly that age doesn't seem so old to me now. She was very experienced, and she had her system of working with little kids. She would divide us into groups of about four to five kids, and we would work in different clusters around the schoolroom. She would travel from one cluster to another keeping us on track, making sure we were progressing as we were reading to each other, as we were doing our math problems. By the end of the school year, everybody read at the third-grade level. We were afraid of Mrs. Matthews because she was a very stern teacher, but we all thrived in that classroom because we had a person dedicated to the success of children.

One of the things that helped Mrs. Matthews was that there were 20 students in her classroom. When I went to my son's first grade classroom, there were 34 kids in that classroom. I don't know that Mrs. Matthews' strategy could have worked with 34 children. I don't know if she could have taken 34 kids and gotten them to the third grade level at the end of first grade.

It is unfortunate that we are not providing for our children the same qual-

ity of education that our parents provided for us. Yet we are living in a knowledge economy world where public education is much more important today for success than it was a generation ago. So it is more important, but we are funding it less. Certainly we have growing national wealth. Why aren't we making the investment in our public schools?

Along comes Betsy DeVos, who says: Here is an economic opportunity for me to make even more money and convert these public schools to private schools, private for-profit schools. That bothers me an enormous amount because I want to see the resources not go into the bank accounts of wealthy, ambitious entrepreneurs; I want to see those resources go into our public classrooms, which, quite frankly, don't have enough resources as it is.

For first grade, I went up to Portland. My family moved with the timber economy. The mill shut down outside of Roseburg, OR. We had been in Roseburg through first grade. By second grade, my father had taken a job as a mechanic up in Portland. We moved to the public schools of Portland and the following year bought a house outside of Portland and moved to the David Douglas High School system, where I was from third grade through graduation. That grade school and high school system provided the foundation on which I could pursue virtually any path I put my mind to.

Isn't that the goal in America, that every child should have the opportunity to pursue their dreams, not to have that opportunity cut short by somebody who wants to drain the resources out of our public education system?

When I was in grade school, my father said to me: Son, if you go through the doors of that school and you work hard, you can do just about anything here in America.

I thought that was pretty cool because I lived in a blue-collar community. I knew there were fabulously more affluent communities in different parts of Portland, and our community was not one of them. We were a working-class community. The idea that if I went through those doors and worked hard, I could pursue just about anything was a really cool notion. It gave me a lot of pride in the United States of America, and it gave me a lot of pride in my parents' generation that they were providing public schools to enable every child to have this opportunity to thrive.

That is what we want to have—not a system for the elite, not a system in which the rich get their education over here and they are therefore destined to seize the best jobs in society and generationally build wealth upon wealth upon wealth while the rest of our Nation is left out in the cold—no, a system where every child has the opportunity to thrive. That is the great

foundation for a nation that says we are going to dedicate our resources so that all families are lifted up. But that is not the vision of Betsy DeVos. That is why I am on the floor today at 5 a.m. speaking about my concerns about her nomination and what it represents for public schools.

We need, plain and simple, an Education Secretary who actually has experience with public education. Betsy DeVos has none. She did not attend public school. She did not send her children to a public school. She did not volunteer in a public school. She did not get a degree and teach in a public school. I don't know if she has ever set foot in a public school.

The process—the journey of becoming a teacher—is one that requires substantial education so you are prepared to convey and to find the pathway with which children can learn, absorb knowledge, move forward, and be inspired. But Betsy DeVos likes the idea of schools in which there is no accountability for the preparation of the teachers.

Why undermine the success of our children for personal profit? For a moment, think about the type of backgrounds previous Secretaries of Education have had. They have been prepared to understand our school systems and issues before, here in America.

John King was our 10th U.S. Secretary of Education from March of 2016 through January of 2017, just recently. He had a J.D. and a Doctor of Education from Columbia University. He taught in the Massachusetts school system. He had been Commissioner of Education in the State of New York from June 2011 until January 2015. He had been the Deputy Secretary of Education for a little more than a year. He had a lifetime of study about our public education system, a lifetime of dedication to that system, a lifetime of experience in that system brought to bear to make that system work for our children.

How about Arne Duncan, who preceded him? He was the ninth U.S. Secretary of Education, serving from the time President Obama came into the office through December 2015. Arne Duncan graduated from college with a bachelor's degree in sociology. He was deputy chief of staff to the Chicago superintendent from 1999 through 2001. He was superintendent of Chicago Public Schools for 8 years—or almost 8 years—from June 2001 to January 2009. He also brought to bear substantial, extensive experience and an understanding of the issues and how to address them in America.

Let's go back to a Republican administration and Margaret Spellings, our eighth U.S. Secretary of Education, serving for 4 years, from January 2005 through January 2009. She worked on the Education Reform Commission under Texas Governor William

Clements. She was executive director for the Texas Association of School Boards.

We can keep going back and see the type of experience that has been brought to bear on this important position. Rod Paige was a son of public school educators. Rod Paige was our seventh U.S. Secretary of Education. Rod Paige taught at Texas Southern University. He was Dean of the College of Education of Texas Southern University. He was a trustee of the board of education of the Houston Independent School District. He was a superintendent of the Houston Independent School District. In other words, as we work backward through his career, he was involved in education in one role after another.

Betsy DeVos has none of that background. She has a background, and she certainly has things she knows well and is very good at, but education—public education—is not one of them. She was chairwoman of the Windquest Group, a private technology and manufacturing investment firm. She was a Republican National Committee member for Michigan from 1992 through 1997. She worked at that point to divert children from our public education system and to divert resources from that system.

Michigan's charter school system, which she has backed, has most of them run by private for-profit companies—80 percent, the largest percentage of the country—companies driven by making a buck and squeezing every dollar out of the system they can rather than squeezing every ability into our children.

Public education being converted into a private profit company is the experience that she brings. She likes the idea of those schools having no accountability because if you have no accountability, you don't have to spend as much money on the kids, and you make more money for yourself.

That sort of self-serving, for-profit depletion of our public schools should not be represented or advocated for by the Secretary of Education.

She has other experience. That experience has to do with being very involved in one party of the United States—the Republican Party—serving as the Michigan Republican Party chairwoman from 1996 through 2000 and 2003 through 2005. Serving as a party chair is different than gaining experience in public education.

She wanted to further press the case to convert public schools over to for-profit, a strategy that she was benefiting from so much. She worked on a 2000 ballot measure, and the people of Michigan rejected it. She also put a lot of money into a PAC but, again, putting money into an advocacy group—an advocacy group dedicated to depleting our public schools—is not a foundation for running public schools. It is a foundation for not running public schools.

During her confirmation hearing, it became so incredibly evident that she knows nothing about public schools. It makes sense that she has no background because she didn't attend public schools. It makes sense that she didn't learn anything about public schools by teaching; she didn't teach. Or volunteering in ones—she didn't volunteer. It makes sense that she didn't learn about public schools from her children going to public schools because they didn't go to public schools.

You might have thought for all her dedication to converting our public schools over to for-profit schools, she might have learned something along the way, but we found out during her confirmation hearing that she knows literally nothing about public schools.

If she knew she was going to have a confirmation hearing, you would think she would have prepared for this experience. One of the major questions that we wrestled with in public schools is how to use assessment tools and whether they should be used in the context of measuring students' growth or students' proficiency and how that reflects on the teacher.

When asked by Senator FRANKEN about her views in this dialogue on proficiency versus growth as a tool of measurement, Betsy DeVos said: I think if I am understanding your question correctly about proficiency, I would also correlate it to competency and mastery so that each student is measured according to the advancement they are making in each subject area.

FRANKEN said: That is growth. That is not proficiency. I am talking about the debate between proficiency and growth, and what are your thoughts on that?

She was unable to respond to that question because she was unfamiliar with the issue. That is a fundamental debate that is going on as we try to make sure that we have accountability in our public schools. Perhaps she was not familiar with the issue because she opposes accountability in her for-profit operations, because the less you spend on a student, the more you can put in the bank.

That is a very sad point of view—to put profit over people, and those people are children. Another major issue in our school system is how to address the education of students with disabilities. We have an act called IDEA, Individuals with Disabilities Education Act. She was asked by Senator Kaine about IDEA and said that is a matter best left to the States.

Her response worries educators and those with disabled family members because before IDEA passed in 1975—so it has been with us for 42 years now—only one in five students with disabilities received a public education.

I will put it differently. Four out of five or 80 percent of students with disabilities were left out in the cold. They

didn't get the benefit of a public education. Our goal from 1975 forward as a nation has been to make sure students with disabilities also receive the best education that their circumstances enable them to have.

Before 1975, many States had laws on the books that specifically excluded disabled students. That began to change with a series of court cases and the eventual passage of IDEA, a vision in which we said: Let's embrace our students with disabilities and give them a pathway to the maximum opportunity they might be able to have in life.

IDEA gives such students the right to a free and appropriate public education. That is the wording of the law—free and public education, and the right that this education should take place in “the least restrictive environment” possible.

A right to free and appropriate public education and that it should take place in the least restrictive environment has meant so much to millions of our students who have some disability in life because we haven't said to them we are setting you aside. We have said: We are going to empower you to seize all the opportunities you can possibly seize by making sure you have an education, an appropriate education in the least restrictive environment.

When Betsy DeVos responded to the issue about IDEA and said it is a matter best left to the States, people across the Nation envisioned how States used to operate, which they basically said: Disabled child, there is no pathway to a successful life.

That is not the way we should treat our children with disabilities.

To facilitate these rights, each student under IDEA receives an individualized education program, referred to as an IEP, a legal document that lays out how public education will be tailored to their needs. Once a year, the family, the student, the school officials, and experts gather around a table to update the IEP, the individualized education program, for that particular student, based on that student's abilities and disabilities.

The IEP lays out the accommodations the student may get in the classroom and any related services the school will pay for, such as occupational therapy or speech pathology and services. IEP can even be used to pay for certain kinds of private school education in the event a family requests it and the IEP determines that it is in the best interests of the child.

Betsy DeVos would throw all this out the window and say: Let's not as a nation guarantee an opportunity for these children. Let's not require accountability for our States to provide an education to these children. Let's not provide a pathway. Let's leave it to a State. Maybe they will get an opportunity, maybe not, and that is OK with her.

It is not OK with me. It is not OK to the parents of the thousands of children who wrestle with a disability in my home State of Oregon. It is not OK to the parents across this Nation that their children be tossed aside in the vision of Betsy DeVos.

Betsy DeVos had little constructive or helpful things to say on how she would protect students in our schools and on college campuses if she became Secretary of Education. Sexual assault on campuses is a very significant issue. It is estimated that roughly one-fifth of women on campuses are victimized by sexual assault, and many of them know the offender; that of every 1,000 women attending a college or university, there are 35 incidents of rape each academic year. Only a small portion of those are reported to law enforcement.

So Senator CASEY asked her if she will commit to maintaining President Obama's attempts to curtail sexual assaults, and the answer didn't leave confidence with the Senator or the committee that she would be dedicated to that issue or understood that issue.

Senator MURPHY asked Betsy DeVos whether guns have a place in and around our schools, and again she seemed unfamiliar with the national debate. She said: “I think that is best left for locales and States to decide.” And referring to a school in Wyoming, she said: “I think probably there, I imagine you need a gun in school to protect against grizzlies.”

Senator MURPHY asked whether she would support President Trump's proposal to ban gun-free school zones, and she responded that she would.

There are many challenges in the details of this debate, but Betsy DeVos didn't seem prepared to understand and be able to articulate those issues.

It remains very clear for many of us all that has occurred in America since 2013. There have been 210 school shootings. There were 64 school shootings in 2015. In Sandy Hook Elementary in Newtown, CT—the Senator from Connecticut was speaking during the previous hour—there was an assault that killed 20 first grade children and killed 6 adults. And this question of how to create a secure environment is one that any nominee for public education should have a deep understanding of.

Betsy DeVos has a questionable history in terms of her interest and concern about LGBTQ rights for students, so that is a concern as well.

She does have this history of this war against public schools in Michigan, and if we had a department for a war against public schools, maybe she would be the right person to lead it. It would be a mission I would disagree with because I am here to tell you that this vision of public schools—every child has the opportunity to thrive is a vision we have embraced in America and should continue to embrace.

If we believe in the American dream, if we believe in opportunity for all,

then we should not have millionaire Senators voting to confirm a billionaire Secretary who knows nothing about public education and the struggle for education among working Americans and Americans with modest means. That is the concern—Senators living in a bubble confirming a Secretary who lives in an ultra-rich bubble and knows nothing about our public schools.

We can take a look at some of the schools that Betsy DeVos has promoted with her vision of no accountability. Seventy-nine percent of Michigan charter schools are located in Detroit. Very few perform in the top tier of schools.

There is a school in Brightmoor, a charter boasting more than a decade of abysmal test scores—not good test scores, not outstanding test scores, but terrible test scores.

That school is not alone. Another charter school, Hope Academy—serving the community around Ground River for 20 years—test scores have been among the lowest in the State throughout those two decades. In 2013, the school ranked in the first percentile. That means out of 100 schools, it was the worst. But its charter was renewed under this vision of no accountability.

How about Woodward Academy? It is a charter that has bumped along at the bottom of school achievement since 1998, while its operator, despite running an abysmal school, a terrible school, was allowed to expand and run other schools.

How about the idea of outstanding schools, not terrible schools? How about the idea of resources invested in the success of the school, not an entrepreneurial for-profit strategy designed to squeeze as much money out of that school as you possibly can at the expense of our children?

Stephen Henderson, an editor at the Detroit Free Press, summed up the carnage in Michigan—Betsy DeVos's destructive results in Michigan—as the following: “Largely as a result of the DeVos lobbying, Michigan tolerates more low-performing charter schools than just about any other State, and it lacks any effective mechanism for shutting down or even improving failing charters.” That is a powerful statement, that DeVos's assault on public schools—converting them to charters with no mechanism for shutting down poorly run charter schools, no mechanism for improving failing charter schools—Betsy DeVos's vision of zero accountability—producing failing schools—is an assault on the opportunity for the success of our children. And it should not be entertained, and she should not be within a thousand miles of the Department of Education.

A columnist, an editor with the Detroit Free Press, went on to summarize that “as a result of DeVos's interference and destruction of the schools in Michigan, we are a laughingstock in

national educational circles, and a pariah among reputable charter school operators, who have not opened schools in Detroit because of the wild West nature of the educational landscape here."

Often what we see with this strategy from the very rich who want to masquerade as helping our children and challenging communities is what they really want: They want the government to pay for their elite education in private schools. Take the money out of the public system and help the wealthy in America be even wealthier by subsidizing or paying for their children to go to elite schools.

The strategies that Betsy DeVos implements results in this failing system in Michigan that has become "a laughingstock in national educational circles, with no accountability for improving the schools, and no accountability for shutting them down."

If anyone was running a private business with no accountability, that business would fail. But when it comes to squeezing money out of the public system, there are opportunists who say: Here is something. Don't care much about public education, but I sure see an opportunity. I smell an opportunity for profit right here. I can squeeze that school, and I can make a lot of money.

That person belongs nowhere near our public education system.

There are other things that concern folks. In 1983, Betsy DeVos's family funded the creation of the Family Research Council. FRC is known for its incendiary anti-LGBT agenda. It is known for its promotion of junk science, claiming a connection between homosexuality and pedophilia. The FRC thanks on its Web site the DeVos and Prince families of Michigan for establishing its DC base. And FRC advocates for conversion or reparative therapy.

Well, in all those ways, it sends a message that as the Secretary of Education, Betsy DeVos is not going to watch out for LGBTQ students, who have plenty of difficulty figuring out life and a pathway to life in a world in which they don't necessarily find support in many places. And their concern is amplified by her opposition to non-discrimination protections for the LGBTQ community. In fact she has donated hundreds of thousands of dollars to defeat marriage equality—an opportunity for opportunity in our Nation. Funding these anti-LGBTQ causes is plenty of concern for students and their parents across America.

Well, why is she nominated to be Secretary of Education? I think an objective observer would say that she has been a massive donor to the party of the President, and that objective observer would be right. Some \$200 million was donated to the President's party.

When discussing her contributions in 1997, DeVos said the following: "I have

decided to stop taking offense at the suggestion that we are buying influence. Now, I simply concede the point." She continued: "They are right. We do expect something in return." She concluded: "We expect a return on our investment." Well, she is seeking a return on her investment by seeking the nomination and receiving the nomination to Secretary of Education, but pay-to-play politics has no place in our public schools. Let me repeat that once more. Pay-to-play politics has no place in our public schools. Our children's education is not for sale. That is why we are here tonight on the floor of the Senate conveying our passionate dissent against this nomination.

The Secretaries in the Cabinet—their position—should not be sold to the highest political bidder, and certainly one should have a small modicum of experience to bring to the post, particularly when it comes to the education of our children. Throw on top of that this pay-to-play politics. Throw on top of that a determination to destroy our public schools and to turn them into for-profit operations for the benefit of the rich, to squeeze profits out of these schools that are investing in our children, and this person is uniquely unqualified, the most unqualified individual to be considered for a post of this nature probably in the history of the United States of America.

I was home in Oregon last week. I attended a rally of folks who wanted to share their thoughts about Betsy DeVos's confirmation. CREDO helped organize the rally, an organization that fights for progressive change, for opportunity for every child, opportunity for every family to thrive.

In a short period of time, 1.4 million Americans had signed the CREDO petition for her nomination to be blocked. Just yesterday, I was at a rally outside the Russell Senate Office Building, just a few yards from here, where hundreds of activists came out to rally against her confirmation.

The phones in my office have been ringing off the hook for weeks, with folks calling in opposed to this nomination. We have received 19,667 letters and emails from constituents—that is the last count—who are writing in opposition to her nomination—opposition to potential confirmation by the Senate.

These letters, these phone calls, they are coming from teachers and administrators, they are coming from parents, they are coming from concerned citizens who know what powerful role public education has played in the opportunity for our children. Now, this vote today has been laid out as something that virtually equally divides the Senate; that there may be 50 votes for her nomination, maybe 50 votes against.

Half of the Senate saying no is a rather spectacular rejection of this in-

dividual, but we need another Senator. We need a 51st Senator who values our children over for-profit destruction of our public schools. Is there not one more Senator who will stand up and fight for our children here in the Senate?

We need a Secretary of Education who knows about education policy, a Secretary who has experience as a teacher, who has experience as an administrator, and who wants to fight for our schools to thrive, not for our schools to be exploited, but we don't have that nominee today. So that is when this body needs to stand up and say no to the President; say, no, Mr. President. We know you were pushed to do this because this individual donated massive amounts of money to your party, but that is not a qualification for serving as Secretary of Education.

We need for the Senate to reject this and the principle it represents, the principle that experience matters, that the heart for our children matters, not how much money you pump into the President's party. I think it might be helpful to look at some of the writings that have been put forward. Let me read an op-ed from an Oregon paper, the Register-Guard, our Eugene paper. This article is by Belicia Castellano. She writes the following: After having donated \$9.5 million to Donald Trump's Presidential campaign, President-Elect Trump selected Betsy DeVos as his Secretary of Education. This decision has been widely viewed as controversial. With Trump's decision, it is apparent that education policy will focus on the privatization of public education. DeVos is not a suitable candidate for this position and much more consideration should be taken into who has offered such a significant role in our government and society. DeVos would not be actively supporting our public schools, and would not commit to advocating for only public schools. We need a Secretary of Education advocate of all teachers, principals, staff, students, and families within different types of schools. DeVos never worked in a public school and will struggle to empathize with public school students and teachers. In order to hold the position of Secretary of Education, an individual should have a teaching license or have some experience working within the field of education.

I guess that is kind of the point here, is someone should have some experience working within the field of education. This Register-Guard editorial said:

The morning after Election Day, a Register-Guard editor asked University of Oregon President Michael Schill what he knew about President-elect Donald Trump's views on higher education. Schill's answer: hardly anything.

It goes on to say: DeVos is a longtime advocate of charter schools and school vouchers, but the Chronicle of

Higher Education and other publications have turned up few grains of information after sifting through her positions on issues affecting colleges and universities. DeVos's home State of Michigan has more charter schools run by private companies than any other State, she is expected to be friendly to for-profit colleges. Maybe, maybe not—who knows.

So the point is that the Secretary of Education should also have experience related to higher education. Let me speak a little bit to that. Our public K-12 system, which has now become sometimes a preschool through community college system, or a K-20 system, has expanded vision.

We have started to understand that just as we said at some point that the equivalent of a high school education is essential for a pathway for opportunity in our country, so now is the ability for many visions of what you will do with your life, to attend school after high school; that is, higher education. Now there are many pathways to success through apprenticeship programs and other routes that we should publicize and honor, many trades that need more people in them, very successful pathways to stable family finances, a foundation for raising your children.

But much of our economy does require the experience of gaining a higher education through our community and 4-year universities. The cost of this pathway has exploded. There was a chart a couple of years ago in the New York Times that showed the cost of different products over a 10-year period. Over that period, the product that had increased the most in price was the cost of a university. University education tuition, that was the very top curve. The bottom curve—the things that had decreased the most in price—was large flat-screen TVs. Now, you don't need a large flat-screen TV to thrive in life, but for many opportunities in our economy, you do need a 4-year education at a university. So the thing we need, our students need, for many pathways had increased the most in price. That cost effectively creates a massive barrier. If you are a millionaire or you live in a bubble community, a gated community, you don't really see this because parents just write a check.

But in my community, in a blue-collar community, people worry about this all the time. Parents worry about whether they can save a little money to help their child go to college. Then they look at that savings in the context of the cost of college and realize it is not enough and that their children will have to take on a lot of debt to be able to attend even a public 4-year school.

So back a couple of years ago, I held a whole series of meetings with students on different campuses in Oregon. The students brought balloons that

said on the balloon what their debt was or their anticipated debt would be at the time of their graduation from college. Some of them said, \$22,000, some said \$14,000, but a lot of those balloons said \$55,000 or \$85,000. Some students had gone from undergraduate to graduate school, and their numbers started to get to three figures: \$112,000.

It is in light of that debt in the higher education system that parents start to wonder whether college makes sense because with that kind of debt, that is half the price of a home in my community. You can buy a two- or three-bedroom house for \$250,000 in my community, although the price has been going up.

So you are saddling a child with a debt the size of a home mortgage or at least a good portion of a home mortgage. The fear is, what happens if you graduate with that debt and you actually can't get a job to pay off that debt. That concern has many folks saying to their children in middle school and in high school that they are not sure their child should follow that pathway.

When a child hears from their parents that they are not sure that pathway makes sense, that affects and reverberates back to the way they treat junior high and the way they treat high school because they see it as a pathway that has been paved for them by society so they can thrive. And if they will be able to afford public education on through college, that is more inspiring and more powerful and can persuade a person to work hard in junior high and high school than the message that, no, it is so expensive we don't think that you are going to be successful going that route and it is going to be a trap. That message hurts our public schools. But Betsy DeVos has none of this understanding, how the high cost of college then reverberates back into junior high and high school.

How about the issue of STEM education—science, technology, education, mathematics—and the role that plays in our schools. You know, I feel particularly lucky in life. I am the first in my family to have gone to college. My mother and father came from very, very modest backgrounds. Yet thanks to the economy after World War II, they were able to buy a home on my father's blue-collar income. They were able to provide a foundation for the family to thrive.

My father told my sister and me: We didn't go to college, but we hope you will. We are saving some money to help that be possible. Even though I had no understanding of what college was all about, the message from my parents, that they were encouraging my sister and me to aspire to that pathway and that they were going to help us, just sent a message: It is a feasible pathway.

So I always assumed, not knowing the details of what college cost or what

scholarships might be available, I just always assumed it would be possible to go. We need a system of higher education in which people can afford to go to college without massive debt. What is important to understand is this affects not only the opportunity after high school, it affects how children feel about schools when they are in school.

We see this, for example, in the DREAMS Program, where children are sponsored from grade school, and they are told: Listen, you have been the beneficiary of an individual who is going to pay your college expenses and for a program for you to get extra mentoring during your K-12 years of school. Those children thrive at a whole different level in public schools than the children in an adjacent classroom who don't have that sponsor and don't have that vision laid out for them that there is an affordable college awaiting them.

So that is an issue we need to have an advocate for, as Secretary of Education, as well as an advocate for our K-12 system, and we don't have that in Betsy DeVos. She doesn't bring her personal experience in life to bear with that.

I am going to wrap up my part of this conversation by noting that this is a potential turning point in our history. If we hand over the reins of our education system to a person who wants to see it as one more corporation, one more opportunity for profit, we will destroy a system that is the foundation of the American dream, the foundation of the vision for every child to thrive. We are a society to make sure that the pathway of opportunity is there for each and every child, including children who are English language learners, including children who have disabilities, including children who come from blue collar communities, as I do. Every child. That is the vision we are fighting for that is about to be deeply damaged.

Should the reins of public education be handed over to an individual who wants to destroy it?

That is why I am encouraging our colleagues to search their hearts, step aside from party politics and pay-to-play politics, and fight for the children of the United States of America.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

Mr. President, the nomination of Betsy DeVos has triggered an outcry of deep public opposition. It has also inspired an outpouring of popular support for public schools.

Public education is what has made America great. It is at the heart of the American dream. Our schools are much more than just a collection of classrooms. They are expressions of our communities and our values.

This is a lesson I learned from my parents. My father was the school custodian in a public school. He took tremendous pride in ensuring that the school was clean, in good repair, safe, and welcoming to the students. He was part of the public school team entrusted with our community's children. He, along with the teachers, principals, and every staff member at the school were deeply committed to public education. We saw that commitment each and every day. He spoke of that commitment when he came home in the evening. The teachers would do much more than what was asked of them to ensure that students got the best opportunities and best education. Everyone in our school was pulling for our children. That is the way it should be, and that is the way it must be. This was free public education, the hallmark of America, and perhaps one of the most important contributions that we have made to progress, prosperity, and economic growth, not only here in the United States but around the globe. That is what we are talking about today—the future of public education.

It is that kind of commitment to public education, going in early, working hard—I can remember of course in the wintertime, when the storms would rage through Rhode Island, it was not uncommon for my father and his colleagues to be out there on a Sunday afternoon, if the storm was bad enough, shoveling all night long so that Monday morning the school was open for the children, the teachers could get there, and the food could be prepared. That is the type of commitment that has been evidenced throughout our history when it comes to public education. That investment of effort but also of trying to understand and trying to improve public education has been at the heart of what we have all done.

Indeed, I believe it is that kind of commitment to public education that has caused millions of Americans to speak up about the nomination of Betsy DeVos. Teachers, parents, and community members have been calling across the country, writing, emailing, urging the Senate to reject her nomination. I have received over 12,500 calls and messages from Rhode Islanders, an unprecedented negative response to a Presidential nominee.

We are the smallest State in the Union. We have a population of just over 1 million people, and we understand that even for the most challenging and publicized issues, we rarely get this type of response. It is because this nomination touches a nerve. It

touches a nerve with people who are products of public schools because they honor the success of public schools, but it also touches the nerves of people who may not have attended public schools because they recognize the value, the necessity, the need for good public education. Without it, we can't move forward as a nation; without it there is no alternative except typically very expensive private arrangements to educate our children.

Once again, free public education has been a hallmark of this country. It might have been one of the most dominant factors in ensuring equality. Our country is based on equality—equality before the law. But without a good education, how can one be equal? How can one understand their rights and use their rights, understand their abilities and use their abilities?

Our constituents all across the country want a champion for public education at the helm of the Department of Education. They want someone committed to public schools, someone knowledgeable about the Federal role in education, and they have determined that Betsy DeVos is not that person. Having looked at her record and viewed her performance during the confirmation hearings, they are telling us that she is the wrong choice to lead the Department of Education, and we should heed their pleas. Of the thousands of Rhode Islanders who have contacted me to express their opposition to Mrs. DeVos's nomination, I would like to share the sentiments of a few who exemplify the deep concerns I am hearing.

One teacher wrote:

Mrs. DeVos is not versed on the real concerns of families and their children, and does not know the issues and concerns educators face in our schools. As a teacher in a public school, I believe she is completely unqualified to lead the Department of Education. She does not understand the definition of proficiency and she did not know our children were protected by Federal laws (disability act). As a parent, I do not believe Mrs. DeVos understands the concerns middle income families have regarding their children and their futures. She also does not believe that guns should be kept out of our schools. This proves how out of touch she is with our students, their families and teachers.

I think many Americans agree with the sentiment that Mrs. DeVos is out of touch and out of step with American families. Neither she nor the President seems to have much, if any, experience with public schools, as students, parents, educators, or administrators.

Another theme that Rhode Islanders wrote about was the double standard of this nomination. One vice principal wrote:

We as administrators are required to be highly qualified in order to run our schools through an evaluation process. We also require this of our teachers as well. How can we support someone in a position to lead the educational process who is not held to these same standards?

That is a fair question that neither Mrs. DeVos nor the Trump administration has answered.

But again, it is not purely about her resume. Another theme I heard about from many Rhode Islanders is their fear of the empathy gap from this administration. Here is an example from a letter written by a public school principal:

[M]y heart is sinking. I have worked as an educator in urban public schools for the past 19 years, as a teacher and, now, as a principal. I was an attorney before I was a teacher—I came to the profession as a second career, by choice, with a passion for righting the inequities our students face. I have worked all of my career with our most needy populations, a group whom I believe also to be our most brilliant, caring, loving, and amazing young people. I feel blessed to get to work with them and their teachers every day. I ache for the things they don't have that other schools have, and for my powerlessness to right that wrong. Betsy DeVos wishes to take on a role with the power to right those wrongs. Yet, she seems unaware that such inequities exist, and is undisturbed by them. She has never worked with young people in schools, much less in public schools, much less in urban schools. She has never been a teacher or an administrator or the parent of a child in a public school. She has never wrestled with the incredible want for resources, the choices we have to make every day, all within a city and state with some of the most prestigious and wealthy schools just a few steps away.

The realities for our urban students are so vastly different from the reality that Betsy DeVos and her contemporaries live in. To hear her unable to even comprehend the need for equal access and equal opportunity for high quality childcare and post-secondary education was painful. To hear her say it would be nice for everyone to have access to a college education, but nothing in life is free—she is completely unaware of her own privilege, the privilege of her children, and the privilege of her family and extended circle, those who have billions of dollars, who were born into great wealth, and who have never had to struggle economically. That is unacceptable in someone who wishes to fill one of the most distinguished offices in our land.

Our students and teachers and schools need a champion who will work tirelessly to reverse the inequities of our educational system—inequities that I am painfully aware of every day here in Rhode Island. It isn't right that some students have football fields, and 1:1 computers, and huge libraries, and food choices and AP classes and much more, while others have no outdoor spaces, little access to technology, and crumbling buildings. We cannot allow that to be who we are. Our families work incredibly hard and want the very best for their children. To say, "everything in life isn't free," when it has been for Mrs. DeVos's family, is hypocritical and mean. We need a champion of equity. Please vote against her confirmation.

This next letter I want to share is from the mother of a special needs child. Like many Rhode Islanders, she is distressed by the fact that Mrs. DeVos has suggested that a landmark civil rights law should be left up to the States. She writes:

I have grave concerns about the nomination of Betsy DeVos as Secretary of Education. As a parent of a special needs child, it would not be an understatement to say that I was horrified at Ms. DeVos' answers to the questions about the Individuals with Disabilities Education Act during her recent hearing. The one thing we rely on the Department of Education to do is to vigorously enforce and uphold the landmark civil rights law that is IDEA. Without it, our children will fall through the cracks. It is extremely difficult to navigate the system and make sure your child gets the support he or she needs. My son is 20 now so I've been doing it for a long time. I've served on both state and local special ed advisory committees, school committee, taken special ed training, even mentored other parents, and I STILL don't completely understand all of the nuances of the IDEA laws. For someone to be appointed to the highest office in the land in charge of upholding those laws and not be aware of them, is unacceptable. It's too big of a learning curve. Surely there are more qualified candidates.

Last Congress, we came together to rewrite the No Child Left Behind Act. We passed the Every Student Succeeds Act on a strong bipartisan vote—85 to 12.

We moved toward giving States and school districts more flexibility in designing their accountability systems, especially regarding how they identify and intervene in schools that are struggling to serve their students as well. We strengthened transparency, including greater transparency about resource equity. We agreed to maintain key Federal protections—or, as Senator MURRAY calls them, “guard rails”—to ensure that we do not return to the days when students, such as students with disabilities, English language learners, poor and minority students, routinely fell through the cracks.

For the Every Student Succeeds Act to work, States and school districts need a strong partner at the Department of Education—a partner who understands how public schools work, a partner who is committed to strengthening public schools. Mrs. DeVos is not that partner. Her life's work has been to divert taxpayer dollars to fund alternatives to public schools.

Some on the other side of the aisle have argued that private school vouchers are no different from Pell grants or GI Bill benefits. This claim is another one of those alternative facts that the new administration is so fond of.

Public elementary and secondary education is enshrined in our States' constitutions. Attendance is compulsory. Public schools do not charge tuition, and they must accept all students.

Pell grants and GI Bill benefits support postsecondary education, which is

voluntary. Schools do not have to accept all students, nor are students required to attend. Individuals must pay to go to college.

We do not want a system of elementary and secondary education where students and families must pay and schools can choose which students they serve. That is not the universal system of public education that has made our Nation great.

Our constituents understand that, which is why we have seen the public outcry against this nomination. And with this public outcry, they reaffirm our commitment to public education, recognizing that it has been the force that has pulled this country forward over generations; indeed, generation after generation. With that understanding, we have just, in fact, on a bipartisan basis, provided more flexibility and more discretion to the Department of Education. We need a Secretary who will take that discretion and flexibility in the spirit of public education with a fundamental and primary commitment to American public education, with a desire to see American public education succeed, not fail. We need that type of Secretary. Unfortunately, Mrs. DeVos is not that type of Secretary.

So I urge my colleagues to heed the call of all of our constituents in an unprecedented outpouring of messages and phone calls and text messages and rallies, and join me in voting no against this nomination.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we gather on the floor of the Senate at an unusually early hour. In fact, the Senate has been in session all night. The question before us is the nomination of Betsy DeVos to be Secretary of Education. It is possibly the most controversial nomination made by our new President Trump.

This is an office which doesn't usually attract this kind of controversy. Former Secretaries of Education have included Arne Duncan, who ran the Chicago Public Schools system. He was the first to be appointed in the first term of President Obama. Senator LAMAR ALEXANDER of Tennessee—who is a friend of mine and whom I have served with—before his service in the Senate, was also the Secretary of Education.

The choice is usually one that is bipartisan and largely supported by not only teachers but parents and adminis-

trators and education officials from across the United States. In this case, though, we have in Betsy DeVos of Michigan a person of some controversy.

Last Saturday, I spoke to the Illinois Education Association, a group of about 150 teachers who had gathered in Springfield, IL. They have been my friends for many years. Cinda Klickna, who is the President of the organization—we have a relationship that goes back to the days when she was a classroom teacher—she now has risen through the ranks and heads up one of the major teachers organizations in our State.

Cinda is a true teacher at heart and really cares for students, cares for schools. She has devoted her life to it. She brought together 150 of her best teachers from around the State, preparing them to become more active politically in our State and Nation.

Naturally, they were tuned into this nomination of Betsy DeVos. They have a lot on their minds these days with the selection of the new President. Nearly all of them have written me, sent me an email, or contacted me personally opposing the nomination of Betsy DeVos.

I have not met Betsy DeVos. We tried to set up our schedules so I could, but it didn't work. I take as much blame as necessary for that not happening. I have studied her background. I have paid close attention to what she has said since she has been nominated and tried to understand where she comes from.

It is true that she is a person of wealth. The Prince family, which she was born into, is well known in the Midwest and in Michigan for its success in the automotive industry and many other endeavors. Then, she married into the DeVoses of Amway, another legendary business, where she has been able to accumulate some money.

There is nothing wrong with that in America. In fact, many people aspire to it and reach that goal and are admired for reaching it. It doesn't disqualify her for anything in life as far as I am concerned, but it does not necessarily qualify her for certain things in life.

It is not clear to me from her record, when it comes to the field of education, that she is prepared to serve this Nation as our next Secretary of Education. I don't find in her background qualifications for the job that I found when the Presiding Officer was chosen as Secretary of Education or when my friend Arne Duncan of Chicago, whom I had breakfast with yesterday, was chosen for the same position.

Ms. DeVos's experience in education is limited to using her family's substantial wealth to push for a so-called reform agenda in her home State of Michigan. Ms. DeVos has never been a teacher. She has never been an administrator. In fact, she has never held any

job in public education. Neither she nor her children have attended public school. That is not a disqualification. I attended Catholic schools. My children attended both. She has never been a professor or college president. She has never had anything to do with college financial aid, as I understand it. She has never been involved in a loan program—least of all one as large and complex as the Department of Education's Direct Loan Program.

She has never taken out a Federal student loan, nor have her children. Admittedly, that is not a requirement to be Secretary of Education, to have had any of these experiences, but had she had even one or two of these, we could point to real-life experiences which would prepare her for this awesome administrative responsibility.

I think these gaps in her life experience are fair to raise when a nominee to be the Nation's top authority in education has shown a lack of familiarity with even basic educational policy issues, as Ms. DeVos did in her testimony before the Senate HELP Committee.

She could not articulate the difference between proficiency and growth in the context of K-12 accountability. I can tell you that Saturday at the Illinois Education Association meeting, everyone in the room knew those terms well. They knew the central role they had played in the national debate on education since the election of President George W. Bush and the creation of No Child Left Behind.

Ms. DeVos also said in her testimony that States should be able to decide whether to enforce the Individuals with Disabilities Education Act. She apparently didn't know that IDEA is already a Federal law and has been for more than 40 years. As a nominee, Ms. DeVos did not do her homework.

Is that the person we want as Secretary of Education? The experience Ms. DeVos has is limited to using her considerable wealth in favor of an agenda for so-called school choice. Ms. DeVos has spent years supporting school vouchers, which funnel taxpayers' money from public schools into private schools.

I am familiar with that model, as it was implemented here in the District of Columbia years ago. It actually started with an amendment in the Appropriations Committee by a friend of mine. Mike DeWine was the Senator from Ohio and offered an amendment to create a voucher program in the District of Columbia. It was a surprise because a markup of the Senate Appropriations Committee is not usually the place you tackle something of that moment, but he offered it, and I offered some amendments. The notion behind it was that the District of Columbia would provide vouchers for the parents of children so they could choose the

schools for the kids. They wouldn't be forced to attend public schools. They might not attend charter schools. They might choose instead to use their voucher to send their kids to a private school.

I offered three amendments that day in the Appropriations Committee. The fate of those amendments told a pretty graphic story about the voucher program in the District of Columbia, and it also reflects on the candidacy of Betsy DeVos to be Secretary of Education.

The three amendments were, No. 1, that the teachers in the voucher schools had to have college degrees. That to me did not sound like a radical idea. Most of us assume that if you are going to teach in a school, you have a college diploma. It turns out my amendment was rejected with the DC voucher program that day when it was offered. The argument was made they needed more flexibility in terms of who would teach in these schools. That was worrisome.

The second amendment I offered said that the schools themselves, the students, had to take the same test—achievement test—as students in public schools in DC so we could measure one against the other. That amendment was also rejected. They wanted to have the right in the so-called voucher schools to have their own set of tests that they would approve, not necessarily the same test as the kids in public schools. That amendment failed.

The third amendment I was sure would pass, but it failed as well. The third amendment said the actual school buildings used for DC voucher schools had to pass the fire safety code requirements of the District of Columbia, and that was defeated too.

I voted against the DC voucher program for those reasons. I couldn't understand how you could push for a voucher program not guaranteeing that the teachers had diplomas from colleges, that they had schools in safe buildings, and that the students would be tested against the same public school test that DC Public School students faced.

That raised questions in my mind about the true intent and motive of those who were pushing voucher schools. Ms. DeVos, in Michigan, has been a proponent of voucher schools. She has pushed the expansion of charter schools and used her extraordinary wealth to insulate them from common-sense oversight and accountability in her State.

Even as the schools failed to deliver on the promises made to children of parents, Ms. DeVos continued to protect them from the same accountability standards as public schools. In 2015, a Federal review found “an unreasonably high” percentage of charter schools on the list of Michigan's lowest performing schools.

Today, for-profit companies operate almost 80 percent of charters in Michigan, more than any other State, and are underperforming compared to public school counterparts.

Let me be clear. I believe some charter schools can be effective. I have visited so many schools in my State, public schools, Catholic schools, charter schools, every imaginable school. I have supported high-performing successful charter programs.

I think about the KIPP program here in the District of Columbia, in Chicago, and other places, consistently producing some of the highest results, the best results, and the highest standards for students. Is there a lesson to be learned from the KIPP model for all schools? Of course there is. You have to be blind to ignore it.

But on average, charter schools don't perform any better than public schools—on average. To say that this is a model that we should embrace regardless is unfair to students. If we are going to exalt performance and results, let's do it in an honest fashion.

These schools that receive Federal and State taxpayer funding should be held accountable, as all schools. Ms. DeVos doesn't agree. Senator TIM Kaine from Virginia asked Ms. DeVos at her confirmation hearing if she agreed with equal accountability for any K-12 school that receives taxpayer funding, whether that school is public, charter, or private. She refused to agree, and at one point even said “no”.

Ms. DeVos also seems unwilling to acknowledge that many private and charter schools are not equipped to support students with disabilities and other special needs in the way the public schools are required to do. These students, along with many low-income and minority students, would certainly be left behind in Ms. DeVos's ideal education world.

Last year—and the Presiding Officer was a major part of this decision—Congress did what seemed unimaginable. We came together and passed the Every Student Succeeds Act, or ESSA. ESSA makes important improvements to our elementary and secondary education program. It requires States to set academic standards, measure student achievement, and develop accountability plans for all schools receiving Federal money.

Giving Illinois parents, teachers, and principals a replacement to No Child Left Behind was a great bipartisan achievement. I do want to call out in a favorable way, my colleague, the Presiding Officer, Senator ALEXANDER of Tennessee, and my colleague Senator MURRAY of the State of Washington. They did a great job.

While ESSA provides more authority to States and local school districts, it also included important Federal guardrails to ensure key civil rights protections and holds States and school districts accountable. Federal rules to

carry out that important Federal task are now in doubt and in jeopardy.

I don't have confidence that, as Secretary, Ms. DeVos will appropriately carry out the Federal Government's responsibility under the law to ensure that all students—regardless of income, race, gender, or disability—are achieving.

For me, it all boils down to this. I do not believe Betsy DeVos will keep the promise we made more than 50 years ago when Lyndon Johnson signed into law the Elementary and Secondary Education Act, which guaranteed in the United States of America a free and equal quality public education to every child.

I am not going to give up on that promise, which really is a bedrock principle of America. There is more work to do, I am sure, but I believe we can improve America's public schools.

Let me also say that I couldn't disagree more with what Ms. DeVos has said about guns in schools.

My colleague Senator CHRIS MURPHY represents the State of Connecticut. Both he and Senator BLUMENTHAL have told us many times, in heartbreaking and graphic detail, what happened that day at Sandy Hook Elementary—what they went through just as observers—what they saw in the eyes of the parents who came to realize that their children had been killed—brutally killed in the classroom at that elementary school. I have had the responsibility to meet with the parents of those kids, and to try to make some sense out of a tragedy which is just nonsensical.

Ms. DeVos was asked by Senator MURPHY about guns in schools. Ms. DeVos said she would not commit to opposing efforts to repeal Federal law that makes schools gun-free zones. She went on with a hard-to-explain explanation about grizzly bears and why schools may need guns to ward off grizzly bears. That kind of statement is reckless and dangerous. We should expect more of someone who wants to be our Nation's top education authority.

I am also concerned when it comes to higher education policy. Betsy DeVos has a tendency of siding with corporate and for-profit interests over students when it comes to education. Take for-profit colleges as an example. Despite years of fraud and abuse by for-profit colleges, the extent of which is unparalleled in other sectors of higher education, Ms. DeVos does not see the connection between the business model of for-profit colleges and these abuses. When she was asked by Senator MURPHY if she believes different types of corporate-controlled structures result in different decisions and behaviors by for-profit institutions compared to nonprofit institutions, Ms. DeVos simply answered: "No."

Even for-profit industry insiders have acknowledged that the business model

indeed encourages abuse. In a 2015 interview with *Deseret News*, John Murphy, the founder of the University of Phoenix, admitted that the company experienced a shift in priorities that led to diminished student outcomes when it became a publicly traded company. He says the new focus became increasingly the value of the stock—at any cost, including "lowering its admission standards," and "jettisoning the academic model" it had previously relied on. Other companies soon followed the University of Phoenix's corporate example. As John Murphy said, "Phoenix was the one that got it rolling, then all the other for-profits followed them in."

What resulted was an entire industry built on defrauding students and fleecing taxpayers. For-profit colleges and universities in America today are the most heavily subsidized private for-profit businesses in our country. These are not good corporate models. These are crony capitalist ventures that have found a way to tap into the Federal Treasury at the expense not only of taxpayers but of unwitting students and their families. Nearly every major for-profit college has been investigated or sued by one or more State or Federal agency for unfair, deceptive, and abusive practices.

The numbers tell the story, and I have told them many times. Some 10 percent of college students go to for-profit colleges and universities, and 20 percent of all the Federal education aid goes to the same schools. That is 10 percent of the students and 20 percent of the Federal aid. The schools are extraordinarily expensive. And 40 percent of all the student loan defaults in America are students from for-profit colleges and universities.

Corinthian may be one of the worst and well-known examples, though it's not unique. Corinthian, a for-profit college, falsified and inflated job placement rates to entice more students to sign up for their worthless programs. One of the tricks they used was to pay employers to hire their graduates for a couple of months so they could count them as successfully off to work after they graduated. It was a fraud, and they were caught red-handed. The company's predatory practices, once exposed, led to its bankruptcy. But tens of thousands of students were left with huge amounts of student debt and a worthless education.

Shame on us in the United States of America for the Department of Education's giving the green light to these schools to do business in America and to defraud these students, their families, and, ultimately, the taxpayers.

This embarrassing episode at Corinthian led the Department of Education to create an interagency task force to coordinate Federal oversight efforts of for-profit colleges and a new enforcement unit within the Department to

investigate allegations against schools participating in the Federal title IV program. Unfortunately, at her hearing, Ms. DeVos would not commit to maintaining this important office, signaling she is ready to take the cops off the beat at the Department when it comes to for-profit colleges and universities. I am afraid that is consistent with what she has done in Michigan, where she leans toward the for-profit model—blind to the fact that many of these for-profit schools in her State are worthless. For-profit colleges, the most heavily subsidized private entities in America already, have friends in high places in Washington.

We know what happened to their stock prices over the years, as students and families realized how terrible they were and stopped attending them. Enrollment went down in many of the schools. Guess what happened the day after President Trump was elected? The stocks of for-profit colleges and universities started to rise again. They saw new opportunities. They were going to get a Department of Education that would stop enforcing the law to stop the fraud that they have been guilty of.

At her hearing Ms. DeVos gave us no hope for any different outcome. We know from recent data released by the Obama Department of Education that many for-profit colleges actually receive nearly 100 percent of their revenue from Federal taxpayers in the form of title IV funds, Department of Defense tuition assistance, and Department of Veterans Affairs GI bill. I don't know how a good business-oriented Republican could overlook the fact that these so-called for-profit schools are thinly veneered operations, gleaning every available Federal tax dollar to keep their schools open. Annually, they take in nearly \$25 billion in title IV Federal funds alone.

The Department has a responsibility to ensure that taxpayer funding isn't wasted by enriching investors and executives at institutions that prey on students and don't deliver on their promises. In keeping with that responsibility, the Obama administration created new Federal regulations to ensure that career training programs are meeting the statutory requirement and that they prepare students for gainful employment. The gainful employment rule cuts off title IV funding for programs where graduates' ratio of student debt to earnings is too high. In other words, if they sink these students deeply in debt and they can't end up with a job that is worth at least as much as they need to earn to pay off their debt, then something is wrong with the program.

Ms. DeVos would not commit to maintaining this protection for students and taxpayers. Proactive oversight and enforcement is one thing, but when fraud and abuse do occur, Ms.

DeVos would not even commit to make it right by the students harmed. She refused to say that she would ensure defrauded students received the Federal student loan discharges to which they are entitled under the law.

Maybe this shouldn't surprise us. For one, Ms. DeVos's would-be boss, the President of the United States, Donald Trump, operated his own for-profit college that defrauded students. And as it turns out, Ms. DeVos, a billionaire, has financial connections to the for-profit college industry. She has disclosed investments with several entities linked to for-profit colleges, including Apollo Investment Corporation, which is connected to one of the organizations that just bought the University of Phoenix. Apollo invests in another for-profit college chain that has several programs that are in danger of losing Federal funding because of the gainful employment rule. These colleges also happen to be accredited by the Accrediting Council for Independent Colleges and Schools, or ACICS, which put its stamp of approval on the likes of Corinthian, ITT Tech, and the notorious Westwood College. Last year, the Obama Education Department revoked ACICS' Federal recognition, and the accreditor is now actively suing the Department over this decision. Now Ms. DeVos wants to take over the Department, and she is supposed to defend against the lawsuit when she has a financial interest in the schools that are involved?

For-profit colleges aren't the only ones who may be given free rein to prey on students under a Secretary DeVos. The private student loan industry is also licking its chops. A recent Chicago Tribune article entitled "Student Loan Lenders May See Opportunities with Trump in The White House" told the story. It noted that, since the election, stocks of major private student loan issuers have also gone up. The article quotes a report by financial analyst Bob Napoli that says: "There could be substantial growth potential in the student lending business as we believe the Trump administration is likely to reduce government involvement in the student lending business."

What is government involvement in the student lending business? Well, it is an effort to have oversight so that students and their parents aren't exploited by student loans. The fear is that with Secretary DeVos, that oversight would disappear. This government involvement in student lending, which Napoli speaks about, also includes Department of Education direct loans, which help millions of low-income and middle-class students attend college each year with lower interest rates for loans. These loans have fixed interest rates, strong consumer protection, and flexible repayment. In addition to loans, Federal Pell grants provide much needed financial support to thousands of low-income students

across the country—financial support they don't have to repay.

On the other hand, private student loans often have variable interest rates that can reach nearly 20 percent, hefty origination fees, few consumer protections, and no alternative repayment option. Unlike nearly all other private debt, private student loans are not dischargeable in bankruptcy. That is a debt they will take to the grave. A greater role for private student lenders, without strong new protections and oversight by critical agencies like the Consumer Financial Protection Bureau, would be a "sentence to debt" for many college students across our country.

I have deep concerns about Ms. DeVos's ability to hold this job as Secretary of Education. This morning or perhaps early this afternoon, we may see history made on the floor of the Senate. It is quite possible that the only way Betsy DeVos can become Secretary of Education is if the Vice President of the United States will come and preside and cast the deciding, tie-breaking vote so that she can become a member of President Trump's Cabinet. I understand from news reports that this will be the first time in history that someone has had to rely on the Vice President's tie-breaking vote to become part of a President's Cabinet. Doesn't it say a lot about the controversy surrounding Ms. DeVos that it has reached this point, that she has to pull out all the stops—literally, all the stops—to become part of the Cabinet?

She was asked at one point—I believe by Senator SANDERS of Vermont—how much money she had actually contributed to the Republican Party over the years. Was it \$200 million or more? She said she just didn't know. Well, it is not against the law to contribute money under most circumstances. It shouldn't be held against people because many folks who receive political appointments are contributors to the President who makes the appointments. That is not unusual. It has happened with both political parties, but it is seldom a person with such a thin resume—and such a big wallet—who is given such an important job. This goes too far. For Ms. DeVos to be the Ambassador to Aruba, or wherever she might be, that is a good political reward. To be placed in charge of the public education system of the United States of America, I think, is a step too far.

I have deep concerns about Ms. DeVos's ability to hold this job and her commitment to public education and protecting students from for-profit interests that seek to exploit them. Like tens of thousands of Illinois parents, teachers, and principals who call my office—as well as national education civil rights organizations—I oppose Betsy DeVos's nomination as Secretary of Education.

Two of my Republican colleagues have shown extraordinary courage in announcing their opposition to Ms. DeVos. I want to salute Senator LISA MURKOWSKI of Alaska and Senator SUSAN COLLINS of Maine. I am sure it wasn't easy for them to come out publicly against Ms. DeVos. That means right now that there are 50 "no" votes and 50 "yes" votes, by rough calculation. We need, at this moment in time, one more Republican to stand up and do what is right for America's children and America's students.

Who will it be? Who will join these two women from Alaska and Maine and the Democrats in saying to President Trump: We can do better. To my Republican colleagues, I say: Parents, students, teachers in your States are counting on you to stop this dangerous nomination. Please don't let them down.

I would also like to note some excerpts from mail I have received about Ms. DeVos's nomination from my home State of Illinois. Hannah is a graduate student at the University of Illinois in a K-12 librarian program. She writes:

I am a student who benefitted from IDEA. . . . Without this Federal protection it is unlikely that I would be where I am now. [Betsy DeVos] does not share the American value of equal and free education. Confirming her is dangerous and reckless. The children who need help the most will not be helped.

Barbara, mother of two Chicago public school high school students writes:

Please do not support Betsy DeVos for Education Secretary. She knows nothing about public education. We need strong support for public education.

Hanan, a certified and licensed speech language pathologist writes:

As . . . a Mother with three children who received therapy while two currently do, I beg you to vote no on Betsy DeVos. I am afraid of what will become of my children, as well as my students if therapy services are not provided through the public education system. Many of my student families cannot afford private therapy. They rely on getting their therapy through the school they attend.

Michelle, a teacher from Chicago writes:

As an educator myself, I believe Betsy DeVos is unfit to serve as Secretary of Education. Our schools and our children need a leader who supports public education, is qualified and experienced, and does not have conflicts of interest.

Katie, a school counselor from Chicago writes:

I fear the impact [Betsy DeVos] will have on the lives of our students. My greatest concern is her sheer lack of understanding of education in the U.S. For myself and my colleagues, many of the questions she was asked during the hearing were topics we share a variety of opinions and could talk about at length. The fact that she answered very few questions, did not know what IDEA is and doesn't even seem to understand the concerns of having guns in schools does not qualify her to be in this position.

Alejandra, middle schooler from Bellwood, IL. She writes:

I do not believe that Mrs. DeVos is a suitable choice for the place as Secretary of Education for the United States. One of the many reasons for this is because she lacks experience. Another reason . . . is because she has no plans and the few plans that she does [have] may result in harm to the public school system. I believe that Mrs. DeVos does not understand how public schools function and I also believe that she should be replaced with someone with more knowledge and understanding on this subject. Mrs. DeVos does not understand that public schools have the same impact on students as private schools and should be treated fairly. This affects my community because many cannot afford private school and public schools are their only option. If Mrs. DeVos were to become Secretary [of Education] she would most likely harm the public school system and leave many students without an education.

From Loves Park, IL, Lisa writes:

While my own child attended Catholic school, I am opposed to vouchers. I do not complain about paying education taxes. It was my and my husband's decision to send our child to a private school. It was our choice. But as my immigrant grandmother often said, one of the things that makes America great is education for all regardless of social class. I want every person as well educated as they can be in grades K-12. For goodness sake, vote No [on DeVos].

Travis, a principal from Southern Illinois writes:

As a strong supporter of public education, I ask that you oppose the confirmation of Betsy DeVos as Secretary of the U.S. Department of Education. We must have a secretary who can commit to supporting every student in all public schools, and provide leadership that will help our neighborhood schools succeed. Betsy DeVos' record in education and her performance at the recent confirmation hearing prove she is the wrong candidate for the job. As a principal, I have spoken with teachers, parents, students, and community members who agree that America's future depends on a strong investment in our Nation's public schools.

Celia from Streamwood, IL, writes:

[Betsy DeVos] will not do justice to all of our students, because she has no experience with public schools. A lot of school districts outside of the metropolitan area do not have charter schools, which she is a big proponent of.

Tawnya from Chicago writes:

I attended public school in rural Illinois. My kids attend public school in Chicago. My husband teaches at a charter school, but you and I both know that not all charter schools are run efficiently . . . and the record of charter schools in Michigan, Mrs. DeVos' home state are proof of that. Mrs. DeVos has absolutely no business making decisions about public schools, having never attended, nor sen[t] children of her own, nor having worked in any capacity there. I am an evangelical, white Christian who votes in every election, and while I might share some of her basic beliefs, I vehemently oppose her nomination for education secretary. Please lean on those who support her to withdraw her name and do what is best for our Nation's children.

Peggy from Belvidere, IL, writes:

I am extremely concerned and actually appalled that Betsy DeVos is the nominee for Secretary of Education. I have been in public

education my entire life and believe we need to look at the millions that benefit for quality public educators and their dedication. There are wonderful classrooms, but also some systems in need of great improvement, but this candidate is clearly not qualified for, or even interested in giving a second thought to what middle-class and poor children may need. Please vote no! Our children deserve better than this! In this uncertain time, please stand up for our kids' and educators!

When I went back to Springfield, IL, I asked the local office there what kind of telephone calls we have been receiving this past week. They showed me the results from Wednesday, approximately 600 calls voting no on Betsy DeVos, 3 yes.

Sarah from Hyde Park writes to me:

Mrs. DeVos would single-handedly decimate our public education system if she were ever confirmed. Her plan to privatize education would deprive students from a good public education, while helping students from wealthy families get another leg up. It would deprive teachers of a decent salary, and it would make it harder for parents to get a good education for their kids. Public education has lifted millions out of poverty, has put millions in good paying jobs, and has been the launching pad for people who went on to cure disease and to create inventions that have changed our society for the better. I have a daughter who will be starting kindergarten in Chicago's public schools this fall. Please do the right thing for her and millions of other Illinois children who depend on public schools and who will be negatively affected by Mrs. DeVos's confirmation.

Dr. Kranti Dasgupta, a doctor from the City of Chicago writes:

Not only do ethical concerns exist regarding [DeVos'] conflicts of interest but I am also appalled at how unqualified she is to lead this country in such an important arena. As a family medicine physician, I have worked and trained in some of the poorest neighborhoods [in Chicago]. I have seen firsthand how behind many of these children are compared to their more affluent peers. I strongly believe [a] voucher program would further this education gap by taking money away from public schools that need it the most. Without a solid education, there is little chance for many of those children to lift themselves out of their socioeconomic situation. I implore you to consider the well-being of these children and give them a better chance to be productive citizens of Illinois. Please cast your vote against Betsy DeVos for Secretary of Education.

I have a message from Daniel from the Ukrainian Village; Michelle from Bolingbrook; Kristi, a mother of two from the Rogers Park area of Chicago; Crystal from the city of Pekin; and Kristin from Naperville, IL.

Daniel from the Ukrainian Village area of Chicago:

As the proud uncle of a wonderful autistic child who is being educated in the public schools, I cannot support someone so [un]qualified to be our educator in chief. Further, as you well know, DeVos has a long and documented record of lavishly supporting causes that are antithetical to the values I—and so many other Americans—hold dear. I hope that you will vote "no" on this important nominee.

Michelle from Bolingbrook:

I have [worked] in Special Education for the past 20 years. [Betsy] DeVos' nomination is frightening to the future of all children. This isn't about politics; but about the lack of qualifications that she brings to this position.

Kristi, the mother of two from the Rogers Park area of Chicago:

I feel very strong in the separation of church and state and [Betsy DeVos] does not. She wants to "advance God's kingdom" through school reform.

Crystal from Pekin:

I am a special educator in central Illinois. I teach a very special population of students with severe and profound disabilities in an all special education school. As an advocate for my students, I urge you to reject the nomination for Betsy DeVos. She is not qualified to make decisions that will affect teachers and students in rural public schools across Illinois.

Kristin from Naperville:

DeVos' skillset is commandeering public funding for private education. She was a key player in shaping the Michigan charter school system, which is severely lacking in oversight, demanding little accountability for how tax dollars are spent or how well students are educated. I don't want to see the same thing happen nationally . . . America's students and teachers deserve better than DeVos.

I ask unanimous consent that this several-page document, which includes a list of letters of opposition to the nomination of Betsy DeVos, be printed in the RECORD. There are some 322 letters in opposition. To spare the Government Publishing Office, I will not ask that all of these letters in their entirety be printed, but it is a voluminous list of opposition to Betsy DeVos.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF OPPOSITION TO THE NOMINATION OF BETSY DEVOS FOR SECRETARY OF EDUCATION

Includes:

National Women's Law Center; People for the American Way; National Council of Jewish Women; NAACP Legal Defense and Educational Fund, Inc.; National Education Association; Americans United for Separation of Church and State; The Leadership Conference; Legal Aid At Work; YouthCare; American Federation of State County and Municipal Employees; OCA—Asian Pacific American Advocates; National Urban League; HRC; Feminist Majority Foundation; Tri-Caucus; NASSP; YouthCare; Outright Vermont; National Organization of Women; American Federation of Teachers; AFL-CIO; American Federation of State, County, and Municipal Employees; CLASP; Council of Parent Attorneys and Advocates (COPAA); Council of District of Columbia, Chair of Committee on Education; American Association of People with Disabilities; Autistic Self Advocacy Network; Center for Public Representation; Children's Mental Health Network; Disability Rights Education and Defense Fund; Education Law Center-PA; Judge David L. Bazelon Center for Mental Health Law.

Juvenile Law Center; National Council on Independent Living; Pennsylvania APSE; Philadelphia HUNE, Inc.; Public Interest Law Center; Southern Poverty Law Center;

The Arc of Philadelphia; Transition Consults; Disability Rights Education & Defense Fund; Education Trust; Alabama Association of Elementary School Administrators; American Civil Liberties Union; Americans for Democratic Action (ADA); Americans for Financial Reform; Center for American Progress; Citizens for Effective Schools; Clearinghouse on Women's Issues; Directions for Youth & Families; Easterseals; Educators Rising; Equality Federation; Generation Progress; Hawaii Elementary and Middle Schools Administrators Association; Higher Ed, Not Debt; Indiana Association of School Principals; Kappa Delta Pi; Kentucky Association of Elementary School Principals/KASA; Know Your IX; League of United Latin American Citizens; Maryellen Armour, LICSW; Massachusetts Elementary School Principals' Association; Minnesota Elementary School Principals Association; National Alliance of Black School Educators; National Association of Elementary School Principals; National Association of Secondary School Principals; National Council of Teachers of Education.

National PTA; Nebraska Association of Elementary School Principals/NCSEA; Oasis Youth Center; Ohio Association of Elementary School Administrators; Oklahoma Association of Elementary School Principals/CCOSA; PolicyLink; Rhode Island Association of School Principals; Sacramento LGBT Community Center; School Administrators Association of New York State; Secular Coalition for America; South Dakota Association of Elementary School Principals/SASD; TASH; Teach Plus; TESOL International Association; Texas Elementary Principals & Supervisors Association; The American Federation of State, County, and Municipal Organizations; Utah Association of Elementary School Principals; Vermont Principals' Association; Virginia Association of Elementary School Principals; West Virginia Association of Elementary and Middle School Principals; Wyoming Association of Elementary & Middle School Principals; Young Invincibles; 284 Professors across the country; LCCR; The Leadership Conference on Civil and Human Rights; The Advocacy Institute; African American Ministers in Action (AAMIA); All Our Children National Network; American Association of University Women (AAUW); American Atheists; American Dance Therapy Association; The American Federation of State, County and Municipal Employees (AFSCME); American Friends Service Committee; Americans for Religious Liberty; Asian Pacific American Labor Alliance, AFL-CIO (APALA); Black Women's Blueprint; The Center for Civil Rights Remedies at UCLA's Civil Rights Project; Center for Law and Education; Center for Law and Social Policy (CLASP); CenterLink: The Community of LGBT Centers.

Champion Women; Children's Defense Fund; Communications Workers of America; Council of Administrators of Special Education; CREDO; Disability Rights, Education, Activism, and Mentoring (DREAM); Equal Justice Society; Equal Rights Advocates; Family Equality Council; Four Freedoms Forum; Franciscan Action Network; GLSEN; Harriet Tubman Collective; Healthy Teen Network; Helping Educate to Advance the Rights of the Deaf (HEARD); Hispanic Federation; Immigration Equality Action Fund; In Our Own Voices, Inc.; Jewish Women International (JWI); Labor Council for Latin American Advancement; Lawyers' Committee for Civil Rights Under Law; Learning Disabilities Association of America; Legal Aid at Work (formerly Legal Aid

Society-Employment Law Center); MANA, A National Latina Organization; NAACP; NAACP Legal Defense and Educational Fund, Inc. National Action Network; National Alliance of Black School Educators; National Alliance for Partnerships in Equity (NAPE); National Alliance to End Sexual Violence; National Association of Social Workers.

National Black Justice Coalition; National Center for Transgender Equality; National Coalition Against Domestic Violence; National Council of Asian Pacific Americans (NCAPA); National Council of Gray Panthers Networks; National Council of La Raza; National Council on Educating Black Children; National Employment Law Project; National Immigration Law Center; National Latina Institute for Reproductive Health; National Law Center on Homelessness & Poverty; National Partnership for Women & Families; National Urban League; OCA—Asian Pacific American Advocates; The Opportunity Institute; Parent Advocacy Consortium; Partners for Each and Every Child; People Demanding Action; Poverty & Race Research Action Council; Progressive Congress Action Fund; Project KnuckleHead; Roosevelt Institute; Saving Our Sons & Sisters International; School Social Work Association of America; Southeast Asia Resource Action Center (SEARAC); Stop Sexual Assault in Schools; Students Resisting Trump, a project of Students for Education Reform Action Network; Teaching for Change; The Trevor Project; United Spinal Association; Women Enabled International; Women's Intercultural Network (WIN); World Without Genocide at Mitchell Hamline School of Law; YWCA USA; ADAPT Montana; Advocates for Children of New York.

ALSO Youth, Inc.; American Federation of Teachers/North Carolina; American Samoa Alliance against Domestic and Sexual Violence; Arizona Coalition to End Sexual and Domestic Violence; Arkansas Advocates for Children and Families; Arkansas Coalition Ag; California Down Syndrome Advocacy Coalition; California Foundation for Independent Living Centers; CDCRC Inc.; Center for Pan Asian Community Services, Inc. (CPACS); Chapel Hill-Carrboro Federation of Teachers; Chesapeake Down Syndrome Association; Chicago Coalition for the Homeless; Citizens Against Government Overreach; Citizens for Educational Awareness; Citizens for Public Schools; Coalition for Equal Access for Girls; Collaborative Parent Leadership Action Network; Colorado Coalition Against Sexual Assault; Community 4:12; Community Resources for Independent Living; Connecticut Alliance of School Social Workers; Creative Learning Enterprises, Inc.; Dayle McIntosh Center; Deb Davis Advocacy; Decoding DyslexiaMD.

Disability Action Center; Disability Policy Consortium of Massachusetts; Education Opportunity Network; Elmhurst Action for a Better Tomorrow; Faculty Senate, Wheelock College; Fannie Lou Hamer Center For Change; Florida Association of School Social Workers; Florida Council Against Sexual Violence; Fort Wayne Urban League; Girls Inc. of Long Island; Grow Your Own Teachers Illinois; Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett StOPP); Illinois Association of School Social Workers; Independent Living Resource Center San Francisco; Indiana Coalition to End Sexual Assault; Institute for Women's Studies and Services, MSU Denver; Iowa Coalition Against Sexual Assault; Iowa School Social Workers' Association (ISSWA); Jane Doe Inc., the Massachusetts

Coalition Against Sexual Assault and Domestic Violence; JF STEM Institute; Kalamazoo Gay Lesbian Resource Center; Knoxville Lesbian Health Initiative (LHI); LGBT Center of Raleigh; Los Angeles LGBT Center; Los Angeles Urban League; Loud Voices Together Educational Advocacy Group; Louisiana Association of Special Education Administrators; Louisville Urban League; Made in Durham; Manhattan, Community Board 2; Maryland Multicultural Coalition/State Chapter of NAME; Michigan Alliance for Special Education; Michigan Coalition to End Domestic & Sexual Violence; Michigan NOW; Michigan Unitarian Universalist Social Justice Network; Minneapolis Urban League; Minnesota Coalition Against Sexual Assault; Minnesota School Social Workers Association; Montana Coalition Against Domestic and Sexual Violence; Mountain State Centers for Independent Living; National Association of Social Workers, CT Chapter; NC Coalition Against Sexual Assault; NCJW Peninsula Section; Nebraska Coalition to End Sexual and Domestic Violence; New Jersey Institute for Social Justice; New York State Coalition Against Sexual Assault; New York State School Social Work Association; Nollie Jenkins Family Center, Inc.; North Carolina Justice Center; Ohio School Social Work Association; Open Arms Rape Crisis Center & LGBT+ Services; OUT in the High Country; OutReach LGBT Community Center; Pennsylvania Coalition Against Rape; Placer Independent Resource Services; Planned Parenthood Keystone; Public Advocates Inc.; R.E.A.C.H. (Resources for Educational Advocacy and Classroom Help); Resource Center; Restorative Schools Vision Project (RSVP); Rich Educational Consulting, LLC; Rockland County Pride Center; Rocky Mountain Victim Law Center.

Ruth Ellis Center; Sandy Mislow LLC; SC Coalition Against Domestic Violence and Sexual Assault; SHK Global Health; SKIL Resource Center; Southwest Pennsylvania National Organization for Women; Student Advocacy Inc.; Teachers Unite; The Chicago Urban League; The DC Center for the LGBT Community; The LGBTQ Center of Long Beach; The LOFT LGBT Community Services Center; The Pride Center at Equality Park; The Urban League of Greater Atlanta; Tri-County Independent Living; Urban League of Greater Madison; Urban League of Hampton Roads, Inc.; Vermont Network Against Domestic and Sexual Violence; Voices for Schools; Wisconsin Coalition Against Sexual Assault; Women's City Club of New York; 291. Women's Law Project; Wominsport; Youth Justice Coalition; YWCA Allentown; YWCA Aurora; YWCA Binghamton and Broome County, Inc.; YWCA Bradford; YWCA Greater Austin; YWCA Greater Lafayette; YWCA Greater Portland; YWCA Kankakee; YWCA La Crosse; YWCA Mount Desert Island; YWCA National Capital Area; YWCA Northcentral PA; YWCA of Asheville and WNC; YWCA of Kaua'i; YWCA of Rochester and Monroe County.

YWCA of the Greater Capital Region; YWCA Pierce County; YWCA Princeton; YWCA San Antonio; YWCA South Hampton Roads; YWCA Spokane; YWCA Union County; YWCA Warren; YWCA Yakima; Hundreds of state legislators; Local Progress, 70 local elected officials (mostly school board members); National Association of Secondary School Principals (NASSP); National Center for Learning Disabilities; Eli Broad.

Mr. DURBIN. I also want to direct my colleagues—I see my colleague on the floor from Connecticut, and I want to yield to him—to a New York Times

article, which was published on June 28, 2016, entitled "A Sea of Charter Schools in Detroit Leaves Students Adrift," by Kate Zernike.

Let me close by saying, this is rare. It is rare that we have a nomination for the position of Secretary of Education which has drawn such controversy. There were many things that Ms. DeVos could have been given as a reward for her loyal support of Republicans and all of the things she has done in her life, but to be entrusted with the responsibility of running America's public education system at this critical moment in our history certainly is not one of them, as far as I am concerned.

We should have taken the time and the President should have taken the time to find a person who had the resume, the qualifications, and the expertise in education policy for this important responsibility. We owe our children nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my great colleague and a champion of education and consumer rights, Senator DURBIN of Illinois, and to address this body and, most particularly, the Presiding Officer, who has contributed so much himself to the cause of education. We know, better than anyone, how important the Federal commitment to quality education is—not just a C or D education but excellence in education.

The American people deserve a Secretary of Education who embodies and exemplifies that commitment to excellence. Unfortunately, the nominee before us, Betsy DeVos, fails on every count to meet that standard. So I am here today to voice my continuing concern about this nomination, which is antithetical to the very mission of the Department she has been selected to lead.

She is unquestionably unqualified, unknowledgeable, unprepared for this job. She is unfit to run the Department of Education. As hard and as unkind as that verdict sounds, we have an obligation to speak truth here and speak that truth to power, even when it is the President of the United States, even when it is a job as critically important as Secretary of Education—especially when it is as important as this job.

She is wealthy. She is a billionaire. She has committed her career to pushing for private school vouchers and unregulated charter schools. Having reviewed her full record, including her confirmation hearing and her responses and lack of responses to followup questions that my colleagues sent to her, I respectfully say to my colleagues: We should not approve this person.

She has committed her career to pushing for private school vouchers and unregulated charter schools, not to

the public education our students deserve. The incoming Secretary of Education will face a myriad of challenging and constantly evolving problems that will demand a high level of leadership and guidance, from soaring student debt to faltering school and student achievement scores across the country, to the pervasive school violence and bullying that threatens so many of our students, to unscrupulous for-profit schools, profiteering off students and veterans.

Clearly, the problems, these problems and others, require a Secretary who will not just rubberstamp or approve the policies of special interests or delegate systematic problems to private schools.

The Secretary of Education is responsible for overseeing a budget of Federal spending over \$36 billion—that is K-12 education funding—and \$150 billion in higher education funding each year. In addition, there is a portfolio of more than \$1.2 trillion in outstanding Federal loans. That is the largest consumer debt in this country other than mortgage loans.

The leader of this Department is responsible for determining policies that affect our neighborhood public schools. She is responsible, if she is confirmed, for enforcing key protections under a number of civil rights laws designed to ensure every child access to education. This job requires a singular level of intellect and energy, preparation, devotion to the welfare of students, parents, and, yes, educators and teachers. Our educators and teachers are the real heroes of our educational system. Our public schoolteachers are second to none in the world for their commitment to opening businesses, creating dreams, and enabling students to achieve those dreams, and those dreams will be in peril if Betsy DeVos is our Secretary of Education because she has demonstrated her disrespect for the enterprise of public education.

From implementing the Every Student Succeeds Act, improving education quality, protecting Pell Grant Programs, and reducing pervasive student debt in higher education, to policing the epidemic of campus sexual assault and protecting students' civil rights at schools across the country, clearly our Nation's chief education executive needs to be immensely qualified—not just questionably qualified—but unchallengeably prepared and well versed in these complicated issues.

The fact is, Mrs. DeVos has no relevant experience as a teacher or as a leader of a public school. She has said that neither she nor her children have ever received a student loan or a Pell grant. She has no direct experience with our public education system that would enable her to lead it.

In addition to her lack of knowledge of higher education public schools, she has demonstrated a profound animos-

ity, an antipathy to them. She has spent her career systematically privatizing and dismantling public schools instead of working to build them and improve them.

For decades, Mrs. DeVos spent millions of her fortune advocating for the diversion of public money to unacceptable private schools and unaccountable private schools, especially in her home State of Michigan. Mrs. DeVos helped to design an ineffective charter school system with little accountability for results in Detroit. However, the systems that she helped to design and promote actually siphoned money from Michigan's already underfunded public school system and caused achievement rates there to drastically plummet.

Despite her rhetoric, school privatization schemes are plagued with severe problems. They often strip students with disabilities and their families of their rights under the Individuals with Disabilities Education Act. This point underscores a fundamental theme for Mrs. DeVos's record, indicating how she would pose a threat—in fact, an unprecedented danger to students' civil rights across the board.

When asked during her confirmation hearing about the IDEA, Mrs. DeVos admitted that she was "confused" and thought that States were best positioned to enforce the Federal law. That answer exposed not only her lack of knowledge but her lack of caring. Someone who cares about students with disabilities would have known that this landmark education law depends on Federal enforcement for its effect, and she, as Education Secretary, would be the one to do that enforcement.

Before the passage of the 1975 law that later became the IDEA, when decisions about students with disabilities were left to the States, only one in five students with disabilities received an education. Does she believe that we ought to go back to a time when States were able to openly discriminate against students with disabilities, that States should be again delegated that responsibility, which they failed to enforce effectively?

Whatever her answer, clearly her blatant disregard for the IDEA threatens students with disabilities and already underfunded disability programs.

Mrs. DeVos also threatens students' rights and campus safety under title IX, including rights that are designed to protect students against campus sexual assault and other violence. This issue has concerned me. I have held roundtables around the State of Connecticut and have submitted a measured bill that would help address this problem at the college level. But Mrs. DeVos has advocated for legislation that would actually increase the difficulty for victims of sexual assault to receive support.

During her hearing, Mrs. DeVos told Senator CASEY, my colleague, that she

could not commit to continuing the Obama administration's title IX guidance that requires schools to have procedures in place to investigate and address instances of campus sexual assault or risk losing Federal funding. That title IX commitment is at the core of the Federal responsibility to protect students against sexual assault. We can agree or disagree on the detail, but this blatant disregard for title IX responsibilities goes to the essence of her commitment to education in this Nation and to protecting students against the scourge of sexual assault, which we know is all too pervasive still on many of our campuses.

Even worse, according to tax records, Mrs. DeVos has spent millions of dollars funding ultraconservative organizations that promote anti-choice, anti-Muslim, and anti-LGBT policies like conversion therapy. I never would have thought that I would be on the floor of the Senate considering a candidate who supported anti-LGBT policies or anti-choice or anti-Muslim policies. They don't belong in our schools. They certainly should not be supported by our Nation's Secretary of Education.

On the issue of for-profit education, again, it is a source of great concern because it has given rise to so many abusive tactics directed often against our veterans. During her Senate hearing, Mrs. DeVos did little to allay my concerns about her record as a school choice advocate and political donor, averse to protection against the abuses of for-profit.

We know there are for-profit schools and colleges that do great work. They contribute vitally, but unfortunately, for-profits also have been plagued by abuses that need to be fought and overcome.

Mrs. DeVos successfully lobbied to expand even failing schools in Michigan and to protect those for-profits from scrutiny and oversight. This record of enabling for-profits and her own self-dealing in a for-profit preschool herself does not bode well—that is an understatement—for the hundreds of thousands of students who have been neglected, deceived, and scammed in recent years by predatory for-profit college institutions like Corinthian Colleges and ITT Tech. They left in their wake, when they collapsed and failed those students, a myriad of tragic stories, tragedies not just for the loss of money but for the loss of future opportunities, and that is far from the kind of record that we want replicated under our next Secretary of Education.

In fact, during her hearing, Senator MURRAY asked Mrs. DeVos about 17 specific bad actor for-profit higher education institutions, including Corinthian and ITT. They have been accused of using exotic dancers to recruit students, falsifying job placement rates, or stealing Federal financial aid. Mrs. DeVos would not confirm whether she

believes that those practices and misuse of taxpayer funds at any of those 17 schools are, in fact, unacceptable. She simply would not respond definitively to that question.

The Secretary of Education is responsible for policies that could either lift or exacerbate the crushing burden of student debt at those for-profit schools. She is the one who could alleviate that burden, yet she refused to commit to protecting any current student loan repayment options or benefits or even helping severely disabled borrowers receive loan discharges that they qualify for.

She refused to commit to protecting the Pell grant, the Public Service Loan Forgiveness Program, or maintaining the existing transparency information on the college scorecard or Federal student aid data center.

Mrs. DeVos refused to commit to keep private banks out of the student loan system or ensure that taxpayers do not subsidize career education programs that consistently leave students with unaffordable mounds of debt, without meaningful prospects in the job market.

Her record and her responses to Senate questioning reveal that putting her in charge of the Department of Education would be akin to putting the fox in charge of the henhouse. I realize that analogy is overused, particularly in this town, where there are so many instances of it. But her lack of appropriate, definitive responses are as telling and compelling as her answers about her commitment to protecting, rather than endangering, the individuals and institutions that will be her mission if this body confirms her.

As a member of the Senate Committee on Veterans' Affairs, I have a special interest in protecting our Nation's servicemembers and veterans from insidious and pernicious predatory for-profit colleges. It is a paramount concern. It ought to be a paramount concern for our Nation because all too often, veterans are victims of these predatory for-profit colleges who lure them even while they are still in the military. They lure them with promises and images that create expectations never to be fulfilled, and so many veterans emerge from these colleges with mounds of debt but no degree.

Yet Mrs. DeVos refused to say whether she understands that Veterans Affairs and Department of Defense student loan and assistance programs are even federally funded or whether she would commit to closing the 90-10 loophole that has enabled colleges to aggressively market and mislead many vets.

We have all spoken on the floor about the need to close that loophole. It is the plain vanilla solution that should be a matter of consensus, yet Mrs. DeVos refused to commit on that issue.

She has earned a failing grade for lack of study, complete lack of diligence in preparing for her testimony and to lead in higher education programs. Her commitment to protect students and veterans from massive debt, low-quality education standards and accountability, or pernicious for-profit companies and leaders deserves a failing grade as well.

I will not support a nominee who fails to agree that predatory practices, exploitation of taxpayers, and deception of students have no place in our education system.

While Mrs. DeVos evaded questions about bringing accountability to schools, she also refused to commit to keeping guns out of schools. When asked by my colleague CHRIS MURPHY whether guns have any place in or around schools, Mrs. DeVos gave the following reply: "I would imagine that there is probably a gun in the schools to protect from potential grizzlies."

That statement has given a lot of amusement to a lot of people around the country, but it deals with such an intensely serious subject, that it is really no laughing matter. All of us who went through the tragedy and grief experienced by those families and loved ones who lost children in Sandy Hook, CT, and saw the strength and courage of the Newtown community cannot regard with anything but contempt that answer.

When she was further pressured whether she would support a plan from President Trump to ban gun-free school zones, Mrs. DeVos revealed that she would support "whatever the President does."

In some ways, that answer is as repugnant as the remark about grizzlies, saying she would follow whatever the President does, without leading and providing vision and intellectual tools that are necessary for the President to act, is an abdication of responsibility.

These answers are woefully unacceptable.

We recently observed the fourth anniversary of the Sandy Hook Elementary School shooting. We still remember the 20 beautiful children and 6 exceptional educators who were brutally murdered in Newtown.

The day of the Sandy Hook shooting was the most heartbreaking day of all my years in public service. According to Everytown for Gun Safety, there have been at least 210 school shootings since Sandy Hook. Words cannot capture the sense of grief and outrage we must feel in the face of continued gun violence around the country—in our schools, malls, clubs, churches, public venues, and private homes. This scourge of gun violence must be combated, and yet Mrs. DeVos has indicated she is impervious to the emotional force of the tragedies arising from gun violence.

I want to share a passage from a column written by my friend Erica

Lafferty, the daughter of Dawn Lafferty Hochsprung. Dawn was the heroic principal of Sandy Hook Elementary School murdered at the massacre that day as she desperately attempted to save her students and staff.

My mom spent her life preparing to take care of students. She earned a degree in education. She spent years in a classroom, teaching special education for kindergartners and middle-schoolers. By the time she became a principal of Sandy Hook, she knew exactly what elementary schools should be—a happy place for kids where they could learn and grow in a safe environment.

To claim that she should have done more to take care of her kids is an insult to all that she did, and to the lengths to which so many teachers go to ensure a good and safe learning environment.

That Mrs. DeVos thinks “bears” when asked about guns in schools proves just how little she has considered the important role of the Education Secretary in keeping students and faculty safe.

It is insulting to tell teachers that they should add “sharpshooter” to their job descriptions. It is absurd to teach students to duck and cover in active shooter drills rather than demanding our legislators do the responsible thing and make it more difficult for dangerous people to get their hands on firearms.

That is what Betsy DeVos should have said in her hearing when she was asked about gun violence in our schools. That is the sense of outrage that should have come from her spontaneously, and it should be the leadership that she should provide.

There is nothing more important than keeping our children safe from anyone who would do them harm, particularly in a school, which should be the safest place in the world, and that means that our Secretary of Education must provide leadership, courage, and strength to stand up to an administration that fails in its responsibility on the issue of gun violence.

The families of Sandy Hook asked us to honor their children and family members with action, to make America safer and to make our schools safer. I cannot support a nominee who fails to prioritize the basic safety of students in our schools or take the scourge of gun violence seriously. I cannot support Betsy DeVos because she fails to demonstrate basic caring—put aside her lack of knowledge—but a basic caring about the fate of students who may be in danger of gun violence and equally in danger of failing to achieve the American dream.

Her responsibility is beyond being a bureaucrat or a placeholder in a Federal organization chart. She has a public trust, even as a nominee, to show America the importance of public education. Her career is about demeaning and detracting from public schools. Her testimony at the Senate hearing betrayed a lack of preparing that would disqualify students in schools from a passing grade.

I have received numerous correspondence, letters, and emails about this

nomination. In fact, 14,000 letters from teachers, concerned parents, and citizens expressing outrage at the threat that Mrs. DeVos poses to public education, disability rights, and student success. For a small State like Connecticut, 14,000 emails and letters is unprecedented. It is an outpouring, an uproar that is certainly unprecedented in my time in the U.S. Senate and in the memory of staff who work here. These letters come from teachers, students, parents, really everyone affected by public education.

I want to close by saluting them and most especially the teachers and parents who are so committed to their students.

Erin, a third grade teacher from Connecticut captured this fear in her letter to my office:

I write this to you as a teacher in despair. After a decade and a half of public service as a teacher, I fear that our basic precepts of our obligation to educate ALL children has come into question.

I am fearful of what lies ahead for my students if someone like Mrs. DeVos is in charge of our Department of Education. Her lack of experience in public education, her desire to separate and sort our children by their income, academic ability and socioeconomic status, her blatant disregard for students with special needs and our obligations to these students under IDEA—strike panic in the education community.

One of the best things about being a public school teacher is the challenge and privilege to work with all kinds of students with all kinds of abilities and needs. I have the honor to work in a school that is rooted in the inclusion of all students.

More than 15% of the students in my school have special needs. We are so proud to provide this group with the services that are specialized just for them to meet their academic, social and emotional needs.

You see, our work here is not merely about proficiency, it is indeed about growth. We are tasked to help our children grow to their own individual potential—not just meet a mandated standard.

When I think of some of the beautiful and important achievements that my students make, they are often not about a score on a proficiency test. I think of the autistic student in my class that is working to be able to communicate his wants and need to others.

When he can play a board game with a peer, that is growth.

My classroom reflects the tapestry of our American society. I have students of all abilities and needs and we have built a caring classroom community that allows for us all to grow each day.

I have been highly trained to work with ALL students. I assure that my student's Individualized Education Program goals under the law are being provided for. I seek out and provide resources. I advocate. I accommodate educational programs to meet each child's unique learning needs. I encourage.

I celebrate the milestones and yes, the growth.

The public education system as we know it ensures a free and equitable education for all students—regardless of their academic needs, their socioeconomic status, their race, religion or parental involvement.

Please continue your efforts to convince your fellow Senators that Mrs. DeVos will be

a reprehensible choice for our Department of Education.

Jen, another teacher in Connecticut shared a similar message with me in her letter to my office:

I am a teacher in esteemed Fairfield County, Connecticut—but don't let the package fool you. My section of Fairfield County, my very public middle School in Danbury, Connecticut has hosted over 37 nationalities at one time under one roof.

You see, our public schools are a mirror. Our schools reflect the world as it exists outside our doors. We open them and the world pours in. This is how it works. We offer influence. We set expectations. We administer tests and benchmarks and are tied to terms like “proficiency” and “growth”. Within this academic framework, cultures clash. It's inevitable. Differences abound. And yet, in this sphere of gaps and spaces, we bridge to one another.

We reach because we have to; there is no option. We see differences and we've learned the inherent power in them. We develop minds of course—but we also develop tolerant citizens who can thrive in a multi-cultural and diverse society.

Vouchers and school choice, as Mrs. DeVos champions, present as an antithesis to these core democratic philosophies.

What is showcased as an opportunity for growth is a thin veil for layered discriminatory practices.

Vouchers decrease the potential of many to the potential of few. Vouchers are a cousin to segregation, if not a sibling—and the consideration of DeVos as secretary undermines, with longevity, the very fabric of a United Nation.

I was asked to share personal stories and I can—I've seen it all in fifteen years: kids who experience unprecedented success and kids who break your heart in two with the devastation forced upon them. We can't ever know who will triumph, it is impossible to know—we can only keep the playing field as fair and accessible as possible to all.

Deborah, a fourth grade teacher from Connecticut, was frustrated with the conflicts of interest surrounding Mrs. DeVos in her letter to my office:

Mrs. DeVos has a very clear conflict of interest on many levels. Financially, she wants to maintain the \$5-25 million dollar investment she has in Neurocore, a biotech company which deals with attention deficit disorder. Her investment in Windquest Group, which backs Neurocare, is a company focused on a science and brain-based program that targets children is clearly a conflict. She has presented a clear history of donating to and investing in companies or organizations which affect students.

As a teacher in a Title I public school, it is essential that the Secretary of Education is equipped to deal with the issues we deal with every day. In my class I routinely deal with issues of poverty, homelessness, underfed students who count on free or reduced meals and extra food sent home weekly for the weekend. Their parents normally work two or three jobs to try to pay the bills. If a student is hungry, they are concerned with where their next meal is coming from, not which genre I'm teaching. This is not a business, it's personal for every student we teach. If students are held to standards which are not realistic, supported, funded, or understood by the federal government then the ability to achieve & thrive as a society will cease to exist.

Finally, Nancy, a 26 year veteran of teaching and Danbury, CT, 2016 Teacher of the Year, shared anecdotes of her experiences teaching special education students. Here is a passage from her letter:

Please do not approve a person who has no experience with public education and has no clear understanding about student need or how students learn. This is an extremely important job. We should not take it lightly and just let anyone take that title. Mrs. DeVos' plan for our children will disenfranchise the poor, the disabled and quite honestly, every child in America. Her inaccurate, incomplete and poor answers to questions posed to her by Congress as well as her track record in Michigan where she worked to destroy public education, serve as evidence that she is not qualified for the job. She bought her way to this appointment with huge donations to those who would vote for her. She does not understand that education is not a for-profit business; it is an investment in our most important resource and the future of this country—our children. Betsy DeVos is not the right person to lead education in the United States of America.

I will finish by saying that I firmly believe we owe our students high standards, just as we demand of them high performance, but that requires of us a commitment that Betsy DeVos has failed to make. It is a commitment to invest more resources in public education, to give back and give more to our public schools.

After observing her testimony, I am convinced she lacks that leadership ability or requisite record to serve as the steward of public education and to hold that trust that our country desperately and urgently needs now, not at some point in the future. That commitment is necessary now because every day, every month, every year is a lifetime in a student's education. So I will vote against her confirmation today, and I encourage my colleagues on both sides of the aisle to do the same.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I will start by thanking my colleague, the Senator from Connecticut, for his leadership on public education issues and the fight against gun violence. He has been a voice calling for common-sense measures to address gun violence and to make our schools more safe, and I thank him for all he has done in that regard.

Yesterday I came to this floor to discuss the risk that Betsy DeVos would pose to our public education system for students from kindergarten through 12th grade. With her zealous focus on vouchers for private schools, she has ignored accountability and the unique needs of communities in Maryland and throughout the Nation. Education is a public trust, and we should not contract it out to the highest bidders in various voucher schemes.

In addition to overseeing support for K–12 education, the Secretary of Education is also responsible for Federal efforts in the area of higher education. So this morning, I would like to talk a little bit about higher education.

We know very little about the position the new President will take in the area of higher education. However, what we do know about his track record is very troubling. Based on the testimony of Ms. DeVos and her responses to questions for the RECORD, we can have little confidence that she will be a check on President Trump's worst instincts.

Here is what we know: We know that President Trump's main foray into continuing education was the now-extinct Trump University. Make no mistake about it, Trump University was a scam. It was a con game. It promised students great wealth if they only paid thousands of dollars for seminars on Mr. Trump's real estate "secrets."

As Senator RUBIO once pointed out not that long ago, "There are people who borrowed \$36,000 to go to Trump University, and they are suing now—\$36,000 to go to a university that is a fake school. And you know what they got," Senator RUBIO asked, "They got to take a picture with a cardboard cut-out of Donald Trump."

Senator RUBIO was absolutely right when he made that statement.

First of all, the word "university" in Trump University was totally misleading. Trump University was not an accredited institution, but it did promise to educate its students in the real estate industry so they could become skilled investors.

An article in the conservative *National Review* entitled "Yes, Trump University Was a Massive Scam" explained that prospective students were offered a free seminar where they would be pressured to purchase a class, where they would be "mentored by hand-picked real estate experts who would use President Trump's own real estate strategies."

Of course, Mr. Trump was neither handpicking instructors nor developing class materials, and instructors did not even necessarily have a real estate background. In a deposition, Mr. Trump could not identify a single instructor at Trump University.

Students were promised access to lenders, improved credit scores, and longterm mentoring. The university did not deliver. According to a former employee, Trump University "preyed upon the elderly and uneducated to separate them from their money." Employees were told to rank students based on their liquid assets so they could target them to sell more seminars. They took advantage of people.

Because of its fraudulent practices, Trump University was sued multiple times. In February 2016, Mr. Trump dismissed those suits saying: "I could set-

tle it right now for very little money, but I don't want to do it out of principle."

Right before the class action lawsuit in San Diego was scheduled to be heard by a jury, those principles evaporated and Mr. Trump settled all the lawsuits for a whopping \$25 million, and about 7,000 former students were granted a full or partial refund.

Now, because Trump University was a university in name only and not accredited, students attending Trump University were not eligible to use Federal student loans or grants—thank goodness. But there are many accredited, for-profit colleges and universities that do take large sums of money from students who obtain Federal student loans or Federal grants, and it is the job of the Secretary of Education to make sure that those for-profit colleges are good stewards of those taxpayer dollars and that they are giving their students a good education.

For example, under President Obama's leadership, the Department of Education took action against the for-profit Corinthian College for fraudulently enticing students to enroll by lying about their job placement rates. They told students: You enroll in our programs, and we can get you a job. It wasn't true.

As California's attorney general, our colleague Senator HARRIS, pointed out in her lawsuit, they got more than \$1 billion in damages and restitution from Corinthian College because they targeted vulnerable, low-income populations, including the homeless. They directed them to predatory lending and failed to deliver an education that could really help them get a job. Their tactics were similar to those of Trump University—callously targeting "prospects they perceived as having low self-esteem," who were "unable to see and plan well for the future, and those who had few people in their lives who cared about them."

In order to stop these kinds of abuses, the Department of Education, under the Obama administration, put in place something called the gainful employment rule, which requires for-profit colleges to demonstrate real results for their students in order to continue to enroll students who use Federal student loans and grants. We want to make sure that students enrolling in those programs have a decent shot at success and are not simply being separated from their money, including Federal student loans.

This gainful employment rule is important for protecting both students and taxpayers. That is why it was alarming that during her hearing, Mrs. DeVos would not commit to enforcing the gainful employment rule.

Our veterans have been among the students who have been most targeted by these abusive practices. Just last week, I received a copy of a letter that

was sent to Senators ALEXANDER and MURRAY and Representatives Fox and Scott from a coalition of veterans organizations. I have it here. It is a letter from the Paralyzed Veterans of America, the Reserve Officers Association of the United States, the National Military Family Association, AMVETS, Blue Star Families, Vietnam Veterans of America, the Wounded Warrior Project, and Student Veterans of America, all opposing any weakening of the gainful employment rule and urging greater, not fewer, consumer protections.

As they note in this letter, a loophole in what is known as the 90-10 law, which caps the amount of funding for-profit schools can obtain from Federal sources, exempts funds from the Departments of Defense and Veterans Affairs. They write: As a result, our Nation's heroes are targeted with the most deceptive and aggressive recruiting.

The letter quotes Holly Petraeus of the U.S. Consumer Financial Protection Bureau, who said that some for-profit colleges are motivated to view veterans and their families as "nothing more than dollar signs in uniform."

The letter further states that "veterans express anger when they discover that the government knew that a career education program had a lousy record, but allowed them to waste their time and GI Bill benefits enrolled in it."

That should make all of us angry. It should make us angry because of the service our veterans have performed for our country. It should make us angry because it is a waste of taxpayer dollars to have these monies spent in institutions that are not providing an education to our veterans or other students in the way they advertise.

Yet Mrs. DeVos provided no assurance—none, none—that she would enforce the gainful employment rule that these veterans groups are calling to strengthen. She also provided no assurance that she would pursue other protections to help our students and veterans. In fact, when asked, she pointedly did not make that commitment.

Taxpayers and students should also be troubled by statements that have been made by the Trump team regarding their plans for the Federal student loan program. As many people know, the Department of Education is responsible for managing a \$1 trillion bank of student loans and \$30 billion in Pell grants each year. It is very important that these funds be managed in a way that protects the best interests of both students and taxpayers, rather than simply fattening the bottom lines of the big banks and big lenders.

In fact, 7 years ago, Congress—the House and the Senate—passed and the President signed the bill that "made important reforms to the Federal student loan program."

Under the old system, banks distributed Federally guaranteed loans in exchange for a subsidy from the Federal Government. In effect, banks were paid a premium to be the middleman and were also insured against most of the risks of the loan with the Federal guarantee. In other words, they got a great return and took very little risk. In fact, the old system was rigged to provide huge returns to banks on certain loans.

Shortly after I came to Congress, I worked with my colleagues to close what was then called the 9.5 percent loophole.

The way it worked was like this. Written right into the code, some banks were able to make loans guaranteed by the government to give them a 9.5 percent return, even though students receiving those loans were paying a 3.5 percent interest rate. The difference—6 percent—was pure profit paid by the taxpayers to the banks for zero risk.

We were able to close that loophole after a number of years, and then in 2010 the Congress and President Obama agreed that we should stop using banks as the middlemen in the student loan process. We shifted entirely to the direct loan program through the Department of Education. That move saved taxpayers \$61 billion over a 10-year period, and we were able to use the savings to increase support for students to make college more affordable. By increasing funding for Pell grants and indexing them to new inflation, we were able to expand the income-based repayment program so more students could afford college, and we put \$10 million toward deficit reduction.

The Republican Party platform under President Trump calls for rolling back those important reforms and putting student loans back in the hands of the big banks. When Senator MURRAY, the ranking member of the Education Committee, asked Mrs. DeVos in a question for the record about privatization of the student loan industry, Mrs. DeVos refused to rule out a return to the days when the big banks reaped huge profits off students and taxpayers while taking very little risk.

It turns out that Mrs. DeVos may herself have investments that represent conflicts of interest for the job of Secretary of Education or indicate a preference for privatization within higher education. For example, according to her ethics forms, she has an investment in Procurement Recovery, Inc., which had a contract with the Department of Education for student loan debt collection. The court blocked that contract last year and it is currently challenging the decision.

There is a common thread connecting the approach that both President Trump and Mrs. DeVos have taken with respect to both K-12 education and higher education; that is, the idea

that we should put for-profit private interests over the interests of students and taxpayers. As we have heard, in Michigan Mrs. DeVos was very instrumental in changing Michigan State law in a way that attracted for-profit charter schools to the State of Michigan. Those schools have a very sorry record in terms of the education they provided to students in Michigan. Now, when it comes to higher education, in her hearing she refused to commit to enforcing the gainful employment rule, which is designed to protect students and taxpayers from the kind of predatory practices engaged in by the likes of Trump University. She did not disavow proposals to turn the student loan program back over to the big banks.

We need a Secretary of Education who understands that our education system is a public trust and not simply a vehicle that allows for-profit schools and big banks to make a profit off of these important taxpayer investments.

I wish to say a word, as well, about community colleges. I think all of us recognize the really important role that community colleges play in our education system. Just two weeks ago, I had the opportunity to attend a meeting of the presidents of Maryland's community colleges. It was organized by the Maryland Association of Community Colleges and included folks from all over the State. We are fortunate in Maryland and around the country to have some terrific community colleges that provide associate's degrees and certifications for advanced careers, 2-year programs for those students who plan to go on to get a 4-year education, and continuing education classes for people who want to go back to school to learn new skills. Our community colleges are particularly important because they are able to work closely with employers to identify skills that are in demand and adjust programs to prepare students to move directly into the workforce.

A number of years ago, I had the opportunity to work with my colleague, Senator Mikulski, and others, to obtain a Federal grant for a consortium of Maryland community colleges to train and prepare students in the area of cyber security.

Cyber security is something that is important to all Americans. We are realizing more and more the costs and dangers of hacking, both in the government sector as well as the private sector. It is really important we build a workforce which has those important skills, and I am pleased that Maryland is home to the U.S. Cyber Command at Fort Meade, alongside NSA. We need to make sure we have students who have those important skills, and community colleges, along with other institutions, can help fill that skills gap.

I also visited the Community College of Baltimore County, where they are responding to the need for medical professionals by providing training to

nurses and other medical assistants. They use something called SimMan technology—lifelike mannequins that can simulate medical conditions—to help train nurses, emergency medical technicians, and physician assistants. I think we would all agree these community college programs are a really important block in our education system, and we should be supporting those colleges and the students who want to attend.

I was pleased that at the hearing, Mrs. DeVos acknowledged the importance of community college. Unfortunately, she didn't put forward any concrete recommendations about how we can help community colleges succeed. That is particularly troubling in light of the fact that if we look at previous Republican budgets, especially those coming out of the House of Representatives but also those adopted in a Republican-controlled Senate, they would do great damage to students' ability to access community college programs.

Let's just look at the last budget conference agreement that passed from fiscal year 2016. It contains a whopping 35-percent cut to Pell grants, which would eliminate all mandatory funding for Pell and eliminate another almost \$30 billion in discretionary funding. Altogether, it is a \$117 billion cut over 10 years.

Nearly 3 million community college students in Maryland and around the country depend on Pell grants in order to afford an education. Rather than making dramatic cuts to the program, we should listen to our community colleges and expand the program to a year-round grant to give students greater flexibility to finish their degrees in less time. Those are the cuts the Republican budget would make to the Pell Grant Program. At the same time, when it comes to the other components of the Federal student loan program, the Republican budget would cut so much that in order to compensate, we would have to raise student loan rates to make up the difference.

Those troubling positions are on top of a proposal made by the Trump team to require colleges to "risk share" by taking some responsibility for non-repayment of loans among their students, which would have a particularly damaging impact for community colleges. Community colleges already operate on very narrow margins. Any cut to their budget from risk-sharing would require them to do one of two things: increase tuition, making college less affordable, or cutting programs, including the kind of program I just talked about that helps students build the skills needed in the workforce of today.

Sam Clovis, a Trump campaign co-chair, also said that Mr. Trump would reject President Obama's plan for free community college for our students. In

an interview with the daily online publication Inside Higher Ed, Mr. Clovis contended that community college is already "damn near free," and therefore did not require additional assistance. I hope Mr. Clovis will come out to the State of Maryland and talk to our students. We work very hard in the State of Maryland to keep tuition low at community colleges, but for those who are just trying to scrape by, I can assure him that it is not "damn near free." I certainly hope Mrs. DeVos does not share this gross misunderstanding of student needs.

We heard from Senator BLUMENTHAL, we have heard from others on this floor, about the incredible grassroots outpouring of opposition to the nomination of Mrs. DeVos. She has drawn opposition from teachers, parents, and civil rights organizations. We have seen that groundswell overwhelm the phone system here in the United States Senate.

Maryland's schools, and schools throughout the country, deserve a champion in their Secretary of Education. When President Trump and congressional Republicans propose plans to cut and divert Federal education funding, we need a Secretary of Education who is going to fight for public education. Mrs. DeVos is clearly not that person.

Our Founders understood from the earliest days of this Republic that a free public education is a fundamental American value. Free public education at neighborhood schools throughout our land has helped make America more productive, broaden opportunity, and sustain local neighborhood schools and communities. I share my colleagues' deep concern that Mrs. DeVos does not appear to share a commitment to that American idea. She has devoted much of her adult life and career to advancing private education plans that would divert resources from our public schools. She has shown a lack of awareness and, in many statements, alarming views about our Nation's commitment to equal rights for children with disabilities. We cannot retreat from the commitment we made as a country, and we cannot return to an era where equal rights were just another concern for States to decide on their own.

We also heard, as Senator BLUMENTHAL discussed, flippant statements about guns in schools and the safety of our children. We cannot retreat from our determination to keep our schools safe and gun-free.

When President Trump has a history of promoting a sham, for-profit Trump University, we need a Secretary of Education who will zealously oversee for-profit colleges that receive students with Federal student loans and grants. Nothing in her testimony, statements, or responses to questions from Senator MURRAY or others gives me any comfort that Mrs. DeVos can be that person.

Education holds the key to a more prosperous America, a better informed electorate, and a society in which the Nation's bounty is more fairly shared as more citizens have access to a good education. We cannot advance those goals without a strong Secretary of Education. We cannot leave this job to just happen on its own. We need somebody who is going to fight for those ideals. Unfortunately, the record indicates that Mrs. DeVos is not that person.

I join with my colleagues in opposing the nomination. I hope between now and the time of the vote, other Senators will take another look at the record because it is important we muster the votes to defeat this nomination. We also must show very clearly that we will not accept a Department of Education focused more on undermining our commitment to a public education than one that is upholding that important American tradition.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have been so impressed by the large number of Senators who have come to the floor to tell their stories of why public education is so personal and important to them and to their constituents.

I want to thank all of the staff who were here all night long—our clerks, pages, people in the cloakrooms—everyone who has given time of their own to be here to support us to be able to talk about this critical important nomination, the Secretary of Education.

I think all of my colleagues will agree with me that there has been an unprecedented outpouring of concern from across the country about this Cabinet nominee. Why is that? Why is it that the Secretary of Education has brought such emotion and discussion to this country? For a very important reason: Education is a critical part of everyone's life.

The Founders of this country knew that when they determined we in this country were going to have a free public education system. Why? Because they want to make sure that every citizen had the opportunity to read and write and participate in this democracy, a core principle to assure that all of us would have a voice in who our President and elected officials were so we would understand and be educated and make the right decisions.

That core principle is so important to this country and has allowed us for centuries to be the kind of country where we have a middle class. People who are born into poverty know there is a school they can go to, to learn to read and write and get the skills they need to be a participant in our democracy and in our economy. That is what is at stake in this nomination. People across the country are writing in, calling, holding rallies, talking to their

neighbors and friends, and letting us know how important this is because they do not want to lose that principle. In this nominee who has been sent to us is a threat to that very basic core value that so many people believe in, in this country; that no matter who you are or where you grow up or how much money you have and who your parents are, you will have that public education, that public school in your community that you will be able to go to.

I was a school board member before I was a U.S. Senator, before I was in the State senate. Those school board meetings were jammed with parents who wanted to know what was happening in their schools, who would call me at midnight and complain about a school policy and what was going on. As a school board member, I had to listen and respond to that. People value their schools. They want to know they are there. Our schools are the heart of our communities. It is where people from different backgrounds who may be fighting with their neighbor across the street during the day, show up Friday night to cheer together for that football team. It is the center and epicenter of our communities. It is the epicenter of our country, and that is what is at stake in this nomination.

People want the Secretary of Education to be a champion for their public schools. In this nomination that has been sent to us by the President, Betsy DeVos, we have someone who values and speaks out for—and has used her fortune to fight for—something very different. She has denigrated public schools. She says they need to end. She advocates giving our young kids a voucher and telling them to find a private school, leaving behind kids who can't afford to go hours to another school or to pay the extra money the voucher doesn't cover, leaving kids in poverty, robbing really critical money from our schools and from the kids who would be left behind.

Yes, our kids want choices. This is not a debate about charter schools. Many States, including mine, have charter schools, but the difference is, in those States—in my State and many—those charter schools are held accountable, just like the public schools so you know your child is getting the education they have been promised and that it is held accountable to taxpayers. Mrs. DeVos refused in our committee to say that those charter schools, those private schools, if they take taxpayer dollars—which a voucher is—would be held accountable to the taxpayers. To the parents in those communities who showed up at my school board meetings to tell what they thought of their schools and what we should be doing and had a voice, it would not be accountable to them. I find that wrong, as a principle in this country and our democracy and what

we have fought so hard for. That is why so many parents are speaking out. That is why so many Senators have been here on the floor. That is why we have been here all night long and will be here until noon today during this vote.

That is what is at stake. In our higher education system, all of us know that so many young people today want that ticket to success and student loan debt is such an incredibly huge challenge to so many people, a barrier to getting the education they need. They want someone who is going to head up the Department of Education who understands that.

Betsy DeVos has no experience in higher education, none. And she is going to lead the agency and be the voice and be the vision? That is why parents, students, teachers, community leaders, superintendents, school board members, and families across the country have stood up and said no.

This is so close. We are within one vote of sending this nomination back and asking the President to send us a nominee who can be supported by Members on both sides of the aisle, who can set a vision, who can fight for public schools, who can be that champion and that leader who sets us apart in the world as a country, who values the core principle that every child—no matter who they are or where they live—will get a good education.

The Secretary of Education is not a figurehead. The Secretary of Education spends his or her days trying to make the right decision and being a champion across the country on issues across the board.

They oversee the Office for Civil Rights. Last night I had the opportunity to listen to Senator BOOKER speak about the importance of their office and what it meant to him and what it means to so many kids today to know that there is in this country an agency, the Office for Civil Rights, embedded in the Department of Education to assure that they will not be denied an education because of the color of their skin.

Isn't that a value we all want to continue? That is why people have spoken out and written letters and made phone calls and had their voices heard. So many parents in this country today want to make sure the basic education law that we have fought for for so long, IDEA, which assures that students with disabilities get a good education, is not put in jeopardy.

When Mrs. DeVos came to our education committee and was asked about this, she had no idea that it was the law of the land. She said to our committee: The States can do that.

Well, no—why is it the law of the land? Why is it a principle of the United States of America to assure that no matter where you live, if you are someone with a disability, you will get access to an education?

I listened to Senator HASSAN last night talk about her own young son and the challenges he has had. He is a bright man, but he is unable to speak or move, but he got an education in this country. He can give back, and he can participate.

Disabilities come in all sizes and all different shapes and all different forms. I assure you, when you are a parent of a disabled child, you are passionate and you want to make sure that your child has access to education, and you want a Secretary of Education, the top person in this land to be your advocate, too—not someone who doesn't know the law, not someone who isn't directing her staff to make sure that no matter where you are, if you are a student of disability, you get access to public education and are not denied.

Our country is great because we have these principles. Our country is great because we value each individual. Our country is great and will continue to be great if we continue to do that, but it will not be great if this body gives their imprimatur to a Secretary of Education who doesn't value that.

What does that say to young kids across the country, to parents with students of disabilities, to young people in this country living in poverty or living in a community or having family issues who wants to know that they, too, live in a land of opportunity?

That is why we have heard from so many parents and so many administrators and so many community leaders. This is a core value of our country—the ability to know that you can get an education.

Again, this is not a debate about charter schools. There are charter schools in many States. This is a debate about taking as much as \$20 billion from our public education system and using it for vouchers for private schools that are not accountable to taxpayers.

If nothing else, I appeal to my Republican colleagues to think about that, to think about the fact that taxpayer dollars will not be held accountable under Mrs. DeVos's plans and policies. If you give a voucher to a student and they go to a school and they are not teaching what they should be, there is nowhere to go for those parents. It is their taxpayer dollars, and it is our taxpayer dollars. That is why this nominee is so important. That is why so many have stood up on our side and two Republicans have stood up and spoken out against this nominee.

Title IX makes sure that we protect students and makes sure that their rights are protected and that women have the opportunity to go and get a degree without being challenged or being put down or being a victim of sexual harassment. We need a Secretary of Education who knows that law and will enforce it so that students across the country know there is a

champion at the top office in this land who is telling their staff to enforce this law and to back up those students. That is what this debate is about.

I heard some of my colleagues on the other side talk about the fact that we have a GI bill, which they essentially called in the debate a voucher for men and women who served our country to go to higher education and likened that to the voucher system they are talking about in K-12. That is not equal. That is given to members of our service, rightly so, to say: You served our country; we will make sure you get an education.

In our country, we value every student in every community. To give them a voucher and say "Go find a school" is not a way of providing education. Ask any school board member in this country. Ask any parent in this country. They want that public education school, that school in their community that is valued. They don't want that money taken away from that school, and they want every child to know that just as our Founders said, a public education will assure that every child has that opportunity.

This is an important debate, and we are very close to the hour when we are going to have a vote. It will take only one more courageous Republican to say: You know, I have thought about this. I listened to her testimony—the short testimony that we had. I have looked at her answers to their questions, and I, too, want to send a message to this country that the value of public education is critical.

The President has other people he could send over, a lot of them who value education, who have had experience—unlike this candidate—who will send a message to this country that, truly, we do value public education.

I hope that in the next few hours we can take pause and have that happen. It will not be the end of the world. It will not be the first nominee who doesn't get the votes they need in the Senate, but it virtually will be a moment in the history of this country where we will stand up and are proud to say: Not on our watch; not on our watch. We want a head of the Department of Education who actually values education for all students, public education for all students.

I have a colleague behind me who is ready to speak, and I thank him for being here this morning. We will yield him the floor. I want to say, again, thank you to all the parents, students, family members, school officials, community leaders, and so many people who have called and written and spoken up. Your voice matters. Your country matters. Public education matters. I am so proud to stand with all of you and to fight to make sure that this country remembers that and votes right at the end of the day.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before I begin my remarks, I want to make sure that everyone understands that Senator MURRAY has been on this floor hour after hour for a reason; that is, these nominations are enormously important. This one is right at the heart of what families and parents and communities want because it deals with education.

I heard that again this weekend. I had three townhall meetings, mostly in rural areas. We had record turnouts. As Senator MURRAY knows, Oregon and Washington have been pounded in the last few weeks with bad weather—had to fly all night to get back for this debate. Everybody said how important this was because they understand what Betsy DeVos, if she is confirmed, would mean for our country.

I want to start by putting a focus on this issue around what Oregonians are particularly concerned about this morning. They are concerned, when we talk about education, about boosting our high school graduation rates. Parents, teachers, and communities are all mobilized. I want to start my remarks by saying that I know people across the country are concerned about this. We worked very closely with Senator MURRAY and Senator ALEXANDER on this.

The reason that Oregonians feel so strongly is that we have been first in so many areas, for example, protecting our natural treasures, but we are not where we want to be in terms of high school graduation rates. For communities across Oregon, the business community, Democrats, Republicans, liberals, conservatives, Independents—you name it—it is top priority business for our State to improve high school graduation rates. That is because we understand that getting those graduation rates up is crucial to making sure that young people can be better prepared for their next step, whether that is college, whether it is the workforce—anything they want to do.

I want to start my remarks with respect to the DeVos nomination very specifically. I do not believe improving high school graduation rates can be built on a foundation of alternative facts. Yet that is what Betsy DeVos has been promoting. For example, she recently told the Senate that graduation rates at virtual private schools—private schools which she has invested in—were almost twice as high as the actual graduation rates at those schools.

She said that at the Nevada Virtual Academy there was a graduation rate of 100 percent. The actual graduation rate is 57 percent. She claimed that at the Ohio Virtual Academy there was a graduation rate of 92 percent. The actual rate is 46 percent.

I think this pretty much qualifies as a set of alternative facts. At home, at

the kinds of townhall meetings I had this weekend, people would probably call them four-Pinocchio falsehoods and ideological hocus-pocus. The alternative facts may be the DeVos way, but they aren't the Oregon way.

As I said to Oregonians this weekend—we had teachers and community leaders come to these meetings—what we do is operate on something we call the Oregon way. The Oregon way is about Democrats and Republicans, people of all philosophies. We had great Republican Governors—Tom McCall, Mark Hatfield—who also served in this body and were independent. We want fresh, practical approaches.

We focused on our ideas that work, ideas that get results, and we focus not on alternative facts but on the truth. What I heard again this weekend at home is that we are bringing together teachers in the classrooms and parents and community leaders and trying to determine what are the key factors in why students are not graduating. At home people are asking, how do you get results? What actually is going to work in the classroom and at our schools? Educators and principals tell me that mentoring programs work. They tell me at home that summer learning programs work. They point out the track record of afterschool programs, and they have the facts to back them up. These facts aren't alternative facts. They are not inflated graduation rates, the way Betsy DeVos told the Senate. These are based on actual studies: Studies that have shown that youth—especially at-risk youth—with mentors are more likely to join extracurricular activities, take on leadership roles at school, or volunteer in their communities. Afterschool and summer learning programs, again, have very solid track records, providing a safe place to learn and keeping low-income and at-risk youngsters on a path towards graduation.

Those same educators have told me in my townhalls that they oppose elevating Betsy DeVos to a job with the important responsibility of steering the future of our Nation's children. The reason they have expressed these views is much like what I have stated to the Senate; and that is, that the evidence—not alternative facts but hard evidence—doesn't back up many of the judgments Betsy DeVos has made in guiding her work in this field.

In Oregon, citizens—thousands of them—worry that the confirmation of Betsy DeVos is going to make it harder to help students succeed in the classroom and graduate from high school. This graduation rate for us in Oregon—and I am sure we are not alone—takes on a new and important urgency because of the changes that were made last year—bipartisan changes Senators MURRAY and ALEXANDER made to pass the Every Student Succeeds Act. The whole point of this bill was because, of

course, there was great frustration across the country with No Child Left Behind, the predecessor.

I remember at one point illustrating the frustration with that law. We had a wonderful school in rural Oregon with mostly low-income youngsters and mostly minority youngsters. They worked like crazy. Their parents were very involved. Their teachers rolled up their sleeves, and they were doing well at getting their test scores up. At one point, we were told they were going to be labeled a failing school, because, apparently, for a short period of time, a number of youngsters had the flu, and so the attendance rate wasn't what it should be. Those were the kinds of stories that illustrated why it was so important to fix No Child Left Behind and focus on approaches that work.

It is my view that what Senator MURRAY and Senator ALEXANDER did with respect to bipartisan leadership was to work for an important bill—important for the future of students, important for their ability to get a job and do what they want in their years ahead. When you have a bipartisan bill that the President has signed into law, replacing failed education policies, and giving teachers more control over their classrooms, you ought to move quickly and boldly to carry out that law. That law included a provision that I wrote to help high schools with low graduation rates turn around student achievement by putting the most disadvantaged students on a path to success. It allows local educators—this isn't run by Washington, DC. I am always hearing that everybody is talking about having it run from Washington, DC. That is not what I voted for. What I voted for—and the majority of Senators voted for—was a fresh approach allowing local educators to promote and expand programs and policies that actually work in their community. They recognized that what works in Coos Bay or Roseburg, OR, may not necessarily work in Tallahassee.

We wrote a bipartisan bill to come up with approaches tailored to what local educators want to pursue. Now as we are moving to see this law implemented in the States and as schools across the country are moving to implementation, it is more important than ever that the Senate get this right, that we get it right now, and that we use approaches grounded in the facts and grounded in the reality of public education. My concern is that—based on Betsy DeVos's record, which I have looked at in length—bipartisan work could be undercut by a system that has not been shown to improve academic outcomes for students.

In Detroit, Mrs. DeVos has spent years advocating for a voucher system that gives taxpayer dollars to private and religious schools. Her efforts have essentially left public schools to do more for their students with less of the

funding they desperately need. I was on a program this morning, a radio program. They were discussing the views of various Senators on this. I heard discussion of my colleagues on the other side of the aisle describing the fact that they were supportive of Mrs. DeVos because they thought her unconventional approaches and her fresh ideas were a real advantage in her having this position.

I don't take a back seat to anybody in terms of being for unconventional approaches. I think it would be fair to say that pretty much most of my time in public life has been defined by taking unconventional approaches. So I welcome new ideas from people who have not been involved in government—and ideas that, frankly, are out of the box, that are unconventional. But they still have to be based on hard evidence that they are going to work.

We are trying fresh approaches in Medicare, for example. The idea is that Medicare today is no longer the Medicare of 1965. It is all about chronic disease—cancer, diabetes, heart disease, and strokes. A big bipartisan group of us here in the Senate have written bipartisan legislation to try a very different approach—certainly unconventional—but it is grounded on the facts. It is grounded on what we know about taking care of folks at home and on the benefits of telemedicine.

So that is why I am opposing the DeVos nomination. It is not because I am hostile to unconventional approaches or fresh faces or people who haven't been involved in government—quite the contrary. I probably have a bit of a bias for just that. I am opposing the nomination, No. 1, because of the track record that much of what she has advocated for hasn't worked, and, No. 2, when she was challenged on it—such as the question of the graduation rates and some of those programs she invested in—she inflated the rates. She said they were almost twice as high as they actually were. So the country can't afford to allow failed policies—particularly as we move to implement the new laws that do not suggest a very positive set of opportunities for public schools at the local level.

We have recognized as a nation for years how vital public education is to giving children in America the chance to climb the economic ladder. It is a bedrock principle of public education that investments in public schools and investments where there is a track record of fresh ideas that work, rather than ideological approaches where the evidence suggests it doesn't work, can serve everyone.

I cannot support an Education Secretary with a track record that flies in the face of the need for our country to make smart investments in public schools. I described how the next Education Secretary faces a challenging agenda with huge stakes. Graduation

rates and improving them are right at the heart of it. But, obviously, we are going to have a need for other fresh ideas, like making college more affordable.

Mrs. DeVos just doesn't have the qualifications to achieve the success that 50 million students in American public schools demand. The person entrusted with our children's future should not be put at the head of the class just because she is part of a family that wields enormous public influence. You get these jobs because you earn them, because you have been involved in your community and various kinds of charitable or philanthropic efforts, and your work produces concrete, tangible results that indicate that you can carry out a job of this importance. The reality is that these nominations are some of the most important judgments we make as a Senate. The people we put in these offices are going to control, literally, billions of dollars in spending. They are going to enforce laws that in some instances are decades old and, at a minimum, update the ones that need updating.

I can tell you that what I heard again this weekend in rural Oregon indicates that the people I have the honor to represent do not believe Betsy DeVos is up for the job. So this morning, I stand up for kids, parents, and families who deserve education policies that will let them go after their dreams and secure their futures. I believe they deserve better. I believe Betsy DeVos is going to make it harder for working families to achieve those aspirations. That is why I will vote this morning against the nomination of Betsy DeVos to be Secretary of Education. I encourage my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Delaware.

Mr. COONS. Mr. President, I would like to thank my colleague from the State of Oregon for his detailed, lengthy, and compelling remarks on the floor this morning about why he will vote against Betsy DeVos for Secretary of Education for the United States. You have heard from my colleagues last night, this morning, and for an entire day the concerns they have come away with from her confirmation hearing and the concerns they heard from their home State and from educators and parents, teachers, and administrators—all concerned about education in their home State.

I am honored to have a chance to add my few brief words this morning to explain to my constituents and to everyone in this Chamber why I, too, believe that Betsy DeVos is not qualified to serve as Secretary of Education of the United States. A simple question for any parent out there is this: Why would a parent want a classroom teacher who wasn't qualified to stand

before that class and teach their children? Why would any community leader, civic leader, parent, or educator want a principal who wasn't qualified to lead the school building, to lead instruction, and to make sure that the school was moving forward in a good and positive way? The answer is that they wouldn't. Why would any parent, why would any business leader, why would any legislator want a superintendent for a school district who had no previous experience in public education and whose agenda was well outside the mainstream in education? The answer is that they wouldn't.

So I think the question before us in the Senate today is, Why would any of us want, support, or vote for a nominee to be Secretary of Education who has demonstrated a lack of grasp for the basics of education, which makes her, obviously, unqualified? The answer is, I don't. We don't. We shouldn't.

As we saw during her abbreviated Senate hearing, Mrs. DeVos has no grasp of basic public education issues. She has zero direct experience. She hasn't taught in the public schools. She hasn't sent her kids to public schools. She hasn't been educated or trained in teaching in the public schools. She doesn't seem to understand, for example, that Federal law provides basic protections for students with disabilities. She has no idea what the IDEA is and why it is a central part of protecting, supporting, and serving students with intellectual disabilities. She refused to rule out privatizing public schools and refused to commit to enforcing Federal laws that protect women and girls in schools from sexual assault.

But that is not all. As if that weren't enough, Betsy DeVos has spent her entire career and millions—even tens of millions of dollars—methodically undermining the public school system in the United States, from privatizing and defunding public education to undermining accountability standards in Michigan and across the country. Betsy DeVos has turned Michigan into the biggest school choice experiment in the Nation. Unfortunately, for Michigan students and families, that experiment has gone terribly wrong. There is a lot of talk in education circles about two key issues—access and accountability.

What is stunning about Betsy DeVos's record in Michigan is that she worked tirelessly to ensure access to taxpayer dollars for the widest possible range of private and parochial schools, charters, and through vouchers—schools of all types—academies newly established to take advantage of taxpayer dollars and to siphon them into nontraditional nonpublic schools but without accountability.

Without accountability, charters and choice can lead to tragic results, can literally lead to siphoning desperately

needed dollars out of our public schools and into the pockets of those who would profit from experiments in public education. Why would we allow access to taxpayer dollars with no accountability for the performance? When did it become something the other party would champion, that they would have access to taxpayer dollars without accountability for results?

I understand the drive, the desire, even the passion for experimentation in public education. I spent more than 20 years working with the "I Have A Dream" Foundation. We served parents and students in some of the toughest, most struggling public schools in the entire United States.

I heard from parents that they wanted better schools for their kids. I understand that in some communities there is a passion for experimentation with charters and with choice, but to embrace that without accountability, to ensure that the outcomes are better without making any serious effort to ensure that these diverted taxpayer dollars are not simply wasted or turned into a mill and a machine for profit, I think is the worst sort of taking advantage of the hopes and dreams of parents and students who are seeking progress, and it ends up undermining and defunding and devaluing traditional public schools all across our country.

As my colleagues, my friend from the State of Washington and many others have pointed out, there are serious concerns with how Republicans have considered her nomination. Mrs. DeVos was rushed into her confirmation hearing before she had submitted the basic and appropriate ethics paperwork, meaning Senators had no way of clearing her from potential conflicts of interest.

Traditionally, this has not been much of a concern, since we have often had Secretaries of Education with long public careers who had been subject to some transparency and some review previously. I cannot remember a time when we had a Secretary of Education who was a billionaire and thus subject to much broader potential conflicts of interest. I frankly cannot remember a time when we had a President who was a billionaire and declined—refused to release his taxes or to address his manifest conflicts of interest.

So, frankly, the fact that the Senate HELP Committee raced forward with Mrs. DeVos's confirmation without addressing some of these basic issues is more concerning in this context than at any previous time.

As the members of this committee, who represent a broad range of views and experiences—and it is exactly what the Senate is for—were limited to one round of 5 minutes for questions, hardly sufficient for any nominee, let alone a controversial nominee with no public education experience other than under-

mining the underpinnings of the public school system, we can only conclude that there was something behind this effort to race Mrs. DeVos forward.

We have seen here on the floor, she has become so unpopular that the other party has had to delay the confirmation vote in order to ensure her confirmation. It is my guess that later this morning, we will see the President of the Senate cast the deciding vote, something that although not unprecedented, is certainly unusual and suggests that other Senators have heard from their States, as I have from mine, a chorus of opposition.

In her confirmation hearing, Mrs. DeVos struggled to articulate basic concepts central to current debates in public education. In trying to identify and reconcile the simple concepts of growth and proficiency, she showed neither growth nor proficiency. She showed neither a grasp of the basics, nor an ability to learn, nor a mastery of simple concepts central to how we make progress in public education.

You know in the Senate, the Congress in recent years, after years of disagreement and fighting with the Every Student Succeeds Act, we had reached a modicum of agreement. We had reached a point of equilibrium and had hopefully turned to a point where we could work together in a bipartisan and balanced way on some of the pressing issues in higher education, in elementary education, in career and technical education.

Instead, we see one of the more radical nominees ever for Secretary of Education, someone who brings, I am afraid, an agenda, a strong and forceful agenda that if it is continued nationally, as it was in Michigan, I am concerned predicts a difficult future even for those who are most in need of support, of engagement, of quality schools.

Even those who Mrs. DeVos claims to have dedicated her education activism to advancing I think will be deeply harmed. None of these reasons that I just laid out about the timing, about the length of the hearing, about the disclosures, about her performance in the confirmation hearing, none of them would, necessarily taken alone, be cause for grave concern and alarm, but taken in combination, they are fundamentally disqualifying.

Don't take my word for it. I am on five different committees. I have lots of other confirmations I am challenged to be engaged in. I have other issues going on that have made it hard for me to attend every single meeting and hearing about Mrs. DeVos, but there are folks in my home State of Delaware who have watched every minute, who have followed it very closely, and who have, in an unprecedented wave of input, reached out to my office.

Now, these numbers, if I were from a State like California or Texas or New York, might not seem striking, but

from my little State of 900,000 constituents, the idea that more than 3,000 Delawareans have reached out to me urgently and directly is fairly striking. I have gotten more than 450 phone calls in opposition to Mrs. DeVos.

My office in Wilmington received a signed petition with 800 signatures from Delawareans asking me, urging me to vote no. Someone buttonholed me, literally, on the train this morning to make certain that I was going to vote no. I have received more than 2,200 letters from Delawareans, letters from educators, from parents, from community and civic leaders, of all different backgrounds, all up and down my State.

Those 2,200 letters make this one of the top issues that Delawareans have reached out to me on in this past year. As I said, that may not sound like a lot of input if I were from California, New York, Oklahoma, Washington State—3,000 would be relatively few—but in my State, that is a loud and clear message. So let me be just as loud and clear in my reply. I hear you, and I will today vote against Betsy DeVos for Secretary of Education. Let me take a minute and share with you some of the concerns I have heard from Delawareans, constituents who followed her confirmation hearing closely, who followed the record of its progress from committee to floor closely and who raised the alarm and who shared that with me.

One educator, a career teacher, somebody who is very agitated about the record she showed in Michigan and what it might mean for our State of Delaware, said—concisely: Why should we welcome a billionaire President who nominates a billionaire friend who sees children not so much as children to be educated and supported and served but as tokens to be used as an experiment in privatization and profit made off our public school system.

That educator said he was terrified. Jen, a middle school teacher at Redding Middle School in Appoquinimink School District tells me that “her first thought after watching Mrs. DeVos’s Senate hearing was that students deserve better than her.”

Jen goes on to say that “students deserve a national leader in education who has real experience working in public schools, someone who knows the strengths and challenges that each student brings to the classroom.”

Jen said: “As a teacher, I need someone who will fight for all students—low-income, gifted and talented, and especially our students with disabilities.” Jen said: “I work in a classroom filled with students like these,” students of every background, skill level and need, and “they deserve someone better.”

Cheri wrote to me from Lewes, DE. She is a retired lifetime educator, a district supervisor and coordinator.

Just a few years ago, she retired to Lewes after spending her life advancing public education. She wrote that until now she never felt it necessary to write my Senators to oppose a presidential nomination. But here’s why this time is different. As Cheri writes, Betsy DeVos is “a proponent of school vouchers which siphon dollars off from public schools. She does not have a degree in education, has no experience in public education, and has not shown a willingness to listen to and learn from practitioners and experts in the field.”

Cheri is exactly right. Our kids deserve better. That is why, when it comes to Betsy DeVos’s nomination to serve as Secretary of Education, I am not just voting no, I am voting no way.

It is important to me that everybody here knows that my constituents in my State have spoken with nearly a unanimous voice. A very, very few have conveyed any support whatsoever for Mrs. DeVos, and an overwhelming voice of thousands have expressed concern, agitation, even alarm at the idea that this person, with this record, would be handed the reins of the Federal Department of Education with likely disastrous results.

For this most foundational experiment, that is at the core of American democracy, that is essential to our being a country where equality of opportunity, the freedom to pursue our own skills and gifts and have them enlightened, educated, uplifted is at the very core of what it means to be American—public schools in which any child of any background has a free and fair opportunity to pursue their God-given talents and to rise through our society and contribute at the highest levels—is not something to be played with, isn’t something to be experimented with casually.

It is something to be taken deeply seriously. We have challenges in our public schools. We have challenges in our society. They are reflected in our schools, but if our schools are not strong, if our schools are not educating our children, we have no hope of becoming a more just, a more equal, a more constructive, a more coherent, and a more inspiring society.

Our public schools are the very foundation of what it means to be American. To put in charge of our Department of Education someone who does not share that view pains me deeply, concerns my constituents, and alarms many of us who have spent year after year trying to support, to improve, and to advance public education in the United States.

For all these reasons, it is my intention to vote no; in fact, no way today on Mrs. DeVos.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to discuss why I do not think Betsy DeVos is the right person for this very important job.

As you know, I have been a long and proud supporter of our education system. I have supported public, charter, private, and magnet schools across the great State of California. I have always supported a parent’s right to choose the right school for his or her child, and I have always believed that different models of schools provide students with more individualized experiences that are tailored to meet their needs and how they best learn and are enabled to succeed.

While Mrs. DeVos is also a proponent of school choice, I believe we have very different philosophies on this issue. Personally, I can only support schools when there is accountability. Schools should be accredited, well managed with proper fiscal controls, and transparent in regard to student performance for all of the students they serve. We owe it to our parents and students to protect their right to access a high quality education. We owe it to our teachers to provide them with the resources and leadership they need to become master educators.

Mrs. DeVos has never worked in the classroom or as a school administrator, and during the Senate committee hearing on her nomination, she clearly showed she does not have a firm grasp of basic tenets of education policy or program implementation. Mrs. DeVos and her family have been longtime donors to efforts to expand unregulated school choice. Their financial efforts prevented accountability efforts to go into effect that would have provided regulation over the proliferation of the for-profit charter schools throughout Michigan.

Additionally, I found it troubling that, during Mrs. DeVos’s confirmation hearing before the Senate Health Education and Pensions Committee, she testified that she would support the repeal of the Gun Free School Zones Act, which bans guns in schools. Mrs. DeVos cited that grizzly bears in Wyoming is one legitimate reason why guns should be allowed in schools; yet the vast majority of our Nation’s schools face zero threat of an attack from grizzly bears that would justify the risk of allowing guns on their premises.

Throughout my career, I have been a strong supporter of gun free school zones. And educators, parents, and students—who are all directly affected by this law—support gun free school zones. I find it problematic that Mrs. DeVos makes light of this issue and would go along with the President’s opinion on this issue, considering we had 15 school shootings throughout 2016.

The Secretary of Education serves in a very important role. The Secretary ensures that all of our Nation’s students have equitable access to a high quality education. They ensure that students’ civil rights are protected under Federal law and that schools are

held accountable for the performance of all students regardless of socioeconomic status, language barrier or disability.

My colleagues and I have an opportunity to stand up for our children by opposing Betsy DeVos and demand that the President put forward a highly qualified candidate that can best serve our students, parents, and teachers in this important role.

I would also like to mention that I have heard from over 96,000 of my constituents, whether they left comments with my staff or wrote me a letter, explaining why Mrs. DeVos was an unacceptable candidate for Secretary of Education. I heard you all loud and clear, and I want you to know that I am here to serve you, and I will continue to be your voice.

Thank you.

Mr. COONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, again, I am on the floor, and I want to thank all of our staff and clerks and everyone who has been here throughout the last 20 hours. I thank everyone for speaking from their hearts about the issue of public education, why it is so important to them, and why they want a Secretary of Education who has that value and promotes that value and has the vision of that value, which is really why so many people in this country have spoken out and sent us letters and held rallies and inundated our phones. And I thank all those people who have done that. It has made an impact here and has made a difference. I think it has woken up each one of us to what we care about in this country and what we value and what we want.

Like many people, I received so many letters from my constituents, over 48,000 letters. That is just the letters—not phone calls—that I got, and I want to share some of them with you because they come from people's hearts. They are not form letters. They are not something they got from somebody else and forwarded. These are personal. And I think it is important that we hear these people.

I thank Marie Carlsen from Federal Way. She sent me a letter, and she said:

Dear Senator Murray,

Thank you for your continuing efforts at trying to prevent Betsy DeVos from becoming the head of the Department of Education. I have a child who has just started his schooling in our public school system, and from everything I have read or listened to about this woman, she has no business in education at all. She has no knowledge of

the laws and protections guaranteed to our children, no comprehension of what our educators deal with on a daily basis, and would regress, gut, and otherwise destroy our educational system if she were allowed to become the head of the Department. I fear for my child's education, his safety, and his ability to compete in a global community in the future. I stand with you and thank you again for your efforts.

I thank Marie for writing in. Like so many people across the country, she watched the hearing Mrs. DeVos came to where she spoke to our committee. We were only allowed 5 minutes each, which I really regret because I think it is important that we see who is going to be leading this agency, and our inability to ask her questions with full information really gave just a shallow picture of who she was. But like many people, my constituents and those across the country watched and were just shocked that somebody who had been nominated to head the Department of Education had such little experience and knowledge and understanding of the agency they had been tapped to lead.

I heard from Ms. Ina Howell in Seattle. She wrote to me, and she said:

I am writing to express opposition to the nomination of Mrs. Betsy DeVos as Education Secretary. Mrs. DeVos does not have any experience in the field of education and, as a result, will not effectively lead the Department of Education in maintaining and improving public education in the country. She did not seem to possess a basic understanding of key education policies, including the responsibilities of the IDEA Act.

She did not understand the difference between student proficiency and student growth measures. She did not understand simple facts and figures, like the percent increase in student debt from 2008 to 2016. She failed to adequately answer questions on equal protection for LGBT students and their civil rights, confronting campus sexual assault and the regulation of the for-profit higher education industry.

This is Ms. Ina Howell—she happens to be with the National Alliance of Black School Educators—expressing deep concerns that the nominee doesn't have the basic issues and knowledge that she should have in running this agency, nor the passion for it, which is so important as the leading spokesperson in the country.

I heard from Dana Hayden from Poughkeepsie, NY, and she said:

Dear Senator Murray,

I have been an educator in our State since 1984. I have seen your positive efforts for the citizens of NY firsthand.

Last night, we found out that our family will be welcoming our first grandchild in July—a girl. I am so joyful, yet quite worried about the world she is coming into. Then I saw you on the news. You give me hope! Thank you!

I wonder what kind of school experience the next generation will have if DeVos is allowed to decimate our education system, the way Trump is decimating our Nation with orders.

These are people who have not written in before. They are writing long

letters, many of them pages long, speaking from their hearts about the value of public education, what it means to them and their grandchildren. They know this country was built on a system of public education that ensured every child would be provided a school in their community to go to so that they could have the opportunity their parents and grandparents and great-grandparents had.

I could read through so many of these. Here is one from Miles Erdly from Kent, WA. He says:

My name is Miles Erdly, and I am the principal of Horizon Elementary in Kent. As a strong supporter of public education, I ask that you vehemently oppose the confirmation of Betsy DeVos as Secretary of the U.S. Department of Education. Educators and students deserve a Secretary who can commit to supporting every student in all public schools, and a leader who will work tirelessly to promote a public education system that provides each child with the optimum conditions for teaching and learning. Betsy DeVos's past work in education and her performance at the recent confirmation hearing demonstrated neither a depth of experience nor knowledge base in education policy and on critical issues facing the community. As a principal, I have spoken with teachers, parents, students, and community members across the political spectrum, and there is widespread agreement that Betsy DeVos is not the right person for the job.

This is Miles Erdly, a principal, and he watched the hearings, like so many people did, and was so concerned that we had in front of us a nominee for the Secretary of Education who didn't share that core value of public education for all students.

Ms. Gabrielle Gersten from Seattle, WA:

As a college student, the idea of Betsy DeVos becoming the Secretary of Education concerns me for multiple reasons. She obviously has been fortunate enough to go through school and a higher education without a worry about money, but that is not the case for most college students. I, myself, am lucky enough that my mom saved money for me to attend college, but many of my friends are working hard on their own to pay for college education themselves. Also, her zeroing the funds for title I is worrisome because every State should be held to the same standard to give children in poverty access to an education. An educated nation is a stronger nation. Not everyone can afford to go to private school or have the opportunity to attend one, whether that be the money or even finding a way to get to school. She has goals, but they are not as easy to achieve for everyone, and I don't think she keeps that in mind.

Additionally, title IX is very important to me, as a female college student, and the rest of my peers. She needs to support title IX and keep universities accountable to it.

Mr. President, I couldn't agree more. Title IX is critically important in our higher education system. We have worked on a bipartisan basis to ensure that title IX is enforced. And to have a nominee for Secretary of Education who came before our committee, did not understand title IX, didn't have a commitment to title IX, sends shock

waves through students across this country and their parents who have pushed and pushed for us to make sure that title IX is overseen in a way that makes sure our students at schools have the support they need from our highest education person in this country.

I could go on forever. I know several other Senators are going to be here on the floor shortly. Let me just say this: I have had the opportunity to be out here on the floor to hear from so many Senators who gave their personal stories about what education meant to them. Young people growing up in poverty knew that school was there for them. They knew they had teachers and friends who were there for them. Not everyone was perfect. Certainly not every school is perfect. Certainly all of us who have been involved in public education strive for better every day, but that school was there for them.

The thought that we have a Secretary of Education nominee who doesn't share that basic value, who wants to change the system to privatize it—she has said herself that she wants to end public education. Privatizing schools, having some kind of corporation running our schools, is just not what our country is about, is not what we want. We are not even leaning in that direction. They want our country to lean in the other direction—to strengthen all of our public schools, to have taxpayers across the country investing in every student, and that those schools be held accountable and that we ask our elected representatives to hold them accountable. That is not the vision that this nominee has presented to us, and it is a vision that I have worked passionately on through all of my life, and really that is why I am here to oppose this nomination.

I want to thank everybody who has written in and called and been passionate about public education in this country, and I encourage them to keep using their voices to fight for that passion. It is well worth the fight.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, "Now is the time to put country before party." That was an observation by the Democratic leader just yesterday on the Senate floor. Our friend from New York makes a good point, and I am hopeful it is a principle his own caucus will follow in the days to come.

We are no longer in the midst of a contentious Presidential election. We

have a new President, and that President has now put forth an exceptional Supreme Court nominee and a number of well-qualified Cabinet nominees. Yet, more than 2 weeks into his term, President Trump has the fewest Cabinet Secretaries confirmed at this point than any other President since George Washington.

The President deserves to have his Cabinet in place. The American people deserve that as well. I would remind our Democratic colleagues of the things they themselves have said when the shoe was on the other foot.

Here is what their last Vice Presidential candidate, our colleague from Virginia, had to say: "I think we owe deference to a President for choices to executive positions." So yes, "Now is the time," as the Democratic leader said, "to put country before party."

One way to do so is by ending the unprecedented delay we have seen by Democrats on the President's Cabinet appointments. Our colleagues will have an opportunity to chart a different path later this afternoon and the rest of the week as we vote to confirm more nominees.

This afternoon we will vote on the President's nominee for Secretary of Education, Betsy DeVos. I look forward to confirming her to this important position so that she can get to work on behalf of America's students and schools.

As I said yesterday, this well-qualified candidate has earned the support of several education groups and nearly two dozen Governors from across the Nation. She understands that teachers, students, parents, school boards, and State and local governments, not Washington bureaucrats, are best suited to make education decisions for our kids. And I know she is committed to improving our education system so that every child—every child—has a brighter future.

After we confirm Mrs. DeVos, the Senate will turn to another well-qualified Cabinet nominee, our own colleague, Senator JEFF SESSIONS of Alabama. We all know Senator SESSIONS, and we know him to be a man of his word. We know he is a man who believes in the rule of law. We know him as someone who is willing to work with anyone, regardless of party, as he did when he teamed up on legislation with Democratic colleagues such as Senator DURBIN and our late colleague, Ted Kennedy.

I would remind Democratic colleagues that Republicans did not filibuster when a newly elected President Obama put forward his own Attorney General nominee, Eric Holder. In fact, the nominee who will soon be before us, Senator SESSIONS, crossed the aisle to vote for Eric Holder; this, despite the fact that the Holder nomination in the Republican conference here in the Senate was one steeped in considerable controversy.

What a contrast with the way the Democrats are now treating our colleague's own nomination now. They are looking to waste even more time for its own sake today. It has been unfortunate to hear the attacks that some on the far left have directed at our friend over the past few weeks, but I am pleased the American people have had the opportunity to learn the truth about Senator SESSIONS and to see for themselves how qualified he is to lead the Justice Department.

We can expect that Senator SESSIONS in his new role will continue fighting to protect the rights and freedoms of all Americans as he also defends the safety and security of our Nation.

Tomorrow I will have more to say about Senator SESSIONS and the impact that he has had on each of us here in the Senate, but for now, I would encourage colleagues to finally come together and show him and each of the remaining nominees the fair consideration they deserve.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I just listened to my friend the majority leader and the majority whip on the floor. They are able legislators, but they are sort of misleading the public as to our motivation. They have tried to paint every Democratic request as leftover resentment from the election. "Sour grapes" the majority leader said a few weeks ago. They can say it day after day after day, but it will never be true.

All we Democrats are insisting on is careful, careful consideration of nominees who we believe almost universally are below par. These nominees are going to have a tremendous effect on the American people.

Every mother and father in America should worry about Betsy DeVos's lack of dedication and almost negative feelings about public education. She heaps abuse on public education. Ninety percent of our children are in public schools. Of course, there should be discussion about it. She shouldn't be the nominee.

Yes, I understand, our colleagues on the other side of the aisle, there is a new President. My guess is, if we went in their cloakroom and heard their whispers, our Republican colleagues would say: I wish he could have come up with someone else.

Betsy DeVos is the negative trifecta. She is negative on competence. She doesn't even understand the basic aspects of education. She is negative on

philosophy. She disdains public education, where 90 percent of our kids are. She is negative on ethics. Her conflicts of interest are legion, and she hasn't, unlike some other of the Cabinet nominees, tried to erase them.

So of course there should be a tremendous amount of discussion. Of course Democrats ought to bring to light who Betsy DeVos is. So when she does her acts as Secretary, when she does things that hurt public education as Secretary, the American people know what is happening and can stand up against it.

I have to tell my colleagues, it is not Democrats who are bitter about the election; it is the American people who are bitter about the nomination of Betsy DeVos, and that is why millions and millions of calls—almost unprecedented on a Cabinet nomination—have poured into this Capitol, into Democratic and Republican offices alike. The distinguished chairman of this committee—who is a dear friend; I have such respect and admiration for him, and we have spent time together socially—was put in the awkward position of having to rush through a nominee, 5 minutes of questions, that is it, for each Senator; 5 minutes at night, no second rounds. There was no rationale for that, other than he was afraid of what she would say or might not say. Sure enough, when she testified, those fears were actualized because Betsy DeVos couldn't answer the most fundamental questions about public education.

She couldn't get her paperwork in on time. What kind of nominee is that? How is someone who is going to run the Department of Education, with tens of thousands of employees, unable to get her paperwork submitted in enough time to clear the ethics organizations? How was she unable to get her paperwork in on time? Every nominee of President Obama's did, and we didn't hear from them until they did.

The rush; a few extra days, some hours last night so we might examine a nominee who has tremendous power over the future of millions of American kids and their families—oh, no. If anything, we should be spending more time on Betsy DeVos, not less. What should be happening is she should go back for a second hearing now that her paperwork is in. What should happen is she should be asked more questions because she was so unable to answer so many rudiments last time. What should happen is, there should be more time, not less, on debating this nominee, not because we want to be dilatory but because we want a nominee who at least meets some basic tests, and she does not.

That is why every Democrat will be voting against her, and two Republicans, who showed tremendous courage. Again, I have been around here a while. I know the pressures. That is

why I have such respect for the Senators from Alaska and Maine who voted against Betsy DeVos not for political considerations, not in frustration that they lost the election but because they knew how bad she would be for public education because their States are largely rural. In rural America, there is not much choice, which has been Betsy DeVos's watchword, although the charter schools she set up have been, by and large, a failure. They don't have that choice. So someone who decries public education, who disdains public education, is not good for their State and, I would dare say, is not good for the States of a lot of Senators on the other side of the aisle who feel compelled—that party loyalty—to vote for her. In fact, when we talk about parties demanding things, it is the Republican side demanding a vote for an unqualified candidate, not the Democrats delaying the vote.

I hope against hope that another Republican will have the courage of the Senators from Alaska and Maine and join us. Then what can happen is the President will get to make the nomination. We Democrats are not going to pick the Secretary of Education, but it will be a qualified nominee because they will have learned their lesson at the White House that they can't brush through these nominations with such little vetting.

NOMINATION OF JEFF SESSIONS

Mr. President, now I would like to say a word—we will be saying more later—on Senator SESSIONS, who will be coming forward after we vote on Mrs. DeVos at noon today.

The nominee for Attorney General has huge importance—far greater importance than the nominee would have had 3 or 4 weeks ago. We need a lot of discussion on that. What we have seen is a President who belittles judges when they don't agree with him. What we have seen is a President who is willing to shake the roots of the Constitution and a fundamental premise—no religious test—that is embodied within our Constitution within his first few weeks in office.

We certainly need an Attorney General who will stand up to the President. We have seen other Attorneys General do it, most notably in the Clinton administration. Senator SESSIONS—I ride with him on the bike in the gym—is not—if you can say one thing about him, he is not independent of Donald Trump.

He supported Donald Trump from the very beginning. Even when Donald Trump didn't look like he was going to be much of a candidate, if you had to pick someone who would not stand up to a President when the President goes too far—well, let's put it the other way. If you had to pick someone who would stand up to a President when the President goes too far on picking on the judiciary, on avoiding the tenants,

breaking the tenants of the Constitution, whatever the legal case shows, you wouldn't pick JEFF SESSIONS.

His record is clearly troubling. We will hear a lot more about it later. He is probably the most anti-immigrant Member of this body, Democrat or Republican. And many of us on this side believe that immigrants are an asset to America, not a liability. Many on the other side of the aisle probably do too. When it comes to voting rights—so important, so fundamental, and under attack right now—again, JEFF SESSIONS has not been a stalwart. He has had a record that leaves much, much to be desired. On the issue of civil rights as well, Senator SESSIONS' record is not a record that I think anyone who believes in civil rights could admire.

We just had an acting Attorney General stand up to the President. That is going to be a real test in this administration because there seems so little regard for an independent judiciary and even for the Constitution itself. That is probably the most important quality of this new Attorney General. I have to say, as much as I agree with JEFF SESSIONS on an issue like trade, he is the wrong, wrong, wrong choice for Attorney General. He would be at any time because of his record on immigration, civil rights, and voting rights, but particularly wrong now because we need someone who has some degree of independence from the President.

I am going to yield the floor. I hope one of our Republican colleagues will step up to the plate in a few hours, but even if they don't, we Democrats are very proud of what we have done here because the nominee is so unqualified and the American people now know it. That is an important tenet of this democracy, for the public to understand who is running the government.

I hope my colleagues will listen to our arguments for the sake of America—not for any partisan sake—about the Attorney General in these very troubled times when it comes to the independent judiciary and the Constitution of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, let me first of all begin by thanking Senator MURRAY for her leadership in terms of leading us to scrutinize this nominee, Betsy DeVos. It seems to me the more we dig into this, the more we look at it, the worse it gets. So I rise in strong opposition to the confirmation of Betsy DeVos as Secretary of Education.

Mrs. DeVos is nominated to lead our Nation's public education system. Yet she has worked for decades to privatize it and even to create profitmaking centers. She wants to siphon public funds to private schools. She has led a multi-million-dollar lobbying campaign to fund private, religious, and for-profit schools with public education dollars.

We can all agree that we want our Nation's schools to be the very best they can be. We want our children to have all the opportunities we can provide, but that really is the issue. That is why Democrats have held the floor all night long to do everything in our power to convince the Senate to reject this nomination.

I believe in the public school system. I want all of our children to have opportunities. That is the fundamental principle of our American school system. Everyone should be able to get a great education.

Mrs. DeVos wants to dismantle our public schools. She would drain resources from the children and teachers who need it the most. I can't say it strongly enough: A vote for Mrs. DeVos is a vote to destroy our public school system. My constituents agree. We have received over 63,000 emails and over 2,000 telephone calls in the last month alone opposing this nomination. These are recordbreaking numbers from my office for a Cabinet nominee. Many of those calls and letters are from public school parents and teachers, men and women who are dedicated to our students and our public education system. They understand that Betsy DeVos is not qualified to lead our Nation's public education system.

Betsy DeVos is the first nominee in history for Secretary of Education with no experience in education or public administration. She is not a teacher. She is not a school administrator. She didn't attend public schools. Her children didn't attend public schools. She has never held a government position, let alone one in education. In fact, she has open disdain for government.

Mrs. DeVos's complete lack of experience and profound lack of understanding of education policy were on full display during her confirmation hearing. Under questioning, it was clear that Mrs. DeVos was completely uninformed about the ongoing debate in education policy between proficiency and growth. This issue is critical. It is well documented that there is a correlation between test scores and students' socioeconomic status and race. So evaluating schools based on average test scores tends to penalize schools with large numbers of low-income and racial minority students. Even if those schools produce significant student growth on math and reading test scores, proficiency or growth is one of the most basic education policy questions, and yet the President's nominee for Secretary of Education doesn't understand the issue. Maybe this is because she has been single-mindedly focused on feeding private, for-profit charter schools with public dollars and the religious and other private schools through vouchers. So her knowledge about education is limited to her pet issue.

Valerie Siow, who has taught in public schools in New Mexico for 13 years, observed that Mrs. DeVos "had not bothered to do her homework" for the hearing. It is clear that Mrs. DeVos does not have the breadth or depth in education policy or finance to be the Secretary of Education.

Senator HASSAN has a son who has cerebral palsy. She told us a moving story about the good education he received in the New Hampshire public schools, despite his disability, because of the Individuals with Disabilities Education Act, or the IDEA.

Senator HASSAN asked if Mrs. DeVos would require schools using vouchers to comply with that law. Mrs. DeVos initially responded that she believes the decision should be left to the States. When Mrs. DeVos was informed that it is Federal law, that it is not up to the States, she responded that she must have been "confused." Confused? Mrs. DeVos bragged that she has been an education advocate for 30 years. The IDEA was passed over 25 years ago, in 1990. Mrs. DeVos was not "confused." She plainly did not know what the Individuals with Disabilities Education Act is.

It is very disturbing that she appears not to know how public schools educate and accommodate kids with special needs. Does she not know what an individual education plan is? She didn't know, as she said in a hearing to be Secretary of Education, that the millions of public school children with disabilities have a Federal right to a free and appropriate education.

It is just as troublesome that Mrs. DeVos did not know that children with disabilities can lose their Federal right to an equal education under State voucher programs—voucher programs she has spent years advocating for. She did not know that voucher programs can require students with disabilities to sign away their IDEA rights. Most troubling of all, she would not commit to making sure voucher programs comply with the law.

I am also quite concerned that Mrs. DeVos fails to appreciate the important role that tribal cultures play in educating Native American children. This Nation has a solemn trust and treaty responsibility to provide quality education to Native students, both through the public school system and the Federal Bureau of Indian Education. Her testimony has proven that she is uneducated about these students as well.

Many States have significant tribal populations. In my home State of New Mexico it is about 10 percent. As vice chair of the Indian Affairs Committee, my job is to make sure that any Education Secretary is committed to respecting tribal sovereignty and self-determination. Mrs. DeVos has given me no assurance she understands, cares about, or is prepared to address the

needs of Native American students. Nothing in her hearing or written answers convinced me that she will respect tribal cultures, tribal sovereignty, or the right to self-determination. In fact, her lobby organization, American Federation for Children, supports the expansion of vouchers into Indian Country, diverting money from tribal schools to private schools. I cannot support taking money away from schools run by tribes and losing self-determination efforts tribes are making.

The National Indian Education Association has said: "Federal funding should not be moving over to a private school system . . . move out of our tribally-run school system and to a system that does not require consultation and does not require active engagement of Native communities." I couldn't agree more. She just shows a basic lack of understanding of tribal sovereignty and self-determination.

Betsy DeVos seems to be driven by her personal religious views. I respect the strength of her Dutch Calvinist religious beliefs, but imposing her religious beliefs should have no place in funding public education, which serves children of all beliefs.

In 2001, she talked about whether Christian schools should continue relying on contributions instead of vouchers. Mrs. DeVos said:

There are not enough philanthropic dollars in America to fund what is currently the need in education. . . . Our desire is to confront the culture in ways that will continue to advance God's kingdom.

I support her right to devote her philanthropic dollars to her church and other religious efforts, but I oppose her view of using public dollars to advance her view of "God's kingdom" in public schools. Separation of church and State is a fundamental principal in our democracy to protect people and communities from religious coercion by the government. I am concerned that Mrs. DeVos does not have the necessary respect for other people's religious beliefs and that her policies could disregard the importance of tribal perspectives on education.

We need assurance that every public school student—no matter their religion, race, ethnicity, sexual orientation or identity, ability or disability—will be respected, protected, and included at the highest levels in Washington, DC. That is the job of the Secretary of Education. Mrs. DeVos has not shown over the many decades she has lobbied on education that she agrees with this basic proposition.

I support making good, quality public school options available. There are many great public charter and magnet schools around the country. We have some good ones in New Mexico. But these public schools should meet the same accountability standards as other public schools—standards for student

achievement, teacher performance, and fiscal responsibility.

I also support the option of private and religious schools. We have great private and religious schools in our country. But public dollars must go to public schools, not private or religious schools, and certainly not private for-profit schools. The first objective of any for-profit venture is to make money. That cannot be the first objective of a school using public funds.

The first and foremost objective of public education funds should be education for students. When public dollars are used, their use must be fully accountable and transparent to the public. Betsy DeVos would not commit that private for-profit charter schools and voucher schools should have the same accountability standards as public schools. Why didn't she make this commitment? Likely, because the private charter schools in Michigan, funded by public dollars—that she has championed for decades—do not have to meet the same accountability standards as public schools. This is wrong. These same schools—her work for decades—have not shown appreciable gains in Michigan over the years. In fact, Michigan test scores have gone down over time. These schools have not shown significant improvement over public schools in Michigan.

Finally, I am not convinced that Mrs. DeVos has been transparent in her responses to the American public. She did not make her disclosures available to the Health, Education, Labor, and Pensions Committee at the time of her confirmation hearing—this is unprecedented—and the committee had no opportunity to look into her many, many financial conflicts.

Since then, she has entered into an agreement with the Office of Government Ethics. While she will divest from approximately 100 investments that pose a conflict, we do not know if she has divested from all conflicts. Mrs. DeVos benefits from three trusts. She has not disclosed the assets in two of those trusts.

The complexity and enormity of Mrs. DeVos's \$5 billion holdings is mind-boggling. We know that from one trust at least 100 conflicts required divestment. Without transparency in other trusts, the public does not know if she has any more conflicts.

I also want to raise the issue of Mrs. DeVos's unwillingness to address her PAC's unpaid \$5.3 million fine in the State of Ohio for violating campaign finance laws.

This situation is troubling on a number of levels. First, Mrs. DeVos led a multimillion dollar political effort to influence elections throughout our Nation. Second, while doing so, Mrs. DeVos's political action committee willfully ignored campaign finance laws and warnings from State election officials. She racked up an unprece-

dent \$5.3 million fine in Ohio. Then, third, rather than acknowledging that she broke the law and owning up to her responsibility to pay it, her PAC simply folded up shop and walked away.

As Secretary of Education, Mrs. DeVos will be responsible for overseeing college loans for millions of students. Yet she refuses to acknowledge or pay her own debts. Does she believe the law doesn't apply to her?

I have written to Mrs. DeVos and the HELP Committee several times demanding answers about this. Her responses were evasive. She refuses to pay the fine—hiding behind the corporate veil—while still paying lawyers to fight it. This is hypocrisy, on top of disregard for the law.

We have never had a Cabinet nominee, who led a dark money PAC, which broke the law and flouted the judicial system. This is absolutely, totally, unprecedented.

For all these reasons, I must vote no on the confirmation of Mrs. DeVos as Secretary of the Department of Education.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, it is pretty clear. It is pretty simple. There never has been a nominee for Secretary of Education as unqualified as Betsy DeVos. That is clear to pretty much every Member of this body—not that every Member of this body is going to stand up and vote the way that probably their conscience suggests they do. Whether they like her ideology or not, whether they like the hundreds of millions of dollars they have contributed to all kinds of political campaigns or not, they clearly understand that this nominee, from her performance and her lack of depth of knowledge of education, is simply not qualified.

As many have said on this floor, based on her confirmation hearing, it appears she has a complete lack of knowledge as to what the Department of Education actually does. She didn't seem to understand the Individuals with Disabilities Education Act, which requires public schools to provide free and appropriate education to all students with disabilities.

I think that when I first ran for Congress some years ago—I assume it was the same for the Presiding Officer; I know it was the same for the ranking member from Washington State who sits here in this Chamber and who has led the opposition to Betsy DeVos—from my first days in Congress, every time I met with school boards, every time I met with teachers, every time I

met with school administrators, with principals, they would talk to me about IDEA. They would talk to me about school districts and the costs and their obligation and duty and desire to serve these students. Yet the designee for Secretary of Education put her hands up when there were discussions in the committee on the Individuals with Disabilities Education Act.

It is astonishing that a nominee for Secretary of Education would demonstrate complete ignorance on something as crucial and important to public school education—to education as a whole—on this. It isn't her hearing performance alone that should disqualify her; it is her record. She has no experience with public schools at all.

The President of the United States has nominated for Secretary of Education someone with no experience in public schools at all—not as a teacher, not as an administrator, not as a student, not even as a parent. Nothing. Her only experience in education is as a wealthy donor inheriting tens of millions of dollars herself. Her only experience in education is as a wealthy donor who spent millions of dollars advocating for for-profit—not charter schools like KIPP and Breakthrough in my State but for-profit charters in her State, the same policy that has ripped off taxpayers and failed students in Ohio. It betrays students, and it undermines and fleeces taxpayers.

It is obvious that if she and her family hadn't donated \$200 million to Republicans and to conservative causes, there is no chance someone this unqualified would ever have been nominated for a position as exalted, as crucial, as important as Secretary of Education. Two hundred million dollars apparently is the price for the Cabinet slot.

So much for the President's campaign promise of draining the swamp. We see nominee after nominee, appointee after appointee coming from Wall Street. Now we see a \$200 million contributor has also earned a Cabinet slot.

Because of her crusade, more than 80 percent of Michigan's charter schools are operated for profit. She helped design one of the least effective charter school systems in the country in Detroit. This matters to me because I know a lot about what has happened with for-profit charter schools in Ohio. For-profit charters have failed in Ohio. They have led to a charter school sector. Again, taking out KIPP and Breakthrough and the good charters that we have seen in Ohio, we have seen a charter school sector that has wasted taxpayers' money, that has funneled it to unaccountable for-profit companies, and that have been plagued by scandal after scandal.

I take that personally in Ohio because I know how students have been

betrayed by this for-profit sector, I know how taxpayers have been fleeced in my State in this for-profit sector, and I know the devastation it leaves behind in less money, fewer dollars for public schools.

People call my State, regrettably, the "Wild Wild West of charter schools." What a name to earn—Ohio is the "Wild Wild West" of for-profit charter schools. Students suffer as a result. Students in public schools, students in for-profit charter schools, and students in not-for-profit charter schools suffer as a result. The last thing we need to do is take the Wild Wild West model in Ohio or, even worse, the for-profit charter school structure and model in Michigan and replicate it at a national level.

This is important to remember: Of all the K-12 students in the country, public schools educate 90 percent of them, 90 percent of the students in this country. Betsy DeVos called traditional public education a "dead end." Dead end for whom? She called traditional public education a "dead end."

Think of what we have done in this country. From 1789, when George Washington took the oath of office, up until now, public education has built this country. It has given all kinds of people opportunity, given all kinds of people a chance to get ahead. It has educated our children. We should be proud of our public school system.

We may confirm in the vote today a nominee who called a traditional public education a "dead end," someone who has never worked in a public school, never gone to a public school, never been a parent of somebody in a public school.

She said she doesn't think that all schools that receive taxpayer dollars—whether they are public or for-profit charter—should be held to the same standards of accountability.

To me, one of the most telling moments of the committee hearing was when she would not commit to the same accountability standards for for-profit charters as she did for public schools. Do you know why? Because she knows her for-profit charters that she is so proud of don't live up to the same standards and that they are simply not as good. That is why she doesn't want accountability measures applied equally to for-profit charters and public education.

In Michigan, she fought a rescue plan for Detroit Public Schools that would have finally provided accountability for charters schools. No. She is against that. Why have lower standards for for-profit charters schools? Maybe that is because—I don't know about her investments. I don't think she has disclosed everything to the committee, but neither did Secretary-Designee Mnuchin. Neither did Secretary-Designee PRICE. I can go on and on. She doesn't want the same accountability

for profit charters because it might hurt some of her investor friends.

She funneled \$25,000—mostly inherited money—every day to legislators of Michigan until this accountability proposal was defeated. It was probably not \$25,000 every day, but over time it averaged \$25,000 a day to legislators in Michigan so she could have her way. Talk about draining the swamp. Yet she can't seem to come up with—this I take personally too—the \$5 million she owes to Ohio taxpayers for violating State election laws. What is that about? She came into Ohio with a political action committee that she mostly funded and that she was involved in in a number of ways.

The Ohio Elections Commission and Ohio officials in a nonpartisan way found her guilty of campaign finance law violation. This committee was assessed a \$5 million fine. Guess what. She quit putting money in this committee because she didn't want it to be subject to the fine. Our attorney general has not gone after her. He wants to be Governor, and he is a member of her party. I don't know their relationship or much care, but she is depriving our State of \$5 million that she owes through this committee. Legally, she has found a way, with very expensive lawyers, to weasel out of it, to navigate her way through it.

The fact is, by any standards of decency, she owes my State \$5 million. That could be 60 or 70 or 80 teachers. She cares about education. Paying a \$5 million fine is probably like me paying 50 bucks. She is a billionaire, and \$5 million won't break her. She will hardly notice it. But she is going to be in charge of the Department of Education, which collects student loan debt from people coming out of school making \$30 or \$40 or \$50,000 a year, burdened with tens of thousands in student loan debt and struggling every month to make those payments. Yet she owes \$5 million, and she just says: Sorry, I am not going to pay it.

Through this confirmation process, she will not even pay the debt of \$5 million. Are my colleagues on the Republican side of the aisle saying it is OK to nominate her and confirm her even though she owes this money to my State? She sent us a letter finally last week because I asked her to explain herself in the promise to repay taxpayers in my State.

She sent us a letter last week again refusing to take any personal responsibility for the legal action of this political action committee she founded. She chaired it at the time it broke the law, she paid the legal bills for it, but she wouldn't pay the fine that this committee owes, saying: I don't owe it.

Is that who you want? Is that the kind of person you want in terms of personal integrity, personal responsibility? I don't know how many times I have been preached at in this body by

my colleagues on personal responsibility. But she will not pay her \$5 million debt. Again, she founded a political action committee. She chaired it at the time she broke the law. She paid the legal fees for it, but she will not pay the money she owes that could hire 60, 70, 80 teachers in my State.

She spent millions pushing the same for-profit education model agenda that has ripped off Ohio taxpayers and shortchanged our students.

Most people in this country used to think that billionaires are not above the law. In fact, some people—3 million fewer than voted for the other candidate—some people voted for this President because he said he would drain the swamp. If billionaires are, in fact, above the law—if we are not holding Betsy DeVos accountable, it is hard to argue that billionaires are not above the law.

She is opposed by the disability community. She is opposed by the civil rights community. She is opposed by a number of people in the more legitimate charter school community. She is opposed by teachers. Even the National Association of Principals has come out against her nomination. If Senator MURRAY's words are correct about this—and I know they are because we have talked to them—this is the first time in history that the National Association of Principals has come out against a Secretary of Education.

I can't support Betsy DeVos because I can't look Ohio's parents in the eye and tell them she will not put profits ahead of their children's education. Our children deserve better than that.

In closing, I will come back to my comments about the Individuals with Disabilities Education Act, about which she knew nothing or knew little. I think how could a Secretary of Education-designate, who prides herself on knowing a lot about education, how could she not know much about IDEA? And then it occurred to me. If you are running a for-profit charter school, you don't want disabled kids coming to your school. Why? Because it costs more to educate a disabled child than it does a child without any disabilities. It costs more because you might need more use of a nurse, a student aide, wheelchair accessibility, you might need special tutors. It costs more to educate a disabled child. A for-profit charter school doesn't want children with disabilities to walk through their doors or come in through a wheelchair through their doors. They can't make as much money.

This is how we do privatization in this country: Let the public schools take care of the disabled, the child with disabilities, because we are in this for profit. It is a little bit like Medicare. The private for-profit insurance companies want the youngest, healthiest people in Medicare, the 65- and 70-year-olds who are active, who take

walks, do all that. They don't really want the sickest and the oldest. Let taxpayers pay for them. That is exactly what her model of education is all about. Let the for-profit charters skim the cream, if you will; take the children who cost the least and are easiest to educate, but the public schools take care of the children with disabilities.

Let the public schools take care of the children who maybe didn't have as much advantage in life as Betsy DeVos growing up. Let the public schools worry about the kids who might be a little more difficult because of discipline and other issues and what is going on in their homes. That is pretty clear how she looks at the world and looks at this job and, most importantly, how she looks at education in our country.

That is what disturbs me. That is fundamentally why I oppose Betsy DeVos and plan to vote emphatically today, no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Ohio for his passionate remarks on this topic. I have had the opportunity over most of Friday and over the last 23 hours, to listen to my colleagues come to the floor and speak passionately about an issue they care about, speaking against DeVos. We heard very little passionate speaking for Betsy DeVos, but we heard a tremendous amount of passion against.

I want to thank the Senator from Ohio, in particular, speaking to the issue of the fact that Mrs. DeVos does owe a fine to Ohio that has not been paid. I find it incredulous that we are just dismissing that here and the Senators are voting for her.

The Senator from Ohio spoke passionately about what vouchers would mean for students with disabilities, and their ability to get a good education could be in jeopardy over the vision that this Secretary is about to put forward.

A few moments ago, I listened to the Senator from New Mexico speak about our tribal schools and the fact that this Secretary of Education has no knowledge of tribal education and her role in being in charge of that with no experience and no idea of what that means or how that will be enacted.

Again, I want to just say that we heard from so many people in our States because we clearly have a nominee to run the Department of Education with no experience and a background that is really in opposition to what most of us have stood up for and fought for most of our lives. I have mentioned throughout this debate—as I have spoken numerous times about the tremendous amount of letters that have come to me through our mail over

the last several weeks since this nominee came before our committee and the public had a chance to see Mrs. DeVos at our hearing, without the knowledge she needs to lead this agency, with the tremendous conflicts of interest that were portrayed over and over.

I want to again go back and read some of those letters as we get into the last hour of this debate because I think they are quite telling.

I have one from Dr. Jennifer Kay Lynn of Olympia, WA. She says to me:

Thank you for your understanding Betsy DeVos would devastate U.S. public education. Betsy DeVos's Senate confirmation hearing underscored how unprepared she is to serve as America's Secretary of Education. Mrs. DeVos has no experience in public schools, either as a student, an educator, administrator or even as a parent. Mrs. DeVos doesn't understand key policy issues, like proficiency versus growth, or the Federal role of the Individuals with Disabilities Act.

Mrs. DeVos would not even commit to upholding current guidance on preventing sexual assault under title IX. Mrs. DeVos has no idea of how the arts and public education are critical for human development, education. All of the arts help our students grow emotionally, with dedication to task or more and more connections with the brain, and perhaps, most importantly, find out how much the arts enhance their lives. We need a Secretary of Education who will champion innovative strategies that we know how to improve success for all students, including creating more opportunities and equity for all.

Betsy DeVos is not that person, and I urge you to vote against her for Secretary of Education.

Those aren't my words. I didn't talk to Jennifer Lynn. She wrote to me because she saw this candidate come before our committee. She has looked at her record and has said: This is not what our country is about.

I got a letter from Jamie Michaelson of Oroville, WA, very small community.

Senator Murray, as a public school administrator, I am extremely concerned about Betsy DeVos' lack of knowledge and support for public schools. Having never been a teacher or administrator is bothersome enough, but to have not attended a public school herself, nor sent her kids to one, makes her ill-equipped to making educational decisions.

Furthermore, I worry about her understanding of small, rural districts. We have our own unique needs, which include funding professional development for teachers, Federally-funded programs for at-risk youth, and support to recruit and retain high quality teachers.

As a strong supporter of public education, I ask that you oppose the confirmation of Betsy DeVos as Secretary of the U.S. Department of Education. We must have a Secretary who can commit to supporting every student in our public schools, and provide leadership that will help our neighborhood schools succeed. Betsy DeVos' record in education and her performance at the recent confirmation hearing proves she is the wrong candidate for the job.

As a principal, I have spoken with teachers, parents, students and community members, who agree that America's future de-

pends on a strong investment in our Nation's public schools.

Thank you for your attention to this matter. I understand that you are being inundated with emails concerning Cabinet picks. I feel the nomination of Betsy DeVos is political. Students, families and educators deserve a highly-qualified candidate that understands our complex educational system. I am not writing to you because I have a political motivation. Instead, I am looking for the best of the best for the Secretary of Education position. Unfortunately, in my professional opinion, Betsy DeVos is not the right person for this job.

I couldn't agree more. Shouldn't we have the best of the best at the top of our education system today? That is what my constituents are asking—and I know many across this country are hoping that just one more Republican Senator will agree. That is what will occur in about an hour.

I see my colleague on the floor who has come here to talk. I appreciate him being here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, thank you for your leadership on this issue, and God knows, how many others. You are a force of nature. I am happy to be with you on this day.

I come from Delaware, and we have about a million people who live in Delaware, and they are not shy about telling their congressional delegation—Senator COONS, Congresswoman LISA BLUNT ROCHESTER, and me—what they are thinking. We go home just about every night. They get to tell us a lot of times in person. They also call our office. We have three offices in Delaware. They call our office here in Washington. They send us emails. We used to get a lot of letters, but now mostly we receive emails, not too many letters.

I have never seen the kind of outcry, if you will, from the people of my State on any nomination. I have been privileged to serve. This is my 17th year. So we have seen a lot of nominations come and go, seen a number of Presidents come and go, but I have never seen anything quite like this.

I asked my staff to compile for me, through yesterday, the number of folks who either called us or emailed or sent us letters on the nomination of Betsy DeVos to be Secretary of Education.

As of yesterday, over 3,700 people had contacted my office. That may not be a lot from Oklahoma. That may not be a lot from California. That is a lot in Delaware. I ask my staff to break down—let us know if we heard from anybody outside of Delaware: over 700. Then I said, for the folks who contacted us from Delaware with respect to this nomination of Betsy DeVos, how many were for her? Out of over 3,700—10. I have never seen anything like that.

So that means there are over 3,700 people in my State who raised their voice up against her nomination. Just

because the numbers are like 370 to 1 against the nomination, that doesn't necessarily mean I should oppose the nomination, but it certainly makes me stop and think if I had been inclined to do so.

I rise today, not just as a United States Senator, but as a recovering Governor and a father, one who knows the value of public education from personal experience. My wife and I grew up—she in North Carolina and me in West Virginia, a little bit of Ohio, and mostly Virginia—we grew up in public schools. Our sons attended public schools throughout high school, graduated and went off to college, and we are proud of what they have accomplished. They are 26 and 28 years old today. I am very proud of what they have accomplished. I have a stepson from my first marriage. He lives in Michigan. He raised a family, four children and his wife, and I am very proud of what he accomplished—again, a product of public schools.

When I graduated from high school, I was fortunate to win a Navy ROTC scholarship and go to Ohio State. I worked a couple of jobs while I was going to school and was able to become one of the first people in my family ever to go to college and to graduate from college. I spent five as a naval flight officer during the Vietnam war. At the end of the war, I came back to the United States and moved to Delaware. There, thanks to the GI bill and continuing to fly as a Reserve P-3 aircraft mission commander, I was able to make ends meet and get a graduate degree in business administration from the University of Delaware.

The 8 years I was Governor, from 1993 to 2001, I spent a big part of those 8 years focusing on creating a more nurturing environment for job creation, job preservation. Our Presiding Officer has heard me wax on in our committee—more often than he probably wants to remember—about a major job of government under State, local, Federal, is to create a nurturing environment for job creation, job preservation. In a family, you have breadwinners, people earning an income, making a way for themselves, for the rest, and our job is a whole lot easier.

One of the keys to that nurturing environment is to make sure the young men and women coming out of our colleges, our high schools, our trade schools have the ability to read, to write, to think, to use the technology, and to have a good work ethic and go out and be a good employee for any employer who might hire them.

Public education is personal for me. I have had this remarkable connection to it for my whole life. In our little State, I visit schools almost every week. We have a program called Principal for a Day. I have been Principal for a Day. It is from the State chamber of commerce. I joke and tell people I

have been Principal for a Day in about half the schools in Delaware. It is probably not quite right but probably 30 or more. I keep running into kids who went to high school and say: "I was your principal, did you know that? Only for a day, but it was a good day." I learned a lot from doing that.

I mentored, for probably a couple of decades, a bunch of different kids, trying to help be a good role model for them and give them an extra person to be able to lean on and to count on.

Just recently, I was over at the school a couple of miles from our home at Mount Pleasant Elementary, which has a terrific elementary school in the Brandywine School District in Northern Delaware. The Teacher of the Year there for the State was good enough to let me come by and shadow her for part of her day and see what a really terrific teacher does. During the 8 years I was Governor, one of the highlights of every year was the day I would host, in June at the end of the school year. We have 19 school districts. Each school district picked the Teacher of the Year. They have the chance to have lunch—the Delaware Teachers of the Year—and just to focus on their school districts and their schools and their classes, what was working to raise student achievement and really be inspired by all of them.

I hear regularly from my constituents about the importance of public education. In fact, I was out running late Sunday afternoon, actually into the dusk. I was going by a Wawa on Philadelphia Pike, just north of Wilmington. Some guy came by and he rolled down his window. As I ran along, he said, "Don't vote for that Betsy DeVos."

I said, "Really. Can't get away from it."

But I hear it a lot. I hear the message loud and clear.

Many of our colleges have covered this nomination at some length. But I think it bears repeating. I would just say this: Experience matters. Mrs. DeVos has, as far as I can tell, no experience in public education as a student, none as a parent, none as a teacher, none as a school administrator—none.

Maybe that alone should not disqualify her, but it is concerning. During her confirmation hearing, Mrs. DeVos failed to answer the most basic questions relating to education policy, and she demonstrated, not just in my view but certainly the views of a lot of the people who watched and shared their views with me, that she was unqualified, really unprepared for what I think is a critical task.

Many of my colleagues who support Mrs. DeVos point to her experience in Michigan, where Mrs. DeVos used her significant wealth and influence apparently to push an education reform agenda centered on vouchers, centered on for-profit charter schools that deliv-

ered questionable outcomes for students and taxpayers.

Let me just say, I was a Governor who proposed legislation, signed legislation creating charter schools. I have been a champion of public charter schools in my State and in our country. I have been a champion here in the Congress. I am not a champion of all these for-profit colleges and universities that we have. Some of them are very good; some of them are not.

I am concerned with the advent of for-profit charter schools, particularly those that are not doing the job, getting the job done and raising student achievement for the young men and women who are students there.

Leading the Department of Education is a very big job. It is a very important job. The Secretary of Education is responsible for overseeing a budget of some \$36 billion for K-12 education and \$150 billion for higher education, as well as managing a portfolio of more than \$1.2 trillion in outstanding Federal student loans.

I have been fortunate as a Congressman, as a Governor, as a Senator, to work with any number of Secretaries of Education in the administration of George Herbert Walker Bush, the administration of Bill Clinton, the administration of George W. Bush, and the administration of Barack Obama—people like Dick Riley, former Governor of South Carolina, people like Arne Duncan, who was a great school leader in Illinois and for our country as well. When I think of the giants they were and the work they did and how knowledgeable they were, how inspiring they were, how uplifting they were, that is the kind of leader we need. They were not just all in Democratic administrations or Democratic and Republican administrations. As much as ever, we need that kind of leader today.

I will conclude by saying that Mrs. DeVos too often lacks experience, just as often has the wrong experience that we should expect from someone to lead the Department of Education at what is really a critical juncture for our country. I cannot support her nomination because I am not a convinced that she is interested in bringing Democrats and Republicans together on a shared vision of improving public education in this country. Reluctantly, I must urge my Democrat and Republican colleagues to listen to this groundswell of voices from across the country and ultimately oppose this nomination.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Maryland.

Mr. CARDIN. Mr. President, as the Senate deliberates the nomination of Betsy DeVos to be Secretary of Education, I have heard from more than 4,200 Marylanders who have called my office, more than 3,700 Marylanders who have emailed me, and countless others who have sent me messages via Twitter and Facebook, and, as Senator

CARPER has indicated, those who have just stopped me on the streets and urged me to oppose her nomination.

They have contacted me to express their strong support for public education, and they are concerned about whether Mrs. DeVos is equally committed to public schools. I share their concern. Marylanders and I agree that our children deserve an advocate in this position who will work to strengthen the ability of public school educators to serve our children.

As a proud graduate of the Baltimore City Public Schools, I understand the transformative powers that quality public school education can provide a child. The education I received at city schools has allowed me, the grandchild of immigrants, to represent Maryland in the Senate. I owe that to my public education, my public school education.

Maryland has made a commitment to providing adequate funding for public education over the past decade. Consequently, Maryland has consistently been a national leader in student performance and student outcomes.

Each day, our State's nearly 880,000 students make their way to classrooms of more than 60,000 and thousands of more support personnel and education leaders in over 1,400 Maryland schools. I appreciate the service of Maryland educators, not only from the perspective of a lawmaker, a father, and a grandfather but also as a husband of a former school teacher.

Mrs. DeVos appeared before the Senate Health, Education, Labor, and Pensions Committee to articulate her view on how to best serve our students as Secretary of Education. I found several of Mrs. DeVos's answers to the committee questions to be troubling, particularly what appeared to be her tepid support for our Nation's public schools; her failure to recognize the critical Federal civil rights safeguards for children with disabilities; her inability to offer an opinion on longstanding debates within the education community that she would be expected to join as Secretary of Education; her support for President Trump's dangerous campaign promise to eliminate gun-free school zones; and her overall lack of response on how to provide students and their families with affordable higher education.

Maryland families know and understand the value of a high quality public school education. Since 2008, enrollment in our State public schools has increased by nearly 36,000 students to a record enrollment of approximately 880,000 students for the 2016-2017 school year.

While enrollment has continued to increase at a record pace, I am proud that Maryland public schools have consistently ranked among the top five public school systems in the country.

I worry that Mrs. DeVos's enthusiastic support for private school choice

programs could hamper the progress in State and local education in Maryland and could prevent us from providing the highest quality level of education for our public school students. School choice programs that shift Federal funds from public schools to defray tuition at private schools weaken the ability of Maryland's hard-working public school professionals to deliver college- and career-ready education for Maryland's diverse students.

Certainly private schools play an important role in our education system. As Senator CARPER points out, he supports, I support, charter schools within our public school system. I support the role that public schools play. But we mustn't forget that more than 91 percent of American children attend public schools. They and their families deserve a Secretary of Education who will fight to strengthen public as well as private education.

School choice programs are not one-size-fits-all solutions to strengthen education in the United States. They leave out students in our rural communities, for instance, and have been shown in Maryland for the most part to support students who are already enrolled in private schools.

I urge our Secretary of Education nominee—if she is confirmed—to work to provide our public school teachers with the training, tools, and resources necessary to provide all children with a high-quality education. I was particularly concerned by Mrs. DeVos's apparent unfamiliarity with critical Federal civil rights safeguards for children with disabilities, guaranteed under the 1975 Individuals with Disabilities Education Act, IDEA.

IDEA ensures that every child with disabilities is afforded a free appropriate public education. Across my State, more than 100,000 children receive federally funded services under the IDEA to help them succeed academically. Mrs. DeVos did not seem to know that States must follow this critical civil education rights law if they accept Federal funding.

Parents across the country advocate for their children on a daily basis, utilizing the protections afforded to their children under the IDEA. They deserve a Secretary of Education who understands her responsibilities and the Federal Government's responsibilities to children with disabilities. Last year's enactment of the bipartisan, bicameral Every Student Succeeds Act was a true success.

This was an incredible accomplishment put together by Senators Alexander and Murray. For the first time in 14 years, Congress reauthorized the Elementary and Secondary Education Act, legislation that was first enacted 50 years ago as part of the civil rights era to ensure that all of our children are able to attain a high-quality education.

That act eliminated the outdated and ineffective accountability system of adequately yearly progress and now provides States with the flexibility to decide their own accountability system to identify, monitor, and assist schools in need of improvement to best educate their students.

We gave local flexibility but maintained accountability. That was a major improvement in the Elementary and Secondary Education Act. The modifications allow States to move away from reliance on a collective set of test scores to measure students' proficiency. Now, States will be able to design accountability systems that take into account student growth over the course of a school year.

As Secretary of Education, Mrs. DeVos would be tasked with leading the Federal implementation and review of the State development accountability systems. But in a hearing before the committee, she struggled to understand the definition of proficiency versus growth and had to have committee members help her define those terms.

Maryland educators oppose the high-stake testing requirements under the previous Federal accountability system. They deserve a Secretary of Education who understands the basic concepts of Federal involvement in our public schools, so they can effectively advocate for more accurate accountability systems that better show student growth in the classroom.

Mrs. DeVos's expressed support for President Trump's misguided pledge to eliminate gun-free schools zones is deeply concerning. Maryland's families have made it loud and clear to me that this approach is wrong and would unnecessarily put our students in harm's way in the very classrooms in which they are expected to learn. Since 2000, there have been four school shootings across my home State. One shooting in a school anywhere in our country is too many. Each of those incidents is a tragedy, and I do not wish to see more students and educators put at risk of additional tragic incidents of gun violence by allowing firearms in our classrooms.

Rather than support the Federal programs developed under the Elementary and Secondary Education Act to provide additional funding for school-based mental health resources in our national public schools that can provide assistance for those who may commit gun violence at schools, Mrs. DeVos would spend those tax dollars on school choice programs and open up our classrooms to potential violence.

In the coming months, future college students and their families will sit at their family kitchen tables to apply for financial aid to pay for college and await the news of their acceptance to the college of their choice. I have talked to so many Marylanders who

are struggling with allowing their children to go to schools of higher education so that they can be best prepared, but they are looking at the realities of the cost involved in higher education. This is an exciting time, yet an increasingly anxious time for parents and students as the cost of attending college continues to rise.

Mrs. DeVos needs to demonstrate that she is familiar with the process, the steps necessary to apply for Federal financial student aid, and appreciates the enormous burden families increasingly undertake to gain a foothold in the middle class through higher education.

Mrs. DeVos appears willing to roll back protections for student borrowing and to allow taxpayer funds to be put at risk of failing for-profit schools that do not provide students with the educational skills necessary to join the workforce. At a minimum, I would expect her to be an advocate to make sure that Federal funds are not used for these schools that are not being held accountable for what they do.

I would like to hear Mrs. DeVos voice her support for America's College Promise plan to provide academically successful students with the ability to earn the first 2 years of their college degree tuition free at a community college. So far I don't think she has said anything. That is the most efficient way to try to educate our children.

I appreciate Mrs. DeVos's willingness to serve, and I believe she is sincere in her beliefs, but I am concerned that those beliefs, if enacted, would harm the capability of America's public education system to serve the vast majority of students across the Nation and pile on needless costs to students, their families, and the American taxpayer. Therefore, I will stand with Maryland's students, teachers, and parents in opposing Betsy DeVos for Secretary of Education.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have had the opportunity over the last almost 24 hours now to hear from a wide swath of our Democratic conference speak out against the nomination because they feel so strongly that in this country public education is a core principle. I know a number of my colleagues will be participating with me in these last few minutes, but I want to thank, again, everyone who has written, who has called in, who has expressed their opinion on this critical nominee that this President tapped to oversee education policy.

Mr. SCHATZ. Mr. President, will the Senator yield for a question?

Mrs. MURRAY. I yield to the Senator from Hawaii for a question.

Mr. SCHATZ. I thank the ranking member of the HELP Committee, the senior Senator from Washington.

You can trace the history of public education in America to the Original Thirteen Colonies. In 1635, boys in Boston could get a free education, and by 1647, the Massachusetts Bay Colony required every town to provide boys a basic education.

Some 340 years later, our public education system has come a long way, but some things don't change. Our communities still understand how public education lays a foundation for success. It is still the great equalizer.

Senator MURRAY, during Betsy DeVos's hearing, you asked a very important question. You asked: Can you commit to us that you will not work to privatize public schools or cut a single penny from public education?

Mrs. DeVos responded by saying she would work to find common ground and give parents options.

I am wondering whether you were satisfied with her answer and her commitment to the basic premise of public schools and public education.

Mrs. MURRAY. Well, I thank the Senator from Hawaii for his question.

He is absolutely right. I did ask Betsy DeVos, when she came before our committee, if she would commit to not privatizing our schools or cutting a single penny from public education, and she would not do that. She would not do that.

To me, that sends a very clear message, and it did obviously to parents, students, and administrators across this country, that she was not committed to the core principle of public education, that our tax dollars in this country always have and should continue to be to make sure that every student, no matter where they are, will have the opportunity to participate in education. Her answer clearly meant that she was going to take money from our public education system, from our schools—big, small, rural, urban, and suburban—to go to private schools. That would mean a devastation for many communities.

So I thank the Senator from Hawaii for his question.

Ms. HASSAN. Mr. President, will the Senator yield for a question?

Mrs. MURRAY. I yield to the Senator from New Hampshire.

Ms. HASSAN. Thank you very much.

Senator MURRAY, I have been very concerned, as you know, with Mrs. DeVos's lack of understanding of issues facing students with disabilities. My son Ben's experience in public education was made possible because there were so many families and advocates who came before my family to make his inclusion possible.

Before IDEA, students who experienced disabilities in an institutional setting often didn't get an education at all and were often mistreated.

Yesterday when I spoke on the floor, I discussed a woman in New Hampshire named Roberta who had been in our

State school before IDEA was passed and gave accounts of terrible experiences there.

Do you also have concerns with Mrs. DeVos's lack of understanding of the challenges faced by students who experience disabilities and her lack of commitment to ensuring that all students have a free and appropriate public education?

Mrs. MURRAY. Mr. President, I deeply share the concern of the Senator from New Hampshire. She came to the floor last night to speak eloquently about the challenges that our students with disabilities have and the promise that this country has made now for decades that if you are a student with a disability, you will be able to go to a public school and get the education that you need.

She spoke eloquently. For everyone who didn't hear her, I ask you to go back and look at the RECORD and listen to it.

Yes, I am deeply concerned that this nominee whom this President has sent to us is not committed to that basic premise that, no matter who you are or where you come from or what you look like or if you have a disability, you get a public education. But I am not only concerned that she doesn't have a commitment. I am deeply concerned that she didn't even understand that it was current Federal law.

How can someone be a Secretary of Education in this country and not understand that basic premise and not give that commitment to people across the country that, if it is your child or someone you love or someone you know, they, too, can go to school and get what they need.

So I want to thank the Senator from New Hampshire. And, yes, I am deeply concerned, as we all should be in this body and across the country, that this nominee is not prepared or qualified to make that basic assurance for all students in this country.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, my mom was a second grade teacher, and she taught second grade until she was 70 years old. That was her life's work.

I went to public school, and I sent my daughter to public school. It has really been the core of how I ended up in the Senate.

After a close review of Mrs. DeVos's confirmation record and the hearing, I have concluded that, like all of my colleagues on the Democratic side and two of our colleagues on the Republican side, I cannot support her. I don't believe she is prepared for this job, and I don't believe she is committed to the kind of public education that got my family from an iron ore mine in Northern Minnesota to the U.S. Senate.

My question of Senator MURRAY is that one of the most troubling examples of this lack of preparation came

when Mrs. DeVos was questioned by my colleagues Senator HASSAN, who just spoke, and Senator KAINE about whether schools should meet the standards outlined by the Individuals with Disabilities Education Act. She said she would leave this decision to the States.

As I noted yesterday, I occupied the Senate seat once held by Minnesota's own Hubert Humphrey. He was someone who, of course, was never at a loss for words.

He delivered a speech at the Minnesota AFL-CIO 40 years ago, and one line of that speech is just as appropriate today as it was back then. He said: "The moral test of government is how the government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped."

These civil rights protections and the funding that we have seen under IDEA have always been an area of bipartisan cooperation. I have heard from so many parents in my State.

A mom from Watertown with a son who was born with Down syndrome says that thanks to IDEA, this law has given her the opportunity for her son to participate in a normal education.

For a woman from Lakeville, her son was born with developmental disabilities in the late 1980s. She was so worried about what his future would be. Then that law was put into place, and today he is a successful young adult who happily lives, learns, and works in his community.

So my question of Senator MURRAY is what her views are of the nominee's qualifications when it comes to the Individuals with Disabilities Education Act and the concern that she has heard from others in her State as well as across the country when it comes to this very important issue for our children.

THE PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I want to thank the Senator from Minnesota, who came the other night to talk passionately about her own mother, who was a teacher and her favorite course to teach was about the monarch butterfly and how she would come dressed up as a butterfly and how she impacted a young student in her classroom who is now a young adult and still remembers the learning experience that her mother, as a teacher, gave to him. That spark is so important for every child in this country—that spark for education—no matter who you are, your disability, or what brings you to school that day. That is what is so important about the term "public education." Every child in this country deserves a public education and to reach their full potential, no matter what they look like, how they come to school that day, whether they have

been fed or have a disability. That spark is what is so important.

That is why so many people have spoken out in this country about this nominee, who knows nothing or very little about IDEA—not even that it is a Federal law that is under the jurisdiction of the Department that she is seeking and that she would oversee and protect those students. That, to me, is deeply disappointing. It says to me that this President should say: I don't want this nominee to go forward. I will send you someone who understands this law.

I appreciate the question from the Senator from Minnesota.

Mrs. McCASKILL. Mr. President, will the Senator yield for a question?

Mrs. MURRAY. I yield for a question.

Mrs. McCASKILL. I say to the Senator, it is my understanding that the essence of Mrs. DeVos's career has been an effort to impose on States programs—and now a Federal Government program—that will take money out of public schools to provide for parents and students to then go to private schools. Is it a fair characterization of the essence of her career that parents should have a choice with public money to decide whether they want to attend a public school or a private school?

Mrs. MURRAY. The Senator is correct. The essence of what she has promoted and used her vast wealth for and has worked for throughout her experience is to take money away from public education and put it into private schools.

Mrs. McCASKILL. So I am confused.

We just had an election. In my State, the reddest parts of my State are parts of the State where there are no private schools—rural Missouri. I am a daughter of rural Missouri. My father went to public school in Houston, MO. My mother went to public school in Lebanon, MO. I attended public school in Lebanon, MO, and Columbia, MO. In fact, I am a product of public education from beginning to end. Both of my parents went to the University of Missouri, and so did I.

In rural areas of this country, there are no private schools for parents and kids to choose. They would have to drive miles. By the way, in my State, the newly elected Governor just cut transportation funds for public schools—just cut them. So they now have less money for transportation than they had last year. And, by the way, it isn't like public schools are getting fully funded in my State. They are not.

So I guess what I am confused about—I know what public schools mean to rural Missouri. I know they are the essence of the community. If the essence of this woman's career is to take money out of public schools in rural communities and put them in private schools that will never exist in

many of these small communities, they are kicking the shins of the very voters who put them in power.

I don't get that. I don't get that, Senator. I don't understand how you could give the back of your hand to rural America with this decision. I would implore my colleagues who understand that rural America is where their base is in large part that they are misreading this vote if they think that rural America is going to forget that this woman wants to rob the public schools of rural America and put in private schools in the cities, which they will never be able to attend.

I thank the Senator.

Mrs. MURRAY. I thank the Senator for her question. I just want to say that she is absolutely right. The money is not magic. It doesn't just get printed to give vouchers to schools. It comes from our public schools. As she stated so eloquently, there are many schools—some in rural areas, some in urban areas, or mostly in rural, and there is no private school to send your kids to. That voucher money, that public money, those taxpayer dollars will come away from those schools. They will have less money, but it won't go to the advantage of those students, and they will be left behind.

Ms. STABENOW. Mr. President, will the distinguished Senator yield for a question?

Mrs. MURRAY. I yield for a question.

Ms. STABENOW. Thank you very much. Before asking my question, I want to thank the senior Senator from Washington State for her leadership and passion on behalf of my children and on behalf of myself. As a product of a small rural school in Northern Michigan, my two children went to public school, and my two grandchildren are now going to public schools.

I want to thank you for your leadership, and I am so grateful to all of our colleagues and our two Republican colleagues who are joining us today.

Would you agree that when we look at this—and I certainly have a bird's-eye view. We in Michigan have lived what has happened in cutting public schools and moving dollars to private, for-profit, nonprofit charters without virtually any accountability. Would you agree that essentially we have a nominee who is looking through a lens of a private sector for-profit model, where in the private sector we have winners and losers, so you can have a business open and close. That is based on our private marketplace. It works well, but in education it is different. We can't afford for any of our children to be losers in education, and it just doesn't work to have this competitive marketplace; that what we need is a quality public school along with public choices. I support public charters with accountability and other choices, but what we have is a view of a nominee, someone who has not been involved in

public schools herself, or her children, and so on, who comes at it from this perspective of winners and losers in the private market, and we cannot afford any child to be a loser as it relates to their education.

Mrs. MURRAY. Well, I want to thank the Senator from Michigan for that question because it is at the heart of what this entire debate is about. We have a nominee who has come forward who is quite successful in private business—a billionaire herself—whose idea and vision for our Nation's education comes from a private business perspective.

The Senator from Michigan is absolutely right. Our schools are not about profits. They are not profit centers, and we can never run them that way because there is a core principle that this country was founded on that our forefathers very wisely thought of. They wanted to make sure that every young person in this country, no matter who they were and how much money they had, would get a public education.

You can't run that as a for-profit business because there are kids who come to our schools who are very hard. Maybe they come without having had a parent home the night before, they come hungry, they come with disabilities, they come with challenging education experiences. We can't throw those kids out because there are other kids who come with parents who are very active and are really bright and we want to keep them because they are better for profit. We have to run our public education schools so every child has that opportunity because who knows who that young child is going to be who takes that nugget of public education and ends up sitting here in the U.S. Senate. That is the foundation of our country.

I really appreciate the Senator from Michigan for raising that because that is the core essence of why so many people have spoken out against this nominee, who stood up and have written us letters and made phone calls and stood at rallies and spoken out—many people who have never spoken out on issues before who have never really paid attention before, but this is about the core principles our country was founded on, a public education for all—not a profit education for all but a public education for all.

Mr. MERKLEY. Mr. President, will the Senator from Washington yield for a question?

Mrs. MURRAY. I will yield to the Senator from Oregon.

Mr. MERKLEY. I appreciate your point and the belief that the son or daughter of a millwright, a mill worker as I was, should have the same opportunity as the son or daughter of a CEO in a big company. That is embedded in the notion of quality public schools.

What I was really struck by was that DeVos wants to divert all these public

funds from our schools to for-profit schools, and if it is for-profit, you squeeze down the services in the school to maximize the profit, and that is just exactly the type of attack on our children that we can't tolerate, but I was also struck about how she imposes the accountability for these alternative schools. The columnist Stephen Henderson of the Detroit Free Press said:

Largely as a result of DeVos's lobby, Michigan tolerates more low-performing charter schools than just about any other State. It lacks any effective mechanism for shutting down or even improving failing charters.

He goes on to say:

We are a laughingstock in national education circles and a pariah among reputable charter school operators who have not opened schools in Detroit because of the wild west nature of the educational landscape here.

Do you share the concern about the complete lack of accountability of these for-profit schools that are pulling the funds out of our public schools in Michigan?

Mrs. MURRAY. Let me thank the Senator from Oregon for his question because he raises a very important point. No one is debating whether we want our kids to have a choice. The debate here is about whether or not those schools that take taxpayer dollars through a voucher system are accountable to the taxpayers who are paying for those vouchers.

This nominee came before our committee and very clearly stated that she would not equally hold accountable private schools. Now, I was a former school board member, and I can tell you, I was there late many nights listening to parents who stood before us and talked about the fact that they wanted to make sure that their school had good teachers or their school had good policies, and we were accountable to that because we were an elected board, and we had to make decisions based on what our constituents thought was important.

These are our constituents who are paying their tax dollars to this country, and they want to know that their taxes are used accountably. Yet we have a nominee before us at the Department of Education who has said she wants to take those taxpayer dollars—your money—and send it on to private schools with no accountability. What does that mean? That could mean that those private schools don't necessarily have to provide a strong curriculum in specific topics. It means they can let kids out of school and say: We don't want to keep you here anymore. You are too tough to teach.

It can say that they will not keep records of dropout rates so we know whether or not they are encouraging these tough kids to go to another school. They can actually deny access to students with disabilities or who come from tough backgrounds who

may not meet their standards, and they will not be held accountable under the policies that Ms. DeVos proposes. So the Senator raises an absolutely critical question. At the end of the day, each elected official in this country is held accountable to their taxpayers to assure that the money they give out in their taxes is used in a way that our country agrees on, and this Secretary of Education says: Nope. We want to change that. We want your tax dollars to go to schools that are not accountable to you.

Mr. MERKLEY. I thank the Senator from Washington for her answer. So often I have heard speeches about accountability from across the aisle. This is a case where accountability matters a tremendous amount because it determines whether our children have a fair shot at driving America. So I thank the Senator from Washington for elucidating us in regard to that issue.

Mrs. MURRAY. Mr. President, we have a number of Senators who have been on the floor who are here now and who would like to speak, and I ask unanimous consent that I continue this dialogue with Senators until a quarter to 12, and the last 15 minutes be equally divided between the chairman of the committee and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. That would mean the chairman of the committee would speak last.

Mrs. MURRAY. Mr. President, let me revise my request. I ask unanimous consent that we continue to have this conversation until a quarter to 12 p.m.; that at a quarter to 12, I will give my final remarks and divide equally the last 15 minutes so the chairman of the committee has the last 7½ minutes.

Mr. ALEXANDER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. DUCKWORTH. Will the Senator yield for a question?

Mrs. MURRAY. I will yield to the Senator from Illinois.

Ms. DUCKWORTH. I do not believe that the President nominated the best candidate to serve as Secretary of Education. I don't believe he even nominated a qualified candidate. Mrs. DeVos has never taught, never worked in a school system, and has no educational degree in education policy.

I was hoping that she would ease my concerns over her qualifications at the confirmation hearing and prove that she was indeed up for the job, but, instead, Mrs. DeVos failed to study, showed up unprepared, and appeared unfamiliar with the foundational civil rights law that guarantees every student, including those with disabilities,

the right to a quality equitable education.

I would not be here today were it not for strong public schools and civil rights protections. Confirming her to lead the agency tasked with educating our children and helping them develop into successful adults would be a mistake for our children because they would have to pay for and live with this mistake for decades to come. There is simply no way that I can support her nomination.

I ask the Senator, how is it possible that we could have a Secretary of Education who does not understand or even know about those Federal protections for students with disabilities to have access to equitable and fair education?

Mrs. MURRAY. I want to thank the Senator from Illinois, who is an amazing new and great Member of our Senate. She comes from Illinois. She comes from an incredible background and is asking a critical question about whether our students with disabilities should have access to education.

It is a passion many of us have feelings about, it is a principle that our country has supported, and it is a principle that this nominee is uniquely unknowledgeable about and, to me, that is reason enough for any of us to vote against that nominee.

Mr. FRANKEN. Will Senator MURRAY yield for a question?

Mrs. MURRAY. I will yield to the Senator from Minnesota for a question.

Mr. FRANKEN. Thank you. As Senators on opposite sides of the aisle, we have philosophical differences, but one thing I think we all agree on is that our Cabinet Secretaries must be qualified and up to the challenge of running an agency.

Betsy DeVos has demonstrated that she is not qualified to run the Education Department. I would say to my colleagues on the other side of the aisle, if you watched her confirmation hearing, you would know that. It was the most embarrassing confirmation hearing I have ever seen. She could not answer the most basic questions about education. So I ask my Republican colleagues, if Mrs. DeVos's performance in this hearing didn't convince you that she lacks qualifications for this job, what would have had to have happened in that hearing in order to convince you?

If we cannot set aside party loyalty long enough to perform the essential duty of vetting the President's nominees, what are we even doing here?

Let's do our job for the sake of the children and for the sake of our Nation's future. Thank you.

Mrs. MURRAY. I say thank you to the Senator from Minnesota, and I want to thank him for being a committed part of our committee, really helping us all recognize that this nominee is not qualified.

I see the Senator from Hawaii who has, I believe, the last question.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Will the Senator from Washington yield for a question?

Mrs. MURRAY. I will yield to the Senator from Hawaii.

Ms. HIRONO. As we have spent many hours debating whether Mrs. DeVos is the best person to head our Department of Education, my question is, Do you think Betsy DeVos is the best prepared, the best experienced, and the best committed person to lead as the Secretary of the Department of Education?

With your indulgence, I would like to put this into a little bit of a context because we talk about how foundational public schools are and how education is a great equalizer. I speak from experience as an immigrant coming to this country not speaking any English, and I learned from the public schools and the committed teachers in public schools how to read and write English, to develop my love of reading, to count on an education system to prepare me for success, not only in school but in life.

That is why I want to also ask my colleague from Washington State, for the nearly 200,000 young people in Hawaii who attend our public schools and obviously the millions of young people in our public schools throughout the country. Do you think Betsy DeVos is the best we can do for these people who are attending our public schools?

Mrs. MURRAY. I thank the Senator from Hawaii, and I think that is the question all of us should be posing to ourselves as we get down to the final few minutes. Is this the best of the best?

Is this a knowledgeable candidate who understands the Federal law?

Is this a candidate who comes to us without conflicts of interest?

Is this a candidate who is willing to stand up and be the defender of all young children in schools?

To me and to many of my colleagues who have been out here speaking, she is not.

I want to thank all of my great colleagues who have been out here speaking from their heart about a passion that they have in this country for a candidate to lead the Department of Education who is qualified, who is prepared, who is ready to stand up and fight for every child no matter where they live or where they come from.

With that, Mr. President, I believe we are down to the last 15 minutes before the vote, with the time equally divided.

The PRESIDING OFFICER. That is correct.

Mrs. MURRAY. Mr. President, as I noted, Democrats have been here on the Senate floor for the past 24 hours straight, talking about the importance of public education, sharing stories from parents and students and teachers in our home States, highlighting all of

the reasons for Senators to stand with us and stand with their constituents, stand with other Republicans who are doing the right thing, and urging them to say no to Betsy DeVos and her plans to privatize public school and destroy public education in America.

But I come to the floor today to make one final push before this vote, to make the case one last time, because we are so, so close and because this is so important and also because we have a real shot right now to show people across the country that the Senate can actually listen to them, that their voices matter, and that their Senators put them and their kids and their families and their futures above loyalty to a party or a President.

I have talked about my frustration with the fact that Republican leaders did everything they could to jam this nominee through the Senate. They cut corners and rushed into a hearing before her ethics paperwork was in. They blocked Democrats from asking more than 5 minutes of questions, forcing a vote before all of our questions were answered about her tangled finances and her potential conflicts of interest, and rushed straight from the committee vote to the shortest possible floor debate they could manage.

So I won't spend more time on that today because the truth is that despite Republicans' best efforts, people across the country have learned a whole lot about Betsy DeVos over the past few weeks, and the more they have learned about her, the less they have liked and the more outraged they have become.

Over the past few weeks, people have learned about Betsy DeVos's tangled finances and potential conflicts of interest and how she and her family have given hundreds of millions of dollars to Republicans and extreme conservative groups. They have learned about her failed record, how she spent her career and her inherited fortune pushing anti-public school policies that have hurt so many students in her home State of Michigan and across the country. They have learned about the extreme right-wing ideology that drives her, how she wants to bring her anti-government, free-market-above-all philosophy to an education system that she has called nothing more than "an industry, and a dead end."

When people saw her in her hearing, they learned even more. When they watched Betsy DeVos in that hearing room, when they saw it live on the evening news, on "The Daily Show," on "The View," and on many other shows covering it, and one of the many clips that went viral on social media or shared by a friend or a family member, a whole lot of people were introduced to Betsy DeVos for that first time in that hearing, and they were not impressed. People across the country saw a nominee who was clearly ill-informed and confused, who gave a number of

very concerning responses to serious and reasonable questions.

In that hearing, Betsy DeVos refused to rule out slashing investments in or privatizing public schools. She was confused that Federal law provides protections for students with disabilities. She didn't understand a basic issue in education policy—the debate surrounding whether students should be measured based on their proficiency or their growth. She argued that guns needed to be allowed in schools across the country to “protect from Grizzlies.” And even though she was willing to say that President Trump's behavior toward women should be considered sexual assault, she would not commit to actually enforcing Federal law protecting women and girls in our schools. Those were just a few of the moments in that hearing that made it clear why Betsy DeVos is not qualified to do this job. There were many more.

What people saw in that hearing wasn't just a nominee who didn't understand the issues; they saw a nominee for Secretary of Education who clearly didn't think about public education and public schools the way they do. For most people, public education hits really close to home. It is part of who we are, our families, and our communities. So many of us owe everything we have to public education. We have watched our kids and our grandkids and our neighbors get on the bus to go to their local public school. Many of us have taught in public schools or have family or friends who walk into classrooms every single day to help our students learn. And so many of us believe in a commitment to strong public schools that offer an education and opportunity to every student. It is a core part of the American promise.

So when we saw someone nominated to this position who knows so little about public education, who so clearly cares so little about public education, whose strongest connection to public schools is through her dedication to tearing them down, that struck a real chord with a whole lot of people, and they decided to make their voices heard.

Over the past two weeks, we have seen an unprecedented level of engagement from people on this nomination—tens of thousands of calls, thousands of letters, hundreds of people calling in, social media, and many of them have never been involved or made their voices heard before. It made a difference. Right now, every single Democrat is opposing this nomination, and two Republicans who listened to their constituents are joining us. So we are dead even—the first time in history that the Vice President will be called on shortly to cast a tie-breaking vote on a Cabinet nominee. We just need one more Republican to join us to prevent that from happening, one more to help

us show the people across this country that their voice matters in this debate, one more to stand with people across the country and say no.

So I am here to finish this debate where we started—standing with students and parents and teachers, with the people of my home State of Washington and across the country who strongly support public schools and true education opportunity for all, and with Democrats and Republicans across the country who have poured their heart and soul into opposing this nominee. I stand with you.

I urge one more Republican to join us.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, will you please let me know when 4 minutes has expired and then when 5 minutes has expired, and then I will allocate to the Senator from South Carolina the last 2½ minutes.

The PRESIDING OFFICER. The Chair will so advise.

Mr. ALEXANDER. Mr. President, I am voting for Betsy DeVos because she will implement our law fixing No Child Left Behind the way we wrote it—to reverse the trend to a national school board and restore control to classroom teachers, to local school boards, to Governors, and legislators—because she has been at the forefront of the most important public school reform in the last 30 years—public charter schools—and because she has worked tirelessly to give low-income children more of the same kind of choices that wealthy families have.

Twenty-two Governors in this country support Betsy DeVos.

I ask unanimous consent to have printed in the RECORD their names, including former Governor Jeb Bush, former Governor Mitt Romney, former Governor John Engler, and 462 organizations and elected officials who support Betsy DeVos for Education Secretary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS AMONG DEVOS SUPPORTERS

THESE INDIVIDUALS HAVE WRITTEN LETTERS, OP-EDS, OR ANNOUNCED PUBLIC SUPPORT

22 State Governors, including:

Gov. Robert Bentley, Alabama; Gov. Doug Ducey, Arizona; Gov. Asa Hutchinson, Arkansas; Gov. Rick Scott, Florida; Gov. Bruce Rauner, Illinois; Gov. Eric Holcomb, Indiana; Gov. Sam Brownback, Kansas; Gov. Matthew Bevin, Kentucky; Gov. Paul LePage, Maine; Gov. Rick Snyder, Michigan; Gov. Phil Bryant, Mississippi; Gov. Eric Greitens, Missouri; Gov. Doug Burgum, North Dakota; Gov. Pete Ricketts, Nebraska; Gov. Brian Sandoval, Nevada; Gov. Chris Christie, New Jersey; Gov. Susana Martinez, New Mexico; Gov. John Kasich, Ohio; Gov. Mary Fallin, Oklahoma; Gov. Bill Haslam, Tennessee; Gov. Greg Abbott, Texas; Gov. Scott Walker, Wisconsin.

Former Governors:

Jeb Bush, Mitt Romney, John Engler.

4 Former Education Secretaries:

William Bennett, Rod Paige, Margaret Spellings, Lamar Alexander.

Former Senators:

Joe Lieberman and Bill Frist.

Democrats including:

Eva Moskowitz, founder and CEO of Success Academy Charter Schools; Anthony Williams, former Mayor of Washington, DC.

462 ORGANIZATIONS, ELECTED OFFICIALS

NATIONAL SUPPORT FOR THE NOMINATION OF BETSY DEVOS TO BE U.S. SECRETARY OF EDUCATION

50 CAN—50 State Campaign for Achievement Now; ACE Scholarships; Agudath Israel of America; Air Force Association; Alabama Federation for Children; Alabama Secretary of State John H. Merrill; Alabama State Sen. Del Marsh, President Pro Tem; Alaska Rep. Charisse Millett, House Republican Leader; American Federation for Children; American Association of Christian Schools; Americans for Prosperity; Americans for Prosperity—Arizona; Americans for Tax Reform; Arizona Chamber of Commerce; Arizona Charter Schools Association; Arizona Federation for Children; Arizona State Sen. Steven Yarbrough, President; Arizona State Sen. Kimberly Yee, Majority Leader; Arizona State Sen. Gail Griffin, Majority Whip; Arizona State Sen. Debbie Lesko, President Pro Tem; Arizona State Sen. Sylvia Allen, Education Committee Chair; Arizona State Rep. J.D. Mesnard, Speaker of the House; Arizona State Rep. John Allen, Majority Leader; Arizona State Rep. Kelly Townsend, Majority Whip; Arizona State Rep. T.J. Shope, Speaker Pro Tem; Arizona State Rep. Don Shooter, Appropriations Chair; Arizona State Rep. Paul Boyer, Education Committee Chair; Arizona State Rep. Tony Rivero; Arkansas Secretary of State Mark Martin; Associated Builders and Contractors (ABC); Association of Big Ten Students, Former Director Adi Sathi; Association of Christian Schools International; Association of the United States Army; Attorney General Patrick Morrisey, West Virginia; Attorney General Leslie Rutledge, Arkansas.

Attorney General Bill Schuette, Michigan; Attorney General Alan Wilson, South Carolina; Ave Maria University Associate Professor Michael New; Barry Beverage, Teacher, Fayetteville Christian School; First Lady Barbara Bush; Barbara Bush Foundation for Family Literacy; The BASIC Fund; Secretary of Education William Bennett; Black Alliance for Educational Options; Bowdoin College Professor Jean Yarbrough; Business Council of Alabama; California State Sen. Jean Fuller, Senate Republican Leader; Calvin College President Emeritus Gaylen Byker; Mark Campbell, United States Naval Academy; CarolinaCAN; Catholic Partnership Schools, Camden, NJ; Career Education Colleges and Universities (CECU); Center for Arizona Policy; Center for Education Reform; Charter Schools USA; Kevin P. Chavous; Former Member, Council of the District of Columbia; Vice President Dick Cheney; Lynne Cheney; Children's Education Alliance of Missouri (CEAM); Children's Scholarship Fund, Chair Mike McCurry; Children's Scholarship Fund—Baltimore; Children's Scholarship Fund—Buffalo (BISON); Children's Scholarship Fund—Charlotte; Children's Scholarship Fund—Philadelphia; Children's Scholarship Fund—Portland OR; Civitas—North Carolina; Collaborative for Student Success; Colorado State Board of Education Member Steve Durham;

Colorado State Board of Education Member Pam Mazanec; Colorado State Rep. Paul Lundeen.

Colorado State Rep. Clarice Navarro; Colorado State Rep. Libby Szabo (Former); Jefferson County Commissioner; Colorado State Sen. Kevin Grantham, Senate President; Colorado State Sen. Owen Hill; Colorado State Sen. Jerry Sonnenberg, Senate President Pro Tem; Connecticut State Sen. Michael McLachlan, Deputy Senate Republican; Connecticut State Rep. Vincent Candelora; Cornell Law School Professor William Jacobson; Cornerstone University, President Joseph Stowell; Delaware State Sen. Gary Simpson, Senate Republican Leader; Delaware State Sen. Greg Lavelle, Senate Republican Whip; Delaware State Sen. Anthony Delcollo; Delaware State Sen. Ernie Lopez; Delaware State Sen. Brian Pettyjohn; Ed Choice; Educate Nebraska; Education for a Brighter Future; Empower Mississippi; Ferris State University, President David Eisler; Florida Charter School Alliance; Florida Coalition of School Board Members; Florida Commissioner of Agriculture Adam Putnam; Florida State Chief Financial Officer Jeff Atwater; Florida State Rep. Michael Bileca; Florida State Rep. Manny Diaz, Jr.; Florida State Rep. Richard Corcoran, Speaker of the House; Florida State Rep. Jose Oliva, Speaker-Elect; Florida State Rep. Jose Felix Diaz; Focus on Family.

Foundation for Excellence in Education; Foundation for Florida's Future; Friends of Betsy DeVos, Ed Patru; Former Senate Majority Leader Bill Frist; Tim Forti; Principal, St. Mary's-ST. Alphonsus Catholic School; George Washington University, Professor Henry Nau; Georgia Charter Schools Association; Georgia Secretary of State Brian Kemp; Georgia State Rep. Buzz Brockway; Georgia State Rep. Wes Cantrell; Georgia State Rep. David Clark; Georgia State Sen. David Shafer, President Pro Tem; Georgia State Rep. B.J. Pak (Former); Georgia State Rep. Ed Setzler; Georgia State Rep. Valencia Stovall; Kathy Lee Gifford; Gov. Robert Bentley, Alabama; Gov. Douglas Ducey, Arizona; Gov. Assa Hutchinson, Arkansas; Gov. Rick Scott, Florida; Gov. Jeb Bush, Former Governor of Florida; Gov. Edward Baza Calvo, Guam; Gov. Bruce Rauner, Illinois; Gov. Eric Holcomb, Indiana; Gov. Sam Brownback, Kansas; Gov. Matthew Bevin, Kentucky; Gov. Paul LePage, Maine; Gov. Rick Snyder, Michigan; Gov. Phil Bryant, Mississippi; Gov. Eric Greitens, Missouri; Gov. Doug Burgum, North Dakota; Gov. Pete Ricketts, Nebraska; Gov. Brian Sandoval, Nevada; Gov. Chris Christie, New Jersey; Gov. Susana Martinez, New Mexico; Gov. Ralph Torres, N. Mariana Islands.

Gov. John Kasich, Ohio; Gov. Mary Fallin, Oklahoma; Gov. Bill Haslam, Tennessee; Gov. Greg Abbot, Texas; Gov. Scott Walker, Wisconsin; Great Lakes Education Project; Grand Rapids Area Chamber of Commerce; Grand Rapids City Commissioner Dave Schaffer; Grand Rapids Public Schools Superintendent Teresa Weatherall Neal; Great Schools for All Children; Jim Griffin, Charter school advocate; Debbie Groves, Teacher, Stonewall Jackson High School; Hawaii State Rep. Gene Ward; Frederick Hess, Director of Education Policy Studies, American Enterprise Institute; Hillsdale College, President Larry Arnn; Hispanic CREA; Hispanics for School Choice; Mark Hoduski, Teacher, Maranatha Academy; Home School Legal Defense Association; Hope College, President Dr. John Knapp; Hope College, Trustee Lisa Granger; Idaho Charter School Network; Idaho State Rep. Scott Bedke,

Speaker of the House; Illinois State Rep. John Cabello; Independence Institute; Independent Women's Voice; Indiana State Rep. Robert Behning; Indiana State Rep. Brian Bosma, Speaker of the House; Indiana State Sen. Brandt Hershman, Senate Majority Leader; Indiana State Sen. David Long, President Pro Tem; Institute for Better Education; Institute for Quality Education; Invest in Education Coalition, President Thomas Carroll; Invest in Education Foundation, Vice President Peter Murphy; Investigative Project on Terrorism; Iowa State Rep. Linda Upmeyer, Speaker of the House.

Jeffersonian Project; John Locke Foundation, Director of Research and Education Studies Terry Stoops, Ph.D.; Kansas Secretary of State Kris Kobach; Kansas State Sen. Susan Wagle, Senate President; Kent County Commissioner Mandy Bolter, Grand Rapids, MI; Kentucky State Sen. Robert Stivers, Senate President; Kentucky State Sen. Ralph Alvarado; Kentucky State Rep. Johnathan Shell, House Majority Leader; Roger Kiney, Teacher, Burlington-Edison High School; Ken Kreykes, Teacher, Chicago Christian School; The Libre Initiative; Log Cabin Republicans; Louisiana Association of Business and Industry; Louisiana Association of Charter Schools; Louisiana Federation for Children; Louisiana State Rep. Greg Cromer; Lt. Gov. Kay Ivey, Alabama; Lt. Gov. Tim Griffin, Arkansas; Lt. Gov. Kim Reynolds, Iowa; Lt. Gov. Evelyn Sanguinetti, Illinois; Lt. Gov. Suzanne Crouch, Indiana; Lt. Gov. Jeff Colyer, Kansas; Lt. Gov. Billy Nungesser, Louisiana; Lt. Gov. Brian Calley, Michigan; Lt. Gov. Tate Reeves, Mississippi; Lt. Gov. Dan Forest, North Carolina; Lt. Gov. Mike Foley, Nebraska; Lt. Gov. John Sanchez, New Mexico; Lt. Gov. Mark Hutchinson, Nevada; Lt. Gov. Todd Lamb, Oklahoma; Lt. Gov. Rebecca Klefisch, Wisconsin; MacIver Institute; Mackinac Center for Public Policy; Macomb County Commissioner Leon Drolet, Macomb, MI; Maggie's List.

Maine State Sen. Michael Thibodeau, Senate President; Maine State Sen. Andre Cushing, Senate Assistant Majority Leader; Maryland State Sen. Stephen Hershey, Jr.; Maryland State Sen. Michael Hough; Maryland House Rep. Nic Kipke, House Republican Leader; Maryland House Rep. Kathy Szeliga; Massachusetts House Rep. Keiko M. Orrall; Metropolitan Milwaukee Association of Commerce; Metropolitan State University—Denver, Professor Kishore Kulkarni; Michigan Association of Non-Public Schools; Michigan Association of Public School Academies; Michigan Chamber of Commerce; Michigan Catholic Conference; Michigan Council of Charter School Authorizers; Michigan Republican National Committee (RNC) Member, Kathy Berden; Michigan Republican State Committee Member, Beverly Bodem; Michigan Republican Party, Former Chair Suzy Avery; Michigan Secretary of State Ruth Johnson; Michigan State Board of Education Co-President Dr. Richard Zeile; Michigan State Board of Education Member, Eileen Lappin Weiser; Michigan State Rep. Laura Cox; Michigan State Rep. Daniela Garcia, Assistant Majority Floor Leader; Michigan State Rep. Brandt Iden; Michigan State Rep. Klint Kesto; Michigan State Rep. Tom Leonard, Speaker of the House; Michigan State Rep. Aric Nesbitt (Former); Michigan State Rep. Amanda Price, Education Committee Chair; Michigan State Rep. Mary Whiteford; Michigan State Rep. Ken Yonkers; Michigan State Sen. Mike Green; Michigan State Sen. Peter MacGregor; Michigan State Sen. Michelle McManus

(Former); Michigan State Sen. Arlan Meekhof, Senate Majority Leader; Michigan State Sen. Mike Shirkey; Michigan State Sen. Jim Stamas; Michigan State Sen. Phil Pavlov.

Michigan State University Board of Trustees, Chairperson Brian Breslin; Michigan State University Board of Trustees, Trustee Melanie Foster; Military Child Education Coalition; Military Families for High Standards; Military Officers Association of America (MOAA); Minnesota State Sen. Paul Gazelka, Senate Majority Leader; Minnesota State Rep. Kurt Daudt, Speaker of the House; Mission: Readiness; The Missouri Bar; Missouri Education Reform Council (MERC); Missouri State Rep. Shamed Dogan; Missouri State Rep. Rebecca Roerber; Montana State Rep. Ron Ehli, House Majority Leader; Montana State Rep. Austin Knudsen, Speaker of the House; Montana State Sen. Fred Thomas, Senate Majority Leader; Eva Moskowitz, Founder of Success Academy Charter Schools; National Alliance for Public Charter Schools; National Center for Family Learning; National Heritage Academies, Grand Rapids, MI; National Math + Science Initiative (NMSI); National Military Family Association; Navy League of the United States; Nevada State Assemblyman Paul Anderson, Floor Leader; Nevada State Assemblyman Chris Edwards; Nevada State Assemblyman John Ellison, Republican Whip; Nevada State Assemblyman John Hambrick; Nevada State Assemblyman Ira Hansen; Nevada State Assemblyman Al Kramer; Nevada State Assemblyman Lisa Krasner; Nevada State Assemblyman Jim Marchant; Nevada State Assemblyman Richard McArthur; Nevada State Assemblyman James Oscarson, Floor Leader; Nevada State Assemblyman Keith Pickard; Nevada State Assemblyman Robin Titus; Nevada State Assemblyman Jill Tolles; Nevada State Assemblyman Jim Wheeler, Floor Leader.

Nevada State Assemblywoman Melissa Woodbury, Republican Whip; Nevada State Sen. Don Gustason; Nevada State Sen. Scott Hammond; Nevada State Sen. Joe Hardy; Nevada State Sen. Michael Roberson, Senate Republican Leader; New Hampshire State Rep. Victoria Sullivan, Member of Committee on Education; New Hampshire State Sen. Andy Sanborn; New Jersey State Rep. Sen Tom Kean, Senate Republican Leader; New Jersey Tri-County Scholarship Fund; New Mexico State Rep. Alonzo Baldonado, House Republican Whip; New Mexico State Rep. Nate Gentry, House Republican Leader; New Mexico State Rep. Monica Youngblood; New York State Catholic Conference; New York State Sen. John Flanagan, Senate Majority Leader; North Carolina Association of Public Charter Schools; North Carolina State Rep. Pat McElraft, Deputy Majority Whip; North Carolina State Sen. John Alexander; North Carolina State Sen. Deanna Ballard; North Carolina State Sen. Chad Barefoot, Co-Chair for Committee on Education; North Carolina State Sen. Phil Berger, President Pro Tem; North Carolina State Sen. Harry Brown, Majority Leader; North Carolina State Sen. Bill Cook; North Carolina State Sen. David Curtis, Co-Chair for Committee on Education; North Carolina State Sen. Cathy Dunn; North Carolina State Sen. Kathy Harrington; North Carolina State Sen. Brent Jackson; North Carolina State Sen. Joyce Krawiec, Member, Committee on Education; North Carolina State Sen. Michael Lee, Co-Chair, for Committee on Education; North Carolina State Sen. Wesley Meredith, Majority Whip; North Carolina State Sen. Paul Newton; North

Carolina State Sen. Ronald Rabin; North Carolina State Sen. Bill Rabon; North Carolina State Sen. Norman Sanderson; North Carolina State Sen. Tommy Tucker.

North Dakota State Rep. AL Carlson, House Majority Leader; Northeast Charter Schools Network; Northwest Ohio Scholarship Fund; Ohio State Rep. Niraj Antani; Ohio State Rep. Keith Faber; Ohio State Rep. Cliff Rosenberger, Speaker of the House; Oklahoma State Rep. Ryan Martinez; Oklahoma State Rep. T.W. Shannon, Former Speaker of the House; O'More College of Design, President David Matthew Rosen; Oregon State Rep. Michael McLane, Republican Leader; Oregon State Sen. Ted Ferrioli, Republican Leader; Oregon State Sen. Jackie Winters; Secretary of Education Rod Paige; Parents for Educational Freedom in North Carolina (PEFNC); Lawrence C. Patrick, Former President of Detroit Board of Education; Pennsylvania Coalition for Public Charter Schools; Pennsylvania State Rep. David Reed, Majority Leader; Pennsylvania State Rep. Mike Turzai, Speaker of the House; Prep Net; Public School Options; Rachel and Drew Katz Foundation; Ready Colorado; Reason Foundation; Rhode Island State Rep. Patricia Morgan, House Republican Leader; Secretary of State Condoleezza Rice; Rio Grande Foundation; Assistant Secretary of Labor Doug Ross; S4 Group; Kathleen Shober, Teacher, McKaskey High School; School Choice Wisconsin; SchoolForward; Secretary of Education Margaret Spellings; Step Up; Student Leadership University; South Carolina African American Chamber of Commerce; South Carolina Secretary of State Mark Hammond.

South Carolina State Rep. Phyllis Henderson, House Majority Whip; South Dakota State Rep. Brian Gosch (Former); South Dakota State Rep. Kristin Langer, House Majority Whip; Tarrent County College Professor Robert Sherwood; Tennessee Federation for Children; Tennessee Secretary of State Tre Hargett; Tennessee State Rep. Kevin Brooks; Tennessee State Rep. Glen Casada; Tennessee State Rep. Michael Curcio; Tennessee State Rep. Martin Daniel; Tennessee State Rep. John DeBerry, Jr.; Tennessee State Rep. Tilman Goins; Tennessee State Rep. Andy Holt; Tennessee State Rep. Dan Howell; Tennessee State Rep. Sabi Kumar; Tennessee State Rep. Mark Lovell; Tennessee State Rep. Pat Marsh; Tennessee State Rep. Jimmy Matlock; Tennessee State Rep. Debra Moody; Tennessee State Rep. Dennis Powers; Tennessee State Rep. Jay Reedy; Tennessee State Rep. Courtney Rogers; Tennessee State Rep. Jerry Sexton; Tennessee State Rep. Paul Sherrell; Tennessee State Rep. Eddie Smith; Tennessee State Rep. Mike Sparks; Tennessee State Rep. Tim Wirgau; Tennessee State Rep. Dawn White; Tennessee State Rep. Mark White; Tennessee State Rep. Jason Zachary; Tennessee State Sen. Mike Bell; Tennessee State Sen. Dolores Gresham; Tennessee State Sen. Todd Gardenhire; Tennessee State Sen. Ferrell Haile; Tennessee State Sen. Ed Jackson; Tennessee State Sen. Brian Kelsey; Tennessee State Sen. Bill Ketron; Tennessee State Sen. John Stevens; Tennessee State Sen. Jim Tracy.

Texas Charter Schools Association; Texas for Education Opportunity; Texas State Rep. Larry Gonzales; Thomas B. Fordham Institute; Today and Tomorrow Educational Foundation; Tomorrow's Hope Foundation; Union of Orthodox Jewish Congregations of America; University of Louisville Associate Professor Alexei Izyumov;

University of Michigan, President Emerita Mary Sue Coleman; University of Michigan,

Regent Andrew Fischer Newman; University of Texas at Austin Professor Daniel Bonevac, University of Wisconsin at Milwaukee Professor Shale Horowitz; U.S. Chamber of Commerce; U.S. House Rep. Rick W. Allen, Member of Education and Workforce Committee; U.S. House Rep. Justin Amash; U.S. House Rep. Jack Bergman; U.S. House Rep. Lou Barletta, Member of Education and Workforce Committee; U.S. House Rep. Mike Bishop, Member of Education and Workforce Committee; U.S. House Rep. Marsha Blackburn; U.S. House Rep. Dave Brat, Member of Education and Workforce Committee; U.S. House Rep. Bradley Byrne, Member of Education and Workforce Committee; U.S. House Rep. Virginia Foxx, Chair of Education and Workforce Committee; U.S. House Rep. Trent Franks; U.S. House Rep. Louie Gohmert; U.S. House Rep. Glenn Grothman, Member of Education and Workforce Committee; U.S. House Rep. Andy Harris; U.S. House Rep. Bill Huizenga; U.S. House Rep. Duncan Hunter, Member of Education and Workforce Committee; U.S. House Rep. Steve King; U.S. House Rep. Jason Lewis, Member of Education and Workforce Committee.

U.S. House Rep. Blaine Luetkemeyer; U.S. House Rep. Luke Messer, Member of Education and Workforce Committee; U.S. House Rep. Paul Mitchell, Member of Education and Workforce Committee; U.S. House Rep. John Moolenaar; U.S. House Rep. Aumua Amata Coleman Radewagen; U.S. House Rep. James B. Renacci; U.S. House Rep. Todd Rokita, Member of Education and Workforce Committee; U.S. House Rep. Francis Rooney, Member of Education and Workforce Committee; U.S. House Rep. Dave Trott; U.S. House Rep. Fred Upton; U.S. House Rep. Tim Walberg, Member of Education and Workforce Committee; U.S. House Rep. Joe Wilson, Member of Education and Workforce Committee; U.S. House Rep. Ted S. Yoho, DVM; Former U.S. House Rep. Dave Camp (MI); Former U.S. House Rep. Pete Hoekstra (MI); Former U.S. House Rep. Mike Rogers (MI); Utah State Rep. Kim Coleman; Utah State Rep. Greg Hughes, Speaker of the House; Utah State Sen. Todd Weiler; Valencia College, President Dr. Sanford Shugart; Vermont State Rep. Don Turner, House Republican Leader; Virginia State Del. Bill Howell, Speaker of the House.

Virginia State Sen. Ryan McDougle, Chair of Senate Republican Caucus; Virginia Tech Professor Ken Stiles; Washington and Lee University Professor Robert Dean; Washington State Sen. Mark Schoessler, Senate Majority Leader; Tom Watkins, former Michigan State Superintendent of Schools; Wayne State University, Board of Governors Member David Nicholson; Ronald Weiser, Former U.S. Ambassador to Slovakia; West Virginia State Rep. Eric Nelson, Chair of House Republican Caucus; West Virginia State Rep. Jill Upson, Member of Committee on Education; Anthony Williams, Former Mayor of Washington, DC; Wisconsin Assemblywoman Jessie Rodriguez; Wisconsin Assemblyman Robin Vos, Speaker of the House; Wisconsin Federation for Children; Wisconsin Institute for Law and Liberty; Wisconsin Manufacturers and Commerce; Wisconsin State Rep. Jessie Rodriguez; Wisconsin State Sen. Scott Fitzgerald, Senate Majority Leader; Wisconsin State Sen. Leah Vukmir, Assistant Majority Leader; Kenneth Witt, Former President, Jefferson County Board of Education; Cardinal Donald Wuerl, Archbishop of Washington DC; Wyoming State Rep. Steven Harshman, Speaker of the House; Wyoming State Sen. Eli Bebout, Senate President; Young America's Foundation.

Mr. ALEXANDER. Mr. President, was there not enough time to question her? I wonder. We treated her just like we did President Obama's Education Secretaries. She offered to meet with the Democrats in December. They refused. She finally met with them in their offices.

Then she testified for 90 minutes longer than either of President Obama's Education Secretaries before our committees.

Then there were followup questions. We asked President Obama's Education Secretaries 53 and 56 questions; they asked her 1,400 questions. Then they met, and one of their Members announced that they all agreed to vote against her before she had a chance to answer the questions. What does that say about those questions?

She has conflicts of interest? We have a procedure for that, an independent conflicts of interest office, the Office of Government Ethics. The head was appointed by President Obama, confirmed by the Senate. He has an agreement with every Cabinet member about conflicts of interest. He wrote a letter to us 8 days before we voted on her and said she would have no conflict of interest if she followed this agreement.

So plenty of time for questions, no conflict of interest. What is the problem?

One, her support for public charter schools. Some people don't like that. But 2.7 million children attend them. They were founded by the Democratic Farmer-Labor Party in Minnesota. They have now grown to 6,800 schools. They are the most effective public school reform in 30 years.

School choice. What is wrong with giving low-income Americans more choice and better schools? We have done it since the GI bill from 1944—taxpayer money following veteran students to Notre Dame, Yeshiva, Harvard, the National Auto Diesel College. Has it hurt the public universities, of which I used to be President of one? It has helped them. Then, more people went to private schools, and now more people go to public colleges.

Betsy DeVos has committed to no more Washington mandates. No more national school board, no Washington mandates for vouchers, no Washington mandates for common core, no Washington mandates for specific kinds of teacher evaluations with Betsy DeVos in charge of the Department of Education.

One year ago, we had no Education Secretary. I asked President Obama to appoint one, even though I knew he would appoint John King, with whom I disagreed. I promised that if he did, we would promptly confirm him, and we did. We asked him 53 questions, not 1,397. We didn't say he had conflicts of interest when the Office of Government Ethics said he did not.

I know my friends are surprised about the election, but wouldn't they be really surprised if he appointed someone from within the education establishment to be the Secretary of Education? Wouldn't you be surprised that a Republican President would be for charter schools? Are you really surprised that a Republican President has appointed an Education Secretary who wants to give low-income children more choices of schools? Are you surprised that a Republican President has nominated an Education Secretary who wants to reverse the trend to a national school board and restore local control?

I am supporting her because she wants to do that, because she has led the most effective—

The PRESIDING OFFICER. The Senator has used 4½ minutes.

Mr. ALEXANDER. Thank you, Mr. President.

She has led the most effective public school reform movement over the last 30 years and she has a commitment to help low-income children.

I would say to my Democratic colleagues, we confirmed President Obama's first Education Secretary in 7 days—on the day he was inaugurated; his second one in 3 weeks, just as we will Betsy DeVos today. You may disagree with the new President, but the people elected him, and I urge you to give the new Republican President the opportunity to choose his own Education Secretary, just like we did with the Democratic President 8 years ago and a year ago, even though we disagreed just as much with their view on Federal policy on local schools as you do with her policy and President Trump's policy on school choice.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. ALEXANDER. Mr. President, I urge a "yes" vote.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, as we close this debate on Betsy DeVos, this debate should really be about public education. I support public education. Education is the closest thing to magic in America. Let me say again that again. Education is the closest thing to magic in America. I experienced that magic.

As a kid growing up in a single-parent household, mired in poverty, disillusioned about life, I nearly flunked out as a freshman. I thank God for public education. But far too many kids—too many millions of kids today—do not have a quality educational choice in their communities. And what does that mean? There is a high correlation between incarceration, high unemployment, and lower lifetime incomes for those students who do not have quality public education.

This Nation—the greatest Nation on Earth—has afforded a kid who almost

dropped out of high school to become a U.S. Senator. Why? Because I found a path that included public education, and quality public education.

So what does it look like in some of our cities? Let me give my colleagues an example from Detroit. Only 9 percent of African-American kids meet standards for English. Thirteen percent of White kids meet standards or exceed standards in English, and 12.5 percent of Hispanic kids meet or exceed standards in English in Detroit. We need to make sure that every child in every ZIP Code has a quality choice.

The Secretary of Education cannot—cannot—privatize education. That would take an act of Congress.

So, yes, we should have a passionate debate about education, and yes, we should make sure—make sure—that the focus of that debate is on the kid.

The PRESIDING OFFICER (Mr. TILLIS). The Senator's time has expired.

PRAYER

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of mercy and light, we are in Your hands, and we rejoice because of the power of Your presence. Do with us what seems good in Your sight.

Lord, in the welter and variety of decisionmaking, with its alternating and fluctuating intricacies, give our lawmakers a deeper appreciation for a conscience void of offense toward You or humanity. Today, show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your Holy Spirit ever be with them, directing all their thoughts, words, and works for Your glory. Lord, prosper the labors of their hands, enabling them in due season to reap a bountiful harvest if they faint not.

We pray in Your merciful Name. Amen.

The PRESIDING OFFICER. All postcloture time having expired, the question is, Will the Senate advise and consent to the DeVos nomination?

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—50

Alexander
Barrasso

Blunt
Boozman

Burr
Capito

Cassidy
Cochran
Corker
Cornyn
Cotton
Crapo
Cruz
Daines
Enzi
Ernst
Fischer
Flake
Gardner
Graham
Grassley

Hatch
Heller
Hoeven
Inhofe
Isakson
Johnson
Kennedy
Lankford
Lee
McCain
McConnell
Moran
Paul
Perdue
Portman

Risch
Roberts
Rounds
Rubio
Sasse
Scott
Sessions
Shelby
Sullivan
Thune
Tillis
Toomey
Wicker
Young

NAYS—50

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Collins
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken
Murphy

Gillibrand
Harris
Hassan
Heinrich
Heitkamp
Hirono
Kaine
King
Klobuchar
Leahy
Manchin
Markey
McCaskill
Menendez
Merkley
Murkowski
Wyden

Murray
Nelson
Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative, and the nomination is confirmed.

The majority leader.

Mr. McCONNELL. Mr. President, I move to reconsider the vote on the confirmation.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. McCONNELL. I move to table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion to table.

The motion was agreed to.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Jeff Sessions, of Alabama, to be Attorney General.

Mitch McConnell, Johnny Isakson, Jeff Flake, Steve Daines, James Lankford, Dan Sullivan, Thom Tillis, Rob Portman, John Hoeven, Roger F. Wicker, John Thune, Deb Fischer, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination

of JEFF SESSIONS, of Alabama, to be Attorney General shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SESSIONS (when his name was called). Present.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 55 Ex.]

YEAS—52

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeben	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

ANSWERED "PRESENT"—1

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. One Senator responded "present."

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of JEFF SESSIONS, of Alabama, to be Attorney General.

The PRESIDING OFFICER. The Senator from Mississippi.

RECESS

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:30 p.m. today and that the time during recess count postcloture on the SESSIONS nomination.

There being no objection, the Senate, at 12:52 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I rise to speak in favor of the Senate confirming Senator SESSIONS to the position of Attorney General, chief law enforcement officer of our country, but I do want to say thank you to the Democratic minority of my committee because they did not boycott the meetings. They debated. They debated too long, from my point of view, but they debated, and we were able to do our work in a businesslike way. So I want to thank all of them for their participation.

Now I will take a few minutes to speak in strong support of my friend and our colleague Senator JEFF SESSIONS to serve as the 84th Attorney General.

Last week, the Judiciary Committee spent over 6 hours debating the nomination. Every single Democrat opposed the nomination, but this wasn't, of course, much of a surprise. During our committee debate, Senator GRAHAM correctly pointed out that, based on the standard the Democrats established, it appears no Republican could ever earn their support.

It is no secret that our Democratic colleagues don't like the new President. They are doing what they can do to undermine the new administration.

With respect to Senator SESSIONS, my Democratic colleagues disagree with a number of policy positions he has taken over the years, but this year seems to be unlike previous administrations, where Senators supported Cabinet nominees even if they disagreed with the nominee on policy grounds. That is what happened in 2009, when Senator SESSIONS and I both supported Eric Holder for Attorney General, even though we disagreed with him on many policies.

So after listening to all the reasons they are opposing this nomination, I can boil their objections down to these points:

Even though many of my colleagues have known this good man for years, even though many of my colleagues have worked closely with him to pass important bipartisan legislation, even though many of them have praised him in the past for his integrity and for being a man of his word, even though Senator SESSIONS has pledged to support and defend all laws passed by Congress, even those he disagrees with, when it comes time to stand up in support of this good man, they are unwilling to take him at his word.

This is very troubling because all of us in the Senate know JEFF SESSIONS. Some of us have known him for decades. Regardless of what my colleagues are willing to admit publicly, we all know him to be a man of deep integrity, a man of his word, and a man committed to fairness, to justice, and, most importantly, to the rule of law.

We all know that when Senator SESSIONS served as an assistant U.S. attorney, as a U.S. attorney, and as attorney general for his home State of Alabama, he worked hard to promote the rule of law and to bring justice to both victims and perpetrators. We know he has a deep commitment to the rule of law, something an Attorney General must possess or he could not be the chief law enforcement officer of the United States. In other words, that law or that position is all about carrying out and having a commitment to the rule of law. As I said, much of Senator SESSIONS' hearing focused on his record as a legislator.

Now, it is true Senator SESSIONS has voted on legislation in ways that the left doesn't like, and of course I have even disagreed with him from time to time, but we all understand that every time we cast a vote, we are voting the way we see as the best for our country. I think we all also understand that very rarely is any bill a so-called perfect piece of legislation.

At one time or another, every single Member of this body has opposed legislation based upon a principle objection to a particular provision.

So, of course, Senator SESSIONS has voted differently than his Democratic colleagues. Now, that is common sense. That is to be expected. This is the Senate. We are all about debating policy and for long periods of time. That is how the Senate works.

We all know the role of an Senator and the role of Attorney General are very, very different. A legislator debates policy and votes on legislation. The Attorney General enforces the laws, as enacted. All of us in the Senate understand that difference. Senator SESSIONS understands the difference better than most.

In addition to serving as a Senator for 20 years, he served in the Department of Justice for 15 years, a Department dedicated to law enforcement and to the rule of law and following what Congress directs law to be.

I am disappointed in my colleagues who have suggested Senator SESSIONS will not be able to put aside his policy differences that he established here in the United States and enforce the law, even if he voted against that law.

This is especially troubling after he specifically committed to us during this confirmation hearing that if he is confirmed, he will follow the law, regardless of whether he supported that statute as a policy matter.

The criteria for this nomination is, will this man, whose integrity is beyond reproach, enforce the law as he said he will?

Senator SESSIONS answered that question directly during his hearing. He stated this:

The Justice Department must remain ever faithful to the Constitution's promise that our government is one of laws and not of

men. It will be my unyielding commitment to you, if confirmed, to see that the laws are enforced faithfully, effectively, and impartially.

He goes on to say:

The Attorney General must hold everyone, no matter how powerful, accountable. No one is above the law, and no American will be beneath its protection.

Now, whether he said those things one time or dozens of times—and it is more apt to be dozens of times during the day and a half of hearings that we had on him, plus the speeches that were given—it can't be much clearer than what he just said.

But even after he made this promise, Members asked Senator SESSIONS if he would defend the laws that he had voted against, and he answered in the affirmative, stating:

I would defend the statute if it is reasonably defensible. It is passed by Congress, it would be the duty of the Attorney General, whether they voted for it or support it, to defend it.

He was questioned about a host of hot-button policy issues. Time and again, his answer was the same. He will enforce the law. This will actually be quite different from the Obama administration, which refused to enforce laws it didn't like. They did this while the people who are now in the minority—the Democrats—turned a blind eye when they didn't enforce the law.

Senator SESSIONS also made clear that he possesses the independence necessary for the Attorney General. I have often heard Senator SESSIONS ask Executive nominees, including nominees for Attorney General, whether they will have the fortitude to stand up to the President who appointed them. So I asked him the same question during my time of questioning in the committee. I asked if he will be able to say no to President Trump, and he said:

I understand the importance of your question. I understand the responsibility of the Attorney General, and I will do so. You simply have to help the President do things that he might desire in a lawful way and have to be able to say, "No," both for the country, for the legal system, and for the President to avoid situations that are not acceptable. I understand that duty. I have observed it through my years here, and I will fulfill that responsibility.

Senator SESSIONS' commitment to be independent from the President when it is necessary and his promise to enforce the law is exactly what this Nation needs right now. We haven't seen much of this over the past 8 years.

The Department has been politicized over the past 8 years, and that has caused great harm. The leadership of the Department of Justice has undermined our confidence in the rule of law by picking and choosing which laws it will enforce. I am looking forward to turning a new page at the Department under our friend's leadership as Attorney General. It is desperately needed, particularly at this time.

Last weekend, in particular, it showed us how critical it is to have someone leading the Department who is committed to following the law. Last week, then-Acting Attorney General Sally Yates announced that she wouldn't present arguments in defense of the President's recent Executive order, even though she admitted there was a defense to be made. As soon as she did this, Democrats ran to her defense and sang her praises, but after Senator SESSIONS' hearing, I would have expected Democrats to come to the opposite conclusion. During his hearing, they asked Senator SESSIONS whether he would enforce a law that he didn't like over and over and over. But last week, Ms. Yates refused to enforce a law—why?—because she didn't like it, and the Democrats lauded her "bravery" and "courage."

They lauded her "courage."

Now, let's be very clear. She didn't say that she can't constitutionally defend the President's order or offer good-faith defenses of its legality in the court. Instead, this is what—she explained her decision by saying her job is not the same as the job in the Department of Justice's Office of Legal Counsel. She said, importantly, OLC, meaning Office of Legal Counsel, does not address whether any policy choice embodied in an Executive order is wise or just. That seems to suggest, of course, that the decision on whether to defend an Executive order or statute in court turns on whether the Attorney General believes the law or order is wise or just. But with all respect to Ms. Yates, that wasn't her job. The Department's job is to enforce the law, just like Senator SESSIONS, becoming Attorney General, said he would enforce the law. Ms. Yates' obligation was clear. If she couldn't defend the order in good conscience, the only proper course was to resign.

This unfortunate situation with Ms. Yates highlights why it is important to swiftly move to confirm an Attorney General who will be faithful to the Constitution and uphold the law regardless of policy preferences.

Ultimately, it comes down to this: There is no one more qualified than JEFF SESSIONS for this position. He served in the Department for 15 years. He served as attorney general for his home State of Alabama, and for 20 years he served on the Senate Judiciary Committee, which has oversight over the Department of Justice.

We all know Senator SESSIONS is a man of his word. We all know he will enforce all the laws on the books, regardless of whether he supported them. Both Republicans and Democrats know he will make an excellent Attorney General, and the Nation will be served well by his appointment. I urge all of my colleagues to vote in favor of the nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, thank you very much, and I want to thank the distinguished chairman of the Judiciary Committee for his remarks. I greatly appreciate the opportunity to work with him, and we have a number of major issues forthcoming.

I rise to oppose the nomination of Senator SESSIONS to become the Attorney General of the United States. I think some of us and I certainly have lived through many difficult times in this country, but today this country is as divided as I have ever seen it.

Some Republicans have said that Democrats are in the anger stage of grief, but with all due respect, those statements just trivialize what is going on in this country. It is not trivial, and it is not small. Today America is a country split in half, with at least half objecting to the actions of this President, including his nominee for Attorney General.

My office has received approximately 114,000 calls and emails regarding Senator SESSIONS, with 112,000—more than 98 percent—opposed to this nominee. I would like to quote a few of my constituents who deeply oppose this President and this nominee and have been taking to the streets to protect the fundamental values of America.

Here is one from a doctor:

I marched because of the thousands of patients I've seen in the community, people of color, immigrants from all over the globe, who are terrified about the loss of their rights and the dramatic explosion of racially and culturally focused hate crimes we're reading about.

I marched on Saturday because women must not be denigrated, as we've seen by the attitude exemplified by our new President in his unmeasured remarks.

I marched on Saturday because I'm desperately worried that the progress this country has made in recognizing the rights of all Americans regardless of race, ethnicity and religious belief, is now threatened with a roll-back to the '50s.

The American process of justice is a beacon and an example to the world. Jeff Sessions must not be confirmed.

Here is another:

As a Californian who wants to finish school, as a Californian with "pre-existing conditions," as a Latina and as the kid of a South American immigrant—I don't know what I can say other than please, please, protect us from whatever is coming as best you can.

One woman who marched after the inauguration came to my office the following Monday and wrote a handwritten note explaining why she marched. Here is what it said:

Our President quickly dismisses all protesters as "professionals" and "sore losers." I am here in Washington for his first full week of the presidency to send the message that I am neither a "professional" nor a "sore loser"—just an ordinary American citizen who can no longer sleep well at night

worrying about how his agenda will negatively impact not only our country, but democracies all over the globe. America is already great; what Trump and his administration will do is destroy it.

To my constituents—112,000 have called and emailed to oppose this nominee—let me just say this: I hear you.

To my Republican colleagues, this is not grief about losing an election. At no time when my party lost an election or when the President was of a different party did I feel the way I feel today. For most Presidents, there is hope—a hope of unity, a hope of bringing people together, a sense of common purpose. That is what it means to be a leader of this country, the whole country—red States and blue States, all of our people.

President Obama began his tenure in office with a 69-percent approval rating. President George W. Bush talked about compassionate conservatism. After a terrorist attack killed nearly 3,000 people, President Bush went to the Islamic Center in Washington on September 17, 2001, and said: “Islam is peace.”

He said:

Muslims are doctors, lawyers, law professors, members of the military, entrepreneurs, shopkeepers, moms and dads. And they need to be treated with respect. In our anger and emotion, our fellow Americans must treat each other with respect.

Incidentally, President Eisenhower dedicated the Islamic Center in 1957, and here is what he said then:

Under the American Constitution, under American tradition, and in American hearts, this Center, this place of worship, is just as welcome as could be a similar edifice of any other religion. Indeed, America would fight with her whole strength for your right to have here your own church and worship according to your own conscience.

Now, Mr. President, that was the man who led American and Allied forces in Europe against Nazi Germany, a regime of pure evil that targeted Jews based on their religion and exterminated millions of Jews, Poles, Serbs, Roma, Soviet citizens, gays, lesbians, and many others. President Eisenhower was saying that this country, the United States of America, would fight with her whole strength to protect the religious freedom of Muslims. “Without that concept,” President Eisenhower said, “we would be something else than what we are.”

Can anybody even imagine Donald Trump uttering words like two of his Republican predecessors, Dwight Eisenhower and George W. Bush?

Instead, there is attack after attack after attack on minorities, on immigrants, on Muslims, on women, on his critics, on judges, on the press, and yes, even on truth itself.

There is the President’s Muslim ban Executive order, which our government says has caused between 60,000 and 100,000 visas to be revoked. That order, which caused chaos at airports around

the country, is now subject to nearly 60 legal challenges in Federal courts. On Friday, a Federal judge in Washington State blocked implementation of major portions of the Executive order. The judge, appointed by President George W. Bush, was then promptly attacked on Twitter by President Donald Trump. This afternoon, the Ninth Circuit will review the stay.

To say this is just a stage of grief after losing an election is really to ignore reality.

Last week Sally Yates had to stand up and tell the President no. Now more than ever, it is clear how important it is that the Department of Justice be independent from the President. When she stood up, she was promptly fired by this President. And not only was she fired, but her integrity and her character were maligned in an over-the-top press statement. This woman is a career prosecutor with 27 years of experience. She was the lead prosecutor in the terrorist prosecution of 1996 Olympic bomber Eric Rudolph. She actually went after a real terrorist, and she got a conviction. The President called her a “disgrace” and “weak on borders.”

Here is the point: This is the man for whom Senator SESSIONS has been a stalwart campaign advocate. In response to my written questions, Senator SESSIONS stated: “I endorsed him in part because he was a leader advocating for issues I supported and believed in.”

Senator SESSIONS was a close campaign adviser and supporter of the President. He was the first Senator to endorse him. He spoke on Trump’s behalf at the National Republican Convention. He appeared at numerous rallies. He attended at least 45 campaign events. During the campaign, he spoke at large rallies, smiling and laughing, while crowds chanted “Lock her up.”

Then in October of last year, at one of the Presidential debates and again at a rally in Virginia, Candidate Trump repeatedly referred to him as “my attorney general.”

A month after the announcement of his nomination to be Attorney General, he appeared again with the President-elect on a thank-you tour in Alabama. This was a rally where many of the President’s campaign promises, such as building the wall, were repeated. Crowds once again chanted “Lock her up.” The President-elect introduced him, and Senator SESSIONS came forward. As he walked out to speak to dramatic effect, he whipped out a “Make America Great Again” hat, put it on, and pumped his fists into the air.

Already, at this point, he had been designated to be the next Attorney General of the United States, an independent legal check on the President, a man who responds to the Constitution and the law independent of the Chief Executive. One would have thought a sense of the solemn duty of the Office

of Attorney General would have counseled against appearing at yet another political rally with Trump, but it did not.

At that rally, as Attorney General designate, SESSIONS said that the Trump campaign was “more than a normal campaign, but a movement,” and when he finished speaking, he thanked the President-elect for “the opportunity to participate in a movement that I believe can help make America great again.”

So, to me, this is key. This shows how Senator SESSIONS views this appointment—as an “opportunity to participate in a movement” to advance the President’s agenda. This is not the role of the Attorney General of the United States. This is more political than any Attorney General nominee in recent memory has ever been. Can we really expect him to be an Attorney General who is independent from President Trump? I do not believe so.

In fact, a recent Washington Post story reports the depth of Senator SESSIONS’ involvement in the Trump transition. The Washington Post reported that during the transition, “SESSIONS became a daily presence at Trump Tower in New York, mapping out the policy agenda and making personnel decisions.” In fact, you can search C-SPAN, the Web site, for video of Senator SESSIONS speaking at Trump Tower about the transition.

On November 15, in the lobby of Trump Tower, he said:

My former chief of staff is doing a great job under incredible demands, and the whole team is working long hours I mean, 20 hours a day kind of work and just remarkable what is happening. I’m one of the co-chairs, of five, I believe, co-chairs of the committee under Vice President-elect Pence.

Then Senator SESSIONS said, “Steve Bannon is a powerful intellect and a thoughtful leader that consistently provides good advice.”

We learned last week that Steve Bannon thinks the same thing about Senator SESSIONS. As Bannon wrote to the Washington Post just days ago, SESSIONS was—and I quote, and here it is—“the fiercest, most dedicated and most loyal promoter in Congress of Trump’s agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda.”

The Post went on to report that Senator SESSIONS “lobbied for a ‘shock-and-awe’ period of executive action that would rattle Congress, impress Trump’s base, and catch his critics unaware, according to two officials involved in the transition planning.”

The article says: “SESSIONS had advocated going even faster.”

Now, we have seen the consequences of those actions, and what is the result? Division, legal challenges, people marching in the streets.

Senator SESSIONS is not a man apart from this agenda. He is not independent of this agenda. He is part of it.

He is committed to it. He is a leader of it.

Now, let me move to other parts of Senator SESSIONS' record and what we learned from him in the hearing.

I said earlier that I cannot imagine a more important time for the Department of Justice to be independent of the President. Part of that is because of what we know about the Russians and their illegal efforts to get this President elected.

The Intelligence Community has reached the following conclusions about Russian activities during the election, among others: "We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election."

Quote: "Russia's goals were to undermine public faith in the United States Democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency."

Quote: "We further assess Putin and the Russian Government developed a clear preference for President-elect Trump."

Quote: "We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him."

Quote: "We assess with high confidence that Russian military intelligence (General Staff Main Intelligence Directorate or GRU) used the Guccifer 2.0 persona and DCLeaks.com to release U.S. victim data obtained in cyber operations publicly and in exclusives to media outlets and relayed material to WikiLeaks."

These are just some of the conclusions that our intelligence agencies—all of them—have reached, including the FBI.

The Department of Justice, through the National Security Division and the FBI, has an important role to play in investigating and prosecuting Russians or coconspirators in this matter. The FBI, as I said, was part of the assessment that led to the January report.

Now, Senator SESSIONS chaired the President's National Security Advisory Committee during the campaign. That is a committee on which National Security Advisor Flynn served. So he was Trump's top person on national security, and it is no secret that explosive allegations about the President's and his campaign team's connections to Russia are out there.

As a Senator, including as a member of the Armed Services Committee, Senator SESSIONS was quite critical of Russia. In 2000, he said Russia is a country where leaders lie, cheat, and steal to maintain political office.

That was a floor speech on April 13, 2000.

In 2014, after Russia invaded Crimea, Senator SESSIONS said, "I believe a sys-

tematic effort should be undertaken so that Russia feels pain for this."

This was in the Montgomery Advertiser, March 19, 2014.

When he was a Senator in the 1990s, he and other Republican Judiciary Committee members called for a special prosecutor because of allegations of \$1 million in Chinese monetary contributions to a Presidential campaign.

That is from a floor speech on March 9, 2000.

He pointed to the campaign connection and said that meant the Attorney General needed to appoint a special prosecutor. He said: "This is serious business. We ought not to treat this lightly."

Floor speech, March 9, 2000.

Yet, now that our intelligence community has concluded that Russia, at the direction of Vladimir Putin, invaded the American political process with massive hacks and leaks for the purpose of favoring candidate Trump, Senator SESSIONS says that he has not even reviewed the intelligence community's reports.

When asked in writing by myself in Question for the Record 2b after his hearing whether he had even read the intelligence assessments, classified or unclassified, he said he had not read either one.

Now, that is stunning. One of the most important national security revelations in recent years, and he is nominated to be Attorney General, and he hasn't reviewed it? Why? He attended 45 campaign events, was intimately involved in the campaign and transition, but despite all of this, he would not commit himself to recuse himself.

This should be of real concern to all of us.

Another nation—namely, Russia—has attacked our political process in a major way: hacking a political party and leaking its internal deliberations. This time, it targeted the Democratic Party; next time, it could be the Republican Party, but whichever party it is, we can't let this continue.

Intelligence and law enforcement professionals must be able to follow the facts wherever they lead. The investigation could lead to the prosecution of people who helped hack and leak information hacked by Russia to help the President's campaign. It obviously has the potential to create embarrassment for the President and his people, and to implicate people involved in the campaign.

So the question is a big one, and we ought to think about it. How will this nominee handle investigation and prosecution into an unprecedented and major foreign intrusion into the election of the President of the United States? Can he be independent of the White House? I do not believe he can.

Let me move on to voting rights. Senator SESSIONS long ago testified that he thought the Voting Rights Act

was an intrusive piece of legislation. He acknowledged this again in his hearing. In 1986, Senator SESSIONS said: "It is a serious thing . . . for the Federal Government to come in and sue a county and say we are going to change the form of government you have been living with for 20 years."

That implies a hesitation to use the Voting Rights Act to change certain systems of election in counties that were adopted to disenfranchise minorities.

When we considered the Voting Rights Act Reauthorization of 2006, the Senator voted for it. But he also expressed skepticism about the preclearance provision of the act, section 5, which was a core part of the act. And then, when the Supreme Court narrowly ruled five to four in *Shelby County*—that is a decision—and that section 5 of the Voting Rights Act could no longer be enforced, Senator SESSIONS called it "good news for the South."

What does that mean? It means State after State that had been prevented from denying the right to vote by section 5 can now proceed unless they are affirmatively stopped by a new lawsuit that takes time to develop, and a wave of new laws suppressing the vote were quickly passed following the Supreme Court's ruling.

He has tried to argue that he will fully enforce the Voting Rights Act. In his committee questionnaire, he pointed to 4 cases he claimed were among the 10 most significant litigated cases he personally handled. As Senator FRANKEN demonstrated in our committee, his record of handling these cases is thin, at best. Lawyers who handled three of the cases say Senator SESSIONS had no substantive involvement. He did not mention them in his 1986 questionnaire, even though the cases were ongoing at that time. And now he says he played a supporting or assistance role in them.

So these cases do not make me confident that as Attorney General overseeing the Civil Rights Division, he will ensure that the civil rights and voting rights laws are fairly enforced.

So I asked him questions to see what he would do. I pointed out in written questions that several voter ID laws have now been struck down, or severely limited, under the Voting Rights Act. Just one example: One of the most conservative appeals courts in the Nation, the Fifth Circuit, found that Texas's law violates the Voting Rights Act. According to the courts, 608,470 registered voters in Texas lack required ID, and Black and Latino voters were far more likely than White voters to lack the required ID. The court found that the Texas law had a discriminatory effect, in violation of the Voting Rights Act.

Now, this means the Justice Department can protect the voting rights of Americans in these cases. So I asked

him, would you continue to enforce the Voting Rights Act in these situations? There is now precedent for it. He would not answer. He tried to say that the Supreme Court has actually held that voter ID laws do not necessarily violate the Voting Rights Act.

That is my written question for the record, No. 14.

But the Supreme Court decision he referenced, *Crawford v. Marion County Election Board*, did not talk about the Voting Rights Act at all.

So I asked him to clarify his response. His answer indicated that it was just his own view that voter ID laws do not necessarily violate the Voting Rights Act. This was a follow-up question, No. 7a. That may be his personal view, but the courts' view is that these laws can and in some circumstances do violate the Voting Rights Act. But he still has refused to say whether he will bring those cases.

Then, when asked about voter fraud by Senator COONS, Senator SESSIONS responded that he believes "fraudulent activities regularly occur" during elections. He pointed to a single report to support his view that voter ID laws are a good idea. That is Senator COONS' question for the record 9b. He refused to comment on data provided by Senator COONS that showed the rarity of in-person voter impersonation fraud, which is the only thing a voter ID law can catch. He didn't comment about the impact on hundreds of thousands of legitimate voters, many of them minorities and students, who are denied the fundamental right to vote by these laws.

Now we have the President on Twitter and television claiming that millions of illegal votes were cast and that is why he lost the popular vote by nearly 3 million votes, and he is ordering his administration to investigate that. If President Trump asks Attorney General SESSIONS to carry out his partisan, pointless investigation, what will Senator SESSIONS do? Is the legendary Civil Rights Division of the Justice Department going to become President Trump's political investigator? Or will it defend and use the Voting Rights Act to protect the right to vote of millions of Americans against efforts by States to take that right away? I just don't have confidence that JEFF SESSIONS will fairly apply the law in this area.

Now, if confirmed, what will Senator SESSIONS do when faced with questions on reproductive rights? Will he undermine a woman's fundamental right to control her own body and her own reproductive system?

In 2015, Senator SESSIONS voted for legislation that would impose a nationwide ban on abortion after 20 weeks. That legislation had a penalty of jailing doctors for up to 5 years, and it would have forced survivors of rape and incest to overcome additional and

medically unnecessary hurdles before they could receive an abortion. The legislation also had no exception for a woman's health and only a narrow exception to save her life.

Imagine what it is like to be a woman who learns that she has serious complications late in pregnancy and that she will suffer debilitating physical health effects if she cannot get an abortion. Then imagine having to tell her that her health must suffer for the rest of her life because politicians have prohibited her from making her own health care decisions. But this is the outcome Senator SESSIONS voted for.

Senator SESSIONS believes the case that established a woman's right to control her own reproductive system—*Roe v. Wade*—is one of the "worst, colossally erroneous Supreme Court decisions of all time." In fact, weeks ago when testifying before our committee, I asked him if this is still his view, and he said "it is." He even said *Roe v. Wade* "violated the Constitution."

That statement essentially invites States to enact more and more restrictions on women's fundamental access to health care. It is a signal to those States that if they enact restrictions and are challenged in court, then the Justice Department may in fact support them and try to overturn *Roe v. Wade*. In fact, I asked him about that, and he did not rule out the Justice Department's pushing to overturn *Roe*. He left the door open by saying:

Such decisions would depend upon the unique circumstances of the case or cases as they arise. I will not pre-judge the issues.

That is the response to my question for the record 6a.

He even refused to rule out punishment for women who have abortions—a position President Trump took during the campaign. That is a response to Senator BLUMENTHAL's question for the record 11a.

So what does it mean for him, as Attorney General of the United States? It means he very well may seek to overturn *Roe v. Wade*. It means the Justice Department may go to court and support continued State efforts to further and further restrict the rights of women to control their own reproductive system.

The bottom line: I do not have confidence that Senator SESSIONS will fairly and independently safeguard the freedoms of the women of America.

Let me move on to immigration. Senator SESSIONS has been the staunchest opponent of comprehensive immigration reform, preventing the passage of legislation to strengthen the border and prevent families from being torn apart.

Senator SESSIONS opposed immigration reform so strenuously that he drafted and distributed his own book entitled "Immigration Handbook for the New Republican Majority." This handbook implied that immigrants

were taking jobs from low-income minorities and abusing public benefit programs—setting people against each other. More alarmingly, Senator SESSIONS voted at least twice against the DREAM Act, which seeks to protect some of our country's most vulnerable youth, undocumented individuals—children—who were brought here through no choice of their own.

On President Obama's Executive action to protect those children—known as DACA—he doesn't just oppose it. He is actively seeking to take it down. A recent Washington Post article says he is lobbying for the administration to overturn DACA. It is one thing to disagree on policy, but it is quite another when the policy could crush the lives of ordinary people.

In December, I wrote an op-ed in the San Francisco Chronicle about the importance of DACA and what it means for Californians.

I discussed the story of Denisse Rojas, brought to the United States as a 10-month-old baby. Rojas' family is similar to many families with mixed status. Her mother and father came to the United States to create a better life for their children.

Denisse excelled in high school and majored in biology at UC Berkeley. She worked as a waitress and commuted an hour each way to classes because she couldn't afford to live near campus. After graduation, she volunteered at San Francisco General Hospital. Denisse dreamed of going to medical school, driven in part by a family member's early death from cancer. The disease was diagnosed at a late stage because the family's immigration status made it impossible to afford health insurance.

Today, Rojas is enrolled in New York's Icahn School of Medicine at Mount Sinai, where she is on track to earn her degree in 2019. She intends to specialize in emergency medicine and work in low-income communities to provide health care to families, like her own, who would otherwise go without necessary treatment.

This is the perfect case for discretion. This is the perfect case for the exercise of a just humanity. But Senator SESSIONS is lobbying to overturn DACA. The consequences of such a draconian and inhumane action would be devastating to thousands of people in my State, and I find it deeply disturbing that Senator SESSIONS would advocate for the deportation of children who have known no other country but the United States.

If he doesn't believe these youth deserve some sort of prosecutorial discretion when it comes to deportation, how is he going to act as our Nation's leading Federal criminal prosecutor?

It is no secret that he believes in an aggressive use of executive enforcement power in the area of immigration. He testified in response to Senator

FLAKE that he favors “a zero tolerance” policy for immigration crimes. Immigration offenses already make up about a third of all Federal prosecutions each year. So does it make sense to increase that substantially? There certainly are more troubling crimes at the border and across the country that require the attention and resources of the Department of Justice: human trafficking, smugglers, organized crime, gangs, drug trafficking, hate crimes, white-collar crimes, civil rights, and voting rights, just to name a few. So Senator SESSIONS’ opposition to prosecutorial discretion caused me great concern.

Let’s move on to criminal law.

During the hearing, discussing sentencing with Senator COONS, Senator SESSIONS revealed his view about what a Federal prosecutor should be. He said it was “a problematic thing” that is “difficult to justify” when a prosecutor uses some discretion to bring lesser charges or not to charge the maximum drug charge available.

As we know, drug prosecutions were the most common Federal charge in 2015. So Senator SESSIONS’ view on them will have a big impact on the workload in U.S. attorneys’ offices. If it becomes the nationwide policy of the Department, it will mean mandatory sentences of 5 years, 10 years, 20 years, and even life in prison for drug charges will be imposed much more often, because depending on how prosecutors charge cases, the law will tie a judge’s hands when it comes to a sentence. That is how our system works today.

The mission of a prosecutor is to do justice, not instinctively bring the maximum charge. As then-Attorney General Robert Jackson said in 1940:

The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous.

Your positions are of such independence and importance that while you are being diligent, strict, and vigorous in law enforcement, you can also afford to be just. Although the government technically loses its case, it has really won if justice has been done.

For Senator SESSIONS to say that a prosecutor cannot exercise some judgment, based on the circumstances of a case, to seek a lesser charge or a lesser punishment, in my view, is just not correct.

We have discussed mandatory minimum sentencing in the Judiciary Committee. The Senator from Illinois, distinguished as he is, has been a leader in this cause. It has been discussed for years in the context of the sentencing reform efforts led by Senators LEE, CORNYN, DURBIN, GRASSLEY, LEAHY, and WHITEHOUSE. Senator LEE, in particular, has been a passionate advocate against mandatory minimum sentencing.

I believe in enforcement of the drug laws. I always have. There are difficult

questions about what actions the Justice Department would take in States that have legalized marijuana in some way or another under their own laws.

The bottom line is this: sensitivity and good judgment are needed in prosecutorial decisions. We want to make sure the sentence fits the crime and that resources are used wisely. Senator SESSIONS’ comments make it clear that he generally opposes granting discretion to a prosecutor to impose a lesser charge or a lesser sentence based on the circumstances of the case before them.

One thing I found striking was that in Senator SESSIONS’ written statement to the committee, he said the following: “I understand the demands for justice and fairness made by the LGBT community.”

I have served on the Judiciary Committee for 24 years. Twenty of them have been alongside Senator SESSIONS. I cannot recall a single time when he spoke about supporting any kind of “justice and fairness” for the LGBT community or made any kind of statement like this. We looked and couldn’t find one in the CONGRESSIONAL RECORD either. In fact, the statement stands at odds with his record.

Let me give you a few examples. In 2011, we marked up a bill I had introduced to repeal the Defense of Marriage Act, known as DOMA, that denied married gay and lesbian couples equal protection under the law. Not only did Senator SESSIONS vote no—as all Republicans on the committee did—but he asked questions like, “What about two sisters?”—as if to compare same-sex marriage to incest, a demeaning statement about hundreds of thousands of families in this country.

He voted against allowing gay and lesbian Americans to serve in the military. In 2009, he voted against the Matthew Shepard and James Byrd, Jr. Hate Crimes Act. He said he did not see the kind of discrimination happening against the LGBT community or women. He said the law was potentially unconstitutional, which is not an argument that, to my knowledge, has ever been accepted by a court.

In 2006, he voted to enshrine discrimination in our Constitution by supporting the constitutional amendment to ban same-sex marriage everywhere in the country. What did he say? He said the Senate had to debate the amendment because of a “deliberate and sustained effort by leftists in America,” “social activists,” and “activist judges.”

He talked about harm to children, ignoring the fact that same-sex couples are raising children and that denying equal recognition to their families actually hurts those children. Then he went on to criticize the 2003 decision of the Supreme Court in *Lawrence v. Texas*, which essentially said that private homosexual conduct cannot be made a crime in this Nation.

The *Lawrence* decision, written by Justice Anthony Kennedy, was a victory for freedom. How did Senator SESSIONS describe it? He argued the decision was wrong, and “troubling with far-reaching ramifications.” He said it was a “new vision of social justice, masquerading . . . as constitutional law.”

He called Justice Scalia’s dissent “brilliant.” That dissent, by the way, accused the Supreme Court of “sign[ing] on to the so-called homosexual agenda, by which I mean the agenda promoted by some homosexual activists directed at eliminating the moral opprobrium that has traditionally attached to homosexual conduct.”

When he was Attorney General of Alabama, he sought to shut down a conference of LGBT students on a public university campus in Alabama. This was despite a Supreme Court decision issued just a year earlier protecting a Christian student group from discrimination based on viewpoint.

The Eleventh Circuit Court—in a panel of three judges appointed by Republican Presidents—called the State’s action “blatant viewpoint discrimination” and characterized SESSIONS’ arguments as “feeble.”

Does any of this sound like the actions of a person who understands the demands for justice and fairness made by the LGBT community? My answer is no.

How will that impact the Attorney General? The Attorney General must enforce Federal hate crimes laws. The Attorney General must ensure that Federal law treats same-sex couples equally; that the right to marry and be treated equally under Federal law is recognized and protected.

Here we are, I think, at a very difficult and dangerous turning point. We have a President with little apparent regard for constitutional or legal restrictions and who is willing to take to Twitter to target and abuse individuals and groups of Americans, and even belittle and demean Federal judges and the Federal court system, just as he did during the campaign.

We have a President who has taken a “shock and awe” approach with cruel, un-American, and potentially illegal Executive orders even in his first 2 weeks in office, which this nominee reportedly urged be done even faster.

We have a President who wants to bring back torture, even though—thanks to Senator McCAIN—Congress has already stated it is clearly illegal. We have a President who is already angering long-term allies like Australia and making ridiculous threats of sending troops to Mexico.

We have a nominee for Attorney General who is anything but independent. He was part and parcel of the Trump campaign apparatus, transition, agenda, and way of thinking.

As Steve Bannon wrote in the *Washington Post* just days ago, SESSIONS

was “the fiercest, most dedicated and most loyal promoter in Congress of Trump’s agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda.”

Do any of my colleagues—Republican or Democratic—think Steve Bannon didn’t know what he was talking about in this email to the Washington Post? Do any of my colleagues believe that if Senator SESSIONS is confirmed, he is going to take off the political hat and be an even-handed Attorney General for all Americans who will tell this President no when it is merited on the basis of the law and the Constitution?

I don’t believe it for a second. I must vote no and urge my colleagues to do the same.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. HOEVEN). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I rise in support of the nomination of Senator SESSIONS to be Attorney General of the United States. Let me make a few comments about the process. I would expect that the Attorney General nominee know the President before they are chosen. This idea that Senator SESSIONS was close to President Trump during the campaign and that it is somehow a disqualifier makes absolutely zero sense to me.

The bottom line is, that is exactly the kind of people you would expect a President to pick—someone who has been on their team, someone they know, someone they believe in to carry out the duties of the office that they are nominated for.

I don’t have the time to go through history, but I would assume that in past nominations—particularly for Attorney General—there has been some kind of relationship between the President who nominated him and the person who is seeking the job. If that is going to be the new standard, I suggest that nobody in this body ever endorse anybody for President because apparently you can’t serve in the Cabinet. That would be kind of silly.

I look at this as are you qualified for the job? Our friends on the other side look at it as if you don’t agree with their liberal agenda, you can’t do the job. Big difference. There has been an absolute wholesale attack on everything Trump when it comes to the nominations, with a few exceptions.

The basis of the attack is that they don’t share the world view of our friends on the other side. That world view was litigated pretty thoroughly and you lost. What do you expect Donald Trump to do after his campaign? I expect him to do what he said he was going to do. Some of it I agree with, some of it I don’t. Where I don’t agree with him, I will challenge him.

The one challenge I will not make against this President is to deny him

the ability to pick somebody who is clearly, in my view, qualified, even though I may have differences with him on particular issues.

I would say this about Senator SESSIONS. I have known him for 20 years almost. I have traveled throughout the world with Senator SESSIONS and his family. Most of the time I agree with JEFF SESSIONS. Sometimes I don’t, but I found him to be an incredibly honorable man worthy of the job of being U.S. Senator from the great State of Alabama, reflecting the values of the people of Alabama. That is what he got elected to do, by the way.

I think he will be uniquely qualified to be the Attorney General of the United States at a time of great challenge. He has been a U.S. attorney. He has been Attorney General of his State. He is a man steeped in the law. His biggest crime, I think, is that he is very conservative. That, to me, is not a disqualifier any more than being very liberal is a disqualifier.

How do you think we felt when Barack Obama basically turned ObamaCare upside down with one Executive order after another every time it started stinking up in public? He would unilaterally change the law to avoid a political consequence or granting millions of people legal status with a stroke of a pen, well beyond his lane, struck down by the Court as being outside his ability as President to do.

Not once did anybody on that side raise an objection. Eric Holder is a fine man. I can’t remember a time when Eric Holder stood up to this runaway train in the Obama administration. Loretta Lynch is a fine woman. I can’t remember one time she expressed doubt about President Obama’s agenda. When it was left up to the courts to express doubt in this election, believe it or not, that had a lot to do with the way the last 8 years rolled out.

This was a check-and-balance election, and you are not going to be able to undo the consequences of this election unfairly. I think it would be unfair to say that Senator JEFF SESSIONS is not qualified for the job at hand.

Most of the attacks against Senator SESSIONS could be levied against almost everybody on this side of the aisle. The NAACP, according to JEFF SESSIONS, is one of the premier civil rights organizations in the history of the country. I think that is a fair characterization. Mr. Cornell Brooks, CEO of the NAACP, said of Senator SESSIONS: Senator SESSIONS’ record throughout his career, whether in the Office of the U.S. Attorney for the Southern District of Alabama, as attorney general of the State of Alabama or, most recently, as the junior U.S. Senator from Alabama evinces a clear disregard, disrespect, and even disdain for the civil and human rights of racial and ethnic minorities, women, the disabled, and others who suffer from dis-

crimination in this country—a damning indictment.

Apparently, he doesn’t stay in contact with the NAACP chapter in Alabama. In 2009, the NAACP gave JEFF SESSIONS—Civic and Human Rights Convention, April 23 to 26, 2009, NAACP Governmental Award of Excellence, Senator JEFF SESSIONS: For the outstanding work you do.

That is one of the awards he forgot to tell us about, so I hope he will amend. Another attack on Senator SESSIONS, he received an award from a David Horowitz group that was labeled by the Senator from Connecticut as being some rightwing extremist organization. All I can say is that the Annie Taylor Award is named for a lady who went over Niagara Falls in a barrel. They give it to conservatives who stood up under difficult circumstances. I actually received the award as an impeachment manager. Chris Matthews was there to moderate the dinner. So I don’t know what Mr. Horowitz said after I was there, before he was there; all I can say is that I received the award, too, and I sure as hell don’t consider myself a bigot.

Voting against the Violence Against Women Act authored by Senator LEAHY—I won’t give you a long rendition. I voted against it, too, for reasons I will be glad to explain to you at a later time.

The bottom line here is that most of the things said about JEFF SESSIONS and the way he acted as a Senator could be said about almost all of us on this side who consider ourselves conservative.

Back to our friends at the NAACP, I asked Mr. Brooks, “Do you have a legislative scorecard how you rate people in the Body?” He said, “Yes. And Senator SESSIONS has been historically low rated.”

Here is what I want the body to know: that in the report card of the 113th Congress, the first half, here are the ratings. Senator GRASSLEY—all Republicans here, 11 percent; HATCH, 25 percent; GRAHAM, 25 percent; CORNYN, 11 percent; LEE, 11 percent; CRUZ, 11 percent; SASSE, he wasn’t in Congress; BLAKE, 29 percent; CRAPO, 14 percent; TILLIS and KENNEDY were not rated yet. On the Democratic side of the Judiciary Committee, FEINSTEIN, 100 percent; LEAHY, 100 percent; WHITEHOUSE, 100 percent; KLOBUCHAR, 100 percent; FRANKEN, 100 percent; COONS, 96 percent; BLUMENTHAL, 100 percent; HIRONO, 100 percent. Not only did JEFF SESSIONS have a poor rating, all of us did.

So to my friends on the other side, you are making arguments that I don’t think are good for the future of this body and the country as a whole. You are basically saying: You did not vote for the legislation I supported. You voted against ideas I embrace that I think make America a unique place; therefore, you cannot have this job.

Here is what I would say: Senator SESSIONS voted as a very conservative Senator from the State of Alabama who has conducted himself honorably his entire life. And I really regret that we have gotten to this point. All of us in here know JEFF, and I have been on this floor fighting with him tooth and nail about immigration reform. I worked with Senator DURBIN, who is going to speak next, and our chief antagonist most of the time was Senator SESSIONS. Never in my darkest day will I ever believe JEFF SESSIONS said one word on this floor that he did not truly believe. And he reflects the views of millions of Americans.

As to the status of the LGBT community, I think JEFF SESSIONS was representing the values of his State. And all I can say is, that is what we are sent up here to do. If we disagree, we disagree, but it is a big leap from the policy disagreement to not qualified.

I asked the NAACP chairman: Name one Republican you would recommend to be Attorney General.

I have yet to get a name.

So what we are talking about here, unfortunately, is an attack on conservatism more than it is JEFF SESSIONS because almost everything said about JEFF could be said about me and most of my colleagues over here. Why did I vote for Holder? Why did I vote for Lynch? Why did I vote for Sotomayor and Hagel? And the list goes on and on and on.

I expect that when a liberal President wins, they will pick people who are qualified, who share their view to represent their administration. When it comes to the Attorney General, you can be liberal and you can be conservative, but you also still can be fair to the public as a whole.

I don't believe for 1 second that JEFF SESSIONS, as Attorney General of the United States, will take any of his political positions and jam them down your throat if the law says no. I have never seen that about the man.

The minority leader of the Alabama Senate, Senator Ross, an African-American Democratic minority leader, said:

I have worked with Jeff Sessions. I know him personally, and all of my encounters with him have been for the greater good of Alabama. We have spoken about everything, from civil rights to race relations. We agree that as Christian men, our hearts and minds focus on doing right by all people.

That is the JEFF SESSIONS I know. That is why I am lending my support to his nomination.

I have some serious differences with President Trump, and those differences will materialize over time. And I hope I have the courage of my convictions to stand up for what I believe even when my party has the White House. That is a very hard thing to do for all of us. I intend to do it to the best of my ability, and I will get a lot of coverage for

doing that because that makes for good political reporting. But what will not be covered is the fact that on the really big issues, mostly, I agree with President Trump and JEFF SESSIONS about what we need to do to change the dynamic regarding crime. I will work with Senator DURBIN to bring about sentencing reform, but it is now time to go in on the offense against crime.

One of the things that pleases me most about this nomination of Senator SESSIONS is that we have been very strong allies in fighting the War on Terror. JEFF SESSIONS understands the difference between fighting a crime and fighting a war. It will be welcome news for me to have an Attorney General who understands that Bin Laden's son-in-law who is captured on the battlefield should be treated differently than somebody who tried to steal your car. Under JEFF SESSIONS, the Justice Department will look at enemy combatants for who they are—warriors in a cause to destroy our lives—and they will be held consistent with the law of war, not domestic criminal law. And the days of terrorists being read the Miranda rights as if they were common criminals will soon be over. That will make us all safer.

I look forward to voting for Senator SESSIONS and working with him. And if we have disagreements, the one thing I know for sure is that JEFF will at least listen to me.

This body is adrift. The country is really divided. I hope that once this confirmation process is over, we can get back to doing the business of the American people.

To the extent that Donald Trump becomes the problem, we will push back. Right now, people are pushing back against everything all the time, and you are going to hurt yourself, as well as this body, because there is no way you can ever convince me that JEFF SESSIONS is not qualified to be the Attorney General. I can understand why you wouldn't pick him, but there is no doubt in my mind that he is somebody a Republican conservative President would pick, and they did.

I yield the floor

The PRESIDING OFFICER (Mr. SASSE). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Illinois for his courtesy. I think this will take about 7 or 8 minutes, I would say to my colleague from Illinois.

I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO VLADIMIR KARA-MURZA

Mr. MCCAIN. Mr. President, last week I was heartbroken to learn that a dear friend and great fighter for freedom, Vladimir Kara-Murza, had been hospitalized in Moscow. Those of us who know the work of this brave Russian patriot could not afford to hope or

assume that he was suffering some ordinary illness. Just 2 years ago, under mysterious circumstances, Vladimir grew very ill and fell into a coma.

Many suspected he was poisoned, to intimidate him or worse. That is why last week's news signaled another shadowy strike against a brilliant voice who has defied the tyranny of Putin's Russia.

Many Americans are not familiar with the life of Vladimir Kara-Murza, but it is one that reflects the best qualities of leadership, courage, selflessness, idealism and patriotism, and it is a life dedicated to the principles we all hold dear: truth and justice, freedom and fairness, human rights and human dignity.

All his life, Vladimir has been a brave, outspoken, and relentless champion for the Russian people. He is a deputy leader of the People's Freedom Party, Russia's leading pro-democracy party. He is a leading coordinator of Open Russia, a foundation that promotes civil society and democracy in Russia. In 2011, he helped mobilize the largest anti-Kremlin demonstration since the early 1990s, leading tens of thousands of Russians to march in protest of widespread fraud and corruption in the parliamentary elections.

In the United States, Vladimir was one of the most passionate and effective advocates for passage of the Magnitsky Act, legislation that gives the Federal Government powers to punish human rights violators in Russia. Most recently he has eloquently and persuasively campaigned to expand the Act to impose sanctions on those Russians journalists who were so cowed and corrupted by the Kremlin that they become indispensable to propagating the lies and atmosphere of hate, fear, and violence the Putin regime relies on to maintain power.

Vladimir's family has a long history of heroism for years, dating back to the early 1900s. Vladimir once described the experience of visiting the KGB archives in Moscow where he reviewed the thin file on his great grandfather who was executed. It contained the scant evidence required for a death sentence in Stalin's Russia. He recalled the weight that fell upon him when he read the modest document to which the executioners affixed the date and their signatures to signify that the judgment had been carried out.

Vladimir also learned what it takes to be a revolutionary from our mutual friend Boris Nemtsov. Vladimir and Boris struggled together for years in the cause of freedom and democracy. Vladimir once called Boris the best President Russia never had.

Boris was one of the first to warn of the incoming Putin dictatorship, even when many of his fellow liberals could not see it. He told the truth about Putin's reign of terror, rampant corruption, and his illegal invasion of

Ukraine. For the crime of telling the truth in Putin's Russia, Boris Nemtsov was murdered in the shadow of the Kremlin in 2015.

He died a martyr. He died a martyr for the rights of people who were taught to hate him but who will one day mourn his death, revere his memory, and despise his murderers. After Boris's assassination, many urged Vladimir not to return to Russia. He had every reason not to. He knew his own family's history with tyranny. He knew what happened to Boris Nemtsov, and he knew all too well about the culture of impunity that Putin has created in Russia, where individuals are routinely persecuted and attacked for their beliefs, including by the Russian Government, and no one is ever held responsible.

He knew about Sergei Yushenkov, who was investigating the Kremlin's potential role in the 1999 apartment bombings in Russia when he was shot and killed at the entrance of his apartment. He knew about American journalist Paul Klebnikov, who was investigating Russian Government connections to organized crime when he was shot to death in Moscow in 2004.

He knew about Anna Politkovskaya, a journalist, human rights activist, and fierce critic of Putin's brutal war in Chechnya, who was murdered in the stairwell of her apartment building on Putin's birthday in 2006.

He knew about former FSB officer Alexander Litvinenko, who exposed the Putin regime's massive corruption tied to organized crime and involving assassination and murder. He was poisoned to death in 2006 with a radioactive isotope in a brazen act of nuclear terrorism.

He knew about Sergei Magnitsky, that most unlikely of heroes in the cause of freedom, the humble tax attorney who blew the whistle on tax fraud and large-scale theft by Russian Government officials, only to be charged with their crimes and die in a squalid cell inside the prison that once held the political opponents of the Czars and the Soviets.

In short, Vladimir knew that Putin is a killer—and he is a killer. He might very well be the next target. Vladimir knew that there was no moral equivalence between the United States and Putin's Russia. I repeat: There is no moral equivalence between that butcher and thug and KGB colonel and the United States of America, the country that Ronald Reagan used to call a shining city on a hill. To allege some kind of moral equivalence between the two is either terribly misinformed or incredibly biased. Neither can be accurate in any way.

Knowing all this, knowing that his life was at risk, Vladimir returned to Russia. He continued to speak truth to power. He kept faith with his ideals and was in confrontation with a cruel

and dangerous autocracy. He kept faith honorably and bravely with the example of his friend and comrade Boris Nemtsov.

Now it appears that Vladimir has once again paid the price for his gallantry and integrity, for placing the interests of the Russian people before his own self-interest. He is very ill, but I am encouraged to learn his condition is now stable.

So today, speaking for so many Americans, I offer my most heartfelt prayers for the recovery of Vladimir Kara-Murza and for the success of the cause to which he has dedicated his life: truth and justice for the Russian people. And I do so with the confidence Vladimir himself once expressed: "I am sure that in the end, we will win, because even when dictators prevail for some time, sooner or later, freedom wins."

I thank my colleague from Illinois for his indulgence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset that I am glad I was here for the statement made by the Senator from South Carolina. We disagree on many things. We agree on things as well. I respect him very much and turn to him often to find bipartisan support when, frankly, no one else will answer the phone. He has been a great friend and ally and has been very blunt with me when we disagree. We do disagree today, and I do it respectfully because Senator GRAHAM is a person I do, in fact, respect as a Senate colleague.

He is right about one thing: You would expect a new President to pick someone to be an Attorney General whom they know and trust. It might have even been someone from the campaign trail.

A classic example is 1960, when President John Kennedy was elected and chose his brother Robert Kennedy, who had worked on his campaign, to serve as Attorney General of the United States. You can't think of a clearer analogy to what has been described today. But the point that was made earlier by Senator FEINSTEIN about the relationship of Senator SESSIONS with Candidate Trump is one that goes beyond familiarity, beyond support in a political campaign. In fact, they did work together, and they do agree on some fundamental issues.

If the press can be trusted—and the White House is the first to tell us they can't—but if the press can be trusted, in a Washington Post article of January 31, 2017, we see a very clear working relationship that extends beyond the would-be Attorney General JEFF SESSIONS and the new President Donald Trump but includes a former key staffer for Senator SESSIONS, Steve Miller, and a man named Steve Bannon, who is

with Breitbart News and is now a political inspiration to the Trump White House. It appears that they have a very close working relationship among them. That in and of itself is not troubling, except when you look at the issues they have worked on closely together—the issue of immigration, the Executive orders, of which the Post said Senator SESSIONS was the "intellectual godfather." That is a clear example pointed out by this article, and that is one of the reasons it was raised by Senator FEINSTEIN.

I understand what Senator GRAHAM has to say: that Senator SESSIONS has been nothing more than a Senator loyal to his home State of Alabama in his politics and in his views on issues. I do acknowledge that and can tell you that, over 20 years, I have heard Senator SESSIONS's speeches repeatedly, and he does take those positions. But the thing that troubles me is the question about whether the values of the Senator from Alabama are the values we want in the Attorney General of the United States. To be very blunt, in some cases, they are not, as far as I am concerned.

I understand that President Trump won the election, but that doesn't mean, when it comes to advice and consent, that every Member of the Senate has to bow and step back a few steps for every nominee proposed by this new President. We have a responsibility to ask what is right for America, what is right in terms of values and judgments that we bring to this job, as well.

It is not a happy moment for me to say this, but I do stand in opposition to the nomination of JEFF SESSIONS to serve as Attorney General of the United States. The reason I don't view this as a happy moment is I have known him for 20 years. We have worked in the Senate, in committees, and on the floor. I know him personally. I met his family. And to say that I don't support him for this elevation to Attorney General is something that is hard to say, but I know that I have to. This is not a decision I have come to lightly. Senator SESSIONS is a colleague of over 20 years. But the question we now face is whether he is the right person to be the No. 1 law enforcement official in the United States of America.

He comes to this new opportunity in a sharply divided nation. We have a controversial new President who already has seen an Executive order blocked by the courts in what appears to be record time. Think about that for a moment. Donald Trump has been President of the United States for 19 days. In those 19 days, he has issued an Executive order stopped by the Federal courts of the land from implementation and he has dismissed an Attorney General. No other new President, in 19 days, can point to that happening. It is an indication of the types of policies he

is promoting. It is also an indication that in the future, he is likely to again test the separation of powers in this government.

In this context, the need for an independent Attorney General has never been greater. We need an Attorney General who will not just serve as the President's lawyer or cheerleader but who will defend the constitutional rights of everyone, including protecting those rights from an overreaching President, if necessary. As a member of the Judiciary Committee, I have carefully considered this nomination, and I am not persuaded that Senator SESSIONS will serve that level of independence.

Also, I have strong concerns that, if he is confirmed, he won't adequately pursue the cause of justice on a range of important issues. In his nomination hearing, Senator SESSIONS said on issue after issue that he would simply follow the law, enforce the law, but that doesn't come close to capturing the real role of the Attorney General. The Attorney General, as chief prosecutor in America, doesn't just "follow the law"; that person uses his discretion to determine how the law is enforced and whom it is enforced against. Ignoring that is to ignore one of the key elements of service as Attorney General.

As Acting Attorney General Sally Yates reminded us, the Attorney General has a critical role at times in even standing up to the President. The American Bar Association standards say that the duty of the prosecutor is to seek justice, not merely to convict. I don't have confidence, based on the answers he has given me, that Senator SESSIONS would follow that standard.

Here is one example. At the hearing, I introduced Senator SESSIONS to Alton Mills of Chicago, who in his youth was a street-level courier for drug dealers. He was sentenced to life without parole and prison at age 24—life without parole at age 24 under the Federal three strikes and you are out law. He was sentenced on a nonviolent drug offense—no guns, no violence. He sold drugs a third time and got a life sentence.

Even the judge imposing the sentence did not agree with it, but he said the law said what he had to follow and his hands were tied. Alton Mills needed to pay for his mistakes, but he did not need to spend the rest of his life in prison. In December 2015, President Obama commuted Alton's sentence, after he had served 22 years in prison.

Under the Obama administration, Justice Department prosecutors were directed to search out low-level offenders like Alton Mills and use the discretion of the Department of Justice and make sure that they were given a second chance. Senator SESSIONS has said that he strongly opposes these guidelines.

When it came to clemency, Senator SESSIONS fiercely criticized President

Obama, saying he commuted sentences in "an unprecedented reckless manner." Senator SESSIONS also said: "So-called low-level non-violent offenders simply do not exist in the Federal system."

When it came to changing the law that led to Alton Mills sentence, Senator SESSIONS led the opposition. I appreciate the work we did together on the Fair Sentencing Act of 2010. But every time I have returned to Senator SESSIONS and asked him to work with me for the thousands still stuck in Federal prison for nonviolent drug offenses under the old sentencing disparities which we have now rejected, he refused, time and again. He has opposed every bipartisan effort, including a bill that I put together with Senator GRASSLEY, Senator CORNYN, and others to allow individuals to petition on an individual basis for sentence reductions.

So to sum it up, Senator SESSIONS has staunchly opposed using prosecutorial discretion, clemency, or legislation to address the plight of thousands of people like Alton Mills. What can we expect of Attorney General JEFF SESSIONS in the next 4 years when it comes to criminal justice and criminal sentencing reform? I am afraid we can't expect a caring person to take a look at the simple injustice in our system.

I have listened, time and again, as many other colleagues have, to the statements made by Senator SESSIONS on the issue of immigration. I have said before on this floor—and I will say it again—that I am the proud son of an immigrant. For generations, America has been renewed and enriched through immigration. Since World War II, we have set an example to the world when it comes to providing a safe haven for refugees.

We have four Hispanic Senators in this Chamber. Three of them are Cuban Americans. What can we say about the Cuban refugees who came to the United States by the hundreds of thousands to flee the oppression of Castro? They were not subjected to extreme vetting. In most cases, we said: If you can find freedom in this country you are welcome. They have made America a better nation for it.

Since World War II, that has been America's standard. Now it is being challenged. It is hard to understand how the Trump administration could consider spending so much on a Mexican wall that Texas Republican Congressman WILL HURD, whose district covers 800 miles of the southwest border, described as "the most expensive and least effective way to secure the border."

I have come to this floor and voted for more money for walls and obstacles and technology on that border than I ever imagined necessary, in the hopes that we could finally put to rest this notion that we could always do more. I

wonder what image it creates of this country, as we continue to talk about walls and banning travel.

President Trump signed an Executive order on January 27 banning immigration from seven Muslim-majority countries, and banning refugees from those countries into the United States. As I go through the list of the people who were affected by this, overwhelmingly they are women and children, victims of war, terrorism, and persecution. Many of them have been waiting literally for years to come to the United States. Since World War II, we have accepted so many refugees from Eastern Europe, from Vietnam, from Cuba, as I mentioned earlier, and from Yugoslavia. Over 100,000 Soviet Jews make their home in the United States because we accepted them as refugees.

Now President Trump has issued this Executive order that is being challenged in court, and we will know within a matter of days whether it will be stayed or continued, contested or if it will stand as law. Acting Attorney General Sally Yates said that she could not stand to defend that order. She felt it was illegal and unconstitutional.

The question, obviously, is what would the new Attorney General, if it is JEFF SESSIONS do, when faced with that same challenge? My fear is that he would not stand in independent judgment of the actions of the President. That to me is unfortunate and falls short of what we expect from the Attorney General.

We need someone like Edward Levi, the longtime president of the University of Chicago, who served as a truly nonpartisan Attorney General under President Ford. He restored honor and integrity to the Justice Department after Watergate. Where would Senator SESSIONS stand once confirmed? Would he defend the President's Executive orders? Would he stand up to the President if he disagreed with him? I have strong concerns.

Mr. President, one of the most important issues when it comes to the Attorney General is the oversight of the Civil Rights Division, which is, in fact, the crown jewel of the Justice Department, as far as I am concerned. It is responsible for protecting the civil rights of all Americans.

Senator CORY BOOKER and Congressmen JOHN LEWIS and CEDRIC RICHMOND gave powerful testimony at Senator SESSIONS' hearing. They discussed their concerns about the Justice Department under his leadership and whether it would protect the civil and voting rights of all Americans. I took their words to heart. I want to talk specifically about their concerns about the Voting Rights Act.

One month from now, we will recognize the 52nd anniversary of what came to be known as Bloody Sunday—March 7, 1965. JOHN LEWIS and Rev. Hosea Williams led 600 brave civil rights activists

in a march over the Edmund Pettus Bridge in Selma, AL. The marchers were brutally beaten as State troopers turned them back and chased them down. JOHN LEWIS was beaten unconscious and nearly killed.

A few months after Bloody Sunday, President Lyndon Johnson signed the Voting Rights Act into law, guaranteeing that the right to vote would not be restricted through clever schemes like poll taxes and literacy tests devised to keep African Americans from voting.

In 2006, Congress voted to reauthorize that same act after holding 21 hearings, hearing testimony from more than 90 witnesses, and receiving 15,000 pages of evidence.

Congressman LEWIS said in an op-ed about the ongoing need for that act:

Congress came to a near-unanimous conclusion: While some change has occurred, the places with a legacy of long-standing, entrenched and state-sponsored voting discrimination still have the most persistent, flagrant, contemporary records of discrimination in this country. While the 16 jurisdictions affected by Section 5 represent only 25 percent of the nation's population, they still represent more than 80 percent of the lawsuits proving cases of voting discrimination.

While Senator SESSIONS ultimately voted to reauthorize the Voting Rights Act, his comments about the law have been very troubling.

In contrast to Congressman LEWIS's statement about the need for a strong Voting Rights Act, Senator SESSIONS repeatedly criticized the law's section 5 preclearance provision, which required certain jurisdictions—including, but not limited to, Alabama—to “preclear” any changes to their voting laws with the Department of Justice. At his nomination hearing last month, Senator SESSIONS reiterated his view that section 5 of the law, in his words, was “intrusive.”

He also celebrated the Supreme Court's decision in *Shelby County v. Holder* when a divided Court—5 to 4—gutted the Voting Rights Act and struck down the preclearance provision. That decision left the Department of Justice with fewer tools to protect Americans' right to vote. Nonetheless, on the day of that awful decision, Senator SESSIONS stated: “[The decision was] good news, I think, for the South, in that [there was] not sufficient evidence to justify treating them disproportionately.” Senator SESSIONS was wrong to dismiss the vital role that preclearance has played in protecting voters from discriminatory laws.

When Senator SESSIONS came to my office for a personal meeting before this hearing began, I sat down with him and talked about the Voting Rights Act. I gave to him a book written by Carol Anderson. She is a political science professor at Emory University in the State of Georgia. The book is entitled “White Rage.” Carol Ander-

son systematically goes through the history of race in America after the Civil War, and she points out in each section how Congress would, on one hand, give rights to African Americans and then turn around and take them away. The most recent example relates to the Voting Rights Act itself and all the efforts of the 1960s to guarantee that minorities had the right to vote in America. She follows it with the undeniable record of efforts toward voter suppression when it comes to minorities in the United States.

I pointed this out to Senator SESSIONS because he has been in denial over this reality. I told him about hearings that we held in Ohio, in Florida, taking election officials, putting them under oath—officials from both political parties—and asking them point blank: Before you established the need for these voting restrictions in your State, what was the incidence of widespread voter fraud that led you to believe it was necessary? And the answer repeatedly was, there was none. No incidents of widespread voter fraud to speak of. No incidents of anything substantial when it came to prosecution. Clearly the motive behind these voter suppression laws are just that—to suppress voters from their opportunity to vote.

What can we expect of Attorney General SESSIONS on this issue? I am afraid, based on his statements, his record, his voting, we can expect the worst.

Example: A three-judge Federal appeals court struck down a North Carolina law that required voter ID and limited early voting. The court found that the law was crafted and passed with “racially discriminatory intent,” in violation of the Constitution and section 2 of the Voting Rights Act. In the decision, this Federal court noted this regarding the North Carolina statute:

Before enacting [the] law, the legislature requested data on the use, by race, of a number of voting practices. Upon receipt of the race data, the General Assembly enacted legislation that restricted voting and registration in five different ways, all of which disproportionately affected African Americans.

We are still facing this challenge in America. I wish it were not the case. I had hoped at this point in my life that I would be pointing to our problems with race as something from the past, but it is a current challenge we face, and it is a challenge the Attorney General must face squarely. I do not believe that Attorney General JEFF SESSIONS will do that, and that is why I can't support him for that position.

Of course there is also Senator SESSIONS' decision as U.S. attorney to bring the 1985 Perry County case when he was in Alabama. He prosecuted three African-American civil rights activists for voter fraud. All three were acquitted. That case prompted former

Massachusetts Governor Deval Patrick, who was an attorney for the defendants, to send a letter to members of our committee saying, “To use prosecutorial discretion to attempt to criminalize voter assistance is wrong and should be disqualifying for any aspirant to the Nation's highest law enforcement post.”

Senator SESSIONS' statements and his records are particularly concerning in light of President Trump's recent repeated, baseless claims about voter fraud in the 2016 Presidential election. Make no mistake—President Trump's false claim that there were millions of fraudulent votes cast in the last election is an excuse for further voter suppression efforts.

It is imperative that the Department of Justice be led by someone who values the vital role the Department plays in protecting the right to vote. Given Senator SESSIONS' dismissive comments about the Voting Rights Act and his history of supporting burdensome voting laws, I am not confident he is prepared to do that.

Senator SESSIONS' record on religious freedom also raises significant questions. The free exercise of religion is enshrined in the First Amendment of the Constitution. However, Senator SESSIONS has only been outspoken in his defense of religious freedom for some faiths. For example, he denounced a 1997 court order that limited prayer in Alabama public schools, calling it “one more example of the effort by the courts to eliminate the natural expression of religious belief from public life.”

A year later, he introduced a Senate resolution “affirming the right to display the Ten Commandments in public places, including government offices and courthouses.” He said “[w]e've got to end the hostility toward the display of the Ten Commandments in public places.”

But he has been much more ambivalent about Islam. He has referred to Islam as “a toxic ideology” and said of American Muslims “our nation has an unprecedented assimilation problem.” When President Trump first proposed his ban on Muslim immigrants during the 2016 campaign, Senator SESSIONS said, “I think it's appropriate to begin to discuss this, and he has forced that discussion.”

I am also concerned about Senator SESSIONS' support of laws and cases that permit individuals and companies to discriminate against other Americans on the basis of religious beliefs. For example, in 2015, the Supreme Court held that marriage equality is the law of the land in the landmark *Obergefell v. Hodges* decision. SESSIONS referred to the decision as an:

effort to secularize, by force and intimidation, a society that would not exist but for the faith which inspired people to sail across unknown waters and trek across unknown frontiers.

After disparaging the decision, Senator SESSIONS went on to cosponsor the First Amendment Defense Act, which would permit widespread discrimination against LGBTQ individuals on the basis of religious beliefs.

Senator SESSIONS also praised the Supreme Court's troubling 5-4 decision in *Burwell v. Hobby Lobby*, which held that the Religious Freedom Restoration Act permits closely held, for-profit corporations to deny contraceptive coverage to employees due to religious objections.

If confirmed to be the next Attorney General, Senator SESSIONS will be responsible for protecting the rights of all Americans, regardless of their faith or beliefs. That is why I am deeply concerned about Senator SESSIONS' record, which suggests that he may prioritize the freedom of certain faiths over others, and permit religious freedom to be used as a guise for discrimination.

The Attorney General also has great power to determine how the Department of Justice's resources will be prioritized. I am alarmed that Senator SESSIONS will not commit to support funding for important programs like COPS and Byrne-JAG. And I am deeply disappointed that he will not commit to increase Justice Department resources for Chicago to address the city's surge in gun violence.

I asked Senator SESSIONS about this when we met in person before his hearing and again as part of my written hearing questions. It is well known that there's been an epidemic of gun violence facing the City of Chicago. There were more than 760 homicides in Chicago last year, a 58 percent increase over the previous year. More than 4,300 people were shot last year in the city. It is a crisis.

At our meeting, I handed Senator SESSIONS a copy of Mayor Emanuel's plan to improve public safety. The plan calls for hiring nearly a thousand more Chicago police; more training and equipment, like body-worn cameras and gunshot detection technology; more mentoring programs for youth; and reforms to rebuild trust and cooperation between police and the community.

All of these are areas where the Justice Department can, and must, help. The Justice Department's COPS program helps local police departments put more cops on the beat. The Byrne-JAG program helps them buy equipment. The Office of Juvenile Justice and Delinquency Prevention provides mentoring and violence prevention funds. And the Civil Rights Division was invited in by me, the mayor, and the state Attorney General to review the Chicago Police Department's practices. On January 13, they reached an agreement in principle with the City to pursue much-needed reforms and to seek to enforce the reforms through a consent decree.

I asked Senator SESSIONS about his support for these efforts, especially in light of President Trump's tweets where he has urged Mayor Emanuel to ask for Federal help—even though the Mayor has already asked for aid—and threatened to “send in the Feds” to Chicago. But Senator SESSIONS has steadfastly refused to make any commitment of Justice Department resources to help reduce Chicago's violence. He refused to commit to increase Justice Department funding for Chicago. He wouldn't even commit not to cut funding. He refused to commit to honor the agreement in Principle that the Justice Department signed with the city to reform the Chicago Police Department.

And he refused to commit not to request budget cuts to the COPS and Byrne-JAG programs and the Office of Juvenile Justice and Delinquency Prevention.

This is unfathomable to me. Now is not the time for the Justice Department to turn its back on the City of Chicago and its people. It is hard to understand how the Trump administration could think about spending \$15 billion on an inexpensive and ineffective wall and not commit to spend another penny to address gun violence in Chicago. If the administration took just 1 percent of what they want for a border wall and used it to help Chicago implement the mayor's public safety plan with more police, training, and youth job programs, we could save a lot of lives. But instead Senator SESSIONS and the Trump administration are threatening to cut Federal funds for Chicago. Their priorities are profoundly misplaced.

Senator SESSIONS did say he would increase Federal gun prosecutions. That may be helpful, but it is not enough to reduce gun violence. The Chicago Sun-Times looked at Federal gun prosecutions over the past 5 years and found that cities like Detroit and Baltimore had significantly more than Chicago, but their per-capita homicide rates are still higher than Chicago's. So that is not enough.

Senator SESSIONS also seems to think that immigrants are at the root of most of our Nation's crime problems. That is why he pushes to withhold critical Federal funding to so-called sanctuary cities. But many studies have shown that immigrants are less likely to commit serious crimes than native-born individuals. And there is no evidence whatsoever that undocumented immigrants are responsible for any significant proportion of the murders in Chicago. If sanctuary cities are the problem, why did a sanctuary city like New York City experience record low crime in 2016? Senator SESSIONS' priorities when it comes to these issues does not give me confidence.

I am also troubled by the casual approach that Senator SESSIONS has

adopted when it comes to Russian interference in our Presidential election.

Election Day 2016 is a day that will live in cyber infamy. A foreign adversary intentionally manipulated America's Presidential election. Amid warnings of Russian manipulation going back to early October, President Donald Trump not only resisted these findings, he has praised Russian President Vladimir Putin and dismissed the true nature of Putin and his threat. As early as July of last year, then-candidate Trump urged a foreign adversary of the United States to conduct espionage against Hillary Clinton. He said, “I will tell you this, Russia: If you're listening, I hope you're able to find the 30,000 emails that are missing . . . I think you will probably be rewarded mightily by our press.” And President Trump, who has impulsively attacked just about anyone who criticizes him, has not criticized the one person who is guilty of sponsoring this cyber attack: Vladimir Putin.

This is bigger than one election or one person. This is about our national security, and we should take it seriously.

For those who have been following Putin's actions over the last several years, this attack should come as no surprise. Russia has conducted cyber warfare against Ukraine, the Netherlands, Georgia, Lithuania, Estonia, and a host of other nations. Russia now appears focused on disrupting the upcoming German elections over Putin's dislike of Chancellor Merkel. And it could happen again here.

We need to know that the next U.S. Attorney General will take this matter seriously as well and will be independent of the White House. This means allowing career Justice Department prosecutors and the FBI to follow the facts and the law.

I am concerned about Senator SESSIONS when it comes to this assignment. I asked Senator SESSIONS questions about this. In his written responses, he admitted that he has not even read the January 6 intelligence community assessment on Russian involvement in the U.S. election—neither the classified nor the unclassified version. As recently as last week, Senator SESSIONS admitted he still has not read this report.

The unclassified version incidentally is just a few pages if you don't count the annexes. I read it in less than 15 minutes.

Senator SESSIONS, seeking to be the top law enforcement official in the land, should have found time to read this report. His failure to do so is inexplicable. This does not give me confidence that Senator SESSIONS is giving this matter the attention it deserves.

I also asked Senator SESSIONS if he would commit not to impede or terminate ongoing Justice Department or FBI investigations into Russian involvement in the 2016 election. He

would not make any commitment about allowing investigations to continue if confirmed.

And I asked Senator SESSIONS if he would recuse himself from any FBI or DOJ investigation into Russian efforts to influence the election. He said he was not aware of a basis to recuse himself.

Well, Department of Justice regulations call for recusals from investigations due to personal or political relationships. And it is clear that Senator SESSIONS has a close relationship with President Trump, including on Russia issues. Senator SESSIONS was a prominent supporter of the President's campaign.

On March 3, 2016, then-candidate Trump announced that SESSIONS would serve as chairman of Mr. Trump's National Security Advisory Committee and that he would "provide strategic counsel to Mr. Trump on foreign policy and homeland security."

In a July 31, 2016 interview with CNN, Senator SESSIONS stated the following:

What I want to tell you is that Hillary Clinton left her email system totally vulnerable to a Russian penetration. It's probably clear that they have what was on that system. I have people come up to me all the time and say, why don't you—if you want to find out where those 30,000 emails are, why don't you ask the Russians? They're the ones that have them . . . The big issue is, can we, should we be able to create a new and positive relationship with Russia. I think it's . . . it makes no sense that we're at the hostility level we are.

On August 15, 2016, USA Today published an article entitled "Sen. Jeff Sessions backs Donald Trump on Russia Policy" detailing how SESSIONS changed his hawkish position on Russia to align with then-candidate Trump's statements. It said:

"Sen. Jeff Sessions, R-Ala., has long supported increased military spending and tough talk about the threat Russia poses to the U.S. and its allies in Europe. Since becoming an adviser to Republican presidential nominee Donald Trump, however, those principles appear to have undergone some revisions. Trump has upended traditional conservative caution toward Russia by exchanging niceties with President Vladimir Putin and expressing hope for warmer relations. And Sessions, a frequent surrogate for the Trump campaign in public appearances, is nodding in agreement."

On October 7, 2016, Politico published a story entitled "Lobbyist advised Trump campaign while promoting Russian pipeline: Richard Burt helped shape the candidate's first foreign-policy speech while lobbying on behalf of a Moscow-controlled gas company." The Politico story noted that the lobbyist in question "attended two dinners this summer hosted by Alabama Sen. JEFF SESSIONS, who had been named chairman of Trump's national security committee" and that the lobbyist "was invited to discuss issues of national security and foreign policy, and wrote white papers for SESSIONS on the same subjects . . ."

In an October 30 interview with DefenseNews, Senator SESSIONS said, "The United States and Russia should be able to be far more harmonious than we are today."

Clearly, an investigation into the reported Russia-Trump allegations has the potential to significantly impact the interests of Senator SESSIONS' soon-to-be boss, if he's confirmed, and his close political ally.

Again, Senator SESSIONS' answers to my questions do not give me confidence. In the end, the American people deserve the truth about Russian involvement in our election. The stakes too high to ignore.

There are other aspects of Senator SESSIONS' record that give me serious concerns about what his priorities would be if confirmed as Attorney General, including his vote against reauthorizing the Violence Against Women Act; his votes against the Detainee Treatment Act and the McCain-Feinstein Army Field Manual Amendment; his past statement that the use of prison chain gangs was "perfectly proper"; his opposition to laws such as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; his questioning of the 14th Amendment's guarantee of birthright citizenship; and his refusal to commit to recuse himself from involvement in any case, investigation or Office of Legal Counsel decision involving the receipt of emoluments by President Trump. All of these factors have weighed on me as I have considered this nomination

Mr. President, let me conclude.

We need a nonpartisan Attorney General with the independence, judgment, and backbone to stand up to a President when his actions are illegal or unjust. Senator SESSIONS is an able politician. He has been an able representative of his State of Alabama. But he is not the right person to serve as Donald Trump's Attorney General.

The Justice Department's motto "qui pro domina justitia sequitur" refers to an Attorney General "who prosecutes on behalf of justice." Based on his record and his responses to questions over the past few weeks, I am not confident Senator SESSIONS would be such an Attorney General. I cannot support his nomination, and I will vote against him.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, this week we have to decide whether Senator SESSIONS, somebody whom many of us have known and worked with for many

years—I certainly have during all of the time he has been in the Senate—is the right person to lead the Department of Justice. I thought long and hard on it. I decided he is not. I would like to share a few reasons why.

In fact, the Trump administration itself underscored what is at stake with this nomination. When the administration accused Acting Attorney General Sally Yates of having "betrayed the Department of Justice," it exposed a view of the Justice Department that is disturbing and dangerous. The claim that Ms. Yates "betrayed" the Department by refusing to defend the President's illegal and shameful Executive order—you have to believe that in the Attorney General's office, your job is to defend the President at all costs. That is wrong. I think Senator SESSIONS knows that.

There is a reason the Justice Department is not led by a Secretary of Justice: the Attorney General is the people's attorney, not the President's attorney. The Trump administration has already shown us why this distinction matters. Within its first two weeks, the current administration found itself rebuked in numerous Federal courts around the country. Its extreme agenda cast a shadow over all the President's nominees. This is an administration that was even criticized yesterday by a very conservative Republican, John Yoo, in a New York Times op-ed entitled, "Executive Power Run Amok." You know there is a problem when the same man who twisted the law in order to green-light torture thinks you have gone too far.

The President seems to have a penchant for going too far. During the campaign he promised—and he said this a number of times; it was covered in the press—he would implement a Muslim ban. He actually stood before the cameras and said that. As President, he then signed an Executive order that barred immigration from certain Muslim-majority countries but created an exception that gave preference to members of minority religions in those countries; that is, non-Muslims. He even spoke to a Christian press organization stating he would protect Christians. That is nothing more than a Muslim ban by another name.

My parents and grandparents fought religious biases in this country. I have always felt one greatness of this country is when we said there would be no religious bias and we would actually stand up for the First Amendment. The First Amendment says you can practice any religion you want or none if you want, and it gives you freedom of speech. Now if you have a country and a government that protects your right to practice any religion you want and protects your right of free speech, then that same government is protecting diversity, and if you have diversity, it is very easy to have democracy.

When a Federal judge in Washington State temporarily blocked this order, President Trump did not express respectful disagreement as every President I have ever known, Republican or Democrat, would. He took to Twitter—Twitter, like a teenage kid—to attack the judge's legitimacy, labeling him a "so-called judge." President Trump attempted to blame this judge who was nominated by a Republican President and confirmed by a Republican-led Senate for any future terrorist attack on this country. The President's words are beyond outrageous. It is almost as though he wants to precipitate a constitutional crisis.

That is why the question of who should be our next Attorney General is so critical. This is a President who must have an Attorney General who is willing to stand up and say no for going beyond the law. Sally Yates knew that. Two years ago, Senator SESSIONS asked Ms. Yates: "Do you think the Attorney General has a responsibility to say no to the President if he asks for something that's improper? A lot of people have defended the Lynch nomination, for example, by saying, well, he appoints somebody who's going to execute his views. What's wrong with that? But if the views the President wants to execute are unlawful, should the Attorney General or the Deputy Attorney General say no?"

Ms. Yates answered that her duty was to the Constitution. Just two years later she proved that by telling the President that his travel ban was indefensible under the law. Perhaps she was remembering the commitment she made to Senator SESSIONS, and that is exactly what she did.

Many around Senator SESSIONS felt that she never should have stood up to President Trump. She should stand up to President Obama but not President Trump.

I have reviewed Senator SESSIONS' long record. I have reviewed his responses to many questions from members of the Senate Judiciary Committee. I am not convinced that he is capable of telling the President no.

Under oath, Senator SESSIONS denied that he was involved in creating the Muslim ban Executive order. Well, I will take him at his word, but Senator SESSIONS' views on this issue are well known to Members of the Senate Judiciary Committee. In 2015 I offered a simple resolution in the committee. It expressed the sense of the Senate that the United States must not bar individuals from entering into the United States based on their religion—a very simple resolution. Every Democrat, most of the Republicans—including the Republican chairman, Senator GRASSLEY—voted in support of my resolution. The committee recognized that imposing a religious test for those who seek to enter this country violates our most cherished values, but Senator SESSIONS

broke away from the majority of his Republican colleagues, and he strongly opposed the resolution. I found that deeply concerning in 2015 when he was a Member of the committee. I find it even more disturbing now that he seeks to be our Nation's top law enforcement official. We need an Attorney General who will stand in the way of religious discrimination, not one who endorses it.

Today I am introducing a very similar resolution. It reaffirms that no one should be blocked from entering into the United States because of their nationality or their religion. I invite Senator SESSIONS—and I invite all Senators—to cosponsor this resolution. Senator SESSIONS is still taking an active role in the Senate, including voting on controversial Cabinet nominees for President Trump. If he cosponsored it, it would help to reassure Americans that he stands against religious discrimination and religious tests.

But my concerns about whether Senator SESSIONS would be willing to tell President Trump no extend well beyond religious tests. In fact, in his testimony before the Judiciary Committee, both Republicans and Democrats, he did not demonstrate to the Judiciary Committee that he would be willing to tell the President no on any issue, no matter how objectionable.

Take, for example, the President's many conflicts of interest. For months, there has been media coverage about President Trump's conflicts of interest and the constitutional concerns they present. Yet Senator SESSIONS repeatedly evaded my written questions on this topic by claiming that he has "not studied the issue."

I asked Senator SESSIONS whether President Trump should follow guidance from the Office of Government Ethics and divest from assets that might create a conflict of interest. Senator SESSIONS said that he has not studied the issue.

I asked Senator SESSIONS whether President Trump receiving payments from entities controlled by foreign governments raises any concerns under the Emoluments Clause of the Constitution, which forbids such payments absent Congressional consent. Senator SESSIONS said that he has not studied the issue.

I asked Senator SESSIONS whether President Trump's family members who are running the organization that he still owns should participate in policy discussions or meetings with foreign governments. Again Senator SESSIONS said that he has not studied the issue.

Senator SESSIONS has refused to acknowledge that there is a conflict of interest for a President to have a personal financial stake in the policies pursued by his administration. Actually, that is definition 101 of a conflict of interest. The President should not

personally profit from their decisions. This answer was particularly troubling because I know that he knows the right answer. Senator SESSIONS told Senator FEINSTEIN at his hearing: "I own no individual stocks because I want to be sure that I don't have conflicts of interest." He added, "I want to adhere to high standards." Well, I appreciate that. But Senator SESSIONS—and I assume Attorney General SESSIONS—apparently refuses to hold the President to any standards at all.

In fact, his woeful blindness extends even to the Russian interference into our democracy. In response to questions in the Intelligence Committee's report on Russian interference—the intelligence community found without a doubt that we had Russian influence in our democracy—he said: "I have not reviewed the report, but I have no reason not to accept the intelligence community's conclusions as contained in the report."

Well, if he hasn't read the report on something as critical as this, I suspect he is one of very few Senators who hasn't. I asked him whether the activities described in the report are illegal: Are they a threat to our democratic process? For anyone other than President Trump, that is not a difficult question. Reading the report, the answer should be an obvious yes, but Senator SESSIONS refused to answer. If Senator SESSIONS is not willing even to acknowledge facts that make President Trump uncomfortable, how can we believe that Attorney General SESSIONS will ever say no to President Trump?

Senator SESSIONS also refused to answer questions from all nine Democrats on the Judiciary Committee on how he would respond if President Trump pressured him to end any investigations into Russian interference in our elections.

There is absolutely nothing in Senator SESSIONS' testimony before the Judiciary Committee that gives me confidence that he would be willing to stand up to the President. He has demonstrated only blind allegiance. This is a President who first cited what is now called "alternative facts" to deny his small crowd size at the inauguration, but now he is citing "alternative facts" to excuse murders and assassinations by Putin's regime. That should alarm us all. It shouldn't matter what party you belong to; as Americans, that should alarm us.

Later tonight I will describe my concerns about Senator SESSIONS' record on civil rights issues. But I have one concern that is made much worse, given Senator SESSIONS' lack of independence from President Trump. I am particularly worried that, if confirmed, Senator SESSIONS will fail to protect Americans' constitutional right to vote. There is nothing more sacred in a democracy than the right to vote. Yet Senator SESSIONS called it "a good day

for the South”—not for the country but for the South—when the Shelby County decision, which effectively gutted the Voting Rights Act, was handed down, something that virtually every Republican and Democrat in both the House and Senate voted for that President Bush signed into law.

The fact that Senator SESSIONS voted to reauthorize the Voting Rights Act in 2006 doesn't give me much comfort when immediately after that unanimous vote, he turned around and argued, notwithstanding his vote, that it was unconstitutional.

We cannot view his record on this issue in isolation because if he is nominated and confirmed to be President Trump's Attorney General—well, we know the President has his own views on voting in America. Several Republicans, like the Speaker of the House, Mr. RYAN, and our own colleague Senator GRAHAM, have rightly condemned President Trump's wild conspiracy theory that the millions of illegal votes cost him the popular vote, which he lost by nearly 3 million votes. I fear that continuing this dangerous falsehood can be used to justify further attacks on the hard-won right to vote for racial minorities, students, poor and elderly citizens.

What bothers me the most is that Senator SESSIONS again refused to acknowledge the fundamental and plainly visible fact that the President is flat out wrong that there were 3 million illegal votes cast. Senator SESSIONS responded to me that he doesn't know what data the President may have relied on. Well, the rest of us know there isn't any such data, but Senator SESSIONS refuses to admit as much.

So his close ties to President Trump and the important role he played in forming President Trump's agenda raise important questions about his impartiality in matters involving the President. I asked him several times, What is the scenario in which he would recuse himself, given clear conflicts of interest? But he brushed those questions off. He claimed he was “merely . . . a supporter of the President's during the campaign.” Well, that would be fine, but I think Senator SESSIONS is selling himself short.

He was widely reported to be a central figure in the Trump campaign. A key figure in the Trump campaign, Steve Bannon, called him the President's “clearinghouse for policy and philosophy.”

This relationship appears to fly in the face of the Justice Department's recusal standards. The Department's standards mandate recusal when the attorney has “a close identification with an elected official . . . arising from service as a principal adviser thereto or a principal official thereof.” I asked Senator SESSIONS the obvious question—whether that language would apply to his relationship with Presi-

dent Trump, but he refused to say one way or the other.

The Justice Department has to be independent because it is the chief law enforcement department in our government. But I worry about that independence in this administration. It is already clear that if you say no to this President, there goes your job. Now more than ever, we need an Attorney General who is willing to pay that cost for the good of the country—for the good of the country. Country outweighs any partisan interest of a particular officeholder or a particular President.

I am not convinced that that kind of independence describes Senator SESSIONS. He has not demonstrated the independence that he himself used to demand of nominees.

David Frum, a former speechwriter for President George W. Bush, recently wrote an article in the Atlantic addressing whether someone should accept an invitation to serve in the Trump administration, given the real risks that there may be tremendous “pressure to do the wrong thing.” The “very first thing to consider,” said the former Bush speechwriter, is, “How sure are you that you indeed would say no? And then humbly consider this second troubling question: If the Trump administration were as convinced as you are that you would do the right thing—would they have asked you in the first place?”

In the case of the nominee before us—the Trump administration's “clearinghouse for policy and philosophy,” as Mr. Bannon called him—I fear the answer to these questions is clear. That is why I am going to be voting against this nominee.

It is ironic that as we consider the nomination of Senator SESSIONS to be the Attorney General, a position which he is going to be responsible for is defending the fundamental rights and liberties of the American people—all of us—whether you were supporters during the last campaign of President Trump or Secretary Hillary Clinton. But even though Senator SESSIONS is supposed to defend our fundamental rights, we see President Trump continuing to praise Russian President Vladimir Putin, who has repeatedly demonstrated his disdain for freedom of speech, of association, of due process, and of the rule of law.

In less than a week the President has attacked a Federal judge for performing his constitutional duty. He has called unfavorable polls “fake.” He has continued to discredit as “dishonest” any media outlet that dares criticize him. His spokesperson, Sean Spicer, echoes these sentiments. They sound remarkably like what one would expect to hear from Vladimir Putin.

In fact, President Trump has done this while reiterating his support of torture and his admiration of Putin.

Remember, Putin's critics continue to turn up dead. Putin has stolen tens of billions of dollars that were taken in bribes from oil and gas and other industries. President Trump seems unaware of this, or is unconcerned about it, even though everybody knows about it.

It is hard to avoid the conclusion that, after repeatedly lauding Putin's leadership, Trump is now attempting to emulate Putin's efforts to spread misinformation, chastise his critics, and intimidate those responsible for upholding the law. His assaults on anyone he perceives to be standing in his way, including a Federal judge nominated by President George W. Bush, is even worse than his routine expressions of contempt for political norms that seem to be coming straight out of Stephen Bannon's playbook. Not only has the President expressed little, if any, concern that every U.S. intelligence agency—every U.S. intelligence agency—believes that Russia sought to influence, and quite possibly did influence, the Presidential election, and that Putin himself was involved, but Senator SESSIONS, who campaigned for the President, refused to recuse himself from decisions related to Russia's cyber attacks.

Can anybody imagine what the Republican leadership would be saying if the table was turned? They would try to shut down the government to hold a new election.

Failing that, they would demand that an independent commission be established to investigate the Russian hacking, and they would insist that the nominee for Attorney General pledge to recuse himself.

Well, along with Senator DURBIN and others, I have called for such an independent commission outside of Congress, but the Republican leaders have summarily rejected it. It is cynical politics at its worst that puts partisanship over the integrity of our elections.

President Trump and Senator SESSIONS both speak about the importance of law and order. President Trump and Vladimir Putin seem to agree about what those words mean. Senator SESSIONS has said nothing to suggest that he disagrees, even though the Congressional Republican leadership recognizes Putin as a dangerous thug who tramples on the rule of law.

Why does our President keep praising this man who assassinates his critics, who has killed people who have criticized him in the media, who has stolen so much money, and taken so many bribes? He has become one of the wealthiest people in the world, but he is not a person to praise. We have a lot of leaders in our own country—both Republicans and Democrats—whom we can praise, but not Vladimir Putin.

I think we have to be careful. We have to care about the integrity of our democracy, about due process, the rule

of law, and about the constitutional checks and balances that distinguish this country from autocracies like Russia. We should expect the nominee for Attorney General to demonstrate that he will defend these principles, not to remain silent when they are attacked, even if the person attacking them is the President of the United States.

Mr. President, I see the distinguished senior Senator from Connecticut on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from Vermont who has led the Judiciary Committee with such vision and courage over so many years, and whom I respect as a former prosecutor, as I am, as well as a litigator and a conscience of the Senate.

I am deeply concerned that our Nation is careening toward a constitutional crisis, a legal nightmare that will test the independence of the judiciary and require the utmost resolve and integrity from everyone involved in the justice system and from the Congress, because only the Congress may provide the kind of check on the ongoing assault against our court system.

President Trump repeatedly has tried to put himself above the law, and in just a few weeks has moved from scorning conflict-of-interest and disclosure principles to promulgating destructive, discriminatory Executive orders, and openly attacking the judiciary. His personal invectives and insults are unprecedented for the President of the United States against the judiciary. Without respect for the rule of law and the court system, democracy fails. No Cabinet member has more responsibility to ensure that the justice system is given this necessary respect and trust than the Attorney General of the United States. The sweeping authority in this position impacts the lives and livelihoods of everyday Americans, implicating everything from our immigration system to law enforcement, to civil rights, national security, capital punishment, sentencing, and the U.S. Supreme Court.

This job is one I know well. Like some of my colleagues, I served as U.S. attorney in the Department of Justice as the chief Federal prosecutor for Connecticut, for several years, reporting to the U.S. Attorney General, and, then, for several years afterward, as a private litigator, and, then, for 20 years as attorney general of the State of Connecticut. I fought alongside, and sometimes against, the U.S. Attorney General and the armies of lawyers at his disposal. In fact, the Attorney General commands thousands of lawyers who embody his power to speak on behalf of the United States. His job is to protect the public from criminal offenders and

to convict the guilty, but also to protect the innocent who may be wrongly accused and to assure that justice is done.

In fact, as Justice Jackson said about the role of the U.S. Attorney General, which he filled, he is to seek justice, not just win cases. I know how powerful this position can be and how crucial the Attorney General is not as the appointee of a politician but as a servant of justice.

In discharging this sacred obligation, the Attorney General must always remain independent, not just in reality but in appearance. His decisions must supersede partisan politics. In most cases, there is, in fact, no recourse from his decision without political interference, which would be improper. He is not just another government lawyer. He is not just another Cabinet position. He is the Nation's lawyer. He is the people's lawyer. He must be the Nation's legal conscience.

This job requires a singular level of intellect and integrity, and a non-partisan, but passionate devotion to the rule of law.

Over the past week, as our Nation's courts did their job and sorted through the implications of the President's hasty, ill-conceived, and illegal Executive orders, President Trump called into question the very integrity of our judicial system. Not only did he label U.S. District Court Judge Robart a "so-called judge," but he also suggested that the American people should blame him and our "court system" if something should happen as a result of the court's blocking his Executive order.

In this anticipatory blame, the bluster and bullying are inappropriate and un-Presidential, and I believe they threaten harm to our democracy as well as the judicial system.

The comments were deeply disturbing to all of us who believe in the integrity of the judicial system—including the American Bar Association, which said through Linda Klein, its president, that "personal attacks on judges are attacks on our Constitution," and "the independence of the judiciary is not up for negotiation . . . independence from party politics, independence from Congress, and independence from the president of the United States himself."

Ms. Klein called upon all lawyers to defend the rule of law in light of these attacks on the Constitution. I echo this call proudly today, the importance of which cannot be overstated. Nowhere is that job more significant than the Department of Justice and the Attorney General of the United States as head of that Department. The agency is tasked with seeking and achieving justice, not with carrying out the President's agenda as a priority.

That does not mean lawyers at the Department of Justice who are currently defending the orders in court are

acting improperly or wrongly. What it means is, the country needs an independent justice system staffed by people who are ready to stand up and speak out to a President whose orders may contravene constitutional law.

We saw this principle in action last week. We saw what it really means to serve at the Department of Justice and represent not the President but the American people, the Constitution, and the rule of law. Former Acting Attorney General and Deputy Attorney General Sally Yates took a stand based on moral and legal principle, and I thank Ms. Yates for her courage and strength in that action. Holding herself to the highest traditions of the Department of Justice, Ms. Yates said that in her judgment these orders cannot be defended, that the rule of law and morality is more important than the politics of the moment and the impulsive edicts of a ruler who apparently fails to uphold the law. Her actions raised the question of whether the next Attorney General will have the same courage and strength.

Ms. Yates demonstrated genuine grit and grace in standing strong for the rule of law. Her actions are in the long, proud tradition of the Department. Not since Watergate has an Attorney General or Acting Attorney General been fired for acting in accordance with their conscience and the rule of law. Unfortunately, President Trump threatens to return us to that era. He has made his intentions clear: The Department of Justice will not be an independent authority acting on behalf of the American people. Instead, it will be just another enabler of the President's ongoing efforts to substitute his whims and wishes for legal and ethical responsibilities.

I believe the President's orders are misguided and illegal. The courts will rule in days. His orders are wrong, in no small part, because they threaten to take away one of the primary reasons why ours is the greatest country in the history of the world—the country that my father, a refugee from Nazi Germany, sought in 1935. He arrived here at 17 years old with not much more than the shirt on his back, speaking little English, knowing just about no one. This country gave him the chance to succeed.

I think about how sad and ashamed he would be if he saw the actions taken by this President: orders to ban people from coming into this country because of their religion; prioritizing one religion against another and raising fears that do damage to our core constitutional principles.

Barring refugees like children who are harmed in other lands seeking to come to this country deprives us of the great talents, gifts, and energy that have helped to shape and build this country because we are truly stronger as a result of our diversity. We are a

nation of immigrants. Our strength comes from the talents, energy, and vibrancy of these individuals who come to this country as children with their parents.

This order makes us less safe because it provides a recruiting tool to extremists like ISIS. We are at war with ISIS, and we must win that war. It frays trust between law enforcement and Muslim communities, but it also weakens us in a deeper moral sense. It is wrong. It is morally wrong. It is wrong for this great country, devoted and founded on the ideals welcoming people seeking that beacon of hope, opportunity, and protection.

The rule of law protects us from these moral harms, but the rule of law depends on people. Fortunately, even as we have seen the harms of these past few days play out in real time, we have also seen people who are willing to stand strong against them. People have gone to the streets in marches and rallies in the New Haven Green and in front of our State capitol in Connecticut, and all across our State, saying it is not only wrong, but they will rally against this wrong.

All of these points are simply to say that the position of Attorney General is so important because he must stand strong as well for the rule of law. He must be able to speak truth to power. He must have the courage and strength to say to the President of the United States: This order is unconstitutional, not just unwise and unwarranted but illegal.

I have, unfortunately, reached the conclusion that Senator SESSIONS cannot be counted on to play that role, to defend the rule of law, to be a champion of civil rights and civil liberties, not to just follow the law but to lead in this challenge that faces our country as never before because our rights and liberties are now threatened as never before. He must be a vigorous advocate, not a passive follower of the law.

Senator SESSIONS showed this point to me through his testimony at his hearing and his subsequent responses. While he must be ready to say no to the President, what we saw demonstrated so vividly is that Senator SESSIONS' record and testimony indicates he is unwilling or unready to perform his core tasks.

President Trump's vast business holdings present an unprecedented threat of conflict of interest. Yet the President has not only refused to divest himself, he has mocked the idea that he should. Should conflicts arise, the Attorney General must be willing to maintain impartiality, including appointing a special counsel or prosecutor if necessary. There are so many scenarios requiring this step. Yet when I asked Senator SESSIONS about enforcement of cases against illegal conflicts of interest involving the President and his family—such as violations

of the emoluments clause or the STOCK Act—he equivocated. When I asked him about appointing a special counsel to investigate criminal wrongdoing at Deutsche Bank, owed more than \$300 million by President Donald Trump, he equivocated. When I asked him about the investigation of Russian hacking, he equivocated. His answers to questions I submitted to him in writing were no better. Those answers give me no confidence that he will be an independent, nonpolitical enforcer against conflicts of interest and official self-enrichment that the Nation needs. At a moment when the incoming administration faces ethical and legal controversies that are unprecedented in scope and scale, Senator SESSIONS has simply given us no confidence that he will appoint an independent counsel or demonstrate the independence that is necessary.

His record over many years and his recent testimony fail to demonstrate the core commitments and convictions necessary to be our next Attorney General. He has failed to show how he can be that legal conscience, that unmistakable, unshakable, ethical voice independent from the White House. He has failed to prove that he will be a champion of constitutional rights. Indeed, his career demonstrates an antipathy and hostility to the very rights and liberties that the Nation's chief law enforcement officer must always promote proactively, as well as defend.

Focus for a moment, shall we, on some of the rights that affect women and their privacy. Women comprise more than half the population, but unfortunately our society and our laws have too frequently prevented them from achieving the equality that every American should enjoy. Over the course of his career, Senator SESSIONS has opposed key legislation that protects and further enhances women's rights. As a Senator, that trend was worrying. As Attorney General of the United States, it must be disqualifying.

In 1973, the Supreme Court recognized a vital constitutional right of privacy for women. It is a right that is both basic and fundamental, now enshrined in five decades of precedent, that women have the freedom to choose what medical procedures they will undergo to make private health care decisions and personal reproductive rights decisions without interference from the government.

As we all know, declaring abortion illegal solves no problem. Laws against abortion do not stop them from happening, it simply stops them from happening in a safe, legal manner. Laws that restrict abortion force women to put their own lives at peril rather than enjoying full freedom. Yet Senator SESSIONS' congressional record and hearing show that he is inherently opposed to providing women with the ability to make those preeminently private health care decisions.

He has gone on record stating he believes *Roe v. Wade* was constitutionally unsound and wrongly decided. He voted against an amendment that expressed constitutional support for the underlying Supreme Court decision. Most troubling, he supported a constitutional amendment to ban abortion with only a few inadequate exceptions. It is no surprise that he has been supported by extremist groups like Operation Rescue. As Attorney General of the United States, Senator SESSIONS would be tasked with protecting the very women whose rights he has criticized.

Far too many women seeking to exercise their constitutional rights are already faced with violence and harassment outside of health clinics. I know only too well the kind of intimidation and fear-inspired actions that can take place because as attorney general of my State, I enforce the statute to protect those clinics.

Those women look to the Department of Justice to enforce the Federal law that prohibits interference with people seeking to access these clinics, and it keeps them safe. There is a very real concern about whether these women will receive the same protection under Senator SESSIONS' tenure. With limited resources across the Department of Justice, decisions must be made by the Attorney General in setting priorities for enforcement.

Senator SESSIONS' past positions and stances make clear that the protection of women's rights is far from a priority for him. He told me at the hearing that he would "enforce the law." But when important constitutional rights are under threat, American women need more than someone who will simply follow or enforce the law. They need a champion and so do all of our civil rights and civil liberties and voting rights and other key freedoms.

I am disturbed as well by Senator SESSIONS' vote against reauthorizing the Violence Against Women Act. He has stated that he does not oppose the principle or some of the provisions of the law, and I take him at his word, but the circumstances behind his vote are no less disturbing. We must recognize that our Nation's tribal communities face epidemics of both domestic and sexual violence. Studies show that almost three out of five Native American women have been assaulted and that one-third of all Native American women are raped during their lifetime.

The VAWA Reauthorization of 2013, the Violence Against Women Act, that he voted against included significant new language that closed a glaring loophole in the jurisdictional requirements of this basic law. The bill guaranteed and granted tribal communities power over non-Indian defendants who commit domestic violence against Native Americans in Indian Country. Before the reauthorization act, tribal

courts lacked jurisdiction to prosecute these horrific crimes and often the assaulter would escape prosecution entirely.

During his confirmation hearing, Senator SESSIONS told us that he had “a big concern” about that jurisdictional provision in the reauthorization act. He was concerned that the law would leave non-Native Americans open to prosecution under tribal law, despite safeguards in the bill that were clear and unequivocal. The large gaps that the original law left were apparently acceptable to him.

Additionally, the VAWA reauthorization included a nondiscrimination clause. This provision protects members of the LGBT community from discrimination in housing and employment, schools, and other areas of civil rights cases.

Senator SESSIONS also took this issue with the nondiscrimination provisions in the reauthorization act, including the protection for LGBT individuals. He took issue with those provisions.

I am concerned, also, by several other votes that Senator SESSIONS took in 2004. He voted against extending Federal unemployment benefits to people who leave their jobs as a result of being victims of domestic or sexual assault.

In 2009, he voted against an amendment which would have strengthened the rights of victims of wage discrimination, contributing to the roadblocks and hurdles that women encounter while facing issues of inequality.

As recently as March of 2015, Senator SESSIONS voted against the Paycheck Fairness Act, a vote he has taken multiple times before. These bills sought to strengthen women’s rights and opportunities in the workplace.

In 2017, our world is one where women still struggle to obtain the same pay levels as men in the workplace for the same work. This kind of discrimination is un-American and really an embarrassment to our Nation.

Senator SESSIONS’ voting record consistently shows his opposition to this kind of key legislation designed to protect women from oppression and discrimination and protect women’s autonomy and choice, and I cannot support an Attorney General with this record.

Speaking on the floor some time ago, I added other details as to the reasons why I have opposed Senator SESSIONS. I see colleagues on the floor right now so I will end here with this point. Over the past weeks, I have received an outpouring of outrage from throughout my State of Connecticut, more than 4,500 letters from Connecticut residents opposing this nomination because they recognize the need, the desperate imperative for a true champion of civil rights and liberties, constitutional freedoms in this office facing the

threat that is more real and urgent than ever before in our history.

Just hours ago, I received a million signatures on a petition from civil rights groups. They are contained magically on a thumb drive that is so easy to display, even if the signatures are not readily visible, but these million brave and steadfast individuals and the organizations that represent them. The Leadership Conference on Civil Rights and Liberties, other groups that have proudly and actively worked on this cause are to be thanked, as are the advocates throughout the country who have galvanized public opinion, raised awareness, and shown what democracy looks like.

This is what democracy looks like. This is what America looks like. This is what Connecticut looks like—people rallying and rising up against an unconstitutional immigration ban, against a set of nominees that fail to reflect and serve America against an Attorney General nominee, in particular, who cannot be relied upon to actively and aggressively, vigorously, and vigilantly protect our constitutional rights and liberties. We need a champion of those rights and liberties.

I regretfully oppose JEFF SESSIONS as our next Attorney General because we cannot count on him to do so, and I urge my colleagues to join in this opposition.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that following my 5 minutes, the distinguished senior Senator from New Hampshire, Mrs. SHAHEEN, be recognized for 5 minutes; and following Mrs. SHAHEEN, the distinguished whip of the Republican Party, Mr. CORNYN, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIENNIAL BUDGET PROCESS

Mr. ISAKSON. Mr. President, I come to the floor with a labor of love before the U.S. Senate. We are talking about confirmations of people for Secretary positions on the Cabinet of the new President. We are talking about all kinds of things. We are in a budget period of time. We are talking about this year having two budgets—one we are going to use early and one we are going to use late.

The truth is, since 1980, we haven’t passed all 12 appropriations bills in the year but twice. In other words, in the last 37 years, we have only twice done our job that we ought to do every year. So 2 years out of 37 we did it; 35 years we did not do it.

I am joining with the distinguished Senator from New Hampshire, a great Governor of that State and now a great Member of the U.S. Senate, to propound for the third Congress in a row an idea that is so simple and so great that it works and it works for all the

American people. It is called a biennial budget process. What it does is it embraces a discipline for how you budget to bring about the right solutions in terms of what you do budget.

What the biennial budget process does is it says this. We would be far better off if we had more oversight of spending, more authorization projects, and more discipline in the way we spend money we are already spending before we start appropriating more.

Therefore, in every even-numbered year, we ought to do oversight of our spending, we ought to do accountability in our spending processes, we ought to do accountability in our spending process, and we ought to do no appropriations.

In our odd-numbered years, the non-election years, is when you appropriate. Every other year you are spending, and then every other year you are doing accountability. What that causes is the cream to rise to the top. All of a sudden in 1 year, instead of departments coming to say we don’t have time to oversight, we have to authorize more, they come to you and say: Here is how we spent our money, here are the savings we have found, and here is how we want to move forward in a more efficient way.

It is a little bit like my kitchen table and my family. All the way through my 49 years of marriage, my wife and I and our kids have sat around the kitchen table, decided what our family priorities are, from our vacations to our jobs, and then we budget our money for that year so we can pay our bills, enjoy the time we had together, and end up not being broke at the of the year.

What happens when you don’t do that and you are a government is you end up owing \$19 trillion and don’t know how to pay for it. We cannot continue to spend at the escalated rate that we are spending without more accountability on the process so I think the biennial process is the right way to go.

There is some documentation for that. The distinguished Senator from New Hampshire was a Governor of her State who had a biennial budget, but 19 of the 50 States have biennial budgets already. They work, and they work fine. They give them the luxury of doing what we don’t do in Washington, they give them the luxury of having the time to study their appropriations, find savings in existing taxation before they start raising anybody’s taxes or appropriating anymore.

It is a simple, disciplined way to go about the business of spending the people’s money in the same way they make their determination.

I ran a pretty large company for 19 years and was in business for 35 years before I came to Congress. I know that running a business is hard, but it is not hard because it is complex; it is hard because it is tough. Prioritizing your appropriations is tough business.

Somebody has to do it, and the people who are elected to the Congress of the United States are elected to do that job.

I am proud to join Senator SHAHEEN on the floor today and urge all Members to vote for a biennial budget process in the Congress of the United States. I remind everyone in the room that we had this vote a few years ago as a test vote on an all-night vote-arama on the budget, and we got 72 votes, if I remember correctly, in favor of the biennial budget. We have had past Budget Committee chairmen vote in favor of the biennial budget.

We have had people from the majority and the minority vote for it. The fact is, it is a good idea whose time has come. I am pleased to join Senator SHAHEEN from New Hampshire and plead to the Members of the U.S. Senate to do what we ask the American people to do. Let's prioritize the way we spend our money, find savings where we can, and run a more efficient, more honest government, and a more transparent government for all.

Mr. President, I yield to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am really pleased to be able to join my colleague Senator ISAKSON from Georgia as we have introduced our bipartisan legislation, the Biennial Budgeting and Appropriations Act. I think this is a welcomed piece of bipartisan legislation at this point in the year.

I want to start by thanking the Senator from Georgia for his very good work on this legislation. He has been leading this effort since he first came to the Senate in 2005, and I have been fortunate enough to partner with him on the legislation in the past two Congresses.

I think that by working together, we could pass this commonsense, bipartisan legislation that could change the way we do business in Washington for the better. As Senator ISAKSON said, there is no question that our budget process is broken.

Since 1980, we have only finished two budgets on time. In that timeframe, Congress has resorted to nearly 170 short-term funding bills or continuing resolutions. We also experienced a costly and dangerous government shutdown in October of 2013 that cost our economy \$24 billion.

It hurt small businesses. It hurt the people across this country.

That is no way to govern. I understand, as Senator ISAKSON said, that biennial budgeting will not fix everything, but it is a reform that will encourage us to work across the aisle to become better stewards of taxpayer dollars. I can attest to this personally because, as Governor of New Hampshire, I saw how you make a biennial budget work.

In each biennium, I worked with a Republican legislature, and we put together a balanced budget in the first year of the legislative session. In the second year, we had the opportunity to do oversight. That is exactly what this bill would allow us to do here in Washington. It is a reform that has worked in New Hampshire, and it has worked in 18 other States. So as Senator ISAKSON said, 19 States in all have biennial budgeting, and it really gives us a better opportunity to review the budget to see what is working, what is effective, and what is not.

One example that I think shows how we can do this better is looking at several reports that have been issued by the Government Accountability Office. They have found areas of waste, fraud, and duplicative programs. And they have identified ways to reform things, like our farm program, to cut down inefficiencies in defense, and to reduce fraud in health programs. But today, Congress hasn't really taken the time and effort to go through those recommendations. Under biennial budgeting, we would be able to look at those kinds of recommendations and implement savings in the second year of the budget process.

Biennial budgeting also reduces the number of opportunities for manufactured crises, like a government shutdown. As Senator ISAKSON said, we have gotten real momentum in the last couple of years. We had a great vote in 2013 in the Senate, where we had an overwhelming bipartisan group endorse the concept. We saw a vote in the House Budget Committee, where legislation on a biennial budget passed with a bipartisan vote. It not only passed the House but had over half of the House Members as cosponsors. And we saw a favorable hearing in the Senate Budget Committee on the legislation, so I think momentum is growing for this idea. It is a real way for us to take action to reform the budget process and make it work better.

The bill that we are introducing has 13 bipartisan cosponsors. We are going to keep working to get more bipartisan cosponsors, and I hope that all of our colleagues will join us in this effort.

I look forward to continuing to work with Senator ISAKSON and with Senators ENZI and SANDERS on the Budget Committee to get this important reform through the Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RUBIO). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. KING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KING. Mr. President, I yield the remainder of my post closure debate

time to Senator FEINSTEIN from California.

The PRESIDING OFFICER. The Senator has that right.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I came to the floor this afternoon to address the nominee for Attorney General of the United States, Mr. SESSIONS. The U.S. Constitution provides that the Senate will advise and consent on all nominees put forward by the President. This fundamental check on Executive power continues to give confidence to the public that the individuals charged with the immense responsibilities and authorities of our Federal Government are of the highest ethical and professional character, are highly qualified, and are committed to exercising those powers in a manner that is consistent with our founding principles.

Any person seeking to serve in such high positions of public trust ought to be able to explain his or her record of personal and professional conduct, not only to close colleagues and friends but also to the public they seek to serve.

I have great respect for Senator JEFF SESSIONS for his commitment to public service, but I don't believe that he is the right choice to serve as our Nation's chief law enforcement officer. Time and again in the course of his career, his actions have demonstrated disinterest or even hostility to many of the civil rights that we rely on the Attorney General to protect and defend, from voting rights to civil rights, to equality for women, minorities, the LGBTQ community, and people with disabilities.

Senator SESSIONS' record in the Senate provides little evidence that his views have evolved since the last time the Senate evaluated his fitness to serve in high Federal office, when President Reagan nominated him to serve as a Federal judge in 1986. Three decades ago, the Senate voted against his confirmation to serve as Federal judge. Today, I believe the Senate should not confirm him to serve as U.S. Attorney General.

At this time in our history, with the growing concern about this administration's commitment to basic democratic principles, such as equality before the law, separation of powers, freedom of the press, and protection of minority views, I cannot support a nominee who has failed to demonstrate appreciation for these ideals, regardless of our personal relationship. We need an Attorney General who will fight for justice

and equal protection for all Americans, regardless of race, gender, religion, ethnicity, or sexual orientation.

One of my principal objections to this nominee is his record of making it harder for certain groups of people to vote. In 2013, in *Shelby County v. Holder*, the Supreme Court struck down section 5 of the Voting Rights Act, also known as the preclearance provision. And while the overwhelming majority of civil rights organizations considered this ruling, which invalidated a landmark achievement of the civil rights movement—a devastating defeat—Senator SESSIONS was quoted as saying that it was a “good thing for the South.” He has been quoted as saying that he views the Voting Rights Act as an intrusive piece of legislation. We often refer to the shorthand name for this case, calling it simply *Shelby County*. But I believe the full title is instructive: *Shelby County v. Holder*. Holder, of course, was Attorney General Eric Holder. And in this case, the Supreme Court ruled against the Department of Justice and against the views of this Congress, which voted in 2006 to extend section 5 for another 25 years.

It also demonstrated the awesome responsibility and discretion of the Attorney General. Eric Holder was fighting to protect minorities in States with a history of racial discrimination from future voter suppression efforts. In contrast, as U.S. Attorney General, JEFF SESSIONS prosecuted several members of the Southern Christian Leadership Conference, the great civil rights organization formerly led by Dr. Martin Luther King, Jr. He indicted these people for allegedly attempting to fraudulently register people in minority communities to vote. All of those counts were dismissed in that case. However, the chilling effect of this type of use of government authority on our civil society should not be underestimated. This illustrated the awesome power of the prosecutor in our judicial system. That power is exponentially greater in the Office of the U.S. Attorney General.

As I said, Senator SESSIONS is also an outspoken advocate for voter ID laws, including at the Federal level. In State after State, including my home State of New Hampshire, unnecessarily stringent voter ID laws have been passed by Republicans with the clear intent to deny access to the ballot box on the part of minorities, the young, and the poor. Striking down the laws passed by Republicans in North Carolina, a unanimous Federal court ruled that they “target African Americans with almost surgical precision”—that is a direct quote—and “impose cures for problems that did not exist.”

Invalidating similar laws in Wisconsin, U.S. District Court Judge James Peterson wrote: “The Wisconsin experience demonstrates that a pre-

occupation with mostly phantom election fraud leads to real incidents of disenfranchisement, which undermine rather than enhance confidence in the elections, particularly in minority communities.”

President Trump has falsely claimed on numerous occasions that 3 to 5 million undocumented immigrants voted in the election in November. We have even heard that claim in New Hampshire, where our deputy secretary of State, a Republican, has said those claims are not accurate.

Throughout our history, these arguments, not grounded in fact and data, have been used as a pretext for advancing new voter ID laws, including at the national level. Yet, as Attorney General, Senator SESSIONS would enthusiastically support this agenda. I believe that to be disqualifying for any nominee to serve as Attorney General.

When I was Governor of New Hampshire, I had the honor of being able to appoint the attorney general in our State. My qualification was that the attorney general should be the people's attorney. I think that is no less true of the Attorney General of the United States.

I am also deeply concerned by the nominee's record on issues associated with women's health and autonomy. For example, as Senator BLUMENTHAL said so eloquently earlier this afternoon: Senator SESSIONS voted against the 2013 reauthorization of the Violence Against Women Act. This law has been reauthorized on a bipartisan basis each time it has been brought up since 1994.

The 2013 reauthorization expanded the scope of domestic violence programs, yet Senator SESSIONS was one of only 22 who voted no. This is of particular concern when we see the framework for what is suggested will be the Trump administration's budget, which would eliminate the Office on Violence Against Women at a time when one in five women is a victim of rape, either completed or attempted.

Senator SESSIONS has also been a fierce opponent of a woman's right to choose. He voted against a resolution supporting the *Roe v. Wade* decision, which affirmed the constitutional right of women to control our own reproductive choices. He has cosponsored legislation to prohibit Federal funding for health insurance plans that include coverage of abortion. He even opposed the Lilly Ledbetter Fair Pay Act, which removed barriers to women who bring charges of discriminatory wage practices.

Senator SESSIONS voted against it in 2008 and again in 2009, when it became law over his opposition. Senator SESSIONS has consistently argued for “color blind” enforcement of our Nation's civil rights laws. He contends that racism in the United States has been effectively addressed, and, there-

fore, diversity programs unfairly discriminate against White Americans.

For the same reason, he has voted against legislation to protect the rights and safety of the LGBT community. In 2009, he vehemently opposed the Matthew Shepard Hate Crimes Act, which protects LGBT Americans from hate crimes. In debate on that proposed law, Senator SESSIONS said:

Today I am not sure women or people with different sexual orientations face that kind of discrimination. I just don't see it.

Well, Senator SESSIONS, if you talked to the members of the gay and lesbian community, as I have, if you would talk to women across this country who have faced discrimination in employment practices, who have faced discrimination before the Affordable Care Act, in terms of our health insurance, who have faced discrimination in terms of getting justice in cases of violence against women, you would understand that we need to make sure that the laws protect women and minorities.

In 2013, Senator SESSIONS voted against a measure to prohibit discrimination in the workplace based on sexual orientation or gender identity. He also voted in favor of a constitutional amendment to ban gay marriage.

Mrs. MCCASKILL. Mr. President, will the Senator yield for 1 sentence?

Mrs. SHAHEEN. Mr. President, I will yield to the honorable Senator from Missouri.

Mrs. MCCASKILL. Thank you so much. I yield the remainder of my postcloture debate time to Senator FEINSTEIN.

I thank Senator SHAHEEN. I apologize for interrupting.

The PRESIDING OFFICER. The Senator has that right.

The Senator from New Hampshire.

Mrs. SHAHEEN. So in 2013, as I was saying, Senator SESSIONS voted against a measure to prohibit discrimination in the workplace based on sexual orientation or gender identity. And similarly, he voted in favor of a constitutional amendment to ban gay marriage. Finally, Senator SESSIONS' views on immigration are just outside the mainstream. Most Americans want fair, humane treatment for would-be immigrants to the United States, as well as for undocumented immigrants who are already here.

Senator SESSIONS has amply demonstrated that he does not agree with this view. Since he came to the Senate, he has been a leading opponent of bipartisan immigration reform efforts. In 2007 and again in 2013, he was instrumental in defeating immigration reform proposals that had widespread support in Congress and the country.

More recently, he has been a key adviser to Candidate Trump and now President Trump on immigration policies, encouraging extreme positions such as a ban on Muslim immigration and harsh treatment of DREAMers,

those undocumented immigrants who arrived in the United States as young children.

I have also had the opportunity to work with Senator SESSIONS in trying to renew and extend the special immigrant visa program for those Afghans and Iraqis who helped our men and women in the military as we were fighting conflicts in Iraq and Afghanistan. We have heard from multiple members of our military who served that these interpreters and these people from Iraq and Afghanistan who worked with them to make sure that they could help keep them safe have saved lives and have made a difference in that military conflict because of the help they provided to our fighting men and women.

Yet Senator SESSIONS, as we were trying to extend that program, was unwilling to allow us to make sure that we could bring them to the United States, with all of the vetting that goes on to make sure that the people who come here are actually people who helped us. He opposed extending that program to allow all of those folks to come here.

I believe we need an Attorney General who will not only insist on equal enforcement of the laws but who has a passion for pursuing justice and fairness for all Americans, as well as for those who want to visit or who want to immigrate to the United States. In my view, Senator SESSIONS has failed to demonstrate that commitment.

Indeed, I worry that as Attorney General, Senator SESSIONS would affirm and encourage Trump's most troubling tendencies, especially with regard to minorities, to women, to immigrants, and to the LGBTQ community. I believe Senator SESSIONS is the wrong person for the critically important post of U.S. Attorney General. I intend to vote against his confirmation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER. I want to thank Senator THUNE for his courtesy.

The PRESIDING OFFICER. The Senator has that right.

The Senator from South Dakota.

Mr. THUNE. Mr. President, we continue to just sort of—at a glacial pace—work our way through the nominations. We have in front of us the nomination for Attorney General of Senator JEFF SESSIONS, a colleague of ours. I am very excited to be able to support his nomination to be the next Attorney General of the United States.

But unfortunately it is taking an extraordinarily long time for us to plow through this because Democrats continue to use procedural roadblocks to keep the administration from being able to get their team in place. I say that, having concluded today, based on the research that we have been able to

assemble, that this is the slowest pace for Cabinet approval since George Washington.

Now, that sounds a little melodramatic, but I think it is accurate. In fact, if you go back to the Eisenhower administration and roll forward to today, every President, going back to Eisenhower, has had their Cabinet completely or mostly in place by today. In fact, going back to the 1880s and up through the 1930s, the entire Cabinet for those administrations was approved on day one—day one of the Presidency.

Here we are, as we again continue to run into dilatory tactics by the Democrats here in the Senate. There have been now, I think, seven of the Cabinet-level nominees of President Trump who have been confirmed. At this point in President Obama's first term in office, there were 21 confirmed. So this idea that somehow some purpose is achieved or some goal accomplished by dragging this process on, I think, does a great disservice to the American people who, when they voted last fall, voted with an expectation that when they put a new President in office, that President would be able to assemble his team and get them about the important work of governing this country.

So it is regrettable that we are where we are. It is unprecedented and historic, the levels to which the Democrats here in this Chamber have taken their attempts to slow this process down. I hope that will change. I hope we can get back on track here, get this team put in place, and then let's get on with the important work we have to do.

There is a lot of stuff that needs to be done to make this country stronger, more competitive, safer for Americans today, to get the economy growing at a faster rate, to create better-paying jobs, and increase wages. There is just a lot of stuff that this body needs to be working on. Right now, what we are doing is simply human resources business. We are trying to confirm people to positions, but it could go so much smoother, so much easier, so much more quickly, and so much more efficiently if we would just get a little cooperation from the Democrats in the Senate. I hope that will happen because this is unprecedented, as I said, in the level of degree to which the Democrats are stooping.

NOMINATION OF NEIL GORSUCH

Last week, President Trump announced his nomination for the Supreme Court. He made an outstanding choice. Judge Neil Gorsuch has a distinguished resume. He graduated with honors from Harvard Law School and went on to receive a doctorate in legal philosophy from Oxford University, where he was a Marshall scholar.

He clerked for two Supreme Court Justices, Byron White and Anthony Kennedy. He worked in both private

practice and at the Justice Department before being nominated to the Tenth Circuit Court of Appeals where he served with distinction for 10 years. He is widely regarded as a brilliant and thoughtful jurist and a gifted writer whose opinions are known for their clarity.

Above all—above all—he is known for his impartiality, for his commitment to following the law wherever it leads, whether he likes the results or not. A judge who likes every outcome he reaches is very likely a bad judge, Judge Gorsuch has said more than once. Why? Because a judge who likes every outcome he reaches is likely making decisions based on something other than the law. That is a problem.

The job of a judge is to interpret the law, not to write it; to call balls and strikes, not to design the rules of the game. Everyone's rights are put in jeopardy when judges step outside their appointed role and start changing the meaning of the law to suit their personal opinions.

Judge Gorsuch's nomination has been greeted with praise by liberals as well as conservatives. I think one of the biggest reasons for that is that both groups know that Judge Gorsuch can be relied on to judge impartially. Here is what Neal Katyal, an Acting Solicitor General for President Obama had to say about Judge Gorsuch:

I have seen him up close and in action, both in court and on the Federal Appellate Rules Committee (where both of us serve); he brings a sense of fairness and decency to the job and a temperament that suits the Nation's highest Court. I, for one, wish it were a Democrat choosing the next justice, but since that is not to be, one basic criterion should be paramount: Is the nominee someone who will stand up for the rule of law and say no to a President or Congress that strays beyond the Constitution and law?

I have no doubt that if confirmed, Judge Gorsuch would help to restore confidence in the rule of law.

His years on the bench reveal a commitment to judicial independence, a record that should give the American people confidence that he will not compromise principle to favor the President who appointed him.

Again, those are the words of Neal Katyal, formerly an Acting Solicitor General for President Obama.

When Judge Gorsuch was nominated to the Tenth Circuit Court of Appeals, his nomination sailed through the Senate. Both of his home State Senators—one a Republican and one a Democrat—supported his nomination, and he was confirmed by a unanimous vote.

Then-Senator Obama could have objected to the nomination. He didn't. Senator SCHUMER could have objected to the nomination. He didn't. Then-Senators Biden or Clinton or Kennedy could have objected to the nomination, but they didn't. Why? Presumably because they saw what almost everybody sees today; that Judge Gorsuch is exactly the kind of judge we want on the

bench—supremely qualified, thoughtful, fair, and impartial.

Unfortunately, this time around, some Senate Democrats are being less public-spirited. They are upset that their party didn't win the Presidential election so they are threatening to filibuster an eminently qualified nominee, an eminently qualified nominee that a number of them had previously supported.

The Democratic leader recently said:

Now more than ever, we need a Supreme Court Justice who is independent, eschews ideology, who will preserve our democracy, protect fundamental rights, and will stand up to a President who has already shown a willingness to bend the Constitution.

That, of course, is precisely the kind of judge that Judge Gorsuch is, as pretty much everyone who knows him—both liberal and conservative—can attest, but leaving that aside, if the Democratic leader really has these concerns about Judge Gorsuch, why did he allow him to receive a unanimous confirmation to the Tenth Circuit? Surely, if he had these concerns, it was his obligation to speak up.

No one likes to lose an election, but that is what happens in a democracy, and throwing a temper tantrum and refusing to play ball after you lose is not the most enlightened response. Democrats are not really concerned that Judge Gorsuch is a raving rightwing ideologue. When liberal after liberal attests to his fairness and impartiality, it is pretty hard to pretend that he is anything but an excellent pick for the Supreme Court. Democrats just don't want to confirm him because they are mad that President Trump is the one who nominated him.

Well, it is time for them to get over that. It is one thing to oppose the President when he does something they believe truly endangers our country; it is another thing entirely for them to oppose this outstandingly well-qualified nominee because they are still upset about the election.

Republicans lost the Presidential elections in 2008 and 2012, but we allowed up-or-down votes when President Obama nominated Justices Elena Kagan and Sonia Sotomayor. Had this election gone the other way, we were prepared to consider a Hillary Clinton nominee.

It is time for Democrats to stop threatening obstruction and to get down to the business of considering Judge Gorsuch's nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I just wanted to take a minute. I know we have several people waiting to speak, but I wanted to respond to my colleague from South Dakota because I think for Senator THUNE to come to the floor and castigate Democrats for holding up Judge Gorsuch, who has just

been nominated, and for suggesting we are going to filibuster, the fact is, throughout most of last year, we saw the Republican majority in this body hold up the nominee Merrick Garland, President Obama's nominee.

For the first time in history, this body refused to hold a hearing on a nominee for the Supreme Court, refused to give an up-or-down vote, and to suggest that we should not get a fair hearing on the nominee to the Supreme Court—Judge Gorsuch—I think is just not someone who is going to be good for the American people.

Unlike the Republican majority, I haven't heard any Democrats saying: We don't think that Judge Gorsuch should get a hearing or that he should get an up-or-down vote. Everybody I have talked to agrees he should get a hearing and an up-or-down vote.

As for the time that it is taking us to review the nominees of this administration, the fact is, the Trump administration was delayed in putting forward nominees. They were much later than the previous two Presidents. We are still waiting for many of those nominees to provide the background information that is required for those positions to have the background checks done, to have the questions that have been put forward to them in hearings answered. So I think we should all work together to move these nominees. That is what I have done on the Small Business Committee as the ranking member, and we have worked very well because that nominee provided all the required information. She had the FBI background check done, and we were able to hold a hearing on her. Well, that is what we expect from every nominee.

So I am disappointed to hear my colleague come down and say that we are not going to give Judge Gorsuch a fair hearing. I think we are going to do that, but we are going to do it in a way that provides information to the American people so we all know where this judge stands and what he thinks about the role on the Supreme Court.

I think rather than name-calling, it would be more effective for us to work together to get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I will just point out to the Senator from New Hampshire—perhaps she knows it, perhaps she doesn't, but her leader has suggested a 60-vote threshold for this nominee.

I am delighted to hear her say that they are going to provide a hearing for consideration. I hope that she, like all of our colleagues, will provide this judge an opportunity to be heard, to respond to questions because I think they will find, as most of us who have looked at his record, that this is an exceptionally well-qualified judge. He is a

very bright legal mind and somebody who I think understands what the role of a judge is in our constitutional democracy.

With respect to the nominees we are considering, we are here right now, and the Senator from New Hampshire and some of her colleagues were here overnight last night stalling, if you will, to allow for votes on nominees that have been put forward by this administration.

I don't think you can dispute the record. At this time 8 years ago, President Obama had 21 of his nominees in place. This President has seven. What I mentioned earlier, you have to go back to the time of Dwight Eisenhower, roll back to today, and every President from that point forward has had, on this day, all or most of their nominees in place and confirmed by the Senate. So there is no question. There is no question what is going on here.

I am not calling anybody names. I am just pointing out what I see every single day; that is, foot-dragging and delays and obstruction trying to prevent a President—whom they, understandably, didn't like getting elected—from being able to get his team in place.

All I am simply saying is I think the American people expect more of us, I think they expect better of us, and I think we have to answer the call to duty to allow that team to be put in place so this President and his team can go about the important business of governing this country.

But you cannot dispute the facts with respect to the number of nominees who have been confirmed to date with this President and Presidents going back in history, and I said earlier, you have to go back to George Washington. I think that is accurate. I think you have to go back a long way in the annals of history to find any time where you see what is happening today happen in the Senate with any President historically of either party.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to take a few minutes to talk about a couple of my friends. I want to say a few words and praise President Trump's nomination of Judge Neil Gorsuch to the Supreme Court of the United States.

I first met Judge Gorsuch several years ago when I met with several circuit court judges for a dinner. He was and has been impressive. Judge Gorsuch is an admirable choice to be America's next Supreme Court Justice. His many years of dedication to the law and service to America's judicial system clearly qualify him to serve on America's highest Court.

His work itself speaks highly of his understanding of the Constitution and the values that we, as Americans, hold

dear. Some of the first signs Judge Gorsuch would be a great jurist happened just around the corner from here in Washington, DC, where he won a national debate championship in high school.

He attended college at Columbia University and received a scholarship to attend Harvard Law School. As a new lawyer, he was back here in Washington learning from some of the best jurists in America. He performed clerkships first to the U.S. Supreme Court of Appeals for the DC district court and later for Justice Byron White and Anthony Kennedy at the U.S. Supreme Court.

After working in private practice and at the Department of Justice, in 2006, President George W. Bush nominated Judge Gorsuch to serve as the U.S. Court of Appeals for the Tenth Circuit—that is my circuit. The Senate confirmed him by voice vote. Let me say that again. In 2006, this body was so confident about Neil Gorsuch, his character and his qualifications to serve as a Federal judge—yes, a circuit court judge—that he was confirmed without anyone even asking for a recorded vote. I consider that unanimous.

On the bench of the busy Tenth Circuit, Judge Gorsuch has proven he takes seriously his duty to uphold the Constitution. He is known for his legal opinions that stridently defend our most fundamental constitutional rights and for writing those opinions in a way that is engaging and easy to understand.

He knows that his work as a judge is about serving this institution, not his personal preferences. As he said recently at the White House, shortly after his nomination was announced by President Trump, “A judge who likes every outcome he reaches is very likely a bad judge stretching for results he prefers rather than those the law demands.”

I love that quote.

As a uniquely exceptional scholar and respected jurist, not to mention a fellow westerner and avid outdoorsman who shares my love of fly fishing, he is the kind of man I trust to serve America on the highest Court of the land.

I have met Judge Gorsuch, and he has a lot of support from folks in Wyoming, in the Wyoming legal community, and from both parties. I got calls from people of both parties saying he is the one we want to put up. I know and I trust those people, and I know and trust Judge Gorsuch, and I value those people's opinions. I believe he has a good understanding of the legal issues that matter to people in my home State.

I would be remiss if I didn't state my disappointment in all the unproductive distraction about this pick by activists bent on politicizing the judicial nomination process. If their rhetoric and antics in the last days and weeks have

told us anything, it is that no matter who President Trump nominated to fill the spot on the Supreme Court, they would have objected—no matter how learned, how objective, or how many hundreds of hours a nominee had already spent on the bench.

In November, millions of people went to the polls and rejected this kind of tired partisan bickering when they voted for a change in Washington. Those same voters went to the polls knowing that there was a vacancy on the Supreme Court and that whoever became the next President would choose the nominee.

Mr. President, among our most important duties, as Members of this body, is carefully vetting all nominees who come before us. Never is that responsibility so stark and so substantial as when our Nation faces a vacancy on the Supreme Court.

I believe Judge Neil Gorsuch is up to the solemn and mighty task of serving as the next Associate Justice of the Supreme Court. I look forward to a timely and fair confirmation process focused on Judge Gorsuch's qualifications.

Now I want to talk a little bit about my other friend. I rise in support of President Trump's nominee to serve as the next Attorney General of the United States. That is my good friend and colleague Senator JEFF SESSIONS of Alabama.

Senator SESSIONS is an admirable and appropriate choice to be America's next Attorney General. His many years of legal practice, his service as a U.S. attorney, and as Alabama's attorney general, and 20 years of legislative service in the U.S. Senate have prepared him well to lead America's Department of Justice. His work itself speaks highly of his understanding of the Constitution, of his respect for the law, and of his reverence for the values that we as Americans hold dear. JEFF SESSIONS is qualified to be the next U.S. Attorney General because he spent decades studying and practicing the law.

He grew up in a small town in Alabama and worked his way through college before studying law at the University of Alabama. Senator SESSIONS began his law practice at a small firm, where he worked on cases involving probate matters, domestic relations, criminal defense, real estate, wills, and civil litigation—what a combination.

He then worked as an assistant U.S. attorney in the Southern District of Alabama from 1975 to 1977. In that position, he handled a variety of cases at the trial level, including those related to wrongful death, gun violations, forgeries, bank robberies, drugs, and enforcing criminal penalties for pollution.

I am not an attorney myself, but I understand those are exactly the kinds of cases that teach foundational legal

skills to a young attorney—managing a docket that may include dozens of cases at any one time; working long hours to track down key evidence and witnesses; developing relationships with investigators and closely advising them to ensure relevant and admissible evidence is gathered lawfully; giving up nights and weekends to prepare witnesses, motions, and arguments for trial to get a case across the finish line; and conferring with victims to assure they are afforded the rights guaranteed to them by law.

That kind of hard work and legal training paid off in 1981, when Senator SESSIONS was nominated by President Ronald Reagan to serve as the U.S. Attorney for the Southern District of Alabama. For the next 12 years JEFF SESSIONS represented Federal agencies in legal controversies, prosecuted criminal cases, collected debts owed to the government, and defended the civil rights of U.S. citizens. He did this while also serving his country in the U.S. Army Reserve from 1973 to 1986. He worked as a transportation officer and later as a military attorney, where the Army no doubt benefited greatly from his years of civilian legal training and practice.

In 1995, Senator SESSIONS was elected attorney general for the State of Alabama, and he served for 2 years as the State's chief legal officer. Two years later he was elected to the U.S. Senate.

I was first elected to the Senate in that same year, and JEFF SESSIONS has been my friend ever since. But I personally know the man, not just the Senator, and I believe him to be a caring person who wants justice for people and has compassion for people, no matter their backgrounds.

During his 20 years in the Senate, JEFF SESSIONS has worked on many tough legislative issues that further qualify him to serve as Attorney General. As a member of the Senate Judiciary Committee, he has fought for the confirmation of judges committed to following the law. Consistent with his experience as a prosecutor, he has led successful legislative efforts to improve law and order, many times working with his colleagues across the aisle. He worked with another of my good friends, the late Senator Ted Kennedy, on legislation to reduce sexual assaults in prisons. He worked with Senator DURBIN to pass legislation in 2010 to bring fairness to Federal drug sentencing and provide tougher penalties to repeat drug traffickers.

But his efforts haven't been limited to the Judiciary Committee. As a member of the Senate Armed Services Committee, he has been a strong advocate for America's military and for those who serve in it. In 2006, he worked with Senator Lieberman to pass a law increasing death benefits for family members of fallen combat personnel and to increase Servicemembers Group Life Insurance benefits.

He has worked to restrain the growth of Federal spending and rebalance Federal funding for HIV/AIDS treatment through the Ryan White CARE Act. Those are just a few of his many legislative accomplishments as a U.S. Senator.

JEFF SESSIONS is a well-educated attorney, an accomplished prosecutor, and a skilled legislator. But I also believe his character, work ethic, and temperament make him well-suited to serve as the chief law enforcement officer of the Federal Government.

As I mentioned, he has been my friend and colleague for over 20 years. So I am proud to personally attest to this. He is a man who is guided by his principles. He is very active in his family's church back in Mobile and in the entire Methodist community of Alabama. He and his wife Mary have raised three wonderful children who have given them ten grandchildren.

I believe Senator SESSIONS has the experience, character, and drive to be a fantastic Attorney General. If confirmed, he is committed to strengthening partnerships between Federal and local law enforcement officers to fight crime, and, specifically, to take out drug cartels and criminal gangs. He has vowed to prosecute criminals who use guns in committing crimes. And he will prosecute individuals who repeatedly violate America's immigration laws.

In November millions of voters went to the polls and voted for change. I believe the priorities Senator SESSIONS will pursue if confirmed as Attorney General are shared by those voters. I would note the many organizations and individuals who have endorsed his nomination, including the Fraternal Order of Police, the National Sheriffs' Association, and 25 State attorneys general. These are people at the frontlines of law enforcement, and I think they know what it takes to make a great Attorney General.

Among our most important duties as Members of this body is to carefully vet all nominees that come before us. We have before us an opportunity to support the nomination of a man of high moral character, whose training, education, and professional experience make him extremely well-qualified to serve our country. I urge my colleagues to join me in supporting Senator JEFF SESSIONS to serve as our next U.S. Attorney General.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I yield the remainder of my debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield one hour of the time under my control to Senator BOOKER.

The PRESIDING OFFICER. The Senator has that right.

Mrs. FEINSTEIN. And I yield 30 minutes of my time to Senator LEAHY.

The PRESIDING OFFICER. The Senator has that right.

Mrs. FEINSTEIN. And I yield 10 minutes of my time to Senator KLOBUCHAR.

The PRESIDING OFFICER. The Senator has that right.

Mrs. FEINSTEIN. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. I yield one hour under my control to Senator MURPHY.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to join my colleagues and make remarks on Senator SESSIONS' nomination to serve as Attorney General. I will be coming back later this evening to focus on voting rights and some of the other issues at hand—freedom of the press, antitrust. I am actually the ranking member on that subcommittee, and while Senator SESSIONS has assured me that if confirmed, he will keep the independence of that part of the Justice Department away from outside influence from the White House, I am very focused on that because I think we have seen a wave of mergers, and I want to address that more in depth later.

I worked successfully with Senator SESSIONS on a number of UC's over the years such as adoption and human trafficking. We have worked together well, and if he is confirmed, I am sure we will find some areas of common agreement. I am not supporting him, however, and I have told him this in person and I have talked about it at the Judiciary Committee because of my concerns relating to some of his views on some of the core functions of the Justice Department, and that is enforcing voting rights, the handling of immigration issues, the freedom of the press, and the Violence Against Women Act.

Now, he has assured me that he will keep the Office on Violence Against Women funded—which I appreciate—in the Justice Department, but I was very concerned that he had actually voted against the Violence Against Women Act Reauthorization recently. It was something that the majority of Republican Senators voted for and every single woman Senator, Democrat or Republican, voted in favor of.

As a prosecutor and a U.S. Senator, one of my main criminal justice priorities has been enforcing and reauthorizing VAWA or the Violence Against Women Act. It is a bill that took roots in my State, thanks to the efforts on the initial bill of former Senator Paul Wellstone and his wife Sheila. Both of them tragically died in a plane crash, and we miss them very much. But Paul and Sheila's legacy lives on in the

work of the Violence Against Women Act.

It has a long history, as the President knows, of bipartisan support. Since it was first passed in 1994, we have made great strides in raising awareness that these are serious crimes, not shameful secrets. Since the enactment of the Violence Against Women Act, annual domestic violence rates have fallen by 50 percent, but the statistics make clear that domestic violence, stalking, and sexual assault are still a major problem in America. According to data from the Centers for Disease Control and Prevention, for every minute, 20 people in the United States are victims of physical violence by an intimate partner. That is about 10 million people every year.

Millions more individuals are the victims of stalking crimes each year, with approximately 15 percent of women at some point during their lifetime experiencing stalking, during which they feel very fearful or believe that they or someone close to them could be harmed or killed.

I would like to note briefly that I am pleased that the Senate recently passed the resolution that Senator PERDUE and I introduced on stalking to raise awareness. I have been confronted by these issues of domestic violence and stalking since before I became a Senator. In fact, that is when I was Hennepin County attorney. That is the largest prosecutor's office in our State. I managed an office of about 400 people. With that big office handling everything from representing our State's biggest public hospital to violent murder cases, the poster that you saw when you walked into our office and down the hallway so that everyone could see it was a picture of a woman who was beaten up. She had a Band-Aid over her nose, and she was holding a little baby boy. The words read: Beat your wife, and it is your son that goes to jail. Why? That poster reminds everyone that domestic violence and sexual assault just don't hurt the immediate victims. They hurt children, families, and entire communities. We know that kids who see violence happen are twice as likely to commit it themselves and to continue the cycle. That is why I worked with Senator LEAHY along with Senator CRAPO to make sure that the Violence Against Women Act was reauthorized.

What does this legislation do? The legislation ensures that law enforcement has the tools to prosecute domestic and sexual violence and ensures that victims have the support they need to get back on their feet. But we also made some important updates on the law, including addressing the problem of above average levels of domestic violence in tribal areas, by allowing tribal courts to prosecute and to handle cases with people who are tribal members and in very specific cases

when violence is committed on the reservation.

Providing a uniform nondiscrimination provision was also included to ensure services are available to everyone who needs them, including victims in same-sex relationships. The new bill included stronger housing protections for victims and increased accountability for grant recipients. It also strengthened and updated anti-stalking laws to better address the new technologies that predators are using to harass their victims. This was a bipartisan provision that I authored with Republican former Senator Kay Bailey Hutchison of Texas.

As I said, all 20 women Senators supported this critical legislation, and it passed with bipartisan support on a vote of 78 to 22, with support from a majority of Senators in Senator SESSIONS' own party, not to mention men and women across the country.

The reason Senator SESSIONS had for not voting for the bill was that it was the tribal provisions that he didn't like because of the dual jurisdiction. That just doesn't hold up for me, given what I have seen in my State.

Now, what does this really mean to people? Let me end this portion of my remarks with two stories. The first is about a case that our office handled, and a prosecutor in our office who was very well thought of handled it in our office, involving two immigrants. This was a case where this man was from Russia, and he beat up his wife repeatedly over the years. They had a little daughter. One day he killed his wife, and then he went to Home Depot and he bought a saw. And then he basically dismembered her and put her in a garbage bag and brought her to another State and dumped her in a river. He left the head in his trunk, and he brought it back to the Twin Cities. He eventually confessed to his crime.

The family gathered—and they were a very small family. The mom and dad came from Russia, and then there was the little girl who had been left behind with really no parent to take care of her anymore. I went to meet with the family before the funeral with our prosecutor and our victim witness advocate. I heard the story then that at the airport—the little girl had never met her deceased mother's twin sister. They were identical twins. And as they got off the airplane and her grandparents and that aunt got off the airplane, the little girl ran up to that aunt and grabbed her and said "Mommy, Mommy" because she thought that it was her mother and that her mother was still alive.

Those are the victims of domestic violence. It is not just the immediate victim; it is everyone around them.

Or, the case in Lake City, MN, of Officer Shawn Schneider, an incredibly brave police officer who was called one day to a domestic violence case. It was

a man who was clearly affected by mental illness, who was threatening his 17-year-old girlfriend, and the cop went up to the door, and there he was. He had his bullet proof vest on, but the man shot the police officer in the head, and he died. I attended that funeral.

When I was there, I saw their young family, the two young little boys and this little girl. I heard the story about the last time they were in their church for the nativity play, and the dad was sitting there—the police officer—in the pew, watching his family and his children perform. The next time they were in the church was when that little girl with the blue dress covered in stars was walking down the aisle for her dad's funeral.

That is domestic violence. It does concern me that we did not get support from the nominee. I do appreciate that he said he would continue to fund the Office on Violence Against Women, and I believe that that is very important to the functioning of the Justice Department.

Since its inception in 1995, the Office on Violence Against Women has provided financial and technical assistance to communities nationwide—very important to the Department of Justice.

The last thing I want to mention—and I will come back again to some of these other priorities that I think are important, if Senator SESSIONS is confirmed, to continue to be a focus in the Justice Department, as well as other concerns that I have—is the funding of the COPS program. Republican Senator MURKOWSKI and I are leading that effort. We have always had, especially in the House of Representatives, bipartisan support for the COPS program.

During Senator SESSIONS' hearing, I made a special note to discuss that issue with Chuck Canterbury, who is the president of the Fraternal Order of Police, and we had a good discussion about that. He stated that he shared my view that this is a very important program, particularly with the sharp decrease in staffing levels we have seen for law enforcement around the country in recent years, including training funding—something that is really important.

The Community Oriented Policing Services, or the COPS program, was established many years ago. It helped to place more than 129,000 police officers on the beat in more than 13,000 State, local, and tribal law enforcement agencies. In fiscal year 2015, the COPS office was able to award grants to just 209 of the over 1,000 law enforcement agencies that applied. It translated into about 915 officers, which is still a lot, but, in fact, there were requests for over 3,000 officers.

I think we can all agree, and hope the administration agrees, that this is a very important program. I will continue to work with Senator SESSIONS,

if he is confirmed, to make sure we have the support from the administration for this program, which, again, is one of the top priorities of the Fraternal Order of Police and other police organizations across the country.

I look forward to discussing other issues when I return, but for now, I yield the floor. Thank you.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in opposition to the nomination of Senator JEFF SESSIONS to be the next Attorney General of the United States and to head the U.S. Department of Justice.

I have had the privilege to serve with Senator SESSIONS in the U.S. Senate for nearly a decade. I have served on several committees with him, including the years that I was on the Judiciary Committee. I no longer serve on that committee, but I served there with Senator SESSIONS.

I was listening to Senator KLOBUCHAR's explanations of her concerns. Senator SESSIONS is a person whom we work with, but it is his views and his record that give me great concern.

Just looking back at the first 2 weeks of the Trump administration, I think a growing number of Americans understand the importance of the Constitution, the rule of law, the system of checks and balances, the separation of powers, and the critical importance of the position of the Attorney General of the United States.

Over the years, the Justice Department has grown into one of the largest Cabinet departments, with over 100,000 employees, which touches just about every aspect of life in America today. It is known as the world's largest law office and the chief enforcer of Federal laws.

Just think about the work every day to keep America safe undertaken by the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons, the U.S. Marshals Service, and the U.S. Attorneys in every State and territory. Think about the work of the National Security Division that tackles some of the toughest terrorism and intelligence challenges we face every day. All of that comes under the Department of Justice. All of that comes under the Attorney General.

Think about the work of the Civil Rights Division to protect all Americans, regardless of their background, to ensure that every American—every American—enjoys full constitutional rights and privileges. Think about the work of the Environmental and Natural Resources Division, the Antitrust Division, and the Tax Division, and so many other offices within the Department of Justice. It is the direction of all of those agencies that come under the Attorney General of the United

States. These hard-working employees of the Justice Department keep America safe every day while protecting American lives, and some of them put their lives on the line to do so. We need an Attorney General that will strengthen, not weaken, the Justice Department and will help carry out its important missions.

The Justice Department is charged with “[enforcing] the law and [defending] the interests of the United States according to the law,” “[ensuring the] public safety against threats foreign and domestic,” as well as “[ensuring] fair and impartial administration of justice for all Americans.” That is their mission. That is their responsibility.

The Attorney General is not the President’s lawyer; he or she is the people’s lawyer. After carefully examining Senator SESSIONS’ record—including his Senate service, confirmation hearing, and advocacy on the campaign trail for Mr. Trump—I am not convinced that he would be independent and impartial to the President and Federal agencies. I am not convinced he would enforce the law fairly and protect the civil liberties and civil rights of all Americans.

Let me discuss some of my concerns with Senator SESSIONS’ nomination. In this debate, I do want to mention my resolution calling on President Trump to divest his interest and sever his relationship to the Trump organization. My resolution was first introduced last year. It is intended to uphold the value and strictures of one of the most sacred documents: the Constitution, the instrument that the President took an oath to preserve, protect, and defend. It makes clear that Congress will consider all transactions by foreign governments and their agents with the Trump organization as potential violations of the emoluments clause of the Constitution.

The Attorney General is likewise sworn to uphold the U.S. Constitution and provide legal advice to President Trump and the various Cabinet departments. He must exercise independent judgment. I am concerned as to whether Senator SESSIONS would, in fact, advise the President, as he should, that by holding on to Trump enterprises—by not divesting or setting up a blind trust—he is putting himself at risk of violating the Constitution of the United States.

It is not what the President wants to hear; it is what he must hear. We need an independent Attorney General in order to make that recommendation to the President of the United States.

Senator SESSIONS has strongly supported restrictive voter ID laws that have had the effect of disenfranchising many otherwise eligible voters and are frankly modern-day poll taxes. He has called the Voting Rights Act intrusive as it seeks to protect minority voters.

He praised the Supreme Court’s ruling in *Shelby County v. Holder*, which gutted a key part of the Voting Rights Act, saying that it was “a good day for the South” when the decision was handed down.

Our next Attorney General should be working on how to expand the franchise, not restrict it. Now President Trump has said he will direct Vice President PENCE to lead a task force or commission to examine so-called voter fraud in the 2016 Presidential election.

We need an independent Attorney General.

Why is President Trump taking this action? Because Hillary Clinton won the popular vote by nearly 3 million votes, and that gets under his skin. He feels slighted. He feels his legitimacy is brought into question. It doesn’t matter that he won the electoral vote. So the President will direct the Vice President, and presumably his next Attorney General, to investigate these bogus claims of voter fraud. Instead, the new Attorney General should examine voter suppression and disenfranchisement in the elections. I fear this new study on widespread “voter fraud” is simply a pretext to impose more onerous restrictions on the right to vote—to try to keep a certain segment of Americans—making it more difficult for them to vote because they may be more likely to vote for someone other than Mr. Trump. That is not what the Attorney General should be doing.

Based on his record, Senator SESSIONS would work with the Trump administration to further restrict the right to vote and roll back the clock on this cherished civil right, which is protected by our Constitution.

On the issue of immigration, Senator SESSIONS has a long record where he has fought against bipartisan, comprehensive immigration reform in the Senate. He led the efforts in 2007 and in 2013 to defeat bipartisan legislation in the Senate. He used the untruthful “amnesty” tag to describe the tough-but-fair pathway to citizenship in this legislation, which passed by a 68-to-32 vote in 2013. He has opposed relief for the DREAMers and has opposed the Delayed Action for Childhood Arrivals—DACA—program. He supported anti-immigration State laws in Arizona and elsewhere that the Supreme Court has struck down as unconstitutional.

During the Presidential campaign, Mr. Trump issued a press release “calling for a total and complete shutdown of Muslims entering the United States.” Several days later, Senator LEAHY offered a resolution in the Judiciary Committee that stated, “It is the sense of the Senate that the United States must not bar individuals from entering the United States based on their religion, as such action would be contrary to the fundamental principles of which this nation was founded.” The vote was 16 to 4 in favor of the Leahy

resolution. Senator SESSIONS voted no and spoke against the resolution for nearly half an hour and concluded by stating that the Leahy resolution “goes beyond being unwise. It is reckless. It is absolute and without qualification. It could have pernicious impacts for decades, even centuries to come. It may be even a step from the concept of the nation-state to the idea of ‘global citizenship.’”

Barring a religious test of people coming into our Nation would create that type of a Nation? That is who we are as a Nation. Those are our core values. We embrace diversity.

Senator SESSIONS’ views are far outside the mainstream and would unsettle many years of law and precedent that protect individual religious beliefs. I am gravely concerned about how an Attorney General SESSIONS would advise President Trump on the lawfulness of a Muslim ban. He recently issued his Executive order, which a district court has put on hold and is now being challenged in the Ninth Circuit. I cosponsored legislation to rescind President Trump’s discriminatory Executive order barring immigrants from Muslim-majority countries and suspending the U.S. refugee program.

I am also concerned as to how Attorney General SESSIONS would advise the President on matters of immigration. Former Acting Attorney General Sally Yates was fired and her conduct was called shameful by President Trump, simply because she was upholding the Constitution, giving her advice. The President has criticized the “so-called judge” who temporarily stayed his travel ban with an “outrageous” decision, and said that the judge would be blamed if a terrorist attack occurred in the United States. The Attorney General has to be able to stand up to even the President with these reckless words and actions. We need an independent Attorney General who will uphold the Constitution and recognize that he is not the President’s attorney, he is the people’s attorney. I am not convinced that Attorney General Sessions would be that type of person.

Senator SESSIONS led the opposition to the nomination of my fellow Marylander Tom Perez to be the Assistant Attorney General for the Civil Rights Division at the Department of Justice when President Obama nominated him in 2009. At the time, Senator SESSIONS said:

I am also concerned Mr. Perez will not be committed to fully enforcing our Nation’s immigration laws, some I have worked hard on. We need to create a lawful system of immigration. . . . He previously served as the President of the Board of CASA of Maryland, an immigrant advocacy organization that has taken some extreme views and been criticized by a number of people in the media. CASA of Maryland issued a pamphlet instructing immigrants confronted by the police to remain silent. CASA also promotes

day labor sites. This is where people, often without lawful status, come and seek work . . . and [they] oppose restrictions on illegal immigrants receiving drivers' licenses. He was President of the Board.

That was Senator SESSIONS' quote. Senator SESSIONS also commented on Mr. Perez directly:

I am concerned where Mr. Perez will be in this [running the Department of Justice Civil Rights Division]. He has been pretty active politically. When he ran for the Montgomery, MD, county council he responded to a question asking, 'What would you like the voters to know about you?' Mr. Perez said: 'I am a progressive Democrat and always was and always will be.' This is a free country and that is all right. I am just saying, in all fairness, that statement makes me a little nervous.

Again, quoting from Senator SESSIONS. The Senate did right by my friend and colleague Tom Perez. He was confirmed by the Senate to the Civil Rights Division of the Department of Justice by a 72-to-22 vote. Now, I understand people may have a reason to vote one way or the other, but the reasons stated by Senator SESSIONS in regard to Mr. Perez caused me great, great concern. Senator SESSIONS again opposed Mr. Perez when he was later nominated to be Secretary of Labor. In both of these cases, Senator SESSIONS' views were far outside the mainstream on Mr. Perez.

As the senior Senator from Maryland, I know CASA of Maryland. I have been there. I have seen the people they service. They do extraordinary work to help the immigrant community. They are not a fringe advocacy group. While Mr. Perez is a progressive, he is a dedicated public servant, having been elected by the people of Maryland to the Montgomery County Council and appointed by President Obama to run the Civil Rights Division at the Justice Department and later the Labor Department. Mr. Perez worked to expand the right to vote, protect the rights of all Americans, and ensure American workers had a decent wage and employers treated their employees with fairness and respect.

I fear Attorney General SESSIONS would turn back the clock on so many civil and worker rights that we hold dear as Americans.

Senator SESSIONS opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Senator SESSIONS supported a constitutional amendment to ban same-sex marriages, opposed the repeal of don't ask, don't tell in the military, and harshly criticized the Supreme Court's recent decision legalizing same-sex marriages across the country. He harshly criticized the Court for redefining a "sacred and ancient institution," and called the ruling "part of a continuing effort to secularize, by force and intimidation" the Nation. Once again, I fear an Attorney General SESSIONS would turn back the clock on LGBT rights to a

time when individuals would no longer have the legal right to marry the person they love.

Senator SESSIONS voted against the Lilly Ledbetter Fair Pay Act, the Paycheck Fairness Act, title X funding for contraception, breast screening, and health services for low-income women, and reauthorization of the Violence Against Women Act. He voted to defund Planned Parenthood. I am concerned whether Senator SESSIONS would enforce equal rights and protection for women as our next Attorney General.

Senator SESSIONS has consistently fought against criminal justice reform in the Senate and led the effort to defeat the recent bipartisan proposals that would modestly reduce sentencing disparities and ease ex-offenders' reentry into society.

Senator SESSIONS opposed my Ramos and Liu blue alert act due to fiscal concerns, even though the legislation cost was scored at nominal or less than \$1 million for implementation by CBO. Law enforcement agencies strongly supported my legislation, which was signed into law by President Obama in 2015. Blue Alert helps our law enforcement officers, those who are threatened or endangered or where there has been an incident. It gives law enforcement the opportunity to apprehend the suspect in a timely way. It scored nominal or less than \$1 million, and was used by Senator SESSIONS to block this important tool to help our law enforcement officers.

Senator SESSIONS has generally condemned the Department of Justice's use of its power to investigate law enforcement agencies accused of misconduct and a "pattern and practice" of violating civil rights, calling consent decrees that mandate reform following these investigations "an end run around the democratic process." That causes me concern because that is an important part of what we are doing in my hometown of Baltimore.

We had a major problem in the Freddie Gray episode. We requested a pattern and practice investigation. We are now working with the consent decree. The people of Baltimore and the people of Maryland are anxious to get this matter moving forward and are anxious to see this consent order bring a successful conclusion to that recommendation and investigation.

Senator SESSIONS led the opposition to Senator Mikulski and my recommendation of Paula Xinis to be a U.S. district judge for the District of Maryland in the Judiciary Committee and on the floor. The Alliance for Justice provided an account of Paula Xinis' confirmation hearing, which I will quote from at length here.

"Turning to the nominee of the District Court of Maryland, Paula Xinis, Senator SESSIONS unleashed a line of accusatory questions suggesting that

Xinis' career as a public defender and civil rights lawyer showed an 'agenda' that she would invariably 'bring to the bench.' The questions were absurd and unfounded, but they could not be dismissed as such. Instead, Mrs. Xinis had to patiently explain that protecting the rights of America's most vulnerable and disenfranchised had not left her tainted with disqualifying bias."

"Senator SESSIONS felt compelled to verify that someone with Mrs. Xinis' professional background—which also includes time as a complaint examiner in the DC Office of Police Complaints—would not be biased against police officers. After asking her whether 'police have a responsibility to try to maintain an orderly and safe environment for the people who live in a city' and whether a judge 'should show empathy for the difficulties that police officers face as well as' for those who allege that police have violated their civil rights. Senator SESSIONS closed with this:"

"Can you assure the police officers in Baltimore and all over Maryland that might be brought before your court that they'll get a fair day in court, and that your history would not impact your decision-making? And I raise that particularly because I see your firm [Billy Murphy] is representing Mr. Freddie Gray in that case that's gathered so much attention in Maryland, and there's a lot of law enforcement officers throughout the state and they want to know that they don't have someone who has an agenda to bring to the bench—can you assure them that you won't bring that to the bench?"

"The implication is clear: If you defend people against criminal prosecutions, and especially if you represent people in civil rights cases against police, there is a presumption of bias that you must rebut before the Judiciary Committee. One wonders whether Senator SESSIONS has asked a prosecutor if she would bring to her judicial role an 'agenda' against indigent criminal defendants or if a corporate defense lawyer would be biased against employees who allege unlawful discrimination or unpaid wages. I doubt very much he would ask that same question in that circumstance."

"The depth of this double standard is underscored by Senator SESSIONS' invoking Freddie Gray in particular. Freddie Gray, of course, was fatally injured in Baltimore police custody after being arrested without cause. His death led to grand jury indictments for six officers on homicide and assault charges, and the Department of Justice opened a civil rights investigation. Under these circumstances, representing Mr. Gray's family hardly seems like an act of radical subversion that would call into question one's ability to be fair, but in Senator SESSIONS' view, any challenge to police authority can be done only in pursuit of some extralegal 'agenda.'"

Senator SESSIONS led the floor opposition to Paula Xinis. I am pleased to report she was confirmed by the U.S. Senate, and she is now one of our distinguished members of the District Court of Maryland, where she serves with great distinction.

Senator SESSIONS was one of only nine Senators to vote against the Detainee Treatment Act, which contained the McCain-Feinstein amendment that prohibits “cruel, inhumane, and degrading” punishment for individuals in American custody. He has left the door open to reinstating waterboarding as needed. He has opposed shutting down Guantanamo Bay.

These issues are critically important because we got word of a draft Executive order that would bring back these types of torture centers—which are not only a stain on America’s reputation, they are counterproductive and against our values and our law. We expect the Attorney General of the United States to speak out against such reprehensible types of proposals.

Thomas Jefferson wrote: “The most sacred of the duties of government [is] to do equal and impartial justice to all of its citizens.” This sacred duty remains the guiding principle for the women and men of the U.S. Department of Justice, according to the Justice Web site. I would urge all of us to keep that in mind.

I regret I do not have confidence that Senator SESSIONS will carry out this task so I must oppose his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to express my strong opposition to the nomination of Senator JEFF SESSIONS to serve as Attorney General of the United States.

I ask: Where are the Senators who will say no to the nomination of Senator JEFF SESSIONS as Attorney General of the United States? I hope there are at least enough Senators here who understand that America is careening over a constitutional cliff and that all of us, regardless of political party, need an Attorney General who can be relied on to enforce the laws fairly and fight back against lawless overreach by an out-of-control President.

On January 27, the world turned upside down for tens of thousands of people directly affected by President Trump’s Executive order turning America’s back on refugees around the world and immigrants from seven Muslim-majority countries.

Last week, I recalled many of their stories. I spoke about students and professors, about mothers and children, about friends and neighbors, real people who were turned away, detained, or deported based solely on their religion or the simple fact that they were fleeing war. We all breathed a sigh of relief

when a court temporarily halted that order, but we know the fight continues to permanently overturn this unlawful, unconstitutional, and deeply immoral Executive order.

That isn’t all that happened last week. Last week, the Acting Attorney General of the United States refused to defend President Trump’s unlawful and unconstitutional Executive order so President Trump fired her. That is right, the President of the United States fired the Nation’s top law enforcement officer for refusing to defend an unlawful, unconstitutional, and deeply immoral order.

Last week, after days of slow-walking or ignoring judicial decisions, President Trump went on the attack. He raged against the judge who temporarily halted his order, calling him a so-called judge and questioning his authority to act. That is right. The President of the United States attacked the legal authority of an individual district court judge, lawfully appointed by George W. Bush and confirmed unanimously by the Senate, to pass judgment on Trump’s Executive orders.

These are dangerous times. At times like this, it is more important than ever that the Attorney General of the United States has the guts, the independence, and the good moral judgment to stand up to the President when he seeks to violate the Constitution and ignore the law.

At his confirmation hearing last month, Senator SESSIONS claimed to be that person. I have to say, I wish it were true. I really do. I wish the President’s campaign had been different. I wish his actions now were different. I wish we could give his nominees the benefit of the doubt, but I will not ignore the real world, as unpleasant as it is, and neither can anyone in this Senate.

In the real world, Senator SESSIONS obviously isn’t going to stand up to the President’s campaign of bigotry. How could he? In the real world, Senator SESSIONS is one of the principal architects of that campaign.

Senator SESSIONS made a special name for himself for being a particularly vitriolic opponent of common-sense immigration policies. He railed against legal immigrants. He attacked cities and States that focus on keeping their communities safe instead of serving as a national deportation force. He called Islam a toxic ideology and a threat to our Nation. Despite the plain language of the Constitution, Senator SESSIONS doesn’t think that children born in the United States should automatically become citizens. He wants to round up and deport DREAMers, who were brought to the United States as kids. Does that all sound familiar? Well, it should because Senator SESSIONS was an early and energetic supporter of then-candidate Donald Trump, and the Senator played a key

role in shaping what has become the most extreme, most divisive, and most dangerous immigration policies of any President in decades.

Senator SESSIONS’ radical views are not limited to immigration. On issue after issue, Senator SESSIONS has displayed open hostility to the rights of all Americans.

He has made derogatory and racist comments that should have no place in our justice system.

As a Federal prosecutor, he got involved in a voting rights case against those who were trying to help American citizens who were lawfully registered to vote. Yes, that is right—he brought a case against civil rights workers who helped African-American voters submit absentee ballots.

While serving as Alabama’s attorney general, he reportedly made numerous racist comments, including saying he thought the KKK was OK until he learned that they smoked weed.

He called a White attorney representing Black clients in a civil rights case a disgrace to his race.

He claimed that the NAACP and the ACLU were un-American.

In a speech in 2006, he said: “Fundamentally, almost no one coming from the Dominican Republic to the United States is coming here because they have a provable skill that would benefit us and that would indicate their likely success in our society.” According to SESSIONS, Dominicans come to the United States by engaging in fraud.

Senator SESSIONS is also extraordinarily hostile to any effort to root out discrimination based on gender or sexual orientation. According to Senator SESSIONS, marriage equality is a threat to the American culture.

Roe v. Wade is constitutionally unsound.

Employers should be able to fire you because they don’t like whom you love.

He voted against equal pay for equal work.

He even voted against the Violence Against Women Act.

It doesn’t stop there. On crime, Senator SESSIONS’ solution is to lock up people for even minor, low-level offenses; throw away the key. He has advocated for expanding prisons for youth, aggressively prosecuting marijuana offenses, and eliminating parole or reduced prison time for good behavior.

During the 2016 Presidential campaign, he heaped praise on then-candidate Donald Trump for having once taken out a racially tinged full-page newspaper ad advocating for the death penalty for the Central Park Five, the Black and Latino teenagers who were falsely accused and convicted of raping a young woman in New York’s Central Park.

Senator SESSIONS is not a plain-old conservative Republican. No. Senator

SESSIONS occupies a place way out at the radical fringe of his party, regularly taking positions that are far more extreme than his other Republican colleagues. For example, when Republicans and Democrats came together to pass a commonsense, bipartisan immigration bill, Senator SESSIONS worked overtime to make sure the bill did not make it through the House. When Republicans and Democrats came together to propose legislation to reform our broken Federal criminal sentencing laws, Senator SESSIONS was part of the handful of Senators who ensured that the bill would not get a vote here in the Senate.

Senator SESSIONS has been a public figure for decades. None of this—none of this is secret, and much of it is completely indefensible, but President Trump wants this man. So the same Republican Senators who once fought Senator SESSIONS tooth and nail have now launched a massive PR campaign to try to repair his public image.

That case against the civil rights workers helping Blacks in Alabama to vote? Hey, you go it all wrong. He was just trying to help out other African Americans who were concerned about voting irregularities.

His vote against the Violence Against Women Act? His position on LGBTQ rights? His opposition to a woman's right to choose? Hey, don't worry about it. He says he will vigorously enforce the law once he becomes Attorney General. Give me a break.

The law enforcement power of the United States of America is an awesome thing. In the right hands, in steady and impartial hands, it can be used to defend all of us, to defend our laws, to defend our Constitution. In the wrong hands, it can be used to bully and intimidate the defenseless, to destroy lives, to undermine American democracy itself.

Senator SESSIONS is not misunderstood. Senator SESSIONS has never been misunderstood. For decades, it has been absolutely clear where he stands. Now the time is here for every Senator to make absolutely clear where they stand as well.

Let's be clear. Winning a seat in the U.S. Senate does not exempt a Cabinet nominee from the close scrutiny that all nominees to lead our government deserve. It does not change the Senate's constitutional responsibility to examine a nominee to make certain that nominee will faithfully and fairly enforce the laws of the United States of America. It does not relieve the Senate of its duty to reject nominees whose records demonstrate that they will not stand up for American values and constitutional principles.

When it comes to the Senate confirming someone to be Attorney General—the highest law enforcement officer in this country—we are all personally responsible for that choice. To put

Senator SESSIONS in charge of the Department of Justice is an insult to African Americans. To put Senator SESSIONS in charge of the Department of Justice is a direct threat to immigrants. To put Senator SESSIONS in charge of the Department of Justice is a deliberate affront to every LGBTQ person. To put Senator SESSIONS in charge of the Department of Justice is an affront to women.

I ask again, where are the Senators who will say no to Senator SESSIONS as Attorney General of the United States? Thirty years ago, a Republican-controlled Senate took the extraordinary step of rejecting Senator SESSIONS' nomination to serve as a Federal judge. They had the courage to stand up for the principles that transcend party affiliation—fairness, equality, justice for all. Their rejection sent a message that that kind of dangerous, toxic hatred has no place in our courts. I urge them again today to exert that moral leadership and to send a message that this kind of dangerous, toxic hatred has no place in our Justice Department. I urge them to set aside politics and do what they know is right.

I wish to read two statements that really stood out to me as I was reviewing Senator SESSIONS' record on civil rights. One is the powerful speech that the late Senator from Massachusetts, Ted Kennedy, gave in 1986, and the other is a very moving letter from Coretta Scott King, a letter she wrote to the Judiciary Committee that same year.

I want to start with what Senator Kennedy said. He said:

The confirmation of nominees for lifetime appointments to the Federal judiciary is one of the most important responsibilities of the Senate mandated by the U.S. Constitution, and the examination by the Senate of a nominee's fitness to serve as a Federal judge is the last opportunity to determine whether the candidate possesses the education, experience, skills, integrity, and, most importantly, the commitment to equal justice under law, which are essential attributes of a Federal judge.

Once confirmed, a Federal judge literally has life and death authority over citizens that appear before him, with limited review of his decisions. Our Federal judiciary is the guardian of the rights and liberties guaranteed to all of us by the U.S. Constitution, and the decisions of fellow judges are constantly shaping and reshaping those rights and liberties.

This committee has a duty to our citizens to carefully examine the qualifications of nominees for the Federal bench and to give our approval only to those who have demonstrated a personal commitment to the principle of equality for all Americans and a sensitivity to the long history of inequality which we are still struggling to overcome.

Mr. SESSIONS, as a U.S. attorney for the Southern District of Alabama, comes to this committee with a record which regrettably includes presiding over the now-infamous so-called Perry County voting fraud prosecutions. In the Perry County case, the government

indicted three well-known and highly respected Black civil rights activists on charges of voter fraud and assisting elderly Black voters to vote by absentee ballot. But for the efforts of the defendants 20 years ago, these Black citizens would not have been allowed to vote. All three of the defendants were acquitted on all charges in the indictments, and some of the elderly Blacks have responded to their experiences during the prosecution, vowing never to vote again. Mr. SESSIONS' role in that case alone should bar him from serving on the Federal bench.

There is more—much more. We just received a sworn statement from a Justice Department attorney I know—which will be the subject of a good deal of questioning during the course of this hearing—who has worked on civil rights cases with Mr. SESSIONS over the period Sessions was U.S. attorney. Mr. Huber has stated to the committee investigators that Mr. SESSIONS on more than one occasion has characterized the NAACP and the ACLU as un-American, Communist-inspired organizations. Mr. Huber reports that Mr. SESSIONS said that these organizations did more harm than good when they were trying to force civil rights down the throats of people who were trying to put problems behind them. Mr. Huber also stated that Mr. SESSIONS suggested that a prominent White civil rights lawyer who litigated voting rights cases was a disgrace to his race for doing it. Mr. SESSIONS is a throwback to a shameful era which I know both Black and White Americans thought was in our past.

It is inconceivable to me that a person of this attitude is qualified to be a U.S. attorney, let alone a U.S. Federal judge.

"He is, I believe, a disgrace to the Justice Department, and he should withdraw his nomination and resign his position." Those were the words of Senator Ted Kennedy, and I will stand with Senator Kennedy, and, like he did, I will cast my vote against the nomination of Senator SESSIONS.

Coretta Scott King also wrote to the Judiciary Committee about the Sessions nomination in 1986. This is what she wrote:

Mr. Chairman and members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. My longstanding commitment, which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. SESSIONS has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal

judge. This simply cannot be allowed to happen. Mr. SESSIONS' conduct as U.S. Attorney, from his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indicates that he lacks the temperament, fairness and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, "Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults [to participate in non-violent protest of the denial of the franchise], Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day."

Mrs. King continues:

Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment twenty years ago, that a united political organization would remain in Perry County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. Turner, Mr. Hogue and others, as Martin predicted, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma and elsewhere, have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long, up-hill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws—

The PRESIDING OFFICER. The Senator is reminded that it is a violation of rule XIX of the Standing Rules of the Senate to impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Ms. WARREN. Mr. President, I don't think I quite understand. I am reading a letter from Coretta Scott King to the Judiciary Committee from 1986 that was admitted into the RECORD. I am simply reading what she wrote about what the nomination of JEFF SESSIONS to be a Federal court judge meant and what it would mean in history for her.

The PRESIDING OFFICER. This is a reminder—not necessarily what you just shared—however, you stated that a sitting Senator is a disgrace to the Department of Justice.

Ms. WARREN. I think that may have been Senator Kennedy who said that in

the RECORD, although I would be glad to repeat it in my own words.

The PRESIDING OFFICER. The rule applies to imputing conduct or motive, through any form or voice, to a sitting Senator; form or voice includes quotes, articles, or other materials.

Ms. WARREN. So quoting Senator Kennedy, calling then-Nominee Sessions a disgrace, is a violation of Senate rules? It was certainly not in 1986.

The PRESIDING OFFICER. In the opinion of the Chair, it is, and the Senator is warned.

Ms. WARREN. So let me understand. Can I ask a question, in the opinion of the Chair? I want to understand what this rule means.

The PRESIDING OFFICER. The Senator will state her inquiry.

Ms. WARREN. Is it the contention of the Chair, under the rules of the Senate, I am not allowed to accurately describe public views of Senator SESSIONS, public positions of Senator SESSIONS, quote public statements of Senator SESSIONS?

The PRESIDING OFFICER. The Chair has not made a ruling with respect to the Senator's comments. The Senator is following process and tradition by reminding the Senator from Massachusetts of the rule and to which it applies.

Ms. WARREN. I am asking what this rule means in this context. So can I continue with Coretta Scott King's letter?

The PRESIDING OFFICER. The Senator may continue.

Ms. WARREN. Thank you. I will pick up, then, with Mrs. King's letter to the Judiciary Committee when the Judiciary Committee was considering, not then-Senator SESSIONS, Nominee Sessions for a position on the Federal bench.

She makes the point:

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long, up-hill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people, should not be elevated to the federal bench.

The irony of Mr. Sessions' nomination is that if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities

upon nonviolent Negroes peacefully petitioning for their constitutional right to vote."

Free exercise of voting rights is so fundamental to American democracy, that we can not tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gambit from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters, and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties, where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years, without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civic League, including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. Sessions sought to punish older black civil rights activists, advisors and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality, and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense, critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. Many elderly blacks were visited multiple times by the FBI, who then hauled them over 180 miles by bus to a grand jury in Mobile when they could have more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens. And consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation

was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need to be concerned about the discrimination at the polls. Blacks, Hispanics, Native Americans, and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding different views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Mrs. King's views and words ring true today. The integrity of our Justice Department depends on an Attorney General who will fight for the rights of all people. An honest evaluation of JEFF SESSIONS' record shows that he is not that person.

My concerns regarding JEFF SESSIONS go far beyond his disappointing record on civil rights. Take immigration, for example. The Daily Beast published an article a few weeks ago entitled, "Donald Trump's Refugee Ban Has Attorney General Nominee Jeff Sessions's Fingerprints All Over It." Here is what the article says:

To longtime Jeff Sessions observers, the chaos that unfolded in American airports on Saturday morning wasn't a surprise. At all. Rather, the refugee ban was the predictable

culmination of years of advocacy from two of President Donald Trump's most trusted advisors: White House Senior Advisor Stephen Miller, and attorney general designate Jeff Sessions. For years, Sessions and Miller—who was the Alabama Senator's communications director before leaving to join the Trump campaign—pushed research and talking points designed to make Americans afraid of refugees.

Press releases, email forwards, speeches on the Senate floor—Miller and Sessions used it all to make the case against Obama's refugee program was a huge terror threat. The executive order Trump signed late in the day on Friday is just the logical conclusion of their work.

I started getting press releases that Miller sent on behalf of Jeff Sessions in March 2013, shortly after I moved to D.C. to cover Congress. The emails went to my Gmail, and kept coming over the years—hundreds and hundreds of them. By the time he left Sessions' office to join the Trump campaign, Miller's press releases were legendary among Hill reporters: There were just so many of them at all hours of the day, and they never stopped. Some were lengthy diatribes; some were detailed, homemade charts; some were one-liners; one was just a link to Facebook's stock page on Google Finance with the subject line, "Does this mean that Facebook has enough money now to hire Americans?"

"I wanted to put together a little book of the best emails I ever sent," Miller told Politico last June. "I spent hours and hours of research on those."

Some of that research had serious methodological problems, according to Alex Nowrasteh, an immigration expert at the libertarian Cato Institute.

"Miller's work vastly overstates the threat of foreign terrorists to the homeland," Nowrasteh said.

He pointed to Miller's efforts to chronicle cases of refugees implicated in terrorist activity. It is true that some refugees in the U.S. have been indicted for terrorism-related crimes, Nowrasteh said. But instances of refugees actually planning terror attacks on American soil, he added, were vanishingly rare.

"Almost all the refugees that I was able to specifically identify in his set were trying to support a foreign terrorist organization, mostly Al Shabab in Somalia, by giving them money or something like that," Nowrasteh said. "I don't know about you, but I think there's a big difference between sending a militia in your home country funds and trying to blow up a mall in Cincinnati."

The collective effect of Miller and Sessions' messaging was to enthusiastically push a narrative that now dominates the Trump administration: that refugees and other immigrants steal Americans' jobs, suck up too much welfare money, incubate terrorists in their communities and, overall, are a big problem.

The conclusion was always the same: The government should let in far fewer refugees, and it should think twice about welcoming Muslims.

And now, that's exactly what Trump is doing.

For instance, in one "Dear Colleague" letter that Sessions co-authored with conservative Republican Rep. David Brat—a letter Miller blasted out to his press list—the would-be Attorney General ripped into the refugee program.

"There can be no higher duty as lawmakers than to keep our constituents and their families safe," Brat and Sessions wrote. "Yet our reckless refugee programs, lax green card and visa policies, utter failure to enforce rampant visa overstays, along with our wide open southern border, put the U.S. at grave and needless risk."

"Grave and needless risk"—it is a view that clearly informs Trump's decision to temporarily ban refugees.

And a Miller press release, blasted out on November 25, 2015, included this ominous title: "U.S. Issued 680,000 Green Cards to Migrants from Muslim Nations Over the Last 5 Years."

Sessions then forwarded that email to his email list on Jan. 12, 2016, the day of Obama's final State of the Union address, and added this note: "Some numerical context for any discussions of refugee policy that may arise tonight. As further context, the top-sending country for migrants are Iraq and Pakistan, according to Pew, 'Nearly all Muslims in Afghanistan (99%) and most in Iraq (91%) and Pakistan (84%) support Sharia law as official law.'"

The implication was clear as a bell: Muslim immigrants are flooding into the U.S., and they are bringing Sharia with them. Someone who agreed with Miller's assessment would do what Trump just did.

Just about any time a refugee living in the U.S. was charged, implicated, or otherwise connected to terrorism, Miller emailed his list about it.

Another Sessions press release, sent jointly with Sen. Richard Shelby, also included ominous intonations about refugees and Muslims.

"Congress must cancel the President's blank refugee check and put Congress back in charge of the program," Sessions and Shelby said. "We cannot allow the President to unilaterally decide how many refugees he wishes to admit, nor continue to force taxpayers to pick up the tab for tens of billions of unpaid-for welfare and entitlement costs." "The omnibus"—

Still quoting the letter from Senators SHELBY and SESSIONS—

would put the U.S. on a path to approve admission for hundreds of thousands of migrants from a broad range of countries with jihadist movements over the next 12 months, on top of all the other autopilot annual immigration—absent language to reduce the numbers," the release continued.

That same statement also suggested that refugees were robbing elderly Americans of their benefits.

"Refugees are entitled to access all major welfare programs, and they can also draw benefits directly from the Medicare and Social Security Disability and retirement trust funds—taking those funds straight from the pockets of American retirees who paid into these troubled funds all their lives," Sessions and Shelby said.

Now that Trump is president, those numbers are getting reduced—and fast.

Another foreboding subject line from Miller showed up in reporters' inboxes on Nov. 20, 2015: "ICYMI: Each 5 years, U.S. issuing more new green cards to migrants from Muslim nations the population of Washington, D.C."

Sessions also took to the Senate floor to argue that Muslim immigrants are uniquely dangerous. On Nov. 19, 2015, the Alabaman said the following about Muslims:

"It is an unpleasant but unavoidable fact that bringing in a large unassimilated flow of migrants from the Muslim world creates

the conditions possible for radicalization and extremism to take hold.”

In the speech, Sessions argued that the U.S. should set up safe zones in Syria where refugees could settle—instead of allowing any of them into the United States. Miller emailed reporters as Sessions spoke to highlight his argument. Now it's Trump's position.

At Breitbart, Julia Hahn covered Sessions' speech, in an article headlined “Afghanistan Migration Surging into America: 99% Support Sharia Law.” News broke earlier this week that Hahn got a job in the White House as an assistant to Trump and senior advisor Stephen Bannon.

And on and on and on, for hundreds of emails, without even a whisper of flip-flopping.

Trump's crack-down on Muslims and refugees should not surprise anyone. He is just taking his advisors' advice.

Trump's Executive order sparked protests and resistance all across the Nation. People across the country and around the world are standing up to say that it contradicts our core values and that it violates the law.

Massachusetts is on the frontlines of challenging this illegal and downright offensive Executive order. Last week, Massachusetts Attorney General Maura Healey joined a Federal lawsuit to challenge that Executive order. This is what she said. I am quoting Attorney General Healey:

Harm to our institutions, our citizens, and our businesses is harm to the Commonwealth of Massachusetts. . . . The President's Executive order is a threat to our Constitution. Rather than protecting our national security, it stigmatizes those who would lawfully immigrate to our State. With this policy, our global universities, hospitals, businesses, and startups and far too many students and residents have been put at risk. On behalf of the Commonwealth, my office is challenging the immigration ban to hold this administration accountable for its un-American, discriminatory, and reckless decision-making.

In 2013, Senator SESSIONS voted against reauthorizing the Violence Against Women Act, a bill that expanded protections and services provided to victims of sexual assault and domestic violence.

There is a piece from the Bedford Minuteman that really tells the story of how sexual violence impacts Massachusetts. This is what it said: “They are mothers, daughters, sisters, fathers, sons, and brothers.”

The PRESIDING OFFICER. The Majority leader.

Mr. McCONNELL. Mr. President, the Senator has impugned the motives and conduct of our colleague from Alabama, as warned by the Chair.

Senator WARREN said Senator SESSIONS “has used the awesome power of his office to chill the free exercise of the vote by Black citizens.”

I call the Senator to order under the provisions of rule XIX.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I am surprised that the words of Coretta

Scott King are not suitable for debate in the United States Senate.

I ask leave of the Senate to continue my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator will take her seat.

APPEALING THE RULING OF THE CHAIR

QUORUM CALL

Ms. WARREN. Mr. President, I appeal the ruling of the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3 Ex.]

Daines	Kennedy	Warren
Fischer	Klobuchar	
Hatch	McConnell	

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll and the following Senator entered the Chamber and answered to his name:

[Quorum No. 3 Ex.]

Cornyn

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

Mr. McCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Georgia (Mr. ISAKSON), and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. MURPHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER (Mr. ROUNDS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—88

Alexander	Franken	Murkowski
Baldwin	Gardner	Murray
Barrasso	Gillibrand	Nelson
Bennet	Graham	Paul
Blumenthal	Grassley	Perdue
Blunt	Harris	Peters
Booker	Hassan	Portman
Boozman	Hatch	Reed
Brown	Heinrich	Risch
Burr	Heitkamp	Roberts
Cantwell	Heller	Rounds
Capito	Hirono	Sasse
Cardin	Hoeben	Schatz
Casey	Inhofe	Schumer
Cassidy	Johnson	Scott
Cochran	Kaine	Shaheen
Collins	Kennedy	Shelby
Corker	King	Stabenow
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Daines	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCain	Warren
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wyden
Ernst	Menendez	Young
Fischer	Merkley	
Flake	Moran	

NAYS—3

Rubio	Toomey	Wicker

NOT VOTING—9

Carper	Feinstein	Sanders
Coons	Isakson	Sessions
Cruz	Murphy	Warner

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

APPEALING THE RULING OF THE CHAIR

The question before the Senate is, Shall the decision of the Chair to hold the Senator from Massachusetts in violation of rule XIX stand as the judgment of the Senate.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Georgia (Mr. ISAKSON), and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 43, as follows:

[Rollcall Vote No. 57 Ex.]

YEAS—49

Alexander	Cochran	Enzi
Barrasso	Collins	Ernst
Blunt	Corker	Fischer
Boozman	Cornyn	Flake
Burr	Cotton	Gardner
Capito	Crapo	Graham
Cassidy	Daines	Grassley

Hatch
Heller
Hoeven
Inhofe
Johnson
Kennedy
Lankford
Lee
McCain
McConnell

Moran
Murkowski
Paul
Perdue
Portman
Risch
Roberts
Rounds
Rubio
Sasse

Scott
Shelby
Sullivan
Thune
Tillis
Toomey
Wicker
Young

NAYS—43

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Casey
Cortez Masto
Donnelly
Duckworth
Durbin
Franken
Gillibrand
Harris

Hassan
Heinrich
Heitkamp
Hirono
Kaine
King
Klobuchar
Leahy
Manchin
Markey
McCaskill
Menendez
Merkley
Murphy
Murray

Nelson
Peters
Reed
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warren
Whitehouse
Wyden

NOT VOTING—8

Carper
Coons
Cruz

Feinstein
Isakson
Sanders

Sessions
Warner

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

The Democratic leader.

Mr. SCHUMER. Mr. President, I yield 1 minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. In the opinion of the Chair, would one Senator calling another Senator a liar during debate on the floor of the Senate be a violation of rule XIX?

The PRESIDING OFFICER. In the opinion of the Chair, it would.

Mr. KING. Thank you, Mr. President. I yield back.

The PRESIDING OFFICER. The Senate majority leader.

Mr. MCCONNELL. Here is what transpired. Senator WARREN was giving a lengthy speech. She had appeared to violate the rule. She was warned. She was given an explanation. Nevertheless, she persisted.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Ms. HARRIS. Mr. President, the suggestion that reciting the words of the great Coretta Scott King would invoke rule XIX and force Senator WARREN to sit down and be silent is outrageous.

MOTION TO PROCEED IN ORDER

Mr. President, I move that the Senator from Massachusetts be permitted to proceed in order.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 50, as follows:

[Rollcall Vote No. 58 Ex.]

YEAS—43

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Casey
Cortez Masto
Donnelly
Duckworth
Durbin
Franken
Gillibrand
Harris

Hassan
Heinrich
Heitkamp
Hirono
Kaine
King
Klobuchar
Leahy
Manchin
Markey
McCaskill
Menendez
Merkley
Murphy
Murray

Nelson
Peters
Reed
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warren
Whitehouse
Wyden

NAYS—50

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Cochran
Collins
Corker
Cornyn
Cotton
Crapo
Daines
Enzi
Ernst
Fischer

Flake
Gardner
Graham
Grassley
Hatch
Heller
Hoeven
Inhofe
Isakson
Johnson
Kennedy
Lankford
Lee
McCain
McConnell
Moran
Murkowski

Paul
Perdue
Portman
Risch
Roberts
Rounds
Rubio
Sasse
Scott
Shelby
Sullivan
Thune
Tillis
Toomey
Wicker
Young

NOT VOTING—7

Carper
Coons
Cruz

Feinstein
Sanders
Sessions

Warner

The motion was rejected.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, if the average American heard someone read a letter from Coretta Scott King that said what it said, they would not be offended. They would say that is someone's opinion; that is all.

It seems to me that we could use rule XIX almost every day on the floor of the Senate. This is selective enforcement, and another example of our colleagues on the other side of the aisle escalating the partisanship and further decreasing comity in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have a question. I guess it is in the nature of a parliamentary question, and that is, whether it would be in order to

ask unanimous consent that the letter from which Senator WARREN read be put into the RECORD as a confirmation that she was, in fact, accurately reading from the letter, that it be added as an exhibit in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The text of the letter is in the RECORD of the Senate as the Senator was reading it in her testimony.

Mr. WHITEHOUSE. The text of the letter as she read it, but not the complete letter.

The PRESIDING OFFICER. The Senator may ask consent.

Mr. WHITEHOUSE. I ask unanimous consent that the complete letter from which Senator WARREN read be printed in the CONGRESSIONAL RECORD to confirm that she has in fact read from it.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is fascinating. I say to my colleagues, I have served here longer than any other Member of this body. I have been here 42 years. I have been here when the Democrats were in the majority and when the Republicans were in the majority, with Democratic Presidents and Republican Presidents. I have never, ever seen a time when a Member of the Senate asked to put into the RECORD a letter especially by a civil rights icon and somebody objected. It has always been done.

I have had letters that people have asked to be put in that were contrary to a position that I might take. Of course, I would not object. They are allowed to do it. I have seen letters when Members of both sides of the aisle have debated back and forth and the other side would put in letters that were contrary to their opponents' positions, and of course nobody objected.

Don't let the Senate turn into something it has never been before. I would hope that cooler heads would prevail, and we go back to the things that made the Senate great, that made the Senate the conscience of the Nation, as it should be.

I have never once objected to a Senator introducing a letter, even though they took a position different than mine. I have never known of a Republican Senator to do that, and here we are talking about a letter from a civil rights icon.

Let's not go down this path. It is not good for the country. It is not good for the Senate, it is not good for democracy, and it sure as heck is not good for free speech.

I admire the Senator from Rhode Island. He is a man of great integrity, a man who was attorney general of his State and U.S. attorney in his State.

His request was something that is normally accepted automatically. I would hope Senators would reconsider.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, I am the one who entered the objection, and let me say to my good friend from Vermont that I agree with him 100 percent that we should get back to what made the Senate great.

We have rules around here, and the rules are very clear that you don't impugn another Senator. Now, you can't do that in your words and you can't do it with writings. You can't hold up a writing that impugns another Senator and say: Well, this is what somebody else said. I am not saying it, but that is OK.

It is not OK. It is a violation of the rules, and we should get back to what made this Senate great, and that is, to stay within the rules, stay within civility, and not impugning another Senator, whether it is through words or whether it is through writings.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I have a parliamentary inquiry as well.

The first question, Mr. President, is this: It is my understanding that the ruling of the Chair was based on the advice of the Parliamentarian. Is that accurate, Mr. President; on the advice of the Parliamentarian that the rule had been violated?

The PRESIDING OFFICER. No. The Chair sustained the ruling of the majority leader on his own.

Mr. RUBIO. OK. The second question I have, Mr. President: Does the rule say anything that impugns another Member of the Senate, directly or indirectly? Is that an accurate reading of the rule?

The PRESIDING OFFICER. The Senator is correct, and I will read the paragraph. This is rule XIX, section 2.

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. RUBIO. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. A parliamentary inquiry.

The PRESIDING OFFICER. State your question.

Mr. MERKLEY. If a Member of the Senate is being considered for nomination, and we are exercising our advice and consent power, and if there is factual conduct in that individual's background that is presented on the floor that is uncomplimentary, would presenting the facts of that conduct in the process of debating an individual be considered in violation of rule XIX?

The PRESIDING OFFICER. The rule makes no distinction between those Senators who are nominees and those who are not. The rule does not permit truth to be a defense of the slight.

Mr. MERKLEY. Mr. President, just to make sure I understand that clearly, if we are considering a nominee who happens to be a Senator and we state factual elements of their background, for example, the conviction of a crime that is inappropriate conduct in the past, stating the factual record about an individual would be considered in violation of rule XIX?

The PRESIDING OFFICER. Each of these cases will be decided by the Presiding Officer in the context at that time.

Mr. MERKLEY. Just to clarify, if I could, therefore, the point is that something could be absolutely true, as, perhaps, a point that was made earlier—a statement can be true in a letter that is presented—but even if it is true and accurate for a person under consideration for a nomination, it would still be in violation. In other words, the fact that an individual is found in violation of rule XIX doesn't mean that the statement had to be false. It could have been a true statement?

The PRESIDING OFFICER. You are correct, Senator.

Mr. MERKLEY. Thank you.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. CORNYN. Mr. President, I just want the RECORD to be abundantly clear. The language that resulted in the vote that we had invoking rule XIX was related to a quotation from Senator Ted Kennedy that called the nominee "a disgrace to the Justice Department, and he should withdraw his nomination and resign his position." That was the quote. Our colleagues want to try to make this all about Coretta Scott King and it is not. I think the complete context should be part of the RECORD.

Mr. MERKLEY. Parliamentary inquiry.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, it is my understanding—I was not there—that there was a warning over Senator Kennedy's letter, but the actual ruling was based on Coretta Scott King's letter; is that correct?

The PRESIDING OFFICER. Yes, that is correct.

Mr. SCHUMER. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, pursuing Senator MERKLEY's hypothetical, if it came before the Senate that a Member of the Senate who was a nominee seeking the advice and consent of the Senate to the position was,

for example, in fact, a horse thief, and we found the fact that he was a horse thief to be relevant to whether or not he should be confirmed, say, to the Department of Interior, which has authority over lands, does the ruling of the Chair mean that it would not be in order for the Senate or for Senators to consider what in my hypothetical is the established fact that the Senator was a horse thief as we debate his nomination here on the floor?

The PRESIDING OFFICER. Once again, the answer is the same, that each of these decisions will be made at the time and in the context in which they occur, and the decision of the Chair is subject to a vote of the Senate and an appeal.

Mr. WHITEHOUSE. I guess, Mr. President, what I don't understand is that we have fairly significant responsibilities under the Constitution to provide advice and consent. It appears that the ruling of the Chair has just been that when a Member of this body is the subject of that advice and consent, then derogatory information about that person is not in order and is a violation of rule XIX on the Senate floor. And with that being the ruling, I don't know how we go about doing our duties. Are we supposed to simply blind ourselves to derogatory information, discuss it privately in the cloak rooms, not bring it out onto the floor of the U.S. Senate, this supposedly great debating society that actually has a constitutional responsibility to discuss both the advantages and the deficits of a particular nominee?

The PRESIDING OFFICER. In each case, it is the opinion of the President, subject to the final vote by the Senate to support or not to support the President's decision.

Mr. WHITEHOUSE. So the precedent going forward is that any Senator who discusses derogatory information that is a matter of public record, that may even include criminal behavior by a Senator who is a candidate for Executive appointment that requires advice and consent, is at risk of being sanctioned by this body by a simple partisan majority of this body under rule XIX if they raise those issues on the floor?

The PRESIDING OFFICER. It is not necessary for a point of order to be raised under rule XIX, but if the point of order is raised, an opinion will be made and it is subject to a vote of the Senate in the manner previously described.

Mr. WHITEHOUSE. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I first have a parliamentary inquiry. These are the continuing rules of the Senate that have been in existence previous to this time and have carried over into this session, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RUBIO. The reason I ask that is the following—but I think we all feel very passionate about the issues before us. I have not been here as long as Senator LEAHY, whose service has been quite distinguished over a long period of time. I truly do understand the passions people bring to this body. I like to think that I, too, am passionate about the issues before us.

I think this is an important moment. It is late. Not many people are paying attention. I wish they would though because I think the question here is one of the reasons I ran for this body to begin with. Maybe it is because of my background; I am surrounded by people who have lost freedoms in places where they are not allowed to speak. One of the great traditions of our Nation is the ability to come forward and have debates.

But the Founders and the Framers and those who established this institution and guided us over two centuries understood that that debate was impossible if, in fact, the matter became of a personal nature. I don't believe that was necessarily the intention here, although perhaps that was the way it turned out. But I think it is important for us to understand why that matters so much.

I want people to think about our politics here in America because I am telling you guys, I don't know of a single Nation in the history of the world that has been able to solve its problems when half the people in the country absolutely hate the other half of the people in that country. This is the most important country in the world, and this body cannot function if people are offending one another, and that is why those rules are in place.

I was not here when Secretary Clinton was nominated as a Member of this body at the time, but I can tell you that I am just barely old enough to know that some very nasty things have been written and said about Senator Clinton. And I think the Senate should be very proud that during her nomination to be Secretary of State—despite the fact that I imagine many people were not excited about the fact that she would be Secretary of State—to my recollection, and perhaps I am incorrect, not a single one of those horrible things that have been written or said about her, some of which actually did accuse her of wrongdoing, was uttered on the floor of the Senate.

I happen to remember in 2004 when then-Senator Kerry ran for President. Some pretty strong things were written and said about him. I was here for that when he was nominated and confirmed to be Secretary of State. And I don't recall a single statement being read into the RECORD about the things that have been said about him.

Now, I want everybody to understand that at the end of the night, this is not a partisan issue. It really is not. I can

tell you this with full confidence that if one of my colleagues on this side of the aisle had done that, I would also like to think that I would have been one of those people objecting, and here is why.

Turn on the news and watch these parliaments around the world where people throw chairs at each other and throw punches, and ask yourself: How does that make you feel about those countries? It doesn't give you a lot of confidence about those countries. I am not arguing that we are anywhere near that tonight, but we are flirting with it. We are flirting with it in this body, and we are flirting with it in this country. We are becoming a society incapable of having debates anymore.

In this country, if you watch the big policy debates that are going on in America, no one ever stops to say: I think you are wrong. I understand your point of view. I get it. You have some valid points, but let me tell you why I think my view is better. I don't hear that anymore.

Here is what I hear almost automatically—and let me be fair—from both sides of these debates. Immediately, immediately, as soon as you offer an idea, the other side jumps and says that the reason you say that is because you don't care about poor people, because you only care about rich people, because you are this or you are that or you are the other. And I am just telling you guys, we are reaching a point in this Republic where we are not going to be able to solve the simplest of issues because everyone is putting themselves in the corner where everyone hates everybody.

Now I don't pretend to say that I am not myself from time to time in heated debates outside of this forum. I have been guilty of perhaps hyperbole, and for those—I am not proud of it.

But I have to tell you, I think what is at stake here tonight and as we debate moving forward is not simply some rule but the ability of the most important Nation on Earth to debate in a productive and respectful way the pressing issues before us. I just hope we understand that because I have tremendous respect for the other Chamber, and I understand that it was designed to be different. But one of the reasons I chose to run for the Senate and, quite frankly, to run for reelection is that I believed I served with 99 other men and women who deeply love their country, who have different points of view, who represent men and women who have different views from the men and women whom I may represent on a given issue and who are here to advocate for their points of view, never impugning their motives.

One of the things I take great pride in—and I tell this to people all the time—is that the one thing you learn about the Senate is, whether you agree with them or not, you understand why

every single one of those other 99 people are here. They are intelligent people, they are smart people, they are hard-working people. They believe in what they are saying, and they articulate it in a very passionate and effective way.

When I see my colleague stand up and say something I don't agree with, I try to tell myself: Look, I don't understand why they stand for that, but I know why they are doing it. It is because they represent people who believe that.

I am so grateful that God has allowed me to be born, to live, and to raise my family in a nation where people with such different points of view are able to debate those things in a way that doesn't lead to war, that doesn't lead to overthrows, that doesn't lead to violence. And you may take that for granted.

All around the world tonight, there are people who, if they stood up here and said the things that we say about the President or others in authority, they would go to jail. I am not saying that is where we are headed as a nation; I am just saying, don't ever take that for granted.

The linchpin of that is this institution. The linchpin of that debate is the ability of this institution through unlimited debate and the decorum necessary for that debate to be able to conduct itself in that manner.

I know that tonight was probably a made-for-TV moment for some people. This has nothing to do with censuring the words of some great heroes. I have extraordinary admiration for the men and women who led the civil rights effort in this country, and I am self-conscious or understanding enough to know that many of the things that have been possible for so many people in this country in the 21st century were made possible by the sacrifices and the work of those who came before us.

This has to do with a fundamental reality, and that is that this body cannot carry out its work if it is not able to conduct debates in a way that is respectful of one another, especially those of us who are in this Chamber together.

I also understand this: If the Senate ceases to work, if we reach a point where this institution—given everything else that is going on in politics today, where you are basically allowed to say just about anything, for I have seen over the last year and a half things said about people, about issues, about institutions in our republic that I never thought I would see ever—ever. If we lose this body's ability to conduct debate in a dignified manner—and I mean this with no disrespect to anyone else. I don't believe anyone came on the floor here tonight saying: I am going to be disrespectful on purpose and turn this into a circus. But I am just telling you that if this body loses

the ability to have those sorts of debates, then where in this country is that going to happen? In what other forum in this Nation is that going to be possible?

So I would just hope everybody would stop and think about that. I know I have been here only for 6 years, so I don't have a deep reservoir of Senate history to rely on. But I know this: If this body isn't capable of having those debates, there will be no place in this country where those debates can occur. I think every single one of us, to our great shame, will live to regret it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I don't want to prolong this much more. In light of what my friend from Florida said, I would just reread what I said earlier.

If average Americans heard someone read a letter from Coretta Scott King that said what it said, they would not be offended. They would say that is someone's opinion. That is all.

It seems to me we could use rule XIX almost every day on the floor of the Senate, as my colleague from Maine so pointedly and piquantly exhibited a few minutes ago.

This selective enforcement is another example of our colleagues on the other side of the aisle escalating the partisanship and further decreasing the comity of the Senate, which I treasure as well. This was unnecessary.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I take umbrage with what the minority leader said. I sat here and listened to the distinguished Senator from Massachusetts, who went on and on and on. Many of her remarks were criticizing a fellow colleague in the Senate. I don't know about the other side, but I find it offensive for either side to be criticizing, as was done here tonight, a sitting Member of the Senate.

I am absolutely astounded that the Democrats, my friends on the other side, have taken to the war tables a desire to defeat JEFF SESSIONS. I have been here a long time, and I have to say that I knew JEFF SESSIONS even before he came here, and I have known him since he has been here. And, yes, I differ with him on a number of issues, but I would never say things about him as have been said by my colleagues on the other side. I think that we all ought to take some stock in what we are doing here.

JEFF SESSIONS is a very fine person. Think of his wife. She is a really fine person. Jeff has been here 20 years. He has interchanged with almost all of us. Sometimes you agree with him, and sometimes you disagree with him, but he has always been a gentleman. He has always been kind and considerate of his colleagues. I can't name one time

when he wasn't. Yet we are treating him like he is some terrible person who doesn't deserve to be chosen by the current President of the United States to be Attorney General of the United States.

I think we ought to be ashamed of ourselves—I really do—on both sides. And frankly, we have to get to where everything is not an issue here. I know some of my friends on the other side and I have chatted, and they are not happy with the way this body is going with good reason.

Everything doesn't have to lead to a gun fight on the floor, but that is where we are going. And frankly, sometimes there is an awful lot of politics being played here on both sides.

Look, I happen to like the senior Senator from Massachusetts. I think she is an intelligent, lovely woman in many ways. But I have to tell you, I listened to her for quite a while, and she didn't have a good thing to say about a fellow Senator. Frankly, I don't think that is right. If we don't respect each other, we are going down a very steep path to oblivion.

I would hope that both sides would take stock of these debates. We can differ. We understand that the Democrats are not happy with the current President. We are happy with him. We can differ on that, and we can fight over various issues and so forth. But to attack a fellow Senator without reservation seems to me the wrong thing to do.

It may not have risen to the level of a violation of the rules, but I think it comes close, and I have sat here and listened to most of it and, frankly, I don't believe that the distinguished Senator from Massachusetts was right in any respect. I have been here a long time and I have seen some pretty rough talk, but never like we have had this first couple of months here. We have gone so far on both sides that we are almost dysfunctional.

I admit it was tough for the Democrats to lose the Presidential election. Most people thought that Hillary Clinton would win. I was not one of them. I thought there was a real chance because I knew a lot of people would not say for whom they were going to vote. I think, correctly, I interpreted that meant that they were going to vote for Donald Trump, and the reason they were is that they are tired of what is going on. They are tired of what is hurting this country. They are tired of the picayune little fights that we have around here.

I think we have to grow up. I suggest that all of us take stock of ourselves and see if we can treat each other with greater respect. I have to say, I resented—as much as I like the distinguished Senator from Massachusetts, I resent the constant diatribe against a fellow Senator. Even if everything she said was true, it wasn't the right thing

to do. I don't think any of us should do that to them, either. We can differ, we can argue, we can fight over certain words and so forth, but I have been appalled at the way the Democrats have treated JEFF SESSIONS. I have found JEFF SESSIONS—having worked with him for 20 years and having disagreed with him on a number of things—to be a gentleman in every respect and to present his viewpoints in a reasonable and decent way.

I would hope that my colleagues on the other side would consider voting for JEFF SESSIONS or at least treating him with respect.

I admit that I think some of this comes from the fact that they are very upset at Donald Trump, and it is easy to see why. He won a very tough, contested election against one of their principal people. That is hard to take, maybe. That doesn't justify what has been going on against JEFF SESSIONS.

We ought to be proud that JEFF has a chance to become the Attorney General of the United States, and he is going to be. That is the thing that really bothers me. Everybody on the other side knows that we have the votes to finally do this. Yet, they are treating it as though this is something that they have to try and win—which they are not going to win—and, in the process, treating a fellow Senator with disdain. It is wrong.

We should all take stock of ourselves. I am not accusing my colleagues of not being sincere, but they have been sincerely wrong. I am personally fed up with it. If we want to fight every day and just go after each other like people who just don't care about etiquette and courtesy, I guess we can do that, but I think it is the wrong thing to do.

I hope all of us will stop, take note of what has been going on, and on both sides start trying to work together. I know it was tough for my Democrat friends to lose the Presidential election. I know that was tough. And they didn't think they were going to, and, frankly, a lot of us didn't think they were going to. I did think that. But, then again, I was one of two Senators who supported Donald Trump, in my opinion, with very, very good reason. I am sure that doesn't convince any Democrats on the other side.

The fact is that we have to treat each other with respect or this place is going to devolve into nothing but a jungle, and that would truly be a very, very bad thing.

I am not perfect, so I don't mean to act like I am, but I have to say that all of us need to take stock. We need to start thinking about the people on the other side. We need to start thinking about how we might bring each other together in the best interests of our country and how we might literally elevate the Senate to the position that we all hope it will be.

I love all of my colleagues. There is not one person in this body that I don't

care for a lot. I disagree quite a bit with some of my colleagues on the other side, and even some folks on our side, but that doesn't mean that I have to treat them with disrespect.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I first want to say a few words about the Senator from Massachusetts and her passion and what she has brought to this Chamber. While I know she has not been allowed to complete her remarks today, I know that will not silence her, and we look forward to hearing from her tomorrow and many days in the future on so many topics.

I also wanted to say something about my friend from Utah. We have worked together on so many bills. I have seen firsthand that he means what he says about treating this Chamber with the dignity that we all deserve and that the American people deserve.

Also, I was especially impressed by the words from the Senator from Florida. When I see the majority leader and the Democratic leader over there talking in the corner now, I think that is a good sign, because I have never seen a time where the Senate is more important, as the Senator from Florida was mentioning.

This is a moment in time where the Senate will not just be a check and balance, but it is also a place for compromise. The one issue where I would differ slightly with my friend and colleague from Utah is that this isn't just about Democrats responding with surprise or anger to the election of a new President. There have been a lot of things said in the last few months, including calling judges "so-called judges" and some of the discussions and comparisons to foreign leaders, and things that we have heard from the White House in the last few weeks, including the order that was issued that some of our Republican colleagues expressed a lot of concern about and that the Senate wasn't involved in and that a lot of law enforcement people weren't involved in.

There have been reasons that people's passions are high, and there are reasons that are good ones because we care about this country. So I hope people will see that in perspective for why people are reacting the way they do.

As for the Senator from Alabama, as I would call him for the purpose of these remarks, I am someone who has worked well with him. We have done bills together on adoption, and we have worked together on trafficking, and I am proud of the work I have done with him. We have also gone to the State of the Union together every single year, and I value his friendship.

I came to the conclusion that I couldn't support him not for personal reasons, but because of some of the views he has expressed in the past and

his record on the Violence Against Women Act, his views on immigration, and his views relating to voting rights.

I think many of our colleagues, especially those who serve on the Judiciary Committee, feel the same way—that this wasn't personal, but we simply had a deep disagreement with some of his views on certain issues.

Today I thought I would focus on the voting rights issue. I spoke earlier about the Violence Against Women Act, and I think that is a good place to start as we work together going forward. We have seen an attack on America's election system; we have had 17 intelligence agencies talking about the fact that a foreign country tried to influence our election. It is the core of our democracy. I know the Senator from Florida himself has said that this time it happened to one candidate, one party, and the next time it could be another party, another candidate. So this idea of voting—this idea of the freedom to vote—is the core of our democracy.

One of the most important duties of the Justice Department—and that is the office for which the Attorney General would run—is safeguarding voters' access to the ballot box. This issue is important in my State. We had the highest voter turnout of any State in the country in this past election, and part of the reason we had such a good turnout is that we have good laws that allow for people to vote. It allows for same-day registration. We make it easy for people to vote; we don't make it hard. For me, that is one of the major duties of the Justice Department, and that is to enforce our voting rights.

I will never forget when I traveled to Alabama in the last few years with one of the leaders, Congressman JOHN LEWIS, who was one of the 13 original Freedom Riders. In 1964 he coordinated the efforts for the Mississippi Freedom Summit, recruiting college students from around the country to join the movement, to register African-American voters across the South. People from my State went, and people from every State in this Chamber went there for that March.

On March 7, 1965, Congressman LEWIS and 600 other peaceful protestors attempted to march from Selma to Birmingham to protest violence against civil rights workers. As they reached the crest of the Edmund Pettus Bridge, they saw a line of troopers blocking their way. At the end of the bridge, those peaceful marchers were attacked, just for calling for the right to vote. JOHN LEWIS's skull was fractured, and he still bears that scar to this day.

The weekend that I went back there, 48 years after that bloody Sunday, was the weekend that the police chief of Montgomery actually handed Congressman LEWIS a badge and publicly apologized for what happened to him that day, 48 years later. But as moving as

that apology was, we still have a duty to make sure that those sacrifices were not in vain. We also need to make it easier for people to actually vote, and that is a promise still unmet in America over 50 years later, whether it is lines at voting booths or whether it is laws in place that make it harder to vote.

I just look at this differently, having come from a high voter turnout State, a State where we have same-day registration, and when we look at the other high voter States that have that same-day registration station—Iowa, the Presiding Officer's State is one of them; that is not really a Democratic State, yet they have a high voter turnout and people participate and feel a part of that process. New Hampshire, Vermont, these States are truly split, but what we want to see is that kind of participation.

A couple of months after I was in Selma, the Supreme Court handed down its decision in the case of *Shelby County v. Holder*. In this decision, the Justices found that a formula in section 4 of the Voting Rights Act was unconstitutional. This formula was used to decide which States and localities needed to have Federal approval for any changes made to their voting rights laws, endangering the progress made over the past 50 years.

According to a report by the Brennan Center for Justice, following the *Shelby County* decision, 14 States put new voting restrictions in place that impacted the 2016 Presidential election. Three other States also passed restrictive voting measures, but those laws were blocked by the courts. So the harm is very real and very serious, and we can't sit by and just let this happen.

Specifically, we need a Department of Justice that will vigorously enforce the remaining sections of the Voting Rights Act as well as the National Voter Registration Act and the Help America Vote Act. Currently, a majority of the States are not complying with the National Voter Registration Act, leaving voting rolls outdated and preventing eligible voters from casting their ballots. Without a Department of Justice that makes the enforcement of these laws a priority, the rights of voters will continue to be infringed.

Congress also needs to take action through legislation to make right what came out of that Supreme Court decision. Effectively throwing out the preclearance provision of the Voting Rights Act just doesn't make sense. As Justice Ginsberg put so well in her dissent, "Ending preclearance now is like throwing away your umbrella in a rainstorm because you are not getting wet."

Those marchers in Selma sacrificed too much for us not to fight back. That is why I cosponsored legislation last Congress that would amend the Voting Rights Act.

I am under no illusion that amending the Voting Rights Act in Congress will be easy. It won't be. We have seen some bipartisan support. In fact, Congressman SENSENBRENNER, from my neighboring State of Wisconsin, who sponsored the reauthorization in 2006, called for Congress to restore the Voting Rights Act. As he put it, "the Voting Rights Act is vital to America's commitment to never again permit racial prejudices in the electoral process."

Another issue I want to focus on this evening that I raised in Senator SESSIONS' hearing is the fundamental importance of freedom of the press. My dad was a newspaper reporter, and up until a few years ago, he was still writing a blog. So I am especially sensitive to, and concerned about, maintaining the press's role as a watchdog.

On a larger note, the role of journalists is critical to our Nation's democracy. That is why our Founders enshrined freedom of the press in the First Amendment. When we look at what we are seeing in the last few years in our country, what concerns me is this assault on democracy. We have voting rights issues with people unable to vote, with lines, with restrictive voting laws passed as opposed to finding ways to allow more people to vote. We have outside money in politics. Recently, we have some of the things being said about judges, and now we have some assault on this notion of the freedom of the press.

Thomas Jefferson said that our first objective should be to leave open "all avenues to truth," and the most effective way of doing that is through "the freedom of press." This is still true today. Freedom of the press is the best avenue to truth. In fact, these values are more important now than ever, at a time when people are not exactly valuing the freedom of the press.

I believe there are two distinct roles journalists will hold that Congress must preserve and strengthen in the coming years. The first is providing the people with information about their government. Sometimes this is as simple as covering the passage of a new law in a public forum. This work doesn't just lead to a better, informed public. It can also lead to important actions.

Thanks to excellent reporting from across the country, Americans have been energized in the past. For instance, just a few weeks ago there was an attempt to gut the Office of Congressional Ethics over in the House. That came out, people were outraged, it was reported on, and they backed down.

The second role we must preserve is journalists' responsibility to be fact-checkers. They research, they provide context, and, when they need to, they correct. We need newspapers and media to stand up for what is true and what

is factual. Unlike what was recently said—not in this Chamber—the press cannot simply keep its mouth shut. The American people deserve the truth, and we are all relying on journalists to keep digging for it. I take this personally and seriously.

In Senator SESSIONS' hearing I asked him whether he would follow the standards now in place at the Justice Department, which address when Federal prosecutors can subpoena journalists or their records and serve to protect reporters engaged in news-gathering activities. The previous two Attorneys General both pledged not to put reporters in jail if they were simply doing their job under the law.

The Senator from Alabama did not make that commitment. When I asked him about this in his hearing, he said he had not yet studied those rules. He also did not make a commitment when I later asked him to do that on the record.

The Senator from Alabama has also raised concerns in the past about protecting journalists from revealing their sources, including opposing the Free Flow of Information Act when it was considered by the Judiciary Committee in 2007, 2009, and 2013. So at this time, when our freedom of the press has been under attack at the highest levels of government, I believe it is critically important that our Justice Department continues to function as an independent voice that will protect the ability of journalists to do their job.

Lastly, I want to take a moment to focus on the importance of the Antitrust Division at the Department of Justice. As ranking member of the Antitrust Subcommittee, I am concerned about the state of competition in the marketplace. I wish to take a few minutes on this issue.

I did ask Senator SESSIONS about this at his hearing, and he said he was committed to an independent division in the Justice Department and to continue that work without outside influence. I continue to believe that this issue will be important because of the massive amount of mergers we are seeing. The legal technicalities behind our antitrust laws will not be familiar to most Americans, but effective antitrust enforcement provides benefits we can all understand. When companies vigorously compete, they can offer consumers the lowest prices and the highest quality goods and services.

Senator SESSIONS has stated that he will support the independence of that division, and I want to make clear how critical this is. It is absolutely essential that our next Attorney General enforces our antitrust laws fairly and vigorously, and that this person protects the integrity of the Antitrust Division's prosecutorial function from inappropriate influence. This is because vigilant antitrust enforcement means more money in the pockets of Amer-

ican consumers. The Attorney General can do this by identifying and preventing competition problems before they occur, like stopping a merger that would allow a few dominant players to raise prices, or, when a merger is allowed to move forward, putting conditions in place to protect competition.

The next Attorney General will also be able to stop price-fixing cartels that hurt consumers by artificially inflating prices for goods such as auto parts, TVs, and tablet computers. Last year alone, the Justice Department obtained more than \$1 billion in criminal antitrust fines. Anticompetitive practices have serious impacts on consumers; for example, pay-for-delay settlements that keep cheaper generic drugs from coming onto the markets. Estimates suggest that eliminating those sweetheart deals would generate over \$2.9 billion in budget savings over 10 years and save American consumers billions on their prescription drug costs. That is why Senator GRASSLEY and I worked on bipartisan legislation to give the Federal Trade Commission greater ability to block those anticompetitive agreements. Our Preserve Access to Affordable Generics Act would increase consumers' access to cost-saving generic drugs.

The bottom line is this. Antitrust enforcement is needed now more than ever. We are experiencing a wave of concentration across industries. Just last year, then-Assistant Attorney General for Antitrust Division Bill Baer, a lifelong antitrust practitioner, said his agency was reviewing deals with such antitrust concerns that they should never have made it out of the corporate boardroom.

Not only will antitrust violations mean higher prices for Americans and less innovation, but the indirect effects are equally troubling. There is concern that undue concentration of economic power would exacerbate income inequality. There is also concern that concentration can hurt new businesses, stifling innovation. Why would you innovate if there is just one or two firms? Only effective antitrust enforcement by the Attorney General will prevent those harms, and effective enforcement can occur only if the Department of Justice makes enforcement decisions based on the merits of the individual case, rather than politics.

Traditionally, the White House has not interfered with antitrust enforcement decisions, but recent reports indicate that the President has discussed pending mergers with CEOs during ongoing antitrust reviews. Some companies have also publicly reported their conversations with and their commitments to the President. In both Senator SESSIONS' hearing and in a follow up letter, I raised this issue with him. The Senator from Alabama said: "It would be improper to consider any political, personal, or other non-legal

basis in reaching an enforcement decision."

That is the correct answer. I plan to rigorously protect the Antitrust Division's prosecutorial integrity to make sure it is principled and is done right. Antitrust and competition policy are not Republican or Democratic issues. A merger in the ag industry could have an effect on farmers in Iowa, as the Presiding Officer knows. These are consumer issues, and these issues could not be more important to all Americans. We can all agree that robust competition is essential to our free-market economy and critical to ensuring that consumers pay the best prices for what they need.

I want to switch gears and conclude today by speaking about the President's Executive order regarding refugees, especially those from Muslim countries, which has caused so much chaos across our country over the past several weeks.

While I know Senator SESSIONS was not involved in writing the Executive order, it is very important that going forward, obviously, the Attorney General and the Department of Justice's Office of Legal Counsel have a responsibility to review Presidential Executive orders and assure they are legal and done right.

I sent a letter, with Senators DURBIN, WHITEHOUSE, FRANKEN, COONS, and BLUMENTHAL, and we asked Senator SESSIONS what he would have done if the President's Executive order came across his desk. As a former prosecutor, I have long advocated for thorough vetting and supported strong national security measures.

I believe that the No. 1 priority should be making people safe. While working to strengthen biometrics and other security measures is a good goal, this is not the way our government should work—that an order should be put out there without properly vetting it and figuring out the effect it would have on a four-year-old girl who is in a refugee camp in Uganda. That happened.

In my State, there was a mom who had two children, a Somali mother in a refugee camp. She got permission to come over to our State and to our country as a refugee. But she was pregnant, and when she had that baby, that baby did not have permission to come with her. So she had a Sophie's choice: Does she leave the baby in the refugee camp with friends and go to America with her two other daughters, or do all of them stay in the refugee camp in Uganda? She made a decision that she would go with her two older girls, that that would be the safest thing for them.

For 4 years, she worked to get the child that was left behind in the refugee camp to America to be reunited with her sisters. The baby, who is now 4 years old, was to get on a plane on

the Monday after the President's Executive order was issued. The 4-year-old could not get on that plane.

Senator FRANKEN and I got involved. We talked to General Kelly. He was more than generous with his time. They made an exception, and the 4-year-old is now in Minnesota. But it should not take a Senator's intervention—as many of my colleagues know that have worked on these cases—to get a 4-year-old who is supposed to be reunited with their family, something that our government had worked on for 4 years and Lutheran Social Services in Minnesota had worked on for 4 years.

If Senator SESSIONS is in fact confirmed as the next Attorney General, these are actual issues he is going to have to work on, and beyond that, we have the issue of how people in our country are afraid.

We have 100,000 Somalis in Minnesota. We have the biggest Somali population in the country. A man who works for me started with my office 10 years ago and has been our outreach to the Somali community. He was just elected to the school board.

We have Somalis elected to our city council. They are part of the fabric of life in our State. Congressman EMMER, who actually took the seat held by Michele Bachmann, is the cochair, along with Congressman ELLISON, of the Somali caucus in the House of Representatives. We have not seen this as a Democratic issue or a Republican issue in our State. We have welcomed these refugees.

We have the second biggest population of Hmong in the United States of America. We have the biggest Liberian population. We have one of the biggest populations of people from Burma. We have 17 Fortune 500 companies in our State. When these refugees come over, they are legal workers, and they are a major part of our economy. So it is no surprise that during the last year, when we heard the kind of rhetoric that we have heard, people have been concerned—not just the refugees themselves, not just their friends and family, but a lot of people in our State. The churches have gotten involved—all kinds and every denomination in our State—to stand up for our Muslim population. Why? Because they have all heard the story. One of my most memorable stories was from a family whom I heard about when I was visiting with some of our Muslim population in Minneapolis. This was a story of two adults who actually had been in our State during 9/11. And during 9/11, George Bush stood up and he said: This isn't about a religion. This is about evil people who did evil things, but it is not to indict a religion.

His U.S. attorney at the time, the Republican U.S. attorney, went around with me—the elected prosecutor for the biggest county in our State—and we met with the Muslim population and

assured them they were safe and told them to report hate crimes. The family, these two adults, they were there then. Nothing bad happened to them. No one called them a name.

Fast-forward to this summer. They are at a restaurant with their two little children. They are just sitting there having dinner.

A guy walks by and says: You four go home. You go home to where you came from.

The little girl looked up at her mom, and she said: Mom, I don't want to go home and eat tonight. You said we could eat out tonight.

The words of an innocent child. She didn't even know what that man was talking about because she only knows one home. That home is our State, and that home is the United States of America.

If Senator SESSIONS is confirmed for this position, he is going to have an obligation to that little girl who was in that restaurant and to all of the people in our country because this is the Justice Department of the United States of America.

As a former prosecutor, I know a big part of that job is prosecuting cases and doing all we can to keep America safe from evildoers, but it is also about keeping our Constitution and our rights safe.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, the Attorney General of the United States holds a vital and also somewhat unique position in the Federal Government. The Attorney General of the United States is tasked with significant responsibilities that must be executed independently, sometimes even in defiance of the White House's wishes and interests.

The Attorney General of the United States is tasked with enforcing our laws fairly, justly, and evenhandedly, as well as with protecting the civil and constitutional rights of all Americans of all persuasions, of all backgrounds. The Attorney General of the United States does not work for the President so much as for the people and does not serve the administration so much as the law.

I have served in the U.S. Department of Justice. I have felt its esprit de corps, its pride. That pride is founded on a firm sense of the Department's willingness to stand on what is right, even against the wishes of the White House. One fine example of this was Attorney General Ashcroft challenging and refusing to accede to the wishes of the White House on the Bush administration's warrantless wiretapping of Americans. The Department of Justice is well aware of the importance of its independence.

A successful Attorney General must be stalwart in protecting the Department from political meddling by the

administration or by Congress. We need only look back to Attorney General Gonzales's resignation to recall how badly things turn out when an Attorney General yields to political pressure.

An Attorney General also makes policy decisions about where and how to direct the Department's \$27 billion budget and when and how to advise Congress to recommend new laws and modify existing policies. These are policy choices an Attorney General makes. It is no answer to questions about those policy choices to say: I will follow the law. That doesn't apply in this arena of funding decisions and legislative recommendations that are policy choices not dictated by law. Those policy choices can have a profound effect on individuals, on communities, and on the fabric of our Nations.

Americans should be able to trust that their Attorney General will not only enforce the laws with integrity and impartiality but stand up for Americans of all stripes and fight on behalf of their rights. That is the prism through which I evaluate Senator SESSIONS' nomination.

I have known Senator SESSIONS for a decade and have enjoyed working with him on a number of pieces of legislation. However, the standard by which I evaluate an Attorney General nominee is whether Rhode Islanders will trust that in the tough clinches, he will always be independent and always fair.

I have reviewed Senator SESSIONS' career as an attorney and as a Senator, as well as his testimony before the Judiciary Committee. I have reflected on my own duties and experience as my State's attorney general and as the U.S. attorney in Rhode Island. I have also served as an attorney in our State attorney general's office.

By the way, the attorney general in Rhode Island has full prosecutive authority. Many States have a division in which the attorney general has a narrow ambit of authority and district attorneys do the bulk of the criminal prosecution—not so in Rhode Island.

I have also had the occasion to listen closely to very strong and honest, serious concerns from Rhode Islanders who have made it plain to me that they fear what Senator SESSIONS would do as head of the Justice Department. For every constituent of mine who has expressed support of his nomination, 15 have expressed opposition.

Senator SESSIONS has fought against fixing our immigration system, opposing as the leading opponent of bipartisan legislation which, had it passed, would have spared us much of the current debate over

Senator SESSIONS fought against our bipartisan criminal justice and sentencing reform bill.

Senator SESSIONS opposed reauthorizing the Violence Against Women Act—a bill which is vitally important

to the Rhode Island Department of Attorney General and to the anti-domestic violence groups around Rhode Island.

Senator SESSIONS' record on support of gay and lesbian Americans has alarmed many Rhode Islanders. Public statements and confirmation testimony by Senator SESSIONS suggest that he brings a religious preference to the Department and that what he calls secular attorneys would be, to him, suspect compared to Christian attorneys. That distinction between a secular attorney and a religious attorney is one that runs counter to very solid principles upon which my State was founded. Roger Williams brought to us freedom of conscience.

Senator SESSIONS has called Breitbart News a bright spot. I must disagree. Breitbart News is not, to me, a bright spot. Breitbart has published baseless and inflammatory articles with titles like "Birth Control Makes Women Unattractive and Crazy."

In fairness, I should disclose that Senator SESSIONS' nomination carries an additional burden with me as the nominee of this President and this White House. The need for an independent Attorney General has rarely, if ever, been greater.

On the campaign trail, the American people witnessed Donald Trump glorify sexual misconduct, mock a disabled reporter, and make disparaging remarks about immigrants and minorities. We all witnessed chants at Trump rallies of "lock her up." At his confirmation hearings, Senator SESSIONS excused these as "humorously done." In mass rallies that also featured people getting beaten and the press caged and vilified, this didn't seem very humorous to many Americans. I think Americans know that the good guys in the movie are not the ones in the mob; the good guy is the lawman who stands on the jailhouse porch and sends the mob home. To me, that "lock her up" chant was un-American. I believe that across the country it made honest prosecutors' stomachs turn.

Not surprisingly, many Americans are fearful of what the Trump administration will mean for them, for their families, and for their country.

The problems with this President did not end with the campaign. President Trump and his family have brought more conflicts of interest to the White House than all other modern Presidents and families combined. The proposed Trump domestic Cabinet is an unprecedented swamp of conflicts of interest, failures of disclosure and divestment, and dark money secrets. We have not even been permitted, in the course of our nomination advice-and-consent process, to explore the full depth of that unprecedented swamp because the dark money operations of nominees have been kept from us. In one case, thousands of emails are still covered

up. The Trump White House traffics in alternative facts, operates vindictively, and is a haven for special interest influence. None of this is good. All of this suggests that there will be more or less constant occasion for investigation and even prosecution of this administration.

Independence is at a premium. Nothing could have made this more clear than the first disagreement between the Trump White House and the Department of Justice, whose outcome was that the Acting Attorney General—a woman with 30 years' experience in the Department, a career prosecutor, former assistant U.S. attorney, former U.S. attorney, and someone recognized for her leadership throughout the Department—was summarily fired.

This is also not a good sign. In recent history, Attorneys General Gonzales, Meese, and Mitchell were politically close to their Presidents, and the Gonzales, Meese, and Mitchell tenures did not end well.

Attorney General Mitchell worked for President Nixon. They met when their New York law firms merged in the early 1970s, and they became law partners. John Mitchell was the campaign manager for Nixon's 1968 Presidential campaign. There were signs that things weren't quite right because when Nixon nominated Mitchell to be his Attorney General, he appealed directly to FBI Director Hoover not to conduct the usual background check. Mitchell ultimately resigned as Attorney General in order to run President Nixon's reelection campaign. So the political link between Mitchell and Nixon was very close, and sure enough, scandal ensued. Attorney General Mitchell turned out to be a central figure of the Watergate scandal. As the chairman of the reelection committee, the famous CREEP, Mitchell was responsible for appointing G. Gordon Liddy and approving the dirty tricks program while still Attorney General.

That dirty tricks program ultimately included breaking into national Democratic headquarters in the Watergate. The upshot of this was that Mitchell was charged with conspiracy, obstruction of justice, and three counts of perjury. He was convicted on all counts, and he served 19 months in prison.

Attorney General Edwin Meese was also very close to President Reagan. Meese joined the 1980 Reagan Presidential campaign as Chief of Staff. He ran the day-to-day campaign operations and was the senior issues adviser. After the election, Edwin Meese was given the job of leading the Reagan transition, and once in office, Reagan appointed Meese as Counselor to the President. According to press accounts at the time, Meese was known as someone who "has known the President so long and so well, he has become almost an alter ego of Ronald Reagan." That was the political background between Meese and President Reagan.

Again, it did not end well. Meese came under scrutiny for his role in the Iran-Contra scandal. The congressional committee that reported on the Iran-Contra scandal in November 1987 determined that Meese had failed to take appropriate steps to prevent members of the administration from destroying critical evidence. An independent counsel named Lawrence Walsh finished a report in 1993 that stated that Meese had made a false statement when he said Reagan had not known about the 1985 Iran-Contra deal. Iran-Contra was not the only controversy that plagued Attorney General Meese. A company called Wedtech Corporation was seeking Department of Defense contracts in the early 1980s. The company hired Meese's former law school classmate and his personal attorney, a lawyer named E. Robert Wallach, to lobby the Reagan administration on its behalf. Attorney General Meese helped Wedtech at Wallach's urging get a special hearing on a \$32 million Army engine contract, although the Army considered the company unqualified. Well, the contract was awarded to Wedtech, and then one of Meese's top deputies went to work for Wedtech.

The Federal criminal investigation that resulted led to the conviction of E. Robert Wallach, the former law school classmate and personal attorney of Meese, for whom he had set up the meetings with the government.

Independent counsel James McKay investigated the Wedtech contract, including investigating allegations of misconduct by Meese. While Meese was never convicted, he resigned following the issuance of the independent counsel's 800-page report.

Third is Attorney General Gonzales. Attorney General Gonzales was close to then-Governor Bush in Texas. He was his general counsel. When Governor Bush became President Bush, Gonzales came to Washington to serve as White House Counsel. He was appointed Attorney General in 2005. During his tenure at the Department of Justice, there were multiple investigations, many of which played out before the Senate Judiciary Committee, involving the Warrantless Wiretapping Program, the U.S. attorney's scandal, and inquiries into the Department's management of the torture program legal opinions.

Ultimately, Members of both Houses of Congress called for Attorney General Gonzales's resignation—or demanded that he be fired by the President—and Attorney General Gonzales resigned.

There is a track record here of Attorneys General who are politically close to a President coming into harm's way and doing poorly in the Department. One particular office that is vulnerable to this kind of undue proximity, and failure of independence, is a body in the Department of Justice called the Office of Legal Counsel. Jack Gold-

smith, a former head of the Office of Legal Counsel—and a Republican, by the way—testified before the Senate Judiciary Committee that “more than any other institution inside the executive branch, OLC is supposed to provide detached, apolitical legal advice.” And it has an honorable tradition of providing such advice to a remarkable degree, but under the Bush administration, the OLC departed from that tradition. It came up in a number of ways. The first was during our investigation into President Bush's Warrantless Wiretapping Program.

When Office of Legal Counsel memos supporting the program came to light, I plowed through a fat stack of those classified opinions that were held in secret over at the White House and pressed to have some of the statements declassified. Here are some of the statements that were declassified found in those OLC opinions:

An Executive order cannot limit a President. There is no constitutional requirement for a President to issue a new Executive order whenever he wishes to depart from the terms of a previous Executive order.

So this means a President could issue an Executive order, have it published in the Federal Register, put it forward as the policy of the administration—a direction to all the attorneys in the administration—and then secretly depart from it without ever changing what the public is told about the policy. A theory like this allows the Federal Register, where these Executive orders are assembled, to become a screen of falsehood, behind which illegal programs can operate in violation of the very Executive order that purports to control the executive branch. That was just one.

Another one I will quote: “The President exercising his constitutional authority under Article II, can determine whether an action is a lawful exercise of the President's authority under Article II.”

If that sounds a little bit like pulling yourself up by your own bootstraps, well, it sounds that way to me, too, and it runs contrary to a fairly basic constitutional principle announced in the famous case of *Marbury v. Madison*—which every law student knows—which says: “It is emphatically the province and duty of the judiciary to say what the law is.”

A third example—and this is another quote from an OLC opinion: “The Department of Justice is bound by the President's legal [opinions.]”

Well, if that is true, what is the point of a President sending matters over to the Department of Justice for legal review? If the President did it, and it is therefore automatically legal, there would be no function to the Department of Justice accomplishing that legal review.

So in this area of warrantless wiretapping, the Office of Legal Counsel

within the Department of Justice came up with what seemed to be quite remarkable theories in the privacy and secrecy of that office, in those classified opinions that are really hard to justify in the broad light of day. That is why independence matters so much. Obviously, the White House wanted those opinions to say what they said, but in the clear light of day, they don't hold up.

Let us move on from the warrantless wiretapping opinions of the Bush Department of Justice to the OLC opinions that the Bush administration used to authorize waterboarding of detainees. Again, I was one of the first Senators to review the OLC opinions, and when I read them, I will say I was quite surprised. I was surprised not just by what they said but by what they didn't say. One thing that was entirely omitted was the history of waterboarding. Waterboarding was used by the Spanish Inquisition, by the Khmer Rouge in Cambodia, by the French-suppressing revolts in Algeria, by the Japanese in World War II, and by military dictatorships in Latin America. The technique, as we know, ordinarily involves strapping a captive in a reclining position, heels overhead, putting a cloth over his face, and pouring water over the cloth to create the impression of drowning. Senator JOHN MCCAIN, held captive for more than 5 years by the North Vietnamese, said this of waterboarding:

It is not a complicated procedure. It is torture.

American prosecutors and American judges in military tribunals after World War II prosecuted Japanese soldiers for war crimes for torture on the evidence of their waterboarding American prisoners of war. None of that history appeared in the Office of Legal Counsel opinion.

The other major thing the Office of Legal Counsel overlooked was a case involving a Texas sheriff who was prosecuted as a criminal for waterboarding prisoners in 1984. Let's start with the fact that this was a case that was brought by the Department of Justice. It was the U.S. attorney for that district who prosecuted the sheriff. The Department of Justice won the case at trial.

The case went up on appeal to the U.S. Court of Appeals for the Fifth Circuit, the court one level below the U.S. Supreme Court. In its appellate decision, the U.S. Court of Appeals for the Fifth Circuit described the technique as “water torture.”

All a legal researcher had to do was to type the words “water” and “torture” into the legal search engines Lexis or Westlaw, and this case would come up: *United States v. Lee*. You can find it at 744 F2d 1124.

Over and over in that published appellate opinion by the second highest level of court in the Federal judiciary, they described the technique as torture. Yet the Office of Legal Counsel

never mentioned this case in their decision.

Ordinarily, what a proper lawyer is supposed to do, if they find adverse precedent—i.e., decisions that appear to come down a different way than the argument the lawyer is making—is they report the decision to the court, and then they try to distinguish it, they try to convince the judge they are before why that case was either wrongly decided or does not apply on the facts of their case. But the Office of Legal Counsel did not offer any effort to distinguish the Fifth Circuit decision; it simply pretended it did not exist or it never found it. It is hard to know which is worse.

At sentencing in the Lee case, the district judge admonished the former sheriff who had been found guilty of waterboarding: “The operation down there would embarrass the dictator of a country.”

Well, it is also pretty embarrassing when what is supposed to be the institution inside the executive branch that is supposed to provide detached, apolitical legal advice in an honorable tradition of providing such advice, to a remarkable degree, to quote Professor Goldsmith, misses a case so clearly on point.

That was not the only OLC error. In addition to the warrantless wiretapping statements, in addition to the Office of Legal Counsel opinions on waterboarding, they undertook a review of the Foreign Intelligence Surveillance Act.

In the Foreign Intelligence Surveillance Act is something called an exclusivity provision. It says this: The Foreign Intelligence Surveillance Act “shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral and electronic communications may be conducted.” Shall be the exclusive means. Seems pretty clear. But the Office of Legal Counsel said about that language—I quote them here: Unless Congress made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict Presidential authority to conduct wireless searches in the national security area, which it has not, then the statute must be construed to avoid such a reading—which it has not.

Congress said that this shall be the exclusive means. If the OLC was not happy reading the language of the statute, they could go to a court where this language had already been construed. The decision was called *United States v. Andonian*, and the judge in that case ruled that this language, the exclusivity clause—I am quoting the court’s decision—“reveals that Congress intended to sew up the perceived loopholes through which the President had been able to avoid the warrant requirement.”

The exclusivity clause makes it impossible for the President to opt out of

the legislative scheme by retreating to his inherent executive sovereignty over foreign affairs. The exclusivity clause assures that the President cannot avoid Congress’s limitations by resorting to inherent powers.

In the face of that case law, the Office of Legal Counsel held that Congress had not said what it said and this was not exclusive language, even though a court had said so.

The reason I share those three stories is because it really matters in important issues when the Department of Justice has the capability and the courage to stand up to the President. It really matters when they get it wrong. It really matters when they say things that simply are not correct or legally sound in order to support a warrantless wiretapping program. It really matters when they don’t find the case on point to evaluate whether waterboarding is torture. It really matters when they go around a clear congressional statute which a judge has said closes the door to going around that statute by simply saying privately: Well, that door is not actually closed. It matters.

I have insufficient confidence that as Attorney General, Senator SESSIONS will be able to stand up to the kind of pressure we can expect this White House to bring. We know that this White House operates vindictively and likes to push people around.

We found out recently that Mr. Bannon went running over to see General Kelly to tell him to undo the green card waiver of the Muslim ban. Thankfully General Kelly refused and stuck by his duty. But this is the kind of White House we have, where they try to push people around to do the wrong thing.

They are so contemptuous of authority outside their own that they are willing to attack a Federal judge who disagrees with them, calling him a “so-called judge.” They are willing to fire an Acting Attorney General who disagrees with them, firing her summarily and accusing her of betrayal. The pressure this White House can be expected to bring on the Department of Justice to conform itself not to the law but to the political demands of the President is going to be intense.

Moreover, the conflicts of interest that crawl through this White House and that crawl over this swamp Cabinet offer every reasonable cause to believe that there will have to be investigations and prosecutions into this administration.

That combination of a target-rich environment in this administration for investigation and prosecution with a vindictive White House that does not hesitate to try to bully officials into conformity calls for the highest degree of independence. I do not feel Senator SESSIONS makes that standard. He was too close to the President during the political race. He has not stood up

against any of those excesses I have mentioned since then. It is with regret that I must say I will not be able to vote to confirm him.

One of the reasons I became a lawyer was because of “To Kill a Mocking Bird.” As a kid, I just loved Atticus Finch. He is great in the movie. He is even better in the book. Some of the things that Atticus Finch says about the law and about human nature are so brave and so profound that from the first time I read that book, boy, I would love to have been Atticus Finch. I would love to have had the chance to stand in the breach when everyone was against you and stick up for doing something that was right. Gosh, that felt so great.

Like the scene in many movies, the hero is not a part of the mob, not carrying a torch toward the jailhouse; the hero is the lonely lawman who sits on the porch and won’t let the mob in. That is what I think we are going to need in our next Attorney General.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oregon.

Mr. MERKLEY. Mr. President, I will be speaking later tonight, perhaps about 2 o’clock, possibly on through 4 o’clock, but I wanted to take a few moments now and share some of the letter that was discussed earlier and share it in a fashion that is appropriate under our rules. I would like to thank very much my colleague from New Jersey for yielding a few minutes in order to do so.

I think it is important for us to understand the context of what this letter was all about. This letter was a statement of Coretta Scott King, and it was dated Thursday, March 13, 1986. She noted: “My longstanding commitment which I shared with my husband Martin”—of course that is Martin Luther King—“to protect and enhance the rights of black Americans, rights which include equal access to the Democratic process, tells me to testify today.” Then in her letter she goes on to essentially present an essay about the essential role of voting rights in our country, and so I will continue to read in that regard. She says:

The Voting Rights Act was and still is vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote—

Now she is quoting Martin Luther King—

“Certainly no community in the history of the negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protests of the denial of the franchise, Selma has involved fully 10 percent of the negro

population in active demonstrations and at least half the negro population of Marion was arrested on 1 day."

That was the end of the quote from her husband. She continued writing:

Martin was referring, of course, to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise.

Each time she refers to franchise, she is referring to this fundamental right to vote under our Constitution.

And she continued:

In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights."

That is a quote from her husband. And then she continued. In this letter, she says:

In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled [she said] since 1965. This would not have been possible without the Voting Rights Act.

She continues in her essay. She says:

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

She continues in her letter to note:

Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote.

This is what Martin Luther King is referring to was the specific actions of sheriffs in the South who were representing the law. And then Coretta Scott King continued:

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box denied so persistently and intently.

Over the past century, a broad array of schemes have been used in attempts to block

the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote, to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

Now she proceeds to note that other techniques were used to intimidate Black voters and that included investigations into the absentee voting process, and this concerned her a great deal. And she notes that Whites have been using the absentee process to their advantage for years without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

Then she proceeds to address that there were occasions where individuals with legal authority chose to initiate cases specifically against African Americans while ignoring allegations of similar behavior by Whites, "choosing instead to chill the exercise of the franchise by Blacks by his misguided investigation."

Let me continue later in the letter. She addresses her concern over the prosecution illegally withholding from the defense critical statements made by witnesses and that witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. That is incorrect testimony.

Many elderly Blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could have more easily testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

She obviously is addressing issue after issue that affected the Black franchise, the franchise of African Americans, the ability to vote, and then she returns to her essay about how important this is.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

Coretta Scott King continues:

We still have a long way to go before we can say that minorities no longer need to be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be

federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all.

The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

And she concludes her letter having examined a number of incidents in the historical record with this conclusion:

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court.

And that is the context of her letter; that voting rights matter a tremendous amount. I applaud the efforts of my colleague from Massachusetts to make this point and share this essay with the body of the Senate earlier this evening.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. MERKLEY. I yield.

Mr. WHITEHOUSE. Mr. President, may I ask the Senator, through the Chair, if the letter from which he just read has a date?

Mr. MERKLEY. Well, the answer is that it does have a date, and that is Thursday, March 13, 1986.

Mr. WHITEHOUSE. 1986. And is the Senator aware of the occasion that brought this letter to the Senate?

Mr. MERKLEY. I am.

Mr. WHITEHOUSE. What was that occasion?

Mr. MERKLEY. That occasion was a hearing before the Senate Judiciary Committee regarding the potential appointment of the individual to the U.S. District Court for the Southern District of Alabama.

Mr. WHITEHOUSE. And this letter was made a matter of record in that hearing?

Mr. MERKLEY. I do not know if it was made a matter of record.

My impression initially was that she had read this letter at the hearing, but I am not sure if it was presented in person or as a document submitted to the committee.

Mr. WHITEHOUSE. But clearly the content of this letter has been a matter known to the Senate and, depending on what the facts may show, may actually have been a record of the Senate for more than 30 years.

Mr. MERKLEY. I believe that is probably correct.

Mr. WHITEHOUSE. So a Senator of the United States has been accused of violating a rule of the Senate for restating to the Senate a phrase that has been a matter of record in the Senate—if, indeed, that is the case—for 30 years.

I yield the floor.

MORNING BUSINESS

TRIBUTE TO ADMIRAL LLOYD R.
"JOE" VASEY

• Mr. MCCAIN. Mr. President, last week, we celebrated the 100th birthday of an American for whom my family and I have always had the greatest personal respect and admiration: ADM Lloyd R. "Joe" Vasey.

Joe Vasey was my father's dear friend and comrade for so many years. As he marks a century of life well lived, I send him the warmest wishes and convey to him thanks of a grateful nation for embodying the very finest qualities of patriotism and for his constant service to a cause greater than himself.

From the Naval Academy to dangerous duty in the Second World War to five commands at sea to service in the highest councils of military command, Joe Vasey's was a most distinguished and honorable Navy career. But he did not believe that his retirement from active duty relieved him of the responsibilities of patriotism. He continued to serve the national interest by founding the Pacific Forum to promote security and stability in the critically important Asia-Pacific region.

The only elaboration of this illustrious life I can offer are reminiscences of a friendship, some of which I was privileged to personally observe, which for me served as emblematic of a tradition; that of service as an officer in the U.S. Navy and the bonds of respect and love that unite good officers in shared sacrifice and devotion to their service and their country. It is the tradition upon which, in the most difficult moments of my life, I relied for the strength to persevere for my country's honor and for my self-respect.

Very late in his life, my father was interviewed for an oral history of our officers in the post-World War II Navy. "There's a term which has slipped somewhat into disuse," he remarked in the interview, "which I always used to the moment I retired, and that is the term: an officer and a gentleman." Had my father been asked to identify a contemporary who personified the virtues he considered essential to the life of an officer and a gentleman, I have no doubt he would have thought first of his friend Joe Vasey.

My father's respect and affection for Joe Vasey was unlimited. Their friendship was forged in the crucible of war and strengthened to last a lifetime by their shared experiences aboard the USS *Gunnel* as it prowled the Pacific from Midway to Nagasaki in search of the enemy. And find them they did. On one occasion, the ship sank a Japanese freighter and destroyer, but was then forced to submerge for 36 hours while avoiding Japanese depth charges. With the temperature on the submarine

reaching 120 degrees and oxygen running low, my father decided to surface and try to fight the remaining Japanese ships. But he offered his torpedo officer, Joe Vasey, and the rest of his officers the option to abandon ship. To a man, they agreed with my father and rejected that course. When the *Gunnel* surfaced, its weary crew found the Japanese destroyers had given up and were steaming away. My father, Joe Vasey, and their comrades lived to fight another day.

My father and Joe Vasey were proud veterans of an epic war. They never felt the need to exaggerate their experiences, extraordinary as they were. But they did talk about the lessons of leadership they learned and how they could be applied to new circumstances. And they had many occasions to do so. They were together when my father became commander-in-chief of Pacific Command during the Vietnam war and Admiral Vasey served as his most trusted adviser as head of strategic plans and policies. They were together when they argued to Washington for a strategy to win the war rather than just continue the bleeding. And they were together when my father gave orders for B-52s to bomb the city in which his son was held a prisoner of war. They were the best of friends and exemplified that noblest of traditions: brothers in arms.

I count myself immeasurably fortunate to have benefited from their example early in life so that I could derive the strength I needed to survive later misfortune from their stories, their courage, and their honor.

So to Joe Vasey, a great patriot, a good man, an officer and a gentleman, and a brave defender of this Nation, I wish a very happy birthday, fair winds, and following seas.●

MESSAGE FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 337. An act to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes.

H.R. 387. An act to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes.

H.R. 494. An act to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes.

H.R. 618. An act to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes.

H.R. 688. An act to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes.

H.R. 689. An act to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes.

H.R. 698. An act to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 18. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 337. An act to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 387. An act to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes; to the Committee on the Judiciary.

H.R. 494. An act to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 618. An act to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 688. An act to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 689. An act to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 698. An act to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-669. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to Army Force Structure (OSS-2017-0149); to the Committee on Armed Services.

EC-670. A joint communication from the Secretary of Defense and the Secretary of

Energy, transmitting, pursuant to law, the fiscal year 2017 report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems (OSS-2016-1038); to the Committees on Armed Services; Appropriations; and Foreign Relations.

EC-671. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation" (RIN3052-AD21) received in the Office of the President of the Senate on February 6, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-672. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Data Mining Activity in the Department of State for calendar year 2016; to the Committee on Foreign Relations.

EC-673. A communication from the Acting Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations: Family Educational Rights and Privacy Act" (34 CFR Part 99) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-674. A communication from the Acting Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Open Licensing Requirement for Competitive Grant Programs" (RIN1894-AA07) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-675. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements under Section 635 of the Adam Walsh Child Protection Act of 2006; to the Committee on the Judiciary.

EC-676. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Victims Compensation Fund established by the Witness Security Reform Act of 1984; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Armed Services, without amendment:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Armed Services.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ISAKSON for the Committee on Veterans' Affairs.

*David J. Shulkin, of Pennsylvania, to be Secretary of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN (for himself and Mr. PORTMAN):

S. 321. A bill to amend the Internal Revenue Code of 1986 to exempt amounts paid for aircraft management services from the excise taxes imposed on transportation by air; to the Committee on Finance.

By Mr. PETERS (for himself and Mr. HELLER):

S. 322. A bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FLAKE:

S. 323. A bill to amend the Internal Revenue Code of 1986 to create Universal Savings Accounts; to the Committee on Finance.

By Mr. HATCH (for himself, Ms. HIRONO, and Mr. BOOZMAN):

S. 324. A bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL (for himself, Ms. WARREN, Mr. REED, Ms. STABENOW, Mr. MENENDEZ, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 325. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER (for himself, Mr. NELSON, Mr. CASSIDY, Mr. BENNET, Mr. GARDNER, and Mr. YOUNG):

S. 326. A bill to amend the Internal Revenue Code of 1986 to provide for the tax-exempt financing of certain government-owned buildings; to the Committee on Finance.

By Mr. HELLER (for himself and Mr. PETERS):

S. 327. A bill to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOOKER:

S. 328. A bill to enforce the Sixth Amendment right to the assistance of effective counsel at all stages of the adversarial process, to confer jurisdiction upon the district courts of the United States to provide declaratory and injunctive relief against systemic violations of such right, and for other purposes; to the Committee on the Judiciary.

By Mr. BOOKER (for himself, Mr. PAUL, Mr. DURBIN, Mr. LEE, Mr. LANKFORD, and Mr. CASEY):

S. 329. A bill to place restrictions on the use of solitary confinement for juveniles in Federal custody; to the Committee on the Judiciary.

By Mr. BOOKER:

S. 330. A bill to amend title 18, United States Code, to establish a corporation to advocate on behalf of individuals in noncapital criminal cases before the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KAINNE:

S. 331. A bill to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to

the Committee on Energy and Natural Resources.

By Mr. COTTON:

S. 332. A bill to restrict funding for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. LANKFORD (for himself, Mr. CORNYN, Mr. HATCH, Mr. CRUZ, Mr. FLAKE, Mr. CRAPO, Mr. JOHNSON, and Mr. LEE):

S. 333. A bill to limit donations made pursuant to settlement agreements to which the United States is a party, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mr. RUBIO, Mr. PAUL, Mr. CRUZ, Mr. LANKFORD, Mr. SCOTT, Mrs. CAPITO, Mr. TILLIS, and Mr. COTTON):

S. 334. A bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. RUBIO, Mr. CRUZ, Mr. LANKFORD, Mr. CRAPO, and Mrs. CAPITO):

S. 335. A bill to achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself, Mr. SANDERS, Mrs. MURRAY, and Mr. MERKLEY):

S. 336. A bill to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND (for herself, Mr. BROWN, Mr. BOOKER, Ms. HIRONO, Mr. MARKEY, Mr. MERKLEY, Mr. SCHATZ, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. REED, Mr. BLUMENTHAL, Ms. WARREN, Mr. DURBIN, Mr. SANDERS, Mr. MURPHY, Mr. UDALL, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. FRANKEN, Mrs. FEINSTEIN, Ms. HEITKAMP, Mrs. MURRAY, Mr. VAN HOLLEN, Mr. LEAHY, Ms. DUCKWORTH, Mr. MENENDEZ, and Ms. HARRIS):

S. 337. A bill to provide paid family and medical leave benefits to certain individuals, and for other purposes; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. PETERS, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. UDALL, Mr. COONS, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. REED, Mr. HEINRICH, Mrs. FEINSTEIN, Ms. WARREN, Ms. HASSAN, Ms. STABENOW, Mr. MARKEY, Mr. BOOKER, Ms. CANTWELL, Mr. WARNER, Mrs. SHAHEEN, Mr. FRANKEN, Mr. CARDIN, Mrs. MURRAY, Mr. CARPER, and Ms. CORTEZ MASTO):

S. 338. A bill to protect scientific integrity in Federal research and policymaking, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON (for himself and Ms. COLLINS):

S. 339. A bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. CRAPO (for himself, Mrs. MCCASKILL, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. DONNELLY, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. FLAKE, Ms. HEITKAMP, Mr. INHOFE, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, and Mr. THUNE):

S. 340. A bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. BLUMENTHAL (for himself, Mr. GARDNER, Mr. RUBIO, and Mrs. MCCASKILL):

S. Res. 54. A resolution expressing the unwavering commitment of the United States to the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. Res. 55. A resolution recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mrs. SHAHEEN, Ms. HIRONO, Mr. BOOKER, Mr. REED, Mr. CARPER, Ms. WARREN, Mr. SANDERS, Mr. COONS, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. UDALL, Mr. MARKEY, Mr. WYDEN, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BROWN, Mr. MURPHY, Mr. WHITEHOUSE, Mr. SCHATZ, Ms. HEITKAMP, Mr. DONNELLY, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CASEY, Mr. PETERS, and Mr. SCHUMER):

S. Res. 56. A resolution expressing the sense of the Senate that the United States should remain a global leader in welcoming and providing refuge to refugees and asylum seekers and that no person should be banned from entering the United States because of their nationality, race, ethnicity, religion, sexual orientation, gender identity, or gender; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. PAUL, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 21, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 59

At the request of Mr. CRAPO, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 59, a bill to provide

that silencers be treated the same as long guns.

S. 85

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements.

S. 119

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 119, a bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.

S. 204

At the request of Mr. JOHNSON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 204, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 224

At the request of Mr. RUBIO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 260

At the request of Mr. CORNYN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 260, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S. 279

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 279, a bill to amend the Water Resources Development Act of 1986 to modify a provision relating to acquisition of beach fill.

S. 294

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 294, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 301

At the request of Mr. LANKFORD, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 301, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

S. 302

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 302, a bill to enhance tribal road safety, and for other purposes.

S. 306

At the request of Mrs. SHAHEEN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 306, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 315

At the request of Mr. SULLIVAN, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 315, a bill to direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the helicopter pilots and crewmembers who were killed while serving on active duty in the Armed Forces during the Vietnam era, and for other purposes.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH), the Senator from Louisiana (Mr. KENNEDY) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

S.J. RES. 17

At the request of Mr. CORNYN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S. RES. 50

At the request of Mr. CARDIN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. Res. 50, a resolution reaffirming a strong commitment to the United States-Australia alliance relationship.

S. RES. 51

At the request of Ms. HIRONO, the names of the Senator from Illinois (Mr.

DURBIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 51, a resolution recognizing the contributions of Federal employees and pledging to oppose efforts to reduce Federal workforce pay and benefits, eliminate civil service employment protections, undermine collective bargaining, and increase the use of non-Federal contractors for inherently governmental activities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE:

S. 331. A bill to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KAINE. Mr. President, this bill has a complex backstory, but it serves a simple purpose—to allow a small daycare facility in Virginia to undertake routine repairs and maintenance.

For more than 20 years, the Plains Area Day Care Center in Broadway, VA, has served children from moderate-income families in Rockingham County. This facility sits on a 3-acre parcel that was once Federal land before the National Park Service conveyed it to Rockingham County in 1989 under the Federal Lands to Parks Program. The county in turn leases this land to the center for \$1 per year, with a contract that runs through the year 2027.

The center is in need of repairs and maintenance, including a new roof; however, it has had difficulty in securing private financing for these activities because of the complex land ownership structure—Federal land conveyed conditionally to a county and leased to a private company. Due to Virginia's status as a Dillon Rule State, Rockingham County cannot execute a loan either.

This bill would specify that the 1989 land conveyance is transferred in fee simple, with no further use restrictions. I appreciate the goal of the Federal Lands to Parks Program to preserve land as open space, particularly after having overseen the preservation of 400,000 acres of open space in Virginia during my time as Governor of the Commonwealth. There are no plans to develop the open space on this site, only to fix the daycare center building—a former Forest Service garage that has been on the site since before its transfer from Federal ownership.

My Virginia colleague, Congressman BOB GOODLATTE, has introduced companion legislation in the House of Representatives. During the 114th Congress, this bill was passed unanimously through the full House as a standalone; reported favorably without opposition by the Senate Energy and Natural Resources Committee; and adopted by unanimous consent to be included in

the Senate's bipartisan Energy bill. Unfortunately, it fell just short of final passage.

This is a small modification that simply removes unnecessary bureaucratic hurdles and allows the daycare center to continue doing what it has been doing for 25 years. I am pleased to partner with Congressman GOODLATTE in this commonsense, bipartisan effort.

By Mr. COTTON:

S. 332. A bill to restrict funding for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, and for other purposes; to the Committee on Foreign Relations.

Mr. COTTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 332

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

SECTION 1. RESTRICTION ON FUNDING FOR THE PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION.

(a) STATEMENT OF POLICY.—Congress declares that United Nations Security Council Resolution 2310 (September 23, 2016) does not obligate the United States or impose an obligation on the United States to refrain from actions that would run counter to the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty.

(b) RESTRICTION ON FUNDING.—

(1) IN GENERAL.—No United States funds may be made available to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

(2) EXCEPTION.—The restriction under paragraph (1) shall not apply with respect to the availability of United States funds for the Comprehensive Nuclear-Test-Ban Treaty Organization's International Monitoring System.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 53—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. MCCAIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 53

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services (in this resolution referred to as the "committee") is authorized from March 1, 2017,

through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017, through September 30, 2017, under this resolution shall not exceed \$3,783,845, of which amount—

(1) not to exceed \$46,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$17,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017, through September 30, 2018, under this resolution shall not exceed \$6,486,591, of which amount—

(1) not to exceed \$80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$30,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018, through February 28, 2019, under this resolution shall not exceed \$2,702,746, of which amount—

(1) not to exceed \$33,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$12,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Door-keeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017, through September 30, 2017;

(2) for the period October 1, 2017, through September 30, 2018; and

(3) for the period October 1, 2018, through February 28, 2019.

SENATE RESOLUTION 54—EXPRESSING THE UNWAVERING COMMITMENT OF THE UNITED STATES TO THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. BLUMENTHAL (for himself, Mr. GARDNER, Mr. RUBIO, and Mrs. McCASKILL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 54

Whereas, following World War II, the United States rejected isolationism, established its role as a world leader, and developed an international alliance system that protected the United States while supporting democracy, freedom, and economic prosperity with European nations;

Whereas, 70 years ago, the United States announced the Marshall Plan for Europe, a strategic investment in Europe, as well as articulated the Truman Doctrine, which sought to contain a growing Soviet threat in Southern Europe;

Whereas, in 1949, the United States, Canada, Belgium, Denmark, France, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, and the United Kingdom signed the North Atlantic Treaty that formed the basis of the North Atlantic Treaty Organization (in this preamble referred to as “NATO”);

Whereas NATO was created to protect countries from a growing Soviet threat, promote international peace and stability, and defend freedom;

Whereas, to date, 28 countries have joined NATO;

Whereas, for more than 67 years, NATO has served as a central pillar of United States national security and a deterrent against adversaries and external threats;

Whereas NATO continues to improve its collective defense measures, enhance its military capabilities to address a full spectrum of complex threats, and partner with non-NATO countries to promote international stability;

Whereas Article 5 of the North Atlantic Treaty is an integral part of NATO and states that “[t]he Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all...”;

Whereas NATO invoked Article 5 for the first time less than 24 hours after the September 11, 2001, terrorist attacks against the United States;

Whereas, in Afghanistan, NATO allies and partners have served alongside United States forces since 2001, reaching a peak of more than 42,000 ally and partner forces, 6,300

NATO forces continue to serve today alongside the 6,900 United States forces there, and more than 1,100 NATO ally and partner forces have paid the ultimate price in service to the collective defense of NATO;

Whereas NATO took the lead in helping combat the terrorist threat in Afghanistan through the International Security Assistance Force and Operation Resolute Support, contributing to the safety of the United States and the international community;

Whereas all 28 NATO allies and many NATO partners are contributing to the Global Coalition to Counter the Islamic State of Iraq and the Levant;

Whereas approximately 18,000 military personnel are currently engaged in NATO missions around the world, conducting operations in Afghanistan, Kosovo, the Mediterranean, and off the Horn of Africa;

Whereas NATO conducts a range of maritime security operations in the Mediterranean and is essential to establishing stability along the borders of Europe and to responding to the ongoing refugee and migrant crisis;

Whereas, for nearly 10 years, NATO has provided airlift support for the mission of the African Union in Somalia, as well as assisted with training the African Standby Force at the request of the African Union;

Whereas, for more than 17 years, NATO has led peace-support operations in Kosovo to maintain safety and security in a volatile region;

Whereas NATO has three standing forces on active duty at all times to defend the Alliance, air policing capability, maritime forces, and an integrated air defense system;

Whereas NATO allies and the international community continue to look to NATO to deter the increasingly revanchist activities of Russia;

Whereas Chairman of the Joint Chiefs of Staff, General Joseph Dunford, testified before the Committee on Armed Services of the Senate on July 19, 2015, that Russia presents the “greatest existential threat” to the United States;

Whereas the malign actions of Russia—its 2008 incursion into Georgia, its illegal annexation of Crimea, its continued military action in Ukraine, its targeting of civilians in Syria, its ongoing information war in Europe, its continued violations of the Intermediate Nuclear Forces Agreement, and its cyberattacks aimed at influencing United States elections—have violated international laws and norms;

Whereas Russia continues to use disinformation campaigns and promote state propaganda to discredit democracy and undermine NATO members;

Whereas, since the illegal annexation of Crimea and direct support to the conflict in Eastern Ukraine by Russia in 2014, NATO members have undertaken the biggest reinforcement of the collective defense of NATO since the end of the Cold War, enhancing allied readiness and deterrence measures in response to Russian aggression;

Whereas the efforts of NATO to confront and deter Russian aggression in Eastern Europe have included a three-fold increase in the size of the NATO Response Force (NRF) to 40,000 troops; the creation of a Spearhead Force of 5,000 troops capable of deploying within a few days to respond to any threat against an ally, particularly on the eastern flank of NATO; the forward deployment of up to 4,000 troops to Poland, Estonia, Latvia, and Lithuania; an increase in the air policing and maritime missions of NATO in Eastern Europe; and a significant increase in

NATO training and military exercises in Eastern Europe;

Whereas, following the invasion of Ukraine by Russia in 2014, the United States established Operation Atlantic Resolve and the European Reassurance Initiative to reassure NATO allies that the United States would uphold its global security commitments and work in coordination with European partners to deter Russian aggression;

Whereas, since 2014, Operation Atlantic Resolve and the European Reassurance Initiative have demonstrated the continued commitment of the United States to its NATO allies and partners by engaging in deterrence and security measures against potential Russian aggression in the region;

Whereas the United States is further strengthening its force presence in Europe through the continuous deployment of an armored brigade combat team to Poland on a rotating basis;

Whereas, on January 6, 2017, as a part of Operation Atlantic Resolve, 3,500 United States troops from the 4th Infantry Division in Fort Carson, Colorado, along with more than 2,500 military vehicles, were deployed to Eastern Europe to deter regional aggression;

Whereas continued United States leadership in NATO is critical to ensuring that NATO remains the greatest military alliance in history;

Whereas all NATO members have recommitted themselves to sharing the security burden of NATO at the 2014 NATO Wales Summit by pledging to meet the defense spending target for NATO members of 2 percent of gross domestic product within 10 years;

Whereas the United States, Greece, Poland, Estonia, and the United Kingdom all have exceeded that defense spending target;

Whereas, since the Wales Summit, Latvia, Lithuania, and many other allies have increased defense spending in an effort to meet that defense spending target;

Whereas NATO remains committed to its open door policy on enlargement, working with countries in the Euro-Atlantic region that aspire to join NATO to help meet the requirements for membership;

Whereas, at the 2016 NATO Warsaw Summit, NATO Heads of State and Government formally invited Montenegro to become the 29th member of NATO;

Whereas General James Jones, United States Marine Corps (retired), former National Security Advisor, testified before the Committee on Armed Services of the Senate in July 2016 that “[o]ur 27 NATO allies offer America forward basing, which allows us to better fight enemies like ISIS and deter adversaries like the new Russia and to meet shared challenges. Twenty-eight countries acting as one is a powerful alliance”;

Whereas Secretary of Defense James Mattis testified before the Committee of Armed Services of the Senate, during his hearing as nominee for Secretary of Defense, that “[w]e must also embrace our international alliances and security partnerships. History is clear: Nations with strong allies thrive and those without them wither”;

Whereas there is a long tradition of strong bipartisan agreement that participation in NATO strengthens the security of the United States;

Whereas NATO is the first peacetime military alliance the United States entered into outside the Western Hemisphere and today remains the largest peacetime military alliance in the world;

Whereas a fractured NATO alliance would harm the interests of the United States and

embolden adversaries of the United States; and

Whereas a strong and united Europe is importing to United States strategic interests: Now, therefore, be it

Resolved, That the Senate—

(1) pledges that the United States will continue to maintain strong leadership and strengthen its commitments to the North Atlantic Treaty Organization (in this resolution referred to as “NATO”);

(2) strongly encourages NATO members to fulfill their pledge to invest at least 2 percent of gross domestic product on defense spending, invest at least 20 percent of such spending on major equipment (including research and development), and shoulder appropriate responsibility within NATO;

(3) recognizes the historic contribution and sacrifice NATO member countries have made while combating terrorism in Afghanistan through the International Security Assistance Force and Operation Resolute Support; and

(4) honors the men and women who served under NATO and gave their lives to promote peace, security, and international cooperation since 1949.

SENATE RESOLUTION 55—RECOGNIZING FEBRUARY 26, 2017, AS THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF DENALI NATIONAL PARK AND PRESERVE IN THE STATE OF ALASKA

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 55

Whereas Alaska Natives have lived on the land surrounding the Denali area and used the resources of the land for food, shelter, clothing, transportation, handicrafts, and trade for thousands of years;

Whereas Judge James Wickersham, of Fairbanks, Alaska, discovered gold in the Kantishna Hills following his attempted ascent of Denali in 1903, prompting a gold rush with several thousand prospectors and the establishment of successful placer and commercial mining operations that lasted for decades;

Whereas explorer Belmore Browne and hunter-naturalist Charles Sheldon visited the Denali region, observed the natural splendor of Denali, and, along with Alaska's territorial delegate to Congress, Judge Wickersham, and pioneering biological survey naturalist Edward Nelson, tirelessly advocated for Denali's protection;

Whereas early proponents of national parks, such as the Boone and Crockett Club, the Campfire Club of America, and the American Game Protective and Propagation Association, sponsored early expeditions, including those of Sheldon and Brown, and advocated for the creation of a national park at Denali;

Whereas, in 1910, miners from the Kantishna Hills discovered an approach by which Denali might be climbed, relying on years of observations while following quartz leads and hunting sheep in the foothills of the Denali area;

Whereas Athabaskan Walter Harper joined Archdeacon Hudson Stuck, Harry Karstens, and Robert Tatum to successfully summit the highest peak of Denali in 1913, opening the door for thousands of individuals to test

their own endurance and fortitude by attempting to climb the giant massif;

Whereas President Woodrow Wilson signed into law the Act entitled “An Act to establish the Mount McKinley National Park, in the Territory of Alaska”, approved February 26, 1917 (39 Stat. 938, chapter 121), for the benefit and enjoyment of the people of the United States and the preservation of the Denali area's scenic beauty, animals, birds, and fish;

Whereas Congress expanded the boundaries of Mount McKinley National Park in 1922, 1932, and 1980 and renamed that national park Denali National Park and Preserve after the traditional Koyukon Athabaskan name for the highest peak in the park, Deenaalee, meaning the High One;

Whereas Denali National Park and Preserve protects and interprets Denali, which is the highest mountain in North America, at 20,310 feet, and the tallest above-water mountain, with a vertical relief of almost 18,000 feet measured from its base;

Whereas Denali National Park and Preserve preserves a wild subarctic landscape with a rich and diverse tapestry of plant life and intact ecosystems where bears, wolves, caribou, moose, and Dall sheep roam as they have for thousands of years;

Whereas Denali National Park and Preserve protects a wide array of fossils that point to an age 70,000,000 years ago, when dinosaurs roamed that northern land;

Whereas Denali National Park and Preserve contains 2 of the oldest-known archaeology sites in North America, the oldest of which dates to just over 13,000 years old;

Whereas glaciers still blanket $\frac{1}{6}$ of Denali National Park and Preserve and continue to shape the landscape by carving mountains, feeding silt-laden rivers, and depositing rock and silt across the valleys;

Whereas Denali National Park and Preserve was designated as an International Biosphere Reserve in 1976 and has become a premier international tourist destination;

Whereas, in 2016, nearly 600,000 visitors set foot in Denali National Park and Preserve, the greatest number of visitors in the history of Denali National Park and Preserve and a record number of visitors for the State of Alaska;

Whereas key tourism partners like the Alaska Railroad, the cruise ship industry, air and bus tour companies, and other outfitters have worked diligently to provide a wide array of ways in which the many visitors to Denali National Park and Preserve may experience Denali, including hiking, dog mushing, rafting, and cycling;

Whereas Denali National Park and Preserve's historic Denali Park Road provides visitors with unparalleled opportunities to experience and explore millions of acres of an accessible wildlife sanctuary that represents one of the crown jewels of the United States;

Whereas residents of the State of Alaska continue their subsistence way of life by hunting and gathering in the majority of Denali National Park and Preserve;

Whereas Denali National Park and Preserve hosts the only working sled dog kennel in a national park, and winter patrols are conducted inside Denali National Park and Preserve using the age-old tradition of dog mushing; and

Whereas Denali National Park and Preserve, known for its breathtaking scenery and iconic wildlife, protects more than 6,000,000 acres of towering mountains, expansive valleys, glacial rivers of ice, braided streams, and wildland for the benefit of all

people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and celebrates Denali National Park and Preserve on its centennial anniversary;

(2) encourages all people of the State of Alaska and the United States to visit and experience this national treasure; and

(3) designates February 26, 2017, as “Denali National Park and Preserve Day”.

SENATE RESOLUTION 56—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD REMAIN A GLOBAL LEADER IN WELCOMING AND PROVIDING REFUGE TO REFUGEES AND ASYLUM SEEKERS AND THAT NO PERSON SHOULD BE BANNED FROM ENTERING THE UNITED STATES BECAUSE OF THEIR NATIONALITY, RACE, ETHNICITY, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER

Mr. LEAHY (for himself, Mrs. SHAHEEN, Ms. HIRONO, Mr. BOOKER, Mr. REED, Mr. CARPER, Ms. WARREN, Mr. SANDERS, Mr. COONS, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. UDALL, Mr. MARKEY, Mr. WYDEN, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BROWN, Mr. MURPHY, Mr. WHITEHOUSE, Mr. SCHATZ, Ms. HEITKAMP, Mr. DONNELLY, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CASEY, Mr. PETERS, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 56

Whereas the United States is a country founded on the principles of religious and political freedom;

Whereas hateful rhetoric against refugees and asylum seekers betrays the principles on which the United States was founded;

Whereas for centuries, people from around the world have sought refuge in the United States in pursuit of freedom and protection for themselves and their families;

Whereas people often seek refuge and asylum in the United States to flee war, armed conflict, violence, and religious, ethnic, and political persecution;

Whereas refugees and asylum seekers have been welcomed by towns, cities, and States across the United States;

Whereas refugees and asylum seekers have made their new communities stronger and more vibrant and have positively contributed to the betterment of the United States;

Whereas the United States has a moral obligation to ensure that people fleeing violence and persecution are protected;

Whereas the United States Senate should continue its legacy of bipartisan leadership on refugees and asylum seekers;

Whereas a ban or halt on resettlement may result in prolonged and indefinite family separation;

Whereas executive actions targeting refugees and asylum seekers could place these most vulnerable populations at serious risk of death or injury; and

Whereas refugees are the most thoroughly screened and vetted entrants to the United States, undergoing multiple security checks

by the Department of Defense, the Department of Homeland Security, the Department of State, the Federal Bureau of Investigation, and the National Counterterrorism Center: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the United States should remain a global leader in welcoming and providing refuge to refugees and asylum seekers; and

(B) no person should be banned from entering the United States because of their nationality, race, ethnicity, religion, sexual orientation, gender identity, or gender;

(2) the Executive Order titled “Protecting the Nation From Foreign Terrorist Entry Into the United States” issued by the President on January 27, 2017, undermines the national interest of the United States; and

(3) the Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the President, the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence.

Mr. LEAHY. Mr. President, the United Nations High Commissioner for Refugees has reported that more than 65 million people have been forcibly displaced around the globe by the end of 2015. In the face of such staggering human suffering, we must not shutter our doors and abandon our foundational principle of religious freedom. Yet that is exactly what our new President would have us do with the Executive order he signed 2 weeks ago. This is not something I support, and for good reasons.

Our freedom of religion was enshrined in the Constitution 225 years ago. Since forging this promise, we have been a confident Nation welcoming those of all faiths. The Executive order issued by the new Republican President threatens these founding ideals and the very freedoms we enjoy as Americans. It singles out Muslim refugees and those fleeing violence in Syria, and it suspends the refugee program as a whole. This is not the America I know. It is contrary to our values and contrary to the example America needs to set for the world.

The ongoing conflict in Syria makes clear the enormity of the humanitarian crisis we face. The terror inflicted by both Bashar Al-Assad’s regime and ISIS has forced more than half of Syria’s 23 million people from their homes and claimed the lives of hundreds of thousands of civilians. Currently, there are more than 4.8 million registered Syrian refugees, the overwhelming majority of whom are women and children. Communities across the country, including some in Vermont, started the process to welcome these refugees who have undergone years of security screenings and vetting. Rutland, VT, is prepared to welcome 100 refugees, but to date only two families have arrived. One of these families shared that their own children “were exposed to a lot of terror, and the sound of bombs and the sound of bullets and gunshots all day

long.” This is no way to live. That is why I strongly agree with Rutland’s mayor Christopher Lours, who said accepting refugees “is just the right thing to do from a compassionate, humanitarian perspective.” We must do more.

There are other humanitarian crises impacting the world. Closer to home, ruthless armed gangs in El Salvador, Honduras, and Guatemala continue to brutalize women and children with near impunity. We have a moral obligation to respond, and it is in our national interest to do that.

National security leaders agree that anti-Muslim rhetoric is not only contrary to our values, it also makes us less safe. FBI Director Comey told the Senate Judiciary Committee in November 2015 that part of ISIL’s narrative is to depict the United States as anti-Muslim. The Defense Department has made a similar point. House Speaker Ryan has also denounced a ban on Muslims, noting that it is “not conservatism” to impose a religious test. A bipartisan majority of the Senate Judiciary Committee agreed in December 2015 when it passed my amendment confirming that “the United States must not bar individuals from entering into the United States based on their religion.”

The chaos and confusion caused by this Executive order at our airports in the United States as well as around the world highlights the recklessness of this administration’s attempt to bar people based on their religion and national origin. The devastation this is causing to lawful immigrants and refugees fleeing violence is immeasurable. I fear for my constituents who are lawful permanent residents of the United States who also happen to be nationals of one of the seven targeted countries. Due to the widespread outrage expressed by thousands of concerned citizens and legal challenges across the country, the Trump administration has now clarified that the Executive order should not apply to legal permanent residents. But there continues to be an understandable fear that the Trump administration may again attempt to bar them from this country. Like them, I fear that the Trump administration may again seek to bar lawful immigrants from returning to their homes, work, and families in Vermont. I also fear for the young Somali refugee in Vermont who has been patiently waiting for the completion of the resettlement process so that his pregnant wife and young son will be saved from the squalor of a refugee camp and reunited with him in Vermont. And the man from Sudan who has been waiting for his two young sons to finally be granted their visas to join him and the rest of their family. And the husband whose Libyan wife was recently granted a visa and has been waiting for the International Or-

ganization for Migration to arrange her flight to the United States. I am concerned for these families and for so many others in Vermont and around the country.

Americans are bound together by our shared ideals. Among those ideals are tolerance and diversity. They unite us as a nation; they make us stronger. That is the message we should be embracing—one of inclusion, not one of exclusion and division. Federal District Court Judge Geoffrey Crawford perfectly encapsulated this sentiment at a naturalization ceremony for 31 new Americans in Rutland, VT, last week. The summary of his powerful remarks, which he directed particularly to our new Muslim citizens, was this: “You are equal in the eyes of the law.” This simple message is clear, and unequivocal: You are welcome, you are equal, you are protected.

That is why I am introducing a resolution expressing the sense of the Senate that no one should be blocked from entering the United States because of their nationality, race, ethnicity, religion, sexual orientation, gender identity, or gender. Adoption of this resolution simply reaffirms the basic principle that this country does not have a litmus test. It will also show that the Senate will not allow fear to undermine the very principles and values that we cherish and that we have sworn to defend. The resolution is consistent with the strong bipartisan actions taken by the Senate less than 4 years ago when we passed comprehensive immigration reform legislation that included protections for refugees and asylum seekers. I urge Senators to come together once again in support of my resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 7, 2017, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 7, 2017, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Tuesday, February 7, 2017, off the Senate floor immediately following the vote scheduled at 12 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, February 7, 2017, from 2:30 p.m. to 4:30 p.m., in room SH-219 of the Senate Hart Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CASEY. Mr. President, I ask unanimous consent that Zach Ormsby of my staff be granted floor privileges for the duration of the consideration of the DeVos nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION

Executive nomination confirmed by the Senate February 7, 2017:

DEPARTMENT OF EDUCATION

ELISABETH PRINCE DEVOS, OF MICHIGAN, TO BE SECRETARY OF EDUCATION.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise this evening to continue the dialogue of the conversation about the candidate, the nominee for Attorney General. I rise to join my colleagues in opposition to the nomination.

I witnessed earlier tonight something that greatly disappointed me. One of my colleagues, as was mentioned earlier, stood up to read into the RECORD a letter, as we just saw, that has been a part of the RECORD of this body for decades—to read that letter into the RECORD. That was then stopped through the Chair because it was said to impugn another sitting Senator.

As CHUCK SCHUMER said, that is selective enforcement, but to me there is that going on and a lot more.

I used to preside in the first months I was in the U.S. Senate and sat and listened to the speeches of many of my colleagues. I have to say, I am proud to be a Member of the body, where folks on both sides comport themselves with a level of comity that is admirable.

I heard some people tonight decry the descending of this body into unfortunate places, but the reality is, my experience has been, on the whole, very positive. The respect and the collegiality here is something that makes this place incredibly valuable to work. Though the public might not see it, there are a lot of bills that get worked on together and even get to the floor, many of them get votes, many of them get passed. I am proud to have

passed many of those bills with my colleagues, colleagues whom I don't just consider colleagues; frankly, I consider them friends.

But within that context, I have to say I have watched when I sat in the Chair and had to listen many times when people said things that made me feel they were unfortunate. I watched the President of the United States talk about his character and his motives in ways that I thought were disparaging, but amidst all of this, in my 3 years, I have never seen someone stopped from speaking on the Senate floor when, as the Democratic leader said so clearly, there could have been many other times where that rule was used, and that is a frustration.

But what makes it more of a frustration is the context in which it happened tonight. You see, Senator WARREN stood up and was speaking with a passion about this nomination. And in the midst of her speaking her truth, in the midst of her speaking her heart, she was stopped as she read something into the RECORD that had been there for decades. To me that is problematic not just because it was a regular speech but because this had to do with her constitutional duty of providing advice and consent. She wasn't just quoting someone, something that she heard on the street, some hearsay. She was actually quoting Coretta Scott King, a civil rights hero, the wife of the slain Martin Luther King, who we, as Americans in our Nation—we don't have many of them—literally recognize with a national holiday. So that makes it all the more disturbing to me that Senator WARREN would stand up, exercising what is one of her specifically constitutional, mandated duties and was stopped because of a rule being enforced that in my opinion, as well as Leader SCHUMER's, is selectively enforced. But let's go further into the fact that the contents of that letter, much of it shared, are actually substantive and have bearing on the thoughts and feelings of many people in the Senate.

I was raised by a family who made very clear to me something that I think Elie Wiesel said: The opposite of love is not hate, it is silence. It is a profound sin to witness injustice, to see something wrong, and to simply be a bystander, to not speak up.

What I respect about many of my colleagues, even those with whom I disagree—and what I respect about Senator WARREN—is that they embody a tradition that I was taught by my parents: to speak truth to power, to speak truth even if your legs are shaking, even if your voice quivers. Speak truth. Do not be a bystander. Do not sit in indifference. Stand up and speak your truth. Do not let your soul be silenced.

We are here as a country because at a time of rife moral injustice, people didn't remain silent. This idea of

speech in this country is so important that it is enshrined in the Constitution that we should have freedom of speech, and, yes, it is not always comfortable to hear.

I sat where the Presiding Officer, the Senator from Alaska, is sitting, and there were many times I heard things that were uncomfortable, that I disagreed with, that I thought were wrong, but this body should respect the idea of free speech.

Tonight, I am proud of Senator WARREN. She stood and told her truth. To see this body act as it did tonight is disappointing to me, and it is not a violation of the ideals of comity. It is not.

I heard great conversations from people I revere. Senator HATCH spoke tonight. He is a great man. I don't agree with him all the time. I think some of his ideas—I actually think sometimes they are dangerous ideas, but I respect him. He and Teddy Kennedy—two men who argued with each other, sometimes with voices raised in a lack of comity—had a love for each other.

I was told by other senior Senators when I first arrived: Yeah, give it all you have got in debates. Argue and fight, but understand that in the end we are all people who love our country.

Nobody is questioning JEFF SESSIONS' love of country. Nobody here is questioning his kindness and collegiality. I experienced that. I have spent 3 years in the Senate. He is far senior to me, and there is no time that we connected on the floor or in the Senate gym in which he didn't show me kindness and respect. Let's put that aside.

He and I even stood together and passed a resolution here in this body to give the Medal of Freedom to marchers across the Edmund Pettus Bridge. One of those marchers was JOHN LEWIS.

Does that mean that if JOHN LEWIS believes strongly that to have JEFF SESSIONS ascend to the most powerful law enforcement office in the land, he should remain silent? Does that mean he should be quiet about that? No. In fact, JOHN LEWIS testified in the hearings in the Judiciary Committee against JEFF SESSIONS. Why? Because that is our tradition.

So I start my remarks tonight, aggrieved by what I saw happen to ELIZABETH WARREN. In fact, it stunned me. I didn't even believe it when I heard that a U.S. Senator would be silenced by another U.S. Senator from reading something that had been in the RECORD for 30 years, as if somehow we are afraid to hear that truth on that paper or in her heart. God bless her for standing up and speaking up and refusing to be silent, and then, in the tradition of the King family, taking the consequences.

I want to state that what she did respects a difference that is worth analyzing for a moment. We have colleagues here with whom we disagree. We are part of the U.S. Senate. There is a lot of respect back and forth.

Again, the senior Senator from Utah is a giant in my eyes. The eulogy he gave at Senator Teddy Kennedy's funeral was one of my favorite U.S. Senate moments, even though it didn't happen on this floor. But it did show that two men could fight and disagree and could still have respect for each other; two men could raise their voices at times and have passionate arguments about what they believed in. This body was designed to bring people of diverse geographies—thank God, eventually diverse racial backgrounds, diverse gender—all together to represent our States and to have it out.

No one Senator has supreme power. This is not the Executive branch. Both sides have to want things. We have to meet a 60-vote threshold on some occasions. That is the type of power we have here.

When someone from here leaves this position and moves to the executive branch and is heading an agency, they have tremendous power. In fact, the Attorney General is one of the most powerful positions in America and actually even in some sense is independent of the Presidency. The idea of the Attorney General is that when the President is wrong, the Attorney General has a role and lets the President know that, taking the appropriate action.

So while JEFF SESSIONS is a valued colleague as a Senator, there is a moral obligation that all of us have enshrined in the Constitution of the advice and consent power to tell our truth because here our power as individuals is made manifest by our ability to develop coalitions. But in the executive branch, especially in the Attorney General's position, that power is residing in the individual, that power is real, that power has dramatic effects on the lives of everyday Americans. So when that is happening, we cannot remain silent.

I am so proud that Senator ELIZABETH WARREN actually did not just read a letter of Coretta Scott King; she honored that Martin Luther King tradition. King said: "Our lives begin to end the day we begin to be silent about things that matter." King also wrote: "There comes a time when silence is betrayal."

I can't betray my values or my ideals. This body is in many ways a testimony to the ideals of freedom of speech in America, a body that is exhibiting in many ways to this country why fervent debate is so important in the marketplace of ideas.

To silence a voice, to silence a Senator—that is unconscionable under the pretext that somehow she was impugning the character of another Senator. That is unacceptable, especially in light of so many things that have been said on the Senate floor that weren't checked, weren't called out. But at a time when a Senator is standing strong for what she believes and speaking her

truth, there is what is tantamount to a censure.

I came to this body on a very auspicious day. It was Halloween. I was sworn in on Halloween, 2013. It was October, and my election was just days earlier. Six days before I had been elected to the U.S. Senate, my father died.

I confess, on that day I was feeling a sense of pride, standing right over there with the Vice President. I was feeling pride, but I was also hollow in my heart. I was hurting because I knew my dad would have wanted to see me become a Senator. This guy who was born poor in a segregated community in the South, in the mountains of North Carolina, could never have imagined that one day his son would be sworn in as a U.S. Senator.

My dad taught me lessons, as so many of our fathers did. I learned about hard work. I learned about sacrifice. Jane Baldwin said it best: Children are never good at listening to their elders, but they never fail to imitate them. I thank God to this day that I had models to emulate.

But if there is anything my father taught me, it is: Son, you didn't get where you are on your own. That is interesting for me to hear from a guy who, by every other measure, was a self-made man. To watch my dad go at his craft, to watch him work and sacrifice on snow days in New Jersey, when I was a grade school kid, the first sound I would hear would be him shoveling the driveway because he was going to be the first person at work, no matter what. Often I would come home from school or go to my games and my dad wouldn't be there because he was going to make sure to be the last one to leave the office, setting the bar as a manager.

But here was a self-made man, looking at me every step of the way, and letting me know: Son—sometimes it would be boy—you didn't get here on your own. I would walk around my house, staring in the refrigerator, and he would say: Boy, don't you dare walk around this house like you hit a triple. You were born on third base.

Well, yes, I got it after years because my father said: Son, you are where you are because of this Nation, not just the values and ideals. I mean, come on, I want to tell the truth. This is a country that was formed with a level of genius that I can't take away from, a level of ascendant thought in the span of human history that is remarkable, and my father respected that, but he knew that what makes this country real was not just what our Founders did, it is what average Americans did to make real the promise of this democracy. Even when challenges occurred in this country, they didn't think they befell themselves, they somehow fought to make this country more real.

As great as our Founders are and as great as our Constitution is, let's look at those documents and be honest with each other. Native Americans are referred to as savages in our Declaration of Independence. Women aren't referred to at all. African Americans were fractions of human beings. What was the spirit that took an imperfect document and founding ideals and made them more perfect? What was that spirit?

(Mr. SCOTT assumed the Chair.)

I want to read the words of Thurgood Marshall. He delivered them in May of 1987. I was a high school student. It was on the vacation of the bicentennial of the Constitution itself. This is what he said:

The year 1987 marks the 200th anniversary of the Constitution. A commission has been established to coordinate the celebration.

He goes on:

Like many anniversary celebrations, the plan for 1987 takes particular events and holds them up as the source of all the very best that followed.

He writes:

Patriotic feelings will swell, prompting proud proclamations of the wisdom, foresight and sense of justice shared by the Framers and reflected in a written document now yellowed with age. This is unfortunate—not the patriotism itself but the tendency for the celebration to oversimplify, and overlook the many other events that have been instrumental to our achievements as a nation. The focus of this celebration invites a complacent belief that the vision of those who debated and compromised in Philadelphia yielded the "more perfect Union" that is said we now enjoy.

This is Thurgood Marshall:

I cannot accept this invitation, for I do not believe that the meaning of the Constitution was forever fixed at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today. When a contemporary American cites "The Constitution," they invoke a concept that is vastly different from what the Framers barely began to construct two centuries ago.

For a sense of the evolving nature of the Constitution we need look no further than the first three words of the document's preamble: "We the People." When the Founding Fathers used this phrase in 1787, they did not have in mind the majority of America's citizens. "We the People" included, in the words of the Framers, "the whole Number of free Persons."

On a matter so basic as the right to vote, for example, Negro slaves were excluded, although they were counted for representational purposes as three-fifths each. Women did not gain the right to vote for over 130 years.

Thurgood Marshall writes:

These omissions were intentional. The record of the Framers' debates on the slave question is especially clear: The Southern

States acceded to the demands of the New England States for giving Congress broad power to regulate commerce, in exchange for the right to continue the slave trade.

The economic interests of the regions coalesced; New Englanders engaged in the “carrying trade”—and it continues.

Thurgood Marshall goes on:

Even these ringing main phrases from the Declaration of Independence are filled with irony, for every draft of what became the Declaration assailed the King of England for suppressing legislative attempts to end the slave trade.

The final draft adopted in 1776 did not contain this criticism. And so again at the Constitutional Convention, eloquent objections to the institution of slavery went unheeded.

Thurgood Marshall goes on to so eloquently discuss the evolutions it took to come to where we are today. He writes that the men who gathered in Philadelphia in 1787 could not have envisioned the changes that have taken place that resulted in the world in which he was living here in 1987.

He writes:

I could not have imagined, nor would they have accepted, that the document they were drafting would one day be construed by the Supreme Court, to which had been appointed a woman and the descendant of an African slave—

Thurgood Marshall himself—

that “We the People” no longer enslave, but the credit does not belong to the Framers, it belongs to those who refused to acquiesce an outdated notion of liberty, justice, and equality, and who strived to make them better.

So when I swore my oath, days after my father died—after the man who taught me that the liberties and the freedoms and the privileges and the abundance that I enjoyed when I had the fortune of calling myself an American—that those liberties, those freedoms, the justice, the opportunity that I enjoy—yes, I may be a hard worker; yes, I may sacrifice; yes, I may struggle; but all of this was made possible because of the fights and the struggles and the courage of others. It was made possible by people who did not sit on the sidelines of history, who understood that democracy is not a spectator sport; that even though it is not comfortable or convenient or easy, sometimes, in the course of human events, for the cause of your country, you have to stand up and fight.

So before I swore that oath, my mom—before I hit the Senate floor and became a Member of this august body, she took me across the Capitol to meet with another man because she wanted the last thing that I did to be a humble recognition of upon whose shoulders I stood. The last thing I did before I became a U.S. Senator was to meet with JOHN LEWIS.

Congressman LEWIS, if you know him, you are shaken by his goodness and his decency. You are shaken by his kindness. I don’t want to elevate him. He is not a perfect man, but this is a hero to me and to so many Americans.

He is someone who lives his values, doesn’t just preach them. And when I sat to have a meal with him—he had put a spread together—he told me that when I was sworn in as the fourth popularly elected African American in the history of this body, it was a triumph for him, that it made him proud. Here I am standing before my mom’s classmate, my parents’ generation, and he is elevating me and telling me how important this day is to him.

What is fascinating to me was he didn’t just speak those words. I looked around his office and it was like a civil rights museum—people who marched for me and you and others; people who went on freedom rides for me and you and others; people who fought for voting rights for me and you and others. All the while I am sitting there, and he will not even let me get up. He is serving me food. That is his spirit.

What is incredible to me is it gives incredible testimony to this truth that this Nation is great not because it was easy to get here, not because it was destined to be so but because Americans all along in our history did the challenging thing to try to move this democracy forward.

So does JOHN LEWIS love Senator SESSIONS? Yes. JOHN LEWIS is an embodiment of love. He is a man who has forgiven his attackers, who literally has had people who beat him years later become people he embraces. And even though we love each other and respect each other, love is difficult and hard. It is a hard thing to do. Sometimes love requires telling the truth. Love requires not being silent. Love isn’t politic, and sometimes love breaks traditions.

I chose to testify against a Senator, and I took criticism for it—probably deservedly so—but I did so because when I testified, what made it more evidently clear or highlighted my decision is that I was sitting next to JOHN LEWIS. He never asked if it was convenient or politic for him to freedom ride. He didn’t ask if it was safe to march across the Edmund Pettus Bridge. He didn’t ask if it might make people feel uncomfortable or be the subject of scorn. He was telling people to go out and register to vote. He decided to do it because it was the right thing to do.

I want to read from his testimony. On that day, I was privileged to sit next to my hero in a judiciary hearing. This is what he wrote. This is what he spoke:

Millions of Americans are encouraged by our country’s effort to create a more inclusive democracy the last 50 years, but what some of us call a beloved community, a community at peace with itself. We are not a minority. A clear majority of Americans said they want this to be a fair, just, and open Nation. They are afraid that this country is headed in the wrong direction. They are concerned that some leaders reject decades of progress and want to return to the dark past when the power of the law was used to deny

the freedoms protected by the Constitution, the Bill of Rights, and the amendments. These are the voices I represent today.

We can pretend that the law is blind. We can pretend that it is even handed. But if we are honest with ourselves, we know that we are called upon daily by the people we represent to help them deal with unfairness in how the law is written and enforced.

Those who are committed to equal justice in our society wonder whether Senator Sessions’ call for law and order will mean today what it meant in Alabama when I was coming up back then. The rule of law was used to violate the human and civil rights of the poor, the dispossessed, people of color. I was born in rural Alabama, not very far from where Senator Sessions was raised. There was no way to escape or deny the choke hold of discrimination and racial hatred that surrounded us. I saw the signs that said “White Waiting, Colored Waiting.” I saw the signs that said, “White Men, Colored Men;” “White Women, Colored Women.” I tasted the bitter fruits, the bitter fruits of segregation and racial discrimination. Segregation was the law of the land to order our society in the Deep South. Any Black person who did not cross the street when a White person was walking down the same sidewalk, who did not move to the back of the bus, who drank from a White water fountain, who looked at a White person directly in their eyes, could be arrested and taken to jail.

The forces of law and order in Alabama were so strong that to take a stand against its injustice we had to be willing to sacrifice our lives for our cause. Often, the only way we could demonstrate that a law on the books violated a higher law was by challenging that law, by putting our bodies on the line and showing the world the unholy price we had to pay for dignity and respect. It took massive, well-organized, nonviolent dissent for the Voting Rights Act to become the law. It required criticism of this great Nation and its great laws to move toward a greater sense of equality in America. We had to sit in, we had to stand in, we had to march. And that is why more than 50 years ago a group of unarmed citizens, Black and White, gathered on March 7, 1965, in an orderly, peaceful nonviolent fashion to walk from Selma to Montgomery, AL, to dramatize to the Nation and to the world that we wanted to register to vote, wanted to become participants in a democratic process. We were beaten, tear-gassed, left bloodied, some of us unconscious, some of us had concussions, some of us almost died on that bridge.

But the Congress responded. President Lyndon Johnson responded, and the Congress passed a Voting Rights Act, and it was signed into law on August 6, 1965. We have come a distance. We have made progress. But we are not there yet. There are forces that want to take us back to another place. We don’t want to go back. We want to go forward. As the late A. Philip Randolph, who was the dean of the March on Washington of 1963, often said, “maybe our forefathers and our foremothers all came to this great land in different ships, but we are all in the same boat now.”

It doesn’t matter how Senator Sessions may smile, how friendly he may be, how he

may speak to you. But we need someone who is going to stand up, speak up, and speak out for the people that need help, for people that have been discriminated against. And it doesn't matter whether they are Black or White, Latino, Asian, Native American, whether they are gay or straight, Muslim, Christian, or Jews. We all live in the same house—the American house. We need someone as Attorney General who is going to look out for all of us and not just for some of us.

Now, he speaks:

I ran out of time. Thank you for giving me a chance to testify.

JOHN LEWIS had 5 minutes before the Judiciary Committee—5 minutes to enter words into one of the greatest historical records of all time—the record of this body, the record of the Judiciary Committee. He brushed on issues that aren't a passing fancy to him. He has lived for these issues. He has fought for these issues. He has dedicated his life to these issues. This man, this champion, chose not to be silent. He had a window of opportunity.

That doesn't mean he doesn't love JEFF SESSIONS. I know he does. It doesn't mean that he doesn't think he is kind and collegial when the two meet. I have watched them. Senator JEFF SESSIONS and I were there to present him with the Congressional Medal. But what it means is that he has real concerns about the cause of our country, because this Nation has made such dramatic strides towards freedom and justice. It has made those strides because people like him, folks from all different backgrounds didn't just pledge allegiance to the flag. They didn't just say the words "liberty and justice for all." They put their lives on the line to make it happen.

I have seen this kind of patriotism made real in my lifetime by the men and women who put the uniform on to serve us overseas, all the way to men and women putting uniforms on to protect our neighborhoods, who make rational choices every day to fight for our safety, our security, for our liberty, and for our justice.

I stand here now to speak out against JEFF SESSIONS becoming the highest law enforcement officer of the land, not because of any personal feelings I have about him—because I too, like I was called to do as a little boy in Sunday school, believe in the ideals of love thy neighbor. It doesn't detract from that love to speak up, to speak my heart, to speak my mind.

Senator ELIZABETH WARREN stood up speaking the words of Coretta Scott King. It doesn't detract from the collegiality of this institution for her to speak her mind, especially when those are issues that are at the core of our Constitution.

Take voting rights. I don't have the authenticity to speak on voting rights that someone like JOHN LEWIS has. But I have watched what is happening in my country—all this talk coming from the highest office in the land about

voting fraud. The chances of encountering in-person voting fraud in this Nation is about the chances of getting struck by lightning. You might even have a better chance of going and playing the lottery tonight and winning than in encountering voter fraud. But the real issue is voter suppression.

Now, I am not just saying that as a partisan spouting. I am actually referring to actual judicial inquiries of the Federal Government. In the State of North Carolina, as soon as the Shelby decision came and before the ink got dry, States like North Carolina, Texas, and others started to change their voting laws. It is hard to do things in the cover of night without the power to investigate what actually happened. A Federal judge saw in North Carolina, and said that they were discriminating against African Americans, that they had tailored this law—I think the quote exactly is—with surgical precision to discriminate against African-American voters. This is not fiction. This isn't made up. These are the facts.

There are still people in this country in positions of power who are seeking to pervert the law to discriminate against certain populations and advantage themselves politically. It is not just cheaters. But it is clearly discriminatory in this case on race.

Now, if we know that is going on, JOHN LEWIS, myself, millions of Americans, Republicans, Democrats, and Independents believe that we should investigate these things. But the problem is we now have someone that is nominated to the very office, the Justice Department, who has said that the activities around voting rights to investigate these issues are intrusive. This is at a time when we still have issues with voting where States are moving not to open up the access to voting, not to make it easier, not to make it more free and fair. There are folks who are trying to create laws that are choking it, and some of these laws factually have been designed to disadvantage certain populations.

The highest law enforcement officer in the land has an obligation to aggressively investigate these potential violations of law. But we have listened to what the priorities are of Senator SESSIONS. It is not to investigate what is real, what is substantive, what has happened and likely will happen. It is to investigate the fiction created, documented, that somehow millions of Americans woke up in the morning and said: Do you know what I am going to try to do? I am going down to a polling place and fake my way into voting. It is hard to get millions of Americans to vote, period, sometimes, but somehow this fiction is the highest priority when it comes to voting of this Attorney General.

I will not be silent on this issue. I am here and we are here because people fought to stop violations of voting. We

as Americans should have confidence that the highest law enforcement officer in the land won't criticize any efforts on voter suppression but will actually work to do something about it.

Something else that was spoken about in JOHN LEWIS's testimony that is a real issue in America and this has to do with the prevalence in this country of ongoing hate crimes. Senator SESSIONS, as a Senator, again in a body in which one Senator does not have the power to pass legislation, failed to stand with the majority of Senators when it came to issues of laws that were designed for dealing with bias-motivated crimes that target specifically people's sexual orientation and gender identity.

There was a specific law, the Matthew Shepard and James Byrd, Jr., law. These are two Americans who were targeted because of their respective sexual orientation and race. Senator SESSIONS' comments at the time were that this law would "cheapen the Civil Rights Movement."

You have in the testimony a civil rights hero talking about the challenges facing the LGBT community, a civil rights hero who is joined with me and others, decrying the fact that in this country right now you may have the right to marriage equality, but still in most States in America if you get married, you post it on your Facebook page, you go to work the next day, your boss says you are fired because you got married to someone of the same sex, and there is no legal recourse.

Senator SESSIONS on same-sex marriage even went as far as to say it is not disputable that adopting a same-sex marriage culture undermines and weakens marriage. I don't even know what to say about a same-sex marriage culture. I would never question that love and that bond between two Americans that now is the law of the land.

I don't know what it means to someone when they criticize a law that is going to work against violence. Please understand, this violence is not a rare thing like in-person voter fraud. We know that today still too many lesbian, gay, bisexual, and transgender Americans feel unsafe in their communities. A significant percentage of gay and lesbian children report missing school because of fear.

The data from the National Coalition of Anti-Violence Programs shows that 20 to 24 percent—about one in five—of lesbian and gay people experience hate crimes and that LGBT Americans of color are particularly at risk. Often those hate crimes are utterly tragic.

In 1998, Matthew Shepard was a 21-year-old student at the University of Wyoming. He went to the bar that evening, like many 21-year-olds do. Two men offered him a ride home, and he accepted. Instead of bringing him home, they brought him out into a

field. They taunted him with epithets, hatred directed at him because he was gay, and then they beat him savagely and left him for dead.

This is what one of our Nation's magazines, *Vanity Fair*, wrote:

A passing cyclist saw what he thought was a scarecrow lashed to a wooden buck fence on a remote plot of land. The scarecrow turned out to be Matthew, unconscious, a huge gash in his head, his face drenched with blood except where his tear trails had washed it clean. His shoes were missing.

After police questioning, Aaron McKinney confessed that he and his friend Russell Henderson had met Matthew at the Fireside Bar & Lounge on Tuesday night and posed as gay to lure him into their truck. Then they drove him to an out-of-the-way location, bound him to a fence, pistol-whipped him, and taunted him while he begged for his life. Then they banded the gentle five-foot-two, 105-pound freshman to hang there for 18 hours, losing blood as the temperature dropped.

That same year, James Byrd, Jr., a 49-year-old African-American man, was walking home from his parents' house in Texas when he was also offered a ride home. They didn't bring him home either. They brought him to the middle of the woods where he was beaten and then chained to a pickup truck and dragged along the road for 2 miles. He had been targeted by three White supremacists.

The Acting Assistant Attorney General for the Civil Rights Division at the Department of Justice Jocelyn Samuels wrote the following in 2013: But while the men responsible for the Shepard and Byrd killings were later convicted of murder, none of them were prosecuted for committing a hate crime. At the time these murders were committed, neither Wyoming nor Texas had hate crime laws, and existing Federal hate crime protections did not include violent acts based on the victim's sexual orientation and only covered racial violence against those engaged in a federally protected activity, such as voting or attending school. Four years ago today, President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act. This landmark legislation, championed by the late Senator Ted Kennedy, greatly expanded the Federal Government's ability to prosecute hate crimes. The law enables the Justice Department to prosecute crimes motivated by race, color, religion, and national origin without having to show that the defendant was engaged in a federally protected activity. The Shepard-Byrd Act also empowers the department to prosecute crimes committed because of a person's sexual orientation, gender identity, gender or disability as hate crimes. The law also marked the first time that the words "lesbian, gay, bisexual and transgender" appeared in the U.S. Code. Under the leadership of Attorney General Holder, the Criminal Section of Civil Rights Division and

U.S. attorney's offices around the country have used that law to address the most serious hate crimes. Over the last 4 years, 44 people in 16 States have been convicted under the Shepard-Byrd act for their discrimination in crimes against others on the basis of race, religion, national origin, sexual orientation, gender identity or disability.

This is what we expect from the Department of Justice. Hate crimes against gays, lesbians, bisexuals, and transgender are tragically common in this country. Discrimination, hate, and violence is not rare in this community. It is real. It is a scourge. It must be stopped, and the highest law enforcement officer in the land must follow the Federal law, must see it as a priority, must see it as an urgency, must use their prosecutorial discretion to put resources toward those prosecutions.

So when Civil Rights leaders like JOHN LEWIS understand the truth that the Civil Rights Movement wasn't about Black people, it was about American people, it was about justice for all, it was about freedom from violence for all, it was about equal rights for all, that he cannot be silent when someone is discriminated against because of how they pray or how they love.

None of us can be silent if we believe in those words: liberty and justice for all. At a time where this is a real problem, we should trust that the highest law enforcement officer would do something about it, would vigorously and seriously defend and fight against the kind of horrific crimes that are still being perpetrated in America. That is not all.

We see that in his testimony. We see that JEFF SESSIONS spoke at length about this idea of law and order. I respect that idea of law and order, but the call of our country isn't law and order. We have seen totalitarian States. We have seen dictatorships. We have seen all kinds of countries that restrained freedoms and liberties, found the repression and oppression. We found that law and order can be established in many ways. This country was founded with a higher ideal to pursue. It is what has called so many Americans forth in pursuit of this high ideal.

It is not just law and order. It is the pursuit of justice. It is an understanding that as King said, "Injustice anywhere is a threat to justice everywhere." One of those fundamental principles of justice is this idea of equal protection under the law.

The Attorney General has an obligation to pursue this idea of equal justice. I used to be a mayor. In the city in which I still live, in Newark, NJ, we were always looking to fight crime, and we knew lowering crime didn't just have to do with police. Sometimes police are busily working on the symptoms of the deeper problems, and we as

a society have to address them. That is why drug treatment is such a critical way of delivering justice and fighting crime. That is why programs that help people coming home from prison help to lower crime. That is why mental health care is so important for fighting crime, but you cannot take it away from any American.

The truth is there is so much of a need to celebrate our law enforcement in this country. I have watched law enforcement officers do acts of heroism and courage that shows they are worthy of the highest celebrations, and so many Americans don't know this. They don't understand that so many law enforcement officers every single day risk danger, and our law enforcement officers should be lauded for these great women and men who, every single day, are out in our communities entering into difficult circumstances.

I still remember my police director—one time he was on the phone. There was an awful hostage situation, and we were discussing how to deal with it. Then over the phone I heard gun shots go off, and suddenly in the background I heard officers yelling, "Go, go, go, go!" These officers, hearing bullets firing, had no situational awareness whatsoever and stormed into that building. Most of us hearing gun fire would drop down; these men and women stood up. Most of us hearing gun fire might run in the other direction; these men ran toward that problem.

As the mayor of a city working directly with police officers, I could give countless examples and great testimony as to the strength and courage of officers. I commend JEFF SESSIONS for talking about how important our police officers are, but understand that it does not diminish our respect and our love and our admiration and our gratitude toward police officers, toward law enforcement in this country to ask that we make sure, through systems of accountability, that we are holding law enforcement officers to the highest levels of professional conduct. There is not an officer I know that has any problem with that.

This is what concerns me: We know in this country that we have challenges with an equal application of the law. One recent study from researchers at the University of Louisville and the University of South Carolina documented that unarmed Black men were shot and killed in 2015 at disproportionately higher rates. We have seen other challenges with poor communities and African-American communities having unjust usage of the law directed toward them. We all know about Ferguson, MO, where the city's law enforcement practices disproportionately impacted African Americans. It was the Justice Department that investigated the Ferguson Police Department and found that from 2012 to 2014, Blacks accounted for 85 percent of vehicle stops,

90 percent of citations, and 93 percent of arrests. This is in spite of the fact that Blacks made up only 67 percent of the total population. The information came to light because of the Justice Department's investigation.

In Baltimore, the Department of Justice found that the Baltimore Police Department targeted policing of certain Baltimore neighborhoods with minimal oversight or accountability, disproportionately harming Black residents; the Baltimore Police Department stops African-American drivers at disproportionate rates. African Americans accounted for 82 percent of all vehicle stops compared to 60 percent of the driving age population in the city and only 27 percent of the driving age population in the greater metropolitan area. Racial disparities in the Baltimore Police Department's arrests are more pronounced for highly discretionary offenses. Blacks accounted for 91 percent of the people charged solely with failure to obey or "trustpass." Blacks were 89 percent of the 1,353 people charged for making a false statement to an officer; 84 percent of the people were arrested for disorderly conduct.

These challenges with policing are complex. Even communities very conscious of and sensitive to these issues struggle with the equal application of justice. I don't just say this; I experienced it.

When I was mayor of Newark, we were making a very conscious effort to improve, yet we still found difficulties. When the Department of Justice came to our city, they were able to do data gathering that we did not do. Perhaps we didn't have the resources, didn't understand the urgency. But when the Department of Justice came in and pulled that data, put a lot of resources into analyzing it, they found about 80 percent of the Newark Police Department stops and arrests involved Blacks, while the population is 53.9 percent Black. Black residents of Newark were at least 2.5 times more likely to be subjected to a pedestrian stop.

The data that was pulled by the Department of Justice helped us to step up our work with the ACLU and others and begin to address these issues. The Department of Justice's investigations, accountability, working with local law enforcement departments have helped make changes in Newark and Ferguson and will help make change in Baltimore and all around our country.

But Senator SESSIONS has aggressively criticized the use of these kinds of consent decrees, this kind of intervention. This is a critical tool that the Justice Department is now using to curtail patterns and practices of discrimination within police departments. But Senator SESSIONS calls them an end run around the democratic process.

During his confirmation hearings, Senator SESSIONS said: "I think there

is a concern that good police officers and good departments can be sued by the Department of Justice when you just have some individuals within the department doing things wrong." That is problematic to me because it is a failure to understand the larger challenges we have with policing in America: This is not something; it is just a few bad officers. And even that construction of this idea that it is somehow bad officers versus good officers—when it comes to implicit racial bias, and how it is impacting law enforcement in America, sometimes people don't even feel comfortable with those terms, "implicit racial bias," as if it is somehow calling people racist, which it is not. It is actually this idea that we, at the Federal Government, the Justice Department, working with localities, can actually help departments begin to address the reality in this country that we have a justice system that does not have equal application of law enforcement. This is a real problem in this country. And when I say it is a real problem, again, this is not a partisan issue.

FBI Director James Comey, one of our highest law enforcement officers, to my knowledge, is a Republican. This law enforcement officer speaks with clarity about the urgency and the need to address this issue within American policing. He says that, unfortunately, in places like Ferguson and New York City and in some communities around this Nation, there is a disconnect between police agencies and many citizens, predominantly in communities of color. Serious debates are taking place about how law enforcement personnel relate to the communities they serve. This is Director Comey in a speech he gave:

Serious debates are taking place about how law enforcement personnel relate to the communities they serve, about the appropriate uses of force, and about real and perceived biases, both within and outside of law enforcement. These are important debates.

Every American should feel free to express an informed opinion—to protest peacefully, to convey frustration and even anger in a constructive way. That is what makes our democracy great. Those conversations—as bumpy and as uncomfortable as they can be—help us understand different perspectives, and better serve our communities. Of course, these are only conversations in the true sense of that word if we are willing not only talk, but to listen, too.

Director Comey continues in his speech:

I worry that this incredibly important and incredibly difficult conversation about race and policing has become focused entirely on the nature and character of law enforcement officers, when it should also be about something much harder to discuss. Debating the nature of policing is very important, but I worry that it has become an excuse, at times, to avoid doing something harder.

Much research points to the widespread existence of unconscious bias. Many people in our white-majority culture have unconscious racial biases and react differently to a white face than a black face.

We simply must find ways to see each other more clearly. And part of that has to involve collecting and sharing better information about encounters between police and citizens, especially violent encounters.

The first step to understanding what is really going on in our communities and in our country is to gather more data related to those we arrest, those we confront for breaking the law and jeopardizing public safety, and those who confront us. "Data" seems a dry and boring word but, without it, we cannot understand our world and make it better.

How can we address concerns about "use of force," how can we address concerns about officer-involved shootings if we do not have a reliable grasp on the demographics and circumstances of these incidents? We simply must improve the way we collect and analyze data to see the true nature of what's happening in the all of our communities.

The FBI tracks and publishes the number of "justifiable homicides" reported by police departments, but again, reporting by police departments is voluntary and not all departments participate. That means we cannot fully track the number of incidents in which force is used by police, or against police, including nonfatal encounters, which are not reported at all.

Without complete and accurate data, we are left with "ideological thunderbolts." And that helps to spark unrest and distrust, and does not help us to get better.

Because we must get better, I intend for the FBI to be a leader in urging departments around this country to give us the facts we need for an informed discussion, the facts all of us need, to help us to make sound policy and sound decisions with that information.

This is the FBI Director talking about the urgency of collecting data and what the Justice Department has been doing for departments where people are making a case for bias in policing. I know this because it happened in Newark. The Justice Department comes in and collects data, analyzes the data, and comes to objective conclusions that are not, as Director Comey says, "ideological thunderbolts." And what they seem to be finding where they do these investigations is: Do you know what? Yes, a lot of these communities have a right to be upset because the policing practices do reflect bias, and there is not an equal application of the law.

If we are to breathe understanding and cooperation—trust me, I know this—to lead to even more effective policing, better police-community relations, we need to get the data out there. But we now have someone who is nominated to the highest law enforcement office in the land who has criticized this kind of work during a time over the last few years that we have seen cities erupting in protests. We have seen the call of hundreds of thousands, if not millions, of people trying to talk about Black Lives Matter, at a time when people are questioning law enforcement. What Director Comey and others are saying is: Let's get to the bottom of this. Let's not talk from sentiments or feelings; let's talk from experience and data.

So Senator SESSIONS' views on this are out of date. They run contrary to

where criminal justice reform is moving. They are in direct conflict with the people whom his office obliges itself to serve.

Given what he has said on the record, we can have no confidence that the issue of policing will be a priority if he is leading the Justice Department. In fact, we actually, with some certainty, can be confident that the Justice Department will not do this kind of aggressive data collection to understand the facts—the kind of work the FBI Director is calling for.

But it is not just the FBI Director. Listen to a letter from a group of over 160 law enforcement officials that was sent to the Senate about the need for comprehensive criminal justice reform. They write:

As current and former leaders of the law enforcement community—police chiefs, U.S. Attorneys, federal law enforcement, and heads of national law enforcement organizations—we believe that protecting public safety is a vital goal. Our experience has shown us that the country can reduce crime while also reducing unnecessary arrests, prosecutions, and incarceration. We believe the Sentencing Reform and Corrections Act will accomplish this goal and respectfully urge you to support it. We appreciate your leadership on and concerns for the important criminal justice issues facing the country today.

Our group, Law Enforcement Leaders to Reduce Crime and Incarceration, unites more than 160 current and former police chiefs, district attorneys, U.S. Attorneys, and attorneys general from all 50 states. Our mission is to replace ineffective police policies with new solutions that both reduce crime and incarceration. To achieve this goal, we focus on four policy priorities—one of which is reforming mandatory minimum sentences.

Let me pause there for a second. The wisdom in law enforcement now understands that you have to build faith and legitimacy in a department, and you do that through police-community relations. Law enforcement officers know that data collection is important.

When I was mayor of Newark, we made CompStat stronger and better—analysis of crime patterns and data. We use it to more effectively fight crime. But at a time of heightened suspicion and concern, at a time when leaders are talking about the reality of implicit racial bias, the highest law enforcement officer in the land should respect the truth and direction of criminal justice reform. But it is not just in policing; it is also in how we are looking at overall criminal justice reform.

In the United States of America, we have seen now that our criminal justice system since about 1980 on the Federal level has grown close to 800 percent, costing us as taxpayers billions and billions of dollars to lock up nonviolent offenders. We are disproportionate with the rest of planet Earth. We only have 4 to 5 percent of planet Earth's population, but one out of every four imprisoned people on the planet Earth is right here in the United States of America.

Do not tell me that when it comes to human beings on the planet Earth, Americans have a greater proclivity for criminality. That is just not true. Yet our so-called War on Drugs took us from being on par with the rest of planet Earth and suddenly shot us up with an 800-percent increase on the Federal level—500 percent overall in our Nation in throwing people in jail. This is disproportionately overwhelmingly non-violent people.

This drug war, incontrovertibly, has been persecuted on the poor. Drug laws are not equally enforced in this country, leading one great legal mind in our country, Bryan Stevenson, to say: We have a nation that seems to sometimes treat you better if you are rich and guilty than poor and innocent.

Well, let me tell you, in America, if you just use the lens of race, there is no difference between Blacks and Whites for using drugs or dealing drugs—none whatsoever. But if you are African American, you are about 3.7 times more likely to be arrested for those nonviolent drug crimes. But the truth is, if you use just race, socioeconomic status, you look at these issues, you see the poorest Americans disproportionately filling our jails and prisons. But what is worse than that, disproportionately you see addicted Americans not getting treatment, getting jail time; mentally ill people not getting health care, getting jail time.

All of this is running up the bill to a point in American history—at around the time I went to law school to the time I became mayor of Newark, we were building a new prison—about one every 12 days. The rest of the world was building better bridges, faster trains, better infrastructure than us. Our infrastructure has been crumbling, but, hey, as we are battling it out for infrastructure bills in this body—or hopefully will be—the reality is that we have been building out infrastructure like crazy, putting the rest of the Earth to shame when it comes to building one type of infrastructure: prisons—overwhelmingly, disproportionately warehousing poor people, addicted people, mentally ill people, and people of color.

What is beautiful about this issue amidst all of the negativity that I am expressing is that there is a bipartisan coalition of Americans that range from Grover Norquist, to Newt Gingrich, the Koch brothers, Heritage Foundation, the American Enterprise Institute—these are all folks on the right—who believe we need to reform our criminal justice laws, joining with people like me who are Democrats and Independents, Christian Evangelicals who know what the Bible says about people in prison. All of these coalitions, from libertarians, to Christian Evangelicals, even some vegetarians—we all are coming to a national consensus on criminal justice reform.

In this body, you have PATRICK LEAHY and DICK DURBIN partnering with the chairman of the Judiciary Committee, CHUCK GRASSLEY; MIKE LEE; the Senator from Texas, Senator CORNYN—all came together to put together a bill that was talked about by these law enforcement officers, a bill that would help us to bring justice to our criminal justice system, a bill that would help us reduce the level of incarceration but empower people to be more successful.

What is astonishing about this is this was not a bill showing leadership; it was showing followership because similar bills are being passed in States all across our country, from Georgia to Texas. Guess what they are finding out. When they lower their prison populations, they lower crime as well.

These mandatory minimums in our country have perverted our criminal justice system. In fact, most people still think that criminal justice is about courts and judges and juries, but that is not the case. Since we have seen this War on Drugs, this race to put more and more mandatory minimums, what has actually happened is, now most criminal convictions happen through plea bargain—about 98 percent are done through plea bargain—not trials any more.

There was a great book about why innocent people plead guilty. That is because you suddenly have a nonviolent drug offense for doing things that past Presidents have admitted to doing, but you have a mandatory minimum charge thrown at you that you either plead guilty to or we are going to take you in for 5 years or more.

Well, our law tried to do the obvious: Lower these mandatory minimums. Stop wasting taxpayer money by putting nonviolent criminals in jail for extraordinarily long times.

I was just at a Federal prison in New Jersey. I had the warden walking with me, telling me: There are people in here way too long. They are not a danger, but we are paying tens of thousands of dollars a year to lock them up. Meanwhile, our kids can't get money for public schools. We can't get money for fixing our roads.

So this bipartisan coalition came together and put together legislation that reflects what is happening in the States. That would have brought more justice to our criminal justice system, but it was fought against and criticized by JEFF SESSIONS.

But even beyond that, the Justice Department, acting on its own, has been lowering mandatory minimums, has been giving instructions to prosecutors on nonviolent drug offenses not to use mandatory minimums.

So with all of this, from policing, to sentencing, to rehabilitation, to access to drug treatment, all of this reform that is going on—not in a partisan way at all—one of the few people standing

against this bipartisan work, not just criticizing the legislation but criticizing the Justice Department for their work, has been JEFF SESSIONS.

Why is this an issue that, just like voting rights, LGBT, freedom from fear, freedom from violence, women's rights—why is this issue important? Why is it an issue that should be seen as so fundamental to our country? What we are seeing is the issue of mass incarceration affect our Nation in ways that most people don't fully understand.

It affects voting rights. One in five Black folks in Florida has lost their right to vote because of felony disenfranchisement overwhelmingly involving drug crimes, often doing things that people in Washington, in elected offices, have admitted to doing. That affects voting rights.

It affects poverty. One study came out that said we would have about 20 percent less poverty in America if we had incarceration rates that were similar to other nations. Why would we have 20 percent less poverty if we didn't have one-fifth of the global prison population? Well, because when you make that mistake for doing something that George Bush or Barack Obama admitted to doing, when you create that felony crime, what happens is you come out of prison and you can't get a Pell grant. You come out of prison and you can't get a job. You come out of prison and you can't get food stamps. You have door after door closed to you.

So these issues, taken together, are more than just about incarceration. It is about public safety. It is about empowering communities. It is about equal justice under the law.

The most powerful law enforcement office in the land sets priorities and has to drive forward the ideals of our country.

We are a nation that is great not just because, as I said earlier in my remarks, of our founding document, which, as Thurgood Marshall wrote, took a civil war and amendments, took an expansive vision of who is included in the ideal of "we the people," but it is the spirit of America that has pushed forward, where people in positions of power as well as grassroots folks embody that great American spirit.

I want to read from one of our great Americans, a man named Learned Hand. Judge Learned Hand wrote a speech called the "Spirit of Liberty." He hand-delivered the speech during World War II to 1.5 million people. It was a time when a whole bunch of naturalized citizens were there. He spoke to first-generation Americans and folks who could have traced their lineage far, far back.

He writes:

We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion.

Some of us have chosen America as the land of our adoption; the rest have come from those who did the same. For this reason, we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerved us, or those who went before us, to this choice? We sought liberty—freedom from oppression, freedom from want, freedom to be ourselves. This then we sought; this we now believe that we are by way of winning.

What do we mean when we say that first of all we seek liberty?

I often wonder whether we do not rest our hopes too much upon constitutions, upon laws, upon the courts. These are false hopes; believe me, these are false hopes.

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it.

While it lies there, it needs no constitution, no law, no court to save it.

And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few, as we have learned to our sorrow.

What then is the spirit of liberty?

I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interest alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to Earth unheeded; the spirit of liberty is the spirit of him who, near two thousand years ago, taught mankind that lessons it has never learned, but has never quite forgotten—that there may be a kingdom where the least shall be heard and considered side-by-side with the greatest.

And now in that spirit, that spirit of an American which has never been, and which may never be—nay, which never will be except as the conscience and courage of Americans create it—yet in the spirit of America which lies hidden in some form in the aspirations of us all; in the spirit of that America for which our young men are this moment fighting and dying; in that spirit of liberty and of America so prosperous, and safe, and contented, we shall have failed to grasp its meaning, and shall have been truant to its promise, except as we strive to make it a signal, a beacon, a standard to which the best hopes of mankind will ever turn; in confidence that you share that belief, I now ask you to raise your hands and repeat with me this pledge:

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

It is this spirit that, to me, must be emboldened in our country. We still have work to do. We still have challenges. We still have unfinished business. We have a position of Attorney General because there is still injustice. It is not just the fact that we still have crime in communities, still have people who live in fear of violence. That is a

reality. But there are also people who live in fear of hatred and in fear of discrimination. There are people who often don't have people at the local level to go to, and only the Federal Government can play that role of strident actor for justice.

There are still people who, for all these years, have their basic American freedoms—like their right to vote—being undermined, where people in power are trying to craft ways to discourage, to stop them from exercising that franchise. We still have a nation in which people are striving for justice.

I am proud of the voices we have heard tonight. I am proud of my colleague ELIZABETH WARREN, who felt the need to stand up and speak her truth. I am proud of heroes like JOHN LEWIS who testified and told his truth.

I realize that the hour is late, but the Senator from Hawaii is now here.

I oppose the nomination of JEFF SESSIONS and will vote no on the floor, and I hope my colleagues will join me in doing so as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I am an institutionalist. I believe in this place. I love this place. People don't always like the rules or how they are interpreted, how they are administered, but the rules have historically differentiated the Senate from any other legislative body in the world, and I believe in that.

But what Senator WARREN did earlier tonight was not over the line. And here we are worrying about decorum and rule XIX, which says that "No Senator in debate shall . . . impute to another Senator . . . any conduct or motive unworthy or unbecoming a Senator."

And let's be really clear here. This would not be a problem if Senator SESSIONS were not a Senator.

In other words, anytime a Senator is nominated for a Cabinet position, you can be as positive as you want, but if you want to be as tough on a Senator who has been nominated as we have been on Rex Tillerson or Betsy DeVos, you run the risk of breaking the rules.

Now let's pause a moment to understand how divorced from reality this is. While debating JEFF SESSIONS as the next Attorney General, ELIZABETH WARREN crossed an invisible line, and a rule almost never used was invoked.

The rule was not invoked when somebody called another Member a cancer. The rule was not invoked when somebody called another Member a liar.

Now, this is ridiculous, but it is actually not the main point. Here is the point. Lots of people—almost everybody in the world—everybody in this country does not have the luxury of worrying about decorum. What a luxury we have to debate if a stray comment crossed some theoretical line.

This place, this place of privilege, this place, the dome next door built by

slaves, this place, where there were hardly any women or people of color or gay people out of the closet until very recently, yet we spent hours worrying about whether ELIZABETH hurt JEFF's feelings or broke a sense of decorum. What a luxury it is to worry about that.

In the meantime, Muslim families in America are terrified. In the meantime, DACA kids are worrying about whether they have to go into hiding. In the meantime, LGBT youth are bullied in school. In the meantime, anti-Semitic attacks are on the rise across the country.

And we are here worrying about whether it is impolite to quote in full the statement of the widow of Dr. Martin Luther King, Jr.

Look, I am for this body. I am old-school. I like the rules. I spend a lot of time talking with the Parliamentarian at this desk so I can better understand it. But this body and its rules have to be in service to the country. The country is not in service to the rules and the body of the Senate.

Before I go on, I just want to thank the stenographers who are such a critical aspect of the Senate and have been running marathon sessions—literally marathon sessions. We rotate through. There are at least 30 of us doing about 30 hours of debate, but there are only seven of you, and your wrists are sore, your legs are sore. This is incredibly challenging. Yet without you, we have no Senate RECORD.

So thank you for your service and your contributions to the world's greatest deliberative body.

In his final speech as Attorney General, Eric Holder gave us a warning and one that remains relevant in the Senate today. He said:

Beware those who would take us back to a past that has really never existed or that was imbued with a forgotten inequity. Our destiny as Americans is always ahead of us.

Today our country faces a stark choice. Do we want to pursue an imaginary past or do we want to continue to follow the path toward progress? Do we continue in our struggle to form a more perfect union, to secure the blessings of liberty? It is hard to believe, but these are the dramatic choices before us as we consider the Cabinet nominations of this administration. And that choice is perhaps most clear in the nomination of our colleague Senator JEFF SESSIONS for Attorney General.

The Attorney General is the highest law enforcement official in the country. He or she is the defender of American values, of human rights, and of civil rights, and this person needs to have an unbreakable commitment to fight for what is right and to lead that pursuit in making America more free and more just. That is the kind of approach we need because that is what the job demands.

The Attorney General leads the No. 1 watchdog for civil rights in our country. It is the Department charged with protecting voting rights and prosecuting human trafficking and hate crimes. They determine and defend the constitutionality of U.S. policies. Our next AG will face critical challenges that will test our justice system and our values. We need a leader committed to protecting the rights of every American regardless of race, religion, gender, national origin, or sexual orientation.

While I do like him as a colleague, Senator SESSIONS is the wrong person to serve as our Nation's Attorney General. In my judgment, his policies, priorities, and overall philosophy fall short of the standard our country has for the leader of the Justice Department. Throughout Senator SESSIONS' career, he has been on the wrong side of history. If you look at the key issues that this Attorney General will work on, it is clear that Senator SESSIONS' views fall outside the mainstream of America.

That is certainly true when it comes to criminal justice. Look at Senator SESSIONS' opposition to the Sentencing Reform and Corrections Act. This bill was a big deal. It would have reduced mandatory minimum sentencing for low-level, nonviolent crimes, while keeping tougher penalties for serious or violent crimes; it would strengthen drug addiction, rehabilitation and mental health treatments, and improve our efforts to help people who were leaving prison to settle into their communities and get back on track. Everybody liked it. Senator GRASSLEY introduced it with cosponsors from both sides of the aisle. The bill had support from the House Speaker, the International Association of Chiefs of Police, the Major Counties Sheriffs' Association, the National District Attorneys Association, the Leadership Conference on Civil and Human Rights, among many others. Even the Koch brothers liked this piece of legislation. That is because it tackled problems we all agreed needed to be solved.

No one wants to see excessively punitive sentences that expand the Federal prison population, which has grown by 734 percent between the year 1980 and 2015. No one wants to see unnecessary barriers that make it harder for formerly incarcerated people to stay out of jail. No one wants to see taxpayer money spent needlessly.

So we had a thoughtful, bipartisan bill, but we were not able to enact it into law. Senator SESSIONS personally blocked the bill from being considered after it passed the Judiciary Committee last Congress. And he said: "Federal drug and sentencing laws have already been considerably relaxed."

The failure of reform impacts the lives of people who are hurt by unfair

and outdated sentencing rules. It especially affects the families and communities of color who have been ravaged by the overincarceration of minorities. The ACLU reports that sentences imposed on Black men in the Federal system are almost 20 percent longer than sentences imposed on White men with similar crimes. Think about that—the same crime, and you get 20 percent more time if you are African American. And while people of color are just as likely as White people to sell or use illegal drugs, they are more likely to be arrested. Think about how preposterous that is—equal for justice for all, equal application of the laws, right?

People of color and Caucasians use drugs and distribute drugs in the same percentages, yet they are more likely to be arrested. African Americans make up 14 percent of regular drug users but 37 percent of people arrested for drug offenses. This raises the question of bias in law enforcement. Senator SESSIONS opposes holding State and local law enforcement accountable for racial bias and policing or the excessive use of force. He has called the approach the Justice Department took to this accountability an end run of the democratic process. He has attacked bipartisan efforts to reduce the sentences of nonviolent, low-level drug offenders, and he opposed President Obama's initiative to address racial disparities in our criminal justice system and restore fairness by granting clemency. Senator SESSIONS was critical of a Justice Department initiative that reduced overcrowding in Federal prisons by 20 percent over just the last 3 years.

Senator SESSIONS' views on drug policy are maybe even more out of the mainstream. He has been one of the most outspoken advocates against the legalization of marijuana, both recreational and medicinal. In an April 2016 hearing, he suggested that the Federal Government must send the message that "good people don't smoke marijuana."

This is 2016. This isn't 1975. This is 2016. Our Attorney General nominee says "good people don't smoke marijuana." Tell that to the cancer victim. Tell that to my good friend John Radcliffe, who has stage 4 liver and colon cancer.

But Senator SESSIONS supports aggressive Federal intervention in States that have legalized medical or recreational marijuana. He criticized the Federal Government's guidance on Federal marijuana regulation, which directed the Justice Department to respect the decisions of States to determine their own criminal laws. Because of this guidance, Federal prosecutors stopped targeting patients who rely on medical marijuana products for relief. They stopped targeting local dispensaries that are operating squarely within State law. Instead they went

after criminal drug traffickers and violent drug crimes. That seems like a smart prioritization of resources within the Justice Department—not going after people who want to utilize marijuana to alleviate pain but rather going after violent drug crimes. That seems smart, but Senator SESSIONS opposed that.

The respect for federalism reflected in the Justice Department's guidance should be right in line with conservative values. Under the guidance, as long as States are preventing the distribution of marijuana to minors, if they are preventing the growing of marijuana on Federal lands, and if they are stopping State-authorized marijuana activities being used as fronts for other illegal activities, then the Justice Department doesn't interfere.

I would like to quote from Senator SESSIONS' argument against this policy. He said:

I think one of Obama's great failures that is obvious to me is his lax treatment and comments on marijuana. . . . It reverses 20 years almost of hostilities in drugs that began really when Nancy Reagan started "Just Say No."

But here's the thing. There is a bipartisan consensus now that the drug war is a failure. The drug war did not work. The drug war did not decrease the percentage of people utilizing illegal drugs. Every time the government succeeded in shutting down a drug trafficking ring, another would pop up. And a harsh penalty didn't slow addiction rates, it just incarcerated mostly young men. They didn't slow the flow of drugs; instead, they crowded our prisons, hurt taxpayers, and increased drug-related violence in other countries.

Now is the time to shift our strategy and focus on people who struggle with addiction. We also need to respect the decision in many cities and States to decriminalize drug possession. It is up to them as to how to ascribe relief to citizens who could benefit from using medical marijuana.

There is another area where I believe Senator SESSIONS is out of the mainstream, and that is his views on LGBTQ equality. Senator SESSIONS opposed the Employment Nondiscrimination Act, a bill that I was proud to support that would have ended workplace discrimination for LGBTQ people. Right now there are no Federal laws that explicitly protect LGBTQ individuals from discrimination. That is not because we haven't tried. Last Congress, I cosponsored a bill to prohibit this kind of discrimination, but even without a law on the books, the Justice Department has interpreted the Civil Rights Act to include sexual orientation and gender identity. That could change, however, under the next Attorney General.

As head of the Justice Department, Senator SESSIONS could choose to in-

terpret the law differently, and his record gives us every reason to be concerned. Senator SESSIONS also voted against the reauthorization of the Violence Against Women Act. He voted against the reauthorization of the Violence Against Women Act because of a provision that ensures that victims of domestic violence are not turned away because of their sexual orientation or gender identity. That is why he voted against VAWA, because there is a provision that says you have to provide services to individuals regardless of their sexual identity. He advocated for stripping that provision and ultimately voted against the bill. As Attorney General, he could choose not to enforce this nondiscrimination clause.

Think about this. If a gay person is a victim of sexual assault, are they not morally and legally entitled to the same humanity, the same protection under the law? Senator SESSIONS has repeatedly opposed hate crimes protections against LGBTQ Americans, even attempting to insert a poison pill amendment to stop the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act from moving forward. He has argued against Federal prosecution of hate crimes, saying on the Senate floor that there is no need for the Justice Department to get involved. As Attorney General, Mr. SESSIONS would be in charge of enforcing the Hate Crimes Prevention Act. It is not a stretch to ask whether or not his enforcement would be vigorous. In fact, Senator SESSIONS has repeatedly supported laws that criminalize the LGBTQ community. In the 1990s, he tried to block an LGBTQ student conference—a student conference for gay kids that "promoted a lifestyle prohibited by sodomy and sexual misconduct laws." He argued against a conference for kids to give each other support and come up with strategies to survive bullying, to understand that what they are going through other kids are going through, arguing that it promoted a lifestyle prohibited by sodomy and sexual misconduct laws. And he sharply criticized the legal decision that put a rightful end to the criminalization of same-sex relationships.

He supported don't ask, don't tell, saying that it was pretty effective. And he opposed the repeal of that law.

On marriage equality, Senator SESSIONS has vowed to work again and again to amend the Constitution to prohibit same-sex marriage. We went through this in 1998 in the State of Hawaii. How unusual it is to enshrine in the Constitution the removal of a right.

I want you to just think about that—that you want to amend the Constitution, not to provide additional rights, not to clarify something, but to explicitly prohibit Americans from having a certain right.

I don't think there are many families who would agree on Senator SESSIONS'

views here. People don't want their sons and daughters to have to hide their sexuality in order to serve their country. They don't want to go back to the days when our Nation failed to recognize the legitimacy of same-sex relationships. And they certainly don't want to see their friends and family lose a job or even go to jail because of whom they love, but that is the record that we are dealing with.

To be clear, these aren't views from the 1970s. These are his views as of last year. These are his current views on these matters.

The Senator has a similarly out-of-step approach on immigration. Mr. SESSIONS was instrumental in defeating the 2007 immigration reform bill, referring to it as "terrorist assistance." He was a strong opponent of a 2013 bipartisan immigration bill, even though the bill had the strongest border security provision ever seen in an immigration bill. It was such a strong security border provision that I hated it. I had to think about whether I was going to vote for this thing because I felt it was too much of a militarization of our southern border. I thought it was a giveaway and a waste of money. But it had a strong border security provision, and it was voted out of the Senate by a wide margin.

If it were up to him, we would also limit legal immigrants coming to our country. During the markup in the Judiciary Committee, Senator SESSIONS offered an amendment to limit legal immigration, which failed 17 to 1. If you are wondering whether it is rhetorical to say his views on immigration are out of the mainstream, the record shows 17 to 1—17 to 1.

In addition, he promotes cutting Federal funding for sanctuary cities. Sanctuary cities is a brand. People aren't sure what that means. Let's be clear what we mean by that. Stripping funding from sanctuary cities is wrong because cities have decided that the strength of their relationship between their police and their citizens is more important for public safety than doing the Federal Government's job of enforcing immigration laws.

Senator SESSIONS, of course, is against the right of children born in the United States to be American citizens. He is against helping the many DREAMers in this country.

Let's have an honest discussion about immigration. We need to start talking about why people come to this country. Some of them come because they want to escape their own awful circumstances and live in freedom and opportunity. It is my grandparents escaping the Ukraine. It is my wife's grandparents leaving China. It is the Schatz; it is the Binders; it is the Kwoks. It is Albert Einstein; it is Madeleine Albright. This is who we are. We are people from all over the world who are united not by our ethnic extraction

or our religious affiliation, but tied together by our love for America and our belief in this country as the beacon of hope, the shining city on the hill. The idea that we would shred that legacy in the face of some imaginary public desire for immigration reductions, frankly, is disturbing.

Look at the protests happening every weekend at our country's international airports. Americans are not out in the streets demanding that we shut off the lamp outside the golden door. They are demanding that we stay true to our history and to our roots.

That is why we saw close to 100 companies file a legal brief earlier this week against the Muslim ban put in place by the President and implemented by a man who has been mentored by Senator SESSIONS. The brief they filed notes an important statistic about our country. More than 200 companies currently listed on the Fortune 500 list are founded by immigrants or the children of immigrants, and this stands in direct contrast to the nominee's views. If immigrants are coming to the United States and starting businesses and hiring people, they aren't taking jobs from Americans. They are creating jobs for Americans, and that has been the story of our country since the very beginning.

Immigration is one of the cornerstones of our country, and the nominee's policy proposals would chip away at that.

The world is watching. History is watching. We have to ask ourselves: What do they see? Do they see Lady Liberty? Or do they see something else, something darker?

Our country is asking similarly ominous questions about the basic, most fundamental right in our society, and that is the right to vote. Our country's history books are filled with stories of the struggle for voting rights, of African-American men risking it all to go to the polls and women in white marching through the streets of Washington, DC, demanding to vote. But that struggle and that progress is in danger with the kinds of policies that are being promoted. It is on all of us to honor that history and make sure that whoever is eligible to vote is able to vote. This is the bedrock of all other rights, because it is what gives us the voice when incumbent leaders and our representatives fail to protect the other rights.

In his testimony to the Senate Judiciary Committee, Mr. SESSIONS said:

The Department of Justice must never falter in its obligation to protect the civil rights of every American, particularly those who are most vulnerable. A special priority for me in this regard would be aggressive enforcement of our laws to ensure access to the ballot for every eligible American voter, without hindrance or discrimination, and to ensure the integrity of the electoral process.

But his record does not support that view. Senator SESSIONS supports voter

ID laws that will disenfranchise many, many voters. He has called the Voting Rights Act "intrusive," and he has praised the Supreme Court ruling that dismantled a key part of the Voting Rights Act. He has already had his nomination rejected by the Senate because of his views on this issue.

This should concern anyone and everyone who cares about our democracy because, at the most basic level, democracy is built on the ability of American citizens to go to the polls.

Let's be honest. Our right to vote is being restricted. It is being restricted even though the United States has some of the lowest voter turnout of any developed democracy on the planet, and it is being restricted based on a lie. There is no voter fraud. Voter fraud is not the problem. Voter disenfranchisement is the problem.

I talked with a buddy of mine back home who was watching FOX News and he was watching MSNBC, and he said: Democrats are saying there is voter disenfranchisement and Republicans are saying there is voter fraud, and I don't know what to believe. Well, here are the facts. There is a vanishingly small amount of voter fraud. You are more likely to be struck by lightning than to be convicted of voter fraud. This is a made-up problem. Why would you make up a problem such as this? Because it gives you a context and a pretext to do the systematic dismantling of voting rights. This is happening in North Carolina, this is happening in Wisconsin, and this is happening all over the country.

The final policy area I would like to raise is women's rights. The nominee's record is very clear on these issues. He opposed the Lilly Ledbetter Fair Pay Act, which lifts the legal restrictions for people who may have faced pay discrimination. That, in itself, is extraordinary, because Lilly Ledbetter is from Senator SESSIONS' home State. She worked in a factory in Alabama for years, and then one day someone slipped her an anonymous note—what a story. Someone slipped her an anonymous note that said: You are paid way less than everyone else in this same job.

But when Ms. Ledbetter tried to address the pay disparities, she hit a brick wall and at every turn. When she turned to the justice system for help, she found that the laws had statutes of limitations that kept her from getting the pay she was denied for years and years and years, working side by side with men, doing the same job, and getting paid less in that factory.

The Lilly Ledbetter Fair Pay Act changes that. It makes it so that if women find themselves in an ugly, unequal pay structure, just as Ms. Ledbetter did—and we all know people, such as sisters, wives, children, and mothers who have a suspicion they are pretty much doing the same thing to

them, especially in a factory setting, a blue collar setting, or a clerical setting. This is not impossible to decipher when you have the same job description.

Just as Ms. Ledbetter did, they can do something about it.

Senator SESSIONS voted against that law. He also voted against another equal pay bill called the Paycheck Fairness Act, which would go even further and try to close the gender wage gap.

On women's health, his record is similarly troubling. He has opposed funding for title X, which would ensure that low-income women have access to contraception, breast cancer screening, and other health services. He has voted time and again to defund Planned Parenthood, an organization that provides health care to some of the most underserved women across the country. Finally, Senator SESSIONS voted against the Violence Against Women Act, not once but three times.

Senator SESSIONS' voting record should concern everyone who cares about fair pay, reproductive rights, access to health care, and access to services for survivors of domestic violence.

The last policy area I want to highlight is our environment and climate change. Just 2 years ago, the nominee voted for a resolution that would kill the Clean Power Plan. He also voted for a bill that would deny protections for streams that are the water source for hundreds of millions of Americans.

This is bad news for the world's race to address climate change, which is one of the biggest civil rights battles of our time. This isn't just a battle against fossil fuels. It is a battle to save the air we breathe and the water we drink. It is a battle to save the land we live on. It is a battle for things that we take for granted.

I worry that under an Attorney General Sessions, we are going to have a hard time. That is because even if we really don't have great laws on climate—and we don't yet—they are being rolled back as we speak. Even if Senator SESSIONS does not push back on those laws, he still has the ability to prioritize certain things over others. So it is not just his policies that we need to consider. It is also his priorities.

Every AG makes decisions about what problems the Justice Department should move to the front of the line. I have seen lots of reports that leave me wondering if Senator SESSIONS' priorities might be misguided.

The Web site FiveThirtyEight wrote a piece about Senator SESSIONS' confirmation process, and I wish to read a section of it now. "I care about civil rights," SESSIONS said. "I care about voting rights." SESSIONS has cited his record as evidence.

In 2009, he said he'd been involved in 20 or 30 desegregation cases as a prosecutor, and

this year, he told the Judiciary Committee that four civil rights cases were among the 10 most important cases he'd worked on in his career. Some committee members were skeptical.

Democratic Sen. Al Franken of Minnesota said Tuesday that Sessions had overstated his role in the anti-segregation litigation. This is an area where the administration's priorities are clearly going to matter.

The number of anti-discrimination and voting-rights cases brought by the Justice Department civil rights division dropped sharply under President George W. Bush compared with his predecessor, Bill Clinton. The Voting Rights Act recently moved closer to Sessions' personal beliefs.

When a 2013 Supreme Court ruling weakened the law, Sessions said it was "good news . . . for the South." On Tuesday, Sessions called the act "intrusive."

So what does this write-up say about what priorities an Attorney General Sessions might choose? Well, to me, it says that voting rights are going to be dealt a bigger blow than we have seen in the past few years. Again, we come back to the sense of being extreme. Senator SESSIONS' priorities and his policy views are not in the mainstream for the Justice Department.

I don't think the American people are comfortable with letting politics about policing trump data. I don't think they are comfortable with overlooking our history and our commitment to democracy. So why are we comfortable with this nomination?

The final area I want to touch on is Senator SESSIONS' philosophy. The Washington Post published a news article about a week ago that looks at the Executive orders we have seen out of this White House. It is called "Trump's hard-line actions have an intellectual godfather: JEFF SESSIONS."

I would like to read a few excerpts from the article.

In jagged black strokes, President Trump's signature was scribbled onto a catalogue of executive orders over the past 10 days that translated the headline promises of his campaign into the policies of his government. The directives bore Trump's name, but another man's fingerprints were also on nearly all of them: Jeff Sessions.

The early days of the Trump presidency have rushed a nationalist agenda long on the fringes of American life into action—and Sessions, the quiet Alabamian who long cultivated those ideas as a Senate backbencher, has become a singular power in this new Washington. Sessions' ideology is driven by a visceral aversion to what he calls "soulless globalism," a term used on the extreme right to convey a perceived threat to the United States from free trade, international alliances and the immigration of nonwhites.

And despite many reservations among Republicans about that world view, Sessions—whose 1986 nomination for a federal judgeship was doomed by accusations of racism that he denied—is finding little resistance in Congress to his proposed role as Trump's attorney general.

Sessions' nomination is scheduled to be voted on Tuesday by the Senate Judiciary Committee, but his influence in the administration stretches far beyond the Justice Department.

From immigration and health care to national security and trade, Sessions is the in-

tellectual godfather of the President's policies. His reach extends throughout the White House with his aides and allies accelerating the president's most dramatic moves, including the ban on refugees and citizens from seven mostly Muslim nations that has triggered fear around the globe.

The tactician turning Trump's agenda into law is deputy chief of staff Rick Dearborn, Sessions' long time chief of staff in the Senate. The mastermind behind Trump's incendiary brand of populism is chief strategist Stephen K. Bannon, who, as chairman of the Breitbart website, promoted Sessions for years.

Here's a quote from Bannon:

Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda.

Sessions helped devise the President's first-week strategy, in which Trump signed a blizzard of Executive orders that begin to fulfill his signature campaign promises—although Sessions had advocated for going even faster. The senator lobbied for a "shock and awe" period of executive action that would rattle Congress—

I think we got that—
impress Trump's base—

I assume we got that—
and catch his critics unaware—

I don't know about that—
according to the two officials involved in the transition plan.

Trump opted for a slightly slower pace, these officials said, because he wanted to maximize news coverage by spreading out his directives over several weeks. Trump makes his own decisions, but Sessions was one of the rare lawmakers who shared his impulses.

There are limits to Sessions's influence, however. He has not persuaded Trump—so far, at least—to eliminate the Deferred Action for Childhood Arrivals program, under which children brought to the United States illegally are allowed to stay in the country.

Sessions became a daily presence at Trump Tower in New York, mapping out the policy agenda and making personnel decisions. Once former New York mayor Rudy Giuliani was out of consideration for secretary of state, Trump considered nominating Sessions because he was so trusted by the inner circle, including Kushner, although Sessions' preference was to be attorney general, according to people familiar with the talks.

Since his nomination, Sessions has been careful to not be formally involved even as his ideas animate the White House. In a statement Sunday, he denied that he has had "communications" with his former advisers or reviewed the executive orders.

I have no reason to doubt that he established a proper distance while he was the nominee.

Sessions has installed close allies throughout the administration. He persuaded Cliff Sims, a friend and adviser, to sell his Alabama media outlet and take a job directing message strategy at the White House.

Sessions also influenced the selection of Peter Navarro, an economist and friend with whom he coauthored an op-ed last fall warning against the "rabbit hole of globalism," as director of the National Trade Council.

John Weaver, a veteran GOP strategist who was a consultant on Sessions' first Sen-

ate campaign and is now a Trump critic, said that Sessions is at the pinnacle of power because he shares Trump's "1940s view of fortress America."

"That's something you would find in an Allen Drury novel," Weaver said. "Unfortunately, there are real consequences to this, which are draconian views on immigration and a view of America that is insular and not an active member of the global community."

Inside the White House and within Sessions's alumni network, people have taken to calling the Senator "Joseph," referring to the Old Testament patriarch who was shunned by his family and sold into slavery as a boy, only to rise through unusual circumstances to become right hand to the pharaoh and oversee the lands of Egypt.

In a 20-year Senate career, Sessions has been isolated in his own party, a dynamic crystallized a decade ago when he split with President George W. Bush and the business community over comprehensive immigration changes.

In lonely speeches on the Senate floor, Sessions would chastise "the masters of the universe." He hung on his office wall a picture of He-Man from the popular 1980s comic book series.

As he weighed a presidential run, Trump liked what he saw in Sessions, who was tight with the constituencies Trump was eager to rouse on the right.

"Sessions was always somebody that we had targeted," said Sam Nunberg, Trump's political adviser at the time.

In May 2015, Nunberg said, he reached out to Miller, then an adviser to Sessions, to arrange a phone call between Trump and the senator. The two hit it off, with Trump telling Nunberg, "That guy is tough."

The next month, Trump declared his candidacy. In August of that year, Sessions joined Trump at a megareally in the senator's home town of Mobile and donned a "Make America Great Again" cap. By January 2016, Miller had formally joined the campaign and was traveling daily with the candidate, writing speeches and crafting policies.

That Washington Post article offers a look into the nominee's philosophy. Out of the gate, the President has pushed for all punishment and no mercy. The administration has shown a willingness to trample on rights to satisfy political objectives. This should trouble everybody on both sides of the aisle who cares about Executive overreach.

This week, John Yoo—the driving force of enhanced interrogation under the Bush administration, the torture man, the famous John Yoo from the Office of Legal Counsel, the John Yoo demonized by progressives for sort of being the key thinker behind understanding Executive power as more expansive than it had ever been understood before—this week, John Yoo came out saying that he thinks this President has taken Executive power too far. John Yoo is saying that—not SHELDON WHITEHOUSE, not the ACLU; John Yoo from George W. Bush's administration. If that is what John Yoo is saying, then we should all be worried.

Think of what the President might do with an Attorney General in place who shares his philosophy on immigrants, minority communities, gay

Americans, voting rights, and women's rights.

The NAACP has pulled together a list of facts about the Senator that further flushes out this philosophy, and it is deeply concerning.

In July 2015, during the confirmation hearing of a district court nominee from Maryland, Sessions made the nominee answer for her career as a public defender and civil rights lawyer, and invoked Freddie Gray, the teenager unlawfully arrested and killed by Baltimore police in 2015, as a client inappropriate for a lawyer nominated to the bench:

"Can you assure the police officers in Baltimore and all over Maryland that might be brought before your court, that they'll get a fair day in court and that your history would not impact your decisionmaking?" he asked.

"And I raise that particularly because I see your firm is representing Mr. Freddie Gray in that case that's gathered so much attention in Maryland, and there's lots of law enforcement officers throughout the state and they want to know that they don't have someone who has an agenda to bring to the bench—can you assure them that you won't bring that to the bench?"

In December 2010, Sessions took to the Senate floor to rail against judicial nominees who have what he calls "ACLU DNA" or the "ACLU chromosome." The ACLU "seeks to deny the will of the American people," he said, "and has taken positions far to the left of mainstream American and the ideals and values the majority of Americans hold dear."

In October 2009, Sessions opposed a district court nominee and former ACLU staff attorney by saying, "I think we're seeing a common DNA run through the Obama nominees, and that's the ACLU chromosome."

I know people have mixed feelings about the ACLU. Sometimes I have mixed feelings about the ACLU. But remember what happened when this Executive order was issued: It was the ACLU that took them to court to protect every American's civil liberties, and they were the ones who won in court right away. So I say that we need to have special respect for the lawyers who protect our civil liberties.

These events should give us all pause because our country has long associated groups like the NAACP and the ACLU with the mission of the Justice Department, and now we may have an Attorney General who has, at least in the past, relished opposition to these groups.

Before concluding, I just want to say that I understand there may be a distinction between politician-elected official representing a certain State and a certain perspective JEFF SESSIONS, Senator SESSIONS, and Attorney General SESSIONS. This sometimes does happen as people move from legislative to executive or as they advance in their careers. It is entirely possible, and I sure hope that there will be an evolution, that he understands he may have his views or he may have been vigorously advocating for the views of his constituents, but now he has a different role as the chief law enforcement officer for the United States of America, somebody who is there to uphold equal justice for everyone.

So as critical as I have been of his record, I hope to be proven wrong. There are people on the other side of the aisle and one Democrat on our side of the aisle whom I respect greatly who really love JEFF SESSIONS. I hope everything they believe about him and the way he will conduct himself as Attorney General ends up being true. I just don't see any evidence for that yet, other than the word of my colleagues. That means a lot, but the record is too decisively against all of the things I care for and all of the things I believe are important in an Attorney General.

I know I am not alone in having these concerns. Millions of people have signed petitions, made calls, and posted online in opposition to this nominee.

I have received very thoughtful messages from people in Hawaii about Senator SESSIONS. I wish to quote a few of them.

I'm writing as a thoughtful voter and human being that Mr. Sessions is not the right man for the job of Attorney General. He may be a friend of the president and his inner circle, but he does not represent the values of our democracy.

Given his approval of the ban on immigration, I believe he will help the president radicalize and destabilize this country.

Another person mentioned the former Acting Attorney General, who was fired by the President because she was true to the word she gave Senator SESSIONS in her own confirmation hearing. Sally Yates said what so many people are thinking, which is that this Muslim ban cannot stand.

Here is another letter from Hawaii:

I'm writing to express my most heartfelt disappointment at the direction our country is quickly taking with the Trump administration.

While I accept that those with more conservative views than mine are now in power, I find the actions being taken a gross and crass disregard of our diverse and tolerant national identity.

I want to end by making something very clear: We can respect Senator SESSIONS as a colleague while still believing that his policies, his priorities, and his philosophy are too extreme for the Justice Department. And there are too many issues that this country cares about to confirm him as Attorney General.

If you care about criminal justice reform, if you care about seeing fewer people go to jail for petty crimes, if you care about directing fewer taxpayer dollars to the prison industry, then you have to be opposed to this nomination.

If you care about the LGBT community; if you believe that people shouldn't be discriminated against or punished because of whom they love; if you believe that people, regardless of their identity, should be able to get married or wear our Nation's finest uniform, then you have to be opposed.

If you care about immigration; if you believe in immigration; if you are a

business owner who wants to hire the best and the brightest; if your family came to this country to pursue the American dream; if you are a person of faith who believes in caring for those who suffer, for the stranger in our midst, you have to be opposed to this nomination.

If you care about women's rights; if you believe that women are not to be treated like second-class citizens, that our daughters are just as capable as our sons and that they have the right to make their own decisions about their own health care; if you believe they should be paid the same for doing the same job, then you have to be opposed.

If you care about our democracy; if you want people to raise their voices and take part in shaping the future of our country; if you are dismayed to know that millions of people are being prevented from voting not because they aren't eligible but because of senseless laws that restrict their rights, then you have to oppose this nomination.

The Senate must stand up for civil rights, for voting rights, for women's rights, for immigrants' rights, and that means we must vote no on JEFF SESSIONS for Attorney General.

I urge my colleagues to join me in opposing this nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

APPOINTMENTS

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 68-541, as amended by the appropriate provisions of Public Law 102-246, and in consultation with the Democratic leader, the reappointment of the following individuals to serve as members of the Library of Congress Trust Fund Board for a five year term: Chris Long of New York and Kathleen Casey of Virginia.

Mr. COTTON. Mr. President, I have to admit that this is a bittersweet moment for me. I come here tonight to express my support for JEFF SESSIONS' nomination to be the next Attorney General of the United States. It is a high honor, and the nominee is more than worthy. The truth is, I will be sad to see him go.

In all the time I have known Senator SESSIONS, I have found him to be a consummate gentleman. We actually met before I entered the Senate. It was 2013. I was serving in the House of Representatives—a first-term Congressman. Senator SESSIONS, of course, was

my elder in both age and rank. Yet he reached out to me humbly to discuss a hot topic—immigration. Back then, there was an effort afoot to force through Congress a massive immigration bill the American people clearly did not want. So the two of us worked together to stop it, and I am glad to say we were successful.

I took away more from that experience than an appreciation of the Senator's legislative skills. I got a sense of his character: how he saw the world, what he believed, and why. If I had to sum it up, I would say this is a man who loves the law—who has spent decades doing all he could.

Senator SESSIONS knows the law shouldn't be the spider's web of old, which catches the weak but cannot constrain the mighty. It is supposed to uphold the entire community so all Americans can thrive. What we have is a legal system that at its best strives to be a justice system.

I think if you look at Senator SESSIONS' career, you can see the same qualities represented by the balance, the blindfold, and the sword of Lady Justice. First, like the balance, he has a judicious mind—honed over his 12 years as a U.S. attorney and his 2 years as attorney general of the State of Alabama. He evaluates the evidence carefully and comes to a well-considered conclusion. I would argue it is this very approach that led him to advocate for an immigration system that works for working Americans. I have every confidence, as our top law enforcement officer, he will keep the interests of American citizens uppermost in his mind.

Second, like the blindfold, he is impartial and fair-minded. I think of the fair sentencing law he passed, with bipartisan support, to bring harsh penalties that fell disproportionately on African Americans more in line with the kinds of penalties that fell on other criminals. I also think of his work on behalf of a more equitable distribution of funding for HIV-AIDS patients. Just as Senator SESSIONS strove to represent the interests of all Alabamians, I think Attorney General SESSIONS will strive to uphold the rights of all Americans.

Third, like the sword, Senator SESSIONS believes in swift and strong enforcement. Perhaps the best argument for his candidacy is the extensive list of endorsements he has received: the Fraternal Order of Police, the National Sheriffs' Association, and the list goes on. I would think such widespread support among the people he would oversee would make a deep impression on any Senator's mind. If the people who actually enforce the law believe in his leadership, then so do I.

So I am sorry to see him say goodbye to this august body, but I am confident he will serve the American people well. He is the right man for the job. I urge

all Senators to vote for his confirmation.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I am rising to speak this morning about the nomination of our colleague, Senator JEFF SESSIONS from Alabama, to become the 84th Attorney General of the United States. As the highest law enforcement officer in the land, it is the responsibility of the Attorney General to ensure that all Americans receive the equal justice under the law they are entitled to as American citizens.

A commitment to that equal justice has rarely been more necessary than it is today. We need an Attorney General wholly committed to serving the people of the Nation, and we need an Attorney General who fights to expand American's civil rights, not to restrict them, hobble them, or eliminate them, or to eliminate the Justice Department's Office of Civil Rights.

We need an Attorney General who will stand up to the President when he tries to put an illegal and unconstitutional policy in place. So it has been part of our journey, the story of America, that we have strived to form a more perfect union. We have worked over time—like Martin Luther King said, the long arc of history bends toward justice.

But we have worked to bend toward justice. Our vision of opportunity was incomplete at the founding of our Nation. It was not extended to all genders and all ethnicities and all races. We have worked hard to change that, but here we are at this point in time, still not at the end of that journey.

Part of the question is, How does any given individual fit into the position of Attorney General in that fight for that more perfect vision of our Nation?

So I thought I would share a little bit about that. Hillary Shelton, the Director of NAACP's Washington office, told the New Republic that Senator SESSIONS has "consistently opposed the bread and butter civil rights agenda." When the Supreme Court gutted the Voting Rights Act of 2013 with *Shelby v. Holder*, Senator SESSIONS celebrated the decision saying: If you go to Alabama, Georgia, North Carolina, people are not denied a vote because of the color of their skin.

Well, indeed, part of this—the point is, when the Voting Rights Act was in place, it prevented many activities that would have otherwise denied the vote. We have seen the resurgence of

all kinds of measures since the Voting Rights Act was modified by the Supreme Court, which it eliminated key provisions.

We have seen the "almost surgical precision" of North Carolina's voter ID law that the Fourth Circuit Court of Appeals struck down because they were created specifically to reduce the vote of African Americans. We are living in times that it just feels like our Nation is a bit under siege.

During the campaign of last year, we had so many divisive attacks as part of the Presidential primaries. Even during the general election, very divisive rhetoric passed from the man who would then become our President, President Trump—attacks on women, attacks on minorities, attacks on African Americans, attacks on Hispanics, attacks on people with disabilities.

Yet, against that, we have a vision of a system of law that treats everyone equally, impartially. We learned when we were children that Lady Liberty wears a blindfold with the scales of justice in her hand. We need an Attorney General who has at their core that vision of impartial justice, justice for every American, justice regardless of skin color, regardless of ethnicity, regardless of geography. That is essential, and we need it now particularly in a powerful way to help address the divisive rhetoric of the last year, which has left many people doubting that their government is willing to fight for them, that they will receive this form of impartial justice.

We have seen what has happened with the strong work of the Justice Department's Civil Rights Division under President Obama. For more than half a century, the Justice Department's Civil Rights Division fought for and enforced laws that uphold the basic rights of all Americans, steadily expanding opportunities.

The work of that division was stifled, restricted in many ways during George W. Bush's administration. But under President Obama, the Civil Rights Division has worked hard to apply, in a powerful way, civil rights for all Americans. In just the last few weeks of the Obama administration, they won the first hate crime case involving a transgender victim, they sued two cities that were blocking mosques from opening, they settled lending discrimination charges with two banks and sued a third, they filed legal briefs on behalf of New York teenagers held in solitary confinement, and they accused a business in Louisiana of moving mental patients into nursing homes. They were actively, aggressively fighting for the rights of all Americans.

Many wonder now, under the new administration, whether we will have a powerful Civil Rights Division fighting for those whom others would choose to exploit. Senator SESSIONS has downplayed the need for the Justice

Department to prosecute crimes against women and members of the LGBTQ community, saying: I am not sure women or people with different sexual orientations face discrimination. I just don't see it, he said.

Well, if you talk to LGBTQ Americans, they will tell you their stories of harassment and discrimination. So it is very hard not to be aware of the extraordinary amount of discrimination they experience, unless you are determined not to see it. To those who say we don't see discrimination, if you ask, you will hear the stories of discrimination. You will hear the stories of profiling, individual young African-American men picked out time and time again to be stopped and questioned at a rate that someone of a different skin color would not experience, but you do not see it unless you open your eyes to see it. At his confirmation hearing, Senator SESSIONS said: These lawsuits undermine respect for police officers. He was referring to the investigation of two dozen police agencies, knowing that the Civil Rights Division reached consent decrees with 14 of them.

He said: These lawsuits undermine the respect of police officers and create an impression that the entire department is not doing their work consistent with fidelity to law and fairness. Well, let me explain that the reason the departments were investigated is because there were a lot of reports that in fact they were not doing their work consistent with fidelity to the law. It was not an impression; it was a report about failure to do that.

Don't we want an Attorney General who rather than relegating the complaint to, well, don't pursue them because it creates an impression they are not doing work, instead says: These are complaints we must investigate and remedy that situation. That is the responsibility of the Civil Rights Division, to investigate and to remedy, and that is what this division did under President Obama. They didn't turn a blind eye. They didn't say that would be embarrassing to the Department, but my colleague had a different take, saying: We need to be careful before we do that because it might create an impression that they are not doing their work well. Just think if we take that attitude.

We anticipate to have hearings for a labor commissioner. The nominee for Labor runs a company that has a tremendous number of Hardee's and Carl's Jr. outlets, and those outlets have a horrendous record of labor rights abuses, but we wouldn't know about those abuses if the investigator said: We won't investigate because it might create an impression that they are doing something wrong.

So I am very concerned about the attitude that you don't investigate because you might embarrass someone.

When there are reports of injustice, that is the point, that it gets investigated. And it not only gets investigated in order that the problems will get remedied but also so it will send a message to others to operate within the bounds of the law.

Our next Attorney General needs to make civil rights a priority, fighting for them, ensuring them, securing them as the North Star of the Justice Department—not something that can simply be left to the States, not something that can be ignored, not something that will be allowed to slip backward.

Communities of color aren't the only ones watching Senator SESSIONS' confirmation process with some anxiety. Over the last 8 years, the rights of the LGBTQ community have leapt forward in incredible ways, from the greater acceptance of gay and lesbian Americans and transgender Americans. And certainly we cannot forget the historic milestone of the legalization of same-sex marriage a year and a half ago. But so many of these long-fought-for and hard-won rights are so new that the community is terrified that President Trump's administration will work to restrict those rights or roll those rights back. But it is the duty of the Attorney General to protect those rights, to fight for those rights.

So it is of some concern—for me, it is a substantial concern—that the nominee voted against the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. This act was passed on October 22, 2009, and signed by President Obama 6 days later. It was part of the National Defense Authorization Act of 2010, and it expands the 1969 U.S. Federal hate crime law to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity, or disability.

The bill removes the prerequisite that the victim be engaging in a federally protected activity, like voting or going to schools. It is much, much broader. It gives Federal authorities a greater ability to engage in hate crimes investigations that local authorities choose not to pursue.

It provided funding for fiscal years 2010 to 2012 to help State and local agencies pay for investigations and prosecuting hate crimes.

It requires the FBI—the Federal Bureau of Investigation—to track statistics of hate crimes based on gender and gender identity. Hate crimes for other groups were already being tracked.

It was named after Matthew Shepard and James Byrd, Jr. In 1998, Matthew Shepard, a student, was tied to a fence, tortured, and left to die in Laramie, WY, because of his sexuality. In that same year, James Byrd, an African-American man, was tied to a truck by two White supremacists. He was dragged behind it and was decapitated in Jasper, TX. At the time, Wyoming

hate crime laws did not recognize homosexuals as a subset class, and Texas had no hate crimes laws at all.

Supporters of an expansion in hate crimes laws argue that hate crimes are worse than regular crimes without a prejudice motivation from a psychological perspective. The time it takes to mentally recover from a hate crime is almost twice as long as it is for a regular crime. And LGBTQ people feel as if they are being punished for their sexuality, which leads to a higher incidence of depression, anxiety, and post-traumatic stress disorder.

In short, in multiple ways, in ways I have enumerated, this law more aggressively pursued justice. I was pleased to be here as a first-year Senator to be able to support that law. Hate crimes tear at our collective spirit. They are based on divisions in our society, divisions that some choose to amplify and inflame, divisions that victimize people for being who they are as individuals.

I was proud of this Chamber, of this Senate, that we passed a bill that would give State and local law enforcement the necessary tools to prevent and prosecute these types of crimes and move our Nation down a path toward equality—equality under the law and freedom from persecution. But my colleague, the nominee, voted against this pursuit of greater justice for a persecuted group within our society, and that certainly bothers me substantially. It is my understanding that he didn't feel that people actually faced discrimination, but the fact is, they do.

LGBTQ individuals, especially transgender women of color, are more likely than any other group to be targets of discrimination and hate crimes. Across the category, and more so in some, look at the 49 people killed, the 53 more injured at the Pulse nightclub in Orlando last summer. The attacker purposely targeted a gay nightclub for his attack. LGBTQ people are twice as likely as African Americans to be targets of hate crimes. Nearly one-fifth of the 5,462 so-called single-bias hate crimes reported to the FBI in 2014 were because of the person's sexuality or perceived orientation.

Another issue was raised in 2010 when the proposal was put forward to repeal a discriminatory law in the military, the don't ask, don't tell law, which barred openly gay and lesbian individuals from serving in our armed services. My colleague, our nominee, said that gay servicemembers would have a corrosive effect on morale, essentially saying discrimination is justified because of the prejudices of others who serve. But it is not justified, and the prejudices have taken a bit of movement along that journey toward justice.

More than 14,500 people were discharged from the military during the

18 years of don't ask, don't tell. An estimated 66,000 lesbian, gay, and bisexual servicemembers were in the military at the time the ban was lifted. But here is what happened after that 2010 change—a change that our nominee opposed. The military family embraced the LGBTQ community, and instead of having a corrosive effect, repealing don't ask, don't tell has strengthened the military family. In fact, in 2016, just last year, the first openly gay Army Secretary was confirmed, Eric Fanning. Last year, the Navy named a ship after Harvey Milk, the gay politician and former member of the Navy who was assassinated in 1978.

So a robust pursuit of equality would have been to voice principled opposition to this discrimination in armed services that was actually robbing our armed services of a tremendous amount of talent and experience and was damaging the lives of those who were expelled from the military. That would have been a principled pursuit of justice, but that is not the path my colleague, our nominee, chose to travel. Instead, it was a path of justifying discrimination, justifying injustice.

During the confirmation hearing, my colleague, our nominee, softened his stance on LGBTQ issues, and he said he would uphold the statute protecting LGBT people's safety and ensure that the community's civil rights are enforced. Well, I wish we had more statutes that protected LGBT people's safety. Promising to uphold them when they largely don't exist is somewhat of an empty promise. It sounds good, but it lacks punch.

We had a debate in this Chamber about the Employment Non-Discrimination Act. This act was specifically about anti-discrimination in the process of job hiring in America, and I was deeply involved in this effort.

Back in Oregon, when I became speaker, I worked to end discrimination for our LGBTQ community—discrimination in hiring, discrimination in public accommodations, discrimination on a whole spectrum of aspects of our society. And we passed a very strong law in the State of Oregon to end that discrimination, and a piece of it—a big piece of it—was to end employment discrimination. How can we claim, as a nation, that we are the land of opportunity if we slam shut the door to opportunity on a large number of our fellow Americans by allowing discrimination in employment?

Well, because of that work I did in Oregon—when I came here to the Senate, Senator Kennedy was ill. Senator Kennedy would champion this legislation. Senator Kennedy, who had been here—he had been on the floor, I believe it was 1998 or 1996. And that bill had only failed by one vote back before the turn of the century. It was a 50-to-49 vote. The individual who was not here probably have voted for it. The

Vice President breaking a tie probably would have passed it. It would have been adopted. It would have been signed.

Fast-forward to 2013, and here we were on the floor debating this issue, and I was very pleased to see it on the floor because Senator Kennedy and his team had asked me to carry the torch on the bill and work to see it passed. I had worked for us to hold hearings, and I had advocated with our leadership that it was time to put this issue on the floor, that we couldn't allow this discrimination to continue without at least working to address it. We might fail on the floor to pass this bill, but we should at least put it before the body, make the case, have the argument, fight to end this discrimination.

Here on the floor, we no longer have to get 50 votes and the President because the habits of the Senate changed, and now it is almost always required to get a supermajority to close debate. So we had to get 60 votes, not 51, but we did get 60 votes. We did close debate and go to a final vote. But one of the individuals who placed himself directly in the path to obstruct success on the bill, to obstruct the end of discrimination—job discrimination for LGBTQ communities—was our colleague and our nominee for Attorney General. I would hope to have a voice in the office that was seasoned through tough battles and stood up in difficult times to fight any discrimination, not to perpetuate discrimination. So that concerns me—substantially concerns me.

In 2013, the Senate voted to reauthorize the Violence Against Women Act, often referred to as VAWA, after Congress passed it. That was an important effort because a woman should never be a victim of violence in her own home. Nobody should be a victim of violence, but particularly to address the challenges that we see. And the National Center for Injury Prevention and Control notes that women in the United States experience roughly 4.8 million assaults and rapes per year from their intimate partner, and they are afraid to seek medical treatment. Less than 20 percent of battered women sought medical treatment.

The National Crime Victimization Survey—the statistics that I have here from 2006, so quite a while ago—says that over the course of the year, 33,000 women were sexually assaulted, more than 600 women every day. Women ages 20 to 24 are at greatest risk of nonfatal domestic violence, and women age 20 and higher suffer from the highest rates of rape.

The Justice Department estimates that one in five women will experience rape or attempted rape during her college years—just during those college years—and that less than 5 percent of these rapes will be reported.

Income is a factor. The poorer the household, the higher the rate of do-

mestic violence. Women in the lowest income category experience more than six times the rate of intimate partner violence as compared to women in the highest income category. African-American women face the highest rates of violence. American-Indian women are victimized at a rate double that of women of other races.

The impact of these kinds of violence is huge and long-lasting. According to the Family and Violence Prevention Fund, growing up in a violent home may be terrifying, a traumatic experience that can effect every aspect of a child's life, growth, and development. Children who have been exposed to family violence suffer symptoms of post-traumatic stress disorder, such as bed-wetting and nightmares, and were at greater risk than their peers of having allergies, asthma, gastrointestinal problems, headaches, and flu. In addition, women who experience physical abuse as children are at greater risk of victimization as adults.

Well, I go through all these statistics to note what a substantial issue this is in terms of crime and violence and the impact both on the victims and on the children in homes—an impact that damages children's ability to pursue a full, healthy path toward thriving as an adult, an impact that creates a cycle of violence.

In 2011, during one 24-hour period, 1,600 Oregon victims were served by domestic violence services. What are those services? Emergency shelter, children's support, transitional housing, support for teen victims of dating violence, therapy or counseling for children, advocacy related to cyber stalking. Additionally, during the same 24-hour period, Oregon domestic violence programs answered more than 27 hotline calls every hour.

VAWA, the Violence Against Women Act, has been a powerful tool in fighting these kinds of abuse, these kinds of violence in our community, and it has proven to dramatically reduce domestic violence. Among other things, in 2013 the VAWA reauthorization included measures to ensure that LGBTQ men and women cannot be turned away from domestic violence shelters. It addressed threats of violence against women in transgender communities, who face rates of domestic violence and sexual assault at much higher rates, as I noted before, than those faced by the general population. It provides tools and encourages best practices, which have proven to be effective to prevent domestic violence homicides by training law enforcement, victims service providers, and court personnel to identify and connect high-risk victims with crisis intervention services—all of this in the interest of preventing violence against women, and when such violence occurs, to get the treatment to be as robust and available as possible to assist those women.

I would hope to have the champion in this fight to decrease violence against women in the position of Attorney General of the United States of America, but my colleague, our nominee for Attorney General, voted against these practices for decreasing violence, voted against these efforts to provide greater support when the violence did occur, and that, for me, is a very substantial concern. This turned many women's advocacy groups into a position of opposing this confirmation.

And another factor came into play. In October of this last year when our nominee for Attorney General was asked his opinion about a 2005 audio recording which then-Candidate Trump was—well, he wasn't yet a candidate at the time of the audio recording—but he was heard bragging about inappropriately groping women. The nominee said he didn't think the behavior that was described was sexual assault. Senator SESSIONS said: "I don't characterize that as sexual assault. I think that is a stretch," he said.

I couldn't more profoundly disagree. When someone grabs the intimate parts of an individual, that is an assault. How can one reach any other conclusion? Envision that your loved one is the one who is groped—your wife, your sister, your mother, or your daughter. You don't believe that is a sexual assault? I would like to have as our Attorney General an individual who would understand in the core of his or her being that this is an assault and wrong. The law makes it an assault. Morality makes it an assault. So that bothers me a great deal.

I do want to note that in a confirmation hearing, my colleague Senator SESSIONS changed his opinion on this and he noted what we would expect one to note. He said that yes, activity such as was noted on the recording of our now President, when asked whether it was an assault, he said clearly it would be. I appreciate that evolution, but the initial reaction before the confirmation hearing still disturbs me.

Earlier this month, the National Task Force to End Sexual Violence issued an open letter opposing his confirmation based on the record. In the letter, they stated, when referring to the nominee, that "his history leads us to question whether he will vigorously seek to ensure all victims and survivors of gender-based violence, particularly vulnerable populations and those at the margins of society, have access to vitally needed services and legal protections."

This goal to champion justice for all—perhaps it is easy to champion justice for the groups one most closely identifies with, but the role is to fight for justice for everyone throughout our society, and that is why this is of substantial concern.

The letter went on to say: "Selective application of the law and outward hos-

tility towards victims of sexual and domestic violence in historically marginalized populations has a chilling effect on their willingness and ability to seek services and protection. It then noted that the Attorney General of the United States must be an individual committed to protecting the inalienable rights of equal protection under the law to all—to all within the jurisdiction of the United States.

Let me say it again. We need an Attorney General who fights for equal justice for all.

Another issue we face—set of issues, really—is related to immigration. As we know, President Trump recently signed an Executive order barring travel by those from seven Muslim countries and also barring refugees into our country and having a longer ban on refugees specifically from Syria. And the first ban, the Muslim ban, came out as Rudy Giuliani told us of instructions to create a Muslim ban that would be changed enough to make it legal under the law.

There are many reasons to be concerned about this ban based on religion. We have a tradition of freedom of religion in our country. It is a freedom enshrined in our Constitution. We have a tradition of religious tolerance. If we are a nation with religious freedom, religious tolerance goes hand in hand with that, but we have heard over the course of President Trump's campaign statement after statement that essentially presented a war on Islam, the Nation is at war with Islam—the opposite of religious freedom, the opposite of religious tolerance.

The worst aspect of this—and there are many bad aspects to it—is that it endangers our national security because of the recruiting strategy of ISIS. Our President says he wants to diminish and extinguish. Their recruiting strategy is to claim that the United States is conducting a war on Islam, so this ban and this campaign feed right into that recruiting strategy. It has been pointed out by security expert after security expert after security expert that this makes us less safe.

Sally Yates, the Acting Attorney General, refused to defend this order in court because she believed it was illegal and unconstitutional. That is a principled stance, that despite that the head of the executive branch put something forward, the Attorney General said: No, that is wrong. That is not constitutional.

Well, she was fired shortly thereafter, for taking that stand, by President Trump. But then, two attorneys general from Washington State and Minnesota took the case to court, pointing out that they had substantial harm in their States as a result of this, giving them standing to challenge it—harmed because of professors trapped overseas, harmed from students

trapped overseas, harmed from citizens in the States of Washington and Minnesota whose family members were trapped overseas. They put it to a district court judge, James Robart, a judge who was appointed by George W. Bush. The judge put a restraining order on the Executive order. To do that, one has to reach the standard that the case has merit and is likely to prevail.

So a judge, given this issue, the design of this issue, and the facts surrounding these orders, struck them down. And then it went to the Ninth Circuit Court, and the Ninth Circuit didn't find that there was enough information to change the decision of the district judge, but they asked for additional briefs, and they are expected to rule later this week. We will find out of course then how they weigh the issues.

Part of what is being taken into account are the facts on the ground, including was this designed around national security, and part of that debate recognizes that individuals from those seven countries have not come to America and killed Americans.

Now, individuals from other countries have come to America and killed Americans, but not from those seven countries. Then there is the question of whether it was based on religion, and they will be taking into account and looking at the fact that Rudy Giuliani said he was instructed to develop a Muslim ban but to make it look legal. So, clearly, there is evidence that the real intent of this wasn't national security but was religious discrimination.

Then there is the fact that the Executive order itself has a clause that says we will discriminate based on religion, letting in Christians while closing out Muslims. They will consider all of that. We will see what they say.

There is considerable power in the executive branch and the Presidency for making rules related to immigration. There is considerable power to take actions related to national security, but the design of this suggests serious constitutional problems, and two very capable lawyers—one, the acting AG for the United States of America and, second, a district court judge—have found it fails the test.

I would like for us to have a nominee for Attorney General who would have the courage and convictions to stand up to a President when the President goes off track in violating the Constitution, and I am concerned that our nominee wouldn't reach the same courageous point of view that Sally Yates found or James Robart found. Even while noting that the courts are yet to ultimately decide, there are certainly heavy concerns that should be weighed intensely in this consideration, and I am not sure that would happen.

In 2015, Senator SESSIONS, my colleague, our nominee, authored a bill that would automatically cut off Federal funding to sanctuary cities that

refused to have their police officers act as agents of our immigration force, as ICE agents. Just today, I had the sheriff of Multnomah County in Oregon come and speak to me. He was formerly the police chief of our largest city—the city of Portland. What he conveyed was that if you have police officers pursue each person they interact with on the basis of immigration, pretty soon people in the community will not work with you to solve crimes, and you actually create enormous public safety risks for the citizens in Multnomah County. Numerous mayors have pointed this out; that if you see your police force as one that is continuously trying to be an immigration agent rather than a police officer and you are pursuing folks with profiling—stopping everyone in the Hispanic community—that pretty soon the Hispanic community folks don't want to talk to you. They will not help you solve the crimes that occur. The community becomes less safe.

So this assault on public safety is a profound concern across this country.

I am disturbed that our nominee authored a bill to penalize cities and States that are seeking to reduce public violence and enhance public safety. That seems the opposite of what an Attorney General should do.

During his nomination hearing, Senator SESSIONS advocated for ending the Deferred Action for Childhood Arrivals Program, or DACA. This is a program on which one needs to understand it by meeting individuals who are childhood arrivals. There are folks who have crossed the border into our country who have brought with them a baby in their arms, or a toddler, or a 4-year-old. Those individuals—those children, those babies—grow up in America. They speak English. They only know America. Most of the time—I will not say most of the time, but in many cases they don't know they were even born outside the country.

So these children were put into a position of saying: If you disclose your status and fill out all this paperwork, we will not send you back to a country you don't even know, that speaks a language you don't even know because you have grown up in America and you are going to contribute to America, if we embrace you. And you will just be a lost citizen—a citizen without a country—if you are sent out of the country to somewhere that would be totally unfamiliar to you.

In this position that our nominee took, that he thinks we should end this program, it means that those children would now be eligible for deportation. There is a substantial concern here because they were promised that their information would not be used, would not be turned over for their deportation when they signed up. They trusted that when the United States of America made this promise to them, that prom-

ise would be kept, but it appears we have a nominee who wants to end that program and, therefore, place all of these children at risk of deportation.

The nominee had no answer for what to do with the 800,000 children who have come out of the shadows because of that program.

In December 2015, Senator SESSIONS voted against Senator LEAHY's sense-of-the-Senate resolution that affirmed that the United States must not bar people from another country because of their religion. Our nominee spoke for 30 minutes against the resolution. This takes me back to the echoes of this issue of the Muslim ban and discrimination based on religion that is so alien to the United States of America.

This resolution that affirmed that the United States would not bar people from our Nation because of their religion had the support of 96 Senators. Four Senators voted against the resolution, essentially saying it is OK to discriminate based on religion. Our nominee was one of those four Senators who conveyed through their vote that it would be OK to use a religious test for those entering the United States.

According to Bloomberg News, our nominee was one of the few lawmakers to defend President Trump's effort to propose a complete shutdown of Muslims entering the United States, in this report of November 18, 2016. He told CNN's Dana Bash last June: Well, all I can tell you is, the public data we have had indicated that there are quite a number of countries that have sent a large number of people here who have become terrorists.

During his nomination hearing, our nominee tried to walk back his support for the Muslim ban. He said he would not back a complete and total shutdown of all Muslims entering the United States. So he evolved from a position he took in December of 2015 and was more moderate during the nomination hearing. But still I am concerned about the position he put forward at that debate in December of 2015, when he spoke for 30 minutes and was one of four Senators to refuse to support a resolution saying that the United States should not discriminate based on religion.

This Muslim ban and the vote on the December 2015 resolution leaves Muslim Americans wondering if our nominee would fully defend and advocate for them; whether our nominee, the President's nominee for Attorney General, would fight for equal justice for Muslims after supporting the position that it is OK to discriminate against Muslims entering our country. That concerns me because that is not the position I would like to see represented in the President's nominee for this office.

My office has been receiving an enormous number of phone calls, emails, and letters about a whole host of nominees, and I think it is appropriate to

share some of those as well as to note that a group of 1,424 law school professors nationwide sent a letter to Congress urging us to vote no on this nomination, representing 180 law schools in 49 States.

I am not going to share all of the letter because I want to stay within the bounds of the debate. So I will just note this: They lay out a whole number of concerns about positions taken in the past.

I will summarize it with a final paragraph: As law faculty who work every day to better the understanding of the law and to teach it to our students, we are convinced that the President's nominee will not fairly enforce our Nation's laws and promote justice and equality in the United States.

That is 1,424 law school professors from 180 law schools looking at the record of the President's nominee.

The Leadership Conference on Civil Rights and Human Rights gives our nominee a zero-percent score. The Human Rights Campaign, which fights for justice for the LGBT community, gives the President's nominee a zero-percent score. The NAACP has repeatedly given grades of F to the nominee. The Leadership Conference on Civil Rights and the ACLU have voiced vigorous opposition.

I will share some of the letter from back home. Cobin from Portland, an assistant professor, writes: I am writing today to state my strong dissent for the nominee to be U.S. Attorney General. While this should be self-evident given his record, in light of this past week's events, it is all the more critical we have an Attorney General willing to fight for our Constitution. Protecting our fundamental values as Americans is priceless.

From Southern Oregon, Karen of Jackson County writes: I am strongly opposed to the nomination of JEFF SESSIONS as Attorney General. His support of President Trump's views regarding immigration and voting rights are unacceptable and make him unacceptable to be the Nation's chief law enforcer.

Letter after letter expresses concerns about the record.

Earlier tonight, my colleague from Massachusetts was sharing testimony Coretta Scott King presented on March 13, 1986, to the Senate Judiciary Committee when my colleague was nominated to the U.S. District Court for the Southern District of Alabama. The Senate at that point in time rejected the nomination. They did so after examining a whole series of events which had transpired under his leadership. I can't read those events under the rules of the Senate because they would constitute a critique of a fellow Senator. So I am just summarizing that her letter laid them out, and the Senate Judiciary Committee fully explored the issues presented by Coretta Scott King, and by many others, and decided there

wasn't the judicial vision appropriate for someone to serve as a judge in the United States of America.

If that series of events led to the unusual outcome of the Senate deciding that an individual's background—a background related to efforts to prevent African Americans from voting, weighed it incorrectly, not right that an individual be serving as a judge, that same background should be weighed by all of us here this morning, in this debate, over whether a nominee has the judicial heart of Lady Liberty to judge everyone without discrimination, to fight equally for everyone without discrimination. The answer years ago by this Chamber was no.

After I have weighed the many positions presented tonight which are deeply troubling, and the history that led this Chamber to make the decision it did back in 1986, I will have to join those who say and vote no on this nomination.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor this morning to join my colleague from the Pacific Northwest speaking in opposition to the nomination of our colleague to the position of U.S. Attorney General.

I thank the Senator from Oregon. I know he has been here for several hours. I listened to much of his remarks, and many of the issues he brought up in his statement reflect the issues that we in the Pacific Northwest are dealing with—the population of the Pacific Northwest concerns—and how many people in our part of the country have moved forward on so many important issues of equal protection for all Americans under the law. So I thank my colleague for being here. I thank him for the many things he had to say this evening on this subject.

I hearken back in my own life, as I reflect on this decision, to the time I grew up. This is something that has been instilled in me as a young person growing up in the 1960s and 1970s.

I saw the most incredible events happen in our Nation's government, and I saw a position—both the Attorney General and the Deputy Attorney General, someone who is now a Pacific Northwest resident—use that office, the power of the Attorney General and Deputy Attorney General, to say they disagreed with the President of the United States. Not only did they disagree with the President of the United States, they would rather resign from office than carry out the acts he was asking them to carry out.

As a young person, that Saturday night massacre was an incredible indelible image of how people should act responsibly in carrying out their duties.

So when I think about this position of Attorney General, I think of that very issue; that I want an Attorney General who will stand up for the citi-

zens of the United States, no matter what, even if he has to go against the President of the United States. That, to me, is the ultimate in serving the people of this country.

In many ways, in the last several weeks, I feel like we have been relitigating the 1960s and 1970s. When we talk about the civil liberties of American citizens, whether they are the LGBT community; or whether we are talking about government maybe using backdoor devices to spy on American citizens; or whether we are talking about immigrant rights, we are talking about the same things people fought for in the 1960s and 1970s. So it is no surprise that my colleague—also from Massachusetts—reflected on this in some of the comments she made last night that raised such a ruckus and concern on the floor. I certainly supported her and supported her in her rights to make those comments, but these larger issues about how one wields power at the enormous office of responsibility of Attorney General is what is at question in the Senate. I could go on this morning about many other issues I am concerned about in relation to the nexus of the Attorney General to the other positions that we are also considering, but this morning I am going to keep my remarks specifically to the Attorney General.

In this new information era—and I have been out here on other nights, in fact with my colleague from Kentucky Mr. PAUL, to discuss these very important issues of encryption and making sure the U.S. government does not unduly spy on U.S. citizens.

I am concerned that the President's nominee has supported President Bush's warrantless wiretapping and domestic surveillance programs. He also has supported law enforcement's backdoor key to encryption.

I will say, there are many things we need to do to fight this war on terrorism and to be strong in working together with law enforcement all across the United States and on an international basis. I will be the first to say there are great things we can do as it relates to biometrics and using biometrics effectively, but when it comes down to it, it is all about us working with the international community and getting cooperation from them to work that way, as opposed to running over the civil liberties of U.S. citizens. So I do have concerns that the President's nominee on this issue may not stand up to the President of the United States in making sure civil liberties of Americans are protected.

I am also concerned this nominee will not fully protect the rights of lesbian, gay, bisexual, and transgender Americans. The reason I say that is because of his record, and the doubts it raises because of his opposition to various pieces of legislation which have moved through these Halls—opposition

to gay rights, same-sex marriage, hate crime laws, voting rights for historically disfranchised communities, and workplace protection for women, lesbian, gay, bisexual, and transgender communities. All of these are things I wish we would have in an Attorney General who had been a greater advocate for the transition that America has made in protecting civil liberties in these issues.

These are very big issues in my State. They are very big issues that have been long discussed—probably discussed before they reached this body—and decided decisively in favor of the civil liberties of these Americans. So I find it troubling that in his position, the nominee used his power to target the LGBT student housing and education conference at the University of Alabama, and that he consistently voted against LGBT Americans' right to live where they choose, and voted for the constitutional amendment my colleague mentioned, the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act—not being supportive on those issues.

These are important issues that mark our country's ability to stand up for civil liberties. It is important in this era and time, because of the hate crimes and the horrific things that have happened to these individuals, that we have someone who not only recognizes those, but embodies the fact that these individuals are facing discrimination and must continually—continually—have someone to fight for their civil liberties.

The nominee sponsored legislation to roll back, as I said, LGBT rights in housing, employment, and health care, and there are an estimated 10 million LGBT Americans who are protected by our Nation's hate crime and anti-discrimination laws. What we want is leadership. We want leadership to continue on these issues. We want leadership that when we see problems, they are going to be addressed, even if it means fighting what the President of the United States has to say.

My colleague also had opposed the reinstatement of the Voting Rights Act and strongly supported voter ID laws that put barriers up for the elderly, indigent communities, and communities of color to get access to their ballots. I can tell you as a Washingtonian that nothing is more important to us than this issue of voting rights, and I would match our system with any other State in the Nation. We vote by mail. We have seen as high as 84-percent voter turnout in a Presidential year, and incredibly high turnout even in a mid-term election.

We know that giving our citizens the right to vote, and making progress on everyone having the right to vote, including the use of provisional ballots, making sure the law is clear in embracing and making sure people have the

opportunity to vote, and have their votes counted, are going to continue to be issues in the United States of America. We want people to have total confidence in our voting system, and we want them to have confidence that every citizen has a right to cast a vote, and will not be turned away at the ballot box because of an artificial barrier.

Believe me, there are lots of ways to catch fraud and corruption in the voting system in the State of Washington because it is based on your signature. Have we had people make mistakes in the system? Yes. They have been caught or corrected.

The notion that our system needs all of these other artificial barriers is not true. It is a system that has worked well for us and, as I said, has empowered more people to participate in our electoral system.

I want someone who is going to help us move forward in this country. The notion that we are putting up lines of obstacles for voting in this country should not be the way we are going. We need to go in the other direction.

I am concerned that the next Attorney General will fail to protect the civil liberties of all Americans, irrespective of their race, and protect opportunities to participate in our democracy and to make sure we are continuing to move forward. He has called the work of the National Association for the Advancement of Colored People and the American Civil Liberties Union “un-American.” Let us remember that in our time, we need people who are going to recognize the rights of individuals and stand up for them. If in the past his judgment and temperament on these issues has expressed a lack of concern for these individuals, my question for all of us is, what kind of leadership will that drive for the next Attorney General?

He has called the decision in *Roe v. Wade* “a colossal mistake” and has cast 86 anti-choice votes, including a vote against protecting abortion providers and their patients from anti-choice violence. Washington State has one of the strongest statutes in the country for protecting a woman’s right to choose. It was something we did before the national law. It is something many people in my State feel strongly about, and, yes, in the past, we have experienced violence at clinics.

In fact, in September 2015, there was a devastating bombing of a Planned Parenthood clinic in Pullman, WA—a tragedy that was unbelievable. The fact that those clinicians showed up in the parking lot the next day and continued to deliver services, and that law enforcement was there to help them and respect them is what I expect out of our system and the U.S. Attorney General—that someone will be there to help enforce the law and deter these kinds of crimes and make sure that we are moving forward as a country.

I said earlier that I feel as though we are relitigating the sixties and seventies. I wish that those issues had all gone away, but I feel as if they are still with us. These examples of disrespect toward the civil liberties of individuals, and using violence as a way to demonstrate that disrespect, require a swift hand of justice to oppose them.

My colleague voted against the Lilly Ledbetter Fair Pay Act, which amended the Civil Rights Act of 1964 so that gender-based pay disparity claims could be heard in court. This is also something of great concern to many Americans, not just women. It is a concern to men as well, because men want their wives to make the salary they deserve, to make certain their family has the income it deserves.

These are battles that we are going to continue to fight in the United States of America until we have fair pay. I do view it as a civil rights issue. As I said, Lilly Ledbetter amended the Civil Rights Act.

He also voted against the 2013 reauthorization of the Violence Against Women Act, which ensures that law enforcement has the every resource necessary to investigate cases of rape, and provides colleges with the tools to educate students about dating violence, sexual assault, and to maintain the National Domestic Violence Hotline, which fields 22,000 calls a month from Americans facing threats of domestic violence.

That issue in and of itself, along with the amount of domestic violence that women face in the United States of America, is something that needs constant vigilance and constant attendance in order to fight against. I don’t know all the reasons he did not support that legislation, but I know one aspect. He opposed language in the Violence Against Women Act allowing tribes to prosecute nontribal members who commit domestic violence against tribal members on reservation land. That is right. People were coming onto Indian reservations across our country. In Washington State, we have 29 recognized tribes. On those sites, people were committing crimes of domestic violence but, because of a loophole, weren’t being prosecuted. There were unbelievable amounts of violence.

The last administration came up with a way to work together to make sure that those crimes were prosecuted. It is as if the Federal system couldn’t affect all the activity that was happening, but it could work in concert with local law enforcement officials to come up with a way to make sure that women, who were being abused just because they were Native American on a tribal reservation, would get their fair justice.

I do have concerns about these issues as they relate to tribal sovereignty, to the issues of domestic violence and, particularly, domestic violence that is happening in Indian Country.

I also want to bring up an issue I think my colleague from Oregon brought up, which is something I don’t know that all of our colleagues agree on, but I am here to advocate for my State; that is, the nominee in his testimony said that he would leave to the States the question of legalizing and regulating marijuana in this administration.

In the past, he has refused to respect the rights of States that have democratically chosen to legalize marijuana for medical or recreational use. This is an important subject for us in the Pacific Northwest because we had a previous Attorney General who, after we had passed medical marijuana laws, tried to shut down our medical clinics. This was years before we passed legislation allowing for the legalization of marijuana by the broader public, not just medical marijuana.

We have seen an Attorney General who has aggressively pursued this medical use, and now we have concerns, as our State and several other States have legalized marijuana, about how this Attorney General is going to treat those actions.

We hope that this past record is not a reflection of the future and how he plans to treat individuals, but I know my colleague from Hawaii was here earlier and mentioned several cases of individuals in his State who needed that medical attention, who needed that product, who were given great comfort in their medical treatments by having access to that.

Is that now all in question? Is that something that Americans who have resided in States that have taken this action now have something to fear from the next Attorney General?

I know that there were many discussions in the confirmation hearing, and that there are concerns today relating to the issue of a ban on Muslims entering the United States. I will not go into great detail here, but will say that it is clear that the State of Washington has an opinion about this and that our State Attorney General and our Governor are trying to represent that viewpoint in the judicial process.

It is important to me that we get these issues right because I want to protect the civil liberties of individuals, and I see a path forward for us to be tough on these cases; that is, the true cases of terrorist activity. I say that because Washington had a case in 1999 of an individual who entered the United States at Port Angeles, WA. He had come from Algiers, and then when he got to France, he cooked up a new identity. When he left France and went to Canada, he cooked up another identity, and then he arrived at the U.S. border from Canada on a boat with explosives and a plan to either blow up the Space Needle or travel to LAX and blow up the LAX Airport.

There was very good work by customs and border agents who found

something unusual about this individual. It didn't add up. His passport looked as though it was valid, but something that was said gave the border agent reason to conduct a more thorough check.

In fact, they did. They opened the trunk of his car, and as they did, he ran, and with good reason because they saw a car full of explosive materials in the trunk. That so-called Millennial Bomber was caught. Since then, I have been an advocate for using biometrics as a standard for us pushing visa waiver countries for letting people into their country, as Mr. Ressim did travel, as I said, from Algiers to France, cooking up a new identity, and then France to Canada, and Canada to the United States, each time cooking up an identity.

But if we had cooperation with these countries on biometric standards; if we had implemented those biometric standards, and pushed those countries that give access to our country through the Visa Waiver Program, we would be a lot further down the road in finding those individuals who mean to do us harm.

We need cooperation by these other countries and the best techniques and standards to help us. That is far different than denying access to individuals, for example, from the Somali community that is a very big refugee community in our State. As I said, I will leave it to our Washington attorney general and our Governor to continue to pursue that effort.

I have heard from many Washingtonians who are concerned about this nomination. I heard from a young woman from Yakima, WA, who said she was flabbergasted by this nomination, that "if he was deemed inadequate during the days that Strom Thurmond was in office, why now is he adequate?"

I heard from a constituent in central Washington who said: "I am a transgender and gay, and much of the time I worry about my rights as a U.S. citizen, whether they'll be revoked despite the fact that my family has fought in every war in the U.S. since the Civil War. I am worried that legislation would be implemented that would dehumanize me and other LGBTQ community individuals, and that doesn't align with the nominee's religious beliefs."

So these are concerns my constituents have, and I have to agree with them, that our nominee's record leaves question about his ability to fervently advocate on behalf of these individuals, given his record and history in the past. And I know that my colleague, the ranking member from the Judiciary Committee, has been out here on the floor, going in detail about the questioning that happened during the committee process on all sorts of issues, as it relates to women's rights and reproductive choice, and how we

are going to continue to move forward to make sure these individuals are protected.

So, to me, my constituents are loud and clear. They want these civil liberties protected. They want an Attorney General who is going to make sure that those civil liberties are fought for and respected every day and are going to get equal protection under the law.

Here are some additional excerpts from the letters of our concerned constituents.

KS from Yakima, WA, a concerned constituent, writes: "I am simply flabbergasted that JEFF SESSIONS was chosen to be our Attorney General. If he was deemed inadequate in the days when Strom Thurmond was in office, then he's certainly inadequate in 21st century America. As you are politicians, I shouldn't have to remind you of this, but I'm going to anyway. One, America was built by immigrants from all over the world, on top of an already diverse nation of the First Peoples. Two, there are over 300 languages spoken in the U.S., nearly half of which are indigenous. Three, people have had to fight tooth and nail against discrimination based on their race and ethnicity, and the fact that so many are still doing to that today is extremely worrisome. Four, it's been our legally protected right since 1967 to marry and have a family with someone of a different race. Five, it's only been our legally protected right to marry and have a family with someone of the same gender since 2015. Six, my generation, the Millennials, is the most diverse of any in American history. Since 2000, 40 percent of all children have been born to multiracial families. And those children will be eligible to vote before you know it. The ones born in 2000 will likely have a lot to say come the midterm election. This America cannot, should not, MUST NOT have an attorney general who thought the Klan was too liberal. He has no place at a school crosswalk, let alone leading the most powerful nation in the free world. PLEASE do not let this happen!"

SL from Wenatchee, WA, writes: "He has repeatedly shown within his career that he clearly sees the LGBTQ+ community as something that is acceptable to discriminate against. Most notably is his support of the Defense of Marriage Act. This worries me very deeply since I am Transgender and gay. Much of the time I worry that my rights as a US citizen will be revoked, despite the fact that my family has fought in every war in the US since the Civil War. I am worried that he would allow legislation to be law that would dehumanize me and other LGBTQ+ individuals because it doesn't align with his apparent religious beliefs. He also seems to not hold much issue with civil rights as long as they don't go 'too far.' Additionally, his continual stance

against immigrants could have a distinct impact on my city and community. We have a large Hispanic and Mexican population, many of them around the neighborhoods where I live. The many years I've lived here I've found our multicultural community to be hard working and not the 'evil' that Trump is adamant to make them out to be. I do not feel reassured if he becomes the Attorney General that he would stand up to Trump and fairly support these marginalized individuals in the Department of Justice."

JH from Seattle, WA, writes: "I trust that you will protect and stand for the ideals of our country and vote no to the appointment of JEFF SESSIONS as Attorney General. The job of the Justice Department is to protect all people, and to enforce the laws of the land to do so. SESSIONS has not in word or deed demonstrated he is capable of doing so. Even while awaiting confirmation, he is supporting discrimination against LGBTQ people by his support of the FADA. I expect any person confirmed in our government to clearly support all people—black, brown, white, male, female, transgender, gay, lesbian, bisexual, queer, Jew, Christian, Muslim, Buddhist, Native, atheists, and people of all ethnicity. The Attorney General is responsible for upholding The Constitution—including Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. This means upholding the Constitution, including Press's right to cover Mr. Trump and report as they see fit—not censored news. This also means supporting The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. This means insisting that the Justice Department hold themselves and local police forces accountable for detaining and searching people—and do promulgate brutality from behind the badge. Instead of JEFF SESSIONS, please garner support for and vote for a legal mind who has a demonstrated record of upholding all people's rights. There are many fine minds and hearts in our country who are up to the task. It is your responsibility as a Senator of our fine Democracy to vote only for one of them."

Gary from Spokane, WA: "JEFF SESSIONS does not believe that our laws should protect everyone. He believes certain groups should have less rights and/or less protection under the law. He will allow discrimination, based on

his record. There is enough volatility in this time of ours to understand the importance of a fair minded, tempered and balanced person to head the department of justice. There is no denying we are entering a tumultuous time. There is enough concern over JEFF SESSIONS to give pause, consider the times we are in, and come up with a better choice. Concerns over our country turning to totalitarianism are real. The president elect is extremely polarizing and may very well be breaking the US Constitution as soon as he's sworn in, due to conflicts of interest. The attorney general certainly needs to understand these concerns and be able to enforce the laws of the American people. There are many other talented legal professionals with a wide variety of skill sets related to law enforcement. This is the time to slow down a bit; delay . . . at least this appointment. There is an appointment process for a reason. Make Mr. Trump come up with a better choice. No matter your party, there is no win in becoming a rubber stamp for Mr. Trump. I vote nay for Jeff Session as Attorney General. Consider the importance of this time, consider the future of our country, consider the rights guaranteed in the bill of rights. The choice then is easy, nay for SESSIONS, yea for thoughtful, accountable and tempered governance."

Betsy from Waldron, WA, writes: "Please oppose the appointment of JEFF SESSIONS as Attorney General. He is opposed to basic civil rights for all people and he cannot be put in charge of protecting those same rights. Please do not compromise with Trump or try to compromise as if he were a normal president. Please oppose, blockade, filibuster, and refuse to go along with Trump's plans to tear our country apart. I am relying on you to be our first wall of defense against this terrifying man."

RaGena from Spokane, WA, writes: "As a constituent I urge you to oppose the confirmation of Senator JEFF SESSIONS as Attorney General of the United States. His voting record as senator and the content of his speeches to the Senate do not inspire confidence in his ability to discharge the responsibilities of the Attorney General's office in keeping with role of the Department of Justice in contemporary American society. His responses to the Judiciary Committee raised further, serious concerns. All this, coupled with the reasons for his failure to be confirmed as a federal judge decades ago, suggest that he is not the person for this job."

DH from Tacoma, WA, writes: "I am writing to express my strong opposition to the nomination of JEFF SESSIONS as Attorney General. Everything I know about this man makes him uniquely unqualified for the post. He has not supported equal rights of minorities and has supported vote sup-

pression as a means to reduce the effect of minority votes. In the attorney general seat, SESSIONS will be able to make decisions that will negatively affect the daily lives of some of our most vulnerable citizens. Please reinforce my belief in you as a leader and vote no on JEFF SESSIONS for attorney general."

JG from Seattle, WA, writes: "You must vote against confirming JEFF SESSIONS as Attorney General. His record makes clear that he will not support voting rights for all Americans and will not act to protect the rights of minorities or work to improve the criminal justice system. In fact, his record makes clear he will move to suppress voting rights and will promote DOJ actions that will hurt minorities in particular. He is not fit to serve as this country's Attorney General."

AM from Seattle, WA, writes: "I am a criminal defense attorney in Seattle. I write to ask you to vote against confirming JEFF SESSIONS as United States Attorney General. Under the Obama administration, many inroads have been made into remedying the harms of mandatory minimum drug sentencing and other forms of drug sentencing reform. Additionally, states like Washington have been allowed to sell marijuana, legal under state law, without fear of federal prosecution. Finally, the Obama administration made good use of the civil rights division to assist in reforming police departments engaged in improper policing practices, such as Seattle. I have no confidence that JEFF SESSIONS will continue to support any of these policies. Please do not vote to confirm him."

LB from Seattle, WA, writes: "Please block JEFF SESSIONS from becoming Attorney General. The idea of having a racist attorney general is appalling. We need to improve race relations in this country and in our law enforcement officers, especially. I am 41 and feel like the race relations in this country had been improving steadily throughout my life, at least on the west coast. It's very scary to me that this new administration has brought to light all the issues that still remain but to be a great country we cannot be a divided one and with half our population being minorities this appointment seems like a huge huge step in the wrong direction."

LR from Seattle, WA, writes: "I am writing to ask you to do everything you can to stop the nomination of JEFF SESSIONS as Attorney General. His record shows his hostility toward civil rights, the ACLU, the NAACP, the LGBT community and more. I am especially concerned about his ability to send us backwards on gay marriage and other civil rights laws. His appointment to head the Justice Department would be a disaster for civil rights law in this country. Please help stop this travesty."

MY from Edmonds, WA, writes: "I am writing to urge you to continue due diligence on the appointment of JEFF SESSIONS as attorney general. I do not believe the political commercial I just saw trying to paint him in a wonderful light and asking people to contact senators to urge confirmation. I continue to have concerns about what he will do to lessen voter rights and other issues under his authority. The advertisement did not change my opinion and I feel it's just full of alternative facts. Please continue to ask tough questions on all of these appointments."

RR from Bellingham, WA, writes: "Please do not consider JEFF SESSIONS for Attorney General. His views, clearly displayed over the course of his career, are the antithesis of what our country stands for around the world. The United States has been a bastion of freedom, truth and inclusiveness. Sadly, those qualities are rapidly disappearing, faster than o thought possible, under the Trump administration. ALL of our citizens are entitled to equality under the law. All of our citizens are entitled to live freely regardless of their race, religion, lack of religion, gender or sexuality. JEFF SESSIONS is dangerous. He will dismantle civil rights laws, allow racial profiling, support laws that prevent access to voting and encourage the abuse of the LGBT community. Please vote no."

I also know there are letters from many organizations that also have opposed this nomination, and my colleague has talked about many of those, but the NAACP, civil and human rights organizations, the HRC, and the American Federation of State and County Municipal Employees have said they question the objectivity and sense of justice needed on these important issues.

I mentioned the Lilly Ledbetter Fair Pay Act and other issues of the Individuals with Disabilities Education Act, things that people are concerned that they get the fair attention and enforcement of law. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, February 7, 2017.

Re The NAACP Strongly Urges the U.S. Senate To Vote No on Sen. Jeff Sessions Nomination as Attorney General.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to vote against Jefferson "Jeff" Beauregard Sessions III for Attorney General. Throughout this contentious debate, and through his past actions, his recorded words, and his voting record as a United States Senator, Sen. Sessions has demonstrated a clear disregard, disrespect, and disdain for the rights and needs of all

American people. Senator Sessions possesses neither the political nor the moral temperament to serve as Attorney General.

The NAACP staunchly opposes the confirmation of Senator Jeff Sessions based on several factors, including the fact that he does not agree with us on a majority of issues as is reflected in our federal legislative report card. Since 1914, our report card has been reflective of our bread-and-butter civil rights issues, and the fact that Senator Sessions has averaged, since coming into Congress, just over 10%, demonstrates his clear disregard for issues that are important to us and to those we represent and serve. It would be a disservice to these people who support our priorities for us to not speak out against this nomination. Supporters of the NAACP would argue, in fact, that the Department of Justice is a crucial enforcer of civil rights laws and advisor to the President and Congress on what can and should be done if those laws are threatened. Given his disregard for issues which protect the rights, and in some cases the lives, of our constituents, there is no way that the NAACP can or should be expected to sit by and support Senator Sessions' nomination to head the U.S. Department of Justice.

The disdains Senator Sessions has shown for civil rights organizations, including the NAACP, is as palatable as it is disturbing. During his confirmation hearing in 1986 for a federal judgeship in Alabama, Senator Sessions replied to one question by saying, "I'm often loose with my tongue. I may have said something about the NAACP being un-American or Communist, but I meant no harm by it." Yet he denied saying anything disparaging about the NAACP in his recent hearing before the Senate Judiciary Committee on January 9, 2017.

Lastly, in a floor statement made earlier today, Senator Lindsey Graham suggested that the opposition of the national NAACP is out of step with the sentiments of Alabamians. Nothing could be further from the truth. In fact, the President of the Alabama State Conference of NAACP Branches has been a leader in opposing this nomination. He was up here on January 9, 2017, to hear Senator Sessions' testimony, a trip he took with busloads of NAACP Members who also opposed the confirmation. This was a day after he was arrested for sitting in on Senator Sessions' office in Mobile as a means of protest in which he urged Senator Sessions to withdraw his nomination from consideration by the Senate.

In summation, I would like to reiterate that it is the experiences of the NAACP that lead us to oppose Senator Sessions' nomination. We further call on President Trump to nominate an individual who have a demonstrated commitment to the constitutional promises of civil rights, voting rights and civil liberties protection and enforcement for all, and an articulated respect and promise to promote the civil and human rights of all people, regardless of their race, ethnicity, gender, age, religion, place of national origin, sexual preference or station in life. Thank you in advance for your attention to the position of the NAACP. Should you have any questions or comments, please do not hesitate to contact me at my office.

Sincerely,

HILARY O. SHELTON,
Director, NAACP
Washington Bureau
& Senior Vice President
for Policy and
Advocacy.

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
Washington, DC, December 1, 2016.

AN OPEN LETTER TO THE UNITED STATES
SENATE

CIVIL AND HUMAN RIGHTS ORGANIZATIONS
OPPOSE CONFIRMATION OF JEFF SESSIONS

DEAR MAJORITY LEADER MCCONNELL,
DEMOCRATIC LEADER REID, CHAIRMAN GRASSLEY,
AND RANKING MEMBER LEAHY: On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promote and protect the civil and human rights of all persons in the United States, and the 144 undersigned organizations, we are writing to express our strong opposition to the confirmation of Senator Jefferson B. Sessions (R-AL) to be the 84th Attorney General of the United States.

Senator Sessions has a 30-year record of racial insensitivity, bias against immigrants, disregard for the rule of law, and hostility to the protection of civil rights that makes him unfit to serve as the Attorney General of the United States. In our democracy, the Attorney General is charged with enforcing our nation's laws without prejudice and with an eye toward justice. And, just as important, the Attorney General has to be seen by the public—every member of the public, from every community—as a fair arbiter of justice. Unfortunately, there is little in Senator Sessions' record that demonstrates that he would meet such a standard.

In 1986, when then-U.S. Attorney Sessions was nominated by former President Ronald Reagan to serve as a judge on the U.S. District Court for the Southern District of Alabama, the Republican-controlled Senate upheld its constitutional duty, undertaking a careful and comprehensive review of his record at that time. The Judiciary Committee was presented with compelling evidence that then-U.S. Attorney Sessions had a deeply troubling record as an opponent of civil rights enforcement, a champion of voter suppression tactics targeting African Americans, and a history of making racially-insensitive statements. This record included warning an African-American colleague to be careful about what he said "to white folks," and speaking favorably about the Ku Klux Klan, as well as his prosecution of three African-American voting rights activists on dozens of charges that were promptly rejected by a jury.

As you know, the Attorney General is our nation's highest law enforcement official, with a particular responsibility to protect the civil and human rights of all Americans. The Leadership Conference opposes Senator Sessions' nomination to become Attorney General, in part, because of the previous record we have cited. However, it would be a grave mistake to assume that our opposition is based only on incidents prior to his judicial nomination.

Indeed, the following are examples of his actions as a Senator over the past 20 years that raise very disturbing questions about his fitness to serve as Attorney General:

Voting Rights: In addition to his failed 1985 prosecution of three voting rights activists who were working to increase African-American registration and turnout, Senator Sessions has voiced strong support for restrictive voter ID laws that have had the effect of disenfranchising many otherwise eligible voters, called the Voting Rights Act "intrusive" as it seeks to protect eligible minority voters, and praised the Supreme Court ruling in *Shelby County v. Holder* (2013) that gutted a key part of the Voting Rights Act of 1965.

This is hardly the record of someone to be entrusted with the protection of voting rights for all Americans.

Association with White Nationalist and Hate Groups regarding Immigration Policy: Senator Sessions has been a fierce opponent of comprehensive immigration reform, referring to a bipartisan 2007 bill as "terrorist assistance." He has closely associated himself with NumbersUSA, the Federation for American Immigration Reform, and the Center for Immigration Studies, all three of which were founded by John Tanton, who held white nationalist beliefs and called for the preservation of a "European-American majority." Senator Sessions has also received awards from the David Horowitz Freedom Center and Frank Gaffney's Center for Security Policy, two organizations designated as anti-Muslim hate groups by the Southern Poverty Law Center.

Hate Crimes and LGBT Rights: Senator Sessions opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, even though a unanimous Supreme Court had long ago upheld a similar state law in *Wisconsin v. Mitchell* (1993). This is particularly disturbing at a time when there have reportedly been more than 700 hate incidents committed in the weeks since the election. The next Attorney General must recognize that hate crimes exist, and vigorously investigate them.

In addition, on LGBT rights, Senator Sessions supported a constitutional amendment to ban same-sex marriage. He also opposed the repeal of "Don't Ask Don't Tell."

Women's Rights: Senator Sessions has consistently opposed legislation to advance women's rights, notably opposing multiple efforts to address the pay gap, to protect women's access to reproductive health services, which disproportionately affect low-income women and women of color, and to address the scourge of violence against all women. Specifically, Senator Sessions opposed the Lilly Ledbetter Fair Pay Act of 2009, enabling women to file ongoing pay discrimination claims, and has voted multiple times against consideration of the Paycheck Fairness Act. Senator Sessions also opposed Title X funding legislation, which supports contraception, breast cancer screening and other health services for low-income women. In addition, Senator Sessions repeatedly voted to defund Planned Parenthood, and in 2014, he voted against S. 2578 to fix the Hobby Lobby decision by prohibiting employers from denying coverage of any health care service, such as contraception, required under federal law. Senator Sessions also opposed the reauthorization of the Violence Against Women Act in 2013, and when then-candidate Donald Trump was revealed in a 2005 video to have made comments bragging about physically forcing himself on women, Senator Sessions declined to condemn the remarks, even questioning whether the comments described sexual assault.

Criminal Justice Reform: Though Senator Sessions was a longtime supporter of eliminating sentencing disparities between crack and powder cocaine offenses, he has since been an ardent supporter of maintaining draconian mandatory minimum sentences. Recently, Senator Sessions helped to block broad-based, bipartisan efforts to reduce sentences for certain nonviolent drug offenses. He also opposed the President's initiative to address disparities and restore fairness to the justice system through the use of his constitutionally granted executive clemency power. He criticized the Department of Justice's Smart on Crime Initiative, which has

focused on prosecuting fewer but “more serious” drug cases and over the last three years, has contributed to a 20 percent reduction in overcrowding in the federal Bureau of Prisons. Finally, Senator Sessions condemned the Department of Justice’s use of its powers to investigate law enforcement agencies accused of misconduct and a “pattern or practice” of violating civil rights, calling consent decrees that mandate reform following these investigations “an end run around the democratic process.”

Failing to Protect our Communities from Pollution and Climate Change: Climate change and environmental degradation disproportionately affect low-income families and communities of color. Senator Sessions has a long record of voting against protections for our clean air, water, and climate. Among his many anti-environmental votes, in 2015 he voted for the resolution to kill the clean power plan and for the Barrasso bill to deny protections for streams that provide drinking water for 113 million Americans. In 2012, he supported a resolution that would roll back protections from toxic mercury. America needs and deserves an Attorney General who will take into account the health and safety of all communities. Senator Sessions is not qualified in this regard and cannot be counted on to protect our air, water, and climate.

Rights of People with Disabilities: Senator Sessions opposed efforts to implement Alabama’s obligation to provide community-based services to individuals with disabilities who were needlessly institutionalized. In addition, he called the Individuals with Disabilities Education Act’s requirements to include children with disabilities in mainstream education “the single most irritating problem for teachers throughout America today” and “a big factor in accelerating the decline in civility and discipline in classrooms all over America.” This opposition to integration and inclusion is extremely concerning given the active role that the Justice Department plays in enforcing the Americans with Disabilities Act to enable people with disabilities to live independent lives, be full participants in their communities, and to be educated in neighborhood schools and regular classrooms. Senator Sessions also opposed ratification of the Convention on the Rights of Persons with Disabilities.

These aspects of Senator Sessions’ record are among those that led The Leadership Conference to believe that he should not be confirmed as our next Attorney General. At the very least, these issues must be fully aired and deliberated before each Senator makes a final decision with respect to his nomination—otherwise, the Senate’s constitutional duty to provide “advice and consent” would be reduced to a mere farce.

Given Senator Sessions’ record and public statements, the burden should be on him to prove to the Judiciary Committee, the Senate, and the American people—especially to communities of color and immigrant communities—that he can be trusted with the tremendous power of the U.S. Justice Department to enforce our nation’s civil rights and immigration laws with integrity, fairness, and a sense of justice.

The burden on Senator Sessions is not to prove that he is not a “racist.” For the record, The Leadership Conference has never made such an allegation, as we do not claim to know what has been in his heart when he has taken the actions and made the statements we have described above. Nevertheless, we believe those actions and statements are themselves disqualifying.

This is notwithstanding our recognition that Senator Sessions’ record does include some positive actions. For example, the Southern Poverty Law Center, while expressing opposition to his confirmation, acknowledged that he was helpful in the Center’s successful effort to sue and bankrupt the Ku Klux Klan following its role in the 1981 lynching death of Michael Donald. The Leadership Conference also worked with Senator Sessions in an effort that culminated in the passage of the Fair Sentencing Act of 2010, which reduced racial disparities in federal cocaine sentencing provisions. While these actions are noteworthy, they do not change our conclusion that Senator Sessions’ overall record is too troubling for him to be confirmed as Attorney General.

The collegiality that ordinarily governs Senate decorum is no substitute for, and must not supersede, the Senate’s profoundly important duty to vigorously and fairly review each nominee who comes before it. We believe that based on this review, there can be only one conclusion: Senator Sessions is the wrong person to serve as the U.S. Attorney General.

Thank you for your consideration of our views. If you would like to discuss this matter further, please contact Wade Henderson, President and CEO, or Nancy Zirkin, Executive Vice President.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,

Washington, DC, February 7, 2017.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our strong opposition to the confirmation of Sen. Jeff Sessions as Attorney General of the United States. Sen. Sessions has a lengthy record of public service, but his record does not demonstrate that he possesses the objectivity and sense of justice needed to serve as the nation’s chief law enforcement officer.

Sen. Sessions has a troubling pattern of antipathy toward legal protections on which working families depend. He opposed the Lilly Ledbetter Fair Pay Act enabling women to challenge pay discrimination. He denounced the Individuals with Disabilities Education Act provisions that ensure that children with disabilities are included in mainstream education. He also opposed the reauthorization of the Violence Against Women Act and the Shepard-Byrd Hate Crimes Act.

Sen. Sessions has expressed strong support for voter ID laws which restrict the rights of many, otherwise, eligible voters. He has called the Voting Rights Act “intrusive” as it seeks to protect minority voters and praised the U.S. Supreme Court ruling in *Shelby County v. Holder* which gutted a key part of the Voting Rights Act of 1965.

Recently, Sen. Sessions helped to block bipartisan efforts to reduce sentences for certain nonviolent drug offenses. He has also criticized the Department of Justice’s use of consent decrees to address misconduct and violations of civil rights by law enforcement agencies.

Testimony provided by Sen. Sessions during his hearing has not alleviated our grave concerns about his suitability to lead the Department of Justice. We urge you to reject his nomination.

Sincerely,

SCOTT FREY,

Director of Federal Government Affairs.

NATIONAL NURSES UNITED,
Washington, DC, February 7, 2017.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL: We write on behalf of the more than 150,000 registered nurse members of National Nurses United to urge you to vote against the confirmation of Senator Jeff Sessions, President-elect Donald Trump’s nominee for Attorney General. Much has been said by many others against confirmation of this nominee, so we will be brief.

Our members work as bedside healthcare professionals in almost every state in the nation. We work in every hospital setting, from small rural facilities to large urban public health systems, in prominent research hospitals affiliated with prestigious public and private universities, as well as Veterans Affairs hospitals and clinics. We care for Americans on every point of the demographic spectrum, at their most vulnerable. We provide the best care we possibly can, without regard to race, gender, national origin, religion, socio economic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant. And to vote in favor of confirming him as the chief law enforcement officer of the United States would abdicate your responsibility to provide the oversight necessary to ensure that basic legal rights are enforced evenhandedly and for the protection of all people.

As Senate colleagues, you no doubt know Senator Sessions’ record as a lawmaker, as well as his record as the U.S. Attorney for the Southern District of Alabama and as the Alabama Attorney General. It was, of course, his record in the U.S. Attorney’s office and his many publically verified racially insensitive comments that resulted in a majority of the Senate Judiciary Committee voting against confirmation for his nomination to be a U.S. District Court judge in 1986. This “no” vote happened while the Judiciary Committee was majority Republican. Even Senator Howell Heflin, a fellow Alabamian, voted against him, citing “reasonable doubts” over whether he could be “fair and impartial.”

Senator Sessions has oft asserted that his comments over the years were taken out of context, or intended as humor. But his record tells the truth. Early in his career he charged civil right leaders (“the Marion Three”) with voting fraud related to their efforts to assist African American voters. The fact that the defendants in that case were acquitted didn’t deter Mr. Sessions. Later, as Attorney General of Alabama, he initiated another voter fraud investigation involving absentee ballots cast by black voters that, again, resulted in findings of no wrong doing. During that same timeframe, he was criticized for declining to investigate church burnings, and he “joked” that he thought Ku Klux Klan members were “OK, until [he] learned that they smoked marijuana.”

Against that background, Senator Sessions aggressively interrogated Justice Sonia Sotomayor, the Court’s first nominee of Latino heritage. Further betraying a deep belief in natural division between racial groups, he grilled Justice Sotomayor about whether she could be fair to white Americans, despite her 17-year record as a jurist and having received the American Bar Association’s highest rating. And he expressed grave concerns that she would engage in judicial “empathy” on the high court, favoring

persons of certain races or ethnicities over others. He then voted against her confirmation.

Senator Sessions' prejudices are not only against people of color. As an organization representing a predominately female profession we are compelled to express our outrage that Senator Sessions defended Donald Trump's statements about grabbing women by the genitals, by saying that such conduct would not constitute sexual assault. The fact that he took a different position during his Committee hearing is of no comfort. It only shows that he will say whatever he believes will help land him in the seat of power to determine whether, and against whom, to enforce our laws. His comments last fall dismissing President-elect Trump's despicable treatment of women is consistent with his vote in 2013 against the Violence Against Women Act. As nurses, we see close up the devastating effects of domestic violence against our patients, and we are disturbed by Senator Sessions' alleged concern that the protection of that statute should not extend to victims of violence on tribal lands.

Moreover, confirming Senator Sessions to the job of the top prosecutor would exacerbate our national crisis over race issues in policing and our criminal justice system. He personally blocked the Sentencing Reform and Corrections Act, a bipartisan effort spearheaded by Sens. Charles Grassley (R-Iowa), Mike Lee (R-Utah), and John Cornyn (R-Texas), and Speaker of the House Paul Ryan (R-Wis.). The fact that law enforcement leadership throughout the nation supported the reform effort made no difference to Senator Sessions. And unfortunately, his actions as U.S. Attorney for the Southern District of Alabama only further illustrate his indifference to this crisis. For example, drug convictions made up 40 percent of his cases when he served in that position—twice the rate of other federal prosecutors in Alabama.

Despite the current trend of focusing resources on violent crime, and away from outdated drug war policies, Senator Sessions continues to oppose any attempts to legalize marijuana and any reduction in drug sentences. As Attorney General, he could direct federal prosecutors throughout the country to pursue the harshest penalties possible for even low-level drug offenses, a step that would further exacerbate our national record of incarcerating non-violent offenders—the vast majority of whom could be successfully treated, at far lower cost to society, with appropriate healthcare treatment.

Nor should Senator Sessions be trusted to ensure equal access to voting rights. He has publically called the Voting Rights Act “intrusive,” and has insisted that its proactive protections of racial minorities were no longer necessary. This is especially disturbing as Senator Sessions voiced public support for voter-ID laws, while his home state recently tried to close over thirty DMV offices, many in majority-black areas, shortly after instituting strict voter-ID requirements. We are reminded of the words of Coretta Scott King in her letter opposing Jeff Sessions' nomination to the federal district court in 1986: “The irony of Mr. Sessions' nomination is that, if confirmed, he will be given a life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods.”

We will not attempt to address all the positions Senator Sessions has taken that are out of step with the reality of the difficult times we are in, but as nurses we must in-

clude our grave concern that as Attorney General he would not be vigilant in enforcing environmental protections. In a July 2012 Senate hearing on climate science, Senator Sessions dismissed the concerns about global warming expressed by 98% of climate scientists, and asserted that this is “[a] danger that is not as great as it seems.” These positions are frightening. Climate change is a public health issue that cannot be overstated. As nurses we have been seeing for some time increases in the frequency and severity of respiratory diseases such as asthma, bronchitis, and emphysema, as well as an increase in cancers and aggravation of cardiovascular illness. The effects of air pollution are particularly acute in pediatric patients. They have higher respiratory rates than adults, and consequently higher exposure. Our elderly patients are also especially vulnerable. Respiratory symptoms as common as coughing can cause arrhythmias, heart attacks, and other serious health impacts in geriatric patients. As global warming progresses, we are seeing sharp increases in heat stroke and dehydration, both of which are sometimes fatal.

In our disaster relief work through our Registered Nurse Response Network, we have been called upon to assist the victims of Hurricane Katrina and Super Storm Sandy—events that many scientists believe would not have been of the magnitude they were if not for rising temperature.

Current and future generations cannot afford to have a fox minding the hen house on the important issues of civil and criminal protections under the control of the Attorney General. We urge you to set aside your personal loyalty to Senator Sessions and evaluate honestly his record and fitness for this critically important job. We urge you to vote against his confirmation.

Sincerely,

DEBORAH BURGER, RN,
Co-President, National
Nurses United.

JEAN ROSS, RN,
Co-President, National
Nurses United.

Ms. CANTWELL. I also note that the National Nurses United, on behalf of 150,000 registered nurses, also urge the opposition to this nominee. And the record of this individual has made these individuals concerned about the resources and focus on crimes and actions that they see in their day-to-day lives.

They want to make sure they are going to work effectively in addressing these issues that they see through the health care system. All of these issues add up to a great deal of concern about this next vote that we are going to be taking.

We are not under the illusion that somehow, magically, the vote is going to turn out any differently than it did on the last nominee. Why are we here at 4:30 in the morning to talk about this? Why are we going to continue to pursue efforts, as the minority, to get time to discuss these nominees? We are going to do that because we have great concerns about their record. And, frankly, in the case of the next two nominees who are coming before us, we had specific questions asked about their actual actions and statements

and the testaments before the Finance Committee. Instead of the majority answering those questions for us, they decided not to answer them and push the vote to the floor of the United States Senate.

I am very concerned about the Price nomination, and the discussion that I hope we are going to have time to have here on that nomination and to bring light to the issues that we didn't get to bring to light in the Finance Committee.

The Treasury nominee that we will give time to in the next several days, the discussion of that record, the things I am interested in, obviously, are the protection of Medicare and Medicaid, and making sure we expose what is the concept and idea to either cap or cut the benefits that Americans are getting under those programs today and to have a great discussion about a very important issue that was talked about during the campaign and was put into party platforms on both sides of the aisle, but now all of a sudden seem to be forgotten. That mysterious, but all-important issue, something called Glass-Steagall, the separation of commercial and investment banking. That is what the Trump campaign, now President Trump, working with Republicans, put into a platform. Let us have Glass-Steagall.

Let us have separation of commercial and investment banking. Why? Because it is the disaster that brought us the implosion of our economy and cost our economy \$14 trillion, according to the Dallas fed. Yet, many Americans have not fully recovered from that event. I get that a lot of banks have recovered because we gave them the keys to the Treasury, and they got bailed out, but a lot of everyday Americans have not recovered. And certainly there are pension issues in the questioning of nominee Mnuchin. There was some discussion, “Well, that is not what we meant. That is in the party platform, but that is not what we meant, and that is not what we are going to pursue.” And certainly the rollback of Dodd-Frank provisions, that were just done in a Congressional Review Act, without very much discussion or fanfare or understanding by the American public, these kinds of actions are the things we seek debate on.

As these nominees come right after this, my constituents in the State of Washington are feeling as if these nominees need to be questioned on how they are going to uphold existing law and how they are going to implement and enforce existing law as it relates to these many issues. We are doing our best here. We would rather not do it at 4:30 in the morning. We would rather not do it at 4:30 in the morning, but we will do it at 4:30 in the morning if that is what it takes to get the airing on these issues and this amount of attention.

So I do find that the other side of the aisle, trying to gavel down my colleague from Massachusetts, was an attempt to try to say that you can control this debate. You can control the questions we have or the discussions we want to have or the concerns that our constituents have, which are real. I don't think it takes a genius to see that many people marching in Seattle on women's issues or an attorney general or a Governor who files a case or all the discussion that is happening, as I said, in response to a bombing at a health clinic just within the last few years or a bombing that happened in Spokane, an attempt on a Martin Luther King Day parade just several years ago, where somebody left a backpack trying to do harm—these are issues today.

They may be the same struggles that our Nation has had, but we have made it through, and we want a law enforcement officer in the land to uphold the law, enforce it, and to fight for the civil liberties of these individuals.

So I go back to my opening comments about this. And that is that I truly believe that mark that was set in the Saturday night massacre is the mark we should always strive for. I happened to ask at the time, when I first got on the Senate, I sat on the Judiciary Commission for 2 years, and I asked Attorney General Ashcroft about these issues. I asked him specifically, if you become the Attorney General for the Nation—at this time we had a law that had been implemented, the roadless area rule. Even though it had become the force of law, would he enforce that, even though the new President wanted to overturn it? Because I wanted to get across this very issue: Are you working for the American people? Will you uphold the law if, in fact, that is the law of the country? At this point in time, Mr. Ashcroft hesitated about whether it did have the force of law but said that if it did have the force of law, he would certainly uphold it. Obviously, we saw a lot of Executive orders in the early days of the Bush administration trying to overturn many of these things, and we saw an Attorney General's office that stood by. Instead of defending these laws in court, basically they were effective at not implementing fighting them because basically they did a very poor job in the court process—or decided not to argue or to file on behalf of the existing law, as opposed to answering to the Senate of the United States.

So we have seen examples of this. We have seen examples of Attorneys General who are responding more to the President of the United States than upholding the laws of the land.

I think Americans—at least the Washingtonians who are writing me in record numbers, who are speaking out in record numbers, who are concerned in record numbers—want the laws on

the book to be enforced, and they want the steps they are taking and making progress on as a State to also work in coordination with the next Attorney General.

I will be honest with people. I did not vote for the law to legalize marijuana in my State. I did not vote for it. I did not think that given some challenges and issues we had, it was the right thing to do. That is how I cast my vote. But more than 20 counties in our State, out of 39, voted for this law. It is not something that just Seattle did and it dominated the State, and there were just a bunch of people in Seattle who wanted to legalize marijuana; it was counties throughout our State. Some of our most rural counties voted for the legalization of that product.

In the ensuing years, we have had a good relationship with the Attorney General and the Department of Justice on how that law was going to continue to play out. So, as you can imagine, it is a much more integrated system now several years later. Several questions still remain about how this country is going to address that issue as a nation as a whole.

But right now, right now, we want to know we are going to have an Attorney General, and my obligation to a citizenry who has passed by initiative this decision is to make sure that I am looking for people here who are going to work with the State of Washington on that right that our State has to continue to move forward.

So it is of concern. As I said, the notion that a previous Attorney General did not agree—not this past Obama administration, but the previous Bush administration literally came to our State when we had a medical marijuana law and forced the investigation and shutdown of some facilities, caused great concern to medical patients throughout our State. So this is raising a question for people here. It is my obligation to make sure these issues are raised and brought up as we seek this discussion on the SESSIONS nomination to be Attorney General for our country.

I again thank my colleagues for being out here and for all of the discussions we have had on these issues. We should not be afraid to have these discussions. We should not be afraid to think about how we are going to work not only across the aisle, as I have done with my colleague SUSAN COLLINS on those homeland security Court issues—we worked successfully with Jeh Johnson, the last Homeland Security director, to make sure that we were moving some of our airport border control issues to overseas airports. We were able to get that done in December after the San Bernardino event and make sure that we are now working.

Why do we want them over there? Why do we want the border control and efficiency over there? Because then you

can work more in coordination with law enforcement about who bad actors are before they reach the shores of the United States. By working with local law enforcement in those countries, we have better ways to find information about individuals we have concerns about. That is the best nexus for us, and so she and I have worked on that issue.

As I mentioned earlier, Senator COLLINS and I are big advocates for the use of biometrics because you can identify people. As I mentioned, in the Ressam case, if we had identified Ressam the first time he entered France, we would have known who he was when he got to Canada. It would not have taken him going to the U.S. border. We would have found out when he arrived in Canada. But this is the United States using our clout and using our efforts to say to our European counterparts: We have implemented these biometric standards, and we want you to implement them, and we want you to work together to make sure people we have great suspicion and concern about are being addressed.

So, yes, we can work across the aisle on these issues. We can find ways to make sure that we are protecting civil liberties and also addressing the most heinous of these crimes and working to find individuals in a cooperative fashion, knowing that we are going to have to do this on an international basis.

So I urge our colleagues on the other side of the aisle to think about what America now needs in moving forward on the protection of civil liberties. I hope that—I am sure it is tempting to want to reach and to do some of these issues in Executive orders.

I mentioned the other issues of government surveillance in the Pacific Northwest that the State of Washington for sure has concerns about. These are our issues.

Infringing on the civil liberties of American citizens is not a pursuit we should be following. We should be working in coordination with law enforcement on verifying that people are who they say they are and pursuing an agenda, working with our international counterparts, to stop people in those countries before they even plot a case like the Ressam case in the State of Washington.

I know my other colleagues will be showing up here shortly, but I just wanted to put an additional note in. If any of our colleagues on the other side of the aisle are up early and just happen to turn on the television, if that is one of the things they do in the morning—we asked our colleagues to give us ample time to debate on the Price and Mnuchin nominations. We can continue to do the all-night thing. We can. I feel for the floor staff and the people who are here all night and the extra strain that it puts on the stenographers who are here and have been working around

the clock. But what we want is to have a hearing on the issues we are concerned about. We want to be able to have these issues discussed not necessarily in the middle of the night but during the broad daylight so that we can engage the American people on what these choices are so that our colleagues on both sides of the aisle will hear from their constituents and will hear why these issues are so important.

In the two cases we are going to see following this nomination for Attorney General, we are going to individuals who did not fully respond and answer the questions we wanted answered as it related to information they supplied to the Finance Committee.

So when you talk about—some people say: Why are you guys doing this? We say: Well, it is the Treasury nominee and the head of our health care system. So basically it represents all our revenue and a big chunk of our spending. That is what those two individuals represent. They represent the revenue that our country raises and a big chunk of the money. In fact, I think health care is 7 percent of our economy. It represents a big aspect of our economy—those two individuals. So we want to make sure we have ample time to discuss those nominees, to raise the questions we have about those nominees. Maybe in that discussion here on the Senate floor in the bright light of day, we will get some answers. We will get some answers about some of the things that were discussed in the hearing about opposition to certain issues or incorrect information. We will engage our colleagues in a debate, and maybe they can help us understand the support for ideas like basically, you know, changing Medicare into a program that caps the benefits on individuals or taking Medicaid and doing the same thing.

I am a big proponent of changes in delivery system reform that have driven great efficiencies into the health care system. I think many of our colleagues don't know, for example, about a program that got people out of nursing homes and into community-based care; that a lot of States in the country that use this part of the Affordable Care Act now are driving more efficient health care services into those States—a lot of States that did not support President Obama, did not support the Affordable Care Act, but took the money from the Affordable Care Act and are now implementing a much better delivery system for those who are living longer and need assistance on health care.

Why is that so important? Because back to my point about Glass-Steagall and the implosion of our economy, what we are going to see is a very great tragedy on retirement issues. We are going to see a lot of people who don't have enough money to retire and certainly not enough to take care of their

health care. So what happens then? Those individuals end up on Medicaid. If they end up on a Medicaid system that is based on nursing home care, the U.S. Government is going to be paying a lot more money for those services.

Those are all issues that we want to discuss with our colleagues, and we want to have an opportunity to do so during the next several days. We hope you will give us the ability to do that instead of holding all-night sessions—do that during the day—and give us ample time on those nominees and push those to next week so that we can have that discussion now.

Again, I want to thank the floor staff and everybody who has been here these two nights. It is a long haul. It is a long haul to do there. But behind every Member who has spoken on my side of the aisle, I can tell you, there is a passion of our constituents. There are true concerns, both by individuals and I would say businesses, as you can probably see from those who joined the case Washington State brought. You can see that there are issues here of how our economy works and how businesses work as well.

The passion and fervor that drive people to come here and speak on these issues is really one that represents the whole society we in the Northwest represent, the economic issues and the challenges that we face and how we have lived together in the diversity that has emerged and how much that diversity in the Pacific Northwest has grown our economy. That is what people are telling us. People want to know: What is the economic engine of the Pacific Northwest? And one of the things that scientists and researchers come up and say is that it is diversity.

The diversity adds to the creativity, the creativity adds to the inventiveness and the ingenuity, and the ingenuity is what is propelling these various businesses all across the various sectors. I am not just talking about high-tech sectors; I am talking about in agriculture, in aerospace, certainly in tech, but in many other aspects of manufacturing as well. So we want a nominee for Attorney General who is going to recognize that diversity, fight for that diversity, who is going to stand up to the President of the United States when they need to stand up and continue to make the effort that previous Attorney Generals have made in doing the job that it takes to be the top law enforcement officer in the land of the United States.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. YOUNG). Without objection, it is so ordered.

Mr. MURPHY. Mr. President, as I began last night at 4 in the morning—now 5:30—I thank the staff, both the nonpartisan staff and those in the majority and minority for enduring another late night. These are exceptional times. Thus we are here again in the early, early morning to talk about a nomination to the President's Cabinet.

This is my first time on the floor since Senator WARREN was gavelled down last evening. Let me just speak for a moment about my deep, deep disappointment at the events of early last evening. I want to put this in the context of the political moment that we are living in.

We have a President of the United States today who is a bully, who is using his office to try to stifle and quell debate. If you dare oppose him—frankly, whether you are a Republican or a Democrat—you are going to be called names, you are going to be mocked in an effort to try to silence you.

In the last week, we have seen President Trump attempt this tactic on members of the judiciary. When he got a ruling he didn't like from a judge in Washington that temporarily halted his ban on Muslims entering the country, he started personally attacking this judge, sending a signal to those in the judicial branch that, if you dare oppose him, you are going to be singled out for ridicule.

The President of the United States is going to try to destroy your reputation and your career as a judge, as a jurist, as an impartial arbiter of the law if you rule against his political interests. It is an exceptional moment. It is an exceptional moment in which the President of the United States is trying to bully judges into ruling in his favor. It is an exceptional moment, though we have been watching it for the last 2 years, in which the President is trying to bully Members of Congress to cower to his interests.

I want to be very careful about how I talk about this because I have great respect for the parliamentary rulings of this body. But I don't understand why our majority leader chose to gavel down Senator WARREN when she was simply reading a letter from Coretta Scott King.

We celebrate the legacy of Martin Luther King with a holiday every year in this country. In the pantheon of individual greatness in the United States of America, it doesn't get any higher than Martin Luther King. His widow wrote us a letter expressing her objections to the nomination of JEFF SESSIONS based upon the belief that he would not live up to the legacy of her husband and his work in civil rights.

Nothing could be more relevant to this discussion than the opinion of a

member of Martin Luther King's family on whether or not this nominee was going to enforce appropriately, vigorously the civil rights laws of this Nation, and Senator WARREN was silenced.

Now, I don't know what the motive was, and it certainly would be inappropriate for me to guess at it. But the effect of the majority leader's action is to stifle debate, to make it less likely that Members of the Democratic minority will raise objections to Senator SESSIONS' nomination and record objections as to his conduct.

I am not trying to equate what happened here last night with what our President has done, but there is a practice now. There is a pattern of behavior among Republicans, trying to stifle and quell opposition to this President. The President uses the bullying power of Twitter, and the majority leader now is twisting the rules of the Senate.

I say that because, while it may be true that technically the rules of the Senate don't allow you to talk about the conduct of a fellow Senator, how on Earth can you debate a nominee from this body to the Cabinet without questioning their conduct?

So technically, the rule may say that you cannot talk about the conduct of a fellow Senator, but how on Earth can this body operate when Members of it are nominated to important positions if we cannot talk about the conduct of fellow Members and we cannot criticize the conduct of fellow Members?

Now, I appreciate the fact that Senator MERKLEY was able to come down to the floor and read the full letter into the RECORD overnight. I appreciate the fact that Senator BOOKER was able to read into the RECORD testimony from another civil rights hero, JOHN LEWIS, without being similarly gavelled down for his conduct.

But this effort, this continued effort to try to stop people who oppose President Trump and his agenda from speaking truth to power is not right. It is not right. And it will, frankly, have the opposite effect.

You have seen what happened overnight on our side. We are not going to stop talking about Senator SESSIONS' record and how we believe it is disqualifying for his nomination for Attorney General. The protests and the numbers of people gathering around the country to object to the policies of President Trump are getting bigger and bigger the more that he bullies and bullies. This isn't going to work.

So I am going to speak to Senator SESSIONS' record. I am going to speak to how I believe it does not qualify him to be Attorney General, and that doesn't mean that I don't have great respect for him. I have worked with Senator SESSIONS on a number of issues. But if I can't talk about Senator SESSIONS' record, if I can't talk about his conduct as a Senator, as it

relates to whether or not he can be the chief law enforcement official in this country, then there is no use in having this debate at all.

Senator SESSIONS has publicly called the Voting Rights Act intrusive. In response to the Supreme Court's 2013 decision in *Shelby County, AL, v. Holder*, which gutted section 5 of the Voting Rights Act, Senator SESSIONS called it a good thing for the South.

That decision made it vastly more difficult for the Federal Government to protect individuals from racial discrimination in voting. The Supreme Court effectively substituted their political judgment on the status of racism in America for the judgment of this Congress. Effectively, the Supreme Court was saying in that decision that in our belief, racism is no longer a problem in the way that it was when the Voting Rights Act was passed, and, thus, there is no longer an imperative for section 5 of the Voting Rights Act, which allows for the Federal Government to oversee the voting laws of a select number of counties with patterns of racial discrimination.

That was an absurd ruling.

I have great respect for the members of the Supreme Court, but they live inside the ivory-ensconced marble of the Supreme Court chamber. They don't have experience on the ground, like the elected Members of this body do, to understand the reality of racism in America today. I wish it were gone, but it is not. Blacks and Hispanics are still discriminated against.

You just have to look to see what happened in North Carolina to understand the truth of that. North Carolina passed a number of laws which, on their face, they argued were not discriminatory. They were just, in their words, voter protections, buffers against voter fraud. And then, when we read the correspondence of the members of the State legislature to pass that law, what we learned is that they were specifically intended to try to stop African Americans from voting. The people who were passing those laws were talking to each other trying to figure out how they could most effectively target laws to stop African Americans from voting. That was their clear intent, even though they argue that there was no racial bias implicit in the passage of that law.

Racism is not dead in America. You don't wash away discrimination in just one generation—a generation and a half, maybe—after laws that separated the races with respect to public accommodations and restaurants and drinking fountains and bathrooms. That doesn't just vanish in one generation later. Everybody understands that.

Poll after poll will show you that there are still people in this country who believe that African Americans and Hispanics are inferior. I wish it weren't the case, but it still is. So we

still need the Voting Rights Act. We still need the Civil Rights Act. And we are about to vote on a nominee to be Attorney General who calls the Voting Rights Act intrusive, who says that a Supreme Court decision that guts the Voting Rights Act is "a good thing for the South." It is not a good thing for African Americans in the South. It is not a good thing for Hispanics in the South. It may be a good thing for the people who wrote those discriminatory laws, but it is not a good thing for those who are trying to vote who have witnessed and lived through decades of discrimination.

Let me talk about Senator SESSIONS' record on immigration. In 2007, Senator SESSIONS referred to a comprehensive immigration reform bill as "terrorist assistance." He has been a leading voice in Congress in arguing against immigration reform. In two decades in the Senate, Senator SESSIONS has opposed every single immigration bill that has included a pathway to citizenship. He has favored, similar to President Trump, an ideological test for admission to the United States. He said this:

Immigration policy must be guided by our understanding that western society is unique and special. Our values, our rules, our traditions are what make our society succeed where others fail. It is necessary and proper to choose who among the world's 7 billion people will be granted the high honor of immigration to the United States on the basis of confidence that they share our values.

That is a radical idea. Why don't we think about that for a second. The Attorney General of the United States will make important decisions about the enforcement of immigration law in this country. Much of what happens in immigration policy happens in the Department of Homeland Security, but the Attorney General makes important decisions about upholding the law on immigration policy, and we are about to vote to confirm a Member of this body who has said that there should be an ideological test for admission to the United States and that you have to share our values. I don't know what that means, but the greatness of the United States is based on the fact that we have been able to bring people from a variety of different backgrounds, a variety of different value sets, a variety of different religions—bring them into this country and allow them to keep part of their heritage, part of their belief system from the places they came from, whether they be Ireland or England or China or Mexico, and then also assimilate into the whole and adopt part of this country's short history of tradition over the last 240 years. What makes America great is that we allow people to bring values different from ours into this country, which in turn strengthens our collective set of values. We are constantly challenging ourselves with new ideas, with new perspectives.

Senator SESSIONS has been an opponent of Delayed Action for Childhood Arrivals policy. This is commonly referred to as DACA—the idea that if you are a child who came to this country when you were very young, knowing nothing other than the United States, an American in name if not legal status, then you should be able to stay in this country. It is cruel and inhumane to take a young man or woman who came to this country when they were 3 or 4 years old and send them back to their country of birth, and I think Democrats and Republicans of goodwill generally agree, if not on the broad aspects of the pathway to citizenship, that for these kids, these DREAMers as they call them, they should be able to stay in the United States. Senator SESSIONS has vigorously opposed this policy and many DACA-protected immigrants now fear deportation under a Department of Justice that is led by Senator SESSIONS.

His conduct tells us that he opposes protections for young men and women who know nothing other than the United States and want simply to have a shot with the American dream. That conduct is relevant to whether he is qualified to be Attorney General.

On criminal justice reform, Senator SESSIONS has personally blocked the Sentencing Reform and Corrections Act, which is a bipartisan effort spearheaded by Senators GRASSLEY, LEE, CORNYN, and Speaker of the House PAUL RYAN. As Attorney General, Senator SESSIONS will have the power to direct Federal prosecutors throughout the country to pursue the harshest penalties possible for even low-level drug offenses, a step that would further exacerbate our national record of incarcerating nonviolent offenders, the vast majority of whom can be successfully treated at far lower cost to society with appropriate health care treatment for their addiction or mental illness. Senator SESSIONS' conduct in this body has been to oppose efforts to try to treat with more compassion and commonsense offenders in this country who would be better served through treatment than through incarceration, so it is relevant to his nomination to be Attorney General where he will have broad discretion to lock up people for low-level offenses.

In Connecticut, we made the decision to divert people who are convicted of crimes but have serious mental illness or addiction into treatment. We have made the decision to reserve our prison system for the worst of the worst, mainly for violent offenders, for those who are convicted of serious crimes.

Connecticut has seen its prison population fall to a 20-year low. On September 3, 2016, the prison population in Connecticut dropped below 15,000 for the first time since January of 1997. At the same time, rates of reported violent crimes have plummeted in Con-

necticut. So the proof is in the pudding in my State. My State has reduced its prison population and at the same time has reduced its level of violent crime and many States can tell the same story. Yet we can predict through his record on the floor of the U.S. Senate that Senator SESSIONS may use his power as Attorney General to reverse that trend line and lock up more of my constituents, which I would argue will have an upward effect on the rates of violent crime. Why? Because those individuals, having gone through the process of incarceration and coming out unreformed, untreated, will be no less of a danger to society.

Finally, I want to talk about the issue of gun violence in this country. Obviously this is very personal to me, still watching the community of Newtown spiral through ripples of grief associated with the trauma of December of 2012. Senator SESSIONS and I clearly have differences about the way in which the Federal Government should restrict the flow of firearms in this country.

You know, it has to be relevant to the decision that I make. This is the chief law enforcement official of this country, so the views on firearms are relevant. Whether or not the Attorney General has the discretion to make policy on the issue of what firearms are legal and what aren't or what sales are subject to background checks and what aren't, there is a bully pulpit associated with the chief law enforcement official that carries weight, so Senator SESSIONS' beliefs on firearms policy are relevant. His record and his conduct in the U.S. Senate on the question of gun violence is relevant as to whether he should be our next Attorney General. Senator SESSIONS has lined up with the gun lobby over and over again against commonsense reform of our gun laws that are supported by 90 percent of Americans.

He has voted against expanding background checks to cover sales at gun shows or online. He has voted against a bipartisan effort in the Senate to make sure that if you are on the terrorist watch list that you cannot purchase a weapon. He has voted against efforts to try to restrict sales of high capacity magazines and assault weapons, the kinds of magazines and the kinds of weapons that were used in the horrific crime in Sandy Hook. What Senator SESSIONS has said is that, if he were confirmed, he would take on the rising homicide rates in some American cities by working against illegal firearms use. He has pledged that he will enforce the law. Yet, again, coming back to his conduct and his record in this body, he has been part of an effort to try to strip from the Department of Justice and its appendages the tools they need in order to enforce the law. Every year we have on our appropriations bills riders that specifically stop the ATF from

enforcing existing law. We restrict their ability to do inventories of gun dealers. We prohibit them from keeping modern databases on gun sales across the country.

The policy that Senator SESSIONS has backed and voted for in this body runs contrary to the statements that he has made. He has supported efforts to rob from the Department of Justice the ability to enforce the existing law on guns, yet he says when he gets there that he is going to use all efforts to enforce the law. Further, he has opposed efforts to give new tools to the Department of Justice to try to keep our streets safer. Shortly after Sandy Hook, he specifically debated on this floor legislation that would make it a Federal crime to traffic in illegal guns. I don't know how much less controversial you can get when it comes to gun policy. We all agree that you shouldn't be able to walk into a store, buy guns, say they are for you, and then go out on to the streets and sell them to criminals. It happens all the time in our cities.

Somebody goes and buys a mess of guns at a gun store or gun show and then goes into a city and sells them out of a trunk of a car to criminals who couldn't otherwise go buy these guns because of their criminal background.

So we proposed a simple Federal law that would make it a Federal crime to do that, and you need that, because States can't enforce that on a State by State basis because these guns are often trafficked across State lines. Senator SESSIONS voted against that. He is not going to be a champion for enforcing the gun laws of this Nation. His record is not going to magically transform when he becomes Attorney General. I have great respect for Senator SESSIONS, but he has been a chief opponent of making the gun laws of this country more amenable to proper and appropriate and efficient enforcement, and that is not going to change when he becomes Attorney General.

So I am going to vote against his nomination later today, and I encourage my colleagues to do so as well. His record on civil rights, on criminal justice, on immigration, and on gun policy do not qualify him to be Attorney General.

I am deeply sad about what happened here last night with respect to the letter read into the RECORD by Senator WARREN. I understand that things seem to be breaking down a little bit in this Chamber, that nerves are frayed and people are acting in ways that maybe they wouldn't have acted a few years ago. These are exceptional times. I have never seen a President like this, trying to divide us from each other, using his position to bully and intimidate his political opponents. Raving about a brutal dictator in Moscow who murders people. We have never seen a

moment like this. We should be really careful that we don't model that behavior here in the Senate.

What makes me sad is that it looked to me like that is what happened—that in this body the majority party tried to use the rules of the Senate in order to bully Members of the minority into silence. It is not going to work. If we want to get back to being able to function as a body, then we better be OK with being able to have some open, honest conversations about the future of this country and the future of this body.

I am going to vote against Senator SESSIONS today. That doesn't mean that I haven't enjoyed working with him on a number of subjects, but he is not the right person to be Attorney General—not close, frankly—and I hope that over the course of the day my colleagues continue to talk about his conduct, continue to talk about his record, and continue to explain why it does not qualify him in any way, shape, or form to be the chief law enforcement official in this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HASSAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HASSAN. Mr. President, I rise today to join my colleagues in opposing the nomination of Senator JEFF SESSIONS to be Attorney General of the United States.

Now more than ever, it is critical to have an Attorney General who is an independent defender of our Constitution, who puts the rule of law before all else, and who is committed to ensuring that all Americans have equal access to justice. Unfortunately, I do not believe that Senator SESSIONS is fully committed to enacting those principles, and every American should be concerned that he will not independently stand up to President Trump.

Senator SESSIONS was one of Trump's earliest supporters and has been a key source of influence for the President's actions. White House Strategist Stephen Bannon recently wrote to the Washington Post: "Throughout the campaign, SESSIONS has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda."

In the wake of President Trump's first few weeks in office, in which he signed dozens of Executive orders—including the un-American backdoor Muslim ban—it was reported that Senator SESSIONS played a role in influ-

encing the President's policy and strategy.

My office has heard from thousands in New Hampshire who have had serious legitimate concerns about the President's actions in his first few weeks. I am concerned by reports that Senator SESSIONS pushed for an even more aggressive approach.

The Washington Post reported: "The Senator lobbied for a 'shock-and-awe' period of executive action that would rattle Congress, impress Trump's base, and catch his critics unaware. . . ."

Senator SESSIONS' record in Congress and his history of standing against the constitutionally protected rights of millions of Americans is deeply troubling. These are issues that my office has heard from constituents across New Hampshire. As a resident from Merrimack wrote: "Pick a current civil rights issue and SESSIONS is on the wrong side of history."

I do not have confidence that Senator SESSIONS would be an independent Attorney General who would put the rights of all Americans before the whims of this President, and that is why I oppose this nomination.

I am incredibly proud that my home State of New Hampshire understands that the values of inclusion and equality are at the very core of what makes us American and at the core of our constitutional system. We believe in freedom and the value of every person, and that is our duty and our destiny—to extend the same freedoms we enjoy to all of our people. We value human rights and we see inclusion and equality as core principles in our laws. These values have helped our State become a leader in advancing the rights of the lesbian, gay, bisexual, transgender, and queer community, recognizing that all people deserve the legal right to fully participate in the social, civic, and economic life of our communities.

Years ago, New Hampshire led the way in becoming one of the first States in the Nation to pass marriage equality, and I took great pride in casting my vote for that legislation as a State senator. When we passed that legislation, we made clear once again that when we as a State or a country bring people in from the margins into the heart and soul of our democracy, we all get stronger.

About a year after we took that step in New Hampshire to enact marriage equality, I was sitting on a plane in the window seat, and the man next to me noticed my name on the notebook I was reading and said: Aren't you elected in New Hampshire? What do you do there?

I told him I had been a State senator.

He looked at me and said: Did you have anything to do with marriage equality passing?

Now, I wasn't sure what this man's point of view was as I sat next to him on this plane ride. I said: Well, yes, I

was in the New Hampshire Senate, and I voted to pass marriage equality.

He said: I want to thank you for it. I am a recruiter for one of our State's largest employers, and marriage equality is one of the best recruitment tools we have.

I asked him to expand a little bit on that. He said: It isn't that we have any particular percentage of LGBTQ applicants or employees that is unusual, but the fact that New Hampshire passed marriage equality signals to people we are trying to recruit that we are an open and inclusive State, where everybody is welcome if they are willing to work hard and do their part to move us forward.

During my time as Governor, we continued to fight for progress for the LGBTQ community, including issuing an executive order to prohibit discrimination in our State government on the basis of gender identity or gender expression.

Unfortunately, Senator SESSIONS' record and previous comments call into question whether he will enforce the Federal laws designed to promote equality and protect the LGBTQ community. Senator SESSIONS has been a vocal opponent of marriage equality, going as far as to label same-sex marriages as dangerous.

In 2004, he stated: "But I do believe that it is not disputable that adopting a same-sex marriage culture undermines and weakens marriage."

Following the Supreme Court's 2015 decision that guaranteed marriage equality in all 50 States, Senator SESSIONS said: "The marriage case goes beyond what I consider to be the realm of reality."

As Attorney General, it would be Senator SESSIONS' job to implement and defend this ruling. I am extremely concerned that he would not follow through with that responsibility.

Senator SESSIONS has also worked to undermine the Federal hate crimes law designed to protect LGBTQ Americans. In explaining his vote against the 2009 Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, SESSIONS argued that Federal protections for LGBTQ Americans were not necessary. When debating the law, SESSIONS said: "I am not sure women or people with different sexual orientations face that kind of discrimination."

Following Senator SESSIONS' nomination as Attorney General, Judy Shepard, the mother of Matthew Shepard, for whom that law was named, wrote a letter for the Human Rights Campaign opposing SESSIONS' nomination. Shepard wrote:

In 1998 my son, Matthew, was murdered because he was gay, a brutal hate crime that continues to resonate around the world even now.

Following Matt's death, my husband, Dennis, and I worked for the next 11 years to garner support for the federal Hate Crimes Prevention Act. We were fortunate to work

alongside members of Congress, both Democrats and Republicans, who championed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act with the determination, compassion, and vision to match ours as the parents of a child targeted for simply wanting to be himself. Senator Jeff Sessions was not one of these members. In fact, Senator Sessions strongly opposed the hate crimes bill—characterizing hate crimes as mere “thought crimes.”

My son was not killed by “thoughts” or because his murderers said hateful things. My son was brutally beaten with the butt of a .357 magnum pistol. [They] tied him to a fence, and left him to die in freezing temperatures because he was gay. Senator Sessions’ repeated efforts to diminish the life-changing acts of violence covered by the Hate Crimes Prevention Act horrified me then, as a parent who knows the true cost of hate, and it terrifies me today to see that this same person is now being nominated as the country’s highest authority to represent justice and equal protection under the law for all Americans.

As Attorney General, Senator Sessions would be responsible for not only enforcing the Hate Crimes Prevention Act, but a myriad of other Civil Rights laws including the Violence Against Women Act, which includes explicit protections for LGBTQ people. Senator Sessions’ very public record of hostility towards the LGBTQ community and federal legislation designed to protect vulnerable Americans, including the Voting Rights Act, makes it nearly impossible to believe that he will vigorously enforce statutes and ideas that he worked so hard to defeat.

I agree with Judy Shepherd, and it is clear that Senator SESSIONS’ record shows that he will not stand up for the rights of LGBTQ Granite Staters and Americans if he becomes Attorney General.

There are other issues of concern as well. I have always fought to protect a woman’s constitutionally protected right to make her own health care decisions and control her own destiny, and I always will. *Roe v. Wade* is a landmark decision that protects women and their access to abortion. It guarantees a fundamental right for women, and it affirms that a woman has the right to decide whether to continue or terminate a pregnancy without government interference.

SESSIONS’ record leaves questions on whether he will enforce the law in this area. During his time in the Senate, SESSIONS has been dedicated to opposing a woman’s constitutional right to safe and legal abortion. He voted to grant legal status to an embryo. He has repeatedly voted to deny women in the military the right to use their own private funds for abortion care at military hospitals. He has said that he would like to see a woman’s constitutional right to make her own health care decisions overturned.

This is unacceptable for a nominee to lead the Department of Justice whose role would be to uphold the very law that he seeks to overturn. We also know that a woman’s right to make her own health decisions isn’t just a matter of freedom. It is a matter of

health. It is also a matter of economics and finances.

When women have to pay more for their health care, and it puts them in an economic disadvantage. As Governor, I restored family planning funds and pushed to restore State funding to Planned Parenthood because I know how critical access to these services are for the women and families of my State.

Planned Parenthood provides critical primary and preventive health care services to thousands of New Hampshire women, including preventive care, birth control, and cancer screenings. There are countless stories of women whose lives have been changed as a result of access to Planned Parenthood in my State.

A young woman named Alyssa in my State lost her health insurance. She was on her father’s health insurance. She was younger than age 26. Suddenly her father passed away, and then she had a medical emergency. She didn’t know where to go. Grieving for her father, she was also without health insurance. She turned to Planned Parenthood, and they were able to provide her the care that she needed.

Alyssa’s story and the stories of thousands of others across our State make it clear why it is essential that we have an Attorney General who will protect a woman’s constitutionally protected right to make her own health care decisions.

Senator SESSIONS has voted six times to block patients from accessing health care at Planned Parenthood health centers. Senator SESSIONS has stated that Planned Parenthood should not receive Federal funds for any services because, among the other health care services it provides, it provides the constitutionally protected care—abortion—that a woman needs when she decides she must terminate a pregnancy.

Senator SESSIONS has opposed women’s access to no-cost birth control that is now provided through the Affordable Care Act. SESSIONS even refused to condemn President Trump’s remarks in the “Access Hollywood” tapes released last year, saying that he did not characterize the behavior President Trump described as sexual assault.

He voted against the 2014 reauthorization of the Violence Against Women Act, which is critical for the investigation and prosecution of violent crimes against women. The Violence Against Women Act was signed into law by President Clinton in 1994 and has been reauthorized by bipartisan majorities in Congress in 2000 and 2005 and signed by President George W. Bush.

The idea that the Attorney General of the United States would not support his commonsense legislation to protect women from violence is unacceptable. As Governor, I also fought to expand economic opportunity for women and families.

We passed the New Hampshire Paycheck Fairness Act in New Hampshire, making sure that an equal day’s work gets an equal day’s pay.

I also strongly support efforts to expand paid family leave to ensure that workers are able to support their families during times of need at home.

I am troubled that Senator SESSIONS has worked to roll back the progress of equal pay. Senator SESSIONS voted against the Lilly Ledbetter Fair Pay Act and has consistently voted against the Paycheck Fairness Act.

I am far from the only one in New Hampshire who opposes the idea of Senator SESSIONS as our Nation’s top law enforcement officer. I have heard from many of my constituents regarding the impact of Senator SESSIONS’ nomination on women’s right.

One constituent wrote:

I truly fear for the future of women’s rights and my daughter’s right to an autonomous life if Jeff Sessions is confirmed. The bottom line, Senator Sessions has a record of undermining the civil and constitutional rights of women in this country.

On another topic, in recent weeks there has been much discussion about the Individuals with Disabilities Education Act, otherwise known as IDEA, and the fact that Education Secretary Betsy DeVos seemed confused about the fact that IDEA is Federal law and also declined to commit to enforcing it. This contributed to my vote against Mrs. DeVos’s nomination yesterday.

What is also appalling is Senator SESSIONS’ previous comments on IDEA. In 2000, Senator SESSIONS gave a speech on the Senate floor suggesting that disciplinary problems in schools stemmed from IDEA. SESSIONS said:

Teachers I have been talking to have shared stories with me. I have been in 15 schools around Alabama this year. I have talked to them about a lot of subjects. I ask them about this subject in every school I go to, and I am told in every school that this is a major problem for them. In fact, it may be the single most irritating problem for teachers throughout America today.

He continued.

There is no telling how many instructional hours are lost by teachers in dealing with behavior problems. In times of an increasingly competitive global society, it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced.

There is no need to extend the school day. There is no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis to certain individuals, there is no doubt we would have better educated students.

He added:

It is clear that IDEA ’97 not only undermines the educational process, it also undermines the authority of educators. In a time when our profession is being called upon to protect our children from increasingly dangerous sources, our credibility is being stripped from us.

As I have discussed over the last couple of weeks, the passage of IDEA was

a groundbreaking moment in American history for people who experience disabilities in their families. After IDEA was passed, all schools—all public schools in our country—were required to provide a free and appropriate education for children with disabilities.

Children like my son, now 28 years old, and a graduate of Exeter High School, who used to be relegated to institutions, subjected to inhumane conditions and maltreatment, treated as truly less than human were included in our public schools. There is not a parent of a child like my son who does not acknowledge that including new people with different needs in any setting can be challenging, but we are Americans, and we are supposed to do challenging things, and that is what IDEA challenged us to do.

I have seen the power of inclusion not only in my own home, but in my community and in our schools. I have seen it strengthen other students. Just last week, one of my son's classmates from fifth grade reached out because he had seen the coverage of the hearing concerning Mrs. DeVos's nomination. He said in an email to me: You know, I don't remember much about fifth grade, but I do remember having lunch with Ben. And I remember even now Ben's lighthearted disposition.

What a lesson for our children to learn that even if you have severe and debilitating physical disabilities that prevent you from speaking or typing or walking or eating in a typical way, you could be lighthearted and love your life. There are always challenges connected to including new students with different learning styles, different behaviors. But because of IDEA, we have learned how to help those students cope and learn and adjust their behavior. And for anybody to suggest that it is the fault of people with disabilities, that it is their disability that is undermining our education, is appalling.

Various groups who represent individuals with disabilities have, therefore, voiced their opposition to Senator SESSIONS' nomination. The Council of Parent Attorneys and Advocates has written to the Judiciary Committee arguing that:

[Sessions] has compiled a longstanding and consistent record, including public statements, policy proposals, and other various actions that serve to discriminate against the rights and dignity of children and adults with disabilities.

Sessions' disdain for special education and opposition to community integration of individuals with disabilities is at odds with the laws, inconsistent with our nation's commitment to supporting individuals with disabilities, and will lead to far higher societal costs in the future.

And a constituent with Etna, NH, wrote to share her concerns on Senator SESSIONS' record on individuals with disabilities. She said:

Senator Sessions has a long, well-documented history of active opposition to re-

spect for the human rights of the American citizenry, particularly those of us who experience multiple marginalizations in our society. And as such, he is unfit for the office of Attorney General. It is abundantly clear to me, as a disabled woman, that his Justice Department would not support my equal protection under the law.

Americans with disabilities and their families deserve better than an Attorney General who has consistently spoken out against their rights.

I also have concerns about Senator SESSIONS' voting rights record. Voting is our most fundamental right, and ensuring that everyone can exercise that right is critical to making our democracy successful. Everyone deserves representation and the opportunity to vote on who represents them.

Throughout his time in office, Senator SESSIONS has demonstrated an opposition to ensuring that all Americans have the right to vote. In 1986, Senator SESSIONS called the Voting Rights Act "an intrusive piece of legislation." In 2006, after the Senate passed the Voting Rights Act reauthorization, Senator SESSIONS joined other Republicans in issuing a highly unusual committee report that sought to undermine the same legislation that they had all just voted to support. Chief Justice Roberts cited the report in his *Shelby County v. Holder* opinion, which gutted a key provision of the Voting Rights Act. Senator SESSIONS celebrated the *Shelby County* decision and stated it was, "good news for the South."

Since that decision, and despite the passage of voting restrictions in several States by Republican legislatures, SESSIONS has said, "I don't think the Supreme Court ruling has damaged voting rights in any real way."

It is clear that Senator SESSIONS is not committed to protecting voting rights. Many Granite Staters have written to my office, highlighting Senator SESSIONS' record on voting rights as a reason that the Senate should oppose his nomination.

A constituent from Tilton, NH, said:

Our country has battled long and hard to throw off the errors of our past, but voting rights are under assault. Jeff Sessions is not the right person to safeguard the integrity of our voting process, nor can he be trusted to work on behalf of all Americans in the cause of Justice.

At a time when we are discussing ensuring equality, justice, and inclusion for all of our citizens, I am reminded of my father's story. My father was born and raised in the segregated South. His father was a traveling shoe salesman, and his mother was a school teacher who, during the Depression, got paid in food stamps. That is what kept the family going. Through hard work, a scholarship, taking on jobs like waiting tables and moving furniture, and a bit of good luck, my dad was able to attend Princeton University. It wasn't long before his studies were interrupted, however, when, following the

bombing of Pearl Harbor, he left to volunteer to fight in World War II, eventually being thrown into the Battle of the Bulge.

The Battle of the Bulge marked one of the first times in World War II that White and Black American soldiers fought alongside each other. Thousands of miles away from the school where he had been studying, this young man from the Deep South found himself learning more about the values of equality and inclusion than he ever could have learned back at home. And after my father's experience in that battle, where African-American soldiers fought and died alongside their White counterparts, Dad returned home to a life of working to make the notion that every single one of us counts a reality. Our Founders believed in that principle, that when you count everyone and bring more people in from the margins, we all grow stronger.

We know that our Founders didn't count everyone at first, but they had faith that we would continue striving, as our Constitution commands us to, to build a more perfect union, that generation after generation, we would continue to deliver on our Nation's promise of equality. And while the road to greater inclusion is not without significant challenges, time and again, we have persevered to build a better future.

We need leaders who are committed to those values and who are committed to enforcing the laws that have included more and more Americans. Senator JEFF SESSIONS' record shows that he is not committed to those values, and he has demonstrated that he lacks the independence needed to stand up to President Trump.

For these reasons, I cannot support Senator SESSIONS to be the next Attorney General of the United States. I urge my colleagues to vote no on this nomination.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARASSO). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today to oppose the nomination of Senator SESSIONS for Attorney General.

I would like to preface my remarks with just a statement and recognition of the outpouring I have received from my State, from constituents. I have letters. I have postcards sent, some with the Statue of Liberty. I have letters from constituents from every corner of my State, passionately writing

about their views on President Trump's nominations, particularly Senator SESSIONS.

I would like to read one letter because I think it really summarizes the views of so many New Yorkers. This constituent writes:

As your constituent and as a Reform Jew, I strongly urge you to oppose the nomination of Jeff Sessions as Attorney General.

As the top law enforcement official in the country, the Attorney General has substantial power over the administration of key legislation that advances the fundamental rights of all people, regardless of race, class, sex, sexual orientation, gender identity or national origin. Senator Sessions' firmly established record of opposition to protection of and advancements in voting rights, LGBTQ equality, women's rights, immigration reform and religious freedom suggests that he would not fulfill the Department of Justice's mandate to provide equal protection under the law for all people.

The letter goes on to talk about his votes particularly against the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act when it was added as an amendment to the 2008 Defense Authorization Act. He also talks about voting against the Violence Against Women's Act.

He continues:

The words of Leviticus 19:18: "Love your neighbor as yourself, guide us to stand up against bias, prejudice and discrimination."

We cannot place the responsibility of leading the Department of Justice, the federal agency directly responsible for ensuring equal protection, in the hands of someone whose record demonstrates insufficient commitment to key civil rights protections.

I urge you to oppose Senator Sessions.

Our country desperately needs an Attorney General who will reject discrimination in all forms. We need an Attorney General who will defend our civil rights and human rights—with no exceptions. We need an Attorney General who will not be afraid to challenge the President if an order is illegal or unconstitutional.

Senator SESSIONS has not made it clear that he would use his power as Attorney General to stand up for the voiceless and the oppressed or to stand up to the President when he is wrong.

Already, in just the first weeks of this new administration, President Trump has begun to test the strength and limits of our Constitution. He has challenged the separation of powers. He has lashed out against the free press. He has singled out individual religions—and even individual judges.

Now, more than ever, we need an Attorney General whose commitment to defending our Constitution goes far beyond the commitment to any one particular President or political party. Would Senator SESSIONS challenge the President when he needs to be challenged?

During the Presidential campaign, when the tape was revealed of then-Candidate Trump bragging about groping a woman against her will, Senator

SESSIONS said he thought it was a "stretch" to call it sexual assault. He said: "I don't characterize that as sexual assault."

We need an Attorney General who knows very clearly what sexual assault is, and who cares enough to prosecute it.

Senator SESSIONS has voted to make our gun background check system even weaker. He voted against limits on high-capacity magazines, and he opposed legislation to make interstate gun trafficking a Federal crime.

We need an Attorney General who will stand up for victims of gun violence and their families.

Throughout his career in the Senate, Senator SESSIONS has voted against or spoken out against important legislation so important to my constituents, including the Violence Against Women's Act, the Lilly Ledbetter Fair Pay Act, and the Voting Rights Act. These are important pieces of legislation that protect individuals from discrimination.

We need an Attorney General who will defend the rights of women, who will defend the rights of our communities of color, who will defend the rights of the LGBT community, and who will defend the rights of Muslim Americans, and all minorities.

We need an Attorney General who will fight every day for equal justice and equal protection under the law.

Senator SESSIONS has no record of doing that, and I have no reason to believe that he will do that as Attorney General. So I oppose Senator SESSIONS' nomination as Attorney General, and I urge my colleagues to do the same.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

As your constituent and as a Reform Jew, I strongly urge you to oppose the nomination of Senator Jeff Sessions (R-AL) as U.S. Attorney General.

As the top law enforcement official in the country, the Attorney General has substantial power over the administration of key legislation that advances the fundamental rights of all people, regardless of race, class, sex, sexual orientation, gender identity or national origin. Senator Sessions' firmly established record of opposition to protection of and advancements in voting rights, LGBTQ equality, women's rights, immigration reform and religious freedom suggests that he would not fulfill the Department of Justice's mandate to provide equal protection under the law for all people.

Senator Sessions has called the Voting Rights Act of 1965 'intrusive.' He vocally opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act when it was added as an amendment to the 2008 Defense Authorization Act because it added sexual orientation and gender identity to the list of classes protected under federal hate crimes law. In addition, Senator Sessions joined 21 other senators to vote against the 2012 reauthorization of the Violence Against Women

Act, which included new protections for immigrants and LGBTQ people. Finally, he staked out positions that put him far outside the mainstream as the Senate considered and passed comprehensive immigration reform legislation in 2013 and has expressed support for a religious test for entry into the country.

The words of Leviticus 19:18, 'love your neighbor as yourself,' guide us to stand up against bias, prejudice and discrimination. We cannot place the responsibility of leading the Department of Justice, the federal agency directly responsible for ensuring equal protection, in the hands of someone whose record demonstrates insufficient commitment to key civil rights protections.

I urge you to oppose Senator Sessions' nomination and to vote against his confirmation on the Senate floor.

Mrs. GILLIBRAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, the job of the Attorney General of the United States is to enforce laws that protect the rights of each and every American. More than ever—more than ever—we need leaders who can bring Americans together to improve police-community relations, to ensure that all Americans have access to the ballot, and to reform our criminal justice system.

In the city in which I live, in Cleveland, we are under a consent decree today which already is improving relations between the police and the community. We saw it more than a decade ago in Cincinnati, where Mayor Cranley—then a member of the council and now the mayor—has worked with the community, as have others. We see more people of color in the police department, and we see better training for police. We see improved relations in that community, in large part because the community came together—police, community leaders, citizens—to make for better relationships and better relations inside the community. The consent decree there made a huge difference in that city. The consent decree in Cleveland is making a difference there. That is partly the job of the Attorney General—to make sure the Department of Justice stays on course to do that.

When we think of leaders whom we need to improve police-community relations, to ensure Americans have access to the ballot, and to reform our criminal justice system, Senator SESSIONS is simply not that leader. It is not personal. I have worked with Senator SESSIONS on issues like trade. I actually told him that, if he had been nominated as the Trade Representative, I would have happily voted for him. But we have strong policy differences on the issues that directly fall under the role of the Attorney General.

I examined his nearly 40-year record as a U.S. attorney, the attorney general of Alabama, and as U.S. Senator. Based on that record, I was the first in the Senate to say I cannot support his nomination. I told Senator SESSIONS on the floor of the Senate after I made that decision, before I announced it.

I have serious concerns that Senator SESSIONS' record on civil rights is at direct odds with the task of promoting justice and equality for all. What is more important in an Attorney General than that?

Senator SESSIONS has a history of racial insensitivity, bias against immigrants, disregard for the rule of law, hostility to the protection of civil rights—exactly what we don't need in the Attorney General of the United States of America.

He condemned the Department of Justice's investigation of law enforcement agencies accused of violating civil rights. He voted against the Violence Against Women Act. One issue after another after another disqualifies him from being the Attorney General of the United States.

Senator SESSIONS is wrong on voting rights. I served as Secretary of State of Ohio in the 1980s. I take voting rights very seriously. I believe we should be doing everything we can to make it easier for Americans to vote. In those days, in the 1980s, during the Reagan years in Washington, in Ohio we had voter registration, voter outreach, aggressive enrollment of new people to vote, of young people, of people regardless of political affiliation, regardless of ideology, regardless of age and race and income. We encouraged people to vote. We had good cooperation from Republicans and Democrats alike in the legislature.

I even approached the McDonald's corporation and asked them to print tray liners. They put tray liners on every tray. You go to McDonald's and order food. So I asked them to print the voter registration form on tray liners. They printed a million registration-form tray liners, resulting in thousands and thousands of voter registrations—some perhaps with ketchup stains or mustard stains on them, but nonetheless voter registration forms that were accepted by local boards of elections.

Utility companies included voter registration forms in their bills. Newspapers printed them in their daily papers so people could tear them out, fill them out, and send them in.

That was what we did for aggressive voter outreach, supported by people across the political spectrum.

But Senator SESSIONS doesn't seem to agree with that kind of voter outreach. He has a history of supporting voter ID laws that make it harder to vote. He refused to disavow President Trump's false statement—provably false. Lots of people may believe it be-

cause President Trump said it, but it is a provably false statement that there were 3 to 5 million illegal votes in this past election—no evidence, just demagoguery, just lies. But Senator SESSIONS was unwilling to disavow his perhaps future boss's comments.

Do we want an Attorney General, chief law enforcement official that is going to let the President go out and make statements like that that are provably false? Call them what they are—lies from the President of the United States. Do we want an Attorney General who is simply going to brush those away and pay no attention?

Senator SESSIONS called *Shelby County v. Holder*, which gutted a key part of the Voting Rights Act of 1965, good news for the South, even though, overwhelmingly, Senators in both parties had voted to renew and reauthorize the Voting Rights Act. He called it good news for the South to weaken protections for people of color and others in voting rights.

Since that misguided decision, States across the country have passed new voting restrictions that would disenfranchise hundreds of thousands of Americans. As Senator SESSIONS apparently was celebrating by saying "good news for the South," Texas moved within 2 hours of the decision. Alabama, taking their cue from people like Senator SESSIONS, acted the next day to restrict voting rights. As soon as the Court moved in a way the Court hadn't moved in five decades, State after State began to restrict voting rights because they had license to, because they had a green light, because they now had legal authority—something they had not had in 50 years.

At least 17 States have passed new voting restrictions since the *Shelby County* decision, although my State wasn't covered by it. My State, shamefully, is one of those that has restricted voting rights, even though from the 1980s into the 1990s, people of both parties joined me in wanting to expand voting rights and make sure that everybody—regardless of disability, age, gender, race, nationality, or income—was able to vote.

We know who is hurt most by these laws, and there is political reason for it. We know who is hurt most—it is African Americans, Latinos, young people, and seniors. It just happens to be the voters who potentially might vote against the far right, which has lobbied hard after the decision to scale back voting rights.

Senator SESSIONS called the Voting Rights Act intrusive. Tell that to Congressman LEWIS, who was beat up walking across the Edmund Pettus Bridge in Selma, in Senator SESSIONS' State, who risked his life numbers of times, who was injured more, probably, than anybody in the civil rights movement, including in his home State of Alabama—Congressman LEWIS' and

Senator SESSIONS' home State of Alabama.

Senator SESSIONS knows what happened to secure those voting rights for African Americans in his State. He was a young man at the time and saw what happened in the 1950s, and Rosa Parks and JOHN LEWIS in the 1950s and 1960s, and still he calls the Voting Rights Act intrusive.

I remember in my State, in 2004, people had to wait 6 hours in Greene County to vote, in Knox County people had to wait 9 hours to vote. The people who are penalized the most are not people of higher income, who tend to have a little more flexibility in their schedule and who can leave work during lunch, go vote, and go back to work. If they have to wait more than 30, 40, 50 minutes or an hour, they often can't do it. They have to pick up their kids where daycare is expensive, and we know that many of them give up and don't vote, which might just be the purpose of people behind the *Shelby County vs. Holder* decision.

In 1981, when signing an extension to the Voting Rights Act, President Reagan called the right to vote the crown jewel of American liberties. President Reagan said it is the crown jewel of American liberties. Senator SESSIONS called the Voting Rights Act intrusive.

A couple of extensions later, the Court pulled back with *Shelby County vs. Holder*. Keep this in mind. Sometimes these pass the Congress unanimously. President Reagan said it was the crown jewel of American liberties. The Attorney General-designee calls the Voting Rights Act intrusive.

We need an Attorney General who will use the full extent of his powers to protect the right to vote, not stand by as State after State attempts to suppress it. The Attorney General as a Senator has stood by while the President of the United States has simply lied about 3 to 5 million illegal voters.

The Attorney General-designee stood by and said nothing and was unwilling to criticize the President of the United States. I am concerned that when State after State attempts to suppress the vote and roll back voting rights, he will stand by and do nothing because he called the Voting Rights Act intrusive.

As to criminal justice reform, we need to reform our criminal justice system and stop ruining the lives of far too many young Black men over non-violent offenses. Senator SESSIONS has opposed bipartisan efforts, and there have been a number of them and a number of courageous leaders in this body who have sometimes taken politically unpopular positions on criminal justice reform and done the right thing. Senator SESSIONS, however, has opposed bipartisan efforts in the criminal justice reform. At the outset of my speech, I mentioned Cleveland and Cincinnati, where it is a decade and a half

later, and it has proven to be a success. In Cleveland, it is shaping up to be a success. He has called consent decrees that mandate reform of law enforcement agencies “an end run around the democratic process.”

Reform of law enforcement agencies in many ways means better police training, with real dollars and real effort put into that police training. Again, he calls all of this “an end run around the democratic process.” Senator SESSIONS blocked bipartisan efforts to reduce sentences for certain nonviolent drug offenses.

There is surely a need for an independent Attorney General, and that is my third macro concern about my colleague Senator SESSIONS being elevated to be the Attorney General of the United States of America. In light of President Trump's cruel and foolish and badly executed Executive order on immigrants and refugees, we need an Attorney General who will be an independent voice beholden to the Constitution and the American people, not to the President. We have seen this order wreak havoc on Ohio students and families.

A Cleveland father who had waited 4 years to reunite with his 14-year-old son was forced to wait even longer when his refugee son was banned.

We are a nation that embraces refugees. My son-in-law, at the age of 10, was living in El Salvador with his family. His mother was a journalist. His mother was the target of threats to her life because of political violence in El Salvador. My son-in-law's family came to the United States and was welcomed in this country. We welcome refugees who were victims, potential victims, or about to be victims of political violence or violence of any kind. That is what we are as a nation.

My son-in-law is married to our daughter. They now have a son who is not much more than 1 year old. He has been a terrific citizen of this country. He has contributed a lot. We know that when a great majority of refugees come here they build lives, they make a difference in the world, and they can live in a free, prosperous nation with opportunity.

I mentioned the Cleveland father. I mentioned my son-in-law. A doctor on her way to the Cleveland Clinic to help treat Ohioans was sent back. She now has returned to the United States, finally, after expensive legal issues, trauma, and all the things that happen when somebody is pushed around by a system like that with an arrogant White House inflicting that kind of pain on her family.

The Iraqis who risked their lives to help American troops have been told: There is no place for you here.

Think about that. The first night after the Executive order, a translator from Iraq, an Iraqi, who had helped American troops and whose own life

was threatened, knew he had to leave his country because a number of people targeted people who helped the Americans. He came here. He was handcuffed for hour after hour in a New York airport.

What message does that send to people who help Americans, who help the American Armed Forces around the world?

Students are prevented from coming to our State to learn and contribute in our great Ohio universities. We saw that in Ohio State. We are seeing that in other places. Judges across the country, appointed by Republican and Democratic Presidents, are striking down this order because it is not constitutional. It does not represent American values. It makes us less, not more, safe.

In 2015, Senator SESSIONS questioned Sally Yates in her confirmation to be Deputy Attorney General, asking her this question: “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?”

Senator SESSIONS is asking an Obama nominee: “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?”

He went on to say: “If the views the President wants to execute are unlawful, should the Attorney General or the Deputy Attorney General say no?”

That was a Judiciary Committee confirmation hearing for Deputy Attorney Sally Yates in 2015.

Ms. Yates responded: “Senator, I believe the Attorney General or the Deputy Attorney General has an obligation to follow the law and the Constitution and to give their independent legal advice to the President.”

Senator SESSIONS, to his credit, was right to ask that question. Sally Yates, to her credit, gave the right answer, and when she was tested just last week, she stood by her word.

Senator SESSIONS has failed to assure the American people he will follow the law and uphold the Constitution—not simply follow the President of the United States, not blindly follow the President of the United States just because he is his boss. That is not the kind of Attorney General we want. That is not the kind of Attorney General we should vote to confirm today.

There is one last point. I watched the confirmation yesterday of the Secretary of Education. It was so clear to me, so clear to so many of my colleagues, and so clear to the American public that confirming this Secretary of Education was an unprecedented historical move. The Vice President came in and broke the tie, 51 to 50. Two Republicans stood up and voted against the Secretary of Education-designee, showing great courage.

What was so evident was the overwhelming opposition to her. Our mail,

phone calls, and emails were 200 to 1 against her confirmation. It was that way everywhere in the country. In Senator's office after Senator's office, we were all hearing much, much more opposition to her than support.

I sensed the fear among my Republican colleagues that voting against a Trump nominee put their political lives at risk; that they all knew that President Trump would tweet about their vote, would call them names, would attack them, would sic his political allies on them. A number of my colleagues were scared, and they knew that voting against her confirmation—even though I know a number of colleagues wanted to vote no on Betsy DeVos because she was singularly unqualified, one of the worst performances ever in a confirmation hearing. She knew so little about the issue of education and so little about the Department which she was charged to run. Nonetheless, they voted for her. Some voted for her for legitimate reasons in their mind: They like her ideology; they like her for-profit charter schools; they are anti-public education—all those things.

A number of colleagues, I am convinced, voted for her because they were afraid of what the President of the United States would do. You can't run a country by being fearful of the President of the United States. I am afraid that in this Attorney General vote we are seeing some of the same fear from some of my Republican colleagues—about standing up to this President, which they will eventually do but they are unwilling to do it now. That is why we only have seen two Republican Senators—Senator MURKOWSKI and Senator COLLINS—vote no on any of these nominations.

I voted for about half of them. I voted against about half of them. I plan to vote against Congressman PRICE because he wants to raise the eligibility age of Medicare.

I think about the barber in Warren, the factory worker in Mansfield, the waitress in a diner in Findlay, and the manufacturing worker in Huber Heights. I know they shouldn't be expected to work until they are 67 or even 70 to be eligible for Medicare. I will vote against him.

I will vote against Mr. Mnuchin, who lied to the committee, first about a \$100 million investment he had, which he forgot about. It is an understandable problem. Of course, people forget about \$100 million investments they have. And he lied to the committee about some of the things he did at OneWest.

A whole host of these nominees simply aren't qualified, and their ethics are questionable. Other than Senator MURKOWSKI and Senator COLLINS, I have not seen any of my Republican colleagues—out of fear of this President, fear of this President personally

attacking them, publicly and personally—I have seen them shrink back from doing their constitutional duty and voting their conscience.

I hope maybe today, maybe in Senator SESSIONS' vote, which I believe will be tonight, some of my Republican colleagues will realize they need to do their jobs. They need to stand up for what they believe when they realize this Attorney General-designee, Senator SESSIONS—a colleague I like personally, but a colleague that simply is not prepared—is not independent. He has not had a record of support for voting rights, for criminal justice reform—all the things that we want in the Attorney General of the United States of America. I plan to vote no today. I ask my colleagues to join me.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PAUL). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I want to outline a number of concerns that I have this morning about Senator SESSIONS' nomination to be the next Attorney General. I will try to keep it to a short list. I have limited time this morning. But I wanted to start with the voting rights issue.

In our State of Pennsylvania, we have a long history of litigation and battles about the right to vote. And when the Supreme Court decision in *Shelby v. Holder* was issued a couple of years ago, folks in the Senate took one, two, or three different positions. The position that I took was one of disagreement with the basic holding of *Shelby v. Holder*, which in my judgment gutted the Voting Rights Act's requirements that certain States and certain jurisdictions with histories of discrimination seek what is called preclearance from the Federal government before changing voting rules. That was a substantial change from the policies that had been in place for years.

Since the *Shelby* decision, more than half of the so-called preclearance States have implemented restrictive voting laws—some as soon as the very next day after the decision was handed down. And over 800 polling places in preclearance States alone have been closed since the decision. So on this issue, it is a basic difference of opinion.

I think *Shelby* was decided the wrong way, and Senator SESSIONS believes it was decided the right way. That is a fundamental disagreement. I have real concerns about an Attorney General who would have that position or that point of view on that case. I don't know for sure what he would do as Attorney

General. I can't predict that, but I can certainly raise concerns about that decision.

When you think about what led to decisions like that over time, it is hard to encapsulate when you are speaking on the Senate floor all of the misery, all of the suffering, all of the trauma to individuals, all of the trauma that our country endured first to get the right to vote for every American and then to enforce the law and to make it real. There is no way—if I had 9 hours on the floor, I probably couldn't encapsulate or do justice to all of that work. So it is a fundamental divide, a fundamental debate about voting rights.

As someone who represents Pennsylvania, we have a particular interest in the issue of voter ID laws. They are the kinds of laws that follow the *Shelby* decision. Some of them predated *Shelby*. But we had a major debate in Pennsylvania back in 2012, where the Pennsylvania General Assembly passed—meaning the House and Senate passed—and the Governor signed into law a voter ID law. Then litigation commenced and went all the way through the court system in Pennsylvania. The final decision was that the law was struck down. The voter ID law was struck down, so it is a major point of contention in Pennsylvania.

Over time, some have asserted that there is widespread voter fraud. We have heard that even more recently. I am still waiting for the evidence of that, but that is certainly an issue that we will continue to debate here in Washington.

I think the last thing we need in the United States of America is more restrictive voter ID laws. We should be hoping we can expand the opportunity for people to vote. Where there are barriers erected, knock them down. Where there are impediments to the right to vote, push through them or put in place strategies to overcome them.

Again, I think that is just the basic difference between Senator SESSIONS and me, in terms of our approach to voter ID laws. We had a searing experience in Pennsylvania, which left a lasting impression on the people of our State.

Another issue, which I think is of critical importance in every administration at every time, but maybe ever more so today with regard to this new administration: The administration now is in a major litigation battle regarding what has been described as a travel ban. It is probably shorthand, but that is my best description of it. It has been a matter that has been litigated in several U.S. Federal district courts, and now it is in front of an appellate court. Who knows, the next step after this may be the U.S. Supreme Court. I raise that not to debate the substance of it; we can do that for a long while, I guess, but I raise it on the question of independence.

There are certain jobs in government—I had one of them in State government. I was elected as a State auditor general in Pennsylvania. I served two terms. In that job, for example, at the State level, the most important quality or metric by which you are judged is your independence. You are either independent or not. And if you are independent, you can do auditing investigations that demonstrate that independence. Then you are doing what the people expect.

At the Federal level, even though the Attorney General is appointed by a President, I also believe the Attorney General has to demonstrate independence every day, in every decision, in every interaction with our government or with citizens across the country. I hope that JEFF SESSIONS can do that, were he to be confirmed. I have some doubts, not only based upon the recent campaign statements made, but I also have some significant concerns in light of what has happened recently.

I would hope, and I think every American has a reasonable expectation, that any Attorney General will be totally independent when it comes to basic questions of law and justice, even if they agree with the President on a number of issues. I have some doubts in the case of this nominee.

So independence is a significant concern across the country. We have had a long debate in this country. Part of it, I think, came to closure a couple of years ago in the Supreme Court with regard to marriage equality. That worked its way through the courts, as well. I was in support of, and happy about, the decision the Supreme Court made on marriage equality.

It is another basic difference that I have with the nominee for Attorney General. Once again, I think that is one of those basic issues that divides the parties. It doesn't mean you can't work together. It doesn't mean you can't have a good relationship. But I would hope that the Attorney General of the United States, of either party, would make sure that decision as it relates to marriage equality would be enforced and that it would be the subject of some praise or at least some rhetorical support for the outcome in that case.

I think the country took a step in the right direction, where every American, whether they are gay or lesbian or bisexual or transgender, was finally accorded the full measure of respect, the full measure of inclusion, when it came to the issue of marriage. That is another basic disagreement that we have.

We don't know what the outcome of this confirmation vote will be. I think we have some sense of it, but regardless of the final outcome, these differences will remain. We have to be honest about basic, fundamental differences, and that is one of the reasons we have a confirmation process. That

is why we have advice and consent. That is why we have hearings and hundreds, if not thousands, of questions because each of these nominees is granted enormous power. In some instances—unlike Senator SESSIONS—but in some instances, they are appointed to positions where they will have substantial impact on people's lives for years. Tens of millions of Americans' lives will be impacted by their decisions, so they should have to go through a thorough vetting process and a very rigorous ultimate confirmation process because they are being accorded great power, and they are servants of the people. They have to remember that is what their job is: to be servants.

I know some want to shorten or truncate or make easier this path to confirmation for all of these Cabinet nomination positions. I think the people expect a thorough vetting, and we are still in the midst of that with regard to several of these positions.

So I just wanted to outline my objections—or I should say disagreements with—Senator SESSIONS. I will be voting no on his nomination.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. UDALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL. Mr. President, I rise today in opposition to the confirmation of Senator JEFF SESSIONS to be the Attorney General.

It is never easy to oppose a President's cabinet nominees, especially when one is your Senate colleague. I generally think the President should be able to assemble his team.

But with this President, we are in uncharted territory. President Trump doesn't want to hire a team that will represent the American people.

Many of the nominees are billionaires who are out of touch with the struggles of average Americans, and many of them have shown great disdain for the very agencies they will lead.

People like Betsy DeVos, who is a billionaire with zero experience in public schools, has been selected to run the Education Department.

People like Scott Pruitt, who has been nominated to be head of the Environmental Protection Agency, which he is sued many times.

When the people nominated to the President's cabinet are intent on dismantling the very agency they are nominated to run, our Constitutional role of advise and consent takes on new importance.

But the position of Attorney General is unique. The nominee requires even

more scrutiny. The Attorney General is our Nation's chief law enforcement officer with enormous power to either advance—or roll back—our constitutional protections.

Perhaps Senator SESSIONS said it best during the confirmation hearing for Sally Yates to be Deputy Attorney General.

In that hearing, Senator SESSIONS said, "You have to watch out because people will be asking you to do things you just need to say 'no' about."

He then asked Ms. Yates, "Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?"

I completely agree with Senator SESSIONS. The Attorney General has the responsibility—the duty—to tell the President no when he is wrong.

And that is why I cannot vote to confirm Senator SESSIONS. I don't have the faith that he will tell President Trump no when the situation requires it.

But I have even less faith that the President will listen. Sally Yates told him no—she refused to let the Justice Department defend the President's misguided travel ban. She was fired for doing exactly what the position of Attorney General requires.

And when Acting AG Yates said his travel ban was wrong, the President didn't simply relieve her of her position. Instead, he put out a press release attacking her personally. Sally Yates had served the country for almost three decades as a career prosecutor and Justice Department attorney. She deserved the president's respect, regardless whether he agreed with her.

Time and time again, President Trump has shown that he will not tolerate dissent. You are either with him or—in his mind—you are wrong. And you become the enemy. President Trump has put the "bully" back into the bully pulpit.

He frequently—and publicly—lashes out against those who express different views. And more dangerously, he lashes out at the institutions that are the fabric of our democracy.

This weekend he attacked a Federal judge who ruled against his travel ban. Rather than respecting the rule of law, and the coequal judicial branch, he once again took to Twitter personally denigrate the federal judge who dared rule against his policy—Federal judge who was appointed by George W. Bush.

President Trump disparages the free press at every opportunity. Any article or story that is critical of his policies is now dubbed "fake news." Members of the press are punished for coverage of the administration that he deems negative. He said he wants to weaken libel laws so it is easier for him to sue the press.

President Trump will continue his assault on the first amendment, defining the press that holds him account-

able as the enemy, deriding and belittling those who speak out against him and attacking the free expression of religion and targeting those who practice Islam.

And when he takes these actions, it is up to the Attorney General to tell him that he is wrong. It is up to the Attorney General to speak truth to power, and to be ready to be fired for doing so.

But it is far from clear that Senator SESSIONS will be that independent voice within the Department of Justice the American public needs.

The Washington Post reports—that Senator SESSIONS not only agreed with the President's flurry of extreme executive orders, but that he wanted the president to go further and faster.

In an email to the Post Senior Strategist Stephen Bannon said that throughout the campaign, Senator SESSIONS "has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we are witnessing now is the birth of a new political order. . . ."

Loyalty is a valued characteristic in politics. But the Nation's chief law enforcement officer must be independent, first and foremost. He or she must defend the Constitution and all Americans, not be the President's personal architect of "a new political order" that excludes many people.

Mr. President, for these reasons I must vote no on this nomination.

We have had a very, very long night, and I want to say that I saw my good friend Senator CASEY here. I want to thank all the Senators on the Democratic side who have spoken up over the course of these 30 hours. We are trying to address this issue—a very, very important issue—of whether Senator JEFF SESSIONS should be Attorney General of the United States.

In the remarks I am going to give now, I may draw some of them from the formal remarks I have.

I just want to say that my home State of New Mexico is a majority minority State. We have—and these are the rough numbers—about 46, 47 percent Hispanic, 10 percent Native American. Those are our large minority populations. It is a majority minority State.

I can tell you, since this administration has come in, people are very worried about their voting rights, and they are worried about their democracy. I have been home in New Mexico and heard the exchanges. I have read the various emails. People are concerned about the issue that goes to the heart of this nomination, which is how Senator SESSIONS would behave as Attorney General on the issue of voting rights.

I fully understand the importance of rule XIX and civility. In my activity

here on the Senate floor, I try to be as civil as possible, but I think there is a bigger issue here. So I fully understand the importance of rule XIX. God knows we need to maintain civility in this esteemed body. But when a Member of this body has chosen to be considered for an office outside this body—and in the case of Senator SESSIONS, for an office in a department in which he has previously served—then his record in that office, better or worse, is critical to our consideration.

When Mr. SESSIONS exercised his duties as U.S. attorney in Alabama under the supervision of the U.S. Attorney General—the office he now seeks—his record on voting rights, the backbone of our democracy, was subject to serious question. In the context of this confirmation, that record must be included in the context of this confirmation hearing. So here we are on the floor. We have debated. The record must be included in the debate on the floor.

As Senator WARREN has brought to our attention, it was the judgment of Coretta Scott King, widow of slain civil rights leader Martin Luther King, that he used the Office of the U.S. Attorney for Alabama to—these are Coretta Scott King's words—"chill the free exercise of the vote by black citizens." That was her opinion at the time.

Similarly, in the words of our former colleague Senator Ted Kennedy, he was "a disgrace to the Justice Department," the Department which Mr. SESSIONS will lead if he is confirmed.

I would like to read into the RECORD today the letter from Mrs. King, which supports her opinion of Mr. SESSIONS' lack of commitment to justice for all and leave this for my colleagues here today to assess in considering his nomination.

To me, the letter she wrote back on March 19, 1986, goes right to the heart of what we are debating here on the Senate floor. What we are debating is our voting rights and whether we will have, for the next 4 years or 8 years, an Attorney General who is going to enforce the laws, particularly with regard to voting rights.

I first ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MARTIN LUTHER KING, JR. CENTER FOR NONVIOLENT SOCIAL CHANGE, INC.,

Atlanta, GA, March 19, 1986.

Re Nomination of Jefferson B. Sessions, U.S. Judge, Southern District of Alabama Hearing, March 13, 1986

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots

in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should *not* be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation and I request that my statement as well as this letter be made a part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely,

CORETTA SCOTT KING.

Mr. UDALL. This letter is dated on March 19, 1986. It is a letter from Coretta Scott King, The Martin Luther King, Jr. Center for Nonviolent Social Change. This is at the top of the letterhead. She is writing a letter to Strom Thurmond, and she says:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a Federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

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I do sincerely urge you to oppose the confirmation of Mr. Sessions.

There is a carbon copy of this to Senator Joe Biden. This happened in March of 1986.

Coretta Scott King is speaking out against JEFF SESSIONS, who was at the time a U.S. attorney, and he was going to be promoted as a Federal judge. We all know the history—he was not promoted as a Federal judge.

Here is her statement, which she asked to have read at the Senate Judiciary Committee on Thursday, March 13, 1986.

Mr. Chairman and members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. My longstanding commitment, which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. Sessions has used the awesome power of his office to chill the free

exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. Sessions' conduct as U.S. Attorney, from his politically motivated voting fraud prosecutions to his indifference towards criminal violations of civil rights laws, indicates that he lacks the temperament, fairness, and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, "Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protest of the denial of the franchise, Selma has involved fully 10 percent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day." Martin was referring, of course, to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after other marchers had left. This organization, the Perry County Civil League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern States has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility—

Here she is talking about JEFF SESSIONS—

to the enforcement of those laws, and thus, to the exercise of those rights by Black people, should not be elevated to the Federal bench.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished 20 years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote."

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our Nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civil League, including Albert Turner, despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. SESSIONS sought to punish older black civil rights activists, advisors, and colleagues of my husband, who had been key figures in the civil rights movement in the 1960s. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive

that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are in power that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need to be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965, and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel competent that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Now this was a letter that Coretta Scott King wrote—I just finished reading it—in March 1986. We know the results of that. After the testimony was taken, JEFF SESSIONS, because of his record at the time, was not allowed to become a Federal judge. Today, the issue that we have before us, the issue we have before us is, is he fit to be our Attorney General of the United States, based on his overall record, and this is part of the record.

When the majority leader comes to the floor and strikes the words of ELIZABETH WARREN for just reading parts of this letter, he is not allowing the full record to be before the American people, and he is not allowing a full debate to occur in this Chamber. That is really what this is about today. Are we going to, as a Senate, where we have debate, we have open debate, cut off

that debate? Are we able to say things about one another—and especially in this case. This just isn't a debate from one Senator to another.

As to Senator WARREN, in which it was said she impugned the integrity of Senator SESSIONS. Senator SESSIONS is in a different category here today. Senator SESSIONS is seeking the office of U.S. Attorney General. This is the most important law office in the land—the most important law enforcement office. This is an office where you can be active and go out and file civil rights cases, you can protect voting rights, you can do numerous things. This is an awesome responsibility. So this should be part of the RECORD, and I believe it is very important that we put it in the RECORD, that we talk about it, and then we look at the whole picture.

As I said earlier, I rise in opposition to the confirmation of Senator SESSIONS. It is not easy to oppose a nominee, especially when one is your Senate colleague. And I generally think the President should be able to assemble his team. But with this President we are in uncharted territory.

President Trump doesn't want to hire a team who will represent the American people. Many of the nominees are billionaires who are out of touch with the struggles of average Americans, and many of them have shown great disdain for the very agencies they will lead. People such as Betsy DeVos, a billionaire with zero experience in public schools, selected to run the Education Department. As we all know, yesterday, we saw what happened; two courageous Republicans—LISA MURKOWSKI and SUSAN COLLINS—voted against Betsy DeVos. In an unprecedented move, the Vice President of the United States had to come and sit where the President of the Senate is and cast the tie-breaking vote in order to get her through. I think we are going to look back on that as a sad day for public education because she sure doesn't stand up for public education.

People such as Scott Pruitt to be head of the Environmental Protection Agency, which he sued many times.

When the people nominated to the President's Cabinet are intent on dismantling the very Agency they are nominated to run, our constitutional role of advise and consent takes on a new importance.

The position of Attorney General is unique. The nominee requires even more scrutiny. The Attorney General, as our nation's chief law enforcement officer, has enormous power to either advance or roll back our constitutional protections, and that power resides in that one person.

The other important role of the Attorney General is to make sure the President is obeying the law. In this case, we have a real problem here. Within the first couple of weeks, the

courts are calling the President in and telling him he is issuing Muslim bans and other orders and that he is violating the law. So we need an Attorney General who is going to stand up for what the law is, not be political and not be ideological.

Perhaps Senator SESSIONS said it best during the confirmation hearings for Sally Yates to be Deputy Attorney General. In that hearing, Senator SESSIONS said: "You have to watch out, because people will be asking you to do things you just need to say 'no' about." That is his full quote there.

When he asked Ms. Yates, "Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?" That is the standard we are looking at—pretty tough standard—speaking truth to power, the Attorney General to the President of the United States.

I completely agree with Senator SESSIONS that the Attorney General has the responsibility, the duty to tell the President no when he is wrong. That is why I cannot vote to confirm Senator SESSIONS. I don't have the faith that he will tell President Trump no when the situation requires it, but I have less faith that the President will listen.

Sally Yates told the President no. She refused to let the Justice Department defend the President's misguided travel ban. She was fired for doing exactly what the position of Attorney General requires.

When the Acting AG, Acting AG Yates, said his travel ban was wrong, the President didn't simply relieve her of her position, instead he put out a press release attacking her personally. Sally Yates, who served the government for three decades as a career prosecutor, Justice Department attorney, deserved the President's respect regardless of whether he agreed with her or not.

Time and again, President Trump has shown that he will not tolerate dissent. You are either with him or in his mind you are wrong, and you become the enemy. President Trump has put the bully back into the bully pulpit. He frequently and publicly lashes out against those who express different views, and more dangerously, he lashes out at the institutions that are the fabric of this democracy. This weekend he attacked a Federal judge who ruled against his travel ban, rather than respecting the rule of law and the coequal judicial branch. He once again took to Twitter to personally denigrate the Federal judge who dared rule against his policy—a Federal judge who was appointed by George W. Bush.

President Trump disparages the free press at every opportunity. Any article or story that is critical of his policies is now dubbed "fake" news. Members of the press are punished for coverage of the administration that he deems nega-

tive. He says he wants to weaken libel laws so it is easier for him to sue the press.

President Trump will continue his assault on the First Amendment, defining the press that holds him accountable as the enemy, deriding and belittling those who speak out against him, attacking the free expression of religion and those who practice Islam.

When he takes these actions, it is up to the Attorney General of the United States to tell him he is wrong. That is where that awesome responsibility resides.

It is up to the Attorney General to speak truth to power and to be ready to be fired for doing so, but it is far from clear that Senator SESSIONS will be that independent voice within the Department of Justice that the American public needs.

The Washington Post reports that Senator SESSIONS not only agreed with the President's flurry of extreme Executive orders but that he wanted the President to go further and faster.

In an email to the Post, senior strategist Stephen Bannon said that throughout the campaign, Senator SESSIONS "has been the fiercest, most dedicated, most loyal promoter in Congress of Trump's agenda and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we were witnessing now is the birth of a new political order."

Stephen Bannon. This is an amazing quote, a contemporary quote from the President's top strategist. Everybody who is now talking in the press—and there are a lot of leaks out of this White House—say Steve Bannon is the puppeteer. He is the one telling Trump what to do. It is absolutely clear, of all the people in the White House, this is the guy who has the most clout, and it is a debate for all whether he is the puppeteer in telling the President what to do.

But listen again to what he said about Senator SESSIONS, that he "has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we are witnessing now is the birth of a new political order."

I don't know what this new political order is, where you don't respect the rule of law and don't respect democracy—headed in the wrong direction, in my opinion.

Loyalty is a valued characteristic in politics, but the Nation's chief law enforcement officer must be independent, first and foremost.

I harken back to when Senator SESSIONS and I were both attorneys general back many years ago, and I remember assuming that role at the State level. It is an awesome role be-

cause early on in my administration they brought me cases where Democrats who were in the State legislature were violating the law, and they said: They are violating the law. They said they are violating the law. We have to enforce the law, and I did, and we prosecuted people in my own party.

We had many rulings that came in as Attorney General where people would say: Interpret this law. And the law could be interpreted in a political way where you moved it toward your party, or the law could be interpreted the way it was written, with fairness. It ended up that we did everything we could to try to be fair to the law and fair as it was written.

I don't think Senator SESSIONS is able to do that, not only based on his history in Alabama as U.S. attorney, but his entire career up to this date.

We talk about loyalty being a valued characteristic in politics. The Nation's chief law enforcement officer must be independent, first and foremost. He or she must defend the Constitution and all Americans, not be the President's architect of a new political order that excludes many people.

For these reasons, I must vote no on this nomination.

Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post article I referred to so that people can see that full article and be able to judge Steve Bannon's quote, who is the President's top strategist.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 30, 2017]

TRUMP'S HARD-LINE ACTIONS HAVE AN INTELLECTUAL GODFATHER: JEFF SESSIONS
(By Philip Rucker and Robert Costa)

In jagged black strokes, President Trump's signature was scribbled onto a catalogue of executive orders over the past 10 days that translated the hard-line promises of his campaign into the policies of his government.

The directives bore Trump's name, but another man's fingerprints were also on nearly all of them: Jeff Sessions.

The early days of the Trump presidency have rushed a nationalist agenda long on the fringes of American life into action—and Sessions, the quiet Alabamian who long cultivated those ideas as a Senate backbencher, has become a singular power in this new Washington.

Sessions's ideology is driven by a visceral aversion to what he calls "soulless globalism," a term used on the extreme right to convey a perceived threat to the United States from free trade, international alliances and the immigration of nonwhites.

And despite many reservations among Republicans about that worldview, Sessions—whose 1986 nomination for a federal judgeship was doomed by accusations of racism that he denied—is finding little resistance in Congress to his proposed role as Trump's attorney general.

Sessions's nomination is scheduled to be voted on Tuesday by the Senate Judiciary Committee, but his influence in the administration stretches far beyond the Justice Department. From immigration and health

care to national security and trade, Sessions is the intellectual godfather of the president's policies. His reach extends throughout the White House, with his aides and allies accelerating the president's most dramatic moves, including the ban on refugees and citizens from seven mostly Muslim nations that has triggered fear around the globe.

The author of many of Trump's executive orders is senior policy adviser Stephen Miller, a Sessions confidant who was mentored by him and who spent the weekend overseeing the government's implementation of the refugee ban. The tactician turning Trump's agenda into law is deputy chief of staff Rick Dearborn, Sessions's longtime chief of staff in the Senate. The mastermind behind Trump's incendiary brand of populism is chief strategist Stephen K. Bannon, who, as chairman of the Breitbart website, promoted Sessions for years.

Then there is Jared Kushner, the president's son-in-law and senior adviser, who considers Sessions a savant and forged a bond with the senator while orchestrating Trump's trip last summer to Mexico City and during the darkest days of the campaign.

In an email in response to a request from The Washington Post, Bannon described Sessions as "the clearinghouse for policy and philosophy" in Trump's administration, saying he and the senator are at the center of Trump's "pro-America movement" and the global nationalist phenomenon.

"In America and Europe, working people are reasserting their right to control their own destinies," Bannon wrote. "Jeff Sessions has been at the forefront of this movement for years, developing populist nation-state policies that are supported by the vast and overwhelming majority of Americans, but are poorly understood by cosmopolitan elites in the media that live in a handful of our larger cities."

He continued: "Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we are witnessing now is the birth of a new political order, and the more frantic a handful of media elites become, the more powerful that new political order becomes itself."

Trump, who is never shy about showering praise on his loyalists, speaks of Sessions with reverence. At a luncheon the day before his inauguration, Trump singled out someone in the audience: "the legendary Jeff Sessions."

Trump said in an email to The Post that Sessions is "a truly fine person."

"Jeff was one of my earliest supporters and the fact that he is so highly respected by everyone in both Washington, D.C., and around the country was a tremendous asset to me throughout the campaign," Trump wrote.

Sessions helped devise the president's first-week strategy, in which Trump signed a blizzard of executive orders that begin to fulfill his signature campaign promises—although Sessions had advocated going even faster.

The senator lobbied for a "shock-and-awe" period of executive action that would rattle Congress, impress Trump's base and catch his critics unaware, according to two officials involved in the transition planning. Trump opted for a slightly slower pace, these officials said, because he wanted to maximize news coverage by spreading out his directives over several weeks.

Trump makes his own decisions, but Sessions was one of the rare lawmakers who shared his impulses.

"Sessions brings heft to the president's gut instincts," said Roger Stone, a longtime Trump adviser. He compared Sessions to John Mitchell, who was attorney general under Richard M. Nixon but served a more intimate role as a counselor to the president on just about everything. "Nixon is not a guy given to taking advice, but Mitchell was probably Nixon's closest adviser," Stone said.

There are limits to Sessions's influence, however. He has not persuaded Trump—so far, at least—to eliminate the Deferred Action for Childhood Arrivals program, under which children brought to the United States illegally are allowed to stay in the country.

Sessions has also been leading the internal push for Trump to nominate William H. Pryor Jr., his deputy when Sessions was Alabama's attorney general and now a federal appeals court judge, for the Supreme Court. While Pryor is on Trump's list of three finalists, it is unclear whether he will get the nod.

In his senior staff meetings, Trump talks about Sessions as someone who "gets things done," calmly and without fanfare, said Kellyanne Conway, the White House counselor.

"He does it in a very courtly, deliberative manner," she said. "There's never a cloud of dust or dramatic flourish."

Newt Gingrich, a former speaker of the House and informal Trump adviser, said, "Sessions is the person who is comfortable being an outsider to the establishment but able to explain the establishment to Trump. There is this New York-Los Angeles bias that if you sound like Alabama, you can't be all that bright, but that's totally wrong, and Trump recognized how genuinely smart Sessions is."

Sessions was especially instrumental in the early days of the transition, which was taken over by Dearborn after a purge of New Jersey Gov. Chris Christie's associates. Sessions became a daily presence at Trump Tower in New York, mapping out the policy agenda and making personnel decisions.

Once former New York mayor Rudolph W. Giuliani was out of consideration for secretary of state, Trump considered nominating Sessions because he was so trusted by the inner circle, including Kushner, although Sessions's preference was to be attorney general, according to people familiar with the talks.

Since his nomination, Sessions has been careful to not be formally involved even as his ideas animate the White House. In a statement Sunday, he denied that he has had "communications" with his former advisers or reviewed the executive orders.

Sessions has installed close allies throughout the administration. He persuaded Cliff Sims, a friend and adviser, to sell his Alabama media outlet and take a job directing message strategy at the White House. Sessions also influenced the selection of Peter Navarro, an economist and friend with whom he co-authored an op-ed last fall warning against the "rabbit hole of globalism," as director of the National Trade Council.

Sessions's connections extend into the White House media briefing room, where press secretary Sean Spicer took the first question at his Jan. 24 briefing from a journalist at LifeZette, a conservative website run by Laura Ingraham, a Trump supporter and populist in the Sessions mold. The website's senior editor is Garrett Murch, a former communications adviser to Sessions.

Another link: Julia Hahn, a Breitbart writer who favorably chronicled Sessions's immi-

gration crusades over the past two years, was hired by Bannon to be one of his White House aides.

More mainstream Republicans have been alarmed by Sessions's ascent. John Weaver, a veteran GOP strategist who was a consultant on Sessions's first Senate campaign and is now a Trump critic, said Sessions is at the pinnacle of power because he shares Trump's "1940s view of fortress America."

"That's something you would find in an Allen Drury novel," Weaver said. "Unfortunately, there are real consequences to this, which are draconian views on immigration and a view of America that is insular and not an active member of the global community."

Inside the White House and within Sessions's alumni network, people have taken to calling the senator "Joseph," referring to the Old Testament patriarch who was shunned by his family and sold into slavery as a boy, only to rise through unusual circumstances to become right hand to the pharaoh and oversee the lands of Egypt.

In a 20-year Senate career, Sessions has been isolated in his own party, a dynamic crystallized a decade ago when he split with President George W. Bush and the business community over comprehensive immigration changes.

In lonely and somewhat conspiratorial speeches on the Senate floor, Sessions would chastise the "masters of the universe." He hung on his office wall a picture of He-Man from the popular 1980s comic book series.

As he weighed a presidential run, Trump liked what he saw in Sessions, who was tight with the constituencies Trump was eager to rouse on the right. So he cultivated a relationship, giving Sessions \$2,000 for his 2014 reelection even though the senator had no Democratic opponent.

"Sessions was always somebody that we had targeted," said Sam Nunberg, Trump's political adviser at the time.

In May 2015, Nunberg said, he reached out to Miller, then an adviser to Sessions, to arrange a phone call between Trump and the senator. The two hit it off, with Trump telling Nunberg, "That guy is tough."

The next month, Trump declared his candidacy. In August of that year, Sessions joined Trump at a mega-rally in the senator's home town of Mobile and donned a "Make America Great Again" cap. By January 2016, Miller had formally joined the campaign and was traveling daily with the candidate, writing speeches and crafting policies.

"Senator Sessions laid a bit of groundwork . . . on matters like trade and illegal immigration," Conway said. "It was candidate Trump then who was able to elevate those twin pillars in a way that cast it through the lens of what's good for the American worker."

As Trump kept rising, so did Sessions. "It's like being a guerrilla in the hinterlands preparing for the next hopeless assault on the government," said Mark Krikorian, executive director of the Center for Immigration Studies, a conservative research institute. "Then you get a message that the capital has fallen."

Mr. UDALL. Thank you.

With that, I will yield the floor momentarily, and I may be back in a minute or two.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. UDALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL. Mr. President, as I reflect on the nomination of JEFF SESSIONS to be Attorney General, one of the things that hits me is, when we look at the broad scope of how America has been moving forward in the last 100 years, the three big movements that have changed America have been the civil rights movement; the women's rights movement—women's suffrage, women's rights, women wanting freedom over their choices on reproductive rights; and then conservation and environmental rights, which have kind of changed everything since Teddy Roosevelt and Franklin Roosevelt and my father and Uncle Mo Udall, who served in the Congress.

I grew up believing civil rights was something that was moving us forward, was inclusive, and was something where we really cared about every person.

The job of the United States Senator is to represent your State. My State of New Mexico is majority-minority, very diverse, and I am very proud to speak out for the people of New Mexico and their civil rights. I have told many of them back home the story I learned through my father and through his public service, when he was a college student at the University of Arizona.

Both he and my Uncle Morris Udall were at the University of Arizona in the lunchroom. Way back in the 1940s, the lunchroom was segregated so the Black students had to eat outside under the trees. They couldn't eat inside. My father and Mo had a friend, a young man by the name of Morgan Maxwell. Morgan still is a good friend of the family, and I am good friends with his son who lives in New Mexico.

Morgan was sitting out under the tree, and Mo and my father went over and said: We want you to have lunch with us. They took him through the line at the University of Arizona. The people serving looked at him like they were a little shocked and surprised. They said: He is our friend. He is going to have lunch with us. They served him, and they sat down at the lunch table in the lunchroom. It ended up that they had a good lunch that day.

But that push to bring Morgan Maxwell, a Black student, into a segregated lunchroom ended up with the president of the university facing a decision: Was he going to discipline the Udall brothers or was he going to change the rule and integrate the lunchroom? Thank God, he integrated the lunchroom, and the University of Arizona, at that time, moved forward with integration.

I had always heard that story, and it resonated with me a lot. Then, later, as I was growing up here in Washington when my father was Secretary of the

Interior, there was a great commotion around the fact that the Washington Redskins was the last team in the NFL to integrate their team. Here, we are talking in the 1960s. The owner of the Washington Redskins was named George Preston Marshall. Everyone knew he was a bigot and racist. He said: This is never going to happen. We are not going to integrate the Redskins. So there was a big movement in Washington to get my father to do something about it.

He took this in a serious way and passed it on to the Solicitor. The Solicitor came back and said: Stewart, actually, you can do something about it. The stadium resides on Park Service property and you are the landlord. Tell him next year when he gets his lease, if his team isn't integrated, you can terminate the lease, or he can integrate. George Preston Marshall raised hell and went to Jack Kent and Bobby Kennedy at Justice and did everything they could to push it aside. The Kennedys backed my dad.

I know my colleague Senator HIRONO is here.

The short story is that the Washington Redskins got Bobby Mitchell and had the first winning season the next year in a long, long time.

Those civil rights are things you grow up with. They are things you want to move forward with. That is why I rise today to say I am deeply disturbed about what Coretta Scott King said about JEFF SESSIONS in 1986 when he was going to be promoted. As U.S. attorney, he chilled the free exercise of vote by Black citizens. That is how he carried out his responsibilities.

I think if you look at the whole history here, he is not fit to be Attorney General, and that is why I am going to vote no, and I urge everybody to vote no.

I see my great colleague from Hawaii, Senator HIRONO, here. She may want to speak. Others may come in.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, it is a sad day for our democracy when the words of Coretta Scott King are not allowed on the floor of the U.S. Senate. I wish to share those words with you today in their entirety.

Dear Senator Thurmond:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citi-

zens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with the federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation and I request that my statement as well as this be made a part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely,

Coretta Scott King.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Mr. President, I have served with JEFF SESSIONS throughout my time in the Senate and respect him very much as a colleague. I come to the floor of the Senate today not to decide whether JEFF SESSIONS is doing a good job as the Senator from Alabama, for, of course, that is for his constituents to decide; I come to the floor today to vote on whether to support JEFF SESSIONS for Attorney General of all the people of America, not just the people of Alabama. That is an awesomely different role and responsibility.

I have deep concerns about JEFF SESSIONS' independence from the President and how he would use his prosecutorial discretion to address a number of critical issues confronting our country.

The Attorney General is the American people's lawyer, not the President's, and the job requires the Attorney General to stand up to the President as the people's lawyer.

In his first 2 weeks in office, President Trump has demonstrated his intolerance of dissent and independent thinking. He fired Acting Attorney General Sally Yates because she did what an Attorney General is supposed to do: She stood up and refused to defend President Trump's Executive order effectively restricting Muslims from coming to or returning to our country. Would JEFF SESSIONS have stood up to the President as Sally Yates did?

During his confirmation hearing, I asked Senator SESSIONS if he would honor the historical role of the Attorney General and maintain strict independence from the White House. I did not receive a satisfactory answer. This is deeply troubling in light of the ongoing litigation in Federal court challenging the President's Muslim ban as overreaching and unconstitutional.

Since the President announced the ban just over a week ago, hundreds of thousands of protesters have taken to

the streets to oppose it. Lawyers have been camping out in arrivals terminals in airports across the country to help those who are trying to come back or come to our country with legal visas. State attorneys general have been speaking out and filing lawsuits to block this ban.

Last week, Hawaii attorney general Doug Chin filed a lawsuit to block the Executive order. I wish to read a section from the State's brief outlining the State's case.

Hawaii joins the many voices that have condemned the Order. But this pleading is not about politics or rhetoric—it is about the law. The simple fact is that the Order is unlawful. By banning Muslims and creating a preference for Christian refugees, the Order violates the Establishment Clause of the United States Constitution. By those same acts, it violates the equal protection guarantee of the fifth amendment. By failing utterly to provide procedures or protections of any kind for people detained or turned away at our airports, it violates the Due Process Clause. And by enshrining rank discrimination on the basis of nationality and religion, it flies in the face of statutes enacted by Congress.

Attorney General Chin is standing up for the people of Hawaii. The people of the United States deserve the same from our Attorney General.

To understand how an Attorney General should discharge his or her responsibility, we need only turn to Senator SESSIONS' own words in an exchange between Sally Yates and Senator SESSIONS during her confirmation hearing in 2015.

I wish to read the exchange. Senator SESSIONS said at her confirmation hearing:

Do you understand that in this political world, there will be people calling, demanding, pushing, insisting on things that they do not know what they're asking for and could indeed be corrosive of the rule of law, could diminish the respect the Department of Justice has, could diminish the rule of law in the United States? Are you aware of that? You've already learned that the time you've been there.

Nominee Yates said:

Well, you're right, Senator, I'm not from here. I've only been here for a couple of months, but I can tell you I'm committed to the Department of Justice.

I love our department. I care deeply about our mission, and I would do everything in my power to protect the integrity that is the Department of Justice."

Senator SESSIONS said:

You have to watch out, because people will be asking you to do things you just need to say no about. Do you think the Attorney General has the responsibility to say "no" to the President if he asks for something that is improper? If the views of the President are unlawful, should the Attorney General or the Deputy Attorney General say no?

Yates' response:

Senator, I believe the AG or deputy AG has an obligation to follow the law and the Constitution and to give their independent legal advice to the President.

The people of the United States need an Attorney General who will stand up

to the President to defend the Constitution—especially, as Senator SESSIONS pointed out in his questions of Nominee Yates, when the President is wrong.

Based on Nominee SESSIONS' long-held restrictive views on immigration, I do not think he would stand up to the President as Sally Yates did. I am also deeply concerned about how Senator SESSIONS would use his prosecutorial discretion to address a number of critical issues.

During his confirmation hearing, I pressed Senator SESSIONS for a commitment to vigorously protect every citizens' right to vote, particularly with regard to section 2 of the Voting Rights Act, which safeguards Americans from discriminatory voting laws.

At a time when our President is making unsubstantiated claims of massive voter fraud, we need an Attorney General who will vigorously protect the right to vote and not give in to these kinds of alternative facts to justify voter suppression laws.

Senator SESSIONS did not provide me with a satisfactory answer that he would affirmatively scrutinize voting laws for impermissible discriminatory impact. If the Attorney General does not weigh in on these kinds of situations, this means that challenging these kinds of voting laws, these kinds of impermissible discriminatory voting laws, will be left to individuals and groups with limited resources, such as the NAACP.

I also asked Senator SESSIONS whether he would honor the Department of Justice's consent decrees, some 20 of them, that address police misconduct and enhance accountability. Senator SESSIONS did not adequately assure me that as Attorney General, he would uphold these amendments. In fact, he left the door open for renegotiating these agreements. I pressed Senator SESSIONS for a commitment to defend *Roe v. Wade* in Federal court and to enforce laws that guarantee the constitutionally protected women's right to choose. Senator SESSIONS refused to disavow his past comments that *Roe v. Wade* was one of the worst Supreme Court cases ever decided and, in his view, not based on the Constitution, when, in fact, the majority decision had a constitutional basis.

Should the Supreme Court be presented with a case that provides them the opportunity to overturn *Roe v. Wade*, I asked Senator SESSIONS, would he instruct the Solicitor General to argue for the overturning of *Roe v. Wade*? He said that was a hypothetical and did not respond. Senator SESSIONS' view on *Roe v. Wade* is clear. Would anyone be surprised if, as Attorney General, he would support overturning *Roe v. Wade* given that opportunity?

In addition, in one of his first actions, the President reinstated a ban on foreign aid to health providers

abroad who discussed abortion. This vow would compromise the health care of millions of women in places where the need is greatest. Taking the President's lead, I seriously question whether his Cabinet nominees, including the Attorney General nominee, will protect a woman's right to choose.

I want to turn again to the topics of President Trump's Executive order, basically banning Muslim immigration, because our next Attorney General will likely weigh in on this, as well as other immigration cases. In fact, the Justice Department is already in Federal courts right now defending President Trump's Muslim ban. So while there is an argument being made that this really is not a Muslim ban, I say, you can call a duck a chicken, but if it looks like a duck, quacks like a duck, walks like a duck, it is a duck. That is what this Executive order is, a Muslim ban.

Sadly, stoking fears in minorities and immigrants is a tragic but undeniable part of our Nation's history, and this fear has been used to justify the terrible treatment of minorities from Native peoples to slaves, to immigrants who helped build our country. In 1882, decades of incitement against Chinese immigrants resulted in the passage of the Chinese Exclusion Act, an immoral law that banned all Chinese immigration. This law, and others that followed, created a culture of fear that culminated in the mass internment of Japanese Americans during World War II.

This was one of the darkest periods of American history, and it took decades for our country to acknowledge our error.

Last week, we commemorated what would have been civil rights icon Fred Korematsu's 98th birthday. As Japanese Americans were rounded up for incarceration, Mr. Korematsu, who was only 23 at the time, bravely resisted internment all the way to the Supreme Court, which upheld Mr. Korematsu's conviction as being justified by the exigencies of war. Forty years later, documents kept from the Supreme Court showed that the Americans of Japanese ancestry were not involved in seditious actions justifying mass incarceration. Mr. Korematsu waited more than 40 years for a court in California to overturn his conviction.

During the Judiciary Committee's markup on this nomination, I read the full text of President Ronald Reagan's remarks in 1988, apologizing for the internment. I would like to read some of the excerpts.

I do see the majority leader here. Would you like me to yield?

Mr. McCONNELL. Mr. President, I say to the Senator from Hawaii, I have a very short statement, if I could do that.

Ms. HIRONO. I assume I will be able to resume my comments after the majority leader's statement?

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, we came together yesterday to confirm Betsy DeVos as Secretary of Education so she could get to work improving our schools and putting students first.

We will come together to confirm TOM PRICE as Secretary of Health and Human Services so he can get to work helping to provide relief from ObamaCare and stabilizing the health care markets.

We will come together to confirm Steve Mnuchin as Secretary of the Treasury, too, so he can get to work continuing the President's efforts to relieve the regulatory pressure on America's economy and American job creation.

We will also come together later today to confirm a new Attorney General. We all know our colleague from Alabama. He is honest. He is fair. He has been a friend to many of us on both sides of the aisle. It has been tough to watch all this good man has been put through in recent weeks. This is a well-qualified colleague, with a deep reverence for the law. He believes strongly in the equal application of it to everyone.

In his home State, he has fought against the forces of hate. In the Senate, he developed a record of advocacy for crime victims but also for the fair and humane treatment of those who break our laws, both when they are sentenced and when they are incarcerated.

JEFF SESSIONS has worked across the aisle on important initiatives. He is, in the words of former Democratic Vice-Presidential Candidate Joe Lieberman, "an honorable and trustworthy person, a smart and good lawyer, and a thoughtful and open-minded listener," someone who "will be a principled, fair and capable Attorney General."

Our colleague wants to be Attorney General for all Americans. Later today, we will vote to give him that chance, and I will have more to say about our friend and colleague at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. I would like to resume my remarks.

Mr. President, I want to read some excerpts from President Ronald Reagan's remarks in 1988, apologizing for the internment of Japanese Americans.

More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry living in the United States were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race, for these 120,000 were Americans of Japanese descent.

Yet we must recognize that the internment of Japanese Americans was just that: a mis-

take. For throughout the war, Japanese Americans in the tens of thousands remained utterly loyal to the United States. Indeed, scores of Japanese Americans volunteered for our Armed Forces, many stepping forward in the internment camps themselves.

The 442nd Regimental Combat Team, made up entirely of Japanese Americans, served with immense distinction to defend this Nation, their Nation. Yet back at home, the soldiers' families were being denied the very freedom for which so many of the soldiers themselves were laying down their lives.

The legislation that I am about to sign provides for a restitution payment to each of the 60,000 surviving Japanese Americans of the 120,000 who were relocated or detained. Yet no payment can make up for those lost years. So, what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here, we reaffirm our commitment as a nation to equal justice under the law.

President Reagan's words powerfully demonstrated the wrongness of the internment, but just after this Presidential election, a top Trump surrogate said that the Japanese internment should be used as "precedent" for a Muslim registry. And a Supreme Court Justice, Justice Scalia, in 2014, warned that a civil rights atrocity similar to the internment of Japanese Americans could happen again. Justice Scalia explained his thinking with the Latin phrase that means: "In times of war, the laws fall silent." Justice Scalia in 2014, went on to say:

That is what was going on—the panic about the war, and the invasion of the Pacific and whatnot. That's what happens. It was wrong, but I would not be surprised to see it happen again—in times of war. It's no justification, but it is the reality.

The internment of Japanese Americans is yet another example of how, when we do not stand up against unconstitutional actions like President Trump's Muslim ban, we will be complicit in what follows. Time and again, when our country targets minorities for discriminatory treatment, history proves us to have been deeply wrong. I commend my Republican colleagues, Senators GRAHAM, MCCAIN, HATCH, FLAKE, SASSE, and others, for their statements questioning President Trump's immigration Executive order.

Senators LINDSEY GRAHAM and JOHN MCCAIN issued a joint statement, which I would like to read in whole because I very much admire the position they took. In their joint statement they said:

Our government has the responsibility to defend our borders, but we must do so in a way that makes us safer and upholds all that is decent and exceptional about our Nation.

It is clear from the confusion at our airports across the nation that President Trump's Executive order was not properly vetted. We are particularly concerned by reports that this order went into effect with little to no consultation with the Departments of State, Defense, Justice, and Homeland Security.

We should not stop green-card holders from returning to the country they call home. We should not stop those who have served as in-

terpreters for our military and diplomats from seeking refuge in the country they risked their lives to help.

And we should not turn our backs on those refugees who have been shown, through extensive vetting, to pose no demonstrable threat to our Nation, and who have suffered unspeakable horrors, most of them women and children.

Ultimately, we fear this Executive order will become a self-inflicted wound in the fight against terrorism. At this very moment, American troops are fighting side-by-side with our Iraqi partners to defeat ISIL.

But this Executive order bans Iraqi pilots from coming to military bases in Arizona to fight our common enemies.

Our most important allies in the fight against ISIL are the vast majority of Muslims who reject its apocalyptic ideology of hatred.

This Executive order sends a signal, intended or not, that America does not want Muslims coming into our country.

That is why we fear this Executive order may do more to help terrorist recruitment than improve our security.

That is the end of the joint statement by Senators MCCAIN and GRAHAM. I read the statement and I cannot but admire our two Senators for making the statements. I cannot overstate the fearful message that President Trump is sending by pursuing this ban on Muslims.

Last night, our colleague, the senior Senator from Massachusetts, was silenced for sharing a letter from Coretta Scott King. If we cannot make a distinction between talking about a fellow Senator from a person who is a nominee that we must confirm, then the rule that shuts down debate should be called a gag rule.

Over the last 2 months, I have heard from thousands of my constituents and a number of prominent civil rights organizations, including a number who testified at JEFF SESSIONS' hearing questioning his nomination. So I will vote against the nomination of JEFF SESSIONS to serve as Attorney General because I am deeply concerned about how he would use his prosecutorial discretion to uphold voting rights, protect civil rights, and safeguard a woman's right to choose. I am seriously concerned about JEFF SESSIONS' willingness to say no to the President when he needs to.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I want to say a few words about the Sessions nomination for Attorney General, but I also want to express my very strong opposition to Senator McCONNELL's effort to deny Senator ELIZABETH WARREN the opportunity to express her point of view.

There are two separate issues. No. 1, this is the Senate. The American people expect from us a vigorous debate on the important issues facing this country. I think all of us are aware that issues of civil rights, issues of voter suppression, issues of criminal justice reform are enormous issues that people from one end of this country feel very strongly about. Those are issues that the next Attorney General of the United States will be dealing with.

So clearly we need a vigorous discussion regarding the qualifications of President Trump's nominee, JEFF SESSIONS, to be Attorney General. We need to hear all points of view. The idea that a letter and a statement made by Coretta Scott King, the widow of Martin Luther King, Jr., a letter that she wrote, could not be presented and spoken about on the floor of the Senate is, to me, incomprehensible.

It comes at a time when we have a President who has initiated, and I hope it will not stand, a ban on Muslims entering the United States of America. We have a President who refers to a judge who issues a ruling in opposition to the President as a so-called judge, which tells every judge in America that they will be insulted and marginalized by this President if they dare to disagree with him.

I was under the impression we had three separate branches of government: Congress, the President, and the Judiciary, equal branches, not to be insulted because one branch disagrees with another branch.

Here we are now on the floor of the Senate and one of our outstanding Senators, Ms. WARREN of Massachusetts, brings forth a statement made by one of the heroines, one of the great leaders of the civil rights of the United States of America, a statement that she made before the Senate Judiciary Committee on March 13, 1986.

Anyone who knows anything about Coretta Scott King understands, this is not a vicious woman; this is not a woman who is engaged in personal attacks. This is a woman who stood up and fought for civil rights, for dignity, for justice for her whole life. Yet when Senator WARREN read her statement, she was told that she could no longer participate in this debate over Senator SESSIONS' nomination, which I regard as an outrage.

I want the American people to make a decision on whether we should be able to look at Senator SESSIONS' record and hear from one of the heroines of the civil rights movement.

This is the statement of Coretta Scott King on the nomination of JEFFERSON BEAUREGARD SESSIONS for the U.S. District Court, Southern District of Alabama, made before the Senate Judiciary Committee on Thursday, March 13, 1986, and this is what the statement is about. Let the American people judge.

This is from Coretta Scott King:

Mr. Chairman and Members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. My longstanding commitment which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. Sessions has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. Sessions' conduct as U.S. Attorney, from his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indicates that he lacks the temperament, fairness, and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, "Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protest of the denial of the franchise, Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day." Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after other marchers had left. This organization, the Perry County Civil League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty

years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes, peacefully petitions for their constitutional right to vote."

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civil League including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. Sessions sought to punish older black civil rights activists, advisors, and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of the legality and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the Federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need to be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be Federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the Federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

That is the letter of Coretta Scott King, one of the great leaders of our civil rights movement, who, along with her husband and many others, finally managed to get passed the Voting Rights Act of 1965.

That is it. That is the letter Senator ELIZABETH WARREN wanted to communicate to other Members of the Senate as part of the discussion as to whether

JEFF SESSIONS should become our next Attorney General.

Let me say that I will vote against JEFF SESSIONS for a number of reasons, but the idea that in the United States Senate, the same exact letter that I just read and the American people have heard it—was there some kind of vicious personal attack?

This is a letter written by one of the leaders of the civil rights movement, expressing strong concerns about JEFF SESSIONS before the Judiciary Committee in 1986, opposing his nomination to be a Federal judge. Yet Senator ELIZABETH WARREN, one of our leading Senators, was denied the right to read that letter to inform fellow Senators and the American people.

I think Leader MCCONNELL owes Senator WARREN an apology, and I believe it is unconscionable and outrageous that Senator WARREN not be allowed to participate in the discussion about whether JEFF SESSIONS becomes our next Attorney General.

There is a great fear in this country right now, starting at the White House, where we have a President who has issued a ban on Muslim visitors coming into this country. There is a fear that we have a President who denigrates a judge as a "so-called judge" because this judge issued an opinion in disagreement with the President, that we are moving in a direction which is un-American, which is moving us toward an authoritarian society.

We pride ourselves as a nation because when we have differences of opinion, we debate those differences and we tolerate differences of opinion. That is what democracy is about in our country, that is what freedom of speech is about, and that is what debate is about here in the U.S. Senate.

So I am going to vote against JEFF SESSIONS to become our next Attorney General, but I am even more alarmed about the decision of the majority leader here in the Senate to deny one of our leading Senators the right to voice her opinion, the right to put into the CONGRESSIONAL RECORD what I have just said. And if Mr. MCCONNELL or anybody else wants to deny me the right to debate JEFF SESSIONS' qualifications, go for it. But I am here. I will participate in the debate. I will oppose JEFF SESSIONS. And I think Senator WARREN is owed an apology.

With that, Mr. President, I ask unanimous consent to have printed in the RECORD the statement of Coretta Scott King.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. First of all, Mr. President, I thank my colleague, the Senator from Vermont, for his statement, and remarkably, the events of the last 24 hours, with Senator WARREN's comments and now Senator SANDERS' comments and others, and the fact that it is now out there—using social media,

this letter has now reached this morning more than 5 million Americans. I know that Senator SANDERS' comments this morning continue to expand, reaching Americans. And out of every challenge comes an opportunity—the opportunity to make sure more Americans hear the very powerful words and her rationale against Senator SESSIONS I think was very important, and so I thank him for his work.

Mr. SANDERS. Thank you very much.

Mr. WARNER. Mr. President, I also rise today to voice my concerns about Senator JEFF SESSIONS to serve as U.S. Attorney General. While I respect Senator SESSIONS' public service, I cannot and will not support his nomination.

I also rise to raise the concerns of thousands of my constituents who have contacted me about Senator SESSIONS. These Virginians worry about what his confirmation would mean for the rights of all Virginians and all Americans.

Senator SESSIONS' long record of opposing bipartisan, commonsense policies relating to voting rights, anti-discrimination, domestic violence, and criminal justice reform leads me to conclude that he is not the right person to serve as Attorney General.

I would like to take a couple of minutes—and I know I have my friend the Senator from Minnesota coming after me—to talk about five areas of concern I have with his nomination.

First, voting rights. In 2013, the Supreme Court ruled in *Shelby County v. Holder* to gut a key section of the Voting Rights Act. Senator SESSIONS applauded that decision which eroded voter access and protection in several States once covered by the preclearance provisions in the Voting Rights Act. Those States included the Commonwealth of Virginia. Moreover, he has failed to support important legislation that would restore those protections.

The bipartisan legislation, the Voting Rights Advancement Act, was introduced last Congress and would serve to once again protect our Nation's hard-fought equal access to the ballot. I was proud to cosponsor this bill and remain committed to working with my colleagues to put a fair process in place that ensures our elections are open to all. Senator SESSIONS unfortunately opposed this legislation.

The second area is nondiscrimination. I also have concerns about Senator SESSIONS' record on a broad range of anti-discrimination provisions. He was one of only four Senators to oppose an amendment in the Judiciary Committee that would have reaffirmed the principle that the United States does not discriminate against immigrants on the basis of religion—an issue that unfortunately has reared its head most recently by the President's action.

He opposed the Employment Non-Discrimination Act, which codifies protection for LGBTQ Americans, and denies the reality that too many of our LGBTQ neighbors still face down discrimination and hatred every day.

While nearly two-thirds of the Senate voted for the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009, Senator SESSIONS stated this instead: "I'm not sure that women or people with different sexual orientations face that kind of discrimination. I just don't see it."

From opposing the DREAM Act, to opposing the repeal of don't ask, don't tell, Senator SESSIONS' views are well outside of the mainstream.

The third area is the Violence Against Women Act. In 2013, Senator SESSIONS voted against reauthorizing the Violence Against Women Act. This landmark legislation, originally drafted in 1994, provides crucial protections and resources for the investigation and prosecution of violent crimes against women. The 2013 reauthorization bill updated those programs within the Department of Justice and extended resources and protections to additional populations, such as those in same-sex relationships. That bill passed with the support of a large bipartisan majority in the Senate, including a majority of the Republican caucus. However, Senator SESSIONS opposed the entire bill due to concerns about one provision in the legislation related to domestic violence against Indians on tribal lands.

We in the Senate have all on occasion been faced with legislation that contains one or more provisions that we have concerns about or would not have included in the legislation. Yet my colleagues on both sides of the aisle can attest that we very often strike compromises to get important legislation over the finish line. Oftentimes the sign of a good bill is when not one of us gets 100 percent of what we may have wanted. Opposing a much broader, commonsense bipartisan bill meant to reduce violence and protect domestic violence victims calls into question Senator SESSIONS' commitment to administering these important programs at the Department of Justice.

Fourth, various sentencing reforms. There is broad, bipartisan recognition in the Senate that our broken criminal justice system is badly in need of reform. Likewise, there is bipartisan support for updating outdated statutes that tie judges' hands and often force them to hand down overly punitive mandatory minimum sentences. Yet last year Senator SESSIONS again was one of only five Republicans on the Judiciary Committee to vote against this bipartisan criminal justice reform legislation, of which I am a proud cosponsor, the Sentencing Reform and Corrections Act.

There is overwhelming support both in this body and among the American

public for reforming a broken justice system and giving thousands of Americans a second chance to be productive members of society. I believe that Senator SESSIONS' views on criminal justice are at odds with what the American people want and at odds with the basic principles of fairness and equality under law that are supposed to be the hallmark of our Nation's justice system.

Finally, on the question of independence, I am concerned that Senator SESSIONS won't be sufficiently independent to execute the responsibilities of Attorney General effectively. Doing this job the way our Founding Fathers intended requires a certain level of impartiality to fully and independently enforce our laws and protect the rights of the disenfranchised. Senator SESSIONS has said achieving this level of neutrality means saying no to the President sometimes.

This is one area in which I agree with my colleague and very much want to take him at his word; however, given his vocal, partisan support for President Donald Trump and his refusal to commit in his confirmation hearing to fully enforce certain laws, I am not convinced that Senator SESSIONS is fully prepared to faithfully execute this new set of responsibilities with the amount of independence that the job demands.

Again, I stress that the main duties of serving as Attorney General include enforcing our Nation's laws and by doing so, protecting the civil rights of all Americans. That is the most basic tenet of being Attorney General. Given Senator SESSIONS' long record of opposing many of these fundamental laws that protect civil rights and equality for all, I have grave concerns about him fulfilling and taking this position.

For these reasons, I am unable to support Senator SESSIONS' nomination to be Attorney General, and I encourage my colleagues to take these concerns under consideration as we move toward a final vote on this nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Minnesota.

Mr. FRANKEN. Thank you, Mr. President. I rise in opposition to the nomination of Senator JEFF SESSIONS to serve as our Nation's next Attorney General.

The U.S. Attorney General has a job like none other. Our Nation's top law enforcement officer doesn't enforce just the laws designed to protect national security and keep the public safe but also the laws designed to protect Americans' civil rights and civil liberties, the laws that guarantee each and every American access to the same opportunities and to participate fully in our democracy.

I know Senator SESSIONS. He and I have served on the Judiciary Committee together since I joined the Sen-

ate back in 2009, and I have a good relationship with Senator SESSIONS. I respect him as a colleague. But as anyone who has observed Senator SESSIONS or me in a Judiciary Committee hearing could probably tell you, he and I have very different views about many of the issues that he stands to influence as Attorney General, particularly matters of equal justice. So once the President announced his nomination and after Senator SESSIONS submitted his material to the committee, I reviewed his background carefully, and I paid special attention to how he described his work on civil rights. I noticed some discrepancies in the way he described his involvement in civil rights cases filed during his time as U.S. attorney. Those discrepancies stood out to me, and they didn't just stand out because civil rights is an issue I care about personally or because it is an issue I know Senator SESSIONS and I have disagreed about in the past; the discrepancies caught my attention because the information seemed to misrepresent the nominee's record, and that is something Senator SESSIONS himself promised not to do.

You see, back in 2009 when Senator SESSIONS became the ranking member of the Judiciary Committee, he was interviewed about how he would approach the committee's work in general and nominations in specific. Senator Specter, who was serving as the ranking Republican at the time, had just changed his party affiliation to join the Democrats, and so the gavel passed to Senator SESSIONS. Some people, particularly on my side of the aisle, were anxious about how Senator SESSIONS would lead the committee's Republicans given his more conservative views, but during that interview with the National Review, Senator SESSIONS indicated that Democrats should expect him to be an honest broker, to be fair to the Democratic nominee.

Senator SESSIONS cited his experience before the Judiciary Committee back in 1986 when President Reagan nominated him to serve on the Federal bench. The committee rejected his nomination then, and Senator SESSIONS felt that in doing so, the committee had distorted his record. He said: "What I learned in that process is that we're not going to misrepresent any nominee's record, and we're not going to lie about it."

Senator SESSIONS said, as ranking member, that nominees before the committee would be "entitled to explain the charges against them. That doesn't mean I'll accept their explanation or agree with it."

In my view, that seemed like a fair way to conduct the committee's business. When I set about the task of reviewing Senator SESSIONS' record and the materials that he provided to the

committee, I expected that those materials would not misrepresent his record. I took him at his word.

So when I noticed discrepancies regarding the nominee's record, I gave Senator SESSIONS an opportunity to explain them. I asked him about his claim to have filed 20 or 30 desegregation cases, a claim he made in that same 2009 National Review interview. In response, in the committee hearing Senator SESSIONS said: "The records do not show that there were 20 or 30 actually filed cases." Of the claim, he said: "The record does not justify it."

I then moved on to question him about four cases he had listed on his committee questionnaire, which asked him to list the "10 most significant litigated matters [he] personally handled." Among those 10 cases were three voting rights cases and a desegregation case.

I know Senator SESSIONS, and I know his record on voting rights. He is no champion of voting rights. He has called the Voting Rights Act "intrusive" and complained about States with a history of discrimination being subject to preclearance. But here his questionnaire seemed to tout his personal involvement in three voting rights cases and one desegregation case. It seemed to me that, given his previous experience before this committee and given the concern the civil rights community had expressed about his nomination, perhaps the transition team or others managing Senator SESSIONS' nomination had attempted to revise some of his history and recast him as a civil rights champion.

I questioned Senator SESSIONS about the questionnaire's claim of personally handling those four civil rights cases. I mentioned that the Department of Justice attorneys who had worked on three of those four cases wrote an op-ed stating that Senator SESSIONS had no substantive involvement in those cases. Two of those attorneys also submitted testimony to that effect, explaining that Senator SESSIONS had no personal involvement in some of the cases that he had listed among the top 10 matters that he had personally listed.

I asked Senator SESSIONS about this. In my view, he deserved an opportunity to explain himself. I asked him whether these attorneys had distorted his record by stating that with regard to three of those four cases: "We can state categorically that Sessions had no substantive involvement in any of them."

Senator SESSIONS said: Yes, he believed they were distorting his record. He said that he had supported the attorneys, and he had signed the complaints they had brought.

Senator SESSIONS' reply mirrored answers he provided in a supplement to his initial questionnaire. In that supplement, which he filed 2 weeks after his initial questionnaire, the nominee

clarified that his role was to "provide support for" DOJ attorneys. He said he "provided assistance and guidance" and "cooperated" with DOJ lawyers—not quite "personally handled," if you ask me. I suspect that is why he felt the need to file the supplement.

It is also worth noting that all four of the civil rights cases at issue—the ones at issue here—had either concluded or were still active back when Senator SESSIONS first appeared before the Judiciary Committee in 1986. But 30 years ago, when he submitted his questionnaire, which also asked him to list the "ten most significant litigated matters which [he] personally handled," Senator SESSIONS did not list a single one of these four cases—not a single one. I wonder what changed between 1986 and now that caused these four civil rights cases to take on new significance for the nominee. Look, the fact of the matter is that Senator SESSIONS simply did not personally handle the civil rights cases that his questionnaire indicates he personally handled. His questionnaire overstates his involvement in these cases and the supplement he filed makes that perfectly clear. As I said, in the Judiciary Committee, Senator SESSIONS would not have tolerated that kind of misrepresentation, and no Member of this body should either. Senator SESSIONS said in 2009:

We're are not going to misrepresent any nominee's record. . . . They'll be entitled to explain the charges against them. That doesn't mean I'll accept their explanation or agree with it.

And neither do I.

The Senate has an important job to do. It requires that each and every one of us understand the nominee's record accurately. The duties and responsibilities of our Nation's top law enforcement officer demand that the President nominate an individual who puts country before party and who is willing to pursue justice for the most vulnerable among us. But I do not have confidence that a nominee whose submissions to the Judiciary Committee inflate and exaggerate his handling of the critical issues—issues such as protecting the right to vote—is, frankly, capable of pursuing equal justice under the law.

I questioned Senator SESSIONS about voting rights during his hearing. I asked him about an extraordinary claim by the then President-elect. In late November, President-Elect Trump tweeted: "In addition to winning the electoral college in a landslide, I won the popular vote if you deduct the millions of people who voted illegally." Let me repeat that: "the millions of people who voted illegally."

Let's be clear. President Trump lost the popular vote by 2.86 million votes—the popular vote for the President. He is the President of the United States, but he lost the popular vote by 2.86 million votes. When he says, "I won

the popular vote if you deduct the millions of people who voted illegally," he is saying that at least 2.86 million people voted illegally.

That is a pretty extraordinary charge. During Senator SESSIONS' hearing, I asked, do you agree with the President-elect that millions of fraudulent votes had been cast?

He responded: "I don't know what the President-elect meant or was thinking when he made that comment, or what facts he may have had to justify his statement."

Senator SESSIONS didn't say whether he agreed. I asked him whether he had talked to the President-elect about that issue. Senator SESSIONS said: "I have not talked to him about that in any depth."

Under the Attorney General's leadership and direction, the Department of Justice is tasked with protecting the right to vote and with prosecuting fraud. It seems unusual to me that the President-elect would make such an outrageous claim, backed with no evidence, asserting that a fraud of truly epic proportion had occurred and that he wouldn't bother to discuss it with the man nominated to lead the Justice Department nor that the man tasked to head the Justice Department wouldn't ask him about it and ask what his evidence was so that when he became Attorney General, he could prosecute this voter fraud.

But, in my questioning, none of this seemed to bother Senator SESSIONS. I suppose that shouldn't come as a surprise, because another thing that didn't seem to bother Senator SESSIONS was the speed with which States previously covered by the Voting Rights Act, covered by preclearance, moved to restrict voting rights after the Supreme Court's Shelby County decision. He and I discussed this at his hearing. I pointed out that after Shelby County, States moved quickly to enact new restrictions, but he didn't seem concerned.

We discussed North Carolina, which enacted restrictions that the Fourth Circuit eventually described as targeting African Americans with "almost surgical precision"—targeting African Americans with almost surgical precision to make it harder for them to vote, to suppress their vote, which suppressed African-American votes in the 2014 election. So this had happened.

But it didn't seem to bother Senator SESSIONS. All he said was "every election needs to be managed closely and we need to ensure that there is integrity in it, and I do believe we regularly have fraudulent activities occur during election cycles."

Now, let's be clear. Claims of apocryphal voter fraud are used to justify voter suppression. Claims of bogus fraud are exactly what States cite when they enact laws designed to keep certain people from voting.

So understanding Senator SESSIONS' views on voting rights and understanding how he responded to the President-elect's outrageous claims of fraud—and is there anyone here in this body who doesn't believe that the President's claims are outrageous and, indeed, pernicious? Keeping Senator SESSIONS' views on voting rights in mind and understanding how he responded to the President's claims is important to helping us assess whether he is capable of filling one of the Attorney General's most important duties, protecting the right to vote.

That is how we all got here. We won elections. That is how the Presiding Officer won an election in Alaska, fair and square. This is so basic. The Fourth Circuit ruled that North Carolina had surgically targeted African Americans, and because of the Shelby decision, the Justice Department couldn't review that, couldn't do preclearance, couldn't prevent African Americans from having their votes suppressed. That should bother us.

That should bother every one of us. It really should. We are here. We had some arguments over the last evening. The ones having the arguments were all elected. Protecting the franchise is the most basic duty in a democracy. And whose job is that? That is the job of the Attorney General.

Think about how basic and fundamental this is. It is all the words that are said here on the floor, they are said by people who won elections. I won an election by 312 votes. Every vote is important. To suppress votes, to surgically target a race of people, how fundamentally wrong is that? It should make us shiver. It should, I would hope, clarify to my colleagues why there is so much fear in this country, when a man who is President of the United States says there are 3 million to 5 million votes fraudulently cast. I wonder how he got 3 million. Could it possibly have anything to do with the fact that he lost the popular vote by 2.86 million? How did he bring that figure out of the air?

What are the American people supposed to think when the President makes these laughable claims, faced with no facts whatsoever?

He told the story about a German golfer in line in Florida. Do my colleagues remember this? He heard this story thirdhand. This is his proof to the congressional leadership. I believe Senator CORNYN was actually there. I think he was part of the group who went there as the leadership of the Senate. The President said that part of his evidence was this story that this German golfer in line had three Hispanic people in front of him and three in back. The President then went into conjecture about what Latin American countries they could be from. Then he said that none of them were pulled out of the line; only the German golfer, the

famous German golfer. He has won some PGA tournaments. He is a great golfer. He is not registered to vote in the United States.

The story was apocryphal. Doesn't this send a chill down the spine of every Member of this Senate who cares about the franchise?

Think about it. This is the fundamental building block of our democracy—the franchise.

Now, Senator SESSIONS said during his hearing that he believes we regularly have fraudulent activities during our election cycles. That might explain why he didn't talk with the President-elect in any depth about the now-President's claim that millions of fraudulent votes were cast. Perhaps Senator SESSIONS didn't find it alarming because he believes there is a kernel of truth in the claim. There is not. That claim has been fact-checked to death. Nearly 138 million votes were cast in the 2016 election. State officials found virtually no credible reports of fraud and no sign whatsoever of widespread fraud.

In 2014, a comprehensive study examined elections over 14 years, during which more than 1 billion ballots were cast, and they found just 31 incidents of in-person fraud, but that didn't stop President Trump. Never let the truth get in the way of a good story. He again claimed that he won the popular vote and continued to claim it and asked for an investigation.

This is so profoundly disturbing. I ask my colleagues, doesn't it bother you?

The President went on to tweet about this "major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal, and even, those registered to vote who are dead, and then (and many for a long time)."

I know on my deathbed, which I hope is many, many years from now, surrounded by my family, my grandchildren, and hopefully my great-grandchildren, if they say: Grandpa, Great-grandpa, any last wishes, I would say: Yes, I want to, before I leave this world, "slip my mortal coil," or whatever Shakespeare said; I want to make sure that I unregistered to vote because I was a U.S. Senator and I wouldn't want to commit voter fraud, so, please, somebody, call the county clerk. I am too weak to do that.

But I want to unregister because clearly anyone who doesn't unregister to vote before they die is committing some kind of fraud, and clearly anyone who is registered to vote in two States is committing fraud—people like Steve Bannon, Sean Spicer, the Press Secretary, Steve Mnuchin, Treasury Secretary designee, the President's daughter Tiffany, and his son-in-law Jared Kushner. We really should investigate them.

The President has said the administration would form a commission led

by Vice President PENCE to investigate this voter fraud.

This raises serious concerns, not the least of which is whether such an order or commission would serve as a pretext for nationwide voter suppression. Before my colleagues vote on Senator SESSIONS' nomination, we deserve to know whether the President intends for the Attorney General or the Justice Department to lead or participate in these investigations.

When the President of the United States lies about the existence of massive, widespread fraud, it is the job of the Attorney General to call him on it. It is the job of the Attorney General to call him on it. The Attorney General has an obligation to tell it like it is. Senator SESSIONS may have said it best himself. When Sally Yates was nominated to be the Deputy Attorney General, Senator SESSIONS questioned her during her confirmation hearing. He said: "You have to watch out because people will be asking you to do things and you will need to say no."

Do you think the Attorney General has a responsibility to say no to the President if he asks for something that is improper? A lot of people have defended the Lynch nomination, for example, by saying: Well, he will appoint somebody who is going to execute his views. Well, what is wrong with that? But if the views the President wants to execute are unlawful, should the Attorney General or the Deputy Attorney General say no?

Ms. Yates responded: Senator, I believe the Attorney General or the Deputy Attorney General has an obligation to follow the law and the Constitution, to give their independent legal advice to the President.

As everyone here should agree, that is exactly what Ms. Yates did last week—I think it was last week. These weeks seem long. This Nation owes her a debt of gratitude. She did exactly what Senator SESSIONS asked if she would do, but I fear Senator SESSIONS has not demonstrated that he is capable of fulfilling that obligation, and his record, as demonstrated by the fact that he did not discuss these claims with the President, suggests that he is simply not willing to speak truth to power.

Now, Senator SESSIONS has a long record, not just during his time as U.S. attorney and as Alabama's attorney general but here in the U.S. Senate. But regardless of the posts he held, Senator SESSIONS has not exhibited what I would characterize as a commitment to equal justice.

In my view, it is the obligation of elected officials, law enforcement officers to recognize injustice when they see it and stand in opposition to it, but on far too many occasions, it seems that Senator SESSIONS has not followed that obligation.

In 2009, the Senate debated the Matthew Shepard and James Senator Byrd,

Jr. Hate Crimes Prevention Act, the bill that extended Federal hate crimes protections to people targeted on the basis of their sexual orientation or gender identity. In the hearing on that bill, Senator SESSIONS said, "I am not sure women or people with different sexual orientations face that kind of discrimination. I just don't see it."

Senator SESSIONS repeatedly opposed a bill to reauthorize the Violence Against Women Act, or VAWA, the landmark law combating domestic sexual violence. The bill would have expanded the law to protect LGBT people, Native American women, and immigrant women, but he voted against it three times. He said that "there are matters put on the bill that almost seem to invite opposition." I raised this with Senator SESSIONS prior to his hearing, and I pointed out that Native women experience an epidemic of sexual and domestic violence, much of it at the hands of non-Indians—most of it—a large majority of it. That is not a new development. But Senator SESSIONS said to me that at the time he voted on the issue, he didn't understand the gravity of the problem. He must not have seen it.

In 2006, when the Judiciary Committee held a hearing on reauthorizing the Voting Rights Act, Senator SESSIONS said there is "little present day evidence" of State and local officials restricting access to the ballot box. He complained that the Voting Rights Act's preclearance requirement unfairly targeted certain States. He said, "Alabama is proud of its accomplishments, but we have the right to ask why other areas of the country are not covered by it." Now, the Voting Rights Act's preclearance requirement forced States with a history of enacting discriminatory measures to get Federal approval before changing their voting practices. That is why Alabama was subject to preclearance, but he just didn't see it.

During this hearing and in his responses to written questions, Senator SESSIONS has said that "all Americans are entitled to equal protection under the law, no matter their background." He has said that, if confirmed, he would "enforce the laws passed by Congress." But time and time again, Senator SESSIONS has demonstrated an inability to recognize injustice—whether it is discrimination faced by LGBT people, discriminatory barriers to the ballot box, or violence against women. If he can't see injustice, what assurance do we have that he will act to stop it?

The communities we represent should be confident that the Nation's top law enforcement officer is capable of recognizing the challenges they face and will help them overcome those challenges. Before the Senate moves to confirm this nominee, it is important to understand whether Senator SESSIONS is able or willing to acknowledge

those challenges and to take steps necessary to address them, not turn a blind eye. I am not confident that he is, and I will be voting against him.

Mr. President, I yield the floor.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we here in the Senate have a tradition of mutual respect among our fellow Senators. We have a spirit of comity. It is a tradition that I hold in high esteem.

Last night that tradition was violated, and the Senate went in a very bad direction. I believe my Republican colleagues were far too zealous in trying to enforce that tradition and in doing so were guilty of the exact same thing they were trying to police.

My friend the Senator from Massachusetts was reading a letter written by Mrs. Coretta Scott King, the widow of Martin Luther King, Jr., to the Judiciary Committee—her testimony about the nomination of then-Judge JEFF SESSIONS to be a Federal judge. For that, the Chair and my friend the majority leader interrupted her remarks, invoked rule XIX, and forbid her from continuing. The Chair directed the Senator to take her seat. In my view, it was totally, totally uncalled for. Senator WARREN wasn't hurling wild accusations; she was reading a thoughtful and considered letter from a leading civil rights figure. Anyone who watches the Senate floor on a daily basis could tell that what happened last night was the most selective enforcement of rule XIX.

My friend the Senator from Massachusetts was here when one of her colleagues called the leadership of my dear friend Senator Reid "cancerous" and said that he "doesn't care about the safety" of our troops. That was not enforced as a rule XIX violation, but reading a letter from Coretta Scott King—that was too much.

Suggesting that the distinguished majority leader had repeatedly lied to the press—a comment made by a fellow Republican, by the way—that was fine. Reading the letter of a civil rights icon? At least to the other side, unacceptable.

Just last week I heard a friend on the other side of the aisle accuse me of engaging in a "tear-jerking performance" that belonged at the "Screen Actors Guild awards." It was only the second time that week I had been accused of fake tears on the floor of the Senate, but I didn't run to the floor to invoke rule XIX. But when my friend from Massachusetts read a piece of congress-

sional testimony by Coretta Scott King, she was told to sit down.

Why was my friend from Massachusetts cut off when these other, much more explicit, much more direct, much nastier attacks were disregarded? There is a shocking double standard here when it comes to speech. Unfortunately, it is not constrained by the four walls of this Chamber.

While the Senator from Massachusetts has my Republican colleagues up in arms by simply reciting the words of a civil rights leader, my Republican colleagues can hardly summon a note of disapproval for an administration that insults a Federal judge, tells the news media to "shut up," offhandedly threatens a legislator's career, and seems to invent new dimensions of falsehood each and every day.

I certainly hope that this anti-free speech attitude is not traveling down Pennsylvania Avenue to our great Chamber, especially when the only speech being stifled is speech that Republicans don't agree with—even speech that is substantive, relevant, on point to the matter this body is considering, and appropriate and measured in tone.

I would make a broader point. This is not what America is about, silencing speech, especially in this Chamber. What we do here is debate. We debate fiercely and forcefully but respectfully. The Founders of the Republic and titans of the early Senate—Webster, Clay, and Calhoun—debated until they were blue in the face. From time to time, they probably had tough words for one another. We are not afraid of tough words in America. We don't look to censor speech. The rule is only intended to keep Senators on the facts, to keep them from making baseless accusations about another's character. My friend from Massachusetts was following the letter and the spirit of the rule last night. She was engaging in that tradition of forceful but respectful debate when she was cut off. That is not what the Senate is about. That is not what our dear country is about.

Every Member on the other side of the aisle ought to realize that what they did to Senator WARREN was selective enforcement. It was the most selective enforcement of a rarely used procedure to interrupt her, to silence her, and it was the only violation of the spirit of mutual respect and comity in this body that occurred last night.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that following the prayer, the Senator from Nevada be recognized for such time as he shall consume, and then I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRAYER

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since Monday, the Senate will suspend for a prayer by the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, teach us this day, through all our employments, to see You working for the good of those who love You.

Strengthen the hearts of our lawmakers against temptations and make them more than conquerors in Your love. Lord, deliver them from all dejection of spirit and free their hearts to give You zealous, active, and cheerful service. May they vigorously perform whatever You command, thankfully enduring whatever You have chosen for them to suffer. Guard their desires so that they will not deviate from the path of integrity.

Lord, strengthen them with Your almighty arms to do Your will on Earth, even as it is done in Heaven.

We pray in Your mighty Name. Amen.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Nevada.

REPEALING OBAMACARE

Mr. HELLER. Madam President, I want to take a few moments to discuss an issue, one that is on everybody's mind; that is, the status of ObamaCare. Congress has taken the first step to repeal ObamaCare. I was in the House of Representatives when ObamaCare was passed into law. I opposed the law five times while I was in the House before it was passed with zero bipartisan, zero Republican support and was signed into law by the President.

I opposed ObamaCare because I feared that this law would increase costs, make it harder for patients to see a doctor, increase taxes on the middle class, increase taxes on seniors, and hurt the economy.

Over the last 7 years, all of these fears have become a reality. A new Congress and a new administration have heard the people's response loud and clear, and that response is that we must repeal ObamaCare. Repealing ObamaCare means repealing all of the taxes that go with it—not part of them, not some of them, but all of them.

ObamaCare increased taxes on hard-working Americans by \$1.1 trillion. Higher taxes lead to more money being taken out of the pockets of hard-work-

ing families. Health care costs have increased to a degree where I have heard from Nevadans across the State, of all ages and backgrounds, all with similar concerns.

What I wish to do is take a moment to read an email that I received just last week from a 13-year-old boy who lives in Las Vegas. He said:

I wanted to write an email to express my concerns about ObamaCare and hopefully persuade you in making a change.

My family used to have health insurance until ObamaCare kicked in and forced my family to drop our insurance since it tripled the cost and wasn't affordable. We are getting penalized now for not having insurance.

Think about that. ObamaCare kicked their family off their insurance by tripling the costs, making it unaffordable, and then ObamaCare penalized that family for not having insurance.

Going back to the young boy, he said:

Since then we have had medical bills piling up. This is an issue with a lot of people and I don't know a lot about policies but I do know that something needs to change for the good of the people.

I've heard President Donald Trump will be addressing this issue. I just hope you will represent Nevada in favor of getting rid of ObamaCare.

I can assure my constituents back home in Nevada, and especially this young man who is advocating for his family, that I am committed to repealing ObamaCare. This young man's parents had employer-sponsored health care coverage that took care of their family when they needed medical care. And as a result of ObamaCare, the costs were too high to afford the health insurance they had.

One of the biggest drivers of cost increases on the middle class is the 40-percent excise tax on employee health benefits, better known as the Cadillac tax. In Nevada, 1.3 million workers who have employer-sponsored health insurance plans will be hit by this Cadillac tax. These are public employees in Carson City. These are service industry workers on the Strip in Las Vegas. These are small business owners and retirees across the State.

We are talking about reduced benefits, increased premiums, and higher deductibles. When I first started working on this issue, I knew the devastating impact this tax would have on Nevadans, but also in order to get anything done, we needed a bipartisan effort to reduce this tax and to eliminate it.

I recruited a good friend by the name of Senator MARTIN HEINRICH from New Mexico, and together we were able to gain huge support on both sides of the aisle. During the highly partisan reconciliation debate in 2015, where Congress successfully delivered an ObamaCare repeal bill to President Obama's desk, Senator HEINRICH and I pushed our colleagues to include our legislation to fully repeal the Cadillac tax as an amendment.

Our amendment passed with overwhelming bipartisan support by a vote of 90 to 10. With this nearly unanimous vote, we were able to delay the Cadillac tax until 2020.

This Congress, Senator HEINRICH and I have reintroduced Senate bill 58, the Middle Class Health Benefits Repeal Tax Act, which fully repeals this bad tax. I hope that my Senate colleagues on the other side of the aisle will join Senator HEINRICH on this bipartisan piece of legislation and on this issue to support our bill and get rid of this Cadillac tax once and for all.

I know that my colleagues on the other side of the aisle will have a lot of differing opinions on the Affordable Care Act, but one thing we can agree on is that the Cadillac tax should be fully repealed.

Now that we have passed an ObamaCare repeal resolution, we will move to the next phase of the repeal process. The budget we just passed included reconciliation instructions for the Senate Finance Committee and the HELP Committee to repeal ObamaCare.

We made a promise to repeal ObamaCare, and now it is time to keep that promise. This includes my legislation to fully repeal the Cadillac tax. The goal of health reform should be to lower costs for those who already have health benefits and to expand access to those who do not currently have coverage. ObamaCare did not achieve either of those two goals.

I am committed to ensuring that all Americans have access to high-quality, affordable health care. We must start by repealing the Cadillac tax.

I thank Senator HEINRICH for his continued leadership on this issue. I want to thank him, and I want to say that Senator HEINRICH continues to put his constituents above politics. I know that he shares my commitment to repeal this bad tax.

I also want to thank Congressman KELLY and Congressman COURTNEY for their leadership on the House side. I know that we are all eager to work together to get this bill to the finish line.

Madam President, I yield to the senior Senator from Texas.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, last night we all witnessed a rather extraordinary event. Certainly for the first time in my time in the Senate, we saw rule XIX of the Standing Senate Rules invoked. That rule says: "No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator."

I certainly agree with the ruling of the Chair and the decision of the Senate as a body that that line was crossed last night. A Senator can't evade that rule by somehow claiming: These

weren't my words; I was reading what somebody else said.

Specifically, in the case of our former colleague, now deceased, Senator Ted Kennedy claimed that the nominee for Attorney General was somehow a disgrace to the Justice Department and ought to resign. That certainly crossed that line.

Our colleagues want to point to a letter written by Coretta Scott King. That was part but not the whole of the speech given by the Senator from Massachusetts. I hope that maybe we have all been chastened a little bit, and maybe we have all learned a little bit of a lesson here.

I yearn for the day when the Senate and, frankly, the country as a whole would pull back from the abyss of re-creation, personal attacks, and we would get back to doing what this institution was designed to do—which is to be a great body for deliberation and debate—and we would treat each other with the civility with which we would all want to be treated.

We are at a pretty challenging time in our Nation's history, when many people who were surprised and disappointed at the last election are unwilling to accept the results of that election and the verdict of the American people. I can only hope that, after the passage of some time, they will return to their senses, and they will agree that no one is well served by this race to the bottom in terms of decorum and in terms of rhetoric, in terms of how we treat one another. The American people are better served when we treat each other with civility and respect and when we don't make personal attacks against Senators because of the positions that they take.

This debate over the nomination of Senator JEFF SESSIONS has taken on some rather unusual twists and turns. I want to comment briefly on some of the remarks made by our colleague from Minnesota about voting rights because I think this is exemplary of the way that Senator SESSIONS' record on voting rights has been misrepresented.

We all know that in 2006—those of us who were here in the Senate, including Senator SESSIONS, including the Democratic whip and myself—we all voted to reauthorize the Voting Rights Act. That included section 2 and section 5, which was later struck down. Section 2 is the provision of the Voting Rights Act that applies to the entire Nation, and it authorizes a lawsuit to vindicate voting rights that are jeopardized by some illegal practice. Section 5, which was the subject of the decision by the U.S. Supreme Court in the Shelby County case that was decided in 2013—that was directed not at section 2, which applies to the entire Nation, but to section 5, which applied only to a handful of jurisdictions around the country. It was based on voting practices that existed in the middle 1960s.

I would be the first to admit that the record of vindicating the rights of minority voters in 1965 was nothing to be proud of. We have come a long way in this country, and it has been because of the Voting Rights Act. It has been because of our collective commitment to the right of every citizen to vote that I believe those statistics which existed in the mid-sixties are no longer valid today.

In fact, if you look at many of the jurisdictions covered in the 1960s, including places like Alabama, where Senator SESSIONS is from, they have records of minority voting that are superior to jurisdictions that are not covered by section 5. How our colleagues across the aisle can somehow condemn Senator SESSIONS for the Supreme Court's decision in the Shelby County case, when he voted for the reauthorization of the entire Voting Rights Act, section 2 and section 5, strikes me as extremely misleading and unfortunate, but it does seem to characterize the nature of the debate about this nominee.

During his confirmation hearing, I said: Well, those who don't know Senator SESSIONS are interested to learn his record and his resume, but those of us who worked with him—we don't need to read his resume. We don't need to hear a recitation of his record. We know the man. We know what is in his heart. And he is a thoroughly decent and honorable Member of the Senate, and he will do an outstanding job, I believe, restoring the reputation of the Department of Justice, as one dedicated to the rule of law above all else.

There is always a risk—and this happens in Democratic administrations, as well as Republican administrations—when the Attorney General feels like they are an arm of the White House. That is not the job of the Attorney General. The President has a lawyer, White House Counsel. The Attorney General is supposed to have some measure of independence even though he or she is appointed by the President and serves at the President's pleasure.

That is why we ask questions of people, like Deputy Attorney General Sally Yates: Can you tell the President no? Well, she said she could. And then ultimately, unfortunately, in the case of the Executive order that was issued by President Trump later on, said—even though this order was vetted by the Office of Legal Counsel and determined that this was a legal Executive order both in content and in form, she said: I still disagree with the President's Executive order, and I am going to order the Justice Department lawyers not to defend it.

Well, that is the kind of politics that we need none of in the Department of Justice. We have plenty of politicians in this country. We have plenty of politicians in the Congress and in the White House. We don't need another politician as Attorney General. In fact,

we need a nonpolitician, an apolitician, somebody who believes that their allegiance to the rule of law, irrespective of who is involved, whether it is the President of the United States or the least among us—that is what the rule of law is all about. And that is one reason why I feel so strongly that Senator SESSIONS will be an outstanding Attorney General, because I believe he will restore the Department of Justice to an institution that believes in and enforces the rule of law above politics, and that is a fundamentally important thing to do.

We know Senator SESSIONS, as I said earlier, brings a lifetime of relevant experience to this job: former Federal prosecutor, former U.S. attorney for the Department of Justice. He said those were some of the best years of his life.

I once had a colleague who now serves on the Fifth Circuit. When he became a U.S. district judge in San Antonio, he was recalling his days as U.S. attorney. He said—I still remember this after all these many years—he said he never had a prouder moment in his life than when he appeared in court and he said: "I am here and I am ready on behalf of the United States of America."

Senator SESSIONS is here, and he is ready to serve the American people as Attorney General. And we know from his service at the Department of Justice, as attorney general of Alabama, and now for the past 20 years in the Senate, that he is devoted to the rule of law and keeping our country safe. So it has really been sad to see interest groups vilifying him over and over again or people mischaracterizing him, as they have on his voting rights record, things that he is not responsible for after voting to reauthorize the Voting Rights Act in 2006. He didn't decide the Shelby County case.

This is a man we have worked with for—some for 20 years, people who have been here that long with him, and we know JEFF SESSIONS to be a man who has dedicated his life to public service. Our colleagues across the aisle have offered him an occasional compliment, like the Democratic leader, who once called him straightforward and fair. The assistant Democratic leader called him a man of his word. But now the decision to drag out Cabinet nominations as long as possible and to waste valuable time that could be used on other bipartisan legislation—we know our Democratic colleagues have chosen to slow-walk the process, and I think it is a shame, particularly in the case of somebody whom we all know so well and who is dedicated to the Department of Justice and the restoration of the rule of law.

Several of us have talked from time to time about how the holding up of these nominees is unprecedented. At this point in President Obama's term,

21 Cabinet members were confirmed. Senator SESSIONS, when we vote on his nomination tonight, will be No. 8—21 to 8. You have to go back to George Washington to find a slower confirmation timeline for a new administration. There is no good excuse for it, particularly in light of the fact that now, under the Reid precedent, our colleagues across the aisle know that all of these nominees, particularly in the case of Senator SESSIONS, will be confirmed. So holding up the nomination just for delay alone makes no sense at all.

Well, some have said holding up Senator SESSIONS' nomination is somehow similar to the confirmation process for Loretta Lynch, but that really rings hollow on examination. Let me remind them what happened when Loretta Lynch was nominated as Attorney General. At the time, our Democratic friends were filibustering a bipartisan bill that later passed 99 to 0. They were filibustering a bipartisan anti-trafficking bill for no good reason. That is my view; they may think they had a good reason. I think actually what it had to do with was the Hyde amendment and the longstanding limitation on the use of taxpayer funds for abortion that had gone back to roughly 1976. They wanted to eliminate that restriction in this anti-trafficking bill, so they refused to consider that legislation, which many of them had cosponsored, to help thousands of victims of sexual exploitation, slavery, and human trafficking find a path to healing and restoration. So the majority leader, in an action that I completely endorsed, simply said that as soon as they dropped the filibuster, we would move on with the Loretta Lynch nomination. They did finally, and we processed her nomination. So in no way were those two situations similar.

Today, our colleagues across the aisle want to keep a new President from surrounding himself with the men and women he has selected to help run the country. I think if there is one thing that should give people more confidence in the new administration, it is the quality of the men and women he has chosen for his Cabinet, and I would add Vice President PENCE, somebody we know here, having served 12 years in the House of Representatives.

So the delay is really for no good reason at all and will have no achievable results. They are not going to be able to block the nomination but, rather, just try to score political points. And preventing an exemplary nominee from filling an important national security position I believe makes our country less safe.

I will give our colleagues across the aisle some credit for allowing the confirmation of Secretary of Defense James Mattis and Gen. John Kelly at the Department of Homeland Security and finally, after a long weekend, Mike

Pompeo as Director of the CIA. Those are essential components of the President's national security Cabinet, but it also includes the Attorney General of the United States, someone whose nomination has been delayed until we vote on him tonight. After 9/11, the Attorney General became more than just a law enforcement officer; he became a counterterrorism official as well, integrally tied, with supervision of the FBI, to our efforts to protect the American people from terrorists who would kill us or our allies.

So there is really no good excuse for delaying the confirmation of Senator SESSIONS, and I am confident that tonight we will finally do what we should have done at least 3 weeks ago—confirm Senator SESSIONS as the next Attorney General of the United States. And I believe it is past time that we do so.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I would like to respond to the statement made by the Republican whip, my friend from Texas, Senator CORNYN. This is day 20 of the Trump administration. Day 20. Not quite 3 weeks since President Trump was sworn in as President of the United States. This evening at about 7 p.m., we will vote on his nominee for Attorney General. So in the first 20 days of his administration, he will have his Attorney General.

What the Senator from Texas failed to relate was the experience we went through not that long ago when President Obama wanted to fill the vacancy of the Attorney General's office with Loretta Lynch, a woman who had served as prosecutor, U.S. attorney, lifelong professional in the Department of Justice, who went through the regular hearing process in the Judiciary Committee, was reported from the committee, and she was sent more than 20 additional questions by Senator JEFF SESSIONS of Alabama—more questions which of course, she dutifully answered, as she was required to do. Then she was reported to the calendar, where she sat for 2 months. A 2-month vacancy in the Attorney General's office. Why? Was there something substantively wrong or controversial about Loretta Lynch? If there happened to be, I never heard it.

Where then was that argument about national security and leaving the Attorney General nomination in limbo when it was President Obama seeking to fill that spot? Well, we didn't hear it at all. In fact, the Senator from Texas said: Oh, it was related to another bill and whether that bill was going to be called; it was actually Senator Reid who was holding it up.

From where I was sitting—and I came to the floor at one point and said: What are we waiting for? This lady is

eminently qualified. She has been reported by the committee. She has answered all the questions. She languishes on the calendar.

She wasn't alone in this experience, incidentally. The Executive Calendar, as the Obama Presidency ended, was filled with nominees who were held for no obvious reason by the Republicans. They had been reported from the committees. They were ready to fill judicial vacancies across the United States and other posts. And the official position of the Republican Senators happened to be: We are not going to ever let people vote on them because we are hoping and praying we will get a Republican President who can fill those same vacancies with people of our political persuasion. That was the reality.

That was the same reality that left Merrick Garland, President Obama's nominee to fill the vacancy on the Supreme Court, languishing for almost 1 year. The Republicans and the leaders in the Senate would not give him a hearing or a vote. And Senator MCCONNELL came to the floor and said: I won't even meet with him.

So when I hear these protests now from the Republican side of how we are not moving quickly enough on these nominations, we are. And I think we are moving in the appropriate way. We are asking hard questions.

And I don't subscribe to the position of the Senator from Texas, who preceded me here, when it comes to the Voting Rights Act. I listened as Senator SESSIONS of Alabama said that he believed the *Shelby County v. Holder* decision was a victory for the South when it ended preclearance of legislation that could have a direct impact on the voting rights of individuals. And I do recall what happened when the Federal court took a specific look at North Carolina's legislation statutes as it related to voting and said the North Carolina legislature had "with surgical precision" found ways to exclude African Americans from voting—not 20 years ago but just a few months ago, before this last election.

This is a critical issue, and it is interesting to me that last night the dustup on the floor involving the Senator from Massachusetts, Senator WARREN, was about the same issue, the Voting Rights Act.

In a letter sent by Coretta Scott King to Strom Thurmond—then chairman of the Senate Judiciary Committee—when Senator SESSIONS, before he was Senator, was being considered for Federal judgeship—this is what Coretta Scott King said in the letter. I am not going to read the personal and controversial sections that have been pointed out before, but it is critical to what her message happened to be. She said to Strom Thurmond in a letter about Senator SESSIONS moving to the Federal bench:

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our Nation's history, none has struggled longer or suffered more in the attempt to win the vote than black citizens. No group has had access to the ballot box denied so persistently and intently.

It was a critical issue over 30 years ago when Mr. SESSIONS was then being considered for a Federal judgeship. It is a critical issue to this day because of two things: a decision by the Supreme Court, which basically took away one of the major powers of the Voting Rights Act, and, secondly, a coordinated effort by Republicans across the United States to suppress the vote of minorities and particularly African Americans.

I point directly to that North Carolina decision for what I just said. What they have tried to do is to systematically reduce the likelihood that poor people and minorities will vote. As chairman of the Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Human Rights, I held public hearings in Ohio and Florida. Those hearings were held in those States because they had proposed new restrictions on voters.

So, both in Cleveland and in Florida, I brought the election officials—Democrats and Republicans—before my subcommittee, put them under oath and asked: What was the incidence of widespread voter fraud in the elections in your State which led you to make it more difficult and challenging for the people of your State to vote?

The answer was: There were none. There were no examples of widespread fraud. There were only a handful of prosecutions for voter fraud. That told the story. This didn't have anything to do with voter fraud. This had to do with discouraging turnout in areas that were more friendly to Democratic candidates, period. So when we make a big issue of the position of Alabama Senator JEFF SESSIONS on the Voting Rights Act, it is with good cause.

It is historically an issue which has haunted the United States since the Civil War, when excuses after excuses were made for African Americans seeking the right to vote, and people were denied the right to vote with poll taxes and literacy tests and ridiculous standards to this very day, when the Republican Party strategy is to diminish the African-American vote by voter suppression.

Is it important that we know the position of Senator JEFF SESSIONS on the Voting Rights Act? To me, it is one of the most important questions to be asked. The fact that it evoked controversy on the Senate floor with Senator WARREN last night is an indication of how seriously we take it. Yes, we have added a few more hours to the debate. I disagree with the Senator from Utah and the Senator from Texas who

say: You know how it is going to end; why are you wasting our time?

I don't think it is a waste of time to have a fulsome debate in the Senate on something as fundamental as protecting the right of every American citizen to vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. TESTER. I say to Senator DURBIN, there has been a lot of talk about the fact that the number of Cabinet appointees were much higher in the Obama administration than they are now. Could you take us back 8 years ago? I mean, we just confirmed a lady to be Secretary of Education who has never spent 1 minute in a public school classroom, on a school board, teaching, student, otherwise. There are claims out there about some of these nominees being involved in insider trading. There are claims out there that some of these nominees did not pay their taxes.

Could you take us back 8 years ago and tell us how those folks were treated, if there was anything wrong with them when they came to this floor?

Mr. DURBIN. Through the Chair, I will respond to the Senator from Montana. Here is the difference. Eight years ago, when Barrack Obama was elected President and was to be sworn in on January 20, he brought together his team to serve in his Cabinet and said to them: The first thing you need to do is to follow the law. You need to file all the papers required of you by the ethics standards of the United States Government.

So, I am told that on January 8, almost 2 weeks before he was sworn in, their paperwork was on file. So they had complied with the law and they were awaiting their opportunity for a hearing. Contrast that with the current situation. There are still proposed Cabinet members by President Trump who have not filed their required ethics disclosures.

Why is it important? Because we believe that though we can't reach in and require the President to file his income tax returns, which he has steadfastly refused to do, we know what the standards are when it comes to many of those departments.

The standards are very demanding. There has to be a disclosure and there has to be a process of divestment. If I am about to become the head of an agency and my personal wealth includes holdings that have a direct impact on that agency, I am required by law to divest myself of those holdings. The more complicated my portfolio and net worth might be, the more challenging this is.

Penny Pritzker, a very wealthy individual from Chicago, was chosen by

President Obama to be the Secretary of Commerce. It took her 6 months, I say to the Senator from Montana, to fully comply with the law so she could go through the hearing—6 months. Now we hear complaints from the Republicans: Well, why aren't the Trump nominees going through more quickly? Why aren't our billionaires put on the fast-track?

I am sorry, but Trump billionaires are subject to the same rules as all billionaires. They have to file the necessary documents. I might add, you can go back a little further in history and find disqualifications for Cabinet positions. Oh, you hired someone in your household to work for you and you did not pay their Social Security, their FICA? Sorry, you are disqualified from being in a Cabinet.

Now we have Trump nominees where that is happening—not with frequency, but it is happening—and it doesn't seem to be even close to a disqualification. So it clearly is a double standard. I would say to the Senator from Montana, the fact that the Obama nominees moved through as quickly as they did showed they took the law seriously, they made the disclosures they were required to make, and in virtually every case had unique qualifications for the job.

To put Betsy DeVos as Secretary of Education next to Arne Duncan, who headed up the Chicago Public School System as Secretary of Education, is to show that contrast.

Mr. TESTER. I want to thank the Senator from Illinois for his history lesson on the confirmation process over the last 8 years, at least in the Senate.

I want to speak today on behalf of the thousands of Montanans who have asked me to oppose the nomination of Mr. SESSIONS as the Attorney General of the United States. As this country's top law enforcement official, the Attorney General must stand up and fight for all Americans. The Attorney General must provide a voice for the folks who often are not able to speak for themselves.

The Attorney General must enforce the law as it is written, not how the President wishes it was written. I believe Mr. SESSIONS has proven time and time again that he does not fulfill these qualifications, and therefore I will oppose his nomination for Attorney General.

Mr. SESSIONS opposed the reauthorization of the Violence Against Women Act. This landmark legislation protects women from domestic violence and sexual assault and brings perpetrators to justice. In my State of Montana, this law helped provide over \$10 million every year to support women and children. Those are critical resources that make a real difference in the lives of women, children, and their families, and they keep our communities safe.

The Violence Against Women Act supports shelters like the Friendship Center in Helena, which is literally saving lives and protecting women and children from violence every day—in fact, they help over 1,000 Montanans each and every year—or programs like Rocky Boy Office of Victims Services, which is in the Rocky Boy Indian Reservation.

Thanks to the Violence Against Women Act, this has helped reduce the number of sexual assaults on that reservation. If he is confirmed, I would invite Mr. SESSIONS to Red Lodge, Missoula or Browning, and the many other places in our State to see how the Violence Against Women Act is saving lives and making communities safer. I invite him to sit down with the survivors at any of the YWCAs in Montana and explain to them why he opposes the Violence Against Women Act.

As Attorney General, Mr. SESSIONS will be responsible for administering critical resources through the Violence Against Women Act, resources that will save lives, but as a Senator, Mr. SESSIONS has turned his back on the survivors of domestic violence. I am not confident he will be there for them as Attorney General.

I will not support a nominee for Attorney General who opposed legislation that helps us better investigate and prosecute violent crimes against women, but that is not all. I am not convinced that Mr. SESSIONS will stand up for the privacy laws of law-abiding Americans. Less than 2 years ago, right on this Senate floor, Mr. SESSIONS fought to preserve the most intrusive aspects of the PATRIOT Act.

That was not the first time he supported unchecked government surveillance. Mr. SESSIONS has voted in support of the most intrusive aspects of the PATRIOT Act seven times—seven times.

He is a staunch advocate for the NSA's bulk data collection, which violates the privacy of millions of Americans. If Mr. SESSIONS is confirmed as Attorney General, will he push back and fight our government that undercuts our freedoms? Will he fight on behalf of government officials who listen into our phone calls, or scroll through our emails or preserve our Snapchats?

Will he intervene if the government once again spies on citizens without a warrant? I think the answer to that, quite frankly, is no. When government agencies like the NSA collect bulk data, they do so at the expense of our freedoms. If Mr. SESSIONS is not willing to protect our Fourth Amendment rights, can we expect him to fight for other constitutional rights?

Will he fight for the First, the Second, the Fifth? Again, the answer is no. We need an Attorney General who will fight and protect our individual freedoms, not one who is willing to sacrifice it.

I am not alone. Thousands of Montanans have contacted my office opposing Mr. SESSIONS. Here are some of the things Montanans have written to me. Anne from Missoula wrote me:

Please vote against the nomination of Jeff Sessions for Attorney General. He has a history of supporting the weakening of our civil liberties. Voting rights should be strengthened, not weakened. His support of the Patriot Act and opposition of the Violence Against Women Act are just a few of the many egregious positions that he has taken.

Susan from Bigfork:

Please vote no on Jeff Sessions for Attorney General. She is an inappropriate choice due to women's issues and civil liberty issues. He has shown poor choices in protecting voting rights and women's choices.

Jerilyn from Belgrade:

Jeff Sessions is completely the wrong person to be Attorney General. His record on civil rights and women's issues belong in a different century.

Amy from Whitefish:

Vote no to the nomination of Jeff Sessions, who has shown himself time and again to be no friend to equality or civil liberties. Please know that we in Montana expect you to uphold our desire for all members of this great Nation regardless of race, gender, ethnicity, religious affiliation or sexual orientation, to be treated with respect and dignity.

Charles from Livingston:

He voted no on the Violence Against Women Act.

That "he" being Mr. SESSIONS. Mr. SESSIONS voted no on adding sexual orientation to the definition of hate crimes. He voted yes on loosening restrictions on cell phone wiretapping.

Now, I agree with Anne and Susan and Amy and Jerilyn and Charles and thousands of other Montanans. Because of that, I will not support Mr. SESSIONS, and I will urge my colleagues to oppose his nomination.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Madam President, I rise to urge my colleagues to join me in opposing the confirmation of our colleague JEFF SESSIONS to be Attorney General of the United States.

I have great respect for Senator SESSIONS' long history of public service, and I am pleased to have had the opportunity to work with him where we have found common ground. However, Senator SESSIONS and I have frequently and sometimes vehemently disagreed on important issues, including matters like civil rights and voting rights, hate crimes laws, immigration, and criminal justice reform.

I want to acknowledge that Senator SESSIONS' nomination is supported by many, including many in the law enforcement community in my home State of Wisconsin. It is vital that the Attorney General have a good working relationship with the law enforcement community, and I have no doubt that Senator SESSIONS will be a strong voice for law enforcement, if he is confirmed.

But the role and the responsibility of our Attorney General is bigger than any one group. Our Attorney General must work on behalf of all Americans. The Department of Justice has a broad jurisdiction. So I have also heard from over 16,000 Wisconsinites who are opposed to his confirmation, many of whom expressed profound concerns about what it would mean for racial and ethnic minorities, immigrants, including DREAMers, and others, were he to become our Attorney General. Hundreds of national civil and human rights organizations have expressed their opposition on similar grounds.

After reviewing his record, getting a chance to meet with him in my office, and considering everything that I have heard from my constituents, I simply do not believe that Senator SESSIONS is the right choice to be Attorney General of the United States. I have that belief for a number of reasons.

First, I am concerned that Senator SESSIONS will not be the independent champion for the rule of law that we need with Donald Trump in the White House. In any administration, the Attorney General's first duty is to the Constitution and to the people of the United States. This President has already issued a number of orders—legally questionable orders—including one affecting our visa and refugee programs that a number of Federal courts have already temporarily blocked. We need an Attorney General who will ensure that the President's actions do not run roughshod over protections guaranteed by our Nation's laws and Constitution. I am not convinced that Senator SESSIONS will be that kind of Attorney General.

Second, I do not believe that Senator SESSIONS will be the champion of the civil rights of all Americans that an Attorney General must be. The Department of Justice plays a central role in enforcing our Nation's civil rights laws, from investigating hate crimes to safeguarding the right to vote, to fighting discrimination against women, racial and religious minorities, and people with disabilities. At a time when there has been a disturbing increase in hate-motivated crimes, discrimination, and harassment, including, particularly, against lesbian, gay, bisexual, and transgender people, and people of the Muslim faith, it is even more important that the Department of Justice be strong and proactive.

I have heard from constituents in Wisconsin who have faced bigotry and hate-motivated speech in the wake of the election of Donald Trump. Among them is a family from Fitchburg, WI, with 11 adopted children, including children from Ghana and China.

This family received an anonymous letter proclaiming "Trump won" and calling them race traitors and telling them to go home. This and other reports from Wisconsinites and, frankly,

from people throughout the United States breaks our hearts.

Senator SESSIONS fought against efforts to strengthen and make more inclusive Federal hate crimes laws and criticized voting rights laws as “intrusive.” He has shown hostility to the rights of LGBT individuals and attacked the reproductive health care rights of women.

Now more than ever we need a Justice Department that places a priority on enforcing our civil rights and voting rights laws, proactively combatting hate violence and fighting for the equality of all Americans. I am simply not convinced that Senator SESSIONS will be the champion vulnerable Americans need as Attorney General with an unflagging commitment to make our country a fairer and more equal place.

Third, I believe Senator SESSIONS will not take a fair or humane approach as Attorney General with regard to immigration. I was deeply troubled by candidate Trump’s ugly and divisive rhetoric on immigration, and I am appalled by the actions that he has taken thus far as President.

Senator SESSIONS was one of his campaign’s key advisers on immigration and has been a vocal opponent of bipartisan, comprehensive reforms that would address our broken immigration system.

The Department of Justice is responsible for adjudicating immigration cases and ensuring fairness and due process in the treatment of undocumented individuals and refugees.

The Department also plays a key role in our national security apparatus, helping to fight terrorism, and keeping the homeland safe.

The President’s recent orders on immigration have furthered divisions, created chaos and confusion, proven to be legally and constitutionally questionable, and are inconsistent with core American values. In the opinion of many national security experts, they will make our Nation less safe, not more.

I simply do not believe that Senator SESSIONS, with his history of hostility to immigration and support for this President’s approach, is the right person to lead the Department of Justice, as it discharges its critical duties on immigration and national security.

America has made great progress over the last 8 years with an administration that has taken seriously a shared responsibility to pass on to the next generation a country that is more equal, not less.

All Americans deserve a strong commitment from America’s top law enforcement official to act on violence born out of hatred based on race, religion, disability, sexual orientation, gender identity, or any other characteristic.

At a time when voting rights and the constitutional right of women to make

their own health care decisions are under attack across our country, we need an Attorney General who will stay true to these constitutional freedoms and not be driven by politics.

For me, the vote on Senator SESSIONS’ confirmation is a moral choice. I am guided by my strong belief that all Americans deserve equal opportunity and freedom to pursue their hopes and dreams. I cannot support this nomination for Senator SESSIONS to be Attorney General, and I urge my colleagues to oppose him.

Now I would like to take a moment to discuss what happened last night here on the Senate floor. Last night, the Republican leadership of this Chamber stopped one of my colleagues from reading the words of Coretta Scott King.

Coretta Scott King wrote a letter and a statement to the Senate Judiciary Committee back in 1986, expressing her opposition to JEFF SESSIONS’ nomination to serve as a Federal judge.

Coretta Scott King believed, as I do, that the right to vote is a fundamental right afforded to every American. It is a right that people have lost their lives seeking and defending.

Mrs. King wrote in her testimony regarding JEFF SESSIONS’ record:

Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long up-hill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the Federal bench.

Mrs. King’s words matter. They matter to me, and they matter to millions of Americans. Mrs. King’s words should matter in this debate, and they deserve to be heard. I believe it is simply wrong to silence legitimate questions about a nominee for U.S. Attorney General, and I hope that her words can be heard as this debate continues.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PORTMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAREER AND TECHNICAL EDUCATION MONTH

Mr. PORTMAN. Madam President, I come to the floor today to talk about Career and Technical Education Month. The month of February has been set aside as Career and Technical Education Month. It is an opportunity for us to talk about something that is working very well in some of our States and is giving our young people

amazing opportunities, and it should be expanded.

Over the last 6 years, my home State of Ohio has come a long way. We have turned a record deficit into a billion-dollar rainy day fund. We have created lots of new jobs, but we also have a problem in Ohio and around the country, and that is a skills gap.

If you go on the www.ohiojobs.com Web site right now, I think you will see about 122,000 jobs being offered. In other words, these are companies saying: We are looking for people.

At the same time, in Ohio today, we have about 280,000 people who are out of work. So how could that be, you ask? Well, if you look at the jobs and you look at what the descriptions are, many are jobs that require skills, and some of these skills are not available right now in the workforce. So you could get a lot of people put back to work just by developing these skills in Ohio.

At the same time, this is happening around the country, and this skills gap—this mismatch between the skills that are in demand in a local economy and the skills of a worker—is something that can be dealt with with more aggressive career and technical education.

Businesses want to invest more. They want to make better products, but they can’t do so if they can’t find the right people.

By the way, when those skilled workers aren’t available, often those jobs go somewhere else. So in the case of Ohio, some may go to other States—let’s say Indiana—but some go to other countries—say India.

So if you don’t have the skilled workforce, you are not going to be able to keep the jobs that we want here in America because workers are such a critical part of making a business successful.

The Department of Labor’s Bureau of Labor Statistics says that the typical unemployed worker today has been unemployed for about 6 months. So we have this long-term unemployment again. The skills gap would help deal with that. There are 5.8 million Americans who are now stuck in part-time work who would want full-time work. So we have some challenges in our economy, and this skills training would really help.

According to a survey from Deloitte, 98 of the 100 biggest privately held employers in my hometown of Cincinnati, OH—98 out of 100—say they are struggling to find qualified workers. There is a shortage of machinists—machine operators. We are a manufacturing State. There is also a shortage of other jobs, IT skills, health care skills. Companies want to hire, but they have a hard time finding workers with the right skills.

By the way, it is not just in Cincinnati or in Ohio; it is across the

country. There was a study done by the National Association of Manufacturers that found that three out of every four manufacturers say the skills gap is hurting their ability to expand and create more jobs. So as soon as this new Congress and new administration get to work, I think there is an opportunity for us to address this.

One thing we have heard about from the administration and also from both sides of the aisle here is the need for more infrastructure. We have all heard about the funding for our crumbling roads and bridges, our water systems, our waste water systems. I think that is all true, but it is going to be tough to do it because we don't have the skilled workers to rebuild the infrastructure. I think there is an area of common ground that if we have skilled workers, we will be much more likely to rebuild that infrastructure.

We had a conference on this issue a couple of weeks ago in Congress, and we brought people in from Ohio from the building trades. The point they made was: We would love to see this infrastructure expansion everybody is talking about. But who is going to do the work? We need more skills training, and we need to make sure that is there.

Yesterday afternoon we confirmed the Secretary of Education, Betsy DeVos. One reason I voted for Betsy DeVos is that she talked about skills training. Her quote was that CTE, career technical education, is an "important priority," and she agrees that we must do more to give our young people the job skills they need.

Some people, when they hear about CTE, wonder what it is. For some in my generation, it is what was called vocational education, but I will tell you that it is not your father's Oldsmobile. It is really impressive to go to these CTE schools and see what they are doing and see the changes in the attitudes of the kids and their parents once they get into these programs.

One of the challenges we have is getting kids to enroll in some of these CTE programs. Sometimes the parents say to their kids: That is not something you should do. You should get on track to go to college because that is the track we were on, and that is the track we were told was better. I will tell you that is a big mistake. Changing that attitude is really important to helping expand CTE because young people going into these CTE programs have an incredible opportunity. By the way, many of them do go on to college, 2- or 4-year institutions. Many of them also get a job out of high school, and, again, that job is very important to our employers keeping jobs and economic activity here in this country, but it is also a huge opportunity for them.

I was at a CTE center a couple of years ago. We were sitting around the

table talking to some of the employers who were there supporting the programs, some of the administrators, and, of course most importantly, some of the students who were from three local high schools who were all involved in this CTE program. Of the three young people who were there, two of them were going off to manufacturing jobs where they were going to be making 50 grand a year plus benefits, and the third was going into an IT position where, again, she was going to have a great opportunity.

My question to the students was: Have you gone back to your high school and talked to your friends about this? They all indicated they were planning to do that because they had a great experience. They had great opportunities. By the way, one of them was interested in being an engineer. He was going to CTE and then going to get a job. He had a job lined up with a company he had interned for, but that same company was willing to send him to school to get a degree in engineering over the subsequent years.

All three of them had college credits already because in Ohio students are allowed to get college credits from CTE courses, which makes it more likely that they will graduate but also more likely that they will be able to get to college and have college be more affordable by getting credits in advance. It is a terrific idea.

There is a story that I heard about recently of a young woman in Ohio. Her name is Mackenzie Slicker from Massillon, OH. She will tell you that she was not doing very well in school. She was not hitting her marks, and she was not very excited about school. Then one day she saw there was an opportunity to get into a CTE course in sports medicine. She applied for it. The teacher looked at her scores in other classes and non-CTE classes, and said: I will take a chance on you, but I am concerned about you because your grades are so low. But she applied. She said she was embarrassed by those scores. The teacher let her in with the understanding that she would do a better job in her other classes. The CTE course gave her a totally new-found motivation to work hard and get good grades.

I hear this again and again back home. These kids from CTE are excited. They not only stay in school—they are not dropouts—but they do better.

In her senior year in high school she had a 4.0 after getting into the CTE program for sports medicine. She is studying at Miami University where she is on track for living out her dream of becoming an orthopedic surgeon. That is an example of how CTE really works.

Senator TIM Kaine and I had this in mind when we started the Senate CTE Caucus. It is a caucus that started with

just a couple of Members, and now it has a strong following. Senator TAMMY BALDWIN of Wisconsin is among the leaders of that caucus, and she is on the floor today. This caucus not only has these conferences that bring people together to talk about issues, but we also put together legislation.

Senator Kaine and I introduced legislation called Jumpstart Our Businesses by Supporting Students Act, or the JOBS Act. We tried hard to get that acronym, JOBS. We introduced it a couple weeks ago. It would let low-income people get Pell grants for job training programs. Under current law, financial aid for programs can be used for courses lasting 15 weeks or more, but a lot of the licensing programs and the job training programs are less than 15 weeks. In Ohio a lot of them are 9 weeks. So we think this legislation will be helpful, giving young people options that they don't have now to be able to have this funding to be able to give them opportunities for a better start in their careers, getting them the licensing they need, the certificates they need, and putting them on the path to joining the middle class and the ability to get a job, but also to be able to buy that car, to be able to buy that home over time by having this opportunity to get skills training.

Our legislation has been endorsed by education groups like the Association of Career and Technical Education, the National Skills Coalition, the National Council for Workforce Education, and many other groups. We appreciate their help, and we are going to get that legislation done.

I hope colleagues from both sides of the aisle can join us to get that legislation enacted. It makes so much sense.

Senator Kaine and I are also planning to reintroduce another bill called Educating Tomorrow's Workforce Act, which improves the quality of our CTE programs by setting minimum standards for CTE programs that would ensure students are able to transfer their credits, be able to have their work graded today based on today's industry standards, and use equipment that is up to date. So basically it is legislation—and again I thank Senator BALDWIN for her support—to help increase the quality of CTE education. In some of our States this is working incredibly well. Ohio is one of those cutting-edge States. We have to ensure that the standards are maintained and expanded everywhere and we continue to support reauthorization to strongly support our CTE programs.

Just like the JOBS Act, this bill has been endorsed by a number of education experts and groups, and we appreciate their help, including the National Career Academy Coalition, the National Career Development Association, National Association of Secondary School Principals, and many more.

In Ohio we have some great schools, whether it is Cleveland, OH—the Max Hayes High School does an awesome job. I was there for its opening, now about a year and a half ago, and they are doing a terrific job of working with the building trades, working with private industry, working with the high schools in the area, and developing skills that are badly needed in Northeast Ohio. Ohio also has some great health care CTE programs. I mentioned the young woman who found her motivation getting involved in CTE for sports medicine.

Recently I went to Butler Tech to their health care campus, which is north of Cincinnati, and what they are doing there is amazing. You walk in and all the kids have on their white medical coats, and whether they are dental hygienists who are being trained or technologists or students who plan to go to medical school someday or those who are interested in getting a degree in nursing, there are some incredible sites. They have brought in outside partners, all from the area, who are involved with working with them. It is good for our kids but also really good for our community.

Mr. President, if we pass this legislation that I am talking about today, if we continue to focus on career and technical education as we are supposed to do this month—CTE month, February—we are going to help many millions of our young people to be able to have better opportunities and, most importantly, we are going to be able to help our economy. We are going to help create more jobs and more opportunities in this country, to be able to close that skills gap, to put people back to work. It makes too much sense for us not to come together as Republicans and Democrats alike, and with the new administration, to promote career and technical education.

With that I yield my time.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I rise today to support the nomination of Senator JEFF SESSIONS for Attorney General of the United States. He is a veteran and an outstanding public servant who has worked tirelessly for decades in service of his constituents in Alabama, in this body, as a U.S. attorney, as Attorney General of Alabama. He is a good colleague and a friend to many of us on both sides of the aisle. He is gracious with his time, his wisdom, his intelligence.

In all nomination processes there is some twisting of facts that goes on and, unfortunately, even some character attacks, but the twisting of his record and the attacks on Senator SESSIONS, in my view, have been particularly egregious. That is why I was very saddened by what happened on the floor of the U.S. Senate last night.

One of our colleagues violated rule XIX. Here is what rule XIX says: “No

Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.”

That is the rule. It has been in place for decades, and I don't think you need to be a Harvard law professor to realize that rule was violated last night.

Mr. President, like you, I have been in the Senate for a couple of years. I certainly have tried very hard to work with my colleagues, all my colleagues across the aisle, Democrats, Republicans. I have respect for all of them. I have no problem whatsoever with Senators coming down, and in the last week or so, Senators coming down to the floor of the Senate to debate their views on nominees for Cabinet positions, up-or-down votes on the merits and the qualifications of these nominees. That is what we should be doing. That is our job. We have seen a lot of that over the last several weeks.

Like the Presiding Officer, in the last couple of years, I supported some of President Obama's Cabinet officials, was opposed to others, as is our job, on their merits and qualifications. We can do this in a respectful manner, especially here on the floor of the U.S. Senate. We can certainly do this in a way that does not violate rule XIX by imputing conduct and motives unbecoming of a U.S. Senator. More importantly, we can do this in a way that is respectful of each other. For the sake of the Senate and for the country, I hope we can get back to that tradition that is so important to this body.

Let me try to set the record straight on Senator SESSIONS, the Senator JEFF SESSIONS I know. I have gotten to know him over the last 2 years. He certainly has a long, distinguished history of public service. Nobody in this body is denying that. Everybody in this body knows Senator SESSIONS well, knows that he is a man of integrity, a man of principle. He will support the laws of the land, and he will be a fierce advocate for the rule of law and defending the Constitution.

I wish to spend a few minutes on the broader issue of what is happening on the Senate floor right now. We are not getting a lot of press on it, but it is the unprecedented obstruction that is happening with regard to President Trump's Cabinet. Because of this obstruction—unfortunately, by my colleagues—more than 2 weeks into President Trump's term, he has fewer Cabinet Secretaries confirmed at this point than any other incoming President since George Washington. That is some pretty serious obstruction. Nineteen days into his term as President of the United States, President Obama had 21 Cabinet Members confirmed. Right now, President Trump has seven. President Obama had three times the numbers we now have today.

I believe most Americans—certainly the Americans I represent, fairminded

Alaskans who are desperate to get our country and our economy working again—don't like this kind of obstruction. They see a new President who should be allowed to move forward with his Cabinet in place so the Federal Government can get to work on behalf of the American people. I think Americans are also seeing the reputation of good people who want to serve their country tarnished for political purposes.

I hope the Members on the other side of the aisle understand that the American people are wise. They see through all this theater. We need to get to work. We need to let the Trump administration get to work.

This body has a responsibility to treat the confirmation process with the same courtesy, seriousness, and focus the Senate gave to President Obama when he came into office, and that has not happened right now. It is not happening right now, and we need to move forward on that.

VISIT BY THE PRIME MINISTER OF JAPAN

Mr. President, we are on the eve right now of a very important visit of a very important ally. Prime Minister Abe of Japan will be visiting the United States here in the next day. He is going to be visiting with some Members of the Senate, visiting with President Trump and his team.

I wish to make a few points on how important this visit is, not only for the United States-Japan relationship, but the importance of our allies. We are an ally-rich nation. When you look around the world, you look at the broad number of allies the United States has, and then you look at our adversaries or potential adversaries who are ally-poor. This is one of the most important strategic advantages the United States has right now in the world, to keep Americans safe and our allies safe. We are an ally-rich nation and our adversaries and our potential adversaries are ally-poor.

For over 7 years, since the end of World War II, both the executive branch and this body and the House of Representatives have worked hard on this to build a system of allies all around the world to keep our country safe and our allies safe.

In his inaugural address, I was pleased to see that President Trump talked about reinforcing old alliances and forming new ones. That is exactly what we need to do as the United States of America. In terms of our allies and the importance of different regions, there is no more important ally than Japan. There are no more important foreign policy and national security challenges that exist in the world than what is happening in the Asia-Pacific with the rise of China and the security and economic challenges but also opportunities in that part of the world.

I urge all of my colleagues to warmly welcome the Prime Minister of Japan

and his team and to help focus on making sure that as we move forward with a new administration, we are working together with them, we are encouraging them. As the Senate, we are very focused on this issue of deepening our existing allies and alliances and broadening the opportunities to create more.

The Senate plays a very important role in this regard. In terms of being able to keep American citizens safe, there is nothing more important than making sure we focus on our allies and, in particular, give a warm welcome to the Prime Minister of Japan this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I wish to start by responding to my new colleague.

I respect my colleague. We have worked together on many issues, the Senator from Alaska and I. I think he would agree it is very important that the American people, the public, have a thorough review of candidates for a position in public office who are going to have incredible influence over all aspects of their lives. That is why it is so important we undertake this process. It is a fact that many of the nominees put forward by President Trump had massive conflict-of-interest issues that need to be resolved. Many of them remain unresolved. Many of them are still not proceeding through committees because either their ethics report information has not been provided yet or they haven't passed other clearances.

So it is absolutely fitting that we in the Senate do our job to make sure the people who are placed in these positions of high office are thoroughly vetted.

I also wish to take a moment to respond to the statements regarding my good colleague, the Senator from Massachusetts, ELIZABETH WARREN.

Last night she was reading from a letter presented by Coretta Scott King at the time of the 1986 hearings on the judicial appointment of Senator SESSIONS. At the time he was a nominee to fill the vacancy.

As a new Member of the Senate, it is difficult to understand how reading that letter—I have a copy of that letter right here—could be a violation of the Senate rules, but I assume we will all have time to investigate that question. I will say that the result has been a lot more people around the country have had an opportunity to read that important letter from Coretta Scott King.

Obviously, we are gathered here as we consider the nomination for Attorney General. President Thomas Jefferson wrote: "The most sacred of the duties of government [is] to do equal and impartial justice to all its citizens." This is the job of the Department of Justice, and I think it is worth reviewing the mandate and purpose of the De-

partment of Justice to determine whether Senator SESSIONS is the right person for this special and unique position in the U.S. Government.

The Judiciary Act of 1789, the same act in which the first Congress created the Federal judiciary, Congress also created the Office of the Attorney General. In years thereafter, Congress empowered the Justice Department to handle all criminal and civil suits in which the United States has an interest. The Department is the largest law office in the world and the chief enforcer of our Nation's laws. The Attorney General has to be the people's lawyer. Upon taking the office, the Attorney General swears an oath to "protect and defend the Constitution of the United States." More than almost any other officer of the U.S. Government, it is the job of the Attorney General to protect and carry out the Constitution's plan of defending the rights and privileges of those who most need that protection. There is a Latin motto on the seal of the Department of Justice. It refers to the Attorney General as the one "who prosecutes on behalf of justice." In the paneling above the door of the anteroom outside of the Attorney General's office are inscribed the words: "United States wins its point whenever justice is done its citizens in the courts."

As former Attorney General Loretta Lynch said after taking the oath of office, the employees of the Department of Justice are "the ones who make real the promise of justice and redress for all Americans." She said they "continue the core work of our mission—the protection of the American people."

She said: "The challenge in that—for you, for me, for all of us that love this Department and love the law—is to use the law to that end. To not just represent the law and enforce it, but use it to make real the promise of America, the promise of fairness and equality, of 'liberty and justice for all.'"

I think we all recognize—and I see we have been joined by many of our colleagues from the other side of the Capitol from the House of Representatives. It is great to see them here as part of this historic debate. I see the ranking member of the Judiciary Committee, Mr. CONYERS, as well as many other colleagues because they know this is an important moment.

Just as Loretta Lynch described the importance of the Office of Attorney General, we all have to take heed because I think all of us recognize that the story of America, the story of our country has been the story of working to live up to that original promise. It has been a long journey, and there have been a lot of broken promises along the way, and it is an unfinished journey. We know there has been a lot of blood and tears shed in order to try to make good on the ideas of equal justice and

equal opportunity, of equal rights. We have come a long way—there is no denying that—but we also know we have a long way to go to meet that full promise.

The role of the Justice Department is to be a fighter for living up to that purpose, for living up to that promise, to be the champion of the people, to be the defender of those who are too often undefended, to be a fighter for those who do not have an advocate, to be the voice for people who do not have high-priced and high-powered lobbyists. They need to be the advocate for everybody, the Attorney General—someone to whom those who are feeling like they are getting an unfair shake can turn. It has to be a refuge for those who have been victimized by the powerful, someone who can speak for all of the American people.

To fulfill this responsibility, the Attorney General oversees over 114,000 employees, 60 agencies, from the Antitrust Division, the Office of Privacy and Civil Liberties, to the U.S. attorneys, and the Office on Violence Against Women Act.

The Justice Department's Civil Rights Division, created in 1957, works to uphold the civil and constitutional rights of all Americans, particularly the most vulnerable in our society. The division is charged with enforcing Federal statutes, prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status, and national origin.

The Justice Department's Disability Rights Section works to achieve equal opportunity for people with disabilities by implementing the Americans with Disabilities Act. Forty-nine million Americans with disabilities rely on the Attorney General to protect their rights. The Justice Department's Executive Office for Immigration Review adjudicates immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. That is their charge. Under the supervision of the Attorney General, the office conducts immigration court proceedings, appellate reviews, and administrative hearings that determine the fate of millions of people—and we have seen just how important that is in the last few weeks.

The Justice Department's voting section enforces Federal laws that protect Americans' right to vote, including the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, the Help America Vote Act, and the Civil Rights Act. That is their charge.

The Justice Department's Office of Legal Counsel provides legal advice to the President and the executive branch. They are supposed to give their best legal advice and call the balls and strikes without political shadowing.

The office reviews for legality all Executive orders and proclamations proposed to be issued by the President of the United States.

The Justice Department has played a vital role in advancing the promise of America. You just have to look historically to how it was not just a passive actor but made sure they did their job to be a fighter for people who were disenfranchised.

In 1957, in Little Rock, AR, the Justice Department helped to force the Governor of Arkansas to allow African-American children to attend an all-White Central High School. That was a Justice Department action under President Eisenhower.

In the years since the Supreme Court's 1999 decision in *Olmstead v. L.C.*, the Justice Department has fought to implement the goal of integration under the Americans with Disabilities Act to provide people with disabilities the opportunity to live their lives to their full God-given potential.

In 2013, in Atlanta, GA, a Justice Department investigation and prosecution in response to the beating of a 20-year-old gay Atlanta man resulted in the first conviction in Georgia under the sexual orientation provision of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Again, the Justice Department is not a passive actor, enforcing the laws of the United States in order to advance equal justice in the United States of America.

This is a really important legacy to uphold, and the question is, Is Senator SESSIONS the right person to uphold that legacy?

Senator SESSIONS has represented the State of Alabama in the Senate for 20 years. He has served as the ranking Republican member of the Budget Committee, among other responsibilities here in the Senate. There may be many other positions in the executive branch for which that experience would provide an appropriate fit, but the role of the Attorney General is different. As I have said, this is a sacred duty and somebody in this position has to have a record not just of an understanding of the law but a willingness to make sure that we implement the law for all the American people.

I regret that as I examine the history of Senator SESSIONS' statements and actions, I do not believe that he is well suited for the position of Attorney General. Nothing in his history or record indicates that he will be a fighter for those who are less powerful and those who have been left out. Nothing indicates that he will be a fighter for people of color, people with disabilities, or people in the LGBT community. Nothing in his record suggests that he will be that warrior for justice that we need in our Attorney General.

To the contrary, time and again, Senator SESSIONS has taken positions

that vary with those important traditions in our jurisprudence and in our law and, indeed, are contrary, in many instances, to the very mission of the Justice Department.

Many years ago, back in 1986, I was on the floor of this Senate in a very different capacity. At that time, I was the legislative assistant for national security and defense policy to a Maryland Republican Senator by the name of Mac Mathias—a very independent Maryland Republican Senator, a liberal Republican and a real statesman. Senator Mathias was on the Judiciary Committee at the time. Strom Thurmond, the Senator from South Carolina, was the chairman. In fact, Mac Mathias probably should have been the chairman, but because of his independent streak, the Republican caucus at that time worked really hard to make sure that Senator Thurmond moved from being chairman of the Armed Services Committee to exercise his seniority on the Senate Judiciary Committee to become chairman so that Mac Mathias could not assume that position.

Senator Mathias was somebody who always looked at the facts and called the balls and strikes as he saw them—a good role model for me, a good role model for everyone. I wasn't ever thinking—it was the last thing on my mind—of running for office at that time, but as I look back, he was a good role model for a U.S. Senator.

As I said, he was on the Senate Judiciary Committee at the time. He was on the Senate Judiciary Committee during the time of the hearings when now Senator SESSIONS, then U.S. Attorney SESSIONS, was up for his nomination for a Federal judgeship. Senator Mathias listened very carefully to the testimony. Senator Mathias, I am sure, would have read the letter from Coretta Scott King. He always did his homework. He always read everything and listened to everybody. After hearing all of the testimony, Senator Mathias—and, again, the Republicans were the majority in the Senate then, as they are today—and Senator Specter from Pennsylvania, another Republican Member, cast their votes in opposition to the nomination of then Attorney SESSIONS for a Federal judgeship.

As I review the materials since that time—since the time that Senator Mathias cast that vote exercising his independence as a Republican Member of the Senate Judiciary Committee—I find that we have received very little assurances that there has been a change in the desire of Senator SESSIONS to be that advocate—that advocate—for justice, because all of these many years later, we are now hearing from those who have taken the time to update his record.

I have with me now a letter that many of us received—and I have received many letters, as have my col-

leagues—from the Leadership Conference on Civil and Human Rights. The letter reads:

In our democracy, the Attorney General is charged with enforcing our Nation's laws without prejudice and with an eye towards justice. And just as important, the Attorney General has to be seen by the public—every member of the public from every community—as a fair arbiter of justice.

They conclude:

Unfortunately, there is little in Senator Sessions' record that demonstrates that he would meet such a standard.

They say that his 30-year record of racial insensitivity, bias against immigrants, and hostility to the protection of civil rights are among the reasons that they oppose his nomination.

The NAACP reached another and a similar conclusion, strongly urging the Senate to vote no on JEFF SESSIONS' nomination for Attorney General.

The letter reads, in part:

The Justice Department is a crucial enforcer of civil rights laws and adviser to the President and Congress on what can and should be done if those laws are threatened. Given the disregard for issues which protect the rights and, in some cases, the lives of our constituents, there is no way the NAACP can be expected to sit by and support Senator Sessions' nomination to support the U.S. Department of Justice.

Another letter from the National Task Force to End Sexual and Domestic Violence reads, in part:

The leadership organizations and individuals advocating on behalf of victims of sexual assault, domestic violence, dating violence, and stalking write to express our opposition to Senator Jeff Sessions' nomination for Attorney General of the United States of America. We have arrived at this position based upon a review of his record as a State and Federal prosecutor, during which he applied the law unevenly, and as a U.S. Senator, during which he supported laws that would afford only some members of our society equal protection under the law.

There is another opinion letter from the Religious Action Center of Reform Judaism, which has spent a lot of their time and energy over decades focused on civil rights issues. I quote from their letter of January 12, 2017:

The pursuit of civil rights has been the core of the reform Jewish movement social justice work for over 50 years. Guided by the fundamental principle that all people are created equal in the divine image and words of Leviticus, 19:18, love your neighbor as yourself, we have worked to pass landmark legislation that advances fundamental rights of all people, regardless of race, class, sex, gender identity, sexual orientation, or national origin. As the chief law enforcement officer in the country, the Attorney General has substantial power over the administration of these policies.

They go on to write:

Senator Sessions' longstanding record of insufficient commitment to voting rights, to LGBTQ equality, women's rights, immigration reform, and religious freedom causes us to believe that he would stand in the way of the Justice Department's mandate to ensure equal protection under the law.

There are many other letters like this one from people who took a thorough review of the record of the President's nominee to be Attorney General.

I would like to discuss something that has received a little bit less attention regarding Senator SESSIONS' record, and that is what I believe and what those who pay close attention to these issues believe has been a poor record in support for individuals with disabilities. This is especially important given the debate we had just the other day on the nomination of Mrs. DeVos to be the Secretary of Education, because she indicated in her testimony before the HELP Committee that she thought that it was a State obligation, not a Federal obligation, to enforce the IDEA law—the Individuals with Disabilities Education Act. So we should take a little time to look at the record of Senator SESSIONS with respect to the rights of people with disabilities.

One such occasion was a big moment on the floor of this Senate. It is when the Senate considered the ratification of the Convention on the Rights of Persons with Disabilities, a treaty that had been negotiated under President George W. Bush and later signed by President Obama. Although I was serving in the House of Representatives at the time, I got lots of urgent calls and letters from constituents and friends in the disability community about the importance of the United States ratifying that convention. But in his remarks on the floor of the Senate, Senator SESSIONS not only opposed it, but he called the convention on the rights of persons with disabilities “dangerous.”

There have been few moments on this floor where Senators were more eloquent about that convention than former Senator and former presidential nominee Bob Dole, who appeared on the floor at the time, and who is no longer a Senator. He did in committee testify in favor of ratification of the convention that was before the Senate. He recalled during his testimony his maiden speech, the very first speech here in the U.S. Senate of Senator Dole. His first speech occurred on April 14, 1969. It was the anniversary of the day he was wounded in World War II. He delivered his maiden speech on persons with disabilities, about the importance of protecting and ensuring the rights of people with disabilities. He, as we know, was disabled in action fighting for our country.

In his testimony to the committee in 2012 on the convention, he said:

It was an exceptional group I joined during World War II, which no one joins by personal choice. It is a group that neither respects nor discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power, or prestige. That group, Americans with disabilities, has grown in size ever since. So, therefore, has the importance of maintaining access for people with disabilities

to mainstream American life, whether it's access to a job, an education, or registering to vote.

Those were words of Senator Dole urging the Senate to ratify that convention. He went on to point out U.S. leadership on advancing the rights of persons with disabilities, particularly with the Americans with Disabilities Act. He pointed out that current U.S. laws in place in 2012 were already enough to make sure the United States satisfies its obligations to the international Convention on the Rights of Persons with Disabilities. Joining the treaty, Senator Dole said, would “reaffirm the common goals of equality, access, and inclusion for Americans with disabilities—both when those affected are in the United States and outside of our country's borders.”

Senator Dole believed so powerfully in the importance of this treaty that, as I indicated earlier, he came to the floor of this Senate many, many years after he served here and hoped that his presence on the floor of the Senate would convince his Republican colleagues—and all his colleagues—to support that convention. Unfortunately, when the vote came down, it failed in getting the higher level of votes necessary for ratification by only 5 votes. One of those votes was that of Senator SESSIONS who, as I indicated, said that this convention on disabilities was “dangerous.” He rejected an international treaty that had been signed and supported by both Republican and Democratic Presidents, negotiated by President Bush and signed by President Obama. It imposed no additional obligations on the United States. It just said that we stand with others in the international community to support the billions of people around the globe who have a disability.

On that issue, Senator SESSIONS stood against nearly every veterans organization in our country. He stood against a broad coalition of disability rights groups, including the Alabama Disabilities Advocacy Program. He advanced a theory that somehow U.S. sovereignty would be called into question. Yet, as then-Senator Dick Lugar, the Republican chairman of the Senate Foreign Relations Committee, pointed out, the United States had already satisfied its obligations and to make that clear, the declaration in the resolution of advice and consent stated simply at the time: “The Senate declares that, in the view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.”

Despite the presence of Senator Dole on the floor and the support of the chair of the Senate Foreign Relations Committee, Senator Lugar, Senator SESSIONS opposed that.

If that were the only incident where Senator SESSIONS failed to uphold the

rights of people with disabilities—maybe, maybe, maybe—I am not sure it would be understandable. But it is not the only incident. Senator SESSIONS also made deeply concerning comments about the Individuals with Disabilities Education Act, or IDEA, which we have heard so much about in the last couple of days during the debate on the nomination of Mrs. DeVos. Senator SESSIONS referred to the IDEA, or Individuals with Disabilities Education Act, as perhaps “the single most irritating problem for teachers throughout America today” and “a big factor in accelerating the decline of civility and discipline in classrooms all over America.” The most irritating problem was our national commitment to try to make sure that every child—every child, regardless of disability—had a chance to achieve his or her full God-given potential. That was apparently irritating.

Senator SESSIONS claimed that “special treatment for certain children” created a distraction in the classroom. Special treatment. That is not what IDEA is about. The idea of IDEA legislation was to make sure all kids could get an appropriate and decent education. It wasn't there to give kids with disabilities some kind of advantage, just a chance, along with the other kids.

As to the so-called issue of special treatment, “special treatment” is a concerning trend in many of Senator SESSIONS' statements—not just with respect to individuals with disabilities, but in many other cases. In far too many circumstances, he appears to conflate steps to protect the rights of a minority or disadvantaged group that has historically faced persecution or discrimination as somehow an effort to give that group an elevated status over everybody else instead of just an equal chance with everybody else. The idea that the IDEA legislation to help kids with disabilities get an education in school was somehow a big advantage to them over other kids without disabilities is a striking and revealing statement, and it is one that carries through and on to other circumstances.

I am concerned that Senator SESSIONS fails to recognize that there are communities in this Nation that truly have been subjected to discrimination and that are disproportionately affected by certain policies and need sustained civil rights protections—not to give them an elevated status, but simply to give them an even playing field with everybody else.

It is the job of the Attorney General of the United States to make sure all of our citizens are treated equally under the law. The notion that somehow protecting the rights of groups that have been historically discriminated against is a bad thing and gives them an advantage doesn't conform to the reality of our country. I think we all know that.

This same issue came up with respect to Senator SESSIONS' position on the Matthew Shepard hate crimes bill. He called it a "special protection" for LGBT individuals rather than an acknowledgement that these individuals had been historically discriminated against and put at risk of greater violence. He criticized Supreme Court Justice Sonia Sotomayor for her decision that disenfranchising felons violated the Voting Rights Act, saying that her analysis that the policy had a disproportionate impact on African Americans was somehow "a bridge too far."

I am sure that if Mrs. Coretta Scott King were here today, she would say that we need to continue to travel along our journey toward meeting our promise of equal rights, equal justice, and equal opportunity, and ensuring justice for groups that have been discriminated against historically—whether on racial grounds or on grounds of gender or of on sexual orientation. That is not somehow to give them an advantage but to recognize that they have faced historic discrimination, and to provide them with a chance.

Just yesterday in Maryland, following the efforts of my good friend and our State attorney general Brian Frosh, a Maryland court overhauled the cash bail system in our State. I think all of us who have seen the way the criminal justice system operates know that far too often cash bail ends up criminalizing poverty. According to the Pretrial Justice Institute, "47 percent of felony defendants with financial bonds can't pay and stay in jail until their case is heard." In other words, they simply can't afford to make bail, and so they stay in jail, sometimes for years. Not only is it costly to hold people for an extended period of time prior to trial, but we know it has sometimes incentivized people—people who were innocent of the crimes they were charged with—to strike plea deals simply because they can't afford to pay the bail and they can't afford to spend months or years away from their homes or families.

Like many people in organizations, I have looked at Senator SESSIONS record with respect to the issue of criminal justice reform, and it is lacking in the need to find a bipartisan solution to what is recognized across party lines as an important effort that we need to make—criminal justice reform—because we know we have too many people who are currently locked up for nonviolent offenses, including many substance abuse offenses.

It makes no sense within our system to have the kind of mass incarceration we have seen in our country, where we have 5 percent of the world's population but 25 percent of the world's prison population. There is a bipartisan recognition that justice demands we

change that. Unfortunately, I have not seen that recognition in the record of Senator SESSIONS.

In remarks on the Senate floor in 2002, Senator SESSIONS also criticized a Supreme Court ruling about the execution of people with intellectual disabilities. The Court found that people who had incredibly diminished intellectual capacity should not be executed—that it violated the Eighth Amendment's ban on cruel and unusual punishment because these are individuals who could not form a capacity, an intent—and that we should not execute people who did not form that criminal intent, the mens rea. That was an advance in our Federal jurisprudence, yet that was severely criticized by Senator SESSIONS. So that statement, along with his position on IDEA and his opposition to the convention on peoples with disabilities raises many, many troubling questions regarding his willingness to protect individuals who need protection.

We also recognize that the Attorney General has to be somebody who is independent, who is willing to stand up to a President if a President is calling upon the Justice Department to take an unlawful action or an action inappropriate or inconsistent with the interests of justice.

In 1904, in a letter to the Attorney General, President Theodore Roosevelt said:

Of all the officers of the Government, those of the Department of Justice should be kept most free from any suspicion of improper action on partisan or factional grounds, so there shall be gradually a growth, even though a slow growth, in the knowledge that . . . the representatives of the Federal Department of Justice insist on meting out even-handed justice to all.

Senator SESSIONS himself made the point when he questioned then-nominee Sally Yates about her responsibilities in the Justice Department of President Obama. Senator SESSIONS told Ms. Yates:

You have to watch out because people will be asking you to do things and you need to say no. You think the attorney general has the responsibility to say "no" to the President if he asks for something that's improper? A lot of people have defended the Lynch nomination, for example, by saying, "Well, he appoints somebody who's is going to execute his views. What's wrong with that?" But if the views the President wants to execute are unlawful, should the attorney general or the deputy attorney general say no?

That was the question posed by Senator SESSIONS.

Ms. Yates answered:

Senator, I believe the attorney general or the deputy attorney general has an obligation to follow the law and the Constitution and to give their independent legal advice to the President.

That is exactly what she did. That is exactly what Deputy Attorney General Yates did just a few days ago when President Trump asked her to take an

action which in her opinion was inconsistent with the laws of the United States. She did what Senator SESSIONS asked her to do at that hearing, and she was fired.

Let's look at the record of Senator SESSIONS' willingness to stand up in an independent way to some of the outrageous statements that have been made by President Trump.

After the terrorist attack in San Bernadino, CA, Mr. Trump called for a "total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what . . . is going on."

He went on to reiterate his plans for a Muslim ban in a March 2016 CNN interview and a later speech. What did Senator SESSIONS do at that important moment? At that time, Senator SESSIONS was an early supporter of not only Mr. Trump but his call for a Muslim ban. Just days after Candidate Trump first made his Muslim ban proposal, Senator SESSIONS told Steve Bannon on Breitbart's radio program:

We're in an age that's very dangerous and we're seeing more and more persons enter. And a lot of them have done terrorist acts and a lot of them believe it's commanded by their religion. So I think it's appropriate to begin to discuss this [Muslim ban].

We all want the greatest security for our country. We all want to make sure bad people don't get here. But I think we also understand as Americans that a religious test violates the principles of our Nation.

Senator LEAHY pointed out at Senator SESSIONS' confirmation hearing that Senator SESSIONS opposed a resolution saying the United States should not use religious tests for immigration into the country, that they were antithetical to our founding principles. Nevertheless, when it was time to be counted and stand up, Senator SESSIONS did not do that.

More recently, we heard President Trump criticize the Washington State judge—and I see our leader, my friend Senator MURRAY, on the floor. He criticized the decision of a Federal district judge, and he did it, as we know, in a dismissive way, tweeting that he was a "so-called judge." That is another moment when—whether you support President Trump and his campaign or you support his actions as President, it is a moment when, if you are going to being the chief law enforcement leader in the country, you say: Mr. President, really, that is not an appropriate thing to say.

Senator SESSIONS had another opportunity to challenge then-Candidate Trump on an earlier occasion when Candidate Trump criticized the judge who made a ruling against him in the Trump University case and criticized him on the grounds of his heritage. That was an opportunity when others in this country, even people who were supporting Candidate Trump, said: You

know what, that is out of line. That is out of bounds.

We did not hear from Senator SESSIONS. Maybe Senator SESSIONS was being looked at for another executive agency where that question was less important, where maybe it wouldn't carry so much weight. But for the Attorney General of the United States, we need somebody there who is going to be independent, somebody who is going to be willing to challenge the President of the United States when he suggests unlawful actions or makes statements that are inconsistent with the system of justice.

Finally, on the issue of voter fraud, I think all of us have heard from President Trump about his claim that he really won the popular vote. We shouldn't even be here talking about it, but he keeps talking about it. He claims that he really won the popular vote, that it was these 3 million people who cast fraudulent ballots—zero evidence, no evidence, and yet when Senator FRANKEN asked Senator SESSIONS about these claims of voter fraud, these unsubstantiated claims of massive voter fraud, Senator SESSIONS didn't take the opportunity to say: You know what, I support President Trump, but he is out of line; he is wrong to make these outrageous claims. He didn't say that. In fact, President Trump at one point was talking about having the Justice Department or the FBI look into this very question.

I am not satisfied at all that Senator SESSIONS would meet his own test—the test he presented to Sally Yates when she was up for her nomination for Deputy Attorney General about whether she would stand up to what she considered an unlawful order by the President of the United States. She did. She was fired. There is no evidence that Senator SESSIONS would stand up under those circumstances, and we need an Attorney General who will stand up for the law and for equal justice and for every American.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I rise today regarding the upcoming confirmation on Senator JEFF SESSIONS of Alabama to be Attorney General of the United States. For the past 3 years, I have had the great pleasure of working with Senator SESSIONS in this body. We served together on both the Senate Armed Services and Environment and Public Works Committees. Within those committees, as well as on other issues that have come before the Senate during that same time period, I have found that Senator SESSIONS is extremely forthright, hard-working, and Senator SESSIONS is honest. He has served Alabamans and all Americans well during his 20 years in the U.S. Senate.

In addition to serving on the Armed Services and EPW Committees, he also

serves on the Senate Judiciary and Budget Committees, all of which address vital aspects of our Federal system.

Senator SESSIONS also had a distinguished career before he was elected the U.S. Senator from Alabama. After graduating from the University of Alabama with a law degree, Senator SESSIONS practiced law in Russellville and Mobile, AL. In 1975, he took the oath to defend the Constitution of the United States as an assistant U.S. attorney—the first step in a long and honorable career as a prosecutor. In 1981, Senator SESSIONS was nominated by President Reagan and confirmed by the U.S. Senate as the U.S. Attorney for the Southern District of Alabama. He served honorably in that role for 12 years. Senator SESSIONS was then elected Alabama attorney general and served in that role until his election to the U.S. Senate.

It is clear to me that Senator SESSIONS is exceptionally and perhaps uniquely qualified to serve as the Attorney General for the United States. He served as a line prosecutor and, as U.S. attorney and Alabama attorney general, as the chief Federal and State law enforcement authority. He has personally handled or managed a wide variety of cases—criminal and civil, trial and appellate. Senator SESSIONS also has extensive experience in the Federal system and, as a former State attorney general, a deep respect for State and local law enforcement and the role of States in our Federal system.

There is an attribute even more important than experience, in my opinion, and that is integrity. Over the course of his career, Senator SESSIONS has demonstrated a deep respect for the Constitution and the rule of law, and ultimately, I believe that is what is most important in an Attorney General of the United States.

In 1935, the U.S. Supreme Court wrote this about the role of a U.S. attorney, and I think it applies similarly to the Attorney General:

A federal prosecutor "is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice be done."

The Supreme Court continued:

[A]s such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer.

I support Senator SESSIONS as Attorney General of the United States not only because his experience makes him qualified to serve but more importantly because his character makes him qualified to serve. Senator SESSIONS will, in the words of the Supreme Court, be a certain "servant of the law" and will make certain that justice is done for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Washington.

Mrs. MURRAY. Mr. President, I stand here today to give a voice to the thousands of people who have contacted me in recent weeks urging me to vote no on this nomination. First, I need to express my frustration and outrage about what happened here on the floor last night.

In the middle of a debate about the next Attorney General—someone whose job it will be to defend the rights of all Americans; whose job it is to defend people from discrimination, inequity, and unfairness; whose job it is to defend women, to defend people of color, to defend all those who are too often told to sit down, stand down, be quiet—we saw the Republican leader selectively use the rules to silence our colleague, a woman Senator, who was reading the words of an African-American woman and a historic civil rights leader, reading the words of someone who embodies the fight for justice, for freedom, for equality, and for civil rights in America; someone who all of us should be looking to for lessons in these times, not someone whose words should be silenced because she said something people may not enjoy hearing.

At a moment when we are engaged in a debate about how best to defend our fellow citizens from discrimination and fight back against forces that seek to demean others in order to gain power, I was stunned. I respect the decorum that the Senate strives to maintain, but there are times when you cannot stay silent. This is one of those times. We will not be silent.

So I want to say that I stand with my friend, the Senator from Massachusetts. I stand with the words of the late Coretta Scott King, and I stand with the many people who have contacted me about this nominee that we are debating here today. I can tell you that the day President Trump announced he had picked Senator JEFF SESSIONS to lead the Department of Justice, the phones in my office lit up. People from across my home State of Washington contacted my office to express their shock, their outrage, and their fear.

The calls came from people who help LGBTQ youth experiencing homelessness; groups who have tirelessly advocated for necessary criminal justice reform; families caught in a broken immigration system; civil rights advocates and community leaders who have fought for decades to create a more just society; advocates and nonprofits trying to help women escape domestic violence. The list goes on.

That was in November. And in the weeks and months since the President made his choice for Attorney General known, those concerns have not died down. In fact, they have only gotten louder and more urgent as the public

gets a better look at Senator SESSIONS' long record, what he stands for, and where he wants to take this country. I share their concerns.

It is why I will oppose Senator SESSIONS' nomination to be Attorney General. I urge my colleagues to join me to reject this nomination, and send a message to the new President about the rule of law in this country. Send a message to the new President, who came into office showing blatant disregard for our traditions of transparency, traditions that tell us the President has a duty to put the needs of the American people before the needs of his bank account. Send a message to someone who, just weeks into his term, has displayed shocking disdain for the U.S. Constitution and the separation of powers, the same President who fired an Acting Attorney General because she refused to ignore the law, to approve his hateful and unconstitutional Executive order barring refugees; the same President who ridiculed a well-respected Federal judge in Seattle, a George W. Bush appointee, because the judge didn't rule the way he wanted.

The U.S. Attorney General is often the last line of defense for our Constitution within an administration. And they need to be the first to stand up to our President when our President is wrong.

Senator JEFF SESSIONS is not that kind of nominee. The people of this country expect and deserve an Attorney General who will protect their civil and constitutional rights and liberties. They deserve someone committed to the principles of inclusiveness and justice—someone who will fiercely defend the rights of all Americans to be treated equally under the law. The American people need an Attorney General who continues to make the fight against racism, discrimination, and hate crimes a core part of that Department's mission. We know Senator SESSIONS is not the person for that job.

More than 30 years ago, he couldn't even pass muster in a Republican-majority Senate. During his confirmation hearing, Senators cited his racially charged comments and his shameful record on civil rights as a U.S. attorney as reasons they could not support him. And as my late colleague Ted Kennedy said at the time: "It is inconceivable to me that a person of this attitude is qualified to be a U.S. attorney, let alone a U.S. Federal judge."

I ask my colleagues who are inclined to support his nomination today, What has changed? I have served alongside Senator SESSIONS for years, and I know his record all too well. And like my constituents who started sounding the alarm back in November, I am deeply concerned by his agenda that would take our country backward.

Senator SESSIONS has dismissed one of our bedrock civil rights laws, the Voting Rights Act, as "intrusive,"

while pushing restrictive voter ID laws and fueling conspiracy theories about voter fraud. I watched as he refused to work with a bipartisan majority of the Senate on immigration reform and instead pushed extreme policies that would punish the most vulnerable members of our communities. And that, by the way, included DREAMers across the country who have never known another home besides America. His personal passion on that issue and his years of advocacy against common-sense immigration policies cause me great concern about whether he would use the Department of Justice to pursue his extreme anti-immigration agenda.

On criminal justice reform, he beat back efforts from within his own party to address the exploding race of incarceration across this country. The injustice of these laws falls disproportionately on communities of color.

Time and again, he has defended laws that favor throwing nonviolent offenders in jail rather than working to rehabilitate them, even though it has been consistently proven that prison is not a means of rehabilitation. This nominee's views on criminal justice reform are so out of the mainstream, his position is even at odds with the Koch brothers.

At the very time our Nation engages in a critically important debate about ensuring equal treatment under the law, as we continue the struggle to make sure equality shines through our education system, our justice system, our economy, and our country, Senator SESSIONS remains dismissive of the very tools our Justice Department must use to move us forward.

When I joined so many of my colleagues in the Senate to reauthorize and improve the bipartisan Violence Against Women Act to protect women across the country, Senator SESSIONS worked against us to tear it apart. As someone who has sat face-to-face with survivors of domestic violence and fought to increase protections for those dealing with sexual assault, I can see why people would question whether Senator SESSIONS has any intention of enforcing the laws that protect them because I wonder that myself.

This nominee's track record of trying to undermine women's constitutionally protected reproductive rights is horrifying and should, by the way, scare every woman in this country.

I have heard from so many members of the LGBTQ community who are terrified that Senator SESSIONS would be tasked with protecting their rights. His votes against repealing don't ask, don't tell and expanding hate crimes definitions to include LGBTQ Americans confirm those fears.

This alone has to give my colleagues pause when so many Americans—our friends, our family members, our co-workers—fear that their government

will look the other way as they endure violence, discrimination, and marginalization just because of who they love or how they live. We must fight back with everything we have.

When this President attacks the independence of our judges—judges who have declared the obvious, that the Muslim ban Executive order is unconstitutional—we cannot put the person who Steve Bannon calls "the fiercest, most dedicated and most loyal promoter" of the President's agenda at the head of the Department of Justice. This is not who we are.

Senator SESSIONS is not the Attorney General this country needs. I urge members of the Senate to stand up for the Constitution, to stand with your fellow Americans. The stakes are far too high to make Senator SESSIONS our next Attorney General.

I urge you to join with me in voting against this nomination. Now more than ever, we need an Attorney General who will be independent and willing to stand up to President Trump's illegal and unconstitutional actions whenever they happen.

The last thing this country needs right now is a rubber stamp to validate this administration's illegal actions.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. It is always disturbing to sit in this Chamber and listen to some of the speeches. I am wondering if even a saint could get approved without a filibuster in this body.

NOMINATION OF TOM PRICE

Mr. President, I am pleased today to come to the floor in support of another friend, someone I am honored to have worked with for many years, and that would be Dr. TOM PRICE. When I first heard that President Trump nominated Dr. PRICE to serve as Secretary of Health and Human Services, I was reassured to know that one of the most capable, well-prepared individuals President Trump could have chosen would fill such an important post.

Health care is highly complex, highly specialized, and it has a significant impact on our Nation. Our Federal Government's involvement in health care has changed dramatically over the last few decades, and that change has accelerated in the last few years. Health care makes up one-sixth of our economy, and the Department of Health and Human Services has a tremendous impact on all parts of all sectors of health care. Who better than a doctor should head an organization that covers the wide variety of major health care programs?

Let me mention just a few that a doctor should be in charge of. One would be Medicare, another is Medicaid. And then there is our vast biomedical research functions at the National Institutes of Health, usually referred to as NIH. Then there is our domestic and international public health

work at the Centers for Disease Control and Prevention, or CDC; the review of innovative and lifesaving drugs and devices at the Food and Drug Administration, or FDA; or how about our preparedness in the development of medical countermeasures at the Biomedical Advanced Research and Development Authority, or BARDA; and many other programs impacting the Nation's health that also provide an alphabet of initials.

Who better to understand the most important side of health care, the patient, than one who is, at the end of the day, the person that takes care of the patient? The patient is the biggest factor in all health policies. These policies are too often put together here in Washington. Hundreds of bureaucrats sit in offices, deciding what patients ought to have done to them. Sitting here in offices without being doctors, without having treated patients, I will be glad to have someone in charge there who, instead, considers what the patient wants done.

In the Senate HELP Committee hearing with Dr. PRICE, he spoke about his view on the importance of the patient in health care. He reiterated that again before the Finance Committee when he said: "[It is] imperative that we have a system that's accessible for every single American, that's affordable for every single American, that incentivizes and provides the highest quality health care that the world knows and provides choices to patients so they are the ones selecting who is treating them, when, where, and the like."

TOM PRICE is an ideal candidate for this role. Not only does he know the health care system as a physician, he knows it as a policymaker who has been a thought leader in health care here in Congress. His resume is well rounded. He has practiced and taught medicine, he was a business owner, and he served as a legislator.

Let me repeat. He has not only practiced medicine, he has taught medicine, and he has been a business owner of a large business that dealt with health care and he served as a legislator.

His confirmation will also mark the first time since the George H.W. Bush administration that a physician has led this agency. Our health care system is in a significant time of transformation. Well before ObamaCare, there was a need to make changes that would give people more options in health insurance and to find a way to contain costs.

We have even more work to do now as patients find themselves with fewer choices and higher costs. The new Secretary's role will be a difficult one. In the last year, our health insurance markets have teetered into unstable ground, especially in the individual market. Even with absolutely no

change in the law, more and more people will lose access to health insurance coverage.

It has been suggested that the Republicans should just let the current system keep going for another year or so until the Democrats would be begging us to make changes, but we are not going to do that. We are not going to have those people go through that kind of suffering, even though there is a risk to it. We are not going to sit and wait for the system to crash. We will be working in Congress to repeal ObamaCare and reform our health care system by putting the patient first.

It will be critical to have a partner in the administration to make changes and implement the law in a way that reflects the intent of Congress and provides for full, open, and transparent input from the public. I understand that some of my Democratic colleagues have decided that being a Republican is a disqualifying characteristic for any Cabinet Secretary. It is all too easy to resort to vilification of our political opponents, but I will just point out the words of David Lloyd George, who is not a conservative, who said: "A politician is a person with whose politics you don't agree; if you agree with him, he is a statesman."

TOM PRICE's nomination is something that I believe would have been relatively noncontroversial, even a few years ago. I know that when I voted in favor of the confirmation of Sylvia Burwell as the Secretary of Health and Human Services for President Obama's Cabinet, I looked at her qualifications, not her politics.

If we look at Dr. PRICE with the same lens, I am hopeful we will see a bipartisan vote for this confirmation. The nomination of TOM PRICE is a great opportunity for our country to benefit from his knowledge, to benefit from his dedication, to benefit from his lifetime of service, and to benefit from his commitment to working with us all to improve health care in the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HEINRICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINRICH. Mr. President, in 1986, Coretta Scott King, the widow of civil rights leader Dr. Martin Luther King, wrote a letter urging Congress to block the nomination of JEFF SESSIONS for Federal judge. The Senate Judiciary Committee would ultimately reject that nomination.

Here we are three decades later. Senator SESSIONS, who cannot erase his troubling record on civil rights, is again undergoing a confirmation hear-

ing as President Trump's nominee for Attorney General. I would like to read an excerpt from Mrs. King's letter, and I ask unanimous consent that the letter in its entirety be printed in the RECORD following my remarks.

Mrs. King wrote:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

When Senator ELIZABETH WARREN tried to read this exact same letter last night here on the Senate floor, Republicans voted to silence her, citing that she was in violation of Senate rules aimed at preventing Senators from impugning the motives of their colleagues.

The move by some of my colleagues to silence the words of Senator WARREN and Mrs. King last night is troubling not only because this is a threat to our democratic values, but also, frankly, because it is hypocritical. During a scathing speech last year in this same Chamber, the Senator from Texas went so far as personally attacking the Republican majority leader MITCH MCCONNELL and accusing him of lying. In May of last year, the Senator from Arkansas, also here on the Senate floor, delivered a speech directly criticizing former Senate Minority Leader Harry Reid, using the terms "vulgar," "incoherent," and "cancerous" to describe him.

He said on the Senate floor:

I am forced to listen to the bitter, vulgar incoherent ramblings of the minority leader. Normally, like every other American, I ignore them.

I bring this up because neither of these Senators were silenced. Neither were told to sit down and take their seat. Silencing Senator WARREN for reading Mrs. King's letter under the guise of following Senate rules is hypocritical and rightfully leads some to question whether the majority leader may have a different standard of expected conduct for female Senators compared to their male counterparts.

I have already announced that I will vote against the nomination of Senator SESSIONS. After this episode last night, I believe now more than ever this position will require an unwavering commitment to protect American's constitutional rights, and to stand up against discrimination and hate.

Like the thousands of New Mexicans I have heard from, I lack that confidence in Senator SESSIONS. I urge the

American people to read and share Coretta Scott King's letter and continue to make your own voices heard because we will not be silenced. We will persist.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MARTIN LUTHER KING, JR. CENTER FOR NONVIOLENT SOCIAL CHANGE, INC.,

Atlanta, Georgia, March 19, 1986.

Re Nomination of Jefferson B. Sessions U.S. Judge, Southern District of Alabama Hearing, March 13, 1986

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation and I request that my statement as well as this letter be made a part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely,

CORETTA SCOTT KING.

STATEMENT OF CORETTA SCOTT KING ON THE
NOMINATION OF JEFFERSON BEAUREGARD
SESSIONS FOR THE UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF ALABAMA

SENATE JUDICIARY COMMITTEE, THURSDAY,
MARCH 13, 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. My longstanding commitment which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. Sessions has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. Sessions' conduct as U.S. Attorney, from his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indicates that he lacks the temperament, fairness and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the de-

termination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, "Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults [to participate in non-violent protest of the denial of the franchise], Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day." Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment twenty years ago, that a united political organization would remain in Perry County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote."

Free exercise of voting rights is so fundamental to American democracy that we can not tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years, without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civic League including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. Sessions sought to punish older black civil rights activists, advisors and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Mr. HEINRICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARKEY. Mr. President, I have heard from literally thousands of my constituents who have contacted my office in unprecedented numbers with fears about a Justice Department headed by Senator JEFF SESSIONS as Attorney General of the United States.

My constituents and Americans all across the country are concerned about the independence and integrity of the Justice Department under President Donald Trump.

We are only 3 weeks into the Trump administration, and what we have seen so far has been alarming. We have 3 years and 49 weeks left to go in President Trump's term of office, and we have already seen in 3 weeks President Trump issue an illegal and immoral ban on Muslim refugees. We then saw President Trump fire Acting Attorney General Sally Yates from her job overseeing the Department of Justice—an action reminiscent of Watergate's infamous "Saturday Night Massacre"—because she refused to defend in court his unconstitutional and un-American Executive order.

Sally Yates's job and the job of the entire Justice Department is to uphold the rule of law. The Attorney General of the United States is the lawyer for the people of the United States—not Donald Trump's personal lawyer. It is called the rule of law, not the rule of Trump, but it is the rule of law that is at stake when the nomination of Senator SESSIONS is in question to run the Department of Justice.

I have told my constituents that Senator SESSIONS must be judged based on the totality of his record: as a U.S. attorney, as Alabama's attorney general, and as U.S. Senator.

A review of that record, including 2 days of hearings before the Senate Judiciary Committee, demonstrates anything but the commitment to the equal and impartial administration of justice and an independence from the President that we must demand from the Nation's top law enforcement officer.

Senator SESSIONS' record spanning decades in public office reflects hostility to important constitutional rights, hostility to laws intended to protect people of color, hostility to laws intended to protect women, hostility to laws intended to protect the LGBTQ community, and hostility to laws intended to protect immigrants against discrimination and violence.

Senator SESSIONS has fought against civil rights efforts. He has fought against protecting voting rights, and as a U.S. attorney, SESSIONS tried to prosecute three civil rights workers who were helping elderly and disabled African-American voters to cast absentee ballots.

During his 1986 judicial nomination hearing, he called the Voting Rights Act "an intrusive piece of legislation." And in his testimony to the Judiciary Committee, Senator SESSIONS would not commit to continue the Justice Department's efforts to challenge restrictive State voter ID laws. Senator SESSIONS has fought against comprehensive immigration reform, against criminal justice reform, and against commonsense gun control measures.

As for a woman's right to choose, Senator SESSIONS has said: "I firmly believe that *Roe v. Wade* and its descendants represent one of the worst, colossally erroneous Supreme Court decisions of all time." At his confirmation hearing, Senator FEINSTEIN pressed him on his statement, asking him whether it was still his view. "It is," Senator SESSIONS replied.

It is simply unimaginable that we would have an Attorney General of the United States holding such a view of *Roe v. Wade* and the rights of women to control their own reproductive health. *Roe v. Wade* is the law of the land, and it should remain that way forever.

Mr. President, I would also like to address the actions last night by the Senate majority leader to silence the

remarks of my colleague from Massachusetts, Senator ELIZABETH WARREN.

Coretta Scott King was attending the New England Conservatory of Music in Boston when she met a divinity doctoral student at Boston University in 1952, in Boston. One year later, Coretta Scott married Dr. Martin Luther King, Jr., as they took their degrees from Boston to begin a cause found in the South that became a national and international movement.

The two shared their life, a cause that would change the world. The voices and legacy of Coretta Scott King and Dr. Martin Luther King, Jr., are as much a part of Massachusetts history as the American Revolution, John Adams, and President John Kennedy.

What Senator WARREN was doing last night was standing up for equal justice the way Massachusetts has always stood up for equal justice, the way Senator Ted Kennedy stood up for equal justice. We have a deep and proud history in Massachusetts of fighting for what is right. The abolitionist movement was born in Massachusetts.

In past generations, when young women wanted the right to vote, a group of committed activists in Massachusetts formed the Suffragette movement, and they changed the U.S. Constitution so women can vote.

When young people in Massachusetts were upset with the voting rights laws for minorities in America's southern States, they became the Freedom Riders, and they changed the laws of the United States.

I make these remarks from the desk once held by Massachusetts Senator Edward Brooke. Senator Brooke was the first African American elected to the Senate. He was a Republican. He was also a civil rights activist, and he also received his law degree at Boston University, in Massachusetts.

From the Founding Fathers to the movement for universal health care, to the first same-sex wedding in the United States, and to the Senate floor last night, Massachusetts has always been at the heart of America's quest for equal justice.

Leader MCCONNELL used an arcane Senate rule to silence Senator WARREN, but the people of Massachusetts and all people of good conscience will never be silenced when confronted with our moral responsibility to speak out.

Senator WARREN deserves an apology for being silenced when she attempted to share this very relevant, very powerful part of our national history last night. The American people deserve to hear the important words of Coretta Scott King. So here they are:

Dear Senator Thurmond:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot

by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation and I request that my statement as well as this letter be made a part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely, Coretta Scott King

Coretta Scott King was right in the 1960s. Coretta Scott King was right in 1986. Coretta Scott King is right today.

Based on the totality of Senator SESSIONS' record, I have no confidence that he shares a commitment to justice for all Americans. I do not believe he will fight to defend the most vulnerable in our society. I do not believe he will stand up to President Trump when the time comes, as it surely will come.

The great Robert F. Kennedy, a U.S. Attorney General himself, once said "that every community gets the kind of law enforcement it insists on."

We must insist that our top law enforcement officer upholds the law for all Americans. I do not have assurance that Senator SESSIONS will meet that challenge.

I will be voting no on Senator SESSIONS' nomination this evening, and I urge all of my colleagues to do likewise.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, yesterday I spoke at length about my fear that Senator SESSIONS' would not have the ability to act as an independent Attorney General. The Attorney General is not the President's lawyer. He or she is the chief law enforcement officer of the United States. And he or she must faithfully serve all Americans. Even if Senator SESSIONS could demonstrate independence from President Trump, my review of his extensive record leaves me unconvinced that he is capable of serving and protecting all Americans.

In 1986, Senator Ted Kennedy called JEFF SESSIONS a "throwback" because of his conduct on civil rights issues. I regret to say that, since the Judiciary Committee's bipartisan rejection of Senator SESSIONS' nomination to be a district court judge in 1986, Senator SESSIONS has not allayed our concerns. In his 20 years in the Senate, he has not shown a commitment to protecting the most vulnerable in our communities. Time and again, when the rights of women, LGBT individuals, and disenfranchised communities have been debated here in the Senate, Senator SESSIONS has not sought to protect their civil and human rights. Too often, he has been the one standing in the way.

That is why National Nurses United has written to me to express their op-

position to Senator SESSIONS. They wrote: "We provide the best care we possibly can, without regard to race, gender, national origin, religion, socioeconomic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what JEFF SESSIONS has done in his role as a public servant." I ask unanimous consent that their full letter be printed in the RECORD at the conclusion of my remarks. That is why my friend JOHN LEWIS testified before the Judiciary Committee in opposition to Senator SESSIONS. Congressman LEWIS stated that, "When faced with a challenge, Senator SESSIONS has frequently chosen to stand on the wrong side of history." Senate Republicans should be listening to these concerns and those of protesters in our streets and airports standing up for our Constitution. We should not subject those concerns to a gag rule.

Yet Senator SESSIONS and his supporters have painted a different picture of his record. They have argued that he has a strong record on civil rights. So I asked Senator SESSIONS in written questions to identify areas in which racial inequalities persist. He could have talked about sentencing or about areas where the Civil Rights Division has found patterns and practices of police departments violating people's rights or about the kind of voter suppression efforts that an appeals court found "target[ed] African Americans with almost surgical precision." Senator SESSIONS did not identify a single example of racial inequality in modern America. That is astonishing. No one can uphold the rights of all Americans if he is unwilling to pay attention when those rights are being violated.

Some have suggested that Senator SESSIONS' record on civil rights has been criticized unfairly and he is held to a different standard because he is a conservative from the South. I disagree. When the Judiciary Committee rejected Senator SESSIONS' district court nomination in 1986, one of the votes against him came from Senator Heflin, who was a conservative from Alabama. Moreover, I and most other Democrats just voted to confirm as U.N. Ambassador another conservative Southerner: Nikki Haley. In 2015, then-Governor Haley made the decision to remove the Confederate flag from the South Carolina Statehouse grounds. She said, "[I]t should never have been there" and that she "couldn't look my children in the face and justify it staying there." When Senator SESSIONS was asked about this and other efforts to remove the Confederate flag from public buildings, he argued that such efforts "seek to delegitimize the fabulous accomplishments of our country." It can come as no surprise that the civil rights community is concerned by his nomination.

But I will speak to my own experiences with Senator SESSIONS' views on

civil rights laws. In 2009, Senator SESSIONS opposed expanding hate crime protections to women and LGBT individuals, groups that have historically been targeted based merely on who they are. He stated, "I am not sure women or people with different sexual orientations face that kind of discrimination. I just don't see it." Thankfully, a bipartisan majority of Senators saw it, and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act is now law. These protections are needed now more than ever. According to recent FBI statistics, LGBT individuals are more likely to be targeted for hate crimes than any other minority group in the country.

Judy Shepard, Matthew's mother, wrote a letter last month opposing Senator SESSIONS' nomination. She was concerned not just by Senator SESSIONS' opposition to the law that bears her son's name, but by how Senator SESSIONS viewed such hate crimes. She wrote:

"Senator SESSIONS strongly opposed the hate crimes bill—characterizing hate crimes as mere 'thought crimes.' Unfortunately, Senator SESSIONS believes that hate crimes are, what he describes as, mere 'thought crimes.'"

"My son was not killed by 'thoughts' or because his murderers said hateful things. My son was brutally beaten with the butt of a .357 magnum pistol, tied him to a fence, and left him to die in freezing temperatures because he was gay. Senator SESSIONS' repeated efforts to diminish the life-changing acts of violence covered by the Hate Crimes Prevention Act horrified me then, as a parent who knows the true cost of hate, and it terrifies me today to see that this same person is now being nominated as the country's highest authority to represent justice and equal protection under the law for all Americans."

But that was not all. Senator SESSIONS also said that "the hate crimes amendment . . . has been said to cheapen the civil rights movement." I asked him about this comment and whether he still felt that way at his hearing, but he did not respond to the question. I asked him a second time, in a written follow-up, what he meant by that comment. He replied that "Those were not my words," but again did not explain what he had meant by that remark. So I asked him a third time. The third time, he finally conceded. He wrote to me that "it is not correct to say it cheapens our commitment to civil rights." If it is not correct to say that, then why did Senator SESSIONS quote it in the first place—and why did it take him three tries to acknowledge the error?

Senator SESSIONS also opposed the 2013 Leahy-Crapo Violence Against Women Reauthorization Act, which overwhelmingly passed the Senate with support from a majority of Republican Senators. During his hearing, and again in written questions, Senator SESSIONS refused to commit to defend this important law's constitutionality.

He said only that he “will carefully study” it to discern whether it is “reasonably defensible.” His refusal to voice support for VAWA is all the more troubling in light of reports that the Heritage Foundation’s budget blueprint, which is reportedly being relied on by the new administration, calls for eliminating all VAWA grants. I asked Senator SESSIONS to commit to stand up for victims and preserve these critical programs. Again, he refused.

Amita Swadhin, who appeared before the Judiciary Committee and bravely shared her story of being raped as a child, explained why this issue is so important: “We need an Attorney General who will continue the progress we have made since the initial passage of VAWA, someone committed to improving and enforcing our laws to ensure the most vulnerable victims of crime can come forward to seek accountability and to access healing.” This law and these grants are a matter of life and death to many people across the country. We need an Attorney General who understands that. The National Task Force to End Sexual and Domestic Violence, which has never before taken a position on an Attorney General nomination, wrote to the Judiciary Committee because they do not believe Senator SESSIONS understands that. The letter states:

“Senator Sessions’ senate record of strenuous objection to protections for historically marginalized populations, coupled with his record of selective prosecutions, demonstrate his unwillingness to protect marginalized victims’ access to justice and disqualify him from holding the position of Attorney General of the United States, a position charged with the responsibility of securing justice for all.”

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

Senator SESSIONS and his supporters have tried to minimize his opposition to the Leahy-Crapo VAWA bill by pointing out that he did vote in committee for the Republican substitute amendment. Let me explain what that amendment would have done. It would have cut authorization levels by 40 percent, hampering efforts to prevent violence and provide services to victims in need. It would have removed all provisions intended to ensure that victims can receive services, regardless of sexual orientation and gender identity. It would have removed important provisions to let tribal justice systems reach the many criminal and civil cases that fell through the cracks. That amendment would have gutted core elements of the VAWA reauthorization that go to the heart of what VAWA does. A vote for that amendment hardly demonstrates a commitment to victims.

Another issue that concerns me is criminal justice reform. For years, I have worked with a bipartisan group of Senators to reduce mandatory minimum sentences for drug offenses.

These sentences have created perverse disparities within our justice system. Racial minorities still receive nearly 80 percent of them. Our bipartisan effort has had the strong support of the Justice Department and many others in law enforcement, but not Senator SESSIONS. In recent years, no one in the Senate has fought harder against even modest sentencing reform than he has.

I am also concerned about Senator SESSIONS’ commitment to ongoing civil rights litigation. I asked whether he would maintain the Justice Department’s position in certain important cases. He would not commit to maintaining the Department’s position, even in voting rights cases where courts have already found that certain voter ID laws are discriminatory.

Senator SESSIONS would not commit to even maintaining cases that are already at the Supreme Court. Last month, the Supreme Court heard oral argument in *Endrew F. v. Douglas County School District*. The Justice Department filed an amicus brief in support of the petitioner, arguing that the Individuals with Disabilities Education Act requires states to provide more than de minimis educational benefits and in fact “give eligible children with disabilities an opportunity to make significant educational progress.” Even though it would be extraordinary for the Justice Department to take a new position after oral argument has already been heard, Senator SESSIONS would not commit to maintaining the Department’s position in this case.

I pointed to a lawsuit the Justice Department filed last year in Georgia alleging that Georgia’s treatment of students with disabilities violated the Americans with Disabilities Act. In this lawsuit, the Justice Department noted that some of the facilities used by students with disabilities “are located in poor-quality buildings that formerly served as schools for black students during de jure segregation.” I asked Senator SESSIONS whether he would continue to pursue this case, and bring others like it where States are in violation of the ADA. He refused to commit to continuing this case. The ADA also contains a waiver of State sovereign immunity, which is a critical tool for enforcing that landmark law. Twice during the Bush administration, the Justice Department argued, and the Supreme Court agreed, that the waiver was a valid exercise of Congressional power under section V of the 14th Amendment, but Senator SESSIONS would not commit to defending the constitutionality of that provision.

Senator SESSIONS’ record on disability rights is also of concern because of the way he spoke about students with disabilities. He once argued that mainstreaming causes a “decline in civility and discipline in classrooms all over America.” As with my hate

crimes amendment and VAWA, the problem is not just that Senator SESSIONS has opposed protections for the most vulnerable, it is also the language that he uses when opposing them, which denigrate those the laws seek to protect. That is why a group of 18 disability rights organizations have written to Senate leadership expressing their strong opposition to Senator SESSIONS’ nomination.

Senator SESSIONS has also demonstrated a shockingly brazen attitude when I asked him about the offensive rhetoric used by some of his political associates. I asked him whether he would condemn certain remarks by David Horowitz, Frank Gaffney, and others. Senator SESSIONS received awards from these individuals. He regularly attended their conferences. He has given media statements in support of their organizations and the views they put forth. Yet, when Senator SESSIONS was directly asked to respond to some of their statements, he effectively shrugged his shoulders. These included comments: referring to Muslims as “Islamic Nazis” who “want to kill Jews, that’s their agenda”; alleging that President Obama “is an anti-American radical and I’m actually sure he’s a Muslim, he certainly isn’t a Christian. . . . He’s a pretend Christian in the same way he’s a pretend American”; alleging that two Muslims members of Congress have “longstanding Muslim Brotherhood ties”; arguing that a Muslim member of Congress should not be allowed to serve on the House Intelligence Committee because of his “extensive personal and political associations with . . . jihadist infrastructure in America”; claiming that married women by definition cannot be raped by their husbands; calling for “railroad cars full of illegals going south”; and calling President Obama a traitor.

Senator SESSIONS responded that he does not hold those views. That is fair enough. But he did not explain why he chose to associate with such individuals. When someone accuses President Obama of treason, it is not at all enough to say, “I do not hold that view.” That is why, last month, Muslim advocates and 36 other civil rights organizations, including the Leadership Conference on Civic and Human Rights and the NAACP, wrote a letter to the Senate Judiciary Committee expressing strong concern that “Senator SESSIONS has closely aligned with anti-Muslim hate groups, accepted their awards and accolades, and publicly praised their leadership. Senator SESSIONS’ appointment will only embolden these groups and activists and serve to further fan the flames of anti-Muslim bigotry already burning in this country.” If Senator SESSIONS cannot condemn David Horowitz and Frank Gaffney, who the Southern Poverty Law Center has repeatedly called “extremists” who run hate groups, for

calling President Obama a traitor, it is fair to ask whether he will have the courage to stand up to the President of the United States, as Sally Yates did.

The Attorney General is charged with enforcing the laws that protect all Americans. No one can fulfill that obligation who is not clear-eyed about the threats facing the most vulnerable in our communities. We need an Attorney General who will aggressively confront those who appeal to hate and fear. I do not believe that person is Senator SESSIONS. The Senate and the Judiciary Committee have heard from a multitude of civil rights, civil liberties, and domestic violence organizations, as well as nurses and numerous faith leaders, who oppose this nomination. This Senator stands with them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL NURSES UNITED,
Washington, DC, February 7, 2017.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: We write on behalf of the more than 150,000 registered nurse members of National Nurses United to urge you to vote against the confirmation of Senator Jeff Sessions, President-elect Donald Trump's nominee for Attorney General. Much has been said by many others against confirmation of this nominee, so we will be brief.

Our members work as bedside healthcare professionals in almost every state in the nation. We work in every hospital setting, from small rural facilities to large urban public health systems, in prominent research hospitals affiliated with prestigious public and private universities, as well as Veterans Affairs hospitals and clinics. We care for Americans on every point of the demographic spectrum, at their most vulnerable. We provide the best care we possibly can, without regard to race, gender, national origin, religion, socio economic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant. And to vote in favor of confirming him as the chief law enforcement officer of the United States would abdicate your responsibility to provide the oversight necessary to ensure that basic legal rights are enforced evenhandedly and for the protection of all people.

As Senate colleagues, you no doubt know Senator Sessions' record as a lawmaker, as well as his record as the U.S. Attorney for the Southern District of Alabama and as the Alabama Attorney General. It was, of course, his record in the U.S. Attorney's office and his many publicly verified racially insensitive comments that resulted in a majority of the Senate Judiciary Committee voting against confirmation for his nomination to be a U.S. District Court judge in 1986. This 'no' vote happened while the Judiciary Committee was majority Republican. Even Senator Howell Heflin, a fellow Alabamian, voted against him, citing "reasonable doubts" over whether he could be "fair and impartial."

Senator Sessions has oft asserted that his comments over the years were taken out of context, or intended as humor. But his record tells the truth. Early in his career he

charged civil right leaders ("the Marion Three") with voting fraud related to their efforts to assist African American voters. The fact that the defendants in that case were acquitted didn't deter Mr. Sessions. Later, as Attorney General of Alabama, he initiated another voter fraud investigation involving absentee ballots cast by black voters that, again, resulted in findings of no wrong doing. During that same timeframe, he was criticized for declining to investigate church burnings, and he "joked" that he thought Ku Klux Klan members were "OK, until [he] learned that they smoked marijuana."

Against that background, Senator Sessions aggressively interrogated Justice Sonia Sotomayor, the Court's first nominee of Latino heritage. Further betraying a deep belief in natural division between racial groups, he grilled Justice Sotomayor about whether she could be fair to white Americans, despite her 17-year record as a jurist and having received the American Bar Association's highest rating. And he expressed grave concerns that she would engage in judicial "empathy" on the high court, favoring persons of certain races or ethnicities over others. He then voted against her confirmation.

Senator Sessions' prejudices are not only against people of color. As an organization representing a predominately female profession we are compelled to express our outrage that Senator Sessions defended Donald Trump's statements about grabbing women by the genitals, by saying that such conduct would not constitute sexual assault. The fact that he took a different position during his Committee hearing is of no comfort. It only shows that he will say whatever he believes will help land him in the seat of power to determine whether, and against whom, to enforce our laws. His comments last fall dismissing President-elect Trump's despicable treatment of women is consistent with his vote in 2013 against the Violence Against Women Act. As nurses, we see close up the devastating effects of domestic violence against our patients, and we are disturbed by Senator Sessions' alleged concern that the protection of that statute should not extend to victims of violence on tribal lands.

Moreover, confirming Senator Sessions to the job of the top prosecutor would exacerbate our national crisis over race issues in policing and our criminal justice system. He personally blocked the Sentencing Reform and Corrections Act, a bipartisan effort spearheaded by Sens. Charles Grassley (R-Iowa), Mike Lee (R-Utah), and John Cornyn (R-Texas), and Speaker of the House Paul Ryan (R-Wis.). The fact that law enforcement leadership throughout the nation supported the reform effort made no difference to Senator Sessions. And unfortunately, his actions as U.S. Attorney for the Southern District of Alabama only further illustrate his indifference to this crisis. For example, drug convictions made up 40 percent of his cases when he served in that position—twice the rate of other federal prosecutors in Alabama.

Despite the current trend of focusing resources on violent crime, and away from outdated drug war policies, Senator Sessions continues to oppose any attempts to legalize marijuana and any reduction in drug sentences. As Attorney General, he could direct federal prosecutors throughout the country to pursue the harshest penalties possible for even low-level drug offenses, a step that would further exacerbate our national record of incarcerating non-violent offenders—the vast majority of whom could be successfully

treated, at far lower cost to society, with appropriate healthcare treatment.

Nor should Senator Sessions be trusted to ensure equal access to voting rights. He has publicly called the Voting Rights Act "intrusive," and has insisted that its proactive protections of racial minorities were no longer necessary. This is especially disturbing as Senator Sessions voiced public support for voter-ID laws, while his home state recently tried to close over thirty DMV offices, many in majority-black areas, shortly after instituting strict voter-ID requirements. We are reminded of the words of Coretta Scott King in her letter opposing Jeff Sessions' nomination to the federal district court in 1986: "The irony of Mr. Sessions' nomination is that, if confirmed, he will be given a life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods."

We will not attempt to address all the positions Senator Sessions has taken that are out of step with the reality of the difficult times we are in, but as nurses we must include our grave concern that as Attorney General he would not be vigilant in enforcing environmental protections. In a July 2012 Senate hearing on climate science, Senator Sessions dismissed the concerns about global warming expressed by 98% of climate scientists, and asserted that this is "[a] danger that is not as great as it seems." These positions are frightening. Climate change is a public health issue that cannot be overstated. As nurses we have been seeing for some time increases in the frequency and severity of respiratory diseases such as asthma, bronchitis, and emphysema, as well as an increase in cancers and aggravation of cardiovascular illness. The effects of air pollution are particularly acute in pediatric patients. They have higher respiratory rates than adults, and consequently higher exposure. Our elderly patients are also especially vulnerable. Respiratory symptoms as common as coughing can cause arrhythmias, heart attacks, and other serious health impacts in geriatric patients. As global warming progresses, we are seeing sharp increases in heat stroke and dehydration, both of which are sometimes fatal.

In our disaster relief work through our Registered Nurse Response Network, we have been called upon to assist the victims of Hurricane Katrina and Super Storm Sandy—events that many scientists believe would not have been of the magnitude they were if not for rising temperature.

Current and future generations cannot afford to have a fox minding the hen house on the important issues of civil and criminal protections under the control of the Attorney General. We urge you to set aside your personal loyalty to Senator Sessions and evaluate honestly his record and fitness for this critically important job. We urge you to vote against his confirmation.

Sincerely,
DEBORAH BURGER, RN,
Co-President, National Nurses United.
JEAN ROSS, RN,
Co-President, National Nurses United.

NATIONAL TASK FORCE TO END
SEXUAL & DOMESTIC VIOLENCE

DEAR MEMBER OF THE JUDICIARY COMMITTEE: We, the steering committee of the National Task Force to End Sexual and Domestic Violence (NTF), a coalition of national, tribal, state, and local leadership organizations and individuals advocating on behalf of victims of sexual assault, domestic

violence, dating violence and stalking, write to express our opposition to Senator Jeff Sessions' nomination for Attorney General of the United States of America. We have arrived at this position based upon a review of his record as a state and federal prosecutor, during which he applied the law unevenly, and as a U.S. Senator, during which he supported laws that would afford only some members of our society equal protection of the law. The role of Attorney General requires a demonstrated commitment to providing equal protection under the law—particularly to people who face discrimination because of their race, religion, gender, gender identity, sexual orientation, disability or other identities. We respectfully submit that Senator Sessions' record speaks for itself and that his history of differential application of the law carries with it the potential to harm victims and survivors of gender-based violence, particularly survivors from historically marginalized communities. Thirty years ago, this Committee rejected Senator Sessions' nomination to the federal bench due to well-justified concerns regarding his problematic record on civil rights and troubling history of making racially insensitive statements. These aforementioned concerns, combined with his equally troubling comments on the nature of sexual assault and other concerns raised below, make Senator Sessions an unqualified choice to serve as U.S. Attorney General.

The position of Attorney General of the United States of America, created by the Judiciary Act of 1789, bears the responsibility of representing the United States in all legal matters in which the country has an interest. Chief among those interests is the affording of equal protection under our criminal, civil and civil rights laws to all members of our society. Under 28 U.S.C. §503, the President's appointment of an Attorney General must be with the "advice and consent of the Senate." The process ensures that the person holding the post of Attorney General is one fit for such duty, a person with the intellectual, moral and steadfast ethical capacity to uphold the laws and interests of the United States and to apply the laws equally to all members of society.

FAILURE TO SPEAK UP FOR VICTIMS OF VIOLENCE AND DISCRIMINATION

A threshold qualification for the position of Attorney General is a deep understanding of the laws s/he is sworn to uphold. Of critical relevance are Senator Sessions' recent comments on the nature of sexual assault in response to the release of a 2005 video in which President-Elect Donald Trump describes grabbing women's genitalia without their consent. When asked whether he would characterize the behavior described by President-elect Trump as sexual assault, Senator Sessions responded, "I don't characterize that as sexual assault. I think that's a stretch. I don't know what he meant..." Federal statutes enacted prior to Senator Sessions' tenure as U.S. Attorney for the Southern District of Alabama criminalize "abusive sexual conduct." The applicable definition for conduct prohibited by 18 U.S.C. §224 is clearly stated: "the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person." Thus, the Senator is either unaware that abusive sexual contact is illegal under federal law, or he feigned ignorance of the laws he was sworn to uphold as an officer of the court for the sake of political expedience.

The Department of Justice has the exclusive authority to enforce the United States' criminal statutes, including 18 U.S.C. §224. The Department of Justice also has exclusive jurisdiction over the prosecution of domestic and sexual violence in the District of Columbia, most sexual assaults perpetrated in Indian Country, and concurrent jurisdiction over domestic violence offenses committed in Indian Country. Any candidate for Attorney General of the United States, particularly a former U.S. Attorney, should possess a thorough understanding of the legal definition of sexual assault under federal law and under the laws of the jurisdictions in which the Office of the U.S. Attorney has prosecutorial responsibility. The National Task Force has worked collectively for decades to ensure that legal definitions in the U.S. Code and under state and local laws make it absolutely clear that sexual assault is a crime. The job of the Attorney General is to enforce the law without fear or favor. Thus, we expect the Attorney General to enforce federal laws addressing sexual assault without introducing nonexistent ambiguity, because of the perpetrator's identity. Senator Sessions' cavalier statement about sexual assault leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbecoming of the nation's chief law enforcement officer.

Additionally, Senator Sessions' poor history with respect to fighting for fairness and equity has us justifiably concerned that he will not step in to vindicate the rights of survivors of campus sexual assault and other victims of discrimination. The Justice Department has jurisdiction to enforce a myriad of civil rights statutes, including Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. These statutes bar discrimination in education based on race, color and national origin and sex (respectively) by educational institutions that receive federal funding. On college and university campuses alone, we know that 20 percent of women are victimized by sexual assault. Absent an Attorney General's commitment to ensuring that educational institutions root out bias and violence and hold perpetrators accountable, victims of discrimination, harassment or violence based on sex, race and/or national origin will be unable to pursue their education in an atmosphere of educational equity. Teachers surveyed since the election have described thousands of incidents of "bigotry and harassment," stemming from incidents involving "racist, xenophobic or misogynistic comments," and/or "derogatory language directed at students of color, Muslims, immigrants, and people based on gender or sexual orientation." It is imperative that the person nominated to the position of Attorney General possess a demonstrated record of work and support for these impacted communities, including people of color, immigrants, Muslims and religious minorities, members of the LGBT community, and people with disabilities.

Regrettably, Senator Sessions' career is replete with actions taken and statements made in opposition to equitable educational access. While Attorney General of Alabama, Senator Sessions fought equitable educational access for poor, minority and disabled students in Alabama even after being ordered by a federal court to remedy the yawning financial disparities between Alabama's richest (and whitest) and poorest school districts. Additionally, his mischaracterization of the Individuals with Disabilities in Education Act as creating

"special treatment for certain children," and being responsible for "accelerating the decline of civility and discipline in classrooms across America," is appalling. In light of these remarks, we are concerned not only about the Senator's willingness to use the civil rights statutes to protect survivors of both campus sexual assault and other forms of harassment and violence in the education context, but also his commitment to ensuring equal access and safety under certain programs in the Violence Against Women Act for victims of sexual and domestic violence who have disabilities.

FAIR APPLICATION OF LAW

We have additional concerns regarding the Attorney General's role with respect to the fair, even and unbiased application of the law. Victims and survivors come from all racial or ethnic backgrounds, faith practices, sexual orientations, and gender identities: 33.5% of multiracial women have been raped, as have 27% of American Indian and Alaska Native women, 15% of Hispanic, 22% of Black, and 19% of White women. Additionally, 53.8% of multiracial women and 39.3% of multiracial men experience intimate partner physical violence, intimate partner sexual violence and/or intimate partner stalking in their lifetimes, as do 46.0% of American Indian and Alaska Native women, 45.3% of American Indian and Alaska Native men, 19.6% of Asian and Pacific Islander women (data for Asian and Pacific Islander men is not available), 43.7% of Black women, 38.6% of Black men, 37.1% of Hispanic women, 26.6% of Hispanic men, 34.6% of White women and 28.2% of White men. We know firsthand that many survivors from vulnerable populations hesitate to contact law enforcement or do not trust the court system to address their victimization because they fear, based on prior experience, that any justice system response may not help them. We expect anyone who serves as Attorney General to create a Justice Department accessible to all; the 5th and 14th Amendments of the U.S. Constitution demand no less.

Senator Sessions' well-documented prosecutorial record, as U.S. Attorney for the Southern District of Alabama and as Attorney General for the State of Alabama, demonstrate his propensity to inequitably apply the law to the disadvantage of historically marginalized populations. Senator Sessions' history leads us to question whether he will vigorously seek to ensure that all victims and survivors of gender-based violence, particularly vulnerable populations and those at the margins of society, have access to vitally needed services and legal protections.

SENATOR SESSIONS' OPPOSITION TO PROTECTIONS FOR THE IMMIGRANT AND LGBT COMMUNITIES

We are concerned that the positions that Senator Sessions has taken on immigration and LGBT individuals pose grave threats to vulnerable victims of gender-based violence. His consistent support of immigration policies that increase the barriers to safety for undocumented victims of sexual and domestic violence pushes immigrant victims further into the shadows and harms families and communities by allowing perpetrators (batterers and rapists) to abuse, traffic and assault with impunity. During the consideration of two major comprehensive immigration reform bills, as well on various other occasions, Senator Sessions has sponsored amendments and stand-alone legislation to limit the availability of critical safety net assistance for immigrants and increase barriers to protections from abuse

and exploitation by penalizing local jurisdictions that fail to engage in immigration enforcement activities. He has made no subsequent statement that indicates that he would rethink these punitive policy positions were he to be confirmed.

His failure to support, and sometimes active opposition to, progress and protections for the LGBT community leave us gravely concerned that if confirmed, he would not stand up for the rights of the LGBT community generally, and particularly with respect to LGBT victims of violence. He opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which is of particular concern as we witness a spike in harassment of minorities and bias crimes over the last several months. Additionally, he supported a constitutional amendment to ban same-sex marriage. He also opposed the repeal of "Don't Ask Don't Tell." Senator Sessions' record sends the message to marginalized survivors that their experiences will not be understood, nor will their rights be protected, if he is confirmed as the Attorney General.

OPPOSITION TO THE VIOLENCE AGAINST WOMEN ACT

We are also concerned that the nominee voted against the Violence Against Women Act (VAWA) Reauthorization of 2013. Seventy-eight out of one hundred senators supported the bipartisan bill; Senator Sessions was in the distinct minority. The 2013 Act addresses the gaps in law that were uncovered through outreach to and surveys of programs and service providers and domestic and sexual violence victims themselves.

Our analysis revealed that many survivors were not able to access services and justice to the extent they needed. Of particular note, we found that LGBT survivors often lacked access to justice and support based on their gender identity or their sexual orientation. We also learned of the deplorable lack of access to justice faced by survivors of domestic violence and sexual assault on tribal lands. VAWA 2013 included provisions that removed one of many barriers that prevent access to justice for American Indian and Alaska Native domestic violence survivors. The 2013 statute's provisions expand and ensure that immigrant survivors can access VAWA protections, allowing survivors to come out of the shadows, help hold batterers and abusers accountable, and enable law enforcement to protect community safety. VAWA 2013's goal of ensuring equal protection of the law was rejected by Senator Sessions, who cast the bill's advancements toward inclusion and equal protection as political maneuvering and, in that light, voted against the bill. The Attorney General is tasked with ensuring that VAWA's protection and programs are available and accessible to all. Senator Sessions' opposition to the VAWA protections and his prosecutorial record leave us gravely concerned that he would not vigorously or consistently apply these protections.

CONCLUSION

The 14th Amendment provides the inalienable right that every person receive equal protection under the law. Senator Sessions' senate record of strenuous objection to protections for historically marginalized populations, coupled with his record of selective prosecutions, demonstrate his unwillingness to protect marginalized victims' access to justice and disqualify him from holding the position of Attorney General of the United States, a position charged with the responsibility of securing justice for all. Selective

application of the law and outward hostility towards victims of sexual and domestic violence in historically marginalized populations has a chilling effect on their willingness and ability to seek services and protection. It drives sexual violence, domestic violence, dating violence and stalking underground, something we have made great strides to avoid. The Attorney General of the United States must be an individual committed to protecting the inalienable right of equal protection under the law to all within United States' jurisdiction. Moreover, his minimizing comments about the nature of sexual assault call into question his dedication to enforcing the law and providing justice to victims of this serious crime.

In short, we oppose Senator Sessions' confirmation as Attorney General of the United States and we ask you, as a member of the Senate Judiciary Committee, to ask him direct questions regarding the concerns raised in this letter, and to advise the President, pursuant to the prescription of 28 U.S.C. §503, that Senator Sessions' is unqualified to hold this post.

Yours truly,

THE NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE.

Mr. REED. Mr. President, after a great deal of careful thought and consideration, I have decided to oppose Senator Sessions' nomination to be the next Attorney General of the United States.

I have long served with Senator Sessions. While he and I have frequently disagreed on certain legal and civil rights issues, I have never doubted the sincerity or heartfelt nature of his positions. I am deeply concerned, however, that he cannot be the effective check on the Executive Branch that our nation currently needs.

In just the short time since President Donald Trump took office, our Nation has faced upheaval and challenges to the way our government typically runs. The President's unprecedented refusal to divest himself of his business holdings while in office has created legal and constitutional conflicts that are unique in our Nation's history. His use of social media to antagonize American businesses has already caused needless volatility in our economy, which is the cornerstone of global financial stability. Most recently, he has unilaterally enacted a ban on travel to the United States from several Muslim-majority countries—creating chaos in airports, separating families, and tarnishing our Nation's image around the world. It is of great concern to me that Senator Sessions has already stated his unwillingness, if confirmed, to recuse himself from investigations into potentially unlawful activities of the Trump campaign and Trump administration.

Moreover, Senator Sessions and I disagree on how the law should treat immigrants, refugees, the LGBTQ community, women, and racial minorities, among others. These disagreements go to the heart of the Justice Department's law enforcement and civil rights functions. For instance, in 2013,

Senator Sessions voted against a bipartisan effort to reform our Nation's immigration laws. This effort garnered overwhelming support from both sides of the aisle and would have done much to address the immigration problems facing us today. He also voted against the 2013 reauthorization of the Violence Against Women Act, which provides much-needed support to and protections for some of the most vulnerable people in our communities—and is overseen by the Justice Department that he hopes to administer. Additionally, his statements and votes in opposition to reaffirming the prohibition on torture run counter to our values and basic precepts of international law. And he has voted against every recent effort in this Chamber to establish the most basic, commonsense laws that would keep our communities safe from the threat of gun violence. He also has called into question the Voting Rights Act and praised the Supreme Court's harmful decision striking down a key section of this law.

These are just some of the clear disagreements I have with the positions Senator Sessions has taken over the years, which cause me to doubt his ability to effectively lead the Justice Department. Our next Attorney General should be a champion for all Americans' civil rights and civil liberties. The occupant of that office should give Americans confidence in our judiciary, our elections, and the impartial due process that is the hallmark of the rule of law. Therefore, I cannot support Senator Sessions' nomination to be Attorney General of the United States.

Mr. MARKEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Mr. LEE. Mr. President, I rise today to speak in support of the nomination of Senator JEFF SESSIONS to be the next Attorney General of the United States.

I enthusiastically support this nomination, because I know Senator Sessions to be an independent-minded man of great integrity. He is someone who understands and respects the rule of law. He values it deeply, in fact. He is someone who understands the difference between making law and enforcing the law. He understands the difference between setting policy and enforcing laws that contain policy, and he is someone who understands that, as a lawyer, the very best way to serve your client often involves offering honest, independent advice—honest independent advice of the sort that might

not always occur to the client on the client's part.

I have listened to the remarks of some of my colleagues, and I have to state that I have served with Senator SESSIONS for the last 6 years, ever since I first became a Member of this body, and I don't recognize the caricature that has been painted of him over the last 24 hours. So I want to address head-on several of my colleagues' expressed concerns about his nomination.

Some of my colleagues have expressed and relied upon what really amount to policy concerns—policy disagreements between themselves and Senator SESSIONS—as a reason to oppose his nomination.

As I explained it in our Judiciary Committee markup last week, I have disagreed with Senator SESSIONS not just 1 or 2 times but on many, many occasions and not just on a few isolated issues that are only tangentially related to something important to me but on circumstances and issues that are very important to me and that are at the center of my legislative agenda. We have disagreed, for example, about sentencing reform. We have disagreed about immigration reform, and several important national security issues implicating constitutional law, and constitutional policy. All of these issues are very important to both of us—to me and to Senator SESSIONS. They can be emotional issues, and they happen to be issues on which Senator SESSIONS and I disagree, not just a little bit, but we happen to disagree taking almost diametrically opposed positions in many of these areas.

Notwithstanding these disagreements—disagreements that I have seen in every one of the 6 years I have served in this body so far—I have never seen Senator SESSIONS raise his voice in anger against a colleague. To be sure, Senator SESSIONS makes his arguments vigorously, passionately, and forcefully, and yet he does so in a way that ensures that he will always treat his colleagues, even though he disagrees with them, with dignity and respect. You may not persuade him that your position is right and his is wrong, but he always gives you the opportunity to make your case. I think Members of this body know that. Those Members of this body who have actually taken the time to get to know Senator SESSIONS and actually have the opportunity to work with him, even the opportunity to disagree with him know that. Senator SESSIONS interacts with his colleagues in a way that demonstrates a degree of respect for differences of opinion that are seldom seen here. In fact, I can't think of a colleague who better exemplifies the principles of collegiality to which we aspire in this body than does Senator SESSIONS.

Perhaps even more importantly, Senator SESSIONS obviously understands

the difference between lawmaking on the one hand and law enforcement on the other hand. This is plain from testimony he provided before the Judiciary Committee.

As just one example, he told us:

"To go from the Legislative branch to the Executive branch is a transfer not only of position, but of the way you approach issues. I would be in an executive function and enforcement function of the law this great legislative body might pass."

His commitment to the rule of law and even application of the law is also plain from his public record, from his record serving in other positions. His record, for example, as U.S. Attorney for the Southern District of Alabama, and his record as attorney general for the State of Alabama.

To put the matter quite plainly, a great number of Senators have served in the Cabinet over the years. The standard has never been that a Senator is somehow unfit for the executive branch—for a Cabinet position in the executive branch—if he or she has disagreed with you on important issues. If that were the standard, no Senator would ever be confirmed because we debate important public policy issues every single day, and it is never the case that we will find any among us, even colleagues, with whom we agree most of the time who are going to agree with us 100 percent of the time. So I urge my colleagues to put aside any policy differences they might have with Senator SESSIONS when considering his nomination and when deciding how they are going to vote in response to his nomination, because those simply are not relevant to his job and, at a minimum, ought not to be disqualifying factors relevant to his job.

As to independence, some of my colleagues doubt that Senator SESSIONS will be an independent voice at the Department of Justice. Respectfully, I can say with full confidence that anyone who actually knows Senator SESSIONS knows that he is fiercely independent-minded. He never shies away from expressing his closely held, sincerely developed views on any issue, even when political pressure might suggest a different course of action be in order. It is clear that SESSIONS will apply his independent-mindedness to his job after he is confirmed as Attorney General of the United States.

During his testimony before the Judiciary Committee, he repeatedly outlined the importance of having an independent Attorney General, and he explained how he would fulfill this obligation, how he would become precisely such an Attorney General, one who would exercise a degree of independence and not simply be a rubber stamp.

For example, he told us that every Attorney General "understands, I think, that if a President wants to accomplish a goal that he or she believes

in deeply, you should help them do it in a lawful way but make clear and object if it is an unlawful action." He described that role—being able to tell the President "no," that is—as "the ultimate loyalty to him."

He testified: "I hope that President Trump has confidence in me so that if I give him advice that something can be done or cannot be done, that he would respect that."

Sessions also explained that if the Attorney General were asked "to do something plainly unlawful, he cannot participate in that. He or she would have to resign ultimately before agreeing to execute a policy that the Attorney General believed would be unlawful or unconstitutional." Senator SESSIONS made this point repeatedly. He made it with great emphasis and in such a way that it is unmistakably clear to me that this is the Attorney General he would aspire to be and that he would in fact become after being confirmed.

Now, some may argue that you cannot necessarily trust his testimony because no Attorney General nominee would declare an intention to be a rubberstamp to the nominated President. Others may argue that Senator SESSIONS was too involved in the Trump campaign to be impartial. This is one of those points that you either believe or don't believe. You can't reason your way to an answer. You have to know the person.

So I urge my colleagues to reflect on their experiences with Senator SESSIONS. If I know one thing about him, he is not a "yes" man. If I know one thing about him, it is that of all the people with whom I have served in the Senate, he is one of the very last who I would ever expect in any context to sell out his sincerely held views on the basis of political expediency. Instead, Senator SESSIONS takes his professional responsibility very seriously.

When he was a lawyer, he took seriously his obligations to his client and the law. As a Senator, he has taken seriously his obligations to the people of the State of Alabama. I know he will do the same thing at the U.S. Department of Justice.

He told us that "the Attorney General ultimately owes his loyalty to the integrity of the American people and to the fidelity of the Constitution, and the legislative laws of the country." This demonstrates that Senator SESSIONS understands, as any good lawyer does, that every lawyer has a client, and you understand how best to represent that client and that client's interest. You have to understand the nature of the attorney-client relationship. You have to know who the client is, you have to know how to interact with that client, and you have to be willing to push back on that client, even when—especially when—it is difficult, because that is the job of the lawyer. The obligations incumbent

upon the lawyer provides that the lawyer sometimes has to push back on the client.

At the end of the day, it seems to me that some of my colleagues perhaps just want an Attorney General who will be openly, affirmatively, presumptively, perennially hostile to the President's agenda. Now, that has never been the standard, and it is not a workable way of arranging the executive branch of the U.S. Government. The President should be allowed to assemble his or her team so long as the President picks people who are qualified, people who are willing and able to fulfill their constitutional responsibility, and people who do not have anything disqualifying in their backgrounds that would suggest that they cannot be trusted with this type of very substantial responsibility. Senator SESSIONS plainly satisfies these criteria.

So I support Senator SESSIONS' nomination. I do so wholeheartedly. I do so, I would add, with a somewhat heavy heart, knowing that as we take this step and confirm Senator SESSIONS as the next Attorney General of the United States, we will be losing a colleague—not just any colleague but a colleague that has been a dear friend to me, who has been a kind mentor and a good example to me at every stage of my service in the Senate. He has done this not only when we have agreed, but he has done this especially when we have disagreed. That is what I love so much about Senator SESSIONS—that he has taught me much about how to get along with and respect people who sometimes reach different conclusions than I reach on my own.

Thank you, Mr. President.

I yield the floor.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93-618, as amended by Public Law 100-418, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements: the Senator from Utah (Mr. HATCH), the Senator from Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. CRAPO), the Senator from Oregon (Mr. WYDEN), and the Senator from Michigan (Ms. STABENOW).

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 114-196, the appointment of the following individuals to serve as members of the United States Semiquincentennial Commission:

Members of the Senate: the Honorable TOM COTTON of Arkansas, and the Honorable PATRICK TOOMEY of Pennsylvania.

Private Citizens: Cathy Gillespie of Virginia, Daniel DiLella of Pennsylvania, Lucas Morel of Virginia, and Tom Walker of Alabama.

Mr. LEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HARRIS. Mr. President, my parents met when they were graduate students at the University of California, Berkeley, in the 1960s when they were active in the civil rights movement. In fact, my sister and I joke that we grew up surrounded by a bunch of adults who spent their full time marching and shouting for this thing called justice.

I was part of only the second class to integrate Berkeley, CA, public schools almost two decades after the U.S. Supreme Court declared that separate was inherently unequal in the great case of *Brown v. Board of Education*—a case, I might add, that was supported by an amicus brief from the then U.S. Attorney General.

In fact, it was the lawyers in *Brown v. Board of Education*—Thurgood Marshall, Charles Hamilton Houston, and Constance Baker Motley—who inspired me at a young age to become a lawyer.

Simply put, it is likely that had the U.S. Supreme Court not decided the way it did in *Brown v. Board of Education*, I would not be standing here as a Member of the U.S. Senate.

So then, as a direct beneficiary of landmark rulings by the U.S. judicial system and the American judicial system, I am acutely aware of the lasting and profound impact our courts can have on the everyday lives of Americans. It is with a deep sense of respect and admiration for the role of our justice system that I rise to oppose the nomination of Senator SESSIONS to be the next Attorney General of the United States.

The mission of the Department of Justice is clear: “To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats, foreign and domestic; to provide Federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.”

It is those words—“justice for all”—that best articulate the spirit behind our judicial system.

I am a career prosecutor. In fact, I started my work as a young deputy district attorney in the Alameda County District Attorney's Office. That office was once led by U.S. Supreme Court Chief Justice Earl Warren. Every time

I filed a case, it would never read with the name of the victim versus the name of the defendant. It always read “the people” versus the defendant because in our democracy, in our great judicial system, we have rightly said a harm against any one of us is a harm against all of us, especially because we know that harm is most often directed at some of the most vulnerable and voiceless among us. So we rightly have declared that as a civil society, we will not require them to fight alone. We will stand with them. Justice for all.

This point is what raises my question of whether this nominee can fulfill the role and responsibility of this job. Let's be clear. This is not a debate about a President's nominee. It is not simply a debate about a President's nominee. This is a debate about the fundamental ideals of our country—ideals that date back to the founding of our country and those great words we spoke in 1776: “We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.”

All men are created equal, with unalienable rights. And it is significant that, 87 years later, President Abraham Lincoln in his Gettysburg Address declared that our Nation was “conceived in liberty and dedicated to the proposition that all men are created equal.” Lincoln affirmed that he was not extending a new right to those enslaved but rather enforcing those rights they already had. In other words, President Lincoln was fulfilling the promise first made in the Declaration of Independence, a promise that made clear the basis for legal equality derives not through a right that is given but from natural rights—rights that have been endowed upon us by our Creator; rights that cannot and should not be taken away or given up.

So let us recognize that civil rights are not given through the enactment of a law or the publication of a court decision. Rather, our inherent civil rights are fulfilled when we guarantee them through the implementation and enforcement of the law.

Well-meaning people indeed can argue over the best means to ensure our fundamental rights, but it is crucial that we do not allow ourselves to be drawn into a suggestion that enforcing civil rights is favoring one group over another. Protecting civil rights is not about taking care of someone else. It is in our common interests. It is in each of our self-interests.

Liberty for each of us depends on liberty for all of us. It is just like the Department of Justice's mission, which articulates in those three words, “justice for all.”

This is the Department's charge. It is its mission, and the next Attorney General of the United States must use his powers as a prosecutor to uphold it.

This brings me to the troubling and, frankly, unacceptable record of the nominee for this office. It is the U.S. Department of Justice that is charged with enforcing the rights of those trying to cast a ballot, but Senator SESSIONS cheered the Supreme Court's decision to gut the Voting Rights Act, used his power as a U.S. attorney to prosecute three African-American Civil Rights activists in Alabama, and then called the NAACP "un-American."

It is the U.S. Department of Justice that addresses systemic inequalities that we know, unfortunately, still exist in our criminal justice system and have led to mass incarceration—but Senator SESSIONS led the opposition to bipartisan sentencing reform.

It is the U.S. Department of Justice that investigates and prosecutes crimes motivated by hate based on race, religion, gender, nationality, disability, or sexual orientation of its victim—but in the 1990s, when lawmakers worked to pass hate crime legislation after the brutal killing of Matthew Shepard, Senator SESSIONS was a vocal opponent.

It is the U.S. Department of Justice that uses the power of the prosecutor to protect women who have been victims of crime—but Senator SESSIONS voted no when both Democrats and Republicans came together to reauthorize the Violence Against Women Act, which gives support and assistance to survivors of domestic violence and sexual assault, including members of our LGBT community.

It is the U.S. Department of Justice that defends that most fundamental right of freedom to worship—but it was Senator SESSIONS who was one of the most outspoken defenders of then-candidate and now-President Donald Trump's unconstitutional Muslim travel ban which, by the way, was roundly denounced by many of his fellow Republicans.

It is the U.S. Department of Justice that enforces Federal laws prohibiting employment practices that discriminate on the grounds of race, sex, religion, and national origin. But Senator SESSIONS has opposed the Paycheck Fairness Act, Lilly Ledbetter Act, and the Employee Non-Discrimination Act.

It is the U.S. Department of Justice that implements the Americans with Disabilities Act. But when both Democrats and Republicans worked to reauthorize the Individuals with Disabilities Education Act, which provides resources to children with special needs, Senator SESSIONS said that providing educational services for these children "may be the single most irritating problem for teachers throughout America today."

Whether you are the father of a special needs child in a classroom, a woman trying to earn fair pay, an African-American man in a voting booth, or a victim at a police station trying to

report a crime, Senator SESSIONS has not been your advocate.

As a former U.S. Attorney General, the great Bobby Kennedy once said:

We must recognize the full human equality of all our people before God, before the law, and in the councils of government. We must do this, not because it is economically advantageous, although it is; not because the laws of God and man command it, although they do; not because people in other lands wish it so. We must do it for the single and fundamental reason that it is the right thing to do.

The right thing to do. That is what makes us special as a country. That is what makes us right. That is what makes us great—our values and our ideas. It is the belief that no matter who you are, whether young or old, rich or poor, gay or straight; whether you are a child from Oakland or a child from Birmingham; whether you came here by plane to escape the hardships of war and torture or by foot to build a better life; whether you have been the victim of gun violence or opioid addiction; whether you are paid less than others doing the same work or stopped at a red light because of the color of your skin, you deserve an Attorney General who recognizes the full human quality of all people.

It is what led Attorney General Herbert Brownell, when there was rampant voter discrimination and intimidation here in the United States, to create in the United States Department of Justice the Civil Rights Division, whose mission is to "uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society."

It is what led Attorney General William Rogers to forcefully demand the integration of an elementary school at the Redstone missile center in Alabama when the children of Black servicemen were being denied entry.

It is that commitment that led Bobby Kennedy to send 500 U.S. marshals to Oxford, MS, to escort a young Black man, James Meredith, to enroll at Ole Miss. It is what led U.S. Attorney General Elliott Richardson to resign rather than do the bidding of a corrupt President during Watergate.

It is what led my friend, Attorney General Eric Holder, to sue the State of Arizona over SB 1070, a law that led to the unjust racial profiling of immigrants and to say that the U.S. Government would no longer defend a law that prevented LGBT Americans from expressing their love for one another.

It is what led Attorney General Sally Yates, on a Monday evening this month, to stand up and refuse to defend a Muslim ban.

More than most Cabinet positions, the U.S. Attorney General enforces the principles that are the founding of our country, but I have seen no evidence in his record or testimony that Senator SESSIONS will approach this office in furtherance of these noble ideals. The

gains our country has made are not permanent, and it is incumbent on the Attorney General of the United States to fight for the civil rights of all people.

No one said it better than Coretta Scott King:

Freedom is never really won. You earn it and win it in every generation.

If Senator SESSIONS won't, then it is incumbent upon the rest of us to persist.

I urge my colleagues to vote no.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I rise today to speak about the nomination of Senator SESSIONS to be the next Attorney General. I believe one of the most important jobs of a U.S. Attorney General is to protect the people's right to vote.

In the tumultuous days of the early 1960s, on a hot afternoon, I watched on a grainy black and white TV as Dr. King delivered his memorable "I Have a Dream" speech on the steps of the Lincoln Memorial.

His soaring, spiritually laced speech challenged us to commit our lives to ensuring that the promises of American democracy were available, not just for the privileged few but for "all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics."

"Now is the time," Dr. King urged, "to make real the promises of democracy." He stressed that a central promise made to the citizens in a democracy is the right to vote and to have that vote counted. He said: "We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote."

Half a century has passed, and our country has changed with the times, but one thing has not changed. The right to vote for "all God's children" in America is still under assault. Unbelievably, we are not so very far from the problems of 1963. Despite the passage of time and landmark civil and voting rights legislation, five decades later there is still considerable voter suppression in this country.

In fact, several States have recently enacted restrictive laws cutting back voting hours on nights and on weekends, eliminating same-day registration, and basically making it harder for people to vote. Standing in between a citizen and the voting booth is a direct contradiction to the vision of equality put forth by our Founding Fathers. In 1776, they declared that all

men were created equal, but many in our country had to wait another 94 years before the 15th Amendment to the Constitution granted citizens the right to vote—though not all citizens. Ratified in 1870, the amendment states: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.”

It still took another 50 years before women in America were allowed to vote. After her arrest for casting a ballot in the Presidential election of 1872, Susan B. Anthony delivered a number of speeches in Upstate New York on women’s suffrage. In those speeches, she noted that the right of all citizens to vote in elections is key to a functioning democracy.

Specifically, one line from her speech stands out. “And it is a downright mockery to talk to women of their enjoyment of the blessings of liberty while they are denied the use of the only means of securing them by providing the democratic-republican government—the ballot.”

After the passage of the 19th Amendment granting women the ballot, it took another 45 years before our Nation belatedly enacted the Voting Rights Act of 1965 intended to guarantee every U.S. citizen the right to vote. Does this principle really hold true in practice?

The continued voter suppression of which I speak may not be as blatant as it once was with Jim Crow laws and poll taxes and literacy tests and the like, but it is still very much with us.

In recent years, it is obvious that hurdles have once again been placed between the voting booth and the young and minority voters. A devastating blow was dealt by the U.S. Supreme Court when it gutted the Voting Rights Act in 2013. Our Nation’s highest Court struck down a central provision of the law that was used to guarantee fair elections in this country since the mid-1960s, and that includes the guarantee of elections in my State of Florida since that time.

Congress passed the Voting Rights Act of 1965 to protect our right to vote. It required States with a history of voter suppression to get Federal approval before changing their voting laws. And for nearly five decades, the States had to prove to the Department of Justice why a change was necessary and demonstrate how that change would not harm voters.

In a 5-to-4 decision, the Court declared that part of the law was outdated. It essentially rendered a key part of the law void until a bitterly partisan and gridlocked Congress can come up with a new formula for determining which States and localities need advance approval to amend their

right-to-vote laws. The majority justified its ruling in the Court by pointing out that we no longer had the blatant voter suppression tactics once used to disenfranchise targeted voters across the country. I vigorously disagree because removing much needed voter protections also prevents the Federal Government from trying to block discriminatory State laws before they go into effect. In essence, States and local jurisdictions are now legally free to do as they please.

In fact, just moments after the decision, the Texas attorney general said his State would begin “immediately” honoring local legislation that a fellow court had imposed “strict and unforgiving burdens” on many Texans attempting to cast a ballot.

As has been noted, the right to vote was not always given to all American adults, but our laws adjusted as we became a more mature and tolerant democracy. But the reverse is what has been happening in America today and especially in Florida.

Since the 2010 election, in addition to cutting back on early voting, North Carolina, Ohio, Wisconsin, and Florida have approved voting restrictions that according to some experts are targeted directly at reducing turnout among young, low-income, and minority voters who traditionally support Democrats.

One study by the Brennan Center for Justice at New York University School of Law reviewed the crop of similar disenfranchisement laws that were enacted after the 2010 decision. All told, the center found that as many as 5 million Americans could be adversely affected by these voting laws, and there is a clear political impact as a result of these disenfranchisement laws.

Two University of Massachusetts professors conducted a study that found that there was a clear pattern associated with the voter restrictions in the various States. According to Keith Bentele and Erin E. O’Brien, States were more likely to pass limits on voting that elected those Republican Governors, those States that increased their share of Republican lawmakers, and those States that became more electorally competitive under Republicans.

In 2011, the Florida legislature and State officials reduced a number of early voting days. They reduced them from 2 weeks down to 8 days, including very conveniently canceling the Sunday right before the Tuesday election, a day that had historically seen heavy African-American and Hispanic voting.

State officials countered that registered voters would still have the same number of hours and that they could still vote early, only in 8 days instead of 2 weeks. Well, it didn’t work out that way. Florida also made voting harder for people who had been recently moved to another county and

had an address change, such as college students, after it subjected voter registration groups to penalties and fines for mistakes—voter registration, mind you, penalties, and fines if you didn’t turn it in within a certain number of hours.

They were so burdensome that the League of Women Voters challenged the provision in Federal court and they won but not before Jill Cicciarelli, a Florida teacher, had helped her students preregister to vote and ended up facing legal troubles as the result of her well-intentioned public service. A schoolteacher, teaching a government class, getting her kids preregistered, so when they became 18, they could vote, and she got in trouble with the State of Florida. The New Smyrna Beach High School civics teacher unwittingly ran afoul of the State’s new convoluted election law. Cicciarelli, it turned out, hadn’t registered with the State before beginning the drive and didn’t submit forms to the elections office within that short number of hours. “You’re talking about a high-energy teacher who cares about her kids, cares about her community and cares about her country,” is how the New Smyrna High School principal, Jim Tager, described the situation.

Thankfully, the Voting Rights Act allowed the Federal Government to go before a panel of Washington, DC, judges who found that Florida’s 2011 reduction of early voting—which I have just chronicled—here is what the court said, “would make it materially more difficult for some minority voters to cast a ballot.” As a result, Florida had to restore 96 hours of early voting.

Even with these added protections, the next election in 2012 was a fiasco. Lines outside the polling places were prohibitively long, with some people waiting up to 8 hours to cast their vote. I am not kidding the Senate. There were lines in Dade County, Miami Dade County, 7 and 8 hours. By the way, some of those lines, there wasn’t a nearby bathroom. Faced with calls for extending poll hours, the Governor of Florida failed to do what its two Republican gubernatorial predecessors had done: extend voting hours in some of the most swamped polling places to give folks enough time to exercise their right to vote.

In fact, a Massachusetts Institute of Technology analysis found that in 2012, Florida had the Nation’s longest waiting lines to vote at an average statewide of 45 minutes. More than 200,000 voters in Florida gave up in frustration because the lines were so long. They didn’t vote that year. According to another analysis by Ohio State University, in the Orlando Sentinel, they are the ones who came up with that 200,000 figure, and they aren’t done yet.

As if the 2011 restrictions weren’t enough, an elections official in Miami-Dade County, in 2012, said that restrooms would be closed to voters at

polling sites in private buildings over a handicap access dispute, even though there were bathrooms in those private buildings where the polling place was. The State's top election official in 2012 also told one of our 67 local election supervisors not to allow voters to submit absentee ballots at remote dropoff sites. She, by the way, is a Republican supervisor of elections. She told the State Department Division of Elections to kiss off; that she was running the elections and she was going to make sure there were enough places around that county where, if they had an absentee ballot, it was going to be convenient for them to go and drop off that absentee ballot than having to take it miles and miles to one place, that the Division of Elections at the State level was telling them to go to that Supervisor of Elections. She knew what she had to do to make it easy for voters to vote, and she stuck to her guns.

At the same time, that same Division of Elections in the Department of State, denied a request from the city of Gainesville in a municipal election. They denied the request to use the University of Florida campus building for early voting. A move that was viewed by some—more than some—as an assault on student voting by making it more difficult for students to find a place to vote.

By then, I had asked the U.S. Attorney General Eric Holder, for an investigation into the changes in Florida's voting law. In response, the Attorney General wrote to warn the Governor of Florida that the Justice Department would be "carefully monitoring" Florida's elections. "During your tenure, your State has repeatedly added barriers to voting and restricted access to the polls," the Attorney General wrote. "Whenever warranted by the facts and the law, we will not hesitate to use all tools and legal authorities at our disposal to fight against racial discrimination, to stand against disenfranchisement, and to safeguard the right of every eligible American to cast a ballot."

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the U.S. Attorney General to the Governor of Florida, dated July 21, 2014.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
ATTORNEY GENERAL,
Washington, DC, July 21, 2014.

Hon. RICK SCOTT,
Governor of Florida, The Capitol, Tallahassee,
FL.

DEAR GOVERNOR SCOTT: In recent years, I have heard from public officials and citizens of Florida expressing their deep concern that certain changes to Florida election law and procedures have restricted voter participation and limited access to the franchise. Because the right to vote is one of our nation's most sacred rights, I strongly urge you to re-

evaluate laws and procedures that make it harder for citizens to register and to vote so that all eligible Floridians can easily and without burden exercise their right to vote.

Generations of Americans took extraordinary risks and willingly confronted hatred and violence—including in your home state—to ensure that all American citizens would have the chance to participate in the work of their government. The right to vote is not only the cornerstone of our system of government—it is the lifeblood of our democracy. Whatever the precise contours of federal law, we each have a civic and moral duty to protect, and to expand access to, this right.

For this reason, I am deeply disturbed that during your tenure your state has repeatedly added barriers to voting and restricted access to the polls. For example, changes in 2011 significantly narrowed the early voting window that had previously enabled thousands of Floridians to cast ballots. As the three judge court in *Florida v. United States*, 885 F. Supp. 2d 299 (D.D.C. 2012), observed, the law threatened "a dramatic reduction in the form of voting that is disproportionately used by African-Americans" that would have made it "materially more difficult for some minority voters to cast a ballot than under the benchmark law," in part because the decreased opportunity for early voting would produce increased lines at the polls during the remaining hours. *Id.* at 333. Accordingly, the court refused to approve reduced early voting hours with respect to the five counties in Florida covered by the Voting Rights Act's preclearance provision.

Indeed, Florida's decision to reduce early voting opportunities in the 2011 legislation was widely recognized as a disaster. A report released by the Orlando Sentinel in January 2013 found that at least 201,000 Florida voters did not cast ballots on Election Day 2012 because they were discouraged by long lines at polling places. I am pleased that last year you signed legislation that restored early voting days. However, I have grave concerns that there remains a troubling pattern in your state of measures that make it more difficult, not easier, for Floridians to vote. For example, as part of the same 2011 law, the state imposed rules on organizations that helped register individuals to vote that were, in the words of a federal court, "harsh," "impractical," "burdensome," and "unworkable." *League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155 (N.D. Fl. 2012).

Most recently, the federal courts have concluded that in 2012, Florida violated the National Voter Registration Act of 1993 (NVRA) by conducting a systematic program to purge voters from its voter registration rolls within the 90-day quiet period before an election for federal office. In doing so, Florida used inaccurate and unreliable voter verification procedures that harmed and confused voters. *Arcia v. Fla. Sec'y. of State*, 746 F.3d 1273 (11th Cir. 2014).

Florida is one of just eleven states that continue to restrict voting rights even after a person has served his or her sentence and is no longer on probation or parole; and in 2011, you made it more difficult for individuals who have served their sentences to regain the right to vote by eliminating automatic restoration of rights for non-violent felons and requiring a five year waiting period before felons convicted of non-violent crimes can apply to have their rights restored. Approximately ten percent of the entire population is disenfranchised as a result

of Florida law. The justifications for denying citizens' voting rights for life, especially after they have completed their sentence and made amends, are unpersuasive. On the contrary: there is evidence to suggest that offenders whose voting rights are restored are significantly less likely to return to the criminal justice system. For example, a study recently conducted by a parole commission in Florida found that, while the overall three-year recidivism rate stood at roughly 33 percent, the rate among those who were re-enfranchised after they'd served their time was just a third of that.

And there are a number of other troubling examples involving recent changes:

In 2013, Florida Secretary of State Ken Detzner issued a directive to county officials who supervise elections stating that they should never solicit the return of absentee ballots at any place other than supervisors' offices. Many have expressed concern that this directive will significantly reduce the number of places to return an absentee ballot and will have a negative impact on citizens whose jobs, access to transportation, or addresses make it difficult to return ballots to supervisors' office which, especially in large counties, may be miles away.

This year, Gainesville, in an attempt to avoid the long lines that characterized the 2012 election, sought approval to use the University of Florida's student union as an early voting site. Secretary of State Detzner denied the request. As a result, it is more difficult for University of Florida students—who have to travel to alternative early voting locations miles off campus—to participate in early voting.

In April, it was reported that the Miami-Dade County Elections Department had a policy, according to an email from an Assistant County Attorney, "not to permit access to restrooms at polling sites on election days." As you know, in 2012, Miami-Dade County had some of the longest lines and waiting times to vote in the United States. Some voters reported waiting as much as six hours. Many of the people stuck in lines need to use bathroom facilities in order to remain in line and be allowed to vote.

Whether or not these changes would ultimately be found to violate specific federal laws, they represent a troubling series of efforts to limit citizens' ability to exercise the franchise. And I write to you today to make clear that the Department of Justice is carefully monitoring jurisdictions around the country—including throughout Florida—for voting changes that may hamper the voting rights we are charged with protecting. Whenever warranted by the facts and the law, we will not hesitate to use all tools and legal authorities at our disposal to fight against racial discrimination, to stand against disenfranchisement, and to safeguard the right of every eligible American to cast a ballot.

Sincerely,

ERIC H. HOLDER, JR.,
Attorney General.

Mr. NELSON. The Attorney General cited problematic actions of the Governor's chief elections official, including purging from the voter rolls suspected noncitizens—a move that eventually was blocked after outright opposition from county election supervisors.

So in light of this evidence and following a widespread public outcry, what do we do now? As we say, it may not be as obvious as poll tactics and all the other blockades to voting, as we

have seen in the past, particularly by all of the marches and so forth during the 1970s civil rights era. It might not be as obvious, but there are all these subtle attempts. So what do we do?

I submit that though the problem is complex, the answer is relatively simple. As Americans who cherish the right to vote, we must turn to those schemers and say: There is a promise of democracy that we will not allow you to break. We have an obligation to keep this promise of democracy for our children.

Congress may be dysfunctional, but we must continue to push lawmakers for a fix to the Voting Rights Act that the Supreme Court struck down on a 5-to-4 vote, a key provision. We ought to be making it easier to vote, not harder. I believe no one should have to wait more than one-half hour to vote.

So I joined with others a few years ago to introduce a bill in Congress aimed at making that standard 30-minute wait time based on the January 2014 recommendation of a bipartisan Presidential Commission on Election Administration. Keep in mind what President Johnson said a half century ago: "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."

Also remember what Dr. King said:

So long as I do not firmly and irrevocably possess the right to vote, I do not possess myself. I cannot make up my mind—it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact—I can only submit to the edict of others.

Don't we owe it to all our children the right to possess themselves if this is to be a truly free and fair democracy? I believe that two of the most fundamental rights in our democracy are the right to vote and the right to know whom you are voting for and the right to have the confidence that vote is going to be counted as you intended.

If that were not enough, just as concerning as the ongoing efforts to suppress certain votes in this country is the amount of undisclosed and unlimited money that is sloshing around in our campaigns.

The Supreme Court's 2010 decision in *Citizens United* has opened the floodgates and allowed the wealthiest Americans to spend unlimited amounts of money to influence our elections. Allowing such unlimited, undisclosed money into our political system is corrupting our democracy.

I have strongly supported several pieces of legislation, such as the Disclose Act, to require groups who spend more than \$10,000 on campaign-related matters to identify themselves. Tell the people who is giving the money by filing a disclosure report with the Federal Elections Commission. But that is

not what the Supreme Court decision required.

The American people have a right to know whom they are voting for—not just the name on the ballot but who is behind that name on the ballot. The Supreme Court itself said that "transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages."

I believe we as a Congress have a moral obligation—a moral obligation—to correct what has happened to our system and to ensure that our voters have the information they need to make an informed decision on election day.

So this Senator has spoken on two subject areas—the right to vote and the amount of undetectable, unannounced, undisclosed, and unlimited money in our elections. For these and many other reasons I have stated and have not stated and the reasons mentioned in these remarks, I will vote no on the confirmation for Attorney General.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Missouri.

Mr. BLUNT. Mr. President, we are coming to the conclusion of weeks now of debate on the nominee to be the Attorney General of the United States, and we still have other debates to have on other people before this process ends. In fact, somebody observed this week that you have to go back to the very founding of the government, to the first administration of George Washington, to find a time when it has taken longer to put a Cabinet in place, and George Washington only had to find four people in a government that was just trying to establish itself. But we are taking a maximum amount of time on a Cabinet and a Presidential nomination that usually happen quickly.

There has traditionally been an understanding in our country that when the President is elected—the importance of the President being able to put his stamp on the government as quickly as possible. And eventually we will be able to say his or her stamp on the government. But up until now, Presidents have had that opportunity. I read somewhere that from President Garfield right after the Civil War through Franklin Roosevelt, that Cabinets—those were put in place in the first days of every one of those administrations, often even the very first day.

What we have seen in this debate is also the questioning of people's motives, not just their decisions. I don't quote Vice President Biden often, but one of the quotes I have heard him give often and one I have agreed with in all my time here is that it is appropriate to question somebody else's decisions in public debate, particularly when you are debating your colleagues, who have also been elected to these jobs as well,

but it is frankly not appropriate to question their motives. When we start doing that, that is always a mistake.

When I was the whip in the House, I used to tell freshman Members of the House: You are going to enjoy this opportunity and be better at it while you are here if you can vigorously fight for what you are for but if you will also believe that in virtually 100 percent of the cases, the person on the other side of that debate is as well motivated and as genuine as you are. You can be wrong and not be evil. You can be wrong and not be badly motivated.

You know, elections do have consequences. Every person we are talking with on this floor in this debate was elected to the Senate.

I think Senator SESSIONS will be confirmed Attorney General, so sometime later this week, one of our number will have been appointed to this job. But these are people who come to this process as the Constitution determines, and they serve here as representatives of both the State they represent and the Constitution and what it stands for.

In the case of Senator SESSIONS, we have a colleague who has been here for 20 years. Anybody who has been here less than that served every day of their time in the Senate with Senator SESSIONS. People who have been here longer than that have served all 20 years with Senator SESSIONS. I don't know how you can do that and not see the quality he brings to that job every day.

He and I have not always voted the same. In fact, there is probably no Member here with whom I have always voted the same. But he comes with a background of integrity.

He started as an Eagle Scout. I think he was a Distinguished Eagle Scout. I am not even sure I know the difference between an Eagle Scout and a Distinguished Eagle Scout; I thought all Eagle Scouts were distinguished. But starting even then, JEFF SESSIONS has always stood out a little above the crowd.

He has four decades of public service. In 1975, he became an assistant U.S. attorney in the Southern District in Alabama. Half a dozen years after that, he became the U.S. attorney in that district. He held that job for 12 years until he became the attorney general of Alabama. People trusted him to take that those responsibilities. In 1997, as I said, he came to the Senate.

He has been a senior member of the Judiciary Committee for some time now. He has worked across party lines, and he has done that in fights for justice and fights on behalf of the victims of crime and, frankly, on more than one occasion, fights to be sure that those accused of crimes also had their day in court, and after they had their day in court, it was Senator SESSIONS who was instrumental in leading the fight for the Fair Sentencing Act.

Senator SESSIONS was very involved in the Paul Coverdell act for forensic sciences to be sure that the evidence that was in court would be unassailable to every extent possible. He has been vigorous in wanting to be sure those accused of crimes had justice, as well as those who were the victims of crime.

When I came to the Senate, Senator COONS and I—a Democrat from Delaware and a good friend of mine. I am thinking about him in this week that his father passed away. When we came to the Senate 6 years ago, we formed the Law Enforcement Caucus. Senator SESSIONS was a great supporter of that effort.

When we were able to reauthorize in the last Congress the Victims of Child Abuse Act—this is a law that provides Federal assistance to locations in virtually every State—22 in the State of Missouri—where kids who have been the victims of crime or a witness to crime have a place to go and get the information out of their lives that needs to get away from them so they can get on to the next thing that happens, a law that protects our most vulnerable children and is designed to hold the perpetrators of crimes on those children or crimes those children witness—allows that to be dealt with in the right way. Senator SESSIONS was a great advocate for that.

He has been endorsed by the major law enforcement associations of the country, as well as many of his colleagues. The law enforcement associations that say JEFF SESSIONS would be a good Attorney General are the Fraternal Order of Police, the National Sheriffs' Association, the Federal Law Enforcement Officers Association, the Major Cities Chiefs Association, the Major Counties Sheriffs' Association, and the list goes on.

Then you get to the victims of crime groups who have endorsed Senator SESSIONS.

Five former U.S. Attorney Generals and one former FBI Director are on that list. They are saying that JEFF SESSIONS would be a good person—in the case of five of them—to hold the jobs they held, and they know more about that job than any of us do: Michael Mukasey, Alberto Gonzales, John Ashcroft, Bill Barr, Ed Meese III. All, along with FBI Director Louis Freeh, have endorsed JEFF SESSIONS for this job.

There has been some discussions of his relationship with African Americans. We have African-American endorsements from his State but also from the former Secretary of State, Condoleezza Rice; our colleague TIM SCOTT, who will be here later this afternoon, and I intend to be here for his remarks; and Larry Thompson, the former Deputy Attorney General. These are people who know JEFF SESSIONS and know what he has to offer to that job.

It is a job of great responsibility. Sel-dom will we as Senators have an opportunity to confirm someone to that job or any other job that we know as well as Senator SESSIONS. We know his family. We know his recent addition of twin grandchildren to his family just a little over a year ago. We know how much he cares about them. We know the moments that he has reached out to each of us as we have had challenges or things we needed help with.

I think he will do a great job as Attorney General. I believe that will happen later today. I think the country and the Attorney General's office will be in good hands late today when JEFF SESSIONS undoubtedly, I am confident, becomes the Attorney General.

I look forward to that vote later today and then getting on to the next nominee, Dr. PRICE, whom I served with in the House. Any discussion that there have not been ideas that were alternatives to the Affordable Care Act—people just have not been paying attention to Dr. TOM PRICE all the time he has been in the Congress or as budget director and haven't paid attention to him as a practicing physician. He is another great nominee at a time when we really need to set a new course.

We are going to see that happen in both the Attorney General's office and at HHS, and I look forward to what we do as those move forward.

I also look forward to what may not be the official maiden speech but what I think will be the first speech on the floor for our new colleague, JOHN KENNEDY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I rise to support the nomination of JEFF SESSIONS to be the next Attorney General of the United States of America, and I would like to explain why.

It seems to me that most Americans don't care about the politics on Capitol Hill. They don't particularly care about the politics in the Senate, and they don't especially care about the politics in Washington, DC. Most Americans are too busy earning a living. These are the Americans who get up every day, they go to work, they work hard, they obey the law, they try to do the right thing by their kids, and they try to save a little money for retirement.

Most Americans I think are fair-minded, and most Americans are commonsensical. They understand that when they elect a President, the President can't do the job alone. He gets help, and he starts with appointing members of his Cabinet. Of course, the Senate has to provide advice and consent and confirm those appointees.

Most Americans understand that a President—whoever the President—is not going to pick his enemies to do that. He is not going to pick somebody

he doesn't trust. He is not going to pick someone to advise him if he is not qualified. He is going to pick someone he is on friendly terms with. He is going to pick somebody who is competent. He is going to pick somebody who is experienced. That is what President Trump has done. That is what President Obama did. That is what Secretary Hillary Clinton would have done, had she been elected President.

Now, President Trump has nominated Senator JEFF SESSIONS. I recognize that not all Americans and not all Members of the Senate agree with his political positions. Some folks don't agree with his political party. Some folks don't like him because they don't like the person who appointed him. I get that. Some folks may not even like the part of the country he is from. That is OK. This is America. In America, you can believe anything you want to believe, and as long as you don't hurt anybody, you can say it.

But it seems to me that no reasonable person, if they look at Senator JEFF SESSIONS' record, can argue that he is not qualified, if by qualified you mean that he has any potential to be a great Attorney General.

This is a man who has served as a State attorney general. This is a man who was a U.S. attorney not for 1 year or 5 years or 6 years. For 12 years he served as a U.S. attorney. This is a gentleman who has been a U.S. Senator for 20 years, three terms, and three times the good people of Alabama have sent JEFF SESSIONS to this body.

Most people here know him. They have had lunch with him. They have met his family. They have worked with him on bills. They have worked against him on bills. They know him, and they know he is qualified.

There has been a lot of discussion about whether Senator SESSIONS will respect the rule of law. He will. He understands the difference between making policy, as Congress does, and executing policy. I have no doubt whatever that Senator SESSIONS, as the next Attorney General, will be more than willing to enforce laws that he might not necessarily agree with.

There has been some discussion about Senator SESSIONS and the Bill of Rights. Senator SESSIONS understands the importance of personal liberty. I listened very attentively in the Judiciary Committee. He was asked a lot of questions about our Constitution. It is clear to me that Senator SESSIONS understands that the Bill of Rights is not for the high school quarterback. The Bill of Rights is not for the prom queen. The Bill of Rights is there to protect the unprotected, the man or woman in America who might want to do things a little differently. He understands that very, very clearly.

At some point, we all have to stop regretting yesterday, and we have to start creating tomorrow, and that is the point we are at.

I unconditionally support Senator JEFF SESSIONS to be the next Attorney General of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from South Carolina.

Mr. SCOTT. Mr. President, before I get into my speech regarding Senator SESSIONS, I wanted to talk a little bit about what occurred last night.

First, there is no doubt in my mind that the letter written by Coretta Scott King should be read by each and every Member of this Chamber. Regardless of whether you disagree with her conclusions, her standing in the history of our Nation means her voice should be heard. What I took issue with last night and the true violation of rule XIX in my eyes were the remarks shared last night originally stated by Senator Kennedy—not Coretta Scott King—Senator Kennedy.

Whether you like it or not, this body has rules, and we all should govern ourselves according to the rules.

There is no doubt that last night emotions were very high, and I am not necessarily happy with where that has left us today. The Senate needs to function. We need to have a comity in this body if we are to work for the American people. This should not be about Republicans and Democrats. It is not about us; it is about the American people.

If we remember that point as we move forward, our Nation will be able to heal where we hurt. We will be able to disagree without being disagreeable. This should be the norm, not a unique experience in public discourse.

Before I decided to give this speech, I had the privilege last night around midnight of having to sit in the Chair and presiding. My good friend CORY BOOKER was making an eloquent presentation about where we are on issues of race in this Nation. He was talking about the South, and he was talking about the pain, the suffering, and the misery.

Today, as I want to share my thoughts on JEFF SESSIONS and how I have come to my conclusion, I thought it was important for me to not try to persuade people but to simply inform, because this issue is not simply the issue about our next Attorney General. This is really an issue about all of us—not all of us as Senators but all of us as members of the American family. This is an issue that digs deep into the core of our souls, deep into the core of our Nation, deep into who we can be, who we should be, and how we will get there.

So my objective here, as I speak, will not be to somehow persuade the other side that your decision is wrong. I don't think that is my responsibility nor my intention. My goal isn't even to persuade those who believe that JEFF SESSIONS will not be a good U.S. Attor-

ney General that they are wrong. I simply want to share information. I want to share facts. I want to share, as Paul Harvey used to say, "the rest of the story," because if you read the news reports, you walk away with a clear picture based on facts but not necessarily a clear picture based on truth. There has been a distortion in many arenas, in many echo chambers about who he is and why I support him.

My good friend CORY BOOKER last night spoke about a true American hero, JOHN LEWIS. JOHN LEWIS is an American hero. I know that this may or may not be popular with everyone in the Chamber or everyone in America on the conservative side or the liberal side, but the reality of it is this. He was beaten within an inch of his life so that I would have the privilege—not to stand in the Chamber but—to vote, to simply vote.

We should all thank God for the sacrifices of men and women so that people like myself, CORY BOOKER, and KAMALA HARRIS would be allowed one day not to simply vote but to serve in the most unique, powerful, and one of the most important legislative bodies in the world today. It is the sacrifices of men and women of color who fought against injustices. We stand as a nation on the shoulders of these giants. I know that I don't have to remind my mother or my family, but just as a reminder to those who are listening to the conversation, when I leave the Senate one day, I am still going to be Black, an African American—Black every day, Black every way, and there is no doubt.

This is an important part of the conversation because, as I read through some of the comments of my friends on the left, you will wonder if I ever had an experience as a Black person in America. I want to get to that in just a few minutes.

God, in His infinite wisdom, made me Black, born in Charleston, SC, for a purpose. I am blessed to be who I am, and I am equally blessed to be a Charlestonian. Our country, the South, and, specifically, my State have suffered through difficult and challenging times around the issue of race. My grandfather, who passed away at 94 years old last January, knew a very different South. I remember listening to him talking about his experiences of having to step off of the sidewalk when White folks were coming. He learned early in life: Never look a White person in the eyes. He was in his forties in the 1960s. His whole life view, his paradigm, was painted with a broad brush. Separation, segregation, humiliation, and challenges.

It was in my home city of Charleston where the Civil War began. It was in my home city of Charleston where nearly 40 percent of all the slaves that came to America would come through in Charleston, SC. It was a Charles-

tonian who came up with the concept written into our Constitution of three-fifths of a man—a Charlestonian.

But it was also Charlestonians who, in 2010 had a choice between Strom Thurmond's son and a young—I use that word liberally—African-American guy named TIM SCOTT.

The evolution that has occurred in the South could be seen very clearly on this day in Charleston. The very first shots of the Civil War were in Charleston. They gave me the privilege of representing them in Congress, over the son of Strom Thurmond, over the son and the namesake of one of the most popular Governors in South Carolina, Carroll Campbell, Jr. I thank God that the South Carolina that I have come to know, the South that I have had the experience to enjoy is a different South. It is a different Charleston than my grandfather knew in his 94 years. But my life has not been one of privilege, of promise.

As I said just a few nights ago, I was born into a single parent household, living in poverty, nearly flunking out of high school. I have been called everything that you can think of from a racial perspective—good, not too often bad, very consistently. So I understand that there is room for progress. There is a need for us to crystallize what we are fighting about, who we are fighting for, and how we are going to get there.

This is an important day and an important issue, and the U.S. Attorney General is perhaps one of the most important decisions I will make about the Cabinet of President Trump. I will tell you that, for me, this has been a challenging journey, one that I have not taken lightly because, as I said earlier, I am going to be Black when I leave this body, and so when I think about some of the comments and some of the challenges for JEFF SESSIONS around the 1986 process, the trial of the KKK and the trial of the Turner family, an African-American couple—they were defendants he brought to court—I have heard it, and I wanted to know more about what it is we are talking about, not by reading it in the paper but by calling folks in Alabama, understanding with new eyes who JEFF SESSIONS is—not the guy I serve with but the guy who will have the most powerful position in law enforcement. I wanted to know firsthand who he was before he was nominated and how he would respond in a room filled with African-American leaders.

I and my best friend in Congress, TREY GOWDY, for a very long time throughout South Carolina have held meetings of African-American pastors and leaders coming together with law enforcement to try to bridge the gap that is obviously broken, bridge the gap that obviously exists between law enforcement and African-American leaders. So I brought JEFF SESSIONS down to see from a distance how he

interacts with these African-American pastors, hear the tough questions on Walter Scott and other issues so I can have an appreciation and affinity of how the Justice Department under his leadership would act.

I take this responsibility seriously, and I wonder if my friends in the Chamber have had a chance to see what others think—not the political echo chamber, not the organization, but run-of-the-mill people.

So I had that experience, and I will tell you that without any question, the conclusion that I have drawn is a pretty clear conclusion. I am glad that I dug into the issue. I am glad I took the time to know JEFF SESSIONS the best I can from what I have read from 1986, what I saw in my own home city of Charleston, with a provocative history on race.

We are at a defining moment in our country, not because of the Attorney General, not because of the debate we are going through in this body, but because our country is being pulled apart from extremes on both ends. This is not healthy for our country. Too often, too many particularly on the right are found guilty until proven innocent on issues of race, issues of fairness. I say that because, as I think about some of the comments that have come into my office over the last several weeks, I am used to being attacked. If you sign up to be a Black conservative, the chances are very high you will be attacked. It comes with the territory, and I have had it for 20 years, two decades. But my friends and my staff are not used to the level of animus that comes in from the liberal left who suggest that I somehow am not helpful to the cause of liberal America and therefore I am not helpful to Black America because they see those as one and the same.

I brought some of the pages of chats that I have from folks, the comments I get from Twitter about my support of JEFF SESSIONS:

Tracy V. Johnson sent in “Sen. Uncle Tim Scott.”

“Everyone from SC who happens to be a left winger knows that Tim Scott is an Uncle Tom. [“S”] is documented.” “S” is not for Scott; it is for fertilizer.

SGaut says: “A White man in a black body: Tim Scott backs Jeff Sessions for attorney general.”

Until 3 weeks ago the only African-American chief of staff in the U.S. Senate out of 100 was the chief of staff for a Republican. The second African-American chief of staff in the U.S. Senate is the chief of staff of a Republican. Yet they say of my chief of staff that she is “high yella,” an implication that she is just not Black enough.

I go on to read from folks who wanted to share their opinions about my endorsing JEFF SESSIONS:

“You are a disgrace to the Black race!”

Anthony R Burnam @BurnamR says: “You an Uncle Tom Scott aren’t you? Sessions. How does a black man turn on his own.”

Anthony B. from @PoliticalAnt says: “Sen. Tim Scott is not an Uncle Tom. He doesn’t have a shred of honor. He’s a House Negro, like the one in Jango.”

He also writes—I guess Anthony Burnam has been active on my Twitter feed—that I am “a complete horror . . . a black man [who is] a racist.”

“Against black people”

“Big Uncle Tom [piece of fertilizer]. You are a disgrace to your race.”

I left out all the ones that use the “N” word. I just felt that would not be appropriate.

You see, what I am surprised by, just a smidgeon, is that the liberal left that speaks and desires for all of us to be tolerant does not want to be tolerant of anyone who disagrees with where they are coming from. So the definition of “tolerance” isn’t that all Americans experience a high level of tolerance; it is all Americans who agree with them experience this so-called tolerance.

I am not saying this because it bothers me because, frankly, I have experienced two decades of this. You don’t necessarily get used to it, but you don’t find yourself as offended by it all. I just wish that my friends who call themselves liberals would want tolerance for all Americans, including conservative Americans. I just wish that my liberal friends who are self-described liberal would want to be innocent until proven guilty and not guilty until proven innocent.

So back to my findings on JEFF SESSIONS. I brought JEFF SESSIONS to Charleston. And you can read about it in the Post and Courier, the local newspaper. The pastor said that JEFF SESSIONS was warm and friendly, engaging and competent.

Now, I will say that the response from the NAACP and the NAN, the National Action Network, about the meeting that I had with the African-American pastors—that it was outrageous that I would invite African-American pastors to meet with this guy and they didn’t have an invitation. So I invited two of their leaders. I didn’t tell anyone who was coming because I wanted folks to come into the room and make their own decisions and come to their own conclusions. They decided not to come. Maybe it was because a conservative invited them. I don’t know why. But I wanted everyone to have a chance, and they did. It was interesting.

Here are some other interesting facts that I have not seen often in the press, which I think is a very important point.

All of us who engage in conversations around this Nation about race and justice, to only have part of the story is just an unfortunate reality that we

should get used to that I haven’t gotten used to. But the reality is, 50 years ago, in 1966, Senator SESSIONS campaigned against George Wallace’s wife for Governor. As a Senator, JEFF SESSIONS voted in favor of a 30-year extension of the Civil Rights Act. He was one of only 17 Republicans to support the first Black Attorney General, Eric Holder. He spearheaded the effort to award the Congressional Gold Medal to Rosa Parks, an Alabama native and civil rights icon.

As CORY BOOKER, my good friend from New Jersey, said last night as I presided, he and JEFF SESSIONS worked wonderfully well together in awarding the Congressional Gold Medal to the foot soldiers of the civil rights movement in Selma, AL.

Here is another part of the story that just hasn’t seemed to break through the threshold of our national media on JEFF SESSIONS’ support within the Black community. As I started making phone calls to leaders in Alabama who were Black and Democrats, I was very surprised at what I started hearing about JEFF SESSIONS. I will start with an Alabama native, Condoleezza Rice, who is not a Democrat but who is an Alabama native. She said: SESSIONS has worked hard to heal the wounds in Alabama brought on by the “prejudice and injustice against the descendants of slaves.”

Willie Huntley, an African-American assistant U.S. attorney under JEFF SESSIONS, now an attorney in Mobile, AL, has known JEFF SESSIONS for more than 30 years and said in an interview that he has never encountered racial insensitivity from SESSIONS in the three decades they have known each other.

Alabama Senate Democratic leader Quinton Ross said of JEFF SESSIONS: “We have talked about things from civil rights to race relations, and I think anyone—once you gain a position like that, actually partnership has to go aside because you represent the United States and all the people. . . . I feel confident [JEFF SESSIONS] will be an attorney general that will look at it from all perspectives to just do what’s right for the citizens of the United States.”

That is from an African-American Democratic leader in the Alabama State Senate, Quinton Ross.

From former Obama administration Surgeon General Regina Benjamin: “I think he’ll be fine. I consider him a friend. . . . At least he will listen as attorney general. My hope is that he’ll do what is best for the American people.”

Former Deputy Attorney General Larry Thompson says this. Larry is 71 years old, so we are not talking about folks who grew up in my New South that I talked about earlier. Still we are working through it, but, boy, we have changed. This is a 71-year-old who says of JEFF SESSIONS: “He doesn’t have a

racist bone in his body.” He said: “I have been an African American man for 71 years. I think I know a racist when I see one. JEFF is far from being a racist. He’s a good person, a decent person.”

Gerald Reynolds, former chairman of the U.S. Commission on Civil Rights: “During my discussions with Senator SESSIONS and his staff, it was clear that the senator has a strong interest in ensuring our nation’s antidiscrimination laws are vigorously enforced. Senator SESSIONS is a man of great character and integrity, with a commitment to fairness and equal justice under the law.”

Just a few more.

Fred Gray. Fred Gray is an iconic figure in civil rights, for those of us who may not be familiar with him. Fred Gray is an African-American civil rights attorney. He represented the Reverend Dr. Martin Luther King, Jr. He represented Rosa Parks. He represented the Tuskegee men who were exploited in the syphilis experiment by the government. This is what he said in this letter from 2016:

What would be more noteworthy for the State of Alabama than having an Alabamian follow in the footsteps of the late Mr. Justice Hugo Black? Previously I have expressed appreciation for your acts herein stated. I look forward to working with you in any future capacity in which the Lord permits you to serve.

That is a quote from a letter that he wrote to JEFF SESSIONS.

We are talking about a hero of the civil rights era. We are talking about the lawyer for Martin Luther King, Jr., Rosa Parks, and the Tuskegee men. We are not talking about someone who doesn’t understand and appreciate the weight and the importance of civil rights in this Nation.

William Smith was hired as the first African-American Republican chief counsel to the Senate Judiciary Committee by JEFF SESSIONS. He said:

Jeff Sessions is a man who cared for me, who looked out for me, and who had my best interests in mind. So, anybody who says anything different simply doesn’t know Jeff Sessions.

One last statement. This is an important one from my perspective.

I mentioned earlier that there was a case against a couple, the Turner couple, where JEFF SESSIONS was the prosecutor, and the Turners were being prosecuted for some voter rights issues. Interestingly enough, what you don’t hear in the news, by the way, is that the case was brought by other African Americans in Alabama against an African-American couple, the Turners. This is from Albert Turner, Jr., the son of the two defendants in that case. He says:

While I respect the deeply held positions of other civil rights advocates who oppose Senator Sessions, I believe it is important for me to speak out with regard to Senator Sessions personally. First, let me be clear. Sen-

ator Sessions and I respectfully disagree on some issues. That won’t change when he is the Attorney General of the United States. And I expect that there will be times, as it is with all politicians, when we will legitimately disagree and I will be required by my conscience to speak out. I look forward to those constructive debates, if necessary. However, despite our political differences, the Senator and I share certain Alabama and American values, including love of our State, its people, and our country.

I have known Senator Sessions for many years, beginning with the voter fraud case in Perry County in which my parents were defendants. My differences in policy and ideology with him do not translate to personal malice. He is not a racist. As I have said before, at no time then or now has Jeff Sessions said anything derogatory about my family. He was a prosecutor at the Federal level with a job to do. He was presented with evidence by a local district attorney that he relied on, and his office presented the case. That is what prosecutors do. I believe him when he says that he was simply doing his job.

JEFF SESSIONS has also worked on civil rights cases, including the KKK murderer Henry Hays in 1981.

JEFF SESSIONS worked with the Department of Justice attorneys, the FBI, county investigators, and the county district attorney to solve the murder of a 19-year-old African American, Michael Donald. SESSIONS and the U.S. Attorney’s Office prosecuted “Tiger” Knowles as an accomplice, obtaining a guilty plea and a life sentence in Federal court. After hard investigative work, SESSIONS shifted the case of the KKK murderer Henry Hays to the State court where he received the death penalty, which was not available at that time at the Federal level.

USA v. Bennie Jack Hays is another successful case against the KKK that JEFF SESSIONS participated in.

In Conecuh County in 1983, JEFF SESSIONS joined in bringing the first lawsuit in the history of the Department of Justice to stop the suppression of African-American voting rights. In *United States v. Conecuh County*, the DOJ Civil Rights Division, along with JEFF SESSIONS, sued white Conecuh County election officials, including the chair of the local Republican Party.

Finally, Dallas County. In 1978, the Department of Justice used Dallas County, AL, to replace its at-large election system and go to a single-member district so that African Americans would have a better chance to be elected. JEFF SESSIONS supported it, the ACLU supported it, as did the DOJ’s Civil Rights Division. They were successful.

Finally, on the criminal justice issue that I support, according to Senator DICK DURBIN, who said during the confirmation hearing that JEFF SESSIONS saved thousands upon thousands of years of Black men’s lives because of his push to reduce the disparity between crack and powder cocaine from 100 to 1, to where it is today. JEFF SESSIONS even fought against the Bush ad-

ministration to bring that disparity down.

In conclusion, as I reflect on the brave men and women who have shaped this country, who have fought for my freedom, for me to participate fully in this Republic—the greatest experiment of self-governing the world has ever known—we have an obligation to judge a man not by the color of his skin nor by the State of his birth, but by the story his life tells and by the content of his character.

JEFF SESSIONS has earned my support, and I will hold him accountable if and when we disagree moving forward.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I see the majority leader of the Senate. I will suspend until he has finished.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I just wanted to congratulate the Senator from South Carolina for a very, very meaningful and effective presentation on behalf of our colleague, Senator JEFF SESSIONS.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I too wish to congratulate my colleague from South Carolina on his remarks. We don’t share the same view on this, but he is an important voice in the Senate, and I am glad that he is a colleague on the Education Committee in the Senate.

As a matter of fact, the other day I said that I wish the President had the sense to appoint him Education Secretary. The kids whom I used to work for in the Denver Public Schools would have been very, very well served by him.

The President, of course, is entitled to choose his team, and that is partly what elections are about. The Attorney General, more than any other Cabinet official, must be the people’s lawyer, an advocate for the rule of law above all else.

My office has received nearly 23,000 calls and emails opposing this nomination. Many of them I cannot read today on the floor for fear of violating the Senate rules. But it is clear from these comments that young Coloradans who came to the United States and know no other country but this country, who arrived here illegally, but, through no fault of their own, fear they will be deported back to a country they don’t know—it is clear to me from the comments that I have received in these letters that Coloradans in the LGBTQ community fear that an Attorney General SESSIONS would turn a blind eye toward discrimination. It is clear from these comments that Senator SESSIONS has not earned the confidence of many Coloradans who may soon rely on him to protect their rights and to identify

abuses of constitutional power. And Coloradans, many of whom I know, fought for equality and justice during the civil rights movement, and fear that it will turn back much of the progress we have made.

We have a disagreement about Senator SESSIONS' role before he came to the Senate, but the fundamental reason I object to his nomination as Attorney General is that he led the fight in 2013 against our bipartisan effort to reform the broken immigration system in the United States. And I sat here on this Senate floor night after night after night listening to the Senator use fear and inaccuracies to derail our best chance in years to fix this broken immigration system.

Now, in time, I have come to understand that people come to this floor and they don't always—they are not always accurate in what they say. Sometimes they don't mean to be accurate; sometimes they are just mistaken. That was the first time I had ever heard that kind of relentlessness, saying things that just weren't right. I am being careful with my language because of last night's ruling.

He claimed that our bill—and, by the way, that bill, unlike almost anything that has happened in this place in the 8 years that I have been here—started out as a bipartisan effort, four Democrats and four Republicans working together for 7 or 8 months in a room trying to solve each other's issues.

There is a lot about the Senate today that the American people should not and cannot be proud of, and I will come to that in a minute. But as to the work of the Gang of 8, I would have been happy for people to have seen what happened behind closed doors in those 7 months. It is how the Senate ought to operate. It went to the Judiciary Committee where Democrats and Republicans together amended the legislation. They made it better. And then it came to the floor of the Senate and we had more amendments, and it passed with 68 votes.

It still hasn't passed the House. It has never even gotten a vote on the floor of the House of Representatives.

Senator SESSIONS claimed during that debate that our bill would have "dramatically increased incidence of criminal alien violence, officially legalizing dangerous offenders, while handcuffing immigration officers from doing their jobs."

He claimed it would have legalized "thousands of dangerous criminals while making it more difficult for our officers to identify public safety and national security threats."

Senator SESSIONS claimed our bill would lead to a "huge increase in immigration," invite a flood of immigrants into our Nation who would steal jobs from "struggling American workers."

These claims are demonstrably untrue. If our bill had become law, we

would have secured our borders, we would have bolstered internal security, we would have better protected American workers, and we would have strengthened our economy.

Contrary to his characterization of what was in that bill, the 2013 bill provided far greater security than President Trump's plan.

The first two words in the title of that bill were "border security." That has been completely ignored by the critics. It has been completely ignored by people who want to make an issue out of this in national campaigns. But the reality is it provided billions of dollars toward new technologies to monitor the border. It called for the building of a 700-mile fence. By the way, none of the rest of it would come to pass until we took care of the border.

Nearly 20,000 new Border Patrol agents—four times more than ordered by President Trump and double the current number—and not paid for by raising taxes on the American people at our border with Mexico, not paid for in a way that would destroy our trading relationship with Mexico, but paid for by fees that people were paying as they were becoming lawful in the United States of America. It had protections in the bill for American workers to ensure that employers hired American labor first. I know he objected to this, and I understand we had a difference of opinion, but the bill included a tough but fair path to citizenship, requiring people to go through background checks as part of a long path to citizenship.

During the Presidential campaign, Senator SESSIONS advised President-Elect, now-President Trump on immigration policy. In fact, my understanding is the President's immigration Executive orders—including one being challenged in court—mirror Senator SESSIONS' positions. These positions are antithetical to our history, to our values, to whom we are as a country.

Last Friday was the highlight of my year. I got on a plane and I left Washington—that was pretty good in and of itself—to go home to Colorado. On Friday, I went to Dunn Elementary School in Fort Collins, CO, where Kara Roth's fifth grade class welcomed 26 new Americans from 13 countries to the United States. It is an International Baccalaureate program in this elementary school. This is an annual event.

We were there in the gym, and the fifth graders were there singing; a young girl had won an essay contest on "What It Meant to be in America." There was a color guard. Kids came in wearing their Boy Scout uniforms to post the colors, the American flag, and the flag of Colorado. The fourth graders were there watching what they would be doing next year as fifth graders.

There was no need for a politician to tell anybody in that room that America is an exceptional country. No politician needed to say that to the fifth graders in Mrs. Roth's class who were studying the Constitution and studying immigration. We certainly didn't need to tell that to the immigrants from all over the world. I think I mentioned, they were from 13 different countries.

One of the great parts of the ceremony was when they asked people to stand up to the country from which they came, and fifth graders also stood up if they were from that country. There were kids from China; there were kids from Mexico standing up in this fifth grade class; incredibly, three kids from Libya whose parents are at the university in some capacity in Fort Collins.

As always in these naturalization ceremonies, people had tears in their eyes because as one of them once said to me at another time in Colorado, his dream had come true the minute he became a citizen of the United States because he knew his children would be citizens of the United States of America. Everybody in the room knew that.

What is important for us is these fifth graders' perspective on American government, on democracy, and on the history of this Republic I think probably may not be quite exactly right because they, thank goodness, have been untarnished by special interests, untarnished by campaign money and partisan fighting, and power struggles that have nothing to do with the American people or their priorities.

Their view of what the essence of self-government is all about is really what it is all about. It is really what we are supposed to be doing here: a commitment to a republic and democracy, a commitment to the rule of law, a commitment to the separation of powers. The stuff they are reading in their little Constitution just like this one is what this place is supposed to be about. It is supposed to be what we are doing here. It is the reason why I am objecting to this nomination.

TRUMP ADMINISTRATION AND THE JUDICIARY AND FREE PRESS

More than that, I feel compelled to talk a little bit about President Trump's attacks on the judiciary and free press over the last several weeks since he has been sworn into office, since he has taken the oath of office to be President of the United States. He has repeatedly undermined the credibility of Federal judges doing their constitutional duty to uphold the rule of law simply because he disagrees with them.

The Vice President said the other day: There is a tradition in America of one branch of government criticizing another branch of government. There is no tradition, that I am aware, of a President meddling in an ongoing case in an article III court.

Just today, he called our courts “political.” That is about the most damaging thing you could say about our independent judiciary. He said that last night’s Federal appellate hearing was “disgraceful.” A decision hasn’t even been rendered in the case, and he is saying it is “disgraceful.”

Earlier this week, he accused what he called “dishonest” American journalists of, his word, “ignoring” terrorist attacks in the name of some unnamed hidden agenda.

I wish to say, I sat through the last speech at some length, and I want to make sure I get it on the record; so through the Chair, I beg the indulgence of my colleagues for a few more minutes.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Feb. 6, 2017]

WITH LATEST BASHING, LYING TRUMP GETS
SINISTER INDEED

(By The Denver Post Editorial Board)

Donald Trump’s weekend bashing of a federal judge, and Monday’s attack of news organizations for supposedly sharing a hidden agenda with terrorists, goes way too far, and would seem out-there crazy if it weren’t also rather frightening.

Where to begin? Let’s hope that President Trump wasn’t aware of an imminent terror plot in his rush to slam down his refugee and travel ban. For if he was, his approach to the threat has backfired so horrendously it could be some time before his administration is able to reinstate it, or, hopefully, a more thought-out version. Now that Judge James Robart rendered the travel and refugee order unenforceable, it is likely that the matter won’t be resolved until it makes it to a divided U.S. Supreme Court, where its chances could meet the futility of deadlock.

We hope Trump sees the error in his strategy. Even for the president of the United States, working to achieve on-the-ground results within our massive federal government takes skill, and some buy-in from those charged with making it so.

Trump’s order had none of that. Officials in all the relevant agencies knew too little about it until it went into effect. No wonder lawsuits resulted, and that one of them persuaded a judge to block the order.

Sadly, Trump doesn’t appear to have gotten the message. Just as he did on the campaign trail, when he insulted a judge by claiming his Mexican heritage disqualified him to rule in a case involving Trump University, Trump attacked Judge Robart. “Just cannot believe a judge would put our country in such peril,” the president posted on Twitter on Sunday. “If something happens blame him and court system. People pouring in. Bad!!”

Had the president stuck to defending his executive power, he would have been on solid ground. But surely it is outrageous to argue that, in making a ruling based on his review of the law, Robart deserves to be held accountable for any lawless action perpetrated from terrorists long sworn to harm Americans.

Then, on Monday, Trump told members of the military that news organizations have

been intentionally covering up terror attacks, saying that “in many cases the very, very dishonest press doesn’t want to report it. They have their reasons, and you understand that.”

To back his assertion, Trump pointed to the exhaustively reported terror attacks in Paris and Nice.

American journalists have been killed reporting on terrorists. They’ve been beheaded. It would be impossible to calculate how many words have been written in the overall war-on-terror beat. To suggest that some kind of shared bias exists throughout American newsrooms so strong that it compels journalists to hide truth and thereby endanger the public is as dangerous as it is demonstrably untrue.

So, once again, Lying Trump takes the stage. When he can’t make the grade, he blames others. Doing so is a common enough human reaction to personal weakness, but to falsely suggest—based on the known evidence—that members of the judiciary and the press are somehow on the side of enemies of the state points to either a cracked mind, or something more sinister.

Americans shouldn’t buy what our president is selling. The truth is Trump botched what could have been a reasonable attempt to make the country safer. His mistakes gave our enemies a huge morale and recruiting boost. And his bashing of others is as unseemly as it is dishonest.

Mr. BENNET. The Denver Post editorialized yesterday, stating the obvious horrible truth here:

American journalists have been killed reporting on terrorists. They’ve been beheaded.

... To suggest that some kind of shared bias exists throughout American newsrooms so strong that it compels journalists to hide truth and thereby endanger the public is as dangerous as it is demonstrably untrue.

That is right. It is dangerous. It is dangerous for the leader of the free world to be saying that journalists are crooks; that the facts they are publishing in newspapers and online are untrue when they are true. It is dangerous when we are engaged in an experiment of self-government that goes back about 240 years to the founding of this country to refute things that are absolutely true as false and to claim that the reason they are being raised is because people lack integrity; that journalism is all about false news.

The White House put out a list of, I think it was in the seventies, of terrorist attacks they claim had never been reported, and newspaper after newspaper after newspaper had to run lists of the events that the White House described as unreported and then have links to the stories in their own newspapers and other newspapers that had reported on terrorists. As the Denver Post noted, and it is worth remembering this, there are journalists who have lost their lives trying to cover this story to have us better understand what is happening in the Middle East, what the threat of terror looks like, and have been beheaded on television because they took that risk.

With respect to the judges, for years it has been so painful around here to get anybody confirmed. I see these

folks who are lawyers who have to put their law practice on hold for something that should be the greatest reflection of achievement of their life, being appointed to a Federal district court in this country, and who wait and wait and wait because of the unconscionable delay and disputes and partisan bickering that happens here instead of getting people on the court to do the job that they need to do.

Now we are going to be in the business of accusing judges and the judiciary of being crooked, of not following the law, of just playing politics. I think it is really important for us—not just Democrats but also Republicans—and I know my colleague is here from Florida. I wish to say in this body how much I appreciated his comments last night. He may not appreciate that I am saying that, but I appreciate his comments because a lot of what he said I completely agree with.

I know it has become fashionable to tear down rather than work to improve the democratic institutions which generations of Americans have built. This place didn’t get here by accident. It is not a fluke. The Founding Fathers would be shocked—shocked—to know this Republic still exists. They would be proud. I think they would be proud of the progress we have made, but they would be shocked, at the time they were compromising with one another—slave owners and abolitionists, compromising to create this Republic that had never existed in an expanse as big as the Thirteen Colonies geographically or with as many people in the Thirteen Colonies geographically—for them to see this about 240 years later from coast to coast, 330 million people, the strongest military on the planet, the strongest economy on the planet, a place where people want to come—just as my mother and her parents came—to build opportunity for the next generation. That is incredibly special in the history of humankind. As I think my colleague from Florida was saying last night, we need to treat it with a little more care.

I am not just talking about the Senate. I am talking about our responsibility to provide oversight for this administration. I am talking about the importance for us to set an example for the children I saw last Friday at the naturalization ceremony, just as they are setting an example for us.

None of us is going to be here forever. We have a lot of work to do. There are a lot of people here and around the world who are counting on us to pull ourselves together and start making this place work.

I will finish by saying that I think in this world of social media, it is also critically important for us to remember the importance of edited content and the work that journalists do. There is not a class of school kids whom I don’t impose at least that thought on,

as they think about the research they are doing for their papers and the work we need to do as Senators.

I thank my colleagues for their indulgence. Thank you for allowing me to speak on this floor. It is a great privilege to be here, but it is a privilege we need to exercise in a way that actually reflects the values of this country and the expectations that the American people have for us to address their priorities.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

RUSSIA

Mr. RUBIO. Mr. President, first, I do appreciate the words of my colleague from Colorado, and I thank him for them, and that topic deserves more discussion on the floor of the Senate.

One of the things that always gives me extraordinary pride to be an American and to be a Member of the Senate is the realization—as I sat here today and listened to my colleague from South Carolina, Senator SCOTT—that neither my ancestors nor his were participants in terms of structuring this Republic. Yet this Republic is so grand that it has plenty of room for people like me and him and so many others participating—including here, as one of only 100 Americans who are entrusted with the responsibility of representing our States and also upholding our Constitution in this body.

The Senator from Colorado is also right in talking about the role of the Senate not just in terms of passing laws but in conducting oversight irrespective of who occupies the White House. It is a difficult thing to do these days because everything in American politics is covered through the lens of politics and of elections. Almost immediately, whatever I say here on the floor today will be analyzed through the lens and construct of elections past and elections future. What is he trying to achieve or what are any of us trying to achieve politically? There is a place for that. I think we are not foolish enough to believe there is no politics in politics.

There is also something that is incredibly important, and that is the Constitution that every single one of us is sworn to uphold. It is a pledge I again took recently on these very steps a few feet away from where I stand here now a few weeks ago.

Part of that is, in fact, to oversee the foreign policy conduct of the United States. As many of us are aware, there has been recent discussion in some circles, including in my party, about a desire to achieve a better relationship with Vladimir Putin and with Russia. By the way, I share that goal. I think it would be good for the world if the United States and Russia had a better relationship and, in particular, with the Russian people, with whom we have no quarrel. I also think we have a re-

sponsibility to understand what the obstacles are to better relations.

It is in that context that I come to the floor of the Senate today because I had a lot of people ask me over the last week, over the last few months: Why is it that you have such views about our relationships with Russia on the way forward?

I want to take a moment to discuss that in the broader context, with everything else that is happening here now. Even as we work through these nominations, the world continues to turn, and events around the world continue to have an impact on us here.

Let me begin by saying this. I don't think this is a fact that can be disputed. Vladimir Putin today has amassed more power in Moscow and Russia than any leader in Russia in about 60 years, if not longer. He used to maintain that power through a pretty straightforward deal that he had with both elites and the broader society.

Here is the deal he used to have with them. The deal was this: I will help you—especially the elites—make a lot of money and become very wealthy, and I will help society at-large by helping to grow our economy. In return, however, I need complete power and complete control of the government.

That was basically the arrangement he had up until just a few years ago when a combination of falling oil prices and economic decline forced them into a different direction. The new model that Vladimir Putin is now pursuing in Russia is one in which he is basically trying to gin up and rally public support, and he is largely doing it through a foreign policy which is aggressive and which is designed to create an impression among the Russian people that Russia has now been restored to great power status—a status equal or on par with that of the United States.

The first thing we have to understand is that much of what Vladimir Putin does is not in pursuit of an ideology, like the Soviet Union did. It is about domestic politics in Russia and about needing the Russian people to believe that he and his strength are essential to what Russia has. So much of it is about that.

What are the prongs of the strategy? The first is that he has sought to make their military modern and strong, and you see evidence of that in the fact that while Russia is going through crippling budget cuts as a result of a downturn in the global economy, oil prices falling, and sanctions against the Putin government, they are increasing defense spending. They are modernizing. They are adding capabilities. They are, for the first time, although in a limited way, beginning to conduct naval exercises and projection of power in places they hadn't been in for 25 years or longer.

The second is a crackdown in internal dissent. For that, I think the evi-

dence is overwhelming. I know we have all heard recently about the case of Vladimir Kara-Murza, who is a Russian political opposition leader. He is a vocal critic of Vladimir Putin. He works at something called the Open Russia Foundation, an organization of activists who call for open elections, a free press, and civil rights reforms in Russia.

This is an interesting thing to talk about because there has been a lot of discussion on this floor a moment ago about the press and a lot of discussion about elections, of course, over the last year and longer. There has been a lot of discussion about civil rights. Think about this. This is what the Open Russia Foundation works for and on behalf of in Russia.

In America, when you believe that civil rights are being violated at this moment in our history or you think the election system isn't working the way it should or you are defending the press, as my colleagues have done here today in the right of a free press, you have a bad blog post written about you, someone may run against you for office, cable commentators will say nasty things about you from the other side, maybe somebody will stand up on the floor and criticize you for this or that.

Let me tell you what happens when you do that in Russia. They poison you. Kara-Murza is believed to have been poisoned in February 2017; after he experienced organ failure, and he is currently in the hospital—just this month. This comes 2 years after another suspected poisoning that nearly killed him in May 2015.

I want to take a moment to urge the administration to do everything in their power to ensure that he is receiving the medical care he needs and to help determine who was behind the latest apparent attempt against him.

If this was an isolated case, you would say: Well, maybe something else happened. There is an incredible number of critics of Vladimir Putin that wind up poisoned, dead, shot in the head in their hotel room, found in the street, and other things.

In other instances, just today we have this article from the Wall Street Journal about someone who was thinking about running against Vladimir Putin. Alexei Navalny was thinking about running for President.

So what happens in America when somebody thinks you are going to run for President? They do an opposition research file. They plant negative stories about you. They start bad-mouthing you on cable news. That is unpleasant, no doubt. He was found guilty by a kangaroo court of corruption, which, of course, according to Russian law, finds him and blocks him from running in next year's Presidential election.

Again, if this were an isolated case, you would say: Maybe this guy did

something wrong. The problem is, just about anyone who is either thinking about running for office or challenging Putin winds up poisoned, dead, in jail, or charged and convicted of a crime.

The second thing he has done is just completely crack down on all internal dissent. There is no free press in Russia. I would venture to guess that if I controlled 80 to 90 percent of the press reported about me, I would probably have approval ratings in the eighties and nineties as well. That is a pretty good deal for the leader but not for the people.

The third thing that is part of this effort is that they are basically doing everything they can—Vladimir Putin—to undermine the international order that is built on democracy and respect for human rights. I think the example of that is in various places.

Look at what has happened in Syria. Vladimir Putin gets involved in Syria, not because he cares about humanitarian crises—because, in fact, Russian forces have conducted airstrikes in civilian areas. We have seen the images. It is undeniable that it happened. It is by every definition of the word a war crime to target civilians with military weaponry.

That is what has happened in Syria. But for Vladimir Putin, it has been successful because his engagement basically changes the conflict. He now has positioned himself in the eyes of the Russian people and many people around the world as a power broker in the Middle East—in fact, as an alternative to the United States in that region.

This is part of his strategy. It wasn't about Syria as much as it was about his goal of being able to go to the Russian people and say that we matter again on the global stage. In Ukraine, there was talk about moving toward the European Union in terms of economic relations. There was talk about joining NATO. Then he invaded Crimea, and he kept it. He has funded separatists forces in eastern Ukraine. There is no more talk of NATO, and there is no more talk of unifying the economy with Europe, and they kept Crimea. The last few days we are starting to read open press reports of mobilization and unusual activity among eastern Ukrainian separatists backed, supported, trained, and equipped by the Russians, and we fear that new fighting could be imminent at any moment once again.

Then we have all heard the discussions about the elections in the United States and the efforts of other governments to not just hack computers. It is not about hacking alone. It is about the strategic placing of information, gathered through cyber intrusion, for the purposes of undermining political candidates and, therefore, influencing the election.

There was something deeper here. It was part of a broader effort to discredit

our Republic and our democracy, to be able to go back to the Russian people and to the broader world and say that the American political system is corrupt. The American political system is not a true democracy. The American political system is as bad as all these other systems in the world that they criticize. They do not come to this with clean hands.

I often wonder sometimes if we contribute to that argument in the way we behave toward one another in our political discourse in this country. That is something to think about in the long term. I hope people understand that as we engage in these political debates in this country, these things are being viewed around the world. For people who may not have a clear perspective, or if this information is being used negatively—by no means am I saying that we should not have vibrant debate in this country; we should, but I also want people to understand—that oftentimes gives off the perception that, in fact, our Republic is on the verge of collapse.

We are in challenging times. We have some strong disagreements, and oftentimes they become heated. I know for a fact that there isn't a single Member of this body prepared to walk away from the Constitution or the liberties that it protects and are enshrined therein.

By the way, I don't believe Vladimir Putin is done in this effort. I think you are now going to see him continue to interfere in Yemen. He can use that as leverage against the gulf kingdoms, against the Saudis.

I think you are going to see him continue to engage in Egypt. He will go to the Egyptians and say: The Americans are always hassling you about human rights. Why don't you just buy your weapons from us? Why don't you give us a military base? We are never going to give you grief about human rights. We are a much easier and low-maintenance partner.

I wouldn't even be surprised to see him start dabbling in Afghanistan with the Taliban, in some capacity anyway, and couch it in terms of fighting ISIS.

We will see. My point is, it is not done. I bring all that up in the context of this suggestion among some, and I think it is important to talk about it because I don't think we should dismiss viewpoints. There are some, including in the administration, who believe that maybe we can do a deal with Vladimir Putin where he helps us fight against ISIS and in return we lift sanctions. The argument that I hear from people is this: Why wouldn't we want better relations with Vladimir Putin and enlist them in the fight against ISIS?

I come here today in the context of everything I have laid out to tell you why I think that is unrealistic and deeply problematic.

Here is No. 1. Why do we have to do a deal with Vladimir Putin to fight

ISIS? He already claims that he is. In fact, that is the way he describes their operations in Syria—as an anti-terror operation. There is no more dangerous terrorist group in the world today than ISIS. There is certainly no more dangerous terrorist group in the world today than ISIS. There is certainly no more dangerous and capable a terrorist group in Syria today than ISIS.

Isn't that what he is already doing? Why would we then have to cut a deal to encourage him to do what he claims to already be doing? There are only two reasons. Either No. 1, we think he should do more, which in and of itself tells you that he is not doing it; or No. 2, because he is not doing it now.

Here is the second problem: this argument that as part of this whole effort with Russia, one of the things we would be able to achieve is to break them from the Iranians, to create some sort of split between the Russians and the Iranians.

I saw an article the other day talking about that as part of this endeavor. My argument to you is that we don't really need to do that. That is going to happen on its own. Say what you want, as soon as ISIS is destroyed in Syria and Iraq or in both, the Iranians are going to immediately not just push to drive the Americans out of the region but drive the Russians out as well.

The Iranians are not interested in replacing American influence in the region with Russian influence. They want to be the hegemonic power in the region. As to this argument that we somehow can peel them apart, my friends, that is going to happen all on its own. If we abandon there tomorrow, the Iranians would immediately turn to driving the Russians out as well because they want to be the hegemonic power. They have long desired to be the hegemonic power in the region. That is going to put them in conflict with the Russians sooner rather than later at some point here, at least to some level.

The third thing I think we have to understand is that there is absolutely no pressure, no political rationale why Vladimir Putin needs a better relationship with the United States at this time, at least not politically. He is not going to lose an election, because if you run against him, you go to jail. He controls the press. He controls the political discourse in the country. So one of the reasons we should always be advocates for democracy is because democratic leaders act much more responsibly because they have to answer to their people, but in essence that is not what you have in Russia. There is really no reason or rationale why he would be pressured to have a better relationship with us.

Do the Russian people want a better relationship with America? I have no doubt about that, but I want you to understand that everything they learn about our relationship with them is

largely derived through the Russian press. If you never had the pleasure of watching, for example, the RT Network on television, and you are interested in comedy and satire, I encourage you to tune into that station from time to time so you can see an alternative representation of events that would startle you, and perhaps make you laugh. This is unfortunately the sort of media information that filters to the Russian people that Vladimir Putin and the Kremlin completely control.

Here is the fourth and perhaps most important reason I think this endeavor is unrealistic and perhaps even counterproductive. The price you would have to pay is simply too high in return for the alleged benefit that would come about.

No. 1, the Russian Federation under Vladimir Putin has basically violated every agreement they have made now and in the past. They are violating the cease-fire. They violated all sorts of arrangements with regard to arms reductions, and they will continue to do that in any deal anyone cuts with him.

The second is one of the first things he is going to ask for is the lifting of all sanctions for both Ukraine and interference in our elections, in return for no changes to the status in Ukraine and no promise of not undertaking efforts like what happened here in the future.

The third thing they are going to demand is recognition of a Russian sphere of influence in Eastern Europe, especially in places that are now countries that were once part of the Soviet Union. In essence, a United States acceptance officially or otherwise that there are countries in the world who are not allowed to enter into economic or military engagements with the United States unless Russia allows it.

You think about that. They are basically going to ask us to play some game of geopolitical chess, where we basically turn over the sovereignty and future of other Nations and say to them there are these countries in the world, and we are not going to try to do anything with them, economic, political, cultural, socially or militarily, unless you give us permission to do so. This would be a requirement. It is one of the things he insists upon.

He would also require the United States to support pulling back NATO troops and equipment and personnel and operations from Nations in Europe, which would be devastating to the NATO alliance, which one of his other goals is to render NATO feckless and irrelevant.

I just don't think that is a price worth paying in exchange for alleged cooperation against ISIS—that he claims to already be conducting—and in exchange for basically sending a message to the world that America is your ally, unless there is a better deal with us for someone else. That would

be devastating. What do I think we should do, and what I hope the Senate will do, if there is an effort now or any time in the future, by anyone, to change or conduct a deal of this magnitude?

I think the first thing we need to do is be committed to the principle. These sanctions that are in place should remain in place until the conditions in those sanctions are met, until the sovereignty of Ukraine is respected, and until these efforts to undermine democracy and spread misinformation are fully accounted for.

The second is, I think it is important for us to reaffirm our commitment to NATO, and that includes the building up of defenses and exercises, that we continue to do that firmly, not just with our NATO allies but with any nation who seeks cooperation with us.

The third is careful but strategic engagement in the Middle East to the Iraqis, to make very clear that the United States will continue to be their partner after ISIS falls; that we want Iraq to be prosperous and free and that we believe it is better for the world and we are prepared to help them achieve that.

To the Egyptians, we will continue to press them on human rights, and we should. We should also be willing at the same time—and, by the way, with the argument that respecting human rights is actually good for Egypt, that in the long term these conditions that exist will lead to constant threats to their government, but we can do that while at the same time continuing to partner with them on military sales. I think they would welcome a conversation about trade and potentially a bilateral trade agreement with them about opening up avenues for business investment and so forth.

The fourth is to point out that if they are not going after ISIS, then what exactly are they doing now? It is important for us to point that out to the world. Again, I made this point numerous times. I want to make it once again; this idea that we are going to get them to cooperate much more against ISIS basically implies they are not doing it now, but they claim that is why they are in Syria to begin with.

Finally, I think it is important for us to try to communicate directly with the Russian people to the extent possible. It is hard to do because the Russian Government, under Putin, also controls the Internet with filters and the like. It is important for us to say our quarrel is not with the Russian people; that for many years up until this unfortunate turn of events over the last decade, the links with the United States and the Russian people grew strong and those links remain.

In my home State of Florida, there is a significant number of Russians who live in Florida part time and so forth. I hope that will continue. Our quarrel

is not with the Russian people, and we desire for Russia to be powerful and influential in the world. We want Russia to be prosperous. This country does not view this as a zero-sum gain. In order for America to be influential, Russia must be less influential.

Our quarrel is not with Russia but a leader who does view it as a zero-sum gain, a leader who believes the only way Russia can be more important is for America to be less important, a leader who has chosen to try to undermine an international order based on democracy and free enterprise and human rights that has kept the world out of a third world war, and I think it is important for us to do that.

I think that is important and why we need at least to be prepared in this body, if necessary, to move forward with legislation that doesn't just codify existing sanctions but that prevents the lifting of those sanctions, unless the conditions in those sanctions are met. This is our job. It is true that Presidents and administrations have an obligation, a duty, and a right to set the foreign policies of the United States. There is no doubt about it. I think that is true, no matter who is the President.

But it would be a mistake, and in my opinion, a dereliction of duty for the Senate and the Congress to not recognize that we, too, have a duty to shape the foreign policy of the United States and the power to declare war in the budgets that we pass, in the laws and conditions that we put in place, and in our ability to override vetoes, when necessary, even in the process of nominating individuals to serve in the U.S. Government and the executive branch.

We not only have the power, we have the obligation; the obligation to shape and mold and direct the foreign policy of this Nation, and if we don't, then we are not living up to the oath we took when we entered this body, and that it is not a political thing. This is not about embarrassing anyone. This is not about partisan issues. It should never be. In fact, one of the traditions that has existed in this Nation for a long time is that foreign policy, when it came to issues that impacted the security issues of the United States, there was an effort to make sure it was as bipartisan or nonpartisan as possible because when America gets in trouble on national security, there is no way to isolate on a bipartisan basis.

It is my hope, as we debate all these other issues, that we continue to keep these issues in mind because it is critical to the future of our Nation, critical to our standing in the world, and ultimately vital and critical to the kind of world and Nation we will leave to our children and grandchildren in the years and decades to come.

I, for one, in the midst of all of this debate about a bunch of issues that divide us, will continue to work to ensure that this is one that unites us and

allows us to live up to our constitutional obligation, to participate fully in shaping and directing the foreign policy of this great Nation.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise to oppose the nomination of Senator JEFF SESSIONS to be Attorney General. I thought very carefully about this matter and about what it means to oppose a colleague. We had an unusual night last night, where one of our Members was ordered to stop speaking as she explained her opposition. Comments that would have been allowed regarding any other Cabinet nominee were ruled unacceptable because this nominee also sits in this body. I voted to overturn that ruling and restore my colleague's speaking privileges because I was of the opinion that the constitutional duty to advise and consent on nominations should allow for debate.

But whatever my opinions about the ruling, I do have to acknowledge that standing on the floor to speak in opposition to a colleague is not an everyday occurrence. We do disagree every day, all of us, even within our own caucuses on matters of policy, but there is something more personal about taking the floor to take a position regarding a sitting Senator who has been nominated for a Senate-confirmable position.

I know Senator SESSIONS well. We served together on the Armed Services Committee. We attend a weekly Senate Prayer Breakfast together. We have taken codel trips together. I consider Senator SESSIONS a friend, and I respect that he has been repeatedly sent to this body by the voters of his State, but while we can and should be friends, strive to be friends, in this Chamber, we are not ultimately here about friendship. We are here to do people's business. And significant differences in our opinions and convictions are not to be papered over, even when we find ourselves in different positions than our friends.

Some Members of this body ran for President, and I did not support them, even though they were my friends. And some people in this Chamber did not support me to be Vice President, even though we are friends. There is nothing unusual about that. We all understand it. We must treat each other with respect and civility. We are still called to, in the words of Lincoln, "be firm in the right as God gives us to see what is right."

So based upon how I see the right and on my convictions, I cannot support my colleague for the position because I do not have confidence in his ability to be a champion for civil rights, to wisely advise the administration on matters involving immigration, and to be resolute as the Nation's chief law enforcement official that torture is contrary to American values.

This one matters to me a lot. This appointment is very critical. The Attorney General is one of the four Cabinet appointees who are not allowed to be engaged in political activity: Secretary of Treasury, Attorney General, Secretary of State, Secretary of Defense. They are beyond politics and supposed to be above politics. They must have an independent gravitas and even be willing to challenge the President. The mission of the Department of Justice cannot be more important. For 17 years, before I got into State politics, I was a civil rights lawyer. I read a book, "Simple Justice," when I was in law school, about the lawyers who battled to end segregated education in this country. Even though I really didn't know any lawyers and certainly didn't know any civil rights lawyers—and was living in kind of an Irish Catholic neighborhood in the suburbs of Kansas City—I decided I wanted to devote my life to this.

So I moved to Virginia in 1984 and started practicing civil rights law, and I did it for 17 years. I will always remember—and I bet you will too—my first client, the first case that I had that was really mine. A young woman who walked into my office and told me she had been turned away from an apartment, and she thought it was because of the color of her skin. I was able to prove that was the case, and so we were able to win, but what I remember about Lorraine was how it made her feel. She was my age. She had just finished school. She was looking for an apartment, her first apartment away from home, just like I had done. While my experience getting a job, finding an apartment, getting out on my own had been a positive, her experience had been a negative. And she was going to have that feeling and carry it with her every time she looked for a house for the rest of her life: Am I going to be treated differently because of the color of my skin? What had been a happy occasion for me, as a young man venturing out into the world, had been a sad one and a difficult one for her. That started 17 years of fighting in State and Federal courthouses for people who had been turned away from housing or fired or slandered or otherwise treated poorly, either because of their race or their disability or because of their advocacy about important public policy issues.

The civil rights laws of this country protect the liberty of minorities of all kinds who otherwise could be tyrannized by the majority view in their community. The promise of equal justice under the law is sacrosanct and fundamental. And in this battle, the Attorney General is the guardian of liberty, or in a wise Biblical phrase, the "Watcher on the Wall."

Judges sit in their courts and they wait for cases to come to them, but an Attorney General is charged with going

out and finding wrongdoing and making sure it stopped. None of the advances that our country has made in the civil rights field has happened without a supportive Department of Justice and Attorney General. And those of us out in the field, lawyers who were taking cases, but especially the clients who simply seek equal justice under law, they have to view the Attorney General as their champion.

In 1963, a married couple in Northeast DC sat down at their kitchen table not far from here, and they wrote a letter to a lawyer in town. I want to read the letter to you.

Dear sir: I am writing to you concerning a problem we have. 5 years ago my husband and I were married here in the District. We then returned to Virginia to live. My husband is white, I am part negro and part Indian. At the time, we did not know that there was a law in Virginia against mixed marriages. Therefore we were jailed and tried in a little town of Bowling Green. We were to leave the State to make our home. The problem is we are not allowed to visit our families. The judge said if we enter the State within the next 30 years that we will have to spend 1 year in jail. We know we cannot live there, but we would like to go back once in a while to visit our families and friends. We have three children and cannot afford an attorney. We wrote the Attorney General, he suggested that we get in touch with you for advice. Please help us if you can. Hope to hear from you real soon. Yours truly—Mr. and Mrs. Richard Loving.

That attorney, Bernie Cohen, became a friend of mine. And his partner Phil Hirshcop and Bernie took the case of this married couple all the way to the Supreme Court, and 50 years ago the Supreme Court struck down interracial marriage in this country. But the case started with a couple who, having nowhere else to turn, thought, if we write the Attorney General, surely he will be a champion for us and he will help us redress this horrible wrong. That is who the Attorney General needs to be. The powerful never have a hard time finding somebody to represent them in court, but the poor or oppressed or those who don't have anybody else to stand up for them, they need a justice system that will treat them fairly, and they need an Attorney General who will embody that value.

Three areas: civil rights, immigration, and torture.

In the area of civil rights, Senator SESSIONS' record here as a Senator has been troubling to me. In the past, when he was considered for a judicial position, he declared that the voting rights laws were "intrusive."

He welcomed the "good news" when the Supreme Court in the last few years struck down, in the Shelby County case, parts of the Voting Rights Act. He has not engaged in efforts that many of us have tried to engage in to improve and fix the law.

This is an important issue to know about an Attorney General whose Department is supposed to be the chief

enforcer of the Nation's voting rights laws. Voting rights are under attack all over this country. The Attorney General must be a champion of those laws.

Senator SESSIONS has opposed protections for LGBT citizens in this body. He voted against the elimination of don't ask, don't tell. He voted against the passage of the Matthew Shepard hate crimes bill. He has publicly stated numerous times his opposition to marriage equality. As far as I know, he has never stated otherwise that he has changed those opinions.

The Senator spoke on the Senate floor about the Individuals with Disabilities Education Act in 2000. He said that this beneficial law was "a big factor in accelerating the decline in civility and discipline in classrooms all over this country." This is very troubling to me as someone who believes that act is one of the Nation's pre-eminent civil rights laws.

There are other examples, but I won't belabor the point.

The Loving family wrote to Attorney General Robert Kennedy to help them battle injustice because they believed he would protect their important civil rights values at stake. I am not confident that people hard-pressed in this country, who feel marginalized, will see the office as a potential ally and champion under Senator SESSIONS. This is particularly the case when we have a President who has been successfully sued in the past for civil rights violations and who makes prejudicial comments about people based on their gender, their religion, their immigrant status, or their disability.

Second, immigration. Our immigration policies are critical. We need to fix our laws. In my time in the Senate, Senator SESSIONS has been the most vocal Senator in opposition to what I believe are reasonable and necessary reforms. His floor comments and his obvious personal passion around this issue are clear, but I think his policies are simply wrong.

Immigration does not hurt our economy; it helps it. Jefferson recognized this in the Declaration of Independence. In his Bill of Particulars against King George, he said: We do not want to live under your tyranny. You won't let us have a good immigration system.

Jefferson recognized it, and all through the years, the inflow of talent, the blood of innovation and talent and new ideas from immigrants, has been part of what has made our country great. That is why there is such a consensus in favor of immigration reform from the labor unions and the chambers of commerce. The CBO says that it will increase our net worth and GDP.

Immigration does not hurt our workers, as Senator SESSIONS often claims it does. A reform would help our workers by eliminating the ability of people to live and work in the shadows and be

paid substandard wages that undercut the wages of others.

Senator SESSIONS' views on immigration even extend to a critical program like the Special Immigrant Visa Program, which grants special protection to foreign citizens, especially those from Afghanistan and Iraq, who have helped our troops on the battlefield. They signed up to help Americans who are in the service. They put their lives at risk for doing so. Because of that, we have a special program to accord them a welcome that they are deserved in this country.

Senators MCCAIN, SHAHEEN, and I and many others have worked on this program, and Senator SESSIONS has been a determined opponent of the SIV Program, and I just can't understand why. If we will not help the people who help us, then who will choose to help us in the future? Some of these SIV immigrants were turned away at airports after the poorly conceived and poorly implemented immigration order of President Trump.

As we contemplate some of this President's outlandish and discriminatory claims about immigrants and as we deal with the aftermath of this poor order, we have to separate the extreme and the untrue from our legitimate security concerns. A good lawyer often needs to be a check against the bad instincts of his client. In this area, I am not confident Senator SESSIONS can do that.

Finally, torture. Like the vast majority of this body, I believe torture is contrary to American values. That is why I was proud to work with Senators MCCAIN, REED, FEINSTEIN, and others in 2015 to pass a law clearly stating that torture would not be allowed by any agency of our government—not just the military but any agency of our government. This law passed the Senate overwhelmingly and in a strongly bipartisan fashion. But Senator SESSIONS was one of a small number of Senators who opposed the law, who opposed a ban on torture.

When we met, I asked Senator SESSIONS why he had opposed the law, why he had opposed this bipartisanship bill. This is a fundamental question for any of us but certainly for an individual who wants to occupy the Nation's chief law enforcement position. His response was not at all convincing. I don't think the Nation should have an Attorney General with an ambiguous record about torture.

While most Federal agencies have a general counsel, it is ultimately the Attorney General who sits at the very top of the pyramid of attorneys advising the President in providing this legal advice. This President has—very unwisely, in my view—stated that he thinks torture is both justifiable and effective. I believe we need an Attorney General who will check that instinct and not support it or justify it.

I will say this in conclusion: There is an independence that is necessary in this position. It is established in law in this position and three other Cabinet positions. Any Attorney General must be able to stand firm for the rule of law, even against the powerful Executive who nominated him or her. In this administration, I believe that independence is even more necessary.

I oppose Senator SESSIONS, who is a friend, who is someone I respect for this position, because I believe his record raises doubts about whether he can be a champion for those who need this office most, and it also raises doubts about whether he can curb unlawful overage by this Executive.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS).

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise today to speak in strong support of the nomination of Senator JEFF SESSIONS to be the next Attorney General of the United States. I do that as someone who has known him personally quite well for 6 years now. I want to do this briefly because we are pressed for time, but I want to make a few points.

First, I think we all recognize the terrific credentials that Senator SESSIONS brings to this job—his career, his lifetime serving his country, from his time in the U.S. Army Reserve, to his 12 years as a U.S. attorney, to the 2 years he spent as the attorney general of Alabama, all before being elected to the U.S. Senate. But much more importantly, I am so impressed by this good man, this good and decent man's commitment to protecting all members of our society and his sense of fairness. Let me give a couple of examples.

It was Senator SESSIONS who worked with a Democratic colleague, Senator COONS, on legislation to help women and children who were victims of abuse. It was Senator SESSIONS who joined me in our successful effort to provide hundreds of millions of dollars of additional funds each year to victims of child abuse and sexual assault and domestic violence.

Senator SESSIONS' sense of fairness is also illustrated in his approach to law enforcement. It is probably widely known that he has the endorsement of every major law enforcement group in America, but Senator SESSIONS has also spent a lot of time and effort making sure people on the other side of law enforcement are treated fairly and humanely.

It was Senator SESSIONS who led the successful effort to eliminate the disparity in sentences for crack users versus cocaine users, working with Senator DURBIN, a Democrat. They succeeded because Senator SESSIONS understood that the disparity—the much harsher penalty on the use of crack cocaine versus white powdered cocaine—

was completely unfair and overwhelmingly adversely affected African Americans. That was not acceptable to JEFF SESSIONS.

It was Senator SESSIONS who in 2003 joined with Democratic Senator Ted Kennedy in introducing and helping to successfully enact the Prison Rape Elimination Act because of his concern about the appalling abuse experienced by some people in our prisons. That was not acceptable to JEFF SESSIONS.

Let me just say that—I am going to be very candid. The most objectionable and offensive slander I have heard against Senator SESSIONS is the notion that somehow he has some kind of racist leanings. That is an outrageous and dishonest charge. I have known this man very well. There is not a racist bone in his body. This is a man who has been endorsed by many, many African-American leaders. This is a man who personally took on the KKK every chance he had when he was serving as the U.S. attorney. In fact, arguably, he was the reason that the law enforcement—in fact, he personally did probably more than anyone else to bankrupt the KKK by design so that he could destroy that organization in Alabama, which is exactly what he succeeded in doing.

JEFF SESSIONS is a man who has tremendous respect for the law, a reverence for the law, respect for the rule of law. There is absolutely no question in my mind, from my own personal experience with him for these years, that he will enforce the law vigorously and fairly.

Several of my Democratic colleagues have come down here and they have rattled off policy areas in which they disagree with Senator SESSIONS. You know what, there are areas where I disagree with Senator SESSIONS. I guarantee you, there are lots of areas where I had disagreements with the members of President Obama's Cabinet. But it never occurred to me to expect that I would have complete agreement on every policy issue with every candidate for a Cabinet position.

What I know about JEFF SESSIONS is that he is an extremely well-qualified attorney, with outstanding credentials, has spent his adult life serving his country and his State, that he has gone to the mat to work for people who are some of the least fortunate and people who have been through appalling circumstances. He has been their champion. I just know he is going to stand up for the principles of the rule of law and equal justice before the law.

The last point I want to make is, when Republican Senators gather periodically for our lunches and our private discussions, every Republican Senator knows that when we are discussing something, if JEFF SESSIONS believes that we are talking about doing something that is a violation of a principle that he holds, he is going to

be the first guy who is going to stand up, and he is going to say: My colleagues, this would be a mistake. This is not the right thing to do.

He is the one who is the first to stand up to any other member of the conference; it doesn't matter who it is. If he thinks what they are suggesting is not the right thing to do, not the principled thing to do, not consistent with our role as Senators, not consistent with our principles, JEFF SESSIONS is always willing to stand up for what is right.

He will stand up for what is right as the Attorney General of the United States. I am proud to support him, and I urge all of my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I think many millions of Americans perceive, as I do, that these are not normal times.

We have had a new President of the United States who called a judge a "so-called judge" because he dared to disagree with President Trump's decision on the ban of Muslims coming into this country.

We have a President who attacks the media in this country as fake news; everything they are saying is a lie. We have a President who goes before the troops—men and women in the American military—and starts talking about politics. It is very clear to me that we have a new President who really does not understand the Constitution of the United States of America, who does not understand the separation of powers in the Constitution, and in that context, we need an Attorney General who will have the courage to tell the President of the United States when he is acting in a dangerous, authoritarian, or unconstitutional way.

I have known JEFF SESSIONS for a number of years, and personally, I like JEFF SESSIONS. But I do not believe at this moment in history, when we need people around this President to explain the Constitution to him, that JEFF SESSIONS will be the Attorney General to do that.

I am deeply concerned about voter suppression in this country. I am deeply concerned that, as a result of the Supreme Court's gutting of the Voting Rights Act, we have, in State after State after State, Governors and legislatures that are working overtime to make it harder for poor people, people of color, older people, young people to participate in the political process.

Today in the United States, we have, compared to the rest of the world, a low voter turnout. Only about 60 percent of eligible voters in America cast a ballot. Our job—whether you are conservative, Republican, Progressive, Independent, Democrat—whatever you are, if you believe in democracy, what

you should believe in is bringing more people into the political process, increasing our voter turnout, not working as hard as you can to suppress the vote.

I want an Attorney General of the United States of America to tell those Governors, to tell those attorneys general all over this country that as Attorney General of the United States, he will fight them tooth and nail in every way legally possible to stop the suppression of the vote in State after State throughout this country.

We have the dubious distinction in this country of having more people in jail than any other nation on Earth. We have about 2.2 million Americans. We are spending about \$80 billion a year locking them up, and the people who are disproportionately in jail are African American, Latino, Native American.

I want an Attorney General who understands that the current criminal justice system is failing, that we have to figure out ways to keep people from getting into jail by investing in education, in jobs, and that incarceration and more jails are not the answers to the crisis we face within criminal justice. I honestly do not believe that JEFF SESSIONS is that person.

In recent years, we have made significant progress in allowing people—regardless of their sexual orientation—to get married and to have the full rights of American citizenship. I do not believe that JEFF SESSIONS will be the Attorney General who will be supportive of LGBT rights.

We have some 11 million undocumented people in this country. I believe that most Americans see the solution as comprehensive immigration reform and a path toward citizenship.

Today we have some 700,000 people who are DACA recipients, who have come out of the shadows and trusted the Federal Government to protect them. We need an Attorney General who is sensitive to the needs of DACA recipients, who will pursue humane immigration policies, and advocate for the need of comprehensive immigration reform. I do not believe that JEFF SESSIONS will be that Attorney General.

So, Mr. President, for all of those reasons and more, I will be voting against JEFF SESSIONS to become the next Attorney General of the United States.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I also rise this evening to talk about the nomination of our colleague from Alabama, Senator JEFF SESSIONS, to serve as our next Attorney General.

Like many of our colleagues, I have heard from an incredible number of people in my State regarding this nomination—some in favor, fewer than

100—many against. Almost 1,300 Delawares have called, emailed, or written to my office, expressing their opposition to Senator SESSIONS' nomination.

I would like to share, if I could, just a few excerpts from some of the emails that I have received concerning this nomination.

We will start with Priscilla from the town of Newport in the northern part of our State. She wrote to me about the experience of her family growing up in a segregated society. Here is what she had to say. She said:

I lived through my parents not having the right to vote, not being able to go through the front door of a restaurant or doctor's office, using the colored fountains and bathrooms. Never again.

Another person, Rhonda from Dewey Beach wrote to me about Senator SESSIONS' voting record on voting rights. Here is what she had to say. She said:

Mr. Sessions has called the Voting Rights Act of 1965 a "piece of intrusive legislation." Under him, the Justice Department would most likely focus less on prosecutions of minority voter suppression and more on rooting out mythical voter fraud.

Here is one from Wilmington, DE—my hometown now—from a woman named Dawn. She wrote to me about her concerns as a parent of a child with autism. She wrote these words:

I am writing to express my deep concern with Jeff Sessions' nomination for Attorney General. I am a parent of an autistic son and am terrified that people with these types of views will be in power to enforce (or not) the laws that protect the rights of my son and so many others.

Mr. President, the common theme throughout these letters, these calls, these emails is their fear that Senator SESSIONS will not be an Attorney General for all Americans.

I know that many of my colleagues—our colleagues—will soon be voting their hopes by voting to confirm Senator SESSIONS to be our next Attorney General, but too many of my constituents, including African Americans, immigrants, women, Muslims, and other vulnerable populations, have called and emailed my office in numbers that I don't think I have ever seen before to express their fears and to ask me to do something about it as their senior Senator.

I have heard their voices loud and clear, and I feel compelled to add my voice to so many others in opposing this nomination.

Let me just say this as clearly as I can. I do so with no joy, no joy.

Last night, as I was thinking about what I wanted to share on the floor this evening, my mind drifted back to another time and place.

The Presiding Officer may not know this. I grew up in Danville, VA, my sister and I, the last capital of the Confederacy. I got there I think when I was just about 9 years old and left when I was about to finish high school.

The home that we lived in right outside of Danville, VA—if you walked out the front door, about 100 yards down the road on the other side was a church, Woodlawn Baptist Church. That was our church, and my mom dragged my sister and me there every Sunday morning, every Sunday night, every Wednesday night, and most Thursday nights.

When my sister and I were in high school, we stood on the doorstep of that church Monday through Friday when school was in session, and we would catch a school bus. About 200 yards down the road, on Westover Drive, there was another school bus stop, where African-American kids got on their school bus, 200 yards away. We would drive in our school bus 10 miles to our school, Roswell High School, and the kids at the other school bus stop would get in their bus, and they would drive past our school another 10 miles to get to their school.

On weekends, my dad worked a lot. He was in the Navy Reserve as a chief petty officer. He was gone a lot on the weekends. My mom worked in downtown Danville in the five-and-dime store. My sister and I would catch a bus, and we would ride downtown to go have lunch with my mom on many Saturdays when we were 9, 10, 11, 12 years old.

I couldn't help but notice when we got on the bus that if you were White, you got to sit up front, and if you were Black, you sat in back. We would go to a blue plate diner with my mom at lunchtime. There was one section where, if you were White, you got to eat there, and another section where, if you were Black, colored, you would eat there. To go to the restrooms, it was colored only, White only.

After lunch, my sister and I would go to Rialto Theatre in Danville, and my mom would give us each a quarter. And for 25 cents, we could see that afternoon three movies until she was finished with work, and we would go home together. At that Rialto Theatre, if you were White, you sat down in front on the first floor; if you were Black, you sat up in the balcony.

I will never forget that when I was a little boy in Danville, one day, I went to the dentist's office for some dental care. I remember this older African-American woman coming into the dentist's office, and she was in pain with I think an abscessed tooth.

She said: I know I don't have an appointment, but could someone just help me out of my misery?

They said: I am sorry, ma'am. You don't have an appointment. We can't do anything for you. And she left crying.

My parents—it turns out I am a Democrat; they were Republican, as far as I know. They got to vote, and they got to vote regularly. But I will bet you dollars to doughnuts that the kids at

that bus stop who caught that bus to go to that all-Black, all-African-American school, my guess is that a bunch of them didn't get to vote because of something we had in Virginia called a poll tax.

Among the lessons that my sister and I learned at Woodlawn Baptist Church was the Golden Rule: Treat other people the way we want to be treated.

Among the things that we learned at that church is Matthew 25: We should care for the least of these. When I was hungry, did you feed me? When I was naked, did you clothe me? When I was thirsty, did you give me a drink? When I was sleeping in prison, did you visit me? When I was a stranger in your land, did you welcome me? And we were taught: yes, yes, yes, yes.

Micah 6. In my church this past Sunday, the question was raised: What is expected of us by the Lord? And we received three answers. And the three answers: Do justice, love kindness, walk humbly with thy God.

I have taken those lessons from my childhood, and those are lessons from my own church today. And I want to tell you that as a kid growing up in Danville, VA, I can understand how other kids in my community were racist or bigoted. I can understand how it happened in Alabama or North Carolina, where our Presiding Officer is from.

But somewhere along the line, somebody got ahold of me and said: You know all that stuff you are talking about in church and the Bible? If you really believe it, here is how you should act and talk and speak. And finally it sunk in.

I just want to say that JEFF SESSIONS has been my colleague. I have been here for 16 years. He has been my friend and colleague for 16 years. We read the same Bible. There have been times where we read it together over the years. When we met in my office just a few weeks ago, we talked about how our faith guides us in our lives. I reminded him of how Matthew 25 talks about moral obligations, "the least of these," which I have talked about.

As I carefully considered my friend's nomination to serve our country in such a critical role, I found that while we agree on many issues, including that our faith is an important guide not only in our personal lives but in our capacity as public servants, I found that our views on too many important issues diverged.

Like many Americans, I am troubled by the direction Donald Trump is seeking to take our country in these first few weeks of his administration. I believe that an independent Attorney General can provide a check on this President's legal recklessness, and it may be more necessary now than at any point in recent history. Donald Trump has already revealed an agenda that reflects his divisive campaign, one

that I believe will make our economy less robust, less fair, our environment less clean, our country less inclusive, our freedoms less free, and our allies less inclined to take America at its word.

Many of us worry that JEFF SESSIONS will not be the independent check on this administration that we need, and many of us worry that JEFF will not hold our Justice Department to the principles that everyone, no matter their age, income, sex, or color, deserves equal protection under the law. My colleagues and I have these concerns with a number of Cabinet nominees. I voted for more of them than I voted against.

Having said that, we need individuals to serve in these key posts who are willing to speak truth to power. Ironically, that is what got Acting Attorney General Sally Yates in trouble. She did it a few days ago when she was fired for refusing to defend the Muslim ban because she thought it might not be lawful.

Throughout the campaign, Senator SESSIONS supported a religious-based test for immigrants, and I fear that Senator SESSIONS is unlikely to stand up to Donald Trump and tell him that he is wrong on this front. To be honest with you, I just believe we need somebody who will do that, and unfortunately I fear there is a good chance that Senator SESSIONS believes Donald Trump just might be right. I am also afraid that Senator SESSIONS won't be the independent check our country is likely to need, especially in this administration.

Ultimately, however, the votes are where they are, and it appears that our friend, our colleague, Senator SESSIONS, will be our country's next chief law enforcement officer and chief attorney. Over these past days and weeks, I thought about whether our friend is the best person for the job, as I have said. I know others have too. I also thought about the millions of Americans who fear that he may have views about different races and minorities that could seep into the Justice Department, resulting in an unequal applications of our country's laws.

My thoughts have led me to the example of Lyndon Johnson, a man from the South who served, as you may recall, in the U.S. House of Representatives in Texas for a number of years and later suddenly became President under tragic circumstances, as we all recall, in November of 1963. LBJ didn't just oppose civil rights while in the House of Representatives and in the Senate, he often bragged about it. But he went through a public transformation that would lead him to pass the first civil rights bill since reconstruction as Senate majority leader in 1957 and then signed into law some of our Nation's landmark civil rights laws—the Civil Rights Act of 1964, the

Voting Rights Act of 1965, the Elementary and Secondary Act, the Fair Housing Act, and countless others.

LBJ's transformation didn't happen overnight, though. The truth is that his views on civil rights and racial justice might have been there all along.

Here is what Robert Caro wrote about LBJ in the most recent installment on his life:

Although the cliché says that power always corrupts, what is seldom said, but what is equally true, is that power always reveals. When a man is climbing, trying to persuade others to give him power, concealment is necessary: to hide traits that might make others reluctant to give him power, to hide also what he wants to do with that power. If men recognized the traits or realized the aims, they might refuse to give him what he wants. But as a man obtains more power, camouflage is less necessary. The curtain begins to rise. The revealing begins.

So it was, in Caro's view—and I think he is probably right—so it was with Lyndon Johnson.

Mr. President, that reminds me of another quote tonight. This is one from our former First Lady Michelle Obama, who said these words: "Being President doesn't change who you are, it reveals who you are."

It reveals who you are.

We are not confirming JEFF SESSIONS to be our next President, but we are confirming him to be our next Attorney General, and we must ask, as the curtain rises, what will it reveal? What will it reveal about JEFF SESSIONS?

Unfortunately, each time JEFF's career has led to more power, whether it was district attorney in Alabama, attorney general for his State, or as U.S. Senator, it has revealed a JEFF SESSIONS who is much the same as he has always been. It has revealed JEFF SESSIONS to be less inclined to undergo the transformation that so many others before him have undergone to put themselves and our Nation on the right side of history.

I will close with this thought: If Senator SESSIONS is confirmed, it is my sincere hope that our friend and our colleague will recognize the awesome responsibility and the opportunity he has to serve not only the people of Alabama, not only the people of the South or the Southeastern part of our country, but Americans across our country of all races, all colors, all creeds. In this body, it is often important that we vote with our hopes rather than our fears, and unfortunately, tonight I am not yet prepared to vote my hopes. But the words of a reporter writing about President Johnson a few years ago give me some hope as we look forward, and maybe they will give hope to the rest of us. Here is what that reporter wrote about Lyndon Johnson:

Perhaps the simple explanation, which Johnson likely understood better than most, was that there is no magic formula through which people can emancipate themselves from prejudice, no finish line that when

crossed, awards a person's soul with a shining medal of purity in matters of race. All we can offer is a commitment to justice in word and deed that must be honored but from which we will all occasionally fall short.

And I would just add, and we do.

I hope these words I have just quoted resonate with our friend and colleague, Senator JEFF SESSIONS. If they do, both he and our country will be better for it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, there has been a lot of discussion about Senator SESSIONS' nomination on this floor in the last 24 hours. Before we vote, I want to offer a couple of observations about the unfairness in some of the statements.

First, I was hoping to limit my remarks to all of the reasons why I believe Senator SESSIONS will make an outstanding Attorney General, but instead I feel very compelled to say a few words about some of the attacks that have been leveled against Senator SESSIONS here on the floor, where he has served the people of Alabama faithfully for 20 years.

A number of Senators have come to the floor to talk about Senator SESSIONS' hearing in 1986 when he was nominated to be a Federal judge. Now, it happens that I was in the Senate in 1986, at that time by 6 years. I was on the Judiciary Committee in 1986, by that time for 6 years, and I want you to know I saw what happened. I don't have time to go into all the details here, but I will tell you this: JEFF SESSIONS' hearing in 1986 was an absolute ambush. In fact, it was a planned ambush. He was unfairly attacked then and he is being unfairly attacked now. I will give just two examples.

First, in the last 24 hours, we have heard Senator SESSIONS attacked for a voting rights case that he pursued as U.S. attorney in Alabama. We have heard a lot about that case. Of course, those who have raised the Perry County trial don't tell you Senator SESSIONS was actually asked to pursue that case by two African-American candidates who believed that ballots cast by African-American voters had been altered. The bottom line is that he was vindicating the voting rights of African-American voters whose voting rights had been compromised.

Second, we have heard Senator SESSIONS criticized for testimony in his 1986 Judiciary Committee hearing about the Voting Rights Act. It has been said on this floor and it has been said repeatedly that JEFF SESSIONS called the Voting Rights Act "intrusive," but those speaking in the last 24 hours don't know what he actually said. He did use the word "intrusive," but then he said the Department of Justice had to do it "because it would not have happened any other way."

He said further: "Federal intervention was essential in the South." He

said it was an intrusive piece of legislation “because it was a necessary piece of legislation, I support it.” That is right. He said the Voting Rights Act “was a necessary piece of legislation, I support it.” That is what he said. But if you have been listening the last 24 hours—you wouldn’t know any of that by listening to those who have come to the floor and talked all about that case in 1986.

Like I said, I was here way back then. I saw what happened to that man who is going to be our next Attorney General, who would go on to join the Senate for these 20-some years and become our colleague and our friend. So you can understand why it is very frustrating to me to listen to all of those attacks, and it is particularly frustrating to hear it from Members who were not even here in 1986.

With that, let me just say this in closing: Senator SESSIONS has served with us for 20 years. Every Member of this body knows him to be a man of integrity. Almost all of us have been on the other side of a policy debate with Senator SESSIONS at one time or another. I know I have. What we know from those debates is that whether Senator SESSIONS agrees with you or not on any policy question, he handles the debate fairly, he handles the debate respectfully, and he handles the debate honorably.

Senator SESSIONS answered our questions in the Judiciary Committee for 10 long hours. He gave us his word on the critical issues that should decide our vote on this nomination. Most of that was centered around the fact that he is a man devoted to the law, and he is devoted as the chief law enforcement officer of our country to enforce the law, even if he didn’t vote for it and even if he disagreed with it.

We know from the questioning that Senator SESSIONS will be independent when he said when he has to say no to the President of the United States, he will say no to the President of the United States. We know Senator SESSIONS then, as I have said, will enforce the law faithfully, without regard to person, for all Americans.

Motivated by those principles, Senator SESSIONS will make a very fine Attorney General, and most people in this body know that—even those who are going to vote against him.

I am pleased to cast my vote in favor of his nomination, and of course I urge my colleagues to do the same thing.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in support of the nomination of my colleague and friend JEFF SESSIONS to be the Attorney General of the United States.

Why? We have had this debate. It has gone on a long time, and we have heard from a lot of proponents and opponents

of JEFF SESSIONS. Who would know JEFF SESSIONS better maybe than I would? I have worked with JEFF SESSIONS since he came to the Senate 20 years ago. Between us we have been here 50 years, 30 years for me, 20 years for him. Our staffs worked day and night on issues that have affected our State and affected the Nation.

I first really got to know JEFF SESSIONS when he was the Attorney General of Alabama. He had been the U.S. attorney. He was pretty well known, but I didn’t know him. We didn’t really know each other until he became the Attorney General.

I urged him to run for the U.S. Senate. I thought he could win, but I thought not just that he could win but that he could bring something to this body. I thought he would be a good colleague, he would be a good Senator for the State of Alabama and for the United States of America, and he has been.

When you deal with people day after day—remember, we all know each other as colleagues here. There are just 100 of us. It sounds like a lot of people, but it is not. When we interact on committees, when we deal with each other, when our families are thrown together, we talk, we debate, we maybe even fight a little bit at times over issues. We get to really know somebody.

I know JEFF SESSIONS pretty well. I believe he is competent as a lawyer, he was a good lawyer, he was a good prosecutor, and he served our State as Attorney General. He has been active on the Judiciary Committee where he has chaired a subcommittee. He has been active on the Budget Committee. He has been active on the Armed Services Committee. He has been active right here in the Senate—our Senate—on the Environment and Public Works Committee, and he is well respected.

What kind of Attorney General do we want? We want somebody who is competent, somebody with integrity—integrity above everything. That is what counts in this job. This is a very, very important job. These are big shoes. JEFF SESSIONS can fill those shoes, and I am happy and proud to be here and to vote for him tonight. I wish my colleagues on the other side of the aisle would join us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask to proceed on leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I would like to say a word about the nominee we are about to confirm. We have long known our colleague from Alabama as Senator SESSIONS—and soon Attorney General Sessions—but it wasn’t always this way. There was a time when the distinguished Senator from Alabama was known simply as

“Buddy.” Buddy—the product of a small town called Hybart, the son of a country store owner, the inheritor of modest beginnings.

Senator SESSIONS’ parents grew up in the Depression. They taught their son the value of a dollar and the importance of hard work. If our colleague wasn’t at school or football practice, you were likely to find him at his dad’s store lending a hand to customers. As anyone from a small town can attest, that little store served as far more than just a place to buy goods. It was also a local gathering place, a place where people were liable to share their hopes and concerns, and their dreams too.

This is where JEFF SESSIONS developed his core values. It is where he developed an appreciation for the everyday struggles of working people. It is where he learned the importance of listening first, of standing up for what matters, of putting others’ needs before one’s own. It made him a better person. It made him a pretty good politician too.

Senator SESSIONS is the kind of guy who, with just one conversation, can make you feel as if you have known him your entire life. He is usually the first to arrive at constituent events and the last to leave. He has also made it a priority to travel annually to every county in Alabama—all 67 of them.

His staff will tell you it is these trips home when Senator SESSIONS is really in his element. Driving across Alabama, from sunup to sundown, milkshake in hand, or maybe a Blizzard from Dairy Queen, Heath bar flavor, thank you very much, that is Senator SESSIONS.

Now, it is not hard to see why Alabamians keep sending him back to Washington. Last time out he scooped up a modest 97 percent of the vote.

Part of Senator SESSIONS’ secret to success is simple enough; he is just a likable guy.

Our colleague is one of the most humble and most considerate people you will ever meet. He is a true Southern gentleman. He is pretty funny too. His staff would certainly agree. They still remember the time he accidentally ran his suit coat through the paper shredder. They saved the evidence too. Let’s hope that one makes it into his archives.

SESSIONS’ alums call this man a mentor. They remain ever grateful for his focus on their own development. I know they are going to miss grabbing a burger and fries with him at Johnny Rockets.

They are really going to miss his wife Mary as well. We will around here too.

Now, in SESSIONS’ world, Mary Sessions is something of a legend. She has been our colleague’s strongest supporter, no matter the task before him. She has been a source of encouragement and a friend to all of Team Sessions. I doubt they will ever forget

Mary's friendship or her famous cream cheese pound cake.

One thing they will not soon forget either is Senator SESSIONS' intense focus on the office's letter-writing operation. Sometimes that meant working weekends with the boss to get the constituent correspondence just right.

There is no doubt Senator SESSIONS is very, very particular about his writing, whether it is constituent letters or legal memoranda, and there is a good reason for that. Words, as this lawyer is known to say, have meaning. It is a philosophy that has animated Senator SESSIONS' longtime love affair with the law.

He believes in equal application of the law to each of us, regardless of how we look or where we come from. It is a genuine passion for him. It is an area of deep importance and principle.

Senator SESSIONS will stand up for what he believes is right, even when it isn't always the easiest thing to do.

Now, this is a guy who fought for Republican principles long before—long before—Alabama became a red State. He stood up to the George Wallace dynasty as a young man. He stared down the forces of hate as U.S. attorney and State attorney general. He has continued to fight for the equal application of the law as well, not to mention a growing economy, a streamlined government, and a strong defense.

Of course, as anyone who knows him will tell you, Senator SESSIONS is a lawyer's lawyer. He is willing to hear the other side of an argument. He is willing to make the other side of the argument as well. He is also willing to be persuaded.

He has worked across the aisle with Democrats like the late Senator Ted Kennedy and the assistant Democratic leader on issues like prison reform and sentencing reform. Democrats have praised him as someone who is "straightforward and fair" and "wonderful to work with."

The politics of the moment may have changed, but the truth of statements like these endures. Deep down, each of us knows these things remain just as true about Senator SESSIONS today as they did when our Democratic colleagues praised him.

Fair in action, bound to the Constitution, a defender of civil rights, this is the man we have come to know in the Senate. It is the same man we can expect to see as Attorney General.

Senator SESSIONS may be leaving the Senate, but there is plenty this Eagle Scout will be taking with him. That includes the motto he has lived by—"Be Prepared"—which is so engrained in our friend that it is even engraved into the back of the granite nameplate on his desk. It is a simple phrase with a simple message, and it seems particularly fitting for our friend today.

He has a big job ahead of him. I think he is up to the task. He is tough, but he

is fair. He is persistent, but he is respectful. He is a likeable guy, a principled colleague, and an honest partner. And while we are really going to miss him, we also couldn't be prouder of him.

So let us thank Senator SESSIONS for his many years of service.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the SESSIONS nomination?

Mr. CORNYN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SESSIONS (when his name was called). Present.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 59 Ex.]

YEAS—52

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

ANSWERED "PRESENT"—1

Sessions

The nomination was confirmed.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I move to reconsider the vote on the nomination.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. McCONNELL. I move to table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The motion was agreed to.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Jerry Moran, Pat Roberts, Roy Blunt, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of THOMAS PRICE, of Georgia, to be Secretary of Health and Human Services shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: The Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 60 Ex.]

YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

NAYS—48

Baldwin	Franken	Merkley
Bennet	Gillibrand	Murphy
Blumenthal	Harris	Murray
Booker	Hassan	Nelson
Brown	Heinrich	Peters
Cantwell	Heitkamp	Reed
Cardin	Hirono	Sanders
Carper	Kaine	Schatz
Casey	King	Schumer
Coons	Klobuchar	Shaheen
Cortez Masto	Leahy	Stabenow
Donnelly	Manchin	Tester
Duckworth	Markey	
Durbin	McCaskill	
Feinstein	Menendez	

Udall
Van Hollen

Warner
Warren

Whitehouse
Wyden

NOT VOTING—1

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

The Senator from Alabama.

FAREWELL TO THE SENATE

Mr. SESSIONS. Mr. President, I thank my colleagues in the Senate. Serving in this body for 20 years has been one of the great honors of my life. I remember coming up when I was running for the Senate and going to the Republican luncheon. They said: Well, you have a few minutes. You can say something, but don't talk very long because people don't want to hear a lot from you, frankly.

So I told them that I could think of no greater honor than to represent the people of Alabama in the greatest deliberative body in the history of the world. That is what I feel about this body. I want to say, I appreciate the full debate we have had. I want to thank those who, after it all, found sufficient confidence in me to cast their vote to confirm me as the next Attorney General of the United States of America.

I have to tell you, I fully understand the august responsibilities of that office. I served as United States attorney for 12 years and assistant United States attorney for a little over 2 years. During that time, the very idea of those great leaders in Washington leading those departments I served under make it almost impossible for me to conceive, I am that person and will have that opportunity and that responsibility.

So I understand the seriousness of it. I have an interest in law enforcement. I have an interest in the rule of law. So I want to thank those of you who supported me and had confidence in me. I want to thank President Donald Trump. He believes in the rule of law. He believes in protecting the American people from crime and violence. He believes in a lawful system of immigration that serves the national interest, within bounds, and those are things that may from time to time come before the Office of Attorney General.

I look forward to lawfully and properly advancing those items and others that we as a body support, and the American people believe in.

The Attorney General—this is a law enforcement office first and foremost. People expect the Department defend us, defend us from terrorists, defend us from criminals, defend the country from fraudsters who raid the U.S. Treasury time and time again and too often are not being caught or held to account for it.

I believe that is a big responsibility of the U.S. Attorney General and the whole Department of Justice. As a former Federal prosecutor, I worked

regularly, nights, weekends, and became personal friends with fabulous Federal investigative agents. They give their lives, place their lives on the line for us to promote public safety, to try to do the right thing for America.

Sometimes people think of them in terms of taking away our freedoms. That is not so. They are out there every day putting their lives on the line to advance our freedoms, to protect our liberties, to protect public safety, to stop terrorism that threatens our government.

So I feel strongly about that. I had the honor to lead some of the finest assistant United States attorneys in America. Our goal—well, before I became an assistant, I was told that Mobile had the best U.S. attorney's office in America.

So when I came back as U.S. attorney some 6 years later, I told them that was our goal. We were going to have the best United States attorney's office in America. What a great time we had. We had wonderful people. They worked nights and weekends to prepare their cases. We went before great Federal judges. It was a glorious time. It was really a special time.

I will never ever forget that. I was before the Judiciary committee in 1986, and Senator Kennedy—later my friend—spoke harshly about me. It was on the TV. They would show his statement. He said I should resign my office. So a few minutes later I had a chance to say something. I said: Senator Kennedy, what you said breaks my heart. Nothing I have ever done have I been more proud of than serving as United States Attorney. I still believe that. Nothing I have ever done am I more proud of than the work we did in that little office in Mobile, AL, representing the United States of America.

You go into court, you stand before the judge, and you say: The United States is ready. I represent the United States of America in a litigation. So this is a big deal. So I would say to you, friends and colleagues, that this is a special honor. I feel it in my bones. I hope and pray I can be worthy of the trust you have given me. I will do my best to do that.

Let me comment a minute on the heated debate we have had here in the Senate on my nomination and others. It was an intense election. There is no doubt about that. There have been strong feelings expressed during the election and throughout this confirmation process. Sometimes we have philosophical disagreements, just sincere disagreements about policy, what is right and what is wrong, what the law says, what it does not say.

I believe words ought to be given their fair and plain meaning. Words are not tools that can be manipulated to make it say what you want it to say. I believe words have objective meanings. So sometimes we have differences

about that, but that is what elections are about. I have always liked the debate. I have always enjoyed participating in this great body, where we are free to speak and be able to advocate for the values that we have.

But I don't think we have such a classical disagreement that we can't get together. I have always tried to keep my disagreements from being personal. I have always tried to be courteous to my colleagues. Still, tension is built in the system. It is there. The plain fact is that our Nation does have room for Republicans and Democrats. That is what freedom is all about. I am fairly firm, I have to say, in my convictions, but that does not mean that all of us have to agree on the same thing.

We need latitude in our relationships. So let's agree on what we can agree on, and I suggest that to my colleagues as I leave here, and take action where we can agree on things, but denigrating people whom you disagree with I think is not a healthy trend for our body.

After I had been here for a number of years, I had gotten along pretty well with Senator Kennedy on the Judiciary Committee. He asked me to be the lead sponsor with him on the significant, pretty controversial bill to eliminate prison rape. There were a number of honorable people who opposed it, some friends of mine. He said: I want to do this with you. People asked me: Did you ever have a reconciliation? Did he apologize?

He said: I want to do this bill with you. And I knew what that meant. I appreciated that. I said: I want to do this bill with you. And so we were able to pass that bill together. It was a moment of reconciliation that meant a lot to me. I think he appreciated it too. We later got involved in another major piece of legislation, just the two of us, that would have established a portable savings plan for young workers like the Federal thrift plan.

About that time, the financial crisis hit, and then he became ill and it never came to fruition. But reconciliation is important. We ought to do that in this body. We ought to try to fight for our values and not give an inch. You don't have to back down if you believe you are right, and you should not back down.

But there are ways that we can get along personally. I would say that would be my prayer for this body; that in the future maybe the intensity of the last few weeks would die down and maybe somehow we would get along better.

So, colleagues, I can't express how appreciative I am for those of you who stood by me during this difficult time. I could start calling all their names, but it would not be appropriate. I want to say again, I appreciate the President and his confidence in me, and by your vote tonight, I have been given a real challenge. I will do my best to be worthy of it. I look forward to working

with each of you during that time and maybe make sure that we have a good open door at the Department of Justice.

My wife has picked up pretty quickly that we have a chef, and we can actually invite people for lunch or breakfast there. Maybe we can do that.

Finally, let me thank my family because without their support, I could not be here. It is great. My children have been so engaged in this. They were young when my 1986 adventure occurred. Now they are grown. Your support and affirmation have meant much to me.

LETTER OF RESIGNATION

Mr. President, I present to the body my letter of resignation, which I ask unanimous consent be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 8, 2017.

The Hon. ROBERT BENTLEY,
Governor of the State of Alabama,
Montgomery, AL.

DEAR GOVERNOR BENTLEY: I hereby give notice that I will retire from the Office of United States Senator for the State of Alabama. Therefore, I tender my resignation at 11:55 pm Eastern Standard Time on February 8, 2017.

Very truly yours,

JEFF SESSIONS,
U.S. Senator.

Mr. SESSIONS. Thank you all.
(Applause, Senators rising.)

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of THOMAS PRICE, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Texas.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFUGEE FAMILIES IN VERMONT

Mr. LEAHY. Mr. President, since 1989, Vermont has accepted more than 8,000 refugees from around the world. Most recently, two families from war-torn Syria were placed in Rutland.

Vermonters understand the meaning of community, of supporting one another through tough times and cele-

brating together in seasons of joy. Over the last three decades, the meaning of community has expanded to include numerous nationalities as Vermonters have welcomed new neighbors from countries including Somalia, Sudan, and Bhutan, among others. Over the last 25 years, Vermont's growing diversity has infused vitality and a diversity of culture into our rural State as locals open their arms—and their hearts—to new cultures and ways of life. New Vermonters hail from the world over and are greeted in the Green Mountains by support groups and refugee associations. Some organizations aid new arrivals by offering workforce developments and translation services, while others host furniture and clothing drives. Many refugees are able to find jobs in Vermont's bustling tourism industry, as they work to save for future endeavors.

These support networks expand as the same individuals who once relied on refugee organizations begin to offer guidance to others. For some, this means years of saving before opening restaurants or stores with food and products that feature their home countries. Others focus on engaging recently arrived refugees in the very communities that they were welcomed into. As their roots grow deeper and their communities wider, Vermont's cultural vibrancy increases.

At the end of the day, however, these refugees have become part of the fabric of our communities. Vermont has become a home, if not their first home. In an article featured in *POLITICO* in November 2016, one refugee, Ramadan Bahic, a Bosnian Muslim who fled their Serb-controlled town during the Bosnian civil war said, "My language is my language, my accent will stay, but if you ask me, I'm a Vermonter."

To Mr. Bahic and to those refugees recently settled in Vermont—or hope to do so in the future—I say welcome home.

I ask unanimous consent that the text of a November 2016 *POLITICO* article, "My Language is My language, But I'm a Vermonter," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From *POLITICO*, Nov. 17, 2016]

'MY LANGUAGE IS MY LANGUAGE, BUT I'M A VERMONTER'

Vermont has accepted thousands of refugees over the years, boosting the population and the economy. A debate over accepting Syrians put the state to the test.

(By Erick Trickey)

BURLINGTON—Eight years ago, Som Timsina's family left a refugee camp in Nepal and became one of the first Bhutanese families to seek sanctuary in Vermont. Timsina drove the Holiday Inn's shuttle on night shifts for three years as he saved to open his own Asian grocery. Five years later, Central Market has become a gathering place for the state's growing population of

ethnic Nepali from Bhutan, and its kitchen dishes out Himalayan cuisine that gets raves from locals on Yelp—tikka masala and biryani, plus Nepali momo dumplings.

Timsina, 38, works long, fast-paced days. In a 20 minute chat in his store, he never takes off his black jacket or takes the Bluetooth from his ear. Though business isn't as strong as he'd like, and housing costs in Burlington are high, Vermonters, he says, have offered a welcoming refuge for him and his family—including his father, who was tortured by authorities in Bhutan.

"They react good so far," he says of Vermonters. "They are helping us."

For decades now, Vermont has welcomed refugees from around the world: more than 8,000 since 1989, just over 1 percent of the small state's population. Vermonters have been almost Canadian in their big-hearted welcome of the displaced and persecuted, primarily from Somalia, Sudan, Central Africa, Bhutan and Bosnia. They're generous donors of furniture and household goods for new arrivals. They've taken Somali refugees into their homes to help them adjust to American life. And their schools have stepped up with English-language classes for kids from abroad. In Vermont, refugee resettlement has enjoyed near-unanimous support from state and local political leaders, who see it as a way to add youth and vigor to the largely rural state's declining population. And for the most part their constituents have agreed. Until this year.

On April 26—the same day Donald Trump swept through seven Republican primaries in the northeast—the mayor of Rutland, southern Vermont's largest town, announced a plan to accept up to 100 war refugees a year, beginning with Syrian families. The reaction was swift. A volunteer group, Rutland Welcomes, organized to prepare for the Syrians' arrival, and at the same time a vocal group bent on halting the resettlement, Rutland First, flooded meetings in the town of 16,000. The ensuing debate, which dragged on through the summer, was a miniature version of the emotionally charged argument that dominated so much of the presidential cycle. But the way Rutland residents responded was quintessentially Vermont: generous and pragmatic. In the end, most residents saw that this was about more than the refugees' well-being. It was about their own as well.

A six-foot-tall teddy bear with a red bowtie rests on a shelf in Vermont Bosna Cutting, Ramadan Bahic's fabric shop. It's a photo op for every kid who visits the business, and a symbol of how Bahic and his wife rebuilt their lives in the Green Mountain State after fleeing Bosnia in 1993. Fashion designers before the war, the Bahics now cut fabric for clients that include the Vermont Teddy Bear Co.

"I can say I'm born here," says Bahic, 56, burly and upbeat. "My language is my language, my accent will stay, but if you ask me, I'm a Vermonter."

Bahic and his family, all of them Bosnian Muslims, fled their Serb-controlled town during the Bosnian civil war. "My father was beaten by Serbs," Bahic says. "Both my parents, they were almost killed. We were witnesses, so we were supposed to be killed." The Red Cross evacuated them to a refugee camp in Croatia, and after four months, they were resettled in Burlington.

Though Vermont isn't known for its diversity—whites make up 94 percent of its population of 625,000—that's changing. Bahic's new life is a testament to the major role refugees have played in bringing new cultures

to Burlington. His parents' funeral services were presided over by an imam from the Islamic Center of Vermont, one of the state's two mosques. Though Bahic leads a mostly secular life—he likes to gamble and drink—he's visited Burlington-area churches to explain Islam. The 15 employees at his business in suburban Winooski include many Vietnamese-immigrant seamstresses. His Bhutanese neighbors in his Colchester apartment complex are working hard, hunting for new work, moving up. "In five years, they're looking to buy a house, some looking to buy a new car," he says.

Immigrants in Vermont have organized to help newer arrivals. The Association of Africans Living in Vermont, founded as a social circle, now offers workforce development and translation services to new refugees. Tuipate Mublay, a Congolese immigrant who co-founded the group in 1999, also runs an orientation and a conversation partners program for refugee students at the Community College of Vermont.

"I feel Vermont has more open doors than other states," says Mublay. Immigrants in the state tend to find jobs, apartments and health insurance faster than elsewhere, he says.

At the Vermont Refugee Resettlement Program in Colchester, the state's only refugee placement agency, flyers on a lobby bulletin board offer refugees tips on jobs, health care and transportation: "UPS is now hiring," "Vermont Health Connect," "Get a bike—Bike Recycle Vermont," "And Remember, Please Give 15 Days Notice If You Are Quitting A Job." The Children's Book of America, edited by William J. Bennett, the Reagan administration secretary of education, rests on a coffee table, its cover illustration a bunch of kids from a kaleidoscope of ethnicities waving American flags.

Amila Merdzanovic, VRRP's director, came to Vermont in 1995 as a Bosnian refugee. She makes the case for resettlement's contributions to Vermont: It brings about 200 working adults a year to a state with a stagnant, aging population. "We have employers calling us on a daily basis, saying, 'We need workers,'" she says. Many refugees get jobs at hotels and restaurants. Landlords call, too, despite Burlington's low housing vacancy rate. "Refugees are hyper-aware of the importance of good credit," she says. "[They] take care of their apartments and their neighborhoods."

It's hard to measure refugees' assimilation or happiness. Instead, agencies like VRRP look at self-sufficiency to measure success. Refugees get a one-time payment of \$925 to \$1,125 to start anew in the U.S. After that, the goal is to help them find a job that pays enough to make them ineligible for state aid. In 2015, Merdzanovic says, 75 percent of employable adults resettled in Vermont were self-sufficient within three months of arriving. By eight months, the figure rose to 88 percent.

"[If] we don't hear from them, we know they're working, their kids are in school, they're driving, they have a car and driver's license. That's a success," she says.

In Burlington, refugees' biggest challenge is affordable housing. Timsina, the Bhutanese grocer, says some refugees have moved to Ohio or Pennsylvania because of Burlington's high rents—at least \$1,500 a month for a three-bedroom apartment. That's one reason Rutland appealed to VRRP.

But accepting Rutland's application to become a resettlement site for Syrians has exposed VRRP to something it hasn't dealt with elsewhere: angry opposition. "It's very

different," says Merdzanovic. "It's new waters for all of us."

As Rutland Mayor Chris Louras crosses a downtown street corner, an SUV pulls up. "Hey, Louras!" shouts the passenger.

"Mr. Congressman!" says the mayor.

Peter Welch, Vermont's lone member of the House of Representatives, is the passenger, and he's not at all surprised to find the mayor giving an interview about his support for refugees. Welch is quick to say that he and Vermont's senators back Louras' effort.

"All three of us support accepting refugees in the country—America needs to do its share—but the real hard work is in the communities where people are going to land and live," Welch says.

It hasn't been easy, but Louras, an Army veteran who still sports a soldier's buzz cut, has a history of charging ahead. That's what Louras did last November, when Vermont Governor Peter Shumlin, a Democrat, announced that he, unlike several Republican governors, would continue to welcome Syrian refugees to his state.

"I saw that as an opportunity," Louras says, "not just to do the right thing—to open our doors to a people who are fleeing for their lives—but also to do the right thing for the community." Louras says Syrian refugees could give Rutland a population boost and more cultural and ethnic diversity, which in turn could help the town attract and retain millennials.

"Our population is crashing," Louras says. Though Rutland is one of Vermont's largest cities, that doesn't mean it's very big. About 16,000 people live there, down from 19,000 in 1970. Louras, mayor for nine years, has worked to turn it around. He says downtown occupancy is at 95 percent, up from 75 percent when he started. But Rutland has been hit hard by the opioid epidemic and the subprime mortgage crisis. Absentee landlords have neglected their properties, leaving the city to step in with garbage pickup and grass-mowing. Refugees, he says, could revitalize the city's hardest-hit neighborhoods.

"In Burlington and Winooski, new Americans really take pride in where they live and become very engaged community members." Besides, he says, the town's economy needs workers: Unemployment is below 4 percent in Rutland County, and the region's top employers, Rutland Regional Medical Center and a GE aviation plant, have trouble finding new employees.

So, after talking with State Department and Homeland Security officials, VRRP, the local school district and major regional employers, Louras announced in April that Rutland would apply to welcome 100 refugees a year, starting with 100 Syrians. A supportive group, Rutland Welcomes, organized almost immediately to prepare for the Syrians' arrival. So did opposition.

"These are the same people or many of the same who danced in the street celebrating 9/11, the same people who hate us," read a change.org petition against the resettlement, with more than 400 supporters. Another group, Rutland First, also launched fierce criticisms of the refugee resettlement plan and hosted national anti-immigration speakers Philip Haney and James Simpson in September.

Some critics complained that Louras had acted secretly by not informing the city's board of aldermen. "To keep it a big, fat, frickin' secret until it's too late obviously breeds mistrust," says Rutland City Treasurer Wendy Wilton.

In a July meeting, the aldermen narrowly rejected a petition to hold a nonbinding city-

wide referendum on refugee resettlement. Instead, they voted to send a letter to the State Department saying they weren't ready to endorse the idea.

"The last thing I wanted was for Rutland to be tarred [as] the community that voted on whether or not Muslims could be our neighbors," says Will Notte, president of the aldermen, who supports resettlement. "We never voted on Italians coming. We didn't vote on the Poles. This is not something that is meant to be decided at the ballot box."

Rutland alderman Scott Tømmola, who voted to send the question to the ballot, says he's not opposed to taking in refugees. "I've met very few who are adamantly opposed to this," Tømmola says. "The majority of people I talk to are cautiously optimistic." But he isn't convinced that the city has the jobs, housing and education capacity to take in 100 refugees a year. "Show me these jobs and the housing that's adequate," he says.

In August, at a Rutland First meeting, Wilton claimed that taking in refugees will cause Rutland's property taxes to rise. She predicts they'll drive up English-language learning costs in local schools, and their housing needs will require the city to spend more on community development. "It could be much more difficult than we think to help these folks," she says. Louras and others have disputed Wilton's figures. The mayor says taking in refugees won't cost City Hall a thing, and the schools superintendent says the district has excess capacity for teaching English.

Wilton, like Rutland First, says she isn't completely opposed to taking in refugees—maybe 25 a year would be OK, she says. But she's concerned that they'll take jobs from native Vermonter and that there aren't enough middle-class jobs in town to offer economic mobility. She also has security concerns about admitting Syrians to the U.S., citing intelligence concerns that ISIS can generate fake passports and may try to infiltrate the West through refugee flows. "We're more than likely to end up, out of 10,000, 20,000 people, to have some folks here that don't have our best interests at heart," she says.

Louras says he's confident that the federal vetting process is solid: "Individuals who want to do us harm are not going to come through refugee resettlement."

In late September, the State Department approved Rutland as a new home for refugees. Louras says 75 Syrians from either the Zaatari refugee camp in Jordan or camps in Lebanon, plus 25 Iraqis, should arrive in December or January.

Notte says he's confident that most Rutland residents support the refugees' arrival. He says meetings of Rutland Welcomes attract much larger audiences than resettlement's vocal opponents. The refugees' supporters have organized a furniture donation drive and begun holding free weekly Arabic lessons at the Unitarian Universalist Church.

"Vermont is desperately in need of young working people," Notte says. "It's a match made in heaven."

REMEMBERING DERMOT GALLAGHER

Mr. LEAHY. Mr. President, I have come to this Chamber to pay tribute to Dermot Gallagher, an Irish diplomat and civil servant who I was deeply saddened to hear passed away on January 15, 2017, after a lifetime dedicated to public service.

Dermot Gallagher was a friend of the United States. His career overseas was bookended by tours here, having first been posted at the Irish consulate in San Francisco in 1971 before serving at the United Nations in New York, the Irish Embassy in London, with the European Commission in Brussels, as Irish Ambassador to Nigeria, and ultimately returning to the U.S. as the Irish Ambassador in Washington.

He is perhaps best known for his role in the Northern Ireland peace process. For decades, Dermot was involved in efforts to bring about peace and reconciliation. He was involved in the Sunningdale negotiations in 1973, implementation of the Anglo-Irish Agreement in the late 1980s, and ultimately the negotiations and implementation of the Good Friday Agreement, when he used his "emollient style of negotiation and diplomacy," as former junior minister and former Senator Martin Mansergh aptly described, to make significant contributions.

Dermot was also my friend. Over the course of his 6 years as Ambassador, my wife Marcelle and I came to know Dermot and his wife, Maeve, and I was fortunate to retain his friendship long after he returned to Ireland to advance the cause of peace.

I fondly recall our discussions about the relationship between the U.S., and particularly Vermont, and Ireland over dinner while he was Ambassador, visiting with him over a decade later when he had returned to Ireland and I visited on a trade mission, and the many conversations between about our families, our shared heritage, and our passion for U.S.-Ireland relations and the cause of peace.

I shared a personal memory in Ireland nearly 20 years ago that is worth sharing again because it speaks to who Dermot was as a person. While he was Ambassador, I was discussing my family's Irish ancestry, and I told him I wished my father, Howard Francis Leahy, had still been with us to know my family was planning a trip to Ireland. Dermot said to me, "Pat, don't you think your father knows?" It brought tears to my eyes. He was as personable and genuine as he was a skillful diplomat.

Perhaps his legacy has been best conveyed by the reaction of his former colleagues on learning of his passing, who described him as a "gentleman," "distinguished diplomat," and a "brilliant, creative and warm human being." President Michael D. Higgins noted his significant contribution to the peace process. Minister for Foreign Affairs Charlie Flanagan lauded his "talented service," marked by "great loyalty and constant commitments." Prime Minister Enda Kenny described him as a "patriot, an outstanding public servant who embodied the best of Ireland and its people."

Dermot was all of these things, and he will be greatly missed, but affectionately remembered.

Marcelle and I send our deepest condolences to his wife, Maeve, and to their children, Fiona, Aoife, and Ronan.

TRIBUTE TO FATHER RAY DOHERTY

Mr. LEAHY. Mr. President, I would like to take a moment today to honor Father Ray Doherty, a fellow Michaelman and a pillar of the St. Michael's College community. Father Ray, as he is warmly known, exemplifies so many of the qualities we Vermonters hold dear. His compassion and leadership have contributed to a vibrant college campus and has inspired those beyond its borders. As a member of the Society of Saint Edmund, whose members founded the college in 1904, Father Ray has embodied a commitment to social justice throughout his lifetime of service.

Father Ray first came to St. Michael's as a 17-year-old freshman. He spent his college years as both a student and an athlete, gracing the baseball program with his talents as pitcher before graduating in 1951. Father Ray then served as a staff sergeant in the U.S. Marine Corps during the Korean conflict. It was there that Father Ray saw the importance of loyalty and strong leadership, leading him to join another brotherhood following his discharge.

As an Edmundite priest for more than six decades, Father Ray had advised and supported countless students at Saint Michael's. His leadership on campus focuses on setting a good example through actions rather than words. Father Ray's commitment to social justice and involvement in campus service organizations has fostered peace and justice with in the college community. Though honored with an array of awards, including induction into the college's athletic hall of fame and the establishment of a scholarship in his name, Father Ray remains humble. His role as an administrator, leader, and friend is rooted in a sense of selflessness and an everlasting commitment to the community around him.

To my friend Ray, I say, "Semper Fi."

The St. Michael's College Magazine recently highlighted Father Ray's service, and I ask unanimous consent that that featurette be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GREAT LEADERS THINK OF THE COMMON GOOD

(By Susan Salter Reynolds)

Father Ray Doherty, SSE, served as a staff sergeant in the United States Marine Corps during the Korean conflict, and has been an Edmundite priest in the campus ministry

and on the Board of Trustees at Saint Michael's for half a century. He is, by all accounts, a much-loved and admired presence on the campus.

"What I look for in leadership is a good example," he says, paraphrasing St. Francis: "It's not so much what you say as what you do." Father Ray can't help but point out that in this election season these words took on special meaning.

"Great leaders think of the common good," he says. "They aren't in it just for themselves." Here at Saint Michael's, he says, "We are blessed with the opportunity to lead by example."

Father Ray believes that making people feel safe is an important part of good leadership. He admires the leadership of Pope Francis "He is a man of action," Father Ray says, recalling a time when Pope Francis embraced a man with a very disfigured face. "He didn't hesitate. This is an example of actions being more important than words."

Humility is another raw ingredient of leadership, and Father Ray sees this quality on campus in many places, including the leadership of President Jack Neuhauser. "He is extremely humble—always stands in the back for group photographs!"

Was the leadership Father Ray saw in the Marines different from the leadership he has experienced in civilian life? "The training was strict," he says, "but I might never have become a priest if I hadn't had that opportunity to think about things. There's a lot of love in military life. Many talk about love for their fellow Marines, about fighting maybe not for a cause or a country but in the moment for the guy next to you. You develop these bonds, this loyalty."

"Leadership can also mean listening to the call. When I look back on my life I see so many surprising moments when I made decisions on my own or with God's help. As a Christian and a believer, I do believe that there is some guidance out there if we are open to it. We must be open to inspiration in order to be good leaders."

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

In executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Homeland Security and Governmental Affairs.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:18 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 44. Joint resolution disapproving the rule submitted by the Department of the

Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976.

H.J. Res. 57. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

H.J. Res. 58. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. CARDIN, Mr. MCCAIN, Mr. BROWN, Mr. RUBIO, and Mrs. MCCASKILL):

S. 341. A bill to provide for congressional oversight of actions to waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions with respect to the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL (for himself and Mrs. ERNST):

S. 342. A bill to provide for the issuance of a "Gold Star Families Forever Stamp" to honor the sacrifices of families who have lost a loved one who was a member of the Armed Forces in combat; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROUNDS (for himself and Mr. LANKFORD):

S. 343. A bill to repeal certain obsolete laws relating to Indians; to the Committee on Indian Affairs.

By Mrs. FISCHER (for herself and Mr. KING):

S. 344. A bill to amend the Internal Revenue Code of 1986 to provide a credit to employers who provide paid family and medical leave, and for other purposes; to the Committee on Finance.

By Mrs. FISCHER (for herself, Mrs. ERNST, and Mrs. CAPITO):

S. 345. A bill to amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Ms. CANTWELL, and Ms. HIRONO):

S. 346. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 66

At the request of Mr. HELLER, the names of the Senator from Rhode Is-

land (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 66, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 86

At the request of Mr. MCCAIN, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 86, a bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program.

S. 139

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

S. 178

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 178, a bill to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

S. 203

At the request of Mr. BURR, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 253

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 253, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 306

At the request of Mr. ISAKSON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 306, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 316

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of

S. 316, a bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote American energy security, development, and job creation, and for other purposes.

S. 324

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 333

At the request of Mr. LANKFORD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 333, a bill to limit donations made pursuant to settlement agreements to which the United States is a party, and for other purposes.

S. 337

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 337, a bill to provide paid family and medical leave benefits to certain individuals, and for other purposes.

S. 338

At the request of Mr. NELSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 338, a bill to protect scientific integrity in Federal research and policymaking, and for other purposes.

S.J. RES. 4

At the request of Mr. LANKFORD, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S.J. Res. 4, a joint resolution disapproving the action of the District of Columbia Council in approving the Death with Dignity Act of 2016.

S. CON. RES. 6

At the request of Mr. BARRASSO, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 51

At the request of Ms. HIRONO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 51, a resolution recognizing the contributions of Federal employees and pledging to oppose efforts to reduce Federal workforce pay and benefits, eliminate civil service employment protections, undermine collective bargaining, and increase the use of non-Federal contractors for inherently governmental activities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself, Ms. CANTWELL, and Ms. HIRONO):

S. 346. A bill to provide for the establishment of the National Volcano Early

Warning and Monitoring System; to the Committee on Energy and Natural Resources.

Mr. President, I rise today to reintroduce, along with my cosponsors Senator Maria CANTWELL of Washington and Senator MAZIE HIRONO of Hawaii, legislation that will establish a national volcano early warning and monitoring system to monitor, warn, and protect citizens from undue and avoidable harm from volcanic activity. The system will tie the Alaska Volcano Observatory and the Cascadia Volcano Observatory with the other existing U.S. Geological Survey, USGS facilities: the Hawaiian; Long Valley, California; and Yellowstone Volcano Observatories. The bill will unify the monitoring systems of the volcano observatories into a single connected system, establish a national volcano watch office, operational 24 hours a day, 7 days a week, and fund necessary new academic-governmental research.

The United States is home to 169 active volcanoes, of which 55 are considered to be threatening to life and property. Few Americans realize that of the 50 volcanic eruptions that occur annually worldwide, the United States is the third most active country for eruptions, ranking only behind Indonesia and Japan in its number of historically active volcanoes. Since 1990, eight commercial aircraft have lost engine power in flight and dozens more have been damaged after flying into ash clouds caused by volcanic eruptions. Many Americans remember that Mount St. Helens in Washington State explosively erupted on May 18, 1980. The eruption caused 57 fatalities and destroyed 27 bridges and 185 miles of highways at a cost of \$1.1 billion. Fewer Americans remember that lesser known volcanoes, such as Mount Redoubt in Alaska, erupted well over 100 times in 2009–2010, causing the cancellation of more than 230 commercial airline flights and putting almost 10,000 airline passengers at risk. If eruption forecasts had not accurately predicted where ash clouds from the eruptions might migrate, the negative impacts could have been much worse, or even catastrophic.

The threat to our Nation from volcanic eruptions was dramatically illustrated on December 15, 1989, when a Boeing 747 flying 150 miles northeast of Anchorage, AK encountered an ash cloud that rose from an earlier eruption of Mount Redoubt. The plane lost power in all four engines, falling some 10,000 feet before it could restart two of its engines. The restart saved the lives of the plane's 231 passengers but caused \$80 million in damage to the craft.

This incident points out the dangers to aircraft, especially on the west coast and in Alaska's air space. The Federal Aviation Administration reports that more than 80,000 large aircraft a year carrying more than 30,000 passengers a day, travel in skies over and poten-

tially downwind of many of Alaska's volcanoes, mostly on the heavily traveled great-circle routes between Europe, North America, and Asia. The Alaska Volcano Observatory, with only partial Federal funding, today is responsible for monitoring 29 active volcanoes in the Ring of Fire area along the Aleutian Island flight path.

Even greater potential problems exist for west coast air travelers. There are five active major volcanoes in the Cascade Range of Washington, Oregon, and Idaho, including Mount Baker, Glacier Peak, Mount Rainier, Mount St. Helens, and Mount Adams. In the past 31 years, there have been more than 50 eruptions and at least 17 episodes of significant unrest at 34 different volcanoes in the United States, according to the USGS.

While Mount St. Helens is well known, Mount Rainier near Seattle could cause far greater loss of life should it erupt again, highlighting the benefit of advance notice. The same is true of the Yellowstone National Park caldera, should it erupt. The advances in volcanic/earthquake forecasting aided by a national watch office could help to make more accurate and timely predictions of eruptions possible.

In 1989, the Alaska Volcano Observatory was able to provide only a few days' notice before Mount Redoubt erupted that year. In 2009, after the center's capabilities had been expanded and hours of operation increased, it would provide two months of notice before the volcano again erupted, giving enough warning time to reduce oil stored in the Drift River tank farm complex, located downslope from the volcano, and reducing the threat of significant environmental damage.

This bill will require the Secretary of the Interior to establish the national volcano early warning and monitoring system within the USGS to monitor, warn, and protect the United States from volcanic eruptions. The system would organize, modernize, standardize, and stabilize the operation of the Nation's five western volcanic observatories: Alaska, California, Cascades, Hawaiian, and Yellowstone Observatories. The bill calls for upgrading the existing networks, using geodetic capacities when appropriate, on currently monitored volcanoes and allowing new networks to be installed on some non-monitored volcanoes. The bill will also prompt USGS to help fund observatories to monitor another 20 high-priority volcanoes such as Mount Adams in Washington, North Sister Field in Oregon, Clear Lake in California, and Mount Spurr in Alaska; set up a national volcano watch office that will be operational at all hours; establish a national volcano data center; support research in volcano monitoring science and new technology development; encourage modernization of monitoring activities including "com-

prehensive application of emerging technologies, such as digital broadband seismometers, real-time continuous Global Positioning System receivers, satellite and airborne radar interferometry, acoustic pressure sensors and spectrometry to measure gas emissions" from lava chambers; authorize cooperative agreements to establish partnerships between the system and institutions of higher education and State agencies to collect data and coordinate volcanic information sharing and funding to pay for new work; and establish an advisory committee to assist with implementation.

This bill was proposed in 2009, 2011, and most recently in 2015. Last year it was the subject of a hearing before the Committee on Energy and Natural Resources. The record of that hearing contains no opposition to this necessary legislation or the effort it would spur. I hope that this Congress will be the one that puts this bill on the President's desk and sees it enacted on public safety grounds alone, the need for this bill is compelling.

AUTHORITY FOR COMMITTEES TO MEET

Mr. LEE. Mr. President, I have four requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, February 8, 2017, at 10 a.m. in room SDG-50. The Committee will hold a hearing on "A Look Ahead: Inspector General Recommendations for Improving Federal Agencies."

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 8, 2017, at 10 a.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled "Oversight: Modernizing our Nation's Infrastructure."

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, February 8, 2017, in room 628 of the Dirksen Senate Office Building at 2:30 p.m. to conduct an oversight hearing on "Emergency Management in Indian Country: Improving FEMA's Federal-Tribal Relationship with Indian Tribes."

SUBCOMMITTEE ON READINESS AND
MANAGEMENT SUPPORT

The Subcommittee on Readiness and Management Support of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, February 8, 2017, at 2:30 p.m.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent that at 2 p.m. tomorrow, the Chair lay before the Senate a certificate of appointment from the State of Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY,
FEBRUARY 9, 2017

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, February 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Price nomination postcloture; finally, that all time during morning business, recess, or adjournment of the Senate count postcloture on the Price nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. CORNYN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of the Senator from Oregon, Mr. WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

NOMINATION OF TOM PRICE

Mr. WYDEN. Mr. President, as the Senate begins to consider the Price nomination, I wanted to see if I could put a little perspective on the upcoming debate.

Focusing on bipartisanship has always been important to me. I know many of my colleagues on the Senate Finance Committee, on the Democratic side, share that view, and in 2009, the nominations of Democrats Tom Daschle, Tim Geithner, and Ron Kirk were all handled in a bipartisan way.

Issues came up in the vetting process in each of these cases, and both sides of the committee took the investigation seriously. Unfortunately, that has not been the case in 2017.

While Congressman PRICE served on the powerful Ways and Means Committee, he traded in health care stocks, pushed policies that helped his portfolio, and got special access to a promising stock deal.

I asked the Congressman directly in his Finance Committee hearing whether he got a special deal. He said that he did not.

I don't think you could be much clearer than the following passage from a recent report by a Pulitzer prize-winning reporter at the Wall Street Journal. He wrote: "Rep. TOM PRICE got a privileged offer to buy a biomedical stock at a discount, the company's officials said, contrary to his congressional testimony this month."

I want to repeat that because I think it goes right to the heart of why Finance Committee Democrats feel that the effort to do the vetting necessary with respect to Congressman PRICE is not completed.

A Pulitzer Prize-winning reporter at the Wall Street Journal—I will just read it again—wrote: "Rep. Tom Price got a privileged offer to buy a biomedical stock at a discount, the company's officials said, contrary to his congressional testimony this month."

So, as I indicated, my Democratic colleagues and I on the committee said it was important to take more time to look into this issue. But the majority, when we said we needed to take more time to look at it, decided to look the other way. That is the first reason for concern on my side.

The second is how Congressman PRICE would manage Health and Human Services, a Department that is really all about people: services for seniors, services for the poor, for the disabled, for children, and for families. These are the powerful threads of our safety net. If the safety net is not there for those who have nowhere else to turn, those poor will suffer greatly.

Now, the debate on Congressman PRICE's nomination, in my view, is a referendum on the future of health care in America. In short, it is a debate about whether it makes sense for our country to go back to the dark days when health care worked only for the healthy and the wealthy.

Based on the public record, Medicare is a program Congressman PRICE doesn't believe in, and it guarantees services he doesn't believe seniors should have.

On the Affordable Care Act, he is the architect of repeal and run. He wrote the bill himself. He proposed weakening protections for Americans with preexisting conditions. He would slash Medicaid, shredding the health care safety net for the least fortunate in our country. He would take away health care choices for women across the country.

Look for the common thread, Mr. President and colleagues, among the

Price proposals. They take away coverage for our people and make health care more expensive for individuals or both. That is where Congressman PRICE stands when it comes to American health care.

Every Senator who casts a vote for Congressman PRICE has to stand by that agenda. Beyond what this means for the future of American health care, there is the lingering specter of serious legal and ethical issues.

Tonight and in the hours ahead, this debate is going to tackle each of those issues and more. As it gets underway, I am going to begin with Medicare.

In my view, Medicare has been a historic achievement in the way policy is made in our country. In any debate like this one, I recall my days when I was the codirector of the Oregon Gray Panthers, when I worked with seniors who couldn't imagine life without Medicare. But I will tell you, they told me stories about what it was like for their grandparents when there wasn't Medicare. There were poor farms—literally, poor farms—where older people who had served our country in the Armed Forces very often spent their last days in what amounted to squalor at these poor farms. Then Medicare came along. For millions of older people, it was a godsend.

So I want to start my discussion with respect to Medicare with a comment that Congressman PRICE made about Medicare in 2009. It is a quote that speaks volumes about the Price perspective on the Medicare program that is so treasured by millions of older people.

Congressman PRICE wrote in 2009: "Nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare."

I would just say to my friend, the Presiding Officer of the Senate knows how seniors in Oregon see this. Seniors in Oregon consider Medicare to be a Godsend, not an intrusion into medicine, as you see from the Price perspective.

Here is the bottom line, colleagues, as we begin here today: Medicare is a promise. Medicare is built on a promise of guaranteed benefits—guaranteed benefits that will be there for you. It is not a voucher. It is not a slip of paper. It is guaranteed benefits that you can count on, and it is a promise that Congressman PRICE has indicated—and it is a matter of public record—it is a promise that Congressman PRICE is more than willing to break.

It is a promise that when you turn 65, you will be guaranteed health care benefits regardless of your economic station in life or the status of your health. And the reason Medicare was built with this special guarantee is straightforward: No American knows how healthy they will be when they reach age 65. Perhaps you are a marathoner

at age 50 and you develop arthritis or Alzheimer's or cancer a decade and a half later. Furthermore, no one knows what the economy is going to look like years ahead or decades ahead into the future. For the less fortunate, high inflation or a stock market crash could all but wipe out what they set aside over a lifetime of work. Seniors could find their benefits exposed to new danger every time there is a financial downturn.

During the recent campaign, the American people heard a standard Trump pledge: No cuts to Medicare. But when you look at the Price record and the promise of President Trump, there is a big gap between the two. When you look at Congressman PRICE's plan, it is clear that the Trump pledge was on the ropes the minute he was nominated. In fact, Congressman PRICE said that he wants to voucherize Medicare within the first 6 to 8 months of the administration. Let me repeat that again.

Mr. President, some of these statements that the Congressman has made are so far-fetched that once in a while I am going to have to repeat them so that people really get a sense of why we are so concerned.

Congressman PRICE said he wants to voucherize Medicare within the first 6 to 8 months of the administration. So what that would mean is that right out of the chute, the Medicare promise, the promise of guaranteed benefits—Congressman PRICE wants to break the promise. In his budget, the Congressman called for privatizing Medicare and cutting it by nearly \$500 billion.

He also championed legislation to allow a practice called balanced billing in Medicare. That means seniors could be forced to cover extra charges above what the program pays for the services they receive in the doctor's office. Older Americans on fixed incomes would be forced to pay more for their care.

Colleagues, I believe the Congress has no greater duty than to uphold the promise of Medicare. In my view, there is no need to mince words: Privatizing Medicare as Congressman PRICE has thought to do means an end—an end to the program-guaranteed health benefit. It would break the Medicare promise, the promise of guaranteed benefits and services, and end Medicare as our country knows it.

Now let me turn to the Affordable Care Act. When it comes to the Affordable Care Act, for years now, there has been a steady drumbeat coming from my colleagues on the other side: Repeal and replace. Repeal and replace. I think it has gotten to the point where children sing it almost as a jingle. Repeal and replace. It has been said so many times. A government shutdown all built around that slogan—repeal and replace.

At one point, the President-elect said repeal and replace would happen, in his

words, “simultaneously.” Shortly before inauguration, he said they would come within the same hour, and he said Congressman PRICE was writing the replacement plan and it was nearly ready to be unveiled.

But the public heard a different story during Congressman PRICE's Finance Committee hearing. At that hearing, our colleague Senator BROWN of Ohio asked: The President said he is working with you on a replacement plan for the Affordable Care Act, which is nearly finished, and it will be revealed after your confirmation; is that true?

That was the question posed by Senator BROWN to Congressman PRICE.

The Congressman said: It is true that he said that, yeah—that he said that, yeah. A moment later he added, “I have had conversations with the President about health care, yes.”

So if anybody is waiting for the curtain to rise on the Price replacement plan, it sounds like you are going to have to wait a while longer. In fact, the President said this weekend, just this weekend, Americans might have to wait until next year to see the replacement, but the uncertainty about what comes next sure hasn't slowed down the charge of many toward repeal. In fact, the President issued a day one Executive order instructing the executive branch to roll back the Affordable Care Act in any way possible.

So I thought given these developments, the fact that Congressman PRICE is the architect of a repeal-and-run bill; that the President immediately on day one tried to set in motion a strategy to gut some of the key protections in the Affordable Care Act, I thought I ought to follow this up with Congressman PRICE during his nomination hearing in the Finance Committee. So I asked Congressman PRICE during his finance nomination hearing whether the Congressman would state that nobody would be worse off under the President's Executive order—not real complicated.

There had been all this talk through the campaign about how now President Trump could do a better job, less money. That was the constant refrain. I decided, given these ominous developments that I just described since the beginning of this year, I thought I would just ask Congressman PRICE whether anybody would be worse off under the Executive order. He ducked the question.

I remember asking him about whether people would be worse off with respect to coverage, and I remembered he said something about how people would have access to health care. Well, I will tell you, hearing the word “access” rather than “coverage” means that somebody is walking back a commitment to people really getting care. Everybody pretty much can have access. Sure, if I had the money, I could get it. It is about coverage. So we asked Con-

gressman PRICE whether people would be worse off and he ducked the question.

So then I asked if he would commit that no one would lose coverage, and he ducked once more.

Then I asked if he would commit to holding off on implementing the Executive order until a replacement plan was enacted. He ducked.

So the Congressman was given an opportunity to, in effect, say that he would honor what the American people were told by President Trump in the campaign; that the two would be hand in hand, the replacement and repeal would go hand in hand, but he had the chance to say that at the nomination hearing and he ducked and ducked and he ducked some more.

Americans are still being told that the Affordable Care Act is the problem and it has to be repealed. It looks to me that what Republicans have on offer now isn't repeal and replace at all. It is what I have been calling it since last year, repeal and run, and the architect of repeal and run is Congressman PRICE. In fact, he wrote the bill. He wrote the bill that would have gutted the ACA the last time around.

Under the Price plan, 18 million Americans would lose their health insurance in less than 2 years. By 2026, it would be 32 million who would lose coverage. Today 26 million Americans are uninsured. In a decade it would be 59 million. Working Americans would make up four out of every five people who lose their coverage. These are folks struggling to climb the economic ladder. No-cost contraceptive coverage for millions of women would be gone. We would have hundreds of thousands of women losing access to care almost immediately just by the defunding of Planned Parenthood. Hundreds of thousands more would lose their choice to see the doctors they trust. Just think about that. Legislation that is going to take away from American women the chance to see the doctor of their choosing, the doctor they trust. I don't know anybody in the last election who thought they were voting to see women lose the choice of the doctor they trust.

Under the Price plan, premiums jumped by hundreds of dollars a year as the individual market for health insurance collapses. Health care costs skyrocket. It is a gut punt to all, even those who get their health insurance at work because what it would do is, in effect, it would shrink—it would shrink the health care market in a way that there would be many more people who are seriously ill and had great expenses, and when you try to pass those on, that would mean people in the marketplace and those who had health insurance from their employer would see increases.

Another issue in the Price plan that ought to set off any alarm bells, in my

view, is what Congressman PRICE has proposed for those with preexisting health care conditions. This is especially important in my view. When I proposed my own health plan, eight Democrats, eight Republicans, I was especially pleased that Senators on both sides of the aisle understood that making sure that insurance companies could not knock the stuffing out of people with a preexisting condition any longer was central to reform. Because when you allow discrimination against those with a preexisting condition, what you are essentially saying is health care in America is going to be for the healthy and wealthy. If you are healthy, no problem with a preexisting condition. If you are wealthy, again, no problem.

So right at the heart of the Affordable Care Act is a guarantee that insurance companies cannot discriminate against Americans with preexisting conditions. Frankly, I was very pleased to see that because as I indicated, 16 Senators—8 Democrats and 8 Republicans—on our bill said that was right at the heart of what they wanted in health care reform. So the ACA—the Affordable Care Act—said, No denying coverage to pregnant women, no denying coverage to cancer patients, no denying coverage to kids with autism. Under the Affordable Care Act, that is the law of the land. It protects every single American. No American under the Affordable Care Act should have to feel, when they go to bed at night, that they are going to get hammered as in the old days because they have a preexisting condition.

Now, Congressman PRICE, once again turning to the public record—it is all in the public record here. Congressman PRICE doesn't believe the American people should have the protection of that kind of real ban against discrimination for a preexisting condition. In fact, he was quoted in 2012 saying that it was, in his words, "a terrible idea." So he, like the law, changed, and his way to change a law that guarantees universal protection is to get rid of the guarantee that you aren't going to get discriminated against if you have a preexisting condition.

Our colleague, Senator NELSON of Florida, asked Congressman PRICE about the issue of making sure those with preexisting conditions don't get discriminated against when the Finance Committee held their nomination hearing. Once again, Congressman PRICE ducked, bobbed, and weaved. Senator NELSON asked if the Congressman thought that the proposal to continue the ban on discriminating against people with a preexisting condition is a terrible idea. Here is what Congressman PRICE said: "What I have always said about preexisting conditions is that nobody, in a system that pays attention to patients, nobody ought to be priced out of the market for having a bad diagnosis. Nobody."

Now, that probably is a pretty good sound bite. It is a good sound bite if you are trying to duck a question, but it is not a real answer to what Congressman PRICE was asked by Senator NELSON. And if you examine Congressman PRICE's own proposal, when it comes to actually protecting people with a preexisting condition from discrimination, you can see why Congressman PRICE isn't very interested in giving a straight answer.

I am going to turn now to one of the Congressman's bills. It is ironically called "Empowering Patients First." Instead of a ban on discrimination against those with preexisting conditions, the Price bill opened up loopholes to benefit insurance companies. The Price plan hinged on something called continuous coverage, and Americans are going to probably hear a fair amount about that in the months ahead.

The Price plan said that insurance companies had the right to inspect your recent past when you applied for coverage to the private market. If they found gaps when you went without insurance, they could deny coverage for your preexisting condition for up to a year and a half, or they could hike your premiums by 50 percent. In short, under the Price plan, insurance companies could take your money and skip out on covering the health care that you actually need.

Short summary of the Price health provision there: Worse health care, higher costs.

Now let's think about what this would mean for a cancer patient who suffers a job loss: Up to 18 months without coverage for cancer treatment they need that could be the difference between life and death. Congressman PRICE's bill didn't allow any special exceptions for certain gaps in coverage. No matter why you lost your insurance—maybe a layoff, maybe your spouse passed, quitting your job to start a business or go back to school—insurance companies with the Price plan again would be allowed to discriminate. And Congressman PRICE's bill didn't create any safeguards for particular patients with life-threatening illnesses. No matter what kind of preexisting condition you have, you would be at risk of losing access to care. And going by the practices those companies followed before the Affordable Care Act, more than 130 million Americans under age 65 may have a preexisting condition.

Now, it is correct that Republicans may not decide to go ahead with Congressman PRICE's bill as the final measure on replacement. But make no mistake about it: If confirmed, Congressman PRICE will be the captain of the Trump administration's health team. His proposals matter. And his approach is one that is followed by just about every other Republican who has put forward a plan of their own.

Colleagues, I think it would be an enormous mistake for this Senate—for our country—to turn back the clock and go back to the days when health care was for the healthy and wealthy. I don't think there ought to be a debate about the need for real, truly strong protection for our people against discrimination for those with a preexisting condition.

The Affordable Care Act locked it in to black letter law. It set a new standard: Nobody in America is going to be denied insurance due to a preexisting condition. In my view, it would be unconscionable to look to yesteryear, turn back the clock, and undermine those strong protections for the millions and millions of Americans who suffer from those preexisting health conditions. That, as a matter of public record, is what Congressman PRICE's proposal would do.

I want to turn now to his ideas with respect to Medicaid. This, in my view, is an especially important program, and a part of it that is usually missed is the nursing home benefit for seniors. Back when I was the director of the Oregon Gray Panthers and I ran the legal aid office for the elderly, I saw in particular what Medicaid meant for seniors who needed nursing home care.

Medicaid now covers costs for two-thirds of the seniors in nursing homes. And I think we ought to think about who these people are because these are people in Colorado, in Oregon, and across the country, who worked hard. They always played by the rules. They put their kids through school. They were part of their communities. They saved, they scrimped, they didn't go on an extra vacation; maybe they were thinking about buying a boat, but they didn't do any of that. They didn't do any of that because they wanted to save and make sure their spouse could have a dignified retirement, that they could put their kids through school, and they did everything right. So they saved and they saved and they saved.

But the fact is, it costs a lot to be a senior in America today. So perhaps they spent down all those savings, and their kids—the kids they love so much—aren't doing that well economically, so it is hard for the kids to help out with long-term care.

Without Medicaid—and particularly the nursing home benefit—seniors, 65 percent of whom depend on the program for nursing homes, wouldn't be able to have a dignified retirement.

So that nursing home benefit that is paid for by Medicaid is also one that Congressman PRICE has proposed slashing. He does that by cutting \$2 trillion out of Medicaid over the course of two stages. First, Congressman PRICE repeals the expansion of Medicaid created under the Affordable Care Act. This means that more than 11 million Americans lose their coverage. And it is a plan that even Republican Governors are speaking out against. John

Kasich of Ohio—I think he would probably tell you he is not anybody's idea of a bleeding heart liberal—said recently: “So if all of a sudden that goes away, what do we tell those 700,000 people? We are closed? Can't do that.”

But that is exactly what Congressman PRICE's plan is going to end up doing. It is going to end up telling those 700,000 Ohioans, along with millions of people across the country in Oregon, and across the land—and that is because he is pushing to take away their coverage and hasn't offered any real alternative that would preserve their access to care.

So for all of those seniors—the ones who worked hard and saved and did everything right—we all know them; perhaps they are the widower down at the end of the block—there is not going to be a way to pay for their health care, and they are not going to be able to have a dignified retirement, in spite of the fact they did everything all their life to plan and save.

Congressman PRICE's second Medicaid cut turns the program into a block grant and introduces a cap approach. That slashes another 30 percent of its funding and sets it up to be squeezed even more down the road.

Now, Medicaid goes a lot further in terms of taking on some of the biggest health care challenges in America. I cited the nursing home benefit because that is one that I dealt with again and again when I was director of the Gray Panthers. But the fact is that the program is helping communities across the country take on a whole host of health care challenges. The opioid epidemic is one example.

Now, we know that opioid addiction has hit American communities like a wrecking ball. More than a million people struggle with substance abuse, and they would lose access to care if the Price plan to repeal Medicaid expansion goes through. And further cuts to Medicaid would make the problem even worse, and it wouldn't just be for adults.

Tens of thousands of babies are born with a dependency to drugs each year. It is largely a product of the opioid crisis. My view is that number can only rise under Congressman PRICE's plan to cut Medicaid, a key source of primary care, prenatal care, and substance abuse treatment for pregnant women.

Medicaid is also the biggest source of funding for community and home-based care for those vulnerable Americans with serious disabilities. It is a huge source of AIDS treatment in America, particularly with the Affordable Care Act expansion.

All in all, 74 million Americans rely on Medicaid, and they are certainly not among the most fortunate. Half of them are kids, including millions with special needs. The program covers nearly half of all births and millions of Americans with disabilities.

I want to come back again to the faces of these people because I am not sure, when people hear the word “Medicaid,” what they see. I mention that it is so many seniors who, after planning, saving, and scrimping, need the program for nursing home care. It covers people who toil through hard work, even multiple jobs, bringing home just enough to keep them out of poverty. For many, signing up for the Medicaid Program brought an end to the years when they had to choose between visiting the doctor and putting food on the table. Medicaid is their health care safety net. Make no mistake about it; Congressman PRICE's proposals leave that safety net in tatters. There isn't any other backstop for those vulnerable Americans. From small, tiny children to seniors who depend on it for nursing home care, there is no other backstop if their access to health care through Medicaid goes away.

One of the arguments made by advocates of block grants and caps is that States would have flexibility, and they point to a section of the Affordable Care Act I wrote to support their case. I believe they are talking about what is called section 1332. There is a big difference between what I wrote in the Affordable Care Act and what block grants would do. We had a number of Senators on both sides of the aisle who were interested in this issue. What I wrote is this: With that flexibility, the Affordable Care Act lets States do better by their people. The Price plan to block grant and cap Medicaid costs lets States do worse.

Slashing Medicaid also hits State budgets extraordinarily hard. That is a big reason why Governors across the country have been skeptical—even Republican Governors, like John Kasich and Rick Snyder of Michigan. Today, Medicaid comes with an open-ended kind of feature. Federal funding for the program doesn't tick down to zero. Nobody gets cut off. If you are working in America and are eligible for Medicaid, you don't have to worry about being locked out of the doctor's office if the program goes into the red. Block granting and capping the program changes that. States get a chunk of money each year. There is a big risk that money runs out, especially during times of economic downturn. That is when Medicaid is needed most, at times when working Americans have the most trouble walking the economic tightrope.

This is in addition to the undeniable, routine demands on the program: an aging baby-boomer population that will be in increasing need of nursing home and home-based care, public health emergencies like the Zika virus that can come without warning, natural disasters like Hurricane Katrina or the Flint water crisis that devastate communities, new high-priced drugs that can be cures but come with a steep price.

The reality is if a State's block grant runs out, that raises questions that ought to be alarming to all who care about vulnerable Americans having access to the care they need.

What happens if seniors lose their nursing home benefits in the middle of the year? Where would they go? Would patients in substance abuse treatment lose access to care? If a State's Medicaid funding dries up midway through the fiscal year, who would pay for a birth? Would the parents of a newborn child have to bear the entire cost when they are on a modest income, working hard, and a hospital bill could reach tens of thousands of dollars?

When it comes time to pitch this very extreme health care agenda to the American people, Congressman PRICE is very articulate and sticks closely to well-rehearsed language. That is because the Price agenda would strip tens of millions of Americans of their insurance coverage and force people to pay much higher costs for much lesser care. It isn't going to go over very well when people really understand what is at stake.

One of the priorities Congressman PRICE talks about most frequently is access—always saying that his vision is Americans are going to have access to care. That is one very hollow theory. Access to health care doesn't mean a lot if you can't afford the cost. So when Americans hear the Price plan that people will have access, rather than coverage, pay attention. Pay attention, because if you have coverage today, and he is going to promise you access in the future, chances are you are going into the hole and you had better figure out how you are going to pay for it.

The Congressman talks about flexibility for patients. But under Congressman PRICE's plans that wipe out consumer protections and minimum standards for coverage, it is insurance companies that get the most flexibility.

The Congressman likes to talk about using metrics to measure health care. It is very hard to follow what this metrics approach is all about. When his proposals are challenged using facts and figures, including those that come from our nonpartisan scorekeepers at the Congressional Budget Office, he disagrees or he dodges. During his hearing, he just disagreed with the Congressional Budget Office when I asked him about some of his funding cuts that would deprive women of access to preventive care. He objects to even the simplest of measures—how much funding his proposals cut from our health care programs—as calculated by the nonpartisan experts. In my view, you can't run from the metrics when they don't tell you what you want to hear.

Finally, the Congressman and many others say patients should be at the center of care. Now, I want it understood, I don't see how anybody could

dispute that idea. Of course patients should be at the center of care. But when I look at the Price proposals, I don't see the patient at the center of health care. I see money and I see special interests at the center of health care.

The Price plan tells vulnerable Americans that their health care will only go as far as their bank accounts are going to take them. The well-to-do may be able to manage just fine under the Price proposals and the costs they push onto patients, but I am absolutely certain that millions of working Americans won't be able to do it.

I am going to wrap up talking about several glaring ethical issues with respect to Congressman PRICE. I will begin with the Congressman's significant investments in an Australian biomedical company. A lot of information about those investments has come into view over the course of months of investigation and reporting. What the facts show is that in 2016, the Congressman was part of an exclusive deal to buy stock at a discounted price—a deal called a “private placement.” On multiple occasions he was given opportunities to come clean and explain his participation in the special stock sale. He never has. Now, the majority on the Finance Committee has cut off the vetting process before getting all the facts or having the Congressman correct the record. So I am going to take a moment tonight to lay out the facts.

It is well known that Congressman PRICE learned about the company from a House colleague, Congressman CHRIS COLLINS. But CHRIS COLLINS isn't exactly a casual observer of the Australian business pages. He is Innate's—the company's—largest shareholder and a member of its board. Many of the company's other major shareholders are people in Congressman COLLINS' orbit, family members and chief of staff and others that he is close to. After learning about the company from his colleague, Congressman PRICE made his first purchase of the company's stock in 2015. He bought 61,000 shares.

Now let's fast forward to August 2016. The Congressman bought another 400,000 shares of Innate as part of a private stock sale for U.S. investors. When the private sale took place, Innate's shares were trading on the Australian stock exchange for the equivalent of 31 American cents, but participants in this private sale got the shares at a steep discount. That discount meant that Congressman PRICE paid tens of thousands of dollars less than a typical investor would have paid on the open market.

With respect to that purchase, the record remains unclear. It does come down to two issues: how he came to participate in the private placement, and whether he got special access that other investors didn't have. On those

issues, Congressman PRICE tells one story; company officials, Congressman COLLINS, and public documents tell another.

First I am going to examine how Congressman PRICE came to participate in this private deal. As he tells it, he decided to make that purchase based on his own research into the company. But the Wall Street Journal and a little common sense say otherwise. I will read from a January 30 report.

Mr. Price got in on the discounted sale after Mr. Collins filled him in on the company's drug trial, according to Mr. Collins. . . . Mr. Collins said he told Mr. Price of the additional private placement. He said Mr. Price asked if he could participate in it. “Could you have someone send me the documents?”

Mr. COLLINS recalled Mr. PRICE asking him.

It paints a pretty clear picture. Congressman PRICE got information from his colleague, the company's top shareholder, and he got an invitation to a special deal. The claim that his conversations with Congressman COLLINS had no effect on Congressman PRICE's decision to invest just does not pass muster.

So I will turn to the second point—whether or not the deal was available to all company shareholders. Congressman PRICE insists it was. Here is the exchange he and I had during his nomination hearing in the Finance Committee.

I said: “You purchased stock in an Australian company through private offerings at discounts not available to the public.”

Congressman PRICE responded: “Well, if I may, those—they were available to every single individual that was an investor at the time.”

But that is not what Innate management—including the CEO—told the Wall Street Journal. According to the Wall Street Journal's report, Congressman PRICE was one of six special American investors in a category called “friends and family.” I will read a passage from the story.

The cabinet nominee [Mr. Price] was one of fewer than 20 U.S. investors who were invited last year to buy discounted shares of the company—an opportunity that, for Mr. Price, arose from an invitation from a company director and a fellow congressman.

At Mr. Collins's invitation, Mr. Price in June ordered shares discounted in the private placement at 18 cents apiece, and then more in July at 26 cents a share, Mr. Collins said in an interview. Those orders went through in August, after board approval. Mr. Price invested between \$50,000 and \$100,000, according to his disclosure form. . . .

Mr. Wilkinson [the company's CEO] said investors who had bought in a previous private placement were called to make friends and family aware of the opportunity. . . . We are always looking to increase our shareholder base. But those new parties have to meet the definition of sophisticated financial investor.

Only six U.S. investors, including Mr. Price, fell into the friends-and-family cat-

egory, Mr. Collins [his friend in Congress] said. About 10 more U.S. investors were offered discounted shares by the company because they had previously been invited to partake in private placement offerings.

Furthermore, Congressman COLLINS and Mr. Wilkinson added more detail.

The discounted stock offer in Innate Immuno, as the company is known, was made to all shareholders in Australia and New Zealand—but not in the U.S., according to Mr. Collins and confirmed in a separate interview with Innate Immuno CEO Simon Wilkinson.

Bottom line, Congressman PRICE got in as a special guest, a friends and family guest of Congressman COLLINS. What he told the committee—that the deal was open to shareholders—was dead wrong. I am going to repeat this quote from the Wall Street Journal. This was part of a report that was authored by a Pulitzer Prize-winning journalist. This is what he wrote in the Wall Street Journal: “Rep. TOM PRICE got a privileged offer to buy a biomedical stock at a discount, the company's officials said, contrary to his congressional testimony this month.”

The stock deals I outlined are of very great significance. They aren't the only ethical issue at hand. Congressman PRICE introduced legislation that would lower the tax bills of three major pharmaceutical companies in which he owns significant amounts of stock. He invested \$15,000 in a medical equipment company and then introduced legislation to increase the amount Medicare pays for that type of equipment. Parts of his bill went on to become law.

Then there is his investment in a company called Zimmer Biomet. In 2015, Medicare was preparing a new pricing model that would change the way the program paid for hip and knee replacements. Instead of paying for each individual service, Medicare said it would try to make its payments more efficient by bundling the costs together in one lump sum. The new system, however, had the potential to affect the revenues of Zimmer Biomet.

On March 17, 2016, a few weeks before the government's model—that is, the CMS model was set to go into effect—Congressman PRICE bought thousands of dollars' worth of Zimmer Biomet stock through his brokerage account. On March 23, 2016, less than a week later, he introduced H.R. 4848, the HIP Act, which would have delayed the implementation of CMS regulations for Medicare coverage of joint replacements. He was the lead Republican sponsor of the bill.

Bottom line, Congressman PRICE introduced legislation that certainly had the potential to add to his personal fortune. Congressman PRICE has argued that he didn't purchase this stock and others; his broker was making the deal. But at the very least, he would have known about the deals within days when he filed his periodic transaction reports with the House.

On August 15, 2016, not only did Congressman PRICE file a report that he had purchased Zimmer Biomet along with dozens of other stocks, he initialed the entry for Zimmer Biomet in order to correct a mistake on the document.

Wrapping up, I want to go back to the fact that when Congressman PRICE came before the Finance Committee, he didn't give us the whole story. In effect, I think the Finance Committee regrettably has an ethical double standard now. Look at the nominations of Tom Daschle, Tim Geithner, and Ron Kirk at the outset of the Obama administration. That vetting was vigorous. It was bipartisan. We looked over every stone and peered around every corner. Now, when a glaring issue comes up that undeniably deserves investigation, the party in power is shutting down the vetting process and moving toward confirmation. I think this is sending a dan-

gerous message to nominees in the future.

I will close by way of saying this is a nominee with an extreme agenda. His proposals strip tens of millions of Americans of their health care coverage. His proposals would put Americans with preexisting conditions in danger of losing coverage through the care they need. It would unravel the Medicare promise, the guarantee of secured benefits of vital importance to millions of American seniors.

When it comes to ethics, as I have described, Congressman PRICE falls well short of the standard the American people expect nominees to meet. I will not support his nomination. I urge my colleagues to join me in opposition.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

The PRESIDING OFFICER (Mr. SCOTT). Under the previous order, the

Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 9:05 p.m., adjourned until Thursday, February 9, 2017, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF HOMELAND SECURITY

ELAINE C. DUKE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE ALEJANDRO NICHOLAS MAYORKAS.

CONFIRMATION

Executive nomination confirmed by the Senate February 8, 2017:

DEPARTMENT OF JUSTICE

JEFF SESSIONS, OF ALABAMA, TO BE ATTORNEY GENERAL.

EXTENSIONS OF REMARKS

HONORING BARRY S. GALE FOR 50
YEARS OF SERVICE

HON. ELISE M. STEFANIK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. STEFANIK. Mr. Speaker, I rise today to honor and recognize Mr. Barry S. Gale from Gouverneur, New York. This month, Mr. Gale will be celebrating 50 years as a volunteer firefighter at the Gouverneur Fire Department.

He joined the Department in 1967 as a dedicated citizen and volunteer. Mr. Gale was assigned to Hose Company Number 1 and served in the position for eight years. His remarkable service gave him the opportunity to advance within the Fire Department, serving as 2nd Assistant Chief from 1975 to 1977. He then rose to 1st Assistant Chief and served in the position until 1979. From there, Mr. Gale served as Chief Engineer until 1981.

Mr. Gale has earned numerous awards for his devotion to the Fire Department. He received the Department's "Chiefs Award" in 2006 and then again in 2009. In 2011, he was named the Department's "Firefighter of the Year." These awards and Mr. Gale's years of dedicated service are a testament to his character and the community he has called home.

On this day, I want to take a moment to thank Mr. Barry Gale for his many years of public service to our district, especially to the town of Gouverneur. Congratulations on celebrating 50 years of volunteer service at the Gouverneur Fire Department.

RECOGNIZING THE SERVICE OF
GARY ANDRES

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. DeGETTE. Mr. Speaker, I rise today to recognize the contributions Gary Andres has made to the House of Representatives.

Gary most recently served as the Staff Director for the Committee on Energy and Commerce under the leadership of Congressman FRED UPTON. In his last term as Chairman, Congressman UPTON partnered with me to author the 21st Century Cures Act. I got to know Gary very well over nearly three years as we worked to pass the bill into law.

It was a real pleasure working with Gary. Even at the darkest moments, when we couldn't seem to find a way to come to a bipartisan agreement on Cures, Gary's steady leadership and immutable resolve helped to light the way forward. His wise counsel is one of the reasons that bill was enacted into law. Although he is leaving Capitol Hill, the 21st Century Cures Act stands as a testament to his immeasurable contributions to this body.

Gary is a person of integrity and an incredibly effective staffer. The American people were lucky to have his service with the House of Representatives.

HONORING COLONEL BYRON P.
DEEL

HON. SCOTT DesJARLAIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. DESJARLAIS. Mr. Speaker, today I want to honor Colonel Byron Deel, Chief of the Joint Staff, Tennessee National Guard. After 32 years of dedicated service to our state and country, Colonel Deel has announced his retirement, effective February 5, 2017.

Over the course of his career, Byron has held numerous leadership roles with a wide range of responsibilities. Whether it be his time as Company Commander of the 173rd Personnel Support Company, his command of the Joint Counterdrug Task Force or his current position as Chief of the Joint Staff, Byron has exemplified a work ethic and regard for others that is second-to-none. As such, he has more than earned the utmost admiration and respect that his colleagues and peers hold for him.

Colonel Deel's career includes two deployments: In 2001 to Bosnia, where he was responsible for supporting the State Department as military liaison and intelligence officer. In 2005, he deployed to Afghanistan as an Embedded Team Trainer as part of the 196th Field Artillery Brigade. There he served as a mentor in Intelligence and Operations to the Afghan National Army.

Byron's exemplary service to our nation is reflected in the numerous commendations and military decorations he has received, including: The Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, and the Tennessee National Guard Distinguished Service Medal, among a long list of many others.

It is also important to mention that his wife, Mary Deel, whom Byron introduces as "the Better Deal", also serves in the National Guard as the Education Services Officer.

On a personal note, Byron has been an invaluable resource for me and my staff on issues impacting our guardsmen. While I am sorry that Tennessee is losing an officer of such high caliber, on behalf of the grateful citizens of Tennessee's Fourth District, I extend a heartfelt thanks for his outstanding service to this great country and wish him the very best in his retirement.

HONORING PHILLIP "RUSS" RIZZO
ON THE OCCASION OF HIS RETIREMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor the career and public service of Phillip "Russ" Rizzo, as he concludes his service on the Common Council of the city of North Tonawanda, New York.

A lifelong city resident and U.S. Army Veteran, prior to entering public service, Russ was the owner of Rizzo and Ricotta Office Products. While operating his business, Russ began his public service on the city's Zoning Board of Appeals, serving from 1994 to 1996. Russ joined the Common Council in 2000, working to alleviate flooding problems in the 1st Ward, and later spearheading efforts to revitalize the NT waterfront, culminating in the opening of a restaurant at Gratwick Riverside Park. In addition to his focus on neighborhoods and the waterfront, Russ put a great deal of time and energy into rejuvenating the city's downtown business district.

From 2010 through 2012, Russ served as a member of the Niagara County Legislature. Later in 2012, Russ returned to the Common Council where he continued to serve constituents, personally addressing their issues and making sure no calls went unanswered.

In his retirement, Russ and his wife Mary look forward to spending more time with their family. They are parents to four children, grandparents to seven and are blessed with one great-grandchild.

In 2012, I was given the honor of having the opportunity to represent North Tonawanda. Few public officials welcomed me with a greater degree of warmth than did Russ Rizzo. Russ is a true gentleman who only had the very best interests of his hometown at heart. His constituents were well-served by him, and I am honored both by his collegiality as well as his friendship.

Mr. Speaker, thank you for allowing me a few moments to honor Russ and recognize all that he has done for the City of North Tonawanda. I know that you join me and all of our colleagues in wishing Russ, Mary and their entire family the very best of good health and happiness in the months and years to come.

HONORING LORETTA WEINBERG
ON HER BIRTHDAY

HON. JOSH GOTTHEIMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. GOTTHEIMER. Mr. Speaker, I rise today, on her birthday, to honor the tireless

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

dedication of Senator Loretta Weinberg to the people of New Jersey. Senator Weinberg has been a remarkable advocate for the people of Bergen County for decades, serving first as Assistant Administrator of Bergen County, on the Teaneck Council, then in the New Jersey Assembly and now in the New Jersey State Senate. She is currently the Senate Majority Leader.

Majority Leader Weinberg has used every post she's held to fight tenaciously on behalf of the people of New Jersey. She's advocated relentlessly for making the investments in our infrastructure that we need to keep our economy humming and create new jobs, for ethics and transparency in government, for strengthening our communities, and for women, and for all of those left out of the circle of opportunity.

I salute Weinberg for her strong and dogged voice, her countless accomplishments, and for her tireless advocacy on behalf of the people of New Jersey. I look forward to working with her to serve our mutual constituents in Bergen County.

HONORING STAN JONES

HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. MESSER. Mr. Speaker, I rise today to honor a dear friend of mine—a policy leader who dedicated his life to providing better educational opportunities for Hoosier kids. His work spanned decades. I am speaking of Indiana's own, Stan Jones.

Most recently, Stan founded Complete College America in order to build a network of states committed to substantially increasing the number of Americans with a postsecondary credential.

Earlier in his career, Stan was elected to the Indiana House of Representatives at age 24. As a member of both the House Education and State Budget committees, he developed expertise in higher education and higher-education finance. All told, Stan served 16 years in the Indiana state legislature and more than five years as a senior advisor to Governor Evan Bayh.

His service as Indiana commissioner for higher education spanned 12 years and the tenure of four different governors from both political parties. As commissioner, he was credited as a primary architect of several landmark education policy initiatives in Indiana. These initiatives included the 21st Century Scholars program, an early promise scholarship program aimed at increasing the number of low-income students attending and completing a postsecondary education; the development of Indiana's new community college system; the creation of Indiana's Education Roundtable; and the implementation of Core 40, a college prep curriculum that has contributed to a significant increase in high school seniors going to college.

Stan was also instrumental in the high school drop-out reform legislation that I authored as a state legislator a decade ago. Those reforms helped drive Indiana's extraor-

dinary progress with its statewide graduation rate improving to nearly 90 percent—an almost 20 percent increase from a decade before.

It is no exaggeration to say those reform ideas were hatched over cheeseburgers and fries at Loughmiller's Pub & Eatery right across from the Indiana State Capitol. Truth be told, Stan had the ideas, and I simply worked to implement them.

Another great Hoosier, former champion UCLA basketball head coach John Wooden once said, "it's amazing how much can be accomplished if no one cares who gets credit." At his very core, Stan Jones exemplified that ideal.

You will be missed, my friend.

PERSONAL EXPLANATION

HON. RUBEN GALLEGO

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. GALLEGO. Mr. Speaker, I was unavoidably detained and was not present for two roll call votes on Monday, January 30, 2016. Had I been present, I would have voted in this manner:

Roll Call Vote No. 66—Motion to Suspend the Rules and Pass, as Amended: To remove the sunset provision of section 203 of Public Law 105-384 and for other purposes—YES

Roll Call Vote No. 67—Motion to Suspend the Rules and Pass, as Amended: Ocmulgee Mounds National Historical Park Boundary Revision Act of 2017—YES

HONORING THE CAREER OF MR. GEORGE MESKUS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor the career and achievements of Mr. George Meskus, outgoing Claims Representative at the Merced Social Security branch, and lifelong resident of the San Joaquin Valley. In over 35 years of service to the Social Security Administration, Mr. Meskus has consistently shown his colleagues an exemplary degree of dedication and passion for his work, earning praise from his coworkers and the community he's served over the course of his tenure.

Mr. Meskus's long life of service to the United States began in 1975 with his enlistment in the U.S. Air Force, where he would remain until he began his career with the Modesto Social Security branch in 1981. Mr. Meskus was initially hired as a Service Representative, but was quickly promoted to become a Claims Representative, and eventually moved to the Merced Social Security branch to continue his services.

Throughout his time at the Modesto and Merced Social Security offices, Mr. Meskus has gone above and beyond the expectations of his peers. He has displayed a keen awareness of the sensitive nature which prefaces

many of the cases he processes, and always does so with the well-being of his clientele in mind. He has proven to be a fast and efficient employee, and frequently offers his peers direction and historical perspectives on complicated technical issues that so often face members of the Social Security Administration. His willingness to take on more than his fair share of cases has been invaluable to the productivity of the branches that he has served. Such selflessness will be deeply missed by those who have been lucky enough to call Mr. Meskus their coworker.

Mr. Meskus's decision to retire has been bitter-sweet news to process for many of his peers. The Social Security Administration is losing an integral colleague with a wealth of knowledge that has been essential to the efficiency of the branches he has served. The hard work and determination that he has demonstrated throughout his career has earned his well-deserved retirement to become a world traveler and to renew his devotion as a father and grandfather.

Mr. Speaker, I urge my colleagues to join me in recognizing the career and achievements of Mr. George Meskus. His stalwart commitment to the greater cause of the Social Security Administration has bettered the lives of countless people in Modesto and Merced. As he prepares to travel the world with his wife, Gloria, we wish him the best of luck, and hope his journeys bring him a fruitful life in the years to come.

RECOGNIZING THE NEW MEMBERS OF THE NORTHEAST GEORGIA BUSINESS HALL OF FAME

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize three hardworking and tremendously accomplished men in our community. Mr. Randall Frost, Mr. Jim Mathis, and Mr. Paul Maney will be inducted into the Northeast Georgia Business Hall of Fame for their exemplary public service, community involvement, and business accomplishments.

Mr. Randall Frost grew up in Baxley, GA where he learned the importance of hard work, responsibility, and service to his church as well as his community. He is a managing partner with Steward, Melvin & Frost, which offers a variety of services to their clients, from litigation to tax advice. Their firm prioritizes commitment to the Gainesville community.

Mr. Jim Mathis was the CEO of the North Georgia Community Foundation which "supports nonprofit organizations by building, distributing and preserving philanthropic assets to enhance the quality of life in the region." They have awarded more than \$50 million in grants and funding to high school students and college students through 26 scholarships.

Lastly, Mr. Paul Maney, a devoted community member and philanthropist, was an executive at IBM. Since his retirement, he has been investing in small business across North Georgia and supporting many nonprofit and civic

organizations for hospitals and children groups.

Mr. Speaker, I am honored to recognize these three distinguished men for their service to their businesses and communities. They are shining examples of the hard work and dedication that comes out of northeast Georgia.

SECURING ACCESS TO NETWORKS IN DISASTER ACT OR SANDY ACT

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 588, Securing Access to Networks in Disaster Act, which requires the Federal Communications Commission to submit to Congress and publish on the FCC website a study on the public safety benefits, technical feasibility, and cost of providing the public with access to 9-1-1 services during times of emergency when mobile service is unavailable.

As a senior member of the Homeland Security Committee, I am well aware of the importance of telephone service during disasters.

The Securing Access to Networks in Disasters (SANDy) Act seeks to ensure the resiliency of the nation's communications networks during emergencies.

Acquiring cellphone service during a massive natural or manmade disaster is often difficult, if not impossible, and this is why this piece of legislation is so essential.

During the September 11, 2001 terrorist attacks that destroyed the World Trade Center in New York City, cellphone service was severely disrupted, forcing many callers to repeatedly dial to get through to 9-1-1 emergency services.

On that day, some of the most tragic, heart wrenching calls came from those trapped in the Twin Towers.

It is not only during terrorist attacks that cellphone services are severely disrupted, but also natural disasters such as Hurricane Katrina, which claimed the lives of over 1,800 people.

The SANDy Act would ensure that during an emergency, consumers' cell phones work on other carriers' networks if a consumer's own network goes down.

H.R. 588 would give priority to calls to 9-1-1 services and emergency alerts.

It also would increase coordination between wireless carriers, utilities, and public safety officials by creating a directory of the contact information for relevant disaster response officials.

The bill would require the FCC to report to Congress regarding whether additional outage data should be provided in times of emergency.

In addition, the bill requires the FCC to report to Congress on the viability of providing 9-1-1 services over Wi-Fi hotspots during emergencies.

H.R. 588 would be of immense benefit to the 18th Congressional District and the greater Houston area.

On April 17-18, 2016, Houston experienced a historic flood event that claimed the lives of

eight people, damaged over 1,150 households, disrupted hundreds of businesses, closed community centers, schools, and places of worship due to flood waters.

On April 25, President Obama granted the request for federal Individual Assistance for Harris County residences and business owners who were affected by severe weather and flooding.

Unfortunately, that was not the end of the story of flooding in Houston for 2016—in early June another record setting rainfall led to catastrophic flooding throughout the Houston area.

I am grateful to President Obama and the great work of those at the Department of Homeland Security who worked tirelessly to help people after both 2016 flood events.

I spoke on the House Floor several times about the Floods and the suffering caused by the waters that came through our communities—damaging homes, our schools, places of business, and our places of worship.

The flooding problems in the Houston area are frequent, widespread, and severe, with projects to reduce flood risks in place that are valued at several billion dollars.

In 2015, the Houston and surrounding area experienced widespread historic flooding.

The importance of being able to contact emergency responders in the case of natural disasters is critical in order to save the lives of those directly affected by such events.

The SANDy Act would provide telecommunication access to victims of natural and man-made disasters.

The SANDy Act amends the Stafford Act to ensure that all communications providers:

1. Have the ability to access relevant disaster stricken areas during emergencies to restore service; and
2. Are included in the universal credentialing program for essential service providers

The SANDy Act would recognize the critical role that all communications providers—broadcasters, cable, and telecommunications—serve in emergencies, but most notably, the bill would ensure consumers have access to wireless service even if their cellphone service provider's wireless network goes down.

I urge my colleagues to join me in supporting H.R. 588, the Securing Access to Networks in Disaster Act.

THANKING BERNARD E. BEIDEL FOR HIS DEDICATED SERVICE TO THE HOUSE

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. HARPER. Mr. Speaker, I rise today to acknowledge and thank Mr. Bernard E. Beidel for his dedicated and unwavering support to the United States House of Representatives.

This month, Bern celebrates his twenty-sixth year of service to this great legislative body. For his entire time with this institution Bern has served as the Director of the Office of Employee Assistance (OEA).

Through his leadership and direction, Bern's office delivers comprehensive confidential assistance covering an array of personal and

work-related issues that have the potential to impact an employee's performance, productivity and well-being.

The idea to create the Office of Employee Assistance in the House of Representatives was rooted in the Drug-Free Workplace Act of 1988. This monumental legislation authorized Employee Assistance grant programs in the U.S. Department of Labor.

In February 1991, the Clerk of the House, Donnal K. Anderson, hired Bern to serve as the Director of OEA. Immediately upon assuming this mantle, Bern began to build one of the most recognized and respected employee assistance programs in our Nation. In 1995, OEA was transferred to the Chief Administrative Officer, where it resides today.

Over the course of his tenure with the House, Bern and his team have had a lasting impact on individual employees within Member offices and Committees. In addition, his team serves employees who work for the House Officers, the Congressional Budget Office, and the USCP. The confidential nature of OEA's services demand an individual who possesses integrity, character, and trust. Bern exemplifies the qualities and characteristics of his profession. But it is truly Bern's personality that serves as a beacon for all who know him.

Mr. Speaker, based on the kindness, compassion and love that Bern has for his work and the House of Representatives, it is no surprise that I am not the first Member of Congress to honor him with a statement for the CONGRESSIONAL RECORD.

First, on December 18, 2001, Bern and OEA were recognized when they received the EAP Excellence award which is jointly offered by the EAP Digest and Employee Assistance Professionals Association.

Then, on December 11, 2013, my friend and former colleague Congresswoman Candice Miller also had the distinct pleasure of recognizing Bern as the recipient of the 2013 Lifetime Achievement Award issued by the Employee Assistance Professionals Association (EAPA). This illustrious award is given to an EAPA member who has made significant contributions to the employee assistance profession. In addition to this accolade, Bern was also the recipient of the EAPA Member of the Year in 2002.

Prior to his time in the House of Representatives, Bern served as a drug specialist in the United States Coast Guard, where he had the opportunity to hone his acute understanding of employee assistance. He continued his career in public service with the New Jersey State Police where he established the organization's employee assistance program.

Based on his background with the New Jersey State Police, it is no surprise that Bern was instrumental in establishing a Memorandum of Understanding with the U.S. Capitol Police in 2000. Because of this important agreement, the men and women who guard our campus have access to the outstanding services provided by the CAO's Office of Employee Assistance.

Mr. Speaker, I am honored and humbled to stand before you and recognize Bern for his outstanding contributions and overall impact to the House of Representatives. I also want to thank his current staff Lisbeth McBride, Jennifer Lavan, Paul Tewksbury, Margot Hawkins-

Green and all of the other staff members who have served under Bern's tutelage during the past quarter century.

Finally, Mr. Speaker, I want to acknowledge Bern's family. As you know, public service is an honorable and noble calling requiring great sacrifices to our time. Therefore, I would like to thank Bern's family, including his wife Donna, their daughters, sons-in-law, and grandchildren Jessica and Mather Hinders (Lily and Emmett) and Cynthia and Jonn Aitken (Alexander) for their generous devotion, unwavering support, and unconditional love.

Mr. Speaker, this legislative body and our grateful Nation owe Bern and his entire family a debt of gratitude.

INTRODUCTION OF THE HUMAN TRAFFICKING FRAUD ENFORCE- MENT ACT OF 2017

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise to reintroduce the Human Trafficking Fraud Enforcement Act of 2017 with my colleague Rep. TED POE.

In March 1931, the infamous gangster, Al Capone, was ultimately indicted for tax fraud. Today the IRS Criminal Investigations division continues to play a vital role in proving criminal activity and fraud. I believe that the IRS can play a similar role in cracking down on criminals profiting from human trafficking and prostitution.

This bill authorizes \$4 million to establish an office within the IRS to prosecute sex traffickers for violations of tax laws. The office would focus on the willful failure of traffickers to file returns, supply information, or pay tax where the taxpayer is an "aggravated" non-filer. In addition, the office would coordinate closely with existing task forces focused on sex trafficking offenders in the Department of Justice.

The bill also amends the Internal Revenue Code to increase criminal monetary and other penalties for attempts to: evade or defeat tax, willful failure to file a tax return, supply information, or pay tax, aggravated failure to file tax returns, fraud and false statements, and underpayment or overpayment of tax due to fraud. This offense will carry a maximum sentence of 10 years and a maximum fine of \$50,000.

The Human Trafficking Fraud Enforcement Act of 2017 also establishes a new felony offense for an aggravated failure to file to include failure to file with respect to income or payments derived from activity which is criminal under Federal or State law. This will target those involved in the promotion of commercial sex acts—pimps and traffickers—and not conduct of exploited persons in prostitution.

Last, this bill directly benefits those who are victimized by the traffickers by revising current IRS Whistleblower provisions so that women and girls who choose to come forward to cooperate in an investigation will be eligible to participate in the whistleblower program and may ultimately be granted up to 15% of any fines levied against the trafficker.

We must use every tool possible to take down traffickers, who have often proven elusive to apprehend and prosecute. I urge my colleagues to cosponsor this important legislation.

HONORING THE CAREER OF MR. LARRY PISTORESI, SR.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor the life and career of Mr. Larry Pistorosi, Sr., lifelong resident and deeply involved community member of Chowchilla. Mr. Pistorosi's unfailing drive to improve his community has been an inspiration to countless others who have crossed his path. His genuine character and love for the people of Chowchilla will be deeply missed by those fortunate enough to have known him.

Larry Pistorosi, Sr. was born in Berenda, California and raised in Chowchilla, where he spent his childhood and teenage years attending local schools. After graduating from Chowchilla High School in 1942, Mr. Pistorosi served in the United States Air Force for 3 years, and returned to Chowchilla to work as a car salesman with his father, Pete. After surmounting great success as a car salesman, Mr. Pistorosi eventually joined Pistorosi Chevrolet in partnership with his father, and brother Monte. After selling Pistorosi Chevrolet, Mr. Pistorosi continued working as a car salesman at Steve's Chevrolet until he celebrated his 92nd birthday.

As a public figure and role model for the people of Chowchilla, Mr. Pistorosi's track record has excelled above and beyond what most would consider as impressive. Mr. Pistorosi joined the Chowchilla Rotary Club in 1949 when he was 25 years old, and did not miss a single meeting for 68 years. He was a founder of the Board of Directors of the Chowchilla District Memorial Hospital, which was created in 1954, and has served under virtually every position on the Board, including Director, President, and permanent Chair of the Finance Committee. Mr. Pistorosi also served in the Chowchilla Chamber of Commerce since 1970, where he had perfect attendance for 46 years.

To list every accomplishment and public service provided by Mr. Pistorosi would require far more time than we have here today. However, it should be stated firmly that few people, if any, have served the community of Chowchilla in the same capacity, and with the same fervor as Mr. Pistorosi did throughout the course of his long, fruitful life. He is remembered by his family and friends, including his wife of 44 years, Velma, his sons Larry Pistorosi, Jr., Jerry Danieli, and Kent Danieli, his sisters Violet and Irene, his brother Monte, and many members of his extended family, 10 grandchildren, 11 great-grandchildren, nieces, and nephews.

Mr. Speaker, I urge my colleagues to join me in honoring the life and career of Mr. Larry Pistorosi, Sr., one of the most recognizable and hard-working figures in the community of

Chowchilla. The level of devotion he has provided to the people around him has proven to be an unparalleled catalyst for the growth and advancement of Chowchilla.

RECOGNIZING DR. JOHN SMITH

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize Dr. John Smith for his work as the Senior Health Services Advisor for Gainesville's own Fieldale Farms—one of the largest independent poultry producers in the world.

Dr. Smith holds a degree in veterinary medicine from the University of Georgia, a master of science in medical microbiology, and a master of avian medicine in poultry. He joined Fieldale Farms in 1991 and has continuously dedicated himself to the poultry and egg industry since that time. In 2004, Dr. Smith received USPOULTRY's Lamplighter Award for exemplary service to the poultry and egg industry. He has been an active member of the USPOULTRY Foundation Research Advisory Committee for 16 years, and has taken many steps in order to foster the success of Georgia's poultry industry.

Each year, the Workhorse of the Year collar is awarded to an individual who has shown steadfast service and valuable leadership to USPOULTRY and the poultry industry.

Dr. Smith was awarded the Workhorse of the Year Award at the International Poultry Expo in Atlanta as a direct result of his loyalty, dedication, and leadership within the USPOULTRY organization and Fieldale Farms. The presentation of these awards to Dr. Smith shows that his service has benefitted the poultry industry in northeast Georgia and at a national level. I commend Dr. Smith for service that has strengthened a local community and respected industry.

TRIBUTE TO DARYL BUSCH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to Riverside County, California, are exceptional. Last month, Daryl Busch completed his service on the Board of Directors of the Southern California Regional Rail Authority ("Metrolink"). He began his service on the Board in January of 2005 and served as Vice Chair between the years of 2015 and 2016.

Daryl Busch brought valuable expertise to the Board through his service as Mayor of the City of Perris and commissioner of the Riverside County Transportation Commission. Daryl ushered in a new era of service that included a fourteen percent service expansion, the introduction of express trains, bike cars, quiet cars, service to sporting events throughout the

region, and increased coordination with other regional transit providers including airports. During Daryl's service at Metrolink, major capital projects were pursued including the procurement of the Guardian Fleet, the new Tier 4 locomotives, development of the Ground Power Plug-In program, Positive Train Control and Perris Valley Line Expansion.

Daryl brought a tremendous amount of passion and enthusiasm to the agency, as he helped increase ridership on Metrolink, resulting in reductions in traffic congestion and air emissions, and providing Southern California commuters with a safe, reliable, efficient, and cost-effective means to travel. Daryl also helped institute an enhanced safety culture at Metrolink; he was essential to the implementation of lifesaving equipment onboard Metrolink trains such as crash energy management technology and inward and outward facing cameras.

I have had the privilege of knowing Daryl Busch for many years. Daryl's contributions to the Metrolink system have generated an admirable legacy as well as many friends and colleagues that will miss him. I applaud Daryl's service and I will truly miss working with him. His service and his achievements will have a longstanding and truly positive impact on our community.

FAIR RATEPAYER ACCOUNTABILITY, TRANSPARENCY, AND EFFICIENCY STANDARDS ACT

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 587, the Fair Ratepayer Accountability, Transparency, and Efficiency Standards Act (Fair RATES Act), which amends the Federal Power Act to permit administrative and judicial review of any rate change filed by a public utility that takes effect without the approval of the Federal Energy Regulatory Commission (FERC).

The need for this change became evident in the wake of a New England Forward Capacity Market Auction in 2014, which occurred at a time when FERC only had 4 Commissioners.

When the New England Forward Capacity Market Auction issue was addressed by FERC, the Commissioners split evenly over the question of whether the auction results were just and reasonable.

Since FERC did not disapprove the auction results, wholesale electricity prices in New England increased dramatically.

So, while rates went up, none of the affected parties could challenge the decision or resulting rate increase, and, therefore, no rehearing or judicial review was possible.

H.R. 587 provides those who want to challenge a similar rulings or non-decisions by FERC the ability to challenge the decision administratively or in the courts.

The bill ensures that stakeholders have recourse when a non-decision by FERC has very real consequences for consumers, producers and others.

This bill would also improve the process by which FERC votes are reconsidered.

I ask my colleagues to join me in supporting H.R. 587.

PERSONAL EXPLANATION

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. REED. Mr. Speaker, on Friday February 3, 2017, I was unable to vote on roll call vote No. 78: Passage of H.J. Res. 36, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to Waste Prevention, Production Subject to Royalties, and Resource Conservation, Had I been present, I would have voted "yes."

RECOGNIZING RAND ROWLAND

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize the hard work of a Georgia Tech basketball player. Rand Rowland started on the team as a walk-on, but recently received a scholarship to play basketball for his final semester.

Rand arrived at Georgia Tech from White County High School in Northeast Georgia in 2013, and spent most of his college career as a practice player with the Yellow Jackets. Recognized by head coach Josh Pastner as a "phenomenal young man," Rand worked constantly with the team to improve its overall performance in any way that he could—even as a practice partner. His commitment to the team did not go unnoticed.

Assistant coach Eric Reveno said in regards to the decision to award Rand the scholarship, "What we do as basketball coaches isn't always fair, the right guys don't get rewarded all the time, it's nice when the right things do happen."

Rand earned his business degree in December, and is now beginning a second degree in the School of History and Sociology, hoping to become a college basketball coach himself, one day.

Currently, Rand's main focus is working on the scouting team. During his college career, he has played in nine games, for a total of 19 minutes, and he's still working to score his first career points for the Jackets. On and off the court, Rand has been made a valuable asset to his team. I congratulate Rand on receiving this scholarship at Georgia Tech, which he has said encourages him to follow his dreams and become a coach.

Mr. Speaker, I am honored to recognize the diligence and dedication this young man has shown to his team and to his dream. Rand is a role model for fellow students and team members, and a source of pride for Northeast Georgia.

RECOGNIZING THE PROFESSIONAL ACHIEVEMENTS OF MR. VAL MCWHORTER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. CONNOLLY. Mr. Speaker, I rise to recognize my constituent, Val McWhorter, for his inclusion in the 23rd edition of The Best Lawyers in America in the practice areas of Arbitration, Construction Law, and Mediation, and for his designation as the 2017 Lawyer of the Year in the practice area of Construction Law in Washington, D.C. A testament to his standing in the field of Construction Law, these well-deserved honors were awarded to Mr. McWhorter on the basis of high praise and feedback from both his peers and clients alike. Such acclamations of Mr. McWhorter's work should come as no surprise, given the more than \$500,000,000 he has recovered on behalf of his clients in state and federal court, mediations, and private negotiations.

Additionally, I want to congratulate Mr. McWhorter on the 25th anniversary of his induction into The Moles Organization, a national organization of individuals involved in the completion of heavy construction projects, including tunnels, bridges, highways, and dams. Founded in 1936, The Moles Organization is a respected institution whose members represent the best of American industry. First elected to membership in 1991, Mr. McWhorter's commitment to The Moles Organization led to his appointments last year to both the Publicity Committee and the Award Committee. Mr. McWhorter's longtime membership, and his recent leadership, in this esteemed organization deserve much recognition.

Mr. Speaker, I ask my colleagues to join me in commending Val McWhorter on his remarkable achievements, and in thanking him for his years of contribution to the practice of Construction Law in the Washington, D.C. region.

TRIBUTE TO NATASHA JOHNSON

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Lake Elsinore in Riverside County, California are exceptional. On Saturday, February 11, 2017 Natasha Johnson will be honored as the Citizen of the Year by the Lake Elsinore Chamber of Commerce.

Natasha is a manager of a local credit union and a strong advocate for Lake Elsinore. In 2012, Natasha was elected to the Lake Elsinore City Council, where she continues to serve after being re-elected in 2016. As an elected official, Natasha has worked tirelessly to establish a more sustainable economic development base in Lake Elsinore to create more jobs and demonstrate that our community is a great place for families to live, work and play.

Natasha has served our region through her participation in organizations such as the Boy Scouts of America, H.O.P.E, Operation Homefront, and New Song. She also serves on the Board of Directors for the Elsinore Woman's Club, Boy Scout Advisory, and United Way. Natasha is also a past President for the Lake Elsinore Chamber of Commerce.

In light of all that Natasha has done for the community of Riverside County and the city of Lake Elsinore, it is only fitting to honor her as Citizen of the Year. Natasha has contributed immensely to the betterment of our region and I am proud to call her a fellow community member, American and a constituent of the 42nd Congressional District of California. I add my voice to the many who will be congratulating Natasha Johnson on being named Citizen of the Year by the Lake Elsinore Chamber of Commerce.

IN SUPPORT OF H.R. 423, ANTI-SPOOFING ACT OF 2017

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker I rise in support of H.R. 423, the Anti-Spoofing Act of 2017, which amends the Communications Act of 1934, to make it unlawful to cause a caller identification service to knowingly transmit inaccurate caller identification information with the intent to:

- defraud,
- cause harm, or
- wrongfully obtain anything of value.

Spoofing is a practice in which a phone number shown on a phone or caller identification device deliberately is falsified.

Spoofing is a commonly used tool for a number of illegal practices, including "phishing" for personal information and "swatting"—calling in a fictitious crime in progress in order to generate a police response.

The Truth in Caller ID Act of 2009 prohibits spoofing of voice caller identification information. However, as communications methods and consumer habits continue to evolve, so do the attempts by third parties to gain personal information for criminal use.

Many Americans now rely on text messaging to stay connected.

According to CTIA, in 2015, Americans sent over 156 billion text messages per month.

H.R. 423, the Anti-Spoofing Act, will extend the provisions of the Truth in Caller ID Act to include text messaging and text messaging services.

The legislation adds a definition of "spoofing service" to the statute, addressing the growth of services that allows a user to knowingly transmit misleading or inaccurate caller identification information.

In addition, it extends the prohibitions to any person or service placing an international call to a recipient within the United States.

Additionally, H.R. 423 will revise the definitions of "caller identification information" and "caller identification service" to include text messages sent using a text messaging service.

It defines "text message" as real-time messages consisting of text, images, sounds, or other information transmitted from or received by a device identified by a telephone number.

It also includes in the definition both, real-time and two-way voice or video communications, addressing the emerging law enforcement issue of "swatting" by which people can purposefully misdirect valuable, police efforts and resources.

This bill takes the right approach targeting behavior, while protecting innovations that are important to the digital economy.

As the Ranking Member of the Judiciary Subcommittee on Crime, I understand the vital need to safeguard against caller identification spoofing.

For example, women's abuse shelters and law enforcement officers working undercover have a need to protect their clients' identities.

This bill seeks to target those who have the intent to cause harm or commit a crime.

I support this legislation because it protects the consumer from criminal behavior, while protecting our fundamental right to privacy.

PERSONAL EXPLANATION

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mrs. BUSTOS. Mr. Speaker, on the Legislative Day of January 30, 2017, a series of votes were held. Had I been present for the last of these roll call votes, I would have cast the following vote:

Roll Call 67—I vote YES.

RECOGNIZE ALONZO BRANTLEY SAILORS

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to honor the life of a respected member of the Gainesville, Georgia community, Alonzo Brantley Sailors, Jr., who passed away peacefully, surrounded by family on January 23. He chose to dedicate his life to service within his community and to our country.

A.B., as his friends and family called him, was born on December 29, 1933. He graduated from Gainesville High School in 1954, where he lettered in football, basketball, and track. After graduation, A.B. enlisted in the draft and served our country for two years in West Berlin, where he spent 21 months stationed as a medic for the United States Army.

After returning home from WWII, he pursued ways to invest in his local community.

In 1981, he graduated from the National Fire Academy in Emmitsburg, Maryland. A.B. then returned to his hometown and joined the Gainesville Fire Department, where he worked for 34 years. This is especially significant to me, as I was honored to serve as chaplain of the Gainesville Fire Department.

In the community, A.B. enjoyed coaching the local junior football team and was a big

supporter of Gainesville sports. He was known as a mentor to many young men within the community, and especially in the fire department. His friends and colleagues nicknamed him "Old Dad" and "The Storyteller" because of the presence he had in their lives.

Mr. Speaker, I am honored to recognize the service that Alonzo Brantley Sailors has dedicated to his country and community. He was a loving husband, father, and friend and is a great representation of the people of northeast Georgia.

HONORING THE LIFE OF LOUISE B. GABRIEL

HON. TED LIEU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. TED LIEU of California. Mr. Speaker, I rise to celebrate the life of Louise B. Gabriel—mother, grandmother, wife, philanthropist, author, and visionary—who passed away on January 10, 2017.

Louise lived her life to the fullest with great passion, humor, love and dedication to community. Born in Detroit, Michigan, she was one of eleven children. At the age of five, her family lost their farm in a fire, taking with it all of her family's possessions and cherished mementos. It was this experience of loss that instilled in Louise a desire to preserve history.

In 1946, she married Bob Gabriel, an Officer in the United States Navy. Together, they moved to West Los Angeles, and eventually made their home in Santa Monica, a community with "the ocean and palm trees," that Louise loved. Together, the couple celebrated 60 years of marriage and worked to support the City of Santa Monica.

Louise Gabriel was a champion of local Santa Monica history, and dedicated her life to preserving the community's unique background. With her husband Bob, Louise helped bring the Santa Monica History Museum to life, an institution dedicated to the preservation of the history, art and culture of the Santa Monica Bay Area. For 27 years, Louise served as the museum's President and helped find the permanent home that it still resides in today. With the museum, Louise left a legacy that will live on for future generations to enjoy as they learn about the history of the Santa Monica Bay Area.

Louise overcame tremendous obstacles in her life without complaint by taking life one day at a time. As she was famous for saying, "I cried about having no shoes until I saw someone with no feet," a motto her family continues to live by. She is survived by her children Susan Gabriel Potter, Robb Gabriel, Sharyl Gabriel Szydluk, her sisters Josephine Van Buren and Elaine Bruner, her sons-in-law Pat Potter and Joseph Szydluk, her grandchildren, and her many nieces and nephews. Though we have lost a champion and advocate for Santa Monica, I hope that her family and friends take comfort in the way Louise lived her life as an accomplished and astounding woman. May her memory be a blessing to us all.

RECOGNIZING THE RETIREMENT
OF MICHELE Y. EVANS FROM
THE GOVERNMENT PUBLISHING
OFFICE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. CONNOLLY. Mr. Speaker, I rise to recognize my constituent, Michele Y. Evans, for her recent retirement from the Government Publishing Office after 29 years of service. Ms. Evans began her career at GPO in October 1987 as a Supply Clerk in the Springbelt Warehouse in Springfield, Virginia. In 1991, she became a Micrographics Tech and in 1993 she was promoted to Supervisory Micrographics Tech before eventually assuming the position of Publications Manager Specialist.

In 2004, Michele joined the Apprenticeship Program, which trained her as Printer, Proofer, and Journey Person. In 2006, after graduating from the Apprenticeship program, Michele went to work in the proof room, where she worked in copy/mark-up and night side/bill end. In 2010, Michele was selected for the GPO detailee program, and was attached to the Office of the Clerk, Office of Legislative Operations, House Enrolling section. Her dedication and disposition made her a perfect fit for the section, and her attention to detail and years of experience made Michele an invaluable member of the enrolling team.

Mr. Speaker, I ask my colleagues to join me in congratulating Ms. Evans on her retirement and in thanking her for her years of service to this chamber as she returns to her hometown of Jacksonville, North Carolina to start the next chapter of her life.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. ENGEL. Mr. Speaker, I was unavoidably detained and unable to attend session on Friday, February 3, due to personal reasons. Had I been present, I would have voted no on H.J. Res. 36, roll call No. 78, which provided for congressional disapproval of President Obama's Methane Waste Prevention Rule.

I am outraged by House Republican efforts to overturn substantial environmental policies of the Obama Administration, including and especially the Methane Waste Prevention Rule. This rule caps, for the first time, the amount of methane that oil and gas producers operating under federal leases are allowed to "flare," or burn as waste. It also prohibits operators from releasing or "venting" natural gas into the atmosphere, and requires them to replace equipment that allows large amounts of methane to "bleed" into the air. This rule would result in 175,000 to 180,000 fewer tons of methane emissions each year, which is equivalent to removing nearly 1 million vehicles from our roads.

As a leading member on the House Energy and Commerce Committee, I have long been

a champion for a cleaner, healthier environment for all New Yorkers and the American people. I have relentlessly fought to close Indian Point, oppose the Spectra Algonquin Pipeline, and resist the plan to anchor barges carrying crude oil along the Hudson River.

I will continue fighting to stop Republicans in Congress from undermining our environmental regulations and turning back the clock to a time when corporations could pollute unchecked.

IN SUPPORT OF H.R. 582, KARI'S
LAW ACT OF 2017

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 582, the Kari's Law Act of 2017, which amends the Communications Act of 1934 to require multi-line telephone systems to have a configuration that permits users to directly initiate a call 9-1-1 without dialing any additional digit, code, prefix, or post-fix.

As a senior member of the House Committees on Homeland Security and Judiciary, I am well aware of the importance of 9-1-1 services and some of the challenges of E-9-1-1 to ensure that those seeking emergency assistance receive the help they need.

H.R. 582 would create parity for landline 9-1-1 services and smartphone E9-1-1 services so that emergency assistance request from either is treated the same.

The bill requires that those engaged in the manufacturing, importation, sale, and lease of telecommunication service or devices pre-configured technology to dial 9-1-1.

The goal of H.R. 582 is to ensure that all emergency calls regardless of the source are routed properly to emergency services.

Kari's Law is not intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications.

The establishment of the Kari's Law Act acknowledges the importance of the configuration of multi-line telephones systems for direct dialing for 9-1-1.

Over the past two decades, the personal communications of Americans have changed.

The Wireless Association reported that the penetration of cellular devices surpassed 100 percent in 2012, and as of the latest 2014 report, penetration is now at 110 percent.

According to the Pew Research Center, 68 percent of U.S. adults have a smartphone, up from 35 percent in 2011, and tablet computer ownership has edged up to 45 percent among adults, according to newly released survey data from the Pew Research Center.

Smartphone ownership is nearing the saturation point with some groups: 86 percent of those ages 18-29 have a smartphone, as do 83 percent of those ages 30-49 and 87 percent of those living in households earning \$75,000 and up annually.

With so many mobile devices deployed the majority of calls to 9-1-1 emergency public safety answering points (PSAP) originate from them.

U.S. emergency dispatch agencies report that wireless callers are responsible for at least 80 percent of their emergency call volume.

For these reasons, I urge my colleagues to Support H.R. 582, Kari's Law Act of 2017.

WELCOME ANYA CHIRAG SHAH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Chirag Shah and his wife, Sejal, on the birth of their daughter. Anya Chirag Shah was born at 6:18 p.m. on Sunday, January 15, 2017, at Georgetown University Medical Center in Washington, D.C. Anya weighed eight pounds and eleven ounces and measured 21 inches long. She is the first child for the happy couple and I look forward to watching her grow as she is raised by talented parents who will be dedicated to her well-being and bright future.

I would also like to congratulate Anya's grandparents, Kamal and Jagruti Shah of Mequon, Wisconsin, and Vikram and Kalpana Bavishi of Secaucus, New Jersey. Congratulations to the entire Shah and Bavishi families as they welcome their newest addition of pure pride and joy.

TRIBUTE TO STEVE MANOS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Lake Elsinore in Riverside County, California are exceptional. On Saturday, February 11, 2017 Steve Manos will be honored as the Citizen of the Year by the Lake Elsinore Chamber of Commerce.

Born in Santa Monica and raised in Lake Elsinore, Steve is a 29-year Lake Elsinore resident. In 2012, Steve was elected to serve as a Council Member for the City of Lake Elsinore, for which he served as Mayor in 2015. As an elected official Steve serves on several regional organizations. He has served as Chair of the Riverside County Habitat Conservation Agency, Commissioner on the Airport Land Use Commission, and represents all of the cities in the County of Riverside as the State Director for the League of California Cities. During his term Steve was proud to improve public safety by voting to staff and reopen the Rosetta Canyon Fire Station and add peace officers to the City's police force.

Steve has a great passion for economic development and during his term he has actively recruited new businesses—hundreds of new businesses have opened in Lake Elsinore since 2012, bringing over one thousand new jobs. He has been a relentless, unapologetic ambassador for the City. Steve is a devoted volunteer and charitable contributor having

served at the local school district, his church, and community. He is a founding member of Lake Elsinore's major disaster Citizen Emergency Response Team.

In light of all that Steve has done for the community of Riverside County and the city of Lake Elsinore, it is only fitting to honor him as Citizen of the Year. Steve has contributed immensely to the betterment of our region and I am proud to call him a fellow community member, American and a constituent of the 42nd Congressional District of California. I add my voice to the many who will be congratulating Steve Manos on being named Citizen of the Year by the Lake Elsinore Chamber of Commerce.

INTRODUCTION OF THE BUREAU OF RECLAMATION WATER PROJECT STREAMLINING ACT OF 2017

HON. DAN NEWHOUSE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce my legislation, the Bureau of Reclamation Water Project Streamlining Act. This legislation will help many communities in the west that have been severely impacted by the recent droughts affecting the western United States. The legislation requires the Bureau of Reclamation to accelerate studies and provide more accountability in the agency's process to study the feasibility of new and/or expanded surface water storage, rural and Title XVI water projects, as well as water recycling projects. By streamlining Reclamation's environmental planning and study process for these water projects, the bill will ensure that communities in the arid West can address the critical need for water supplies that grow with demand. This is accomplished by applying the same streamlined water project development process used by the U.S. Army Corps of Engineers, which were established under the Water Resources Reform Development Act of 2014, to the Bureau of Reclamation for surface water, storage, infrastructure, and recycling projects.

Water is an indispensable resource in Central Washington and is the foundation on which our future will be built. However, water has become increasingly limited and the current supply and infrastructure is unable to meet existing human and environmental needs. The droughts and water shortages that have impacted much of the western U.S. highlight the critical need for new water supplies that are able to meet this growing demand. A streamlined process for new water storage projects is vital to prepare effectively for droughts and provide adequate water resources for future development. This bill improves the Bureau of Reclamation's permitting process to create new opportunities for water storage, recycling, and rural water projects. Put simply, my bill reforms the current cumbersome and lengthy process so that there is a mechanism to build new water and infrastructure projects in Central Washington and across the west.

I welcome all members to join me in supporting this legislation and I urge its swift passage through the U.S. House of Representatives and U.S. Senate.

IN SUPPORT OF H.R. 460, IMPROVING RURAL CALL QUALITY AND RELIABILITY ACT OF 2017

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 460, the Improving Rural Call Quality and Reliability Act of 2017, which amends the Communications Act of 1934 to require voice communications that charge users to register with the FCC and comply with service quality standards to be established by the FCC.

The bill, should it become law, prohibits long-distance providers from using an internet provider to transmit voice communications and signals unless the intermediate provider is registered.

H.R. 460 would require the FCC to:

1. Ensure the integrity of voice communications to all customers in the United States
2. Prevent unjust or unreasonable discrimination across areas of the United States in the delivery of voice communications; and
3. Make a registry of intermediate providers publicly available on the FCC website.

H.R. 460, the Improving Rural Call Quality and Reliability Act of 2016, would seek to ensure that calls to Americans living in the rural areas of our country actually make it through to the intended receiver.

Making sure a call goes through, regardless of where it is being made, is fundamental to our communications system.

H.R. 460 that would require the Federal Communications Commission (FCC) to establish basic quality standards for providers that transmit voice calls to consumers, among other things.

The Senate Commerce Committee adopted an amendment in the nature of a substitute (AINS) that made the following changes:

1. Extends deadlines for service quality standards for intermediate providers from 180 days to one year,
2. Exempts intermediate providers that have been certified as a safe harbor provider; and
3. Amends the definition of intermediate provider.

I urge my colleagues to join me in supporting H.R. 460, the Improving Rural Call Quality and Reliability Act of 2017.

PERSONAL EXPLANATION

HON. NORMA J. TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mrs. TORRES. Mr. Speaker, due to a conflict, I unavoidably missed the following vote on February 2. Had I been present I would have voted as follows: On roll call No. 77, I

would have voted "nay" on H.J. Res. 40, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

TRIBUTE TO DR. GEORGE BELOZ

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to Riverside County, California, are exceptional. After ten years of exemplary service, Dr. George Beloz is stepping down as President of the Greater Corona Hispanic Chamber of Commerce.

Dr. Beloz was born in Chicago and grew up in an ethnically diverse neighborhood, where he was interested in fine arts and fishing. At an early age he sold daily newspapers on South Lakeshore Drive in Chicago, worked for Fannie Mae as a teenager and played the piano at church. After a couple of years in college, George was drafted into the Army and was assigned to Heidelberg, Germany where his wife joined him and they lived off-post and traveled throughout Europe while stationed there. After his military service he returned to college and completed his Bachelor's, Master's and PhD degrees, the latter two with the assistance of the GI Bill. He received his PhD from Southern Illinois University. After college, Dr. Beloz was recruited into the Foreign Service and worked for the U.S. Department of State for seven years learning the ropes in the Asian, the Middle Eastern and Latin American regional areas.

Dr. Beloz left the Foreign Service and held several administrative and educational assignments in the Orange County College District. He and his wife, Ruth, moved to Corona in 1983. Since moving to Corona, he was a candidate for the School Board in 1989 and served on the Board of Trustees for the Corona Public Library from 1993 to 1997. Dr. Beloz was appointed to the Citizens Oversight Committee for Measure C, the \$169 million bond issue affecting Riverside City College, Moreno Valley and Norco campuses. In 2016, Dr. Beloz was appointed to the Corona Regional Medical Center Board of Governors. For the last ten years he has headed up the Greater Corona Hispanic Chamber of Commerce (GCHCOC) by planning engaging evening meetings at Miguel's restaurant with a wide variety of speakers on topics of community interest that have contributed to increasing GCHCOC membership.

Dr. Beloz has contributed immensely to the betterment of our community and I am proud to call him a fellow community member, American and my friend. To conclude, Mr. Speaker, I want to thank Dr. Beloz for his service to Corona—his dedication, insight and passion will be greatly missed.

IN SUPPORT OF H.R. 511, POWER
AND SECURITY SYSTEMS (PASS)
ACT OF 2017

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 511, the Power and Security Systems Act of 2017, which will revise energy conservation standards for devices operating in standby mode.

In the early 1970s, I, recall, as many of my colleagues do, the impact to our nation's economy when OPEC nations withheld oil from the United States, causing one of the greatest peace-time energy shortages in United States history.

One of the remedial steps taken by the Carter Administration was the promulgation of regulations that required large appliances and equipment that used electricity to default to a power down mode when not in use.

Today, we take for granted that machines power down when not in use, but this one change in energy policy over the last 40 years has saved taxpayers, which includes businesses and private homes, billions of dollars in energy costs.

This was only one policy solution that was used to reduce our nation's dependence on foreign oil so that energy could go to vital services like fuel for electricity generation, gasoline, heating fuels, and diesel oil.

H.R. 511, the bill before us, would extend energy conservation to digital technology that can operate in standby mode.

Most digital device technology manufacturers already provide sleep mode on their devices to assist their users in conserving power on cellphones, smartphones, MP3 players, e-book readers, as well as desktop and laptop computers.

Today, 68 percent of U.S. adults own a smartphone, up from 35 percent in 2011, and tablet computer ownership has edged up to 45 percent among adults, according to newly released survey data from the Pew Research Center.

Considering not just smartphones, but all types of mobile phones, Pew notes that cellphones continue to top the list.

Roughly nine-in-ten American adults or 92 percent own a mobile phone of some kind.

Although these mobile devices are ubiquitous today, the share of adults who own one has risen substantially since 2004.

Smartphone ownership is nearing the saturation point with some groups:

1. 86 percent of those ages 18–29;
2. 83 percent of those ages 30–49; and
3. 87 percent of those living in households earning \$75,000 and up annually own smartphones.

These facts highlight the importance of energy conservation for mobile communication users.

The battery life for these devices is limited and without power they are of no use to the user.

This bill will help users remain connected as long as possible because the energy consumption on their cellphones and other digital devices will be minimized when they are not in use.

Energy conservation will also assist consumers during times when power outages may occur due to weather or other electricity disruption.

The longer power life for cellphones will benefit consumers by reducing the amount of electricity needed to recharge their personal devices.

This bill will also benefit businesses that often have many computers that when in use can consume electricity if left on after business hours—especially over weekends.

For these reasons, I ask my colleagues to join me in supporting H.R. 511.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 7, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 8

10 a.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine Inspector General recommendations for improving Federal agencies.

SD-G50

Committee on Environment and Public Works

To hold an oversight hearing to examine modernizing our nation's infrastructure.

SD-406

2:30 p.m.

Committee on Armed Services

Subcommittee on Readiness and Management Support

To hold hearings to examine the current readiness of United States forces.

SR-232A

Committee on Indian Affairs

Business meeting to consider S. 39, to extend the Federal recognition to the

Little Shell Tribe of Chippewa Indians of Montana, S. 63, to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act, S. 91, to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, S. 245, to amend the Indian Tribal Energy Development and Self Determination Act of 2005, S. 249, to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land, S. 254, to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages, S. 269, to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and S. 302, to enhance tribal road safety; to be immediately followed by an oversight hearing to examine emergency management in Indian Country, focusing on improving the Federal Emergency Management Agency's Federal-tribal relationship with Indian tribes.

SD-628

FEBRUARY 9

9:30 a.m.

Committee on Armed Services

To hold hearings to examine the situation in Afghanistan.

SD-G50

10 a.m.

Committee on Foreign Relations

To hold hearings to examine the United States, the Russian Federation, and the challenges ahead.

SD-419

Committee on Homeland Security and Governmental Affairs

Subcommittee on Regulatory Affairs and Federal Management

To hold hearings to examine empowering managers, focusing on ideas for a more effective Federal workforce.

SD-342

Committee on the Judiciary

Organizational business meeting to consider committee rules, and S. 178, to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

SD-226

2 p.m.

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

HOUSE OF REPRESENTATIVES—Tuesday, February 7, 2017

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 7, 2017.

I hereby appoint the Honorable STEVEN M. PALAZZO to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

SUPPORT COMPANIES THAT OPPOSE IMMIGRATION BAN

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

Mr. GUTIÉRREZ. Mr. Speaker, as we all learned on Sunday, Adolphus Busch came to America from Germany to make the king of beers. He didn't have a visa. He had a boat ticket and, of course, our country welcomed him. Well, not exactly.

In the Super Bowl ad that aired, Mr. Busch was told: "You are not welcome here. Go back home."

But then the young man eventually reaches St. Louis, meets Mr. Anheuser, and Budweiser—one of the most unmistakably American brands around the world—is born.

All of us assumed that the President was watching the ad because it was, after all, the Super Bowl and it was broadcast by FOX network, his favorite. But I wonder if the message sank in.

Mr. Speaker, to borrow a line from a different advertiser: I don't always drink beer, but when I do, I think the next time it will be a Bud.

But then there was the little girl and her mom who walked to America from

Latin America in the 84 Lumber ad. They didn't have a visa either because, well, we don't generally allow visas to people from Latin America who are seeking a better way of life here. If they did qualify for a visa, that little girl would be a grown-up adult by the time the visa was processed, given our broken immigration system. We learned that FOX television told the advertiser to edit out a border wall scene in the original version of the ad. I guess even FOX was worried about being attacked by the twitter in chief.

I am not sure what 84 Lumber sells, but I think I am going to go out and buy some. Mr. Speaker, I haven't had a cup of coffee in 30 years. I don't drink the stuff. You can bet, however, I am going to go find my way into a Starbucks sometime soon because they just announced—in the midst of all of this political turmoil—that they will hire an additional 10,000 refugees.

The CEO of Starbucks said in a letter recently: "There are more than 65 million citizens of the world recognized as refugees by the United Nations, and we are developing plans to hire 10,000 of them over five years in the 75 countries around the world where Starbucks does business."

Apple and Netflix were among the companies to strongly oppose the President's ban of travel from certain Muslim countries and the halt to the refugee program. I know this because I googled it—and Google is another company that has stepped up as a corporate citizen to say that restricting legal immigration by visa holders is bad for their bottom line, bad for a nation built by immigrants, and bad for a nation that is a leader of and dependent on the world economy.

Mr. Speaker, there is no more iconic world brand—no commercial symbol more associated with America and Americans around the world than Coca-Cola. Unlike coffee, Mr. Speaker, I enjoy a Coke and a smile several times a day. The company issued a statement recently that said: "Coca-Cola Co. is resolute in its commitment to diversity, fairness and inclusion, and we do not support this travel ban or any policy that is contrary to our core values and beliefs."

Mr. Speaker, I am not here to advertise products or to tell anybody what to shop for or who to buy from, but it is a pretty important moment in our history when America's largest companies are going out of their way to say that this President's anti-immigration agenda runs contrary to core values of

their corporation and core values of the United States of America.

When the CEO of Uber has to resign from a corporate advisory council because the President's policies are so toxic, you know there is some bad policy there. You see, the reality TV host in the White House who is all about burnishing his own brand, has damaged, Mr. Speaker, the most important brand in world history: the American brand, the Statue of Liberty, and the bald eagle.

Mr. Speaker, American consumers who drive our economy, the men and women who open up businesses that feed our economy, and those who wake up every day to make the products, at this moment they are being asked to get involved and to make their choices be known.

As the Starbucks CEO said recently: "If there is any lesson to be learned over the last year, it's that your voice and your vote matter more than ever. We are all obligated to ensure our elected officials hear from us individually and collectively."

Here is my message: I am not handing over my money to people or companies that take that money and invest in hate, invest in bigotry, invest in discrimination; that destroy the image and the reputation of the United States of America. I am not putting one dollar into those companies. I am not going to use my money to support that.

I guess I am going to find myself a Starbucks and buy whatever they have there that is not coffee, Mr. Speaker.

RESOLVING THE MYSTERY OF RAOUL WALLENBERG'S FATE

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

Ms. ROS-LEHTINEN. Mr. Speaker, in 1944, President Roosevelt created the War Refugee Board in order to undertake efforts to rescue Jews from the Nazis and the atrocities of the Holocaust.

That same year, a young Swedish diplomat accepted an appointment to travel to Hungary on a humanitarian mission, in large part sponsored by our War Refugee Board, to help protect Hungary's Jewish community. This young diplomat, Raoul Wallenberg, risked his life to save tens of thousands of Jews, if not more, from almost certain death in Nazi concentration camps.

For his remarkable courage and humanitarian spirit, Wallenberg had been

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

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

recognized and memorialized across the globe. In 1963, Yad Vashem recognized him as a righteous man among nations. In 1981, Raoul Wallenberg became the second person to be bestowed honorary United States citizenship. In 1995, Congress unveiled a bronze bust dedicated to Wallenberg here in the Capitol, and today, it can be found, appropriately, in Emancipation Hall in the Capitol Visitor Center. Just 3 years ago, Mr. Speaker, Congress awarded the Congressional Gold Medal to Raoul Wallenberg—the highest civilian honor that can be bestowed by Congress.

Yet, for all of these memorials and all of these tributes since Raoul Wallenberg was last seen as a free man on January 17, 1945, his true fate remains a mystery. For 72 years now, the truth has eluded us and, worse, Raoul's family, loved ones, and the countless that he saved have been unable to receive the closure they deserve.

For many years, my good friend and colleague, the late Tom Lantos took up the mantle of resolving the Wallenberg mystery. Not only was Tom the only Holocaust survivor to ever serve in Congress, but he managed to escape the horrors of the Holocaust, thanks to the actions of Raoul Wallenberg.

It was Tom who introduced the legislation that became law bestowing honorary citizenship to Wallenberg; Tom who kept the focus on this case, never allowing it to be cast aside. It has been 72 years, Mr. Speaker, yet we still do not have the answers. It is now our turn to be asking the unanswered questions. We have a responsibility, indeed an obligation, to do the right thing.

It was the United States Government and the War Refugee Board, along with the American Jewish Joint Distribution Committee that largely sponsored Wallenberg's work in Hungary. We named him an honorary citizen and we bestowed upon him the highest honors. Yet, we have not done what needs to be done to resolve the questions surrounding his disappearance.

When proclaiming Raoul Wallenberg a United States citizen, President Reagan asked: How can we comprehend the moral worth of a man who saved tens and tens of thousands of lives, including those of Congressman and Mrs. Lantos?

We cannot possibly comprehend Raoul Wallenberg's moral worth, Mr. Speaker, but we must ask ourselves what our moral worth is if we don't do everything in our power to end this 72-year search for answers.

I have presented a bipartisan resolution, H. Res. 58, which seeks to raise awareness of the Wallenberg case. This resolution builds upon the tireless efforts of so many: Wallenberg's parents; his half-brother, Guy; Guy's daughters, Marie and Louise; and Raoul's half-sister, Nina.

It was Nina, Mr. Speaker, who served as guest of honor at the Congressional

Gold Medal ceremony in this building in 2012. This resolution builds upon the tremendous research by the scholars and volunteers over the years by raising outstanding questions that linger to this very day.

The resolution also urges the administration, from the President on down, to raise the case of Wallenberg to their Russian counterparts, and it calls upon Russia to open its archives so that we can finally get some answers.

I urge my colleagues to support this important resolution. Remember, H. Res. 58. I urge all of us to show just a little bit of courage—the same courage that Raoul Wallenberg exemplified—by taking action. It is our duty to remember Raoul's heroic actions, his sacrifice, and to build upon his legacy, Mr. Speaker. It is also our duty to bring an end to this tragic injustice and to finally resolve the mystery of the fate of Raoul Wallenberg.

DENOUNCING HOLOCAUST DENIERS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to denounce this sad reality: the depraved beliefs of Holocaust deniers have somehow crawled into our national conversation. What is worse is that it is occurring at a time when our government has decided to turn its back on refugees fleeing violence and oppression.

What is deeply concerning is that all of this is emanating from the White House, clearly directed by President Trump's top political strategist, Stephen Bannon. Mr. Bannon was the force behind Breitbart News, an alt-right outlet that traffics anti-Semitism, Islamophobia, and White nationalism.

When President Trump picked Mr. Bannon as a chief strategist, countless groups condemned it. The Anti-Defamation League's Jonathan Greenblatt warned us that Bannon's views were "hostile to core American values." That concern was made crystal clear by the statement President Trump issued on International Holocaust Remembrance Day, about 10 days ago.

The statement inexplicably left out the defining aspect of the Holocaust—the systemic murder of 6 million Jewish people. It is crucial to understand why this global day of remembrance even takes place. The United Nations created this calendar event in 2005, partly because fewer Holocaust survivors with personal accounts of the horror they experienced were still alive.

Another reason was to combat the smoldering bigotry that still attempts to minimize the death of millions of murdered European Jews. The failure to mention this basic fact on such a

day—as all past administrations have—is unbelievable and unacceptable.

What is bone-chilling in its insensitivity and callous indifference is that, when questioned about the omission, President Trump's White House spokeswoman acknowledged it was intentional. His spokeswoman said in defense of leaving out any reference to Jews or anti-Semitism in the statement: "Despite what the media reports, we are an incredibly inclusive group and we took into account all of those who suffered."

Compounding this refusal to acknowledge that Jews were the main target of the Holocaust, the White House spokesman called critics of the statement "pathetic" and "nit-picking." He tried to gloss over it by suggesting a Jew helped prepare the statement.

The fact is, undeniably, that the Holocaust was about the Jews. Hitler established what he called the final solution, a state-sponsored policy to exterminate the Jews and rid them from the planet.

Omitting any reference to Jews as the primary driver of Hitler's and the Nazi's intentions, is nothing short of sanctioning Holocaust denial by blurring the hatred that was its driving force. Yes, it is vital to recognize that others were systematically targeted for extermination, but the number of Jews murdered and the great lengths taken to identify, capture, and annihilate them are unprecedented in human history.

This is why we mourn those who lost their lives in one of history's darkest moments. This is why we recommit ourselves to upholding the principle of "never again." This is why we have an International Holocaust Remembrance Day.

A cruel irony is that on this very same day, Trump released his punishing Muslim ban that Bannon reportedly crafted to stop refugees from coming into our country. The executive order bans travel to the United States from seven predominantly Islam countries, though we are told that this is not a Muslim ban.

The bumbling rollout of the order and unmitigated chaos it caused, has drawn scorn from across the political spectrum, and from allies across the world. Fortunately, our legal system has acted as a check on this ban so far. But it is the Islamophobia at the root of it, which is what Mr. Bannon and the alt-right crowd have long promoted. The Jewish community was quick to see the disturbing historic similarities.

In May of 1939, the German liner *St. Louis* sailed to Cuba with 937 passengers, most of them Jews fleeing the Third Reich. The bulk of the Jewish passengers had applied for U.S. visas and planned to stay in Cuba, but anti-Semitic protests prevented them from even disembarking there. After intense

negotiations to try to have Cuba accept the refugees failed, the United States turned the ship away, and the passengers were forced to return to Europe. One-third of them were ultimately exterminated by the Nazis.

□ 1015

It was a shameful chapter in our history. Those harsh forces are still at work around the globe, and it is those very same aspirational principles that drive so many immigrants to come to this great Nation.

The idea that someone such as Mr. Bannon has actively worked to oppose these values in the past sickens me. The idea that Mr. Bannon now sits on the principals committee on the National Security Council is also deeply troubling. The prospect that his alt-right views could politicize the decisions that put American troops and lives at risk is inexplicable and unacceptable.

But make no mistake, this outrage lies at the feet of Donald Trump, who allowed this oblique denial to go out in his name.

So, Mr. Speaker, I stand here today to say that I will not be silent. In the face of cruelty and suffering, I will stand with those who refuse to be bystanders. I will join my voice with those who courageously ask questions instead of thoughtlessly taking orders.

Mr. Speaker, the controversy over the Holocaust statement was never just a quibble about words. It is about the memory of 6 million murdered Jews. It is about making sure that no one, especially in the United States of America, denies that its primary purpose was, at its core, about Jews. And if we are to make certain that this never happens again, we cannot erase them from history or allow history to repeat itself. Never again.

1982 VOTE MACHINE RIGGING

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

Mr. BROOKS of Alabama. Mr. Speaker, fake news by the leftist Washington Post has gotten even more shrill and more irrational since Donald Trump became President.

At a Republican meeting in Philadelphia, a felony was committed by the illegal tape recording and subsequent publication of my private conversation with Vice President MIKE PENCE about voter fraud. The Washington Post reported that I said: "In my first election in 1982, Democrats rigged about 25 percent of the voting machines to vote for everyone on the ballot but me. That's 11 of 45 machines."

Rather than reporting about my being a voter fraud victim or about something else I said that a Federal court decree opened the floodgates for illegal alien voting, The Washington

Post did a partisan fake news hit piece and gave me, the voter fraud victim, a four-Pinocchio score on truthfulness.

Mr. Speaker, I proudly wear The Washington Post four Pinocchios like a red badge of courage. I know what the truth was. I was there. Here are the facts:

In 1982, I was a Republican candidate in Alabama House District 18 at a time when Democrats dominated Alabama. All 31 of Alabama's statewide elected officials were Democrats. Democrats held every partisan elected office in Alabama's Tennessee Valley.

On election day, angry voters called me nonstop about rigged voting machines that would not allow them to vote for MO BROOKS. As a former assistant district attorney, I knew how to conduct an investigation. I talked with witnesses. I examined documents. Another attorney did the same. When the polls opened, 11 of 45 voting machines registered votes for all candidates on the ballot except for MO BROOKS. Not once was my opponent or any other candidate blocked on any machine.

My hometown is the birthplace of America's space program and many of America's high-tech weaponry. We know math. Mathematically, if there were 26 candidates on the ballot, which there were, and only one name is blocked out, the odds of a particular candidate being blocked out are 1 in 26. If there are two machines that each has one name blocked out, the odds of MO BROOKS being blocked out both times is 1 in 26 squared, or 1 chance out of 676 chances.

If there are 11 machines that each have one name blocked out, the odds that all 11 blocked names are MO BROOKS are 1 chance in 26 to the 11th power. Hence, the odds that my name, the only name, was accidentally blocked out on 11 different machines, as The Washington Post would have you believe, are 1 chance out of 26 to the 11th power, or 1 chance out of 3.6 quadrillion chances.

Conversely, the probability that these 11 voting machines were rigged is 3.6 quadrillion to 1. The evidence is overwhelming. There was no accident. The voting machines were rigged.

Who rigged the voting machines?

In 1982, every single elected official with control over voting machines was a Democrat. In 1982, I was campaigning in a hotly contested race to be the only Republican legislator in the northern third of Alabama. I was the breach in the Democratic Party dam.

Earlier in the campaign, the Democratic Alabama secretary of State, who is now serving hard time in Federal prison, notified me that I would be removed from the ballot because my paperwork was allegedly not in their files. Fortunately, I had date-stamped copies of the documents I filed, thereby forcing the Democrat secretary of State to back off.

The Democrats had motive. The Democrats had opportunity. The Democrats had control. It is fake news for The Washington Post to cover up Democratic sins by suggesting otherwise.

Mr. Speaker, The Washington Post's fake news hit piece begs a broader question: Why would The Washington Post even bother to write about an election they know nothing about that happened over 34 years ago? The answer: partisan paranoia. The Democrats and their media allies like The Washington Post are so paranoid and angry about President Trump's election that they are shrilly lying and lashing out against anybody, anytime, regardless of truth.

The Washington Post: fake news, sad.

As a footnote, despite the voter fraud, I won the election with 57 percent of the vote. In a court-ordered election just 1 year later, voters still angry about Democratic voter fraud re-elected me with 82 percent of the vote. That is 25 percentage points higher than when the Democrats rigged the voting machines.

COUNTRY BEFORE PARTY

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

Mr. CASTRO of Texas. Mr. Speaker, I rise today to voice my serious concern regarding President Trump's respect for, and adherence to, the United States Constitution. In short, something is not right at the White House.

His behavior suggests that he has little regard for the judicial branch of our government. If the President has purposely acted in contradiction of a court's order, he would be in violation of the Constitution, and this Congress would be required to act.

Today, I am filing a resolution calling for the Department of Justice to appoint an independent counsel to investigate whether the President or his staff directed, or knowingly allowed, Customs and Border Protection to violate court orders designed to freeze the implementation of the January 27 Muslim travel ban executive order.

I strongly disagree with the contents of the executive order in question. It targets people based on their religion, and it instilled fear across the country. It violates our Nation's values and the idea that, in America, people aren't judged by the color of their skin or by the religion they practice but, instead, by their character. This plays right into the hands of terrorists who would use it as a recruiting tool around the world to inflame those who seek to do Americans harm at home and abroad.

Let me be clear, though. My disapproval of the President's unfair executive order did not motivate the introduction of this resolution. This resolution concerns only the President's adherence to a judicial order. The question is whether he knowingly allowed

Customs and Border Patrol to violate that order.

I hope the investigation will find that the President and his administration fully complied with court orders concerning his executive order. However, if President Trump overstepped and purposely violated the judiciary, the Congress should censure him. If, after censure, the President again disregards our Nation's systems of checks and balances and separation of powers, the Congress should take steps to remove him from office.

During his campaign and in the time since his election, President Trump has promised to be a law-and-order President. Well, the court system is central to upholding the law and ensuring order in our Nation. It represents the way that we, as Americans, peacefully and civilly resolve disputes. Respect for the judiciary isn't just a constitutional requirement for the President, it is a requirement for all of us.

President Trump is no stranger to our judicial system. He spent his career using the courts to sue his foes and settle his broken promises. Now it is time for him to keep the promise he made to the American people when he took the oath of office last month. He must follow the law and abide by our Constitution.

Defending our democracy requires vigilance and stern action. Our Founders wisely designed our government so that no court, no Congress, and no President could gain a dangerous amount of power. If we in Congress cede our responsibility to keep the executive in check, we risk being complicit in creating a constitutional crisis.

My resolution seeks to defend our Republic and our precious founding documents. Each of us in Congress swore to support the Constitution.

I urge all Members of this body to put country before party and vote in favor of this measure.

The SPEAKER pro tempore. The Chair will remind Members to refrain from improper references to the President.

COMPETING VISIONS OF THE FUTURE

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

Mr. MCCLINTOCK. Mr. Speaker, our Nation has come to a crossroads between two competing visions for the future that don't easily reconcile. At such times as these, emotions run very high.

The good news is that our institutions are the best ever designed to resolve such political disputes. And it comes down to this: In other countries, the government is the sovereign and rights flow from it to the people; here in America, the people are sovereign.

In America, the sovereign does not govern; it hires help to govern during an election. In between elections, the sovereign people debate how the hired help is doing. That is the real debate, the one that goes on every day over backyard fences and family dinner tables wherever Americans gather. After that family discussion, we decide whether to fire the hired help or keep it for another cycle. As long as we are with each other and not shouting at each other, our system works very well.

Once in our history, we stopped talking with each other. That was the election of 1860. That election was marked not by reconciliation, but by rioting in those regions where the opposition dominated. The opposition party refused to accept the legitimacy of the election itself. Political leaders pledged resistance to the new administration by any means necessary. They asserted the doctrine of nullification, the notion that any dissenting State or city that opposed Federal laws could simply refuse to obey them. Finally came the secession movement, the ultimate rejection of our Constitution and our rule of law.

Have we not started down that road once again?

Even before the election, we saw violent mobs carrying foreign flags physically attack Americans for the sole reason that they wanted to attend a political rally for the candidate of their choice. The violence in Berkeley last week warns us that this behavior is rising.

Some prominent elected officials are again asserting the doctrine of nullification by declaring that their jurisdictions are sanctuaries where Federal immigration laws will simply be ignored. In California, the formal cessation movement is supported by nearly a third of the population of my own suffering State.

Now, I held more than a hundred townhall meetings in my district throughout the last 8 years, spanning the entire life of the Tea Party and the Occupy Wall Street movements. Through all of these heated debates, the police have never had to intervene, until this weekend in Roseville, when the Roseville Police Department determined that the size and temper of the crowd required a police escort to protect me as I left the venue.

□ 1030

Now, the vast majority of the people attempting to attend this meeting were peaceful, decent, law-abiding folks who sincerely opposed Donald Trump, and they wanted to make their views known to their elected representative. But, there was also a well-organized element that came to disrupt, and disrupt they did.

Now, in the last four elections, our country has turned dramatically away

from the left. The Democrats have lost 67 House seats, 12 Senate seats, 10 Governors, more than 900 State legislative seats, and now the Presidency. That happened, in large part, because those who opposed their policies talked with their neighbors about the future of our country.

Instead of pursuing that successful example, the radical left seeks not to persuade their fellow citizens by reason but rather to impose its views by bullying, insulting, intimidating, and, as in Berkeley, by physically attacking their fellow citizens. This is not a tactic likely to change minds, but, if it persists, it could tear down the very institutions of democracy that have served us so well for so long.

I would ask the many sincere citizens who have been caught up with this disruptive element: Do you object because the President is breaking his promises, or do you object because he is keeping them?

If your objection is because the President is keeping the promises he made to the American people, is that not because the sovereign people, your neighbors and fellow countrymen, directed these changes over the last four elections?

If you love our country, and that love for our country is greater than your hatred of our President, I implore you to engage in a civil discussion with your fellow citizens. That is what true democracy looks like.

OUR CONSTITUTIONAL SYSTEM OF CHECKS AND BALANCES

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

Mr. DESANTIS. Mr. Speaker, the Founding Fathers believed that our constitutional system of checks and balances and separation of powers were the people's primary protection for their liberty, and they saw the usurpation of authority by a single branch to be dangerous to the constitutional system.

Now, there has been a focus this weekend on Presidential tweets regarding the courts, and I think this deserves attention. My view is that the President's broadsides against the courts will likely hurt the government's case on appeal, and were, therefore, counterproductive. I would advise to focus on substance rather than on general broadsides.

But I think it is also important to point out and to criticize the substance of the decision that was made by the Federal court in Seattle because that decision represented a departure from the judicial role. The judge in that case exercised his political will, not his legal judgment, which is the antithesis of how Alexander Hamilton described the proper role of the courts in the Federalist Papers.

The judge there—if you read the opinion, it is a cursory opinion—didn't even attempt to wrestle with the law at issue in the President's executive actions on immigration. The reason why that is important is because the law is very, very clear.

This Congress has enacted a statute, section 1182(f) of the immigration laws that says that the President has the authority to suspend entry of foreign nationals when the President finds that entry would be detrimental to the interests of the U.S. And so that is what was cited. That provision of the law has not been questioned in over 60 years.

The court in Seattle, though, questioned effectively the wisdom of the executive order, not really the legality. And there was a part of the oral argument before the judge issued his temporary retraining order where he said that there hasn't been any terrorism from any foreign national from any of the seven countries that were enumerated from the visa suspension. It is Iran, Iraq, Syria, Somalia, Libya, Sudan. And he said confidently that that had not happened.

Well, that is not true. If you look at just recently, you had the attacker in St. Cloud, Minnesota, September 2016, who was a Somali refugee. You have the Ohio State attacker. That was just 2½ months ago. He was running people over on campus and wielding a butcher knife going after people. He was a refugee from Somalia.

You had the two Iraqi refugees arrested in Bowling Green, Kentucky. They came as refugees, even though they had been active in fighting and in killing American soldiers and Marines in Iraq.

You also have the case, the Federal case in Houston last year with the conviction of Omar Faraj Saeed Al Hardan. He came as a refugee from Iraq and did get a green card, but he was convicted of material support to ISIS for trying to bomb the shopping malls in Houston, Texas.

So you have this judge who is ignoring the law, ignoring what Congress has enacted, ignoring the President's authority, substituting his own policy judgment, and he is not even right on the facts; doesn't even really know what he is talking about.

Here's the thing, also. Whether there have been attacks or arrests from these countries really is not even relevant to the law at stake. I mean, Bush could have suspended immigration from Saudi Arabia and Egypt in January 2001. People would have been like: Why are you doing that? What's going on?

Well, eventually, obviously you had foreign nationals from that country commit the 9/11 attacks.

The key is, debate the wisdom of the President's policies. That is totally fine, and people are going to have their views on it. But we should not sit here

and act like it is normal for a judge to exercise authority to overrule the Congress and the President, when the law is clear, and when you are dealing with an area, in terms of the entry of foreign nationals, that really centers on the national security interests that both the Congress and the President possess.

So our constitutional system requires that the branches exercise the authority properly delegated to them. When the branch, any branch—Congress, the President, or the courts—departs from their proper roles, that is something that we should acknowledge, and that is something that we should be concerned with.

I have no confidence that the Ninth Circuit is going to reverse it, but I do think that this judge overstepped the judicial role and was, effectively, legislating from the bench. That, ultimately, is not good for the constitutional system and, by extension, the people's liberties.

LET OUR STUDENTS AND TEACHERS SUCCEED

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to speak about some significant changes for our education system that will help reestablish local control for our States, for our educators, and, above all else, for our students.

The Every Student Succeeds Act, or the ESSA, was passed in December of 2015, with overwhelming bipartisan support in the House and the Senate. This bill took unilateral power over the public school system away from the Secretary of Education in Washington and gave it back to the States and the local education agencies. This change allowed States to develop their own accountability systems with which to measure the success of their schools and educators.

However, the final guidance on this law issued by the Obama administration, in November of 2016, contained a number of provisions that significantly expanded the law's requirements and violated the statute's prohibition against overreach by the Secretary. Essentially, this action ignored congressional intent by attempting to constrain State decisionmaking.

Mr. Speaker, the very intent of ESSA is to encourage flexibility and innovation in education, not stifle it. This landmark legislation is meant to prepare students for the 21st century economy, empower parents to get out of the bleachers and back into the classrooms, and to allow our dedicated educators to teach and inspire future generations.

ESSA moved the Federal Government out of the way and gave our edu-

cators flexibility to forget about the "teach to the test" environment that had become commonplace in our public schools. Teachers were, again, allowed to truly teach and not merely focus on meeting the demands of the Federal Government. Education should serve the needs of our youth, our children, not the needs of government.

This happened by taking unprecedented steps to rein in the unilateral power of the United States Secretary of Education and give it back to the States and local education agencies. It prohibited the Secretary from adding new requirements to State education plans, being involved in the peer-review process, and exceeding his or her statutory authority. It also allows school districts to gradually disentangle themselves from Common Core without penalty.

Mr. Speaker, what we know is that one-size-fits-all options do not work. ESSA was passed with the promise that the Education Department's role would be limited, and that States would be back in control of education decisions. It is critically important that Congress keep this promise, and that over-regulation will not continue to negatively impact our Nation's teachers and our students.

That is why I support the Congressional Review Act resolution in the House today that disapproves of the Obama administration's requirements that significantly expanded the Department of Education's purview regarding accountability and State plans under the Every Student Succeeds Act.

This Congress must ensure ESSA is enacted as it was intended and be stripped of any provisions that expand the reach of the Secretary of Education.

Now, I am looking forward to going back to the original intent of this bipartisan bill that was approved in both Chambers, and I want all of our children to love learning from passionate teachers who don't teach to a test, but they teach to the students. Our kids deserve no less.

RECESS

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

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

God of the universe, thank You for giving us another day.

As the Democratic Caucus prepares to leave for its retreat, bless each Member with skills and the vision to fashion pathways to bringing about what is needed for the benefit of our Nation.

Bless the Republican Conference, which remains at the Capitol, with the same gifts, consistent with their own defining skills and vision.

In Your wisdom, bless both parties with the grace that is needed to work together to benefit our people. May we all be faithful stewards of the Nation bequeathed to us by our American ancestors.

Please keep all who work for the people's House in good health, that they might faithfully fulfill the great responsibility given them in their service to the work of the Capitol.

Bless us this day and every day. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SCHNEIDER led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

CELEBRATING SOUTH FLORIDA MENTORS

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to celebrate the organizations that work every day to make a positive impact in the lives of south Florida's youth.

By changing the world one woman at a time, the group, Women of Tomorrow, has transformed the lives of more than 11,000 at-risk girls by matching them with a highly accomplished professional woman and providing them with scholarship opportunities.

Another great organization, Mr. Speaker, is Take Stock in Children. It has given low-income students, most of whom come from minority families, a chance to improve their lives through college preparation programs, through scholarships, and by partnering with them with caring mentors.

Studies show that children with mentors achieve more educational success, have higher personal aspirations, and are more confident.

I would like to encourage everyone in south Florida to become a mentor and, thereby, make our community a better and safer place for our vulnerable youth.

MIDDLE CLASS JOBS CAUCUS

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

Mr. KRISHNAMOORTHY. Mr. Speaker, as debates over the meaning of last fall's elections continue, one fact is not in question: The American people want us to work together on commonsense, bipartisan solutions to grow our economy and create good-paying, middle class jobs. Neither party can meet this challenge alone.

I am proud to say that Republican Congressman MIKE GALLAGHER and I have joined together in founding the Middle Class Jobs Caucus to bring greater attention to these issues and to advance proposals to address them. The caucus will meet regularly to address a wide array of key issues facing working families, such as job training and infrastructure and transportation modernization.

Every era of prosperity in our history has been built on a thriving middle class. In the plainest terms, middle class jobs mean a strong America. I encourage all of our colleagues to join us in helping families reach the middle class and stay there.

HIPAA PRIVACY RULES SHOULD BE TWEAKED

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, our Nation's HIPAA patient privacy laws should be improved to allow for compassionate communication between doctors, primary caregivers, families, and patients. Recently, the editorial board of the Observer-Reporter joined the conversation in support, citing a specific instance in Greene County, Pennsylvania. They wrote:

Christopher was arrested in early December and attacked police officers at the scene. Witnessing his erratic behavior, the officers decided to take him to a hospital for a mental health evaluation.

Christopher was released from the hospital after there was apparently no communication between the hospital's medical staff and the arresting police officers.

Less than 4 weeks later, Christopher was shot to death by his brother, Ryan, in what Ryan and others described as self-defense.

If only the doctors were allowed to share limited, critically important information with the family, with law enforcement, and with supportive community specialists, this tragedy could have been avoided.

The leading predictor of success in treatment for a person with serious mental illness is family involvement. We must change Federal regulations to help, not block, treatment. Until then, there will be more sad stories like Christopher's every day.

BUILD ON THE FOUNDATION OF THE ACA

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

Mr. SCHNEIDER. Mr. Speaker, I rise today in strong opposition to efforts to undo the Affordable Care Act without offering at least an equal solution for American families.

Take, for example, the story of a woman I will call Anne, a constituent who contacted my office. At 62 years old, Anne's husband lost his job of nearly 30 years. Along with a good portion of their income, her family lost the source of their health insurance. Because Anne works 29 hours per week, she does not receive healthcare benefits through her employer.

On the ACA marketplace, Anne's family was able to find affordable coverage. She says that when the bottom dropped out of her health care, the ACA was there.

She writes: "My husband, myself, and our daughter in college all work and pay taxes. I cannot fathom why our Federal Government wants to penalize us by undoing a program that is working. Work to improve the ACA. Don't throw the baby out with the bath water."

I could not agree more.

Repeat and run is irresponsible and will hurt real people like Anne. We need to build on the foundation of the ACA so more of our families have access to quality, affordable health care.

FORMER-LEADER ROBERT "BOB" MICHEL

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

Mr. SHIMKUS. Mr. Speaker, I ask for support and prayers for our giants still among our midst. Leader Bob Michel is struggling and in ill health. Bob was

born and raised in Peoria, Illinois. He is 93 years old, a World War II vet, fought across Europe, and was part of the D-day invasion.

For 38 years, he served in this Chamber being minority leader from the 97th Congress through the 103rd Congress. That is a total of 14 years.

Bob was honored by then-House Speaker Foley when he was asked to take the gavel on November 29, 1994. I would encourage my colleagues to look at that C-SPAN tape.

Bob, we love you. We are thinking about you at this critical time.

NO MORAL EQUIVALENCY

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

Ms. SPEIER. Mr. Speaker, on Sunday, I and many Americans watched in horror as our President continued to wax poetic on TV about the bromance with President Vladimir Putin.

When the host noted "But he's a killer," our President came back with: "There are a lot of killers. You think our country's so innocent?"

While our country has made many mistakes, we have not yet seen an authoritarian regime brazenly assassinate its political dissenters.

The same cannot be said for Putin and the growing list of murder victims and dissenters in Russia, including liberal politician Boris Nemtsov, former Press Minister Mikhail Lesin, former KGB agent Alexander Litvinenko, and journalist Anna Politkovskaya, to just name a few.

There is no moral equivalency between the United States and Russia. We are not yet an autocracy. We are not like Russia, and the President needs to stop relying on alternative facts.

NORTH KOREA RESOLUTION

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

Mr. WILSON of South Carolina. Mr. Speaker, last night, I introduced bipartisan resolution H. Res. 92, condemning North Korea's development of multiple intercontinental ballistic missiles and calling for an application of all available sanctions. Sadly, the dictatorship in North Korea has been testing nuclear weapons, threatening the people of South Korea.

This resolution clearly outlines the progression of North Korea's recent aggression—nuclear tests, ballistic missile tests, and their willingness to share weapons technology with state sponsors of terrorism like Iran and Syria. It is time to stand up to North Korea's aggression. An ICBM with a nuclear warhead is a direct threat to

the United States and our allies, especially South Korea.

Along with Congressman ELIOT ENGEL, we are the only two Members of Congress to have visited North Korea. I believe this resolution is a crucial first step to achieving peace through strength, especially following Secretary of Defense Jim Mattis' positive visit to South Korea last week.

I am grateful this resolution is bipartisan, cosponsored by colleagues, Representatives MIKE ROGERS, SETH MOULTON, TED YOHO, and BRAD SHERMAN, along with the Korea Caucus co-chair GERRY CONNOLLY.

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

INTERNATIONAL INSTITUTIONS

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

Mr. POLIS. Mr. Speaker, today I rise in support of our international institutions that allow us to get along with one another; the WTO, the United Nations, the IMF, the World Bank, NAFTA, CAFTA, all of our great international institutions that allow us to amicably resolve our differences.

Let me tell you something, Mr. Speaker, with all the misbehavior and problems of the current occupant of the White House, what I am most worried about is this rise of nationalism. We have seen this play out before throughout our history.

While no one is as proud to be as American as many of us who have the privilege to serve in this body, the world is more interconnected than ever before. And it is more important than ever before that Republicans and Democrats in this body show our commitment to resolving our legitimate disputes and differences amicably through the rule of international law and our international institutions, rather than resorting to violence and warfare.

I call upon my colleagues on both sides of the aisle to renew our commitment to pursuing peaceful, diplomatic ways of resolving our international disputes through international legal bodies.

DIMINISH THE BLIGHT OF HUMAN TRAFFICKING

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to bring attention to efforts to diminish the blight of human trafficking on my district, the country, and the world.

Each year, millions of individuals worldwide, most often children and

those living in poverty, fall victim to human trafficking. According to the National Human Trafficking Hotline, approximately 550 cases were reported in Florida last year.

In my district, Pasco County law enforcement officials have been hard at work to combat human trafficking and protect victims locally. We have seen it too many times in our own community.

I also wish to highlight the commitment to end human trafficking worldwide by the Greek Orthodox Church. This week, His All Holiness Ecumenical Patriarch Bartholomew hosted a forum in Istanbul, Turkey, alongside religious leaders, scholars, and policymakers to address the issue of modern-day slavery.

I commend their cooperative leadership and stand with them in promoting peace and human dignity internationally.

□ 1215

LET'S KEEP ALL AMERICANS HEALTHY

(Mrs. WATSON COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WATSON COLEMAN. Mr. Speaker, I rise this afternoon because I am appalled by President Trump and my Republican colleagues' attacks on the health of Americans. My Republican colleagues have spent 6 years disparaging the Affordable Care Act from its very inception, describing it as a "death spiral," "failure," and "collapsing," but zero time offering up any viable alternative.

After 6 years of hollow grandstanding, Republicans now face the clear realization that repealing the Affordable Care Act will dump massive costs on families and businesses, blow a hole in the Federal budget, and strip coverage for more than 30 million Americans.

New Jersey has been a positive example of ACA implementation. Since enactment, Medicaid expansion through ACA has insured more than 700,000 middle-income New Jersey residents who couldn't previously afford it. The uninsured rate in New Jersey dropped from 13.2 percent in 2013 to 8.7 percent in 2015.

Mr. Speaker, these are positive trends, but President Trump and Republicans in Washington callously disregard these facts so they can live up to their reckless promises. I hope that they will see the wisdom in their mistake and make sure that we keep all Americans healthy.

REMEMBERING DANIEL DELOACH

(Mr. CARTER of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to honor the life of Mr. Daniel DeLoach of Savannah, Georgia, who passed away on Sunday, January 29, from complications of Proteus disease. He was 30 years old.

Mr. DeLoach was born in Savannah to Mike and Julia DeLoach. His parents and his siblings, Michael and Kathleen, were his greatest source of support as he battled his disease.

Though his debilitating condition required more than 100 surgeries in his lifetime, Mr. DeLoach wasn't known for his disease; he was known for his zest for life. Mr. DeLoach never regretted having the disease. Instead, he brightened every room he entered and never ceased to have a positive outlook on life. This outlook led him to accomplish some amazing feats while battling the illness.

In 2005, he graduated from the Benedictine Military School in Savannah and went on to attend the Savannah College of Art and Design, where he earned a degree in industrial design. With his education and personal experience, it was Mr. DeLoach's goal to improve the care of patients and teach others how to best interact with them.

Daniel continues to be an inspiration to all of us who were lucky enough to meet him, and his story bears repeating so it may inspire many others for years to come.

CONGRESSIONAL REPUBLICANS ARE PLAYING CHICKEN WITH HEALTH INSURANCE

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

Ms. KAPTUR. Mr. Speaker, Americans have too much to lose for Congressional Republicans to play chicken with their health insurance.

Take a family in my district, Kevin and Kim Filiatraut. Kevin and Kim are young parents of two beautiful children, ages 7 and 5. As an attorney in Cleveland, the family uses insurance through Kevin's employment. Kim's job of 15 years at KeyBank was outsourced to India in 2014. They own a home, and their children go to public schools in Bay Village.

In 2015, at age 39, Kim was diagnosed with stage IV breast cancer. When it was found, it had already spread to her liver, and she has been on chemotherapy ever since and will be evermore. There is only hope and medicine, indefinitely.

She is covered now, but with this pre-existing condition, a repeal of the ACA is daunting. The ACA establishes that she can never be denied enrollment, but congressional Republicans could take this surety away with their brash, nearsighted objective of full repeal of the ACA.

Why would we get rid of something that does so much good for Ohioans, for Americans, with nothing and no plan to replace it?

Kim's treatment costs over \$500,000 a year. Repeal of the ACA could very well bankrupt this family.

And according to The Washington Post, repealing the Affordable Care Act will kill more than 43,000 people in our country, annually. Repeal of the ACA would be the most anti-life measure ever considered or passed by this Congress.

Please vote against repeal now.

WELCOME HOME, ALYSSA

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

Mr. OLSON. Mr. Speaker, I rise today with hope, thanks, and renewed faith. I am joyful because of a young lady from home, Alyssa Ferguson. She was born on January 7, 2002.

Two days after her 12th birthday, Alyssa was told that she had a tumor the size of a baseball in her brain. She did not flinch; she fought—six brain surgeries, three rounds of radiation, and nine rounds of chemotherapy.

On January 26, our angel used her wings to fly to God. She always had those wings the entire time she was with us here on Earth. She used her dying wish to have a water well dug in a small town in Africa. Extraordinary.

If you close your eyes, you can feel Alyssa's spirit.

Welcome home, Alyssa.

IN MEMORY OF TOWNSEND WOLFE

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

Mr. HILL. Mr. Speaker, this weekend I had the opportunity to visit the exceptional exhibit of Ansel Adams' photography, from his early years, at the Arkansas Arts Center, and it made me reflect on the life of Townsend Wolfe, the ultimate southern gentleman and truly a cultural visionary. Townsend passed away earlier this month at the age of 81.

Townsend served as the director and chief curator of the Arkansas Arts Center in Little Rock for 34 years, until his retirement in 2002. That year, he was honored with the Governor's Arts Award for Lifetime Achievement by the Arkansas Arts Council. During his tenure, the Arts Center experienced unparalleled growth in numbers of annual visitors and in its exceptional collection.

Townsend's love of art extended beyond the walls of the galleries, bringing beauty into the lives of countless Arkansans. Townsend leaves behind a legacy of warmth and passion, and his

contributions to "The Natural State" will continue to live on at the Arkansas Arts Center.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. CARTER of Georgia) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 7, 2017, at 8:51 a.m.:

Appointments:
Commission on Security and Cooperation in Europe (Helsinki).

Congressional-Executive Commission on the People's Republic of China.

Board of Trustees of the John F. Kennedy Center for the Performing Arts.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

HONORING THE LIFE OF HENRY "HANK" ADAMS

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

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of an exemplary leader in our community, in the Turlock area, and the Assyrian community, Henry "Hank" Adams. The beloved husband, brother, father, and grandfather died at the age of 92 on Friday.

He was born and raised in Turlock, California, to Reverend Isaac and Sarah Adams. His father is known as the patriarch of Turlock's Assyrian community. Isaac encouraged his fellow Assyrians to join him in the Central Valley and farm in the rich soils of the region.

In 1943, at the age of 18, Henry graduated from Turlock High School and enlisted in the Army Air Corps. Henry completed over 20 bombing missions in Japan on the Lucky Lady B-29 bomber. He was discharged at the rank of lieutenant in 1947. Henry moved to San Francisco, where he married his wife, Joanne, eventually settling down in Turlock.

Henry had a genuine love for his country and his community. He is known for his service and contributions to the Assyrian community, where he continued the legacy that his father left behind.

Henry leaves behind the love of his life and his wife of 62 years, Joanne, and their two daughters, Nora Adams and Nellie Adams-Morse.

Mr. Speaker, please join me in honoring and recognizing the tremendous life of Henry "Hank" Adams for his service to his country, and his unwavering leadership and many accomplishments and contributions to the Turlock Assyrian community.

God bless him always.

PROVIDING FOR CONSIDERATION OF H.J. RES. 44, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF THE INTERIOR RELATING TO BUREAU OF LAND MANAGEMENT REGULATIONS; PROVIDING FOR CONSIDERATION OF H.J. RES. 57, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO ACCOUNTABILITY AND STATE PLANS; AND PROVIDING FOR CONSIDERATION OF H.J. RES. 58, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO TEACHER PREPARATION ISSUES

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 91 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 91

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 44) disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House any joint resolution specified in section 3 of this resolution. All points of order against consideration of each such joint resolution are waived. Each such joint resolution shall be considered as read. All points of order against provisions in each such joint resolution are waived. The previous question shall be considered as ordered on each such joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 3. The joint resolutions referred to in section 2 of this resolution are as follows:

(a) The joint resolution (H.J. Res. 57) providing for congressional disapproval under

chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

(b) The joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 91 provides for consideration of three separate joint resolutions intended to address government overreach by using the Congressional Review Act process. The first measure deals with the Bureau of Land Management's Planning 2.0 rule. This rule represents a remarkable overreach that encroaches on State and local authority.

By law, BLM is required to coordinate with local governments, but this rule would disrupt that longstanding principle. Under the Planning 2.0 rule, faceless bureaucrats in Washington would be tasked with micromanaging much of our Nation's land and resources. The rule also disregards the Department of the Interior's multiple-use mission. If left intact, the rule will harm grazing, timber, energy, mineral development, and recreation on our public lands.

This is government overreach at its worst. The Federal Government should not be telling communities and States what works best for them. Decisions should be made on the local level, with site-specific considerations, not landscape-level analyses as called for in this rule.

For 4 years, I had the privilege of serving on the Planning Commission for the city of Mobile. Land use planning is and has historically been, in the United States, a local function.

Imagine a Washington bureaucrat trying to tell planning commissions in municipalities or counties anywhere in the United States how they are going to manage land down to the landscaping level. That is not the role of the Federal Government. That is not what our Founding Fathers had in

mind when they created this government. Yet this regulation would take us somewhere we have never been before.

Making matters worse, this regulation was pushed through in the waning days of the Obama administration, making it one the many midnight regulations jammed through at the last minute.

□ 1230

This Congressional Review Act measure is supported by over 60 organizations, ranging from the American Farm Bureau Federation to the National Association of Counties, to the National Mining Association. There is broad support for revisiting this misguided rule.

This rule also provides for consideration of Congressional Review Act measures for two rules from the Department of Education. Now, typically, in America, we think of education as a local and State endeavor. The Federal Government provides 15 percent, on average, of the funding for local school systems. Yet, we know that the Federal Government comprises over 50 percent of the requirements for red tape and paperwork. That imbalance harms our ability to deliver education at the local level where it matters the most.

As a member of the House Education and the Workforce Committee, I have been a consistent advocate for ensuring control over education is largely left in the hands of local school boards, teachers, parents, and administrators who know their students best.

I was very pleased to see Congress pass the Every Student Succeeds Act in 2015, which replaced No Child Left Behind and fundamentally changed our Nation's K-12 education policies. Even better, this was a bipartisan effort that brought Members from both sides of the aisle together; and, yes, it was signed by President Obama.

The Wall Street Journal called the Every Student Succeeds Act "the largest devolution of Federal control to the states in a quarter-century."

A major goal of our reform bill was to empower States to create their own accountability systems. This is something else that has been consistent throughout American history. We have looked to the States to put in these accountability systems. I served on the Alabama State Board of Education. This is much of what we did.

While there are broad-guiding principles outlined in the law, the intent of Congress was for there to be very little Federal involvement in the accountability process. Despite clear efforts in the Every Student Succeeds Act to limit the influence of the Federal Secretary of Education, the rule proposed by the Department of Education dealing with accountability gave far too much control to the Secretary, which ultimately harms our students.

Most concerning, the rule will restrict the flexibility that was at the core of the philosophy behind the Every Student Succeeds Act.

We heard from local administrators, local school board members, State superintendents of education, State school board members from all over the country, from all types of States and all types of communities. They wanted to have more flexibility. They wanted to have their own control over their accountability programs.

When the rule was first proposed, leaders in the House and Senate sent a very clear and thorough explanation of their concerns to the Department of Education. In fact, I even expressed my concerns about the proposed rule's contradiction of the statute directly to the then-Secretary of Education. Unfortunately, most of the concerns of Congress went unaddressed. The final rule gives far too much authority to the Federal Department of Education and stands in direct contrast to law passed by Congress.

As States work on their accountability plans, it is important that they have certainty that the Federal Government will not continue to exert undue power and influence over the process. Through this Congressional Review Act challenge, we can ensure control is at the State and local level and prevent unnecessary Federal overreach into our classrooms.

Finally, this rule provides for a Congressional Review Act resolution overturning the Obama administration's teacher preparation regulation. This is yet another rule that would exert far too much Federal authority over an area that has been traditionally reserved for the States. Teacher preparation is critically important to the success of our Nation's education system, but it is a process that has been successfully controlled and implemented at the State level with some grant assistance from the Federal Government.

What might work to prepare a teacher in one State is totally different from what might work in another State. This rule makes no acknowledgment of that fact. This regulation sets up a one-size-fits-all Federal system, which is not what Congress intended.

As a former member of the Alabama State Board of Education, I can attest that we have highly qualified people who worked very hard every day to make sure we have skilled teachers in our schools who are adequately prepared. These school board members do not need the Federal Government to intervene and place additional burdens and requirements on them. The challenges are serious enough as it is.

Sadly, this regulation is just another attempt to allow bureaucrats in Washington to micromanage our States and local school districts. Groups like the American Council on Education and The School Superintendents Associa-

tion expressed their concerns with the Federal overreach created by this rule. This resolution would block this unnecessary Federal involvement and keep control in the hands of the States, where it belongs.

Each of the three bills covered by this rule focus on taking power away from bureaucrats in Washington and, instead, empowering States and local communities. Heavy-handed policies from Washington have failed time and time again. It is critical that we use our power to overturn these overreaching regulations. It is clearly what the American people elected to us do.

Many on the other side of the aisle claim that, while they disagree with portions of these rules, Congress should not use the CRA process because it blocks the agencies from reissuing a rule in "substantially the same form." However, this argument ignores the fact that the statute clearly states an agency may enact a similar rule if it is subsequently authorized by law. Thus, the CRA gives Congress the ability to rein in an out-of-control agency until we, the legislative branch, can give it further instruction.

Members on both sides of the aisle should welcome the chance to use this tool to make sure our legislative intent is actually followed by those implementing the law.

Mr. Speaker, I urge my colleagues to support House Resolution 91 and the underlying bills.

I reserve the balance of my time.

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

I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, one of the greatest honors that I have had as a Member of Congress has been the opportunity to serve on the Education and the Workforce Committee and on the conference committee that put the Every Student Succeeds Act together in its final form.

Before coming to Congress, I chaired the Colorado State Board of Education; I founded two charter schools, the New America School and the Academy of Urban Learning; and I worked closely with educators, school board members, and parents across our State to improve the quality of our schools in Colorado.

I know firsthand the impact that Federal education policy has on States, on school districts, on schools, and on the families that they serve. So when I arrived in Congress, I was excited to roll up my sleeves and get to work on education policy.

One of the top issues in education when I arrived has always been the desire to replace No Child Left Behind, an outdated and inflexible law that, in many ways, set schools up for failure, with a new and better way of making sure that every student has the opportunity to succeed.

I heard from so many of my constituents that, under No Child Left Behind,

schools were testing too much, districts lacked the flexibility they needed, and the Colorado Department of Education—like so many other State departments of education—was effectively at the whim of the U.S. Department of Education with regard to their State plans, effectively living waiver to waiver. That is no way to go about Federal education policy. It is why the Every Student Succeeds Act was so badly needed.

Now, early on, the work on the Every Student Succeeds Act wasn't as collegial as it should have been. Republicans introduced a hyperpartisan bill. It passed this Chamber with no Democrat votes and many Republicans voting against it as well. But throughout the process, one thing remained the same: Members were committed to moving past No Child Left Behind and replacing it with a bill that put the interests of students first. Finally that happened last Congress, 15 years after the passage of No Child Left Behind and almost 6 years after the expiration of the authorizing statute; but, finally, Congress did its job.

I am proud to say that everyone on the Education and the Workforce Committee has shown that we believe that every child deserves a great education. We may have different ideas at times about how to achieve that goal, and that is okay, but we all value the result of ensuring opportunity for every child in our country.

It was that very commitment and value, as well as our willingness to work together, that produced the Every Student Succeeds Act. The bill passed overwhelmingly in the majority Republican House and Senate, and was signed by our then-Democratic President. It was and continues to be a bright spot of the last Congress, and what too often seems a Congress that is overwhelmed by partisanship.

Unfortunately, the bipartisanship under ESSA potentially ends with this bill. House Republicans have filed the resolution using the Congressional Review Act to overturn a key regulation consistent with the law that was finalized by the Obama administration in December. Now, before diving into the details of this particular Congressional Review Act that is considered under this rule, I want to say a little bit about the process.

We should look no further than the U.S. Constitution in learning how separation of powers works. There are three branches of government: the legislative, executive, and judicial. Each branch is separate, independent, and coequal, and different in how they function. That is an important background and a critical context in evaluating this legislation.

When Congress passed and the President signed the Every Student Succeeds Act in December of 2015, the

process didn't end. Many bills, especially one as extensive as ESSA, require clarification from the Department of Education, the agency charged with executing the law. The text of the ESSA anticipated that. In fact, the law describes in detail how the Department of Education should and shouldn't write regulations. Frankly, that had been some of the problem under No Child Left Behind, is it lacked sufficient congressional direction with regard to the waiver process which was used effectively at the full discretion of then-Secretary of Education Duncan and President Obama.

It took the Department a year and a multistakeholder process, ensuring every voice was heard. Sure enough, a year after the legislation was passed, the Department of Education finalized its rules on accountability.

Last week, House Republicans took the first step towards taking a sledgehammer to that entire implementation. Rules that have extensive buy-in from stakeholders and are the blueprint for States in developing our State education plans would be thrown out under this rule, effectively throwing public education into chaos across all 50 States and completely disregarding the hard work of educators, parents, school board members, superintendents, and principals over the last year.

The two education-related CRAs we are considering on the floor were introduced last Wednesday night. That is four legislative days between introduction and action. Once more, the CRAs weren't treated through the committee process. We did not consider them in the Education and the Workforce Committee. There were no hearings, no markups. In fact, the full Education and the Workforce Committee hasn't even had a markup yet with regard to a K-12 bill.

I am honored to be the ranking member on the Subcommittee on Early Childhood, Elementary, and Secondary Education, which has jurisdiction over one of these three CRAs under this bill. We had no hearings or markups on this bill. It is really a disservice to the over 50 new Members of this Congress—no imprint on this bill—as well as the Members at large, that this committee avoids the regular process.

It is also counter to promises that were made by Republican leadership about returning to regular order. The actions today couldn't be further from regular order because Republicans have chosen to utilize the Congressional Review Act to move bills from introduction to the floor without going through committee.

Unfortunately, the Congressional Review Act not only overturns regulations, but it prevents the Department of Education from writing a new regulation that is similar to the regulation that was overturned.

Now, Mr. BYRNE mentioned that there can be subsequent legislation

that allows it. Let me point out that Every Student Succeeds Act was over 5 years overdue. It took Congress 5 years after the initial expiration of No Child Left Behind to even replace the authorizing statute. So if that is Congress' intent, we are putting the cart before the horse. We should alter or change the authorizing statute in a way that Democrats and Republicans agree, rather than throw out the work that has already occurred.

This statute would effectively tie the hands of the recently confirmed Secretary of Education DeVos and prevent her from implementing the will of this body through the Every Student Succeeds Act.

Over the past few weeks, my office has received hundreds of pieces of mail regarding education, largely in opposition to Secretary DeVos; but I think the issue is that Secretary DeVos, who was recently confirmed—this CRA would prevent her from doing her job and implementing the Every Student Succeeds Act.

Let me just say that this guidance on accountability isn't just for show. It is at the very heart of the Every Student Succeeds Act, which Democrats and Republicans supported. It has real impact.

I want to close my opening remarks with a story about that real impact from Christina in Pennsylvania, whose son has a learning disability. Christina's son has always had a tough time in school due to diagnosed dyslexia, dysgraphia, and ADHD. While he is a smart and personable kid, when it came time to read and write, he could be thought of as the "bad" kid too often, and he acted out.

It would have been easy for the school to write him off without the protections that are offered under IDEA, but, luckily, he was required to participate in assessments. That accountability encouraged the school to work harder and to stick with it and to figure out why this otherwise smart student couldn't read simple words in different places on a page or demonstrate his achievement of knowledge.

□ 1245

If his school wasn't required to show student progress, there wouldn't have been the incentive for them to invest their time and money in helping his special needs. Without accountability, Christina's son's school would have had little incentive to set appropriate educational goals for him and offer the support necessary to reach them.

Accountability requirements inform school administrators, teachers, parents, students, and the community at large that all students have a learning goal and make sure that all students have the tools to get there.

Today, Christina's son is a college freshman majoring in biology with a 3.2 GPA. The accountability in this

CRA that would be thrown out would undermine the very accountability that allowed not only Christina's son to succeed but so many other children across our country.

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

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

Mr. Speaker, I would like to respond just briefly to a couple of points that my colleague from Colorado made, and I want to compliment him and his service on our committee. He is a tremendous member, and we appreciate his leadership.

We had a little bit of a constitutional law lesson there. The truth of the matter is, the Department of Education only exists because of an act of Congress. The only powers it has are the powers that we give them through the authorizing legislation. What we authorize, we can unauthorize.

The Every Student Succeeds Act took back a number of things we had authorized under No Child Left Behind. This is no violation of the separation of powers under the Congressional Review Act when we look at a rule-making authority that we have given to a Federal agency and see that they have done it in a way that is contrary to congressional intent and we take it back. We have the authority to do that, and we should take it back when we see overreach like this.

He also brought up how this might tie the hands of our new Secretary of Education, and I will take this point in time to congratulate her on her confirmation. What this will require her to do is to work with the Congress to make sure that we are on the same page.

I remember very clearly when the former Secretary of Education came before our committee. I, and many others, pleaded with him not to put out this rule because we told him this is not in keeping with the intent of Congress and with the words of Congress in the statute. He went forward anyway.

I believe Secretary DeVos is going to work with Congress to make sure, as the Department of Education, under her management begins to implement this law, it is done so in keeping with the letter and the spirit of the law.

I hope that that is what we will do between the legislative branch and the executive branch and every department of government, but, in the last 8 years, we didn't see very much of that. We basically had the executive branch of government force feeding things to us.

I think it is high time that we take action, whatever party we are in, to exercise our Article I powers to make sure we maintain control over the things we created through our authorizing statutes.

So I don't foresee the problems with the incoming Secretary of Education that my good friend from Colorado does.

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

Mr. BABIN. Mr. Speaker, I thank the gentleman from Alabama (Mr. BYRNE) for his leadership on this issue.

Mr. Speaker, I represent a part of the country that is the economic engine of not only Texas but our entire Nation. My Houston area district and the surrounding districts are responsible for some of the strongest economic growth in our entire country. These are good, well-paying jobs. There are few places in the Nation where you can graduate from high school, get some trade school certifications, and then be earning close to six figures just a couple of years out of high school.

You can do that in my district, where the petrochemical plants are thriving because of the low cost of crude oil and natural gas. Manufacturing is coming back and growing strongly in the petrochemical sector. Over \$150 billion is being invested by American chemical countries across the Nation, with the largest concentration in the Houston area.

The previous administration took numerous steps to stop the oil and gas boom, and the Bureau of Land Management rule that was published in the waning days of the Obama administration was an example of one such overreach. This ill-advised rule was aimed at removing States and localities from the BLM decisionmaking process and centralizing decisionmaking by a few political appointees here in Washington, D.C.

This move simply undermines local communities and States. It undermines our ability to develop oil and gas resources on public lands. It threatens American jobs.

I call on my colleagues to put American manufacturing first. A vote for this bill today is a vote for American manufacturing jobs, many of them high-paying, blue-collar jobs and many of them union jobs across America's petroleum and chemical plants.

I strongly urge my colleagues to support and vote for this bill.

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

Mr. Speaker, I am seeing a lot of feigned indignation about the accountability provisions of this bill. It wasn't that long ago when we passed the Every Student Succeeds Act when Democrats and Republicans came down here and said we are giving the Secretary specific authority around accountability for preventing Secretaries from doing rogue things that both sides have perceived previous Secretaries had done, and the authorizing statute was passed by Democrats and Republicans.

Now, all of a sudden, we have Republicans coming down here gutting the very accountability provisions that they themselves lauded under the bipartisan Every Student Succeeds Act,

which passed in this body overwhelmingly, as well as in the U.S. Senate.

It is a little hard to understand how Republicans are upset with the very authority around specific parameters around that authority that they specifically gave to the Secretary of Education. Again, if there are particular quibbles, there is a different Secretary of Education now. Those rules can be changed through a stakeholder process—and they may very well be—but now Republicans are seeking to tie the hands of the new Secretary of Education and throwing out all of the hard work that I got to see people in Colorado working on, and I know occurred in many other States, to come up with thoughtful, sensible accountability plans that met the legislative intent of Democrats and Republicans in this body.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY), the chair of the Democratic Caucus.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Colorado for yielding.

Mr. Speaker, first, let me say that the previous question and the rule should be defeated not just because it is designed to undo the protections that help the American people but because voting for this will prevent Congress, this Chamber, this body from clearly rejecting some of the White House's worst behavior.

Just over a week ago, the White House issued a statement on International Holocaust Remembrance Day. That statement failed to mention that 6 million Jewish people were killed in the Holocaust. It never mentioned them.

It is deeply troubling because the United States has, until now, been at the forefront of the fight against efforts that would deny the extent of Jewish suffering and death during the Holocaust. And yes, there are still many deniers of the Holocaust who traffic in conspiracy and claim the whole thing never happened.

It should be a shocking omission coming from the White House, but, frankly, not all that surprising for an administration based on a campaign that trafficked in anti-Semitism.

But you know what? I thought to myself: maybe they will fix the statement; maybe this is all a misunderstanding, an accident. But no, they didn't fix it. They doubled down and they defended it. Not only that, we found out that the White House purposely took out the language stating that Jews died in the Holocaust. So it was not an error. It was purposeful from beginning to end.

Now, I know this: the White House thinks it is living in a post-factual world. They think that they can get away with saying anything they like and anything they want and that peo-

ple will just believe it. But the truth is, what they say has very, very real consequences.

Even after our parents and grandparents, the Greatest Generation, fought and worked so hard to defeat Nazism, now we see a public dinner party held right here in this city where people were doing the Nazi salute.

Even after there has been so much work to stop targeting religions, now we are seeing a resurgence of swastikas across the country and around the world.

Even after law enforcement has worked hard to protect our people, now there is a wave of bomb threats against synagogues.

This is what is happening. This is fact. Frankly, those now feeling emboldened were inspired by the President, first in his campaign and now in his Presidency.

We all know that one of the President's members of his National Security Council led a website that fosters extremist views. So don't count me amongst the surprised when the White House issues a statement like this, but don't expect me to accept it either. None of us, Democrat nor Republican, should accept it.

So I urge my colleagues to vote against this previous question, against this rule, to allow consideration of a resolution that states this Congress' clear position against Holocaust deniers. We need to restate the truth as clearly as we can.

The White House was wrong on this issue, and here are some more facts. Yes, the Holocaust happened. No, the Jewish people weren't simply another group of people in a long list of targets. The Holocaust was designed to eliminate the Jewish people from the face of the Earth. Other groups of people were targeted and killed, but anti-Semitism was at the core of the Nazi ideology of a Final Solution.

As the late Nobel Peace Prize recipient Elie Wiesel said, while receiving the Congressional Gold Medal from President Ronald Reagan: "It is true that not all victims were Jews, but all the Jews were victims."

I implore my colleagues on both sides of the aisle to reject this measure so that we can, in a bipartisan way, express the truth. If people aren't going to tell the truth about this then we are all lost.

Truthfully, I found the White House statement to be shameful. It needs to stop, and it needs to stop now. This is your chance to lend your voice to the record. Will you stand with me? Will you stand against Jewish Holocaust deniers? Don't be enablers. This is your opportunity. There may not be another to repudiate what the White House has done.

Vote "no" on this previous question and vote "no" on this rule.

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

Mr. Speaker, I appreciate the passionate remarks of the gentleman from New York. The Holocaust is something that all of us should learn more about and take seriously.

There are people today who would seek to destroy the Nation of Israel. The leadership of Iran has said that over and over again, yet the previous administration reached an egregious deal with them that puts the Nation of Israel at risk.

So I take no back seat to anybody in standing up for the Jewish people, as I and many other people in this body have done, but we are here today to talk about two education bills and a third bill dealing with the Bureau of Land Management. I would like to redirect our debate to those subjects.

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

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

Mr. Speaker, the Holocaust was an unspeakable atrocity resulting in the murder of more than 6 million Jews. As a Jewish American, it is very difficult to talk about. But, of course, in my own family, I can only imagine the grief that my grandparents and great grandparents had not knowing, not hearing from their relatives in the old country. And, of course, finding out the very worst—that they had disappeared.

□ 1300

I know my Uncle Henry, who lives in New York with his wife, Arlene, my dad's sister, who was able to escape Vienna on a Kindertransport, one of the very last ones, as a young man, effectively growing up as an orphan in Switzerland during the war and escaping the mass slaughter that killed most of his family targeted, of course, merely because they were Jews.

The Holocaust was a deliberate and planned act of slaughter and genocide against the Jewish people; and the fact that it was targeted against the Jewish people, resulting in over 6 million deaths, cannot be delinked from our remembrance of one of the greatest horrors of modern history.

It is especially troubling in the current environment, where we have seen an increase in anti-Semitism and racism, generally, since the election of President Trump. Just last week, the Jewish Community Center in my district in Boulder, Colorado, had to close because of a bomb threat, the families and children sent home. We have seen swastikas on New York City subways and in our schools.

Frankly, I think many Jewish Americans are fearful about what the intentions are of the occupant of the White House and his top advisers and what we can do as a country to combat this; and it is exactly the wrong message to send on Holocaust Remembrance Day, to leave out the obvious truth that continues to be denied by anti-Semitic

leaders around the world, including former Presidents of Iran and Supreme Leaders of Iran and others, that the Holocaust was a deliberate effort of terror and genocide directed against the Jewish people by the Nazi regime.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up Mr. CROWLEY's resolution which would reiterate the fact that the Nazi regime targeted the Jewish people and calls on the executive branch to affirm this fact.

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

The SPEAKER pro tempore (Mr. FORTENBERRY). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, over the last few years, one complaint I have heard over and over is how inconsistent education policy has been. States have been using waivers at the discretion of the Department of Education. Finally, educators, school board members, families, hope that ESSA, the Every Student Succeeds Act, could provide more stability. Unfortunately for States, undoing the accountability CRA would only reenergize that uncertainty.

For months, States have been working on their State plans, and I have had the opportunity to join our Colorado group that has been working on that plan as required under the Every Student Succeeds Act. We have had guidance from the Department of Education since last November, and we have been writing our State plans with that in mind. Now, if this regulation is overturned, it would pull the rug out from States that have been working diligently to enact their plans.

Likewise, H.J. Res. 58, another education-related bill that would occur under this rule, would effectively unravel the Department of Education's teacher preparation regulations. In the Higher Education Act, States are required to assess the effectiveness of teacher prep programs, and this regulation simply provides guidance for how States can do that, making sure our teacher training programs work, making sure that we are improving the quality of our public educators.

This provision also requires that TEACH grant recipients attend high-performing teacher prep programs. It is not a matter of picking winners and losers; it is making sure that our taxpayer dollars are used effectively to train high-quality educators.

If money is going to be invested in future teachers at high-needs schools, we want to make sure that teachers are attending the highest quality programs available. At the end of the day, a great education starts with a great teacher in the classroom, and this re-

quirement ensures that even the neediest students have access to a great teacher. Taken together, these two bills represent a strategic attempt by Republicans to undermine public education.

The other CRA, which is completely unrelated to the two education-related CRAs, is actually related to a land management issue. I want to describe why that is a bad idea as well.

I come from a Western State. My district that I represent is over 60 percent public lands, so this BLM plan will actually affect my district, and that is why I am so impassioned to speak here today and listen to others in my State about this rule.

A revision of this BLM plan is long overdue. Few plans or rules can remain relevant for decades, and BLM's planning was last drafted in 1983. Needing a new planning system may not sound like the most exciting thing in the world, but it is actually critical because it can impact everything from cultural to environmental resources, to jobs in the economy in our district which relate to our use of public lands. That is why I have been contacted by groups of sportsmen, county commissioners, outdoor recreation groups, and conservationists asking how Congress can be wasting their time repealing something that makes BLM's process more transparent and conclusive.

Local control and constituent input are top priorities for those of us who live in and around public land, particularly in the West, so it makes sense that many counties and groups in Colorado who have worked with BLM offices on land use are pleading with Congress not to use a CRA to repeal this commonsense rule and join their voices with ours in opposition to this rule and this bill. The kinds of groups opposed to this bill include the International Mountain Bicycling Association because they know that, even though the planning process isn't perfect and, of course, can be refined, it would be a huge mistake to throw out the whole thing and bar the BLM from making necessary modernizations moving forward, especially when the Republicans are in the driver's seat.

Hunting and fishing groups and outdoor industry businesses, like the Outdoor Industry Association, Backcountry Hunters & Anglers, and the Theodore Roosevelt Conservation Partnership, know that this planning process will give them the voice they need in the planning process without diminishing anyone else's role. I believe that those who have actually experienced and been part of the process are the voices that need to be heeded when we are determining if the planning has been a success.

Here are a few of the quotes from some counties in Western States that have been part of the process and support the new planning system. From Lewis and Clark County in Idaho:

A great example of the potential of Planning 2.0 can be found in eastern and central Idaho, where the BLM is preparing to engage in a land use planning process for public lands from the big desert to the benches of the Salmon River. At the behest of local BLM leadership, which has already been operating under the spirit of Planning 2.0, a number of sporting groups, conservation organizations, and Salmon Valley stewardship have reached out to a wide-ranging constituency of ranchers, loggers, motorized users, sportsmen, and other groups. The benefit of this early conversation can be very valuable to sportsmen. Take the Donkey Hills at the headwaters of the Pahsimeroi River as an example. There has been near unanimous agreement that the critical elk calving area in the Donkey Hills needs thoughtful consideration as a critical wildlife area.

From Missoula County, Montana:

Western Montana, where the Missoula BLM field offices engaged in a land-use planning revision process for public lands from the John Long Range to Joshua Park all the way to the Garnet Range, through this process, BLM has piloted the steps in Planning 2.0 to further engage the public in land management decisions.

I include in the RECORD letters from both of these counties, as well as a letter from a group of outdoor industries asking for this body to oppose the CRA.

LEWIS & CLARK COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Helena, Montana.

Re the Bureau of Land Management's Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674 (February 25, 2016).

NEIL KORNZE,
Director, Bureau of Land Management,
Washington, DC.

DEAR DIRECTOR KORNZE: The Lewis and Clark County Board of County Commissioners offer this letter of support for provisions of the Bureau of Land Management's (BLM's) Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674 (Feb. 25, 2016) (the Proposed Rules). We appreciate the effort to improve opportunities for public involvement earlier in the planning processes, including the chance to review preliminary resource management alternatives and preliminary rationales for those alternatives.

We value our relationship with our federal partners, and our constituents are impacted greatly by actions taken by your agency. Increasing access to the planning process and targeting your efforts towards greater public involvement enhances the relationship between the people and their government, and we support your initiative.

Additionally, we note that the Proposed Rules also expand opportunities for states and local governments to have meaningful involvement in the development of BLM's land use decisions. The Proposed Rules continue to provide for coordination with state and local representatives in order to ensure, to the extent available under federal law, that RMPs are consistent with state and local land use plans, as provided in the Federal Land Policy and Management Act of 1976.

Sincerely,

MICHAEL MURRAY,
Chairman
SUSAN GOOD GEISE,
Vice Chair
ANDY HUNTHAUSEN,
Member

BOARD OF COUNTY COMMISSIONERS,
Missoula, MT, May 23, 2016.

Re Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674.

DIRECTOR NEIL KORNZE,
Bureau of Land Management,
Washington, DC.

DEAR DIRECTOR KORNZE: We are writing you to commend you and the Bureau of Land Management (BLM) for your efforts to improve BLM's planning process (Planning 2.0) and better address the diverse interests found in Missoula County and other communities across the western United States.

Missoula County is approximately 2,600 square miles in size, and federal management in the county accounts for 52 percent of the land ownership. The BLM manages roughly 23,000 acres for the public in Missoula County and the sustainable management of these public lands is vitally important to the residents we represent. Our citizens and local economies depend on state and federal lands for water quality and quantity, as well as for multiple sustainable uses ranging from outdoor recreation to livestock grazing to mineral exploration and development. Consequently, we wish to thank the BLM for proposing to address their land management options from a landscape perspective. This approach recognizes that the management of federal lands has a direct impact on other properties well beyond those close to or adjacent to BLM managed land.

We support the provisions of the BLM's Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674 (Feb. 25, 2016). These rules provide additional opportunities for public involvement earlier in the planning process, including the chance to review preliminary resource management alternatives and preliminary rationales for those alternatives. This early public involvement will help resolve conflicts and produce a Resource Management Plan that better reflect the needs of our citizens as well as others who use the public lands and have a stake in their future. Equally important is the improved openness and transparency the rules bring to the process, allowing any local government to actively participate and share information on issues critical to local residents and their elected representatives.

The proposed rules continue to provide for coordination with state and local representatives in order to ensure, to the extent allowable under federal law, that Resource Management Plans are consistent with state and local land use plans, as provided in the Federal Land Policy and Management Act of 1976.

Thank you for considering our comments. If you or your staff have any questions, please feel free to contact us or our Chief Planning Officer, Patrick O'Herren.

Sincerely,

NICOLE ROWLEY,
Chair.
JEAN CURTISS,
Commissioner.
STACY RYE,
Commissioner.

FEBRUARY 3, 2017.

Re H.J. Res. 44 to disapprove BLM's Planning 2.0 rulemaking.

Rep. LIZ CHENEY,
Washington, DC.

DEAR REP. CHENEY: As representatives of the outdoor recreation community and industry, we write to express our support for the Bureau of Land Management's Planning 2.0 initiative and our opposition to its disapproval through the Congressional Review

Act. Collectively, our members recreate on BLM lands across the country and have a deep and personal interest in the management of these areas, and these public lands are also essential to supporting our businesses. While Planning 2.0 may require improvements, those necessary targeted changes would be foreclosed by a CRA disapproval, drastically setting back the ability of BLM to deliver much needed modernizations to the agency's planning process.

In our experience with land management planning across agencies, a modern approach to planning built on robust public engagement from the earliest stages of the planning process is a tremendous benefit to land use management. It is an essential step toward alleviating conflicts, ensuring appropriately balanced and ordered uses, and stewarding our country's public lands. Although there are aspects of BLM's Planning 2.0 rulemaking that could be improved, this effort has produced a strong step forward for the agency's planning process, and we believe strongly that throwing this rulemaking out in its entirety would be a costly and unproductive decision.

During the Planning 2.0 development process, BLM engaged in impressive public outreach and worked in an open and collaborative fashion with a full spectrum of public lands stakeholders. We believe the outcome is a process that provides greatly improved opportunities for public input in land use planning, in particular in helping the agency better understand the values Americans ascribe to their public lands, including where people go, why people go there, and the experiences that these landscapes enable that are an essential part of their inherent value. It also does a much better job of recognizing the importance of recreation, including for local economies, and greatly improves the agency's ability to handle data.

Our feedback on this rulemaking is in part based on our experience with the Forest Service's 2012 revisions to its planning rule, which made similar changes to the Forest Service's planning process. As that rule is being implemented, we are seeing a significantly more transparent process, with better up-front data collection and more opportunities for collaboration. In North Carolina, for example, where we have been engaged in Forest Planning on the Nantahala-Pisgah Forests, loggers and hunters, kayakers and off-road enthusiasts have been working side-by-side to develop consensus recommendations for the Forest Service. Far from circumventing local input, these modern planning processes reward long-term, local engagement, and empower local communities to develop visions for their public lands in concert with a full array of stakeholders.

Planning 2.0 has been a valuable step in helping BLM modernize its planning process, and we believe strongly that—while targeted improvements to the rulemaking may be possible—this rulemaking should not be thrown out through the Congressional Review Act. Congress is well positioned to pursue necessary changes or improvements with the new administration, whereas CRA disapproval would not only block these changes, but stymie future agency efforts at modernization.

Thank you for considering our perspective on maintaining this important step in modernizing BLM planning.

Best regards,

ADAM CRAMER,
Executive Director,
Outdoor Alliance.
JOHN STERLING,

*Executive Director,
The Conservation
Alliance.*

AMY ROBERTS,
*Executive Director,
Outdoor Industry
Association.*

TIM BLUMENTHAL,
*President,
PeopleForBikes.*

Mr. POLIS. Finally, in my home State of Colorado, a great example of stakeholders who know the new process is working is Park County, which I have the honor of representing part of. As part of revising the Eastern Colorado Resource Management Plan, the Royal Gorge Field Office in Colorado has already embraced and implemented some of the ideas for Planning 2.0, including recent envisioning sessions that involve multiple stakeholders.

I include in the RECORD a letter from Park County, Colorado.

COUNTY OF PARK,
BOARD OF COUNTY COMMISSIONERS,
May 12, 2016.

Re the Bureau of Land Management's Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674 (February 25, 2016).

NEIL KORNZE,
*Director, Bureau of Land Management,
Washington, DC.*

DEAR DIRECTOR KORNZE: The undersigned representatives of local government are writing to share their support for provisions of the Bureau of Land Management's (BLM's) Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674 (Feb. 25, 2016) (the Proposed Rules). In particular, we support the provisions of the Proposed Rules that provide additional opportunities for public involvement earlier in the planning process, including the chance to review preliminary resource management alternatives and preliminary rationales for those alternatives.

Each of undersigned representatives come from local jurisdictions whose land bases include substantial amounts of public lands managed by BLM. The management of these public lands is vitally important to the citizens we represent. Our citizens and local economies depend on these lands for sustainable multiple uses, from outdoor recreation to livestock grazing to mineral exploration and development.

The current BLM planning methodology lacks adequate opportunities for public involvement, particularly early in the process. It also lacks transparency. It often results in a range of alternatives that fails to address the concerns of all stakeholders. The proposed changes would provide the public with an opportunity to raise concerns and review potential management alternatives before these alternatives become solidified in a draft Resource Management Plan (RMP). This early public involvement will hopefully help resolve conflicts and produce RMPs that better reflect the needs of our citizens as well as others who use the public lands and have a stake in their future.

In addition, we note that the Proposed Rules also expand opportunities for states and local governments to have meaningful involvement in the development of BLM's land use decisions. The Proposed Rules continue to provide for coordination with state and local representatives in order to ensure, to the extent available under federal law,

that RMPs are consistent with state and local land use plans, as provided in the Federal Land Policy and Management Act of 1976.

Sincerely,

MIKE BRAZELL,
Chairman, County of Park.

Mr. POLIS. It reads, in part: "The current BLM planning methodology lacks adequate opportunities for public involvement, particularly early in the process."

This rule that the CRA would invalidate addresses some of the shortcomings in the current rule. This last point is especially important, that changes would provide the public with an opportunity to raise concerns and review potential management alternatives before those alternatives become solidified. By having an opportunity for early involvement, BLM can actually avoid expensive litigation after a plan is complete.

This legislation is not only good for transparency, public involvement, and environmental and wildlife protections, but it saves taxpayer dollars. I don't know how anyone can oppose that. The process has widespread support from those of us who live in and around public land, from people who are on the ground, including landowners, farmers, ranchers, sportsmen, and conservationists.

In a hearing in the Committee on Natural Resources, one of our witnesses was a rancher from my home State of Colorado, who eloquently spoke about how the old system was not working and how this desperately needed new system had worked well in its limited implementation.

BLM Planning 2.0 is working, and a CRA that will never allow the BLM to modernize its process, the process that has been locked in place since 1983, is simply thoughtless legislating for cheap political points.

Mr. Speaker, the resolutions before us today represent everything that is wrong with Washington. When our constituents sent us here to Washington, D.C., they weren't asking us to engage in partisan bickering and using brutal techniques to undo thoughtful, nuanced regulation. If Members of this body have problems with rules that have been promulgated, change the authorizing statutes; don't simply prevent the agencies from enacting the very things that this body has told them to do. It doesn't make sense.

We have not engaged in regular order. We have avoided a thoughtful, deliberative process, and, unfortunately, the resolutions before us are yet another example of that. These resolutions undermine the basic responsibility of the Department of Education and the Bureau of Land Management. They are a shortsighted strategy for governing that will have long-term negative consequences for our public lands and our use thereof, as well as for children in our schools and educators.

We should fix accountability and make it work in education rather than throw it out. We should make sure that our teacher training programs and those whom we support with your taxpayer money are the best possible teacher training programs; and, of course, we should have a multistakeholder process around use of our public lands, including recreationists, residents, county commissioners, and others.

For that reason, I strongly oppose the rules before us. I urge my colleagues to vote "no." I also urge my colleagues to defeat the previous question so we can bring up Mr. CROWLEY's bill, which I think is a bill that would receive, hopefully, unanimous support in this body with regard to the remembrances of the Jewish victims of the Holocaust.

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

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

Mr. Speaker, the gentleman talks about regular order. This particular regulation from the Bureau of Land Management was enacted very quickly and hurriedly without input from State and county governments. So, essentially, this was a hurried-through rule that didn't have the regular order input that it should have had, yet another reason why it should be reversed through this Congressional Review Act.

But it is also the case that this doesn't mean the BLM doesn't have any authority here. They can go back to their old regulation, which was already in place, and they can come up with a new rule so long as it is not a substantially similar rule, or they can come to us and seek specific authorization. The truth of the matter is this particular regulation has had so many problems, it cannot be tweaked or amended. They need to start all over again and take input from State and local government.

Now, I heard the gentleman talk about people who hunt and fish. I am a lifelong hunter and fisherman. In fact, I believe the gentleman has invited me to come to Colorado to go fishing with him, and I have invited him to come to the Gulf to come fishing with me. I spend a lot of my time with people who hunt and fish all over the country, and I have never heard anybody in the hunting and fishing community say: I really want the Federal Government to tell me when and how and where I can hunt and fish. Quite the opposite. My friends who hunt and fish want the Federal Government to stay out of it. They would rather let local and State people make those sorts of decisions, particularly as they pertain to land use management.

On the education issues, as I said before, I was an 8-year member of the Alabama State Board of Education. My

colleague from Colorado said something that is so true: getting a high-quality, well-trained, caring teacher in the classroom is the most important thing we can do for our schoolchildren. I don't trust the Federal Government to do that better than I trust State and local officials to do it.

We had this law, No Child Left Behind, that gave the Federal Government the power to determine when a teacher was highly qualified or not. I don't think anybody in Washington knows better how to assess whether a teacher is highly qualified or not than the principal and superintendent that that teacher works for, than the local school board that that teacher works for. There is nobody up here who can know that better than they can.

There is nobody up here who can do a better job of looking at the teacher preparation programs and saying they are good or bad than State school boards, most of whom, like me, were elected by the people, accountable to the people, instead of somebody up here who sits in some office and makes that decision for them.

Do we really think that is what the American people want? The American people want control of their lives back. They are tired of Washington bureaucrats telling them what to do, and they are really tired of the Federal Government telling the people they entrust with the education of their children what to do and what not to do. They want the people who make those decisions to be the people who live in their communities, that they see in church, that they see at the grocery store, that they interact with at the school every day. That is what they want. And they want us, the Federal Government, to get out of the way.

□ 1315

I talked to dozens and dozens of people who are school board members and teachers and people involved in the school administration who said this regulation by the Department of Education Accountability is way over the line, please don't let them go through with that. So we are being responsive to those people in doing this, and I am proud that we are.

Mr. Speaker, I again urge my colleagues to support House Resolution 91 and the underlying joint resolutions.

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

AN AMENDMENT TO H. RES. 91 OFFERED BY
MR. POLIS

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

SEC. 4. Immediately upon the adoption of this resolution the House shall proceed to the consideration, without intervention of any point of order, in the House of the resolution (H. Res. 78) reiterating the indisputable fact that the Nazi regime targeted the Jewish people in its perpetration of the Holocaust and calling on every entity in the executive branch to affirm that fact. The

resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 78.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

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

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

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

question, who may offer a proper amendment or motion and who controls the time for debate thereon."

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

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

The SPEAKER pro tempore (Mr. REED). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 234, nays 187, not voting 11, as follows:

[Roll No. 81]

YEAS—234

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

Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford

NAYS—187

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

Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowe y
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano

Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Slaughter
Soto
Speier
Suo zzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

Beatty
Chaffetz
Cooper
Jackson Lee

NOT VOTING—11

Mulvaney
Poe (TX)
Price, Tom (GA)
Rush
Sires
Smith (WA)
Zinke

□ 1336

Messrs. CUELLAR and PETERSON changed their vote from “yea” to “nay.”

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 233, noes 186, not voting 13, as follows:

[Roll No. 82]

AYES—233

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

Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foss
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)

Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus

Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner

NOES—186

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

NOT VOTING—13

Marchant
Mulvaney
Poe (TX)
Price, Tom (GA)
Rush

Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Slaughter
Soto
Speier
Suo zzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

□ 1343

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATIONS AS MEMBER OF COMMITTEE ON THE JUDICIARY AND COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignations as a member of the Committee on the Judiciary and the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2017.

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

DEAR SPEAKER RYAN: Given my appointment to the House Committee on Ways and Means, I hereby resign from the House Judiciary Committee. I also submit my resignation from the Committee on Small Business as a permanent member.

Sincerely,

JUDY CHU, Ph.D.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES.

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 95

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. O'Halleran and Mr. Suozzi.

(2) COMMITTEE ON THE BUDGET.—Ms. Jackson Lee and Ms. Schakowsky.

(3) COMMITTEE ON THE JUDICIARY.—Mr. Schneider.

(4) COMMITTEE ON NATURAL RESOURCES.—Mr. Clay.

(5) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Welch, Mr. Cartwright, and Mr. DeSaulnier.

(6) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Mr. McNerney, Mr. Perlmutter, Mr. Tonko, Mr. Foster, Mr. Takano, Ms. Hanabusa, and Mr. Crist.

(7) COMMITTEE ON SMALL BUSINESS.—Ms. Clarke of New York, Ms. Judy Chu of California, Ms. Adams, and Mr. Espallat.

(8) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Sablan, Ms. Esty, and Mr. Peters.

(9) COMMITTEE ON WAYS AND MEANS.—Ms. Judy Chu of California.

Mr. CROWLEY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF THE INTERIOR RELATING TO BUREAU OF LAND MANAGEMENT REGULATIONS

Ms. CHENEY. Mr. Speaker, pursuant to House Resolution 91, I call up the joint resolution (H.J. Res. 44) disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 91, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Land Management of the Department of the Interior relating to "Resource Management Planning" (published at 81 Fed. Reg. 89580 (December 12, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Wyoming (Ms. CHENEY) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Wyoming.

GENERAL LEAVE

Ms. CHENEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.J. Res. 44.

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

There was no objection.

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

Mr. Speaker, BLM Planning 2.0 is yet one more example of Obama-era Federal Government overreach. It takes authority away from people in local communities, in my home State of Wyoming, and all across the West. It takes authority away from our elected representatives at a local level, and it puts Washington bureaucrats in charge of decisions that influence and impact our lives.

It significantly dilutes cooperating agency status, and it discounts input from those who are closest to our land

and our resources. BLM 2.0 is an example of the midnight rulemaking that we saw that was so rampant in the Obama administration. In fact, it is an abuse of that rulemaking process.

By statute, Mr. Speaker, the BLM is supposed to manage our public lands for multiple use and for sustained yield, but instead we have seen consistently throughout the last 8 years the Obama administration doing everything possible to deny all human use of our public lands.

This rulemaking isn't based on the language of the statute that underlies it. It is based, rather, on policy preferences that have been expressed in memos and in various studies. The rulemaking takes another step in imposing a brand new mitigation formula that essentially is a land grab by a Federal agency that would put even more land under the control of Washington bureaucrats.

Despite the fact that these agencies are required to consider costs as they impose regulations, BLM 2.0 was imposed not only using cost estimates that are clearly wrong, but, in fact, it removed all reference to looking at the devastating impact that this rule has on our local economies across the West.

This rule takes away authority and power from those who know best how to manage our lands and how to manage our resources. In fact, it opens up our planning process to such an extent that we could have foreign, nongovernmental organizations having just as much say in how we manage our land and resources as the very stakeholders—the ranchers, the farmers across Wyoming and the West, and the people that they have elected to speak for them.

In short, Mr. Speaker, this rule takes authority away from those who know best what we need to do to manage and sustain our resources, and it puts it in the hands of the Federal Government and bureaucrats here in Washington, D.C.

Repealing 2.0 using the Congressional Review Act will help to restore the voices and input. It will help to restore democracy and help to restore authority to our local communities.

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

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

Mr. Speaker, it is time to face the facts. Congressional Republicans do not value our Nation's public lands the way everyday Americans do. I know this because they opened the 115th Congress by adopting a rules package that makes it easier to sell our national parks and national forests to the highest bidder without pesky budget rules getting in the way. That was just a start.

Last week, they voted to gut clean water and clean air protections in coal

country, suspended a rule requiring oil companies to disclose payments made to foreign governments, and pulled a plug on a waste prevention regulation that would have saved money and improved air quality.

Today, their assault on the environment and our public land continues with this misguided effort to scrap the Bureau of Land Management's effort to update its planning rule. This resolution targets what is commonly known as Planning 2.0, an initiative to make public land management more transparent and efficient by enhancing opportunities for public input and utilizing actual science.

The American public does not support erasing this new planning rule, and they certainly don't support the broad antipublic land agenda being pushed by the Republicans.

Our constituents are sick of seeing corporate interests, especially big polluters, come first. They do not want their national parks and cherished natural places turned over to industrial polluters. We have seen this in the massive response to the Dakota Access pipeline, heartbreak over what happened in Flint, Michigan, and the millions of people who marched worldwide on the first full day of this new administration.

Just last week, we saw how much Americans truly value their public land. After a prominent Republican introduced a bill to sell off more than 3 million acres of taxpayer-owned land, thousands of people picked up the phone and called their Representatives to express their outrage. Because of that passion and deep concern, the sponsor of that bill has vowed to withdraw it from consideration for the first time in five Congresses.

This is an important story because it speaks to our constituents' true priorities. They sent us here to be responsible stewards of their special places. They sent us here to protect their national parks and public lands. They sent us here to make government work for them.

This resolution fails on all those tests.

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

Ms. CHENEY. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP), the chairman of the Natural Resources Committee.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to speak on this different kind of rule. It is basically a rule defining a rule that defines future activity. So it is somewhat convoluted.

But this is a regulation—one more of those broad, midnight regulations—that affects 250 million acres of land, almost all of which is found in the West. Even in my own district, it will affect 3 million acres of land; that means something that is bigger than the State of Delaware and Rhode Island

combined. It affects us with disastrous consequences. As has been said, this dilutes local and State voices and centralizes power here in Washington, D.C.

By law already, the agencies have got to meet with local and State leaders and coordinate, which they are not doing well. This undermines that specifically, and it stacks the deck from the very beginning against counties and State voices and against multiple use.

This puts special interest groups above elected local officials, which is not the way it was ever intended to be. There are 60 different organizations that are begging us to repeal this bad rule.

In my district, the Duchesne County Commissioners wrote us to say:

"Our constituents are good stewards of the land, dedicated to meeting environmental requirements, while developing and supplying affordable energy to consumers. We believe Planning 2.0 presents multiple challenges that will prejudice multiple use interests with a bias. . . ."

That bias is clearly there. That bias is shown in the mitigation factor within this. Within the bowels of the Department of the Interior, they have shown us how they are going to implement this rule, which means if there is any kind of economic or recreational opportunity and you want to develop, say, like 50 acres to do that, they will insist that you go out and buy either State or private land as a mitigation for those 50 acres. And if you can't find additional private or State lands, you hold up the entire process.

Either way, you expand the amount of acreage the Federal Government will do, and that is part of this Planning 2.0 process. That is why it is so ludicrous.

Duchesne County participated in the rulemaking process for Planning 2.0, but like all the other counties, States, and local governments, their concerns were ignored and their opinions were excluded in the final rule. We had two separate hearings on this issue, but all the testimony that was heard was also ignored and no input was given to them at that time.

Look, counties like Duchesne are in dire situations, especially in the West. They need to be consulted. That is their role and responsibility. That is what a democracy in the republican form of government does.

This rule bypasses them. It cuts out their voice, and it puts in programs like that mitigation, which is definitely scary and has absolutely negative connotations for the future.

This is a perfect rule that needs to be rolled back because it goes too far, it was done at the last minute, and it undermines the kind of input we need to make proper decisions.

I compliment the gentlewoman from Wyoming for presenting this rule. This

is one that has got to go. I urge Members' support of her resolution.

Mr. GRIJALVA. Mr. Speaker, I yield 4 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS), a member of the Natural Resources Committee.

Ms. TSONGAS. Mr. Speaker, last week, the Republican majority pushed through legislation attacking clean air, clean water, and blocking public transparency into payments made to foreign governments by oil and mining companies.

Today we are considering legislation that will roll back opportunities for the American people to have a say in how our Nation's public lands are managed. The idea that there should be national public lands that belong to and are managed on behalf of the American people is a value that dates back to the founding of our country and is embedded in our Constitution.

Generation after generation of Americans has endorsed the idea that our public lands should be managed to balance many competing uses: recreation, responsible economic development, sustainable resource extraction, renewable energy, military purposes, and conservation of historic American landscapes, just to name a few.

We all want to see this important aspect of our national heritage managed in an effective and efficient manner, balancing conservation for future generations with sustainable productivity for local communities.

The Bureau of Land Management's Planning 2.0, as it is known, will help us better achieve this balance on the approximately 245 million acres of land managed by the BLM. As American citizens, we all have a right to provide input on how we would like to see these public lands managed; but the current process for doing so is slow, lacks transparency, and fails to incorporate over 30 years of updated science and understanding of our changing climate. In fact, this process hasn't been substantially updated since the Reagan administration. States, local governments, and other stakeholders all agreed that the process was in need of updates.

BLM agreed with this consensus and began a 2-year review, receiving over 3,000 public comments on what changes needed to be made. Two years, 3,000 public comments, this was no midnight regulation. Their final product, which the resolution before us today would permanently overturn, increases transparency, enhances the role of science and decisionmaking, and strengthens the role of the public's voice earlier in this planning process.

□ 1400

Planning 2.0 also upholds the Federal Land Policy and Management Act's commitment to States, local government, and tribes in land management decisions.

The Bureau of Land Management made several changes in between the draft rule and the final rule to clarify coordination requirements and promote consistency with local land use plans, all in response to concerns raised through the public input process.

According to a BLM fact sheet on the final rule, "The new rule does not change the special relationship and opportunities provided by statute for cooperating agencies," and, "The final rule establishes several new opportunities for coordination between the BLM and our government partners."

We should be working together on proposals that strengthen management of our public lands, balance conservation with economic development, and provide sustainable benefits to the people who rely on them for their economic livelihoods. The resolution before us today flies in the face of these goals.

I urge my colleagues to reject this Congressional Review Act resolution and vote "no."

Ms. CHENEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. Mr. Speaker, of all of the stifling, bureaucratic, pettifogging regulations that Congress is now repealing from the previous administration, none is more deserving of repeal than the BLM's Planning 2.0 rule.

This rule governs the process for creating resource management plans. If they are done wrong, they can devastate the economies of the communities that are impacted by those lands. A new RMP can crush an industry, and it can destroy a community, which is why States and counties across the West have been anxiously watching this process unfold.

Despite serious concerns being raised by State and local governments—by farming, livestock, and energy production groups, and even by Congress during the rulemaking process—the Bureau of Land Management charged full steam ahead and finalized this rule. The BLM assured stakeholders that the final rule governing this process would not undercut State and local voices. But, when the BLM realized that the election of President Trump endangered the environmental left's stranglehold on this agency, the Planning 2.0 rule was hastily finalized in contradiction of almost all of the promises that the BLM made.

The Planning 2.0 rule is a gross expansion of BLM's power, and the power of well-funded political groups that use the veneer of environmentalism at the expense of local communities. Under BLM's current RMP procedures, our Western counties already complain of having their voices ignored and their interests disregarded.

Last year, the Federal Lands Subcommittee held a field hearing in St.

George, Utah. We heard how the city of St. George was experiencing economic growth, pushing the limits of its infrastructure, and how the city had tried over and over to engage the BLM in the development of a new RMP to address the needs of the local community. The city was desperate for the new RMP to include a transportation corridor for a new road to meet the needs of their growing economy. In their testimony before the subcommittee, the city relayed that they were unable to secure regular meetings with their local BLM office, despite the BLM office holding frequent meetings with local environmental groups.

In the end, the RMP was released and there was nothing to account for the transportation needs of the people of St. George. In a State that is two-thirds owned by the Federal Government, I find it hard to believe that the BLM could not have worked with the city of St. George to accommodate a simple road.

With these kind of results under BLM's current planning regime, it is no wonder that counties across the West are weary of a new planning rule. BLM should be focused on improving their collaboration and coordination with counties and local governments. Instead, this rule enshrines that disregard into formal Federal regulation.

I urge adoption of the resolution.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BEYER), a member of the Natural Resources Committee.

Mr. BEYER. Mr. Speaker, I think the real question for the majority is: What do you have against Secretary-elect RYAN ZINKE? He is being given a brand-new rule and the keys to the castle. He has a clean slate to develop the playbook for a hugely impactful planning process and free rein to make it what he wants.

Yet, one of the first moves the majority is making, before Mr. ZINKE has even been confirmed, is to undo Planning 2.0 and leave the agency with a planning process that was written before my staff was born. In other words, the majority is tying Mr. ZINKE's hands.

Quite simply, the majority is laboring under the false impression that Planning 2.0 makes the BLM's planning process worse when, in fact, it makes it better. Under the current regulatory framework for resource management plans, it takes BLM an average of 8 years to update and revise a plan, and this matters because, by the time the plan is completed, it is almost already out of date. Significant public involvement doesn't happen until the end of the process. There is often litigation which stalls the process even more. This is a huge waste of government resources and taxpayer money.

Mr. Speaker, as Ranking Member GRIJALVA said earlier, the use of the

Congressional Review Act to revoke BLM Planning 2.0, or any other Federal regulation, is a radical step. That is the reason why the Congressional Review Act has only been used once before this year.

Once Congress approves the Congressional Review Act resolution, the agency can never issue a similar rule. So this is an extreme overreach in general, but especially for something like BLM's Planning 2.0, which is designed to enhance efficiency and make BLM more responsive to public input.

Isn't our goal to improve how government works and make it more efficient? This resolution will permanently lock us into an old rule that didn't work for anybody.

I know House Republicans and President Trump are eager to roll back regulations, but we should pump the brakes on this particular resolution. A lot has changed since 1983.

Ms. CHENEY. Mr. Speaker, my colleague from Virginia may not be completely aware of the implementation and the effect of this rule in Western States like Wyoming where, for example, the process that has been described as an open process is, in fact, one where, in my State, our Department of Environmental Quality on another BLM rule was in a position where they agreed to be a cooperating agency and then did not hear from the BLM for 4 years.

When you are talking about our very livelihood, you are in a situation where we simply can't run that risk. We cannot adopt a rule or let a rule stand that expands that kind of authority in Washington, no matter who is in charge in Washington.

Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. Mr. Speaker, the Bureau of Land Management manages 245 million acres, or nearly 10 percent of the total area of the United States, and a whopping 700 million acres of mineral estate. Nearly all of this acreage is in our Western States, which makes it imperative that the agency extensively cooperate with the State and local governments during the planning process.

It is true that the BLM's new planning rule, Planning 2.0, included revisions to several aspects of the planning process, some of which seemed to make some good sense.

Unfortunately, the new rule also introduced a significant measure of confusion regarding how planning areas would be determined, and, most distressingly, diminished the historic and valued role that State and local governments play throughout the process.

In many of the counties in my district, it is not uncommon for the public lands to make up well over half of the total area. For these communities, having an equal seat at the planning table isn't merely a luxury. It is an essential ingredient to ensuring that our

way of life is proudly maintained over many generations and is not extinguished.

Because of this, the BLM is required by law to consult and to coordinate with State and local governments and maintain consistency across their management plans and policies. Yet, the agency's new planning rule envisioned weakening that partnership in several regards. For one, the agency intends to dismiss consistency requirements with anything other than the officially approved and adopted plans. This not only places an undue burden on rural communities who likely do not have the resources available to draft and maintain comprehensive plans, but significantly lessens the importance of an array of other policies and agreements that are germane to the planning process.

The importance of a State Governor's review of a Federal management plan is also reduced, as it appears to limit input only to the identification of inconsistencies with State and local plans, but precludes formal input and observations regarding other aspects of the plan.

Americans the Nation over treasure our public lands and thoroughly enjoy our ability to be able to access them. But it cannot be denied that, in many of our communities, decisions made by Federal Land Management agencies like the BLM have amplified the impact. No planning process revision should weaken the voices of our communities as Planning 2.0 would do.

For those reasons, I urge my colleagues to support this resolution. I applaud the efforts of my colleague out of Wyoming for her efforts on this and urge passage of this resolution.

Mr. GRIJALVA. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Mrs. TORRES), also a member of the Natural Resources Committee.

Mrs. TORRES. Mr. Speaker, I rise in opposition to this resolution which would do away with the new procedures established under BLM Planning 2.0.

Planning 2.0 encourages, at its foundation, early and frequent public input. By rolling back this planning effort, public input—in particular, tribal input—will be removed.

Federally recognized tribes have the right to engage in government-to-government consultation, and, under Planning 2.0, tribal rights to participate in the planning process are clearly enumerated and protected.

By introducing the resolution we are considering today, the majority is making clear it doesn't value tribal input in the development of BLM's resource management plans. In this updated planning process, the BLM worked hard to ensure government-to-government consultation was accomplished. Tribes were encouraged to submit comments through the formal

comment period and through government-to-government consultation. But BLM recognizes the hard work of tribes and has been inclusive of tribal concerns.

In fact, BLM has recognized the quality and value that tribes' traditional ecological knowledge brings to planning efforts. It is important to incorporate this information to avoid resource conflicts and to protect hunting and fishing grounds.

In many areas, the BLM and tribes actually have to manage resources together. How can they do this when tribes are not invited to be a part of the consultation process? By including government-to-government consultation early in the planning process, all taxpayers benefit in the long run because we can develop a stronger plan that doesn't end up in court being litigated.

We want BLM to be an agency that actively embraces the people who live on and use the land they manage. By formalizing the tribal consultation role and recognizing the value tribes bring to the planning process as Planning 2.0 does, the BLM is taking important steps to fully engage with all their constituents.

Land management is about looking at the bigger picture, and tribes understand that more than anyone. They deserve to be recognized in the planning process, and Planning 2.0 does that.

Repealing this rule through the CRA is shortsighted and wrongheaded. BLM Planning 2.0 allows for the very kind of oversight and public input my Republican colleagues claim to want, and helps avoid the costly court battles they complain about.

I urge my colleagues to vote against this measure and keep Planning 2.0 in place.

Ms. CHENEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Speaker, thank you to my colleague from Wyoming for the time and ability to weigh in on this.

Today, I rise in support of the measure for congressional disapproval under the Congressional Review Act for disapproving of the BLM's 2.0 rule.

It is another midnight regulation passed in the final days of the previous administration which undercuts the resource management planning process on public lands by stripping local community input and centralizing, again, in Washington, D.C., the decision-making.

California holds some of the largest amounts of public land in the U.S. The Federal Government has approximately 46 percent of the total land in California, amounting to about 46 million acres. BLM oversees about 15 million acres of those public lands, or about 15 percent of the State's total land mass.

The abundance of natural resources and diversity of landscapes within California creates unique challenges for BLM to even fulfill its multiple-use mandate. It is essential that development of these resource management plans include close coordination with local, State, and tribal governments—the people who actually grew up and know those lands the best for all of the potential these lands could bring, whether it is for development of potential energy or timber management. Whatever those ideas are that they would have, let the locals have the input on it. These decisions need to be made with that local input so that everyone's voice is heard.

□ 1415

In strong rural areas like my own, the First District of California, close coordination between the Federal Government and local groups is vital to have good decisions be made regarding public land management. Unfortunately, what we have is nonmanagement, and we suffer for that each summer and fall with a forestry that is not managed and the inability to have an economic opportunity for those people in those areas.

The 2.0 rule does just the opposite with that collaboration. It strengthens BLM's power once again in Washington, marginalizing Western counties and districts, eliminating their ability to coordinate or challenge BLM's proposed plans in an open setting.

Under the pretext of climate change and landscape scale management, the agency's rule undermines federalism and allows for the implementation of a previous era environmental agenda. No wonder Modoc County, in my own district, as well as other counties from Western States have sued BLM for its failure to properly engage and coordinate with the public and fulfill what the law requires for the BLM in managing these lands.

The SPEAKER pro tempore (Mr. WEBSTER of Florida). The time of the gentleman has expired.

Ms. CHENEY. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. LAMALFA. It is time to put an end to the previous administration's legacy to shut out local input by forcing through a rule abrogating for public lands decisions based on unelected bureaucrats in D.C.

Mr. Speaker, again, I thank my colleague for yielding me time, and I ask for support of this measure.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MCEACHIN), who is a new member of the Natural Resources Committee.

Mr. MCEACHIN. Mr. Speaker, the BLM's Planning 2.0 initiative has made important, overdue updates to our process for drafting resource management plans.

These plans govern our use of more than 175 million acres of public lands. The way in which we use those lands deeply affects the environmental quality, public health, and all Americans' quality of life. It is vitally important that we get our planning right.

This rule promotes transparency and consensus, creating more and earlier opportunities for public involvement in the planning process. It encourages greater use of high-quality scientific information, and it provides for a big-picture, landscape-level response to challenges like wildfire management and invasive species. The effect is to strengthen, streamline, and democratize a process that had previously bred litigation and delay.

Mr. Speaker, I have to wonder: Which of these changes does my friend across the aisle oppose?

Mr. Speaker, in the last week, the House voted to disapprove three other rules that protect public health and environmental quality. I am disturbed by that pattern, and I am disturbed by the haste with which we have moved, especially since all of these rules took years to create and craft.

Mr. Speaker, I urge my colleagues in the majority to think of their children, their grandchildren, and all the generations to come. They deserve to inherit a rich, healthy, and sustainable world. If we continue down this reckless path, I fear they will not.

Ms. CHENEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), who is the majority leader.

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

Mr. Speaker, I want to thank the gentlewoman from Wyoming for her hard work on this bill and bringing it here today. Most people don't realize just how much land the Federal Government controls, and it is just a fact that someone thousands of miles away in an office in D.C. won't understand those land issues as much as the people who live on the land do.

Now, the sponsor of this bill, Ms. CHENEY, knows that in her great State of Wyoming, they constantly struggle with the Federal Government over land policies, just as California and many Western States do. Federal regulators restrict how we can build, what our farmers can grow, where our ranchers can graze, and how our people can enjoy the beauty of our land.

The Bureau of Land Management's new rule, the innocently named Planning 2.0 rule, imposes Washington's vision on land management over vast areas of the West. This was devised by people who don't live on our land and who don't know our land, and they just try to dictate how to use our land. They are undermining the very idea of multiple use of Federal lands by making the lands entirely off limits for any type of economic purposes.

Under this rule, the Bureau will cut out local and county officials even more. They will consolidate control over 175 million acres of land in 11 States out West, and that is not a small amount of land. Just to put that in perspective, that is over 261 times the size of Rhode Island.

Using the Congressional Review Act today, we will be able to overturn this last-minute power grab from the Obama administration and bring some power back to the people. The American people should have the power back again to write their own future.

I want to thank Congresswoman CHENEY for keeping her word and for standing with Wyoming and all those out west who care for their land and want those locals to be able to control and to understand where it is best to graze, to care, and to build, not somebody in Washington to dictate what to do with it.

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

Mr. Speaker, using the Congressional Review Act to nullify a Federal regulation is indeed a radical move. It has only been done once before this year, but now it has become a regular part of the Republican playbook.

BLM's Planning 2.0 is not some midnight regulation that was rushed through at the last minute. BLM went through a transparent rulemaking process and responded to thousands of comments. We had two hearings last year about Planning 2.0 in the Natural Resources Committee. BLM was only invited by the majority to one of the hearings, but the agency listened and made significant changes before publishing their final rule. This rule took 2.5 years to develop. It is not anywhere near a midnight rule.

It has been over 30 years since BLM updated the regulatory framework governing its planning process. That means we are relying on Reagan-era rules that were put in place before the widespread availability of cellphones and digital mapping techniques to oversee everything from energy permitting to cultural resource management on over 250 million acres.

Everyone engaged in the management of our public lands wants to see this process improved. Planning 2.0 is that opportunity. However, if this resolution becomes law, BLM will never be allowed to evaluate and modernize this process, and we return to management planning from the 1980s. That is not a good outcome for anybody. The resolution is irresponsible and needs to be rejected.

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

Ms. CHENEY. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, on December 12, 2016, the Obama administration published another overreaching mid-

night regulation in the form of the BLM's new resource management rule, commonly referred to as BLM 2.0. That same day, six Western States filed a lawsuit alleging the new rules will severely impair their ability to work with the BLM on future planning and management issues.

More than 3,350 comments were submitted on BLM's Planning 2.0 rule. Rather than reviewing and incorporating those suggestions, the Obama administration hastily rolled out another midnight regulation that failed to address the technical flaws raised during the public comment period.

Let me be clear: Planning 2.0 takes planning decisions away from local communities and centralizes those decisions with bureaucrats in Washington, D.C. BLM's Planning 2.0 rule is a significant departure from the planning process that has existed more than three decades and allowed significant local government involvement.

Planning 2.0 directs the BLM to perform large, landscape-scale planning efforts that stretch across county lines and State lines. This new regulation allows radical, special interest groups from other States to have the same influence as county and local officials in the planning process.

In many counties in the West, less than 20 percent of the land is privately owned. According to the nonpartisan Congressional Research Service, the Bureau of Land Management manages more than 247 million acres of public land and administers about 700 million acres of Federal subsurface mineral estates throughout the Nation.

Rural counties and Western States depend on their ability to use BLM and public lands in order to support their livelihoods. Critical activities like grazing, forest thinning, mining, recreation, responsible energy development—including wind and solar—all take place on these lands and are the lifeblood of many communities. Unfortunately, Planning 2.0 will prevent many of these uses on BLM lands and cause significant harm to local communities.

The American Farm Bureau Federation supports Representative CHENEY's bill and opposes Planning 2.0, stating: "We . . . are concerned that the Planning 2.0 rule will diminish the statutory requirements multiple use and dismantle the cooperative ideals of Federalism. . . . BLM did not fully evaluate the impacts on consumers, public lands-dependent ranching families, energy, mining, recreation, and rural communities across the American West."

The U.S. Chamber of Commerce, who is key voting in support of the bill, stated: "This Obama administration 'midnight regulation' undercuts States from fulfilling their role as managers of resources and land use decisions. The shift in authority away from local

planning and land management will inherently jeopardize jobs throughout the West in industries ranging from timber, energy, mineral development, grazing, and recreation."

Western Energy Alliance has also raised serious concerns about BLM 2.0 and has urged adoption of Representative CHENEY's bill, stating: "Besides delaying oil and natural gas development indefinitely, Planning 2.0 would prevent ranching, mining, timber harvesting, and other productive uses of the West's working landscapes that sustain rural communities and livelihoods."

Americans for Prosperity, who is key voting in support of the bill, stated: "The process outlined by the Planning 2.0 rule is highly problematic—it limits public involvement in decisionmaking, centralizes planning in Washington rather than in State and field offices, redefines BLM's interpretation of the 'multiple use' requirement, prioritizes conservation over sustained yield, i.e., mineral leasing, and could further lengthen an already long permitting process."

The National Association of Conservation Districts supports the bill, stating: "The CRA allows for the BLM to go back to the drawing board and write a planning rule that truly increases local government involvement as opposed to centralizing the planning process."

Again, the BLM Planning 2.0 rule takes planning decisions away from local governments and, instead, allows those important decisions to be made by bureaucrats in Washington who aren't familiar with our land, water, or communities.

Mr. Speaker, I urge adoption of Representative CHENEY's commonsense bill.

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

Mr. Speaker, when you don't look at the whole field, you make mistakes. Without using their vision, quarterbacks throw passes into double coverage and Presidents trigger angry protests of their ill-conceived policies. Seeing the whole field is what BLM 2.0 is all about.

Instead of managing lands by looking at isolated units and only soliciting the input of local governments, this new framework takes a landscape view of BLM's multiple use mission. This update is absolutely necessary if we expect BLM to address the problems we all acknowledge the agency has. Climate change, wildfire, drought, and invasive species are just some of the problems that need landscape-level solutions. On the flip side, coordinating planning for outdoor recreation and renewable energy development across multiple BLM units will help increase the growth of these industries.

Rejecting landscape-level planning is like rejecting air traffic control; you

can do it, but the results won't be pretty. By repealing this rule and locking a broken system in place in perpetuity, Republicans hope to fulfill their own prophecy that BLM does a poor job managing public lands. If enough people believe them, they think, then maybe they will achieve their goal of giving away America's public lands. The problem, though, is that not enough people believe them. Those who do are shrinking every day, and the ones who don't are making their voices heard.

People who care about sound management of BLM lands know that the Planning 2.0 rule is an important step forward. They know it isn't an abuse of executive authority or a government land grab, and they are tired of hearing from discredited voices who say it is. These views are backward looking and ignore the fact that these lands belong to a kid from Chicago just as much as they do to an oilman from Wyoming.

Landscape-scale planning allows BLM, with the input of all stakeholders, to manage across the lands. Under Planning 2.0, BLM State offices and the scientists and the land management professionals they employ are finally allowed to build a consistent land management policy that doesn't stop at the State line.

Planning 2.0 helps our land managers see the whole field and looks to the future. The majority wants to send us back to the past. We shouldn't allow that to happen.

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

□ 1430

Ms. CHENEY. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. WESTERMAN).

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

Mr. Speaker, after serving on a school board, in my State legislature, and now in Congress, I have witnessed firsthand that government works better when it is closest to the people. That is why I rise today in support of H.J. Res. 44, which disapproves the Bureau of Land Management's 2.0 Planning rule.

I commend the gentlewoman from Wyoming for introducing this legislation on behalf of her constituents as well as Americans all across the country that desire more effective government.

The Planning 2.0 rule will fundamentally change the way land management decisions are made, and I believe it will fundamentally change them for the worse. Planning 2.0 puts faith in a far-away, Washington-based one-size-fits-all approach to land management decisions.

BLM has a light footprint in my home State of Arkansas, but last year I had the opportunity to attend a field hearing in St. George, Utah. I saw

firsthand the mismanagement by the BLM and how it impacts real people.

Individuals from Washington County, Utah, told our field hearing of the heavy-handed approach BLM takes toward local landowners in management decisions. Local officials talked about how BLM has also ignored the will of Congress by ensuring updated resource management plans decrease grazing permits or effectively stop the construction of roads that are authorized in Federal legislation. Land management changes should be made in a collaborative way, with ample State and local input.

Despite what some people may think, Congress and Congress' will still matters. Planning 2.0 marginalizes State and local officials in favor of unelected bureaucrats and special interests. By passing H.J. Res. 44, we will remind Federal agencies that they work for the people.

Mr. Speaker, we are not a people of the government, by the government, and for the government. We have a government that is supposed to be of the people, by the people, and for the people. The people's voice should be heard in major land management decisions. H.J. Res. 44 will make the BLM listen to their voice.

I strongly urge my colleagues to support this legislation.

Mr. GRIJALVA. Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Arizona has 13½ minutes remaining.

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

Mr. Speaker, using the CRA to repeal this rule would freeze Federal land managers and the places they manage in 1983. That is the year the previous rule was written, and that is the rule we would be stuck with if this resolution passes.

Voting for this resolution means voting for outdated science; it means voting for a return to managing individual parcels with blinders on to the larger landscape; and it means continuing to ignore our changing climate.

Overtaking BLM 2.0 means you are okay with ignoring the overwhelming scientific and public support for the planning updates implemented in the rule.

Don't get me wrong, Mr. Speaker. There were plenty of great things from the early 1980s: movies like "Return of the Jedi" and those early cell phones that were the size of bricks. And don't forget the fashions of the 1980s. I am sure people thought they looked great in parachute pants, but eventually we all updated our wardrobes.

We might have had early cell phones back in the 1980s, but we didn't have modern computing, current technologies for mapping, or even GPS.

There is no doubt that it is time to update our land use planning to take advantage of these technologies and respond to new challenges and to current times.

So why are congressional Republicans so interested in blasting us back to the past? Why are they so eager to throw away 2½ years of public input into a modern, transparent, science-driven planning process?

They allege some local counties aren't happy, but we have got letters from counties saying that they support the rule, and thousands of pages of comments from the agency demonstrating that they responded to any concerns. This can't be the real motivation, Mr. Speaker.

No, the true purpose of this resolution is to tie the hands of Federal land managers so they can't manage special places in ways that might hinder pollution or cut down on private profiteering. Apparently, congressional Republicans have decided to give Representative ZINKE a parting gift as he leaves to be Secretary of the Interior. That gift is a pair of handcuffs.

If you have updated your wardrobe or your cell phone since 1983, or if you enjoy the luxury of Google Maps or GPS, I urge you to oppose this resolution because it fails to update our ability to protect our precious public lands.

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

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

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

Mr. Speaker, the BLM 2.0 rule represents the turning back of a clock of ignoring science, ignoring the need for public participation.

Although Republicans claim they want to take power away from government and give it to the people, why do they oppose every attempt to actually do that?

They don't want the people to use citizen suits to hold polluters accountable. They don't want the people to use the NEPA process to ensure government actions aren't harming their communities. Today, they don't want the people to have increased participation in managing our public lands.

The reason, of course, is that Republicans don't want all people to have a seat at the table. They only want certain people to be there.

In this case, the old BLM planning process gave local governments in the West—many of which are cozy with mining, drilling, and grazing interests—a privileged position in influencing land management planning. Given that these public lands belong to all Americans and not just those who happen to live close to them, that approach was wrong.

BLM's Planning 2.0 rule changes that, leveling the playing field and al-

lowing more stakeholders and interested parties to get involved earlier.

Under BLM's new rule, tribes, local governments, and stakeholders across the spectrum who care about these places where they work, recreate, hunt, fish, and live are all now encouraged to provide input at the outset instead of waiting until the bitter end. This will save time and money, reduce litigation, and generally make government work better.

So why would Republicans oppose it?

Hunters, anglers, and others who value the outdoors are asking the same question and are lining up in opposition to this misguided resolution and other bills that would reduce their access to public land.

The people have grown wise to the Republican crusade to give away ownership of and authority over their lands to States, localities, and private interests. They have grown very weary of that. They understand that this resolution is part of that crusade.

So Republicans have a choice. They can continue doing favors for the dirty development interests of the past or they can embrace policies like BLM 2.0 and use it to give a boost to the ongoing jobs boom in sectors like solar, wind, and outdoor recreation. For the sake of Western economies and landscapes, I hope they choose the latter.

Planning 2.0 finally recognizes the value of the public's voice in the planning process. Let's not silence them.

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

Ms. CHENEY. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. STEWART).

Mr. STEWART. Mr. Speaker, at its heart, this rule is about one thing. It is about taking power away from local officials, including local BLM officials, and moving that power to Washington, D.C., to faceless bureaucrats who sit in cubicles here in this city and make decisions that have enormous impacts upon families and upon individuals. In many cases, these bureaucrats have never been to the States, and may never be.

There is a county in my district that is 97 percent controlled by the Federal Government. I have two counties that are 90 percent controlled by the Federal Government. So many of the decisions that are made that impact these counties and these families are made in Washington rather than at the local level. That is what we are here today to talk about: this egregious consolidation and power by D.C. bureaucrats.

The Bureau of Land Management's final rule is exactly that—a snapshot of everything that is wrong with the previous administration. The rule is so flawed that a couple of administrative fixes simply won't fix it. It has to be repealed.

The previous rule was on the book for decades. This rule was introduced and

finalized in less than a year. Thousands of comments were intended to fix flawed reasoning in the rule. State and county commissioners' comments were largely ignored. Let's remember, those State and county commissioners represent the people. They understand the needs of the people.

Once again, 2.0 moves all of that decisionmaking out of the local office and back here to Washington, D.C. These D.C. bureaucrats don't have the on-the-ground knowledge of the situation; they don't know the land, they don't know the needs of the county, and they don't know the people.

That is not the only instance of diluting local voices. Planning 2.0 also undercuts the involvement of counties and other local government agencies by inviting distant voices to the planning table who would steer resource management plans away from multiple use early on in the planning process. This is a 180-degree turn from previous planning regulations.

Not only did 2.0 dilute local control, it also dilutes real local impacts. Let me explain what that means. When you look at local impacts instead of looking at the actual communities around where these decisions are being made, they can look out very broadly.

In my case, you look at a national park in Utah. They can look at the impacts of that and say, well, this has had a positive benefit, but that is because they may be looking at a community that is 100 miles away. They may be looking at St. George.

Why not look at Las Vegas? Why not look at Los Angeles and say, Oh, those communities are doing fine; the local economic impacts have been positive?

It is not a fair reflection of what is happening to the local communities. Once again, the local people, the local families.

While many lauded the BLM for giving this planning process an update—and I am glad that it did; it was necessary—they fell short of delivering a final rule that helps people. That is why I join in this effort to repeal it.

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

Mr. Speaker, I include in the RECORD letters in opposition to this resolution. These letters come from a broad array of stakeholders, including sportsmen, county commissioners, county supervisors, and conservationists, highlighting the breadth and depth of support for Planning 2.0.

FEBRUARY 6, 2017.

DEAR REPRESENTATIVE: As organizations committed to preserving our nation's historic and cultural resources, we urge you to OPPOSE the Congressional Review Act resolution (H.J. Res. 44) to nullify the Bureau of Land Management's final planning rule, commonly referred to as BLM Planning 2.0.

The Congressional Review Act is the wrong tool to address resource management planning. While no regulation is perfect, using the Congressional Review Act to overturn

the Planning 2.0 rule would have far-reaching implications for cultural resources and management of our public lands. This resolution of disapproval would prohibit the BLM from developing any "substantially similar" regulation in the future. The result would be to replace the new regulation with BLM's prior planning rule, which is more than 30 years old and does not incorporate current technology and streamlining practices to maximize efficient and effective decision-making. Locking in inefficient and outdated regulations does not serve any users of our public lands.

The BLM's Planning 2.0 rule is designed to bring much needed efficiency, predictability, and transparency to BLM's management of multiple uses on public lands. The rule is carefully crafted to collect state and local government, tribal, and public input early in the planning process. In addition to making BLM's planning more efficient, improving available information allows project developers to consider potential impacts to environmental, cultural, and historic resources at the outset rather than being surprised by stakeholder concerns and information identified late in the process. The rule also improves the planning process by reducing the need for costly and time-consuming supplements that can delay decision-making and inhibit private sector investment.

The BLM's Planning 2.0 rule updates procedures for developing individual resource management plans that guide actions and decisions on the nearly 250 million surface acres and more than 700 million acres of subsurface mineral resources that the agency manages. These lands contain the largest, most diverse, and scientifically most important body of cultural resources of any federal land management agency, including well over a million historic, archaeological, and other cultural sites. Our organizations remain committed to promoting a responsible land management planning process that enhances public involvement, improves transparency, and promotes sound, efficient decision-making based on full information, including better data on cultural resources on our public lands.

If the resolution passes, it will make management of our public lands less efficient and less effective. Again, we urge you to OPPOSE the Congressional Review Act resolution to overturn the BLM Planning 2.0 rule.

Sincerely,

National Trust for Historic Preservation; American Anthropological Association; American Cultural Resources Association; Archaeology Southwest; Arizona Preservation Foundation; Cienega Watershed Partnership; City of Kingman, AZ; Coalition for American Heritage; Colorado Plateau Archaeological Alliance; Conservation Lands Foundation; Friends of Cedar Mesa.

Friends of Organ Mountains Desert Peaks; Friends of the Agua Fria National Monument; Friends of the Cliffs; Modern Phoenix; Montana Preservation Alliance; National Association of Tribal Historic Preservation Officers; Nevada Preservation Foundation; Site Steward Foundation; Society for American Archaeology; Washington Trust for Historic Preservation.

February 6, 2017.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters, we urge you to Vote NO on H.J. Res. 44, the Congressional Review Act (CRA) resolution to rescind the Bureau of Land Management's (BLM) Planning 2.0 regulation. This resolution is an extreme and unnecessary response to a sensible and overdue rule.

H.J. Res. 44 would invalidate a new, collaborative, science-based approach to land use planning that boosts public engagement, improves administrative efficiency, and increases responsiveness in planning on our largest public land system. It allows managers to move beyond an outdated 30 year-old process to better address pressing challenges posed by critical issues, such as wildfire, invasive species and increased demand for domestic energy. More specifically, this new guidance:

Increases efficiency and public participation in planning. The BLM rule will save taxpayer dollars, shorten planning times, and avoid disputes by investing time upfront to collaborate with locals and stakeholders on prospective management strategies. Public voices will help develop plans with improved opportunities for participation, new electronic options for submitting input, and updated processes for filing plan protests—improving the likelihood that the plans meet Americans' broad array of conservation and resource needs.

Preserves priority status for local government in planning. The new rule carefully preserves a priority role for local government and other cooperators in BLM planning processes as directed by Congress, ensuring that final plans consider local and regional perspectives and priorities.

Increases transparency in planning. The rule will prevent closed door decision making between the BLM and special interests by updating guidance that provides the American people the ability to participate in the planning process at all stages.

Improves science-based decision making in planning. High quality data will be a foundation for BLM planning and management. Planning 2.0 will incorporate current science, geospatial data and technology to evaluate landscapes at the regional level. These changes will enable faster response to today's environmental, economic and social realities with new evaluation markers and agency flexibility to plan across traditional administrative boundaries, keeping our lands great places to hike, hunt, and fish.

Supports sporting pursuits on BLM lands. Hunters and anglers support Planning 2.0 because the rule takes steps to ensure that important habitats, such as migration corridors and other intact habitats, are identified early in the planning process so these important areas can be managed and conserved as the agency makes decisions about other public land uses.

Overturning this common sense rule will relegate hundreds of millions of acres of public lands to planning under an out-of-date rule that has not been substantially changed since 1983. The public will lose opportunities to participate in how these public lands—owned by all Americans—should be managed. Without the new rule, public land management will continue to be contentious, inefficient and costly.

Finally, if the rule is struck down by the CRA, the BLM could be prohibited from issuing a similar rule in the future, preventing the agency from modernizing its land use planning regulation to adequately address contemporary issues like energy development, grazing, wildlife, mining, conservation, recreation, cultural resources protection or any of the many multiple uses that occur on our public lands.

Planning 2.0 is a sensible and much needed rule that updates an antiquated process that limited management decisions to outdated concepts of resource planning, and instead creates a framework to support more inclu-

sive, comprehensive planning and management on our public lands. We urge you to stand up to protect the new planning rule and to Vote NO on H.J. Res. 44.

Sincerely,

Alaska Wilderness League; American Bird Conservancy; Center for Biological Diversity; Defenders of Wildlife; Friends of the Sonoran Desert; Grand Canyon Trust; GreenLatinos; League of Conservation Voters; Los Padres ForestWatch; National Parks Conservation Association; National Trust for Historic Preservation; Natural Resources Defense Council; Partnership for the National Trails System; Sierra Club; The Nature Conservancy; The Wilderness Society; Wilderness Workshop.

BOARD OF SUPERVISORS,
COUNTY OF HUMBOLDT,
Eureka, California, June 22, 2016.

NEIL KORNZE,
Director, Bureau of Land Management,
Washington, DC.

Subject: BLM's Proposed Resource Management Planning Rules ("Planning 2.0").

DEAR DIRECTOR KORNZE: Humboldt County includes over 86,000 acres of Bureau of Land Management (BLM) parcels, including such special places as the King Range National Conservation Area and Headwaters Forest Reserve. The stewardship of these lands is very important to my constituents, other local residents, and countless visitors to this region. It is a matter of great concern to many of us when the BLM begins to develop individual management plans for these parcels.

The BLM's Proposed Resource Management Planning Rule described at 81 Federal Register 8674 (February 25, 2016), commonly known as Planning 2.0, requires the agency to involve the public, other federal agencies, state and local governments and tribes as key partners early in the process of developing local plans. Encouraging public involvement early and often in the development of these plans is a very positive step indeed. This is especially important given that the BLM's Arcata Field Office will be using this new and more inclusive approach to public involvement as it revises its existing 1995 Resource Management Plan. I am therefore pleased to offer my support for Planning 2.0.

Thank you for your consideration.

Sincerely,

RYAN SUNDBERG,
5th District Supervisor.

LEWIS & CLARK COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Helena, Montana.

Re the Bureau of Land Management's Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674 (February 25, 2016).

NEIL KORNZE,
Director, Bureau of Land Management,
Washington, DC.

DEAR DIRECTOR KORNZE: The Lewis and Clark County Board of County Commissioners offer this letter of support for provisions of the Bureau of Land Management's (BLM's) Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674 (Feb. 25, 2016) (the Proposed Rules). We appreciate the effort to improve opportunities for public involvement earlier in the planning processes, including the chance to review preliminary resource management alternatives and preliminary rationales for those alternatives.

We value our relationship with our federal partners, and our constituents are impacted greatly by actions taken by your agency. Increasing access to the planning process and

targeting your efforts towards greater public involvement enhances the relationship between the people and their government, and we support your initiative.

Additionally, we note that the Proposed Rules also expand opportunities for states and local governments to have meaningful involvement in the development of BLM's land use decisions. The Proposed Rules continue to provide for coordination with state and local representatives in order to ensure, to the extent available under federal law, that RMPs are consistent with state and local land use plans, as provided in the Federal Land Policy and Management Act of 1976.

Sincerely,

MICHAEL MURRAY,
Chairman.
SUSAN GOAD GEISE,
Vice Chair.
ANDY HUNTHAUSEN,
Member.

BOARD OF COUNTY COMMISSIONERS,
Missoula, MT, May 23, 2016.

Re Proposed Resource Management
Planning Rules, 81 Fed. Reg. 8674.

Director NEIL KORNZE,
Bureau of Land Management,
Washington, DC.

DEAR DIRECTOR KORNZE: We are writing you to commend you and the Bureau of Land Management (BLM) for your efforts to improve BLM's planning process (Planning 2.0) and better address the diverse interests found in Missoula County and other communities across the western United States.

Missoula County is approximately 2,600 square miles in size, and federal management in the county accounts for 52 percent of the land ownership. The BLM manages roughly 23,000 acres for the public in Missoula County and the sustainable management of these public lands is vitally important to the residents we represent. Our citizens and local economies depend on state and federal lands for water quality and quantity, as well as for multiple sustainable uses ranging from outdoor recreation to livestock grazing to mineral exploration and development. Consequently, we wish to thank the BLM for proposing to address their land management options from a landscape perspective. This approach recognizes that the management of federal lands has a direct impact on other properties well beyond those close to or adjacent to BLM managed land.

We support the provisions of the BLM's Proposed Resource Management Planning Rules, 81 Fed. Reg. 8674 (Feb. 25, 2016). These rules provide additional opportunities for public involvement earlier in the planning process, including the chance to review preliminary resource management alternatives and preliminary rationales for those alternatives. This early public involvement will help resolve conflicts and produce a Resource Management Plan that better reflect the needs of our citizens as well as others who use the public lands and have a stake in their future. Equally important is the improved openness and transparency the rules bring to the process, allowing any local government to actively participate and share information on issues critical to local residents and their elected representatives.

The proposed rules continue to provide for coordination with state and local representatives in order to ensure, to the extent allowable under federal law, that Resource Management Plans are consistent with state and local land use plans, as provided in the Federal Land Policy and Management Act of 1976.

Thank you for considering our comments. If you or your staff have any questions, please feel free to contact us.

Sincerely,

BOARD OF COUNTY
COMMISSIONERS,
NICOLE ROWLEY,
Chair.
JEAN CURTISS,
Commissioner.
STACY RYE,
Commissioner.

THE PEW
CHARITABLE TRUSTS,
Washington, DC, February 2, 2017.

DEAR MEMBER OF CONGRESS: Next week the House of Representatives will consider H.J. Res. 44, a resolution to overturn the Bureau of Land Management's (BLM) 2016 land-use planning rule. The Pew Charitable Trusts opposes this effort to reduce agency transparency and limit the public's ability to have a say in how their public lands are managed, and we urge you to vote against it.

BLM's rule, often called "Planning 2.0," establishes procedures for preparing, revising, or amending land use plans, and provides new opportunities for stakeholders to participate in the early stages of developing plans. This means that states and counties, scientists, ranchers, hunters and anglers, miners, hikers, boaters, the energy industry and other users of the public lands will have more information on what a plan will cover and will be able to express their hopes and concerns about the plan.

Increased public participation will ensure that the BLM has the best available information at the start of the planning process, before issuing draft management plans. The broad consideration of issues at this earlier stage is expected to reduce controversy later in the planning process, and reduce litigation after the plan is issued.

Planning 2.0 also includes steps to ensure that important fish and wildlife habitats, such as migration corridors and intact habitats, are identified early in the planning process so these important areas can be managed and conserved as the agency makes decisions about development, recreation and other public land uses.

The rule also includes good government provisions such as improved potential for better interagency communication, and steps that increase efficiency and ease burdens on public.

Many concerns that were raised about an earlier draft of the rule were addressed and corrected in the final rule. For example, the public comment period once a draft plan is released is now 100 days—more than the previous 1983 regulations or the original 2015 proposal allowed. The final rule also takes meaningful steps to accommodate requests from local governments and the public to improve the process, preserving the special role of state, local and tribal cooperating agencies, as specifically required by the Federal Lands Policy and Management Act.

Passage of H.J. Res. 44 would force BLM to return to its previous, long-outdated planning rule, which was published in 1983. Of additional concern is that the Congressional Review Act prohibits the agency from writing a new rule that is "substantially the same" without additional legislative action. As a result, many good aspects of Planning 2.0 would be precluded from being enacted indefinitely, thereby stripping incoming Secretary of the Interior Ryan Zinke of his authority to reformulate the rule.

We strongly urge Members to work with the new administration to make refinements

to a planning process that many stakeholders championed. If H.J. Res. 44 is enacted, the BLM would be forced to continue using outdated guidelines for land-use planning, which keep the public and development interests alike in the dark until very late in the planning process.

If you would like further information regarding Pew's position on this resolution, please feel free to contact me.

Sincerely,

KEN RAIT,
Director, U.S. Public Lands.

CHAIRMAN ROB BISHOP,
Natural Resources Committee, House of Representatives, Washington, DC.

Ranking Member RAÚL GRIJALVA,
Natural Resources Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA: The undersigned hunting, fishing, conservation, natural resource professional and outdoor-industry organizations represent millions of American sportsmen and women, and we are writing to express our support for the Bureau of Land Management's (BLM) recently revised land-use planning rule, also known as Planning 2.0. The revised planning rule increases federal agency transparency and incorporates best practices in land-use planning, while maintaining the important cooperating agency role of state and local governments.

Stakeholders from across the multiple-use spectrum agreed that the previous BLM planning process could be improved. Under the outdated process, opportunities for public involvement were too few, and the public didn't learn about agency plans until they were already proposed.

With the new rule, the BLM provides three additional opportunities for cooperating agency and public involvement. These extra steps enable the BLM to gather public opinion and the best available information at the start of the planning process, then vet preliminary alternatives before issuing the draft resource management plan.

Further, the revised planning rule will identify important areas for fish, wildlife and outdoor recreation well in advance of plan development so that avoidance and minimization of impacts to these vital areas can be achieved as the agency plans for a range of uses of the land through individual plans. Given advancements in wildlife science and data collection since the previous planning rule was created more than 30 years ago, these updates were sorely needed, and the sporting and wildlife communities support this revision.

Finally, local, state, and tribal governments, including county commissioners, will retain their preexisting cooperating agency status and an elevated level of involvement in BLM land-use planning as specifically required by the Federal Lands Policy and Management Act. In fact, significant changes were made to the final planning rule in response to requests from cooperating agencies.

The new rule is the product of two and a half years of collaboration and is a productive step towards improving BLM planning. If additional improvements are necessary, the undersigned organizations are committed to working with the new Secretary of Interior, interested lawmakers and stakeholders to make such adjustments. However, Congressional actions to delay or dismiss the new BLM planning rule are unnecessary and counterproductive.

Sincerely,
American Fly Fishing Trade Association;
Archery Trade Association; Backcountry

Hunters & Anglers; Hispanic Access Foundation; Izaak Walton League of America; Muley Fanatic Foundation; National Wildlife Federation; Northwest Steelheaders; Oregon Hunters Association.

Outdoor Industry Association; Pheasants Forever; Public Lands Foundation; Quail Forever; Snook and Gamefish Foundation; The Nature Conservancy; Theodore Roosevelt Conservation Partnership; The Wildlife Society; Trout Unlimited; Wildlife Management Institute.

WILD CONNECTIONS,

Colorado Springs, CO, February 6, 2017.

DEAR MEMBER OF CONGRESS: Tomorrow, the House of Representatives will vote on H.J. Res. 44, to overturn Bureau of Land Management's (BLM) new land use planning rule, "Planning 2.0", established in 2016. Wild Connections opposes this resolution and we urge you to vote against an effort that will reduce agency transparency, limit the amount of input that the public has on their public lands, and lose strong management designations for wildlife and ecological biodiversity. Wild Connections is an organization that has been promoting landscape connectivity on a watershed and ecoregion-wide basis for over 20 years and which has been actively involved in the management plan revision for the BLM's Royal Gorge Field Office, which is currently under way. As a locally based conservation organization, we believe that it is important for citizens to have opportunities to work with the BLM to decide future management for these millions of acres of public land. Planning 2.0 is a step in the right direction.

BLM's Planning 2.0 makes BLM land use management planning more collaborative and transparent. It offers more and new opportunities for stakeholders to get involved, including local governments, Indian tribes, and the general public. Planning 2.0 engages the public earlier in the land management planning process leading to more input into the process, enabling the BLM with the best available information at the onset of the planning process. More and earlier public involvement will not only broaden the scope of the plan, but will likely reduce litigation after the plan is enacted.

This new planning rule is also important for fish and wildlife habitat. Migration corridors and intact habitats are identified early in the planning process so that these important areas can be managed and conserved as the agency makes decisions about development, recreation and other public land uses. Hunters and anglers support Planning 2.0 as the rule offers wildlife corridors as a management designation, for a key type of wildlife habitat or an area of ecological importance.

As you know, the BLM's ongoing Eastern Colorado Resource Management Plan Revision has incorporated parts of the Planning 2.0 planning rule. Wild Connections and our members have benefited from the "envisioning meetings" in 6 towns and cities within the planning area, offering the public opportunities to voice their concerns and comments in preparation for the full planning effort. The BLM has received positive comments from a diverse voice of users, including outfitters, horse-packers, grazing lessees, environmental organizations, wildlife groups, hunters, anglers, snowmobilers, off-highway vehicle users, and mining claimants.

If H.J. Res. 44 is passed, the BLM would return to its long-outdated planning rule, which was established in 1983. Of additional

concern is that the Congressional Review Act prohibits the agency from writing a new rule that is "substantially the same" without additional legislative action. Thus many important aspects of Planning 2.0 would be precluded from being enacted indefinitely in the reformulation of the rule.

We strongly urge Members to work with the new administration to make refinements to this planning process that many stakeholders have championed. Please vote against H.J. Res. 44 so—that we do not lose these important BLM planning aspects that were just carefully constructed under Planning 2.0.

Sincerely,

JAMES E. LOCKHART,
President.

Mr. GRIJALVA. Congressional Republicans have a scorched Earth policy when it comes to anything originated under President Obama. It is the same approach with the Affordable Care Act. They want to completely destroy it, regardless of any merits.

The majority is not spending all this time and effort simply to repeal this planning rule. This is one of the steps in their massive campaign to convince Americans that Barack Obama wasn't a good President. They simply can't stand to allow the accomplishments of the previous administration to stand, so they reflexively strike out to destroy anything President Obama supported.

This is not legislating. It is certainly not public service, and it isn't even smart. To paraphrase a former Speaker of the House, Sam Rayburn: anybody can kick down a barn; it takes a carpenter to build one.

This isn't how our government is supposed to work. It is especially counterproductive when it comes to something like Planning 2.0, which is specifically designed to make a Federal agency more efficient and more transparent.

The BLM rule is about bringing our land use plans into the 21st century. It is about local input. It is about using the best available science. The majority wants to return to 1983 so that politicos and developers are the only ones with a seat at the table.

We should support BLM 2.0, reject this resolution, and I urge my colleagues to do so.

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

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

Mr. Speaker, we have nearly 100 State and local groups supporting repeal of BLM 2.0. These are groups like the National Association of Counties, National Association of Conservation Districts, National Cattlemen's Beef Association, Public Lands Council, Western Energy Alliance, National Mining Association, Petroleum Association of Wyoming, as well as a number of Governors and local officials, including my home State Governor, Matt Mead.

Mr. Speaker, I include a letter from Governor Mead in support of this joint

resolution and a joint letter from numerous other governmental and association groups in support of this joint resolution.

THE STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
Wyoming, January 20, 2017.

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

Hon. STEVE SCALISE,
House Majority Whip, House of Representatives,
Washington, DC.

Hon. KEVIN MCCARTHY,
House Majority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN, MAJORITY LEADER MCCARTHY, AND MAJORITY WHIP SCALISE: The Bureau of Land Management (BLM) recently published a final rule amending regulations that establish procedures for Resource Management Planning (RMP) (43 CFR Part 1600). The final rule decreases the BLM's accountability for cooperating with state and local governments. Specifically, it minimizes state and local government plans, programs and policies and the important role these entities should play in final RMP decisions.

This rule is a prime candidate for Congressional analysis under the Congressional Review Act (CRA). I ask that you bring this rule to the full House for consideration under the CRA for a floor debate. The BLM can and must involve state and local governments in RMP decisions and it must respect the role of state and local governments.

Thank you for your consideration.

Sincerely,

MATTHEW H. MEAD,
Governor.

JANUARY 26, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

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

Hon. CHARLES SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL, MINORITY LEADER SCHUMER, SPEAKER RYAN AND MINORITY LEADER PELOSI: As representatives of state and local governments and public lands stakeholders from across the United States, we encourage Congress to use its legislative authority to review the Bureau of Land Management's (BLM) Planning 2.0 rule. As partners with the federal government, we continue to encourage the BLM to engage in meaningful collaboration with local stakeholders during the development of policies and guidelines. And despite representations by the BLM to do just that, we remain unconvinced that Planning 2.0 in its final form does much to satisfy the objective of meaningful collaboration and consultation with non-federal governmental entities.

Robust coordination and cooperation between states and local governments and the BLM allows federal decision-makers to be responsive to the concerns of state and local government officials during policy development and sets the stage for more effective and efficient implementation of federal policies by involving multi-jurisdictional resources and expertise. Simply put, gathering meaningful, on the ground, input from the states and localities that will be most impacted by BLM's planning regulations is

critical to ensuring a practical federal policy that works at the local level.

For years to come, the proposed Planning 2.0 rule will have a substantial impact on how the BLM engages with state and local government and manages its 245 million acres of public lands and 700 million acres of subsurface minerals. We encourage Congress to act to ensure BLM's Planning 2.0 rule does not go into effect and instruct the agency to work with intergovernmental partners to ensure the policy has benefited from meaningful, on the ground, collaboration with state and local governments.

Sincerely,

Alaska Municipal League; American Sheep Industry Association; Arizona Association of Counties; Arizona County Supervisors Association; Association of Oregon Counties; Eureka County, Nevada; National Association of Conservation Districts; National Association of Counties; National Association of State Departments of Agriculture; National Cattlemen's Beef Association; Nevada Association of Conservation Districts.

Nevada Association of Counties; Oregon Association of Conservation Districts; Public Lands Council; Rural County Representatives of California; Utah Association of Conservation Districts; Utah Association of Counties; Western Interstate Region of NACo; Wyoming Association of Conservation Districts; Wyoming County Commissioners Association; Wyoming Stock Growers Association; Wyoming Wool Growers Association.

□ 1445

Ms. CHENEY. Mr. Speaker, we know that government that is closest to the people is best. What we have seen over the last 8 years, unfortunately, in Washington, D.C., has been a massive expansion of the authority and the overreach of the Federal Government under the Obama administration. We have seen a number of instances where agencies have acted outside of the law, in some instances outside of the Constitution.

BLM 2.0 is an example of where this agency is acting completely outside of the law. There is absolutely no legal authority, no statutory language on which they can base this rulemaking, on which they can base the fundamental changes that they are making and the fundamental power grab that they are making.

It is hugely important for us, as we go forward here, to make sure that we have done everything we can to roll back regulations that are really killing our jobs, that are preventing people in our local communities from being able to make a living, from being able to consistently graze, for example, on these public lands. It is absolutely outside of the law to have a situation, as 2.0 would create, where people who have never been to these lands, people who, frankly, may not even be in the United States, have just as much a say in how we manage our lands as a rancher who has got to graze on those lands or as the county commissioners who are charged with making decisions about those lands.

A number of my colleagues on the other side of the aisle have mentioned today the thousands of comments that the BLM sought as they were going through this rulemaking process. The problem is that there is very little evidence that any of those comments were taken into account in the final rulemaking. As I mentioned earlier, the track record with respect to the BLM listening to and being willing to take into account local concerns is a very bad one in which you have got State agencies that are led to believe they will have an impact and then find themselves having radio silence, essentially, from the BLM.

Mr. Speaker, Planning 2.0 is a dangerous and damaging rule. Overturning it today, through the Congressional Review Act, through this joint resolution, will enable us to begin to restore authority where it belongs: with our local communities, with our local elected officials. Those who are closest to the land, those who have to work on the land, those who make a living on the land are the absolute best stewards of our land and of our resources.

Mr. Speaker, I urge the adoption of this measure to repeal BLM Planning 2.0.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 91, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO TEACHER PREPARATION ISSUES

Mr. GUTHRIE. Mr. Speaker, pursuant to House Resolution 91, I call up the joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 91, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 58

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Education relating to teacher preparation issues (published at 81 Fed. Reg. 75494 (October 31, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. GUTHRIE) and the gentlewoman from California (Mrs. DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 58.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.J. Res. 58. The purpose of the resolution under consideration is simple: reining in the Federal role in education and protecting State and local control promised to students, parents, and education leaders.

Under the Higher Education Act, teacher preparation programs are required to provide certain information to State leaders to help determine the effectiveness of those programs. The State then submits an annual report card to the Department of Education that highlights the quality of their teacher preparation programs. Additionally, the Higher Education Act provides TEACH Grants to high-achieving students who commit to teaching math, science, reading, or a foreign language at high-needs schools. To ensure taxpayer dollars are being used responsibly, the law requires that grant recipients attend an institution that provides high-quality teacher preparation and professional development services.

In 2012, the Obama administration began a rulemaking process to develop Federal criteria for State teacher preparation report cards. For the first time, and without congressional authorization, the rule that came out of that process tied eligibility for TEACH Grants to the State's teacher preparation report card. That flawed and controversial rule is the reason we are here today.

We all agree that accountability is important, particularly when it comes to ensuring our students receive the

high-quality education they deserve. However, it is also important that State and local leaders have the flexibility they need to make decisions that affect the schools and programs in their local communities.

Teacher preparation should be addressed through reauthorization of the Higher Education Act, not unilaterally by executive fiat. That is exactly what the Obama administration did by forcing its one-size-fits-all approach to education on teacher preparation programs. The rule requires States to track new teachers across three performance levels: student learning outcomes, employment outcomes, and employer surveys. In doing so, it essentially creates a Federal mandate for teacher evaluations that Congress explicitly rejected with the Every Student Succeeds Act. The regulation assumes the Federal Government knows better than local education leaders when it comes to what makes an effective teacher. And to make matters worse, it will also result in fewer teachers opting to teach students in low-income neighborhoods and schools.

Teachers play an important role in helping students learn and succeed both in and out of the classroom. Unfortunately, as it did so often, the Obama administration overreached and took a flawed approach to preparing teachers to meet the needs of their students. The teacher preparation rule blatantly ignores the principles guiding recent bipartisan education reforms and will make it more difficult for State and local leaders to help ensure teachers are ready to succeed.

The resolution under consideration, H.J. Res. 58, will block the implementation of this misguided policy and protect State and local control over decisions affecting their teachers and students. The Federal Government has played too large a role in education for far too long. I urge my colleagues to vote in support of this resolution and help rein in the Federal Government's role in education.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong opposition to H.J. Res. 58, which would dismantle key protections of teacher preparation programs. Unfortunately, this joint resolution is part of a much larger effort by my colleagues to remove crucial safeguards from the education sector and move us backwards.

In my time on the San Diego School Board, the California legislature, and the House Committee on Education and the Workforce, I found one thing to be a constant: studies find time and time again that a quality teacher makes the most important impact on a child's success in school.

So I am finding it difficult to understand why anyone would support this

joint resolution that decreases the quality of the very programs responsible for training our teachers.

H.J. Res. 58 undoes years of hard work on both sides of the aisle to develop vital safeguards that ensure transparency and quality in teacher preparation programs. This provision plays a significant role in ensuring that teaching programs across the country work with educators to develop curriculum that trains teachers most effectively. Beyond this specific protection, it is important to keep in mind the damage that Congressional Review Acts can do to key safeguards on the books.

H.J. Res. 58 takes away the possibility of the Department of Education coming back to rethink these protections and takes a sword to the language where a scalpel should be used.

I know that many of my colleagues have concerns about the burdens that these protections have on our schools. Rightly so. But it is important to remember that, behind many of these safeguards, there is a student whose future is at stake.

I have heard countless stories from students in my district who have been defrauded by schools that they trusted with their time and their money. I think it is important to remind my colleagues across the aisle that those are the people who we have been elected to serve, students who seek higher education as a means to a brighter future and often find themselves no better off at the end of years of hard work.

So if my Republican colleagues want to discuss changes to the teacher preparation program provisions when we hopefully reauthorize the Higher Education Act this Congress, I am certainly open to having that discussion. If they want to get creative about increasing the quality and the efficiency of our schools, I will be the first person to sit down and have those discussions.

But if they want to deregulate just for the sake of deregulation, well, I have to stand up for our students. If they want to, as Jerry Falwell recently implied, undo vital components of title 9 safeguards against sexual assault on our campuses, I am hopeful that my colleagues from both sides of the aisle will refuse.

Mr. Speaker, we were elected to this House to protect all of our constituents, including the most vulnerable members of our society. Nowhere is that more critical than where it pertains to the young people who are the most important investments that we can make as a country.

For every student who is defrauded by a school, not given an opportunity because of their socioeconomic background, or drowning in debt, we are holding back one more person who could be contributing to our economy and to our society. We are giving one more person the wrong start in their

adult lives, and the impact of that debt often affects their parents, their spouses, and children for years.

I hope that my colleagues realize that it is in our best interest to protect students and not corporations. That it is in our best interest to safeguard equity and accessibility in our schools, and not for-profit schools who donate millions to encourage deregulation.

I am hopeful that instead of taking an ax to the many protections that we developed for our students, my colleagues will join me in discussing the most responsible way, the best way that we can increase quality and efficiency in our schools.

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

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. ROE.)

Mr. ROE of Tennessee. Mr. Speaker, I rise today in support of H.J. Res. 58, which nullifies the teacher preparation issues rule finalized by the Department of Education in October of 2016.

Mr. Speaker, it is an unfortunate situation that we find ourselves in when I consistently hear from educators that they are spending more and more time trying to comply with misguided rules from the Federal Government instead of teaching our children and grandchildren.

The Department of Education and the Obama administration have acted as if they know what type of teacher is best for east Tennessee instead of the people living and working there every day. I want nothing more than to have the best teachers in our classrooms teaching children all across this country, but burdensome one-size-fits-all regulations from the Federal Government that emphasize bureaucracy and compliance instead of a student education is not the way to get there.

□ 1500

The teacher preparation regulations put forth by the Obama administration are yet another example of misguided Federal overreach that would burden schools, institutions of higher education, and States. These regulations are unfunded and would impose extensive data collection requirements on States, colleges, and universities. And one university, Mr. Speaker, in my State spends \$150 million a year complying with government regulations.

Under these regulations, institutions of higher education that do not meet the rules requirements could lose access to Federal financial aid, which is yet another example of the prior administration using the regulatory process to bypass the legislative process. Both the School Superintendents Association and the National Governors Association have highlighted how these regulations are a significant intrusion on the role States play in ensuring accountability for teacher preparation.

The American Association of Colleges for Teacher Education has indicated that these regulations are likely to exacerbate teacher shortages in areas where they are critically needed, like special education.

When Congress passed on a bipartisan basis Every Student Succeeds Act, we expected the Obama administration would work to continue the momentum for giving States and local school districts the flexibility they needed to help kids learn. The administration went in the opposite direction, which is why I encourage my colleagues to support this resolution.

Mrs. DAVIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DANNY K. DAVIS).

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from California (Mrs. DAVIS) for yielding.

I rise in strong opposition to H.J. Res. 57 and 58 that undermine equity in public education.

Until I moved to Chicago when I was 19, I attended segregated schools because our States failed to follow Federal laws and the Federal Government demonstrated weak enforcement. The Civil Rights Act and the Elementary and Secondary Education Act advanced equal educational opportunity for African-American students and other students who faced discrimination and barriers in education, making this country stronger and better.

During Black History Month, the GOP will advance a bill to undermine the educational civil rights of African-American students. The scope of this joint resolution of disapproval clearly reflects the discrimination and the intent. It doesn't target a narrow regulation. It encompasses each of the critical civil rights elements of ESSA—data collection and reporting to ensure transparency about whether schools are educating vulnerable students comparably to other students, and accountability to ensure that schools take action to improve and receive support in meeting the needs of all students. To do so leaves States confused and Federal protections for disadvantaged students hollow.

H.J. Res. 57 is an extreme, calculated effort to promote discrimination, removing any transparency and accountability related to educational civil rights.

African-American students do not yet have equal educational opportunity. Black students are suspended and expelled three times the rate that their White peers are, only about two-thirds of Black students graduate high school on time compared to 86 percent of White students, and one in three Black men who start as a full-time student at a university graduate with a bachelor's degree within 6 years.

Students with disabilities, English language learners, low-income stu-

dents, Latino students, and Native-American students also do not yet enjoy equal educational opportunity. This resolution will erase this data and allow schools that continue these disparities to continue performing poorly in perpetuity.

Out of respect for our country's history of educational discrimination against vulnerable students, out of respect for Black History Month, and out of respect for the American value of equal opportunity, I ask my colleagues to reject this discriminatory resolution.

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. MITCHELL), my friend.

Mr. MITCHELL. Mr. Speaker, I thank the gentleman from Kentucky (Mr. GUTHRIE) for yielding.

Mr. Speaker, I rise in support of H.J. Res. 58. I am pleased to join Congressman GUTHRIE as a cosponsor.

As a parent, I know the critical difference teachers can make in a student's life. That is why many young people choose the path of education as their career and their mission.

This rule creates an arbitrary tie between teacher preparation programs and student test scores. What is worse, this rule unfairly discriminates against teachers who commit to teaching STEM subjects or different languages—critical subjects already facing a teacher shortage and occupations desperately seeking skilled employees.

In Michigan—my home State—teacher training program enrollment declined 38 percent between 2008 and 2013. The number of people who actually pursue teaching after going through a prep curriculum declined by 26 percent. We face a teacher shortage in Michigan and nationwide.

I frequently hear from the people I serve, teachers and parents in my district, that they are disheartened and frustrated by the Federal Government's overreach and arrogance that turns educating young people into a test score.

Mr. Speaker, let's return authority where it belongs with teachers and, more importantly, parents.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ESPAILLAT).

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

Mr. Speaker, I rise today in strong opposition to H.J. Res. 58, which would gut States' teacher preparedness programs.

This rollback is just one of many attempts by Republicans to dismantle the Department of Education by stripping its oversight and enforcement authority. The Trump administration has already made it clear its lack of regard for public education by picking an unqualified nominee to head the Department, and congressional Republicans are falling right in line by attempting

to remove important rules to improve teacher preparedness.

This rule came into place as part of the bipartisan reauthorization of the Higher Education Act. The reauthorization brought consensus measures to improve teacher training. But given the opportunity, Republicans are willing to forego public education all together by using the CRA to prevent the Department from overseeing State-led initiatives. And there is the crux of it. These initiatives are State-led and allow great levels of flexibility, provisions that Republicans championed during reauthorization. Now, they want to take advantage of an obscure congressional provision, used only once in our history prior to this Congress. This will tie the hands of future administrations from improving the transparency and quality of teacher preparedness programs.

If Republicans are happy with the rule and want to change it to improve the quality of education, this administration should use existing administrative tools to amend and revise the regulation. But that is not what this is about. This is about dismantling our public education system. Congressional Republicans want blanket deregulation of Federal education programs in order to allow States to ignore laws intended to protect disadvantaged students.

I invite my Republican colleagues to bring forth a plan that improves rules protecting our students, not to dismantle them. But this is simply not the way. I implore my colleagues to abandon this backdoor workaround and to work in a bipartisan fashion, like we did when Congress reauthorized the HEA, to develop ways in which we can improve public education for all of our children.

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

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I rise in opposition to H.J. Res. 58, which would undermine the requirement that States assess the quality of their teacher preparation programs and weaken efforts to provide educators with high-quality teacher preparation programs.

There is no doubt that our country needs highly skilled and diverse educators, and that means attracting good people by providing them with high-quality preparation and ongoing support, especially early in their careers. Many teacher preparation programs are meeting this charge—recruiting diverse candidates, offering rigorous practicums, and providing supports that follow them into their classrooms.

But some programs are still preparing large cohorts of educators for fields that are not in demand. And, according to one survey, more than 60 percent of teachers still enter the classroom feeling unprepared for one of

the toughest, most important jobs in America.

Many of us readily agree that the regulations governing transparency and program quality for teacher preparation are not perfect. But, let's remember that this resolution would effectively demolish key provisions at the Higher Education Act, which was last reauthorized in 2008, and in which Members from both sides of the aisle agreed that States needed to provide better data on the quality of their teacher preparation programs.

If the rules for improving teacher preparation programs are unnecessary, as my friends across the aisle may contend, I would ask them to explain why critical sections of the Higher Education Act remain largely unimplemented, nearly a decade after Members of Congress wrote the requirements into law. Without regulations, provisions of the 2008 reauthorization will continue to go unfilled. Taxpayer-funded grants will continue to support ineffective programs for teachers in high-needs schools.

The truth is, Democrats and Republicans could probably reach consensus about how we might like to see these regulations amended and improved. I am sure we all support robust data on how new teachers are performing and being supported in the classroom. And I am sure we all support States and institutions using data to continually strengthen their preparation programs.

But, unfortunately, my Republican colleagues appear unwilling to have that conversation about how to give teacher preparation programs the tools they need to improve. Instead, they have offered this resolution that would essentially guarantee that important provisions in law are never fully implemented by this administration, or a future administration, because this resolution is under the Congressional Review Act, which, until recently, has been used successfully only once. It is a blunt instrument that actually bans Federal agencies from providing similar protections in the future.

So instead of fixing the teacher preparation regulations and upholding congressional intent in the Higher Education Act, supporters of this resolution are turning their backs on the law. The resolution is an overreaction. It appears to be part of a dangerous agenda to do permanent damage to the Department of Education's important oversight and enforcement responsibilities.

I urge my colleagues to oppose this and work together on amending the regulations.

Mr. GUTHRIE. Mr. Speaker, I yield myself 2 minutes.

I need to explain what we are doing here. We are not changing the report card that schools have that teacher preparation programs have to provide.

This rule says that if a school doesn't score well on its report card then stu-

dents in that program can't get TEACH grants, which tries to focus on getting teachers from teacher programs into challenging schools. So what happens is, if you are an outstanding student and you are trapped in a school, let's say, because where you can afford to go is not performing well, then based on your school not performing well, not on the merit of that future teacher, they are not allowed to get a TEACH grant. That is what we are trying to prevent here.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I just want to comment because I was a little confused by what the gentleman said. I believe that we want to be sure that teachers who get TEACH grants are doing that at schools that have shown the capacity and the ability to really help children achieve. And so that is why we want to direct them into those schools particularly.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I rise in opposition to this measure. And I do so as someone who, in 2008, actually was a member of the conference committee when we passed the reauthorization of the Higher Education Act. Unfortunately, that is the last time Congress has moved forward, and we are about 3 or 4 years overdue in terms of modernizing and updating that law.

But I can tell you, Mr. Speaker, having been to the meetings—and we actually met as conferees and we had votes and we had discussion, unlike a lot of the short-circuited processes that unfortunately dominates most of our business these days—it was a healthy process.

□ 1515

This issue of teacher preparation in setting up standards was totally noncontroversial. There were a couple of items on which the two sides actually debated, but this one was a no-brainer. It just makes perfect sense that we want to make sure that there is at least a minimum standard out there to make sure that kids are getting the opportunities they need, particularly with the changing demands and needs of the workforce.

What also just sort of astonishes me is the manner in which this regulation was issued, which was only last October. The ink is, really, barely dry on it. We have a new incoming administration with a new Secretary, whom I will talk about in a second, and they have more than ample opportunity to go back into the regulations process and amend it, make changes, if they so choose. Instead, rather than using a scalpel, we are using a chain saw to basically carve out, in essence, a section of the law because the ability of the Department's to go back and do a similar regulation is not allowed under the Congressional Review Act.

This is a measure which, as I said, was just totally noncontroversial, on which we had a very strong vote, by the way, in terms of the final result of the conference that took place back in 2008, and the process that is being used is just tremendous overkill.

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

Mrs. DAVIS of California. I yield the gentleman such time as he may consume.

Mr. COURTNEY. Mr. Speaker, frankly, I think, as we stand here today in the Chamber—and just an hour or so ago, we had a Secretary who was confirmed in an unprecedented procedure during which the Vice President had to come in and break the tie—it, unfortunately, has the look of, really, being part of a pattern that we are seeing emerge here with the confirmation hearing process during which the incoming Secretary showed almost no regard for the notion of accountability in terms of charter schools and voucher programs, which, for the taxpayer and for the kids and the parents who really depend on our education system, is just a totally unacceptable approach.

As I said, this CRA bill on the teacher preparation program is just part of the same cloth. It is saying that we are just going to carve out a section which was a totally bipartisan, commonsense provision back in 2008 and that we are going to handcuff the ability of the Department to even come in with a substitute. The chances of Congress, at this point, coming in with new legislation—I mean, I am the eternal optimist. Hopefully, that will happen, but it sure hasn't happened over the last 3 or 4 years since the HEA, Higher Education Act, expired.

This is really, I think, a very unfortunate effort that is being put forth here on the floor. As I said, given what is going on with the Department and the vote that took place here earlier today, for those who really care about making sure that our free public education system, which has been, basically, part of America since Abraham Lincoln first proposed it back in the middle of the Civil War, we need to be totally on guard—on standby—to make sure that the taxpayer is protected in terms of making sure these grant programs go to school districts and systems that are actually following through with programs of value and to make sure that we protect the pillars of public education. Anyone watching that confirmation process over in the Senate, I think, was extremely worried and alarmed, which is why, I think, we had this avalanche of emails and calls that came in all across the country during that process.

I strongly urge a “no” vote for all of the reasons I have stated.

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BUDD).

Mr. BUDD. I thank the chairman.

Mr. Speaker, H.J. Res. 57, which we will be voting on today and discussing and debating in a few moments, would overturn an administration rule on school accountability standards that were finalized back in November.

Congress passed a law last year with the intent of giving power back to States and to local communities, but unelected bureaucrats at the Department of Education finalized this rule last year which, ultimately, could force Common Core standards on States that don't comply.

We see this time and time again. Congress will create a law, and then an agency that is filled with unelected officials disregards the will of the people by writing regulations as it sees fit. Every American, in putting aside one's personal ideology, can agree that an important issue like how we educate our kids is not something that we should decide here in Washington. In the months and the years to come, we should welcome a continued debate about whether the fate of a child's education should be decided in Washington or if a child's education should be more personalized at the State and the community levels. In my view, dictating specific accountability requirements from Washington and punishing those who don't meet those standards is a losing prescription.

It is my hope that every kid in my district, in North Carolina, and around the country has a quality education. I think that is the hope of my colleagues, too. The more we think that Washington has all of the answers, the further we get away from our founding vision of a limited Federal role in our lives, especially in something as personal as education.

It will be debated in a few moments, but I do urge a "yes" vote on H.J. Res. 57.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

We are actually talking about two of these joint resolutions, both H.J. Res. 57 and H.J. Res. 58, and are looking at accountability measures. Sometimes I think people forget, actually, that the first time that Common Core was mentioned in Federal law was in ESSA, the most recently reauthorized legislation for elementary and secondary education. That was done because we agreed to do that, because we felt that it was important to call it out while, at the same time, being careful to look at our local and our State authorities and have them come together and make the decisions that they think are best for their students. That has been the tradition, and that is why it is important that we have those folks in place in our local school districts.

As a former school board member, I know that those are where the real decisions are made for kids, but we need

to see in which area and why we have a Federal role. I think, even at the hearing that we had in the Education and the Workforce Committee today, the Republicans' witnesses acknowledged that there is an importance of a Federal role. It is in accountability and responsibility and in acknowledging that sometimes it is important to give direction to States and to give direction to local school districts as well.

That is really what we are trying to do here. We are trying to do it in a smart way, and we are trying to do it in a way so that we can realize, in the future, there may be changes that need to be made and that those changes may require Congresses of the future to look at particular protections and see if they are redundant, if they are necessary, or if, maybe, they take us in the wrong direction. What we are talking about today gives us no hope that we will be able to do that. We are basically writing in stone that we will never have to go back—that we can't go back—and look at some of those protections. That is the wrong thing to do.

We all know that, with one protection or another, of course, there can be problems. We don't want to ignore that, but we want to be sure that, particularly when we are looking at teacher prep programs, for example, we are looking at the data that is coming together that suggests whether some programs are more beneficial for the achievement of young people in our schools than others.

Boy, I sure hope as a school board member that we have the information that is available to people, because we can get that at a national level that we can't necessarily all get at the State level. It is important to know what processes are in place. Some of these protections that the Federal Government has created are giving direction to that. They are saying here are ways to look at your program and decide whether, in fact, they are doing exactly what you think they should be doing.

The most important part is that we are getting feedback from our teachers. This is a process that is so critical, that of having people who are on the ground who know what they are talking about. We are responsive to that, and those were some of the processes that we used in the Department of Education as well. I am not going to tell you that each one is perfect. I just want us to have a way to look at them and to understand how they impact our teachers. I want all teachers who want to succeed with kids, who are not in teaching for financial reimbursement, to be there because they really believe in kids and because they believe in their ability to succeed, and they want to be sure that they have the tools, that they have the resources, to do that. Many of the protections that we are talking about provide that kind of help and assistance.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on Education and the Workforce.

Mr. SCOTT of Virginia. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in opposition to H.J. Res. 58, the joint resolution of disapproval of the rule submitted by the Department of Education relating to teacher preparation programs.

This resolution would not only block the rule in question, but according to the rules of the CRA, it would tie the hands of this and of any future administration from re-regulating the provisions until a successful reauthorization of the Higher Education Act might take place.

Mr. Speaker, this rule in question provides clarity to States on how to increase teacher preparation program quality, transparency, and the equitable distribution of well-prepared teachers. It was promulgated to enable compliance with the statutory provision included in the 2008 reauthorization of the Higher Education Act.

According to a study by the Education Schools Project, more than 60 percent of new teachers feel unprepared to enter the classroom. We also know that disadvantaged students are taught disproportionately by new, inexperienced, and underprepared teachers. Congress sought to address this in the HEA reauthorization through the inclusion of requirements that are clarified by this regulation. Congress clearly intended for these equity-focused provisions to be meaningfully implemented; however, absent Federal regulation, the bipartisan intent of Congress has gone unfulfilled.

Despite statements made by many on the other side of the aisle, the Department of Education did engage in extensive consultation with stakeholders and the public in drafting and then in finalizing this rule. The draft rule put forward in 2014 lacked the appropriate flexibility and was met with overwhelming resistance. Through an extended comment period, the Department worked for more than 2 years to revise the rule and produce a final rule with considerably more flexibility for States and institutions.

Regardless of how flexible the rule is or not, I believe that, upon careful review of the regulation and the statutory provisions, the final rule is clearly within the scope of the agency's regulatory authority. Whether one thinks the rule is perfect or flawed, the substance of the final rule is reasonable and is clarifying an interpretation of how to comply with statutory requirements.

It is now 2017. Federal requirements to improve teacher preparation program quality and transparency have gone largely unfulfilled since the 2008 reauthorization. In such an instance, it is well within the purview of the implementing agency to regulate and more

clearly interpret statutory requirements to prompt meaningful compliance and inform Congress and the agency in subsequent reauthorizations.

The executive overreach or illegality of a rule and the disagreement with the substance of the rule are not two sides of the same coin. Republicans now control the executive branch. President Trump has administrative tools at his disposal to revise or to completely rewrite this regulation. It is clear, based on the history of the implementation of these provisions, that regulatory clarity is necessary. The responsible approach would be to utilize those tools to improve the regulation.

In the history of the Congressional Review Act, Congress has only used it once to disapprove a regulation. Instead of engaging in the hard work of governing by revising the teacher preparation rule, my colleagues have resorted to this act of repealing yet another rule that is meant to support our Nation's families and children. It is unnecessary, and we must recommit to doing the right thing for those whom we serve.

I urge my colleagues to reject this resolution.

□ 1530

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself the balance of my time to close.

I think this has been a good discussion, and I think that the hearing that we had today was even an opening as well at looking at this issue.

I think no matter what side of the aisle one was on, you couldn't necessarily distinguish the witnesses because it was important that we say that there is a smart way to do this and, frankly, there is kind of a stupid way to do it. Because we want to be sure that the consequences of our actions are not ones that would be impacting our children down the road.

So we have to go about this in a measured way, in a smart way. I actually believe that we all have the capacity to do that. There is no question in my mind that we can't do that in a way that really asks the right questions: Why are those protections there? Why did they establish those regulations and protections?

So that we can track and understand what is behind them.

I really do remember that, as a school board member, now and then, there was some frustration over something within the special education arena. But when you went back and you looked at why that came about, it was because there was a child who represented a problem in the system because we didn't do the right thing. We realized that it wasn't just that child, but it was many children who could be affected in the same way.

That is what we have to look at: Why are they there? How can we change them? How can we be smart about it and make sure that we don't do something that, in the end, will harm our education system and even impact those children who really are the most vulnerable that we would not want to impact under any circumstances?

So, Mr. Speaker, let's work together on this. Unfortunately, what this does today is it takes away that ability to use, I think, the goodwill of our committee to do the right thing. I hope that my colleagues will agree with that.

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

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

Republicans and Democrats on both sides of the aisle have worked hard in recent years, particularly in the ESSA that we passed to make sure that we have local control of education, the idea that reforms that State and education local leaders know best. I think the same is true for teachers.

It is vitally important that we have teachers that are prepared to succeed. We want the best and brightest in the classroom that help ensure our students receive the quality education they deserve.

This resolution will put an end to this rule that will have negative consequences, I believe, for teachers and students; but it will allow us to address teacher preparation responsibly. Article I of the Constitution gives the legislative powers to Congress. So we don't just need to say: There's a new administration in town, let them fix it.

What we need to say is that it is Congress' job, through working together, to pass the law and reauthorize higher education that will ensure that we have quality teachers in the classroom teaching our children.

So I urge my colleagues to put a stop to this rule and vote "yes" on H.J. Res. 58.

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

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to H.J. Res. 58, the Congressional Review Act (CRA) Resolution for Disapproval of the Rule submitted by the Department of Education relating to Teacher Preparation Issues, because the regulation Republicans seek to rescind will have the effect of reducing educational opportunities in student achievement, quality of instruction, college readiness and other important outcomes.

Teaching is a very noble profession that shapes the character, caliber, and future of an individual and for many of our nation's children, a teacher affects eternity; he or she can never tell where his influence stops.

Teachers cannot however succeed in shaping the lives of our children if we as a society fail to equip them with the tools necessary to master and hone the craft they pass along to our youth.

This joint resolution would nullify the Teacher Preparation Issues rule finalized by the Department of Education on October 31, 2016, tying the hands of any and all future administrations in improving the transparency and quality of teacher preparation programs until the Higher Education Act (HEA) is successfully reauthorized.

The Teacher Preparation Issues rule established indicators that States must use to report on teacher preparation program performance, to help ensure that the quality of teacher preparation programs is judged on reliable and valid indicators of program performance.

Section 205 of the HEA requires States and institutions of higher education (IHEs) annually to report on various characteristics of their teacher preparation programs, including an assessment of program performance.

Under the rule that this menacing legislation would obliterate requirements in the collection and dissemination of more meaningful data on teacher preparation program quality.

These reporting requirements exist in part to ensure that members of the public, prospective teachers and employers (districts and schools), and the States, IHEs, and programs themselves have accurate information on the quality of these teacher preparation programs.

These requirements also provide an impetus to States and IHEs to make improvements where they are needed.

The Department's existing title II reporting system framework has not, however, ensured sufficient quality feedback to various stakeholders on program performance.

A U.S. Government Accountability Office (GAO) report found that some States are not assessing whether teacher preparation programs are low-performing, as required by law, and so prospective teachers may have difficulty identifying low-performing teacher preparation programs, possibly resulting in teachers who are not fully prepared to educate children.

In addition, struggling teacher preparation programs may not receive the technical assistance they need and, like the teaching candidates themselves, school districts, and other stakeholders, will not be able to make informed decisions.

The final regulations also link assessments of program performance under HEA title II to eligibility for the Federal TEACH Grant program.

The TEACH Grant program, authorized by the HEA, provides grants to eligible IHEs, which, in turn, use the funds to provide grants of up to \$4,000 annually to eligible teacher preparation candidates who agree to serve as full-time teachers in high-need fields at low-income schools for not less than four academic years within eight years after completing their courses of study.

Thousands of novice teachers enter the profession every year and their students deserve to have well-prepared teachers.

Current educational policy is committed to ensuring that the measures by which States judge the quality of teacher preparation programs reflect the true quality of the programs and provide information that facilitates program improvement and, by extension, improvement in student achievement.

H.J. Res. 58 is just another step in Republicans' plan to dismantle the oversight and enforcement authority of the Department of Education and undermine public education.

H.J. Res. 58 flies in the face of Congressional intent, removing any sense of transparency related to teacher preparation program quality, and leaving these important equity provisions without checks and balances indefinitely.

H.J. Res. 58 would ensure that there are no serious attempts to improve the quality of teacher preparation programs, since the CRA prevents future Departments of Education from regulating on a similar issue.

If unhappy with the final rule, the Trump Administration should use administrative tools at its disposal to amend and revise the regulation. Use of CRA is a political gimmick that harms students, teachers, and taxpayers.

Republicans want blanket deregulation of federal education programs in an attempt to stall implementation of equity-focused provisions and allow states and districts the ultimate flexibility to ignore laws and federal requirements intended to protect disadvantaged students.

The CRA has been used only once in Congressional history.

Using it to block regulatory action to improve teacher preparation program quality is extreme and a gross abuse of power.

When we fail our teachers, we rob our children of long fought for opportunities to expand their horizons in classrooms and achieve in life the hope we have vested in them for the future.

I urge you to oppose this bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 91, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

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

Ms. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO ACCOUNTABILITY AND STATE PLANS

Mr. ROKITA. Mr. Speaker, pursuant to House Resolution 91, I call up the joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code,

of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 91, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965 (published at 81 Fed. Reg. 86076 (November 29, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. ROKITA) and the gentleman from Colorado (Mr. POLIS) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. ROKITA. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.J. Res. 57.

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

There was no objection.

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

I rise today in strong support of H.J. Res. 57.

Mr. Speaker, I was here also on this floor listening to the debate that just finished on H.J. Res. 58, and I have a feeling a lot of the same things are going to carry over because we are dealing with the same Department. In fact, we are dealing with the prior administration generally.

I was struck by the words that we need to "give direction to the States." I think, by definition, those words demonstrate how one side here thinks that they know best; that their judgment is somehow better than the judgment of governors, of State legislators, of parents, teachers, and superintendents themselves when it comes to this issue and, in fact, in a larger perspective, when it comes to most issues around here. We must give direction to the States—no.

The fact of the matter is, when the President signed into law, when we passed ESSA—the Every Student Succeeds Act—in a lot of ways we were saying to the States: You give the direction. You set the way that you think is best to educate your best assets. Your best assets, of course, being our next generation.

While we at the Federal level would like to be partners, the fact of the mat-

ter is it is their property. The tax dollars we are talking about are the property of the individuals living in the 50 States and other jurisdictions.

So now here we are using the Congressional Review Act to get rid of some regulations that are doing that very thing. We wrote a very specific law saying the States are in charge. Here we have a Federal agency inserting itself, not just interpreting law, but actually making law and taking us in the exact opposite direction that all of us intended.

When I say all of us, I say that in a very bipartisan way, Mr. Speaker, because—I am now in my fifth year of being chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education here in the House. My first 4 years were consumed working with past Chairman John Kline, current Chairwoman VIRGINIA FOXX, other members of the committee, and all our Democratic counterparts in getting this very bipartisan law passed and signed into law.

Let me go back, Mr. Speaker, and set the table here. You will have to remember that under the No Child Left Behind law, which was the law of the land for some 13 years—perhaps a well-intentioned law, but completely unreasonable in terms of its forced, ridged, one-size-fits-all accountability system that heavily dictated how we would gauge and address school performance—that system represented a top-down approach in K-12 education. After 13 years, the data is in and the results are in. It simply didn't work.

So that is why just a little more than a year ago, Congress passed—again, former President Obama signed into law in a very bipartisan way—the Every Student Succeeds Act. With this law, Republicans and Democrats worked together to reform our education system to ensure that all children are able to receive the education they deserve. It represents a fundamentally different approach to education and, in the words of one superintendent, empowers local leaders to "dream and lead and transform public education in this country."

Unfortunately, almost immediately after the bill became law, the Obama administration began its attempt to roll back these bipartisan reforms. With the Every Student Succeeds Act, Congress promised to reduce the Federal role and restore State and local control over K-12 education. The law empowers States to develop their own policies to hold schools accountable to parents and taxpayers.

For accountability to work, Mr. Speaker, it must be driven by the State and local leaders who are best equipped to directly address the issues in their school. Those leaders know better than any Federal bureaucrat in the Department of Education what their kids need, even down to what their kids'

names are. I challenge any Federal bureaucrat to know better.

Unfortunately, the Obama administration's flawed accountability regulation would reestablish the Washington-knows-best approach to accountability. It is the very same thing I mentioned earlier that we just heard regarding H.J. Res. 58. It is an approach that is deeply flawed.

How do I know? What is the best metric to prove the point that that Washington-knows-best approach is deeply flawed?

Look at it. Look at the test scores since the Federal Government has been involved in education. You see that they haven't gone up. Yet we have spent billions and billions of dollars since the 1970s here at the Federal level on local education to see no improvement in the test scores.

Not only does the regulation dictate prescriptive accountability requirements, but it violates many of the prohibitions that we put in on the Secretary of Education. As we all saw, the top-down approach simply didn't work. So that is why we repealed No Child Left Behind and passed a bill to transform K-12 education.

Our students deserve better than the failed policies of the past, and that is what the Every Student Succeeds Act does, if implemented as Congress intended.

Now, our intent was not ambiguous, and the law is far from silent. We were very specific in the law we wrote. Our specificity dictated that the States and localities were back in charge. They were driving the bus again. No pun intended.

The Department has taken some kind of ambiguity, I guess, some kind of silence, and has inserted themselves into the lawmaking role. That wasn't our intent.

Our intent was for a new role for the Department, a much smaller role for the Department, a less supervisory role for the Department, and a less punitive role for the Department, one that would simply ensure that our specifically written law, as passed off this floor, passed off the Senate floor, and eventually signed into law, was followed as we wrote it. So an example of that was we require the States to have plans for how they were going to test, that they would test, but nothing more prescriptive than that. That is just one example, the testing. There were some other parameters.

Then they were to submit those plans to the Federal Government, and the Department of Education was simply to check the box and make sure that the plans were done and otherwise comply with the law. The Department wasn't to be more prescriptive than that. It wasn't to give any more regulation than that. It wasn't to, frankly, give too much more direction than that because we recognize that this re-

sponsibility is primarily that of governors, State legislators, school superintendents, parents, and teachers.

Now, States are already working to implement the law in their school districts. I want to be very clear that this resolution in no way does anything to stymie those efforts. States should move straight ahead.

Instead, the resolution gives States the certainty they need to continue moving forward, confident that their plans will be reviewed by the Department of Education against the requirements of the statute and nothing more, with deference given to the judgment of these local legislators, local superintendents, et cetera, as the law requires.

We are also committed to working with the new administration to ensure States receive the support they need consistent with the limits placed in the statute.

So, my colleagues, by passing this resolution and blocking implementation of the Obama administration's flawed accountability rule, we can ensure that the promises we made under the Every Student Succeeds Act to restore State and local control in K-12 education are kept.

I urge my colleagues to support H.J. Res. 57 and protect those important bipartisan reforms.

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

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

Mr. Speaker, I rise in opposition to the resolution before us, which would overturn the accountability regulations in the Every Student Succeeds Act, our Nation's most important K-12 education law.

These accountability guidelines promulgated by the Department are not only allowed under the Every Student Succeeds Act, but they are essentially required. This legislative body last session put language into the Every Student Succeeds Act calling upon the Department and the Secretary to clarify this. It is a very different perspective on what that legislative intent was.

There are items in the Every Student Succeeds Act that we agreed—Democrats and Republicans—the Secretary and the Department would be prohibited from promulgating rules regarding. For instance, one of those is the promulgation of rules in support of the Common Core curriculum.

□ 1545

Democrats and Republicans agree that the Federal Government should not be setting curriculum. That is a matter for the States. We prohibit it, specifically, in language in ESSA. We prohibit the Federal Government from promulgating rules that require, in any way, shape, or form, the adoption of the common core standards at the State level.

What is not prohibited is rules regarding State accountability systems. Quite to the contrary, it is important work. In fact, it is the core work under the Every Student Succeeds Act, that very core commitment to civil rights that so many Democrats and Republicans feel passionate about that is contained through these rules.

When the Elementary and Secondary Education Act first passed in 1965, it was a critical piece of civil rights legislation, and it still is to this day. It was written with the intent that every student, no matter their race, background, ZIP Code, deserved a great education. And today, the Every Student Succeeds Act maintains that spirit.

If it had some of the prohibition that my colleague on the other side of the aisle believes it has, but won't be able to cite specific statute that it has, Democrats wouldn't have supported that bill, and it wouldn't have passed with nearly every Democrat—if not every Democratic vote—in the House and the Senate.

For months, States have been working diligently to write their own State plans to comply with the Every Student Succeeds Act. My home State of Colorado has undertaken an extensive process. I got to attend one of the stakeholder meetings as part of that process, gathering feedback from educators, and parents, and students to write a State plan that works for Colorado and meets the requirements of the new law and the rules that this CRA would undo.

This resolution would undo all of that State-level work, all of the work that people in Colorado have done, that people in other States have done; create massive chaos and uncertainty in public education; and destroy the civil rights safeguards that Republicans and Democrats worked so diligently to put in place in the Every Student Succeeds Act.

Not only would this CRA overturn the regulations, but it would prevent the Department of Education from looking at accountability again. It would tie the hands of the newly confirmed Secretary of Education, preventing her from improving or building upon the accountability measures that Congress, through the language of ESSA, asked the Department to take on.

This regulation was written after the Department of Education received thousands of comments from stakeholders, including parents, teachers, school boards, and advocates. Without a rule, the approval of the State accountability plans would be entirely at the discretion of the new Secretary, Secretary DeVos—the exact type of scenario the Republicans wanted to avoid by rewriting ESSA, essentially arguing—and many Democrats agreed with the argument—that effectively it was arbitrary use of power that then-

Secretary Duncan wielded, and then Secretary King, to grant the necessary waivers under the No Child Left Behind Act by removing these rules that had been promulgated.

Effectively, we would be back to where we started without criteria for approval or denial of State plans; without adequate safeguards for civil rights; and without the assurance that we can improve and build upon progress.

How can we trust any Secretary—Duncan, King, DeVos, future Secretaries—to know what a good accountability plan and bad accountability plan look like? Why should our legislative body delegate that level of authority without rules and regulations that we derive and allow them to make an arbitrary and capricious decision-making process that could involve approving bad accountability plans, or failing to approve strong accountability plans? That should be a huge concern for parents, teachers, students, and the public system.

You know what? Republicans were right, as were Democrats, when we argued that we needed criteria for the approval of accountability plans. And the answer is not to give blanket authority to any Secretary with regard to approval or denial of their plans, and that is what these rules do. And if they need to be improved and built upon, let's work with the new Secretary to do that.

But by not only undoing those rules, but by actually prohibiting the Secretary from promulgating additional rules, it will give the Department of Education effective arbitrary veto over every State in our country and an unprecedented level of federalized control of our schools, which might be the real Republican agenda with this bill here today.

I reserve the balance of my time.

Mr. ROKITA. Mr. Speaker, I would only comment that the comments made to the rule in this regard—the ones I have seen—were almost all bad. They were negative against this rule, except for maybe a few groups.

I would like to yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX) who is chairwoman of the full committee.

Ms. FOXX. Mr. Speaker, I want to thank my colleague Mr. ROKITA for yielding time and for handling this on the floor today.

Mr. Speaker, I rise in strong support of H.J. Res. 57. For years, the Federal Government operated under the flawed idea that Washington knows best when it comes to education. Policies put in place in recent decades vastly expanded the Federal footprint in the K–12 schools and prevented State and local education leaders from delivering the high-quality education all children deserve.

Something needed to change. Yet, under the Obama administration, the

problem only got worse. For years, the last administration used regulations, waivers, and pet projects to unilaterally exert its control over education. Its heavy-handed, one-size-fits-all policies only increased the Federal role in America's classrooms, moving K–12 education in the wrong direction. That is why Republicans and Democrats came together to pass the Every Student Succeeds Act.

Enacted just over a year ago, the law was built on three important principles: empowering parents, reducing the Federal role, and restoring local control. It sent a clear message that the American people were done with the top-down approach to education.

Unfortunately, the previous administration didn't get the message. The Department of Education continued using rules and regulations to push its failed education agenda—the same agenda Congress rejected with overwhelming bipartisan support. We are here today to put a stop to two of those rules.

The resolution under consideration, H.J. Res. 57, will roll back a regulation implementing accountability provisions in the Every Student Succeeds Act. The law empowers States to develop ways to hold schools accountable to the students and parents they serve, and ensure taxpayer dollars are being spent responsibly. The Department's accountability rule, however, does the exact opposite. Not only does it impose prescriptive accountability requirements on State education leaders, but it also violates specific prohibitions the law places on the Secretary of Education's authority.

We also considered, a few moments ago, H.J. Res. 58, which will block implementation of a regulation that significantly expands the Federal Government's involvement in teacher preparation.

Yet, another example of Obama overreach, the teacher preparation rule essentially creates a Federal system for evaluating teacher performance. It would be virtually impossible to implement and could lead to fewer teachers serving low-income students.

Together, these two resolutions of disapproval will move us towards limiting the Federal role in education and protect the local control promised with recent education reforms.

I want to thank Representatives ROKITA and GUTHRIE for their work to fight against the flawed policies of the past and for leading the way in delivering a more positive, more limited, and more responsible Federal role in education.

I urge my colleagues to support both resolutions.

Mr. POLIS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on Education and the Workforce.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding. I

rise in strong opposition of H.J. Res. 57. This resolution takes aim at the heart of the Every Student Succeeds Act, or ESSA. That bill passed with overwhelming bipartisan support. This resolution would strike down regulations that provide necessary clarity to States about what it means to ensure that all students are taught to high standards, and what it means to provide accurate data on student academic performance and resource equity.

States now lack direction needed to proceed with implementation of the bill. Just last week, the Department removed all ESSA technical assistance to the States from the public domain, despite numerous and repeated requests for technical assistance from State and local leaders.

Mr. Speaker, when Congress came together to pass ESSA, we made a promise, the promise of stability and consistency and a full replacement of No Child Left Behind. And while we promised new flexibilities, those flexibilities came with guardrails to guide the decisionmaking, to ensure protections for vulnerable students, and to support educators and school leaders. This resolution breaks that bipartisan promise.

Contrary to the wishes of some, ESSA was not a blank check to States from the Federal Government. ESSA is a fundamental approach with much power restored to the State and local level, but it comes with Federal protections for vulnerable students. So we must not waver in our commitment to give States the support and guidance they need to move forward.

Mr. Speaker, some claim the regulations are unnecessary because States can just read the law and implement it. But we all know, based on precedence and common sense, that the new landscape of ESSA would necessitate regulatory clarity from the executive branch, just as all Federal agencies routinely update existing regulations as new legislation is passed.

Providing stakeholders with direction and clarity about how to carry out the Federal laws as big as the Elementary and Secondary Education Act is not new. No Child Left Behind led the Bush administration to undergo similar rulemaking, and it was more than 2 years before the regulations were fully realized. It also enabled States, in their efforts, to move forward with timely submission of their ESSA plans.

If this resolution of disapproval is enacted, States will have no ability to prepare State plans that require Federal approval until after the Department reestablishes requirements and criteria, causing an unwelcome and unnecessary delay for States eager to move forward, leaving ESSA unregulated before States to just wait until the new regulations are passed, and also undo months of work that is currently underway.

In effect, the lack of clarity on how to effectively utilize the new flexibilities, while meeting statutory requirements, may lead many States to revert to—they have to revert to something—maybe the No Child Left Behind narrow policies and systems, the very policies that the ESSA eliminated.

Mr. Speaker, where the law's requirements are ambiguous, agency interpretation is necessary to set a Federal floor. Without that floor, compliance with the Federal law becomes subjective, with different standards being applied from State to State. This kind of subjectivity was the same problem we had with No Child Left Behind when States relied on guidance without regulation.

Under that scheme, the Department could not be held accountable for treating one State different from another, and that is what we are correcting through the enactment and regulation of ESSA's core requirements. Those requirements must be applied fairly across all States. That is the whole point of a Federal law.

The Department conducted hundreds of meetings, held public forums and listening sessions, and read and responded to thousands of comments to produce a consensus-driven rule. The Department made significant revisions before finalization, and they were met with praise from teachers, State education chiefs, local administrators, parents, and civil rights communities.

Regardless of whether you think the rule is perfect or flawed, the substance of the rule is a reasonable interpretation that provides clarity for States to enable their compliance with statutory requirements. Now, President Trump has administrative tools at his disposal to revise or completely rewrite this regulation. However, it is clear, based on history of implementation of the Elementary and Secondary Education Act that regulatory clarity is necessary.

Using the CRA to block the rule is unnecessary and shortsighted. It hurts students and schools. It undermines a bipartisan intent of Congress and leaves States in a lurch by causing confusion and delays for the submission of their State plans. It also undermines equity protections for vulnerable students that the law was intended to serve.

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

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. SCOTT of Virginia. This resolution threatens the success of the law we fought so hard to pass, so I urge a "no" vote.

Mr. ROKITA. Mr. Speaker, I finally realized what is happening here. What the other side considers ambiguous is really flexibility. I think that is the difference here. But, let's be clear. What we intended through ESSA was

flexibility for the States. Nowhere in the law are we ambiguous about what we intended.

I would like to yield 3 minutes to the gentleman from Georgia (Mr. FERGUSON), who, in the month that he has been here, has already injected a lot of energy to the committee and is doing a great job for his constituents.

□ 1600

Mr. FERGUSON. Mr. Speaker, I rise today in support of H.J. Res. 57. Voting in support of this resolution ensures that the Federal Government will stay out of our children's classrooms and give the power back to the local authorities to make good, solid education decisions.

Throughout my congressional campaign, the people of the Third District of Georgia of all backgrounds and income continued to express their frustration that the Federal Government continued to get involved in policies that should be the domain of local and State governments.

I have spoken with education leaders in the Third District of Georgia, in places like Troup County and Fayette County, and they were very pleased with the bipartisan effort of the Every Student Succeeds Act passed last Congress. They told me that they felt hopeful with the new flexibility written into the law granting the power to the States and the local leaders to decide what accountability measures work best for their students. However, as time went on, they expressed great concern as the Department of Education began writing this new accountability regulation.

The accountability measures that will work for my home State of Georgia and my home district won't always work best for students elsewhere. Trying to educate students in the Third District of Georgia the exact same way you do students in Detroit, Michigan, or Spokane, Washington, or Prescott, Arizona, just simply will not work.

Every child deserves access to quality education, but imposing a nationwide standard will only hamper this goal with burdensome regulations, and we have seen that failed policy under the No Child Left Behind Act. This resolution pulls back the Federal overreach, ensuring that the decisions will remain at the local level, and that is why I support H.J. Res. 57 today.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I rise in opposition to H.J. Res. 57.

This resolution is an extreme measure that will disrupt and delay the implementation of the bipartisan Every Student Succeeds Act, an important law that replaces the failed policies of No Child Left Behind by carefully balancing the need for more local control in education with strong Federal civil rights protections for students.

Today, sadly, the promise of the Every Student Succeeds Act is in jeopardy. This resolution appears to be part of a larger effort to dismantle the oversight and enforcement responsibilities of the Department of Education which would harm all students.

If my Republican friends are serious about successfully implementing the law we all worked so hard to pass, they would not be demolishing a key set of regulations, and certainly not while States are currently finalizing their plans to implement the new accountability systems and public reporting requirements outlined in the regulations.

These regulations give States considerable flexibility and guidance. For example, they provide additional time to identify schools for comprehensive and targeted support. They ensure that parents are notified if their school is identified for additional support and explain how parents can get involved in their school's improvement efforts, and they give States flexibility to use multiple indicators in evaluating schools. These regulations are reasonable clarifications that reinforce the intent of the law.

Of course, my colleagues might disagree with some elements of the regulations, but this is the wrong way to change them. If my colleagues were serious about changing the regulations, then they would involve stakeholders and have a collaborative and transparent process to amend the rules through the public notice and comment process.

Unfortunately, without critical rules for implementing the Every Student Succeeds Act and the ability to write similar rules in the future, I expect we will see two things happen, both of which are detrimental:

Some States will take an anything-goes approach, which could hurt our 15 million public school students and, historically, is particularly damaging to African-American students, Hispanic students, Native American students, students with disabilities, and English-language learners. Remember the original Elementary and Secondary Education Act was about equity.

Other States, without clear rules for compliance, will simply continue existing policies—many of which are a legacy of the No Child Left Behind era—and miss out on the important flexibility and positive changes in the new law.

Using the Congressional Review Act to dismantle important regulations for the Every Student Succeeds Act will create a great deal of uncertainty and threaten the implementation of the law. Certainty is what our school districts need, and it risks critical equity protections for disadvantaged students.

The resolution before us is an extreme measure. It is entirely avoidable. The administration can revise

these regulations, but instead, the supporters of this resolution are choosing to gut this important law by making implementation essentially unfeasible and uncertain.

Mr. Speaker, I urge all of my colleagues to stand with our students across this country and vote “no” on this resolution, and then let’s work together to amend the regulations.

Mr. ROKITA. Mr. Speaker, I agree with the gentlewoman: ESSA was a landmark bipartisan achievement. Unfortunately, the Obama administration’s partisan implementation of it is what brings us here today. Instead of choosing to take every opportunity to work with us, the Obama administration is choosing to do through the regulatory process what it couldn’t achieve legislatively.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. COSTELLO), who is doing a great job for his State.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, last Congress, Members on both sides of the aisle came together to restore education decisionmaking authority to where it should be—at the State and local level—devolving it from overreach by the Federal Government through the Every Student Succeeds Act. It was a bipartisan accomplishment that I speak very proudly of in my congressional district, as I know many Members do in their congressional districts.

However, certain regulations were issued by the Department of Education last year that threaten regulatory overreach, including problematic provisions requiring States to issue uniform standards to determine a teacher’s level of effectiveness or ineffectiveness. Put quite simply, the rule, as it was issued late in November, is not consistent with the law that we passed that we were all so proud of. In fact, it is necessary to use the CRA to override this rule in order to maintain the integrity of the ESSA, which we are all very proud of passing, to restore local control, and that goes from student testing to curriculum, to teacher evaluation. What we have here, as written, are regulations which threaten an overemphasis on students’ standardized testing scores when evaluating the quality of a teacher.

H.J. Res. 57 would override regulations because they are not consistent with the law that we just passed. H.J. Res. 57 would preserve the bipartisan accomplishments achieved in the ESSA by allowing States to continue tailoring the ESSA to meet local needs without overreach and without mandates from the Federal Government. Put simply, what we are seeking to do here is to prevent the Federal Government from once again nudging its nose into local and State control over teacher evaluations, which was one of the main objectives of the ESSA in the first instance.

Mr. Speaker, I want to thank Congressman ROKITA for his leadership.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ESPAILLAT), who is a new member of the Education and the Workforce Committee and is doing an excellent job so far.

Mr. ESPAILLAT. Mr. Speaker, I stand here today in strong opposition to H.J. Res. 57. Not only is the rollback of these substantive measures incredibly detrimental, but the process by which my Republican colleagues are facilitating their actions is, quite simply, wrong. This regulation is a product of months of work to come to a consensus on what is best for all of our students.

Mr. Speaker, the Every Student Succeeds Act received strong bipartisan support, and it received bicameral support when it passed when 359 Members of the House and 85 Senators voted in favor of this legislation. In fact, Senator LAMAR ALEXANDER, who serves as chairman of the Senate Health, Education, Labor, and Pensions Committee, said back then that this bill was truly a Christmas miracle for American children. However, just weeks into this administration, Republicans, for purely political reasons and for political purposes, are actively working to strip States and districts of the stability and clarity they need to implement this law.

Approximately 50 million children attend public schools in the United States. About 1.1 million of those students are in New York City Public Schools. I think everyone agrees that we should be doing all we can do to help and prepare our students, but this resolution does the exact opposite. This regulation provides important guidance to ensure the students are college and career ready. It helps schools identify subgroups of students in need of additional academic support and help.

Dismantling this regulation will disrupt ways in which information used to measure school performance and resource equity is reported, ultimately resulting in our parents, teachers, and policymakers not being equipped with the necessary data to make important decisions.

The SPEAKER pro tempore (Mr. COLLINS of New York). The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. ESPAILLAT. Further, rolling back this regulation directly targets inner-city public schools and shows, at best, indifference to our Nation’s most vulnerable students. It will leave students—specifically, low-income minority students and English-language learners—without the protections and support intended by Congress.

I, of all people, understand this important measure to look out for stu-

dents with special English-language needs, coming from a low-income immigrant family, and I implore my Republican colleagues to reconsider this troublesome action.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Delaware (Ms. BLUNT ROCHESTER), who is a new member of the Education and the Workforce Committee.

Ms. BLUNT ROCHESTER. Mr. Speaker, I rise in opposition to H.J. Res. 57 today for two reasons. I believe that the majority’s repeated use of the Congressional Review Act this week and last week is unnecessary, constraining, and, in this case, adds cost. The Congressional Review Act has only been used successfully in 2000 one time, and already this month the House is considering its eighth joint resolution of disapproval.

I believe in our role of oversight of the executive branch, but using the blunt tool of the CRA to block regulatory action in an effort to support and improve public education is an abuse of the CRA. The newly confirmed Secretary of Education can already amend targeted rules like the one this resolution is addressing without fully repealing the guidance and preventing similar rules in the future.

The Every Student Succeeds Act was a major bipartisan accomplishment, and I am particularly concerned about the uncertainty for the States and local stakeholders caused by repealing these accountability standards in the underlying rule.

In Delaware, just as in States across the country, local stakeholder groups and State departments of education have been working together to provide thorough feedback and guidance on these accountability rules that the majority wants to repeal.

I have heard from my State board of education that repealing these regulations would cause States to delay the development of their plans, potentially costing them both time and money to gather feedback on a significantly different set of guidelines for the plan, and, most importantly, further delaying the implementation of changes to the education system that our students need and deserve.

Mr. Speaker, my question to my colleagues would be: Why get rid of the whole rule when it comes from a bill that ultimately happened in such a bipartisan way? Why prevent accountability and guidance for States?

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

Mr. POLIS. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. BLUNT ROCHESTER. I will oppose H.J. Res. 57, Mr. Speaker, and I urge my colleagues to oppose H.J. Res. 57.

□ 1615

Mr. ROKITA. Mr. Speaker, I yield myself 30 seconds.

The effect of this action will not halt State implementation efforts. Let me say that again. The effect of this action will not halt State implementation efforts.

Our intent is to require clarity and consistency so implementation can, in fact, continue. States are continuing to develop State plans that comply with the law, as you have already seen being done across the country. The States and school districts are in the driver's seat here, Mr. Speaker, and they should continue moving forward.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California, (Ms. JUDY CHU), the chair of the Congressional Asian Pacific American Caucus.

Ms. JUDY CHU of California. Mr. Speaker, I rise today in strong opposition to H.J. Res. 57. This reckless measure rolls back the progress made by the Every Student Succeeds Act, or ESSA, by making it easier for schools to ignore vulnerable or underachieving students.

Before ESSA, American schools operated under the one-size-fits-all model of No Child Left Behind. What we got was a lopsided understanding of our education system—one that focused on meeting unforgiving benchmarks and turned a blind eye to students who needed more support.

Then, after years of careful, bipartisan work, we finally succeeded in passing ESSA last Congress. Thanks to the work of the Congressional Tri-Caucus, this bill made needed changes to ensure that vulnerable students, including English language learners and students of color, didn't slip through the cracks. In fact, the accountability provisions within ESSA were specifically designed to protect the rights of every student and ensure that struggling schools have the resources and support they need to succeed.

Now, by rescinding the rule which implements the core of this law, Republicans are undoing all of that work in the name of relentless deregulation. Worse, they are, once again, using the little-known Congressional Review Act, which means no future administration can issue a rule like this ever again.

Most Americans are unfamiliar with the Congressional Review Act because, before this Congress, it has only been used once before. Now Republicans are using it almost daily to weaken our government and support fewer people.

With today's vote, Republicans are taking an ax to equity provisions of ESSA and prioritizing politics over students. Rather than pass this extreme measure, we should focus on a way to enforce ESSA and ensure that

every student, no matter their race, income level, or language ability, has access to a quality education.

I urge my colleagues to prioritize our Nation's students and vote "no" on H.J. Res. 57.

Mr. ROKITA. Mr. Speaker, I yield myself 1 minute to say to the gentlewoman that I agree that we have to be careful to make sure underserved children are not vulnerable, which is what we did in the underlying law in a bipartisan manner when we passed it and when the President signed the law.

I reject the premise that State and local leaders, however, cannot be trusted to deliver an excellent education to all of their students. More importantly, that premise was rejected by Congresses in ESSA itself.

Beyond that, the criticism just levied is simply not true. The Department of Education has the right and, indeed, the obligation to enforce the law. That has never been in dispute.

There are clear requirements in this statute for States to develop ways to hold their schools accountable and to report information about school performance to parents and their communities. That duty continues.

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

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

Mr. Speaker, we have heard a lot about the legal implications and the chaos that this resolution would create if it were passed. I want to share with you a brief story from a parent who has two sons with special needs and who depends on strong accountability for her son's success.

What parents across this country who have kids in public schools want to see is a system that works for them. They are not so caught up in which rule is being passed by who and who is doing what. They want to make sure the learning needs of their child are met.

Frankly, a strong accountability system and a reliable accountability system with parameters that are clear rather than a chaotic and unpredictable one goes a long way to reassuring parents across this country that the needs of their child are being met.

Here is a brief story from a parent with two sons with special needs:

My son Jacob is a freshman in high school. Today, he's a straight A student well on his way to a great future. But it wasn't always that way. He spent his early elementary school years lacking the supports he needed to be successful in the classroom.

At the beginning of fourth grade, he was in a self-contained classroom, which supported his behavioral needs, but not his academic needs. We were given the choice to "opt out" of grade-level testing, but refused. It was the results of those tests that gave us the data we needed to see where he needed support and to see where he could excel academically. We all saw he was working at or above grade-level in many areas. It kept us accountable to planning his successful future.

By the end of fourth grade, he was partially included in a general education classroom. By middle school, he was fully included in the general education classroom with minimal supports in place. Without accountability standards in place for students like Jacob, none of us—his parents, his teachers, and even Jacob himself—would have been able to track his upward trajectory.

I hear stories like this from so many of my constituents, Mr. Speaker: kids with learning disabilities, kids who attend schools that have pervasive achievement gaps between higher- and lower-income students and students of color and White students.

Frankly, the accountability system that we have had and the improvements that we built into it through the Every Student Succeeds Act and this rulemaking process are the prime civil rights safeguards that families across the country have so that they can, with confidence, know that the public schools are required to meet the learning needs of their child and that somebody is watching that, who will watch the watchers, and that their only recourse isn't just expensive litigation, which the repeal of this rule would lead to more of, but, frankly, is where the money is coming from and making sure that there is a degree of controls in place that the learning of the child is being met.

Stories like Jacob's are the reason why so many organizations have voiced their opposition to H.J. Res. 57.

Mr. Speaker, I include in the RECORD a list of organizations that have announced opposition.

The following organizations have all voiced their opposition to House Joint Resolution 57:

Congressional Asian Pacific American Caucus (CAPAC); Congressional Black Caucus (CBC); Congressional Hispanic Caucus (CHC); Alliance for Excellent Education; Association of University Centers on Disabilities; Center for American Progress; Children's Defense Fund; Consortium for Citizens with Disabilities; Council of Parent Attorneys and Advocates; Democrats for Education Reform; Disability Rights Education & Defense Fund; Easterseals; The Education Trust; Judge David L. Bazelon Center for Mental Health Law; League of United Latin American Citizens; Mexican American Legal Defense and Education Fund (MALDEF); NAACP; NAACP Legal Defense and Educational Fund, Inc.; National Association of Councils on Developmental Disabilities; National Center for Learning Disabilities; National Council of La Raza; National Disability Rights Network; National Down Syndrome Congress; National Indian Education Association.

National Urban League; National Women's Law Center; New Leaders; PolicyLink; Southeast Asia Resource Action Center (SEARAC); Stand for Children; Teach For America; Teach Plus; The New Teacher Project (TNTP); The Leadership Conference on Civil and Human Rights; U.S. Chamber of Commerce; United Negro College Fund (UNCF).

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,

February 6, 2017.

TO THE MEMBERS OF THE UNITED STATES
CONGRESS: The Chamber opposes H.J. Res. 57,

which would block regulations implementing accountability provisions in the bipartisan Every Student Succeeds Act (ESSA).

The Chamber believes these regulations, although not perfect, have provided states, districts, and schools the guidance necessary to ensure an orderly transition from the prior No Child Left Behind Act to the new, and far more flexible, accountability provisions under ESSA.

The Chamber is concerned that repealing the regulations could delay implementation of this critical new law. Over the past year, states have been developing implementation plans with input from thousands of stakeholders. Many states are in the final stages of developing these plans and preparing them for submission to the Department of Education. Repealing will create unnecessary confusion and uncertainty.

The Chamber urges you to vote against H.J. Res. 57.

Sincerely,

JACK HOWARD.

CONGRESSIONAL TRI-CAUCUS CHAIRS OPPOSE
EFFORTS TO UNDERMINE PUBLIC EDUCATION

[For Immediate Release—Feb. 7, 2017]

WASHINGTON, DC.—Today, the Chairs of the Congressional Tri-Caucus—composed of the Congressional Asian Pacific American Caucus, the Congressional Black Caucus, and the Congressional Hispanic Caucus—released the following joint statement in opposition to H.J. Res. 57, which would undermine the Department of Education's authority to implement and enforce key provisions of the Every Student Succeeds Act (ESSA):

"H.J. Res. 57, the joint resolution to undermine implementation of the bipartisan Every Student Succeeds Act (ESSA), is another step in the Republican attack on public education and enforcement authority of the Department of Education. First, President Trump nominates a champion of privatization who is unfamiliar and unwilling to enforce key civil rights protections for students. Now, Congressional Republicans are ripping apart regulation to guide implementation of the most important equity provisions of our nation's new K–12 law.

"As leaders of the Congressional Asian Pacific American, Black, and Hispanic Caucuses we fought to couple ESSA's unprecedented state and local flexibility over school accountability and improvement with strong federal protections for our most vulnerable students. Without the stability and clarity provided through regulation, plan development stops, systems halt, and students and teachers lose. While this regulation reflects the consensus of the education and civil rights community, it is within the purview of the new Republican administration to re-examine and amend it as they see fit. However, rather than take this responsible approach to implementing the new law, Republicans have chosen to put politics before students.

"H.J. Res. 57 would leave key provisions of the law completely unregulated indefinitely, leaving state systems that serve our nation's more than 50 million public school students in limbo and important civil rights obligations unfulfilled. Faithful implementation of ESSA must honor both the bipartisan intent of Congress and the longstanding civil rights legacy of the Elementary and Secondary Education Act. This reckless measure flies in the face of both. For these reasons, we firmly oppose H.J. Res. 57."

CONSORTIUM FOR CITIZENS

WITH DISABILITIES,

February 6, 2017.

DEAR REPRESENTATIVE: The co-chairs of the Consortium for Citizens with Disabilities (CCD) Education Task Force, on behalf of the CCD Education Taskforce, write in opposition of H.J. Res. 57 to rescind the accountability regulations under the Every Student Succeeds Act (ESSA).

The CCD Education Task Force advocates for Federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The CCD Task Force sees these principles as critical elements in a society that recognizes and respects the dignity and worth of all its members.

The CCD Ed Task Force believes that the ESSA accountability regulations are critical for meaningful implementation of ESSA. The regulations clarify the statutory language in ESSA, build upon ESSA's flexibility for school improvement and provide a clarified role for families, educators and stakeholders to share in the implementation process. Perhaps, most importantly, the final regulations help assure that States meaningfully develop accountability plans that will create statewide systems to identify schools and districts which need to target funds to intervene and support students not meeting state-determined standards. We view this as critical to helping shine a needed light on the education gap for groups of students, including students with disabilities so they can make important gains and achieve the same education outcomes as their peers.

The passage of ESSA was a successful bipartisan effort to improve education for all students built upon the frame of accountability. To rescind these regulations would not only be a disservice to the spirit of ESSA and diminish the efficacy of the law, but would also serve to undermine the equity of educational opportunity for all students, including students with disabilities.

Should you have any questions, please do not hesitate to contact any of the co-chairs listed below.

Sincerely,

LINDSAY E. JONES,
*National Center for
Learning Disabilities.*

LAURA KALOI,
Council of Parent Attorneys and Advocates.

AMANDA LOWE,
National Disability Rights Network.

KIM MUSHENO,
Association of University Centers on Disability.

CINDY SMITH,
National Assoc. of Councils on Developmental Disabilities.

THE LEADERSHIP CONFERENCE

ON CIVIL AND HUMAN RIGHTS,

February 6, 2017.

Keep ESSA Implementation Moving Forward—Oppose H.J. Res. 57.

DEAR REPRESENTATIVE: On behalf of The Leadership Conference on Civil and Human Rights and the 29 undersigned organizations, we urge you to oppose H.J. Res. 57 and to support continued implementation of the bipartisan Every Student Succeeds Act (ESSA). In order for the latest reauthoriza-

tion of the Elementary and Secondary Education Act of 1965 to fulfill its purpose as a civil rights law and for implementation to comply with the requirements Congress set forth, federal oversight is critical. The underlying accountability and state plan regulation will help states, districts, and schools to faithfully implement the law and meet their legal obligations to historically marginalized groups of students including students of color, students with disabilities, and students who are English learners, immigrants, girls, Native American, LGBTQ or low-income. Congress should reject the effort to overturn these regulations under the Congressional Review Act (CRA) and should preserve critical protections for marginalized students.

Over the course of legislative debate in 2015, Congress reached several compromises which enshrined both meaningful guardrails and state flexibility into the new law. It was these compromises—the allowance of flexibility while still maintaining core principles of fiscal responsibility and protections for marginalized students—which led to the passage of the ESSA. At the core is an offer to states—federal funding in exchange for compliance with requirements regarding accountability, protections for students, and fiscal responsibility. States must not be permitted to take federal funds while flouting the law's mandates. The accountability and state plan regulation provides clarification and timelines which will support the vital role of the U.S. Department of Education in ensuring that states hold up their end of that deal.

The process of soliciting public feedback on potential ESSA regulations began long before a draft rule was even published. On December 22, 2015 the Department of Education issued a request for information and noticed two public meetings, "soliciting advice and recommendations from interested parties prior to publishing proposed regulations." Then, when draft rules were issued more than five months later, the agency received over 21,000 public comments in response to the notice of proposed rulemaking. After considering the voluminous feedback, the Department of Education issued a final rule on November 29, 2016. This robust and transparent engagement process was appropriate and needed—questions regarding the responsible use of federal funds and the need to ensure that every student succeeds generate considerable interest. Support for the CRA and discarding this important regulation diminishes the important time and thought dedicated to this process, and the voices of parents, students, advocates, educators and others who have sought to be heard.

ESSA can and should, "provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps." These lofty objectives, however, require vigilance and oversight by the Department of Education and support from Members of Congress. We urge you to oppose this resolution and to allow for the continued implementation of the law. Should you have any questions, please reach out to Liz King, Leadership Conference Director of Education Policy.

Sincerely,

The Leadership Conference on Civil and Human Rights; Alliance for Excellent Education; Association of University Centers on Disabilities; Children's Defense Fund; Council of Parent Attorneys and Advocates; Democrats for

Education Reform; Disability Rights Education & Defense Fund; Easterseals; The Education Trust; Judge David L. Bazelon Center for Mental Health Law.

League of United Latin American Citizens; MALDEF; NAACP; NAACP Legal Defense and Educational Fund, Inc.; National Association of Councils on Developmental Disabilities; National Center for Learning Disabilities; National Council of La Raza; National Disability Rights Network; National Down Syndrome Congress; National Indian Education Association; National Urban League; National Women's Law Center; New Leaders; PolicyLink; Southeast Asia Resource Action Center (SEARAC); Stand for Children; Teach For America; Teach Plus; TNTIP; UNCF.

THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., DEMOCRATS for EDUCATION REFORM, THE EDUCATION TRUST, THE LEADERSHIP CONFERENCE, NATIONAL CENTER FOR LEARNING DISABILITIES, NATIONAL COUNCIL OF LA RAZA, U.S. CHAMBER OF COMMERCE,

February 6, 2017.

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

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

DEAR SPEAKER RYAN AND LEADER PELOSI: Over the past two years, our organizations have worked together—across lines that often divide us on matters of public policy—to secure provisions in the Every Student Succeeds Act (ESSA) that we all think are vitally important to our nation's future, and ensure those provisions are implemented well in the states. Our common goals include:

State-adopted standards aligned with the demands of postsecondary education and the workforce;

Annual statewide assessment of all students in grades 3-8 and once again in high school, with a strictly limited exception for students with the most significant cognitive disabilities;

Transparent, accessible reporting of data—disaggregated by race, income, disability status, and English proficiency—at the state, district, and school levels, so educators, parents, and students themselves have objective information on where they are on their journey to college and career readiness; and

Statewide accountability systems that include achievement and graduation-rate goals for all groups of students, rate schools in large part on the academic performance of all groups of students, and require action when any group of students consistently underperforms.

The overwhelmingly bipartisan legislation reflects these principles. It grants states broad discretion to design their systems while holding them responsible for working within-federal guardrails to design systems that ensure genuine equity and excellence for all students.

Since ESSA's passage, we have collectively been working in states across the country to equip diverse partners to push for and support the development of state systems focused on equity and improvement.

One important piece of this process is the adoption of regulations, which provide clarity and certainty on both the key principles

of the statute and the processes for implementation.

The U.S. Department of Education finalized those regulations in November. But just as states and state advocates are putting pen to paper on their state plans, you are considering a resolution disapproving of the regulations. This action will cause unnecessary confusion, disrupting the work in states and wasting time that we cannot afford to waste.

Just as we believe the Every Student Succeeds Act incorporates our principles, we believe the regulations do as well. And they provide states with the clarity they need to move forward. We do not support H.J. Res. 57 and we ask you to vote no.

Mr. POLIS. The opposing organizations include Alliance for Excellent Education; Association of University Centers on Disabilities; Children's Defense Fund; Consortium for Citizens with Disabilities; Council of Parent Attorneys and Advocates; Democrats for Education Reform; Easterseals; The Education Trust; League of United Latin American Citizens; Mexican American Legal Defense and Education Fund; NAACP; National Center for Learning Disabilities; National Council of La Raza; National Down Syndrome Congress; National Urban League; National Women's Law Center; Southeast Asia Resource Action Center; Stand for Children; Teach For America; United Negro College Fund. And even, Mr. Speaker, the U.S. Chamber of Commerce has weighed in on this bill to oppose these efforts to strip away the accountability system from our public education.

I also want to point out that I was opposed to the earlier resolution on the floor today, which would unravel the Department of Education's regulation on teacher preparation.

The intent of the teacher preparation program, as was argued here, was to provide more transparency and accountability around the quality of teacher preparation programs.

This Republican quest to abolish accountability for our public schools is exactly the opposite of what I hear from parents and families in my district who want to make sure that we have more transparency and more accountability, not less.

While I think we all can agree that a great education starts with a great teacher, we ought to be able to make sure that teacher preparation programs are charged with adequately preparing teachers and that we have some objective criteria for checking whether teacher preparation programs are doing a good job or doing a poor job.

The regulation also requires that TEACH Grant recipients attend high-performing teacher preparation programs. It is not a matter of picking winners or losers. It is simply a solution towards making sure our limited taxpayer dollars for professional development and teacher training are used effectively. If money is going to be invested in teachers at high-needs schools, we want to make sure that

teachers are attending high-quality programs.

Now we have had a robust debate about the implications of accountability and the real impact it has for States, districts, and students; but I want people to focus on the story of parents and families in their district who benefited from the accountability system that previously existed and is improved upon through the Every Student Succeeds Act.

It walks away from accountability—that is what this CRA does. If this CRA passes, it doesn't just get rid of a particular set of rules around accountability. Everybody might have things they want to change. There is a process for changing those and a new Secretary in place who can certainly begin that process. No, it wouldn't do that.

It would abolish the entire rules and effectively prevent the Secretary from promulgating new rules around accountability, leaving it completely unknown to the States and the school districts what criteria the Federal Government was looking for in improving State-based accountability programs.

Parents like Jacob's wouldn't know if the Federal Government would be there to make sure that school districts had a plan to meet the learning needs of every child.

The reason it is opposed so vociferously by civil rights organizations is none of us would know whether the State accountability plan had a plan to close the achievement gap to make sure that schools can cater to the needs of all kids, regardless of their race or income.

That is what is lacking by passage of this CRA. It would effectively handcuff the Secretary of Education, prevent her from implementing the overwhelming will of this body, Democratic and Republican, to maintain the civil rights and accountability safeguards of No Child Left Behind; by moving away from the one-size-fits-all accountability formula towards increased State flexibility, so long as the basic goal of meeting the learning needs of all students were met by State level plans.

That is at the heart of why we need accountability in the Every Student Succeeds Act. This is why we need guidance from the Department of Education through rules and regulations.

The resolution before us today would completely undermine the civil rights provisions of the Every Student Succeeds Act and would prevent the Department of Education from even considering new rules and regulations to protect the civil rights of Americans across our country.

Those with learning disabilities and those without, parents across the country have banded together to oppose this Congressional Review Act.

I urge my colleagues to reject this attempt to undermine our public

schools and undermine accountability. I oppose this resolution, and I urge a “no” vote.

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

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

The gentleman talks about accountability. I want to reassure all the Members here that will be voting on this joint resolution that we are not throwing accountability out the window.

What we decided last year when we passed the Every Student Succeeds Act is that accountability was a good thing. But the best leaders and the best persons to determine what that accountability should be and what that accountability should look like are found in our States and are found in our local jurisdictions. They know our best assets the best—our best assets being our children. They know what they need.

So we are not throwing accountability out the window. We are saying accountability is to be measured at the State level by the States, by the local jurisdictions, and they are to simply report to the Department of Education what their accountability plan is in a transparent way so that, again, parents, teachers, and taxpayers can decide if that State is doing a good job, so that people like the NAACP—if they are and should be, as we all should be, worried about achievement gaps—could affect how to close those achievement gaps in those respective States and, by the way, perhaps come up with a more effective way, a better plan, a more aggressive plan to close that achievement gap rather than the one-size-fits-all bureaucracy that is the Federal Department of Education. That is the whole point.

Secondly, regarding civil rights. Nothing in this resolution that takes back this draconian rulemaking from the Department of Education affects civil rights. We are very clear in the Every Student Succeeds Act that the civil rights protections remain. We agreed with that in a bipartisan way, and all of that remains. Don't let the gentleman from Colorado scare you into thinking anything different.

There was a lot of talk about uncertainty from previous speakers—uncertainty for States—and that blocking implementation of these regulations will create that uncertainty. Let me address that for just a couple of minutes.

We, Congress, cannot allow Federal agencies to ignore the clear prohibitions against executive overreach. These regulations clearly attempt to reassert Federal control that was returned to the States by Congress under ESSA.

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Repealing these regulations is the only way to give States and school dis-

tricts the certainty that they need with sufficient time to move the implementation process forward. The law itself provides enough guidance. We were very specific how we wrote this law. We were very specific in the requirements needed. That removes the need to have the kind of rulemaking that the Department of Education, either through habit or through direct intent, is trying to do here. We don't need to do it here.

The law itself lays out clear criteria for the State plans. It states explicitly that the onus is on the Department of Education to demonstrate how a plan does not comply with the law that we wrote and that the President signed into law. It does not require, and the States are not required, to go jump through the hoops that the Department is trying to have them jump through now through this rulemaking.

The law also requires the Department to review the State plans with deference to State and local judgments. The Department is trying to take that judgment away from the States and put it under its own umbrella.

Under the law, as long as States can demonstrate that their plans comply with the statute, they will be approved. We wrote that into the law. Because of this, States can have the certainty that the work they began can continue. The Department, with this rule, is trying to unravel all that. The resolution stops the Department from doing that.

I know Congressman COSTELLO mentioned teacher performance. Others have talked about student assessment participation rates. Let me give you a few examples for the record, Mr. Speaker. ESSA allowed States to determine how to hold schools accountable for assessing students. The final rule limits States to only four options for assessing students and requires schools to implement a plan to address low test participation—not required in the law, not part of what we are doing here. The Department, by doing that, is making up law.

Regarding teacher performance and some things that Mr. COSTELLO referenced, ESSA explicitly prohibited the Secretary from mandating the creation of teacher evaluation systems. As the Federal Government, we are getting out of the business of teacher evaluation systems. It didn't mean the States couldn't do it. It didn't mean that most States wouldn't do it. However, the final rule requires States to establish a statewide definition for what an ineffective teacher means that differentiates between categories of teachers.

Now, if you look at this in effect, in practical terms, it would be almost impossible for States to fulfill this requirement without implementing a teacher and school leader evaluation, something the law specifically didn't

require, specifically prohibited. Yet, here we are with the Department's rule basically making States do it. Not what was intended. Not what we wrote. Not what we voted on on the floor of this House, and not what was signed into law by the President of the United States at the time.

So these are the kinds of things that we are fighting against here, Mr. Speaker. These are the kinds of things that H.J. Res. 57, and H.J. Res. 58 for that matter, would stop the Department from doing. H.J. Res. 57 protects the positive reforms Congress made with Every Student Succeeds Act and ensures that those reforms are implemented as Congress intended. In doing so, the resolution preserves State and local control over K-12 education and provides States and school districts the certainty they need to proceed with the plans that they are already in the process of writing.

That is why a number of groups—including the National Governors Association; AASA, the School Superintendents Association; and the Council of the Great City Schools—have spoken out in support of the resolution. It is also why the National School Boards Association supports this resolution, and it is why H.J. Res. 57 is supported by Citizens Against Government Waste.

I am confident that Congress will continue working in a bipartisan manner to empower our State and local communities to take the lead in accountability. By putting a stop to the Obama administration's flawed and overreaching accountability regulation, however, we can keep the promise we made to reduce the Federal role, restore local control, and ensure all children receive the high-quality education that they deserve.

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

Mr. JOHNSON of Georgia. Mr. Speaker, today I rise to voice my strong opposition to H.J. Res. 57, which is another Republican proposal to erode the oversight and enforcement authority of the Department of Education.

In 2015, Congress responded to the voice of the American people by passing the Every Student Succeeds Act (ESSA) with bipartisan and bicameral support. This sweeping rewrite of the Elementary and Secondary Education Act gave states and local boards of education greater flexibility to implement plans to ensure student achievement, resource equity and greater accountability.

I was happy to support the ESSA after seeking the advice of experienced educators and education stakeholders from Rockdale, DeKalb, and Gwinnett Counties, as well as throughout Georgia.

H.J. Res. 57, on the other hand, flies in the face of Congressional intent by gutting a key ESSA rule developed with, and supported by teachers, civil rights organizations, parents and states. H.J. Res. 57 removes civil rights protections and blocks improvements to our

nation's public education system by dismantling data-reporting requirements that ensure that the needs of underperforming groups in all subgroups are adequately supported. This includes African Americans, Latinos, and students with disabilities. The Administration and my Republican colleagues are playing political games that will ultimately harm taxpayers, teachers, and our nation's most disadvantaged students.

During my time in Congress, I have worked to ensure that all students have access to a world-class education regardless of their background or zip code. I believe that all children deserve a quality education and that no child should ever fall between the cracks. I will continue fighting against Republican attempts to divest funding from public education and reduce equal opportunity for all students.

Mr. MITCHELL. Mr. Speaker, I rise in support of House Joint Resolution 57. I am pleased to join Congressman TODD ROKITA as an original cosponsor.

As a parent, I know that success looks different for each child. I frequently hear from parents, teachers, and school boards in my district that with more local flexibility, they can better meet the needs of local students. This is why the Every Student Succeeds Act replaced the one-size-fits-all approach to K-12 education, and gave power back to states and school districts. Unfortunately, the previous administration used executive authority to impose an inflexible accountability system and take away the local voices; voices that are critical in determining how schools should be held accountable. Local schools, teachers, and parents, not Washington bureaucrats, know best what success looks like.

Mr. Speaker, let's return authority where it belongs—with teachers, schools, and school districts.

Success and accountability should be about meeting students' needs, not Washington's mandates. I urge my colleagues to support passage of House Joint Resolution 57.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to H.J. Res. 57, the CRA Resolution for Disapproval of the Rule Submitted by the Department of Education Relating to Accountability and State Plans under the Elementary and Secondary Education Act of 1965 (ESEA).

I oppose this legislation because the regulation Republicans seek to rescind is intended to reduce educational opportunities in student achievement, quality of instruction, college readiness and other important outcomes.

ESEA, the national education law, represents a longstanding commitment to equal opportunity for all students.

ESEA authorizes state-run programs for eligible schools and districts eager to raise the academic achievement of struggling learners and address the complex challenges that arise for students who live with disability, mobility problems, learning difficulties, poverty, or transience, or who need to learn English.

The original goal of the law, which remains today, was to improve educational equity for students from lower-income families by providing federal funds to school districts serving poor students.

Typically, these school districts receive less state and local funding than those serving more affluent children.

Local property taxes are typically the primary funding source for schools, and property values are much lower in poorer areas, making the funds critical to children demonstrating greater educational need.

ESEA is the single largest source of federal spending on elementary and secondary education.

ESEA demands accountability in state plans addressing deficiencies in high needs educational policy in return for the taxpayer dollars.

Because of this regulation states and districts must now show that they are working to meet the needs and providing a quality education to all of their students.

When education policy folks talk about accountability, this is what they mean.

Recognizing the continuing vital need for this landmark legislation, the 50-year-old Elementary and Secondary Education Act of 1965 was reauthorized as the Every Student Succeeds Act, with strong bipartisan majorities and it was signed by President Obama on December 10, 2015.

The joint resolution before us today, would nullify the rule finalized by the Department of Education on November 29, 2016, relating to accountability and state plans under the Elementary and Secondary Education Act of 1965.

H.J. Res. 57 is the latest Republican attempt to dismantle the oversight and enforcement authority of the Department of Education and undermine public education.

Thus far:

The Trump Administration nominated Betsy DeVos, a candidate for Secretary of Education with no practical education experience who pledges to redirect \$20 billion in federal funding to private school voucher programs;

Administration sources leaked plans to eliminate the Under Secretary position and outsource higher education policy to a task force headed by the controversial Jerry Falwell, Jr., the President of Liberty University; The Department removed all Every Student Succeeds Act technical assistance resources to the states from the public domain; and

Republicans have filed two joint resolutions of disapproval to block and prevent re-regulation of key equity protections for students and educators—this bill and H.J. Res. 58, the Congressional Review Act (CRA) Resolution for Disapproval of the Rule Submitted by the Department of Education Relating to Teacher Preparation Issues.

Mr. Speaker, current education law and policy builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country.

Today, high school graduation rates are at all-time highs:

Graduation rate of U.S. public high schools: 83.2 percent for the 2014–15 school year, an all-time high; pre-Obama: 75 percent

By race and ethnicity:

African Americans: 73 percent; pre-Obama: 61 percent

Hispanics: 76 percent; pre-Obama: 64 percent

Whites: 87 percent; pre-Obama: 81 percent

American Indian/Alaska Native: 70 percent; pre-Obama: 64 percent

Asian/Pacific Islander: 89 percent; pre-Obama: 91 percent

Dropout rates are at historic lows.

And more students are going to college than ever before.

These achievements provide a firm foundation for further work to expand educational opportunity and improve student outcomes under ESSA.

ESSA includes provisions that will help to ensure success for students and schools. Below are just a few benefits provided by the ESSA:

1) Advances equity by upholding critical protections for America's disadvantaged and high-need students.

2) Require—for the first time, that all students in America be taught to high academic standards that will prepare them to succeed in college and careers.

3) Ensures that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students' progress toward those high standards.

4) Helps to support and grow local innovation including evidence-based and place-based interventions developed by local leaders and educator, consistent with our Investing in Innovation and Promise Neighborhoods.

5) Sustains and expands this administration's historic investments in increasing access to high-quality preschool.

6) Maintains an expectation that there will be accountability, and action to effect positive change in our lowest-performing schools, where groups of students are not making progress, and where graduation rates are low over extended periods of time.

The Elementary and Secondary Education Act (ESEA) passed as a cornerstone of President Lyndon B. Johnson's War on Poverty was signed into law on April 9, 1965.

This law brought education into the forefront of the national assault on poverty and represented a landmark commitment to equal access to quality education.

The ESEA is a comprehensive statute that funds primary and secondary education, emphasizing high standards and accountability.

As mandated in the Act, funds are authorized for professional development, instructional materials, resources to support educational programs, and the promotion of parental involvement.

The government has reauthorized the Act every five years since its enactment.

President Johnson believed that full educational opportunity should be our first national goal.

From its inception, ESEA was a civil rights law.

ESEA offered new grants to districts serving low-income students, federal grants for textbooks and library books, funding for special education centers, and scholarships for low-income college students.

Additionally, the law provided federal grants to state educational agencies to improve the quality of elementary and secondary education.

The previous version of the law, the No Child Left Behind (NCLB) Act, was enacted in 2002.

NCLB represented a significant step forward for our nation's children in many respects, particularly as it shined a light on where students

were making progress and where they needed additional support, regardless of race, income, zip code, disability, home language, or background.

NCLB put in place measures that exposed achievement gaps among traditionally underserved students and their peers and spurred an important national dialogue on education improvement.

This focus on accountability has been critical in ensuring a quality education for all children, yet also revealed challenges in the effective implementation of this goal.

The law was scheduled for revision in 2007, and, over time, NCLB's prescriptive requirements became increasingly unworkable for schools and educators.

Parents, educators, and elected officials across the country recognized that a strong, updated law was necessary to expand opportunity to all students; support schools, teachers, and principals; and to strengthen our education system and economy.

Recognizing this fact, in 2010, the Obama Administration joined a call from educators and families to create a better law that focused on the clear goal of fully preparing all students for success in college and careers.

Congress has responded to that call allowing the Every Student Succeeds Act to reflect many of the priorities previously debated.

Additionally, in 2012, the Obama Administration began granting flexibility to states regarding specific requirements of NCLB in exchange for rigorous and comprehensive state-developed plans designed to close achievement gaps, increase equity, improve the quality of instruction, and increase outcomes for all students.

The law today, offers flexibility to states from some of the previously more cumbersome provisions.

In order to qualify for this flexibility, states have to demonstrate that they have adopted college and career-ready standards and assessments, implemented school accountability systems that focused on the lowest-performing schools and those with the largest achievement gaps, and ensured that districts were implementing teacher and principal evaluation and support systems.

These efforts should not be compromised.

H.J. Res. 57 however, puts politics before America's 50 million public school students.

It takes an axe to a consensus-driven ESSA rule that was developed with, and supported by, the broader education community, including states, districts, civil rights groups, parents, and teachers.

Republicans want blanket deregulation of federal education programs in an attempt to stall implementation of equity-focused provisions and allow states and districts the ultimate flexibility to ignore laws and federal requirements intended to protect disadvantaged students.

The CRA has been used only once in Congress' history.

Using it to block regulatory action to support and improve public education is extreme and a gross abuse of power.

Resolutions introduced by Republicans in the last week, including H.J. Res. 57, set a dangerous precedent by permanently undermining the Department of Education and all federal agencies.

ESSA was passed in December of 2015 with overwhelming bipartisan and bicameral support, and H.J. Res. 57 is a political power play that would undo enforcement of key equity protections in this bipartisan civil rights law.

States are currently drafting plans to implement this very regulation.

ESSA affords states and districts unprecedented flexibility.

H.J. Res. 57 would pull the rug out from under states and districts that are working hard to ensure the civil rights legacy of the law, leaving them without the clarity and direction needed to fully use new flexibilities and meet federal requirements.

H.J. Res. 57 strikes at the heart of ESSA. Blocking implementation and reregulation of ESSA's core requirements in accountability, state plans, and data and reporting will leave States in limbo and jeopardize protections for vulnerable students that Democrats championed in reauthorization.

If unhappy with the final rule, the Trump Administration should use administrative tools at its disposal to amend and revise the regulation.

Use of CRA is a political gimmick that harms students, teachers, and taxpayers.

I urge you to oppose this Republican scare tactic of a bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 91, the previous question is ordered on the joint resolution.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Passage of H.J. Res. 44; passage of H.J. Res. 57; and passage of H.J. Res. 58.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF THE INTERIOR RELATING TO BUREAU OF LAND MANAGEMENT REGULATIONS

The SPEAKER pro tempore. The unfinished business is the vote on passage

of the joint resolution (H.J. Res. 44) disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 234, nays 186, not voting 12, as follows:

[Roll No. 83]

YEAS—234

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

Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg

Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Williams
Wilson (SC)

Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—186

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

NOT VOTING—12

Frankel (FL)
Johnson (GA)
Mulvaney
Poe (TX)

Price, Tom (GA)
Rush
Sires
Smith (WA)

Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halloran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson

Ms. WILSON of Florida. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 83.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO ACCOUNTABILITY AND STATE PLANS

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 190, not voting 8, as follows:

[Roll No. 84]

YEAS—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson

Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam

Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry

NAYS—190

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

Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larsen (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebach
Lofgren
Lowenthal
Lowey
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meehan
Meng
Moore
Moulton
Murphy (FL)
Nadler

Messrs. GOTTHEIMER, RUPPERSBERGER, and BROWN of Maryland changed their vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

□ 1657

NOT VOTING—8

Meeks Price, Tom (GA) Smith (WA)
 Mulvaney Rush Zinke
 Poe (TX) Sires

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1703

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUB- MITTED BY DEPARTMENT OF EDUCATION RELATING TO TEACHER PREPARATION ISSUES

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 181, not voting 11, as follows:

[Roll No. 85]

YEAS—240

Abraham Collins (NY) Granger
 Aderholt Comer Graves (GA)
 Allen Comstock Graves (LA)
 Amash Conaway Graves (MO)
 Amodei Cook Griffith
 Arrington Costello (PA) Grothman
 Babin Cramer Guthrie
 Bacon Crawford Harper
 Banks (IN) Culberson Harris
 Barletta Curbelo (FL) Hartzler
 Barr Davidson Heck
 Barton Davis, Rodney Hensarling
 Bergman Denham Herrera Beutler
 Biggs Dent Hice, Jody B.
 Bilirakis DeSantis Higgins (LA)
 Bishop (MI) DesJarlais Hill
 Bishop (UT) Diaz-Balart Holding
 Black Donovan Hollingsworth
 Blackburn Duffy Hudson
 Blum Duncan (SC) Huizenga
 Bost Duncan (TN) Hultgren
 Brady (TX) Dunn Hunter
 Brat Emmer Hurd
 Bridenstine Farenthold Issa
 Brooks (AL) Faso Jenkins (KS)
 Brooks (IN) Ferguson Jenkins (WV)
 Buchanan Fitzpatrick Johnson (LA)
 Buck Fleischmann Johnson (OH)
 Bucshon Flores Johnson, Sam
 Budd Fortenberry Jones
 Burgess Foxx Jordan
 Byrne Franks (AZ) Joyce (OH)
 Calvert Frelinghuysen Katko
 Carter (GA) Gaetz Kelly (MS)
 Carter (TX) Gallagher Kelly (PA)
 Chabot Garrett King (IA)
 Chaffetz Gibbs King (NY)
 Cheney Gohmert Kinzinger
 Coffman Goodlatte Knight
 Cole Gosar Kustoff (TN)
 Collins (GA) Gowdy Labrador

LaHood
 LaMalfa
 Lamborn
 Lance
 Latta
 Lewis (MN)
 LoBiondo
 Long
 Loudermilk
 Love
 Lucas
 Luetkemeyer
 MacArthur
 Marchant
 Marino
 Marshall
 Massie
 Mast
 McCarthy
 McCaul
 McClintock
 McHenry
 McKinley
 McMorris
 Rodgers
 McSally
 Meadows
 Meehan
 Messer
 Mitchell
 Moolenaar
 Mooney (WV)
 Mullin
 Murphy (FL)
 Murphy (PA)
 Newhouse
 Noem
 Nunes
 O'Halleran
 Olson

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

NAYS—181

Dingell
 Doggett
 Doyle, Michael
 F.
 Ellison
 Engel
 Eshoo
 Españillat
 Esty
 Evans
 Foster
 Frankel (FL)
 Fudge
 Gabbard
 Gallego
 Garamendi
 Gonzalez (TX)
 Gottheimer
 Green, Al
 Green, Gene
 Grijalva
 Hanabusa
 Hastings
 Himes
 Hoyer
 Huffman
 Jackson Lee
 Jayapal
 Jeffries
 Johnson (GA)
 Kaptur
 Keating
 Kelly (IL)
 Kennedy
 Khanna
 Kihuen
 Kildee
 Kilmer
 Kind
 Krishnamoorthi
 Kuster (NH)
 Lawrence
 Lawson (FL)
 Lee
 Levin
 Lewis (GA)
 Lieu, Ted
 Lipinski
 Loebsack
 Lofgren

Shea-Porter
 Sherman
 Slaughter
 Soto
 Speier
 Suozzi
 Swalwell (CA)
 Takano
 Thompson (CA)

Thompson (MS)
 Titus
 Tonko
 Torres
 Tsongas
 Vargas
 Veasey
 Vela
 Velázquez

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

NOT VOTING—11

Gutiérrez
 Higgins (NY)
 Johnson, E. B.
 Mulvaney

Poe (TX)
 Price, Tom (GA)
 Rush
 Scott, David

Sires
 Smith (WA)
 Zinke

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1710

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SMITH of Washington. Mr. Speaker, on Monday, February 6 and Tuesday, February 7, 2017, I was unable to return to Washington, DC for recorded votes due to inclement weather at home in the Puget Sound region. Had I been present, I would have voted:

“Yes” on rollcall vote No. 79 (on the motion to suspend the rules and pass H.R. 689).

“Yes” on rollcall vote No. 80 (on the motion to suspend the rules and pass H.R. 337).

“No” on rollcall vote No. 81 (on ordering the previous question on H.Res. 91).

“No” on rollcall vote No. 82 (on agreeing to the resolution H.Res. 91).

“No” on rollcall vote No. 83 (on passage of H.J.Res. 44).

“No” on rollcall vote No. 84 (on passage of H.J.Res. 57).

“No” on rollcall vote No. 85 (on passage of H.J.Res. 58).

ADJOURNMENT FROM TUESDAY, FEBRUARY 7, 2017 TO THURSDAY, FEBRUARY 9, 2017; AND AD- JOURNMENT FROM THURSDAY, FEBRUARY 9, 2017, TO MONDAY, FEBRUARY 13, 2017

Mr. COLE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2:30 p.m. on Thursday, February 9, 2017; and further, when the House adjourns on that day, it adjourn to meet on Monday, February 13, 2017, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 428, RED RIVER GRADIENT BOUNDARY SURVEY ACT, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 42, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO DRUG TESTING OF UNEMPLOYMENT COMPENSATION APPLICANTS

Mr. COLE, from the Committee on Rules, submitted a privileged report (Rept. No. 115-10) on the resolution (H. Res. 99) providing for consideration of the bill (H.R. 428) to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes, and providing for consideration of the joint resolution (H.J. Res. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, which was referred to the House Calendar and ordered to be printed.

RANKING A CERTAIN MEMBER OF A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 98

Resolved, That the following named Member be and is hereby ranked as follows on the following standing committee of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Mr. Higgins of New York (to rank immediately after Mr. Jeffries).

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1715

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. COMER) laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

FEBRUARY 7, 2017.

Hon. PAUL D. RYAN,
Speaker of the House, U.S. Capitol,
Washington, DC.

DEAR SPEAKER RYAN: Pursuant to section 4(b) of House Resolution 5, 115th Congress, I am pleased to reappoint The Honorable James P. McGovern of Massachusetts as Co-Chair of the Tom Lantos Human Rights Commission.

Thank you for your attention to this appointment.

Best regards,

NANCY PELOSI,
Democratic Leader.

CONGRATULATING THE NEW ENGLAND PATRIOTS

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

Mr. POLIQUIN. Mr. Speaker, 2 years ago, right here, I congratulated our New England Patriots on winning their fourth Super Bowl championship. Today I am proud to share the excitement of my fellow Mainers to congratulate our Patriots on capturing their fifth world championship.

Mr. Speaker, on Sunday night, more than 100 million football fans from around the world witnessed the greatest comeback in Super Bowl history. Against an outstanding Atlanta Falcons team, our mighty Patriots battled back from 25 points down with only 17 minutes left to play.

Now, our Patriots, Mr. Speaker, showed the world what can be achieved if you work together and you never give up. We in Congress, all of us, can learn from that example.

Coach Belichick, you have earned your place in history as the greatest coach in NFL history. And co-captain Brady, you, sir, have earned your place as the greatest quarterback of all time.

Mr. Speaker, Maine is so proud of all of our New England Patriots, and I humbly congratulate them. I will see everybody on this team at the White House this spring.

NATIONAL SCHOOL COUNSELING WEEK

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

Mr. LANGEVIN. Mr. Speaker, in recognition of National School Counseling Week and in honor of the many dedicated school counselors in Rhode Island and across the Nation, every day, school counselors are out on the front lines helping our students navigate their educational and career pathways. They provided advice and support during the most formative years of students' lives, helping them develop the skills to succeed in school, in the workforce, and in life.

Unfortunately, in too many schools across the country, students do not have access to school counselors and counselors do not have the resources they need to do their jobs.

Mr. Speaker, it is Congress' responsibility to provide schools and counselors with the funding that they need to properly educate and guide our Nation's youth.

In recognition of National School Counseling Week, I ask my colleagues to join me in renewing our promise to fulfill that responsibility. Our students, Mr. Speaker, are depending on us.

SERVING THE NEEDS OF VETERANS WITH SNAP

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to speak on behalf of the veterans that have made incredible sacrifices for our country. Our Nation must ensure that they have access to resources that they need to be successful in civilian life. This certainly includes access to nutritious food.

Out of the 22 million veterans in the United States, about 1.7 million are in households that currently participate in the Supplemental Nutrition Assistance Program, or SNAP. Approximately 46 percent of our veterans are senior citizens, including those who served in World War II, Korea, or Vietnam.

Veterans of all ages may also have widely varying levels of disabilities or limitations. Veteran advocacy groups are focused on obtaining a veteran's earned benefits. Often veterans are not connected to SNAP right away and they should be.

As the Agriculture Committee prepares to reauthorize SNAP, we must remain vigilant in our dedication to serve those who have given so much in defense of our Nation. SNAP cannot solve all of the challenges a veteran faces, but it can be a vital component of serving eligible veterans once they return home.

REDUCTION IN STUDENT LOANS FOR STEM MAJORS

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

Mr. SOTO. Mr. Speaker, here in America, we are changing the world with our ingenuity and technological advances.

It is our creative and innovative spirit that allows us to continue to be a leader in the world economy and raise the quality of life of the human race. We know that jobs of the present and the future will require many new students and retrained workers to pursue STEM degrees—those in science, technology, engineering, and math.

While many politicians have talked a good game about encouraging students to pursue these degrees, it is time to put our money where our mouth is. Today I introduced the ASPIRE Act, H.R. 926, the American Science Principal and Interest Reduction and Employment Act. This act would grant a 25 percent reduction in student loans for any student who graduates with a STEM major.

According to the Federal Bureau of Labor Statistics, one million new STEM jobs are projected to come online between 2012 to 2022, for a total of

9 million, 13 percent growth over the decade. This means we must act now to meet these needs, and I encourage all of you to cosponsor this important legislation.

It is time to create real incentives to encourage our students to aspire to new heights and create the jobs of tomorrow today.

EDUCATION REFORM

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

Mr. ALLEN. Mr. Speaker, back in 2015, Congress passed one of the most significant education reform legislation in decades. Even more impressive than repealing No Child Left Behind, scaling back the role of the Secretary of Education and restoring authority back to the States and local school districts was the fact that this legislation was bipartisan, bicameral, and signed into law by President Obama.

But even so, this couldn't exempt our States and schools from the watchful eyes of Washington. President Obama's Department of Education unsurprisingly went over the line by expanding his authority, a role that Congress clearly did not allow for in the law.

That is why today I am delighted to see the House pass H.J. Res. 57 because we have to make the Department of Education follow the law as it was intended by Congress. The Every Student Succeeds Act was written to stop Federal micromanagement of our schools, and Congress is ensuring that that happens. For the last time, Washington bureaucrats do not belong in the classroom.

TRUMP SIDES WITH RUSSIA IN COMMENTS ON UKRAINE

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

Ms. KAPTUR. Mr. Speaker, I rise today regarding President Trump's strange admiration for Russia's President Vladimir Putin. Our President seems to side with Russia over Ukraine and is defaulting to tyranny over liberty.

Despite ample evidence from our defense community and European allies, President Trump still casts doubt on whether Moscow is backing Russian forces who have killed over 10,000 innocent Ukrainians and who recently killed at least eight more Ukrainian soldiers and 40 civilians and turned off water and electricity in the invaded region.

When Bill O'Reilly asked our President if he respected Putin, a known killer, the President replied: "There are a lot of killers. You think our country's so innocent?"

The President equates Mr. Putin's actions with those of our country. It is not the first time this has happened.

Every time President Trump says something Putin likes, it is broadcast on Kremlin-owned propaganda machines like RT. This is a dangerous threat to liberty.

President Trump openly admires and appeases Putin, whose tenure is known for human rights abuses, brutal suppression of political dissent, and mysterious deaths of journalists and political opponents, like Vladimir Kara-Murza who wrote a letter critical of Putin to the Senate Foreign Relations Committee regarding the nomination of Secretary Tillerson. Last Thursday, while in Moscow, he fell into a life-threatening coma believed to be caused by an unknown poison.

Mr. Speaker, we cannot continue to normalize what President Trump is doing. We cannot afford to take our country back to an era of unchecked Russian aggression.

We need freedom. That is what is at stake.

I include in the RECORD a February 6, 2017, article by Julie Hirschfeld Davis.

[Feb. 6, 2017]

TRUMP SEEMS TO SIDE WITH RUSSIA IN COMMENTS ON UKRAINE

(By Julie Hirschfeld Davis)

WASHINGTON.—President Trump cast doubt on whether Moscow is backing separatists engaged in the recent escalation of fighting in eastern Ukraine, appearing to side with President Vladimir V. Putin of Russia, who has long denied involvement in the conflict despite evidence to the contrary.

Mr. Trump said he did not take offense at the outbreak of a lethal bout of fighting in Ukraine that came within a day of a phone conversation he had with Mr. Putin, saying of the recent clashes, "we don't really know exactly what that is."

"They're pro-forces," Mr. Trump said of the Ukrainian separatists in an interview that aired on Monday on "The O'Reilly Factor," on Fox News. "We don't know, are they uncontrollable? Are they uncontrolled? That happens also. We're going to find out; I would be surprised, but we'll see."

Mr. Trump's comments were the latest indication that his desire for warmer relations with Russia may be coloring his view of the conflict in Ukraine, which pits the country's military—trained and equipped in part by the United States Army—against Russian-backed separatists. Moscow has denied involvement in the three-year conflict, despite evidence that it has provided equipment and fighters to support separatist forces in eastern Ukraine.

The president's push for a friendlier relationship with Mr. Putin has alarmed Ukrainian officials, who fear that the pressure former President Barack Obama applied on Russia to withdraw its unacknowledged military forces from eastern Ukraine will wane.

A telephone call Mr. Trump held on Saturday with President Petro O. Poroshenko of Ukraine raised further questions about his position on the conflict and his administration's commitment to maintaining sanctions against Russia for the annexation of Crimea.

In an official account of the call, Mr. Trump had said he was willing to work with Kiev and Moscow to resolve the conflict. But the statement referred to helping to "restore peace along the border," while the violence has been playing out inside eastern Ukraine.

UF HEALTH SHANDS HOSPITAL PEDIATRIC HEART TRANSPLANT PROGRAM

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

Mr. YOHO. Mr. Speaker, I rise today to recognize the University of Florida's UF Health Shands Hospital pediatric heart transplant program for being named one of the best in the Nation. According to the Scientific Registry of Transplant Recipients, this unit has had zero pediatric heart transplant deaths in the last 2½ years.

Since 2006, the UF Health Shands Transplant Center has performed a total of 120 pediatric heart and lung transplants, making it one of the most active pediatric heart transplant programs in the Southeast. In fact, in the last year, U.S. News and World Report named UF Health number one in the State and fourth in the Nation for pediatric heart surgeries and cardiology. This recognition speaks volumes about the level of care shown by the physicians and their teams at UF Health, and I look forward to watching them continue to be a leader in patient care and innovation in the coming years.

I must end with Go Gators.

PULL THE MUSLIM BAN DOWN

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

Ms. JACKSON LEE. Mr. Speaker, let me again repeat my concern, when the United States is compared to the thuggish behavior of Russian leadership, the attempt to poison individuals who are activists and opponents to that kind of oppression.

But I want to speak today to what is impacting our neighbors, Mr. Speaker, and that is the executive order that has been issued by the President of the United States. I want to dispel any myth that Members of this body who oppose the executive order are against security for this Nation.

I am a years'-long member of the Homeland Security Committee, the Transportation Security Committee, the Border Security Committee, and work hard to write a stiff border security bill. But, frankly, this is a Muslim ban, and when a 17-year-old, 16-year-old from my community, from Jordan, was stopped and held for 48 hours and shipped to Chicago, that is a Muslim ban.

What I say to those who have executed it is that you have to realize that the order that you tried to copy from President Obama was not the same. It was stringent review; it was not rejection. You are rejecting Muslims and allowing others.

As a Christian, I know that Christians are not being subjected to the same kind of scrutiny. This is a Muslim ban. I ask the White House, as we

go to court this evening: Why don't you reconsider and pull that Muslim ban down?

□ 1730

WHAT HAS WASHINGTON DONE TO YOU?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, well, let's see, I got a phone call from my district—one of several dozen today—and they all are kind of about the same thing: What is going on in Washington? What are they doing in Washington? What is happening? What is happening with ObamaCare, the Affordable Care Act? What are they going to do about this wall? People are concerned. People want to know what is happening in Washington.

I suspect a good many of us are trying to figure out what the next steps are. It seems like every other moment something new is erupting from the White House, another tweet or another executive order, and we have had a lot of them. And so what I want to do today is to kind of go back and take a look at what has transpired over these last 2½ weeks. What has happened in Washington these last 2½ weeks?

Besides a lot of confusion, angst, and concern, some very, very important things are happening, and here is my take on it. I am going to kind of put a title on today, and I am going to say: What has Washington done to you, not for you. What has Washington done to you?

Let's start with the very first day that President Trump was inaugurated. Well, it was all about the Affordable Care Act, otherwise known as ObamaCare. So he set out to begin the repeal of ObamaCare, or the Affordable Care Act.

Oh, by the way, they are one and the same. It depends which way you are looking at this thing, but the repeal of the Affordable Care Act has dire consequences on Americans.

Some 30 million Americans could be affected, according to the Congressional Budget Office, or in my State, we are looking at maybe 5 million people could lose their health coverage, their insurance, as a result of that. There is \$16 billion that immediately flows to the State of California for the expansion of the Medicaid, Medi-Cal program in California. That would be gone. And those people that are on that program would simply not be able to get care.

It goes beyond just those who are in the exchanges. The exchange in California is working quite well. Maybe a 1½ million people in California are cov-

ered through the exchange, and they have options in most every part of the State.

In my part of the State, there are some shortcomings because services are not readily available, but there are 34 clinics managed by nine organizations that provide medical services in my district. Every one of those clinics rely upon ObamaCare, or the Affordable Care Act, for the services that they render. If the Affordable Care Act disappears, we repeal ObamaCare, those clinics are out of business.

And what does that mean? It means that thousands, literally hundreds of thousands of people in my district would no longer be receiving medical services through the clinics, through the Affordable Care Act's expansion, or through the Medi-Cal program. This is serious business.

There is another piece to this, and I would like to put up some charts on that, but let's just go back and quickly review the benefits. The benefits are:

5.1 million seniors receive savings on prescription drugs. You know that famous drug doughnut hole; it has almost disappeared as the result of the ObamaCare Affordable Care Act.

32.5 million seniors receive free annual preventions, health checkups, every year. What does that mean? It means their blood pressure is checked out, their potential for diabetes, for other chronic illnesses, and they get the medicine for diabetes. They get better health care, and the cost of Medicare is reduced.

Also, it strengthens consumer protections for seniors in Medicare part D, and at least 85 percent of Medicare Advantage Plans' revenues go back towards providing senior services. That is just for seniors.

So there are many, many benefits in the Affordable Care Act beyond just those that are getting new insurance policies. It is a big deal for seniors. They are able to get an annual check-up. They are able to get their drugs much cheaper, able to provide them with the necessary pieces of it.

One of the very first acts that has been taken up here by Congress is the budget resolution passed by both Houses. It is now in effect, the first budget resolution, and that budget resolution tells the Budget Committee and the Ways and Means Committee: Repeal the taxes that are associated with the Affordable Care Act. It is a lot of money, somewhere between \$700 million and \$1 trillion of tax cuts directly associated with the repeal of the Affordable Care Act, ObamaCare.

Who gets the benefit of those tax reductions? Well, the top 1 percent would receive some 70 percent of the benefit.

What does that amount to? Well, it amounts to—did I say 1 percent? The top one-tenth of 1 percent would receive the great majority of the benefit, or \$200,000 tax reduction for the super-

superwealthy. The rest of them, the top 1 percent, get 57 percent of that \$700 billion, and that is over a 10-year period. And everyone else, that would be the other 99 percent, will share in a much smaller portion, the remaining 43 percent.

For an average family, it probably amounts to maybe a tax reduction of \$160. However, those are the people that are able to get their insurance through the exchanges, and so they are getting a really bad deal because the average exchange, for example, in California, is somewhere over \$2,500.

So this is the tax repeal. It is a massive tax cut for the super-super-wealthy.

It turns out that to pay for the Affordable Care Act, a very progressive tax was put in place, and it does provide benefits for those who are uninsured, the Medicaid population across the Nation, as well as providing the buy-down of the insurance policies that are available through the various exchanges.

Keep in mind, when people talk about repealing the Affordable Care Act taxes, what they are talking about is a massive redistribution of wealth in this Nation and a furtherance of this income inequality that has been such a problem in our society and in our economy.

So the repeal of the Affordable Care Act does many, many things, most of which would be quite a problem for working men and women, for the seniors, for the elderly.

I didn't mention here that a good portion of that Medicaid population goes to provide long-term care in nursing homes for seniors who are not wealthy. I don't have the exact percentage, but some people say it is 50, 60 percent of Medicaid benefits across the Nation wind up providing services in the long-term care facilities.

Is that important to seniors? Oh, yeah.

Is it important for children of seniors, you know, those people that are in their forties and fifties whose parents are in their seventies and eighties? They are deeply concerned about this particular issue of the Medicaid expansion being eliminated by a repeal of the Affordable Care Act, and then they wind up in a situation of having to take care of Mom and Dad, trying to figure out how to do it on their insufficient income.

So we need to understand that the very first act undertaken by the President was to set in motion a very serious rejiggering, a reoperation of the entire healthcare system in this Nation, so much so that the standard insurance companies that provide policies to the great majority of Americans are going: Whoa, wait a minute. You eliminate the Affordable Care Act, ObamaCare, and we don't know how to price in the marketplace for the coming year.

Right now, those insurance companies are in the process of figuring out what their policies are going to be, how they would price them.

One of the things the Affordable Care Act does is to provide an opportunity for those that have preexisting conditions, serious healthcare problems, for those people to be able to get insurance; therefore, the risk is spread. Now, if the Affordable Care Act disappears, would this be part of the replacement? We don't know.

Our colleagues on the Republican side keep talking about repeal and replace. We don't have a replacement plan yet, but what we do have is a probability of a massive tax cut for the very wealthy. We are also looking at chaos in the insurance system.

So let's be aware of what is going on in Washington when we talk about repeal and replace and when you talk about ObamaCare—which, by the way, is also known as the Affordable Care Act.

I have, today, some of my colleagues joining us. I notice that two of them are here. We could go alphabetically, in which case—well, let me see, P-Q-R. That means PANETTA comes first.

My new colleague from the Monterey Bay area of California will join us here. He wants to talk about some of these issues that confront Americans and explain to all of us what this Congress and what the President is doing to Americans.

I welcome Mr. PANETTA to his very first Special Order hour that I have been able to work with him. I know you have spoken on the floor before, and we look forward to your comments tonight. I thank the gentleman very much for joining us.

I yield to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I thank the gentleman from California, and I rise today to oppose President Trump's anti-immigrant executive orders and to share with you why I feel these orders harm the people across my district and, ultimately, across our Nation.

I am here because my grandfather came here as an Italian immigrant back in 1921. He told us that the reason he came here was to give his children a better life, and he wanted a chance to achieve what I think we all know to be the American Dream.

I am here in front of you living the reality of that dream. And that is why I strive every day as best as I can to give back to my country and community here in Washington, D.C., and especially on the central coast of California.

I do that not only because of my grandfather, but because it was our forefathers that made it clear that this is a nation, this is a country based on "We the People." And so to me, being in this country, being American, means that all of us bear the burden to serve

one another and to welcome those—especially those—who are willing to come here and share in that responsibility. I believe that we should embrace them. I believe that we should embolden them with the opportunities to share in that American Dream.

We know that the world looks to the United States for enlightened leadership, but these ill-advised actions send a wrong message about our values as a nation. We are a nation of immigrants. We are stronger because of our diversity and because of the people who have taken the risks to come here just as my grandfather did, to live here and to contribute to our country and our communities.

On the central coast of California, that is the heart and soul of that area. I see hardworking men and women who have come to this country to live in it and contribute to it. The two main industries there on the central coast are agriculture and tourism—big industries.

There are people, workers, owners who contribute greatly not only to those industries, but to our communities, and they are our neighbors, our friends, our families, our children. They sit next to my two daughters and play with them at school. Clearly, without them, my community would be a shell of its former self.

I hear the pain in their voices because they feel that this administration's executive order targets them and makes them feel unwelcome. I see that these types of executive orders drive a wedge in our country, and it drives them further away from participating in our community.

Before I was sworn in on January 3 of this year, I was a prosecutor; and for the 5½ years that I was there at the Monterey County District Attorney's Office, I prosecuted gang crimes. That kind of prosecution, as you can imagine, as you know well, it can be very difficult to have witnesses come forward and participate in one of the cornerstones of our country: our criminal justice system. They are intimidated. They are worried about retribution and retaliation.

Yet now, from what I have heard, they are worried not just about criminals; they are worried about the government, the government cracking down on them if they came forward, cracking down on them and sending them back to where they came from. These executive orders discourage participation in our community. Instead, as a nation, we should encourage people to step up, to step forward, and to be a part of our criminal justice system.

Last weekend, I met with community members and I heard directly from them about their concerns, and this weekend, I am doing it again. I am holding a townhall to continue this conversation.

□ 1745

I believe it is our responsibility to listen to all of our community members and consider the implications of these types of executive orders and the implications that they have on all of our constituents.

When the President of the United States was sworn in, he took an oath to protect all members of our Nation by supporting and defending our Constitution. As a Member of Congress, I took an oath to support and defend that very same Constitution. Rest assured, I will honor that oath, and I will honor the oath to my grandfather and to this country by fighting and resisting unconstitutional orders from this or any other President.

Mr. GARAMENDI. Mr. PANETTA, thank you so very much for joining us this evening. Thank you for your statement of your life and your family's work. We know your father, Leon has been a dear friend of mine and most of us here in the House. You're going to really be a tremendous addition to this House. Your experience as a prosecutor and in local government and county government positions you very well to bring the message.

Certainly, the Salinas Valley is one in which immigrants are the history, and they are the reality of today. Thank you so very much for watching out for them, for your passion, and for your extraordinary background in making all of us aware of what happens when sanctuary cities, immigration laws, and others are just tossed around without much thought about what the impact is in the community and to families, as well as to the economy of the community. I appreciate that and hope you will come back and join us on another Special Order.

From the other side of the country, we have Mr. RASKIN, another new Member of the House of Representatives. Welcome. You have a fascinating background, and I look forward to your comments today.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Thank you so much, Mr. GARAMENDI. Thank you for convening us to talk about the first month of the Trump administration. The attacks on our Constitution, our Bill of Rights, and the rule of law are coming fast and furious, so it is hard to collect all of them, and I appreciate the effort to try to inventory them today.

I represent the wonderful people of Montgomery County, Frederick County, and Carroll County, Maryland, the Eighth Congressional District, and I am, by training, a professor of constitutional law which I have done for the last quarter century at American University.

So in reviewing the highlights—or the low lights—of the last several weeks, Mr. GARAMENDI, I thought I would start, actually, with my very

first day on the job. I went to sign up for health insurance in the basement of the Longworth House Office Building, which I was delighted to do because my job entitles me to sign up for health insurance, and I recognized how fortunate I was. As I was down there, a number of other new Members began to form, and I looked at them.

Then, as I was going through, at the same time, some memoranda that my office had received, I noticed that some of the first bills we were going to be looking at were to set the stage for dismantling the Affordable Care Act, for voucherizing Medicare, for pulverizing Medicaid and downsizing it, for demonizing Planned Parenthood, and for making it impossible for hundreds of thousands of citizens across the country to get basic health care.

I said to myself: Tell me that it is not the case that I am entering Congress with other Members who are going to be signing up for health insurance that they get as part of their job, and then they are going to go upstairs to the floor of the House and vote to strip 22 million Americans of their health care in the Affordable Care Act.

But, believe it or not, this is precisely what has transpired, and there is a very clear move on to try to dismantle the Affordable Care Act. The majority has voted more than 60 times to repeal the Affordable Care Act, but America has woken up to the fact that it is for real this time, and we have hundreds of thousands—millions—of citizens mobilizing across the country to defend the Affordable Care Act and to demand accountability from their Member of Congress. I am thrilled to see that.

Also, during the last few weeks, we all read a report from 16 intelligence agencies of the United States, including the FBI, the CIA, the National Security Agency, the Defense Intelligence Agency, and a dozen more, all of them expressing their confidence and their very strong belief that Vladimir Putin, the KGB, and the Russian Government worked a campaign to undermine and sabotage American democracy in the 2016 Presidential election. It included acts of cyber sabotage, espionage, fake news, and propaganda that all entered into American political discourse and our institutions in order to change the outcome of the 2016 Presidential election.

What we have gotten from the President of the United States is a series of blithe dismissals of the whole thing saying repeatedly: Other people do the same.

I think it was yesterday that commentator Bill O'Reilly said that he needed to criticize Vladimir Putin, who was a killer, to which the President responded: Lots of people are killers. And, essentially: Have you looked at what America has done recently?

That kind of talk is absolutely outrageous and scandalous that the President would say that.

The point is not to join the killers of the world. The point is not to participate in the league of bandits, bullies, dictators, despots, and rightwing movements that are forming all over the world. The point is to take them on and to stand up for democracy, human rights, and the real ideals of the country.

So back in the home office, in Moscow, they must be chortling that the President of the United States would establish a moral equivalency between the first democracy—the first constitutional democracy ever created on Earth—and a thug who is presiding over essentially a kleptocratic, authoritarian regime in Russia, a man who has said that the collapse of the Soviet Union was the single greatest catastrophe of the 20th century.

So we have that to deal with.

Meantime, instead of taking on the real authoritarians on Earth, the President summons up all of his courage with Steve Bannon, and they impose a ban on people coming to America from Iran, Iraq, Libya, Sudan, Somalia, Syria, and Yemen; and they invoke 9/11 several times in the course of establishing this unprecedented refugee ban. The only problem is that the terrorist hijackers who came to attack the country on 9/11 were from Saudi Arabia, Egypt, and the United Arab Emirates. The vast majority of them came from Saudi Arabia, which is the stronghold and the organizing center of Wahhabism, fundamentalism, radical Islamic terrorism on Earth which has been promoting and disseminating militant Islamist ideology all over the world. Yet, the Trump administration did nothing about that, either because they were too powerful for them to take on or because Mr. Trump has had extensive business dealings with Saudi Arabia, as well as in other countries that were passed over in this ban.

Now, of course, because this is a religiously oriented Muslim ban that is meant to whip up propaganda, hysteria, and chaos in the country and has nothing to do with national security, it has been struck down in different parts or in whole by five or six Federal district courts, most recently by the United States District Court in Seattle. The case is now in the Ninth Circuit Court of Appeals.

There are so many problems with the executive order in terms of due process, equal protection, free exercise of religion, and so on, that there are multiple judicial decisions that are striking down different aspects of the executive order.

Well, what else do we have going on? Today, in one of the committees that I serve on, the House Administration Committee, there was a 6-3 vote to dismantle the only Federal election enti-

ty, the EAC, which is charged with trying to promote the cybersecurity of our elections. That vote was along party lines—6-3—to dismantle the Election Assistance Commission which had been created and established on a bipartisan vote many years ago. That was just taken down.

So I would say that there appears to be an effort to plunge America into a certain kind of chaos at this point. That, of course, has been the explicit wish of Steve Bannon, who has described himself as a Leninist who wants to tear down our system of government and demolish the politics of the country to replace with something else which has gone un-named.

So, my fellow Americans, Mr. GARAMENDI, these are very serious times. I am thrilled that the people of America are organizing in every State of the Union and in every community to build up the capacity to resist these attacks on our Constitution, on our Bill of Rights, and on the rule of law. The majority of the people who did not vote for this President are mobilized, they are galvanized, and they understand that eternal vigilance is, indeed, the price of liberty, and people are going to remain eternally vigilant—and passionately so—during the course of this administration when the attacks continue to come fast and furious on our Constitution and our Bill of Rights.

Mr. GARAMENDI. Mr. RASKIN, thank you so very much.

Indeed, your experience as a professor teaching constitutional law will be a very valuable asset to this House, and particularly in the context of what is transpiring on the floor with the repeal of so many of the regulations that are protecting Americans in so many different ways, and certainly with the incredible array of outlandish executive orders emanating from the White House, not the least of which is the immigration issue.

So as we journey through this period of disruption and chaos, I am certain that we will count upon you to provide us with insight into the way in which all of this fits into the very clear framework of the Constitution.

Mr. RASKIN. I thank the gentleman from California for his leadership.

Mr. GARAMENDI. Mr. Speaker, there are so many other things to talk about here, and I probably have another 20 minutes to do it. I doubt that I will take all that time, unless my colleague from Iowa wants to engage in a colloquy about some issues of the day which we might find a very exciting and interesting thing to do, Mr. KING. I see you await your turn here.

Over the last week, Congress—the last 2 weeks now, 3 almost—has enacted a series of repeals of regulations that had been passed in the Obama administration. On the floor today, not more than an hour and a half ago,

three additional repeals of regulations took place. These were under the Congressional Review Act, a law that is some 25 years old now that allows the Congress to literally repeal regulations that are out there.

I will give you a couple of examples. Today, one of them dealt with the planning process for the Bureau of Land Management. About a quarter of a million acres of land are under the jurisdiction of the Bureau of Land Management. This is public land. It belongs to all of us. This land is your land. Well, this is the land that belongs to the American people. The repeal today of a new public review process on land planning is—I don't understand it. I was once deputy secretary at the Department of the Interior, and I oversaw the Bureau of Land Management. I was operating under the law that was old in the 1990s.

But here we are with this repeal of a new process, a process that actually invited into the land planning for the Bureau of Land Management where are the roads going to go, how are they going to manage the various uses of the land, whether it is agriculture, for cattle, or for recreation, or hunting, whatever, that they invite into that process all of the local agencies. The county, the State, environmental groups, hunting, fishing, cattlemen, agricultural groups, whoever would have a stake in that, they were invited into the process. It shortened the process from 8 years down to something probably in the 2- or 3-year range to go through this entire thing, and, for reasons that I will never understand, the repeal eliminated the use of good science and economics.

So I don't understand what is going on here. This is a good process so that the public would be invited. Yet, the Congressional Review Act—should the Senate agree and the President sign this particular review—the Bureau of Land Management will never be able to go back and enter this process of land planning again.

□ 1800

They cannot issue a new regulation. What is happening here is nonsense. There is mountaintop removal in coal country, where mountains are simply wiped off the face of the Earth and all of that dirt is piled into the nearby streams. We have that regulation.

Providing clean water for the communities and the rivers for recreation or fishing or any other thing is gone and no longer available to protect the communities. It goes on and on.

I know one thing that the President did the very first day was an executive order to eliminate the reduction in the mortgage guarantee fee. This is a fee paid by homeowners—usually low-income homeowners—who, because of their income, because of their financial status, cannot get a regular mortgage

unless there is a guarantee. He said this was for the benefit of the homeowner. Baloney. This was for the benefit of the bankers.

We already know that he has appointed three people to his cabinet that are from Wall Street, particularly from Goldman Sachs, and another one from another agency on Wall Street. He was going to do away with Wall Street. No, he brought Wall Street into the cabinet. We are going backwards on this.

I am going to take a deep breath—I need it after all of that—and I am just beginning to get wound up and haven't gone through the other 20 things that are on my list.

I did notice that this is my day to welcome to the floor of the House of Representatives new Democratic members. Mr. RASKIN is from the marvelous State of Maryland. I have two Californians here. RO KHANNA is from the Silicon Valley.

I yield to the gentleman from California (Mr. KHANNA) to share with us his take on his first 33 days in Congress.

Mr. KHANNA. Mr. Speaker, I thank Representative GARAMENDI for his leadership in the State of California and the country.

I rise today to voice my strong objection and disapproval for FCC Chairman Ajit Pai's decision to roll back a program that would provide internet access to low-income Americans.

I was shocked that this was one of the first decisions that the FCC Chairman made. What he has done is provide few subsidies for low-income Americans who need internet access.

Now, we know that 45 percent of Americans under 30,000 currently don't have internet access. Providing these folks with internet access is giving their kids a basic shot at digital proficiency and having a job in technology or a chance at the American Dream.

Chairman Ajit Pai has become a poster child with this decision for everything that is wrong with Washington. It is what people complain about. He is writing the rules of modern-day capitalism in a way that privileges these elite telecom companies with concentrated economic power at the expense of low-income Americans.

This Congress must stand united to make sure that an unelected bureaucrat doesn't get to write the rules of our economy in favor of wealthy interests at the expense of ordinary Americans.

Mr. Speaker, I will be circulating a letter to our colleagues that I hope we can send to Chairman Pai, and, hopefully, he will reconsider this decision that is really not in the interest of ordinary Americans.

Mr. GARAMENDI. If I might ask a question of the gentlemen. He represents the Silicon Valley—at least a large portion of the Silicon Valley—and the issue of net neutrality has been bouncing around here for some time.

Basically, the FCC, as I understand it, has decided that there would be net neutrality, which, as I understand it—and perhaps the gentleman can explain it better than I, so I will let him do so—may be the next thing that this new chairman intends to do away with.

Has the gentleman followed that?

Mr. KHANNA. I have. I appreciate the Congressman's leadership on this.

Net neutrality, as the gentleman knows, is a very simple idea. That means that everyone should have equal access to the internet; that you shouldn't get to pay for faster service or you shouldn't get to pay to have more of your message out.

You would think that if anyone would appreciate the importance of it, it is the President, who uses the tool of the internet with Twitter and Facebook.

Mr. GARAMENDI. Oh, the tweets.

Mr. KHANNA. You would think we would want a democracy where every citizen has equal access to these tools.

Well, who doesn't want that?

Some of these big companies that have concentrated economic power and have an interest in making money and not for speech.

This Chairman has shown a consistent pattern already, in a few weeks, of basically siding with these large telecommunication companies at the expense of ordinary citizens.

It may sound like a technical issue. Some folks glaze over when you say net neutrality or you talk about the technical issues of the lifeline program, but I think what they have got to know is you have an FCC Chairman who is siding with wealth interests in telecom companies over what would benefit ordinary people.

Mr. GARAMENDI. I thank the gentleman for the explanation and the purpose of net neutrality. In a way, it is one of the things that, in a very real way, protects the individual—by having access.

What is happening with these regulations and many of these executive orders that the President puts out is to remove from the individual protections that they have. I mentioned mountaintop removal in coal country and the protections that the indigent farmer down the stream has for clean water. That protection is gone.

You look at the mortgage guarantee. It is a small amount, but it is an additional \$500 a year that an individual would have to pay, assuming they had to have a mortgage guarantee. Most low-income people have to have that mortgage guarantee in order to buy a home. It is \$500 out of their pockets.

So it is the protections that have been in place. There may be others. I am sure that in the gentleman's area he may know of others, if he would like to share with us, but I really thank him for bringing to us his expertise in the area of communications. I know

that he has worked in this area before. He represents a part of America and California where this is a very big issue.

Mr. KHANNA. I thank Congressman GARAMENDI for his leadership and showing what is really happening with the scale-back of all these regulations.

Mr. GARAMENDI. I will use another analogy of flying below the radar.

A lot of this is flying below the radar because we are looking at all of the tweets that come out in the morning, the various news programs focusing on the President, and missing some really important things that protect Americans.

Mr. KHANNA. If I can make one more comment. Everyone says they are not for regulation. That is easy. Every time I get on an airplane, I am very thankful that we have some regulations. Regulations can't just be eliminated with a hatchet, like this administration is doing.

Mr. GARAMENDI. That is so very true.

Let me just go through some of the regulations that are being repealed here in the House over the last couple of weeks.

First of all, let's remember that the Congressional Review Act being used to repeal these regulations has two parts to it. One, it has the ability of Congress to repeal regulations, which I think is a good idea. The second part of it, I think, has some real shortcomings. And that is, once that regulation has been repealed, both Houses vote before the President signs it, then the issue cannot be revisited by that administrative agency.

I gave the example of the BLM, but it applies across the board. Regulations that deal with smoking on airplanes is a regulation. If we repeal that regulation, suddenly there is smoking on airplanes. You can never go back and do a regulation again in that area.

I thank Mr. KHANNA for joining us and for bringing his expertise to us.

I am going to run down a quick list here. Oil and gas companies operate around the world. Our new Secretary of State was the CEO of ExxonMobil, the world's biggest oil company.

Did ExxonMobil pay a fee or a gratuity or corruption to a foreign country?

We will never know now because the Congress has passed a regulation that required oil and gas companies to disclose any fees, any money that they have paid to a foreign government for the opportunity to extract oil or gas from their country.

We happen to know that many of the countries in which these American oil and gas companies operate are rife with corruption. So this is a way for us to do an anticorruption program around the world that involves our national oil companies. That is on the way to being repealed.

How about mentally ill people being able to get a firearm?

I suspect 80 percent of Americans—maybe 100 percent—think that somebody who is seriously mentally ill ought not to be able to get a firearm.

Well, there is a mechanism. It is a national database. We call it the NICS database. It is a database that gun shops have to inquire if an individual is on that database for domestic violence, criminal activity, or for mental illness.

We have had a problem with the mental illness part of this because many mentally ill people do not get on the database for a variety of reasons. The counties, cities, States don't provide that information. In some cases, it is deemed to be proprietary or confidential.

But there is a way. It exists in the regulations today that would require the Social Security Administration—when it makes a payment for disability for severe mental illness to an individual, that individual's name goes on this database. When that individual may want to go down to the gun shop and buy a weapon, the gun shop would query the database and, lo and behold, the individual comes up and he won't be able to get a gun.

It makes sense. It enhances the database. It adds to the database individuals that are so severely mentally ill that they are able to get Social Security disability payments.

Who is to object to that?

Well, apparently a majority of the House of Representatives and the Senate does object to that. Probably the National Rifle Association also. So now we have a situation in which we have a protection for Americans being protected from the mentally ill individual that could not buy a gun now suddenly being able to not be on the national database for those people that are mentally ill. One more protection is gone.

There are others, and I am going to run through them as quickly as I can here.

I don't know whether you believe in climate change, global warming. I certainly do. I have worked on this for more than 30 years now, and it is a real issue. We know—there is no debate about this—that methane is a very powerful greenhouse gas. In fact, it is far more powerful than carbon dioxide.

So the emissions of methane are one of the things that we would want to reduce going into the atmosphere to add to those elements in the atmosphere that creates global warming, climate change.

Well, the House of Representatives has passed a resolution through the law that allows it to do so—to roll back a requirement that the Bureau of Land Management put in place that requires oil and gas companies that are drilling for oil, drilling for natural gas, to control the leakage of methane from the gas well.

Wow, that is a terrible thing to do. Really? To require that an oil company, a drilling company that is going after natural gas on government—excuse me, your land, the American public's land—that they, in the process of drilling for that natural gas or oil, control, capture the methane that would otherwise leak from that well?

Well, that regulation is gone. The protections of Americans are gone. Greenhouse gas emissions are emitted without regulatory control. Many of these gas wells are in communities and in neighborhoods that will also enjoy more methane emissions.

□ 1815

One more—or maybe more. Oh, yes, labor violations. Labor laws have been on the books for well over 80 years. The labor laws are health and safety, worker safety, requirements on hours, working conditions, hazardous circumstances. There are many different regulations that affect employers. They have to provide a safe working environment for their workers. Some do. Well, I would say most work at making sure that their workplace is safe. Some do not. Some of those who do not provide a safe workplace have been fined by the Federal Government for those labor violations. It is a good thing. It causes those companies to provide a safe working environment for their employees.

A regulation was put forward by the Obama administration that said that if a company wants to contract with the Federal Government, they must disclose their labor violations, where they have violated the various labor laws. It may be hours of work, overtime pay, working conditions, hazardous circumstances, safety. They would have to disclose it. It didn't say they couldn't get a contract, but it did say that they would have to disclose to the public that they have not provided sufficient awareness of the various labor safety and workplace laws. That is on the way to being repealed.

What I want to do tonight is to simply say to the American public: Pay attention. There are many things going on here in Congress and in the administration that are harmful to you, the American public. The kind of protections that you have counted on—worker safety, environmental protections if you live downstream from a coal mining operation, any of those things—are in the process of being repealed, and your protections along with them. So be aware of what the new administration and the Congress is doing to you, not for you.

I could talk about the wall and about the \$15 billion to \$30 billion that is going to be spent if Mr. Trump gets his way here and builds a 1,400-mile wall. I want to just end with this, and that is choices. Your representatives, myself, 434 of my colleagues here and 100 Senators and a President, we make choices

about how your tax money is going to be spent.

Should it be spent on a wall?

Well, let's consider for a moment spending it on a wall. This is \$15 billion, the minimum amount of money, and it is not going to build much of the wall. But for \$15 billion, what could you do for it?

I am from California. I was once a regent of the University of California and on the board for the California State University, so I am familiar with this system. \$15 billion could fund the entire California State University system for 3 years, and that is nearly a half a million students. You could replace all of the water pipes in Flint, Michigan, 270 times over for \$15 billion.

Choices. Do you want safe drinking water in Flint and other communities around the United States or do you want a wall? Are you concerned about the American military, the Navy, five Virginia-class submarines, or one Ford-class aircraft carrier plus a submarine? Or how about scholarships for undergraduate programs at the University of California, which I had the privilege of graduating from a few years ago?

27,777 4-year, full-time scholarships. That is the undergraduate population at the University of California Davis, which I have the privilege of representing.

There is one more place you could spend \$15 billion or even one part of \$15 billion, and it is on this. These are the deadly diseases in America. Let's see. Breast cancer, over the last decade we have seen breast cancer actually decline. Prostate cancer has declined by 11 percent, heart disease by 14 percent, stroke by 23 percent, HIV/AIDS by 52 percent. Alzheimer's has not declined. It has increased by 471 percent, and it is going to go even more.

What could we do with \$15 billion of research on a disease that affects every American family?

We could almost assuredly find a cure for Alzheimer's. I thank my colleagues here in the House of Representatives for increasing the budget for Alzheimer's research from around \$500 million to just under \$1 billion. That was done last year. If we can increase that funding another \$1 billion a year, the researchers indicate to us that we have a high probability of delaying the onset of Alzheimer's by 5 years. With another \$1 billion after that, we probably could find a cure for this disease that is going to bust the American bank. Medicare and Medicaid, that is where the big money is going to be spent.

So my plea to our President and those who want to build a wall is: We have choices. You want to do something for the American public? Let's spend that \$15 billion to \$30 billion on education. You want to do something for every American family? Spend some portion of that \$15 billion to \$30

billion by doubling the amount of money that we are spending annually on Alzheimer's research. You want to do something for the security of our Nation? Meet those critical needs that our military has. Whether it is a new submarine or an aircraft carrier we can debate, but we do know that we have expenditures that are necessary in that area.

So, Mr. President, don't waste our money. Don't waste our tax money on a wall. By the way, we know Mexico is not going to pay for it. Don't get in a fight with our trading partner and our neighbors to the south and Australia.

Be aware, Americans. Watch closely to what is happening here in Washington. If you are concerned, so am I concerned about where we are headed and about what this government is doing to you, not for you, but rather to you.

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

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to a perceived viewing audience.

IMMIGRATION AND THE RULE OF LAW

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

Mr. KING of Iowa. Mr. Speaker, it is my honor to be recognized to address you here on the floor of the United States House of Representatives and to have the privilege to participate in this great deliberative body that we have and are.

On occasion, I come down here and listen to my colleagues from the other side of the aisle. They have been known to change the subject on me, or I have changed the subject that I came down here to speak about because I have listened to the things that they had to say. It is good for us to have that kind of debate, Mr. Speaker, because certainly I disagree with the conclusions that have been drawn here.

I want to take this from the top, and I will get to the wall situation along the way. I think those numbers are a long ways off, myself. I will start the immigration issue, Mr. Speaker. There has been a long battle that has gone on. For me, it goes back into the early part of this millennium when we had a group of Senators who decided they were going to solve the immigration problem back in about 2006 or so, and so they brought their big immigration bill and pushed it hard.

Here in the House we brought an enforcement bill and pushed that back against the Senate. We held hearings for that enforcement bill around the country, in places like Arizona and Du-

buque, Iowa, as I recall. There were a number of others around the country. We made the case that we have to be a nation of laws, and the rule of law has to prevail, and that the effort on the other side was to waive the application of the law. They said: We want to be able to tell people that we feel sorry for you. Therefore, we are going to sacrifice the rule of law out of our sympathy for the condition that you left in order to come in to America.

Well, that fits some people, but it doesn't substitute for the rule of law. It doesn't substitute for the respect for the law that we must have if we are going to be a law-abiding, first world nation. Plenty of Third World nations don't have respect for the rule of law. Most of the nations that these illegal aliens come from are coming from countries that don't have respect for the rule of law. One of the things they are trying to get away from is the erosion of the law that they have had in their home country.

I mean, think of Mexico, for example. Driving down the street in Mexico, you might be pulled over by a police officer there and they will leverage a thing called *mordida* against you, which is you pay the police officer on the spot and he will let you go. Well, that is paying off the law enforcement. They use that to generate income for themselves, and they get by with it in a country that is corrupt.

Mr. Speaker, when I travel to Mexico and to some of the worst places in the world, and when I look at the circumstances there, whatever they may be, I can generally put together—and I will say almost always put together—a proposal, a strategy on how to put that country back in shape again and get it functioning the way it should function.

In Mexico, for example, they have a lot of natural resources. They have good, hardworking people. They have got a continuity of family. They have got a culture that goes deep back for centuries, but they can't make it work, and they haven't made it work for a long time. I don't know if they have ever made it work.

At the heart of this is the corruption that exists. The corruption is there due to lack of respect for the rule of law. If we import that contempt for the rule of law and if we adopt it as our national policy, which would be amnesty, we would be adopting the policy of accepting the violation of law and rewarding the lawbreakers for their objective that they had when they broke the law.

If we do that, America, the shining city on the hill, continues to devolve downward toward the Third World from the first world. Our job should instead be lift up the Third World to the standards that we are here in the first world. And one of those things would be to promote the rule of law in the countries where they don't have it, as in

Mexico and many of the Central American countries. That is the center of this immigration debate, Mr. Speaker.

Out of all this discussion that goes on, I hear the individual narratives, I hear the heartbreaking stories, I hear all of the laments that are out there about, oh, woe are somebody's constituents because they are subject to the application of the rule of law and they want to be exempted from that. Meanwhile, as soon as they are exempted from the rule of law, if that should happen, and the destruction of the rule of law in this country, they are going to be asking for the law to protect them in some other area. That is how this is going on in this country.

I would take this back to 1986, more than 30 years ago, Mr. Speaker, when this debate was going on. It is the same debate that has been going on in this country for more than 30 years. There were approximately a million illegal aliens in the United States, as far as the estimates were concerned, at the beginning of the debate when the House and the Senate eventually passed the 1986 amnesty act; a million.

The discussion was: Well, we can't possibly address these million people that are in America and we can't possibly deport them all, so let's make an accommodation to them. Let them stay, give them a fast track—it turned out to be a path to citizenship—then what we will do is we will promise America that there will never be another amnesty again ever.

That was the language that was used. There will never be another amnesty again ever. At least at the time, they were honest enough to admit it was an amnesty.

So they set about passing the legislation in the House and the Senate that granted amnesty, they thought, to a million people. That amnesty legislation went to the Ronald Reagan's White House, where he was surrounded by a group of people in the Cabinet who were his advisers. I am sure they had the best interests of the country's and the President's in mind, but they had decided to advise Ronald Reagan that he should sign the amnesty act because he could put this issue away, well, maybe forever, but for the duration of our Republic because we were always going to enforce immigration law from that point forward.

□ 1830

And Ronald Reagan, I don't have inside knowledge on what he was thinking on the deliberations that went on. I just know that most of his Cabinet advised him to sign the Amnesty Act. He ultimately signed the Amnesty Act.

Consequently, when they began processing these illegal aliens, there were only going to be—I say "only." They thought it was a huge number—1 million. There were going to be 1 million of them to process. Well, they processed 3 million instead of 1 million.

Why? One, they probably underestimated and undercounted. The other half of the equation was there was a lot of fraud that got in the door that was processed also.

And so we end up with about 3 million newly amnestied Americans that have a pass to citizenship who have been rewarded for violating America's immigration laws, many of them rewarded for committing the crime of unlawful entry into the United States of America and many of them operating with false documents. That was the path 30 years ago.

After that bill was signed and the results of it became evident, then President Reagan reversed his position and announced that he regretted that he had signed the Amnesty Act of 1986. I remember those days. And I have since had the conversation with then-Attorney General Ed Meese, who has informed me about the inside workings of this to a degree.

I lament that that decision was made in 1986 by President Reagan to sign the Amnesty Act because it started us on a 30-year debate. Once debate was out there and once the public understood and once people in foreign countries began to believe that if they could, once, get into the United States, there would sooner or later come along and be another Amnesty Act that would include them and they would have their path to citizenship and lawful presence in America and all of the benefits that have grown massively since 1986, once you put the carrot out, once you break the mold of the principle of protecting the rule of law, then after that it is easier the next time and the next time and the next time.

Our virtue that we had a respectable virtue on enforcing immigration law in '86 has been ratcheted downwards because of the '86 Amnesty Act and at least six much smaller but subsequent amnesty acts since that time.

I looked into the language in the early part of this millennium more than a decade ago, and they say, well, first of all, it is not amnesty, and they tried to redefine it. I have had this discussion with Karl Rove during the George W. Bush administration: Well, it isn't amnesty if they pay a fine. It isn't amnesty if they get a background check. It isn't amnesty if they abide by our laws. It isn't amnesty if they learn English.

Well, I am not very thrilled about that. I would say the proposal then was a \$1,500 fine in order to waive the criminal charge of unlawful entry into the United States of America. Under that argument, somehow that mitigated violating the law, so you wouldn't be able to call it amnesty. And I defined it then. I said: No, whatever the penalty is on the books when the crime is committed, if you waive that penalty, you have provided amnesty for a class of people.

So the more precise definition of amnesty, to grant amnesty, is to pardon immigration lawbreakers and reward them with the objective of their violation or their crime, as the case may be—pardon immigration lawbreakers and reward them with the objective of their crime.

What is this proposal with DACA and DAPA that President Obama so unconstitutionally advanced forward? It is just that. It is the most blatant form of amnesty for the largest classes of people that has ever been created in the history of the United States of America. Of course, we only have to look back to 1986 to find the first amnesty, and then there have been the six or so subsequent amnesties that I have mentioned.

But Barack Obama, constitutional scholar, at least as high a standing as Mr. PANETTA from California who spoke here on the floor a little bit ago, but Barack Obama, constitutional scholar, 22 times on videotape, in different speeches in various places around the country, said to America that he didn't have the constitutional authority to waive the application of the immigration law against people who claim that they came to America before their 18th birthday and presumably were brought in by their parents.

If you look at the DACA language that has been advanced here in the House—or let's go across the rotunda to the Senate and look at DICK DURBIN's language there. It is, if you have come into America before your 18th birthday, for any purpose whatsoever, then you get amnesty. And some of those people now, according to the older drafts of the bill, would be 38 years old, getting amnesty to stay in the United States of America at age 38.

People believe that that is the humane thing to do, to reward them with the objective of their crime. Now, they could have carried a backpack of marijuana into the United States the day before their 18th birthday—I have been telling the truth about pretty much all of that, except they are supposed to not commit any other crimes—and they would be granted this level of amnesty under DACA. The President's DACA acronym stands for Deferred Action for Childhood Arrivals.

So that policy that he advanced, after Barack Obama, 22 times, told us he didn't have the constitutional authority, he was right. Just a couple of weeks before he issued this DACA policy, he stood over here at a high school in Washington, D.C., and explained to them that he didn't have the authority.

He said: Congress passes the laws; I, in the executive branch, enforce the laws; and the courts interpret the laws. Pretty simple. That is a nice, concise description of the balance of powers that we have in this country. But he said he didn't have the authority because he can't write law.

Two weeks later, the President announces the policy to grant work permits and Social Security numbers to illegal aliens that are in the United States who assert that they came in before their 18th birthday. So he created an entire class of people.

I read carefully through the Morton memos. I read the memo that launched all of this. It was signed by Janet Napolitano, then-Secretary of Homeland Security. Janet Napolitano's memo said, seven times, on an individual basis only—on an individual basis only—in this page and a third of the document that established the policy.

I remember her testimony before the Judiciary Committee. She knew very well that they had to make an argument that this was on an individual basis only in order to try to sustain any kind of facade before the courts, when they would almost certainly be sued for DACA and later on for DAPA.

Well, it was never on an individual basis. There were huge classes of people that were created. They created four separate classes of people in those memos. Still they assert that they have a right to do this, and now I hear the gentleman say it is unconstitutional.

It is unbelievable to me that anybody could argue when President Obama said it was unconstitutional—he was the last one that was going to admit this—and he went ahead and committed an unconstitutional act. So that takes care of the Deferred Action for Childhood Arrivals.

Then Obama came with the policy DAPA, the Deferred Action for Parents of Americans. That is an illegal who has a baby in America. If they sneak into America and they have a baby, they call that birthright citizenship. The President grants them a legal presence because they violated our laws, and some of them, many of them, for the express purpose of coming here to have a baby that would be granted the practice of American citizenship.

We see between 340,000 and 750,000 of those babies born in America every year. Think of the population that America is carrying that doesn't have a moral claim to citizenship, doesn't actually have a legal claim to citizenship, just can point to the practice that we began awarding citizenship to babies born to illegals many years ago. There were only a few of them. It wasn't significant. By the time it gets around to where it is significant, now they have created their own constituency group here in America.

But both of those policies, DACA and DAPA, are clearly unconstitutional.

And DAPA, Texas brought that case against the United States of America and has prevailed so far in court before Judge Andrew Hanen. The DAPA policy is now at least suspended and held in place because one wise judge in

Texas decided to draw the line. He had the clearest constitutional understanding DAPA is unconstitutional and the President can't write the law.

Mr. Speaker, I am not speaking from a lack of experience on this or lack of knowledge on this. I am not here speaking off of talking points that came from anyone other than a handful of notes I scribbled a few minutes ago, but here is one of my experiences on the separation of powers.

When I was in the State Senate in Iowa, our newly elected Governor at that time was Tom Vilsack, who served 8 years and did a respectable job as a Democratic Governor in those 8 years. Very early in his term, he issued an executive order also, Executive Order No. 7, that granted special protective status for sexual orientation and gender identity.

When that executive order came down, I looked at that. I was appalled that a Governor would think that he could legislate by executive order. I made my calls to my Republican attorneys and made my case. They all told me I didn't understand it, that it was drafted in such a deft way that it fit with nuances such that it was a constitutional executive order and that I had to submit to it. My answer was, no, the Iowa General Assembly has, within the boundaries of its State constitution, the same legislative authority that this Congress has and that it was clear to me that he was legislating by executive order.

I initiated legislation to push on it and I initiated a lawsuit. That lawsuit is easy to look up. It is *King v. Vilsack*, and it was decided exactly on the same kind of principle: whether an executive officer, a Governor, or a President can write law.

Our Founding Fathers would agree with no concept that said that either the executive branch or the judicial branch of government could write law. Instead, they separated these out and they gave us Articles I, II, and III of our Constitution.

Mr. Speaker, it is pretty clear. They didn't write it someplace later on in the Constitution. They put it right up front, Article I, section 1: "All legislative Powers herein granted shall be vested in a Congress of the United States"—not a President of the United States, not a judicial branch of the United States, but a Congress of the United States—"which shall consist of a Senate and House of Representatives."

Then they set about laying out the structure of the Senate and the House of Representatives, all legislative powers. And then the Congress has delegated some legislative powers. There is no delegated legislative power here for the President of the United States to write immigration law, but he did that.

Then we had to bring two lawsuits. The one is *Texas v. The United States*,

decided by Judge Hanen. That decision stands. It was appealed up to the Supreme Court, where there was a 4-4 tie, which means that the Fifth Circuit decision by Hanen prevails. Well, good. Congratulations. It is held in place now.

But DACA, the Deferred Action for Childhood Arrivals—and that is kind of an odd acronym that doesn't necessarily match somebody that is 38 years old—I pulled the people together to initiate that lawsuit. It turned out to be *Crane v. Napolitano*. That case is still being litigated. It has been pushed off onto a side rail. The president of the ICE union has been directed to litigate against the Justice Department because it is a grievance with their employees rather than getting at the constitutional question. It has been pushed off on the side by a judge. So that case is still being litigated, but it remains unconstitutional.

The former President of the United States knows that. Not only that, our current President, Donald Trump, knows that. He has said many times during the campaign that very early on in his Presidency he would eliminate the unconstitutional executive orders that bring about these components of amnesty. That includes DACA and DAPA.

It needs to also include the Morton memos. I have got a nice little packet I can send to the White House. I really did expect that very early in his administration he would address DACA and DAPA and the Morton memos. So it was a bit of a surprise to me to learn as far as, I will say, as recently as January 23—and this is the only confirmation I have of this—that United States Citizenship and Immigration Services is still issuing DACA permits and still extending DACA permits. That is a number that runs up to about 800 a day at the pace, at least, that they were doing, with tens of thousands in backlog yet.

□ 1845

The simple thing to do would be to freeze any action on DACA and DAPA. I would rescind the executive order and invalidate every DACA permit and every DAPA permit. We have got a database also to address that, Mr. Speaker. The simplest thing right now would be to just simply suspend any action that is affirmative in continuing this unconstitutional act. From my standpoint—and I think it should be the standpoint of the President of the United States and of the Vice President of the United States and all who have taken an oath—his oath is to preserve, protect, and defend the Constitution of the United States; and the Constitution requires that he take care that the laws be faithfully executed. I think he was very sincere when he gave that oath, and I think that Vice President PENCE was even more sincere

when he gave his oath. It was very moving to me to witness that testimony out here on the west portico of the Capitol.

I want to remind the administration that this action continues, at least as far as the report is concerned; and United States Citizenship and Immigration Services may just need a memo from the White House to cease and desist the unconstitutional actions taking place at USCIS—very simple, very abrupt, and not very traumatic to anybody in this country—and then start the process of undoing the lawlessness that we have had to submit to under Barack Obama's regime.

My strongest encouragement: the earlier that DACA and DAPA are addressed by this President in the keeping of his solemn oath—and that is to the American people—the easier it is going to be. I am encouraging that it happen early and that it not be delayed, because the problems created by Barack Obama are now being compounded by USCIS.

I want to also, Mr. Speaker, speak in favor of accelerating the construction of this wall. That is another solemn pledge of President Trump's. By the way, of that agenda that he laid out for America that Thursday night in Cleveland, as I listened to plank after plank after plank in his platform, it was a solid and a strong agenda. He has people in place who are listening to all of the pledges that he has made, and he has been going down through that list in an impressive fashion, keeping his oath time after time after time, keeping his promises to the American people time after time. I am looking at the exceptions, but the rule has been a very consistent and a very aggressive approach to keeping these promises.

I know that a week ago Saturday, President Trump sat down at a table with a small group of people behind him and he went through three executive orders. One of them was a reorganization of the National Security Council. The second of the three was for the Department of Defense to produce a strategy to defeat radical Islamic jihad—or at least ISIS—and to produce that strategy within 30 days. When it was over, I realized three executive orders had been signed, and I thought: How long did that take?

I backed my television up; set my stopwatch on my iPhone; and in a minute and 40 seconds, the President of the United States had signed three executive orders and moved this country dramatically in the right direction again, again, and again.

So I am not here in broad criticism. I am here with targeted encouragement. I am not concerned that the wall hasn't moved quickly enough. I am here, though, Mr. Speaker, reinforcing that promise to the American people, who, by the tens of thousands and event after event after event, chanted:

"Build the wall. Build the wall." We even had an individual come to an event in Iowa who had a "wall" costume on. It looked like he was made out of flexible cement blocks. It is a movement in this country, and it is a promise to America.

Mr. Speaker, I would point out that Donald Trump never said, "I think we will build some fence," or "we are going to do something virtual." He said that we are going to build a wall—it will be a big wall; it will be a beautiful wall; and the Mexicans are going to pay for it. That is the line. I have said that I think that Donald Trump has been an expert at building things big and that he has been an expert at building them beautiful. I am going to leave it up to him to figure out how to get the Mexicans to pay for it, but I am pretty confident he is going to get that done, and I am intending to be supportive of that effort.

But when I hear the gentleman from California speak about how expensive the wall is—and his numbers were \$15 billion to \$30 billion, I think he said, to build 1,300 miles of wall—we have got 2,000 miles of border, and we have got, oh, a few miles built that are adequate barriers right now, but much of it that we even call a fence or a wall needs to be completely reconstructed so that we have an effective barrier. Of the estimates of about \$15 billion to \$30 billion or the numbers that go, on the Republican side, even up to \$25 billion, if anybody is telling you it is a number that is \$15 billion or higher, you should understand they don't want that wall built at all. That is why they have an inflated number in their heads.

So who gives them that number?

I read those documents, and I have questioned those numbers considerably, but I don't know if there is anybody in the United States Congress who has more years and more experience in building things and in being in the construction business than I do. We are in our 42nd year of construction with King Construction, and we do a similar kind of work that gives us the ability to make a legitimate estimate on the cost of this wall.

I have designed a wall. Many people know, Mr. Speaker, that I built it down here on the floor more than 10 years ago and that I put an estimate into that, which is now on YouTube, that has gone semi-viral. That estimate that I uttered then that night holds up pretty well when I put our modern software estimating to work and—I will say this—thanks to my oldest son, David King, who owns that company today, as he committed some days of pro bono work to put together an estimate on what it would take to build a concrete wall with at least a 5-foot-deep foundation in it and a wall that comes up to be a minimum of 12 feet functioning in height, with wire on top. An estimate of a wall of that nature is

sophisticated. It is about six pages of spreadsheet—five and a half to be a little more accurate—but it is all built into the interrelational databases that are necessary to add your materials and your labor and your overhead and your costs to be able to build a wall.

Now, here is what is really going on. We are spending, Mr. Speaker, \$13.4 billion a year in defending and protecting our southern border—\$13.4 billion. That turns out to be \$6.7 million a mile. The Border Patrol has come to the committee on numerous occasions and given testimony.

I have asked them: What percentage of those who attempt to cross the border do you interdict successfully?

Their answer before the committee has been: We think about 25 percent.

They get about one in four who try to get across the border. So, presumably, three out of four make it in. I would call that a 25 percent efficiency rate.

Then I go down to the border and I talk to the officers and the agents down there. This includes Border Patrol and ICE.

I ask: So you are stopping about 25 percent?

Their answer that comes back to me as the most consistent is: No. Ten percent has to come first.

I have had estimates by ICE officers who operate near the border who will say they think it is closer to 2 to 3 percent. Now, I don't know that that is the right number, and I don't want to assert here, Mr. Speaker, into this Record that I think we are only stopping 2 to 3 percent of those who attempt to get across the border. I am suggesting that that is certainly a number that is plausible. It comes from the people who should know the most, and if the Border Patrol on the border says 10 percent has to come first, they might be thinking that 2 to 3 percent sounds all right. I am not even focused on those numbers of 2 to 3, up to 10 percent. I will take it to a 25 percent number and say that could be an inflated number, but it is still an awful number to consider for return on investment if you are going to spend \$13.4 billion a year every single year and get 25 percent efficiency on \$6.7 million a mile.

I need to put this into a context so that people understand what it really is. And that is that a lot of us live out in the country on gravel roads. And in the flat country in Iowa, we have a gravel road at every mile.

Now, let's just say General Kelly came to me now—and I really would have said Janet Napolitano or maybe Jeh Johnson—and said: I have a proposal for you. I want you to secure a mile of country road—a gravel road out there—and I am going to offer you \$6.7 million a mile to secure that for each year on a 10-year contract. So here is \$67 million in contract, and you are going to have to guard this mile for a year, and you can let 75 percent of the

people through who are trying to get across that road, and I am still going to pay you.

Does that sound like a good deal?

There is hardly any American who wouldn't take that deal. That is not a very good deal. President Trump will recognize how bad a deal that is. It is a terrible deal. Yet we are stuck with that \$13.4 billion, 25 percent efficiency, and \$6.7 million a mile. Now, these numbers, probably, are blurring some people in their minds, Mr. Speaker; so I take it back to this: \$6.7 million a mile. We have built a four-lane Highway 20 across Iowa, with just a few miles left to go, and we will finish it very soon—the stretch through the expensive Iowa cornfields, crossing rivers with expensive bridges, and building that four-lane highway that is everything, except in name, the equivalent of an interstate highway: four lanes, a median in the middle, fences on either side, seeding, signage—all of the things—the bells and the whistles—that it takes to build an interstate highway.

I am going to pause for just a second while people think: \$6.7 million a mile to guard our southern border, and we are building nothing down there? How much does it cost to build that interstate highway across expensive Iowa cornfields?

\$4 million a mile in the books and nearly completed. It will come in right at that number, and that is with buying the expensive cornfield; it is doing the archaeological and the environmental and the engineering; the land acquisition; the grading—and I have spent over 40 years in the earthmoving business—and the paving—and we do structural concrete work.

By the way, I scooped some of the concrete into the last forms up there in Highway 20, and I am proud of it and am happy to have had the privilege to have done it—painting the stripes on the highway, shouldering it, seeding it, fencing it. We shouldn't forget that this is four lanes of highway and a fence with a median in the middle and all of the bells and whistles that go on with an interstate highway for \$4 million a mile. And they are telling me it is going to cost what to build, \$15 billion to \$30 billion?

Let's see. \$13 billion is 6.7; so you are at about \$8.5 billion or so. So he is suggesting a price per mile that is multiples of the cost of what it is costing us to build an interstate highway.

I don't have any doubt that we can go down there and build a concrete wall. I want to build a fence, a wall, and a fence. So we have two no-man's-lands—one on either side of the wall—and I have it wide enough that you can turn a patrol vehicle around in that no-man's-land. If you catch anybody in that no-man's-land, I want it to be the presumption that you are unlawfully present in the United States of Amer-

ica, and then they will get an immediate deportation. If they want to appeal the deportations, they can do so from their home countries and not be sitting here on welfare in the United States of America. That is the objective of what we can do.

As for the number that I put into the record back in 2005 that, I said, upholds today, I will just say this: it is less than \$2 million a mile. If we reached into that \$13.4-billion-a-year budget and just carved out \$1 billion a year until we get the fence, the wall, and the fence constructed, we would soon have this done. We would have it done in a reasonable time, and we would have it done with a little squeeze into the budget. If they want to go into another account, that is okay with me, but let's get this done. We can do slip form concrete with a slip form notch in the center of that to drop precast panels in. We can pour those precast panels right down there on the job site. We can make them any height that the President wants it to be. They can be tongue and groove. They can be latched together. We can build fixtures right into that concrete to mount any kind of devices we like for monitoring.

Here is what America needs to understand, Mr. Speaker: it is not a fence. It is a wall. The wall is the centerpiece—a fence, a wall, and a fence. The centerpiece is a concrete wall that is designed to keep people out, not to keep people in.

My colleagues on this side of the aisle constantly are bringing up the topic, asking: Do you want to create another Berlin Wall?

I looked throughout history. In fact, I asked the question of one of America's best historians—among the top two favorite authors that I have—Victor Davis Hanson of southern California. I asked him as I have asked the question many times: Do you know of any barrier in history—a fence or a wall—that was designed to keep people in that was a national boundary or a barrier that was built by a nation-state other than the Berlin Wall?

He thought for a while, and he said: You might say that the fence and the structures in between North and South Korea are at least, in part, designed to keep North Koreans in.

□ 1900

I will concede that point. There is a fence and a wall between North and South Korea designed to keep the subjects of Marxism in their country because they want to escape to freedom. And the Berlin Wall was designed to keep the people in East Berlin from a Marxist society because they wanted to escape to freedom. Those barriers are immoral for those reasons, because they are fencing people in that want to escape to freedom.

But when you are a nation-state, and you are having a flow of people coming

from without, there are many examples in history where there have been barriers, particularly walls, that have been built to keep people out. It is fundamentally different to have a wall to keep people out rather than a wall to keep people in.

If we forget the history of what built the Great Wall of China, think of this: the Great Wall of China was built originally to keep the Mongols out of greater China. As they were running raids down and doing the things that happen with raids—raping, pillaging, stealing, and heading back to Mongolia—the Chinese decided that they only had a couple of things they could do. They could submit and be raped, murdered, and robbed incessantly and relentlessly; and the fruit of their labor would be taken by the people who would kill them and assault them. They could mount raids to go back up to Mongolia and punish the perpetrators and maybe they would quit coming back in.

They concluded that that wasn't going to stop it. The punitive raids that were coming down into China were not going to end. So they began building the Great Wall of China.

They had many segments of the Great Wall of China. It wasn't a continuous 5,500 miles, as we used to declare it to be. It is now 13,000 miles long. It was segments where they thought it would do the most good.

Then, by 245 B.C., that is Before Christ as Western civilization counts time, the first emperor of China, Qin Shi Huang, came to power. He decided that he would connect the segments of the Great Wall of China so it was one continuous wall. He sent the laborers to work doing that, and they completed the Great Wall of China.

In the last few years, the Chinese have examined that wall with satellite images and concluded it was longer than 5,500 miles. It was 13,000 miles long altogether, which means it had to be ziggity-zaggity or it would have run a long ways from there. That is an impressive structure.

We are not talking about 13,000 miles or 5,500 miles. We are talking about 2,000 miles. And we are not talking about something that you can march troops on top of, which the Japanese surely did when they invaded China.

Instead, we are talking about a barrier that is roughly 6 inches thick of concrete that goes up as tall as the President wants it to go with wires on top that have a signal in them. And if anyone attempts to breach the top of that wall, that signal will send it to our control stations. It will immediately focus enforcement to that location. It will have vibration sensors so that if anybody tries to dig underneath it, it will pick that up as well. It will have monitoring cameras and all the bells and whistles, the accessories necessary for us to protect all of it. It will

pay for itself, and it will pay for itself likely before we even get it completed. Here are some of the reasons why.

I had some law enforcement officers in my office today, and they are fighting the drug problems that we have in the United States. They would assert that in the upper 90th percentile is the percentage of some of the illegal drugs that come into the United States of America, like the opioids, the heroin, the methamphetamines. The ratios of those are in the 90th percentile and above.

Marijuana is a little bit lower than that because Colorado and California are taking some of that market. Thanks, Colorado and California, and a number of other States. What they have done is spread marijuana in big numbers across this land, and it is a gateway drug.

The illegal drugs consumed in America, according to the Drug Enforcement Agency, are 80 to 90 percent. And these categories I am talking about with heroin, opioids, and methamphetamines that are in the 90th percentile, they come from or through Mexico.

So it doesn't mean that they are producing them all in Mexico, but they might be produced south of Mexico. They might be produced in China and come on into Mexico and then be brought into the United States because the border is so porous.

It is not just the illegal aliens. It is also the criminals, the drug smugglers, and the drug trade. The Mexican Government has announced, in less than a decade, they have had 100,000 people who were killed in the drug wars. The drug wars are coming about because there is a huge demand in the United States for these drugs, some \$60 billion market for illegal drugs in America. So that demand is being met by, in many cases, Mexicans, but also Central and South Americans who set this network up and this drug distribution chain.

I asked the Drug Enforcement Agency: What happens if magically tomorrow morning everybody wakes up in their home country and there is not a single illegal alien in the United States of America, not one person unlawfully present in America; what happens to the illegal drug distribution system then?

They tell me it severs at least one link in every distribution chain of illegal drugs in America. It severs at least one link and, in some cases, every link and, in most cases, many links. That means that we have an illegal immigration problem and an illegal drug problem that are tied together, it creates the stream within which this traffic flows, and it brings about the crime and the death.

Mr. Speaker, we have people now who are sitting in there thinking: Well, but how did 100,000 people become victims of a drug war homicide or drug wars? How did 100,000 people get killed in

Mexico? We don't have anywhere near that level of death in the United States.

Oh, we don't categorize it that way is why. There were 762 homicides in Chicago last year. How many of those were drug related? Well, I would say most of them, to some degree or another.

When I ask our law enforcement personnel: How many people would be in prison if there was no abuse of illegal drugs or alcohol? Would there be 10 percent?

Their answer is: Probably not. Probably fewer than 10 percent would be the population of our prisons if we could put an end to drug abuse. Also included in that is alcohol abuse, substance abuse.

So a lot of lives were lost in Mexico distributing the \$60 billion worth of illegal drugs into the U.S. economy. How about the lives lost in Chicago and the major cities when you have the drug wars, the gang wars that are fueled by drug abuse and fueled by the drug distribution? That is only a small part. The 762 homicide victims in Chicago are a small part.

The National Institutes of Health has some data out that shows that over 55,000 Americans died in the last fiscal year due to drug overdose. So the Mexicans lost 100,000 people in the drug wars over a period of less than a decade. In America, we are losing that many people in 2 years just to drug overdose; and that doesn't count the homicide victims who are part of these drug wars that are going on in the streets of America.

There is a disaster in this country. We can't tolerate the lawlessness that exists in this country. We have to address the border security. And for those who say that we don't need to build a wall, we can build a virtual wall, well, if you look up the word "virtual," do you know what it says? "Not real." It is not real.

So that means, if they want to build a virtual wall, they want to build a not real wall. I recall being down there to weld some landing wall on the Arizona border with then-Secretary of Homeland Security Michael Chertoff, who I happen to appreciate his personality. He was a good enough judge to pick up the welder and weld some of that himself with his own hand. But I welded some, and that is more my trade than it was his.

I handed the welder back, and I said: Now, I have welded the literal wall here. Why don't you hand me that virtual welder, and I will weld the virtual wall with that?

I wanted to make my point that it didn't work.

They promoted the virtual wall under the Bush administration, and I don't know if they actually even tried to even do that under the Obama administration. They came in and set up cameras and towers. They had ground-

based radar, and they were going to track everybody that came into America and chase them down and abduct them. They ended up with cameras laying out in the desert that were never installed and a software package that was supposed to coordinate that never happened. And, in fact, hundreds of millions of dollars were wasted trying to build a virtual wall.

So I say this: If you want a virtual wall, if you want to put balloons in the air, if you want to do vibration sensors in the ground, if you want to run electric signals up on top of the wall, if you want to set cameras up there, I am fine. Do all of that.

Let's build the wall, as the American people demanded and chatted and as President Trump promised. Let's build a solid, structural, reinforced, concrete wall that is thick enough and tall enough and deep enough so that it is difficult to get over, under, around or through. If we do that, we have to man it and defend it. And if we put on the accessories, the bells and whistles, the vibration sensors, the cameras, and we build a fence, a wall, and a fence so that there is a double no-man's-land—one on either side of the wall—we can do that with far less manpower.

If I am assigned to guard my one-mile road that runs west of my house in the country in Iowa, and they hand me a contract for \$67 million, I can tell you, I would build a fence, a wall, and a fence right down through the middle of that road. I would have a patrol road on either side. I would have the fences and the road ditches the way they are. I would grade that thing out so I would have fast track to patrol it. I would have sensors along there. I would make the infrastructural investment that would not be \$4 million a mile. It would be someplace around that zone of a couple million dollars a mile.

Then I would monitor that, and I would have some people who are assigned to patrol it just enough that I could call in the reinforcements when we needed them. We would get a lot more than 25 percent efficiency out of that wall. We would get someplace equivalent to Israeli-level security efficiency if we build that entire structure end to end.

Now, I have said that we don't have to build a full 2,000 miles of it, but we have to be certain that we don't equivocate on the mission to build it until they stop going around the end. If they stop, fine. If they don't stop, we have got to be committed to add another section and another section until such time as we have completed this in the same fashion that the first emperor of China, Qin Shi Huang, did when he completed the Great Wall of China, 13,000 miles long which the armies marched on top of.

Build a wall and enforce the laws that we have on the books and bring into play local law enforcement so that

we can work in cooperative fashion. Every level of law enforcement has always cooperated with the other levels of law enforcement. I grew up in a law enforcement family. I believe that the men around me all wore uniforms. It just was a natural thing to see. And if they weren't in uniform, they weren't at work. If they were either on their way or at work, coming home from work or at work, they wore uniforms.

Each level of law enforcement, whether it was city police, whether it was county sheriff and deputy, whether it was highway patrol division of criminal investigation—DCI in my State or DPS in a State like Texas, for example—or whether Federal officers, Federal Marshals, FBI, they cooperated with each other. No one took the posture that said it is not my job. When they encountered somebody violating the law, they enforced the law against them. There is Federal statute that reinforces such a thing.

Who would think that we could get to a place in this country where city police, county officers, or State law enforcement officers would be directed to plug their ears and close their eyes—and I am saying this figuratively—and essentially not gather any information on people who are unlawfully present in the United States of America, bringing about the circumstances where a Kate Steinle would be murdered or where a Sarah Root would be murdered or where a Dominic Durden would be murdered, or where a Jaz Shaw would be murdered? All were murdered by criminal aliens who had no business being in this country, all who were murdered by those who had been encountered by law enforcement and who had later on turned them loose onto the streets of America resulting in the death of these innocents, including Brandon Mendoza. There are many, many others. There are thousands of others.

President Trump has said thousands of families are grieving the loss of their loved ones at the hands of illegal aliens who are violent, who should have been deported. They were not deported; they were turned loose on the streets of America, usually in sanctuary cities, sanctuary counties, sanctuary States.

Now we have the emergence of sanctuary campuses or sanctuary school districts. I will make the mention that it is a quarter after 6 p.m. in Iowa now, Mr. Speaker. And in an hour and 45 minutes, the Des Moines public school board is preparing to pass a sanctuary resolution that tells all the employees of the school district that you can't work with, cooperate, transfer, disseminate information, or allow access to students or family to any Federal immigration officers. It all has to go through the superintendent, and he has to approve it. They won't even allow an ICE officer to talk to a parent of any of

the students there, unless the superintendent approves it. Of course, it is designed for him to say: No, sorry. We are going to close the door in your face, and we are a sanctuary school system, and we are going to defy Federal law.

□ 1915

Well, Mr. Speaker, we have existing laws to address this, and I want to remind the school district that there are a couple of sections of the code that apply, and one of them is U.S.C. 1324, harboring illegal aliens. There is a penalty of from 5 to 10 years for violation, depending on whether it is a class D or a class C felony. Anyone who harbors or shields from detection, including in any building or any means of transportation; anyone who encourages an alien to come to, enter, or reside; anyone who engages in any conspiracy; anyone who aids or abets the commission of such crimes is guilty of a class D or a class C felony, facing potential penalty of a maximum of 5 or 10 years, depending on the class.

I have the section of the code here, Mr. Speaker, and I include in the RECORD this copy of 8 U.S.C. 1373 and also 1324.

8 U.S. CODE §1324—BRINGING IN AND
HARBORING CERTAIN ALIENS

(a) CRIMINAL PENALTIES

(1)

(A) Any person who—

(i) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

(ii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(iii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

(iv) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law; or

(v)

(I) engages in any conspiracy to commit any of the preceding acts, or

(II) aids or abets the commission of any of the preceding acts,

shall be punished as provided in subparagraph (B).

(B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—

(i) in the case of a violation of subparagraph (A)(i) or (v)(1) or in the case of a viola-

tion of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, be fined under title 18, imprisoned not more than 10 years, or both;

(ii) in the case of a violation of subparagraph (A)(ii), (iii), (iv), or (v)(II), be fined under title 18, imprisoned not more than 5 years, or both;

(iii) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18 (uscode/text/8/1365)) to, or places in jeopardy the life of any person, be fined under title 18, imprisoned not more than 20 years, or both.

(iv) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, or both.

(C) It is not a violation of clauses⁽¹⁾ (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs—

(A) be fined in accordance with title 18 or imprisoned not more than one year, or both; or

(B) in the case of—

(i) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year,

(ii) an offense done for the purpose of commercial advantage or private financial gain, or

(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined under title 18 and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(ii), not more than 10 years, in the case of a first or second violation of subparagraph (B)(i) or B(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years.

(3)

(A) Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under title 18 or imprisoned for not more than 5 years, or both.

(B) An alien described in this subparagraph is an alien who—

(i) is an unauthorized alien (as defined in section 1324a(h)(3) of this title ([/uscode/text/8/iii.usc:t:8:s:1324a:h:3](#))), and

(ii) has been brought into the United States in violation of this subsection.

(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if—

(A) the offense was part of an ongoing commercial organization or enterprise;

(B) aliens were transported in groups of 10 or more; and

(C)

(i) aliens were transported in a manner that endangered their lives; or

(ii) the aliens presented a life-threatening health risk to people in the United States.

(b) Seizure and Forfeiture

(1) IN GENERAL

My conveyance, including any vessel vehicle, or aircraft, that has been or is being used in the commission of a violation of subsection (a), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.

(2) APPLICABLE PROCEDURES

Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18 ([/uscode/text/18/lii.usc:t:18:ch:46](#)) relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Attorney General.

(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS In determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

(B) Official records of the Service or of the Department of State showing that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

(C) Testimony, by an migration officer having personal knowledge of the facts concerning that alien's status, that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

(C) AUTHORITY TO ARREST

No officer or person shall have authority to make any arrests for a violation of any provision of this section except officers and employees of the Service designated by the Attorney General, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.

(d) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY

Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.

(e) OUTREACH PROGRAM

The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall develop and implement an outreach program to educate the public in the United States and abroad about the penalties for bringing in and harboring aliens in violation of this section.

(June 27, 1952, ch. 477, title II, ch. 8, 274.66 Stat. 228 ([http://uscode.house.gov/statviewer.htm?volume=66&page=228](#)); Pub. L. 95-582 ([http://thomas.loc.gov/cgi-bin/bdquery/L?d095:/list/bd/d095pl.lst:582\(Public Laws\)](#)), §2, Nov. 2, 1978, 92 Stat. 2479 ([http://uscode.house.gov/statviewer.htm?volume=92&page=2479](#)); Pub. L. 97-116 ([http://thomas.loc.gov/cgi-bin/bdquery/L?d097:/list/bd/d097pl.lst:116\(Public Laws\)](#)), §12 Dec. 29, 1981, 95 Stat. 1617 ([http://uscode.house.gov/statviewer.htm?volume=95&page=1617](#)); Pub. L. 99-603, title I ([http://thomas.loc.gov/cgi-bin/bdquery/L?d099:/list/bd/d099pl.lst:603\(Public Laws\)](#)), §112, Nov. 6, 1986, 100 Stat. 3381 ([http://uscode.house.gov/statviewer.htm?volume=100&page=3381](#)); Pub. L. 100-525, ([http://thomas.loc.gov/cgi-bin/bdquery/L?d100:/list/bd/d100pl.lst:525\(Public Laws\)](#)), §2(d), Oct. 24, 1988, 102 Stat. 2610 ([http://uscode.house.gov/statviewer.htm?volume=102&page=2610](#)); Pub. L. 103-322, title VI ([http://thomas.loc.gov/cgi-bin/bdquery/L?d103:/list/bd/d103pl.lst:322\(Public Laws\)](#)), §60024 Sept. 13, 1994, 108 Stat. 1981 ([http://uscode.house.gov/statviewer.htm?volume=108&page=1981](#)); Pub. L. 104-208, div. C, title II ([http://www.gpo.gov/fdsys/pkg/PLAW-104publ208/html/PLAW-104publ208.htm](#)), §§203(a)-(d), 219 title VI, §671(a)(1), Sept. 30, 1996, 110 Stat. 3009-565 ([http://uscode.house.gov/statviewer.htm?volume=110&page=3009-565](#)), 3009-566, 3009-574, 3009-720; Pub. L. 106-185 ([http://www.gpo.gov/fdsys/pkg/PLAW-106publ185/html/PLAW-106publ185.htm](#)), §18(a), Apr. 25, 2000, 114 Stat. 222 ([http://uscode.house.gov/statviewer.htm?volume=114&page=222](#)); Pub. L. 108-458, title V ([http://www.gov.gov/fdsys/pkg/PLAW-108publ458/html/PLAW-108publ458.htm](#)), §5401, Dec. 17, 2004, 118 Stat. 3737 ([http://uscode.house.gov/statviewer.htm?volume=118&page=3737](#)); Pub. L. 109-497, title VII ([http://www.gpo.gov/fdsys/pkg/PLAW-109publ97/html/PLAW-109publ97.htm](#)), §796, Nov. 10, 2005, 119 Stat. 2165 ([http://uscode.house.gov/statviewer.htm?volume=119&page=2165](#))).

The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall develop and implement an outreach program to educate the public in the United States and abroad about the penalties for bringing in and harboring aliens in violation of this section.

Mr. KING of Iowa. Mr. Speaker, 8 U.S.C. 1373 addresses sanctuary cities, and it prohibits the sanctuary jurisdictions by Federal law. And that is exactly what they intend to carve out at 8 o'clock tonight in Des Moines, Iowa, to establish themselves as a sanctuary jurisdiction for the entire school district, the largest school district in the State of Iowa—not the most proficient in educating our precious Iowa students, but the largest.

So they make a political statement just at the time when the President

has said that he is prepared to suspend all Federal dollars going to sanctuary jurisdictions, and that would include school districts and it would include, of course, cities and counties and States and any campus that decides they want to be a sanctuary campus.

This President will keep his word.

I would equate this showdown that they are building here, thinking that they can stare the President down and that he will blink and that somehow he won't have the nerve to address sanctuaries, the law-defined jurisdictions in America, the hole-in-the-wall gang holed up in San Francisco with more people being murdered in San Francisco—when I say “hole-in-the-wall gang,” I want to remind people, Butch Cassidy and the Sundance Kid, they had a place in a canyon where you ride through a hole in the wall, and then they had a sanctuary for robbers and murderers and killers, but they had a code among them that they didn't kill each other very often. So they lived in this sanctuary. They were protected from the law; and they guarded and protected each other, and they guarded the notch through the stone wall in the canyon.

That is what these cities are and what the campuses are and some of the States and the counties, sanctuary jurisdictions like the hole-in-the-wall gang where they are harboring lawbreakers. Somehow, we are supposed to let this grow in America and not address it?

We had a Presidential election that focused exactly on this.

And, by the way, I brought amendments to the floor time after time to defund these sanctuary jurisdictions. Every one of them here in the House of Representatives since I have been here has succeeded. There is no unconstitutional act and no amnesty act that has been unchallenged here in the House of Representatives—by amendment, at least—that I and others have brought. Every time the rule of law prevailed.

Now we have elected a President on the rule of law, and this President will not blink. I will remind the public as I speak to you, Mr. Speaker, that when Ronald Reagan was elected President, the air traffic controllers decided they would go out on strike. The President warned them: If you go on strike, you have got a contract, and you are, by law, prohibited from striking because it puts too many people at risk.

They said: Too bad. If we don't get what we demand, we are going on strike anyway.

They challenged the President of the United States. And what did Ronald Reagan do? He said: If you don't go back to work on the date that I tell you, I will fire anyone that doesn't show up.

And so they called the President, thinking it was a bluff. Mr. Speaker, it wasn't a bluff. Ronald Reagan fired

every air traffic controller that didn't show up for work in defiance of the Federal law, and he put the military air traffic controllers to work to control the skies over America without one single fatal accident brought about by any of that. Ronald Reagan was called out by the air traffic controllers. They thought he was bluffing. He was not bluffing.

Now we have jurisdiction after jurisdiction that think they are going to be leading a national movement to accelerate the sanctuary city jurisdiction endeavor, and they think that President Trump is going to back up from them because there are a lot of them and somehow he won't be able to take this on.

I will submit this: If Ronald Reagan had blinked in the stare down between the air traffic controllers union, his Presidency would have collapsed. His power base would have diminished. He would have been an asterisk in history except for the snickers behind the hand of people that would have laughed at him because he would have caved in the face of first adversity.

Donald Trump faces a similar circumstance here with sanctuary jurisdictions. He has no choice. If he is going to have an effective Presidency—and I guarantee you, he is committed to an effective Presidency—there will be no sanctuary jurisdiction left in this country within several months or a year as this grinds through and as people like Mayor Rahm Emanuel are brought to bear and they begin to be reminded by, hopefully, the new Attorney General, maybe as soon as tomorrow, JEFF SESSIONS, that 8 U.S.C. 1324 means what it says: It is a felony to conceal, harbor, or shield from detection or attempt to conceal, harbor, or shield from detection any such alien in any place, including a building or transportation—meaning anywhere. It is a serious felony.

8 U.S.C. 1373, sanctuary cities, just the policy is a violation of Federal law. And then when you have control of the purse strings, Mr. Speaker, and you cut off the Federal funds going to these jurisdictions, there isn't hardly anybody that is going to face this. I think I would start with maybe the mayor of Chicago, then the mayor of New York. I bet he can communicate with Mayor de Blasio.

The center of it all is this: Restore the respect for the rule of law. You have to enforce it if you are going to have laws. Once we do that, we will respect each other and America can go back to its constitutional foundation, and we can turn our focus to building our families, restoring our country, and helping other countries get up to speed into the first world.

Mexico can get to the first world, but they can't be there if it is going to be corrupt. They can't be there if they are going to be the main provider of \$60 bil-

lion worth of illegal drugs in this country. They can't face another 100,000 people murdered, we can't face 55,000 drug overdose deaths in this country every year, and I haven't yet mentioned even the terrorists that are sneaking across that border on at least an irregular basis.

Mr. Speaker, it is serious business, and I urge that we get this done. I urge that the American people follow through and encourage the President of the United States, let's end DACA, let's end DAPA, and let's end the sanctuary jurisdictions. Build a wall. America will be in a better place.

Mr. Speaker, I appreciate the attention and your ear this evening. It has been my honor to address you here on the floor of the House of Representatives.

I yield back the balance of my time.

HIGHLIGHTS OF THE WEEK

The SPEAKER pro tempore (Mr. MAST). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I greatly appreciate my friend, colleague—actually, dear friend—STEVE KING, and his points he is making—right on track.

I hesitated for a number of days now about making public reference to this, but it needs to be addressed and it needs to be looked at, and people need to be aware so that mistakes do not continue to be made. This is a story from John Stanton, February 2, 2017, BuzzFeed: "Congressional IT Staff Under Investigation In Alleged Procurement Scam."

And this is February 2, so several days ago—5 days ago. It says: "A lawmaker briefed on the matter had said House officials had told staff from affected offices that contractors had been arrested, but late Thursday night US Capitol Police spokesperson Eva Malecki told BuzzFeed News that no arrest had been made. The USCP is investigating House IT support staff."

Now, that is the technologically proficient staff members that work on congressional computers, that work on our technology, so it was quite disturbing to see this some days back.

This says: "Five men who had access to the House of Representatives' entire computer network are under investigation Thursday evening following a months-long investigation by federal law enforcement officials, according to a lawmaker briefed on the raid."

Well, it sure wasn't me because I didn't know anything about this until I read it a few days ago.

"Although the lawmaker said House officials had told staff from affected offices that contractors had been arrested, late Thursday night, US Capitol Police spokesperson Eva Malecki told

BuzzFeed News that no arrest had been made, but that USCP are investigating members of the House IT support staff.

"At the request of Members of Congress, the United States Capitol Police are investigating the actions of House IT support staff," Malecki said in a statement. "No Members are being investigated. No arrests have been made. It should be noted that, administratively, House staff were asked to update their security settings as a best practice. We have no further comment on the ongoing investigation at this time."

"According to the member, the chiefs of staff for 20 lawmakers were summoned to a closed-door meeting with House administration officials, who briefed them on the incidents. The chiefs were told the men were conducting a procurement scam, although officials acknowledged the men—whose staff were told were brothers—had access to virtually all of the computer systems used by the affected lawmakers. Members were also told Thursday night to change the passwords to their email and other applications."

"The news has rattled nerves on Capitol Hill, especially after the series of high-profile political hackings over the last year. 'They said it was some sort of procurement scam, but now I'm concerned that they may have stolen data from us, emails, who knows,' the lawmaker said."

Then this was added: "This post has been updated and corrected with new information from US Capitol Police, which said no arrests have been made but there is an active investigation ongoing into IT staff who were involved in alleged procurement scam. A lawmaker briefed on the situation had told BuzzFeed News that arrests were made."

And then yesterday we had this update from Politico, "House staffers under criminal investigations still employed," by Heather Caygle.

"Multiple Democratic lawmakers have yet to cut ties with House staffers under criminal investigation for wide-ranging equipment and data theft."

"Imran Awan, a longtime House staffer who worked for more than two dozen Democrats since 2004, is still employed by Rep. Debbie Wasserman Schultz, though his access to the House IT network has been blocked since last week."

"At this time we are continuing to gather information from House officials and will determine the best approach to move forward once we have reviewed that information," David Damron, communications director for Wasserman Schultz, said in an email when asked by POLITICO if Awan was still working for the Florida Democrat."

□ 1930

Mr. Speaker, I might insert parenthetically that although you can't

judge much from a name, one can't help but wonder, because of all of the outcry about the Russians, if maybe these brothers—well, I started to ask—have some Russian connection, but there doesn't appear to be any.

"Multiple relatives of Imran Awan, including his wife Hina Alvi, Abid Awan and Jamal Awan—all House staffers until recently—are also being investigated in connection to the alleged procurement scam, according to a senior House official close to the investigation.

"Alvi has worked for more than a dozen House Democrats and the House Democratic Caucus since 2007. At least one member, Rep. GREGORY MEEKS, New York, is still employing her.

"My office is in the process of gathering information to make a determination in the near future about the employment of Ms. Alvi with our office," Meeks said Monday in a statement to POLITICO.

"Five House staffers are accused of stealing equipment from members' offices without their knowledge and committing serious, potentially illegal, violations on the House IT network, according to multiple sources briefed on the investigation.

"Top staffers for lawmakers impacted by the scam were briefed last Thursday. A source in the briefing said the Sergeant-at-Arms confirmed the U.S. Capitol Police is conducting an active criminal investigation but said no arrests have been made.

"Imran Awan was first employed on Capitol Hill by former Rep. Robert Wexler in January 2004 as an 'information technology director.' Awan has worked for at least 25 other House Democrats since that time as a shared employee providing technical support including to previous House Democratic Caucus Chairman Xavier Becerra, currently the California attorney general.

"Imran Awan has a longtime relationship with some members, including working for Meeks and Becerra starting in 2004 and joining Wasserman Schultz's office in 2005.

"Several Members who have employed Imran Awan and Alvi in the past confirmed to POLITICO they terminated their employment late last week.

"Jamal Awan worked as a House IT staffer for more than half-dozen House Democrats since 2014, according to LegiStorm, a website that tracks congressional employment. Abid Awan worked for more than a dozen House Democrats as a systems administrator since 2005, according to congressional records.

"Another House staff with connections to Imran Awan is also under investigation, according to the senior House official.

"No one named in this POLITICO report as being under investigation re-

turned multiple calls and emails requesting comment over the past several days."

Capitol Police have not returned calls.

So it is extremely disconcerting. All of us have to hire people to help us with our jobs, and most all of us need computer assistants. I can't help but reflect back, there is a new policy last year that was instituted that requires every employee that may have access to the computer systems, the massive databases and emails of Members, such confidential information, they need a background check, but at the same time, there was the requirement that had to be certified by the Member or the administration officer in a congressional office, you either certify that this person has had the required background check to be allowed to access this confidential information on computers in the congressional offices. Some of these Members were part of the Intelligence Committee having access to top secret information. So this is quite serious.

There was another—there were two possibilities. One, you certify this person had the proper background check done. And, number two—it was an "or in the alternative"—if this person works for more than one person—which computer personnel often do because you don't need them full-time, you just need them when something goes wrong or perhaps when they're needing to break into your computer and steal your data—you could sign and certify that this person works for more than one Member of Congress. Therefore, I don't believe the background check is necessary.

So I hope all of my colleagues will make note that there may be people on the Hill that don't have the best intentions with our computer data, including access to classified information. So no matter who they are, even if somebody is worried, because of their background or where they were born, that somebody might scream bias or prejudice, we just need to have everyone who has access to classified information to have a background check even if they work for multiple people. We just need to do that. Lessons, apparently, are still being learned in that regard.

As we continue to hear from some friends here in Washington and some going nuts around the country about a Muslim ban, which is completely false and completely untrue, something we are not hearing a lot about is the horrors being experienced by Christians in the Middle East. Even Secretary John Kerry had acknowledged there was an effort, a genocide, in other words, an effort to wipe out every Christian because of their religious beliefs in the Middle East.

So you would think that if we were going to be the big-hearted nation,

which we have repeatedly been throughout history—not always, but certainly most of the time, more than any other nation in history—then you would think that our hearts would go out to the Christians being persecuted in far greater percentages than any other religious or racial group in the Middle East.

Yet this story from Townhall, "Christians Were Persecuted In Every Corner of Globe in 2016," points out: "Not only did the persecution of Christians increase in 2016, it also spread to every corner of the globe, according to Open Doors USA's latest World Watch List.

"The annual report ranks the worst 50 countries for Christians trying to live out their faith, and while some findings are not surprising, like North Korea topping the list for the 16th consecutive year, the group is troubled by the overall rise in the number of incidents considered persecution."

It is getting worse than ever. Of course, the current Secretary-General, when asked a year and a half or so ago why the percentage of Christian refugees from the Middle East being helped is so much lower than the actual percentage of Christians living in the area, his response was, in essence, that, well, they were so historically important to the areas in which they lived, it was important that they be left there. In other words, we need to leave them where they are being murdered to extinction.

Then that guy with that kind of sensitivity for a genocide gets promoted to be Secretary-General of the U.N., which, to me, is all the more reason it is time to get out of the United Nations. Since a Rockefeller Foundation of some kind controls the land and it is to be used by the U.N., as long as the U.N. remains the main headquarters, then all we have to do is start denying visas and privileges to come in until we have extreme vetting for people that may be improperly using their positions at the U.N. If that proves too much of a burden, then they can go to Brussels or Istanbul or wherever. We might as well let them go to Syria. That seems to be where they want to be most involved, I guess.

It was certainly worth noting Jordan Schachtel in *Conservative Review* has pointed out: "The Middle East country of Kuwait issued its own 'Muslim ban' in 2011, citing the 'instability' from several terror hotbeds in the Middle East."

That is rather interesting because the United States has not and does not have a Muslim ban at all. Christians, atheists, Jews, and Hindus were all just as prohibited as any Muslim from the seven countries that the Obama administration named as being troubled. And the Trump administration didn't just name them as troubled; it actually took action and did something about it.

We have this story from Liam Deacon, Breitbart, that the Islamic State is paying migrants smuggling fees for them if they join a jihad. So more good news. As President Trump is trying to protect America, more stories emerge that make what President Trump did even more important.

I was hearing something on FOX News. They had a panel. There was one panel member that repeated—and I know she didn't mean it to intentionally misrepresent the facts, but she did in saying that no one has been arrested from one of those seven countries for any terrorist activity. Or maybe she said not committed any.

So it seems that it is worth taking a look at Neil Munro's article from Breitbart: "Seattle Judge Was Ignorant About Jihad Convictions Prior to Imposing Refugee Reform Ban."

"The Seattle judge who temporarily banned the White House's refugee reform plan acted after mistakenly claiming the federal government has not arrested jihadi migrants from the seven Muslim countries covered by the reform.

"But the federal government has arrested and jailed at least 76 people since 2001 from the seven countries covered in the first stage of the president's reform, which was announced late January.

"That fact means there is a huge error in the judge's rationale for imposing a 'Temporary Restraining Order' ban on the president's popular reform of the expensive refugee and immigration programs.

"In a hearing before the decision, Judge James Robart told a lawyer from the Department of Justice that the federal government has not arrested people since 2001 from any of the seven countries named in the reform, since the 2001 atrocity in New York. 'How many arrests have there been of foreign nationals for those seven countries since 9/11?' he asked.

"The justice department's lawyer replied, 'Your Honor, I don't have that information,' prompting Robart to answer his own question."

The judge said: "Let me tell you, the answer to that is none, as best I can tell. You're here arguing on behalf of someone that says we have to protect the United States from these individuals coming from these countries and there's no support for that."

□ 1945

All of us are ignorant of some areas. What is incredibly problematic is when you have a judicial official, a Federal judge with a lifetime appointment not only ignorant, but uses his ignorance as the basis of an illegal, unconstitutional order and then adds arrogance to his ignorance. This is sheer, unadulterated, arrogant ignorance by Judge Robart.

So, as a former judge and chief justice, I can sure understand someone

who is not a lawyer or somebody who was a lawyer and somebody who was a former judge or even a current judge saying this is a so-called judge.

You would like to think that judges, if they are going to be arrogant, they will be arrogant about their knowledge in some area that others don't have, instead of being arrogant about ignorance that puts the American public in jeopardy.

The Constitution and the laws passed by this Congress and signed by our President make clear that the President has the authority to do exactly what he did. Whether you like it or not, whether I like it or not, he does have that authority, based on our national security, because we gave it to him.

What we did not give the President was authority to do an amnesty program, as President Obama pointed out more than 20 times. He just didn't have authority to do what he ultimately did when he realized the Senate would not work with the House to stop him.

A judge who should know better and who is allowed to remain a judge only so long as he is acting in good conduct appears to be acting in very bad conduct.

A database was built by the Senate's Immigration Subcommittee. Why would they have to build this? Because President Obama made sure that his administration kept as much secret as they could about who was operating as terrorists in America.

Not only that, when some of us would try to gather such information like my repeated requests to the Obama administration and to the Justice Department, Would you let Congress have the documents that you gave to people convicted of terrorism in the Holy Land Foundation discovery phase, we repeatedly were shunned, and there was just repeated obfuscation. They did not produce what they should have, and America is more at risk now than it has been in a long time.

So what can we expect from the Ninth Circuit? Well, they have a history of not following the Constitution, not following precedent. They are rather liberal. I am hoping we can do something about that circuit. I would like to restrict their jurisdiction to controversies that arise in their building. We have total authority to eliminate them.

I see I am joined by my friend, Mr. ROHRBACHER. I didn't know if the gentleman desires to speak.

Mr. ROHRBACHER. Mr. Speaker, I will speak after the gentleman completes, but I would also just like to note that I agree with everything that he has been talking about for the last 20 minutes. I hope the American people start paying attention.

The fact is, the two of us are in a very small cadre of patriots that have been here in Washington for the last 20

years trying to stop this massive flow of illegal immigrants into our country, realizing that this doesn't only mean that people's wages would go down because we have people bidding down the wages of our people, not only is the crime in our area worse, not only is the money being drained from our health systems and schools—money that should be going to our own citizens are going to illegals—as we have always realized, with a flood of illegals into our country, some of the people riding that wave of illegals are terrorists who mean to destroy the American way of life and would kill our people in order to terrorize our Nation into retreat from involvement in the world.

I have been very honored to stand with the gentleman from Texas in these battles over these last 20 years. I would hope that the election of President Donald Trump reflects the fact that the American people are waking up to the significance of this issue.

We see people on the Senate side shedding tears for a temporary halt in immigration from areas where terrorism is known to exist and radical Islamic terrorism exists there. But they are shedding tears that a couple of hundred people, yes, were put in a bad situation. A couple of other lives were disrupted. They were innocent people.

But in order to save American lives, we are not going to put foreigners who are trying to come here at some kind of discomfort? Well, I think Donald Trump has demonstrated his primary objective is to secure the safety of the people of the United States of America.

I have been so proud to stand with the gentleman from Texas in getting behind Mr. Trump on this very important goal.

Mr. GOHMERT. I am so grateful to my friend from California. We have traveled around the world and stood for people who weren't able to stand for themselves, and I look forward to continue doing that.

Just to continue on, Ken Klukowski has a terrific article, "Travesty of Legal Errors in Immigration EO Lawsuit." It is a great article pointing out problems with Judge Robart's decision.

Then, this article from Hans von Spakovsky on February 6 from Daily Signal, he points out:

"This fact is obvious from an examination of his seven-page order, which contains absolutely no discussion whatsoever of what law or constitutional provision the president has supposedly violated. That temporary restraining order is now on an emergency appeal before a panel of the 9th U.S. Circuit Court of Appeals."

It contrasts a 21-page opinion issued by Massachusetts District Court Judge Nathaniel Gorton. "Unlike Robart, who totally ignored the federal statute, 8 U.S.C. 1182(f), cited by Trump in his executive order, Gorton bases his decision denying the temporary restraining

order on an examination of the extensive power given to the president under that statute. . . ."

The article goes on: "That is exactly what the president has done."

Whether you agree or disagree, he had the power to do it.

The order signed on January 27 on Protecting the Nation From Foreign Terrorist Entry into the United States suspends for only 90 days, unlike the 180 days President Obama did for Iran, the issuance of visas to anyone—not Muslims—just to anyone from those countries of concern as classified by the Obama administration.

And then Gorton goes on to make further notes, saying "the decision to prevent aliens from entering the country is a 'fundamental sovereign attribute' realized through the legislative and executive branches that is 'largely immune from judicial control.'"

And then it goes on in this article to quote the Supreme Court.

"Robart's opinion ends with a claim that seems like a joke.

"He says that 'fundamental' to his work is 'a vigilant recognition that—the court—is but one of three equal branches of our federal government. The work of the court is not to create policy or judge the wisdom of any particular policy promoted by the other two branches.

"Instead, says Robart, his job is 'limited' to 'ensuring that the actions taken by the other two branches comport with our country's law, and more importantly, our Constitution.'"

That shows that he intentionally and knowingly abused his authority as a judge by not citing either one.

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

FEDERAL MARIJUANA POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from California (Mr. ROHRBACHER) for 30 minutes.

Mr. ROHRBACHER. Mr. Speaker, I rise tonight to ask my colleagues to join me in the legislation that I have submitted today, which is the Respect State Marijuana Laws Act.

For too long, Washington's decision-makers have pursued the same policies over a whole range of issues without regard for whether those policies are actually beneficial to the American people. In fact, they continue to support policies that have utterly failed—many of these things—because the intent sounds so good.

So, over and over again, we see failed policies remain in place, wasting money. Rather than evaluating the reason for the policy failures and ultimately deciding to change course in Washington, the habit has been simply doubling down on regulations, per-

sonnel, and tax dollars spent, believing that that will have and bring a different outcome.

Last November, the American people registered their dissatisfaction with this way of thinking by electing Donald Trump to the Presidency.

President Trump's statements on the campaign trail loudly and aggressively challenged the status quo. We haven't had someone here shaking up the status quo for a long time, but he did so by promising to revisit a whole host of failed Federal policies that have been crying out for attention for years and, in some cases, decades.

Once such failed policy has been the U.S. Government spending billions of dollars and wasting the time of Federal employees—hundreds of thousands, if not maybe tens of thousands of Federal employees—in order to prevent adults from smoking a weed, marijuana.

Candidate Trump told the voters this was an issue to be left up to the States, especially when it comes to medical marijuana.

At a 2015 rally in Sparks, Nevada, then-Candidate Trump said:

"Marijuana is such a big thing. I think medical should happen—right? Don't we agree? I think so. And then I really believe we should leave it up to the states."

It should be a State situation, I think.

"In terms of marijuana and legalization, I think that should be a state issue, state-by-state."

I could not agree more with the President. Indeed, it is the very approach that I have advocated for several years.

In this vein, I have reintroduced today, as I said, the Respect State Marijuana Laws Act earlier today, along with Republican colleagues TOM MCCLINTOCK, TED YOHO, DON YOUNG, DUNCAN HUNTER, JUSTIN AMASH, and TOM MASSIE, as well as Democratic colleagues STEVE COHEN, MARK POCAN, EARL BLUMENAUER, DINA TITUS, JARED POLIS, and BARBARA LEE.

My bill, which has not received a designation yet but is entitled the "Respect State Marijuana Laws Act," will permit residents to participate within the confines of a State's medical and recreational marijuana program without running afoul of Federal law.

Admittedly, my personal preference would be to lift the Federal Government's prohibition on marijuana entirely. However, I understand that this approach would be a nonstarter for many of my colleagues, which is why I have promoted an approach that simply gives the States and their residents the room they need to take a different approach to this issue, should they choose to take that different approach.

Under my proposal, if a resident or business acts outside the boundaries set by a particular State, or if a State has chosen not to allow medical or rec-

reational use of marijuana by their residents, the Federal Government would still be empowered to enforce Federal law in those instances. If that is what the people of the State want—it to be legal—the Federal Government can still get involved.

Of course, the number of States that have resisted the shift in national opinion on this issue is small. To date, 44 States, including D.C., Guam, and Puerto Rico, have enacted laws that allow, to a varying degree, the cultivation, sale, and use of marijuana for medical or recreational purposes. For those States and territories that have discarded strict marijuana prohibition, my bill would align Federal policy accordingly.

□ 2000

This is to those States and the people of those States who have decided they don't want the marijuana prohibition. My bill would then make sure that Federal law is aligned with the States' and the people in those States' desires so that the residents and businesses wouldn't have to worry about Federal prosecution. For those few States that have thus far maintained a policy of strict prohibition, my bill would change nothing. I think that this is a reasonable compromise that places the primary responsibility of police powers back in the States and the local communities that are most directly affected.

Over the past few years, the disparity between State and Federal marijuana policies has confused and stifled banking, proper taxation, research, natural resources development, law enforcement, and related activities. A plethora of bills, many of which I have happily cosponsored, have been introduced in the House to tackle these problems on an issue-by-issue basis. However, my bill is the only one that would solve all these problems in one fell swoop.

My bill is short, straightforward, and easy to understand. It amends the Controlled Substances Act to add a new rule that reads as follows: "Notwithstanding any other provision of law, the provisions of this subchapter related to marijuana shall not apply to any person acting in compliance with State laws relating to the production, possession, distribution, dispensation, or administration or delivery of marijuana."

The major difficulties that landlords, dispensaries, banks, and others find themselves in in those States where the majority of people—maybe the vast majority of people—have voted to make marijuana legal in their borders stems from the fact that the Federal Government law considers that activity still illegal. By explicitly stating that as long as these folks are following the State law, their actions are, by definition, not illegal to the Federal

Government, if we do that, many of these obstacles, many of these confusions that people have to deal with in those States, in the States where people have voted to make sure they don't want marijuana illegal, well, their problems and the complications, the banking rules and everything else would be solved immediately.

Now that we have established President Trump's policy preference as it relates to this issue, which is he believes it should be left up to the States, as well as my legislative proposal, let us turn to the reasons why Federal policy ought to change.

First, as a matter of philosophy, I, as a constitutional conservative, have great faith in the ideals articulated by our Founding Fathers. Their experience with the British monarchy, an all-powerful, centralized British Government in which people had little representation and no right to control their own lives and liberty, led them to establish—meaning, led our Founding Fathers to establish—a decentralized system of government, totally different from that of the British, that their government was meant to protect the freedoms of the citizenry.

One of the most important tenets of this system of government was the idea that nearly all police power should be reserved to and exercised by the State and local governments. Yet today, Congress continues to fund an enormous Federal bureaucracy that is built around the idea that we—meaning, the Federal Government—can and should regulate what people may or may not choose to consume and has justified the Federal Government's establishing a Federal police force and justified Federal police actions directly on the citizens throughout our country.

This is totally contrary to what our Founding Fathers meant. There was never an intent to have criminal law being taken care of by the Federal Government. All of our Founding Fathers would have opposed it and today would be supporting my legislation by bringing things back to the ideals which they had in mind of limited government, especially limiting the Federal Government's control directly over our lives.

Tragically, these laws, the laws which have been implemented and the laws that have been encouraged by the Federal Government, these laws concerning marijuana, disproportionately impact on the poorest communities in our country. There is an incorrect perception that poor people, particularly people of color, disproportionately break Federal marijuana laws, leading to their disproportionate representation in Federal prisons. However, as I indicated, that is an incorrect perception.

Statistics show that affluent citizens are just as likely to grow, sell, and use marijuana illegally as poor citizens.

The sad difference between these two, however, is that the poorest among us are somehow unable to avoid prison time for similar offenses.

There is much that can be said about why this is. Some may respond to this unfairness with the idea that we should just lock up more of the affluent young people and older people as frequently as we lock up their poor counterparts.

Well, I happen to believe that the Federal Government shouldn't be locking up anyone for making a decision of what he or she should privately consume, whether that person is rich or poor, and we should never be giving people the excuse, especially Federal authorities, that they have a right to stop people or intrude into their lives in order to prevent them and prevent others from smoking a weed, consuming something they personally want to consume.

We have been down this path before, of course. In the 1920s, a coalition of progressives and evangelical Christians thought it would be a good idea to institute a national prohibition on alcohol, which was something else that people can do in excess—and do in excess—which hurts them when they do it in excess or when they do it when they are not totally in control, and they hurt their lives.

People do hurt their lives on alcohol, no doubt about it, just like in all these other drugs and just as some people do on sugar, for example. But the motives of the movement, no matter how well intended, indeed, certainly they wanted to help the people that they were going to stop from drinking. But like most efforts to limit freedom, the freedom of Americans, they ultimately succeeded in convincing—they did convince—the country to enact an amendment to the Constitution that actually prohibited the production and sale of alcohol in the United States.

What happened? Well, predictably, the policy failed at achieving its intended goal, which is trying to prevent people from consuming a liquid intoxicant, alcohol; and instead of just achieving that goal, instead it resulted in a torrent of collateral damage that harmed everybody in this country and created problems that we still have today. The rise of organized crime, the death of people consuming booze that was contaminated or otherwise deadly, that is what was going on during Prohibition.

The mobster scene first arrived in America. We had organized crime. We had people who were consuming alcohol from stills, and they had no idea what company or what people were making this stuff that they were consuming. They ended up dying in great numbers, and we ended up with the Mob.

Does that sound familiar?

Fortunately, for future generations, the country wised up and repealed the

Prohibition amendment just about a decade after it was put into place.

Today, the scourge of marijuana prohibition has fueled organized crime here and south of our border and in our inner cities and throughout the world. We now have organized crime on steroids, and there is little that we can do to stop that because we keep feeding them with money by having outlawed drugs that people want to consume, and especially that drug that we are looking at tonight, which is marijuana.

Yet despite the well-documented death and destruction permeated by organized crime, the two groups who are most tragically harmed by the Federal Government's intransigence—it is not necessarily the groups that they are trying to save, but, in reality, they are trying to save these people. They are putting them in jail. They are destroying people's lives in that way, but they are also victimizing American seniors and our veterans—yes, our veterans.

The Federal Government remains so fixated on the need to restrict marijuana use that it has effectively promoted an opioid addiction. The possibility that marijuana might be a viable alternative to the management of pain and certain chronic disorders has been ignored and, yes, suppressed. Thus, we have senior citizens who are in their senior citizens homes, people over 70 and 80 years old, and they are being prohibited from using marijuana that might make their day a little bit easier or might bring back their appetite. Marijuana is now, instead, designated as a schedule I substance and has prevented any meaningful use that might be, as I say, for our senior citizens.

It has also prevented a robust research of the drug to find out exactly what it could be used for in a positive way. Last year, to the credit of the Obama administration, at the insistence of myself and others here in Congress, the Drug Enforcement Administration announced a policy change to expand the number of DEA-registered marijuana manufacturers. That meant that they were able to expand that number.

Historically, only the University of Mississippi had been registered with the DEA to produce marijuana for research purposes. Well, what we have had in the past has limited the research supply of marijuana both in quantity and in quality, making access particularly difficult to legitimate scientists and practitioners. Thus, we have made it very difficult, if not impossible, for us to get a full understanding: If there are dangers, what are they? If there are some potential positive uses of marijuana, what are they?

Through the policy that we have had, it has been a negative impact on those people who are suffering who, needlessly, don't need to suffer. They do not need to suffer, whether they are our veterans coming home or whether it is

our people who are basically older or are suffering from other types of diseases. The policy change that we have made is a positive step in the right direction so that now there can be more research into marijuana to find out what the dangers are and what the benefits can be.

We now can expect that research to pick up to some degree, although barriers remain. It is unfortunate that barriers remain because a plethora of anecdotal evidence suggests that this plant and its constituent parts may offer relief from ailments such as post-traumatic stress disorder, cancer, chronic pain, epilepsy, glaucoma, and multiple sclerosis; and, yes, we know that in some cases they have noted childhood problems where people go into seizures, and it has been effective in that.

Why have we held marijuana back and not researched it even?

This paranoia has had severe negative consequences on the American people, and that is not even considering the number of people whose lives have been affected. You arrest some person who doesn't have the money for a lawyer and they can't get it expunged from their record, for the rest of their lives they have lower pay and they have trouble getting jobs. We have trapped people in our poorer areas because we have put this stigma on them when what we are talking about is the consumption of a weed—not hurting somebody else, the personal consumption.

I can't think of anything that our Founding Fathers thought that some people have a right to control their lives, especially what they consume. I, of course, don't agree that we should outlaw cups bigger than this because some people might drink more soda pop if we have bigger cups, no. People need to be responsible for their own lives. That is what freedom is all about, and that is when people will start being more careful about what they do.

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Yes, we also know that marijuana can adversely affect the mental development of an adolescent brain. As such, it is vitally important to discourage our youth from chronic use. Right now the youth won't even believe what we are talking about half the time when it comes to marijuana. So now we need to establish our credibility that we are not being paranoid, we are being responsible, and we are being realistic. We need to discuss with our young people and discourage the chronic consumption of marijuana, just like we do when we discourage them from the chronic consumption of alcohol use, which also is bad for young people's brains.

But the fact is we do not know more, and we need to know more, about the

use of medical marijuana and the use of marijuana, period—both positive impacts and negative impacts. The fact that we don't know what it can be used for positively or what the negative impact is because we haven't done the research, that is a travesty. That is a travesty.

It is a crime against older people who sit there and are being denied the use of something when they are over 70 or 80 years old that might enlighten their day and might bring back their appetite after they have had some sickness.

It is a travesty when our veterans come home and they are given opiates instead of maybe something they can derive from marijuana. We need to research that. And our veterans end up killing themselves because now they are addicted to an opiate. The Federal Government should not stand in the way of the scientific community in learning more about marijuana.

Many who oppose the change in course for Federal marijuana policy will cite any number of excuses: Oh, but it is dangerous if people use marijuana and then get behind the wheel of a car.

Well, that is something that needs to be worked out. We need to make sure that we understand there are other challenges we have to face once marijuana is legal and how we are going to protect people from being in a situation. Well, I happen to believe that there will be no more people smoking marijuana and driving a car if it was legal than they are today. However, that may be an issue we need to look at.

What we need to do is find ways to discourage young people from driving while drinking. Let's have drug testing in our schools not aimed at putting young people in jail, not aimed at saying: Oh, you have tested positive for marijuana, you are going to get arrested. By the way, you can't do that because you can't force these kids to testify against themselves by giving them a blood sample or a drug test. But you can do it in order to say: If you test positive for drugs, we are going to talk to your parents about it. If you test positive for drugs and you are in school, you are going to have to take a class to show you what you are doing to your brain.

Ultimately, this is all about freedom. It is all about whether adults, not children, can use their decisionmaking process. This is the land of the free and the home of the brave. Too many people get so wrapped up in micromanaging our lives for our own benefit—of course, it is always for our own benefit—that sometimes they end up causing great harm to the people that they want to control for their own benefit.

Well, many of my Republican colleagues have joined me in letting the States do this. That is right. I understand it. I respect them. I hope more

will go along with the constitutional provision that those things not enumerated in the Constitution are powers that should be granted to the States.

I hope that my Republican colleagues will join me in recognizing that, when we talk about individual freedom, this is what individual freedom is. It also includes individual responsibility on the other side of the coin. When we talk about limited government, we want limited government and we want government that is closest to the people, the State marijuana laws in the name of helping people. So that they won't consume a weed by their own choice, we are destroying all of those principles which we claimed as Republicans.

I believe in those principles. I think my fellow Republicans do as well. That is why we need to talk about it and have this type of discussion that I am opening up tonight on the floor of the House. In fact, if someone says they believe in the Tenth Amendment to the Constitution—we have heard it, and we will hear it in this body over and over again—let's send that back to the States. That is supposed to be a State rule of who is going to control the environment, who is going to control the gun laws or marriage laws, et cetera. We are going to hear that. But if someone really believes in the Tenth Amendment, they will respect the State marijuana laws, and let the States decide, and the people therein decide, what the laws should be.

Remember, as we discuss people's health care, Republicans over and over again say: You shouldn't get in between a doctor and his patient. We believe in the doctor-patient relationship. That is true for medical marijuana as well.

Do we believe in these principles?

I say the Republican Party does believe in those principles. We need to have a discussion and we need to make sure that the American people understand that we are not just down here saying that we can control their life when we think it is best. No. We are down here because we do believe in liberty, we do believe in freedom, we do believe what our Founding Fathers had in mind when they decided not to follow the dictates of the king, not to permit the British government to establish control over their lives here in the United States that they had in Great Britain where they had fled from to get away from that type of authority. We do not want to have Federal police—no matter what they call them, DEA or anything else—down in our cities and our towns conducting law enforcement operations.

That is not what our Founding Fathers had in mind. They had in mind also that people would be responsible for themselves. Yes, when people are free, some of them are going to make wrong decisions in their lives. We need

to make sure that we understand that when we legalize medical marijuana, or even recreational use of marijuana, some people will hurt themselves, just like with alcohol.

It is up to us not to try to put them in jail, not to try to hurt them, not to try to force them to do what we want, but to try to reach out to them, to help people who are in need, help people make the right decision in our churches and our schools. This is the way to conduct when you have a problem that threatens to bring down the society, not establishing a Federal Gestapo to go and enforce laws that are going to make everybody just prim and proper. I am sorry. What we need is to reassert what our Founding Fathers had in mind for America: limited government, personal responsibility, individual freedom, and, yes, the Tenth Amendment.

I would ask my Republican colleagues to join me in supporting the Respect State Marijuana Laws Act. It presents us with a unique opportunity to support legislation that responds to our constituent demands because across America, people are understanding the reality of this. They don't want to put people in jail, they don't want to have Federal law strike forces in their community just to prevent adults from consuming a weed in their backyard. It makes no sense at all. They know that people, once they are arrested for just smoking a weed that is not hurting anybody else, their lives are damaged and it is harder for them to become a decent citizen. Americans are concerned about each other, and we know we can't just leave it up to the government to control our lives.

With that said, I hope that my colleagues support this legislation and support Congressman BLUMENAUER and myself and others in the Cannabis Caucus that is being established in order to be consistent with the goals and ideals of American liberty to make sure that we have limited government and unlimited freedom in this country. That is what America was supposed to be all about.

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

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on February 6, 2017, she presented to the President of the United States, for his approval, the following joint resolutions:

H.J. Res. 41. Providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers".

H.J. Res. 38. Disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until Thursday, February 9, 2017, at 2:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

517. A letter from the Secretary, Department of Defense, transmitting a withdrawal of previous certification of satisfactory service for General Arthur J. Lichte, United States Air Force, in the grade of general issued on November 13, 2009; to the Committee on Armed Services.

518. A letter from the Deputy Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau (CGB), Federal Communications Commission, transmitting the Commission's final rule — Structure and Practices of the Video Relay Service Program [CG Docket No.: 10-51]; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No.: 03-123] received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

519. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's interim rule — Recruitment and Selection through Competitive Examination (RIN: 3206-AN46) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

520. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's Major final rule — Medical Qualification Determinations (RIN: 3206-AL14) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

521. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2017 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts [Docket No.: 150818742-6210-02] (RIN: 0648-XF104) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

522. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary orders — Fraser River Sockeye Salmon Fisheries; Inseason Orders (RIN: 0648-XE860) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

523. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Pos-

session and Trip Limit Modifications for the Common Pool Fishery (RIN: 0648-XF074) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

524. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Snapper-Grouper Fishery of the South Atlantic; 2016 Recreational Closure for Hogfish in the South Atlantic [Docket No.: 140819686-5999-02] (RIN: 0648-XF042) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

525. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2016 Commercial Accountability Measures and Closure for Atlantic Migratory Group Cobia [Docket No.: 101206604-1758-02] (RIN: 0648-XF056) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

526. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 150903814-5999-02] (RIN: 0648-XF061) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

527. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for the State of New York [Docket No.: 140214138-4482-02] (RIN: 0648-XF043) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

528. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 151130999-6225-01] (RIN: 0648-XF069) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

529. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-opening of Recreational Sector for the South Atlantic Other Jacks Complex [Docket No.: 120815345-3525-02] (RIN: 0648-XF046) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

530. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting notification that during Fiscal Year 2016, no payments were made from the Victims Compensation Fund, pursuant to 18 U.S.C. 3525(b); Public Law 98-473, Sec. 1208;

(98 Stat. 2162); to the Committee on the Judiciary.

531. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Civil Monetary Penalty Inflation Adjustments [Docket ID: OSM-2016-0015; S1D1S SS08011000 SX064A000 178S180110; S2D2S SS08011000 SX064A00 17XS501520] (RIN: 1029-AC74) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

532. A letter from the National President, Women's Army Corps Veterans' Association — Army Women United, transmitting the annual audit of the Association as of June 30, 2016; to the Committee on the Judiciary.

533. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations, temporary regulations, and removal of temporary regulations — Guidance for Determining Stock Ownership; Rules Regarding Inversions and Related Transactions [TD 9812] (RIN: 1545-BL00; 1545-BM45) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

534. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts (REITs) [TD 9810] (RIN: 1535-BN06) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

535. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Revenue Procedure: Management Contracts Safe Harbors (Rev. Proc. 2017-13) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

536. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Income from Discharge of Indebtedness (Rev. Proc. 2017-24) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

537. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Extension of the Due Date for a Section 35 Health Coverage Tax Credit Election [Notice 2017-16] received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

538. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Changes to Rev. Proc. 2010-46 (Rev. Proc. 2017-22) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

539. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Qualifying Income from Activities of Publicly Traded Partnerships With Respect to Minerals or Natural Resources [TD 9817] (RIN: 1545-BM43) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLE: Committee on Rules. House Resolution 99. Resolution providing for consideration of the bill (H.R. 428) to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for the other purposes, and providing for consideration of the joint resolution (H.J. Res. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants (Rept. 115-10). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROYCE of California (for himself, Ms. SINEMA, and Ms. SEWELL of Alabama):

H.R. 898. A bill to require Fannie Mae and Freddie Mac to establish procedures for considering certain credit scores in making a determination whether to purchase a residential mortgage, and for other purposes; to the Committee on Financial Services.

By Mr. MASSIE (for himself, Mr. AMASH, Mr. BIGGS, Mr. CHAFFETZ, Mr. GAETZ, Mr. JODY B. HICE of Georgia, Mr. JONES, and Mr. LABRADOR):

H.R. 899. A bill to terminate the Department of Education; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ:

H.R. 900. A bill to recognize Puerto Rico's sovereign nationhood under either independence or free association and to provide for a transition process, and for other purposes; to the Committee on Natural Resources.

By Mr. CUMMINGS (for himself, Mrs. LOVE, Mr. CONYERS, Ms. JACKSON LEE, Mr. SEAN PATRICK MALONEY of New York, Ms. BASS, and Mr. LABRADOR):

H.R. 901. A bill to place restrictions on the use of solitary confinement for juveniles in Federal custody; to the Committee on the Judiciary.

By Mr. CARTWRIGHT (for himself, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. CONNOLLY, Mr. HIMES, Ms. KELLY of Illinois, Mr. LOEBACK, Mr. PETERS, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABLON, and Ms. JENKINS of Kansas):

H.R. 902. A bill to amend title 38, United States Code, to improve the authority of the Secretary of Veterans Affairs to hire psychiatrists; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina (for himself, Mr. ROGERS of Alabama, Mr. BYRNE, and Mr. LAMBORN):

H.R. 903. A bill to restrict funding for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LIPINSKI (for himself, Mr. JOYCE of Ohio, Ms. SHEA-PORTER, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. GARAMENDI, Mr. NOLAN, Ms. NORTON, Mr. RYAN of Ohio, Mrs. BUSTOS, Ms. BROWNLEY of California, Mr. CARSON of Indiana, and Mr. JONES):

H.R. 904. A bill to amend chapter 83 of title 41, United States Code, to increase the requirement for American-made content, to strengthen the waiver provisions, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services, Transportation and Infrastructure, Energy and Commerce, Agriculture, Natural Resources, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARENTHOLD (for himself and Mr. POLIS):

H.R. 905. A bill to amend title 17, United States Code, to provide that the first sale doctrine applies to any computer program that enables a machine or other product to operate, and for other purposes; to the Committee on the Judiciary.

By Mr. FARENTHOLD (for himself, Mr. GOODLATTE, and Mr. MARINO):

H.R. 906. A bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLINS of Georgia (for himself, Mr. LEWIS of Georgia, Mr. CRAMER, Mr. BLUMENAUER, Mr. ROTHFUS, Mr. SOTO, Mr. GARAMENDI, Mr. VALADAO, Ms. SHEA-PORTER, Mr. COFFMAN, Mr. GOHMERT, Mr. WOODALL, Mr. JONES, Mr. FRANKS of Arizona, Mr. KELLY of Pennsylvania, Mr. ISSA, Ms. ROYBAL-ALLARD, Mr. POLIQUIN, and Mr. BISHOP of Michigan):

H.R. 907. A bill to amend title 38, United States Code, to improve the care provided by the Secretary of Veterans Affairs to newborn children; to the Committee on Veterans' Affairs.

By Mr. KELLY of Pennsylvania (for himself, Mr. KIND, Mr. GUTHRIE, and Mr. MICHAEL F. DOYLE of Pennsylvania):

H.R. 908. A bill to amend title XVIII of the Social Security Act to eliminate a provision under the Medicare Advantage program that inadvertently penalizes Medicare Advantage plans for providing high quality care to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARK of Massachusetts (for herself, Ms. ROS-LEHTINEN, Mr. DENHAM, Mrs. MIMI WALTERS of California, Mr. NOLAN, Mr. COHEN, Mr. NADLER, Mr. LARSEN of Washington, Mr. Cárdenas, Ms. ROYBAL-ALLARD, Mr. KEATING, Ms. JACKSON LEE, Mr. FOSTER, Ms. WASSERMAN SCHULTZ, Mr. SMITH of Washington, Mrs. LAWRENCE, Ms. SPEIER, Mrs. WATSON COLEMAN, Ms. SLAUGHTER, Mr. CARTWRIGHT, Ms. SINEMA, Ms. DELBENE, Mr. LYNCH, Ms. MCCOLLUM, Mr. ENGEL, Mr. CONNOLLY, Mrs. NAPOLITANO, Mr. DELANEY, Mr. GENE GREEN of Texas, Mr. YODER, Mr. CONYERS, Mr. CROWLEY, Ms. DELAURO, Ms. TSONGAS, Ms. TITUS, Mr. SCHIFF, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON

of Texas, Mr. PETERS, Mr. TONKO, Mr. MEEHAN, Mr. VEASEY, Mr. SWALWELL of California, Mr. MOULTON, Mr. CUMMINGS, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. PINGREE, Mr. BLUMENAUER, Mr. SEAN PATRICK MALONEY of New York, Mr. LANGEVIN, Ms. JENKINS of Kansas, Mr. YARMUTH, Mr. LEWIS of Georgia, Mr. BUCHANAN, Ms. BROWNLEY of California, Mrs. CAROLYN B. MALONEY of New York, Mr. KILMER, Mr. NORCROSS, Ms. WILSON of Florida, Mr. DEUTCH, Mr. RUPPERSBERGER, Mr. ZELDIN, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. BARLETTA, Mrs. COMSTOCK, Ms. KAPTUR, Mr. RODNEY DAVIS of Illinois, Ms. SANCHEZ, Miss RICE of New York, Ms. KELLY of Illinois, Mr. POCAN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. DIAZ-BALART, Mr. DENT, Ms. SHEA-PORTER, Mr. O'ROURKE, Mr. KHANNA, Mr. FASO, Mr. WALZ, Mr. POLIS, Mr. GRIJALVA, Mr. KILDEE, Mr. SCHRADER, Mrs. DAVIS of California, Ms. LEE, Mr. CICILLINE, Mr. ELLISON, Mr. RYAN of Ohio, Ms. BONAMICI, Ms. JUDY CHU of California, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CURBELO of Florida, Mr. JONES, Mr. COFFMAN, Mr. LOEBSACK, Mr. COSTA, Mr. CAPUANO, Ms. JAYAPAL, Mr. GARAMENDI, Ms. LOFGREN, Mr. KENNEDY, Mr. PAYNE, Ms. CASTOR of Florida, Mr. DEFazio, Mr. KING of New York, Mr. SIREs, Mr. TED LIEU of California, Mr. GONZALEZ of Texas, Mr. QUIGLEY, Mr. MEEKS, Mr. CALVERT, Mr. POLIQUIN, Ms. ESTY, Mr. WELCH, Mr. MCNERNEY, Mr. TAKANO, Mr. BRADY of Pennsylvania, Mr. SARBANES, Mr. LIPINSKI, Mr. SCOTT of Virginia, Mr. SOTO, Mrs. BUSTOS, Mrs. DINGELL, Ms. STEFANIK, Mrs. WAGNER, Mr. PALLONE, Mr. CLAY, Mr. COSTELLO of Pennsylvania, Mr. PERRY, Mr. STIVERS, Ms. BORDALLO, Mr. AGUILAR, Ms. VELÁZQUEZ, Ms. MOORE, Mr. MCCAUL, Mr. HIGGINS of New York, Mr. SERRANO, Mr. HASTINGS, Mr. HECK, Mr. RUSH, Mr. GALLEG0, Mr. CARBAJAL, Mr. SMITH of New Jersey, Ms. SCHAKOWSKY, Ms. KUSTER of New Hampshire, Mr. PERLMUTTER, Mr. FITZPATRICK, Mr. LOBIONDO, Mr. MARINO, Mr. JOYCE of Ohio, Mr. SABLON, Ms. FRANKEL of Florida, Ms. HANABUSA, Mr. RICHMOND, Mr. PRICE of North Carolina, Mr. THOMPSON of California, Mr. BEYER, Mrs. TORRES, Mr. GAETZ, Mr. CHABOT, Ms. MCSALLY, Mr. SHERMAN, Mr. LOWENTHAL, Mr. DONOVAN, Ms. DEGETTE, Mr. COURTNEY, Mr. CLEAVER, Mr. RASKIN, Mr. JEFFRIES, Ms. MATSUI, Mrs. LOWEY, Mr. O'HALLERAN, Ms. MENG, Mr. BISHOP of Michigan, Ms. BASS, Mr. KATKO, Mr. NEAL, Mr. PAULSEN, and Mr. HUFFMAN):

H.R. 909. A bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself and Mr. FOSTER):

H.R. 910. A bill to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes; to the Committee on Financial Services.

By Mr. FITZPATRICK (for himself, Mr. GOTTHEIMER, Mr. CARSON of Indiana, Mr. KING of New York, Mr. JONES, Mr. LANCE, Mr. MACARTHUR, Mr. BLUM, Mr. THOMAS J. ROONEY of Florida, Mr. NADLER, Ms. BORDALLO, Mr. HUFFMAN, Mr. THOMPSON of Pennsylvania, Mr. CAPUANO, Mr. KEATING, Mr. SWALWELL of California, Mrs. WATSON COLEMAN, Mr. PERLMUTTER, Ms. TSONGAS, and Mr. MARINO):

H.R. 911. A bill to direct the Administrator of the Federal Aviation Administration to issue an order with respect to secondary cockpit barriers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FOSTER (for himself, Ms. TITUS, Mr. DEUTCH, Mr. AGUILAR, Mr. ELLISON, Mr. CICILLINE, Mr. VARGAS, Mr. SOTO, Mr. TONKO, Ms. NORTON, Mr. COHEN, Ms. MENG, Mr. GUTIERREZ, Mr. PANETTA, Mr. GRIJALVA, Mr. TED LIEU of California, Mr. CÁRDENAS, Ms. SCHAKOWSKY, and Ms. WASSERMAN SCHULTZ):

H.R. 912. A bill to provide for punishments for immigration-related fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSTER (for himself and Mr. DEUTCH):

H.R. 913. A bill to provide for improvements in the treatment of detainees, and for other purposes; to the Committee on the Judiciary.

By Mr. COURTNEY (for himself, Mr. SCOTT of Virginia, Mr. TAKANO, Mr. CONYERS, Mr. GENE GREEN of Texas, Mr. POCAN, Ms. SHEA-PORTER, and Ms. TITUS):

H.R. 914. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for high gravity violations, to adjust penalties for inflation, to provide rights for victims or their family members, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ELLISON (for himself, Ms. MAXINE WATERS of California, Mrs. CAROLYN B. MALONEY of New York, Mr. LYNCH, Ms. MOORE, Mr. CAPUANO, Mr. GRIJALVA, Mr. BUTTERFIELD, Mr. SMITH of Washington, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. NORTON, Mr. MCGOVERN, Mr. TAKANO, Mr. CUMMINGS, Mr. CARTWRIGHT, Mr. POCAN, and Mr. LEWIS of Georgia):

H.R. 915. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009; to the Committee on Financial Services.

By Mr. SANFORD (for himself and Mr. SHERMAN):

H.R. 916. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the use of guarantee fees as offsets; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK (for himself and Mr. GENE GREEN of Texas):

H.R. 917. A bill to control the export of electronic waste in order to ensure that such

waste does not become the source of counterfeit goods that may reenter military and civilian electronics supply chains in the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COFFMAN (for himself, Mr. KILMER, Miss RICE of New York, Mr. MEEHAN, Mr. JONES, Mr. BISHOP of Georgia, Mr. COSTELLO of Pennsylvania, Ms. JENKINS of Kansas, Mr. KING of New York, Mr. SWALWELL of California, Mr. HIMES, Mr. BERGMAN, Ms. KUSTER of New Hampshire, and Mrs. RADEWAGEN):

H.R. 918. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to certain former members of the Armed Forces who are not otherwise eligible to receive such care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California (for himself and Mr. JOYCE of Ohio):

H.R. 919. A bill to require compliant flame mitigation devices to be used on portable fuel containers for flammable liquid fuels, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LOFGREN:

H.R. 920. A bill to provide that Executive Order 13767 (82 Fed. Reg. 8793; entitled "Border Security and Immigration Enforcement Improvements"), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 921. A bill to provide that Executive Order 13768 (82 Fed. Reg. 8799; entitled "Enhancing Public Safety in the Interior of the United States"), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself and Mr. MCEACHIN):

H.R. 922. A bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit; to the Committee on Ways and Means.

By Mr. AMASH (for himself, Mr. MASSIE, Ms. LOFGREN, Mr. CONYERS, Mr. POLIS, and Mr. EMMER):

H.R. 923. A bill to repeal the Cybersecurity Act of 2015; to the Committee on Oversight and Government Reform, and in addition to the Committees on Homeland Security, Intelligence (Permanent Select), Armed Services, the Judiciary, Foreign Affairs, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHFUS:

H.R. 924. A bill to amend the Federal Financial Institutions Examination Council Act of 1978 to establish a three-judge independent examination review panel; to the Committee on Financial Services.

By Mr. CALVERT (for himself, Ms. BORDALLO, Mr. BYRNE, Mr. COOK, Mr. COLLINS of New York, Mr. CRAMER, Mr. GARAMENDI, Mr. ISSA, Ms. JENKINS of Kansas, Mr. JONES, Mr. JOYCE of Ohio, Ms. PINGREE, Mr. MCCLINTOCK, Mr. RYAN of Ohio, Ms. STEFANIK, Mr. WALZ, and Mr. WITTMAN):

H.R. 925. A bill to amend title 38, United States Code, to clarify the eligibility for monthly stipends paid under the Post-9/11 Educational Assistance Program for certain members of the reserve components of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. SOTO:

H.R. 926. A bill to amend the Higher Education Act of 1965 to reduce the principal amount on loans made to STEM majors; to the Committee on Education and the Workforce.

By Mrs. WALORSKI (for herself and Ms. KUSTER of New Hampshire):

H.R. 927. A bill to amend title 38, United States Code, to provide for the eligibility for beneficiary travel for veterans seeking treatment or care for military sexual trauma in specialized outpatient or residential programs at facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GOHMERT (for himself, Mr. KING of Iowa, Mr. YOHO, Mr. COLE, Mr. PEARCE, and Mr. CRAMER):

H.R. 928. A bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SEWELL of Alabama (for herself, Mr. CICILLINE, and Ms. SHEA-PORTER):

H.R. 929. A bill to amend the Internal Revenue Code of 1986 to establish tax-preferred Small Business Start-up Savings Accounts; to the Committee on Ways and Means.

By Mr. REICHERT (for himself, Mr. BLUMENAUER, Mr. LANCE, and Ms. SCHAKOWSKY):

H.R. 930. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS of New York (for himself, Mr. PASCRELL, Mr. AMODEI, Mr. BARLETTA, Mr. BARR, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BOST, Mrs. BROOKS of Indiana, Ms. BROWNLEY of California, Mrs. BUSTOS, Mrs. COMSTOCK, Mr. CONNOLLY, Mr. DEFAZIO, Ms. DEGETTE, Mr. DONOVAN, Mr. ELLISON, Mr. ENGEL, Ms. ESTY, Mr. FOSTER, Mr. FASO, Mr. GARAMENDI, Mr. GRIJALVA, Mr. HECK, Mr. JOYCE of Ohio, Ms. KAPTUR, Mr. KATKO, Mr. KILMER, Mr. KIND, Mr. KING of New York, Mr. KNIGHT, Ms. KUSTER of New Hampshire, Mr. LEVIN, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LOEBACK, Mrs. CAROLYN B.

MALONEY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEHAN, Mr. MOULTON, Mr. NADLER, Mr. NOLAN, Mr. NORCROSS, Ms. NORTON, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERSON, Ms. PINGREE, Mr. POLIQUIN, Mr. RENACCI, Miss RICE of New York, Mr. ROGERS of Kentucky, Mr. RYAN of Ohio, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHUSTER, Ms. SINEMA, Mr. SIRE, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SWALWELL of California, Ms. TENNEY, Mr. TONKO, Ms. TSONGAS, Mr. VALADAO, Mrs. WALORSKI, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. YARMUTH, Mr. YOUNG of Alaska, Mr. ZELDIN, Mr. LANCE, Mr. SMITH of Washington, Mr. SEAN PATRICK MALONEY of New York, Mr. QUIGLEY, Mr. GOTTHEIMER, and Ms. STEFANIK):

H.R. 931. A bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. GRIJALVA, Mr. POCAN, Ms. MAXINE WATERS of California, Mr. CARSON of Indiana, Mr. HUFFMAN, Ms. LEE, and Mr. QUIGLEY):

H.R. 932. A bill to direct the Secretary of Transportation to develop performance measures for assessing transportation connectivity and accessibility for highway and public transportation systems, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON (for himself and Mr. LEWIS of Georgia):

H.R. 933. A bill to strengthen the current protections available under the National Labor Relations Act by providing a private right of action for certain violations of such Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself and Mr. ROHRBACHER):

H.R. 934. A bill to reduce prescription drug costs by allowing the importation and reimportation of certain drugs; to the Committee on Energy and Commerce.

By Ms. JACKSON LEE:

H.R. 935. A bill to codify an office within the Department of Homeland Security with the mission of strengthening the capacity of the agency to attract and retain highly trained computer and information security professionals, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Science, Space, and Technology, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Ms. NORTON, and Mr. VELA):

H.R. 936. A bill to amend title 10, United States Code, to establish a space-available transportation priority for veterans of the Armed Forces who have a service-connected, permanent disability rated as total; to the Committee on Armed Services.

By Mr. BRAT (for himself, Mr. FRANKS of Arizona, and Mr. GRIFFITH):

H.R. 937. A bill to amend the Internal Revenue Code of 1986 to create Universal Savings

Accounts; to the Committee on Ways and Means.

By Mr. BURGESS (for himself and Mr. FLORES):

H.R. 938. A bill to amend title XIX of the Social Security Act to provide clarification with respect to the liability of third party payers for medical assistance paid under the Medicaid program, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BUSTOS (for herself, Mr. JONES, Mr. LIPINSKI, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. NOLAN, Mr. GARAMENDI, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. MOORE, Ms. SCHAKOWSKY, Ms. NORTON, Mrs. DINGELL, Mr. POCAN, Ms. MCCOLLUM, Ms. BROWNLEY of California, Mr. FOSTER, Mr. CICILLINE, and Ms. MENG):

H.R. 939. A bill to amend the Safe Drinking Water Act to extend and expand the provision requiring the use of iron and steel products that are produced in the United States in projects funded through a State drinking water treatment revolving loan fund; to the Committee on Energy and Commerce.

By Ms. JACKSON LEE:

H.R. 940. A bill to secure communications of utilities from terrorist threats, and for other purposes; to the Committee on Homeland Security.

By Mr. CONAWAY:

H.R. 941. A bill to increase the number of operational aircraft carriers of the Navy, and for other purposes; to the Committee on Armed Services.

By Mr. CONNOLLY (for himself and Mr. MCKINLEY):

H.R. 942. A bill to extend the right of appeal to the Merit Systems Protection Board to certain employees of the United States Postal Service; to the Committee on Oversight and Government Reform.

By Mr. CURBELO of Florida (for himself and Mr. HASTINGS):

H.R. 943. A bill to authorize the Secretary of Commerce to award competitive grants to combat the certain species of lionfish in the Atlantic Ocean and the Gulf of Mexico; to the Committee on Natural Resources.

By Mrs. DAVIS of California:

H.R. 944. A bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; to the Committee on House Administration.

By Ms. JACKSON LEE:

H.R. 945. A bill to codify the objective of Presidential Policy Directive 21 to improve critical infrastructure security and resilience, and for other purposes; to the Committee on Homeland Security.

By Mrs. DAVIS of California:

H.R. 946. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; to the Committee on House Administration.

By Ms. DELAURO (for herself, Ms. HANABUSA, Ms. BONAMICI, Mr. SMITH of Washington, Mr. GENE GREEN of Texas, Mr. RASKIN, Mr. RUSH, Ms. JAYAPAL, Mrs. LOWEY, Mr. EVANS, Mr. KIHUEN, Mr. MCGOVERN, Mr. SOTO, Ms. MOORE, Ms. SHEA-PORTER, Ms. VELÁZQUEZ, Ms. JACKSON LEE, Mr. SEAN PATRICK MALONEY of New York, Mr. DANNY K. DAVIS of Illinois, Mr. POCAN, Mr. FOSTER, Mr. HASTINGS, Mr. CUMMINGS, Mr. NOLAN, Ms. MENG, Ms. PINGREE, Mr. LEWIS of Georgia, Mr. KHANNA, Mr. WALZ, Mr. POLIS, Mr. VARGAS, Ms. LEE, Mr. CÁRDENAS, Mr. JOHNSON of Georgia,

Mr. GALLEGO, Mr. VEASEY, Mr. CROWLEY, Mr. GRIJALVA, Mr. KEATING, Mr. MEEKS, Mr. SWALWELL of California, Mr. DEFAZIO, Mr. BUTTERFIELD, Mr. LYNCH, Mr. SERRANO, Mr. GUTIÉRREZ, Ms. SLAUGHTER, Mr. BERA, Ms. GABBARD, Ms. MATSUI, Mr. NADLER, Ms. WASSERMAN SCHULTZ, Mr. DOGGETT, Mr. MOULTON, Miss RICE of New York, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Mr. LOWENTHAL, Ms. NORTON, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. SCHAKOWSKY, Mr. SARBANES, Mr. DAVID SCOTT of Georgia, Mr. ELLISON, Mr. AGUILAR, Mr. KILDEE, Mr. GARAMENDI, Mr. LARSEN of Washington, Ms. KELLY of Illinois, Mr. CARSON of Indiana, Ms. SPEIER, Mr. CICILLINE, Mr. BLUMENAUER, Mr. BEYER, Mr. ENGEL, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CAPUANO, Mr. PASCRELL, Ms. MCCOLLUM, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CONNOLLY, Mr. LANGEVIN, Mr. DELANEY, Mrs. WATSON COLEMAN, Mr. NORCROSS, Mr. COHEN, Mr. PRICE of North Carolina, Mrs. DINGELL, Mr. TONKO, Mr. SCOTT of Virginia, Ms. KAPTUR, Mr. TAKANO, Mr. COURTNEY, Ms. JUDY CHU of California, Mrs. LAWRENCE, Mrs. TORRES, Ms. LOFGREN, Mr. PAYNE, Ms. CASTOR of Florida, Mr. JEFFRIES, Mr. PERLMUTTER, Mr. LARSON of Connecticut, Mrs. CAROLYN B. MALONEY of New York, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Ms. FUDGE, Mr. KRISHNAMOORTHY, Ms. ADAMS, Mr. HUFFMAN, Ms. WILSON of Florida, Mr. HIGGINS of New York, and Ms. BLUNT ROCHESTER):

H.R. 947. A bill to provide paid family and medical leave benefits to certain individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 948. A bill to amend the Internal Revenue Code of 1986 to replace the mortgage interest deduction with a nonrefundable credit for indebtedness secured by a residence, to provide affordable housing to extremely low-income families, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK (for himself and Mr. BRENDAN F. BOYLE of Pennsylvania):

H.R. 949. A bill to increase Federal Pell Grants for the children of fallen public safety officers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE:

H.R. 950. A bill to require a report and assessment regarding Department of Homeland Security responses to terrorist threats to Federal elections, and for other purposes; to the Committee on Homeland Security.

By Ms. FOX:

H.R. 951. A bill to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Commerce.

By Ms. FUDGE (for herself, Mr. NEWHOUSE, Ms. PINGREE, and Mr. MCGOVERN):

H.R. 952. A bill to amend the Child Nutrition Act of 1966 to clarify and expand food donation under the Bill Emerson Good Samaritan Food Donation Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GIBBS (for himself, Mr. CONAWAY, Mr. PETERSON, Mr. BOST, Mr. MARSHALL, Mr. THOMPSON of Pennsylvania, Mr. ABRAHAM, Mr. DESJARLAIS, Mr. GROTHMAN, Mr. LAMALFA, Mr. YOHO, Mr. JONES, Mr. ROGERS of Alabama, Mr. BABIN, Mr. COLE, Mr. SCHWEIKERT, Mr. KUSTOFF of Tennessee, Mr. CRAWFORD, Mr. KING of Iowa, Mr. GOSAR, Mrs. COMSTOCK, Mr. ALLEN, Mr. SCHRADER, and Mr. WENSTRUP):

H.R. 953. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE:

H.R. 954. A bill to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to the Committee on Natural Resources.

By Ms. JACKSON LEE:

H.R. 955. A bill to require the Director of National Intelligence to conduct a study on the feasibility of establishing a Cyber Defense National Guard; to the Committee on Intelligence (Permanent Select).

By Mr. JEFFRIES (for himself and Mr. COLLINS of Georgia):

H.R. 956. A bill to regulate monitoring of electronic communications between a prisoner in a Bureau of Prisons facility and that prisoner's attorney or other legal representative, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFRIES (for himself, Mr. POE of Texas, and Mr. FARENTHOLD):

H.R. 957. A bill to require that State and local law enforcement agencies conform to Federal guidelines in using cell simulator devices, and for other purposes; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas:

H.R. 958. A bill to eliminate certain programs of the Environmental Protection Agency, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Agriculture, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOYCE of Ohio (for himself, Ms. MATSUI, Mr. RODNEY DAVIS of Illinois, Ms. BONAMICI, Mr. MEEHAN, Ms. CASTOR of Florida, and Ms. GABBARD):

H.R. 959. A bill to amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KELLY of Pennsylvania (for himself, Mr. BLUMENAUER, Mr. ZELDIN, Mr. CURBELO of Florida, Mr. HURD, Ms. JENKINS of Kansas, Mr. PERRY, Mr. RENACCI, and Mr. KIND):

H.R. 960. A bill to amend the Internal Revenue Code of 1986 to provide for the tax-exempt financing of certain government-owned buildings; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 961. A bill to prohibit aquaculture in the Great Lakes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE:

H.R. 962. A bill to prohibit operation of aquaculture facilities that contribute to pollution of wild and scenic rivers; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mrs. CAROLYN B. MALONEY of New York, Mr. DEFAZIO, Ms. MOORE, Mr. JONES, Ms. ESTY, and Mr. MCGOVERN):

H.R. 963. A bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq, Afghanistan, or other designated hostile fire areas; to the Committee on Armed Services.

By Mr. KING of New York (for himself and Mr. PASCRELL):

H.R. 964. A bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. KUSTER of New Hampshire (for herself and Ms. SHEA-PORTER):

H.R. 965. A bill to redesignate the Saint-Gaudens National Historic Site as the "Saint-Gaudens National Historical Park", and for other purposes; to the Committee on Natural Resources.

By Mr. LARSEN of Washington (for himself, Ms. DELBENE, Mr. KILMER, Mr. RYAN of Ohio, and Ms. BROWNLEY of California):

H.R. 966. A bill making supplemental appropriations for fiscal year 2017 for the TIGER discretionary grant program, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACARTHUR (for himself, Miss RICE of New York, Mr. LANCE, Mr. PALLONE, and Mr. PASCRELL):

H.R. 967. A bill to posthumously award a Congressional Gold Medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Financial Services.

By Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. CUMMINGS, and Mr. JEFFRIES):

H.R. 968. A bill to enforce the Sixth Amendment right to the assistance of effective counsel at all stages of the adversarial

process, to confer jurisdiction upon the district courts of the United States to provide declaratory and injunctive relief against systemic violations of such right, and for other purposes; to the Committee on the Judiciary.

By Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. CUMMINGS, and Mr. JEFFRIES):

H.R. 969. A bill to amend title 18, United States Code, to establish a corporation to advocate on behalf of individuals in noncapital criminal cases before the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEKS:

H.R. 970. A bill to amend title 41, United States Code, to require the submission of data relating to diversity by certain contractors, to amend the Securities Exchange Act of 1934 to require the submission of such data by issuers, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MENG:

H.R. 971. A bill to amend title 38, United States Code, to treat small businesses, owned by surviving spouses of members of the Armed Forces killed in the line of duty, as small business concerns owned and controlled by veterans for purposes of contracting goals and preferences of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MENG (for herself, Mr. GRIJALVA, Ms. NORTON, Ms. WASSERMAN SCHULTZ, Ms. MOORE, Mr. CONYERS, Ms. LEE, Ms. BONAMICI, Mrs. CAROLYN B. MALONEY of New York, Mr. GUTIÉRREZ, Ms. LOFGREN, Ms. JAYAPAL, Ms. MCCOLLUM, Mr. MEEKS, Ms. KELLY of Illinois, Mr. COHEN, Mr. PAYNE, Mr. HASTINGS, and Ms. CLARKE of New York):

H.R. 972. A bill to increase the availability and affordability of menstrual hygiene products for women and girls with limited access, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. O'ROURKE (for himself, Mr. LAMBORN, Mr. HURD, and Ms. BORDALLO):

H.R. 973. A bill to amend title 49, United States Code, to modify the criteria for selecting communities to participate in the Small Community Air Service Development Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Miss RICE of New York:

H.R. 974. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans; to the Committee on Veterans' Affairs.

By Mr. ROHRBACHER (for himself, Mr. COHEN, Mr. YOUNG of Alaska, Mr. POCAN, Mr. YOHO, Mr. BLUMENAUER, Mr. MCCLINTOCK, Ms. TITUS, Mr. HUNTER, Mr. POLIS, Mr. AMASH, Ms. LEE, and Mr. MASSIE):

H.R. 975. A bill to amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mr. LIPINSKI, and Ms. CASTOR of Florida):

H.R. 976. A bill to grant a Federal charter to the National Academy of Inventors; to the Committee on the Judiciary.

By Ms. SÁNCHEZ (for herself, Mr. GARAMENDI, and Mr. LANGEVIN):

H.R. 977. A bill to amend the Elementary and Secondary Education Act of 1965 to create a demonstration project to fund additional secondary school counselors in troubled title I schools to reduce the dropout rate; to the Committee on Education and the Workforce.

By Ms. SINEMA (for herself, Mr. CURBELO of Florida, Mr. RODNEY DAVIS of Illinois, Mr. KIND, Mr. GOTTHEIMER, Mr. PETERS, Ms. KUSTER of New Hampshire, and Mr. YOHO):

H.R. 978. A bill to establish an independent advisory committee to review certain regulations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIREN (for himself and Mr. YOHO):

H.R. 979. A bill to amend the Immigration and Nationality Act to encourage Canadian tourism to the United States; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAKANO (for himself, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. BROWNLEY of California, Mr. CÁRDENAS, Mr. COHEN, Mr. COOPER, Mrs. DINGELL, Ms. ESHOO, Mr. GARAMENDI, Mr. GRIJALVA, Ms. JAYAPAL, Mr. KILDEE, Ms. KUSTER of New Hampshire, Ms. LOFGREN, Mr. LOWENTHAL, Mr. MCGOVERN, Mr. NOLAN, Mr. POCAN, Miss RICE of New York, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. WALZ, Mr. PANETTA, Mr. CORREA, and Mr. KHANNA):

H.R. 980. A bill to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration; to the Committee on Veterans' Affairs.

By Mrs. TORRES (for herself, Mr. COLE, Mr. O'HALLERAN, and Mr. JONES):

H.R. 981. A bill to prohibit any hiring freeze from affecting the Indian Health Service; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Ms. TSONGAS, Ms. FUDGE, Ms. KAPTUR, Ms. CLARK of Massachusetts, Mr. ESPAILLAT, Mr. CONYERS, and Mr. RYAN of Ohio):

H.R. 982. A bill to amend title XIX of the Social Security Act to allow for payments to States for substance abuse services furnished to inmates in public institutions, and for

other purposes; to the Committee on Energy and Commerce.

By Mr. WALDEN:

H.R. 983. A bill to bar prosecution under section 844(f)(1) of title 18, United States Code, in certain cases; to the Committee on the Judiciary.

By Mr. WITTMAN (for himself, Mr. BEYER, Mr. SCOTT of Virginia, Mr. CONNOLLY, and Mr. TAYLOR):

H.R. 984. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Natural Resources.

By Mr. GENE GREEN of Texas (for himself, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mr. CICILLINE, Mr. COHEN, Mr. GARAMENDI, Mr. AL GREEN of Texas, Mr. TED LIEU of California, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. SWALWELL of California, Mr. VELA, Mr. COURTNEY, Ms. CLARKE of New York, Mr. ELLISON, Mr. HUFFMAN, Mr. POCAN, Mr. SERRANO, Mr. SHERMAN, Mr. VARGAS, Mr. ESPAILLAT, and Mr. DEFazio):

H.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. WALBERG (for himself, Mr. FRANCIS ROONEY of Florida, and Ms. FOXX):

H.J. Res. 66. A joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees; to the Committee on Education and the Workforce.

By Mr. FRANCIS ROONEY of Florida (for himself, Mr. WALBERG, and Ms. FOXX):

H.J. Res. 67. A joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees; to the Committee on Education and the Workforce.

By Mr. CRAMER (for himself and Mr. GOSAR):

H.J. Res. 68. A joint resolution providing for congressional disapproval under chapter 8 of title 5 of the United States Code of a rule submitted by the Bureau of Land Management relating to standards for measurement and reporting of gas removed or sold from Federal and Indian lands and areas subject to communitization agreements; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.J. Res. 69. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska"; to the Committee on Natural Resources.

By Mrs. BEATTY (for herself, Mr. O'HALLERAN, Mr. EVANS, Ms. JACKSON LEE, Mr. DAVID SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. SOTO, Mr. TAKANO, Mr. CONYERS, Mr. VARGAS, Ms. KELLY of Illinois, Mr. JEFFRIES, Mr. VEASEY, Ms. JAYAPAL, Mr. RYAN

of Ohio, Mr. HASTINGS, and Ms. CLARKE of New York):

H. Con. Res. 22. Concurrent resolution recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation; to the Committee on Veterans' Affairs.

By Mr. CROWLEY:

H. Res. 95. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. BLACK:

H. Res. 96. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. ROYCE of California (for himself and Mr. ENGEL):

H. Res. 97. A resolution providing amounts for the expenses of the Committee on Foreign Affairs in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. CROWLEY:

H. Res. 98. A resolution ranking a certain Member of a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. BUDD (for himself, Ms. ADAMS, Mr. JONES, Mr. WALKER, Mr. MEADOWS, Mr. BUTTERFIELD, Mr. HUDSON, Mr. HOLDING, Mr. MCHENRY, Ms. FOXX, Mr. ROUZER, and Mr. PRICE of North Carolina):

H. Res. 100. A resolution recognizing the significance of the Greensboro Four Sit-In; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself and Mr. NEAL):

H. Res. 101. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. CASTRO of Texas (for himself, Mr. DOGGETT, Mr. NADLER, and Mr. SOTO):

H. Res. 102. A resolution expressing the sense of the House of Representatives regarding the appointment of an independent counsel to investigate actions by United States Customs and Border Protection in apparent violation of judicial orders; to the Committee on the Judiciary.

By Mr. CONAWAY:

H. Res. 103. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. ENGEL (for himself, Mr. SIREs, Mr. CASTRO of Texas, Ms. KELLY of Illinois, Mr. KEATING, Ms. TITUS, Ms. LEE, Mr. GALLEGO, Mr. VELA, Mr. POLIS, Mr. GONZALEZ of Texas, Mr. CÁRDENAS, Mr. MEEKS, Mr. DEUTCH, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. CICILLINE, Mrs. TORRES, Mr. SCHIFF, Mr. MOULTON, Mr. SMITH of Washington, Mr. CUELLAR, Ms. BARRAGÁN, Mr. ESPAILLAT, Mr. VARGAS, Ms. MAXINE WATERS of California, Mr. PANETTA, Mr. TED LIEU of California,

Mr. KENNEDY, Mr. CONNOLLY, Mr. ELLISON, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. COHEN, and Ms. LOFGREN):

H. Res. 104. A resolution reaffirming a strong commitment to the United States-Mexico partnership; to the Committee on Foreign Affairs.

By Mr. NADLER (for himself, Mr. CONYERS, Mr. COHEN, Mr. TONKO, Ms. JACKSON LEE, Ms. LOFGREN, Mr. CICILLINE, Mr. JOHNSON of Georgia, Mr. TED LIEU of California, Mr. RASKIN, Ms. JAYAPAL, Ms. JUDY CHU of California, Mr. DEUTCH, Mr. JEFFRIES, Mr. SWALWELL of California, Mr. DANNY K. DAVIS of Illinois, Ms. BASS, Ms. SHEA-PORTER, Ms. CLARKE of New York, Mr. AL GREEN of Texas, Mr. KILDEE, Mrs. LAWRENCE, Ms. LEE, Mr. LEWIS of Georgia, Mr. SCHNEIDER, Ms. SLAUGHTER, Ms. MAXINE WATERS of California, Mr. RUIZ, Mr. RICHMOND, Mr. VELA, Mr. GUTIÉRREZ, Ms. MCCOLLUM, Mr. YARMUTH, Ms. VELÁZQUEZ, Ms. SCHAKOWSKY, Mr. SOTO, Mr. GENE GREEN of Texas, Mr. BUTTERFIELD, Mr. COURTNEY, Mrs. LOWEY, Mr. BEN RAY LUJÁN of New Mexico, Mr. SARBANES, Ms. WASSERMAN SCHULTZ, Mrs. DAVIS of California, Mr. TAKANO, Mr. SHERMAN, Mr. SERRANO, Ms. SEWELL of Alabama, and Ms. NORTON):

H. Res. 105. A resolution expressing the Sense of the House of Representatives that an Independent Judiciary is Fundamental to American Democracy; to the Committee on the Judiciary.

By Mr. NUNES (for himself and Mr. SCHIFF):

H. Res. 106. A resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. ROE of Tennessee (for himself and Mr. WALZ):

H. Res. 107. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Ms. SÁNCHEZ (for herself, Mr. ELLISON, Mr. PRICE of North Carolina, Ms. JACKSON LEE, Mr. TONKO, Mr. GRIJALVA, Mr. LANGEVIN, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. LEE, Mr. LEVIN, Ms. MOORE, Mr. KILMER, Ms. SHEA-PORTER, Mr. POLIS, Mr. VARGAS, Ms. CLARK of Massachusetts, Mr. POCAN, and Mr. TED LIEU of California):

H. Res. 108. A resolution expressing support for designation of the week of February 6, 2017, through February 10, 2017, as "National School Counseling Week"; to the Committee on Education and the Workforce.

By Mrs. WALORSKI:

H. Res. 109. A resolution deploring the actions of the Palestinian Authority to join the International Criminal Court and undertake legal action through the Court against Israel; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H. Res. 110. A resolution recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska; to the Committee on Natural Resources.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ROYCE of California:

H.R. 898.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the U.S. Constitution to regulate commerce.

By Mr. MASSIE:

H.R. 899.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the Constitution vests all legislative powers in Congress, not in the Executive Branch or an agency of the Executive Branch. In addition, the Tenth Amendment states that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The Constitution does not give the federal government the authority to control education.

By Mr. GUTIERREZ:

H.R. 900.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article IV Section 3

By Mr. CUMMINGS:

H.R. 901.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. CARTWRIGHT:

H.R. 902.

Congress has the power to enact this legislation pursuant to the following:

Article I; Section 8; Clause 1 of the Constitution states The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States. . .

By Mr. WILSON of South Carolina:

H.R. 903.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. LIPINSKI:

H.R. 904.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, Constitution of the United States

By Mr. FARENTHOLD:

H.R. 905.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 8 of the United States Constitution

By Mr. FARENTHOLD:

H.R. 906.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3, 4, and 18 of the United States Constitution

By Mr. COLLINS of Georgia:

H.R. 907.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of our Land and Naval Forces.

By Mr. KELLY of Pennsylvania:

H.R. 908.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Ms. CLARK of Massachusetts:

H.R. 909.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. HILL:

H.R. 910.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. FITZPATRICK:

H.R. 911.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. FOSTER:

H.R. 912.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. FOSTER:

H.R. 913.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. COURTNEY:

H.R. 914.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. ELLISON:

H.R. 915.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Mr. SANFORD:

H.R. 916.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COOK:

H.R. 917.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. COFFMAN:

H.R. 918.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. THOMPSON of California:

H.R. 919.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. LOFGREN:

H.R. 920.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Art. 1, Sec. 8, Clause 4. Congress has the power to "establish a uniform Rule of Naturalization."

By Ms. LOFGREN:

H.R. 921.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Art. 1, Sec. 8, Clause 4. Congress has the power to "establish a uniform Rule of Naturalization."

By Mr. EVANS:

H.R. 922.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. AMASH:

H.R. 923.

Congress has the power to enact this legislation pursuant to the following:

Congress has the implied power to repeal laws that exceed its constitutional authority as well as laws within its constitutional authority.

By Mr. ROTHFUS:

H.R. 924.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause, Article I, Section 8, Clause 3 of the Constitution states that Congress shall have power to regulate the regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. CALVERT:

H.R. 925.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. SOTO:

H.R. 926.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

By Mrs. WALORSKI:

H.R. 927.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the United States Constitution

By Mr. GOHMERT:

H.R. 928.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 providing that "Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . ."

By Ms. SEWELL of Alabama:

H.R. 929.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the sixteenth amendment

[Page H1826]

By Mr. REICHERT:

H.R. 930.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. COLLINS of New York:

H.R. 931.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. ELLISON:

H.R. 932.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States, which states:

The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. ELLISON:

H.R. 933.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States, which states:

The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. ELLISON:

H.R. 934.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Ms. JACKSON LEE:

H.R. 935.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. BILIRAKIS:

H.R. 936.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause XII-XIV of the Constitution of the United States, which gives Congress the authority to:

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

By Mr. BRAT:

H.R. 937.

Congress has the power to enact this legislation pursuant to the following:

The Sixteenth Amendment to the Constitution grants Congress "power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." Left undefined in the amendment, the "incomes" appropriate for taxation must be determined through legislation passed by Congress. Congress therefore has the power to exclude from income taxation such sources as it deems appropriate.

By Mr. BURGESS:

H.R. 938.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution, which grants Congress the power to lay and collect taxes, duties, imposts, excises, to pay the debts and provide for the common defence and general welfare of the United States.

Article 1, Section 8, Clause 3 of the United States Constitution, which grants Congress the power to regulate commerce with foreign nations, and among the several States, and with the Indian Tribes.

Article 1, Section 8, Clause 18 of the United States Constitution, which grants Congress

the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States or in any department or office thereof.

By Mrs. BUSTOS:

H.R. 939.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. JACKSON LEE:

H.R. 940.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1, 3 and 18 of the United States Constitution.

By Mr. CONAWAY:

H.R. 941.

Congress has the power to enact this legislation pursuant to the following:

“to provide for the common defense”, “to provide and maintain a Navy”, and “to make Rules for the Government and Regulation of the land and naval forces” as enumerated in Article I, section 8 of the United States Constitution.

By Mr. CONNOLLY:

H.R. 942.

Congress has the power to enact this legislation pursuant to the following:

The “necessary and proper” clause of Article I, Section 8 of the United States Constitution.

By Mr. CURBELO of Florida:

H.R. 943.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, clause 3

By Mrs. DAVIS of California:

H.R. 944.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 4:

“The Times, Places and Manner of holding Elections for Senators and Representatives, shall be perscribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations . . .”

By Ms. JACKSON LEE:

H.R. 945.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 946.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 4:

“The Times, Places and Manner of holding Elections for Senators and Representatives, shall be perscribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations . . .”

By Ms. DELAURO:

H.R. 947.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution and Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ELLISON:

H.R. 948.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7, Clause 1 and Section 8, Clause 1.

By Mr. FITZPATRICK:

H.R. 949.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. JACKSON LEE:

H.R. 950.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 4, Clause 1 and Article 2, Section 1, Clause 3 of the United States Constitution.

By Ms. FOXX:

H.R. 951.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, Congress may enact laws necessary and proper to the execution of its enumerated powers. As this legislation solely amends the amount of time available for execution of previously granted authority, it is merely technical in nature and an appropriate exercise of Congress’ authority to amend its previous actions through necessary and proper statutes.

By Ms. FUDGE:

H.R. 952.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 provides Congress with the power to “regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”

By Mr. GIBBS:

H.R. 953.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the Constitutional authority for this legislation in Article I, Section 8, Clause 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the Constitution of the United States or in any department or officer thereof.

By Mr. GOODLATTE:

H.R. 954.

Congress has the power to enact this legislation pursuant to the following:

The Property Clause of Article IV, Section 3—The Congress shall have Power to dispose of and make all needful rules and regulations respecting the Territory or other Property belonging to the United States.

By Ms. JACKSON LEE:

H.R. 955.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. JEFFRIES:

H.R. 956.

Congress has the power to enact this legislation pursuant to the following:

US Const. Art. I, Sec. 8, Cl. 18 (“Congress shall have the power . . . To make all Laws which shall be necessary and proper for carrying into Execution . . . all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.”). [Page H101]

By Mr. JEFFRIES:

H.R. 957.

Congress has the power to enact this legislation pursuant to the following:

US Const. Art. I, Sec. 8, Cl. 3 (“Congress shall have the power to regulate commerce

with foreign nations, and among the several states, and with the Indian tribes.”)[Page H2151]

By Mr. SAM JOHNSON of Texas:

H.R. 958.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution, and Article 1, Section 8, Clause 18 of the U.S. Constitution.

By Mr. JOYCE of Ohio:

H.R. 959.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the United States Constitution.

By Mr. KELLY of Pennsylvania:

H.R. 960.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I Section 8 of the United States Constitution.

By Mr. KILDEE:

H.R. 961.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. KILDEE:

H.R. 962.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. KING of New York:

H.R. 963.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 6

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. KING of New York:

H.R. 964.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 6

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. KUSTER of New Hampshire:

H.R. 965.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for

By Mr. LARSEN of Washington:

H.R. 966.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 “all legislative powers herein granted shall be vested in a Congress.”

By Mr. MACARTHUR:

H.R. 967.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 968.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 969.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

By Mr. MEEKS:

H.R. 970.

Congress has the power to enact this legislation pursuant to the following:

The necessary and proper Clause of the US Constitution (Article one, Section 8, Clause 18)

By Ms. MENG:

H.R. 971.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. MENG:

H.R. 972.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. O'ROURKE:

H.R. 973.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power *** To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Miss RICE of New York:

H.R. 974.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ROHRBACHER:

H.R. 975.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 of the United States Constitution, which grants Congress the power to, among other things, regulate Commerce among the several States.

By Mr. ROSS:

H.R. 976.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. SANCHEZ:

H.R. 977.

Congress has the power to enact this legislation pursuant to the following:

Article One, section 8, clause 18:

Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. SINEMA:

H.R. 978.

Congress has the power to enact this legislation pursuant to the following:

Article. 1. Section. 8.

By Mr. SIREs:

H.R. 979.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of the rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, Section 8 of the Constitution.

By Mr. TAKANO:

H.R. 980.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mrs. TORRES:

H.R. 981.

Congress has the power to enact this legislation pursuant to the following:

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. TURNER:

H.R. 982.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution;

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. WALDEN:

H.R. 983.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. WITTMAN:

H.R. 984.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to Article I, Section 8 of the United States Constitution, which provides Congress with the power to regulate commerce and relations between the United States and Indian Tribes, and to pass all laws necessary and proper for carrying into execution of the foregoing powers, as well as all other power vested by the Constitution.

By Mr. GENE GREEN of Texas:

H.J. Res. 65.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution, which grants Congress the authority, whenever two-thirds of both chambers deem it necessary, to propose amendments to the Constitution.

By Mr. WALBERG:

H.J. Res. 66.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. FRANCIS ROONEY of Florida:

H.J. Res. 67.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. CRAMER:

H.J. Res. 68.

Congress has the power to enact this legislation pursuant to the following:

To accompany Mr. Cramer's joint resolution providing for congressional disapproval under chapter 8 of title 5 of the United States Code of a rule submitted by the Bureau of Land Management relating to standards for measurement and reporting of gas removed or sold from Federal and Indian lands and areas subject to communitization agreements:

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

The constitutional authority on which this bill rests is in clause 18 of section 8 of article I of the Constitution.

By Mr. YOUNG of Alaska:

H.J. Res. 69.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 29: Mr. GAETZ and Mr. SENSENBRENNER.

H.R. 36: Mr. BARR, Mr. MITCHELL, Mr. SHUSTER, Mr. MURPHY of Pennsylvania, Mrs. WALORSKI, Mr. MASSIE, Mr. SMITH of Nebraska, and Mr. FERGUSON.

H.R. 37: Mr. MITCHELL and Mrs. WALORSKI.

H.R. 82: Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. GIBBS, and Mr. WILLIAMS.

H.R. 91: Mrs. WALORSKI.

H.R. 99: Mrs. NORTON, Ms. BORDALLO, and Mr. NOLAN.

H.R. 113: Mr. SMITH of New Jersey, Mr. LEVIN, Mr. PRICE of North Carolina, Miss RICE of New York, Mr. COOPER, and Ms. CASTOR of Florida.

H.R. 115: Mr. PALAZZO and Mr. CONAWAY.

H.R. 140: Mr. BIGGS.

H.R. 147: Mr. MITCHELL and Mr. COLLINS of New York.

H.R. 173: Mrs. CAROLYN B. MALONEY of New York, Mr. BUDD, Mr. SMUCKER, Mr. THOMPSON of Mississippi, Mrs. BUSTOS, and Ms. MAXINE WATERS of California.

H.R. 198: Mr. FARENTHOLD and Ms. GRANGER.

H.R. 202: Ms. CLARKE of New York.

H.R. 244: Mrs. TORRES.

H.R. 245: Mr. VELA.

H.R. 257: Mr. GROTHMAN and Mr. LOUDERMILK.

H.R. 303: Mr. AMODEI, Mr. BISHOP of Utah, Mr. SIMPSON, Mr. SARBANES, Mr. DUNN, Mr. GARRETT, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. VALADAO, Mr. VELA, Mr. CRAMER, and Mr. DEFazio.

H.R. 305: Mr. PRICE of North Carolina, Mr. WELCH, and Mr. POLIS.

H.R. 308: Mr. RICE of South Carolina.

H.R. 350: Mr. KIND and Mr. SCHRADER,

H.R. 367: Mrs. BLACK, Mr. ADERHOLT, and Mr. KUSTOFF of Tennessee.

H.R. 371: Mr. AGUILAR.

H.R. 377: Mr. HUNTER, Mr. LANCE, and Mr. BABIN.

H.R. 390: Mr. KINZINGER.

H.R. 400: Mr. BIGGS.

H.R. 406: Mr. HIMES and Mr. SCHIFF.

H.R. 411: Mr. LOUDERMILK and Mr. COHEN.

H.R. 429: Mr. ROE of Tennessee.

H.R. 463: Ms. SHEA-PORTER, Mr. POE of Texas, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. GRJALVA.

H.R. 482: Mr. ROKITA.

H.R. 490: Mr. DUNCAN of South Carolina.

H.R. 496: Mr. BACON and Mr. O'ROURKE.

H.R. 502: Mr. SMITH of New Jersey, Ms. KUSTER of New Hampshire, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. CARBAJAL.

H.R. 530: Ms. BORDALLO.

H.R. 544: Mr. CASTRO of Texas.

H.R. 545: Mr. DUNCAN of South Carolina, Mr. LAMBORN, Mr. AMODEI, Mr. MURPHY of Pennsylvania, Mr. BABIN, and Ms. JENKINS of Kansas.

H.R. 564: Mr. COLLINS of New York.
 H.R. 568: Mr. KHANNA.
 H.R. 585: Ms. NORTON.
 H.R. 608: Mr. GOSAR.
 H.R. 613: Mr. GRIFFITH and Mr. JONES.
 H.R. 628: Mr. DENHAM.
 H.R. 630: Mr. SMITH of Washington.
 H.R. 631: Mr. HILL, Mr. DESJARLAIS, Mr. GIBBS, Mr. LOBIONDO, Mr. PALAZZO, Mr. VALADAO, Mr. SIMPSON, Mr. DENHAM, Mr. NEWHOUSE, Mrs. WALORSKI, Mr. KELLY of Mississippi, Ms. CHENEY, Mr. PERRY, Mr. KELLY of Pennsylvania, Mr. MARSHALL, Mr. ROGERS of Alabama, and Mr. HURD.
 H.R. 637: Mr. WALBERG.
 H.R. 639: Mr. YOHO and Mr. COLLINS of New York.
 H.R. 647: Mr. POCAN.
 H.R. 656: Mr. JONES, Mr. CARTER of Georgia, Mr. FRANKS of Arizona, Mr. MOONEY of West Virginia, Mr. MARSHALL, and Mr. FARENTHOLD.
 H.R. 662: Mr. GROTHMAN.
 H.R. 664: Mrs. COMSTOCK.
 H.R. 667: Ms. SÁNCHEZ.
 H.R. 669: Mr. CONYERS, Mr. DEFazio, and Mr. RUSH.
 H.R. 704: Ms. GABBARD.
 H.R. 711: Mr. POLIS.
 H.R. 712: Mr. HOYER.
 H.R. 721: Mr. BYRNE and Mr. PETERSON.
 H.R. 724: Mr. RUIZ.
 H.R. 739: Mr. RASKIN.
 H.R. 747: Mr. BUCK and Mr. PASCRELL.
 H.R. 748: Mr. HUFFMAN, Mrs. TORRES, Mr. KILDEE, Mr. DESAULNIER, Mr. CORREA, and Ms. LEE.
 H.R. 755: Mr. MASSIE.
 H.R. 769: Mr. BILIRAKIS.
 H.R. 772: Mr. THOMAS J. ROONEY of Florida.
 H.R. 778: Mr. GALLAGHER and Mr. GROTHMAN.
 H.R. 781: Mr. SMITH of Missouri and Mr. FARENTHOLD.
 H.R. 785: Mr. ALLEN.
 H.R. 787: Mr. POLIS.

H.R. 789: Mr. DUNCAN of South Carolina.
 H.R. 792: Mr. MCKINLEY.
 H.R. 800: Mr. GARAMENDI, Mr. KIND and Mr. RYAN of Ohio.
 H.R. 804: Mr. BISHOP of Georgia, Mr. BERA, Mrs. BEATTY, Mr. COOPER, Ms. ADAMS, Mr. POCAN, Mr. SIRES, Mr. QUIGLEY, Mr. CARBAJAL, Mrs. DEMINGS, Mr. BUTTERFIELD, and Ms. TSONGAS.
 H.R. 806: Mr. ROKITA.
 H.R. 807: Mr. FARENTHOLD and Mr. CARTWRIGHT.
 H.R. 813: Mr. KIHUEN, Ms. MATSUI, Mr. COSTA and Mr. LEVIN.
 H.R. 816: Mr. DEFazio, Mr. QUIGLEY, Mr. ENGEL, and Ms. BROWNLEY of California.
 H.R. 820: Mr. SERRANO, Ms. SLAUGHTER, Mr. HECK, Mr. LOWENTHAL, Mr. SWALWELL of California, Ms. WASSERMAN SCHULTZ, Ms. DELBENE, Mrs. COMSTOCK, Ms. ROS-LEHTINEN, Mr. CONNOLLY, Mrs. NAPOLITANO, Ms. CLARK of Massachusetts, Mr. KING of New York, Ms. TSONGAS, Mr. COHEN, Mr. BARR, Mr. CONYERS, Mr. ELLISON, Mr. LIPINSKI, and Mr. RYAN of Ohio.
 H.R. 823: Ms. PINGREE.
 H.R. 830: Mr. ROSKAM.
 H.R. 837: Mr. SMITH of Washington, Mr. YARMUTH, Mr. ELLISON, and Mr. RUSH.
 H.R. 844: Mr. WILSON of South Carolina.
 H.R. 849: Mr. EMMER.
 H.R. 850: Mr. BIGGS and Mr. LEWIS of Minnesota.
 H.R. 852: Ms. CASTOR of Florida.
 H.R. 857: Mr. AGUILAR.
 H.J. Res. 27: Mr. SMITH of New Jersey and Mr. DUNCAN of South Carolina.
 H.J. Res. 42: Mr. ROTHFUS, Mr. DUNCAN of South Carolina and Mr. ROUZER.
 H.J. Res. 43: Mr. GARRETT, Mr. GALLAGHER, Mr. WALKER, Mr. FERGUSON, Ms. GRANGER, Mr. GOWDY, Mr. JENKINS of West Virginia, Mr. LAMALFA, Mr. SMITH of Texas, Mr. LEWIS of Minnesota, and Mr. GRIFFITH.
 H.J. Res. 53: Mr. RUPPERSBERGER, Ms. FRANKEL of Florida, and Ms. SHEA-PORTER.

H.J. Res. 57: Mr. ARRINGTON.
 H.J. Res. 58: Mr. ARRINGTON.
 H.J. Res. 59: Mr. DUNCAN of South Carolina, Mr. ROSS, and Mr. BUCSHON.
 H. Con. Res. 10: Ms. JENKINS of Kansas.
 H. Con. Res. 13: Mr. CAPUANO and Mr. WALBERG.
 H. Res. 31: Mr. KRISHNAMOORTHY.
 H. Res. 78: Ms. GABBARD.
 H. Res. 84: Mrs. TORRES and Mr. VALADAO.
 H. Res. 85: Mr. TED LIEU of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

10. The SPEAKER presented a petition of the City Council, Akron, OH, relative to Resolution No. 2-2017, urging Speaker of the House Paul Ryan and Senate Majority Leader Mitch McConnell not to reduce or eliminate funding to Planned Parenthood as this organization provides essential reproductive health services to Ohio women, especially those living in poverty and young women; to the Committee on Energy and Commerce.

11. Also, a petition of the Board of Supervisors, Dinwiddie County, VA, relative to a Resolution urging Senate Majority Leader Mitch McConnell, Senator Mark Warner, Senator Tim Kaine, and all United States Senators to reintroduce the Marketplace Fairness Act into the United States Senate during its 2017 session; to the Committee on the Judiciary.

12. Also, a petition of the Electors of the Village of Mount Horeb, WI, relative to Resolution No. 2016-11, seeking to reclaim democracy from the expansion of corporate personhood rights and the corrupting influence of unregulated political contributions and spending.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

IN HONOR OF SABU J.R. SHAKE,
THE PAISANO OF THE YEAR

HON. JIMMY PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. PANETTA. Mr. Speaker, I rise today to honor Sabu J.R. Shake, the Paisano of the Year, for all that he has done for our community on the central coast of California.

The fourth son of Isabella Shake and the late Sabu Shake, Sr. and brother to Benji, David, Chris, Angelo, and Tene, Sabu was born and grew up in Monterey, California. He is the proud father of five children and grandfather of two.

From a young age, Sabu understood the value of hard work. He worked at the family restaurant, Old Fisherman's Grotto, as a busboy and worked his way up to become a maître d', cashier, and manager. Through this experience, he learned all aspects of the restaurant business.

Building on his early experience in the hospitality business, Sabu and his brother Chris opened The Fish Hopper restaurant on the historic Cannery Row in 1995. With the huge success of that restaurant, Sabu opened another Fish Hopper in Kona, Hawaii and, recently with Chris, Scales Seafood & Steaks on the Fisherman's Wharf in Monterey.

While Sabu is a pillar in the business community, he is also a steadfast servant to the community he calls home.

As a past board member of the Boys & Girls Club and current member of the Paisano Club, Chaine des Rotisseurs, Compari Club, Sheriff's Advisory Council, and Italian American Cultural Center Foundation, he has demonstrated an unwavering commitment to community service.

In memory of his father, Sabu Shake, Sr., Sabu organized the first Sabu's Safari to raise money for The Salvation Army's Monterey Peninsula Corps in 2007. Today, the annual gala is attended by close to 500 people and raises thousands of dollars for The Salvation Army. To date, this event has raised more than \$1,725,000.

In 2012, Sabu initiated a Turkey Drive challenge by reaching out to friends and business colleagues for donations to purchase turkeys for people in need during the holidays. The Turkey Drive has become an annual tradition which provides nearly 1,500 turkeys every year.

Sabu also hosts an annual Christmas Toy Drive. Through that event each year, nearly 300 toys are collected for The Salvation Army to give to children during the holidays.

Following Hurricane Iselle, which hit Hawaii in 2014, Sabu raised more than \$15,000 for The Salvation Army in Hawaii to aid recovery efforts. Later that fall, Sabu hosted the first annual Red Kettle Kickoff for The Salvation Army

at The Fish Hopper in Kona, Hawaii and it was a huge success.

Due to his incredible generosity, The Salvation Army gave Sabu the M. Temple Elliott award and The Others Award, which is the highest national award given to a civilian by The Salvation Army.

Mr. Speaker, I know the whole U.S. House of Representatives joins me in honoring and congratulating Sabu J.R. Shake on being chosen as the Paisano of the Year.

Thank you, Sabu, for your service to our Central Coast and nation.

HONORING ETHAN MICHAEL CUPP

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ethan Michael Cupp. Ethan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Ethan has been very active with his troop, participating in many scout activities. Over the many years Ethan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ethan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ethan Michael Cupp for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE THOMAS IRVINE DODGE NATURE CENTER

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Ms. MCCOLLUM. Mr. Speaker, I rise today to recognize the volunteers, staff, visitors and supporters of the Thomas Irvine Dodge Nature Center in West Saint Paul, Minnesota on the occasion of the 50th Anniversary of the center. Founded in 1967 by Olivia Irvine Dodge, the center has served as a pioneering venue for environmental education and a premier outdoor classroom for generations of Minnesota students.

Dodge Nature Center is a rare jewel, located on 460 acres of land minutes from downtown Saint Paul, where visitors can hike for miles through prairies, hardwood forests,

lakes, wetlands, and visit a working farm, orchard and bee apiary. The various biomes and landscapes provide an ever changing classroom for which to learn about the natural environment of Minnesota.

Olivia Irvine Dodge was a true trail blazer in environmental education, and the core mission of Dodge Nature Center is teaching children about the inherent beauty and complexity of the natural world around us. Throughout the past five decades, environmental educators at the center have developed an expansive environmental curriculum that has introduced hundreds of thousands of students from the Twin Cities to the science of the great outdoors. Because of the vision of Olivia Irvine Dodge and the center board and staff, children and adults alike learn how to care for and appreciate the incredible splendor of Minnesota's natural surroundings.

Growing up in neighboring South Saint Paul, I was fortunate to have many opportunities to visit and learn at Dodge Nature Center both as a child and as a young. Leading groups of children through the nature center to learn about the plants and animals around us was a highlight of my summers as a YMCA camp counselor. Then as it is now, the Dodge Nature Center is an integral part of our community that allows children and adults alike to connect with nature, and enables them to learn about science and conservation. Today, opportunities to visit Dodge remain special events for me. Whatever the season, I look forward to walking trails to experience nature right in the backyard of Minnesota's capital city.

On February 9th, Dodge Nature Center staff, volunteers, friends, family and supporters will gather to celebrate five decades of the center's mission to connect people to nature through education. In honoring this occasion, it is particularly fitting that Richard Louv will headline the gathering. As a world renowned author and environmental educator, Mr. Louv literally wrote the book about how to counter nature-deficit disorder and reconnect children and their families with the natural world. His work has sparked an international movement for the great outdoors that builds on the foundation forged by Olivia Irvine Dodge.

Mr. Speaker, please join me in rising to recognize the 50th Anniversary of Dodge Nature Center, and commend the passion and dedication of so many volunteers, staff and board members for providing exceptional environmental education for today's youth and for future generations of Minnesotans.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

RECOGNIZING MAX WARD

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize a longtime business leader in north Georgia, Max F. Ward, who passed away on January 25th. He was a loving husband, devoted father, and loyal friend, and his innovation and dedication to his work expanded and strengthened the poultry industry of the Ninth District.

Mr. Ward graduated from Vanderbilt University in 1942 and continued his education at the University of Memphis Law School. Shortly after graduating, Mr. Ward joined the 20th Air Force Division, where he served for four years during World War II. During his military career, he earned a Presidential Citation, the Good Conduct Medal, two bronze stars, and several theater ribbons.

In 1950, Mr. Ward moved to Gainesville and joined the poultry industry, serving as President of Mar-Jac Poultry and Vice President of CWT Farms International, both successful job-creators in Gainesville, GA.

When he was not growing the district's poultry industry, Mr. Ward was serving the community in other ways.

Mr. Ward was also an Eagle Scout and the Scoutmaster for Troop 16 of the Gainesville First United Methodist Church. In 1993, he was voted Rotary Club Man of the Year.

Mr. Speaker, I am honored to recognize the life and accomplishments of this influential leader of industry in northeast Georgia, Mr. Max Ward. May his family and our communities be encouraged by his legacy.

IN HONOR OF HENRY "HANK"
ADAMS**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of an exemplary leader in the Turlock Assyrian community, Henry "Hank" Adams. The beloved husband, brother, father, and grandfather died at the age of 92 on Friday, February 3, 2017.

Born and raised in Turlock, California to Reverend Isaac and Sarah Adams, Henry was one of eight children. His father is known as the patriarch of Turlock's Assyrian community and is honored each year at the annual Assyrian Festival. Isaac Adams was the driving force behind Turlock becoming home to the largest Assyrian population in California. He encouraged his fellow Assyrians to join him in the Central Valley and farm in the rich soils of the region.

In 1943, at the age of 18, Henry graduated from Turlock High School and received his draft notice to serve in World War II. Instead, he drove to Castle Air Force Base in Atwater, California and enlisted in the Army Air Corps. Henry completed over 20 bombing missions in Japan on the Lucky Lady B-29 bomber. On

August 6, 1945, he remained on standby, waiting for an order to take off in case of retaliation after the Enola Gay dropped the atomic bomb on Hiroshima while stationed on Tinian Island.

Discharged at the rank of Lieutenant in 1947, Henry moved to San Francisco where he married his wife, Joanne Tuohy. He later worked at Lockheed Martin Missiles and Space in Sunnyvale and retired in 1989. Following his retirement, the couple traveled across the world and settled back down in Henry's hometown of Turlock.

Henry had a genuine love for his country and his community. He was known for his service and contributions to the Assyrian community, where he continued the legacy that his father left behind. Henry leaves behind the love of his life and his wife of sixty-two years, Joanne, their two daughters, Nora Adams and Nellie Adams-Morse, two grandchildren, and sister Florence Essa Johnson.

Mr. Speaker, please join me in honoring and recognizing the life of Henry "Hank" Adams for his service to his country, his unwavering leadership and many accomplishments and contributions to the Turlock Assyrian community. God bless him always.

HONORING MITCHELL KARL
WOLBERT**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Mitchell Karl Wolbert. Mitchell is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Mitchell has been very active with his troop, participating in many scout activities. Over the many years Mitchell has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Mitchell has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Mitchell Karl Wolbert for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for roll call votes 79 and 80 on Monday, February 6, 2017. Had I been present, I would have voted "Yea" on roll call votes 79 and 80.

IN HONOR OF MONSIGNOR
MICHAEL J. DOYLE**HON. DONALD NORCROSS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. NORCROSS. Mr. Speaker, I rise today to honor Monsignor Michael J. Doyle on the occasion of the City of Camden, New Jersey naming a street in his honor on Monday, February 6, 2017. This street is in proximity to Sacred Heart Church, which Father Doyle has shepherded since 1974.

Monsignor Doyle is a man of conviction who was born in Ireland in 1934 and came to the United States of America by boat. He chose the Catholic Diocese of Camden for his priestly vocation in the late 1950s and started serving the City of Camden in 1967. Before taking the helm at Sacred Heart, he taught students in Diocesan schools.

Always willing to fight for what he believed was right, Monsignor Doyle helped plant crosses memorializing Camden City's murder victims in front of Camden City Hall when he felt more could be done to stem rampant violence. In the 1970s, he was a staunch opponent of the Vietnam War. He's known to those in his parish as someone who is not afraid to fight for peace.

Monsignor Doyle is also known for his service to the poor, as well as his poetry. Actor Martin Sheen narrated a documentary entitled "Poet of Poverty" which focused on Monsignor Doyle's poetry and letters to his congregation.

While the City of Camden has its challenges, Monsignor Doyle chooses to focus on the beauty of the community he calls home. His congregation consists of people from the City, but also a large number of individuals visit Sacred Heart from surrounding suburbs.

Monsignor Doyle has been a champion of the arts and community gardens. He has been a longtime advocate for improved housing, better medical care, community beautification and better educational opportunities for his neighborhood. He believes his two greatest achievements are keeping his parish school open, and opening a community gym called the Doyle Fieldhouse, where all are welcome.

For these reasons and countless more, it is fitting that we honor this man for his great works and contributions. His dedication to God, the City of Camden, his parishioners and his community are unrivaled. I am fortunate to know him. And as a resident of the City of Camden, I can say our City is grateful to have him as a faithful steward. Thank you, Monsignor Doyle for what you continue to do for us all.

HONORING CHERYL REDGATE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Ms. SÁNCHEZ. Mr. Speaker, I rise today to celebrate National School Counseling Week, and to honor a treasured member of my community and school counselor at Santa Fe High

School, Cheryl Redgate. Ms. Redgate has been a counselor at Santa Fe High School for 35 years and is an inclusive and caring support system for her students. She has dedicated her life to empowering students and instilling in them the values of selflessness and giving, and she has made a tremendous impact on the lives of every student she meets.

In addition to her position as counselor, Ms. Redgate serves in many leadership roles at Santa Fe High School. She has been the leading representative for the school's anti-drunk driving program "Every 15 Minutes," leading parent debriefs for the parents of those who participated. She designed Parent Education Day and the Service Learning Program, which acknowledges students for their participation in community service and reinforces her dedication to teaching the values of selflessness and giving.

Ms. Redgate has devoted her life to helping others. She founded the Christmas Family Program to provide gifts for those in need during the holidays, and the Serenity Center which acts as a safe zone on campus where licensed clinical social workers are available for students.

Santa Fe High School is a special place because of dedicated professionals like Ms. Redgate, and I couldn't be more proud to honor her today. If more people were like Ms. Redgate, the world would be a much nicer place. In honor of National School Counseling Week, I ask my colleagues to join me in thanking all the school counselors who are making a positive impact in the lives of our students.

HONORING COLBY LAYNE
MATTHYS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Colby Layne Matthys. Colby is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Colby has been very active with his troop, participating in many scout activities. Over the many years Colby has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Colby has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Colby Layne Matthys for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING CALIFORNIA'S
VITAL FLOOD PROTECTIONS

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GARAMENDI. Mr. Speaker, I rise today to recognize the investments in flood control infrastructure made by local flood control agencies in California, as well as by the State itself. Water in California is feast or famine. For the last five years we have had a famine, and now we have a feast.

During the massive California floods of 1997, 9 lives were lost, 120,000 people were evacuated and roughly 23,000 homes and businesses were damaged across the state. The greater Sacramento area, part of which I represent, is the 2nd most flood prone region in the United States, behind only New Orleans. Mr. Speaker, my constituents take flood protection very seriously.

Because of this, there are many local agencies spearheading critical projects throughout my district that I'd like to recognize, including the Sutter Butte Flood Control Agency, the Yuba County Water Agency, the Marysville Levee District, the City of Woodland, the City of West Sacramento, Reclamation District 2140, the State of California, and the Central Valley Flood Protection Board. The U.S. Army Corps of Engineers has also played a pivotal role in all of these projects and should be commended.

Mr. Speaker, floods do not recognize the boundaries of congressional districts. Therefore, Congressman LAMALFA and Congresswoman MATSUI should also be praised for their work on flood control as many of the projects undertaken by the agencies I mentioned have a footprint in all of our districts.

There is no question that investment in flood control pays dividends. In 2006, California voters passed Proposition 1E which provided \$4.09 billion in flood control infrastructure. To date, almost all of that funding has been allocated. These bonds, in tandem with investment from local flood control agencies and the federal government, have funded significant improvements in many, but not all of, the levees that protect my constituents.

Those improvements were highlighted this winter, when almost all of the state's rivers and reservoirs were filled to capacity. Statewide rainfall between October and December of 2016 was 143 percent of the historical average while combined inflows to California's reservoirs were the 2nd highest in recorded history. Yet the levees held and we were able to avoid any major flooding.

Given all of this, Mr. Speaker, I stand here today to urge my colleagues and the new Administration to continue to prioritize federal investment in flood control infrastructure.

CHLOE BARTINE EARNS GIRL
SCOUT GOLD AWARD

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Chloe Bartine of Katy, TX, for earning her Girl Scout Gold Award.

The Gold Award is the highest achievement a Girl Scout can earn. To earn this distinguished award, Chloe had to spend at least 80 hours developing and executing a project that would benefit the community as well as have a long-term impact on girls. For her Gold award project, Chloe designed and built two Little Free Libraries for Neighborhood Kidz Club in the Western Pines and Trinity Hunters Place communities in Katy, TX. She wanted to develop an easy, free way for children to have access to books during the summer or holiday breaks. Chloe hosted a book drive with over 25 volunteers to make sure the libraries were fully stocked. Chloe has volunteered for Neighborhood Kidz Club's summer reading program the past few summers. She will graduate from Seven Lakes High School and plans to attend the University of Alabama in the fall.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Chloe Bartine for earning her Girl Scout Gold Award. We are confident she will have continued success in her future endeavors. We are very proud.

COMMENDING MARIA LOHMEYER
FOR HER ROLE WITH THE 58TH
PRESIDENTIAL INAUGURATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. HARPER. Mr. Speaker, it is with considerable gratitude that I rise today in order to recognize Maria Lohmeyer and the staff she assembled to host a historic and successful 58th Presidential Inauguration.

Through her role with the Senate Committee on Rules and Administration, Maria led the Joint Congressional Committee on Inaugural Ceremonies which was charged with the responsibility of planning and executing the swearing-in ceremonies for the President and Vice President of the United States. Additionally, the Joint Congressional Committee was responsible for planning the Inaugural Luncheon where Congress came together to welcome the new administration following the inaugural swearing-in ceremonies at the U.S. Capitol.

The Presidential Inauguration has been the hallmark of American democracy since 1789. During this ceremony, individuals elected by the people stand before God and the country and swear an oath to uphold the sacred duties to preserve, protect, and defend the Constitution of the United States.

On Friday, January 20, 2017, America again came together as we have so many times before to witness this peaceful transition of

power from one Administration to the next. As Americans, we celebrated both an honorable ending and a hopeful new beginning.

The success of the Presidential Inaugural Ceremonies is due to so many individuals, from staff to our law enforcement and first responders. However, none of the ceremonies would be possible if not for the careful planning and implementation by superb and patriotic individuals.

Maria is one of those special individuals who rose to the challenge of planning the 58th Presidential Inauguration. I thank her for her stewardship over the inaugural ceremonies, which has played such an important and impactful role in our shared history.

HONORING LUCAS MATTHEW
HODSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Lucas Matthew Hodson. Lucas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Lucas has been very active with his troop, participating in many scout activities. Over the many years Lucas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Lucas has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Lucas Matthew Hodson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

DEBORAH SHAPIRA AND BARRY L.
STERN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. ENGEL. Mr. Speaker, I rise today to honor two community leaders, Deborah Shapira and Barry L. Stern, who are being recognized as the Guests of Honor at this year's 48th Annual SAR Anniversary Dinner. Deborah and Barry have been intimately involved in SAR's outreach and operations, and are integral to the organization's success. They are most deserving of this wonderful recognition.

Ask anyone and they'll tell you, Deborah and Barry are among SAR's most thoughtful, humble and gracious members. Deborah serves on the SAR Board of Trustees, and is Chair of the SAR Academy Board of Education. Together, they served as Regional Vice Chairs for the 2014 Dinner, where Barry was involved in strategy and outreach. Debo-

rah is a most active volunteer, working as a grade representative, class parent, Learning to Look volunteer, and committee member for the Academy's Chanukat Habayit, and regularly offering her wisdom on an array of academic issues. They have opened their home for parlor meetings and 'meet and greets' to introduce and mentor SAR's new families.

Deborah, a graduate of the HaSha'ar teacher training program at the Drisha Institute, taught at Beit Rabban Day School in Manhattan. She currently serves as Board Chair for the Pardes Institute of Jewish Studies, North America. Barry is Associate Clinical Professor of Medical Psychology at Columbia University College of Physicians and Surgeons. He also has a private psychotherapy practice in midtown Manhattan.

But for Deborah and Barry, their true passion and love is first for family. They have three beautiful children, Pearl, Kayla, and Matan, and they are their pride and joy.

Congratulations again to Deborah and Barry on receiving this wonderful recognition, and thank you for all you've done in the community.

HONORING BRIAN AND JENNIFER
FULLEN, AND BRIAN RICHARD

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to honor the brave contributions of Brian and Jennifer Fullen, and Brian Richard, citizens of Walla Walla, Washington.

On December 2, 2016, an early morning fire broke out in an apartment building in Walla Walla. Awakening to the commotion and seeing the growing danger, Brian and Jennifer Fullen immediately called for help and left the safety of their own home to assist those escaping from the growing blaze. The call for assistance was answered by Brian Richard, a teacher at Pioneer Middle School and a volunteer firefighter, who rushed to the scene to lend a hand.

Mr. Fullen and Mr. Richard, without regard for their own personal safety, kicked in a door to the apartment building and searched for those who may have been trapped. They even assisted in the evacuation of a neighboring building as a precautionary measure. Mrs. Fullen assisted those who escaped the fire before emergency responders arrived at the scene.

Mr. and Mrs. Fullen and Mr. Richard have been recognized by both the Walla Walla Public Schools and the Walla Walla Fire Department for their heroic efforts.

The contributions of Mr. and Mrs. Fullen and Mr. Richard are prime examples of bravery and courage in the face of danger. I am proud to honor Mr. and Mrs. Fullen and Mr. Richard for their valuable and selfless contribution to the community of Walla Walla.

RICHMOND, TX SENIOR SELECTED
FOR VOLLEYBALL ALL-STATE

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Valerie Valerian of Richmond, TX, for being selected for the Texas Girls Coaching Association volleyball all-state.

The George Ranch senior was selected for all-state after leading her team, the Lady Longhorns, to a playoff victory. Throughout the playoffs, Valerie had a team-best of 564 kills while hitting .343 and leading with 4.1 digs per set. Following the playoffs, Valerie was also awarded the District 23-6A Offensive MVP and was selected as Player of the Match for over 20 volleyball games over the last two seasons.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Valerie Valerian for being selected for volleyball all-state. We are proud of her talent and know she will represent TX-22 well at all-state.

HONORING JONAH ANDREW HOPPE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jonah Andrew Hoppe. Jonah is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Jonah has been very active with his troop, participating in many scout activities. Over the many years Jonah has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jonah has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Jonah Andrew Hoppe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING MR. & MRS. MICHAEL MILLER ON THEIR GOLD-
EN WEDDING ANNIVERSARY

HON. ROGER WILLIAMS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. WILLIAMS. Mr. Speaker, I rise today to honor Mr. and Mrs. Michael Miller on the 50th Anniversary of their marriage on February 23, 1967. Their 50 years of dedication and love for one another should be an inspiration to us all.

Michael Joseph Miller and Margret Anne Miller met in Plymouth, England in 1965 while Michael was on assignment as a submariner in the Royal Canadian Navy. Following their marriage and the birth of three children, Sarah, Mark, and Simon, the Millers lived and worked in both Canada and England before moving to Michigan in 1979 just prior to the birth of their youngest child, Miles.

On July 4, 1996, the day of our Nation's independence, Mr. and Mrs. Miller became naturalized U.S. citizens. Inspired by this, all of their children have become naturalized citizens, while their youngest son, Miles, currently serves as a Captain in the United States Army.

In 2007, Michael and Margret retired to Lakeway, Texas, which is in the district which I represent. They live happily there to this day, enjoying the natural beauty of the Texas Hill Country.

Mr. Speaker, I would once again like to congratulate them on this happy day for them, their 50th Wedding Anniversary.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. RUSH. Mr. Speaker, on February 6 and 7, 2017, circumstances beyond my control necessitated my absence from the House and I, therefore, am requesting a leave of absence from the House.

COMMENDING THE ACTIVITIES OF THE MCL AND OTHERS TO BRING FREEDOM TO CUBA

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend the activities of Cuba's Christian Liberation Movement, which works to bring freedom, democracy, and the rule of law to Cuba. The movement was founded by the late Oswaldo Paya, an activist who courageously struggled to bring freedom to Cuba until his death at the hands of the Castro regime in 2012.

Today, another activist and leader of the Christian Liberation Movement, Eduardo Cardet, remains imprisoned in Holguin for simply opposing the totalitarianism of the Castro dictatorship. He was arrested in November 2016 and faces a fifteen year sentence. Other courageous activists such as artist Danilo Maldonado "El Sexto" and labor activist Ivan Hernandez Carrillo have been brutalized, threatened and imprisoned for shouldering the cause of liberty. Others such as Rosa Maria Paya, who bravely carries on the mission of her father Oswaldo, have chosen to continue the struggle for freedom in Cuba despite grave personal risks. The malevolent Castro regime has the blood of many innocents on its hands, and those who dare to oppose its tyranny.

Mr. Speaker, I commend the determination and bravery of these and so many others who continue to press for human rights, basic liberties, and a genuine democratic transition in Cuba. They eloquently and effectively bring attention to the egregious human rights abuses that occur daily in Cuba. While repression continues to escalate in Cuba, so does the resolve of Cuba's pro-democracy movement. Today, Cuba's future is already being shaped by those working to bring about democratic change.

The Cuban people will be free, and the perpetrators of their oppression will be held accountable for their crimes. In the meantime, Mr. Speaker, I pray for the safety of those who continue the struggle for freedom in Cuba despite the enormity of the risks. I take this opportunity to express my wholehearted and unwavering solidarity with them, and urge my colleagues to continue their efforts in hastening their freedom.

HONORING THE LIFE OF THE HONORABLE ALVIN BALDUS FOR HIS LIFE OF SERVICE IN THE U.S. CONGRESS, WISCONSIN STATE LEGISLATURE, AND ARMED FORCES OF THE UNITED STATES

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. KIND. Mr. Speaker, I rise today to honor the distinguished life of Alvin Baldus, who passed away on February 2, 2017 at the age of 90 in Menomonie, Wisconsin. An honorable veteran, public servant, and friend, Al's service to this country is an inspiration to not only the state of Wisconsin but anyone who aspires to be in public service. I had the distinct honor to get to know Al and his wonderful family and am proud to have modeled my public service career after Al's civil and accessible nature.

Born in Garner, Iowa, Al graduated from Elkton High School in Minnesota, attended Austin Junior College in Austin, Minnesota, and served in the U.S. Merchant Marine during World War II from 1944 through 1946. During the Korean War, Al again answered the call to serve his country in the U.S. Army with the 2nd Infantry Division from 1951 through 1953, receiving the Bronze Service Star medal for his bravery and courage, which included action in the Battle of Old Baldy.

In 1959, Al married the love of his life, Anna Lorayne "Lolly" Reiten and the two of them began to raise their family in Menomonie, Wisconsin. Soon after in 1966, Al's community elected him to the Wisconsin State Assembly. For eight years, Al served Dunn County with integrity. For Al, this was just the beginning.

Al not only served his fellow Wisconsinites in the State Assembly, but he also represented the voices of the Third Congressional District in this body, the U.S. House of Representatives, from 1974 through 1980 during the 94th, 95th, and 96th Congresses. Al spent his years in the House as a strong voice for agriculture fighting for legislation that promoted environmental conservation, agricultural safety, and milk price supports. Al used his

leadership as the chairman of the Dairy and Poultry Subcommittee of the House Agriculture Committee to fight for farmers in the U.S. Congress. In 1989 Al's strong commitment to serving his community convinced him to resume his lifelong joy of public service in the Wisconsin State Assembly until his retirement in 1997.

I vividly remember meeting with Al, Lolly and his children with my wife Tawni to talk about my future as a Congressional Representative. They graciously welcomed us into their home, and I was struck by how well behaved and kind his children were. As our visit went on, I grew to understand that everything about Al and Lolly was authentic and accessible.

It has been an honor for me to serve in the same seat that Al held many years ago. On behalf of my family, Wisconsin and a grateful nation, I would like to thank and commend Al for his years of dedicated service. Al's colleagues remember him for being kind, gracious, civil, and approachable. May his legacy continue to live in this chamber and across the nation.

CENTENNIAL CELEBRATION FOR PLYMOUTH

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. McCLINTOCK. Mr. Speaker, I rise today to honor Plymouth, California, for the celebration of its centennial anniversary as a city. Plymouth is the site of the Amador County Fair and the gateway to the beautiful Shenandoah Valley vineyards.

When we think of the California Gold Country, the image of the lone miner packing up a hillside with his mule, pick, and shovel come to mind. In reality, the Gold Rush, while a defining moment in our region's history, lasted just a few years.

According to the Amador County Historical Society, "there was not a single discovery of gold or a defining site that became the center of activity" in Plymouth. "The town was established in 1873, long after other mining camps had already become ghost towns."

With the easy gold taken from the streams, Green Alden and the Hooper family began to consolidate a number of hard rock mining camps in the region. They constructed a simple trading post, described by the California Office of Historic Preservation as "all windows and doors of cast iron, with gun ports still in some of the windows. Walls at the base are 30" thick, with beams in the basement that are 12" x 12." The basement was dynamited out of shale rock and the entire foundation is visible."

While the gold was hard to get, the Plymouth mine produced more than \$13.5 million in gold and continued to be worked until 1947, an ample source of wealth for the area.

While some gold seekers left, either enriched or disillusioned by their experience in the rivers, creeks and mountains, many others were determined to stay here and find other ways to make a living.

Plymouth became a hub trading center, and grew during periods of prosperity, wars, depressions and local tragedies including several catastrophic fires. Each time the town rebuilt with the gritty pioneer spirit of determination which marks our region's culture.

Today, that heritage is celebrated at the Amador County Fair, which has gained a statewide reputation as one of the most authentic fairs in California. Filled with rolling green lawns, heritage oak trees, and spotless grounds, the Amador County Fairgrounds is simply a must see for anyone who wants to have a true Gold Country experience.

Today, Plymouth has over 1,000 residents contributing to the local economy by accessing small businesses, farms, and orchards.

Mr. Speaker, the City of Plymouth continues to work with state and federal partners to improve its infrastructure for its citizens and provide a wonderful quality of life. Plymouth has enjoyed a century of progress and prosperity and is poised for a lucrative future.

IN MEMORY OF GENIE
MUNNERLYN DUNCAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. WILSON of South Carolina. Mr. Speaker, the Midlands of South Carolina has lost a beloved civic leader with the death of Genie Duncan. Services were conducted by Presiding Minister Rev. Donna Stone Eidson and Pianist Christopher A. McCroskey at Trinity United Methodist Church. The following obituary from the church program was heartfelt and appropriate:

Genie Munnerlyn Duncan, 79, was born May 24, 1937, in Marion, SC, and passed away Wednesday, Feb. 1, 2017. She was the daughter of the late Joseph and Catherine Munnerlyn and graduated from Marion High School and Columbia College. She will be deeply missed by her five children, Donald (Laurie), Susan, Madison, Brian (Shannon), and Jody, as well as her five grandchildren, Ashton, Hunter, Landon, Taylor, and Skylar. She is also survived by her brothers, Jody (Ginger) and Sammy (Diane) Munnerlyn. She was preceded in death by her husband of 35 years, Donald A. Duncan.

Genie lived a full and extraordinary life. She was passionate about her family, faith, her side of politics, USC sports, and "holding court" at Nick's on Sunset Blvd. She touched everyone she met in a deep and meaningful way. Her greatest gift to the world was the love she shared with everyone. The love she leaves behind will warm our hearts and conversations for years to come.

In memory of their sisterly friendship with Genie, the Honorary Pallbearers are carrying a red rose given to them by the family per Genie's request.

Memorials may be made to Trinity United Methodist Church Maintenance Fund, 1201 Mohawk Dr., West Columbia, SC 29169.A07FE8.

PERSONAL EXPLANATION

HON. DEREK KILMER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. KILMER. Mr. Speaker, on Monday, February 06, 2017, I missed two votes due to unavoidable travel delays in route to our nation's capital. Had I been present, I would have voted as follows:

On roll call No. 79—H.R. 689, the Bolts Ditch Access and Use Act, I would have voted yes.

On roll call No. 80—H.R. 337, the Black Hills National Cemetery Boundary Expansion Act, I would have voted yes.

INTRODUCTION OF LEGISLATION
TO REMOVE THE RESTRICTIONS
ON CERTAIN LAND TRANS-
FERRED TO ROCKINGHAM COUN-
TY, VIRGINIA

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce legislation to remove deed use restrictions on one acre of property used for the Plains Area Day Care Center in Broadway, Virginia. For over 25 years, the Plains Area Day Care Center has utilized this land to provide childcare on a sliding scale to many families who otherwise could not afford such a benefit.

In 1989, the federal government deeded, with restriction, three acres of land to Rockingham County, a county in the Sixth Congressional District of Virginia, which I represent. The government transferred this land to the county on the condition that this property be used for public purposes. Rockingham County then decided that the non-profit day care center could benefit from the use of the old buildings already housed on the land. Therefore, in 1990, Congress enacted Public Law 101-479, which allowed a specified portion of the three acres of the transferred land to be used for a child care center.

Donations by the community totaling \$75,000 turned the garage building into a nursery, daycare, and afterschool care facility. Additionally, the creation of the day care center provided for the construction of a playground that the center supports, which is open for public use. As one would imagine, after two decades of consistent use, the day care facility is in desperate need of repairs. Unfortunately, because of the narrow way Public Law 101-479 was drafted and because of the terms of the deed, the day care center has been unable to secure a loan to complete the much-needed renovations.

To solve this issue, my legislation would remove the deed use restrictions from the one acre of property on which the building resides. This would allow the day care center and Rockingham County to make needed upgrades. This legislation, which was approved by the House of Representatives by a vote of 407-0 in the 114th Congress as H.R. 2288, is

a simple formality. However, it is of great importance to those being served by this day care center in the Rockingham County community.

By passing this legislation and allowing Rockingham County more authority over the land, it will ensure that more children and more of the community will be served by this land. I urge my colleagues to support this bipartisan legislation in the 115th Congress.

HONORING RABBI ADAM
BALDACHIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. ENGEL. Mr. Speaker, I rise today to honor and welcome a new leader in the community, Rabbi Adam Baldachin, who on February 5, 2017 will be installed as the new Rabbi of Shaarei Tikvah in Scarsdale.

Rabbi Baldachin joined Shaarei Tikvah in July 2016, drawn by the community's energy and warmth. He previously served as the Rabbi of Montebello Jewish Center in Rockland County. There, he founded the Rockland Clergy for Social Justice, a group of Jewish, Christian and Muslim clerics advocating for fair and equitable education for the public school students of East Ramapo, a district controlled by an ultra-Orthodox school board.

Rabbi Baldachin has also served communities as close as Riverdale, which is also a part of my district, and as far as Israel and Uganda. In Uganda he worked with the Abayudaya, the local Jewish Community, teaching Hebrew, leading services, and helping to build sustainable businesses.

A native of New Providence, NJ, Rabbi Baldachin earned his undergraduate degree from the Joint Program of Columbia University and the Jewish Theological Seminary. He then completed his Rabbinical Degree with an M.A. in Midrash at the Seminary, where he received the prestigious Gladstein Fellowship in Entrepreneurial Rabbinic Leadership. He also completed extensive training in community organizing with JOIN for Justice and in pastoral care, interning as a chaplain at Self Help with Holocaust survivors.

When not serving his congregation, Rabbi Baldachin loves spending time with his beautiful family. He and his wife, Maitel, have three wonderful children and they are his pride and joy.

I know that Shaarei Tikvah is in very good hands with Rabbi Baldachin, and I know his presence will only strengthen our community further. Congratulations to him on this day.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. ELLISON. Mr. Speaker, due to other commitments, I missed the following roll call votes. Had I been present, I would have voted as follows:

Roll call No. 79, I would have voted yes.
Roll call No. 80, I would have voted yes.

LAURYN RICHARDSON EARNS ACADEMIC ALL-STATE RECOGNITION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Lauryn Richardson of Richmond, TX, for earning volleyball all-state recognition by the Texas Girls Coaching Association.

A sophomore at Foster High School, Lauryn received academic all-state recognition while leading her team, the Lady Falcons, to a play-off victory. She had 169 blocks and averaged 2.1 kills per set during the sets.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Lauryn Richardson for earning volleyball all-state academic recognition. We are proud of her and look forward to seeing her excel in the future.

IN RECOGNITION OF THE BURNS BROTHERS CLEANERS

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mrs. COMSTOCK. Mr. Speaker, I am honored to recognize a local business in Virginia's 10th Congressional District that will be closing their doors this year after over six decades of service. Burns Brothers Cleaners, the landmark cleaners and laundromat located in downtown McLean, Virginia, has served the community for the past 67 years and is one of the oldest family-operated businesses in the area. Since founding the mom-and-pop shop in 1949, Don and Bob Burns have been exemplary small business owners and operators.

Before opening Burns Brothers Cleaners, Don Burns worked in several different dry cleaning establishments where he learned the trade and also gained a valuable customer service skillset. Since opening, Don's customer-first attitude helped yield diverse and high-profile clients ranging from U.S. Cabinet Members to local shopkeepers. Yet despite some important clientele, the business never lost sight of its origins and the core values of a family-owned small business. In fact today, Amy Burns, one of Don's daughters, manages and operates the cleaners as her father once did.

In today's society, family owned small businesses are an essential player to the future of our nation. It is families like the Burns family that help foster strong local economies by establishing successful business practices that can be carried out for multiple generations.

Mr. Speaker, I ask my colleagues to join me in applauding the Burns Brothers Cleaners for its dedication to serving our community for so many years. I wish Don, Amy, and the rest of the Burns family the best in their future endeavors.

HONORING TIM SCHWERING

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to honor Spokane Police Officer Tim Schwering.

On Friday, January 20, 2017, Officer Schwering was first on the scene to a vehicle fire, with reports of the driver inside. The driver, Kim Novak, was returning home when she encountered a frozen section of roadway, causing her car to malfunction and eventually catch fire. According to Officer Schwering, when he arrived on scene, the car was engulfed in flames and he noticed a woman trapped in the backseat. Upon learning that she was unable to escape the car, Officer Schwering used his baton to begin breaking a hole in one of the passenger windows. He was successful in creating a hole large enough for Ms. Novak to escape, saving her life.

The next day, Officer Schwering met Ms. Novak, who expressed her thanks for his valiant efforts. According to Ms. Novak, "You just don't hear about that kind of compassion and follow through. And the officers get a lot of bad rap, but here's a guy who's a genuine hero."

Today and every day, we owe a debt of gratitude to our nation's law enforcement officers, who put themselves in harm's way to serve and protect. I'm grateful for the sheriffs and officers in Eastern Washington, such as Officer Schwering, who put on the uniform and do right by their communities each and every day. I want to recognize Officer Schwering for his bravery and quick thinking in a dangerous situation.

HONORING PAUL WARHIT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. ENGEL. Mr. Speaker, the strength of our Westchester community lies with those who are engaged and working to better it day by day. One of those engaged individuals is a constituent of mine, Paul Warhit, who has given his time and talent to a whole host of active civic groups in the region.

Born in Yonkers, Paul is a loyal son of Westchester. He had his bar-mitzvah at Mid-Chester Jewish Center and later graduated from Eastchester High School. He went on to attend Boston University and after completing college returned to New York to oversee the family business.

Paul's active involvement in Jewish communal life began in 1996, when Ilissa joined Temple Israel of New Rochelle. Less than a decade later, he became the synagogue's president. He has also served as president of the Board of American Jewish History Society, the New Rochelle Public Library Foundation, in addition to treasurer of the Jewish Deaf (and Hard-of-Hearing) Resource Center.

Thanks to his prolific involvement across a range of organizations, Paul's work caught the eye of the Westchester Jewish Council (WJC) who asked him to join their board. As is often the case with Paul, once he's on the board it's only a matter of time before he becomes the board's president, and Paul was elected to that post for WJC in 2013.

When not serving his community, Paul enjoys spending his down time reading and traveling the country to visit different Major League Baseball parks. He also serves as an umpire for Westchester High School baseball leagues.

This year, WJC is honoring Paul Warhit at the organization's 41st Anniversary Gala for all he has done to better our community. I want to congratulate Paul on this wonderful honor, and thank him for all the years of amazing service to Westchester.

CELEBRATING GRACE BROWN ON RECEIVING A SILVER CONGRESSIONAL AWARD MEDAL

HON. JACKIE WALORSKI

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mrs. WALORSKI. Mr. Speaker, I rise today to honor Grace Brown of Granger, Indiana, on receiving a Silver Congressional Award Medal for her dedicated service to our community and her outstanding personal growth.

Grace stands out not only because of her hardworking Hoosier spirit, but also because of her dedication to setting and achieving goals of personal growth and public service. Grace is driven, talented, and compassionate, and at her young age she has already left a positive mark on her community. I look forward to learning of the amazing accomplishments that I am certain lie ahead for Grace.

The Congressional Award recognizes the best of America by honoring individuals who have achieved goals that build character, foster community service, and strengthen personal development and citizenship.

Grace exemplifies these qualities and much more. She has shown great commitment to bettering the lives of others through her dedicated public service. She has built on her talents and developed new skills by teaching and taking part in dance classes. She has shown a genuine interest in learning about different cultures and exploring new environments, organizing and leading a five-day Expedition to Hocking Hills, Ohio. And she has given back to her community, spending more than 200 hours collecting and distributing food for local families in need.

Through all of this, Grace has shown an exceptional understanding of the importance of civic engagement. She has taken on huge responsibilities and demonstrated the power of a dedicated and inspired young mind.

Mr. Speaker, I am inspired by Grace's example and grateful for young Hoosiers like her. I ask my colleagues to join me in extending Grace our congratulations and best wishes.

CLEAR LAKE REGIONAL MEDICAL
CENTER DESIGNATED LEVEL II
TRAUMA CARE

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Clear Lake Regional Medical Center of Houston, TX, for being designated by the State of Texas for Level II Trauma Care.

Clear Lake has a trauma program with round-the-clock staff and in-house trauma surgeons and specialists to treat patients no matter the time or injury. To be considered a Level II Trauma Center, the medical center must have comprehensive trauma care with 24/7 availability with all essential specialties, personnel and equipment. Clear Lake had to undergo extensive site reviews and evaluations to meet this designation. This will significantly increase the number of lives that can be saved.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Clear Lake Regional Medical Center for being designated as Level II Trauma Care. We all benefit from their commitment to quality healthcare and we thank them for their hard work to keep Houstonians healthy.

IN HONOR OF I CARE I CURE
FOUNDATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it's my privilege to recognize the tremendous and meaningful work of the I Care I Cure Childhood Cancer Foundation. The I Care I Cure Foundation was founded by my constituents and friends Beth and Brad Besner in honor of their son, Ian, who was diagnosed with T-Cell Acute Lymphoblastic Leukemia in 2006, one week before his eleventh birthday. Just four months after his diagnosis, Ian tragically passed away.

It is so sad to see someone suffer from cancer but it hurts the most when it is a child. The harsh reality of children's cancer treatment is that it lasts longer than treatment for adults. Fighting cancer is devastating for children due to painful treatment, absence from school, and isolation from friends and family.

Childhood cancer research is significantly underfunded and we must rely on organizations such as this one to help put research dollars to work. Over the past 10 years, the I Care I Cure Foundation has helped fund research and projects at the Miami Children's Hospital, the Cincinnati Children's Hospital, and the National Cancer Institute just to name a few.

The good news is that researchers are making advances daily in the field of cancer treatment. And the better news is that there are organizations such as the I Care I Cure Foundation to help lead the way to gentler yet more cutting edge therapies.

The Besners' work has helped ease the suffering that far too many children and families must endure.

I thank Beth, Brad and their I Care I Cure family for the support they give to so many so that more children may celebrate their twelfth birthday, their twentieth birthday, and each and every day healthy and cancer free.

HONORING MRS. BARBARA
WHELTON

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. WELCH. Mr. Speaker, I rise today to honor Mrs. Barbara Whelton of Rutland, Vermont. Barbara is retiring from a distinguished career after nearly a half century of devoted public service.

Mrs. Whelton has worked in various capacities for government agencies across the country. From 1970 to 1975, she worked for both the United States Attorney's Office for the District of Rhode Island and the United States Marshals Service, assisting with the Service's nascent Witness Protection Program. Following a stint in the Audit Agency for the United States Air Force in Great Falls, Montana, Mrs. Whelton went to work for the United States Secret Service as a Contact Representative from 1975 to 1980.

In 1980, Mrs. Whelton and her husband, Master Chief (U.S. Navy, Ret.) Paul Whelton, relocated to Rutland, Vermont where he was posted as a Deputy U.S. Marshal. Upon their arrival, Mrs. Whelton served as a legal assistant in the United States Attorney's Office for the District of Vermont. Except for a brief turn in the private sector, Mrs. Whelton served in our U.S. Attorney's office for twenty-four years before she was asked to become the judicial assistant to Vermont's sole judge on the United States Court of Appeals for the Second Circuit, the Honorable Peter W. Hall.

Mrs. Whelton has been Judge Hall's judicial assistant for the past thirteen years. She has worked tirelessly to ensure that chambers ran smoothly and that Judge Hall and his clerks were fully supported in handling their robust caseload. I can say with confidence that without Mrs. Whelton's determined efforts, the administration of justice would not have been as efficient or exacting.

I know Barbara's colleagues will miss her sharp wit, her quiet determination, her devotion to duty, her professionalism, and most of all, her friendly demeanor.

So, Mr. Speaker, I ask the House of Representatives to join me today in recognizing Mrs. Whelton's many contributions to our country and the states and communities she served during her exceptional career. I wish her many years of health and happiness in her well-earned retirement.

HONORING JEFF KOHN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. ENGEL. Mr. Speaker, I rise today to honor an active member of the Westchester community, Mr. Jeff Kohn, who is being honored this year by the Westchester Jewish Council (WJC) at the organization's 41st Annual Anniversary Gala.

Jeff has been an active member in the Westchester Jewish community for a long time. He and Martha are members of Temple Shaaray Tefila Bedford Corners, where he currently serves as President. Prior to that, he was a board member at the Temple for more than a decade, and Martha has also served actively as co-chairperson of the Caring Community committee. Outside of the Temple, Jeff is also quite active. He currently serves as an officer of the Westchester Jewish Council and serves on a whole host of other non-profit boards focused on education. He serves on the advisory board at NYU Law School; Cornell University's School of Industrial & Labor Relations; and the George Washington University Law School, from which he graduated in 1984. Jeff has since been honored by the school with their Distinguished Alumni Award.

A lawyer by trade, Jeff is Managing Partner of O'Melveny & Myers LLP's New York office, where he practices labor and employment law. In 2011, he received his first Warren Christopher Values Award, in recognition of individuals who epitomize the values that guide the firm. Jeff currently Chairs the firm's Values Award Committee and works on the firm's scholarship program, which provides financial support to deserving students from five New York City public high schools.

In both a personal and professional capacity, Jeff Kohn has always worked to improve his community. The WJC couldn't have picked a more deserving honoree for their annual Gala, and I want to congratulate Jeff and thank him for all of his amazing work.

PRESIDENT TRUMP'S FIDUCIARY
DUTY RULE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. WILSON of South Carolina. Mr. Speaker, President Donald Trump on Friday released a Presidential Memorandum on the Fiduciary Duty Rule and I am grateful that President Trump has directed the labor secretary to thoroughly study this harmful rule.

Under the Obama Administration, the Department of Labor released a burdensome fiduciary rule that increased the cost of financial planning reducing retirement advice for American families.

Families all over the country are struggling to save for their retirement and I applaud the President's swift action to study the harmful effects of this rule I am confident a study will result in a delay or revision of this ridiculous

regulation of 1023 pages to define a profession.

I will continue to advance legislation calling for a delay of two years to give Congress and the Administration time to reassess the regulation. While I will continue to advance legislation, any delay would be a victory for hard-working American families struggling to save for retirement creating jobs.

In conclusion, God Bless Our Troops and may we never forget September 11th in the Global War on Terrorism.

HONORING DONNA SALAMON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. ENGEL. Mr. Speaker, I rise today to honor a member of the SAR team who has utilized her time and talents to transform the academy through the arts, Ms. Donna Salamon.

Donna is a uniquely talented artist who has spent countless hours over the last 12 years transforming the Academy's open spaces into gallery walls and museum-worthy displays. She has a passion to elevate Jewish education. With her strong connection to Eretz Israel, she has created projects that incorporate science, literature, history, and most importantly, Jewish values, through art. Her portfolio includes the design and production of a 720-square-foot mosaic mural, "Do What is Right and Good," depicting the core elements of the SAR experience on the Academy field wall. The mural was a 10-month project featuring 75,000 tiles, 12 iconic images, signatures from every child (804) in the Academy, and the work of more than 1,000 volunteers.

Donna makes SAR celebrations come alive—life-size educational games based on history curricula for Yom Yerushalayim, a year-long "Science is the Story," science, history and art program, including life-size dioramas and culminating in a Riverdale restaurant gallery showing. She also makes props for the Celebrate Israel Parade, banners for "theme of the year," stunning alphabet/middot paintings for the graduation ceremony produced by art elective students she leads, backdrops for such milestone events as the Siddur and Chumash plays, and sets for drama productions.

When not working to improve SAR, Donna loves spending time with her family. She and her husband, David, live in Riverdale with their three beautiful children, Yedidya, Yonatan, and Yaakov.

Congratulations to Donna on being this year's SAR Michael Schreck Memorial Community Service Award honoree.

IN HONOR OF LOUDOUN COUNTY HIGH SCHOOL VOLLEYBALL STATE CHAMPIONSHIP

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize a school in my District who was recently crowned as state champion in volleyball. The Loudoun County High School Raiders Volleyball team, led by Athletic Director Bruce Sheppard, Head Coach Sherrilyn Hanna, and Assistant Coaches Julianne Hanna, Cayla Hamrick, and Amy Ging, was one of several teams who won state titles in a variety of sports from Virginia's 10th Congressional District. I am proud of their hard work in achieving this goal. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

The state final brought perhaps the biggest challenge of the season, as the Raiders faced the Jamestown Eagles, a team they had played in the state final three times in the last four years; a team that was returning all starters but their libero from last year's state runner-up squad. After dropping the first set and overcoming a major deficit in the third set, the Raiders turned the tide, dominating the fourth set and taking the match for a record setting 5th consecutive state title, and their ninth state title in the last ten years.

The Loudoun County High School Raiders Volleyball team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. Loudoun County High School Volleyball has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

Mr. Speaker, I ask that my colleagues join me in honoring the Loudoun County High School Raiders for winning 9 state volleyball titles in the last 10 years and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

COMMENDING THE MEDICAL STAFF OF THE GEORGE WASHINGTON UNIVERSITY HOSPITAL

HON. JOHN H. RUTHERFORD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. RUTHERFORD. Mr. Speaker, I wish to commend the medical staff of The George Washington University Hospital who cared for me during my stay in January.

On the evening of January the Eleventh I suffered an allergic reaction and was taken to The George Washington University Hospital for treatment. During my stay, I was cared for by an incredible medical team. I offer my most sincere gratitude to Dr. Mayce Haj-Ali for her insight and swift action to treat the allergic reaction I suffered.

I also wish to commend the incredible nursing staff who cared for me: Andrea Gavurin, Megan Johnson, Alelcunda M'mari, Ophelia Hunter, Mary Synder, Christina Gale, Danielle Sier, Chaquonna Watson, Crystal Nyguyen, Perla Adames-Castillo, Mamta Jazier, and Jaquece Mudd. In particular, I want to acknowledge Andrea, Megan, and Alelcunda for their continued diligence in looking after me to make sure I made a quick and full recovery. I owe this entire group a debt of gratitude. It is because of their care that I was able to recover and return to work representing the people of Florida's Fourth Congressional District.

The Bureau of Labor Statistics states that more than 2.5 million nurses work in the United States. These women and men provide and coordinate patient care, educate individuals about their health conditions, and provide advice and emotional support to patients and their family. I am grateful, not only for the nurses who recently took care of my needs, but for all nurses across the U.S. who work diligently to ensure the health of their patients. I ask my colleagues to take a moment to remember these individuals who work in the nursing profession and the care they provide to the American people.

HONORING THE MILITARY SERVICE OF WWII VETERAN ROBERT PITTS

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise to honor WWII Veteran Robert "Bob" Pitts who proudly served in the 150th Combat Engineer Battalion. Mr. Pitts joined the Army in 1943 and left his boyhood home in Jamaica Plain, Massachusetts for basic training at Fort Devens, Massachusetts. He was among a group of young men from New England who received special training in electrical engineering. Their small unit would distinguish themselves during fierce military campaigns including being in the first assault crossings of the Rhine River. They became one of the few small units to receive a Presidential Unit Citation.

Mr. Pitts, who rose to the rank of Tec 5, served as the battalion electrician, battalion photographer, and reconnaissance scout. It was during his time in Europe that Mr. Pitts began his duties as the battalion photographer. He often developed photographs in a makeshift darkroom which also served as his sleeping quarters.

In addition to taking photographs on and off the battlefield, Mr. Pitts would also go on dangerous reconnaissance missions. He was awarded the Bronze Star while serving on a mission with the battalion captain and two others. They came under small arms fire and

then they encountered a German unit with tanks. His bravery that day earned him the Bronze Star. Mr. Pitts would also earn the Good Conduct Medal.

Eventually, this tight-knit unit would be divided up, but that did not keep them from staying in touch. Two years after they returned home from war, these young soldiers formed the 150th Combat Engineer Battalion Association. They held reunions for more than 60 years before their last one in 2005.

Mr. Pitts' son, Rick, says his father's engineering skills would serve him well when he returned to the civilian world. Mr. Pitts was eventually employed by MIT as an electronic engineer assistant. He worked on very early computers and later on "Star Wars" projects for the U.S. Department of Defense in Massachusetts, Hawaii and New Mexico.

Mr. Pitts, who is now 94, is a member of our greatest generation. It is an honor to recognize this great American veteran and citizen who leaves behind a legacy that will be remembered for generations to come. It is an honor to be among those who followed in his footsteps as a member of the 150th Combat Engineer Battalion.

Mr. Pitts was married to Eleanor M. Hathaway for 48 years. She died in 1998. They have three children; Robert (deceased), Nancy and Richard. He has one grandson, Robert.

HONORING DR. MARK SHINAR

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. ENGEL. Mr. Speaker, as a former school teacher, I am intimately aware of the amazing impact educators can have on young minds. At SAR High School in my district, one such educator, Dr. Mark Shinar, has been changing the lives of his students in just such a profound way.

Abraham Joshua Heschel said that "It is the personality of the teacher which is the text that pupils read; the text they will never forget." As Director of General Studies at SAR High School, Dr. Mark Shinar embodies this quote. He has proven to be a mentor and champion to his students both in and out of the classroom. He is deeply invested in their academic and long term personal growth which continues even after they leave SAR. His is the voice in their ear, the text they will not forget as they make key decisions in the future. Mark brings an infectious energy and enthusiasm to the classroom that energizes both students and faculty. He leads by example and listens to concerns of colleagues, peers and students always trying to improve the learning process. This is the true definition of a teacher. "The classroom is air to me and the students are part of my family. It's a joy and remarkable privilege to teach at SAR."

When not changing lives in the classroom, Mark enjoys spending his time just being a husband and dad. He and his wife, Lauren, are parents to four wonderful children, Aiden, Joseph, Samuel, and Ilan. The Shinar family are members of YIOZ in Riverdale, and will be making aliya at the end of the current academic year.

This year, SAR is honoring Mark at the organization's 48th Anniversary Dinner with the Audrey Schurgin Memorial Faculty Award. They could not have picked a more deserving honoree. Congratulations again to Mark on receiving this well-deserved recognition, and thank you for all of your amazing work in the community.

RECOGNIZING THE EXPANSION OF CYPRESS BAPTIST CHURCH

HON. MIKE JOHNSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. JOHNSON of Louisiana. Mr. Speaker, it is an honor for me to rise and recognize the Cypress Baptist Church of Benton, Louisiana. For over thirty years, Cypress Baptist has blessed the lives of many in our region. Most recently, God has blessed Cypress Baptist Church with the means to expand their sanctuary to grow their ministry.

Their mission, "to help people come to know Christ and to grow in Christ," has been modeled by the church's faithful congregation and their commitment to the Lord is unwavering. Because of their continued stewardship, more and more people are answering the call of God by being baptized and carrying out critical mission work.

Over the past two years the communities of Benton and Bossier City and surrounding areas have come together to help Cypress Baptist in its mission. This church has touched the lives of so many, and is growing exponentially, and it is only fitting that God rewards them with the blessing of more space to carry out their service.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Cypress Baptist Church and congratulate this pillar of our community on its continued dedication to the Kingdom. Their new sanctuary will be a true blessing to the people of our community. My wife, Kelly and I pray that the Spirit of the Lord continue to bless the congregation of Cypress Baptist Church.

DR. OGLESBY YOUNG CONCORD MONITOR OP-ED

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Ms. KUSTER of New Hampshire. Mr. Speaker, I include in the RECORD an op-ed by Dr. Oglesby Young as published in the Concord Monitor.

MY TURN: PAID FAMILY LEAVE IS THE
INVESTMENT OF A LIFETIME

A pediatric colleague once said, "We can invest in early childhood or we can build more prisons 20 years later at a much greater cost to society."

A bill, presently before the state Legislature (HB 628), is a plan for an Employer Based Insurance Program to provide "paid family leave." I believe this is an opportunity to invest in early childhood in order

to create a healthier, more productive and caring society.

Barry Brazelton, now a 95-year-old Boston pediatrician and researcher, established a half-century ago how critical newborn bonding is for the baby and the parents. The development of "attachment" from the start of life, profoundly affects the relationship between the child and his or her new parents.

It follows that the first few years, even the first few months, of life lasts forever. We have a compelling biologic model of why kids who have experienced the toxic stress of neglect—the absence of love, as simple as cuddling—have trouble learning. A Harvard pediatrician, Jack Shonkoff, states simply, "We can modify behavior late, but we can't rewire disrupted brain circuits."

Years ago, I remember seeing the MRI scans of the brains of children who were completely neglected in an Eastern European orphanage. There were large areas of atrophy (no brain tissue), which had resulted from a lack of love and stimulation of these children early in their lives.

As obstetricians, we see new moms routinely for their postpartum visits six weeks after the delivery of their babies. Most are just learning how to be a parent. Their bodies are still healing, while they are torn between the challenges of being a new mom and returning to the demands of an old job.

I realized early in my career that we could devote ourselves to delivering healthy babies, but it would mean nothing if we did not care for the mom and newborn when we sent them home from the hospital. Those of us who have children know that no matter how well-educated or how well-motivated, the experience of having a first child at times can be overwhelming.

Babies are not born with instructions. We all want to be good parents, but not all of us have had good modeling, and not all of us have the resources to be the parents we want to be.

Many new moms are single today with no support. Grandparents work and they often live elsewhere. In my lifetime neighborhoods have changed. There is no longer a woman down the street who has had six kids and welcomes the opportunity to help a new mom as she was once helped. For these reasons, 20 years ago, we established the Healthy Beginnings Endowment at Concord Hospital, raising \$1.3 million to award grants annually to Concord area programs that support and educate new parents.

Physicians have been the most generous donors to this endowment because they understand the wisdom of investing in early childhood to prevent adult problems. The upshot is that children who are undermined early are much more likely in later years to suffer mental illness, heart disease, obesity, diabetes and other physical ailments.

The bill before us, HB 628, would give time and financial support at very little cost, to permit new parents to establish an attachment to their baby that would pay dividends over the lifetime of their child. We are one of the few developed countries in the world that does not provide this benefit to new parents.

In England, my daughter-in-law was given nine months of paid maternity leave when she had our granddaughter. In France, our former exchange student was awarded six months of paid leave, as was her husband, following the birth of each of their three children. In Germany, a close friend's daughter had one year of paid maternity leave and her husband three months after their first baby. It should not surprise us that the people of those countries are healthier and live

longer than us (even though Europeans drink and smoke more than us). And, remarkably their health care costs amount to half of what we spend per person in this country.

The implication is that the most cost-effective window to bring about change in the health and welfare of a country isn't high school or even kindergarten. It is the early childhood years, and it can be done at a relatively low cost, when compared to the later financial burden of adult health care.

Presently, we have a ravaging substance abuse crisis into which we are pouring millions of dollars to treat and rehabilitate those afflicted. It seems, almost every week, we read in the Concord Monitor about another young person whose life has been lost to overdose. Is there a better example today that an "ounce of prevention would save pounds of cure"?

If we are to have healthy, responsible, kind adults—young people who choose not to abuse themselves or others—we must first create kids with a deep sense of self worth, a strong respect for themselves and others. Adults who love well have been children who were well-loved. Adults who care deeply about others and our world were children who were deeply cared for.

The crucial value of "paid family leave" is that it would provide parents to start their child on the path to a successful adulthood.

I recently read the book *Find Me Unafraid: Love, Loss and Hope in an African Slum*. The author, Kennedy Odede, overcame a late childhood fraught with constant hunger, complete poverty and physical abuse. He writes, "As a young child, I knew how much my mother loved me. When I was on the streets, I thought of what my mom had told me, that no matter where I was in the world, if I could see the stars, I should know that she could see them, too, and I felt her love always."

Kennedy Odede is an adult now, who has returned to his impoverished Nairobi slum and created a school for girls and a community organization called Shining Hope for Communities. In spite of a cruel childhood, except for his first three years of life, he has become a successful, productive, happy adult who is devoted to improving his old neighborhood, his world. Paid family leave is fundamental to a healthy society because it provides the framework for a precious, priceless early childhood—the foundation on which responsible, loving adults grow. For those of you who believe we cannot afford paid family leave, I would argue that we can't afford not to provide paid family leave. The future of our society surely rests on this wise investment.

(Dr. Oglesby H. Young lives in Concord.)

IN HONOR OF WESTFIELD HIGH SCHOOL FOOTBALL STATE CHAMPIONSHIP TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize a school in my District who was recently crowned as state champion in football. The Westfield High School Bulldogs Football team, led by Athletic Director Terri Towle, Head Coach Kyle Simmons and Assistant Coaches Dan Keating, Jon Shields, Mike

Giancola, Pete Bendorf, Jose Ardon, Alex Callas, Mike King, Chris Coyer, and Curtis Knight, was one of several teams who won state titles in a variety of sports from Virginia's 10th Congressional District. I am proud of their hard work in achieving this goal. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

This year's state championship was a rematch of the 2015 state championship, where Westfield defeated Oscar Smith High School in quadruple overtime. Oscar Smith jumped out to a 7-0 lead in the first quarter; but Westfield took the lead in second with touchdowns by Nolan Cockrill and Sean Eckert. They extended their lead to 21-7 in the third after Nathaniel Chung punched in a third touchdown. However, Oscar Smith stormed back in the fourth quarter, scoring two touchdowns and executing a two point conversion with seven seconds left on the clock to send the game to overtime. Oscar Smith struck first with a touchdown pass on the first play. With the game on the line, Westfield answered with a touchdown pass of its own, tying the game at 28 and forcing a second overtime. Westfield had capitalized on having the first possession, with Rehman Johnson throwing his fourth touchdown of the night to Ivory Frimpong. Westfield's defense then rose up, and stopped Oscar Smith's high powered offense on the three yard line and in doing so, secured the Bulldogs' second state championship in as many years.

Westfield High School's Football team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. Westfield Football has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

Mr. Speaker, I ask that my colleagues join me in honoring the Westfield Bulldogs for winning the Virginia 6A Football State Championship and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

RECOGNIZING JACKSON COUNTY'S 221ST ANNIVERSARY

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize the 221st Anniversary of Jackson County, which was formed on February 11, 1796. To celebrate this important day in northeast Georgia's history, the committees of the Jackson County Courthouse are creating an exhibit that will cover their two centuries of history.

The Historic Courthouse Restoration Committee will be giving presentations to each school system in Jackson County, including the great schools of East Jackson, Commerce, Jefferson, and West Jackson.

The presentations titled, "Finding a Sense of Place in Jackson County, Georgia", will invite approximately 1,100 eighth grade students into the dynamic history of their county.

The Jackson County Historical Society has already published a transcription of the first Jackson County Superior Court docket book, which contains the complete histories of each case brought between 1796 and 1802. These cases in Jackson County will serve to show the rich history of the judicial system that has guided Jackson County since its inception.

Mr. Speaker, I am honored to recognize the deep history and notable leadership that comes from Jackson County on its 221st Anniversary.

HONORING THE LIFE OF MISSISSIPPI ARMY NATIONAL GUARD SERGEANT (SGT) ROBERT A. MCNAIL

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Sergeant Robert A. McNail who died while defending our great nation on February 11, 2005, when his Humvee struck another military vehicle in Iskandariyah, Iraq. SGT McNail was the sixth Mississippi National Guard soldier to give his life in Iraq and the second to die that year.

SGT McNail was a member of Detachment 1, Company B, 150th Engineer Battalion, out of Quitman, Mississippi. His unit was attached to the 155th Brigade Combat Team. In 2005, I was deployed as a Major to Iraq with the 155th Brigade as the Operations Officer of the 150th Engineer Battalion. It was an honor and a privilege to serve with SGT McNail.

SGT McNail was studying to be a nurse and was a civilian employee at the Naval Air Station in Meridian before he was deployed. His mother, Linda McNail, said her son was engaged to be married at the time of his death. She says he enjoyed fishing and camping.

SGT McNail's father, Marvin McNail, said his son followed in the footsteps of 16 family members who served in the military. He was the only member of his family to die in military service. At his funeral, family and friends remembered him for his faith in our Heavenly Father and his willingness to give his life to keep America safe.

SGT McNail, a Meridian resident, was awarded the Bronze Star and the Mississippi Medal of Valor by Major General Harold A. Cross, the state's Adjutant General.

SGT McNail is survived by his parents Robert and Linda McNail and son Edward.

RECOGNIZING THE POLISH LEGION
MOTORCYCLE RIDING CLUB**HON. BRIAN K. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the Polish Legion Motorcycle Riding Club. Since 2011 this organization has brought together members of our community of all ages who share a passion for riding motorcycles. I would like to give special recognition to the group's President, Szymon Moskal. Millions of citizens in the United States own and ride motorcycles, making ridership as much a part of our identity as baseball or apple pie. The Polish Legion Motorcycle Riding Club continues the proud tradition of motorcycle ridership and enthusiasm found in my district, and across our great nation. It is my privilege to assist them during their trip to our nation's capital.

PAYING TRIBUTE TO MR. ECKERD
FINDLEY**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Eckerd Findley, an outstanding South Carolinian, who is retiring from Piedmont Airlines this month after 40 years of service.

Mr. Findley was born on May 4, 1953 to the late Reverend Alex and Ms. Ethel Findley. He graduated from Columbia, South Carolina's Booker T. Washington High School in 1972.

After graduation, Mr. Findley went to work for Mount Vernon Mills, a textile company which was housed in the building that is now the South Carolina State Museum. It was at Mount Vernon Mills that he met his wife Ann. They were married in 1973 and in 1975 they were blessed with a son, Edward. Their daughter, Antonitte, was born in 1984. The Findleys currently have four grandchildren.

Mr. Findley's father, the Reverend Alex Findley, worked for Delta Airlines from 1944 until his retirement in 1986. Eckerd decided to follow in his father's footsteps and in 1976 he landed a position at Piedmont Airlines. He has been with the company ever since, helping it to grow into US Airways, which recently merged with American Airlines.

Eckerd was taught and—in turn—has taught his family Matthew 22:39, "love thy neighbor as thyself," and that lesson shows in the way he works and lives. He is a member of Pleasant Springs AME Church and is a pillar of the community.

Mr. Speaker, I ask that you and the Members of this House join me in recognizing the outstanding service and example of citizenship that have been shown by this fine gentleman, Eckerd Findley. I wish him a long, productive and rewarding retirement.

HONORING THE LIFE AND WORK
OF DAVID CULP**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. BLUMENAUER. Mr. Speaker, I would like to honor the life and work of David Culp who passed away over the weekend.

This is a monumental loss to supporters of peace everywhere. David's tireless efforts in promoting sane nuclear policies and fighting for a safer world spanned decades.

David was a "go-to" advocate in the arms control community. Many, including myself, relied on his advice, knack for technical details on policy proposals, political insights, and collaborative focus. He played an instrumental role in the campaign to secure Senate ratification of the New START treaty and in the defeat of legislative proposals to proliferate new nuclear weapons.

Not only was David a wise, steadfast, effective voice for disarmament, but he was kind and genuine—a true pleasure to be around. His good nature came through in his personal life, where he spent time working to preserve the environment and enjoying the outdoors. His involvement in the cleanup of the Anacostia River is but one example.

My deepest condolences go out to those near and dear to him. He will be missed, and I hope his family, friends and colleagues take some measure of solace in the knowledge that he has made a tremendous difference.

JOHN BRESLER UNION LEADER
OP-ED**HON. ANN M. KUSTER**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Ms. KUSTER of New Hampshire. Mr. Speaker, I include in the RECORD an op-ed by John Bresler as published in the New Hampshire Union Leader.

ANOTHER VIEW—JON BRESLER: REACHING OUT
CAN SAVE A LIFE

[Editor's Note: Throughout the year, in partnership with Change Direction NH, the Union Leader is publishing a monthly series of mental health stories written by Granite Staters.]

The phone was ringing off the hook. It stopped before I could get it, then started again. It was 4:15 a.m., and I stumbled in the dark to pick it up. It was the local police dispatcher saying "an officer was outside." She would not tell me why. With my heart beating fast, I grabbed a coat and went out in the icy driveway. The young officers had to tell us that our 20-year-old Nat had laid down in front of an Amtrak and been killed. Shock set in that reverberates still. It hit to the core of being. I could not breathe right and started panting.

Nathaniel was a super kid, the last you'd suspect was in trouble. He got good grades, had many friends. He was handsome and competitive. He loved music, and had 11,000 songs on his Mac. A senior walk-on, he won a game ball in the state semis, and the state

lacrosse title in 2009. He worked in the admissions department at George Mason University and had recently attended the "Academic Impact" conference at the U.N., meeting the Secretary General in New York. At GMLJ, he was co-founder of Habitat for Humanity. He transferred to the University of New Hampshire as a second-semester sophomore, with more than enough credits to be a junior.

What happened? His life was racing through my mind, but nothing made sense.

I had to tell my wife, call his brother, my siblings and his grandmothers. Numbly then my wife and I drove to Durham. We met the chief, who gave us Nat's driver's license and keys. That was it. No body. No goodbyes, no nothing. Emptiness. How could this be happening?

They kept his phone. It took a few days to identify him. He was definitely listening to music at the end. He left notes for us and some friends. He paid a friend back a loan of \$10 from the night before. He indicated what was deeply troubling him. He lost faith in the world, and his ability to function in it.

He was clinically depressed, but undiagnosed. He expressed what most suicides have in common, a feeling of hopelessness. We believe if he could have confided in a friend, girlfriend, a counselor or therapist, and unburdened himself, he might have controlled the impulse in the moment. Maybe that he could have kept going. Was there no warning—nothing in his life—that anyone noticed? You may well wonder. I hoped someone would come forward, but no one ever did. It was a mystery to us all.

Death is traumatic. The death of a child is very traumatic. The unexpected suicide of one's child, off the charts. It felt like he had been murdered violently, but he was also the perpetrator.

Survivors of child suicide have marked increases in drug and alcohol abuse, depression and divorce, and significantly, increased risks of suicide. We have learned the value of professional help. At first you want to die, rather than accept the reality. Hearing that our son had committed suicide was the hardest thing I ever experienced and living every day since has been a struggle.

Whether it is opioid addiction, PTSD, undiagnosed depression, all can lead to overdoses, suicide, and unnecessary death. Increasing access to care, and removing stigma from the culture surrounding mental illness should be the goal.

A common theme in suicide is "to not want to become a burden." Let's learn to reach out, and not walk away when we know. Talk about it, offer hope. It can save a life. Commit to the goals of Change Direction NH.

Learn the signs, learn to reach out, and know better how to help when someone is in trouble. Let them know that you know what it's like to be suffering from depression.

I cannot underscore for survivors like us, the importance of a good counselor. A professional who treats numerous people can offer new methods and ways of thinking about problems.

The analogy to me is mountain climbing. That mountain will be there every day, and I have to climb it. Therapy offers better tools.

In my experience, we place too much emphasis on our student's scores and grades, but nowhere near enough on them as people, with human needs. We can help them relate to their problems better by creating a space where it is encouraged for them to talk openly about things that bother them.

Let us do a better job recognizing how hard it is to be young today.

Thank you for reading and letting me tell our story. I hope someone reads this, and gets help.

Let's change direction on mental health. That would be a great thing!

—Jon Bresler is a small business owner who lives in Concord.

RECOGNIZING THE LIFE OF MISSISSIPPI NATIONAL GUARDSMAN SERGEANT FIRST CLASS (SFC) BILLY A. SUTTON

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Sergeant First Class (SFC) Billy A. Sutton who died as a result of non-combat causes on February 7, 2012, while supporting Operation Enduring Freedom in Afghanistan.

SFC Sutton was assigned to the Mississippi Army National Guard's 223rd Engineer Battalion, 168th Engineer Brigade, headquartered in West Point, Mississippi. In November, 2011, SFC Sutton was deployed for his third tour in the Middle East to Afghanistan with the Army National Guard's 288th Sapper Company out of Houston. He served as the Platoon Ser-

geant for Route Clearance Patrol (RCP) 2, 2nd Platoon. He nicknamed his platoon the Honey Badgers.

"SFC Sutton was gifted," Captain Brenton Montgomery, Commander of the 288th Sapper Company said in a quote released by the Department of the Army. "Anyone who can take their hands and make a difference is truly gifted. He had that gift and he used it to make a difference in all our lives."

The 42-year-old Mooreville, Mississippi native was described as an outstanding soldier and Platoon Sergeant. It is an honor to recognize the life of a soldier who devoted his life to keeping America safe.

H.J. RES. 57 AND H.J. RES. 58

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Ms. ROYBAL-ALLARD. Mr. Speaker, today, I voted against H.J. Res. 57 and H.J. Res. 58, two pieces of legislation which threaten students' right to a high-quality education.

In 2015, I was proud to vote for the bipartisan Every Student Succeeds Act (ESSA), which reauthorized federal regulations for K-12 education. It is shocking that scarcely one year after ESSA was signed into law, Congress is trying to pass these resolutions which

will devastate public education, particularly for minority and vulnerable children.

H.J. Res. 57 prevents the federal government from uncovering discrimination and civil rights abuses in our schools. Under this resolution, the U.S. Department of Education cannot require states to provide data about vulnerable student groups. This prevents the department from holding schools accountable for academic performance and disciplinary practices.

H.J. Res. 58 makes it more difficult for prospective teachers to find programs that will prepare them for success in the classroom. It also removes incentives to make our teaching workforce more diverse. This is especially troubling at a time when California is suffering from a teacher shortage.

Sadly, these resolutions arrive on the same day that the United States Senate voted to confirm Betsy DeVos as Secretary of Education. Unfortunately, Senate Republicans ignored grave concerns from parents, teachers, and students nationwide about her lack of familiarity with basic public education issues, federal laws, and her refusal to protect public education and civil rights.

As the Congresswoman for California's 40th District, I will fight against any policy that jeopardizes the ability of students to receive an excellent education. That is why I oppose H.J. Res. 57 and H.J. Res. 58.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 9, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 14

- 9:30 a.m.
Committee on Armed Services
To receive a closed briefing on long-term defense challenges and strategies.
SVC-217
- 10 a.m.
Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine the Semi-annual Monetary Policy Report to the Congress.
SD-106
- 2:30 p.m.
Committee on Armed Services
Subcommittee on Personnel
To hold hearings to examine Department of Defense single servicemember and military family readiness programs.
SR-222

FEBRUARY 15

- 10 a.m.
Committee on Environment and Public Works
To hold an oversight hearing to examine modernization of the Endangered Species Act.
SD-406

Committee on Foreign Relations

To hold hearings to examine ending modern slavery, focusing on building on success.
SD-419

- 10:30 a.m.
Committee on Appropriations
Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies
To hold hearings to examine mental health care, focusing on examining treatments and services.
SD-138

- 2:30 p.m.
Committee on Commerce, Science, and Transportation
Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security
To hold hearings to examine stakeholder perspectives on our multimodal transportation system.
SR-253

- Committee on Homeland Security and Governmental Affairs
To hold hearings to examine government operations susceptible to waste, fraud, and mismanagement.
SD-342

- Special Committee on Aging
To hold hearings to examine stopping senior scams, focusing on developments in financial fraud affecting seniors.
SD-562

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

SENATE—Thursday, February 9, 2017

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Give ear to our words, O Lord. Listen to the sounds of our intercession. We look to You with the vibrant expectation that You can transform dark yesterdays into bright tomorrows. We are grateful that we can fulfill Your purposes because of the strength we receive each day from You.

Lord, show our lawmakers Your compassion. Give them a peace that transcends human understanding. May they face life's challenges with the faith that nothing is impossible for You. Increase their faith, filling them with a more complete trust in You and with a willingness to follow Your guidance.

We pray in Your Holy Name. Amen

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

CONGRATULATING SENATOR HATCH: THE LONGEST SERVING REPUBLICAN SENATOR IN AMERICAN HISTORY

Mr. McCONNELL. Mr. President, I would like to begin this morning by directing some remarks to the Chair. I would like to recognize an important milestone of his, but let me start off this way.

The President pro tempore is something of a legend in the Beehive State. He is a published author. He has gold and platinum albums hanging on the wall, and he is a great fighter for his home State.

It is not hard to see why Utahns keep sending him back. It is not hard to see why they chose to make him the longest serving Senator in Utah history.

Senator HATCH has come a long way from the grinding poverty of his childhood, and just recently, he passed yet another significant milestone. He became the longest serving Republican

Senator in American history. Now, that is impressive.

Yet, given what we all know about our colleague, it isn't all that surprising. Senator HATCH is almost always in the mix on the most consequential issues of the day. He has been a leading voice on everything from labor law to judicial nominations, religious freedom to tax reform. This expansive policy expertise helps explain why his colleagues chose him to serve as chairman of three major committees: HELP, Judiciary, and today the powerful Finance Committee.

Senator HATCH remains as much of a key player as ever in advancing the Senate's agenda. His guidance will be crucial as we continue to move forward with repealing and replacing ObamaCare, as we turn to tax reform, and as we consider the President's Supreme Court nominee.

The tasks before us are as diverse as they are challenging, but I know our colleague from Utah is up to the charge.

The man known as "Honest Orrin" is one of the kindest and most gracious guys you will ever meet. He is a man of deep faith and principled conviction.

But Senator HATCH is anything but a pushover. He is a fighter for Utah and for the Nation. He is a proud conservative. He has simply learned the art of disagreeing—sometimes strongly—without being disagreeable. That is how you build friendships with both Robert Bork and Ted Kennedy. That is how you establish yourself as one of the most productive legislators in modern history, as Senator HATCH has.

He isn't slowing down any time soon. He is actually getting more done than ever. He just passed dozens of bills out of the Senate last Congress, and many of them became law. Now our friend, the Finance Committee chairman, is in a unique position to continue having an impact on a range of issues, and I am sure he will.

I hope he still finds some time to keep up with his songwriting career. You should listen to his stuff. It is good. He has penned everything from a love song on the "Ocean's Twelve" soundtrack to his world-famous Hanukkah song. Senator HATCH would want me to remind you that it ranked somewhere between the Black Eyed Peas and Lady Gaga on the hit charts. "Everyone," he says, "loves my music"—everyone.

You have to admire that confidence.

We look forward to seeing the great things he will be able to achieve for Utahns, for the country, and for the music industry in the years to come.

It has been my distinct privilege to recognize our colleague in the Chair today. I would ask colleagues to join with Senator HATCH's family—his wife of nearly 60 years, Elaine, their 6 children, 23 grandchildren, and 19 great grandchildren—in marking this important milestone.

ATTORNEY GENERAL JEFF SESSIONS

Mr. McCONNELL. Mr. President, it was great to see our now-former colleague, Senator Sessions, confirmed as the Nation's 84th Attorney General yesterday. We all had to watch as he was subjected to a terrible campaign of unfair and deeply personal attacks. He endured it all with grace, though, and with the same considerable dignity, respect, and courtesy we have long known Senator Sessions for. We are going to miss him in the Senate, but we couldn't be more proud of him as he begins this new position.

SENATOR-DESIGNATE LUTHER STRANGE

Mr. McCONNELL. Mr. President, of course the departure of one Senator typically heralds the arrival of a new one. Today is no different. I hope colleagues will join me in welcoming Alabama's newest Senator later today, LUTHER STRANGE, who will be sworn in this afternoon.

You won't have much trouble finding him. He will be the tallest guy around here. Now, you would expect nothing different from a former college basketball player. Senator THUNE and Senator COTTON last night were somewhat distressed by the notion that they would be replaced by an even taller Senator, and that will happen later today.

LUTHER STRANGE, like the man who preceded him, is a devoted Eagle Scout. He shares his interest in the law too. He even argued successfully before the Supreme Court. It is notable experience to bring to any job, especially this one, and especially at a time when we are actively involved in the process of considering a new—and superbly qualified—nominee to the Court.

We are looking forward to the contributions that Alabama's newest Senator will make. He will have the chance to get started right away. We have important work to do, and that starts with confirming more of the qualified Cabinet nominees who are before us.

NOMINATION OF TOM PRICE

Mr. McCONNELL. Mr. President, the nominee currently before us is the President's pick for Health and Human Services Secretary, Congressman TOM PRICE, a physician. Dr. PRICE knows more about health care policy than just about anyone. He doesn't just understand health care policy as a policymaker—although he does deeply—he also understands it as a practicing physician. He gets the real-world impact.

He has a clear-eyed view about Washington's capacity to do great harm, even with the best of intentions, just as he is excited about his potential to do great good.

He can start having a positive impact almost as soon as he is confirmed. He can start bringing stability to the health care markets ObamaCare has harmed. He can start bringing relief to the families ObamaCare has hurt. I know he is ready to get to work with Congress to move toward truly patient-centered health care—care that prioritizes the needs of patients over the needs of Washington.

The American Medical Association supports him and says: “[H]is service as a physician, state legislator and member of the U.S. Congress provides a depth of experience to lead HHS.”

The Association of American Medical Colleges supports him and says: “[H]e will bring a thoughtful, measured approach to tackling the wide range of issues affecting the nation's health.”

And the Healthcare Leadership Council couldn't be more enthusiastic. “It is difficult,” they said, “to imagine anyone more capable of serving his nation as the Secretary of Health and Human Services than Congressman Tom Price.”

That is high praise. It also happens to be accurate.

The American people need Dr. TOM PRICE applying his practical knowledge as a doctor and as a legislator at the Department of Health and Human Services, an agency in great need of new leadership.

This job is a big one. There is no doubting that. It requires overseeing some of the Nation's most important programs, like Medicare and Medicaid, and helping to protect public health at the CDC and helping to find cures at NIH and helping to ensure at the FDA that those cures can make it to the patients.

It is a big job, but TOM PRICE is the right man for it. We shouldn't wait a moment longer to confirm him. As soon as we do, we will turn to the nomination of Steve Mnuchin to lead the Department of the Treasury.

NOMINATION OF STEVEN T. MNUCHIN

Mr. McCONNELL. Mr. President, I will have more to say about Mr. Mnuchin tomorrow, but let me say

this. For the last 8 years, Americans had to endure an economy that failed to live up to its potential. Part of the problem was the regulatory avalanche of the last administration. It is time to finally move toward a modern regulatory framework instead, one that appropriately manages risks while promoting growth and job creation. The President has started providing relief already that will move us toward that goal. Steve Mnuchin can help do more.

He also has an important role to play in the effort to make our tax system simpler and more conducive to the kind of economic growth and job creation we should all want. It won't be easy to get that done. We need someone like Steve Mnuchin working with both parties to make it happen.

The Treasury nominee is smart, capable, and he has impressive private sector experience. We need him confirmed as soon as possible so he can begin to tackle these challenges and reverse the last 8 years of economic heartache.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROUNDS). Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of THOMAS PRICE, of Georgia, to be Secretary of Health and Human Services, which the clerk will report.

The senior assistant legislative clerk read the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The Senator from Utah.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. I will be happy to yield.

Mr. SCHUMER. I thank my colleague.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CONGRATULATING SENATOR HATCH: THE LONGEST SERVING REPUBLICAN SENATOR IN AMERICAN HISTORY

Mr. SCHUMER. Mr. President, before our great friend from Utah gets up, I have other remarks; I will let the Senator from Utah speak before those. But I want to join my distinguished friend the majority leader in recognizing the Senator from Utah, who has become the longest serving Republican Senator in history.

We have been friends for a long time. He has given me guidance. He keeps telling me he is going to straighten me

out one of these days—a work in progress, I guess we would think—but he is a terrific guy. He is a decent man. He is a caring man. He is an honorable man.

He has been a great partisan when he has to be, but he has shown tremendous independence on many different occasions. In fact, probably my mentor around here, Senator Kennedy, loved working with Senator HATCH, and they accomplished great things for America.

Even just recently, on an issue like Puerto Rico, there was not much gain for him personally. I don't think there is a large Puerto Rican population in Provo or Ogden. But he cared and he knew there was a problem. We spent late nights trying to figure out what to do, and while the solution may not have been as good as some of us would have wanted, it was a solution, and it wouldn't have happened without Senator HATCH. So we can say that on issue after issue after issue, he has risen to the occasion and has been the best of the Senate.

It is a fitting honor that he is here. Last time around, when he was not thinking of running, I think in the hearts of most Democrats there was hope that he would run again, and that was because we so esteem him.

I want to join the majority leader in congratulating Senator HATCH and wish him many, many more years of success both personally—I know he has a large and wonderful family, and we have talked about our religious faith quite often—as well as a successful career.

With that, I will yield the floor and resume after Senator HATCH has had a few words to say.

The PRESIDING OFFICER. The Senator from Utah.

THANKING THE MAJORITY AND MINORITY LEADERS

Mr. HATCH. Mr. President, I want to thank the distinguished majority leader and the minority leader. I didn't expect this today; I was just happy to be in the Chair. But it was certainly nice of them to say such nice things. That means a lot to me, and I am sure it will mean a lot to my wife Elaine and our family.

I have a great deal of respect for both leaders. Senator McCONNELL is a very close friend and a wonderful leader. I don't think we have had a better leader than he in my time in the Senate.

I will not go on and on, but Senator SCHUMER and I have been friends for a long time, and I believe he is one of the great Senators here. I hope we will be able to work together on a lot of things in the future. I hope we can get out of this rut we are in right now so we can work together, so we can feel good about being here, and so we can help this country.

I thank both the majority leader and the minority leader for their kind remarks. I didn't expect those, and I was

a little shocked that they would say these things this morning, but I am very grateful to both of them. I want to thank both of them for being my friends.

I yield back to the minority leader.

Mr. SCHUMER. Mr. President, I thank my friend for his kind words and, most importantly, his distinguished service to his country. Now on to other subjects.

THE PRESIDENT, THE TRAVEL BAN, AND AN
INDEPENDENT JUDICIARY

Mr. President, I rise on a few topics. First, our President has shown a deeply troubling lack of regard for an independent judiciary. He criticizes individual judges in the court system in general. He has gone so far as to preemptively blame future terrorist attacks on the judiciary for putting a stay on his Executive order. I have not heard a President—I can't recall a President in history doing something like that, certainly not in my lifetime.

Let's look at the facts.

Our President all too often seems fact averse. I have experienced that personally, but much more importantly, in general. Not one terrorist attack has been perpetrated on U.S. soil by a refugee from one of these countries—not one.

Since 1975, 3,024 Americans have been killed on U.S. soil in terrorist attacks. I know that painfully because some of them are people I knew who died on 9/11 in that awful, vicious, horrible attack that still stays with me every day I wear the flag, this flag on my lapel in memory of those who were lost, and have since 9/12/2001. So I am aware of the danger of terrorists. But of those 3,024 Americans killed, zero of these deaths were the result of an attack by a person from one of the countries listed in the ban. Do you know where I got that information? Not from some liberal publication but from the libertarian-leaning Cato Institute. I hope the President is not going to attack them now.

What are the threats of terrorism? The great threats, if you ask the experts, are two things above all: the lone wolves and the visa waiver program. The lone wolves caused the terror recently in both San Bernardino and Orlando. They were American citizens importuned by the evil ISIS—American citizens who were probably disturbed or off base in a lot of ways. ISIS propaganda got to them, and they acted. Nothing in the President's proposed law would have stopped them, even if it were in effect.

The visa waiver program is the gaping hole. The visa waiver program tells 29 countries that they can send people here without going through extensive checks and background checks. They are mainly countries that are friendly, such as the countries of the EU. But what has happened recently is that those countries have become a place of

refuge for terrorists. People trained by ISIS, Belgian citizens, French citizens perpetrated the horrible attacks in those countries. One of those terrorists could, God forbid, get on a plane, come to America with few questions asked. The President's proposal does nothing to stop that. The President's proposal, if anything, encourages lone wolves because it makes them even more out-cast. Those are not my words; they are Senator JOHN MCCAIN's words, and he is one of the greatest experts in this body and in this country on terrorism.

If the President wants to do something on terrorism, instead of these back-of-the-envelope, quickly and shabbily put together proposals, he ought to study it, talk to the experts, and certainly close these two loopholes or greatly decrease the danger of terrorism from these two places.

To blame judges for future attacks because they didn't pass this law when not a single American has died because of people coming from these countries and to leave open these other two gaping loopholes—I want to work to close them right now. I will work with the President. I will work with Senator MCCAIN. I will work with our Republican colleagues; we all will on this side of the aisle. But the President put together something that didn't seem to have much thought, didn't seem to have much coordination. Despite the fact that the admirable General Kelly took the lance and said "I'll take the blame"—we all know that didn't happen. He was not consulted at length nor was his Department.

The President seems to preemptively say: Well, if there is terrorism, blame the judge. It is dangerous for him to say this. It is dangerous because it diverts us from going after the big gaping loopholes of terrorism—lone wolves and the visa waiver program.

It also underscores the fact that we need judges who are going to be independent of this President. If this President can attack the judiciary the way he does, if this President has so little respect for the rule of law or for separation of powers, our last and best refuge is the courts.

So in my opinion, this new nominee to the Supreme Court has to pass a special test: true independence from the President. I worry that he doesn't have it. His answers to my questions—I won't go into them today—were disappointing in terms of that independence. You can't just assert "I am an independent person," which he did. You have to show examples. I await them.

When I met him, he said: Well, I am disheartened. He said it to me, he said it to Senator BLUMENTHAL, he said it to Senator SASSE. To whisper in a closed room, behind closed doors to a Senator "I am disheartened," and not condemn what the President has done to the judiciary and not do it publicly—what he did does not show independence; it

shows his ability to desire an appearance of having independence without actually asserting it. There is even more reason to do it now because the President—I don't know how; I don't know who told him about those meetings, but the President tweeted that Judge Gorsuch didn't say those things, as mild as they were and, at least in my opinion, as insufficient as they are to showing independence. To whisper to a Senator but to refuse to say anything publicly is not close to a good enough showing of independence.

From my view, it is not a good start for Judge Gorsuch—not a good start. I haven't made up my mind completely. I am willing to—there is going to be a process. There are going to be papers filed; there are going to be hearings. Judge Gorsuch may go further, but right now it is an uphill fight to get my support.

While this President is attacking everyone under the sun, most of it with no basis in fact, just assertions—and by the way, I will talk about this more later, but if we become a nation where facts don't mean anything, the sun will set on this great country.

We have always been a fact-based country. The Founding Fathers had different views, but they never disagreed on the facts as they debated issues in Philadelphia, for the Declaration, for the Constitution. In this Chamber, where we have had great Senators—the Clays, the Websters, the Calhouns—they never disputed the real facts. Neither, in my opinion, has any President, Democrat, Republican, liberal, conservative, until this one, and he just seems to make it up as it goes.

Today he attacked not only my colleague Senator BLUMENTHAL in what I thought was a cheap way, but he attacked JOHN MCCAIN, one of the most respected voices on national security.

JOHN MCCAIN voiced his views on what happened in Yemen. Most of the independent reports corroborate what JOHN MCCAIN said. The President, of course, said it was a great success. I don't know if anyone believes—he is saying so many things that are not fact-based that I don't know if anyone believes him anymore. It would be amusing, except it is not; it is sad, very sad.

It is not the first time he has impugned a Republican Senator. He has had harsh words for the Senator from Nebraska, BEN SASSE. BEN is one of the most independent, thoughtful Senators who I have ever come across on either side of the aisle. I really respect that man. We have spent some time together. We see each other in the gym.

He has attacked the Senator from South Carolina, my friend LINDSEY GRAHAM. He has attacked the Senator from Florida. He has attacked the Senator from Kentucky, the junior Senator from Arizona, and so many others.

I would ask my colleagues, who I know care about this Chamber—and

the Senator from Utah's heartfelt plea that we can get over these bumps in the road and start working together is one I feel we share—but are we going to let this new President, who seems to have so little respect for other institutions and people, other than himself, oftentimes; are we going to let him force us to change the rules of this great body? Are we going to let him force us to change the rules of this great body? He immediately demanded a changing of the rules on the Supreme Court. I hope not.

In conclusion, I hope these attacks on an independent judiciary are restrained. I hope my colleagues will join some of us in voicing discontent with those attacks and asking the President to cease and desist. I hope the President himself will stop attacking Senators personally, whether it be the Democratic Senator from Connecticut or the Republican Senator from Arizona—which just happened this morning. I hope we will not let the President intimidate us into changing the way this body works and instead try to come together, not let him divide us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

THE PRESIDENT AND WORKING TOGETHER IN THE SENATE

Mr. HATCH. Mr. President, this has been a nice morning for me. To have both the majority leader and the minority leader say such nice things means a lot to me.

Having said that, let me just say I am concerned about this body and how it is going. I am also concerned about the President. I personally wish he would choose his words a little more carefully because everybody in the world pays attention to the President of the United States.

On the other hand, I kind of find it refreshing that he doesn't take any guff from anybody. I like that. He is a person who speaks his mind, but I have also seen him change his mind after saying he was for something and change it when he got more facts.

He is a brand new President coming right out of the private sector. He is picking excellent people for his Cabinet. I don't know that I have ever seen any President pick better Cabinet members than he has, not the least of whom will be the two who should go through before the end of this week. Congressman PRICE is a tremendous choice. As both leaders had indicated, he probably has as much knowledge about our health care system as anyone on Earth.

Steve Mnuchin—I didn't even know Steve Mnuchin, but I spent hours with him. I have to say he is brilliant. I said to him: You know, Steven, you are going to lose a lot of money by taking this job. He said: I don't care. I want to serve my country.

I was refreshed by this attitude to the point that I am going to help him

every way I can to become the greatest Treasury Secretary we have ever had. I will tell you one thing, he does understand a lot about money. He understands a lot about Wall Street. He understands a lot about business acquisitions and business matters. He is a practical person, as is our President.

I don't know that we should be so sensitive sometimes because he oftentimes repeats what he said afterward, and I find that refreshing too. I happen to like this President. I think he is a refreshing new leader for this country. He is not going to play these same old games that almost everybody who has been President has played.

He reminds me a lot of President Reagan in that regard. Of course, Reagan had been a Governor before he came here and a good Governor, but he didn't take himself too seriously, and he would say some things that got him in trouble from time to time too. They all have, haven't they? I guess, being President, every word you say is being carefully weighed.

This President is going to have to realize that as well. I think he will. He is a very bright man. I think we are lucky that we would have somebody come out of the private sector into the White House, with all the flaws, and flaws that people are finding with Donald Trump, and be willing to take the criticisms and fight back sometimes. Is he perfect? No. Is he ever going to be perfect? No, he is not, but neither will any of us ever be perfect.

I will say this. A lot of us have more experience than he has. On the other hand, in my eyes, isn't it wonderful to have someone who has been immensely successful in the private sector—who has had some very tough realities in the private sector, who has had his ups and downs in the private sector, who understands pain, who understands exhilaration—isn't it wonderful to have someone like that who just may be able to pull this country out of the stinking mess it is in, a mess caused by a superabundance of bureaucracy, by arrogant Members of Congress, and by very liberal States that are dependent upon the Federal Government rather than upon themselves? I could go on and on and on.

Let us give this President a little bit of a chance. Above all, let us give him his Cabinet and let us quit playing these games. I know some on the Democratic side must feel they are making headway by playing these silly games, knowing that these Cabinet officials are going to go through while they stopped them from being able to do the job that needs to be done. They have made it more difficult than any President I recall in my time in the U.S. Senate. They are treating this President in a very belligerent, awful way. So I think we ought to give a little bit of leeway for him to make some verbal mistakes from time to time—even though we all wish he wouldn't.

I will say I think it is time for this body to start working and, more importantly, start working together. There is nothing we cannot do if we work together. We can save this country if we work together. We could have a better attitude in this country if we will work together. We can be an exemplar for the rest of the world if we work together.

Look, there is no excuse for these two big fights that are going on. I like big fights on the floor. I like big fights in committees. Sometimes out of those fights comes very good legislation or very good approaches to government. It is good for us to go at each other from time to time. But to make it impossible for a President to have his Cabinet early on? There is something wrong with this approach.

Some people are using this particular situation to enhance their ability to run for President.

I will say it would be wonderful if, once again, we could get Democrats and Republicans to work together. I remember in the early days, when I became one of the youngest committee chairmen of a major committee in history, when I became chairman of the Labor and Human Resources Committee—which is now the Health, Education, Labor, and Pensions Committee—there were nine Republicans.

Senator Kennedy came over from the Judiciary Committee, which he had chaired, to become my ranking member. There were seven Democrats, including Senator Kennedy, but two of our Republicans from the Northeast were from States that were quite liberal then. I couldn't blame them, but I knew that Kennedy had the 9-to-7 ideological edge. I was going to be chairman, and I could determine some things, but I wasn't going to be able to get much done unless I had some help from Senator Kennedy.

Senator Kennedy was not known for being cooperative up to that time. He was not known as a person who really aligned with Republicans to try to get things done. He was known as a bomb thrower and as somebody who really was one of the most articulate, liberal Democrats in this body.

In his own way, he was a very interesting and good Senator, but he was not known for bipartisan work at that time. When he came over and said: I will work with you, there are some things I can't do—meaning the unions, the feminists, et cetera—but I will help you, that is how the Hatch-Kennedy relationship began and began to bear fruit.

It could not have happened, except for two tough people with differing principles who were willing to get together and set aside their differences and do some things that were not only important to the country but beneficial to the country. We were known as the odd couple. He would laugh

about that in public and say: We are known as the odd couple. I would always point to him and say: We all know who the odd one is, don't we.

He would laugh. He was a fun guy to be with. When he was serious about something, he could be a formidable challenger, but he earned the right to be that. He didn't just pop off because he wanted to be President. He earned the right, he earned our respect, and he earned my respect. From that time forth—he was considered a very great Senator at that time, but he was not considered a great legislator. He went on from there and became a great legislator. I know because we worked together on things that are law today and good laws today. He had to learn to be able to compromise to be able to get this type of work done—and so did I.

We have to earn respect here. It isn't just by popping off on the Senate floor, it is by working as hard as we can to do the best we can for our constituents, for the people in this country of both parties—of all parties—in the interest of everybody.

I wish we could get more of that back. I miss Senator Kennedy. I could talk to him. I could pull him off his liberal perch. I could get him to do things that nobody could get him to do up until that time, and he could get me to do some things I wasn't inclined to do at the beginning. But as we worked them out, we found out that some of the things we both agreed on—by pulling each other together—became some of the most important bills in history.

I would like to see more of that here. I wish to see us all start working together. A good way to do that would be to give the President the Cabinet he needs and wants. Maybe that is one reason why he is saying some things that those on the other side are finding fault with and maybe on my side are finding fault with. He doesn't have his Cabinet. As President, he doesn't have the advisers he needs. We are not helping him here—as President. We are not helping him get the people around him whom he needs. We are delaying, obfuscating, and fighting against people whom we shouldn't be fighting against.

In terms of Congressman PRICE and Steven Mnuchin, these are two extremely important men for two extremely important positions who are left floundering because we are unwilling to get the job done. If there were real arguments against them, that is another matter, but some of the phony arguments that have been brought up are just pathetic.

I remember when one of the Democrats wanted to be Treasurer of the United States. He had some real flaws. He even hadn't paid taxes in some ways, but he was a good person and wanted to serve his country. We worked out the difficulties, and he was able to serve as Secretary of the Treasury. I can name a number of others. If

we want perfection here, we are crazy. Nobody is perfect, and everybody has some things that they wish they didn't have in their biography.

But I can say this: I was very disappointed in this body for holding up Jeff Sessions, who is a really good person. I haven't always agreed with Jeff Sessions, but I knew one thing: He was honest in his beliefs, and he was courteous in making his arguments. He did a lot of things that really were right. Frankly, the fact that we differed was kind of irrelevant because he was worthy of his position. I could go through a number of others.

Let me just say that I happen to be one of the people who really like the minority leader in this body. I think he could become one of the great leaders of this Senate. He is smart; we all know that. He is aggressive; we all know that. He has had some degree of success around here; we all know that. He represents a huge constituency; we all know that. He is a good man; we all know that. And he has a good family; we all know that. Let's get rid of some of the picayune fights around here, and let's start working together.

The majority leader, Senator MCCONNELL, in my opinion, is the best majority leader we have had here in a long, long time. He is smart. He understands the system. He loves the Senate. He is a very honest and good man. He is tough as nails. I am sure he has flaws, just like all the rest of us.

But these are two really potentially great leaders who could not only bring us together but could help us to save this country at a time when it needs saving, where we have \$100 billion in unfunded liabilities—I mean trillion dollars; not billion, trillion dollars—where we are deeply in debt. We are now \$20 trillion in debt.

These two gentlemen could bring us together and could help solve these problems if we would put the politics aside, for the most part. We have to have some politics here, or this would be an uninteresting body, but we don't have to have it on everything. If these two gentlemen could get together—they are both bright, they are both smart, and they both have given a lot of time to the U.S. Senate. I like both of them. I could say I love both of them. If they would really start working together, we could turn this country around. But to do that, the distinguished Senator from New York is going to have to be concerned about the national debt and the annual deficit, and the distinguished Senator from Kentucky is going to have to worry a lot about what motivates the Democrats and what we can do to find common ground with the Democrats.

I believe these two men can do that, and I am hoping with all my heart they will, and I am praying for them every day, that they might get together and that we might put aside party politics

in favor of bringing this country out of the mess it is in. I believe they can do that, and I believe we can help them do that. I would like to see it done because we can't keep going the way we are going.

I actually believe the President will grow into becoming a great President, too, if we will help him a little bit rather than just fight everything he does or everything he says or try to criticize him every time he opens his mouth. I would like to see us show some respect for the President too.

I have a lot of respect for these two leaders. They are great men. But I would like to see them be greater so that they will work together. You will notice I am just saying "work together." I would like it to be this way, all the way together, but I will take this, if we could just get people to work together around here.

I have said enough. I just want these two leaders to know that I am pulling for both of them, and I am hoping we can still have our fights and still have our arguments and still have the enjoyable aspects around here of comradeship and working with each other. But I am hoping we can set aside some of these animosities and give the President his Cabinet and his leaders so that he has at least a shot at pulling this country out of the mess it is in. It is going to take a President Trump. It is not going to take another one of those—I believe President Trump is the person who is right for this time. I believe he will do a terrific job if we will help him. We will have differences, but I believe he will pay more attention, and I believe we will get better people to come into the government to help him to do this work and his job.

I may be a little bit naive in thinking that we can do all of this, but I think we can. And that is said by somebody who was told: You don't want to work with Senator Kennedy because he is a rock-ribbed liberal who doesn't really care about what Republicans like. Well, I found that by working with him and he found that by working with me we were able to do things that helped our country. It was partly because he was a prestigious Senator, no question, and partly because I am an active, hard-working, fighting Senator who kind of appealed to him because he knew he had somebody who would help fight these things through, and I was smart enough to be able to help him to get things done in better ways than they would have been done.

Well, I have said enough. I just love this body. I personally have been very moved by the kindness of the two leaders, and I just hope we can get together and do these things the right way. We are not going to go anywhere with constant bickering and fighting and the constant running for President that we have around here. I don't mind that. I mean, I think there is something to

that, but it can't be every time a person opens his or her mouth.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, I rise today to say thank you. Republicans and Democrats have been talking for a long time this week, and perhaps that is productive. But without any question, from what we have seen, I think both sides would agree that the support cast has made this possible. I think it is important for us to pause for just a moment and say thank you.

We have pages who are juniors in high school here with us around the clock, and we want to say thank you to the pages. I think about the fact that we have law enforcement guarding this place so we can be here safely, all night long. We have Parliamentarians and clerks who have been at their places on and off over the last 4 days, nearly around the clock. I want to say on behalf of our side and the Democrats, I believe we all are very thankful and appreciative for your long hours and the time you have served us. Thank you for helping us represent the American people.

I would also like to point out a few people by name because these folks have been here for up to 57 hours straight—57 consecutive hours of doing their jobs. Captioning Services: Sandra Schumm, Brenda Jameson, Doreen Chendorian, Jennifer Smolka, and Laurie Harris.

Official Reporters of Debates, 57 consecutive hours of work: Patrick Renzi, Susie Nguyen, Julia Jones, Mary Carpenter, Patrice Boyd, Octavio Colominas, Alice Haddow, Andrea Huston, Carole Darche, Desirae Jura, Megan McKenzie, Wendy Caswell, Diane Dorhamer, Mark Stuart, and Julie Bryan.

On behalf of a thankful Senate, we appreciate your time and your dedication to the American people, allowing us to do what we have been doing.

God bless.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, let me first of all say I echo the comments of my colleague from South Carolina. Thank you to all of you who have been working so hard.

I rise to yield the remainder of my postcloture time to Senator WYDEN.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I rise to yield the remainder of my postcloture time to Senator SCHUMER.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator has that right.

The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate your flexibility during Senator HATCH's speech. I thank Senator DUCKWORTH and Senator CORTEZ MASTO

for their evolving leadership and for their passion about these issues.

NOMINATION OF STEVEN MNUCHIN

Mr. President, I listened to Senator HATCH for many moments not so many moments ago, and I was pretty struck by his analysis of these two nominees who are about to come forward, Mr. Mnuchin and Congressman PRICE. I was struck by Senator HATCH's suggestions of their high ethics and honesty and ability to serve in these two exalted—he is right about that part—exalted Cabinet posts, the Secretary of Health and Human Services, Congressman PRICE, and the Secretary of Treasury, Mr. Mnuchin.

What struck me is that I was sitting in the same committee room as our respected chairman, Senator HATCH, and I heard these two nominees lie to the committee—lie to the committee; not sort of a Trumpian lie, not kind of at the edges, misspeaking or confusing things, but outright lied.

Mr. Mnuchin forgot that he had a \$100 million investment, I believe somewhere in the Caribbean. I don't know if too many staff here or even too many of my fellow Members who are better off than most of the country financially—I don't know too many people who would forget they had a \$100 million investment somewhere. He forgot to tell the committee that. That was pretty bad, but then he told the committee, in an answer to a question from me, that his bank, OneWest, where he was the CEO for a period of years, that they didn't do any robo-signings. Robo-signings are a way that his bank staff signed document after document after document, very quickly, without looking at those documents, and then ended up causing foreclosures in my State. Hundreds of people in my State lost their homes because of OneWest robo-signings, and he told the committee that he didn't do robo-signings until later.

The Columbus Dispatch, the most conservative newspaper in my State—a newspaper that almost never endorses a Democrat and a newspaper that has generally supported President Trump on most issues; sort of like when one bird flies off a telephone wire, they all do—and they talked about how Mr. Mnuchin lied to the Finance Committee.

So Senator HATCH talks about their integrity and what great public servants they are, except they lied to his committee.

My wife and I live in ZIP Code 44105, Cleveland, OH. That doesn't mean much to people listening, but my ZIP Code 10 years ago—my ZIP Code, in the first half of 2007, had more foreclosures than any ZIP Code in the United States of America. So I take that personally when somebody comes in front of me and in front of a U.S. Senate committee and in front of the American people and lies about something he did

that turned hundreds, if not thousands, in Ohio—we still don't have enough information about it—turned their lives upside down.

Imagine when you are foreclosed on—you probably can't if it hasn't happened to you. It hasn't happened to me, but I have heard people tell their stories. You go to your children and you say: We are going to have to move, honey. You are going to have to move school districts. I don't know where we are going to live. I don't know where your friends are going to be; you are going to be far from your friends. We have to move because our house has been foreclosed on. I was paying the mortgage, but this bank called OneWest did this to us.

So that is No. 1.

Then Congressman PRICE kind of didn't tell the committee the truth, either. You could say “lie” or you could use whatever term you want to use.

“Rep. TOM PRICE got a privileged offer to buy a biomedical stock at a discount, the company's official said, contrary to his congressional testimony.”

This is sort of Wall Street Journal language for “lie” because he said this, and it said contrary to his testimony. In Cleveland, OH, or in Garfield Heights or in Cincinnati, we would say lie. They want to dress it up because they wouldn't want one of their people to be accused of something.

Congressman PRICE—I am pretty amazed. I know President Trump, Candidate Trump talked about draining the swamp. Draining the swamp—he says that, but it really does look like the White House is an executive retreat for Goldman Sachs, a retreat for Goldman Sachs executives and the people he has hired in the White House.

To hire two people who have these kinds of ethics—Congressman PRICE as a Member of Congress, a prominent Member of Congress in the House, as a Congressman working on health care issues, he bought and sold health care stocks profiting from it. In one case he got this special privileged offer that most people didn't get, and then he lied to the committee about it. That is bad enough, but look what he wants to be the Secretary of. He wants to be the Secretary of Health and Human Services. Why does that matter? Here is why it matters.

He has these views on Medicare that are so out of step with the country. For instance, he said in July 30, 2009, “Nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare.” That sounds like the John Birch Society, 1965, when Medicare passed, overwhelmingly in the end because everybody saw how good it was, but they opposed it because it was socialism or some such term they used to describe Medicare.

I don't know too many people who actually receive Medicare—unless they are Members of Congress who really think that Medicare is socialism. Medicare has worked for—back in 1965—Senator DURBIN doesn't remember this as a Member of the Senate, but he remembers this figure I am going to give. In 1965, when LBJ signed Medicare, 50 percent of Americans 65 and older had no health insurance. Today that 50 percent has shrunk to less than 1 percent of Americans that age don't have health insurance. Think about that progress and what this means.

Congressman PRICE wants to be the head of Medicare. He wants to be the head of Medicaid. He wants to be the head of the agency that is going implement the Affordable Care Act if he can't repeal it. Think about this. He wants to privatize Medicare. He wants to voucherize it. He has voted consistently for Republican budgets in the House to do that.

Do you know what else he wants to do that is particularly offensive to me? It is offensive because we sit here and we dress well and we have good titles and we get paid well and we have insurance funded by taxpayers. He wants to raise the eligibility age for Medicare.

Look around my State. The Presiding Officer grew up not far from where I live in Cleveland, OH. He knows his adopted State way better, but he knows my State still, and he knows what this means. If you are a barber in Garfield Heights, you have to wait until 67, or even 70, according to Congressman PRICE, before you are eligible to draw Medicare. If you are a carpenter in Westlake, OH, you have to wait until you are 67 or 70 to draw Medicare. If you are working construction in Lima, OH, or if you are working a manufacturing plant in Mansfield, OH, if you are working retail in Cincinnati, OH, if you live in Zanesville and you wait tables in a diner, you are going to wait until you are 67 or 70 until you can draw Medicare.

That is what Congressman PRICE wants to do. Not only are his ethics challenged—that should be reason enough he should step aside. Buying and selling stocks, health care stocks as a Member of Congress while you are voting and helping those companies, that is bad enough, but what he wants to do to maybe the greatest program in American history, Medicare, is much, much worse because that affects people in those towns I mentioned—in Garfield Heights, Westlake, Zanesville, Cincinnati, and Mansfield, all over.

I hope I am healthy enough to continue working and continue serving in the Senate. The voters, obviously, would have to say that between now and then. I hope I can work until I am 67 or 70 in this job. I know a lot of people who work outside who are on their feet all day, who work with their arms and shoulders. They can't work until

they are 67 or 70. It is immoral for Members of this body to support a candidate, to support somebody or to vote for something like this that will raise the Medicare eligibility age.

I will close with this. I was in Youngstown one day at a townhall. A woman stood up. She was clearly in her early sixties. It turns out I could calculate her age from what she said. She put her hand up, she stood up, and I called on her. There were about 200 people there. She said: I work two jobs. I don't make a lot of money. I am getting by with two jobs. Neither of my jobs has health insurance. She said: I am 63. My goal in life—think about this. The pages, they are not thinking a lot about Medicare, but my colleagues think about this. She said: I am 63. My goal in life is to live 18 months more so I can get Medicare.

Think about that. Her life is such that her goal in life isn't to get to know her grandchildren better or help her kids out or maybe take a trip to New York City or even Cleveland, her goal in life is to live long enough to have Medicare.

I would like Congressman PRICE to meet her and Congressman PRICE to say: Well, lady, you know, your goal in life needs to be you can live 3½ more years so you can be 67 or 70 to get this. Think about the morality of this.

Congressman PRICE, I know him. I don't know him well. He is a nice enough guy. Voting for somebody who wants to raise the Medicare eligibility age, that to me is immoral. It shows how out of touch—I am guessing that most of my colleagues who will vote for Congressman PRICE have never sat down with somebody who would think it is a really bad idea, not to mention immoral, to raise the Medicare eligibility age.

I plan to join a lot of my colleagues in voting no on Congressman PRICE. I think it is the wrong move for our country. I think it is the wrong move for particularly seniors in this country who depend on Medicare and on Medicaid, people of all ages. It is clearly the wrong move for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

NOMINATION OF NEIL GORSUCH

Mr. FLAKE. Mr. President, as I did last week, I rise again to support the nomination of Judge Neil Gorsuch to serve on the Supreme Court. As we know, he is an accomplished, mainstream jurist, and he is a worthy successor to Justice Antonin Scalia. I look forward to seeing him receive an up-or-down vote on the Senate floor. I truly hope that happens.

After meeting with Judge Gorsuch and learning more about his judicial philosophy, I continue to be impressed by his humble respect for the law and his commitment to service. Before the hearings in the Judiciary Committee, I

wanted to take the opportunity to highlight one aspect of his jurisprudence that I find particularly important: the separation of powers.

To hear some of our friends on the other side of the aisle, Judge Gorsuch represents two equal yet opposing dangers to the country. First, they warn that he will lack any independence of thought or commitment to the Constitution. They allege that he would serve merely as a rubberstamp for President Trump and his agenda.

In the same breath, though, they claim he would engage in unprecedented judicial oversight of the Federal executive agencies. In other words, our colleagues on the other side of the aisle assert that Judge Gorsuch would be both too deferential to Federal agencies and not deferential enough.

The truth is, these warnings and accusations are entirely unfounded, and they appear to be grounded more in political calculations than in honest concern. For my part, I am excited about the prospect of confirming a Justice who not only represents the separation of powers but reveres it as one of the central principles of the Constitution.

A commitment to our constitutional separation of powers could not come at a more crucial time, as executive branch agencies have increasingly accumulated power and autonomy over the years. Both the Congress and the Federal judiciary bear responsibility for this.

Legislatively, Congress simply cedes too much of its own lawmaking power to the executive branch. We have been doing that for years. These agencies have been legislating through Federal regulation. In turn, Congress has allowed unelected bureaucrats to create law and determine how that law should be implemented.

We have to stop this erosion of our article I power. Congress needs to take ownership of its lawmaking authority and reverse this dangerous trend toward governance by executive fiat. That is only part of the equation. The Federal judiciary needs to use its constitutional prerogative to rein in the executive branch.

Ever since the 1980s, Federal courts have grown far too deferential to executive agencies. Under a doctrine known as Chevron deference, the courts defer to agency decisions if it makes "reasonable" regulations based on "vague" statutes.

In fact, this means that when the Federal courts consider an agency decision, the judges have a new catchphrase: "The agency is always right." This should concern my colleagues on the other side of the aisle who voiced strong concerns about rubberstamping.

I don't think the Founders ever intended for two constitutional branches of our Federal Government to voluntarily cede the power to the third. Importantly, neither does Judge Gorsuch.

Judge Gorsuch has written extensively both about delegation and deference in his role as judge on the Tenth Circuit Court of Appeals.

He addressed the issue of delegation in a recent case called *Caring Hearts Personal Home Services, Inc. v. Burwell*. In it, he noted:

Executive agencies today are permitted not only to enforce legislation, but to revise and reshape it through exercise of so-called “delegated” legislative authority.

He continued:

The number of formal rules these agencies have issued, thanks to their delegated legislative authority, has grown so exuberantly, it's hard to keep up. The Code of Federal Regulations now clocks in at over 175,000 pages.

He noted that delegation presents both separation of powers problems and due process problems. The reason is simple. The executive is doing the work of the legislature.

In terms of due process, Judge Gorsuch wondered “whether and how people can be fairly expected to keep pace with and conform their conduct to all this churning and changing ‘law.’”

He further questioned: “What happens if we reach the point where even these legitimate legislating agencies don't know what their own ‘law’ is?”

Judge Gorsuch could not be more correct. With tens of thousands of pages published in the Federal Register every year, it is fair to wonder how any agency can be certain of the legal effect of its own rules. If the agencies that write these laws can't keep track of them, how can a small business owner in Arizona be expected to comply with the litany of ever-changing rules written by unelected bureaucrats?

Judge Gorsuch has also discussed the problem of deference and explained the proper relationship between Federal agencies and the judiciary. In his concurring opinion, in *Gutierrez-Brizuela v. Lynch*, Judge Gorsuch explained:

In enlightenment theory and hard won experience under a tyrannical king, the founders found proof of the wisdom of a government of separated powers.

He continued:

The founders considered the separation of powers a vital guard against governmental encroachment on the people's liberties, including all those later enumerated in the Bill of Rights.

Judge Gorsuch found *Chevron* deference inconsistent with this constitutional framework, which he called “no less than a judge-made doctrine for the abdication of the judicial duty.”

He concluded:

We managed to live with the administrative state before *Chevron*. We could do it again. Put simply, it seems to me that in a world without *Chevron*, very little would change—except perhaps the most important things.

The separation of powers is the most important feature of our constitutional system of government. When each

branch of government serves as a check on the other, it fosters a more deliberative, judicious, and limited form of governance. As someone who embraces limited government, it is a privilege to support and confirm a judge like Neil Gorsuch who supports this philosophy.

As I have said before, and I will say again, Judge Gorsuch deserves fair consideration by those who serve in this body, and he deserves an up-or-down vote on the Senate floor. When he receives that vote, he will be confirmed overwhelmingly.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Illinois.

Mr. DURBIN. Mr. President, those following the proceedings of the Senate may be wondering what we are doing. Technically, we are considering the nomination of Congressman TOM PRICE of Georgia to serve as Secretary of Health and Human Services—a position he has been nominated for by President Trump. Other Members have come to the floor and discussed other nominees, as the junior Senator from Arizona just discussed the Supreme Court nominee, but I wanted to make sure I came to the floor for a few minutes to put my thoughts on the record about the nomination of Congressman TOM PRICE to be Secretary of Health and Human Services.

It almost seems like a natural fit. He is an orthopedic surgeon. This man obviously is gifted and talented and educated and skilled when it comes to the healing arts, and he made a living before his election to Congress dealing with complex surgeries. On that alone, he needs to have honest consideration from all Members of the Senate as we advise and consent to his nomination to Secretary of Health and Human Services. But he will not be entering surgery when he goes to the Health and Human Services Department, at least not the kind of surgery experience he has had in the past; he is going to be in charge of the most important health care programs in the United States of America. They are programs that literally tens of millions of Americans count on; 50 or 60 million Americans count on Medicare.

Medicare is that program created in the 1970s under President Lyndon Johnson that said: You don't have to reach a point in life where you are so old that you can't work anymore and therefore can't qualify for health insurance at your employment. We are going to create a program that is available for people who are 65 years of age called Medicare. You are going to be able to have health insurance coverage at age 65.

It was a dramatic change in the way we looked at health care in America, and it was controversial. The medical professions opposed Medicare. They argued that creating this health insurance plan for senior citizens—and later

it was expanded to the disabled—meant socialized medicine, which meant that the government was going to make the decision about your health care—no longer you and your doctor; it would be the government making these critical decisions. So the American Medical Association and many others opposed the creation of Medicare.

Despite that opposition, the bill went forward and passed and became law. I would go out on a limb today as a politician and say it may be the most popular single political program, perhaps only second to Social Security, in the history of the United States. Overnight, it changed the treatment of our parents and grandparents. There was a time—and there aren't many left who can remember it—when it reached the point where Grandma had to come and live with you because there was no place for her to go. She perhaps worked in life and perhaps hadn't. She had a limited amount of retirement. She had very modest, if any, Social Security. She was in and out of the doctor's office and hospital. And she was in the spare bedroom. I can remember that growing up as a kid. That was considered somewhat normal at the time.

In the 1970s, that started to change. It changed, obviously, with Social Security but also with Medicare. Now your grandmother had access to a doctor and a hospital, and it didn't cost her life savings. What a big change it meant. As we learned when Medicare was created, almost half of the seniors in America had no health insurance. Now that number is 1 or 2 percent.

Medicare has worked, and it has worked to give people longer lives. That is the real proof. I can brag about it all I care to, but the bottom line is that senior citizens, starting with the creation of Medicare, started living longer, more independent lives. Isn't that what every senior wants—decent, good health and independence in the way they live? Medicare has been the key to that.

It is hard to imagine that here in 2017 we are going to initiate another debate about whether America should have Medicare. Fifty years later, we are going to go through this debate all over again? Apparently so, because the nominee of President Donald Trump to be the head of the Health and Human Services Department, Congressman TOM PRICE of Georgia, has said some troubling things about Medicare.

In Politico, he said: “Nothing has had a greater negative effect on the delivery of health care than the Federal government's intrusion into medicine through Medicare.” What was he thinking? He obviously never looked at it from the perspective of someone of limited means who finally had a chance for the protection of health insurance at age 65. I met those people. One of them is a friend of mine. Her name is Judy. Judy lives in Southern

Illinois. I met her because she is a sweet lady who is head of hospitality at a motel where I stay in Southern Illinois. She is a happy person with a big smile, and I have gotten to know her over the years. We became friends.

I came to learn one day that Judy has spent most of her life in jobs just like that. She is not a lazy person at all, but she is lucky to get part-time jobs. And when I met her at age 63, Judy told me, whispered to me once, "Senator, I have never had health insurance in my life." That is a heart-breaking statement when you think about it, isn't it? This lady lived 63 years never once having health insurance. Then a couple of things happened. She asked me about the Affordable Care Act, ObamaCare. Was it good for her or not? I told her that because her income was at a certain level, she was going to qualify for health insurance under the Affordable Care Act with no premium. She was brought into the Medicare Program at age 63. For the first time in her life, she had health insurance through the Affordable Care Act—a low-income wage earner, eligible for Medicaid at no expense to her.

And it didn't come a moment too soon. On one of my next trips down South, I saw Judy. She didn't look as healthy as she once looked. Turns out she had been diagnosed with diabetes. And at age 64, she was in need—desperate need of ongoing medical care or complications were likely to set in. It was shortly after that she qualified for Medicare. So Judy has coverage. Judy has a doctor. Judy has people who care about her in her life.

That is why I wonder what Congressman PRICE, who wants to be Secretary of Health and Human Services, is thinking. What is he thinking about people just like her?

Let's take a look at what we have before us with his nomination. This Department touches the lives of virtually every American, Health and Human Services. I talked about Medicare and Medicaid, but this is the Department that is responsible for medical research too—the National Institutes of Health, for example. This is the Department that oversees the Centers for Disease Control, and that is the agency which had to fight the outbreak of Ebola in West Africa. This is the Department that is in charge of promoting healthy births of babies in America and, of course, caring for our seniors I have spoken about.

On many of these issues I have just outlined, Congressman TOM PRICE of Georgia has made his views very clear. His legislative record and his core values as a Republican Congressman from Georgia are in contrast with the missions of the very Department President Trump has asked him to lead. Let's take a look.

New York Times said Congressman PRICE's views on the role of govern-

ment in health care can "be summed up in one word: Less."

Congressman PRICE has spent his political career opposing many of the basic Federal health programs he is now being asked for permission to oversee. He has repeatedly voted against the Children's Health Insurance Program, which is a program that provides health insurance to 8 million kids in America. Even before passing the Affordable Care Act, we decided we were going to extend health insurance coverage to children, making a real commitment at the Federal level on a bipartisan basis to do it. Eight million kids are covered nationwide, 300,000 in Illinois.

Congressman PRICE has spent the last 6 years in a desperate attempt to repeal the Affordable Care Act, ObamaCare. If he were successful in that effort, it would eliminate health insurance for 30 million Americans and lead to dramatic premium increases for those with health insurance. Last year, it was Congressman PRICE of Georgia who authored the repeal and retreat reconciliation bill that, thank goodness, was vetoed by President Obama. Bound and determined Congressman PRICE was to eliminate ObamaCare. And for 6 years, Republicans have never had a replacement. That is why they are changing their rhetoric. It went from repeal, to repeal and replace, and now it is repair. I can't keep up with them. But I will tell you, starting with repeal is inviting a disaster in health care in America and calling into question the health insurance coverage of 30 million people in our country. So if Congressman PRICE had his way, it would mean less funding, fewer services, and fewer people covered.

In addition to wanting to repeal our health care law, Congressman PRICE wants to fundamentally and negatively change Medicare and Medicaid. Those two programs together serve about one-third of the people living in America, 120 million. He wants to eliminate the Affordable Care Act's expansion of Medicaid.

Remember Judy? Her income was too low. She couldn't pay any health insurance premiums. But because her income was so low, she qualified to be brought into the rolls of Medicaid in Illinois. Over 600,000 people just like her were brought into protection of health insurance for the first time in their lives. This is one of our best tools for primary care for people who are in low-income situations—Medicaid.

Because we included in the Affordable Care Act a guarantee that health insurance would cover mental illness and substance abuse treatment, in some parts of my State where opioid addiction and heroin deaths are so prevalent, people with health insurance have access to substance abuse treatment. Congressman PRICE, who would repeal ObamaCare, would eliminate that guarantee in health insurance.

Repealing the Medicaid expansion that I mentioned earlier would put 650,000 Illinoisans out of insurance, and our State would lose \$37 billion in Federal funding over the next decade.

What impact does it have if a person shows up at an emergency room sick, with no insurance? In America, that person still receives care, but who pays for it? Everybody else. People with health insurance end up paying for those who receive care and don't pay for it. Medicaid makes sure that hospital receives a payment. So when Congressman PRICE wants to eliminate the coverage of Medicaid under the Affordable Care Act, it means less money coming into the hospitals across America. Some hospitals are big and prosperous, and they can take it; others cannot. In downstate Illinois, where I hail from, smalltown America, hospitals in those communities losing Medicaid, which Congressman PRICE would eliminate, are going to have a tough time staying open.

The Illinois Hospital Association tells us we will lose 90,000 jobs if Congressman PRICE's plan to repeal the Affordable Care Act goes forward—90,000 in Illinois. I need not tell you they are the best paying jobs in downstate communities. So it is a job-killer, and sadly it endangers the health of the people who count on these hospitals.

What is he thinking? He is a doctor. He should be thinking in terms of what it means when you don't protect people with basic health insurance. Right now, if you qualify for Medicaid, you are guaranteed to get health care. Under Congressman PRICE's plan—the man who wants to be head of Health and Human Services—the guarantee is gone. Illinois would have lost \$14 billion in Medicaid funding if Congressman PRICE had his way.

Faced with far less Federal funding, the States would have to be forced to find ways to save money, even worse than what we currently have in our State. They might start Medicaid waiting lists or work requirements or cut benefits. Think about it. A person nominated to lead the Nation's premier health agency supports proposals that would take health care away from people.

It gets worse. Congressman PRICE wants to privatize Medicare. Be careful when you hear a politician stand up and say: I want to guarantee your access to health insurance. Well, I have access to a lot of things. I can walk onto the showroom floor of people who are selling \$85,000, \$95,000 cars. I mean, I have access to those showrooms. Can I buy one of them? No. I can't afford it. Most people couldn't. But I have access to it. So when they say you have access to health insurance, the obvious next question is, What kind of health insurance? And how am I going to pay for it? Watch out for that word "access." It is a loaded political word.

Just the other night my colleague BERNIE SANDERS was debating Senator TED CRUZ of Texas, and darned if Senator CRUZ didn't come up with that word, saying we have to make sure every American has access to health insurance. No, we have to make sure every American has health insurance. How about that? Health insurance they can afford that is worth buying.

Congressman PRICE wants to privatize Medicare. So instead of having a government-run program for tens of millions of Americans, he wants to put seniors and the disabled in America back in the loving arms of health insurance companies. How about that? Do you remember a time when you or your family was on the phone with somebody, begging them for health insurance coverage, waiting and waiting and waiting for your turn? That is what he thinks is access, and that is what he believes is good health insurance. I don't. Ending the guarantee of Medicare for hardworking American seniors and handing them a voucher and wishing them good luck on finding their own insurance—that may be access, but it is not protection.

The point of voucherizing Medicare is to save the government money by forcing seniors to pay more out of their own pockets. That is Congressman PRICE's approach, and now he wants to head up the agency in charge of Medicare. Don't take my word for it. He said: "Nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare."

Since 1965, when we created Medicare, listen to what has happened. Before Medicare, 51 percent of Americans 65 or older had health care coverage and nearly 30 percent lived in poverty. That is before 1965. Today, 98 percent of seniors have health care coverage, primarily because of Medicare. Fewer than 10 percent live below the poverty line. It has made a dramatic difference in their quality of life, the length of their lives, and the independence they enjoy in their lives.

In addition, by ensuring access to care for more people, Medicare has contributed to life expectancy—5 years higher today than it was in 1965. So Medicare has helped ensure more seniors have health insurance, fewer seniors are living in poverty, and people are living longer. Is that what Congressman PRICE considers a "negative effect on the delivery of health care"?

There are so many different issues where Congressman PRICE has taken what I consider to be radical and extreme views, particularly when it comes to health care. I won't go through the long list, but I will say this. We debated the future of Medicare when I was a member of the Simpson-Bowles Commission. We were looking at the deficit situation facing our

country and looking, as we should, at entitlements. Many of us said at the time: Be careful about raising the eligibility age for Medicare. For a Congressman or a Senator, a couple more years at a desk before you qualify for Medicare is not a big ask. But if you happen to be a waitress on her feet every day, suffering from arthritis or some other issues, 2 more years in the workplace literally are backbreakers. If you happen to be driving a truck, making deliveries, changing the Medicare eligibility age from 65 to 67 or 70 is where you are going to get in trouble. That is where people actually are going to face a hardship.

Sadly, Congressman TOM PRICE of Georgia doesn't get it. He doesn't understand that part of it. Because he doesn't, I am going to be opposing his nomination and watching carefully and closely.

There is going to be a battle royal on the floor of the House and the Senate about funding important programs in America. The Department of Defense, as important as it is for America's security, wants all the money it can get its hands on, and I want to make sure we always spend enough to keep us safe. But the battle is going to be between defense and nondefense. Nondefense includes health care. Nondefense includes medical research. Nondefense includes education.

Now we are going to have someone here at the Department of Health and Human Services who, sadly, is not committed to the basics of Medicare and Medicaid. That is not good news for seniors and disabled people across the America. That is why I am going to oppose Congressman PRICE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise to agree, briefly, with the remarks of my friend, the senior Senator from Illinois, and to comment that the nomination of Congressman TOM PRICE of Georgia to be Secretary of Health and Human Services is concerning, even alarming, to all of us who have reviewed his record—his record, his public statements, his work—that threatens to privatize Social Security, that threatens to restructure and fundamentally change the promise of Medicare, and that offers the promise of repealing the Affordable Care Act without any plan to replace.

I could not agree more with the words of the Senator from Illinois that we should all be cautious about being promised access without any pathway toward the ability to actually afford quality health care.

Mr. President, I yield the remainder of my postcloture debate time to Senator WYDEN.

The PRESIDING OFFICER. The Senator has that right.

The majority whip.

NOMINATIONS

Mr. CORNYN. Mr. President, I appreciate, as always, the courtesy of our colleagues.

Earlier this week, we confirmed Mrs. Betsy DeVos as the next Education Secretary, and last night—finally, at long last—we confirmed Senator Jeff Sessions to be the Attorney General of the United States. That represents the eighth nominee to the President's Cabinet who has been confirmed. At this point in the Obama administration, there were 24 Cabinet members confirmed. So, obviously, we are way behind in terms of giving the President the team he needs in place in order to start his administration and advance the country's policies.

We will move after today to the Department of Health and Human Services Secretary, Dr. TOM PRICE, and then to the Treasury Secretary, Mr. Mnuchin. The handwriting of course is on the wall. We all know each of these nominees will be confirmed. How do we know that? Because, thanks to the former Democratic leader, who invoked the nuclear option changing the Senate rules, only 51 votes are necessary to confirm a nominee since there is no filibuster, strictly speaking, no 60-vote requirement for nominees. So my question is this: What purpose is to be served by dragging all of this out?

Unfortunately, what this does is it uses floor time, which is a valuable and limited resource here in the Senate. It prevents us from turning to bipartisan legislation that would actually help the American people. That is a real shame. Of course, beyond our political parties, beyond our differences in philosophy and opinions on various policy matters, we are here to work for the American people. That is the job we were sent here to do. In fact, I think, more than anything, the election on November 8 was a mandate for change.

I think the American people had become pretty—well, I think we had used up all their patience in both political parties in our inability to actually get things done. So just slowing down the confirmation process for the purpose of delay I think ignores the mandate we received on November 8 from the American people when they voted for change.

Looking back through recent history, we will see that bipartisanship has characterized a peaceful transition of power from one administration to the next. President Obama, to his credit, did believe in a peaceful transition of power and worked with the incoming Trump administration to make that possible. But it takes more than one President working with the next President. It takes Congress working together on a cooperative basis to make sure that, yes, questions have to be answered and, yes, nominees have to be vetted. But after all the questions have been asked and all the vetting has

taken place, I think just delay for delay's sake serves no useful purpose and undermines the tradition that we have had in this country—that once the election is over, we then move, not to an election mode, but to a governing mode. Then, of course, we gear up for the next election in 2018. But now is the time for governing, not a time for electioneering. The American people need to accept the results of the election, and I think the American people by and large have. Now, activists clearly have not. But I don't think dragging this out in order to increase the level of separation and polarization in the country by not coming together and providing the President's Cabinet serves the public interest. Maybe it serves the interests of some narrow part of a political base, but certainly not the American people.

Many have pointed out that since President Carter, who had eight of his nominees confirmed on his first day in office, the nominations process has been fairly uneventful. President Reagan, for example, had a dozen confirmed in his first 2 days of office. President Clinton had 13 within 24 hours. President Obama had seven confirmed on day 1, and so did George W. Bush, when he was President.

The obstruction and slow-walking of the President's Cabinet choices is unprecedented. In fact, this is the longest it has taken to confirm a majority of a new President's Cabinet since George Washington in 1789. This goes back to the origins of the country. That is pretty shocking.

For our colleagues to keep the President from his advisers is not only a rejection of the verdict of the American people on November 8 but to this institution and to the stability of the government and that peaceful transition of power that President Obama said he believed in and I think demonstrated by his actions.

We need adults to stand up and say we are not going to cater to the extremes in either political party, but we are going to seek common ground for the common good of our country. That is a position many of our Democratic colleagues have agreed with until today.

The day before the election last November, the Democratic leader indicated a willingness to work with his Republican counterparts to reach across the aisle in order to do so for what was right for the American people. Senator SCHUMER, our colleague from New York, said on November 16:

We have a moral obligation, even beyond the economy and politics, to avoid gridlock and get the country to work again. . . . We have to get things done.

I bet at the time Senator SCHUMER said that, he expected Hillary Clinton to be President. But now President Trump has won the election, and I think the same obligation applies to a

Trump Presidency that he felt should apply to a Clinton presidency.

Now, the Democratic leader is singing a different tune, and we know what the results are. I actually don't envy our friend from New York, the Democratic leader. He has perhaps one of the toughest jobs in Washington, DC. He has allowed a narrow political base full of people who want him to block, stall, and obstruct this President at every turn. But I have worked with the Senator from New York before. He and I see the world through a different lens, but we have found ways to come together and work in practical ways that benefit our constituents and the country.

But I can tell he is being pulled in directions that he is not particularly comfortable with. But what he is doing is allowing that loud narrow base of his political party to lead his conference and his party. I think he knows what is good for the country and for the people we all work for, and that would be to resist the urge to feed the radical elements and to work together for the interests of the American people.

Just last week, President Trump announced the nomination of an incredibly well-qualified judge for the next Supreme Court Justice. As of today, several Senate Democrats have indicated they want an up-or-down vote on that nomination. I think that is positive. I hope those are representative of the cooler heads that will prevail on the other side of the aisle when it comes to taking up the nomination of this incredibly qualified judge for the U.S. Supreme Court.

People on the right and on the left alike have acknowledged that Judge Gorsuch is an incredibly qualified nominee, a mainstream candidate, and widely recognized as such by liberals and conservatives alike. Some of our friends on the other side are grasping at straws, searching for ways to call his background or qualifications into question, basically using the nomination as a way to continue to contest and deny our new President the mandate he received from his election on November 8.

The Democratic leader even suggested that because Judge Gorsuch would not answer all of his questions in a private meeting, he was somehow hiding something. Well, our friend across the aisle knows—he is a smart Senator. He is a good lawyer, and he understands. Judges are not supposed to answer before they get on the bench how they would decide cases once they are on the bench.

Judges are not politicians, wearing black robes, unelected, life-time tenured super legislators. So it would be completely inappropriate for any nominee for the Court to come, either in a private meeting or in a public setting, and say: Well, if I am elected, I will decide this case or this issue in

this way. That is completely contrary to the responsibility of a judge, and I think mistakes the important distinction between how judges and legislators ought to act.

Judges are not politicians. We don't want them as politicians. We want them as an independent judiciary that can interpret the Constitution and laws as written. This is an important difference between some of our friends on the left and those of us who believe in a traditional judiciary. I believe that because judges are life-tenured and they are unelected, they are ill-suited to become policymakers for our country.

Indeed, as to Justice Scalia, I thought this was one of his life's work. He said:

A judge's job is to interpret the written word, either the Constitution or the statutes written by the elected representatives of the people. It is not to pursue a separate and independent policy agenda or personal agenda just because you have the power to do so as a lifetime tenured judge.

So the fact that Judge Gorsuch does not answer questions about how he would decide cases once confirmed, I think, means he is being true to his responsibilities as a judge. If someone were willing to make those sort of campaign promises before they were confirmed, I think they would be disqualified from serving. Take the example of Justice Ruth Bader Ginsburg during her confirmation hearings in 1993. She said she did not want to give any hints or previews about how she might vote on an issue before her. So she politely declined to answer those questions.

Nominees have since followed her example so much that it has now become known as the Ginsburg rule. So I hope our friends across the aisle don't now take the position that Judge Gorsuch would be disqualified because he invokes the Ginsburg rule, which all responsible judges or nominees to the Supreme Court should invoke. It has been a consistent theme throughout.

So let's drop the excuses, and let's get to work. I hope that at some point the fever will break and our friends across the aisle will decide to quit the foot dragging, quit the slow walking for delay's sake alone. I don't know who benefits from that—certainly, not the American people.

When it comes to nominees like Judge Gorsuch, I hope our colleagues will apply the same standard that was applied when a Democratic President nominated somebody for the Supreme Court like Justice Ginsburg. I hope they will not have a double standard but will agree that the standard should be the Ginsburg rule and give this good judge, an outstanding nominee for the U.S. Supreme Court, the up-or-down vote he deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to speak on the nomination of Congressman PRICE to lead the Health and Human Services Department. But I have to respond to my colleague from Texas on his remarks. He wanted to know why Members of our side of the aisle wanted to have information about nominees or why it might take so long.

There are a record number of billionaires in this Cabinet. There is nothing wrong with people making money. But when you have conflicts of interest, clearly people on this side of the aisle feel like we should do our job and find out about those conflicts of interest. Even in record time, these nominees have moved through this body, coming to votes in committee without our even having all of this information that we wanted to have on their conflicts of interest.

For one nominee, the Commerce Secretary, we were negotiating even the day of the vote to clarify whether he was going to recuse himself if any of his transport vessels ever entered U.S. waters and would have a conflict on the Oil Spill Liability Trust Fund.

So there is the notion that somehow we have been dragging our feet on a Cabinet, when a billionaire Cabinet has been nominated by this President, who seems to want to tweet against commerce. The conflicts are here, and we want them cleared up.

As to Mr. PRICE, there are issues here that even the committee was not given the chance for a second hearing to get information about his conflicts of interest. So for my colleague—who thinks for a party that railroaded Zoe Baird because of a housekeeping issue, and yet there are nominees that we have moved forward on who have the same issue—now to say to us that we don't have the right to find out what these conflicts of interest are, I would say that you are wrong.

On this issue for Mr. PRICE, my issue is the issue of our health care delivery system, which was very hard to pin him down on as it relates to the Affordable Care Act. My view is that this vote is the first vote in the repeal of the Affordable Care Act. Why? Because Mr. PRICE held nothing but his own views about this before coming to our committee.

When we asked repeatedly what would he endorse as it related to the reforms in the Affordable Care Act that are saving Americans money, that are clearly working for Americans, he failed to make a commitment. So my newspaper in Washington State, the Seattle Times, has said: "President-elect Donald Trump and his nominee for U.S. Secretary of Health and Human Services have doubled down on Republican promises to scuttle the Affordable Care Act (ACA)."

So that is not what I want. That is not what I am going to vote for in the nomination of Mr. PRICE. If Mr. PRICE

had given us a little bit of an inkling of his desire to work across the aisle on what is working in the Affordable Care Act, what is working in Medicaid expansion, what is working to help save Americans dollars on their health care, it would be a different discussion here. But Mr. PRICE has put forth a budget in the House of Representatives that would cut Medicaid by one-third within 10 years. His budget cuts \$1 trillion from States over a 10-year period of time.

So this philosophy has raised a lot of concerns by my colleagues here. We had no other choice but to look at his record since he would not give us any answers on these programs. His record clearly shows that he has actively and aggressively worked to cap Medicaid with a block-grant program; trade away Medicare's guarantees with a voucher, instead; defund Planned Parenthood; and switch guaranteed benefits for a fixed tax credit that would steadily buy less and less and less and become more of a standard of actually giving Americans less health care.

Why is this so important? The reality is that 7 percent of Americans get their health insurance through the individual health insurance market, and that while people talk about the exchanges, the expansion of Medicaid, which so many States took advantage of, is a critical program. Nationally, nearly half of pregnant women depend on Medicaid for prenatal and postnatal care to ensure healthy pregnancies.

Medicaid covers 64 percent of nursing home residents and is the largest payer for long-term care. Many Americans in the United States are now going into nursing homes because they can't afford to save for retirement. Medicaid is critically important. In hospitals across the Nation, one in two births are financed by Medicaid. Medicaid insurance actually costs less than private insurance. So, it is a very efficient way to cover a population.

I know a lot of my colleagues are going to come out here and talk about Medicare. I am sure seniors in America will be very anxious about Mr. PRICE's statements on Medicare. But I am speaking here now about a program that is keeping people off of uncompensated care, keeping them from flooding our hospitals, and putting them on a system that is working for our Nation to cover people who need to have an option.

Now, I say "option." Why? Because Medicaid itself is an optional program. States don't have to participate. But guess what. Every State in this country does participate. In fact, in Washington State, we know that Medicaid reduces, as I said, infant mortality. It helps with long-term health care, and it is helping us make sure we are becoming more efficient in our delivery system.

So in Washington, we expanded Medicaid and covered 600,000 additional

Washingtonians, most of whom were previously insured. It helped us reduce our uninsured rate by 60 percent, to less than 6 percent; that is, 6 percent of Washingtonians are now not with a health insurance program.

So why am I so concerned about this? Because in the Affordable Care Act, reforms are working. We would like a nominee who would at least address and agree that those things are working. For example, as I just mentioned, because the Medicaid population and long-term care costs are rising, and the number of people are living longer, they are going to drive a huge balloon into our Medicaid budget. So we came up with an idea of saying: You should "rebalance" from nursing home care to community-based care.

Why? Because people would like to live in their homes longer, because we can deliver more affordable care that way. It is better for the patient, and it is better for our health care delivery system. So what did we do? We put incentives into the Affordable Care Act to give the patients a cheaper, more affordable way to stay in their homes and get long-term care.

It is really amazing to me how many States in our Union took up the opportunity to participate in this program: Arkansas, Connecticut, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Hampshire, New Jersey, New York, Texas, Illinois, Maine, Ohio, Nevada, Massachusetts, Nebraska, and Pennsylvania.

All of those States decided to use this part of the Affordable Care Act because they agreed in philosophy that taking this population and rebalancing would save dollars in Medicaid, give people better health care choices, and save us money overall. In fact, the State of Georgia received \$57 million from the Affordable Care Act to do this and has been able to shift 10 percent of its long-term care costs from nursing home care to community-based care with the help of this program. So it is a winning strategy.

Yet we could not get a commitment or an awareness by Mr. PRICE about this program, what it does, why it is so successful, or the concept that having people get care in their homes would be appropriate for so many Americans over the very expensive nursing home care that so many States are burdened with and so much of our Federal dollars are going to be burdened with in the future.

We also tried to discuss with him another incredible idea from the Affordable Care Act; that is, the Basic Health Plan: the idea that customers should be able to buy in bulk. I call it the Costco plan, because everybody knows that when you buy in bulk, you are going to get a discount.

But beyond the Medicaid eligibility level, so much of what Americans have not been able to do is to buy in bulk.

So part of the Affordable Care Act said that you could buy in bulk as a State and give a benefit.

What is the outcome of that? Well, the State of New York is using the Basic Health Plan and has signed up more than a half million people under that plan.

Right now, a family of four in New York making about \$37,000 a year, if they were buying just on the exchange, might have to pay \$1,500 in annual premiums, with tax credits. Because of the Basic Health Plan, they are paying about \$250 per year in premiums. That is a savings of over \$1,000 per year for those families. This is an important program. Why? Because those in the delivery system have certainty that they are going to see those patients, just as Costco, when they buy in bulk for so many Americans across the country, knows that Americans are going to shop there and take advantage of the discount that they were able to negotiate, and it works for everyone. The producers know they will have volume, the customer knows they will get the best price, and more people are covered.

The fact that New York has used the Basic Health Plan, as well as Minnesota, has shown us that these kinds of expansions of Medicaid—and programs like the Basic Health Plan that exist just above the Medicaid eligibility rate—work successfully for us and are the types of things we wish Mr. PRICE would endorse. But, again, he failed to endorse these kinds of things.

What he has said, instead, is that he wants to cap these programs, which is not an improvement to the system but almost a truncating of the cost. In my mind, it is like a surgeon going into surgery but instead of taking a scalpel, he is taking an ax.

Given what the people of Washington State have done successfully in driving down health care costs and improving outcomes, I am not willing to take a risk on somebody who will not take a risk and say that these programs are working successfully.

I hope our colleagues will listen to these concerns. This is the first vote in the dismantling of the Affordable Care Act. It is the first opportunity we have to say: Either tell us what is working or tell us what you are for.

But on Mr. PRICE, all we have is his record. And I hate to say, his record, by capping and desiring to cut Medicaid and Medicare, is not the direction our country needs to go.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The President pro tempore.

NOMINATION OF NEIL GORSUCH

Mr. HATCH. Mr. President, I rise to speak about two of President Trump's nominees. I will first address Nominee Gorsuch to the Supreme Court. Then I will discuss the nomination of TOM PRICE to be Secretary of Health and

Human Services, which is currently pending before the Senate.

Last week, President Trump nominated U.S. Circuit Judge Neil Gorsuch to fill the vacancy left by the death of Supreme Court Justice Antonin Scalia. I want to address both the process and the substance of what lies ahead for the Senate.

The Constitution gives to the President the power to nominate and, subject to the Senate's advice and consent, the power to appoint judges. The first step in the Senate exercising its power of advice and consent is to decide the best way to handle a nomination made by the President.

The Constitution does not mandate a one-size-fits-all process. In fact, the Senate has handled the Supreme Court nominations in at least a dozen different ways.

Nearly 1 year ago, shortly after Justice Scalia's death, I explained on the Senate floor the two reasons the next President should choose his replacement. First, the circumstances and timing of the Scalia vacancy supported separating the confirmation process from the Presidential election season, which was a hard-fought Presidential election.

When he chaired the Judiciary Committee in 1992, then-Senator Joe Biden urged the Senate not to consider a Supreme Court nomination in that Presidential election year. Each of his four reasons applied, with even greater force, to the circumstances we faced last year.

Second, I said that elections have consequences. The American people were increasingly concerned about the illegal and unconstitutional actions of the Obama administration, actions that the courts struck down dozens of times.

The two Presidential candidates last year represented very different ideas about the power and proper role of judges in our system of government. The American people, therefore, had a unique opportunity to address the future course of the judiciary in general and the Supreme Court in particular.

Not surprisingly, the percentage of American voters who said that the Supreme Court was a very important issue tripled between 2008 and 2016. The issue was always when, not whether, the Senate would consider a nominee to fill the Scalia vacancy.

Plunging into a divisive, ideological confirmation battle in the middle of a confrontational and ugly Presidential campaign would have done more harm than good to the judiciary, the Senate, and the country. We were right to avoid such damage and, as a result, today we can focus properly on the appointment of Justice Scalia's successor.

Democrats and their left-leaning allies, however, sound as though they exist in some kind of parallel universe.

In editorials since the election, for example, the New York Times claims that Republicans stole this Supreme Court seat from President Obama.

I am sure they are in denial about the election results, and some observers have called this bizarre fiction sour grapes. I think that gives sour grapes a bad name, between you and me.

No judicial position, including the Supreme Court seat occupied by Justice Scalia, belongs to any President. President Obama exercised the power that the Constitution gives him by nominating someone to that vacancy. The Senate exercised the power that the Constitution separately gives us by not granting consent to that nomination.

I have news for my Democratic colleagues: Not getting your way does not mean that anyone stole anything; it just means that you did not get your way.

When Chairman Biden refused to give a hearing to more than 50 judicial nominees during the 103rd Congress—a record, by the way, that still stands—the New York Times never said that those seats were being stolen from President Bush.

When Democrats blocked a confirmation vote 20 times during the 108th Congress, the Times never accused Democrats of theft but was right there egging them on.

Republicans last year decided to defer the confirmation process without knowing who would win the election. Democrats this year are objecting because of who won the election, even though at the time, it looked as though Hillary Clinton was a sure winner.

I think we should stop the nonsense and act like grownups because we have work to do.

Turning to that work, the task before us is to determine whether Judge Neil Gorsuch is qualified to serve as an Associate Justice of the Supreme Court. Qualifications for judicial service include both legal experience and judicial philosophy, and I believe we should look at a nominee's entire record for evidence of these qualifications.

Judge Gorsuch's legal experience is well documented and widely acknowledged. Judge Gorsuch clerked for two Supreme Court Justices, spent a decade in private practice, and then served as Acting Associate Attorney General. His qualifications for the U.S. Court of Appeals were so obvious that the Senate confirmed him in 2006 without even a roll call vote.

Let me put that into perspective. During the 4 years that Republicans were back in the majority, 2003 to 2006, the Senate took roll call votes on 86 percent of judicial nominations. Democrats were demanding roll call votes even when, as happened 82 percent of the time, the nominations were unopposed. In other words, it was a very rare exception for a judicial nomination to be confirmed without a roll call

vote at all. That is how self-evidently qualified this nominee was for the appeals court.

In 11 years on the appellate bench, he has authored hundreds of majority or separate opinions, many of which have been widely praised. There is no question that Judge Gorsuch has the legal experience to serve on the Supreme Court.

As I have said many times, the conflict over judicial appointments is really a conflict over judicial power. The more important qualification for judicial service, therefore, is a nominee's judicial philosophy, or his or her understanding of the power and proper role of judges in our system of government—in other words, the kind of Justice he will be.

Federal judges have two basic tasks. They can perform those tasks in two basic ways. Their tasks are to interpret and apply the law to decide cases. They can perform those tasks impartially or politically.

An impartial judge interprets statutes and the Constitution to mean what they already mean, while the political judge interprets them to mean what he wants them to mean. When an impartial judge applies the law, he deliberately excludes his own views and does not put his thumb on the scale to make sure the results of the case benefit a particular party or group.

The political judge accepts, and even embraces, that his background and biases shape his decisions and considers how individual decisions will affect other parties, groups, or issues.

Our system of government, and the liberty it makes possible, requires impartial judges in all cases.

In his farewell address in 1796, President George Washington said that the heart of our system of government is the right of the people to control the Constitution. One of his original Supreme Court Justices, James Wilson, described our system of government by saying that here, the people are masters of the government. Our liberty can be secure only if the people control the Constitution, only if the people remain masters of the government. That cannot happen if judges control the Constitution because then, government will be the master of the people. That is why the kind of judge Presidents appoint is so important. Impartial judges let the people govern; they let the people govern themselves. Political judges do it for them.

The best way to tell which kind of Justice the nominee before us will be is to assess the kind of judge he already is. One of the most obvious places to look is in the opinions he has been writing for more than a decade. Last year, for example, the Tenth Circuit had to decide whether to use the Constitution to create new categories of lawsuits against law enforcement officers. Judge Gorsuch agreed that the

courts should resist doing so and wrote:

Ours is the job of interpreting the Constitution. And that document isn't some inkblot on which litigants may project their hopes and dreams . . . but a carefully drafted text judges are charged with applying according to its original public meaning.

In other words, the Constitution is not a blank check a judge may write to whomever, and for whatever amount, they like. It is not a shape-shifting blob that judges can manipulate into whatever they want it to be.

In this view, Judge Gorsuch was merely echoing America's Founders. Thomas Jefferson, for example, argued that if the Constitution means whatever judges say it means, the Constitution will become "a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please."

He was right. The Constitution, after all, is the primary way the people set rules for government, including for the judiciary. If the people are to remain masters of the government, they must remain masters of the Constitution, and that includes not only what it says but also what the Constitution means. Impartial judges take statutes and the Constitution as they are, not for what they say but also for what they mean.

Political judges act as if the people and their elected representatives established a Constitution or enacted statutes that are merely collections of words with no meaning until judges fill in those blanks. Judge Gorsuch is an impartial judge. Anybody looking at the record has to know that. He knows that he is to interpret but cannot make the law. He knows that the Constitution must control judges, not the other way around.

Last year, Judge Gorsuch delivered a lecture about Justice Scalia's legacy at Case Western University School of Law. In that lecture, Judge Gorsuch embraced a defined judicial philosophy and made clear the kind of judge that he is.

I referred to this lecture in my remarks last week, and this week I sent it to each of my colleagues on both sides of the aisle. I truly hope each and every Member of this body will read it carefully because it helps answer the most important question before us in exercising our power of advice and consent: What kind of Justice will this nominee be?

In his lecture, Judge Gorsuch said—and I will refer to the chart again—"Judges should be in the business of declaring what the law is using the traditional methods of interpretation, rather than pronouncing the law as they might wish it to be in light of their own political views, always with an eye on the outcome."

Some Senators and liberal groups have already stated that they oppose

this nomination. Perhaps they think judges should be in the business of pronouncing the law as they might wish it to be in light of their own political views.

Judge Gorsuch said in his lecture that the task of a judge is to interpret and apply the law rather than, as he put it, "to amend or revise the law in some novel way." Perhaps his critics believe the opposite, that judges actually do have the power to amend and revise the law in novel ways.

Last year, Judge Gorsuch echoed America's Founders in saying that the power of the legislative branch to make law and the power of the judicial branch to interpret law should be kept separate and distinct. Confusing them, he said, would be a grave threat to our values of personal liberty and equal protection. Perhaps his critics believe it does not matter whether judges make or interpret the law.

Last year, Judge Gorsuch said that judges must "assiduously seek to avoid the temptation to secure results they prefer." What the law demands, he said, is more important than the judge's policy preferences. Perhaps his critics think judges should give in to that temptation, putting their preferred results ahead of what the law demands?

The more we find out about Judge Gorsuch and his judicial philosophy, the more we should ask what his opponents and critics really find so objectionable. If Democrats and their left-wing allies believe that judges, rather than the people, should control the Constitution, they should come right out and say so. If they believe that the political ends justify the judicial means, that judges may manipulate the law to produce politically correct results, then they should be honest about it and defend that radical idea to the American people.

As I close, I want to offer some wisdom from Daniel Webster, who served in the House and Senate and twice as Secretary of State under three different Presidents. In a speech on March 15, 1837, he said:

Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Well, there are also judges who mean to be good masters, but they do indeed mean to be masters. They mean to govern well, but they do mean to govern. That kind of judge compromises the heart of our political system and undermines the liberty that it makes possible.

Judge Neil Gorsuch has no intention of governing, of being any kind of master of the Constitution or of the people. He is, instead, an impartial judge, the kind who follows rather than controls

the law. He will be the kind of Justice that America needs on the Supreme Court.

Mr. HATCH. I thank you, Madam President.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Nebraska.

Mr. SASSE. Madam President, I would like to thank the Senator from Washington State and the Senator from Michigan for allowing me to sneak in here quickly.

I thank the Senator from Utah for his comments.

Mr. HATCH. I still have one more speech to give.

Mr. SASSE. I yield to the chairman of the committee.

Mr. HATCH. I will try to make this very brief.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Madam President, I would like to turn to the business currently before the Senate and express my support for the nomination of Representative TOM PRICE to be the Secretary of Health and Human Services at this critical juncture.

HHS encompasses an extremely large and diverse set of agencies, including the Centers for Medicare and Medicaid Services, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Food and Drug Administration, just to name a few. All told, its annual budget is more than \$1 trillion—that is trillion with a “t.”

The various programs and agencies that fall under HHS’s purview have an enormous impact on our Nation’s fiscal and economic outlook. I am not exaggerating when I say that HHS affects the daily lives of more American taxpayers than any other part of the Federal Government.

Management of all these agencies is not for the faint of heart. Once confirmed, Dr. PRICE will have his work cut out for him, but I believe he is more than up to the challenge. He has proven that over the years.

Dr. PRICE has extensive insight into our Nation’s health care system, having practiced medicine for two decades in a variety of settings. That experience has informed his years of service in the House of Representatives, which included a tenure as chairman of the House Budget Committee and in the leadership in the Ways and Means Committee.

While many who come to Washington are content to sit back and talk about our Nation’s problems, Dr. PRICE has always sought to find solutions. At a time when our health care system is in distress, I believe Dr. PRICE will put his vast experience to good use and be decisive in not only working with Congress to find solutions but implementing them as well.

My view on his qualifications is shared by a great number of people, in-

cluding many who see the problems in our health care system up close. For example, former HHS Secretaries Mike Leavitt and Tommie Thompson enthusiastically support his nomination. Major stakeholder organizations, including the American Medical Association, the American Hospital Association, most surgical specialty groups, and others, also support him. In their letter of support, the Health Care Leadership Council, which represents a wide range of health care providers, said that “it is difficult to imagine anyone more capable of serving his nation as the Secretary of HHS than Congressman TOM PRICE.” I couldn’t have said it better myself.

Of course, none of this seems to matter to some of my colleagues on the other side. They aren’t coming to the floor to criticize Dr. PRICE’s abilities or qualifications; instead, most of what we have heard for weeks now is focused on a vague patchwork of allegations of ethical impropriety on the part of the nominee.

I have participated in quite a few confirmation debates during my time in the Senate, and even over this agency. One thing I have learned is that if the opponents of a particular nomination keep moving their focus from one set of allegations to another, more often than not, they don’t have a leg to stand on. That is very much the case with regard to the attacks that have been hurled at Dr. PRICE.

First, we heard about supposed conflicts of interest in his finances, until it was pretty clear that Dr. PRICE had followed all the required ethical guidelines and disclosure requirements of the House.

After that, he was accused of lying to the Senate Finance Committee during our vetting process because he had to file an amended disclosure to include some mistaken omissions. Of course, this is not altogether an uncommon occurrence, particularly given the fact that the Finance Committee’s vetting process is uniquely exhaustive. It happens in almost every case where you have people who have had a complicated life or work life. Furthermore, he was asked about this during his confirmation hearing, and his answers were reasonable, and I haven’t heard anyone credibly argue that he was intentionally trying to mislead the committee.

I will set aside the fact that the particulars of Dr. PRICE’s disclosures to the Finance Committee—information which is typically kept private among members and staff—were apparently managed and embellished in order to create and reinforce a partisan narrative with the media. Instead, I will simply say that the Finance Committee’s bipartisan vetting process for nominees has historically operated on an assumption of good faith, both on the part of the nominee and the mem-

bers of the committee. The fact that my colleagues on the committee, in many respects, have decided to cast all that aside in recent weeks is not evidence of wrongdoing on the part of Dr. PRICE.

When the overblown claims about his disclosures failed to gain traction, my colleagues on the other side turned their focus to a particular investment in an Australian biomed company in 2015. Their claim: Dr. PRICE received a “sweetheart deal” from the company which allowed him to purchase stock at a discounted price. They also argue that he lied during his confirmation hearing when he said he paid the same price for the stock as everyone else at that time.

Now, my colleagues would have everyone believe that private placement investment arrangements are inherently shady and nefarious. Let’s just get that out of the way right now. Private placements are a commonplace and appropriate means for companies to raise—

Madam President, let me yield the floor to Senator SCOTT.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Madam President, I yield 30 minutes of my time during the debate of Congressman PRICE to Senator HATCH.

The PRESIDING OFFICER. The Senator has that right.

Mr. HATCH. I sure appreciate my colleague because I have run out of time here and I still have things to say.

Mr. SCOTT. Yes, sir.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Well, let me just go back.

Let’s just get that out of the way right now. Private placements are a commonplace and appropriate means for companies to raise additional capital from a small number of investors. I know because I used to practice law and I did a number of private placements in my experience.

The facts in this matter are relatively simple: The Australian company, Innate Immunotherapeutics, had a relatively small number of U.S. investors at the time. It is my understanding that all of the investors who had participated in a previous share offering were offered an opportunity to purchase additional stock as part of a private placement arrangement. Dr. PRICE purchased additional stock at the price that was offered to all the investors in that group.

Once again, private placements are commonplace investments, not nefarious conspiracies that some of our colleagues would have us believe. And I can certainly testify to that. According to all the available details, this particular investment was in compliance with all of the laws and regulations that govern those types of deals. In

fact, as private placement investments go, this one appears to be fairly unremarkable, unless, of course, you just assume without evidence that there simply had to be something fishy going on—an assumption that I don't think could be made.

Put simply, this investment arrangement was a perfectly normal, commonplace affair. There is certainly no evidence to suggest that there was any insider trading, as some of my colleagues have alleged.

On top of that, Dr. PRICE's statements before the Finance Committee, despite many claims to the contrary, appear to be truthful unless you simply want to assume without evidence that he has to be lying. What a situation that our colleagues try to put this good man in. It is disreputable, in my opinion.

By all accounts, Dr. PRICE purchased the Innate stock at the same price offered to all other participants in the private placement which, by the way, also included a few thousand investors from Australia and New Zealand. That is what he told the committee and that, by all appearances, is the truth. We certainly haven't seen any evidence to the contrary. Sure, my colleagues on the other side have thrown a lot of dots on the wall, apparently hoping they can create a cloudy impression that something nefarious just had to be going on with this investment, even though they haven't come close to connecting any of the dots. They have parsed words, they have divined alternative meanings behind the nominee's statements. But let me be clear, no one has produced any credible evidence of wrongdoing on the part of Dr. PRICE. Those of us who know him know that he never did any wrongdoing and, frankly, never intended to do anything that was wrong.

That being the case, it is utterly shameful that my colleagues would go to such elaborate lengths in order to malign not only a nominee for a Cabinet position but a sitting Member of the U.S. Congress. There ought to be some courtesy here, and I am kind of shocked that there isn't. Of course, we went through a fairly ugly episode the other night about the same issue, though that one hit a little closer to home as the nominee under attack was a fellow Senator.

I don't want to rehash that argument here today. Instead, I will say this. I know some people like to fight around here. For some, it seems the fighting is half the reason they are here to begin with, and neither party is blameless in that regard. Do you know what? If my colleagues wanted to have a fierce and lively debate about this nominee's qualifications or his views on policy, I welcome that debate. He is a tremendous human being, a tremendous doctor, with all kinds of experience, and has been a wonderful Member of the

House of Representatives for both parties—as a Republican. If they want to fairly debate his record as a legislator and a public servant, I am game. I will be glad to do it with them, but to throw accusations at a congressional colleague, and even go so far to accuse him—without evidence—of criminal wrongdoing is, in my view, beneath the dignity of the Senate.

That is precisely what has happened to Dr. PRICE. Ultimately, my colleagues' specious arguments and their desperate attempt to block Dr. PRICE's confirmation would all seem far more sincere if he were the one nominee or even one in a small handful of nominees they deemed unfit to serve, but that is not what is happening.

My colleagues on the other side have appeared to be apoplectic about almost every single nominee we have had before us. The confirmation of any of President Trump's Cabinet nominees, it seems, will bring about untold destruction, the likes of which America has never seen.

With so many of these nominations, the entire process has been wrought with fever-pitched arguments, accusations, and apocalyptic visions of a future world gone mad. We hear it in committee. We are hearing it on the floor. Then the Senate votes, the nominees are confirmed, and my colleagues immediately switch gears to do the very same thing with the next nomination. Some of them even switch gears and come up to the nominee with smiles on their faces and congratulate him or her.

One can only wonder how so many Senators can keep their outrage settings turned to 11 without getting completely exhausted around here. I expect they are able to do so because their outrage is more show than anything else. Indeed, I suspect that the outrage that has been on display has less to do with the particular nominees and more to do with a longer term political agenda. In service of that partisan agenda, my colleagues appear to be more than willing to cast aside the traditions, respect, and assumptions of good faith that have long been the hallmark of the Senate confirmation process and of the Senate itself.

I am very concerned with the way this has gone on here. I am concerned with the way my colleagues are treating another respected colleague from the House. We have seen it in committee. We are seeing it on the floor. In my view, it is a tragic shame.

The bottom line is, Dr. PRICE is, by any reasonable objective standard, qualified to serve as HHS Secretary. Some people would say he is qualified just because he has made it all the way to Congress and he ought to be treated with equal respect, but I will not even go that far. I will just say, by any reasonable and objective standard, he is qualified to serve as HHS Secretary.

There is nothing in his past record or statements that disqualifies him to serve in that capacity. In a better world, he would be confirmed already. People would be shouting hooray that this good man will take the time and spend the effort to take this very thankless, very difficult job—and to leave Congress in the process. I suspect he will be confirmed in short order.

Once again, I do urge my colleagues to vote with me to confirm Representative PRICE. I really believe we ought to get past this is picayune stuff that has been going on, on the floor. We ought to get past that and truly, truly support a good man from the other body who we all know is honest and decent and allow him to see what he can do to straighten out this tremendously complex Department of Health and Human Services.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I rise in defense of Michigan seniors and working families and to speak on the nomination of Representative TOM PRICE to be Secretary of Health and Human Services. As a Member of this body, it is my duty to only support a nominee for this position if I trust that he or she will put the health and wellness of American families first.

Representative PRICE has failed to convince me that he will do this. As a doctor, he should be familiar with the Hippocratic Oath. Reciting this oath is a rite of passage for our physicians and our Nation and across the globe. While it is known most widely for its overarching message of “do no harm,” I wish to recite a passage from the modern version of the Hippocratic Oath that should resonate with all of us. It reads:

I will remember that I do not treat a fever chart—a cancerous growth—but a sick human being—whose illness may affect the person's family and economic stability. My responsibility includes these related problems, if I am to care adequately for the sick.

We should all heed these words. Health care is deeply personal. Some of the most important decisions Americans will ever make will be with the advice of their loved ones and their doctor.

Health care affects our families and the economic stability of our families. Quality, affordable health care can literally be the difference between life and death. A Medicare system that works for seniors can be the difference between a retirement with dignity and having to spend their golden years in poverty.

When it comes to our Nation's seniors, Congressman PRICE has crafted extremely dangerous proposals that would end Medicare as we know it. He has introduced legislation that would turn Medicare into a voucher system, increase the eligibility age for seniors

to enroll in the program, and lead to increased drug costs.

Our Nation's seniors worked hard their entire lives and they deserve a dignified retirement—not higher drug costs or a voucher that could be worth less each and every year, putting a significant strain on their fixed budget. We must honor our promises to current and future retirees by refusing to confirm any HHS nominee who is not fully committed to protecting our seniors and ensuring they have the health care they need. We need a Secretary who wakes up every morning thinking about how to provide the best care possible to as many Americans as possible and as affordably as possible.

I am concerned that Representative PRICE sees our health care system as a profit center, a profit center for special interests and a profit center for himself. He has proposed dangerous plans to end critical investments that make our health care system better so he can give large tax breaks to some of his wealthy friends.

The American people should be confident that the men and women leading Federal agencies are thinking about the bottom line of taxpayers and not themselves. We must be faithful stewards of taxpayer dollars. I wish to remind my colleagues that Medicare and Medicaid spend far less on overhead and operations than private insurance.

I would also like to remind my colleagues that the Republican budget plan that includes repealing the Affordable Care Act would increase our national debt by upward of \$9 trillion over the next decade. Yes, that is trillion with a "t." We must continue efforts to cut waste and inefficiencies across the Federal Government, especially in health care. Increasing efficiencies allows us to invest in what works.

Medicare and Social Security are two of the most popular Federal programs ever created, and they are popular for a reason. They work. They work for seniors, they work for the disabled, they work for orphans, and we should too.

When I hear from Representative PRICE that he wants to fundamentally change Medicare and Medicaid and implement health care reforms that will limit care for American families, this is something I cannot and will never support.

Representative PRICE has introduced proposals to cut over \$1 trillion from Medicaid that will jeopardize care for millions of low-income working Americans, senior citizens that require long-term care in nursing homes and individuals with disabilities. This is not a vision of America that I see, and it is not one I can possibly support.

We need to find a bipartisan path forward. We need to invest in prevention, increased efficiencies, embrace technologies like telemedicine, and capture the full potential of promising medical

research, like precision medicine, to yield better care and at lower costs. We need to make it easier for small business owners who want to do right by their employees to provide them with coverage. We can strengthen our health care system without cutting the quality of care by investing in common-sense changes to save money. For example, Medicare spends \$1 out of every \$3 on diabetes treatment. While the total economic cost of diabetes is estimated to be \$245 billion per year, I have introduced bipartisan legislation that allows Medicare to enroll individuals at risk for developing diabetes into medical nutrition therapy services proven to decrease the likelihood they will develop diabetes.

I have also introduced bipartisan legislation that expands Medicare's use of telemedicine, increasing access for patients in rural and underserved communities, and bringing down future health care costs by ensuring patients get the preventive care they need to stay healthy.

Instead of focusing on these critical challenges or sensible solutions, Representative PRICE wants to move us backward and push policies that could leave 30 million Americans without health insurance.

We can't look at this as simple budgetary math, we are talking about 30 million of our friends, family members, and neighbors, including over 800,000 Michiganders—Michiganders who could once again face bankruptcy and loss of their economic security just because they get sick.

We live in a nation where historically the No. 1 cause of personal bankruptcy has been medical debt. That is simply unacceptable in this great country of ours. Whether we are policymakers or physicians, we should adhere to the central tenet of the Hippocratic Oath of "do no harm."

Our Nation's seniors, children, and all hard-working Americans deserve a Secretary of Health and Human Services who will, at the very least, do no harm. Representative PRICE is not that person.

It is for this reason that I have decided I will vote against his nomination for the Secretary of Health and Human Services. I urge all of my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I come to the floor this afternoon to announce I will be voting against Congressman PRICE to be the Secretary of the Department of Health and Human Services. Despite some of the remarks people have expressed, I feel passionately about the fact that he is the wrong person to serve in that job. I have heard from a remarkable number of my constituents who also believe he is the wrong person for the job.

Congressman PRICE is an outspoken advocate for repealing the Affordable Care Act, which would cause up to 30 million Americans to lose their health insurance and put at risk the lives of thousands of people in New Hampshire and across America who rely on the Affordable Care Act—or ObamaCare—for treatment of substance abuse disorders. He is a rampant supporter of defunding Planned Parenthood and denying women our reproductive rights. If he defunds Planned Parenthood, it would mean that women would lose access to contraceptive services and cancer screenings.

In New Hampshire we have thousands of women who rely on Planned Parenthood as their only source of health care. Congressman PRICE is determined to make billions of dollars in cuts to the Medicaid program, which would jeopardize the health of some of our most vulnerable citizens, including millions of children living in poverty and millions of seniors living in nursing home care.

I am especially troubled by the threat that Representative PRICE poses to women's health. I urge my colleagues to listen to the millions of women across America who marched last month in opposition to the policies of the Trump administration and Congressman PRICE. Those of us who marched on that day had a simple and powerful message: We will not be dragged backward. We will not allow the Trump administration to take away our constitutional rights and to interfere with our deeply personal health care choices. Yet Dr. PRICE's extreme policies would do exactly that. They would drastically undermine women's access to health care, and they would turn back the clock on women's reproductive health and rights.

Representative PRICE has spent his entire congressional career authoring, sponsoring, and voting for legislation that would put women's health at risk. He cosponsored and voted 10 times—10—to defund Planned Parenthood, repeatedly championing slashing funding and access for family planning services. If we want to cut down on unintended pregnancies and abortions in this country, we need to give families access to family planning services.

If Congressman PRICE succeeds in making good on this threat as Secretary of Health and Human Services, it would result in 1.5 million Medicaid patients losing the ability to see the family planning provider of their choice.

As Senator PETERS said, Congressman PRICE does not support the Affordable Care Act and the requirement in the Affordable Care Act that women have access to FDA-approved methods of contraception with no out-of-pocket costs. Indeed, he rejects the very idea

that women should obtain birth control with no out-of-pocket costs. He said:

Bring me one woman who has been left behind. Bring me one. There's not one.

Well, that statement is not only wrong, but it is arrogant, and it is gravely out of touch with reality.

Throughout his career in Congress, Dr. PRICE has been a zealous advocate of restricting women's access to contraception and abolishing our constitutionally protected reproductive rights. He has cosponsored an "extreme personhood" bill—so-called—that

would establish that life begins at conception, and he supported a bill to ban abortion after 20 weeks, despite the Supreme Court's rulings that similar bills are unconstitutional. He even voted for a bill that would alter the recommended medical training for obstetrics and gynecology by preventing grant funding from being used to train medical students on how to safely perform the abortion procedure.

The policies advocated by Representative PRICE would have profoundly negative impacts on the health and well-being of the people in my State of New Hampshire. Repeal of the Affordable Care Act would have devastating effects on people in New Hampshire. Some 120,000 Granite Staters—nearly 1 in 10 people in New Hampshire—have enrolled in health care coverage thanks to the Affordable Care Act, thanks to ObamaCare. That is an enormous step forward for the health and well-being of the people of my State. Yet Dr. PRICE is determined to destroy that progress. Indeed, he seems to have no higher priority than to terminate health coverage for millions of people across this country.

Make no mistake. Repeal of the Affordable Care Act would destroy much of the progress we have made in New Hampshire and in other States to fight the heroin and opioid epidemic. Across this country, more people are now killed by drug overdoses than by traffic accidents. There were more than 52,000 overdose deaths in 2015. But statistics can't fully capture the profound human toll. It is not only the thousands of individual lives that have been destroyed. Entire communities are being devastated.

In dozens of visits to New Hampshire during his campaign, President Trump pledged aggressive action to combat the opioid crisis. Keeping that promise is a matter of life and death. Make no mistake. Representative PRICE's determination to repeal the Affordable Care Act has put millions of Americans at risk.

I am especially concerned that repeal would abruptly end treatment for thousands of Granite Staters fighting addiction. The Affordable Care Act, and Medicaid expansion in particular—what we call in New Hampshire our New Hampshire Health Protection

Plan—which has bipartisan support from then-Governor, now-Senator MAGGIE HASSAN and the Republican legislature, has been a critical tool in combating the opioid epidemic. More than 48,000 Medicaid claims were submitted in New Hampshire for substance use disorder services in 2015.

Having traveled across our State in the past year, visiting treatment centers and meeting with individuals struggling with substance use disorders, I am convinced that TOM PRICE's plan to repeal the Affordable Care Act would mean that thousands of Granite Staters would lose access to treatment, with devastating consequences because right now, even as we are beginning to ramp up treatment, we have the second highest overdose rate in the country.

We need a Secretary of the Department of Health and Human Services who will respect women's health care choices and our constitutional rights and who will defend the enormous progress we have made, thanks to the Affordable Care Act and the expansion of Medicaid. Representative PRICE is the wrong person for this critically important position in our Federal Government, and I will vote against his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, before I begin, I wish to note my disappointment about how rushed the consideration of this nominee has been. Calls for a thorough investigation into Congressman PRICE's ethically questionable and potentially illegal health trades have been ignored.

Hundreds of questions HELP Committee Democrats asked Congressman PRICE as part of the official committee process have gone unanswered, and the vote to advance Congressman PRICE's nomination to the floor took place without Democrats getting any notice—a clear break from long-standing committee rules. Unfortunately, those are just a few of the examples.

It is clear that Senate Republicans are doing everything they can to protect President Trump's nominees from tough questions, which is only helping him rig his Cabinet against workers and families. That is really concerning, especially on issues as critical as our families' health and well-being.

As I have said before, when I evaluate a nominee for Secretary of Health and Human Services, I am interested in whether that person has a record of putting people first—not politics, partisanship, or those at the top. I want to know they put science first—not ideology. Critically, I consider whether their plans for health care in our country will help more families lead healthy, fulfilling, and secure lives, or take us backwards.

Unfortunately, I am very concerned that Congressman PRICE falls far short

in these categories and that his nomination sends another clear signal: President Trump is setting up his Cabinet to run our country in a way that benefits those at the top and their allies, but it really hurts the workers and families we all serve.

I will start with women's health and reproductive rights. I believe that when women have access to quality, affordable health care, when they can afford contraception and exercise their constitutionally protected rights to make their own choices about their own bodies, our country is stronger for it. That is because access to health care, which includes reproductive health care, is fundamental to women's economic independence and opportunity. When women have more resources, more freedom, and more ability to give back in whatever way they choose, we move forward as a country.

Congressman PRICE has a long record of fighting to take women's health care in the wrong direction. He has advocated for defunding Planned Parenthood, our country's largest provider of women's health care, time and again. He has been determined, since the start, to dismantle the Affordable Care Act, which has really helped millions of women gain coverage and essential benefits. Especially given his background in medicine, he has displayed a shocking lack of understanding when it comes to the need for continued work to help women access birth control. He even suggested there "was not one" woman who couldn't afford contraception.

Well, I have certainly heard the opposite. I know for a fact now that Congressman PRICE has, too, because I made sure to tell him about my constituent Shannon in our hearing.

Shannon has endometriosis and would have struggled to afford contraception, which is often used to treat that condition, were it not for Planned Parenthood. How can a Secretary of Health and Human Services, who won't listen to stories like Shannon's and who can't understand their need to access basic health care, possibly be trusted to work for all of our communities?

Unfortunately, there is more. While President Trump has magically promised now insurance for everybody that is both lower cost and higher quality, Congressman PRICE's plans would do the exact opposite. From the start, he has led the fight for repealing the Affordable Care Act, even though Republicans cannot agree on what they as a party would do to replace it.

Congressman PRICE's own proposals, however, would cause millions of people to lose coverage, increase the cost of care, and leave people with pre-existing conditions vulnerable to insurance companies rejecting them or charging them more.

I am hearing constantly from the families who are scared about what the

future holds for their health care, given Republicans' rush to rip apart our health care system, and plans like Congressman PRICE's, which would leave so many so vulnerable, are simply not the answer.

Donald Trump campaigned on promises to protect Medicare and Medicaid, but Congressman PRICE said that he wants to voucherize Medicare in the first 6 to 8 months of the administration, ending the guarantee of full coverage so many seniors and people with disabilities rely on. He has put forward policies that would shift \$1 trillion in Medicaid costs to our States, squeezing their budgets and taking coverage away from struggling children and workers, and people with disabilities, and families.

While President-Elect Trump has said that Medicare should be able to negotiate lower drug prices for seniors, Congressman PRICE has repeatedly opposed efforts to do so. He even went so far as to call legislation to address high drug prices "a solution in search of a problem."

Well, I couldn't disagree more.

In addition, I am deeply concerned about Congressman PRICE's extreme approach to key public health challenges, including his history of opposing regulations to keep tobacco companies from luring children into addiction.

In fact, it is hard to imagine who in America would be better off under Congressman PRICE's leadership at HHS—certainly not women who can no longer be charged more than men for the same health care; children or their families who get peace of mind from having coverage through the exchanges or Medicaid; workers who know they can still get coverage, even if they find themselves between jobs; communities that count on public health protection; or seniors who shouldn't have to pay more for prescription drugs or worry about what the future holds for Medicare.

All in all, Congressman PRICE's vision for our health care system is, to me, disturbingly at odds with the needs of families I hear from every day. But what makes this nomination even more troubling are the serious ethics questions that have not been resolved as it has been jammed through the Senate. I would hope that any Member of Congress—Republican or Democrat—would take seriously the need to ensure that incoming Cabinet Secretaries are free from conflicts of interest, fully prepared to put the public interest first, and have demonstrated a commitment to service for the sake of service, rather than a pattern of mixing personal financial gain with public office. Unfortunately, when it comes to this nomination, Senate Republicans have avoided those questions at every turn.

When reports first came out that Congressman PRICE had traded more than \$300,000 in medical stocks while

working on legislation that could impact companies whose stocks he had purchased—including one whose largest shareholder, Representative CHRIS COLLINS, encouraged PRICE to invest in—Democrats called for an investigation before this nomination could move forward. Senate Republicans refused to join us. When outside consumer advocacy groups and an ethics counsel raised concerns, Senate Republicans went ahead with the hearings. The day before a vote on his nomination in committee, when a story broke indicating that Congressman PRICE misled members of our HELP and Finance Committees in responding to their questions about his investments, Senate Republicans met secretly to jam his nomination through in a closed-door vote.

Congressman PRICE and Republicans have insisted that everything Congressman PRICE did was above board and legal. I certainly hope that is the case, but we shouldn't have to take their word for it, and neither should the families and communities we serve. I am deeply disappointed that so many of my Republican colleagues appear to be willing to overlook the need for a thorough independent investigation.

Congressman PRICE's backward views on women's health, his harmful vision for our health care in our country, and the ethical questions that remain unresolved even as this nomination is headed to a vote, I will be voting against Congressman PRICE for Secretary of Health and Human Services.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Madam President, I rise to urge my colleagues to join me in opposing the confirmation of Congressman TOM PRICE to be Secretary of the Department of Health and Human Services.

Congressman PRICE has a long political record in Washington of siding with Big Business and not American families. He has led efforts that would force families to lose their health care coverage, that would end Medicare as we know it, and increase costs for our seniors, and that would let politicians choose what health care is best for women and their doctors. Perhaps most troubling, though, are recent revelations about Congressman PRICE's deep and ethically questionable financial ties to health companies that are looking to turn a profit.

The people of Wisconsin elected me to the United States Senate to stand up to powerful interests, to stand up for the working people of my State. They surely did not send me to the Senate to take away people's health care. That is why I simply cannot vote for a nominee whose financial activities with health companies raise such serious ethical questions and who has repeatedly opposed measures that

would improve the health of our hard-working middle-class families in America.

During his time in Congress, reports show that Congressman PRICE traded more than \$300,000 in shares of health companies while he was advancing health-related legislation which could directly impact these companies' profitability. Congressman PRICE's financial disclosures show that he has purchased stock in medical device companies, leading pharmaceutical companies, and medical equipment companies. He also led a number of legislative efforts to restrict or delay implementation of several Medicare programs that would have impacted reimbursement for these very industries.

I don't know who Congressman PRICE is working for. Is he working for the American people or is he working for the powerful corporations to help advance his financial interests and his investments in them? This ethically questionable activity raises too many unanswered questions about his professional judgment and his ability to fairly lead a department that is charged with protecting the health of all Americans.

Even more troubling are reports that he had access to a special private deal to buy discounted stock in an Australian biomedical firm, Innate Immunotherapeutics. Reports show he received this special deal from his colleague in the House, Congressman CHRIS COLLINS, who sits on the company's board and is their largest investor. I sent a letter asking Congressman PRICE to explain his relationship, his involvement with Innate Immuno, and how his relationship with Congressman COLLINS influenced those purchasing decisions, but he hasn't responded. His financial dealings raise serious concerns about potential STOCK Act and insider trading law violations. That is why I have called on the U.S. Securities and Exchange Commission to investigate his stock market trading activities. These questions must be answered and his stock trading should be fully investigated before the Senate is able to adequately consider his nomination. Yet we are probably hours from the vote without all the information.

While there are so many unanswered questions about Congressman PRICE's ethical judgment, there is a lot we do know about his record as a politician that is deeply concerning.

We know Congressman PRICE wants to end Medicare as we know it and raise costs for our senior citizens. Medicare is a promise, a promise to current and future generations that guaranteed health care will be there for them when they need it. Congressman PRICE wants to break that promise, that promise to millions of seniors across this country. He has spearheaded proposals that would convert Medicare into a voucher system, essentially privatizing Medicare. He also

supports raising the eligibility age for participation in Medicare, forcing hard-working Americans to wait to receive the benefits they have already earned. His dangerous proposals would force seniors to pay more and would jeopardize guaranteed access to the Medicare benefits they have today, but we don't need to take my word for it. Listen to the thousands of Wisconsinites who have written to me just since the start of this year, urging me to oppose Congressman PRICE's confirmation and to fight against any efforts that would take away their Medicare benefits.

Richard from Fond du Lac, WI, is just one of those Wisconsinites. Richard and his wife are now retired and on Medicare. He wrote to say:

We both spent decades in teaching and while we knew we would never get rich, we believed we were doing important work with our students.

Both of us felt secure in knowing that Medicare would be there for us when we left the profession and moved on to our retirement years.

Richard cannot understand why politicians like Congressman PRICE are proposing to fundamentally change a system that has worked well for decades. He told me: "Now we feel as if our world is being turned upside down."

Congressman PRICE's views are not only out of touch with America's seniors, but they are also, interestingly, in conflict with President Trump's promise not to cut Medicare. PRICE's legislative record also conflicts with President Trump's public commitments to improve this program by allowing Medicare to negotiate lower drug prices for our seniors. Just this week, the White House confirmed the President's support for this proposal again. Yet, during his hearing before the Senate Health Committee, Congressman PRICE refused to answer my questions when I repeatedly asked him if he would commit to standing with the President and with American seniors by supporting Medicare negotiation of better prescription drug prices. We don't know where he stands on this issue, but we do know Congressman PRICE does not stand with seniors, and he does not stand for protecting the guarantee of Medicare coverage that our families rely on.

We also know that Congressman PRICE does not stand for the millions of Americans who rely on the health care coverage and protections available under the Affordable Care Act. Congressman PRICE almost personifies the Republican agenda and battle to repeal the Affordable Care Act and all of its benefits and protections, which would force 30 million Americans to lose their current insurance through participation in the program. He has led the effort in the House to take away guaranteed health care coverage and has championed dangerous measures that would put insurance companies back in

charge of health care and lead to higher costs and more uncertainty for American families. Congressman PRICE's agenda is putting the health care coverage of over 200,000 Wisconsinites at risk.

I wish to share the story of Sheila from Neenah, WI. She is a small business owner and relies on the premium tax credits that helped her purchase her health plan through the marketplace. She wrote:

I just wanted to let you know how devastating it would be for my family if the Affordable Care Act is repealed. To take away the subsidies would pretty much turn the plan into the Unaffordable Care Act.

Sheila said that premium tax credits under the law have made it possible for her to buy decent insurance for the first time in her whole career.

I am listening to Chelsea from Shelby, WI. Her daughter Zoe was born with a congenital heart defect. At just 5 days old, Zoe needed to have open heart surgery. Chelsea said:

The Affordable Health Care Act protects my daughter. . . . I'm pleading to you as a mother to fight for that and follow through on that promise. There are so many kids in Wisconsin with heart defects (as well as other kids with pre-existing conditions) that are counting on you to protect that right.

I am listening to Maggie, who attends college in DePere, WI. Maggie was diagnosed with cancer in 2015. Thanks to the Affordable Care Act, she was able to stay on her parents' health insurance, which covered most of her care. The Affordable Care Act also ensured that Maggie did not face lifetime limits on coverage for her multiple rounds of chemotherapy and radiation. Thankfully, Maggie is now cancer-free, but Maggie is terrified—terrified that if the law's benefits are repealed, she could face a situation where her chemo isn't covered if she ever needs it again. She also fears being denied coverage because of her preexisting condition or not being able to stay on her parents' plan.

During my time serving in the House of Representatives, I championed the provision in the Affordable Care Act that allows young adults like Maggie to remain on their parents' health care plan until age 26. Congressman PRICE would take that away, as well as other protections that Maggie relies on, and instead go back to letting the insurance companies decide what to do.

During his HELP Committee hearing, I asked him directly if he supports the current requirement that insurance companies cover young adults until age 26. Essentially, he refused to answer my question but instead said that he trusts insurance companies to do this on their own. He said: "I think it's baked into insurance programs."

Our future leaders like Maggie can't afford to take his word for it that insurance companies will choose to protect their care. The stakes are too high when it comes to accessing the life-

saving health care for cancer or other serious conditions.

As I travel my State, I listen and I hear the voices of people who are struggling. Too many people feel that Washington is broken and it isn't working for them. People are scared because they can't make ends meet and provide a better future for their children. We need to change that. Our work here should be focused on making a difference in people's everyday lives.

I am concerned that if confirmed as Secretary of Health and Human Services, Congressman PRICE would make it harder for people to get ahead. I am concerned that he will work with special interests who already have too much power here in Washington instead of working for the Wisconsin families I was sent here to serve.

For all these reasons, Congressman PRICE is not the right choice for Secretary of Health and Human Services, and I urge my colleagues to oppose his confirmation.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Nebraska.

NOMINATION OF NEIL GORSUCH

Mr. SASSE. Mr. President, I say thank you to my colleague for yielding to me a little bit out of line.

I think one thing we don't do nearly a good enough job at around here—and not just in Washington, DC, but in schools across America—is reflect on the basic civics we have inherited and the constitutional structure of checks and balances and why we have a limited government. I think Judge Gorsuch's nomination to the Supreme Court and, frankly, more narrowly, the media cycles of today, give us a special opportunity to pause and to do a little bit of civics again.

Judge Gorsuch is tough, smart, fair-minded, independent, and he is a person who has taken an oath of office to a Constitution of limits. That is exactly the sort of thing we should be affirming and celebrating around here. I think that everyone on both sides of the aisle in this body should be celebrating Judge Gorsuch and what he believes about a constitutional system that has limits. And defending your own branch—the Founders envisioned a world where these three branches would be jealous of their own prerogatives—defending your own branch is not to attack another branch.

As I read the media reports this morning of who said what to whom and who shouted at whom and who argued about what, what if we just paused and reflected again on what it means to believe in a constitution that has three separate but equal branches that are supposed to check and balance one another?

After seeing some media reports this morning, I looked and I happened to have on my desk the breast-pocket card that was in my suit 2 days ago

when I met with the judge, and I asked him about the comments coming from the White House criticizing a so-called judge. I wish to share with this body some of the comments the judge made to me when I asked him what he thought about the criticism of the so-called judge, because we don't have so-called judges, we don't have so-called Presidents, and we don't have so-called Senators; we have people from three branches who have taken an oath to a constitution.

So here is some of what the judge told me when I asked him what he thought about those comments. He got a little bit emotional, and he said that any attack or any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge.

I think that is something this body should be pretty excited to hear someone who has been nominated to the High Court say.

He said that it is incredibly disheartening to hear things that might undermine the credibility and the independence of the judiciary. He said that it is completely legitimate for all of us to vigorously debate individual opinions. We should argue about opinions. We can argue as citizens about cases. We can argue in this legislative branch or the executive branch can argue about the merits of particular opinions and yet we want to affirm the three branches.

So he said it is disheartening for us to do anything that would undermine that.

He then pointed me back to his comments at the White House the night he was nominated, and so I went back and looked at his comments, and the very first people he thanked when he had been nominated to the Court were—he said: I want to celebrate the judges of America who are the “unsung heroes of the rule of law” in this country. He called the judges “unsung heroes of the rule of law.”

He said: An independent judiciary has got to be tough. It is not my job as a nominee to the Court and it is not the job of any other judge to comment on particular cases, and it is not the job of judges to play politics or to hold press conferences talking about politics, but we can recognize that historically the other two branches are often wary of times when the Court asserts its prerogatives.

He said: For instance, Thomas Jefferson didn't like *Marbury v. Madison*, and it was completely legitimate for President Jefferson to criticize and argue about the merits of the *Marbury v. Madison* decision even as we do the important civics work of reaffirming these three separate but equal branches.

Frankly, I think that everybody in this body ought to be celebrating the nomination of a guy who is out there

affirming three separate but equal branches and the independence of the judiciary. We should want to see the executive branch checked, and, frankly, if we really love America, as I know people in this body do, we should want to see our own powers limited because it is fundamentally American to be skeptical of the consolidation of power.

Our Founders divided power and checked and balanced each of the other branches because they were skeptical of what people in power might ultimately do.

Sadly, there are some on the other side of the aisle today—and I think many are going to give him a fair shake, but there are some on the other side of the aisle who decided they want to reflexively attack Judge Gorsuch. So it is like the Keystone Kops trying to run around and figure out which story you want to label him with. I hear some people saying: Well, Gorsuch was nominated by this President and a bunch of people don't like this President; therefore, he couldn't possibly be independent, he would be a puppet. There are other people saying in these private meetings allegedly Gorsuch has rented a plane and taken out a sky-writing script and he is out there saying “I hate Donald Trump. I hate Donald Trump.” That is nonsense. Neither of those things is true. He is not a puppet, and he is not out there attacking the President of the United States. He is meeting with us, trying to explain his view of an independent judiciary. He is trying to affirm the same constitutional oath of office that all of us in this body have taken.

I think it is high-time in this body that we get beyond reflexive partisanship of “Republicans are for Republicans if they have the same label” and “Democrats are against Republicans” and vice versa. Our job fundamentally in this body is an oath that we have taken to three separate but equal branches. I think what we are hearing in these private meetings with Judge Gorsuch and what I am sure he is going to say when he speaks for himself publicly before the Judiciary Committee—what we are hearing from him is a guy who believes in three separate but equal branches and is skeptical of the consolidation of power because he understands why America has limited government. That is the kind of person we should be celebrating having been nominated to the Court.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am here to speak about Mr. PRICE, but I want to respond to my friend the Senator from Nebraska.

I appreciate very much the independence the Senator has shown in his tenure in the Senate. My hope would be that his comments about civics, his comments about our three branches of government—I hope we will take that

speech and actually send it down to 1600 Pennsylvania Avenue because I concur with him. I concur with him about the basic civics lessons he laid out. I concur with him about three equal branches of government. I concur with him about the fact that I look forward to hearing from Judge Gorsuch and having my chance to view him.

But I would also think that in any kind of objective analysis of what our country is going through right now, we have currently a President of the United States who—I have real questions whether he has read that document, the Constitution, whether he understands the basic tenets of three co-equal branches.

We saw his activities during a campaign where he called out a judge because of his ethnic heritage and somehow impugned that judge's independence. At some point, he walked that back, and perhaps those of us who were kind of scratching our heads thought, well, that is just during the campaign, and candidates do strange things during the campaign.

Then we saw the President get elected, and we saw throughout a transition period decrees by twitter that are, again, unprecedented in modern activity. I know the President wants to be a disrupter, but there is some level of comity and some level of civics and some level of recognition of coequal branches that—candidly, when the President of the United States attacks a judge because he doesn't like the ruling in a way that calls into substance not the substance of the ruling but the very nature of the judiciary, I think all of us—and I know the Senator from Nebraska would agree with this—all of us need to sit up and say this is not what the Founders intended.

I look forward to giving Judge Gorsuch and everyone else the President might nominate a fair look, a fair appeal, and then making a judgment on whether I think one of the most important positions—a lifetime position of serving on our Nation's highest Court—whether he is appropriate or not. But this President makes that case harder for his nominee when he shows such blatant disregard of the fundamental basics of our Constitution.

I would be more than happy and glad if we would all dial it back a bit, but we are in uncharted territory in a way that, as somebody who believes every bit as much in the Constitution as the Presiding Officer does, it makes me very concerned about making sure we maintain those basic liberties, making sure we have a government that can live within its means, making sure we maintain the independence of the judiciary, the independence of our legislative body, and an Executive who knows there are limits on Presidential powers.

I appreciate his comments and particularly appreciate the fact that

through his tenure in the Senate, he has shown a level of independence. I have taken some hits from my own team for showing similar levels of independence. I commend his words, but I do hope that those words would actually make their way down to 1600 Pennsylvania Avenue. I am curious to see what the President's tweeting response to that speech would be.

Mr. President, I did come here, though, today to rise and talk about a need that Virginians and, for that matter, Americans have, about a health care system that is affordable and accessible and provides high-quality health care.

I voted for the Affordable Care Act back in 2010, and I have acknowledged, I think along with many of us, that just like every major reform—just like Medicare and Social Security and Medicaid—Congress never gets it 100 percent right the first time and that Congress needed to revisit and improve certain aspects of the ACA.

As anybody who serves in the legislative body knows, you have to have partners in order to get to yes. Unfortunately, that is what we have heard from folks on the other side for the last 7 years. We have heard all the critiques, we have heard the screech of repeal, but we have not heard any kind of plan on what you replace.

The fact is, like it or not, ACA has played a critical role in driving health care innovation, protecting consumers, and reducing overall health care spending. Those are just facts—not alternative facts, not alt acts; those are just facts. The increased coverage to more people now makes it all the more difficult to find some way to repeal and maintain all the things that people liked, yet replace it with a plan that is actually more cost-effective.

So today we consider a candidate for Secretary of Health and Human Services, the lead Cabinet member who will oversee our critical health care programs. Congressman PRICE has advocated for dismantling the ACA, and he has made it clear that, as Secretary of HHS, he would seek to implement policies that, I believe, will make health care more expensive and less accessible to Virginians.

Today, after a great deal of reflection, I join my colleagues in opposing Congressman PRICE's nomination to be Secretary of HHS. And rather than going through the statistics and facts—I know I have other colleagues who want to speak—I want to reflect briefly on a couple of stories I have heard from Virginians.

One of the things that was a benefit but I don't think folks have focused on enough is that the ACA, with all its challenges, did allow people freedom from the trap of being caught in a dead-end job that they couldn't move from because of the fear of losing their health care benefits. This was the first

move toward an affordable benefits system, something I think we are going to have to move beyond health care to retirement and other aspects, as well, as more and more workers work not in traditional full-time and long-term employment, but more and more—one-third of the workforce today already is in some form of contingent work: part-time work, independent contractors, gig work. They have no benefits, other than the fact that through the ACA they are able to maintain health care. The ACA has actually reduced this phenomenon of "job lock."

A couple of weeks ago, I met Andrea in Richmond. She always dreamed of opening a software business, but she and her business partner were considered uninsurable because of preexisting conditions. The ACA changed everything. After obtaining insurance through the exchanges, Andrea and her business partner were able to take that risk. Today, that successful company has a staff of 12. As Andrea said: "Simply put, my business would not exist without the security the Affordable Care Act provided."

The coverage gains we have seen are remarkable. That is clear from hundreds of Virginians who have contacted me with stories like Andrea's. In fact, never before in our Nation's history has the rate of uninsured dropped below 10 percent. In Virginia, a State where our legislature unfortunately would not expand Medicaid, we have still seen an uninsured rate drop from 15 percent to 9 percent, and 327,000 Virginians got additional coverage. This is especially true in rural areas.

Nationwide, the ACA lowered the percentage of uninsured by eight points in rural communities. Rural communities often struggle with hospitals that, without ACA, would be on the brink of financial extinction.

Here is another quick example from Janet in Mosely, a rural area south of Richmond, who grows and sells organic vegetables to support her family, which includes four children. She said:

We went through various attempts to manage the cost of health insurance and health care in our finances before the ACA—with no good results. [Because of ACA], we have been able to have an appropriate plan, with a realistic deductible, access to quality doctors, and be able to go to preventative care annual appointments. We are quite fearful about what life and business may be like without the ACA, or an improved-upon version of the ACA. A repeal would be disastrous.

Unfortunately, not only has Congressman PRICE strongly opposed the ACA, but his plan—or what framework of a plan you see—and other proposals dramatically scale back the individual market reforms that allow people like Andrea and Janet to obtain meaningful coverage. As our workforce becomes more mobile than ever, Congressman PRICE has said people should have access to care, but access to care without affordable care isn't true access.

For example, if you got rid of the ACA with no plan to replace it, we would see the reinstatement of lifetime and annual limits on coverage. They are what turned getting sick into a financial calamity for so many people. Plans would be required to cover far less in terms of conditions, moving away from the ACA's promise that insurance is worth more than the paper it is written on.

As I mentioned already, the close to one-third of the workforce that is already in some level of nontraditional work and doesn't work full time in a long-term employment facility would lose that flexibility to move from job to job.

We have also heard from Congressman PRICE plans to block-grant, for example, Medicare. We in Virginia have a very trim Medicaid program. We have also not expanded Medicare, which I think was a grave mistake of the legislature. The Governor and I agreed we should expand it. Putting a Block Grant Program in place for Virginia would be a disaster in terms of Medicaid. As well, Congressman PRICE has voted against the Children's Health Insurance Program, the CHIP program, one of the things I was proud to expand in Virginia, where we ended up signing up 98 percent of all eligible children. Congressman PRICE called the CHIP program "government-run socialized medicine." What he didn't say is what he would say to the 200,000-plus kids in Virginia who get their health care coverage through CHIP.

So I believe that Congressman PRICE's approach—whether it is on Medicaid block-granting, whether it is on the ACA, whether it is on the CHIP program, whether it is his failure to come up with a sufficient plan to provide access and affordability—means that if we go forward with his nomination, the kind of chaos that would be created if you repeal the ACA without a replacement plan in place will not only affect the 20 million-plus Americans who got health care coverage through the ACA but literally everyone else because it will absolutely pull the bottom out of the overall insurance market. These are chances that we can't take.

I have a series of other stories, but I see my friend the Senator from Connecticut, who spent a great deal of time on this issue back when there weren't that many people coming to the floor to defend the ACA. I guess it is better to be early and right, but Congressman Murphy has been a great leader on this issue. He was here, as I mentioned, on the floor, when many of us were active in other activities, an absolute native of the ACA, when we went through the bad rollout. But what we have seen in America, as we get closer now to the reality of the new administration, is that the new majority wants to actually repeal this program

without fixing it—simply repeal. I think his forewarnings about what would happen are all coming to pass.

I will personally be opposing the nomination of Congressman PRICE to be Secretary of HHS. I hope my colleagues will join me.

I do want to yield the floor to the Senator from Connecticut, who has been such a great leader on this issue.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am going to be brief. I want to build on some of the comments Senator WARNER made. It is unclear what President Trump's position is on repeal and replacement of the Affordable Care Act. He has made all sorts of commitments all over the map, suggesting that he wants to deconstruct the act in full, suggesting that he wants to keep some elements of it, making promises that whatever comes next will be just as good, will be better than what consumers have today.

I think what you are going to hear consistently from our side is a willingness, a desire, an enthusiasm to engage in a conversation with Republicans about how to strengthen our health care system, how to repair the parts of the Affordable Care Act that are broken, but keep the majority of that legislation, which is delivering lifesaving care to people as we speak, and not descend into health care chaos by repealing this legislation with no plan for what comes next.

The genesis of our opposition, of my opposition, to TOM PRICE's nomination to be the Secretary of the Department of Health and Human Services is that he has been, in the House of Representatives, the face of the Republican effort to repeal the Affordable Care Act with absolutely no plan for what comes next.

There were many other choices that could have been made for selections to head the Department and lead the conversation about the Affordable Care Act and its future that could have signaled that we were going to have an ability to come together. But when I was a Member of the House of Representatives, I watched my colleague, TOM PRICE, be the leader, the face of the campaign to repeal the Affordable Care Act, with absolutely no replacement, which would descend our entire health care marketplace into chaos.

That is chiefly why I stand here in opposition to his nomination today. He did offer a token plan to replace it, but it had nothing of value to the people of Connecticut. It would have repealed Medicaid expansion with no plan for what came next. It would have repealed the insurance protections for people who are sick with a \$3 billion high-risk pool that would never have met the needs of those who have serious illness and disease and who cannot find insurance.

Our worry is that we are on the precipice of repealing an act which has saved thousands of lives, which has insured 20 million people, and the results will be health care chaos for everyone, whether they are on the Affordable Care Act or not.

TOM PRICE has been the face of the repeal effort in the House of Representatives. He has been the face of the irresponsible position of getting rid of this law with nothing that comes next. And it simply doesn't give us confidence that there is going to be a rational bipartisan conversation about how to improve our health care system.

This isn't politics. I just want to underscore the point that Senator WARNER made. This isn't about scoring political points. This isn't simply about numbers. This is about human lives that are affected if TOM PRICE gets what he has been asking for during the last 6 years, which is a full repeal of the Affordable Care Act without any plan for what comes next.

This is a picture of Mark and his family from Westbrook. This is a picture of his daughter Dominique. Dominique has a profound intellectual disability. She also has cerebral palsy. She doesn't have the use of her left arm. She walks with an unsteady gait. She also cannot chew food, so she takes liquid nutrition. But she has an amazing spirit. She loves school. She loves music. She loves singing to Disney movies. She plays soccer, buddy baseball, and rides a horse for therapy, but Mark and his wife used to spend \$40,000 a year out of their own pocket for her care. The Affordable Care Act saved this family from potential bankruptcy. The Affordable Care Act now, through Medicaid expansion, allows Dominique to get care that is socially insured. And Mark asks:

After all, who are we as a people and a country if we cannot take care of those who for no fault of their own cannot take care of themselves? Dominique didn't do anything wrong, she was born this way and deserves to have a fulfilling life.

That is the whole concept of insurance: The idea that we should socialize the cost of caring for kids and adults who, through no fault of their own, get sick. But without the Affordable Care Act, this family bears the burden of caring for Dominique by themselves. And there is no replacement. There is no plan on the table today—certainly not TOM PRICE's reputed replacement plan in the House of Representatives—that offers any help to this family if the Affordable Care Act goes away.

Let me introduce you to one more family. This is a picture of Angela. She is hiding here—Angela from New Canaan. Angela is 49 years old. She was diagnosed with stage IV breast cancer in 2015. The good news is that Angela is winning the fight against breast cancer, but she would face the inability to get health care insurance if not for the

Affordable Care Act because if this family ever lost continuous care, they would be uninsurable. So the protections built into the law allow them to pay reasonable prices. She says:

Would President Trump or any member of Congress who voted to repeal the ACA be willing to write to my 12 and 9 year old boys, and explain to them why they let their Mommy die? I doubt they even give a damn.

I don't think she is right on that. I think that everybody in this Chamber cares about this family, but it is a reminder that there are really personal consequences for millions of Americans if TOM PRICE, as the leader of the Department of Health and Human Services, leads a campaign to repeal the Affordable Care Act without any replacement.

We talked about the damage that will be done to these families, but for the entire marketplace, there is nothing but chaos if TOM PRICE gets his way. I opposed his nomination right from the start because I knew who he was in the House of Representatives. I knew that he had led this campaign of health care destruction for families like those that I just described.

Frankly, his hearing just compounded my worries. These ethical lapses that have been raised over and over again just draw even more question as to whether he is going to use this position as the head of the Department of Health and Human Services to protect and advance the health care of my constituents or he is going to use that position to enrich himself and his family.

Those are serious accusations. I get it, but these were serious ethical lapses that were uncovered, not by us but by an independent journalist raised as part of these hearings. I would hope this body would consider rejecting TOM PRICE's nomination so we can find someone to lead that agency and lead our conversation on the floor of the Senate about the future of health care, so that instead of continuing what has been a bitterly divisive issue over the last 6 years, we can finally find a way to come together and answer Angela's concerns that Donald Trump and the Republicans who support him don't care about her and her family, are willing to let her die.

I don't think that is true, but by putting someone in this position as the head of the Department who has campaigned on repealing this act, taking away from Angela the protections that allow her to succeed and to live and to continue to beat cancer, without any idea for what comes next, it suggests that the division will continue and catastrophe will be in line for families like hers.

I will oppose this nomination. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, as I said before, we should not be holding up any of the President's nominees. There is far too much work to be done, but I think that is especially true for the man whose nomination is before us today, the next Secretary of Health and Human Services, Dr. TOM PRICE, who I am happy to say has my full support.

It is especially important that we confirm Dr. PRICE because, as we all know, our health care has undergone some serious turmoil as of late. This was undoubtedly caused, at least in part, by the rolling calamity of ObamaCare. You can step back and you survey the wreckage, and it is sobering to see what that law has left in its wake: double-digit premium hikes, very high deductibles, and millions of canceled plans.

For all the fanfare over the law's passage, and all the arguments that followed, it seems we have forgotten the person who matters the most, the patient. That is what the next HHS Secretary is facing, a Herculean or perhaps you might say a Humpty-Dumpty-like task of picking up the pieces and rebuilding our health care system from the ground up.

So as we consider this nomination, I think it is appropriate to ask ourselves: If we need someone who will focus on the needs of patients, why not pick a doctor? Dr. PRICE was an orthopedic surgeon in private practice for nearly 20 years. He taught and trained young doctors personally. So when he hears the phrase "quality, affordable, personalized care," it is not an abstract notion to him. It is not something he dreamed up in the Halls of Congress because he himself has provided just that kind of care to real people.

When we repeal and replace ObamaCare, we have to avoid the kind of thinking that gave rise to it. We need someone with on-the-ground understanding of what it takes to care for patients, someone who knows what it is like to stand at a bedside with a patient comforting her in a confusing and frightful moment.

Dr. TOM PRICE is that man. TOM PRICE is also my friend. We served together in the House of Representatives. He is a good man. That is why, during his time in public service, he has earned the respect of his colleagues as he has worked his way up the ranks: chairman of the Republican study committee, chairman of the House Republican policy committee, and, most recently, chairman of the House Budget Committee.

He has studied our health care system from top to bottom, and he is no stranger to the health care battles the last 8 years. You could say his chief qualification for the job of replacing ObamaCare is he had the good sense to oppose it in the first place, but TOM PRICE did not just vote no.

Contrary to what you have heard from the Democrats, he also offered his own alternative, the Empowering Patients First Act. You may or may not like that bill, but I think you have to admire that he was willing to make a serious proposal. That is the kind of leadership we need at the Department of Health and Human Services.

I want to express my support for TOM PRICE's nomination to be the next Secretary of Health and Human Services. I urge all Senators to vote for his confirmation.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Virginia.

Mr. Kaine. Mr. President, I also rise to speak about the nomination of Congressman PRICE as HHS Secretary. I will oppose his nomination, principally because he has been an opponent of virtually every program that provides health care access to people with modest means in this country: Medicare, Medicaid, the S-CHIP program—which he called socialism—Planned Parenthood, which is the primary health care provider of choice for millions of women, and the Affordable Care Act.

There is much to talk about, but I am going to focus my comments today on his repeated promises to repeal the Affordable Care Act. Repeal of the Affordable Care Act would be very unwise. It would be heartless, and it would be economically foolish. The Virginia stats are instructive. In Virginia, 179,000 Virginians have been able to enroll in Medicaid since the ACA was passed—an additional 179,000—and nearly 380,000 Virginians have been able to get coverage through the marketplace.

We have not done the Medicaid expansion program. If we did, another 400,000 could receive care through the ACA. Nearly 4 million Virginians have protection against discrimination on the grounds of preexisting health conditions. They have such conditions, and they could be turned away from insurance companies, as they have been in the past, as my own family has been.

Before the ACA, only those with employer coverage got tax benefits to help pay for health insurance. Now, 320,000 moderate- and low-income Virginians get tax credits averaging \$275 a month to help. In addition, there are nearly 5 million Virginians with employer-sponsored insurance, and over 800,000 Virginians would lose access to free preventive care under Medicare if the ACA were to be repealed.

Nationally, a repeal of the ACA—under an estimate of the Urban Institute—would cause 30 million people to lose their health insurance. That is the combined population of 19 States.

We had a hearing last week in the Senate HELP Committee about the Affordable Care Act. It was called, by the majority, "ObamaCare Emergency." I asked the witnesses, Democratic, Re-

publican, and of no political identification—I asked them: Would a repeal of the Affordable Care Act with no replacement be an emergency? All of the witnesses agreed that it would. One of the witnesses said it is more than an emergency, it would be a catastrophe.

So then I asked those witnesses—again, bipartisan witnesses: OK. We shouldn't repeal it. That means we should fix it or repair it or reform it or improve it. Should we do a fix or improvement hastily, carelessly, and secretly or should we do it openly, publicly, carefully, and deliberately?

They all said: Of course, we should not rush. We should get this right. That is why many colleagues on our side have asked Republicans to sit down with us and let's make improvements, but don't push people off of health insurance.

It would also lead to a significant economic catastrophe for hospitals, for providers, to have a repeal and not know what comes next. Remember that health care is one-sixth of the American economy. If you inject uncertainty into that, you have consequences that we could not now predict that would be negative.

The real story is not any of these statistics, and I will pick up on what my friend, the Senator from Arkansas, said. The real story is about individuals, patients, and what happens. Three weeks ago, I put on my Web site a little section, kaine.senate.gov/aca-story. I asked people to submit what it would mean to have a repeal of the Affordable Care Act.

To date, I have had 1,654 submissions of what it would mean to them. We have been able to follow up on some of them and get permission from some so I could read their stories on the floor. So during the remainder of my speech, I am just going to tell you what a repeal of the ACA would mean to people all over my Commonwealth.

Michael Dunkley lives in Alexandria VA.

I was diagnosed with advanced Stage 4 non-Hodgkin's lymphoma cancer in October of 2013 and was put immediately on an extremely powerful 5-component chemotherapy treatment program that would conclude in late January, 2014. My medical insurance coverage at the time of my diagnosis was under the terms of COBRA, and my monthly premium was \$875, with a \$7,500 deductible and a \$15,000 out-of-pocket limit.

My COBRA coverage expired at midnight on December 31, 2013, and was immediately [able to be] replaced [because of a] plan that I had been issued through the provisions of the . . . Affordable Care Act. Because of the new law, I could not be denied coverage due to a pre-existing condition (advanced cancer), and I was issued a new plan that was far superior in coverage and cost me only \$575 a month, with zero deductible and an \$1,850 out-of-pocket limit. 3 days after receiving my new health insurance coverage, I was infused with my 5th-round of chemotherapy, for which I was charged \$35,000. Near the end of January, 2014, I received a 6th-dose of chemotherapy and was billed another \$35,000.

... I was given a PET-CT nuclear scan that cost \$5,000, and 1 week after that, on February 14, 2014, my wife and I were told by my oncologist that my advanced cancer [was now in] complete remission. As I am the sole caregiver for my wife, who has advanced Multiple Sclerosis, the news of the cancer's remission was a life-saver for her as well as myself.

Had it not been for the Patient Protection and Affordable Care Act, I would not have been able to purchase [my] health-care insurance, for any price, due to my pre-existing condition of having cancer. Had it not been for the income subsidy, I would have not been able to afford to pay the premium for a superior plan, a plan which saved my life. Thank you, President Obama, and thanks to every member of Congress that voted in favor of the lifesaving Patient Protection and Affordable Care Act.

Patricia Mills, Virginia Beach.

My daughter, who has Lupus, and her husband, who has juvenile diabetes have been struggling for the last six years to keep their conditions under control. They have a gifted seventeen year old daughter who has been in the IB academy in Virginia Beach, and have had to sell their home to pay off debts due to complications from their illnesses. My husband and myself have made our home their home, but their struggles have continued because of the enormity of their medical expenses.

Since they have been able to enter the Affordable Care Act for their insurance, they have been able to stabilize their lives financially. If the Affordable Care Act is repealed, I don't know what will happen to them. Insulin is extremely expensive and so are the supplies to inject and check blood sugar to keep my son in law alive. There is NO option for a diabetic to turn to to get life saving insulin a diabetic individual needs who works hard every day, but falls above the Medicare threshold. We are living in terror at the thought of a repeal.

Justine Jackson, Radford:

As I type this, I am currently sitting in the office of the Community Health Center of the New River Valley. I am 25 years old and the last doctor I had seen until today was my pediatrician. Like many struggling Americans, I cannot afford insurance and rely on low income/free clinics to receive preventive care. The ACA helped programs like the one at the Community Health Center [clinic] with funding.

We cannot afford to lose clinics like this one with cuts to funding public health. Americans should not be denied health care. We should not have to file for bankruptcy for becoming sick or avoiding a doctor all together because it costs too much. The Affordable Care Act should be revised, not repealed. If Congress repeals the ACA, 20 million Americans risk losing insurance. That's 20 million Americans that may stop going to doctors because they can't afford it. I plead to Congress to care about your fellow Americans and give us health coverage that is affordable or, better yet free. Seeing the doctor should not revolve around a choice between going hungry or not.

Gabriella Falco, Alexandria, VA:

Senator Kaine, my name is Gabriella, I'm a 26-year old full-time student studying what she loves. I work part-time in my field of study and make some money to live on, but my school expenses are all covered by student loans. When I was 22, fresh out of college and unemployed, I was diagnosed with hyperparathyroidism and many severe kid-

ney stones. To prevent kidney failure or worse, I required multiple surgeries, all of which were covered by my parents' insurance through the Affordable Care Act. Ever since, I have had twice yearly check-ups and ultrasounds, as well as some scares with my kidneys. There is no explanation for my medical history. All the doctors can do is monitor and treat it when troubles arise.

When I turned 26, I chose my own healthcare plan through the ACA. As I am a student, I have no way of working full time for benefits. The ACA has allowed me to live and safely and affordably monitor and treat my kidneys while finishing my master's degree. Were it not for the ACA, I fear my health would become a choice between death or bankruptcy. I don't know what I'll do if I lose my health care. I could not afford it without the ACA. I will fight for you, Senator Kaine, and please fight for me and my health in Washington.

Corwin Hammond, Williamsburg, VA:

Senator Kaine, Before the ACA, my wife and I did not have nor could we afford medical insurance. My wife is a business owner and I'm a pastor of a small church in Toano, Virginia. I left my ... state job that provided full benefits, because the ministry needs in my community were so great. I am grateful for this legislation that has allowed us to have peace of mind in knowing that we are covered and able to visit the doctor without going bankrupt. Why not just fix the components that need repairing; instead of throwing millions of hard-working Americans to the wolves. We deserve better. How about the congress and senate repealing their health care and leaving ours alone? Thank You, Corwin Hammond.

Sarah Mullins-Spears, Prospect, VA:

Senator Kaine, I have one perfectly imperfect child. He has not one but two "pre-existing" conditions. ... He was diagnosed with Asperger's Syndrome ... and he was also born with a unicameral bone cyst, a hollow bone. ...

That affects one in four children.

This year we were able to purchase our lifelong dream. ... A family farm. ... 18 PERFECT acres of peace and promise. This summer we endured a medical ordeal we could have NEVER imagined. ... My son broke his arm, due to the cyst, for the 4th time in less than 3 years. ... And we were finally approved for surgery to place a titanium rod through the cyst that would prevent any further breaks. On July 26th the surgery was successfully completed and the next day we were released with instructions on pain management and to not remove the surgical bandages for 3 days. On July 30th we removed the bandages to find a hot, swollen, bright red nightmare. We were readmitted to the hospital. ... I wasn't truly afraid until I saw the face of the same nurse that discharged us that night. ... She was fighting back tears. ... Over the next 3 days there were 2 additional surgeries including a PICC line, and after 6 days we were released to home health care. ... Suddenly I was a health care provider, every 8 hours a dose of antibiotics had to be attached to the PICC line, it took approximately 90 minutes to administer, and then the line had to be cleaned and prepped. There was NEVER a 6 hour window that I could be away from my child. ... Which meant I was not able to work the 6 hour schedule at my part time job. Which means after the second week I was let go, told I could reapply when I was ready to come back to work. ... On August 26th my son slept for almost 20 straight hours and

then woke up vomiting and with a fever. ... So by lunch we were readmitted to the hospital again. ... The next day while in the hospital he broke out in a mystery rash from head to toe, and had a white blood cell count of a chemo patient. For me this was the worst, because no one, not even the consult from UVA infectious diseases, knew why. After 3 days, with the WBC count trending up and more research, the leap of faith was decided to end all antibiotics and see if they were the cause for the reactions. They were and by October my child was declared healed and eligible to start school. ... Almost 5 weeks after he should have started his first day of middle school. ... By then the bills had also begun to arrive. ... Daily. The first bill from the hospital was \$105,547.12 before insurance and over \$12,000 with benefits. We are still receiving bills and our pre insurance totals are well over \$750,000 before insurance. ... BUT because of ACA we were capped at \$7,500 out of pocket. This means \$231 a month for 24 months which has an impact on our family but it also means we can still afford our mortgage. I wake up every morning thankful for my healthy child and amazed that we live on this tiny piece of heaven. ACA made that possible for us. I have kept all bills, x rays, and documents related to our journey.

Sasha Baskin, Richmond:

When I was seventeen I discovered I had a rare and highly aggressive tumor in my jaw. It took three experimental surgeries to remove and replace the tumor with a metal implant and bone graft. I was fortunate enough to be dependent on my parents' insurance when this medical event first took place. With the Affordable Care Act I have been able to stay on my parents' insurance into college and graduate school and maintain my health status through regular doctors' visits. I require a yearly check-up to make sure that the medical implant is intact and that the bone graft is growing successfully. Within the next 5-10 years I will need another surgery to replace the metal implant with new technology. If the implant breaks or I have any kind of accident that injures my jaw I will require emergency surgery and most likely to have my jaw wired shut. I will turn 26 in October and no longer be eligible to be on my parents' insurance. Thanks to the affordable care act I can rely on being able to maintain affordable insurance and feel comfortable about my health. I can trust that I will not be turned away due to my pre-existing condition of a metal jaw and history of aggressive tumors. I can be sure that I will not reach a lifetime limit of coverage when I need another surgery, (or if the worst happens and I need to have emergency surgery). When the doctors first found this tumor when I was seventeen, they told me not to go to college because I needed so many surgeries. I was planning to attend art school in Maryland, my parents lived in Connecticut and my doctors were in Boston. I was determined not to let a medical problem control my life. I went to and graduated from college in Maryland and am now enrolled in graduate school pursuing masters of fine arts in Richmond Virginia. I rely on the affordable care act for safe and reliable access to doctors all over the country. I have been able to live my life independently because of the freedoms and access to healthcare it has provided. I am a recent Virginia citizen, but I love it here. I am proud of my representation and I hope that my story will help you work towards saving health care in our country.

The PRESIDENT pro tempore. The Senator will suspend.

Mr. KAINE. I will suspend and return following the swearing in.

CERTIFICATE OF APPOINTMENT

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of Senator Jeff Sessions of Alabama. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Alabama, I, Robert Bentley, Governor of said State, do hereby appoint Luther Strange, a Senator from said State, to represent the State of Alabama in the Senate of the United States until the vacancy therein caused by the resignation of United States Senator Jeff Sessions, is filled by election as provided by law.

Witness: His Excellency our Governor, Robert Bentley, and our seal hereto affixed at Montgomery, Alabama, this 9th day of February, 2017, at 8:20 o'clock, CST, in the year of our Lord 2017.

By the Governor:

ROBERT BENTLEY,
Governor.

Attested:

JOHN H. MERRILL,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT pro tempore. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, Luther Strange, escorted by Mr. Sessions and Mr. SHELBY, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the Official Oath Book.

The PRESIDENT pro tempore. Congratulations, Senator.

(Applause, Senators rising.)

EXECUTIVE CALENDAR—Continued

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have a simple unanimous consent request, but before I do, I congratulate the new Senator from Alabama. It is unusual that I have someone here taller than I am.

Mr. President, I ask unanimous consent that I be permitted to yield the remainder of my time on the issue before us to the senior Senator from New York.

The PRESIDING OFFICER (Mr. PERDUE). The Senator has that right.

The Senator from Virginia.

Mr. KAINE. Mr. President, I would like to resume my remarks following the swearing in.

I also offer my congratulations to my new colleague.

Ann Odenhal, Richmond, VA:

On New Year's Eve, 2013, we were informed that our youngest son, Patrick, 18 years old, had Type 1 Diabetes (T1D), an incurable disease that comes with a lifetime of insulin dependence, injecting oneself six to eight times a day. The cause is unknown, it is not a lifestyle disease and there is no escaping it once diagnosed. The beta cells on our son's pancreas just stopped working. T1D is extremely dangerous and when not managed can cause blindness, kidney failure, limb loss, other issues and death. We were knocked off our feet, numb, confused and overwhelmed by the danger and the medical requirements to stay within an acceptable insulin range. People with the disease must balance insulin doses with eating and other activities throughout the day and night. They must also measure their blood-glucose level by pricking their fingers for blood six or more times a day. Our son still can have dangerous high or low blood-glucose levels, both of which can be life threatening. He will die without insulin; he could die from too much insulin. In the midst of our fog of sadness and confusion, we remembered the ACA. "At least the ACA will be there when Patrick is on his own. He will be able to get health insurance regardless of his prior condition," was our mantra. One day, Patrick came home and announced, "Great news! The ACA allows me to stay on your health insurance until I'm 26!"

I changed my retirement schedule. I can do that. I have watched and worried as insulin prices soar. Pat takes two types of insulin, a single carton of which costs between \$400 and \$500 retail. I run the math in my head and I worry some more about lack of insurance. We are covered by my employer's insurance, which pays for most of the drugs, equipment and the additional health care he needs, but what would happen if we found ourselves without insurance? What if I lose my job? Public service runs deep in our family. My husband is a retired teacher and our older son is a policeman. It appears Pat may be moving toward nonprofit or public service work as well. Will he have health insurance? Will he have it without the ACA? I can promise anyone reading this that you know someone whose life has been or will be positively impacted by the ACA. There are 20 million people like our son, Patrick. Don't allow a repeal of the ACA. Fix the problems, work the issues, but don't play politics with our son's life.

Linda Crist, Lynchburg, VA:

I had employer provided health care for 38 years. In 2013 I lost my eyesight to macular degeneration and could no longer work. An insurance company covered me for \$695 a month (just me). With the lost income, I could no longer afford insurance. I contacted them and was told there was a new plan I could apply for. I applied and was denied due to a "pre-existing condition." You see, in 1984—

Decades before—

I was diagnosed with kidney disease. I was treated and, according to my physician, cured. The insurance company didn't care. I applied for insurance under ACA and got a silver plan that cost me \$345 a month. I was given a tax credit of \$500 monthly and I chose to only use a portion of it. The ACA saved me while I was waiting for Medicare to kick in after receiving Disability. I am sure my premium would have gone up with the ACA but it saved me when I needed it."

John Carl Setzer, Winchester, VA:

My son was born in 2009 with a severe congenital heart defect, called Hypoplastic Left Heart Syndrome (HLHS). Basically, he was born with half a heart and required three open-heart surgeries. All of his treatment is considered palliative. In 2009, he had the first two heart surgeries, in addition to another on his diaphragm. He was hospitalized for many weeks. He had insurance under my employer-based coverage. Clearly he had a pre-existing condition. But the other issue is that he almost maxed out his insurance coverage in the first year of life. My understanding is that the ACA eliminated the lifetime caps on insurance coverage, and my wife and I blew a major sigh of relief. Otherwise, we would have had to switch his coverage from my insurance to hers. However, he required another surgery a couple years later and will at some point likely require a heart transplant. Thus, the insurance games would have continued. The ACA eliminated that burden on us, at least until he is an adult. The lifetime cap is not something I hear debated much these days, but it is something to consider for people that have major health complications. Please consider this in future legislation, in addition to coverage for pre-existing conditions.

I will read one more story and then cede to my colleague. I have so many more that I want to read, and this is just 1 or 2 percent of the 1,654 stories that my office has received in 3 weeks.

Jennifer Smouse, Midlothian:

In 2008, my husband started his own construction company after the national home building company he worked for pulled out of Richmond. It was our first time being self-employed and along with adjusting to the idea of not receiving a paychecks on the 15th and 30th of each month, we needed to secure our own healthcare coverage for our family of 5. We submitted our applications for insurance, and were notified a short time later that we would not be offered coverage for our oldest child. He is on the autism spectrum and they were denying him coverage based on his Autism diagnosis. We were shocked—our son was high functioning and was not in need of any special medical services. . . .

And he still received this denial.

With the passage of the ACA, we no longer had to worry about being denied coverage due to a medical diagnosis. The system is not without its flaws. Our premiums were extremely high in addition to the high deductible, and it was a stretch to afford the plans even with the credits available to us. But at least we felt on even ground. That in addition to parenting a child on the autism spectrum, we didn't also have the challenge of securing healthcare coverage for him.

I have other stories. I may resume my seat, but I will now cede time to my colleague from Florida, Senator NELSON.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, just like the distinguished Senator from Virginia, I, too, have had so many Floridians reach out to me. And sometime in the next 12 hours—literally in the next 12 hours—we are going to vote on the confirmation of the President's nominee for the Health and Human Services Secretary. The reason so many people are reaching out to us, giving us these personal stories, is that HHS is the primary agency for protecting the health of all Americans as an agency. You could certainly say we ourselves are primarily responsible for our health, or in the case of children, their parents, but when you get to an agency of the U.S. Government, it is HHS. It provides health coverage through Medicare and Medicaid, the Federal marketplace, and the Children's Health Insurance Program.

I don't want it to be lost on the Senators—you know a little bit about Florida and that the percentage of our population that is elderly is very high, which translates into 4 million people in my State on Medicare for access to health services, and another 3.5 million Floridians rely on Medicaid and CHIP for care. So that alone is reason to be concerned about this appointment.

Another nearly 2 million Americans signed up for coverage under healthcare.gov—specifically 1.8 million in the State of Florida. That is more signing up under the ACA under healthcare.gov than any other State. Nine million other Floridians get their health coverage from their employers and benefit from some of the ACA protections, such as prohibiting insurers from imposing lifetime limits or discriminating against people with preexisting conditions. That is another 9 million Floridians.

I am concerned that, if confirmed, Congressman PRICE would be the President's top adviser on these important issues and that he would be responsible for upholding President Trump's promise to protect Medicare and Medicaid. He would be responsible for upholding President Trump's promise that any ACA replacement plan will "have insurance for everyone." That is what Candidate Trump said.

This nominee would be responsible for upholding President Trump's promise to keep in place the protections that prevent insurance companies from discriminating against individuals with preexisting conditions. How many times before the ACA did we have some of our constituents tell us they were denied coverage because they had a preexisting condition—a rash. Because of the law, no one can be denied health insurance now.

Yet Congressman PRICE's record and the policies he has supported throughout his seven terms in Congress are in direct conflict with President Trump's stated goals. In fact, Congressman PRICE's proposed budget in the House

cuts nearly \$500 billion from Medicare and turns it into a voucher program. His plan would give seniors a fixed dollar amount—that is the voucher—to buy insurance. Most every economist would tell us that means higher monthly premiums. According to the nonpartisan Congressional Budget Office, turning Medicare into a voucher program would cause seniors to pay 11 percent more out of their pockets. Is that what we want to do to our senior citizens? I don't think so. We better think about it.

I can state that the seniors in my State are petrified when folks start messing with their Medicare. One of my constituents said in a letter that he wrote to me:

I hear that Congress is proposing changes to Medicare, which would provide a fixed-dollar amount to purchase medical insurance in the private sector. This monumental shift would put an undue financial burden on fixed income retirees.

Linda, another constituent from Tampa, wrote to me back in January and said:

I am 68 years old. I am a woman who depends on Social Security and Medicare. My years in the workforce were meant to help cushion my retirement with money I invested from dollars earned, and now my living and my access to health care are threatened. Please, please, do all you can to prevent the loss of these important hard-earned necessities.

That is what she wrote to me.

These are just two examples of seniors for whom we need to stand up and fight.

Half of all Medicare beneficiaries have incomes of less than \$24,000, and they have savings of less than \$63,000. I want to say that again because that is the condition of many senior citizens. Half of all Medicare beneficiaries have incomes of less than \$24,000, and half of those beneficiaries have savings of less than \$63,000. Based on these numbers, seniors simply can't afford to pay 11 percent more out of their pocketbooks for benefits. Seniors can't take a chance on Congressman PRICE as their HHS Secretary by virtue of what he has already said and what his record is in the Congress.

The Congressman also supports raising the Medicare eligibility age to 67, forcing seniors to wait for benefits they earned during their working years. They have been waiting patiently until they reach age 65, and now it is being pushed up another 2 years. By increasing the age from 65 to 67, Congressman PRICE is forcing Americans to work longer to maintain the health coverage they were promised or forcing them to go without insurance.

Approximately 92 percent of older adults have at least one chronic disease, and 77 percent of older adults have at least two chronic diseases. Forgoing critical health coverage is not an option for these folks, and who is going to stand up and fight for them? I know Senator Kaine and I will.

The Congressman refused to answer my question in the Finance Committee on whether he supports the ACA that saved seniors money on the cost of their prescription drugs by closing the Medicare D gap that we call the doughnut hole. Under the ACA, more prescription drugs were paid for by Medicare than had been the case before. What that translates into in Florida is seniors saved \$1,000 a year, thanks to the reduction of the gap in the prescription drug coverage. So why in the world would we want to get rid of something that is saving our seniors money and is doing exactly what it was intended to do—save them money on their prescriptions? We should be looking for ways to lower, not raise, the cost of prescription drugs for our senior citizens.

In November of last year, Congressman PRICE said that he wants to overhaul Medicare in the first 6 to 8 months of the Trump administration using a fast-track procedure known as reconciliation—getting around the 60-vote threshold requirement that forces us to have bipartisan compromise on the floor of the Senate in legislation. That is what he said he wanted to do to force it through on a reconciliation bill. Well, I don't think that sounds too good.

So when you look at all of this, what is the conclusion? The Congressman's record and statements made as recently as 3 months ago do not match President Trump's promises. Our country deserves an HHS Secretary who will uphold those promises, not inflict deep, harmful cuts that fundamentally alter the health and financial security Medicare provides Americans in their later years.

For these reasons and others, sometime in this next 11½ hours when we vote, I am going to vote no on this nominee. There is too much at stake for our seniors to give this nominee control over these programs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

SENATOR LUTHER STRANGE

Mr. SHELBY. Mr. President, I would like to take a few minutes this afternoon to talk about some of the events that happened here in the past 24 hours.

Less than 24 hours ago, we confirmed my colleague—former colleague now—Jeff Sessions to be Attorney General of the United States. After he was confirmed, he resigned as Senator and has been sworn in as Attorney General of the United States this morning.

The Governor of Alabama, Gov. Robert Bentley, subsequently appointed LUTHER STRANGE, who is our newest Senator. He was our attorney general until a few hours ago—a second term as attorney general. I want to tell you a little bit about our newest Senator from Alabama here in the U.S. Senate.

He is someone I have known for about 35 years and someone I have spent a lot of time with, off and on. I know his wife Melissa. I know his sons. We have traveled together. As the Presiding Officer would appreciate coming from Georgia, we have had time to be in Georgia and other places hunting quail, ducks, geese, and doves together. You get to know somebody pretty well, as the Presiding Officer knows.

I believe this was a great appointment by our Governor. This is someone who will hit the ground running. He is going to be involved in the issues. He is a team player. He is going to work with us in the Republican caucus and work for what is in the best interests of the State of Alabama and the Nation, which we all need to do.

He is a graduate of Tulane University, undergraduate and law school, and you might be able to tell he may have been a basketball player in his youth and probably still would be.

I look forward to working with him. I am going to miss Senator Sessions, who is now our Attorney General, someone I worked together with for 20 years. I have been here 30 years, so together, as I said yesterday, we have 50 years.

LUTHER STRANGE is going to hit the ground running. He brings a lot of knowledge, a lot of integrity to this job, and I look forward to working with him for the people of Alabama and for our great Nation.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINÉ. Mr. President, I thank the Chair for allowing me to retake the floor to speak about the nomination of Congressman PRICE to be HHS Secretary, and to read stories from Virginians who are afraid about repeal of the Affordable Care Act.

Mark Priest, Alexandria, VA:

I am a self-employed entrepreneur and consultant. Since I work for myself I do not have access to a special pool from an employer that would make health insurance more affordable. Starting in 2014 I was insured through the ACA and I was able to find an affordable policy to cover myself. I think that there is a mistaken notion that if you are employed, you automatically have access to affordable health insurance. The ACA isn't just for the unemployed. I work hard and I am a small business owner. The ACA makes it possible for me to afford health care.

Constance Burch, Fort Valley, VA:

I am a 53 year old single female who is self employed as a Voice and Piano teacher. I have always prided myself on being able to care for myself and provide the basic necessities. Before the ACA I had to pay over \$450 a month for health care on a net income of \$19,000. This meant some months having to use credit cards for other necessities such as food and gasoline to get to my lessons. Thanks to President Obama, that all changed and based on my income, my fee was reduced to \$33 a month. I literally cried for joy that someone finally did something to

help those of us who work hard and deserve the same quality health care that the more fortunate are able to have. It is fair and quite honestly it was the first time in my life that I truly felt that the government actually did something to help me personally and those in the same position.

Deb Fuller, Alexandria, VA:

I rely on the ACA for my health insurance because otherwise, I would not be able to get it. My job, writing K12 textbooks and other educational material, has largely been outsourced, and full-time permanent positions with benefits are nearly nonexistent these days. The majority of the work is as a "flexible workforce", which is the fancy term for a freelancer or contract employee. Having the ACA means I can continue working these contracts instead of trying to figure out how to completely change professions because I need a job that provides health insurance. Before the ACA, my saint of a doctor went back and forth with health insurance companies trying to convince them that I wouldn't cost them too much money in the long run. They literally looked for anything to deny me coverage. One rejection letter mentioned cold sores in the litany of reasons why I was completely uninsurable. Ninety percent of the population has cold sores. Now, insurance companies make back their money on me because I pay them vastly more than they cover because I don't get sick that often or visit the doctor that often outside of routine checkups. I also have peace of mind that if I am out on horseback riding or hiking on a trail, I won't be put in the poor house because I landed in a heap and had to go to the ER.

Lauren Carter, Lovington, VA:

My 39 year old son has cerebral palsy and a blood clotting disorder. His "preexisting conditions" started at conception. Three years ago, he lost his full-time job with health insurance benefits. The ACA allows him to continue receiving medical care and purchase his lifesaving medications. He supports himself through multiple part-time jobs, but employer-based insurance is just not an option for him at this time.

Shannon Linford, Leesburg:

My name is Shannon Linford, I'm 24, and from the age of 10, my life has been a series of doctors office visits. I suffer from over a half dozen chronic illnesses, physical and mental, and require frequent checkups and take up to 15 prescriptions a day. I have spent the last 14 years balancing illness with my attempts to build a life. That would not have been possible were it not for the provisions of the ACA that prevent insurance companies from denying me service for my illnesses or allowing me to stay on my parents' insurance until I am 26. I've had to take a detour from pursuing higher education due to these illnesses, as well as getting a job, and instead spend the days I'm well enough volunteering with nonprofits that advocate for others with illnesses like mine. My team of doctors and I work together personally to create a plan that is best for me. We are exemplifying health care at its best. They know me by name, they know each other by name—across disciplines, they work and collaborate together. I would not have this luxury were it not for the ACA. If insurance companies could deny me coverage due to my preexisting conditions I was born with, my family and I would go into bankruptcy trying to give me basic care. My health is finally under good management. I'm going into remission with my depression thanks to new experimental

treatment with my psychiatrist. Things are looking up, thanks to the provisions in this remarkable legislation. Revoking this law would be criminal and would destroy lives, destroy futures. Thank you so much for your hard work.

Anna M., Vienna, asked that I not use her last name:

Without the ACA, I would likely be dead. I live with bipolar disorder, an incurable mental illness that causes my moods to swing uncontrollably from intense anxiety to crushing depression. I began seeking help five years ago and once spent two weeks in an intensive outpatient hospital program because I was suicidal. I got help, but later lost my job and my insurance, making my disorder a preexisting condition. Thankfully, the ACA prevents my new insurance from refusing coverage, and I was able to continue treatment. I will need to control my bipolar disorder with medications and therapy for the rest of my life. Without treatment, I am at a higher risk for long-term unemployment, becoming homeless, incarceration, and dying by suicide. With treatment, I work full-time, pay my taxes, volunteer for local charities, and I am a loving daughter, sister, and friend.

Katie Rugg in Henrico:

I was paying half of the cost of my rent and health insurance every month and still having to pay for services every time I went to be seen. I never knew how much things would cost when I needed to be seen, either! So I was paying an outrageous amount for health insurance and also afraid to go see a doctor if I had any issues because it was going to cost me more money than I had on top of everything else. I was already living paycheck to paycheck, with a full-time professional job in my field and a masters degree, and seriously considering going without any insurance at all. When the ACA was passed, my employer offered a discounted option through the affordable care exchanges. I decided it was worth trying. It cut my monthly costs by more than half and it pays for services at 100 percent of the Medicare fee schedule. The cost is deducted directly from my paycheck, and every provider that I have seen has been happy with the prompt and predictable payment, even if it requires some explanation at first. The way it works is that I would pay the difference if there was any between the cost of service and the Medicare fee payment. So far, any additional cost to me, besides occasional lab work, which has been very minimal. And my regular chiropractic care has been completely covered. It has been phenomenal, like the difference between day and night for me. Not only did this option allow me to feel comfortable going in to see a doctor when I had an issue instead of when I had to and was already sick, it also helped me put some money away into a modest savings. Most importantly, with housing costs continuing to rise and my paycheck staying absolutely static for 3½ years, I was finally able to buy my own house through a first-time homeowners Assistance loan. It took a year of looking and saving aggressively, but I have done it. I have done it! Losing my ACA insurance would be devastating. I have come too close to homelessness with the financial pressures I face in this economy. I don't want to lose now what I have worked so hard to gain. Thank you, Sen. Kaine, for what you are able to do to help people like me.

JoAnne Loiselet, Clifton:
Clifton, VA.

My story is I'm sure like many other women. I was a stay-at-home mom and in

2009 my husband, who owned his own business, and I separated and ended up divorced 3 years later. He is not required to keep my children insured and he cancelled their health insurance without me knowing it. The company I started working for doesn't offer health insurance, and we went without, until the ACA went into effect. Our pediatrician didn't charge me for office visits and only for vaccines. When needed, we borrowed money to help pay the bills. If the ACA gets repealed, what would we do? What would happen if my son breaks his arm or my daughter breaks her leg? How could I pay for that? I make \$50,000 and live in Fairfax County and I could end up in bankruptcy. We have a right to have insurance and live with peace of mind.

Laura Kreynus, Mechanicsville:

My daughter was diagnosed with Crohn's Disease in April of 2013. That September, my husband was diagnosed with Parkinson's Disease. We are farmers, we raise food for America. As such, we are independently insured. Prior to finding a plan through the ACA in January of 2015, our monthly insurance premiums were increased to nearly \$3,000 a month—yes, a month. On top of that, our health care insurance had an annual cap on prescription coverage of \$5,000. The Humira that my daughter takes to combat Crohn's retails for \$3,800 a month, and that is not the only medication she needs. So basically, after one month, we reach the prescription coverage cap, meaning we would have to pay \$3,800 a month for her medication on top of \$3,000 a month in premiums. Who has an extra \$6,800 a month to pay for this? This is way more than we earn every month. With the health insurance plan we got through the ACA, our premiums for 2015 were \$1,500 a month, less than half of what we would have been paying. But the real saving grace was no prescription cap, so my daughter's medications are covered with a copay after we reach the deductible. This is still a lot of money, but at least we can treat our daughter's disease and hopefully keep her healthy. And even though our premiums have gone up \$2,000 a month under the ACA, at least we still have insurance. Under the Republican Senate's repeal of the preexisting condition provision, we will not be able to get, much less afford, any insurance in the future. This will have devastating consequences to my daughter's health. She is only 15 years old. She deserves a chance in life. I have not even touched on how no our insurance will affect my husband's Parkinson's Disease. We are upper middle class income Americans. I am not asking for a handout. We are paying more than 25 percent of our income for health care related expenses. And I can't imagine the affect this has on people with less resources than we have. Do you know what happens if you get sick or a disease and you don't have or can't have health insurance or medical treatment? You die. Seriously, health care costs are out of control in America and health care is a basic right, and people are dying.

Cynthia Elliott, Hillsboro:

Gov. Kaine, Without the ACA, I and many other younger seniors whose jobs do not provide health care would simply be without until Medicare kicks in. I was paying \$1,000 a month for HMO care. Until I couldn't. But with the ACA, I was able to get coverage for a reasonable \$300 a month. And this one includes dental care! It is simply a lifesaver for me.

Mary Lloyd Parks, Richmond:

We have excellent insurance coverage (though expensive) through my husband's

partnership in a large law firm, and we've been grateful. We have two daughters, now 21 and 23. Our oldest has cystic fibrosis. The Affordable Care Act has allowed her to stay on her health insurance policy through college, and now in her first year as an Urban Teachers fellow in Washington, DC where she is teaching first grade and studying at night to get her master's degree in elementary and special education. While her health is currently good, the medicines she requires to maintain her health are extremely expensive and without our insurance, she would not be able to afford them. The prescriptions cost thousands of dollars every month. We are quite fearful that when she turns 26, her pre-existing condition—a very expensive and lifelong disease that requires routine hospitalizations and even lung transplants—would make her virtually uninsurable. We are counting on the ACA to be in place when she can no longer be insured as a member of our family. She has chosen a profession that may not allow her to afford the care she needs, and she was born with a chronic serious illness that would be a pre-existing condition that a future insurer could use to deny her coverage or to charge her prohibitively high premiums.

Just four more.

Carry Hawes from Midlothian:

Sometimes people forget how much is encompassed in the ACA. If not for the ACA, my husband would be dead. Diagnosed with a fatal liver disease in 2007, he needed a liver transplant and he ended up getting two. On July 19, 2012, he received a new liver at UNC hospital. He regained his life and we were able to move home to Richmond to take new jobs and begin a family, knowing that his preexisting condition would be covered under the ACA. We were able to live without fear that an employer would deny us coverage because he was high risk.

Sammye Newman, Richmond:

Before the ACA became law, I was paying more than \$1,200 a month for health insurance. Quitting altogether was one alternative, but it would have meant paying possibly double for health care, procedures and lab tests because I would no longer be eligible for the negotiated prices contracted by the health insurance company. Still, I was almost out of money. Then the ACA was passed. My rates fell to between \$50 and \$60 per month for better policies than I had before making the switch. At 62 years of age, I am faced with health care needs that continue to increase. As a cancer survivor (21 years and counting!), it is imperative that I be proactive regarding health care. In fact, having a good doctor under an affordable employer-sponsored health care plan is what saved my life 21 years ago. Please, don't allow this lifeline to be abolished!

Heidi S., of Richmond, asked me not to use her last name:

Thanks to the passage of the ACA, I was able to stay on my parents' health insurance plan until I turned 26 years old. This policy change allowed me to go back to school at 24 years old to pursue a Masters degree, during which time I was diagnosed with a malignant melanoma. The mole was not of concern to me at all and was found during a routine check-up. If I did not have access to my parents' health insurance during that time, I surely would not have had access to the pathologists and surgeons who diagnosed and removed the cancer before it had the chance to spread. While no one knows what would have happened if this tumor not been re-

moved, I truly feel that I owe my life to the ACA.

Finally, Christopher Woodroof from Bedford, VA:

Dear Senator Kaine, In September of 2011 I began receiving Social Security Disability Benefits, not from an injury, but from an illness I was diagnosed with 12 years ago, a rare blood disorder caused by a mutated gene in my bone marrow. I worked as many years as I could, but eventually I became unable to. The company I worked for insurance plan had a \$10,000 deductible, so for me having to go to the hospital twice a month for most of the twelve years, it has taken all of my savings and retirement I had accumulated to cover my medical bills. Seven years ago we had to cancel my wife's health insurance due to the high cost. Due to the high cost of medical care, my wife would not see her doctor at times she really needed to. The amount of disability I receive barely covers our basic needs, so she felt we could not afford a doctor bill. Under the Affordable Care Act, she qualifies for a decent policy that cost us \$30 a month. This has enabled her to start seeing her doctors again and made her prescriptions for asthma affordable and obtainable again. This coverage is a lifesaver for us and I'm not sure how [we] could handle losing it. Please convince your colleagues in the Senate to show some compassion for those who worked hard all their life, only to lose everything because they became ill. Thank you for your service and all you have done for Virginia and the American people. God bless you. With kindest personal regard, Chris Woodroof.

This is not a game. This is not politics. This is not a debate. These are the lives of dozens of Virginians sampled out of 1,600 stories that have been sent to me in the last 3 weeks, all saying to this body one thing: Do not repeal the Affordable Care Act. Do not jeopardize the health care of 30 million people. Do not jeopardize the peace of minds of parents going to bed at night and making them wonder what will happen if their child gets sick tomorrow or if they lose their job.

We can improve, and many of these letters point out things we need to do to improve the Affordable Care Act. But we shouldn't even be contemplating a repeal of a law that provides so much good to so many. This is one of the main reasons, when we vote later today, I am going to be opposing someone who wants to repeal the Affordable Care Act—Congressman TOM PRICE, as he has been nominated for HHS Secretary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise this afternoon to speak about the nomination of TOM PRICE to be the next Secretary of Health and Human Services.

I wish to start this afternoon with a couple of names—just five, and I will use just first names—five Pennsylvanians whom I will refer to in my remarks. I am certain I will get to the first two, and I hope to get to all five. First is Anthony; second is Rowan; third is Rebecca; and fourth and fifth

are Hannah and Madeline, two sisters whose story inspired me and continues to inspire me today. I will start with Anthony because I think his circumstance and that of his family are good reminders of how important the Medicaid program is to families across the country.

Anthony's mom wrote us a letter. I will read pertinent parts of it to summarize his circumstance. His mom writes in the opening part of the letter:

My son, Anthony, was born at 25 weeks and he weighed one tiny pound. We were overcome with medical bills which Medicaid thankfully paid for us. Since his birth he has had multiple health crisis, seizures, sleep disorders just to name a few.

Most recently, Anthony was diagnosed with Autism spectrum disorder, Tourette's syndrome, severe obsessive compulsive disorder, and Dyspraxia.

All of those in the life of one young boy—

She says:

Last spring, we were faced with the decision of putting him in a residential treatment program. If not for his Medical Assistance—

The name of the program for Medicaid in Pennsylvania—

this would have never been an option for us.

In other words, they wouldn't be able to get him into a residential treatment program. Ultimately, Anthony's family chose to get him intensive outpatient treatment, which Medical Assistance also covered. Anthony's mom Corey ultimately decided to stay home and care for Anthony, so she had to leave the job at which she had worked for 20 years. She said:

If we lost coverage, we would not be able to provide the support he needs. We are sure of that.

Toward the end of the letter, she says:

My son Anthony is currently attending school almost regularly and functioning the best he has for a very long time thanks to the services he received from his medical assistance. It gives me hope and encouragement that he will someday grow up to be a contributing member of our next generation.

That is Anthony's story of all of the benefits he and his family have derived from Medicaid or, as we call it in Pennsylvania, the Medical Assistance program.

The second Pennsylvanian I will talk about is Rowan. I spoke about Rowan on the floor just a number of days ago. I am quoting from Rowan's mom's letter. Pamela wrote:

Rowan was diagnosed with Autism Spectrum Disorder in March of 2015.

He was extremely hyperactive and since he refused to nap, he was a severe distraction. I cannot stress enough that we had zero other options for our family. For months, I would receive calls about Rowan being aggressive to other children. This broke my heart. No parent wants to hear that their child is hurting other children.

Late January 2016, I applied for Medicaid [Medical Assistance]. After Rowan was awarded MA, we were able to obtain wrap-around services.

Then she talks about a behavioral specialist consultant, a therapeutic staff support worker, and all the help that came with those individuals.

Specifically she helped to alleviate his aggression and combat his over-stimulation. The wrap-around services have been a God-send.

Ultimately, Rowan benefited from a social skills program.

This program is a social skills program specifically for Autistic children ages 3-21. I enrolled Rowan in November. Rowan has benefited immensely from [this program]. Thankfully it is covered in full by MA.

Then she concludes, in part:

Our family would be bankrupt or my son would go without therapies he sincerely needs.

Overall, we are desperately in need of Rowan's Medical Assistance and would be devastated if we lost these benefits.

So we have two young boys in Pennsylvania. Their stories are told by their moms, and they are telling us: Don't cut Medicaid. Don't destroy Medicaid, as some proposals have been not just debated here in Washington, not just theorized about; these are policies that Members of Congress have voted in favor of.

But now it is a little different. Now it is not just voting in favor of so-called block-granting—a very benign term, “block-granting.” I would rather use the word “destroy,” but we can debate that. This is a live issue now because we have people who are still proposing block-granting, and we have a President who—at least one member of his administration said he would sign such legislation or at least support it. That gets to the point of my basic disagreement with what Representative PRICE has not only supported but led the fight on in the House of Representatives.

I disagree totally with his budget proposals to block-grant Medicaid for the reasons that I just outlined—because of Rowan and Anthony and lots of children in Pennsylvania like them, children with disabilities, children who happen to come from low-income families, seniors who want to get into nursing homes. All of those concerns are uppermost when I consider his nomination.

What I was hoping he would say to me in our meeting in my office—a very cordial meeting where we debated a little bit—and then after my questions to him both in the Health, Education, Labor, and Pensions Committee, and the Finance Committee, the committee from which his nomination originated—I was hoping he would say: I was for block-granting Medicaid and changing Medicare and making all those proposals as a House Member, as a leader in the debate about the budget. But I am going to be in different place now, and I am not going to push those ideas. I am going to have a different position, and we are not going to

go in the direction of doing that any longer, so I want to separate from what I was proposing as a Member of the House. I have no assurances that his advocacy or position on these issues will be any different.

Now we have the administration embracing the very issues that in the campaign the candidate said he was against. The Presidential candidate said that he wouldn't touch Medicare; he wouldn't touch Medicaid. You know the statements I am referring to.

When we talk about Medicaid and why it is such an important issue in this confirmation process, what are we talking about? In addition to Rowan and Anthony and children like that, we are also talking about the fact that 45 percent of all the births in the United States of America are paid for by Medicaid. A lot of people don't know that, but that is the truth. One in five seniors receives Medicare assistance through Medicaid. That is one of the reasons so many seniors are concerned about not just what happens to Medicare, but what happens to Medicaid.

Another reason for seniors to be concerned: Two-thirds of nursing home residents are covered by Medicaid. So when we talk about block-granting, which leads to massive cuts to Medicaid, we had better be concerned about it because it means nursing home residents are adversely affected.

Medicaid covers 40 percent of all the children in the country with health care—40 percent. For poor children, 75 percent get their health care through Medicaid, and 60 percent of all children with disabilities are covered by Medicaid—60 percent.

How about if you live in a rural area? Let me give a sense of what the circumstance is for Pennsylvania. We have 67 counties, 48 of them are rural, and a lot of people in those communities are covered by Medicaid. By one recent estimate, more than 278,000 rural Pennsylvanians are covered by Medicaid. We know that hospitals in rural areas depend upon Medicaid. In 15 rural Pennsylvania counties, hospitals were the top employer. Guess what program supports those programs, keeps the doors open: Medicaid.

On and on, we could talk about job loss that results from cutting Medicaid. So if we are serious about helping children with disabilities and protecting seniors, we should think long and hard before voting for the block-granting of Medicaid.

One final point just with regard to Pennsylvania Medicaid.

If Medicaid were to be block-granted, as many legislators have supported and voted for, if that happens and if the Affordable Care Act were repealed without a replacement, Pennsylvania alone—one State—would lose \$80 billion over 10 years. This is a 38-percent reduction in funding for Pennsylvania. I am going to fight anyone who tries to

take \$80 billion away from Pennsylvania for health care.

I would hope that if Representative PRICE were confirmed, he would abandon those reckless, extreme ideas to block-grant Medicaid because of the consequences for seniors, for children, and for individuals with disabilities.

I don't have a chance to get too far into Medicare today. If I can, I will a little later. I will try to come back to some of the stories people have written to us about the impact of the Affordable Care Act on their lives.

Let me quickly go through some points about Medicare. We know that in a State like ours, one of the oldest States in the country, about 2½ million Pennsylvanians rely on Medicare to help them pay for health care costs. Thank goodness we have Medicare in place. What we would not want to have happen in Pennsylvania is the enactment—and as I said before with regard to Medicaid, now this is a live issue. You have Senators and House Members in both Chambers who have already voted for budgets that would do the following: change Medicare into a premium support program or a voucher program, which means basically you give seniors a fixed amount of money to buy their insurance and then say: Good luck buying your own insurance, buying your Medicare insurance.

I don't think there are very many people in my home State who think that is a good idea.

Of course, none of this has been on the table because these budget votes go by and people vote for the budget, and then it doesn't go any further, so no one feels the urgency to oppose it. Now we have, apparently, people in both Houses in agreement with President Trump to have him sign legislation which would change both Medicare and Medicaid.

I think these are among the many reasons why I would vote against Representative PRICE in his confirmation vote. After a lot of review of his record, after a lot of review on what his proposals would mean if they were to become law—and now we are at a point in our history where these issues are no longer theoretical; they are live issues. These are matters that could be the subject not just of debate but the subject of enactment into law.

I will try to return later to go through some other issues with regard to the nomination.

At this time, I will yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, before I recommence my remarks, I see the sen-

ior Senator from Oklahoma, Mr. INHOFE. I want to make sure that if he is prepared to take the floor, I will yield.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Pennsylvania, and the answer is, yes, I am prepared.

BILATERAL TRADE AGREEMENTS

Mr. President, President Trump is meeting this weekend with Japanese Prime Minister Abe, and so I want to take this opportunity to talk about the need for bilateral trade deals.

We have heard during the campaign and since he has been elected President of the United States that Donald Trump has not been adverse to trade. He said he is for fair trade. I think that makes sense, that we should have it.

I would like to talk about some of the problems that are there that I think he can correct that had not been corrected by the previous administration.

Bilateral trade agreements with our key allies should be a priority for this Congress, and I look forward to working with the Trump administration to ensure that these agreements grow American exports, especially for our agriculture and our energy producers.

For full disclosure, I must admit that my State of Oklahoma is a major ag State and also a major energy State.

Of our many key allies, I want to highlight three opportunities for the United States to engage in bilateral trade agreements with three countries: Japan, Taiwan, and then many of the countries in Sub-Saharan Africa.

Japan has the third largest economy in the world, but American farmers and ranchers are limited in their ability to access them, and this is why: They have very high tariffs on things we would want to export to Japan. At the same time, we are buying their automobiles. We are buying their products. And that is one of the typical examples of what I think our new President has been referring to. He wants to have the deals that benefit equally America and our partners. I think we can really do that.

We should engage with Japan to develop bilateral trade agreements with a focus on providing new and commercially meaningful market access for agricultural exports and smoothing the way for increased energy exports. In particular, Oklahoma beef producers are chomping at the bit to get more access to the Japanese market.

In addition to agriculture, my State is an energy State, as I mentioned, and Japan is a nation that is hungry for energy. In fact, Japan has accounted for 37 percent of global LNG purchases since 2012. LNG is liquefied natural gas. I am biased because we are a major producer in the State of Oklahoma. It is something they need, and they need to get it from someone. We ought to

make this a bilateral arrangement. A trade agreement with Japan would streamline the current lengthy and pretty cumbersome process for LNG exports to Japan, ensuring that they have a reliable source of energy production and providing jobs to Oklahoma at home.

In addition to Japan, Taiwan is a close friend and ally to the United States and our ninth largest trading partner. As I happen to be the chairman of the Taiwan Caucus, I know firsthand how important it is to strengthen the U.S.-Taiwan relationship, which we can do by engaging in direct bilateral trade agreement negotiations with that country. There is no reason for us not to.

I believe that a key component of any trade agreement, including with Taiwan, is an effort to ensure that food safety and animal health regulations are aligned and based on science to ensure that any differences do not become non-tariff trade barriers. This would enable us to directly address the ban Taiwan has against U.S. pork because we use an ingredient called ractopamine in our feed to keep the hogs lean. It is perfectly safe, but Taiwan uses that as an excuse to block imports of our pork to their country. This is an issue I have already brought up with the Trump administration and with Wilbur Ross, who is waiting for confirmation as the next Secretary of Commerce. That is why we need bilateral trade agreements with Japan and Taiwan.

Our trade relations with countries in Africa are also important because, according to the Economist magazine, six of the world's fastest growing economies were in Sub-Saharan Africa from the year 2000 to 2010. For too long Sub-Saharan Africa has been ignored as a trading partner for the American Government. In fact, they pretty much have been ignored anyway.

I can remember when the continent of Africa was in three different commands. They had the Pacific Command, European Command, and Central Command. For this continent with its significance, I was somewhat instrumental in changing that, in establishing a new command, which is called the AFRICOM. The same thing has been true in terms of not using it as a trading partner.

For the last 20 years, I have been—I think I made my 144th African country visit—working with that continent, and I have seen firsthand the vast potential that is there. When they say their economies are growing—and a lot of times they say “Well, we are not interested in doing that” because they are not large enough yet.

Last year, Congress enacted my “Africa Free Trade Initiative Act,” which requires government agencies—the USTR, USAID, and other agencies—to collaborate on efforts to build trade-

based capacity in African nations. This is a step in the right direction for America to partner with and secure deeper ties to the fastest growing economies in Sub-Saharan Africa.

While some in our government may not deem Sub-Saharan African countries ready for deeper collaborations on trade with the United States, let me tell you what is going to happen if we don't. We still have this country called China. Right now, China has become very active in Africa. What you hear in Africa is, America will tell you what you need, but China builds what you need. The problem with that is, that doesn't help Africa, and Africans know this, because China imports their own labor to build all these things.

So this is one of the things we are looking at where we can actually come out ahead if we will get in on the ground floor and get involved with these economically active countries. And we need to focus more on building trade in legal capacities so that they are ready to do trade agreements, and when that time comes, they will be doing it with us and helping their economies grow. That is what our economic assistance should be all about. They grow, and we are going to grow with them.

That is a go of what was enacted in last year's African Free Trade Initiative Act, and I will continue my work with the new administration to ensure that African nations are not left behind.

With China's rising economic might, we need to strengthen America's current relationships with some of our strongest Asian allies, such as Japan and Taiwan, with new bilateral trade agreements, and this will help counter China's growing influence if that region too.

Oklahoma farmers, ranchers, energy producers, and manufacturers need competitive access to international markets to sell Oklahoma-grown and Oklahoma-produced products. New agreements with our allies would generate more economic activity and create jobs not just in Oklahoma but throughout America.

I think this is the thing that the new administration is talking about when he says we need to have—there is no justification for arrangements where we are not able to have a comparable tariff arrangement where the countries can trade with each other, and that is what we anticipate doing.

Let me mention one other thing. I know that the Senators on the other side of the aisle are spending a lot of time blocking or trying to block the nominations by this President. Every once in a while, I have to get on the floor and remind them that it is not going to work. You know they are all going to be confirmed. The votes are there, and you can say anything you want about some of the fine people who have been nominated by this President.

I was privileged to visit with President Trump in Trump Tower before he was President. I can remember going up there to visit and seeing the people who would be advisers and the types of people he was going to be nominating, and it was very impressive. Now we have gone through a situation where the Democrats in the Senate have stalled these nominations. They stalled them longer than they have ever been stalled in the history of America, going all the way back to George Washington. All we are doing is wasting time that we could be acting productively in correcting some of the problems we have in this country.

OVERREGULATION

There is another issue. I was fortunate enough to spend several years as the chairman and ranking member of a committee in Congress called the Environment and Public Works Committee. It has a very large jurisdiction. It is a committee that deals with—as the title infers—environment and public works, environmental and some of the overregulation that we have had, and created real serious problems.

Also, we have been successful in passing a lot of the initiatives, such as the FAST Act. That was the largest transportation reauthorization bill since 1998. So we have done a lot of good things there.

One of the problems we have had—that we dealt with in that committee and will continue to under the chairmanship of Senator BARRASSO—is doing something about the overregulation. This has been a problem, serious problem. In 2½ months between the Presidential election and Inauguration Day, the Obama administration produced over 200 rulemakings; 41 of which are considered economically significant rules, rules that would result in \$100 million or more in annual costs. Over the course of his administration, President Obama added 481 economically significant regulations to the Federal registry, over 100 more than the Bush or the Clinton administration.

Regulations cost our citizens, at the current time, \$1.89 trillion a year and more than 580 million hours of paperwork in order to comply with this staggering amount of rules. People don't realize the cost of rules. When they made such an effort, starting way back in 2002, to pass legislation that was aimed at trying to get into some type of an arrangement on global warming—and all of this to restrict emissions—they didn't realize at that time, until the bills got on the floor, that the cost to such cap and trade—a type of regulation—is between \$300 and \$400 billion a year to the American people.

Every time I see a large figure coming from Oklahoma—I get the latest figures from Oklahoma, in terms of what has happened economically in the previous year—those regulations would

cost the average family who pays Federal income tax in my State of Oklahoma an addition of \$3,000 a year, and by their own admission, it wouldn't accomplish anything.

I can remember as chairman of that committee, we had Lisa Jackson. Lisa Jackson was the Administrator of the EPA, the first one that President Obama had appointed. I asked her the question live on TV, in an open meeting, I said: If we were to pass, either by regulation or by legislation, the cap-and-trade legislation that they are talking about passing, and have been talking about, would this reduce CO₂ emissions worldwide? Her answer: No, it wouldn't because this isn't where the problem is. If it is not going to accomplish something, even if you believe the world is coming to an end because of fossil fuels, doing something in the United States is not going to correct it. But that is the cost of rules. That is what we are looking at right now.

We went through 481 significant regulations during the Obama administration. At the last minute, after President Obama realized that Hillary Clinton was not going to win, he got involved in what we refer to as “midnight regulations.” He had several of these last-minute regulations he was trying to get in after the election took place—and he knew who was going to be the next President—before the next President took office. One such midnight regulation, finalized January 13, is the Environmental Protection Agency's rule entitled “Accidental Release Prevention Requirements for Risk Management Programs Under the Clean Air Act.” EPA states that the purpose of the updated rule “is to improve safety in facilities that use and distribute hazardous chemicals.” As you can imagine, environmentalists will not be happy if this rule is changed, but I argue this rule does not make facilities or surrounding communities safer. In fact, it could put them at greater risk.

There are several concerns with this rule, but the biggest one is the national security implications due to the rule's public disclosure requirements. Under this rule, facilities are required to share information on the types of chemicals stored there and the security vulnerabilities with emergency responders, and upon request, to the general public. The rule does not provide for the protection of this information from further disclosure once it is provided. It is well known that terrorists have considered attacks on chemical facilities as a way to kill citizens and cause mass destruction in our communities, and of course requiring the disclosure of this information to anyone whose asks is very reckless and impossible to understand. We can't figure out why they would do that. The terrorists would have access to the same information, which would make their job a lot easier.

Congress has passed several bills to protect just this kind of information. I was even the author of one of these bills. Under the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act of 1999, the distribution of sensitive information from chemical facilities is limited to publicly available Federal reading rooms and certain Federal, State and local officials and researchers who are then barred from further disseminating the information. This makes sense. We need local officials to know what they should do in the event there is a problem, but our enemies should not be able to get this information. It is fine, except you don't want to give it to our enemies, those who are in the terrorist community.

The new rule by the EPA does not provide any of these protections to the information now required to be shared upon request, to include audit reports, exercise schedules and summaries, emergency response details—all of which would provide those intent on criminal acts with a blueprint of facility and emergency response vulnerabilities. This is exactly what they want to perform their terrorist activities. The requirement does not make these facilities safer but actually increases the chance of harm to be done to them.

The sole reason this rule was updated by the Obama administration stems from the West, TX, chemical plant explosion of 2013. Yet this rule on accidental release prevention would do nothing to prevent another West, TX, because that explosion and fire was intentional. It was an act of arson. The Obama administration used this tragedy that took 15 lives as an excuse to make these facilities and surrounding communities less safe, and it doesn't make sense, unless you look at what else the rule does.

This rule is the first step in EPA expanding its authority under the Clean Air Act to mandate how chemicals are manufactured and used. We just passed a bill, on a bipartisan basis, that takes care of this problem. You don't have to worry about that anymore. The EPA is requiring paper, petroleum, coal, and chemical manufacturing industries to conduct safer technology and alternative analysis, STAA, as part of their process hazard analysis. In conducting this STAA, these industries must consider what they call inherently safer technologies, IST, or inherently safer designs, ISD. This sounds good, but it is something that is so ambiguous nobody knows what the real definition is.

While the rule stops short of requiring EPA's approval of these STAAs or requiring the implementation of IST and ISDs, it is only a matter of time before the environmental groups begin to litigate the issue and act as escorts to force EPA to mandate these majors. This is the proverbial camel's nose under the tent. Industry will tell you

that the best time to assess inherently safer technologies and designs is during the initial design phase.

Furthermore, industries are constantly evaluating their processes and making changes at the margins based on what works best for the products and customers. Allowing the EPA to become a part of that conversation adds a third party to the question that does not care about the company, the product or the consumers. The inherent safety of a technology or design is a relative standard. What might be safer in one company or product, does not mean it is going to be safer within a process that is completely different and in a different company.

For example, it may be inherently safe to store or use less of a hazardous material, but that would likely increase the number of shutdowns and startups due to not having enough materials on hand. Research shows that the shutting down and restarting of a chemical process poses a greater risk than continuous operation would.

Additionally, you would increase deliveries and movement of hazardous material throughout the surrounding communities, shifting the risk elsewhere. How can we say definitely that is safer? As you can see, there is no definitive answer to what would be inherently safer. It is an ambiguous term. It means it is very difficult to define.

Allowing the EPA's foot in the door on this would only lead to a heavier hand mandate that would hurt industries, consumers, jobs, and ultimately the valued public. This rule is promulgated on the premise of preventing another West, TX, tragedy, but this rule does nothing to protect facilities from intentional actions of a criminal or a terrorist and in fact would actually be in a position to aid them in their quest to do us harm.

I only outlined a couple of the many concerns this rule creates. I believe we should take a look at what this actually does.

It is not just this rule. As I said, President Obama went in at the last minute and did these midnight rules. This is one of the things we can look forward to doing away with, some of the overregulation that has cost Americans so much over the last 8 years.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, let me pick up from where I left off earlier in my discussion of some of the issues that Representative PRICE, the nominee to lead the Department of Health and Human Services, advocated for as a Member of the House, as a leader on the Budget Committee. These are issues I continue to be concerned about with regard to his nomination.

With regard to Medicare—I left off with a few comments about Medicare. Here are some of the concerns that

have been stressed by major senior organizations with regard to some of the Medicare proposals in Washington.

In a letter to President Trump, AARP CEO Jo Ann Jenkins said:

The average senior, with an annual income of under \$25,000 and already spending one out of every six dollars on health care, counts on Social Security for the majority of their income and on Medicare for access to affordable health coverage.

Unfortunately, some congressional leaders have discussed plans to use the health care debate to fundamentally change the Medicare program and undermine the contract made with generations of Americans.

Proposals creating a defined contribution premium-support program; restricting access by raising the age of eligibility; or allowing hospitals and providers to arbitrarily charge customers higher prices than Medicare; all betray the promise made to older Americans who have paid into Medicare their entire working lives.

She goes on to say:

Indeed, these proposals do little to actually lower the cost of health care. Rather, they simply shift costs from Medicare onto individuals—many of whom cannot afford to pay more for their care.

So says the leader of AARP.

So that is one of the reasons why the proposals that Representative PRICE has supported become front-and-center concerns in his nomination. I will move next to a consideration of Representative PRICE's record on the Patient Protection and Affordable Care Act. If you go back to 2009, before we passed the Patient Protection and Affordable Care Act, over 50 million Americans were uninsured in 2009. People with any sort of medical condition were routinely denied health insurance or they were charged exorbitant rates because of their health history. Women were routinely charged more than men for their health insurance. Third, sick individuals were routinely dropped from their health care coverage because they had reached arbitrary caps on the amount of care an insurer would pay for in a given year. Of course, in 2010, the Affordable Care Act was passed.

Now we can say that 20 million Americans have health care coverage, and that includes 1 million more Pennsylvanians who have health care coverage because of that legislation. And 105 million Americans are protected from discrimination due to preexisting conditions. Over 9 million Americans are receiving tax credits to help them cover health insurance premiums, and 11 million seniors have saved over \$23 billion from closing the Medicare Part D prescription drug plan doughnut hole. Pennsylvania hospitals, because of the Affordable Care Act, have saved over \$680 million due to reductions in uncompensated care.

I would add to this that all those Americans, by one estimate as many as 156 million Americans—there is another estimate that is even higher than that; but at least 156 million Americans—with employer-sponsored coverage have a long list of protections

against being denied coverage for a preexisting condition, against annual or lifetime limits, against discrimination against women because they happen to be women.

All of those protections are in place now for more than 156 million Americans because of the Affordable Care Act. Yet, despite all of those gains that have been realized in only a few short years, Representative TOM PRICE opposes the law.

In fact, he wants to repeal it. Rather than working with us to improve it, he has proposed a replacement that would strip away many of those critical protections. Again, they are not only protections for people who are newly insured but protections that are in place now that were not there for more than 156 million Americans with employer-sponsored coverage.

So I get letters from constituents concerned about his record or concerned about the direction that he would take the Department of Health and Human Services or the direction that the Trump administration would go. Now apparently, after the election, after inauguration day, the administration is supporting block-granting of Medicaid and supporting changing Medicare as we know it.

That is why we get letters from individuals across our State. I mentioned before that we have 48 rural counties in Pennsylvania. There are a lot of people—literally, several million people; 3.5 million by one estimate—living in rural counties in Pennsylvania, in rural communities.

I have a letter from Rebecca. That was one of the names I outlined at the beginning of my remarks earlier today. Here is what Rebecca said:

The Affordable Care Act allowed my husband to join me on the dairy farm where I worked for 8 years and am co-owner of the herd. Over the past 3 years, we have straightened out our finances and have gotten our student loan debt under control. Third, we have opened an IRA to plan for our retirement.

We live in a small trailer. We own one car. We shop at discount grocery stores and local Mennonite food stands. We have worked hard for financial stability. Over the past year we have begun discussions about having a child and starting our own business. Threats to the ACA are threats to our future, Senator, and to the future of small businesses, agriculture, and families.

She goes on from there to tell her story.

So that is Rebecca, who has some experience, not just in rural Pennsylvania but experience as a dairy farmer, trying to start a family, and trying to start even more of a business career. So that is another example of what we are hearing from people across Pennsylvania.

I mentioned at the beginning of my remarks Hannah and Madeline. Hannah

and Madeline are the daughters of Stacie Ritter. She is from Manheim, PA. She is the mom of four children, including Hannah and Madeline. They happen to be twins. I met them way back, I guess, in 2009. At the time Hannah and Madeline were diagnosed with a rare and dangerous type of leukemia when they were just 4 years old.

Stacie and her husband went bankrupt trying to pay their daughters' medical bills. She wrote to me at that time—just around 2009—saying that, without health care reform “my girls will be unable to afford care, that is if they are eligible, for care that is critically necessary to maintain this chronic condition. Punished and rejected because they had the misfortune of developing cancer as a child.”

So said Stacie Ritter about her daughters, pleading with me at the time, as the Senator who would vote on the Affordable Care Act. I just met with Stacie again. She is very glad that we passed the Affordable Care Act so that her daughters could have the health care that they need. Fortunately, this story has a happy ending. Hannah and Madeline are healthy young women now. They are freshmen at Arcadia University, and they are doing well. The Affordable Care Act protects them by ensuring they will have access to affordable coverage, whether on their parent's plan or on a plan on the individual market.

So when we talk about that legislation, when we talk about Medicaid, when we talk about Medicare—all of those issues—one of my basic points is that Representative PRICE, were he to be Health and Human Services Secretary Price, has to have an answer for those Pennsylvanians. He can ignore the questions of Members of Congress, and sometimes he has done that. We don't have time to get into that today, but he has done that in the confirmation process.

But he has to have an answer for Stacie Ritter. He has to have an answer for her daughters Madeline and Hannah. He cannot ignore them and their health care needs. He has to have an answer for Rebecca, who is worried about what will happen to her, whether she will still be able to have a dairy farm, whether she will be able to have a family. He has to have an answer for Rebecca in Pennsylvania.

He also has to have an answer for the two families whom I cited at the beginning—for Anthony and Rowan's family, two young boys on the autism spectrum who need the services of Medicaid.

So this is not theory any longer. This is not some idea that is floating around Washington. These are real lives that will be destroyed by some of these proposals. So if you block-grant Medicaid, you are going to destroy a lot of lives. If you change Medicare as we know it, and turn it into a voucher program,

ripping away the guaranteed benefit of Medicare, you are going to hurt a lot of people. If you choose to vote for a repeal of the Affordable Care Act and you have no plan to replace it—after 7 years of complaining about it, criticizing it, and finger-pointing, and you don't have a replacement for it—you are going to hurt a lot of lives.

So this is not some debate that is not connected directly to people's lives. This is real life for those families. I have real concerns about them if Representative PRICE's view of the world or his proposals that he advocated for vigorously in the House of Representatives were to become law. Apparently, now his ideas have been embraced totally by the Trump administration.

Let me finish with this one point about Representative PRICE. There are questions that remain surrounding Representative PRICE's stock deals. He told both the Finance and HELP Committees that the discounted shares of Innate Immunotherapeutics that he was able to purchase were available to every individual who was an investor.

But the Wall Street Journal reported not too long ago the following. I will just read one line from the story. The headline says:

Rep. Tom Price Got Privileged, Discounted Offer on Biomedical Stock, Company Says.

Here is what it says in the third paragraph:

In fact, the cabinet nominee was one of fewer than 20 U.S. investors who were invited last year to buy discounted shares of the company—an opportunity that, for Mr. Price, arose from an invitation from a company director and a fellow Congressman.

So says the Wall Street Journal story of earlier this month. So that is on the public record, based upon what the Wall Street Journal reported.

I, at the time, joined other Democrats on the Finance Committee to try and get this clarified. That request was denied. When we talk about the constitutional obligations to advise and consent—the Senate advising and consenting with regard to Cabinet nominations—we are not talking about a rubberstamp. We are not talking about some kind of automatic approval. We are talking about scrutiny, review, and getting answers to questions and having a long debate about someone's qualifications.

When you don't get clarified issues that have been raised and validated by news organization like the Wall Street Journal, I think we have more questions to have answered. It is a constitutional requirement—advise and consent—that needs to be honored.

For these and many reasons, I remain opposed to the nomination of Representative PRICE to be the next Secretary of Health and Human Services.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise today to talk for a few minutes about the nomination of our congressional colleague, Congressman TOM PRICE, also known as Dr. TOM PRICE, to serve as our next Secretary for the Department of Health and Human Services. When Senator TESTER arrives on the floor, I will yield to him. I know he has reserved time. I will be happy to yield to him when he arrives.

But until then, I just want to make a couple of comments, if I could.

From the outset, my colleagues—our colleagues and I; not all, but a number of us—have had concerns, in some cases very grave concerns, about many of President Trump's nominees. Having said that, a number of them have gotten overwhelming support from both Democrats and Republicans. I checked as of sometime yesterday afternoon. There had been seven votes on nominees at that time. I think four of them had gotten overwhelming bipartisan support; three did not.

But from the outset, my colleagues and I have had grave concerns about many of President Trump's nominees. But we have a responsibility, I believe, to thoroughly consider every Cabinet nominee on the merits of his or her fitness to serve.

To evaluate Congressman PRICE's nomination, I looked—and a number of us have looked—at his career in the U.S. House of Representative, which I believe spans some six terms, which would be somewhere between 10 and 12 years. We did that in order to learn more about his guiding principles as a legislator.

All of us have guiding principles. I know the Presiding Officer, who has shared with me his guiding principles any number of times, but mine include trying to figure out what is the right thing to do—not the easy or expedient thing, but what is the right thing to do; to treat other people the way we want to be treated; three, to focus on excellence in everything we do. If it is not perfect, make it better. Four, when you know you are right, you are sure you are right, just don't give up. Those are sort of my guiding principles. I sometimes violate one or more every week. But I always know that I have them, and it is actually helpful to have sort of a compass to get me back on track.

But we wanted to learn more about the guiding principles for Congressman PRICE as we considered his nomination, his core values. During Congressman PRICE's time in the U.S. House of Representatives, he spearheaded efforts to dismantle the Affordable Care Act, which I regard as landmark health legislation that has provided 22 million Americans, including about 35,000 Delawareans with affordable, reliable, and comprehensive health insurance coverage.

Some people say: Well, is it perfect? No, it is not. No, it is not.

Well, I guess ever since Harry Truman was President, you had one President after the other, one administration after the other, bemoaning the fact that we had so many Americans who didn't have access to health care coverage.

So the question would be: Well, why don't you do something about it?

One of the things that we have done about it is to finally pass the Affordable Care Act, and I will talk more about that in a little bit.

Congressman PRICE has opposed the Affordable Care Act from day one, leading his colleagues in the House of Representatives to obstruct and sometimes undermine, first, the drafting of the law and, then, its implementation.

Instead of working with colleagues from both parties to offer improvements to the new law, he rallied against the need for essential benefits, such as contraception or mental health treatment or, frankly, access to medical procedures like colonoscopies, mammographies, prostate screenings—the kinds of things that, for individuals who are at risk of having colon cancer or breast cancer, if they had access to those kinds of screenings, could be detected earlier, with a lot of money saved, a lot of misery saved or avoided. In some cases, a loss of life is avoided as well.

Congressman PRICE introduced proposals to repeal the Affordable Care Act, doubling down high deductible plans and high-risk pools, which have a failed history of inadequate funding, waiting lists, and annual or lifetime limits.

Over the past few months, our Republican colleagues have said loud and clear that they will repeal the Affordable Care Act, and Candidate Trump certainly said that many times during the campaign. When he was elected, he said that one of his major goals was to repeal the Affordable Care Act. When he became President, it was the same message. But at the same time, we have heard from stakeholders across the health care sector about what will happen if the Affordable Care Act is repealed without a replacement. Plain and simple, doing nothing would unfurl chaos across the health care delivery system. The individual market, the marketplaces, the exchanges would collapse. Estimates project that more than 32 million Americans would become uninsured over the next decade. Health insurance premiums in the individual market would skyrocket, increasing by up to 25 percent immediately and doubling again by 2026.

From what I can tell, the cause to which Mr. PRICE has dedicated himself—and that is, repealing the Affordable Care Act with no plan to take its place—would devastate people's lives and our economy.

As we prepare to vote on his nomination, I think it is appropriate to re-

mind our colleagues how we got here and the hard work that we did to approve a health care reform bill that is helping millions of people today.

I have a couple of charts that I would like for us to take a look at. We have on the right of this chart the United States of America, and on the left, we have Japan, a place I used to fly in and out of a lot when I was a naval flight officer during the Cold War.

One of the things that we learned a few years ago—6, 7, or 8 years ago—when we were debating what to do, if anything, in the last administration about extending health care coverage to a lot of Americans who didn't have it, we looked at countries around the world in the Finance Committee to see who was doing a better job and who was not. Among the interesting things that we found out about Japan was that they were spending about 8 percent of gross domestic product to provide health care coverage to the folks in their country—8 percent. In the United States, at the time, we were spending 18 percent of gross domestic product, more than twice of what they were spending in Japan.

Think about it: 8 percent of GDP to provide coverage and 18 percent of GDP in the United States.

You might say: Well, maybe that is because we were covering a lot more people in the United States than they cover in Japan. Well, as it turns out, just the opposite is true, because not only do they spend in Japan like half as much as a percentage of GDP as we do, but they actually get better results, lower rates of infant mortality, higher rates of longevity among adults, and they cover everybody. They cover everybody.

When the Affordable Care Act was adopted, we had somewhere between 40 and 50 million Americans who would go to bed at night without any health care coverage at all.

I like to say the Japanese are smart people, and they are good allies of ours, good customers of ours. They can't be that smart, and we cannot be that dumb.

So as we were going through the debate on the Affordable Care Act in the Finance Committee about 6 or 7 years ago, one of the things we did is to say: Well, let's look at some other countries and see if they are doing something that maybe we could learn from and maybe we could take to heart and sort of reshape our health care delivery system with that in mind.

One of the things they do really well in Japan is they provide good access to primary health care. If you happen to live in Japan, you don't have to go very far in your neighborhood to find a health care provider. It might be maybe someone like an RN, or it might be something like an advanced practice nurse and maybe a primary care doc, but they have easy access to primary health care.

What they like to do in Japan is to define problems and to address problems when they are small and when they can be treated. They focus a whole lot on prevention and wellness. That is a great lesson. If you look at the Affordable Care Act, that is a lesson that we learned and incorporated into that legislation.

The heading on this chart is this: The Affordable Care Act is a Republican plan. Surprise. Why do I say that? Well, when you go back to 1993, we had a new President, Bill Clinton, and a new First Lady, Hillary Clinton. She basically felt—and I think her husband did, too—that every President, every administration since maybe Truman, had been talking about the need to try to make sure a lot more Americans had access to health care—quality health care—but nobody could actually figure out how to do it.

So Hillary Clinton began working in 1993 on health care, and people eventually called it HillaryCare—HillaryCare. If my life depended on it, I could not explain the elements of HillaryCare, but I could explain the elements of the Republican alternative that was offered to it. It was introduced by a fellow named John Chafee, a Republican Senator from the State of Rhode Island, and it had a number of elements to it. So I just want to mention these five elements that were found in the Republican alternative in 1993 to HillaryCare.

Senator Chafee's bill is the column right here. The next column over is called RomneyCare—right here. Farthest from me—my left, your right—is the Affordable Care Act.

We will look at five different components. As to individual mandate, which of these proposals had the individual mandate and which did not? As to employer mandate, which of these proposals included the employer mandate and which did not?

There is the ban on preexisting conditions—the idea that insurance companies could not say: Oh, because you had breast cancer, because you had this or that—patient or health care—if someone needs health care but they have preexisting conditions, insurance companies can't say you can't get coverage because there was a ban included on that.

As to subsidies for purchasing health insurance, which of these had it and which did not?

And we are going to look at the idea of—we will call them exchanges—purchasing in bulk.

When we were debating the Affordable Care Act, people would say: Why do you want to do this?

I would say: Well, look at the Federal Government. In the Federal Government, you have the legislative branch, the executive branch, and the judicial branch. If folks work as full-time employees, they can get access to health

care. We get our coverage usually through private insurers. The Federal Government provides about 70 percent of the premium costs; the individuals provide about 30 percent of the premium cost. It is a large purchasing pool because we have over a million people in the Federal Government purchasing pool. We don't get free or cheap insurance, but it helps drive down the cost because you are buying health care coverage for a lot of people.

Somebody had a bright idea in 1993—John Chafee, I think, and the folks working with him, 20 Republican Senators and 3 Democrats, who said maybe we ought to give folks who don't have health care coverage the opportunity to buy their coverage in large group plans, much like we have in the Federal Government.

I will just hit the pause button right there and stop my remarks for now and yield the floor to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I want to thank the Senator from Delaware, and I also want to thank the Senator from Georgia, who has about the same length speech as I have here—short and sweet.

Mr. President, I rise today on behalf of thousands of Montanans who have reached out to me in opposition to the nomination of Congressman TOM PRICE to lead the Department of Health and Human Services.

Health care in this country is a very complex thing. It has many moving parts. It impacts patients, doctors, nurses, hospitals, families, and rural communities in Montana and across this country.

Recently, I traveled across Montana, speaking with folks from most of the 60 hospitals that we have in Montana. There is no doubt our health care system has some problems. Costs are rising, and families are being priced out of health care. There is no doubt about it—not all but some. But these problems to be solved require thoughtful, responsible solutions. These problems require folks to put politics aside and work together for the health of our country and for rural America and for our next generation.

Over the years and throughout this confirmation process, Congressman PRICE has shown that he is not equipped for this vital and formidable job. Health care in this country is too important to turn over to a man who wants to reverse the progress, cut up the safety net, and rip away the health care that our seniors have earned.

Everyone in this body knows that we have work to do to fix the Affordable Care Act, but each and every Senator also knows that the ACA has expanded coverage for millions of Americans, improved rural America's ability to recruit and retain health care workers,

and moved us closer to closing the Medicare doughnut hole. We cannot make any of these improvements if we do what Congressman PRICE has promised and repeal the ACA, especially without a single plan to replace it. I would tell you, if one exists, I would love to hear it, and I would love to hear it today.

So I want to work to fix the problems with the ACA, not send us back to a time when folks couldn't afford to get sick or couldn't change jobs due to pre-existing conditions.

Don't take my word for it. Joseph from Missoula wrote to me and said:

I am a practicing cardiologist in Missoula. I am adamantly opposed to the nominee, Congressman Price. His approach takes us back to the 1980s, ignores the reality of life for a large portion of our population, and is inconsistent with our obligation to care for the least of our brothers.

Joseph knows Montana cannot afford to go back to the old system. But Congressman PRICE has indicated that is exactly what he wants to do.

In his confirmation hearing, when Congressman PRICE was pressed about President Trump's replacement plan, he played it off with a joke to a laughing audience.

The health care of the American people is no laughing matter. We need a serious plan to address rising premiums and deductibles, but Congressman PRICE and President Trump have come up empty. In fact, Congressman PRICE's plan to repeal the ACA without a replacement is a serious threat to the health of our country.

But the Congressman's attack on our health care system does not end with dismantling the ACA. He wants to take a chainsaw to the safety net that helps our hardworking, low-income families stay afloat.

Last year in Montana, under the leadership of Gov. Steve Bullock, the Montana Legislature worked across party lines to expand Medicaid to thousands of Montanans, giving folks coverage for the first time in their lives. A man in Butte, MT, looked me in the eye, and he told me that because of Medicaid expansion—listen to this—for the first time in his life, he was able to go see a doctor, get his diabetes under control, and ultimately find full-time employment. Because of Medicaid expansion, this man was finally able to provide for his family.

Congressman PRICE's proposals will rip that coverage away from that man and make it more difficult for others to use Medicaid as well. His plan to block-grant Medicaid will do exactly that, and I have heard from health care providers from across our great State that this will cripple rural America.

In Montana, with the expansion of the Affordable Care Act and Medicaid, it has created hundreds of jobs in the health care industry, and we can't afford to let those jobs go away. Rural

America cannot afford Congressman PRICE's reckless plan—or lack of plan—to replace the ACA.

But Montana's working poor aren't the only ones threatened by Congressman PRICE. Our senior citizens often fall into the crosshairs of Congressman PRICE's irresponsible battle with the Affordable Care Act.

President Trump campaigned on protecting Medicare for seniors, and I am with him on that one.

If Congressman PRICE had his way, Medicare, as we know it, would cease to exist. He has supported budgets that would turn Medicare into a voucher system and cut the program by nearly \$500 billion. Congressman PRICE's plan moves more of the burden of health costs onto our seniors.

Under Congressman PRICE's plan, a senior in Glasgow, MT, who is struggling with dementia would receive a fixed amount of money and would be expected to go out, shop for insurance, and buy a private insurance plan. A couple retired in Whitefish would be forced to spend less time enjoying their final years together in order to comparison shop and wrangle with insurance companies—not really how most of us would envision retirement. A farmer from Fort Benton, who has given his blood, sweat, and tears to feed our country would be hanging up his dirty baseball cap for the last time and will have to worry about finding extra money in his savings to cover higher premiums and out-of-pocket costs.

Does that sound like a fair way to treat our seniors? I think not.

America's seniors have earned their Medicare over a lifetime of hard work, and because most of them live on fixed incomes, they can't afford to see it privatized. We cannot allow this administration to gamble with our seniors' future and their health care.

Ann from Stevensville agrees. She wrote to me and said:

Please do not support anybody wanting to privatize Medicare. No to Tom Price.

But that is not all. Congressman PRICE's track record of fighting against affordable health care for all Americans is disturbing. Throughout his confirmation process, a disturbing pattern has emerged.

Congressman PRICE has spent his 12 years in Congress pushing legislation that would make health care less accessible for the poorest among us and enrich himself by corporate special interests. In 2016, Congressman PRICE used an exclusive sale of discounted stock of a foreign biotech company to line his own pockets. Now he is nominated to lead the agency that would directly impact this company.

Congressman PRICE underreported his holdings in this company by as much as \$200,000. Now, I know \$200,000 may not seem like a lot to some folks, but I am going to tell you, to this Mon-

tana farmer and to farmers across this country, we would remember if we had \$200,000 or so invested in a company.

He introduced legislation to lower the tax bills of three pharmaceutical companies that he personally held investments in. CNN reported that during his time in the House, Congressman PRICE invested in a company and then 1 week later, introduced legislation to delay regulations that would have hurt that company's bottom-line profits.

Patients, nurses, doctors, and hospital administrators got a raw deal while Congressman PRICE and his corporate special interests got richer and richer.

As an elected official, as a potential Secretary, you are held to a high ethical standard. Congressman PRICE failed to reach that standard.

President Trump pledged to drain the swamp. Congressman PRICE's record shows that he swam with the alligators for a while.

It is clear to me that Congressman PRICE's priorities put him at odds with the fundamental job of HHS Secretary.

Congressman PRICE's record is not one of expanding access to affordable care, increasing coverage to rural America, and protecting the Medicare that our seniors have earned. The legislation that he has carried in the House enriched himself and the companies he has invested in.

I think Elaine from Lolo, MT, said it best when she wrote to me and said this:

I believe we should be expanding health care coverage for Americans, not making it more difficult to access and afford.

Price wants to scale back Medicare and Medicaid, is out of touch with the realities of the challenges and needs for reproductive freedom and safety, and has financial conflicts of interest that would potentially skew his judgment.

A better choice should be demanded for the person who will lead Health and Human Services to ensure our country has the best possible healthcare and service support for the needs for all humans, not just those in line with Rep. Price's interests.

I urge you to vote no on Price's appointment. I will be watching the vote closely. Thank you.

Well, I couldn't have said it better myself, and I would encourage my colleagues to vote no for Elaine, for Montana seniors, for Montana families. Well, they are all going to be watching closely.

I would encourage a "no" vote on Congressman PRICE.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that these answers to four questions that have been raised in the last few days in the media be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOUR EXAMPLES OF THE LIBERAL CHARACTER ASSASSINATION OF DR. TOM PRICE

Even the great Perry Mason would be stumped by this one. Democrats, with the help of an eager media, have attempted a character assassination of Rep. Tom Price, M.D., President Trump's nominee for Secretary of Health and Human Services. Despite an impeccable record in both public service and medicine, they insisted Dr. Price's good name, built throughout decades of serving others, did not belong to him anymore.

And they almost got away with it. Here's how it happened.

Exhibit A: New York Magazine forecasts Price character assassination.

Buried in a December 27 story in New York Magazine, then-incoming-Senate Minority Leader Chuck Schumer (D-NY) broadcasts that he has unanimous Democratic opposition to a single Trump nominee: Dr. Tom Price. He plans to inflict as much pain as possible on the HHS pick, and Democratic staffers indicate they'll delay the process as long as possible.

"Senate Democrats appear to be unanimous in their opposition to Tom Price, Trump's choice for Health and Human Services secretary, and they hope to raise such a ruckus about Medicare during Price's hearings that at least three Republicans decide to vote against Price, too, thus handing Democrats their first scalp of the Trump era."

"According to various Senate aides, Schumer doesn't believe his party has a chance of torpedoing any other Trump nominees, but he hopes to make their confirmations as bruising—and, with smart floor management, as prolonged—as possible. (Schumer himself decided to comment.) 'The goal will be to show the public how controversial these nominations are,' explains a Senate Democratic aide."

Evidence A: <http://nymag.com/daily/intelligencer/2016/12/who-will-do-what-harry-reid-did-now-that-harry-reid-is-gone.html>

Exhibit B: Democrats, with help from media, begin Zimmer Biomet smear.

In mid-January 2017, CNN began nonstop coverage of what they believed was a bombshell story that would rock the HHS nomination process. Dr. Price, they claimed, introduced legislation to benefit a medical device manufacturer, Zimmer Biomet, whose stock he owned.

"Rep. Tom Price last year purchased shares in a medical device manufacturer days before introducing legislation that would have directly benefited the company, raising new ethics concerns for President-elect Donald Trump's nominee for Health and Human Services secretary."

The written piece breathlessly continues that theirs is the "latest example of Price trading stock in a healthcare firm at the same time as pursuing legislation that could impact a company's share price."

Predictably, Schumer and his henchmen began gleefully alleging on television that Dr. Price potentially broke federal law—a law that calls for up to 15 years of imprisonment if broken.

Except none of what CNN said happened actually happened.

1) Dr. Price's Morgan Stanley broker purchased the Zimmer Biomet stock without his knowledge as a part of a routine rebalancing of his portfolio on March 17, 2016. They notified Dr. Price on April 4, 2016. He disclosed it in his filings on April 15, 2016.

2) The 26 stocks, totaling less than \$2,700, were so small, in fact, that even Zimmer Biomet, like Dr. Price, was not even aware that he was a stockholder.

3) The legislation CNN and others keep referencing concerns Dr. Price's well-documented efforts, including a 2015 letter and subsequent bill, requesting the delay of a rule issued by CMS.

4) While CNN claims this would have benefited Zimmer Biomet, the company actually supports the CMS rule and publicly opposed Dr. Price's legislation.

So, CNN (and Congressional Democrats issuing about alleged crimes punishable by imprisonment) runs—and reruns and reruns—a story about Dr. Price potentially breaking the law or behaving unethically and doesn't even get the story correct about Zimmer Biomet's position on the very legislation they claim he introduced for them? Way to go, guys.

Evidence B: <http://www.freebeacon.com/issues/dem-accusations-regarding-tom-prices-stock-trades-unsubstantiated>.

Exhibit C: Democrats, with help from media, go low with Innate Immuno play.

In a salacious twist, media and Democrats turn their attention to Australian medical company Innate Immuno. At the recommendation of another Member of Congress, Dr. Price decided to purchase Innate Immuno stock through a "friends and family" referral program. Any eligible buyer referred to the company by a current stockholder received a 12 percent discount to fund a research project the innovator was launching.

This fact didn't stop Democrats from claiming he received "insider information" as a Member of Congress, a rather strange accusation about a company based in Australia.

Then, they pointed to what they insisted—and insisted—was his active support for the 21st Century Cures Act, legislation they said would help Innate Immuno gain access to American markets.

That would be pretty suspicious, except for the fact that Innate Immuno went on the record with the Wall Street Journal back in December to express that they didn't care about the bill one way or the other because they were governed by Australia and New Zealand law.

And then, of course, there's the little detail that Dr. Price was not a co-sponsor of the 21st Century Cures Act. He never whipped for the bill. He never even voted for it. In fact, he was one of only a handful of Republicans to vote against it when it was introduced in the U.S. House of Representatives. As House Committee on the Budget chairman, Dr. Price had concerns that the law would bust spending limits set by the budget. Thus, he could not vote for the bill. So, a lawmaker doesn't co-sponsor the bill, doesn't whip for the bill and doesn't even vote for the bill, and yet he's being accused of crafting it, pitching it to his colleagues and promoting it to the public? Seems a bit odd, doesn't it?

Months later, the conference committee on the bill (of which Dr. Price wasn't a member, since he voted against the legislation) repaired the funding mechanisms for it, moving it from mandatory spending to discretionary spending. Then, Dr. Price felt comfortable voting to approve of the conference report, which, again, is not the same as "actively supporting the legislation." And to top it all off, it was because of Dr. Price's opposition to it that the American taxpayers weren't on the hook for 21st Century Cures as mandatory spending.

So, another swing-and-a-miss from the media and the Left. He didn't "actively engage" in supporting legislation that they in-

sist he spearheaded, and funnily enough, neither did the company!

EVIDENCE C1: <http://clerk.house.gov/evs/2015/roll1433.xml>

EVIDENCE C2: <http://budget.house.gov/news/documentsingle.aspx?DocumentID=393978>

EVIDENCE C3: <http://www.georgiapol.com/2016/12/23/tom-price-stock-investments-needed-perspective/>

EXHIBIT D: Puerto Rico Lies, Lies, Lies
Another story emerged that Dr. Price introduced legislation to benefit himself, via stocks he held in a pharmaceutical company that did business in Puerto Rico. Again, the facts don't match their claims.

In 2004, Congress enacted the Section 199 deduction for qualified U.S. manufacturing activities. Realizing a technical omission, in 2006 Congress extended the 199 deduction for Puerto Rico on a temporary basis. As a result, Puerto Rico was returned to a level playing field and would no longer be competitively disadvantaged against the mainland. The 199 deduction was temporarily extended in both 2011 and 2014.

The Section 199 deduction was not extended as a part of the PATH Act in 2015. Dr. Price's bill would simply make permanent the 199 deduction, no longer requiring periodic reauthorizations, just as it is for the mainland. This would not give Puerto Rico or any U.S. company (and thus, a shareholder of such a company) a tax advantage. It merely creates a tax neutrality so a company can make a decision to invest in a jurisdiction for economic purposes, rather than tax. Dr. Price was never lobbied by PhRMA on this legislation. However, it is a priority of American companies, such as Georgia-based Coca-Cola, who would prefer to maintain their operations in Puerto Rico. The Puerto Ricans they employ, who already face perilous economic circumstances, would be inherently disadvantaged if these extenders did not occur.

Whoops.
Evidence D: <https://www.pwc.com/us/en/tax-services/publications/insights/assets/pwc-new-section-199-regs-could-affect-wide-range-of-taxpayers.pdf>

SUMMARY

Dr. Price's detractors on the Left have no actual defense of their opposition to him. They can't deny his qualifications or expertise, so they've resorted to an attempted character assassination. The media, eager for flames to fan, ran these baseless attacks time and time again, despite easily accessible information (i.e. a Google search) that would disprove these outrageous claims.

Both the Left and their media support must be held to account for conjuring up lies and spreading them for the past two months.

Mr. ISAKSON. Mr. President, I would also like the RECORD to reflect that I have never been to Montana. I have been to Delaware, but I respect anything either one of these Senators would say about any physician in Delaware or any physician in Montana. They have never been to Georgia. I have been to Georgia for 72 years. I have lived there for 72 years, and for 30 of those years, I served with TOM PRICE in the State legislature, in the same neighborhood organizations. He has been my friend. He has been my doctor. He is a great individual, and my knowledge of him is firsthand. I am not going to read to you something that somebody told me TOM PRICE was or is or

did or was accused of. I am going to tell you about the man I know who has been nominated for Secretary of the Department of Health and Human Services.

I have known TOM, as I said, for 30 years. He is a great family man. He and his wife Betty are great members of our community. He is a great churchman. He is active in his church in his community. He started out working in neighborhood organizations, graduated to the State legislature, and became the first elected Republican majority leader in the history of the Georgia State Senate. He went from the Georgia State Senate to the Congress to replace me. He raised the intellectual component level of that seat tremendously when I got out and when he came in. He has done a tremendous job here in the seven terms in this Congress, representing the people of my State.

Now, I don't know much about medicine, except that shots hurt, and I don't want to go to the doctor unless I absolutely have to. TOM knows everything about medicine because he has delivered it for 30 years. He knows about the affordability of health care. He knows about the needs of senior citizens. He knows about the innovations that are necessary to help all of us stay healthy for the rest of our lives.

TOM PRICE is a committed public servant who has worked diligently and hard for the State of Georgia and people of Georgia.

There have been a few things said about TOM that I want to address, not because I want to waste my time talking about things that are just allegations that are put together in some fashion or form to make him look bad. I want to just make the record straight.

First of all, it has been said that TOM is for taking funds away from Medicare. That is ironic to me because last December, TOM and I were called on by AARP, the representative of the senior citizens of America, to go on the road and talk about how we were going to save Medicare and save Social Security—not cut and rob it. So we represented the organization AARP at their request. We wanted to save Social Security and save Medicare. We have never spent a minute of our time talking about taking it away from anybody. If there is anybody who is going to be able to make sure Medicare works for the senior citizens of the 21st century, it is Dr. TOM PRICE, of Georgia, and he is going to do it as Secretary of Health and Human Services in the United States of America.

Secondly, there have been a lot of things impugning TOM and his investments—the investments he has made.

I introduced TOM to the Senate Finance Committee. I introduced TOM to the Senate Health, Education, Labor,

and Pensions Committee. I went through his application. I have seen everything on it. Everything that he is being accused of doing, he disclosed in his report. They are just using a technique that trial lawyers use called desperate impact, where you take two facts, put them over here, and put them together to make them a negative, rather than a positive. It is all in how you explain it and how you describe it. It is not how the act took place.

As the chairman of the Ethics Committee and the one that administers the STOCK Act for this body, I know what we have to submit and make public; I know what we don't. Every single thing he has been accused of doing is from information taken out of his own disclosures, which anybody who owns a computer can get today to make him look like he is bad and a bad guy.

In fact, I told the Senate Finance Committee when I went to introduce him there—after listening to CHUCK SCHUMER on the Sunday shows for 2 weeks talking about TOM PRICE—that I felt like I was going to have to be a character witness for a convicted felon at a sentencing hearing. That is not right for us to do that to people.

TOM PRICE is a great man. He has done a great public service. He has done a great job, and he will do a great job as Secretary of Health and Human Services.

I am proud to have introduced him. I am proud to know him as a friend, and I am proud that he is going to be my Secretary of Health and Human Services. America and all of her citizens will be better off because the doctor will be in the house.

I urge a vote for TOM PRICE and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor to, one, thank my friend and colleague, the Senator from Georgia, for making his comments about TOM PRICE, President Trump's nominee to be Secretary of Health and Human Services.

I have known TOM for over 20 years. We are both orthopedic surgeons. I know his professional ability. I know his passion for patients and health care. I am delighted and confident that he will be confirmed to be the Secretary of Health and Human Services. I think he is the right person for the important task that lies ahead.

NOMINATION OF NEIL GORSUCH

Mr. President, I also come to the floor today to talk about the President's nominee for the Supreme Court, Neil Gorsuch. Ever since the President made that nomination, we have had an outpouring of support for this nomination and not just those of us in Wyoming—of course, because his mom was born in Casper, WY—but there has been an outpouring of support all across the country and actually across the globe.

The Economist magazine out of London wrote: "Neil Gorsuch Is a Good Pick for the Supreme Court."

USA Today had a story with the headline: "Neil Gorsuch, Stellar Resume and Scalia-Like Legal Philosophy."

There was even an op-ed in the New York Times by a former Acting Solicitor General in the Obama administration. It was an op-ed by Neal Katyal under the headline: "Why Liberals Should Back Neil Gorsuch." This top Obama administration official called Judge Gorsuch "one of the most thoughtful and brilliant judges to have served our nation over the last century"—over the last century.

He went on to say that "if confirmed, Judge Gorsuch would help to restore confidence in the rule of law."

I mean that, to me, is what it is all about—the rule of law. And that is from a former Obama administration official who knows the Supreme Court.

I hope to be able to sit down soon with Judge Gorsuch to talk about his views. He and I had a brief visit today as he was heading from one Senator's office to another.

Everything I have seen in his background tells me that he has the temperament and the experience to be an outstanding Justice on the Supreme Court. His background as a judge gives us powerful evidence of the kind of Justice that he will be.

In 10 years on the U.S. Circuit Court of Appeals, he has authored hundreds of opinions and dissents, and you can be assured that these will be dissected. This record will give Senators ample evidence of exactly how Judge Gorsuch views the role of the courts in applying the law.

From what I have seen so far, he appears to take the law and the Constitution at face value. He doesn't treat them like blank pages on which he can rewrite the laws the way he wishes they were. As he wrote in one opinion: "Often judges judge best when they judge least."

This view of judicial restraint in every example I have seen from Judge Gorsuch's record is squarely in the mainstream of American legal thinking today. You don't have to take my word for it. There is actual data to prove it.

There was an editorial in the Wall Street Journal yesterday with the headline, "Gorsuch in the Mainstream"—"Gorsuch in the Mainstream," yesterday's Wall Street Journal.

The editorial cites a thorough study of something like 800 different opinions that Judge Gorsuch has written since joining the court of appeals. Less than 2 percent—less than 2 out of 100 opinions even drew a dissent from his colleagues on the bench, and 98 out of every 100 of his decisions were unanimous. This was on a court where seven

of the active judges were appointed by Democrats, and only five were appointed by a Republican. The Wall Street Journal says that of at least eight cases considered by Mr. Gorsuch that were appealed to the Supreme Court—appealed to the Supreme Court—the Supreme Court Justices upheld his results in seven of the eight—seven out of eight. Four of them were unanimous in front of the U.S. Supreme Court. So if you actually look at his record, I think it is clear that this is a judge who is very much in the mainstream.

CNN did a story on Judge Gorsuch, and they said that he is a laid-back, fly-fishing, fourth-generation Coloradan who also happens to have an Ivy League education, a brilliant legal mind, and an established judicial record.

I mentioned his established legal record, and I think it is also very important that he is a fourth-generation Coloradan. He would bring to the Supreme Court a much needed perspective from the Rocky Mountain West. Among the current Justices, only Justice Clarence Thomas is from somewhere other than New York or California. It is important that we get this kind of viewpoint on the Court.

Judge Gorsuch is smart, fair, very well qualified. CNN mentioned his education, and it really is very impressive: Columbia University, Harvard Law School, a Marshall scholar at Oxford University. He was also confirmed to the circuit court by a unanimous voice vote of the U.S. Senate right here.

None of this seems to matter to the Democrats today—not the intelligence, not the distinguished career, not that he is squarely in the mainstream. None of it matters to some of my colleagues on the Democrat side of the aisle. They were sharpening their knives for anyone—anyone the President might nominate, regardless of their qualifications. They wrote their press releases months ago, full of attacks on a person most of them had never met. It is what Democrats always do when a Republican President nominates someone to the Supreme Court. It is exactly what they promised to do this time as well. Even before President Trump was inaugurated, Democratic leader CHUCK SCHUMER said that his party would fight "tooth and nail" to block the nominee. He said he was going to do his best to "keep the seat open."

Senator SCHUMER met with Judge Gorsuch the other day. He complained that the judge did not answer questions about some issues that are in the news and before the courts, things like the so-called Muslim ban. Well, according to the Code of Conduct for United States Judges—the code of conduct for judges—a judge is actually prohibited from making public comment on the merits of a matter pending or impending in any court. Well, there are certainly ongoing court cases about a

number of things that Senator SCHUMER asked about, so I think it is a very good sign that Judge Gorsuch would refuse to comment on these.

Democrats in the Senate are being told by the far-left elements of their political base to try to block this nominee. Many of these Senators are doing everything that they can to comply. Liberal activists have been planning a multimillion dollar lobbying campaign against this nominee or any nominee ever since election day. The reaction of these activists on the left has been hysterical, it has been irrational, and it has been disgraceful.

I hope the Democrats in the Senate will reject these calls from their base and will give this nominee a chance. I hope that they will take the time to consider his qualifications and that they will actually sit down to talk with him before they rush to condemn him.

I know I look forward to sitting down with the nominee and discussing his views more fully. Everything I have seen so far suggests to me that it will be a very good conversation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I don't speak often on the floor, but it seems that whenever I do, you are the Presiding Officer. I have said this before, but you are a glutton for punishment. I thank you for your willingness to show up day after day.

I was going to talk a little bit about the Affordable Care Act as it relates to Congressman PRICE, who has been nominated to be Secretary for the Department of Health and Human Services.

Before I do, I want to follow up on the comments of my friend Senator JOHN BARRASSO, who is the chairman of the Environment and Public Works Committee on which we both serve. He is the senior Republican, and I am pleased and really privileged to be the senior Democrat alongside him.

What I would just say in response is—if Senator SCHUMER were here, he would be perfectly capable of thinking for himself and defending himself, but I would say this: On the question of whether Judge Gorsuch will have a hearing, I think he will have a hearing, and he should have a hearing. On the question of whether there will be a 60-vote margin—the last couple of people who have been confirmed for the Supreme Court, both Democrats, were confirmed by more than 60 votes.

I don't know Judge Gorsuch well, but I do know Merrick Garland pretty well, and I must say I am disappointed that he never got a hearing, although he was nominated by Barack Obama when there was almost 10 months remaining in President Obama's term. Not only did he not get a hearing, a lot of folks on the other side of the aisle couldn't find the time to meet with him, and he

never had a vote—a 60-vote margin or even a simple majority, 51 votes.

For us to now hear it is important that Judge Gorsuch get a hearing and get an up-or-down vote, I just wish I had heard those voices here over the last year when a very good man was treated I think very badly—very badly. That was Merrick Garland. That is for another day, but I couldn't let the moment pass without saying anything.

Mr. President, to back up to about 30 minutes ago, I was talking about the Affordable Care Act, and I yielded to Senators TESTER, ISAKSON, and BARRASSO. Now I want to come back to where I was.

I am a Democrat. I am proud to be a Democrat, a retired Navy Captain, and I went to graduate school, undergraduate at Ohio State, Navy ROTC, studied economics. After the Navy, after the Vietnam war, I moved from California to Delaware, got an MBA at the University of Delaware and studied some more economics and some other things in their MBA program. I became State treasurer, Congressman, Governor, Senator.

I have always been intrigued by how we harness market forces. How do we harness market forces for good public policy outcomes? You don't always hear Democrats say that, but that is the way I think. I think if we can find ways to harness market forces and achieve a good public policy outcome, that is a good thing. We ought to try to find them, and I think if we can, we can generate good bipartisan support for our ideas. At the end of the day, if it meets our goals, so be it.

I keep going back to 1993, which is when John Chafee, whom I knew—I was a Congressman then. Actually, in 1993, he introduced his own version of the Affordable Care Act, cosponsored, I think, by 20 other Republicans and maybe 3 Democrats. Among the Republican cosponsors of John Chafee's legislation—which actually looks like the Affordable Care Act—were a couple of Republicans who are still here. One of them is the chairman of the Finance Committee, ORRIN HATCH, and the other is the fellow on the Finance Committee who is actually senior in terms of the Finance Committee to ORRIN, and that is CHUCK GRASSLEY. They cosponsored the 1993 legislation that Chafee introduced.

I want to take just a moment and go through the five key provisions in Senator John Chafee's 1993 legislation. I will start here at the bottom of this chart.

One of the things we see in the Chafee legislation was the idea that folks who did not have access to health care and were not part of a large group plan would have an opportunity to have the benefit as we do in the Federal Government and, like half the people who get health care in the country, get coverage through a large group

plan. So there would be a large group buying access to health care coverage for a lot of individual people who happen to be in that group; maybe they work for the same employer.

But Senator Chafee came up with a good idea, and the idea was that we might want to create in each State something called exchanges or marketplaces where people who didn't have coverage could find coverage and be part of a larger group and enjoy the benefits of being part of that larger group. I think they called them exchanges. They may have called them purchasing groups. But it was a 1993 idea.

He also said that folks who got their coverage through one of these exchanges or marketplaces in 1 of 50 States should get some help in buying down the cost of health care premiums if they are getting coverage through the exchange or the purchasing pool in their State, the marketplace, and we would call that a sliding scale tax credit. The lower the income of the person buying their health care coverage through the marketplace, the bigger the tax credit, and as a person's income goes up, the size of the tax credit goes down and eventually goes away. That was in Senator Chafee's legislation in 1993.

Also in Senator Chafee's legislation was something called an individual mandate, which basically said that under his proposal, people had to get coverage. You couldn't make somebody get coverage if they absolutely refused to, but the idea was to penalize people in one way or another, maybe with a fine or something like that, and say: If you don't get coverage, we can't force you to, but we are going to impose a fine or penalty on you, and over time, that fine or penalty will increase. Maybe eventually you will say: Well, I am paying this fine or this penalty, and it is going to be pretty expensive. Maybe I ought to get health care coverage to avoid the penalty. That is called the individual mandate.

Chafee's mandate was that employers of a certain size would be required to provide health care coverage for employees. It was a mandate, not for all employers but for a number of them when they reached a certain number of employees.

Then the fifth provision in the Chafee plan in 1993 was a ban on preexisting conditions. Some know that the Presiding Officer is a physician in his State. And a number of people in my State, I am sure in his State as well, lost coverage because they had a preexisting condition. Maybe they had coverage for a while, and they lost coverage or lost their job or something like that, and then they had a condition that could be a scare with colon cancer, breast cancer, prostate cancer—you name it—and they eventually planned to sign up to get health care

coverage, and because of the pre-existing condition, they couldn't get it. So what Chafee said in his proposal to insurance companies was: You cannot refuse to provide coverage for someone because they have a preexisting condition.

The health insurance companies said: Well, if you are going to put that pre-existing condition on us, then we have to have the individual mandate. In these State exchanges you are going to create, Senator Chafee, we have to make sure there are people in the purchasing pools in each of the States who are young and invincible, like our pages sitting here in front of me today—young, healthy. They just can't be people that are old and infirm and not well because they will consume a lot of health care costs. We need a mixed pool that is insurable so insurance companies can insure this pool for health care and not lose their shirts.

That was the long and short of it in the Republican plan from Senator Chafee, with some bipartisan support in 1993.

Mitt Romney became Governor of Massachusetts sometime after the turn of the century, and he was interested in running for President. He is a smart guy. Some of us know him, some better than others. But he is a very smart fellow. He is smart enough to know that if he wanted to run for President some day—and he did—one of the things he could do that could help bolster his chances was to be able to demonstrate after years and years of people talking about providing health care coverage to just about everyone in our country, he could actually say: We did this in our State. We actually provided coverage for just about everybody in Massachusetts who needed coverage. When he decided to do this, he was smart enough to go back to Senator Chafee's blueprint from the 1993 legislation.

It was a decade later that Mitt Romney became Governor. I say this as a recovering Governor myself: You are always looking for what works to see if it might be transferrable to your State. But he seized on Senator Chafee's proposal, and the similarities are pretty striking. Like the Chafee plan, RomneyCare—they call it RomneyCare—created these State exchanges, or purchasing pools, just as in Chafee's legislation. They had the sliding scale tax credits to help them buy coverage, buy their health insurance through the purchasing pool so people with a lower income could get a bigger tax credit, and as their income goes up, the credit gets smaller and smaller, and then it finally phases out. That is what they did in RomneyCare.

The third thing they had was a ban on preexisting conditions in Massachusetts. If someone had a preexisting condition, the insurance company could not say: No, no coverage for you. They had to provide coverage. Just like in-

surers told Senator Chafee all those years ago in 1993; that if we are going to have to insure people because of pre-existing conditions, you have to give us a pool of people to insure, that we can insure and not lose our shirts. That included individual mandates so we could have the young, the healthy in the pool, and at the same time call for the employer mandate so employers of a certain size had to ensure that their employees were getting health care coverage.

That was in the Romney plan. They launched it about a decade ago, and right off the bat it was warmly embraced by the people of Massachusetts. They thought this could be cool. And it was good. It was the right thing to do. It might just work and be an example for the rest of the country. So they had a warm embrace and a good launch.

In the first couple of years, they did a good job in RomneyCare in covering a lot of people and reducing the number of people who did not have coverage. What they didn't do such a good job on, though, for the first several years, was on the affordability side.

Health care costs continued to rise in Massachusetts. There were several reasons for that, one of which was the individual mandate. They had a fine. So if you happen to be young and maybe you didn't think you needed health care, you had to pay a fine if you were a certain age and didn't sign up. It was an increasing fine that went up over time. Eventually, people decided, Well, if I have to pay this fine, I might as well get health care coverage, but they didn't do it initially. They were negative in terms of coverage.

Eventually, in Massachusetts not only did they do a good job in increasing coverage, they actually did a pretty good job on affordability. One of the reasons is, they had a good mix of people in their pools and a fair amount of competition between health insurance companies and providers—competition.

Fast forward to 2009, the Affordable Care Act. When the Affordable Care Act was reported out of committee to come here to the floor, what did it have? It had, No. 1, let's create these State large purchasing pools, State exchanges and marketplaces, and that is in Chafee's bill and in RomneyCare. It had sliding scale tax credits to help buy down the cost of coverage in the exchanges and marketplaces. There was a ban on preexisting conditions, but insurers said: No, we can't insure the people you want us to, we will have to cover everybody, and those who have preexisting conditions, you have to make sure we have a good mix of people in the insurance pool.

So just like in Chafee and in RomneyCare, we had the individual mandate. You can't make people get coverage, but you can have an accelerating scale so people will eventually bite and get the coverage, and we also

had the employer mandate. Not every employer but a certain size number of employers had to have—had to cover their employees.

It is kind of remarkable. I think if you talked to most people in this country, and you walked through this, they would be amazed to know that the Affordable Care Act, with these five major provisions, was actually stolen, plagiarized, from a Republican Senator, Chafee, in 1993; but from Governor Romney's proposal.

There is more to the Affordable Care Act, including the expansion of Medicaid coverage—not for everybody, but up to 135 percent or so of poverty, and the real focus on how do we move from a sick care system, where we just spend money on health care for people who are sick, why don't we spend some money to try and make sure people stay well, on prevention and wellness, early access to care, so folks can get a colonoscopy maybe before they come down with colon cancer or get a mammogram before breast cancer, those kinds of things.

One of the great things of the Affordable Care Act, little known to most people, is the idea that we need to collaborate in the delivery of health care so it is not just one hospital working by itself but maybe build a network of hospitals, and maybe with these, working with doctor groups, groups of doctors. The idea is to collaborate in the delivery of health care in ways that focus on wellness, prevention, and that is, I think, little noticed; the idea of better results for less money. I call it value, looking for value.

That is just a little bit of history, and I think it is worth looking at.

Could we look at the next one.

I have a pie chart I would like to share with everybody. I don't know if the Presiding Officer has seen this before. I have used it once or twice. This is a pie chart that has about 300 million people in it, and this represents the 300 million or so people in our country who have health care coverage. The blue represents those folks who get their coverage through their employer. It doesn't mean the employer pays for all the costs of their health care; the employer pays the majority, and maybe the employees pay some fraction or percentage of that coverage. Over half the people in the country today getting health care coverage are those in large group plans. If you look at what is going on with premium increases, and increases in copays and deductibles, my understanding is the premium increases for these folks—over half of the 300 million people in the pool—we actually compared premium increases before the ACA was adopted and the years after, and premiums still go up for these folks but not by as much as they had before the Affordable Care Act was adopted.

So that is how most people get their coverage here.

Next, about—let's see, this green area right here, it has anywhere between 15 and 20 percent of people who get health care coverage in this country, they are in Medicare, the 65 and over or totally disabled, unable to work, and qualify for Medicare because of that. One of the little known things about the Affordable Care Act is that the Medicare trust fund had been running out of money for quite a while, and the date at which it eventually runs out of money and will not be able to provide coverage can continue to get closer and closer. One of the benefits, little known or noted in the Affordable Care Act, is that since it was adopted, the life of the Medicare trust fund has been extended by 12 years. After coming down for years and years and years, the life of the Medicare trust fund has been extended by 12 years. Medicare people, they don't buy their coverage on the exchanges, but a lot of people can still use fee-for-service. Maybe it works for some people. I don't know if it is the best way to get good coverage for an affordable price, but we have seen a migration to what is called Medicare Advantage. I think it is like managed care with a heart and a head, and now about one-third of the folks on Medicare get that coverage. Fifteen to twenty percent of the people get their coverage in this big 300 million-person pie chart from Medicare. About 20 to 25 percent of the people who are getting health care coverage in the country today get their coverage through Medicaid. Believe it or not, it is not mostly part families or women with children, it is mostly people—maybe like our parents or grandparents who are in nursing homes, a lot of them with dementia. They spend down their resources and they end up going to nursing homes, and Medicaid pays to help keep them alive and cared for, and that is anywhere from 20 to 22 percent.

The States previously—virtually every State has a Medicaid plan, but one of the things we did with the Affordable Care Act was to say we want to encourage States to cover not just up to 100 percent of poverty but maybe up to 135 percent of poverty. The Federal Government will pay about 90 percent of that, and maybe someday less than that, but we want more people to be covered through Medicaid, which is actually more cost-effective than the purchasing pools I talked about earlier.

So we have 300 million people getting health care coverage. The lion's share of them—over 55 percent—get coverage from large group plans. About 22, 25 percent is Medicaid, about 15 to 20 percent Medicare, and what is left is about roughly 6 percent or so, they get their coverage through the exchanges, through the marketplaces.

When our Republican friends and others criticize the marketplaces and the

sliding scale tax credits and the individual mandates, the employer mandate, and maybe the ban on preexisting conditions, what they are criticizing is right here, a very small portion of the pie, the heart and soul of what was proposed by Senator Chafee in 1993 and the heart and soul of what was in RomneyCare in Massachusetts a decade later. There is a certain irony there not lost on me and I know not on others.

Can we do some things to improve the delivery of health care among all of these groups? Sure. Can we do it where it covers more people and does it in a more cost-effective way? Sure we can. But the idea of sort of getting rid of this—getting rid of particularly the piece down here and a lot of the other provisions that are represented in this pie chart, I don't think that makes a lot of sense.

A friend of mine is a firefighter. We work out in Wilmington at the YMCA before I jump on a train and come to work. We were talking not long ago about a situation you have with a building that is on fire, and the people are up in the tall building and maybe can't get down to the elevators, and they rush to the windows to look out to see if there is anybody down there. The firefighters are outside the building that is on fire, and they are yelling with a bull horn up to the folks on the fourth and fifth floors: Go ahead and jump. We will catch you. But the people who are being asked to jump notice that the firefighters don't have any nets.

The idea of health care coverage where we are actually covering a lot more people, and to say we are going to pull that away from you for 20 million, 30 million more people, and don't worry, somewhere down the line—a year or 2 or 3 years from now—we will provide the nets to catch you, I think that makes no sense—no sense.

We got this far, so maybe one more chart.

Who gets hurt by repealing the Affordable Care Act?

I will just say this and then close, I say to my friend from Maryland.

The answer is everyone. We do not have a lot of rural space in Delaware. I know we have a lot in Louisiana and quite a bit in Maryland. But folks who get their coverage from the rural hospitals, whether it is in Delaware, Maryland, Delmarva, whether it is in Louisiana, the rural hospitals, they are going to get clobbered if we repeal the Affordable Care Act and take away the Medicaid expansion, take away the marketplaces. They will get clobbered and a lot of them will close. The federally qualified community health centers, they are going to get clobbered, and they provide coverage for 10 million people in our country.

When people are denied coverage in those rural hospitals or suburban,

urban hospitals or the federally qualified community health centers, where people don't get coverage there, they will get health care somewhere, and it may be going to an emergency room at a hospital, getting really sick and having to get admitted and then spend a lot of money. Where does the money come from? From those of us who use the health care system, who are paying premiums and our employers are paying premiums. The costs are really absorbed by the hospitals themselves. It makes not a lot of sense.

The person in the House who has been really in the forefront of repealing the Affordable Care Act is the person that Donald Trump has now named to be our Secretary of Health and Human Services. The idea of having a new Secretary overseeing the Department of Health and Human Services, someone who is trying to run this program and oversee it and make sure that it works in a way that provides more coverage at an affordable price, is actually a person who has been trying to kill it for as long as he has been in the House of Representatives. Some people may not be concerned or upset about that, but I am. I think that before we put that person in charge in that job, we need to remember some of the lessons I just shared with folks here today. For these reasons, I cannot support the nomination.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I thank my friend and colleague from Maryland's neighboring State of Delaware, the senior Senator, Mr. CARPER. I thank him for raising those points about the very negative impact that repealing the Affordable Care Act would have on so many folks in Delaware and Maryland and, specifically, rural hospitals. The Eastern Shore of Maryland and the Delmarva Peninsula have lots of rural hospitals that will be put in the crosshairs if we repeal the Affordable Care Act, so I thank the Senator for raising those issues and sharing with the Senate the impact of what repeal would do.

I rise to oppose the nomination of TOM PRICE to be Secretary of the Department of Health and Human Services. I am very familiar with the views and the policy positions of Congressman PRICE and the ideas he has with respect to health care and budget issues facing our Nation.

Before coming to the Senate, I served as the senior Democrat, the ranking member on the House Budget Committee, and Congressman PRICE is the chairman of that committee. I have said this before, and I say it again; that despite our very deep differences over critical issues facing our country and health care policies, Representative PRICE did conduct the business of the Budget Committee in a professional manner.

I respect the intensity with which he argues his case, but it is because of his inflexible and highly ideological positions on critical matters before us that I oppose him. I firmly believe his policies will do great harm to the health and well-being of tens of millions of Americans throughout this country. That is why I oppose his nomination for this very sensitive post.

During the Presidential campaign, Candidate Trump tweeted, "I was the first and only potential GOP candidate to state that there will be no cuts to Social Security, Medicare and Medicaid." President Trump has repeated those promises since then.

Yet, throughout his tenure in the Congress and throughout his time as chairman of the House Budget Committee, Representative PRICE has taken the exact opposite position, calling for cuts to Medicare, cuts to Medicaid, cuts to Social Security. He is now going to be overseeing the Department responsible for Medicare and Medicaid. So let's look at how Chairman PRICE's policies would impact those programs and harm the health care of Americans.

First, on Medicare, he has called for privatizing Medicare through a voucher program. Make no mistake—seniors on Medicare are going to pay a lot more under their voucher plan.

Here is how it works: Instead of going to the hospital and having Medicare cover the costs, seniors will instead get the equivalent of a voucher. Here is the catch: The value of that voucher will not rise nearly as fast as the cost of health care in this country, so each year that goes by, the value of that voucher will pay for less and less health care for seniors on Medicare.

Yes, TOM PRICE's plan saves Medicare money. It saves Medicare money by requiring senior citizens on Medicare to eat the difference—the difference between the value of the voucher, which is effectively frozen over time, and the cost of health care that those seniors are going to need. That is the wrong approach for making savings in Medicare.

The right approach is the approach taken in the Affordable Care Act, where we begin to change the incentives in the system, so we encourage doctors and hospitals to focus on the value of care they provide, not the volume of care they provide.

Another way in which Representative PRICE, the President's nominee, would harm seniors on Medicare is when you repeal the Affordable Care Act, you reopen what was called the prescription drug doughnut hole. One of the things the Affordable Care Act did was allow seniors with high prescription drug costs to not have to choose between paying the rent or putting food on the table and the cost of their drugs. Over time, it is closing that doughnut hole that seniors fell into and couldn't

cover the costs of needed prescriptions. When you repeal the Affordable Care Act, you repeal those protections for seniors. That is what TOM PRICE's budget would do. It is right there in his budget plan.

Another harm that would befall seniors is that repealing the Affordable Care Act wipes out the provision that allows seniors on Medicare to get free preventive screenings. We want to encourage seniors, just like everybody else, to catch health problems early, so we said: You don't have to pay these steep copays if you want to get screened for cancer, diabetes, or whatever it may be. Millions of seniors have now benefited from that—not only by not having to pay out of pocket but by catching problems early and getting them treated so they get the health care they want. But TOM PRICE's plan would repeal all of that.

If you are a senior on Medicare now or a senior who may be getting to the point of Medicare or anybody else—we are all going to be there someday—No. 1, you are going to see the plan turn into a voucher plan, which is going to cost a lot more for no more health care, maybe less; you are going to pay more for prescription drugs; and you are going to pay more for preventive screenings. That is a bad deal, but that is the TOM PRICE plan.

Let's take a look at his Medicaid proposal. Again, Candidate Trump said he wasn't going to cut Medicaid. The budget plan put forward by TOM PRICE, chairman of the House Budget Committee, calls for over \$1 trillion in cuts to Medicaid over 10 years. It is right there in the plan. Just read it. They don't make any secret about it. The accompanying report talks about it—\$1 trillion over 10 years.

Many people don't realize this, but two-thirds of the money we spend for Medicaid goes to provide long-term care to seniors in nursing homes, to people with severe disabilities, very fragile individuals who have no other source of medical security. It would cut dramatically from that. Almost 50 percent—the largest single share of people in Medicaid—is kids. They are kids.

I just happened to meet today with the head of the Children's National Health System and his team. His No. 1 plea and request to me: Don't cut Medicaid. You will hurt kids if you do it.

They provided me some information and facts. What is Medicaid? Medicaid is the single largest health insurer for children. Medicaid is a vital program for children. It covers over 30 million children nationwide. When we cut Medicaid by \$1 trillion, we hurt children by hurting their health care.

In addition to calling for these very deep and damaging cuts to Medicaid, harming the Medicare program, and raising the costs to seniors, Representative TOM PRICE has been one of the

fiercest opponents of the Affordable Care Act, wanting to wipe it out. We hear a lot about replacement. In other words, the mantra has been, let's repeal it and replace it. In fact, President Trump, both as candidate and now, says he is going to replace it with something much better. Much better. We heard for years Republicans in the House and the Senate saying they were going to replace it too. We have heard them say that since the Affordable Care Act was first put in place roughly 7 years ago: Repeal and replace. But as we are gathered here today, there is absolutely no replace.

But they did repeal. A lot of people don't realize they repealed it because President Obama was there to veto the legislation that came to his desk that repealed the Affordable Care Act. But it was just last year. Congressman TOM PRICE—the person who is going to be in charge, if President Trump has his way, the head of HHS—was the main architect of that repeal—not repeal and replace; repeal.

The nonpartisan Congressional Budget Office—the organization the Congress relies on to present unbiased analysis—in fact, the current Director of CBO was selected by the Republican chairman of the House committee and the Republican chairman of the Senate committee. They issued a report just last month, January 2017. What would have happened if TOM PRICE's repeal had actually been signed by President Obama? What if that had actually become law? What would have happened to health care in America? Here is what they said: The number of people who are uninsured would increase by 18 million in the first plan year following enactment of the bill. Later, after the elimination of the Affordable Care Act's expansion of Medicaid eligibility and subsidies, that number will rise to 32 million in 2026. So in year 1, 18 million Americans would lose access to health insurance.

How about the cost of premiums? The cost of premiums in the exchanges have been high, and there are practical things we can do to reduce them. But if TOM PRICE had his way, according to the Congressional Budget Office, here is what would have happened: Premiums in the non-group market, the Affordable Care Act exchanges, would increase by 20 percent to 25 percent relative to current law—in other words, compared to if we did nothing.

It is really important that the American public understand that the man the President is asking to be head of Health and Human Services for the United States of America is the same person who was the architect of the bill that went to President Obama that within its first year would have resulted in 18 million Americans losing access to health care and jacking up premiums by 20, 25 percent in the exchanges. That is what would have happened. Thank goodness President

Obama was there to veto that legislation. But he is not there anymore, and President Trump is installing the person who would have had the dramatic negative impact on the health care of millions of Americans—your constituents, my constituents—and all of us have heard many stories about the impact.

I will close where Senator CARPER closed because he went through many examples of who was going to be harmfully impacted by getting rid of the Affordable Care Act. When we add it all up, it is just about everybody.

In addition to the 22 million Americans on the health care exchanges who will lose that access entirely, Americans who get their health care through their employers—which is most of them—benefit from the patient protections in that legislation. Frankly, they benefit from the fact that people who used to not be able to get any health care and who were showing up in the emergency room and raising the costs for everybody else—they will have it, which is why, as he said, premiums for the majority of Americans in the employer market have actually gone up very slowly compared to what they were doing before the Affordable Care Act. As I mentioned, seniors on Medicare get socked in the chin.

I just came from a meeting with the head of one of Maryland's rural hospitals in Western Maryland, out on the Maryland panhandle. This is an area that Donald Trump carried overwhelmingly with a big vote out in Western Maryland.

The CEO of Garrett Regional Medical Center came to my office today and let me know all the good things they are doing for people in Western Maryland. The last page of this request says: "Seeking your support," and here is the bullet point: Garrett Regional Medical Center is very concerned about ACA repeal. Our organization will implode—implode—without proper replacement.

Yet the legislation, the reconciliation bill that Representative TOM PRICE rammed through the House and then they got through the Senate and went to President Obama's desk, would have done exactly that—it would have imploded this Western Maryland regional medical center. Imploded it. President Obama said no.

Now, despite the fact that Candidate Trump tweeted out that he wanted to protect Medicaid and Medicare, he has appointed somebody to this key position who has taken the opposite position. That is why I cannot in good conscience vote in support of this nomination. It is too big a risk to the health care of Marylanders and to the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first let me comment and thank my colleague

from Maryland, Senator VAN HOLLEN. Senator VAN HOLLEN may be a new Member to the U.S. Senate, but he is not a new Member to the Congress of the United States.

I think Senator VAN HOLLEN said this very clearly: This nomination is very much about the type of health care system we want for the people in this country, whether we are going to have affordable, quality health care for all Americans, whether health care is going to be a right or a privilege. I thank Senator VAN HOLLEN for the points he made.

I think the people of Maryland are not going to be surprised that I agree with my colleague from Maryland and that I take this time to explain why I will oppose Mr. PRICE for Secretary of Health and Human Services.

Let me begin by talking about something that happened in Maryland during my first year in the U.S. Senate. I was elected in 2006. In 2007, in my very first year, we had a tragic situation that occurred a few miles from where we are right here, in Prince George's County, MD. A youngster, 12 years of age, Deamonte Driver, died from a tooth problem. Let me give you the background on this because this is a very tragic situation. This is in the State of Maryland, one of the wealthiest States in one of the wealthiest nations.

Deamonte Driver's mother recognized that Deamonte Driver had pain in his mouth. She tried to get him to a dentist, but they had no insurance and no coverage. She couldn't get anyone to take care of her son. What was needed was an \$80 tooth extraction. If he could have seen a dentist, that is exactly what would have happened. He couldn't get in because he had no insurance, and he fell through the cracks of our system. That tooth became abscessed, and it went into his brain. He went through two operations, hundreds of thousands of dollars of cost, and he lost his life.

That happened in my first year in the U.S. Senate. I vowed to do everything I could to make sure there were no more tragedies anywhere in America like Deamonte Driver's. Every child should be able to get access to oral health care. It is who we are as a nation. It is part of who we are, and it makes sense from the point of view of an efficient health care system.

I introduced legislation to provide pediatric dental care in this country. I worked with my colleague ELIJAH CUMMINGS in the House of Representatives and with others here, and we were able to make some progress. Ultimately, we were able to get this as part of our national health policy in the Affordable Care Act. It is now part of what is known as essential health services.

I start this debate on the floor of the U.S. Senate by saying that Dr. PRICE, the nominee for Secretary of Health

and Human Services, is one of the leaders for the repeal of the Affordable Care Act, which would repeal essential health services, which would eliminate the right for all children in America to have pediatric dental care. So I then look at what Mr. PRICE would replace it with, and I am confused because I am not exactly sure what he would replace it with. I have looked at what he has done as a Member of the House, I have looked at what he has done as the chairman of the Budget Committee, and I am not confident that we would maintain that type of guaranteed coverage for our children.

That is just one concrete example—one person—of why I am concerned about what would happen if we repealed the Affordable Care Act, and we don't know what is coming next.

The Affordable Care Act—30 million Americans now have affordable, quality health care as a result of the Affordable Care Act. The repeal of that law would jeopardize those 30 million. In Maryland, the uninsured rate has gone down from over 12 percent to a little over 6 percent. We have cut our uninsured rate by about 50 percent. That is so important for so many different reasons. Yes, it is important for the 400,000 Marylanders who now have third-party coverage who didn't have third-party coverage before. They now can go see a doctor rather than using an emergency room. They don't have to wait if they have a medical condition; they can get care immediately. They can get access to preventive health care that keeps them healthy so they don't enter our health care system in a much more costly way.

Before the Affordable Care Act, these 400,000 people got their health care, but they didn't get it in the most cost-effective way. They used emergency rooms, which are very expensive. They didn't pay for their bills. They entered the health care system in a more acute way, using more health care services than they need, and they didn't pay their bills. As a result, we saw that those who had health insurance were paying more than they should because of those who did not have health insurance. That added to the cost, not just of those who didn't have the insurance but to all Maryland insured.

Mr. President, I see that the distinguished majority leader is on the floor. I will be glad to yield to him. I believe he has an announcement he wants to make.

The PRESIDING OFFICER (Mr. BLUNT). The majority leader.

TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED FIFTEENTH CONGRESS

Mr. McCONNELL. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the

consideration of S. Res. 57, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 57) to constitute the majority party's membership on certain committees for the One Hundred Fifteenth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 57) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

EXECUTIVE CALENDAR—Continued

Mr. MCCONNELL. Mr. President, for the information of all of our colleagues, including our newest colleague from Alabama, who is going to have a very long first day here, if all time is used postcloture on the Price nomination, the Senate will have two votes at 2 a.m. Senators should be prepared to stay in session and take those votes tonight. If an agreement is reached to yield back time and to cast those votes earlier, we will notify Members the moment such an agreement might be reached.

I thank my friend from Maryland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, the point I was starting with is that in Maryland, yes, there are 400,000 people who now have coverage who didn't have coverage before, and they are benefiting by being able to get preventive health care and get affordable care, but it is all Marylanders who are benefiting because there is less use of emergency rooms and fewer people who use our health care system who don't pay for it, the uncompensated care.

Many of my colleagues have read letters that they have received from constituents, or phone calls, and I am going to do that during the course of my discussion. I am going to tell you a story that I heard from a 52-year-old who lives in Harford County who frequently used the emergency department prior to the adoption of the Affordable Care Act. This is what this Harford County resident told me: After the passage of the Affordable Care Act, I began working with Healthy Harford Watch Program and shortly after was insured. I have been successfully linked to community health services and no

longer depend upon the emergency room as my only source of health care.

I can give many more accounts of people who had to use the emergency rooms and are now getting preventive health care and are getting their health care needs met.

We also now have been able to eliminate the abusive practices of insurance companies. As I said, over 2 million people have private health insurance in Maryland. They are all benefiting from the Affordable Care Act.

If Mr. PRICE has his way and we repeal the Affordable Care Act, every Marylander will be at risk. They will be at risk because of the protections that we put in the Affordable Care Act against abusive practices of insurance companies.

To me, probably the most difficult thing to understand by my constituents was the cruel preexisting condition restrictions that were placed in the law prior to the Affordable Care Act. Simply put, if you had a preexisting condition, the insurance company would restrict coverage for that preexisting condition. So exactly what you needed the health care system to pay for, your insurance company didn't pay for it. They said: Look, you had this heart condition before you were insured; we are not going to pay for your heart needs. You had cancer; we are not going to pay for your cancer treatment in the future. You have diabetes, and that leads to a lot of different health care needs. We are going to restrict your insurance coverage and not pay for diabetes care. That is a thing of the past with the Affordable Care Act.

Once again, we are now talking about repealing the Affordable Care Act. We don't know what it will be replaced with, if at all. Mr. PRICE, in the House, has not given us a satisfactory explanation during the confirmation process of how we are going to be able to guarantee that everyone who has insurance and everyone who has a need for coverage with preexisting conditions will be able to get insurance that won't discriminate against that person because of preexisting conditions.

Another aspect that was an abusive practice before the Affordable Care Act is that our insurance policies had caps on how many claims you could make in a year over the lifetime of your policy, and that would kick in exactly when people who have chronic needs need insurance the most.

Let me give an example. Juanita, who lives in Hyattsville, MD, told me about her son. She said her son seemingly was in perfect health, had graduated from Harvard with a master's degree and was working at a nonprofit. Then he was diagnosed with a rare cardiovascular disorder. He didn't know he was going to have that. Well, that required him to have multiple operations, and it would have fully exceed-

ed his lifetime cap in hospital stays, and he would not have been able to afford the care. Thanks to the Affordable Care Act, Juanita's son has full coverage. That is another example of a person who is at risk if Mr. PRICE is able to carry out what he said—repeal the Affordable Care Act—and we don't have a way to guarantee that insurance companies must take all comers and must eliminate the caps that we have seen in the policies before.

Another area which I think has been a pretty popular part of the Affordable Care Act and which I heard many of my colleagues on both sides of the aisle say they want to keep is allowing 26-year-olds to stay on their parents' policies—under 26 years of age. That is a very popular provision. I heard many of my colleagues speak in favor of it. Remember, when you repeal the Affordable Care Act, that will be repealed. Unless we have adequate replacements, unless we have an improvement, that is at risk as well.

I want to talk about another provision that was in the Affordable Care Act. I authored the provision. It is called a prudent layperson standard for emergency care. Let me take you back before the Affordable Care Act. This is why it is important for Congress to be careful as to how we pass laws. And if we repeal laws, we can go back to these types of practices. Before the Affordable Care Act, if you had chest pains and shortness of breath, you would do what I would think any reasonable person would do: You would be taken to the emergency room as soon as possible to see whether you are having a heart attack. Those are classic signs of a heart attack. Yet there were insurance policies that said that if you went to a hospital that was out of network, they weren't going to pay the full amount even though you went to the closest hospital because you had an emergency situation. That makes no sense at all, but that was the case.

You went to the hospital. You did the right thing, and you found out you didn't have a heart attack. You went home. You were happy until you got the bill, and your insurance company said you didn't need to go to the emergency room because you didn't have a heart attack. Then you do have a heart attack because you can't pay the bill.

That was the circumstance that existed before the Affordable Care Act, and we put into the Affordable Care Act, for all insurance companies, the prudent layperson standard. If it was prudent for you to go to the nearest emergency room, your insurance plan must cover that cost. That is the standard today, and I wonder whether, if we repeal the Affordable Care Act, we will be going back to those types of abusive practices.

Before the Affordable Care Act, women in some circumstances were in

and of themselves a preexisting condition. Are we going to go back to those days?

Let me go on to another point that worries me about Mr. PRICE's position if we were to repeal the Affordable Care Act, and that is affordability. It is one thing to say people can buy insurance—you know, there is insurance out there; just buy it. It's another thing whether you can afford the insurance coverage.

One of the benefits of the Affordable Care Act that I don't think has been fully explained to the American people is that since the passage of the Affordable Care Act, we have been able to keep the growth rate of health care costs below what we had seen before the passage of the Affordable Care Act. We have reduced costs for all individuals and companies that have health policies. The rate of growth has been at a slower rate because of the Affordable Care Act. And I have already alluded to one of the reasons—we reduced uncompensated care because more people are paying their bills. We kept the growth rate down.

But there are other aspects to the Affordable Care Act that have helped bring down the costs, and that is, we have premium tax credits. In 2015, 70 percent of those who were enrolled in the Maryland Health Connection—that is our exchange in the State of Maryland—received some form of a credit. That was provided in the Affordable Care Act. We recognize that not everyone can afford the premiums, so we provided credits. If you repeal the Affordable Care Act, we may very well not have affordable policies for those individuals who have been able to get credits under the Affordable Care Act.

I want to talk about a situation that was brought to my attention at several of the roundtable discussions I have held in Maryland with interest groups on health care, and that has to do with small businesses.

Before the Affordable Care Act was passed, if I had a forum on small businesses—and I did. I have been a member of small businesses and entrepreneurship committees since I first came to the Senate. I believe in the importance of small businesses. That is where job growth and innovation takes place. It is critically important that we help small businesses.

Before the passage of the Affordable Care Act, the No. 1 issue that would come up at roundtable discussions I had with small business leaders of Maryland was the affordability of health coverage for their employees. It is no longer an issue that they talk about because the Affordable Care Act has allowed small companies to have competitive premium costs with larger companies.

Before the passage of the Affordable Care Act, if you were a small business owner and you had maybe 10 people in

your employ on your health policy and one of those individuals unfortunately had a major health episode during that year, you knew that the next year you were going to get a major premium increase because you were rated on your own experiences as a small group. That is a thing of the past under the Affordable Care Act. Now, under the Affordable Care Act, you are in this big pool, and you are not discriminated against because you happen to have someone in your employ who needs health care.

It also enables small business owners to hire people who have particular health needs. They are not going to be discriminated against because they hire somebody who happens to have the need for health insurance. Before that, small companies were very reluctant to hire individuals who had health needs because they knew it would affect their health policy.

I want to mention one other factor that is pretty telling. Let me read from a letter I received from Nancy of Silver Spring. This is something that really gets to me, something I think we have to be very careful about, because the repeal of the Affordable Care Act is going to hurt our economy.

Nancy of Silver Spring is a 60-year-old freelance writer/editor and depends upon the Maryland Health Connection exchange for her health insurance and the tax credit that helps reduce her premium. She is a healthy 60-year-old, but no insurance company will write her an individual policy, she knows—she tried. One of the big factors that helped Nancy get the courage to leave her salaried, full-benefits job and go out on her own was the fact that the ACA was right on the horizon when she made the leap in 2012.

Nancy writes:

You want a world-class work force? How about giving everyone access to affordable health care so we can keep ourselves functioning? You want job creation? How about keeping the ACA so freelancers, gig workers, and startup entrepreneurs don't have to split their energy between the jobs they are creating and some soul-sucking "day job" just for the sake of keeping our health insurance?

This is a real problem. You repeal the Affordable Care Act, people become what is known as job-locked. They don't like where they work, they know they can do better, but they can't afford to leave and lose their health coverage. It may be their spouse, it may be their child, may be their self, but they are job-locked because they don't have the protection of knowing they can get affordable coverage if they give up the insurance they currently have. That hurts our economy. That hurts the entrepreneur spirit. That hurts innovation. And it is something that is critically important that we solved in the Affordable Care Act.

Mr. PRICE talks about the repeal and we will have something to replace it with. That is not an easy one to fix. That is not one that you can just say

we will take care of because you have to have pools for individuals in small companies that are competitive. If we don't have the type of comprehensive coverage we have under the Affordable Care Act, it is very difficult to understand how that can, in fact, be done. So that gives me great heartburn with someone who espouses the repeal of the Affordable Care Act.

We have many stories, many letters here from people who literally would have had to go through bankruptcy.

In Laurel, MD, Mark tells me about his son Timmy, who developed a rare genetics syndrome called Opitz G/BBB. Timmy's medical expenses would have reached his family's lifetime maximum of \$1 million when he turned 3 months old. When Timmy finally made it home, the ACA covered and continues to cover his cost of medical equipment. The law covers all of Timmy's specialist appointments, surgeries, and hospital stays.

Recently, Timmy was sick and coughing up blood. Mark and his wife took him to the emergency room without fear that he would incur debt he would never be able to pay. Without the Affordable Care Act, Mark's family would likely be in bankruptcy.

Go back before the Affordable Care Act. Look under bankruptcies. Look up what the major reason was for bankruptcy. It was people's inability to pay their medical bills in the United States of America. That is something we don't want to go back to.

I started my comments by talking about pediatric dental. The Affordable Care Act provides essential health benefits so that every person who is insured, every person who is in our system, is guaranteed certain benefits. That affects nearly 3 million Marylanders who are protected by the essential health benefits in the current law. They include such things as maternal benefits and newborn health care, mental health and addiction.

Mr. President, you have been the leader of this body on dealing with mental health services and addiction services, and I applaud you for your efforts, but quite frankly, if we lose the essential health benefits, private insurance companies aren't going to cover these costs.

We have an epidemic nationwide on drug addiction. We have seen opioid misuse lead to heroin, lead to fentanyl. The death rate in Maryland is up about 20 percent every year. We have doubled and quadrupled the number of ODs the last 5 or 6 years, and the numbers are still going up. We need coverage so that we can, first and foremost, stop people from using it in the beginning—an education program, a prevention program; we have to do more of that. We also have to keep people alive and get them into treatment and save their lives, and the Affordable Care Act helps us get that done.

You repeal these essential health benefits, I really worry as to whether—mental health and drug addiction have never been a priority for private insurance companies or, for that matter, the Medicaid system. So we have to make sure that we maintain that type of coverage, and the repeal of the Affordable Care Act puts all of that at risk.

One of the areas I worked on very carefully when I was in the House, and now in the Senate, was preventive health care services. Immunization, cancer screenings, contraception—those types of services are critically important. We had a meeting at lunch today. I found out that unwanted pregnancies are at a historically low level. Are we going to go back to the day where women cannot afford contraceptive services? That makes no sense at all. It is counterproductive to what we all agree we need to do.

I want to talk about one or two other issues which I think are important which are also in jeopardy with the repeal of the Affordable Care Act or policies that have been espoused by Mr. PRICE. One is the Medicaid expansion.

The Medicaid expansion covers our most vulnerable. These are people who don't really have a strong voice in our political system. They are people who really depend upon us, every one of us in the Senate, to protect their health care needs. These are people who are desperate, who can't afford health care other than through our medical assistance program, the Medicaid Program. Yet there has been talk about block-granting that program to the States. Have you looked at State budgets recently? Do you really believe our States have the financial capacity to deal with the Medicaid population without a partnership with the Federal government?

Maryland has been a pretty strong State with Medicaid expansion. My Governor is doing the right thing. I am proud of what Maryland has done, but if you withdraw the Federal partnership, the Governor doesn't have that type of flexibility in the budget to make up the difference. It is going to hurt. It is going to hurt our health care system, hurt our most vulnerable.

It has been estimated that a block grant—that by 2019, Maryland will lose close to \$2 billion. We can't make that up. Would we still cover substance abuse under Medicaid? We didn't before. If we don't cover that, are we going to now be denying those centers that are located for substance abuse? All this is put at great risk.

We know that Mr. PRICE, in his fiscal year 2017 budget proposal, looked at this proposal, and I believe it was at \$1 trillion at that time.

There is a provision in the Affordable Care Act that I authored that sets up Offices of Minority Health and Health Disparities within all our health departments and sets up the National In-

stitute for Minority Health and Health Disparities. We elevated it in the Affordable Care Act. I would certainly hope that we would not be repealing that, although it is in the Affordable Care Act. But I can tell you that the mission of Minority Health and Health Disparities will be severely restricted if we repeal the Affordable Care Act or we block-grant the Medicaid Program because it is the minority population who had been discriminated against historically in our health care system who are most at risk.

I can give you one example of that: our qualified health centers. We significantly increase the resources in the qualified health centers as part of the Affordable Care Act. I have been to our qualified health centers in Maryland, and I have seen that they now have dental services that they didn't have before the Affordable Care Act. They now have mental health facilities. It is one thing to have third-party coverage but another thing to have access to a facility. We know that in rural areas, it is very challenging. In poor neighborhoods, it is also challenging. Qualified health centers help fill that void.

I was talking to our qualified health centers in Maryland. I said: What happens now if we repeal the Affordable Care Act? They literally told me that they can't stay in business because they would lose so much of their reimbursement because it is now being reimbursed under the Medicaid system because these people enrolled; that it would jeopardize their ability to provide the types of services they are providing today. So you are not only denying people third-party reimbursement, you are denying them access to care by the repeal of the Affordable Care Act.

Lastly, let me talk about our Medicare population. Medicare was part of the Affordable Care Act. We don't hear too much talk about that today. We extended the solvency of Medicare as a result of the Affordable Care Act. We brought down the cost of Part B premiums as a result of the Affordable Care Act. And we are closing the doughnut hole coverage gap for prescription medicines within the Medicare system. Before the Affordable Care Act, how many times would we go to a senior center and someone would tell us they didn't pick up their prescriptions from the counter because they didn't have the money to pay for the cost because they were in the doughnut hole? Well, that is coming to an end. It has already closed enough so people are not in that vulnerable situation. But it is now coming to an end as a result of the passage of the Affordable Care Act.

So I take this time today because of Mr. PRICE's nomination. I care deeply about the principle Senator VAN HOLLEN talked about and others have talked about; that is, health care in America should be a right not a privi-

lege. The Affordable Care Act has helped us in achieving that.

Somehow I believe that if we ask the American people, some would say: Well, we don't like this ObamaCare, but we like this Affordable Care Act. Let us be honest with the American people. Let us recognize that this bill has changed the landscape of health care in America for the better: reduced costs, extended coverage, more quality coverage, insurance companies now have to spend at least 80 percent of their premiums on benefits.

So much of that has been done as a result of the Affordable Care Act. Can we do it better? Absolutely. Let's work together, Democrats and Republicans, to improve the health care system in this country without scaring Americans that they are going to lose the benefits they already have.

For those reasons, I believe Mr. PRICE does not represent what we need, and I will, unfortunately, be voting against his confirmation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Mr. President, I rise tonight actually to support the confirmation of my friend and fellow Georgian and our next Health and Human Services Secretary, Dr. TOM PRICE. I have known Dr. PRICE personally and worked with him for quite some time. He is a remarkable individual, and we should take comfort in his nomination to this important position because he has years of service and years of experience working with our Nation's health care system.

He has been a practicing physician, a state legislator, and a Member of the House of Representatives. Dr. PRICE knows that government intrusion has already negatively impacted patient care in the last few years. He has years of professional experience as a physician and he is seen as a leading voice in health care policy. My colleagues across the aisle oppose him, they say primarily because of his opposition to the Affordable Care Act. Well, the truth is, ObamaCare is collapsing under its own weight today. In my State of Georgia, this year alone, after double-digit increases last year, premiums are up 33 percent this year. Nationwide, premiums are up 26 percent. So the other side talks about it being affordable. People back home—I am getting letters every week about the fact that people are withdrawing from ObamaCare because of the increase in premiums, and most insidious are the increases in deductibles. Some two-thirds increase—67 percent—increase in deductibles.

You know, we don't have to worry about repealing ObamaCare because it is collapsing under its own weight. We just have to sit back and watch it die of its own volition. Here is how it is going to happen. It is very simple. In

my State, out of 159 counties, we have 99 counties that only have one health care provider because of the Affordable Care Act. Even in that carrier, there are limited insurance programs available to their customers.

What happens if that carrier decides they cannot profitably afford to be in Georgia? Then 99 counties will lose any health care carrier. Where do they go? They will be fined under the Affordable Care Act for not having insurance. Where do they go? Well, the Federal Government has an answer, obviously. The U.S. Government can always step in and be the insurer of last resort. Is that not the single-payer strategy that was behind this all along? It is not what American mainstream voters want.

The fearmongering that is going on right now about any potential repeal is just hypocrisy. I believe there is no question that there is a plan. We know there is, but to fix ObamaCare is very difficult relatively to the way it was built to begin with. It was based on the wrong premise; that is, that the Federal Government is going to step in and take care of everybody's health care.

If you like the Veterans' Administration, you are going to love health care done by the Federal Government in the Affordable Care Act. By the way, if you like the way the post office is run, you are going to love the way the Federal Government runs our health care.

With all of that in mind, the No. 1 objective of Dr. PRICE that I have heard today and throughout this week has been nothing more than the vitriolic argument that he opposes ObamaCare. That is sad. I think we are taking a great American who is willing to volunteer and become a member of this President's Cabinet and try to make health care better for every American.

I can't think of another person in this country who is more qualified for this timely responsibility. Dr. PRICE will work to end Washington's takeover of our health care system, and I know he will work tirelessly for a health care system that compassionately improves the lives of every American. Truly, there is no one more qualified to serve as our next Health and Human Services Secretary than my good friend, Dr. TOM PRICE.

I am proud to support him. I am glad we are finally grinding our way to his confirmation later tonight, but while we talk about his confirmation, we also need to talk about this frog walk that the opposition is making us go through to get these nominees confirmed in this Cabinet. This is taking the longest time to confirm a Cabinet since George Washington.

We see extreme delays, longer delays than we have seen at any time since the first President was in office. Imagine if Hillary Clinton was President right now. Imagine. Imagine if Republicans in the Senate were doing what

the people across the aisle are doing today. Imagine if we were delaying her Cabinet nominees to the point where we are now confirming them at a pace slower than any time since George Washington was in office in 1789.

Imagine. Imagine how the mainstream media would be screaming about that story and how it would be a very different story than what is being told today. This last week, the Senate demonstrated exactly the type of behavior that folks in my home State of Georgia, and I must say around the country, are absolutely fed up with and sick and tired after.

They know this is exactly why Washington is gridlocked and why we are not getting results for the American people. We are wasting time. People are out of work. The other side says this is very real. Of course it is very real. It is time to move on. We have a new President. Put his team in place. The American people are being hurt by and paying attention to this failure of responsibility.

Real results can only be achieved if Washington politicians prioritize the well-being of Americans, rather than their own individual political careers and their next election cycle. The minority party is well within their rights, of course, to dissent and oppose the President's nominees on solid ground. Republicans have done that in the past, but at no time in history have we seen this sort of frog-walk delay being perpetrated on the people of America.

They are using the rules of the Senate inappropriately, in my mind, to slow down and bring to a halt the confirmation process of a President they don't support. No President since George Washington has had to endure this sort of historic delay, obstruction, and slow-walking we have seen here since President Trump was inaugurated.

If the minority party had its way, all Cabinet-level nominees would not be confirmed until June or July of this year. By the way, that is one-eighth of the first term of this President—12 percent is being wasted right now—if, in fact, the Republican leadership in this Senate were not doing what it is doing. The minority party knows it can't stop any of these nominees on their own merits individually. So they are grinding the entire process to a halt using procedural delays. This is a clear abuse, in my mind, of the intent of the rules to protect the minority, authored by James Madison. To combat that, the Republican leadership has kept the doors of the Senate open 24/7. The people of America should know that we are here doing their business and doing their bidding to make sure we proceed as fast as we can to the confirmation of this President's nominees.

We have to move past these delays perpetrated by the minority party intended to do nothing but to delay the

potential impact of this new President. It is time to get results. The American people have spoken. President Trump has named his team. He is ready to get to work. He is already showing that he is willing to move at a business pace, not a government pace.

The people in Washington, looking at this President through the lens of the political establishment, are having a hard time dealing with him, but I have to say, the quality of nominees is something we have not seen for decades, if ever. It is time to put these people in their responsible positions and let them go to work. He is already moving at a pace that we have not seen in many Presidencies.

Like me, President Trump came here to focus on getting results and changing the direction of the country. He has a plan to do just that. We need to get on with that business, debate those issues, come to some conclusion, compromise where necessary, but get government moving, as the Senate has done for every previous President.

We should confirm this President's nominees now and spend our time debating those critical issues that will get our country moving again, to change the direction of our country, to put people back to work. Things like growing our economy, updating our antiquated tax system, unleashing our full energy potential, updating our antiquated and unnecessary regulatory regime, fixing the broken budget process, changing our outdated immigration system, saving Social Security and Medicare, and, yes, addressing the spiraling health care costs that, no, the Affordable Care Act did not even attempt to address.

The American people elected a new President. That President has named his slate of potential nominees to be Cabinet members. It is time to cut the foolishness and get down to business.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. WHITEHOUSE. Mr. President, my distinguished friend, Senator PERDUE, is actually right. There is something unprecedented going on around here with these nominations, but it is not the Democratic effort to try to make sure that those nominees get a fair hearing and some light on them before they get into office.

What is unprecedented around here with these nominees is, first of all, what a hash the Trump administration made of getting them ready. They were not ready to go. They were not prepared for the ethics reviews. They were dead in the water, and they have a lot of responsibility just in terms of the simple incompetence of getting a Cabinet ready to go.

That is not the Senate's fault. The Senate should not roll over in its advice and consent role because an executive branch can't prepare nominees.

Then you get behind the incompetence of the executive branch in preparing nominees and you start looking at the nominees.

What else is unprecedented about them is the huge array of conflicts of interest they bring. We have never seen anything like this. We call it the "swamp cabinet" because it is, in fact, swampy with conflicts of interest. Many of these candidates have such massive financial complexities—because it is billionaire after billionaire after billionaire—that they have had to do all sorts of business contortions to try to get ready for their appointments.

That also is not our fault. That actually makes our responsibility greater so we can do our constitutional job in the Senate, as providing advice and consent, to look at potential conflicts of interest. It is part of why we have advice and consent, so we can screen for that. When we are not getting disclosure, we can't even do that.

There are still disclosure gaps for a lot of these nominees. The controversy and special interest connections of some of them are, frankly, appalling. So there are, indeed, nominees whom we would love to stop. If we could stop them, we would do it because we think they are going to do damage to the American people; damage to Medicare, which seniors rely on; damage to Medicaid, which so many sick kids rely on; damage to clean air, which I think everybody tends to rely on if they breathe; damage to clean water, which fishermen and sailors and people count on across the country. It is not a question here of doing the people's business, it is a question of trying to prevent these people from giving the people business because this looks like the special interest Cabinet of all time. If you go down one by one through the civilian Cabinet, you can more or less pick who the most influenced special interest is, the one who is most harmful to the American people in that particular area, and bingo, there is your nominee. So we should not slow down the advice and consent process just for the sake of slowing down the advice and consent process, but we should slow down the advice and consent process when we are not getting the basic information necessary to do our jobs, and we should slow down the advice and consent process when we are handing over agencies of government to big special interests. Those are two very good reasons to have the Senate's noble tradition of advice and consent followed scrupulously.

As to the nominee for HHS, Dr. PRICE, he is right in that list. He has conflicts of interest. He has real harm that he proposes to the American public.

I think Medicare is one of the great things the United States has done. It is one of our signal achievements. It has lifted seniors out of poverty in a way

that very few other countries can match and that the United States had never seen before we did Medicare. It is probably the most efficient health care delivery system in the United States of America, and our seniors count on it and love it.

That is not good enough for the good Dr. PRICE, though. He wants to voucherize Medicare. What do you do if you are a Medicare patient who is elderly and infirm? How do you go shopping for health insurance? I can remember when I was quite capable as a fit lawyer, and I was given the H.R. forms by the U.S. attorney's office to make my choice. It is a complicated mess. And you expect some woman who may be in a hospital bed to sort through that? Great job giving her a voucher. It is just so unfair and so wrong.

Medicaid. Children across Rhode Island depend on Medicaid. If you are a family and you have a child with a significant illness, you are very likely to have that support for that child come through the Medicaid Program. This is a man who wants to block-grant Medicare and projects trillion-dollar cuts—trillion-dollar cuts? Who is going to make up the trillion dollars if we are not taking care of these kids? Is it going to go back to the families or the care just isn't going to be there for the Medicaid children? That is just wrong.

These are ideological candidates who want ideological victories that will hurt real people like Henry, from Warwick. A woman named Lisa wrote to me. She is a teacher and lifelong resident of Warwick, RI. She has a son, Henry. Henry was just born last year, and before he was even 1 month old, Henry was diagnosed with cystic fibrosis.

Cystic fibrosis, as I am sure we all know, is a genetic disorder. It affects more than 30,000 people in the United States, and it is one of the crueler diseases on the face of the planet. As cystic fibrosis progresses, it can cause infections, it causes difficulty breathing, and eventually it renders the child unable to breathe and respiratory failure results. There have been important advances and treatment for this disease, but there is no cure.

So Henry needs regular tests and treatment. He will need them for the rest of his life as doctors fight to extend his life as long as they can in hopes that a cure will arise. His parents are extremely grateful for the wonderful work of our doctors at Hasbro Children's Hospital who take care of Henry. But Lisa and her husband are also worried about their health insurance, and Henry's, because Henry has a preexisting condition. If Secretary Price were to have his way, the Affordable Care Act would be repealed, and without it there would be no protection for people like Henry—a child like Henry with a preexisting

condition. Either he would face outrageous health care premiums or be denied coverage altogether. Since then, having to face the scrutiny of confirmation, he has said: Oh, no, that part we are going to try to save. But when you go through the parts that my Republican friends are going to try to save, you end up with pretty much the whole bill. If you are going to try to save every part of the bill, why bother repealing it? Why not make it better and move on?

How irresponsible it was to say, "Repeal," when all these points were in it. When repeal was the great mantra, nobody said: "Repeal. Oh, but not that." "Repeal. Oh, but let's protect the seniors from the doughnut hole." No, it was just "Repeal ObamaCare. Repeal ObamaCare." Frankly, chanting "Repeal ObamaCare" I think is about as disqualifying to lead Medicare and Medicaid as chanting "Lock her up" would be to be Attorney General of the United States.

Catherine is a constituent of mine who lives in Cranston. She is a breast cancer survivor. She owns a small family business. Her family had health insurance before the Affordable Care Act, but their insurance company decided that their little company had too few employees to qualify as a small business, and it dropped them from their coverage. So it was thanks to the Affordable Care Act that Catherine and her husband could get affordable and quality health insurance through our exchange that we call HealthSourceRI. With this coverage, they go on about their business. They don't have to worry about whether their insurance company is going to change the rules and pitch them out again. Catherine and her husband tell me they don't understand how anyone could say they support small business and want to repeal the Affordable Care Act.

Timothy wrote to me. He is a freelance writer in Rumford, RI. He has affordable health care for the first time in his life. There is no big company to help you if you are a freelance writer; you are on your own. But the Affordable Care Act has been there for Timothy. He has multiple chronic health conditions that require medication. Before he had coverage under the Affordable Care Act, Timothy was hospitalized for a heart problem. He couldn't afford the resulting hospital bills. Without health insurance, he couldn't pay for his prescriptions. Having health insurance, Timothy told me, has changed his life. He feels dignity, he feels peace, he feels assurance, and a lot of that is simply the reassurance that you can afford the medications you need to stay healthy. His chances of having to be hospitalized in the future are down. If the ACA is repealed, Timothy may be forced to forgo care that he needs, endangering his health, and potentially, by the way, costing the system a lot more.

Martha, who lives in Cranston, RI, knows well the dangers of being uninsured. Before the Affordable Care Act, Martha went several years without health insurance, gambling that she could get away with it because she couldn't afford it. A gall bladder infection required emergency surgery. She was taken to the hospital, the surgery was performed. It went well, but she was left with a \$60,000 hospital bill. Unable to pay the bill, she declared bankruptcy.

Now she can have coverage, and by the way, when the hospital has to do the surgery, it gets paid with her insurance. That is why the American Hospital Association and the Hospital Association of Rhode Island are saying: Don't repeal ObamaCare. That would be reckless.

Martha and her husband and her 24-year-old son have all been able to purchase insurance through the Rhode Island exchange. By the way, our exchange is doing great. People may complain about exchanges in other States. We are seeing costs steady; we are seeing costs going down. One of our major insurers, Neighborhood Health Plan of Rhode Island, is advertising on TV. Whoa. Our rates are going down, and their coverage is fine, and Rhode Island is a success story under the Affordable Care Act. The \$283 per month that Martha and her family now pay in total for insurance certainly beats the \$500 a month that she and her husband each faced for individual coverage before the ACA.

Paula wrote to me from Cranston about how the Affordable Care Act has helped her and her husband bridge the gap until they get to the safe haven, finally, of Medicare. Paula is 63 years old. She works part time. Her husband who is 64 years old and retired has health insurance through our exchange, HealthSourceRI. Paula has beaten breast cancer once, but she is at high risk of recurrence.

If the Affordable Care Act is repealed, Paula would be at risk to lose her health insurance and the ability to have tests that would help her catch a recurrence of cancer in time. Paula and her husband worked hard and saved well, but as Martha's story shows, one illness can wipe you out if you don't have health insurance, and they are so content and comforted knowing they have a good health insurance plan through our exchange.

Travis is a social worker in Providence. He provides psychotherapy and counseling to recovering addicts who are receiving medication and assisted treatment. This is a particularly touching point in Rhode Island because we lost 239 Rhode Islanders to opioid-related overdoses last year. That is 239 fatalities in Rhode Island last year.

The Affordable Care Act, Travis believes, is the reason that many of his patients are actually able to get care

and stay away from the risk of overdose. He wrote of his patients, many of them never accessed methadone treatment prior to the passage of the Affordable Care Act, let alone sought treatment for their psychiatric conditions which may underlie the substance abuse disorders. By the way, a recent report came out that said if you repeal the Affordable Care Act and its coverage requirements for mental health and substance abuse, you pull about \$5.5 billion worth of coverage out from American families. Is that really what this Congress wants to be responsible for doing? I certainly hope not, not after all the fine statements we heard about the Comprehensive Addiction and Recovery Act and the funding for it.

Let me make one last point because I see the Senator from Michigan here and I know she wants to add her thoughts. You can talk about the personal stories, and it shows how poignant and important having the Affordable Care Act around is in the lives of real actual people, but we also have to deal with budget issues in Washington, and I just want to show this chart.

This chart shows the spending projections for Federal health care spending. The red line on the top was the projection in 2010 done by the CBO, the Congressional Budget Office. In 2010, they said: Here is how we think our spending is going to be in Federal health care. They predicted that. Then they came back and they did another prediction in 2017.

One thing that happened is that after the passage of the Affordable Care Act back here, we came in well below predicted expense for Federal health care. We saved a lot of money in that period. Then when they rebooted the prediction in 2017, they started off actual and they did a new prediction right here. The difference in this 10-year period in Federal health care costs between what they expected to have happen in that 10-year period before the Affordable Care Act came along and what experience and the new projections show the savings are since the Affordable Care Act are \$3.3 trillion—\$3.3 trillion—and we have this person who wants to be the Secretary who wants to cut the program? We are saving money in the program under this. It doesn't make any sense fiscally, and it is cruel to the individuals and families who have found comfort and peace and security from the Affordable Care Act.

So I will leave us with that, but if we are going to be responsible about doing something about our outyear health care costs, find me something else that shows \$3.3 trillion in savings during the period of 2017 to 2027, over 10 years. For these costs, we sometimes look out 30 years, and that number would grow even greater. We have saved trillions of dollars as a result of the Affordable Care Act, and CBO shows it.

Thank you very much. I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Michigan.

Ms. STABENOW. Thank you very much, Mr. President.

The decisions made by the next Secretary of Health and Human Services will affect all of us, and that is why we are here. That is why we have spent so much time and will continue to talk about the issues. This is not personal with the individual, this is about everyone in our country and how they are impacted by the ideas and the policies of this individual as well as the person who has nominated him.

This particular individual has a very clear record as to what he believes should happen as it relates to Medicare and Medicaid, and our entire health care system. More than 100 million people rely on programs like Medicare—seniors, people with disabilities on Medicare. With Medicaid, the majority of money spent through the Medicaid health care system goes to seniors in nursing homes. That is where the majority of dollars go, long-term care for seniors. So Congressman PRICE's ideas, his proposals, the things he has pushed in the House matter because they show us what he believes should happen to Medicaid and to Medicare.

We need to make sure the next Health and Human Services Secretary will fight for the health care of families in Michigan—at least I need to be sure. That is where my vote goes, based on what is best for families in Michigan. That is what is best for our communities, rural communities, where the hospital, like where I grew up in Clare, was the largest employer in the community, greatly affected and impacted by what happens to Medicare and Medicaid funding. If the hospital is not there, chances are the doctors aren't there either or the nurses. Our larger communities are where, obviously, our hospitals are critically important as well.

So when we look at communities and hospitals and doctors, families, children, seniors, and the broad economy—and, by the way, one-sixth of the whole economy in our country is connected to health care. So who is in charge as Secretary of Health and Human Services is a big deal. That is why we have focused so much on this individual, his policies, his ideas, and his own background as well.

As we have gone through the confirmation process, it is clear to me that Congressman PRICE's policies do not—do not—have the best interests of the people I represent in Michigan at heart, which is why I will be voting no on his confirmation.

I have heard from thousands of people around Michigan. I have heard from people who like our hospitals and live in the community, and businesspeople and nurses and doctors with great concerns. I have also heard from people

around the country and have helped to lead a forum for people to come and speak, people who were not invited into the actual hearing for the confirmation hearing. I thought it was important, as did my Democratic colleagues, to have a forum where people could speak about the ideas, the bills, the policies that Congressman PRICE has passed in the House of Representatives.

So we heard a lot of stories and, overwhelmingly, people were opposed to this nominee.

One of the people who shared her story was from Michigan. I was very appreciative that she came in from Michigan. Ann was diagnosed with multiple sclerosis when she was 4 years old. It resulted in functional quadriplegia. She has limited use of her right arm and no use of her left arm. She was fortunate to have strong employee benefits and to be covered until she went on Medicare at 65. By the way, this nominee thinks the age should go up—66 or 67, I am not sure how far. But Ann made it to 65 and, like so many people I know, was holding her breath to get there so she could have comprehensive quality health care that she paid into her whole life called Medicare.

Over the course of the last few decades, the price of her prescription drugs have skyrocketed and would cost her tens of thousands of dollars a year without Medicare and Medicaid. For her, the decision about our Health and Human Services Secretary makes an enormous impact on her life.

She told us: Without Medicare and Medicaid, things would have been very different for my family. I don't know how I could have cared for my mom on top of managing my own care. My family would have lost our home, all of our savings, trying to keep up with the bills. So many families are squeezed like ours, having to afford care for their aging parents and their own care, or childcare at the same time. But with support, we don't have to suffer to just be alive.

If these programs are cut, if we see the kinds of proposals on Medicare and Medicaid that Congressman PRICE has put forward in the House, in the Budget Committee, people will face more catastrophes than ever before.

Our new President campaigned on a promise not to cut Medicare and Medicaid. He said himself: "I am not going to cut Social Security like every other Republican, and I am not going to cut Medicare and Medicaid." But it doesn't square with the person he has nominated for this critical position, who will be making administrative decisions as well as leading his efforts on health care. So actions speak louder than words, at least that is what we say in Michigan.

Just this fall, Congressman PRICE said he expects Medicare to be overhauled—overhauled within the first 6 to 8 months of Trump's administration.

He also believes the age of eligibility needs to increase—his words—and that "the better solution is premium support." What does that mean? That is another word for voucher. Some people say privatization. But basically instead of having an insurance card and a health care system where you can go to the doctor and know that you are covered with insurance, you get some kind of a voucher or an amount of money, and then you would be able to go find your own insurance, I guess, or figure out a way to pay for your insurance.

Before Medicare, seniors were trying to figure that out and couldn't find affordable insurance in the private market, which is why, in 1965, Medicare was created. There is no way in the world I will support going backward to that kind of approach.

As chair of the Budget Committee, Congressman PRICE proposed a budget that would have cut Medicare by nearly \$500 million, not counting what he wants to do with Medicaid, the majority of which goes to fund senior citizens in nursing homes.

We need to have a Secretary who supports making it easier and more affordable for people to get care, not less.

Let's talk about health care for a moment in the broader sense. We know more and more people—some 30 million people—would be affected, their health insurance ripped away, if the repeal is passed that has begun—the process has begun by Republicans in the House and in the Senate. The Affordable Care Act has provided health care and the opportunity for people to get care for children to be able to see a doctor. There are parts of the country where we need more competition, where prices are too high. I want very much to work on that. I am committed to working to make that system better, and we can do that without ripping the entire system apart.

There is also another part of the Affordable Care Act that affects every single person with insurance—things that I know have made a tremendous difference to anybody with employer-based insurance; first of all, being allowed to have your child on your insurance until age 26; secondly, knowing that if you get sick, you can't get dropped by your insurance company, and if you have a chronic disease, something has happened to your health, you can't be blocked from getting insurance; and we also know things like making sure you can get all the cancer treatments your doctor says you need, not just those up to the cap that the insurance company will pay for. I had pediatric cancer physicians tell me they have been able to save children's lives who have cancer because there was no longer a cap on the amount of care.

Mental health and substance abuse services, where if they were covered at all before the Affordable Care Act, it

always cost more money: higher copays, higher premiums. Now you can't do that. You have to have the same kinds of copays and the same kinds of premiums.

So many patient protections have basically said to insurance companies: You don't get, just based on profits, to decide what is going to happen; that when you buy insurance, you actually get health care. And that is something true for everyone today.

So we have a Secretary nominee who supports doing away with all that, changing all that, who is not someone who is interested in having a basic set of services identified in health care, like maternity care. I talked with him, questioned him in the Finance Committee. This is an area I had championed when we passed the Affordable Care Act to make sure that basic services for women were viewed as basic services in health care, and it starts with prenatal care and maternity care. Prior to the Affordable Care Act, it was very hard to find private insurance that covered maternity care, unless you wanted to pay for—some 70 percent of the plans out in the private market require women to pay more. So I asked Congressman PRICE, did he believe maternity care was a basic service and should be covered under basic insurance. He said: Well, women can purchase that if they need it, which is exactly what happened before—which is, no, it is not basic care, but you can purchase it on top of your regular premium, if you need maternity care.

So right now the law says you can't discriminate and charge women more than men, and in fact being a woman is no longer a preexisting condition.

But the person whom the President has nominated for Health and Human Services would take us back there, and he would take us back there on a whole range of areas that create access for people to be able to have the care they need.

Here is an example from a doctor in west Michigan who wrote me regarding just basic medical care for someone in need. He said:

In December, a young man arrived in our emergency room with a badly mangled hand from a machining accident. He knew the hand was seriously injured and was willing to allow his coworker to bring him into the hospital so that it could be stitched up. When our physician studied the wound, they knew he needed surgery to repair the bone and blood vessel damage. The patient refused, thinking the only thing he could possibly afford was stitches.

They then connected this man with a financial services specialist who took a few minutes to find out that he was eligible for Medicaid, working; now, because of the expansion, able to receive health care under Medicaid. He was then able to get the surgery he needed.

Beaumont physicians said that if the surgery hadn't happened, the man could have had an open wound for an

indefinite amount of time, been prone to infection, and possibly lost his hand entirely, making him unable to ever work at his job or maybe any job again.

Expanding Medicaid health care to working people is a good idea, and millions of people have been impacted and have been able to get the care they need for themselves and for their children.

Access to health care saved this man's arm and possibly his life, and that is really what is at stake here, both with this nominee and the larger debate on where we are going to go in our great country on the whole issue of health care.

We all know that the advice of the Secretary of Health and Human Services will be a strong influence on the President's decision to promote, to sign, to veto legislation. We know he has the ability administratively to do a number of things—to cut off care, to cut off access to women's health care, to change the system that we have now, to destabilize it so that the Affordable Care Act will not work. I am extremely concerned that because of Congressman PRICE's record and his actual proposals and decisions and votes, he will be willing to actually do that. Whether it is cutting Medicare or Medicaid or removing some of the critical policies that keep people healthy and care affordable, I am deeply concerned about the decisions this nominee will make and the recommendations he will make to the President of the United States.

Again, we don't have to speculate about this. He has put these plans on paper. He has supported them. He has passed them. It is very clear. We don't have to guess where he wants to go: to dismantle Medicare as we know it, to gut Medicaid, most of which goes for seniors in nursing homes, and to unravel the entire health care system and the patient protections that every American who has insurance has right now that allow them to get the health care they are actually paying for.

I need to raise one other thing because this is very serious and goes to serious issues surrounding conflicts of interest and likely ethics violations that relate to this nominee.

There are a lot of unanswered questions and serious concerns related to Congressman PRICE's investments in health care and pharmaceutical companies. Frankly, he misled the Finance and the HELP Committees with answers to questions, and just the night before he was to have a confirmation hearing and vote, we learned from company officials that he got a privileged offer to buy stock at a discount. In other words, he got a special deal on health care stock. He told us he had not; they had paid fair market value, even though it was already an issue that he had purchased stock and then

put legislation in related to similar companies or the same companies involved. But then we found out it was even worse because he got a special deal.

As Democrats, we asked for answers. We did not want to move forward without asking the Congressman to come back before us so we could ask questions about what he had said to the committee versus what the business that sold him the stock said afterwards. Unfortunately, that did not happen, requiring the Finance Committee to be in a situation where the rules ended up being broken and the nomination was forced through the committee without having bipartisan participation.

I have a number of concerns related to the ethics and possible legal violations of this nominee. On multiple occasions, he did purchase stock within days of introducing legislation that would have affected that company's bottom line and his investment. Despite multiple requests over several weeks, we still don't have the answers and, more importantly, the American people don't have the answers from the person who will oversee health insurance, oversee Medicare, Medicaid—the entire system. Someone who has invested and then helped the same companies indicated he didn't get a special deal, and now we have information that says otherwise. I think that is very concerning and should have been addressed before we were asked to vote on this particular nominee.

There are a number of reasons—policy, track record, questions that have been raised that I find extraordinary that they haven't been answered and shocking that folks haven't felt they should be answered at this point. But for many reasons, it is my intention to vote no on behalf of the people in Michigan who care deeply about a strong, effective Medicare system, about making sure Medicaid is there for our children as well as our seniors and nursing homes, and for everyone who believes that in this great country, all should have the ability to see a doctor and get the medical care you need for your child or yourself.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, my understanding was that the Democratic leader wanted to come and speak for 5 minutes between Senator STABENOW and myself. But he is not here, so I am going to speak.

Before I start my remarks that I have prepared, I want to say something specifically to the Presiding Officer because he is a new Senator from Indiana.

I read a front-page article in the New York Times just a few weeks ago. It featured Indiana University Hospital and the health physicians there. It was

an article about the savings and the delivery reform that have been driven by the Affordable Care Act, things that will be staying with us even if this is repealed, which I hope it isn't. But this is a quote I would like to read for the Presiding Officer from Dr. Gregory Kira, co-chief of primary care, Indiana University Health Physicians.

I would ask the Presiding Officer for his attention for a second. This is what it says: "I've been a registered Republican my whole life, but I support the Affordable Care Act," said Dr. Gregory C. Kiray, co-chief of primary care for IU Health Physicians, "because it allows patients to be taken care of."

I admit, I didn't have 49 others for every State, but I had remembered reading this.

On February 3, 2009, Tom Daschle, President Obama's nominee for Secretary of Health and Human Services, withdrew his nomination because he hadn't paid his taxes on his car service. On January 9, 2001, Linda Chavez, President George W. Bush's nominee for the Department of Labor, withdrew her nomination after questions were raised about her decision to shelter an undocumented immigrant. Most recently, Vincent Viola, President Trump's nominee to be—

Would the leader like me to yield to him for a few minutes?

Mr. SCHUMER. That would be great.

Mr. FRANKEN. Really?

Mr. SCHUMER. I would appreciate it.

Mr. FRANKEN. Would that be good for me and my career?

Mr. SCHUMER. Your career is so great, you don't need me.

Mr. FRANKEN. Well, I am going to yield to our leader in just a moment, when he manages to get there, and it will be the esteemed Senator from New York, CHARLES SCHUMER. I will narrate as he is stepping over there, walking now to the podium—the leader, whom I will yield to.

Mr. SCHUMER. First, let me thank my colleague from Minnesota.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. And I meant what I said: He doesn't need any help. He does it so well on his own. So I will regard this not as a quid pro quo—although he can get what he wants—but as an act of kindness and generosity.

Mr. President, I rise this evening to oppose the confirmation of Representative TOM PRICE to be Secretary of HHS and urge my colleagues to vote no on his nomination.

Representative PRICE might be the quintessence of President Trump's Cabinet: a creature of Washington, deeply conflicted, and far out of the mainstream when it comes to his views on health care.

Like other nominees, philosophically he seems completely opposed to the very purpose of his Department: the good governance of the health programs that cover tens of millions of Americans.

Candidate Trump promised he would not cut Medicare or Medicaid, but Congressman PRICE has spent his entire career trying to cut Medicare and Medicaid and dismantle the Affordable Care Act. Just listen to these quotes:

The nominee for Secretary of Health and Human Services has said, "Nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare." That one might have come out of the 1890s, if we had had Medicare then.

He said he expects lawmakers to push forward with an overhaul of Medicare, "within the first six to eight months" of this new administration. Does that sound like someone who doesn't want to cut Medicare and Medicaid? It doesn't to me. It doesn't to the American people. In fact, if you could pick someone who in either House of Congress was most likely to cut Medicare and Medicaid, you would pick Congressman PRICE. It could not be more of a contradiction to what Candidate Trump promised in the campaign.

So here is what worries me: From what I know of the President, he will cede great authority to Cabinet officials, content to jump from one topic to the next, one tweet to the next. I would put much greater stock in Representative PRICE's record than anything the President promised during the campaign, and that is very bad news for seniors and the American people generally.

For that reason, every American who receives benefits from those programs—the millions of American seniors, women, families, and people with disabilities—should be gravely concerned about what the tenure of a Secretary TOM PRICE will mean for their health.

Make no mistake, in the dark hours of the early morning, with the confirmation of Secretary Price, the Republicans launch the first assault in their war on seniors. The war on seniors begins when we select Representative PRICE over our votes as Secretary of Health and Human Services.

When it comes to the health care of older Americans, confirming Representative PRICE to be Secretary of HHS is akin to asking the fox to guard the henhouse. It has been revealed that in his time in the House, Representative PRICE engaged in a number of questionable practices related to the trading of stocks in issues that his legislation impacted. There are many instances.

There were reports late last year that Congressman PRICE had traded stocks in dozens of health care companies valued at hundreds of thousands of dollars during a time when he introduced, sponsored, or cosponsored several pieces of legislation that potentially impacted those companies. In one instance, Congressman PRICE

bought shares in a medical device manufacturing company just days before introducing legislation in the House that would directly benefit that company.

These were far from isolated incidents. Just yesterday, USA Today reported that Congressman PRICE "bought and sold health care company stocks often enough as a member of Congress to warrant probes by both federal securities regulators and the House ethics committee."

These allegations alone might be enough to sink a nominee in another administration, but it seems this Cabinet is so rife with ethics challenges and conflicts of interest that Representative PRICE's conduct in the House doesn't place him too far outside this unethical norm. But that should be no excuse. When you are a Congressman or a Senator, you must endeavor to avoid even the hint of a conflict of interest, let alone a situation where you are actively trading stocks that may be impacted.

So this is a sad evening. The war on seniors by the Trump administration begins when we confirm Representative PRICE. People will look back and say that the public war on seniors began at 2 a.m. Friday morning when the Senate, unfortunately, confirmed Representative PRICE.

I urge my colleagues to vote no.

I yield the floor and once again thank my colleague.

Mr. FRANKEN. Thank you, Mr. Leader.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I have to start this over fresh. I don't know if the CONGRESSIONAL RECORD needs to have this first half paragraph twice, but so be it.

On February 3, 2009, Tom Daschle, President Obama's nominee for Secretary of Health and Human Services, withdrew his nomination because he hadn't paid his taxes on his car service. On January 9, 2001, Linda Chavez, President George W. Bush's nominee for the Department of Labor, withdrew her nomination after questions were raised about her decision to shelter an undocumented immigrant. Most recently, Vincent Viola, President Trump's nominee to be the Secretary of the Army, withdrew his nomination after it proved too difficult for him to distance himself from his business ties.

Congressman PRICE's conflicted financial investments and his affiliation with conspiracy-theory-peddling extremists should be enough to disqualify his nomination. On top of that, Congressman PRICE's policy agenda squarely contradicts what the majority of the American people want and the key promises President Trump made during his campaign. It is, frankly, hard to believe that we are seriously considering someone who has advanced policies

that would privatize Medicare, gut Medicaid, and rip coverage away from millions of Americans.

For all of these reasons, I strongly oppose Congressman PRICE's nomination for Secretary of Health and Human Services.

Let's take these issues one by one.

First, Congressman PRICE's stock trades. Public documents show that between 1993 and 2012, Congressman PRICE owned shares in tobacco companies worth tens of thousands of dollars. At the same time, Congressman PRICE voted against landmark legislation in 2009 that gave the Food and Drug Administration the authority to regulate tobacco and bring down the death toll inflicted by tobacco products. That means Congressman PRICE, a physician who swore to uphold the Hippocratic oath of "do no harm," voted against public health and for Big Tobacco. This is the person who is slated to become the next Secretary of Health and Human Services, someone who personally profited from increased sales of deadly, addictive products.

When asked about this during his hearing in the Health, Education, Labor, and Pensions Committee, Congressman PRICE's best defense was that his broker made the stock trades on behalf without his knowledge.

Here is the problem with that defense:

First, Congressman PRICE annually reported his financial holdings, signing off on documents acknowledging his investments in tobacco companies, meaning that he would have knowledge of the fact that his vote to block tobacco regulation could have a direct financial benefit to him.

Second, these were not investments in diversified funds; these were individual stocks that he owned for nearly 20 years and that he reported paid him dividends. Let me repeat that. Congressman PRICE, medical doctor, owned individual tobacco company stocks that paid him dividends.

Owning tens of thousands of dollars of tobacco stocks while voting to help tobacco companies was not Congressman PRICE's only questionable investment. In late December, the Wall Street Journal reported that over the past 4 years, Congressman PRICE has traded stocks worth more than \$300,000 in about 40 health-related companies while at the same time serving on the House Ways and Means Committee, where he drafted and cosponsored legislation that could affect his investments.

Let's talk about one example that is particularly troubling. Congressman PRICE made his largest ever stock purchase in a company called Innate Immunotherapeutics, a small biotech company based in Australia. This is a company that has only one experimental therapy in the early stages of testing, has never generated revenues

from drug sales. It is not exactly a household name. How did Congressman PRICE get in on this sweetheart deal? He was told about Innate by Congressman CHRIS COLLINS, who, in addition to being a Member of the House of Representatives, serves on the board of directors for Innate Immunotherapeutics and is the company's largest shareholder.

The Wall Street Journal reported that Congressman PRICE was part of a small group of fewer than 20 U.S. investors who participated in the private stock sale. The New York Times and the Buffalo News reported that many of those people had close ties to Congressman COLLINS, including COLLINS' chief of staff, a prominent DC lobbyist, and several of Congressman COLLINS' campaign contributors.

On August 31, Congressman PRICE reported that as part of this special private stock sale, he bought about 400,000 shares of Innate stock for as little as 18 cents a share. That same day, the stock was trading on the Australian Stock Exchange for the equivalent of 31 cents per share. That is a 42-percent difference—42 percent below the market price—and Congressman PRICE now stands to make a profit of more than \$200,000. That is quite a stock tip.

Richard Painter, George W. Bush's chief ethics lawyer, describes PRICE's stock trades as "crazy. . . . We wouldn't have put up with anybody in the Bush administration buying and selling health care stocks." Painter went on to explain that "if you, as a member of Congress, buy and sell health care stocks at the same time you are possessing non-public information about that legislation, you are taking the risk of being charged with criminal insider trading."

Let me repeat that. Mr. Painter, who was George W. Bush's chief ethics official, suggested that Mr. PRICE's actions risk a criminal insider trading charge.

Congressman PRICE could have directed his broker to stay away from tobacco stocks. He could have directed his broker to stay away from health care stocks or individual stocks altogether given that health care was one of his legislative priorities. But he did not. Why would Congressman PRICE take this risk?

My colleagues and I have sent Congressman PRICE a number of letters asking for more information about his stock trades and investments. If this is all aboveboard, then Congressman PRICE should have nothing to hide. I also submitted questions for the record as a member of the HELP Committee. In response to all of these questions, I have received nothing. It makes no sense that his nomination has been brought to the floor despite his refusal to respond to committee questions.

Congressman PRICE has demonstrated a lack of judgment with his stock trades and now is stonewalling

the committee, refusing to answer our inquiries, but Congressman PRICE's questionable stock trades aren't the only area raising red flags.

My second set of concerns stems from Congressman PRICE's longstanding association with conspiracy-peddling, anti-science extremists. For more than 25 years, Congressman PRICE has been a dues-paying member of the Association of American Physicians and Surgeons. He has spoken at the organization's conferences and even described the organization's executive director as one of his personal heroes. This organization is way out of the mainstream. It promotes anti-vaccine pseudoscience and denies the scientific fact that HIV causes AIDS. It is an organization that blames "swarms" of immigrant children for disease and has published scientifically discredited theories linking abortion to breast cancer. At one point, it even accused President Barack Obama of hypnotizing voters with "neuro-linguistic programming."

Let me repeat that. It accused President Barack Obama of hypnotizing voters with "neuro-linguistic programming."

That is not all. The statement of principles for the Association of American Physicians and Surgeons has an entire section devoted to urging doctors to refuse to participate in Medicare, in which it says the effect of such government-run programs is "evil, and participation in carrying out his provisions is, in our opinion, immoral." Congressman PRICE—the person poised to become the next Secretary of Health and Human Services, the person responsible for leading Medicare—has been an active, engaged member of this organization for 25 years.

Just in case you don't think he has bought into these ideas, let me read you what Congressman PRICE wrote in 2009 in an op-ed: "I can attest that nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare."

Since Congressman PRICE will not answer my questions, I will pose this to one of my Republican colleagues: How are the American people supposed to trust Congressman PRICE as Secretary of Health and Human Services given that he has belonged to an organization for over 25 years that has such blatant disregard for science and a propensity for putting partisanship and ideology above evidence?

Lastly and most importantly, the policy reforms that Congressman PRICE has put forward are so extreme that they should be disqualifying in and of themselves. As an editorial recently published in the New England Journal of Medicine stated, "As compared with his predecessors' actions, PRICE's record demonstrates less concern for the sick, the poor, and the health of the public and much greater concern

for the economic well-being of their physician caregivers." That is from the New England Journal of Medicine.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New England Journal of Medicine; Jan. 12, 2017]

CARE FOR THE VULNERABLE VS. CASH FOR THE POWERFUL—TRUMP'S PICK FOR HHS

(By Sherry A. Glied, Ph.D. and Richard G. Frank, Ph.D.)

Representative Tom Price of Georgia, an orthopedic surgeon, will be President-elect Donald Trump's nominee for secretary of health and human services (HHS). In the 63-year history of the HHS Department and its predecessor, the Department of Health, Education, and Welfare, only two previous secretaries have been physicians. Otis Bowen, President Ronald Reagan's second HHS secretary, engineered the first major expansion of Medicare, championed comparative effectiveness research and, with Surgeon General C. Everett Koop, led the fight against HIV-AIDS. Louis Sullivan, HHS secretary under President George H.W. Bush, focused his attention on care for vulnerable populations, campaigned against tobacco use, led the development of federally sponsored clinical guidelines, and introduced President Bush's health insurance plan, which incorporated income-related tax credits and a system of risk adjustment. In their work at HHS, both men, serving in Republican administrations, drew on a long tradition of physicians as advocates for the most vulnerable, defenders of public health, and enthusiastic proponents of scientific approaches to clinical care.

Tom Price represents a different tradition. Ostensibly, he emphasizes the importance of making our health care system "more responsive and affordable to meet the needs of America's patients and those who care for them. But as compared with his predecessors' actions, Price's record demonstrates less concern for the sick, the poor, and the health of the public and much greater concern for the economic well-being of their physician caregivers.

Price has sponsored legislation that supports making armor-piercing bullets more accessible and opposing regulations on cigars, and he has voted against regulating tobacco as a drug. His voting record shows long-standing opposition to policies aimed at improving access to care for the most vulnerable Americans. In 2007–2008, during the presidency of George W. Bush, he was one of only 47 representatives to vote against the Domenici Wellstone Mental Health Parity and Addiction Equity Act, which improved coverage for mental health care in private insurance plans. He also voted against funding for combating AIDS, malaria, and tuberculosis; against expansion of the State Children's Health Insurance Program; and in favor of allowing hospitals to turn away Medicaid and Medicare patients seeking non-emergency care if they could not afford co-payments.

Price favors converting Medicare to a premium-support system and changing the structure of Medicaid to a block grant—policy options that shift financial risk from the federal government to vulnerable populations. He also opposed reauthorization of the Violence Against Women Act and has voted against legislation prohibiting job discrimination against lesbian, gay, bisexual,

and transgender (LGBT) people and against enforcement of laws against anti-LGBT hate crimes. He favors amending the Constitution to outlaw same-sex marriage.

In addition, he has been inconsistent in supporting investments in biomedical science. He opposes stem-cell research and voted against expanding the National Institutes of Health budget and against the recently enacted 21st Century Cures Act, showing particular animus toward the Cancer Moonshot.

Price has also been a vociferous opponent of the Affordable Care Act (ACA) and a leader of the repeal-and-replace movement. His proposal for replacing the ACA is H.R. 2300, the Empowering Patients First Act, which would eliminate the ACA's Medicaid expansion and replace its subsidies with flat tax credits based on age, not income (\$1,200 per year for someone 18 to 35 years of age; \$3,000 for someone 50 or older, with an additional one-time credit of \$1,000 toward a health savings account). Price's plan is regressive: it offers much greater subsidies relative to income for purchasers with high incomes and much more meager subsidies for those with low incomes. In today's market, these credits would pay only about one third of the premium of a low-cost plan, leaving a 30-year-old with a premium bill for \$2,532, and a 60-year-old with a bill for \$5,916—along with a potential out-of-pocket liability of as much as \$7,000. By contrast, subsidies under the ACA are based on income and the price of health insurance. Today, a low-income person (with an income of 200% of the federal poverty level) pays, on average, a premium of \$1,528 per year (regardless of age) for a plan with an out-of-pocket maximum of \$2,350, and that payment does not change even if health insurance premiums rise.

To put the plan's subsidies into perspective, consider that in 1992, when per capita health expenditures were just one third of what they are today, President Bush and HHS Secretary Sullivan proposed a slightly larger individual tax credit (\$1,250) for the purchase of insurance than Price proposes today. Even in 1992, analysts reported that the credit would be insufficient to induce most people to buy coverage.

The Price plan would eliminate the guaranteed-issue and community-rating requirements in the ACA and create anemic substitutes for these commitments to access to comprehensive coverage for Americans with preexisting conditions. These replacements include an extension to the nongroup market of the continuous-coverage rules that have long existed in the group market with little benefit; penalties on reentering the market for anyone who has had a break in coverage; and a very limited offer of funding for states to establish high-risk pools. In combination with relatively small tax credits, these provisions are likely to lead low-income and even middle-class healthy people to forgo seeking coverage until a serious health problem develops. Without the income- and premium-based subsidies in the ACA acting as market stabilizers, Price's provisions would erode the non-group health insurance market.

Price's plan would withdraw almost all the ACA's federal consumer-protection regulations, including limits on insurer profits and requirements that plans cover essential health benefits. By allowing the sale of health insurance across state lines, the plan would also effectively eliminate all state regulation of health insurance plans, encouraging a race to the bottom among insurance carriers. Finally, Price would fund his plan

by capping the tax exclusion for employer-sponsored health insurance at \$8,000 per individual or \$20,000 per family. These caps are well below those legislated through the Cadillac tax in the ACA, a provision that Price himself has voted to repeal.

In sum, Price's replacement proposal would make it much more difficult for low-income Americans to afford health insurance. It would divert federal tax dollars to people who can already buy individual coverage without subsidies and substantially reduce protections for those with preexisting conditions. The end result would be a shaky market dominated by health plans that offer limited coverage and high cost sharing.

Whereas Price's actions to date have not reflected the tradition of the physician as advocate for the poor and vulnerable, they do harken back to an earlier tradition in American medicine: the physician advocate as protector of the guild. His Empowering Patients First Act would directly advance physicians' economic interests by permitting them to bill Medicare patients for amounts above those covered by the Medicare fee schedule and allowing them to join together and negotiate with insurance carriers without violating antitrust statutes. Both these provisions would increase physicians' incomes at the expense of patients. Price has consistently fought strategies for value-based purchasing and guideline development, opposing the use of bundled payments for lower-extremity joint replacements and proposing that physician specialty societies hold veto power over the release of comparative effectiveness findings. These positions reduce regulatory burdens on physicians at the cost of increased inefficiency and reduced quality of care—and reflect a striking departure from the ethos of his physician predecessors, Secretaries Bowen and Sullivan.

The HHS Department oversees a broad set of health programs that touch about half of all Americans. Over five decades and the administrations of nine presidents, both Democratic and Republican secretaries have used these programs to protect the most vulnerable Americans. The proposed nomination of Tom Price to HHS highlights a sharp contrast between this tradition of compassionate leadership and the priorities of the incoming administration.

Mr. FRANKEN. This article cites his votes against mental health parity—think about what that means in terms of treatment during this opioid crisis—against funding for AIDS, malaria and tuberculosis, against the expansion of the State Children's Health Insurance Program, against tobacco regulation, against the reauthorization of the Violence Against Women Act, and more.

Price has also been a champion of efforts to repeal the Affordable Care Act. The Congressional Budget Office recently estimated that if the ACA is repealed, nearly 20 million Americans will lose their health care coverage immediately, with the number growing to 32 million over the next 10 years, and 300,000 of those individuals live in my State of Minnesota. Let me tell you about at least two of them.

Leanna has a 3-year-old son named Henry. Henry has been diagnosed with acute lymphoblastic leukemia, and his treatment will last at least until April of 2018. Henry often needs around-the-

clock care to manage his nausea, vomiting, pain, and sleepless nights. This is a 3-year-old boy. Henry's immune system is so compromised that he is not supposed to go to daycare. So Leanna left her job to take care of him. Leanna's family is supported by her spouse, but they couldn't pay for Henry's treatment on one salary. Leanna says:

It is because of the ACA that Henry gets proper health care. Henry can get therapy and the things he needs to maintain his health and work toward beating cancer. Henry is still with us because of the ACA.

Let me say that again: "Henry is still with us because of the ACA."

I have asked Republicans repeatedly to show me the plan they have to make sure Leanna and her son Henry and the hundreds of thousands of Minnesotans who have gained coverage don't lose the care they need. I have yet to see their plan. What I have seen Congressman PRICE advocate for so far is pretty awful. His proposals would strip away coverage for people with preexisting conditions, strip away preventive health benefits, strip away protections from annual and lifetime limits, strip away coverage for young adults. Moreover, Congressman PRICE views Medicaid and Medicare as government expenditures to be cut, rather than lifelines to millions of seniors, disabled populations, children and families. As chairman of the House Budget Committee, Congressman PRICE introduced proposals to cut funding for Medicaid by more than \$2 trillion.

In my State, Medicaid provides health insurance to 14 percent of the residents. That includes two out of five low-income individuals, one in four children, one in two people with disabilities, and one in two nursing home residents. Think about that. One in two people in nursing homes are covered by Medicaid in my State.

What is going to happen to these people—our parents, our children, our spouses, our families—if Congressman PRICE and his colleagues succeed in slashing Medicaid's budget? I can guarantee you, it will not be kind and it will not be just and Americans are going to lose out.

Congressman PRICE's assault on our health care system doesn't end there. He wants to slash Medicare's budget by hundreds of billions of dollars, undermining our basic guarantee of coverage to our Nation's seniors, and no wonder. Let me remind you, this is the same person who wrote: "I can attest that nothing has had a greater negative effect on the delivery of health care than the Federal government's intrusion into medicine through Medicare."

Do we really want the person who wrote this to be running Medicare? Price's determination to gut Medicaid and Medicare is directly opposed by the vast majority of Americans and in direct opposition to President Trump's

campaign promise never to cut Medicaid or Medicare.

When Tom Daschle withdrew from consideration for HHS Secretary, he talked about the challenges of health care reform and said:

This work will require a leader who can operate with the full faith of Congress and the American people, and without distraction. Right now, I am not that leader, and will not be a distraction.

So I say to Congressman PRICE, you do not have the full faith of the Congress, and you do not have the full faith of the American people. You are not the leader this country needs, and you should not be a distraction. Since you have not withdrawn your nomination, I urge my colleagues to do the right thing and oppose this controversial nomination.

I yield the floor to my colleague from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise to address the deep anxiety in Hawaii and across the country about President Trump's choice to lead the Department of Health and Human Services, HHS, Congressman TOM PRICE.

I am particularly concerned about this nominee because of the mixed messages President Trump has been sending about health care. During the campaign, President Trump promised to protect Medicare and Medicaid. Yet he has nominated Congressman PRICE to head HHS. Congressman PRICE has led the effort to privatize Medicare and dismantle Medicaid in the U.S. House. This is hardly someone who would protect Medicare and Medicaid.

Shortly before taking the oath of office, President Trump said he supported the concept of universal coverage. He said:

We are going to have insurance for everybody. They can expect to have great health care.

Yet he nominated Congressman PRICE, who has spent the past 6 years trying to end universal health care coverage by repealing the Affordable Care Act.

President Trump says a lot of things. He tweets his thoughts daily, but at this point, instead of listening to what President Trump says, we should pay attention to what he does. By nominating Congressman PRICE, the President demonstrated he does not intend to protect access to quality, affordable health care for all Americans—not by protecting Medicare and Medicaid, not by protecting health insurance fraud. President Trump's health care agenda would have far-reaching, negative, painful consequences for tens of thousands of people in Hawaii and millions all across the country. Maybe President Trump should tweet less and listen more.

Over the past few months, I have heard from thousands of Hawaii resi-

dents concerned that they will no longer be able to afford health care if President Trump succeeds in repealing the Affordable Care Act and privatizing Medicare. I would like to read a few of the messages I have received.

Catherine from Honolulu wrote:

I am writing to you to express serious concern over the repealing of ACA and other health insurance changes. As a working (teacher) and single parent of two young children I am very afraid for our future. I am afraid my insurance will not cover my psoriatic arthritis if I change jobs, they change companies, or for some reason I should lose my job or coverage. My medicine without insurance would cost more than my mortgage payment, and would thus be cost prohibitive.

If I don't have my medication I would be in so much pain. I would be unable to work and would therefore lose my insurance which would mean I would never be able to get coverage because of a preexisting condition. I am certain there are many other people out there with similar stories.

Please do everything you can to make sure this scenario doesn't happen to us. If there is anything I can do, please don't hesitate to let me know. I just don't know who else to turn to.

Next, I would like to share a note I received from Julie from Papaaloa on the Big Island.

My husband and I are on Medicare, together with a supplemental plan. We are totally dependent on Social Security for our income and Medicare for our health plan. Many millions of seniors are in the same situation as we are. Please continue to fight for us as this abominable horror of an administration goes forward. I shudder to think what would happen if these programs are repealed or privatized.

Finally, I would like to share a heartbreaking story from Desi from Mililani on Oahu. Desi is an extremely hard-working, self-employed teacher and the single mother of two daughters. Her youngest daughter has Down syndrome, autism, and is hearing impaired. Desi is self-employed because she needs the flexibility to work and care for her daughter. This year, as a sole proprietor over the age of 55, Desi's premiums for her HMO plan rose to over \$680 per month for 2016.

In a letter she wrote to me, Desi said:

Paying this high monthly premium was no longer possible and was jeopardizing our family's ability to pay our mortgage, food, and other essentials alone.

Desi successfully found a cheaper plan in the ACA marketplace for 2017. In her letter she went on to say:

If the ACA is successfully repealed, we will no longer be able to afford medical coverage! Families like ours are the reasons why it is so important to defend the Affordable Care Act.

These letters and stories demonstrate what is at stake for our 200,000 seniors on Medicare in Hawaii and millions more across the country. That is why I will continue to fight tooth and nail to prevent any cuts that would jeopardize our crucial social safety net progress.

The fight has already begun. Last month, Republicans in Congress pushed

through a partisan budget resolution that would give them the tools they need to repeal the Affordable Care Act. This assault on the Affordable Care Act is also an assault on Medicare and Medicaid because the ACA strengthened Medicare and Medicaid through, for example, closing the prescription doughnut hole and providing free preventive checkups for seniors. This is why I joined with my colleague from Indiana, Senator DONNELLY, to introduce an amendment that would block congressional Republicans from privatizing Medicare or increasing eligibility standards for Medicare. It would also prevent changes that reduce funding for Medicaid.

During the debate on our amendment, one of our Republican colleagues, in his opposition to the amendment, basically made our point for us. He said something to the effect of, a vote in favor of our amendment to protect Medicare and Medicaid is a vote against repealing the Affordable Care Act. Exactly. In the end, it was a close vote on our amendment. While the amendment lost, I was encouraged that two of our Republican colleagues, Senator HELLER of Nevada and Senator COLLINS of Maine, voted in favor of the amendment.

In the coming weeks and months, there will be other battles to protect Medicare and Medicaid. It is going to be a daunting fight, but I am not going to shy away from it. I am going to do whatever I can, whenever I can to protect the Affordable Care Act, Medicare, and Medicaid. In this fight, I strongly urge my colleagues to vote no on TOM PRICE's nomination to serve as Secretary of Health and Human Services. TOM PRICE is not the champion that millions of people in our country are counting on to protect their health and welfare.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL BAN DECISION

Mr. MENENDEZ. Mr. President, I have come to the floor to speak on the nomination of Congressman PRICE to be the Secretary of Health and Human Services. But before I do, I must speak to the decision that the U.S. Court of Appeals for the Ninth Circuit just decided in the case of the State of Washington and the State of Minnesota v. the President and the Department of Homeland Security.

I am pleased to see that the courts of the United States are still part of the separate coequal branch of government that the Founders dictated when they

ultimately created an ingenious document, the Constitution of the United States, which served the Nation well for so long, even though it seems the President may need a review of history and an understanding of the Constitution as it relates to the separate co-equal branches of government, because he seems to be willing to try to disparage the judiciary in an effort to try to either effect their decisionmaking or to call into question the legality of their decisions or the righteousness of their decisions.

I am glad to see that that has not affected our judicial system. I just want to read some elements of the court's decision, which I think are pretty extraordinary. Of course, this is far from a final decision on the merits, but it was on a motion for a stay of the order of the district court that said, basically, that the Muslim ban could not be continued to be enforced.

The court said—and I am quoting—in a unanimous opinion which speaks very powerfully to their decision:

We therefore conclude that the States—

Meaning the State that brought forth—Washington, as well as the State of Minnesota—

that the States have alleged harms to their proprietary interests traceable to the Executive Order. The necessary connection can be drawn in at most two very logical steps: (1) the Executive Order prevents nationals of seven countries from entering Washington and Minnesota; (2) as a result, some of these people will not enter state universities, some of them will not join those universities as faculty, some will be prevented from performing research, and some will not be permitted to return if they leave.

We therefore hold that the States have standing.

That was one of the critical legal bars.

Secondly, they opined on the reviewability of the Executive order. This is, I think, extraordinarily important. The Court went on to say—I am paraphrasing at this point: Yes, the courts owe substantial deference to the immigration and national security policy determinations of the political branches—legislative and executive. But it went further to say:

Instead, the Government has taken the position—

This is on behalf of the executive branch—

that the President's decisions about immigration policy, particularly when motivated by national security concerns, are unreviewable—

Unreviewable—

even if those actions potentially contravene constitutional rights and protections. The Government indeed asserts that it violates separation of powers for the judiciary to entertain a constitutional challenge to executive actions such as this one.

I did not really capture that the government had made that argument. But that is an extraordinary argument. The court went on to say:

There is no precedent to support this claimed unreviewability, which runs contrary to the fundamental structure of our constitutional democracy. Within our system, it is the role of the judiciary to interpret the law, a duty that will sometimes require the “[r]esolution of litigation challenging the constitutional authority of one of the three branches.” We are called upon to perform that duty in this case.

Further they say: “Although our jurisprudence has long counseled deference to the political branches on matters of immigration and national security, neither the Supreme Court nor our court has ever held that courts lack the authority to review executive action in those arenas for compliance with the Constitution.”

That is an extraordinary set of statements that the government made, saying that the President's actions are unreviewable in this regard.

They further go on to say: “Nonetheless, ‘courts are not powerless to review the political branches’ actions’ with respect to matters of national security.”

It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties which make the defense of the Nation worthwhile.

Well, I fully agreed with the circuit court's determination in that regard.

It goes on to say: “In short, although courts owe considerable deference to the President's policy determinations with respect to immigration and national security, it is beyond question that the Federal judiciary retains the authority to adjudicate constitutional challenges to executive action.”

Well, all I can say is, thank God. Thank God that the courts of the United States feel that they are not controlled by the executive branch in pursuing the decisions that are made. This is a great day for democracy in our country and for the preservation of the separation of powers. This is a great day, I think, from my own perspective, that a ban that does not help the United States but harms us and is against every fiber of our being and the nature of the history of our Nation, which was founded by those fleeing religious persecution—ultimately, today, we restore that sense of our history, and we restore who we are as a nation both at home and across the world.

But today's decisions in this regard are also important as we consider the nomination of Congressman PRICE, so I want to rise today, along with so many of my colleagues, to voice my strong opposition to the confirmation of Congressman PRICE to be the Secretary of Health and Human Services.

I am deeply concerned about his views on what is the core mission of Health and Human Services, not only his career-long opposition to the very existence of Medicaid and Medicare but his wavering fidelity in science and his regressive views of women's health care and the social safety net.

The Secretary of Health and Human Services is one of the few Cabinet positions that affect virtually every single man, woman, and child in America. It affects the health care of 56 million seniors on Medicare, of 74 million low-income individuals and children on Medicaid, and of 12 million Americans who have enrolled in the Affordable Care Act coverage. But more than that, the Department of Health and Human Services is home to the world's leading institutions of research at the National Institutes of Health, of advancing public health and epidemiology at the Centers for Disease Control and Prevention, known worldwide, of working to ensure that we have access to the most advanced, most effective, and safest medications at the Food and Drug Administration, and many other critical departments and agencies that we as Americans rely on.

Many of our Republican colleagues have pointed out that Congressman PRICE's history as an orthopedic surgeon is enough evidence that he is someone who should be in charge of the Department of Health and Human Services. I can't speak to his credentials and qualifications in the operating room, but I do have a constitutional obligation to speak about his credentials and qualifications to be the Secretary of Health and Human Services. So I can say without hesitation that his career in Congress and his positions on key issues of policy have proven to me that he is not the right person for the job.

Throughout his time as a congressman—most recently as the chairman of the House Budget Committee and during his confirmation process through the Senate Finance Committee, on which I am privileged to serve—it has become abundantly clear that Congressman PRICE views patients, including seniors on Medicare and even those with private employer coverage, as nothing more than a source of revenue or a budget line item. The characteristics that had defined Congressman PRICE's career run contrary—contrary—to the fundamental mission of the Department of Health and Human Services, and it should be a cause for concern across the aisle and across the country.

Despite the alternative reality portrayed during his confirmation hearings in both the Finance Committee and the Health, Education, Labor, and Pensions Committee, Congressman PRICE's vision for our Nation's health care system has been laid bare for the public to see for years. All one has to do is look at the legislation he has introduced and the radical budget proposals he, along with Speaker RYAN, has been pushing through the House of Representatives. Let's look at some of them.

Let's start by taking a look at his plan for Medicare, which is, by all intents and purposes, a plan to fundamentally end Medicare as we know it, end Medicare as we know it. Despite Congressman PRICE's seeming denial of this fact, when I asked him about it directly during his confirmation hearing, there is absolutely no other way to characterize his plan: It ends Medicare as we know it.

Currently and for more than 50 years, Medicare has provided a guarantee—a guarantee; that word is critical—to seniors that they will have coverage, access to care, and the ability to rest assured that their health care needs will be taken care of. It is a system into which they paid their entire working lives and a compact that has been made with the Federal Government that we will uphold our end of the deal and ensure that they have quality coverage to stay healthy.

The Affordable Care Act, despite the years-long gnashing of teeth and fake tears shed by some of my Republican colleagues, has improved upon this deal and made Medicare stronger. It has extended the life of the Medicare trust fund by more than a decade. It has saved seniors \$27 billion on prescription drugs and last year alone provided more than 40 million seniors access to no-cost preventive services—no-cost preventive services. In my home State of New Jersey last year, seniors on Medicare saved more than \$263 million on prescription drugs, and nearly 1 million seniors were able to receive free preventive services.

Additionally, thanks to the law's health care delivery system reforms, we are seeing far fewer hospital-acquired conditions and greater coordination of care that has resulted in a healthier population and a more efficient health care delivery system. That reality stands in stark contrast to TOM PRICE's vision of what he thinks Medicare should be and in stark contrast with the vast majority of seniors who want to protect the program for their loved ones and for themselves.

Unfortunately, President Trump, who himself spent an entire campaign promising that he is "not going to cut Medicare or Medicaid," nominated a leading member of this radical anti-Medicare movement to impose devastating cuts to the program, force seniors to pay higher costs, and lower the quality of care throughout the health care system.

Congressman PRICE's destructive legislative history on Medicare does not lie. It is there. It is in the record. It is there for anybody who wants to see it. It tells a stark truth about his desire to increase the eligibility age, about ending the guarantee—the guarantee of coverage.

You know, that is why we call it an entitlement. If you meet the criteria under the law, you are entitled to

those health care services; you are guaranteed those health care services. But his whole legislative history is about ending the guarantee of coverage we currently have and replacing it with the possibility of coverage. The difference between a guarantee and a possibility is a far, far too significant gulf to be able to overcome—but only if you can afford the difference between Congressman PRICE's coupon and the actual cost of care under his vision. The Congressional Budget Office has shown that this will unquestionably increase costs for seniors.

His dark view of Medicare, that—to quote Congressman PRICE—"nothing has a greater negative impact on . . . health care than the Federal Government's intrusion . . . through Medicare"—that is an extraordinary statement. I am going to quote it again. "Nothing has a greater negative impact on . . . health care than the Federal Government's intrusion"—intrusion, mind you—"through Medicare." That is understandably causing a lot of concern back home in New Jersey. Many people have been calling and writing me to express their thoughts.

Dr. William Thar of Summit, NJ, himself a retired physician of more than 50 years, wrote in that PRICE's "willingness to privatize Medicare indicates a lack of concern for Americans who need health care coverage."

I also heard from Cara Davis of Glen Ridge, NJ, who wrote in on behalf of her uncle, who has end-stage renal disease and requires dialysis, saying, "If [Price] and the Trump administration successfully move Medicare to a voucher program"—again, that is different from a guarantee—"I fear that my uncle will not be able to afford the necessary coverage for his dialysis treatments."

For me, the battle to protect Medicare is more than a political battle; it is more than a theoretical battle; it is a deeply personal battle to protect a program that allows seniors to live with dignity during the twilight of their lives.

My personal connection to the value of the Medicare Program stems not from my experience but that of my late mother, Evangelina. For 18 long, difficult years, my mother suffered from Alzheimer's disease. During those years, we watched as this strong, courageous woman drifted further and further away from us. After her diagnosis, I, like so many families across our Nation, hoped for the best, but we expected the worst. And while there were times early on when she seemed just fine, those times turned into lost moments, and those lost moments eventually lasted forever.

At this point, I had to wonder if all the moments of her life—her struggle to flee her homeland and seek freedom in the United States, of my youth and all of the time spent together—were

still in there, still with her somehow, or whether those memories were lost forever.

As her illness progressed, she lost her cognitive abilities, and eventually we had to admit to ourselves that our mother was no longer with us, until, mercifully, the Good Lord took her, and the long goodbye came to an end.

Throughout this experience, throughout her struggle of fighting back against the progress of Alzheimer's, our family knew that Medicare would be there to provide her with access to the health care she needed. I learned that Medicare wasn't just there for her; it was there for the rest of us, too, providing her with access to care, while granting us the ability to focus on making the most of the limited time we had together.

Medicare was there to meet the challenges of her illness as well as the intergenerational challenges that arise when caring for a parent in the twilight of their lives while simultaneously working to put your own children through college. I lived it, I saw it, and I understand it. My mother would not have lived with the dignity that she deserved in the twilight of her life after working a lifetime and paying for Medicare, but for Medicare as a guarantee.

I know all too well that an underfunded voucher would undermine Medicare's ability to live up to the responsibility that we have to care for one another and to provide that same dignity to seniors as they and their families prepare to say good-bye for the last time.

That is why I couldn't agree with Dr. Thar or Ms. Davis more, and I share their concerns about what Congressman PRICE has in mind, despite the repeated pledges from President Trump to the contrary for the future of Medicare.

My concerns about Congressman PRICE don't stop with his desires to end Medicare, because those desires also extend to end Medicaid, as we know it, as well. His desires to end Medicaid are really a two-front war. The first is to repeal the highly successful expansion of Medicaid provided for under the Affordable Care Act, which has extended lifesaving care and coverage to over 200,000 New Jerseyans, many of whom are covered for the first time.

Nationwide, the Affordable Care Act's Medicaid expansion is one of the most successful aspects of health reform. Currently, 32 States and the District of Columbia have taken advantage of Medicaid expansion, making coverage available to 11 million people, because they recognize the value in providing people with coverage, with access to preventive care, with the ability to manage chronic conditions—all of which lead to a healthier, more productive population.

The second is to eviscerate funding from Medicaid by taking away the current funding structure and replacing it with a block grant or some other form of arbitrary underfunding that they mask as allowing for “state flexibility.”

We have seen this picture before. Take away an obligation, an entitlement, move it to a block grant, underfund it, and ultimately slay that opportunity for people to have a guarantee.

We all know what is meant when Congressman PRICE talks about State flexibility. He means the flexibility to slash enrollment and deny people access to coverage. He means forcing States to choose between cutting payments to doctors for treating low-income Medicaid patients or cutting other vital State services like education and infrastructure. He means unraveling Medicaid benefits so that for those few still able to enroll, they won't have adequate coverage for most of the health care issues they need treated. It means simply putting his radical ideological opposition of the Federal Government being involved in health care ahead of the lives of millions of men, women, children, and seniors and the disabled across the Nation. That is truly remarkable for a man who took the oath to “first do no harm.”

As with his views on Medicare, his desire to end Medicaid expansion has caused a lot of people from New Jersey to write me about their concerns. I would ask Congressman PRICE and other like-minded Republicans to consider carefully the stress and potentially devastating impacts these policies have on real people—real people like Jolie Bonnette from Brick, NJ, who wrote to me about how she was able to finally gain access to health coverage, thanks to Medicaid expansion. She wrote: “Without this care and my Medicaid medication coverage, I would have died, because I would have no access to doctors or medications.”

Jill Stasium from Jersey City wrote in saying that thanks to Medicaid, “[I] have been receiving top quality health care for the first time in my life.”

I ask my colleagues how the mantra of State flexibility, which is just another way of ensuring funding for Medicaid is slashed and access to life-enhancing treatment is denied, is going to impact Ms. Bonnette and Ms. Stasium. I ask how they can justify taking away their coverage—coverage that has provided, for the first time in their lives, not only the peace of mind of having health insurance, but also it is the first time they have had regular access to the doctors and medication necessary to live.

How do we justify that? We can't do it on the basis of State flexibility and surely not on the basis of a 6-year-long political vendetta against the Afford-

able Care Act. Yet somehow, with this nominee and this Republican Congress, this is something that we are all going to have to justify to every single one of our constituents.

Unfortunately, the list of destructive policies supported by TOM PRICE doesn't end with his desires to end Medicare as we know it and to dismantle Medicaid. This is also not surprising given the Republican agenda for the last 7 years to repeal the Affordable Care Act, throw millions of Americans off their health insurance, and return us to the dark ages where insurance companies have free rein to deny coverage for preexisting conditions, cancel coverage after a devastating diagnosis, limit what benefits are covered, and discriminate against women. That is what the marketplace was before the Affordable Care Act.

Now, this is not new. The Republicans have been trying to repeal health care reform and deny millions of Americans health care coverage since before the law was even passed. It has sadly become dogma for Republicans—dogma to repeal ObamaCare, which they voted to do 60-some odd times. But now, after 7 long years, the chickens have come home to roost.

They now have the ability to live up to their dream of repealing the law, but are starting to realize what the implications are—starting to realize that real people will face real life-and-death situations that result from Republicans putting partisan ideology ahead of the well-being of their constituents, starting to realize that on-the-ground implications of the Affordable Care Act mean real people receiving real treatment for real health conditions.

One of these people is David Konopacki from South River, NJ. David is a diabetic who, thanks to the Affordable Care Act, no longer has to choose between paying for college and paying for the medication he needs. David put it so succinctly: “The Affordable Care Act is literally the difference between life and death for so many.”

The same holds true for Mrs. Lori Wilson from Morristown, NJ. Her son, like David, has diabetes and has had diabetes since birth. As she writes, her son “is just one citizen among millions whose life, literally, depends on access” to care, and under the Price Republican plan, that access is denied.

I mentioned that repealing the Affordable Care Act means reinstating the ability of insurance companies to deny coverage for preexisting conditions. As diabetics, these folks would find it impossible—certainly, financially impossible—to find coverage that would allow them to get their medications and see their physicians. That is what is shocking about TOM PRICE. Despite knowing full well that the ban on preexisting conditions is one of the most widely supported and

critically important aspects of the Affordable Care Act, he considers it to be a “terrible idea.”

Let me say that again. TOM PRICE's views on health care are so radical that he thinks insuring people with preexisting health conditions—like diabetes from birth—and guaranteed access to coverage is a “terrible idea.” That is an extremely callous way to put ideology above people's lives.

Let me close on this. I have spoken about the many reasons I am opposed to Congressman PRICE's nomination to run the Department of Health and Human Services, including his long-held opposition to Medicare. But above all else, one of the reasons I am opposing Congressman PRICE is because of the seeming lack of fidelity to the one thing that runs at the heart of health care and the heart of the Health and Human Services Department, which is science.

For years Congressman PRICE has been a member of a group called the Association of American Physicians and Surgeons. This is a group of so-called doctors who push dangerous conspiracy theories and widely debunked claims that have serious implications for the public health. The prime example of this is their assertion, despite all evidence to the contrary, that vaccines aren't safe and that they cause autism. Nothing could be further from the truth. In fact, this week I received a letter signed by 350 organizations, including several from New Jersey and several representing the autism community, restating the fact that “vaccines are the safest and most cost-effective way of preventing disease, disability, and death” but unfortunately, because of widespread misinformation, the United States “still witnesses outbreaks of vaccine-preventable diseases,” including the biggest outbreak of whooping cough since 1955, and the fact that we have upwards of 50,000 deaths a year from complications of vaccine-preventable influenza.

While TOM PRICE, personally and as a physician, might understand these basic facts, what worries me most is that the President of the United States does not, posting on Twitter for years that vaccines are dangerous and appointing anti-vaccine conspiracy theorists to critical posts in the White House and possibly to key positions within the Department of Health and Human Services.

When I asked Congressman PRICE directly about his fidelity to science and his willingness to stand up to the President about adhering to science as the guiding principle at the Department of Health and Human Services, his answers were far less than satisfactory, and he left me with the impression that he is unwilling to counter the President when he touts untrue claims about health care and ensure that personnel within HHS are stewards of sound science and not ideology.

For the Department that oversees the Centers for Disease Control, which is the global beacon of health care that must be focused on science, that is simply incredible.

I rise today to give my voice in opposition to Nominee TOM PRICE as the next Secretary of Health and Human Services, and I rise to be the voice of Dr. William Thar, Cara Davis, Jolie Bonnette, Jill Stasium, David Konopacki, Lori Wilson and the over 6,000 New Jerseyans who have called and emailed me to vote in opposition to TOM PRICE's nomination. I will do that when it comes time for a vote.

With that, I yield the floor.

Mr. LEAHY. Mr. President, the Cabinet nomination we are considering today is one of great consequence. The reach of the Department of Health and Human Services is extensive, with direct and indirect consequences for the health and well-being of all Americans. Like many other nominations that this body is rushing to confirm, Representative PRICE has not satisfied the many questions that have been raised about his ability to defend programs that are vital to so many Americans. In fact, his record in Congress runs counter to these goals.

I have always believed that all Americans deserve access to quality, affordable health care. We made a tremendous step in this direction through the Affordable Care Act, ACA, which has extended health insurance coverage to more than 20 million Americans and their families through cancer screenings, immunizations, and preventative health care at little or no cost-share. The law has ensured that vulnerable populations have access to quality care through State expansions of Medicaid. The ACA stopped insurance companies from discriminating against women, seniors, and individuals with preexisting conditions. And it has already saved taxpayers billions in Federal health care costs, while bolstering reserves for our Nation's Medicare and Social Security Trust funds.

Unfortunately, Representative PRICE does not see it this way. As one of the first lawmakers to draft legislation calling for the full repeal of the ACA, Representative PRICE believes that health care should once again be under the largely unfettered control of big businesses and insurance companies. He may say that he wants more Americans to have "access to affordable coverage," but his record in the House shows otherwise.

It is not only the Affordable Care Act that Representative PRICE has put in the crosshairs, but virtually every Federal health program. Representative PRICE's track record in opposing programs like Medicaid, Medicare, and Social Security is extensive. As Congressman, he has proposed dissolving or block granting Medicaid and replacing Medicare with vouchers, unadjusted for

income, for consumers to purchase private plans on the market. In November, he released an agenda proposing across-the-board cuts to Medicare, Medicaid, and Social Security. He has also long fought against women's healthcare and access to family planning services. And he has advocated banning abortions and abolishing funding for Planned Parenthood, which would make it far more difficult for women to have access to health care.

Medicare, Social Security, and Medicaid are crucially important to patients and their families. Medicaid provides vulnerable populations, including children, with essential and comprehensive health benefits, like mental health care and substance abuse treatment, which are required to be covered by Medicaid under the ACA. And for decades, Medicare and Social Security have offered health care protections to low-income Americans and seniors, offering guaranteed resources in retirement. These are earned benefits that hard-working Americans have paid into throughout their lives. It is only fair that these people should expect to have these resources when they enter retirement.

We cannot deny the vital health protections of Medicaid, Medicare, and Social Security to our Nation's families. And I cannot in good conscience support someone who does not share this game goal. Lives, literally, are at stake.

I am also deeply concerned about allegations of Representative PRICE's violation of the STOCK Act, which prohibits Members of Congress from making investment decisions based on information they receive as a result of their roles in Congress. Serious questions of his all-too-coincidental trading with medical companies, after introducing legislation that supports these very companies, are troubling, and signal that this nominee is unfit to lead the very agency responsible for protecting the health of Americans.

I am glad the minority members of the Senate Finance Committee refused to join the business meeting scheduled to move Representative PRICE's nomination last month. There remain serious questions relating to potential conflicts he would have as Secretary. Despite these concerns, Republicans on the Finance Committee made the unprecedented decision to change the rules and confirm Congressman PRICE without even one Democratic member present. This move runs counter to the majority's own rules. But more importantly, it contradicts what we stand for in promoting the interests of Americans as their elected officials.

If confirmed, there are valid reasons for the American people to be concerned that Representative PRICE's agenda will make its way into the Department of Health and Human Services, and Americans will suffer for

that. It is the responsibility of this agency to uphold and protect the well-being of the people of this great and good country, and it would be counter to this goal to allow someone like Representative PRICE to oversee such efforts. That is why I will strongly oppose his nomination, and I encourage all in the Senate to do the same.

Mr. UDALL. Mr. President, I rise today to oppose the nomination of Congressman TOM PRICE to be Secretary of the Department of Health and Human Services.

I oppose the nomination because Mr. PRICE wants to dismantle America's health care system—with no guarantee that Americans will continue to receive the health care coverage they now enjoy. He is part of the Trump "repeal with no plan" contingent.

In my view, any repeal of the Affordable Care Act must be coupled with a program that has rock solid guarantees to the American public, guarantees that Americans will not lose the health care benefits they now have.

Further, I oppose any vote on Mr. PRICE's nomination until there has been a full investigation and disclosure to the American public of his conflicts of interest. Mr. PRICE has invested in companies just prior to introducing legislation that would benefit those very companies. Before we vote on Mr. PRICE, the American public needs a full accounting whether his investments comply with Federal insider trading laws and ethical provisions.

The President's first order of business was an attack on Americans' health care. His Executive order gives Federal agencies broad authority to grant waivers, exemptions, and delays of provisions in the ACA. As Secretary of Health and Human Services, Mr. PRICE will be given rein not only to grant waivers but to not enforce key ACA provisions and to pass regulations that undercut ACA protections. For example, undermining the individual mandate—a key target of Mr. PRICE's—could lead to collapse of the individual health insurance market and drive up premiums for everyone.

The ACA has resulted in the broadest health care coverage Americans have ever known. Now over 91 percent of Americans have health insurance.

In my own State of New Mexico, the number of uninsured has dropped by over 50 percent. New Mexico is not a wealthy State. We had one of the highest rates of uninsured in the country before the ACA—19.6 percent. That's almost one in five people. Now, only 8.9 percent of New Mexicans do not have insurance. This is still too high, but it is a big improvement.

Americans strongly support ACA protections. Almost 70 percent of Americans think insurance companies should not be able to deny insurance because of a preexisting condition. Eighty-five percent of Americans want their young

adult children to be able to get coverage on their insurance policies. Eighty-three percent think preventative services should be free.

The Republicans and Mr. PRICE have no plan to make sure Americans do not lose these rights and benefit.

Now, the ACA is not perfect. We all know this. It needs improvement. It needs work. But the solution is not to throw the health care system into chaos with no plan. The solution is to work together on a bipartisan basis and fix the ACA's problems.

Hundreds of my constituents have called and written asking me to protect the ACA. New Mexicans are scared—really scared—that their health care will be taken away. People are scared their health is in jeopardy. For some, they are scared their lives will be put at risk.

I am angry that the President, Mr. PRICE, and the Republicans have created so much fear and worry among my constituents and around the Nation. None of them has to worry whether their children will get the health care they need. My constituents now do.

Kevin, from Albuquerque, now has to worry whether his 33-year-old daughter Amber will get the health care she needs. Amber has multiple sclerosis. That is a tough disease. I talked about Amber once before here, and her story bears retelling.

Amber's annual medical costs are high. Her medications alone are \$60,000 a year. Her doctor visits and MRIs run into the thousands of dollars.

But Amber now has health insurance through the open market thanks to the ACA. And, thanks to the ACA, she is healthy. She works. She leads a productive life.

Without the ACA, Kevin worries his daughter will be kicked off her health insurance plan because her medical expenses are so high and that she will not be able to get new health insurance—because of her preexisting MS. For Amber and Kevin, the ACA's protections mean everything.

There are literally hundreds of thousands of New Mexicans and millions of Americans like Amber. This one ACA provision—prohibiting discrimination based on preexisting illness—protects an estimated 861,000 New Mexicans and 134 million Americans. If we ourselves don't have a serious illness like Amber, we have a family member or friend who does.

Same with people who have high medical costs. These are the people who need medical care the most. The ACA provision—prohibiting lifetime benefit limits—protects an estimated 555,000 New Mexicans and 105 million Americans.

Why is there even any discussion about jeopardizing millions of Americans' health care?

The ACA saves lives. It saved Mike's life. Mike and his wife, Pam, are from

Placitas, NM. Before the ACA, they didn't have insurance. They couldn't afford it and probably couldn't get it for Pam because she had a preexisting illness.

As soon as they could, they signed up for an insurance plan under the ACA. Using their new preventive care services, they found out Mike had an aggressive form of cancer. Thankfully, they caught it early. Mike was treated at the University of New Mexico Cancer Center and is cured.

Pam says there is "no question" that the ACA saved her husband's life.

Hundreds of thousands of New Mexicans and millions of Americans benefit because the ACA requires health insurance companies to provide free preventative services. It is well documented that such services prevent illness, save lives, and save money in the long run.

I am also concerned about the impact ACA repeal would have in Indian Country. During his confirmation hearings, Congressman PRICE was asked specifically about the devastating consequences Medicaid expansion repeal would have on Indian health providers. These providers depend heavily on this Federal funding to provide lifesaving services to our Native communities. Any reduction in Federal funding to these facilities would be unconscionable.

But Congressman PRICE has a clear record of voting to support the elimination of the Medicaid expansion and, when asked directly, could offer no solution for making Indian Country whole if this funding were to be cut. Nothing in his hearing or written answers has assured me that Congressman PRICE intends to protect Native communities from the negative impact of ACA repeal.

And, finally, ACA repeal would be devastating to my State's economy. That is what a Ph.D. economist from New Mexico State University told the New Mexico Legislature last week. Dr. Jim Peach said ACA repeal would be "devastating" to our State.

As I said, New Mexico is not a wealthy State. We have one of the highest unemployment rates in the country, at 6.6 percent.

But the ACA has been an economic boon for us. Seven of the 10 fastest-growing job categories in New Mexico are in health care. In fact, boosts from health care and tourism actually led to positive job growth for the last 2 months. So health care jobs are of critical importance in New Mexico.

But, if the ACA is repealed, it is estimated New Mexico could lose between 19,000 and 32,000 jobs. I can tell you right now New Mexico cannot take that kind of hit in its employment numbers.

And, the loss in spending in New Mexico would be astronomical.

ACA repeal would mean a loss of \$93 million in Federal marketplace spend-

ing in 2019 in New Mexico and \$1 billion between 2019 and 2028.

It would mean a loss of \$2.2 billion in Federal Medicaid funding in 2019 and almost \$27 billion between 2019 and 2028.

This hit to our economy would be immediate and would be sustained. Tax revenues would decrease. And the New Mexico legislature is struggling mightily now how to balance the State budget.

The fact is no State budget is ready to take on the extra load if the ACA is repealed and health care gets pushed back to the States. We will go back to the days of no care, uncompensated care, and use of taxpayer-subsidized ER services as a last resort.

But Mr. PRICE and the Republicans are not talking about any of the damage in human or fiscal terms if the ACA is repealed.

In fact, they are already moving to undermine the Affordable Care Act, roll back its protections, reduce assistance to families, create chaos in the insurance markets—by executive action alone.

President Trump's Executive order directed his government not to implement the Affordable Care Act wherever possible under existing law. And we cannot be confident they will not bend the law in pursuit of this Presidential decree.

I cannot support a nominee to head our health care system who is not firmly committed to maintaining the health care coverage Americans now have. And who will not push—and push hard—for the right of every American to have health care.

Finally, I cannot support holding a vote on Mr. PRICE until all financial conflicts of interest of his have been fully vetted and the American public knows there has been no violation of law or ethical responsibilities.

Mr. PRICE is a wealthy man, like so many of Mr. Trump's cabinet nominees. And he has tried to increase his wealth by investing in health-related companies. It is widely reported—in the Wall Street Journal and elsewhere—that Mr. PRICE has made over \$300,000 worth of investments in health-related companies—companies that could benefit from his legislation.

We are all familiar with the STOCK Act. It applies directly to us and prohibits us from using inside information that we obtain through our positions as Members of Congress for personal gain.

There are serious questions whether Mr. PRICE's investments ran afoul of the STOCK Act.

I would like to refer to a February 7, 2017, column from the New York Times discussing Mr. PRICE's widely reported investments. So, a first example, in March of last year, Congressman PRICE announced opposition to a Medicare measure that would limit the money doctors could make from drugs they

prescribe their patients. The proposal was meant to reduce doctors' financial incentives to prescribe expensive drugs.

Makes sense—we don't want doctors to prescribe more costly drugs because they would personally benefit.

But, just 1 week later, Mr. PRICE bought stock in six pharmaceutical companies that would benefit if this consumer protection measure were defeated.

And then, at the very same time, those very same companies were lobbying Congress to block the measure. And Big Pharma succeeded.

A second example—last year, he purchased shares in Zimmer Biomet, a company that makes hip and knee implants.

Six days later, he introduced a bill that would have directly helped Zimmer. His legislation sought to delay a Federal regulation that would have changed payment procedures for Zimmer. In fact, Zimmer was one of two companies that would have been hit the hardest by the regulation.

Mr. PRICE has said his broker bought the Zimmer stock. But these circumstances warrant investigation. And, bottom line, Mr. PRICE is responsible for his investments.

A third example—last summer, Mr. PRICE was offered a special deal—to purchase shares at deeply discounted price from Innate Immunotherapeutics, an Australian drug company. He got in at 18 cents a share—at a time the stock value was increasing rapidly, rising to more than 90 cents a share. The value of his shares rose more than 400 percent.

At the same time, Innate Immuno needs Federal Drug Administration approval for one of its drugs.

This deal raises questions whether Mr. PRICE gained from an investment opportunity—unavailable to the public—from a company whose profits could be influenced by his political decisions.

A Cabinet nominee should not come into office under a cloud of conflicts. A vote on his nomination before there is full inquiry into his investments and ethical behavior is premature.

For these reasons, I will vote no on the nomination of Mr. PRICE as Secretary of Health and Human Services.

I ask unanimous consent that the New York Times column I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 7, 2017]

TOM PRICE, DR. PERSONAL ENRICHMENT

(By David Leonhardt)

Each year, a publication called Medscape creates a portrait of the medical profession. It surveys thousands of doctors about their job satisfaction, salaries and the like and breaks down the results by specialty, allowing for comparisons between, say, dermatologists and oncologists.

As I read the most recent survey, I was struck by the answers from orthopedic surgeons. They are the highest-paid doctors, with an average salary of \$443,000 in 2015—which, coincidentally, was almost the exact cutoff for the famed top 1 percent of the income distribution.

Yet many orthopedists are not happy with their pay. Only 44 percent feel “fairly compensated,” a smaller share than in almost every other specialty. A lot of orthopedists aren't even happy being doctors. Just 49 percent say they would go into medicine if they had to make the decision again, compared with 64 percent of all doctors.

I know that many orthopedists have a very different view: They take pride in helping patients and feel fortunate to enjoy comfortable lives. But despite those doctors, it's clear that orthopedics suffers from a professional culture that does not live up to medicine's highest ideals. Too many orthopedists are rich and think it's an injustice that they're not richer.

This culture helped shape Dr. Tom Price, the orthopedic surgeon and Georgia congressman who is Donald Trump's nominee for secretary of health and human services.

Price had a thriving practice near Atlanta before being elected to Congress in 2004. His estimated net worth of more than \$10 million (and possibly a lot more) makes him one of the House's wealthier members.

Yet he hasn't been content to make money in the standard ways. He has also pushed, and crossed, ethical boundaries. Again and again, Price has mingled his power as a congressman with his desire to make money.

So far, the nominee receiving the most attention is Betsy DeVos, Trump's choice for education secretary, and she definitely deserves scrutiny. Still, I think Democrats have made a mistake focusing so much on her rather than on Price. He could do more damage—and his transgressions are worse than those that have defeated prior nominees.

Last March, Price announced his opposition to a sensible Medicare proposal to limit the money doctors could make from drugs they prescribe their patients. The proposal was meant to reduce doctors' financial incentives to prescribe expensive drugs. (And, yes, if you're bothered that your doctor has any stake in choosing one drug over another, you should be.)

One week after Price came out against the proposal, he bought stocks in six pharmaceutical companies that would benefit from its defeat, as Time magazine reported. At the time, those same companies were lobbying Congress to block the change. They succeeded.

It's a pattern, too. Price has put the interests of drug companies above those of taxpayers and patients—and invested in those drug companies on the side.

Last year, he also bought shares in Zimmer Biomet, a maker of hip and knee implants. Six days later, according to CNN, he introduced a bill that would have directly helped Zimmer.

In his defense, a spokesman for Price has said that his broker bought the Zimmer stock and Price didn't find out until later. That's certainly possible, but still not acceptable. Members of Congress bear responsibility for their personal stock transactions, period.

A third episode may be the worst. Price accepted a special offer from an Australian drug company to buy discounted shares, as The Wall Street Journal and Kaiser Health News reported.

He told the Senate that the offer was open to all investors, although fewer than 20 Americans actually received an invitation to buy at the discounted price. The stock has since jumped in value, and Price underreported the worth of his investment in his nomination filings. It was a “clerical error,” he says.

Even without any larger context, his actions are disqualifying. He's repeatedly placed personal enrichment above the credibility of Congress. The behavior is substantially worse than giving money to an illegal immigrant (which defeated a George W. Bush nominee) or failing to pay nanny taxes (which scuffled a Bill Clinton nominee).

But of course there is a larger context. Price has devoted much of his political career opposing expansion of health insurance. His preferred replacement of Obamacare would reduce health care benefits for sicker, poorer and older Americans.

His views have a long history within the medical profession. For decades, doctors used their political clout to help block universal health insurance. They offered many rationales, but money was the main reason. Many doctors feared that a less laissez-faire health care system would reduce their pay.

It's to the great credit of today's doctors that they have moved their lobbying groups away from that position and helped extend insurance to some 20 million people. They understand that some principles matter more than a paycheck.

Or at least many of them do.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor this evening to continue my remarks from earlier today in opposition to the nomination of Congressman PRICE to be Secretary of Health and Human Services and to continue talking about the Medicaid program.

My colleague from New Jersey was talking about the affordability of health care in general and some of the critique about where we are going with health care in the future. That is really what I think the next few years here in the Senate are going to be about—the future of health care.

Unfortunately, the nominee before us is more about the past of health care, focusing on issues like fee-for-service instead of the patient-centric health care that we need.

Earlier today, I was talking about the innovation that is happening in Medicaid through the Affordable Care Act and, specifically, what is happening in Midwestern States, Eastern States, Southern States, and Western States—how the expansion of Medicaid is not just giving more people access to health care but how innovative programs that are reaching that population are allowing people, instead of going into nursing home care and costing States more and having more expense, going into community-based care and home-based care that will help us keep costs down and give patients what they want: the ability to stay at home and have care.

I also talked about how, on top of the Medicaid expansion, we put a program

like the Basic Health Plan into place, which drove down the costs of premiums for people in that program.

Through Medicaid, not only have we expanded health insurance by helping states cover their citizens, but the uninsured rate has also dropped. I mentioned that in our State of Washington, it dropped to just 6 percent. Through delivery system reforms, we are also driving a better way for us to improve the Medicaid Program.

Now I want to contrast that to the position of this administration and to Congressman PRICE, because it is a very different view. As I said, I think it is a very backwards-looking view about what we need to improve our health care system. I want to make sure that our colleagues on both sides of the aisle understand this.

Now, my biggest concern is that the current administration and members of that administration are talking about what they want to do with Medicaid. I know that Speaker RYAN has said that he would like to block-grant Medicaid back to the States. This may sound like some great idea until you realize that, right now, Medicaid is already a state option. Medicaid is a voluntary program for States to participate in. The money goes back to the State based on the need. It is not block-granted.

I talked earlier today about when you block-grant it and cap it at a certain level, you are asking people to do more with less. Instead of addressing their needs and improving the system, like I mentioned on rebalancing to community-based care versus nursing home care, or making it more affordable like in the Basic Health Plan, all you are doing is capping it and continuing to give an amount of money that doesn't meet the needs of individual citizens. So I did not like the fact that Speaker RYAN seems to be on this parade of saying: Let's block-grant Medicaid.

The reason we came to this is that my dear colleague from Vermont came to the Senate floor one night and showed a tweet from—I think it was actually then-Candidate Trump, but it might have been President Trump—that said: No, I am not touching Medicare or Social Security or Medicaid. My colleague from Vermont wanted to know whether the President was going to stick to that promise. What has happened since then is we have seen that there has been a promise, so to speak, on some of these programs, but not on others.

I know Vice President PENCE said that he and Donald Trump will give States new freedom and flexibility through block-granting Medicaid. So they are for this idea of block-granting Medicaid.

In fact, White House Counselor Kellyanne Conway said: block-grant Medicaid to the States.

So many on the other side are saying you are going to keep your health care; don't worry, it is going to be there for you; no one is going to lose it. I guarantee that if we block-grant Medicaid, which is the premise that Mr. PRICE has been rallying on, not just once but many times, it is not going to work out for many Washingtonians in my State, and it certainly is not going to work out for many people all across this country.

Mr. PRICE wrote a budget that would block-grant Medicaid. And he wrote a bill that would repeal the Medicaid expansion in its entirety and repeal all of the Affordable Care Act. So I know for some people, as I said, that might sound like giving the States flexibility, but right now, that dollar goes up and down based on need. When Medicaid is block-granted, you are going to give States a set amount of money and, as I said, that set amount of money may not keep pace with the cost of care.

Through Medicaid waivers authorized by Congress and approved by the Centers for Medicare and Medicaid Services, States can work with the Federal Government to deliver flexibility. I just mentioned two programs that are already in the Affordable Care Act.

Earlier today I mentioned all of the States that were utilizing rebalancing programs and the shift they are seeing in keeping people out of nursing home care and putting them in community-based services. So that is a huge win.

A number of States have pursued these Medicaid waivers through a section of the Social Security Act called 1115. It is really not necessary for anybody to know the number, but basically those innovations are allowing States to continue to improve the delivery of health care. In the State of Washington, that means we are delivering better care, better outcomes, at lower cost. That should be our target—not taking a hatchet to Medicaid and chopping it and saying we are going to give you less and less money.

We know that our health care delivery system is going to be challenged in the future, and we know Mr. PRICE's budget would cut one-third of Medicaid funding within 10 years. That is a huge cost to the Medicaid program. So what would it mean? It would mean millions of Americans would lose their health insurance because States will not have the investments to cover them. Uncompensated care will skyrocket, and that would really hurt the safety net that hospitals provide. People don't go without health care just because Medicaid doesn't cover them. They show up in the emergency rooms, they get uncompensated care, it is more expensive, or they ignore their health care needs until they can absolutely afford it. We are seeing this across America even now. We have had physicians tell us stories of people who are just waiting until they can afford coverage.

So that is why it is so important to get affordable coverage like the Affordable Care Act has been able to provide and to unleash innovative programs within these systems, like the Basic Health Plan that I mentioned earlier today, which allows us to buy in bulk, like a Costco model. Costco delivers Americans a lot of cheaper products because they buy in bulk; it drives down the price. The consumer wins and the insurer wins because they know they are going to get big purchases, and that provides flexibility. I mentioned how New York has more than 600,000 people on the Basic Health Plan, and instead of paying a yearly premium of about \$1,500, they were basically saving about \$1,000 or more on their annual insurance premiums. Why? Because the State was able to offer up a bundle to New York residents and drive down costs. That is the kind of flexibility we need in the health care system. We don't need to just say we are going to cut one-third over a 10-year period of time.

Let me again contrast this progress with Mr. PRICE's ideas. Congressman PRICE's budget would cut \$1 trillion from States over 10 years through Medicaid block grants—\$1 trillion, leaving States with a hole in their budget that I know, if they are like our State and are challenged with other issues, they would not be able to cover. The notion that block-granting Medicaid and repealing the Medicaid expansion is the way forward is absolutely not what the people of Washington State think. I am here to represent the viewpoint that innovations in the Affordable Care Act are working, and we shouldn't just simply block-grant and cut Medicaid.

So instead of improving the delivery system of health care and instead of expanding coverage and giving peace of mind, here is what Mr. PRICE's Medicaid cuts would do, according to some of the independent experts who study Medicaid.

The National Council on Disability says about block grants: "Older Americans and people with disabilities would be at special risk. . . . States would face strong financial pressure to reduce services to low-income seniors and people with disabilities if the Federal Medicaid funds were capped."

The Center on Budget and Priorities says: "To compensate for the federal Medicaid funding cuts a block grant would institute, states would either have to contribute much more of their own funding or, as is far more likely, use the greater flexibility the block grant would give them to make draconian cuts to eligibility, benefits, and provider payments."

The Commonwealth Fund says that "the federal contribution under a block grant program would remain the same, or grow only according to a present formula, no matter how large the population in need becomes or how much a

State actually must spend on health care for Medicaid recipients.”

So we can see that people understand that block-granting Medicaid is nothing more than a war on Medicaid—nothing more than a war on Medicaid.

That is why I cannot support Mr. PRICE's nomination. We gave him chances in the hearing to talk about why this kind of approach is not acceptable and why the programs within the Affordable Care Act that are driving down costs, giving people access, making improvements, working all across the United States in various parts of our Nation are actually the right ways to improve the delivery system, but we couldn't get commitments.

So if my colleagues are being honest with themselves or if they actually understand this, they should be very afraid of the notion that Mr. PRICE is putting forward in wanting to block-grant Medicaid. I think some of them do understand. It is why the Governor of Nevada, Brian Sandoval, and the Governor of Michigan, Rick Snyder, and others, are asking Congress to let them keep the Medicaid gains already in the Affordable Care Act and not shift those costs to the States.

So while shifting costs to the States might be exactly what some people want to do, this is exactly why we need to fight to make sure that the Medicaid expansion remains supported, and that we have the right focus moving forward—a delivery system, that is, that works for the patients and improves outcome and lowers costs. That is why I mentioned two aspects of the Affordable Care Act. We did the Medicaid expansion, and then, for a working family just above the Medicaid eligibility level, which is 138 percent of the federal poverty level, they were able to buy in bulk and get the kind of cost savings in health care that, as I said, let more than 600,000 New Yorkers sign up for truly affordable health care in impressive numbers.

So that kind of progress being made in Medicaid and in the income levels just above it is exactly the kind of progress we must keep pursuing. Our colleagues seem to want to turn back the clock on this plan.

We did not get a single commitment from Mr. PRICE on keeping Medicaid healthy for more than the 70 million Americans that depend on it. Therefore, all I can do is go back to his record, his votes, and his comments to understand his desire to block-grant Medicaid, which is a war on Medicaid. It will not make that population healthier. It certainly will not really control health care costs for the future, and it is certainly the reason I will be voting no on Mr. PRICE.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise today to urge my colleagues to vote

against the nomination of TOM PRICE to be the Secretary of the Department of Health and Human Services.

The decisions made at HHS touch the lives of every family in America. The Secretary who runs this agency makes decisions about everything from safety of the food we eat to the drugs we take, to the health insurance we buy and the quality of nursing homes we live in. This is an extremely important job, and we should not hand over the keys to this agency unless we are certain that the person will put the American people first every minute of every day.

President Trump has nominated Congressman TOM PRICE to serve in this job. Unlike many of the President's other nominees who are stunningly inexperienced in areas where they will be setting policy, Congressman PRICE has a lot of experience in health care policy. Yes, he has experience, but it is the kind of experience that should horrify us if we care about Medicare, if we care about Medicaid, or if we care about our own insurance coverage.

Congressman PRICE's record is perfectly clear. He wants to destroy fundamental protections that millions of Americans depend on for their health and economic security, and, frankly, he isn't very subtle about it. He has described ACA's ban on discriminating against individuals with preexisting conditions as “a terrible idea.” He has voted 10 times to defund Planned Parenthood—voted 10 times against a group that provides lifesaving cancer and sexually transmitted infection screenings to millions of patients a year. He has tried to privatize Medicare and raise the age of eligibility. Privatize Medicare; think about that. And he has been one of the chief boosters in Congress for gutting the Medicaid program—the Medicaid program, which provides health care for millions of kids, for people with disabilities, for families with parents in nursing homes—cut money to keep people in nursing homes.

Nonpartisan analyses of these plans are not pretty. Millions of people in this country, young and old, children and grandparents, poor and middle-class workers would be denied access to lifesaving care.

Congressman PRICE touts his own magic numbers that say differently, but make no mistake, this is the record of someone who wants to use his position at HHS to advance a radical, reckless agenda that puts rightwing, anti-government ideology ahead of the health and safety of the American people.

During his hearing before the HELP Committee, I asked Congressman PRICE some pretty simple questions. I asked him about more than \$1 trillion in cuts that he has proposed to Medicare and Medicaid. I asked him if he would keep or undermine President Trump's campaign claim that he would protect

these programs. I asked him to guarantee that not one dollar in cuts to Medicare would take place on his watch. I asked him to guarantee that not one dollar in cuts for Medicaid to help people living in nursing homes would happen on his watch. I asked him to guarantee that not one dollar in cuts for people with disabilities would happen on his watch.

I asked him three separate times to make this commitment, and three separate times he refused to do so. Think about that—cut Medicare for millions of seniors, cut help for people with disabilities, cut Medicaid for people living in nursing homes. This is the person Donald Trump wants to put in charge of those programs.

We have a lot of work we need to do on health care. We need to reduce the cost of insurance. We need to make sure insurance is available to small business owners, gig workers, and part-time workers. We need to make sure insurance continues to cover health care for women and people with preexisting conditions who otherwise are not going to be able to get insurance. What we don't need is to put someone in charge who is hell-bent on destroying health care in America.

For me, this is easy. When someone says he wants to cut Medicare, I am done with him. When someone says let's take away the money that people rely on to pay for nursing homes, this guy is finished. When someone says that protecting people with preexisting conditions is a bad idea, they don't get the job. This should be easy for everyone in Congress. This is a moment for Senator Republicans to step up and say no.

There is another reason to reject Congressman PRICE's nomination, a reason that has nothing to do with his terrible ideas, a reason that would disqualify him even if we agreed on every single issue. The reason is basic ethics.

During his time in Congress, Mr. PRICE has made money by trading hundreds of thousands of dollars' worth of stock in healthcare-related companies at exactly the same time that he pushed legislation that could affect the value of these stocks. His formula has been pretty simple. First he buys the stock, then he pushes bills to help the company, which helps the stock price go up.

For example, Congressman PRICE bought stock in a company that makes hip and knee replacements, and then he introduced a bill to suspend a Federal rule affecting Medicare reimbursements for hip and knee replacements. Congressman PRICE bought stock in a bunch of pharmaceutical companies, then cosponsored a bill to suspend a Federal rule that would hold down drug prices for the drugs that these companies manufacture. Congressman PRICE bought stock in an Australian biotech company with an experimental drug to

treat multiple sclerosis, and then he voted for a bill that would make it easier for the FDA to approve these drugs.

So what does Congressman PRICE have to say for himself? How does he explain this connection between buying stock, then supporting changes in the law that would boost the value of the stock he just bought? Well, he has his excuses lined up, and I have to say they are doozies.

He says he didn't know about the trades; his broker made them without asking him first. Oh, wait. He did know about the trades. He just happened to know about an obscure Australian biotech firm, and he just happened to decide to invest as much as \$100,000 in it because it was a good investment. Then he hit his last excuse: It is all OK because he paid the same price as anyone else who bought the stock.

Wow, that is really a heaping, steaming pile of excuses, and the excuses stink. These are Congressman PRICE's stock trades, not anyone else's. He made those decisions to buy those stocks, and then he repeatedly pressed for rules that would increase the value of those stocks. In fact, with one of the deals, it isn't just a question of stinkiness; it is a question about whether he broke the law.

By his own account, Congressman PRICE found out about an Australian biotech company called Innate Immunotherapeutics from a fellow House Member who, it just so happens, sits on the company's board and holds the largest stake in the company. So when he decided to buy his latest batch of stock, Congressman PRICE got access to a private sweetheart deal, meaning he got a discount on the price of the shares the general public couldn't get.

This sequence of events might break the law. That is not good at all. And getting special access to a sweetheart deal doesn't help your claim that you are just an ordinary guy with a boring stock portfolio. So when Congressman PRICE appeared before the Finance and HELP Committees, he said he had not paid a lower price than had been available to other investors. That is just not true. The company itself pointed it out. In fact, Congressman PRICE got a special discount that went to only 20 people in the country—20 special friends, including the Congressman who could help write the laws that would make the company even more valuable.

An outside watchdog has called for an SEC investigation into whether Congressman PRICE committed insider trading. PRICE lied to Congress about his trades, and that should be the end of it. No more nomination for Secretary of HHS. The Congressman should have the decency to withdraw his nomination. It should have happened weeks ago. And if he didn't go voluntarily, the President and his

friends in Congress should have quietly but forcefully pushed him out, but that is not what happened either. Instead, Republicans barreled straight ahead, and they changed the rules to do it.

Since Congressman PRICE lied to the committee, Democrats wanted him back for another hearing to ask him about it. Republicans refused, and Democrats boycotted the Finance Committee to try to force PRICE to explain why he lied. So the Republican response was to just suspend the Senate rules so they can run around the Democrats and move forward PRICE's nomination anyway.

Do we do not care about basic ethics anymore? Is that just gone? A Congressman should not be buying stocks then pushing laws to help the company, and that Congressman sure shouldn't be lying to the United States Senate about it.

Because Congressman PRICE has no shame, it will take three Senate Republicans to reject his nomination. Where are the three Republicans who will say no to a man who bought stock and then tried to get the rules changed in Washington so the companies would be more profitable? Where are three Republicans who will say no to a man who got a special stock deal that went to only 20 people in the whole country? Where are three Republicans who will say no to a man who lied to a Senate committee? This has nothing to do with politics. It is about basic ethics. It is about potentially illegal behavior. Where are three Republicans who will say no to this man?

When Donald Trump selected Congressman PRICE for this job, he said PRICE was part of a "dream team that will transform our healthcare system for the benefit of all Americans." Over the past few weeks, I have been trying to understand exactly what that dream looks like.

For families all over this country, the dream is pretty simple. They want to know that when they get sick, they can go to the doctor and not be hit with a surprise bill they can't pay. When they buy insurance, they want to be sure it covers birth control or cancer screenings and preexisting conditions. They want to be able to fight cancer and not lose their house or declare bankruptcy because their insurance company imposes a lifetime limit on benefits.

President Trump does not share this dream for health care in America, and neither does Congressman PRICE. From his first day in office, President Trump has acted to undermine access to health care. Now he has nominated an HHS Secretary who will help him sabotage our Nation's health care system from inside the Department of Health and Human Services.

Yes, we have our differences over health care, and, yes, there are fixes we need to make, but where are three Re-

publicans who will say no to a man who wants to cut Medicare? Where are three Republicans who will say no to a man who wants to cut nursing home care? Where are three Republicans who will say no to a man who wants to cut insurance coverage? Democrats can't do this alone. Three Republicans need to put aside partisanship and stand up for the American people. We need you. The American people need you.

With my remaining time, I want to share some of the letters I have been getting from families in Massachusetts who have seen the reckless, radical plans that President Trump, Congressman PRICE, and Republicans in Congress have put forth for the Nation's health care system. These families know exactly what is at stake in this debate. Congressman PRICE didn't have an answer when I asked him to protect Medicare and Medicaid, but these letters are from constituents and they show just how important these programs are.

Lee from Holliston wrote to me, concerned about cuts to Medicare and Medicaid. I am just going to read an excerpt from his letter:

I am a 65 year old disabled woman who depends on the generosity of MassHealth and Medicare to survive. I am terrified that Medicare and Medicaid will be so drastically cut that I will no longer be able to maintain my life. I live in HUD housing, receive Medicare and MassHealth which covers all of my healthcare and allows me to continue to live on my own through senior services and the Personal Care Attendant program.

I guess I am just feeling scared and hopeless as I realize the potential for destroying the lives of seniors who live on Social Security and nothing else. I wear an insulin pump, have type 1 diabetes going on 53 years, and I have multiple complications—including an amputation 11 years ago.

My healthcare costs are just unaffordable without all the assistance. Medicare and MassHealth covers everything for me so that the \$1,050 per month I receive is doable for living expenses.

I just need to know it is going to be OK.

Lee, we need three Republicans to help out here. Congressman PRICE has made it clear that he wants more than \$1 trillion in cuts to Medicare and Medicaid, and that affects you. We have to find three Republicans to help out and to help stand up for you and the rest of America.

I also heard from Alan from South Shore, who is worried about his daughter Meg. Here is what he wrote:

My daughter Meg is 29. She was born with a condition called neurofibromatosis. As a result of this, she has benign but inoperable tumors on her spine. They cause her chronic pain and problems walking. On some days, she cannot walk even one step. On other days, she might begin walking with a walker, then suddenly collapse on the floor.

Meg cannot hold down a job: She spent the last quarter of 2016 in and out of hospitals. She receives about \$700/month from Social Security Disability. She has no savings. She pays for her Medicare prescription drug Part D supplement out of her Social Security. MassHealth is free for her, and it pays for

Meg's Medicare Part B. I am retired, so I can only help her a bit.

If Trump's first idea about TrumpCare goes into law—where he assumes you will buy your health insurance out of savings—I fear Meg will live in her bed, watching repeats of quiz shows on her television. And her network of care—including emergency services, rehab physical therapy, chronic disease management prescription drugs—will be reduced.

I understand why you are worried, Alan. I am worried, too, because I think that is exactly the path we are on with Congressman PRICE's nomination to head up HHS. That is why we are fighting back.

Boston Center for Independent Living also shared with me a story from a constituent named Jill who receives health care from the State's Medicaid Program. Let me tell you a little bit about Jill.

Jill is 62 years old. She has a heart defect, a seizure disorder, and serious osteoporosis. She had a varied career as a manager of a women's clothing company a decade ago, and in the 1980s, she installed some of the first computer networks in public schools. In the past several years, Jill has had significant health problems: surgery for her heart condition and multiple broken bones due to her worsening osteoporosis.

MassHealth, the State's Medicaid Program, has covered hospital bills, appointments with specialists, rehab stays, and an affordable medication plan.

Jill is now hoping to use a personal care assistant to give her support with shopping, making meals, and basic housekeeping.

Jill said: "For me, Medicaid is a lifeline—any cuts from Washington would be a disaster."

I hear you on that, Jill. I just hope that Congressman PRICE, President Trump, and the Republicans hear you as well.

Medicaid helps a lot of people in Massachusetts, including the very youngest. I got a very powerful letter from Marika from Duxbury, who wrote to me about giving birth to her son Jack after just 28 weeks of pregnancy. I want to read parts of her letter:

I'm writing to you today because I am horrified about the changes that may be happening to healthcare in the United States.

My husband and I welcomed our son, Jack, at 28 weeks in July of 2015. I had a very normal, healthy pregnancy—until suddenly it wasn't. I ended up with rapid onset of HELLP, a rare and life-threatening syndrome, and an emergency C-section saved both my life and Jack's.

Jack was 1 pound, 14 ounces when he was born. We were both in the ICU for some time, my son Jack for 110 days. He had all the issues you'd imagine at 28 weeks—cardiac, pulmonary, feeding.

Today, at 18 months old, Jack is a fighter—my hero really—and despite still needing oxygen and a continuous feeding tube that is surgically inserted into his intestines, he is cruising, talking, and ALIVE.

He is alive, and quite frankly, I'm alive because of our amazing healthcare. I have the

benefit of an exceptional employer plan from Harvard University. But Jack also qualified (because of his birth weight) for MassHealth. And our public health insurance has been an incredible resource:

Jack's hospital bills were in the millions after his 110 day stay in the NICU. This doesn't even include my own hospital costs for my stay. Despite having excellent jobs and resources, my husband and I would have been bankrupt, and immediately so, without our private health insurance and MassHealth benefits.

Since coming home from the NICU, Jack is still on a feeding tube and oxygen, and he cannot be accepted into regular daycare. He would go to a medical day care, but he has no cognitive delays, and so placing him in such a facility would not ensure that he gets the regular developmentally appropriate engagement that he needs. And so MassHealth pays for skilled nursing care in our home with no out of pocket costs. This means that Jack gets the care that he needs, and my husband and I can still work at the jobs that we love.

Jack participates in early intervention programs and receives feeding therapy, physical therapy and occupational therapy free of charge.

Jack's Synagis shots cost zero dollars. Synagis is a prescription medication that is used to prevent a serious lung disease caused by respiratory syncytial virus, RSV, in children at high risk for severe lung disease from RSV. The average wholesale price is \$780.15 for the 50 milligram Synagis vial, and \$1,416.48 for the 100 milligram vial. Jack gets a 150 milliliter shot every month.

I cannot imagine this life without my son's public health insurance. I recently enjoyed the NICU Family Advisory Board at Beth Israel Deaconess Medical Hospital in Boston (where Jack and I were cared for) as a way to give back. Today, I mentor other families who have unexpectedly found themselves the parent to a tiny premature baby fighting for life. In nearly every case, navigating the insurance system and fears about money are top of mind.

I am glad to hear that Jack is doing well, but I understand why it is that you want to hang on to MassHealth and why it is that we cannot take the cuts Congressman PRICE has proposed.

Families in Massachusetts are also deeply worried about the future of the Affordable Care Act. Jackie from Norwood wrote to me about how the ACA helped her get coverage for therapy after her mother was killed. She wrote:

My mother was murdered when I was 24. I was on her healthcare, which kicked me off the day after she died. I had recently accepted a new job and I was set to start that Monday (she was killed on Saturday). I had already left my previous full-time job the Friday before.

Due to having to move states after her death, I couldn't start my new job. I didn't know when I'd have work again that could provide insurance, nor did I have another parent whose plan I could join. I also had no way of affording COBRA payments.

So in the matter of one night, I was left helpless in so many ways. Not having health insurance was one of many side effect issues that no homicide victim's family should have to worry about. Especially the next day and when planning a funeral.

Thanks to the Affordable Care Act, I was able to get covered almost immediately, which meant I could still afford my current

medications and I was able to get into needed therapy right away. If it weren't for the ACA, I would have been left struggling and sick as a result of something FAR out of my control.

Very true, Jackie.

Jackie goes on to say:

I ended up finding work within a couple of months, and I am still in treatment for PTSD. I was lucky enough to find employment at Harvard University and no longer needed coverage through the ACA. I have generous health benefits provided to me. However, I never want a fellow citizen or victim of homicide to be without medical care due to cost, preexisting conditions, or other setbacks. I am happy my tax dollars go to help programs like MassHealth and the ACA. We all work hard, but that doesn't mean we are all as fortunate.

I am not the typical poster child for a homicide victim/survivor. I am white and college educated. I work for an Ivy League school. I still needed help when disaster struck, and so many others less privileged than me need help finding affordable health care.

Please continue fighting for me and other victims and survivors of homicide.

That is what we are here for, Jackie. That is what we are supposed to do. We just need three Republicans to help us out on this.

I also heard from Jennifer from Northampton, who is terrified for her family if the ACA is repealed. She says:

I suppose I can't say when our story starts. Maybe the day I met my then-life partner (now wife) of 16 years. Maybe it begins when she had to have emergency surgery in Maryland when she wasn't covered under my insurance, because our union wasn't legally recognized. Maybe it begins with the tens of thousands of dollars of debt we incurred in uncovered medical expenses when we tried to get pregnant with our son.

Or maybe it started two days ago when the unthinkable happened. My wife got laid off. After seven years of exemplary services to a large human services agency whose mission is supporting individuals and families affected by homelessness, my wife was given no warning, no severance and no compassion in her sudden dismissal from the agency. For any family this would be devastating. Now we come to the dire part.

About a year ago, my younger sister, Stephanie, was diagnosed with an aggressive form of Triple Negative Breast Cancer at 35 years of age. But this story isn't about that.

Six months later, my mother got diagnosed with Stage 4 Metastatic Breast Cancer.

I didn't have to be an over-educated lesbian to know that there was something genetic going on in my family. I got tested for the BRCA gene and was found positive for the mutation that causes breast cancer, specifically Triple Negative (like my sister had) and am currently looking at an 80% chance of developing Breast Cancer in my lifetime.

I need a double mastectomy and I need it soon. It's scheduled, in fact, for March 6th, 2017. And now, my wife doesn't have a job. I am a Behavior Analyst who specializes in the treatment of children with Autism Spectrum Disorder. I have a small private practice and don't make enough money to support our household. I also don't have access to health insurance through any of my contracts.

That is why it's dire.

One laid-off spouse, one four year old son, one self-employed wife with an 80% chance of

developing breast cancer and fear of the ACA being repealed. This is dire.

We are terrified, I am terrified.

This isn't a "wait and see" situation for my family. This is us. This is now. And this is real.

Yes, Jennifer, and that is why we are here tonight, in the U.S. Senate, to debate whether or not Congressman PRICE—a man who wants to cut Medicare, cut Medicaid, repeal the Affordable Care Act—is going to be the next head of Health and Human Services. That is why we are fighting. That is why we are looking for three Republicans to step up with the Democrats and turn him down. We must protect the Affordable Care Act.

I also got a letter from Olivia, a college student from North Reading. Olivia wrote me about what the ACA means to her as someone living with multiple chronic illnesses. She wrote:

I am a twenty-two year old white woman from a middle-class suburb of Boston. I attend the University of Massachusetts Amherst and will be applying to graduate school next year. I eat an anti-inflammatory diet, I exercise regularly, do not smoke, and drink lots of water. I am on my parents' insurance, which they receive through their employer. I am a patient at some of the best hospitals in the world.

I am so fortunate to live in a state that protects my right to affordable health care. I was also hopeful when I heard that President Trump was considering modifying ObamaCare rather than repealing it. However, I am still worried about the actions that will be taken in 2017 by his administration and by Congress.

If you met me you would see a "young, vibrant, and ambitious woman"—other people's words, not mine. Many people and politicians in this country would meet me and not assume that I rely on the ACA. I am not from a low-income family, I don't live in an area that doesn't have adequate medical facilities, and I appear well. I am, however, living with multiple chronic illnesses. I suffer from asthma, fibromyalgia, chronic urticaria, chronic migraines, irritable bowel system, gastro-esophageal reflux disease, and a rare-genetic kidney disorder.

I take multiple medications daily that keep me alive, prevent further health complications, and that allow me to take care of myself. I also seek other therapies to manage my conditions, such as chiropractic care and physical therapy. I currently have great health insurance, yet I still pay hundreds of dollars a month just to give myself any quality of life.

I read the Trump/Pence administration's health care plan and I am aware of the efforts by the GOP to repeal Obamacare and their readiness to do so now that President Trump has taken office. I don't believe I have to explain to you why this worries me.

No, you don't.

I won't go on a rant about why health care reform should be about the people not the money (though I could). I will also not talk about why we should have universal health care (though I could). I am hoping that my story offers a slightly different perspective on why certain aspects of the ACA cannot be modified.

Please remind your fellow senators that millions of Americans suffer from multiple chronic illnesses, many of which are invis-

ible, and that we are a minority that is often forgotten. Many people are just like me. We are college students and new graduates who have to learn to manage our medical conditions before going out into the real world.

To do this, we may have to stay on our parents' insurance until we are twenty-six years old. We are people who can only work part-time jobs and will need insurance to help keep our medical costs down. We may require expensive prescriptions and numerous doctor visits a year; we cannot have a cap on our care because our conditions are chronic and unpredictable. We are people who will have to apply for insurance with pre-existing conditions which should not be held against us. We are thankful for preventive care because it prevents illnesses that would exacerbate our other conditions.

Health care is a business that we need but that we didn't ask to be a part of. It is a business we all take part in, whether we plan to or not. We are NOT burned-down houses—we are citizens who provide meaningful contributions to our country.

I hope that Congress can work together to continue to give people like me a fighting chance.

I am with you on that. I hope Congress can work together to give people like you a fighting chance.

I also got a letter from Christine in Canton, who wrote to me about her son. She writes:

My oldest child is a 21-year-old college student (soon to turn 22 in February), who is also transgender. He suffers from anxiety and depression. He's been working very hard to complete college while also seeking treatment for his mental health issues. He sees a therapist weekly and has also been hospitalized twice for mental health issues since he's been in college.

Luckily, due to the Affordable Care Act, he is able to remain on our insurance, where the co-payments for both therapy and hospitalization are at least manageable. If he were not to have coverage through our insurance, I'm not sure that we could afford to pay for his treatment—and as a college student, he certainly could not afford to pay for it. It frightens me to think of what will happen to him if he is not able to receive treatment to keep him healthy.

Like so many others covered by the Affordable Care Act, it is a life or death situation. I need to know that you will fight by any means possible to keep the Affordable Care Act from getting repealed.

I also have a 19-year old college freshman and a 17-year old high school senior. While they do not have the same health issues as their brother, we all know how that can change in an instant. The repeal of the Affordable Care Act will also have consequences for them down the line.

I guarantee, Christine, I will be here to fight for you, to fight for keeping the Affordable Care Act for you and for families like yours.

Denise from southeastern Massachusetts wrote to me about how her family is fighting cancer. Here is what she said:

We are family of four, with three cancer survivors. My husband is a childhood cancer survivor who is now fighting a blood disorder and is a patient at Dana Farber. I am a three-time cancer survivor. Having been diagnosed with breast cancer at age 42 (with no family history), I have since had two recurrences.

I have had radiation, five years of tamoxifen therapy, a bilateral mastectomy, and reconstruction. My reconstruction has been difficult, with five surgeries within 18 months. I have been postponing another surgery due to cost, since my insurance has changed for the worse. At age 23, my daughter was diagnosed with Hodgkin's lymphoma and underwent surgery and seven months of chemotherapy.

We are a family that has always been proactive and responsible in receiving regular health care. Now, my husband and I have been rejected for long-term care. My daughter, who has two children, pays a higher premium for life insurance and has been denied cancer insurance. We are in a position where we cannot even succeed in our attempts to take responsibility for ourselves.

This outreach to you is a further attempt to do just that; to maybe give you one more example of reality in your fight for us. We are not whining; we are fortunate to be a close, loving family that has had the strength to rally every time adversity has struck.

But we are tired from the fight and very afraid for the future. It is shocking to us that, in the richest country in the world, after years of working, planning and saving, that we are at the point of fearing a possible bankruptcy in our later years. We also fear financial destruction for our hard-working children due to uncovered medical expenses or the possible exorbitant premiums of a high-risk insurance pool.

Please, please never tire in the fight for access to comprehensive affordable healthcare. Good medical care should not be a privilege for the rich, but a fundamental right for all.

Boy, I am with you on that one, Denise. It is a fundamental right for all, and that is what we will continue to fight for.

I also received a letter from Jenny in Worthington. And I want to read you Jenny's entire letter because she really underlines what is at stake in this fight.

My husband and I have spent our entire careers in the arts. I write music for the theater; my husband is a novelist, playwright, and freelance medical writer. We have two children. We own a home. We paid back every dime on our student loans and we contribute regularly to our self-funded retirement accounts. We have no consumer debt. In short, we are hardworking, fiscally responsible people.

We recognize the trade-offs that come with being our own bosses. We enjoy the freedoms of self-employment, and take seriously the extra burden that society imposes on us, including making our own Social Security payments, contributing to Medicare, and buying health care on the individual market, something we have done our entire adult lives.

When the Affordable Care Act was passed, we were thrilled. For the first time, we had adequate coverage for our family. Our deductibles shrank. We lost the dreaded co-insurance provision and began to think that we could prepare financially should we face the worst.

Or so we believed.

Our difficulties began in late 2014, when I was diagnosed with breast cancer. Over the weeks that followed, I endured 5 surgeries, including a unilateral mastectomy and reconstruction. Almost immediately after, I began to experience complications. Since then, I've come to learn that I was having a reaction to the silicone implant used in my

reconstruction and that was just the early stage of a complex autoimmune condition that still lacks a name.

Back then, all I knew was that I was wracked with constant, severe pain. I lost the ability to walk. I could no longer think straight and I lost sight in my right eye. Luckily, we stumbled upon an article by a Dutch team that had examined a cohort of women suffering from the same condition. After consulting with the lead author of the paper, we decided that my implant was to blame, and we determined to have it removed.

Although I experienced some relief immediately after ex-plantation, I have never fully recovered. The joint pain and exhaustion persist. I have shed more than a third of my body weight. The battery of medications I take do little more than keep my pain at bay, permitting me to drive my son to school or shop for groceries, but not much more.

As for my artistic life, it has been put on hold. I have unfinished commissions from two theaters—Chicago Shakespeare Theater and Playwrights Horizons, in New York City—and both institutions have been incredibly patient. Yet the truth is that I have been unable to work for more than two years.

Severe cognitive impairment is a hallmark of my condition, and I have serious problems with my short-term memory. Holding the thread of conversation is incredibly difficult, and I experience blinding headaches if I write music for more than a couple of hours. Frequently, it feels as though someone has reorganized my brain but forgotten to leave me the instructions. It is frustrating; it's terrifying.

Only one thing has made it possible for me to survive this at all: the coverage I receive through the ACA.

The day I got my cancer diagnosis, I was in the process of re-certifying through the Massachusetts Health Connector. I was thrilled when my local Navigator told me that thanks to my new diagnosis, I qualify for Massachusetts' Breast and Cervical Cancer Treatment Program, a Medicaid-backed initiative designed to cover middle and low-income women through their treatments. Not only would I be covered, but our two children would also be insured by MassHealth, our state's Medicaid program. Though my husband continued to purchase care through a separate plan, this single event saved our family from financial ruin.

Now, all of that stands to change. With the repeal of the life-saving provisions guaranteed by the ACA, we are faced with the complete erosion of our savings. The Republican Congress has already voted to eliminate the ban on denying individuals coverage on the basis of previously existing conditions, meaning that I will most likely be uninsurable. What will happen then? Will we go bankrupt? Will we lose our home? How will I cope without my medications when we can no longer afford to pay for them?

The passage of the ACA did more to shore up our little family than any other piece of legislation in my lifetime. It has enabled me to face my grave illness without worrying whether cost would be a factor in my treatment or whether I could try the next medication my doctors prescribed to relieve my pain.

In sharing our story on social media, I have been overwhelmed by the outpouring of concern from our tiny community of theater professionals. The President of the Dramatists' Guild, a professional association for theatre artists, called me to offer the assist-

ance of their Emergency Fund should we need it. And while it is heartwarming to receive the support of my professional community, the hard truth is that even the most doggedly determined not-for-profits can't possibly replace the broad social safety net of the Federal government—a safety net Republicans are determined to shred.

In every industrialized country but ours, health care is considered an inalienable human right. It is abhorrent to claim that care is something Americans should have to "shop for." Price-comparison shopping may seem like a wonderful market-driven design, but in reality it forces us to confront the terrifying arithmetic of balancing how much care we need against what we can afford. The sicker one grows, the harder it becomes to solve that equation.

We have no idea what the Republicans intend by way of a replacement to the ACA. They refuse to specify, despite their years of claiming that the ACA is a failure. They talk of expanding Health Savings Accounts (HSAs), though such accounts represent nothing but a disingenuous transfer of the cost to the consumer. Even if such an approach made sense, how far would \$6,750 (the current HSA limit) go in meeting actual health care costs? That amount would be wiped out after a single visit to the emergency room.

What's more, where do they expect sick Americans—those fighting for their lives and unable to work precisely because of their illnesses—to suddenly uncover \$6,750 to sink into a tax-sheltered HSA?

Clearly, this idea has been put forward by people who do not depend on their health insurance for their very lives. They pretend that this sort of thing will save "our system," but their proposal is like offering a patient an Advil for an amputation—laughably inadequate at best; an utter horror at worst.

What's more, efforts like the expansion of Medicaid under the ACA have already saved us. Or many of us. Certainly me, in any case. A Republican friend wrote me recently, venting about the "third-world" coverage Medicaid provides. What he had to say was ignorant and false. Medicaid isn't failing. To the contrary, it has saved my life and the lives of many others who have simply had the misfortune of falling ill. And isn't that, after all, one of the primary functions of government? To care for its citizens and return them to the ranks of the healthy and productive?

We have no idea what the year ahead holds for us. It is likely we will face health premiums of \$24,000 or more for a low-level plan. Our premiums will consume 30% of our income, more than our mortgage. Despite MassHealth, we shelled out nearly \$15,000 for uncovered medical expenses in 2016, and we are already on track to surpass that number this year. On top of everything else, this is the year our daughter starts college. I'm not the typical Medicaid patient that people seem so fond of demonizing, nor am I some poster child of the ACA. I am simply one of the countless individuals whose story does not fit the narrative the Republicans are attempting to feed us about the ACA and about what it means to be sick in America. Medicaid is on the chopping block not because it is failing, but because the people who benefit from it too often fail to speak up on their own behalf. Their silence has nothing to do with a lack of will or words. They are simply too busy struggling to survive.

Medicaid benefits our poorest, yet it also assists those slightly higher on the income ladder—people like me who would vastly pre-

fer to be thriving without it. Many more people than you suspect have turned to it in a time of need. They aren't merely characters in some musical or play. Trust me, I know. They are your friends and neighbors. They are families whose lives have been unended by illness. This is what happened to my family. And, with a single diagnosis, it could be your family too.

Thank you. Thank you for writing. This is why we are here to fight.

I also heard from Kaitlyn, from Cambridge, who said the ACA has allowed her to continue pursuing her postdoctoral research. She says:

I am postdoctoral fellow at MIT, and I have a pre-existing condition. In 2012, during my second year of grad school, I started having debilitating pain in my abdomen. The pain was so bad I couldn't eat or sleep, and I lost 30 pounds over two months. The pain was so bad I couldn't wait the full 3 months to see a specialist, and I went to the ER and finally got a diagnosis for an autoimmune disease and began treatment.

However, my condition was so advanced that a little over a year later I needed an emergency surgery while I was visiting family out of state. I spent six nights in the hospital and rang up a bill in excess of \$50,000. Luckily, I was 25 and still on my parent's insurance. Additionally, I was doubly insured by the student health insurance from the University of California, for which I was automatically enrolled through my graduate program. Other than a \$200 deductible, my hospital bill was paid in full.

Now that I have a chronic illness, having quality healthcare and regular checkups is vital to staying healthy and productive. My medication, Humira, costs \$5,000 a month out-of-pocket, which was more than double my grad school stipend. With insurance, I only pay \$25 a month. Though surgery helped me tame the inflammation in my intestines, my disease began to express itself as arthritis in my joints. The pain was so bad that one Christmas I canceled my trip home to see my family and spent the whole time alone on my couch. I had a bad reaction to some of the medications and became so severely anemic that I needed a blood transfusion. Additionally, one of the medications I take causes severe birth defects. So I needed an IUD to prevent pregnancy.

Easily, all these conditions could become overwhelmingly expensive. But with my student health insurance through the University of California, I could afford it. The premium was \$300 per month, part of which was covered by the university. My medications cost \$110 a month, and I had a yearly out-of-pocket maximum of \$2,000. While I didn't get my insurance through the exchanges, the other conditions of the ACA which determine the minimum quality of care made it possible for my care to be affordable.

By having proper treatment and care, I can be a productive member of society. I have received my PhD in Applied Mathematics and my research contributes to the design of medical devices that can be used for cancer screening. I am able to mentor young girls and encourage them to study math and science. And who knows—one of them may cure cancer one day! Since I am no longer in pain and I am not in debt, I was able to find a prestigious job after graduation. When a state provides for the health of its people, they can thrive at home and at work. It is not only the moral choice, but also a good choice for the economy.

Kaitlyn, thanks for writing and thanks for being one of the big success

stories under the Affordable Care Act. This is what we are fighting for tonight.

I also heard from a young woman in Somerville named Samantha. Here is what she wrote:

I've been dealing with severe mental health issues since I was a kid. I am now 27. In that time, I have been through numerous hospitalizations, residential treatment, day treatment, intensive outpatient treatment, and outpatient treatment.

When I was 18, I had to drop out of college and spent 3 months in residential treatment for my eating disorder. The year prior, I spent 2 months in residential treatment and 6 months between day and intensive outpatient treatment, and I had been in therapy for 4 years.

Due to Massachusetts law, I was still covered by my parent's insurance, but the Massachusetts health care reform didn't stop insurance companies from imposing lifetime limits. At 18 years old, fighting for my life, I overheard my parents discussing lifetime limits in regard to my health care. I don't know how much all that treatment cost, or how much of my lifetime limit I had consumed. For the next 7 years, I was in and out of treatment at various levels.

Mr. President, I ask unanimous consent to extend my time by 10 minutes, if I might, to finish my stories.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Ms. WARREN. Thank you.

In 2014, when I had my own health care, I had a bad relapse. For the first time I was paying for my own treatment. I had health insurance through my employer that was really good, but even with that, for 1 month of residential treatment, 1 month of day treatment, and 3 months of intensive outpatient, plus therapy, a nutritionist, a psychiatrist and medication—all crucial to my recovery—my out-of-pocket health care costs reached almost \$10,000.

These days, I am much more stable and have remained in relatively good health, but all because of the continued support I get from my therapist, psychiatrist, and doctor. I can only imagine how much money has been spent and how close I'd be to my lifetime limit if those were still in place. And of course, all that adds up to being a "pre-existing" condition.

The simple fact is that I would most likely be dead today were it were not for the protections provided by the ACA, and if I lose those protections, if I have another relapse, I will either end up dead or unemployed and mired in debt.

Samantha, thank you for writing. Thank you for fighting. That is why we are on the floor of the Senate tonight, to continue to fight for the Affordable Care Act and to continue to fight against cuts to Medicare and Medicaid. This is what is at stake for families in Massachusetts.

As Jennifer said in her letter: This is us. This is now, and this is real. Congressman PRICE wants to cut more than \$1 trillion from Medicare and Medicaid. But I am not giving up, because I am here to fight for Lee and Meg and Jill and Marika's baby Jack.

Congressman PRICE wants to rip up the behavioral health protections in

the Affordable Care Act. But I am not giving up, because I am here to fight for Christine's son and Jackie and Samantha.

Congressman PRICE wants to get rid of the ACA's ban on discriminating against individuals with preexisting conditions. But I am not giving up, because I am here to fight for Jenny and Kaitlyn and Olivia and Denise and Jennifer.

I will fight for every one of them and for the tens of millions of people who are counting on Medicare and who are in need of Medicaid to pay nursing home bills and to help with home health care for people with disabilities and who need that Medicaid money for children with serious problems. I will fight for every one of them. Where are three Republicans who will do the right thing and fight alongside me? That is what tonight is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise in strong opposition to the nomination of Congressman TOM PRICE to be the next Secretary of Health and Human Services. My opposition to Mr. PRICE has less to do with his well-known, extreme, rightwing economic views than it has to do with the hypocrisy and dishonesty of President Trump.

The simple truth is, Congressman PRICE's record is the exact opposite of what President Trump promised to working families and for senior citizens all over this country. If President Trump had run his campaign for President by saying: OK, Americans, I am going to cut Social Security, and I am going to cut Medicare, and I am going to cut Medicaid, and I am going to put together a Cabinet that will do just that, I think Congressman PRICE would have been the perfect candidate for Secretary of HHS, but that is not the kind of campaign Donald Trump ran.

He ran a campaign in which he said over and over again: I am a different type of Republican. I am not going to cut Social Security, I am not going to cut Medicare, and I am not going to cut Medicaid. Yet he has nominated individuals like Congressman PRICE, who have spent their entire career doing the exact opposite of what Donald Trump promised the American people he would do.

If Mr. Trump had said: I want to prevent the American people from getting low-cost prescription drugs from Canada, and I want to continue to prohibit Medicare from negotiating for lower drug prices, Congressman PRICE would have been a great choice, but that is not what Donald Trump said during his campaign.

This is what President Trump said. During the campaign on May 7, 2015, Mr. Trump tweeted:

I was the first and only GOP candidate to state there will be no cuts to Social Security, Medicare, and Medicaid.

On August 10, 2015, Mr. Trump said:

[I will] save Medicare, Medicaid, and Social Security without cuts.

Without cuts.

[We] have to do it. . . . People have been paying in for years, and now many of these candidates want to cut it.

On November 3, 2015, Mr. Trump said:

I'll save Social Security. I'll save Medicare. . . . People love Medicare. . . . I am not going to cut it.

On May 21, 2015, Mr. Trump tweeted:

I am going to save Social Security without any cuts. I know where to get the money from. Nobody else does.

On January 24, 2015, Mr. Trump said:

I'm not a cutter. I'll probably be the only Republican that doesn't want to cut Social Security.

Mr. Trump did not make these statements in the middle of the night. It wasn't an ambush interview with some reporter who caught him off-guard. This was one of the centerpieces of his campaign for President. And I think whether you are a Republican or a Democrat or Independent or whatever you are, you will acknowledge that Mr. Trump said: I am not a conventional Republican. I am going to do it differently. Everybody else, all the Republicans, they want to cut Social Security, Medicare, and Medicaid. And he is absolutely right. They do. But he made a promise to the American people that he would be different, that he would not cut Social Security, Medicare, and Medicaid.

President Trump sends out tweets every single day, but the American people are waiting, are still waiting for that one tweet which says: I will keep my promise. I will not cut Social Security, Medicare, and Medicaid, and if Republicans give me legislation to do that, I will veto that legislation.

In fact, the President could save us all a whole lot of time if he would get on the phone now with the Republicans in the House and some here in the Senate and say: Hey, save your efforts. Don't waste your time because if you bring me legislation that will cut Social Security, cut Medicare, cut Medicaid, I am going to veto it.

If President Trump sent that tweet, it would save us all a whole lot of time but, more importantly, it would tell millions of seniors who today cannot make it on \$13, \$14, \$15,000 a year in Social Security that he will not make their lives more difficult. He will tell seniors who are struggling with difficult, painful, costly illnesses that he is not going to devastate Medicare.

He will tell low-income people who are trying to survive on minimum incomes that he will not take away the health insurance they have through Medicaid, and he will tell middle-class families and working-class families that, no, they do not have to worry that their parents can remain in nursing homes and have those bills paid by Medicaid.

What I think the American people are worried about is not just that Mr. Trump has not yet sent out that tweet. We did get a tweet about Arnold Schwarzenegger and how well he is doing on his TV show—we got several tweets about that—but we did not get the tweet that tells seniors and working people they do not have to worry about their future; that this President was not lying but was telling the truth when he said he will not cut Social Security, Medicare, and Medicaid.

The problem is, President Trump has nominated people like Congressman PRICE whose views are absolutely contradictory to what he campaigned on. So why would you appoint somebody whose views run exactly opposite to what you told the American people during your campaign?

The truth is, in the House of Representatives, Congressman PRICE has led the effort to end Medicare as we know it by giving seniors inadequate vouchers to purchase private health insurance.

In 2009, Congressman PRICE said, and I quote—and I hope people listen to this quote and try to ask yourselves: How could somebody who ran on a campaign of not cutting Medicare appoint this gentleman to be Secretary of Health and Human Services? This is what Congressman PRICE said:

Nothing has had a greater negative effect on the delivery of health care than the Federal Government's intrusion into medicine through Medicare. . . . We will not rest until we make certain that government-run health care is ended.

Now, how does that tally with Candidate Donald Trump saying: I will not cut Medicare and Medicaid.

We don't need an HHS Secretary who will end Medicare as we know it. We need an HHS Secretary who will protect and expand Medicare. The idea of this voucher program, of ending Medicare as we know it, as a defined benefit plan and converting it into a voucher plan, not only contradicts what Candidate Donald Trump said, but it will be a disaster for millions of seniors.

Right now, if you are a senior and you are diagnosed with a serious and costly illness, you have the comfort of knowing that Medicare will be there throughout your illness. It will pay your bills.

The Republican plan, led by Congressman PAUL RYAN, has a very different approach, and what that plan is about is a voucher plan which says that we will end Medicare as we know it. We will give seniors a voucher of an undetermined amount—the last number I heard was \$8,000; it may go up, it may be lower—and give that check to a senior who then goes out into the private insurance market looking for the best policy that he or she can get.

I would like the American people to think for a moment what kind of policy an 80-year-old person who is struggling

with cancer and who has a check for \$8,000 can get. The answer is, when you go into a private insurance company.

Also, if the Republicans are successful in doing away with the Affordable Care Act and the patient protections within the Affordable Care Act, including a ban on the insurance companies' ability not to insure you if you have a preexisting condition—now let's assume they got rid of that.

Now you are 80 years old. You walk into an insurance company, and you say: I have been diagnosed with cancer, and here is my check for \$8,000.

The insurance agent looks at you and says: Are you kidding? Don't be absurd. Why would we cover you? What do you think we are going to give you for \$8,000 when you are about to run up some enormous health care costs related to cancer? You are going to be in the hospital. You are going to undergo all kinds of treatment. You are going to need expensive drugs, and you expect us to take you with an \$8,000 check. How are we going to make any money out of you? Because that is what our job is. We are an insurance company. We don't care about health care. We care about making money. That is our function. We don't make money on \$8,000 for taking care of somebody who is 80 years of age who has cancer. Furthermore, because the Republicans got rid of the law protecting people with preexisting conditions, we don't even have to take you. Or maybe we will take you, but you are going to have to add another \$10,000 on top of that \$8,000 because that is the only way we make money.

Oh, by the way, also, so there is no confusion, they want to raise the retirement age to make sure you keep working until 67 years of age.

So not only is that a disaster, but maybe in a deeper sense, if we take democracy seriously, if we think candidates should run for office based on what they really believe, all of that stuff is a direct contradiction to what Candidate Donald Trump talked about.

I have heard many Republicans say: Look, what he was talking about was really absurd. It was ridiculous. Of course we are not going to do that.

Well, then, that takes us to a whole other discussion: What does it mean if you have a candidate who runs for office who simply lies to the American people and really doesn't mean anything he says?

I have no problems getting up and debating or disagreeing with my colleagues who have a very conservative point of view. That is their point of view. This is a democracy, and we have different perspectives. And many of those candidates ran on positions. They were honest enough to say: Hey, if you elect me, I think we have to cut Social Security, and they gave their reasons. I think we have to cut Medi-

care; they gave their reasons. I think we have to cut Medicaid; they gave their reasons. I think we have to give huge tax breaks to billionaire; they gave their reasons.

Well, for some reason or another, the people in their State elected them. That is fine. It is called democracy.

But that is not what Donald Trump did as a candidate. So I rise in opposition to Congressman PRICE becoming Secretary of HHS because his appointment would go in diametrical opposition to what Candidate Donald Trump told the American people. I think that is a bad thing for democracy. If you run for office, keep your word, you know? Do what you told the American people you would do. The profound disgust so many millions of people feel for the American political process is not just of what we believe, it is that we don't keep our word, the promises we make to them, and this is exactly where Donald Trump is today.

Let me touch on another area where I think President Trump has not been clear with the American people, and that is, we pay today by far the highest prices in the world for prescription drugs. One out of five Americans between 18 and 65 cannot afford to fill the prescriptions that their doctors write for them. The numbers go down after 65 because of Medicare Part D. But can you imagine living in a nation where one out of five people cannot afford to fill the prescriptions their doctors write?

Mr. Trump campaigned on taking on the pharmaceutical industry. Well, the record of Congressman PRICE is very different from the rhetoric that Candidate Donald Trump used during his campaign.

So I eagerly await Mr. Trump's statement—he can do it through a tweet; that would be fine with me—that says he will support concrete legislation that some of us are going to be offering very shortly which does two fundamental things that will substantially lower prescription drug costs in America today.

No. 1, at a time when you can buy many medicines for far less cost in Canada or in many other countries around the world, at a time when we have free trade agreements so that the lettuce and tomatoes you are having dinner can come from Mexico or Latin America or anywhere all over the world, the fish you eat can come from anywhere all over the world, we will introduce legislation that says that individuals, pharmacists, and prescription drug distributors will be able to purchase lower cost medicine in Canada and eventually in other countries around the world.

Mr. Trump—President Trump had talked during his campaign about taking on the pharmaceutical industry. I hope very much that he will at least keep his word on that issue and that he

will join us in supporting legislation to allow for the reimportation of brand-name prescription drugs from Canada and many other countries around the world. If he is prepared to do that, we will pass it. We will pass it because there are a number of Republicans who support it, and the vast majority of Democrats support it. We have the votes to pass it, and if President Trump signs that bill, we will go a long way in ending the burden that so many elderly people and working people and people with chronic illnesses are facing today, and that is the outrageously high cost of prescription drugs.

By the way, this huge increase in prescription drug costs takes place at a time when, in 2015, the five largest pharmaceutical companies in this country made \$50 billion in profit—\$50 billion in profit in 2015—yet one out of five Americans under 65 cannot afford the medicine they need. The top 10 CEOs or executives in the pharmaceutical industry that year made over \$300 million in salary.

Passing reimportation is one mechanism to lower the cost of prescription drugs, but it is not the only one. We have a totally insane prescription drug pricing system in America right now. If you are Kaiser Permanente, you will pay a certain amount for a drug. And by the way, of course, we don't know what that amount is that you are paying; that is secret. If you are Medicare, you will pay a different amount. If you are the Veterans' Administration, you will pay a different amount than Medicare. And if you are Medicaid, you will pay a different amount than Medicare or the Veterans' Administration. We have a situation today where by law the Veterans' Administration is able to negotiate drug prices with the pharmaceutical industry. Today we have a situation where Medicaid, by law, is guaranteed a significant rebate over list price. But in terms of Medicare, which spends over \$4 billion a year for prescription drugs, a number of years ago Republicans insisted that Medicare would not be able to negotiate drug prices with the pharmaceutical industry.

President Trump has indicated in vague language that perhaps he would support the ability of Medicare to negotiate prices with the pharmaceutical industry. Given all of the tweets he has sent out on so many subjects, I would hope that he has the time to send out a very simple tweet which says: If Congress passes legislation allowing Medicare to negotiate drug prices with the pharmaceutical industry, I will sign that bill. That tweet will have a profound impact on taxpayers because we can save very substantial sums of money, and it will also result in lowering the cost of prescription drugs.

Unfortunately, once again Congressman PRICE is coming from a different place than Candidate Trump came

from—again, that contradiction of a President appointing somebody whose views are diametrically opposed to the views he raised during the campaign.

I think the American people are growing increasingly concerned about the contradictions in general, not just on health care, of what Candidate Trump said and what President Trump is doing. During the course of his campaign, not only did Candidate Trump say he would not cut Social Security or Medicare or Medicaid, he also said that he thought Wall Street was causing all kinds of problems and that you can't clean up the swamp by bringing people in who are a part of the swamp, in so many words. You can't bring people in to clean up the problem who have caused the problem in the first place. And you know what, he is exactly right. He is exactly right. You can't bring in people whose greed and recklessness and illegal behavior on Wall Street caused us the worst economic downturn in modern history of this country. You can't bring those people in and then say: We are going to solve the problem that Wall Street caused.

But in an exactly similar way to what he has done with the Secretary of Health and Human Services, he is bringing in top Wall Street executives. His main financial adviser comes from Goldman Sachs, one of the largest financial institutions in this country, a financial institution that required a multibillion-dollar bailout from the taxpayers, an institution whose illegal behavior caused them to have to pay a \$5 billion fine to the Federal Government. Those are the people he is bringing in to regulate, to take on Wall Street. He is bringing Wall Street executives who caused the worst financial crisis in modern history of this country to take on Wall Street. Well, I don't think most Americans believe that.

So, Mr. President, let me close by saying that I hope that tonight the Senate stands up for the American people, demands that President Trump keep the campaign promises he made, and that we reject the nomination of Congressman PRICE to be the next Secretary of Health and Human Services.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am very honored to follow my distinguished colleague from Vermont on issues that he has worked so long and so hard and so well, and that is health care for our Nation and focusing on the fight for women's health, for access to affordable care for all Americans, and for a Cabinet truly free of conflict and corruption—a cause that we share in opposing TOM PRICE as the Secretary of the Department of Health and Human Services.

What is so painfully apparent to him and me and many of our colleagues is

that Representative PRICE's nomination is a doubling down of the ongoing blatant attack on women's health by his administration. His radical anti-choice policies, antiquated views on reproductive health, and demands to repeal the women's health provisions of the Affordable Care Act disqualify him from serving as the next Secretary of Health and Human Services.

Before the ACA was signed into law, being a woman meant higher health care costs for simply being a woman. It is estimated that this discrimination cost them about \$1 billion more every year. They had to pay higher costs simply because they were women.

Representative PRICE has been clarification clear about where he stands on this issue, with his policy effectively eliminating important protections against discrimination that were guaranteed under the Affordable Care Act. Under Representative PRICE's reckless proposal, all women, including healthy women, could see their insurance costs rise—and rise astronomically. His plan also means guaranteed coverage of maternity care services could be lost. It means well-woman visits, birth control, domestic violence screening, and breastfeeding support—all provided now without any out-of-pocket costs—would be lost. The simple truth is, with Representative PRICE's policies, many women will go without necessary care.

More than a quarter of all women and 44 percent of low-income women already rely on publicly funded health clinics like Planned Parenthood for contraception. Without guaranteed access to birth control, without cost-sharing, this number will certainly climb.

It isn't hard to see why, despite the lonely opposition of Representative PRICE and the Republican Party, 70 percent of Americans support a birth control benefit. Representative PRICE callously asked to see one woman who couldn't afford birth control, one woman who was left behind. If he is confirmed and if the policies he vigorously supports are enacted, he will see millions without necessary health care and particularly birth control.

As many know, Representative PRICE's attempt to defund Planned Parenthood means more than just losing access to birth control; it means cutting off preventive care, cancer screenings, and STD testing for millions of low-income women. The women who get their care from Planned Parenthood seek what all of us want, what all of us should have a right to receive—trusted, compassionate, and medically sound health care. Representative PRICE's politically motivated tax on Planned Parenthood put this care, and their lives, at risk.

Clearly, Representative PRICE is one of the most extreme Members of his party on issues of women's health, and that includes his views on women's reproductive rights—a woman's right to

choose. He has supported radical legislation that would ban virtually all safe abortions and even some forms of birth control, which, in essence, would send our country back to a time when women died because the care they needed was outlawed. It was made unlawful; it was banned. That time has gone. We do not want it to come again.

Simply put, Representative PRICE's anti-choice views are not only ill-informed and unconstitutional, but they are downright dangerous.

Representative PRICE has also shown remarkable indifference to the concerns of the millions who will see their health insurance disappear—vanish—following repeal of the Affordable Care Act, if that disgrace should occur. For millions, the Affordable Care Act has been the difference between seeing a doctor at the first signs of disease and waiting until treatment is no longer an option. It has been the difference between financial security and bankruptcy. Much of the bankruptcy in the United States of America has to do with medical costs.

For many, it has been the difference—no exaggeration—between life and death.

The numbers support this point, whether or not Representative PRICE wants to believe them. Since the passage of the Affordable Care Act in 2010, the percentage of uninsured Americans is the lowest it has been in 50 years or more. The positive impact of this law is felt every single day in the State of Connecticut. It has reduced our uninsured rate by a massive 34 percent, resulting in 110,000 Connecticut residents gaining coverage. Many of my constituents have felt emphatic about—and have told me so—exactly how the Affordable Care Act has changed their lives and their family's lives for the better.

Representative PRICE refuses to guarantee that these families will be covered following repeal. So I hope he hears their stories and understands what the Affordable Care Act means to them and the millions of other Americans whom he chooses not to see, not to hear, not to know exist.

Representative PRICE refuses to guarantee that these families will be covered. For example, I point to a woman in Connecticut named Colleen who told me that before the ACA was passed, her medications alone cost \$250,000 each year. That is a quarter of a million dollars. Thanks to this law, she has affordable care, no lifetime limits, and knows she will not be a victim of discrimination or denied coverage of her preexisting condition. Colleen said the Affordable Care Act has been the difference for her between life and death.

I have also heard from a father whose daughter has a chronic illness. He asked that I emphasize to all of you, my colleagues, that health insurance is "not a luxury, but a necessity" for his

family. His daughter represents one of the 1.5 million people in Connecticut who are now protected from discrimination based on preexisting conditions, thanks to the Affordable Care Act.

I have heard from a retired pastor who counts on the Affordable Care Act for coverage, a farmer who fears for his family's health after repeal, a young woman who was able to start her own business because of the assurances promised by health reform, and a veteran who is scared for his wife.

Representative PRICE cannot promise that these people will keep their coverage, and he has said that outlawing discrimination because of preexisting conditions is "a terrible idea." He thinks it is a terrible idea to outlaw preexisting conditions. I saw the effects of preexisting conditions year after year when I was attorney general, and I went to bat and fought for people who were denied health care because their insurance companies told them that health care isn't to take care of a preexisting condition not covered by their policy. His proposals do not expand access to affordable care, and they do not protect patients.

Representative PRICE's nomination is wrong for the people of Connecticut and for the people of this Nation.

Representative PRICE's plans would also do away with the expansion of Medicaid under the Affordable Care Act, disrupting the lives and health of nearly 15 million Americans. This would leave so many people without access to preventive care, lifesaving medications, and necessary medical interventions. This is simply unacceptable and cannot be the policies of the Secretary of Health and Human Services.

In fact, instead of expansion, Representative PRICE wants to block-grant Medicaid and cap the program, resulting in higher costs, less coverage, and devastation for millions of Americans, half of them children who rely on this program.

In Connecticut, we have been hit hard by the opioid addiction epidemic. It is a national scourge, a public health crisis, and we have relied heavily on Medicaid to fill the gaps. At a time when this epidemic needs more resources, not less, Representative PRICE would work to strip that away, leaving people who rely on Medicaid without treatment.

His plan for our Nation's seniors is just as dismal. He champions privatizing Medicare by turning it into a voucher system and ending the promise of guaranteed health benefits.

Giving seniors a fixed amount of funds to buy health insurance would result in high premiums, increased out-of-pocket costs for seniors, many of them already on a fixed income. And for many Americans, Representative PRICE may mean the difference between being able to purchase lifesaving

medications and putting food on the table or heating their homes.

Finally, like many of my colleagues—and Senator SANDERS made this point so well—I have serious concerns over Representative PRICE's potential conflicts of interest. Having repeatedly purchased stock in health care and pharmaceutical companies that would directly benefit from his legislative efforts and advocacy on the company's behalf, he nonetheless made those investments and kept them.

In the face of these allegations, Representative PRICE has simply refused to provide information that could disprove violations, which has led many Americans to question whether Representative PRICE will truly put their best interests before crony capitalism.

The American people know better. These potential conflicts of interest and views on the Affordable Care Act, Medicaid, and Medicare are out of touch and out of line with what Americans want and our Nation needs. We should be building on the success of these programs, not tearing them down, and we should be working with one another to improve the health of all Americans, not fostering divisions. Sadly, Representative PRICE's views and policies make this very attainable goal really impossible. Simply put, his proposals are dangerous, they are disgraceful, and they are disqualifying.

I cannot vote for Representative PRICE to lead the Department of Health and Human Services. I will oppose his nomination and I urge my colleagues to do the same.

Thank you, Mr. President.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Jersey.

MR. BOOKER. Mr. President, we have had a lot of long nights here, and I just want to take a moment again to really give my gratitude to the staff. A lot of folks go into making the Senate work. We can see a lot of them down here. I can't imagine the days that they have been pulling, as we have been pulling long nights. Many of them get here early in the morning and they go a long way. So I want to thank them, from the stenographers to many of the Senate staff who make it work.

I also want to thank the pages again. These are young folks who have to carry a full load of classes and course work—hard stuff. I don't understand why they haven't come to me to help them with their calculus homework. But the reality is they are working a full class load of courses as well as being here with us around the clock. They probably aren't caught by cameras. They aren't even getting C-SPAN glory. But your presence here really means a lot, and I am grateful for that as well.

I rise specifically to speak about the President's nomination of Congressman PRICE to be his Secretary of Health and Human Services.

I want to take a step back and talk about the profound history that the United States of America has in terms of our bringing together the resources of this country to combat public health crises. We have a country where every generation has been able to step up and take on things that threaten the common health.

There was a time in this Nation when we had actual child death rates that were tragically high, and that for an industrializing nation, our water, the quality of our milk, women dying in child birth, and children dying was a common thing. But we had this bold understanding that in America, a Nation that believes in life, liberty, and the pursuit of happiness, the common health is important. And we took steps that, frankly, in a booming industrial economy, the private sector couldn't do. We took steps to protect the public health, and we made great strides.

It was a Republican President, actually, in 1953, Dwight D. Eisenhower, who actually created what was then a version of what is now the Department of Health and Human Services. Specifically, it was called the Department of Health, Education, and Welfare.

Now, the very first Secretary was a woman, and her name was Colonel Oveta Hobby. She had served as the director of the Women's Army Auxiliary Corps during the Second World War. She was, in my just great reverence, someone who served and fought for health and safety and security during World War II.

As Secretary, Secretary Hobby had an expansive and expanding role. It was a demanding role. She was coordinating the distribution of polio vaccine, overseeing countrywide hospital expansions, overseeing Social Security and the Federal education policy. She had a huge role, one that was so full that one newspaper joked that "when she [actually] learns her job, Oveta Hobby may trim her week to just 70 hours." This was someone who went out there as an agent of the government to lift up the welfare of all of our citizenry, the health and well-being of everyone, again pushing toward those ideals.

In the United States, we really do believe in this idea of life, liberty, and the pursuit of happiness, freedom from deprivation, freedom from illness, the belief that we can have life and have it more abundantly. To Secretary Hobby, this was her duty to her country—someone, again, who served valiantly in World War II.

In the collection of papers from Secretary Hobby's lifetime, Rice University includes that she was a great humanitarian and that she believed there was a role—a "common thread," to use her words—to service to her country toward the empowerment of health for all. She set a standard, a powerful standard, as the first Secretary of

Health for the greater good that we, acting collectively, could do to ensure the health and well-being of our Nation.

In fact, it was an understanding from President Dwight D. Eisenhower all the way down to Secretary Hobby that if we ensure people's health and access to health care, it is not just an individual concern, but actually, societally, we become better and we become stronger. The healthier all children are, the more likely they are to go out there and compete. If you are battling sickness, it undermines your economic well-being. In the world of infectious diseases, the words of Martin Luther King are true: Injustice anywhere is a threat to justice everywhere; in fact, an illness somewhere is the threat of an illness to people everywhere. This was the brilliance of Republican President Dwight D. Eisenhower, and it is how this great Department began, setting the standard, understanding that in many ways we are all in this together when it comes to our health.

So for me, this is another point in history. It is a challenge to us as to who we will be as a Nation. Will we continue to be a country that believes, as a fundamental birthright in the richest Nation on the Planet Earth, that everyone can access the highest quality health care, the best access to quality doctors with wide avenues to pursue the rich abundance of life because we have the best health care system on the Planet Earth?

I actually was happy to hear President Trump on the campaign trail talk specifically about this issue, tell us we were going to have a health care system better than the one we have now, specifically calling it *ObamaCare*; that we were going to have one that is amazing, one that is going to be covering more people. I think the word that was used was "terrific"; it was going to be terrific. He specifically spoke about some of the bedrock elements of our current health care system that Republicans and Democrats both agree are things we want to preserve, protect, and in fact make better. He specifically talked about Medicare and Medicaid, defending them: They wouldn't be taken away; they wouldn't be undermined; people wouldn't be kicked off.

So with this excitement, hearing that we have a President committed to these ideals, creating a terrific health care system, we stand on this history in our country where we know our greatness, and it is an affront if we don't have a system that takes care of our most valuable natural resources: the people of this country and a global, knowledge-based economy. What helps us compete is the quality of our workforce.

I am telling you right now, I have learned in my professional life that when children are sick, they don't

learn; when a mother is sick, it throws the whole family into crisis; if someone can't afford their medication, it is not just a sin to this country's values, it is a sin morally.

So when President Trump nominated his person to be Health and Human Services Secretary, we might imagine they would reflect the values that he espoused during his campaign and reflect the values he has talked about as President. But instead, he has chosen someone who is diametrically opposed to the things he says he is for—preservation of Medicare. More than this, he has advocated a view on health care that unequivocally would take millions of Americans off of health coverage, thrust millions of Americans into economic crisis, and put the health of many millions of Americans in jeopardy. Usually people say these things hyperbolically, but this is quite clearly a matter of life or death.

For years, Congressman PRICE has told us who he is. He has led the charge in the House of Representatives to repeal the Affordable Care Act and take coverage away from millions of Americans while advocating specifically for the privatization of Medicare and the gutting of Medicaid. For years, Congressman PRICE has advocated for anti-choice, anti-contraception access, anti-commonsense measures, and supported efforts to defund and eliminate proven programs like title X family planning, programs like Planned Parenthood which, through their Medicare reimbursements, often in many communities is the only access women have in their communities for cancer screenings or to get contraception.

Congressman PRICE has been one of the loudest voices on tearing down many of the things that now Americans overwhelmingly say "Hey, now that we've got this, we don't want to lose it," whether that is not having insurance companies dictating to you whether you get health insurance or not having pharmaceutical companies ratchet up prices so much that your lifesaving drugs are out of reach.

Then finally, at a time when we cannot afford to have people who have conflicts, we have a Congressman right now for whom other House Members are calling for ethics investigations because his personal financial interests clearly have been in conflict. In fact, he seems to be building a career as a Congressman working on health policy on one hand while building a fortune trading health stocks directly related to that work. This is a man who is so conflicted, a man who is so contrary to what our President says he believes, a man who has been leading the charge to take our health care back in an affront to the ideals that literally stem from the founding history of our Department of Health. I cannot support this individual.

But let me quickly go through some of these things. We now have to have

an honest conversation in our country about this idea of repealing the Affordable Care Act without replacing it because objective organizations like the Congressional Budget Office, conservative organizations like the American Enterprise Institute, and fellow Republican Senators of mine have acknowledged that to repeal the Affordable Care Act would throw into crisis millions of hard-working Americans who have been able to get coverage because of the health insurance marketplace and the Medicaid expansion. Millions of Americans can now go to a doctor when they feel sick instead of going to an emergency room. By the way, as a local mayor—when people use emergency rooms as their primary care facility, it is extraordinarily more expensive; it is fiscally irresponsible.

Because of the ACA, millions more Americans can now access basic health and preventive services that can lead to lifesaving opportunities that did not exist before. Millions more Americans have the peace of mind of knowing that they are no longer one illness away from financial ruin.

Let me put up a chart for a second about the history of people having insurance.

This is the percentage of uninsured in the United States—going along, about 18 million uninsured. And then what happens? The uninsured rate has been driven down. Enrollment in the individual market continues to rise but has now decreased since 2014.

In late December 2016, Standard & Poor's—hardly a Democratic organization, but a market-based organization—released an incredibly optimistic report for the future of the individual market in the Affordable Care Act. But Congressman PRICE, on the other hand, has repeatedly introduced legislation and resolutions to repeal critical elements or the entirety of the law responsible for these successes without any regard for consequences. He has done this again and again and again and again, eight times. He authored a bill last year that would repeal critical parts, like the Medicaid expansion provision that has expanded access to care for millions, tax credits that would help millions buy insurance. And Congressman PRICE has introduced legislation that would fully repeal the Affordable Care Act.

I want to let you all understand that, to me, this is a point in our American history where this isn't arguing over opinion; these are facts about what Congressman PRICE has done. If he were successful in any of those eight attempts to rip down the Affordable Care Act, we now know objectively from organizations like the independent Congressional Budget Office that it would mean 18 million people losing their health insurance in the first year alone, 32 million of our fellow Americans by 2026. Objectively, there

would be increases in premiums in the market by 20 to 25 percent; 4.4 million of those Americans who would lose coverage would be children; and 11 million of the most vulnerable would lose their Medicaid coverage.

There is a man named Andy Slavitt who is a former Acting Administrator of the Centers for Medicare and Medicaid—again, what our President says he wants to preserve. He put together a list because so many people were calling him, writing him: What are going to be the consequences if they repeal the Affordable Care Act without replacing it? What are the consequences? And he just went through a list: Small businesses, farms, self-employed Americans represent 20 percent of the coverage of the exchange. These are individual entrepreneurs, many of whom, by the way, experience something called job lock, where they are afraid to become entrepreneurs because if they lose their jobs, they lose health insurance. Twenty percent are covered by the exchange, and 127 million Americans—127 million Americans—have preexisting conditions. They would be put at jeopardy, and insurance companies would be able to deny them coverage.

Seniors, Medicare beneficiaries, have saved \$2,000 on prescription drugs because of the ACA—\$2,000; 30 million Americans are on individual policies and Medicaid; 2.8 million Americans with drug disorders would lose coverage; 1.25 million Americans with mental health disorders would lose coverage—1.25 million Americans with mental health disorders. In other words, the ACA put mental health care on parity with physical health care. A 42-percent reduction in uninsured rates for veterans has resulted. He said that bad debt—bad debt, bankruptcy—would go up by \$1.1 trillion because health care bills would again be the lead cause in this country of bankruptcy. In other words, before the ACA, the No. 1 reason people were declaring bankruptcy was because of medical bills. After the ACA, that can't happen. There are steps to prevent that from happening, at least to the extent of \$1.1 trillion.

The Medicare trust fund, which has been extended, will have several years reduced off its life expectancy. Taxpayers will lose \$350 billion added to the deficit and \$9 trillion would be added to the debt if it is repealed—2.6 million jobs lost, especially in communities like rural hospitals, where they depend upon the ACA to keep doors open and hospitals running. Anyone who likes free preventive services like mammograms and better cancer treatment, preventive services that literally save lives by early detection, gone.

Young adults, 3.1 million right now on their parent's plan because of extending the years. Women who want to buy health insurance will pay more than men in premiums because, amaz-

ingly, at times insurance companies would be charging you more simply because of your gender and 105 million people had lifetime limits on what insurance companies pay.

This is a list from one of the great experts who knows factually what would happen if we were to turn back the clock. Let me drill down a little bit more. As head of Health and Human Services, Congressman PRICE would be responsible for insuring the continuance of Medicaid.

Americans like Kelley from New Jersey are able to access care right now because of the Medicaid expansions under the ACA. I want to read what she said. She said:

Thank you for supporting the ACA. I hope that you will continue to fight hard for it. It's the ACA and Medicaid that allow me to be able to seek medical treatments for my scoliosis (which causes me to suffer from chronic pain) and ensure that my newborn receives appropriate medical care when need be.

I work full time and go to college but I still struggle to pay the bills, as I'm only 18 and fast food doesn't pay much even at 35 to 40 hours a week.

Here is someone going to college, raising a child, working full time, and relying on the ACA so she can inch toward her American dream, being a college graduate, getting a better paying job.

She concludes by saying:

I want my baby to have the health care she deserves so she can be happy and healthy.

The Medicaid expansion under the ACA has extended access for millions in our country, millions of hard-working people like Kelly and their children, like her baby, across the country.

In New Jersey alone, hundreds of thousands of people gained coverage. Uncompensated costs were driven down, and my State saved a billion dollars, all because of Medicaid expansion.

Republican Governor of New Jersey: Medicaid expansion was the right fiscal decision for our State and for our communities' families who live in our State.

In PRICE's efforts to undo ACA Medicaid expansion, he has indicated people like Kelly and her newborn baby are not a priority.

I know for a fact that hard-working people across the country and in my community will suffer if PRICE is able to do what he intends to do and has tried to do.

Let me go to another issue; that is, Medicaid. How about Medicare? As Secretary PRICE, he will be responsible for overseeing Medicare, the health care program that services 57 million American seniors and those with disabilities.

Under the Affordable Care Act, we know that the quality of Medicare coverage has improved. The life of the Medicare trust fund has been extended, and we have begun to close the gap in prescription drug coverage that too many seniors and people with disabilities—they know about this. It is

known as a doughnut hole. There is more work to do to strengthen Medicare and to make prescription drugs more affordable for everyone, including our seniors.

The changes we have done already have had real positive impacts on the daily lives of Americans. Let me read another letter from Myra in Willingboro, NJ. She wrote to tell me about the difference that Medicare is having for her family as they live with chronic illness. She said:

As your constituent and an advocate of affordable, accessible health insurance, I would like to share how adjustments to the health care system could impact me. As you consider policy changes, I urge you to think about how your constituents living with chronic conditions will be affected.

It is so important to my husband who lives with Parkinson's disease and myself who is being treated for Chronic Lymphatic Leukemia that our Medicare benefits continue without any cuts in benefits. It is most important that we continue to be able to visit doctors able to care for our specific needs and have the expensive medications covered that are needed as we live with these diseases.

As a support group leader for people living with Parkinson's disease—

I pause here to say, my father suffered for years with Parkinson's, died from Parkinson's. The support groups are essential, and the medical challenges that this chronic disease brings are great.

I continue with her letter.

As a support group leader for people living with Parkinson's disease and their caregivers, I know all the members would echo my requests. Many people actually need further assistance to purchase the needed drugs as their policies do not cover them adequately presently. Often the medication prices are prohibitive for folks. They have to constantly check to see which drug plan will allow their medication at an affordable price.

In addition, specific supports for caregivers is another very important need for the Parkinson disease population. Please consider assistance for these people who require assistance throughout the day.

Let me tell you, this is a person writing to say keep what we have and make it better because it is still not enough to meet the challenges. Instead, we are considering making someone the Secretary of Health and Human Services who doesn't want to improve, build upon, get better but wants to throw out.

Take TOM, who believes that for his family, their lifeline to health care access is an intrusion. This is TOM PRICE—excuse me, who believes that this is an intrusion. He writes: "I can attest that nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare."

I want to put these words up. This is what the nominee to Health and Human Services is saying about one of the most valued parts of our health

care in America. He is saying: "I can attest that nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare."

I would like to tell you that is an insult to Myra and her husband, millions of American seniors, those on disabilities who rely on what he calls an intrusion. Someone who is calling for an end to a program that millions of Americans rely on, that the President himself swore that he would do nothing to disturb, we are now putting the chief architect of the destruction of Medicare from the House into a position where they can wreak havoc on the health care of millions.

I want to go into that area of preexisting conditions. Imagine yourself as someone who has a child with diabetes or that you are a survivor of cancer and an insurance company can now look at you and say: I am sorry. I am not going to cover you. The people driven by the market, driven by profits, driven by the bottom line are going to look at you and your humanity and simply say: Sorry, I am not going to cover you. And you live in that place in America, that dark, painful place where you know you are one illness away from destitution.

This is what Maureen wrote to me recently. She said:

Please do not repeal the Affordable Care Act. My 18-year-old son has been fighting cancer for over a year. I am scared to death of what his future will hold without the protections of the ACA. He may be subject to a lifetime cap on insurance payments or be rejected for health insurance entirely on the basis of a preexisting condition. He is only 18. He could be financially ruined before he even gets his adult life started. After fighting cancer as a teen, it scares and upsets me to think that his battles will continue throughout his life in the form of financial hardships from the loss of protections he currently has through the ACA.

She ends saying:

Please consider my family when voting on the ACA.

Please consider my family. There are millions of Americans who now are living in this state of fear, looking at the rising and the ascendancy of Congressman PRICE to a position—someone who has tried again and again to end insurance for people with preexisting conditions.

I don't understand what we are trying to achieve with putting someone who believes that somehow the free market will take care of these folks. I began with our history as a country: booming industrial economy. The free market didn't take care of ensuring that our waters and rivers were cleaned up. The free market didn't take care of eradicating polio. We are a nation that has learned from our history that we have a responsibility to each other, and in our common civic space and in the governments that are established

amongst men and women, we have to do better for folks who are victims or vulnerable to the vicissitudes of the free market.

That is why we are stepping up to say that we can create a system that serves all. We are the richest country on the planet Earth. What even makes this worse than Medicaid under assault, Medicare under assault, people with preexisting conditions, which are issues that are simply around contraception.

Congressman PRICE would be expected to uphold protections currently in place that prohibit insurance companies from charging women more because of their gender and ensuring that insurance companies abide by the Affordable Care Act's contraceptive care.

All that talk about preexisting conditions, many insurance companies saw gender as a preexisting condition. As something as critical as having access to contraception, TOM PRICE has voted time and time again to restrict access to essential health care services and limit reproductive rights.

Before the Affordable Care Act was passed, cost was a major barrier for women seeking access to birth control. Congressman PRICE has repeatedly opposed the provision requiring insurance plans to cover contraception. This is what he said in an interview in 2012:

Obviously one of the main sticking points is whether contraception coverage is going to be covered under health insurance plans and at hospitals, and whether or not they're going to be able to pay for it, especially low-income women, where do we leave these women if this rule is rescinded?"

That is the question. PRICE's response was simple:

Bring me one woman who's been left behind. Bring me one. There's not one.

I am sorry, in this case, PRICE is not right; PRICE is wrong. There is not just one you could bring. There are millions of women who were left behind and struggled with access to coverage before the Affordable Care Act. For this man to stand there and cast a shadow over the basic commonsense understanding that when you allow women to make their reproductive health decisions and have access to contraception, you give them power over their lives and their destinies. You actually reduce unwanted pregnancies dramatically. This is an economic issue. This is an empowerment issue. This goes to the core freedoms as a country.

The Center for American Progress reported in 2012 that before the ACA contraceptive provision went into effect, that "a recent study shows that women with private insurance paid about 50 percent of the total costs for oral contraceptives, even though the typical out-of-pocket cost of non-contraceptive drugs is only 33 percent. Surveys show that nearly one in four women with household incomes of less than \$75,000 have put off a doctor's visit for birth

control to save money in the past year.” Because of the ACA’s contraceptive provision, America has changed. According to the National Women’s Law Center, 55 million women have saved \$1.4 billion on birth control pills alone since 2013.

Listen to Rachel from West Orange, NJ, a couple towns over from where I live. She benefited from the contraception provision of the ACA as well as access to Planned Parenthood. This is what she wrote:

The Affordable Care Act is something that has made a huge impact on my life. I come from a poor background, and there is no additional money to spare on things like birth control, which I take for my independence and legitimate medical issues. Without birth control, I’m unable to get out of bed for days at a time because of painful periods. This means losing out time off work and opportunities because of a serious medical malady.

I never thought I would be able to normalize my life because I can’t afford a \$40 copay every month, in addition to my expensive transportation passes, student loan payments, and helping my parents pay their bills. However, with the Affordable Care Act, I have access to free birth control that allows me to live my life and succeed. It enables my independence, and makes me a healthier individual. I am terrified that any repeal of the Affordable Care Act will harm my health, my career and my ability to lead a normal life.

We want people to lead the life of their dreams—their health, their careers. What she is asking for is not a luxury. It actually benefits us all because we are empowering her to succeed. That makes this country greater. Yet TOM PRICE, this nominee, has voted 38 times on measures that would restrict women’s access, including 10 times voting to defund Planned Parenthood. At a time when there are fewer unwanted pregnancies, when women have more power, more control over their lives, TOM PRICE wants to roll things back.

Struggling women are fighting to raise families and go to college and pay the bills and run businesses or be entrepreneurs, that they are having constrictions placed on their lives—you empower women, you empower this Nation.

In New Jersey, Planned Parenthood’s 26 health centers provide access to life-saving care for women across the socioeconomic spectrum. I will fight tooth and nail with all that I have for not rolling things back. We are not going back. And a Congressman who has pledged to do just that should not be the Secretary of Health and Human Services.

TOM PRICE has spoken out against sex education. I am a believer. I said this when I was mayor, all the time. In God we trust—I am a man of faith—but everybody else, bring me data. Sex education is actually something that has a powerful economic benefit. When it comes to advocating for better health options and outcomes, we know this is

not an idea or theory, but there is a connection between poor, incomplete, or absent sexual education and increasing rates of teen pregnancy, sexually transmitted diseases, sexual assault. Young people are also disproportionately infected, without sex education, with HIV, and HIV rates among young adults are truly problematic in this country. Kids who are granted full information live healthier lives. But Congressman PRICE advocates against that. He thinks sex education doesn’t reduce rates of teen pregnancies—it does; doesn’t reduce rates of sexually transmitted diseases—it does; doesn’t reduce rates of sexual assault—it does; doesn’t reduce rates of HIV—it does. But he thinks that it promotes promiscuity among young people.

I want to end with my last point. All of this is enough, but this is the more astonishing part of my opposition because in this, I would at least think we could get my Republican colleagues to join with me because if you look at past Presidents, something less than this has sunk nominations before. This doesn’t have to do with health policy; this has to do with conflicts of interest.

There was a great Senator who pulled himself out of consideration for what, compared to this, is a mild issue that he moved to correct on paying taxes on a benefit that he received. He pulled himself out of consideration. He had that kind of dignity to say: You know what, I have this small issue. I am pulling myself out of consideration.

But TOM PRICE is charging right ahead, while people in the House are calling for his investigation. Some of my colleagues have already addressed this, so I won’t go into it much, but the SEC investigation should be there. An independent watchdog from the Office of Congressional Ethics should be there. We don’t know because these organizations, the SEC and the Office of Congressional Ethics, don’t announce when they are investigating somebody. But there are a whole bunch of people saying that Congressman PRICE has potentially violated something called the Stock Act, which was basically put in place so that Congresspeople, who know things about regulations or issues affecting companies, can’t benefit off of that insider information to profit themselves. I don’t understand why, at a time that this is all hanging over his head, that there should be an investigation, that we should get to the bottom of it before we put him in the President’s Cabinet, Democrats and Republicans here, given past history and past nominees who had to withdraw, why aren’t we joining in a bipartisan way and saying: Hey, there is a lot of smoke here, and the facts are kind of screaming for attention.

Let me just be clear. As an example, last March Congressman PRICE bought between \$1,000 and \$15,000 worth of

shares in a company called Zimmer Biomet. They are a medical manufacturer that specializes in hip and knee devices. House ethics disclosures show that he invested in the company just 6 days before introducing a bill that would have directly benefited hip and knee replacement companies like Zimmer Biomet, H.R. 4848. Let’s do this again. He invests in a company 6 days before he introduces legislation that would have benefited such a company. That is astounding, to me, and it should raise alarms in terms of the codes of conduct of a potential Cabinet nominee. He invested in a medical manufacturer of hip and knee devices and shortly thereafter introduces a bill, the HIP Act.

What is more, though, is while Congressman PRICE has said that he was unaware of the stock purchase because it was bought by a broker, his financial disclosure forms show that he initialed the purchase to note an error. He initialed the purchase. So to say he had no knowledge of it is a stretch.

Congressman PRICE then added nearly two dozen cosponsors to the bill over the next 3½ months. I am sorry, if a Senator here did that—knowingly buying stock, then introducing a bill—I know this body would look askance on that. More than that, I don’t think you need to explain much of this because it is so obvious that American folks at home are knowing that you should not introduce legislation to self-deal to yourself.

Let me give another example. PRICE also bought stock in an obscure Australian biopharmaceutical firm called Innate Immunotherapeutics through a private offering that was not made available to the public. The private stock offering gave Congressman PRICE access to hundreds of thousands of discounted stock.

At his Senate confirmation hearing, he asserted the stocks were “available to every single individual that was an investor at the time,” but this is how the Wall Street Journal reported it—not quite a liberal periodical. It said:

In fact, the cabinet nominee was one of fewer than 20 U.S. investors who were invited last year to buy discounted shares of the company—an opportunity that, for Mr. Price, arose from an invitation from a company director and a fellow Congressman.

The shares were discounted at 12 percent off the traded price in mid-June only for investors who participated in a private placement arranged to raise money to complete a clinical trial. The company’s shares have since tripled during the offering.

I am sure that Americans at home who are saving for their retirement would love to have an insider deal like this, would love to be clued in by company heads to an opportunity to triple their money, but clearly something is wrong when a Congressman is doing that. That should cause us to pause as a nation before we put him in as a Cabinet Secretary over all of our health care.

It is a disturbing pattern when Congresspeople use their position of power for personal gain with no regard for public interest. This type of behavior would be unacceptable in most industries. It should be unacceptable to Congress, to Senators on both sides of the aisle who have to advise and consent.

Look, we are at a point in our country where we have taken steps forward on health care. It has been controversial, I understand, but there is no arguing with the fact that we are now at a point in America where someone with a preexisting condition is not stopped from having health insurance, where young people all over our country have the security of knowing they can stay on their parents' health insurance until they hit 27. We are at a point now where being a woman is not a preexisting condition, where we have expanded access to contraception. We are at a point in our country where the uninsured population has gone down dramatically.

We cannot have someone whose attitude is not what I would hope it would be, one of "Hey, we accomplished a lot. Let's figure out a way to make it better. Let's build on it." Instead, they not only want to take back the gains I just mentioned, but they want to go further and take back Medicaid and Medicare, privatize them, gut them, block-grant them.

So this is not a close call. This is a Congressperson who for years has told America what his intentions are. He just didn't have the power to do it then because he was 1 out of 435. Frankly, if you include the Senate, he was 1 out of 535 and had a Democratic President also to get through. He couldn't get done what he wanted to get done. Now he is going to go from being one voice on the fringe, yelling for getting rid of Medicaid and Medicare, yelling against women's access to contraception, yelling to put insurance companies back in charge of your life, your destiny, and your health care—he is going to go from a fringe voice, 1 out of 435, to now being the head of the Department of Health, advising the President on things, frankly, that he has said, at least, that he doesn't want to do: gutting Medicare, gutting health care for seniors.

So I go back to where we came from—a Republican President, Dwight D. Eisenhower, and the first head of the Health Department, an incredible woman, World War II—served soldiers in World War II. And they had a vision for this country, that, hey, what we have is not good enough. Let's figure out a way to do better because a healthy society is an economically strong society. A healthy society is a prosperous society. A healthy society lives up to our common values.

We are the United States of America. We should set the national standard for

health care. When it comes to the most vulnerable amongst us, whether it is a poor kid on a farm, whether it is someone in an inner city, whether it is an immigrant, we are a country that believes—like the old African proverb: If you want to go fast, go alone, but if you want to go far, go together.

One of the great singers and artists and inspirations in my State is a guy named Bruce Springsteen. He has a song where he says: We take care of our own. Well, we have done well on that idea. We have gotten better. We have made strides toward that standard.

We have work to do. We should be working together, both sides of the aisle, to make our health care better, more inclusive, more accessible, and more affordable. We have a lot more work to do. But I don't want to go back. So help me, I will fight every day to prevent us from going backward where there will be fewer people covered, more people, because they can't afford things, suffering untold health crises.

I don't want to go backward to where women are denied coverage or access to empowering things, basic things, fundamental things like contraception.

I don't want to go backward with senior citizens who are in the sunset years of their lives, when they should be free of stress and worry and strain but suddenly are worried again and struggling and suffering. I don't want to go back to those days; therefore I will vote a resounding, full-throated no on Congressman PRICE because, as the poet Maya Angelou said, if someone tells you who they are, believe them. He is someone who has told us what he wants to do. We should stop him from doing it.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Florida.

VENEZUELAN PASSPORTS

Mr. RUBIO. Mr. President, I wanted to take a few moments today. I know we are in the middle of this debate about the health care law, about the nomination. On a topic I have been working on for a while, I was compelled to come to the floor at this late hour because it has now broken in the press. It is important to kind of give some clarity.

As my colleagues know, I have spent a significant amount of time over the last few years discussing the issues in the nation of Venezuela, which has a direct impact on my home State of Florida but ultimately on the country. It is a nation that faces some very significant challenges, primarily because its political leadership is a disaster. It is no longer truly a democracy. It is now a government run by a tyrant who has basically ignored the Constitution. They have taken over the courts. The members of the judiciary in Venezuela are now basically under the complete

control of their so-called President, Nicolas Maduro, and before that, Chavez. They control the press. They have a national assembly that actually is controlled by the minority party or the opposition party to the government. But it is pretty shocking. My colleagues would be shocked by this. We all travel abroad often. Imagine if you lived in a country where the President denied you the ability to travel abroad. Well, that is what has happened.

One of the members of the National Assembly in the opposition, Luis Florido was trying to go to Peru to travel and was denied the ability to leave the country. Imagine that. Imagine that one of our Democratic colleagues here in the Senate decided they wanted to take a trip next week overseas in the conduct of their office and were told that the President was not allowing them to travel abroad. That happened in Venezuela. Another one, Williams Davila, had his passport taken away by the President of Venezuela. So the country is a disaster because of their leadership. It is actually headed into a cataclysm.

In April of this year, Venezuela has to make a \$6 billion payment on their debt. They will not be able to make that payment. The Government of Venezuela knows that. It is a terrible situation.

But in the midst of all of that, I have argued that the national security interests of the United States is at stake in what is happening in Venezuela. This is not just about the issue of democracy; it is also about the threat it potentially poses to the United States. That is what I come to the floor to speak about tonight.

My office has been engaged with a number of people over the last few months and year who have been coming to us with information. We have been working on some of this. Some of that has now broken into the press tonight in a CNN report that I am about to describe in a moment, but first, let me lay out the scene.

There have been about 8.5 million names added to Venezuela's immigration system since it was last independently audited in the year 2003. OK. So 8.5 million people were added to their immigration system, the new names that have come about. Of the 8.5 million names that were added, 221,000 of those—over 221,000 of those are foreign nationals, and at least 173 of those 221,000 foreign nationals are from the following countries: Iran, Syria, Iraq, Lebanon, and Jordan. So 173 people from these countries were provided government passports and national IDs between the year 2008 and 2012, which leads me to this: In November of 2015, a Venezuelan attache by the name of Misael Lopez Soto, who was assigned to the country's Embassy in Baghdad, became a whistleblower, and he began to reveal the identities of several of these 173 names.

Understand that this is important because there has been a 168-percent jump in U.S. asylum applications from Venezuela since October of 2015, now the third highest nation of origin for asylum applicants to the United States. The overwhelming majority of them are legitimate people fleeing all this craziness that is happening. But I lay the groundwork to understand the connection between Venezuela and the United States.

I now want to go into the story of Mr. Soto, who, as I said, used to work at the Embassy.

Mr. Soto was assigned to work at the Embassy of Venezuela in Iraq. As he began to work there, he noticed some irregularities, so he began to report what he says was a scheme to sell passports and visas for thousands of dollars out of that Embassy. He was offered all kinds of money to do this, to get a cut of those thousands of dollars. He says he declined it.

CNN and CNN en Espanol have over the last year teamed up on a joint investigation, relying on much of the same information that I have had access to, looking into all of these allegations and what they uncovered. In the story that posted tonight was evidence of serious irregularities in the issuing of Venezuela passports and visas, including passports that were given to people with ties to terrorism.

According to CNN, one confidential intelligence document obtained by CNN—intelligence documents from nations in the Western Hemisphere, not from the United States—actually directly links Venezuela's now new Vice President, who is in line to potentially become the President when the current dictator is going to have to give up power here soon because of this cataclysm that they are facing—the name of that Vice President is Tareck El Aissami. There are now links, according to CNN, to the current Vice President, Tareck El Aissami, and the 173 Venezuelan passports and IDs that were issued to individuals from the Middle East, including people connected to the terrorist group Hezbollah.

It is important to understand—and the CNN article appropriately outlines this—if you have a passport from Venezuela, you are allowed to enter over 130 countries on this planet without a visa. That includes the 26 countries in the European Union. So a Venezuelan passport is a valuable commodity for someone who is trying to travel around the world under an assumed name with a valid government document. That is why it is important.

Mr. Lopez, the whistleblower who once worked at the Embassy, is a lawyer. He used to be a police officer in Venezuela. He said, according to the article, that he thought that becoming a diplomat was a great career opportunity that would allow him to serve

his country, so he moved to Baghdad and started his new life at the Embassy.

He remembers what he calls an unwelcome surprise on his first day in July of 2013. His new boss was Venezuelan Ambassador Jonathan Velasco. The Ambassador handed him a special envelope, he said.

“He gave me an envelope full of visas and passports,” Lopez recalled. “He told me, ‘Get this, this is one million U.S. dollars.’ I thought it was like a joke. Then he told me here people pay a lot of money to get a visa or a passport to leave this country.”

Meaning Iraq.

About a month later, Lopez said he realized it was no joke.

An Iraqi employee of the Embassy who was hired to be an interpreter told him that she, the interpreter, had made thousands of dollars selling Venezuelan passports and visas and that he could make a lot of money too. He says he told her it was wrong and he refused. The employee pressed the issue, telling him that there were thousands of dollars to be made, even discussing an offer to sell visas to 13 Syrians for \$10,000 each.

Lopez said that he was stunned when he found the document inside the Embassy. It was a list of 21 Arabic names with corresponding Venezuelan passport numbers and Venezuelan identification numbers. A Venezuelan immigration official told CNN that a crosscheck of the passport numbers indicated that the passports are valid and that those passports, given to these people with the 21 Arabic names—when he ran the crosscheck, they actually matched the names on the list Lopez found, meaning the people on the list could be able to travel using those Venezuelan passports.

But here is what is incredible: A publicly available database in Venezuela examined by CNN shows that 20 of the 21 identification numbers of the people with the Arabic names that match the passports are actually registered to people with Hispanic names, not the Arabic names listed on the passports.

So basically CNN has uncovered evidence that at least on 21 occasions, the Venezuelan Government—the Venezuelan Embassy has sold passports to someone from the Middle East but assigned them a Hispanic surname or a Hispanic name. People are traveling under assumed identities from the Middle East. We have a couple of those names we are going to share with you in a moment.

In April 2014, only 9 months after he started the job, he emailed a report about all this to the Ambassador. He said the Ambassador did nothing, and, in fact, the Ambassador, Velasco, threatened to fire him.

By 2015, he was so frustrated that no one would investigate it that he took what he found to Delcy Rodriguez, who was Venezuela's Foreign Minister. He

emailed the report and said that there was fraudulent issuing of visas, birth certificates, and Venezuelan documents. He said nothing happened. With nowhere else to turn, Mr. Lopez said he contacted an FBI official at the U.S. Embassy in Madrid.

By the end of 2015, the Venezuelan Government accused him of abandoning his post and removed him. A police official showed up at his home in Venezuela with a document that said he was under investigation for revealing confidential documents or secrets.

Now, this is not the first time this Congress hears about this. U.S. lawmakers heard reports about Venezuela's passport fraud during congressional hearings as far back as 2006. In fact, a congressional report warned that “Venezuela is providing support, including identity documents that could prove useful to radical Islamic groups.”

A State Department report at that time concluded that “Venezuelan travel and identification documents are extremely easy to obtain by persons not entitled to them.”

Roger Noriega, the former U.S. Ambassador to the OAS, a former Assistant Secretary of State for the Western Hemisphere, said in prepared remarks before Congress in 2012 that “Venezuela has provided thousands of phony IDs, passports and visas to persons of Middle Eastern origin.”

In 2013, confidential intelligence reports from a group of Latin American countries obtained by CNN said that from 2008 to 2012—I already outlined this earlier—173 individuals from the Middle East were issued Venezuelan passports and IDs. Among them were people connected to the terrorist group Hezbollah. The official who ordered the issuing of those passports, the report said, is Tareck El Aissami, who just a few months ago was appointed and is now the Vice President of Venezuela. Back then, he was the Minister in charge of immigration, as well as a Governor. He personally took charge of issuing granting visas and nationalizing citizens from different countries, especially Syrians, Lebanese, Jordanians, Iranians, and Iraqis, the report said.

So what we have now is an unbelievable situation in which a country in this hemisphere, according to both the whistleblower, independent reports, and now CNN's own investigation—Venezuela—has been providing passports to people from the Middle East under false pretenses, basically fraudulent documents that allow them to travel all over the world.

Among them, Hakim Mohamed Ali Diab Fattah, a Palestinian and suspected Hezbollah member, was given national ID No. 16.105.824, issued on July 12, 2012. He was deported from the United States in 2002 for his possible connection to the 9/11 hijackers via

aviation school in the United States. He was detained and arrested by Jordanian authorities on May 3, 2015, for suspicion of financing terror. This individual has that national ID number from Venezuela and a passport that was allowing him to travel.

Here is another one: Ahmad Adnan Ali, an Iraqi, another suspected Hezbollah member. He is a convicted trafficker facing charges in France and Denmark, and he has documents under two aliases: Ahmed El Timmy Villalobos, with the number 29.645.898. That is the number on the ID that was issued on January 16, 2014. He has another alias and another document: Ahmad El Timmy Gomez. His name is neither Villalobos nor Gomez, but he has these documents.

By the way, all of this, according to CNN, is no surprise to General Marco Ferreira, who was in charge of the immigration office in Venezuela in 2002. He now lives in Miami. He was granted political asylum. "He told CNN that he personally witnessed corrupt senior officials ordering passports for people who were not citizens when he was running the department." He said it was "very easy" to assume someone else's identity. It was "very, very easy to go and be a Venezuelan or pretend being born in Venezuela."

I bring this up in the midst of all these other things because we now understand that what we are facing in Venezuela is not just a corrupt government and a tyranny but a nation that is under the corrupt leadership of its now Vice President and, of course, its President, a nation that is trafficking in selling passports and travel documents to individuals with links to terrorism. That poses a direct threat to the national security of the United States. I hope in the days to come, with this new information and with this report, that we can work with the Justice Department and the State Department to take appropriate measures to protect our Nation and the world from what is occurring at the hands of the Venezuelan Government under the tyrant Maduro and under its Vice President, who personally ran the department that was undertaking these corrupt activities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, tonight I am here to speak in opposition to the nomination of TOM PRICE to be the Secretary of Health and Human Services, and I am standing here this evening in solidarity with millions of Americans across this country who, thanks to the Affordable Care Act, have health insurance, some for the very first time in their lives—not just access to coverage but actual health insurance for themselves and for their families, coverage that provides preventive care without copays, coverage despite preexisting

conditions, coverage supported by subsidies for those who need it to help make health insurance affordable for their families.

TOM PRICE's position on health care is contrary to everything those millions of Americans rely upon, and it is against everything that my State of Massachusetts stands for.

So let's take a look at TOM PRICE's formula for health care for America. First, Congressman PRICE wants to repeal the Affordable Care Act. He wants to bring back discrimination against those with preexisting conditions. He wants to kick 32 million Americans off their health coverage. He wants to deprive women of reproductive health choices, and all of this, ultimately, is going to raise prices of insurance, of health care coverage for everyone who has insurance right now, which is 80 percent of America who gets their private coverage.

Second, TOM PRICE wants to end Medicare as we know it. He would increase the Medicare eligibility age and create a voucher system that pushes the cost of the program directly onto seniors. Finally, he wants to slash Medicaid, which provides health care to disabled and poor families across this country.

So that is his plan. This is the TOM PRICE health care plan for America in the 21st century: No. 1, repeal the Affordable Care Act; No. 2, end Medicare as we know it; and, No. 3, gut Medicaid and raise premiums for everyone else in our country. No one with any sense believes this is a winning formula.

Voting for the Affordable Care Act was the best vote of my entire political career, and that is because I agreed with Senator Ted Kennedy that health care is a right and not a privilege and that everyone in our country is entitled to health care coverage and that that health care is the solid foundation for our entire country to build their lives on.

Ralph Waldo Emerson said: "The first wealth is health." Without health, you have nothing. That is what the Affordable Care Act is all about—to give every American the first wealth, the most important one, the access to the health care which they need. That is the promise that all Americans were made with the Affordable Care Act, and it is a promise that we still must keep.

Before TOM PRICE and his Republican allies came up with their blueprint to dismantle the ACA and put their big health insurance companies back in charge of your health, there was a Massachusetts blueprint that helped to create that historic health care law. Many of those core fundamentals were from Massachusetts and were then just built right into the Affordable Care Act: creating a marketplace so that insurance companies compete for customers, expanding Medicare to cover more low-income residents in our State, helping

lower and middle-income people buy insurance with tax subsidies, encouraging people and businesses to buy in so we are all splitting the cost and sharing the benefits, and a employer-responsibility requirement for all large employers to offer coverage to their workers.

In Massachusetts, we call this RomneyCare, a good Republican program from my Republican Governor—RomneyCare. Then on a national level, they called it ObamaCare. In Massachusetts, we just called it successful. It worked. It is a good plan.

Right now in Massachusetts, 98 percent of all adults have health care insurance; 99 percent of all children have health insurance. The Massachusetts unemployment rate is 2.8 percent. We are No. 1 in math, verbal, and science at the fourth, eighth, and tenth grades out of all 50 States. We have the cleanest environment in the United States. We have health care for all children and all adults, and our unemployment rate, again, is 2.8 percent.

It is not a choice. In fact, it is a business plan for the State. It works—the healthiest families, the most educated children in the Nation, the lowest unemployment rate. It all comes together. It is a plan.

Now, to listen to the critics of this idea—that everyone is entitled to health care—you would think that it would destroy our economy, and they are still waiting for it to happen, as our unemployment rate continues to go down and down and down.

What is up? I will tell you what is up. Cancer screenings are up. Preventive care visits are up. Diabetes treatments have gone up. Health disparities among women and minorities are down. That is who we are. We can do this. It is a plan. It is a plan. It actually ensures that every child in America, every family in America really doesn't have to worry about something happening, some bankruptcy taking place because they can't afford the health care that one of their family members needs. That is what was happening before the Affordable Care Act passed.

So what makes Massachusetts one of the healthiest places in the world to live is in jeopardy with the nomination of TOM PRICE. He is coming for this plan. He doesn't think it works. He doesn't understand what has happened in Massachusetts or across our country.

In fact, in the State of Kentucky, the Democratic Governor, Governor Beshear, has instituted this plan in his red State, and he took the total number of people up to 95 percent of total coverage for Kentucky—hundreds and hundreds of thousands of people.

If we did that across the whole country, then we would essentially have the Affordable Care Act of Massachusetts in the whole country, but there has been strong resistance from States

that are ideologically opposed to having this kind of a plan be put in place. So they are coming for it. That is what TOM PRICE is doing.

Let me give you an idea as to what TOM PRICE's plan does for Massachusetts and ultimately for the rest of the country that has adopted the plan. In Massachusetts alone, there will be an average per person loss of \$2,280 in tax credits, and 83,000 seniors and people with disabilities may lose \$1,000 per year in saved prescription drug costs. We could lose an estimated 57,000 jobs just in Massachusetts with all these services just being eliminated. We would have the loss of \$1.85 billion in Medicaid expansion funding and the loss of more than \$700 million in Federal premium tax credits and cost sharing reduction payments for middle-income families.

We also have to consider the Affordable Care Act's prevention and public health fund. Here is what went wrong with our health care system in the 20th century: We were running a sick care system, not a health care system. So what the Affordable Care Act did was it began to shift the emphasis towards prevention. How do you stop people from getting sick in the first place? That is the way we should be viewing disease in our country. The Affordable Care Act is our government's single largest investment in prevention.

Since enactment of the ACA, the prevention fund has provided more than \$5 billion to States and communities across the country to support community-based prevention programs. Nationally, the prevention fund also funneled hundreds of millions into the preventive health services block grant. These grants have been critical in Massachusetts, for example, helping our communities respond to the heroin, prescription drug, and fentanyl crises.

Unfortunately for all of us, TOM PRICE's assault on health care wouldn't stop there. Congressman PRICE's march on the Affordable Care Act would slash Medicaid—and listen to this number—which pays for \$1 out of every \$5 in America for substance use disorder treatment.

The repeal of Medicaid expansion would rip coverage from 1.6 million Americans, newly insured Americans who have substance use disorders. We have an opioid crisis in America, a fentanyl crisis, a prescription drug crisis. People are dying in record numbers. What TOM PRICE is proposing is going to take 1.6 million of these Americans who are receiving treatment right now and just strip them of this health care benefit.

What happens to them? We know what happens if you don't have treatment. We know what happens if you don't have prevention when you have a drug problem. It leads, inextricably, inevitably, toward a conclusion that is now affecting tens of thousands of peo-

ple in America every single year, and that is death. You tell these 1.6 million people they no longer have coverage, and you are sentencing them to consequences that, I don't think, our country wants to see.

I have served in Congress for nearly 40 years, and I have never seen anything like this opioid epidemic, never.

In Massachusetts, 2,000 people died last year. We are only 2 percent of America's population. If the whole country was dying at our rate, that would be 100,000 people a year dying from drug overdoses. That is two Vietnam wars every single year.

What TOM PRICE is saying is that he is going to rip away the Affordable Care Act funding for those who have substance abuse. Nationally, opioids have now killed more people than gun violence, auto accidents. Many people who have substance use disorders benefit from protections under the ACA. It is guaranteed. The funding is there for it. So this is for me just one perfect example of many, many examples which I can use in order to kind of just give people insight as to the horrors that are going to be done to vulnerable families all around the country.

Donald Trump is bragging today that he is going to provide a big league tax cut for businesses in America, big league tax breaks for the wealthiest people in our country. That is a commitment. The wealthiest can get a big tax break, businesses can get a big tax break.

Where will that money come from? Well, in order to pay for the Affordable Care Act, hospitals across the country kicked in about \$500 billion over 10 years in order to help with the costs, but the hospitals received something in return. Because of the Medicaid subsidies for patients, they would now have insurance, and when they showed up at the hospitals, they would actually have insurance coverage. So that would help the hospitals have the revenue they need in order to take care of business. Since many fewer people were now going to arrive at the emergency room, the uncompensated care—that is the funding which the hospitals just had to provide for patients who just walked into an emergency room—would now be dramatically reduced because the patients would have insurance through the Affordable Care Act. The \$500 billion they had promised to the Federal Government that would not be an expenditure, that would be the tradeoff.

Then you say to yourself, what is the Republican plan now? What they are saying is, they are going to kill these subsidies that have reduced the number of people who do not have insurance going into emergency rooms, and they are going to strip that away. They don't have a plan. This is the TOM PRICE plan—nothing. But they are also saying they are not going to give back

the money to the hospitals which had been used in order to deal with the uncompensated care. So it is a con job. The President says you have a big tax break to the wealthiest in our country, big tax break to the businesses in our country. Where is the money coming from? Where is the piggy bank? Here is the piggy bank. The piggy bank is the money that was being used to give insurance for people to go to hospitals with their families. That is being taken away, and they will use it to give tax breaks to the businesses. You are taking it from the people who need it the most, for health care, preventive services, and families and you give it to the people who need it the least, the wealthiest and the businesses in the country. It is a con job—take the money and hand it over to the largest constituency in the Republican Party. And who is the architect? TOM PRICE.

Is that why he would destroy this health care system? Is that why you would cut back Medicare? Is that why you would gut Medicaid? You do it so you can give huge tax breaks to the wealthiest in our society? That is an unacceptable plan, and it makes him an unacceptable candidate to be the Secretary of Health and Human Services in our country.

We have a raging epidemic of opioids. We have all kinds of problems that can be dealt with if people had the insurance coverage and they knew they could go in order to get the help they need.

Now let's focus on the Medicare Program because they want to save money there too. How are they going to accomplish that? Well, there were doom-and-gloom prospects about the Medicare programs that came from the Republicans, TOM PRICE himself, but just the opposite happened. The Medicare Program since the Affordable Care Act went into place has resulted in the lowest per member rate of spending growth in its 50-year history for Medicare. Premiums paid by enrollees in Medicare Part B and Part D have gone down against all the predictions of its opponents, and perhaps more importantly, the savings have helped America's seniors by ensuring that Medicare will continue to be there for them.

Here is a big number for you. Medicare had previously faced a projected insolvency that could have occurred this year—this year. Medicare insolvent. However, because of the Affordable Care Act, it extended the insolvency date of the Medicare trust by 12 years. Good news for seniors. Repealing the law jeopardizes Medicare for a generation of Americans.

But TOM PRICE doesn't just want to repeal the Affordable Care Act, the second part of the health care assault is to transform Medicare into a voucher program and increase the Medicare eligibility age. After a lifetime of hard work, Congressman PRICE would make

seniors wait longer for the benefits they earned.

My father was a milkman for the Hood Milk Company. His arms were the size of my legs. Milk men work hard. Blue-collar people work hard across our country. Working-class people work hard. Should they have to wait until they are 66, 67, 68, 69 to receive a Medicare benefit? They work hard. That makes no sense whatsoever. That is TOM PRICE. How do you increase the age when people can receive Medicare coverage for their health when they are old in order to save money—for what purpose? To then have a tax break for the wealthiest who already have the money they need in order to take care of the health care of their families. That is one thing you never have to worry about. The wealthy in America have all the money they need for their families.

Do you want to know another thing? The higher your income, the more likely you are going to live longer than people who don't have money. You don't have to worry about wealthy people. They are fine. Their health is fine. Their children are fine. Any problems in their family are fine.

Well, how about other families in our country? That is what this plan does. They want to lose that plan in order to give more money to the people who already have enough for the rest of their lives. So that would wind up increasing premiums for grandma and grandpa by hundreds of dollars, making them pay more out-of-pocket for less care. What TOM PRICE essentially wants to do is get us into the Wayback Machine and return us to a time when corporate insurance companies were calling the shots in our country, back to a time when a person could go bankrupt because of medical bills, back in time to when Americans had to choose between paying for the rent or paying for a life-saving medical treatment.

The Affordable Care Act moved our country from being a sick care system to a health care system, but Congressman PRICE wants to undo all of that progress and get rid of all of those protections.

Here is TOM PRICE's bottom line: repeal the Affordable Care Act, which results in fewer insured patients, and that means more patients in the emergency room and higher premiums for everyone else. That formula is as bogus as a degree from Trump University. It doesn't add up.

The people who have to pay for it are everyone else's insurance policies that are going to go up. Because you better believe the hospitals and insurance companies, when that money is not there in the Affordable Care Act, insurance policies for those people, and you don't get back the \$300 to \$500 billion that the hospitals have now committed back to the Federal Government, somebody is going to have to pay. Somebody

is going to pay, and you don't have to be Dick Tracy to figure this out. The people who are going to pay will be every other American who has an insurance policy. It will just go up 5, 10, 15 percent, everybody else's insurance policies. The hospitals are getting their dough; the insurance companies are getting their dough.

When people go to an emergency room, they are not going to be turned away. Somebody is going to have to pay. Where is the payment going to come from? Everybody else's insurance policies, which are going up, and the money that had been saved is going to the Federal Government for tax breaks to the Trump administration. He said today big league tax breaks for the wealthy, big league tax breaks for businesses. Great. This is the plan that if you kicked it in the heart you would break your toe. What about ordinary people? What about the people who need help?

Martin Luther King, Jr., said: Of all forms of inequality, injustice in health care is the most shocking. You cannot work if you are ill, you cannot learn if you are sick, you cannot be secure if you are constantly worried that medical bills can wipe out your entire savings. These clearly are not concerns for TOM PRICE, who has a legislative history that has repeatedly favored wealthy individuals and corporations over the health of the majority of Americans.

Congressman TOM PRICE championed legislation that would eliminate young adults' ability to stay on their parents plan until age 26. Congressman PRICE trumpeted a plan that would let insurance reinstate lifetime and annual limits on coverage and charge women more because of their gender.

TOM PRICE would rip away the Affordable Care Act income-based subsidies and instead offer inadequate tax credits that can be given to a billionaire, not the middle-class, working-class, blue-collar American.

If TOM PRICE had his way, he would implement a plan that would cause health care premiums in individual markets to skyrocket, increasing premiums for average Americans by 25 percent immediately and doubling over the next 10 years. He wants to strip Planned Parenthood of all its resources, and 2.5 million people would lose access to care in those community clinics. If that happens, fewer mammograms, fewer prenatal exams, fewer cancer screenings, and loss of all those vital services would hit women of color and low-income women hardest. It would increase health inequity and health disparity in our communities of color.

TOM PRICE's assault on women's health doesn't end there. He has proposed legislation that would allow health insurance companies to charge women more than men. He has repeat-

edly cut and limited access to family planning services. He does not believe that women should get birth control with no out-of-pocket costs. He is an outspoken and virulent opponent of reproductive health and would push women's reproductive rights back to the 18th century. Good physical health and reproductive freedom are critical to supporting women as productive members of their households and our economy. We cannot allow TOM PRICE to turn back the clock.

So this is the challenge. We have an administration committed to increasing defense spending big time, increasing tax breaks to the wealthiest and to corporations big time, and then promising to cut the Federal budget by \$10 trillion over the next 10 years. Well, where is the money going to come from?

We know what they are targeting. They are targeting all these programs that help those who need the help the most in our society. So I urge my colleagues to vote no on this nomination of Congressman PRICE. He is the wrong man at the wrong time for the wrong job. It just doesn't match up, not with a 21st century strategy that we need to have the healthiest population in the world to compete against our economic rivals across the planet, and if for no other reason, just the moral obligation we have to make sure families are not desperate when their loved ones are hurting.

I thank you for giving me the opportunity to come out here at this time, and I urge my colleagues to vote no on Congressman PRICE's nomination.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I am a former Governor, and as such, I have an inclination to support the Executive's nominees for their Cabinet—for their Secretaries or Commissioners in my case, in Maine. I think that is an important principle, and it is how I start when I approach the analysis of any nominee to any position put forward by the Executive, whether the Executive is Donald Trump or Barack Obama or anybody else. That is a kind of starting point, and that is how I started this January. And, indeed, thus far, as we have voted here on the floor, I have supported five of the seven nominees who have come before us, plus I supported two additional nominees in committee which have not yet come to the floor, but whom I will support on the floor.

So I am not in total opposition: Don't vote for any nominees. I don't think that is the way our system works, and it is certainly not the way I intend to approach these issues. I have approached them one at a time, looking at the position of the nominees, their policies, their views, their

hearings. I have tried to follow the hearings as closely as possible, including their answers to questions. Again, I start with a bias toward approval, perhaps because of my experience as a chief executive myself.

But I can't support nominees who are fundamentally opposed to the mission of the agency they have been asked to lead. To me, that just doesn't make sense. That is why I voted against Betsy DeVos 2 days ago because I didn't believe that she had the best interests of American education—particularly public education—at heart. Her whole career has been about attacking and undermining public education by trying to, in effect, voucherize it, provide vouchers to people to use in other schools which, by the way, in a rural State like Maine, simply wouldn't work as a practical matter. So I could not support her because I felt she was hostile to the very premise of the agency that she was being asked to lead.

Today, I come to the floor to talk about Dr. PRICE. I think he falls into the same category. I understand policy differences, and I understand the election took place, and I understand elections have results and that there are going to be different policies, but his policies on the fundamental mission of the Department of Health and Human Services are just inimical to what that Department was established to do for the American people. The title is Health and Human Services, and that is the role that Department has played and should play and will play in the future of America.

Now, my problems with Dr. PRICE and his positions—and there is no doubt about his positions on various issues. He has a long record in the House of Representatives writing and legislating and advocating, so there is not much argument about where he stands, and there are really three areas that I want to touch on tonight. One is Medicare, one is Medicaid, and one is the Affordable Care Act. I want to try to put these all in the context of my home State of Maine.

Health care in Maine is an enormous part of our economy. It is somewhat higher, actually, as a percentage of our GDP than it is nationally. We are at about 20 percent of GDP. One-fifth of our economy is health care. In part, that is because we have a great number of seniors who, of course, require more health care expenditures, but it is a very important part of our economy, which I will touch on a little bit later. But let's talk about Medicare.

First, Medicare in Maine: 306,000 people in Maine are Medicare beneficiaries. The expenditure in Maine by Medicare is \$2 billion. Now, when we are talking about cutting or changing Medicare, of course we focus, as we should, on those 306,000 people—and I will talk about them—but we also need

to talk about that \$2 billion. If we are talking about savings—savings don't just evaporate, they occur in real life, and those are funds that don't go to support medical care for seniors in Maine and don't go to our hospitals and don't go to our practitioners. So \$2 billion is a very significant part of our GDP, and that is just what Medicare spends in Maine, 306,000 people.

Now, I want to touch on an aspect of this that I don't think has been discussed much in these debates; that is, the burden of anxiety about health care and the cost of health care that was lifted from generations of seniors in this country by the passage of Medicare, now some 50-plus years ago. As you get older, there is anxiety about retirement, there is anxiety about income, there is anxiety about your health, but there is also anxiety about the cost of health care. The miracle of that Medicare was that it lifted that burden of anxiety from our seniors. It was one thing they didn't have to worry about. "I have Medicare" have been the words that have comforted thousands and millions of people in this country since 1965.

To change the fundamental premise of Medicare, which is what Dr. PRICE has advocated for vigorously and continuously, from the current system, which is, if you get sick, if you have hospitalization, if you need medical care and you qualify for Medicare, it is paid for. To change that to a system which is essentially a voucher, which is capped at some level of inflation but not the health care level of inflation, is a cruel trick on our seniors. What it will do is, through compounding of interest, if inflation is 2 percent a year, and medical inflation—the cost of medical treatment—increases at 4 or 5 or 6 percent a year, which is typical of what has happened in the last 15 or 20 years; there have been ups and downs, but 4, 5, 6 percent is about where medical inflation has been. So if inflation is at 2 percent, and that is what your voucher is going to increase to, and medical costs increase at 6 percent, that gap is going to grow to the point where we are back where we were in 1964, before the passage of Medicare. Then, seniors suddenly have to worry about how they are going to pay for their health care. They are going to have an added burden of anxiety, and they are going to have an added burden of money, of finance, of cost.

You can call it all kinds of highfalutin things. You can call it a voucher program, whether or not it is privatization. There are all kinds of ways to paper it over, but what it really is, is shift and shaft. It is shifting the cost from Medicare to seniors, and over time that shift and shaft is only going to increase. I think that is unconscionable, and there is no reason for it.

Yes, the cost of Medicare is going up as a percentage of our budget. That is

because we are getting older. That is because we have a demographic bulge going through our society for people who were born in the 1940s and 1950s—the baby boom generation—but that is anticipated, that is understood. There are things we can do to deal with that issue without the radical solution of essentially shifting the cost over to the seniors. It makes the Federal books look good, but it is not going to make the household books in Maine look good.

That is what really bothers me about this policy. We are trying to improve our miserable budget situation by shifting a great deal of these costs off to individuals. That is just wrong. Medicare is too important financially, emotionally, psychologically. It is too important as an essential part of the promise that we have made to each generation of Americans for the past 50 years. And to fundamentally change that and realize, I believe cynically, that as the gap increases over time, the percentage of the premiums that is being shifted onto seniors is going to grow over time, until at some point—and you can do the arithmetic—it is going to eat the whole thing. And the Federal share, yes, will be capped—or capped at some lower level, and the share that is paid by the individual, by the family, by your mom, by your dad is only going to be greater. That is wrong. That is a breaking of the promise that we made to our seniors.

The second piece where Dr. PRICE, I believe, is fundamentally at odds with the premise, with the mission of the agency, is in Medicaid. He has talked about various programs. First, let's get rid of the expansion of Medicaid and the Affordable Care Act and then let's block-grant Medicaid and send it to the States. It is the same principle: It is shift and shaft, only this time you are shafting the States. You are taking a program which now says, if you have medical expenses and you are qualified, they are paid for, and you are saying, OK, in the future, we will give you a fixed amount of money, but if the medical expenses go up, it is on you, Mr. State; it is on you, State of Maine or Michigan or California or Georgia or Florida, or anywhere in this country.

It is simply, again, repairing the miserable books of the Federal Government because we are not facing up to our responsibility to pass reasonable budgets. It is fixing those books at the expense of somebody else. Those monies they are talking about: a \$2 trillion cut in Medicaid. Great, Medicaid is going to look a lot better, but that \$2 trillion doesn't evaporate and doesn't go anywhere. It is not like everybody is going to say: Well, they are cutting Medicaid so we are going to charge less for our hip or for our surgery or for our treatment of drug abuse. It is going to have consequences. It is going to come out of treatment. It is going to come out of health.

There is something about Medicaid that often isn't observed. I learned this as Governor. People think of Medicaid as a kind of welfare program, and there are these people who are taking advantage of it, and perhaps there are. There are always people who take advantage of programs.

The truth is, the majority of the funds for Medicaid go to people in nursing homes—your parents, your uncle, your aunt. Nursing home expenditures for the elderly are a significant cost for Medicaid. Medicare doesn't pay nursing home expenses except for a limited period of time, but a great deal of Medicaid expenses go to nursing homes. You are going to cut Medicaid? You are going to have people who aren't going to be able to afford to stay in nursing homes. That is going to shift that cost back on to the family.

The other majority of people on Medicaid are children. They are children who are covered who wouldn't have coverage otherwise.

One of the best things in this country is the combination of Medicaid and CHIP, which has resulted in an enormous increase in the covered health coverage of children. And it is so important because health problems in children that can be dealt with when they are young, when they are children, when it is covered by insurance, can save us enormous costs later on.

So, again, what does Dr. PRICE want to do? Cap, eliminate ACA expansion of Medicaid, and block-grant it.

Let's not kid ourselves. Block-granting is shifting and shafting to those elderly people who would lose coverage for nursing homes, to the children who need the coverage, but most especially, to the States. As a former Governor, I can see the impact of this on my State of Maine. It is a difficult issue, and if we limit it, the only option will be to limit coverage or to cut back.

Of course, Medicaid is one of the places we are covering the treatment of opioid addiction. The greatest public health crisis in this country in my lifetime is the opioid crisis. We are losing 1 person a day in the State of Maine to overdose deaths—1 person every day. I met a young man at Christmastime at a treatment center. I went to the Christmas party and met his family and he was hopeful and he was under treatment. I learned this week that he is gone. He is gone, taken by the scourge of drugs.

These are real people. These are real people. These aren't just numbers and statistics. In the next hour, as we are here debating this nomination, four people in America are going to die of overdoses—four people an hour. And when you think of how we mobilized this country and the money we spent to deal with Ebola where one person died—one person in the whole country—and yet we have this horrible disease and scourge that is just deci-

ating our societies and we are talking about cutting back one of the basic props for providing treatment. We have cases where we—there is a huge backlog of treatment beds.

I have been working on this problem in Maine for a long time. One of the things I have learned is that once a person who is addicted reaches a stage where they are willing to ask for help, we have to be there—then. To say to that person there will be an opening in 3 weeks or 3 months is akin to a death sentence because they might not be able to make it 3 weeks or 3 months; yet that is the situation in much of the country today. That is the situation, and we are talking about knocking one of the props out from under our ability to deal with this horrible public health crisis that is devastating this country in every State, but particularly in rural States. It is taking people out of the workforce that we need, it is tearing families apart, and it is affecting everybody. It is not just certain people in certain places. It is everybody. It is middle-class families. It is people of all ages.

To blithely talk about we are going to block-grant Medicaid and fix the amount—it is the same as what I said about Medicare; the iron law of the percentage changes. If you fix it today and inflation continues, then ultimately it withers away, and it is not going to meet the needs of our people. Yet that is what the nominee for the Department of Health and Human Services wants to do. I don't get it.

Finally, there is the Affordable Care Act. I have talked on this floor before about the Affordable Care Act and why I feel so passionately about it, how having insurance when I was a young man saved my life, how not having insurance costs lives.

The mathematics is pretty clear. There have been a number of studies: For every million people who don't have insurance, there are a thousand people who die prematurely. The Affordable Care Act now covers something in the neighborhood of 22 million people, so here is the arithmetic: 22,000 premature deaths a year. This isn't ideology. These are people. To ignore that and say we want free markets and free choice—free choice means death for a lot of people. It meant death for a young man who had what I had 40 years ago and didn't have insurance, didn't get a checkup, didn't have surgery, and he is gone and I am here, and that is not fair. That is not fair.

I have said since I got here that the Affordable Care Act isn't perfect. It can be changed; it can be fixed. I hear every now and then that my colleagues are saying: Let's repair it. I am all for it. Let's repair it. Let's get over this talk about repeal. But Dr. PRICE has been one of the leading voices, if not the leading voice, in the Congress to repeal the Affordable Care Act. I don't

know his exact voting record, but I suspect he voted for every one of those repeals in the House 60, 70 times over the last couple of years: Repeal, repeal. Well, you are repealing people's health care.

He doesn't want to have the patient protections in the Affordable Care Act, the ones that keep it so that you can't discriminate against women in health insurance because they are women. And there have to be preventive services. Preexisting conditions—he says: They have to insure; they have to keep you on for the preexisting condition. But if you lose your health insurance for a few months, sorry. The clock stops, and you can't get it again because of a preexisting condition. That is one of the most important and fundamental promises of the Affordable Care Act, yet he wants to get rid of it.

Here is the reality in Maine. We are a rural State. We have a lot of rural hospitals. I urge every Member of this body to talk to their hospitals. I have done it. I have gone to the hospitals and sat down with them. I did it as recently as 2 weeks ago with a small rural hospital, the Penobscot Valley Hospital in Lincoln, ME. They told me the repeal of the Affordable Care Act would cost them \$1 million a year, and they can't afford it. I have been to the Bridgton Hospital. I have talked to people from—not all, but many of our small hospitals, and 50 to 60 percent of our rural hospitals are running in the red right now. The Affordable Care Act has provided insurance coverage to people who are the customers of those hospitals, and the estimates are that repeal of the Affordable Care Act without a reasonable replacement would reduce their revenues anywhere from 5 to 8 to 10 percent. These hospitals can't stand that kind of cut, and they have told me there are only two choices: One is to shrink their services to their communities, and the other is to close their doors.

In Maine, in our rural State, we have only 16 counties. In 8 of our 16 counties, the hospital is the largest employer in that county. I am sure that is true in all of the States in our country that have these small rural hospitals; the hospital is the major employer. So again, when we are talking about cutting the Affordable Care Act and all these policy things and ideological things, what we are doing is cutting jobs in small towns that can't afford to lose them, and they are good jobs. If that is what you want to do, fine. But fess up and understand that is the consequence of policies that are espoused enthusiastically by this nominee for the Department of Health and Human Services. It doesn't make sense to be putting someone in charge of an agency that is supposed to be looking out for the welfare and the health of our citizens who is diametrically opposed to maintaining the health and welfare of our citizens.

In Maine, we have 75,000 people on the Affordable Care Act. I know people who have it who couldn't have coverage otherwise without those subsidies. But he is not going to allow those subsidies anymore. It is every man for himself. Every man for himself means a lot of people fall by the wayside, and that is wrong. That is wrong in Maine, and I can't vote for somebody who is going to put a dagger in the heart of these citizens of Maine. I cannot do it. My conscience will not let me.

So on Medicare, shift and shaft to the seniors. On Medicaid, shift and shaft to the States. On the Affordable Care Act, shift and shaft to those people who need health insurance and the hospitals in our communities, the hospitals in those communities. If you take paying customers away, it is a double whammy: You lose the revenues from the customers, and then you have to treat them as charity care. It makes the bottom line in these hospitals even worse. As I said, they have told me in my State—and I suspect this is true practically everywhere—50 to 60 percent of our hospitals are skating on the edge. They are in negative territory. They are in the red, and we are going to cut their revenues by 8, 10 percent? It is unconscionable. It is truly unconscionable. That is a word used around here sometimes, but this is it.

All in the name of some kind of ideology, we want to go back to the health care—I can't believe we are debating Medicare, a program that has been so successful and so important to seniors throughout the last three to four generations. We are now debating it? It doesn't make any sense. To put somebody in charge of the Department of Health and Human Services that is inimical to Medicare, Medicaid, and the Affordable Care Act—this guy is a wrecking ball. He is not a Secretary. He is going into this agency to destroy it. He wants to undercut and diminish and, in some cases, literally destroy some of the major underpinnings of providing health care to people in this country.

If we were sitting in this body and somebody walked by me and was stricken by a heart attack and fell on the floor, I would help him. Every one of us would help him. I suspect Dr. PRICE would help him. He would be the first one there. But by these changes, what we are doing is having people fall by our side and ignoring them in large scale across the country. It is just as real as if it is happening right before our eyes. Twenty-two thousand people will die if health insurance is lost prematurely. Seniors will take on a burden of anxiety and fiscal drain that they can't afford that they have avoided for 50 years.

The final point is that this man's policies are at odds with those of his boss. Through the campaign, President

Trump issued pretty much ironclad guarantees to seniors that he was going to maintain Medicare, maintain Social Security, but then he appoints a guy whose whole professional career has been aimed at undermining Medicare. I think they had better get on the same page. I don't always agree with President Trump, but in this case I think he is right. I wish he would whisper into the ear of his nominee: You can't have it both ways. You are either for it or you want to gut it. That is what we are facing in this vote.

This is a vote of conscience for me. It is also a vote about my State. I love those people. I know them. I started out as a legal services attorney in a small town in Maine. My first boy was born in that town, in a little, rural hospital that is struggling. I can't stand by and see someone take over this Department who is going to do harm. That is the medical creed, isn't it? Do no harm; that is the oath. But we are talking about harm to seniors, to children, to people with insurance who will not have it. We are talking about real harm.

That is why I come to the floor tonight to urge my colleagues to reject this nominee. If the President wants to put somebody forward who is conservative and has ways of fixing some of these things and thinks some improvements should be made—and we don't have to do everything the way we have always done it. I'm not arguing that. But goodness, gracious, don't give us a nominee whose whole career has been spent aimed at undermining and diminishing and gutting the very programs that have meant so much to the people of America.

I am voting no on this nominee. I believe my colleagues should do so as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before Senator KING leaves the floor, let me just say, as one who ran the legal services for the elderly program in Oregon, that the Senator makes all of us in legal services proud tonight. Senator KING has really put a face on what is at stake here in the way he has focused on the opioid scourge that is hammering areas from coast to coast. Rural health care—without rural health care, we can't have rural life. It is just that simple. Certainly when we get to the closing here in perhaps an hour and a half or so, we are going to get to the bottom line, as the Senator did. I think these changes take America back to the day where health care was for the healthy and wealthy.

So I thank the Senator for his passion and his commitment to his citizens, but also to the people of this country. Anybody in legal services tonight will be very proud, as I am, because what it is all about is standing

up for people, and the Senator has said it very well.

Mr. President, we will be having our closing remarks here in perhaps an hour and a half or thereabouts. We have several Members of the Senate who are on their way for their remarks, and several Members of the Senate have discussed various elements of the serious and unanswered ethics questions surrounding Congressman PRICE's nomination. It is my view that these are issues that have set off loud ethical alarm bells.

I want to take a little bit more time to lay out the full story here.

The stock trades Congressman PRICE made while working on health care policy do, in fact, raise serious ethical and legal questions. None of Congressman PRICE's stock trades raise more questions than the hundreds of thousands of shares he bought in the obscure Australian biotech company known as Innate. His stock in this company is by far his largest of holdings, both in terms of the hundreds of thousands of shares he owns and the value of those shares, and that exceeds a quarter of a million dollars.

Congressman PRICE told the Finance Committee that he did not get a special deal. He told the Health, Education, Labor Committee that he did not get a special deal. But the fact is, Congressman PRICE paid bargain-basement prices for Innate stock in a private sale last August. The private stock sale was limited to a small group of well-connected American investors.

Congressman PRICE's participation has been described as a "sweetheart deal" by Kaiser Health News and a "privileged, discounted offer" by the Wall Street Journal.

As I said during his nomination hearing, Congressman PRICE's participation in the private stock sale showed bad judgment at best. At worst, it raised serious questions about whether he violated the STOCK Act or other security laws. I will take a minute to read section 3 of the STOCK Act. It says: "Members of Congress . . . may not use nonpublic information derived from such person's position . . . or gained from the performance of such person's official responsibilities as a means for making a private profit."

It is well known that Congressman PRICE learned about Innate from a House colleague, Congressman CHRIS COLLINS of New York. COLLINS is not just a casual reader of the Australian business pages; he is actually a member of the company's board and its largest shareholder.

This raises additional questions: Did Congressman PRICE have access to nonpublic information about Innate or its private stock because of his position as a Member of Congress? Did he get special access to the discounted private sale because of his position? Does he stand to profit because of the information or access he may have received?

Finally, did Congressman PRICE tell the Finance Committee the truth about how he learned about the private stock sales and the ability of typical investors to participate?

Congressman PRICE would have us believe that he decided to make these investments based on his own research into the company. That is what he told the Finance Committee.

Let me quote from the Wall Street Journal's article published January 30:

Mr. Price wasn't in line to buy shares in the last private placement because he hadn't previously participated in private fundraising rounds. . . . Mr. Price first invested in the company a year ago, buying shares through the open market on the Australian exchange. He learned about the company from Mr. Collins, who holds a 17 percent stake in it. Mr. Collins said Mr. Price is "one of my friends" and that he sits "next to him" on the House floor. . . . Mr. Price got it on the discounted sale after Mr. Collins filled him in on the company's drug trial, according to Mr. Collins.

The fact is, you don't just get in on a private stock offering by accident. As the Wall Street Journal explained, Congressman PRICE didn't originally even meet the criteria for participating in the 2016 private offering because he hadn't participated in any previous offerings. Yet he was able to buy over 400,000 shares of stock with Congressman COLLINS' help.

My view and the view of my Democratic colleagues is that Congressman PRICE failed to come clean with the Senate Finance Committee on the details of the special discounted deal. He has assured the committee he followed the law, but straightforward questions have been met with dodging, weaving, and obfuscation. Details of his purchase continue to emerge, and the public's understanding of his involvement continues to evolve.

Meanwhile, as scrutiny of the deal continues to mount, Innate's top executives are defending Congressman PRICE at the behest of his colleague Congressman COLLINS, who sits on the company's board of directors.

After the Wall Street Journal story was published, the company and Congressman PRICE went into spin control. The public knows this only because Congressman COLLINS made a mistake that everybody who uses email for work has seen made at least once: He mistakenly hit "reply all" when responding to an email from the company's CEO, Simon Wilkinson. Instead of a private note to Mr. Wilkinson, the note wound up going to a CNN reporter covering the story.

In the email, Congressman COLLINS, the company's top shareholder, said the Wall Street Journal was "yellow journalism," and he thanked Innate's chief executive, Mr. Wilkinson, for defending Congressman PRICE and the company. According to CNN, Congressman COLLINS acknowledged the email to be authentic.

The Finance Committee's own experience with Innate only adds to the sense that there is a coverup as Republicans seek to race Congressman PRICE across the confirmation finish line.

The day after the Wall Street Journal story ran, I wrote my own letter to Innate's CEO, Mr. Wilkinson. I asked the company to respond to the article and the inconsistencies in Mr. PRICE's explanations and for documentation of details of the private stock sales. The company refused to answer my letter.

This looks to me like a coverup, and it ought to shake this body's confidence in Congressman PRICE's nomination. This situation, in my view, demands that further questions be asked and answered. Instead of taking time to explore these issues, Republicans took the unprecedented step of suspending the Finance Committee's rules to rush this nomination to the floor before any more questions could be asked, let alone answered.

In years past, as with the nominations of Senator Daschle, Secretary Geithner, and Ambassador Kirk, the Finance Committee left no stone unturned in the vetting process. Not this time. The majority party, in my view, is on its way to an ethical double standard to cut off the vetting process. That leaves me with a question for Congressman PRICE and my Republican colleagues in the Senate: What is there to hide?

Mr. President, before I continue, I ask unanimous consent to have printed in the RECORD the letter that I sent to Simon Wilkinson, chief executive of Innate, on January 31, 2017.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
Washington, DC, January 31, 2017.

MR. SIMON WILKINSON,
Chief Executive Officer,
Innate Immunotherapeutics Limited,
Sydney, Australia.

DEAR MR. WILKINSON: As part of the U.S. Senate's constitutional duty to confirm presidential appointments, I have been reviewing the record of U.S. Representative Thomas Edmunds Price, who has been nominated to be the Secretary of the U.S. Department of Health and Human Services.

To that end, I am writing to you seeking prompt assistance in providing information and documents related to Congressman Price's investment in Innate. Please provide the requested information and documents:

i. The New York Times reported that "Mr. Wilkinson and Michael Quinn, Innate's chairman, said they had never heard of many of the company's more prominent investors, and said they first learned that Mr. Price had invested in the company from an article in The Wall Street Journal [published online December 22, 2016], which first reported his investment."

In written response to questions from the Committee, Congressman Price said "I communicated with Representative Collins, who is a director of Innate. As noted above, I learned about Innate through a general conversation with him in the fall of 2014. I also

communicated with Simon Wilkinson of Innate regarding my interest in participating in the 2016 private placement of company stock." In addition, the Wall Street Journal reported that "Mr. Collins said he told Mr. Price of the additional private placement. He said Mr. Price asked if he could participate in it. 'Could you have someone send me the documents?' Mr. Collins recalled Mr. Price asking him."

a. Please identify any meeting or communication between you, the company, its officers, employees, directors, consultants or affiliated personnel, and Congressman Price. In so doing, please include the person or persons involved in such communication or meeting, the date, method, location of the communication, and the subject of the communication.

b. Please provide any e-mail or other written communications between you, the company, its officers, employees, directors, consultants or other affiliated personnel, and Congressman Price. In addition, please provide any documents transmitted by Innate to Congressman Price, and any document Congressman Price transmitted to the company.

2. Regarding the August 2016 private stock placements reference in the company's Notice of Annual General Meeting and Explanatory ("Notice") on July 25, 2016:

a. Please describe how Innate found and solicited potential buyers for the private stock sale in August 2016. In so doing, please provide all dates that solicitations or other communications regarding the stock sale was sent to investors. Please also note any differences between how U.S. and non-U.S. investors were solicited. Please provide the number of U.S. investors at the time of the solicitation, the number of U.S. investors who were solicited, the number who agreed to participate, and the number who were considered accredited, "friends and family," or met some other classification or category. Please provide any and all solicitation materials, offering documents, or other information related to the sale that were sent to participants in the placement.

b. Please describe the criteria by which the company determined who could participate in the sale both within the U.S. and outside the U.S. Please provide supporting documentation regarding the company's criteria for participants in the sale, if the not contained in the offering documents described in Question 2(a).

c. It has been reported that these private offerings were made available—in the U.S.—only to shareholders who had previously participated in private stock placements. Is it correct that shareholders had to have previously participated in Innate's private stock placements?

i. Please provide any documents that describe eligibility for the August 2016 private placements, if not already provided in response to Questions 2(a) or 2(b).

ii. Did Congressman Price participate in any private stock placements prior to the August 2016 private placement?

d. Based on interviews with you and Congressman Collins, the Wall Street Journal reported that Congressman Price qualified for the August 2016 private placements in the U.S. as one of six "friends and family" solicited for the sale.

i. Was Congressman Price one the "friends and family" participants described by the Wall Street Journal?

ii. What were the requirements for "friends and family" participation?

iii. Please provide any and all offering documents that were provided to this class of

participants for the August 2016 sale. Please provide any and all documents that show the company's eligibility criteria for determining this class of participant in the August 2016 sale. Please provide any and all documents that describe eligibility for this class of participant in the August 2016 private placements.

e. Did the names of individual participants or criteria for participation in the August 2016 sale come before Innate's officers or its board of directors for consideration, including Congressman PRICE? If so, please describe what actions or consideration officers or directors took. Please provide any supporting documentation of the selection decisions.

f. Did the company use an investment banker or other agent for the August 2016 private placements? If so, please provide the name of the bank or agent and its employees who were involved in the sale.

g. What role did Congressman COLLINS—a director and Innate's largest stockholder—play in the U.S. 2016 private placements?

Please provide the requested information and documents via email on a rolling basis as they become available. Please contact my staff at +1 (202) 224-4515. Thank you to your prompt attention to this matter and your timely response.

Sincerely,

RON WYDEN,
Ranking Member.

Mr. WYDEN. I would also refer my colleagues to the following news articles: "Trump's HHS Nominee Got A Sweetheart Deal from A Foreign Biotech Firm," a story published by Kaiser Health News on January 13, 2017; "Representative Tom Price Got Privileged, Discounted Offer on Biomedical Stock, Company Says," a story published by the Wall Street Journal on January 30, 2017; and "In accidental 'reply all' to reporter, Collins thanks CEO for defending HHS nominee," a story published by CNN on January 31, 2017.

Mr. President, I wish to now discuss what is known about the facts and timing of Congressman PRICE's investment in Innate. This is a timeline that is based on public documents, press reports, and information the nominee provided the Finance Committee.

If you have never heard of Innate until the last few weeks, you would be forgiven. The New York Times described it as a "tiny pharmaceutical company from Australia that has no approved drugs and no backing from flashy venture capital firms." Innate has fewer than a dozen full-time employees. The company's stock was first listed on the Australian Stock Exchange in 2013, and until recently its market capitalization was well below \$100 million. Innate has never generated revenue from drug sales. It has repeatedly teetered on the brink of running out of cash. It has just 2,500 shareholders. By way of comparison, a major American pharmaceutical company could have hundreds of thousands of shareholders.

Innate is planning to submit an investigational drug application to the Food and Drug Administration, and its ultimate goal is to one day sell itself to

a large pharmaceutical manufacturer, which would take its early-stage experimental therapy to market.

What I am describing is, this company is the poster child for obscure companies. It is so small and so obscure, it doesn't even have a Wikipedia page. So the question is, How did Congressman PRICE come to learn about this company, and how did he decide to make it the single largest investment in his sprawling portfolio of health care stocks? The answer is, the Congressman learned about Innate in 2014 during a conversation with his colleague, Congressman COLLINS of New York. As I indicated, Congressman COLLINS sits on Innate's board of directors. Congressman COLLINS is also the company's largest shareholder, holding 38 million shares. Congressman COLLINS' adult children, his chief of staff, and many of his political backers are also heavily invested in the company. I am going to touch on those issues in a few minutes.

According to disclosures with the House Ethics Committee, Congressman PRICE bought some 61,000 shares of Innate stock in 3 separate purchases during January of 2015. At the time, the stock was trading at roughly 10 cents a share. Congressman PRICE testified to the Health, Education, Labor, and Pensions Committee that he directed his broker to make the January 2015 purchases.

Fast-forward to August 2016. Congressman PRICE bought another 400,000 shares of Innate as part of a private stock sale for U.S. investors. When the private sale took place, Innate's shares were trading on the Australian Stock Exchange for the equivalent of 31 American cents. Participants in the private sale got the shares at a deep discount.

In written testimony to the Finance Committee, Congressman PRICE said he paid 84,000 American dollars to buy the 400,000 shares. He bought 250,000 of those shares for 18 American cents per share in one private stock placement. He bought another 150,000 shares for 26 American cents each in a second private stock placement. Congressman PRICE's House Ethics Committee disclosures showed that he acquired the stock on August 31. On that day, Innate's stock was trading for the U.S. equivalent of 31 cents a share on the Australian Stock Exchange. In my book, that is a special deal.

The bottom line is that Congressman PRICE bought these shares for \$40,000 less than an average investor would have paid to buy the same amount of stock off the open market. That is nearly 33 percent off the price on the Australian Stock Exchange at the time. Since that time, Innate's stock has more than doubled. These facts are not in dispute.

Mr. President, I ask unanimous consent to have printed in the RECORD

Congressman PRICE's written testimony in response to my questions for the record as part of his nomination hearings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FOR THE RECORD

"THE HONORABLE THOMAS E. PRICE NOMINATION
HEARING FOR HHS SECRETARY" HEARING
DATE: JANUARY 24, 2017

QUESTIONS FOR THE RECORD FROM RANKING
MEMBER RON WYDEN

Innate Immunotherapeutics purchases

5. The nominee owns 461,238 shares of Innate Immunotherapeutics Ltd. ("Innate"), a small Australian biopharmaceutical firm developing a multiple sclerosis therapy. The nominee acquired the stock in four separate purchases on January 8, 9 and 23 of 2015 ("2015 tranche"), and in a pair of private stock placements on August 31, 2016 ("2016 tranche"). Regarding Innate:

a. Question: Please describe how and when the nominee first learned about Innate.

Answer: I previously answered this question for the SFC. I learned about Innate during the course of a conversation in the fall of 2014 with Representative Chris Collins regarding their respective personal backgrounds. I cannot recall the specific date of that conversation. During that exchange, Representative Collins told me that he sat on a number of public company boards including Innate, which was developing a treatment for multiple sclerosis (MS).

b. Question: Did the nominee or his staff ever meet or otherwise communicate with current or former employees, directors, consultants or other officials affiliated with Innate. If so, please describe the communication, including who it involved, the date, subject, place and form (e.g. in person, by phone or communication).

Answer: I previously answered this question for the SFC.

I communicated with Representative Collins, who is a director of Innate. As noted above, I learned about Innate through a general conversation with him in the fall of 2014. I also communicated with Simon Wilkinson of Innate regarding my interest in participating in the 2016 private placement of company stock. According to Innate's website, Mr. Wilkinson is currently the Managing Director and CEO of Innate.

My Congressional staff has not met or otherwise communicated with current or former employees, directors, consultants or other officials affiliated with Innate.

c. Question: Please describe any communication between the nominee and Congressman COLLINS regarding Innate Immunotherapy, including the date, subject, place and form.

Answer: I previously answered this question for the SFC.

I had a conversation with Representative Collins in the fall of 2014 that brought Innate, as a company, to my attention. The nature of that conversation did not, however, influence my decision to invest in the company in either 2015 or 2016.

I believe I had subsequent general communications with Representative Collins regarding Innate. I do not have a specific recollection of when those conversations occurred or their substance. Any such communications did not impact my investment decisions, however, because my purchases of Innate stock were based solely on my own research.

d. Question: The nominee bought 400,316 shares in the 2016 tranche in a private stock sale that included two placements at two prices. Please provide the number of shares bought in each placement, and the price at which the shares were bought.

Answer: I previously answered this question for the SFC. I purchased 250,000 shares of Innate in Private Placement 1 at US\$0.18/share—the same price offered all participants in this private placement. I purchased 150,613 shares of Innate in Private Placement 2 at US\$0.26/share—the same price offered all participants in this private placement.

Mr. WYDEN. I also refer my colleagues to the following news articles and documents: “Australian Drug Maker has Low Profile but Powerful Backers in Washington,” printed in the New York Times on January 13 of this year; “Aussie shareholding puts heat on President’s Ally,” published in the Australian on February 6 of this year; the 2016 Annual Report to Shareholders of Innate; a periodic transaction report that Congressman PRICE filed with the House Ethics Committee on September 12, 2016; a list of the 20 largest investors in Innate dated January 17, 2017; and a stock price history of Innate.

I wish to turn to the issue of misleading testimony. What remains unresolved are major inconsistencies between Congressman PRICE’s testimony to the Finance Committee, statements by Congressman COLLINS, and statements by Innate’s CEO Simon Wilkinson published last week in the Wall Street Journal.

Simply put, Innate’s chief executive and Congressman COLLINS, the company’s top shareholder, provided one version of events to one of the world’s most respected newspapers. Congressman PRICE provided a different version of events to the Finance Committee and the Health committee. These inconsistencies are among the reasons that Democrats boycotted last week’s Finance Committee markup. The Senate has an obligation to know the truth about these transactions in order to protect the integrity of this body and its constitutional duty to consider executive branch nominees.

Now, with respect to exclusivity of the sale, Congressman PRICE told the Finance Committee that the August sale was available to all Innate shareholders, which contradicts what Innate’s management told the Wall Street Journal. Congressman PRICE was definitive in his response to my question during the hearing.

Reading back the transcript, I said: “Well, you purchased stock in an Australian company through private offerings at discounts not available to the public.”

Here is Congressman PRICE’s response: “Well, if I may, those—they were available to every single individual that was an investor at the time.”

That is not what Innate executives told the Wall Street Journal. Here is

an extended passage from the Wall Street Journal:

Rep. Tom Price got a privileged offer to buy a biomedical stock at a discount, the company’s officials said, contrary to his congressional testimony this month. . . .

The cabinet nominee is one of fewer than 20 U.S. investors who were invited last year to buy discounted shares of the company—an opportunity that, for Mr. Price, arose from an invitation from a company director and fellow Congressman. . . .

At Mr. Collins’ invitation, Mr. Price in June ordered shares discounted in the private placement at 18 cents apiece, and then more in July at 26 cents a share, Mr. Collins said in an interview. Those orders went through in August, after board approval. Mr. Price invested between \$50,000 and \$100,000 according to his disclosure form. . . .

Mr. Wilkinson said investors who had bought in a previous private placement were called to “make friends and family aware of the opportunity. . . . We are always looking to increase our shareholder base. But those new parties have to meet the definition of sophisticated financial investor.” Only six U.S. investors, including Mr. Price, fell into the friends-and-family category, Mr. Collins said. About 10 more U.S. investors were offered discounted shares by the company because they previously had been invited to partake in private placement offerings.

In other words, Congressman PRICE not only got a deal that wasn’t publicly available, he was in a special group of six investors in a special category called “friends-and-family,” whereas other American investors got in on the private deal because they previously participated in the company’s private placements. Congressman PRICE bypassed that requirement. He got in as what could only be called a special guest—a “friends-and-family” guest of his House colleague, Congressman COLLINS.

As I mentioned earlier, when I asked the company how Congressman PRICE was able to get this special status, the company refused to provide an explanation. The Wall Street Journal also reported a key distinction between U.S. investors and the company’s shareholders in Australia and New Zealand. The paper reported:

The discounted stock offered in Innate Immuno, as the company is known, was made to all shareholders in Australia and New Zealand—but not in the United States, according to Mr. Collins and confirmed in a separate interview with Innate Immuno CEO Simon Wilkinson.

The Wall Street Journal’s account is supported by company documents, specifically a “Rights Issue Booklet” that Innate published on June 10, 2016. The booklet noted that the shareholders would buy one new share for every nine shares they already own. The booklet noted that the shareholders would have “the option to pay for their new shares in either Australian dollars or New Zealand dollars.” The booklet goes on to describe the private stock sale in which Congressman PRICE participated. I will read briefly from the book:

In conjunction with this rights issue, Innate announced that it also completed a pri-

vate placement at an issue price of U.S. 18 cents, raising U.S. \$1.8 million.

The booklet states clearly that the private placement was announced on the June 10, 2016, the same day Innate announced the rights issue for investors in Australia and in New Zealand.

Our staff has reviewed all of the company’s publicly available documents and found no similar advertisements for the private placement to American investors. So this paper trail pokes more holes in Congressman PRICE’s argument that the private stock sale was open to all the company investors.

First off, the company didn’t announce the existence of the private sale until after it already had been completed. So unless an investor was on the company’s short list of go-to people, they were just excluded.

Second, the company’s documents clearly show that Congressman PRICE and other participants in the private stock sale were able to buy far more discounted shares than the company’s typical investors. Innate documents showed that the company restricted the number of shares the typical investor could buy in the rights issue to just one new share for every nine they already owned. No such limit appears to have been imposed on Congressman PRICE and the other American participants in the private stock sale. In fact, Congressman PRICE owned just over 60,000 shares at the time of the sale. His participation in the private stock sales allowed Congressman PRICE to buy 400,000 more shares. If Congressman PRICE had been held to the same rules as everyday investors, he would have been restricted to buying less than 7,000 shares.

The bottom line to me is what Congressman PRICE said was untrue. The deal Congressman PRICE got was not open to every other shareholder. And again, when I sent a letter last week to the Innate CEO, asking him to explain all of this, he declined. He told my staff that as an Australian firm, the company had no obligation to cooperate.

So to recap, Congressman PRICE told the Finance Committee and the Health Committee that the stock sales he participated in were open to all shareholders. That is not true. The private sale does not appear to have been widely marketed to American investors and was certainly not advertised in the company’s public documents. The private sale reportedly included less than 20 American investors. Congressman PRICE was part of an even smaller subgroup known as friends and family, invited by other investors—in this case, by his House colleague, Congressman COLLINS. How many people were eligible to be in the friends and family group? Just six.

That brings me to the next issue, which is, How did Congressman PRICE learn about the special sale in the first place? Congressman PRICE told the Finance Committee his conversations

with Congressman COLLINS had no influence on his investment decisions.

I am going to again quote from his written response to questions for the record asking Congressman PRICE to describe the communications with Congressman COLLINS regarding Innate. Congressman PRICE said:

I had a conversation with Representative Collins in the fall of 2014 that brought Innate as a company to my attention. The nature of the conversation did not, however, influence my decision to invest in the company in either 2015 or 2016. I believe I had subsequent general communications with Representative Collins regarding Innate. I do not have a specific recollection of when those conversations occurred or their substance. Any such communications did not impact my investment decisions, however, because my purchases of Innate were based solely on my own research.

I am going to quote again from the Wall Street Journal:

Mr. Price got in on the discounted sale after Mr. Collins filled him in on the company's drug trial, according to Mr. Collins. Mr. Collins said he told Mr. Price of the additional private placement. He said Mr. Price asked if he could participate in it. "Could you have someone send me the documents," Mr. Collins recalled Mr. Price asking him. Congressman Price wants us to believe that Congressman Collins had no influence on the decision to buy Innate stock. But Congressman Price would not have known about the company in the first place if he hadn't talked to Congressman Collins, and he wouldn't have known about the private placements without hearing about them from Congressman Collins.

Congressman PRICE characterizes his conversation with Congressman COLLINS in 2015 and 2016 as being general in nature. But again, according to the Wall Street Journal, Congressman COLLINS, one, told Congressman PRICE about the upcoming drug trial; two, alerted him to the private stock sale; and three, arranged to ensure that he could participate. To me, this seems like more than "subsequent general communications with Congressman COLLINS regarding Innate" as Congressman PRICE put it in his written response to the committee.

With respect to reporting to the committee and the Office of Government Ethics, I would just say that I think I described issues—ethical issues—that are serious enough on their own. However, it took no small amount of effort to unravel Congressman PRICE's holdings in the company because he failed to fully disclose them to Federal ethics officials, the American people, and the Finance Committee. I don't believe this issue would have ever come to light if it were not for the work of the committee's minority investigations team.

On February 7, 2 days ago, Congressman PRICE sent a letter to the independent Federal ethics officials at the Office of Government Ethics that amended his original public ethics disclosure. This letter confirmed the suspicions of Finance Committee Demo-

crats that Congressman PRICE's original ethics disclosure to the public understated the value of his Innate stock holding by roughly a quarter of a million dollars. Put another way, his stake in Innate was more than five times the figure initially reported to the American people.

Congressman PRICE's original disclosure reported that he owned less than \$50,000 in Innate stock. At the time the disclosure was filed, by my calculation, his shares had a value of more than \$250,000. Today his stake is valued at more than \$300,000. Quite simply, it appears the shares he bought in the private stock sale in 2016 were excluded entirely from the Congressman's financial disclosure to the Office of Government Ethics. And because it is the Office of Government Ethics disclosure that is posted on a public Web site so the public can see the investment ties and investments the President's nominees hold, the American people, too, were kept in the dark about how much stock Congressman PRICE held in this company.

In addition, the Congressman was also less than forthcoming in his disclosure of the value of Innate holdings to the Finance Committee. In his response to the committee questionnaire, Congressman PRICE valued Innate stock he bought in the private sale between \$50,000 to \$100,000. However, that amount was based on the \$84,000 discounted price the Congressman paid to buy his stocks in the August private stock sale. It was not based on the actual value of the stock on the Australian stock exchange—the true value of his holdings.

By December, when he made his disclosure to the Finance Committee, the stock price had nearly tripled and the shares he bought in those private sales were worth nearly \$230,000. In other words, he told the committee that his private purchases were less than half the value they really were.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD: a memo from Finance Committee Staff to the Finance Committee, dated January 23 of this year, and a letter from Congressman PRICE to the Office of Government Ethics dated February 7, 2017, amending his public ethics disclosure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR FINANCE COMMITTEE MEMBERS

From: Senate Finance Committee Staff
Date: January 23, 2017
Re: Nomination of Dr. Thomas E. Price

This memo describes the Senate Finance Committee staff review of the 2013, 2014, and 2015 tax returns, and other documentation of Dr. Thomas E. Price in connection with his nomination to be the Secretary of the Department of Health and Human Services (HHS).

BACKGROUND

Finance Committee staff conducted a review of Dr. Price's Senate Finance Committee (Committee) Questionnaire, tax returns for 2013, 2014, and 2015, and financial disclosure statements. As part of this review, a due diligence meeting was held with the nominee and his legal representation on January 16, 2017. His accountant participated via telephone. In addition to the due diligence meeting, staff submitted multiple rounds of written questions to the nominee.

At the conclusion of this process, three issues have been identified that have been deemed appropriate to bring to the attention of Committee Members.

SENATE FINANCE COMMITTEE QUESTIONNAIRE—ETHICS INVESTIGATION AND LATE PROPERTY TAX PAYMENTS OMITTED

All nominees referred to the Committee are required to submit the Senate Finance Committee Statement of Information Requested of Nominee ("Questionnaire").

Part D. Legal and Other Matters, Question 1, asks nominees: "Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group?"

In his response, submitted December 21, 2017, Dr. Price responded, "No." However, in 2010, the Office of Congressional Ethics (OCE), an independent office of the House of Representatives, conducted an investigation into Dr. Price's 2009 fundraising activities. OCE voted 4-0-1 to refer the case to the House Ethics Committee, which, after conducting a second investigation, ultimately found no wrongdoing in 2011.

In written questions submitted to Dr. Price on January 6, 2017, Committee staff requested an explanation for the omission of the ethics investigation. Dr. Price stated it was an inadvertent omission and that the majority of activities investigated related to his authorized campaign committee, rather than him personally. The information pertaining to this investigation has been and continues to be available on the webpage of the House Ethics Committee.

Part F. Financial Data, Question 10, asks nominees: "Have you paid all Federal, State, local, and other taxes when due for each of the past 10 years?" Dr. Price responded, "Yes." However, upon examining Washington, D.C. and Nashville, Tennessee real estate tax records, Committee staff determined late tax payments had been made in relation to rental properties owned by Dr. Price, totaling \$1,583.45 for late payments made over the past seven years.

In written questions submitted to Dr. Price on January 6, 2017, Committee staff requested an explanation for the omission of the late tax payments. Dr. Price stated that, regarding the DC property, he believed that "late fees and penalties derived from not receiving timely property tax notices." Regarding the Tennessee property, the nominee noted that "notices regarding property taxes for this rental property . . . were either not being received or being wrongly mailed to the tenant at the property and not reaching the nominee and his spouse."

DEPRECIATION OF LAND VALUE AND MISCELLANEOUS EMPLOYMENT DEDUCTIONS

Committee staff received 2013, 2014, and 2015 tax returns from Dr. Price on December 21, 2016. In addition to the written questions submitted on December 28, 2016 and January 6, 2017, Committee staff spoke with Dr.

Price’s accountant on January 9, 2017. Following the due diligence meeting with Dr. Price, Committee staff then submitted an additional round of written questions to the nominee on January 16, 2017.

Improper Inclusion of Land Value in Depreciation Calculations

Taxpayers who own rental property are generally allowed to deduct depreciation expenses associated with the wear and tear of those buildings. Taxpayers are not, however, allowed to include the value of land in the depreciable amount.

Dr. Price owns rental condominiums in Washington, D.C. and Nashville, Tennessee, and claimed depreciation expenses associated with those properties for years 2013, 2014, and 2015. It appears these values included depreciation for the value of the land. According to property tax records, the land value of Washington, D.C. condominium was listed as \$95,640, and the land value of his Nashville condominium was listed as \$30,000.

Under current tax rules, these values are not allowable for depreciation expenses. Committee staff asked for clarification on this issue in the due diligence meeting with Dr. Price and sent written follow-up questions on January 16, 2017.

In his response to the Committee, received on January 23, 2017, Dr. Price’s accountant stated he had taken the position that the land had a fair market value of zero. However, given the lack of another valuation besides the property tax assessments, Dr. Price has committed to address the discrepancy by filing a Form 3115 to adjust the depreciation and account for the improper deductions on his 2016 tax returns, though adjustments may be spread out over four years.

Absence of Documentation of Employment Deductions

In 2013, 2014, and 2015, Dr. Price claimed miscellaneous employment deductions, totaling \$19,034. Dr. Price, and his wife, also a medical doctor, both list their occupations

as “PHYSICIAN” on the second page of their Form 1040s. Neither Dr. Price nor his wife actively works as a physician, though Dr. Price has noted he has maintained his medical license. Committee staff requested substantiation and further explanation of the deductions in written questions submitted December 28, 2016.

Committee staff spoke with Dr. Price’s accountant on this matter on January 9, 2017, and again during the due diligence meeting on January 16, 2017. In those discussions, Dr. Price’s accountant noted that Dr. Price and his wife, Elizabeth, would compile a variety of expenses, including vehicle expenses, and discuss with the accountant what portion of those expenses would be appropriate to deduct as employment expenses, frequently settling on an amount equal to roughly 60 percent. Though the Prices no longer actively work as physicians, their accountant believed that the deductions were appropriate, and were reflective of expenses incurred by Mrs. Price. After the January 16, 2017, due diligence meeting, staff suggested that in the absence of full documentation of the deductions, that the returns be amended.

In a response, received January 23, 2017, Dr. Price’s accountant noted that proper documentation could not be located. Dr. Price’s 2013, 2014, and 2015 tax returns will be amended to remove the \$19,034 of deductions. Since Dr. Price was subject to the Alternative Minimum Tax (AMT) in each of those years, the changes will not result in any change to tax liability.

ASSET VALUES

In separate financial disclosure filings to the House of Representatives, to the Committee, and to the public through the Office of Government Ethics (OGE) Form 278, the nominee reported ownership of stock in an Australian pharmaceutical company—Innate Immunotherapeutics Ltd. The nominee purchased these shares in two tranches: one in 2015 valued at \$10,000 at the time of purchase, but was valued at between \$15,000 and \$50,000

on December 20, 2016, the date of filing. A second tranche was purchased in August 2016 of 400,613 shares, through a private placement offering, and was listed on the Committee questionnaire as being valued between \$50,000 to \$100,000, which was based upon the purchase price. An analysis done by multiplying the number of shares by the market price on December 20, 2016 demonstrates a value higher than that reported by the nominee. The nominee noted that the amounts reported to the Committee were a good faith valuation. The nominee agreed to recalculate the value of the shares based on the market value at the time the Committee Questionnaire was completed. The revised value of the second tranche was between \$100,000 and \$250,000 when filed.

The nominee and Committee staff also agreed that the tranche of shares acquired in August 2016 was not accounted for on the OGE Form 278, and the nominee told staff that income attributable to his holding in the company reported on OGE Form 278 was incorrect. The nominee noted that it is unclear how information related to his holding in this stock was misstated on the published form. The nominee agreed to contact OGE to correct the form.

FEBRUARY 7, 2017.

Ms. ELIZABETH J. FISCHMANN,
Associate General Counsel for Ethics, Designated Agency Ethics Official,
Washington, DC.

DEAR Ms. FISCHMANN: The purposes of this letter are to amend the financial disclosure report that I signed on December 15, 2016, and to supplement the ethics agreement that I signed on January 11, 2017.

A—FINANCIAL DISCLOSURE REPORT

To correct inadvertent errors in my December 15, 2016, financial disclosure report, the items identified below are amended, as follows:

Part I							
#	Organization Name	City/State	Organization Type	Position Held	From	To	
2	Chattahoochee Associates	Atlanta, Georgia	General Partnership	Managing and General Partner	11/1993	Present	

Part 2					
#	Description	EIF	Value	Income Type	Income Amount
1	Chattahoochee Associates	no	\$100,001–\$250,000	None (or less than \$201)	

Part 6					
#	Description	EIF	Value	Income Type	Income Amount
14.55	Amazon Com Inc	n/a	None (or less than \$1,001)	Capital Gains	\$2,501–\$5,000
15.1	Innate Immunotherapeutics Ltd. (INNMF)	n/a	\$15,001–\$50,000	None (or less than \$201)	

To correct an inadvertent error in my December 15, 2016, financial disclosure report, the following item is added to that financial disclosure report:

Part 6					
#	Description	EIF	Value	Income Type	Income Amount
28	Innate Immunotherapeutics Ltd. (INNMF)	n/a	\$100,001–\$250,000	None (or less than \$201)	

With regard to the assets disclosed in my December 15, 2016, financial disclosure report other than those listed above, the U.S. Office of Government Ethics has asked me to confirm that I disclosed the current value at the time of reporting. By this letter, I am confirming that I used current value with regard to those assets. This letter makes no

changes to the value categories disclosed in that financial disclosure report other than those indicated above.

B—SUPPLEMENT TO JANUARY 11, 2017, ETHICS AGREEMENT

The new item listed above (Innate Immunotherapeutics Ltd./\$100,001–\$250,000) is

covered by the commitment I made in my January 11, 2017, ethics agreement to divest all interests in Innate Immunotherapeutics Ltd. within 90 days of confirmation. In addition, the following commitments supplement my ethics agreement dated January 11, 2017.

In February 2017, I resigned from my position as Managing and General Partner of

Chattahoochee Associates and transferred my ownership interest to my spouse. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Chattahoochee Associates, unless I first obtain a written waiver, pursuant to 18 U.S.C. §208(b)(1).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. §2640.201(a), obligations of the United States, or municipal bonds.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order no. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I made in the ethics agreement I signed on January 11, 2017.

I have been advised that this supplement to my ethics agreement will be posted publicly, consistent with 5 U.S.C. §552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports. I understand that this letter will also be released as an attachment to my public financial disclosure report.

Sincerely,

THOMAS E. PRICE, M.D.

Mr. WYDEN. I also refer my colleagues to the following documents: an announcement by Innate on June 10, 2016, entitled "Private Placements and Rights Issue to Raise Additional Working Capital," and the Public Financial Disclosure Report signed by Congressman PRICE on December 15, 2016, that was filed with the Office of Government Ethics.

I want to take a minute to return to the Innate company itself. I noted earlier that the company has put on a full court press to defend Congressman PRICE in recent weeks, as details of his special deal have come to light.

I am going to describe why that might be. Innate's executives have sought to portray the company as being a small firm from Down Under that has been inadvertently caught in political crossfire on the other side of the world. But the fact is that Innate has longstanding connections to Congressman COLLINS and his inner circle, a circle that includes Congressman PRICE. As the Australian City Newspaper wrote this week, "Mr. COLLINS, his children and his 'intimate political allies' and donors controlled at least 27.25 percent" of Innate's voting shares.

Then there is the baffling assertion mailed by Mr. Wilkinson, the CEO, that he only recently learned of Congressman PRICE's existence through news articles. This is a stretch to believe and flies in the face of Congressman PRICE's own testimony.

On January 13, the New York Times reported:

Mr. Wilkinson and Michael Quinn, Innate's chairman, said they had never heard of many

of the company's more prominent investors, and said they first learned that Mr. Price had invested in the company from an article in the Wall Street Journal, which first reported his investment.

On February 5, Mr. Wilkinson, the CEO of Innate, told the Buffalo News, "I think the first time I heard that a gentleman named TOM PRICE had invested was after the U.S. media started reporting it."

But Congressman PRICE was quite clear that he had communicated with Wilkinson. In written testimony, responding to questions for the record, he said: I also communicated with Simon Wilkinson of Innate regarding my interest in participating in the 2016 private placement of company stock. According to Innate's Web site, Mr. Wilkinson is currently the managing director and CEO of the company.

Congressman PRICE's name was also listed twice in the documents of the company, which reported the private stock sale participants to the Australian stock exchange last summer. Congressman PRICE also appeared to have bought nearly 5 percent of the discounted shares made available in the private stock sale. Given all that, it seems difficult to believe Mr. Wilkinson's story that he had no idea who Congressman PRICE was.

Finally, The Australian, the Sydney paper I just mentioned, reported on Monday that Innate and Congressman COLLINS are facing questions about possible violations of Australia corporation law with regard to his holdings in the company. So why does this matter? It matters because a nominee to be a Cabinet Secretary, Congressman PRICE, was brought into this web of questionable stock transactions and obfuscations about just how special the special deal he really got was by a company insider, his friend, Congressman COLLINS.

As I get ready to close, I refer my colleagues to the following articles and documents: "Congressman Collins under fire for 'suspicious' stock trades," published in the Buffalo News on January 17 of this year; "Collins shared biotech stock news with big Buffalo names," again from the Buffalo News on January 19; "Collins' controversial stock venture could be boom or bust," from the Buffalo News on February 5 of this year; the Notice of Innate's 2016 Annual Meeting and Explanatory Statement filed on July 29 of 2016; documents filed by Innate on September 12, 2016, and September 26, 2016, reporting results of the 2016 private stock placement.

As we close, I want to return to section 3 of the STOCK Act. It says:

Members of Congress . . . may not use non-public information derived from such person's position . . . or gained from the performance of such person's official responsibilities as a means for making a private profit.

So did Congressman PRICE have access to nonpublic information about In-

nate or its private stock sale because of his position as a Member of Congress? I believe the answer is yes.

Did he get special access to the discounted private sale because of his position? I believe the answer is yes.

Does he stand to profit because of the information or access he may have received? I believe the answer is yes.

Finally, did Congressman PRICE tell the Finance Committee and the HELP Committee the truth about how he learned about the private stock sale and the ability of average investors to participate? Congressman PRICE told the Finance Committee and the HELP Committee that the special stock deal he got in on was open to everyone.

According to the Wall Street Journal and company documents, that is not true. The deal he got was clearly different than what was offered to everyday investors. According to the Journal, his previous purchase of Innate stock did not qualify him to participate in the private placement without being a specially invited friends and family guest. This arrangement allowed Congressman PRICE to buy more shares than other investors were allowed to buy.

Congressman PRICE told the Finance Committee that his conversations with Congressman COLLINS, again, a director of the company, its largest shareholder, had no influence on his investment decisions. According to the Journal, this is not true. The Journal report made clear that Congressman COLLINS told him about the upcoming drug trial, alerted him to the private stock sale, and arranged to ensure he could participate.

Now the majority party has shut down the vetting process, allowing Congressman PRICE's nomination to reach the floor before all the facts have come into view. I believe the Senate can do better. It needs to do better. The American people are owed better.

I thank my colleagues, particularly Senator REED, for his patience and his courtesy.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in opposition to President Trump's nomination of Congressman TOM PRICE for the Department of Health and Human Services. The Department he has been picked to lead is charged with protecting the health of all Americans, from safeguarding Medicare and nursing home care for seniors to investing in medical research and supporting public health programs, such as lead poisoning prevention and youth suicide prevention.

Unfortunately, Congressman PRICE has demonstrated over the last decade in Congress that he is unwilling or unfit or both to protect these critical health programs. In his role as chairman of the House Budget Committee,

Congressman PRICE has offered plans to repeal the Affordable Care Act and turn Medicare into a privatized voucher program. This is the opposite of protecting the safety net programs for our most vulnerable citizens.

Time and again, Congressman PRICE has proved that he favors corporate interests over patients, which has raised ethics concerns. For these reasons, I will oppose his nomination.

First, I would like to talk about the Affordable Care Act. About a month ago, I was here talking to my colleagues on the floor about the impact of the ACA in my home State of Rhode Island and the consequences of repeal. In short, repeal of the ACA would be catastrophic in Rhode Island and across the country. Yet Congressman PRICE has led the efforts in the House of Representatives to repeal the ACA without any replacement. In fact, he is the architect of legislation to do just that.

The uninsured rate today is at its lowest point in recent history. That holds true in my State of Rhode Island. The uninsured rate there has fallen from nearly 12 percent to under 4.5 percent. That translates to over 100,000 Rhode Islanders who have gained coverage because of the ACA.

While it is not the case in every State, in Rhode Island insurance rates have dropped. In fact, consumers in Rhode Island have saved \$220 million since 2012.

We cannot go back to a system that allows private insurers to deny coverage for preexisting conditions or charge more to those who need insurance the most. By contrast, Congressman PRICE opposes the preexisting conditions ban, one of the most popular provisions of the ACA.

His plan would allow insurance companies to deny coverage or to charge more to those with preexisting conditions, older Americans, and women. He has also proposed getting rid of the essential benefits package in the ACA. These protections require insurance companies to cover things like prescriptions drugs, maternity care, pediatric services, and mental health care. These are really things that any basic health coverage should include, yet Congressman PRICE has advocated taking away these consumer protections.

Stop and think about that. Congressman PRICE does not think that health insurance should cover pregnancy, for example. I mean, we are not really talking about extravagant services. These are the services that a reasonable person would expect their health insurance to cover. In fact, Congressman PRICE's plan, the Republican plan to repeal the ACA, would mean that nearly half a million Rhode Islanders with preexisting conditions—that is nearly half the population of my State—could be denied coverage or charged more. Those who might still be

able to get coverage would quickly find that it does not cover that much.

These consumer protections that are embedded in the ACA affect everyone, not just those who have coverage because of the ACA. Before the ACA, the Affordable Care Act, insurance plans, including coverage through your employer, could impose annual or lifetime limits on coverage, meaning coverage could end just when you need it most. With Congressman PRICE in charge, if he has his way, we will see a return of these limits, even for employer-sponsored health plans.

The nominee's stance on the Affordable Care Act is not my only worry because when it comes to Medicare and Medicaid, benefits that Americans have worked hard to earn and to fund, Congressman PRICE's views are far outside the mainstream.

Medicare is one of the great success stories in expanding access to care and keeping seniors out of poverty. Since the passage of Medicare in 1965, we have seen significant decreases in the numbers of seniors living in poverty, and this is largely because of Medicare and, of course, Social Security, another critical safety net program for seniors. I believe that Medicare is essential for the quality of life of Rhode Island's seniors and for seniors across the country.

In fact, I supported the ACA because it made key improvements to Medicare that strengthened its long-time solvency and increased benefits, such as closing the prescription doughnut hole and eliminating cost sharing for preventive services, such as cancer screenings.

Over 15,000 Rhode Islanders saved \$14 million on prescriptions drugs in 2015, an average of \$912 per beneficiary. In the same year, over 92,000 Rhode Islanders took advantage of free preventive services, representing over 76 percent of beneficiaries. We see these benefits because of the Affordable Care Act.

Repealing the Affordable Care Act, as advocated by the Congressman, means repealing these benefits for seniors and shortening the life of the Medicare trust fund by over a decade. What is worse is that Congressman PRICE not only wants to repeal the ACA and the Medicare benefits that come with it, but he has also advocated for privatizing Medicare, turning it into a voucher-based program, as well as raising the eligibility age.

Simply put, this would end Medicare as we know it. Millions of Americans, including over 200,000 Rhode Islanders, have paid into the system, counting on the benefits that they have earned and worked their entire life for. Under Congressman PRICE's plan, Republicans would shift more costs to seniors who have played by the rules and planned for retirement with quality Medicare coverage.

Congressman PRICE and Congressional Republicans will tell you that they are trying to cut costs under the banner of trying to save Medicare. If that is the Republican standard, then why do they oppose the ACA which actually improved Medicare services, cut costs, and extended Medicare solvency? That seems to be a pattern with many on the other side: Act very serious and concerned about Medicare's finances, but then make every effort to demonize and roll back these improvements.

In fact, Medicare spent \$453 billion less from 2009 to 2014 than it expected under growth trends prior to the ACA, all while increasing benefits like free preventive care and better prescription drug coverage and adding over a decade of solvency to the Medicare trust fund. The projected cost—the best projections were actually lowered by the ACA while benefits were increased. This talk of supposedly saving Medicare is really, in my view, a ruse to make draconian cuts to free up more Federal funding for things like tax breaks for the wealthy. We cannot allow Republicans under Congressman PRICE's leadership to go back on the Medicare guarantee we have made to seniors that we represent all across this country.

Congressman PRICE has also made a number of troubling statements about Medicaid and the Children's Health Insurance Program, CHIP. First, repeal of the ACA would have a disastrous effect on State Medicaid programs, kicking 11 million Americans off their health insurance, including 70,000 Rhode Islanders.

However, this is not enough for Congressman PRICE. He has offered legislation to cut Medicaid even further, to the tune of \$1 trillion, by turning Medicaid into a Block Grant Program.

I think my colleagues should really consider how this would impact their States. Including those newly insured by the ACA, Medicaid covers 74 million Americans. Who makes up this population? Well, half of the Medicaid enrollees are children.

Medicaid also pays for half the births in this country.

These are staggering numbers. In Rhode Island, one in four children is covered by Medicaid or CHIP, and one in two people with disabilities is covered by Medicaid.

While Medicaid was initially designed to help low-income families, seniors now account for approximately half of Medicaid's spending nationwide. Nearly 60 percent of nursing home residents are covered by Medicaid across the country, and that holds true in my State of Rhode Island.

Many of these people are our neighbors, our friends. They have been working all their lives, and they have qualified for this coverage because they have been able to move some of their assets out of their ownership because

our rules don't recognize retirement accounts. So these are our neighbors.

When Congressman PRICE talks about turning Medicaid into a block grant program, every Member of this Chamber has to stop to realize that there is no way to cut Medicaid by trillions of dollars without harming children and seniors and placing each of our States in a very difficult position because they, too, contribute to Medicaid; because they have a responsibility to children and seniors for health care; because they do also help support nursing home, nursing facilities for seniors and the disabled. And they would be in a disastrous situation.

Now, all of these are, I believe, reason enough to oppose Congressman PRICE's nomination. However—and I alluded to this earlier, and Senator WYDEN went into great detail—Congressman PRICE has a history of conflicts of interest, such as investments in the very issues and companies he worked on, as a Member of Congress.

Congressman PRICE traded hundreds of thousands of dollars in health care pharmaceutical stocks, all the while advocating for regulation legislation that would financially benefit these very companies. Again, Senator WYDEN has made a very detailed and very persuasive case in this regard.

In fact, as Senator WYDEN has pointed out, after receiving information from a fellow Congressman and now a member of President Trump's transition team, Congressman PRICE was one of a small group who was offered the chance to purchase stock in a biomedical group at a discounted price.

Now, Democrats are not going to have the opportunity to fully examine these issues. I find the examples we do have to be deeply concerning. The very articulate, eloquent, and detailed—exhaustively detailed—statement by Senator WYDEN adds further credence to this presumption.

This is a very disconcerting pattern of behavior. Indeed, I believe this pattern of behavior warrants further investigation, but those requests have been denied by the Republican majority. These allegations are now even more concerning because of the need for further investigation, but those requests have been denied by the Republican majority. These allegations are even now more concerning because Congressman PRICE is being considered for the top role in this administration in charge of protecting the health of all Americans and, indeed, affecting the corporate situation of thousands of companies throughout this land that he may or may not have a financial interest in.

Now I have heard from hundreds of Rhode Islanders who have expressed these concerns to me, from his support for the efforts to repeal the ACA and cut Medicaid and Medicare to his questionable investments. I agree with them.

As such, I am unable to support Congressman PRICE's nomination for Secretary of the Department of Health and Human Services, and I would urge others to look very carefully at the record, carefully at the advocacy for the elimination, basically, of Medicare as we know it, of block-granting Medicaid, which would harm children and seniors and put excruciating financial pressure on every State in this country, and his own behavior with respect to personal investments.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HASSAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HASSAN. Mr. President, I rise today to join my colleagues in opposing Congressman TOM PRICE's nomination to be the Secretary of the Department of Health and Human Services.

Every American deserves the opportunity to have quality, affordable health insurance coverage to help them live healthy and productive lives. Having health care is not just critical to the freedom, dignity, and well-being of our citizens but also to the strength of our economy.

As Governor, I worked with Democrats and Republicans in New Hampshire to expand health insurance coverage—including coverage for substance use disorder and behavioral health services—to tens of thousands of Granite Staters.

We need to bring this same bipartisan approach to the Senate. We know that there are serious challenges in our health care system that must be fixed, and we need to work across party lines to support commonsense improvements to move our Nation's health care system forward, not rip health insurance coverage away from millions of Americans.

This is why I cannot support Congressman PRICE's nomination. Throughout his time in office, Congressman PRICE has promoted policies that would undermine the health care that so many in my State and across our Nation depend on. Congressman PRICE wants to repeal the Affordable Care Act, which would strip coverage away from millions of Americans. Those who seek to repeal the ACA, including Congressman PRICE, have not come up with a plan to replace it.

Repealing the ACA without a replacement would send insurance markets reeling. It would be devastating for millions of people who have coverage because of the law.

Repealing the ACA would eliminate New Hampshire's bipartisan Medicaid expansion plan, harming our State's ef-

forts to combat the heroin, fentanyl, and opioid crisis. This crisis is the most pressing public health and public safety challenge facing our State, and thousands of Granite Staters have accessed substance misuse treatment because of Medicaid expansion.

Just a couple of weeks ago, I met a young man named Noah at Harbor Homes in Nashua. Noah is an active participant in the Nashua drug court and a former enrollee in our Medicaid expansion program.

Last month, after 14 years of struggling with addiction, Noah was celebrating 1 year sober. Because of legislation that expanded Medicaid, passed under bipartisan leadership, Noah received health insurance through Medicaid expansion, and he was able to quickly begin treatment.

Noah's recovery process required medication-assisted treatment which he would not have been able to afford had it not been covered under Medicaid. He is now 5 months off that treatment and hasn't had an instance of relapse.

Noah said the ACA and Medicaid expansion are "working miracles every single day in this recovery community." For Noah and so many others, we cannot afford to set back our efforts, but that is what the repeal of the ACA would do.

I also oppose Congressman PRICE because he is determined to turn back the clock on women's access to reproductive health care. He has fought against the woman's constitutionally protected right to make her own health care decisions and control her own destiny. He has voted 10 times to defund Planned Parenthood, and he has voted against a resolution to protect employees from being punished or fired by their employers for their reproductive health decisions.

And I oppose Congressman PRICE because he has pushed to turn Medicare into a voucher program, which will increase costs for seniors. Congressman PRICE's views and priorities are simply at odds and out of touch with the views and priorities of many, many Granite Staters.

Additionally, Mr. President, serious issues have been raised throughout this nomination process regarding Congressman PRICE's conflicts of interest and his potential violation of the STOCK Act, including recent reports suggesting that he received a private discount to purchase a health company stock while engaged in legislative efforts that would directly affect the company's financial interests. Congressman PRICE's insufficient responses concerning his stock purchases raise the question of whether, if confirmed, he will put corporate interests ahead of the American people. That is unacceptable. I believe we need a health care system that works for every American, and that is why I will vote against Congressman PRICE's confirmation.

I want to talk a little bit more about what Congressman PRICE's confirmation would do with respect to Medicaid expansion and particularly how it would affect the opioid crisis in New Hampshire. In New Hampshire, we proved that Democrats and Republicans can come together to move our health care system forward when we passed our Bipartisan Medicaid Expansion Program. Passing and reauthorizing this program included healthy debate, and at times some argument, but what matters of course is what we do after our argument, after those debates. We were able in New Hampshire to put our differences aside and take a critical step forward to continue strengthening our families, our businesses, and our economy. This is the approach we need to be taking in the United States Senate.

The benefits of Medicaid expansion are clear, over 50,000 Granite Staters are now covered in a population of 1.3 million people. We included in Medicaid expansion coverage of substance use disorder and behavioral health services. I have heard story after story of Granite Staters who are in recovery, thanks to Medicaid expansion. I told Noah's story just a few minutes ago.

At another round table I met a young woman named Ashley at the Farnum Center in Manchester, CT. Ashley told of suffering from addiction for over 10 years. One day she woke up to discover that her husband had died of an overdose. She lost custody of her young daughter, but because of Medicaid expansion, Ashley was able to get treatment. She has been in recovery now for a little bit over a year—recovery through medical treatment made possible by Medicaid expansion. Because she is in recovery, she was able to get a job. Because she began working again, she actually has now moved off Medicaid expansion onto private health insurance. So Medicaid expansion was there when she needed it to get healthy. Now she doesn't need it anymore, and she is participating in the private health insurance market. By the way, she is beginning to reestablish her relationship with her young son. That is the power of the Affordable Care Act. That is the power of Medicaid expansion.

Representative PRICE, on the other hand, has advocated for repeal of these very programs. Such a repeal would have such harmful impacts, pulling the rug out from those who have coverage right now for critical medical conditions. At his confirmation hearing, Representative PRICE declined to guarantee that Americans with substance use disorders who got on insurance through Medicaid expansion would still be covered for these services if the Affordable Care Act is repealed under Representative PRICE's leadership.

He also would not commit to continuing the requirement under the Af-

fordable Care Act that health insurance companies must cover essential health benefits, including treatment for substance abuse.

Representative PRICE's support for the repeal of the Affordable Care Act also requires more discussion. The Affordable Care Act has helped families across our Nation access quality, affordable health insurance coverage. We need to come together now and find bipartisan areas in which we can agree to improve the law, but we should not be repealing it. We should not be taking coverage away from millions of people. I have joined a number of my colleagues in expressing our willingness to work across the aisle with our colleagues to improve the law, but unfortunately it seems our colleagues in the Senate are headed down a path to repeal the law without a plan to replace it. Repealing the ACA without any replacement is a recipe for upheaval and instability, a recipe for hurting our families, small businesses, and our economic progress. Representative PRICE and those who seek to repeal this law have not agreed on any path forward other than repealing and stripping coverage away from millions of Americans. Repealing would have major consequences for many Granite State families and small businesses.

My office has heard from constituents about the impact the Affordable Care Act has had on their lives. One resident from Keene, NH, wrote to say this law has helped fulfill his goal of starting a small business. He wrote:

I have had health insurance through the exchange under the ACA since late 2015, when I quit my job to start up a business. Before the ACA, I wouldn't have taken the risk to start a business, because I have a pre-existing condition and I wouldn't have been able to get an individual health insurance policy.

He continued:

Under the ACA, I am able to get good health insurance at an affordable premium. Since I left my job I built up a profitable business and expect to be in a position to hire employees within a year or two. None of this would have been possible without the ACA.

And he added:

If the ACA is repealed, I am concerned that I will need to put my business on hold in order to go back to a corporate job that I don't need, only to get the health care benefits. The ACA has flaws, but overall it has allowed me to take an entrepreneurial risk and start a small successful business.

It is clear that this law has truly made a difference not just for the health of our citizens but also for our economy, and we cannot undermine the progress we have made.

I am also deeply concerned about Representative PRICE's record and his statements concerning women's health care. Representative PRICE has consistently opposed women's reproductive freedom. I have always fought to protect a woman's right to make her own

health care decisions and to chart her own course, and I always will. This is not just a matter of individual freedom, which of course is a good enough reason in its own right to support women's reproductive choice, but it is also a matter of economics. When women have to pay more for their health care than men do, it puts them at a financial disadvantage.

As Governor, I restored family planning funds and pushed to restore State funding to Planned Parenthood because I know how critical these services are for the women and families of my State. It is unacceptable that Washington Republicans continue to play games with women's health, and Representative PRICE has been at the forefront of that effort. Representative PRICE does not support a woman's constitutionally protected right to a safe and legal abortion. He has cosponsored and repeatedly voted for measures that would ban all medically appropriate abortions, without exceptions for rape, incest, or to protect a woman's health. He has voted to penalize small businesses that choose private health plans that include abortion coverage. Additionally, he has voted to allow employers to discriminate against employees based on their reproductive health decisions. He voted to eliminate the Title X Family Planning Program. He voted 10 times to defund Planned Parenthood.

Defunding Planned Parenthood, a critical health provider, would have devastating effects. A recent article in the Washington Post highlighted the impact of what can happen when legislatures attempt to defund Planned Parenthood.

This report in the post found:

In 2011, the Texas legislature cut the two-year budget for funding family planning from \$111 million to \$38 million in an effort to defund Planned Parenthood. After these cuts, 82 Texas family planning clinics, one out of every four in the state—closed or stopped providing family planning services. An unintended consequence of the law was that two-thirds of the clinics that closed were not even Planned Parenthood clinics. Organizations that remained open, many with reduced hours, were often unable to offer the most effective methods of contraception, such as IUDs and contraceptive implants, to women who wanted them. The closings and reduced hours also limited or cut back access to primary care providers for a significant number of women.

Women and their families deserve better than an HHS Secretary who would disregard their constitutional right and roll back their access to reproductive health care. They deserve better than an HHS Secretary who appears to believe that women are neither capable nor trusted to make their own health care decisions. I believe women should be full and free citizens in the United States of America and can be trusted to make their own health care decisions.

Representative PRICE's nomination and his confirmation would be harmful

to our seniors as well. Seniors deserve a high quality of life, high-quality care, and access to the benefits that they have earned throughout their life. I believe we must continue to strengthen and protect Medicare for years to come, not undermine it. Unfortunately, Representative PRICE has long sought to undermine Medicare and the important benefits it provides to seniors. His budget proposals have included extreme cuts to the program. He supports turning Medicare into a voucher program. In fact, he even said he wants to voucherize Medicare within the first 6 to 8 months of the Trump administration. This would increase costs for seniors.

He has also repeatedly opposed allowing Medicare to negotiate drug prices for seniors. He has argued that seniors have no drug cost problem. Imagine that, a Health and Human Services Secretary who believes that drug costs are not an issue for our seniors. He even said allowing Medicare to negotiate prices for prescription drugs would be "a solution in search of a problem."

I can tell Representative PRICE that there are certainly seniors in New Hampshire who have found that the cost of their prescription drugs are truly a problem, and as we talk about the need to shore up and strengthen the Medicare Program, one of the best ways to stabilize its finances would be to allow Medicare to negotiate for prescription drug prices to lower those prices, lower the cost of the program, while making the program even more affordable for our seniors.

That is not something that Representative PRICE has even expressed a willingness to consider because he doesn't even acknowledge there is a problem. Representative PRICE has also supported raising the Medicare age from 65 to 67. This amounts to a devastating benefit cut for seniors, shifting costs onto them, which is unacceptable.

Whenever I hear people suggesting raising the retirement age for Social Security or the age for Medicare eligibility, I am reminded of my father-in-law. My father-in-law was one of the hardest working people I ever knew. He worked as a wholesale meat cutter, and for anybody who has never seen what that means, it means standing on your feet for hours at a time in a cold meat locker as large carcasses come through, and with time pressures, the way any production facility has, cutting those carcasses into salable product.

My father-in-law left the house before dark. He often came home, having been assigned overtime, after dark, having been standing on his feet in the cold, doing incredibly hard, physical labor.

When it came time for him to retire, when he became eligible for Medicare,

he really couldn't have worked at that job much longer. And the fact that he had a dignified retirement after those years of hard work was in large part due to Medicare. Before the physical impacts of that job slowed him down, it was our great pleasure to watch a man who had provided for his family with such hard work know the dignity of playing with his grandchildren, sleeping in until 7:30 or 8 in the morning, and watching his family grow and strengthen and thrive.

That is the dignity of Medicare. It is the dignity of Social Security. And to have a Health and Human Services Secretary who believes we should just be raising that age, as Representative PRICE does, contradicts the very notion of what it means to earn a benefit and to know a dignified retirement.

I am proud of the progress we have made to help ensure that more Granite Staters and Americans have the quality health care they need at an affordable cost. There is much more work to do to move our health care system forward and to combat the heroin opioid and fentanyl crisis that has devastated far too many families in New Hampshire and across our Nation. I am ready and willing to work with anyone who is serious about making improvements to our health care system to improve affordability and access to care, but that does not start with pulling the rug out for millions of Americans. It does not start with rolling back women's access to critical health care services.

Congressman PRICE's record demonstrates that he puts a partisan agenda and corporate interests before the health and economic well-being of our families. The American people deserve a Secretary of Health and Human Services who will help more Americans receive quality, affordable health insurance coverage, not one who supports stripping it away by repealing the Affordable Care Act without a replacement.

For these reasons, I will be voting no on Congressman PRICE's nomination, and I urge my colleagues to do the same.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, the debate on Congressman PRICE's nomination, in my view, is a referendum on the future of health care in America.

On this side of the aisle, we think it is worth spending 30 hours talking about a subject this important to our people. My view is that this is about whether the United States is going to

go back to the dark days when health care worked only for the healthy and the wealthy.

Based on the public record, Medicare is a program Congressman PRICE does not believe in, and it offers a guarantee of services he doesn't believe seniors should have.

On the Affordable Care Act, he is the architect of repeal and run. He wrote the bill himself. He proposed weakening protections for Americans with preexisting conditions. He would shred the health care safety net—Medicaid—for the least fortunate among us. He would take away health care choices for women, particularly the opportunity to go to the physician that they trust.

As we wrap up and get ready to vote, think about the common thread among these proposals: They take away coverage from our people, make health care coverage more expensive for millions of people, or both. That is what Congressman PRICE stands for when it comes to health care. Every Senator who casts a vote for Congressman PRICE has to stand by that agenda.

Beyond what this means for the future of American health care policy, there is the lingering spectre, as I have discussed tonight in detail, of serious legal and ethical issues. Congressman PRICE got special access to a special deal on stock in an Australian biomedical company. He claimed multiple times before Senate committees that the deal he got on discounted company stock was open to all shareholders. All the evidence—all the evidence—says that this is untrue.

First, he had to go through the back door to get access to the discounted price. He got a special friends-and-family invite from his colleague in the House, Congressman CHRIS COLLINS, the company's top shareholder and a member of its board.

Second, rules that apply to other investors didn't apply to Congressman PRICE. Other shareholders were bound by a limit. They were able to buy one discounted share for every nine they already owned. That would have allowed Congressman PRICE to buy just 7,000 discounted shares. He bought 400,000 discounted shares. In my view, he can't get around that. That is the definition of a special stock deal.

The Congressman introduced legislation that would have lowered the tax bills of three major pharmaceutical companies in which he owns stock. He invested \$15,000 in a medical equipment company and then introduced legislation to increase the amount Medicare pays for that type of equipment. Parts of his bill went on to become law. He bought thousands of dollars' worth of stock in a company called Zimmer Biomet less than a week before introducing legislation that had the potential to drive up the value of those shares. Now he has argued that he

didn't purchase the stocks; his broker did. But at the very least, he would have known about those deals within days of the purchase when he filed the periodic transaction reports in the House. Under his brokerage agreement, he could have quickly resold the stock, but he did not. Furthermore, he didn't consult with the Ethics Committee regarding any of the trades I have spoken about as directed by the House Ethics Manual.

As I wrap up, I want to put a human face on why so many Senators on this side of the aisle have come to the Senate floor to speak so passionately about their grave concerns with this nomination. Nothing sums up our concerns more clearly than a line from an op-ed Congressman PRICE wrote in 2009 that discusses Medicare. His quote speaks volumes about his perspective on this program.

It is a lifeline. I first became acquainted with it back in the days when I was codirector of the Oregon Gray Panthers, ran the legal aid program for older people. I saw then that seniors were walking on an economic tight-rope, balancing their food bill against their fuel bill, their fuel bill against the rent bill. They saw Medicare as one of the great achievements in American policymaking.

Here is what the Congressman wrote—his words, not mine: “Nothing has had a greater negative effect on the delivery of health care than the federal government’s intrusion into medicine through Medicare.” When I read that, I was reflecting on my Gray Panther days, and I think a lot of other Senators go back working with community organizations. We just heard a wonderful presentation from Senator KING, who was also a legal services advocate.

Before Medicare, before this program that Congressman PRICE thinks is such a negative intrusion into medicine, a lot of older people were warehoused in poor farms. I am absolutely certain that Congressman PRICE doesn't want to go back to those days, but when he speaks about the involvement of Medicare in American health care as though a plague has descended on the land, we just have to question his commitment to a program that has become a lifeline to millions of older people.

The fact is, Medicare has always been a promise. That is what we said back in the early days with the senior citizens. Medicare was a promise. It was a promise of guaranteed benefits. Again, based on the public record, Medicare is a program Congressman PRICE doesn't believe in, and it offers a guarantee of services he doesn't think seniors ought to have.

He has said he wants to voucherize the program within the first 6 to 8 months of the administration. What we are talking about when you want to do that is you are breaking the promise of Medicare. You are breaking the prom-

ise of guaranteed benefits, and you are going to sort of hand people a piece of paper and say here is your voucher, I hope it works for you. If your medical expenses are greater than your vouchers, that is the way it goes, tough luck.

The price budget cut Medicare by nearly \$1 million. By the way, that is exactly the opposite of the Trump pledge, not to cut Medicare that the American people heard on the campaign trail. There is a big gap between what President Trump said about Medicare and the bills and legislative efforts of Congressman PRICE in the other body—big gap. That is why it sure looks to me like the promise of Medicare is one that Congressman PRICE would break.

By the way, we all ought to understand that if confirmed, Congressman PRICE would be the captain of the Trump health care team. What he says matters, and what he offered—legislatively, his positions and his votes. He voted again and again to repeal the Affordable Care Act.

It really matters what his past record is. If past is prologue, it is certainly relevant. It really matters. He was the architect of what amounted to repeal and run. He wrote legislation creating loopholes in the protection for those with preexisting conditions, and the big beneficiary there was clearly the major insurance companies.

Women would find it much harder to make the health care choices they want and see the doctors they trust if the price proposals were lost. Medicaid pays 65 percent of the nursing home bill in America. And on this side of the aisle, we are going to fight Congressman PRICE's block grant proposals that are going to put seniors at risk.

I am going to close with this. I always hope I am wrong when I raise the prospects of real threats to the welfare of the American people because the reason public service was important to me was because of those first days with the Gray Panthers. I never thought I would have that kind of wonderful opportunity; that I would have had this opportunity for public service. For me and so many on this side of the aisle—I see my colleagues who have been active in their communities—this has always been about the welfare of the American people. That is what it is about—all those faces we see when we are home, having community meetings and getting out with our people.

The public record in this case indicates that as Secretary of Health and Human Services, Congressman PRICE would, in fact, be an extraordinary threat to seniors on Medicare, vulnerable older people who need Medicaid for access to nursing homes, millions of kids for whom Medicaid is the key to a healthy future, and women across the country who have a right to see the doctors they trust.

I am going to oppose this nomination. I urge my colleagues to join me in opposition.

Mr. President, I wish to take a few minutes to address Congressman PRICE's stock purchases. At best, this is behavior that cuts ethical corners. At worst it is dangerously close to outright insider trading. Congressman PRICE has a lot of questionable trading activity. He introduced legislation that would lower the tax bills of three major pharmaceutical companies he owned significant amounts of stock in. He invested \$15,000 dollars in a medical equipment company then introduced legislation to increase the amount Medicare pays for that type of equipment. Parts of his bill went on to become law.

But let's look at one investment in particular, Congressman PRICE's investment in Zimmer Biomet. Zimmer is a medical device company that specializes in joint replacements, including knee, hip, shoulder, and foot and ankle replacements.

Hip and knee replacements are high cost procedures, and they are two of the most common procedures performed on Medicare patients. According to CMS, more than 400,000 hip and knee replacement procedures were performed in 2014, costing more than \$7 billion for the hospitalizations alone. Despite the high frequency of these surgeries, costs vary widely across geographic areas, and complications like infections or implant failures after surgery can be three times higher at some facilities.

In November 2015, in an attempt to incentivize higher quality procedures for Medicare recipients and control the cost of these replacements, CMS finalized a new pricing model slated to be implemented in April 2016. This new pricing model was a cost-bundling payment model; instead of Medicare paying for each individual service, Medicare reimburses hospitals with a single lump-sum payment, allowing hospitals to coordinate overall care for the patient.

These changes were designed to incentivize improved care for patients, lowering costs and improving quality. However, according to independent analysts, medical device companies, especially those who specialize in orthopedic implants, could face “material headwinds” from the new pricing model since hospitals facing reimbursement pressures are likely to pass some of that burden onto those device companies.

In September 2015, Congressman PRICE led an effort to send a letter from members of the House of Representatives to CMS challenging many of the features of the CMS proposal. A copy of the letter, dated September 21, 2015, is available on the Congressman's website.

This is where Zimmer Biomet comes in. Zimmer is a medical device manufacturer with significant exposure to the new pricing model. According to analysts, over 60 percent of Zimmer's revenues come from hip and knee devices, and the CMS guidelines had the potential to significantly affect the company's profits.

On March 17, 2016, a few weeks before the CMS model was set to go into effect, Congressman PRICE bought thousands of dollars worth of Zimmer Biomet stock through his brokerage account. On March 23, 2016, less than a week later, Congressman PRICE introduced H.R. 4848, the "HIP Act," which would have delayed the implementation of CMS regulations for Medicare coverage of joint replacements.

Let's pause right here. In 2016, Congressman PRICE had a financial stake in one of the companies that stood to benefit most from the legislation he was promoting. Those basic facts are not in dispute. Congressman PRICE introduced legislation that had the potential to add to his personal fortune.

Now, various arguments have been made, by Congressman PRICE and others, to defend this activity. First is the argument that there wasn't much money at stake, just a few thousand dollars. But the truth is a few thousand dollars is a lot of money to a lot of Americans. An unexpected medical bill that size could have a serious effect on many Americans and the person in charge of our health care system should take that amount of money just as seriously.

Second, there is the argument that he didn't purchase the stock; his stockbroker purchased it. I am going to return to that issue in more detail in a moment, but one thing is clear. That is the fact that Congressman PRICE knew this stock had been purchased in his name, in his account, within a matter of days.

On April 15, 2016, Congressman PRICE filed what is called a Periodic Transaction Report which Members of Congress are required to do within 30 days of reportable stock purchase. Not only did Congressman PRICE file a report that he had purchased Zimmer Biomet along with dozens of other stocks, he initialed the entry for Zimmer Biomet in order to correct a mistake on the document; a correction making it clear that the Zimmer Biomet transaction was a stock purchase.

There is also the question of whether this activity violated House Ethics rules. Congressman PRICE also said, in answer to written questions, that "no conflict existed and no consultation was necessary." He also said, "Throughout my time as a Member of the [House], I have abided by and adhered to all ethics and conflict of interest rules applicable to me."

He gave the same answer regarding three other bills that appear to conflict

with investments he held: H.R. 4185, the Protecting Access through Competitive-pricing Transition Act of 2015, the PACT Act; H.R. 5400, a bill pertaining to tax rates in Puerto Rico, which would have likely impacted drug manufacturers he owned Eli Lilly, Bristol Myers Squibb, and Amgen; H.R. 5210, the Patient Access to Durable Medical Equipment (PADME) Act of 2016.

Let's go through that in some detail.

It is true that the House Ethics rules, like the Senate Ethics rules, allow a member to cast a vote on a matter relating to a company in which he or she owns stock. However, that standard only applies to casting votes. If you do more, and become an active advocate of a bill that could benefit a company that you own stock in, a different standard applies.

On page 237 of the House Ethics Manual, it says that before undertaking active advocacy of legislation that will benefit a company in which a member owns stock, such as before introducing a bill, "the Member should first contact the [Ethics] Committee for guidance."

The Ethics Manual is crystal clear. If you go beyond voting, and you are actively pushing a bill that would benefit a company in which you own stock, you should consult with the Ethics Committee.

Congressman PRICE did not consult with the Ethics Committee regarding any of these trades.

In a written question, I asked Congressman PRICE about this. I asked whether, in light of the House Ethics Manual's recommendation, he had consulted with the Ethics Committee regarding his purchase of Zimmer Biomet and other stocks. He did not answer the question. Instead, he resorted to the same talking point—that the Zimmer Biomet stock was purchased by his broker and that there was not need to consult because there was no conflict.

By my reading, this interpretation is flat wrong. Under the House Manual, he should have consulted with the Ethics Committee.

To be clear, the Ethics Committee might have concluded that it was a relatively small purchase, and that Congressman PRICE's advocacy was consistent with his longstanding position, and therefore that it was fine for him to go ahead and purchase the stock and then introduce the bill. On the other hand, the Ethics Committee might have reached a very different conclusion. It might have advised him to refrain from purchasing the stock.

The public will never know, because he didn't ask. Despite the clear guidance in the House Ethics Manual, he didn't even ask. And now the majority party is carrying his nomination toward the finish line.

Apart from conforming with House Ethics rules, there is also the question

of whether Congressman PRICE's activity violated insider trading laws. Lawmakers in both the House and the Senate have a duty of public trust. The STOCK Act, which Congressman PRICE and I both voted for in 2012, and longstanding SEC rules denote that Members of Congress have a fiduciary duty to the American people. What that means is that we will use the public power we've been granted to benefit the interests of all Americans. The SEC's Rule 10b5, in particular, prohibits the purchase or sale of stock on the basis of material nonpublic information.

As a threshold matter, Congressman PRICE claims that insider trading laws don't apply to him because the Zimmer Biomet stock was purchased by his broker without his knowledge. But as I've discussed at length, this argument is a red herring because Congressman PRICE did have knowledge of these trades. He submitted signed records of the trades shortly after they were made. Furthermore, the laws related to insider trading give clear guidance on how to trade through a broker without violating insider trading laws. And just as with the House Ethics rules, when faced with clear guidance on how to manage conflicts of interest, Congressman PRICE chose not to follow it.

Whether those stocks were purchased directly or through a broker is not, by itself, a defense to insider trading. According to SEC rules, Congressman PRICE and his broker needed to agree to a "written plan for trading securities" that does not "permit the person to exercise subsequent influence over when, how, or whether to effect purchases or sales of securities." So, if Congressman PRICE had, in writing, given his broker complete control over his portfolio we wouldn't be discussing this issue today. But he did not do so.

Congressman PRICE returned to the "my broker did it" defense for weeks before finally providing the Finance Committee with an excerpt of his brokerage agreement.

Here's what it says:

In the Portfolio Management ("PM") program, a Financial Advisor(s) who meets the program certification requirements manages your assets on a discretionary basis. In other words, your Financial Advisor, and not you, has the discretion to decide what securities to buy and sell in your account. This discretion is subject to the parameters described below and your ability to direct a sale of any security for tax or other reasons.

In the course of our investigation, committee staff spoke with experts, and they confirmed what seems obvious from the plain language of the text. This agreement does not hand over complete control of Congressman PRICE's portfolio to his broker. His agreement with his broker simply does not shield him from insider trading laws, no matter how many times he tries to say it does.

This isn't a question of whether Congressman PRICE followed the technical

letter of the law, he didn't follow it in spirit either. Congressman PRICE could direct his broker to make trades when he wanted to, and he did. Case in point, when Congressman PRICE wanted to act on a stock tip from Congressman COLLINS, he called up his broker and had her buy shares of an Australian biomedical firm called Innate Immunotherapeutics.

Another question raised by Congressman PRICE's conflicts of interest is whether they go beyond a violation of the public's trust and constitute an outright violation of insider trading laws. That question cannot be answered today. We have seen that time and time again that Congressman PRICE purchased stocks then turned around and promoted legislation that would help those companies, and his investments in them. What is not clear is whether the introduction of this legislation meets the legal standards of being "material" and "nonpublic." Neither case history, nor the legislative history of the STOCK Act provide clear guidance on when pending legislation is material and nonpublic.

The bottom line is that Congressman PRICE's activities are in uncharted waters. That is why the public and members of this body ought to be outraged that the majority party has cut off the vetting process and rushed this nomination toward completion.

In my view, because of how this nomination was handled, the Senate Finance Committee has set a double standard. If you look to the recent past at the nominations of Senator Tom Daschle, Secretary Tim Geithner and Ambassador Ron Kirk at the outset of the Obama administration, the vetting process was extremely thorough and bipartisan. The committee turned over every stone, peered around every corner and followed every lead to its conclusion. Now, when a glaring issue comes up that undeniably deserves investigation, the party in power has shut down the vetting process. The Finance Committee and the Senate ought to do better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Price nomination?

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) is necessarily absent.

The PRESIDING OFFICER (Mr. CASIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 61 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Shelby
Corker	Johnson	Strange
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NOT VOTING—1

McCaskill

The nomination was confirmed.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on the nomination.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. MCCONNELL. I move to table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The motion was agreed to.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, for the information of all Senators, the Senate will debate the Mnuchin nomination tomorrow. The next series of votes will occur on Monday at around 7 p.m.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, following leader remarks on Monday February 13, there be up to 7 hours of debate remaining on the Mnuchin nomination; and that following the disposition of the Mnuchin nomination, the Senate proceed to the consideration of the following nomination: Executive Calendar No. 17, David Shulkin to be Secretary of Veterans Affairs. I further ask unanimous consent that there be 10 minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD; finally, that following leader remarks on Tuesday, February 14, the Senate proceed to the consideration of the following nomination: Executive Calendar No. 10, Linda McMahon to be Administrator of the Small Business Administration. I further ask unanimous consent that the time until 11 a.m. be equally divided in the usual form; and that following the use or yielding back of time, the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

Mr. MCCONNELL. Mr. President, the next vote will be the last vote of the evening, and we will be back voting Monday night.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

Mitch McConnell, Roger F. Wicker, John Boozman, Orrin G. Hatch, Roy Blunt, John Cornyn, Steve Daines, Tim Scott, John Hoeven, Michael B. Enzi, John

Barrasso, John Thune, Mike Rounds, Mike Crapo, James M. Inhofe, Joni Ernst, Chuck Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 62 Ex.]

YEAS—53

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Strange
Cotton	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—46

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Heitkamp	Schumer
Cantwell	Hirono	Shaheen
Cardin	Kaine	Stabenow
Carper	King	Tester
Casey	Klobuchar	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Markey	Warner
Donnelly	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NOT VOTING—1

McCaskill

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

The PRESIDING OFFICER. The Senator from Ohio.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mrs. McCASKILL. Mr. President, I was necessarily absent for today's vote on the confirmation of THOMAS PRICE to be Secretary of Health and Human Services. Had I been present, I would have voted nay.●

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mrs. McCASKILL. Mr. President, I was necessarily absent for today's vote on the confirmation of Steven Mnuchin to be Secretary of the Treasury. Had I been present, I would have voted nay.●

ADDITIONAL STATEMENTS

TRIBUTE TO JESS LOCKWOOD

• Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Jess Lockwood, a tough-as-nails cowboy from Volberg, MT. Earlier this week, Jess moved into the top spot of the professional bullriders world rankings. In the early stages of this bullriding season, Jess has shared his talent with rodeo fans across the Nation. From Sacramento to New York City, Jess has tackled the challenge of competing at the highest level and made Big Sky Country proud while doing it. Bullriding is a young person's sport, and that maxim is brought to life by this 19-year-old cowboy from the rolling hills of southeastern Montana.

When asked about his success in the sport, Jess replied with graceful Montana simplicity: "I just have to keep staying on my bulls and doing my job." In the world of bullriding and in life itself, Jess Lockwood's Montana wisdom rings true. Jess focuses on what needs to be accomplished and gets the job done. And he didn't arrive at his level of success by circumstance, coincidence, good fortune, or luck. His accomplishments are the fruit of efforts sown many years in advance and watered by a steady stream of hard work. In high school, these successful habits led Jess to three Montana High School rodeo State championships.

Back home in Montana, we all hope that his string of success continues, and are confident he has what it takes to maintain his performance. Jess has confidence in his ability, too, and you need confidence if you are going to ride a nearly 2,000-pound bull. His clarity of purpose to rise to the top in his chosen field should be refreshing and rejuvenating to us all. Reflecting on his accomplishments, Jess expressed his approach this way, "You just have to show up each weekend and expect yourself to win," and added "If you are showing up each weekend, if you are not planning on winning, what is the point really?" Prepare, show up, and do your best: that sounds like a Montana recipe for success.●

REMEMBERING DAVID CULP

• Mrs. FEINSTEIN. Mr. President, today I wish to discuss the recent passing of David Culp. He was an unassuming American hero, a man who spent much of his life working quietly but tirelessly to reduce the threat of nuclear weapons and eliminate them from the face of the Earth. For more than 15 years, David led efforts at the Friends Committee on National Legislation and in the arms control community to reach that goal, working with Members of Congress on both sides of the aisle.

Over the years, as I fought to oppose new nuclear weapons and to support vital arms control agreements, I always knew that David would be there with me, fighting for what was right. His persistence, his focus on concrete goals, and his constant, good-natured advocacy helped make the United States and the world a safer place.

It was President Harry Truman who said: "It's amazing what you can accomplish if you don't care who gets the credit." David, who lived by those words, deserves enormous credit. He will be sorely missed.●

TRIBUTE TO ALEXANDER SCOTT

• Ms. HASSAN. Mr. President, today I wish to ask my colleagues to join me in recognizing and congratulating Chief Alexander Scott on his many years of remarkable service to the city of Claremont and the State of New Hampshire. As the Claremont Police Department's chief of police, Chief Scott has worked tirelessly to ensure the safety and security of the Claremont community. The State of New Hampshire owes him a debt of gratitude for his service.

Chief Scott's history with the Claremont Police Department dates back to a summer internship in 1989 when he was a member of the corps of cadets at Norwich University, the military college of Vermont. Shortly after finishing his internship, Chief Scott was hired part-time as a special officer. He finished his degree requirements early and enrolled in the New Hampshire full

time police academy during his final semester at Norwich. Upon graduating magna cum laude from Norwich and completing the police academy, Chief Scott started in the Claremont Police Department's patrol division. Two years later, he transferred to the criminal division and rose to the level of assistant department prosecutor, igniting his passion for law.

Chief Scott left the department to attend the Franklin Pierce Law Center. In his first year, he married his wife Kathryn, with whom he has two daughters, Hannah and Elyse. As a lawyer, Chief Scott continued to support his community as the assistant county attorney for Sullivan County. He remained in that position until 2003 when he returned to the Claremont Police Department as the chief of police, a role in which he has served for over a decade. As chief, he has not only worked to preserve the peace and protect the law, but he has also inspired future generations of public servants through his professorship at River Valley Community College and at his own alma mater, Norwich University. Chief Scott will now retire from the police department and return to practicing law as he joins the criminal division of the New Hampshire Attorney General's office.

Claremont and all of New Hampshire have benefitted greatly from Chief Scott's devotion and leadership. On behalf of my colleagues and the U.S. Congress, I thank Chief Alexander Scott for his unceasing commitment to protecting his community and for his continued service to our State as he moves into his new position with the New Hampshire Attorney General's office.●

TRIBUTE TO KEVIN CONCANNON

● Mr. KING. Mr. President, that Kevin Concannon retired is not news—he has done that several times before—and each time he moved on to more exciting and challenging positions.

In 2016, Kevin Concannon retired from the USDA as the Undersecretary of Food, Nutrition, and Consumer Services after 8 years of service.

Kevin is a tireless advocate of people—all people. His work to assure that every effort was made to address hunger in this country is an indicator of his compassion, understanding of both the issues and solutions, and his unwavering faith in the ability of this great country to care for those who are struggling—whether it is food insecurity or earlier in his career on mental health issues, long-term care, and child welfare.

At USDA, Kevin worked tirelessly to increase options for SNAP beneficiaries to access fresh local foods at farmers markets; he was determined that children should have more access to nutritious foods in WIC, schools and child care—while Kevin and I agree on

that goal—I must add—that as a native Mainer, Kevin may have missed the mark on where white potatoes fit into those meal plans.

Kevin Concannon came to USDA with an amazingly broad spectrum of experience. From 1987–1995, he served as the director of the Oregon Department of Human Resources, after having served as Commissioner of the Maine Department of Mental Health and Corrections. In 1995, I was fortunate to be able to bring him back to his home State of Maine to serve as the commissioner of Maine's Department of Human Services. At the time, I commented that he was the Dan Marino of commissioners and welcomed him back. I would point out that Dan Marino is now serving as the vice president of the Dolphins, and I expect that, in the same way, Kevin Concannon will find ways to continue his public service—and that will benefit us all.

Kevin led efforts throughout his career to improve child welfare, expand Medicaid and child health insurance, integrating programs of public health and medical care, improving systems for long-term care for elders and people with disabilities. Many of those efforts were national in scope, and he was selected by his peers to serve as the president of the American Public Welfare Association from 1994–1995.

In every role, in every effort, Kevin Concannon has been an exemplary public servant and leader.

Margaret Chase Smith said it best: “Public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the nation.”

Kevin Concannon is the personification of total dedication, honesty, and determination to make the world a better place; that has been the hallmark of his work each and every day.

Congratulations and best wishes to Kevin Concannon and welcome home.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COONS (for himself and Mr. GARDNER):

S. 347. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to increase the percentage of loans guaranteed for small business concerns that are manufacturers; to the Committee on Small Business and Entrepreneurship.

By Mr. FRANKEN (for himself, Mr. REED, and Mr. BROWN):

S. 348. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Finance.

By Ms. HARRIS (for herself, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CARPER, Mrs. GILLIBRAND, Mr. MARKEY, and Ms. WARREN):

S. 349. A bill to clarify the rights of all persons who are held or detained at a port of entry or at any detention facility overseen by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. SANDERS, and Mr. WYDEN):

S. 350. A bill to amend the Securities Exchange Act of 1934 to prohibit Members of Congress from receiving a discounted price in certain private offerings of securities; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 57. A resolution to constitute the majority party's membership on certain committees for the One Hundred Fifteenth Congress, or until their successors are chosen; considered and agreed to.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 27, a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election, and for other purposes.

S. 41

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 41, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 107

At the request of Mr. CRUZ, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 107, a bill to prohibit voluntary or assessed contributions to the United Nations until the President certifies to Congress that United Nations Security Council Resolution 2334 has been repealed.

S. 108

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. RUBIO) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 108, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 168

At the request of Mr. WICKER, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Louisiana (Mr. CASSIDY), the Senator from Texas (Mr. CORNYN), the Senator

from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Missouri (Mr. BLUNT), the Senator from Maine (Ms. COLLINS), the Senator from Indiana (Mr. YOUNG), the Senator from Louisiana (Mr. KENNEDY) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 168, a bill to amend and enhance certain maritime programs of the Department of Transportation.

S. 203

At the request of Mr. BURR, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 245

At the request of Mr. HOEVEN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 245, a bill to amend the Indian Tribal Energy Development and Self Determination Act of 2005, and for other purposes.

S. 255

At the request of Mr. SCHATZ, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 255, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes.

S. 306

At the request of Mr. ISAKSON, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 306, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 324

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 334

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 334, a bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State.

S. 335

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 335, a bill to achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land.

S.J. RES. 19

At the request of Mr. PERDUE, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S.J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. RES. 50

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 50, a resolution reaffirming a strong commitment to the United States-Australia alliance relationship.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 57—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED FIFTEENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 57

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Fifteenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Roberts (Chairman), Mr. Cochran, Mr. McConnell, Mr. Boozman, Mr. Hoeven, Mrs. Ernst, Mr. Grassley, Mr. Thune, Mr. Daines, Mr. Perdue, Mr. Strange.
COMMITTEE ON ARMED SERVICES: Mr. McCain (Chairman), Mr. Inhofe, Mr. Wicker, Mrs. Fischer, Mr. Cotton, Mr. Rounds, Mrs. Ernst, Mr. Tillis, Mr. Sullivan, Mr. Perdue, Mr. Cruz, Mr. Graham, Mr. Sasse, Mr. Strange.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski (Chairman), Mr. Barrasso, Mr. Risch, Mr. Lee, Mr. Flake, Mr. Daines, Mr. Gardner, Mr. Alexander, Mr. Hoeven, Mr. Cassidy, Mr. Portman, Mr. Strange.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Barrasso (Chairman), Mr. Inhofe, Mrs. Capito, Mr. Boozman, Mr. Wicker, Mrs. Fischer, Mr. Moran, Mr. Rounds, Mrs. Ernst, Mr. Sullivan, Mr. Shelby.

COMMITTEE ON THE BUDGET: Mr. Enzi (Chairman), Mr. Grassley, Mr. Crapo, Mr. Graham, Mr. Toomey, Mr. Johnson, Mr. Corker, Mr. Perdue, Mr. Gardner, Mr. Kennedy, Mr. Boozman, Mr. Strange.

AUTHORITY FOR COMMITTEES TO MEET

Mr. COTTON. Mr. President, I have five requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Sen-

ate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, February 9, 2017, at 9:30 a.m.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, February 9, 2017, at 10 a.m., to hold a hearing entitled "The United States, The Russian Federation and the Challenges Ahead."

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on February 9, 2017, at 10 a.m., in SD-226 of the Dirksen Senate Office Building.

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, February 9, 2017, from 2 p.m. to 3:30 p.m., in room SH-219 of the Senate Hart Office Building.

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

The Subcommittee on Regulatory Affairs and Federal Management of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, February 9, 2017, at 10 a.m. in order to conduct a hearing entitled "Empowering Managers: Ideas for a More Effective Federal Workforce."

PRIVILEGES OF THE FLOOR

Mr. BROWN. Mr. President, I ask unanimous consent that my health fellow, Christa Wagner, be granted floor privileges for the remainder of the calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask consent that floor privileges be granted until June 30 to Christopher Walker, an academic fellow on my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that the following fellows on the Health, Education, Labor, and Pensions Committee, be granted floor privileges for the remainder of the first session of the 115th Congress: Luis Arzaluz, Sherronda Sheppard, Brenda Ayon Verduzco, Anne Ordaway, and Aliza Auces.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOOKER. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff: Juan Gomez.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY
10, 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, February 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate proceed to executive session to resume consider-

ation of the Mnuchin nomination postcloture; finally, that all time during morning business, recess, or adjournment of the Senate count postcloture on the Mnuchin nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.
TODAY

Mr. PORTMAN. If there is no further business to come before the Senate, I

ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 2:31 a.m., adjourned until Friday, February 10, 2017, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 9, 2017:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

THOMAS PRICE, OF GEORGIA, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

HOUSE OF REPRESENTATIVES—Thursday, February 9, 2017

The House met at 2:30 p.m. and was called to order by the Speaker pro tempore (Mr. THOMAS J. ROONEY of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 9, 2017.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

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

PRAYER

Reverend William Gurnee, St. Joseph's Catholic Church, Washington, D.C., offered the following prayer:

O Lord, who founded the Earth and determined its size; who commanded the morning and shown the dawn its place, we sing with gratitude for the gifts of life and truth.

We humbly beg wisdom and prudence for those who work in this Chamber.

May the laws of this Nation be a mirror of Your will.

Give the Members the virtue of courage in difficult times, the virtue of charity in all times and at the end of the day, the certain knowledge that they have served their country well.

We ask all things in Your Holy Name.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

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

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 6913, and the order of the House of January 3, 2017, of the following Members on the part of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. SMITH, New Jersey, Co-Chairman
Mr. PITTFINGER, North Carolina
Mr. FRANKS, Arizona
Mr. HULTGREN, Illinois

APPOINTMENT OF MEMBER TO BRITISH-AMERICAN INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 2761, and the order of the House of January 3, 2017, of the following Member on the part of the House to the British-American Interparliamentary Group:

Mr. COLE, Oklahoma

APPOINTMENT OF MEMBERS TO VIRGIN ISLANDS OF THE UNITED STATES CENTENNIAL COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 4 of the Virgin Islands of the United States Centennial Commission Act (Pub. L. 114-224), and the order of the House of January 3, 2017, of the following Members on the part of the House to the Virgin Islands of the United States Centennial Commission:

Mr. MACARTHUR, New Jersey
Mrs. LOVE, Utah

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY PARTNERSHIP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 4(a) of House Resolution 5, 115th Congress, and the order of the House of January 3, 2017, of the following Members to the House Democracy Partnership:

Mr. BUCHANAN, Florida
Mr. FORTENBERRY, Nebraska
Mr. CONAWAY, Texas
Mrs. WALORSKI, Indiana
Mr. SMITH, Nebraska
Mr. KNIGHT, California
Mr. RICE, South Carolina

Mr. WOMACK, Arkansas
Mr. WOODALL, Georgia
Mr. FLORES, Texas

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276d and the order of the House of January 3, 2017, of the following Members on the part of the House to the Canada-United States Interparliamentary Group:

Mr. HUIZENGA, Michigan, Chairman
Mr. YOUNG, Alaska
Mr. POLIQUIN, Maine
Mr. CRAMER, North Dakota

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276h and the order of the House of January 3, 2017, of the following Members on the part of the House to the Mexico-United States Interparliamentary Group:

Mr. MCCAUL, Texas, Chairman
Mr. DUFFY, Wisconsin, Vice-Chairman
Mr. HURD, Texas
Mr. PEARCE, New Mexico

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and the order of the House of January 3, 2017, of the following Member on the part of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mrs. COMSTOCK, Virginia

APPOINTMENT OF MEMBER TO NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 44 U.S.C. 2501, and the order of the House of January 3, 2017, of the following Member on the part of the House to the National Historical Publications and Records Commission:

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

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

Mr. MEADOWS, North Carolina

APPOINTMENT OF INDIVIDUAL TO WESTERN HEMISPHERE DRUG POLICY COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 603 of the Department of State Authorities Act, Fiscal Year 2017 (Pub. L. 114-323), and order of the House of January 3, 2017, of the following individual on the part of the House to the Western Hemisphere Drug Policy Commission:

Ms. Mary Bono, Washington, D.C.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 10 U.S.C. 6968(a), and the order of the House of January 3, 2017, of the following Members on the part of the House to the Board of Visitors to the United States Naval Academy:

Mr. MURPHY, Pennsylvania
Mr. DESANTIS, Florida

APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 36 U.S.C. 2302, and the order of the House of January 3, 2017, of the following Members on the part of the House to the United States Holocaust Memorial Council:

Ms. ROS-LEHTINEN, Florida
Mr. ZELDIN, New York
Mr. KUSTOFF, Tennessee

APPOINTMENT OF MEMBERS TO PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to Executive Order 12131, and the order of the House of January 3, 2017, of the following Members on the part of the House to the President's Export Council:

Mr. TIBERI, Ohio
Mr. KELLY, Pennsylvania
Mr. REICHERT, Washington

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 8, 2017, at 2:25 p.m.:

Appointments:
Library of Congress Trust Fund Board.
With best wishes, I am,
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 9, 2017, at 11:23 a.m.:

Appointments:
Library of Congress Trust Fund Board.
United States Semiquincentennial Commission.

Congressional advisors on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON NATURAL RESOURCES FOR THE 115TH CONGRESS
HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, February 9, 2017.

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

DEAR MR. SPEAKER: Pursuant to clause 2(a)(2) of House of Representatives Rule XI, I submit the rules of the Committee on Natural Resources for publication in the Congressional Record. The rules were adopted by a quorum of the Committee at its organizational meeting on February 7, 2017.

Sincerely,

ROB BISHOP,
Chairman.

Enclosure.

(Adopted February 7, 2017)

RULE 1. RULES OF THE HOUSE; VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee on Natural Resources (hereinafter in these rules referred to as the "Committee") and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to "Committee" and "Chairman" shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint Vice Chairmen of the Committee and the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL

(a) Scheduled Meetings.—The Committee shall meet at 10 a.m. the first Wednesday of each month when the House is in session if so noticed by the Chairman under Committee Rule 3(a). The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(1) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) and clause 2(k) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clauses 2(a)(1) and 4 of House Rule XI. The provisions of clause 4(1) of House Rule XI are specifically made part of these rules by reference. To the maximum extent practicable, the Committee shall provide audio and visual coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings, and maintain the recordings of such coverage in a manner that is easily accessible to the public. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of House Rule XI and all other applicable rules of the Committee and the House.

(d) Authorization and Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its authorization and oversight plan for that Congress in accordance with clause 2(d) of House Rule X.

RULE 3. MEETING AND HEARING PROCEDURES IN GENERAL

(a) Notice and Information for Members and the Public.

(1) The Chairman shall publicly announce the date, place and subject matter of a Committee hearing or meeting in accordance with clause 2(g)(3) of House Rule XI.

(2) A hearing or meeting may begin sooner if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting or hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the meeting or hearing at the earliest possible time. The Committee shall promptly notify the

Daily Digest Clerk of the Congressional Record and shall promptly make publicly available in electronic form the appropriate information as soon as possible after the public announcement is made.

(3) To the extent practicable, a background memorandum prepared by the Majority staff summarizing the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee and the public no later than 48 hours before the meeting.

(b) Public Availability of Markup Text.—At least 24 hours prior to the markup of any legislation (or at the time of an announcement under paragraph (a)(2) above made within 24 hours before such meeting), the Chairman shall cause the text of such legislation to be made publicly available in electronic form.

(c) Meetings and Hearings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(d) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee Rule 4(f). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(e) Quorums.

(1) A majority of the Members of the Committee shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena, the closing of any meeting or hearing to the public under clause 2(g)(1), clause 2(g)(2)(A) and clause 2(k)(5)(B) of House Rule XI, and the releasing of executive session materials under clause 2(k)(7) of House Rule X. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 15 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the relevant Committee Staff to note the names of all Members present within the 15-minute period.

(f) Participation of Members in Committee and Subcommittees.—Any Member of the Committee may sit with any Subcommittee during any meeting or hearing, and by unanimous consent of the Members of the Subcommittee, may participate in such meeting or hearing, except that a former Chairman or former Ranking Member of the Full Committee may participate without unanimous consent. However, a Member who is not a Member of the Subcommittee (including former Full Committee Chairmen or Full Committee Ranking Members) may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(g) Proxies.—No vote in the Committee or its Subcommittees may be cast by proxy.

(h) Record Votes.—Record votes shall be ordered on the demand of one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(1) Postponed Record Votes.

(1) Subject to paragraph (2), the Chairman may, after consultation with the Ranking Minority Member, postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman shall resume proceedings on a postponed request at any time after reasonable notice, but no later than the next meeting day.

(2) Notwithstanding any intervening order for the previous question, when proceedings resume on a postponed question under paragraph (1), an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(3) This rule shall apply to Subcommittee proceedings.

(j) Privileged Motions.—A motion to recess from day to day, a motion to recess subject to the call of the Chairman (within 24 hours), and a motion to dispense with the first reading (in full) of a bill or resolution if printed copies are available, are nondebatable motions of high privilege.

(k) Layover and Copy of Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of consideration of the measure or recommendation.

(l) Access to Dais and Conference Room.—Access to the hearing rooms' daises (and to the conference rooms adjacent to the Committee hearing rooms) shall be limited to Members of Congress and employees of the Committee during a meeting or hearing of the Committee, except that Committee Members' personal staff may be present on the daises if their employing Member is the author of a bill or amendment under consideration by the Committee, but only during the time that the bill or amendment is under active consideration by the Committee. Access to the conference rooms adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee.

(m) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais or in the Committee hearing rooms during a meeting or hearing of the Committee.

(n) Motion to go to Conference with the Senate.—The Chairman may offer a motion under clause 1 of Rule XXII whenever the Chairman considers it appropriate.

(o) Materials for Record.—Other than witness questions for the hearing record, materials must be submitted within 10 business days following the last day of the hearing or meeting. Witness questions for the hearing record must be submitted to the relevant Full Committee Staff or Subcommittee Clerk within 3 business days following the last day of the hearing. The materials submitted must address the subject matter of the hearing or meeting. Only a Member of the Committee or an invited witness may submit materials for inclusion in the hearing or meeting record.

RULE 4. HEARING PROCEDURES

(a) Written Statement; Oral Testimony.—Each witness who is to appear before the

Committee or a Subcommittee shall file with the relevant Full Committee Staff or Subcommittee Clerk, at least two working days before the day of his or her appearance, a written statement of their proposed testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period. Subject to the approval of the Committee, the Chairman may waive oral testimony of any witness who has submitted written testimony for the record. In addition, a witness appearing in a nongovernmental capacity shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the previous two calendar years by the witness or by the entity represented by the witness and related to the subject matter of the hearing. The disclosure shall include the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing and the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government. Failure to comply with these disclosure requirements may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony.

(b) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(c) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practicable to all Members of the Committee a tentative witness list and to the extent practicable the Majority staff shall make publicly available a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(d) Subpoenas.—The Committee or a Subcommittee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed only by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(e) Oaths.—The Chairman of the Committee, the Chairmen of the Subcommittees or any Member designated by the Chairman may administer oaths to any witness before the Committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: "Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the

whole truth, and nothing but the truth, so help you God?"

(f) Opening Statements; Questioning of Witnesses.

(1) Opening statements may be made by the Chairman, Ranking Member, Vice Chair, and Vice Ranking Member only. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member may be recognized for up to 30 seconds to briefly introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties. This period shall not exceed one hour in the aggregate.

(g) Claims of Privilege.—Claims of common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the relevant Full Committee Staff a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the relevant Full Committee Staff of this request, the Staff shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional, Dissenting or Minority Views.—Any Member may, if notice is given by any Member at the time a measure or matter is approved by the Committee, file supplemental, additional, dissenting or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Chief Counsel not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not pre-

clude the filing of any supplemental report on any measure or matter that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

"This report has not been officially adopted by the {Committee on Natural Resources; Subcommittee} and may not therefore necessarily reflect the views of its Members."

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERRALS

(a) Subcommittees.—There shall be five standing Subcommittees of the Committee, with the following jurisdiction and responsibilities:

Subcommittee on Federal Lands

(1) Measures and matters related to the National Park System and its units, including Federal reserved water rights.

(2) The National Wilderness Preservation System.

(3) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development, other than coastal barriers.

(4) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks in and within the vicinity of the District of Columbia and the erection of monuments to the memory of individuals.

(5) Federal and non-Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963.

(6) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including national monuments, historic sites and programs for international cooperation in the field of historic preservation.

(7) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, and U.S. Holocaust Memorial.

(8) Public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing and Federal reserved water rights.

(9) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(10) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(11) Forest reservations, including management thereof, created from the public domain.

(12) Public forest lands generally, including measures or matters related to entry,

easements, withdrawals, grazing and Federal reserved water rights.

(13) Wildlife resources, including research, restoration, refuges and conservation, and National Wildlife Refuges.

Subcommittee on Water, Power and Oceans

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development and recycling programs, including policies and procedures.

(5) Indian water rights and settlements.

(6) Rights of way over public lands for energy-related transmission.

(7) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries (including the reauthorization of the Magnuson Stevens Fishery Conservation and Management Act), interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety, and fisheries promotion.

(8) All matters pertaining to the protection of coastal and marine environments, estuarine protection, and coastal barriers (except coastal zone management).

(9) Oceanography.

(10) Ocean engineering, including materials, technology and systems.

(11) Marine sanctuaries.

(12) U.N. Convention on the Law of the Sea.

(13) All matters regarding Antarctica within the Committee's jurisdiction.

(14) Sea Grant programs and marine extension services.

(15) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of the Water Resources Division or its successor.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) Measures and matters concerning the transportation of natural gas from or within

Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(10) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(11) Coastal zone management.

Subcommittee on Indian, Insular and Alaska Native Affairs

(1) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(2) All matters regarding the relations of the United States with Native Americans and Native American tribes, including special oversight functions under House Rule X.

(3) All matters regarding Native Alaskans.

(4) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(5) All matters regarding insular areas of the United States.

(6) All measures or matters regarding the Freely Associated States.

(7) All matters regarding Native Hawaiians.

Subcommittee on Oversight and Investigations

(1) Primary and general oversight and investigative authority on all activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(b) Full Committee.—The following measures and matters shall be retained at the Full Committee:

(1) Environmental and habitat measures of general applicability, including the National Environmental Policy Act and the Endangered Species Act.

(2) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Full Committee under this paragraph.

(3) All other measures and matters retained by the Full Committee, including those retained under Committee Rule 6(e).

(4) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Full Committee.

(c) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating

the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee. Each Subcommittee shall have general and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(e) Referral to Subcommittees; Recall.

(1) Except as provided in paragraph (2) and for those measures or matters retained at the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the maximum extent possible to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may refer a legislative measure or other matter to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition, a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(f) Consultation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings and hearings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings and hearings.

(g) Vacancy.—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) Appointment.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each Task Force, or special or select Subcommittee if they are not otherwise members. Ex-officio Members shall have the right to fully participate in activities but may not vote and may not be counted in establishing a quorum.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) Chairman and Ranking Minority Member.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Member shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

RULE 8. RECOMMENDATION OF CONFEREES

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Committee.

RULE 9. COMMITTEE RECORDS

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to House Rule VII. The Chairman of the Committee shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule VII, to withhold, or to provide a time, schedule or condition for availability of any record otherwise available. At the written request of any Member of the Committee, the matter shall be presented to the Committee for a determination and shall be subject to the same notice and quorum requirements for the conduct of business under Committee Rule 3.

(d) Records of Closed Meetings.—Notwithstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

(f) Committee Information Available for the Public.—In addition to any other requirement of these rules or the Rules of the House of Representatives, the Chairman shall cause to be made available publicly in electronic form the following:

(1) a record of the votes on any question on which a recorded vote is taken which shall be posted no later than 24 hours after the vote is taken that shall include:

(i) a copy of the amendment or a detailed description of the motion, order or other proposition; and

(ii) the name of each Member voting for and each Member voting against such

amendment, motion, order, or proposition, the names of those Members voting present, and the names of any Member not present.

(2) copies of all amendments adopted in Committee by voice vote or unanimous consent within 24 hours of the adoption of the amendment.

(3) the rules of the Committee, once adopted, and any amendments thereto, in accordance with clause 2(a)(2) of House Rule XI.

(4) the statements required under the second sentence of clause 2(g)(5) of House Rule XI, with appropriate redactions to protect the privacy of the witness, which shall be posted no later than one day after the witness appears before the Committee.

RULE 10. COMMITTEE BUDGET AND EXPENSES

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee and the Ranking Minority Member, the Chairman shall present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 6 of House Rule X, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House of Representatives.

(c) Amendments.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Month Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Administration, which

shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule X, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative and administrative employees of the Committee not assigned to the Minority. The legislative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority the Ranking Member determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL

In addition to any written travel policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be

authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on consistent with Committee Rule 3(a). A change to the rules of the Committee shall be published in the Congressional Record no later than 30 days after its approval and made publicly available in electronic form.

RULE 14. OTHER PROCEDURES

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee, in accordance with the rules of the Committee and the Rules of the House of Representatives.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Monday, February 13, 2017, for morning-hour debate.

There was no objection.

Thereupon (at 2 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, February 13, 2017, at noon for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2016, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Conaway	10/16	10/18	Egypt		586.98		6,192.39				6,779.37
	10/18	10/20	Kuwait		787.09		2,086.19				2,873.28
	10/20	10/23	Israel		1,934.00		2,083.10				4,017.10
	10/23		USA				6,192.39				6,192.39
Hon. Abraham	10/16	10/18	Egypt		586.98		6,192.39				6,779.37
	10/18	10/20	Kuwait		787.09		2,086.19				2,873.28
	10/20	10/23	Israel		1,934.00		2,083.10				4,017.10
	10/23		USA				6,192.39				6,192.39
Scott Graves	10/16	10/18	Egypt		586.96		6,249.14				6,836.10
	10/18	10/20	Kuwait		787.09		872.10				1,659.19
	10/20	10/23	Israel		1,934.00		906.10				2,840.10
	10/23		USA				6,249.14				6,249.14
Truman Jones	10/16	10/18	Egypt		586.96		6,249.14				6,836.10
	10/18	10/20	Kuwait		787.09		872.10				1,659.19
	10/20	10/23	Israel		1,934.00		906.10				2,840.10
	10/23		USA				6,249.14				6,249.14
Committee total					13,232.28		61,661.06				74,893.34

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Kay Granger	10/21	10/22	India		402.25						
	10/22	10/26	Bhutan		1,568.00						
Commercial airfare											
Delegation costs											
Hon. Ander Crenshaw	10/21	10/22	India		402.25						
	10/22	10/26	Bhutan		1,568.00						
Commercial airfare											
Delegation costs											
Clelia Alvarado	10/21	10/22	India		402.25						
	10/22	10/26	Bhutan		1,568.00						
Commercial airfare											
Delegation costs											
Maureen Holohan	10/16	10/18	Korea		1,062.00						
	10/19	10/20	Japan		284.00						
Commercial airfare											
Delegation costs											
Sarah Young	10/16	10/18	Korea		1,062.00						
	10/19	10/20	Japan		284.00						
Commercial airfare											
Delegation costs											
Jen Hing	10/16	10/18	Korea		1,062.00						
	10/19	10/20	Japan		284.00						
Commercial airfare											
Delegation costs											
Matt Washington	10/16	10/18	Korea		1,062.00						
	10/19	10/20	Japan		284.00						
Commercial airfare											
Delegation costs											
Matt Leffingwell	10/16	10/18	Korea		1,062.00						
	10/19	10/20	Japan		284.00						
Commercial airfare											
Commercial airfare											
Delegation costs											
Rita Culp	10/16	10/18	Korea		1,062.00						
	10/19	10/20	Japan		284.00						
Commercial airfare											
Delegation costs											
Hon. Steve Israel	10/15	10/16	Japan		485.57						
	10/16	10/18	Korea		682.21						
BG Wright	7/16	7/17	Pakistan		357.50						
	7/17	7/17	Afghanistan		66.00						
	7/18	7/20	Lebanon		150.00						
Commercial airfare											
Delegation costs											
Cornell Teague	7/16	7/17	Pakistan		357.50						
	7/17	7/17	Afghanistan		66.00						
	7/18	7/20	Lebanon		150.00						
Commercial airfare											
Delegation costs											
Chris Bigelow	7/16	7/17	Pakistan		357.50						
	7/17	7/17	Afghanistan		66.00						
	7/18	7/20	Lebanon		420.00						
Commercial airfare											
Delegation costs											
Hon. Henry Cuellar	10/1	10/3	Italy		475.00						
	10/3	10/4	Zambia		425.00						
	10/5	10/6	Mozambique		660.00						
	10/7	10/9	South Africa		819.00						
	10/10	10/10	Senegal		257.00						
Hon. Tom Graves	10/1	10/3	Italy		475.00						
	10/3	10/4	Zambia		425.00						
	10/5	10/6	Mozambique		660.00						
	10/7	10/9	South Africa		819.00						
	10/10	10/10	Senegal		257.00						
Rob Blair	10/1	10/5	Bahrain		1,034.20						
	10/5	10/7	Jordan		779.26						
Commercial airfare											
Adrienne Ramsay	10/1	10/5	Bahrain		1,034.20						
	10/5	10/7	Jordan		779.26						
Commercial airfare											
Becky Leggieri	10/1	10/5	Bahrain		1,034.20						
	10/5	10/6	Jordan		389.63						
Commercial airfare											
Jim Kulikowski	10/9	10/11	Ukraine		371.43						
	10/11	10/13	Hungary		664.50						
	10/13	10/14	Belarus		241.00						
	10/14	10/18	Lithuania		1,264.60						
Commercial airfare											
Delegation costs											
Shalanda Young	10/9	10/11	Ukraine		371.43						
	10/11	10/13	Hungary		664.50						
	10/13	10/14	Belarus		241.00						
	10/14	10/18	Lithuania		1,264.58						
Commercial airfare											
Delegation costs											
Hon. Andy Harris	10/15	10/18	Lithuania		895.15						
	10/18	10/19	Ukraine		372.62						
Commercial airfare											
Brooke Boyer	10/31	11/2	Iceland		1,008.22						
	11/2	11/5	Norway		997.10						
Commercial airfare											
Kaitlyn Eisner-Poor	10/31	11/2	Iceland		1,029.42						
	11/2	11/5	Norway		997.10						
Commercial airfare											
Hon. David Valadao	12/25	12/29	Afghanistan		360.00						
Commercial airfare											
Committee total					38,210.43		266,634.06		9,670.76		314,515.25

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Frederica Wilson	10/29	10/30	Haiti		256.00		439.56				695.56
Committee total					256.00		439.56				695.56

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. VIRGINIA FOXX, Chairman, Jan. 31, 2017.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Andrew Zach	9/24	10/1	Austria		1,633.08		2,570.66				4,203.74
Ben Lieberman	10/8	10/16	Rwanda		2,222.78		13,151.96		840.00		16,214.74
Annelise Rickert	10/8	10/16	Rwanda		2,222.78		13,151.96				15,374.74
Jean Fruci	10/8	10/16	Rwanda		2,222.78		7,132.36				9,355.14
Hon. Bill Flores	10/15	10/17	Lithuania		895.15		13,590.26		3,389.14		17,874.55
	10/18	10/19	Ukraine		372.62				180.27		552.89
Andrew Zach	10/15	10/17	Lithuania		895.15		13,590.26				14,485.41
	10/18	10/19	Ukraine		372.62						372.62
Thomas Hassenboehler	10/17	10/19	Romania		465.00		8,097.96		465.00		9,027.96
	10/19	10/20	Belgium		301.56		96.95		763.68		1,162.19
	10/20	10/22	France		906.00				2,425.00		3,331.00
Ann Johnston	10/17	10/19	Romania		465.00		5,926.86				6,391.86
	10/19	10/20	Belgium		301.57		96.95				398.52
	10/20	10/22	France		906.00						906.00
Brandon Mooney	10/17	10/19	Romania		465.00		5,928.16				6,393.16
	10/19	10/20	Belgium		301.56		96.95				398.51
	10/20	10/22	France		906.00						906.00
Sam Spector	10/17	10/20	Romania		465.00		5,928.16				6,393.16
	10/19	10/20	Belgium		301.56		96.95				398.51
	10/20	10/22	France		906.00						906.00
Joseph Wright	10/17	10/19	Romania		465.00		5,929.26				6,394.26
	10/19	10/20	Belgium		301.56		96.95				398.51
	10/20	10/22	France		906.00						906.00
Eric Kessler	10/17	10/19	Romania		465.00		5,928.16				6,393.16
	10/19	10/20	Belgium		301.56		96.95				398.51
	10/20	10/22	France		906.00						906.00
Mary Neumayr	10/30	11/3	Norway		819.50		4,592.86				5,412.36
	11/3	11/6	Germany		832.98						832.98
	11/12	11/20	Morocco		4,137.07		9,917.66				14,054.73
Peter Spencer	11/12	11/20	Morocco		4,137.07		9,917.66				14,054.73
Jean Fruci	11/12	11/19	Morocco		3,561.00		7,556.66				11,117.66
	11/19	11/20	Belgium		121.88						121.88
Alicia Haberman	11/12	11/19	Morocco		3,561.00		7,556.66				11,117.66
	11/19	11/20	Belgium		121.88						121.88
Hon. Adam Kinzinger	11/18	11/20	Nova Scotia		588.00		(³)				588.00
Hon. Markwayne Mullin	12/17	12/18	Kosovo		252.10		13,754.66		36.56		14,043.32
			Turkey		292.20				50.00		342.20
			Germany		338.77						338.77
Committee total					39,635.78		154,803.88		8,149.65		202,589.31

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. FRED UPTON, Chairman, Jan. 30, 2017.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Joseph Pinder	10/29	10/30	Bahrain		315.00						315.00
	10/30	11/1	UAE (Dubai)		1,015.00						1,015.00
	11/1	11/2	UAE (Abu Dhabi)		536.00						536.00
	11/2	11/4	Oman		915.89		5,065.86				5,981.75
Committee total					2,781.89		5,065.86				7,847.75

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JEB HENSARLING, Chairman, Jan. 31, 2017.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
STAFFDEL Shields											
B. Shields	10/15	10/18	England		828.84		*3,153.96				3,982.77
	10/18	10/20	Germany		572.00						572.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
M. Taylor	10/20	10/22	Sweden		681.00						681.00
	10/15	10/18	England		828.84						3,971.70
	10/18	10/20	Germany		572.00						572.00
R. Propis	10/20	10/22	Sweden		681.00						681.00
	10/15	10/18	England		828.84						3,971.70
	10/18	10/20	Germany		572.00						572.00
M. Tisdale	10/20	10/22	Sweden		681.00						681.00
	10/15	10/18	England		828.83						3,982.79
	10/18	10/20	Germany		572.00						572.00
	10/20	10/22	Sweden		681.00						681.00
Additional expenses											
Transportation	10/15	10/18	England						1,314.55		1,314.55
Transportation	10/18	10/20	Germany						1,804.85		1,804.85
Transportation	10/20	10/22	Sweden						1,416.00		1,416.00
Committee total											25,456.36

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

* Airfare all inclusive.

HON. MICHAEL T. McCAUL, Chairman, Jan. 25, 2017.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. STEVE CHABOT, Chairman, Jan. 31, 2017.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016.

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID P. ROE, Chairman, Feb. 6, 2017.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Patrick Meehan	12/18	12/20	South Korea		692.18		(3)				692.18
	12/20	12/23	Japan		476.00		(3)				476.00
Angela Ellard	11/16	11/18	Peru		* 2,586.00		6,874.50		1,794.06		11,254.56
Jason Kearns	11/16	11/18	Peru		* 2,586.00		1,382.50				3,968.50
Stephen Claeys	11/16	11/18	Peru		* 2,411.00		6,874.50				9,285.50
Katherine Tai	11/16	11/18	Peru		* 2,586.00		6,499.50				9,085.50
Angela Ellard	11/1	11/4	Switzerland		851.50		2,174.36				3,025.86
Joshua Snead	11/1	11/4	Switzerland		803.90		2,089.36				2,893.26
Keigan Mull	11/1	11/4	Switzerland		832.45		2,089.36				2,921.81
Committee total					13,825.03		27,984.08		1,794.06		43,603.17

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

* Required payment for four nights minimum stay.

HON. KEVIN BRADY, Chairman, Jan. 30, 2017.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Andrew House	10/7	10/10	Asia		1,169.56				14.12		1,183.68
Commercial airfare							14,059.16				14,059.16
Robert Minehart	10/7	10/10	Asia		1,169.56				14.12		1,183.68
Commercial airfare							14,059.16				14,059.16
Timothy Bergreen	10/7	10/10	Asia		1,169.56				14.12		1,183.68

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Commercial airfare							14,059.16				14,059.16
George Pappas	10/9	10/11	Europe		271.00						271.00
	10/11	10/13	Europe		980.31		477.25				1,457.56
Commercial airfare							10,177.50				10,177.50
Hon. Michael Turner	10/12	10/14	Asia		225.00				4,043.94		4,268.94
Commercial airfare							12,464.76				12,464.76
Angel Smith	10/12	10/14	Asia		225.00				4,043.93		4,268.93
Commercial airfare							10,739.16				10,739.16
Hon. Jeff Miller	10/11	10/11	Europe						374.06		374.06
	10/11	10/14	Europe		630.07				56.80		686.87
	10/15	10/15	Asia						114.84		114.84
	10/15	10/18	Asia		708.00						708.00
	10/18	10/20	Asia		424.00				25.00		449.00
	10/20	10/22	Asia		591.11				42.35		633.46
Commercial airfare							12,509.46				12,509.46
George Pappas	10/12	10/14	Europe		315.02				56.79		371.81
	10/15	10/15	Asia						114.83		114.83
	10/15	10/18	Asia		708.00						708.00
	10/18	10/20	Asia		424.00				25.00		449.00
	10/20	10/22	Asia		591.11				42.35		633.46
Commercial airfare							8,633.96				8,633.96
Michael Bahar	10/23	10/25	Europe		879.00				4.50		883.50
	10/25	10/26	Europe		372.33				230.98		603.31
	10/26	10/29	Europe		696.06						696.06
Commercial airfare							12,844.66				12,844.66
Thomas Eager	10/23	10/25	Europe		879.00				4.50		883.50
	10/25	10/26	Europe		372.32				230.98		603.30
	10/26	10/29	Europe		696.06						696.06
Commercial airfare							10,872.66				10,872.66
William Flanigan	10/29	10/31	Asia		1,076.00						1,076.00
	10/31	11/02	Asia		710.82						710.82
	11/03	11/05	Asia		1,142.00				861.22		2,003.22
Commercial airfare							14,955.69				14,955.69
Douglas Presley	10/29	10/31	Asia		1,076.00						1,076.00
	10/31	11/02	Asia		710.82						710.82
	11/03	11/05	Asia		1,142.00				861.22		2,003.22
Commercial airfare							14,955.69				14,955.69
Lisa Major	10/29	10/31	Asia		1,076.00						1,076.00
	10/31	11/2	Asia		710.82						710.82
	11/3	11/5	Asia		1,142.00				861.22		2,003.22
Commercial airfare							15,115.49				15,115.49
Hon. Thomas Rooney	11/3	11/5	Asia		1,713.00				861.22		2,574.22
Commercial airfare							9,910.39				9,910.39
Hon. Eric Swalwell	12/13	12/14	Asia		498.00				150.00		648.00
	12/14	12/17	Asia		1,038.27				221.76		1,260.03
Commercial airfare							13,866.91				13,866.91
Wells Bennett	12/13	12/14	Asia		498.00				150.00		648.00
	12/14	12/17	Asia		1,038.27				221.76		1,260.03
Commercial airfare							14,933.32				14,933.32
Hon. K. Michael Conaway	12/12	12/15	North America		726.00				148.00		1,435.00
	12/15	12/17	North America		494.49				92.59		587.08
Commercial airfare							1,195.74				1,195.74
George Pappas	12/12	12/15	North America		726.00				148.00		1,435.00
	12/15	12/17	North America		494.49				92.59		587.08
Commercial airfare							1,195.74				1,195.74
Michael Bahar	12/14	12/20	Asia		1,872.00				137.85		2,009.85
Commercial airfare							13,391.95				13,391.95
Thomas Eager	12/14	12/20	Asia		1,872.00				137.84		2,009.84
Commercial airfare							13,391.95				13,391.95
Chelsey Campbell	12/14	12/16	Asia		558.00						558.00
Commercial airfare							10,829.65				10,829.65
Hon. Michael Quigley	12/18	12/22	Europe		1,594.00				127.57		1,721.57
Commercial airfare							9,957.86				9,957.86
Linda Cohen	12/18	12/22	Europe		1,594.00				127.57		1,721.57
Commercial airfare							949.76				949.76
Douglas Presley	12/18	12/22	Europe		1,594.00				127.56		1,721.56
Commercial airfare							949.76				949.76
Nicholas A. Ciarlante	12/18	12/22	Europe		1,594.00				127.56		1,721.56
Commercial airfare							948.76				948.76
Chelsey Campbell	12/10	12/12	Africa		571.00						571.00
Commercial airfare							11,862.08				11,862.08
Angel Smith	12/10	12/12	Africa		797.00						797.00
Commercial airfare							11,862.08				11,862.08
Amanda Rogers-Thorp	12/10	12/12	Africa		797.00						797.00
Commercial airfare							11,862.08				11,862.08
Committee total					42,352.05		294,153.79		14,908.74		351,414.54

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DEVIN NUNES, Chairman, Jan. 30, 2017.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. TREY GOWDY, Chairman, Jan. 17, 2017.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

540. A letter from the Acting Assistant Secretary of Defense Homeland Defense and Global Security, Department of Defense, transmitting the Department's report on assistance provided by the Department of Defense for certain sporting events, pursuant to 10 U.S.C. 2564(e); Public Law 104-201, Sec. 367(a); (110 Stat. 2496); to the Committee on Armed Services.

541. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Buy American Act Report for fiscal year 2016, pursuant to 41 U.S.C. 10a(b); Public Law 110-28; to the Committee on Education and the Workforce.

542. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a report concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(a); Public Law 92-403, Sec. 1(a) (as amended by Public Law 108-458, Sec. 7121(b)); (118 Stat. 3807); to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOODLATTE:

H.R. 985. A bill to amend the procedures used in Federal court class actions and multidistrict litigation proceedings to assure fairer, more efficient outcomes for claimants and defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. ROKITA (for himself, Mr. COLE, Mrs. NOEM, Ms. MOORE, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. PETERSON, Mr. MULLIN, Ms. CHENEY, Mr. LAMALFA, and Mr. GOSAR):

H.R. 986. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. ROKITA (for himself, Mr. BARR, Mr. OLSON, Mrs. BLACK, Mr. GROTHMAN, and Mr. ROE of Tennessee):

H.R. 987. A bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees; to the Committee on Education and the Workforce.

By Mr. ELLISON:

H.R. 988. A bill to provide for a study by the Transportation Research Board of the National Academies on the impact of diverting certain freight rail traffic to avoid urban areas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COLE (for himself, Mr. BISHOP of Utah, Mrs. BUSTOS, Mr. KILMER, and Mr. JONES):

H.R. 989. A bill to exempt certain Department of Defense civilian positions from any furlough as a result of a lapse in discretionary appropriations, and for other purposes; to the Committee on Armed Services.

By Mr. COLE (for himself, Mr. BISHOP of Utah, Mrs. BUSTOS, Mr. LOEBACK, Mr. KILMER, and Mr. JONES):

H.R. 990. A bill to prohibit any hiring freeze from affecting Department of Defense civilian positions in facilities that perform depot maintenance or are designated as a center for industrial and technical excellence, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself, Mr. COHEN, and Ms. CLARKE of New York):

H.R. 991. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER (for himself, Mr. SEAN PATRICK MALONEY of New York, and Mr. NORCROSS):

H.R. 992. A bill to authorize the Assistant Secretary for Mental Health and Substance Use, acting through the Director of the Center for Substance Abuse Treatment, to award grants to States to expand access to clinically appropriate services for opioid abuse, dependence, or addiction; to the Committee on Energy and Commerce.

By Mr. FOSTER (for himself, Mr. SWALWELL of California, and Mr. SEAN PATRICK MALONEY of New York):

H.R. 993. A bill to reduce opioid misuse and abuse; to the Committee on Energy and Commerce.

By Mr. FOSTER (for himself, Ms. HERRERA BEUTLER, Mr. KILMER, and Mr. ROKITA):

H.R. 994. A bill to direct the Comptroller General of the United States to evaluate and report on the in-patient and outpatient treatment capacity, availability, and needs of the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFRIES (for himself and Mr. CHABOT):

H.R. 995. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to amend regulations for racial appropriateness; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIHUEN:

H.R. 996. A bill to direct the Secretary of Labor to establish a competitive grant program for community colleges to train veterans for local jobs; to the Committee on Veterans' Affairs.

By Mr. KING of Iowa (for himself, Mr. COLLINS of Georgia, Mr. GOHMERT, Mr. BARLETTA, Mr. DUNCAN of South Carolina, and Mr. FRANKS of Arizona):

H.R. 997. A bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstruc-

tions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Missouri (for himself and Mr. GOODLATTE):

H.R. 998. A bill to provide for the establishment of a process for the review of rules and sets of rules, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself and Mr. KILDEE):

H.R. 999. A bill to amend the Internal Revenue Code of 1986 to expand access to Coverdell education savings accounts; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. NADLER, Ms. KAPTUR, Ms. WILSON of Florida, Ms. SLAUGHTER, Mr. ELLISON, Ms. SCHAKOWSKY, Ms. MOORE, Mr. CAPUANO, Mr. GRIJALVA, Mr. POCAN, Mr. MCGOVERN, Ms. NORTON, Mr. VEASEY, Mr. SERRANO, Ms. CLARKE of New York, Mrs. LAWRENCE, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GARAMENDI, Mr. RYAN of Ohio, Mr. MEEKS, Ms. JUDY CHU of California, Mr. AL GREEN of Texas, Mrs. BEATTY, Mr. NOLAN, and Mr. RASKIN):

H.R. 1000. A bill to establish the National Full Employment Trust Fund to create employment opportunities for the unemployed; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. PEARCE, Mr. GOSAR, Mr. CRAMER, Mrs. RADEWAGEN, Mr. NEWHOUSE, and Mr. BIGGS):

H.J. Res. 70. A joint resolution disapproving the rule submitted by the Department of the Interior regarding requirements for exploratory drilling on the Arctic Outer Continental Shelf; to the Committee on Natural Resources.

By Mr. NADLER:

H. Res. 111. A resolution of inquiry directing the Attorney General to transmit certain documents to the House of Representatives relating to the financial practices of the President; to the Committee on the Judiciary.

By Mr. MCCAUL (for himself and Mr. THOMPSON of Mississippi):

H. Res. 112. A resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. ROHRBACHER:

H. Res. 113. A resolution expressing the sense of the House of Representatives that the United States should continue to authorize cash flow financing to Egypt and expand

other areas of cooperation; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GOODLATTE:

H.R. 985.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 9; Article III, Section 1, Clause 1; and Article III, Section 2, Clause 2 of the Constitution, which grant Congress authority over federal courts.

By Mr. ROKITA:

H.R. 986.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ROKITA:

H.R. 987.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ELLISON:

H.R. 988.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8 of the Constitution of the United States, which states:

The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. COLE:

H.R. 989.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. COLE:

H.R. 990.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. ENGEL:

H.R. 991.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the Constitution.

By Mr. FOSTER:

H.R. 992.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. FOSTER:

H.R. 993.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. FOSTER:

H.R. 994.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. JEFFRIES:

H.R. 995.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. KIHUEN:

H.R. 996.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clauses 3 of the United States Constitution.

By Mr. KING of Iowa:

H.R. 997.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution.

By Mr. SMITH of Missouri:

H.R. 998.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, in that the legislation concerns the exercise of legislative powers generally granted to Congress by that section, including the exercise of those powers when delegated by Congress to the Executive; Article I, Sections 8 and 9 of the United States Constitution, in that the legislation concerns the exercise of specific legislative powers granted to Congress by those sections, including the exercise of those powers when delegated by Congress to the Executive; Article I, Section 8, clause 18 of the United States Constitution, in that the legislation exercises legislative power granted to Congress by that clause "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof;" and, Article III, Sections 1 and 2 of the United States Constitution, in that the legislation defines or affects judicial powers and cases that are subject to legislation by Congress.

By Mr. WALBERG:

H.R. 999.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

Clause 1: The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States;

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. CONYERS:

H.R. 1000.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mr. YOUNG of Alaska:

H.J. Res. 70.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 and Article I, Section 18, Clause 18.

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives"

&

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof"

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 38: Mr. JORDAN and Mr. BABIN.
H.R. 113: Mr. GALLEGO, Mr. AGUILAR, Mr. BISHOP of Michigan, and Mrs. LOWEY.
H.R. 114: Mr. MCCAUL and Mr. NUNES.
H.R. 115: Mr. BARLETTA, Mr. RUSSELL, and Mr. ROHRBACHER.
H.R. 130: Mrs. TORRES.
H.R. 202: Mrs. CAROLYN B. MALONEY of New York.
H.R. 367: Ms. FOXX and Mr. FARENTHOLD.
H.R. 379: Ms. MCCOLLUM and Mr. GRIJALVA.
H.R. 428: Mr. RUSSELL.
H.R. 432: Mr. ESPAILLAT.
H.R. 439: Ms. SHEA-PORTER.
H.R. 442: Ms. VELÁZQUEZ, Mr. MOULTON, and Mr. WEBER of Texas.
H.R. 449: Mr. SENSENBRENNER.
H.R. 474: Mr. HENSARLING.
H.R. 483: Mr. RUSSELL and Mr. JODY B. HICE of Georgia.
H.R. 485: Mr. GRIJALVA.
H.R. 489: Mr. RASKIN and Mr. HIMES.
H.R. 512: Mr. LARSEN of Washington, Mr. PANETTA, and Mr. BLUM.
H.R. 525: Mr. WEBER of Texas.
H.R. 530: Mr. VARGAS and Miss RICE of New York.
H.R. 550: Mr. FITZPATRICK.
H.R. 586: Mr. DESJARLAIS.
H.R. 661: Mr. JONES and Mr. HARPER.
H.R. 696: Ms. CLARK of Massachusetts, Mr. SCOTT of Virginia, and Mr. KHANNA.
H.R. 703: Mr. ROKITA, Ms. SHEA-PORTER, and Ms. GABBARD.
H.R. 706: Mr. HARPER.
H.R. 749: Mr. CUELLAR, Mr. WALZ, Mr. SOTO, and Mr. BISHOP of Georgia.
H.R. 755: Mr. EMMER.
H.R. 757: Ms. MOORE, Mr. Raskin, Mr. RUPERSBERGER, and Ms. SHEA-PORTER.
H.R. 770: Mr. RASKIN.
H.R. 804: Mrs. LAWRENCE, Mr. GONZALEZ of Texas, Mr. GUTIÉRREZ, Mr. GENE GREEN of Texas, Mr. LIPINSKI, Mr. ELLISON, Ms. KAPTUR, Ms. FRANKEL of Florida, Mr. HUFFMAN, Mr. KILDEE, Mr. CASTRO of Texas, Ms. LOFGREN, Mr. BRADY of Pennsylvania, Ms. ESHOO, Ms. DEGETTE, and Mr. CRIST.
H.R. 831: Mr. RODNEY DAVIS of Illinois.
H.R. 849: Mr. WENSTRUP.
H.R. 852: Mr. POLIS.
H.R. 866: Mr. GONZALEZ of Texas.
H.R. 926: Mr. KHANNA, Mr. BROWN of Maryland, and Mr. SWALWELL of California.
H.R. 947: Mr. KIND, Ms. KUSTER of New Hampshire, Mr. DESAULNIER, Ms. TSONGAS, and Mr. SCHIFF.

H.R. 972: Mr. SOTO.
H.R. 974: Mr. COOK and Mr. TAKANO.
H.J. Res. 42: Mr. AUSTIN SCOTT of Georgia,
Mr. WOODALL, Mr. MULLIN, Mr. HENSARLING,
and Mr. GAETZ.
H.J. Res. 43: Mr. BRIDENSTINE, Mr. FRANCIS
ROONEY of Florida, Mr. DUNN, Mr. JORDAN,
Mr. KNIGHT, Mr. WEBSTER of Florida, Mr.
LUCAS, Mr. JOYCE of Ohio, and Mr. MESSER.
H.J. Res. 51: Mr. WENSTRUP.
H.J. Res. 59: Mr. KINZINGER, Mr. GRIFFITH,
and Mr. HUIZENGA.
H. Con. Res. 21: Mr. SWALWELL of Cali-
fornia.
H. Res. 104: Mrs. DAVIS of California, Mr.
BERA, Mr. O'ROURKE, and Mr. SCHNEIDER.

CONGRESSIONAL EARMARKS, LIM-
ITED TAX BENEFITS, OR LIM-
ITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or
statements on congressional earmarks,
limited tax benefits, or limited tariff
benefits were submitted as follows:

OFFERED BY MR. WALDEN

The provisions that warranted a re-
ferral to the Committee on Energy and
Commerce in H.J. Res. 43 do not con-
tain any congressional earmarks, lim-

ited tax benefits, or limited tariff bene-
fits as defined in clause 9 of rule XXI.

OFFERED BY MR. BISHOP OF UTAH

The provisions in H.J. Res. 69 that
warranted a referral to the Committee
on Natural Resources do not contain
any congressional earmarks, limited
tax benefits, or limited tariff benefits
as defined in clause 9 of rule XXI of the
Rules of the House of Representatives.

EXTENSIONS OF REMARKS

THANK YOU AND FAREWELL

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2017

Mr. TOM PRICE of Georgia. Mr. Speaker, it is expected that the United States Senate will vote on my nomination to serve our nation as the Secretary of the Department of Health and Human Services shortly after midnight tonight. Due to the schedule, if I am confirmed, this is the last opportunity for me to address the House.

The opportunity to serve as a Member of the U.S. House of Representatives has truly been one of the greatest honors of my life. Respectfully, allow me to take this opportunity to reflect on my time in Congress over the past 12 years.

Mr. Speaker, first and foremost, I wish to thank my wife of 33 years, Betty. Her love, support, encouragement, and advice means more than I could ever say. In addition, as all here know, these jobs are family affairs—and our son, Robert, allowed his dad to be absent more than either of us desired. We're so very proud of the adult he has become.

Furthermore, this job and my passion for serving would not have been possible without the support and friendship of my colleagues, community, family, constituents, and staff throughout the years. It has been a blessing to work with such talented and bright minds to advance positive solutions to some of our nation's toughest issues and challenges.

As Members of Congress, our first priority is to be accessible and accountable to those we serve, and to help support those living and working in our communities. That is why I am proud to say that since 2005, 164 of Georgia 6th's most bright and dedicated young people received an appointment to one of our nation's military academies.

In addition, we have responded to nearly 600,000 letters, calls, and emails. Our caseworkers and team have had the privilege of helping over 11,000 constituents with federal agencies. Throughout the years, as just one part of our outreach efforts, we've made contact with over a million constituents via telephone town halls.

To all the hardworking, decent citizens of Georgia's 6th District who have given me the privilege of representing them in Congress—I will be forever grateful.

Mr. Speaker, as you know, constituents are the reason that we're given this honor to serve and I know that my Georgia colleagues understand and appreciate this immense responsibility.

Over the years, my Georgia colleagues in the U.S. House of Representatives and Georgia's Senators, including Senators ISAKSON, PERDUE, and Chambliss, and I have worked together to secure wins for our great state.

We've worked in a bipartisan fashion to help advance the necessary expansion of the Savannah Harbor, key to promoting our state's commerce and a critical component to helping grow our economy and create jobs.

We've also worked together to preserve and safeguard Georgia and the Atlanta area's access to a reliable water source, so that our local communities and state can continue to grow and prosper.

More recently, we succeeded in enacting a law to rename a Marietta Post Office in honor of a true hero, Marietta's Marine Lance Corporal Skip Wells, a proud Marine who made the ultimate sacrifice and selflessly gave his life to protect his fellow servicemembers and to protect our nation.

Mr. Speaker, I am honored to have served and to have experienced firsthand our representative democracy in action, and alongside such honorable, dedicated public servants who have offered me both their friendship and counsel during my time in Congress.

Over the past twelve years, I have had the honor to be chosen by my colleagues to serve as Chairman of the Republican Study Committee in the 111th Congress and in the 112th Congress as a member of the House Republican Leadership as Chairman of the Republican Policy Committee. In these leadership roles, my House colleagues and I have helped advance conservative Republican principles and solutions aimed at tackling the challenges facing America.

Additionally, during the 114th Congress, it was an honor to be chosen to serve as the Chairman of the House Budget Committee where we succeeded in passing the first joint ten-year balanced budget agreement in over a decade. That success was due in large part to the tremendous staff on the committee as well as my colleagues who served on this committee in both the House and Senate.

Together, we have much to be proud of, especially the work done to advance a real reform of the Congressional Budget Process. We must fix our broken budget process in order to enhance constitutional authority, strengthen budget enforcement, reverse the higher spending bias in Congress, control automatic spending, increase transparency, and ensure fiscal sustainability.

Our budget resolutions have provided blueprints for how we can put our nation's fiscal house in order while saving and strengthening vital health and retirement programs as well as ensuring needed resources for those who protect and defend our great nation; solutions that will ensure taxpayer dollars from American families and businesses are spent in an accountable and effective way.

It is through the budget process that Congress has begun an important effort to put in place positive, patient-centered solutions to fix our nation's broken health care system. The status quo is harming Americans and their families.

Mr. Speaker, as my colleagues know, helping achieve access to quality, affordable health care for all Americans has long been a driving force behind my legislative efforts in Congress. My first professional calling was to care for patients, following in the footsteps of both my father and grandfather who were also physicians.

That's why we authored and introduced the Empowering Patients First Act, an alternative to Obamacare with real, patient-centered reforms to build a more innovative and responsive health care system—one that empowers patients and ensures they and their doctor have the freedom to make health care decisions without bureaucratic interference or influence.

Mr. Speaker, it is my goal and commitment to the American people that I will work as Secretary of HHS to ensure that our health care system adheres to what I call the six principles of health care: affordability, accessibility, quality, choices, innovation, and responsiveness.

The new administration and HHS will work together with the Congress to get Washington out of the way, to protect and strengthen our country's health care system to help improve the lives of the American people, to help heal individuals and whole communities across our beloved nation.

It is truly an honor to accept President Trump's nomination to serve our nation as the Secretary of the Department of Health and Human Services. My obligation will be to carry to the Department both an appreciation for bipartisan, team-driven policymaking and what has been a lifetime commitment to improving the health and well-being of the American people.

I am humbled by the incredible challenges that lay ahead and enthusiastic for the opportunity to be a part of solving them on behalf of all Americans. There is much work to be done to ensure we have a health care system that works for patients, families, and doctors; that leads the world in the cure and prevention of illness; and that is based on sensible rules to protect the well-being of the country while embracing its innovative spirit.

With a healthy dose of humility and appreciation for the scope of the challenges before us, with the assistance of my fellow Americans and with God's will, we can make it happen.

Mr. Speaker, thank you for the opportunity to appear before you today and once again, thank you to the constellation of individuals who have given me this great honor to serve as the Congressman for Georgia's 6th District. May God continue to bless you and our beloved United States of America.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

HONORING MAYOR MICHAEL
"MICKEY" STRAUB

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2017

Mr. ROSKAM. Mr. Speaker, I rise today to recognize a dedicated public servant from the Sixth Congressional District of Illinois, Mayor Michael "Mickey" Straub of Burr Ridge. Almost five years ago, Mayor Straub embarked on a historic and patriotic pilgrimage in honor of Lincoln and our veterans when he visited 50 capitols in 50 days.

In 2012, between September 4 and October 17, Mayor Straub drove nearly 15,000 miles to 48 state capitols and flew to two others—Hawaii and Alaska. His momentous journey began in Pennsylvania, and after a small ceremony in Gettysburg outside the home where Lincoln finished writing the Address, he traveled to the state capitol in Harrisburg. Forty-three days later, he concluded his capitol journey in Springfield, Illinois in front of the Lincoln Tomb.

The historic and record breaking trip was no easy task. The trip cost over \$20,000 and added a great many miles to his Lincoln Town Car, homage to the 16th President. Nevertheless, Mayor Straub remained steadfast in his belief that the journey was a great success due to God and the American people saying, "I launched the trip on behalf of God and country, but it was actually God and country that pulled me through. It started more about principles and patriotism, but it was the people who kept me going."

Mayor Straub has represented his community well and has been a strong voice for the Village of Burr Ridge throughout his time in office. His service to the people of Burr Ridge and to Illinois is truly commendable. It is our hope that the public will continue to benefit from his involvement as a valued member of the community and Mayor of Burr Ridge.

Mr. Speaker, please join me in congratulating Mayor Mickey Straub on his historic journey across the United States, and also taking his lead in remembering the spirit of the Gettysburg Address and President Lincoln.

THE PASSING OF VAINO HASSAN
SPENCER

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2017

Ms. BASS. Mr. Speaker, I would like to honor the life and memory of California Appeals Court Justice Vaino Hassan Spencer.

A month after Vaino was born in 1920, women gained the right to vote. She grew up during the Great Depression, started her professional career as a real estate broker, and married fellow broker Lorenzo Spencer in the late 1940s. She embarked on a legal career after graduating from Southwestern Law School in 1952, and practiced for nine years before then-governor Pat Brown appointed her to the Municipal Court bench in 1961, the first

African American woman to hold a judgeship in California. She was elevated to the Superior Court in 1976 by then-Governor Jerry Brown, who went on to name her as presiding justice of Division One of the Second Appellate District Court of Appeal in 1980, making her the first Black woman to sit on a California appeals court.

Justice Spencer believed in the concept of "lift as you climb" and worked to create opportunities for women and people of color, especially in the legal profession. She founded the Black Women Lawyers Association of Los Angeles in 1974 to provide support to those already in the profession, and to assist others with scholarships, mentoring and guidance. The very next year, she joined with another Appeals Court Justice to coordinate efforts in support of women nominated to federal and state supreme courts. That collaboration grew into the National Association of Women Judges, which aimed to increase the number of women in the judiciary and to address the gender bias problems experienced by the few women who were on the bench. President Jimmy Carter met with NAWJ in 1980, having appointed nearly four times the women to the federal bench (38) than had ever been appointed by all of his predecessors.

In remarks later, she said: "We have been warmly greeted [everywhere], and we've gotten tremendous support, even from local judges who were openly resentful of our organizing initially. They have come around to be quite supportive. . . ."

She served one of the longest tenures on the bench in California history, retiring in 2007. I salute the life and legacy of Justice Spencer, a legacy of service to the legal profession, to the state of California and to the nation.

RECOGNIZING THE EXPANSION OF
CYPRESS BAPTIST CHURCH

HON. MIKE JOHNSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2017

Mr. JOHNSON of Louisiana. Mr. Speaker, it is an honor for me to rise and recognize the Cypress Baptist Church of Benton, Louisiana. For over thirty years, Cypress Baptist has blessed the lives of many in our region. Most recently, God has blessed Cypress Baptist Church with the means to expand their sanctuary to grow their ministry.

Their mission, "to help people come to know Christ and to grow in Christ," has been modeled by the church's faithful congregation and their commitment to the Lord is unwavering. Because of their continued stewardship, more and more people are answering the call of God by being baptized and carrying out critical mission work.

Over the past two years the communities of Benton and Bossier City and surrounding areas have come together to help Cypress Baptist in its mission. This church has touched the lives of so many, and is growing exponentially, and it is only fitting that God rewards them with the blessing of more space to carry out their service.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Cy-

press Baptist Church and congratulate this pillar of our community on its continued dedication to the Kingdom. Their new sanctuary will be a true blessing to the people of our community. My wife, Kelly and I pray that the Spirit of the Lord continue to bless the congregation of Cypress Baptist Church.

URGING SENATE TO REJECT NOMINATION OF SEN. JEFF SESSIONS FOR ATTORNEY GENERAL

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2017

Ms. JACKSON LEE. Mr. Speaker, I include in the RECORD the text of an op-ed that was published yesterday in The Hill, entitled "When It Comes to Leading the Justice Department, the Senate Should Just Say No To Sen. Sessions," whose headquarters building is named after Robert F. Kennedy, by Congresswoman SHEILA JACKSON LEE.

[From The Hill, Feb. 8, 2017]

WHEN IT COMES TO LEADING THE JUSTICE DEPARTMENT, THE SENATE SHOULD JUST SAY NO TO SESSIONS

(By Sheila Jackson Lee)

Many people think the role of the U.S. Attorney General is simply to be the nation's chief prosecutor. This seriously understates the responsibility, power, and moral authority of the office. The attorney general is the lawyer for the American people. He is not the president's lawyer. The Attorney General leads the Department of Justice and justice is his client and his mission. As a member of the President's Cabinet, it is important that the Attorney General have the trust of the President, but as the "People's Lawyer," it is essential that he or she have the trust and confidence of the American people.

The nomination of U.S. Sen. Jefferson Beauregard "Jeff" Sessions III of Alabama to be the next Attorney General of the United States does not inspire the required trust and confidence.

Many of the senator's supporters, ranging from his Republican colleagues in the Senate to current and former staffers to home state friends and constituents, praise the senator for his modesty and courtesy and manners. The four-term senator and former state and federal prosecutor is, we are told, learned in the law, a person of deep faith, a good man who loves his family, his state, and his country.

We can, as the lawyers say, stipulate that these assertions are true. But that does not make him an appropriate and deserving candidate to be Attorney General of the United States. And that is because the office of Attorney General and the Department of Justice he or she leads is different in a very fundamental way from every other Cabinet department.

Unlike, say, the secretary of Transportation or Commerce or Education, or even the secretary of Defense or State, the Attorney General leads a department that is charged with administering the laws and enforcing the Constitutional guarantees and protections that directly affect every American, all 320 million of us.

Sen. Sessions may be a courtly and courteous Southern gentleman but those qualities, charming and desirable as they may be

in a senator, simply are not nearly enough to make one fit to serve as Attorney General of the United States of America.

The position of Attorney General is unique because he or she is the only Cabinet officer who owes a stronger allegiance to the American people than to the president who nominated him or her. This is not true even for the secretaries of State, of Defense, or of the Treasury because while they are all charged with upholding the Constitution, their views regarding the fundamental rights and civil liberties of the American people are not essential to the execution of their governmental duties.

One of the major reasons why the nomination of a sitting four-term senator to be Attorney General is unprecedented is that the role of a senator is to be a partisan advocate for specific legislative outcomes while the role of the Attorney General is to enforce the law. It is dangerous to combine this partisan zeal with the power and discretion vested in the Attorney General to shape legal policy in the federal judiciary. As Attorney General, Sen. Sessions will have an outsized role in determining which cases will be brought and what position the United States will take in cases decided by the Supreme Court.

An alarming case in point is the Executive Order issued by the president banning Muslims from entering the United States, which has been denounced by leading national security and foreign policy experts, deemed unconstitutional by scores of law professors and other scholars, sparked peaceful mass demonstrations across the nation, and is opposed by a majority of the American public. The president's ban on Muslims entering the United States was deemed such a clear and egregious violation of the Constitution that then Acting Attorney General Sally Yates announced that she could not, consistent with her oath, defend the order in court.

Sen. Sessions, however, appears not be troubled in the slightest by the cavalier rejection of the principle of religious liberty implicit in the executive order. This is hardly surprising since Sen. Sessions was one of the earliest, most influential, and enthusiastic backers of the Trump presidential campaign and its unconscionable and unconstitutional immigration policies, including the "total and complete shutdown of Muslims entering the United States" announced by candidate Trump in December 2015. As Sen. Sessions told ABC News in May 2016: "I don't think Trump has gone too far. . . . We should have a temporary ban on entry of people into the country from the Muslim world, but that's because we have an ineffective screening process . . . so I think we're moving in the right direction."

As noted by the more than 1,000 State Department employees who have registered their dissent to the executive order, because there has been a virtual absence of terror attacks committed in recent years by Syrian, Iraqi, Iranian, Libyan, Somali, Sudanese, and Yemeni nationals living in the United States, the president's Muslim ban will have little practical effect in improving public safety.

What it will do, however, is despoil our relations with these countries, and much of the Muslim world, which sees the ban, rightly, as religiously-motivated. So instead of strengthening relations with countries that should be our allies and partners in the fight against terrorism, we alienate them, inflame sentiment against the United States among their citizens, and deprive ourselves of vital

intelligence and resources needed to fight the root causes of terror.

Adoption of this wrong-headed policy appears to mean to Sen. Sessions that "we're moving in the right direction." That any member of the President's Cabinet could hold these views is very troubling. That such views are held by the person who could be the Attorney General is frightening and disqualifying.

After all, the U.S. Attorney General and Justice Department is not only the instrument of justice but also the living symbol of the Constitution's promise of equal justice under law. The nation's greatest Attorney Generals conveyed this commitment to equal justice by their prior experience, their words and deeds, and their character.

Think Herbert Brownell, Attorney General for Republican President Eisenhower, who oversaw the integration of Little Rock's Central High School. Think Robert Jackson, Attorney General for Democratic President Franklin Roosevelt, who led the prosecution team at the Nazi War Crimes trial in Nuremberg, Germany. Think Robert F. Kennedy, for whom the Main Justice Building is named, bringing to bear the instruments of federal power to protect Mississippi Freedom Riders and to stare down Gov. George Wallace in the successful effort to integrate the University of Alabama. Think Elliot Richardson, Attorney General under Republican President Richard Nixon, who stood for fidelity to the U.S. Constitution and the rule of law in the infamous 'Saturday Night Massacre' during the Watergate scandal.

Those who argue the Sessions' nomination is no different than those of Eric Holder and Loretta Lynch are simply wrong. The difference is stark—Eric Holder and Loretta Lynch came to the office of Attorney General as career professionals with no history or record of partisan political advocacy. Unlike Sen. Sessions, neither of them ever served in a legislative body or voted to pass or defeat the legislation the Department of Justice is charged with administering.

Nothing in Sen. Sessions' 70 years inspires any confidence that he possesses the qualities of any of our distinguished former Attorneys General and there is less reason for optimism that he will grow in office.

As a U.S. senator from Alabama, the state from which the infamous Supreme Court decision in *Shelby County v. Holder* originated, Sen. Sessions has failed to play a constructive role in repairing the damage to the Voting Rights Act caused by that decision. He was one of the leading opponents of the reauthorization of the Violence Against Women Act. Sen. Sessions's record in support of efforts to bring needed reform to the nation's criminal justice system is virtually non-existent. And his Senate voting record and rhetoric has endeared him to white nationalist websites and organizations like Breitbart and Stormfront.

Sen. Sessions was the first federal prosecutor in the country to bring charges against civil rights activists for voter fraud and has called the landmark Voting Rights Act "a piece of intrusive legislation." He is one of the Senate's most hostile opponents of comprehensive immigration reform and was a principal architect of the draconian and incendiary immigration policy advocated by the current president during the 2016 campaign. When it comes to the effort to diversify the federal judiciary in his home state of Alabama and the Eleventh Circuit Court of Appeals, Sen. Sessions has at best been missing in action.

As Attorney General of the state of Alabama, Sen. Sessions fought to continue prac-

tices that harmed schools predominantly attended by African-American students, including leading the fight to uphold the state of Alabama's inequitable school funding mechanism after it had been deemed unconstitutional by the Alabama circuit court. Although Sen. Sessions has publicly taken credit for desegregation efforts in the state of Alabama, there is no evidence of his participation in the desegregation of Alabama schools or any school desegregation lawsuits filed by then-Attorney General Sessions.

Sen. Session's lengthy public record makes it difficult to place much faith in his testimony before the Senate Judiciary Committee. After staunchly opposing the Violence Against Women Act, the repeal of "Don't Ask, Don't Tell," the expansion of anti-hate legislation to include sexual orientation, and fighting the removal of the Confederate flag from public buildings, the long-time opponent of voluntary desegregation in Alabama now claims to be committed to the cause of equal opportunity for all Americans. The proponent of overruling *Roe v. Wade* now presents himself as a defender and protector of a woman's right to choose. The outspoken advocate of unfettered Second Amendment rights now says he can be trusted to enforce the nation's gun violence prevention laws.

Actions speak louder than words, and in the case of Sen. Sessions his 30-year record of intense opposition on so many critical issues involving civil rights, women's rights, voting rights, criminal justice and immigration reform, and equal educational opportunity is the most compelling and powerful evidence that he should not be confirmed by the Senate to be the nation's 84th Attorney General.

RECOGNIZING THE POLISH LEGION MOTORCYCLE RIDING CLUB

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2017

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the Polish Legion Motorcycle Riding Club. Since 2011 this organization has brought together members of our community of all ages who share a passion for riding motorcycles. I would like to give special recognition to the group's President, Szymon Moskal. Millions of citizens in the United States own and ride motorcycles, making ridership an American tradition. The Polish Legion Motorcycle Riding Club continues the proud tradition of motorcycle ridership and enthusiasm found in my district, and across our great nation. It is my privilege to assist them during their trip to our nation's capital.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2017

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for roll call vote 85 Tuesday, February 7, 2017. Had I been present, I would have voted "Nay" on roll call vote 85.

CONGRATULATING THE HON. MP
VIAN DAKHIL ON RECEIVING
THE 2016 LANTOS HUMAN RIGHTS
PRIZE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2017

Mr. HASTINGS. Mr. Speaker, I rise to congratulate the Honorable MP Vian Dakhil on receiving the 2016 Lantos Human Rights Prize. I was very appreciative of the Lantos Foundation for inviting me to participate in today's ceremony conferring the award. For decades, Congressman Tom Lantos championed human rights in the U.S. House of Representatives, and I was very privileged to have served alongside him. Today, the Commission and the Foundation that bear his name continue his vital work, fighting for human dignity for all people.

MP Dakhil first captured the world's attention in August 2014 as she pleaded with the Iraqi parliament to help her people, the Yazidi, besieged on Mount Sinjar. Since then, she has spent the last two and a half years rescuing girls and young women enslaved by the Islamic State, coordinating rescue missions into ISIS territory to bring girls and women out of bondage. Even as she continues to rep-

resent her people in the Iraqi parliament, she works tirelessly to support survivors and children orphaned by the genocide. In taking a stand for the Yazidi people, MP Dakhil has embodied the very definition of heroism. Her bravery and moral clarity make her as fitting a recipient of the 2016 Lantos Human Rights Prize as any I can think of.

The Yazidi people have suffered a grave injustice at the hands of the Islamic State. ISIS has kidnapped and indoctrinated young boys into child soldiers. Thousands of men and women have been killed. Among the most savage of their crimes, the Islamic State has kidnapped thousands of Yazidi girls and women to sell on the market, creating a structured system of organized kidnapping, rape, and sexual slavery. The horrific nature of these crimes is beyond condemnation. Today, between 3,000–4,000 Yazidi women and girls are still held captive by ISIS, the “bleeding wound of Iraq,” as MP Dakhil describes.

As we gather here, we must recognize that the international community, the United States included, has in large part failed to act. We continue to fail to exercise our moral leadership to bring aid to those in need, even as crimes against humanity occur on a daily basis.

Just two weeks ago, the world observed International Holocaust Remembrance Day. Many of us have heard the affirmation of

“never again” in relation to the Holocaust. When I think of the Yazidi people, and the Shabak, the Turkmen, Shias, Sunnis, Christians, the Rohingya, and the Darfuri, I ask myself if the true meaning of this proclamation is, in fact, losing its meaning. Each of us has a responsibility to fight against injustice no matter where we find it in the world.

In Congress, I have introduced H.R. 379, the Justice for Yazidis Act, a proposal that would establish and fund vital programming for the Yazidi people and other religious minorities. My bill establishes a healthcare and psychosocial support program that places an emphasis on providing trauma therapy for children and survivors of sexual slavery, as well as a psychologist, physical therapist, and social worker training program to provide training to psychologists and social workers who speak Kurmanji or the Shengali dialect of Kurmanji. MP Dakhil already works tirelessly to support these types of programs. The United States can, and should, do more to assist in these noble and just efforts.

Congressman Lantos used to say that; “the veneer of civilization is paper thin. We are its guardians. We can never rest.” I am proud to honor MP Dakhil as one of the world's guardians.

SENATE—Friday, February 10, 2017

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELLEY MOORE CAPITO, a Senator from the State of West Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who inhabits eternity, thank You for also dwelling in contrite hearts.

Today, meet the needs of our lawmakers from Your celestial bounty. Strengthen their hearts in Your ways against temptation and make them more than conquerors in Your love. In all that they say and do, may they seek Your glory, striving for faithfulness in even the small matters of their labors. With Your saving kindness, keep them from stumbling or slipping, preparing them to stand before Your glory without fault or blemish.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 10, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELLEY MOORE CAPITO, a Senator from the State of West Virginia, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. CAPITO thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant bill clerk read the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Madam President, the Senate is now debating the nomination of Steven Mnuchin to be the Secretary of the Treasury, and this is yet another nomination on which the majority has walked away, unfortunately, from a 20-year bipartisan approach when it comes to the vetting process.

In 2009, when Tim Geithner was President Obama's first Treasury nominee, a vetting issue came up and both sides of the Finance Committee carried the investigation out to its conclusion, but the situation has turned out quite differently this time.

There were several properties in the United States and abroad worth \$100 million missing from Mr. Mnuchin's disclosure. He failed to disclose several positions in various firms. He misled the public. He misled the committee about his bank foreclosure tactics, and he appears to have hidden key data requested by Members of this body. Frankly, I don't believe these investigations would have been uncovered at all if not for the work of the minority's investigation team. The majority, however, looked the other way, and the vetting process was ended prematurely. So the vote on this nomination is imminent. That is the first concern held by Members on this side, and I am going to speak more about that today and as this debate continues.

This morning, though, I want to focus on the substance of our concerns.

The single biggest challenge is what to do to reconnect working Americans with this country's economic engine. There are communities across the land, including many in my home State of Oregon where folks are just waiting for economic recovery to show up. They see their homes foreclosed, storefronts boarded up, factories shuttered. They just feel stuck. Aside from the President himself, nobody in America has greater influence over this Nation's economic future than the U.S. Treasury Secretary. That is the case whether it is through tax reform that fights

unfairness, rules that rein in Wall Street abuses, or smart infrastructure and trade policies that create good-paying jobs here at home. We call them red, white, and blue jobs.

The person who becomes Treasury Secretary has to be somebody who is ready to work on behalf of all Americans, including those Americans from the corners of our Nation where optimism has dimmed. If Steven Mnuchin's record is any indication, he simply doesn't fit that mold, not even close.

There is a lot to debate as the Senate considers Mr. Mnuchin's nomination. Particularly significant, in my judgment as the ranking member on the Senate Finance Committee, is the issue of how our Tax Code punishes wage-earning Americans. I am going to cover that this morning. In my view, though, the debate begins with the story of OneWest, Mr. Mnuchin's bank. It begins with a lot of gory details of how OneWest industrialized the process of kicking people out of their homes and onto the streets, and it begins with the details of how Mr. Mnuchin enriched himself at the same time his foreclosure machine was running.

As I described, the financial crisis was a personal setback from which a lot of Americans still have not recovered, but for Mr. Mnuchin, it wasn't exactly a setback at all. In fact, it was the deal of a lifetime. In March, 2009, Mr. Mnuchin led a group of investors who bought IndyMac Bank, one of several banks that had been engulfed in crisis the year before.

Mr. Mnuchin and his group got an unusually sweet deal from the Federal Deposit Insurance Corporation, buying \$23.5 billion worth of assets for less than \$1.6 billion. IndyMac was renamed OneWest Bank and it opened up shop the very next day.

As part of this sweetheart deal, Mr. Mnuchin got what is known as a Shared-Loss Agreement from the Federal Deposit Insurance Corporation. Under the deal with OneWest, the Federal Deposit Insurance Corporation made nearly \$900 billion in payments to OneWest for IndyMac loans. Total payments from the Federal Deposit Insurance Corporation to OneWest, including payments for loans made to OneWest subsidiaries First Federal, La Jolla, and Financial Freedom, were \$1.22 billion.

It didn't take long after Mr. Mnuchin rolled out the newly branded OneWest for the bank to be investigated by State attorneys general around the country. Already they had big concerns about OneWest's foreclosure practices, and this, in my view, is where you see

the guts of the foreclosure machine beginning to show itself.

As part of this investigation, a OneWest vice president who worked under Mr. Mnuchin, Erica Johnson-Seck, admitted under oath to the practice known as robo-signing. This witness said she signed more than 750 foreclosure documents a week without reading them and with no notary present during the process. That is a violation of the law. When asked how much time she spent executing each foreclosure document, Ms. Johnson-Seck replied: "I changed my signature considerably. It's just an E now. So not more than 30 seconds."

It was not just Ms. Johnson-Seck. She was part of an entire team operating at this pace. In her deposition, Ms. Johnson-Seck stated there were about 1,100 documents signed by her office each day, or roughly 6,000 a week.

So amid an economic meltdown—our Nation shedding hundreds of thousands of jobs, families facing an uncertain future—Mr. Mnuchin found a way to profit. He bought a bank from the Federal Deposit Insurance Corporation at an extreme discount. He struck a deal with the Federal Deposit Insurance Corporation so he could be reimbursed for 80 percent or more of the bank's losses. He had at least one team in place that could sign 6,000 foreclosure documents a week—6,000 individuals and families a week thrown into this nightmare of potentially losing their homes. Mr. Mnuchin and OneWest were churning out foreclosures with ruthless efficiency. That doesn't sound to me like somebody who is going to be the kind of person who is going to look out for the interests of working families.

I want to talk a little bit about some who were victimized by OneWest's industrialized foreclosure. One of those was Dee Roberson, who in 2010 shared her story with the Orlando Sentinel. Ms. Roberson told them her parents were struggling to pay off the balance of their mortgage with OneWest. The mortgage had a balance of just \$3,000, and Ms. Roberson was trying to help her parents get to the finish line, but instead of the usual mortgage payment of \$600, OneWest demanded over \$1,000 a month. OneWest said the home was in foreclosure and wanted \$4,000 in attorneys' fees, but the Robersons had never received a foreclosure notice. When Ms. Roberson called OneWest to sort things out, it was just one big runaround.

Gerald Lembach is an Army retiree who needed cash to finish an addition on his modest ranch-style home in Pasadena, MD. He and his wife had owned their home for 23 years. According to a story in the Baltimore Sun, Mr. Lembach discovered the monthly cost for the new loan was much higher than what he expected. Instead of the \$3,200 monthly bill he anticipated, it was almost \$4,300. OneWest, which took over the servicing of Mr. Lembach's

loan in 2009, denied his request for a modification in October 2010, a month after it had started foreclosure proceedings. He struggled with the process, and he hired an attorney who noticed something that struck him as very odd. Signatures on the foreclosure documents were fakes. In fact, various foreclosure processors around the State of Maryland had been signing under the same lawyer's name, but even with this discovery of false signatures, it didn't bring about the speedy modification that Mr. Lembach was hoping for.

Rose Gudiel and her family bought a small house in 2005, making payments on the mortgage until her brother was murdered in 2009 and the family lost his income. The next mortgage payment was 2 weeks late. OneWest said it wouldn't accept it, and Ms. Gudiel had to apply for a loan modification instead, but OneWest didn't actually own the mortgage, they were only servicing it. They didn't even have the authority to grant a modification. So this citizen was caught in limbo for 2 years, unable to modify the loan and at the same time had to fight eviction.

Out of options, Ms. Gudiel and a group of protestors went to Mr. Mnuchin's home, protesting outside and demanding answers. Shortly thereafter, despite OneWest's claim that there was nothing they could do to help Ms. Gudiel, they relented. She was allowed to keep her home, but it took essentially a four-alarm public relations calamity to make that happen.

Mark and Jenny Gin are another case Mr. Mnuchin may have heard about. The Gins sued OneWest in San Mateo Superior Court, and they won.

I will just describe a little bit from the San Francisco Chronicle how their case played out. While the Gins were making dozens of calls and submitting reams of paperwork to get a loan modification from OneWest, another department of the bank proceeded to foreclose on their home. This is especially important because this is a phenomenon known as dual tracking.

OneWest strung the Gins along for months before telling them just to send in their loan modification application. They said the Gins would have an answer in 30 to 60 days. But instead of a modification, they got an eviction notice. They were forced out of their home while Ms. Gin was 8 months pregnant and grappling with a breast cancer diagnosis.

They were left with no choice but to take OneWest to court. Their legal battle stretched more than 2 years. The costs were so substantial that even a victory in court could not save their home.

Those are all examples of typical mortgages—everyday homeowners caught up in OneWest's exceptional and ruthless foreclosure practices.

But it wasn't just your typical mortgage that OneWest foreclosed upon; the

bank had a big reverse mortgage operation called Financial Freedom, and the foreclosure machine was running and running and running over there too.

The goal of a reverse mortgage is to give older people—62 or older—the opportunity to use the equity in their homes to help cover the bills. Unfortunately, it doesn't always go smoothly. In OneWest's reverse mortgage division, it often went terribly wrong.

A lot of older couples of modest incomes who got reverse mortgages put them under only one name, often the husband's. But here is the catch: If the person whose name appeared on the documents passed away, the terms of the reverse mortgage required the loan to be paid back in full. If it wasn't, then the foreclosure process once again kicks in.

So you have a family where first they lose their loved one, then they lose their home, and they are caught up in this nightmare scenario of a reverse mortgage. A common name for this practice—it almost hurts to say it—is "widow foreclosure." Widow foreclosure.

According to documents reviewed by the California Reinvestment Coalition, during the first 6 years Mr. Mnuchin ran OneWest, the bank accounted for nearly 40 percent of all federally insured reverse mortgage foreclosures. They led the Nation in widow foreclosures.

You know, if you think about what you can lead the Nation in and you are thinking about trying to help hard-hit families, the kinds of families I just described, I would like to lead the Nation in terms of reaching out and finding imaginative ways to help them, to really go to bat for them, take them through the process, create something that is fair and commonsense.

What does this bank do? They lead the Nation in widow foreclosures.

In one case, OneWest and its predecessor tried to foreclose on an elderly Florida woman. That was twice. The first time, Mr. Mnuchin's bank tried to foreclose on her home and filed paperwork saying she didn't live there. When they finally discovered she, in fact, did live in the home, they backed off. Two years later, OneWest's new parent company, CIT, where Mr. Mnuchin was a board member, tried to foreclose again. This time it was over an unpaid bill of 27 cents.

This involved a woman who was 90. A woman who was 90 was involved in a foreclosure with an unpaid bill of 27 cents. She had to fight to keep her home twice because she was bombarded with petty and inaccurate allegations from Mr. Mnuchin's bank.

The President recently tweeted out an allegation that this story was "fake news" because the elderly woman never actually lost her home. The ordeal that OneWest's foreclosure machine put her through certainly was

not fake news to her and others who were up against this activity.

While OneWest was putting thousands of homeowners through the nightmare of foreclosure, Mr. Mnuchin used the bank's money to make some pretty flashy investments in Hollywood. In September 2012, OneWest led a group of financial institutions that established a revolving credit facility for Relativity Media of hundreds of millions of dollars. Relativity was a movie studio led by a flamboyant executive named Ryan Kavanaugh.

Press accounts also claim that Mr. Mnuchin and Mr. Kavanaugh became good friends. In fact, even though Mr. Kavanaugh was a client who owed his bank hundreds of millions of dollars, he and Mr. Mnuchin bought a private jet together and then traveled to various kinds of film festivals around the world. They were even investing in real estate together. They put millions into a shell company, HMBAC LLC, which owned property in Southern California.

In October of 2014, Mr. Mnuchin decided to buy into Mr. Kavanaugh's movie studio himself. He purchased a stake. He was appointed cochairman of Relativity.

So while he was pulling double duty on the boards of OneWest and Relativity, OneWest had to report the size of the insider loans the bank was making to Relativity. As a share of bank capital, OneWest's insider loans exceeded 94 of the country's 100 biggest financial institutions.

Unfortunately, Mr. Mnuchin's time with Relativity didn't go so hot. Each year from 2012 to 2014, the studio suffered eight- or nine-figure losses. Finally, in 2015, Relativity's problems came to a head, but it owed OneWest and Mr. Mnuchin a huge sum of money.

On May 29, 2015, Mr. Mnuchin quit the board. A few days later, funds totaling \$50 million in cash were swept back to OneWest from several Relativity operating accounts. One of those accounts was earmarked to pay guild expenses—salaries for everyday contractors and production tradespeople. That put the nail in Relativity's coffin, and the studio declared bankruptcy.

Mr. Mnuchin's adventure of putting OneWest money into Relativity might have been a big mess, but it sure didn't do much damage to the bank's bottom line.

Around the time Relativity crumbled, OneWest was purchased by an even bigger group, the CIT Group, at a massive profit. Mr. Mnuchin and his investors originally bought the bank in 2009 for less than \$1.6 billion. In 2015, CIT Group bought it from Mr. Mnuchin and his partners for \$3.4 billion.

In between, while tens of thousands of Americans were going through this daily nightmare of losing their homes, the bank had paid out more than \$1 billion in dividends to Mr. Mnuchin and its other owners.

Buying OneWest was literally the deal of a lifetime for Mr. Mnuchin, but the bank's conduct caught the attention of Federal watchdogs more than once. In 2011, the Office of Thrift Supervision conducted an examination of OneWest's foreclosure process, and I am just going to outline a few of the findings. These are the findings of the Office of Thrift Supervision, which is in the business of monitoring and examining these institutions.

They found, for example, that OneWest employees filed affidavits in State and Federal courts, falsely stating that they had conducted a review and had personal knowledge regarding the details of a disputed mortgage, including principal and interest due or other fees and expenses when no such reviews had taken place.

OneWest employees filed documents in State and Federal courts that had not been signed or affirmed in the presence of a notary.

OneWest litigated foreclosure and bankruptcy proceedings without ensuring that the promissory notes were properly endorsed or assigned and in possession of the appropriate party at the appropriate time.

OneWest failed to devote sufficient resources to the administration of its foreclosure and loan modifications procedures.

OneWest management failed to enact adequate internal oversight and controls to its foreclosure processes.

Finally, OneWest failed to adequately oversee the outside lawyers handling foreclosure-related services.

The Office of Thrift Supervision also demanded that OneWest take corrective action, and it issued what is known as a consent order. Basically in English, this OneWest consent order was an agreement to clean up its act. The order was signed personally by Mr. Mnuchin and the OneWest board of directors. They had been running OneWest for 2 years at this point, and the company was rife with problems.

In 2014, another watchdog stepped in. This time, it was the Office of the Comptroller of the Currency. Their audit found that more than 10,000 OneWest borrowers were due \$8.5 million for improper foreclosure practices. According to the same report, OneWest paid nearly \$3 million to 54 borrowers for violations of the Servicemembers Civil Relief Act, which protects members of our armed services from losing their homes while they are serving our country.

So just think about that one. Here is the bank having to pay borrowers \$3 million for violations of the Servicemembers Civil Relief Act. This is what protects the courageous people who serve our country. It is a law that protects these people from losing their homes while they put themselves at great risk, may make the ultimate sacrifice, and every day, their families at

home are worrying about them and often worrying about their finances.

According to this report, OneWest paid nearly \$3 million to 54 borrowers who violated this law that protects the courageous men and women who wear the uniform of the United States.

At the heart of these investigations was the issue of robo-signing, the practice I have spoken about earlier in the context of the OneWest team churning out 6,000 foreclosure documents a week. Senator CASEY and Senator BROWN on our committee really zeroed in on this issue. And it was particularly concerning in this context to Senator CASEY, who represents a lot of people who lost their homes to foreclosures by Mr. Mnuchin's bank.

So Senator CASEY put the question to Mr. Mnuchin in writing after Mr. Mnuchin had his Finance Committee hearing. Senator CASEY asked pretty simply: Did OneWest robo-sign documents?

This was a straightforward question, and based on the public record, the answer should have been a straightforward "yes." Instead, Mr. Mnuchin replied, "OneWest Bank did not robo-sign documents."

Years of documented proof say that is false. So the committee gave Mr. Mnuchin an opportunity to amend his response. Once again, Mr. Mnuchin denied—denied—the truth. First he said, "The concept of 'robo-signing' generally referred to two distinct but related issues: (a) a signer of a foreclosure affidavit attested to facts that were not verified to be accurate; or (b) a signer of a foreclosure affidavit represented himself or herself to be someone else."

So that is a fancy way to explain. When we gave him an opportunity to amend his answer, Mr. Mnuchin again denied the truth on this question of OneWest robo-signing documents.

And he went on to say, "OneWest did not do these things."

There is just no way of getting around it—none. That statement is flat wrong.

The language Mr. Mnuchin used to redefine robo-signing is nearly identical to the language used by the Office of Thrift Supervision in the findings of its investigation. Given the watchdogs report, testimony from OneWest employees, and the public record, Mr. Mnuchin cannot possibly, in good faith, claim that OneWest did not robo-sign. In fact, Mr. Mnuchin's signature is on one of the documents that proves otherwise, the Office of Thrift Supervision consent order. He ran the bank. Surely, he had to read the document before signing it. So Mr. Mnuchin misled the Finance Committee and the American people on robo-signing, directly contradicting a mountain of evidence.

Senators CASEY and BROWN represent States where a lot of families were hammered through foreclosures pursued by Mr. Mnuchin's bank. Senator

CASEY and Senator BROWN decided to do some more digging into the information. Senator CASEY sought OneWest national foreclosure figures. Senator BROWN asked for a State-by-State breakdown. This information was never provided.

At first Mr. Mnuchin said he just couldn't get the data. Then Senator HELLER made a similar request. It seems Mr. Mnuchin answered sufficiently to satisfy Senator HELLER, whose State had a large number of OneWest foreclosures. So in my mind, that raises a question about why a Republican Senator could get his inquiry answered but a pair of Democrats could not.

Getting other basic facts from Mr. Mnuchin was pretty much like a painful time at the dentist, pulling teeth. Here is an example. The Finance Committee requested nominees "list all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution."

When Mr. Mnuchin filed his paperwork with the committee, he signed them, attesting that the document was true, accurate, and complete. However, it became apparent to committee staff that key information was missing. In particular, SEC filings indicated that Mr. Mnuchin was director of Dune Capital International, an entity located in the Cayman Islands. It was nowhere to be found in Mr. Mnuchin's paperwork. He also failed to disclose his role as chairman and CEO of the OneWest Foundation, an entity that is alleged to have made generous donations to groups that publicly endorsed OneWest's controversial purchase by CIT Group. He even failed to report that he had been chairman of IMB HoldCo, the holding company that he used to purchase IndyMac, the bank that he turned into OneWest. All told, after questions were raised by the Finance Committee's staff, Mr. Mnuchin disclosed that he held positions in an additional 14 entities that were not listed on his initial paperwork.

Here is an example of Mr. Mnuchin's failure to fully disclose his various investments. The Finance Committee requests that all nominees list "the identity and value of all assets held, directly or indirectly, with a value in excess of \$1,000." That is pretty straightforward. "The identity and value of all assets held, directly or indirectly, with a value in excess of \$1,000" was to be disclosed. Mr. Mnuchin failed to do this as well. On his initial paperwork, committee staff noted that Mr. Mnuchin listed membership in a vacation resort in Mexico, but he didn't disclose any related property. That was only the first case of missing Mnuchin real estate. After questioning by committee staff, Mr. Mnuchin disclosed still more

missing Mnuchin real estate—an additional \$95 million in real estate holdings that had not been listed on his initial paperwork. The fact is, the committee had to take the time and ask the questions to track down these multimillion dollar properties, Mr. Mnuchin's unreported businesses, and his undisclosed business relationships.

Again, I am convinced that none of what I have described, these undisclosed assets—these substantial and undisclosed assets—would ever have been brought to light if it wasn't for the work of the committee's minority staff investigators. Yet despite these efforts, Mr. Mnuchin still has never produced the information requested by two members of the Finance Committee, Senators CASEY and BROWN, concerning the OneWest foreclosures.

My view is that this is another nominee who has the ethics alarm bell sounding. He has already misled the public. He appears to be concealing information requested by Members of this body, and his claim to fame is the cold and staggering efficiency with which his bank booted predatory lending victims out of their home. I just don't think this is the type of person who should lead the Treasury Department.

Because we will have further discussion on this, I simply close speaking about the kind of person I want to see head the Treasury Department. I note that I have supported a number of Republicans for this particular position in my time on the Finance Committee. I want the kind of person who is going to give everybody in America the opportunity to get ahead. We are going to have more discussion about taxes and particularly important in this role will be the Treasury Secretary's view of taxes.

We have a Tax Code that is really a tale of two systems. If you are a cop or a nurse in West Virginia or in Oregon, your taxes are compulsory. Once or twice a month your taxes are just lifted out of your paycheck because you are a working person. That is the way it works in West Virginia. That is the way it works in Oregon.

But if you have a battery of financial experts, it doesn't work that way. You can use that battery of financial experts to pay what you want, when you want to, and, maybe, not much at all. For this position I want somebody who feels passionately about giving everybody in America the opportunity to get ahead, who really understands what a priority it is to work to bring economic recovery to those communities dimmed by hardship and suffering folks. I know there are a number of people like that in the State of the Acting President pro tempore of the Senate, and there sure are a lot of them in my home State of Oregon. A lot of those rural communities just feel like they have been hit by a wrecking ball. That is the

kind of Treasury Secretary I want—a Treasury Secretary who gives everybody in America the opportunity to get ahead.

Thus far, I just don't see Mr. Mnuchin fitting that mold. We will go on to talk about other issues next week, particularly, his view with respect to taxes. We will have further discussion on it next week.

I urge my colleagues to oppose this nomination.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO ALEXANNA SALMON

Mr. SULLIVAN. Madam President, these past few weeks, I have had the opportunity to come to the floor to recognize truly exceptional Alaskans—those who dedicate their time, energy, and talent to strengthening our communities and making Alaska a truly extraordinary place to call home.

My colleagues here, those in the Gallery, those watching on TV, might know Alaska for its natural wonders. We certainly have those in spades. We want you all to come visit. It will be a life-changing experience, I promise.

For those of us who live there, community is everything. Living in one of the most magnificent places on Earth also has challenges. We depend on each other, our traditional knowledge, our ingenuity, our determination to overcome those challenges, particularly as a community.

Today I would like to transport you to the village of Igiugig in Southwest Alaska, and introduce you to an amazing young woman who is truly making a difference in her community. AlexAnna Salmon is our Alaskan of the Week.

First, a little bit about where she lives. Rich in Alaskan Native traditions, her village is home to around 70 residents year-round, growing to more than 200 in the summer months. The name Igiugig comes from a Yupik word meaning "like a throat that swallows water." It is referring to the location of the village which sits where the Kvichak River meets Lake Iliamna.

Western Alaska has been home to thriving, sustainable communities for a millennia, but rising energy costs and overregulations have put the future of these communities at risk. In fact, many of these communities, particularly in rural Alaska, face some of the highest energy costs in the country, which is a bit of a cruel irony given how resource-rich Alaska is, but in typical Alaska fashion, this village,

facing these energy challenges, comes together as a community to embrace new technologies and new ways to address these challenges.

At the forefront of this rural revolution and sustainable community is our Alaskan of the Week, AlexAnna Salmon. Raised in Igiugig, AlexAnna has emerged as a leader in her community, now serving as the village council president.

She has had that position since just after graduating cum laude from Dartmouth College in 2008, with a double major in Native American studies and anthropology.

While at Dartmouth, she won a prestigious writing award for her senior thesis on life in her village. When she was done with college, she, along with her sister, came back to her community, to her village, to raise her family. In her words, she stated, "I felt that I had the greatest childhood here in Igiugig. This is where kids need to be raised." She wants their childhood experiences to be as great or even better and meaningful as hers.

To keep her community thriving, particularly with these energy challenges—and to make it even a better place for the next generation—she encourages healthy lifestyles, helps improve local infrastructure, and works tirelessly toward ensuring that people in her village have a sustainable source of food and energy.

AlexAnna has overseen the establishment of community farms and gardens, wind turbines, solar collectors, centralized recycling, building upgrades, weatherization, and most recently helped launch a very exciting hydro project.

For her dedication to the well-being of her community and to all Alaskans and for tackling unique challenges with both creativity and determination, for making the impossible, in some of the most extreme parts of our country in terms of rural living, seem possible, AlexAnna Salmon is the Alaskan of the Week.

Congratulations, AlexAnna, and thank you. Your dedication epitomizes what it means to be an Alaskan, honoring the traditions of our past and seizing the opportunities here and now to provide for a bright future.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. WARREN. Madam President, out on the campaign trail, Donald Trump talked a big game about Wall Street. He said: "Wall Street has caused tre-

mendous problems for us." He claimed that he was not going to let Wall Street get away with murder.

His closing ad expressed outrage at Wall Street "controlling the levers of power in Washington." It pictured Goldman Sachs CEO Lloyd Blankfein as part of "the global special interests that were rigging the economy against working families."

Then Trump won, and within days he hired and nominated enough Goldman Sachs alumni to open a new bank branch in the White House. His senior strategist, Steve Bannon, spent half a decade at Goldman Sachs as an investment banker. His National Economic Council Director, Gary Cohn, came directly from Goldman Sachs, where he spent 25 years and rose to be second in command at the bank. His Senior Counsel for Economic Initiatives, Dina Powell, came directly from Goldman Sachs, where she has been a partner since 2010.

Finally, Donald Trump nominated Steve Mnuchin to serve as his Secretary of Treasury. Mr. Mnuchin spent 17 years at Goldman Sachs, much of it in the distribution that created and peddled the kinds of mortgage-backed securities that would later blow up the financial system.

Personnel is policy. The selection of all of these Goldman Sachs executives to serve as core members of Trump's economic team shows that the President has no interest in reducing Wall Street's influence in Washington and leveling the playing field for working families. Instead, it will be the same Republican playbook—gutting the rules for big banks, firing the cops on Wall Street—the same playbook that paved the way for the 2008 financial crisis.

But even among the group of Goldman Sachs bankers surrounding the President, the selection of Mr. Mnuchin as Treasury Secretary stands out. The Treasury Secretary leads the Council responsible for making sure Wall Street doesn't blow up our economy again.

The Council cannot do anything without the support of the Treasury Secretary. No other official has greater responsibility to stand up to Wall Street if they threaten the economy again. Yet there is nothing—nothing—in Mr. Mnuchin's record to suggest that he could stand up to Wall Street. In fact, there is nothing in Mr. Mnuchin's record to suggest that he would even want to stand up to Wall Street, that he has even thought of standing up to Wall Street.

Mr. Mnuchin is the ultimate Wall Street insider. From the moment he graduated from college until today, he has worked at a big bank or a hedge fund. If Wall Street threatens to blow up the economy again, does anyone seriously expect Mr. Mnuchin to get tough with his old buddies and tell them to knock it off?

In fact, you can expect just the opposite. Mr. Mnuchin pretty much laps the field when it comes to personal experience in tilting the playing field in favor of financial interests and against working families. In late 2008, as the financial crisis was sweeping across the country, Mr. Mnuchin led a team of millionaires to purchase IndyMac Bank out of Federal receivership. He rebranded the bank as OneWest and put himself in charge as CEO. Then, Mr. Mnuchin and OneWest acted swiftly and decisively to boot more than 60,000 families out of their homes across the country.

Look, I get it. Foreclosures happen in an economic crisis. But OneWest, Mr. Mnuchin's bank, was different. It quickly gained a reputation as a foreclosure machine, both because it was so aggressive at foreclosing on families and because the bank hardly did anything else.

Countless homeowners who were trapped by a OneWest mortgage had their lives turned upside down. Some ended up homeless.

How sleazy and out of line was Mr. Mnuchin's bank? Well, the bank paid millions of dollars to settle lawsuits for predatory foreclosure practices. They were so sleazy that they even got hit with almost \$3 million in fines for violating the rights of dozens of Active-Duty servicemembers.

You really have to ask: What kind of a man does something like that—cheats our soldiers while they are on Active Duty? The model Mr. Mnuchin developed for OneWest was terrible for homeowners, but it was fabulous for him. Six years after buying the bank, he sold it and reportedly pocketed as much as \$200 million in personal profit—\$200 million for 6 years of throwing families out of their homes—wow, only on Wall Street.

Mr. Mnuchin's leadership of OneWest is critical to evaluating his fitness to serve as Treasury Secretary. That is why I joined 24 other Democratic Senators in asking Chairman HATCH of the Senate Finance Committee to include some of Mr. Mnuchin's foreclosure victims as witnesses at Mr. Mnuchin's hearing.

The chairman refused. So Democrats invited some of those homeowners to come to the Senate anyway to share their stories at a forum. We invited every Senator—Democrat or Republican—to attend the forum. We also invited Mr. Mnuchin to attend. Not one single Republican showed up—not one. Mr. Mnuchin refused to attend. But Senate Democrats turned out to listen. The stories that we heard will break your heart.

We heard from Colleen Ison-Hodroff, from Minneapolis, MN. Colleen is 84 years old. She and her husband Monroe got a reverse mortgage on their fully paid-off home from Financial Freedom, which is a OneWest subsidiary. At the

time, the broker assured them that Colleen could keep living in her home even if her husband passed away before she did. But just days—just days—after Monroe's funeral, Mr. Mnuchin's bank told her she needed to pay off the entire loan or face foreclosure. She has been fighting them off for 2 years now, but the threat hangs over her and her family.

Sylvia Oliver from Scotch Plains, NJ, also told us her story. She had been trying for years to get a loan modification from OneWest. For years, the bank refused to work with her in good faith. Sylvia choked up as she described how she felt when her young daughter told her: Mom, I love our home. She had to smile and look her daughter in the eye, not knowing whether they could keep that home for more than even a few more weeks.

We heard from Cristina Clifford, from Carlsbad, CA. Cristina is a real go-getter, a self-employed small business owner who saved up enough money to buy her first home soon after she turned 20. When the financial crisis hit, the income from her business dried up, and she reached out to Mr. Mnuchin's bank for a modification. But when she sent in her modification paperwork, along with the check for her first new payment, she sent them in a single envelope, and Mr. Mnuchin's bank claimed they had never received the paperwork even though they cashed the check that was in the same envelope.

Ultimately, Mr. Mnuchin's bank foreclosed on Cristina, just days after an employee personally had assured her that she could still work out a modification to keep her home. But she lost her home.

We also heard from Heather McCreary, a mother of twin boys from Sparks, NV. Like a lot of families, Heather and her husband Jack were hit hard in the financial crisis. She lost her job as a home health aide, and Jack, who worked construction, got fewer hours and lower wages. Heather and Jack applied to OneWest for a modification. They did everything they were told. But it did not matter to Mr. Mnuchin and his friends at OneWest.

The bank strung them along for years and then, in the blink of an eye, foreclosed so abruptly that it literally put Heather, her husband Jack, and their twin boys out on the street.

All four of these women begged the Senate to reject Mr. Mnuchin's nomination. Heather said:

Putting Steve Mnuchin in charge of the country's financial system is an insult to families like mine, families who worked hard and did everything they could to get by after the economy collapsed. Take it from my experience, I know he will not be looking out for working people. Instead, he will use his position to make the economy work better for people like himself.

No track record of independence from Wall Street, a history of profiting off

the financial crisis by squeezing working families to the breaking point—each one of those should be disqualifying to serve as Treasury Secretary. That should be the end of his nomination. We should be done with this. But there is more.

During Mr. Mnuchin's nomination process, he flat-out lied to the Senate. Senator CASEY from Pennsylvania asked Mr. Mnuchin a straightforward factual question about foreclosure abuses at OneWest. Mr. Mnuchin claimed they did not happen. That is not even a good lie. Within days, reporters found court documents contradicting Mr. Mnuchin's claim. You know, something like that should not be a partisan issue. A person who lies to Congress should not be the country's top economic official—period, done.

But when Senate Democrats demanded that Mr. Mnuchin come before the Finance Committee again to account for his statement, Republicans on the committee unilaterally changed the rules and rammed Mr. Mnuchin's nomination through without a single Democrat present.

Do Senate Republicans care about Mr. Mnuchin's lies?

The American people should.

If Mr. Mnuchin is willing to lie about something that is so easily disproved by public court documents, what else is he willing to lie about? How can Congress or the American people believe him ever again?

We know Mr. Mnuchin has the full support of Wall Street. The big bank lobbyists, Mr. Mnuchin's hedge fund pals, man, they want to see him confirmed. They are lobbying hard. They know he will help out his old buddies and give them all the financial rule rollbacks and sweetheart deals that they want. What we know is that is usually enough to carry the day around here.

But me? I am going with Colleen and Heather and Sylvia and Cristina. I heard what Mr. Mnuchin and his bank did to them and to thousands more like them in Massachusetts and all across the country. The U.S. Senate should not reward that kind of sleazy, cruel, and sometimes illegal conduct by making him the Secretary of Treasury.

We cannot say to the millions of people who lost their homes, who lost their jobs, who lost their savings during the financial crisis, that a man like Mr. Mnuchin will be entrusted with the keys to our Treasury. We cannot say to the American people that someone who lied to Congress—who lied and didn't even have to come back and explain his lie—can become a senior Cabinet official.

A lot of people believed Donald Trump when he said he would be tough on Wall Street. A lot of people voted for him because of that promise. By hiring half of Goldman Sachs to run the economy, Donald Trump has made

clear he has no intention of keeping his promise. And now, with the vote on Mr. Mnuchin, the American public will have the chance to see whether Senate Republicans are serious about keeping Wall Street in line too.

Don't hold your breath, America. I will be voting no on Mr. Mnuchin's nomination, and I urge all of my colleagues to do the same.

I want to read some of the stories that we have about Mr. Mnuchin's time at OneWest. You know, you don't have to take this just from me. I may be the one speaking here today, but it is the voices of Colleen and Heather and Sylvia and Cristina and thousands of others whose lives were ruined by Steve Mnuchin's aggressive foreclosure tactics that really deserve to be heard.

I have already told you about Colleen Ison-Hodroff, the 84-year-old woman who is getting cheated out of her home, her home that she lived in for over 50 years and that was fully paid off. She is getting cheated out of that home by Steve Mnuchin's bank.

Now what I would like to do is to share her full story in her own words. This is what she had to say:

My name is Colleen Ison-Hodroff. I am 84 years old. I am a resident of Minneapolis, Minnesota. My husband Monroe Hodroff and I purchased our home located at 2753 Ewing Avenue in 1963 as a home for our family of six children. They called us the Brady Bunch of Ewing Avenue. Our house was the heart and soul of our family. Monroe and I were married for 55 years, and we successfully ran four small grocery stores. I would like to thank you all very much for allowing me to share my story.

I am here today because Financial Freedom, my reverse mortgage servicer, is trying to foreclose on my home. This is despite the fact that when my husband Monroe and I took out this loan, they told us that I could remain in the home if Monroe should die before me.

In July of 2006, my husband and I decided to take out a reverse mortgage loan with Financial Freedom. It was a very complicated process. Someone came to our house and I was asked to sign a number of papers. Usually, Monroe handled the financial matters for our household. We were told that I could live in the house if Monroe passed away. It was never Monroe's or my intention that the survivor of the two of us would have to sell the house or leave if one of us died. We would not have signed for the loan if we thought that was the case.

My husband Monroe passed on September 12, 2014. A mere 10 days later, despite what we had been told, Financial Freedom contacted me and told me that I needed to pay off the loan immediately. This was news to me. I was in no financial position to do so. Since then, Financial Freedom has been trying to foreclose on me. I think this is an injustice in that an elderly woman was deceived, and now Financial Freedom is trying to take my home. Why would Financial Freedom do this to me? I relied on what I was told, and now they are trying to kick me out of our family home.

How was I supposed to know if what I was told wasn't true? What am I supposed to do now?

My understanding is that in such circumstances, Financial Freedom blames HUD

for it kicking out Non-Borrowing Spouses. Experts who have reviewed my paperwork have told me that this isn't even a HUD-backed loan, so Financial Freedom has no one to blame but themselves. It seems Financial Freedom should be working to keep people like me in their homes, and not fighting to kick us out.

I hear that Steve Mnuchin was a leader of the bank that is doing this to me and other seniors. I do not think a man like that should be the Treasury Secretary and in charge of our economy. We can't let that happen. Thank you again for allowing me to tell my story on behalf of those who have had bad dealings with Financial Freedom and OneWest.

Thank you, Colleen. I appreciate you telling your story.

I also talked about Heather McCreary, her husband, and her twin boys, and how her family was left out on the street because of the greed of Steve Mnuchin and OneWest Bank.

Heather courageously shared her story with us, and here is what she said:

My name is Heather McCreary. My husband Jack, my two kids Jaden and Clara, and I are from Sparks, Nevada. This is my story about how my family's American Dream turned into a nightmare. I'm sharing my story with the hope of explaining why we cannot let Steve Mnuchin become Secretary of the Treasury. Putting Steve Mnuchin in charge of the Treasury Department would mean that a man who profited off the struggles of families like mine would be one of the most powerful people in the U.S. economy.

For a while, it was looking like our shot at the American Dream was going pretty well. In 2006, Jack and I bought our dream home in Sparks—just a mile away from my parents, and a short walk to Jaden and Clara's school and to parks the kids could play in. I was working as a home health care worker and Jack was working in construction, and together we were managing just fine.

Then, in 2008, when the economy started to get worse, I was laid off. The following year in 2009, Jack was laid off too. Though Jack was able to find another job pretty fast, he had to take a big pay cut—from about \$25 an hour to \$8.50 an hour. Between the cut in Jack's pay and the loss in income I experienced when going on unemployment insurance benefits after I got laid off, we were pinched and we were drowning financially. However, we were determined to keep our dream home, so Jack and I were tenacious about doing whatever we could to get help. We sought help from the Hope Now Alliance, which is an alliance of HUD-approved counselors who provide free foreclosure help, and from the Washoe County Senior Law Project. We worked side-by-side with both organizations to do everything required of us by our mortgage servicer IndyMac, which later became OneWest.

When we first asked for help, OneWest gave us a short forbearance and allowed us to make a smaller payment for several months with the goal of a reduction in our monthly mortgage payments through the Home Affordable Modification Program (or HAMP). By applying for the HAMP program, we thought we were back on the road to keeping our home. We complied 100 percent with OneWest's requirements for HAMP—we were incredibly nervous about being able to keep our house, so we were extremely careful to make sure we did everything we could to keep the process going forward. Our applica-

tion for HAMP was processed and we were approved for a modification. I sent in the signed paperwork and the first payment under the modified payment amount.

But then the process started to fall apart.

After a whole 30 days, OneWest returned our personal check and told us that only certified checks would be accepted, so they were now voiding the modification offer. We had followed the instructions to the letter on OneWest's paperwork, crossing our "T"s and dotting our "I"s. But in the end, this didn't matter—and OneWest's rejection of our HAMP application put us on the road to foreclosure.

We applied two more times for loan modifications over the next six months because we were given assurances by people at OneWest that they would approve our application. We again complied with every request OneWest made of us, taking care to send in extra documents whenever OneWest requested them. But as far as I can tell, OneWest never attempted to process the loan modification.

The foreclosure went through and we lost our home on September 10, 2010. The foreclosure left us without a home, and finding a new rental was extremely difficult because of our credit. Juggling the demands of raising our twins and this was so hard—the foreclosure even meant that our kids had to miss school. Eventually we did find a new place, but we had to pay an outrageous rent—even though it was not a good home for us at all. It's hard to explain the shame, embarrassment, and grief that Jack and I felt.

I've cried a river of tears over this. I really didn't think we were asking too much: we wanted to hang onto our home for the sake of our kids, and we did everything we could to stay in our home. And while I will probably never know exactly what OneWest did, the outcome of my story proves that Steve Mnuchin's company had no interest in helping us. They wanted to foreclose because they were focused on their profits. Putting Steve Mnuchin in charge of the country's financial system is an insult to families like mine: families who worked hard and did everything they could to get by after the economy collapsed.

Take it from my experience—I know he will not be looking out for working people. Instead, he will use his position to make the economy work better for people like himself. On behalf of my family and others like it, I ask you to please reject Steve Mnuchin as Treasury Secretary.

Thank you, Heather, for sending in your letter. I appreciate it.

And remember Sylvia? She and her family are facing foreclosure later this month, yet she still came all the way to Washington to stop the Senate from putting Steve Mnuchin in a position to harm millions of others.

Sylvia told us her story, and this is what she said:

My name is Sylvia Oliver, I am a homeowner from Scotch Plains, New Jersey. I got my mortgage from IndyMac in May 2008, and about a month later, IndyMac failed. I want to share my story because it is more than a house—it is a home for me, my husband, and my three children and my grandchildren.

In early 2009, my husband and I were facing financial difficulties. Because of the economy being in bad shape, my husband was between jobs. We reached out to OneWest to request a modification. We were told that we had to make three payments in order to move forward on a permanent modification,

and so we made those three payments. After making those payments, I reached back out to OneWest to find out what the next steps were. But I couldn't get a straight answer from them, so we continued making partial payments, even though it was a challenge for us financially.

In February 2010, I submitted a modification application to OneWest Bank. About six weeks later I received a Notice of Intent to Foreclose. However, the person I had been talking to at OneWest, a man named Albert, told me not to worry, and encouraged me to continue submitting updated documents to the bank. So, for the next year, I would submit new documents to the bank, through FedEx and through faxes. And, every week, I would call Albert and ask if he had an update on my situation, and every week I was told there was no answer and to call back the next week.

After a year of my weekly phone calls, I finally received a denial letter from OneWest in February 2011, when they said they couldn't modify my loan.

Albert at OneWest told me I could reapply for a modification, which I did, because I really wanted to keep our home.

For the next several months, the cycle would repeat with the bank telling me to reapply for a modification, me believing that they were sincere, and then a few months later being told that we had been declined again. This was surprising, because during this time we were back on our feet and our incomes were both increasing, which meant we were in a better position to pay for our mortgage.

At the end of 2015, I received another notice of foreclosure from the bank. At this point it became clear to me that OneWest never had any intention of modifying the loan in such a way that they would still get paid back and we would be able to keep our home.

In March of 2016, I hired a lawyer because I thought they might have more success in working with the bank than I did. At my attorney's advice, I filed a Chapter 13 bankruptcy as part of another modification application. That process went on for about five or six months, with the same cycle of me sending paperwork over and over to the bank, and the same answer again.

Last year I was facing foreclosure three weeks before Christmas. However, that was then postponed until this month. In fact, I was supposed to be foreclosed on by OneWest today—

That is the day she came to Washington—

however, after Senator Menendez's office called OneWest, I learned that my sale had been postponed at least until next month.

Earlier this month, I sought help from a HUD approved housing counselor. She worked with me and my husband to document our income and to submit a modification application. After analyzing the situation, she was surprised to hear that we had not qualified for a modification earlier, especially since my husband and I both had good incomes.

As of right now, I am still facing foreclosure next month—

That would be February—

and I know in my heart this is because OneWest's only intent was to foreclose on my home.

This bank has had ample opportunities to modify my loan. In fact, they told me that they own the loan, so I know they can't blame the situation on an investor not allowing them to modify my loan. Nobody

should have to go through the experience that I have gone through during the past several years with OneWest Bank. It has been very painful and stressful not knowing if my kids and my family were going to have a home to live in or if it is going to be foreclosed on.

I would ask you to remember my experience when you consider whether Mr. Mnuchin is qualified to lead the Department of the Treasury. As the CEO and Chair of OneWest Bank, Mr. Mnuchin had the opportunity to help families like mine with responsible loan modification, and he didn't. I don't think this is a track record that anybody should be proud of.

Thank you, Sylvia for telling your story.

Then there is Cristina, a small business owner who owned her own home at the age of 20. I already told you about how Steve Mnuchin's bank ran her in circles until they could foreclose on her house. But now I want you to hear the full story from Cristina. Here is what she said:

Good afternoon. My name is Cristina Clifford. I'm hoping that by sharing my story today I can explain why I believe confirming Steve Mnuchin as Treasury Secretary would be a serious mistake for our country. I experienced firsthand what it was like to be subject to OneWest's greed, and I can tell you that the person who ran OneWest Bank should not be the person responsible for oversight of the U.S. economy.

In 2001, when I was 20, I bought my first home—a great condo in Whittier, California, just outside Los Angeles. I was young, but I've always been a motivated self-starter. I'm also a self-employed, small business owner—my primary source of income. Things were going just fine, and I was never, ever late on my mortgage payments.

However, that changed in 2008—like it did for so many of us—when the economy took a turn for the worse. My business struggled, and I started relying on credit cards to stay afloat. In March of 2009, I was unable to make my mortgage payment for the first time in eight years as a homeowner. I called OneWest directly to see what options I would have for keeping my home. They told me flat out that because I had never been delinquent, they had no way of helping me.

In order to get help, they said, I would have to fall behind on my payments. Of course this was misleading—and, I've since found out, a common tactic that mortgage lenders use to push people into default.

From there, I began the long, long process of loan modification through the Home Affordable Mortgage Program (or HAMP). I sent in numerous documents to OneWest, and in May, I was offered my first loan modification. I was thrilled—the new payments would fit perfectly in my budget, so I signed the loan modification papers and sent them via FedEx along with a check for my first payment under the new, modified payment amount. In July, I expected OneWest to send me a statement with the new lower payment amount. Instead, I received a letter saying that they had not received my loan modification paperwork, so the modification terms were no longer valid. I called them and OneWest confirmed that they had not received my returned loan modification agreement.

I knew right away this wasn't right, because they had cashed the check for the first modified payment in the same FedEx envelope. That they managed to cash the check

but completely neglect the loan modification agreement—again, in the same envelope—is absolutely outrageous.

I had no choice but to apply again, this time submitting even more documents; I was told to submit and resubmit many duplicative documents in many different formats. Despite how difficult OneWest made the process, I did everything they asked because I was determined to keep my home. On August 3, 2009, I received a notice of default from OneWest but proceeded with my second attempt at modifying my loan. I received my second loan modification offer later that month. The terms were almost identical to the offer they made me in May, so I quickly signed the offer and mailed it in with another check.

In October, I got a letter exactly like the one I received earlier saying that they had not received the loan modification paperwork and that the modification offer was no longer valid. Yet as they did the first time, they cashed the check I sent with the signed offer.

At this point, I felt I had no choice but to get an attorney, who worked to get my foreclosure postponed while the loan modification process played out. He spoke with people at OneWest who told him that they would postpone the sale of my condo until the loan modification process was completed.

This simply wasn't true: on the evening of December 3, 2009, I received a knock on my door from a man that introduced himself as the new owner of my property. And in March of 2010, I received a final notice telling me that I had five days to leave my apartment—five days to pack up the ten years of my life I'd spent in my home.

The reason I am sharing my story is because there are so many other people out there like me who got left in the dust. Steve Mnuchin profited from people like me, even when we did everything we could to keep our homes. You might say that Steve Mnuchin did not personally authorize OneWest to cheat me out of my home, but his fortune rose as a direct result of managing a company that routinely engaged in irresponsible behavior.

The Treasury Secretary will be tasked with making sure the economy is working in a way that benefits all of Americans, not just the top 1 percent. However, Steve Mnuchin is not that person; he is just the opposite. Please make a statement for people like me and oppose his confirmation as Treasury Secretary.

Thank you, Cristina. Thank you for coming to Washington. Thank you for submitting your story.

Now these are just four stories—four experiences—among the thousands more like them, all leading to the same simple but startling conclusion: Under Steve Mnuchin's leadership, OneWest Bank took advantage of homeowners all across the country in the immediate aftermath of the financial crisis. And why did they do it? They did it to make a quick buck.

But don't just take my word for it. Paulina Gonzalez, the Executive Director for the California Reinvestment Coalition also came to Washington to speak to us. Paulina and her organization have been closely tracking OneWest's destructive practices for years. Here is what Paulina told us:

My name is Paulina Gonzalez. I am the Executive Director of the California Reinvest-

ment Coalition. Over the past 30 years, CRC has grown to the largest state reinvestment coalition in the country with a membership of 300 organizations that serve low-income communities and community of color.

It is critically important that our elected representatives and the American public hear directly from people who have lost their homes due to the egregious practices by OneWest under Mr. Mnuchin's leadership, before deciding on his nomination to the high and important office of Treasury Secretary.

I'm going to share some data and information with you in the next few minutes, but know that the wreckage from OneWest is not really about numbers, data, and legal briefs. It's about the tens of thousands of Americans who have suffered devastating personal and financial losses as a result of OneWest's abusive foreclosure practices.

Whether it's the story of the Minnesota woman who sought a loan modification from OneWest and returned to her home in a blizzard only to find that her locks were changed. Or the 90 year old woman who was nearly kicked out of her home for mistakenly paying 27 cents less than [the amount] OneWest said she owed. Or the 80 year old former Christian missionary who was notified at his home that Financial Freedom was foreclosing on him because the bank said it had no record of him living there. The issue is the same: instead of helping people stay in their homes, Mr. Mnuchin devised a foreclosure machine that used every trick in the book to profit from their suffering.

And foreclose he did. CRC and Urban Strategies Council analyzed data showing that OneWest foreclosed on over 36,000 families in California and 24,000 families nationally. All of these foreclosures occurred after Mr. Mnuchin purchased IndyMac Bank. In addition, we suspect that OneWest's reverse mortgage subsidiary, Financial Freedom, has foreclosed on more seniors, widows, and widowers, and heirs than any other company participating in the federal Home Equity Conversion Mortgage program. A Freedom of Information Act request that we filed with HUD revealed that Financial Freedom had foreclosed on over 16,000 seniors, widows, widowers, and their families, or 39% of all Home Equity Conversion Mortgage foreclosures, roughly twice the rate one would expect given the bank's market share.

I just want to say that one more time. They foreclosed on seniors, on widows, on widowers, and on families at about twice the rate of anyone else doing the same business.

Mr. Mnuchin may defend his record by saying he inherited these bad loans, that the foreclosures were inevitable, and that his bank followed the law in dealing with his customers. We strongly disagree, and it appears we are not alone. In a CNN story that aired on January 3rd about Mr. Mnuchin and Financial Freedom, a HUD spokesperson was quoted as saying, "while HUD doesn't dispute that it has strict rules for government backed reverse mortgages, OneWest had the ability to give survivors more time but chose not to."

Mr. Mnuchin's spokespeople have also praised his modification record. But, we are not sure there is much to praise. 2013 data from the Treasury Department shows that OneWest had among the highest denial rates for the Home Affordable Modification Program, [HAMP.] the federal government's main foreclosure prevention effort. Under Mr. Mnuchin, OneWest denied three-quarters of the thousands of loan modification requests that came in from families trying to

save their homes. OneWest was much more likely to deny loan modifications under this program than peers, such as Bank of America or Wells Fargo.

A January 2013 memo from the California Attorney General's office revealed a staff investigation finding of "widespread misconduct" at the bank, including backdating thousands of foreclosure documents, improper foreclosure auction credit bidding which meant the bank could claim tax exemptions it wasn't entitled to, proceeding with foreclosures without the proper authority to do so, and speeding up foreclosure timelines. All of these practices deprived working families in California a fair chance to stay in their homes.

The Treasury Secretary leads our economy. The Secretary helps oversee our banking system and will have much to say about important policies relating to banking, housing, and economic development that will impact all Americans. The country needs a Treasury Secretary who will consider the needs of all Americans, including working class Americans. Mr. Mnuchin's tenure at OneWest Bank shows him to work in his interest and in the corporate interest, at the great expense and harm to everyday Americans.

Thank you, Paulina. I appreciate your sending in this information, and I agree.

Unfortunately, Mr. Mnuchin's history of oppressive foreclosure practices isn't the only thing that disqualifies him from serving as Secretary of the Treasury. I already told you that Mr. Mnuchin flat-out lied to the Senate when he told my colleague, Senator CASEY, that his bank didn't engage in certain foreclosure practices. I wish to share an article from the Columbus Dispatch uncovering the exact practices Mr. Mnuchin told the Senate that his bank never engaged in. The article says: "President Donald Trump's nominee for U.S. treasury secretary was untruthful with the Senate during the confirmation process, documents uncovered by The Dispatch show."

Steve Mnuchin, former chairman and chief executive officer of OneWest Bank, known for its aggressive foreclosure practices, flatly denied in testimony before the Senate Finance Committee that OneWest used "robo-signing" on mortgage documents.

But records show the bank utilized the questionable practice in Ohio.

"This guy is just lying. There's no other way to say it," said Bill Faith, executive director of the Coalition on Homelessness and Housing in Ohio.

The revelation comes with the committee's vote on whether to confirm Mnuchin's nomination, currently scheduled for Monday night.

"Robo-signing" is the informal term for when a mortgage company employee signs hundreds of foreclosures, swearing they have scrutinized the document as required by law when in fact they have not.

"OneWest Bank did not 'robo-sign' documents," Mnuchin wrote in response to questions from individual Senators, "and as the only bank to successfully complete the Independent Foreclosure Review required by federal banking regulators to investigate allegations of 'robo-signing,' I am proud of our institution's extremely low error rate."

I just want to read that one more time. Steve Mnuchin said: "OneWest

Bank did not 'robo-sign' documents." And he is proud of what he did.

But a Dispatch analysis of nearly four dozen foreclosure cases filed by OneWest in Franklin County in 2010 alone shows that the company frequently used robo-signers. The vast majority of the Columbus-area cases were signed by 11 different people in Travis County, Texas. Those employees called themselves vice presidents, assistant vice presidents, managers and assistant secretaries. In three local cases, a judge dismissed OneWest foreclosure proceedings specifically based on inaccurate robo-signings.

The Dispatch found more than 1,900 OneWest foreclosures in the state's six largest counties from 2009 to 2015.

Carla Duncan, a social worker from Cleveland Heights, was snared by OneWest's robo-signing machinery.

On her way out of town for a short trip in 2010, Duncan stopped by her home to get her mail and found a note from a field inspector for her mortgage company, saying that her house was vacant and was going to be boarded up.

"It wasn't vacant, I was living there," Duncan said. "There were curtains on the windows. The radio was playing and the dog was there."

What Duncan didn't know at the time was that OneWest had begun foreclosure proceedings on her three-bedroom home even though she was up-to-date on her payments. OneWest refused to accept a loan modification approved by a previous lender that had been purchased by OneWest, and it wanted to substantially increase Duncan's interest rate and monthly payment and add late fees. The company also put a lock box on a separate rental property she owned in Cleveland.

After hiring former Ohio Attorney General Marc Dann, waging a five-year court battle and filing personal bankruptcy, Duncan was finally able to get the foreclosures dismissed and keep her home and rental property. She said the experience was devastating.

"It got to the point that I was afraid to open my own door."

Court records show that Duncan's mortgage was robo-signed by Erica Johnson-Seck, vice president of OneWest's department of bankruptcy and foreclosures. From her office in Austin, Texas, Johnson-Seck robo-signed an average of 750 foreclosure documents a week, according to a sworn deposition she gave in a Florida case in July 2009.

Under oath, Johnson-Seck acknowledged that she did not read the documents she was signing, taking only about 30 seconds to sign her name. To speed up the process, Johnson-Seck said she shortened her first name in her signature to just "E." In the deposition that OneWest's practice was to review just 10 percent of the foreclosure documents for accuracy.

Dann, who now specializes in representing clients who have problems with banks and other lenders after he was forced to resign as attorney general nearly 10 years ago, said Mnuchin's businesses were a "major offender" in problem mortgages. Dann said Mnuchin's firms were known for dual tracking [which means] pursuing foreclosure simultaneously as they allegedly worked with homeowners, fabricating documents and other tactics "that caused unbelievable devastation in people's lives."

In 2010, federal laws were changed, enabling borrowers victimized by lenders to sue

them. Dann said he worries that Mnuchin, as treasury secretary, would quietly work to repeal reforms collectively known as the Dodd-Frank Wall Street Reform and Consumer Protection Act.

That appears to be the case.

"It has been over six years since the passage of Dodd-Frank and it seems like an appropriate time to review all of the regulations from Dodd-Frank to understand their impact on the market, investors, small businesses and economic growth," Mnuchin said in a written answer to the Senate.

The Dispatch analysis showed thousands of Ohio homeowners—including 245 in Franklin County—found themselves in OneWest's crosshairs when they defaulted on their loans, the majority of them with high interest rates. Many mortgages had terms that housing and financial experts view as predatory: prepayment penalties, interest-only loans and no-money-down loans.

Mnuchin was labeled by critics at the time as the "Foreclosure King."

That is it—the "Foreclosure King." That is who is just hours away from becoming the chief financial officer of our country.

Steve Mnuchin is a Wall Street insider who has spent his career looking out for himself and his billionaire buddies. He led a bank that forced thousands of hardworking Americans out of their homes, and he lied to the Senate.

The Constitution demands that Senators advise and consent on the President's nominations. Well, here is my advice: Steve Mnuchin is not fit to be Secretary of Treasury.

He will not look out for the millions of Americans still recovering from the recession, like Heather and Cristina. He certainly will not defend the interests of middle-class families like the McCrearys and the Olivers. And I know he will not stand up to Wall Street and fight to protect the interests of all Americans.

I urge my colleagues to oppose Mr. Mnuchin's nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FISCHER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I rise in opposition to the nomination of Steven Mnuchin to be Secretary of the Treasury.

No Cabinet official can have such a profound impact on our economy, on family budgets, on taxes, and on consumer protection as the Secretary of the Treasury. It is a job of immense reach that requires a steady hand, a commitment to fairness, and a deep knowledge of our Nation's financial markets and the rules that protect the savings and investments of middle-class Americans. In light of this reality, I do not think Mr. Mnuchin meets these requirements.

I know that for many of my fellow Rhode Islanders and for many Americans, the economy is not producing the jobs and wages they want and they need. I share that sentiment and have pushed for job and wage policies like the minimum wage, paid leave, and health care that help struggling families cope. I have pushed for job creation by putting people to work by rebuilding our Nation's roads, bridges, transit systems, schools, and new housing. But I think it is important that everyone in this Chamber take a step back and understand where our economy was, where it is today, and what is at stake.

In 2007, the housing market began to collapse. One measure of the housing market is the seriously delinquent rate, which is the percentage of loans that are 90 days or more past due or in the process of foreclosure. Here are just a few examples of the hardest hit States: 13.2 percent in Arizona in December 2009, 9.63 percent in Ohio in December 2009, and 20.61 percent in Florida in March 2010.

By the end of President Obama's term in office, here are the seriously delinquent rates for those same States: 1.35 percent in Arizona in September of 2016, 3.59 percent in Ohio in September of 2016, and 4.14 percent in Florida in September of 2016. Just to remind on this, Florida went from a seriously delinquent rate of over 20 percent in 2010 to just over 4 percent in 2016 because of the policy, the programs that were initiated by the President and supported by this Congress.

In 2007, the unemployment rate began to skyrocket. Again, here is what that meant in a few States at their highest unemployment rates: 11.2 percent in Arizona in November of 2009, 13.6 percent in Nevada in December 2010, 11 percent in Ohio in January 2010, 11.2 percent in Florida in January 2010, and in my home State, double digit unemployment rates also.

By the end of President Obama's term in office, here are the preliminary rates for those states as of December 2016: 4.8 percent in Arizona, 5.1 percent in Nevada, 4.9 percent in Ohio, and 4.9 percent in Florida. We have seen improvement across the Nation.

I urge my colleagues to take all of this into account when they consider Mr. Mnuchin.

These are sobering numbers, and behind each of these numbers is an individual or a family, our constituents, who suffered real and serious harm. We owe it to our constituents to do something so that these generational losses will be prevented from happening again. We came out of a deep abyss through difficult work, through cooperative efforts; we have reached a point where we are poised, I hope, to continue to move forward, and we don't want to go back. That was at the heart of our work on the Dodd-Frank Wall Street Reform and Consumer Protec-

tion Act. It was to learn the lessons from this catastrophe so that we would never endure another in our history.

Unfortunately, for some of my constituents in Rhode Island and others around the country, the aftershocks of that financial crisis have not fully dissipated. We are still living in some respects with what happened. There are still too many looking for a decent-paying job or facing gut-wrenching financial decisions like whether to turn the heat off or to skip feeding the family another day, just to make ends meet.

Indeed, one of my constituents recently wrote:

My wife and I lost nearly half our assets in the 2008 financial crisis. Over eight years later, and our house is still worth less than the mortgage that remains on it. We are both professionals, and will have to stay that way until we are 75 in order to come close to the standard of living we enjoy now during retirement. The financial reforms enacted under Dodd Frank, and Obama's regulation that requires financial advisers and brokers to act in their client's best interests, are critical to my family's well-being and to the health of the US economy. I would like to know how you plan to defeat any attempts to unravel these rules. Given the clear threat that Trump poses to our economy, and the losses I have already suffered due to bankers' greed and incompetence, without these rules I feel better off putting my money in my basement and will do exactly that. At least we won't lose half of what we own.

Those are the words of a professional family in Rhode Island who have seen this struggle firsthand, and they ask this question: What are you going to do to protect the reforms and the advances we have made that have been manifested in the economic statistics that I shared with my colleagues?

As you can see, for this Rhode Islander and for many others, the law we put in place to stanch the bleeding and stabilize the financial system is a critical help.

But some have so demonized Dodd-Frank that they would have you believe otherwise. That may be why its opponents prefer calling it Dodd-Frank instead of its full name, the Dodd-Frank Wall Street Reform and Consumer Protection Act, because it is about reforming Wall Street and protecting consumers. It is a lot easier to be against something called Dodd-Frank than it is to be against Wall Street reform and consumer protection. But as my colleagues just heard in my constituent's own words, Dodd-Frank is "critical to my family's well-being and to the health of the US economy."

The question I have to answer as my constituent's Senator is whether Mr. Mnuchin will support Dodd-Frank, push efforts to further reform Wall Street, and place as his highest priority the protection of consumers as our next Treasury Secretary.

Based on a review of Mr. Mnuchin's record, the answer, to me, is very clear: No, he will not.

As chairman of OneWest Bank, Mr. Mnuchin made a fortune employing questionable foreclosure practices that made the financial crisis worse for families and seniors. What is particularly worrisome is that OneWest engaged in so-called robo-signing, where companies cut crucial corners by not properly reviewing or even bothering to read foreclosure documents.

Indeed, according to one news report:

Erica Johnson-Seck, vice president of OneWest's department of bankruptcy and foreclosures . . . robo-signed an average of 750 foreclosure documents a week, according to a sworn deposition she gave in a Florida case in July 2009 . . . Under oath, Johnson-Seck acknowledged that she did not read the documents she was signing, taking only about 30 seconds to sign her name. To speed up the process, Johnson-Seck said she shortened her first name on her signature to just an "E." She said in the deposition that OneWest's practice was to review just 10 percent of the foreclosure documents for accuracy.

As part of the confirmation process, when asked whether his company engaged in robo-signing, Mr. Mnuchin responded that OneWest did not robo-sign documents. However, it is not clear that this was the case, and not just because of Ms. Johnson-Seck's deposition. Quoting from a Bloomberg article written by one of Rhode Island's finest exports, Joe Nocera, who writes: "But here's the clincher: In 2011, the man who now says his bank never robo-signed documents signed a consent order with the Office of Thrift Supervision, which had accused it of—you guessed it—robo-signing."

Disturbingly, Mr. Mnuchin's response on this issue either raises troubling questions about his management capabilities or his willingness to be forthright, or potentially both.

Ironically, Mr. Mnuchin's confirmation process mirrors his career in at least one way. While the Senate Finance Committee normally requires at least one Democratic Senator to be present in order to vote in committee on a nominee, the normal rules were suspended so that Mr. Mnuchin could be reported out of committee for consideration by the full Senate. In other words, the rules were not followed, special shortcuts were created for him, and much like the robo-signing that occurred at OneWest, Mr. Mnuchin is on the path to robo-confirmation without a full and proper vetting by the United States Senate.

The last thing this body should be doing is robo-stamping Mr. Mnuchin's nomination so that he, as Treasury Secretary, can change the rules and rig the system in favor of the insiders at the expense of working-class Americans who are working overtime just to, in many cases, make ends barely meet.

For example, Mr. Mnuchin has stated that his first priority would be enactment of the Trump tax plan. This plan makes deep, unfunded cuts to revenue,

and roughly half of the reduced tax burden is just for the top 1 percent, the wealthy, who don't have to worry about how much a gallon of milk costs, what it costs to ride the bus or fill the gas tank. We have seen what huge tax cuts for the wealthy will do to the economy. Just look at the economy in the late 2000s and the deficit. The economic plan endorsed by President Trump and Mr. Mnuchin will not help the middle class, but will only further skew the economy in favor of the wealthy and well-connected and do precious little for job growth.

In addition, the incoming Treasury Secretary will be tasked with rolling back the Dodd-Frank Wall Street Reform and Consumer Protection Act in support of a President who said:

We expect to be cutting a lot out of Dodd-Frank because, frankly, I have so many people, friends of mine that have nice businesses, and they can't borrow money. . . . They just can't get any money because the banks just won't let them borrow because of the rules and regulations in Dodd-Frank.

Indeed, Mr. Mnuchin seems all too eager to assist because he himself has said that "we want to strip back parts of Dodd-Frank that prevent banks from lending."

We are simply not seeing this, though. According to JPMorgan's chief financial officer, Marianne Lake, on an analyst conference call last month, "loan growth remains robust."

According to Bloomberg:

At JPMorgan, the biggest U.S. bank, core loans increased 10 percent to \$806.2 billion last year, with gains in every category, including credit cards and wholesale debt. Bank of America Corp.'s total loans climbed 1.1 percent to \$906.8 billion, while Wells Fargo & Co.'s grew 5.6 percent to \$968 billion.

According to the same article, "banks now have a record \$9.1 trillion of loans outstanding."

Based on this, it seems that big bank lending is actually doing well, and maybe the reason the President's friends have not gotten loans is that they borrowed too much and possibly have gone bankrupt too much, and the megabanks want to be careful about whom they lend to.

Indeed, Anat Admati, a finance professor at Stanford University and a member of the FDIC's Systemic Resolution Advisory Committee, notes that:

The claim that regulations are prohibiting lending is simply false. . . . The banks have plenty of money and can raise more from investors like other businesses if they have worthy loans to make. If they don't lend, it's because they choose not to lend and instead do many other things.

This is a key point. According to Bloomberg:

Banks don't actually "hold" capital. In banking, capital refers to the funding they receive from shareholders. Every penny of it can be loaned out. A 5 percent minimum capital requirement means that 5 percent of the bank's liabilities has to be equity, while the rest can be deposits or other borrowing. The more equity a bank has, the smaller its risk of failing when losses pile up.

Given the protection that equity provides, you are left to wonder why Mr. Mnuchin and President Trump are so anti-capital.

Indeed, from that same Bloomberg article:

Former Goldman Sachs partner Phillip D. Murphy, who was a member of the banks' management committee with [National Economic Council Director Gary] Cohn and Treasury Secretary nominee Steven Mnuchin, said he's mystified with the changes they're pushing. "To think that undoing those regulations is going to lead to a better result is folly," said Murphy, who's seeking the Democratic nomination in this year's gubernatorial race. "The fox is in the hen house, that's what this is. This is people on Wall Street who should know better."

For an administration that campaigned on a claim of dismantling a rigged system, I am confused why President Trump nominated Mr. Mnuchin to be his economic quarterback for working-class America. Mr. Mnuchin has spent his professional life spotting value, and he has done quite well for himself. But despite this ability to value assets, Mr. Mnuchin still seems puzzled about how to value the assets that matter most to working class Americans. My constituents don't need fancy Wall Street calculators or formulas to understand that there is a value and a benefit to reforming Wall Street and keeping reckless greed in check. There is a value and a benefit to protecting consumers and their hard-earned wages. And there is a value and a benefit to keeping a family in their home and avoiding foreclosure.

Indeed, an individual who made his fortune aggressively foreclosing on his fellow Americans does not possess the right values, in my view, to be our Treasury Secretary.

Based on his record, I am not convinced Mr. Mnuchin is capable of draining the swamp, and I fear he may end up further rigging the system in favor of the 1 percent at the expense of working class Americans. For all of these reasons, I do not support Mr. Mnuchin's nomination, and I urge all my colleagues to join me in voting no.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I ask unanimous consent that I be allowed to yield the remainder of my time to Senator WYDEN of Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, American families, hard-working American families need a Treasury Secretary who will work for them, not for Wall Street. Remember the tenor of the 2016 campaign, when candidate Trump, at every rally, spoke forcefully about draining the swamp. What we thought he meant was that he would drain the swamp, that he would not be hiring a whole bunch of Wall Street executives, Goldman Sachs employees, and other bankers who helped drive the economy into a ditch; that he would actually stay away from them.

In fact, we have seen the opposite. It has become obvious that the Treasury Secretary nominee Steve Mnuchin is not about hard-working American families, but he is about working for Wall Street. The Treasury Secretary has enormous influence over Americans' lives, impacting everything from their taxes to their mortgages to their retirement.

Mr. Mnuchin doesn't have a policy background to give us clues as to what he would do with his power. He was a major Trump fundraiser. Here is what we do know. He made millions as a hedge fund manager. He made millions at Goldman Sachs, where he traded mortgage securities and other products that contributed to the financial crisis. He headed what has been called a foreclosure machine, profiting in kicking hard-working Americans out of their homes.

When presented with tough questions from members of the Finance Committee in front of which he appeared, Mr. Mnuchin expected leniency and understanding from a bunch of Senators, but it is not something that he gave—leniency and understanding for Ohio families trying to keep a roof over their heads. They got the runaround from lenders with claims of lost documents, modifications that weren't honored, dual tracking. When this confirmation process began, we believe that Mr. Mnuchin and his bank, OneWest, had foreclosed on at least 40,000 people in three States. We understand—not because of information that he was willing, voluntarily at the beginning to provide—we understand now that it is at least eight States, and I expect we will learn more.

Unfortunately, he probably will be Treasury Secretary by the time a lot of this comes out because the Finance Committee didn't do its job, because Mr. Mnuchin wasn't forthcoming enough, because this Senate is trying to rush through ethically challenged candidates to be Secretaries of HHS, the EPA, Education, State, and Treasury.

OneWest's regulator, the regulator from Mr. Mnuchin's bank when he was CEO—they had shoddy mortgage practices, the regulator said. They foreclosed on more than 10,000 borrowers, including some who were current on their mortgage.

I want to put a picture up on one of the borrowers who was foreclosed on not far from where I live. The ZIP Code I live in, in Cleveland, OH, had the highest in 2007—the first half of that year, had more foreclosures than any ZIP Code in the United States. To a bunch of U.S. Senators, that is a little troubling. A lot of foreclosures, terrible thing. But most U.S. Senators have probably never been foreclosed on, and I am guessing most U.S. Senators have never spent a lot of time socially with people who are foreclosed on. And I am guessing a whole lot of Senators have probably never even talked in detail about what it means to be foreclosed on.

Think about it. Your family is struggling. Your family lives in a home in Slavic Village, OH, a mile north of my House. And you have been working hard, you and your spouse. The parents have worked hard. The kids are teenagers—the challenges that all families have. They are making moderate incomes. The wife has her hours cut back. Then they are struggling. They have trouble paying their mortgage. They keep paying it. Then the husband has his plant closed. And in some cases, in this lady's case—I will talk about her in a moment—she was foreclosed on, not even because she lost a job. She was foreclosed on because of what Mr. Mnuchin said.

When we talk about foreclosures, we ought to think about what happens to these families. The wife maybe has hours cut back, the husband loses his job because the plant closes. Then what happens? They go to the kids and say: We have to get rid of our pet because pets cost money going to the vet, buying food, putting them for a weekend or day somewhere. They have to take the animal for somebody else to watch. So they give a pet away, which is heartbreaking to kids and to parents. Then they have to cut back on other things. Then they realize they are about to be foreclosed on or evicted. Then they have to move. They bring their son and daughter, 12 and 14 years old, in and they say: We don't know what school district you are going to be in. We don't know where you are going. We don't know if you will be around your friends because we are moving—all those things where their lives turn upside down. They lose many of their possessions. Their children's lives are so different. Their lives are turned upside down.

That is why what Mr. Mnuchin did on these 40,000 foreclosures is morally repugnant and outrageous. Yet this Senate is only 3 days away from party-line

voting for this incredibly ethically challenged Secretary of the Treasury. Why? I guess listening to my Republican friends here, a number of them suggest they really don't much like this nominee. They didn't much like Secretary Price, a guy who did everything but sell stocks on the floor of the House—bought and sold health care stocks while he was working on health care legislation for those companies. They didn't much like voting for him. And a number of them wanted to vote against the Secretary of Education because she was maybe just the least qualified, as the Presiding Officer knows. She may be the least qualified Secretary of Education who has ever been nominated, but they voted for these people. Why? Because they are fearful. They are fearful of what Donald Trump will try to do to destroy their careers. You know how they know that? Because the Republican conference that meets every Tuesday, Wednesday, and Thursday in this room right behind this door—the Republican conference—there are three Members of the Republican conference, of the 52 Senators, who ran for President against Donald Trump. They are Senators GRAHAM, RUBIO and CRUZ. All three of them were targets of Donald Trump, of Candidate Donald Trump. He insulted them, called them names, turned his supporters on them. The other—52 minus 3—the other 49 Senators know it can happen to them. That is why you are seeing these party-line votes for people as ethically challenged as Steve Mnuchin, for people who have, frankly, betrayed what trust they should have had working for a bank the way they did.

As I said, a OneWest regulator said his bank foreclosed on more than 10,000 borrowers. When I said 40,000, I misspoke. We know it was 40,000 in three States. A number of them—the OneWest regulator said something different, a smaller number that dealt with shoddy mortgage practices.

But whatever the number is here, it is in the tens of thousands. Think about that. Some of these were not even families who were struggling to keep their homes. These families were doing everything right. They paid their mortgages on time. His bank came and took their houses away because he could make more money. He did not care about these people losing their homes.

If he did not care as a banker about people losing their homes, do you think he is going to care much as Treasury Secretary about people losing their homes? Do you think he will all of a sudden develop an empathy for moderate-income people who lose their homes?

He did not have it when he was a banker making millions of dollars. One of the things that is amazing is that he came in front of our committee. You

know, these gazillionaires, billionaires, whatever, who come in front of our committees have to disclose their wealth and tell us who they are and what they are.

When Secretary-designee Mnuchin came in front of the committee—get this. I know I can't talk directly to people in the gallery, but I am guessing this would not have happened to them. He forgot to disclose that he had a \$100 million investment somewhere. He forgot about \$100 million. I am guessing that nobody in this gallery, probably nobody on the floor, certainly no staff people back here because I know what they are paid—none of them would forget that they had a \$100 million investment. Maybe he just did not want to tell us about this \$100 million investment any more than he wanted to tell us about those robo-signings that I will talk about in a minute.

The report that I mentioned from the regulators said that Mr. Mnuchin's bank violated the Servicemembers Civil Relief Act by initiating foreclosure on 54 Active Duty military families. So, I mean, maybe that is worse; maybe it is not. I think it is probably even worse to foreclose on people who generally did not do anything wrong, but then he foreclosed on men and women in uniform, and put them out of their homes to pad his own bank's profits.

I would assume some of these people in the military he foreclosed on might have just been stationed overseas, protecting Mr. Mnuchin and his family, protecting me, protecting Erin and my staff, and Graham and Gideon and others; that is what they do in the military. He foreclosed on them. So, again, he had no empathy for these men and women in the service. What? He is going to care about these men and women when he is Treasury Secretary?

We now know this foreclosure was even worse than we initially thought. Around the time of the hearing, the Columbus Dispatch, Ohio's most conservative newspaper, a newspaper that always likes Republicans and rarely likes people like me—the Columbus Dispatch ran a front-page investigative story that found that OneWest used robo-signings in mortgage documents with abandon.

This, despite the fact that Mr. Mnuchin claimed in testimony before the Senate Finance Committee that his company had never done so—if you are the CEO making tens of millions of dollars a year, would you not know they did robo-signings? Wouldn't you know that they just had staff that signed, signed, signed without looking at these documents, spending an average of less than 1 minute on each document?

So you are going to approve a document which might have to do with a loan to someone, and you did not even spend—as the bank, you did not even spend 60

seconds looking at this. Why? Because all of the profits were generated by volume. Quality did not matter. All the profits for this bank—or much of the profits—were generated by volume.

Ohio reporters found dozens of foreclosure cases in Franklin County alone—Columbus—that had been robo-signed. Yes, Mr. Mnuchin, in this town nobody wants to use the word I am going to use. They want to say that it was a half-truth or it was not quite right or it was fabricated. No, what Mr. Mnuchin did is lie. He said: We did not do robo-signings.

Well, the Columbus Dispatch—this was up there a moment ago—the Columbus Dispatch said he did. He lied. They say it more nicely, perhaps: Mnuchin's denials don't match the record. He lied.

Again, his lying was not just lying. It was what he lied about, and people lost their homes as a result.

Bill Faith, one of Ohio's and America's housing advocates told the Dispatch, "The guy is just lying. There is no other way to say it."

The guy is just lying. Since the Dispatch ran the article—this article—they have continued to report additional findings. Other reporters in other cities have uncovered more instances of robo-signings by Mr. Mnuchin's bank.

I am especially concerned about his defensiveness and outright deception when asked about this. His misconduct caused real, serious pain. That is fundamentally the big issue. It is bad that he lied to a bunch of Senators. OK. That is maybe not that big a deal. It is, but it isn't. It is bad that he lied to the American public, but he lied about something that resulted in people getting evicted, foreclosed on, thrown out of their homes—people with families, people serving in the Armed Forces. That is not enough reason for any Republican—not one Republican—to vote against him? Not one Republican?

I would like some of my colleagues to meet some of these people who were foreclosed on and have them explain to them why they are voting for Mr. Mnuchin. Is it because of fear that Donald Trump might call them out and call them a name and try to destroy their career? Apparently. I can't think of any other reason.

One victim, and I will put her name up, lives, as I said, maybe only 5 miles from where my wife and I live. She is a social worker from Cleveland Heights. Her name is Carla Duncan. She told the Dispatch, "It got to the point that I was afraid to open my own door."

Mr. Faith, whom I quoted before, said it has been devastating, not only to people who got caught in this kind of scheme but also to people who happened to live in the neighborhood, people like Ms. Duncan. It is scary that this man, whose bank—because of the behavior of that bank, because of a pol-

icy handed down by Mr. Mnuchin, because of a policy about which he lied—lied to the committee of the Senate, lied according to the most Republican conservative paper in Ohio, and she lost her home.

This guy is going to be the Secretary of the Treasury when he did all of that. It is scary. It is scary for hard-working families in Ohio and across the country who are still digging out from the financial crisis. I have said on this floor a number of times: ZIP Code 44105 in Cleveland where I live had more foreclosures than any ZIP Code in the United States of America in the first half of 2007.

How can the people of Ohio of ZIP Code 44105 or any other ZIP Code in a State like mine or Nevada or Nebraska or a number of other States—how can they trust this Secretary of the Treasury who not only profited off this crisis but made it worse? How can you elevate somebody like that to being Secretary of the Treasury?

One of his employees said the bank did not have any process in place to help families avoid foreclosures. It might cost the bank some profits if they helped these families avoid foreclosure. So, what the heck—foreclosure, we make more money that way. That was Mr. Mnuchin's bottom line. His bank was not even pretending to care about the thousands of families who could lose their homes and, with them, their lives.

Lincoln once said—his staff always insisted he stay in the White House and win the war and free the slaves and preserve the Union. Lincoln said: No, I have to go out and get my public-opinion bath. In other words, I want to talk to people whose lives are affected because of the decisions that I, Abraham Lincoln, President of the United States, make. I want to know what people's lives are like—as much as I can understand—so I can make the right decision.

Do you think that Mr. Mnuchin has spoken to these families? Do you think he has met Ms. Duncan? I assume not.

Do you think he has spoken to any of these families who lost everything when his bank took their homes and turned their lives upside down? Do you think he talked to any of them?

Do any of my Republican colleagues talk to people who have lost their homes because of something a greedy bank executive did? If any of my Republican colleagues would talk to people like Ms. Duncan, I am thinking they would not—you know the line: One bird flies off a telephone wire, they all fly off.

I am thinking my Republican colleagues would not quite all be flying off the telephone wire in unanimity and in consensus to vote for people like Steven Mnuchin, who is ethically challenged, who has wreaked so much havoc on so many people's lives, who

has shown no empathy for people, like Ms. Duncan, who were foreclosed on.

We are going to elevate him to Secretary of the Treasury because every one of my Republican colleagues is going to go: Yes. Yes. Yes. Yes—52 times. I guess that is what is happening. But it would be really nice if some of my colleagues would go and speak to the Ms. Duncans of the world and call up Mr. Mnuchin and say: Give us a list of the people you foreclosed on. We would like to talk to some of them before we vote.

I know we are voting on Monday. My colleagues, mostly, are home for the weekend. I am not sure they are going to have dinner with very many of these Ms. Duncans. I think they are probably going to have dinner at nicer places than Ms. Duncan has been able to go to because of the economic problems caused by this future Treasury Secretary.

At his confirmation hearing, Mr. Mnuchin actually said to the committee that he "never wanted to be in the mortgage servicing business." It showed in his treatment of homeowners, including the Active-Duty members of our military in Ohio and across the country. It is a strange thing to say, for someone who brought a thrift that held more than \$20 billion of its own mortgages and serviced \$185 billion worth of mortgages in total. He said he did not want to do this, but then he bought that bank. I don't know quite what he was talking about.

It concerns me because he suggests he was more focused on turning a profit—pretty obvious. We know that. What he was doing, instead of helping Americans keep their homes was—while he was CEO of OneWest, what was he doing? He was handing out hundreds of millions of dollars in insider loans to a troubled Hollywood media company.

So on the one side he is foreclosing on people's homes. He is making a lot of money doing that. He is making a lot of money, so he had a lot of money to hand out. He is handing out hundreds of millions of dollars in insider loans to a company in Hollywood, a media company called Relativity. He was friends with the CEO of Relativity. His hedge fund, Dune, was an investor. He was cochairman of the board.

On top of all this, the FBI is investigating Relativity. A group of Relativity investors have filed a lawsuit accusing him of fraud.

It is bad enough what happened to Ms. Duncan and how he lied to the committee, not to mention the FBI investigation and all of that. A guy like that could not get elected to the Senate with his ethics challenges.

Do you know what else? He probably could not get hired in the Treasury Department or in this body with those kinds of ethics, but we are going to vote for him—52 of my colleagues, all

apparently afraid of Donald Trump calling them out, giving them a nickname, and ruining their careers. They are all going to vote 52 times—52 of them—for him as Secretary of Treasury.

So let's review: False testimony, families losing their homes to a big bank's abusive practices, fraud accusations, insider loans, and this President chose Mr. Mnuchin, this President who said he is going to drain the swamp.

Mr. Mnuchin made a fortune kicking military servicemembers and seniors and working families out of their homes. He gave false testimony to the Finance Committee. With that record, what are Wall Street lawbreakers going to think when he is supposed to be the top voice on financial oversight?

He has never had empathy for people like Ms. Duncan. He really did not much care or talk to these people who lost their homes. He also won't do that as Secretary of the Treasury. He won't—I can't imagine—show any empathy toward people who are hurt by his actions.

He is also setting an example to Wall Street that now there is no sheriff in town. If you are Wall Street, you can get away with anything with this guy as Secretary of the Treasury. You can get away with anything with Steve Mnuchin as Secretary of the Treasury.

Last week, the former second in command at Goldman Sachs, Clevelander Gary Cohn, went on TV to praise the President's Executive order to start rolling back Wall Street reforms. The Executive order puts Steve Mnuchin, if he is confirmed, in charge of dismantling Wall Street reform.

After the crisis, Democrats put a real cop on the beat by creating the Consumer Financial Protection Bureau. This independent law enforcement agency returned \$12 billion in hard-earned money back to 29 million Americans. We know it works. We also know that Wall Street hates the consumer bureau.

The American people don't suffer from the same collective amnesia that Wall Street and its allies in Congress have about how devastating the crisis was for our country. The people we represent know, and Mnuchin's bank proves, when we turn the reins to Wall Street, it is working families who pay the price. Wall Street has recovered from this financial crisis. ZIP Code 44105 in Cleveland has not recovered from this financial crisis. Seniors who have lost savings haven't recovered. People who have lost jobs haven't recovered. People who have lost their homes haven't recovered.

Mr. Mnuchin has done just fine. People at Goldman Sachs have done just fine, and so many others have. I just don't know how we trust Mr. Mnuchin to rein in Wall Street.

I would ask my colleagues, in conclusion, if they believe misleading the

Senate should disqualify them from confirmation because how are we going to have hearings in the future when people—they may raise their right hand and swear an oath or they may not. But it is generally expected that, if you are going to testify in the Finance Committee, you might want to tell the truth. It is kind of expected. It is kind of what you are expected to do.

But Congressman Price didn't tell the truth. Now he is the Secretary of Health and Human Services. He lied, according to the Wall Street Journal, America's most conservative mainstream newspaper. Mr. Mnuchin, came in front of the Finance Committee. He lied, according to the Columbus Dispatch, Ohio's most conservative Republican newspaper. So why should testimony to a Senate committee even matter? Why should it even matter? When you put a cop on the beat like Mr. Mnuchin, why should Wall Street get more honest instead of even less honest when it comes to abusing the public? That is my fear if Secretary Mnuchin is confirmed.

Again, I am sorry my colleagues on the other side of the aisle are just—they are afraid of this President of the United States.

In a few months, they will quit being afraid of him because they will realize the kind of President it looks like he is turning out to be. It seems to me they may be the last to learn this.

HHS SECRETARY TOM PRICE

Madam President, I want to talk for a moment about Secretary Price, now the new Secretary of Health and Human Services and just read a couple of letters from people in Ohio and what this would mean to them.

A family physician from Cleveland, OH, wrote me:

I have seen firsthand the benefits of Medicaid expansion here in Ohio. I also have a son who has had three brain surgeries and has epilepsy as a result. His ability to get health insurance in the future is a very real worry.

He is concerned about Dr. Price as Secretary of Health and Human Services. He said:

His past record of trying to dismantle the ACA and his opposition to women's reproductive health rights disqualify him.

Another family wrote from Medina, OH, about the confirmation of Congressman Price to be Secretary:

The ACA protections of coverage pre-existing conditions and removal of lifetime caps were an absolute lifesaver for me, literally.

As my disease has progressed, I have required multiple new medications and treatments. Currently, my yearly maintenance medications cost nearly \$400,000. That doesn't include additional appointments, testing, IV medications. . . .

Prior to the ACA being passed, I had a lifetime cap of 1 million dollars. If this cap came back—

And my colleagues want to repeal it. If this cap came back and they reestablish the cap, reestablish the denial of coverage for preexisting conditions—

If this cap came back, my insurance will last possibly less than 2 years. Then what?

My husband and children will already lose me in the coming years, regardless. I am simply asking that they not be forced to lose everything else in the process.

So I hope we have learned from a really bad decision last night on confirmation. I would hope that just two or three or four Republicans could break from this party-line train running through this body, stand up for the right things, stand up against the ethical challenges of this nominee. I understand the President may call names, may tweet about them, may try to ruin their careers. Show some courage. Show some guts, and do the right thing. Vote no on Steven Mnuchin for Secretary of Treasury.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I want to compliment my friend, the Senator from Ohio, for his comments. I know my friend, the Senator from Washington, is going to make comments after this, so I will try to make mine as brief as possible.

I apologize. I joined the majority of Senators who are a little bit raspy today after our late night last night.

I rise in opposition to the nomination of Steven Mnuchin to serve as our Nation's next Secretary of the Treasury.

As the President's principal economic adviser, the Treasury Secretary holds a special significance in our system of government. The Treasury Department must ensure America's debts are paid, secure our role as a global economic power, and develop policies that help build an economy that works for all Americans.

Based on Mr. Mnuchin's record, my meeting with him, along with his answers during the Senate Finance hearing and followup questions, I am unable to support his nomination to serve as Treasury Secretary.

I want to take time today to discuss some specific policy issues that Mr. Mnuchin and I disagree with and some of the areas where I hope that if he is confirmed, we might be able to find common ground.

On financial reform and protecting the economy from too big to fail, Mr. Mnuchin's comments, coupled with comments and announcements from others in the administration, are deeply concerning.

Mr. Mnuchin's statements of "concern" about title II of Dodd-Frank, in particular, revealed to my mind, at least, a disturbing lack of understanding about how the financial system has evolved since the 2008 crash.

We should never forget that Lehman Brothers' collapse caused enough uncertainty across the financial system to trigger a run on nearly every other bank. The Lehman collapse also was part of the requirements that required that \$700 billion much fabled taxpayer bailout.

The resulting financial chaos destroyed millions of jobs, devastated home values, and froze lending to consumers and small businesses. The truth is, many Americans are still trying to dig their way out of that financial crisis.

To ensure that taxpayers didn't end up on the hook again for another bailout, Congress passed Dodd-Frank that required banks to put in additional financial capital to make sure there were living wills so these large, significant financial institutions actually had ways that they could resolve themselves and, in a sense, get ready for bankruptcy. But we also said, in the event that bankruptcy was not adequate, there would be, as a cause of last resort, the ability using the FDIC to unwind these large institutions.

Well, we are years later and what we have seen is that other countries around the globe had basically modeled their systems after what we created in terms of title I and II in Dodd-Frank.

Since 2010, our regulators have worked diligently with the Bank of England and other foreign counterparts to ensure a global megabank can be resolved without using taxpayer dollars.

I would further note that even the National Bankruptcy Conference, which is composed of bankruptcy judges, lawyers, and academics, believe "orderly liquidation authority under Title II should continue to be available, even if the bankruptcy code is amended."

Unfortunately, Mr. Mnuchin and other members of the administration have expressed great concern with title II, and that causes me concern in terms of his nomination.

In tax reform, the Secretary of the Treasury has also historically played an important role. I have long argued that our Tax Code is broken. It is simply not working for enough Americans and American businesses.

I would welcome efforts to smartly—and on a bipartisan basis—work to reform the Tax Code, but I am concerned about how a tax reform process under this administration might play out.

First, Mr. Mnuchin has repeatedly said there should be no absolute tax cut for the upper class. I found that good. Some have even started to call this the "Mnuchin rule."

As the nominee, though, he has failed to commit to following his own rule or to provide any specific answer on how he would reduce the tax burden on middle class and working families. In fact, President Trump campaigned on a plan that based upon independent budget analysis, would add close to \$5 trillion to our national debt and that would, in the same amount, slash taxes for corporations and those at the top of the income scale. Yet this same plan and any effort to be revenue-neutral would end up then raising taxes on middle-class families.

The truth is, again, an independent analysis of President Trump's plan shows that while middle-class earners might see a smaller increase in their aftertax income, the increase and the benefits to the upper 1 percent would be where most of the benefits went to. That is before we even get to issues like the President's plan to repeal the Affordable Care Act and the implications that has for middle-class Americans.

Because of this and because of his unwillingness to explain how we would pay for this tax reform and the notion that somehow through dynamic scoring this would all, in effect, self-correct leaves me with great concerns. I would simply point out to my colleagues that when Mr. Camp proposed a tax reform plan that I didn't agree with—but it at least had some basis in financial reality—there were eight separate dynamic scoring plans put together; in effect, magic dust that could somehow resolve even big tax cuts that would suddenly, somehow mysteriously pay for themselves.

We saw the effects of that kind of action with the Bush tax cuts early in 2003. We have seen this well in terms of actions that have led our country to \$20 trillion in debt.

So I believe that Mr. Mnuchin's failure to come through with a truly revenue-neutral or legitimate plan that would not misuse dynamic scoring raises enormous concern as well.

Finally, I am concerned that Mr. Mnuchin lacks an understanding of the critical role the Treasury Department plays in both crafting and implementing economic standards.

It was useful to hear that Mr. Mnuchin committed to 100 percent sanctions during his nomination. I am not sure, with some of the actions of the administration since then, if we can actually hold him to those commitments.

Treasury obviously has a role that is much more important than just enforcement. Treasury's role vis-a-vis Iran, Treasury's role vis-a-vis the Russian sanctions are extraordinarily important in his unwillingness, particularly around Russia, to make a firm commitment. Again, this raises a clear concern for me, and this is a concern that is shared by both Democratic and Republican Members of the Senate who feel that we need to keep the pressure on Mr. Putin's behavior not only in the Middle East but in Ukraine and, candidly, Russia's unprecedented involvement and interference in our own election.

Again, the Treasury Secretary plays an important and critical role.

There are areas—let me make clear though—where, if Mr. Mnuchin is confirmed, I hope to work with him, and that one area in particular is housing finance.

I believe very strongly—and having worked with many Members on the

other side—that we need to reform our housing finance system so we don't have, in the case of Fannie and Freddie, instances where when times are going good, there is private sector gain, but when crisis happens, the taxpayer pays the bill.

We saw this take place back in 2008, where the American taxpayers literally had to put up \$188 billion of taxpayer money to bail out Fannie and Freddie.

It is true, many years later, most of those funds have been repaid, but as somebody who spent longer as a venture capitalist than I have as a Senator, I can assure you, the taxpayer did not get fair return on those funds that were taken out in the midst of the crisis.

Now we see certain hedge funds were trying to take advantage of this arbitrage, buy in to Freddie and Fannie, and then hope that policymakers will turn a blind eye and simply return to the old style of doing business, where as long as things are going well, hedge funds and others will do well by owning Fannie and Freddie, but if the stuff hits the fan again, taxpayers will be caught holding the bill.

I was happy to hear—and I was pleased to hear that Mr. Mnuchin went on record during the Finance hearing, opposing the so-called recap and release plan and was supporting a bipartisan solution to reform these entities.

Again, if Mr. Mnuchin is confirmed, I look forward to working with him in this area.

Finally, there is an area that I think most of us on both sides of the aisle realize that we can't play Russian roulette with and that is dealing with our debt ceiling. Here again was an area where I would actually give Mr. Mnuchin some credit because he acknowledged that the notion that some have put forward that if America would prioritize to pay one bill and not another is both financially unsound and practically impossible. On that item, I want to give Mr. Mnuchin his due.

On balance, because of some of the comments that Mr. Mnuchin has made around tax reform, around sanctions, around the issues related to making sure we have a vigorous and independent Treasury, I don't believe he brings the characteristics and qualities needed to be a Treasury Secretary. So I will not be able to support his nomination, and I will urge my colleagues in joining me to oppose him when his vote comes up on Monday.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I come to the floor this afternoon with my colleagues to speak about the nomination of Steve Mnuchin for the Secretary of Treasury.

We all know this is a very important economic position in our Federal Government, but it is also a position of

great importance for the entire world economy. The Secretary of Treasury is a key Presidential adviser on important economic and tax policy, and has an impact on the lives of millions of people across the United States. But most importantly, the Secretary will be on the front lines protecting and restoring our economy from the unbelievable economic crisis that we faced in 2008.

I like to say that this crisis—which, according to the Dallas Fed, which cost us \$14 trillion—is not over. That is, average Americans still have not recovered from the crisis when it comes to their 401(k) or their pension or the opportunity to send their kids to school or perhaps even homeownership. It is very important that we have a Treasury Secretary who not only says that they will protect the United States in the future from another financial crisis, but that they are also on the job making sure we restore economic opportunities for everyday Americans.

I would have to say that Mr. Mnuchin certainly has lived the American dream. You would say that he is a man who has achieved financial success. But is he going to fight for the average American who has not achieved that success because of the economic downturn in 2008? Is he going to make sure that our resources and dollars not only grow the economy, but make sure that those who have been impacted the most are restored in some way?

I personally did not support the bail-out of the banks. I did not give the keys of the Treasury to those big organizations, and many people in the State of Washington and across America during this last campaign want to know why they did not receive financial help during that downturn, but people were so willing to bail out these large organizations. So it is very important that we look at the nomination today in light of what has transpired and what we are going to do moving forward to help the economic security of so many Americans.

This position, which includes chairing the Financial Stability Oversight Council and moderating systemic risk to our entire financial system, is a very big job. It requires someone with both expertise in policy and experience in public service, as well, because you are balancing these issues for the public.

I find it sometimes very difficult to explain in detail those policies to my constituents, particularly about balancing the public interest, when they have seen that all some want to do, as I said, is give the keys to the Treasury to those large financial organizations. There is a lot to talk about that here today.

In my opinion the Treasury Department needs a seasoned and experienced public servant who understands our ship has been sailing through turbulent

waters, and will focus on making sure that America returns to economic stability.

I had an opportunity to meet with the Treasury Secretary nominee. He has admitted throughout his confirmation hearing that he was the chief fundraiser for President Trump during his election. In fact, when I asked him why he wanted to be Treasury Secretary, he told me that he had spent many hours campaigning with the President-elect around the United States and he wanted to continue that relationship. This isn't exactly the type of experience that I am looking for. I want somebody who is going to continue to help us dig out of those economic problems that plague so many average Americans—on many issues, whether it is pensions or investing in education or growing our economy at a robust rate, that bring everybody up to a higher economic standard of living.

One issue that plagues me the most in thinking about this particular nominee is the issue of Glass-Steagall, the separation of commercial and investment banking.

Why would that issue be so important?

It is so important because this was the law of the land for more than 60 years in the United States of America after the Great Depression. Why? Because people understood we should not be putting individual savings—and taxpayer money—at risk when you have a financial crisis. So we implemented that law of the land.

I have not been shy about trying to work with my colleagues on both sides of the aisle to reinstate Glass-Steagall, and, during the financial regulatory reform debate, make sure we were putting strong laws on the books. I always felt that there would be a time when average Americans really could look back on all that Congress had done and say they were satisfied or dissatisfied with the rules that were in place.

Well, I think that time happened during the last election. There was a lot of discussion that while we had passed what was then called Dodd-Frank—the regulatory reform that this Congress passed, I felt like we could do more. A lot of the discussion was that Dodd-Frank didn't go far enough, that somehow we needed to do more. The compromise shaped here in the Senate, was said by some people, was as much as we could do, and that we should put those rules in place and see how they worked for the U.S. economy. I supported it because it was enough to get on the books, to start getting disclosure, to start making sure that these transactions would have more oversight, but I never thought—never thought—it was the bright line that we needed to separate commercial and investment banking.

So you can imagine that it was to my great delight when I saw last summer

the debate between the Republican and Democratic platforms in which the Republican platform actually started to embrace Glass-Steagall. They had a campaign, they had a Presidential candidate, and they certainly had a Presidential campaign manager who were all embracing it and touting it. I don't know if that was an effort to try to distinguish between some of the candidates on the other side of the aisle, or my colleague from Vermont who has also been a big supporter of Glass-Steagall, but they clearly put in their platform something that was unambiguous. It basically said: "We support reinstating the Glass-Steagall Act of 1933, which prohibits commercial banks from being engaged in high-risk investment." That is what their platform said, and that is what our now-President's then campaign manager also said they were for. That caught my ear because I thought maybe we had finally reached a point with the frustration of the American public about how they had been left behind after the financial crisis, and that they finally were seeing two candidates and several campaigns talking about this issue, putting it in their platform, and moving ahead.

It was the Trump campaign manager who said:

"We are supporting the small banks and Main Street. We talk about legislation that affects, you know, some of the mistakes that were made in repealing Glass-Steagall."

This was the party platform of the other side of the aisle. In fact I have to say I almost thought it was probably a better platform than we had on the Democratic side, and I wanted to make sure that my colleagues knew and understood that. But now I see that it was nothing more than a cynical ploy to try to convince the American people that somehow the Trump administration was really going to be on the side of Main Street against Wall Street.

In fact, one of my first conversations with Secretary-nominee Mr. Mnuchin was to ask him whether he in fact supported Glass-Steagall. He said to me: No, that was just a campaign promise in our platform. That is not what we are going to do.

That caught me by surprise because I really had hoped that maybe President Trump, having been in business, having seen the challenges of working with big banks, maybe was really going to be on the side of Main Street, was really going to fight to make sure that we protected the capital that needed to go into small business, that needed to go into investment, that needed to go into new products and manufacturing, and protect us from those kinds of Wall Street shenanigans.

My constituents want to make something in America besides exotic financial instruments. They want those dollars to be invested in small businesses that are creating products and selling them in a worldwide market.

Mr. Mnuchin, instead, came to the Finance Committee and basically said he is not for that version of what was in their party platform. In fact, he and the President now support rolling back the minimal law that we put on the books, known as the Volcker rule, within Dodd-Frank. So, the fact is that not only are they not supporting what we were led to believe they did support, but they are now putting someone in the position of the chief economic official on these issues, who is saying: Let's start rolling back the regulations that already exist.

So I am very frustrated by that, and I can say just on that point alone that I would oppose Mr. Mnuchin's nomination to be Treasury Secretary. I think it is time that we have someone who is not like putting the fox in the hen house, but is instead there to do the job and will protect our investment in the future and hopefully unwind this economic problem from the past.

There are other reasons, though, why I don't support Mr. Mnuchin's nomination to Treasury Secretary, and many of my colleagues here this morning have already talked about that as related to the economic crisis. OneWest Bank, with Mr. Mnuchin as chair, booked billions in profits on the backs of foreclosure victims. According to reports, Mr. Mnuchin's investors pocketed nearly \$4 billion in the time they controlled the bank. Mr. Mnuchin reportedly made \$100 million when he sold OneWest in 2015 for double what he paid the government.

We saw this in the Northwest, and I can tell you it was a great frustration. These profits were booked on the backs of thousands of struggling Americans, and we don't know exactly how these people suffered because we don't have all the information.

The victims of OneWest are at least 50,000, including 1,600 in the State of Washington. OneWest used ethically troubling and actually illegal methods to seize homes from struggling homeowners and not give them a fair process.

Under their agreement with regulators, they were supposed to modify mortgages whenever possible and keep people in their homes. However, according to the California attorney general, OneWest engaged in "widespread misconduct" to kick many people out of their homes. Even Mr. Mnuchin admitted this. In 2011 he signed a consent order with the U.S. Office of Thrift Supervision that found that OneWest had filed or caused to be filed potentially false affidavits "not based on personal knowledge or review of relevant books and records."

I ask unanimous consent to have printed in the RECORD one of these actual agreements.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THE COUNTY OF KING

CIT BANK, N.A., Plaintiff, vs. YVONNE C CARR, an individual; MIDLAND FUNDING LLC, a limited liability company; and all other persons, parties, or occupants unknown claiming any legal or equitable right, title, estate, lien, or interest in the real property described in the complaint herein, adverse to Plaintiff's title, or any cloud on Plaintiff's title to the Property.—Defendants.

CASE NUMBER: COMPLAINT FOR JUDICIAL FORECLOSURE OF DEED OF TRUST Plaintiff alleges as follows:

1. Plaintiff, CIT BANK, N.A., ("Plaintiff") is a corporation duly authorized to conduct business in the State of Washington.

2. Defendant YVONNE C CARR, an individual (hereinafter referred to as "Defendant") is a resident of King County, Washington.

3. Defendant MIDLAND FUNDING LLC is a limited liability company doing business in the State of Oregon.

4. Venue is proper in this action as the Defendant resides in King County and the property that is the subject of this Complaint is located in King County.

5. Defendant is the record owner of the real property commonly known as: 4916 48TH AVE SOUTH, SEATTLE, WA 98118 ("Property") and legally described as: ATTACHED AS EXHIBIT "1."

6. On or about November 9, 2010 the Defendant, for valuable consideration, made, executed, and delivered to EAGLE HOME MORTGAGE LLC ("Eagle Home Mortgage LLC") a promissory note. A copy of the Note is attached as Exhibit "2."

7. At the same time that the Defendant executed and delivered the Note, and as part of the same transaction, the Defendant, in order to secure payment of the Note, made, executed, and delivered to Eagle Home Mortgage LLC a Deed of Trust encumbering the Property, which is attached hereto and incorporated by reference herein as Exhibit "3" ("Deed of Trust"). The Deed of Trust was recorded on November 15, 2010 with the King County Auditor under Instrument No. 20101115001766.

8. Defendant MIDLAND FUNDING LLC, has, or claims to have, some interest in the subject property or some part thereof by reason of a judgment in the amount of \$1,353.05. Said judgment was entered by King County Circuit Court on January 26, 2015 and relates to case no. 145-16318.

9. Plaintiff is holder of the Note and assignee of the Deed of Trust.

10. As of January 29, 2016 the balance due and owing is \$230,364.41 plus interest at 5.390% per diem, which continues to accrue until paid. The amount due is comprised of the following:

Principal Advances	\$167,175.00
Accrued Interest	\$53,842.70
Initial MIP	\$4,352.00
Monthly MIP	\$4,994.71
Grand Total	\$230,364.41

11. Plaintiff has exercised and does hereby exercise the option granted in the Note and Deed of Trust to declare the whole of the balance of both the principal and interest thereon due and payable, as the property has ceased to be the principal residence of the borrower.

12. Plaintiff is informed and believes and thereon alleges that All Other Persons, Parties, or Occupants Unknown Claiming any Legal or Equitable Right, Title, Estate, Lien, or Interest in the Real Property De-

scribed in the Complaint Herein, Adverse to Plaintiff's Title, or any Cloud on Plaintiff's Title to the Property are individuals having a subordinate claim or interest in the Property. The interests of said Defendant in the Property shall be eliminated at the time of the foreclosure sale by Plaintiff. As of the date of the filing of this Complaint, the identities of these Defendants are not known. Once the identities of these Defendants are known, these pleadings will be amended to reflect their true names.

13. No other suit or action has been instituted or is now pending upon said Note or to foreclose the Deed of Trust.

14. The terms of the Note and Deed of Trust provide that, in the event of any action to collect the same or to foreclose the Deed of Trust, there shall be included in the Judgment a reasonable sum for attorney's fees, together with all expenses incurred in pursuing a default action and including the costs of title evidence.

15. Plaintiff is entitled to judgment permitting it to bid all or part of its judgment sale.

16. Plaintiff does not seek a monetary judgment against Defendant MIDLAND FUNDING, LLC. Rather, Plaintiff seeks to foreclose its deed of trust which secures its promissory note against the Property, and extinguish all subordinate interests in the property thereby.

WHEREFORE, Plaintiff prays for Judgment against Defendants as follows:

1. For judgment in the sum of \$230,364.41 together with interest from January 29, 2016 at the rate of 5.390% per diem, late charges, and for such other sums advanced under the terms of the Note and Deed of Trust, for taxes, assessments, municipal charges, and other items which may constitute liens on the Property, together with insurance and repairs necessary to prevent impairment of the security, attorney's fees and costs of reasonable and necessary amounts, if this matter is uncontested, or as submitted by counsel, and such other amounts as the Court shall deem reasonable in case this action is contested, together with the costs and disbursements herein;

2. It be adjudged, in the event of non-payment of the judgment forthwith upon its entry, that the Deed of Trust be declared as valid first lien upon the land and premises described herein; that the Deed of Trust be foreclosed and that the Property covered thereby sold at a foreclosure sale in the manner provided by law, and the proceeds thereof be applied on said judgment and increased interest and such additional amounts as the Plaintiff may advance for taxes, assessments, municipal charges, and such other items as may constitute lien upon the Property, together with insurance and repairs necessary to prevent impairment of the security, together with interest thereon from the date of payment;

3. By such foreclosure and sale, the rights, claims, ownership, liens, and demands of each of the Defendants and persons claiming by, through or under them subsequent to the execution of the Deed of Trust should be adjudged inferior and subordinate to the Deed of Trust lien and be forever foreclosed, except only for the statutory right of redemption allowed by law and surplus funds allowed by law, if any;

4. The Plaintiff be permitted to become a bidder and purchaser at the foreclosure sale;

5. Adjudging that each of the Defendants and all persons claiming under each Defendant, after execution of the Deed of Trust, whether as lien claimant, judgment creditor,

claimant under a junior trust deed, purchaser, lien holder, or otherwise be barred and foreclosed from all rights, claims, interests, or equity of redemption in the Property and every part of the Property when the time for redemption has elapsed;

6. For an Order directing the Sheriff, after the time for redemption has elapsed, to execute a deed to the purchaser of the Property at the sale, and directing that any such purchaser be let into possession of the Property upon production of the Sheriff's Deed;

7. For an Order eliminating such redemption rights should the subject property be found vacant for at least 6 months prior to application for judgment; and

8. For such other and further relief as the court deems just and proper.

DATED: February 9, 2016

Respectfully Submitted,
MALCOLM ♦ CISNEROS, A Law Corporation.

Nathan F. Smith, WSBA. #43160, Attorneys for Plaintiff, MALCOLM ♦ CISNEROS, A Law Corporation.

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF WASHINGTON

CIT BANK, N.A., Plaintiff/Petitioner, vs. Yvonne C. Carr, an individual; et al., Defendant/Respondent.

Cause No. 16-2-03164 1.

Hearing Date:

DECLARATION OF SERVICE OF NOTICE OF PENDENCY OF AN ACTION; SUMMONS; COMPLAINT FOR JUDICIAL FORECLOSURE OF DEED OF TRUST; DECLARATION OF NON-MILITARY STATUS.

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 23rd day of February, 2016 at 12:50 PM at the address of 4916 48TH AVE. S., SEATTLE, King County, WA 98116; this declarant served the above described documents upon YVONNE C. CARR by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with YVONNE C. CARR, Who accepted service, with identity confirmed by verbal communication, a black female approx. 55-65 years of age, 5'4"-5'6" tall, weighing 120-140 lbs with brown hair.

No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: \$75.00.

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED 2/23/16.

Joshua Douglas, Reg. #1418458, King County.

Ms. CANTWELL. This is an actual foreclosure document from one of my constituents. What is most amazing about this is that they are basically saying that this property should be seized and foreclosed on, saying that there was no one living there. But when one actually sees the service of the document, the service of the document shows that it was served at an address where somebody answered the door and took the document. So even in and of itself, you can see how ludicrous

this operation was—just going through a robo-list of names, signing documents, and putting people out of their homes, when in reality, they were there living in them and should not have been foreclosed on.

Many of these behaviors have been described by my colleagues, and I hope that we get to the bottom of this issue. We heard from victims of a foreclosure, where on a 98-year-old woman, being 27 cents short on a payment, and another where they changed the locks on her home in Minnesota in the middle of a blizzard.

Is that what we did for Goldman Sachs? I don't think so. I think we gave them the keys to the Treasury.

This behavior, the callousness of this issue, is another reason why I cannot support Mr. Mnuchin's nomination for Treasury Secretary.

Mr. Mnuchin's answers to questions about the administration's tax reform plan are another issue. His tax reform policy and that of the administration just doesn't add up to me. The non-partisan analysts who have looked at the President's tax reform plan found that it would do just the opposite of what Mr. Mnuchin says, and it would actually increase the deficit by \$7.2 trillion over 10 years.

I don't think those are economics that I can support, and I don't think I can support his nomination.

I would just say, in concluding, that there are other issues that also concern me with this nominee and his responsibility to help us solve our economic challenges.

I did have a chance to talk to Mr. Mnuchin about our pension programs. One-third of Americans have zero retirement savings or a pension plan—one-third. Those who do are not saving nearly enough and the median balance for those nearing retirement is only \$14,500. This is going to be a crisis for us.

According to the National Institute on Retirement Security, our nation's retirement savings gap is somewhere between \$6.8 trillion and \$14 trillion. That is the gap that we are looking at in the United States.

So, yes, when the Dallas Fed says that bailing out Wall Street and the implosion of the Wall Street problems cost our economy \$14 trillion, and that just happens to be the same gap in pensions and retirement savings, it makes me furious.

I want to see a Treasury Secretary who has a plan on how we are going to deal with these issues. The Secretary of the Treasury sits on the Board of Directors of the Pension Benefit Guaranty Corporation. They make important decisions as it relates to the multi-employer pension plans and the Multiemployer Pension Reform Act. The PBGC currently has a deficit of \$76 billion.

These issues are so important, not just to mineworkers but to average

Americans. When Mr. Mnuchin sat on the board of Sears, he oversaw the finances of the company's pension, which was massively underfunded and accumulated \$8.3 billion in net losses. We cannot afford to let that happen to the PBGC.

If that is not enough, I want a Treasury Secretary who is going to be aggressive in protecting the American taxpayer from further cause and effects of the crisis in Puerto Rico. I was not a fan of the plan that we crafted here in the Congress. Why? Because, again, we gave Wall Street all the opportunity and left the taxpayers of the United States and Puerto Rico with all the cost. That is going to be a challenge for all of us in the future, and I hope that we will have a Treasury Secretary who will be aggressive in recouping our losses as taxpayers from Wall Street.

So while I know that people here and on the other side of the aisle think their minds are made up, I would just ask them to look at his record, to look at what we need to do as a country to move our economy forward to recoup from the financial crises, and to say that Mr. Mnuchin is not the man to lead us where we need to go. He certainly has realized his financial dreams, but we have not heard enough from him that makes me convinced he is going to help Americans realize theirs.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. BOOZMAN. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO KATHERINE JOHNSON AND REMEMBERING MARY JACKSON AND DOROTHY VAUGHAN

Mr. WARNER. Madam President, in honor of African-American History Month and in support of efforts to promote education and training in 21st century careers involving science, technology, engineering, and mathematics, I want to bring the attention of this body to the stories of three remarkable African-American women. Katherine Johnson, Dorothy Vaughan, and Mary Jackson broke through barriers of gender and race as trailblazers at NASA's Langley Research Center in Hampton, VA, more than a half century ago. Together with my colleagues Senator TIM KAINE and Congressman BOBBY SCOTT, we honor these women.

Before John Glenn orbited Earth or Alan Shepherd walked on the Moon, several hundred female mathematicians used pencil and paper, slide rules, and adding machines to perform the complex equations which launched America's journey into space. Among these "human computers," as they were known, were Katherine Johnson, Dorothy Vaughan, and Mary Jackson—three women who have become symbols for many other women, many of them women of color, who worked at NASA Langley's West Area Computing Group complex and helped America dominate space and aeronautics research.

Virginia author Margot Lee Shetterly grew up surrounded by this little-known history, much of it relayed by her father, who also was an internationally recognized scientist with NASA's Langley Research Center. And Shetterly masterfully tells the story in her book "Hidden Figures", which currently is an Academy Award nominated motion picture of the same name.

Mr. KAIN. Madam President, Katherine Johnson, Dorothy Vaughan, and Mary Jackson shared a combined 95 years of experience in the field of aeronautics and space exploration. Katherine Johnson worked as an aerospace technologist from 1953 until she retired in 1986. Dorothy Vaughan worked as a mathematician and programmer from 1943 until her retirement in 1971. Mary Jackson also worked as a computer and an engineer from 1951 until her retirement in 1985. Over the course of their careers at NASA, Johnson, Vaughan, and Jackson coauthored more than three dozen scientific papers.

In her role as a "computer," Katherine Johnson calculated the trajectory for Alan Shepard, the first American in space. Even after NASA began calculating trajectories with electronic computers, John Glenn personally requested that Johnson recheck those calculations before the Friendship Seven flight in which he became the first American to orbit the Earth. "If she says they're good, then I'm ready to go," Glenn said during the preflight check, and once he got the word from Katherine Johnson, Friendship Seven roared off a launch pad and into American history. Katharine Jackson later would play key roles in the success of America's Apollo and space shuttle programs.

Dorothy Vaughan left her job as a math teacher at Prince Edward County, Virginia's segregated Moton High School in 1943 for what she thought would be a temporary job with the agency that would later become NASA. Vaughan became NASA's first African-American manager in 1949 and the first African-American supervisor at the fledgling space agency. When NASA transitioned to electronic computing, Vaughan transitioned with it, becoming an expert FORTRAN programmer

and training others within her department on the early computer programming language.

Mary Jackson was first hired at NASA by Dorothy Vaughan, and after 2 years in the segregated computing pool, she was provided an opportunity to work with internationally recognized engineers in Langley's wind tunnels. That exposure led to her interest in engineering, and she successfully petitioned Hampton City Council for permission to enroll in graduate level coursework offered only at night and only at the then-segregated Hampton High School. Not only did she successfully complete the coursework, Mary Jackson became NASA's first Black female engineer in 1958. Twenty years later, she would cap her career by working to further improve hiring and promotion opportunities for women across the entire space agency.

Mr. WARNER. Thanks to Margot Lee Shetterly's book and the popularity of the film, these hidden figures are hidden no longer. And the stories of Katherine Johnson, Dorothy Vaughan, and Mary Jackson reflect America's story: the powerful combination of individual drive and accomplishment and the certain knowledge that America is at its very best when we are inclusive and welcome everyone's contributions of capability and talent.

The stories of Katherine Johnson, Dorothy Vaughan, and Mary Jackson also provide compelling testimony to support our bipartisan efforts to promote education and training in the STEM disciplines: science, technology, engineering, and mathematics. Those are the disciplines which will continue to provide the opportunities of the future, and these are the disciplines where we must do a much better job of recruiting and retaining young women, especially girls of Color.

It is an honor to place in the record of this body the stories of these exceptionally talented individuals. They were among the brightest minds of their generation, and their intellect and their collective body of work helped change America's future.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Commerce, Science, and Transportation, and referred as indicated:

H.R. 590. An act to foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. WARREN (for herself, Ms. COLLINS, Mr. MARKEY, Mr. KING, Mrs. SHAHEEN, Ms. HASSAN, Mr. LEAHY, and Mr. REED):

S. Res. 58. A resolution congratulating the New England Patriots on their victory in Super Bowl LI; considered and agreed to.

By Mr. BLUMENTHAL (for himself and Mr. MURPHY):

S. Res. 59. A resolution expressing the support for the designation of February 12, 2017, as "Darwin Day" and recognizing the importance of science in the betterment of humanity; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 203

At the request of Mr. BURR, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 253

At the request of Mr. CARDIN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Massachusetts (Ms. WARREN) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 253, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 265

At the request of Ms. BALDWIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 265, a bill to prevent conflicts of interest that stem from executive Government employees receiving bonuses or other compensation arrangements from nongovernment sources, from the revolving door that raises concerns about the independence of financial services regulators, and from the revolving door that casts aspersions over the awarding of Government contracts and other financial benefits.

S. 315

At the request of Mr. SULLIVAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 315, a bill to direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the helicopter pilots and crewmembers who were killed while serving on active duty in the Armed Forces during the Vietnam era, and for other purposes.

S. 344

At the request of Mrs. FISCHER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a credit to employers who provide paid family and medical leave, and for other purposes.

S.J. RES. 14

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 58—CONGRATULATING THE NEW ENGLAND PATRIOTS ON THEIR VICTORY IN SUPER BOWL LI

Ms. WARREN (for herself, Ms. COLLINS, Mr. MARKEY, Mr. KING, Mrs. SHAHEEN, Ms. HASSAN, Mr. LEAHY, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 58

Whereas, on Sunday, February 5, 2017, the New England Patriots (in this preamble referred to as the "Patriots") won Super Bowl LI by a score of 34 to 28, defeating the Atlanta Falcons in Houston, Texas;

Whereas, during the second half of Super Bowl LI, the Patriots scored 31 consecutive points, overcoming the largest deficit that any team has overcome in Super Bowl history;

Whereas the victory in Super Bowl LI earned the Patriots their fifth Super Bowl championship;

Whereas Tom Brady—

(1) broke, tied, or extended several Super Bowl records in leading the Patriots to their fifth Super Bowl victory; and

(2) was named the Super Bowl Most Valuable Player for a record fourth time;

Whereas James White set new Super Bowl records by catching 14 passes and scoring 20 points, including the game-winning touchdown run in overtime;

Whereas Bill Belichick won an unprecedented fifth Super Bowl title as a head coach;

Whereas the performance of the defense in the second half was critical to the Patriots' victory in Super Bowl LI, and key plays by Trey Flowers, Dont'a Hightower, and Alan Branch contributed to shutting out the Atlanta Falcons for the final 23 minutes and 36 seconds of regulation;

Whereas Julian Edelman hauled in a miracle catch for the ages to continue a fourth quarter drive by the Patriots, helping to send the game to overtime;

Whereas Robert Kraft, the owner of the Patriots, eloquently stated, "Two years ago, we won our fourth Super Bowl down in Arizona and I told our fans that was the sweetest one of all. . . . But I want to say to our fans, to our brilliant coaching staff, our amazing players who were so spectacular, this is unequivocally the sweetest"; and

Whereas the Patriots "did their job" again and took "no days off", delivering a fifth Lombardi Trophy to New England: Now, therefore, be it

Resolved, That the Senate congratulates the New England Patriots on their dramatic victory in Super Bowl LI.

SENATE RESOLUTION 59—EXPRESSING THE SUPPORT FOR THE DESIGNATION OF FEBRUARY 12, 2017, AS "DARWIN DAY" AND RECOGNIZING THE IMPORTANCE OF SCIENCE IN THE BETTERMENT OF HUMANITY

Mr. BLUMENTHAL (for himself and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 59

Whereas Charles Darwin developed the theory of evolution by the mechanism of natural selection, which, together with the monumental amount of scientific evidence Charles Darwin compiled to support the theory, provides humanity with a logical and intellectually compelling explanation for the diversity of life on Earth;

Whereas the validity of the theory of evolution by natural selection developed by Charles Darwin is further strongly supported by the modern understanding of the science of genetics;

Whereas it has been the human curiosity and ingenuity exemplified by Charles Darwin that has promoted new scientific discoveries that have helped humanity solve many problems and improve living conditions;

Whereas the advancement of science must be protected from those unconcerned with the adverse impacts of global warming and climate change;

Whereas the teaching of creationism in some public schools compromises the scientific and academic integrity of the education systems of the United States;

Whereas Charles Darwin is a worthy symbol of scientific advancement on which to focus and around which to build a global celebration of science and humanity intended to promote a common bond among all the people of the Earth; and

Whereas February 12, 2017, is the anniversary of the birth of Charles Darwin in 1809 and would be an appropriate date to designate as "Darwin Day": Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of "Darwin Day"; and

(2) recognizes Charles Darwin as a worthy symbol on which to celebrate the achievements of reason, science, and the advancement of human knowledge.

PRIVILEGES OF THE FLOOR

Mr. REED. Madam President, I ask unanimous consent that Daniel McCartney, a fellow in my office, be granted privileges of the floor for this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 110-315, announces the appointment of the following individual to be a member of the National Academy Advisory Committee on Institutional Quality and Integrity: Claude Pressnell of Tennessee.

DISCHARGE AND REFERRAL—H.R. 590

Mr. BOOZMAN. Madam President, I ask unanimous consent that H.R. 590, the Advanced Nuclear Technology Development Act of 2017, be discharged from the Committee on Commerce, Science, and Transportation and referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL COUNSELING WEEK

Mr. BOOZMAN. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 44 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 44) designating February 6 through 10, 2017, as "National School Counseling Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOOZMAN. Madam President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 44) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 3, 2017, under "Submitted Resolutions.")

AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY

Mr. BOOZMAN. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 45 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 45) designating February 2017 as "American Heart Month" and February 3, 2017, as "National Wear Red Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOOZMAN. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 45) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 3, 2017, under "Submitted Resolutions.")

SUPPORTING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. BOOZMAN. Madam President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. Res. 47 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 47) supporting the contributions of Catholic schools.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOOZMAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 47) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 3, 2017, under "Submitted Resolutions.")

CONGRATULATING THE NEW ENGLAND PATRIOTS ON THEIR VICTORY IN SUPER BOWL LI

Mr. BOOZMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 58, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 58) congratulating the New England Patriots on their victory in Super Bowl LI.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOOZMAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 58) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

PERMITTING USE OF THE CAPITOL ROTUNDA

Mr. BOOZMAN. Madam President, I ask unanimous consent that the Chair lay before the Senate H. Con. Res. 18, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 18) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BOOZMAN. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 18) was agreed to.

ORDERS FOR MONDAY, FEBRUARY 13, 2017

Mr. BOOZMAN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Monday, February 13; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Mnuchin nomination as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 13, 2017

Mr. BOOZMAN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 2:09 p.m., adjourned until Monday, February 13, 2017, at 12 noon.

SENATE—Monday, February 13, 2017

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who sends showers to soften the Earth, You are the source of life and joy. You have challenged us to number our days, not our weeks, months, or years. Give us wisdom to comprehend the brevity and uncertainty of our life's journey. Forgive us when we boast about tomorrow, forgetting that our times are in Your hands.

Today, bless our lawmakers and their staffs. Remind them that they belong to You and that You will order their steps. As they wrestle with complex issues, help them seek Your wisdom and guidance. Lord, empower them as stewards of Your bounty, making them faithful in the vocation to which You have called them.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KENNEDY). Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury, which the clerk will report.

The senior assistant legislative clerk read the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I yield my postcloture debate time to Senator WYDEN.

The PRESIDING OFFICER. The Senator has that right.

Ms. HASSAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

CABINET NOMINATIONS

Mr. SCHUMER. Mr. President, candidate Trump ran a populist campaign that promised so much to working America. Many of those themes were actually echoed in his inaugural address, but ever since President Trump took the oath of office, he has gone about breaking promise after promise to the working people of this country.

A predictable pattern is beginning to emerge. This President uses populist rhetoric to cover up a hard-right agenda. We still hear the remnants of candidate Trump's populism in his speeches, but his actions as President don't match up. Just an hour after he had delivered populist words on the steps of the Capitol in his inaugural address, the President signed an Executive order—his first, I believe—that jacked up the price on Americans trying to afford a mortgage.

Ever since, we here in the Senate have been working through the President's Cabinet, which is filled not with champions of the working class, not with people who came from the working class but with a slew of superrich nominees, Washington insiders, and corporate types who have spent their whole careers sticking it to the working man.

A President's Cabinet provides insight into how they will govern and what their priorities will be. The President has shown his hand by selecting the most anti-working class Cabinet we have ever seen.

The slate of nominees we will soon consider, including Steve Mnuchin for Treasury, Andrew Pudzer for Labor, and RICK MULVANEY for OMB, show the yawning gap between the President's audacious promises to working America and the practical reality of his administration, which is steadily stacking the deck against them.

This evening we will debate the nomination of Steve Mnuchin for Treasury, a Cabinet post that will have oversight over Wall Street.

Candidate Trump spent the campaign lambasting elites and criticizing Wall Street. He said:

I'm not going to let Wall Street get away with murder. Wall Street has caused tremendous problems for us.

Those are his words, but what does President Trump do? With one of his first Executive orders, he started the process to try to roll back Wall Street reform, undoing protections we put in place after the financial crisis to prevent another one from occurring. He wants to eviscerate the one agency that sticks up for consumers when they are being ripped off by payday lenders or debt collectors—the CFPB. That is a broken promise.

Candidate Trump said at his rallies: "When you cast that ballot, just picture a Wall Street board room filled with the special interests . . . and imagine the look on their faces when you tell . . . them: 'You're fired!'"

But President Trump told Steve Mnuchin, a Wall Street insider with decades of experience in that board room he described, "You're hired," as his Treasury Secretary, no less. That is a broken promise.

A President who is a true champion for working America would never consider unwinding protections that were designed to make our financial system more secure and protect hard-working Americans from the risky practices too often seen on Wall Street.

For the Secretary of Labor, the President picked Andrew Pudzer, a man who once said he prefers robots to human employees because, in his words, they are always polite, they always upsell, they never take a vacation, they never show up late, there is never a slip and fall, or an age, sex, or race discrimination case.

Secretary Nominee Pudzer, the guy who is supposed to be protecting laborers—working people—actually said that.

I want to read it again. It galls me that this man is nominated for Labor Secretary. Why does he prefer robots to human employees? Secretary Pudzer: They are always polite, they always upsell, they never take a vacation, they never show up late, there is never a slip and fall, or an age, sex, or race discrimination case.

This is a man who has such disdain for workers that he said the minimum wage is a big mistake, and while at CKE Restaurants, his company, he continually outsourced American jobs.

A President who is a true champion of working America would never even consider selecting a nominee like Andrew Pudzer to run the Labor Department. It is another broken promise to the working men and women of America. Amazing.

What President Trump did during the campaign and said during the campaign and in his inaugural address is

almost the exact opposite of what he is doing now. You could not find a more anti-labor nominee for Labor Secretary than Mr. Puzder.

Now, what about OMB? The President selected Representative MIKE MULVANEY, whose congressional career is a direct rebuke to key promises Candidate Trump made to working America. Candidate Trump promised that he was “not going to cut Social Security like every other Republican and I’m not going to cut Medicare or Medicaid.”

That is a quote from Candidate Trump.

But who does he choose for OMB? A pick who has relentlessly argued to cut both of these programs, including bill after bill that would end both Medicare and Social Security as we know it.

Our new Health and Human Services Secretary—who, unfortunately, passed this Chamber because our Republican colleagues are just marching in lockstep to the President—is in exactly the same vein.

A true champion of senior citizens, of the working man and woman, wouldn’t hire someone like Representative MULVANEY or Representative PRICE to take an ax to the programs they have relied on for generations.

Just 3 weeks in, the administration is stretching the boundaries of cognitive dissonance. The President still speaks like a populist but governs like a hard-right conservative. He promises to stick up for working families, but every decision he has made is rigging the system further against them.

Every American who works hard for their paycheck, who desperately deserves fairer overtime pay, who is counting on Social Security and Medicare to be there when they retire should look at this Cabinet and be very worried.

I know many working people voted for President Trump in hopes that they would change the power structure in Washington, as he promised so many times. His Cabinet is the first way to see if he really meant it. His Cabinet is the first way to measure: Is President Trump measuring up in his Presidency to what he promised in his campaign?

It turns out President Trump was using populist rhetoric to cover up a hard-right agenda, which will be carried out by this bevy of billionaires and bankers and hard-right ideologues—broken promise after broken promise.

Candidate Trump said that Washington was a place where “the hedge fund managers, the Wall Street investors . . . and the powerful [protect] the powerful.”

“But I’m fighting for you,” he said to working Americans.

If these first 3 weeks are any indication, that is a broken promise.

The nominations of Steve Mnuchin, Representative MULVANEY, and Andrew Puzder represent broken promise after

broken promise after broken promise. We Democrats, over the next several weeks, will make clear to the American people, as we continue to debate these nominations, that what President Trump said on the campaign trail is not what he is doing as President. He is breaking his promises to the working people of America.

Many working people who voted for Mr. Trump are depending on him to do what he said in the campaign. Reading the tea leaves of the first 3 weeks, working Americans are going to be deeply, deeply disappointed over the course of his Presidency.

Thank you. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, when you serve as the Secretary of Treasury, you are charged with a variety of responsibilities, and right at the center of your duties is to address taxes. This is an area that the nominee to head the Treasury Department, Mr. Steven Mnuchin, waded into very early on after his nomination became public.

News leaked on November 29 of last year that Mr. Mnuchin was the President-elect’s choice for Secretary of the Treasury. The very next day, Mr. Mnuchin appeared on a CNBC program and confirmed his selection. During an extended interview with CNBC, he introduced what I have come to call the Mnuchin rule. I will quote Mr. Mnuchin directly with respect to what he said: “Any reductions we have in upper income taxes would be offset by less deductions, so there would be no absolute tax cut for the upper class.”

I will repeat that last part of the Mnuchin rule: “no absolute tax cut for the upper class.”

Mr. Mnuchin is the President’s nominee for Treasury Secretary. This is a position that has been held by American economic giants like Alexander Hamilton, Albert Gallatin, Salmon Chase, Henry Morgenthau and Lloyd Bentsen. When a nominee for Treasury Secretary makes a pledge like Mr. Mnuchin’s, it really ought to mean something. It ought to stand for something.

Unfortunately, it already looks as though the Mnuchin rule is on the ropes. The very first act of the 115th Congress and a unified Republican government, repealing the Affordable Care Act, shatters the Mnuchin rule.

The Affordable Care Act repeal scheme that Republicans kicked off months ago, in my view, is a Trojan horse of tax breaks for the most fortunate. Nobody outside the top 4 or 5 per-

cent of earners would get any of that break. Most of it would go to households in the top 1 percent of earners—even then, the top one-tenth of 1 percent—and it is paid for by taking insurance coverage and tax cuts for health care literally out of the hands of millions of working people.

Then it is back for another whack at the Mnuchin rule later this year. Last week, the New York Times published a story talking about Mr. Mnuchin, which said that “his guarantee appears impossible to fulfill either under the tax overhaul that the House Republicans are pushing or similar, sketchier proposals that Mr. Trump has offered.”

Mr. President, I ask unanimous consent to have printed in the RECORD the article titled “Treasury Nominee Vows No Tax Cut for Rich. Math Says the Opposite.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Feb. 9, 2017]

TREASURY NOMINEE VOWS NO TAX CUT FOR RICH. MATH SAYS THE OPPOSITE.

(By Patricia Cohen)

The newly christened “Mnuchin rule”—the assurance given by the Treasury nominee Steven T. Mnuchin that “there would be no absolute tax cut for the upper class”—seems as if it was made to be broken.

Mr. Mnuchin initially made the statement during an interview on CNBC in November, after President Trump chose him for the cabinet. At Mr. Mnuchin’s confirmation hearing, Senator Ron Wyden, an Oregon Democrat, rebranded the comment as a “rule,” transforming a throwaway line into a formal pledge.

Whether it will be kept may become clearer in two or three weeks—the timing Mr. Trump mentioned Thursday for delivering a “phenomenal” tax plan.

Although Mr. Mnuchin said any rate reductions at the top would be offset by the closing of fat loopholes, his guarantee appears impossible to fulfill either under the tax overhaul that the House Republicans are pushing or similar, sketchier proposals that Mr. Trump has offered.

Redesigning the tax code with an eye fixed on lower rates has been a Republican mission for decades, and one that Mr. Trump adopted. That prospect, combined with a promised regulatory retreat, has pumped up the stock market and fueled optimism among business leaders.

At the same time, the president has raised expectations among his working-class supporters that “the rich will pay their fair share,” and that “special-interest loopholes that have been so good for Wall Street investors, and for people like me, but unfair to American workers” will be eliminated. Mr. Mnuchin, soon to be one of the administration’s top economic policy officials, promised “a big tax cut for the middle class.”

Yet analyses of the president’s and the House Republicans’ plans consistently conclude that the wealthy will receive the largest tax cuts by far.

Start with the House blueprint, which at the moment is the closest thing to a working draft that exists. The nonpartisan Tax Policy Center, a joint project of the Urban Institute and Brookings Institution, found “high-income taxpayers would receive the biggest

cuts, both in dollar terms and as a percentage of income."

How big? "Three-quarters of the tax cuts would benefit the top 1 percent of taxpayers," if the plan were put into effect this year, it said. The highest-income households—the top 0.1 percent—would get "an average tax cut of about \$1.3 million, 16.9 percent of after-tax income."

Those in the middle fifth of incomes would get a tax cut of almost \$260, or 0.5 percent, while the poorest would get about \$50.

That split would worsen down the road, the Tax Policy Center says: "In 2025 the top 1 percent of households would receive nearly 100 percent of the total tax reduction."

Those wary of any potential liberal bias could turn to the conservative-leaning Tax Foundation. Its analysis found a smaller gap between the wealthy and everyone else, but a gap nonetheless. The foundation concluded that four out of five taxpayers would see only a 0.2 to 0.5 percent increase in after-tax income, while those in the top 1 percent of the income scale would save at least 10 times as much, or 5.3 percent. That's nearly \$40,000 extra for those at the top, compared to \$67 for those smack dab in the middle of the income scale.

"The Mnuchin rule is already being broken as Republicans look to strip away hundreds of billions of dollars in Affordable Care Act tax credits for working Americans to pay for a giant tax break for the wealthy," Senator Wyden said. "Bottom line is it's unfair to cut benefits that the middle class depends on, all so the wealthy pay a lower rate."

Mr. Mnuchin did not respond to a request for comment.

Republicans argue their plan makes everyone a winner—that lower taxes will unleash an enormous swell of economic growth, raising wages, incomes and tax revenue all around.

The historical record does not offer much support for the claim that slashing taxes for the most affluent creates growth. Yet even assuming the rosiest of forecasts, the top 1 percent, according to the Tax Foundation, would still receive close to a \$100,000 tax cut—32 times as much as a middle-income family.

Mr. Mnuchin has offered his own formula for adhering to the standard he laid down, explaining that "any reductions we have in upper-income taxes would be offset by less deductions."

That would require some otherworldly mathematical magic, however.

Consider the list of proposals that would reduce taxes on the rich:

Cut the top income to 33 percent, from 39.6 percent.

Cut taxes on capital gains, 70 percent of which flow to the top 1 percent.

Eliminate the estate tax, which applies to a tiny number of people, couples that have estates bigger than \$10.8 million.

Eliminate the 3.8 percent surtax on high earners' investment income that has been used to subsidize health care for poorer Americans.

End the alternative minimum tax, which currently limits deductions for high earners.

Lower taxes on cash flow and income that passes from small businesses to their owners, which also primarily benefits wealthier Americans.

Now, what deductions could be eliminated that would offset all those cuts at the top? There aren't many, said Alan Viard, an economist at the conservative American Enterprise Institute. If Republicans insist on lowering taxes on top wages, capital gains, es-

tates and cash-flow and pass-through income as advertised, "there's not a lot of latitude to limit itemized deductions further," Mr. Viard said.

Any plan to curb itemized deductions would be partly offset by Mr. Trump's plan to increase the standard deduction. Curtailed mortgage deductions for the most expensive homes is probably a good idea, Mr. Viard said, but that isn't going to do much to raise revenue from those at the top of the income pyramid, and the deduction is already roughly limited to the interest paid on \$1 million in mortgage debt.

Such alternative ideas, however, assume that the Mnuchin rule will have a meaningful impact on what the White House will propose or Congress will debate. Not everyone is convinced that it will. As Mr. Viard said, "I don't know how much interest there is in fulfilling that statement by Mnuchin, however it's interpreted."

Mr. WYDEN. After breaking the Mnuchin rule once, the majority is now planning to fast-track a second tax break for the wealthy. This one will be even larger; in fact, it could be 10 times bigger or more. My guess is that a lot of Americans are wondering what has happened to all the campaign talk about fixing the Tax Code and really going out there and standing up for the working people. As the Republican nominee, the President said he was the guy to repair the country's broken tax system. The particulars of the Trump plan were buried deep in the business pages and on his Web site, but the broad strokes of the message were pitched in rallies across the Nation: Donald Trump alone knew how to do the job because he had taken advantage of the rules himself, and he was ready to crack down on those who weren't paying their fair share.

One of the few specifics Donald Trump offered on the stump was that he would close the carried interest loophole. That, of course, has been a favorite of investment fund managers. It would be great if it were actually true. In reality, the promise turned out to be pretty much just a head fake. Rather than closing the loophole and asking investment fund managers to pay their fair share, the Trump plan actually gives them a 25-percent tax cut. In fact, the Trump plan slashes tax rates for corporations and the wealthy across the board at a cost of trillions of dollars.

The President and Mr. Mnuchin might defend this plan by claiming it is a tax cut for the middle class, so I want to spend just a few minutes checking in with that part of the plan. If we read the fine print, we will notice that one of the Trump tax plan's big casualties is something called head of household status. That is a particularly important benefit for a lot of middle-income taxpayers because it reduces their bills. What would it mean for head of household status to go away? Millions of working Americans, mostly single parents, would get hit with tax increases.

Furthermore, the Trump plan eliminates key personal exemptions for millions of other middle-income families. It pushes a lot of families into higher tax brackets than they are in today. The administration touts its proposals for a larger standard deduction and a new child care tax credit as the cure-all for its tax increases on the middle class and on working people, but the math just doesn't add up. Families who are struggling to get ahead today are going to pay higher taxes tomorrow.

So let's recap the Trump tax plan: a multitrillion-dollar tax break for the wealthy and corporations and a gut punch of higher taxes for working families.

At this point, it would be generous to say that the Mnuchin rule is now on life support. If we wanted to design a tax plan to push more Americans out of the economic winners circle, the Trump plan is what you would come up with. When I look at the Trump tax plan that Mr. Mnuchin would be in charge of spearheading, it looks to me as though the administration has zero interest in cleaning out the rot that is right at the heart of America's tax system.

Here is what it is all about, in my view. The Tax Code today is a tale of two systems. If you are a wage earner—a welder in Portland or a nurse in Louisiana—your taxes come straight out of your paycheck. They are compulsory—no special deals. You can even see the numbers right on your pay stub. Once or twice a month, out it comes. There are no special tax-dodging strategies or loopholes to winnow down the tax bill for the welder in Portland or the nurse in Louisiana. You can't set up a John Doe, Inc., in a Cayman Islands P.O. box to shield your income from taxes.

But the rules are different for the powerful and the well connected. At their disposal are huge armies of lawyers and accountants who specialize in tax games. They specialize in tax tricks. With the right advice, the most fortunate individuals and corporations in the country can decide how much tax to pay and when to pay it. If anybody wonders why people in America feel the tax system is rigged and the rules are stacked against them, this is a big part of the answer. I intend to talk more about that, but I want to come back to highlight the difference between the welder in Portland and the nurse in Louisiana.

When those hard-working Americans are out there working for a wage and once or twice a month have their taxes taken right out of their paycheck, they know they aren't getting anything special. It is compulsory. It is mandatory. They see it on their paychecks. Yet they get lots of news coverage and articles and the like, and they will see that for those who are fortunate, instead of paying taxes in a mandatory and compulsory way, they pretty much get to

decide what they are going to pay, when they are going to pay it, and maybe nothing at all. It seems to me that as we look at the nominee for Treasury Secretary, we get a pretty good example of how it does play out in terms of taxes for those fortunate few and how his taxes stand in sharp contrast to that welder in Portland or that nurse in Louisiana.

Not long after ending a 17-year run at Goldman Sachs, Mr. Mnuchin opened a hedge fund called Dune Capital in 2004. He set up an outpost in Anguilla and the Cayman Islands. That is not a move you make for the infrastructure or the ease of the commute. It is about a zero-percent tax rate.

During Mr. Mnuchin's hearing, he claimed that having those overseas funds benefited American nonprofits. When he testified in front of the Finance Committee, he said: You know, the main thing we are doing with these overseas funds is we are helping churches and pension funds. But documents from the Securities and Exchange Commission show something quite different. In some cases, 100 percent of his investors were from outside of the United States, and setting up overseas allowed Mr. Mnuchin to help them avoid paying taxes. What was the end effect? Dune Capital was heavily invested in movies. So millions of dollars in profits from Hollywood exports, like the movie "Avatar," were funneled to an offshore web of entities and investors, giving him the chance to skirt a U.S. tax bill.

At a more recent point in his career, Mr. Mnuchin's bank was up for a merger. The deal had the potential to be a personal windfall for him and a small circle of others. A foundation Mr. Mnuchin chaired reportedly used tax-exempt dollars to fund a write-in campaign pushing for the deal's approval. During the public comment period on a potential merger, this is pretty much the equivalent of stuffing the ballot box.

Now, as a nominee for a Cabinet position, Mr. Mnuchin could be in line for a special elective Federal tax deferral on money made by selling stocks and bonds. That is the very definition of getting to pay what you want, when you want. We hear a frequent and common defense when these kinds of tax tricks are brought into public view. It is true that the people who use them are following the laws on the books, but the outrage in our tax system, as I have said on this Senate floor, is what is legal. That is the real outrage with the American tax system, and it is outrageous that the Senate has allowed obvious gamesmanship to stay legal. It is outrageous that the administration and its chosen nominee for Treasury have shown no interest in changing it.

When you are the Treasury Secretary, one of your paramount obligations is overseeing taxes. The last time

the United States overhauled its Tax Code—this was in 1986—the Reagan Treasury Department played a huge role in that effort, and one of the core principles of that reform was treating wages and wealth the same way. Democrats and Republicans came together to pass a tax reform bill based on fairness. It said that the wage earner—that nurse in Louisiana or welder in Portland—their income and the income of those who made their money in finance and on Wall Street and the like would be treated the same. I see no indication that this administration is prepared to repeat that formula.

The campaign promise to fix the broken, dysfunctional Tax Code—Donald Trump's campaign promise—lured in a lot of voters. When I heard that Mnuchin rule the first time, I said that sounds pretty good—no net tax break for those who are the most fortunate. That sounds pretty appealing. The tax plans that the administration and Republicans in Congress have on offer now will not undo the disgusting unfairness that is right at the heart of the American Tax Code. In fact, it is only going to get worse.

This issue has to be at the center of the debate on Mr. Mnuchin's nomination. I am particularly troubled by the fact that the evidence shows that the Mnuchin rule is already on the ropes.

I intend to oppose this nominee. I urge my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DAVID SHULKIN

Ms. COLLINS. Mr. President, I rise to express my strong support for the nomination of Dr. David Shulkin to be the next Secretary of Veterans Affairs. I believe his impressive record of service in both the public and private health care sectors as well as his firm grasp of VA health care issues make him extraordinarily well qualified to lead the Department through the coming period of major reforms and continuing transformation.

Dr. Shulkin has served in numerous executive roles at hospitals across the country, including Beth Israel Medical Center in New York City, the University of Pennsylvania Health System, and the Atlantic Rehabilitation Institute. In fact, he has been named one of the top 100 Physician Leaders of Hospitals and Health Systems and one of the 50 Most Influential Physician Executives in the country.

In 2015, Dr. Shulkin brought his extensive experience in the private sector to the Department of Veterans Affairs and served as the VA Under Secretary

for Health. Last year, I had the opportunity to host Dr. Shulkin in my hometown of Caribou, ME, as he toured the community-based outpatient clinic and our local hospital, Cary Medical Center, to see the innovative work being done there to provide veterans with top-quality health care closer to where they live.

Cary Medical Center partners with the VA through the Access Received Closer to Home or ARCH Program to provide veterans in Northern Maine with high-quality care, including specialty care close to home and close to their families, rather than forcing them to drive 250 or more miles to receive their care at the Togus VA Medical Center in Augusta, the location of Maine's only VA hospital.

This partnership between Cary Medical Center and the VA has been a huge success, with an approval rating from our veterans exceeding 90 percent. Last spring, when we were faced with the potential expiration of the ARCH Program, Dr. Shulkin, at my invitation, came to Maine and announced his commitment to ensure that veterans using this innovative program in our State would maintain seamless community care. He has kept his word.

During his visit to Maine, Dr. Shulkin also toured the Togus VA Medical Center, the oldest VA facility in the Nation and the community-based outpatient clinic in Bangor. I would note that he drove the 4 hours from Augusta, where the VA hospital is located, to Caribou to get a better sense of the distances in our State. Right now, when we are in the midst of a fierce blizzard, you can imagine how important it is for veterans in need of care to be able to access that care close to home in an emergency.

I was truly impressed, and remain truly impressed, with Dr. Shulkin's understanding of the needs of rural veterans and the challenges of providing health care in rural settings. While in Maine, Dr. Shulkin listened to veterans health care providers, VSO advocates, and the VA staff alike to ensure that our veterans received the care they have earned through their service to our Nation.

In fact, he remained in Caribou and had a town meeting in which he heard from people representing a variety of views but all of whom encouraged him to continue this wonderful program. Dr. Shulkin's nomination to be VA Secretary has drawn support from our veterans service organizations throughout the country, including the American Legion, the VFW, the Disabled American Veterans, the Paralyzed Veterans of America, AMVETS, and the Vietnam Veterans of America.

That does not surprise me because he has demonstrated, in very concrete ways, his commitment to the veterans we are serving. At a time when bipartisan consensus, unfortunately, has

been all too rare in this Chamber, Dr. Shulkin's nomination has been one of the few areas where Republicans and Democrats have found common ground. His nomination was approved unanimously by the Senate Veterans' Affairs Committee.

During this time, when crucial reforms and organizational changes are necessary to ensure consistent, high-quality care for our Nation's veterans, it is critical that the VA have a talented, experienced, and committed leader to spearhead the Department's transformation as we seek to improve the quality and timeliness of health care for our veterans.

Dr. Shulkin is an excellent nominee and I urge all of my colleagues to support his confirmation.

Seeing no one seeking recognition, I suggest the absent of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Mr. President, it is observed that we are being asked to confirm a Treasury Secretary who helped bring about the 2008 financial crisis and profited off the misery that followed.

During his campaign, President Trump promised to crack down on Wall Street abuses. In one of his campaign ads, the President said that the CEO of Goldman Sachs was part of a "global elite" that was "robbing our working class." He said that on Wall Street, "It's the powerful protecting only the powerful."

Given his campaign promises, it is astounding that President Trump nominated Steve Mnuchin, someone whose business record embodies the worst abuses from the financial crisis, to serve as Secretary of the Treasury.

In the fall of 2008, when I served in the U.S. House, then-Treasury Secretary Hank Paulson came to Capitol Hill and painted a dire picture. He told us that without drastic intervention by Congress and the White House, the entire global financial system would collapse. The situation was so dire, he argued, that we could not even pause to provide additional, meaningful relief to the millions of families across the country facing home foreclosures.

In the years that followed, we learned a lot more about just how bad things were. Many banks sold mortgages to people who couldn't afford them, packaged those mortgages into complex financial instruments, colluded with ratings agencies, and sold those "products" as solid investments.

The American people stepped in with hundreds of billions of dollars to bail out Wall Street. But without effective,

broad laws in place before the financial crisis to prevent predatory lending, millions of people lost their homes and trillions of dollars in household wealth. Many of those victims have yet to recover.

That was bad enough as it was unfolding, but in the years that followed, we learned more and more about the numerous abuses these banks perpetrated on the American people.

After years of pushing subprime loans on minority homeowners who couldn't afford them, foreclosures devastated minority communities across the country. According to a 2010 study by the Center for Responsible Lending, minority homeowners were 70 percent more likely to lose their homes in foreclosure proceedings.

Many banks also violated judicial foreclosure proceedings when they signed hundreds of thousands of foreclosure documents without reviewing them, also known as robo-signing.

Some of my colleagues might argue that it isn't worth rehashing this devastating economic history, but I disagree because today we will be asked to vote for a Treasury nominee whose questionable business practices earned him the title of "Foreclosure King."

As a senior executive at Goldman Sachs for 17 years, Steve Mnuchin was an evangelist for the types of financial transactions—credit default swaps and collateralized debt obligations—that crashed the economy in 2008. He said these instruments were "an extremely positive development in terms of being able to finance different parts of the economy and different businesses effectively." What was essentially just business to him devastated the economy and the lives of millions of people.

As the CEO of OneWest, Mnuchin was deeply involved in subprime lending and was responsible for tens of thousands of foreclosures across the country. Under Mr. Mnuchin's leadership, OneWest was among the worst offenders in robo-signing foreclosure documents. While he denied this fact during his confirmation hearing, a vice president at OneWest admitted to signing 750 documents per week while spending less than 30 seconds on each one. In other words, he was very busy robo-signing these documents.

Under Mr. Mnuchin's leadership, a OneWest subsidiary, Financial Freedom, foreclosed on more than 16,000 seniors who were living on fixed incomes and who had reverse mortgages with that company. In one case, the company foreclosed on a 90-year-old woman's home over a 27-cent debt.

Hundreds of families across Hawaii who had mortgages with OneWest felt the impact of Steve Mnuchin's business practices personally.

In 2013, I received a letter from Suzanne on the Big Island. Suzanne is a retired Navy civilian. She depends on her disability and retirement income

to afford her modest home in Hilo. She had her mortgage through OneWest. When she wrote to me, her home was in court-ordered mediation pending foreclosure. Suzanne went into mediation in good faith, assuming that OneWest would assist her with a loan modification. Well, she was wrong. Suzanne and OneWest agreed that before she signed any modification, she would receive a written offer that included the full terms of the agreement. But during their second mediation meeting, in violation of the agreement, OneWest told Suzanne that she owed \$30,000 more than her records showed and made a unilateral offer without disclosing any of the terms, contrary to what they had agreed to.

Suzanne wisely refused to accept the so-called offer. At the time that she wrote to me, OneWest was pushing a judge to proceed with her foreclosure. "I can afford my home," she wrote. "I want to keep my home, but the difference between \$1,300 and \$1,500 a month is huge."

OneWest has billions and is considering going public this year.

She went on to say: "They have made unreasonable offers, lost paperwork, ignored requests. All the nightmares you hear about on the news, well, consider me a poster child."

Suzanne asked us to write to Steve Mnuchin on her behalf, even though she knew that OneWest had a record of hanging homeowners like her out to dry. She said: "It seems to me that Mr. Mnuchin was one of the architects of our meltdown." She is right.

There are tens of thousands of stories from OneWest customers like Suzanne across the country, and Mr. Mnuchin is responsible for each one of them as CEO of OneWest. Now President Trump is asking us to confirm Mr. Mnuchin to serve as Treasury Secretary.

Throughout his campaign, President Trump made it clear that he wants to dismantle Dodd-Frank, eliminate the Consumer Financial Protection Bureau, and roll back financial regulations that would prevent another financial crisis. As Treasury Secretary, Mr. Mnuchin would be charged with implementing this agenda.

Credible economists have warned that we could end up in another financial crisis. My question is, Who would a Secretary Mnuchin try to save—Wall Street or the millions of people who will be adversely impacted? His record shows which path Steve Mnuchin would choose. That is why I call on my colleagues to oppose this nomination.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. YOUNG). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

WELCOMING THE PRIME MINISTER OF CANADA

Mr. MCCONNELL. Mr. President, later today we will welcome Prime Minister Justin Trudeau to the Capitol. Canada is more than just our neighbor. Canada is our ally. I am looking forward to a productive discussion with him.

CABINET NOMINATIONS

Mr. President, after much unnecessary delay from Senate Democrats, we will finally confirm two more key Cabinet nominees this evening—Steve Mnuchin as Treasury Secretary and David Shulkin as Veterans Affairs Secretary. The President has selected two well qualified candidates to lead the charge on strengthening our economy and providing veterans with more of the care they deserve. I will have more to say on Mr. Mnuchin and Dr. Shulkin tomorrow, but for now I look forward to their confirmation this evening.

After we work with these nominees, we will continue to put the rest of President Trump's Cabinet in place.

It has been really disappointing to see the historic level of obstruction by Senate Democrats. I would like to remind our colleagues across the aisle of the very real consequences their actions have on our country and on the men and women forced to work grueling hours to keep the Senate running overnight last week.

There are so many who worked around the clock to keep the Senate operating and I would like to offer some words of thanks now.

First, I would like to start with our floor staff led by Laura Dove on the Republican side and Gary Myrick on the Democratic side. They, along with the cloakroom staff and floor teams, worked nonstop to allow us to keep the floor running smoothly. So I want to thank them for their hard work and dedication.

I would also like to recognize the Senate pages, who didn't miss a beat just 2 weeks into their new job. They are Hailey Maggelet, Cameron Mabry, Shelby Hogan, Elizabeth Flachbart, Chris An, Sammy Potter, Sydney Jones, Cynthia Yue, Avery Beard, Wade Quigley, Eddie Owens, Hannah Seawell, Chloe Smith, Bryant Reynolds, Taylor Ball, Mitchell Heiman, Drew Beussink, Harrison Bushnell, Lauren Cavignano, Mitchell Durbin, Allie Glassman, Pablo Gomez Garcia, Julia Graham, Savannah Hampton, Argenis Herrera, Riley Johnson, Holly Newman, Colin Solomon, Katrina Turner, and Kayla Zhu. I know we are all impressed by these young men and women, and we all appreciate the role they play in our Nation's government.

There are so many others, like Sergeant at Arms Frank Larkin and his

Deputy, Jim Morhard, who work tirelessly behind the scenes to keep the Capitol running smoothly. I would like to thank their team: the doorkeepers, the Senate recording and television studio, the Press Galleries, the IT and technical support, and the help desk, the security and operations teams, the executive office, and the Capitol exchange operators, who oversee the many calls that come into Senate offices. Many of these teams provided support literally around the clock, and we are thankful.

Of course, none of this would have been possible without the Capitol Police, headed by Chief of Police Matthew Verderosa. These men and women worked overtime to ensure the safety of the Senate Chamber and the entire Capitol as Members and their staffs worked through the night. We thank them for their service and for keeping us safe every day.

I would also like to thank the Secretary of the Senate, Julie Adams, Assistant Secretary Mary Suit Jones, and their entire team.

Specifically, I would like to thank the following offices and staffers, many of whom who worked for more than 50 straight hours: the Official Reporters of Debates, which include Patrick Renzi, Susie Nguyen, Julia Jones, Mary Carpenter, Patrice Boyd, Octavio Colominas, Alice Haddow, Andrea Huston, Carol Darche, Desirae Jura, Megan McKenzie, Wendy Caswell, Diane Dorhamer, Mark Stuart, and Julie Bryan; the Captioning Services team, which includes Sandra Schumm, Brenda Jamerson, Doreen Chendorain, Jennifer Smolka, and Laurie Harris.

In addition to the offices I just named, I would also like to recognize the following legislative offices: The Bill Clerk, the Enrolling Clerk, the Executive Clerk, the Journal Clerk, the Legislative Clerk, the Daily Digest, and, of course, the Parliamentarians.

Lastly, I would like to thank our subway drivers and the Government Publishing Office, which worked tirelessly to get the RECORD printed.

We are also grateful for the long hours and sacrifice that each of these offices and staffers made last week. Of course, it was completely unnecessary but, nevertheless, they were here through the night.

NOMINATION OF NEIL GORSUCH

Mr. President, now, one final matter. When President Clinton took office in 1993, he named his first nominee to the Supreme Court, Ruth Bader Ginsburg. Ginsburg's nomination was not without controversy. She had argued for positions that are still quite controversial today. For example, she had questioned the constitutionality of laws against bigamy because they implicated private relationships. For the same reason, she had opined that there might be a constitutional right to prostitution. She always advocated for coeduca-

tional prisons and juvenile facilities. She even proposed abolishing Mother's Day.

So you can understand why Senators wanted to get her views on issues that might come before her as a Justice, but when pressed at her confirmation hearing, here is what she had to say:

You are well aware that I came to this proceeding to be judged as a judge, not as an advocate. Because I am and hope to continue to be a judge, it would be wrong for me to say or preview in this legislative chamber how I would cast my vote on questions the Supreme Court may be called upon to decide. Were I to rehearse here what I would say and how I would reason on such questions, I would act injudiciously. Judges in our system are bound to decide concrete cases, not abstract issues.

She went on:

A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of a particular case, it would display disdain for the entire judicial process.

So summing it up, she said: No hints, no forecasts, no previews, and that is what has become known as the Ginsburg standard. Supreme Court nominees of Presidents of both parties have adhered to it.

For example, President Clinton's second nominee, Stephen Breyer, noted that "there is nothing more important to a judge than to have an open mind and to listen carefully to arguments," and so he told the Judiciary Committee he did "not want to predict or commit myself on an open issue that I feel is going to come up in the Court." That meant, he said, not discussing "how" a "right applies, where it applies, under what circumstances" it applies.

When his nomination to be Chief Justice was pending, John Roberts said that adhering to the principle embodied in the Ginsburg standard is "of great importance not only to potential Justices but to judges, which most nominees to the Supreme Court already are."

"We're sensitive," he said, "to the need to maintain the independence and integrity of the Court."

Let me repeat that. The Chief Justice said this principle was necessary "to maintain the independence and integrity of the Court."

He then explained how the Ginsburg standard helps maintain that independence. Nominees, he said, "go on the Court not as a delegate from [the Judiciary] Committee with certain commitments laid out and how they're going to approach cases."

Rather, "[T]hey go on the Court as Justices who will approach cases with an open mind and decide those cases in light of the arguments presented, the record presented, and the rule of law. And the litigants before them," he concluded, "have a right to expect that and to have the appearance of that as well. That has been the approach that all of the Justices have taken."

At the time, my colleague from New York and other Senate Democrats were upset that the Chief Justice followed Justice Ginsburg's approach—even though many of them didn't complain when she refused to preview or prejudge legal issues during her confirmation hearing.

But guess who came to the Chief Justice's defense. Justice Ginsburg. She felt compelled to depart from protocol and weigh in on the matter. She said: "Judge Roberts was unquestionably right" in refusing to preview or prejudge legal issues at his confirmation hearing.

Both of President Obama's nominees adhered to the Ginsburg standard as well. His first nominee, Sonia Sotomayor, explained that what her "experience on the trial court and the appellate court have reinforced for me is that the process of judging is a process of keeping an open mind. It's the process," she continued, "of not coming to a decision with a prejudgment ever of an outcome. . . . That process, she said, applied not only to the cases that would come before her on the Supreme Court if she were confirmed but that could come before her in her then-current capacity as a circuit court judge.

Most Senators of both parties have respected the Ginsburg standard.

For example, during her hearing, Senator LEAHY told Justice Ginsburg that he "certainly" didn't want her "to have to lay out a test here in the abstract which might determine what [her] vote or [her] test would be in a case [she had] yet to see that may well come before the Supreme Court." Even my friend from New York has recognized the Ginsburg Standard is a "grand tradition."

The far left has been pushing my counterpart and other Senate Democrats to oppose anyone—anyone—whom the President nominates to the Supreme Court. So the Ginsburg standard is given way to the double standard.

My friend from New York now says this Supreme Court nominee has to pass some "special test"—some "special test"—to show his judicial independence. He says Judge Gorsuch, a highly respected, experienced jurist, must preview his approach or even prejudge legal issues that could come before him, like whether the President's Executive order on refugee vetting is "constitutional." This is clearly an effort to get Judge Gorsuch to prejudge not a matter that could be in the Federal courts but to prejudge on a matter that is in the Federal courts right now.

Senator SCHUMER is not alone in wanting to replace the Ginsburg standard with a new double standard. His colleague who serves on the Judiciary Committee, the senior Senator from Connecticut, also says that Judge Gorsuch, for the first time with Su-

preme Court nominees, has some "special obligation"—some "special obligation"—to give his views on "specific issues," without the benefit of the judicial process that Justice Sotomayor noted was so important.

Under our colleagues' approach, there is no need to review the record in the case, no need to do any legal research, no need to hear the best arguments from each side, no need to deliberate with your colleagues on the bench to arrive at a correct result. Nope. Just give a driveby legal conclusion on a complicated and consequential matter of constitutional law.

Let's be clear about what is going on here. This new "special test" and "special obligation" aren't about ensuring Judge Gorsuch's judicial independence; they are about compromising it. Our friends on the other side of the aisle want to constrain his ability to rule in a later case according to the facts and the law by holding him to what he said in their meetings or what he said under oath at his hearing.

In the upside down world of my Democratic friends, Judge Gorsuch must lose his judicial independence—both as a sitting circuit court judge and as a future Supreme Court Justice—in order to prove his judicial independence.

As Justice Ginsburg and Justice Breyer and Justice Sotomayor all noted, the process of judging is about having an open mind, seeing what the facts are in a particular case, hearing the arguments on both sides, and making what the judge believes is the correct ruling according to the law. It is not about a judge hemming himself in before a legislative body by previewing how he would view a legal issue, or, as Senator LEAHY noted, announcing the legal test he might apply in a particular case, and it is definitely not about that judge saying whether something in the abstract is constitutional.

So under this double standard, Senators must respect the need for judicial independence of the Supreme Court nominees of Democratic Presidents, even when those nominees espouse views that are far, far outside the mainstream, like suggesting there is a constitutional right to prostitution or urging the abolition of Mother's Day.

Under this double standard, Senators can compromise the judicial independence of clearly mainstream Supreme Court nominees of Republican Presidents, even when those nominees are, like Judge Gorsuch, well-known proponents of maintaining judicial independence, who have a long record on the issue.

That is not just my view of Judge Gorsuch's commitment to judicial independence, by the way; that is according to prominent Democratic lawyers like President Obama's top litigator in the Supreme Court.

This Democratic double standard, though, is not surprising. Recall that

the Democratic leader said he was prepared to keep Justice Scalia's seat open for 4 years—4 years. That was made difficult by the nomination of an outstanding candidate like Judge Gorsuch.

So our colleague came up with a new supermajority standard for his confirmation—a standard that didn't exist for seven of the eight Justices currently on the Court—a fact my friend later had to admit.

The Democratic double standard on requiring nominees to prejudge issues is just the latest attempt to come up with something, with anything—anything—to justify opposing an exceptional nominee like Judge Gorsuch. Judge Gorsuch is one of the most impressive, most highly qualified nominees to ever come before us. He has won kudos from across the political spectrum. Even the top Democrat on the Judiciary Committee couldn't help but praise him.

Instead of appreciating that our new President has nominated an accomplished, independent, and thoughtful jurist, Democrats are viewing this outstanding nominee as a political problem. Their base is demanding total resistance to everything, but they can't find a good reason to oppose Judge Gorsuch on the merits. They are in a pickle.

So we have this attempt to replace the bipartisan Ginsburg standard with the double standard. I understand the difficulty of their situation, but the standard we are going to follow with this nominee is the same one—the same one—we followed for Ruth Bader Ginsburg and every other Justice on the Court since then: no hints, no forecasts, no previews, fair consideration, and an up-or-down vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, we are currently in the midst of the longest transitional leadership gap at the Department of Treasury in our Nation's history. The Senate has never let this much time go without a Treasury Secretary. In fact, the Senate has never left Treasury without a confirmed Secretary in between administrations for this long. Yet, despite the obvious need to fill this position, we have had to deal with continual and pointless delays, courtesy of some of our colleagues.

I will not begrudge any Senator for taking advantage of the privileges offered to them under the rules of the Senate; however, I think we have ample reason to question some of our

colleagues' judgment and priorities with regard to how we have dealt with the nomination of Steven Mnuchin to the Office of Treasury Secretary.

Let's get the obvious points out of the way. Mr. Mnuchin has 30 years' experience working in a variety of capacities in the financial sector. He has experience managing large and complicated private-sector enterprises and in negotiating difficult compromises and making tough decisions—and being accountable for those decisions. He has the support of a number of key organizations and associations within the finance industry, and experts across the ideological spectrum have endorsed his nomination.

Long story short: Under any objective standard, Mr. Mnuchin has ample experience, credentials, and qualifications for this important position. Yet my colleagues have done all they can under the rules—even to the point of casting aside some longstanding customs and traditions of the Senate—in order to delay his confirmation.

I will not relive the entire chain of events that got this nomination through the Finance Committee, bringing us to this point. For now, I would urge my colleagues to look fairly at the record. In every case, as the committee processed his nomination, Mr. Mnuchin responded to questions and allegations with full and complete answers and demonstrated no signs of acting or responding in bad faith toward the committee or its members.

People are free, I suppose, to walk into the confirmation process with an assumption of bad faith. But throughout my time in the Senate—and keep in mind, I have been here a long time—that isn't usually how we operate around here.

My colleagues on the other side have put forward a number of claims and allegations about Mr. Mnuchin. They have essentially thrown everything, including the kitchen sink, at this nominee in a desperate attempt to block his confirmation. Well, so far, nothing has worked. That is because none of the allegations my colleagues have raised can withstand even a modest amount of scrutiny. But that hasn't stopped some of them from trying.

I have found it particularly interesting to see my friends raise concerns about matters that did not bother them in the least when it came to voting for Democratic nominees for Treasury Secretary. Indeed, with regard to Mr. Mnuchin, my Democratic colleagues have created a wholly new set of standards from those that were applied to the most recent previous Treasury Secretary. Many issues that seemed to be of little or no concern to my colleagues and my friends on the other side during the confirmation process for Secretary Jack Lew have been considered disqualifying for Mr. Mnuchin. By the way, many of these

problems existed in the prior Treasury Secretary too. But we, in good faith, brought him through and allowed him to go through without a lot of fuss and bother.

Let me review just a few of the discrepancies that are claimed.

Mr. Mnuchin placed some investments offshore, in full conformity with the law and not for the purpose of avoiding U.S. taxes. But my friends have simply asserted that no one uses offshore financial vehicles unless they are trying to avoid U.S. taxes, and, therefore, Mr. Mnuchin's investments disqualify him to serve as Treasury Secretary. Yet Secretary Lew, prior to his confirmation, actually made investments in the famous Ugland House in the Cayman Islands, which President Obama described as "outrageous" and "the biggest tax scheme in the world." My Democratic colleagues knew this, but did not care, and happily confirmed Secretary Lew with hardly a mention of this matter. We allowed him to go through, in the interest of civility and getting along with our colleagues.

Democrats have argued that Mr. Mnuchin unduly profited from the housing market collapse. Yet Secretary Lew, prior to his nomination, ran "proprietary trading" groups at Citigroup, where they invested in a hedge fund that bet heavily on the collapse of the housing market. My Democratic colleagues knew this, but did not care, and happily confirmed Secretary Lew without really ever acknowledging this part of his record.

Democrats claim that Mr. Mnuchin unfairly foreclosed on homeowners, despite evidence to the contrary. Yet Secretary Lew, prior to being nominated, ran a Citigroup division that was, according to arbitration panels at the Financial Industry Regulatory Authority and later the SEC, "defrauding investors." When asked about the toxic securities sold by his Citigroup unit, Secretary Lew's answers varied between not remembering any specific securities to claiming he somehow wasn't involved in the investment decisions made at the Citigroup unit he oversaw. My Democratic colleagues knew this, but they did not care, and happily confirmed Secretary Lew without anything resembling full and complete answers to these questions.

Despite ample evidence to the contrary, Democrats claim that Mr. Mnuchin ran a "robo-signing" foreclosure machine. Yet Citigroup, while Jack Lew was in senior management, sliced and diced mortgages and was alleged to have "robo-signed" mortgage documents. Democrats knew this, but they did not care, and happily confirmed Secretary Lew without ever really asking him about these issues.

I can go on and on. There are many other issues that my colleagues were willing to overlook, if not outright ig-

nore, with regard to Secretary Lew that have resulted in hyperbolic attacks on Mr. Mnuchin.

I wish to remind my colleagues that despite the numerous concerns that I and others have had about Secretary Lew and the many significant disagreements that I had with President Obama's agenda, I voted in favor of Secretary Lew's confirmation. On this very floor, I stated the following:

I have always believed that . . . [the] President—any President, regardless of party—is owed a certain degree of deference when choosing people to work in his administration. Therefore, though I personally would have chosen a different person for this position, I intend to vote in favor of Mr. Lew's confirmation.

I wasn't alone. Many other Republicans also voted to confirm Secretary Lew, despite serious reservations, in recognition that the President had a right to appoint who he wanted to—as long as they were not crooks and people of unsavory reputation. Well, Mr. Lew was not either of those.

My, how times have changed. As is typically the case, when a group of Senators is unable to make a believable case against a nominee, they tend to just raise every possible issue and hope something gains traction. When in the end nothing works, they cling to whatever allegation came last and hope it is enough to change the outcome. That is why, over the past couple of weeks or so, we have heard an awful lot about "robo-signing."

Here is the basic rundown of what has happened on this issue: My friends on the other side got an answer to a poorly and vaguely worded question that was not the answer they wanted to receive. The answer from Mr. Mnuchin, that OneWest Bank did not engage in "robo-signing" under his leadership, was truthful and defensible, but it did not conform to the Democratic talking points drafted for this nominee.

Since that time, Senate Democrats have repeatedly referenced new stories that purportedly prove that not only did Mr. Mnuchin run a bank that engaged in the nefarious, yet not well-defined practice of "robo-signing" mortgage documents, he lied about it in his answers to the committee. However, I would urge my colleagues on both sides to actually look at the supposed evidence from those news articles.

Put simply, to say that my Democratic friends are trying to make a mountain out of a molehill would be an insult to moles everywhere. There is no molehill to be found here.

To make the case that Mr. Mnuchin was untruthful in his answers, the articles rely on quotes mined from a single deposition of a OneWest employee. Quoted out of context, the employee seems to have said that she rapidly signed several hundred foreclosure-related documents a week without fully verifying their accuracy. That is the

supposed smoking gun on the Mnuchin “robo-signing” question.

However, if you read the full deposition, the employee makes it absolutely clear that she was not the employee responsible for verifying the accuracy or validity of everything in the documents. She was part of a process that included several steps and multiple employees to verify the accuracy of different parts of the documents. We don’t even have to dig for this explanation. It is not a matter of any interpretation. That explanation, in plain English, is right there in the deposition my colleagues and the news articles have been using as “evidence” that Mr. Mnuchin lied to the Finance Committee.

Nothing—not a single thing—in the deposition quoted in those news articles could be considered evidence of “robo-signing” on the part of OneWest Bank.

While I can understand that my colleagues don’t like seeing or hearing anything that contradicts their preconceived notions, particularly when it comes in the form of an answer to one of their questions, that is no basis or justification to make wild and brazen accusations that a nominee has been lying. And make no mistake, that is precisely what they are doing with Mr. Mnuchin.

On a related note, it is really amazing to me that my friends on the other side are now feigning outrage over alleged lack of responsiveness to their questions after having gone through the last 8 years with Treasury Secretaries who routinely ignored questions and requests for briefings posed by myself and a number of my other Senate colleagues. But I digress.

I certainly sympathize with the many people who suffered through the foreclosure crisis and with Democrats in Congress who were, and continue to be, frustrated that Treasury officials in the Obama administration failed to construct effective homeowner relief programs, despite having made numerous promises to do so.

However, given that frustration, it is odd to me that my colleagues remain so opposed to Mr. Mnuchin’s nomination when he was very much engaged in the practice of making mortgage modifications work during his time as the head of OneWest Bank. Moreover, Mr. Mnuchin worked diligently with regulators and others to clean up the system under which foreclosure documents were being processed. You don’t have to take my word for it; you can examine the numerous letters of support we have received from a range of people and organizations, from community groups to community bankers, which attest to Mr. Mnuchin’s success in turning a bank that was plagued by toxic loans and numerous processing errors into a viable financial services firm that provides jobs and support to communities.

Along the way, Mr. Mnuchin’s companies significantly outperformed rivals in the industry in terms of offering loan modifications to help keep Americans facing foreclosure in their homes. Mr. Mnuchin has acknowledged that his efforts were not without errors and that he genuinely regrets any mistakes that were made. He has also made clear that OneWest was committed to providing remediation in order to compensate those who were affected.

It should also be noted that in the vast majority of independent evaluations of OneWest’s practices, the banks’s error rates were routinely below the average for the industry and often zero.

I think people should quit using false arguments against this man. All of this was discussed out in the open during the Finance Committee’s hearing on the Mnuchin nomination. Nothing was hidden. No one was misled.

Unfortunately, rather than focusing on the actual facts surrounding OneWest’s performance under the nominee’s leadership, my friends on the other side opted to try to smear Mr. Mnuchin. In essence, they have tried to relitigate the foreclosure crisis, with Mr. Mnuchin’s company confusingly placed in the crosshairs. This is a company that, according to a letter from Faith Schwartz, former executive director of the Hope Now Alliance, “was committed to avoiding foreclosures where possible.”

As I said, with Mr. Mnuchin, my colleagues are applying a clear double standard for confirming a Treasury Secretary. For Republican Treasury Secretary nominees, any allegation, no matter how careless or untrustworthy the source, is enough to inspire the Democrats’ outrage and trigger a seemingly endless bout of name-calling. For Democratic nominees, on the other hand, even proven instances of questionable actions and poor judgment on the part of the nominee fail to even make a blip on their radar screens.

I have spent quite a bit of time in recent weeks decrying the antics of my Democratic colleagues with regard to President Trump’s Cabinet nominations. Frankly, I am tired of talking about it. My colleagues are, of course, free to do whatever they think will help them hobble the new administration and score points with their political base, even if it breaks from the longstanding customs and traditions of the Senate and even if it puts our financial stability and the stability of our relations with Finance Ministers of other countries at greater risk. However, they should know that these tactics do absolutely nothing to help American families seeking greater opportunities and economic growth. They don’t help us fix our broken Tax Code, reform our failing health care system, and empower businesses and job creators to grow and expand.

The bottom line is this: Mr. Mnuchin is clearly qualified to serve as Secretary of the U.S. Treasury.

Some of my colleagues on the other side of the aisle made clear they intend to vote no on the nomination, and that is their right. However, while each Senator has a right to vote according to his or her own judgment, Senators do a disservice to the country and the Senate as an institution when they concoct stories and antics designed merely to delay a vote for the sake of delay. Going forward, I hope my colleagues will recognize the problematic precedence they are setting with regard to these nominees and opt to change course.

I intend to vote in favor of confirming Mr. Mnuchin, and so should everybody else in the U.S. Senate. I urge all of my colleagues to do so.

When I first met Mr. Mnuchin, I hadn’t met him before. I didn’t even know his name. I have to say I was really impressed.

I said to him: Why are you doing this? You are going to lose a lot of money because you are going to have to sell your holdings and get rid of them. Why are you doing this?

He looked at me, looked me square in the eyes, and he said: I am doing it because I love my country, and I want to help. I want to help turn it around.

I was pretty impressed with that. I have been pretty impressed with Mr. Mnuchin ever since. I think we need a terribly smart guy who is honest, who is decent, who has made a great success of his life, who understands where money comes from and where it goes, who literally is willing to sacrifice and lose some of his savings and money in order to save this country and because he wants to work with our good President, who every day is going through calumny and slanders like I have never seen anybody go through before.

The slowdown in the Senate that is occurring here is unbelievably stupid. Yes, I know they want his first 100 days to not be successful, but gee-whiz, to do this kind of maneuvering and this kind of playing around with the facts is beneath the dignity of my colleagues on the other side.

If my side was doing this, I would be chewing them up. The fact is, we didn’t do this. The past two Treasury Secretaries—I personally said “We are going to support them” even though we could have pulled this kind of stuff on them, and the facts were true. Both of them were good people. Both of them had made a couple of mistakes. Both of them made mistakes in their filings. But they were good men, good people, and so is Mr. Mnuchin.

Wouldn’t it be wonderful if both sides would treat people with respect and dignity? I have to admit, sometimes our side could do better, but what we have been going through for the last almost 2 months now is pathetic. I think

it is all done in the hope that they can ruin the first 100 days of this President. Well, there are 200 days, and we are going to keep going.

They are not making any headway with the President where they could make headway. He is someone who actually came from their side of the floor—at least at one time when I knew him long ago. He is a person with an open mind. He is a person who has supreme intelligence. He is a person who is bringing with him some of the best people in this country, not the least of whom is Mr. Mnuchin.

I think they ought to wake up and quit this slandering and even libeling this really fine man who is willing to sacrifice much of his personal fortune to serve in this government as the Treasury Secretary. We are lucky that people like this are willing to do it, to take all the guff and calumny and slander and libel they have to go through. Thank goodness we have people like Mr. Mnuchin who are willing to do this. I don't intend to see him fail, so I hope we can all vote for him tonight and send a message. I hope some of my colleagues on the other side will vote for him. They should. They should, in good faith. Yes, they can play this game of having a lot of votes against him, but some of them should vote for him. The truly honest, the truly fair, and the truly good people—I think all of them are good people on the other side and on this side, but it is not showing up as well as I would like it to show up in these confirmation fights.

In this particular one, there is a fellow who is willing to sacrifice immensely to be able to help our country, who is known on Wall Street, who is known as one of the bright lights up there, who has been immensely successful, and he has had a wide variety of experiences in the area of finance. We ought to be getting on our knees and thanking him for being willing to go through this and being willing to serve his country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time to explain to my colleagues why I will be opposing Steve Mnuchin's nomination for Secretary of the Treasury.

Mr. Mnuchin has an impressive record of accomplishment, and I admire his willingness to serve the public. But because of his advocacy for fiscally irresponsible and unfair fiscal policies, which I believe will add to the deficit of this country, I cannot support his nomination.

Let me go back a while, if I may. I was in the Congress when we passed a budget that balanced the Federal budget, where we were actually reducing the Federal debt. It was controversial at the time because we did it by cutting spending first—and we did—but making sure we had adequate revenues in the Treasury to pay our bills because we recognized that we had a moral obligation to pay our bills, that we are wealthy enough of a nation that we don't have to ask our children and grandchildren to pay for our spending today. We took the steps to balance the Federal budget, and we did it by making some tough votes. I was proud to be in the Congress that took those tough votes that balanced the Federal budget.

After we balanced the Federal budget, we saw unprecedented economic growth because we took the responsible actions. We should take a lesson from the past and recognize that there is no easy way to get our budget in better balance. It requires a fiscal policy that is fair—that is fair to middle-income families, that is fair to our children and grandchildren, that is fair to those who depend upon the services that are financed through the government sector, including our seniors with Medicare and Social Security. We can do that if we work together.

But Mr. Mnuchin's economic plan, the one that he has submitted to Congress, I think, would put us at great risk. The main part of what he is advocating is tax cuts primarily for the wealthy. The top 0.1 percent under the Mnuchin plan will receive in excess of \$1 million in tax breaks; the upper 1 percent in excess of \$200,000 in tax cuts.

Here is the problem: How do we pay for this? How do we offset the cost of these tax cuts? Because I don't think any of us wants to add to the deficit.

So we asked Mr. Mnuchin that question during the confirmation process. Let me just read for the RECORD the questions that I asked him as to how he would offset the cost of the tax cuts. The Trump plan, including those cuts, is estimated by the Tax Policy Center to add \$6.2 trillion to the deficit and by the Tax Foundation to add \$3.9 trillion to the deficit.

I asked Mr. Mnuchin:

In your hearing, you discussed the importance of economic growth in offsetting the revenues lost under the President's tax reform plan. . . . For instance, you've said, "[s]o we think that by cutting corporate taxes, we'll create huge economic growth and we'll have huge personal income, so the revenues will be offset on the other side."

Is it your view that the tax cuts in the President's plan will be fully offset by economic growth?

That is the question I asked.

Mr. Mnuchin's answer: "Our objective is to have any tax cuts offset by economic growth."

I asked: "If so, could you please share your team's analysis supporting that position?"

Mr. Mnuchin's answer: "Our objective is to have any tax cuts offset by economic growth."

I then asked: "Will you commit, as we discussed in our meeting, not to put forward a plan that will increase the deficit and put our country in a worse financial position?"

Mr. Mnuchin's answer: "Our objective is to have any tax cuts offset by economic growth."

In other words, there is no effort here to offset the cost of this tax cut, other than borrowing money, putting our children and grandchildren at greater risk.

I want to repeat again the estimate that we have heard on the President's tax proposal—that it will add anywhere from \$6 trillion to almost \$4 trillion in deficit. Those estimates are from progressive and conservative groups, and they do consider that there will be some dynamic score keeping here, that there will be some economic growth. That is in those estimates. So even with economic growth, these proposals will greatly enhance the deficit of this country, something that we should not be doing.

What does that mean? You increase the debt of this country. America has to borrow more. Interest rates go up. Middle-income families have to pay more on mortgage payments or car loans.

Middle income families are the ones who get hurt by this. If we are going to see real economic growth, we have to help the middle class—the growing middle class—the consumers, those who buy the goods, those who are struggling every day to make ends meet. This plan doesn't help them. What they are going to be saddled with is more debt and higher interest costs, which will be a drag on our economic growth.

So for all those reasons, I think what is important to have is an advocate for the President as Secretary of the Treasury, someone who recognizes the balance here.

Let me tell you what else deficits do. They are used as justification to continue to cut our discretionary spending accounts, as well as to take a look at entitlement spending.

I acknowledge that, as part of the strategy to balance the Federal budget, we must look at our spending, but we have to have the revenues in order to make it balance. If you don't have the revenues, and you are taking another \$4 to \$6 trillion out of the equation, there is going to be a lot more pressure to make irresponsible cuts on the spending side.

I heard Candidate Trump talk about that we are not going to cut Social Security. But can you really have \$6 trillion of tax cuts without looking at Social Security? And how about Medicare? These are programs that are vitally important for our seniors. It provides them money to live on so they

don't have to live in poverty, so they can pay their medical bills. For a majority of seniors, Social Security is their largest source of income. Are we really thinking about equating that with tax cuts for the wealthiest in this country of over \$1 million? I don't think that is fairness. I don't think that is what we should be doing.

When you look at the programs that are financed through government, are we going to take away from our students? They already are suffering too high, as far as the cost of attending colleges. Interest rates are already too high in regards to what they do.

Are we going to put more pressure to make more cuts in regards to how we help our students? Are we going to cut maintaining our highways? We want to spend more on highways, bridges, transit systems, and water infrastructure, which I think we need to do. How do you do that if you cut \$4 to \$6 trillion of revenue on the revenue side without adding greatly to the deficit, which is something none of us wants to do?

How about something like our national parks? We take pride and want to maintain that, but with the pressure on the budgets that is a result of taking the revenues out of government, we know what is going to happen. We have seen this movie before. We have seen what has happened before. The driving force behind all of this is that the most important thing, the most important part of the economic program, is to have these tax cuts primarily for the wealthy.

No, I think the center of our economic policy needs to be fairness—fairness for middle-income families, fairness so that Americans can afford to raise their families and send their kids to college and can afford to have decent opportunities in this country. That is how we all grow together, and that requires a balanced approach to our Nation's budget—one that, yes, looks at restraining spending but also looks at having a Tax Code that is fair and raises the revenues to pay our bills and not pushing that off to future generations.

I think for all those reasons, we need a person who is going to advocate on behalf of middle-income families and on behalf of a growing economy. I think the plan that Mr. Mnuchin is advocating will not accomplish that. For these reasons and others, I cannot support his nomination for Secretary of the Treasury.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, the Secretary of the Treasury is one of the

most powerful positions in our government, as we know. The Treasury Secretary has broad responsibilities—for the economy, for our tax system, trade, our pensions, housing, and so much more. It is critical that anyone who holds that position use their power to help working people. It is clear to me that Mr. Mnuchin's policies will, in fact, hurt middle-class families and working people.

There are also serious ethical concerns that neither he nor my Republican colleagues have been able to address. As a result, I will be voting no on his nomination.

I would like to talk about something that has not received the focus that I think it deserves and certainly that the people of Michigan feel it deserves, and that is the question of pensions and what is happening to pensions in our country.

Mr. Mnuchin has a history of fighting against working people and profiting off their misfortune. As we know, pension funding can have a significant impact on a company's bottom line. But losing a pension can destroy a family's bottom line, and it seems that Mr. Mnuchin doesn't know this. When serving on the board for Sears, Mr. Mnuchin played a critical and direct role in how to fund the company's pensions. So what happened? Sears routinely underfunded the company's plan throughout his tenure. Analysts predicted that Sears "massively underfunded" their pension plan. They said their "massively underfunded" pension plan was "a ticking time bomb" that could even hasten or bring down the financial collapse of the company.

The company used investment return projections that were too optimistic, along with accounting gimmicks so they could avoid paying into the pension fund. They inflated their earnings on paper while contributing less to the pension.

Sears did such a bad job managing their pension fund while Mr. Mnuchin was on their board, that the fund only made a return of 1.5 percent, putting their fund in the bottom 5 percent of all the pension funds over \$1 billion. Is this the kind of result the American taxpayers want when he manages their money?

Already, Sears has been cutting its employees' pensions. In 2014, the company eliminated the monthly health care subsidy that helped its retirees afford their health care premiums. That saved Sears and Kmart about \$6.2 million a year.

I have received a lot of letters from Michigan families a lot from families who are very concerned about their pensions. One of my constituents who worked in the trucking industry said:

We took small raises on our paycheck each contract so the company could put more in the pension fund—

That is what people do. They take less every month in their paycheck so

they can have more in the pension fund. I know in the Presiding Officer's State and my State, that is what they do. He continued—

and [we] were told we would receive a certain amount for the rest of our lives. That is what we based our retirement on. Through no fault of ours, over the years, government deregulation of the trucking industry, passing trade agreements and other laws that have devastated the economy, have made our pensions become doubtful.

Can you imagine paying all your lifetime? My brother drives a truck and counts on the fact that he is working hard every day and putting money into a pension fund for his family when he retires, and it is supposed to be there, right? The pension is a promise that is supposed to be there.

Another woman from West Michigan wrote in worried about her Central States Pension Plan. That is the pension plan my brother is in as well. She said:

My husband retired from Grocers Baking Co. of Grand Rapids and has a pension in Central States Pension Fund. As you know, that pension fund is in critical status and the Treasury Department turned down a plan to save all the pensions. My husband is 74 and I am 78 and we rely on that pension and Social Security to live on. We try to save, but it is difficult. We are hoping that the pension will last more than 10 years, but who knows.

I also hear from people in Michigan all the time about how little accountability there is when it comes to the management of people's pensions.

One man wrote in from Macomb County about his own pension plan:

Why are none of the trustees being held accountable for the bad investments or failure of the plan? I'm sure they all have their golden parachutes in place for when they retire. Why do we, the hard workers, have to suffer because of their incompetence? I am just an average guy hoping that you can help protect the benefits that are due to me, so I can enjoy retirement when my time comes.

The Treasury Secretary nominee sat on the Sears board when they were making changes that created the investments that were not as good as they should have been, when they underfunded their pension system, cut back on help for health care, and he is asking for a promotion. I wonder what my constituents in Macomb County will be saying about that.

The Treasury Secretary plays a very important role in the security of our pension system—one of the basic tenets in our country, the way we support each other, the way people have trust in the system, you know that when you pay into the pension and then when you retire you get the pension.

The Treasury Secretary oversees implementation of the Multiemployer Pension Reform Act and serves on the board of directors of the pension overseers. I asked Mr. Mnuchin in committee: What is your position on the Multiemployer Pension Reform Act, which Treasury is responsible for administering?

How do you propose to shore up our multiemployer pension system and protect people who are counting on their pensions? His answer was: "You have my commitment to work with you to find solutions to the multiemployer pension crisis."

That is it. I resubmitted the question, hoping for a more detailed response.

His response was: "If confirmed, I will consult with you and other interested parties on the Multiemployer Pension Reform Act of 2014."

That is not much of an answer for the people whom I represent, who want to know how he feels and what he is going to do to protect their pensions. The American people deserve a better answer than that.

People are struggling, retirees are struggling after trusting the system and paying into their pensions their whole life—the whole time they have been working, paying in, counting on having that dignity in retirement. We need a Treasury Secretary who understands that a pension is a promise. Mr. Mnuchin's actions have not demonstrated that he understands that.

Even when it comes to something as basic as Social Security, during our Finance Committee hearing, Mr. Mnuchin couldn't tell me the average monthly benefit when I asked him, which, by the way, one-third of our seniors virtually rely on that alone, and the rest are putting together a small pension, and most seniors are counting on Social Security and their pension to have dignity and a quality of life in their retirement. The Treasury Secretary is a key overseer of the laws and management process and accountability for both of those systems. So for me this is a very big deal who is in this spot, in terms of how this affects working people, middle-class families, and retirees.

I didn't mention earlier that when I asked him what the average Social Security payment was—which he could not answer—he also couldn't tell me what he meant about a "cut" in Social Security; if he wasn't going to cut, what that meant. Did that mean putting in place a lower cost of living? What did that mean? He did not answer that.

Let me talk about another pretty basic area. Pensions are critically important so is the ability to have a home. Up until the financial crash, the disaster in 2008 and 2009, most families' savings for retirement, savings to put their kids in college, were through the equity in their home. In 2008 and 2009, for millions of Americans, that disappeared.

Mr. Mnuchin has made his career profiting from the misfortunes of working people, and let me talk about the financial crisis and how he benefitted from that as well. During the financial crisis, he put together a group of inves-

tors to purchase IndyMac Bank, which was renamed OneWest. During that time, OneWest was notorious for taking an especially aggressive role in foreclosing on struggling homeowners. OneWest Bank pushed people into foreclosure and made their last-ditch efforts to save their homes through a mortgage modification or other means all but impossible.

When their voices were not allowed at the hearing on this confirmation, I was pleased to join with colleagues in putting together a forum where homeowners who had been impacted could share their experience. We held this forum for homeowners who were repeatedly given hope by OneWest that they might be able to avoid foreclosure, only to have it snatched away every time. One small business owner at the forum told us her story of how OneWest defrauded her and ultimately foreclosed on her. She told us that "despite how difficult OneWest made the process, I did everything I was told, because I wanted to keep my home."

Twice she applied for a loan modification. She submitted two checks with her new modification offer. OneWest cashed the checks—they cashed the checks—but told her that both offers were never received.

Wait a minute. What is that? They cashed the checks, then told her the offers were not received, and therefore the offer was void.

Eventually, she said: "I received a knock on my door and a man introduced himself as the owner of my house." Unbelievable. Shortly thereafter she had to leave her home. OneWest was Mr. Mnuchin's company. This is one of the many stories about OneWest's abusive conduct. When OneWest Bank sold, Mr. Mnuchin and other investors made about \$3 billion off the backs of folks who lost their home and many were like the women we heard from who tried desperately to work it out to keep their home. I wonder if the checks they cashed from her after they said they didn't get them were a part of that \$3 billion.

Finally, I want to express my concern over statements that Mr. Mnuchin made at the Finance Committee hearing that just don't line up with the facts; particularly, Mr. Mnuchin was asked whether his bank, OneWest, robo-signed foreclosure documents. To be clear on what this is, the banks, during the foreclosure crisis, had sworn documents robo-signed, automatically signed so they could foreclose on homeowners quickly without anyone even reading the documents. They just signed the papers—signed the papers—nobody reviewed whether they added up or whether they were right, whether they could help them. They just had the machine signing, signing, signing, foreclose, foreclose, foreclose.

Mr. Mnuchin said in the hearing his bank didn't do that. He said his bank

didn't do that. The Columbus Dispatch did an investigation that found that OneWest did do that in Ohio. A source in Texas reported that OneWest did do it in Texas. New Jersey temporarily banned OneWest from foreclosing on homeowners at all in New Jersey because of its history of robo-signing documents. Sign, sign, sign—don't look at it, just sign away. We heard the story of one woman who lost her house because of a 27-cent difference. I wonder if she was in one of those piles they just signed away. Mr. Mnuchin said they didn't do that. There is evidence to the contrary.

Mr. Mnuchin also forgot to disclose to the committee that he owned a company organized in the Cayman Islands. When I asked him about that, his best defense was that "I did not use a Cayman Islands entity in any way to avoid paying taxes myself." At the time, I said: Oh, so you just helped other people avoid paying their taxes.

We find out now he did use it to help foreign investors avoid paying U.S. taxes. I have a funny feeling that he made money by helping those investors avoid paying their U.S. taxes.

He also forgot to disclose that he owned \$95 million in real estate in various locations. I forget that all of the time. I have so many houses all over the place, it is easy to forget. So \$95 million in property that he "forgot" to disclose. He said he didn't know his real estate was an asset. He didn't know his real estate was an asset. That is alarming.

I don't mean to be flip, but this is so shocking when I listen to some of this. The idea that we would believe someone who says this, that it somehow is making sense—that is why we as Democrats on the Finance Committee, before this final confirmation vote, asked that he be required to come back in and answer questions, because these are serious questions.

This nominee has not been properly vetted. He supports policies that do not have the interests of the working men and women in Michigan at heart or people across the country. He adheres to policies that don't protect the pensions of hard-working men and women in Michigan and across the country or people's retirement systems. I don't know where he really is on Social Security, which is the other big piece of the promise we made as Americans, where people pay into Social Security and are counting on that being there. He has personally profited off the misfortune of those who need help the most.

I urge my colleagues to join me in voting no.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. WHITEHOUSE. Mr. President, I, too, will be voting no on the candidacy of Mr. Mnuchin to become Secretary of the Treasury.

Rhode Island got hit so hard by the mortgage meltdown that Wall Street created. Frankly, I can never forget the Rhode Islanders who lost their homes in the course of that debacle. We were able to help some of them in my office.

As the Presiding Officer knows, when you come to the Senate, you put together a constituent office, and your constituent people work on usual constituent business. In the ordinary course, constituent business is dealing with Federal agencies. It is making sure Social Security is fine, getting people replacement passports that they put into the laundry by accident, dealing with veterans issues and getting veterans their benefits, helping people with Medicare and Medicaid confusion. It is all generally involving people who have gotten somehow fouled up in the Federal programs of which they are beneficiaries.

In our case, we had to open a constituent wing for dealing with the big banks because they were foreclosing so recklessly and in such a mercenary fashion on Rhode Islanders. It was such torture for Rhode Islanders, once the foreclosure process began, because they could never get the same person twice on the phone; there was always a mismatch between what they were being told on the phone and being told on paper. It was a nightmare of bad information and bad practice by these big banks.

What we would often be able to do is to say: Look, at least give this person one person they can deal with, that they can call every time so it is not "Hi, I am John" on one phone call and "Hi, I am Mary" on the next phone call and "Hi, I am Joseph" on the third phone call and nobody ever remembers the other phone calls, nobody ever knew where they were in the process. You can't move the process forward if the person on the other end of the line can't keep track of the conversation. So we were able to get that done, and that actually was able to help Rhode Islanders come to a deal with these big banks and save their homes. But for all the ones we were able to help, there were many, many we were not.

I simply cannot forgive somebody who took a look at that banking crisis, who took a look at the pain Wall Street sent in a wave across all of America, and thought: Oh, here is a great new way to make money—foreclosing on people.

Done. I am out. Sorry, I can't vote for somebody like that.

What I hope, though, is that he will at least show some common sense and some decency when it comes to other issues, and one of them is climate change.

If you go to the financial sector, they are taking climate change pretty seriously. Frankly, the financial sector is probably about as big as the fossil fuel

industry, so when the fossil fuel industry comes around bullying and shoving and lying and going through all of its usual climate denial nonsense, the financial guys really don't care. They just do their thing. You are not going to intimidate Goldman. You are not going to intimidate BlackRock. You are not going to intimidate Bank of America. It just doesn't make any sense. So when you look at what these guys are saying, they are being pretty straight up about it.

As long ago as 2013, Goldman Sachs issued a report that said: "The window for thermal coal investment is closing." That is the caption of the report. "Thermal coal's current position atop the fuel mix for global power generation will be gradually eroded," it said. And sure enough, it has been. There was no grief for coal in there; they were just trying to predict the market. In 2015, Goldman Sachs did another report about the low-carbon economy. It was "Goldman Sachs equity investor's guide to a low carbon world, 2015-25." So unless somebody is going to say that Goldman Sachs is in on the hoax, they are taking this pretty seriously. From 2015 to 2025, they expect a low-carbon world.

And it is coming on fast and furious now. Just recently, a global task force was set up by the G20 companies—the 20 biggest economies in the world. They have a group called the Task Force on Climate-related Financial Disclosures. They have asked that companies begin to come clean on the climate risk they face.

The news report about this says:

Concerns among the financial community are growing that assets are being mispriced because the full extent of climate risk is not being factored in, threatening market stability.

The story continues:

According to Barclays—

Barclays is a significant international banking institution—the fossil fuel industry could lose \$34 trillion in revenues by 2040 as a global deal to limit temperature rise to well below 2 degrees Celsius reduces demand for oil, coal, and gas, returning reserves into stranded assets.

If, in fact, this is an industry that could lose \$34 trillion in revenues by 2040, that explains a lot of their misbehavior around Congress. Obviously, for that kind of money, there is very little mischief these folks wouldn't get up to, and sure enough, they are getting up to all of that mischief, and more, around here. But the financial industry itself is pretty big, and it doesn't care. It is not going to be pushed around and bullied.

This Task Force on Climate-related Financial Disclosure is described as having 32 members from large banks, insurance companies, asset management companies, pension funds, credit rating agencies, and accounting and consulting firms—32 members rep-

resenting the 20 biggest economies in the world, and they are saying: Here it comes. Let's get ready.

So I hope colleagues will begin to listen to these folks in the financial services industry and these major market economies about what is going on and stop listening to the self-serving nonsense that the fossil fuel industry insists on trying to jam into our ears around here. It just is bogus. Bottom line: It is bogus.

Most recently, at the end of last year, September 2016, BlackRock, which is one of the most significant investment firms in the world—I think it has more than \$1 trillion in assets under management—issued this new report: "Adapting Portfolios to Climate Change." OK. So BlackRock, one of the smartest and biggest companies in the world, is now talking about how we have to adapt to climate change and helping investors plan for it. In this building, can we have a sensible conversation about climate change? No, of course not, because the fossil fuel industry won't even let some of us mention the words, but in the real world, where real money and real decisions are being made by very smart people, they are all over this. Here is BlackRock: "Adapting Portfolios to Climate Change."

Sentence No. 1 in the report: "Investors can no longer ignore climate change."

Investors can no longer ignore climate change. No, it takes Congress to do that. Investors can no longer ignore climate change, but don't worry, we will, as long as we are following the lead of our fossil fuel industry friends, right over the climate cliff.

The report continues that we can expect more frequent and severe weather events over the long term—something that actually we are seeing already, not only in the United States but around the world. They say that there is a market failure in this area—a market failure—as current fossil fuel prices arguably do not reflect the true costs of their extraction and use.

That is what we are fighting about here. The fossil fuel industry has the best racket going in the world. They are able to pollute like crazy, do immense damage in the world—damage that coastal homeowners in Rhode Island, fishermen in Rhode Island, people who have breathing difficulties and are trying to breathe on a hot summer day in Rhode Island—they all have to pay the price.

Under real market theory, the harm of the product has to be in the price of the product for the market to work. That is market 101. Well, they don't want to play by those rules. They want to have everybody else cover the harm in their product, and they just get to shove it out into the marketplace with the biggest subsidy in creation.

The International Monetary Fund is not a bunch of stupid people, and the

International Monetary Fund, as far as I can tell, has no conflict of interest with respect to fossil fuel, unlike the fossil fuel companies, which are one massive example of a conflict of interest. The International Monetary Fund says that the subsidy to the fossil fuel industry every year—just in the United States of America—is \$700 billion—billion with a “b.” Like I said, how much mischief would they get up to for \$700 billion? Oh, about \$700 billion worth.

Is there a fix to this? Yes, continues the BlackRock report. “The most cost-effective way for governments to meet emissions reduction targets: Policy frameworks that result in realistic carbon pricing.” Market 101. Of course, they don’t want market 101, they want fossil fuels subsidies 101, and we go along with it because of the mischievous way they behave in politics. But we should not go along with it. It is not proper economics. It is not conservative. It is nothing except traditional, old-fashioned, special interests, special pleading. It is no different from any other polluter who wants to be able to dump their waste into the river or onto their neighbor’s yard or wherever it is rather than having to pay for cleaning up the mess they made.

We go on through the report: “The world is rapidly using up its carbon budget,” says BlackRock. “The damage from climate change could shave 5 to 20 percent off global GDP annually by 2100.” Up to a fifth of global GDP gone. That is a massive economic correction. That is massive economic pain.

“The economic impacts,” it goes on to say, “are not just in the distant future. More frequent and more intense extreme weather events, such as hurricanes, flooding, and droughts, are already affecting assets and economies.”

For anybody just tuning in, this is not me making this stuff up, this is BlackRock investments.

They talk about global fossil fuel subsidies—four times as large, they say, as renewable energy support.

Here is an interesting thing: “Scraping energy subsidies could save governments some \$3 trillion a year, more than they collect from corporate taxes,” according to BlackRock.

So here we have the fossil fuel industry over there, and they are getting the biggest subsidy in the world—by IMF calculations, \$700 billion a year—and the party that says it wants a more efficient government and that ordinarily would like to reduce corporate taxes is defending that subsidy, even though that is taking money out of government more than corporate taxes. It is quite astonishing. The BlackRock report gives such a window into Congress by comparison, frankly. They conclude here by giving some pretty dire warnings about where this goes if people aren’t preparing for climate change. They say:

Risk for the long-term investor . . . could lead to a permanent loss of capital. The effects of climate change need to be part of that equation, we believe.

Yet even short-term investors would do well to integrate climate factors into their portfolio.

So from Goldman Sachs on to BlackRock, some of the most powerful and intelligent financial firms in the world are telling their investors: Get ready for climate change.

The last page of the BlackRock report says:

[C]urrent market prices arguably do not yet reflect the social costs of burning fossil fuels. . . . This externality is at the core of the climate challenge.

The externality, of course, being that you take the harm that you cause and instead of putting it in the price of your product, you make everybody else around you pay for it by being a polluter.

Then they asked the question:

What is the correct price of carbon? It is hard to say. A 2015 U.S. government study estimated \$36 of economic damages for each metric ton of carbon emitted. Yet estimates are rising: A 2015 Stanford University study points to \$220 per metric ton.

I believe that our U.S. social cost of carbon is running at about \$45 per metric ton right now. And, by the way, it has been upheld twice—at least twice—by Federal courts. In fact, one court rather insisted that the social cost of carbon had to be baked into the underlying rule; otherwise, the underlying rule couldn’t pass the test of being logical and fair and not arbitrary and capricious.

So there is the case from some of our leading financial institutions about climate change. They have real money at stake. They have real clients. They can’t engage in the kind of nonsense that we engage in around here about climate change not being real or not being important or being something that there is still debate about or being something that if we try to fix it, it is going to cost too much money. All of that is total bunkum processed through all sorts of advertising-type public relations firms by the fossil fuel industry and sold to a gullible public as if it were true.

A few folks who aren’t so gullible—all Republicans—have just come out with a very interesting report. Three of them were Treasury Secretaries. Republican Presidents trusted these folks with the conduct of the U.S. economy: Jim Baker, Secretary of the Treasury under President Reagan; Hank Paulson, Secretary of the Treasury under President Bush; and George Shultz, Secretary of the Treasury under President Nixon. These men have some pretty impressive credentials. Not only was he Secretary of the Treasury, but James Baker was also the Secretary of State. And not only was George Shultz Secretary of the Treasury and Secretary of State, he was also Secretary of Labor.

These three former Treasury Secretaries have led a group of other investors, including the former chairman of the board of Walmart, the world’s largest retailer and employer; Tom Stephenson, a Republican who is a partner at Sequoia Capital, a very successful venture capital firm out in Silicon Valley; and Greg Mankiw, who was Chairman of George W. Bush’s Council of Economic Advisers, so this is a very Republican group. They have a lot of experience. None of them holds elective office now, so they don’t have to worry about the fossil fuel industry threatening to crush them in a primary or spend millions of dollars through phony-baloney front groups against them or any of the usual stuff that politicians have to put up with from the fossil fuel industry as it fights to protect that massive subsidy that we have talked about already.

Let’s go through this report by these very senior Republican officials. The first sentence:

Mounting evidence of climate change is growing too strong to ignore. . . . For too long, many Republicans have looked the other way.

Indeed. They go on to propose a conservative climate solution—what they call a carbon dividends plan—which aligns actually fairly well with my American Opportunity Carbon Fee Act, which I have put forward in the past and am going to put forward in this Congress as well. I hope, given its alignment with this Republican leadership on climate, that we might actually begin to get some conversations going here. We may have to go hide out of State someplace so the fossil fuel folks don’t find who is participating in the conversation and start punishing them for doing so, but we will see how that goes.

The recommendation basically is for a carbon tax that collects revenue to offset the cost of pollution that is not in the price of the product and then return it all to the American people through a big dividend.

The report says: “A carbon tax would send a powerful market signal that encourages technological innovation and largescale substitution of existing energy and transportation infrastructures, thereby stimulating new investment.”

Furthermore, a well-designed carbon dividends plan, the second half, the tax, would stimulate new investment and “a well-designed carbon dividends plan would further contribute to economic growth through its dynamic effects on consumption and investment.”

They definitely want to protect that one-to-one relationship so that all the money that comes in goes back out. That is the principle of my bill, as well, and I am more than willing to live with it. But the problems of failing to act also need attention.

Since two of these gentlemen were Secretaries of State, we should take

some interest when they say: “Our reliance on fossil fuels contributes to a less stable world, empowers rogue petro-states and makes us vulnerable to a volatile world oil market.”

We have to address this issue for a lot of reasons, and I couldn’t be more satisfied that these two Republican Secretaries of State have actually made the connection that Thomas Friedman has made and that the Department of Defense has repeatedly made in its “Quadrennial Defense Review” between our overreliance on carbon and between the harms of climate change and a less stable world—a world in which climate change is what the Defense Department has so often called a catalyst for conflict.

They then reflect a little bit on what is going on with their party: “The opposition of many Republicans to meaningfully address climate change reflects poor science and poor economics, and is at odds with the party’s own noble tradition of stewardship.”

You would never know it nowadays, but the Republican Party was once the party of Teddy Roosevelt. They point out that “64% of Americans worry a great deal or a fair amount about climate change, while a clear majority of Republicans acknowledge that climate change is occurring.”

They go on to point out “that 67 percent of Americans”—two thirds of Americans—“support a carbon tax with proceeds returned directly to them.”

Two thirds “of Americans support a carbon tax with proceeds returned directly to them, including 54% of conservative Republicans.”

So let’s not pretend that this is a partisan issue. It is not a partisan issue. It is an issue in which a big special interest has thrown incredible weight around to try to crush one side of the debate. But clearly, if 67 percent of Americans supported anything and 54 percent of conservative Republicans supported that, we would probably be having a sensible conversation in the Senate about whatever that thing was. We just can’t do it when that thing happens to be climate change because we have the fossil fuel industry out there—powered up by Citizens United, spending all that money—trying to protect that huge, huge subsidy that they enjoy.

Finally, the report points out—and I see the pages lined up here along the side of the podium: “Increasingly, climate change is becoming a defining issue for this next generation of Americans, which the GOP ignores at its own peril.”

If this party wants to write off the young generation as they follow the fossil fuel industry off the climate cliff, there will be a very grave price to be paid.

The report concludes: “With the privilege of controlling all branches of the government comes a responsibility

to exercise wise leadership on the defining challenges of our era, including global climate change.”

I don’t know where Mr. Mnuchin will lead on climate change at the Treasury Department. There are a number of ways in which the Treasury Department can be influential in this area. To my knowledge, he has never said anything about it yet.

It was not too long ago—2009—that a full-page advertisement ran in the New York Times, a full page advertisement that pointed out that the science of climate change was already, by then, to use the word in the advertisement, “irrefutable.” The science of climate change was “irrefutable,” the advertisement said.

Then the advertisement went on to say that the consequences of climate change would be “catastrophic and irreversible.” That is another quote from the advertisement: The consequences of climate change were to be “catastrophic and irreversible.”

On the one hand, you have science that is irrefutable; on the other hand, you have consequences of ignoring it that are catastrophic and irreversible. Who signed that advertisement? None other than Donald J. Trump—not only he, but his children, Donald Trump, Eric Trump, and Ivanka Trump, also all signed it.

The year 2009 was not that long ago. It is possible that the Trump family could refer to what they knew in 2009 and perhaps take advice from a Treasury Secretary. I hope they take advice from three Treasury Secretaries, but we will see how that goes.

Perhaps Mr. Mnuchin can be a voice to try to get the GOP out of the fossil fuel hole it is in, aligned with the 67 percent of American voters who want to see a revenue-neutral carbon tax, aligned with the majority of Republican conservative voters who would support that, and aligned with the irrefutable nature of the science, and addressing the catastrophic and irreversible consequences in this strange new administration in which the new normal is abnormal. It is perhaps hard to expect much good to come, but let’s hope and let’s hope Mr. Mnuchin makes himself a part of the solution rather than just a part of the climate-denial problem that so infects us, particularly here in Congress.

I yield the floor.

MR. LEAHY. Mr. President, today the Senate will confirm the nomination of Steven Mnuchin to be the Secretary of the Treasury. It is a nomination I simply cannot support.

The Treasury Department plays an essential role in the development of the economic policies that financially secure the United States in world markets, that expand the opportunities available to all Americans, and that help set the stage for a sound and growing economy. Our country’s eco-

nomic engine must be one that is accessible to all Americans, not just the wealthy few. Regrettably, while Mr. Mnuchin may have a knowledge of the inner workings of Wall Street, he seems to know shockingly little of the hardships faced on Main Street. One need look no further than his role during the height of the housing crisis in foreclosing on tens of thousands of American families. Reducing these actions to mere administrative matters belies the true struggles of those who don’t boast the personal coffers Mr. Mnuchin enjoys. I simply cannot accept his explanation of his role in these actions.

We cannot forget the devastation and hardship that the recent financial crisis brought upon our country, its people, its neighborhoods, its small businesses, and its communities. People lost their homes and their jobs, and our markets crashed. Many have still have not recovered from those losses. As Congress worked to find the answers, it became clear that many large investment banks and insurance companies hid the insecurity of their finances from stockholders and from the American people. While many people lost their life savings, corporate executives received outrageous severance packages. As the country lurched into a financial downward spiral, Mr. Mnuchin’s company, One West, administered aggressive foreclosure tactics that added to the devastation of these families, including veterans. It was wrong. Mr. Mnuchin, in his testimony before the Senate Finance Committee, may have tried to convince the American people that his was an innocent role in the crisis. But given that he could not provide a valid reason for failing to disclose that he was the director of an offshore account worth more than \$100 million, domiciled offshore in the Cayman Islands, I just cannot buy what he is selling—and neither can Vermonters.

In 2010, Congress worked hard to pass the Dodd-Frank Wall Street Reform and Consumer Protection Act. This legislation included a number of financial reforms to change the way financial institutions and banks take on risk, while adding protections for customers of these institutions, and creating a new regulatory council in order to provide more effective oversight of the industry. President Trump has indicated that he will seek to roll back Dodd-Frank regulations, and Mr. Mnuchin reinforced this pledge in front of the Finance Committee. Since its inception in 2011, the Consumer Financial Protection Bureau, CFPBP, has received and sent to companies for review upward of 700,000 complaints from consumers across the country, ranging from abuses in debt collection and credit reporting, to student loans. I worry about the future of the CFPB

under President Trump's administration. Its value and importance in protecting Americans from predatory practices, like those of OneWest, cannot be overstated. I cannot support a Secretary who would unravel the reforms we worked hard to enact and that protect the American people from the devastation of runaway corporate greed.

For the last 8 years, we have focused with considerable success on rebuilding our economy. The unemployment rate is lower than it was before the financial crisis. Small businesses are growing. It is imperative that we continue to make economic progress and that we find additional ways to help those who have been left behind, without returning to the destructive policies that brought about the crisis in the first place. I am not convinced that Mr. Mnuchin is the right nominee to lead the Treasury Department and to continue this forward progress.

Mr. VAN HOLLEN. Mr. President, today we consider the nomination of Steve Mnuchin, a multimillionaire former Goldman Sachs executive, hedge fund manager, and investor, to be Secretary of the Treasury. In our Nation's history, the Treasury Secretary was the first Cabinet official to be confirmed by the Senate, when Alexander Hamilton took his post in 1789.

The first Congress valued the Treasury Department highly, giving it more resources than all other government agencies combined. Today the mission of the Treasury Department is to:

"Maintain a strong economy and create economic and job opportunities by promoting the conditions that enable economic growth and stability at home and abroad, strengthen national security by combating threats and protecting the integrity of the financial system, and manage the U.S. Government's finances and resources effectively."

While the Department always serves a critical function, it has been particularly vital in times of financial crisis. In 2008, in the wake of lax regulation and excessive speculation, a financial crash shook our Nation's economy. The Treasury Department was a key player to pull us back from the brink and keep the toxic contagion on Wall Street from spilling over to Main Street. We had to fight to ensure that the colossal failures of irresponsible corporate executives would not wipe out small businesses and citizens' savings.

At that time, my congressional office helped hundreds of homeowners facing foreclosure, working them through the loan modification process, helping track down missing documents, and following up again and again with banks to make sure that paperwork was processed. We held a foreclosure prevention forum to connect people to housing counselors. For too many, this process was extremely difficult, tremendously confusing, and, in some

cases, deliberately misleading. While my office was always ready to help, there was no reason why congressional intervention should have been necessary to help families modify their payments to stay in their homes.

Where was Steve Mnuchin at this time, when families across the Nation were struggling? He was profiting from it. In 2009, he joined a group of billionaire-investors to buy IndyMac, a failed bank that the Federal Deposit Insurance Corporation had taken over. The investors turned it into OneWest Bank, and they turned it into what the California Reinvestment Coalition called "a foreclosure machine."

Though the majority did not permit the California Reinvestment Coalition to testify at an official hearing on Mr. Mnuchin's nomination, the coalition's Paulina Gonzalez spoke with a number of Senators at a forum on Mr. Mnuchin's bank. Ms. Gonzalez told us that OneWest was among the worst. OneWest denied more applications than most for the Home Affordable Modification Program, the government program to help homeowners avoid foreclosure by adjusting their payment schedule. Ms. Gonzalez told us, "We have labeled OneWest a 'foreclosure machine' not only because it foreclosed on more than 60,000 American families and because of its aggressive foreclosure practices, but because it seemed to do little else."

Consider some of the heartbreaking foreclosure stories that OneWest left in its wake.

A 90-year-old Florida woman lost her home after making a 27-cent payment error.

Christina Clifford attempted to modify her loan twice. Each time that she sent in her check with the paperwork, OneWest told her that her paperwork was not received—even though the bank cashed the check that was in the same envelope.

A Minneapolis woman was in the process of negotiating a loan modification when she came home in a blizzard and found that her locks had been changed.

OneWest and its subsidiary Financial Freedom were also notorious for what came to be called "widow foreclosures." They lured seniors into reverse mortgages signed by one spouse of a married couple. When the spouse who signed the paperwork died, OneWest and Financial Freedom would immediately begin the foreclosure process, sending out notices in as little as 10 days to widows and widowers.

Another egregious bank practice during the foreclosure crisis was "robo-signing." Mortgage officials would speed through foreclosure documents and sign off without reviewing their accuracy. This practice all too frequently led to the bank powering through as many foreclosures as possible.

Mr. Mnuchin told the Finance Committee that "OneWest Bank did not

'robo-sign' documents." But in a deposition, a OneWest executive admitted to personally robo-signing hundreds of documents, even shortening her signature to her initials to speed the process even further.

Thanks to these draconian practices, Mr. Mnuchin made a tidy \$1.5 billion in profit when he and his fellow investors sold OneWest after 6 years.

In the aftermath of the devastating 2008 financial crisis, Congress worked to reform the system with the Dodd-Frank Wall Street Reform and Consumer Protection Act. Congress intended the law to reduce the kind of risk and recklessness that led to the crisis and strengthen Federal oversight of Wall Street and Big Banks. Congress created the Consumer Financial Protection Bureau to be a watchdog for everyday Americans and prevent predatory lending and unscrupulous behavior by financial institutions. It began regulation of exotic financial derivatives that contributed to the crisis by masking risk and established the Volcker rule to place limits on ways that banks can invest to minimize conflicts of interest and high-risk transactions.

While Congress can certainly do more to improve consumer and investor protections and ensure that no bank is ever "too big to fail," Dodd-Frank is a critical reform. And since the day it passed, Republicans in Congress have attacked it, seeking to roll back its protections, weaken the Consumer Financial Protection Bureau, and reduce the oversight of the speculative transactions that increase risk in our financial markets.

President Trump has called Dodd-Frank a "disaster" and vowed to "do a big number on it." And last week, President Trump signed an Executive order directing a review of Dodd-Frank regulations.

By his side at that moment was Gary Cohn, who was co-president of Goldman Sachs during the financial crisis. As detailed in a report by the Senate Permanent Subcommittee on Investigations, Goldman survived the crash in part by betting against its own customers and sticking them with bad mortgages. In 2006, they saw trouble coming in the subprime mortgage market and realized that they were over-invested. So they packaged the bad deals into new mortgage-backed products and dumped them. In 2009, one analyst called Goldman "a single underwriter solely interested in pushing its dirty inventory onto unsuspecting and gullible investors."

President Trump's adviser Gary Cohn was a leader of Goldman Sachs at that time. Now, after walking away from Goldman Sachs with a \$285 million payout, he has become chair of the National Economic Council. Mr. Cohn is at President Trump's side to work to unravel the reforms that Congress put

in place to stop bad behavior of banks like Goldman Sachs.

Mr. Mnuchin also worked at Goldman Sachs and continued to work in the hedge fund industry. Will he serve as a check on the impulse to reopen banking to greater risk? In an interview with CNN's Squawk Box after his nomination, he said, "We want to strip back parts of Dodd-Frank and that will be the number one priority on the regulatory side,"—the number one priority.

It is unclear how Mr. Mnuchin, Mr. Cohn, and President Trump plan to reshape financial regulation, how much risk they plan to reintroduce to the markets, and whether they would ensure adequate safeguards for consumers and investors. We do know, however, that Mr. Mnuchin and Mr. Cohn are cozy with Wall Street and Big Banks, and it appears now that Mr. Trump's talk about reining in Wall Street was just talk.

In addition to the need to continue sensible oversight of the financial system, the next Treasury Secretary will have to confront one of the greatest challenges of our time—growing income inequality, wealth inequality, and wage stagnation.

According to an Economic Policy Institute Analysis of data from the Bureau of Labor Statistics and Bureau of Economic Analysis, from 1948 until 1973, worker productivity and compensation rose at roughly similar rates—productivity increased by 96.7 percent and hourly compensation increased by 91.3 percent. Starting in 1973, however, growth in worker productivity and wages began to diverge dramatically. Between 1973 and 2013, productivity increased by 74.4 percent, but hourly compensation increased by just 9.2 percent.

Not everyone, however, saw stagnation. The wages of the top 1 percent of earners grew 138 percent between 1979 and 2013, once again, according to analysis by the Economic Policy Institute. In that same time period, the wages of workers in the bottom 10 percent actually dropped by 5 percent.

In 1965, an average company CEO made 20 times the salary of an average, nonmanagement worker. In 2014, the average CEO made 303 times the salary of an average worker.

Many Americans feel that they are working harder than ever, but they aren't getting ahead. Too often, they are right. They are taking on more and not getting compensated for the extra effort. We need policies to help average workers, like increasing the minimum wage, fair pay, and improvements to the Tax Code to encourage hard work rather than simply rewarding those who make money off of money.

Is Mr. Mnuchin the right person to address this problem? His experience is certainly different from that of the average worker. The son of a Goldman

Sachs banker, he has accumulated enough wealth that he forgot to disclose a hundred million dollars in assets to the Finance Committee. He has said little about his ideas for tax reform, except creating what my colleague Senator WYDEN has dubbed the "Mnuchin Rule." In an interview, Mr. Mnuchin said of tax reform: "Any reductions we have in upper-income taxes will be offset by less deductions, so there will be no absolute tax cut for the upper class." I would certainly welcome that outcome. Unfortunately, it is totally inconsistent with the Trump tax plan.

According to Matt Gardner, a senior fellow at the Institute on Taxation and Economic Policy, President Trump's tax plan is heavily weighted to benefit the wealthy, leading to "a new era of dynastic wealth." A report from the Urban-Brookings Tax Policy Center concluded that President Trump's plan would "significantly raise taxes" for about 8.5 million families, particularly working single parents. In contrast, the wealthiest one percent would receive 47 percent—almost half—of the tax cuts, saving on average \$214,000. The 117,000 households in the top 0.1 percent would receive, on average, a whopping \$1.3 million each.

In addition to exacerbating the problem of income inequality, the Trump tax plan would add \$7 trillion to the national debt over the next decade. It would blow a hole in our Federal budget to give big checks to the super-wealthy, provide limited benefit to the middle class, and hurt low-income families.

This is entirely backwards. We have learned over and over again that massive tax cuts for the wealthy do not lead to economic growth for everyone. Trickle down has never worked. We need to build an economy that works for everyone, not just the very wealthy. And we certainly should not be rewarding the wealthy at the expense of everyone else.

Given what little we know of Mr. Mnuchin's policy priorities, we have to look to his career to determine his experience to carry out the mission of the Treasury to create economic and job opportunities and sustain economic growth. Unfortunately, Mr. Mnuchin appears to have had a canny ability to take advantage of the dire circumstances of others to benefit himself, particularly in pushing aggressively for foreclosures at OneWest. It is far from clear that he is willing to now work on behalf of all Americans and especially those who have been working harder and receiving no return. I hope to be proven wrong, but I cannot support his nomination.

Mr. WHITEHOUSE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, on January 20, at his inauguration, President Trump stood before the American people and said: "For too long, a small group of our nation's Capital has reaped the rewards of government while the people have borne the cost."

President Trump is right. The people have borne unimaginable costs: the cost of foreclosure, the cost of inequality, the cost of poverty, and the cost of injustice. Sadly, it doesn't look like that is going to change soon with this administration. Three weeks into this administration, President Trump has already begun to restore power back to Wall Street and the very same people who he said have caused tremendous problems for us. The nomination of Steve Mnuchin, someone who spent his entire career working on behalf of Wall Street at the expense of hard-working Americans, is a clear example.

Let me say at the outset, I have not met him, but I tried to, but we couldn't get an agreement as to when we might be able to get together. I wanted to talk to him about some important issues that many of us remember.

We know what happened with the recession that greeted President Obama when he was sworn into office 8 years ago. We know about the foreclosures. We know of families being literally wiped out, all their savings gone because of misleading tactics by financiers.

I still look at this, and as much as I respect President Obama and his administration, I shake my head and think: Nobody went to jail for all that occurred. People at the highest levels of the financial community on Wall Street and others were engaged in practices that we know now were unfair and just plain wrong and, in many cases, illegal.

I have taken a look at Mr. Mnuchin's record. I have read a lot of stories about him. I have heard from homeowners' personally impacted by his conduct, and let me tell you, what I have seen and heard leads me to believe he is not the right person to be Secretary of the Treasury.

Like most of President Trump's nominees, Mr. Mnuchin was not chosen for his knowledge and experience on critical issues he will face if confirmed as Secretary of the Treasury. He was not chosen for his commitment to work for average working families. He was chosen for his loyalty to the President, the new litmus test in the Republican Party.

Before serving as President Trump's chief fundraiser on the campaign, Mr. Mnuchin worked to help wealthy individuals and powerful special interest groups reap the benefits of what the

President has called “a rigged system.” He served as an executive at Goldman Sachs and as a hedge fund manager.

Perhaps what troubles me the most about Mr. Mnuchin's experience is his tenure at the helm of a group known as OneWest, which came to be known as a foreclosure machine in America because of the aggressive and questionable practices it used to foreclose on the homes of thousands of American families.

Mr. Mnuchin was the head of the company that was doing the foreclosure. After our country experienced the worst economic downturn since the Great Depression, Congress worked around the clock to prevent the economy from going into free-fall and end some of the worst practices that helped bring the American economy to its knees.

As we were working to save American homes, Mr. Mnuchin—like President Trump—saw opportunity to make a profit, personally earning millions from OneWest's success as a foreclosure machine.

As the head of OneWest, Mr. Mnuchin had the power to destroy lives through foreclosure or find ways to help homeowners stay in their homes. He chose to aggressively foreclose on families.

During his nomination hearing, Mr. Mnuchin defended OneWest's foreclosure practices and said he was proud of the work of the bank during the foreclosure crisis.

Let me tell you about some of the stories, and you can decide whether Mr. Mnuchin should be proud of the record of the company he was managing.

Rex Schaffer and his wife Rose lost their home of nearly 50 years, despite having qualified for a loan modification.

Ossie Lofton, a 90-year-old woman, was foreclosed on because she was short 27 cents in her mortgage payment—27 cents.

The locks were changed on Leslie Park's Minneapolis home in the middle of a blizzard.

We have seen how organizations headed by Mr. Mnuchin treat people. If confirmed, Mr. Mnuchin would have the ability to use the power of the U.S. Treasury Department to stand on the side of Wall Street and on the opposite side of millions of working Americans. I don't have confidence, based on his professional record, that Mr. Mnuchin will put the needs of hard-working families first over Wall Street.

While the foreclosure crisis and its aftermath seem like something in the past for so many people, that is not the case in my home State of Illinois. Foreclosures are devastating for the families forced out of their homes, but they are also devastating to surrounding communities and neighborhoods.

If you want to know what a community looks like 50 years after the fore-

closure crisis, visit my birthplace, my hometown of East St. Louis, IL, or even some of the neighborhoods on the south side of Chicago, or the west side, for that matter—vacant lot after vacant lot, neglected buildings and homes, an economy devastated. And what is left? Some of the poorest families on earth.

While we have made significant progress since the recession of 2008, many families in my State and across the country are still suffering. There is work to do. If confirmed, Mr. Mnuchin will be responsible for protecting these families and ensuring that we don't have another financial crisis. All we have seen from him is his ability to profit from the foreclosure crisis and the devastation left in its wake. In the aftermath of the financial crisis of 2008, Congress got together with the President and passed Dodd-Frank. This was Wall Street reform determined not to let another economic crisis follow. The consumer protection act was also passed to prevent these crises and to reform the problems that caused them.

Mr. Mnuchin has made no secret of the fact that his No. 1 regulatory priority is to roll back Wall Street reform, to return the barbarians to the gates. Despite the promises President Trump made during his campaign, including “not letting Wall Street get away with murder,” Mr. Mnuchin has an ally in President Trump in undoing Dodd-Frank. President Trump signed an Executive order that would begin rolling back the important consumer and financial system reforms we passed as part of Dodd-Frank. The President signed this order sitting among the biggest beneficiaries of his actions, some of Wall Street's high rollers. Make no mistake, if President Trump gets his way and Steven Mnuchin is confirmed, the banks are going to have the best friend they can think of in the Treasury Department, just like they did before the economic crash of 2008.

It is clear the American people can't count on Mr. Mnuchin, based on his business experience, to decide with them over Wall Street. But, certainly, he should be committed to basic fairness of the Tax Code. He said he was until he wasn't. Shortly after his nomination, Mr. Mnuchin said there would be “no absolute tax cut for the upper class.” Yet he has not spoken out against the significant tax cuts the wealthy would receive from the repeal of the Affordable Care Act or under the President's and the House Republican's tax reform plan. We shouldn't be surprised by this because we are asking Mr. Mnuchin to close the loopholes and raise the taxes on the very people he helped to avoid paying taxes by using offshore tax havens as a hedge fund manager.

We are still recovering from the devastation of that financial crisis 8 years ago. We can't afford to have our Na-

tion's top economic official be a man who has only been looking out for Wall Street. For a President who ran on bringing back jobs and being a champion of the working people, the choices of President Trump for his Cabinet are the opposite and have taken advantage of the very system he has derided as rigged against the people.

The American people deserve better. When Mr. Mnuchin's nomination is brought to the Senate floor for a vote, I will vote no, and I urge my colleagues to do the same.

NOMINATION OF DAVID SHULKIN

Madam President, I want to take a moment to address the nomination of Dr. David Shulkin to be confirmed soon as the next Secretary of the Department of Veterans Affairs. We all know the Veterans Affairs Department faced a number of challenges in recent years: long waiting times, disability claims backlogs, issues related to accountability, whistleblowers, and the quality of care. The list is too long. As the second largest Federal agency, employing more than 350,000 people across America and serving as our largest integrated health care system, some challenges are unavoidable.

As the VA provides for the brave men and women who fought and sacrificed for this country, as well as their families, it is critical that it be held to a high standard. We in Congress must work to ensure that, in addition to holding the Department to a high standard, we also ensure that it is well funded and that it has the tools and flexibility to do the job.

It is critical that we strengthen the VA system and not weaken it through privatization, which would only lower the quality of health care for our veterans. That is why I am pleased with the nomination of Dr. Shulkin by President Trump to be the next Secretary of Veterans Affairs.

Despite years of people playing politics with the VA—efforts which have only been counterproductive and have made it difficult for the VA to fill critical vacancies—and despite months of President Trump's talking about privatization without offering real solutions, today we have a nominee who appears to understand that, while there is a role for expanded care options, weakening or dismantling the VA is not the answer. I was heartened by Dr. Shulkin's commitment during his hearing in the Senate Veterans' Affairs Committee on February 1, where he said: “The Department of Veterans Affairs will not be privatized under my watch.”

Dr. Shulkin may not be a veteran himself, but I am encouraged by the fact that he comes from a military family and has decades of medical experience, including serving for 2 years under former VA Secretary Robert McDonald as head of the Veterans Health Administration after being

nominated by President Obama. May I add that he left a lucrative private sector job and took a huge pay cut to join the VA.

It is no surprise that a number of veterans service organizations actively support his nomination. Although progress has been made in recent years, there are still challenges at the VA that we need to continue to address. I worry about the veterans' health care, education, homelessness, accountability, and a host of other issues. I look forward to working with Dr. Shulkin on these matters.

But we must not forget that, overall, in terms of health care, the VA is consistently found to provide care in key areas that is better than or on par with care in the private sector. It is significantly more cost effective, as well. And most veterans across the country prefer their veteran-centric health care that they receive in the VA. Despite what some may claim, most of them do not support privatization. I want to be clear that this includes a myriad of efforts under the guise of expanding access or choice.

So I hope my colleagues will join me in supporting Dr. Shulkin to be the next VA Secretary. I shared then-President Obama's sentiment that he was the right person to head up the Veterans Health Administration back in 2015, and I believe he is the right person to head the VA today.

Just 3 days ago, I was in Marion, IL, and visited our veterans hospital there. I met with the administrator. Ms. Ginsberg told me she knew of Dr. Shulkin and had high regard for him. That came as high praise from someone who is on the front line of serving thousands of deserving veterans in southern Illinois every single day. So her endorsement helped me to come forward today and to commit that I will be voting to make sure that Dr. Shulkin gets this opportunity to head the Veterans Affairs agency.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, even now, more than 2 months after then President-Elect Trump nominated Steven Mnuchin to be Treasury Secretary, I still find it hard to believe. Month after month out on the campaign trail, President Trump attacked Wall Street. He said, time after time, that he was going to take on Wall Street. He attacked his opponents in the primaries and in the general election by saying that they were too close to Wall Street and, specifically, too close to Goldman Sachs.

He said, regarding Secretary Clinton: She will never reform Wall Street. I know the guys at Goldman Sachs; they have total control. But he countered this by saying that he would do it differently. He promised to take on Wall Street. He promised to fight for middle-class Americans. He promised to drain the swamp and reduce and eliminate the powerful entrenched special interests here in Washington, DC.

But what a change can happen within a few weeks. Less than a month after winning the Presidency—I should point out, winning the electoral college but losing by a massive margin the popular vote, the citizen vote—who does Mr. Trump pick to be Treasury Secretary? A 17-year Goldman Sachs veteran, a foreclosure king—Steve Mnuchin.

So here tonight, not even a decade after the second worst financial crisis in U.S. history, we will be holding a vote on whether Steve Mnuchin is a fit character to be Secretary of the Treasury.

What is particularly puzzling is not only the Goldman Sachs background, in contrast with the President's campaign promises, but also that this individual was a contributor to many of the predatory practices that nearly destroyed our economy in 2008, and he is someone who made a fortune throwing struggling American families out of their homes and onto the streets.

I am somewhat shocked we are here tonight and that some of my colleagues are considering voting to put a man in charge of our Nation's financial system who played such a role in bringing it to its knees just a couple of years ago.

Let's remember the massive impact on American families. They lost jobs by the millions. The unemployment rate soared. They lost their retirement savings and often they lost their homes—not just because they lost their jobs and couldn't pay their mortgage but because of the predatory design of the mortgages.

So I am shocked that I am here tonight and we are holding this vote and that we are particularly considering an individual who worked to tear down the protections and throw American families to the Wall Street wolves.

Maybe we should have a Treasury Secretary who succeeded in the past to build up the economy, not one who participated in tearing it down. Maybe we should have a Treasury Secretary who worked hard to put tens of thousands of people into homes, rather than someone who personally profited by throwing tens of thousands of American families out of their homes. I would be feeling much better about the vote we are holding tonight if that was the case because the American people have endured too much pain and suffering at the machinations of Wall Street.

I thought we had perhaps learned our lesson. We worked hard to pass the

Dodd-Frank reforms that would end those predatory mortgages, that would end those liar loans, that would end those teaser rate-exploding interest rate loans that brought families to their knees, that would end the securities designed in such a fashion that you couldn't evaluate whether they were AAA or AA, that would end this process and this formulation that turned the dream of American homeownership into the nightmare of American homeownership—this nightmare in which, instead of building wealth for American families, homeownership became a predatory instrument for draining wealth from American families.

What was Steve Mnuchin doing when the Banking Committee was working to save the economy he had helped to tear down? Well, he was foreclosing on more than 36,000 struggling homeowners, conducting more than one-third of all the reverse mortgage foreclosures, running a bank with a record of discriminating against minority home buyers, running a bank with a record of discriminating against minority neighborhoods.

So for all these reasons, this is the wrong man; the wrong man because he does not fit the promise the President made to take on Wall Street; the wrong man because he participated in destroying our economy, which harmed millions of American families; and the wrong man because he wants to dismantle Dodd-Frank, which had been put together specifically to end the predatory practices, including the illegal robo-signing he participated in.

This individual has no business overseeing the financial future of the American people so I will be voting no on his confirmation, and I passionately urge my colleagues to do the same.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MORAN). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise this afternoon to speak about the nomination of Steve Mnuchin to be Secretary of the Treasury and the concerns I have about his nomination.

I want to start with a Pennsylvania story. It is a story we wish we didn't have to highlight, but it is relevant to the discussion and debate on this nomination.

I am looking at a document that is a written summary of a television investigative news report from January of

this year. It is from the Pittsburgh television station WTAE, and it is dated January 16, 2017. The headline on the document is "Trump Pick for Treasury Secretary Foreclosed on Hundreds of Homeowners in Western Pennsylvania." The article says in pertinent part about this one Pennsylvanian:

Nellie Mlinek lost her husband to cancer. She lost her son to an overdose. And then she lost her home to OneWest Bank.

It goes on to describe the interaction between this individual and the bank, and of course this is the bank of which Steve Mnuchin was a part owner.

I also want to read what she said about the circumstance she was in. She was hoping that because of the circumstances with regard to her home, that she would be able to work with the bank instead of having foreclosure. That was not to be.

The article goes on to talk about others in the region who had foreclosures as well. A house in White Oak, PA, was foreclosed in 2014; a house in North Versailles was foreclosed in 2013; a house in Penn Hills in 2012; a Pittsburgh house was foreclosed in 2011. These are all communities in Allegheny County, Southwestern Pennsylvania, and Nellie was from Westmoreland County, which is just to the east of Allegheny County. So that is what the article summarizes—foreclosures throughout a corner of Southwestern Pennsylvania, as the headline says, hundreds of foreclosures.

The article starts with this line: "Critics say President-elect Donald Trump's pick for treasury secretary, Steven Mnuchin, ran a foreclosure machine at a major bank," and it goes on from there. That is one in Pennsylvania, and then references to foreclosures that I read from are summaries of what happened to some others.

Then we go to the other end of the State. This is in Southeastern Pennsylvania, the region within which Philadelphia sits. In this case, the individual is Ruth Guerriero. Ruth is from South Philadelphia, and she remembers the day she got the letter that "scared me to death." The letter threatened a foreclosure because of a reverse mortgage that she didn't know existed. The headline of this article is "Reverse-mortgage nightmare can start after borrower dies."

In this case, Ruth lost her husband. The article says that this particular piece of mail in October 2013 was from OneWest Bank, informing Ruth that it was foreclosing on the house in the 2800 block of South Hutchinson Street that she and her late husband had bought in 2006 for \$200,000. Without her knowledge, Ruth Guerriero said, her husband, 23 years her senior, had taken out a reverse mortgage in September 2007. It goes on from there.

So anyone who has had that experience of losing a home or becoming the

victim of a reverse mortgage when you didn't have prior knowledge can relate to what has happened to these individuals. This is part of the debate. These are not the only considerations we weigh, but when you have, in this case, a nominee for Treasury Secretary who comes into the nomination process not having held public office or not having held appointed government office, this is part of the record you are to review. It is really the only record—the record in this case as a banker or a businessperson, and in his case, his work on Wall Street.

I had the opportunity, of course, as a member of the Finance Committee, to meet Mr. Mnuchin in my office and to question him more than once in the question period for the Finance Committee. In our meeting, I asked him, for example—and these are other relevant questions in terms of presenting accurate information, presenting information that will fully answer questions—I asked him how many times his financial institution chose to modify mortgages as opposed to foreclosing, and he told me that there were about 100,000 mortgage modifications. Yet we know the documented evidence tells a different story; it is about one-third that number, closer to 35,000 modifications.

I realize that someone could not remember the exact number, but I was surprised at how far off he was in something so substantial in someone's life, whether it was a person like Nellie or other individuals. A mortgage foreclosure, as opposed to a modification, which is a better result for an individual or family—that is a substantial difference in their lives. And I would hope that when you are in any way involved in a foreclosure, as a banker or as a part of an entity that is foreclosing, that you would carefully weigh the consequences before you choose to pursue foreclosure or pursue a different path, the path of modification, which, of course, everyone would prefer in that circumstance.

I asked Steve Mnuchin how many Americans his bank had foreclosed on during the financial crisis, and he has yet to provide an answer to that question. I know others may have asked a similar question, and I wonder if they got an answer. We will see what the public record shows.

Mr. Mnuchin was also asked to provide a copy of a letter he said he sent to the Department of Housing and Urban Development raising concerns about the impact of the company's reverse mortgage guidance. It was almost a month ago that we asked for that information to be produced, that letter, and we still haven't seen it. So I wonder about the statement he made with regard to information from HUD.

I also asked Mr. Mnuchin whether his financial institution engaged in the predatory practice of so-called robo-

signing, and this is a question which was asked by a couple of Senators. I asked him for that information, and he said that wasn't the case. But now we know from the documented evidence in an answer that he later changed that there was robo-signing taking place at the time we alleged that it did.

So when you ask a question in a hearing and you get an answer that was wrong or incomplete or misleading or otherwise, that is one thing. You could sometimes have a circumstance where someone didn't intentionally want to mislead or tell a lie, or they may have answered a question imprecisely or without a lot of information. But I think it is a little different when you ask a question in writing, where the individual had the time to analyze a question and provide an answer in writing with some time to reflect, some time to consult some other sources of information before they draft their answer and then submit it to you as part of the nomination process. In this case, Mr. Mnuchin had a different answer than the facts showed, and I will go through that a little bit later.

At some level, there is a question of accuracy, maybe even rising to the level of trust, and that is something we have to consider when we are making a determination about a nominee, because almost any Cabinet agency has to transmit information, very specific, detailed information. People have to be able to rely upon the information, the accuracy of it and the completeness of it. And if he has had problems in his nomination process, that causes us to raise some real questions.

I wanted to start with OneWest Bank—another entity called Financial Freedom. I don't know how far we will get into this in the limited time we have. In 2009, Mr. Mnuchin and his business partners bought OneWest Bank at the height of the financial crisis for \$1.6 billion, paying about 5 cents on the dollar for the bank's assets. Mr. Mnuchin was able to buy the bank at such a significant discount in part because he was entrusted to modify as many home mortgages as possible so homeowners could stay in their homes. He foreclosed on more than—I should say OneWest Bank foreclosed on more than 40,000 Americans, so we are told.

We don't know how many foreclosures they engaged in in Pennsylvania, but, as I read a couple moments ago from an investigative report from WTAE, it is at least hundreds in one region of the State. We have 67 counties. Depending on where you draw the line, Southwestern Pennsylvania is 10 counties, 12 counties, somewhere in that range, maybe as high as 15 if you went as far north as Erie. Let's say it is 15 counties. Hundreds of foreclosures in that region is substantial.

Later, after all of those thousands of foreclosures across the country, Mr.

Mnuchin sold OneWest Bank for \$3.4 billion in 2015. The sale itself yielded the group of individuals, including Mr. Mnuchin, billions of dollars—that would be Mr. Mnuchin and also investors.

I mentioned the foreclosures before and the individuals involved. I wanted to go a little deeper into the particular circumstances.

I mentioned and highlighted Nellie's story. Here is what took place in that circumstance—or what she had hoped would take place. Nellie was hoping that she would be able to work something out with the bank, so she asked OneWest to help her keep the house by adjusting her payment. That often happens when a bank initiates a foreclosure. It begins a process but works something out with a homeowner, and that would be called a modification. In this case, Nellie asked OneWest to help her keep her house by adjusting her payment, but she said the bank refused and then foreclosed on her. She said: "They should have worked with me to meet a payment that I could make." She filed for bankruptcy, but even that did not save her house. She said it cost her "a lot of depression." That is what Nellie said about her own circumstances, and I mentioned the other communities in Western Pennsylvania.

That is the reality foreclosure brings to bear on the life of one individual who is struggling, who, in Nellie's case, has had a series of setbacks, deeply personal, tragic circumstances compounded by the foreclosure. The same is true of Ruth in South Philadelphia, in terms of the impact of that decision. We have a lot of ways to summarize information like this, and I will just highlight maybe one or two.

For example, according to the National Consumer Law Center, in March of 2012, a Philadelphia senior citizen with a reverse mortgage from a wing of Mr. Mnuchin's bank—in this case, the name of the entity was Financial Freedom—sought assistance because he had been served with a preforeclosure notice. The reverse mortgage company owned by Mr. Mnuchin gave this individual 30 days to pay almost \$5,000.

What was the bill for? Well, without his knowing it, Financial Freedom charged him over \$2,000 for forced-placed insurance coverage from 2010 to 2012. Financial Freedom threatened to go forward with the foreclosure unless this senior citizen made immediate monthly payments equal to almost 35 percent of his monthly income. With legal assistance, those payments were reduced.

I would hope you would not need to hire a lawyer to get those payments reduced, but sometimes when you are up against a powerful financial institution, that is the only way to proceed.

Instead of immediately informing this senior citizen of his lapsed coverage, Financial Freedom charged ex-

cessive amounts for forced-placed coverage. Financial Freedom then waited 2 years to begin collection, but it expected this senior, who was living on a fixed income, to pay within 30 days. Financial Freedom also did not tell this senior citizen he could apply for a longer repayment plan due to his low income.

According to the National Consumer Law Center, in 2015, Financial Freedom notified a Pennsylvania reverse mortgage holder's heirs that the only way to avoid foreclosure on the family home was by repaying the loan balance or selling the property for at least 95 percent of its appraised value. They said the appraised value for the Pennsylvania home was \$170,000, even though their own appraisal of the property just one month earlier was \$67,000. There is a big difference between \$170,000 and \$67,000. It seems that \$170,000 was the appraised value at loan origination, way back in 2007. Now, of course, it is years later, and that was, of course, before the market collapsed. So for the purposes of preforeclosure notice, Financial Freedom used an appraisal over \$100,000 more than the actual value of the home. They were trying to force the heirs to pay more than \$100,000 above the home's value to prevent foreclosure of the family home.

So these are a couple of Pennsylvania stories—Ruth and Nellie and then some others, whose names aren't in the text of my remarks, but give similar stories about some of the foreclosure practices that Mr. Mnuchin was part of when he had these individual banks.

Here is the question on robo-signing that I mentioned earlier. I submitted a question for the record in writing and gave it to him, and here is what his response was to the question. The question was this:

One of the most significant scandals during the financial crisis was the practice of "robo-signing" whereby bank employees rapidly approved foreclosure documents without thorough review. Many were wrongfully foreclosed upon on account of these practices. Did OneWest Bank "robo sign" documents relating to foreclosures and evictions?

His response was pretty shocking:

OneWest Bank did not robo-sign documents, and as the only bank to successfully complete the independent foreclosure review required by Federal banking regulators to investigate allegations of robo-signing, I am proud of our institution's extremely low error rate.

The reason I say that it was a shocking answer is because he had signed his name to a 2011 document that found that OneWest Bank did, in fact, robo-sign. The findings from the Office of Thrift Supervision does not explicitly state robo-signing—that is not a legal term of art—but it does set forth a fact pattern for robo-signing, which involves an employee signing foreclosure documents without reviewing them. Instead of reviewing the details of each, robo-signers assume the paperwork is

correct and sign it automatically. Almost anyone who lived through the financial crisis of 2008 knows what robo-signing is, and many were victims of this practice.

So that is a problem, obviously, when you answer a question in a manner that is totally inconsistent with the facts.

I know I am low on time, and I want to wrap up. What I will do for the record—or if we have time to come back later—is to get into some other issues. But one of the real concerns I have about his nomination is not just his record as a banker, as a person working on Wall Street and working in that world. It is one thing to say you did something in your prior life, but once you put on the mantle of public service and the heavy responsibilities of Treasury Secretary, you set aside that other work you did or that other position you had, maybe, on some issues. But, apparently, some of his work—or at least some of his points of view—will continue in the Treasury Department, because I think it is pretty clear, based upon some reporting back at the end of November, that Mr. Mnuchin believes that one of his prime responsibilities is to begin to dismantle, or substantially alter, what we know as the Dodd-Frank legislation.

We know what happened prior to that. We know what happened to the economy. We know that the United States lost about \$19 trillion in household wealth. That is \$19 trillion, with a "t." More than 8 million jobs—by one estimate, 8.7 million jobs—were lost. So I would hope that as Treasury Secretary, were he to be confirmed, he would make sure that we never go down that path again—that before you dismantle Dodd-Frank, you better think about the consequences to real people's lives.

So I will wrap up because I know we have to go, but I will put more information in the RECORD.

Let me conclude with one thought before we move on. One of the concerns I have about his nomination, also, is not something you can point to in a document. It is just a gut instinct or a judgment that I have made, and it is a judgment that can be summarized this way: I have a real concern about his commitment to public service. Why do I say that? It seemed that, in this whole process of disclosing financial information—turning over documents, answering questions, answering follow-up questions—Mr. Mnuchin was kind of resistant to scrutiny or seemed to be burdened by this, and that somehow he was disclosing too much. His demeanor, when you would ask him some questions, appeared to me to be a demeanor that was not consistent with what public service must be about. When you are in public service, whether you are elected or appointed, you are, in fact, a servant. You don't work

for a bank, you don't work for a financial institution, and you don't work for a company. You don't even work for a President. You work for the people.

I was taught a long time ago that the closer you can get to this ideal—which is inscribed on a building in our State capitol in Harrisburg: “All public service is a trust, given in faith and accepted in honor”—the way you accept your public duties is not only to disclose what you should disclose, to answer questions which you must answer, but to do it in a manner where you are doing it with a belief that you are a public servant and with the spirit of public service. If you are labored and if you are chafing under that or resisting, you should probably do something else with your life.

I hope I am wrong about that. I hope once he is in office—and it appears that he may be confirmed—and if he is confirmed, we see a different approach to the duties of public service and the burdens of public service. I hope I am wrong about him, but my instincts tell me otherwise.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to speak in opposition to President Trump's nominee to serve as Secretary of the Treasury, Steve Mnuchin.

From his days at Goldman Sachs, on the frontlines of developing the very products that brought our economy to its knees, to his reign as chairman of OneWest Bank, quantified by tens of thousands of foreclosures and qualified by years of despair, to his plan to get rich off cash-strapped seniors, to his investments in Sears that stripped pension benefits from low-wage-earners, Mr. Mnuchin made a career out of exploiting the financial turmoil of hard-working American families, never once stopping to consider the impacts of his profiteering on the people of this country.

At every step of the way, Mr. Mnuchin's mantra has been to privatize profits and socialize losses.

While our President spent much of his campaign railing against Goldman Sachs and Wall Street's stranglehold on Washington, it should be lost on no one that Wall Street has the majority vote in this administration. With friends like Mr. Mnuchin and Gary Cohn in high places, the country's largest and most complex financial institutions can rest easy, knowing this administration is firmly committed to their bottom lines. As Treasury Secretary, Mr. Mnuchin will be a chief architect of the GOP's “Wall Street First” policy.

Despite his self-described humble beginnings at Goldman Sachs in the 1980s, Mr. Mnuchin was on the frontlines of developing the now-infamous collateralized debt obligations

known as CDOs and credit default swaps.

I urge my colleagues not to be fooled by Mr. Mnuchin. He was part of the cadre of corporate raiders that brought our economy to its knees.

In its 2011 report on the great recession that wiped out nearly \$13 trillion in household wealth and cost nearly 9 million Americans their jobs, the Senate Permanent Subcommittee on Investigations described Goldman Sachs' role in the crisis as follows:

Goldman engaged in securitization practices that magnified risk in the market by selling high risk, poor quality mortgage products.

It said:

Conflicts of interest related to proprietary investments led Goldman to conceal its adverse financial interests from potential investors, sell investors poor quality investments, and place its final interests before those of its clients. . . .

Despite the damage they caused, Mr. Mnuchin never learned his lesson, and, as recently as 2012, he praised these instruments, calling them “an extremely positive development in terms of being able to finance different parts of the economy and different businesses efficiently.”

Now, after he left Goldman Sachs, Mr. Mnuchin started a hedge fund, Dune Capital, which started investing in an exotic financial instrument called life settlements, which are made up of life insurance policies purchased from cash-strapped seniors. The investor, Mr. Mnuchin's hedge fund, had a plan to pay the premiums on the policies until the seniors died, at which point they would cash in on the insurance claims.

So let's be clear. Under Mr. Mnuchin's plan, the sooner seniors died, the more money his hedge fund would make. While the markets for this product collapsed before Mr. Mnuchin could cash in, we have to ask ourselves if this is the type of leader whom we want at the helm of our economy? Do we really want a Treasury Secretary who had a plan to get rich off of dying seniors?

That brings us to the end of 2008 and early 2009. Wall Street had brought our economy to the brink of collapse, and 13.2 million Americans were facing unemployment. Home values were plummeting, having fallen 12.5 percent in just one quarter. And where was Mr. Mnuchin? He was negotiating the deal of a lifetime. In the darkest days of the financial crisis, when Rome was burning, Mr. Mnuchin and his friends were looking for stores to raid.

Boy, did they find a gem in IndyMac. He purchased IndyMac's \$23.5 billion of assets for a mere \$1.55 billion in March of 2009. With the FDIC, Federal Deposit Insurance entity backing, its too many loans went south. So he had a governmental guarantee for \$23.5 billion of assets for about \$1.5 billion, and he had

the government's guarantee. All that Mr. Mnuchin had to do was to agree to help homeowners struggling with their mortgages, but Mr. Mnuchin didn't hold up his end of the bargain. He wanted more. Apparently, the profit margins of foreclosure were just too sweet to ignore.

After buying IndyMac and renaming it OneWest Bank, Mr. Mnuchin was installed as chairman. But instead of working to achieve sustainable loan modifications and workouts for struggling borrowers, as Mr. Mnuchin had committed to doing, OneWest's business model centered on kicking borrowers out of their homes at the first sign of default.

In April of 2011, the former Office of Thrift Supervision hit OneWest Bank with a consent order because the bank was actually putting homeowners on a fast track to foreclosure, robo-signing foreclosure documents.

In a sworn deposition in 2009, a OneWest vice president admitted to robo-signing 750 foreclosure documents a week without ever reading or reviewing them. In 2014, an independent government review of OneWest's foreclosure activities in 2009 and 2010 alone identified more than 10,000 homeowners, including dozens of active-duty servicemembers, who were owed \$8.5 million in damages due to the bank's foreclosure practices.

OneWest's practices were especially egregious when it came to seniors with reverse mortgage loans. During Mr. Mnuchin's tenure at the bank, OneWest's reverse mortgage subsidiary, Financial Freedom, had approximately 17 percent of the reverse mortgage shares but was responsible for nearly 40 percent of reverse mortgage foreclosures. In other words, Mr. Mnuchin cornered the market on focusing and foreclosing on seniors in America. Whether it was foreclosing on a 90-year-old woman over a 27-cent—27-cent—missed payment or threatening to kick an 84-year-old widow out of her home of 54 years, Mr. Mnuchin was ruthless.

What did Mr. Mnuchin have to say about all of this when we asked him during his confirmation hearing in the Senate Finance Committee? He dodged responsibility at every step. First he blamed IndyMac for the quality of mortgage loans; then he blamed government regulations, which he falsely claimed forced his bank to kick people out of their homes. If that wasn't enough, Mr. Mnuchin had the audacity to tell us that his bank did not robo-sign documents despite clear evidence to the contrary.

To make matters worse, Mr. Mnuchin had the gall to call OneWest a loan modification machine. He repeatedly misled the committee that OneWest provided more than 100,000 loan modifications when, in fact, they modified less than one-quarter of that amount.

On top of misleading the committee, Mr. Mnuchin has been unwilling to provide information on the number of borrowers who lost their homes during the time that he ran the bank. We believe that number is at least 60,000 families and seniors, but those numbers could even be higher.

At the end of the day, this is about much more than numbers. It is about the seniors who are barely hanging on to their homes—their only source of wealth. It is about communities that were hit with a one-two punch of subprime loans in the years leading up to the crisis, only to face banks like OneWest with unrelenting foreclosure practices that stopped at nothing until they had kicked people out of their homes.

It is about people like Sylvia Oliver of Scotch Plains, NJ. After her employer cut her hours in 2009, like so many other hardworking Americans at the time, she ran into difficulty paying her mortgage. Despite the fact that Ms. Oliver found a full-time job and applied eight—eight—times for loan modifications, Mr. Mnuchin's bank denied each and every one of her applications. Ms. Oliver has been fighting to save her home for 7 years. She is hanging on by a thread. Her own words speak volumes about Mr. Mnuchin. She said:

It's been very painful and stressful not knowing if my kids and my family are going to have a home to live in, or if it's going to be foreclosed on. I would ask you to remember my experience when you consider whether Mr. Mnuchin is qualified to lead the Department of the Treasury. As the CEO and Chair of OneWest Bank, Mr. Mnuchin had the opportunity to help families like mine with responsible loan modifications, and he didn't. I don't think this is a track record that anybody should be proud of.

Ms. Oliver is right. Mr. Mnuchin's record is not only undeserving of pride, it is shameful. While Mr. Mnuchin's business formula proved toxic for tens of thousands of hard-working American families and seniors, it was incredibly lucrative for Mr. Mnuchin and OneWest's investors. He sold OneWest for \$3.4 billion, a profit of \$1.85 billion over just 6 years, making around \$200 million for himself. That is a pretty nice return on investment.

While I am gravely concerned about Mr. Mnuchin's history of exploiting hard-working Americans to line his own pockets, I am equally concerned about his plan to unchain Wall Street. Mr. Mnuchin has made it his No. 1 priority to roll back Wall Street reform.

As my friend Senator BROWN has often said, our colleagues seem to have contracted a case of collective amnesia about the great recession. Just 8.5 years after the worst financial collapse in 80 years, which put taxpayers on the line for billions in bailouts, the President, Republicans in Congress, and Mr. Mnuchin are champing at the bit to take down the very protections that were put in place to prevent another

catastrophe. I ask them, Have we learned nothing?

We know what this administration wants. It wants what the industry wants. On the day the President signed his "Wall Street First" Executive order, Goldman Sachs' shares soared 4.6 percent, a \$4 billion gain. At the end of the day, Mr. Mnuchin is nominated to serve in a position to ensure the financial stability of the American economy, but his only experience is betting on the financial instability of American families.

Not only did he profit off the backs of struggling homeowners, he also stands to profit off of pensions he mismanaged while on the board of the Sears company. From the time Mr. Mnuchin joined the board of Sears, the company lost billions of dollars, including more than \$8 billion since 2011 alone. Rather than invest in growth and its workers, he decided to strip the company of its most valuable assets and keep them for themselves and their friends.

While Sears seemed to lose in this transaction, there were some that certainly appeared to profit. Not surprisingly, Mr. Mnuchin and his hedge fund friends were those profiteers. As a shareholder lawsuit contended, they gobbled up the most valuable and profitable assets, and they saved golden parachutes for themselves to escape if the company crashed. This might sound complicated, but it is a move that would make Gordon Gecko from the movie "Wall Street" proud. Just replace Bluestar Airlines with Sears, and fiction becomes reality. In the world of both men, greed is good.

But this isn't a movie. It is the real world with real-life consequences for 200,000 people who work at Sears. Stripping Sears of \$12 billion worth of its most valuable assets contributed to the devaluation of the company, which further jeopardized the pensions of more than 200,000 Americans. According to the most recent filing, this pension fund is now underfunded by an alarming \$2 billion after they stripped \$12 billion of its most valuable assets. These retirees, who rely on pensions to live, who worked hard all of their lives and played by the rules, have already had their benefits cut by Mr. Mnuchin and the Sears finance board. In fact, the pension situation has become so dire that the government, through the Pension Benefit Guaranty Corporation, or the PBGC, felt compelled to step in to protect the pension benefits for these 200 people.

As if his past mismanagement of pensions isn't bad enough, as Treasury Secretary, Mr. Mnuchin would oversee the decision whether to bail out the pension. Mr. Mnuchin would have to decide whether to protect his personal hedge fund investments in Sears, which he refuses to divest, or to protect the Federal Government and those 200,000 retirees.

To be fair, when I asked Mr. Mnuchin about his inherent conflict of interest during his confirmation hearing, he pledged to recuse himself from any decision by the PBGC regarding Sears. But we have heard that song before. Mr. Mnuchin can't avoid a conflict of interest by recusing himself any more than President Trump can avoid a conflict by supposedly letting his children run his businesses. The only true firewall against a potential conflict of interest is through a full divestiture, which Mr. Mnuchin refuses to do. As a private citizen and executive at Sears, Mr. Mnuchin showed a total disregard for the earned pension benefits of hundreds of thousands of hard-working Americans. I have no reason to think he will have a change of heart as Treasury Secretary.

Not only does Mr. Mnuchin want to let banks write their own rules and let executives profit when they cut pensions, but he also wants to cut taxes on the rich so he and his friends can keep more of their ill-gotten gains. After helping raise millions of dollars from Wall Street and big corporations for President Trump's campaign, they are now expecting a big return on their investment—and, boy, do they win big league under the Mnuchin-Trump tax plan. This ill-conceived proposal would give large corporations, which are already earning record profits, an additional \$2.5 trillion. That is \$2.5 trillion taken away from transportation, from schools, from the middle class, and given directly to multinational corporations. It would eliminate the estate tax and gift taxes, giving a nearly \$200 billion windfall to the wealthiest 5,000 family dynasties in the country—\$200 billion to the wealthiest 5,000 family dynasties in the country—and 99.99 percent of all Americans will not see a penny from this giveaway. But we know who would benefit: Mr. Mnuchin and President Trump.

It doesn't stop there. On top of all of this, the Mnuchin-Trump proposal would also give the top one-tenth of 1 percent—the wealthiest of the wealthy, the corporate CEOs and hedge fund managers who make around \$4 million per year or more—\$1 million back each and every year. This group of elite earners already take home a whopping 184 times the average pay and has the same combined net worth as nearly 90 percent of all American workers. These 160,000 of the richest families in the country have as much wealth as 144 million families in America.

I have nothing against wealthy people. I have nothing against millionaires and billionaires. Many worked hard for their money, and they played by the rules. I applaud their success. But I don't think the wealthy, who are doing just fine right now, need an extra million dollars or more than the middle class. I don't think we should be borrowing trillions more from China just

to give the top one-tenth of 1 percent another million dollars. This is fundamentally backward.

They say we can't afford to invest in infrastructure, we can't afford to help our graduates with mounting college debt, we can't afford to give a whole host of resources to things we think are critical to compel our Nation to be the continuing global economic leader, but we can afford to give \$1 million away to all the millionaires and billionaires in the country. This warped order of priorities is a perfect metaphor for Mr. Mnuchin's school of economics: Give the rich more and more because they know best.

Unfortunately, this theory of trickle-down economics hasn't worked in the past and will not work now. The American people are sick and tired of getting fleeced. They are tired of working hard every day and playing by the rules only to fall further behind. They are tired of losing in a rigged system.

But a Treasury Department led by Mr. Mnuchin will only deliver more of the same: more tax breaks for the wealthiest in the country, more borrowing from China, more income inequality. These are not the principles Americans want or need.

In conclusion, you can tell a lot about a person based on how they handle a crisis. When Wall Street crashed and the country plunged into recession, where was Mr. Mnuchin? Was he warning regulators that they were asleep at the wheel and hard-working Americans were being exploited? Was he working to reform the broken system? No. He was looking for stores to raid with one goal in mind: profits.

Some would like to either ignore or whitewash this past, but if we don't learn from history, we are doomed to repeat it. The American people cannot afford a repeat of that past. We cannot afford a return to the Wild West of Wall Street—when the middle class was held hostage to the earnings reports of the biggest banks, when the cure for income inequality was simply more tax cuts for the wealthy.

We need a Treasury Secretary who will stand up to Wall Street, not take orders from them. We need a Treasury Secretary who understands that the strength of our country has come and will always come from the middle class, not from the CEOs and the hedge funds. Unfortunately, Mnuchin is not that person.

I urge my colleagues to oppose his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, I rise today, along with many of my colleagues, to speak out against the White House nominating Steven Mnuchin to be the next Secretary of the U.S. Treasury. President Trump has nominated the former CEO of

OneWest Bank—who before that for 17 years was a Goldman Sachs executive—to run the Federal agency tasked with crafting and implementing U.S. economic policy. So much for draining the swamp.

I want to start, however, by sharing the story of a good friend, Lola Orvik, whom I met when I was attorney general of Nevada.

In 2013, Lola's mortgage on her townhouse in Henderson was underwater. Like thousands of other Nevadans, she needed to refinance, but five different loan modification applications had all been rejected by her bank. Lola was desperate for a solution and on the verge of losing her home. She received a telephone call offering help that was too good to be true, and it was. After calling my office, she thankfully discovered that it was a scam. I am so glad she called my office. Our staff referred her to a new program we had created, the Home Again Homeowner Relief Program. It is a one-stop shop to help struggling homeowners. It helped Lola finally get a loan modification, reduce her principal by \$37,000, slash her interest rate from 5.7 percent to 2 percent, and keep the house she had lived in for nearly 20 years.

The Home Again Program helped thousands of Nevada homeowners understand all the State and Federal housing resources available to them. It has helped folks like Lola restructure their loans to ensure more affordable monthly payments. That simple hotline number has gone a long way.

Because we were there to help her, Lola got her life back. However, not everyone was as fortunate as Lola. In fact, some families are still trying to overcome the continuing destructive impact of the foreclosure crisis in Nevada and across this country.

In the depths of the great recession, Lola's predicament was not unique. Nevada was ground zero for the housing crisis. Property values plummeted. "For sale" signs lined the streets. Foreclosure notices hung on doors throughout the State. Thousands of families lived in constant fear of losing their homes.

In 2008, Nevada had the highest foreclosure rate in the Nation, with more than 77,000 homes getting a notice at the door saying they were at risk for eviction. We led the Nation in the terms of foreclosure rate for 62 straight months during the recession.

Things got so bad that by 2010, nearly 70 percent of Nevada homeowners were underwater on their homes, meaning that they owed more on their mortgages than the current value of their property.

As Nevada's attorney general, I fought the big banks, Wall Street institutions, and default servicing companies to secure more than \$1.9 billion to help hard-working families get back on their feet. That money helped to fund the Home Again Program.

More than just getting that money back, this was about changing the conduct and predatory practices of the big banks when working with homeowners. For instance, we made dual tracking an illegal practice so that banks could no longer foreclosure on a home while simultaneously considering their request for a loan modification and then charging them fees every step of the way. We demanded that a homeowner have a single point of contact within the financial institution so the homeowner would no longer get shuffled around from person to person and told to resubmit their loan modification application over and over again. We demanded that the banks demonstrate that they had personal knowledge of the foreclosure documents they filed to prevent robo-signing and unlawful foreclosures of a home.

Unfortunately, not every bank was willing to do everything possible to help the millions of Nevadans and Americans who were suffering. Mr. Mnuchin's OneWest Bank—formally known as IndyMac—was one such bank. Instead of trying to help homeowners, OneWest enforced predatory and unforgiving practices that only served to line the pockets of Mr. Mnuchin and his co-owners.

Steven Mnuchin purchased IndyMac from the Federal Government after it collapsed and took control of the thousands of mortgages the bank managed. Mnuchin rebranded the bank as OneWest and went to work using questionable foreclosure practices, like dual tracking, so he could make more money. That is not right.

Instead of working to help these homeowners stay in their homes, OneWest Bank, under Mnuchin's leadership, became a foreclosure machine. The bank had one of the highest denial rates for applications to the Home Affordable Modification Program. A judge in Wisconsin cited OneWest's "harsh, repugnant, shocking, and repulsive" practices when deciding a suit against them. Recent documents show that the company used robo-signing to deny modification claims, proving that it did not fairly consider loan modification applications for tens of thousands of homeowners.

When confronted with these facts at his Senate confirmation hearing, Mr. Mnuchin lied. He denied that OneWest used robo-signing, offered empty excuses, and shifted blame for his company's heinous practices. And during his confirmation hearing, Mr. Mnuchin repeatedly refused to say how many homes OneWest foreclosed on in Nevada.

However, according to new data, during the foreclosure crisis and its immediate aftermath, OneWest made \$3 billion in profit while evicting 3,654 Nevada families from their homes. This includes 181 foreclosures on seniors who had taken out reverse mortgages.

When he eventually left the bank, Mr. Mnuchin received a \$10.9 million payout. This is on top of the annual compensation of \$4.5 million he has received since 2015, when OneWest was bought by other investors. Let me repeat that. Some 3,654 Nevada families lost their homes because Mr. Mnuchin's OneWest put profits over people. That is a snapshot and a statistic which does not do justice to how much pain that caused for those families.

I want to spend some time on these accusations of robo-signing, both because Mr. Mnuchin clearly lied and also because this was an issue I took on when I was attorney general during and after the crash.

First, let's be clear what this is. Robo-signing is a procedure used by mortgage companies to sign foreclosure documents without reviewing them. This is a reckless practice used by banks to cut corners and forge documents, to rush things along, and it caused thousands of families to be wrongfully evicted from their homes.

Like OneWest, the banks were involved in a massive robo-signing scheme in my home State of Nevada, and I went after them aggressively as the State's attorney general. Nevada led the Nation in foreclosures every month for more than 4 years.

Mr. Mnuchin's company did not care that middle-class families were losing their homes during the crisis. In fact, during his confirmation hearing before the Senate, he admitted:

I never wanted to be in the mortgage servicing business. I didn't want to be in the reverse mortgage business, I wanted to build a regional bank.

In other words, Mr. Mnuchin had to convince his investors that they would make money—a point that Mr. Mnuchin admitted at the hearing, saying: "Yes, my investors made a lot of money on OneWest."

Not only did his investors make a lot of money, Mr. Mnuchin did so as well. Since leaving the bank, he has pocketed nearly \$20 million. Mr. Mnuchin was making millions, while thousands of Nevadans were losing their homes and their dignity, Nevadans like Heather McCreary of Sparks, who came to Capitol Hill last month to share her heart-wrenching story of how she applied to OneWest for a loan modification in 2010 after she and her husband lost their jobs as a result of the financial crisis. Despite three applications and following all instructions, the bank kept Heather's family dangling and then suddenly foreclosed on their home. I want to read some of Heather's testimony. It is moving and heart-breaking and deserves to be heard by every Member of this body.

Here is what she told us at the hearing:

In 2008, when the economy started to get worse, I was laid off. The following year, in

2009, my husband Jack was laid off too. Though Jack was able to find another job pretty fast, he had to take a big pay cut—from about \$25 an hour to \$8.50 an hour. Between the cut in Jack's pay and the loss in income I experienced when going on unemployment insurance benefits after I got laid off, we were pinched and we were drowning financially.

However, we were determined to keep our dream home, so Jack and I were tenacious about doing whatever we could to get help. We sought help from the Hope Now Alliance, which is an alliance of HUD-approved counselors who provide free foreclosure help, and from the Washoe County Senior Law Project.

We worked side-by-side with both organizations to do everything required of us by our mortgage servicer IndyMac, which later became OneWest. When we first asked for help, OneWest gave us a short forbearance and allowed us to make a smaller payment for several months with the goal of a reduction in our monthly mortgage payments through the Home Affordable Modification Program (or HAMP).

By applying for the HAMP program, we thought we were back on the road to keeping our home. We complied 100 percent with OneWest requirements for HAMP—we were incredibly nervous about being able to keep our house, so we were extremely careful to make sure we did everything we could to keep the process going forward. Our application for HAMP was processed and we were approved for our modification. I sent in the signed paperwork and the first payment under the modified payment amount along with it.

But then the process started to fall apart. After a whole 30 days, OneWest returned our personal check and told us that only certified checks would be accepted, so they were now voiding the modification offer. We had followed the instructions to the letter on OneWest paperwork, crossing our "T"s and dotting our "I"s. But in the end, this didn't matter—and OneWest's rejection of our HAMP application put us on the road to foreclosure.

We applied two more times for loan modifications over the next six months because we were given assurances by people at OneWest that they would approve our application. We again complied with every request OneWest made of us, taking care to send in extra documents whenever OneWest requested them.

But as far as I can tell, OneWest never attempted to process the loan modification. The foreclosure went through and we lost our home on September 10, 2010. The foreclosure left us without a home; and finding a new rental was extremely difficult because of our credit. Juggling the demands of raising our twins was so hard—the foreclosure even meant that our kids had to miss school. Eventually we did find a new place, but we had to pay an outrageous rent, even though it was not a good home for us at all.

It's hard to explain the shame, embarrassment, and grief that Jack and I felt. I've cried a river of tears over this. I really didn't think we were asking too much: We wanted to hang on to our home for the sake of our kids, and we did everything we could to stay in our home. And while I will probably never know exactly what OneWest did, the outcome of my story proves that Steve Mnuchin's company had no interest in helping us. They wanted to foreclose because they were focused on their profits.

Heather's story is just one of thousands that highlight just how wrong

Mr. Mnuchin is to be our next Secretary of the U.S. Treasury. The Treasury Department has the vital mission of promoting the conditions that enable economic growth, stability, job opportunities, and the ability to buy a car or own a home. Their actions directly affect the lives of every American.

Our next Treasury Secretary should have a proven record of fighting to expand economic opportunities for everyone. That is what Americans deserve. Yet, from where I stand, Mr. Mnuchin falls far short of that test.

President Trump's choice of Mr. Mnuchin to lead the U.S. Treasury is a slap in the face for Nevada families like Heather's. Her story makes it crystal clear: This is not someone who will be looking out for working people when he implements our Nation's economic policy.

In many ways, President Trump's unfortunate choice of someone like Mr. Mnuchin should not surprise us because in 2006 the President said he "sort of hoped" the real estate market would tank, and in 2007 he said he was "excited" for the housing market crash. The motive was the same: profits.

We cannot afford to return to the misguided policies that brought us to the worst financial crisis since the Great Depression. Families cannot afford to lose their homes again. But that is exactly what we can expect if Stephen Mnuchin is confirmed as President Trump's Treasury Secretary.

When I ran for the Senate, I promised Nevadans that I would fight for them, that I would stand up for them and be their voice here in Washington. Today, I am that voice, and that is why I rise with my colleagues in opposition to the "Foreclosure King," Mr. Mnuchin.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BOOKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOOKER. Mr. President, I rise today to join a chorus of my colleagues in speaking out against the nomination of Steven Mnuchin to serve as Secretary of the Department of the Treasury.

What I believe is, if you look at Mr. Mnuchin's record, he has spent a lot of time benefiting from—in fact, even exploiting—families who are struggling homeowners in my State.

I would like to read into the RECORD a report by NPR from November of last year which makes his pattern stunningly clear.

During the depths of the financial crisis, Mnuchin was looking to make profits from

the ruins of the housing bust. In 2009, he put together a group of billionaire investors and bought a failed California-based bank called IndyMac. It had been taken over by the Federal Deposit Insurance Corporation after its sketchy mortgage loans went seriously bad.

Mnuchin and his partners bought IndyMac on the condition that the FDIC agree to pay future losses above a certain threshold. They renamed the bank OneWest Bank, and after running it for 6 years, they sold it last year for a profit, estimated at close to \$1.5 billion.

Kevin Stein of the California Reinvestment Coalition, a housing advocacy group, says that profit was made on the backs of suffering Californian homeowners.

This is not in the text here, but homeowners who were suffering from a massive mortgage collapse that was created in many ways or stimulated by the greed and avarice of bad actors. I witnessed this myself in Newark, NJ, watching people feed upon a subprime mortgage environment where they were pushing bad loans on unsuspecting borrowers.

Back to the text:

In essence what they did is they bought a foreclosure machine.

According to the coalition, OneWest foreclosed on more than 36,000 homeowners under Mnuchin. During that time, the FDIC made payments to OneWest totaling more than \$1 billion. Those payments went to the billionaire investors of OneWest Bank, says Stein, to cover the cost of foreclosing on working-class everyday American folks, many of whom lived in California.

So this was what we saw at the height of the financial crisis. Mr. Mnuchin, already very wealthy, already very successful, did not see Americans struggling, did not join efforts to try to empower, support, or deal with this crisis. What he saw was an opportunity to take over a financial institution and continue, if not accelerate, the foreclosures that were going on.

It has become painfully clear that in what Mr. Mnuchin oversaw in the operations of this bank that, as its business model, he set out to explicitly mislead and manipulate homeowners into foreclosure.

This one article that I read has been repeated by organizations and by news outlets all over the spectrum, talking about how Mr. Mnuchin, in this environment, worked very hard to accelerate foreclosures and take advantage of this and make a profit. From elderly widows, the stories continue, to families, to small business owners, to Active-Duty servicemembers, there were many, many victims of Mr. Mnuchin's bank's predatory tactics, taking advantage of folks in a crisis, as opposed to trying to figure out a way to support folks through it.

I would like to read one more from the Minneapolis StarTribune, an article that documented one instance of the disturbingly prevalent practices of Mr. Mnuchin's company.

The headline reads: "Negotiating on foreclosure, then locked out in a blizzard."

A Minneapolis woman who was negotiating with a lender to find a way to stay in her foreclosed house—

Stepping back from the text, this is someone who is working hard to do the right thing in negotiations.

Back to the text:

They arrived home from work during Tuesday night's blizzard to find that the locks had been changed. After spending the night at her mother's, Leslie Parks went Wednesday to Hennepin County Housing Court, where a referee ordered that she be allowed back into her mother's former duplex at 3749 Park Avenue while negotiations continued. Locksmiths on Wednesday reconfigured the locks that had been changed Tuesday by a contractor for OneWest Bank.

These are the kind of tactics that were being used, the kind of hardball tactics that were being used by Mr. Mnuchin's company that really undermined a lot of hard-working Americans from a variety of backgrounds in many, many different States.

His record is clear. Mr. Mnuchin not only advocated in support of this company and its tactics, but even now he talks about trying to roll back the kind of protections that have been put in place to try to protect average Americans. Many of them are in the Dodd-Frank legislation that helped to protect against the creation of an environment in which such predatory practices can take place.

This position that Mr. Mnuchin has been nominated for, which is the Secretary of Treasury, has a critical role within our economy. But one of those roles has to be the idea that average Americans will be protected from the kind of financial victimization that was going on during the recession—actually, which lead into the recession.

We see that we can prevent Wall Street from burdening Main Street with the costs while they reap the rewards. This is the broken system that we saw in the past that needs fixing and needs healing. We don't need one of the architects of the system that caused so much pain to be in one of the most important positions in our land.

The head of this vital agency must be someone who understands their responsibility to look out for the struggling American trying to make it by playing by the rules and someone who is qualified and willing to direct the Department to fiercely protect the economic security of our Nation, the economic well-being of the American people, and the integrity of our financial system.

I don't believe Mr. Mnuchin is that person. He has made it clear in his decades-long career that he is willing for a profit to work hard to exploit hard-working families and shortchange homeowners for that personal gain. This is unacceptable. Mr. Mnuchin has built a career and has reaped literally millions of dollars of success by pushing people, by exploiting people, and by hurting people.

The American people cannot afford to suffer through another financial cri-

sis. We can't afford to have a master Wall Street manipulator put in the position that we should be relying on to protect us from that kind of financial manipulation.

This is a difficult economy where people in our country are still struggling under challenging financial times. I believe that we can make a nation where people can do good and do well at the same time, where we should not elevate or celebrate people who really fed off of the misery and the challenges of others, but, instead, that we can have a nation where we put people, regardless of their political background, in positions like the Department of Treasury to celebrate the best of who we are, the best of our values—people who are public servants, people who have shown a commitment to not only serve but even sacrifice for one another.

What we saw amidst this crisis—amidst a crisis that, in many ways, was aggravated and caused by greed and avarice in the mortgage industry and the banking industry, among rating agencies—was that many people showed who they were in a time of American struggle and American crisis. We saw with clarity where people's priorities were. Was it exploiting people? Was it manipulating systems for their own avarice and their own benefit, or was it for being there for our country, trying to make things better, trying to give people bridges that could carry them from financial struggle and strain to stability, or people that were trying to crumble those bridges and have people free fall in financial distress.

This is, unfortunately, what we see here today. We have President Trump trying to elevate someone who has not shown a record of someone who wanted to help but instead has shown a record of someone who wants to hurt. That to me is unacceptable, especially at this time where so many American families are still struggling to get back on their feet to find financial security and find the pathway to their American dream.

It is for this reason and more that I cannot support this nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, there are communities across this country that are still waiting for the recovery from the great recession to show up. In many of those towns and cities, the storefronts are boarded up, the factories are shuttered, and, in what could be the most lasting scar of the crisis, homes—many homes—have been foreclosed. A lot of people in those communities cast their votes in November

based on a Trump message that real change was coming.

Heads are going to be spinning tonight with the news from the Senate. In just a few minutes, this body will vote to confirm as Treasury Secretary Steven Mnuchin, known by many as the “foreclosure king.” That is whom the President chose as his Treasury Secretary. Mr. Mnuchin turned the bank he bought into a cash cow, and they set a land speed record for foreclosures.

I have supported nominees for this position from both parties. I voted for Paul O'Neill. I voted for John Snow, and Hank Paulson, who served under President George W. Bush. I don't expect to see eye to eye on each issue with every Treasury Secretary. I do expect to have confidence that the Treasury Secretary is going to work on behalf of all Americans—all Americans—and not just the well healed, not just the fortunate, not just the powerful.

After considering Mr. Mnuchin's qualifications and background, I just don't believe he would be that kind of Treasury Secretary. In Mr. Mnuchin's response to questions from members of the Finance Committee, he denied that his bank, OneWest, engaged in a practice known as robo-signing. The public record says that is just dead wrong. In fact, a OneWest vice president who worked under Mr. Mnuchin, Erica Johnson-Seck, admitted under oath that she ran an office that churned out roughly 6,000 sets of foreclosure documents a week.

She said she personally signed more than 750 disclosure documents a week without even reading them, and there was no notary present during the process. That is a violation of the law. When asked how much time she spent executing each foreclosure document, Ms. Johnson-Seck replied:

I changed my signature considerably. It's just an E now. So not more than 30 seconds.

Now, on the eve of the Finance Committee mark-up for Mr. Mnuchin, the Columbus Dispatch in Ohio reported documented examples of robo-signing in Ohio. Now, on the eve of Mr. Mnuchin's confirmation vote in the Senate, another such story has broken. This time it is in the State of Washington, more evidence of robo-signing that directly contradicts what Mr. Mnuchin told the Finance Committee and the public.

Mr. Mnuchin also withheld foreclosure data requested by two Democratic members of the Finance Committee, Senators BROWN and CASEY. He did, apparently, give similar information to Senator HELLER, one of the committee's Republican members. That is on top of \$100 million worth of property and more than a dozen positions with various business entities missing from his disclosures to the Finance Committee.

My own view is, if not for the committee's minority investigations team,

I don't believe any of that information, none of it—\$100 million, the other disclosures—would have ever come to light.

I am going to turn from missing disclosures and misleading testimony to a broken promise. The day after news of Mr. Mnuchin's nomination was leaked, he appeared on television and, in effect, debuted a new tax policy. I have come to call it the Mnuchin rule, and I will quote Mr. Mnuchin directly with respect to what he said.

Mr. Mnuchin said: “Any reductions we have in upper income taxes would be offset by less deductions, so there would be no absolute tax cut for the upper class.”

I will repeat the last part of the Mnuchin rule: “no absolute tax cut for the upper class.”

When I first called this the Mnuchin rule during the Finance Committee's hearing on his nomination, Mr. Mnuchin said he took it as a great compliment, comparing it to the Volcker rule and the Buffett rule. Well, you would think a fellow who proudly embraced having a rule named after himself would actually stick to it.

The Mnuchin rule didn't last for very long before it was abandoned. The very first act of the 115th Congress in a unified Republican government, repealing the Affordable Care Act, would shatter the Mnuchin rule. Then it is set to take another hit later this year. That is with the majority working on plans to fast-track a second, even bigger tax break for those who are the most fortunate. The Trump plan, in fact, would hit millions of middle-income families with tax increases by wiping out key personal exemptions and eliminating head of household filing status.

So I want to be really clear what this means to people in Oklahoma and Oregon and all across the country, working families: Working families would get hurt by the Trump plan. They would lose key personal exemptions. They would eliminate the head of household filing status while those who were more fortunate would be in a position to get tax breaks, additional tax breaks beyond what they already have in the Tax Code.

The fact is, the Tax Code today is a tale of two systems. For the firefighter in Coos Bay, OR, or the retail worker in Roseburg, your taxes come straight out of each and every paycheck. That is the way it works in Oklahoma, the way it works all across the country. The Tax Code for working people is compulsory. Once or twice a month, your taxes come directly out of your paycheck—no special dodges, no special loopholes. Nobody is able to hide their pay in a Cayman Islands account if they are a firefighter or a retail worker.

But there is a very different Tax Code in America for the well-connected and the powerful. They have a whole

array of lawyers and accountants who specialize in helping them shrink their tax bills. And with the right advice, the fact is, those people can, to a great extent, decide what they are going to pay, when they are going to pay it, and sometimes be in a position to not pay much, if anything at all.

The fact is, the tax system today punishes working Americans because it treats them very differently than it treats the most fortunate. And the administration and the majority in Congress don't seem to be doing much in terms of fixing this disparity.

The Mnuchin rule just hasn't held up. It is beyond being on the ropes. It is not going anywhere at all. In fact, the early proposals only make this extraordinary unfairness, the unfairness at the heart of America's Tax Code, even worse.

So what we have is another Trump nominee who, in my view, doesn't meet the test of standing up for working families in those communities all across the country who are waiting for economic recovery to show up in their neighborhood. They are the ones who have seen the factory close and seen the foreclosures and seen their neighbors laid off. And they would like to see people in these positions advocate for them, advocate for them because they need somebody who is going to stand up for them, and they were told in the campaign that is what they were going to get.

The fact is, Mr. Mnuchin is yet another Trump nominee who, instead of standing up for those working families, has a different set of priorities and, in addition to that, has the ethics alarm bells sounding.

He appears to be withholding information requested by Members of this body. My view is, he misled the Finance Committee and the public about his bank's foreclosure tactics. The Mnuchin rule—the first promise he made, the very first promise he made on policy, which he was proud to have described as a rule named after him, already has been broken.

So I am not going to be supporting Mr. Mnuchin to lead the Treasury Department. I urge my colleagues as well to reject this appointment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Mnuchin nomination?

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 63 Ex.]

YEAS—53

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Strange
Cotton	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskey	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

The nomination was confirmed.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on the nomination, and I move to table the motion to reconsider.

The PRESIDING OFFICER (Mr. DAINES). The question is on agreeing to the motion to table.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The legislative clerk read the nomination of David J. Shulkin, of Pennsylvania, to be Secretary of Veterans Affairs.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate, equally divided in the usual form.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I want to make a statement that has not been heard much around these Halls or these Chambers in a couple of years. But on February 7—this month—the Veterans' Affairs Committee reported by a vote of 17 to 0 the name of David Shulkin to be the next Secretary of Veterans' Administration. That is a unanimous vote. Nine Republicans and eight Democrats—everybody voted for this man to be Secretary of the VA. I am going to ask each Member in the Chamber today: Let's do it as an entire body and find one person, one thing we agree upon.

They are not Republican veterans or Democrat veterans; they are American veterans who went to the battlefield

and fought for us. It is time we fought for them.

Dr. Shulkin is the right man at the right time for the Veterans' Administration. On March 15, 2015, we hired him to come in and take over and be Under Secretary of Veterans Health. The President looked around to find the best man to run the VA and found him in David Shulkin.

David Shulkin is committed to the following: fixing the problems at the Veterans' Administration, making sure the Choice Program works, making sure every veteran gets the care they deserve, the care we all want them to get, and seeing to it they get it from us.

I am going to ask each Member to cast their vote today for David Shulkin but also cast their vote for our veterans. This is a time for us to send a message to them: We don't want to privatize the VA. We don't want to reorganize the VA. We want to make the VA work, to give our veterans access to every bit of care they can possibly get, and follow in the line of the great leaders who have been in the Veterans' Administration before.

I am very pleased to serve with JON TESTER of Montana as my ranking member. We have worked together as a team—Democrats and Republicans—to make this happen.

I yield the remainder of my time to JON TESTER of Montana on the nomination of David Shulkin to be Secretary of the VA.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise, as did the Senator from Georgia, in support of the nomination of Dr. David Shulkin to be Secretary of the VA.

First, I wish to take this opportunity to thank Senator ISAKSON for his leadership of the Veterans' Affairs Committee and throughout this confirmation process—and throughout the many processes—as chair of the committee.

Look, I think it is critically important that we have a Secretary of the VA to serve our veterans. I think Dr. Shulkin is the perfect person for that position. The solutions to the VA's problems should be based on common sense rather than partisanship or an extreme agenda. I think Dr. Shulkin recognizes that. He is committed to our Nation's veterans above all. Through the conversations I have had with him over the last year and a half, I think he understands the challenges ahead of us in the VA.

The Choice Program, for example, which has been a wreck by anybody's standards, is looming with dramatic funding shortfalls and is a program we need to work on here in Congress—and we will on the Senate Veterans' Affairs Committee—to fix, and I think Dr. Shulkin is on top of it.

I have many letters from veterans across Montana about how the Choice

Program has not worked. It is not that it isn't a good idea. When we passed it, we all agreed that it was a good idea. But it needs to be changed to fix the needs of our veterans and make it more workable.

One other thing is a big problem, and that is the workforce problem we have within the VA. The hiring freeze has made this problem even worse. We all talk about the backlog, and the backlog is real. But we need to make sure the VA has the people they need to serve the veterans in this country, whether reducing that backlog or whether it is making sure they get the care they need.

Finally, and Johnny talked about this: privatization. He has reassured me he will oppose efforts to privatize the VA. Typically, this isn't a problem, but the administration has talked about it extensively. I think it would be a path that is reckless for our veterans, and I think the veterans service organizations would tell us that.

Again, I express my support for the nomination of Dr. Shulkin to be VA Secretary. I believe he will stand up for our veterans. I believe he will put them above politics.

Moving forward, I look forward to working with him and other Members in this body to make sure we serve our veterans the best we possibly can. Our veterans deserve no less.

Mr. LEAHY. Mr. President, as the Senate has spent the last few weeks considering controversial nominee after controversial nominee, it is a refreshing break to consider Dr. David Shulkin to lead the Department of Veterans Affairs. Dr. Shulkin is a man defined by his professionalism, competence, and dedication to the mission of the agency he is tapped to lead.

The son of an Army psychologist and an experienced hospital system administrator, Dr. Shulkin was selected by President Obama to restore trust and confidence at the Veterans Health Administration after years of struggles punctuated by the horrible scandal of wait times in Phoenix. Under his leadership, the VA has made great progress. Amid a sea of questionable Cabinet nominations, Dr. Shulkin is one about which I have no question.

Of course, Dr. Shulkin will face immense challenges. The VA needs significant overhaul, not just in its practices and policies, but in its facilities and technology. In eliminating the backlog for access to health care and in the midst of tackling the backlog in claims, facilities have been short-changed with respect to needed improvements and upgrades, while experiencing increased usage. New technologies provide new opportunities for providing care, but they also require new investments.

Areas that are finally receiving the attention required include mental health, posttraumatic stress, and other

lingering invisible wounds of war. It has been one of my priorities to ensure that the best science and practices with respect to mental health and posttraumatic stress can be spread to the communities where veterans live and work, like the rural communities of Vermont. Only then will we see progress in improving the lives of veterans in those areas.

Dr. Shulkin must also rebuild the confidence of a VA workforce that has been unfairly targeted and vilified by some for the actions of a few. The Federal employees who work at the VA are among the most dedicated anywhere. Their devotion to improving care for veterans is inspiring, but their jobs have been made more difficult by both the disappointing actions of some individuals and the frustrating policies and organizational structures that sometimes get in the way of them serving veterans.

I believe that Dr. Shulkin is up to this challenge. It is evident from his testimony before the Veterans Affairs Committee and through his public statements that he believes in the VA and in the importance of its mission. It is evident that he understands the value of looking to the community for health care answers when that makes sense and that he also understands that the Nation should never ignore its solemn responsibility to care for veterans through all possible avenues. I am also reassured by his pledge not to dismantle the VA or turn its delivery of care into a voucher system. It is evident that he intends to speak his mind about what makes the most sense for leading a missive health care system focused on providing quality care to each individual veteran.

I will support Dr. Shulkin's nomination, and I look forward to working with him.

Mr. MCCAIN. Mr. President, I am proud to support Dr. David Shulkin's nomination for Secretary of Veterans Affairs. The Department of Veterans Affairs, VA, faces massive challenges in delivering care to our veterans, but I believe that Dr. Shulkin is well equipped for the task at hand.

Dr. Shulkin has committed to fully implementing the Veterans Choice Program as Secretary and will work to expand this program to provide a network that meets the needs of veterans, their families, and providers in the community—every veteran deserves access to care, whether that be at the VA or in the community.

Through the Veterans Choice Program, we have seen more than 7 million appointments made for veterans in their communities, a network expanded by 350,000 providers and over 1.5 million veterans that have benefitted from using the Choice Card. I will seek to build and expand upon this progress and look to Dr. Shulkin's support for legislation that would bring care in the

community under an integrated and coordinated system that utilizes a Veterans Choice Card. This will ensure access to timely, flexible, and quality care that our veterans have earned and deserve.

I believe that Dr. Shulkin is the person that can repair the culture of the VA to focus on the veteran and restore honesty and accountability to the Department. I thank him for accepting this challenge to serve our Nation and look forward to working with him in the days ahead.

Thank you.

Mr. VAN HOLLEN. Mr. President, I support the nomination of David Shulkin to be Secretary of the Department of Veterans Affairs.

President Obama nominated Dr. Shulkin, a medical doctor, to be Under Secretary for Health for the Department of Veterans Affairs and Chief Executive of the Veterans Health Administration. The Senate confirmed Dr. Shulkin in June 2015 by a voice vote. Since then, he has led the VA's health care system, with more than 1,700 care sites and 9 million veterans using the system each year.

Before joining the VA, Dr. Shulkin served as president and CEO of Beth Israel Medical Center in New York City and president at Morristown Medical Center, Goryeb Children's Hospital, and Atlantic Rehabilitation Institute, and the Atlantic Health System Accountable Care Organization. Dr. Shulkin also previously served as the chief medical officer of the University of Pennsylvania Health System, the Hospital of the University of Pennsylvania, Temple University Hospital, and the Medical College of Pennsylvania Hospital. He had been chairman of medicine and vice dean at Drexel University School of Medicine. And Dr. Shulkin founded and was the chairman and CEO of DoctorQuality, a consumer-oriented source of information for quality and safety in health care.

Veterans groups are cautiously optimistic that Dr. Shulkin will continue to improve the timeliness and quality of medical care our veterans receive. They are also hopeful that he will begin much-needed reforms in the administration of veterans' benefits, including the reform of the appellate review process.

The Department of Veterans Affairs provides important services, care, and peace of mind for our Nation's 21 million veterans. The VA has more to do to make sure that the care that it provides is worthy of those who served our Nation. I believe that Dr. Shulkin's experience and training has prepared him well to continue that effort, and I support his nomination.

Mr. TESTER. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. The Democratic time has been yielded back.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the Senator from Montana and urge every Member of the Senate—Republican, Independent, Democrat—to cast their vote for our veterans, cast their vote for our country, and cast their vote for David Shulkin to be the new Secretary of the Veterans' Administration.

I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the Shulkin nomination?

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 64 Ex.]

YEAS—100

Alexander	Franken	Nelson
Baldwin	Gardner	Paul
Barrasso	Gillibrand	Perdue
Bennet	Graham	Peters
Blumenthal	Grassley	Portman
Blunt	Harris	Reed
Booker	Hassan	Risch
Boozman	Hatch	Roberts
Brown	Heinrich	Rounds
Burr	Heitkamp	Rubio
Cantwell	Heller	Sanders
Capito	Hirono	Sasse
Cardin	Hoeven	Schatz
Carper	Inhofe	Schumer
Casey	Isakson	Scott
Cassidy	Johnson	Shaheen
Cochran	Kaine	Shelby
Collins	Kennedy	Stabenow
Coons	King	Strange
Corker	Klobuchar	Sullivan
Cornyn	Lankford	Tester
Cortez Masto	Leahy	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Cruz	Markey	Udall
Daines	McCain	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young
Fischer	Murphy	
Flake	Murray	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The majority leader.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 16, MICK MULVANEY to be Director of the Office of Management and Budget.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of MICK MULVANEY, of South Carolina, to be Director of the Office of Management and Budget.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

Mitch McConnell, John Cornyn, Mike Rounds, Tim Scott, Johnny Isakson, James M. Inhofe, Roger F. Wicker, John Thune, Michael B. Enzi, Lindsey Graham, David Perdue, Orrin G. Hatch, Mike Crapo, James E. Risch, James Lankford, John Hoeven, Chuck Grassley.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 15, Scott Pruitt to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

Mitch McConnell, John Cornyn, Mike Rounds, Tim Scott, Johnny Isakson, Lindsey Graham, James M. Inhofe, David Perdue, Shelley Moore Capito, Roger F. Wicker, Orrin G. Hatch, Mike Crapo, James E. Risch, James Lankford, John Hoeven, John Thune, Deb Fischer.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 3, Wilbur Ross to be Secretary of Commerce.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Wilbur L. Ross, Jr., of Florida, to be Secretary of Commerce.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Wilbur L. Ross, of Florida, to be Secretary of Commerce.

Mitch McConnell, John Hoeven, Deb Fischer, John Thune, Johnny Isakson, Tom Cotton, Marco Rubio, Dan Sullivan, Mike Rounds, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts, John Barrasso, John Kennedy, Patrick J. Toomey.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 8, RYAN ZINKE to be Secretary of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of RYAN ZINKE, of Montana, to be Secretary of the Interior.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Ryan Zinke, of Montana, to be Secretary of the Interior.

Mitch McConnell, Roger F. Wicker, John Boozman, Orrin G. Hatch, Roy Blunt, Steve Daines, Tim Scott, Chuck Grassley, John Hoeven, Michael B. Enzi, John Barrasso, John Thune, Mike Rounds, Mike Crapo, James M. Inhofe, Joni Ernst, John Cornyn.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 5, Ben Carson to be Secretary of Housing and Urban Development.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Benjamin S. Carson, Sr., of Florida, to be Secretary of Housing and Urban Development.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Benjamin S. Carson, Sr., of Florida, to be Secretary of Housing and Urban Development.

Mitch McConnell, Johnny Isakson, Jeff Flake, Steve Daines, James Lankford, Roger F. Wicker, Dan Sullivan, Thom Tillis, Rob Portman, John Thune, John Hoeven, Deb Fischer, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 9, James Richard Perry to be Secretary of Energy.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of James Richard Perry, of Texas, to be Secretary of Energy.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James Richard Perry, of Texas, to be Secretary of Energy.

John Boozman, Chuck Grassley, Johnny Isakson, John Cornyn, James Lankford, James M. Inhofe, Michael B. Enzi, Roger F. Wicker, Pat Roberts, Lamar Alexander, Bill Cassidy, John Barrasso, Orrin G. Hatch, Jerry Moran, David Perdue, John Thune, Mitch McConnell.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for these cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

RULES OF PROCEDURE

Ms. MURKOWSKI. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator CANTWELL, I ask unanimous consent that a copy of the rules of the Committee on Energy and Natural Resources for the 115th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Thursday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Hearings of any Subcommittee may be called by the Chairman of such Subcommittee. Provided, That no Subcommittee hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and all the hearings of any of its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee unless a majority of all the Members of the Committee agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is non-controversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than

twenty-four hours' notice. Any document or report that is the subject of a hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee if a written request by a Member of the Committee for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include a legislative measure, nomination, or other matter on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee on matters not included on the public agenda. The Staff Director shall promptly notify absent Members of any action taken by the Committee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b) and (c), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the

presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit the financial disclosure report filed pursuant to title I of the Ethics in Government Act of 1978. Such report is made available to the public.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation unless specifically authorized by the Chairman and the Ranking Minority Member or a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the terms "investigation" shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or a preliminary inquiry, undertaken at the direction of the Chairman or the Ranking Member, intended to determine whether there is substantial credible evidence that would warrant an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the

Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at such hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. The Chairman shall have authority to issue subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or other materials (1) with the agreement of the Ranking Minority Member, (2) when authorized by a majority of all the Members of the Committee, or (3) when within the scope of an investigation authorized under Rule 10(a).

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or Subcommittee meeting shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by web, television, or radio broadcast or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

RULES OF PROCEDURE

Mr. BARRASSO. Mr. President, the Committee on Environment and Public Works has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

JURISDICTION

(Pursuant to Rule XXV, Sec. 2, Standing Rules of the Senate)

The Senate Committee on Environment and Public Works is one of sixteen standing

committees established by Rule XXV of the Senate, under which committee jurisdictions were last revised by the adoption of S. Res. 4, Senate Committee Reorganization, February 11, 1977.

Section 2 of Rule XXV as amended on January 7, 1993 provides that the Committee shall consist of seventeen Senators.

The pertinent section of Senate Rule XXV follows:

(h)(1) Committee on Environment and Public Works, to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of outer continental shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvement of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds for the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

Rule 1. Committee Meetings in General

(a) Regular Meeting Days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional Meetings: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding Officer:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open Meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

Rule 2. Quorums

(a) Business Meetings: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, seven members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) Subcommittee Meetings: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) Continuing Quorum: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) Reporting: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) Hearings: One member constitutes a quorum for conducting a hearing.

Rule 3. Hearings

(a) Announcements: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) Statements of Witnesses:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is

not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a non-governmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

Rule 4. Business Meetings: Notice and Filing Requirements

(a) Notice: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) Amendments: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) Modifications: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

Rule 5. Business Meetings: Voting

(a) Proxy Voting:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) Subsequent Voting: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) Public Announcement:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

Rule 6. Subcommittees

(a) Regularly Established Subcommittees: The committee has four subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Waste Management, and Regulatory Oversight; and Fisheries, Water, and Wildlife.

(b) Membership: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

Rule 7. Statutory Responsibilities and Other Matters

(a) Environmental Impact Statements: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) Project Approvals:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) Building Prospectuses:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) Naming Public Facilities: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

Rule 8. Amending the Rules

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

TRIBUTE TO DR. JEFFERY P.
HOLLAND

Mr. COCHRAN. Mr. President, I wish to commend Dr. Jeffery P. Holland for 37 years of service to the U.S. Army Corps of Engineers.

Dr. Holland will soon retire as the Director of the Research and Development and Director of the Corps Engineer Research Center, ERDC, headquartered in Vicksburg, MS. He is capping his career with a highly successful management term leading one of the most diverse research organizations in the world—an organization that includes seven laboratories in four States with more than 2,000 employees, including more than 1,200 Federal engineers and scientists.

As director of R&D and chief scientist for the Corps since 2010, Dr. Holland has effectively promoted its research missions, including warfighter support, military installations, the environment, water resources, and information technology. His work has enhanced our Nation's knowledge and sparked innovation related to military and civilian missions of the Department of Defense and other agencies.

His leadership in research and development led to numerous achievements, among them increased soldier survivability and improved unit protection in combat zones. He distinguished himself within the Senior Executive Service with his work to establish excellence in human capital benchmarks, to develop an enterprise knowledge management and technology transfer plan for the Corps, and to develop a science and technology initiative to improve Defense Department acquisition.

Over his long career, Dr. Holland earned a reputation as a strong leader and coalition builder, who empowered thousands of engineers and scientists to find new ways to solve problems. His career has resulted in significant and lasting contributions to the Department of the Army, the Department of Defense, the Vicksburg community, and the Nation.

His distinguished tenure and outstanding accomplishments are in keeping with the highest standards of civilian service and reflect great credit upon him, the Department of the Army, and the Department of Defense.

I am pleased to commend Dr. Holland for his many years of service and to wish him well in the years ahead.

PERSPECTIVE OF RURAL AMERICA
TOWARD THE ROLE OF GOVERNMENT

Mr. GRASSLEY. Mr. President, there is a very good radio reporter in smalltown Iowa named Robert Leonard, or "Dr. Bob," as he is known, who interviews me every month. I recently read an opinion piece he wrote in the New York Times where he gives his take on the perspective of rural Amer-

ica toward the role of government. This perspective is often lost in policy debates in our Nation's Capital. In this piece, Dr. Bob gives very thorough and intellectually honest commentary that more people should read.

I ask unanimous consent to have printed in the RECORD the New York Times article entitled, "Why Rural America Voted for Trump" by Robert Leonard dated January 5, 2017.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 5, 2017]

WHY RURAL AMERICA VOTED FOR TRUMP

(By Robert Leonard)

KNOXVILLE, IA.—One recent morning, I sat near two young men at a coffee shop here whom I've known since they were little boys. Now about 18, they pushed away from the table, and one said: "Let's go to work. Let the liberals sleep in." The other nodded.

They're hard workers. As a kid, one washed dishes, took orders and swept the floor at a restaurant. Every summer, the other picked sweet corn by hand at dawn for a farm stand and for grocery stores, and then went to work all day on his parents' farm. Now one is a welder, and the other is in his first year at a state university on an academic scholarship. They are conservative, believe in hard work, family, the military and cops, and they know that abortion and socialism are evil, that Jesus Christ is our savior, and that Donald J. Trump will be good for America.

They are part of a growing movement in rural America that immerses many young people in a culture—not just conservative news outlets but also home and church environments—that emphasizes contemporary conservative values. It views liberals as loathsome, misinformed and weak, even dangerous.

Who are these rural, red-county people who brought Mr. Trump into power? I'm a native Iowan and reporter in rural Marion County, Iowa. I consider myself fairly liberal. My family has mostly voted Democratic since long before I was born. To be honest, for years, even I have struggled to understand how these conservative friends and neighbors I respect—and at times admire—can think so differently from me, not to mention how over 60 percent of voters in my county could have chosen Mr. Trump.

Political analysts have talked about how ignorance, racism, sexism, nationalism, Islamophobia, economic disenfranchisement and the decline of the middle class contributed to the popularity of Mr. Trump in rural America. But this misses the deeper cultural factors that shape the thinking of the conservatives who live here.

For me, it took a 2015 pre-caucus stop in Pella by J.C. Watts, a Baptist minister raised in the small town of Eufaula, Okla., who was a Republican congressman from 1995 to 2003, to begin to understand my neighbors—and most likely other rural Americans as well.

"The difference between Republicans and Democrats is that Republicans believe people are fundamentally bad, while Democrats see people as fundamentally good," said Mr. Watts, who was in the area to campaign for Senator Rand Paul. "We are born bad," he said and added that children did not need to be taught to behave badly—they are born knowing how to do that.

"We teach them how to be good," he said. "We become good by being reborn—born again."

He continued. "Democrats believe that we are born good, that we create God, not that he created us. If we are our own God, as the Democrats say, then we need to look at something else to blame when things go wrong—not us."

Mr. Watts talked about the 2015 movie theater shooting in Lafayette, La., in which two people were killed. Mr. Watts said that Republicans knew that the gunman was a bad man, doing a bad thing. Democrats, he added, "would look for other causes—that the man was basically good, but that it was the guns, society or some other place where the blame lies and then they will want to control the guns, or something else—not the man." Republicans, he said, don't need to look anywhere else for the blame.

Hearing Mr. Watts was an epiphany for me. For the first time I had a glimpse of where many of my conservative friends and neighbors were coming from. I thought, no wonder Republicans and Democrats can't agree on things like gun control, regulations or the value of social programs. We live in different philosophical worlds, with different foundational principles.

Overlay this philosophical perspective on the American rural-urban divides of history, economy and geography, and the conservative individual responsibility narrative becomes even more powerful. In my experience, the urban-rural divide isn't really so much a red state versus blue state issue, it's red county versus blue county. Rural Iowans have more in common with the rural residents of Washington State and New Mexico—places I've also lived—than with the residents of Des Moines, Seattle and Albuquerque.

Look at a national map of which counties went for Democrats and which for Republicans: Overwhelmingly the blue counties are along waterways, where early river transportation encouraged the formation of cities, and surround state capitals. This is also where most investment in infrastructure and services is made. Rural Americans recognize that this is how it must be, as the cities are where most of the people are, yet it's a sore spot.

In state capitols across America, lawmakers spend billions of dollars to take a few seconds off a city dweller's commute to his office, while rural counties' farm-to-market roads fall into disrepair. Some of the paved roads in my region are no longer maintained and are reverting to gravel. For a couple of generations now, services that were once scattered across rural areas have increasingly been consolidated in urban areas, and rural towns die. It's all done in the name of efficiency.

In cities, firefighters and E.M.T.s are professionals whose departments are funded by local, state and federal tax dollars. Rural America relies on volunteers. If I have a serious heart attack at home, I'll be cold to the touch by the time the volunteer ambulance crew from a town 22 miles away gets here.

Urban police officers have the latest in computer equipment and vehicles, while small-town cops go begging.

In this view, blue counties are where most of our tax dollars are spent, and that's where all of our laws are written and passed. To rural Americans, sometimes it seems our taxes mostly go to making city residents live better. We recognize that the truth is more complex, particularly when it comes to social programs, but it's the perception that matters—certainly to the way most people vote.

To make matters worse, jobs are continuing to move to metropolitan areas.

Small-town chamber of commerce directors and mayors still have big dreams, and use their perkier grins and tax abatements to try to lure new businesses, only to see their hopes dashed, time and again. Many towns with a rich history and strong community pride are already dead; their citizens just don't know it yet.

Many moderate rural Republicans became supporters of Mr. Trump when he released his list of potential Supreme Court nominees who would allow the possibility of overturning *Roe v. Wade*. They also think the liberal worldview creates unnecessary rules and regulations that cripple the economy and take away good jobs that may belong to them or their neighbor. Public school systems and colleges are liberal tools of indoctrination that go after what we love and value most—our children.

Some of what liberals worry about they see as pure nonsense. When you are the son or daughter of a carpenter or mechanic and a housewife or secretary who lives paycheck to paycheck, who can't afford to send kids to college, as many rural residents are, white privilege is meaningless and abstract.

It's not just older people. The two young men at breakfast exemplify a younger generation with this view. When Ted Cruz campaigned in a neighboring town in 2015, I watched as a couple of dozen grade-school pupils sat at his feet, as if they were at a children's service at church. His campaign speech was nearly a sermon, and the children listened wide-eyed when he told them the world is a scary place, and it's godly men like him who are going to save them from the evils of President Obama, Hillary Clinton and their fellow Democrats.

While many blame poor decisions by Mrs. Clinton for her loss, in an environment like this, the Democratic candidate probably didn't matter. And the Democratic Party may not for generations to come. The Republican brand is strong in rural America—perhaps even strong enough to withstand a disastrous Trump presidency.

Rural conservatives feel that their world is under siege, and that Democrats are an enemy to be feared and loathed. Given the philosophical premises Mr. Watts presented as the difference between Democrats and Republicans, reconciliation seems a long way off.

TRIBUTE TO KEVIN CONCANNON

Mr. KING. Mr. President, today I wish to recognize and congratulate Kevin Concannon on his retirement and distinguished career. The fact that Kevin Concannon retired is not news—he has done that several times before, and each time, he moved onto more exciting and challenging positions.

In 2016 Kevin Concannon retired from the USDA as the Undersecretary of Food, Nutrition, and Consumer Services after 8 years of service.

Kevin is a tireless advocate of people—all people. His work to assure that every effort was made to address hunger in this country is an indicator of his compassion, understanding of both the issues and solutions, and his unwavering faith in the ability of this great country to care for those who are struggling—whether it is food insecurity or earlier in his career on mental health issues, long-term care, and child welfare.

At USDA, Kevin worked tirelessly to increase options for SNAP beneficiaries to access fresh local foods at Farmers Markets; he was determined that children should have more access to nutritious foods in WIC, schools, and childcare. While Kevin and I agree on that goal, I must add that, as a native Mainer, Kevin may have missed the mark on where white potatoes fit into those meal plans.

Kevin Concannon came to USDA with an amazingly broad spectrum of experience. From 1987 to 1995, he served as the director of Oregon Department of Human Resources; after having served commissioner of Maine Department of Mental Health and Corrections. In 1995, I was fortunate to be able to bring him back to his home State of Maine to serve as the commissioner of Maine's Department of Human Services. At the time, I commented that he was the Dan Marino of commissioners and welcomed him back. I would point out that Dan Marino is now serving as the VP of the Dolphins, and I expect that, in the same way, Kevin Concannon will find ways to continue his public service—and that will benefit us all.

Kevin led efforts throughout his career to improve child welfare, expand Medicaid and child health insurance, integrate programs of public health and medical care, and improve systems for long-term care for elders and people with disabilities. Many of those efforts were national in scope, and he was selected by his peers to serve as the president of the American Public Welfare Association from 1994 to 1995.

In every role, in every effort, Kevin Concannon has been an exemplary public servant and leader.

Margaret Chase Smith said it best: "Public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the nation." Kevin Concannon is the personification of total dedication, honesty, and determination to make the world a better place; that has been the hallmark of his work each and every day.

Congratulations and best wishes to Kevin Concannon, and welcome home.

REMEMBERING ROBERT JUSTIN STEVENS

Mr. MCCAIN. Mr. President, I rise today in fond memory of Robert Justin Stevens, a former staffer of mine who recently passed away—entirely too young—after a long, arduous fight with cancer.

Justin was exemplary in his desire to serve and his love for public policy and politics. He was a dedicated public servant who worked tirelessly to improve the lives of Americans. Over the last few years, Justin managed Federal policy and advocacy for homeland security, public safety, and military-re-

lated issues as legislative director with the National Governors Association.

Before that, Justin worked with me, and later with Senator Scott Brown, as a professional staff member at the Senate Homeland Security and Governmental Affairs Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security. There, he helped us to identify and address waste, fraud, and abuse in government spending and financial improvement, audit readiness, and business transformation at our Federal agencies. During my 2008 Presidential campaign, Justin served as a senior advance team lead. It was in that context that I was first introduced to Justin's boundless love of life and energy.

Justin also served as the director for candidate operations and advance for the Scott Brown for Senate 2012 campaign; a financial systems analyst with the EMCOR Group; and a Navy/NASA university faculty fellowship program manager with the American Society for Engineering Education, ASEE.

Justin never took his young life for granted. An avid runner and adventurous soul, Justin sought to improve himself by taking courses in furtherance of a master's in national security and strategic studies at the U.S. Naval War College, after having received a B.S. in business administration from the University of Florida and graduated East Lake High School. Also, unbowed by his continuing struggle with cancer and always filled with hope, Justin married the love of his life, Elizabeth.

Justin will be forever remembered for the joy he brought to the lives of his family, friends, and colleagues with his humor, energy, and selflessness. Throughout his young life, Justin always made sure that those closest to him knew how important they were to him.

Cindy and I extend our warmest condolences to Justin's wife, Elizabeth; his mother Jean Nowakowski; his stepmother Karen Stevens, with whom Justin was exceptionally close; his siblings Bryan and Damon; his niece Magdalena and nephew Jackson. Thank you.

ADDITIONAL STATEMENTS

TRIBUTE TO MICHAEL ILITCH

• Ms. STABENOW. Mr. President, today I wish to honor a champion for Detroit and for Michigan, Mike Ilitch. Everyone from Michigan knows his life story: the son of Macedonian immigrants, he founded Little Caesars Pizza, one of the largest pizza chains in the world, and rebuilt both the Detroit Tigers and the Detroit Red Wings into world class, winning franchises. He led the Red Wings to four Stanley Cups and brought the Tigers to the World Series twice.

The story of Mike Ilitch is the story of never doing anything halfway. He embodies the American dream: he served as a marine, built a business empire, and had an eye for perfection that led him to incredible success.

For him though, it wasn't enough to be satisfied with success in business or sports; it was all about giving back. He said it himself: "I was raised in Detroit. I came from zero. This community helped make me. It's nice to give something back."

He loved Detroit and worked to revitalize the city while maintaining its cultural history. His company, Olympia Entertainment, purchased the Fox Theater and restored it in 1988. He built Comerica Park, home to the Tigers. His recent \$40 million donation to the Wayne State University School of Business will help build their state-of-the-art facility on Woodward Avenue, next to the new home of the Red Wings and the Pistons, Little Caesars Arena.

Detroit is better off because of the work that he did. And the people of Detroit are better off because of his work. From his philanthropic organization that has given to those in need and the program he started through Little Caesars that helps honorably discharged veterans get employed, Mike Ilitch gave people a chance to succeed and to thrive.

Mike will be sorely missed by all of us. His legacy is shared by his loving wife of over 61 years, Marian, and his seven children, but it is also shared by everyone in Michigan and all of those who love Detroit. Thank you.●

MESSAGE FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. SMITH of New Jersey, Co-Chairman, Mr. PITTENGER of North Carolina, Mr. FRANKS of Arizona, and Mr. HULTGREN of Illinois.

The message further announced that pursuant to 22 U.S.C. 2761, and the order of the House of January 3, 2017, the Speaker appoints the following Member of the House of Representatives to the British-American Interparliamentary Group: Mr. COLE of Oklahoma.

The message also announced that pursuant to 22 U.S.C. 276h, and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. McCAUL of Texas, Chairman, Mr. DUFFY of Wisconsin, Vice-Chairman, Mr. HURD of Texas, and Mr. PEARCE of New Mexico.

The message further announced that pursuant to 22 U.S.C. 276d, and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. HUIZENGA of Michigan, Chairman, Mr. YOUNG of Alaska, Mr. POLIQUIN of Maine, and Mr. CRAMER of North Dakota.

The message also announced that pursuant to section 4 of the Virgin Islands of the United States Centennial Commission Act (Public Law 114-224), and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the Virgin Islands of the United States Centennial Commission: Mr. MACARTHUR of New Jersey and Mrs. LOVE of Utah.

The message further announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Ms. ROS-LEHTINEN of Florida, Mr. ZELDIN of New York, and Mr. KUSTOFF of Tennessee.

The message also announced that pursuant to Executive Order No. 12131, and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the President's Export Council: Mr. TIBERI of Ohio, Mr. KELLY of Pennsylvania, and Mr. REICHERT of Washington.

The message further announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. MURPHY of Pennsylvania and Mr. DESANTIS of Florida.

The message also announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and the order of the House of January 3, 2017, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mrs. COMSTOCK of Virginia.

The message further announced that pursuant to section 603 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114-323), and the order of the House of January 3, 2017, the Speaker appoints the following individual on the part of the House of Representatives to the Western Hemisphere Drug Policy Commission: Ms. Mary Bono of Washington, DC.

The message also announced that pursuant to 44 U.S.C. 2501, and the order of the House of January 3, 2017, the Speaker appoints the following Member of the House of Representa-

tives to the National Historical Publications and Records Commission: Mr. MEADOWS of North Carolina.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 351. A bill to amend the Higher Education Act of 1965 to provide for comprehensive student achievement information; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORKER (for himself, Mr. CARDIN, Mr. ALEXANDER, and Mr. KAINE):

S. 352. A bill to award a Congressional Gold Medal to Master Sergeant Rodrick "Roddie" Edmonds in recognition of his heroic actions during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself and Ms. CANTWELL):

S. 353. A bill to amend title XVIII of the Social Security Act to extend the rural add-on payment in the Medicare home health benefit, and for other purposes; to the Committee on Finance.

By Mr. COTTON (for himself and Mr. PERDUE):

S. 354. A bill to amend the Immigration and Nationality Act to eliminate the Diversity Visa Program, to limit the President's discretion in setting the number of refugees admitted annually to the United States, to reduce the number of family-sponsored immigrants, to create a new nonimmigrant classification for the parents of adult United States citizens, and for other purposes; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 355. A bill to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. PETERS, Mr. BROWN, and Mr. FRANKEN):

S. 356. A bill to amend title XXI of the Social Security Act to improve access to, and the delivery of, children's health services through school-based health centers, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 357. A bill to direct the Secretary of the Interior to convey certain public lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain exchanged non-public lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself, Mr. ISAKSON, Mr. RUBIO, and Ms. WARREN):

S. 358. A bill to establish a designation for jurisdictions permissive to terrorism financing, to build the capacity of partner nations to investigate, prosecute, and hold accountable terrorist financiers, to impose restrictions on foreign financial institutions that provide financial services for terrorist organizations, and for other purposes; to the Committee on Foreign Relations.

By Mr. NELSON (for himself and Mr. RUBIO):

S. 359. A bill to amend the Internal Revenue Code of 1986 to provide a reduced excise tax rate for portable, electronically-aerated bait containers; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. TESTER, Mr. DURBIN, Mr. BLUMENTHAL, Ms. HIRONO, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. MERKLEY, Ms. CORTEZ MASTO, and Mr. VAN HOLLEN):

S. 360. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on Rules and Administration.

By Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. LEE):

S. 361. A bill to amend section 349 of the Immigration and Nationality Act to deem specific activities in support of terrorism as renunciation of United States nationality, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHATZ (for himself, Mrs. GILLIBRAND, and Mr. VAN HOLLEN):

S. 362. A bill to provide that 6 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself, Mr. HOEVEN, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. HEITKAMP, Mr. FRANKEN, Mr. LEAHY, Ms. STABENOW, Mr. SANDERS, and Mr. PETERS):

S. 363. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself and Mr. BOOZMAN):

S. 364. A bill to amend the Food Security Act of 1985 to exempt certain recipients of Department of Agriculture conservation assistance from certain reporting requirements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROUNDS:

S. 365. A bill to amend the Consumer Financial Protection Act of 2010 to remove the funding cap relating to the transfer of funds from the Board of Governors of the Federal Reserve System to the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROUNDS:

S. 366. A bill to require the Federal financial institutions regulatory agencies to take risk profiles and business models of institutions into account when taking regulatory actions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAINES (for himself, Mr. TESTER, Mr. LANKFORD, Mr. GARDNER, Mr. FRANKEN, Mr. HOEVEN, and Mr. UDALL):

S. Res. 60. A resolution designating May 5, 2017, as the "National Day of Awareness for Missing and Murdered Native Women and Girls"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 63

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 63, a bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act.

S. 92

At the request of Mr. MCCAIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Maine (Mr. KING), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 92, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

S. 102

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 102, a bill to direct the Federal Communications Commission to commence proceedings related to the resiliency of critical communications networks during times of emergency, and for other purposes.

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 178

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 178, a bill to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

S. 241

At the request of Mrs. ERNST, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 241, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 253

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 253, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 324

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 326

At the request of Mr. HELLER, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-exempt financing of certain government-owned buildings.

S. 338

At the request of Mr. NELSON, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 338, a bill to protect scientific integrity in Federal research and policymaking, and for other purposes.

S. 347

At the request of Mr. COONS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 347, a bill to amend the Small Business Act and the Small Business Investment Act of 1958 to increase the percentage of loans guaranteed for small business concerns that are manufacturers.

S.J. RES. 13

At the request of Mrs. ERNST, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S.J. Res. 13, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

At the request of Mr. STRANGE, his name was added as a cosponsor of S.J. Res. 14, supra.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S. RES. 58

At the request of Ms. WARREN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a co-sponsor of S. Res. 58, a resolution congratulating the New England Patriots on their victory in Super Bowl LI.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 357. A bill to direct the Secretary of the Interior to convey certain public lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain exchanged non-public lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to reintroduce the Santa Ana River Wash Plan Land Exchange Act. This legislation directs the Bureau of Land Management, BLM, to exchange land with the San Bernardino Valley Water Conservation District, the District, in San Bernardino, CA, as part of a regional land management plan.

The bill is the culmination of years of collaboration between numerous Federal and State agencies, private industry, and municipalities representing mining, flood control, water supply and wildlife conservation, among other interests.

Included among the supporters of this land exchange are county of San Bernardino; city of Redlands; city of Highland; San Bernardino Water Conservation District; San Bernardino Valley Municipal Water District; East Valley Water District; Endangered Habitats League; CEMEX Construction Materials Pacific; Robertson's Ready Mix and Inland Action.

In 1993, representatives from this diverse group formed the Wash Committee to address mining issues in the upper Santa Ana River wash area.

The role of the committee subsequently expanded in 1997 to consider the broad range of land uses in the area, including natural resource conservation.

The Wash Committee developed a strategy that focused best uses for more comprehensive planning and not on private property boundaries that would segment the area. The result is a forthcoming Land Management and Habitat Conservation Plan expected to cover 4,500 acres.

This land exchange will take place in a designated region within the Santa Ana Wash, at the junction of the Santa Ana River and Mill Creek.

Currently, land within the Santa Ana Wash is owned by both the District and BLM.

The land parcels owned by the district are currently used for recharging the local groundwater aquifer through

more than 77 basins and also provide critical Riversidian sage scrub habitat for a number of State and federally listed species. In addition, under this plan, new land would be set aside for conservation purposes near land already managed by BLM.

The exchange of land between the district and BLM will connect a current patchwork of separately owned land parcels into a consolidated open space for conservation purposes and will optimize the efficiency of mining operations and water conservation efforts.

The land transfer resulting from this legislation will lead to increased habitat protection, improved connectivity in the wildlife corridor, expanded groundwater recharge for water supply, and the future establishment of public access and trails.

Additionally, the legislation will allow the continued use of land and mineral resources while maintaining the biological and hydrological resources of the area in an environmentally sensitive manner.

I want to applaud diverse members of the Wash Committee that worked together, including the cities of Highland and Redlands, East Valley Water District, the County of San Bernardino, Robertson's Ready Mix, CEMEX, the San Bernardino Valley Municipal Water District, and the San Bernardino Valley Water Conservation District, along with the Federal, State and local stakeholders, for their continued efforts on the Wash Plan.

This group has demonstrated that, while it takes significant time, funding, and cooperation, it is possible to simultaneously protect the environment and support local jobs, business, and community interests.

I would also like to thank my colleagues, Representatives PAUL COOK and PETE AGUILAR, for introducing similar legislation in the House.

I look forward to working with my colleagues to pass the Santa Ana River Wash Plan Land Exchange Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 60—DESIGNATING MAY 5, 2017, AS THE "NATIONAL DAY OF AWARENESS FOR MISSING AND MURDERED NATIVE WOMEN AND GIRLS"

Mr. DAINES (for himself, Mr. TESTER, Mr. LANKFORD, Mr. GARDNER, Mr. FRANKEN, Mr. HOEVEN, and Mr. UDALL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 60

Whereas, according to a study commissioned by the Department of Justice, in some tribal communities, American Indian women face murder rates that are more than 10 times the national average murder rate;

Whereas, according to the Centers for Disease Control and Prevention, homicide was the third-leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age and the fifth-leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age;

Whereas little data exist on the number of missing American Indian and Alaska Native women in the United States;

Whereas, on July 5, 2013, Hanna Harris, a member of the Northern Cheyenne Tribe, was reported missing by her family in Lame Deer, Montana;

Whereas the body of Hanna Harris was found 5 days after she went missing;

Whereas Hanna Harris was determined to have been raped and murdered, and the individuals accused of committing those crimes were convicted;

Whereas the case of Hanna Harris is an example of many similar cases; and

Whereas Hanna Harris was born on May 5, 1992: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 5, 2017, as the "National Day of Awareness for Missing and Murdered Native Women and Girls"; and

(2) calls on the people of the United States and interested groups—

(A) to commemorate the lives of missing and murdered American Indian and Alaska Native women whose cases are documented and undocumented in public records and the media; and

(B) to demonstrate solidarity with the families of victims in light of those tragedies.

ORDERS FOR TUESDAY, FEBRUARY 14, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, February 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate proceed to executive session as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator RUBIO.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

VENEZUELA

Mr. RUBIO. Mr. President, I come here this evening to speak on the issue of human rights in Venezuela and developments today in regard to all these issues. It is part of the broader effort my office has undertaken for a while

now. It is the hashtag “Expression NOT Oppression” campaign.

Every week we come here to the floor of the Senate when in session and highlight political prisoners and dissidents whose lives are being destroyed by oppressive regimes around the world.

Today, I will be highlighting the case of Leopoldo Lopez, a Venezuelan opposition leader who, 3 years ago this week, led peaceful demonstrations against the regime of Nicolas Maduro, and he was thrown in jail for it.

I am honored that this week we will be visited here in Washington by Lilian Tintori, Leopoldo's wife and the mother of their two children. She is an incredibly brave woman who does not rest as she continues advocating for her husband's release and the release of all political prisoners and continues to fight for a free and democratic Venezuela. So I want to recognize her as she visits Washington this week to ask for our government's continued help.

Before I get into Leopoldo's case, I want to take a few moments to talk about what is happening in our own Western Hemisphere and in Venezuela specifically.

For decades, the Western Hemisphere has been neglected by our foreign policy—sadly, by administrations of both parties. As we see all over the world, when America fails to lead and engage on the world stage, bad actors emerge and they grow emboldened, while our enemies and adversaries rush to fill the void. We see democracy under assault and with it, an assault on the universal, God-given rights and dignity of citizens throughout this region.

Despite the one-sided concessions of the past 2 years, Castro's Cuba remains as repressive as ever. In Nicaragua, Daniel Ortega ran for and won an unconstitutional third term, with his wife as the Vice President. Of course, we are growing increasingly familiar with the economic, social, and political disaster in Venezuela, which I shall elaborate on shortly.

By the way, I am also concerned about the impact of ongoing, rampant corruption in the region, which will undermine democratic governments and their institutions.

There is another major issue plaguing the region and threatening the security of the United States, and that is rising insecurity stemming from narco-terrorist drug cartels. In recent years, we have seen the worst of them—the FARC in Colombia—brought to their knees and to the negotiating table by the Colombian Government's efforts. But Mexico and other countries throughout Central America continue to be threatened by organizations such as these.

A third problem in the region is the lack of economic opportunity. It is simply in America's interest to have more prosperous neighbors, people to sell to and trade with. Ultimately, if

people can't earn enough money to feed their families and live in a safe neighborhood, they will either pick up and leave by any means necessary, including illegal immigration, or they will join drug gangs.

I know that too often there is a tendency to overlook what is happening in our own region. Some might say: I have enough problems here at home to worry about what is going on in other countries. But I hope that everyone remembers that all of this I have described and am about to talk about ultimately has direct consequences on us here in the United States and on our people. When you have a breakdown in any of these areas, people in these countries look to leave. The first place they often look to is the freest and the most prosperous country in the region—in the world—the United States of America. Because it also happens to be relatively close, that creates immigration pressures on our borders and on our communities.

When economies aren't functioning, it means American workers and entrepreneurs have fewer customers abroad to sell products and services to. And when you have all of this instability, vacuums are created that foreign enemies or adversaries like North Korea, Iran, China, and Russia seek to fill, not to mention terrorist organizations. It allows for the rise of tyrants and authoritarians like Castro and Chavez, Maduro, Ortega, Morales, Correa, and others.

Today in Venezuela, all these problems have come together to bring this country—one of the richest countries in the world in terms of resources—to the verge of becoming a failed state, and today the people of that proud country are living a nightmare.

Not that long ago, Venezuela was a vibrant democracy. It had strong democratic and independent institutions. It had free and fair elections. But today in Venezuela, democracy and human rights are under assault. The country is ruled by an incompetent strongman—a criminal, a human rights abuser, someone who has perverted every independent institution in the country, and is incompetent, whether it is the judiciary, the military, intelligence, or the media—in order to entrench himself and his cronies in power.

Here in the United States, when we have disagreements, people use different rules at their disposal to prolong debates and slow things down. We are aware of that here in the Senate. In Venezuela, when people have disagreements, especially with the government, they just try to stop debates completely. For example, after the opposition party in Venezuela miraculously won the last legislative election—despite every effort by the Maduro government to steal that election—the Venezuelan state police then blocked

the new members of the Parliament from going to work.

Imagine for a moment 2, 4 years ago, 2012, when President Obama was elected, if he had ordered—in 2014, when Republicans took control of the Senate, imagine if at that time the President had ordered the police to stand at the door of the Chamber and not allow Senators from the Republican Party to enter the Chamber. That is what happened in Venezuela. Then that same government in Venezuela ordered their hacks on the kangaroo supreme court to invalidate laws passed by the National Assembly to free political prisoners.

Venezuela also has a drug cartel problem. In fact, there are officials in the highest levels of the Venezuelan Government who have even been linked to drug cartels. Among them is the former head of the National Assembly, Diosdado Cabello, and the Vice President of that country, Tareck El Aissami. I will talk about him in a moment.

We also learned last week—and I came to the floor to discuss the CNN report confirming what my office had been gathering for a while. By the way, that is going to be airing tonight on CNN, the second part of that series. We learned that organized crime syndicates in Venezuela, with the tacit approval of the Government of Venezuela, of Maduro, are running counterfeit passport rings, with counterfeit Venezuelan passports being sold to terrorists and to individuals with links to terrorism.

But it is Venezuela's economy that is perhaps the saddest story of all. The failures of Chavez-style socialism in Venezuela led to misery for people there of all ages. Not that long ago, Venezuela was a relatively rich economy. It is a rich country blessed with oil and other natural resources, and it has long had a well-educated population and vibrant middle class. But under Hugo Chavez and Nicolas Maduro, Venezuela has been crumbling. Caracas, the capital of Venezuela, has become the murder capital of the world. It is one of the most dangerous cities on the planet. Venezuela is defaulting on its loans. In fact, it will owe about \$6 billion in April. They will not be able to make those payments. In Venezuela, the grocery shelves are bare—a rich country, and they are completely bare. Everyday products, like toilet paper, are scarce, as is food. The people of Venezuela are literary starving, so much so that a recent Miami Herald article from last week detailed how people have turned to hunting and eating flamingos for food. By now, many of us have seen the images of newborn babies being put in cardboard boxes at the hospital because these hospitals can no longer afford cribs.

So it comes as no surprise that the Venezuelan people, living in misery

like this—robbed of their dignity and aspiring for more than this disaster—would choose to speak up. They began to do so in full force 3 years ago this week. That is when Venezuelan students took to the streets to protest the violence and the scarcity of basic necessities due to the negligent, incompetent policies enacted by the Maduro regime. What began as a student protest soon became something bigger. It became a movement.

Government thugs responded to this movement with violence, and the peaceful demonstrations came to look like a combat zone: 43 people dead, 600 people injured, and approximately 3,400 people detained. Among those detained was Leopoldo Lopez, a Venezuelan opposition leader. The government of Maduro outrageously accused him of being responsible for all of this violence, and they threw him in jail and he has been there ever since. It has been about 1,100 days. To put that number into context, Washington Post reporter Jason Rezaian was held prisoner by the Iranian regime for 544 days. The Iranian hostage crisis of 1979 lasted 444 days. In September 2015, Leopoldo Lopez was sentenced to 13 years, 9 months, 7 days, and 12 hours for his participation in the protests. In jail he has suffered physical and psychological torture.

He is the father of two young children, and he is married to Lilian Tintori. He was the mayor of Chacao, and the leader of Popular Will or Voluntad Popular political party. He will be a critical part of building a freer, more democratic, and more prosperous Venezuela, but for now, sadly, he languishes in prison.

He is not alone either. In Venezuela today, there are at least 108 political prisoners. Like Leopoldo, they each have a lot to contribute to make Venezuela a better place, but the Venezuelan Government is robbing them of their freedom, and it is robbing their families of the memories every child and spouse deserves to create with their father, husband, and loved ones.

All these political prisoners should be free. I have encouraged, publicly and privately, our new Secretary of State and the administration to make the freedom of these political prisoners their cause and to make it a priority. I know we are trying to work through our top-level Cabinet nominations here in the Senate, but we need to get people in place in other key roles throughout the administration; for example, our next Ambassador to the Organization of American States, where the United States needs to recommit to making its voice heard in that forum as a voice for democracy and human rights and for holding Venezuela's regime accountable for violations of the Inter-American Democratic Charter.

I am also pleased that today the administration announced a new round of

sanctions against a key Venezuelan official. Specifically, Venezuela's Executive Vice President Tareck Zaidan El Aissami Maddah, El Aissami, as I talked about him earlier, and Venezuelan national Samark Jose Lopez Bello were sanctioned under the Kingpin Act for international narcotics trafficking.

Aissami's primary front man was Samark Jose Lopez Bello, whom I just discussed. He was designated for providing material assistance, financial support or goods and services, and support of international narcotics trafficking activities and acting for or on behalf of El Aissami. Five U.S. companies owned or controlled by Lopez Bello have been blocked as part of today's action.

All five of them are located in my home State of Florida. In fact, all five of them have mailing addresses in South Florida where I live. Among the properties seized: A U.S.-registered aircraft with the tail number N200VR. It has been identified as block property owned or controlled by PSA Holdings, LLC, controlled by Lopez Bello and by El Aissami, with funds that were able to get by conducting prohibited transactions dealing with drug traffickers.

It is an outrage that the Vice President of a country in our hemisphere not only is a narcotrafficker but is also in the business of selling passports and travel documents to people with links to terrorism.

For years now, I have been talking about how Venezuelan regime officials were committing crimes in Venezuela, stealing from the people of Venezuela, and then they spend their riches living in the lap of luxury in my hometown of Miami. These announcements today further confirmed how true this is and the extent to which corrupt regime officials have been allowed to freely travel and prance around free U.S. soil with impunity.

I am hopeful this is only the beginning of the sanctions today, to make sure the Maduro regime feels pressured to cease its illicit activities, to free all of its political prisoners, to tolerate dissent, and respect the will of the Venezuelan people who voted to abandon the disastrous past of Chavez and Maduro.

I am hopeful this is only the beginning of making sure the Maduro regime feels pressure to cease its illicit activities and everything it is doing that has placed Venezuela on this disastrous path.

We in this country are a blessed people, to have a vibrant democracy that serves as an example to the world. With those blessings come the responsibility of speaking out when we see others yearning to be free but repressed by their government. In recent years, this body, the Senate, has spoken unanimously in support of the Venezuelan people's aspirations, and

we have spoken unanimously against the Maduro regime's brutality.

Today I come to the Senate to renew that support. To Leopoldo Lopez, all of Venezuela's political prisoners, and all in Venezuela who are fighting for a better life, we stand with you, and we will continue doing everything in our power to make sure your cause is supported by this Congress and by this administration.

TRIBUTE TO TIM TEBOW

Mr. RUBIO. Mr. President, finally, on a separate topic, I did want to take this moment to recognize someone I am proud to represent in the Senate. He is a fellow Floridian and a constituent by the name of Tim Tebow. By now, a lot of people know I am proud to be a University of Florida alum. So as a proud Gator fan, I have been rooting for Tim Tebow since he first stepped foot on campus in 2006.

He went on to win two national championships, becoming the first sophomore to win the Heisman Trophy, and in the process he rewrote the record books. When I was the Speaker of the Florida House of Representatives, we hosted the Gators championship team. One of my favorite memories of my time in State government was catching a pass from Tim Tebow—No. 15—on the floor of the Florida House. It was not a great pass, but I caught it. The rules are a little different in the Senate. I wish it were OK to throw passes in here, but it was a great pleasure to be able to do that.

From the moment Tim arrived in Gainesville, we football fans saw that he was as good as advertised on the field, but we also started learning that as good a football player as he is, he is an even more extraordinary human being off the field.

He is a man to much has been given, whether it was the chance to be born to two great parents, an incredible support network, and of course God. He has been given much, and he has given back even more. We saw this once again this past Friday, when the Tim Tebow Foundation held its Night to Shine Initiative, an annual prom for special needs students from all over the world.

All told, 375 churches participated as Night to Shine hosts in all 50 States, 11 countries, and on 6 continents. There were 150,000 volunteers, and 75,000 special needs students were the guests of honor at events across the world. I encourage those of you here today or watching this or watching this in the future to Google search Night to Shine, to visit Tim Tebow's Facebook page, or to see the hashtag "Night to Shine" on Twitter. There you will see all of the photos that have been shared from Friday night's events. You will see 75,000 young people with special needs having the time of their lives. You will see

volunteers and teachers and especially parents overcome with joy and emotion at the sight of their children feeling as loved, as important, and as special as each and every one of them truly is.

Personally, I was very moved. So I wanted to take a few minutes this evening to recognize Tim Tebow, the Tebow Foundation, the churches and the volunteers who participated, and all of the incredible students and parents who inspire us every day. I know I speak on behalf of the entire Gator Nation—I should say the entire State

of Florida—in saying that we are proud of Tim. We are even prouder of all he has done and continues to do.

With that, Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:20 p.m., adjourned until Tuesday, February 14, 2017, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13, 2017:

DEPARTMENT OF THE TREASURY

STEVEN T. MNUCHIN, OF CALIFORNIA, TO BE SECRETARY OF THE TREASURY.

DEPARTMENT OF VETERANS AFFAIRS

DAVID J. SHULKIN, OF PENNSYLVANIA, TO BE SECRETARY OF VETERANS AFFAIRS.

HOUSE OF REPRESENTATIVES—Monday, February 13, 2017

The House met at noon and was called to order by the Speaker pro tempore (Mr. MEADOWS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 13, 2017.

I hereby appoint the Honorable MARK MEADOWS to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

HONORING PERRY C. MCGRUFF

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

Mr. YOHO. Mr. Speaker, on Thursday, February 2, 2017, Gainesville, Florida, and the State of Florida lost a favorite son in Mr. Perry C. McGriff. Perry was an icon in my hometown of Gainesville, Florida, and was known for his strong civic duty in helping people wherever and whenever they needed it.

Perry was born in Arcadia, Florida, in 1937, and went to school at the University of Florida, where he became an all-star standout in both Gators football and baseball. His contributions on the field earned him entry into the prestigious Hall of Fame as a Gators Great in 1969.

Perry was married to his wife, Noel, for 57 years, raised four children—Jana, Mark, Keith, and Matthew—and enjoyed the joy and laughter of their 15 grandchildren.

A tremendous family man, Perry was also successful in business. He was an insurance agent for 48 years. He had the honor of being the youngest person ever elected as mayor of Gainesville,

and he was a representative for the State of Florida.

He was a tireless volunteer and doer in Gainesville, receiving countless awards and recognition for his community service. Two of those particularly stick out to me. He received the first ever Ethics in Business Award and the Service Above Self Award, given by the Gainesville Rotary for his lifetime of service. In addition to his time, Perry donated more than 60 gallons of blood and set an example for all to follow.

For all the things Perry was and all the good things Perry did, I will always remember him most for his smile, his great attitude, and his notorious reputation to have his camera at the ready. He was always snapping pictures of people enjoying life and making sure to send to each individual a copy so they could remember the happy moments in the life that he captured.

To Noel and the McGriff family, thank you for sharing Perry's time. Thank you for sharing your husband and father with all of us. We will miss him forever, but we will never forget Perry. All of us, the city of Gainesville, the State of Florida, and I are all better for having known Perry.

STANDING STRONG AGAINST NORTH KOREA

Mr. YOHO. Mr. Speaker, this past weekend, North Korea said it had successfully completed the launch of a new ballistic missile. The Pukguksong-2, a medium-range ballistic missile, was test-fired on Sunday. The actions by the North Korean regime are unacceptable and in clear violation of the U.N. Security Council.

It is imperative that the U.S. stand strong with Japan, South Korea, and all of our allies in the region against the provocative and threatening actions of the North Korean totalitarian regime. It is a regime that is determined to thumb their nose at the world by advancing their nuclear capabilities, thus threatening their neighbors, the region, and for that matter, the world.

The United States and its world partners must continue to persuade North Korea to adhere to the U.N. Security Council resolutions or they choose to invite worldwide sanctions upon them. This is North Korea's decision and nobody else's.

CORETTA SCOTT KING LETTER TO SENATE JUDICIARY

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

Mr. SHERMAN. Mr. Speaker, I include in the RECORD a letter and statement by Coretta Scott King from March 19, 1986.

THE MARTIN LUTHER KING, JR. CENTER FOR NONVIOLENT SOCIAL CHANGE, INC.,

Atlanta, GA, March 19, 1986.

Re Nomination of Jefferson B. Sessions, U.S. Judge, Southern District of Alabama Hearing, March 13, 1986.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation and I request that my statement as well as this letter be made a part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely,

CORETTA SCOTT KING.

STATEMENT OF CORETTA SCOTT KING ON THE NOMINATION OF JEFFERSON BEAUREGARD SESSIONS FOR THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF ALABAMA—SENATE JUDICIARY COMMITTEE, THURSDAY, MARCH 13, 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. My longstanding commitment which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. Sessions has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. Sessions' conduct as U.S. Attorney, from his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indicates that he lacks the temperament, fairness and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy

in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, "Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults [to participate in non-violent protest of the denial of the franchise], Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day." Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment twenty years ago, that a united political organization would remain in Perry County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote."

Free exercise of voting rights is so fundamental to American democracy that we can not tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward ap-

plication of brutality against black citizens who tried to vote to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years, without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civic League including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. Sessions sought to punish older black civil rights activists, advisors and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fun-

damental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Mr. SHERMAN. Mr. Speaker, last Tuesday, Senator ELIZABETH WARREN sought to bring to the attention of the Senate some material about an Attorney General nominee, Senator Jeff Sessions. She was silenced. She persisted. Ultimately, the RECORD of the Senate does not reflect the remarks she was trying to give.

In particular, Senator WARREN was trying to bring to the attention of the Senate a statement and letter of Coretta Scott King from 1986. In 1986, then Jefferson B. Sessions was a U.S. Attorney, a Federal prosecutor who had been appointed for a position as a U.S. district judge.

At that time, Coretta Scott King wrote to the then-chair of the Senate Judiciary Committee, Senator Strom Thurmond. While the Senate may not entertain these remarks and while the Senate may stifle a United States Senator, this is the people's House and it is appropriate that the RECORD of this House, at least, reflect the comments of Coretta Scott King.

So I would like to use the time remaining to read her cover letter from March 13, 1986, and to read excerpts from the statement she attached to it.

"Dear Senator Thurmond:

"I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court

judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

"I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation and I request that my statement as well as this letter be made part of the hearing record.

"I do sincerely urge you to oppose the confirmation of Mr. Sessions."

The statement attached to that letter is fairly long and very convincing, and I will read parts of it here:

"Mr. Sessions has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. Sessions' conduct as U.S. Attorney, from his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indicates that he lacks the temperament, fairness and judgment to be a federal judge."

"A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

"The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods."

"The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise."

"In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civic League including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing."

"In fact, Mr. Sessions sought to punish older black civil rights activists, advisors and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's."

"Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past 20 years to ensure equal participation in our democratic system."

Clearly, if these criticisms set forth in this statement—the entirety of which will be made part of the House Record—indicate, as they did to the United States Senate in 1986, that Mr. Sessions should not be a district court judge, they also argue that he should not have been confirmed as Attorney General of the United States.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska) at 2 p.m.

PRAYER

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

During this Black History Month, we are made aware again of the history that has formed our Nation and affects us still. With the craft of mass communication and the skill of good teachers and of artists, You have brought to life again powerful stories of African-American heroes, scholars, artists, and outstanding leaders throughout our Nation's history.

Much of this artistry, delightful spirit, strong determination, and hard work, was inspired by religious faith in You and the promise of the Holy Bible and, in recent decades, for many, the Holy Koran. Their witness to undying hope and peaceful resolution carry the hope of forming a better United States forever.

Lord, we praise and thank You for the African-American communities across this landscape who have shared our past, bless our present, and endow our future with hope, laughter, memorable music, and other contributions to our common good. Bless them, and bless our Nation with peace and reconciliation.

And here, in the people's House, may all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
February 10, 2017.

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

DEAR SPEAKER RYAN: In order to serve as the Secretary of the Department of Health and Human Services in President Donald J. Trump's administration, I hereby resign my seat in the United States House of Representatives effective 9:00 AM on February 10th, 2017.

Please see the enclosed letter to the Honorable Nathan Deal, Governor of the State of Georgia.

Yours truly,

THOMAS PRICE, M.D.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
February 10, 2017.

Hon. NATHAN DEAL,
Governor, State of Georgia,
Atlanta, GA.

DEAR GOVERNOR DEAL: In order to serve as the Secretary of the Department of Health and Human Services in President Donald J. Trump's administration, I hereby resign effective 9:00AM on February 10th, 2017, from the United States House of Representatives.

The opportunity to serve the citizens of the Sixth District of Georgia has truly been one of the greatest honors of my life. This job and my passion for serving would not have been possible without the support, love, and friendship of family, constituents, community, colleagues, and staff throughout the years. It has been a blessing to work with such talented and bright minds to advance real solutions to some of our nation's toughest issues and challenges.

My first professional calling was not that of an elected official, it was to care for patients—following in the footsteps of both my father and grandfather who were also physicians. The caring relationship a doctor has for their patients is what brought me into public service, and it is that caring approach I wish to continue at the Department of Health and Human Services.

With the remarkable challenges that lay ahead for our great nation, I am enthusiastic for the opportunity to be a part of solving them on behalf of the American people. There is much work to be done to ensure we have a health care system that works for patients, families, and doctors; that leads the world in the cure and prevention of illness; and that is based on sensible rules to protect the well-being of the country while embracing its innovative spirit.

It will be my honor to continue working with you and every other Governor of these great United States to ensure that that our health care system becomes one that is more patient-centered, innovative, responsive and affordable for all Americans. Thanks to you for your service, friendship, and support.

Yours truly,

THOMAS PRICE, M.D.,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Georgia (Mr. PRICE), the whole number of the House is 432.

NO TRAFFICKING IN OUR CITY, OUR STATE, OR OUR COUNTRY

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

Mr. POE of Texas. Mr. Speaker, Houston recently hosted the exciting Super Bowl LI. As Texas welcomed people from across the United States, the message was clear: no trafficking, not in our city, not in our State, not in our country.

As exploiters and buyers roamed the streets looking for prey, Mayor Turner, the Department of Homeland Security, and local law enforcement were prepared to jail traffickers and rescue victims.

Well, Mr. Speaker, 183 sex buyers and nine traffickers were arrested; 76 victims were rescued. The local news showed the faces of the arrested traffickers and buyers across the bottom of Houston television screens. The days of hiding in plain sight are over.

I am proud of all the work by Houston, the NFL, local law enforcement, all worked together to track down traffickers and buyers during the Super Bowl, making the game a huge success.

As the game moves to Minnesota next year, those in the slave trade need to know the law will be ready to capture them.

And that is just the way it is.

PRESIDENT TRUMP'S REPORT CARD

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

Mr. SMITH of Texas. Mr. Speaker, here is President Trump's report card after less than a month in office:

The President wants to stop terrorist attacks by conducting background checks on refugees from countries that are considered security threats.

The President wants to prevent criminal immigrants from being released into our neighborhoods where they continue to prey on innocent Americans.

The President wants to lower the cost of health care and let individuals choose their own insurance plans.

The President wants to reduce our \$500 billion trade deficit and export goods and services, not jobs.

The President wants to eliminate unnecessary regulations which are a drag on the economy.

Mr. Speaker, the President's critics oppose all these actions. Only the people are on the President's side.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 13, 2017, at 10:11 am.:

That the Senate agreed to without amendment H. Con. Res. 18.

Appointment: National Advisory Committee on Institutional Quality and Integrity.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1629

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky) at 4 o'clock and 29 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

ABIE ABRAHAM VA CLINIC

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 609) to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the "Abie Abraham VA Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 609

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Abie Abraham of Lyndora, Pennsylvania, was stationed during World War II with the 18th Infantry in New York; 3 years with the 14th Infantry in Panama; 15th Infantry, unassigned in China, while the U.S.S. Panay was sunk; 30th Infantry, Presidio, San Francisco; and the 31st Infantry, Manila, Philippines, for 9 years.

(2) During World War II, Abraham fought, was captured, endured the Bataan Death March and as a prisoner of war for 3½ years, was beaten, stabbed, shot, survived malaria and starvation to be rescued by the 6th Rangers.

(3) Abraham stayed behind at the request of General Douglas MacArthur for 2½ more years disinterring the bodies of his fallen comrades from the Bataan Death March and the prison camps, helping to identify their bodies and see that they were properly laid to rest.

(4) After his promotion in 1945, Abraham came back to the United States where he served as a recruiter and then also served 2 years in Germany until his retirement with 30 years of service as a Master Sergeant.

(5) Abraham received numerous medals for his service, including the Purple Heart, and had several documentaries on the Discovery Channel and History Channel.

(6) Abraham wrote the books "Ghost of Bataan Speaks" in 1971 and "Oh, God, Where Are You" in 1977 to help the public better understand what our brave men endured at the hands of the Imperial Japanese Army as prisoners of war.

(7) Abraham was a life member of the Veterans of Foreign Wars, the American Legion, the Purple Heart Combat/Infantry Organization, the American Ex-POWs, the Disabled American Veterans, and the American Defenders of Bataan.

(8) Abraham was a volunteer at Veterans Affairs Butler Healthcare for 23 years from 1988 to 2011 and had 36,851 service hours caring for our veterans.

SEC. 2. ABIE ABRAHAM VA CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, shall after the date of the enactment of this Act be known and designated as the "Abie Abraham VA Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the health care center referred to in subsection (a) shall be deemed to be a reference to the "Abie Abraham VA Clinic".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and add extraneous material.

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

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 609, a bill to name the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, the Abie Abraham VA Clinic.

This bill is sponsored by the gentleman from Pennsylvania (Mr. KELLY), my good friend. I am grateful to him for introducing this legislation in honor of an American hero.

Master Sergeant Abraham lived a truly remarkable life. As a teenager, he set a world record for tree sitting—a popular pastime in those days—after sitting in a tree for 3½ months, according to his obituary in the Pittsburgh Post-Gazette.

In 1932, at the age of just 19, he enlisted in the United States Navy and, 2 years later, the United States Army. Over the course of a 30-year military career, he served in the Philippines, China, Germany, and Panama. He earned a number of accolades, including the Purple Heart. He survived, Mr. Speaker, the Bataan Death March and 3½ years in captivity, being beaten, shot, and starved.

Following his rescue, instead of returning immediately to the United States, Master Sergeant Abraham agreed to stay behind to recover the remains of his fallen comrades and to ensure they received the recognition they were certainly due.

Following his service, Master Sergeant Abraham devoted his time to caring for his fellow brothers and sisters in arms as a lifelong member of several veterans service organizations and as a volunteer at the VA Butler Healthcare Center, where he spent a total of almost 40,000 hours over the course of 23 years tending to the veteran patients there.

In his spare time, he authored two books, made public appearances at schools and community centers, and participated in documentary films that have aired on the Discovery and History Channels. In addition to all of that, he was also a lightweight boxing champion and trainer.

Master Sergeant Abraham most certainly lived a full and interesting life characterized by both service in and out of uniform. Given that, it is only fitting and appropriate that we honor him by naming the VA healthcare center in Butler County, Pennsylvania, after him. This legislation satisfies all

the committee's naming criteria and is supported by the Pennsylvania congressional delegation as well as many VSOs.

Once again, I thank my colleague, Congressman MIKE KELLY, for introducing this bill. I urge all of my colleagues to join me in supporting it.

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

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

I would, first of all, like to thank the chairman for bringing H.R. 609 to the floor, and a very special thank you to the gentleman from Pennsylvania (Mr. KELLY) for the honor and privilege to learn about this great American. You heard a little bit of the story, and you will hear more of it from Mr. KELLY. It is sometimes unimaginable that such as Mr. Abraham walked amongst us.

I oftentimes hear that people disparage when Congress does naming bills. If anyone was ever deserving of having a VA center named after them, and the importance of attaching that name and the history for those who come after, this is the gentleman.

You are going to hear more of this, but Mr. Abraham was born in Lyndora, Pennsylvania. The stories just keep coming up. Apparently he was gifted academically and, of course, was a boxer. Again, this is a point of personal privilege on this, he was actually a Regimental Sergeant Major for a time when he was in his service. He served in the Philippines, China, Germany, and Panama. He survived the Bataan Death March. Having been out on Corregidor Island and hearing the stories of the people who survived, unimaginable horrors that they survived, and then imagine after being rescued and being liberated and having a chance to come home, Mr. Abraham chose to make sure that all of his comrades came home.

He was a recipient of the Purple Heart and a lifelong member of the VFW, the American Legion, the Military Order of the Purple Heart, the American Ex-Prisoners of War Organization, the Disabled American Veterans, and the American Defenders of Bataan; but I think the chairman brought up something truly remarkable: giving 40,000 hours of volunteer service to his fellow veterans. This Nation could ask no more of a single person, and Mr. Abraham continued to give.

To the gentleman from Pennsylvania, the State of Pennsylvania is represented well here. They were represented well by Mr. Abraham. It is an honor and a privilege to support this piece of legislation. I encourage my colleagues to not only support this, but to maybe go read the bio of this great American.

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

Mr. ROE of Tennessee. Mr. Speaker, I yield 5 minutes to the gentleman from

Pennsylvania (Mr. KELLY), my friend and colleague.

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the chairman. I brought with me today a picture of Master Sergeant Abraham. Now, I never knew him when he looked like this. I knew him when he was much older. I have got to tell you that to know Master Sergeant Abraham, you would never have known what he had gone through in his life because all of these folks from that time period just did what they had to do. When you ask them, "Why did you do it?" they said, "It wasn't an option. It wasn't an option. We had to do it." There is just certain times in our history that people rise up and they do things that are incredible, ordinary people doing extraordinary things.

Just being around Mr. Abraham for a long time—I never called him Abie, by the way. I did not call him Abie. I always called him sergeant or Mr. Abraham—I was just always so impressed with him. It is such an honor and a privilege to be able to stand here in the people's House to talk about a true American hero, somebody who was not just a patriot, but was compassionate, somebody who never stopped serving his country in so many different ways.

When I first read "The Ghost of Bataan," I went back and I talked to Mr. Abraham. I said: You never told me about these things.

He said: Oh, don't worry about that. Those were just things we had to do.

I said: No, but what you did was incredible: to survive the Bataan Death March, to be in a Japanese prison camp for 3½ years, to be stabbed, to be shot, to be beaten, to survive malaria and starvation. Did you ever think of trying to get away?

He said: Yeah, MIKE, I did, but here was the thing: if one of us were to escape, the Japanese soldiers would shoot 10 of the prisoners who were still in the camp; so we didn't want to do that to any of our colleagues. I watched them die. I held them as they died. We tried to get them through the darkest times that we could.

I said: How did you endure?

He said: My faith. My faith.

That is how we all get through the darkest time, on both knees, believing that God is there for us no matter what. But when you read his books and you understand who this man was—and I think the second book was the one that was incredible. Let me read this because I just thought if there was anything that somebody did out of love, it was Mr. Abraham.

His second book was "Oh, God, Where Are You?" I want you to think of this as a prisoner of war who survived the Bataan Death March, who watched his colleagues killed along the way, and if they fell down, they got shot. Toward the end, when they fell down and they couldn't move anymore, they were put

into open graves, and they were told to go ahead and cover the graves. He refused to do it. He said: They are still moving.

So we come to today and we think about what it is that we as Americans can do. What is it we can do? What is in our hearts? What is in our memory? What about all those who came before us and what they went through?

Mr. Abraham, as a child, went to school barefoot. His family didn't have money to even buy him shoes, but he had a love for our Nation. He had a love for his fellow man. He had a love for veterans that was just incredible. But imagine the despair of being in that prison camp and not knowing what was going on in the outside war.

I asked him: What did you do? How did you keep people's spirits up?

He said: I made up stories. I would tell them that I just heard there was a rumor going through camp that our armies are close and they are going to rescue us.

Think about that. They were clinging to a made-up story from this man because he knew that is how he could keep their spirits up in the darkest of times. He kind of smiled about it.

I said: That is incredible.

He said: Well, sometimes you have to do things a little different just to get people's spirits up.

I want you to fast forward to who this man was. I watched him walk with a cane as he got into his later years, in his eighties and nineties, going to VA Butler Healthcare Center every single day to help fellow veterans. His sole purpose in life was to help other American citizens, to help other veterans, to bring a little light into their life, to bring a little happiness into their life; 40,000 hours of service in a VA center. He could have spent his time doing other things, but he didn't. He chose to stay with those he loved. He chose to serve those he loved. He chose to continue to serve even in his retirement this Nation that he loved so much.

I can't tell you how much it means to be able to look at that new health center going up and knowing that Mr. Abraham, from his new post, is looking down and is so thankful to a grateful nation that we are taking time to take care of those who have given everything they can to make sure our Nation remains free.

This is an incredible time in our history. This has nothing to do with parties. It has nothing to do with who you vote for. It has to do with who we are, the fact that every single one of us has a role. I would just ask people to please look into Abie Abraham. Go online and see about Mr. Abraham. Go and see what Master Sergeant Abraham did, and say: If I could just be a little bit like Abie Abraham, the world would be a better place. For all those who have died in the service of our country, they will rest easier.

Mr. WALZ. Mr. Speaker, I have no additional speakers and I am prepared to close.

I would just like to thank the gentleman again for bringing this to our attention, honoring Master Sergeant Abraham's life. Again, I think there is a little lesson here of how we conduct ourselves reflects on the sacrifice that people like Mr. Abraham gave; and the gentleman has done so honorably and nobly, and I thank him for that. I encourage my colleagues to support H.R. 609.

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

Mr. ROE of Tennessee. Mr. Speaker, I think this is an amazing story that Mr. KELLY shared before us. I had a history professor in college who survived the Bataan Death March. He spent 3½ years in the same—I wonder if these two men knew each other. He, indeed, too, was a remarkable man. I can think of no better honor in Butler, Pennsylvania, than to honor his memory by naming this medical center. Once again, I encourage all Members to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, H.R. 609.

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

A motion to reconsider was laid on the table.

WORKING TO INTEGRATE NETWORKS GUARANTEEING MEMBER ACCESS NOW ACT

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 512) to title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 512

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working to Integrate Networks Guaranteeing Member Access Now Act" or the "WINGMAN Act".

SEC. 2. PROVISION OF ACCESS TO CASE-TRACKING INFORMATION.

(a) IN GENERAL.—Chapter 59 of title 38, United States Code, is amended by adding at the end the following:

"§ 5906. Access of certain congressional employees to veteran records

"(a) IN GENERAL.—(1) The Secretary shall provide to each veteran who submits a claim for benefits under the laws administered by

the Secretary an opportunity to permit a covered congressional employee employed in the office of the Member of Congress representing the district where the veteran resides to have access to all of the records of the veteran in the databases of the Veterans Benefits Administration.

"(2) Notwithstanding any other provision of law, upon receipt of the permission from the veteran under paragraph (1), the Secretary shall provide read-only access to such records to such a covered congressional employee in a manner that does not allow such employee to modify the data contained in such records or in any part of a database of the Veterans Benefits Administration.

"(3) A Member of Congress may designate not more than two employees of the Member as covered congressional employees.

"(b) REQUIREMENTS.—The Secretary may not impose any requirement other than the requirements specified under subsection (e)(1) before treating an employee as a covered congressional employee for purposes of this section.

"(c) NONRECOGNITION.—A covered congressional employee may not be recognized as an agent or attorney under this chapter.

"(d) LIMITATION ON USE OF FUNDS.—None of the amounts made available to carry out this section may be used to design, develop, or administer any training for purposes of providing training to covered congressional employees.

"(e) DEFINITIONS.—In this section:

"(1) The term 'covered congressional employee' means a permanent, full-time employee of a Member of Congress—

"(A) whose responsibilities include assisting the constituents of the Member with issues regarding departments or agencies of the Federal Government;

"(B) who satisfies the criteria required by the Secretary for recognition as an agent or attorney under this chapter; and

"(C) who is designated by the Member of Congress as a covered congressional employee for purposes of this section.

"(2) The term 'database of the Veterans Benefits Administration' means any database of the Veterans Benefits Administration in which the records of veterans relating to claims for benefits under the laws administered by the Secretary are retained, including information regarding medical records, compensation and pension exams records, rating decisions, statements of the case, supplementary statements of the case, notices of disagreement, Form-9, and any successor form.

"(3) The term 'Member of Congress' means a Representative, a Senator, a Delegate to Congress, or the Resident Commissioner of Puerto Rico."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5906. Access of certain congressional employees to veteran records."

(c) NO AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out this section or the amendments made by this section. This section and such amendments may only be carried out using amounts otherwise authorized to be appropriated, of which, during the period of fiscal years 2018 through 2021, not more than \$10,000,000 may be obligated or expended for such purpose.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman

from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and add extraneous material.

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

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today and urge all Members to support H.R. 512, as amended, the WINGMAN Act.

First, I want to say a special thanks to the gentleman from Florida (Mr. YOH) and the gentleman from Illinois (Mr. RODNEY DAVIS), our colleagues, for introducing the WINGMAN Act. This bill will help Members cut through the red tape and help constituents who have applied for benefits from VA.

Isn't that why we are here, to help our constituents?

The problem is that when a constituent calls one of our offices to ask about the status of a claim for benefits, the only thing we can do is write VA and wait for the VA to respond. I know I get very frustrated, and I am sure my colleagues do as well, with how long it takes for the VA to get back to us. The WINGMAN Act provides a simple solution. The bill allows designated, permanent, full-time congressional staffers to look up the status of a claim on VA's database, but only if the veteran has given the staffer permission. Staffers would have read-only access to VA databases, meaning they wouldn't be able to add or remove any information.

Passing H.R. 512, as amended, would allow Members to help constituents who simply want to understand the status of their claim for benefits. I urge all of my colleagues to join me in supporting H.R. 512, as amended.

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

□ 1645

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

Mr. Speaker, I rise in support of H.R. 512, as amended, the WINGMAN Act. I, too, would like to thank the gentleman from Florida for trying to do all they can to speed constituent services to their folks.

This legislation gives certain designated congressional office case-workers access to veterans' electronic disability claim records at the Veterans Benefits Administration, or VBA. It has broad support in this House, both Democrat and Republican.

This bill would allow designated congressional employees to have read-only access to the Veterans Benefits Admin-

istration database to look at veterans' records. Congressional staff would not be able to add or remove anything from a record, but simply check on the status of a veteran's claim and check that evidence and documentation are submitted. The reason this is so important is that a veteran will, at times, wait months, only to be told a piece of document has been missing that could have been added months before. It makes sense. It tracks the system. It ensures that the veteran is getting the fastest, best possible claim adjudication.

The purpose is to provide that faster status and let them know. There are privacy safeguards in the bill, which reinforce the necessity for getting prior consent from the veteran. Also, the bill clearly requires that congressional employees designated for this access must be full-time employees who provide constituent services.

Veterans service organizations have suggested that the VA should put a tracking system in place to ensure that these employees are only assisting constituents from their congressional district, and that congressional staff be held accountable if found to abuse any aspect of this new and unprecedented authority. I support that suggestion.

In my district, county veterans service organizations have also asked to have read-only access to veterans' records so they can assist veterans. I wish to work with Chairman ROE to examine whether that might be something that could be included down the road.

There is broad bipartisan support for giving congressional staff access to veterans' records so they can help veterans navigate a complex claims system. Often it takes too long to find out the status of a veteran's claim from the VA. Allowing certain professional staff to do the checking themselves seems like a simple step in the right direction, and I support it.

Last Congress, similar legislation to H.R. 512 unanimously passed this House. I urge my colleagues to support it today.

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

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. BILIRAKIS) control the balance of my time.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BERGMAN).

Mr. BERGMAN. Mr. Speaker, I rise today in support of H.R. 512, the WINGMAN Act.

I am honored to represent the First District of Michigan, which, as a State, has a higher than average percentage of veterans, and the First District has double the percentage of veterans of

the rest of the State. To advocate for these fine men and women who have served so honorably, we have the absolute imperative to make sure that they get the help that they need to cut through the bureaucratic red tape at agencies such as the Department of Veterans Affairs.

I have been serving in Congress for just over a month now, and, already, my office has been flooded with requests from veterans seeking aid in navigating the benefits claims process.

Unfortunately, the VA is notoriously plagued by a culture of complacency and inefficiency. Even something as simple as checking the status of a veteran's claim means that congressional staff members have to circle back around numerous times with VA employees before being able to provide the veterans in the First District with an accurate update.

As a veteran of the Vietnam war, I know that time is valuable to our veterans. We have to introduce more efficiency and transparency into the benefits claims process.

H.R. 512 is designed to cut out the middle step. The WINGMAN Act provides congressional offices with read-only access to veterans' records within the Veterans Benefits Administration. This commonsense bill allows our veterans quicker access to simple status inquiries, provides greater transparency for congressional offices, and allows the VA employees more time to work on completing these claims.

Mr. WALZ. Mr. Speaker, I yield 3 minutes to the gentleman from the Northern Mariana Islands (Mr. SABLON), my good friend, a member of the Veterans' Affairs Committee, and a stalwart supporter of this Nation's veterans and those in uniform.

Mr. SABLON. Mr. Speaker, I thank my good friend, the ranking member of the Veterans' Affairs Committee, Mr. WALZ, for allowing me to speak in support of H.R. 512, the WINGMAN Act.

I rise today in support of H.R. 512, the WINGMAN Act, introduced by the gentleman from Florida (Mr. YOH), my colleague, which would allow veterans to grant designated congressional office staff read-only access to their claim records within the VBA, Veterans Benefits Administration.

Mr. Speaker, there are no Veterans Benefits Administration personnel in the Northern Marianas. The veterans in my district have no one to meet with, but for the very occasional, usually one 6-hour visit to the Marianas from a VBA staff based in Guam or Hawaii. It usually comes once every 6 months if we are lucky.

Staffs' request for information on behalf of veterans sometimes takes months to receive a reply. This bipartisan bill would eliminate the delay by enabling permitted staff to obtain the information directly from VBA databases. This would be especially meaningful to veterans in my district who

face additional challenges for disability claims due to the lack of VA presence.

Mr. Speaker, I represent three islands. I work with Social Security and Selective Service, of course, like other Members. For Social Security, we are allowed to go and take data information, application forms, bring them to the main island of Saipan, where we go in line like everyone else and submit the applications on behalf of those constituents we serve.

So having separate islands and having a post office in one island and no post office in another island is a little complicated and difficult. Can you just imagine for the veteran who needs access to his VBA records or who needs access to his Veterans Health Administration file? Because we only have one in the Northern Marianas. This one really would allow us to serve the veterans who deserve nothing else but the best.

Our veterans responded to our call to serve and defend this country without hesitation. We must, in return, do everything we can to serve them in the same manner.

I urge my colleagues to support this bill.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOH), a good friend and a strong advocate for our veterans.

Mr. YOH. Mr. Speaker, I want to thank Mr. BILIRAKIS for the work that he has done. And I want to congratulate Chairman ROE for taking over the Veterans' Affairs Committee.

I would also like to thank the committee staff for their diligence and help on this piece of legislation, as well as the co-leads of this bill, Representatives RODNEY DAVIS, KYRSTEN SINEMA, and JOHN DELANEY.

Last Congress, WINGMAN passed the Veterans' Affairs Committee unanimously in the House due to the bipartisan support of the Members of this Chamber. While it was disappointing that we were unable to get it across the finish line in the Senate, I feel confident, given the support this bill has witnessed early on in this year, with 175 Members in the House and 7 Members in the Senate, I am encouraged, and my hope is that we will see it pass the Senate this Congress and be signed into law by the President.

Congressional constituent advocates worked diligently in our district offices to help veterans navigate the VA claims appeals system. But, they are hampered by having to wait weeks, months, and sometimes even years to receive documents from the VA that are often vital to helping the veteran reach a favorable resolution.

WINGMAN will help to expedite the process by cutting out the middleman and providing direct access to the files our office already has permission to obtain. Currently, advocates must have a

privacy release form signed by the constituent prior to acting on their behalf. This doesn't change. What changes is the wait time our offices, veterans, and their families must endure while the VA sends us the appropriate documents.

WINGMAN will help veterans such as James, from my district, who had eight separate, but related, claims filed. He didn't know which files were attached to which claims, the dates they were received, which department they were referred to, or that he could have filed one single, fully developed claim. Had my staff had access to the files, which WINGMAN permits, they would have been able to assess the issue and update his claims without having to go on a wild goose chase for the documents with the VA system. Getting his case on track could have happened in a matter of days, rather than years. He is more than deserving of this, especially since some of his claims are over 6 years old.

Another constituent lost her husband while he was serving this Nation. The VA was mailing all correspondence to his widow to an incorrect address. This resulted in an overpayment, which she was unaware of since she was not receiving the mail. The long-term result was a veteran's widow having her account sent to collections, which damaged her credit, and ended with her new spouse's tax return being confiscated. With access to the system files, our office would have had a clearer picture of the timeline of events and been able to direct and streamline our inquiry. Instead, our staff had to hunt down the relevant files from numerous branches within the VA and reassemble them like a jigsaw puzzle.

When I hear the story of Sergeant ABRAHAM or Colonel BERGMAN or Staff Sergeant BRIAN MAST behind me, these people have paid a price for their service to this country, and our country owes them a debt. As a country, we can do better by our veterans and their families. WINGMAN will not get rid of the claims backlog or solve all of the problems. What it will do, however, is make the process helping our veterans easier.

Let's put the words "customer service" into our government. So I encourage my colleagues to support this bill.

Mr. WALZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii (Ms. GABBARD) one of our warriors and a veteran of the war in Iraq, and a staunch advocate for this Nation's veterans.

Ms. GABBARD. Mr. Speaker, one of the things I appreciate most about the job that I have to represent Hawaii's Second District is to be able to respond to and provide assistance to the hundreds of veterans from across my State that contact our office every single year. They call to ask for help with things like compensation and pension

issues, health care, mileage reimbursement, especially for our veterans who live on the neighboring islands where they don't have a VA clinic on an island, education, home loan benefits, and more. This is a responsibility as a Member of Congress and as a fellow veteran that I take very seriously.

Right now, if a veteran contacts my office for assistance, we are required to go directly through the congressional liaison at the VA. We act as the veterans advocate to try to get answers for them on things that they haven't been able to get answers on, things that they haven't heard back on.

Too often, we are faced with the bureaucratic layers within the VA and a slow turnaround that leave congressional staff, like mine and my colleagues here, jumping through hoops to access basic, but critical, information on behalf of our veterans and their families. At times, we have waited for months to get answers from the VA on behalf of a Hawaii veteran for something that should be a quick turnaround, like a status update. This is unacceptable.

I am proud to cosponsor the WINGMAN Act, legislation introduced by the gentleman from Florida (Mr. YOH), my friend and colleague, which allows us to cut through the red tape and ensure that our certified case workers within our offices can provide quicker, more efficient, and effective service to our veterans. It would help streamline the veterans claims process by allowing congressional offices on behalf of our veteran constituents to directly access the status of pending claims, rating decisions, statement of the case, and so on.

I urge my colleagues to support this commonsense legislation so that all of us working here in the people's House can better serve our veterans who have sacrificed so much for our communities and our country.

Mr. WALZ. Mr. Speaker, I have no further speakers. I urge support of H.R. 512.

I yield back the balance of my time.

□ 1700

Mr. BILIRAKIS. Mr. Speaker, once again, I encourage all Members to support this legislation.

Representative YOH does outstanding work. He traveled to VISN 8 in St. Petersburg, Florida, which is about 3 hours away. We had a discussion about this particular issue. He came up with the suggestion, and he is following through with it. It is a good piece of legislation. Let's get it through the Senate this time.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 512, the Working to Integrate Networks Guaranteeing Member Access Now Act, ("Wingman Ace"), which amends title 38, United States Code, to provide certain employees of Members of Congress and certain

employees of State or local governmental agencies with access to case-tracking information of the Department of Veterans Affairs.

H.R. 512 directs the Department of Veterans Affairs (VA) to provide an accredited, permanent congressional employee with read-only remote access to the electronic Veterans Benefits Administration (VBA) claims records system of a represented veteran, regardless of whether the employee is acting under a power of attorney executed by the veteran.

The DVA shall ensure that success does not allow the employee to modify system data.

Each Member of Congress who elects to have an employee participate in the system shall bear the certification cost which shall be paid from the Member's representation allowance.

The amended version would also require the DVA to implement the bill using appropriated funds, and allow as much as \$10 million to be used from fiscal 2017 through 2020 for that purpose. No funds could be used to train congressional staffers.

An accredited, "permanent congressional employee" is an employee of a Member of Congress who assists constituents with issues regarding federal departments or agencies.

Mr. Speaker, I support H.R. 512 and urge all members to join me in voting for its passage. For that reason I support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, H.R. 512, as amended.

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

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes."

A motion to reconsider was laid on the table.

HONORING INVESTMENTS IN RECRUITING AND EMPLOYING AMERICAN MILITARY VETERANS ACT OF 2017

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 244) to encourage effective, voluntary private sector investments to recruit, employ, and retain men and women who have served in the United States military with annual presidential awards to private sector employers recognizing such efforts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 244

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honoring Investments in Recruiting and Employing

American Military Veterans Act of 2017" or the "HIRE Vets Act".

SEC. 2. HIRE VETS MEDALLION AWARD PROGRAM.

(a) PROGRAM ESTABLISHED.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall establish, by rule, a HIRE Vets Medallion Program to solicit voluntary information from employers for purposes of recognizing, by means of an award to be designated a "HIRE Vets Medallion Award", verified efforts by such employers—

(1) to recruit, employ, and retain veterans; and

(2) to provide community and charitable services supporting the veteran community.

(b) APPLICATION PROCESS.—Beginning in the calendar year following the calendar year in which the Secretary establishes the program, the Secretary shall annually—

(1) solicit and accept voluntary applications from employers in order to consider whether those employers should receive a HIRE Vets Medallion Award;

(2) review applications received in each calendar year; and

(3) notify such recipients of their awards; and

(4) at a time to coincide with the annual commemoration of Veterans Day—

(A) announce the names of such recipients;

(B) recognize such recipients through publication in the Federal Register; and

(C) issue to each such recipient—

(i) a HIRE Vets Medallion Award of the level determined under section 3; and

(ii) a certificate stating that such employer is entitled to display such HIRE Vets Medallion Award.

(C) TIMING.—

(1) SOLICITATION PERIOD.—The Secretary shall solicit applications not later than January 31st of each calendar year for the Awards to be awarded in November of that calendar year.

(2) END OF ACCEPTANCE PERIOD.—The Secretary shall stop accepting applications not earlier than April 30th of each calendar year for the Awards to be awarded in November of that calendar year.

(3) REVIEW PERIOD.—The Secretary shall finish reviewing applications not later than August 31st of each calendar year for the Awards to be awarded in November of that calendar year.

(4) SELECTION OF RECIPIENTS.—The Secretary shall select the employers to receive HIRE Vets Medallion Awards not later than September 30th of each calendar year for the Awards to be awarded in November of that calendar year.

(5) NOTICE TO RECIPIENTS.—The Secretary shall notify employers who will receive HIRE Vets Medallion Awards not later than October 11th of each calendar year for the Awards to be awarded in November of that calendar year.

(d) LIMITATION.—An employer who receives a HIRE Vets Medallion Award for one calendar year is not eligible to receive a HIRE Vets Medallion Award for the subsequent calendar year.

SEC. 3. SELECTION OF RECIPIENTS.

(a) APPLICATION REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall review all applications received in a calendar year to determine whether an employer should receive a HIRE Vets Medallion Award, and, if so, of what level.

(2) APPLICATION CONTENTS.—The Secretary shall require that all applications provide information on the programs and other efforts of applicant employers during the calendar

year prior to that in which the medallion is to be awarded, including the categories and activities governing the level of award for which the applicant is eligible under subsection (b).

(3) VERIFICATION.—The Secretary shall verify all information provided in the applications, to the extent that such information is relevant in determining whether or not an employer should receive a HIRE Vets Medallion Award or in determining the appropriate level of HIRE Vets Medallion Award for that employer to receive, including by requiring the chief executive officer or the chief human relations officer of the employer to attest under penalty of perjury that the employer has met the criteria described in subsection (b) for a particular level of Award.

(b) AWARDS.—

(1) LARGE EMPLOYERS.—

(A) IN GENERAL.—The Secretary shall establish two levels of HIRE Vets Medallion Awards to be awarded to employers employing 500 or more employees, to be designated the "Gold HIRE Vets Medallion Award" and the "Platinum HIRE Vets Medallion Award".

(B) GOLD HIRE VETS MEDALLION AWARD.—No employer shall be eligible to receive a Gold HIRE Vets Medallion Award in a given calendar year unless—

(i) veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year;

(ii) such employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

(iii) such employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; and

(iv) such employer has established programs to enhance the leadership skills of veteran employees during their employment.

(C) PLATINUM HIRE VETS MEDALLION AWARD.—No employer shall be eligible to receive a Platinum HIRE Vets Medallion Award in a given calendar year unless—

(i) the employer meets all the requirements for eligibility for a Gold HIRE Vets Medallion Award under subparagraph (B);

(ii) veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year;

(iii) such employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

(iv) such employer employs dedicated human resources professionals to support hiring and retention of veteran employees, including efforts focused on veteran hiring and training;

(v) such employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty; and

(vi) such employer has a tuition assistance program to support veteran employees' attendance in postsecondary education during the term of their employment.

(D) EXEMPTION FOR SMALLER EMPLOYERS.—An employer shall be deemed to meet the requirements of subparagraph (C)(iv) if such employer—

(i) employs 5,000 or fewer employees; and
 (ii) employs at least one human resources professional whose regular work duties include those described under subparagraph (C)(iv).

(E) **ADDITIONAL CRITERIA.**—The Secretary may provide, by rule, additional criteria with which to determine qualifications for receipt of each level of HIRE Vets Medallion Award.

(2) **SMALL- AND MEDIUM-SIZED EMPLOYERS.**—The Secretary shall establish similar awards in order to recognize achievements in supporting veterans by—

(A) employers with 50 or fewer employees; and

(B) employers with more than 50 but fewer than 500 employees.

(C) **DESIGN BY SECRETARY.**—The Secretary shall establish the shape, form, and design of each HIRE Vets Medallion Award, except that the Award shall be in the form of a certificate and shall state the year for which it was awarded.

SEC. 4. DISPLAY OF AWARD.

(a) **IN GENERAL.**—The recipient of a HIRE Vets Medallion Award may—

(1) publicly display such Award through the end of the calendar year following receipt of such Award; and

(2) publicly display the HIRE Vets Medallion Award Certificate issued in conjunction with such Award.

(b) **UNLAWFUL DISPLAY PROHIBITED.**—It is unlawful for any employer to publicly display a HIRE Vets Medallion Award, in connection with, or as a part of, any advertisement, solicitation, business activity, or product—

(1) for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the Award through the HIRE Vets Medallion Award Program, if such employer did not receive such Award through the HIRE Vets Medallion Award Program; or

(2) for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the Award through the HIRE Vets Medallion Award Program for a year for which such employer did not receive such Award.

SEC. 5. APPLICATION FEE AND FUNDING.

(a) **FUND ESTABLISHED.**—There is established in the Treasury of the United States a fund to be designated the “HIRE Vets Medallion Award Fund”. Amounts appropriated to the fund pursuant to subsection (c) shall remain available until expended.

(b) **FEE AUTHORIZED.**—The Secretary may assess a reasonable fee on employers that apply for receipt of a HIRE Vets Medallion Award and the Secretary shall deposit such fees into the HIRE Vets Medallion Award Fund. The Secretary shall establish the amount of the fee such that the amounts collected as fees and deposited into the Fund are sufficient to cover the costs associated with carrying out this Act.

(c) **USE OF FUNDS.**—Amounts in the HIRE Vets Medallion Award Fund shall be available, subject to appropriation, to the Secretary to carry out the HIRE Vets Medallion Award Program.

SEC. 6. INITIAL IMPLEMENTATION.

The HIRE Vets Medallion Program shall begin to solicit applications on January 31 of the year that is two fiscal years after the fiscal year during which funds are first appropriated to carry out this Act.

SEC. 7. REPORT TO CONGRESS.

(a) **REPORTS.**—Beginning not later than 2 years after the date of enactment of this

Act, the Secretary shall submit to Congress annual reports on—

(1) the fees collected from applicants for HIRE Vets Medallion Awards in the prior year and any changes in fees to be proposed in the present year;

(2) the cost of administering the HIRE Vets Medallion Award Program in the prior year;

(3) the number of applications for HIRE Vets Medallion Awards received in the prior year; and

(4) the HIRE Vets Medallion Awards awarded in the prior year, including the name of each employer to whom a HIRE Vets Medallion Award was awarded and the level of medallion awarded to each such employer.

(b) **COMMITTEES.**—The Secretary shall provide the reports required under subsection (a) to the Chairman and Ranking Member of—

(1) the Committees on Education and the Workforce and Veterans' Affairs of the House of Representatives; and

(2) the Committees on Health, Education, Labor, and Pensions and Veterans' Affairs of the Senate.

SEC. 8. DEFINITIONS.

In this Act:

(a) The term “employer” means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employee opportunities, except that such term does not include—

(1) the Federal Government; or

(2) any State government, as defined in such section.

(b) The term “Secretary” means the Secretary of Labor.

(c) The term “veteran” has the meaning given such term under section 101 of title 38, United States Code.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. **BILIRAKIS**) and the gentleman from Minnesota (Mr. **WALZ**) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. **BILIRAKIS**. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous materials.

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

There was no objection.

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

H.R. 244, as amended, would require the Department of Labor to establish a HIRE Vets Medallion Program to recognize and award employers with a HIRE Vets Medallion for their efforts to recruit, employ, and retain veterans, as well as their work to provide community and charitable services to veterans and their local communities.

While we still have work to do, it is important to note that the veteran unemployment rate has continued to decrease over recent years and, as of last month, was at the low rate of 4.5 percent. Again, we have more work to do. While many factors have led to the continued reduction of the unemployment rate for the men and women who

have served, our Nation's employers in both the public and private sectors deserve a lot of credit, and it is important that we highlight the work that these companies have done and that we publicly recognize their commitment to hiring our veterans—hiring our true American heroes. I commend them so much.

With this idea in mind, H.R. 244, as amended, would authorize the Secretary of Labor to create the HIRE Vets Medallion Program, which would recognize employers who hire and retain veterans as well as companies that provide support services to the veterans and their communities.

Employers would earn either platinum or gold status based on requirements that are related to the number of veterans hired each year, providing pay equity for guardsmen and Reserve employees who were called up to active military service and other requirements. Once these employers have earned HIRE Vets Medallions, they would be able to publicly display their awards to illustrate the work they have done on behalf of our veterans and the priorities they place on hiring veterans within their workforces.

As we work to continue to decrease the national unemployment rate among our men and women who have served, it is vital that we highlight and thank the employers who have stepped up and have recognized the benefits of hiring a veteran, and there are many benefits as their work ethic is outstanding—their dedication, their integrity. They are really outstanding people, and I am glad that our employers have stepped up.

I thank the staff of the Department of Labor and the Trump administration for working with us to make improvements to the legislation from what was passed last year.

I also thank Colonel **PAUL COOK** of California for introducing and advocating for this bill, which, again, has my full support.

I urge all of my colleagues to join me in supporting H.R. 244, as amended.

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

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

I rise in support of H.R. 244, as amended, the HIRE Vets Act.

I give a special thank-you to my colleague from California, Colonel **COOK**, who, himself, is a Vietnam veteran. Since the first day he got into Congress, he has been our veterans' staunchest supporter, and I appreciate that.

Mr. Speaker, this is an innovative, bipartisan piece of legislation. The HIRE Vets Act directs the Department of Labor, or DOL VETS, to establish a HIRE Vets Medallion Program. This program solicits voluntary information from private sector employers, which we know they want to give—and we know they are out there hiring folks—

and allows these employers to display, with other marketing materials, a recognized medallion as a symbol of their support and willingness to make sure we hire veterans. Employers who provide community and charitable services that support veterans will also be eligible.

Hiring veterans isn't just the right thing to do because it is morally and ethically right; it makes good business sense, and our folks know that.

The men and women who have served in our military have received invaluable training and experience that has proven to help them thrive in post-military employment. What they need is a foot in the door. Fortunately, we have been seeing encouraging trends in veterans' employment. Thanks to the hard work of DOL VETS, combined with efforts within the private sector and Federal and State governments, the veterans' unemployment rate in January of 2017 was 4.5 percent, which is lower than the national average. We also know that the unemployment rate for post-9/11 veterans remains unacceptably high at 8 percent.

We must remain vigilant to make sure that the men and women who signed up to defend our Nation enjoy opportunities for growth when they return home. The HIRE Vets Medallion Program represents an additional incentive for employers to hire and retain veterans, which is something we can all get behind.

Again, I thank Colonel COOK for offering this bipartisan legislation. Thank you to the vice chairman for bringing this up and throwing his support behind it. I am certainly proud to stand in support of this legislation.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COOK), a good friend and a great veterans' advocate. I thank him for his service.

Mr. COOK. I thank Mr. BILIRAKIS for yielding.

Mr. Speaker, as a combat veteran, I am deeply concerned that the men and women of our Armed Forces continue to struggle to find jobs upon their return to civilian life. These individuals have not only displayed great courage in serving their country, but have acquired certain skills that make them ideal candidates for employment.

I am not going to go over many of the things that were said about how the program is an incentive, as I think that has already been covered. I just want to underscore the fact that this is a problem. It is not a new problem. You can have the statistics, but one has to ask oneself: Why do we have a lower percentage of veterans who are getting the jobs?

As was already mentioned, I am a product of the Vietnam war; and the veterans who were getting out there, a

lot of people were afraid to hire them. They didn't know whether they would be recalled back into the service, and they didn't know whether they had post-traumatic stress disorder. They were not going to take a chance on them, and that was sad. That was many, many years ago, but the stats don't lie.

I am very, very supportive. I get passionate about these programs because the bottom line is we have to make sure that we take care of the troops, and this is a bill that, with the co-operation of private industry, has those incentives built in there. I am optimistic. We had bipartisan support the last time. We went all the way up there and were waiting the last time for the Senate—holding our breath. Everybody knows you don't always get what you want. I am not going to give up and neither will the people who have been supporting this bill because we are all very, very passionate about veterans.

I thank Chairman ROE. I thank Ranking Member WALZ for his great support and military service. I thank Representative TULSI GABBARD for, once again, being the original cosponsor of this important legislation and for always being there for the veterans and the military. I also thank Congressman BILIRAKIS for his great support.

Once again, this passed out of the House last November and had unanimous support. I urge my colleagues to once again vote in favor of this bill.

Mr. WALZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii (Ms. GABBARD), who still serves this Nation in uniform.

Ms. GABBARD. Mr. Speaker, I stand in strong support of H.R. 244, the HIRE Vets Act, which I am so proud and honored to have worked on with my colleague and fellow veteran, Colonel PAUL COOK from California.

This is personal for us. This is about our brothers and sisters in uniform—from different generations—who have been honored and thanked for their service in uniform but who, unfortunately, are often forgotten about when they lay that uniform down. Most people aren't aware that every single day roughly 500 veterans are transitioning from military life to civilian life, joining more than 2.9 million veterans who have returned home since 9/11 alone. Through their service and training, these are men and women who are highly trained, who have experience in leading, in making decisions under pressure, in acting and working well as members of a team, and in accomplishing the mission.

Data show that veterans are civic assets in our communities. They have higher rates of voting, of engaging with local governments and community organizations, of participating actively in community service, and more. To-

gether, these qualities make our veterans especially valuable to employers, whether it be in the private sector, in the public sector, or in the nonprofit sector.

Unfortunately, for them, returning to a civilian job market is not as easy as it should be. They often face an unfriendly job market or even an unfriendly culture that doesn't fully understand them and what they bring to the table. Many people don't understand that our veterans are not seeking pity or a handout but are simply looking for an opportunity to continue to serve—to continue to contribute to our communities and to our country.

This legislation is focused on encouraging employers to hire more veterans. We have seen different programs and initiatives in my home State of Hawaii and in States across the country that focus on recruiting and retaining veterans, but the fact is that there are still more than 400,000 unemployed veterans across the country. We need to do more.

This legislation, the HIRE Vets Act, gets directly at this need by setting up an incentive system to encourage employers to hire and retain veterans. It creates a standard of recognition for employers who go the extra mile to recruit and retain veterans and provide services that support our veteran community.

We came together at the end of last year and passed this legislation unanimously. I am hopeful that my colleagues will once again stand and pass this important legislation and move it along through the Senate and to the President's desk for his signature.

Mr. WALZ. Mr. Speaker, I have no further speakers. I encourage my colleagues to support H.R. 244, as amended.

I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I urge all Members to support this legislation.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 244, the Honoring Investments in Recruiting and Employing American Military Veterans Act or the HIRE Vets Act."

H.R. 244 encourages effective, voluntary private sector investments to recruit, employ, and retain men and women who have served in the United States military with annual presidential awards to private sector employers recognizing such efforts.

H.R. 244 directs the Department of Labor to establish a HIRE Vets Medallion Program to solicit voluntary information from employers for purposes of recognizing, by the award of a HIRE Vets Medallion, verified efforts by these employers to:

1. Recruit, employ, and retain veterans.
2. Provide community and charitable services supporting the veteran community.

The President shall annually present the medallion and corresponding certificate to recipients at a time to coincide with the annual commemoration of Veterans Day.

Two levels of medallions shall be established, large and small employers, to be designated the Gold HIRE Vets Medallion and the

Platinum HIRE Vets Medallion. The bill prescribes awards criteria.

Beginning two years after enactment of this bill, the Secretary of Labor shall submit annual reports on fees, program costs, the number of applications, and the medallions awarded, including the name and medallion level of each recipient.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 244, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

BOOSTING RATES OF AMERICAN VETERAN EMPLOYMENT ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 974) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 974

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Boosting Rates of American Veteran Employment Act” or the “BRAVE Act”.

SEC. 2. PREFERENCE FOR OFFERORS EMPLOYING VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding after section 8128 the following new section:

“§8129. Preference for offerors employing veterans

“(a) PREFERENCE.—In awarding a contract for the procurement of goods or services, the Secretary may give a preference to offerors that employ veterans on a full-time basis. The Secretary shall determine such preference based on the percentage of the full-time employees of the offeror who are veterans.

“(b) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—(1) Any offeror that is determined by the Secretary to have willfully and intentionally misrepresented the veteran status of the employees of the offeror for purposes of subsection (a) may be debarred from contracting with the Department for a period of not less than five years.

“(2) If the Secretary carries out a debarment under paragraph (1), the Secretary shall commence debarment action against the offeror by not later than 30 days after determining that the offeror willfully and intentionally misrepresented the veteran status of the employees of the offeror as described in paragraph (1) and shall complete

debarment actions against such offeror by not later than 90 days after such determination.

“(3) The debarment of an offeror under paragraph (1) includes the debarment of all principals in the offeror for a period of not less than five years.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8128 the following new item:

“8129. Preference for offerors employing veterans.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

□ 1715

GENERAL LEAVE

Mr. BILIRAKIS. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, to improve employment opportunities for veterans and business opportunities for the companies that employ them, H.R. 974 would authorize the Secretary of the Department of Veterans Affairs to consider how many veterans an offeror employs during a decision to award a contract. Under this bill, the Secretary may give a preference to such employers based on the percentage of the workforce made up of veterans. It makes sense.

The bill would also allow the Secretary to debar any offeror who willfully and intentionally misrepresents the number of veterans they employ. I am glad that provision is in there.

Mr. Speaker, the unemployment rate among certain age groups of veterans still exceeds their nonveteran peers, and this legislation is one common-sense step to incentivize employers to bring veterans into their workforce and increase job opportunities for veterans of all ages.

I firmly believe that we should do all we can to encourage both small and large businesses to provide job opportunities for veterans as well as provide the Secretary the authority to consider such hires when making contracting decisions. This will further incentivize government contractors to make a positive investment in their companies by making investments in our Nation's veterans.

I thank Miss RICE for her hard work on this bill, and it has my full support.

I urge all of my colleagues to support H.R. 974.

I reserve the balance of my time.

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

Mr. Speaker, I, too, rise in support of H.R. 947, the Boosting Rates of American Veteran Employment Act, or BRAVE Act.

I thank the vice chairman for his kind words on this bill, and I especially would like to thank the gentlewoman from New York (Miss RICE), an unwavering advocate of our veterans and author of this smart piece of legislation.

Both parties agree it is unacceptable that men and women returning home from our most recent conflicts don't have good, reliable jobs waiting for them. We can start right here in the Federal Government. The VA establishes long-term contracts with private companies for medical equipment, construction, supplies, services, and more.

Currently, the VA gives preferences to veteran-owned small businesses. That is great. What this piece of legislation does is expand this contracting preference to allow the VA Secretary to give a preference to companies that actively search out and employ veterans, a policy that would incentivize companies to even hire more veterans. This is already a smart approach for those companies because veterans bring to a job the skills they have learned over the years and make the company even stronger.

This bipartisan piece of legislation adds no cost to the taxpayers. It allows for debarment of any company that knowingly misrepresents its portion of veteran employees in order to receive the contracting preference.

The BRAVE Act represents a win-win for the private sector, the Federal Government, and, most importantly, for our veterans.

Again, I would like to thank the gentlewoman from New York (Miss RICE), who will tell us a little more about this in a few moments, and Chairman ROE of Tennessee and Vice Chairman BILIRAKIS for continuing to bring good pieces of veterans legislation to the floor. We are grateful for that.

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

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

Mr. WALZ. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Miss RICE), the author, the lead sponsor of this piece of legislation, a member of the Veterans' Affairs Committee since coming to Congress, and a fierce advocate for those warriors.

Miss RICE. Mr. Speaker, I rise today in support of H.R. 974, the Boosting Rates of American Veteran Employment Act, which I introduced along with Congressman and Colonel PAUL COOK of California.

The BRAVE Act is commonsense, bipartisan legislation that will authorize the VA Secretary, when awarding Federal contracts, to give preference to contractors with high concentrations of full-time veteran employees. This bill will cost taxpayers absolutely nothing.

It will, first, reward companies that actively hire and invest in our veterans, companies that seek out veterans and give them opportunities to bring their unique skills, training, and experience to the civilian workforce.

Second, it will create an incentive for other companies to do the same and bring more veterans into their workforce.

Most importantly, as more and more companies hire more and more veterans, they will ultimately see that investing in veterans is good for business. That is the real incentive here. It is not just an advantage in securing Federal contracts; it is getting the benefit of employees who have worn the uniform, who have been trained by the greatest military in the world, and who have learned to get the job done, no matter what that job is.

We need more businesses in the private sector to recognize the value of investing in the men and women who have served our country. It is not an act of charity. Veterans are not looking for a handout; they just need an opportunity. The BRAVE Act will help ensure that more veterans have those opportunities.

I want to thank Chairman ROE of Tennessee, Vice Chairman BILIRAKIS, and Ranking Member WALZ for supporting this bill and for helping to bring it to the floor today.

This legislation passed unanimously in the last Congress, and I urge my colleagues on both sides of the aisle to, once again, give it the bipartisan support it deserves.

Mr. WALZ. Mr. Speaker, I have no further speakers on my side.

I urge my colleagues to support H.R. 974.

I yield back the balance of my time. Mr. BILIRAKIS. Mr. Speaker, once again, I encourage all Members to support this legislation. I commend Representative RICE for her good work.

I yield back the balance of my time. Mr. JOHNSON of Georgia. Mr. Speaker, I stand in strong support of H.R. 974, the Boosting Rates of American Veteran Employment (BRAVE) Act.

There is no question that post-9/11 veterans face a harsher economic reality than other Americans. Although in recent years the unemployment rate of post-9/11 veterans decreased since the double digit highs of 2011, the veteran unemployment rate among veterans remains higher than the national average. Those who have sacrificed most for our nation are often left behind or forgotten by businesses and employers when they return home. The transition from military to civilian life is a challenging one for many veterans, and we must address the harsh realities our veterans face when they attempt to reintegrate into the economy.

As we consider the best ways to boost veteran employment in the 115th Congress, we must concentrate our efforts on what many major veterans organizations are urging us to do. The Iraq and Afghanistan Veterans of

America, and Veterans of Foreign Wars have all argued that the Department of Veterans Affairs, when granting contracts, should give preference to businesses that employ a high concentration of veterans on a full-time basis. This is a common-sense proposal.

Each year the Department of Veterans Affairs contracts tens of billions of taxpayer dollars on various goods and services. H.R. 974 would ensure that when awarding a contract for goods or services, the Secretary of Veterans Affairs give preference to businesses that employ full-time a high percentage of veterans. H.R. 974 would also grant the Secretary of Veterans Affairs the power to debar for five years from contracting with the Department those offerors who willfully misrepresent the veteran status of their employees. This discourages potential businesses from over-reporting the percentage of veterans that make up their workforce.

I believe that H.R. 974 would also have a ripple effect across other agencies in the government and ultimately help a countless number of veterans attain full-time employment. Today, there are an estimated 24,000 businesses that work on federal contracts and employ about 28 million workers in the process. In FY 2015, in my home state of Georgia, an estimated 50,000 workers were employed by Department of Defense contracts alone. In my opinion, H.R. 974 would spark other federal agencies to adopt similar provisions that would give preference to businesses that employ large concentrations of veterans on a full-time basis.

I ask that my colleagues support this bill.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 974, "Boosting Rates of American Veteran Employment Act." "BRAVE Act" authorizes the Department of Veterans Affairs to give preference to companies with high concentrations of veteran employees when awarding VA contracts.

I support this bipartisan bill because it provides an incentive to companies to actively hire veterans.

H.R. 974 will spur the hiring of veterans into coveted positions within large government contractors.

The BRAVE Act also gives the VA authority to debar contracting for at least five years of any company determined to have willfully and intentionally misrepresented the veteran status of its employees.

One of the biggest problems facing our veterans right now is finding good jobs in civilian life, especially those who served in Iraq and Afghanistan.

Our veterans have received the best training in the world.

They have unique skills and experience that cannot be acquired anywhere but in the United States military.

They have what it takes to excel in the civilian workforce; they do not need charity, just opportunity.

With this bill, we urge private companies to hire highly-trained, highly-skilled veterans who know how to get the job done, whatever job it may be.

I ask my colleagues to join me in supporting H.R. 974.

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

the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 974.

The question was taken.

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

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

The yeas and nays were ordered.

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

APPOINTMENT OF INDIVIDUALS TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 3, 2017, of the following individuals on the part of the House to the United States-China Economic and Security Review Commission for a term expiring on December 31, 2018:

Mr. Larry Wortzel, Williamsburg, Virginia

Mr. Robert Glenn Hubbard, New York, New York

APPOINTMENT OF INDIVIDUALS TO THE CREATING OPTIONS FOR VETERANS' EXPEDITED RECOVERY COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 931(c) of the Comprehensive Addiction and Recovery Act of 2016 (Pub. L. 114-198), and the order of the House of January 3, 2017, of the following individuals on the part of the House to the Creating Options for Veterans' Expedited Recovery Commission:

Captain John M. Rose, U.S. Navy, Retired, Kenosha, Wisconsin

Lieutenant Colonel Jamil S. Khan, U.S. Marine Corps, Retired, Janesville, Wisconsin

APPOINTMENT OF INDIVIDUAL TO THE NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 553(b) of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328), and the order of the House of January 3, 2017, of the following individual on the part of the House to the National Commission on Military, National, and Public Service:

Mr. Thomas Kilgannon, Centreville, Virginia

APPOINTMENT OF INDIVIDUALS TO THE MEDAL OF VALOR REVIEW BOARD

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 3(b) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202), and the order of the House of January 3, 2017, of the following individuals on the part of the House to the Medal of Valor Review Board for a term of 4 years:

Mr. Brandon Clabes, Choctaw, Oklahoma

Mr. Brian Murphy, Milwaukee, Wisconsin

APPOINTMENT OF INDIVIDUAL TO THE BOARD OF TRUSTEES OF THE AMERICAN FOLKLIFE CENTER IN THE LIBRARY OF CONGRESS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 20 U.S.C. 2103(b), and the order of the House of January 3, 2017, of the following individual to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House for a term of 6 years:

Ms. Patricia A. Atkinson, Carson City, Nevada

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 23 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOODALL) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 66, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY STATES FOR NON-GOVERNMENTAL EMPLOYEES, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 67, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY QUALIFIED STATE POLITICAL SUBDIVISIONS FOR NON-GOVERNMENTAL EMPLOYEES

Mr. BYRNE, from the Committee on Rules, submitted a privileged report (Rept. No. 115-11) on the resolution (H. Res. 116) providing for consideration of

the joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees, and providing for consideration of the joint resolution (H.J. Res. 67) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 244, by the yeas and nays;

H.R. 974, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

HONORING INVESTMENTS IN RECRUITING AND EMPLOYING AMERICAN MILITARY VETERANS ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 244) to encourage effective, voluntary private sector investments to recruit, employ, and retain men and women who have served in the United States military with annual presidential awards to private sector employers recognizing such efforts, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 21, as follows:

[Roll No. 86]

YEAS—409

Abraham	Beyer	Brooks (IN)	Griffith	Mast
Adams	Biggs	Brown (MD)	Grijalva	Matsui
Aderholt	Billirakis	Brownley (CA)	Grothman	McCarthy
Aguilar	Bishop (GA)	Buck	Guthrie	McClintock
Allen	Bishop (MI)	Bucshon	Hanabusa	McCollum
Amodei	Bishop (UT)	Budd	Harper	McEachin
Arrington	Black	Burgess	Harris	McGovern
Babin	Blackburn	Bustos	Hartzler	McHenry
Bacon	Blum	Butterfield	Hastings	McKinley
Banks (IN)	Blumenauer	Byrne	Heck	McMorris
Barletta	Blunt Rochester	Calvert	Hensarling	Rodgers
Barr	Bonamici	Capuano	Herrera Beutler	McNerney
Barragán	Bost	Carbajal	Hice, Jody B.	McSally
Barton	Brady (PA)	Cárdenas	Higgins (LA)	Meadows
Bass	Brady (TX)	Carson (IN)	Higgins (NY)	Meehan
Beatty	Brat	Carter (GA)	Hill	Meng
Bera	Bridenstine	Carter (TX)	Himes	Messer
Bergman	Brooks (AL)	Cartwright	Holding	Mitchell
			Hollingsworth	Moolenaar
			Hoyer	Mooney (WV)
			Hudson	Mullin
			Huffman	Murphy (FL)
			Huizenga	Murphy (PA)
			Hultgren	Nadler
			Hunter	Napolitano
			Hurd	Neal
			Issa	Newhouse
			Jackson Lee	Noem
			Jayapal	Nolan
			Jeffries	Norcross
			Jenkins (WV)	Nunes
			Johnson (GA)	O'Halleran
			Johnson (LA)	O'Rourke
			Johnson (OH)	Olson
			Johnson, E. B.	Palazzo
			Johnson, Sam	Pallone
			Jones	Palmer
			Jordan	Panetta
			Joyce (OH)	Pascarell
			Kaptur	Paulsen
			Katko	Payne
			Keating	Pearce
			Kelly (IL)	Pelosi
			Kelly (MS)	Perlmutter
			Kelly (PA)	Perry
			Kennedy	Peters
			Khanna	Peterson
			Kihuen	Pocan
			Kildee	Poe (TX)
			Kilmer	Poliquin
			Kind	Polis
			King (IA)	Posey
			King (NY)	Price (NC)
			Kinzing	Quigley
			Knight	Raskin
			Krishnamoorthi	Ratcliffe
			Kuster (NH)	Reed
			Kustoff (TN)	Reichert
			Labrador	Renacci
			LaHood	Rice (NY)
			Lamborn	Rice (SC)
			Lance	Richmond
			Langevin	Roby
			Larsen (WA)	Roe (TN)
			Larson (CT)	Rogers (AL)
			Latta	Rogers (KY)
			Lawrence	Rohrabacher
			Lawson (FL)	Rokita
			Lee	Rooney, Francis
			Levin	Rooney, Thomas
			Lewis (GA)	J.
			Lewis (MN)	Ros-Lehtinen
			Lieu, Ted	Rosen
			Lipinski	Roskam
			LoBiondo	Ross
			Loeb	Rothfus
			Lofgren	Rouzer
			Long	Roybal-Allard
			Loudermilk	Royce (CA)
			Love	Ruiz
			Lowenthal	Ruppersberger
			Lowe	Russell
			Lucas	Rutherford
			Luetkemeyer	Ryan (OH)
			Lujan Grisham,	Sánchez
			M.	Sanford
			Luján, Ben Ray	Sarbanes
			Lynch	Scalise
			MacArthur	Schakowsky
			Maloney,	Schiff
			Carolyn B.	Schneider
			Maloney, Sean	Schrader
			Marchant	Schweikert
			Marino	Scott (VA)
			Marshall	Scott, Austin
			Massie	Scott, David

Sensenbrenner	Takano	Walker
Serrano	Taylor	Walorski
Sessions	Tenney	Walters, Mimi
Sewell (AL)	Thompson (CA)	Walz
Shea-Porter	Thompson (MS)	Wasserman
Sherman	Thompson (PA)	Schultz
Shimkus	Thornberry	Watson Coleman
Shuster	Tiberi	Weber (TX)
Simpson	Tipton	Webster (FL)
Sinema	Titus	Wenstrup
Sires	Tonko	Westerman
Slaughter	Torres	Williams
Smith (MO)	Trott	Wilson (FL)
Smith (NE)	Tsongas	Wilson (SC)
Smith (NJ)	Turner	Wittman
Smith (TX)	Upton	Womack
Smith (WA)	Valadao	Woodall
Smucker	Vargas	Yarmuth
Soto	Veasey	Yoder
Speier	Vela	Yoho
Stefanik	Velázquez	Yoho
Stewart	Visclosky	Young (AK)
Stivers	Wagner	Young (IA)
Suozzi	Walberg	Zeldin
Swalwell (CA)	Walden	

NAYS—1

Amash

NOT VOTING—21

Boyle, Brendan	Gutiérrez	Pingree
F.	Jenkins (KS)	Pittenger
Buchanan	LaMalfa	Rush
Delaney	McCaul	Waters, Maxine
Ellison	Meeks	Welch
Faso	Moore	Zinke
Galleo	Moulton	
Garamendi	Mulvaney	

□ 1854

Mrs. DEMINGS, Mr. BUCK, Ms. ROY-BAL-ALLARD, and Mr. HUFFMAN changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to encourage effective, voluntary investments to recruit, employ, and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes."

A motion to reconsider was laid on the table.

THANKING JOYCE MEYER

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

Mr. RYAN of Wisconsin. Mr. Speaker, all of us have people in our lives, in these vocations, without whom none of this would be possible. Today, I want to say good luck and good-bye to one of those people.

Joyce Meyer, whom many of you know on my staff, is heading to the White House after being with me in this office for 18 years—and, yes, there are some gray hairs here. She and I go back even further than that.

Joyce and I started off as staffers together in the United States Senate. In many ways, we grew up together. We were just kids then, fresh out of college. She went by Joyce Yamat in those days. She was a good friend, but

she was an equally good staffer, which is why she was, at that time, one of the first people I asked to come work with me when I, at 28 years old, got elected to the House of Representatives.

She has been at the heart of our team ever since—through every up and down, every adventure, every budget, every run for office. So much of what we have accomplished has been because of her—because of her leadership, because of her planning, because of her caring nature, because of her deep understanding of how this place works. She really is a person of the House.

Above all, she never, ever forgot and never let me forget whom I was working for: the people of the First District of Wisconsin. She is from Wisconsin. She is from Franklin, Wisconsin, which is a small town in southern Wisconsin, near Milwaukee. She is a Badger. Wisconsin is so much at the heart of who she is. She knows when the deer rut is. She knows that, on Sundays, there are only two things you do: Mass and Packers games in the fall. For all of her years here, she never forgot where she came from.

The truth is we have been through it all together. In fact, she has not just been a confidant or a friend—she is family. I often refer to her as my sister; and, to Joyce, family is at the center of everything. She treated all of our staff like family. She hosted wedding showers and baby showers. She made sure that everyone on our team put their own loved ones first. It is her own family that, through all of these years, has really been her source of inspiration: her parents; her sisters; her husband, Don, who, himself, was part of our team; and, of course, their beautiful and sweet daughter, Eva.

I know it is for a better life for Eva and her generation that Joyce has made serving government her life's work. She could have gone on and done something so much more rewarding to the pocketbook, but she is doing this because she believes in our country.

I will cut this short because, for anyone who knows Joyce, she does not like attention; she does not like the fuss. She is here to serve. She is the best of what we aspire to in public service. This woman has done so much to make us successful, has done so much to make me successful. I just want to thank, from the bottom of my heart, a person who has done so much to make this House successful, and she is Joyce Meyer.

Joyce, I wish you and your family the best of luck. Thank you for serving us so much. Joyce, you are always going to be considered a person of the House of Representatives. Thank you so much, Joyce.

And there is her mom.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank Speaker RYAN for yielding. He admon-

ished us to be brief. So, Joyce, I will be brief.

Often I rise on this floor when we have extraordinary staffers retire on either side of the aisle, Republican or Democrat, and observe what an extraordinary difference they make to the comity that does, in fact, exist but is rarely seen by the public.

Joyce Meyer has been an extraordinary member of our family. Speaker RYAN says family is important to her. Family is important to all of us, and this is a family. It is sometimes a contentious family, but it is a family.

Frankly, the peacemakers in the family are largely the members of the staff, particularly the highest ranking staffers, and particularly those staffers who have been with each of us and many of us for a significant period of time. They understand the tensions that can be created, but they also understand that there is a responsibility to the American people. Every time I went across the aisle and talked to Joyce Meyer, I knew that she understood that and that she wanted to be a positive force in making this institution work better.

Let me say that Joyce Meyer now has an even bigger responsibility because she is going to the White House. May we all wish her the best in making that institution work better.

Joyce, God bless you and Godspeed.

BOOSTING RATES OF AMERICAN VETERAN EMPLOYMENT ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 974) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 24, as follows:

[Roll No. 87]

YEAS—407

Abraham	Banks (IN)	Biggs
Adams	Barletta	Bilirakis
Aderholt	Barr	Bishop (GA)
Aguilar	Barragán	Bishop (MI)
Allen	Barton	Bishop (UT)
Amash	Bass	Black
Amodei	Beatty	Blackburn
Arrington	Bera	Blum
Babin	Bergman	Blumenauer
Bacon	Beyer	Blunt Rochester

Bonamici	Fortenberry	Lieu, Ted	Roskam	Sires	Vargas
Bost	Foster	Lipinski	Ross	Slaughter	Veasey
Brady (PA)	Fox	LoBiondo	Rothfus	Smith (MO)	Vela
Brady (TX)	Frankel (FL)	Loebsack	Rouzer	Smith (NE)	Velázquez
Brat	Franks (AZ)	Lofgren	Roybal-Allard	Smith (NJ)	Visclosky
Bridenstine	Frelinghuysen	Long	Royce (CA)	Smith (TX)	Wagner
Brooks (AL)	Fudge	Loudermilk	Ruiz	Smith (WA)	Walberg
Brooks (IN)	Gabbard	Love	Ruppersberger	Smucker	Walden
Brown (MD)	Gaetz	Lowenthal	Russell	Soto	Walker
Brownley (CA)	Gallagher	Lowey	Rutherford	Speier	Walorski
Buck	Garrett	Lucas	Ryan (OH)	Stefanik	Walters, Mimi
Bucshon	Gibbs	Luetkemeyer	Sánchez	Stewart	Walz
Budd	Gohmert	Lujan Grisham,	Sanford	Stivers	Wasserman
Burgess	Gonzalez (TX)	M.	Sarbanes	Suozzi	Schultz
Bustos	Goodlatte	Luján, Ben Ray	Scalise	Swalwell (CA)	Watson Coleman
Butterfield	Gosar	Lynch	Schakowsky	Takano	Weber (TX)
Byrne	Gottheimer	MacArthur	Schiff	Taylor	Webster (FL)
Calvert	Gowdy	Maloney	Schneider	Tenney	Westerman
Capuano	Granger	Carolyn B.	Schrader	Thompson (CA)	Williams
Carbajal	Graves (GA)	Maloney, Sean	Schweikert	Thompson (MS)	Wilson (FL)
Cardenas	Graves (LA)	Marchant	Scott (VA)	Thompson (PA)	Wilson (SC)
Carson (IN)	Graves (MO)	Marino	Scott, Austin	Thornberry	Wittman
Carter (GA)	Green, Al	Marshall	Scott, David	Tiberi	Womack
Carter (TX)	Green, Gene	Massie	Sensenbrenner	Tipton	Woodall
Cartwright	Griffith	Mast	Serrano	Titus	Yarmuth
Castor (FL)	Grijalva	Matsui	Sessions	Tonko	Yoder
Castro (TX)	Grothman	McCarthy	Sewell (AL)	Torres	Yoho
Chabot	Guthrie	McClintock	Shea-Porter	Trott	Young (AK)
Chaffetz	Hanabusa	McCollum	Sherman	Tsongas	Young (IA)
Cheney	Harper	McEachin	Shinkus	Turner	Zeldin
Chu, Judy	Harris	McGovern	Simpson	Upton	
Cicilline	Hartzler	McHenry	Sinema	Valadao	
Clark (MA)	Hastings	McKinley			
Clarke (NY)	Heck	McMorris			
Clay	Hensarling	Rodgers			
Cleaver	Herrera Beutler	McNerney	Boyle, Brendan	Gutiérrez	Pingree
Clyburn	Hice, Jody B.	McSally	F.	Jenkins (KS)	Ratcliffe
Coffman	Higgins (LA)	Meadows	Buchanan	LaMalfa	Rush
Cohen	Higgins (NY)	Meehan	Delaney	McCaul	Shuster
Cole	Hill	Meng	Duncan (TN)	Meeks	Waters, Maxine
Collins (GA)	Himes	Mitchell	Ellison	Messer	Welch
Collins (NY)	Holding	Moolenaar	Faso	Moore	Zinke
Comer	Hollingsworth	Mooney (WV)	Gallego	Moulton	
Comstock	Hoyer	Mullin	Garamendi	Mulvaney	
Conaway	Hudson	Murphy (FL)			
Connolly	Huffman	Murphy (PA)			
Conyers	Huizenga	Nadler			
Cook	Hultgren	Napolitano			
Cooper	Hunter	Neal			
Correa	Hurd	Newhouse			
Costa	Issa	Noem			
Costello (PA)	Jackson Lee	Nolan			
Courtney	Jayapal	Norcross			
Cramer	Jeffries	Nunes			
Crawford	Jenkins (WV)	O'Halleran			
Crist	Johnson (GA)	O'Rourke			
Crowley	Johnson (LA)	Olson			
Cuellar	Johnson (OH)	Palazzo			
Culberson	Johnson, E. B.	Pallone			
Cummings	Johnson, Sam	Palmer			
Curbelo (FL)	Jones	Panetta			
Davidson	Jordan	Pascrell			
Davis (CA)	Joyce (OH)	Paulsen			
Davis, Danny	Kaptur	Payne			
Davis, Rodney	Katko	Pearce			
DeFazio	Keating	Pelosi			
DeGette	Kelly (IL)	Perlmutter			
DeLauro	Kelly (MS)	Perry			
DelBene	Kelly (PA)	Peters			
Demings	Kennedy	Peterson			
Denham	Khanna	Pittenger			
Dent	Kihuen	Pocan			
DeSantis	Kildee	Poe (TX)			
DeSaulnier	Kilmer	Poliquin			
DesJarlais	Kind	Polis			
Deutch	King (IA)	Posey			
Diaz-Balart	King (NY)	Price (NC)			
Dingell	Kinziger	Quigley			
Doggett	Knight	Raskin			
Donovan	Krishnamoorthi	Reed			
Doyle, Michael	Kuster (NH)	Reichert			
F.	Kustoff (TN)	Renacci			
Duffy	Labrador	Rice (NY)			
Duncan (SC)	LaHood	Rice (SC)			
Dunn	Lamborn	Richmond			
Emmer	Lance	Roby			
Engel	Langevin	Roe (TN)			
Eshoo	Larsen (WA)	Rogers (AL)			
Espallat	Larson (CT)	Rogers (KY)			
Esty	Latta	Rohrabacher			
Evans	Lawrence	Rokita			
Farenthold	Lawson (FL)	Rooney, Francis			
Ferguson	Lee	Rooney, Thomas			
Fitzpatrick	Levin	J.			
Fleischmann	Lewis (GA)	Ros-Lehtinen			
Flores	Lewis (MN)	Rosen			

NOT VOTING—24

□ 1915

DRAINING THE SWAMP

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

Ms. KAPTUR. Mr. Speaker, President Trump said he was going to drain the swamp.

Really?

His actions speak louder than words. Check the facts. Wall Street's gold diggers are in charge of the swamp already.

The President's senior strategist, Steve Bannon, spent half a decade working at Goldman Sachs. Trump's National Economic Council Director, Gary Cohn, spent 25 years more there. He rose to be Goldman Sachs' president. Trump's Senior Counsel for Economic Initiatives, Dina Powell, was a partner since 2010 at Goldman Sachs.

Steve Mnuchin, up for a vote tonight for Treasury Secretary, spent 17 years at Goldman. Dubbed the "Foreclosure King," Mnuchin was the fast-buck artist who maneuvered OneWest out of IndyMac's collapse with shady tactics that kicked hundreds of thousands of families out of their homes in Ohio and beyond. Mnuchin is the ultimate swamp dweller. His father worked at Goldman, his brother still works there, and they all return for alumni engagements.

Come now. While millions of Americans lost their homes, with millions more underwater today, Goldman increased its profits. It is obvious, Wall Street's trolls have squiggled their way through the White House transom even before the First Lady has remodeled the living quarters.

When Wall Street rigs our economy again, does anyone seriously expect President Trump to drain the swamp?

He is fast in it with them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1911

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FASO. Mr. Speaker, my apologies for not being able to be present for today's recorded votes. My flight from ALB to DCA was cancelled due to a winter storm, and I could make no other flight that would have gotten me to Washington in time. Had I been present, I would have voted "yea" on rollcall No. 86, and "yea" on rollcall No. 87.

HONORING ISRAEL BONDS

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am so honored that the gentleman from Maryland (Mr. HOYER) is here to listen to this important 1 minute, as he always does.

Israel Bonds recently hosted its annual award ceremony at the Fontainebleau Hotel located in Miami Beach, in my congressional district.

For over 30 years, Mr. Speaker, Israel Bonds has honored members of the Jewish community from all over the

country who have made an incredible impact on the U.S.-Israel relationship and who have helped make Israel's economy one of the world's strongest.

I have had the privilege of working with Israel Bonds over the years and the many individuals who helped make its mission such a success.

One of those individuals, who I know is a friend of the gentleman from Maryland (Mr. HOYER), Alex Halberstein, was honored with the Israel69 Award for his commitment to strengthening the economy of the democratic Jewish State of Israel.

Mr. Speaker, Alex is the chairman of Israel Bonds for south Florida. Alex and his wife, Monique, are deserving of such a high honor. I congratulate them both for such a tremendous achievement.

CAREER AND TECHNICAL EDUCATION MONTH

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, February is Career and Technical Education Month.

As co-chairman of the Career and Technical Education Caucus, and as a senior member of the Committee on Education and the Workforce, I have long been aware of the importance of CTE programs that provide learners of all ages with career-ready skills.

From agriculture to the arts, from marketing to manufacturing, CTE programs work to develop America's most valuable resource—its people.

CTE is taught in a range of settings, from high schools and area technical centers, to technical and 2-year community colleges. In total, 12.5 million high school and college students are enrolled in CTE programs across the Nation.

Last Congress, I was proud to introduce the Strengthening Career and Technical Education for the 21st Century Act. This bill, which passed the House by a vote of 405–5, aimed to close the skills gap by modernizing the Federal investment in CTE programs and connecting educators with industry stakeholders.

I look forward to reintroducing similar legislation this Congress and I remain committed to working with the gentleman from Rhode Island (Mr. LANGEVIN), my CTE Caucus co-chair and good friend, to improve our Nation's career and technical education system.

CAREER AND TECHNICAL EDUCATION MONTH

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

Mr. LANGEVIN. Mr. Speaker, I am so pleased to join the gentleman from Pennsylvania (Mr. THOMPSON), my friend and co-chair of the Career and Technical Education Caucus, to recognize February as Career and Technical Education Month.

In Rhode Island and across the country right now, employers are struggling to find workers with the skills that they need to fill jobs in STEM, in manufacturing, in IT, and so many other skilled trades. Hundreds of thousands of high-skilled, high-paying jobs are open right now, going unfilled, and this number is growing.

To close the skills gap, we must better align education and industry to make sure that what we are teaching in classrooms is better meeting the needs of real-world companies right now. We must increase work-based learning and build education pathways

to help students become career and college-ready.

Mr. Speaker, I urge my colleagues to support investment in CTE in the 115th Congress, including by reauthorizing the Carl D. Perkins Career and Technical Education Act to adapt our workforce to the 21st century economy.

Mr. Speaker, this act passed with strong, bipartisan support in the last Congress, and I hope we can quickly bring it up again to pass it with strong bipartisan support in this Congress as well.

I thank the gentleman from Pennsylvania (Mr. THOMPSON) for his leadership.

HONORING THE MEMORY OF NICK LITTLEFIELD

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

Mr. KENNEDY. Mr. Speaker, I rise this evening with a heavy heart to honor the memory of Nick Littlefield, a dear friend and dedicated public servant who passed away last week.

Few in our country could match Nick's career. From the stages of Broadway to classrooms at Harvard Law School, to courtrooms in New York City, and eventually to the Halls of this Capitol as an aide to my late uncle, Senator Ted Kennedy, Nick did it all.

Always guided by the simple principle that our laws should help protect our citizens, his fingerprints can be found on landmark legislation such as the Children's Health Insurance Program, the Americans with Disabilities Act, the Family Medical Leave Act, and the 1996 minimum wage increase.

Every day that he arrived at his Senate office, he brought a contagious enthusiasm for his work and extraordinary empathy for the people he served. Even while battling the multiple system atrophy that ultimately cost him his life, he considered himself "not entirely unlucky" to have this disease because it allowed him to "truly sympathize" with those who had disabilities.

Nothing was ever more important to him than his family. In this difficult time, my thoughts and prayers are with Nick's incredible wife, Jenny, as well as his stepchildren Frank, Tom, and Kate.

NATIONAL HEALTH AND WELLNESS COACH RECOGNITION WEEK

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

Mr. PAYNE. Mr. Speaker, I am glad to join my colleague, Congressman MARKWAYNE MULLIN today in intro-

ducing a resolution designating the week of February 13 as National Health and Wellness Coach Recognition Week.

Lifestyle-related chronic diseases are causing a health crisis in this country. Chronic diseases are the leading cause of preventable deaths and disabilities, and they cost the U.S. economy more than \$1 trillion per year.

This crisis is so severe that the Centers for Disease Control and Prevention has deemed chronic disease to be "the public health challenge of the 21st century."

We can reduce lifestyle-related chronic disease and end this crisis, but that means improving and sustaining health-related behaviors. That is where the health coaches come in. They step in to fill the gap between healthcare provider recommendations and sustainable lifestyle changes. By helping to improve individual health and wellness, health coaches get to the root of this Nation's health crisis.

I want to give my deepest thanks to the health and wellness coaches who are making the people of this Nation healthier. We should all support them in their efforts.

HONORING THE RICHMOND FREE PRESS

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

Mr. McEACHIN. Mr. Speaker, I rise today to recognize the Richmond Free Press, an independent, Black-owned weekly newspaper that recently celebrated its 25th anniversary.

The newspaper was founded by Raymond H. Boone, a former Howard University associate professor and reporter who tirelessly served as editor and publisher until his death in June of 2014.

The Richmond Free Press serves as a voice for all people and, since its inception, has altered the media landscape of Richmond, the former Capital of the Confederacy. The paper has positively impacted the community through its news stories and its editorials.

Through the leadership of Mrs. Jean Patterson Boone, advertising director and wife of the late founder, Raymond Boone, this is an award-winning publication. Not only has the Richmond Free Press been a source of information for 25 years, but it has been a pillar in our community.

Mr. Speaker, it is appropriate that this recognition come during Black History Month, for the Richmond Free Press does not only chronicle history, it has made history for the last 25 years.

BLACK HISTORY MONTH

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

Mr. LAWSON of Florida. Mr. Speaker, I rise today in honor of Black History Month. It is especially meaningful

to me this year as I am so proud to have the honor to represent the great people of Florida's Fifth Congressional District.

Now, more than ever, it is incumbent upon all of us to work to ensure we are protecting our beacons of democracy within our government institutions, from maintaining a vigilant and responsive Department of Justice, to a robust Department of Health and Human Services, to ensuring that our Department of Education is advancing public education and protecting our Historically Black Colleges and Universities.

One African-American who left a lasting legacy in education in Florida is John G. Riley, who was born a slave in 1857 and who died as a millionaire in 1954. Riley was a schoolteacher in Wakulla County, near Tallahassee, and later became the principal of Lincoln Academy in Tallahassee, Florida, serving the community as an educator for 49 years.

Riley was also the first African-American in Tallahassee to own property at the turn of the century. Today, we can all visit the John G. Riley Museum for African American History and Culture to learn more about his contributions to the fabric of African-American history.

In Jacksonville, we celebrate Mary Littlejohn Singleton, who became the first Black woman elected to the City Council in Jacksonville, Florida, and then elevated herself to be elected to the Florida Legislature, the first one since the Reconstruction era. Singleton paved the way for other Black women to follow in her footsteps in the Florida Legislature, like former Congresswoman Carrie Meek, and our colleague, FREDERICA WILSON, who serves now with us today.

It is stories like John G. Riley's and Singleton's and countless others that remind me to work and lead us ahead in the future. We must think differently and act differently to affect change by working together to help our fellow men and women.

I am committed to standing with the Congressional Black Caucus and to keep the fight for equality for all Americans.

CELEBRATING THE 60TH BIRTHDAY OF OVERSEER ELVIS L. BOWMAN

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

Mr. VEASEY. Mr. Speaker, I rise today to celebrate the 60th birthday of my good friend, overseer Elvis L. Bowman, the senior pastor of the Greater Mt. Tabor Christian Center in my hometown of Fort Worth, Texas.

Pastor Bowman was born February 23, 1957, and became a lifelong member of Greater Mt. Tabor Christian Center

and their congregation; and the church was founded by his father, E.L. Bowman.

Pastor Bowman graduated from the University of Texas in Arlington with a bachelor's degree in business and a minor in music. He has since used his education to serve the congregation in so many wonderful ways.

An accomplished musician, Pastor Bowman served as a staff musician under his father before being appointed minister of music in 1974. He then served as the Church business manager before he was appointed pastor in 2002. He was later elevated to full gospel district overseer of Tarrant County in 2008.

Pastor Bowman, I wish you happy birthday, my friend, on your 60th birthday. I wish you nothing but health and happiness. Please enjoy your special day.

LEGISLATION TO DEREGULATE GUN SILENCERS

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

Ms. JACKSON LEE. Mr. Speaker, on a warm Sunday morning, yesterday, six men in a blue truck and six men in a black truck began shooting along Griggs Road. Women and children fled. Families fled in fear of their lives. Because of the gunshot noise, police were able to come, and those who were hovering and sheltering could dial 911 on their cell phones.

So today I want to join with the law enforcement coalition who are working with former Congresswoman Gabby Giffords and Mark Kelly, who are standing up against legislation that would deregulate and allow civilians to buy silencers.

It indicates that the gun lobby applauds introduction of the Hearing Protection Act. A quote in an article says many gun owners and sportsmen suffer severe hearing loss after years of shooting. Yet, the tool necessary to reduce such loss is onerously neglected and taxed.

What about the law enforcement officers who will suffer at the hands of those who want to do us harm with silencers on their guns? What will happen to those who will be murdered in the streets? What about them and their families?

This is a legislation misdirected. This is a legislation that is unfortunate. I join with my fellow Americans and law enforcement officers, first responders, in standing up against a nonsensical and misdirected initiative.

Let's stand with those who are to protect us and let's protect our families and not support this legislation.

□ 1930

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. FITZPATRICK). Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. VEASEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. VEASEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material in the RECORD.

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

There was no objection.

Mr. VEASEY. Mr. Speaker, W. E. B. Du Bois is quoted as saying: "The cost of liberty is the less than the price of repression." And the cost of liberty has come at a steep price for members of the Black community. But despite this immense challenge the Black community has faced, our resiliency is what we celebrate every month during Black History Month.

Every February, we get together to talk about it, highlight it, and share with school children, friends, and family the accomplishments of the men and women who changed the course of American history. We thank these pioneers for expanding what we believed possible and use them as an inspiration for the fight that remains.

There have been so many African-American pioneers in every field, including medicine. Dr. James McCune Smith was the first African American to earn a medical degree and practice medicine in the U.S.; Dr. Daniel Hale Williams owned the first Black-owned hospital and is credited with the first successful heart surgery performed by an African American; Dr. Charles Drew—many have heard of him—renowned for his research during World War II which allowed for us to better understand blood plasma and its storage for transfusions. More recently, Dr. Regina Benjamin became the first Black woman elected to the American Medical Association Board of Trustees and was appointed the 18th surgeon general by President Barack Obama in 2009.

Each of these medical pioneers broke barriers for the betterment of the community, and each worked to use tools of their profession to improve the health of each patient they treat and also for future generations.

The Secretary of Health and Human Services shared similar responsibilities, but on a much, much wider scale, Mr. Speaker. The agency, as you know, of HHS is tasked with enhancing and protecting the health of all American citizens. However, the recent appointment of Dr. Tom Price as HHS Secretary threatens to roll back the progress pioneered by Black medical professions and the progress made under President Barack Obama.

Dr. Price, as many of you know and as has been documented and seen on television on the cable news shows, was very hostile, extremely hostile, and openly hostile to the Affordable Care Act during the time that he was in Congress, despite the law ultimately extending health insurance for close to 20 million Americans who didn't have it before. That is what is so amazing that a doctor would take that view.

Because of the ACA, 2.3 million African Americans between the ages of 18 and 64 gained coverage, and the uninsured rate, among African Americans, fell by nearly 7 percent. In the district that I represent, 47,000 more residents now have coverage thanks to the ACA. And for the district that I represent, that is pretty significant.

People hear a lot about the Texas miracle and about all the jobs and the economic growth in the State of Texas. Despite living in Dallas-Fort Worth—one of the most vibrant economies in the entire world, quite frankly—it had the highest uninsured rate out of any congressional district in the country. It is a shame that, with that type of prosperity, we would have such a large group of people—over 1 million people collectively when you include people outside of the district that I represent—in the Dallas-Fort Worth metroplex who don't have insurance. It is really a shame. We cannot let the progress forged by African-American trailblazers be undermined by a Secretary of Health and Human Services who does not see how expanding healthcare access can help better health outcomes for African Americans.

Similarly, in an area of history where we saw historic tenures of both Eric Holder and Loretta Lynch as Attorneys General, the recent confirmation of Jeff Sessions as Attorney General is very troubling and really a blatant reminder that we must remain vigilant for those who would like to turn back the clock on the civil rights progress that African Americans fought and died for, particularly when you start talking about voter fraud.

It seems like right now what we are starting to see is the very beginning of people who are against the gains that have been made. They are trying to lay the groundwork so they can go in and do some really, really serious oppression. And that is absolutely scary just because that was a chapter in our country's history that we don't want to go back to.

We want to know that the new Attorney General is going to be working for us and not trying to undermine us when it comes to people being able to exercise their suffrage. And in the Senate Chamber, a very esteemed colleague in Congress, Senator WARREN, brought much attention to a letter that Coretta Scott King wrote opposing Senator Sessions' consideration for a Federal judgeship.

This Chamber has yet to hear Mrs. King's words in a letter that she used to highlight the brutal harm Sessions could wreak on voting rights. And if you look at her letter, it simply states: "Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than black citizens. No group has had access to the ballot box denied so persistently and intently."

And Mrs. King continued: "The actions taken by Mr. Sessions in regards to the 1984 voting fraud prosecutions represent just one more technique used to intimidate black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the black belt counties where blacks had finally achieved political power in local government. Whites had been using the absentee process to their advantage for years, without incident. Then, when blacks, realizing its strength, began to use it with success, criminal investigations were begun."

Mrs. King went on to state: "In fact, Mr. Sessions sought to punish older black civil rights activists, advisers and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's. These were persons who, realizing the potential of the absentee vote among blacks, had learned to use the process within the bounds of legality and had taught others to do the same."

And that is what I am talking about, Mr. Speaker, is that sort of attitude, that sort of hostility towards the African-American community when it comes to the right of suffrage, the right to vote that we hold so precious—that all of us are worried about.

But Mrs. King went on to describe why she believes Jeff Sessions would do irreparable harm to her husband's civil rights legacy. "The exercise of the franchise," she states, "is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems."

"We still have a long way to go before we can say that minorities no longer need be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through

democracy a reality, we must take every step possible to ensure that the spirit and intent of the Voting Rights Act of 1965 and the 15th Amendment to the Constitution is honored."

And with that, Mr. Speaker, I yield to a Member of this body that is no stranger when it comes to civil rights, knew Mrs. King, knew many of the key players and figures, and was a key player and figure himself, and that is the gentleman from South Carolina. I would like to recognize our assistant leader, JIM CLYBURN, to come and talk on this topic of Black History Month and some of the things that are so important to our community this month and why we are going to continue to talk about these issues.

Mr. CLYBURN. Thank you very much for yielding to me.

Mr. Speaker, I am very pleased to join my colleagues and people throughout the United States to celebrate Black History Month. It may come as a surprise to some that Black History Month is also celebrated in Canada and the United Kingdom, although they do so in the United Kingdom in the month of October.

Thanks to the hard work and persistence of Carter G. Woodson and the Association for the Study of Negro Life and History, known today as the Association for the Study of African American Life and History, the celebration of Black history was inaugurated in 1926. In response to Mr. Woodson's advocacy, it was to be for 1 week, the second week in February, in order to envelope the birthdays of Abraham Lincoln, February 12, and Frederick Douglass, February 14.

First proposed by students at Kent University in 1969 and 1970, the week was officially expanded to a month in 1976. Gerald Ford was President at the time. When the month was established, President Ford urged the country to "honor the too-often neglected accomplishments of black Americans." There is a lot of talk about health care these days, and in no area has the contributions of African Americans been more neglected and dishonored as much as in the field of health care.

How many people are aware of the contributions of Charles Drew who unlocked the secrets that led to the ability to perform blood transfusions; or Daniel Hale Williams who performed the first successful open-heart surgery; or Samuel Kountz who performed the first successful kidney transplant not done on identical twins? Because of these and many other slights in many other fields, Mr. Speaker, I have not always celebrated this occasion with pleasure.

During those discussions back in the late 1960s and early 1970s, I, and many others, felt that the appropriate action was not just to expand from 1 week to a month but to mandate the incorporation of African-Americans' contributions and achievements throughout the

curricula of all of our schools year round.

But, with each passing day, I grow more and more appreciative and respectful of a lesson taught in 1 Corinthians 11:13, which I share with you in JIM CLYBURN's version. "When I was a child, young and inexperienced, I spoke with the reasoning and understanding of a child, but as I grew and matured, I put those childish thoughts, expressions, and ways behind me."

I have come to understand, Mr. Speaker, that Black History Month is not only about celebrating past achievements and contributions. It is also a time for reflection and introspection.

□ 1945

Aristotle once intoned: "A life without contemplation is not worth living."

I have spent a lot of introspective moments over the last several weeks. Over the last several days, I have reflected on the comments made by Dr. Martin Luther King, Jr., at the annual meeting of the Medical Committee for Human Rights back in 1966, when he said: "Of all the forms of inequality, injustice in health care is the most shocking and inhumane."

That is what was on my mind when I addressed this House on the day that we passed the Patient Protection and Affordable Care Act. On that occasion, I referred to the Affordable Care Act as the civil rights act of the 21st century.

It may seem a bit odd to some to hear the Affordable Care Act referred to as a civil rights act, but that is exactly what it is. The Affordable Care Act outlawed discrimination against children with preexisting conditions, outlawed discrimination against people with disabilities, and outlawed discrimination against women just because they are women.

Mr. Speaker, I want to believe that we have grown and matured beyond where we were when our country allowed insurance companies to discriminate against women with breast cancer and men with prostate cancer. I would like to believe, Mr. Speaker, that we have put behind us the childish practice of kicking children off of their family insurance policies as soon as they turn 21, even if they are still in school or have not yet found employment. Mr. Speaker, what could be more childish and immature than allowing insurance companies to deny benefits to the sick and disabled in order to gain big bonuses and payouts for executives?

These arguments are not new. In fact, they are reminiscent of an age-old debate.

Fifty years ago, during my years of student protest, there were those who urged us to slow down. You are pushing too hard, too fast, they would say. Some of those who wanted a slower ap-

proach claimed to be on our side, like those eight White ministers who implored Dr. Martin Luther King, Jr., to slow down, arguing that Christianity took 2,000 years to accomplish all it has. Those ministers believed that the escalation of marches and demonstrations to secure civil rights was unwise and untimely.

In 1963, while sitting in the Birmingham city jail, Dr. King started penning a letter that, of course, he finished after leaving jail, but in that letter he dealt with the whole issue of time. In his letter, Dr. King said: "Time itself is neutral; it can be used either destructively or constructively."

He continued: "More and more I feel that the people of ill will have used time much more effectively than the people of good will. We will have to repent in this generation not merely for the hateful word and actions of the bad people but for the appalling silence of the good people."

Dr. King continued: "Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men"—and, I might add, women—"willing to be coworkers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that time is always ripe to do right."

I believe these words ring true today, in our current situation. Our Nation has waited for nearly a century to find a way to bring all its citizens into the healthcare system. The time was ripe to do right for the American people.

Mr. VEASEY. Mr. Speaker, I thank our assistant leader for his comments. He has such a plethora of information when it comes to the civil rights movement. He knew Reverend Abernathy and a lot of figures that aren't as well known, like A. G. Gaston and James Farmer from my family's hometown in Marshall, Texas. He is able to bring all of that in today and tie it into the relevance of what we are working on here in Congress.

I yield to the gentlewoman from Texas (Ms. JACKSON LEE), a friend here on the House floor from Houston. She is a fellow Texan that also knows about Black history just because so much of great Black history in our country has been made in Harris County, in Houston, Texas. I thank her for participating on this very important Special Order hour.

Ms. JACKSON LEE. Let me thank my friends and distinguished leaders of this Special Order, Congressman VEASEY of Texas and Congresswoman PLASKETT of the Virgin Islands.

As I begin today, I want to pose a question that was posed by Eddie Chambers. Chambers is a professor of art and art history at the University of Texas in Austin.

As I say that, let me respond to Congressman VEASEY and indicate that we

do have a lot of history in Harris County, but also in the State of Texas. Also, I had the privilege of working for the Southern Christian Leadership Conference during the leadership of, then, Ralph David Abernathy and met Hosea Williams and many of the foot soldiers that worked with Dr. King. I can see the historic perspective that they were able to garner by their experience and association with this great modern-day profit, a man who understood that injustice anywhere is injustice everywhere.

As I answer the question, I want to cite from Eddie Chambers' article that appeared in the Chronicle today. He said in one of his sentences: "Is there an important place for a celebration that might well appear in some respects as anachronistic?"

"In a word," he said, "yes."

He went on to say: "As a professor whose classes invariably deal with aspects of African-American history and African Diaspora history, any moment of doubt I might have about the validity of Black History Month are dispelled once classes begin each semester. I am still shocked and saddened at the level of ignorance among students of important events and personalities that are part of African-American history, and consequently, American history. I don't, of course, blame my students, and this ignorance is by no means restricted to students of a particular ethnicity or cultural background."

In other words, he said: "Widespread ignorance of Black American history leads to an insufficient grasp of American history."

So my few words tonight will explain or highlight the fact that this is a need for not only African-American History Month, which is February, but it needs to be taught throughout the year and integrated into the education of all students, no matter where they live; and it is shameful testimony that the books that children are learning from, the curriculum, is so missing, so lacking in the history that is American history—African-American history.

My challenge tonight is for those of my colleagues who are listening, those educators in primary and secondary education, in colleges, Ivy League and otherwise, what is your answer to the question: Is it now still time to celebrate and commemorate Black History Month? What are you doing about it?

I know that Texas is certainly full and rich with history, although our schoolbooks do not denote that. In fact, there was a vigorous fight with the Texas education board on their lack of responsibility in terms of insisting on textbooks that had an accurate recounting of Black history.

Certainly, we know—I hope that we know—the names of Congresswoman Shirley Chisholm, the first woman African American to run for President; my

colleague and former predecessor, the Honorable Barbara Jordan, who in the Judiciary Committee said, "We, the people," and repeated a statement of the importance of the Constitution; activists like Harriet Tubman, Rosa Parks, and Sojourner Truth.

Secretary Hillary Clinton and myself introduced legislation to put the first American bust, that of Sojourner Truth, in the United States Capitol, where she sits today. Who would have known her name, had it not been for the celebration through that legislation of over 2,500 women who came to celebrate the placing of this bust?

Astronaut Mae Jemison still remains the first African-American woman to go into space. We have mathematicians Catherine G. Johnson, Dorothy Vaughn, and Mary Jackson, who I believe are evidenced in the film "Hidden Figures." "Fences" is another great movie of great history. We have Maya Angelou, Toni Morrison, and Gwendolyn Brooks. All of these are evidence of great people.

Or the likes of Ruby Mosley, who started with the city of Houston but was an activist and is an activist in Acres Homes. Not one thing of good news happened in Acres Homes and around the city without Ruby Mosley's great leadership. She is still going.

Barbara Jordan, Mickey Leland, Craig Washington, and myself, who served in this seat in the 18th Congressional District, fought to make sure that seniors had housing, make sure their Social Security and city services were there, and standing up to fight for civil rights. There were so many like Ruby Mosley. All of them should be placed in literature to announce their greatness.

And then, of course, let me say how proud I am to have a father by the name of Ezra C. Jackson, one of the first African-American cartoonists working in New York City in the media of comic books. He was a strange figure there. Tragically and unfortunately, as the White men begin to return after World War II, the African Americans who worked during that time, since he was the youngest of four sons—three went to World War II—were displaced. Racism. But yet I am so proud of him for being such an astute and brilliant artist. So much of his work still remains, shown in the Smithsonian in its early stages of putting together the National Museum of African American History and Culture.

Also, my father-in-law, Phillip Ferguson Lee, one of the Tuskegee Airmen. Clearly, it began as an experiment to determine whether colored soldiers were capable of operating expensive and complex combat aircraft but ended as an unqualified success, based on the experience of the Tuskegee Airmen, whose record included 261 aircraft destroyed, 141 aircraft damaged, 15,553 combat sorties, and 1,578 missions over Italy and north Africa.

This past weekend, we buried a church member of mine, Clyde Alexander, who was also a Tuskegee Airman. To both of those men, we pay tribute, and I ask the question: How many textbooks in America, in school districts, rural and urban, have the story about the Tuskegee Airmen?

Is the question: Do we need to celebrate and commemorate Black history? If that is the question, then the answer is not only a resounding yes, but what are you doing in the academic institutions across America to ensure that we tell the story not of African American history or Black history, but of American history?

Let me finish my remarks by adding a challenge evidenced in the Los Angeles Times.

One of the things that comes out of the commemoration of African-American history is a connection to the diaspora. The Congressional Black Caucus has been the singular connecting force to the diaspora, whether it is to the Caribbean; whether it is to the African Brazilians in Brazil who happen to be of Nigerian heritage; whether it is, as I indicated, in the Caribbean, where my parents and grandparents came from, from Jamaica; from Panama, where my grandfather worked on the Panama Canal. All of this is part of the portfolio of the Congressional Black Caucus, and I thank our chairman, Mr. RICHMOND.

□ 2000

We have been the strongest voices on these issues. Mickey Leland, who was my predecessor, died on the side of an Ethiopian mountain because he cared about the horrible and devastating drought that was killing those in the region and he continued to want to take them food and to hold dying babies in his hands.

Now we have a new challenge, and that is of Somalia, a new hunger emergency. Millions are going to die if this President does not recognize that his responsibilities include not only being the Commander in Chief, but many times the chief humanitarian of the world.

In the last drought, some 350,000 children died in this region because of starvation. Right now they are expecting that starvation is going to impact hundreds of thousands of women and children. This is a picture of a woman and her child walking by the dead goats that would be the source of their livelihood because there is no water.

As I close my remarks, I call upon this Congress and I call upon this President to get the wheels back on the White House and begin to recognize that America has always been the comforter in receiving refugees, and it has always been a friend of the continent of Africa. There are Members of Congress who have gone to Africa in times of need, but we have also worked with the

administration, from George Bush to Bill Clinton, to Barack Obama and many others, who recognized that we are connected to the continent of Africa by the very slaves who were brought here.

Let us fight for Somalia to survive. I call upon my fellow colleagues to join me in legislation dealing with the starvation here, that we can raise up humanitarian dollars and efforts to save the lives of hundreds of thousands who are now on the brink of starving. That is what this month commemorates, not only the African American history, but the diaspora of which we are so connected.

Mr. VEASEY. Mr. Speaker, I thank the gentlewoman from Texas for sharing that great information and talking about some of the highlights that Black Americans have made toward our story when it comes to African American History Month this February.

I now yield to the gentlewoman from the Virgin Islands, STACY PLASKETT, who is here tonight to also talk about contributions from the part of the world that she represents. I thank her for her efforts here tonight and for being part of this Special Order hour.

Ms. PLASKETT. Mr. Speaker, I thank Congressman MARC VEASEY for assisting me and for being a leader in this Special Order hour for the Congressional Black Caucus. Of course, I thank the chair of the Congressional Black Caucus, our friend and colleague, the Honorable CEDRIC RICHMOND, for his continued leadership of both our caucus and on issues impacting Black America and minority communities across this Nation.

Mr. Speaker, Black History Month is a time to reflect on notable African-American icons, their achievements as a people, and our continued struggle for a more perfect Union. Not only does it serve as a source of great pride and an anchor to the African descendants in the African-American community, but it is also a vehicle to educate the masses on the totality of the Black experience throughout the history of this Nation.

As we gather this evening to celebrate the life, legacy, and achievement of African descendants, it is important to remember the journey told and employ the same resilient spirit in our continued push for fair and equal access to life, liberty, and the pursuit of happiness.

Mr. Speaker, the Congressional Black Caucus is a body of 49 members in both houses of Congress representing millions of African Americans and other minorities and majority people across this country. We are alarmed by the recent actions of this administration and the threat those actions pose to the hard-fought progress of African descendants and minorities in this country.

The nomination of Jeff Sessions as Attorney General for many minorities across this country was a direct affront to the legacy of Dr. Martin Luther King, Jr., Stokely Carmichael, our colleague JOHN LEWIS, and the many others who sacrificed and dedicated their lives to the civil rights movement and the right to vote. The concerns expressed by the great Coretta Scott King 30 years ago about the dubious past of Mr. Sessions with respect to enforcing civil rights laws remain the same for many Americans today. Mr. Speaker, the American Dream was, in fact, made possible by the plight of African descendants, and we must remain vigilant and steadfast in the fight against racial, social, and economic injustice.

Mr. Speaker, I want to raise another area of concern that African Americans have, and that is for health care. My district of the U.S. Virgin Islands, home to the first African-American female physician in Congress, my esteemed predecessor, Donna Christensen, like many underserved communities across the country, is adversely impacted by disparate health outcomes. Diabetes, hypertension, along with funding for disease such as sickle cell, may be adversely affected in this administration. Programs for nutrition and preventative health, like Temporary Assistance for Needy Families, or TANF, and Supplemental Nutrition Assistance Programs, or SNAP, provide critical food to the neediest in all of our communities, especially mine, the Virgin Islands, and especially to our children.

Repeal of the Affordable Care Act would create unhealthy African-American communities. Since the Affordable Care Act was passed, nearly half of the African-American adults who didn't have health insurance now have health insurance. Under the Affordable Care Act, the number of working-age African-American adults who are uninsured has been cut from 27 percent to 14 percent, the lowest rate ever. The number of African-American children without insurance also decreased to the lowest rate ever, negative 5 percent. Repealing the Affordable Care Act would take away coverage for more than 3.3 million African Americans. In my district, we are looking for ways to expand coverage, not to remove or repeal it.

Members of this caucus and members before us have offered policy solutions and continue to push policies and initiatives that would help African-American communities because we know the work that our communities have done, the work of our forefathers to ensure that we have a place at the table; individuals like Shirley Chisholm, as was spoken about by my colleague SHEILA JACKSON LEE. People who have come to America to be part of the experience of the African diaspora are people from

many parts of the Caribbean. Right now we have Congresswoman YVETTE CLARKE, representing the Ninth District of New York, of Jamaican descent. Other notable Jamaicans who have served this country: General Colin Powell, the first Black U.S. Secretary of State; Constance Baker Motley, the first Black woman appointed to the Federal bench; our previous Attorney General, Eric Holder, whose family hails from Barbados; Cicely Tyson, the Academy Award-nominated actress whose family is from Nevis; Edward Blyden, from my own St. Thomas, who has been known as the father of pan-Africanism; Hubert Harrison, a prominent political activist, writer, and orator; and my own special hero, Ruby Rouss of the island of St. Croix, who was the first Black woman assigned as a permanent staff of the Supreme Headquarters Allied Powers Europe. It is the work of these great African Americans and those who are not heralded and those that we don't know.

Ms. JACKSON LEE talked about her own family members. My own father, LeRoy Plaskett, and my mother, who came from the Virgin Islands and went to New York as older siblings to give back and to ensure that their younger siblings could have the things needed back home in the Virgin Islands. They have given a legacy for all of us, and we are so grateful for the work they have all done. I spoke of Congresswoman YVETTE CLARKE of New York.

Mr. VEASEY. Mr. Speaker, I now yield to another distinguished member of the New York delegation, my colleague, the great HAKEEM JEFFRIES, who has led this Special Order before and who I look to for guidance on how to continue the great work that he and JOYCE BEATTY did previously.

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished gentlewoman from the Virgin Islands for her very kind remarks and for yielding and for the tremendous job that she and my classmate, MARC VEASEY, have done in leading this CBC Special Order hour over this 115th Congress during the last few weeks.

We stand here today in the midst of Black History Month where many African Americans throughout the country are asking the question: What do we do now that the unthinkable has occurred?

As a community, as a nation, we have gone from the Presidency—distinguished and dynamic 8 years—of Barack Obama to the current situation where we have a swamp percolating at 1600 Pennsylvania Avenue under the leadership of Donald J. Trump.

He began Black History Month by saying that he was convening folks for what he called his little Black history breakfast. Those of us who actually watched some of the coverage seemed perplexed by his reference to the great Frederick Douglass as if he was still

alive. If anyone has any questions about the relevance of Black History Month, we can start by noting that perhaps it is important to make sure that the Nation's Commander in Chief understands the contributions that African Americans have made to the United States of America, going all the way back to the Boston Massacre, where one of its leaders, Crispus Attucks, was the first American killed at the onset of the American Revolution in connection with the Boston Massacre, challenging the unjust taxation policies of the British Empire.

Now, the 45th President of the United States of America asked a question over the last several months: What exactly do Black folks have to lose?

Many of us were perplexed by that question, given his history, and actually think that you have lost your mind if you come to the conclusion that the current occupant of 1600 Pennsylvania Avenue has any interest in making a positive difference in the lives of people of color generally, African Americans specifically, perhaps because of his own history.

We know that in the early 1970s The Trump Organization, of which he was president, was sued by the Justice Department for racial discrimination in the housing stock that they owned, where they were denying African Americans and people of Puerto Rican ancestry access to apartments, notwithstanding their economic qualifications to be renters or co-op owners.

I would just note parenthetically that it was the Nixon Justice Department—not the Kennedy Justice Department or the Johnson Justice Department or the Carter Justice Department or the Clinton Justice Department or the Obama Justice Department—that concluded that Donald J. Trump and his organization was discriminating on the basis of race.

Those of us from New York understand that the current occupant of the White House was the leader of the high-tech lynch mob designed to try to get the wrongfully convicted Central Park Five sentenced to death, taking out a full-page ad in some of the local periodicals in New York calling for that. It turns out that all five individuals were wrongfully convicted and spent years in jail for a crime they did not commit. Donald J. Trump has never apologized for that reckless and irresponsible action.

Then, of course, for 5 years he perpetrated the racist lie that Barack Obama was not born in the United States of America, all designed to undermine the legitimacy of the 44th President of the United States of America, which is why here in Black History Month it is very interesting to me that some of my friends on the other side of the aisle question whether we, as members of the Congressional

Black Caucus, or others are being irresponsible in not giving the current President a chance.

How dare you ask that question. From the beginning of the Presidency of Barack Obama, you declared war on him. You followed a philosophy that may be familiar to those of us who are familiar with the history of the Deep South: obstruction today, obstruction tomorrow, obstruction forever.

□ 2015

Mr. MCCONNELL declared that his top priority was to make Barack Obama a one-term President. And yet, he questions whether Americans, who are part of the growing resistance movement, have failed to give Donald Trump a chance. Let's be clear. He has zero credibility on the issue of lecturing us about Presidential etiquette. We will decide what the rules of engagement are when it comes to this current President. Pipe down as it relates to talking to any of us about how to engage the White House because he has no credibility on the issue. His obstruction took place in the midst of two failed wars in the worst economy since the Great Depression.

So we have got a lot of issues that we have got to sort out with this current President here in Black History Month, both for the African-American community and for the broader community of Americans in blue States, in red States, in urban America, in rural America, in suburban America, in the north, the south, the east, and the west. And I look forward to working with my colleagues in the Congressional Black Caucus, and others, to tackle issues like criminal justice reform, to fix the Voting Rights Act that was damaged in such an irresponsible way by the Supreme Court decision in *Shelby County v. Holder*, and to work to build an economy that works for all Americans, not simply the millionaires and billionaires who dominate the Trump Cabinet.

I thank my distinguished colleague from the Virgin Islands (Ms. PLASKETT) for giving me the opportunity to share some thoughts today. I thank my colleague, MARC VEASEY, for his continued leadership. And I look forward to hearing my distinguished colleague, BRENDA LAWRENCE, from Motown.

Ms. PLASKETT. Mr. Speaker, I thank Mr. VEASEY.

Mr. Speaker, I yield to the distinguished gentlewoman from Michigan (Mrs. LAWRENCE), who is my classmate and one of my very good dear friends.

Mrs. LAWRENCE. Mr. Speaker, I want to thank Representative MARC VEASEY from Texas, who has been an amazing advocate for voting rights and has been standing with the people in Texas across this country for American values with the refugee ban.

And I can't say enough about my colleague, my freshman class member,

STACY PLASKETT, from the beautiful Virgin Islands. Her commitment to being a voice for people who are often not heard has been one that has been valuable, not only to us here in Congress but for this country.

Mr. Speaker, Black History Month is a time to celebrate our progress while recognizing the challenges that we still face today.

The President, Donald Trump, posed the question to African Americans asking: What do you have to lose?

Our Black history is outlined with the great progress and hard sacrifices endured by our forefathers. Under this administration and under these current circumstances that we are dealing with, yes, Mr. President, we have a lot to lose. We have a lot to lose for every point of progress that we have made in this country. And for every hard fought step forward, we have a lot to lose.

Instead of draining the swamp, this administration is filling it with unqualified and dangerous megadonors. Our basic rights and privileges included in our Constitution are under the risk of being attacked under this administration. Old battles that we fought and celebrate the wins, such as equal rights and quality education and criminal justice, have now begun again anew.

How are they under attack, you would ask? Well, let's go appointment by appointment.

Under DeVos' leadership, our education system is under attack.

African Americans have historically fought for equal access and opportunity in education.

African Americans had to suffer through the Jim Crow era to fight a segregated education system. They were forced to learn under a system that was both separate and unequal.

African Americans have faced and fought against injustice in the education system ever since our emancipation.

And now, in 2017, our Secretary of Education is Betsy DeVos. And frankly, she is not qualified to be the Secretary of Education because she has zero experience in public education, and she is not the right person to lead our public schools. Being a millionaire does not mean you are qualified to direct good policy.

We have real issues in Detroit. Under DeVos' direct involvement in Michigan public schools, we now have a challenge in our city of Detroit with school deserts. Some of you may not have heard about that. But a school desert is where a community does not have a local public school to attend. This means a family's only opportunity to educate their children would be to go to a for-profit charter school that is miles away, and there is no public transportation given for your child to get there, so you are in a school desert.

Our Secretary of Education should be enforcing civil rights equality and

making sure that every child is educated in America, and this includes children of color who can't advocate for themselves.

Funneling taxpayer dollars to private religious schools is a step backwards. Resegregation masked under the guise of school of choice is a step backwards.

So let's talk about Secretary Sessions.

Our criminal justice system is under attack.

Civil rights icons that we know and celebrate during Black History Month, like Martin Luther King and our amazing Congressman JOHN LEWIS, endured pain and suffering during a peaceful protest and support of voting rights in 1965.

Disproportionate injustices against African Americans and minorities did not end with the civil rights movement.

Today, we fight for equality under the law. This fight continues.

Now, we have Senator Jeff Sessions charged with leading the Justice Department. His record speaks for itself. He was denied for a position as a Federal court judge speaks volumes.

Clearly, there seems to be a certain amount of fear of the truth when it comes from the mouth of Coretta Scott King.

We cannot go backwards. African Americans have worked hard to be a part of the fabric of this country through education, and health care is one of them.

Let's talk about Charles Drew, who, with his research, developed a technique to have blood banks that we can use in transfusions; Daniel Williams, the first person to successfully complete open-heart surgery; and Dr. Patricia Bath, whose invention in cataract lenses transformed eye surgery, and she was the first African-American woman doctor to receive a patent for a medical invention.

Now, our society's most vulnerable stand to lose something that we fought so hard for, and that is ensuring everyone receives health care in America, ACA. Women should not be charged more for insurance than a man. The sick shouldn't be denied insurance because of preexisting conditions. And Republicans instead want to repeal, take away, the ACA without any plan to replace it. We are going backwards.

This month, we celebrate how far we have come. We celebrate the progress of the Civil Rights Act and the Voting Rights Act. We celebrate the heros and sheros who paved the way. We have come too far to go back now.

That is why I am proud to be a member of the Congressional Black Caucus, along with others who have fought for Americans' equality and for the millions of Americans we represent. It is time for us to remember the great progress we have made as a nation. It is time to remember the past injustices

so that we never repeat them. The sacrifices of those who came before us must never be forgotten. Their sacrifices must not be in vain.

During this month of remembrance, let us all remember we are not going back. We, the African-American community, we Americans, we are moving forward.

Ms. PLASKETT. Mr. Speaker, I thank Mrs. LAWRENCE so much for that discussion and inspiration she has given us. We are not going to go back.

We have heard from so many of our colleagues about the achievements of African Americans. But not just the achievements—the struggles, and the issues that we are facing today.

Mr. Speaker, we heard from Congresswoman SHEILA JACKSON LEE, who outlined not just the past struggles of African Americans and their achievements, but also about the rising concerns throughout the African diaspora when she talked about what is happening in Somalia and other places, and the fact that African Americans have a duty to support other diasporas and the work that they are doing and the struggles they have.

We heard about the Affordable Care Act from our assistant leader, Mr. CLYBURN, the civil rights movement, the work that was done, and the assault that is occurring now on some of those issues.

So we, as the Congressional Black Caucus, have a duty to present those issues here before you all, our colleagues, here in Congress, Mr. Speaker, to put those issues on the RECORD so that we can expound on them.

Mr. Speaker, I yield to Mr. VEASEY if there is anything else that he wanted to discuss or that he reflected on in hearing some of the words that our colleagues spoke about today.

Mr. VEASEY. Mr. Speaker, I want to thank the gentlewoman from the Virgin Islands (Ms. PLASKETT) for offering that to me.

There were several things that I heard that were deeply inspiring, yet deeply troubling at the same time. It is amazing how when you start talking about Black history, and you get ready to apply it to present day, you understand just how important it is that we do bridge those two things—the history, the future, and where we are at today.

If you look at education, for instance, I know that BRENDA LAWRENCE talked about the school desert phenomena and how there are some neighborhoods where there are no neighborhood schools. That is really sad. Because when you think about Brown v. Board of Education and some of the things that were brought out about people having to travel great distances just to be able to get an education, and now you start looking at today in modern-day America and there still are no neighborhood schools, there is still seg-

regation in schools, and then you see a Secretary of Education who wants to try to implement plans that many say would resegregate the schools, would eliminate neighborhood schools, that is what brought us here. The neighborhood school is what brought us here. That is what allowed us to have so many great inventions when you start talking about the inventions in Black History Month, when you learn about medicine, when you start talking about science, almost all of those people mentioned, even during that time of some of the most awful segregation in our country.

And I think about that in my own family. I have a high school invitation from the 1930s in a little town called Henderson in Rusk County. I think LOUIE GOHMERT is the representative there. When you open up the high school invitation—it is from my grandmother's first cousin—and it says Henderson Negro High School, and the graduation will be held at the Henderson Negro High School auditorium.

I like to bring that up because when people start asking: Well, why is there Black History Month—

Ms. PLASKETT. So we don't forget.

Mr. VEASEY. So we don't forget. But before there was a Black History Month, people started putting those things—Black, Negro, colored, whatever it may happen to be for that time period—in front of schools. They didn't put White in front of there. There was no Henderson White High School. It was the Negro High School.

□ 2030

I think the important thing in our trying to bridge all of that is we want to make sure that we don't go back. We don't want to take steps backwards when it comes particularly to education because all of those people, whether they went to the Henderson Negro High School, whether it be blood transfusions—whatever it may happen to be—they got there because of the investment that we made in this country in our public education system. The fact that someone in a position of importance would want to roll back those opportunities is absolutely scary.

It is the same with health care, when you start talking about health care and so many people who don't have adequate health care. It is when we see the racial discrepancies and the life expectancy amongst African Americans. An African-American man, in particular, has the lowest life expectancy.

And you want to remove people—20 million Americans—from having life insurance?

Ms. PLASKETT. Sure.

Mr. VEASEY. It is absolutely scary.

I thank the gentlewoman for participating in this very timely conversation. We needed to have this conversation with the country.

Ms. PLASKETT. We did. There are some additional conversations that we

need to have, but I know that our time has drawn nigh.

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

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

ADJOURNMENT

Ms. PLASKETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 14, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

543. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Amendments to the Capital Plan and Stress Test Rules [Docket No.: R-1548] (RIN: 7100 AE-59) received February 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

544. A letter from the Assistant General Counsel for Regulations, Office of Policy Development and Research, Department of Housing and Urban Development, transmitting the Department's final rule — Federal Policy for the Protection of Human Subjects received February 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

545. A letter from the Special Inspector General, Office of the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program; to the Committee on Financial Services.

546. A letter from the Acting Assistant Secretary, for Energy Efficiency and Renewable Energy, Department of Energy, transmitting a report titled "Effects of Climate Change on Federal Hydropower: The Second Report to Congress", pursuant to Sec. 9505 of the SECURE Water Act of 2009; to the Committee on Energy and Commerce.

547. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Refuse to Accept Procedures for Pre-market Tobacco Product Submissions; Revised Effective Date [Docket No.: FDA-2016-N-1555] received February 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

548. A letter from the Associate Administrator, Environmental Protection Agency, transmitting the Agency's Initial Report to Congress on the EPA's Capacity to Implement Certain Provisions of the Frank R. Lautenberg Chemical Safety for the 21st Century Act as required under Sec. 26(m)(1) of the Toxic Substances Control Act as

amended; to the Committee on Energy and Commerce.

549. A letter from the Acting Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

550. A letter from the Director, International Cooperation, Acquisition, Technology, and Logistics, Department of Defense, transmitting Transmittal No. 04-17, informing of an intent to sign the Memorandum of Agreement Between the Department of Defense of the United States of America and the Kingdom of Denmark, pursuant to Section 27(f) of the Arms Export Control Act and Executive Order 13637; to the Committee on Foreign Affairs.

551. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-104, pursuant to Sections 36(c) and (d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

552. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-079, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

553. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-109, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

554. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-101, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

555. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-096, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

556. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-084, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

557. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-133, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

558. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-127, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

559. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-119, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

560. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting determinations of the Secretary and the associated report, pursuant to the Iran Freedom and Counter-Proliferation

Act of 2012; to the Committee on Foreign Affairs.

561. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting seventeen (17) notifications of a federal vacancy, designation of acting officer, nomination, or action on nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

562. A letter from the Solicitor, Federal Labor Relations Authority, transmitting a notification of a federal vacancy, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

563. A letter from the General Counsel, National Mediation Board, transmitting the Board's final rule — Access to Information [Docket No.: C-7156] (RIN: 3140-AA00) received February 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

564. A letter from the Acting Attorney General, Department of Justice, transmitting a decision of the United States Court of Appeals for the Seventh Circuit, *United States v. Robert Cardena et al.*, 842 F.3d 959 (7th Cir. 2016), pursuant to 28 U.S.C. 530D(a)(1); Public Law 107-273, Sec. 202(a); (116 Stat. 1771); to the Committee on the Judiciary.

565. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting an update on the Bureau of Prisons' compliance with the Revitalization Act's privatization requirements, pursuant to Public Law 105-33, Sec. 11201(c)(2)(B); (111 Stat. 734); to the Committee on the Judiciary.

566. A letter from the Chief, Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting the Department's final rule — Civil Penalty Inflation Adjustment [Docket ID: BSEE-2017-0001; 17XE1700DX EX1SF0000.DAQ000 EEEE50000] (RIN: 1014-AA34) received February 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

567. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN: 3052-AD16) received February 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

568. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Civil Monetary Penalties — 2017 Adjustment [Docket No.: EP 716 (Sub-No. 2)] received February 9, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

569. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Revenue Procedure for Early Voluntary Country-by-Country Filing (Rev. Proc. 2017-23) received February 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

570. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Updated Withholding Foreign Partnership Agreement and Withholding Foreign

Trust Agreement (Rev. Proc. 2017-21) received February 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

571. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations and temporary regulations — Dividend Equivalents from Sources within the United States [TD 9815] (RIN: 1545-BM33) received February 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE: Committee on Rules. House Resolution 116. Resolution providing for consideration of the joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees, and providing for consideration of the joint resolution (H.J. Res. 67) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees (Rept. 115-11). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LYNCH (for himself, Mr. SCHRAEDER, Ms. NORTON, Mr. TED LIEU of California, Mr. JOHNSON of Georgia, Mr. RYAN of Ohio, Mr. VARGAS, Ms. JACKSON LEE, Mr. BLUMENAUER, Ms. ROSEN, Ms. PINGREE, Mr. CÁRDENAS, Mrs. CAROLYN B. MALONEY of New York, Mr. CICILLINE, Mr. O'HALLERAN, Mr. MEEKS, Ms. JUDY CHU of California, Ms. ADAMS, Mr. HASTINGS, Ms. GABBARD, Ms. BONAMICI, and Ms. SHEA-PORTER):

H.R. 1001. A bill to exempt certain veterans and other individuals from the application of the hiring freeze; to the Committee on Oversight and Government Reform.

By Mr. DENT (for himself, Mr. TONKO, Mr. HIGGINS of New York, Mr. THOMPSON of Pennsylvania, Mr. GRIJALVA, Mr. SEAN PATRICK MALONEY of New York, Mr. MOULTON, Mr. CARTWRIGHT, Mr. MEEHAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ALLEN, Mr. POLIS, and Mr. BARLETTA):

H.R. 1002. A bill to authorize a National Heritage Area Program, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 1003. A bill to authorize the establishment of a program of voluntary separation incentive payments for nonjudicial employees of the District of Columbia courts and employees of the District of Columbia Public Defender Service; to the Committee on Oversight and Government Reform.

By Mr. WALBERG (for himself, Mr. CARTER of Georgia, Mr. MEADOWS,

Mr. NEWHOUSE, Mr. GOSAR, and Mr. FARENTHOLD):

H.R. 1004. A bill to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ZELDIN (for himself and Miss RICE of New York):

H.R. 1005. A bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; to the Committee on Veterans' Affairs.

By Ms. JAYAPAL (for herself, Mr. CONYERS, Ms. LOFGREN, Mr. NADLER, Ms. JACKSON LEE, Mr. GUTIERREZ, Ms. JUDY CHU of California, Mr. JEFFRIES, Mr. SWALWELL of California, Ms. ROYBAL-ALLARD, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. RICHMOND, Mr. QUIGLEY, Ms. CLARKE of New York, Mr. RASKIN, Mr. SERRANO, Mr. LARSEN of Washington, Mrs. TORRES, Mr. KILMER, Mr. SMITH of Washington, Ms. VELÁZQUEZ, Mrs. NAPOLITANO, Mrs. WATSON COLEMAN, Mr. GRIJALVA, Mr. LANGEVIN, Ms. ESHOO, Ms. NORTON, Mr. VARGAS, Ms. WASSERMAN SCHULTZ, Mr. TED LIEU of California, Mr. MCGOVERN, Mr. ELLISON, and Mr. JOHNSON of Georgia):

H.R. 1006. A bill to clarify the rights of all persons who are held or detained at a port of entry or at any detention facility overseen by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KATKO (for himself, Mr. KING of New York, and Mr. PETERSON):

H.R. 1007. A bill to direct the Secretary of Veterans Affairs to establish a task force on Agent Orange exposure; to the Committee on Veterans' Affairs.

By Mr. SOTO (for himself and Mr. CRIST):

H.R. 1008. A bill to ensure reliable observation of hurricanes; to the Committee on Science, Space, and Technology.

By Mr. MITCHELL (for himself, Mr. MEADOWS, and Mr. PALMER):

H.R. 1009. A bill to amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARLETTA:

H.R. 1010. A bill to amend the Immigration and Nationality Act to expand the definition of an unauthorized alien to include aliens who have not been admitted to and are not lawfully present in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BURGESS:

H.R. 1011. A bill to make clear that an agency outside of the Department of Health and Human Services may not designate, appoint, or employ special consultants, fellows, or other employees under subsection (f) or (g) of section 207 of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H.R. 1012. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on employer-provided group term life insurance that can be excluded from the gross income of the employee; to the Committee on Ways and Means.

By Mr. CASTRO of Texas (for himself, Ms. JACKSON LEE, and Mr. NOLAN):

H.R. 1013. A bill to amend the Internal Revenue Code of 1986 to extend the above-the-line deduction for certain expenses of elementary and secondary school teachers to individuals involved in early childhood education programs; to the Committee on Ways and Means.

By Ms. CLARKE of New York (for herself, Ms. LEE, Mr. HASTINGS, Ms. WASSERMAN SCHULTZ, Mr. ENGEL, Mr. VARGAS, Ms. NORTON, Mr. ESPAILLAT, Mr. SOTO, Mr. CONYERS, Mr. GALLEGO, Mr. MEEKS, Mr. DANNY K. DAVIS of Illinois, Ms. MAXINE WATERS of California, Ms. BASS, Mr. JEFFRIES, Mr. ELLISON, Ms. WILSON of Florida, and Mr. SERRANO):

H.R. 1014. A bill to designate Haiti under section 244 of the Immigration and Nationality Act to permit nationals of Haiti to be eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. CONNOLLY (for himself, Ms. NORTON, Mr. NOLAN, Mr. PETERS, Mr. DESAULNIER, Mr. SOTO, Mr. BLUMENAUER, Mr. BEYER, Mr. TONKO, Ms. MATSUI, Mr. SCOTT of Virginia, Mr. CARTWRIGHT, and Mr. POLIS):

H.R. 1015. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified conservation contributions which include National Scenic Trails; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. RASKIN, Mr. QUIGLEY, Mr. BLUMENAUER, and Mr. SERRANO):

H.R. 1016. A bill to amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. DENT (for himself, Mr. PAYNE, and Mr. LANCE):

H.R. 1017. A bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DESJARLAIS (for himself and Mr. DUNCAN of Tennessee):

H.R. 1018. A bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person commission, and for other purposes; to the Committee on Financial Services.

By Mr. GARRETT (for himself, Mrs. COMSTOCK, Mr. GOODLATTE, Mr. WITTMAN, Mr. TAYLOR, Mr. GRIFFITH, and Mr. BRAT):

H.R. 1019. A bill to designate the Federal building and United States courthouse located at 255 West Main Street Charlottesville, Virginia, as the "Justice Antonin G. Scalia Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. GRIFFITH (for himself and Mr. BRAT):

H.R. 1020. A bill to allow the manufacture, importation, distribution, and sale of investigational drugs and devices intended for use by terminally ill patients who execute an informed consent document, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of Iowa (for himself and Mr. BRAT):

H.R. 1021. A bill to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mrs. COMSTOCK, Mr. HOYER, Mr. CONNOLLY, Ms. NORTON, Mr. BEYER, Mr. RASKIN, Mr. GARAMENDI, Mr. SERRANO, Mr. SOTO, Mr. HASTINGS, Ms. SPEIER, Mr. NADLER, Mr. LYNCH, Mr. SMITH of Washington, Mr. KEATING, Mr. RYAN of Ohio, Mr. COOPER, Ms. DEGETTE, Mr. SEAN PATRICK MALONEY of New York, Mr. BLUMENAUER, Ms. ADAMS, Mrs. LAWRENCE, Mr. SARBANES, Mr. GRIJALVA, Mr. DELANEY, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mr. TAKANO, Ms. CLARKE of New York, Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. LOWENTHAL, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Ms. SHEA-PORTER, Ms. TSONGAS, Mr. FOSTER, Ms. BONAMICI, Mrs. WATSON COLEMAN, Ms. MOORE, Mr. KILMER, Ms. VELÁZQUEZ, Mr. CARTWRIGHT, and Ms. SCHAKOWSKY):

H.R. 1022. A bill to provide that 6 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself and Ms. CLARK of Massachusetts):

H.R. 1023. A bill to create penalties for massage establishment owners and employees who fail to report knowledge or reasonable suspicion of sexual assault; to the Committee on the Judiciary.

By Mr. MESSER:

H.R. 1024. A bill to amend section 1105(a) of title 31, United States Code, to require that annual budget submissions of the President to Congress provide an estimate of the cost per taxpayer of the deficit and of the public debt; to the Committee on the Budget.

By Mr. NADLER (for himself, Mr. CONNOLLY, and Mr. QUIGLEY):

H.R. 1025. A bill to provide for media coverage of Federal appellate court proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. NOLAN (for himself, Mr. WELCH, Mr. CONNOLLY, Mr. ELLISON,

Mr. PETERSON, Ms. MCCOLLUM, Mr. WALZ, Mr. BLUMENAUER, Mr. MEEKS, Mr. KELLY of Pennsylvania, Ms. CLARK of Massachusetts, Mr. KILDEE, Mr. BEYER, Mr. TONKO, Mrs. DINGELL, Mr. FASO, Mr. CRAMER, Mr. SENSENBRENNER, and Mr. PAULSEN):

H.R. 1026. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. SARBANES (for himself, Mrs. DINGELL, Mr. SWALWELL of California, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 1027. A bill to amend title XXI of the Social Security Act to improve access to, and the delivery of, children's health services through school-based health centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIREs:

H.R. 1028. A bill to amend titles 23 and 49, United States Code, with respect to congestion mitigation and metropolitan transportation planning, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TIPTON (for himself and Mr. SCALISE):

H.J. Res. 71. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Office of Natural Resources Revenue of the Department of the Interior relating to consolidated Federal oil and gas and Federal and Indian coal valuation reform; to the Committee on Natural Resources.

By Mr. CHABOT:

H. Res. 114. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. SESSIONS:

H. Res. 115. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. CHAFFETZ (for himself and Mr. CUMMINGS):

H. Res. 117. A resolution providing amounts for the expenses of the Committee on Oversight and Government Reform in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. ELLISON (for himself, Mr. MCGOVERN, and Mr. POCAN):

H. Res. 118. A resolution expressing support for the designation of February 14 of each year as International Flower Workers' Day, in acknowledgment of workers in flower-producing countries and to demonstrate the commitment of the United States to practices that respect labor rights in other countries; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE:

H. Res. 119. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. KING of Iowa:

H. Res. 120. A resolution expressing the sense of the House of Representatives with

regard to the courts' actions against President Trump's Executive order; to the Committee on the Judiciary.

By Mr. PAYNE (for himself, Mr. MULLIN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. RYAN of Ohio, Mr. BUCHANAN, Mrs. NAPOLITANO, Ms. KELLY of Illinois, Ms. NORTON, Ms. MENG, Mr. PERLMUTTER, Mr. PETERS, Mrs. CAROLYN B. MALONEY of New York, and Mr. DEFazio):

H. Res. 121. A resolution expressing support for health and wellness coaches and "National Health and Wellness Coach Recognition Week"; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas:

H. Res. 122. A resolution providing amounts for the expenses of the Committee on Science, Space, and Technology in the One Hundred Fifteenth Congress; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LYNCH:

H.R. 1001.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18.

By Mr. DENT:

H.R. 1002.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.

By Ms. NORTON:

H.R. 1003.
Congress has the power to enact this legislation pursuant to the following:
Clause 18 of section 8 of article I of the Constitution.

By Mr. WALBERG:

H.R. 1004.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States; the power to regulate commerce among the several states and Article I, Section 8, Clause 18 to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

The bill will prevent Executive Agencies from violating the rule and spirit of the Administrative Procedures Act by requiring additional transparency about public communications made by the agencies; most importantly communications made with the intent of artificially promoting support for pending regulatory actions. Congress has the authority to limit regulations by the Executive branch under its Commerce Clause power and it is necessary and proper to introduce legislation to effectively carryout this power.

By Mr. ZELDIN:

H.R. 1005.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Ms. JAYAPAL:

H.R. 1006.
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. KATKO:

H.R. 1007.
Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1: Congress shall have power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.

By Mr. SOTO:

H.R. 1008.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

By Mr. MITCHELL:

H.R. 1009.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. BARLETTA:

H.R. 1010.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 4 and 18

By Mr. BURGESS:

H.R. 1011.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, clause 7, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. BURGESS:

H.R. 1012.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII, clause 1 enumerates that, "The Congress shall have power to lay and collect taxes, duties, imposts and excises . . ." Further, Amendment XVI states that "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

By Mr. CASTRO of Texas:

H.R. 1013.
Congress has the power to enact this legislation pursuant to the following:

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Ms. CLARKE of New York:

H.R. 1014.
Congress has the power to enact this legislation pursuant to the following:

the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. CONNOLLY:

H.R. 1015.
Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 or article I of the Constitution, and clause 18 of section 8 of article I of the Constitution.

By Ms. DELAURO:

H.R. 1016.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. DENT:

H.R. 1017.

Congress has the power to enact this legislation pursuant to the following:

Section 8, Article I of the Constitution, to provide for the general welfare, to regulate commerce, and to make all laws which shall be necessary and proper for carrying into execution federal powers.

By Mr. DESJARLAIS:

H.R. 1018.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

The Congress shall have Power To make Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GARRETT:

H.R. 1019.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States), Clause 6 (relating to post offices and post roads), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GRIFFITH:

H.R. 1020.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. KING of Iowa:

H.R. 1021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 which states: "The Congress shall have the Power To . . . establish an uniform Rule of Naturalization . . ."

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 1022.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

Congress shall have the power . . . to regulate Commerce with foreign Nations, and among the several states, and with the Indian Tribes.

By Mr. MEEHAN:

H.R. 1023.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to: Article I, Section 8, Clause 3 and Article I, Section 8, Clause 18

By Mr. MESSER:

H.R. 1024.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1, which provides that, "The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties,

Imposts, and Excises shall be uniform throughout the United States," and Article 1, Section 9, Clause 7, which provides that, "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be publish from time to time."

By Mr. NADLER:

H.R. 1025.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. NOLAN:

H.R. 1026.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. SARBANES:

H.R. 1027.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. SIRE:

H.R. 1028.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

By Mr. TIPTON:

H.J. Res. 71.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 and Article I, Section 8, Clause 18.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 25: Mr. HENSARLING.

H.R. 60: Mr. SIMPSON.

H.R. 112: Mr. MAST.

H.R. 179: Mr. COOK, Mr. BYRNE, and Mr. LOBIONDO.

H.R. 233: Ms. DELBENE and Mr. O'HALLERAN.

H.R. 244: Mr. KILMER.

H.R. 246: Mr. KINZINGER, Mr. ROGERS of Alabama, Mr. FASO, Mr. SIMPSON, Mr. ROUZER, Mr. VALADAO, Mr. DESJARLAIS, Mr. O'HALLERAN, Mr. BOST, Mr. BERGMAN, Mr. MEADOWS, and Ms. MCSALLY.

H.R. 275: Mr. MURPHY of Pennsylvania, Mr. BRADY of Pennsylvania, and Mr. MICHAEL F. DOYLE of Pennsylvania.

H.R. 281: Mr. NEWHOUSE.

H.R. 291: Mr. GOTTHEIMER.

H.R. 299: Mr. PALLONE, Mrs. TORRES, Mr. DUNCAN of South Carolina, Mr. KING of Iowa, Mr. FITZPATRICK, and Mr. POLIQUIN.

H.R. 350: Mr. RODNEY DAVIS of Illinois, Mr. WALZ, Mr. HENSARLING, Mr. MITCHELL, Mr. JORDAN, and Mr. BYRNE.

H.R. 355: Mr. YOHO.

H.R. 367: Mr. AMODEI.

H.R. 389: Mr. SHERMAN.

H.R. 391: Mr. BRAT.

H.R. 392: Mr. POCAN, Mr. WOODALL, Mr. CLEAVER, Mr. GROTHMAN, Mr. NADLER, Mr. RICE of South Carolina, Mr. TONKO, Mr. ROTHFUS, Mr. KHANNA, Mr. COOPER, Ms. ESHOO, Mr. FITZPATRICK, Mr. TROTT, and Mr. SCHIFF.

H.R. 394: Mr. HENSARLING.

H.R. 402: Mr. TAKANO.

H.R. 421: Mr. BACON.

H.R. 428: Mr. LUCAS.

H.R. 459: Mr. COHEN.

H.R. 469: Mr. SMITH of Missouri.

H.R. 502: Ms. WASSERMAN SCHULTZ, Mr. WALZ, Mr. O'HALLERAN, Mr. AGUILAR, Mrs. LAWRENCE, Mrs. DINGELL, Ms. TITUS, Mr. KENNEDY, and Mr. CLAY.

H.R. 512: Mr. FRELINGHUYSEN, Mr. HIGGINS of New York, Mr. WALKER, and Mr. KILMER.

H.R. 523: Mr. HENSARLING and Mr. RICE of South Carolina.

H.R. 530: Ms. SCHAKOWSKY, Mr. YARMUTH, and Mr. KIHUEN.

H.R. 540: Ms. KELLY of Illinois, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mrs. BUSTOS, Mr. JEFFRIES, and Ms. HANABUSA.

H.R. 544: Mr. THOMPSON of California and Ms. SHEA-PORTER.

H.R. 550: Mr. GOTTHEIMER.

H.R. 613: Mr. NORCROSS, Mr. RUSSELL, Mr. CONAWAY, Mr. BARLETTA, Mr. ROHRBACHER, and Mr. ROGERS of Kentucky.

H.R. 624: Mr. ISSA.

H.R. 625: Mr. COOK.

H.R. 630: Ms. SCHAKOWSKY and Mr. NADLER.

H.R. 632: Ms. BROWNLEY of California, Mr. LOWENTHAL, Mr. MACARTHUR, Mr. SWALWELL of California, and Mr. MCGOVERN.

H.R. 637: Mr. SHIMKUS.

H.R. 656: Mr. OLSON, Mr. BANKS of Indiana, and Mr. RUSSELL.

H.R. 662: Mr. PRICE of North Carolina, Mr. GRAVES of Missouri, Ms. MOORE, and Mr. WITTMAN.

H.R. 664: Mr. KATKO and Mr. RENACCI.

H.R. 671: Mr. LEWIS of Georgia, Ms. ROSEN, and Mr. CRIST.

H.R. 686: Mr. MEEHAN.

H.R. 691: Mr. BANKS of Indiana.

H.R. 696: Mr. HASTINGS, Ms. JAYAPAL, Mr. Cárdenas, Mr. AL GREEN of Texas, and Mr. CLAY.

H.R. 710: Mr. HARPER and Mr. HENSARLING.

H.R. 721: Mr. PAULSEN, Mr. WELCH, Mr. LOEBSACK, and Mr. HIGGINS of New York.

H.R. 747: Mr. BANKS of Indiana, Mr. SCHRAEDER, Mr. RICE of South Carolina, Mr. CALVERT, and Mr. PEARCE.

H.R. 748: Mr. SCHIFF, Ms. CLARKE of New York, and Mrs. LOWEY.

H.R. 756: Mr. RUSSELL and Mrs. LAWRENCE.

H.R. 757: Mr. CLAY, Mr. DELANEY, Mr. SIRE, Mr. SCOTT of Virginia, Ms. SLAUGHTER, Mr. POCAN, Mr. GARAMENDI, Mrs. CAROLYN B. MALONEY of New York, and Mr. BRADY of Pennsylvania.

H.R. 772: Mr. CARTER of Georgia and Mr. LUCAS.

H.R. 782: Mr. COFFMAN.

H.R. 787: Mr. BLUMENAUER and Ms. JUDY CHU of California.

H.R. 800: Ms. SHEA-PORTER.

H.R. 804: Mr. SEAN PATRICK MALONEY of New York, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. DOGGETT, Mr. PERLMUTTER, Ms. WILSON of Florida, Miss RICE of New York, Mr. KHANNA, Mr. KEATING, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. JEFFRIES, Mr. THOMPSON of California, Mrs. LOWEY, Mr. KIHUEN, and Ms. TITUS.

H.R. 807: Ms. NORTON, Mr. LOEBSACK, Ms. DELAURO, Ms. BONAMICI, Mr. COHEN, Mr. JONES, Mr. COLE, Mr. MULLIN, Mr. WALZ, Mr. HARPER, and Mr. GRIJALVA.

H.R. 816: Mr. DEUTCH, Mr. SENSENBRENNER, Mrs. NAPOLITANO, Mr. HASTINGS, Mr. KEATING, Ms. SHEA-PORTER, Mr. GAETZ, Ms. NORTON, and Ms. LEE.

H.R. 820: Mr. SMITH of New Jersey, Mr. TIPTON, Mr. PRICE of North Carolina, Ms. LOFGREN, Ms. MICHELLE LUJAN GRISHAM of New

Mexico, Ms. SHEA-PORTER, Mr. CRAMER, Ms. BONAMICI, Mr. RICHMOND, Mr. DEUTCH, Mrs. BUSTOS, Ms. NORTON, Ms. JUDY CHU of California, Mr. POLIS, Mr. SARBANES, and Mr. MULLIN.

H.R. 828: Mr. BYRNE, Mr. SMUCKER, Mr. WALKER, and Mr. RICE of South Carolina.

H.R. 830: Mr. BARR.

H.R. 842: Mr. QUIGLEY.

H.R. 850: Mr. FASO and Mr. YOHO.

H.R. 852: Mr. DEUTCH.

H.R. 858: Mr. RUIZ and Mr. AGUILAR.

H.R. 860: Mr. FORTENBERRY.

H.R. 866: Ms. JAYAPAL.

H.R. 868: Mr. AL GREEN of Texas.

H.R. 869: Mr. AL GREEN of Texas.

H.R. 881: Mr. BLUMENAUER, Ms. NORTON, Mr. WELCH, Mr. CÁRDENAS, Mr. TED LIEU of California, and Mr. COOPER.

H.R. 893: Mr. COHEN.

H.R. 898: Mr. MEEKS.

H.R. 906: Mr. SMITH of Texas.

H.R. 909: Mr. DAVID SCOTT of Georgia, Mr. GOTTHEIMER, Mr. REICHERT, Mr. DESAULNIER, Mr. DANNY K. DAVIS of Illinois, Ms. GABBARD, Ms. PLASKETT, Ms. ADAMS, Mr. EVANS, Mr. KIHUEN, and Ms. SEWELL of Alabama.

H.R. 926: Mr. HASTINGS and Ms. ESHOO.

H.R. 931: Mr. REED, Ms. VELÁZQUEZ, and Mr. MACARTHUR.

H.R. 939: Mr. VISCLOSKEY.

H.R. 943: Mr. SOTO.

H.R. 947: Mr. GONZALEZ of Texas and Mrs. DAVIS of California.

H.R. 972: Ms. TITUS.

H.R. 974: Mr. YODER, Mr. KILMER, Mr. GARAMENDI, and Ms. KUSTER of New Hampshire.

H.R. 976: Mr. TAKANO and Mr. BILIRAKIS.

H.R. 997: Mr. MASSIE and Mr. JONES.

H.R. 998: Mr. SESSIONS and Mr. CHAFFETZ.

H.J. Res. 6: Mr. PALMER and Mr. BUDD.

H.J. Res. 27: Mr. BARLETTA, Mr. GROTHMAN, and Mr. RENACCI.

H.J. Res. 31: Mr. COOPER.

H.J. Res. 42: Mr. RATCLIFFE and Mr. BABIN.

H.J. Res. 53: Mr. GONZALEZ of Texas, Ms. ROSEN, and Ms. VELÁZQUEZ.

H.J. Res. 59: Ms. CHENEY and Mr. HUDSON.

H.J. Res. 66: Mr. ROE of Tennessee and Mr. SESSIONS.

H.J. Res. 67: Mr. ROE of Tennessee and Mr. SESSIONS.

H.J. Res. 69: Mr. SESSIONS and Mr. MOONEY of West Virginia.

H. Con. Res. 17: Mr. SOTO.

H. Con. Res. 21: Mr. GRIJALVA.

H. Res. 15: Mr. SWALWELL of California, Mr. PETERS, Mr. ROYCE of California, Mrs. BEATTY, Ms. DELAULO, Mr. DONOVAN, Ms. TENNEY, Mr. LEWIS of Georgia, and Ms. SÁNCHEZ.

H. Res. 21: Mr. GALLEGO.

H. Res. 23: Ms. CLARKE of New York.

H. Res. 28: Mr. HIGGINS of New York, Mr. COOK, Mr. KRISHNAMOORTHY, Ms. BONAMICI, Mr. DONOVAN, Ms. CLARK of Massachusetts, Mr. YOUNG of Alaska, Ms. LEE, Ms. DELAULO, Mrs. DINGELL, Ms. KAPTUR, Mr. DIAZ-BALART, Mr. MOULTON, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. CLAY, Ms. MENG, Mr. LEWIS of Georgia, Mr. NADLER, Mr. ZELDIN, Mr. MCGOVERN, and Ms. TENNEY.

H. Res. 30: Mr. PETERS and Mr. THOMPSON of California.

H. Res. 31: Ms. DELAULO, Mr. WALZ, Mr. NADLER, Mr. DONOVAN, Mr. AGUILAR, and Ms. TENNEY.

H. Res. 47: Mr. FASO.

H. Res. 57: Ms. SPEIER.

H. Res. 60: Mr. HENSARLING.

H. Res. 72: Mr. VELA.

H. Res. 78: Mr. HUFFMAN, Mr. MEEKS, and Ms. DEGETTE.

H. Res. 79: Mr. LARSEN of Washington, Mr. RYAN of Ohio, and Mr. SERRANO.

H. Res. 85: Mrs. CAROLYN B. MALONEY of New York.

H. Res. 94: Ms. JACKSON LEE and Mr. GUTIÉRREZ.

H. Res. 102: Mr. COHEN, Mr. GALLEGO, Mr. VELA, Mr. VEASEY, and Mr. MCGOVERN.

H. Res. 104: Ms. CLARKE of New York and Mr. KIHUEN.

H. Res. 105: Mr. PANETTA, Ms. MOORE, Mr. HASTINGS, Ms. CASTOR of Florida, and Ms. ADAMS.

H. Res. 111: Ms. LEE, Ms. KAPTUR, Mr. CICILLINE, Ms. VELÁZQUEZ, Mr. BLUMENAUER, Ms. JACKSON LEE, Ms. SPEIER, Mr. SARBANES, and Mr. JOHNSON of Georgia.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Ms. FOXX

The provisions warranting a referral to the Committee on Education and the Workforce in H.J. Res. 66 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY Ms. FOXX

The provisions warranting a referral to the Committee on Education and the Workforce in H.J. Res. 67 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

13. The SPEAKER presented a petition of the Common Council of Albany, NY, relative to Resolution No. 11.12.17R (MC), opposing a wholesale repeal of the Affordable Care Act, urging Congress to protect Americans from losing health insurance, and recognizing health care as a basic human right; to the Committee on Energy and Commerce.

14. Also, a petition of the City Council of Akron, OH, relative to Resolution No. 15-2017, urging the Speaker of the House Paul Ryan and Senate Majority Leader Mitch McConnell not to repeal the Affordable Care Act as this law has been so important for the health and wellbeing of Akron residents; jointly to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations.

EXTENSIONS OF REMARKS

HONORING JONATHAN R. ELAM

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. HUFFMAN. Mr. Speaker, I rise today in recognition of Jonathan (Jon) Elam on the occasion of his retirement as General Manager of Tamalpais Community Services District (TCSD) after twelve years of stellar service.

Starting in 2005, after a professional career in public works and city management, Mr. Elam was hired as General Manager of TCSD, where he served the residents of Tamalpais Valley and Marin County at large with distinction for a dozen years.

Under his leadership as General Manager, he reinvigorated the refuse collection program and created numerous new programs, including food waste collection and popular collection programs such as e-waste, batteries, printer ink cartridges, eyeglasses and medical disposal, as well as two paper shredding days per year for the TCSD service area. From upgrading park and recreation facilities, to installing new fire safe efforts, to working to ensure our agencies are compliant with EPA regulations, Mr. Elam established a productive track record for getting things done.

Mr. Elam's commitment to environmental stewardship has been a common thread throughout his work and volunteer service. Not only did Mr. Elam serve as the Delegate for the California Climate Registry to the United Nations climate meetings, but he also has participated in a variety of local organizations, including the Carbon Cycle Institute, the San Anselmo Bike & Pedestrian Advisory Committee, and the Marin County Solid Waste JPA Advisory Council. He also served in a number of volunteer roles in the community including his recent role as the president of the Marin Conservation League.

Mr. Elam's professional and civic contributions leave a lasting and positive legacy that will continue to benefit the local residents and regions for years to come. He is a true environmentalist, and I'm sure he will continue to fight the good fight in retirement.

Please join me in congratulating Mr. Elam on his retirement and expressing our deep appreciation for his long and exceptional career and outstanding civic engagement.

HONORING FRANK LUCIA'S 107TH BIRTHDAY

HON. JOSH GOTTHEIMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. GOTTHEIMER. Mr. Speaker, I rise today to wish a very happy birthday to Frank

Lucia, a treasured member of our North Jersey community. Frank recently celebrated his 107th birthday, a tremendous milestone in a very special life. Frank is an outstanding father and a true blessing to our Demarest community. I am sure he and his family had a wonderful time celebrating, dancing, and singing in Italian. Mr. Speaker, I ask my colleagues to join me in honoring Frank and wishing him many more years of good health and happiness.

IN HONOR OF MR. GARY SCHNEIDERS

HON. ROD BLUM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. BLUM. Mr. Speaker, I rise today to honor a remarkable teacher and citizen from Waterloo, Iowa. Mr. Gary Schneiders has taught History, Social Studies, and Economics at Waterloo Columbus Catholic High School for 39 years. Over those 39 years, Mr. Schneiders has made an enormous impact on the lives of his students and members of the community.

Mr. Schneiders's devotion goes beyond the classroom with his annual trip to the hallowed ground of Europe's battlefields. This trip is no European vacation. Students walk the trenches of the Western Front, and explore battlefields with a twelve mile hike one day and twenty mile bike-ride another day. Prior to their departure, students are given reading assignments and must complete a 20 page essay. While in Europe, the students have nightly homework assignments. This annual trip is highly anticipated and one that many Waterloo Columbus students work toward their entire high school career.

The itinerary also includes visits to several American cemeteries and memorials honoring our fallen heroes, and a wreath-laying ceremony at the Meuse-Argonne American Cemetery. On the final day, the students visit the Normandy American Cemetery and Memorial where they clean the grave markers, plant an American Flag, and lay a rose on the grave of every Iowan. At the end of the day, students lay their final wreath of the trip at Normandy as Taps sounds in the background.

Upon their return to Iowa, the students give presentations to their families, fellow students, and residents of Waterloo and Cedar Falls; with a special invitation extended to the local Veteran community.

Over the past 39 years, Mr. Schneiders has shown his students what cannot be taught in a classroom—the meaning of sacrifice and love of country. Today, we honor his devotion that extends far beyond the classroom and helps to ensure the preservation of American values for generations to come.

IN RECOGNITION OF SHEILA STEPHENS' RETIREMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. BURGESS. Mr. Speaker, I rise today to honor Sheila Stephens, who is retiring from public service after 44 years with the City of Keller. Ms. Stephens started working for the city in 1972 as an assistant to the Water Department Manager. At that time, there were only 1,500 residents and 25 people employed by the city. She was appointed by the city council to be city secretary in 1977. During her 39 years in the position, Ms. Stephens demonstrated a level of professionalism and expertise in municipal government that she has exhibited with colleagues in the City of Keller as well as in other municipalities.

During her tenure, the City of Keller's population has grown to over 44,000 people and city staff has expanded to 300 people to serve the needs of the community. In her almost four decades with the city, Ms. Stephens supervised 76 elections, recorded countless meetings, documented 2,900 deaths and 100 births in addition to fulfilling 2,960 open records requests. She has faithfully served under 12 mayors and 12 city managers providing needed continuity and depth. Current Keller Mayor Mark Matthews declared December 30, 2016 as "Sheila Stephens Day" to thank Sheila for the hard work and time she dedicated to her community.

I would like to express my appreciation for the 44 years of exemplary service Sheila Stephens gave to our community and extend best wishes upon her retirement. It is my privilege to represent the residents of Keller in the United States House of Representatives.

IN RECOGNITION OF REV. LEE WON SANG

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mrs. COMSTOCK. Mr. Speaker, I would like to take a moment to honor the life of Reverend Lee Won Sang, a Pastor Emeritus of the Korean Central Presbyterian Church in Virginia's 10th District. Throughout his life, Rev. Lee was a respected leader in the community, served with admirer purpose, and placed a strong importance on education.

Rev. Lee was born in Manchuria, China in 1937. He began his higher education and path to service by earning a bachelor's degree in Theology from Keimyung University and a master's degree in Theology from Kyungbuk University. In the early 1970s, he moved to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

the United States to further his education, where he attended the Dallas Theological Seminary to study the Old Testament. After graduating from that program, he started working for the Korean Central Presbyterian Church, but also was pursuing a Doctorate from the University of Pennsylvania. After retiring, he went on to receive a Ph.D. from the University of Wales in the U.K. at the age of 72, a true testament to the importance Rev. Lee placed on continuous education and growth.

Outside of his education, Rev. Lee is known for his 23 years of work and leadership at the Korean Central Presbyterian Church in Centreville, Virginia where I have frequently visited. The congregation has grown to almost 9,000 members at its main location, many of whom are my 10th District constituents. In addition to his work at the Korean Central Presbyterian Church, Rev. Lee took on many other projects to advance the church globally and help within his community. He founded the Central Missionary Fellowship (CMF) in 1988, which later evolved into SEED International, an organization which helped establish 12 overseas missionary groups. SEED International was the first Korean Missionary organization to become a member of the Mission NEXUS organization. Additionally, Rev. Lee founded Prassion, which is a SEED International affiliate and independent mission organization focused on prayer movement nationally and internationally.

In Washington, D.C., Rev. Lee helped establish the Washington Youth Foundation and even was afforded the opportunity to lead the opening prayer for the 107th U.S. Congress on October 10, 2002.

Mr. Speaker, I now ask that my colleagues join me in recognizing Rev. Lee's years of community service. Today, we honor and celebrate the contributions the Reverend has made not just within the 10th District, but on a global level.

IN RECOGNITION OF THE
WONDERFUL COMPANY

HON. DAVID G. VALADAO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. VALADAO. Mr. Speaker, I rise today and am joined by Mr. MCCARTHY and Mr. COSTA of California, to commend The Wonderful Company for receiving the U.S. Chamber of Commerce Foundation's 2016 Corporate Citizenship Award for Best Community Improvement Program.

The Best Community Improvement Program Award honors businesses for the many ways they influence and enhance local communities. Companies from around the world compete for this award, making it an extraordinary acknowledgment of outstanding corporate social responsibility. The Wonderful Company was presented with the esteemed 2016 U.S. Chamber Foundation Corporate Citizenship Award for Best Community Improvement Program.

Since 1979, The Wonderful Company has quickly grown and become known worldwide

for its almonds, bottled water, citrus fruits, flower bouquets, pistachios, pomegranates, and wines. However, its legacy does not stop there. Investing nearly \$200 million in education, environmental technologies and sustainability research, and health and wellness programs, The Wonderful Company has an extensive history of philanthropy and community involvement.

The Seventeenth Annual Chamber of Commerce Corporate Citizenship Awards recognized The Wonderful Company for its work in Lost Hills, California, home of the company's largest pistachio plant, which serves as the economic backbone of the local community. In fact, more than fifty percent of households in Lost Hills have family members who work at the Wonderful Pistachio plant. Always committed to the wellbeing of the local community, The Wonderful Company has made significant investments in Lost Hills, investing more than \$15 million in transportation and infrastructure projects, such as roads and sidewalks, bus shelters, storm drains, and streetlights. It has also rejuvenated the community park with two community centers, two soccer fields, volleyball and basketball courts, playgrounds, and a broad range of community activities and events. The Wonderful Company has also helped build affordable housing, assisted with financing and construction of the town's first sit-down restaurant, and recently received approval from the Kern County Board of Education to open a charter school in the community next fall.

This prestigious honor recognizes the hard work and significant investment made by Mr. and Mrs. Stewart and Lynda Resnick, owners of The Wonderful Company. They have dedicated their lives not only to growing a successful and sustainable business, but to improving the lives of so many across the globe, especially those in the communities The Wonderful Company calls home.

Mr. Speaker, we ask our colleagues in the United States House of Representatives to join us in congratulating The Wonderful Company for receiving the U.S. Chamber of Commerce Foundation's 2016 Corporate Citizenship Award for Best Community Improvement Program. The Wonderful Company's altruistic leadership provides an exceptional example of corporate responsibility and we look forward to their future initiatives that continue to make the world a better place, one community at a time.

HONORING THE LIFE OF PETER
VINCENT BELEZZUOLI

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. COSTA. Mr. Speaker, I rise today along with my colleague Mr. VALADAO, to honor the life and achievements of Peter Vincent Belezzuoli. Peter passed away on December 15 at the age of 61. He will be remembered as a wonderful husband, father, grandfather, auctioneer, dairyman, and friend to all who knew him.

Peter was born on August 22, 1955 in Tulare, California to Pete and Louise

Belezzuoli. In 1959, the Belezzuolis moved to Hanford, California after his father purchased Overland Stockyard. From a young age, Peter worked with his father to learn all aspects of the cattle business. He graduated from Hanford High School in 1973. During his years at Hanford High he was a member of 4-H and FFA, in addition to playing on the basketball team. It was his father's business partner Hoke Evetts that taught him the art of auctioneering. Following high school, Peter attended College of the Sequoias and graduated from Missouri Auction School as a Colonel in 1974.

Peter took over his father's role at Overland Stockyard following Pete's sudden death in 1983. Peter continued his father's legacy through the passion he put into his work each and every day. Peter became very well known in the dairy cattle, and beef cattle sales industry both locally and throughout the country. He was an innovative businessman, utilizing internet video auction capabilities, allowing buyers from all over the country to participate in auctions held in Hanford.

Peter had a number of hobbies that brought him joy. In his spare time he enjoyed visiting his home in Shell Beach, riding his pontoon boat through Shaver Lake and barbecuing for his many family and friends.

Peter enjoyed giving back to the community he loved so dearly. He frequently used his talents as a skilled auctioneer for local charity groups, including the Kings County Fair and the Fresno Fair. He was also a lifelong member of St. Brigid Catholic Church in Hanford.

Peter is survived by his wife of 35 years, Lisa and their children Julie, Daniel and Douglas, their spouses and three grandsons, Bryson, Korban and Peter.

Mr. Speaker, I respectfully ask my colleagues in the U.S. House of Representatives to join Mr. VALADAO and myself in honoring the life of Mr. Peter Belezzuoli. He will be remembered as a man of great character, who valued his family above all else. His presence in the San Joaquin Valley and in the local dairy community will truly be missed. We join his family in honoring his life, service to his community and tremendous legacy he leaves behind.

IN RECOGNITION OF THE VINE-
YARD AND WINERY AT LOST
CREEK

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise today to celebrate and commend my constituents, Todd and Aimee Henkle, on their victory in the 2017 San Francisco Chronicle Wine Competition. This win not only speaks to the hard work, entrepreneurship and expertise of Todd and Aimee Henkle, but also the growing and transforming Virginia wine industry.

In 1998 the two visited Bordeaux, France for their honeymoon, where they decided that one day they wanted to own their very own winery and vineyard. In 2007, corporate jobs brought them to northern Virginia, and they quickly became very impressed with what DC's Wine

County had to offer. In 2012, they had an opportunity to buy a plot of land in Leesburg, between Route 15 and the Potomac River, from an old vineyard owner, and with Todd's business background and Aimee's passion for wine, The Vineyard and Winery at Lost Creek was born.

Since opening five years ago, their hard work has certainly come to fruition. They have been recognized nationally and most recently have won the Best in Class in the chardonnays priced between \$26 and \$29.99 category with their wine, Lost Creek Reserve Chardonnay.

In today's society, family owned small businesses are crucial to the future of our nation and my constituents in the 10th District are proud they call Loudoun County their home. It is families like the Henkles that help foster strong, local economies by establishing successful business practices that can be carried out for multiple generations.

Mr. Speaker, I ask my colleagues to join me in applauding Todd and Aimee Henkle on their great accomplishment and successful small business. I wish Todd, Aimee, and their children, Evan and Ryan, the best in their future endeavors.

HONORING THE LIFE OF KITTY MOON EMERY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mrs. BLACKBURN. Mr. Speaker, there are those who live their lives with distinct intentionality. They have the ability to inspire their communities by bringing innovation and change in their relentless pursuit to make the world a better place. They use their creativity to bring beauty and encourage leaders to reach their fullest potentials. I am saddened by the loss of my friend, Kitty Moon Emery. I was fortunate to have met her early in my career and always appreciated her advice and counsel as she was one of those special leaders.

Kitty was a Nashville native who had an endearing love for Tennessee and our country. She worked as one of only two female press secretaries in the Senate under Senator Bill Brock. She later went on to become the Assistant National Director of Advertising for the presidential campaign of Ronald Reagan. Kitty was eventually appointed by Secretary Henry Kissinger to a United Nations Advisory Committee. In these spheres she broke many barriers by filling positions that were not traditionally held by women.

Kitty was a treasured advisor to many. She served as the chairman for the Metro Sports Authority and played a vital role by serving on many boards including the Country Music Association, the CMA Foundation, the Rotary Club of Nashville, and Leadership Music. More recently she founded the consulting firm Kitty Moon Enterprises to support leaders in the Middle Tennessee Region.

Kitty's presence in Nashville will be deeply missed. Her love and devotion to community brought people together and made Tennessee

a much better place to live. I rise today to celebrate her lasting achievements and ask my colleagues to join with me in honoring her life.

RECOGNIZING FANNIN COUNTY PUBLIC LIBRARY

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize the Fannin County Public Library and to commend its Food for Fines program. The Fannin County Public Library started this initiative a decade ago, and this year's program runs through the end of the month. Food for Fines is a smart, creative way to give back to the community. It allows individuals with overdue fines to donate non-perishable food items in lieu of a fee. For every food item donated, the library forgives one dollar of fines.

All of the donations from this food drive will go to support the Fannin County Family Connection. The program benefits individuals in need and library patrons alike. Last year the library estimated that it collected nearly \$500 worth of non-perishable food items. Over the years, it has become commonplace for those who donate to do so in excess of their fine out of support for this community cause.

Mr. Speaker, the ongoing success of this program speaks to the investment that the Fannin County Public Library staff and library patrons have made in their community. It is a privilege to represent such civic-minded individuals and to recognize their service to their neighbors. The Fannin County Public Library's Food for Fines program is an example of the inclusive service I see throughout Northeast Georgia.

IN HONOR OF THE HILLSBORO TOWN EXPANSION

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge my constituent, the Honorable Roger Vance, Mayor of the Town of Hillsboro, Vice Mayor Steve Morgart, Council Member at Large John Dean, Council Member at Large Joseph Gertig, Council Member at Large Amy Newton Marasco, Council Member at Large Matt Parse, and the Town Clerk, Sherry Vance on their historic boundary line expansion. Not only did this expansion triple the town's size from 55 to 171 acres and increase the population from 80 to 115 residents, but it also created more economic opportunity, improved walkability, and added businesses and neighbors that have long considered themselves residents of Hillsboro.

Hillsboro, located in Western Loudoun County, was first settled in the mid-1750s by a small group of Quakers as a milling town. Given the town's location and its position on the Short Hill Mountain formed by the North

Fork of Catoclin Creek, the small group of houses and mills became known as the Gap, a term still widely used today. After many years of growth and development, the Gap became an incorporated town in 1802 called Hillsborough. Many years later in 1893, the name was shortened to Hillsboro.

Thanks to the work of Mayor Vance and the Town Council, today Hillsboro is among the best-preserved rural towns in the country, and with this successful expansion the town will be able to expand and improve the historic area. This improvement, along with the town's ongoing initiatives to increase economic opportunity, will help build a sustainable future for Loudoun County (careful we have other rural towns in Loudoun).

Mr. Speaker, I now ask that my colleagues join me in recognizing the Town of Hillsboro, Mayor Roger Vance, Vice Mayor Steve Morgart, Council Member at Large John Dean, Council Member at Large Joseph Gertig, Council Member at Large Amy Newton Marasco, Council Member at Large Matt Parse, and the Town Clerk, Sherry Vance on the historic boundary line expansion. Today, we honor and celebrate the town's history as one of Loudoun County's most important assets.

INTRODUCTION OF THE DISTRICT OF COLUMBIA COURTS AND PUBLIC DEFENDER SERVICE VOLUNTARY SEPARATION INCENTIVE PAYMENTS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Ms. NORTON. Mr. Speaker, today, I introduce the District of Columbia Courts and Public Defender Service Voluntary Separation Incentive Payments Act. The bill, which passed the House in the 114th Congress, would make a small but important change to the authorities of the District of Columbia Courts (D.C. Courts) and the Public Defender Service for the District of Columbia (PDS), placing these entities in the same position as their federal counterparts for more effective management and operation.

The bill would give the D.C. Courts and PDS the same authority federal agencies and federal courts already have to offer voluntary separation incentive payments, or buyouts, to their employees. The fiscal year 2016 omnibus bill already gives D.C. Courts buyout authority, but my bill would make this authorization permanent, and would extend it to PDS in addition to the D.C. Courts. Buyouts would allow the D.C. Courts and PDS to respond to future administrative and budget needs, and would provide the flexibility to extend buyout offers to their employees.

The U.S. Government Accountability Office (GAO) has determined that voluntary separation incentive payments may be made only where statutorily authorized. Federal agencies and federal courts already have the statutory authority to offer buyouts, and PDS and the D.C. Courts need the same express authority in order to manage their workforce as budget conditions and needs change.

I urge my colleagues to support this important legislation.

IMPORTANCE OF A U.S.-U.K.
TRADE DEAL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. POE of Texas. Mr. Speaker, this past summer British citizens chose to reclaim their independence. In a landmark referendum they decided to leave the European Union and take charge of their economic future. Now, in the wake of Brexit, it is important that we preserve, as Winston Churchill first put it in 1946, the special relationship between the U.S. and the U.K.

Our two nations are bound together by a shared history, a common language, and a friendship that reaches back hundreds of years. Now our two countries got off to a rough start. The Crown opposed our independence and then burned the Capitol and the White House in the War of 1812. But Great Britain is not only our oldest enemy but our oldest ally. For over two hundred years our two countries have partnered together to preserve peace and security. From the trenches of WWI to the mountains of Afghanistan, our men and women have spilt blood together on the battlefield. Our relationship is deep and special.

A trade deal represents yet another opportunity to deepen our relationship. The previous Administration threatened to put the U.K. "at the back of the queue" for a trade deal. But that kind of snub to our greatest ally is exactly the opposite of what we should be doing.

A bilateral agreement will enhance the flow of commerce and boost the welfare of our economies. Trade deals that do not help the United States are things of the past. A bilateral trade agreement can be in both our interests.

The U.K. shares many values and business practices with the U.S. Our similarities will help ensure a smooth negotiation process as neither side will be forced into making hard concessions. For example, because Britain's workers are paid at about the same rate as Americans, we do not have to worry about American manufacturers moving factories to the English countryside. Jobs will not be sent overseas. We will be able to streamline regulations and reduce barriers to trade. That means more consumers for U.S. goods. Our two countries already enjoy close economic ties. No country receives more investment from Britain than the United States. And the United States is the largest investor in the United Kingdom.

In my home state of Texas, the U.K. is the number one foreign direct investor. It sends over \$2.5 billion dollars a year into the Texas economy. This investment has helped to bring more than 87,000 jobs to hardworking Texans. Texas is a great place to do business. The British people see that. But these kinds of gains are not limited to Texas alone. Every day over a million Americans go to work for British companies based in the U.S. It is crit-

ical that we turn our backs on trade. Houston is dependent on the free flow of goods. Over 50 percent of the city's economy is based on the Port of Houston. But that does not mean the United States has to give away the farm to get a trade deal done. We can have free and fair trade. We can level the playing field for American businesses, give American goods better access to consumers around the world, and increase American jobs.

The new Administration has expressed its preference for bilateral deals over more cumbersome multilateral agreements. A bilateral deal with the U.K. is a great place to start. Once the U.K. is able to throw off the shackles of the EU's restrictive trade policies, there will be better opportunities for job growth and investment.

A free trade deal between the United Kingdom and the United States will be an important symbol of our dedication to promoting economic freedom. Together we can come up with the gold standard of trade deals. This deal could serve as a model for future deals or maybe even opened up for other nations to join.

The geopolitical effects of a trade deal may be just as important as the deal itself. This deal can send a message to those opposed to our shared values of freedom and liberty that the United States and the United Kingdom are standing strong together.

And that's just the way it is.

IN RECOGNITION OF VED
VENGARKER ACHIEVING A PER-
FECT SCORE ON THE AMERICAN
COLLEGE TEST

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to congratulate Briar Woods High School's very own Ved Vengarker on achieving a perfect score on the American College Test (ACT)—a respected college admissions test in the United States. Ved, now a high school junior, began studying diligently last summer in preparation, reviewing his ACT books during the week and taking several practice tests each weekend. His perfect score is not only a testament to his hard work and dedication, but also the exemplary teachers and faculty at Briar Woods High School located in Ashburn, Virginia who helped cultivate Ved's intellectual intrigue.

Each year less than one-tenth of a percent of the ACT test-taking population receive a perfect score. Ved is a self-driven individual who understands the need to prepare early and continue practicing until you achieve your goal. It is young, hardworking students like Ved who will help Loudoun County, Virginia's 10th District, and even the United States grow tremendously in the future.

Mr. Speaker, I ask that my colleagues join me in congratulating Ved Vengarker for achieving a perfect score on the ACT test. It is a privilege to represent him, and I wish him all the best in his future endeavors.

HONORING THE SERVICE OF
BOBBIE SUMMERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. COSTA. Mr. Speaker, I rise today to recognize Ms. Bobbie Summers for her outstanding work with the Social Security Administration (SSA) and to congratulate her on her retirement after 40 years of dedicated service.

Bobbie began her career with the Social Security Administration in 1976. She was hired for a Claims Representative position in Hanford through the outstanding Scholar Program. After her time in Hanford, Bobbie worked as a Claims Representative in Southeast Fresno, West Fresno, Fresno Downtown and as Operations Supervisor for the Madera SSA office. In 1984, Bobbie was promoted to an Operations Supervisor position in the Fresno SSA office. In 1990, she was promoted to Branch Manager in Carmel. Bobbie returned to Fresno in 1993 as an Operations Supervisor. In 2003, Bobbie was accepted for the Regional Leadership Development Program where she worked in the SSA Office of Public Service and Operations Support on the SDW ramp up initiative. In 2004, she was promoted to Assistant District Manager in the Fresno office, and later that year, she accepted a yearlong detail to the SSA Office of Public Service and Operations Support where she worked on the cross program recovery project. Bobbie was promoted to Level 1 District Manager position in the Southeast Fresno SSA office in 2005 where she served until 2008. In 2008, she was given a detail in the SSA Central Office to assist with the transition for the newly formed SSA Office of Disability Determinations Division. She returned to her Level 1 District Manager position in 2009.

Bobbie's ongoing hard work and dedication resulted in many awards throughout the years. Some of the awards she received are: The Commissioner's Citation, Deputy Commissioner's Citation, Regional Citation and Commissioner's Team Award.

In is with great pleasure that I applaud Bobbie Summers for her many years of tireless work on behalf of the United States government.

Mr. Speaker, it should be noted that in addition to her countless gifts to the Social Security Administration and our community, Bobbie has been a true champion for my constituents. In my office, a majority of our constituent casework involves the Social Security Administration. These are sensitive cases that can sometimes take a great deal of time to resolve. One member of my Fresno staff, Ms. Kelly Gill has worked closely with Bobbie Summers on Social Security issues for over twenty years and proudly recollects Bobbie always being available to discuss cases and work together on issues of concern. I ask my colleagues to join me today in recognizing the commitment, dedication and success of Bobbie Summers and wish her well as she embarks on new endeavors.

HONORING COWGIRL CREAMERY

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. HUFFMAN. Mr. Speaker, I rise today to recognize Cowgirl Creamery and its founders, Sue Conley and Peggy Smith, in honor of the 20th anniversary of this artisan cheese company, which has over the past two decades been a leader in the evolution of the local, state, and national artisan cheese market.

Opened in 1997, the idea of Cowgirl Creamery began years earlier when Sue and Peggy, each with twenty years of culinary experience, settled in Point Reyes Station in West Marin, California. Inspired by local agricultural matriarch Ellen Straus and her son, Albert Straus, who established organic milk producers west of the Mississippi, Sue and Peggy decided to combine their culinary expertise and environmental stewardship ethos to create an artisan cheesemaking business. Several years after purchasing a barn in downtown Point Reyes Station, and after renovating, restoring, and acquiring the permits to open Tomales Bay Foods as a distribution company, Cowgirl Creamery was opened.

Over the next twenty years, Cowgirl Creamery became an organic-certified creamery known for its award-winning cheeses, and its founders became leaders in sustainable food and artisan cheese movement in the North Bay. With over ten different types of cheeses produced from milk from neighboring dairies and two creameries with a staff of nearly 100, the company is still growing its business and influence in the region. At the time of its opening, there were few cheese companies in Marin and Sonoma. Today, the West Marin region is considered a dairy and cheese appellation, and the region's artisan cheese industry has bloomed thanks in large part to the success of Cowgirl Creamery. There are 28 cheesemakers in the region and more in the making, and the Marin-Sonoma Cheese Trail boasts a large following.

Not only did the founders of Cowgirl Creamery serve as advocates and mentors for local agriculture and cheese producers, they engaged with non-profit organizations supporting sustainable agriculture and with government officials to advance the interests and growth in the environmentally-responsible food movement. Sue served on the board of Marin Agricultural Land Trust for 18 years and is on the board of the California Artisan Cheese Guild. Peggy serves as President of the American Cheese Society, a national platform that provides educational resources for other cheesemakers, retailers, distributors and cheese enthusiasts.

Inducted into the *Guilde des Fromagers* in 2010, Cowgirl Creamery has earned the respect of international cheese experts in addition to their robust reputations in the regional and national artisan cheese marketplace.

From producers to consumers, Cowgirl Creamery occupies an unparalleled space in its influence on artisan cheesemaking worldwide. Mr. Speaker, on the occasion of their 20th Anniversary it is fitting to honor and thank Peggy, Sue, and Cowgirl Creamery for their

impressive success and generosity, and to wish them success in the decades to come.

CONGRATULATING BEACON HILL VILLAGES ON THEIR 15TH ANNIVERSARY

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. LYNCH. Mr. Speaker, I rise today to commemorate the 15th Anniversary of Beacon Hill Village in Boston. It's an anniversary with significance for the whole Nation and they are to be congratulated on reaching this special milestone.

Mr. Speaker, Beacon Hill Village was created by, and for, neighbors determined, as they aged, to continue to thrive and grow in the neighborhood they loved. There was no ready model. A core goal of Beacon Hill Village members was keeping independent. There isn't much choice about growing old, but there are choices about where and how to do so. A little help with the ordinary business of living is always welcome, yet Beacon Hill Village's philosophy was from the start all about choice: its members are quite capable of figuring out what they need and when.

But the revolution in aging our nation is experiencing also presented an extraordinary opportunity beyond better managing daily life. Most of our nation's elders will live many years after retirement. Their goals for those years are to be productive, engaged and open to new people, new experiences, and new ideas. Its members quickly and clearly understood how Beacon Hill Village could advance those goals.

Almost from the start, word of Beacon Hill Village's success serving its own members spread. More and more communities, from near and far, were soon flooding Beacon Hill Village with requests for help in creating villages of their own. In response, just a few years after it opened in 2002, Beacon Hill Village was the chief force behind the creation of the Village to Village Network, dedicated to helping communities everywhere design their own villages reflecting local needs and using local resources. Today that Network has more than 350 open and developing villages serving members numbering over 40,000. These villages are all across the nation, in 45 states and the District of Columbia, and in six countries abroad.

Mr. Speaker, I am convinced, that the best days of Beacon Hill Village, the Village to Village Network and the villages of the nation, are still ahead of them. Their message is simple, forceful and optimistic: aging should be to each individual's own design. No one, as they age, should be told where to go or how to live. Villages can help their members take responsibility for their own aging and make choices resulting in vibrant, purposeful lives lived on their own terms, in their own homes and communities. With this message the village movement is changing how elders experience aging and how our society perceives aging. Every American benefits from these changes.

On February 13th in Boston, Dr. Atul Gawande, whose celebrated 2014 book *Being*

Mortal: Medicine and What Matters in the End continues to sustain a lively national conversation about living well and ending well in old age, will speak at a public forum to salute and conclude Beacon Hill Village's fifteenth-year celebrations. Being *Mortal* has generous things to say about how Beacon Hill Village and villages inspired by it provide a valuable model for such living and ending well. Dr. Gawande's remarks will be simulcast nationally to more than 150 villages where more than 5000 will participate remotely in the celebration.

One of the great issues worldwide today is how to support and care for aging populations. By 2030, twenty percent of our nation's population will be over 65, an estimated 83 million people. The numbers are even larger in many countries around the world. The Village concept and Dr. Gawande's profound understanding of the importance of community and choice offer valuable insights and solutions for this challenging phenomenon.

Mr. Speaker, in recognition of the positive impact that the village movement has had on the experience of aging, I ask that my colleagues join me in saluting Beacon Hill Village and villages throughout the nation by designating Monday, February 13, 2017 as National Villages Day.

IN HONOR OF LIZ THOMAS

HON. DONALD NORCROSS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. NORCROSS. Mr. Speaker, I rise today to honor Liz Thomas, a smart and savvy businessperson, a wonderful friend and someone who always supports organizations and causes near and dear to her heart.

On Saturday, February 11, 2017, Liz's friends, family and colleagues will gather together to celebrate at the Hearts of Gold Samaritan Gala and to honor her as she receives the Samaritan Healthcare and Hospice Circle of Excellence Award.

Ms. Thomas began her communications career in the press office of New Jersey Governor Thomas Kean. Then, she moved on to serve as Deputy Director of the New Jersey Division of Travel and Tourism. In 1989, she opened her first public relations firm and she has been working hard in that field ever since.

In her professional capacity as co-founder and CEO of Thomas/Boyd, Ms. Thomas is frequently called upon to use her extensive knowledge of communications, government relations and event management to ensure that businesses, non-profit organizations, professional societies and service companies have successful events and communication campaigns throughout the area.

Ms. Thomas has received numerous honors and recognitions throughout her professional career. She was named a Person to Watch by *SJ Magazine* and was a member of *NJBiz's* inaugural class of Best 50 Women in Business.

In addition to her professional accomplishments, Ms. Thomas is proud to lend her name, time and talents to a variety of organizations throughout the area and is the Vice

Chair of New Jersey Public Media, the Chair of the Samaritan Healthcare and Hospice's Board of Trustees, and Vice Chair of the New Jersey Governor's Women's Conference. She is also a member of many great organizations, such as the Salvation Army Kroc Community Center Capital Campaign and the New Jersey Employer Support of the Guard and Reserve.

It is all altogether fitting that we congratulate Liz Thomas on receiving the Samaritan Healthcare and Hospice Circle of Excellence Award and thank her for her contributions to the State of New Jersey and the many organizations that she devotes so much of her time and talent. Ms. Thomas continues to give back to her community both personally and professionally and I wish her continued success in all her endeavors.

IN RECOGNITION OF THE SHORT
HILL HISTORICAL SOCIETY

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mrs. COMSTOCK. Mr. Speaker, I am honored to recognize my constituents of the Short Hill Historical Society, formerly the Hillsboro Community Association (HCA), for their preservation and restoration efforts in one of the oldest, historic cities in Virginia's 10th District—Hillsboro, Virginia.

Over 40 years ago, the Old Stone School in Hillsboro was saved from being demolished by the HCA, a non-profit comprised of area residents and alumni. Since 1976, the HCA has made it their mission to preserve and restore the Old Stone School and to identify and restore other historic landmarks in the Hillsboro area. More recently, the organization began to operate under the name Friends of the Old Stone School, as they placed an even stronger focus on the landmark building. In 2006, the town government took over full management of the building from the HCA.

Now with the school in good hands, the HCA, under the new name, the Short Hill Historical Society, is planning to expand their restoration efforts immensely. The group contributed an estimated \$15,000 worth of furniture and equipment to the school and also provided over \$19,000 for management and operations.

This year, the Short Hill Historical Society has planned a plethora of events and concerts to raise money and also garner support for new restoration projects. It is strong, community-focused groups, like the Short Hill Historical Society, that will help Western Loudoun County retain its rich history, and I look forward to their future projects and endeavors.

Mr. Speaker, I ask my colleagues to join me in congratulating the Short Hill Historical Society for their years of dedication and hard work. I wish them all of the best in their future endeavors.

IN RECOGNITION OF RICHMOND
FREE PRESS

HON. A. DONALD McEACHIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. McEACHIN. Mr. Speaker, I rise to recognize the Richmond Free Press, an independent, black-owned, weekly newspaper, that recently celebrated their 25th anniversary. The paper was founded by Raymond H. Boone, a former Howard University associate professor and reporter who tirelessly served as editor and publisher until his death in June 2014.

The Richmond Free Press serves as a voice for all people and since its inception has altered the media landscape of Richmond, the former Capital of the Confederacy. Their mission is to, "provide solid, fair-minded news stories and informed opinion to empower its readers to motivate them to take enlightened action on important issues that touch their lives."

Positively impacting the community through news stories and editorials, the Richmond Free Press is instrumental in providing honest coverage that has contributed to a gubernatorial pardon on behalf of a man wrongly convicted of a murder charge; and rewriting city code that purged unfair gender references leading to the resignation of a Richmond judge who posted racist comments on the internet.

Through the leadership of Mrs. Jean Patterson Boone, advertising director and wife of the late founder Raymond Boone, the Richmond Free Press is an award-winning publication that has been recognized by the Virginia Press Association, the National Newspaper Publishers Associations, the NAACP and countless other organizations.

Mr. Speaker, it is appropriate that this recognition come during Black History Month, for the Richmond Free Press does not only chronical history, it has made history for the last 25 years.

INTRODUCTION OF THE FEDERAL
EMPLOYEES PAID PARENTAL
LEAVE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, today, I am proud to reintroduce the Federal Employees Paid Parental Leave Act, bipartisan legislation to grant six weeks of paid parental leave to hardworking federal employees.

In the Presidential campaign, both candidates voiced strong support for a workplace that makes sense for hardworking parents. This bipartisan legislation is a great place to start.

The federal government is our nation's largest employer, and should be setting the trend for commonsense, family-friendly policies. Paid parental leave would give a boost to the almost two million people who work for the federal government across the country, and

would help our government recruit and retain a talented workforce.

The growing costs of caring for a new child, the expensive diapers, bottles, baby carriers, they all add up very quickly. The USDA found that in the first two years a new child can cost families an average of nearly \$13,000.

Paid leave makes sure that families can start out on the right foot, not forcing them into debt, or making devastating choices between caring for a child and the paycheck they need.

I am proud that versions of this legislation have passed the House twice before, and urge my colleagues to support this commonsense proposal.

HONORING MS. DONNA MARIE
GLAPION, QUEEN ZULU 2017

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. RICHMOND. Mr. Speaker, I rise today to recognize the achievements of Ms. Donna Marie Glapion, a native of my hometown of New Orleans, Louisiana. I especially wish to congratulate her on becoming the Queen of the Zulu Social Aid & Pleasure Club for 2017. It is my distinct privilege to recognize her for this accomplishment.

Ms. Glapion has been a member of the Zulu Social Aid & Pleasure Club for 15 years. Over the years she has shared her creative talents, having decorated numerous events for Zulu Members, Characters and the organization. She has served as the First Lady of the Mighty Mayor's Krewe, participated for many years with Zulu's Toys for Tots program, and has served as Co-Modiste to the Zulu Maids from 2012–2014.

In addition to her work with Zulu, Ms. Glapion is dedicated to her family and has been active in her community. She is a proud member of Delta Sigma Theta Sorority, Inc. and for the past seven years she has positively impacted the lives of children in the community through her work as a character school operations manager. From 2009 to 2015, she has worked tirelessly on behalf of the students at James M. Singleton Charter School and since July 2015, has served as the Operations Manager at William J. Fischer School. Ms. Glapion is a graduate of McDonogh No. 35 Senior High School and the University of Louisiana at Lafayette, earning a Bachelor's degree in Mass Communication. She completed post graduate work in language studies at the Universidad Iberoamericana, in Mexico City, Mexico. Ms. Glapion began her professional career as an Administrative Assistant in the office of the late City Councilwoman Dorothy Mae DeLavallade Taylor and as Operations and Finance Manager for the Mary L. Landrieu for Governor Campaign.

Ms. Glapion has served as an Operations Manager in the Corporate Real Estate/Facilities Management Department at Whitney National Bank, and from 2001 to 2005, she was part of a research team at Tulane University School of Medicine as the Administrator of the Hematology/Oncology Section.

In closing Mr. Speaker, the hard work and dedication of Ms. Donna Marie Glapion gives us hope and promise for the future of our city and I wish to congratulate Ms. Glapion on her coronation as Queen Zulu and wish her a successful reign in 2017.

IN HONOR OF JOHN S. SEDLAK

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge my constituent, Mr. John S. Sedlak, who will be departing from his position as Technical Advisor in the Office of Commercial Vessel Compliance this month after a 20-year career of distinguished public service. Mr. Sedlak has made tremendous contributions to his community and country as both an active duty serviceman in the U.S. Coast Guard and as a civilian employee.

Mr. Sedlak graduated from the U.S. Coast Guard Academy in 1974, beginning a long career in active duty service that included assignments to a Coast Guard Cutter, multiple Marine Safety Offices, and a Staff Engineer position at the Coast Guard Headquarters. After serving as Staff Engineer, Mr. Sedlak earned a degree in Mechanical Engineering at the Naval Post Graduate School of Monterey, California and served his final tour of active duty as the Electrical Branch Chief handling operations at the Coast Guard Marine Safety Center.

Following his departure from active duty service, Mr. Sedlak assumed his current position as Technical Advisor in the Office of Commercial Vessel Compliance in 2002. As one of only three Technical Advisors in CVC and an internationally recognized expert in his field, Mr. Sedlak developed national policy in a number of passenger ships and offshore vessel areas. While developing these policies, Mr. Sedlak routinely collaborated with other Federal Agencies and represented the Coast Guard in international meetings and conferences.

Mr. Sedlak has been an integral member of the U.S. Coast Guard throughout his career, and his contributions in both active duty service and as a civilian employee are greatly appreciated by all members of the district and community.

At this moment, Mr. Speaker, I ask that my colleagues join me in extending our sincerest thanks to Mr. Sedlak for his service to our nation and all the work he has done for the CVC.

HONORING THE LIFE OF ROSELYN
BAKER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor the life of Roselyn Baker, who passed away January 5, 2017. Roselyn was a wonderful mother, wife and friend, whose presence will be greatly missed.

Roselyn was born in Fresno, California in 1926 to Kourken and Varsenig Shabaghlian, both survivors of the Armenian Genocide. The family initially lived in the heart of downtown Fresno before relocating to San Francisco when Roselyn was a young child. There her parents operated several grocery stores. You would frequently find Roselyn by her father's side at the stores, assisting with deliveries and getting to know the customers.

Roselyn attended Girls High School in San Francisco, where her love of classical music was born and fostered by her teachers. Roselyn graduated high school in 1944 and enrolled in San Francisco City College. Roselyn began working in the ladies glove department for Roos Brothers and Ransahoff's Department Stores in downtown San Francisco.

Roselyn met the love of her life George F. Baker, a veteran who was attending the College of Physicians & Surgeons Dental School on the GI Bill. George and Roselyn were married in 1947 at St. John's Armenian Apostolic Church in San Francisco. The couple moved to Fresno, where George would open a dental practice in the Tower District. Roselyn served as the office manager and dental assistant in her husband's practice. Roselyn was a devoted mother, frequently serving as a volunteer teacher's aide. Roselyn enjoyed reading books and keeping up with current events. She was an avid San Francisco Giants fan, rejoicing when the team finally won the World Series in 2010.

Roselyn is survived by her two devoted children, Dr. Timothy G. Baker and Bethany R. Baker, in addition to family and close friends. Timothy practices dentistry in the same building in the Tower District as his father.

Mr. Speaker, I urge my colleagues to join me in memorializing the life of Roselyn Baker.

HONORING MR. ADONIS CHARLES
EXPOSE, KING ZULU 2017

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. RICHMOND. Mr. Speaker, I rise today to recognize the achievements of Mr. Adonis Charles Expose, a native of my hometown of New Orleans, Louisiana. I especially wish to congratulate him on becoming the King of the Zulu Social Aid & Pleasure Club for 2017. It is my distinct privilege to recognize him for this accomplishment.

Mr. Expose has been a member of the Zulu organization since 2002 and has actively participated on every level in various leadership capacities. In 2008, he represented the Zulu organization as Mayor of Zululand. He has also had the honor of serving as Parliamentarian of the Zulu Social Aid and Pleasure Club, Inc. for six years.

In addition to his work with Zulu, Mr. Expose is a dedicated family man and has been active in his community. He is a proud member of Omega Psi Phi Fraternity, Inc. and former board member of Young Audiences, Boys & Girls Clubs of Southeast Louisiana and Heart N Hands, Inc. He has been a member of the

Pines Village Neighborhood Association, Mayor's Office Task Force Committee for Blighted Housing and an alumnus of the Committee for a Better New Orleans/Metropolitan Area Committee along with being involved with Forever Our Children, Inc. and the Young Leadership Council.

Mr. Expose is a graduate of McDonogh No. 35 Senior High School and the University of Louisiana at Lafayette, earning a Bachelor of Arts degree in Mass Communications with a minor in English. He earned a Master of Arts degree in Public Administration from Southern University A&M College. He began his professional career at the Housing Authority of New Orleans (HANO) where he served as a Strategic Planning Analyst and was later promoted to Director of Communications for the agency. Currently, he is employed by the Regional Transit Authority (RTA) in the Office of Procurement and Contracts. The commitment that Mr. Expose shows to his family and community is an example to all of us.

In closing Mr. Speaker, the hard work and dedication of Mr. Adonis Charles Expose to improving the community gives us hope and promise for the future of our city and I congratulate him on his coronation as King Zulu and wish him a successful reign in 2017.

STANDING FOR A STRONG AND
SOVEREIGN MACEDONIA

HON. DAVID A. TROTT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. TROTT. Mr. Speaker, I rise today to underscore my support of a strong and sovereign Macedonia.

The nation of Macedonia has been a critical partner in advancing U.S. national security efforts around the world. Furthermore, the Macedonian diaspora in the United States has been a critical part of our community and has contributed to the diversity and advancement of our entire nation.

As co-chair of the Congressional Macedonia and Macedonian-Americans Caucus and Representative for Michigan's 11th district, the Macedonian people in Southeast Michigan are a vibrant and esteemed part of our community.

A sovereign and strong Macedonia and Macedonian people serves to benefit our mutual interests and we must support, not undermine, our important ally.

TRIBUTE TO FRAN KAPLAN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Ms. MOORE. Mr. Speaker, I rise today to recognize Fran Kaplan who has served as a mentor, educator, community leader, social worker, translator, writer, administrator and self-described "social justice activist" for nearly five decades. Fran Kaplan turned 70 on February 9, 2017 and in her retirement has

volunteered hundreds of hours a year serving as coordinator of America's Black Holocaust Museum's (ABHM) online presence at www.abhmuseum.org. She helps curate the 2900+ exhibits covering 400 years of African American history, and co-facilitates ABHM's film/dialogue series, helping Americans understand the past in order to heal the present.

Fran was born in Lafayette, Indiana and at an early age came to believe that racial/ethnic hatred and power struggles were the principal cause of suffering in the U.S. and around the world. She had experienced the ways that racism distorts the psyches and lives of both victim and victimizer while growing up Jewish in a small Indiana town.

Dr. Kaplan was able to participate in a field work placement as a graduate student at the University of Michigan with New Detroit, a black led organization that arose to revive the city after the uprisings in 1971. Fran is a fluent Spanish-speaker and is Jewish and was tasked to conduct anti-racism training and organizing for whites and other non-blacks.

Since that internship, she continued to find many opportunities to apply what she learned there. The focus of her life's work has been the rights of women, children, minorities and the poor, and ensuring access to community resources for marginalized groups. Dr. Kaplan has founded and administered a number of community organizations, among them a women's health center, a farm worker self-help organization, and a training center for Spanish-speaking early childhood educators. Fran is also a published writer and the producer of award-winning short and feature films. Her co-authored screenplay, *Fruit of the Tree*, about the life of lynching survivor James Cameron, founder of the ABHM, has won awards in national and regional competitions. The international trainer-consultant for a global parenting education program, Fran authored and co-produced its Spanish-language videos, books, and games. With Dr. Robert Smith, Dr. Kaplan curated and edited *Lynching: An American Folkway*, a digital transmedia anthology distributed by Biblioboard, Inc. to libraries across the country.

Fran has been recognized by various organizations in Milwaukee and Wisconsin for promoting racial justice and providing leadership in children's and human rights, but perhaps her finest achievement is being able to do all that while taking part in the growth and development of several wonderful young people as a mother, foster parent, and "bubbe" (grandma).

Mr. Speaker, I am proud to recognize Dr. Fran Kaplan on her 70th birthday. She has left a legacy of advocacy and compassion. She is a true trailblazer and my friend for nearly 40 years. And now, Fran has returned to direct anti-racism organizing and education, her first true calling, at ABHM and has finally come home. The citizens of the Fourth Congressional District, the State of Wisconsin and the nation have benefited tremendously from her dedicated service. I am honored for these reasons to pay tribute to Dr. Fran Kaplan.

RECOGNIZING BLACK HISTORY MONTH

HON. ADRIANO ESPAILLAT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Mr. ESPAILLAT. Mr. Speaker, I rise today to recognize Black History Month, also known as African American History Month during this month of February.

This is an opportunity to celebrate the countless contributions that African Americans have made to our great nation throughout its history. First recognized in 1926 by Dr. Carter G. Woodson, Black History Month allows us to reflect on the collective strength that diversity continues to bring to our great nation today and the many days to come.

New York's thirteenth congressional district has a rich history that celebrates the contributions of African Americans to New York City, and the legacy of African American history in the United States. The Apollo Theater, opened in 1914, introduced the world to the transcendent voice and talent of Ella Fitzgerald, James Brown, and Lauryn Hill.

The Audubon Ballroom where the late Malcolm X (Malcolm el-Hajj Malik el-Shabazz) was assassinated now stands in memoriam to his legacy and is also a venue for community organizing.

Even after his passing, in his name the Malcolm X and Dr. Betty Shabazz Memorial and Educational Center has become a landmark for my constituents and visitors alike seeking reflection and enrichment.

Known to locals and across the country, Harlem's famous Sylvia's Restaurant founded by Sylvia Woods—the Queen of Soulfood—for 55 years stands proudly as a window to the rich culinary history of African Americans throughout the country. These institutions are cultural landmarks that help tell the story of the African American experience that runs throughout communities across the land.

During this month of reflection, as a representative of New York's 13th district, it is incumbent on me to highlight and celebrate the history of my predecessors. That history begins with the Honorable Congressman Adam Clayton Powell, Jr. Congressman Powell was the first African-American to represent any district of New York in the U.S. Congress.

First elected in 1944, Congressman Powell served the Harlem community for more than two decades during which he worked tirelessly to raise the minimum wage, supported education and training for the hearing impaired, bolstered vocational training and endeavored to provide continued aid to elementary and secondary schools and public libraries.

His presence as an African-American in the U.S. House of Representatives was not just poignant for symbolisms' sake. In 1951, Congressman Powell rose to become the Chairman of the House Committee on Education and Labor. For his efforts, President Lyndon B. Johnson in 1966 wrote that Congressman Powell's record, "represents the successful reporting of 49 pieces of bed-rock legislation. And the passage of every one of these bills attests to your ability to get things done."

President Johnson continued "Even now, these laws which you so effectively guided

through the House are finding abundant reward in the lives of our people." Most striking was his affirmation that "only with progressive leadership could so much have been accomplished by one committee in so short a time. I speak for millions of Americans who benefit from these laws when I say that I am truly grateful."

Congressman Powell's example and work to build Harlem (formerly New York 22nd district) and provide opportunities for the African American community remain enshrined today. Most well-known is Adam Clayton Powell Jr. Boulevard running through Harlem and the Adam Clayton Powell Jr. State Office Building in Harlem. While these share his name, his contributions reached beyond Harlem. Congressman Powell successfully coordinated the merger of Freedman's Hospital locally in Washington, D.C. with Howard University. Howard University has the largest concentration of black faculty and student scholars in the country and its College of Medicine stands today as a proud institution whose legacy contributing to African American society will continue to stand the test of time.

To my new colleagues, the Honorable Charles B. Rangel is no stranger to any of you. He has represented Harlem for almost 50 years beginning in the New York State Legislature and then in the U.S. House of Representatives. In this chamber, Congressman Rangel was a founding member of the Congressional Black Caucus. For over 40 years, this esteemed organization has served to "promote the public welfare through legislation designed to meet the needs of millions of neglected citizens." Where Congressman Powell rose to chair the House Committee on Education and Labor, Congressman Rangel in his own right rose among his peers to chair the House Committee on Ways and Means; where his chairmanship represents the "most powerful gavel ever held by an African American in Congress."

Congressman Rangel's place in African American history transcends Harlem and New York City. In 1965 Congressman Rangel joined Dr. Martin Luther King, Jr. in the historical march from Selma, AL to Montgomery, AL to advance equal civil rights for African Americans. The poignancy of this grand action over those five days guided a career advocating for nondiscrimination, developing urban neighborhoods and protecting veterans like himself from disfranchisement.

Mr. Speaker, I am honored to have been given the opportunity share with my colleagues the virtues of African American Heritage Month and time to celebrate the contributions of African Americans in New York's 13th Congressional District.

PERSONAL EXPLANATION

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

Ms. JENKINS of Kansas. Mr. Speaker, I was absent from Roll Call votes 86 and 87 on the evening of February 13, 2017. I would have voted in favor of H.R. 244 which encourages the hiring and contributes to the well-

being of our veterans, as well as provide community and charitable services supporting the veteran community. Lastly, I would have voted in favor of H.R. 974 which would boost veteran employment as the VA would be directed to give preference to organizations that employ a higher percentage of full-time employees when awarding contracts. Had I been present, I would have voted YEA on Roll Call No. 86 and YEA on Roll Call No. 87.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 14, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED FEBRUARY 15

- 10 a.m.
Committee on Armed Services
Subcommittee on Emerging Threats and Capabilities
To receive a closed briefing on Anti-Access Area Denial challenges in Europe. SVC-217
Committee on Environment and Public Works
To hold an oversight hearing to examine modernization of the Endangered Species Act. SD-406
Committee on Foreign Relations
To hold hearings to examine ending modern slavery, focusing on building on success. SD-419
10:30 a.m.
Committee on Appropriations
Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies
To hold hearings to examine mental health care, focusing on examining treatments and services. SD-138

- 2:30 p.m.
Committee on Commerce, Science, and Transportation
Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security
To hold hearings to examine stakeholder perspectives on our multimodal transportation system. SR-253
Special Committee on Aging
To hold hearings to examine stopping senior scams, focusing on developments in financial fraud affecting seniors. SD-562
2:45 p.m.
Committee on Homeland Security and Governmental Affairs
To hold hearings to examine government operations susceptible to waste, fraud, and mismanagement. SD-342

FEBRUARY 16

- 9:30 a.m.
Committee on Armed Services
To hold hearings to examine reshaping the United States military. SD-G50
10 a.m.
Committee on Finance
To hold hearings to examine the nomination of Seema Verma, of Indiana, to be Administrator of the Centers for Medicare and Medicaid Services, Department of Health and Human Services. SD-215
Committee on Foreign Relations
To hold hearings to examine the nomination of David Friedman, of New York, to be Ambassador to Israel, Department of State. SD-419
Committee on Health, Education, Labor, and Pensions
To hold hearings to examine the nomination of Andrew F. Puzder, of Tennessee, to be Secretary of Labor. SD-430
Committee on Rules and Administration
Organizational business meeting to consider committee rules, an original resolution authorizing expenditures by the Committee during the 115th Congress, and the omnibus budget resolution for Senate Committees. SR-301
10:30 a.m.
Committee on Commerce, Science, and Transportation
Subcommittee on Aviation Operations, Safety, and Security
To hold hearings to examine stakeholder perspectives on improving the Transportation Security Administration for the security of the traveling public. SR-253
2 p.m.
Select Committee on Intelligence
To hold closed hearings to examine certain intelligence matters. SH-219

- 2:45 p.m.
Committee on Foreign Relations
Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues
To hold hearings to examine democracy and human rights, focusing on the case for United States leadership. SD-419

FEBRUARY 28

- 2 p.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of the Disabled American Veterans. SD-G50

MARCH 1

- 10 a.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of The American Legion. SD-G50
2 p.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars of the United States. SD-G50

MARCH 8

- 10 a.m.
Committee on Commerce, Science, and Transportation
To hold an oversight hearing to examine the Federal Communications Commission. SH-216

MARCH 9

- 10 a.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of multiple veterans service organizations. SD-G50

MARCH 22

- 10 a.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of multiple veterans service organizations. SD-G50

SENATE—Tuesday, February 14, 2017

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Accept, O Lord, our thanks and praise for all You have done for us. We thank You for the splendor of creation, for the wonder of life, and for the mystery of love. We thank You for work that demands our best efforts and for the satisfaction of a job done well.

As our lawmakers strive to please You in working to fulfill Your purposes, inspire them with Your Spirit to glorify You in their thoughts, words, and actions. Lord, endue them with courage and loyalty, whether their duties are large or small. Give them an eternal perspective on the myriad issues they face.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SASSE). The majority leader is recognized.

NOMINATIONS

Mr. McCONNELL. Mr. President, over the past several weeks, we have seen unprecedented obstruction from our colleagues across the aisle. This made the confirmation of the President's nominees the slowest in modern history. It has left several key departments without a permanent secretary at the helm for far too long. What is the point of the needless delay? What is clear the point? Our friends are slow-walking votes, not changing outcomes.

We took several important steps last night to move the nominations process forward. We confirmed Steve Mnuchin as Treasury Secretary. After 8 years of failing economic policy, stagnant growth, and a tough job market, it is clear we need a new direction to get our country back on track. We need a new direction on regulations—smarter and pro-growth. We need a new direction on taxes—simpler and pro-jobs. If

we are going to accomplish either of those goals, we are going to need new leadership at the helm of the Treasury Department. Secretary Mnuchin has real-world understanding of the private sector, and he is ready to work with both sides to get the economy moving.

Second, we confirmed Dr. David Shulkin as Secretary of Veterans Affairs. The debt we owe our servicemembers and their families extends far beyond any program or benefit the government can provide, but through the VA, we should be doing everything we can to fulfill our commitments to veterans and their families, like the more than 300,000 veterans who call Kentucky home. Secretary Shulkin will be tasked with overseeing that our veterans in Kentucky and across the Nation receive quality and timely care. It is a heavy burden, but he seems up to the task. The chairman of the Veterans' Affairs Committee, Senator ISAKSON, has a well-deserved reputation for working tirelessly on behalf of our veterans, which makes it notable that his committee voted unanimously to recommend Dr. Shulkin to the Senate and the full Senate confirmed him unanimously too.

We haven't seen much of that lately.

I am confident that Secretary Shulkin will work with Congress to build on the progress we have already made in expanding accessibility and improving accountability at the VA.

Third, I took the necessary procedural steps last night to allow us to confirm the rest of the nominees on the calendar:

Representative MICK MULVANEY, the nominee for Director of the Office of Management and Budget, who can help get our Nation back on track fiscally; Scott Pruitt, the nominee for Administrator of the Environmental Protection Agency, who can bring much needed change after 8 years of heavyhanded, job-killing regulations; Wilbur Ross, nominee for Commerce Secretary, who can help promote job creation and economic growth; Representative RYAN ZINKE, nominee for Interior Secretary, who can help improve our Nation's land use and conservation policies; Dr. Ben Carson, nominee for Secretary of Housing and Urban Development, who can help reform HUD to better serve the American people; and Governor Rick Perry, nominee for Energy Secretary, who can help guide us toward smarter energy policies to grow our economy and strengthen national security.

Beginning with Representative MULVANEY, we can get each of these nominees confirmed soon. With cooperation from across the aisle, we can

put them to work for the American people even sooner.

We will be able to put another important nominee to work just this morning, one who understands how to help businesses flourish. The last 8 years have been very difficult for our economy, for workers, and for small businesses. I am confident that the President's pick to lead the Small Business Administration, Linda McMahon, will prioritize growing jobs over growing government bureaucracy. In so many States, including mine, that is a welcome change of pace from Washington. Small businesses help drive America's economy, and they help drive Kentucky's economy as well. Almost half of all the private sector jobs in Kentucky—about 700,000—come from the more than 340,000 small businesses across the Commonwealth. These small businesses not only grow the economy, but they also serve important roles in our communities.

Mrs. McMahon, who has built a company from the ground up, understands the many challenges small businesses can face. She certainly has come a long way from sharing a desk with her husband and leasing a typewriter. I commend her for her willingness to serve her country, and I look forward to her confirmation later this morning.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, the Democratic leader, Senator SCHUMER, is likely to come to the floor soon, and I will certainly defer to him at a later time, but I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUSSIA

Mr. DURBIN. Mr. President, November 8, 2016, was not just election day. It was a day that will live in cyber infamy because it turns out that one of the leading enemies of the United States, the nation of Russia, was directly engaged in the Presidential campaign that resulted in the election on November 8. This is not speculation. It is a fact based on conclusions that came from 17 different intelligence agencies that confirmed this reality. This is the first time we can point to where a foreign power has tried to influence the outcome of a Presidential election in the United States. Their goal was clear: to elect Donald Trump, to defeat Hillary Clinton. They hacked into computers. They released information on a selective basis. They created fake news stories. They used

WikiLeaks—everything within their cyber power to influence the outcome of the election. That was the reality.

This morning we were awakened to the headline that President Trump's head of the National Security Council, LTG Michael Flynn, has resigned. That is an incredible blockbuster of a story. And what was the reason for his resignation? It turns out that he had a direct conversation with the Russian Ambassador to the United States, Mr. Kislyak, and that conversation included references to sanctions that President Obama was imposing on Russia because of their involvement in our election. What led to his resignation, of course, was that he misled both the Vice President and the President about that conversation. When the facts came out, he was forced to resign.

This is not business as usual in Washington. What we are dealing with here is, in fact, a historic event—a powder keg in history—when it comes to the United States and its security. The obvious question is, Will this Congress of the United States, this branch of our government, respond? Will we initiate thorough investigations as to the involvement of the Russians in that election campaign and, specifically, any involvement with any Presidential campaign during that time?

Twenty years ago, when I was elected to the Senate, there was an investigation initiated by the Republicans at the suggestion—the suggestion—that the Chinese Government played some role in the Clinton-Gore campaign. The Governmental Affairs Committee of the Senate was entrusted with the responsibility to do a thorough investigation of that allegation, and Fred Thompson, the Senator from Tennessee, was the chairman of that committee, with John Glenn as the ranking Democrat.

The hearings went on for weeks—ultimately, for months—and then there was a formal report issued. No credible evidence was found of the suggestion, but it was taken that seriously by the Republican-led Congress that the Chinese may have been involved in a Democratic Presidential campaign.

How seriously is the Republican Congress taking the allegations and statements from our intelligence agencies that the Russians were involved in this last Presidential campaign?

It is time for us to have an independent, bipartisan commission beyond Congress to look into this and give us solid answers. We need to appoint people to head this commission of the stature of GEN Colin Powell and Sandra Day O'Connor, who served on the Supreme Court, who are credible people to lead this effort and this investigation and give America the truth.

A week or so ago the New York Times published the results of a recent poll that asked Americans what other nations they considered to be our clos-

est allies and worst enemies. The results weren't surprising. Canada, the UK, and Australia topped the list of our best allies. Of America's enemies, the top nations were different, but they included North Korea, Iran, and Russia. That makes me wonder why President Trump, in the span of a week, managed to insult and hang up on the telephone call with the Prime Minister of Australia and then go on national news to once again defend Russian dictator Vladimir Putin, in light of what I just said earlier. Just a few days later, it is revealed that his National Security Advisor, General Flynn, the one who was fired by the previous administration and led chants unworthy of a great democracy about locking up a political opponent, was, in fact, speaking to a Russian official as a private citizen before President Trump took office.

Monday, we learned that former Acting Attorney General Sally Yates, whom President Trump abruptly fired, had warned the White House that General Flynn had misled senior administration officials about his communications with the Russian Ambassador and warned he was potentially vulnerable to Russian blackmail. Understand what I have just said. The man who was picked by President Trump as his top National Security Advisor misled the President and the Vice President about a telephone conversation with the Russian Ambassador and, in the opinion of our top law enforcement officials, left himself vulnerable to Russian blackmail.

In the last days of the Obama administration, then Director of National Intelligence James Clapper and CIA Director John Brennan reportedly shared Yates' concerns and concurred with the recommendation to inform the Trump White House. Now that General Flynn has resigned, leaving an already chaotic National Security Council in even greater disarray, perhaps this isn't all that surprising anymore, but it certainly should be.

This President has a troubling habit of lashing out at everyone and anyone involved in a perceived slight—dangerous and unbecoming behavior when granted the privilege to become President of this great Nation. In fact, the number and range of those attacked or insulted by Twitter is so significant I wouldn't even start to list them, but it is important to note the list includes Republicans, Democrats, labor leaders, businesses, retired generals, and others in almost every conceivable category. Actually, one looks at the list and you quickly realize the only unifying factor is not about putting America first or America's image but instead about protecting a deeply fragile ego.

Listen to this excerpt from a vast list of those who have been attacked by President Trump: President George Bush, President George W. Bush,

Speaker PAUL RYAN, Florida Gov. Rick Scott, Federal judges, former Governor of New Hampshire John Sununu, the Republican establishment, NATO, Major League Baseball, Macy's Department Store, European leaders, Britain, Germany, New Jersey, the American delegate system, the "Today" show, "Saturday Night Live," "The View," Chief Justice John Roberts, Colin Powell, President of United Steelworkers Local 1999, ABC News, NBC News, FOX News, and seemingly every other media outlet.

Now that we are in the category of those who have been attacked, we can't leave Nordstrom off the list. The President even insulted the former Governor of South Carolina, then chose her to be U.N. Ambassador. In fact, there are hundreds upon hundreds on this list—a list that in a foreboding, Nixonian way keeps on growing.

So if you make any criticism or joke about President Trump, make any perceived slight, run a department store that doesn't carry his daughter's products, lead a labor union, or do just about anything, be prepared for an attack by a Trump tweet—except if you happen to be the former Communist KGB official who now leads the one nation that actually recently attacked our Nation. That would be Vladimir Putin.

How is it possible?

Russian President Putin launched a cyber attack of war on the United States. He interfered in our election and tried to affect the outcome and pick the winner. The evidence is overwhelming. It has been available in increasing amounts over the last several months. Yet we have a President who not only denies the Russian attack but has a strange infatuation with President Putin—but is also suggesting policies that dangerously puppet those of Putin.

It is now revealed that Trump's National Security Advisor, LTG Michael Flynn, lied about discussing sanctions with the Russian Ambassador immediately after the Obama administration announced new sanctions for the attack on our election. Not only had General Flynn and the White House suddenly remembered the facts differently, but more dangerously, did Flynn's conversation undercut U.S. sanctions, especially after Russia's assault on our election? And who instructed General Flynn to have these suspiciously timed conversations with the Russian Ambassador?

It is deeply troubling to imagine what might have been insinuated in those talks, but given the blinders this President has shown in ignoring President Putin so far, I worry about a suggested or hinted trading for U.S. sanctions on Russia for little in return.

Quite simply, you don't make America great by selling out to a former

Communist KGB official. You only negotiate with such a dictator from a position of strength, not denial or naïveté.

So what has been the response to the cyber attack of war on America, Flynn's dalliance with the Russians, and the dangerous disarray at the Trump National Security Council from the party of Ronald Reagan, who knew the Communist mind pretty well? Near silence. The party of Ronald Reagan has spoken zero times about the Russian attack or Flynn's actions on the floor of the Senate since early October. I waited this morning for the Senate Republican leader to raise the obvious front-page story across America about the resignation of President Trump's National Security Advisor, and not a word was mentioned.

Compare this to the 36 times the Republicans have come to the floor to talk about stripping health care away from millions of Americans in the last several weeks. Even President Trump's new Attorney General, who brazenly changed his tune on Russia once having joined the Trump campaign, said he had not yet read intelligence reports on the Russian attack—a position even more stunning in light of the recent reports of Sally Yates' warnings. Yet, incredibly, his colleagues were ready to confirm him for the highest law enforcement position in the land.

I see the Democratic leader here, and I want to yield the floor to him, but I will close with this. Are we going to have a fulsome, honest, independent investigation of the Russian involvement in this election campaign? We know it happened. Seventeen of our intelligence agencies confirm it.

We also know that an investigation is underway by the Federal Bureau of Investigation about this campaign and the involvement of the Russians, and we know as well now that because of the conversations of our National Security Advisor with the Russian Ambassador, he was forced to resign in the first 4 weeks of this administration.

This calls out for a thorough investigation. The Republican Party in Congress, which spent hours and days and weeks and months in investigations involving Hillary Clinton, should at least acknowledge the gravity of this matter and bring this to a full investigation—an open and public one that can be trusted, an independent investigation—that stands up for our basic democracy and does not allow the invasion of the Russians or any other country into our democratic process.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATIONS

Mr. SCHUMER. Mr. President, I thank the Democratic whip for his remarks, and I will have much more to say on the circumstances surrounding General Flynn's resignation as National Security Advisor later today.

This morning, I rise to speak about the nominee on the floor, Representative MULVANEY, to be the Director of OMB.

Each nominee who comes before this body seems to be another indication of a Cabinet whose ideology is so far removed from the American mainstream and whose ethical conduct is more questionable than any other in our Nation's history. Representative MULVANEY is a walking demonstration of both shortcomings in this Cabinet.

First, on his views, which are way out of touch with most Americans, with average Americans. Representative MULVANEY has been a consistent ideological warrior against crucial safety net programs like Social Security and Medicare. He said it plain as day: "We have to end Medicare as we know it. . . . Medicare as it exists today is finished."

That is from his mouth, and President Trump appoints this man head of OMB, one of the most powerful agencies in the government. Not only has Mr. MULVANEY advocated for cutting benefits, he wants to jack up the retirement age for Medicare to 67, and for Social Security he wants to raise it to 70.

After the confirmation of Representative Price to lead HHS last week, the confirmation of Representative MULVANEY will be the launch of week 2 of the Republican war on seniors.

Let's be clear. These are fringe positions, way out of touch with how most Americans feel about these programs, and it just proves that when our Republican colleagues go back home to campaign, not one of them says: Raise the age to 70. I don't see Republican ads saying that. They say they are going to protect Medicare. Well, where are they now? You can't go home and campaign one way and then vote for MULVANEY, who wants to do the opposite and hurt our seniors—a war on seniors.

Literally, tens of millions of Americans rely on these programs and don't want to see their benefits cut. Millions more are on the cusp of retirement and know it is deeply unfair to move the goalpost on qualifying for these programs—changing the rules in the middle of the game—to hurt those who have spent their whole lives working and are now looking forward to receiving Social Security and Medicare. That is not what most Americans voted for, whether they pulled the lever for Secretary Clinton or Mr. Trump.

Candidate Trump promised that he was "not going to cut Social Security like every other Republican and I'm

not going to cut Medicare or Medicaid," but then he turns around and nominates a man to OMB who has relentlessly argued the opposite. He nominates a Secretary of Health and Human Services who has also argued that, with all of our Republican colleagues voting for him—none of us. So if people think Donald Trump is going to be a defender—I saw the AARP ads—I would like those ads to mention the nominations of MULVANEY and Price. If people think Donald Trump is going to be a defender of Social Security and Medicare, these nominees seem to indicate a far different approach.

Candidate Trump didn't run as a far-right conservative. He ran as a populist against both establishments, but both Representative MULVANEY and Representative Price were plucked out of the very conservative wing of a very conservative House caucus and will be placed in charge of the budget and every American's healthcare—where they can effectively wage the war on seniors they have been plotting throughout their careers.

Unfortunately, both the OMB Director and the Secretary of HHS have hundreds of ways that don't go through the Congress of undercutting Medicare and Social Security, Medicare and Medicaid in particular. They can undercut them in a whole variety of different ways. Given their ideology and given their careers, that is just what they will do.

So the nominations of these two men are exhibits A and B that President Trump plans to run his administration from the hard right, rather than follow through on his populist rhetoric that defined his campaign, and frankly is what elected him. If he had run on the campaign views of these two nominees, he might have gotten 100 electoral votes. He might have gotten 100 electoral votes.

Second, on ethics. Again, this Cabinet is not only challenged on their views so far away from what the average American believes, but it is the most unethical Cabinet I have ever seen nominated, at least in my lifetime.

Representative MULVANEY is unfortunately an example of a Cabinet member that is too far compromised by potential conflicts of interest and other ethics challenges. It has been disclosed that Representative MULVANEY neglected to pay \$15,000 in taxes on a household employee. A similar revelation sunk the nomination of a former Member and leader of this body, Senator Tom Daschle. Senator Daschle was relentlessly attacked by the Republican side on this issue. He withdrew his nomination. Representative MULVANEY hasn't withdrawn his nomination, and we haven't heard a peep out of the Republican side on the same—very similar—transgression that was disqualifying, at least to our Republicans, for Senator Daschle, nor has

the nominee for Secretary of Labor withdrawn his nomination. He has a similar situation.

The fact that the Republican majority is proceeding on both of their nominations is a dangerous abandonment of public ethics.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Linda E. McMahon, of Connecticut, to be Administrator of the Small Business Administration.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided in the usual form.

The minority whip.

NICS

Mr. DURBIN. Mr. President, later today we are going to consider an effort under the Congressional Review Act to change America's background check system when it comes to the purchase of firearms.

For months, I have been listening to President Trump and the Republicans talk about gun violence in the city of Chicago. It is a heartbreaking reality. More than 4,300 people were shot in Chicago last year and over 400 so far this year. It is not just Chicago. The American Medical Association has declared that gun violence is a public health crisis in our Nation.

So what is Congress doing to save lives in Chicago and across the Nation from gun violence? What is the Senate doing to protect people from being shot? Nothing.

Instead, the Republican Congress is trying to weaken one of the gun laws on the books—the NICS Improvement Amendments Act. This is the law passed unanimously by Congress after the Virginia Tech massacre and signed into law in 2008 by President George W. Bush.

This law says that every Federal agency needs to let the FBI NICS background check system know when the agency has information about people who fall within the legal prohibitions on gun possession. Everyone agreed we needed to get these records into the NICS system, especially records about those who are seriously mentally unstable, such as the Virginia Tech

shooter. That man had a history of mental illness, but he was able to buy guns and kill 32 people because his records were not in the background check system known as NICS.

There is a longstanding Federal prohibition on gun possession by those who are suffering from mental illness. This prohibition is so well established that the late Justice Antonin Scalia cited it in the Supreme Court's Heller decision as an example of a restriction that is presumptively lawful and consistent with the Second Amendment.

There have been tragic cases where people with serious mental illnesses have used guns to cause great harm. The Newtown, CT, shooter showed signs of severe mental health problems that went untreated before he killed 20 students and 6 educators at Sandy Hook Elementary School. The Tucson, AZ, shooter, who shot Congresswoman Gabby Giffords and killed six others, was diagnosed after the shooting with schizophrenia. And it was 9 years ago today when a gunman who had been diagnosed and treated for mental illness killed 5 people and injured 17 in a classroom building at Northern Illinois University in DeKalb.

About two-thirds of shooting deaths each year are suicides. Last year, there were more than 21,000 suicides by gun. The National Alliance on Mental Illness reports that "about 90% of individuals who die by suicide experience mental illness."

Mental illness is a challenging issue for our society. I have worked to expand treatment and coverage for mental illness, including through the Affordable Care Act, one of the most important single laws we have ever passed to address mental illness. I wish those who are trying to repeal this common-sense gun safety regulation would drop that effort and join us in stopping this repeal of the Affordable Care Act. We need more and better services for people with mental illness.

The reality is that the gun laws on the books are narrowly drawn when it comes to mental illness and so is the rule we are being asked to repeal today. Current Federal law says that a person who has been "adjudicated as a mental defective" is prohibited from gun possession. The phrase "adjudicated as a mental defective" is defined in the law as a determination by "a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or others; or (2) lacks the mental capacity to contract or manage his own affairs."

The 2008 NICS Improvement law, signed into law by President George W. Bush, directed Federal agencies to send their relevant records to the NICS system. Last year, the Social Security Administration issued a rule to imple-

ment this law after concluding that certain determinations by the Social Security Administration qualify as an adjudication of mental defectiveness.

Let me explain what the SSA rule says. Under this rule, starting in December of this year, the Social Security Administration will begin sending to NICS—the body which gathers information and records for background checks before the possession of firearms—the name, date of birth, and Social Security number of people who meet each of the five threshold criteria. The person must be between the ages of 18 and 65, have filed a claim with SSA for benefits based on disability, have been diagnosed with a serious, long-term mental disorder, have been determined by SSA to be disabled and unable to perform substantial work because of the mental disorder, and have been subject to determination by the Social Security Administration that the mental disorder is so serious that the person needs to have a representative appointed to manage the person's benefits.

This is not a situation where the Social Security Administration would notify NICS just because a person can't balance his checkbook. There must be a seriously debilitating, medically diagnosed mental illness involved.

The rule is prospective only. Current Social Security disability beneficiaries are not subject to it. The rule is predicted to cover about 75,000 Americans, once it takes effect, out of the estimated 10 million suffering from a serious mental illness.

I might add here for the record, I do not suggest that every person who has any form of mental illness is a danger. In fact, exactly the opposite is true. But we do know that those who suffer from serious mental conditions many times are engaged in violent conduct and many times with horrible results when they have firearms.

The rule we are being asked to repeal on the floor of the Senate provides for advance notice of the Social Security Administration determination and the right to appeal through an administrative process and in court. A person can obtain relief from the firearms prohibition by having healthcare providers and character witnesses submit statements that the person is not a danger to himself or others.

Every politician claims they want to keep deadly firearms out of the hands of those who are seriously mentally unstable. A statement made by a Republican Senator from Texas, Senator CORNYN, the senior Senator from Texas and my counterpart on the Republican side; he said in March 2013:

If there was a common thread in the Virginia Tech, Tucson, Aurora, and Newtown massacres, it was the mental illness of the shooter. . . . We should refocus our effort to make sure the current background check system works to screen out the dangerously mentally-ill.

Reasonable people can disagree over whether the SSA's rule gets it exactly right. There are mental health groups that have concerns about it, and I respect that. But using the Congressional Review Act is a blunt tool. Instead of fixing the rule, the Congressional Review Act would repeal the rule and—listen to this—permanently bar the Social Security Administration from adopting any substantially similar rule. So it likely would bar the Social Security Administration from ever implementing a rule to submit mental health records to NICS in the future.

If there are problems with this rule, they can be addressed by fixing it. But the Republican response is always repeal first. This time, they want to repeal a rule that doesn't start until December and its repeal would preclude the Social Security Administration from even fixing or positively changing it.

We also had disputes over the process the Department of Veterans Affairs used to submit names of people with mental illness to the same NICS background check system. Last December, we fixed it on a bipartisan basis. We passed language in the 21st Century Cures Act to ensure that a person can have his own doctor and lawyer involved in the process. If the Social Security Administration rule needs fixing, we can fix it too. But this Congressional Review Act is a sledgehammer, not a tool to fix it.

We are being asked to vote today to ban an agency permanently from complying with the NICS law that we enacted in 2008. We are being asked to undermine the gun laws that are on the books.

I urge my colleagues to listen to the opposition of this resolution of disapproval. Read the letter from the U.S. Conference of Mayors, who say that the Social Security Administration rule "is critically important to the fabric of our nation's background check system." Read the editorials in newspapers across the country that oppose repealing this rule.

Mr. President, I ask unanimous consent that the editorial from the Chicago Tribune be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Feb. 10, 2017]

EDITORIAL: GUNS AND MENTAL ILLNESS: DON'T SCRAP THIS RULE

(By Editorial Board)

If someone has a mental illness severe enough that he cannot work or manage his own money, should he be allowed to own a gun?

In the waning weeks of his presidency, Barack Obama answered that question. Motivated by Adam Lanza's bloody rampage at an elementary school in Newtown, Conn., that killed 20 children and six educators in 2012, Obama imposed a rule that barred gun ownership for people who qualify for Social Security disability insurance because their

mental illness keeps them from working, and who cannot manage their benefits. That pool is small—just 75,000 Americans.

The GOP-led U.S. House just voted to scrap that rule. Bad move. The Senate now decides whether to back that bad move. If it does, President Trump would decide whether to go along or disagree.

Republican lawmakers hang their case on the argument that the rule stigmatizes people with disabilities as dangerous. "There are people who need help and seek help, but that is not a criteria for taking away one's constitutional right" to own a gun, Texas Rep. Pete Sessions said.

Sessions implicitly exaggerates the impact of the rule. As gun control measures go, the scope of this one is narrow. Its goal is to keep guns out of the hands of people on record as having a disabling mental disorder. The standard for taking that gun away is steep—they have to be on Social Security because their psychiatric disorder keeps them from working, and they cannot manage their own affairs. Both conditions must be met. Even if the rule keeps someone from owning a gun, that person can pursue an appeal.

America has seen what can happen when someone with severe psychiatric issues has access to firearms. Their names and crimes live in infamy:

In 2007, Seung Hui Cho shot to death 32 people at Virginia Tech University before killing himself. Two years earlier, a judge had deemed Cho an "imminent danger" because of mental illness and ordered him to seek treatment. But because he was never committed, that assessment never got recorded in the federal database of people ineligible to buy guns. Cho passed the background check and bought the guns he would wield at Virginia Tech.

In 2011, Jared Loughner shot U.S. Rep. Gabrielle Giffords in the head and murdered six other people in Tucson, Ark.

In 2012, James Holmes strode into a packed movie theater in Aurora, Colo., and opened fire, killing 12 people.

And there's Lanza, who went through months of hysterical crying, stretches of lethargy and self-imposed isolation from his family before unleashing terror at Sandy Hook Elementary School. "I didn't understand that Adam was drifting away," his father, Peter Lanza, told *The New Yorker* in 2014.

These crimes showcase the dangers in allowing severely troubled individuals to buy firearms. The rule the House voted to scrap doesn't cast so wide a net that it applies to anyone seeking psychiatric treatment. It's specific in scope, and anchored by a common-sense premise that many House Republicans ignored: If a person's psychiatric disorder is disabling enough that the individual cannot work or deal with money-managing, bright red flags are being raised about his or her capacity for sound judgment.

To us, that's a logical, well-grounded reason why he or she shouldn't own a gun.

Mr. DURBIN. We can also read editorials in the St. Louis Post-Dispatch, the Charlotte Observer, the New York Times, and more.

Now listen specifically to the pleas of gunshot victims and their family members. Listen to Patrick Korellis, of Chicago, whom I have met. He was shot in a classroom 9 years ago at Northern Illinois University by a man who had a serious mental illness. He wrote to me and he said:

I was shot in my classroom by someone who was mentally ill, and was able to obtain

guns and a lot of ammunition because the background checks weren't strong enough. Rolling back some of these background checks doesn't make any sense, and will allow more people to get through the loopholes.

Now listen to Janet Delana of Wellington, MO. She wrote to Congress:

My daughter Colby, a diagnosed paranoid schizophrenic who lived at home with her father and I, received monthly Social Security disability payments for her mental illness. In 2012 she used the money from her disability check to buy a gun at a local gun dealer. Because she was ill and suicidal, I had contacted the gun dealer and begged him not to sell her a gun. However, my pleas were ignored and the dealer sold her a gun anyway because Colby passed the background check. An hour later, she shot her father to death and tried once again to take her own life. She is now in an institution for life, and my husband is gone.

Janet said:

This SSA Rule is vital. I am very concerned this resolution would preclude SSA and possibly even other agencies from enacting any future regulations on this or related matters.

We have a public health crisis when it comes to gun violence—in Chicago and in communities across the Nation. We have a responsibility to do what we can on the Federal level to reduce the violence and protect our citizens from getting shot. Voting for this resolution of disapproval today would be a step backward. It would weaken the gun laws on the books and make it easier for severely mentally ill people to get guns. On this, the ninth anniversary of the shooting at Northern Illinois University in DeKalb, it is unthinkable that we are going to try to revoke a rule that would keep guns out of the hands of those who should have no business owning them.

Let me conclude with a statement from Bloomberg business magazine, published in an edition several weeks ago:

Advocates for the mentally ill caution that mental illness shouldn't be equated with a penchant for violence. They're right. But America's tragic experience with mentally ill gunmen—from shootings at Virginia Tech in 2007 to Newtown, Connecticut, in 2012—shows the folly of simply dismissing the danger.

In recent years Republicans have prioritized instant gratification for anyone who desires to buy a gun. Last year the National Rifle Association spent \$50 million on the campaigns of Donald Trump and six Republican senators. NRA leader Wayne LaPierre, who met with Trump this week, wants payback.

The Obama rule established a process for identifying only Social Security beneficiaries who would be prohibited from possessing guns under existing law. It required that beneficiaries be notified of the prohibition, and it provided means to appeal the determination before an administrative law judge or a federal court.

Such provisions would safeguard individual rights. But they offend the fundamental principle that drives the NRA, and thus Republican, gun politics: Anyone should be able to get a gun at any time for any reason and bring that weapon, loaded, anywhere.

Common sense dictates that we be careful to keep guns out of the hands of those who would misuse them. I sincerely hope that gun owners across my State and across the Nation—and I respect them and their constitutional right—will understand that reasonable limitations on the possession and ownership of firearms is in the best interest of protecting their Second Amendment rights as well.

I yield the floor.

Mr. CARDIN. Mr. President, I would like to express my support for the nomination of Linda McMahon to the position of Administrator of the U.S. Small Business Administration.

Linda McMahon is an interesting candidate for this position. As the co-founder and former CEO of the WWE, she built a small regional business into an entertainment behemoth. Along the way she struggled to meet payroll, market the business, learn State and Federal regulatory regimes, manage a traveling workforce, learn new media platforms, and navigate new revenue streams.

Each of these accomplishments is impressive. But what makes Linda McMahon unique for this role is the fact that, on her path to success, she made serious enough mistakes that she was forced to declare personal bankruptcy and apply for government assistance. I think having an Administrator who has started her own small business and met and overcame significant challenges along her way is of tremendous value. Having been in the trenches herself, she will really be able to evaluate the efficacy of current small business programs, and she may very well be able to suggest substantive improvements or even new directions.

I was also particularly impressed with Mrs. McMahon's performance during her confirmation hearing. When she knew the answer to a question posed by a Senator, she answered it. When she didn't know the answer, she said so. She appeared to have an open mind about issues and struck me as sincerely interested in working on all issues with all of the Senators, regardless of political or geographical affiliations.

Linda McMahon has expressed her interest in helping small businesses thrive. She understands how difficult it can be for entrepreneurs to access capital. She knows that small businesses have a hard time competing for Federal contracts. She knows that small business owners sometimes need advice and guidance—and she believes in the value of training and support programs.

I support Linda McMahon's nomination because, not only is she interested in having the job of Administrator, she appears to have genuine interest in doing the job. She clearly enjoys using her business skills and experience to mentor entrepreneurs, and I believe that she will apply her tenacity to pro-

tecting and hopefully improving Federal support systems for America's entrepreneurs.

Mr. VAN HOLLEN. Mr. President, Congress created the Small Business Administration in 1953 to "aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns." The SBA now provides financial assistance, help with Federal contract procurement, and management assistance. The agency makes specialized outreach to women, minorities, and veterans. SBA also provides loans to victims of natural disasters and specialized advice and assistance in international trade.

The President has nominated Linda McMahon to run the SBA. Mrs. McMahon and her husband founded Titan Sports in 1980. The business grew dramatically under their leadership. Mrs. McMahon became president in 1993 and CEO of the company in 1997. The company became World Wrestling Entertainment and then simply WWE.

Unfortunately, the McMahons appear to have grown their business at least in part using business practices that disadvantaged their employees. The Connecticut Post and the Hartford Courant reported that WWE did not offer its wrestlers health insurance, as McMahon argued the company's wrestlers were independent contractors. And the Connecticut Post reported that Connecticut audited McMahon's company to determine if WWE improperly classified employees as independent contractors.

An investigation led by Representative Henry Waxman found that McMahon's WWE did not do enough to prevent steroid use. Representative Waxman's committee found that, at one point, 40 percent of WWE's wrestlers tested positive for steroids and other drugs, even after being warned in advance that they were going to be tested. A WWE "house doctor" was reportedly convicted and sentenced to prison for steroid trafficking. And the New York Daily News reported that an Albany district attorney probe into a widespread Internet doping scandal involved several WWE wrestlers.

And more than 50 former professional wrestlers sued McMahon's WWE, charging that the company was responsible for repeated head trauma that they suffered, often involving specific moves scripted and choreographed by WWE.

The SBA needs strong leadership to advance the interests of our Nation's hard-working small businesses, but it does not need a leader who will advance profits at workers' expense. Mrs. McMahon's business experience leads me to be concerned that she will not put people over profits, and thus, I must oppose the nomination.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak on the Re-

publican time for up to 10 minutes, with 5 minutes reserved for Senator RISCH, on the nomination of Linda McMahon to serve as Administrator of the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, today, in just a few minutes, the Senate will be voting on the nomination of Linda McMahon to serve as Administrator of, I believe, one of the very important agencies within the Federal Government that sometimes doesn't get the recognition it deserves; that is, the Small Business Administration.

Before I begin my remarks, I wish to take a minute to acknowledge the good work of two previous SBA Administrators, Karen Mills and Maria Contreras-Sweet. Both served in this very important role during the Obama administration and, particularly during the financial crisis, really served as a lifeline for so many of our small businesses. So I thank these two leaders for their tireless work.

When I was first elected to the Senate in 2008, one of the reasons I joined the Small Business Committee was its reputation as a place where you could work across the aisle to get things done in a bipartisan way because supporting small businesses is not a Republican or a Democratic issue; it is an American issue.

That dynamic was on display at Mrs. McMahon's confirmation hearing, where not one but two of her former rivals introduced her. Senators BLUMENTHAL and MURPHY, both of whom ran very spirited campaigns against Ms. McMahon—and both of whom defeated her—actually testified to her passion for small business and her qualifications for this new responsibility. After the hearing, the Small Business Committee favorably reported her nomination to the Senate by a vote of 18 to 1. I thank my colleague Chairman RISCH for working with me during this process and ensuring that the nomination was thoroughly vetted.

While I have opposed a number of President Trump's nominees, I want to take a few minutes to explain why I will support Linda McMahon for this important position.

My home State of New Hampshire is a small business State. More than 96 percent of our employers are considered small businesses, according to the SBA's Office of Advocacy.

But small businesses aren't just important in New Hampshire. They are really the engine that drives our national economy. Small businesses create two out of every three new jobs in the United States. They are also leaders when it comes to innovation, producing 14 times more patents than large businesses.

Unfortunately, like so many of our larger businesses, many of our small businesses still have not fully recovered from the great recession. For our

economy to continue to improve, we need to level the playing field for small businesses and unleash their potential. That is why the SBA and its programs are so critical. Last year alone, the SBA backed more than 70,000 loans to small businesses, supporting \$29 billion in lending and nearly 700,000 jobs. The SBA also helped small businesses win more than \$90 billion in Federal contracts, provided counseling to more than 1 million entrepreneurs, and helped many small businesses reach foreign markets.

I was in the New Hampshire State Senate in the early nineties when we experienced a recession that closed five of the State's seven largest banks and put so many of our small businesses into bankruptcy. The one Federal agency that helped keep our small businesses going in New Hampshire during those very dark years was the SBA. I have seen very directly what a difference SBA makes to businesses in New Hampshire and across this country.

As part of the confirmation process, I was able to work with my colleagues on the Small Business Committee to look into Mrs. McMahon's background as a successful entrepreneur, as well as her vision for the SBA. I was pleased to learn that Mrs. McMahon shares my vision for a strong SBA that will support America's entrepreneurs. I was particularly pleased to learn, unlike some previous reports, that she opposes efforts to merge the SBA into another agency, so she does not believe it should be part of the Department of Commerce. Maintaining the SBA's independence and keeping the Administrator of the SBA as a Cabinet-level position is essential to ensuring that the voices of small businesses are heard in Washington.

We also need to make sure the SBA programs are valued in this administration. We have seen what can happen when SBA does not receive the respect it deserves from the White House. The George W. Bush administration cut the SBA's budget dramatically, by 32 percent—more than any other agency during those years. We can't afford to repeat that mistake. Entrepreneurs across this country, from rural communities to inner cities, rely on the SBA and its programs.

I could cite countless success stories, but let me just note one example I recently heard in New Hampshire from Julie Lapham, who is founder and chief sales officer of a startup in Dover, NH, called Popzup.

Popzup is a family-owned business that provides a new popcorn product for health-conscious consumers. Julie's inspiration for her business was her mother, who is diabetic and had started to eat popcorn every day because of the food's low glycemic index. Julie wanted to give her mother more options than the microwave popcorn you

see in the grocery store, so she created a convenient product that doesn't use chemicals, plastic, or silicone. Her company's popcorn is environmentally friendly and sourced from American farms that don't use GMO products.

As a startup, Julie faces a lot of challenges: getting funding to expand her business, keeping the books, figuring out how to market her products. Large companies have the resources to figure these things out, but Julie needs a level playing field to compete, and that is where the SBA and its resource partners come in.

Julie wrote:

We often feel vulnerable because we are self-funded and need to master all aspects of running our business; marketing, manufacture, selling, and accounting.

Julie has been working with advisers at the New Hampshire Small Business Development Center, SBDC. They operate in every State, and they are resource partners who provided counseling to Julie and also provide counseling to small businesses like Julie's across the country.

I don't think there is a week that goes by when we are not stopping by each other's offices, emailing, and talking on the phone. I can honestly state that we would not have a chance at success without their ongoing support and encouragement.

I am sure my colleagues in the Senate are aware of similar SBA success stories in their own States.

We all know this agency plays a vital role in our economy, but there is more that can be done. For our economy to thrive, we need to focus on ways to further strengthen the SBA so that it can increase opportunities for entrepreneurs to start new ventures and help existing small businesses grow. That is especially important in largely rural States like New Hampshire where it can be harder to get a loan or counseling. Entrepreneurs like Julie need a strong Administrator who understands the value of programs like the Small Business Development Centers. They need someone who will be their voice in Washington and bring out the best in the SBA. During the confirmation process, Mrs. McMahon pledged that she shares this view and wants to strengthen the role SBA plays in assisting our Nation's small businesses. In fact, she said she was passionate about small business.

For these reasons, I intend to support her confirmation today. I look forward to continuing to work with Chairman Risch as we support SBA in the coming years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. Risch. Mr. President, first of all, let me say thank you to my friend and colleague, the ranking member of the Committee on Small Business and Entrepreneurship. We have worked together successfully on several projects,

and I have no doubt that we will continue to work together to benefit small businesses and entrepreneurship here in America.

I rise today to support the nomination by President Trump of Linda McMahon to head the Small Business Administration. Linda McMahon has strong bipartisan support, which is rare here in Washington, DC, these days. At the confirmation hearing, Mrs. McMahon was introduced by, endorsed by, and spoken well of by her two Connecticut Senators, Senator BLUMENTHAL and Senator MURPHY. Perhaps for the first time in history, we had a member of the opposite party supported by the two Senators from that State, from the other party. But most importantly, she had run against both of those people, so they had been adversaries previously, but they appeared before the committee to enthusiastically endorse her as the head of the SBA and as President Trump's appointee.

Senator BLUMENTHAL said: "She is an excellent fit for this agency based on her experience and her expertise as a business leader."

Senator MURPHY stated: "I will never question whether she has the experience and the determination necessary to lead this great agency."

These are strong endorsements by people of the other party for a person who has been nominated by President Trump.

This is an important agency. It is not a particularly large agency, but it certainly services one of the, if not the most important sector of our economy.

It is important to note that these two colleagues of ours came and supported Mrs. McMahon before the committee.

Those people who have been watching what is going on in this city since the election, particularly in regard to the appointment by President Trump of his Cabinet, as he has attempted to fill his Cabinet and seen the obstructionism that has taken place as he tries to fill that Cabinet, know that this city has become a caldron of anger, bitterness, and acrimony since the States came together and selected Donald Trump to be the President of these United States. So it is good for a bipartisan effort on one of these Cabinet members, and Linda McMahon is that person.

Linda McMahon is not a bureaucrat. She is about as far from that as you possibly can get. In 1982 she and her husband took over a small business and turned it into a family business and have operated it since 1982. Of particular importance was her description of how she and her husband got there and their struggles as they started with a small business that actually failed. I think her description of that and her feelings about that and how she and her family struggled with that built the character they needed to

start the business they did in 1982. They took that business from 1982 from a small company, very few employees and family only, to what is now a publicly traded company with a global brand.

Mrs. McMahon has the experience in the small business world, from her struggles at the beginning and her great success as she worked through making this business succeed, to actually understand what small businesses go through.

In meeting with her and discussing with her the importance of what we do on the Small Business Committee, I can tell you that she shares the passion that I have about what we can do with the Committee on Small Business and Entrepreneurship and, indeed, all committees in the U.S. Senate; that is, get the government out of the way while Americans attempt to build a business. She shares the passion that I have with reducing to a bare minimum the regulatory structure that has grown up in America today and is really stifling businesses at all levels but particularly businesses at the small end of the scale.

We all know that when the government enacts a regulation, which happens all too frequently—hourly, every day, several every day—and they are laid down in front of businesses, a large business really has substantially less difficulty dealing with those.

Large businesses will tell you that is the largest challenge they have today, the most significant challenge they have; that is, overcoming the barriers that are put in place by the government as they attempt to succeed and as they attempt to do business. When a regulation is laid down, a large business has an army and a fleet of lawyers and compliance officers and accountants who can work through these regulations. If you are a small business and you are fixing lawn mowers in your garage and you get a 30-page questionnaire from the government that has significant implications for what is going to happen to you, it is very burdensome and cuts deeply into the progress you are trying to make as a small business and provide for your family.

We have an operation within the Small Business Administration called the Office of Advocacy. The committee has attempted to grow and strengthen its independence. The purpose of the Office of Advocacy is to stand up whenever the government acts in a way that affects small businesses and say: Wait. Stop. Think about this. Look what you are doing and look how this is going to affect business—and particularly small business—in America, the regulations you are attempting to impose.

Linda McMahon shares my passion in that regard. I have every reason to believe she is going to assist in strengthening that particular division within the Small Business Administration.

Based upon her qualifications, based upon her view of small business and entrepreneurship, based upon her experience in small business and in growing small business, and based upon what I think perhaps is going to be one of the only bipartisan efforts we make to construct the Cabinet or assist the President in constructing his Cabinet, I strongly recommend and join my colleague the ranking member in urging all Members of the Senate to support Linda McMahon in this effort and in her confirmation.

With that, Mr. President, I yield the floor.

I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the McMahon nomination?

Mr. RISCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 65 Ex.]

YEAS—81

Alexander	Feinstein	Menendez
Barrasso	Fischer	Moran
Bennet	Flake	Murkowski
Blumenthal	Franken	Murphy
Blunt	Gardner	Nelson
Boozman	Graham	Paul
Burr	Grassley	Perdue
Cantwell	Hassan	Peters
Capito	Hatch	Portman
Cardin	Heitkamp	Risch
Carper	Heller	Roberts
Casey	Hirono	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Coons	Johnson	Shaheen
Corker	Kaine	Shelby
Cornyn	Kennedy	Stabenow
Cortez Masto	King	Strange
Cotton	Klobuchar	Sullivan
Crapo	Lankford	Tester
Cruz	Leahy	Thune
Daines	Lee	Tillis
Donnelly	Manchin	Toomey
Duckworth	McCain	Warner
Enzi	McCaskey	Wicker
Ernst	McConnell	Young

NAYS—19

Baldwin	Markey	Udall
Booker	Merkley	Van Hollen
Brown	Murray	Warren
Durbin	Reed	Whitehouse
Gillibrand	Sanders	Wyden
Harris	Schatz	
Heinrich	Schumer	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. FLAKE). Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to H.J. Res. 40.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.J. Res. 40, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today I come to the floor to address my colleagues about the bipartisan resolution of disapproval that I introduced on January 30, along with Senator CRAPO and 24 other cosponsors. This resolution now has 32 cosponsors, and of course this resolution of disapproval is absolutely necessary.

The resolution of disapproval is a procedure, as we know, under the Congressional Review Act for repealing executive branch regulations. The regulation at issue here in this disapproval resolution was issued by the Social Security Administration under President Obama. This regulation unfairly stigmatizes people with disabilities. If the regulation is not repealed, it will allow the agency to very unfairly deprive Social Security recipients of their Second Amendment rights. The regulation would result in disability recipients being reported to the National Instant Criminal Background Check System as ineligible to own a firearm and, thus, have their Second Amendment rights violated.

This is essentially a national gun ban list. The agency accomplishes this by doing two things: determining if a person has a disorder on a vague "mental disorders" list, and, two, appointing a

representative payee to manage benefit payments.

This process has been in place for years to merely assign a representative payee. That is merely someone who is authorized to deal with the bureaucracy on behalf of that Social Security recipient to help a recipient with their finances. Now it is being used to report beneficiaries to a list so that they cannot buy or own a gun. Of course, once on that list, individuals are prohibited, as I have already inferred, from purchasing, owning, and possessing firearms, thus violating Second Amendment rights.

The regulation is flawed beyond any kind of repair. It results in reporting people to the gun ban list that should not be on that list at all. It deprives those people of their constitutional rights and, in a very important way, violates their constitutional rights without even due process.

Under current Federal law, one must first be deemed “mentally defective” before being reported to the gun ban list. However, the mental disorder list in this regulation is filled with vague characteristics that do not fit into the Federal “mentally defective” standard.

The disorder list is inconsistent with the Federal mentally defective standard. More importantly, the list was never designed to regulate firearms. As such, it is improper to use it for that purpose.

Many of the disorders on the list are unrelated to gun safety. For example, the disorders list includes eating disorders, disorders that merely impact sleep or cause restlessness, and even disorders that could cause “feelings of inadequacy.”

Because the Second Amendment is a fundamental right, the government must have a very compelling reason to regulate, and the regulation must be very narrowly tailored. It unfairly stigmatizes people with disabilities. The government is essentially saying that a person with a disability, such as an eating disorder, is more likely to be violent and should no longer be allowed to own a gun.

There is no evidence to support that general idea and, consequently, people being denied constitutional rights without due process. And if a specific individual is likely to be violent due to the nature of their mental illness, then the government should have to prove it. It is pretty basic constitutional law: The government should have to carry the burden before denying a constitutional right.

The National Council on Disability—and that happens to be a nonpartisan and independent Federal agency—has said this:

The rule stigmatizes a group of people who are not likely to perpetuate the kind of violence the rule hopes to address. Furthermore, it deprives a much broader class of individuals of a constitutional right than was intended by Federal law.

In addition, the American Civil Liberties Union has said:

We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent. There is no data to support a connection between the need for a representative payee . . . and a propensity toward gun violence.

That was a quote from the American Civil Liberties Union.

The Consortium for Citizens with Disabilities—and that is a coalition of 100 national disability groups—shares the same concerns about regulations, and I will quote from them:

The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

In other words, those unfounded assumptions are about who might be disabled or not.

I ask unanimous consent to have these letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL ON DISABILITY,
Washington, DC, January 24, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

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

DEAR MAJORITY LEADER MCCONNELL AND SPEAKER RYAN: I write on behalf of the National Council on Disability (NCD) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702. In accordance with our mandate to advise the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities, NCD submitted comments to SSA on the proposed rule on June 30th, 2016. In our comments, we cautioned against implementation of the proposed rule because:

“[t]here is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee[.]”

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCD recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCD is a nonpartisan, independent federal agency with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether

the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCD believes that SSA’s final rule falls far short of meeting these criteria.

Additionally, as NCD also cautioned SSA in our comments on the proposed rule, we have concerns regarding the ability of SSA to fairly and effectively implement this rule—assuming it would be possible to do so—given the long-standing issues SSA already has regarding long delays in adjudication and difficulty in providing consistent, prompt service to beneficiaries with respect to its core mission. This rule creates an entirely new function for an agency that has long noted that it has not been given sufficient resources to do the important work it is already charged with doing. With all due respect to SSA, our federal partner, this rule is simply a bridge too far. In fact, it is conceivable that attempts to implement this rule may strain the already scarce administrative resources available to the agency, further impairing its ability to carry out its core mission.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCD urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCD feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Regards,

CLYDE E. TERRY,
Chair.

AMERICAN CIVIL LIBERTIES UNION,
February 9, 2017.

Vote YES on the Resolution of Disapproval, S.J. Res. 14 (Social Security Administration NICS Final Rule).

Vote NO on the Resolution of Disapproval, S.J. Res. 12 (Federal Acquisition Regulation/Fair Pay and Safe Workplaces EO).

DEAR SENATORS: On behalf of the American Civil Liberties Union (ACLU), we urge members of the Senate to support the resolution disapproving the final rule of the Social Security Administration which implements the National Instant Criminal Background Check System Improvement Amendment Acts of 2007.

Additionally we urge members to oppose the resolution of disapproval of the rule submitted by the Department of Defense, the General Services Administration, and NASA relating to the Federal Acquisition Regulation that implement the Fair Pay and Safe Workplace Executive Order 13673.

SOCIAL SECURITY ADMINISTRATION (SSA)’S IMPLEMENTATION OF THE NICS IMPROVEMENT AMENDMENT ACTS OF 2007 HARMS PEOPLE WITH DISABILITIES

In December 2016, the SSA promulgated a final rule that would require the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients—who, because of a mental impairment, use a representative payee to help manage their benefits—be submitted to

the National Instant Criminal Background Check System (NICS), which is used during gun purchases.

We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent and should not own a gun. There is no data to support a connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence. The rule further demonstrates the damaging phenomenon of "spread," or the perception that a disabled individual with one area of impairment automatically has additional, negative and unrelated attributes. Here, the rule automatically conflates one disability-related characteristic, that is, difficulty managing money, with the inability to safely possess a firearm.

The rule includes no meaningful due process protections prior to the SSA's transmittal of names to the NICS database. The determination by SSA line staff that a beneficiary needs a representative payee to manage their money benefit is simply not an "adjudication" in any ordinary meaning of the word. Nor is it a determination that the person "lacks the mental capacity to contract or manage his own affairs" as required by the NICS. Indeed, the law and the SSA clearly state that representative payees are appointed for many individuals who are legally competent.

We recognize that enacting new regulations relating to firearms can raise difficult questions. The ACLU believes that the right to own and use guns is not absolute or free from government regulation, since firearms are inherently dangerous instrumentalities and their use, unlike other activities protected by the Bill of Rights, can inflict serious bodily injury or death. Therefore, firearms are subject to reasonable regulation in the interests of public safety, crime prevention, maintaining the peace, environmental protection, and public health. We do not oppose regulation of firearms as long as it is reasonably related to these legitimate government interests.

At the same time, regulation of firearms and individual gun ownership or use must be consistent with civil liberties principles, such as due process, equal protection, freedom from unlawful searches, and privacy. All individuals have the right to be judged on the basis of their individual capabilities, not the characteristics and capabilities that are sometimes attributed (often mistakenly) to any group or class to which they belong. A disability should not constitute grounds for the automatic per se denial of any right or privilege, including gun ownership.

FAIR PAY AND SAFE WORKPLACES REGULATIONS ADVANCE WORKER SAFETY AND RIGHTS

The rules implementing the Fair Pay and Safe Workplaces Executive Order take an important step towards creating more equitable and safe work conditions by ensuring that federal contractors provide workplaces that comply with federal labor and civil rights laws.

Employers that have the privilege of doing business with the federal government must meet their legal obligations. The Fair Pay and Safe Workplace regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws and that they are complying with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the

Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

Congress should stand with workers, increase the accountability of federal contractors and oppose any attempts to undo the Fair Pay and Safe Workplaces regulations. These rules will help ensure that the federal government does not contract with employers that routinely violate workplace health and safety protections, engage in age, disability, race, and sex discrimination, withhold wages, or commit other labor violations.

If you have any questions, please feel free to contact Vania Leveille, senior legislative counsel, at vleveille@aclu.org or (202) 715-0806.

Sincerely,

FAIZ SHAKIR,
*Director, Washington
Legislative Office.*

VANIA LEVEILLE,
*Senior Legislative
Counsel, Wash-
ington Legislative
Office.*

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
Washington, DC, January 26, 2017.

Hon. MITCH MCCONNELL,
*Senate Majority Leader,
Washington, DC.*

Hon. CHUCK SCHUMER,
*Senate Minority Leader,
Washington, DC.*

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: The Co-Chairs of the Rights Task Force of the Consortium of Citizens with Disabilities (CCD) urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Prior to the issuance of the Final Rule, the CCD Rights Task Force conveyed its opposition to the rule through a letter to the Obama Administration and through the public comment process. We—and many other members of CCD—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of pol-

icy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been "adjudicated" to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

On behalf of the CCD Rights Task Force, the undersigned Co-Chairs,

DARA BALDWIN,
*National Disability
Rights Network.*

SAMANTHA CRANE,
*Autistic Self-Advocacy
Network.*

SANDY FINUCANE,
*Epilepsy Foundation
Law.*

JENNIFER MATHIS,
*Bazelon Center for
Mental Health.*

MARK RICHERT,
*American Foundation
for the Blind.*

Mr. GRASSLEY. Mr. President, some of the supporters of the new gun ban have brought forth arguments to try to discredit the other side. They have said that repealing the agency rule will allow the mentally ill to acquire firearms.

Let me tell you why that is not true. Under this regulation, the Social Security Administration never, ever determines a person to be mentally ill before reporting them to this gun ban list. It does not provide due process before reporting them to the list. Once the agency places a person on this disordered list, it then moves to assign a representative payee. But that is a very flawed process as well.

The former Social Security Administration inspector general said the following last year in testimony before a committee about assigning a representative payee. This will be a very short quote from the inspector general: "It's not a scientific decision; it's more of a personal opinion."

It is quite obvious under our Constitution's due process clause that the personal opinion of a bureaucrat cannot be the basis for taking away a person's Second Amendment rights.

Further, a June 2015 internal Social Security report found significant shortcomings in the representative

payee process, namely that—and I will quote from the Social Security report—“the Social Security Administration’s capability determinations were undeveloped, undocumented, or insufficiently documented.”

A very legitimate question can be raised: How can any of us be comfortable allowing our fellow citizens to be subjected to such a process, a process that leads to the violation of constitutional rights? The regulation does not then require a formal hearing at any point.

Federal law and other regulations require that a formal hearing take place.

Mr. President, 18 U.S.C. 922(d)(4) requires adjudication before depriving someone of the right to own a firearm due to mental illness. There can be no adjudication if there is no hearing.

A 1996 ATF Federal Register Notice says “the legislative history of the Gun Control Act makes it clear that a formal adjudication is necessary before firearms disabilities are incurred.”

The Obama administration knew that fundamental rights required constitutional due process. At the bare minimum, that requires a hearing. Yet, in this rule, no hearing is being afforded to that individual that will eventually have their constitutional rights abrogated. Of course, that ought to be considered not only a travesty but a travesty on the Constitution as well. The constitutional due process is entirely nonexistent because there is absolutely no opportunity for an individual to challenge the proceedings against them.

The American Civil Liberties Union has echoed the same concerns, stating that “the rule includes no meaningful due process protections prior to the Social Security Administration’s transmittal of the names to the National Instant Criminal Background Check System database.”

The Second Amendment is very much being tossed aside without a formal dispute process to challenge the action before the constitutional right is abridged. On these facts alone, the regulation should be repealed. Yet there is more.

The regulation fails to establish that a person is a danger to themselves or a danger to others before taking away the constitutional rights the Second Amendment allows. If a rule premised on safety is to have any credibility, one would obviously think that the government needs to prove a person is dangerous, but this rule fails in that regard because it does not require the agency to find a person is, in fact, dangerous. The Second Amendment is a fundamental right requiring the government to carry the burden showing a person has a dangerous mental illness. This regulation obviously and simply does not achieve that requirement.

To be clear, however, if this regulation is repealed, Federal gun prohibi-

tions will still exist. Individuals who have been determined to be a danger to themselves or others will still be prohibited from purchasing firearms. Also, individuals who are found to have a dangerous mental illness will be prohibited from purchasing a firearm. A person convicted of a felony or a misdemeanor crime of domestic violence will still be prohibited from purchasing, owning, and possessing a firearm. The same is true for those involuntarily committed to a mental institution.

As government expands, liberty contracts. It follows that with the expansion of government, power is centralized here, in this island surrounded by reality that we call Washington, DC, rather than with the American people. Often with that centralization of power, fairness does not necessarily follow, as demonstrated by this regulation. This Obama-era regulation is a perfect example of government wielding too much power—the power to deny people due process, the power to deny people their constitutional rights under the Second Amendment.

The process described herein is extremely problematic and necessitates being done away with by the passing of this resolution of disapproval. It is not clear that any of these disorders a person is labeled with has anything whatsoever to do with a person’s ability to responsibly own a firearm, and there is insufficient due process to ensure that a person actually has a given disorder that would interfere with their safe use of a firearm. Notably, even if a representative payee has been assigned, the individual still maintains the capacity to contract.

Thus, the government is subject to a very low threshold to report names to the gun list and no burden of proof is required. By contrast, under this regulation, those who are reported to the list must prove the negative. They have to prove that the government is wrong. They must prove they are not a danger in order to get their name off that gun ban list. For the government to shift the burden to the citizen whose rights are being deprived is clearly unfair and unconstitutional. The failure to determine if a person is mentally ill or a danger to self or others is a material defect to this regulation, as is the failure to afford constitutional due process. There is no reasonable basis under this regulation to justify abridging that very important, fundamental constitutional right, and that is why this regulation must be repealed through the passage of this resolution of disapproval.

I yield the floor.

ORDER FOR RECESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, the Senate is now considering H.J. Res. 40, a resolution of disapproval regarding a misguided Social Security Administration regulation that infringes on many Americans’ Second Amendment rights. As a cosponsor of the Senate companion to this resolution, which was filed by Chairman GRASSLEY, I would like to add my voice to that of the many advocates, including the National Disabilities Rights Network and groups such as the National Rifle Association that work to protect the rights of law-abiding gun owners who have expressed support for this important legislation.

I would also like to express my appreciation to Chairman GRASSLEY and others for their leadership on this issue. This ill-advised regulation not only stigmatizes individuals with disabilities, it also violates the Second Amendment and due process rights of many Americans, and it should be repealed.

As a longtime supporter of Americans’ constitutional right to keep and bear arms, I was deeply troubled by this regulation, which allows the Social Security Administration to report individuals they consider, in the words used in the regulation, to be “mentally defective” to the National Instant Criminal Background Check System, or NICS, if they have “mental impairments,” receive disability insurance benefits, and receive those benefits through a representative payee.

When someone receives benefits through SSA’s representative payee program, SSA field office employees have deemed them unable to manage their finances. However, SSA’s representative payee program itself is, by many accounts, ineffectively administered.

You don’t have to take my word for it. As recently as 2013, the Government Accountability Office identified that SSA “struggles to effectively administer its Payee Program.” There are unexplained and large discrepancies across various regions of the country that SSA serves in numbers of beneficiaries who are assigned by SSA field offices to be in the payee program. Yet, despite these known gaps and discrepancies, SSA apparently thought that this system was sufficient to determine whether some beneficiaries should be afforded a constitutional right.

Let’s be clear. Under SSA’s rule, individuals who are not found by SSA employees or any other competent authority to be a danger to themselves or others but rather simply need help managing their finances will be prohibited from legally purchasing a firearm. While we all want to make sure that the NICS system works effectively to prevent violent criminals and those who actually do pose a threat from purchasing firearms, this regulation is

exceedingly overbroad. Moreover, it is not at all clear to me that SSA employees in field offices should be put in charge of deciding who can legally purchase a firearm. Of course, the bureaucrats at SSA who were prodded by the Obama administration to write the rule say they will create some sort of internal structure to allow beneficiaries to appeal the decisions of SSA employees. Of course, that means SSA would need to construct a new costly adjudication system to review decisions that its employees are not well-equipped to make in the first place. This is particularly strange, given that it is standard practice at SSA to decry the agency's funding levels while also claiming it is already unable to adequately serve its beneficiaries due to budgetary shortfalls.

All of this simply does not add up. The SSA is not at all equipped for this kind of decisionmaking; moreover, the standards that would apply under the regulation for SSA to report a beneficiary to the NICS represent a much lower bar than the one anticipated in the applicable Federal statutes to determine the eligibility to purchase a firearm. That being the case, we need to pass Chairman GRASSLEY's resolution of disapproval, which has already been approved by the House of Representatives with bipartisan support.

I encourage my colleagues to join me in voting in favor of this resolution.

I thank my friend from Oregon for allowing me to go forward on this short set of remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I listened carefully to my colleagues on the other side, and I want to make sure people really understand what this debate is all about. This debate is about background checks. It is about mental health. It is not about taking away constitutional rights. I am struck—and I know the distinguished Presiding Officer has taken part in a lot of these debates as well—that whenever there is a discussion about guns in the U.S. Senate, Senators get up and say: We shouldn't be debating guns, we ought to be debating mental health. That is what we are talking about today—mental health and background checks.

The fact is, we can go into townhall meetings in any part of America and hear extraordinary support for the whole idea of background checks. Background checks are right at the heart of this morning's debate and supporting background checks is not some extreme far-out position to hold. In fact, opposing background checks is the view that is way out of the mainstream of American political thought.

A recent poll found that 92 percent of gun owners supported expanded background checks. Let me just repeat that 92 percent of gun owners in America

support expanded background checks. As the courts continue to interpret the language of the Second Amendment, one matter has been made clear: background checks are a constitutional part of the exercise of those rights.

So what I am going to do is describe what this is all about, but I want to, as we get going, make sure people understand that fundamentally this is about background checks, and it is about mental health. It is not about taking away somebody's constitutional rights.

Here is how the proposal under discussion works. If there is an individual with a severe mental impairment that means that another person—perhaps a family member—is in charge of their Social Security benefits, then the background check is to be informed by Social Security that the person with a severe mental impairment is ineligible to buy a gun. The fact is, we can always talk about tailoring the rule in a slightly different way. It is critically important that individuals who wind up in the background check system are not treated unfairly, but the fact is, anyone who thinks they have been unfairly affected by this proposal can appeal, and they are most likely going to win, as long as they are not a danger to themselves or anyone else. If the Social Security Administration says no, that person has the power to take their case to court.

What we are talking about here is, in my view, not about Democrats or Republicans, liberals and conservatives; I think we are just talking about plain old, unvarnished common sense. We want to, all of us—all of us—stop shootings by those who are in danger of hurting themselves or other persons.

The rule came out last year, but it goes back to the shootings at Virginia Tech and Sandy Hook. What the previous administration sought to do was to find some commonsense gun safety steps that could be taken under laws on the books. I want to emphasize this as well because whenever we talk about guns, what Senators always say is: Let's use the laws on the books. Let's use the laws on the books. We don't need to chase new laws and the like.

So the administration sought to use the laws on the books—the previous administration—to prevent the horrendous acts of violence that have so scarred our country in recent years. I know the distinguished Presiding Officer knows something about that from his own State.

I hope my colleagues will oppose the resolution. I think we are all aware in the Senate that whenever you have an issue that even touches on guns, everybody goes into their corners. They go into their respective corners.

My own view is—and I represent a State with a great many gun owners. I have had more than 750 townhall meetings at home. A lot of them—a lot of them—involve debates about guns.

Overwhelmingly, in a State like mine, where there are a lot of gun owners, gun owners support making sure there are background checks. They want to address this as a mental health issue. Gun owners overwhelmingly say they have just had it with Congress doing absolutely nothing when it comes to practical, commonsense gun measures like background checks. They look at what goes on in Washington, DC—and I have had so many gun owners—and this comes up not just at town meetings. We have an icon in our State, Fred Meyer, a store. I think I have had chicken in every Fred Meyer in the State of Oregon. People come up and talk about issues like this in a Fred Meyer, and they ask: Why in the world can't there be Democrats and Republicans who just come together and do something that helps make our country a little bit safer? That is what this is all about.

I am not here to say this measure is a panacea; that somehow this is a magical elixir that is going to reduce gun violence in America. That wouldn't be right and certainly not part of how I see these debates. I see this as addressing a commonsense, practical measure relating to background checks and mental health.

I listened to my colleague, my friend from the Finance Committee, Senator GRASSLEY. If Members of the Senate feel so strongly that this particular rule needs addressing, then there ought to be a debate. The Senate, Democrats and Republicans, should get together and figure out how to improve the rule.

What is important is that is not going to be possible if this resolution passes. If this rule is struck down under the Congressional Review Act, it wouldn't just scrap this particular background check, it would salt the Earth. It would prevent this issue from being addressed for quite a number of years.

I am going to close by talking a bit personally for a minute about why I feel so strongly about this. My late brother Jeff, who passed at the age of 51, suffered from schizophrenia, a serious mental impairment. He started to withdraw in his teens. His condition got worse over the next few years. We were close. He was just a couple of years younger than I. I watched the continuing odyssey that Jeff went through of various mental health facilities, run-ins with the law on the streets.

I will say to the Presiding Officer that not a day went by in the Wyden household when we weren't worried that Jeff was going to hurt himself or somebody else. That was the reality for the Wyden family, and that is a fear that I know is felt in households all across the country, day in and day out.

My brother received benefits from public programs while he struggled with a mental impairment. My dad

wrote a book about it because we were so hopeful at one time. He wrote a book called "Conquering Schizophrenia." We thought there was a breakthrough drug known as olanzapine.

We always felt during those years that it would be a big mistake if Jeff Wyden could buy a gun. He would have been a danger to himself. He would have been a danger to others. I don't think Americans should have to carry that burden and experience that kind of worry that comes along with the danger we felt week after week for years in the Wyden household and that I know other families across the country feel as well.

(Mr. CRUZ assumed the Chair.)

The Presiding Officer wasn't in the Chair when this began, and I started off by way of saying that, to me, this is about background checks, it is about mental health; it is not about taking away people's constitutional rights, but I can understand why other people would have a difference of opinion. That is what the Senate is about. That is what the Senate is supposed to do—to debate these issues. So if somebody said: Well, there is a better way to do this, to improve it, count me in—count me in to talk with colleagues, the Presiding Officer, and others—but if you support this resolution today, you close off that door. You preempt that possibility because of the way the Congressional Review Act actually works.

I urge my colleagues to oppose this. This is what the Senate says it wants to do when we talk about guns. I wish I had a nickel, in fact, for every time the Senate talked about guns—I wish I had a nickel for each time a Senator got up and said: We shouldn't be working on guns. We ought to be working on mental health. That is what this is about, mental health and background checks.

I urge my colleagues to oppose the resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I have heard my Republican friends tell those of us who want the laws of this country changed to protect our constituents against gun violence that what we should focus on is enforcing the existing law; that we don't need any new laws, all we need to do is focus on enforcing the existing law.

Senator WYDEN said he wished he had a nickel for every time he has been told our focus should be on background checks. Well, I wish I had a nickel for every time my colleagues told me we should focus on enforcing the existing law. Yet I would also be a rich man if I had a nickel for every time Republicans came to the floor and tried to undermine the existing law, tried to rewrite the existing law to make it harder to enforce it.

The Appropriations Act is, on an annual basis, loaded up with riders that hamstring enforcement agencies, don't allow them to actually enforce existing laws. The CRA we have before us today will make it harder for the Federal Government to do what we have told them to do for decades, which is to put dangerous people and people who are seriously mentally ill on the list of those who are prohibited from buying guns. That is the existing law. The existing law says that if you are convicted of a serious crime or you have a serious mental illness and you have gone through a process by which a determination has been made by a government agency as such, that you should not be able to buy a weapon.

Why do we have that law on the books? Why have we come together as Republicans and Democrats to say that people with serious mental illness or people who have been adjudicated of a violent crime shouldn't be able to buy weapons? It is because the evidence tells us over and over again that if you have committed a violent crime, you are likely—more likely than if you haven't committed a violent crime—to commit another one. And over and over again, as we have seen these mass shooters walk into places like Sandy Hook Elementary School or a movie theater in Colorado or a classroom in Blacksburg, we know that people with serious mental illness in this country can go buy a very powerful weapon and do great damage with it.

That does not mean there is an inherent connection between mental illness and violence. In fact, we know the opposite to be true. If you are mentally ill, you are probably more likely to be the victim of violence than you are to be the perpetrator of it. But we do know that in this country, given the fact that weapons are so easy to come by, people with mental illness—serious mental illness—who have an intersection with visions of violence often do great harm. So we made a collective decision as Republicans and Democrats that if you have a serious mental illness, you probably shouldn't be able to go and buy an assault weapon. That is what the law says.

Section 101 of the NICS Improvement Act is titled "Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System." That is a piece of legislation which both Republicans and Democrats supported. It commands that Federal agencies provide relevant information to the criminal background check system.

What is relevant information? ATF defines someone who should not be able to buy a gun as one who "lacks the mental capacity to manage his own affairs." So there is the existing statute. The existing statute says that relevant agencies should forward information to

the criminal background check system on individuals who are prohibited from owning guns, and that is defined in part as an individual who "lacks the mental capacity to manage his own affairs."

That is exactly what the regulation proffered by the Obama administration at the end of last year does. It says that individuals who have filed a claim for disability, who meet the requirements of one of Social Security's mental disorders listing of impairments, have been found to be so severely impaired that they are unable to work, and have been found, with due process, to be incapable of managing their own benefits and have had a representative appointed to them to manage their disability benefits, that those individuals meet the definition of someone who lacks the mental capacity to manage their own affairs.

If you are supporting this CRA today, then you are undermining the ability of law enforcement to do their job to enforce the law as Congress has passed. So spare me this rhetoric about passing no new laws because we should just focus on enforcement. Once again, with this CRA, you are undermining the ability of the Federal Government and of law enforcement to enforce the law.

Let's be clear about what the danger is. It is correct to state that there is no inherent connection between being mentally ill and being dangerous, but the risk is not just that an individual is going to buy a gun and use it themselves; the risk is that someone who literally can't deposit their own paycheck probably can't or likely can't responsibly own and protect a gun.

I could sit here for the rest of the day and recite the number of times a gun owned by one individual got used in an accidental shooting, got taken illegally, stolen from their premises, and used in a crime. The danger of an individual who has severe mental incapacity is not just that they are going to take that weapon and fire it but that they are not going to own, keep, and protect it responsibly. If you can't manage your own financial affairs, how can we expect that you are going to be a responsible steward of a dangerous, lethal firearm?

We are talking about a very limited group of individuals here—who, by the way, under the regulation, have due process to contest the determination. First of all, they have an ability to contest the determination by Social Security that they shouldn't be able to manage their own financial affairs, and then the regulation secondarily gives them the ability to specifically contest their limitation on gun ownership. So there is full ability for the individual or for the family to contest this limitation, which makes it completely constitutional. Nonsense that this is a restriction of a constitutional right.

The Heller decision, which does hold that an individual has a right to gun

ownership, also makes it explicit in Justice Scalia's opinion that there are limitations on that right, and the Scalia decision itself lists as one of those conditions the restriction of gun ownership by people who are seriously mentally ill.

The law is clear that Federal agencies are required to upload information onto NICS of those individuals who cannot manage their own financial affairs because of mental illness. The Supreme Court is clear that this is entirely constitutional. So why are we doing this? Why are we having a debate about rolling back the criminal background check system when 90 percent of Americans support it?

No matter what State you live in, sit down with your constituents and tell them that you voted to allow people who are seriously mentally ill to be able to buy guns. You are not going to get a lot of takers. And it is not because people don't have compassion for people with mental illness. I have worked for the last 2 years to pass the most substantial mental health reform act that this body has seen in a decade. I have spent as much or more time than anybody in this Chamber advocating for the rights of people with mental illness and for their treatment. But I also understand that when people are so mentally ill that they can't manage their own financial affairs, they probably shouldn't buy a gun. That is a small class of people.

What makes me so angry about this is I have no idea how to go back to the people whom I represent in Connecticut and tell them that in the 4 years since the massacre in a smalltown elementary school, not only has Congress passed no law, made no change in statute to try to keep dangerous weapons out of the hands of would-be shooters, but that today we are doing exactly the opposite. The response to the epidemic of mass shootings in this country is to make it easier for people with serious mental illness to get guns. How do I explain that to people in Connecticut?

How do the folks representing areas where shootings are a regular occurrence explain that Congress has done nothing to address mass shootings, to address the epidemic rates of gun violence in our cities, and yet we think it is so important to undermine the criminal background check system—not strengthen it, undermine it—that in the first month of this new administration and this new Congress, we are rushing through this repeal of a commonsense regulation? That is deeply offensive to the majority of Americans, who think we should be strengthening our criminal background checks system, not undermining it. Ninety percent of Americans think we should have universal background checks. Not only are we not listening to them, we are undermining the criminal background checks system today.

I get that the gun lobby is pretty powerful in this place. I get that they have stood in the way of changes in our criminal background checks system that were supported by 90 percent of Americans. But even I wasn't cynical enough to think they had so much power that they could get Congress to roll back, to undermine the criminal background check system in the wake of this continued horrific level of gun violence all across the country.

Senator WYDEN is right. The danger in this is not just that it has the immediate impact of undermining the criminal background check system, but it potentially blocks our ability to get this right in the future. We don't know what the precedent is for CRAs because we haven't done them before. What we know is that it says you can't pass any regulation that is substantially similar to the regulation that you legislated on. Well, what does that mean in the context of keeping people with serious mental illness off the criminal background check system? Does that mean we can't ever legislate or regulate on the narrow issue of individuals who have had their right of financial affairs restricted through Social Security, or is that a broader prohibition that limits the administration's ability to regulate on strengthening of the criminal background check system in a much more comprehensive way?

We are playing with fire here because this is a precedent we know nothing about. We are playing with fire because we are potentially limiting the ability to ever get this issue right in the future when 90 percent of Americans want us to work together on it.

I understand this issue is a sensitive one. Having spent my entire career working hand in hand with committed advocates for people with mental illness, I understand the danger of conflating mental illness with violence. But this is a narrow category of individuals who by definition fit the parameters in existing law for those who are supposed to be on the NICS system.

For all the things that we disagree about on gun policy—I don't suspect we are going to get a meeting of the minds this Congress on whether all gun sales should be subject to background checks. I don't suspect we are going to figure out a way to work together on restricting access to high-capacity magazines or assault weapons. I thought at least we agreed on keeping the background check system that we have.

The existing law says that individuals who lack the mental capacity to manage their own affairs should be included on the list of those who are prohibited from buying weapons, and today we are undermining that existing law. We are undermining the enforcement of current statute—something Republicans have said over and

over again they are not interested in doing.

I strongly urge my colleagues to vote against this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to complete my remarks before the Senate recesses.

The PRESIDING OFFICER. Without objection, it is so ordered.

CABINET NOMINATIONS

Mr. THUNE. Mr. President, yesterday we began yet another week of considering Cabinet nominations in the Senate—our fourth week, to be precise—and we still have a long way to go. If anyone is wondering whether this is a normal confirmation process, the answer is no, it is not. Historically, Senate practice has been to quickly confirm a President's Cabinet nominees. President Obama had six nominees confirmed on his first day as President and nearly all the rest within the first 2 weeks. This tradition of speedy confirmation goes back a long way. By the point in every Presidency since President Eisenhower's, most, if not all, of the President's Cabinet nominees had been confirmed by now. Between 1881 and 1933, every incoming President had all of his Cabinet nominees confirmed on day one.

What is the reason for this? Historically, Senators of both parties have recognized that Cabinet officials play an essential part in getting an administration up and running, doing the business of the American people. Once the American people elect a President, the thinking historically has gone that it is only right that the President be given the advisers he needs to do the job he was elected to do—that is, until now.

This year, Democrats decided that they have had enough of timely Cabinet confirmations, that they have had enough of bipartisanship. Since President Trump was inaugurated, Democrats have done everything they can to drag out his Cabinet nominations. We don't have to take my word for it; here is what Politico had to say:

Senate Democrats . . . are slow-walking the installation of Trump's Cabinet to a historic degree. . . . They are voting against Trump's Cabinet picks in unprecedented numbers.

Two weeks ago, the Washington Post published a piece titled "Trump's confirmations really are taking longer than his predecessors."

"Democrats," the Post noted, "have tried to slow the process, invoking arcane parliamentary procedure to force delays, and boycotting committee meetings to prevent votes."

For a party that has spent a lot of time complaining about obstruction, Democrats really are taking it to new heights. Thanks to Democrats' obstruction, the Senate has had to spend

so much time confirming nominees that we have had very little time for actual legislative business. We still have a long way to go to finish confirming the President's Cabinet, unless the Democrats decide to stop their obstruction. Democrats aren't even really accomplishing anything with their delays.

Thanks to the rules change that they put in place in 2013—that was something that was engineered in 2013 where they literally broke the rules to change the rules—they can't actually prevent President Trump's nominees from being confirmed. The only thing they can do is to tie up the business of the Senate and delay work on legislation to address the challenges that are facing American families.

Democrats may not like President Trump, but it is high time they get used to the fact that he is our President. Democrats are not helping anyone by preventing the President from having a fully functioning administration. It is time for Democrats to abandon the obstruction, confirm the President's nominees, and allow the Senate to move forward with the business of the American people.

NOMINATION OF NEIL GORSUCH

Mr. President, in addition to Cabinet nominees, the Senate will be considering another key nomination in the coming weeks, and that is Judge Neil Gorsuch's nomination to the Supreme Court.

I met with Judge Gorsuch last week, and our meeting confirmed my opinion that President Trump could not have made a better pick for the Court. By now, I think Judge Gorsuch's qualifications are well known: his exceptional intelligence, his gift for the written word, his outstanding resume, and, most of all, his clear understanding of the proper role of a judge.

In his remarks at the White House after accepting the nomination, Judge Gorsuch spoke of judges' obligation to follow the law "as they find it and without respect to their personal political beliefs."

"A judge who likes every outcome he reaches is very likely a bad judge." Judge Gorsuch has said those words more than once. Why? Because a judge who likes every outcome he reaches is likely making decisions based on something other than the law.

That is a problem. The job of a judge is to interpret the law, not write it—to call the balls and strikes, not to rewrite the rules of the game. Everyone's rights are put in jeopardy when judges step outside of their role and start changing the meaning of the law to suit their personal opinions.

Judge Gorsuch doesn't just understand judges' responsibility; he lives it. He has won respect from liberals and conservatives alike for his deep commitment to following the law wherever it leads, even when he doesn't like the results.

Here is what Neal Katyal, an Acting Solicitor General for President Obama, had to say about Judge Gorsuch:

I have seen him up close and in action, both in court and on the Federal Appellate Rules Committee (where both of us serve); he brings a sense of fairness and decency to the job, and a temperament that suits the nation's highest court. . . . I, for one, wish it were a Democrat choosing the next justice.

But since that is not to be, one basic criteria should be paramount: Is the nominee someone who will stand up for the rule of law and say no to a president or Congress that strays beyond the Constitution and laws?

I have no doubt that if confirmed, Judge Gorsuch would help to restore confidence in the rule of law.

His years on the bench reveal a commitment to judicial independence—a record that should give the American people confidence that he will not compromise principle to favor the president who appointed him.

Again, those are not the words of a Republican. That is what Neal Katyal, formerly an Acting Solicitor General for President Obama, had to say about Judge Gorsuch. It is pretty high praise coming from a Democrat.

One of the Democrats' favorite tactics is to accuse Republican nominees of being extremists, no matter how mainstream they actually are. No matter how hard they try, I don't think they are going to have much success with that tactic against Judge Gorsuch.

When liberal after liberal attests to his fairness and impartiality, it is pretty hard to pretend he is anything but an excellent pick for the Supreme Court.

Then there are the stats from his time on the Tenth Circuit. Last week, the Wall Street Journal reported:

Judge Gorsuch has written some 800 opinions since joining the Tenth Circuit Court of Appeals in 2006.

Only 1.75 percent (14 opinions) drew dissents from his colleagues.

That makes 98 percent of his opinions unanimous, even on a circuit where seven of the 12 active judges were appointed by Democratic Presidents and five by Republicans.

So it is a very divided circuit court in terms of the composition. Let me repeat that last line.

That makes 98 percent of his opinions unanimous even on a circuit where seven of the 12 active judges were appointed by Democratic Presidents and five by Republicans.

When 98 percent of your opinions are unanimous, it is pretty much impossible to argue that you are somehow outside of the judicial mainstream. Very few of Judge Gorsuch's decisions have gone to the Supreme Court. When they have, they have been almost universally upheld—often, unanimously. I wish Democrats luck in portraying Judge Gorsuch as an extremist. I think they are going to have a very uphill climb.

Both liberals and conservatives recognize that Judge Gorsuch is a supremely qualified jurist who would make a terrific addition to the Su-

preme Court. I hope that Senate Democrats will listen to the consensus in favor of his nomination and abandon their threats of obstruction. Democrats spend a lot of time talking about the importance of confirming a ninth Justice to the Court. Now they are going to have a chance to confirm an outstanding nominee. I hope they take it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. THUNE. I withhold my suggestion.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the President Officer (Mr. PORTMAN Presiding).

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION—Continued

The PRESIDING OFFICER. The majority whip.

CABINET NOMINATIONS

Mr. CORNYN. Mr. President, for the last several weeks, we have been doing all we can to take up and consider the President's nominations for his Cabinet, even though we have had little or no cooperation from the other side of the aisle.

Last night, we confirmed the President's top economic adviser—something you would think people would think was pretty important—the Secretary of the Treasury, and we did confirm the President's Secretary of Veterans Affairs. Ironically, the vote for the Secretary of Veterans Affairs was 100 to 0. So maybe somebody can explain to me what was the necessity of delaying the confirmation of the Secretary of Veterans Affairs for 3 weeks, leaving that important agency without a designated and Senate-confirmed head?

Earlier today, we considered the nomination of Linda McMahon to serve as the next head of the Small Business Administration, to help our country's job creators reach their potential. Again, we had an overwhelming vote for Linda McMahon for the SBA. So, again, my question is, What purpose is served by delaying, by foot-dragging, and by obstructing the President's choice of his Cabinet members?

We are glad we finally confirmed them, but to be honest, it is not much to celebrate. By carrying out this unprecedented obstruction of qualified nominees, our friends across the aisle are simply precluding the Senate from

considering other acts of legislation that would actually be helpful to the American people. From my vantage point, it is pretty clear. While they are headed down this self-destructive path, our friends continue to listen and, sadly, cater to radical elements of their own party that simply haven't gotten over the election and have decided to obstruct the President and his agenda at all cost.

But we know for a fact, from our private conversations, that our Democrat friends are not—well, they are fractured. Some of them remembered what happened in 2014, when, under the leadership of then-Majority Leader Reid, essentially everybody was frozen out of offering legislation or amendments to legislation on the floor, including Members of the majority party—then, Democrats, at the time. That strategy really backfired, resulting in a huge Republican class of outstanding Senators in 2014.

People don't like that across the country. They think we are sent here to solve problems, and we work together and make progress on behalf of the American people. This sort of mindless obstruction or foot-dragging for foot-dragging's sake doesn't make any sense to them, and it doesn't make any sense to me either.

Now, I realize the minority leader—the Democratic leader—probably has the toughest job in Washington, DC—to try to keep the far left fringes of his party happy, while trying to do the work of the American people who sent us here to legislate. I do know that there are Members of the Democratic caucus who are very interested in trying to demonstrate their effectiveness by working on bipartisan legislation. Some of them happen to be running for election in 2018 in States carried by President Trump. You would think they would be incentivized to tell the leadership of their own party—or the far left of their party, which wants to do nothing but resist the Trump agenda and our bipartisan agenda in the Senate—to stand down or that they are not going to participate in that sort of mindless obstruction, because I think their enlightened self-interest tells them that not only is this what the American people sent us to do—to be productive on a bipartisan basis—but it is also in their electoral self-interest, as well.

As long as the Democratic leader caters to the fringe of his own party and resists any sort of cooperation, I think they can expect the same sort of results after Senator Reid led his party down that path in 2014. We are now headed into the fourth week of the new administration, and we have only confirmed a handful of this President's Cabinet picks. That is bad news not just for us but for the American people, as well.

Surely, after the election of November 8, when President Obama said he

wanted to make sure he participated in a peaceful transition of power to the next administration, he was appealing to the better angels of all of those who perhaps were disappointed by the outcome of the election. But that is what we do as Americans. We pull together in the best interest of the entire country. We get together and we fight, perhaps, and we take opposing parties in elections. But once the election is over, after the ballots are counted, we work together in the best interest of the American people.

But that is not happening, and that is really not just bad for the Senate. That is bad for the country. Our job in the Senate is to consider these nominees and to move on them so that the President of the United States can be surrounded by the people he has chosen to help him lead the country. I will tell you that I have been incredibly impressed by the quality of people he has selected. So as we begin to consider the remaining nominees put forward by President Trump, I hope our friends on the other side will start to realize the ramifications of their quest to stop the Senate or to drag out these deliberations and preclude us from doing other constructive work.

One thing I can promise you is that, thanks to the efforts of Senator Reid in the last Congress, all of these nominees will be confirmed. Our colleagues face the same choice they have had all along. They can either work with us to help get these advisers vetted and then confirmed, or they can make it painful for all of us for no good reason and reveal to the country just how ineffective they truly are when it comes to trying to obstruct this confirmation process.

My hope is that they will decide to course-correct and determine for the good of the entire country that the right thing to do is to move forward on these nominees. We were able to take up the VA Secretary and the Administrator of the SBA, basically by consent, by agreement, without having to grind through this lengthy process that we are having to do on the Mulvaney and the Pruitt nominations, just to get those done before Saturday. It is not necessary, and it is not going to change the outcome.

Mr. President, we are also going to take up an important congressional resolution of disapproval. The rule in question allows the Social Security Administration to report folks who may need help managing their money to the National Instant Criminal Background Check System, also known as NICS.

This is just another chapter in the same story that we heard last year when we successfully pushed back on the Veterans' Administration for trying to do the same thing—bureaucrats unilaterally taking away people's constitutional rights without even notifying them of the reason, much less without giving them an opportunity

for a due process hearing. Well, this isn't a small matter. We have to make sure that the bureaucracies can't continue to infringe on fundamental rights guaranteed to all Americans. Now we have a chance to repeal this unconstitutional rule and to protect those just trying to receive the Social Security benefits they have earned.

I look forward to doing away with this particularly noxious rule soon, this week.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING FOR A SPECIAL COUNSEL

Mr. BLUMENTHAL. Mr. President, I am here principally to speak about the NICS Social Security Act, Congressional Review Act resolution that is before our Chamber, but events of the last 24 hours really raise before us the urgent and unavoidable issue of needing an investigation into the recent activities of Michael Flynn. He resigned as the National Security Advisor last night after revelations that he misled Vice President MIKE PENCE and other top White House officials. He may have misled the President and others in the White House, but there are also very serious questions about who knew what when. These classic what did they know and when did they know it questions must be answered by an independent counsel or commission, and the reason it must be independent is the same very profoundly important reason that I gave to then-Nominee Jeff Sessions, now Attorney General.

The Attorney General must appoint a special counsel in cases where there is reason to question his complete impartiality and objectivity; the reality as well as the appearance mandate here that there be an independent investigation by a special counsel.

Only a special counsel, independent of the Attorney General and of the White House, can ask with penetrating, aggressive, unflinching analysis whether the President knew before Michael Flynn made those phone calls to the Russian Ambassador and other phone calls to other foreign powers what the subjects of the conversations were, even whether they were going to be made, and only an independent counsel can know, with complete credibility and being regarded that way by the public, as to what happened and who knew what happened and when they knew.

This issue is about more than just a phone call to the Russian Ambassador. It is about the integrity and honesty of public officials, about the protections

we give to our intelligence, and about the independence of our justice system.

I certainly have respect for the Office of Attorney General, but Jeff Sessions was deeply involved in President Trump's campaign and in the Presidential transition. I expressed to him in the hearing on his nomination that he would have to distance himself from an investigation of exactly these issues to maintain impartiality and objectivity in that investigation. So I will write to him today, and the letter will be made public shortly, asking for an independent counsel, a special investigator who can produce the information that is necessary for the public to be assured that there has been an inquiry that is impartial, objective, comprehensive, and thorough. It has to be unflinching and unstinting, and it should be done as soon as possible.

Mr. President, I want to address the issue that is before us on the floor relating to the Congressional Review Act resolution that we will vote on shortly and in my view that will undermine existing law if it is passed. Too many times in recent years we have had the terrible responsibility of bearing witness to the trauma and grief that follow gun violence. We see it in our streets every day, not just in Sandy Hook, which every day weighs on our minds and thoughts and hearts in Connecticut but the more than 30,000 deaths every year and countless injuries all across the country in big and small towns, the streets of Hartford as well as rural and suburban communities.

I am far from the only one in this Chamber who has borne witness to that trauma and grief. Gun violence has claimed too many lives in too many places, through mass shootings in movie theaters as well as the constant drumbeat of shootings that never make the headlines. Our constituents count on us to make them safe. That is one of the fundamental responsibilities of our government. And by overwhelming majorities, including majorities of Republicans and of gun owners, they support commonsense steps to keep guns out of the hands of dangerous people. In failing to move forward with legislation that would advance those goals, Congress has been complicit in this ongoing epidemic. It is truly a public health crisis. If more than 30,000 people died every year from disease or other kinds of communicable illnesses, there would be a call for drastic action.

This kind of public health crisis must be met with strong steps. When many of us in this body who believe that Congress must now take action to stem the scourge of gun violence hear one refrain from our colleagues—"enforce the law; enforce the law that already exists"—we must heed that cry.

Enforcing the law that already exists is exactly what this regulation entails. So we must be ready to move forward. Yet, as my friend and colleague Sen-

ator MURPHY noted earlier, the Congressional Review Act resolution we are about to vote on will not only fail to enforce existing law, it will undermine existing law. Federal law prohibits those who have severe mental health issues—that is to say, issues that would prevent them from safely handling a gun, from possessing a gun.

Federal law also requires agencies that have information indicating that people are disqualified from gun possession to share that information with the NICS background check system. Under this regulation, the Social Security Administration has proposed to do exactly that. Pursuant to the 2007 NICS Improvement Amendments Act—a law passed in the wake of the horrific Virginia Tech shooting to address significant loopholes in the background check system—the Social Security Administration will submit records to NICS for Social Security recipients who meet a specific set of carefully defined criteria. The regulation will apply only to a subset of Social Security disability recipients. It does not apply to those who are receiving Social Security retirement benefits. It applies only to those disability recipients who have been found, based on the Social Security Administration's established criteria, to be severely impaired due to a mental disability and who are therefore unable to perform substantial work or manage their own disability benefits.

Repealing this regulation could lead to great harm, exacerbating loopholes and failings in the background check system that erode public safety.

I have a letter from the United States Conference of Mayors, which represents city leaders from across our country. It says that "due to loopholes in current law, too many mass murderers are still able to too easily obtain guns. This includes the individual responsible for killing 32 people and injuring 17 others at Virginia Tech in 2007 that led to the enactment of the NICS Improvement Amendments Act. These killings must stop and this rule, as implemented last year, will help to do that."

I ask unanimous consent to have printed in the RECORD a letter from the United States Conference of Mayors, as well as a letter from the National League of Cities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES CONFERENCE
OF MAYORS,
February 9, 2017.

DEAR SENATOR: I write on behalf of the nation's Mayors to urge you to strongly oppose Senate Joint Resolution 14 (S.J. Res. 14), a bill to revoke a rule finalized last year by the Social Security Administration (SSA), which strengthens our nation's background check system for gun purchases by adding the names of people who are severely incapacitated by their condition and unable to manage their own finances.

The rule implements existing law, which required the SSA to send the names of those identified as prohibited people to the National Instant Background Check System (NICS). This rule finally brings SSA in compliance with the NICS Improvement Amendments Act (NIAA), a law that Congress passed on a bipartisan basis and President Bush signed into law in 2007. It also is consistent with ATF's direction for complying with the law.

The rule has a limited scope but is critically important to the fabric of our nation's background check system. Under the rule, people who receive benefits from the Social Security Administration due to a severe "mental impairment" and require a fiduciary representative to manage their benefits would be notified and reported to the FBI's NICS. The rule affects anyone 18 and older who qualifies for disability because of a primary designation of "mental impairment" that prevents the person from working and who must have a "representative payee" for handling his or her finances. This includes people who have been certified to be afflicted with severe mental health disorders, such as schizophrenia and other psychotic disorders, personality disorders, intellectual disabilities, anxiety-related disorders, substance addiction disorders and autistic disorders. These individuals have the right to appeal and a clear process for doing so.

We all know that it is due to loopholes in current law that too many mass murderers are still able to too easily obtain guns. This includes the individual responsible for killing 32 people and injuring 17 others at Virginia Tech in 2007 that led to enactment of the NIAA. These killings must stop and this rule, as implemented last year, will help to do that.

We urge you to help stop the killing and oppose S.J. Res. 14 or any other efforts to undermine or otherwise compromise the national Brady background check system that has stopped over 3 million prohibited purchasers from acquiring guns since its enactment.

Thank you for anticipated time and consideration of this critical matter.

Sincerely,

TOM COCHRAN,
CEO and Executive Director.

NATIONAL LEAGUE OF CITIES,
February 14, 2017.

DEAR SENATOR: On behalf of the 19,000 cities and towns represented by the National League of Cities, I write to express strong opposition to Senate Joint Resolution 14 (S.J. Res. 14) that will revoke a commonsense rule finalized last year by the Social Security Administration (SSA). The rule finally brings the SSA in compliance with the NICS Improvement Amendments Act of 2007 (NIAA), a law that Congress passed on a bipartisan basis and President Bush signed into law in 2007. The law requires SSA to send the names of mentally ill people, who have been determined to be a danger to themselves or others by a physician, to the gun purchase background check system. It is troubling that Senate is now considering S.J. Res. 14, which threatens to undermine this reasonable, bipartisan legislation that is making cities, and police officers, more safe.

The rule is limited in scope and critically important to the fabric of our nation's background check system. Under the rule, people who receive benefits from the Social Security Administration due to a severe "mental impairment" and require a fiduciary representative to manage their benefits would

be notified and reported to the FBI's NICS. The rule affects anyone 18 and older who qualifies for disability because of a primary designation of "mental impairment" that prevents the person from working and who must have a "representative payee" for handling his or her finances. This includes people who have been certified to be afflicted with severe mental health disorders, such as schizophrenia and other psychotic disorders, personality disorders, intellectual disabilities, anxiety-related disorders, substance addiction disorders and autistic disorders.

Loopholes in the NICS law have allowed people who are clearly a danger to themselves or others to obtain guns. This includes the individuals responsible for killing 32 people and injuring 17 others at Virginia Tech in 2007; killing six people and injuring 13 others, including Congresswoman Gabrielle Giffords in Tucson in 2011; killing 12 people and injuring 70 others in Aurora in 2012; and killing 26 people, including 20 children in Newtown in 2012. These killings must stop and this rule, as implemented last year, will help to do that.

We urge you to oppose S.J. Res. 14 or any other efforts to undermine or otherwise compromise the national Brady background check system that has stopped over 3 million prohibited purchasers from acquiring guns since its enactment.

Sincerely,

CLARENCE E. ANTHONY,
CEO and Executive Direct.

Mr. BLUMENTHAL. It is critical to note that neither I nor any proponents of the Social Security Administration's rule believe that all or most or even a significant percentage of those suffering from mental health issues are dangerous—far from it. The overwhelming majority of people who confront mental health issues are peaceful and law-abiding citizens who seek only the treatment that should be everybody's right. In fact, I have been a strong advocate over many years of mental health parity, beginning when I was attorney general in the State of Connecticut. The very first Federal law on this issue that was passed was modeled in many ways after the State law that I championed. I was proud to support the passage of a bill last year to provide more resources to those seeking treatment, and I hope that it moves this country toward providing everyone with the care they need.

Mental health issues should be no cause for fear, no reason for stigma, no excuse for shame. Those who have come forward and been open about the treatment they have sought, in fact, have done themselves and their communities and country a great service. If I thought SSA regulations unfairly targeted people with mental illness or that it advanced the perception that they are inherently dangerous, I would oppose it with every fiber of my being, but that is not the regulation we have here.

As Senator DURBIN said this morning and my colleague Senator MURPHY reiterated, this rule is not one loosely applied to anyone who has some trouble balancing a checkbook; it applies only to those disability recipients with a se-

rious and debilitating mental health issue. That is estimated to be about 75,000 people nationwide out of approximately 10 million Americans who suffer from a serious mental illness. Everyone who suffers from mental illness should have a right to treatment, but not all should have a gun. It is very unlikely that people who meet these criteria will be able to safely handle a gun or to safely store it in their home and prevent its misuse by themselves or by others.

It is possible that SSA's initial determination will be wrong. That is why crucially—please understand—crucially the regulation also provides due process. In fact, these due process protections are necessary when a constitutional right is at stake. This right, the Second Amendment right, must be respected as the law of the land. The regulation entitles those who are affected by it to advanced notice. When going through the process to appoint someone else to handle their benefits, they are told that they will forfeit their firearms right. They are given that notice, and they are given due process. If they believe this is inappropriate or unnecessary, the regulation gives them that process to appeal. It is one that allows SSA to grant relief upon a determination that the beneficiary will not be "dangerous to public safety," a term that has meaning.

SSA is also required to notify the NICS background check system if the name should be removed, whether it was submitted in error or because a beneficiary has recovered from the condition or because they were granted relief through the appeals process. Those are rights with real remedies, with due process, with fairness.

If I thought this regulation failed to provide adequate process that every individual is due, regardless of how much I support its goal, I would oppose it with, again, every fiber of my being because it should be and it is the law of the land.

Of course there may be ways that this regulation, like any regulation, could be improved if the criteria could be better targeted or if the due process protections could be made stronger or if the administration could be made more efficient. We should not hesitate to make those improvements. I would welcome suggestions for enhancements, but the methods chosen by my colleagues to attack this regulation—the Congressional Review Act—prevent any and all of those improvements.

Severely limiting the time for debate denies us adequate consideration. Much worse, it is a blunt-force instrument that will prevent the Social Security Administration from issuing any "substantially similar" regulation in the future. So the passage of this resolution will prevent the SSA from complying with the legal requirement for submitting legal records for a back-

ground check in the future. It will hamstring this agency and prevent it from fulfilling its obligation to public safety—that is regardless of whether new information comes to light or whether it would be possible to devise a better method of submitting these records.

In the words of the well-known and respected group Americans for Responsible Solutions, using the CRA to undo this rule would "not only allow guns to be placed into the hands of individuals determined to be legally incapable of using them safely, but it also creates an irresponsible, irreversible precedent."

As I have always said, I will work with my colleagues on any good-faith steps to stem the tide of gun violence in this country, and I would be more than happy—in fact, I am eager—to work with them to fix flaws they see in this regulation. We need to come together to improve the integrity and efficiency of the national background check system and keep guns out of the hands of people who cannot safely handle them. People who are dangerous to themselves or others—it may be a very small number, but they can do great tragic damage. The resolution we will vote on shortly accomplishes neither of these goals. It does nothing to answer my constituents who ask me time and time again why Congress does nothing to confront the epidemic of gun violence in this country. It would create an irresponsible, irreversible precedent. More important than the precedent is the consequence in real lives of the death and injury that could result. Those deaths and injuries are truly irreversible and irresponsible, and we can help to stop them by taking the right stand on this resolution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOEVEN). Without objection, it is so ordered.

Mr. MARKEY. Mr. President, it is Valentine's Day, and Senate Republicans and President Trump want to deliver a love letter to their sweetheart, the National Rifle Association. To the Republicans and President Trump, nothing says "I love you" like "let's weaken background checks on gun sales" because that is exactly the issue before us today.

Today, Republicans in Congress and President Trump want to gut a commonsense safety measure that would help keep guns out of the hands of people who should not have them. After the tragedy in Newtown, CT, the Obama administration undertook a

comprehensive review of Federal law to identify “potentially dangerous individuals” who should not be trusted with firearms.

The Social Security Administration was required to identify and report to the National Instant Criminal Background Check System those people who received Social Security benefits due to severe mental impairment and who require a fiduciary representative to manage those benefits.

That is a sensible policy. If you can’t manage your disability benefits because of a mental impairment, you probably shouldn’t be trying to manage a gun. Indeed, current law prohibits individuals from purchasing a firearm if a court, a board, a commission, or other lawful authority has determined that a mental health issue makes them a danger to themselves or to others or that they lack the mental capacity to contract or manage their own affairs.

The purpose of the rule is, simply, to include in the Federal background check system information from the Social Security Administration that it already has about beneficiaries whom current law already prohibits from possessing a firearm. Even this fair, reasonable, and commonsense limitation on gun purchasing is too much for the NRA and its Republican congressional allies. So they have turned, this afternoon, to the Congressional Review Act to roll back this rule. By doing so, they would block the Social Security Administration from issuing a similar rule on this subject in the future. This is shortsighted on the one hand and very dangerous on the other for a long, long time in our country because it is these loopholes in the background check system that have already allowed people to obtain guns, despite being judged a danger to themselves or to others, especially family members.

Loopholes in the system allowed the Virginia Tech, Tucson, Aurora, and Newtown shooters to obtain guns. We need to close loopholes like the ones that allow people who are mentally impaired from buying guns. Repealing this rule only keeps the loophole open.

Recent polls show that 92 percent of Americans support background checks for all gun buyers—including 87 percent of Republicans in our country support background checks on who is, in fact, purchasing a gun in our country—but not the National Rifle Association. The National Rifle Association sent an action alert to its membership on this current attempt to repeal the background check rule stating: “The first pro-gun legislative act of the Trump era and Congress is on the verge of success, but it needs your help to get it over the line.” That is all you need to know.

So on this Valentine’s Day, the U.S. Senate should show some real love and compassion. Let us open our hearts to the American people who overwhelm-

ingly are demanding commonsense gun control efforts like the one this rule puts in place. Let us defeat this ill-advised effort to roll back this rule which keeps guns out of the hands of people who should not have them.

This is the job of the Congress. This is the carnage we see in America. It is the indiscriminate issuing of licenses for guns to people who have not gone through the background checks that ensure they are qualified for the handling of a weapon within our society. Everyone else can get the weapon. Everyone else who goes through the check gets the weapon but not people who should not have them.

So this is a big moment here. It, unfortunately, gives an insight into what the Republican agenda is going to be this year. It is a radical agenda. It is an agenda which says to the National Rifle Association: We are going to pass your agenda, no matter how radical, out here on the floor of the Senate. What the American people are saying is they want the NRA to stand for “not relevant anymore” in American politics. That is what they want it to say, especially with the polling so overwhelmingly bipartisan, Democrats and Republicans, in terms of commonsense background checks that are in the law to protect innocent families in our country.

All I can say is this isn’t anything that is radical, this regulation. It is something that is common sense. It is something that protects American families, and I urge strongly that the U.S. Senate reject the removal of this regulation from the statutes of our country.

Mr. President, I yield back the remainder of my time.

Mr. CRAPO. Mr. President, today I wish to urge support for H.J. Res. 40. The Second Amendment to our U.S. Constitution reads, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” The fact that our Nation’s Founding Father’s penned this constitutional right to follow another central freedom—the constitutional right to free speech—speaks to the importance of this basic right.

H.J. Res. 40, the resolution currently under consideration, would protect Social Security beneficiaries from having their constitutional rights arbitrarily revoked by the Social Security Administration. As a cosponsor of the Senate companion resolution introduced by Senator GRASSLEY, I support this critically important effort. The resolution would halt a rule issued by the Social Security Administration in the waning days of the outgoing Obama administration.

The previous administration, I might add, continuously sought to take away the Second Amendment rights of Americans through Executive orders

and rulemaking. This is yet another example of an unjust leftover of that effort that needs to be corrected. In December 2016, under the direction of the Executive branch, the Social Security Administration issued a final rule to gather and submit information to the National Instant Criminal Background Check System, NICS, on individuals who are determined to be what NICS refers to as “mentally deficient.” In this case, a person can be reported to NICS simply for using a representative payee in managing their benefits.

It is not uncommon for the Social Security Administration to appoint someone to act as representative payee for a beneficiary who may need assistance to manage their benefits. The use of a representative payee is not indicative of mental deficiency. In fact, over 8 million beneficiaries need help managing their benefits, according to the Social Security Administration. Statute requires that, for an individual to be deemed “mentally deficient,” a court, board, or other lawful authority must find that the person is a danger to themselves or others or is unable to contract or manage their own affairs.

Under the rule that went into effect last week, SSA will be required to report individuals who have been appointed a representative payee to NICS. The Social Security Administration is not a court of law, and SSA officers are not a “lawful authority.” Equally alarming is the lack of an established appeals process to enable the removal of names from the system once entered. The Administration’s lack of regard for due process is unacceptable.

We must reject the Obama administration’s improper assumption that individuals are a danger to themselves or society because they participate in SSA’s representative payee system. A January 2016 White House fact sheet estimated that SSA’s rule would add 75,000 beneficiaries to the NICS list each year. The number of law-abiding individuals who will be added to the NICS list will likely be much higher. Thousands, if not millions, of Americans stand to lose their Second Amendment rights.

Over 91,000 comments were submitted to the Social Security Administration following the publication of the proposed NICS rule. I, along with several of my colleagues, wrote the Social Security Administration on four occasions to express our concerns about the proposed rule. Our concerns, and the concerns of 91,000 Americans, were clearly not factored into the rule-making process.

Old age does not make someone a threat to society, and having a representative payee is not grounds to revoke constitutional rights. Millions of seniors are at risk of having their Second Amendment rights arbitrarily revoked on behalf of an Executive that is

no longer in office. This is a brazen attack on our constitutional right to keep and bear arms. Please join me in stopping this outrageous rule that was finalized in the waning weeks of a lameduck administration. Join me in protecting the constitutional rights of law-abiding citizens.

The PRESIDING OFFICER (Mr. LANKFORD). Who yields time?

If no one yields time, time will be charged equally to both sides.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we have a very bad regulation that has been put out by the Social Security Administration that needs to be obliterated, so we are using a process called the Congressional Review Act to show Congress's displeasure with the Social Security Administration and to get this regulation off the books.

Now, there has been a lot of talk about how the Congressional Review Act is the wrong vehicle to repeal the disastrous regulation. So I want to quote a contrary opinion from the National Coalition for Mental Health Recovery saying this:

The CRA—

Meaning the Congressional Review Act—

is a powerful mechanism for controlling regulatory overreach, and NCMHR urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCMHR feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

I would add to it that it is obviously necessary.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COALITION FOR
MENTAL HEALTH RECOVERY,
Washington, DC, January 29, 2017.

Hon. MITCH MCCONNELL,
Senate Majority Leader,
Washington, DC.

Hon. CHUCK SCHUMER,
Senate Minority Leader,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: I write on behalf of the National Coalition for Mental Health Recovery (NCMHR) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702.

In accordance with our mandate to advise the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities, NCMHR submitted comments to SSA on the proposed rule. In our comments, we cautioned against implementation of the

proposed rule because there is no causal connection between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee.

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCMHR recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCMHR is a nonpartisan, is nonpartisan nonprofit with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCMHR believes that SSA's final rule falls far short of meeting these criteria.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCMHR urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCMHR feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Sincerely,

DANIEL B. FISHER, MD, PhD,
Chair NCMHR.

Mr. GRASSLEY. Mr. President, there has also been talk about how supposedly dangerous it will be if this Social Security regulation is terminated. I don't see how that can possibly be realistic if the Social Security Administration doesn't even determine whether a person is dangerous in the first place—and "dangerous" meaning in regard to whether or not they ought to be able to make use of the constitutional right of the Second Amendment to own and possess firearms.

Others in this debate continue to mention that mentally ill people will be able to acquire firearms. Now this is very important. The Social Security Administration does not determine a person to be mentally ill prior to reporting their names to the gun ban list, and being on the list denies you your constitutional rights. The agency has confirmed this in writing to my office:

Yes, you are correct. The Social Security Administration does not diagnose individuals as mentally ill.

Supporters of this gun ban failed to address why individuals are not provided formal due process before reporting their name to the list. Supporters have also failed to talk about how the regulation is inconsistent with the statutory standard of "mental defective."

An existing statute requires agencies to report individuals to the gun ban list who are ineligible under current law for possessing firearms. That requirement does not require the existence of any regulation to be effective. So it is plainly wrong to claim, as was said this very day by the people opposed to what we are doing, that if the regulation is disapproved, agencies will no longer have to report prohibited persons. The reverse, in fact, is true.

The regulation usurps unlawful authority to report people to the gun ban list who are not barred from owning guns under current law and that the agency is prohibited from reporting under current law, especially without the adjudication that is required under current law.

Opponents of the regulation base their opposition on the language of the regulation, existing law, and the Constitution, citing the Constitution to say that you don't have a constitutional right to own arms under the Second Amendment, which is contrary to two recent Supreme Court decisions that verify that that applies to an individual. That is why the regulation's supporters must resort to arguments that lack legal and factual foundation.

Supporters of this gun ban also fail to address how overly broad this regulation is, as written. It will capture innocent Americans, denying innocent Americans their constitutional rights. Sadly, then, we know how this will play out if this regulation were allowed to go forward because we have the example of the Department of Veterans Affairs reporting hundreds of thousands of veterans to the National Instant Criminal Background Check System without adequate due process. That is the same system that Social Security was going to report people to.

Veterans were reported just because some lonely bureaucrat wanted to report them, with no opportunity to first have a neutral authority hold a hearing, finding that that individual is dangerous or actually has a dangerous condition. These were veterans who needed financial help managing their benefit payments.

It is common sense that needing help with your finances should not mean that you have surrendered a fundamental constitutional right of self-defense that you have under the Second Amendment.

Just like the Social Security Administration, the VA does not determine whether a veteran is dangerous before reporting his name to the gun ban list and denying that veteran his Second

Amendment constitutional rights to own and possess firearms. The VA regulation is eerily similar to what the Social Security Administration wants to do.

On May 17, 2016, Senator DURBIN and I debated my amendment that would require the Department of Veterans Affairs to first find veterans to be a danger before reporting their names to the gun ban list. Now that is common sense; isn't it? You ought to find out if they are really dangerous before they are denied a constitutional right.

During the course of that debate, Senator DURBIN admitted that the list was broader than it should have been. He said:

I do not dispute what the Senator from Iowa suggested, that some of these veterans may be suffering from a mental illness not serious enough to disqualify them from owning a firearm, but certainly many of them do.

Senator DURBIN also said:

Let me just concede at the outset, reporting 174,000 names goes too far, but eliminating—

As my legislation proposed to do—
174,000 names goes too far.

For the record, though, it wasn't really 174,000 names going too far. It was actually 260,381 names that the VA sent to the gun ban list. Now that happens to be 98.8 percent of all names that are in the alleged "mental defective" category.

The Department of Veterans Affairs reported more names by far than any other agency without sufficient justification. Senator DURBIN's staff and mine have met over these issues since that debate, and I appreciate and thank him for that outreach.

Now we have the Social Security Administration problem and, through the Congressional Review Act, we can do something about it. We don't have to pass a separate piece of legislation, like we are going to have to do to straighten out the VA. So the Social Security Administration is about to make the same mistake as the VA unless we stop it right here and right now.

If this regulation is not repealed, the agency has informed my staff that approximately 15,000 to 75,000 beneficiaries of Social Security may be reported annually, denying them their constitutional right to bear, possess, and own firearms. That figure of 15,000 or even more so—the higher figure of 75,000—will add up very quickly.

In my earlier speech today on this topic, I made clear that the agency regulation is defective in many ways; namely, the regulation does not require the agency to find a person dangerous or mentally ill. The regulation provides no formal hearing before a person is reported to the gun ban list.

Supporters have also said that repeal of this regulation will interfere with enforcement of gun prohibition laws.

Such a position is without any merit—denying people constitutional due process.

As I made clear in my earlier speech, important Federal gun laws are still on the books, even if the agency rule is repealed. This is so because this new regulation is actually inconsistent with those existing Federal gun laws. For example, individuals who have been determined to be dangerous or mentally ill will be prohibited, as will those convicted of a felony or a misdemeanor crime of domestic violence, and the same for those involuntarily committed to mental institutions.

While discussing the faults and defects of the rule, I think it is important to highlight that the issues I have pointed out are also the solution to the problem. If the supporters of the agency rule want the Social Security Administration to report individuals to the gun ban list, changes need to be made. Individuals must first be determined by a neutral authority after a fair hearing meeting the requirements of the U.S. Constitution. If they are dangerous and have a dangerous mental illness, then they could constitutionally be denied that right. Constitutional due process is a very important part of that process.

If we do not act, the agency will erroneously report tens of thousands of people per year to the gun ban list, and not one of them will have been adjudicated to be dangerous after a hearing with due process, not one of them will have been adjudicated to be mentally ill after a hearing with due process, and all of them will have had the government's burden shifted to them to prove they are not dangerous in order to get their name off the gun ban list. It is common sense, isn't it? It ought to be that you are innocent until proven guilty. If you can't have a gun, common sense tells me you ought not have to prove that you can have a gun to the government; the government has to prove that you should not have a gun.

Any way you look at it, the regulatory scheme is patently unfair. If the government wants to regulate firearms, it needs to produce a clearly defined regulation that is very narrowly tailored to identify individuals who are actually dangerous and who actually have a dangerous mental illness. The government must also afford constitutional due process.

What we are dealing with here is a fundamental constitutional right backed up by two Supreme Court decisions in the last 10 years. With that type of constitutional status, the Second Amendment requires greater effort and greater precision from the government in order to fairly regulate how the American people exercise that constitutional right. This regulation simply doesn't meet that standard.

I urge my colleagues to support the resolution of disapproval.

Mr. President, I don't know whether anybody else is coming to seek the floor. If I am infringing upon somebody else's time, I will yield the floor, but in the meantime, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF NEIL GORSUCH

Mr. GRASSLEY. Mr. President, I rise today to discuss some criticism I have heard about the nominee to fill the seat on the Supreme Court. That nominee is Neil Gorsuch.

My colleague, the minority leader, met with the nominee last week. Afterward, he told reporters that he had "serious, serious concerns" about the judge. Well, I guess I shouldn't be surprised—after all, it seems the minority leader had concerns about the nominee even before the nominee was announced.

Before Judge Gorsuch was announced, the minority leader made clear that any nominee must be "mainstream." But it became clear immediately that this nominee is widely regarded as a mainstream judge with impeccable credentials. Liberal law professor Laurence Tribe says that "he's a brilliant, terrific guy who would do the Court's work with distinction." Alan Dershowitz, who certainly is no conservative, says that Judge Gorsuch will be "hard to oppose on the merits." Even President Obama's Acting Solicitor General, Neal Katyal, said Judge Gorsuch "would help to restore confidence in the rule of law." The chorus goes on.

Apparently, because the nominee is so obviously mainstream, the benchmark for my colleague's concerns keeps changing. The minority leader has conveniently developed a new test. Now he says the benchmark is independence: "The bar for the Supreme Court nominee to prove that they can be independent, has never, never been higher."

Well, fortunately for the minority leader, Judge Gorsuch passes that bar with flying colors, just like he passed the "mainstream" test with flying colors. The nominee's record makes clear that he is an independent and fair-minded judge who is deeply committed to the separation of powers.

Here is just one example from his many opinions on this point. Just last year, Judge Gorsuch had to decide a case about the authority of the Board of Immigration Appeals, or the BIA, which answers to the Attorney General. The BIA wanted to change the Attorney General's power to waive immigration requirements for illegal immigrants, and it wanted the new rules to apply to undocumented immigrants whose waiver applications were already in the works. The nominee said no to this executive agency. To be clear, Judge Gorsuch was asked to decide whether an executive agency in charge

of immigration laws could change the law on a whim in a way that many believed was unfair to immigrants who had already sought waivers. He said no.

With due respect to my friend the minority leader, there is no doubt that Judge Gorsuch would say no to this or any other part of the executive branch that oversteps its bounds.

Here is what the nominee wrote about the separation of powers and executive branch overreach. For him to defer to the executive agency in that case would be "more than a little difficult to square with the Constitution of the framers' design." That is because doing so would allow agency bureaucracy to "swallow huge amounts of core judicial and legislative power," which the Constitution assigns to separate branches of government. So the nominee was concerned about the separation of powers. He was concerned about people whose liberties might be impaired, and because of those concerns, he said no to the immigration agency's policy whim of the day.

Judge Michael McConnell, a former colleague of Judge Gorsuch on the Tenth Circuit, makes the same observation about this case. He says the scope of executive power arguably "will be the most common Supreme Court issue of the coming decade." He says the nominee analyzes that issue in a way that is faithful to the Constitution and to the independence of the judiciary, and he points to the nominee's thinking on this question. Judge Gorsuch wrote:

What would happen . . . if the political majorities who run the legislative and executive branches could decide cases and controversies over past facts? They might be tempted to bend existing laws, to reinterpret them . . . [this would] risk the possibility that unpopular groups might be singled out for this sort of mistreatment—and [would] raise along the way, too, grave due process, fair notice, and equal protection problems. . . . It was to avoid dangers like these, dangers the founders had studied and seen realized in their own time, that they pursued the separation of powers.

That is the writing of an independent judge who believes in the separation of powers.

You know, there is a bit of irony to some of the criticism I have heard leveled against Judge Gorsuch. On the one hand, I have heard that he will have to be independent and that he won't rubberstamp the President's agenda. On the other hand, I have heard that he will be way too tough on the executive branch as it fulfills the President's agenda. It is quite obvious that, common sense tells us as we look at those two arguments that we can't have it both ways.

Judge Gorsuch has shown he is faithful to the separation of powers in the Constitution. That means he will be an independent judge who will say no when the other branches of government overreach.

You don't need to take my word for it. Listen to President Obama's Acting Solicitor General, Neal Katyal. He is no fan of the President's Executive order, but he says that Judge Gorsuch "will not compromise principle to favor the President who appointed him." Instead, the Solicitor General said the nominee "would help to restore confidence in the rule of law."

Judge Gorsuch's record and reputation leave no room to doubt that he is a mainstream, independent judge. He will apply the law fairly, and he won't be afraid to say no when the Constitution requires it.

Every time my colleague the minority leader has set out a standard for filling this Supreme Court seat, this judge has met it. He is mainstream. He is independent. And when my colleague chooses a new standard, I bet the nominee will also meet that new standard.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING AL BOSCOV

Mr. CASEY. Mr. President, I rise this afternoon to pay tribute to a Pennsylvanian who passed away this past week, Al Boscov.

Al was known not only in Pennsylvania, but beyond, as the owner of Boscov's Department Stores, a very, very successful retail department store chain. I rise not just to pay tribute to his life, his work, and his success but, most importantly, what he meant to the people of Pennsylvania—all that he did above and beyond in addition to his great business success.

I want to extend condolences to the Boscov family—to his wife Eunice, their children and grandchildren, and, of course, to the people of Reading and Berks County, and, by extension, our entire Commonwealth because of what Al meant to his community and the larger community in eastern Pennsylvania but also all the way up to my home area of northeastern Pennsylvania.

I live in Scranton. One of his stores was, and still is, in the downtown business district in Scranton. So this is personal to me as well.

Al leaves two generations who will carry on his legacy in so many ways: his three daughters, Ruth, Ellen, and Meg, and his five grandchildren.

Al was born on September 22, 1929. He was the youngest son of Solomon and

Ethel Boscov. He first made a name for himself as an expert flycatcher in his father's neighborhood store at Ninth and Pike. In those days, when he was just learning skills that would help him later in the business world, obviously people could see a great future for this young man.

He was a graduate of Reading Senior High School. He also graduated with a business degree from Drexel University, where he started his first business—a delivery service for hero sandwiches—which would presage a great career in business.

Al received an honorary doctor of humanities degree from Albright College in Reading, a doctor of arts and letters degree from King's College in Wilkes-Barre, PA, and, finally, a doctor of public service from Kutztown University. So three distinguished Pennsylvania universities paid tribute to him by way of a doctorate degree.

He served in the Navy during the Korean war. After service, Al returned home to join the family business and, in 1962, opened Boscov's first full-service department store, Boscov's West, in suburban Reading. Since that time, the Boscov chain has become the largest family-owned department store chain in the Nation, with 45 stores in 7 States, employing some 7,500 coworkers.

Here is what Al said about his store, which shows the attitude he conveyed as a businessperson and a member of the community. When he talked about people visiting his stores, he said:

We like to give people a reason for coming to Boscov's even when they don't want to buy anything. They enjoy themselves and hopefully we make a friend.

What a great attitude for any business leader, especially one who opened his business in the town in which he grew up.

Al's family remains especially proud of his continual efforts to fight prejudice and promote cultural understanding. For example, at times of growing racial tension in Reading years ago, Al used his three Reading stores to present a heritage festival, providing the opportunity for the African-American community to share various aspects of Black culture, whether food, art, writing, or entertainment.

Similarly, Al Boscov presented a Puerto Rican heritage festival in both his Reading and Lebanon stores—Lebanon being in the middle of Pennsylvania—again, bringing together the Hispanic, White, and Black communities with a theme of "Knowing is Understanding." His belief that we all must take time to know each other and to take care of each other remains as one of the most important and, his family hopes, lasting legacies.

As the chairman of Boscov's, Al set new standards for successful retailing, community involvement, and civic duty. He founded and led the nonprofit

Our City Reading, Inc., to assist Reading in restoring abandoned homes and to bring about a resurgence in downtown Reading. Under his leadership, more than 600 families had the opportunity to own and live in a new home. He led the efforts to equip a senior citizens center in downtown Reading. The Horizon Center provides seniors with hot meals and activities. I could go on and on, but I will not this afternoon.

It is clear from his life that he was very successful. It is also clear from his life that he gave and gave, not only to his home community of Reading, but well beyond. I know from my own personal experience what he did for northeastern Pennsylvania, for Lackawanna County, Luzerne County, and a lot of other counties as well.

So we are thinking of Al Boscov today, remembering his generosity, remembering his legacy, and remembering the many contributions he made to the Commonwealth of Pennsylvania.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following leader remarks on Wednesday, February 15, there be 10 minutes of debate remaining, equally divided, on H.J. Res. 40; that the resolution be read a third time, and the Senate vote on passage of the joint resolution without intervening action or debate; further, that following disposition of H.J. Res. 40, there be 10 minutes of debate, equally divided, prior to a vote on the motion to invoke cloture on Executive Calendar 16, MICK MULVANEY to be the Director of the Office of Management and Budget, and if cloture is invoked, time be counted as if invoked at 1 a.m. that day.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, there will be no more votes this evening. We will have two votes tomorrow morning.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise to engage in a colloquy with my colleague the senior Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, I think a little background will be helpful. The Social Security Administration has promulgated a rule regarding when its employees should be sending names to be added to the NICS system. The NICS system is the system by which a person, when they are added to it, may not legally possess a firearm.

The rule has been finalized, but it has not yet gone into effect. It is scheduled to go into effect on December 19 this year. I wish to say, I think the rule has the right intention. Under Federal

statute, the NICS Improvement Amendments Act of 2007 stipulates that every quarter each Federal agency must send to the Attorney General any information it has showing that any person is disqualified from possessing a gun.

Each agency also has the responsibility to correct or update any information it sends to the Attorney General. There is no question the Social Security Administration has a duty to send information to the NICS system.

The purpose of the rule is to send to NICS the names of individuals who are dangerously mentally ill and thus are not legally entitled to a firearm. There are some protections that are provided in this rule. For instance, under the rule promulgated by the Social Security Administration, a third party cannot get a gun owner declared mentally ill without the gun owner's knowledge or consent. Under this rule, the individual has to file a disability claim for himself or herself.

The rule provides some mechanisms for individuals to challenge their inclusion in the NICS system if they wish to do so. There is serious disagreement and confusion about some other very important aspects of this rule.

For instance, I have heard from advocates for people with disabilities. They are very concerned that the list of mental illnesses, for instance, is too expansive and might very well sweep in people who have mental health issues but are not at all dangerous to themselves or to others.

These advocates for people with disabilities have also expressed the concern that the rule doesn't require that a medical professional actually be involved in the determination of whether a person is dangerously mentally ill.

These disability rights advocates raise the concern that an agency bureaucrat without any medical expertise could potentially add someone to the NICS system without a doctor being involved and without that person being in any way dangerous.

These advocates also argue that there is not a sufficient process for individuals who are wrongly denied their Second Amendment rights. For instance, under the rule, it appears it could take years for an individual to adjudicate this question if there was a case of mistaken identity or they were deemed to have a mental health issue that they challenged. It could take years for them to resolve. All that time they would be disqualified from owning a firearm. Even if that individual prevailed and it turned out that the Social Security Administration had mistakenly put them in the NICS system, their legal fees would still have to be incurred by the individual, despite the fact that they had no responsibility for this.

I agree something ought to be done in this area, but I am not fully con-

fident this rule gets it exactly right. My preferred outcome here, my ideal, would be for the Social Security Administration to produce a new rule—one that takes into account these legitimate concerns that have been raised, especially by people in the disability rights community. I would look forward to working with the Social Security Administration, and I could very well support such a rule, and I would support such a rule if they addressed these things properly.

I would further say that we have time to do this. As I mentioned earlier, while the rule has been finalized, it has not yet gone into effect. It doesn't go into effect until December 19 of this year. We have over 10 months to reconsider and get this right.

Some have suggested, wait a minute, we will never have a chance to redo this if we pass the Congressional Review Act, which repeals this rule because it will preclude the Social Security Administration from promulgating a new version of the rule.

People say that because the Congressional Review Act states that if we enact this resolution of disapproval "a new rule that is substantially the same as such a rule may not be issued."

It is my opinion that a new rule issued by the Social Security Administration that addresses appropriately the concerns I mentioned would certainly not be substantially the same as the current rule. It would be a very different rule. Since it would not be substantially the same, it would be permissible under the Congressional Review Act for the Social Security Administration to correct these flaws and come up with a new rule.

I want to ask the senior Senator from Texas, the majority whip and a member of the Senate Judiciary Committee, is it your opinion that if subsequent to passage of the Congressional Review Act with respect to this rule, if the Social Security Administration promulgated a new rule that met the standards I have set forth, that in that case, the new rule would not be substantially the same as the current rule and therefore would not be precluded by passage of the Congressional Review Act; is that the opinion of the Senator from Texas?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I agree with my friend and colleague from Pennsylvania. If the Social Security Administration were to amend the rule to include the front-end due process and a finding of dangerous mental illness, that would be a fundamentally different rule that is not substantially similar.

Under the current rule, merely filing for a disability benefit on the grounds of a condition, for example, like anxiety can trigger a permanent deprivation of constitutional rights without

any physician or adjudicative body finding the person is dangerously mentally ill.

I certainly agree with the concerns raised by my friend and our colleague from Pennsylvania that the rule he is describing would not be substantially similar to the rule currently in effect and that would be no bar to the Social Security Administration writing a substitute rule in accordance with the views he has expressed.

There may still be a few differences between us in terms of what exactly the rule would be, but there is no distance between us in terms of the conclusion that a replacement rule that provides for due process would not be substantially similar and would not be barred under the Congressional Review Act.

Mr. TOOMEY. I thank the Senator from Texas for joining me in this discussion. We certainly share the view about the possibility of a future different rule, and I look forward to working with the Senator from Texas as well as people at the Social Security Administration to achieve that.

Mr. President, I yield the floor.

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUBIO). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUSSIAN ATROCITIES IN ALEPPO

Mr. LEAHY. Mr. President, we have heard a lot about President Trump's admiration of Russian President Vladimir Putin, whom most objective observers regard as a murderous thug and a kleptocrat. As we consider the President's statements lauding Putin for being a "strong leader" and his silence about the imprisonment and assassinations of Putin's critics and Russia's invasion of Ukraine, annexation of Crimea, and atrocities in Syria, I am reminded of the remarks delivered on December 13 by Samantha Power, former Permanent Representative to the United Nations, at the U.N. Security Council.

Ambassador Power delivered a passionate appeal to the Security Council to take action to protect civilians

under assault in Aleppo, including to hold in contempt the governments of Syria, Russia, and Iran for their war crimes in Syria. Her remarks stand as a stark contrast to what we are hearing from the White House today. This is a time to condemn Vladimir Putin's aggressions against the people of Russia, of Ukraine, and of Syria—not to regard him as an example of a leader to emulate.

It is also a time for Republicans to stand up for our own democracy, after the Russian Government, at Putin's direction, actively sought to sway the outcome of the U.S. Presidential election. The unanimous conclusion of U.S. intelligence agencies is that Putin, a former KGB agent, ordered a cyber attack on our electoral system in favor of Donald Trump. Russia's goals "were to undermine public faith in the U.S. democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency." Yet the White House and Republican leaders in Congress have been silent, apparently unconcerned about a foreign assault on our electoral system, refusing to even support an independent investigation. Imagine what they would be saying if their candidate had lost. They would be demanding a new election and trying to shut down the government.

I ask unanimous consent that Ambassador Power's remarks be printed in the RECORD to serve as a reminder of the scale of the humanitarian disaster in Syria perpetrated by Bashar al-Assad and Vladimir Putin and our moral obligation to pursue accountability for those responsible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Remarks at a UN Security Council Emergency Briefing on Syria
Ambassador Samantha Power
U.S. Permanent Representative to the United Nations
U.S. Mission to the United Nations
New York City
December 13, 2016

AS DELIVERED

Thank you. Here is what is happening right now in eastern Aleppo. Syrians trapped by the fighting are sending out their final appeals for help, or they are saying their good-byes. A doctor named Mohammad Abu Rajab left a voice message: "This is a final distress call to the world. Save the lives of these children and women and old men. Save them. Nobody is left. You might not hear our voice after this." A photographer named Ameen Al-Halabi wrote on Facebook: "I am waiting to die or be captured by the Assad regime. Pray for me and always remember us." A teacher named Abdulkafi Al-Hamdo said: "I can tweet now but I might not do it forever. Please save my daughter's life and others. This is a call from a father." Another doctor told a journalist: "Remember that there was a city called Aleppo that the world erased from the map and history."

This is what is happening in eastern Aleppo. This is what is being done by Member States of the United Nations who are sitting

around this horseshoe table today. This is what is being done to the people of eastern Aleppo, to fathers, and mothers, and sons, and daughters, brothers, and sisters like each of us here.

It is extremely hard to get information, of course, out of the small area still held by the opposition. You will hear this as an alibi as a way of papering over what video testimony, phone calls, and others are bringing us live. You will hear this invoked—that it is hard to verify. It is deliberate. The Assad regime and Russia backed by Iran using militia on the ground have done everything they can to cut off the city. So you will hear, "well, we don't really know, maybe it's made up"—but they are hiding what is happening from the world. It would be easy for independent investigators to get in along with food, health workers, and others; but instead, the perpetrators are hiding their brutal assault from the world willfully. But consider the accounts that have made it out—so many of them—first responders describing children's voices from beneath the rubble of collapsed buildings. There are no first responders or equipment left to dig them out, and no doctors left to treat them. Bodies lying in the streets of eastern Aleppo, but no one dares collect them, for fear of getting bombed or shot to death in the process. Up to a hundred children are reportedly trapped right now, in a building under heavy fire. Terrorists. Clearly—young children—they must be terrorists because everybody being executed, everybody being barrel bombed, everybody who's been chlorine attacked, you're going to be told they are all terrorists—every last one of them, even the infants.

The regime of Bashar Al-Assad, Russia, Iran, and their affiliated militia are the ones responsible for what the UN called "a complete meltdown of humanity." And they are showing no mercy:

No mercy despite their territorial conquests—even now, no mercy. In the last 24 hours alone, pro-Assad forces reportedly killed at least 82 civilians, including 11 women and 13 children.

These forces are reportedly entering homes and executing civilians on the spot, as we have heard. And according to the Office for the High Commissioner for Human Rights, foreign militias like Iraqi Harakat Al-Nujaba organization are involved in these killings. Where civilians are able to run the gauntlet and make it across the frontlines, Syrian intelligence agencies are pulling people aside and sending them away, perhaps to be gang-pressed to the front lines, likely to the same prisons where we know the Assad regime tortures and executes those in its custody.

In light of these reports, we join others, especially the Secretary-General, in one of his final appeals, reiterating our call to the Assad regime and Russia to stop their assault on Aleppo, to protect civilians. We call on Russia and Assad to allow impartial, international observers into the city to oversee the safe evacuation of the people who wish to leave, but who justifiably fear that if they try, they will be shot in the street or carted off to one of Assad's gulags.

The Assad regime and Russia appear dead set on seizing every last square inch of Aleppo by force, no matter how many innocent bodies pile up in their wake. But we keep insisting on answering the UN call for access, for safe and orderly evacuation, because we are not willing to accept that innocent men, women, and children can be butchered simply because they happen to live in a conflict

area. Our shared humanity and security demands that certain rules of war hold, the most basic. And it is up to each and every one of us here to defend those rules.

To the Assad regime, Russia, and Iran—three Member States behind the conquest of and carnage in Aleppo—you bear responsibility for these atrocities. By rejecting UN-ICRC evacuation efforts, you are signaling to those militia who are massacring innocents to keep doing what they are doing. Denying or obfuscating the facts—as you will do today—saying up is down, black is white, will not absolve you. When one day there is a full accounting of the horrors committed in this assault of Aleppo—and that day will come, sooner or later—you will not be able to say you did not know what was happening. You will not be able to say you were not involved. We all know what is happening. And we all know you are involved.

Aleppo will join the ranks of those events in world history that define modern evil, that stain our conscience decades later. Halabja, Rwanda, Srebrenica, and, now, Aleppo. To the Assad regime, Russia, and Iran, your forces and proxies are carrying out these crimes. Your barrel bombs and mortars and airstrikes have allowed the militia in Aleppo to encircle tens of thousands of civilians in your ever-tightening noose. It is your noose. Three Member States of the UN contributing to a noose around civilians. It should shame you. Instead, by all appearances, it is emboldening you. You are plotting your next assault. Are you truly incapable of shame? Is there literally nothing that can shame you? Is there no act of barbarism against civilians, no execution of a child that gets under your skin, that just creeps you out a little bit? Is there nothing you will not lie about or justify?

To the members of this Council, and all Member States of the United Nations: Know that the ghastly tactics we are witnessing in Aleppo will not stop if the city falls. The regime and its Russian allies will only be emboldened to replicate their starve-and-surrender-and-slaughter tactics elsewhere. This will be their model for attempting to retake cities and towns across Syria.

It will not end with Aleppo. And it will not focus on terrorists. It never has, and there is no evidence that it will.

This is why it is so essential that each of us right here—no matter how small a country you are, no matter what your view of sovereignty, if you share our view that terrorism is one of the singular causes on earth worth fighting, it doesn't matter—you have a responsibility to denounce these atrocities. We have just heard the Secretary-General state it plainly. You have to tell those responsible that they must stop. This isn't the time for more equivocation, for self-censoring, for avoiding naming names, for diplomatic niceties of the kind that are so well-practiced here on the Council. Say who is responsible. Appeal to Moscow, to Damascus, to Tehran, that they have to stop. Use every channel you have—public, private, bankshot, through someone who knows someone. The lives of tens of thousands of Syrians still in eastern Aleppo—between 30,000–60,000 people—and hundreds of thousands more across the country who are besieged, depend on it.

I thank you.

COMMITTEE ON ARMED SERVICES

RULES OF PROCEDURE

Mr. MCCAIN. Mr. President, the rules governing the procedure of the Com-

mittee on Armed Services have not changed for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator REED, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE, 115TH CONGRESS

1. **REGULAR MEETING DAY**—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. **ADDITIONAL MEETINGS**—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. **SPECIAL MEETINGS**—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. **OPEN MEETINGS**—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. **PRESIDING OFFICER**—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. **QUORUM**—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. **PROXY VOTING**—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. **ANNOUNCEMENT OF VOTES**—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. **SUBPOENAS**—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. **HEARINGS**—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking

Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. NOMINATIONS—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. REAL PROPERTY TRANSACTIONS—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than \$50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. LEGISLATIVE CALENDAR—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. POWERS AND DUTIES OF SUBCOMMITTEES—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RECOGNIZING NEW JERSEY'S POLICE AND FIRST RESPONDERS

Mr. BOOKER. Mr. President, today I wish to recognize and pay tribute to New Jersey's heroic police officers and first responders. Their quick and decisive actions over one tense weekend this past September helped to apprehend a suspect in three bombings in New Jersey and New York, a potential terrorist attack on American soil in which one of the three bombings alone injured 31 people in Manhattan.

As they do every day, these police officers, firefighters, and first responders worked swiftly and efficiently to protect our communities from further harm. Their courage, spirit of service, and commitment to protecting our communities ultimately helped to apprehend an individual who, according to the Federal Bureau of Investigation, was an admirer of Osama bin Laden and Anwar al Awlaki.

I greatly appreciate the efforts of the Linden, NJ, police officers who apprehended the suspect following a shootout between the suspect and law enforcement. Authorities located the suspect in Linden after a collective manhunt was organized by officers from Manhattan, Elizabeth, Linden, and communities along the Jersey Shore. A trial is now pending.

I am grateful for the close coordination of New York and New Jersey law enforcement at the municipal, county, State, and Federal levels. Everyone worked together and shared actionable intelligence in real time, which ultimately led to the capture of a suspect before more bombings could occur. This critical sharing of information, paired with the swift action of law enforcement, played a key role in preventing further casualties.

We owe a great debt of gratitude to the first responders who risk their lives each and every day for the safety of our communities. Our police officers and first responders represent the best of who we are as a nation, and we, as citizens, have an enduring responsibility to support them. As President Obama said during the hunt for the perpetrator of these bombings, "We all have a role to play as citizens in making sure we don't succumb to that fear. And there's no better example of that than the people of New York and New Jersey."

These American heroes answered our call when we needed them the most, and we stand together as a grateful nation in expressing our undying gratitude. Thank you.

ADDITIONAL STATEMENTS

REMEMBERING MICHAEL "MIKE" ILITCH

• Mr. PETERS. Mr. President, today I wish to remember Michael "Mike" Ilitch of Detroit, MI, founder of Little Caesars Pizza and owner of the Detroit Tigers and Detroit Red Wings. Sadly, Mr. Ilitch passed away last week at the age of 87. Mr. Ilitch was enthusiastic about sports, passionate about the city of Detroit, and dedicated to his family.

Mr. Ilitch was born in Detroit, MI, on July 20, 1929, to Macedonian immigrants, Sotir and Sultana. After graduating from Cooley High School, Mr. Ilitch served 4 years in the U.S. Marine Corps before returning to Detroit to play minor league baseball for the Tigers. Following a knee injury, Mr. Ilitch worked as a door-to-door salesperson, selling awnings, pots, and pans, in order to save enough money to start his own business.

In 1959, Mr. Ilitch and his wife, Marian, opened their first pizza store in the Detroit suburb of Garden City: Little Caesars Pizza. While Mr. Ilitch initially named the pizzeria Pizza Treat, his wife Marian convinced him to change it to Little Caesar, her nickname for him. Over four decades, Mr. Ilitch expanded the business to approximately 4,000 stores across North America and parts of Europe. The chain became well-known for its commercial tagline, "Pizza! Pizza!"

As Little Caesars grew to be one of the largest carryout pizza chains in the United States, Mr. Ilitch purchased the Detroit Red Wings hockey team in 1982, recognizing the great potential of a then failing team. By stocking the team with promising college players, Mr. Ilitch revitalized the Red Wings. Under Mr. Ilitch, the Red Wings won four Stanley Cup titles in 1997, 1998, 2002, and 2008, which led him to be inducted into the Hockey Hall of Fame in 2003, as well as the U.S. Hockey Hall of Fame in 2004.

In 1992, Mr. Ilitch acquired the Detroit Tigers baseball team—the same team that contracted him in the minor leagues. The Tigers reached the World Series twice under Mr. Ilitch's stewardship in 2006 and 2012.

An icon and pillar of the community, Mr. Ilitch never lost faith in the resurgence of the city of Detroit and the resilience of the people he loved so much. During the city's most challenging times, he poured his heart and passion into Detroit's renaissance. Mr. Ilitch played an active role in the community, supporting local organizations

and residents. In 1987, Mr. Ilitch and his wife bought and restored the historic Fox Theater, rejuvenating the entertainment scene in downtown Detroit. He privately assisted civil rights activist, Rosa Parks, paying her rent when she moved into the Riverfront Apartments in 1994. In 2007, the U.S. Department of Veterans Affairs awarded Mr. Ilitch with the Secretary's Award for the "Little Caesars Veteran Program," which provided business opportunities to nobly discharged war veterans.

As an entrepreneur, leader, and kind-hearted family man, Mr. Ilitch will be greatly missed across Michigan as he touched the lives of many people throughout the State. Mr. Ilitch is survived by his wife of 63 years, Marian; 7 children, Denise, Ron, Michael, Jr., Lisa, Atanas, Christopher, and Carole; 22 grandchildren; and 3 great-grandchildren.

I cannot express enough the impact Mr. Mike Ilitch had on the city of Detroit and the State of Michigan. He was truly a treasure to our community and an example of the American Dream. His passion, dedication, and leadership will be missed. However, I am confident his legacy will continue to inspire others to take action to strengthen the city of Detroit, the community he served with his whole heart.●

TRIBUTE TO CRADDOCK MORRIS

● Mr. SCOTT. Mr. President, today, I would like to honor and thank Mr. Craddock Morris of St. Matthews, SC for 87 years of valuable reporting in Calhoun County. The Calhoun Times, a small weekly paper in our great state, has decided to cease publication after a truly amazing run of nearly nine decades of providing town residents with community news.

The Times was created by Craddock Morris's father in 1929. John Bunyan Morris, Sr., a 1950 graduate of The Citadel, ran it until his retirement in 1956, when Craddock took over. Although this local newspaper, based in St. Matthews, will no longer be published, I am sure the Morris family's legacy of good work will remain with residents all over Calhoun County.

I would like to recognize Mr. Craddock Morris, and his son Edwin C. Morris who joined the Times after serving in the Armed Forces, and their families for 87 years of delivering essential news to the people of Calhoun County.●

MESSAGE FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 244. An act to encourage effective, voluntary investments to recruit, employ,

and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes.

H.R. 512. An act to amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.

H.R. 609. An act to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the "Abie Abraham VA Clinic".

H.R. 974. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans.

The message further announced that pursuant to section 931(c) of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198), and the order of the House of January 3, 2017, the Speaker appoints the following individuals on the part of the House of Representatives to the Creating Options for Veterans' Expedited Recovery Commission: Captain John M. Rose, United States Navy, Retired, Kenosha, Wisconsin and Lieutenant Colonel Jamil S. Khan, United States Marine Corps, Retired, Janesville, Wisconsin.

The message also announced that pursuant to 20 U.S.C. 2103(b), and the order of the House of January 3, 2017, the Speaker appoints the following individual to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House of Representatives for a term of 6 years: Ms. Patricia A. Atkinson of Carson City, Nevada.

The message further announced that pursuant to section 553(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), and the order of the House of January 3, 2017, the Speaker appoints the following individual on the part of the House of Representatives to the National Commission on Military, National and Public Service: Mr. Thomas Kilgannon of Centreville, Virginia.

The message also announced that pursuant to section 3(b) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202), and the order of the House of January 3, 2017, the Speaker appoints the following individuals on the part of the House of Representatives to the Medal of Valor Review Board for a term of 4 years: Mr. Brandon Clabes of Choctaw, Oklahoma and Mr. Brian Murphy of Milwaukee, Wisconsin.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended, and the order of the House of January 3, 2017, the Speaker appoints the following individuals on the part of the House of Representatives to the United States-China Economic and Security Review

Commission for a term expiring on December 31, 2018: Mr. Larry Wortzel of Williamsburg, Virginia and Mr. Robert Glenn Hubbard of New York, New York.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 244. An act to encourage effective, voluntary investments to recruit, employ, and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 512. An act to amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 609. An act to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the "Abie Abraham VA Clinic"; to the Committee on Veterans' Affairs.

H.R. 974. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nominations beginning with Jeremy D. Karlin and ending with Irahim A. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2017.

Navy nomination of Mathew M. Lewis, to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. TILLIS, and Mr. MANCHIN): S. 367. A bill to amend section 3606 of title 18, United States Code, to grant probation

officers authority to arrest hostile third parties who obstruct or impede a probation officer in the performance of official duties; to the Committee on the Judiciary.

By Mr. FLAKE:

S. 368. A bill to require the Director of the United States Fish and Wildlife Service to issue a scientifically valid and State-supported recovery plan for the Mexican gray wolf; to the Committee on Environment and Public Works.

By Ms. BALDWIN (for herself and Mr. TILLIS):

S. 369. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRUZ (for himself, Mr. LEE, Mr. PAUL, Mr. INHOFE, and Mr. ROUNDS):

S. 370. A bill to eliminate the Bureau of Consumer Financial Protection by repealing title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act, commonly known as the Consumer Financial Protection Act of 2010; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORKER:

S. 371. A bill to make technical changes and other improvements to the Department of State Authorities Act, Fiscal Year 2017; to the Committee on Foreign Relations.

By Mr. PORTMAN (for himself, Ms. KLOBUCHAR, Mr. RUBIO, and Ms. HASSAN):

S. 372. A bill to amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 373. A bill to require the Secretary of Defense to submit to Congress a report on hearing loss, tinnitus, and noise pollution due to small arms fire; to the Committee on Armed Services.

By Mr. BLUNT (for himself and Mr. NELSON):

S. 374. A bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. CRAPO, Mr. FLAKE, Mr. ROBERTS, and Mr. WICKER):

S. 375. A bill to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. CRUZ, Mr. CRAPO, Mr. DAINES, Mr. FLAKE, and Mr. ROBERTS):

S. 376. A bill to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. KAINE, and Mr. GARDNER):

S. 377. A bill to amend the Trafficking Victims Protection Act of 2000 to clarify report dates, modify the criteria for determinations

of whether countries are meeting the minimum standards for elimination of trafficking, and highlight the importance of concrete actions by countries to eliminate trafficking, and for other purposes; to the Committee on Foreign Relations.

By Mr. BARRASSO (for himself, Mr. GRASSLEY, Mr. FLAKE, Mr. RISCH, and Mr. ENZI):

S. 378. A bill to amend titles 5 and 28, United States Code, to require the maintenance of databases on awards of fees and other expenses to prevailing parties in certain administrative proceedings and court cases to which the United States is a party, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 94

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 94, a bill to impose sanctions in response to cyber intrusions by the Government of the Russian Federation and other aggressive activities of the Russian Federation, and for other purposes.

S. 203

At the request of Mr. BURR, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 234

At the request of Mr. DONNELLY, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 234, a bill to provide incentives for businesses to keep jobs in America.

S. 242

At the request of Mr. CASSIDY, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 242, a bill to amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.

S. 243

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 243, a bill to provide for a permanent extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals.

S. 247

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 247, a bill to provide an incentive for

businesses to bring jobs back to America.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 253

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. COONS), the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 253, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 266

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 268

At the request of Mr. YOUNG, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 268, a bill to provide the legal framework necessary for the growth of innovative private financing options for students to fund postsecondary education, and for other purposes.

S. 272

At the request of Mr. SCHATZ, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 301

At the request of Mr. LANKFORD, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 301, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

S. 324

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S.J. RES. 8

At the request of Mr. UDALL, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S.J. Res. 8, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. CRAPO, Mr. FLAKE, Mr. ROBERTS, and Mr. WICKER):

S. 375. A bill to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 375

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

SECTION 1. DEFINITIONS.

Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(1) by redesignating—

(A) paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) paragraphs (5) through (10) as paragraphs (7) through (12), respectively; and

(C) paragraphs (12) through (21) as paragraphs (13) through (22), respectively;

(2) by adding before paragraph (2) (as so redesignated) the following:

“(1) AFFECTED PARTIES.—The term ‘affected party’ means any person, including a business entity, or any State, tribal government, or local subdivision the rights of which may be affected by a determination made under section 4(a) in a suit brought under section 11(g)(1)(C).”; and

(3) by adding after paragraph (5) (as so redesignated) the following:

“(6) COVERED SETTLEMENT.—The term ‘covered settlement’ means a consent decree or a settlement agreement in an action brought under section 11(g)(1)(C).”.

SEC. 2. INTERVENTION; APPROVAL OF COVERED SETTLEMENT.

Section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540) is amended—

(1) in paragraph (3), by adding at the end the following:

“(C) PUBLISHING COMPLAINT; INTERVENTION.—

“(i) PUBLISHING COMPLAINT.—

“(I) IN GENERAL.—Not later than 30 days after the date on which the plaintiff serves

the defendant with the complaint in an action brought under paragraph (1)(C) in accordance with Rule 4 of the Federal Rules of Civil Procedure, the Secretary of the Interior shall publish the complaint in a readily accessible manner, including electronically.

“(II) FAILURE TO MEET DEADLINE.—The failure of the Secretary to meet the 30-day deadline described in subclause (I) shall not be the basis for an action under paragraph (1)(C).

“(ii) INTERVENTION.—

“(I) IN GENERAL.—After the end of the 30-day period described in clause (i), each affected party shall be given a reasonable opportunity to move to intervene in the action described in clause (i), until the end of which a party may not file a motion for a consent decree or to dismiss the case pursuant to a settlement agreement.

“(II) REBUTTABLE PRESUMPTION.—In considering a motion to intervene by any affected party, the court shall presume, subject to rebuttal, that the interests of that party would not be represented adequately by the parties to the action described in clause (i).

“(III) REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION.—

“(aa) IN GENERAL.—If the court grants a motion to intervene in the action, the court shall refer the action to facilitate settlement discussions to—

“(AA) the mediation program of the court; or

“(BB) a magistrate judge.

“(bb) PARTIES INCLUDED IN SETTLEMENT DISCUSSIONS.—The settlement discussions described in item (aa) shall include each—

“(AA) plaintiff;

“(BB) defendant agency; and

“(CC) intervenor.”;

(2) by striking paragraph (4) and inserting the following:

“(4) LITIGATION COSTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the court, in issuing any final order in any suit brought under paragraph (1), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

“(B) COVERED SETTLEMENT.—

“(i) CONSENT DECREES.—The court shall not award costs of litigation in any proposed covered settlement that is a consent decree.

“(ii) OTHER COVERED SETTLEMENTS.—

“(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement does not include payment to any plaintiff for the costs of litigation.

“(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) if the covered settlement includes payment to any plaintiff for the costs of litigation.”; and

(3) by adding at the end the following:

“(6) APPROVAL OF COVERED SETTLEMENT.—

“(A) DEFINITION OF SPECIES.—In this paragraph, the term ‘species’ means a species that is the subject of an action brought under paragraph (1)(C).

“(B) IN GENERAL.—

“(i) CONSENT DECREES.—The court shall not approve a proposed covered settlement that is a consent decree unless each State and county in which the Secretary of the Interior believes a species occurs approves the covered settlement.

“(ii) OTHER COVERED SETTLEMENTS.—

“(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settle-

ment is approved by each State and county in which the Secretary of the Interior believes a species occurs.

“(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) unless the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

“(C) NOTICE.—

“(i) IN GENERAL.—The Secretary of the Interior shall provide each State and county in which the Secretary of the Interior believes a species occurs notice of a proposed covered settlement.

“(ii) DETERMINATION OF RELEVANT STATES AND COUNTIES.—The defendant in a covered settlement shall consult with each State described in clause (i) to determine each county in which the Secretary of the Interior believes a species occurs.

“(D) FAILURE TO RESPOND.—The court may approve a covered settlement or grant a motion described in subparagraph (B)(i)(II) if, not later than 45 days after the date on which a State or county is notified under subparagraph (C)—

“(i)(I) a State or county fails to respond; and

“(II) of the States or counties that respond, each State or county approves the covered settlement; or

“(ii) all of the States and counties fail to respond.

“(E) PROOF OF APPROVAL.—The defendant in a covered settlement shall prove any State or county approval described in this paragraph in a form—

“(i) acceptable to the State or county, as applicable; and

“(ii) signed by the State or county official authorized to approve the covered settlement.”.

By Mr. CORNYN (for himself, Mr. CRUZ, Mr. CRAPO, Mr. DAINES, Mr. FLAKE, and Mr. ROBERTS):

S. 376. A bill to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 376

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “21st Century Endangered Species Transparency Act”.

SEC. 2. REQUIREMENT TO PUBLISH ON INTERNET BASIS FOR LISTINGS.

Section 4(b) of the Endangered Species Act (16 U.S.C. 1533(b)) is amended by adding at the end the following:

“(9) PUBLICATION ON INTERNET OF BASIS FOR LISTINGS.—The Secretary shall make publicly available on the Internet the best scientific and commercial data available that are the basis for each regulation, including each proposed regulation, promulgated under subsection (a)(1), except that, at the request of a Governor or legislature of a State, the

Secretary shall not make available under this paragraph information regarding which the State has determined public disclosure is prohibited by a law of that State relating to the protection of personal information.”

AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have four requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 14, 2017, at 9:30 a.m.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on February 14, 2017, at 10 a.m., in order to conduct a hearing entitled “The Semiannual Monetary Policy Report to Congress.”

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, February 14, 2017, from 2 p.m. to 3:30 p.m., in room SH-219 of the Senate Hart Office Building.

SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 14, 2017, at 2:30 p.m.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that floor privileges be granted this Congress for Darren Dodd, a detailee from the U.S.

Secret Service, and Saleela Salahuddin, a detailee from the Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMOTING WOMEN IN ENTREPRENEURSHIP ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 5, H.R. 255.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 255) to authorize the National Science Foundation to support entrepreneurial programs for women.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 255) was ordered to a third reading, was read the third time, and passed.

INSPIRE WOMEN ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 6, H.R. 321.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 321) to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. McCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 321) was passed.

Mr. McCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 15, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, February 15; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.J. Res. 40, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:59 p.m., adjourned until Wednesday, February 15, 2017, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 14, 2017:

SMALL BUSINESS ADMINISTRATION

LINDA E. MCMAHON, OF CONNECTICUT, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

HOUSE OF REPRESENTATIVES—Tuesday, February 14, 2017

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 14, 2017.

I hereby appoint the Honorable CHARLES J. FLEISCHMANN to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

HONORING THE BOY SCOUTS ON 107 YEARS

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to celebrate the 107th birthday of an organization near and dear to my heart: the Boy Scouts of America.

On May 17, 1977, I became an Eagle Scout myself as a member of Boy Scout Troop 52, Walker Township, Pennsylvania. Over the years, I have proudly held various leadership roles with Boy Scout troops in Pennsylvania, including two separate stints as scoutmaster of Troop 353 in Howard.

One of my greatest honors was to witness 29 young men achieve the rank of Eagle Scout during my time as scoutmaster. The Boy Scouts of America is the largest Scouting organization in the United States, one of the largest youth organizations in the world. It boasts more than 2.4 million youth participants and more than 1 million adult volunteers.

Mr. Speaker, at its core, Scouting encourages that we leave this world a lit-

tle bit better than how we found it. This value-based youth development organization provides programs for young people that build character, trains them in the responsibilities of participating citizenship, and develops personal fitness, personal self-reliance.

The Boy Scouts of America has helped build future leaders by combining educational activities and lifelong values with fun. The Boy Scouts of America believes—and, through over a century of experience, knows—that helping youth is a key to building a more conscientious, responsible, and productive society.

Scouting focuses on moral character development, citizenship training, and development of physical, mental, and emotional fitness. Scouting promotes serving others every day in ways big and small. These values are something all of us can respect and admire. Family involvement is an essential part of the program, and parents are encouraged to play an active role in making the most of the short time they have to impact the lives of their children.

Scouting is designed to be experienced outdoors. Hiking, camping, mountain biking, skateboarding, BMX, mountain climbing, kayaking, white-water rafting—these are just some of a Scout's outdoor experiences.

The Scouting program is delivered through local civic, faith-based, and educational institutions called charter organizations, which operate Scouting units to deliver the programs to their youth members as well as the community at large. These organizations are dedicated to helping youth learn and grow, and I have enthusiastically been involved in Scouting for decades.

Boy Scouts offer more than 130 merit badges, from archery and art to welding and wilderness survival. Scouting is the ultimate form of learning by doing. Boy Scouts explore their interests and improve their skills while working towards Scouting's highest rank: Eagle. By first imaging, planning, then doing their own service projects, Boy Scouts learn the value of hard work and experience the thrill of seeing it pay off. Add in outdoor adventures, hiking, and camping, and Scouting gives boys all the experiences they need to become fine men.

The Venturing program, which is a co-ed division of the Boy Scouts, is geared towards men and women, ages 14 to 20. Venturing's motto "Lead the Adventure" is truly geared towards the pursuit of adventure: exploring new places with friends and accomplishing

challenges together. There are currently 158,000 Venturers and 58,000 adult volunteers with the Venturing program in the United States.

Mr. Speaker, I cannot be more proud of this organization and the way it helps shape young lives. Happy birthday, Boy Scouts of America. Thank you for the wisdom that you have imparted in millions of Americans.

CELEBRATING NATIONAL COURT REPORTING AND CAPTIONING WEEK

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

Mr. KIND. Mr. Speaker, I rise today in recognition of National Court Reporting and Captioning Week and in appreciation of court reporters across the country.

Court reporters play a critical role in our communities. They are the guardians of our public record. They have unique skills translating the spoken word into text to be recorded for history. They preserve judicial proceedings and assist individuals who are deaf and hard of hearing.

I have seen firsthand the dedication and professionalism shown by court reporters from my time as a special prosecutor in Wisconsin and, more importantly, from my wife Tawni, who has been a court reporter in western Wisconsin for nearly 25 years. I wish her a happy Valentine's Day today.

In addition to the critical role court reporters play in the courtroom, the National Court Reporters Association and its members have made significant contributions to the success of the Veterans History Project. The Veterans History Project, which was created by legislation that I authored, is the largest oral history collection in the world, having collected over 100,000 stories from our Nation's veterans. Their stories are permanently stored at the Library of Congress and are available to the public.

Shortly after the Veterans History Project was launched in 2000, my wife Tawni encouraged court reporters across the country to partner with the Library of Congress to assist in transcribing veterans' stories; and to date, court reporters have submitted over 4,000 oral history transcripts to the Library of Congress. Not only have court reporters been willing to work with the Library of Congress to transcribe stories that had already been submitted, but many court reporters have personally gone and interviewed veterans in their local communities.

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

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

For example, last August, at the court reporters' national convention, the National Court Reporters Foundation celebrated Purple Heart Day by interviewing eight Purple Heart recipients for the Veterans History Project. Additionally, the National Court Reporters Foundation recently launched a new program called the Hard-of-Hearing Heroes Project, where veterans with profound hearing loss will be interviewed for the Veterans History Project through the use of realtime captioning.

This is important because, according to the VA, hearing loss is one of the most common service-related injuries, and it is estimated that 60 percent of our veterans returning from Iraq and Afghanistan suffer some form of hearing loss. The program will help ensure every veteran has a chance to share his or her story.

As we celebrate National Court Reporting and Captioning Week, I want to thank the National Court Reporters Association and its many members throughout the country for their hard work and professionalism. I especially want to thank the court reporters for their significant contributions to the Veterans History Project and to preserving veterans' stories for generations to come.

VENEZUELA SANCTIONS

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

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday the new administration, including Treasury Department's Office of Foreign Assets Control, OFAC, took decisive action to hold Venezuelan regime officials accountable for their illicit activity.

The announcement was that two Venezuelan nationals were labeled as "specially designated narcotics traffickers" pursuant to the Kingpin Act, including Venezuela's second in command, the Vice President of Venezuela, and his front man, Lopez Bello. It also identified 13 companies owned or controlled by these individuals or other designated parties that pose a serious threat to U.S. national security as well as the U.S. and global financial systems. These designations were long overdue, Mr. Speaker, and represent a significant first step in what appears to be a positive, fundamental shift in our policy toward Venezuela.

Just yesterday, my colleague MARIO DIAZ-BALART and I met with Vice President PENCE to discuss Venezuela and how Congress and the administration can work together to craft a positive agenda to help the people in Latin America suffering without democracy or human rights.

Last week, Senator BOB MENENDEZ of New Jersey and I led a bipartisan and

bicameral letter—together with 32 of our congressional colleagues—to the President urging his administration to take immediate action against the Maduro regime for his illicit activity and for its gross human rights abuses. While this round of sanctions target the illegal drug activities of these officials, this is just the tip of the corruption iceberg in Venezuela, Mr. Speaker.

In fact, Venezuela's so-called Executive Vice President has facilitated drug shipments, has protected drug traffickers in Venezuela, and has alleged links with the U.S.-designated foreign terrorist organization and Iranian proxy, Hezbollah. According to OFAC, the Office of Foreign Assets Control, the second individual also sanctioned is Lopez Bello, who laundered drug proceeds and generated significant profits as a result of illegal activities.

Holy Toledo.

While these announced sanctions were a critical first step, it pales in comparison to the dire humanitarian situation that Maduro and his cronies have created for the people of Venezuela. Mr. Speaker, Venezuela has been on a downward spiral for years, and there have been bipartisan calls from Congress to take action in support of the Venezuelan people.

Maduro's failed economic policies have the country with the highest inflation rate in the world leaving his people without food, without basic necessities, without medical supplies. In most areas, hospitals and groceries have shut down due to lack of supplies, and the people of Venezuela are forced to ransack what is left of these hospitals and stores for the basic survival of their families.

How does the regime react when they see the suffering of their own citizens? They are lining their own pockets at the expense and the suffering of the Venezuelan people. An AP report showed that senior-level officials like Generals Rodolfo Marco Torres and Carlos Osorio are allegedly orchestrating fraudulent schemes with suspected shell companies to personally profit, instead of bringing food to the people.

Opposition leaders like Leopoldo Lopez and Antonio Ledesma are still in jail or under house arrest. Leaders like Maria Corina Machado of the National Congress is still not allowed to travel outside her country. This is unacceptable, Mr. Speaker. Their so-called crimes: speaking out against the Maduro regime and standing up for democratic principles.

The regime stifles all who stand for democracy and freedom in Venezuela. The opposition is vilified, is persecuted, and is arrested on false charges. We must show Venezuelans that their fight is not in vain, that their actions are seen, and that their cries are heard.

Next on the sanctions list should be the judges and officers of these kan-

garoo courts in Venezuela who are behind this unwarranted incarceration and are responsible for the injustices and human rights violations.

Mr. Speaker, this is what America is all about. We stand firmly by our values, firmly in our ideals, and we promote and defend them, and we try to have other parts of the world be enlightened in this way.

Hope is dwindling quickly in Venezuela. As human rights violations multiply, now is the time to hold Venezuelan regime officials accountable, and we urge all responsible nations to join us in this struggle.

□ 1015

LET THE PEOPLE DECIDE

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

Mr. POCAN. Mr. Speaker, if you would have asked me when I first got elected to Congress, would I ever expect to be in a position, months after a Presidential election, about whether or not the integrity of that election was at stake, I would have said "of course not."

Our democracy's strength is that any adult has an equal say in it through their vote; that the wealthiest or the poorest, the youngest or the oldest adult, regardless of their gender, race, religion, or sexual orientation, we all have an equal say in our democracy via our vote; which is why the vote is so important. It is the great equalizer and it gives us confidence in our government, that whoever the people select to be President should be the force of the majority.

But the concern I am speaking about today is the concern that somehow the election this past November might have been interfered with by another government.

Now, I know we have all heard about the intelligence community's classified report regarding Russian hacking and interference in our elections. I have read it and so have many of my colleagues. And, allegedly, President Trump has read the document as well.

My concern is that we seem to have different interpretations of a document that is very clear about unprecedented outside interference. For those of us who have read it, shock. Shock that another country would be so cavalier in their approach to interfere with an election, to manipulate the truth, to go farther than we have ever seen in trying to get the outcome they wanted and ultimately got.

There is no secret that President Trump has an unnerving affection for Russian President Vladimir Putin. Trump has called Putin "very smart." He claimed Putin was a better leader than Barack Obama. And Trump even defended Putin in a recent interview with a FOX News talk show host.

The connections to Russia and his Cabinet are equally unnerving. Secretary of State Rex Tillerson had numerous business dealings with Russia, and was even recognized by Putin with the Order of Friendship in 2013.

But it doesn't stop there. Just last week, U.S. investigators confirmed that parts of the 35-page intelligence dossier, compiled by a former British spy, were accurate. The dossier contained still unconfirmed details of an all-too-cozy relationship between Russian President Vladimir Putin and the Trump Cabinet.

Just yesterday, President Trump's own National Security Adviser, Michael Flynn, resigned after being busted for having potentially illegal conversations with the Russian Government regarding lifting sanctions on the country prior to President Trump taking office; conversations he had previously misled to the FBI and the Vice President.

Who else knew about Flynn, and when did they know about it?

Now, I don't bring this up as an effort to get back into a Cold War with Russia, as some seem to condone. I am disgusted by the Russian Government's scapegoating of the LGBT community and their authoritarian approach to civic affairs. I think getting back into a Cold War would be a terrible idea, and there are some areas around the globe where we could welcome cooperation to solve humanitarian crises.

My concern lies in that the Russian Government did something, hacking and interfering in our elections with the intent of electing their choice for President, Donald Trump. That must be addressed through sanctions and safeguards to make sure it never happens again.

If anyone in the executive branch is suggesting lifting any sanctions after what just happened, there needs to be a public dialogue about why, because if they read the same report that I did, there is no way that would be the appropriate response.

But given President Trump's unwillingness to accept the reality of the Russian interference in our election, given the closeness of several leading members of the President's Cabinet to Russia, and given the recent resignation of our National Security Adviser over his dealings with Russia, I feel it is imperative that the American people get all the facts.

Should we be lifting sanctions against a country our intelligence community tells us intentionally, and in multiple ways, tried to interfere with our elections and, ultimately, get the person they wanted elected? Or should we be doing even more to guarantee the sovereignty of our country and the integrity of our elections in every possible way?

Currently, the House and Senate Intelligence Committees are inves-

tigating Russian interference with our elections, and I applaud them for taking the issue so seriously. Personally, I would love to see an outside, non-partisan, independent review as well.

However, we need to take this right to the people. The classified report about election interference by the Russians could, in my opinion, with appropriate protections, be declassified so that the American people could see it for themselves.

Mr. President, I request you ask for that report to be fully declassified. If your administration's assertions are correct, let the American people see it. Let the truth come out.

But my guess is, when they see the totality of the report, there will be a lot of explaining for this administration to do, both about our response to Russia and how we protect our elections in the future.

It is really that simple. Let the people decide. Declassify the report.

HONORING BROOKHAVEN NATIONAL LABORATORY ON ITS 70TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ZELDIN) for 5 minutes.

Mr. ZELDIN. Mr. Speaker, I rise today to honor Brookhaven National Laboratory on its 70th anniversary.

The United States is the greatest Nation in the world, and one of the reasons why is Brookhaven National Laboratory. Their science research is aggressively pursuing cures to illnesses, protecting our national security, and increasing our energy independence.

Imagine being able to witness a recreation of the very beginning of our universe, a replica of the primordial soup which once comprised all that had existed right before your very eyes. Also imagine that this very same equipment could be used to find cures to illnesses such as cancer and heart disease.

I am proud that Brookhaven National Laboratory is located in the greatest congressional district in America, the First Congressional District of New York.

For nearly three-quarters of a century, Brookhaven has stood as a world-class research center that conducts groundbreaking studies within the scientific community. Brookhaven asks the big questions that scientists have been researching for generations, and has allowed us to look into the building blocks of our world.

Between preservation of our ecosystem, studies on the environment, and researching new forms of sustainable energy, Brookhaven is a world leader in scientific research.

There is also incredible cultural and historical relevance of the site of Brookhaven National Laboratory. There was once a World War I Army

training center called Camp Upton located where Brookhaven stands today. It was at this camp that Irving Berlin wrote "God Bless America" while serving in the U.S. Army.

Brookhaven is not only a local and regional treasure, but also a national asset. The machines in Brookhaven have been utilized by the most brilliant minds in America, from the scientists of MIT and Yale to the engineers at GE and IBM.

While there are 17 national labs across our great country, Brookhaven is a unique user facility which focuses in a number of disciplines, not limited to particle physics, chemical engineering, and systems engineering and integration.

In previous Congresses, critical funding has been provided in support of the ARPA-E program for several of Brookhaven's phenomenal projects on energy production and storage, and so much more.

There has been discussion in the past to cut funding for Brookhaven's nuclear physics program to levels that haven't been seen since 2008. This would be a mistake.

Brookhaven features some of the most important scientific efforts in the world, with assets like the National Synchrotron Light Source II, or NSLS-II. NSLS-II has allowed for incredible advancement in the research and development of super conductors, which have the potential to revolutionize energy consumption in the U.S. and save into the billions for the American people and American businesses.

Another program in need of our continued support is the Relativistic Heavy Ion Collider, or RHIC. This multi-faceted machine is essential for studies on matter and has key practical applications, like figuring out how to best protect our homeland using detector technology.

There is also the Brookhaven Linac Isotope Producer, or BLIP, which has been recently upgraded to advance the field of medical science. This upgrade allows BLIP to better diagnose and treat illnesses, including heart disease and many forms of cancer, such as leukemia and melanoma.

With Congress' continued support, there is limitless potential for needed discovery and advancement.

I thank the Speaker for allowing me to discuss this amazing national treasure. I also thank Doon Gibbs, who is the lab director, for his outstanding leadership at this facility.

It is a privilege to stand here on the floor of the U.S. House of Representatives to speak on behalf of America's great scientists and their vital work.

Congratulations again to Brookhaven National Laboratory on 70 years of groundbreaking, innovative research.

And to everyone at home, Happy Valentine's Day.

HONORING THE LIFE OF JOE WILLIAMS

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

Mr. COSTA. Mr. Speaker, I rise today to honor the life of a loving family man, a great friend, a veteran, a civil rights leader, and former Fresno City Council member, Joe Williams.

Joe passed away last week at the age of 79. He was a loving husband, father, and grandfather. He dedicated much of his life to public service.

No matter whether you were a good friend or you hardly knew Joe, he had a way of making everyone feel important and special.

In 1968, he started a 26-year career at the Fresno Economic Opportunities Commission. After 2 years of serving as the director of the Fresno County Head Start, Joe was promoted to serve as the executive director for Fresno EOC. During his tenure at the Fresno EOC, he established 35 new programs, with a budget starting at \$1.8 million, growing it to \$37 million.

With the help of over 670 employees in the Fresno EOC, he was able to implement so many important programs, such as the Women, Infants, and Children program, otherwise known as WIC; opened the first rural health clinic in Fresno County; and started Meals on Wheels programs for seniors.

But he didn't stop there. Joe was a doer. He created a sanctuary program for homeless youth, which was established and later named in his honor upon Joe's retirement. Under his leadership, the Fresno EOC became a model for similar programs around the Nation, one of the truly outstanding leaders in terms of community action agencies in the country. Joe made that happen.

In 1977, he became the first African American elected to the Fresno City Council. He served two terms and was always an advocate for what was best for the entire city. He said: You know, you've got to feel it in your gut; and if it's there, you do it.

He was a civil rights leader in our San Joaquin Valley and throughout the State and the Nation, encouraging others to do the right thing.

My thoughts and prayers are with Joe's wife, Laura; their children, Michael and his wife, Sonya, Winston, and Terri; his brother, George; his grandchildren, great-grandchildren, and numerous nieces and nephews.

My colleagues, I ask you to join me in paying tribute to the life and times of Joe Williams. He will be remembered in a selfless way in which he lived his life, always looking to help those in the community who needed help.

As Emerson once said: "To have a friend is first to be a friend."

Thank you, Joe, for being my friend and being the friend of our community. I join his family in honoring his life

and love and service to our country, and he will be greatly missed.

FLOODING CONDITIONS IN CALIFORNIA

Mr. COSTA. Mr. Speaker, I rise to speak about the flood conditions in California. It is either feast or famine. We either had the last 6 years of some of the driest conditions we have experienced in over 1,000 or, in the last 2 months, record rain and snow in the mountains and, thus, floods that we are experiencing.

This last weekend I joined on an official tour of Merced County with Sheriff Warnke. In Le Grand, this weekend we had 25 homes in my district that were evacuated.

I commend the collaboration between the Merced County officials, the California Office of Emergency Services, and FEMA for rightly declaring a state of emergency for the flooding that is happening and may continue with new storms coming.

My thoughts are with the people in Butte, and Sutter and Yuba Counties. The emergency spillway that could be compromised at Oroville Dam is something that we are all concerned about; 200,000 people, as we know, have been evacuated from their homes.

That is why I joined Congressman GARAMENDI and my colleagues in sending a letter to President Trump requesting, as the government has asked, a Major Disaster Declaration under the Stafford Act. A Major Disaster Declaration will provide greater collaboration among local, State, and Federal governments, and will provide immediate resources where they are most needed.

Additionally, we must invest in California's infrastructure needs. Its water infrastructure needs to fix a broken water system. The President has proposed a significant massive infrastructure program, \$1 trillion. That could be used not only in California, but throughout the entire country.

We need additional water storage in order to prevent devastating flood conditions as we are having now, and also to store that water so we can have it during the dry conditions. So two things go hand in hand.

There are another series of storms expected later this week, and we still have about 2 months left of our winter season. Therefore, we need all hands on deck. We are using every tool available to reduce the potential flood and damage and accidents that are there, but we must invest to fix this broken water system.

The President's proposal will allow us to provide additional surface storage supply to not only protect against flooding, but also to store that water so that when we have the dry periods in California, we can use that water for our crops and for the people who need it the most.

□ 1030

HISTORIC BRISTOL BOROUGH, PENNSYLVANIA

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to speak about Bristol Borough, Pennsylvania, a picturesque town in my district situated along the Delaware River midway between Philadelphia and New York. Since 1824, Bristol Borough has embraced the motto "Welcome Friend" after a sign greeted Marquis de Lafayette on his "Farewell Tour of America." Bristol Borough continues to welcome newcomers to an incredibly caring community of residents and leaders pushing the town into the future.

Bristol Borough's history closely parallels the economic, commercial, and industrial history of the United States. In the late 1960s, U.S. Steel Corporation closed their facilities just up the road, and thousands of employees lost their jobs. In turn, downtown Bristol Borough lost an incredible amount of traffic. But what the people did not lose was their passionate desire to improve their town, restoring its former glory with an eye to an even brighter future.

Mr. Speaker, the people of Bristol Borough are tough, resilient, and they have grit. Small-business owners in downtown Bristol are revitalizing their town, and they have been noticed. As a finalist in the nationwide Small Business Revolution, Bristol Borough shines a spotlight on the vital impact small businesses have on our economy, our communities, and our daily lives.

As a member of the House Committee on Small Business, I pledge my commitment to pursue policies that protect and foster these small businesses and that make Bucks County truly a great place to live.

OPIOID EPIDEMIC

Mr. FITZPATRICK. Mr. Speaker, heroin and prescription opioid abuse are devastating communities across our Nation. From Levittown to Lower Salford, no part of my district is left unaffected by this epidemic. Last year in Bucks County, opioid-related deaths rose by 50 percent. In Montgomery County, opioid overdoses claimed a staggering 240 lives.

Mr. Speaker, every fatality represents a family crushed by the overwhelming loss of a loved one. As lawmakers, we have the responsibility to act. Passage of the Comprehensive Addiction and Recovery Act and the 21st Century Cures Act were monumental first steps in countering the opioid crisis, but we must continue to press the issue from all sides, from the trafficking of narcotics across our border to preventing the overprescribing of painkillers.

Congress alone cannot solve this problem. We must be ready and willing to work with State and local leaders, law enforcement, healthcare professionals, and educators in our districts. We are all stakeholders in this challenge. Together, we can eradicate this epidemic, we can protect our families, and we can free our communities from this menace.

AFFORDABLE CARE ACT

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

Mr. HECK. Mr. Speaker, it may be Valentine's Day, but I rise today to share a story of a Christmas miracle.

Now, this is little Gracie, and she was born on Christmas Day in 2015. Unfortunately, not too long after she was born, she was diagnosed with a respiratory virus. It is a very bad thing for little people because they have little lungs and little respiratory airways. Frankly, it can be extremely dangerous.

To make matters worse, she was snowed in at the hospital where she was born. She had to spend 5 days at the NICU before they could transport her to a children's hospital. When she finally did arrive at Seattle Children's Hospital, she had pneumonia, E. coli, and a collapsed lung. But, fortunately, little Gracie is a fighter, as was her medical team, and she made a complete and full recovery.

With coverage through Medicaid, her parents were able to focus on her care and her future. The financial stress of hospital bills that come with intensive care, a cardiac catheter, a life flight, and numerous medications was daunting, but it was not devastating.

Gracie's story is just one example of the difference Medicaid expansion through the ACA has made for millions of children throughout our Nation.

Mr. Speaker, when I am home, I hear these stories all day long about how the ACA has made a real difference in the lives of people. The ACA in my State expanded coverage to more than 750,000 people. In fact, this January, we hit record enrollment of 225,000 sign-ups. That is a 13 percent jump from last year.

The ACA is working for many people across America; but let's be honest: we have also heard the other stories from people who aren't seeing these gains. Instead, they are seeing higher premiums and increased medical costs in general, with little improvement in coverage. Those are legitimate concerns that Congress needs to address.

But whenever Congress makes major changes, such as Social Security or Medicare, or enacts big ideas, there will always be unexpected results in parts of the program that don't function as anticipated or designed. Our job is to follow up, see what works, and

adapt accordingly going forward. Even the best laws are going to require some adjustment.

Let's do that. Let's do it the smart way, the American way, and work together to fix the parts of the ACA that need fixing while maintaining that which works. Repeal and replace is not the answer. It is not the answer. Working together to fix it is the answer.

As we continue—or begin—to work together, I hope we will remember Gracie and know that health care is not a miracle. Health care is the result of hardworking doctors, nurses, and healthcare professionals and a financially viable healthcare system and our actions here to support that in Congress.

We all come here for lots of reasons: philosophy, values, and ideology. We come here to represent our districts and their major components. I have the privilege to represent Joint Base Lewis-McChord, the largest force projection base on the West Coast, and many thousands of State employees—I have the State capital—who work every day to elevate the human condition of their friends and neighbors. We come here to represent the 672,554 people of our districts.

Mostly, I hope, however, that we come here to represent the Gracies of our districts. What I believe deep in my soul is that, if we will keep Gracie and the Gracies of our district in our hearts and foremost in our minds, if we keep them as our touchstone and our North Star, then America is going to be all right. I plead with you to do just that.

CELEBRATING 100 YEARS OF SAVANNAH'S NAACP

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to celebrate the 100th anniversary of the NAACP's Savannah branch. In July of 1917, James Weldon Johnson, field secretary of the NAACP, established Georgia's first NAACP branch in Savannah with 68 original members.

Similar to other NAACP branches, the Savannah branch pursues political, educational, social, and economic equality of minority groups and citizens. For the last 100 years, Savannah's NAACP branch has fought to eradicate racial hatred and discrimination in the community. Its first meeting of 2017 was held on January 22 at St. Paul Christian Methodist Episcopal Church to install new officers and leadership.

I am proud to recognize today the branch's new officials, including President Al Scott, Vice Presidents W. Richard Shinhoster, Lynette Hymes, Barbara Magwood, Secretary Linda Carter, and Treasurer Joe Lang. I am confident in this leadership's ability to continue to uphold the values of the NAACP and

help Savannah serve as an example to the nearly 75 NAACP branches Georgia has today.

REMEMBERING STETSON BENNETT, JR.

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember a lifelong public servant, Mr. Stetson Bennett, Jr., of Jesup, Georgia, who passed away on Thursday, February 9, 2017, at 87 years old.

Mr. Bennett was born in 1929 to Reverend Stetson Bennett, Sr., and Irene Bennett in Wayne County. He graduated from Jesup High School in 1947, before attending Auburn University. Around this time, he also married his wife, Patsy Jones. They were married for more than 69 years.

Mr. Bennett first entered public service in 1949, as chief deputy clerk. By 1965, he was elected clerk of superior court and served nearly 50 years. Recognized by the Georgia House of Representatives as the longest serving constitutional officer in Georgia, Mr. Bennett has received a number of honors throughout his career.

His dedicated service earned him Clerk of the Year Award in 1985, the highest honor a clerk can receive. Fittingly, the award is now named in honor of Mr. Bennett. Perhaps his proudest achievement was when the citizens of Wayne County officially named the main courtroom the Stetson Bennett, Jr. Courtroom in honor of his years of service to the community he loved.

In addition, he served as the president of the Wayne County Chamber of Commerce, was an active member of the Lions Club, and helped develop Wayne Memorial Hospital as a member of its board.

Mr. Bennett was always proud of where he came from, which was clear from how selflessly he dedicated his life to Wayne County. He truly will be missed.

PRAYERS FOR LEIGH RYAN

Mr. CARTER of Georgia. Mr. Speaker, I rise today to ask for your thoughts and prayers for Mrs. Leigh Ryan, a Tybee Island mother of two who is battling an aggressive form of cancer.

Originally from Roberta, Georgia, Mrs. Ryan settled on Tybee Island 20 years ago to work as a nurse at Memorial University Medical Center. Since arriving on Tybee Island, giving back to the community has been a top priority for Mrs. Ryan, who is a member of Junior League and often works with the homeless in the area.

She was originally diagnosed with breast cancer in the fall of 2015, but through treatment, Mrs. Ryan believed herself to be cancer free. Unfortunately, around Thanksgiving of 2016, doctors told her the cancer was back.

With Mrs. Ryan's twin 8-year-old daughters in mind a close friend began fundraising to help care for Mrs. Ryan's children as she continues her

treatment. The community returned the kindness she showed them and raised more than \$40,000 for Mrs. Ryan in the first week of collecting donations.

It is inspiring to see a community come together to help someone in need, especially someone who has already done so much for the community. Please keep Mrs. Ryan, her daughters, and the generous community of Tybee Island in your thoughts.

REMEMBERING MR. WILMER RANDELL
KICKLIGHTER

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember the life of my dear friend, Mr. Randell Kicklighter, who passed away on Saturday, February 11, at the age of 74.

Randell, as he was known to his family and friends, was an icon in the Garden City, Georgia, community. He spent his life helping others, sharing wisdom, and brightening people's days.

At the age of 18, he met the love of his life, Bessie. Ten months after the couple met, they ran away and married. Randell went on to serve 2 years in the United States Army, making sure to always have Bessie by his side. During this period, the couple spent time in both the U.S. and Germany serving our Nation.

When Randell returned from duty, he decided to go to beauty school and become a hairdresser, which would allow him to work beside Bessie every day. They opened a salon called Randell and Dean's, which quickly gained a reputation around Garden City. Clients would say you could not expect a quick trim because long conversations with Randell were a must. I can attest to this firsthand. You see, Randell kept my hair for over 37 years. Many times it was just he and I together, and he was truly one of my best friends.

However, Randell worked harder than nearly anyone around. He never retired and worked until the last day in his salon. Each day after work, Randell would head to the gym to exercise. Even there, he continued his hard work and long conversations.

In the 1960s, Randell won many power lifting competitions. Then, at the age of 61, he competed and won national bodybuilding competitions. Even at the gym, Randell was talking to people about his children and grandchildren and sharing tips about exercise.

Randell was one of my best friends, and I will miss him, as will everyone who had the honor of knowing him.

OUR CRUMBLING NATIONAL INFRASTRUCTURE

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

Mr. DEFazio. Mr. Speaker, candidate Trump talked a lot about the need to invest \$1 trillion in our crumbling infrastructure, and President

Trump, on Inauguration Day, referenced again the need to invest in our infrastructure. There has been little progress since that point and no major proposals.

Last week, I talked about surface transportation. I am running a clock on the costs to the American economy and the American people of not investing in roads, bridges, highways, and transit. That clock started at noon on the 20th of Inauguration Day, and it is now up to \$11 billion. That is the cost to the American people, to the economy, of not investing.

This week we have seen a dramatic new example in a different area of infrastructure of the costs of not investing: the evacuation of 130,000 people below the Oroville Dam in California. This shouldn't be happening. Federal and State officials warned that the dam didn't meet current safety standards in 2005, yet no investments and no improvements were made.

I wish this were an isolated example. Unfortunately, 96 percent of the dams in America are owned by State, local, and private entities, and many are in need of upgrades or a complete overhaul. Fifty years is the estimated lifetime of a dam. There are 50,000 dams that are past that lifetime, and some of them are safety critical, that is, if they fail, people will die.

□ 1045

The American Society of Civil Engineers gives us a D. They say by 2020, 70 percent of our dams will be over 50 years old. There are 2,000 that are classified as a high hazard today—those whose failure, by definition, or misoperation will probably cause loss of human life.

We need about \$53 billion to repair these dams. That is a lot of money, but think of what a life is worth. Think of the cost of the damage that is caused when these dams fail. Most everybody downstream has Federal flood insurance.

Instead of the Federal Government partnering and working with communities and States to improve these dams and prevent a disaster, until last year, the only program we had was one to mitigate after the disaster. But luckily, we moved forward last year in the Water Resources Development Act with an amendment offered by our colleague Mr. MALONEY that would authorize repair and rehabilitation of non-Federal dams and provide proactive maintenance and repair.

Obviously, it is much more cost-effective than waiting until failure and then mitigate the property loss downstream and declare an emergency to rebuild the dam. We will have the sad loss of life when we don't make those investments.

There are many examples that I could cite. A dam failure in Hawaii killed seven people. It had never been

inspected. It was a 100-year-old dam. In 2 weeks, we will mark the 35th anniversary of the Buffalo Creek Dam failure in West Virginia. It killed 125 people, 1,100 were severely injured, and 4,000 people were homeless. The dam had received safety violations, but there was no follow-up.

So, this is another aspect of infrastructure in America that needs investment. President Trump was pretty much spot on with his estimate of a trillion dollars. If you look at surface transportation—roads, bridges, highways, and transit—if you look at infrastructure for water treatment—think Detroit—or if you look at the thousands of communities that need to upgrade or rebuild their sewer facilities and other aspects of infrastructure, a trillion dollars would just about do it.

If we made those investments, we would put hundreds of thousands of people to work in this country, make America more efficient and more competitive in the world economy. But many of my Republican colleagues on the other side of the aisle think that we shouldn't be making these investments publicly. They classify any kind of spending as a deficit, even if it is a capital investment that will last for a hundred years or a capital investment that will save lives and mitigate losses for the Federal Emergency Management Agency and the National Flood Insurance Program.

It is penny wise and pound foolish not to make these investments. We can and should. We need to move forward and rebuild our country.

BRING HADAR HOME

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

Mr. MAST. Mr. Speaker, I rise today to share the story of Hadar Goldin.

Hadar was born in the Galilee region of Israel in 1991. He was a gifted young man—a happy person with a lively personality. He was an accomplished painter and, I am told, an inspiration to everybody that knew him. He served as a lieutenant in the Givati Brigade of the IDF.

Mr. Speaker, I did not know Hadar personally, but, during my time serving alongside the IDF, I knew so many who were just like him. I met some of the most humble and compassionate people that I have ever known. I chose to serve alongside the IDF because our friends in Israel fight for the same values that we fight to protect in our country: human dignity, freedom, and liberty.

I can tell you from experience that we soldiers often label our uniforms with sentiments that are important to us. Hadar had his rifle belt embroidered with the words "strength and humility." He fought not out of hatred for his enemy but to protect his homeland

and his family. He used the embroidery as a reminder that a soldier has the courage to use his weapon when needed, but even more importantly, has the humility to restrain from its use in the name of peace.

But on August 1, 2014, when Hadar was only 23 years old, he was killed by Hamas terrorists, just 2 hours after a ceasefire had been declared in the Operation Protective Edge war in Gaza. Hamas terrorists maliciously dragged his body away from his home and into an underground tunnel. They stripped and left his clothing and have held his corpse ever since.

Americans are no strangers to the term “missing in action,” as we still have, shamefully, thousands unaccounted for in Southeast Asia. This is a painful and uncertain future that no family deserves. This should never, ever be condoned.

Last week, I had the opportunity to meet with Hadar's family. They are unable to give their son the proper burial because Hamas is holding his body hostage.

Mr. Speaker, we know that Hamas does not value human life. They seek to destroy all that Israel and the United States hold dear. Even the last administration called for the condemning of this action in the strongest possible terms. They called it barbaric. We must now enter into a new chapter—one where we support our Israeli allies and stand side by side with them in the fight for freedom.

This was a ceasefire that Israel entered into at the urging of former Secretary of State John Kerry and the United Nations. They should bear some responsibility for ensuring his body is returned home.

Mr. Speaker, I urge the United Nations to step up for what is right. Show some spine, show some resolve, and stand against Hamas. Do not be a rug that Palestinians trounce across as they shop the United Nations to fulfill their agenda while never being held accountable for their acts of terrorism and their acts against basic human dignity.

I urge the new administration to take the necessary steps to help bring Hadar home and ensure his family can finally give him a proper burial—the kind of burial that every soldier, regardless of their uniform, deserves.

ACA STORY

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

Mr. KEATING. Mr. Speaker, this beautiful child is Charlie.

Charlie is an infant from Westport, Massachusetts. Charlie's dad has a green card and his mom is an American citizen.

Charlie's mom wrote me to share their family's Affordable Care Act

story, an important one, yet, in many respects, not that uncommon.

When Charlie was born, his mother had to postpone her Ph.D. ambitions because she needed a full-time job to support her family. Although she has two master's degrees, she is working over 40 hours per week in a restaurant. That restaurant doesn't offer benefits, so Charlie's mom has to purchase her own health insurance policy for her family. The Affordable Care Act has helped them find the health plan they need at a price they can afford. Charlie's family got covered.

Charlie's mom also wrote me to tell me that, on January 21, she came to Washington and marched with women from around the world because of the fact that all families like hers should have health care, for all children like Charlie who need health care, and because she believes Americans should want all their neighbors to be healthy.

I agree with Charlie's mom. We should all have access to essential healthcare services. This is a family working to make it on their own, not seeking transitional assistance from the government, sacrificing to move their family forward, striving to succeed, to earn the American Dream. The Affordable Care Act provides them this opportunity.

IN RECOGNITION OF MOREHOUSE COLLEGE'S 150TH ANNIVERSARY

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

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to rise today to recognize my alma mater, Morehouse College in Atlanta, Georgia, as it celebrates 150 years of educating, training, and empowering outstanding leaders.

The year-long sesquicentennial celebration began in January 2017, and will include many events for students, faculty, staff, administrators, donors, families, and friends of Morehouse College. The theme of the celebration is “A House United,” which highlights Morehouse's position as a unifying force around the globe and here at home.

Tracing its roots back to the Reconstruction era after the Civil War, Morehouse was founded in 1867, as the Augusta Theological Institute in Augusta, Georgia. The school was founded by Reverend William Jefferson White, with the encouragement of Reverend Richard Coulter and Reverend Edmund Turney. It aimed to prepare Black men for ministry and teaching.

In 1879, the Augusta Theological Institute moved to the basement of the Friendship Baptist Church in Atlanta and was renamed the Atlanta Baptist Seminary. In 1885, the institution relocated to its current site in Atlanta's West End community. The seminary

became a liberal arts college and was subsequently renamed the Atlanta Baptist College.

During these early years in Morehouse's history, the institution expanded its curriculum and established the tradition of educating leaders for all areas of life. In 1913, Atlanta Baptist College was renamed Morehouse College after the corresponding secretary of the Northern Baptist Home Mission Society, Henry L. Morehouse.

Throughout its 150-year history, Morehouse College has made a significant mark on our State, our Nation, and the world. Here, many notable men gained the knowledge and training that enabled them to become some of the greatest influences of our time, including Dr. Martin Luther King, Jr.; noted theologian Dr. Howard Thurman; civil rights leader Julian Bond; filmmaker Shelton “Spike” Lee; Olympic gold medalist Edwin Moses; CEO of the Silicon Valley Community Foundation, Emmitt Carson; and many more.

Morehouse principles often instill a desire for public service to benefit mankind. In the United States Congress, Representative CEDRIC RICHMOND, chairman of the Congressional Black Caucus, as well as many staff members and former Members of Congress, hold degrees from Morehouse.

U.S. Presidents have relied on alumni such as former Secretary of Homeland Security Jeh Johnson, former Secretary of Health and Human Services Dr. Louis Sullivan, former Surgeon General Dr. Daniel Satcher, and former U.S. Ambassador to the United Nations James Nabrit, Jr.

Around the country, State and local governments have been led by alumni such as Maynard H. Jackson, the first African-American mayor of Atlanta, Georgia.

As a 1968 graduate of Morehouse College, this one-of-a-kind institution has a special place in my heart. During my matriculation, I got to know on a personal level the late Dr. Benjamin E. Mays, the most renowned president of Morehouse, who was a mentor to Dr. Martin Luther King, Jr. Through him, I met Dr. King during his life, followed him in protest marches, and sang at his funeral, which was held on the campus and attended by many national and international luminaries.

Today, under the leadership of the 11th president of Morehouse College, Dr. John Silvanus Wilson, Jr., also an alumnus, the school continues to be consistently ranked as one of the top colleges in the Nation and among the highest respected Historically Black Colleges and Universities. As the Nation's largest liberal arts college for men, Morehouse has conferred more bachelor's degrees on Black men than any other institution in the world.

□ 1100

Mr. Speaker, today I ask my colleagues to join me in recognizing Morehouse College for 150 years of preparing young men to aspire to unique and distinctive goals while leading lives of leadership and service. This institution was born out of the death of slavery in America. It guided young Black men through the era of segregation in the South, and it continues to empower marginalized populations against the oppression still prevalent in the world today. It is my hope that the generations of Morehouse Men of today and tomorrow will continue the progress and continue to leave their marks on our Nation and the world.

PRESIDENT TRUMP SHOWS WORLD WHAT A DISASTER LOOKS LIKE

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

Mr. CLYBURN. Mr. Speaker, standing before almost entirely White crowds in North Carolina, Michigan, Virginia, and Ohio, candidate Donald Trump painted a bleak picture of African-American life in 2016, full of crime, high poverty, and failing schools. He went on to say, "It is a disaster the way African Americans are living," and asked, "What the hell do you have to lose?"

In just 3 short weeks, Mr. Speaker, President Trump has shown the world exactly what a disaster looks like. He has put a White supremacist in the White House as his chief political adviser. He has given us an Attorney General who spent the last 30-plus years working against civil and voting rights. He has appointed a shamefully ill-prepared Secretary of Education whose only qualification seems to be her ability to contribute millions to Republican candidates in what can only be described as the textbook definition of pay to play.

Candidate Trump promised to be the hero of working people, but President Trump is doing the exact opposite. His actions tell a lot more than his tweets. His Cabinet is full of millionaires, many with ethical challenges and conflicts of interest. He has already raised the cost of mortgages for many Americans. He is proposing that we abandon the overtime rule that would ensure bigger paychecks for working people. He is working to dismantle Wall Street reform and is proposing a border tax that would give corporations a huge tax break while costing working men and women more on groceries, clothes, and other goods.

The policies of the Trump administration are an extension of the policies that Republicans in the House have pushed for years. To candidate Trump's question what do you have to lose, for starters, your voice at the ballot box.

A free and fair election is the hallmark of democratic governance, yet the Trump administration and Republicans in Congress continue to threaten this basic pillar of democracy. They have promulgated blatant falsehoods about voter fraud, sowing fear and distrust. They have worked and are working across the country to prevent people of color from voting. They are refusing to investigate Russian interference in our elections and are currently moving legislation through the House of Representatives to eliminate the only Federal agency tasked with helping Americans vote and protecting our voting machines from hacking.

As President Trump and his spokespeople continue to make demonstrably false claims about widespread voter fraud and cozying up to the country that attacked our democracy, House Republicans just passed out of committee H.R. 634, legislation to eliminate the only Federal agency tasked with certifying the security of our voting machines, the Election Assistance Commission.

Forty-seven out of fifty States rely on the EAC's voting machine certification program in some capacity. A recent report by the Institute for Critical Infrastructure Technology concluded, "Voting machines are neither secure nor complex. In general, these stripped-down computers utilizing outdated operating systems possess virtually every conceivable vulnerability that a device can have."

In my home State of South Carolina, we currently use voting machines that were rejected by the State of Ohio in 2007 for being "buggy, unstable and exploitable." And even though machines are not supposed to be connected to the internet, they are well past their shelf life and, therefore, more likely to break down, crash, and produce errors. Replacing these outdated machines with updated ones will cost a significant amount of money, and the burden is on the States to do so.

Mr. Speaker, if House Republicans are serious about election integrity, they ought to stop working to prevent people of color and start investing in voting infrastructure.

RECESS

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

Accordingly (at 11 o'clock and 6 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

Loving God, we give You thanks for giving us another day. Our fervent prayer, O God, is that people will learn to live together in reconciliation and respect, so that the terrors of war, and of dictatorial abuse, will be no more.

Guide our hearts and minds, that every person of every place and background might focus on Your great gift of life, and so learn to live in unity.

May Your special blessings be upon the Members of this assembly in the important, sometimes difficult, work they do. Give them wisdom and charity, that they might work together for the common good.

May all that is done this day in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TROTT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PRESIDENT TRUMP'S FIDUCIARY DUTY RULE

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

Mr. WILSON of South Carolina. Mr. Speaker, earlier this month, President Donald Trump released a Presidential memorandum on the fiduciary duty rule, and I am grateful that President Trump has directed the Labor Secretary to thoroughly study this destructive rule.

Under the Obama administration, the Department of Labor released an incomprehensible fiduciary rule that increased the cost of financial planning, reducing retirement advice for American families and destroying jobs.

Families all over America are struggling to save for their retirement, and I applaud the President's swift action to study the harmful effects of this rule. I am confident the study will result in a delay or revision of this ridiculous regulation of 1,023 pages to define a profession.

I will continue to advance legislation calling for a delay of 2 years to give Congress and the administration time to reassess the regulation. I appreciate the positive insight of the National Association of Insurance and Financial Advisers who promoted reforms for hardworking American families saving for retirement, and creating jobs.

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

PRESIDENT TRUMP'S ATTACKS AGAINST THE CITY OF CHICAGO

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

Mr. QUIGLEY. Mr. Speaker, there are few places that encapsulate all our country has to offer more than my home city of Chicago. The strengths of the Nation can be seen in every corner of my district, where we celebrate diversity, passion, and resilience. This includes our immigrant communities, and I am proud to represent one of the most welcoming cities to those seeking a better life in America.

That is why it is ridiculous to hear the President continue his bizarre barrage of attacks against our great city with his newest and most misguided claim yet, that elevated gun violence in Chicago stems from undocumented immigrants. Not only do his comments do nothing to address the gun violence problem in Chicago, but they are just plain wrong.

Like most major cities, we struggle with violence and encourage constructive assistance. But studies have shown that immigration has no effect on crime rates. In fact, researchers have found immigrants generally have the strongest incentives to avoid activity that will put them in contact with the criminal justice system.

The President should stop attacking the most vulnerable members of our society and, instead, look for pragmatic, commonsense policies to support comprehensive immigration reform and gun violence prevention.

HONORING THE LIFE OF MIKE ILITCH

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

Mr. TROTT. Mr. Speaker, I rise today to recognize the passing of a great American, Mike Ilitch.

Born to Macedonian immigrants on the west side of Detroit, Mike Ilitch be-

came one of the most successful businessmen in the history of our country. From humble beginnings, he built one of the largest food, sports, and entertainment empires of our time. He personified the American Dream, a constant reminder that anyone from anywhere who is willing to work hard and dream big can enjoy the opportunities in America.

However, he was more than an icon. He was a pillar of our community. During our city's most challenging times, he never turned his back. When so many others gave up on Detroit, he never lost faith in the resilience of the city and the people he loved so much.

All of us who have enjoyed "pizza-pizza," or Redwings hockey, or Tiger baseball, or the Fox Theatre know of Mike Ilitch's success. But what we will miss most is Mr. Ilitch's kindness, generosity, and compassion for others.

BIOMETRIC SCANNING AT THE NORTHERN BORDER

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

Mr. HIGGINS of New York. Mr. Speaker, I rise today to express concern about the President's executive order wherein he supports the use of biometric scanning at all northern border crossings, including the crossing between the United States and Canada at Buffalo.

The President's biometric scanning plan would effectively shut down the Peace Bridge, which is the busiest northern border crossing for passenger vehicles, and second for commercial vehicles, thus stopping the movement of traffic and trade, and creating a wall-like effect between the United States and Canadian relations.

Canada is not our enemy. We are friends and trading partners. In my Buffalo district, we border Southern Ontario, the most populated province of all of Canada; and the Peace Bridge moves \$30 billion in commerce, representing \$230 billion in economic activity, and 1 million jobs.

The biometric scan plan for the northern border is unworkable and an unnecessary barrier between friendship and trade.

HONORING THE LIFE OF ED MOORE

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

Mrs. WALORSKI. Mr. Speaker, I rise today to honor the life of Ed Moore, who was truly a pillar of our community in northern Indiana.

In 1979, Ed founded the Christian radio station, WFRN, which has been a beacon of faith and joy to its family of listeners for nearly 4 decades. I have

had the privilege of visiting the WFRN studio many times over the past 5, 6 years. Each time, I saw Ed's passion for serving the Lord and helping listeners strengthen their faith. WFRN has had such a positive impact on so many lives, and Ed's legacy is that it will continue to do so.

In announcing Ed's passing, his family noted they were saddened, yet rejoicing, because Ed is with the Lord.

Mr. Speaker, I join Ed's children, Doug, Steve, and Rachelle, his 11 grandchildren, and the entire WFRN family in mourning Ed's passing, celebrating his life, and rejoicing that today he is with the Lord.

HOUSE REPUBLICANS REFUSE TO INVESTIGATE THE SWAMP

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

Mr. JEFFRIES. Mr. Speaker, the House of Representatives is a separate and coequal branch of government. And yet, House Republicans refuse to investigate the swamp of corruption that is percolating at 1600 Pennsylvania Avenue.

Michael Flynn has resigned in disgrace. And yet, the Trump administration has jeopardized our national security by continuing to play footsie with Vladimir Putin and the Russians. House Republicans have done nothing.

It is impossible to figure out where the Trump family business ends and the White House begins, yet House Republicans have done nothing.

Seventeen different intelligence agencies have concluded that the Russians interfered in the election to help Donald Trump, yet House Republicans have done nothing.

It is time for House Republicans to investigate this White House and stop acting like puppets of the Trump administration. The American people deserve answers. What exactly did Donald Trump know, and when did he know it?

VOTE AGAINST EXECUTIVE OVERREACH

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

Mr. MARCHANT. Mr. Speaker, at the 11th hour, the Obama administration's Labor Department issued a rule that stonewalled bipartisan changes to the unemployment insurance program. These changes were made so that tax dollars would be used in a more efficient and more effective manner.

It has been 5 years since Congress passed legislation giving the States the discretion on drug-testing policy for unemployment applicants. Using delay tactics, the previous administration prevented that law from ever being implemented as designed.

This kind of executive overreach impedes the ability of States to ensure that the unemployment insurance program accomplishes its intended purpose, and that is to promote reemployment.

In Texas, we take the job of fiscal responsibility very seriously. This week, Congress is responding to that overreach by the previous administration. We hope that Congress will take that responsibility very seriously. I urge my colleagues to vote against the executive overreach and to vote for H.J. Res. 42.

INVESTING IN A WORKING GOVERNMENT

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

Mr. KRISHNAMOORTHY. Mr. Speaker, recent executive actions have resulted in confusion, demonstrations, and late-night court rulings. Many executive orders have been announced with little notice, and the American people have had to wait hours afterwards to see the text.

Federal agencies have also been blindsided by these orders. The Secretary of Homeland Security found out about the President's immigration orders through cable news. In some cases, the President himself has been uncertain of what his executive orders contain.

Sir, we need transparency today. Congress has a responsibility to eliminate this confusion and make sure that executive actions are clear and transparent to all Americans.

That is why I am introducing the Executive Order Transparency Act. This one-page bill requires that all executive orders be posted on the White House website 72 hours before each is signed. This simple bill is an investment in a working government, and I urge all my colleagues to join me.

THE MILITARY NEEDS MORE ENLISTED MEN AND WOMEN NOT MORE OFFICERS

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

Mr. DUNCAN of Tennessee. Mr. Speaker, in Scott Berg's biography on Woodrow Wilson, it says that, in World War I, we had one officer for every 30 enlisted men.

President Eisenhower once said we had too many officers when we had one officer for every nine enlisted. Now we have one officer for every 4½ to 5 enlisted. We are almost overrun with retired admirals and generals. This is very expensive.

President Trump wants to greatly expand the numbers in our Armed Forces.

If we do, what we need is more enlisted men and women, not more officers.

I started in the Army as enlisted and left as a captain, but we simply can't afford as many officers as we have today. We now have 475,000 retired officers drawing military pensions and 1,500,000 enlisted retirees. These two million military retirees, and those near retirement, should be demanding more fiscal conservatism by the Pentagon, or, in the very near future, we will not be able to pay our military pensions with money that will buy very much.

REAUTHORIZATION OF THE ELECTION ASSISTANCE COMMISSION

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

Mr. CLYBURN. Mr. Speaker, I am proud to cosponsor H.R. 794, which will reauthorize the Election Assistance Commission until 2022, provide payments to the States to upgrade the security of voter registration databases, and require an assessment of each State's voting systems.

Foreign hackers targeted the voter registration databases in more than 20 States in 2016. Candidate Trump encouraged hackers to target his opponent. He won the election and continues to cozy up to Russia.

And now, House Republicans are moving to eliminate the EAC, a key force in combating foreign cybersecurity attacks against our democracy.

"What do you have to lose?" candidate Trump asked. Try free and fair elections, Mr. Speaker.

I urge my Republic colleagues to put country before party and stand up for American democracy. Stop trying to suppress minority voters. Support an independent commission to investigate Russian meddling in our election.

RECOGNIZING THE 150TH BIRTHDAY OF LITTLE RIVER COUNTY, ARKANSAS

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

Mr. WESTERMAN. Mr. Speaker, I rise today to recognize a milestone for Little River County, Arkansas. On March 5, the county will celebrate its 150th birthday.

According to the Encyclopedia of Arkansas, Little River County came into existence following an act of the Arkansas General Assembly, officially separating from Hempstead and Sevier Counties in 1867.

During its century and a half, the citizens of Little River County have shown resilience and innovation as they weathered the Great Depression, sent its men to fight in World War II,

and grew the local economy in the years since. In recent years, Little River County has withstood severe flooding, but they have come back strong and resilient.

Little River County is blessed with natural resources, including forestry, agriculture, and minerals that all provide the inputs for manufacturing jobs that play a big role in the local economy, and will continue to do so in Little River's next 150 years.

I am proud to call Little River County part of the Fourth Congressional District, and I congratulate its citizens on 150 years of progress.

□ 1215

RESIGNATION OF MICHAEL FLYNN

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

Mr. DEUTCH. Mr. Speaker, Michael Flynn's resignation does not close the book on the administration's coziness with Russia. It confirms the urgent need for a bipartisan investigation of Russia's ties to the Trump administration and its ongoing influence. It confirms the urgent need for the President to release his tax returns so the American people can see any business ties that the President has to Russia.

We need a full, independent inquiry into not just the actions of Michael Flynn in one conversation with the Vice President, but the ongoing connections between the administration and Russia, because the one thing we know for sure is it doesn't stop there. President Trump's fawning praise of Putin and the previous resignation of other aides over their Russian ties made it clear that this is a problem that goes beyond General Flynn.

What we have learned over the past 24 hours is that colluding with a foreign government or lying to the Vice President and others is not what brought Flynn down. It seems that it was only the disclosure of those lies that made it untenable for Flynn to remain. The White House was apparently okay with everything until the American people found out.

We need to find out what else the White House and President Trump don't want us to know about their connection to the foreign power that interfered with our election, and we need to start today.

IT IS THE MEDIA'S CHOICE

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

Mr. SMITH of Texas. Mr. Speaker, the liberal national media have two choices.

First, they can continue their dislike—some would call it hatred—of

President Trump that results in severely slanted coverage. This is the road to self-destruction. The media's credibility has hit a record low, and the American people soon will stop looking to them for news.

Or, second, the liberal national media can start covering President Trump objectively. This means not portraying his actions in the worst possible light but sometimes giving President Trump the benefit of the doubt. It means giving his side of the story. It means, most of all, recognizing that President Trump represents the legitimate hopes and fears of millions of Americans.

If the liberal national media continue to treat President Trump unlike they would a Democrat, the public will grow tired of the double standard.

The American people have an innate sense of fairness, which the media should not ignore. For their own sake and for the sake of our democracy, the media should change their ways.

REPEAL WITHOUT REPLACEMENT WOULD BE DEVASTATING

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

Mr. KILDEE. Mr. Speaker, Republicans are moving ahead with the repeal of ObamaCare—but years later, after all the talk, they still have no replacement. Six weeks into control of this Congress and of this government—all branches—there is no plan.

From today's Politico, it reads: "House conservatives . . . are plotting a major push to repeal the law immediately without simultaneously approving an alternative."

The consequences of Republican repeal without replacement are devastating: 30 million Americans would lose health coverage. People could be kicked off their coverage. They would not be allowed coverage if they have a preexisting condition. Young people could be kicked off their parents' plans.

In recent weeks, Republicans have been bombarded with messages from their constituents sending a clear message that the Affordable Care Act repeal would be devastating to their family. It would be devastating to real people like Jia Ireland, my constituent, who, before ACA, had no health insurance. Because of Medicaid expansion, she and 600,000 other Michiganders have coverage.

We cannot lose access to health care in this country. We ought not do that.

PRESIDENT TRUMP MUST RE- LEASE HIS INCOME TAX RE- TURNS

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

Mr. COHEN. Mr. Speaker, I had a town hall in Memphis on Saturday. We had over 1,000 people there, and over 10,000 people live streamed on Facebook. Many were concerned about Russia's influence with this administration.

Something smells. It would be like a vegan going and talking about how much they were supporting the Beef and Dairy Council, or that Chick-fil-A cow going up and saying: Eat more chicken.

There is something else to it. There is an ulterior motive.

This President's love affair with Russia, his constant support for Russia and Putin—one of the most villainous leaders on the face of this Earth—spells a problem. We need to get to the bottom of it, and one way we will find out is through his taxes.

Mr. Speaker, I urge the President to release his income taxes to the American people. It is so important to us having confidence in his administration and to our government's ability to withstand an evil power, as Ronald Reagan called them.

PROVIDING FOR CONSIDERATION OF H.J. RES. 66, DISAPPROVING RULE SUBMITTED BY DEPART- MENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY STATES FOR NON-GOVERN- MENTAL EMPLOYEES, AND PRO- VIDING FOR CONSIDERATION OF H.J. RES. 67, DISAPPROVING RULE SUBMITTED BY DEPART- MENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY QUALIFIED STATE POLITICAL SUBDIVISIONS FOR NON-GOVERN- MENTAL EMPLOYEES

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 116 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 116

Resolved, That upon adoption of this resolution it shall be in order to consider in the House any joint resolution specified in section 2 of this resolution. All points of order against consideration of each such joint resolution are waived. Each such joint resolution shall be considered as read. All points of order against provisions in each such joint resolution are waived. The previous question shall be considered as ordered on each such joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 2. The joint resolutions referred to in the first section of this resolution are as follows:

(a) The joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees.

(b) The joint resolution (H.J. Res. 67) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 116 provides for consideration of two joint resolutions designed to protect working families by blocking harmful regulations through the Congressional Review Act process.

In 1974, Congress passed and President Gerald Ford signed the Employee Retirement Income Security Act, or ERISA. This legislation, which has broad and bipartisan support, sets standards for employer-provided retirement plans to protect the workers of the United States of America. This regulatory framework for employer-provided retirement plans has been largely successful at helping working families save for retirement over the last 40 years.

Unfortunately, in the waning days of his administration, President Obama put forward regulations to uproot this system that has worked for decades. The Obama administration's rules would pave the way for government-run IRAs—for bureaucrat-run IRAs—managed by States and certain municipalities. Employees in several States would be forced to automatically enroll in these government- and bureaucrat-run IRAs that are not subject to the important protections established by ERISA.

In other words, in the waning days of the Obama administration, they sought to take back from workers the protections that were given to them when ERISA was passed 40 years ago. Let me say that again. Workers' ERISA protections will be out the window for those people in these government- and bureaucrat-run plans.

These regulations remove important protections for American workers as they relate to their retirement plans. American consumers would be directly hurt by this regulation were it to go forward.

Just as bad, workers would have less control over their retirement savings.

Withdrawals or roll-over investments to a private-sector account could be restricted and even penalized.

These regulations would create disincentives for small businesses to offer their retirement plans and invest in their employees' retirement, resulting in fewer options for workers. Instead, smaller employers will likely simply shift their employees on to these government- and bureaucrat-run plans.

These regulations could also create a confusing patchwork of rules that vary State to State or, even worse, city to city. This confusion would directly hurt the consumer.

Another concern with pushing people on to government- and bureaucrat-run retirement plans is that taxpayers would end up footing the bill. We have seen how poorly managed many State and city pension plans have been all over this country. If these government-run IRAs are also mismanaged, taxpayers may be asked to pay and to honor the government's promises.

Ultimately, these regulations are simply another attempt to exert control over the American people with a "government knows best" policy.

Mr. Speaker, the American people are not children that need direction from their parents. They should not be forced by the heavy hand of the government and faceless bureaucrats to obtain certain plans the government likes that they may not need or want. People are free today to decide whether they want their IRAs or not. This will put them in a position where they can be forced to have them whether they want them or not.

We have seen the problems caused when the government tries to tell the American people what to do or what the government thinks is best for them. These types of heavy-handed policies simply do not work and they are counter to the principles our country was founded on.

So these two bills would use the Congressional Review Act process to block these anti-consumer regulations from taking effect. By passing these two bills, we will protect working families, we will support our Nation's small businesses, and we will be shielding the taxpayers from potential liabilities.

As I pointed out last week on this floor, just because we pass these bills using the CRA does not mean we cannot continue working toward solutions that improve our Nation's retirement programs. Just as the CRA gives Congress power to block regulations, the legislative branch can also give agencies further instructions and directions if a regulation is needed at some point in the future.

As a member of the Education and the Workforce Committee, I look forward to working with my colleagues on both sides of the aisle to find solutions to help Americans save for their retirement. Attempting to use the regu-

latory pen to skate around ERISA and its important protections is just not the right answer.

So I hope my colleagues will join me in supporting this rule and these pro-consumer bills and protect American families, workers, and their retirement plans.

I reserve the balance of my time.

□ 1230

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

Mr. Speaker, I thank the gentleman from Alabama (Mr. BYRNE) for yielding me the customary 30 minutes.

Mr. Speaker, we are less than 2 months into 2017, and today we have another closed rule, or as I call them, "Putin rules." This is how they operate in Russia—no deliberation. It is simply astonishing that here in the people's House we continue to have this closed process: no amendments, no debate, no nothing, completely shut down.

I have very serious concerns about the road we are traveling down. The 115th Congress is only 6 weeks old, and we have already ushered in a process that is alarmingly restrictive. It should distress not just Democrats, but Republicans as well. This is now the norm and is very, very sad.

Mr. Speaker, today's rule would pave the way for the House to repeal two important consumer protections that help working families save for retirement. These protections went through a very lengthy process of review. We are repealing these protections without the committees of jurisdiction having any chance to weigh in and in a rushed process that is completely closed.

These protections, as I said, were reviewed by the relevant agencies; they were subjected to public commentary; and we are bringing them to the floor to repeal them without even giving the committees of jurisdiction an opportunity to actually discuss these bills, to discuss whether this makes sense.

Mr. Speaker, America is facing a retirement savings crisis, and rules like this—I should say, protections like this—are essential to helping workers plan for the future. As of today, 55 million Americans lack access to a way to save for retirement out of their regular paycheck. As a result, nearly half of all workers have no retirement assets. Yet we know that employees are 15 times more likely to save just by having access to a workplace retirement plan. These programs are a commonsense solution for working families and small businesses.

Republicans should be working to strengthen programs like these, not rip them apart. If you have a problem and you want to make a tweak, maybe you ought to work with the agency to make that tweak, but not an outright repeal.

Quite frankly, Mr. Speaker, pushing dangerous bills like this in a closed

process with no debate is a lousy way to conduct the people's business. But with the avalanche of alternative facts coming out of the Trump White House every day, it should be no surprise that the House Republican majority on Capitol Hill is carrying on in such a heavy-handed way. God forbid, in the people's House, we should actually deliberate and have debate and have the kind of give-and-take that the American people expect.

Mr. Speaker, as bad as this process is, as bad as dismantling the rules and regulations put in place to protect the savings of working families is, I would like to take a few minutes to talk about something that is very serious and troubling to the American people.

Mr. Speaker, this administration regularly goes on TV and appears before the press—and let me say this as plainly as I can—and consistently spouts falsehoods. Now, I am told, Mr. Speaker, that under the rules and precedents of the House that there are certain things that cannot be said. Mr. Speaker, as a member of the Rules Committee and as somebody who respects the precedents of the House, I am going to be very polite in how I respond here today. I will speak plainly, but politely. I want people to understand that I would like to say things much stronger based on what is happening in this country and based on what is happening in this administration.

Mr. Speaker, I certainly wouldn't want to do anything to hurt anybody's feelings, but it is troubling what is happening, the falsehoods and fabrications that we hear each and every day. Some of it is trivial and some of it is silly, like saying that his inaugural crowd size was bigger than President Obama's. Who cares?

But some are more sinister and more dangerous, like the claim that 3 million to 5 million "illegal aliens" voted for his opponent in the 2016 Presidential election. Every fact checker, every Secretary of State, both Republicans and Democrats, say this is absolutely false. There is no basis for this falsehood. It undermines confidence in our political system. My fear is that the real purpose of this claim is to put in place policies to restrict voter rights in order to make it more difficult for people to vote in this country.

Mr. Speaker, every day it feels like President Trump and his White House are trying to set a new record in terms of misinformation. There are so many falsehoods coming out of this White House, it makes me nostalgic for Nixon.

President Trump, in a meeting with U.S. Senators last week, repeated another falsehood, that he only lost New Hampshire because thousands of Massachusetts residents were bussed to the State to vote illegally. This is simply not true. There is no basis for this statement. This is similar to the President's fabrication that 3 million to 5

million votes were cast illegally in the 2016 election. Plain and simple, President Trump and his White House staff continue to provide zero evidence to back up their claims of voter fraud.

On Sunday, when top White House aide Stephen Miller was asked about the judiciary challenging President Trump's unconstitutional Muslim ban, he aggressively attacked critics and said that "the powers of the President to protect our country are very substantial and will not be questioned." The powers of the President will not be questioned. I couldn't believe my ears when I heard that.

President Trump might talk a lot about his love for Vladimir Putin, but this is not Russia. This is the United States of America. We have checks and balances to stop authoritarianism. Kellyanne Conway, when she is not giving free commercials for the Trump family business on the taxpayers's dime, is making up stories about the Bowling Green massacre, a terrorist attack which never happened, and spouting alternative facts on a daily basis. The latest falsehood from the Trump White House is one of the most serious yet.

In repeated interviews, both Vice President MIKE PENCE and National Security Adviser Michael Flynn—I should be saying now, former National Security Adviser Michael Flynn—said that Flynn did not speak with Russian officials about U.S. sanctions before President Trump took office. A new report shows that that is blatantly false.

After the U.S. intelligence community overwhelmingly agreed that Russia had actively meddled in our 2016 Presidential election to tip the result in favor of Donald Trump, President Obama announced strong sanctions against Russia, including expelling 35 Russian diplomats or agents from U.S. soil. When Vladimir Putin responded by saying that they would not expel any U.S. officials in Russia—what many expected he would not do—a lot of red flags were raised. A new report now shows that, in the 24 hours that followed, Michael Flynn communicated with Russian Government officials about the sanctions and may have actively undermined U.S. foreign policy weeks before Donald Trump even took the oath of office. And now we know that last month the Justice Department informed the White House of Flynn's deception of the Vice President and of the American people in the days immediately following the inauguration.

Mr. Speaker, this is outrageous, and the fact that President Trump did not immediately fire Michael Flynn as soon as this came to light is stunning. I guess he was too concerned about crowd size rather than a deeply compromised national security adviser.

Mr. Speaker, getting rid of Flynn is not enough. President Trump must

stop the blatant and dangerous falsehoods coming from his White House. We need a full and independent and bipartisan investigation not only under the purview of the intelligence committees; we need to have a full investigation out in the open so the American people actually know what happened and know how many others were involved in Flynn's undermining of our national security.

Who knew what when?

Was Donald Trump aware of these unauthorized talks with Russia while President Obama was enforcing sanctions?

The American people deserve the truth. They deserve transparency. They deserve this Congress to actually do proper oversight.

One of the most troubling parts of all this is that the American people would have been completely in the dark if it were not for the hardworking journalists and patriotic U.S. officials who helped bring this outrageous scandal to light. Now, more than ever, we need to support freedom of the press, to hold President Trump and his White House accountable.

The Republicans in Congress need to start doing their job by exercising the strong oversight needed. President Trump needs to know that he answers to the American people and he and no President is above the law.

Mr. Speaker, America's hardworking families deserve a Congress that puts them first and a President and a White House that tells the truth instead of spreading falsehoods to stir up fear and advance a dangerous and extreme agenda. We can have policy disagreements, but you have to tell the truth. You can't just make stuff up.

As we are seeing with this administration, alternative facts are contagious. The White House is rapidly losing the public's trust, and every day that Congress fails to hold the Trump White House accountable, we are losing the public's trust as well.

Members of Congress, both Democrats and Republicans, have a responsibility to stand up for the truth and hold the President and his White House accountable. We are here to serve the American people, and they need to know that we are fighting for them, not serving as a rubber stamp for this administration.

I urge my colleagues to vote against this rule, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

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

I appreciate the gentleman from Massachusetts' remarks. We are not here today to talk about Russia, but I do remember about a month ago when we were on this floor counting elec-

toral college votes, my colleague from Massachusetts objected to the Electoral College votes from my home State of Alabama because of Russian interference.

I want to put his mind at rest. As a Representative of Alabama, I think I can say with complete confidence that the Russians had no influence over the Presidential vote in the State of Alabama last November. We get our electoral information like most people in America do: from watching FOX News or something like that.

But in the fall, in Alabama, we are also paying real close attention to college football. So far from letting Russian influence have anything to do with our vote in Alabama, we were doing what most people in America were doing and paying close attention to college football. We gave no more credence to what the Russians think about our political votes in Alabama than we do to what they think about our college football teams.

But let's get back to the substance of his remarks. He says that there is no debate. This rule provides for at least 2 hours of debate, perhaps more if we get into motions to recommit. And the truth of the matter is, under the Congressional Review Act, the actual form of these laws are prescribed by statute. We have no control over what can be in them. We can either vote for them or against them. And we are going to have clear debate—over 2 hours, maybe more—whether we are going to vote for or against it.

There are people who are going to vote for them, and there are people who are going to vote against them, and people are going to have reasons for doing each. That is standard order here in the House. I think the American people would agree, on these sorts of fundamental things when you know what is simply in them, that is plenty of debate.

He calls these regulations that we seek to overturn "consumer protections." But remember what I said earlier: They take these employer plans, these IRA plans that are forced by the government, they take them out from the protections of ERISA. They take consumer protection away from the people that have these plans. So far from being consumer protection regulations, they are anticonsumer protection regulations. They are antiworker.

So what is really going on here is this is not some effort—or was some effort by the Obama administration—to protect workers. It is an effort to try to get government more involved in people's lives, and the people of America don't want the government more involved in their lives.

The gentleman mentioned that there are 55 million people in America today who don't have a retirement plan. Every one of those 55 million people have access, if they choose to get it, to

an IRA. Anybody can set up an IRA. You don't need your employer to set it up for you. You sure don't need the government to set it up for you. There are plenty of people around the country that will help you set it up, and it is pretty easy, pretty simple.

Maybe some of these people, or a lot of these people that don't have them, don't want them. So why would the government come in and tell them you have got to have them unless your real interest here is in empowering government and not protecting consumers? I will leave it to you to make the decision what the real motive was here.

□ 1245

Now, the gentleman talked about the fact that these come to us without going through the committees of jurisdiction; but, as I said earlier, because the form of these bills are prescribed by statute, there is really nothing for the committees of jurisdiction to do. But he will be glad to know that I am informed that, after we come back from the Presidents Day week break, there will be a number of bills coming to the floor that will have, in fact, gone through the committees of jurisdiction, including bills, I predict, that will both repeal and replace the Affordable Care Act. So there is going to be plenty of things coming through regular order to this floor.

But as we go through the Congressional Review Act process, we are pretty constrained in what we can say and not say in these bills, and we are simply following that which is prescribed by statute. As I said earlier, we can all decide, based upon that statutorily prescribed form for what we do, whether we are for it or we are against it, whether we want to force workers in America to get some government-forced type IRA and take them out from the protections of ERISA, or whether we want to let them have their freedom and keep the protections of ERISA.

We want to keep freedom for the American people. We want to keep freedom for the American workers, and we sure want them to keep the protections they have had for over 40 years under ERISA and not take those protections away from them so that we can force something down their throat from some government-bureaucrat-run plan.

Getting back to what we are here to talk about today, we are here to reverse ill-considered regulations in the waning days of the Obama administration that hurt the American workers. By adopting this rule and by adopting these two pieces of legislation, we protect the American workers. I hope all of us are here to do exactly that.

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

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

The gentleman is correct, I did rise to object to certifying the electoral college vote. Part of it was because I was appalled by the unprecedented Russian interference in our election system. I would urge the gentleman to read—maybe he doesn't want to read the classified version of the report—the unclassified version of the report. It is pretty outrageous. That is why so many of us have been calling for an independent bipartisan commission to investigate this.

But the other reason why I objected was because of voter suppression. I would say to the gentleman that that is an equally serious issue, that there is still voter suppression in the United States of America, and it is something that we need to deal with. I worry very much under the Republican majority and under this White House that we are going to see more of an effort to restrict people's right to vote.

Now, the gentleman is trying to paint a rosy picture about what we are doing here. I mean, we have had 13 closed rules, 6 structured rules, zero modified open rules, zero open rules. By the end of this week, we will be a third of the way to breaking the record for the Republicans' most closed Congress in the history of the United States, and we are still in February. My friends have outdone themselves in terms of closing up this process, of shutting people out from participation.

The fact of the matter is, as I mentioned, these protections that the Republicans want to repeal went through a long process, lots of review within the agencies, lots of public commentary, a long time to develop these protections. Now, if the Republicans aren't happy with it, one of the things they might do is they could bring up these rules in the form of legislation where we could have an open process, and people can amend and add and change and do whatever they want to do to make it better, if that is what they want to do.

But that is not what they are interested in. It is all about a press release. This is mindless legislating. When committees of jurisdiction do not do their job, do not hold hearings, do not do markups, and all of a sudden the Rules Committee just reports something out and sends it to the floor under a closed rule, that is mindless legislating. By the way, I am on the Rules Committee. I don't think that we have yet had a single bill come before the Rules Committee that went through committee. I am happy I am on the Rules Committee. At least you see a little action going on, but I feel bad if you are on any of these other committees.

This is a lousy way to do business, and I am shocked that my Republican friends come to the floor and defend the indefensible. This is not the way this House should be run. This is the

kind of process, as I said at the opening, you would expect to see in Russia, not here in the United States Congress. Different ideas should be debated. People ought to have an opportunity to have their voices be heard. But yet here, in this House of Representatives—which will break records in terms of being the most restrictive Congress, I think, in history—the name of the game is to try to shut people out. I think that is wrong. I think my Republican friends should be ashamed of the way they are conducting themselves in this Congress. This is not right.

I just point that out because I think it is important for people to note that, by the end of this week, my Republican friends will be a third of the way to breaking their own record for the most restrictive Congress in history, with the most closed rules. That is something that I don't think anyone should be proud of. But it is the new norm here: shut everything down, shut everybody out. I think that results in bad legislation and, again, mindless legislating like we are doing here today.

Mr. Speaker, we are all deeply concerned, as I mentioned in my opening statement, with the reports from our intelligence community regarding potential foreign interference in our most recent election. Everybody should be. Mr. Speaker, I am going to ask people to vote "no" on the previous question. If we defeat the previous question, I will offer an amendment to the rule to bring up Representative SWALWELL's and Representative CUMMINGS' bill which would create a bipartisan commission to investigate foreign interference in our 2016 election. With the revelations about General Flynn coming to light, and all that we know about his dealings with the Russians, this is extremely timely.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, to discuss our proposal, I yield 3 minutes to the distinguished gentleman from California (Mr. SWALWELL).

Mr. SWALWELL of California. Mr. Speaker, I thank Mr. MCGOVERN for his work on this issue. I love my country, and I don't doubt that every one of my colleagues in this Chamber also loves this country. I admire every man and woman who has so bravely fought to defend it. After all, this is a country, this is a democracy worth defending. That is actually what defeating this previous question would take us to, the question of is this democracy still worth defending.

This past election, our democracy was attacked. The attack was electronic, and it was nearly invisible. It came from a foreign adversary in Russia, ordered by Vladimir Putin. It was intended to help Donald Trump. Most concerning, the public intelligence report about this attack, the last finding is, Russia intends to do this again. They are undertaking a lessons-learned campaign so they can attack the United States again and attack our allies, the best check against Russia through the NATO alliance.

Yesterday, the President removed a rotten plank in what is a compromised platform, Michael Flynn. In 2015, he went to Russia and sat next to Vladimir Putin, was paid for it, and, *The New York Times* reported yesterday, did not disclose that in the proper way he is supposed to to the Department of Defense. Because Russia attacked us, President Obama issued sanctions against Russia on December 28. Michael Flynn called Russia, its Ambassador, five times, at least five times, and discussed those sanctions, likely in violation of the Logan Act. He lied about it, lied to the Vice President about it, who went on national TV and defended Michael Flynn, saying it never happened.

But here is what we also learned. We learned that 3 weeks ago the White House knew, because acting Attorney General Sally Yates told the White House, that Michael Flynn had lied and had put himself in a position where he could be compromised through blackmail by the Russian Government. Yet, despite knowing this, the White House allowed Michael Flynn to remain as the National Security Adviser, receive security briefings at the highest level, and advise our President on our security.

All of the arrows continue to point to the Russian Government. We have more questions today than we did yesterday about whether there were any personal, political, or financial connections between President Trump, his family, his businesses, his campaign, and the Russian Government before the election and whether there are any efforts right now going on to pay back the Russian Government.

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

Mr. MCGOVERN. Mr. Speaker, I yield an additional 2 minutes to the gentleman.

Mr. SWALWELL of California. All of the arrows continue to point to Russia. It is not disputed that Russia carried out this attack. It is not disputed that it was ordered by President Putin. It is not disputed that they sought to help Donald Trump. It is not disputed that Donald Trump admires President Putin and can't say a single bad thing about him. Despite disparaging our allies in Australia and Mexico, he can't say a bad thing about Putin. In fact, he

wants to ease some of the sanctions against Russia and wants to roll back the influence of NATO.

Of course, while all of this is going on, the President will not show us his tax returns. With all of those arrows pointing to Russia, the American people deserve to know what was the political, personal, and financial relationship between the President and his team and Russia. The only way to get there is to have an independent, bipartisan-appointed commission.

Defeating the previous question and bringing up the Protecting Our Democracy Act will get us one step closer. I believe that my Republican colleagues—who love this great country as much as I do—can join us, and this can be a bipartisan quest to say that never again will we allow a foreign adversary to interfere in our elections.

Mr. BYRNE. I yield myself such time as I may consume.

Mr. Speaker, when I was a young lawyer, an old lawyer one time gave me a piece of advice that I was fortunate to never have to follow. He said: Son, when you are strong on the facts, pound on the facts. When you are strong on the law, pound on the law. If you are weak on the facts and the law, pound on the table.

What we just heard is pounding on the table about Russia, and that has nothing to do with the two bills that are covered by this rule. Nothing in the bills that underlie this rule has anything to do with Russia. But because there is not a good argument against the rule, there is not a good argument against these bills, we are pulling up something else and pounding on the table. Let's get back to the rule and the underlying legislation.

This legislation will reverse two regulations that hurt working people in America, period, end of sentence. Far from being a press release, as my colleague from Massachusetts talked about, this bill is going to pass not only this House, it is going to pass the Senate, and, yes, it is going to be signed by the President of the United States. Two of the Congressional Review Act bills that have already come through this House have passed the Senate and, I am told, are going to be signed by the President this week. These aren't press releases. These aren't messaging bills. These are pieces of legislation that are going to become law and protect American workers after an attempt by the Obama administration, as it is going out the door, an attempt by them to take ERISA rights away from American workers through a regulation. I would think everybody in this body would be outraged, after 40 years of bipartisan support for ERISA, that we would think it is okay for anybody to take away workers' ERISA rights. It is not.

What we are doing today is the right thing to do, not if you are for Big Gov-

ernment. But if you are for the American worker, this is the right thing to do. Rather than pound on the table, let's work together, pass this rule, pass this underlying legislation, and do the right thing for the American worker.

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

□ 1300

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

Mr. Speaker, there is one similarity with Russia and what we are doing here today, and that is the process. This is completely closed. This is totally undemocratic. There is no opportunity for amendment. There is no opportunity for different opinions to be presented here. So, again, this process is deeply flawed.

Again, my friends on the other side of the aisle may want to defend it, but I will tell you this is unprecedented. With the number of closed rules that we have seen, you are going to break all records.

My Republican friends also have the distinction of presiding over the most closed Congress in history. This will outdo that because they are moving in such a restrictive and closed way. This is not right.

The idea that we are going to repeal protections with an up-or-down vote without having the committees of jurisdiction even do a hearing, even to weigh the very points of view on this, to bring these bills to the floor like this in a way that would not allow people to improve these protections is outrageous. But this is the new norm here. Everything is shut down.

And the gentleman is right that the previous question maybe is a little bit off subject from the two underlying bills here, but as the gentleman knows, we are currently debating the rule. This is a tool used to set the House's agenda and to prioritize consideration of legislation.

For that very reason, this is, in fact, the appropriate time for us to explain to the American people what legislation we would like to prioritize and what agenda we would like to pursue in this House. Because the fact of the matter is, if we offer amendments to the Rules Committee by a 9-4 vote, we are turned down. We are shut out all the time.

So this is our only opportunity to be able to bring some of our priorities before our fellow Members in the House and to be able to let the American people know that some of us in this House are horrified by Russian interference in our election. It is unprecedented what they did. Anybody who sat through any of the briefings or even read the unclassified report, I don't know how you could not be horrified by the deliberate attempt to impact our elections.

And yet, we can't even get oversight in this House. The wagons have all circled around the President. You can't do

anything that will make him uncomfortable. Well, the fact of the matter is this is about more than making a President of the United States uncomfortable. This is about defending our electoral system, defending our democracy.

And the gentleman from California, in arguing in favor of voting “no” on the previous question so we can bring up a bill that would allow there to be an independent bipartisan investigation of Russian interference on our election I think is even more important, given what we know about what happened with General Flynn. Many of us said, when he was being considered for the top national security spot in the White House, that this was a bad choice. Why? Well, because this is a guy who regularly peddled in conspiracy theories, whacky conspiracy theories.

Members of the intelligence community, members of our Defense Department regularly said, when he was being considered, that this was a bad choice. My Republican friends said nothing. Now we realize just how bad a choice this was and how bad the President’s judgment was in allowing a man like this to be elevated to such a high position in the White House.

There are serious questions that need to be answered here. I would say to my colleagues, rather than trying to dodge and rather than trying to hide and rather than trying to frustrate attempts to get to the truth, there ought to be a bipartisan effort, similar to the 9/11 Commission, where people come together and, in an open, transparent way so the American people know what is going on, are able to get to the truth. That is what we are trying to do here. We have no other means to be able to get our views heard—certainly not in the Rules Committee. Every amendment we offer is turned down.

So I would say to my colleagues, vote “no” on the previous question. Let us be able to bring up the Swalwell-Cummings bill and have a vote on it. If you don’t want to do an investigation, then vote “no.” But this is important and, I would argue, more important than the underlying bills, given what we are faced with. This is serious business, and it is about time my friends on the other side of the aisle treated it as serious business.

I will just close, Mr. Speaker, by saying that I have served here now for 20 years, and I have gotten to know some of the finest people in this Chamber, both Democrats and Republicans. I know there are a lot of Republicans who believe, as we do on the Democratic side, that we need to find out what happened and we need to get to the truth. We don’t want to see more attempts to block investigations.

I hope that those Republicans would join with us and vote “no” on the previous question because, if you vote

“no,” we get to bring this up, we get to vote on it, and we still get to vote on the underlying legislation. This doesn’t slow anything down; this doesn’t stop anything; but it allows us, at this very important moment, to be able to debate something that I know a lot of people in this country are very concerned about.

Mr. Speaker, again, vote ‘no’ on the previous question, and vote “no” on this closed, restrictive Putin rule.

I yield back the balance of my time. Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

I agree with my colleague from Massachusetts (Mr. MCGOVERN) that this is, indeed, serious business. Looking out for the workers of America is perhaps the most serious business that we do.

We have heard a lot of speechifying about trying to do the right thing for the average person in America. On the way out the door, the Obama administration promulgated two regulations that attempt to force government-tight retirement on people when they don’t want it and take away their consumer protection rights under ERISA. That is very serious business.

But instead of having a debate about that, my colleagues on the other side of the aisle tried to switch the subject to something else because they don’t want to have to defend the indefensible. These two regulations that these two CRA bills would reverse would take away protections for American workers.

This debate is not closed. I completely disagree with that assertion. We had a full debate on this yesterday afternoon in the Rules Committee. We devoted an hour of debate to it right now. Of course, my colleagues on the other side of the aisle have chosen to chew up most of their time, instead of talking about this rule and the underlying legislation, talking about something else; but that is their right if that is what they want to do.

If they had some serious debate that they wanted to have on this rule and the underlying legislation, we wouldn’t be talking about Russia. We would be talking about these bills. We would be talking about these regulations.

If this rule is adopted, we will have at least 2 hours of debate here on the floor on the bills themselves, and perhaps more if there is a motion to recommit. There is plenty of debate here. There is plenty of time to decide that you are for the American workers and protecting their consumer protection rights under ERISA or you are against American workers—either/or. It doesn’t have anything to do with Russia. It has nothing to do with the Presidential election. It has everything to do with whether you stand with the workers of America or not.

I stand with the workers of America. I think the vast majority of the people

in this body want to stand with the workers of America. If they do, I hope that they will vote for this rule and vote for the underlying legislation so that we can reverse these two regulations.

Mr. Speaker, I again urge my colleagues to support H.R. 116 and the underlying joint resolutions.

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

AN AMENDMENT TO H. RES. 116 OFFERED BY
MR. MCGOVERN

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 356) to establish the National Commission on Foreign Interference in the 2016 Election. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 356.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

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

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

PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCGOVERN. My parliamentary inquiry is, are there any amendments that have been made in order under this rule?

The SPEAKER pro tempore. The Chair will not interpret the measure while it is pending.

Mr. MCGOVERN. Can the Speaker respond to whether this is a closed rule, which means that no amendments are in order?

The SPEAKER pro tempore. The Chair will not characterize the measure.

Mr. MCGOVERN. Thank you, Mr. Speaker.

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 428, RED RIVER GRADIENT BOUNDARY SURVEY ACT, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 42, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO DRUG TESTING OF UNEMPLOYMENT COMPENSATION APPLICANTS

Mr. COLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 99 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 99

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 428) to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

SEC. 2 Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

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

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

GENERAL LEAVE

Mr. COLE. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. COLE. Mr. Speaker, last week, the Rules Committee met and reported a rule for consideration of two important measures. First, the resolution provides for consideration of H.R. 428, the Red River Gradient Boundary Survey Act. The rule provides for 1 hour of debate, equally divided and controlled by the chair and ranking member of the Natural Resources Committee, and provides for a motion to recommit.

In addition, the resolution provides for consideration of H.J. Res. 42, providing for congressional disapproval of a rule issued by the Department of Labor with regard to drug testing. The rule provides 1 hour of debate, equally divided and controlled by the chair and ranking member of the Ways and Means Committee, and provides for a motion to recommit.

Mr. Speaker, H.R. 428 is a product of months of negotiation between the States of Texas and Oklahoma and the Kiowa, Comanche, and Apache Tribes in my district. I am happy to have been able to work with my friend Mr. THORNBERRY to come up with a fair and equitable solution which all interested parties have agreed to.

As you may know, the Red River serves as the State line separating Oklahoma and Texas. Over time, the river has moved, as much as a mile in some areas, causing landowners' properties to be affected. Instead of working to resolve this, for nearly a century, the Bureau of Land Management, BLM, has been unwilling to survey a small portion of the Federal land along a 116-mile stretch of the Red River between Oklahoma and Texas. H.R. 428 would direct the survey to be completed, using the gradient boundary survey method that was mandated by the Supreme Court, so that ownership of the land, which has been under dispute, can be effectively resolved.

□ 1315

In addition, Mr. Speaker, the rule provides for the consideration of another Congressional Review Act resolution, which would overturn a Department of Labor rule related to drug testing for those applying for unemployment insurance.

In 2012, the Middle Class Tax Relief and Job Creation Act made a number of reforms to the unemployment insurance program, including overturning a 1960s-era Department of Labor ban on the screening or testing of unemployment applicants for illegal drugs. The 2012 provision allowed, but did not require, States to test unemployment insurance applicants who either, one, lost their jobs due to drug use or, two, who were seeking new jobs that generally required new employees to pass

a drug test. Unfortunately, after 4 years and a now finalized rule, States are no closer to being able to implement this sensible policy. Instead, because of the Department of Labor's overreach, three States which have enacted necessary State law changes to implement this commonsense policy are actually now precluded from moving forward with this sensible, bipartisan policy.

Mr. Speaker, most States already limit unemployment insurance benefits or individuals who refuse to take or fail an employer drug test or who have previous employment issues with drugs. We should empower States, employers, and prospective employees who are looking for work and overturn this onerous regulation.

Mr. Speaker, I urge support of the rule and the underlying legislation.

I reserve the balance of my time.

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

I thank the gentleman from Oklahoma for yielding to me the customary 30 minutes for debate.

I rise to debate the rule for consideration, which bundles together two completely unrelated pieces of legislation. One is a joint resolution disapproving of a Department of Labor rule that relates to the drug testing of unemployment compensation applicants. The other, as the gentleman just described, is the Red River Gradient Boundary Survey Act.

There are many more important issues, in my opinion, that face this country at the moment, and for the life of me, I cannot figure out why my colleagues across the aisle think that ceding Bureau of Land Management survey authority over federally owned land to the States and impugning the integrity of those who rightfully seek unemployment insurance are on the same list of important matters this body should be addressing.

First, I would note the odd events that brought us here today as we operate, once again, under a closed rule. I just heard the debate on the previous rule, and I was illuminated by the gentleman from Alabama, on the other side, who indicated that the rule wasn't closed because we had a debate in the Rules Committee yesterday for 1 hour. A closed rule is a closed rule. It means that other Members of this body do not have an opportunity to have their amendments heard and/or made in order. We are now entering our 13th of these closed rules in a body that claimed that it was going to have open rules and regular order.

On February 3, Congressman MCCLINTOCK wrote to Chairman Sessions, asking that the Red River Gradient Boundary Survey Act be heard under a structured rule, which still isn't an open rule. An amendment deadline was set, and two germane amendments with no budgetary issues were sub-

mitted. Nevertheless, my Republican colleagues shut down the process and reported a closed rule. As of today, two-thirds of all of the rules issued this session by the Rules Committee have been closed rules. We should not be conducting the people's business this way.

I call on my Republican colleagues to put their unfounded fear aside and let this body operate under regular order, under open rules, or, at the very least, under structured rules.

I am dismayed to see, even when the Republican chairman of a subcommittee asks the Republican chairman of the Rules Committee for a structured rule, that the Republican leadership sees fit to ignore that request and continue this closed process—stifling ideas and debate before they can even get started.

It is this kind of shifting decision-making that sows distrust and disappointment in the American people when they survey how business is conducted in their House. However, it is not just this kind of duplicitous behavior that undermines this institution, but, as I mentioned moments ago, a complete lack of an ability to get our priorities straight.

We still have plenty of folks who are looking for jobs. We have plenty of people who are terrified that they will soon lose the health care that keeps them and their children living healthy and productive lives. We have plenty of people who are understandably concerned that our immigration policy has taken a deep dive into the shallow end. But we don't come here to address these important issues. Instead, my Republican colleagues bring to the floor, week after week, legislation to undermine well-thought-out agency rules and make it increasingly difficult for our agencies to carry out their duties.

The fact that we need to come here today and discuss the efficacy of having the Bureau of Land Management manage our Nation's land is beyond me. For nearly 100 years, the Bureau of Land Management has conducted uncontested surveys, and now we are supposed to believe that, all of a sudden, the agency is not following the appropriate standard. If folks don't like the survey methods or think the wrong standard is being used, then one needs to go through the court system. One does not engage in the unprecedented measure of ceding to the States the Federal Government's legitimate authority over Federal land.

The second completely unrelated resolution, H.J. Res. 42, overturns a Department of Labor rule regarding the drug testing of Americans who apply for unemployment compensation. Under the Middle Class Tax Relief and Job Creation Act of 2012, States were given the authority to conduct drug tests on unemployment insurance ap-

plicants under two circumstances: if the applicant were terminated from a previous job due to unlawful drug use or if the only available, suitable work were in an occupation that regularly conducts drug testing.

The rule in question clarifies that occupations that "regularly conduct drug testing" include occupations that are specifically identified in State or Federal law as requiring an employee to be tested. Put another way, if a State thinks a job warrants a drug test, all it needs to do is add the job to a list. The rule strikes a balance, preserving deference to States while providing commonsense clarity to the law. This is how things should be done—that is, the regulations that were in force until now, at least.

Unfortunately, Mr. Speaker, commonsense is not put to much use around here these days. Republicans want to repeal the rule because, one would have to assume, it does not go far enough in embarrassing those people who are simply trying to obtain unemployment insurance during a difficult time. Let us be crystal clear in that the only purpose this repeal can serve is to embarrass folks, because there is no evidence linking those who seek unemployment insurance to increased rates of drug abuse. Be that as it may, Republicans still insist on expanding expensive and offensive drug screenings.

Today, once again, we see the Republicans engaging in the Trumpian exercise of creating alternative facts. In today's example, we have a resolution that is based on the blanket assumption that unemployed Americans use drugs. It further implies that Americans who apply for unemployment benefits are to blame for being unemployed. This implication is as unfounded as it is offensive to those hardworking Americans who find themselves unemployed due to no fault of their own.

And what do these hardworking Americans get for their troubles—a Congress dedicated to ensuring that new and well-paid jobs are there for them tomorrow?

Not at all. Instead, they get a Republican-led Congress that is bent on subjecting them to unconstitutional, offensive, and expensive drug tests.

Like it or not, facts still matter. Here is one: a conservative estimate by the Substance Abuse and Mental Health Services Administration puts the cost of drug testing at \$25 to \$75 per test. Because Federal law prohibits charging applicants for these tests, States would have to absorb the cost of testing thousands of unemployed workers. In the State of Texas, for instance, that would translate to, approximately, \$30 million for a single year of testing. A while back, we spent a lot of time around here talking about unfunded mandates, and somehow or another, this one, I guess, doesn't fit in that category.

Mr. Speaker, arbitrarily testing Americans who apply for unemployment compensation runs contrary to our Constitution and is a solution in search of a problem. Being unemployed is not a sufficient reason to be subjected to a government-operated drug test. Proposals like this blame unemployed Americans for being unemployed. It is illegal and it is a huge waste of money. We have got some real problems that we need to address in this Congress. At some point, this Congress will need to get to work.

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

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

Obviously, the gentleman and I have some disagreement here, but let's talk for a minute about the form of what we are doing.

The gentleman is correct in that this rule covers two different pieces of legislation that don't have anything substantive in common. However, the legislation itself will be debated separately. We will have one debate on the Oklahoma-Texas issue, which involves the boundary between those two States and the tribal interests that are also intimately part of that. We will have a separate debate on the rule. That is the appropriate way to proceed. There is no reason to have a separate rule for each one of these debates, but it is appropriate, as the gentleman suggested, to have two different debates because they are two different subjects.

I am going to disagree with him—and I am probably being parochial in this sense—for, if you live in Oklahoma, we actually think the border between Oklahoma and Texas is pretty important. This is an issue that, frankly, was dealt with legislatively last year. This body did not vote out the bill. I actually opposed it last year because it did not take care of the tribal interests involved and they had not been suitably dealt with. We amended the bill. Actually, I should say it was brought up, but it was not taken up by the Senate. We changed it, but we kept working for many months. Chairman THORNBERRY is the person who deserves most of the credit here of trying to bring the parties together.

Also, just by way of explanation so everybody is clear, this does not settle the issue. This doesn't force anything on the Federal Government or the two States or the tribes. It simply creates a common database. The two States have been asking for a complete survey of the contested area for many years. The BLM has refused to do that. You simply can't sort through this problem of a shifting border—set well over a century ago—with conflicting tribal interests if you don't have a common set of data here. So that is all that is being done here.

I can assure you that, certainly, the tribes in question would not have con-

sented to go forward if they had thought they were having a solution imposed on them. What they think they are getting is a database that will allow them to determine exactly what their interests and rights here are and, hopefully, negotiate that with the two States in question; but, if necessary, they will litigate the issue.

□ 1330

So we see this as a reasonable effort to bring parties together where there is a great deal of confusion through nobody's fault. And we think the BLM has been lax here and, frankly, may well be claiming things beyond its authority. But the survey, again, will hopefully take care of that. So I hope that eases the concerns that people have.

In terms of the drug rule, we see this as an issue where Congress made its intent in 2012 very clear, that is, we wanted States to have options to make these decisions for themselves. We think the Department of Labor rule made that more, rather than less, difficult.

We can argue over the merits of any individual treatment of people that have used illegal drugs or what the appropriate testing measure is or whatever. I happen to think those decisions are best made at the State level where you have got interested parties that are more knowledgeable about local conditions than us dictating a one size fits all. So we just simply disagree on that.

Finally, the gentleman from Florida (Mr. HASTINGS) mentioned some concerns about the speed with which we are acting and also the form with which we are acting. The form, frankly, is basically dictated by statute.

The Congressional Review Act dictates the manner in which we can bring these items on rules to the floor, the timetable which we can operate under. If we alter that over here, then, frankly, we lose privilege status in the Senate and the chances of succeeding actually diminish pretty greatly.

We think, in this case, the issues are pretty clear. These aren't really things that need to be amended. We need to decide whether or not the regulation is appropriate or not. If you think it is, you should vote in favor of keeping the regulation as it is and against this effort.

If, on the other hand, you would like to see decisionmaking devolve down to the States and where we think better decisions will be made, then, you should vote in favor of the rule and the underlying legislation.

So, again, I don't think these issues are overly complex. I do think this is an important time to deal with them. Again, we have a limited period of time on the Congressional Review Act. We have a certain format. We think we are abiding within both that timeframe and that format.

On the Oklahoma-Texas border issue, it is a knotty issue. It has been around for decades. There have been multiple efforts to deal with it. Most of them have faltered because we have not had the various parties arguing from a common database as to what their positions are. We have asked the Bureau of Land Management repeatedly to survey the affected area. They decided they didn't want to do that.

In this case, Congress says: Look, we have two sovereign States and three sovereign Indian tribes here that have a concern. We want them to be able to work it through. We want them to draw on a common set of data. So we are going to essentially make sure that that happens and hopefully we can avoid a protracted court case between the States and the Indian tribes and actually resolve an issue that needs to be had.

There are literally thousands of people along this border that are not certain whether or not they own the land that they have actually been farming, in some cases, for generations. There are three Indian tribes that have historic rights to this land that predate, frankly, the existence of Texas as a State and certainly the existence of Oklahoma as a State. They want to make sure their mineral rights issues and their land issues are appropriately handled, and they want to preserve their rights going forward if they want to litigate. Again, they need this kind of data to make those sorts of determinations.

I commend the gentleman from Texas (Mr. THORNBERRY). I, again, look forward to working with my good friend from Florida (Mr. HASTINGS) on these issues.

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

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

While we are discussing these matters that my colleagues want to discuss that I don't think are paramount or issues that are vital to America's security, there are a plethora of issues that we could be discussing, and rightly should be. Toward that end, one of the things that the minority is given as an opportunity is to offer a previous question to the matter that is on the floor at this time.

So I exercise that prerogative by asserting that the National Security Council was established in 1947 to encourage candid discussions between the Federal agencies charged with keeping America safe to ensure they would provide the President with the best policy advice possible. For this very reason, security experts on both sides of the aisle agree that partisan politics have no place in the Council's deliberations.

With this in mind, it is deeply troubling that President Donald John Trump would promote Steve Bannon, his chief political adviser, to a full seat

on the Council's Principals Committee, while simultaneously relegating the chairman of the Joint Chiefs of Staff and the Director of National Intelligence to a lower status. At the very least, this sends the very dangerous signal that the Trump White House intends to let political calculations influence its decisionmaking on the life-and-death matters of national security.

Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to bring up Representative STEPHANIE MURPHY's bill to prohibit political advisers from regularly attending National Security Council meetings.

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

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

There was no objection.

Mr. HASTINGS. Mr. Speaker, to discuss our proposal, I yield 4 minutes to the distinguished gentlewoman from Florida (Mrs. MURPHY).

Mrs. MURPHY of Florida. Mr. Speaker, 2 weeks ago, I introduced H.R. 804, legislation designed to ensure that the deliberations and decisions of the National Security Council are not unreasonably influenced by partisan politics. The bill has garnered nearly 130 cosponsors, including the ranking members of the House Armed Services, Foreign Affairs, and Intelligence Committees. It is my hope that the bill will obtain support from my colleagues across the aisle because the principle it seeks to vindicate has long enjoyed bipartisan backing.

The motivation for my legislation was President Trump's directive formally authorizing his chief political adviser, Stephen Bannon, to attend all meetings of the NSC and its main subgroup, the Principals Committee. This aspect of the President's directive generated concern from respected military and intelligence professionals across the ideological spectrum.

For example, Senate Armed Services Committee Chairman JOHN MCCAIN characterized Mr. Bannon's appointment as a radical departure from precedent. Former White House Chief of Staff, Defense Secretary, and CIA Director Leon Panetta observed that the last place you want to put someone who worries about politics is in a room where they are talking about national security. And the ex-chairman of the Joint Chiefs of Staff, Michael Mullen, asserted that every President has the right and responsibility to shape the National Security Council as he sees fit, but partisan politics has no place at that table.

My bill would amend the 1947 law in which Congress created the NSC and established the statutory members of

the Council. It would add simple language to provide that no individual whose primary or predominant responsibility is political in nature shall regularly attend or participate in meetings of the NSC or the Principals Committee.

I want to emphasize that while I may disagree with President Trump and Mr. Bannon on a range of matters, this bill is not about any specific individual. The prohibition in my legislation would apply whether the President or political adviser in question is Republican or Democrat and irrespective of their particular party views or personal attributes.

At its core, this bill is about fidelity to a deeply American principle: the principle that the servicemembers in our all-volunteer military, the quiet professionals in our intelligence community, and the men and women who protect our homeland should never have their lives disrupted or placed at risk because of a national security policymaking process that is contaminated by partisan politics.

The President is free to obtain political and policy advice from whomever he wishes. However, he should not be free to place a political adviser on the most vital national security policymaking body in our country. Congress created the NSC, and Congress can and should set reasonable parameters governing its membership.

I respectfully urge my colleagues to defeat the previous question and to support H.R. 804.

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

Actually, I listened with a great deal of interest to the debate from my friends on the other side. None of it had very much to do with the rule or with the underlying legislation that we are going to discuss shortly, so I don't pretend to be an expert on the issues.

I do point out, simply in passing, that it really is up to the President of the United States as to whose advice he or she wants to take. Frankly, you know, to say that there aren't "political people on the National Security Agency," with all due respect to a Chief of Staff that I admire profoundly, I think Leon Panetta is one of the great Chiefs of Staff to ever serve any President, but I would tell you that he is a pretty political guy. He was in this body, and one of his jobs was to help make sure the President of the United States was reelected. So there was a political dimension to what he did.

I don't know Mr. Bannon. I have never met him. I don't pretend to be familiar with him or his thinking. I do know that he is a valued adviser to the President of the United States. And if the President of the United States is going to seek advice from somebody—and it may be in these areas of national security—frankly, personally, I would prefer them to be part of the Na-

tional Security Council, simply to have the educated debate of some of the very best professionals that we have and so that their opinion, when they advise the President, is fully formed. Again, I see this as the President's decision, not some enormous departure.

On occasions, Mr. Axelrod, who was not a chief of staff who was primarily a political counsel, did sit in on national security meetings at the request of the President. So, again, we can have this argument. I am not sure it is particularly relevant to the legislation. But at the end of the day, I want anybody advising the President of the United States—and he gets to make that choice—to get the best information they can possibly receive so that that advice is well-informed.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. CARTER), who is here to offer some important thoughts about some of the issues that are involved in the underlying legislation.

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of the rule providing for consideration of H.J. Res. 42, which disapproves of the rule submitted by the Department of Labor on drug testing of unemployment insurance applicants.

In 2012, the Middle Class Tax Relief and Job Creation Act was passed into law. This bipartisan reform allowed, but did not require, States to administer drug tests to those applying for unemployment insurance benefits.

Unemployment insurance applicants are required by law to be able and available for employment, and drug testing is one of the most effective ways to ensure applicants meet this requirement. This law was also intended to reassure employers and taxpayers who fund the unemployment insurance program that those claiming benefits were truly ready to be hired and work.

In the years following the passage of this law, the Department of Labor failed to issue a rule to implement it. But in the final months of the Obama administration, the Department of Labor issued a final rule that severely limited States' ability to drug test unemployment insurance applicants. In issuing this rule, the Department of Labor acted outside their authority and went against the clear intent of Congress.

H.J. Res. 42 would provide for disapproval of this rule through the Congressional Review Act. This is needed to remove this overreaching rule and allow for the original intent of the law to be fully implemented.

States are in the best position to determine how to efficiently and effectively administer unemployment insurance programs, and should be allowed to drug test applicants if they choose to do so.

Reform of the unemployment insurance program is of particular interest

to me. Last Congress, I introduced the Ensuring Quality in the Unemployment Insurance Program Act, which would allow States to choose how to implement drug testing on unemployment insurance applicants.

I thank Chairman BRADY and Chairman COLE for their attention to this very important issue, and I look forward to working with them to enact meaningful reforms to the unemployment insurance program.

I urge my colleagues to support the rule and this resolution.

□ 1345

Mr. HASTINGS. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO), my good friend, who is the ranking member of the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies.

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this rule. Drug testing people who are simply applying for unemployment insurance is harassment.

I am outraged on behalf of the workers across this country, workers in my congressional district, who could be subjected to insulting and unnecessary testing when they have earned the right to apply for unemployment insurance.

This is a strategy to throw up barriers to collecting unemployment insurance. It is an intimidation tactic with no basis in reality. States should not be allowed to impose additional obstacles to cut back on applications.

These jobless workers are often unemployed through no fault of their own. Their jobs were taken away by corporations who have moved their jobs overseas in order to get a tax break. And in addition to that, we have a Tax Code today that supports them moving overseas.

Or they may have lost their job because of a flawed trade agreement which, as we have seen in the past, has lost jobs and depressed wages.

We ought to be dealing with a tax code that penalizes companies that move their jobs overseas, not people who just want to do an honest day's work or collect the unemployment insurance that they are entitled to.

People want to work in this country, and it is often tiresome to listen to the ways that some of my colleagues on the other side of the aisle demean working people, people who struggle every day. We are all identified by the jobs that we have. We take pride in the work that we do.

People don't want to be on unemployment. What they want to do is to say to their kids: Be proud of me. This is my job. This is what I do. I want to be your role model.

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

Mr. HASTINGS. I yield the gentlewoman an additional 1 minute.

Ms. DELAURO. What we ought to do, again, let's penalize those companies that send their jobs overseas. Let's do something about those flawed trade agreements which have lost over 800,000 jobs or more. That is just from the NAFTA agreement. Let's do something else for working people in this country.

Or you know what? Perhaps we ought to be drug testing the CEOs of companies who move their mailboxes overseas, export jobs, and who are in the business of hurting American workers. And, by the way, they are getting massive tax breaks at taxpayers' expense.

I strongly oppose this rule and this resolution. American workers deserve better.

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

I just want to point out for the record, Mr. Speaker, that actually this rule that we are trying to repeal, the measure we are trying to instate, doesn't force drug testing on anybody; and that is not going to happen in any State, unless the people in the State decide that that is something they want to do. I am quite content to let people in any State make that decision.

I think in my State, I am pretty certain that the people who I am privileged to represent would be very upset if they thought somebody was receiving unemployment compensation while they were on drugs, because they think that is going to make it pretty hard for that person to ever get back into the workforce, and they want to be able to identify that. They don't want to incentivize it.

Other people may have a different opinion, and that is legitimate. It is a big country. That is why our Founding Fathers adopted a Federal system, so I wouldn't begrudge another State that saw it differently.

What we are trying to avoid here is a one-size-fits-all or this body and any administration dictating to every State what they ought to do.

Frankly, I would suggest that my good friend's remarks suggest that is the concern, that they actually want to decide in Oklahoma what we would do. We are not trying to decide in Connecticut what our friends would do. We are just thinking this ought to be down to the States.

That was the intent of Congress. When this was written, it was to empower the States to allow them to pursue policies they thought were appropriate. Frankly, if they do that and they pursue different policies, which they may well, we may actually learn something out of this. Again, that is part of the genius of our system, having 50 different laboratories out there.

But let's not have a bureaucracy decide that it will circumvent the will of the Congress of the United States and

write a rule that is clearly meant to undo the intent of a legislation that was passed across this floor with bipartisan support.

Again, we just disagree on the issue, but, for the record, we are not trying to impose our beliefs. We are trying to let every State do what that State thinks they ought to do.

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

Mr. HASTINGS. Mr. Speaker, through you, I ask of my good friend from Oklahoma whether or not he has additional speakers. I do not, and I am prepared to close.

Mr. COLE. Mr. Speaker, I am certainly prepared to close if my friend is.

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

Mr. Speaker, we are here debating one rule for two entirely unrelated and unnecessary bills. To make matters worse, in the process of doing so, my Republican colleagues have shut out my fellow Democrats and some of their Republicans, even after presenting two germane amendments, even having the opportunity to have those amendments debated on the floor of the House of Representatives, the people's House.

What are you afraid of? By not making in order germane amendments with no budgetary effect, even after the chairman of the pertinent committee asked that a structured rule be provided that would have allowed for those two germane amendments to be offered, the majority is silencing the duly-elected representatives of millions of Americans.

We have more important things to address here in the people's House. Continuing to undermine the dedicated work of our Federal agencies, continuing to govern not based on the reality of the situation but on how you feel things are, and then shutting out the voices of millions of Americans through their representatives from the legislative process is shameful and no way to govern. The American people deserve better.

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

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

Mr. Speaker, I just want to point out again that, while my friend is correct, we have two different pieces of legislation under a single rule, and those legislations, as my friend points out, are not particularly related. As a matter of fact, they are not related to one another in any way. Each piece of legislation will receive a separate debate and a separate vote on the House floor. There was simply no reason to have two rules when one would suffice for two bills that basically need to come into the same format, in our view.

I also point out that, when we are talking about the vote under the Congressional Review Act, we are actually following a form prescribed in statute,

and we are moving at a pace that the law dictates and that, frankly, is necessary in order to retain the privileged status of the legislation in the United States Senate. So nothing unusual here, other than we are actually being pretty productive and undoing a lot of rules that, frankly, we think were misguided and rushed into the final days of the last administration.

My friends are free to disagree with that, but I think the issues are pretty clear, pretty easy to decide, and don't require a great deal of amendments.

On the Oklahoma-Texas issue, and that is something I know a little bit about since it affects my district, last year, when we considered this legislation, we actually did have an amendment. It was my amendment, and my amendment that probably made it unacceptable in the Senate. But I was indulged by my chairman of the Rules Committee, and for the very important reason that we actually make sure that the tribes have an opportunity to be at the table. In this case, they do.

Mr. THORNBERRY has worked very hard, and so there is no dispute between the delegations in Oklahoma, the delegations in Texas, the interests of the various Indian tribes. Everybody agrees that we need a common set of information, a common survey that we can all trust to, frankly, work out the differences here that have multiplied over a century as the border has literally shifted. So that is the appropriate thing to do. We don't need a lot of amendments on that.

Mr. Speaker, in closing, I want to encourage all Members to support the rule. H.R. 428 is a fair and equitable solution which all interested parties have agreed upon and which can provide certainty that many landowners have sought along the Oklahoma-Texas border.

In addition, H.J. Res. 42 undoes a regulation that should have never been made in the first place. By preventing implementation of this regulation, we can ensure that those actively looking for work are provided with the support necessary to reach that goal.

Mr. Speaker, in closing, I want to take a point of personal privilege. This is the last time my good friend and my staff member, Mr. Waskiewicz, will be on the floor with me. He has been with me for 6½ years. He has made a smart career move and is moving on to the Budget Committee, a more august position.

But I have had the good fortune, as I know my friends have and we all have, to have very many wonderful staff members over the years. I have never had a better staff member than Steve Waskiewicz, never had a better friend, never had a harder worker, never had anybody who was more selfless in putting the interests of our office and the constituents whom we are privileged to represent ahead of all else. So I want to

commend and thank him publicly and on the record for his wonderful service.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to the rule and the underlying bill.

I strongly oppose this rule because it makes in order H.J. Res. 42, a bill disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, an effort to impose drug testing as a condition of receiving unemployment insurance and other forms of public assistance.

I oppose this rule because it would repeal a Department of Labor rule intended to implement a bipartisan agreement on implementing a provision, in the Middle Class Tax Relief and Job Creation Act of 2012, that allows states to drug test unemployment insurance (UI) applicants in certain circumstances.

In 2012, Congress approved a bipartisan compromise on drug testing unemployment insurance claimants.

The agreement permitted states to drug test UI claimants in cases where:

- 1) an applicant has been discharged from their last job because of unlawful drug use; or
- 2) an applicant who "is an individual for whom suitable work (as defined under the State law) is only available in an occupation that regularly conducts drug testing (as determined under regulations issued by the Secretary of Labor)."

Congress therefore mandated the Department of Labor to define through regulation those occupations that regularly conduct drug testing.

The final Department of Labor (DOL) rule, which would be repealed by H.J. Res. 42, defined "occupation" as a position or class of positions that are required, or may be required in the future, by state or federal law to be drug tested.

Some members of Congress have criticized the regulations as being too narrowly drawn, but in fact, they track the bipartisan legislation very closely.

It seems that what is really at issue is a desire to conduct broader drug testing of UI applicants.

Any proposal that seeks to expand the ability of states to drug test people for unemployment insurance should be vigorously opposed.

States already have the ability to administer drug testing and this change would needlessly shift employer costs to the states.

State UI programs already penalize job-related drug use.

Virtually all states treat a drug-related discharge as disqualifying misconduct even if it is not explicitly referenced in their discharge statutes.

Twenty states also explicitly deny benefits for any job loss connected to drug use or a failed drug test.

In addition, six states (Arizona, Arkansas, Indiana, South Carolina, Tennessee, and Wisconsin) have passed legislation equating a failed or refused pre-employment drug screen with refusing suitable work.

Employers already have testing as a tool to screen out people who use illicit drugs, at no cost to states.

Proponents of drug testing argue that states want to be able to drug test UI applicants.

However, only three states (Texas, Mississippi and Wisconsin) have enacted laws permitting state drug testing of UI claimants, consistent with the federal regulation, with all three of these states delaying implementation until after the final DOL rule targeted by H.J. Res. 42 was issued.

Suspicionless drug testing of government benefit recipients likely violates the Fourth Amendment.

Generally, government-mandated drug testing not based on individualized suspicion is unconstitutional.

Drug tests historically have been considered searches for the purposes of the Fourth Amendment.

For searches to be reasonable, they generally must be based on individualized suspicion unless the government can show a special need warranting a deviation from the norm.

However, social insurance or governmental benefit programs like UI, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP) and Housing Assistance do not naturally evoke the special needs that the Supreme Court has recognized in the past.

Indeed, when states like Michigan and Florida have tried to impose mandatory suspicionless drug testing on all TANF applicants or recipients, they have been stopped by federal courts that have found such testing to be unconstitutional under the Fourth Amendment.

These court battles also imposed substantial legal costs for states.

State-administered drug testing is a poor investment of public funds.

Claims that testing will save taxpayer money are built upon the assumption that the tests will return a high number of positive results.

However, studies show that individuals who receive public benefits use drugs at rates similar to the general population, and the vast majority of such individuals do not use drugs.

Most individuals, in fact, refrain from using drugs on a regular basis.

Ten states have spent substantial amounts of money in recent years to set up and administer drug testing systems for TANF recipients, but have identified only a few claimants testing positive.

Drug testing is also costly and prone to returning false-positives.

Drug tests that do come back as positive easily identify marijuana use but often miss other drugs that ordinarily clear out of the body within a few days.

Tests do not indicate if a person is impaired, or whether they are using less than they have in the past.

Working people paid for this insurance policy, and jobless workers earned the right to access UI through their service to their employer.

Proposals to drug test UI beneficiaries needlessly stigmatize and punish jobless workers and their families who are trying to get back on their feet.

If legislators have genuine concerns about drug use, there are far better ways to respond than targeting and stigmatizing the unemployed.

I urge you to oppose H. Res. 99, the Rule governing debate for H.J. Res. 42 and any

legislation that seeks to expand the ability of states to condition the receipt of unemployment insurance and other forms of public assistance on a drug test.

For these reasons and more, I oppose this rule and the underlying bill. I would also like to include the following list of organizations actively opposed to H.J. Res. 42:

9to5, National Association of Working Women; AFL-CIO; AME Church—Social Action Commission; American Civil Liberties Union; American Federation of State, County and Municipal Employees (AFSCME); Bend the Arc Jewish Action; Bill of Rights Defense Committee/Defending Dissent Foundation; Center for Community Change Action; The Center for HIV Law and Policy; Center for Law and Social Policy (CLASP); Drug Policy Alliance Economic Policy Institute Policy Center; Food Research & Action Center; Harm Reduction Coalition; Housing Works; Institute for Science and Human Values; Interfaith Worker Justice; LatinoJustice; The Leadership Conference on Civil and Human Rights; Legal Action Center; Legal Aid at Work.

Life for Pot; The Los Angeles LGBT Center; Massachusetts Law Reform Institute MomsRising; NAACP; National Asian Pacific American Women's Forum; National Association of Social Workers; National Center for Transgender Equality; National Council of Churches; National Employment Law Project; National Employment Lawyers Association National LGBTQ Task Force Action Fund; National Women's Law Center; NCADD-MD; Public Justice Center; Sargent Shriver National Center on Poverty Law; StopTheDrugWar.org; Students for Sensible Drug Policy (SSDP); The Sugar Law Center for Economic & Social Justice; Union for Reform Judaism; The United Methodist Church—General Board of Church and Society; Witness to Mass Incarceration; Workplace Fairness.

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

AN AMENDMENT TO H. RES. 99 OFFERED BY
MR. HASTINGS

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 804) to amend the National Security Act of 1947 to protect the National Security Council from political interference, and for other purposes. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next

legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 804.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

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

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

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

Clearly, the vote on the previous question on a rule does have substantive policy impli-

cations. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 1 o'clock and 56 minutes p.m.), the House stood in recess.

□ 1415

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky) at 2 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 99;

Adoption of House Resolution 99, if ordered;

Ordering the previous question on House Resolution 116; and

Adoption of House Resolution 116, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION
OF H.R. 428, RED RIVER GRADIENT
BOUNDARY SURVEY ACT,
AND PROVIDING FOR CONSIDERATION
OF H.J. RES. 42, DISAPPROVING
RULE SUBMITTED BY DEPARTMENT
OF LABOR RELATING TO DRUG TESTING
OF UNEMPLOYMENT COMPENSATION
APPLICANTS

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 99) providing for consideration of the bill (H.R. 428) to survey

the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes, and providing for consideration of the joint resolution (H.J. Res. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 225, nays 189, not voting 17, as follows:

[Roll No. 88]

YEAS—225

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

Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)

Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Weber

Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—189

Adams
Aguilar
Barragán
Bass
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.

Brady (PA)
Brown (MD)
Brownley (CA)

Bustos
Butterfield
Capuano

Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)

Clay

Cleaver

Clyburn

Cohen

Connolly

Conyers

Cooper

Correa

Costa

Courtney

Crist

Crowley

Cuellar

Cummings

Davis (CA)

Davis, Danny

DeFazio

DeGette

Delaney

DeLauro

DeBene

Demings

DeSaulnier

Deutch

Dingell

Doggett

Doyle, Michael F.

Ellison

Engel

Eshoo

Espallat

Esty

Evans

Foster

Frankel (FL)

Fudge

Beatty

Duffy

Emmer

Hartzler

Hensarling

Huizenga

Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)

Himes

Hoyer

Huffman

Jackson Lee

Jayapal

Jeffries

Johnson (GA)

Johnson, E. B.

Kaptur

Keating

Kelly (IL)

Kennedy

Khanna

Kihuen

Kildee

Kilmer

Kind

Krishnamoorthi

Kuster (NH)

Langevin

Larsen (WA)

Larson (CT)

Lawrence

Lawson (FL)

Lee

Levin

Lewis (GA)

Lieu, Ted

Lipinski

Loebach

Lofgren

Lowenthal

Lowey

Lujan Grisham,

M.

Lujan, Ben Ray

Lynch

Maloney,

Carolyn B.

Maloney, Sean

Malone

McCollum

McEachin

McGovern

McNerney

Meeks

Meng

Moore

Moulton

Murphy (FL)

Nadler

Napolitano

Neal

Nolan

Norcross

O'Halleran

O'Rourke

Pallone

Panetta

Pascarell

Pelosi

Perlmutter

Peters

Peterson

Pingree

Pocan

Polis

Price (NC)

Quigley

Raskin

Rice (NY)

Richmond

Rosen

Roybal-Allard

Ruiz

Ruppersberger

Ryan (OH)

Sánchez

Sarbanes

Schakowsky

Schiff

Schneider

Schrader

Scott (VA)

Scott, David

Serrano

Sewell (AL)

Shea-Porter

Sherman

Sinema

Sires

Slaughter

Smith (WA)

Soto

Speier

Suozzi

Swalwell (CA)

Takano

Thompson (CA)

Thompson (MS)

Titus

Tonko

Torres

Tsongas

Vargas

Veasey

Vela

Velázquez

Walz

Wasserman

Schultz

Waters, Maxine

Watson Coleman

Welch

Wilson (FL)

Yarmuth

NOT VOTING—17

□ 1440

Messrs. GONZALEZ of Texas and LARSON of Connecticut changed their vote from “yea” to “nay.”

Mr. BARTON changed his vote from “nay” to “yea.”

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

Stated for:

Mr. LAMBORN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 88.

Mr. EMMER. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 88.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 225, noes 187, not voting 19, as follows:

[Roll No. 89]

AYES—225

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

Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao

Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman

Williams
Wilson (SC)
Wittman
Womack
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. ROSEN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 89.

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Lucas
Luetkemeyer
MacArthur

Marchant
Marino
Marshall
Massie
Mast
McCarthy
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer

Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—187

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

NOT VOTING—19

Beatty
Brat
Duffy
Hartzler
Hensarling
Huizenga
King (NY)
Love
McCaul
Mulvaney
Payne
Roe (TN)
Rosen
Rush

Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sanchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozi
Suwells (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

PROVIDING FOR CONSIDERATION OF H.J. RES. 66, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY STATES FOR NON-GOVERNMENTAL EMPLOYEES, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 67, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY QUALIFIED STATE POLITICAL SUBDIVISIONS FOR NON-GOVERNMENTAL EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 116) providing for consideration of the joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees, and providing for consideration of the joint resolution (H.J. Res. 67) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 188, not voting 16, as follows:

[Roll No. 90]

YEAS—227

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barietta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert

Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison
Engel
Eshoo
Espallat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries

NAYS—188

Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Lofgren
Lowenthal
Lowey
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1446

So the resolution was agreed to.

Moulton	Richmond	Speier	Holding	McSally	Scott, Austin	Peters	Schiff	Thompson (MS)
Murphy (FL)	Rosen	Suozi	Hollingsworth	Meadows	Sensenbrenner	Peterson	Schneider	Titus
Nadler	Roybal-Allard	Swailwell (CA)	Hudson	Meehan	Sessions	Pingree	Schrader	Tonko
Napolitano	Ruiz	Takano	Hultgren	Messer	Shimkus	Pocan	Scott (VA)	Torres
Neal	Ruppersberger	Thompson (CA)	Hunter	Mitchell	Shuster	Polis	Scott, David	Tsongas
Nolan	Ryan (OH)	Thompson (MS)	Hurd	Moolenaar	Simpson	Price (NC)	Serrano	Vargas
Norcross	Sánchez	Titus	Issa	Mooney (WV)	Smith (MO)	Quigley	Sewell (AL)	Veasey
O'Halleran	Sarbanes	Tonko	Jenkins (KS)	Mullin	Smith (NE)	Raskin	Shea-Porter	Vela
O'Rourke	Schakowsky	Torres	Jenkins (WV)	Murphy (PA)	Smith (NJ)	Rice (NY)	Sherman	Velázquez
Pallone	Schiff	Tsongas	Johnson (LA)	Newhouse	Smith (TX)	Richmond	Sinema	Wasserman
Panetta	Schneider	Vargas	Johnson (OH)	Noem	Smucker	Rosen	Sires	Schultz
Pascarell	Schrader	Veasey	Johnson, Sam	Nunes	Stefanik	Roybal-Allard	Slaughter	Waters, Maxine
Pelosi	Scott (VA)	Vela	Jones	Olson	Stewart	Ruiz	Smith (WA)	Watson Coleman
Perlmutter	Scott, David	Velázquez	Jordan	Palazzo	Stivers	Ruppersberger	Soto	Welch
Peters	Serrano	Wasserman	Joyce (OH)	Palmer	Taylor	Ryan (OH)	Speler	Wilson (FL)
Peterson	Sewell (AL)	Schultz	Katko	Paulsen	Tenney	Sánchez	Swalwell (CA)	Yarmuth
Pingree	Shea-Porter	Waters, Maxine	Kelly (MS)	Pearce	Thompson (PA)	Sarbanes	Takano	
Pocan	Sherman	Watson Coleman	Kelly (PA)	Perry	Thornberry	Schakowsky	Thompson (CA)	
Polis	Sinema	Welch	King (IA)	Pittenger	Tiberi			
Price (NC)	Sires	Wilson (FL)	King (NY)	Poe (TX)	Tipton			
Quigley	Slaughter	Yarmuth	Kinzing	Poliquin	Trott			
Raskin	Smith (WA)		Knight	Posey	Turner			
Rice (NY)	Soto		Kustoff (TN)	Ratcliffe	Upton			

NOT VOTING—16

Beatty	Love	Visclosky
Duffy	McCaul	Walz
Hartzer	Mulvaney	Woodall
Hensarling	Payne	Zinke
Huizenga	Roe (TN)	
King (NY)	Rush	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1453

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 227, noes 188, not voting 16, as follows:

[Roll No. 91]

AYES—227

Abraham	Calvert	Farenthold
Aderholt	Carter (GA)	Faso
Allen	Carter (TX)	Ferguson
Amash	Chabot	Fitzpatrick
Amodei	Chaffetz	Fleischmann
Arrington	Cheney	Flores
Babin	Coffman	Fortenberry
Bacon	Cole	Fox
Banks (IN)	Collins (GA)	Franks (AZ)
Barletta	Collins (NY)	Frelinghuysen
Barr	Comer	Gaetz
Barton	Comstock	Gallagher
Bergman	Conaway	Garrett
Biggs	Cook	Gibbs
Bilirakis	Costello (PA)	Gohmert
Bishop (MI)	Cramer	Goodlatte
Bishop (UT)	Crawford	Gosar
Black	Culberson	Gowdy
Blackburn	Curbelo (FL)	Granger
Blum	Davidson	Graves (GA)
Brady (TX)	Davis, Rodney	Graves (LA)
Brat	Denham	Graves (MO)
Bridenstine	Dent	Griffith
Brooks (AL)	DeSantis	Grothman
Brooks (IN)	DesJarlais	Guthrie
Buchanan	Diaz-Balart	Harper
Buck	Donovan	Harris
Bucshon	Duncan (SC)	Herrera Beutler
Budd	Duncan (TN)	Hice, Jody B.
Burgess	Dunn	Higgins (LA)
Byrne	Emmer	Hill

NOES—188

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

NOT VOTING—16

Beatty	Loudermilk	Suozi
Bost	Love	Visclosky
Duffy	McCaul	Walz
Hartzer	Mulvaney	Zinke
Hensarling	Roe (TN)	
Huizenga	Rush	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1501

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RED RIVER GRADIENT BOUNDARY SURVEY ACT

Mr. BISHOP of Utah. Mr. Speaker, pursuant to House Resolution 99, I call up the bill (H.R. 428) to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 428

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Red River Gradient Boundary Survey Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) AFFECTED AREA.—

(A) IN GENERAL.—The term “affected area” means land along the approximately 116-mile stretch of the Red River, from its confluence with the north fork of the Red River on the West to the 98th meridian on the east.

(B) EXCLUSIONS.—The term “affected area” does not include the portion of the Red River within the boundary depicted on the survey prepared by the Bureau of Land Management entitled “Township 5 South, Range 14 West, of the Indian Meridian, Oklahoma, Dependent Resurvey and Survey” and dated February 28, 2006.

(2) GRADIENT BOUNDARY SURVEY METHOD.—The term “gradient boundary survey method” means the measurement technique used to locate the South Bank boundary line in accordance with the methodology established in *Oklahoma v. Texas*, 261 U.S. 340 (1923) (recognizing that the boundary line along the Red River is subject to change due to erosion and accretion).

(3) LANDOWNER.—The term “landowner” means any individual, group, association,

corporation, federally recognized Indian tribe or member of such an Indian tribe, or other private or governmental legal entity that owns an interest in land in the affected area.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(5) **SOUTH BANK.**—The term “South Bank” means the water-washed and relatively permanent elevation or acclivity (commonly known as a “cut bank”) along the southerly or right side of the Red River that—

(A) separates the bed of that river from the adjacent upland, whether valley or hill; and

(B) usually serves, as specified in the fifth paragraph of *Oklahoma v. Texas*, 261 U.S. 340 (1923)—

(i) to confine the waters within the bed; and

(ii) to preserve the course of the river.

(6) **SOUTH BANK BOUNDARY LINE.**—The term “South Bank boundary line” means the boundary, with respect to title and ownership, between the States of Oklahoma and Texas identified through the gradient boundary survey method that does not impact or alter the permanent political boundary line between the States along the Red River, as outlined under article II, section B of the Red River Boundary Compact enacted by the States and consented to by Congress pursuant to Public Law 106-288 (114 Stat. 919).

SEC. 3. SURVEY OF SOUTH BANK BOUNDARY LINE.

(a) **SURVEY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary shall commission a survey to identify the South Bank boundary line in the affected area.

(2) **REQUIREMENTS.**—The survey shall—

(A) adhere to the gradient boundary survey method;

(B) span the length of the affected area;

(C) be conducted by surveyors that are—

(i) licensed and qualified to conduct official gradient boundary surveys; and

(ii) selected jointly by and operating under the direction of—

(I) the Texas General Land Office, in consultation with each affected federally recognized Indian tribe; and

(II) the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma and each affected federally recognized Indian tribe; and

(D) be completed not later than 2 years after the date of enactment of this Act.

(b) **APPROVAL.**—

(1) **STATE APPROVAL.**—

(A) **IN GENERAL.**—Not later than 60 days after the date on which the survey under subsection (a)(1) is completed, the Secretary shall submit the survey for approval to—

(i) the Texas General Land Office, in consultation with each affected federally recognized Indian tribe; and

(ii) the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma and each affected federally recognized Indian tribe.

(B) **TIMING OF APPROVAL.**—Not later than 60 days after the date of receipt of the survey under subparagraph (A), the Texas General Land Office, in consultation with each affected federally recognized Indian tribe, and the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma and each affected federally recognized Indian tribe, shall determine whether to approve the survey.

(C) **SURVEYS OF INDIVIDUAL PARCELS.**—

(i) **IN GENERAL.**—Surveys of individual parcels in the affected area shall be conducted in accordance with this section.

(ii) **APPROVAL OR DISAPPROVAL.**—A survey of an individual parcel conducted under clause (i) shall be approved or disapproved, on an individual basis, by the Texas General Land Office, in consultation with each affected federally recognized Indian tribe, and the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma and each affected federally recognized Indian tribe, by not later than 60 days after the date of receipt of the survey.

(2) **NO FEDERAL APPROVAL REQUIRED.**—The survey conducted under subsection (a)(1), and any survey of an individual parcel described in paragraph (1)(C), shall not be submitted to the Secretary for approval.

(c) **NOTICES.**—

(1) **SECRETARY.**—Not later than 60 days after the date on which a survey for an individual parcel is approved by the Texas General Land Office and the Oklahoma Commissioners of the Land Office, in consultation with the attorney general of the State of Oklahoma, under subsection (b)(1)(C), the heads of those offices shall submit to the Secretary—

(A) a notice of the approval of the survey; and

(B) a copy of—

(i) the survey; and

(ii) any field notes relating to the individual parcel.

(2) **ADJACENT LANDOWNERS.**—Not later than 30 days after the date on which the Secretary receives a notice relating to an individual parcel under paragraph (1), the Secretary shall provide to each landowner of land adjacent to the individual parcel—

(A) a notice of the approval of the survey; and

(B) a copy of—

(i) the survey; and

(ii) any field notes relating to the individual parcel.

SEC. 4. EFFECT OF ACT.

Nothing in this Act—

(1) modifies any interest of the State of Oklahoma or Texas, or the sovereignty, property, or trust rights of any federally recognized Indian tribe, relating to land located north of the South Bank boundary line, as established by the survey;

(2) modifies any land patented under the Act of December 22, 1928 (45 Stat. 1069, chapter 47; 43 U.S.C. 1068) (commonly known as the “Color of Title Act”), before the date of enactment of this Act;

(3) modifies or supersedes the Red River Boundary Compact enacted by the States of Oklahoma and Texas and consented to by Congress pursuant to Public Law 106-288 (114 Stat. 919);

(4) creates or reinstates any Indian reservation or any portion of such a reservation; or

(5) alters any valid right of the State of Oklahoma or the Kiowa, Comanche, or Apache Indian tribes to the mineral interest trust fund established under the Act of June 12, 1926 (44 Stat. 740, chapter 572).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this Act \$1,000,000.

The SPEAKER pro tempore. Pursuant to House Resolution 99, the gentleman from Utah (Mr. BISHOP) and the gentlewoman from Hawaii (Ms. HANABUSA) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 428.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. THORNBERRY), the sponsor of this piece of legislation.

Mr. THORNBERRY. Mr. Speaker, first, let me thank Chairman BISHOP for not only yielding me the time, but for his patience and diligence and understanding this issue, and I also want to thank Subcommittee Chairman MCCLINTOCK for the work that he has put into it.

The Natural Resources Committee has conducted hearings on this issue. They have reported out bills related to this issue in the last two Congresses, and last Congress, the whole House voted for a bill that deals with this issue. I am grateful to Chairman BISHOP and Subcommittee Chair MCCLINTOCK for all of that effort.

Mr. Speaker, this bill is just a small sliver of what this House has passed before. This bill requires the Federal Government to do what the Federal Government should have done long ago, and that is to conduct a survey along the Red River following the instructions of the United States Supreme Court. That is all this bill does.

It does not dispose of any land; it does not alter the rights or claims of any State, any tribe, any individual. It just says the Federal Government has a responsibility to know what the Federal Government is supposed to be controlling. They have never, ever conducted a survey of this area, and so this bill says: You will have a survey conducted using the method that the United States Supreme Court has repeatedly held is a method you ought to use.

I am a little taken aback, Mr. Speaker, on why that should be controversial. We could go on at some length about how this came to be. It is interesting, historically, and we could go into a variety of details and so forth; but, again, the bottom line is the Federal law currently says the Federal Government has a responsibility to inventory and ascertain where Federal land is. Yet the Bureau of Land Management not only has never done it in close to 100 years after the Supreme Court decision, the Bureau of Land Management has said they never intend to. They will never conduct a survey of this 116-mile area.

So this bill, as I say, is very simple. It says the Bureau of Land Management shall commission a survey, jointly agreed upon by Texas and Oklahoma, tribal and other interests a full part of that, but there will, once and for all, be a survey to determine where the Federal claim is and where the Federal claim is not.

Now, part of the reason that is so important is because the Bureau of Land Management has, especially in 2013, come out and made a variety of claims that has thrown in doubt the proper title and ownership of land that has been in families for generations, that people have paid taxes on for generations. That has put a cloud on title of private landowners, and it does not help that cloud when the Bureau of Land Management says: We will never conduct a survey to determine exactly where the claim is.

So everyone, Mr. Speaker, every State, every tribe, every local government, every individual—even the Federal Government and the BLM itself—deserves to know where the claims rightfully are and where the claims are rightfully not.

First step is information. That is all this bill does. I think it is pretty clear that we should at least take this step.

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

Mr. Speaker, Federal ownership of the land along the Red River dates back to the Louisiana Purchase. Over time, gradual changes in the course of the river have created uncertainty regarding Federal interests in the area as well as confusion about the exact boundary between Texas and Oklahoma. Further complicating the matter, Native American Tribes have mineral and other interests in the area impacted by the precise ownership of the land in question.

In fact, as noted in the Supreme Court case of *Oklahoma v. Texas*, a 1923 case, the decision was the boundaries were changed due to accretion and erosion. It is important to note that the gentleman from Texas does not dispute the criteria set forth by the Supreme Court in *Oklahoma v. Texas*. Moreover, in 2000, Congress passed the Red River Boundary Compact, which shifted the boundary line between the States, but the location and status of lands in the public domain remain unchanged. Along the 116-mile stretch, a portion of the land in the Red River area is still under Federal ownership because it has never been disposed of under the authority of Congress.

In 2013, the Bureau of Land Management set out to revise the Federal resource management plan for Federal lands—not private lands, Federal lands—in Oklahoma, Kansas, and Texas. As part of that process, the BLM began to survey the lands to determine the extent of all ownership claims. According to the 2014 testi-

mony from the Deputy Director of the BLM, Steve Ellis, the survey process the BLM intends “to identify, with certainty, and propose management alternatives for lands which fall within the public domain but have never been patented, reserved, or disposed.”

According to that same testimony, the BLM estimates that approximately 30,000 acres of public land exist along the Red River between the north fork of the river and the 98th meridian. They also estimate that as many as 23,000 of those acres may be overlaid by private ownership interests.

One of the most significant and advantageous parts about the process for updating land use plans is that it includes steps along the way that allow for public input, analysis, and informed decisionmaking.

Once the survey is complete, the BLM has a variety of statutory authorities the agency can use to resolve conflicting claims, including the Federal Land Policy and Management Act and the Color of Title Act.

H.R. 428, the bill before us today, has a troubled history. Flaws in the bill have prevented it from becoming law for several years. Some of those shortcomings have been addressed, but others remain.

H.R. 428 would halt the planning and survey process in its tracks. The bill would strip the Bureau of Land Management of its survey authority along the 116-mile stretch of the Red River, and it would force the Federal Government to accept the survey completed by the States of Texas and Oklahoma.

Prohibiting the Federal Government from surveying its own land is unprecedented and unwarranted. What is also troubling is that, in stark violation of Republican policy against authorizations without an offset, this legislation authorizes the expenditure of \$1 million in Federal funding to pay the States to complete the survey.

It is important to note that allowing State governments to dictate the outcome of this process is a terrible precedent, and forcing the American taxpayers to pay the States for those surveys adds insult to injury.

□ 1515

Parts of this case are currently in the Federal court of the U.S. District Court for the Northern District of Texas. The parties include the State of Texas, BLM, and plaintiff landowners; and they are in mediation working to resolve these very complicated issues. The nature of that lawsuit is a quiet title action.

I include in the RECORD a minute order dated Tuesday, January 10, 2017. At the bottom of the order it reads, in relevant part: “Case did not settle but parties are continuing to work on settlement. Court will continue to monitor and assist mediation efforts.”

[Case 7:15-cv-00162-O Document 130 Filed 01/19/17 PageID 1449]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MINUTE ORDER—MEDIATION
(with parties and counsel)

JUDGE: Jeffrey L. Cureton

LAW CLERK: K. Verna

LOCATION: United States District Court,
Wichita Falls, Texas

Case No.: 7:15-CV-162-O

Case Style: Aderholt, et al. v. Bureau of
Land Management, et al.

Date Held: Tuesday, January 10, 2017

Time: 7:45 a.m.-6:00 p.m.

Persons Present at Mediation:

Plaintiffs: (1) Kenneth Aderholt, (2) Patrick Canan, (3) Kevin Hunter, (4) Ronald Jackson, (5) William Lalk, (6) Kenneth Patton, (7) Barbara Patton, (8) Jimmy Smith, (9) Kenneth Lemons, Jr. in his capacity of Sheriff of Clay County, Texas, (10) Honorable Lee Harvey and Meredith Kennedy as representatives of Plaintiff Wichita County, Texas, (11) Honorable Kenneth Liggett as Representative of Plaintiff Clay County, Texas, (12) Honorable Greg Tyra and Cory Curtis as Representatives of Plaintiff Wilbarger County, Texas

Counsel for Plaintiffs: Robert Henneke, Bradley Caldwell, J. Austin Curry, and John Summers

Counsel for Intervenor Plaintiff State of Texas: Megan Neal and Amy Davis

Representatives for Intervenor Plaintiff George P. Bush as Commissioner of the Texas General Land Office: Mark Havens, General Counsel and Mark Neugebauer, Chief Surveyor

Counsel for Intervenor Plaintiff George P. Bush: Ken Slavin and Deborah Trejo

Defendants: Robert Casias as Representative of Defendant Bureau of Land Management

Counsel for Defendants: Romney Philpott, Jason Hill, and Charles Babst

Mediation conducted with the parties and attorneys. Case did not settle but parties are continuing to work on settlement. Court will continue to monitor and assist mediation efforts.

Ms. HANABUSA. Mr. Speaker, this bill would undermine the progress of the judicial branch and instead prohibit the Federal Government from surveying its own land. It also would force the American taxpayers to pay the States for these surveys. Shifting this authority, as we said earlier, is unprecedented and would cause more confusion.

We should allow the parties to resolve this conflict, and Congress should stay out of it.

What is troubling is that the bill is being proposed as something that brings the parties together. This mediation is doing that.

More importantly, when you look at the bill itself, the question has to be asked: Where is the Department of the Interior? Where is the BLM? Let us not forget, it is the Department of the Interior that has the fiduciary duty to the tribes.

The question really is: Can or should Congress abdicate its fiduciary obligation that is owed to the tribes by doing this survey?

H.R. 428 does not warrant consideration by this body. We clearly have more important issues facing this Nation. Congress should get out of the way and allow the current BLM process to play out. This bill is a waste of our valuable time and taxpayers' dollars.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK), chairman of the Committee on Natural Resources' Subcommittee on Federal Lands that deals with this area.

Mr. MCCLINTOCK. Mr. Speaker, I thank Congressman THORNBERRY for working through three congressional sessions to do justice to the property owners along the Red River.

The injustice that this bill corrects is galling. In 1923, the U.S. Supreme Court established rules for determining the boundary between Texas and Oklahoma, which established property rights over this land.

For nearly a century, the Federal Government recognized and respected the property lines established by this ruling. Property owners purchased and sold this land and, in some cases, passed it down from generation to generation. These property owners, in good faith, dutifully paid taxes on their lands year after year, invested in these lands, maintained them, cultivated them, and improved them.

Nearly 100 years later, in 2013, the Bureau of Land Management announced that it was arbitrarily changing these long-established and settled boundaries and claiming ownership of 90,000 acres of land. This outrageous claim clouds property rights along this vast territory.

It is based on the flimsiest of pretexts: a 2009 survey of some 6,000 acres out of the total 90,000 in dispute. This survey ignored the 1923 Supreme Court decree that originally established the boundary lines, and it then extrapolated the results of this limited survey to justify this land grab over the entire region. In other words, BLM laid claim to these lands with a guess based upon a fraud.

The BLM has since scaled back its claim to 30,000 acres, a testament to the flimsy process with which it has upended the lives of every property owner in the region.

The Red River Private Property Protection Act tells the BLM to back off. It authorizes a comprehensive survey of all of the disputed acreage to be conducted jointly by the two States directly affected and in consultation with the tribal governments involved. It requires that the survey be conducted on the longstanding criteria established by the Supreme Court, rather than the recent and illegal invention of the BLM.

Upon the completion of the survey, the States of Texas and Oklahoma, in coordination with federally recognized

Indian tribes, will review and approve the survey to ensure its accuracy and impartiality.

Without this act, title to the farms and homes will be clouded for decades while the matter drags on through the courts. That is the course that the gentlewoman suggests we should follow: drag this on for years, if not decades, while these property owners languish in uncertainty.

Meanwhile, the BLM's assertion of regulatory jurisdiction would have devastating impacts on local homeowners and businesses and make it much more difficult to encourage economic development in the region.

This measure is a scaled-down version of the bill passed by this House in 2015, in order to address concerns expressed by the American Indian Nations involved.

Mr. Speaker, government exists to protect our natural rights, including our property rights, and this bill realigns our government with its stated purpose and its stated promise.

I urge its speedy adoption.

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

Mr. Speaker, I think it is very important for us—though they have made light of the fact that this has a history, beginning with the Louisiana Purchase—that this is not a new issue. There are a series of subsequent treaties with foreign governments in 1819, 1828, and 1838, which set the south bank of the river as the southern border of the United States and the northern border of what is now the State of Texas.

In 1867, when a portion of this public domain was reserved for the Kiowa-Comanche-Apache (KCA) Reservation, the middle of the main channel of the river between the 98th meridian and the north fork of the river was established as the reservation's southern boundary. The remaining land between what is now called the medial line and the southern bank retained its status as public land, which continues through the present.

In a series of decisions in the 1920s, the U.S. Supreme Court adopted a method known as the gradient boundary method for determining the location of the boundary between Texas and Oklahoma along the southern bank of the river. In giving certainty to the boundary's location and the extent of tribal holdings, the Court's decision also provided a basis for clarifying private land ownership on each side of the river.

In 1981 and 1984, two separate Oklahoma landowners argued in the United States District Court that, under riparian law, changes in the river's location had expanded their private holdings while reducing the acreage of the Texas landowners whose properties faced them across the river. In both cases, the district court followed the Supreme

Court's established principle concerning the location of public and private lands.

Private property in Oklahoma extended to the center of the river while private property in Texas stopped at the ordinary high-water mark on the southern bank, with the remaining land being part of the original public domain located in Oklahoma.

In 2000, the State legislatures of Oklahoma and Texas, along with tribal leaders from the neighboring KCA Tribes and Chickasaw and Choctaw Nations, attempted to resolve these remaining issues by agreeing to the Red River Boundary Compact. Congress later consented to the compact, and, in so doing, agreed to move the jurisdictional boundary between the States from the south bank gradient line to the south bank vegetation line.

The BLM began updating its resource management plan for public lands in Kansas, Oklahoma, and Texas, which includes the area along the Red River, in 2013. The BLM doesn't full know the extent of public domain, and that is why they are trying to do the survey. The resource management planning process would update the current RMPs covering this area, which were developed in 1994 and 1996, and establish a long-term plan articulating the BLM's objectives and strategies for maintaining the health and productivity of public lands in the region.

As we discussed earlier, in 1923, the United States Supreme Court also intersected into this and set the criteria.

We can disagree on some of these issues, but we can at least agree to get our facts straight. We do know, Mr. Speaker, that this has been an ongoing process and this has gone back for different administrations.

I think the question becomes: Why is it necessary to do this now? What is it that is happening now? They are in court. They have been in court. They have availed themselves of the court process. No one disagrees with the United States Supreme Court decision.

So the question we should all ask ourselves is: Why now? Why take out, in this bill, my amendment that was rejected by the Rules Committee which would have eliminated that portion which says basically the Federal Government has no say in the survey? So why would we abdicate that major responsibility?

We not only have responsibility to the tribes listed, but there are also different kinds of tribal lands, which we must take into account. So the question is: Why abdicate it?

If as was stated earlier that what we are talking about is just a bill that says to the BLM to do the survey, then why does it contain within it a statement that says it has no right to concur or to approve?

I think that it would be a different situation if this was a bill that said:

hurry up and do your survey. But that is not what this bill says.

This bill says the States of Texas and Oklahoma will do it—actually, Texas will do it in consultation with Oklahoma and specific tribes.

Why doesn't it say, if what we want is a survey, that BLM do the survey?

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LAMALFA), chairman of the Committee on Natural Resources' Subcommittee on Indian, Insular and Alaska Native Affairs.

Mr. LAMALFA. Mr. Speaker, you know when we swear to uphold an oath to our country and to our States, a lot goes with that responsibility. We have a very sacred covenant in protecting private property rights, the cornerstone of the founding of this Nation.

So to see that after many decades or even centuries of people feeling secure in their property, in their land, how can one government agency come along and defy two entire States in a process they have used, the gradient boundary survey method, in this case, along the Red River between Texas and Oklahoma? How can you have one rogue Federal agency coming in and saying we supersede what these two States and decades and decades of tradition and security that these families have had along here is completely wrong?

That is why H.R. 428 would send the right signal and give certainty back to these families. We are talking about a court process. Well, for private parties to have to go to a court, it is not the same as the government with its endless resources, endless time to slog through court in this case after 8 years. This is a lot of wear and tear on families when their property and their long-time traditions are in question here.

I go back to a case some years ago, the *Kilo v. New London* decision, where it was deemed that government can just take property if it was deemed beneficial to the government or to the tax base, indeed, trampling on property rights. At least, in that case, you can count on that there might be some compensation for having that land taken.

Will that even happen here? They are over a mile off in some of their surveys where the BLM believes the land line is. So the true border needs to be made certain and needs to be respectful of Texas and Oklahoma in their process in this property right discussion.

Indeed, an 8-year-long nightmare, imagine what this does to families. It happens in my district as well when regulators come in and decide they are going to change the water rights. It is not even good for their health. People, when they are going through this legal process, it is painful for them.

So H.R. 428 is a very important method of doing, through the gradient

boundary survey, a fair way—one that is recognized by Texas and Oklahoma for many decades as the correct way—to survey and finally put this issue to rest after many, many more years than what it should have been.

Indeed, private property rights are the cornerstone of part of why this country was even founded. Why do we continue to do this to the families who have, in good faith, paid taxes, made their land payments, and been part of the fiber of Texas and Oklahoma around the Red River for so many, many years?

□ 1530

Instead of confusion, let's give them certainty. I urge us to all support H.R. 428 and go to a survey method that is fair and recognized by two States, not by one Federal agency that wishes to override that process.

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

It is very interesting because we seem to be confusing what is at issue here. If what is at issue here is a survey process, then there is no question. The survey process is set up in the United States Supreme Court decision of *Oklahoma v. Texas*. No one disputes that that should be it.

Neither is it disputed that BLM cannot illegally claim private property and, in fact, it does have a process by which it can sell that private property.

First, under Section 203 of FLPMA, the BLM may sell public lands for private fair market value if, through the planning process, the public land has been determined to be difficult and uneconomic to manage; the land was acquired for a specific purpose but no longer fulfills the Federal purpose; or disposal may serve important public objectives which cannot be achieved prudently on land other than public land.

Under Section 206 of the FLPMA, the Secretary of the Interior can also conduct land exchanges of equal value with the same State so long as the public interest is well served.

Mr. Speaker, the reason why there is a compact of 2000 on this specific issue is because the States can't do it without the concurrence of Congress. What is being proposed here, in terms of the survey, is really using a Federal standard.

Again, the question is: Why?

More importantly, Mr. Speaker, there are tribal lands involved; not only the tribes noted, but also different types of tribal lands, private tribal lands different from that which is held in trust by the Secretary of the Interior, and we are abdicating that responsibility.

We have a fiduciary duty to these tribal lands, and it should not be treated basically with, well, if we don't agree, maybe we can come forward and say we don't agree. That is not what this is about.

They are beginning the process. They are in mediation. The courts have been the mechanism by which landowners have views, and there is one going on. So why not let the process go?

It just seems to be out of Congress' authority to simply abdicate the responsibilities that we have and say: The States can do it. And then we pay for it. Now, that makes no sense.

We need to be able to say to those that we have a fiduciary obligation to, and others, that we have done our job; that the Federal Government has done its job.

They are in the process. So the question I have again is, why now? Why now? This has been going on since way—I read through all the different treaties and the different types of cases that came up since 1923, *Oklahoma v. Texas*. So why now?

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

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. GOHMERT), who understands this, who is coming from that State, and who also serves as the vice chairman of the entire Resources Committee.

Mr. GOHMERT. Mr. Speaker, I am grateful to the chairman of our committee. I appreciate the question asked by my colleague across the aisle: Why now?

The answer to the question, why now, is that this Federal Government has not done its job. This Congress has not done its job in complying with the aspirations of the Constitution.

When you have disagreement between documents, as we did between the Louisiana Purchase on the south border of the Red River, and Oklahoma going to the middle of the Red River—and, of course, the Red River changes as time goes on—then the Federal Government should have long since stepped in and said: Here is the land we are talking about. Here is where the borders will actually go.

I am amazed at times, we talk in terms of agencies, of bureaus, of departments, as if they are some independent country that deserves a place at the United Nations making policies and making executive decisions all their own.

These people work for us. The Bureau of Land Management does have some folks that don't understand that. They think they are an entity unto themselves, and they make policy. Well, that is not what the Constitution set up.

In fact, the Constitution, in the preamble, as my friends know, says: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility. . . ."

This is what this bill is trying to do. Now, last Congress, my friend, MAC THORNBERRY, had a bill that went

ahead and took care of the issue, once and for all, and it was going to sell the land, and this dispute could be over. But since friends in the Senate were not able to come to a conclusion and they still just could not figure out what an appropriate disposition was, then my friend, Mr. THORNBERRY, has come back with this bill.

It is consistent with what every good parent will tell the child: Before you make a decision, gather all the evidence and information you can, then make a more educated, informed decision.

That is all this bill does, Mr. Speaker. It says, we are going to do a survey now. We are going to figure out what land we are talking about. And since the BLM has said we are not even going to even survey that land, we are going to leave it in dispute. We are not going to establish justice. We are going to worry about “just us” at the BLM.

We are not going to ensure domestic tranquility. We are going to create chaos, because when we create chaos, then we benefit. We get more land, we put people in jail.

Well, this is a simple bill, for heaven's sake. It says we are going to do a survey. We are going to see what we have got. That is all the bill does.

Why now?

Exactly. That is a great question. This should have been done 100 years ago or more than 100 years ago. It wasn't, so it is time to do it now and ensure domestic tranquility.

So all of the parties involved—not the BLM; they are not a party—the Federal Government, the Government of Oklahoma, the Government of Texas, and all the owners involved can, once and for all, have domestic tranquility.

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

I respectfully disagree. In the year 2000, when the Red River Compact was approved by Congress, and because of the nature of a compact and because of the requirements of our United States Constitution, which I know my colleagues abide by, it is a different situation. This could have been addressed if they wanted it addressed, but that is not what was done.

It is not over 100 years. We have intervening facts, like the compact of 2000, which afforded Congress the opportunity to look at this and, more importantly, the States the opportunity to decide.

Now, what did they do?

They disagreed on the high-water mark. They did not go into these specific issues. I am sure it is not something that occurred within the last 17 years. This is something that existed all along. So I call everyone's attention to the compact of 2000.

Last year's bill, H.R. 2130, contained in there the following statements: The Secretary disclaims any right, title,

and interest to the land located south of the south bank boundary line in the affected area.

It also said that surveys conducted by the Bureau of Land Management before the date of enactment of this act shall have no force or effect in determining the south bank boundary line.

So to say that they didn't do anything—or it was being done—the law that was attempted to be passed, it passed out of the House. The bill that passed out of the House contains in it specific language that they are saying they don't want any of that to apply.

So, Mr. Speaker, we come back to, I guess, why? Why? The authority to survey and approve or disapprove the sale or transfer of public lands belongs to the Federal Government acting on behalf of the American people.

The Bureau of Land Management has held the authority to examine the accuracy of these surveys and make revisions, when necessary and, in this instance, an ongoing process to make changes began in 2013. It is not like nothing has happened. It has been ongoing. The BLM has the tools and authority to resolve this survey problem, and Congress should just get out of the way and allow the process to play out.

Instead, my colleagues across the aisle want to use the situation as an excuse to make progress on their larger goal, alienating public land.

Just last week, they voted to repeal the BLM's efforts to update their resource management planning process. BLM's new rule increased the opportunities for the public to engage in the management of public lands and help the agency respond more efficiently to changes taking place in the environment and across the landscape.

By repealing BLM's planning rule, Republicans are ensuring that more disputes like Red River will develop, more public land will be lost or destroyed, and more litigation will ensue, all costing taxpayers more money.

So, Mr. Speaker, when we talk about H.R. 428, it is just the latest step in a very unpopular, anti-public lands campaign. Americans across the country have equal ownership and right to access and to enjoy all the resources. Whether it is a national park in Montana, a national park in Hawaii that has a volcano, forest lands in Pennsylvania, or wetlands in Colorado, the opportunities afforded through these resources belong to us all, regardless of hometown, education, means, or experience.

Despite the fact that we are talking about a 160-mile stretch of the Red River, by cutting away at the authority and management tools Federal agencies have at their disposal, this bill furthers my colleagues across the aisle's national public lands agenda and threatens the multiple-use principle that governs all BLM lands, all while costing the taxpayers the money.

It is like adding insult to injury. Not only do we pass a law, but we are also paying the States to do the survey.

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

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

Ms. HANABUSA. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from Hawaii has 11½ minutes remaining.

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

I want to conclude by acknowledging that I have read all of the various statements and the cases about the property owners along the Red River. I do understand that providing them with certainty and assurance that their property rights are not threatened is a goal that many share.

However, it would be unprecedented and would only further complicate matters to transfer the Federal survey authority over public domain to the States. This is not the way our public lands should be managed.

There is a transparent, objective process to determine ownership along the Red River. This bill subverts that process and sends \$1 million in Federal taxpayers' money for a State purpose. This is neither fair nor just outcome.

With the long, complicated history and various ownership claims along the Red River, BLM has to be allowed to complete its planning process and land survey. It also needs the right to have a say, which this bill, H.R. 428, eliminates that right.

Congress should not determine the outcome of what essentially amounts to a three-way property dispute by conceding Federal authority to a State. BLM has its tools it needs. We just need to get out of the way and let them do their work, which they have been trying to do over the years; and we do know 2013 has begun the process.

I urge my colleagues to reject the bill.

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

□ 1545

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

Now, in summary of what we have heard today, this situation is a result of a silly and suspect survey that has slapped the citizens with uncertainty and soured them for the security because seizing citizen sites has taken place.

The question was asked: Where is BLM? That is a good question. Where is BLM? They started this problem 8 years ago and have yet to do anything to try and solve the problem. That is why this bill is here before us because BLM has not done their job. Using a poor survey process, they have simply put people who have done nothing

wrong in doubt of their ownership of their property which they have had for generations and have been paying taxes on for years. Yet, in 8 long years, BLM has done nothing to solve the situation to give them the certainty so they know where they stand.

That is why the private citizens went to court. The only reason it is in court is because these private citizens were so frustrated with BLM taking so long to do something that could have been done within a matter of weeks, and yet it is now 8 years into a process simply because BLM used a flawed survey. Instead of using the gradient boundary survey method that the Supreme Court suggests, they did something else which brought them to the unusual conclusion that BLM actually owned 90,000 acres of land on this riverbank that they have never had in their history.

Later, they realized that was an unusual claim, so they lowered it down to: I own 30,000 acres of land—but 30,000 acres of land that has been in private property for years, for generations, they have been paying taxes on it, and now their land is in limbo. They can't do anything simply because BLM has refused to do its job.

It is not just here in Texas. Go across the State boundary to Louisiana where Lake Bistineau has the exact same problem with the exact same survey problems from the same agency, BLM. Go all the way to Colorado with Elkhorn Ranch. Once again, survey problems done by BLM which placed claims on private property that are exorbitant and yet moves at a snail's pace to try and solve the problem.

One of the first issues I dealt with when I came to Congress was Hyde Park, and, once again, the Federal Government—this time it was the Forest Service—taking claim on lands that had been, for generations, in private property and refusing to try and work with the property owners to solve the problem. That is what has been going on for 8 long years with the boundary line between Texas and Oklahoma.

Why are we coming here with a bill? Simply because you have got to solve the problem. You have got to fix the problem for people.

I have to also say something. The misrepresentation of the BLM planning rule that was presented is a total misrepresentation. In fact, when we removed that rule, the 2.0 planning rule, we did it because people want to have their voices heard and are eliminated if that planning rule goes into effect. That is why it has to stop, so this type of situation does not happen again.

Some people have said this may be an unprecedented concept. Actually, our realization that somebody has to handle the situation by actually allowing Oklahoma and Texas to pick qualified surveyors, do the survey—and do the survey—and then coordinate with the

tribes so they come up with a process, that is exactly what should have happened in 2009. Because BLM didn't do it, we are going to bring a bill to make sure they actually get something done.

This has been supported by the Texas and Oklahoma Farm Bureaus, the Texas General Land Office, Texas Southwest Cattle Raisers Association, and the people who live in this area who want to have some kind of conclusion so they can have their property rights respected.

Now, it has been said what we are doing is unprecedented—perhaps. What we are doing is trying to solve the problem to help people; and if it takes an unprecedented action by Congress to solve people's problem and let them move on with their lives, then that is the responsibility of Congress. We are the ones who establish what the policies should be, not some executive branch agency of government. It is our responsibility.

We are doing exactly what the people expect us to do by saying 8 years of unexpected and unanswered questions is far too long. Solve the problem and help people so they know what is their private property and what is not their private property and they can move on with their lives. If that is unprecedented, then it is about time we did something that is unprecedented. That is important.

That is why this bill is here, and that is why this bill is here now. It is coming at the beginning of the session because we cannot wait longer for the BLM to actually do what they should have done in 2009.

Now, Mr. Speaker, I want you to realize we are here on Valentine's Day. There is nothing special about that, but this is an issue where there has been no love lost. In fact, the landowners along this river have been simply soaked. But deep in the heart of Texas—all right, I know it is a boundary line, but I have got to get the heart in there some way. Deep in the heart of Texas, we are coming forth with a bill that is showing that the love for people who have paid their taxes and lived on this land for generations is not forgotten and that BLM has committed a crime of the heart with this land grab.

Indeed, Chairman THORNBERRY has passionately defended the interests of his constituents who just want to know the government loves them. That is why this bill is here. That is why it needs to be supported, and that is why I urge you to vote “yes.”

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 99, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 3 o'clock and 52 minutes p.m.), the House stood in recess.

□ 1615

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 4 o'clock and 15 minutes p.m.

RED RIVER GRADIENT BOUNDARY SURVEY ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the bill (H.R. 428) to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 250, nays 171, not voting 10, as follows:

[Roll No. 92]

YEAS—250

Abraham	Burgess	Diaz-Balart
Aderholt	Byrne	Doggett
Allen	Calvert	Donovan
Amash	Carter (GA)	Duffy
Amodei	Carter (TX)	Duncan (SC)
Arrington	Castro (TX)	Duncan (TN)
Babin	Chabot	Dunn
Bacon	Chaffetz	Emmer
Banks (IN)	Cheney	Farenthold
Barletta	Coffman	Faso
Barr	Cole	Ferguson
Barton	Collins (GA)	Fitzpatrick
Bergman	Collins (NY)	Fleischmann
Biggs	Comer	Flores
Billirakis	Comstock	Fortenberry
Bishop (MI)	Conaway	Fox
Bishop (UT)	Cook	Franks (AZ)
Black	Costello (PA)	Frelinghuysen
Blackburn	Cramer	Gaetz
Blum	Crawford	Gallagher
Bost	Crist	Garrett
Brady (TX)	Cuellar	Gibbs
Brat	Culberson	Gohmert
Bridenstine	Curbelo (FL)	Gonzalez (TX)
Brooks (AL)	Davidson	Goodlatte
Brooks (IN)	Davis, Rodney	Gosar
Buchanan	Denham	Gottheimer
Buck	Dent	Gowdy
Bucshon	DeSantis	Granger
Budd	DesJarlais	Graves (GA)

Graves (LA)	MacArthur	Rothfus	Neal	Ruppersberger	Suoizzi
Graves (MO)	Marchant	Rouzer	Nolan	Ryan (OH)	Swalwell (CA)
Green, Al	Marino	Royce (CA)	Norcross	Sánchez	Takano
Green, Gene	Marshall	Russell	O'Halleran	Sarbanes	Thompson (CA)
Griffith	Massie	Rutherford	Pallone	Schakowsky	Thompson (MS)
Grothman	Mast	Sanford	Panetta	Schiff	Titus
Guthrie	McCarthy	Scalise	Pascarell	Schneider	Tonko
Harper	McClintock	Schweikert	Payne	Schrader	Torres
Harris	McHenry	Scott, Austin	Pelosi	Scott (VA)	Tsongas
Hartzler	McKinley	Sensenbrenner	Perlmutter	Scott, David	Vargas
Hensarling	McMorris	Sessions	Pingree	Serrano	Velázquez
Herrera Beutler	Rodgers	Shimkus	Pocan	Sewell (AL)	Walz
Hice, Jody B.	McSally	Shuster	Polis	Shea-Porter	Wasserman
Higgins (LA)	Meadows	Simpson	Price (NC)	Sherman	Schultz
Hill	Meehan	Smith (MO)	Quigley	Sinema	Waters, Maxine
Holding	Messer	Smith (NE)	Raskin	Sires	Watson Coleman
Hollingsworth	Mitchell	Smith (NJ)	Richmond	Slaughter	Welch
Hudson	Moolenaar	Smith (TX)	Rosen	Smith (WA)	Wilson (FL)
Huizenga	Mooney (WV)	Smucker	Roybal-Allard	Soto	Yarmuth
Hultgren	Mullin	Stefanik	Ruiz	Speier	
Hunter	Murphy (PA)	Stewart			
Hurd	Newhouse	Stivers			
Issa	Noem	Taylor			
Jackson Lee	Nunes	Tenney	Beatty	McCaul	Visclosky
Jenkins (KS)	O'Rourke	Thompson (PA)	Demings	Mulvaney	Zinke
Jenkins (WV)	Olson	Thornberry	Engel	Rice (NY)	
Johnson (LA)	Palazzo	Tiberi	Gallego	Rush	
Johnson (OH)	Palmer	Tipton			
Johnson, E. B.	Paulsen	Troott			
Johnson, Sam	Pearce	Turner			
Jones	Perry	Upton			
Jordan	Peters	Valadao			
Joyce (OH)	Peterson	Veasey			
Katko	Pittenger	Vela			
Kelly (MS)	Poe (TX)	Wagner			
Kelly (PA)	Poliquin	Walberg			
King (IA)	Posey	Walden			
King (NY)	Ratcliffe	Walker			
Kinzinger	Reed	Walorski			
Knight	Reichert	Walters, Mimi			
Kustoff (TN)	Renacci	Weber (TX)			
Labrador	Rice (SC)	Webster (FL)			
LaHood	Roby	Wenstrup			
LaMalfa	Roe (TN)	Westerman			
Lamborn	Rogers (AL)	Williams			
Lance	Rogers (KY)	Wilson (SC)			
Latta	Rohrabacher	Wittman			
Lewis (MN)	Rokita	Womack			
LoBiondo	Rooney, Francis	Woodall			
Long	Rooney, Thomas	Yoder			
Loudermilk	J.	Yoho			
Love	Ros-Lehtinen	Young (AK)			
Lucas	Roskam	Young (IA)			
Luetkemeyer	Ross	Zeldin			

NOT VOTING—10

Beatty	McCaul	Visclosky
Demings	Mulvaney	Zinke
Engel	Rice (NY)	
Gallego	Rush	

□ 1638

Ms. McCOLLUM, Messrs. JEFFRIES, and KILDEE changed their vote from “yea” to “nay.”

Messrs. PETERS and DOGGETT changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MCCAUL. Mr. Speaker, on February 14, 2017, I missed both voting sessions. If present, I would have voted as follows:

“Yes”—Previous Question on H. Res. 99.

“Yes”—H. Res. 99—The combined rule providing for consideration of the bill H.R. 428—Red River Gradient Boundary Survey Act and of the bill H.J. Res. 42—Disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants.

“Yes”—Previous Question on H. Res. 116.

“Yes”—H. Res. 116—The combined rule providing for consideration of the bill H.J. Res. 66—Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees and of the bill H.J. Res. 67—Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

“Yes”—H.R. 428—Red River Gradient Boundary Survey Act.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 43, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE BY SECRETARY OF HEALTH AND HUMAN SERVICES; PROVIDING FOR CONSIDERATION OF H.J. RES. 69, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE OF DEPARTMENT OF THE INTERIOR; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM FEBRUARY 17, 2017, THROUGH FEBRUARY 24, 2017

Mr. BURGESS, from the Committee on Rules, submitted a privileged report (Rept. No. 115–12) on the resolution (H. Res. 123) providing for consideration of the joint resolution (H.J. Res. 43) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients; providing for consideration of the joint resolution (H.J. Res. 69) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to “Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska”; and providing for proceedings during the period from February 17, 2017, through February 24, 2017, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. BURGESS. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 23

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, February 28, 2017, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICAN HEART MONTH

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today, there will be a lot of focus on hearts, and I would like to talk about heart health.

NAYS—171

Adams	Davis (CA)	Kihuen
Aguilar	Davis, Danny	Kildee
Barragán	DeFazio	Kilmer
Bass	DeGette	Kind
Bera	Delaney	Krishnamoorthi
Beyer	DeLauro	Kuster (NH)
Bishop (GA)	DelBene	Langevin
Blumenauer	DeSaulnier	Larsen (WA)
Blunt Rochester	Deutch	Larson (CT)
Bonamici	Dingell	Lawrence
Boyle, Brendan	Doyle, Michael	Lawson (FL)
F.	F.	Lee
Brady (PA)	Ellison	Levin
Brown (MD)	Eshoo	Lewis (GA)
Brownley (CA)	Españillat	Lieu, Ted
Bustos	Esty	Lipinski
Butterfield	Evans	Loebbeck
Capuano	Foster	Lofgren
Carbajal	Frankel (FL)	Lowenthal
Cárdenas	Fudge	Lowe
Carson (IN)	Gabbard	Lujan Grisham,
Cartwright	Garamendi	M.
Castor (FL)	Grijalva	Luján, Ben Ray
Chu, Judy	Gutiérrez	Lynch
Cicilline	Hanabusa	Maloney,
Clark (MA)	Hastings	Carolyn B.
Clarke (NY)	Heck	Maloney, Sean
Clay	Higgins (NY)	Matsui
Cleaver	Himes	McCollum
Clyburn	Hoyer	McEachin
Cohen	Huffman	McGovern
Connolly	Jayapal	McNerney
Conyers	Jeffries	Meeks
Cooper	Johnson (GA)	Meng
Correa	Kaptur	Moore
Costa	Keating	Moulton
Courtney	Kelly (IL)	Murphy (FL)
Crowley	Kennedy	Nadler
Cummings	Khanna	Napolitano

February marks American Heart Month, which is an annual awareness campaign for the number one killer in the United States—heart disease.

The first American Heart Month was declared in 1964 by President Lyndon B. Johnson. While the death rate from heart disease has dropped considerably since the 1960s, we still have much work to do.

More than 17 million deaths a year are attributed to heart disease and stroke. But studies show that 80 percent of cardiac events and strokes are preventable.

What is truly important for Americans to know is that heart disease is within their control if they have a family history where a loved one has suffered, or even died, from heart disease.

The good news is that the risk of heart disease can be lowered through a healthy lifestyle and regular checkups.

It is my hope that all Americans will take their heart health seriously and educate themselves on how to lead a healthy life in the spirit of American Heart Month.

PROVIDENCE COLLEGE CENTENNIAL

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

Mr. LANGEVIN. Mr. Speaker, on February 14, 1917, the Diocese of Providence, the Dominican Friars of the Providence of St. Joseph, and the State of Rhode Island established Providence College.

Like our great Nation, Providence College was founded on principles of tolerance and acceptance. Its charter states that no student shall be denied admission or honors due to religious opinion. One hundred years later, Americans would do well to follow this example.

Led by Reverend Brian Shanley, the president of this outstanding academic institution, Providence College continues to enrich the lives of its students and the State of Rhode Island. It is a leader in research and academic excellence, and its scholars encourage young people to question the world around them and serve their communities.

The Ocean State is fortunate to be home to such a venerable institution. As a lifelong Rhode Islander, I am so proud to celebrate its centennial and recognize its continued success today.

Happy 100th anniversary, Providence College.

□ 1645

NORTH KOREA IS A TERRORISM STATE

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

Mr. POE of Texas. Mr. Speaker, when I met with Admiral Harris of Pacific Command last year, I asked him which nation's threats concerned him the most. He quickly replied: North Korea.

Proving Admiral Harris correct, North Korea illegally launched yet another menacing ballistic missile. This was a high-tech, pre-fueled rocket that can be launched quickly. This type of rocket has a range of about 1,800 miles—thus, making it an immediate threat to South Korea and Japan as well as our troops that are stationed there.

North Korea has even bigger plans. Kim Jong-un reportedly plans to develop submarines from which to launch the missiles, which could threaten the United States. The last administration pursued an ignorant strategy called strategic patience. That policy clearly failed. North Korea's program is now stronger than ever. Kim Jong-un's threats continue to grow bolder and bolder with no repercussions.

Once upon a time, the United States had North Korea on the State Sponsors of Terrorism list. It is time to put little Kim back on that list because he is a world terrorist and a threat to world peace, and he has earned that distinction.

And that is just the way it is.

ACCESS TO COUNSEL ACT

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

Ms. JAYAPAL. Mr. Speaker, yesterday I introduced my first bill, H.R. 1006, the Access to Counsel Act; and it was a great pleasure to work with my colleague in the Senate, Senator KAMALA HARRIS, who introduced that companion version. The legislation is a direct response to the President's misguided Muslim ban.

In the chaos following the release of the executive order, people across the country were detained at airports and denied opportunities to consult with hundreds of attorneys who were there ready to provide legal support. Some of these people were deported without any access to due process. Even now, we are getting reports of people who are literally relinquishing their legal permanent resident status without consulting with anybody because they don't understand what they are signing.

Detention and deportation without due process happens far too often, even though due process is a right that we hold so dear as Americans. For years, we have heard these cases of people being denied the right to counsel, and my bill, the Access to Counsel Act, ensures that anyone who is detained by CBP or held in ICE custody will get access to counsel.

This is a commonsense measure, and I know that there are many who are

fearful of what will come next. I want them to know that we will continue to fight for their rights and for their access to due process.

CELEBRATING THE ELIZABETH TAYLOR AIDS FOUNDATION

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to celebrate The Elizabeth TAYLOR AIDS Foundation for its efforts and commitment to transform the lives for those living with HIV/AIDS.

Since its creation in 1991, this foundation has advanced Elizabeth Taylor's dream to create a future free of HIV/AIDS by supporting organizations delivering care and services for people living with this disease.

Today, the Foundation remains a leading player in the fight to end the HIV/AIDS epidemic by providing grants to global programs that seek to fund education, to raise awareness, and to create innovative treatments for patients.

As the co-chair of the Congressional HIV/AIDS Caucus, I have had the opportunity to work with this foundation over the years to help improve the lives of patients and advance research efforts that can lead to a cure for this terrible disease.

I celebrate The Elizabeth Taylor AIDS Foundation, and I look forward to continuing to work with it to realize our common dream of an AIDS-free generation in the U.S. and, indeed, throughout the world.

CONGRATULATIONS UCONN WOMEN'S BASKETBALL TEAM

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

Mr. COURTNEY. Mr. Speaker, at 11 p.m. last night, the UConn women's basketball team once again stunned the sporting world and, really, the Nation by winning their 100th straight win against a very good team, the University of South Carolina.

Again, Mr. Speaker, the UConn women just continue to defy the laws of gravity. They have won 11 NCAA titles, again, shattering all records before them, and the 100th win was exceeding the last record which the UConn women set a number of years ago in terms of consecutive wins.

Coach Geno Auriemma has an extraordinary program, which has almost a perfect record of graduation. These are true student athletes. Last night, Gabby Williams, Napheesa Collier, Kia Nurse, and Crystal Dangerfield once again made us proud in the State of Connecticut to be the home of real champions.

Again, congratulations. You are in uncharted waters now at 100 wins and counting, and we look forward to more success in the future.

Go Huskies.

UPDATE ON OROVILLE DAM

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

Mr. LAMALFA. Mr. Speaker, well, it has been national news, the situation going on in northern California, where the Oroville Dam is. Obviously, there has been some damage and destruction to the main concrete spillway, as well as the situation with the lake rising and finally going for the first time in 48 years over the emergency spillway.

The dam itself, the earthen structure, 770 feet tall is solid. The emergency spillway is being evaluated, but so far it looks stable itself. It is the issue of the soil in front of it that needs to be stabilized during these days where there is dry weather, where it can be stabilized with rock and concrete.

So what we need to know is: Why did this happen?

This would be what we do later on. First, we need to take care of the emergency situation, the State resources and Federal resources pulling together to make sure people are safe and that the dam remains sound and that we don't lose the structure.

It looks good. I think things are stable for right now. We also need prayer for no more rain for a while, or at least not overwhelming amounts of rain. So it looks good.

We just need patience also from the people that are in the flood plain that have been evacuated to listen to their emergency personnel and follow with that so that they are kept safe during this time of the emergency.

So I think good efforts are underway, and we will investigate later on what went wrong.

COMMITMENT TO CIVILITY

The SPEAKER pro tempore (Mr. GALLAGHER). Under the Speaker's announced policy of January 3, 2017, the gentleman from Louisiana (Mr. JOHNSON) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. JOHNSON of Louisiana. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. JOHNSON of Louisiana. Mr. Speaker, today a bipartisan group of 46

freshman Members of this 115th U.S. Congress, representing red and blue States from coast to coast, released a document that we have entitled the "Commitment to Civility."

This evening, I am grateful to be joined on the floor by 21 different leaders of our class, representing diverse districts in 15 different States across our great Nation to speak to this important and very timely issue.

This commitment document was created in early January following our initial meetings together as a class. We discussed our mutual intent to serve the best interest of the country, and to return to statesmanship that was revered and modeled by the great leaders of our history.

I drafted this document to memorialize our Members' agreement to, among other things, work towards restoring collegiality and civility in the Congress; encouraging more productive dialogue; and building consensus and strengthening the public's trust in America's institutions.

This document is not intended in any way as a criticism of anyone else in any other Chamber or branch of the government. Rather, it represents the mutual commitments of the Members of our class that we have made among and between ourselves.

As we teach our own children, we often have no control over what others may do, but we are ultimately responsible for our own actions. Personally, I want to say how encouraging it is to work with others from across the political spectrum who want to lead by example and work to restore civility in our public discourse. There may never have been a more important time for that very important effort.

I am one who is regarded as probably being among the most conservative Members of the Congress, and I will never deviate from my core principles. However, I am mindful to always remember that while some of my colleagues and I may have very different ideas and core political philosophies, at the end of the day, we are all Americans and we are all made in the image of God; thus, we believe we should act accordingly.

Before my esteemed colleagues come to share their thoughts on this important subject, I would like to introduce and read into the CONGRESSIONAL RECORD, the document we refer to as the "Commitment to Civility." It reads as follows:

"As new Members of the United States House of Representatives and as individual citizens we recognize the gravity of the responsibility we have been given and the significance of this moment in the history of our extraordinary country.

"America remains the most free, most powerful and most prosperous nation in all the world, and yet we face significant challenges. Among these

challenges has been an increasing division in and coarsening of our culture fueled too often by the vitriol in our politics and public discourse. One result has been a loss of trust in our institutions and elected officials.

"We believe there is a better alternative.

"Although we represent both political parties and a wide range of individual views across the political spectrum, our common and sincere aims are to serve the needs and interests of the American people, to work with one another and the leaders of our respective parties to encourage greater confidence in our institutions, and to set an example of statesmanship for the younger generation of Americans that will follow.

"To this end, we are dedicated to showing proper respect to one another and all others, encouraging productive dialogue, and modeling civility in our public and private actions. While we may vehemently disagree on matters of law and policy, we will strive at all times to maintain collegiality and the honor of our office.

"We believe that a leader can be cooperative and conciliatory without compromising his or her core principles, and we will remember that our political rivals in Congress are not our enemies—but rather our colleagues and fellow Americans. We also believe that maintaining a spirit of mutual understanding and cooperation will help make government work more efficiently and effectively, help build consensus and restore the public trust, and, ultimately, serve as a positive influence on society at large.

"For all of these reasons, we hereby pledge our names to this Commitment to Civility on this 10th day of January, 2017, in Washington, D.C."

The document is signed by 46 incoming Members of the 115th Congress.

Mr. Speaker, at this time, I am delighted to yield to 21 different leaders of our class, representing both political parties and 15 different States across our great land. Each will express their own thoughts on this important subject.

I begin by yielding to the gentlewoman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Speaker, I thank my colleague, Congressman MIKE JOHNSON from Louisiana, for helping coordinate this effort.

When I got here to Washington for orientation, I will never forget very early on, one of my colleagues, Congressman JODEY ARRINGTON from Texas, came up to me and said: I want to introduce myself. And he did.

He was the first Republican that came up to me and said: I want to get to know you on a personal level. I want to be your friend because we are going to be working together.

I have to tell you how impressed I was that somebody was reaching out

across the aisle because they wanted to develop a personal relationship, knowing that we would be able to work together.

Later on, I got to meet the rest of my colleagues at Harvard, where they have a bipartisan program that is a wonderful program and gives you an opportunity to help build these relationships, which I think is so important, especially today in our time.

We just got off one of the ugliest elections in history where it really felt as if civility disappeared. Today it sometimes still feels that way, which is why I think this is such an important effort.

As Members of Congress, we need to set an example of statesmanship for younger generations of Americans to follow. We must remember that every person should be respected. Somebody yesterday said something that really struck a chord. It is not that we need to agree on everything or that we need to agree all the time, but we need to learn to disagree better.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from Michigan (Mr. BERGMAN).

□ 1700

Mr. BERGMAN. Mr. Speaker, I rise today to speak in support of the freshman class's commitment to civility.

Before the Revolutionary War, a 16-year-old George Washington copied 110 rules for civil behavior out of his school book. The last of Washington's rules of civility, as they are now called, is this: "Labor to keep alive in your breast that little spark of celestial fire called conscience."

Conscience: That should be our guide in everything we do, both here in Congress and back home—for me, in Michigan's First District. Conscience is why, as a Member of the freshman class of the 115th Congress, I have made a commitment to open and civil debate.

We are facing many challenges in our country. And the folks here and back in Michigan, all across the land, on both sides of the aisle, have many different ideas about where we need to be and what we need to do to get there. That is democracy at work.

Being civil means that the best and most effective ideas have a real chance to be heard. If we truly desire to move forward as a country, we have to do it together. We must treat each other with dignity and respect. We must be civil.

This freshman class has dedicated itself across party lines to setting the example for ourselves and for our colleagues here in Congress and for all of our constituents.

Mr. Speaker, I will uphold these standards, and I trust that my colleagues will also do the same.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank the general for his service to our country.

I yield to the gentleman from New York (Mr. SUOZZI).

Mr. SUOZZI. Mr. Speaker, I rise today in support of the freshman class's effort to encourage civility in this Chamber and in our political discourse generally.

Americans are divided. Hate speech and hate crimes are spiking. Fake news is increasing. Terrorism threatens the world, and 60 million refugees are displaced across the globe.

The public is convinced that elected officials don't seem to get much done regarding the shrinking middle class, immigration reform, climate change, gun violence, and a whole bunch more. What should we do?

Love thy neighbor: That may seem like a simplistic public policy prescription, but love thy neighbor is a concept that can be found across many traditions.

If we are going to get Republicans and Democrats to actually come together as people of goodwill in search of the common good, it is going to require us to rely on some shared principles.

Faith and religious beliefs are the most effective, existing sources of commonality that may be relied upon. If people of different political philosophies actually believed that their opponents were similarly motivated by a common set of values to love thy neighbor, I believe we would get a lot more talking and problem-solving and, yes, less yelling and screaming.

Even nonreligious Americans have a fundamental belief in the religion-based concept of love thy neighbor. Discussing issues civilly and rooted in shared faith and values will result in more good work being accomplished.

The good news is that, during the first 6 weeks, I found that many of my colleagues seemed genuinely inspired by their faith and their values. Maybe if we all agree to be civil and recognize that many of us here are motivated by the same command to love thy neighbor, we might be a little more effective.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Speaker, I come from a place called Wisconsin. Besides having the world's best cheese and football franchise, we are known for being good neighbors. You may have heard of the phrase "Wisconsin nice." Well, that is a real thing, as any Bears or Lions or Vikings fans who have come to Lambeau Field and been greeted, not with jeers, but with a, welcome, it is good to have you have found out.

The disparity between how we do business in Wisconsin and how business gets done or doesn't in Washington, D.C., couldn't be wider. Well, I am of the humble opinion that the world needs more of what we do in Wisconsin

and less of how Washington, D.C., traditionally operates.

At a time when politics seems more deeply divided than ever, further debased by an endless media cycle that rewards vitriol and scandal, at a time when faith in our basic institutions is diminishing, I think the overwhelming majority of the American people are looking for something better. They sent us here to fight for our ideas, not to demonize the other side in a cynical attempt to get on TV or fundraise. The American people voted against the politics of the past, which only seeks to divide us and stir up controversy.

We can do better. We must do better. That is why I salute all of my colleagues for joining in this effort. I believe we, the freshmen Members of the 115th Congress, can be different. I believe that, through working together, we can break through the politics of the past and offer something better for the American people. I believe we can prove there is still room for civil, serious discourse in our political system.

Now, a commitment to civility doesn't mean we are going to agree on everything. I suspect there will be legitimate battles ahead, but let it be a battle of ideas not political theater. I intend to come armed to that fight with all the weapons I have at my disposal, foremost among them, my fervent belief in my conservative ideas. And I don't expect to convert my Democratic friends, but I expect them to come armed with their ideas, and I intend to listen. In that process of serious debate, maybe—just maybe—we will learn something from one another and find ways to fix our Nation's problems together.

Imagine if we were able to do that. Well, I am looking forward to trying.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from Kansas (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I too am honored to be part of the 115th Congress, the freshman class, a group of people who want to work together.

I think back to my campaign the last two years, and one of the most common concerns I had from people were: Why can't people in Congress get along? Why can't you respect each other?

What I saw day after day was the left and the right yelling at each other and the press throwing gasoline on top of that fire.

I remember, growing up, my dad had a saying: If you don't have something good to say about somebody, then don't say it. That is always something that I have taken to heart.

I think back to my sixth grade teacher, Mrs. Tyner. Her word for the entire year was "respect." She taught us to respect ourselves and respect each other, and that is what I would like to bring to the 115th Congress, is respect for each other, for each other's points

of views, and never question someone's intentions or motivations.

I believe in iron sharpening iron and coming up with better ideas together. I believe in defining problems together, to talk about the problem, and then discuss solutions together.

The hope is that you and I, my friends across the aisle and down the aisle, together we can come up with better solutions for this country. I believe that national defense is not a Republican or a Democrat issue. I believe the economy is not a conservative or a liberal issue. I think these are American issues that we need to fight to make better. I certainly don't think that health care is a Republican or Democrat issue.

My pledge is to work with civility, to work with respect toward my colleagues across the aisle and down the aisle. I look forward to making America a better place to live.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from California (Mr. CARBAJAL).

Mr. CARBAJAL. Mr. Speaker, I rise today to recommit myself to work first and foremost for the interest of the American public, regardless of political ideology.

I am under no illusion about the overwhelming partisanship that permeates this Congress. But I believe that, as vigorously as we debate our policy differences, we should also commit to upholding the principles of civility and respect to encourage productive discourse. To this end, we must work together, when at all possible, to advance the policy that serves our constituents and our country.

In this effort, I reflect on my service in the United States Marine Corps. We did not first stop to question whether our fellow marine was a Democrat or a Republican. We counted on each other to protect and defend our country. That is the approach to service we should aspire to in this distinguished legislative body.

On the issues of national security and to provide for the needs of the American people, there is no doubt in my mind that there is more that unites us than divides us. I look forward to working with my colleagues here today to do just that.

In the infamous words of President Kennedy: "Let us not seek the Republican answer or the Democratic answer, but the right answer."

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from Nebraska (Mr. BACON).

Mr. BACON. Mr. Speaker, I rise today with my fellow freshmen of the 115th Congress and commit to civility.

The 435 of us represent 320 million Americans. With a population that large and that diverse, we are going to have our differences. We are going to disagree which direction the Nation needs to go. With a free and open de-

mocracy, we all have that right. Vigorous discussion makes us stronger.

However, despite our differences, we are all still Americans, we want what is best for our country, and we must keep our debates respectful. We are all Americans first before we are Republicans, Democrats, Independents; and we can't forget this.

As Americans, we do have major issues facing us; and the world is looking to us to be leaders and find solutions. We must remain civil to each other to achieve this goal. Let's not forget that ISIS will never ask if we are Republicans or Democrats. The unemployment line doesn't ask if we are Republicans or Democrats either. The Federal deficit doesn't care if we are Republicans or Democrats. These are shared issues, and we are all in this together.

Politics is a contact sport, or so I am told. It has been that way since George Washington was President and Thomas Jefferson funded an opposition paper against him, all the while serving in his Cabinet. Still, today, character assassinations are a common occurrence in our political landscape, and it is wrong. Americans are at our finest when we work toward our common goals respectfully.

I spent nearly 30 years in the Air Force, and, during that time, I was fortunate to hold five commands. It didn't matter to me or our mission if a subordinate or a teammate was a Republican or Democrat. We fought in Iraq, stood up missile defenses in Israel, and conducted missions worldwide as Americans, not as Republicans or Democrats.

In the Air Force, we were all Americans, we are all airmen, and we all had one common goal. We need more of that on Capitol Hill. We are all Americans, we are all Members of Congress, and we all care about the future of our country.

One day, like all of us, I will meet our Creator. And when I do, I believe He will not care about what political party I associated myself with, but He will care how I treated my brothers and sisters. Let us agree to be a bright light on how to treat each other while we debate the issues we care about.

Let us, in the 115th Congress, all agree to work together, be civil to each other, be respectful with each other, and remember we are Americans before we are Republicans or Democrats.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I thank the gentleman from Louisiana (Mr. JOHNSON) for this opportunity.

Mr. Speaker, today, I rise to discuss our commitment to civility, a promise that I have made to my constituents at home and a promise that I have made to my colleagues here in Washington, D.C.

Prior to my being sworn in, during my campaign of 2016, the number one

question I heard and I received from the people in my district on the Central Coast of California was: Why would you want to go to Washington, D.C., right now?

I heard that over and over and over. I heard that people were dissatisfied with the dysfunction in Congress. I heard that they were disgusted with the partisanship of Congress. I heard that they were disheartened with our system of government. And I believe that it is that sentiment that lent to the denouement of November 8.

I admit I was disappointed by the Presidential election, and I believe that partisanship that was displayed during that election continued in Washington, D.C. It started when I got here for new Member orientation.

When we got here as freshmen, Republicans and Democrats, we were automatically split up. I did not get to know my fellow freshmen Republican colleagues here in D.C. It wasn't until we went on to Boston and Virginia that we actually took time to get to know each other, where they are from, and what they were about.

What I can tell you—the thing that I say that gives hope to so many people—is that my freshman class heard the exact same things during this past election: That it is time that we get things done and that we do it together.

Now, I believe that once we get past these turbulent times at this point, I do hope we can work together on issues that affect our country, be it immigration reform, investment in our infrastructure, and ensuring that our health care is not just accessible but affordable.

□ 1715

But I also realize, as many of you, that that is easier said than done. Yet I believe that to get things done in Congress, you have to treat it like a marathon and not a sprint, and I believe that we begin this race by building relationships.

My predecessor, Congressman Sam Farr, spent 23 years representing the place I call home on the central coast of California. He will tell you that for most of that time he was in the minority, yet he was able to get numerous things done; and he will tell you that the way he was able to do it is by relationships, with Democrats and Republicans.

I can tell you that Sam's predecessor would say the exact same thing; and I can tell you that Sam's predecessor and his three roommates, whom I was able to live with back in the eighties, would all say the same thing, that it is the personal chemistry amongst people here in Washington, D.C., that will lead to our ability to compromise professionally. That is what we must develop.

That is why I am honored and pleased to enter into this commitment

of civility, for that is the first ingredient to that chemistry that we must strive for. And I believe that this commitment that we have all taken to each other, to our communities, and to our country, that will lead to our constituents' confidence, not just in Congress, but in our democracy.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. LEWIS).

Mr. LEWIS of Minnesota. Mr. Speaker, I rise today to join in this commitment to civility.

First off, I want to thank all of my freshmen colleagues on both sides of the aisle for participating today and going through the orientation and getting to know one another. It was a wonderful experience. I had the pleasure of talking with many of them over the last few weeks, and they share many of the same goals as I do, as this entire body does.

I agree with many of my colleagues on many issues. I can safely say I also disagree with some of them on a few issues. But while we may disagree, we do not assume that they are acting in bad faith. Rather than dismiss those who disagree with us, we must use that disagreement to challenge ourselves to be better.

You see, this process isn't easy, and addressing the issues our Nation is facing isn't easy either. In fact, I would argue, our ability to get things done, why we were sent here, rests on the ability to participate in productive political dialogue and discourse.

So substituting sincere communication, honest debate with grandstanding or a political ambush or shouting louder than somebody else is too clever by half, and it will not get the things done that we need to get done. Shouting louder than your neighbor doesn't accomplish anything other than silencing your neighbor. In fact, that is not progress; that is an affront to free speech and the ability to listen to all of those around us. It doesn't help, when we shout over each other, help you understand your neighbor's beliefs, and it doesn't help your neighbor understand your beliefs.

Now, I am reminded of this quote that gets used all too often these days: While I disapprove or might disapprove of what you say, I will defend to the death your right to say it.

So we may disagree with each other, we may even disapprove of what somebody else says, but it is important to know, it is always important to let each other say it. Freedom of speech is not limited to the loudest among us; it is a right afforded to all of us.

Of course, this commitment to civility doesn't mean we don't believe in the essence of free speech or the right and necessity to disagree with one another. We will. It simply means that we will do it in way that respects the rights of everyone. We believe, and so

should those who oppose our policies, that the right to speak also entails the right to be heard.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentlewoman from New York (Ms. TENNEY).

Ms. TENNEY. Mr. Speaker, I rise today to address our commitment to civility.

Let me quote: "Civility is not a tactic or a sentiment. It is the determined choice of trust over cynicism, of community over chaos." President George W. Bush spoke these words at his first inaugural address in 2001. It was a time for new beginnings then, and it is a time for new beginnings now.

I cannot think of a more well-intentioned way to begin the 115th Congress than to join my awesome freshman class, from both sides, in committing to work together civilly to unify and further strengthen our great Nation. Through this commitment, we promise to put people before politics, to thoughtfully advocate for the needs of our communities, and to renew confidence and trust in our political system. Although we may disagree on a number of issues, this commitment we make to each other today ensures that we will work together to always promote a positive and constructive discourse in our critically important work as representatives of the American people.

This job is not about any one of us individually, but about the hundreds of thousands of people we represent throughout our districts. As a Representative of the people's House, we are expected to provide positive leadership, a strong voice, and to set the example for the American people.

The ability to agree to disagree and to voice our differences is a critical part of the unique freedoms we cherish as Americans, but we must always do so respectfully. Malicious discourse is a disservice to those who risked their lives to fight for our freedoms and everything that our great Nation stands for.

It is truly unfortunate that the tone of political discourse throughout our Nation has become so contentious and hostile. It is detrimental to fostering an open and productive dialogue and the unity of our Nation. The commitment our class makes today solidifies this promise to work together peacefully to provide leadership and inspiration to the American people, while further promoting the freedoms and individual rights that make our Nation the greatest in the world.

We must look at 2017 positively, as a time for new beginnings. In the wake of new leadership, we are provided with a new opportunity for a fresh start and the chance to advance our shared mission of putting the American people first. It is my hope that the efforts of our great freshman class today, which, I argue, could be one of the greatest of

this august body's history, will inspire people throughout the Nation to turn toward civility and to always treat each other with respect, despite our differences.

I thank my freshman colleagues who have all accepted—almost all have accepted—this particular commitment, and I especially would like to thank the gentleman from Louisiana for leading us on this very important issue.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentlewoman from Delaware (Ms. BLUNT ROCHESTER).

Ms. BLUNT ROCHESTER. Mr. Speaker, I rise to add my voice to the chorus of new Members of the 115th Congress.

It is fitting that we make this commitment on Valentine's Day. It is a holiday to show appreciation and also love, and I think that is what this is really about. It is about our love for our country and our love for our friends and families and neighbors.

It is also about civility, and to me, civility is not about the what. We can all disagree on the what. Civility is about the how. It is about our tone. It is about our tenor. It is about the words that we choose to use, and it is about respect.

As freshmen, our class is special. I feel we are special. Just like CLAUDIA said, we are actually awesome. And it was really telling that, at one of our retreats, orientations, we came together and we asked if we could just be alone, no staff, no one else in the room—just us. We actually said: Let's try to find common ground. Who here has a port? Who here has served in public life? Again, our goal wasn't to find ways to divide, but to find ways to come together.

If we expect civility from others, including our children, then we need to model it. Our signatures on this document show our commitment to civility, to caring, and, most of all, to getting things done. That is what America wants, and that is what America deserves.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SMUCKER).

Mr. SMUCKER. Mr. Speaker, it is an honor to represent the people of Pennsylvania's 16th Congressional District and to serve the community in which I grew up.

I was very pleased a few months ago to come to Washington and join the new Member orientation. It was a great opportunity for all of us to meet our new colleagues on both sides of the aisle; and I must say, as has already been mentioned, I was impressed.

As we got to know one another and talk about our vision for this upcoming Congress, we all agreed we wanted to work together as much as possible. We decided we wanted to work to find common ground.

Today, across Pennsylvania and across America, finding common

ground between Republicans and Democrats looks and sounds nearly impossible. We here in Congress may disagree on the issues, we may disagree on the solutions, but that is good. That is good because the purpose of this Chamber is to be a deliberative body. It is good because, collectively, we represent a wide range of issues across the political spectrum—we are supposed to—and, in fact, we are even expected to disagree, but we must always do so in a civil and respectful manner.

We must understand that, while we may disagree on the issues and solutions, we share, all of us, the common goal of serving our constituents and of improving their lives. We must understand that just because we may disagree with one another, that doesn't mean the other side is un-American or out to get us.

Arthur Brooks, President of the American Enterprise Institute, calls this "political motive asymmetry." Brooks says: "A majority of people in our country today who are politically active believe that they are motivated by love but the other side is motivated by hate."

Now, I know I might disagree with some of my colleagues, but I can tell you, they are not motivated by hate. If we are to be successful in this Chamber and in discussions in our communities across the country, we must rid our discourse of this political motive asymmetry. Then we will be able, together, to find solutions more easily to the problems that we face.

I am hopeful that our freshman class, along with the rest of our colleagues on both sides of the aisle, will be able to do what is stated in our commitment to civility: "make the government work more efficiently and more effectively, help build consensus and restore public trust, and, ultimately, serve as a positive influence on society at large."

We here in Congress are charged with an enormous task. In today's divisive and heated public discourse, we must be an example to our constituents by showing respect for one another at all times.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from California (Mr. KHANNA).

Mr. KHANNA. Mr. Speaker, I rise to support the freshman initiative on civility. I thank Congressman JOHNSON for his leadership.

I want to echo the remarks of Congressman SUOZZI and Congresswoman BLUNT ROCHESTER about getting things done. We have disagreements on many issues. I don't think I voted with the Republicans on almost any issue since I have been in this body. On economic issues, I come from a perspective of economic populism and a very different perspective than Members on the other side.

But we also have areas of common agreement. Congressman GALLAGHER

and Congressman ARRINGTON have talked about term limits, and that is an area of potential agreement. Congressman ROONEY has talked about getting PAC money out of politics. Congressman WILL HURD has talked about cybersecurity and tech jobs.

So my view is that, in areas where we disagree, we should disagree with spirit and conviction, but that doesn't mean that there won't be areas where we can agree.

And on a personal note, Congressman FITZPATRICK represents the district where I was born and where my parents are, so I have to be civil, certainly, to him and the other side.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from Florida (Mr. CRIST).

Mr. CRIST. Mr. Speaker, I rise to support this important document as well.

Friends, we may have vastly different views on how best to create a more perfect Union, along with different styles and different temperaments, but we all share a commitment and, frankly, a responsibility to bring the voice of the people to Washington, D.C.

I am honored to represent much of Pinellas County and my hometown of St. Petersburg, Florida, and I promise to fight for the needs of my home. But I pledge to do so in keeping with what is known as the Golden Rule: Do unto others as you would have done unto you. This is a rule that I strive to live by every single day.

Poll after poll shows that Floridians and, frankly, all Americans are fed up with the divisiveness and rancor of Washington. As we move forward debating the issues of the day, let us be mindful of the words of President Abraham Lincoln: "Though passions may have strained, it must not break our bonds of affection."

□ 1730

I am proud that our freshman class—yes, this awesome freshman class—has put forward its commitment to civility. It states that, despite our political differences, at the end of the day we must work together to move our country forward, putting people over politics and treating one another with mutual respect and much more grace even when we may disagree.

I thank, again, the gentleman from Louisiana and the gentlewoman from California for their leadership and for their friendship, putting people over politics. God bless you all, and God bless America.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Mr. Speaker, I would like to thank all the members of the freshman class—members of both political parties and of every political background—who have joined us to-

night in signing the commitment to civility pledge: love thy neighbor, no exceptions. Seeing 46 Republicans and Democrats make this public commitment is encouraging for this Chamber and for the constituents that we serve.

We can all agree that our Nation is facing some serious challenges. From increasing opportunity in an evolving economy to keeping our families safe from threats at home and abroad, the list in front of this body is heavy enough, and the last thing we need is to make that problem-solving even tougher. A statement made on the Senate floor last week offered a stark message: it is simply not possible to exist as a nation when half of its citizens hate the other half. If we are willing to end friendships or block our family members because of Facebook posts, we are not heading in the right direction.

Despite the incredible responsibility entrusted to each of us by those whom we represent, this Congress has not been immune to the hardening of political division. However, we must not accept our current discourse as the new normal.

Yet there is hope. There is hope because the Members standing with me tonight and those who have joined our pledge are willing to say, first and foremost, we are Americans, and the person I may disagree with—even vehemently—is still an American. Just because someone has different viewpoints or policy priorities or a different letter next to their name does not make them our enemy.

This Congress can and must play a part in restoring the civility and respect that makes productive dialogue possible. I am not saying we'll agree on everything, but a spirit of mutual understanding, mutual respect, and mutual cooperation is the bedrock for making our government and our communities work.

Whether we are elected officials, moms, dads, neighbors, community leaders, students—or anyone—we must remember that there is more that unites us than divides us. That is a commitment I am willing to make my colleagues and constituents this evening.

Again, I want to thank my colleagues, the gentleman from Louisiana and the gentlewoman from California, for all their work. I look forward to working with our awesome freshman class going forward.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank all these colleagues. We were anticipating remarks from Mr. GONZALEZ of Texas, Mr. COMER of Kentucky, Mr. RASKIN of Maryland, and Mr. LAWSON of Florida, but their schedules have suddenly taken them away this evening.

Mr. Speaker, I will close.

As you can see, our commitment to civility is sincere and important to

each of us and, we believe, to the Congress and to our country. As we said at the outset here, there may never have been a more important time for a commitment like this. Perhaps it is appropriate that our hour happened to be assigned here on this Valentine's Day.

I am reminded, as I close, of the biblical admonition given to us in Philippians, Chapter 2, Verses 3 through 4. It reads as follows: "Do nothing out of selfish ambition or vain conceit. Rather, in humility, value others above yourselves, not looking to your own interests but each of you to the interests of the others."

Mr. Speaker, if we can do these things, we will do well by our exceptional Nation.

I thank all of my esteemed colleagues for participating tonight and all those who signed this commitment.

Mr. Speaker, I yield back the balance of my time.

RESIGNATION OF MICHAEL FLYNN AND RUSSIAN INFLUENCE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the resignation of President Trump's national security adviser, Michael Flynn, is the third Trump senior adviser to resign amid allegation of ties to Russia and the Kremlin. Two others were attached to the Trump campaign: his manager, Paul Manafort, and Russian energy adviser, Carter Page.

Meanwhile, Russia's Putin is the same KGB thug he always has been, continuing to invade countries in eastern and central Europe and propagating a war in Syria as well as a bloody war against Ukraine.

The American people deserve to know the full extent of Russia's financial, personal, and political grip on the Trump administration, and Congress should meet its constitutional responsibilities to protect our national security and to protect our Nation against all enemies, foreign and domestic.

The American people need to know whether Russian creditors or their intermediaries are helping prop up the Trump commercial empire. This Congress needs to do its job, conduct hearings, subpoena witnesses, and bring truth to the American people about the Trump administration's ties to Russia.

HONORING DR. THOMAS FREEMAN OF TEXAS SOUTHERN UNIVERSITY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, this is a commemoration of African American History Month. It is a vital month. It is a month that tells America's history.

Mr. Speaker, I rise today to salute a distinguished American, Dr. Thomas

Freeman, who has been a faculty member at Texas Southern University now for more than half a century. Dr. Freeman is the leading orator of the university, the leading storyteller.

He is the instructor of the Honorable Barbara Jordan, my predecessor. He taught her the skills to be able to sit before the Judiciary Committee during the impeachment of Richard Milhous Nixon and say, "We, the people."

He is the individual that has taught and tutored decades of students—tens upon tens—from a school that is a historically Black school and called and taught his students to be successful in debates around the world.

He is a history maker. He is now close to 100 years old. He is deserving of honor and tradition.

I close, Mr. Speaker, by saying, in our community, he is the tiller and the holder of the values of the Constitution. I know that he deserves honor on this floor.

Dr. Freeman, I salute you. You deserve the honor and recognition as a great American.

CALIFORNIA WATER INFRASTRUCTURE

The SPEAKER pro tempore (Mr. GALLAGHER). Under the Speaker's announced policy of January 3, 2017, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, I see a couple of my colleagues have arrived and would like to speak, so I yield to the gentleman from Maryland (Mr. RASKIN).

COMMITMENT TO CIVILITY

Mr. RASKIN. Mr. Speaker, I thank the gentleman from California (Mr. GARAMENDI) for the exemplary act of civility in allowing me and another late-arriving colleague to be part of the freshman class presentation about our collective commitment to promoting and practicing civility both within our class and within the Congress of the United States as long as we are here.

It is a great honor to be part of the freshman class of the 115th Congress. I am thrilled to make this commitment to civility—and even friendship—across the aisle with whatever Republican colleagues are willing to hang out with a liberal constitutional law professor.

Despite my great passions as a liberal and a progressive, I dedicate myself to civility for three reasons, and I think they are all consistent with my political values and beliefs:

First, I am a middle child, and so it is in my nature to try to bring people together. If you study the theory of birth order advanced by Frank Sulloway in his great book "Born to Rebel," you will find an exemplary middle child in Reverend Martin Lu-

ther King who believed in the power of love for reconciling different views in society, and you will find a theory of the effectiveness of nonviolent struggle for progress and change, a theory that doesn't try to wish away or blink away real conflict that people have but embraces conflict as the possibility for uplifting everyone in the process.

Second, I am from the great State of Maryland, one of the original middle States tucked between New England and the South. In Maryland, we have a habit of working across party lines for the common good. Many of the big bills that I introduced in the Maryland Senate I introduced with Republican friends, like my friend Senator David Brinkley. We did the medical marijuana program together. He is a fellow cancer survivor and felt very strongly about that.

I did a number of criminal justice reform measures, including abolishing mandatory minimum drug sentences, with a Republican colleague named Michael Hough in Frederick County, who lives within my congressional district.

I even introduced a bill which succeeded for fiscal transparency in government, putting up all government expenditures over \$10,000 online within 48 hours, with Congressman ALEX MOONEY from West Virginia, although then he was a State senator in Maryland who served with me in Annapolis.

Third, as a law professor, I believe that all of our ideas, passions, and feelings about politics are refined, perfected, and improved through the process of political dialogue, testing, and questioning.

So I know that our Republican colleagues make us stronger on the Democratic side of the aisle, and I hope that we make them stronger, too, that we all grow together and that we are able to improve each other's ideas, change each other's minds sometimes, and work on issues of common concern like infrastructure, which I think is a pressing problem that we can gather consensus around in this body, like the environment and the perils of climate change.

Our greatest Presidents have always called us to civility. George Washington invited Americans to place our patriotic love of liberty first above partisan and sectional feeling. Thomas Jefferson said that we are all Republicans, we are all federalists at a time of great division in the country. In his first inaugural address, President Lincoln said: "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection."

So the bonds of affection might seem like a romantic dream given the divisions and polarization in the country today, but I do think that, if at least we start with civility and respect, maybe we will be able to attain the

level of recovering the bonds of affection that should unify all of us as Americans.

The word "party" comes from the French word "partie," a part, and we have got to remember—each of us, all of us—that our party is just one small part of the whole, and we are all here to try to advance the common good.

With that, again, I want to thank the Congressman for his very gracious offer of the time.

Mr. GARAMENDI. Those are wonderful comments, and I am sure they are going to last through the entire 115th Congress because our colleague from Kentucky would like to echo many of those.

Mr. Speaker, I yield to the gentleman from the State of Kentucky (Mr. COMER).

Mr. COMER. Mr. Speaker, I will be brief.

Mr. Speaker, I am so glad to join with 55 other of my freshman colleagues to pledge the commitment to civility. We all took different paths to get here. We are all from different parts of the United States. We all have different backgrounds and different stories. But one thing we all did to get here in this freshman class is we campaigned hard, and we listened to our constituents. Whether our constituents were conservative or liberal, whether they lived in the city or in small towns, they all shared a frustration about Congress.

□ 1745

They shared the frustration that Congress was at gridlock and both parties fought. Many times, people filed bills, knowing they would fail, just so they could get before a TV camera and grandstand and blame the other party.

When I got to Congress, I didn't know what to expect. The first thing that we did was attend a retreat. We got to know each other. I left that retreat inspired because, Mr. Speaker, I believe that this freshman class is committed to trying to work together to accomplish things that we agree on.

There are issues that we will never agree on, but there are issues we do agree on. We do agree that we need to create an environment where every American has access to a good-paying job. We do agree that we need to have a military that protects its citizens. There are so many issues that we agree on.

I pledge to work with this freshman class in the future to try to create a working environment in which we can put every American first and try to accomplish things to work together.

Mr. GARAMENDI. Mr. Speaker, I welcome Mr. RASKIN and others who spoke before me as they consumed their Special Order hour in a very unique way, which is not often seen here on the floor, and that is a colloquy between our Republican freshmen and Democratic freshmen.

I want to take up issues that I know were covered by many of the freshmen as they discussed their hopes and dreams about what we might actually be able to accomplish in Congress.

Let me start with a photo. This is the largest waterfall in California, and I dare say the largest waterfall in the entire United States. It is not a natural waterfall. It is actually a man-made waterfall. With all of this turbulence and enormous churning of water below, it is a failure of a manmade spillway in California. This is the Oroville Dam that has been much in the news over the last several days.

As many probably know, California suffered through a 5-year drought. As a Representative of the great Sacramento Valley of California, my Sacramento Valley and my State of California suffered mightily. That drought tore apart communities, seriously injured the economy of California, and the health of many businesses.

So we went from famine to feast, and we are suffering serious indigestion as a result of the feast of water that we presently have.

Oroville Dam was built in the 1960s and completed in 1968. This is the spillway presumably capable of carrying well over 150,000 cubic feet of water. What you see here is the result of a failure right here in the concrete in that spillway, resulting in a massive hole in the spillway and this extraordinary churning and erosion over here on this side. This went on for some time.

The operators of the dam, the Department of Water Resources in California, said: Well, we are going to have to shut this down and take a look at the problem.

They did. And the problem was, while they were expelling 100,000-acre-feet of water, there was 200,000-acre-feet of water coming into Lake Oroville.

I am going to take a few moments to explain this and then explain how California has successfully dealt with what could have been a serious tragedy.

Oroville Dam is the highest dam in California, some 770 feet high. The concrete spillway that I just showed you the picture of the largest waterfall in the Nation—not as high as Yosemite Falls, which is over 1,200 feet—is 700 feet down here to the river. It is 770 feet, actually. Right here is where the damage occurred. This is the emergency spillway, which was never to be used.

When this dam was built in the 1960s, they said: Well, we will build the regular spillway, but we will put this emergency spillway in here. This is a 30-foot-high concrete wall. Below it is the natural Earth and dirt of the Sierra Nevada mountains and foothills.

They shut down the spillway and 200,000 cubic feet of water comes into the reservoir. The reservoir rapidly rose to the point of where it was going

over the top of the emergency spillway. Lo and behold, when you run 12,000, 15,000 cubic feet of water per second over the top of that spillway, you hit the dirt on this side and it drives down the river with incredible erosion.

This entire area was eroded. But most importantly, the erosion moved back towards the base of that 30-foot-high concrete wall, jeopardizing the integrity of that 30-foot-high barrier against millions upon millions of gallons of water stored in the reservoir.

All of this occurred on Sunday, 3 days ago. The call went out from the Department of Water Resources, Oh, my, we have a potential problem, as they observed the potential erosion against the foundation of that 30-foot-high wall. They said it is possible that that erosion could cause a catastrophic failure of the 30-foot-high wall, sending down into the river channel a 30-foot tsunami, the result of which would be a catastrophe downstream.

This might be a little hard to observe, but I am going to give it a try. Here is the dam right here. Adjacent to the dam is the town of Oroville, just downstream from the dam. Then, the Feather River continues down through my district, Marysville and Yuba City. This is all farm country up here with some significant towns like Gridley in this area, and Live Oak further down, which I represent. This area is represented by my colleague, DOUG LAMALFA, who represents the northern San Joaquin Valley.

The reservoir is here. The spillway is here. There is a 30-foot wall of water cascading down the emergency spillway, hitting the river and spreading out 30 miles across the Sacramento Valley, all the way to the west side of the valley where the Sacramento River is. This red area is 100 feet deep in 1 hour. The city of Oroville faces a catastrophic event: 100 feet of water above the community within 1 hour of the breaking of that 30-foot wall on the emergency spillway.

It spreads out. Over here it is still 10 feet deep, 30 miles away. Of course, the water is going to flow down the river also. Two communities down here of 150,000 people, within 7 hours, would be facing water that would be 10 feet deep.

That is why they called for an emergency evacuation Sunday afternoon around 6 o'clock. Nearly 200,000 people left this area, all the way over to the west and all the way down some 30 miles down river, moving out to high ground up north to Chico, up into the Sierra foothills, and down towards Sacramento.

The water continued to spill over the emergency spillway. The Department of Water Resources, seeing the erosion, reopened the gates on the main spillway and sent 100,000 cubic feet of water down the spillway, creating an incredible but not lovely waterfall.

Fortunately, the water flowing into the reservoir very quickly diminished,

from a couple hundred thousand acre-feet on Saturday and early Sunday to around 40,000 acre-feet toward Sunday evening and on into Monday. So the mathematics began to work in favor of the communities and in favor of the entire region.

Slowly, the level of the lake began to recede and eventually the water no longer flowed over the top of that emergency spillway. Nonetheless, you still had 30 feet of water behind that spillway and you had the integrity of the spillway in question.

They continued to reduce the water level in the lake and, marshalling resources up here, began to find a solution to the problem. When the sun came up Monday morning, the engineers went out and said: Oh, my.

There were four specific areas of serious erosion against the base and the foundation of that 30-foot wall with 30 feet of water still behind it. They decided to take emergency action to bring in by helicopter 100,000-pound bags of rock to stack in those four eroded areas.

Downstream, the communities of Marysville, Yuba City, Gridley, Live Oak, and other small communities were literally ghost towns. People were sheltering in various churches, fairgrounds to the north, fairgrounds to the west, east, and south. Nearly 200,000 people had moved out.

As this water receded and the emergency response began to take hold, people looked at this situation and said: Maybe this was the great would have, could have, and should have—would have, could have, should have.

Maybe when the dam was built, a concrete apron should have been built on the downside of that emergency spillway.

Maybe in 2005, when this entire project went back for re-licensing by the Federal Energy Regulatory Commission, the call by the environmental community to concrete the down slope should have been taken into account and should have been done in 2006, 2007, but they decided it wasn't necessary or it was too expensive or whatever reasons, and so it was not done.

It will be done now. The cost of repair to the main spillway and to the emergency spillway will probably be over \$200 million.

So the question arises for all of us: Do we want to wait until there is a disaster to take cautionary steps to put it back together, or do we want to get ahead of these potential disasters?

It is a question for all of us here. It is a question for the Congress and the Senate and the President. It is called infrastructure.

You heard some of our colleagues earlier on from the freshman class talk about their desire for infrastructure improvements. Here is a prime example. Unfortunately, not the only example, but I want to share with you what

actually is happening down river by the communities of Marysville and Sutter County.

There are 70 miles of river downstream from this point that has been in the process of significant levee improvement. Some \$700 million has been spent over the last 5 to 6 years by the community, by the State of California, and by the Federal Government to bring the levee on the west side of the Feather River to a 200-year status. It is nearly completed, but not completely completed. There is another piece to be done even as this flood event takes place.

But a community stepped forward. It is called SBFCA. The Sutter Butte Flood Control Agency has undertaken that work—good for them—in the city of Marysville, which is a community surrounded on all sides by 20-, 30-foot-high levees. The Feather River and the Yuba River come together at that point at Marysville, a community that has seen catastrophic flooding in the past.

□ 1800

That community, too, together with the State of California and the Federal Government, Army Corps of Engineers, and the Yuba County Water Agency have been in the process of rebuilding and enhancing the levees around that community. These are positive examples.

Further down, the State of California has put together a flood control program for the entire Central Valley, from Mt. Shasta on the north all the way to the Tehachapi Mountains on the south, an extraordinary 600-, almost 700-mile stretch of the most fertile land in the world and major communities like Sacramento, with millions of people at risk of flooding. Different communities putting together their own flood control programs, reaching out to the Federal Government over the years, providing Federal assistance together with the State assistance to control the flooding that has been historic in California.

We need to continue this. We are not nearly finished yet in California. We are going to spend the \$200 million here, and this will be concrete in the years ahead, and this main flood control system will be rebuilt.

But this problem is not just floods. We have seen the flood of Katrina in Mississippi where we discovered that, oh, my, the levees really could not handle a major hurricane. I will share a story of my own. When I was deputy secretary at the Department of the Interior, we were studying major storms, what would happen in a period of climate change, would we see stronger hurricanes. This was in the mid-1990s when I was there as number two in the Department of the Interior. We anticipated a major hurricane coming across from Cuba into the Gulf area and hit-

ting New Orleans. We were so concerned about this that Secretary Babbitt said: John, I want you to go down to New Orleans. I want you to talk to the local officials down there.

I remember sitting in the editorial office of the newspaper, The Times-Picayune, sitting there telling them, showing them the map and saying: Here is what we believe could happen, and we, the Federal Government, together with the community, need to enhance your levees.

A decade or so later, I was sitting in California. I looked at the television set, and I said: Oh, my God, it is precisely what we predicted in the mid-1990s, and it came to pass. These are the lessons of history.

Here is another lesson of history. This is the Interstate 5 Bridge, the last bridge before you get from the United States to Canada. Interstate 5 goes from the Mexican border all the way through California, through Oregon, Washington, and then into Vancouver, British Columbia. This is a bridge that collapsed.

How many other bridges have we seen collapse? We have seen the bridge collapse in Minnesota, and people died. We have seen rail bridges collapse. In California this last week, the main Union Pacific Railroad going north and south between Sacramento—well, all of northern California—way down to southern California over the Tehachapis, the Union Pacific Railroad Bridge just south of Sacramento collapsed. The rail cars, at least a day ago, were still sitting there in the water as they were busily trying to repair that rail bridge. A good third of all the bridges in the United States do not meet safety standards and are subject to collapse, and in some cases deadly collapse.

As we go through all of this, we need to be aware of the extraordinary need that our Nation has for infrastructure improvements. I think some of us remember the comments of our former Vice President Biden when he landed in LaGuardia, New York, and made a comment about that facility. I won't repeat it here because I am sure my New York friends might find that to be somewhat degrading. But it was a comment that was well deserved about the quality of that airport. The unfortunate part is that that is repeated in airport after airport around the United States: inadequate, old, not up to standards, and very poor in providing the efficient transportation that we require.

We can go on and on. We can talk about the highway system. The Department of Transportation estimates that we need over \$836 billion just to maintain and bring up to standards the American highway system, both highways and bridges.

The public transportation system has a \$90 billion backlog for public transit

for the state of good repair. This isn't expansion. This is just to have good repair for what we need in our transit systems.

We can go on and on. Bridges, \$20 billion. As I said, one in three of the bridges in the Nation—it is actually one in four—are structurally deficient and functionally obsolete. Sixty-five percent of our Nation's roads are in less than good condition. Our rail and bus transit systems face a \$90 billion backlog, as I just said.

The 59 busiest ports in the United States only operate at 35 percent of capacity because the channels are filled with silt, and modern ships are unable to enter those ports.

The FAA, the Federal Aviation Administration, has identified a need for \$32 billion for improvement of our airports. It goes on and on and on.

America does not want to face this kind of devastation, with the failure of dams. I don't have the exact number of dams in the United States—I think there are some 83,000—but a good percentage of those dams are structurally deficient from many different ways. Obviously, Oroville Dam was one of them. It didn't have a sufficient spillway to handle the extraordinary flows of the river.

Another one central to California's water system is the San Luis Reservoir, a 2-million-acre-foot reservoir south of Sacramento, east of San Jose, that is central to the water supply of California, both for southern California, for the San Joaquin Valley, the farmers there, as well as for Los Angeles. The Oroville Dam is the key dam for the California water system, which supplies water to Silicon Valley, to the San Joaquin Valley, as well as to Los Angeles.

We have work to do all across this Nation, and we can do it. There is a lot of talk going on about the infrastructure program. Our new President has suggested a trillion dollar infrastructure program, somehow financed with private investment. Now, I don't know how that would work in repairing a dam such as Oroville or San Luis. I am not sure how a private investor would fit into that, but undoubtedly there are models in which there can be public-private partnerships. But that will not suffice.

There are programs that have been suggested by my colleague here in the House, by Mr. DEFazio. Mr. DEFazio has what he calls "a penny for progress." It is a program that would provide nearly a trillion dollars of infrastructure investment for highways over a 10-year period. We would borrow the money, and then pay it off with a one-penny increase in the excise tax for gasoline and fuel as it would keep pace with inflation. A novel idea, one that probably would work if we could find the votes for it.

Over on the Senate side, the Senate minority leader, Mr. SCHUMER, has in-

troduced a \$1 trillion package of all types of investment in infrastructure, and it is a project that deserves our attention. It is a project that would provide significant money for highways. In his proposal, he would create 15 million jobs over the next 10 years for investment in many different kinds of infrastructure.

He has something that I have talked about here on the floor now for 7 years. We call it Make It In America, Buy America, use our tax money to buy American-made products, bring our manufacturing back. If you are going to use rebar to rebuild that spillway, then use American steel. If you are going to put a pump in this dam to drain some facility, buy an American pump. After all, it is our taxpayers' money. It is my money. It is your money. Use the Buy America principle.

He has a couple of other principles that I think are very important. He wants protections for American workers, and this is both life and health and safety protections but also wage protection, the Davis-Bacon and the prevailing wage programs, all of which I think pull up the bottom with good working wages for men and women in the construction industry. Also, make sure that there is an opportunity for minority- and women-owned businesses, and of course the environmental protection. These are kind of the principles of his program, which I happen to think are appropriate.

So what would he spend the money on? He would suggest that we spend \$210 billion repairing the roads and bridges. Now, remember, that is about one-quarter of what the Department of Transportation said is needed for the backlog, but, nonetheless, that is a good start. For roads and bridges, \$210 billion over the 10-year period. That is 1.3 million new jobs.

He would also want to spend \$110 billion for new water and sewer systems. Not bad when you talk about places like Flint, Michigan, and the contaminated water in their water supply. In our own Central Valley of California, we have numerous communities that have inadequate water and, in many cases, water that is contaminated with various chemicals, both natural and from the business environment.

Senator SCHUMER suggests that we spend \$180 billion to expand and replace our rail and bus systems. That is more than just the transit programs. I suppose that is to make sure that the Union Pacific bridges don't collapse.

He would also have \$200 billion for vital infrastructure projects. These would be the most critical, the high-priority projects across the Nation. I would suggest to the Senator, Mr. Speaker, that the Senator might consider rebuilding the spillways on the Oroville Dam.

He would also invest \$75 billion on American schools so that our schools

are new and modern and meet the needs of our students, another \$70 billion on the ports. Remember, I was talking about this earlier, about the ports that are inadequate. This feeds back to what Mr. DEFazio has suggested, that we have the harbor maintenance fund. These are fees that are collected on every good that arrives or every container that arrives at our ports, and that money be spent on the ports, both in the water as well as on the dock.

That money, unfortunately, is not spent just there. It winds up in the Treasury for who knows what purpose. So we would bring that money back to spend on our ports, modernizing them. Keep in mind that Panama, the new Panama Canal, has been expanded, bigger ships, deeper draft, so we need to dredge these ports, we need to build the wharves, the docks that can handle them.

Senator SCHUMER would also recommend that \$100 billion be spent in energy infrastructure to meet the needs of a modern energy system that is not dependent upon coal and oil but, rather, renewable sources of all kinds. And broadband, which is exceedingly important. In my district, which stretches 200 miles up the Sacramento Valley, broadband is not available. So these are infrastructure investments that I would think all of us should agree on, that we need to build a modern infrastructure for a modern economy and a growing economy, and along the way create as many as 13 million jobs to do that, a project that would go forward over the 10-year period ahead of us.

So we have got the President suggesting a trillion dollar program, public-private partnerships, of which I suspect there are some right there, we have got Mr. DEFazio with a financing program for highways and transit systems and ports, and we have Senator SCHUMER on the other side with a trillion dollar program that would deal with virtually every part of the infrastructure, from broadband communications to ports, highways, bridges, and the like.

So we have, I think, an opportunity here in this Congress to address a critical need for America's future, not only for the safety of Americans so that all Americans can avoid the kind of catastrophe that California came very, very close to having on Sunday, with the collapse of a 30-foot dam on Lake Oroville, creating not this, but something that would be several times bigger than this cascading down the river and inundating communities to the depth of 100 feet or more.

It doesn't have to happen. We should never be penny-wise and pound-foolish. We should never delay these infrastructure investments because we know that bridges will collapse, and along with it the transportation system.

□ 1815

We know that dams are in jeopardy. We know that our highways are filled with potholes. We know that many of our airports are ancient and, in many cases, decrepit and certainly not up to modern safety standards and certainly passenger convenience. We know that our ports need to be dredged and new wharfs and docks built. We know that we need to have intermodal systems so that we can efficiently move cargo from the ports to the trucks, to the trains, and across the country.

We know the needs. The question for all of us is: Are we ready to meet those needs?

I would suggest to you that we can. We can do creative financing, as Mr. DeFAZIO has suggested. There is a role for public-private partnerships in all of this, as the President has suggested. There is also a place in all of this for us to make choices about how we spend the taxpayers' money.

This is one that I want to bring to the attention of Americans. We are in the process of making a choice to spend \$1 trillion over the next 20 years or so to rebuild our entire nuclear arsenal. All of it. All of our nuclear bombs, all of the ICBMs in the silos in the upper Midwest, new submarines with new intercontinental missiles with new bombs on top of those missiles, new stealth bombers such as the new B-21, new cruise missiles with new bombs. All of these things. New, fast, stealthy, unobservable, extraordinarily dangerous because the rules of the old Cold War or the old nuclear standoff don't apply.

One trillion dollars for what purpose?

We need to ask that question and we need to make choices. There are many other choices that we will be making here. Choices about building a \$30 billion wall rather than repairing the bridges, in this case to Canada. Choices about nuclear weapons.

Our job—your representatives here in Congress—is to make choices that are wise, choices that protect you, choices that give all of us an opportunity to have good, well-paying jobs, a modern infrastructure on which the private sector can then grow and prosper, and men and women can earn a good middle class living.

Or we can make choices on things that really do not provide any of those benefits. It is about choices. It is about being prepared for tomorrow. It is about avoiding collapsed bridges and reservoirs that might fail and send a cascade of water down upon the communities.

So I ask my colleagues to consider, to ponder the needs of your communities, and to make choices that are wise, that look to the future, and build a solid foundation that won't fail when that 30 feet of water presses up against that foundation. Choices. I hope and I pray we make wise choices.

Mr. Speaker, I yield back the balance of my time.

ISSUES OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, we had a resignation now that seems to be the big news of the day of a Cabinet member of the Trump administration.

It is interesting to have seen this Indivisible movement arise. The Daily Signal points out: "... Ties to George Soros, Sows Division Against Trump, GOP Lawmakers."

"Democrats who used to work on Capitol Hill are helping to disrupt Republican lawmakers' town hall meetings across the country through a nationwide effort to oppose and 'resist' President Donald Trump's agenda."

And it goes on to talk about some of the leftists who are trying to do that.

And another article that says that the Indivisible team is trying to mimic strategies of the Tea Party. But it was quite a difference. The Taxed Enough Already Party was grabbing hold of American principles, constitutional principles, principles that brought about the revolution and served the country well for over 200 years; and that we are supposed to have a government that works for us, not works us; takes away our religious freedom, tries to take away Second Amendment freedom, tries to take away freedom of religion; tells us we can't say anything negative about anything they care about or they will try to destroy us, our business. And there were people that were shocked. And then on top of it all, add a lot more tax. And as the President told Joe the Plumber, in essence: We need to take your income and spread it around the country.

I had some friends here during the inauguration. I took them to the Lincoln Memorial. And, of course, on the south inside wall is the Gettysburg Address. On the inside of the north wall is the second inaugural that is so profound. Mark Levin's father has a terrific book about it. What an amazing speech.

Lincoln is talking just shortly before his assassination. But the second inaugural, the war is winding down, it is about over, and there is so much hope abounding. He was not bitter. He was an amazing man, our first Republican President. He talked about the Nation and about how both the north and south both read the same Bible and both pray to the same God. He points out that the prayers of both could not be answered, the prayers of neither have been fully answered. But he points out that it might seem strange that a group of people would invoke God's name to wrench their bread out of the sweat of other people's brow.

But I heard enough from people in the Taxed Enough Already Party, this group that arose that—wait a minute—basically are saying when the President says, I am going to take your money that you made and spread it around, he is basically saying, Look, I am going to be the most powerful man in the world, and certainly in this country, and my principles dictate; I need to take what you work for and spread it around to other people.

Is that a way of wrenching your bread from the sweat of others?

It is interesting. But anyway, this group had 17 show up at an office. Obviously, they were more interested in publicity than a meeting, because all they had to do is call and we make sure they have a meeting and somebody is there to meet them, even though I am here in Washington when they demand to meet.

Apparently groups all over the country are following this Soros-funded effort to try to destroy the country, disrupt the country, and create anarchy and mayhem wherever they can. Fortunately, in east Texas, people realize we can't quite go as far as some groups do because nobody would accept it. I have got some constituents that are asking legitimate questions.

But what we go back to is what really gave strength to this movement, objecting to what was being done in the Obama administration, was when we had a President and a Speaker who were saying: We know that a majority of Americans don't want this ObamaCare, Affordable Care Act. It is hard to call it affordable care because it is such a misnomer. But we see the polls. A majority of the American people don't want it, but we are going to stick you with it anyway because it is part of our agenda.

That is what was really bothering people. The thing is that this so-called Indivisible and groups like this are terrific at coming up with names that are anathema to what they really are. So you have a group called Indivisible, and their goal is completely dividing and destroying the constitutional principles of America.

But the thing is, a majority didn't want ObamaCare passed. It was shoved down their throats, even though most of the people in this body here had not even read it. I read it. It scared me. I am still asking for answers.

Why did President Obama need a commissioned and noncommissioned Presidential officer corps that he could call up. Initially, it sounded like a medical emergency group, but then it said they would be trained. It didn't say with weapons or with what. And it said the President would be able to call them up for any international emergency, and it didn't mention the word "health" or "medical" on that.

So, anyway, there is just so much in there that we didn't need. Most of

Americans didn't want it and didn't like it. And it took away people's health insurance from them.

I was talking with thousands of people in my district. I love to do telephone townhalls with my district. This was one segment. About a third of the district last night was represented in this group, and I will have others coming up in the future. But it is very helpful to me because I can talk to people that you wouldn't see, you wouldn't hear, wouldn't see or hear you if you had 40 people come to a townhall, like sometimes do.

And since we know that there are groups out there that have instructions to create mayhem, disrupt, accuse them of racism—it is in the documents that we are seeing—whatever they bring up, charge racism, corruption, and something else, we can have a telephone townhall and I can find out what people are thinking that I otherwise wouldn't hear from.

I thought about doing a mailer to mail to as many in my district that I could, but the costs were just so dramatic. I could do it, but why spend \$100,000-plus of taxpayer dollars just to find out what my district is thinking?

I think the best indication of what people in each congressional district in the country are thinking is what happened in the November election. That is the ultimate poll that anybody could ever take. And I have having been talking about for 6 years that ObamaCare needed to be repealed, that it takes away choice, that it is costing more money. You don't get to keep your doctor, you don't get to keep your insurance policy; and so many thousands in my district did not.

□ 1830

And so it was very helpful to hear from people, for example, how many believe the government needs to be more involved in health insurance, and I think that was at like 97 percent. There were thousands of people that had been called. But anyway, it gives me feedback.

It was interesting to note that this group, this indivisible group, the websites had gotten some information about the messages going back and forth, and one of them is, when we demand that they have a townhall that we can disrupt and they say we are going to have a telephone townhall because we can reach a lot more people, people that are invalids or homebound, seniors that couldn't get out to a personal townhall meeting can participate in the telephone townhall. They are saying how do we respond to that when there are so many more people they can reach and hear from and it helps the disabled to do these telephone townhalls, how do we respond to that? And they really didn't get a good answer, last I saw.

But it is important for every Representative to know where their dis-

trict stands, where their people stand, and I continue to believe that I am the most fortunate Member of this 435-seat body because of whom I get to represent.

I had an opponent last year raising Cain about I was on national media so much, and I mean, when I think about it, why would national media want me to be on? It is certainly not my looks, certainly not because I have such an incredible voice.

You know, I would love to have a voice like James Earl Jones, or I was just so moved at the Senate Chaplain speaking at the National Prayer Breakfast a couple of weeks ago. I would love to have a voice like I think maybe God's voice may sound like some day when I get to hear it, but I don't. I don't have a voice like that. This is what I have got. I don't put on any airs.

Why would any national media want to have me on? And I think it would have to have something to do with the fact that I represent extraordinary people in Texas where sense is very common, just so much common sense, and I think a lot of the country likes hearing about the way three-fourths of my district thinks. I think I reflect that district, and that is why, basically, three-fourths of the district voted for me. It is not because of the way I look or sound.

Even people that can't stand me in that 25 or 26 percent, they know I am going to stand up and do what I told people I am going to do. It is just that some people don't like it. Some years back, one guy wrote that I was a moron and misspelled "moron." If he is listening, Mr. Speaker, he needs to know there is no E in moron.

But in any event, it is interesting to see how frantic things have gotten and how destructive some of the forces in this country have gotten in trying to bring down the principles that made us great, and it is quite disconcerting.

That leads me to a point I want to discuss, which we had the news, the tragic failing of the dam in California. We will continue, those of us who believe in the power of prayer, to pray that there will be no loss of life, despite the negligence of the California government in refusing for over 12 years—apparently, at least 12 years—to heed the warnings that this dam was going to be failing at some point. They needed to do something. We just need to pray that the negligence that occurred in the New Orleans area in diverting money away from shoring up the levee would not end up having the mass cost of loss of life in California.

But as we continue to have people try to disrupt our congressional districts, continue to try to make so much noise, create so much anarchy that it creates an inability to govern properly—despite the fact it isn't going to work—this President, this adminis-

tration, and this Congress is not going to be diverted from what needs to be done.

This article came out today from the Free Beacon, by Adam Kredo: "Former Obama Officials, Loyalists Waged Secret Campaign to Oust Flynn."

Now, I hadn't known Flynn before. I don't believe I had met him before maybe last September. I might have, but I don't believe I have before that. But I had a chance to visit with him at that point with, at that time, Donald Trump, now our President. He is an interesting man. He has served his country well.

But there are issues that are coming out now about discussions with Russians. It would seem to me, if President Trump had an intelligence community and had people in the government service around him, the career people that were really wanting to help the country—rather than the Democrats or President Obama as he went out—that were really interested in helping the best interests of the United States of America, they would want the President to have all of the information that anyone in any of the upper echelons or anywhere in the departments that work for President Trump—wouldn't they want their boss to know or have the most accurate information?

Apparently, there was information out there that didn't come to light until President Trump had selected his National Security Adviser. He had been sworn in as the National Security Adviser, and they were on a roll. And of course, one of the things General Flynn was concerned about, something that is a deep concern of so many of ours in this body, was the outrageous Iran treaty that got treated like it wasn't a treaty. It was, indeed, a treaty. It never got ratified by the Senate, but it was, indeed, a treaty. It had all of the things in it that treaties would have.

But this article goes on: "The abrupt resignation Monday evening of White House national security adviser Michael Flynn is the culmination of a secret, months-long campaign by former Obama administration confidantes to handicap President Donald Trump's national security apparatus and preserve the nuclear deal with Iran, according to multiple sources both in and out of the White House who described to the Washington Free Beacon a behind-the-scenes effort by these officials to plant a series of damaging stories about Flynn in the national media."

"The effort, said to include former Obama administration adviser Ben Rhodes—the architect of a separate White House effort to create what he described as a pro-Iran echo chamber—included a small task force of Obama loyalists who deluged media outlets with stories aimed at eroding Flynn's credibility, multiple sources revealed."

"The operation primarily focused on discrediting Flynn, an opponent of the

Iran nuclear deal, in order to handicap the Trump administration's efforts to disclose secret details of the nuclear deal with Iran that had been long hidden by the Obama administration."

Mr. Speaker, I want to insert here, some of us went down to the classified area of the SCIF where we can review classified information and we reviewed what was available about the Iran deal, but we found out there was a lot of secret stuff that the administration would not allow us to know: what he had given away, what he had done, potential bad judgment in going so far out of the Obama administration's way to placate and assist the largest supporters of terrorism in the world.

Obviously, what this article is talking about, some secret parts of the agreement, those are things that we were certainly not allowed to read no matter who you were in Congress at the time.

But this says: "Insiders familiar with the anti-Flynn campaign told the Free Beacon that these Obama loyalists plotted in the months before Trump's inauguration to establish a set of roadblocks before Trump's national security team, which includes several prominent opponents of diplomacy with Iran. The Free Beacon first reported on this effort in January.

"Sources who spoke to the Free Beacon requested anonymity in order to speak freely about the situation and avoid interfering with the White House's official narrative about Flynn, which centers on his failure to adequately inform the president about a series of phone calls with Russian officials.

"Flynn took credit for his missteps regarding these phone calls in a brief statement released late Monday evening. Trump administration officials subsequently stated that Flynn's efforts to mislead the president and vice president about his contacts with Russia could not be tolerated.

"However, multiple sources closely involved in the situation pointed to a larger, more secretive campaign aimed at discrediting Flynn and undermining the Trump White House.

"It's undeniable that the campaign to discredit Flynn was well underway before Inauguration Day, with a very troublesome and politicized series of leaks designed to undermine him," said one veteran national security adviser with close ties to the White House team. "This pattern reminds me of the lead up to the Iran deal, and probably features the same cast of characters."

And we know from news that has come out since the Iran deal was made by this administration, we know that some of the same placaters that enabled North Korea to develop nuclear weapons in the Clinton administration were involved in negotiating this deal with Iran. The deal with North Korea was to stop them from getting nuclear

weapons, and so my interpretation of the deal was basically this:

They promised them: We will give you everything you need to develop nuclear weapons in North Korea if you will just sign a piece of paper that says you won't do that.

The Clinton administration, some of the same people that ran to do a deal with Iran, they jumped on that. And so what happens, North Korea uses what we provided them to help create nuclear weapons. Big shock.

So it is a big shock that the Obama administration would send at least one of those original people to be the top negotiator with Secretary of State John Kerry, who never saw a Genghis Khan that he couldn't work with, and they work out a deal. We still haven't found out all of the arrangements, all of the things that were done; but we know that there is, apparently, something so sinister about what this country has done, bent over backwards to provide for Iran or allow Iran to do, that the Obama administration could not allow right-thinking American people to know what it had done for Iran and against Israel and the United States' best interests.

But if you believe the best interests of the United States are to weaken the United States, if you believe that the United States has been the biggest problem in the world for the last 100 years, then you would think, well, then if we make a deal with Iran that weakens the United States, may even lead to our demise, the world is a better place. So it is ultimately for the good of the world because the United States is certainly weaker than it has been in decades, going back to pre-World War II military strength.

The Chinese economy, it was announced at one point, may have exceeded ours. I am not sure that is true.

□ 1845

Anyway, countries around the world that are threats to world peace have gotten stronger. ISIS has gotten stronger during this President's term, in fact, came into being under President Obama and got quite strong, thousands upon thousands of lives lost.

In Afghanistan, he took a war that he told people—the voters in 2008—was the important war. And what should have been just a housekeeping operation under his leadership and with his rules of engagement, it cost about four times more American military lives than were lost in the height of the Afghan war for 7½ years under President Bush. It must be something in the leadership there when one President loses four times more military members than the prior President in the same length of time and the latter President being when the war was supposed to be basically over.

This article points out that:

"Flynn had been preparing to publicize many of the details about the nu-

clear deal that had been intentionally hidden by the Obama administration as part of its effort to garner support for the deal, these sources said.

"Flynn is now 'gone before anybody can see what happened' with these secret agreements, said the second insider close to Flynn and the White House.

"Sources in and out of the White House are concerned that the campaign against Flynn will be extended to other prominent figures in the Trump administration."

Well, Mr. Speaker, I can inject here: Whoever these sources are that are concerned the campaign against Flynn be extended to other prominent figures, I can guarantee them that people in and outside the United States Government right now, as I speak, will do everything within their power—some of these characters will—to prevent President Trump from getting us back on track to making the world a safer place, to getting Iran back in the little box that President Carter let them out of. They are going to go after lots of people. It is not going to be limited. This apparently is a campaign that is going to be ongoing.

Apparently, General Flynn messed up and wasn't completely honest when he should have been. A President has got to be able to trust his security adviser. That kind of goes without saying. The President has to be able to trust those people.

It takes me back to September when I was talking—it was right before General Flynn walked up, actually ironically. But I was telling: Look, I like President George W. Bush. He is a good man. He is a smart guy. He is a lot smarter than people give him credit. He is one of the wittiest people you can ever have a conversation with, but something that hurt him—and I wanted Donald Trump to understand this—something that hurt him was that he was such a nice guy. After the election was over, he made it known, in essence, that everything that happened in the past is bygones. What is happening now, from now on, we are going forward.

The trouble is he had people doing bad acts, even crimes like having FBI files at the White House. Chuck Colson went to prison a year and a half for having one. The Clinton administration had nearly a thousand; nobody did a day.

I said, you have got to clean out these departments, these agencies where Bush didn't clean them out. You have got to or they are going to undermine you the whole time you are President. And it looks like we are seeing that right now.

So, Mr. Speaker, I just encourage all my colleagues to let's give the Trump administration the chance to help get this country safer, freer, and just a better place to live. It is not going to happen while people are undermining the

President from within his own administration and a little cabal that has those ties in this administration. It is time to clean house, and General Flynn is not who I am talking about.

I yield back the balance of my time.

FROM DESEGREGATION TO RESEGREGATION

The SPEAKER pro tempore (Mr. GARRETT). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 30 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, on May 17, 1954, Chief Justice Earl Warren delivered the shock that was felt across the Nation.

This was done when, on behalf of a unanimous Supreme Court, he announced:

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

These 24 words, Mr. Speaker, had a far-reaching impact upon our Nation. These words ushered in an era of de jure desegregation that has changed the course of history that has created a new sense of destiny, and literally these 24 words opened doors that were closed to many persons and created new opportunities.

Mr. Speaker, before I go on, let me thank the many cosponsors of H. Res. 79, which recognizes the significance of Black History Month, and H. Res. 17, which honors the National Association for the Advancement of Colored People, the NAACP, on its 108th anniversary. I thank the many cosponsors and the many persons who have worked on these issues.

I have a staff that has worked tirelessly to make sure that we have these resolutions prepared, such that they could be filed timely. I am grateful to my staff. One such staff member is with me tonight. My legislative director, Ms. Amena Ross, is in the Chamber with me. I am appreciative that on Valentine's Day she has chosen to be here as opposed to where she probably could be and will probably be going shortly.

Mr. Speaker, given that in this month, the month of February, we celebrate Black history as well as the founding of the NAACP, I think that it is appropriate for me to speak on the topic from desegregation to resegregation. Mr. Speaker, it can happen.

Mr. Speaker, while Brown v. Board of Education has not produced the utopian society many hoped for—it has not ended the de facto segregation that many prayed for. It has not engendered the quality education for all children and has not transformed public schools into perfect schools or equal schools—I still contend and firmly believe that we are a much better nation with

Brown v. Board of Education than without it.

Mr. Speaker, I think that it is important for us to give empirical evidence of these words that I have just spoken, my positions, if you will. I would like to do so by allowing the words of a Southern judge. I would like to allow his words to speak for themselves.

This is a message that was delivered by a Southern judge on October 4 of 1957. Mr. Speaker, I shall not call his name. I do not want to embarrass his family. But he was the vice president of a bar association. He was a circuit court judge. He received his BA from a prestigious institution, and he taught sociology.

Mr. Speaker, please hear now his words so that people may understand why Brown v. Board of Education was so important to so many in this country. These are his words:

"Segregation in the South is a way of life. It is the means whereby we live in social peace, order and security."

Mr. Speaker, I trust that many people can understand why persons of my generation are concerned when we hear the terms "law" and "order," terms that indicate law enforcement will take law into its own hands by some standards. In fact, there was law and order at the Edmond Pettus Bridge on Bloody Sunday, but there was not justice at the Edmond Pettus Bridge.

Many people seek justice when they look for law enforcement to enforce and maintain order. They look for justice as well.

He goes on to say: "Ninety-eight percent of both races prefer segregation."

He is now speaking for people that we now call African Americans. At that time, they were called Negroes.

"Integration is urged by the NAACP, a few Southern mulattoes"—this is a means by which light-skinned African Americans were separated from the darker African Americans.

He says that "... a few Southern mulattoes, Northern Communist-front organizations and left-wing labor groups who would use the unsuspecting Negro as their tool."

It is remarkable that someone would think that people yearning to be free would see those who are lending a hand as persons who are using them as tools.

He goes on to say: "It does not work any economic hardship nor deprive the Negro of any of his constitutional rights."

He is talking about segregation.

Then he goes on to say: "The Negro has made great strides and the Southern white man is largely responsible for these advancements."

This is a judge. One can only imagine what it must have been like to appear before him if you were Black.

He goes on to say: "If in the South the Negro was permitted, as he is in some Northern States, to obtain the ballot by simply reaching 21 years of

age, it would mean that no qualified white man in many counties throughout the South could ever hold public office. It would also mean that in the halls of Congress, seats now held by competent white representatives would be held by ignorant, incompetent Negroes."

These are the words of a judge shortly after the Brown decision.

He explains: "An exhaustive study of the program and results of integration in the schools of Washington, D.C., which the NAACP and other left wing groups"—thank God for the NAACP and leftwing groups—"fostering integration said would be a model for the rest of the United States to follow, clearly reveals that the average white student who was integrated in the classroom with the Negro has been retarded two to three years in his educational progress. Therefore, it is not to the best interest of America that the white children, particularly in certain congested sections, be retarded three years in their educational advancement."

He then states later on in his speech that "... we have already, by constitutional amendment, authorized our legislature as other Southern States will do, to abolish the public schools if the Negro and white children are ever integrated therein. Make no mistake about it, we will abolish our public school system and establish private schools for our white children, and we will still provide and see that the Negro is educated separately. It will cost dearly, but we will do it."

Finally, he concludes with these words. This is a judge. These are facts in the sense that these are statements that he had made. The history is there for those who wish to read it.

He indicates that: "... As long as we live, so long shall we be segregated, and after death, God willing, thus it will still be!"

□ 1900

Mr. Speaker, I call this to our attention because it is important for us to understand what the horrors of segregation were really like; that this was not something that persons of African ancestry enjoyed; that segregation caused many persons more than an inconvenience. It really cost a good many people their lives.

So I thank God, Mr. Speaker, for the NAACP, for labor unions, and for people of goodwill of all hues who worked hard to make sure we arrived at this point in our history.

I thank God for Brown v. Board of Education, but I also understand that the Brown case, Mr. Speaker, was as much about fate as it was about facts. I contend that, but for the intrusive hand of fate, the Brown decision could have been, at minimum, a partial endorsement of segregation.

Unfortunately, because the Chief Justice at that time, whose name I

shall not mention—I need not embarrass his family—was a notorious supporter of the doctrine of segregation.

However, Mr. Speaker, after arguments were made in the Brown case in 1952, and before the decision was announced in 1954, fate intruded, and the Chief Justice suffered a heart attack from which he did not recover.

A conservative President then had the duty to appoint a man to the new seat as Chief Justice of the Supreme Court. President Eisenhower appointed a man who participated in the World War II internment of Japanese Americans. This was Governor Earl Warren. He was appointed as the new Chief Justice. With this appointment, many persons thought that little would change on the Supreme Court. However, when Warren achieved a unanimous decision outlawing segregation, President Eisenhower is said to have stated that this was one of the biggest mistakes that he made by appointing Warren to the Supreme Court as his Chief Justice.

The Brown decision, Mr. Speaker, was little less than a minor miracle, and it has had a remarkable impact on our society. I probably stand here today because of the Brown decision. At the time the decision was rendered, there were two African Americans in Congress. Today we have approximately 50 African Americans in Congress.

The Brown decision has made a difference in the lives of people. Integration of schools has been of benefit to young people.

I have an article that I would like to read from. It is styled: “The Benefits of Socioeconomically and Racially Integrated Schools and Classrooms.” This is from the Century Foundation, a reputable organization.

In the general sense, here is what the article addresses:

It indicates that students in integrated schools have higher average test scores.

Students in integrated schools are more likely to enroll in college.

Students in integrated schools are less likely to drop out.

Integrated schools help to reduce racial achievement gaps.

Integrated classrooms encourage critical thinking, problem-solving, and creativity.

Attending a diverse school can help reduce racial bias and counter stereotypes.

Students who attend integrated schools are more likely to seek out integrated settings after they leave school and enter life.

Integrated classrooms can improve students’ satisfaction and intellectual self-confidence.

Learning in integrated settings can enhance students’ leadership skills.

Finally, of the many things—and I have not cited them all—diverse classrooms prepare students to succeed in a global economy.

Mr. Speaker, there is little question in my mind and in the minds of many that integration has made a difference in the lives of people in this country. Integration has not only been of benefit to us in classrooms, but the truth is that we live in a society wherein integration has allowed us, by virtue of *Brown v. Board of Education*, to sleep where we sleep, to eat where we eat, to live where we live.

Brown v. Board of Education has had far-reaching implications beyond that of the classroom. In fact, the economic order, the political order, and the social order were positively impacted by *Brown*.

So, Mr. Speaker, I want to make it clear that I believe we have to, in this country, protect the integration and desegregation that society has produced.

I see that I have another colleague present. Mr. Speaker, can you give me the amount of time that I have left?

The SPEAKER pro tempore. The gentleman from Texas has 14 minutes remaining.

Mr. AL GREEN of Texas. I assure my colleague that I will provide ample time.

Continuing, Mr. Speaker, I am concerned about the re-segregation of our society. I believe that it can occur, and I believe that we must guard against it. I believe that the voucherization of public school funding has been and continues to be the enemy of desegregation and integration.

Allow me to explain. After the Brown decision, as I have indicated, many States sought to repeal the requirement that they maintain a public school system, and many did. After the Brown decision, vouchers were seen as a means by which public schools could be privatized, so that the public school system would exist with private tax dollars that were in the form of vouchers, and would allow people to still go to the schools of their choice. “School choice” was one of the watchwords of the day.

After the Brown decision, in 1955, thereabouts, Milton Friedman, Nobel Laureate, proposed that vouchers be used to allow children to go to the schools of their choice, allow their parents to have this opportunity to send their children to the schools of their choice.

Mr. Speaker, these vouchers, had they been used as proposed, would have continued to perpetrate segregation and perpetuate it for years to come. These vouchers were not used, thank God. I regret to say, however, that many States are currently proposing voucher systems that can lead to the re-segregation of society.

We have a duty to protect the gains that have been made, that have been fought for by the NAACP, by labor unions, by people of goodwill of all hues. We have got a duty and an obli-

gation to protect these gains, and not allow our country to slip back into a dark past that no one wants to relive.

I would hope, Mr. Speaker, that as we continue our progress, we will remember the past that we have been able to extricate ourselves from. And in so doing, it is my desire that we give special attention to these attempts to use tax dollars, to voucherize tax dollars so that public schools can be privatized with tax dollars, which can lead to separation, which can lead to the re-segregation of society.

At this time, Mr. Speaker, I have my colleague, the Honorable JIM CLYBURN present from South Carolina. He is known as a historian par excellence. I am so honored to yield to him so that he may speak on the subjects related to Black history and the NAACP.

I yield to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, HBCUs, Historically Black Colleges and Universities, have been the topic of a great deal of discussions recently, and I rise, as part of the observance of Black History Month, to recognize and celebrate one of them, Allen University in Columbia, South Carolina.

Similar to the many Historically Black Colleges and Universities across the Nation, Allen University’s contributions to my home State of South Carolina and the Nation are immeasurable. Founded to offer education and opportunity to formerly enslaved African Americans, HBCUs have been central institutions in African-American communities for generations.

In 1870, 5 years after the end of the Civil War, the clergy of the African Methodist Episcopal Church set out to create an institution to educate newly freed slaves and train clergy for the AME Church. The Church purchased land in Cokesbury, South Carolina, and named the new college Payne Institute in honor of AME Bishop Daniel Payne, a native of Charleston, South Carolina. Bishop Payne had become the first Black college president in the United States at Wilberforce University in 1863, which he had helped found.

In 1880, Bishop William Dickerson sought to relocate the college to Columbia and acquired land on which the campus sits today. The institution was renamed Allen University after Richard Allen, the founder and first bishop of the AME Church.

Higher education remained segregated in South Carolina until the early 1960s. The University of South Carolina, also in my district, only a mile away from Allen, for example, admitted its first African American in 1963, 2 years after I graduated college.

Throughout the Jim Crow era, Allen University offered degrees in law, education, and theology, and at one time also offered elementary and high school classes.

Several of its buildings are on the National Register of Historic Places,

forming the Allen University Historic District. Arnett Hall, the oldest building on campus, was constructed in 1891 by the students themselves. It was named after Benjamin W. Arnett, an early leader of the AME Church, who served on Allen University's Board of Trustees.

The Chappelle Administration Building, which houses the Chappelle Auditorium, was designed by John Anderson Lankford, known as the dean of Black architects, and completed in 1925. It was named after William David Chappelle, the great-grandfather of comedian Dave Chappelle, and a graduate of Allen University, who later served as its president. Chappelle Auditorium is one of five buildings in Columbia designated a National Historic Landmark.

This historic campus has been central to the Waverly neighborhood and the African-American community in Columbia. Black artists, such as Leontyne Price, Langston Hughes, and Brook Benton, all appeared at Chappelle Auditorium.

In 1947, the Reverend James Hinton, then-president of the NAACP of South Carolina, held a rally at Chappelle, which was attended by Reverend Joseph A. DeLaine, an Allen University alumnus. Inspired by the event, Reverend DeLaine organized families in Summerton, South Carolina, to petition their school district to provide buses for Black students who, at the time, were forced to make a daily walk of 9 miles to school.

□ 1915

This case, *Briggs v. Elliott*, was the first of the five cases that became *Brown v. Board of Education of Topeka, Kansas*. It is no exaggeration, Mr. Speaker, to say that Allen University was the birthplace of the movement that overturned "separate but equal" and brought an end to legal segregation in America. Allen University will remain central to the struggle for civil rights.

In the early 1960s, Allen University students led demonstrations at segregated lunch counters and participated in many of the marches in Columbia during that period. National leaders such as Martin Luther King, Jr., Roy Wilkins, and Ralph Abernathy visited Allen during these demonstrations, often staying on campus when they came to town.

Today Allen University is a liberal arts institution still operated by the AME Church. It has graduated many notable elected officials, including State Representative William Clyburn and his wife, Beverly Dozier Clyburn, who retired from the Aiken, South Carolina, City Council several years ago. Retired State Senator Kay Patterson is also a graduate. Two of Allen's alumni, former Senator Clementa Pinckney and Tywanza Sanders, were among the nine who were murdered

during the attack at Emanuel AME Church in 2015.

Several of its historic buildings, like Arnett Hall and Chappelle Auditorium, have been restored recently with Federal funding from the HBCU Historic Preservation Program, which this body in its collective wisdom voted unanimously last year to reauthorize. I plan, along with my friend Representative GREEN and other members of the Congressional Black Caucus, to reintroduce that bill this year. I am hopeful that we will repeat the unanimity this year and that the Senate will support our efforts.

Allen University has made an indelible mark on our society over the past 147 years. I ask all of my colleagues to join me in honoring its great contributions to this great Nation.

Mr. AL GREEN of Texas. I thank Mr. CLYBURN for those wonderful comments. They were most edifying, and I am sure that a good many people have acquired a better understanding of Allen University.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. AL GREEN of Texas. Mr. Speaker, I will simply say this in my last 2 minutes. I am grateful that the NAACP was there not only for me, but for this country. The NAACP filed and won many cases, but *Brown v. Board of Education* has to be one of the most outstanding pieces of litigation that it engaged in.

Of course, you can't talk about *Brown* without mentioning the Honorable Thurgood Marshall, who was the lead counsel in the *Brown* case who went on to become a Justice on the Supreme Court.

The *Brown* case has transformed American life. It desegregated and integrated American society, the economic order, and the political order as well. I am blessed to be here because of *Brown v. Board of Education*, and my hope is that we will understand that desegregation and integration are here now—and we will fight for them—but we have to also understand that we can go from desegregation to resegregation. We must be careful, we must be vigilant, and we must protect the gains that we have made.

Mr. Speaker, I yield back the balance of my time.

ISSUES AND OPPORTUNITIES AT THE VA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. O'ROURKE) for 30 minutes.

Mr. O'ROURKE. Mr. Speaker, I came to the floor this evening primarily to talk about issues and opportunities at the VA and the successful confirmation

of our new Secretary of Veterans Affairs, Dr. David Shulkin, but I would be remiss in not thanking my colleague from Texas (Mr. GREEN) for his powerful words about the NAACP and the profoundly positive impact that they have had on this country and on our ability to make the most of the potential that we have in every single community in the United States.

Mr. GREEN is well aware of the inordinate pride that I have in the community I represent of El Paso, Texas, and how the first chapter of the NAACP was started in El Paso, Texas, through the good work of Dr. Lawrence Nixon, who also has the distinction of having been the man who effectively desegregated voting in the State of Texas, ending the all-White primary which had prevailed following Reconstruction in our State, much to our lasting shame. But to our immense pride, he was the man and our community was the place where that successful fight began.

As Mr. GREEN also knows, because I had the pleasure and honor of joining him in a Special Order not too long ago, El Paso also was the home of Thelma White, who, along with some other young, courageous El Pasoans, had gone to the all-African-American high school, Douglass High School, in El Paso. They attempted to enroll in Texas Western College, now known as the University of Texas at El Paso, but were denied entry simply based on the color of their skin.

Thanks to the NAACP and one of their most promising attorneys, Thurgood Marshall, they were able to take this case to a Federal bench, in fact, the bench of R.E. Thompson, who also happens to be an El Pasoan, whose ruling not only ruled in their favor, but effectively desegregated higher education in the State of Texas at that time and forever more.

So I just want to add my thanks and my support for an outstanding organization and the very positive impact that they have had on the State that I call home and the community that I am so lucky to serve and to represent. I thank the gentleman from Texas for staying just a little bit longer.

Mr. Speaker, I am also here today to thank my colleagues in the Senate, who, 100-0, yesterday confirmed the President's nomination of Dr. David Shulkin to be the next Secretary of the VA at what I think is the most critical moment in the history of that critically important organization.

We all know of the severe challenges that the VA and the veterans whom it purports to serve face today. We know of the challenges in service-connected disability claim wait times—in the appeals that are made to those claims when the judgment or the ruling is not in favor of the veteran in question or there is an error in that judgment or some additional information needs to

be added—and wait times in appeals that last not days or weeks or months, but measured in years.

We know about challenges in wait times for those veterans who are seeking to get an appointment with a primary care physician, a specialty care physician, or, I think most critically, at a time when 20 veterans a day in this country—and that is a conservative estimate, 20 veterans a day—are taking their own lives, severe wait times to see a mental health care provider. Those are among the most important challenges that we as a Congress and those of us who serve on the Veterans' Affairs Committee face today.

So, again, I am grateful for the Senate's work on this issue in confirming Dr. Shulkin. I have got to say, despite some deep disagreements, differences, and disappointments with the current administration, I am grateful to this President for the public good he has done in nominating Dr. Shulkin, a man who has served in previous roles as CEO of Beth Israel Medical Center in New York City, chair of medicine at Drexel University College of Medicine, and beginning in the summer of 2015, the Under Secretary for the Veterans Health Administration, where he hit the ground running and began working on the challenges before us, providing solutions to them nationally and in our individual congressional districts on the ground working with the teams there both at the VA, in the public and private sector, and with the various Representatives who brought these issues to his attention. So I could not be more grateful for his service, and I want to speak about that a little bit more.

I also want to acknowledge that we have some excellent leadership on both the Senate Veterans' Affairs Committee and here in the House, where Dr. PHIL ROE of Tennessee is taking the helm as the chairman of the House Veterans' Affairs Committee—he, himself, a medical doctor; he, himself, a veteran; and he, himself, someone who chose to serve on the committee as just one member of that committee in the years leading up to his selection by his colleagues as a chairman. I know from talking with him that he has big plans, significant and defined goals, and he is willing to work on a bipartisan basis to make sure that we achieve them. I am really looking forward to the ability to work with him. He is joined by returning Members who have sought position on the Veterans' Affairs Committee.

Now, for those who don't know, for too long, the Veterans' Affairs Committee was seen as a backwater or a basement. It wasn't a place where an aspiring Member of Congress with ambitions went to do her or his work. This was a place they were relegated to when they couldn't make it on to a bigger or better committee. That was the old conventional wisdom.

These days, I am proud to report, the Veterans' Affairs Committee is a place of distinction, where Members serve with pride, where we ask to join that committee, as I did after I was elected in 2012, so we can tackle some of the most difficult challenges before this Congress and, certainly, this country: how we ensure that we deliver the best care to the 20 million-plus veterans who have put their lives on the line and served this country in a way that no other American has, in a way that ensures that we have the America that so many of us take for granted, veterans whose service dates back to World War II and leads up to those who are just returning from Afghanistan, Iraq, and many places all over the world where we have U.S. servicemembers stationed in more than 140 countries today.

Ensuring that we fulfill our obligations to them, whether it is post-9/11 GI Bill educational and workforce benefits, whether it is access to quality and consistent health care or ensuring that we quickly, effectively, and successfully respond to claims made after there is a service-connected disability incurred in service, we need to get these things right. The future of our country depends on it, our honor depends on it, and the commitments that we have made and the obligations that we have incurred as a country to these veterans, all that depends on our successful completion of that work.

So I am grateful for the Members who have chosen to serve on that committee; I am grateful for our chairman; and I am grateful for our ranking member, Mr. TIM WALZ of Minnesota, who also happens to be the highest ranking enlisted servicemember to ever serve in the Congress as a command sergeant major, someone who has asked to be on that committee, who has written significant legislation, has ensured that the Clay Hunt SAV Act, for example, became law, which gives us a better opportunity to reduce veteran suicide, which I think is the most critical issue that we can address, that we reduce the number of veterans who are taking their own lives and provide more resources and more help.

I will say this about Mr. WALZ: He is someone who puts his country above party, the work that he has to do above his own self-advancement, and I think it is with that attitude, with that character, and with the bipartisan group of House Veterans' Affairs Committee members that we are going to see great work come out of this committee, great leadership come from Mr. WALZ and his chairman.

I am so glad that Mr. WALZ has decided to spend part of his Valentine's Day evening with me on the floor of the House talking about the great work that lies ahead for us when we try to serve the veterans of this country.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ. Mr. Speaker, I thank the gentleman from El Paso.

I very much appreciate, always, the story and the passion that you have for that great community and look at the leadership that comes out of there. I certainly know in your work for veterans your name will be added to that list. The passion, the willingness to solve problems, the willingness to find and make the tough choices to fulfill this Nation's commitment to our veterans is something I am just proud to serve alongside you.

I would echo the gentleman's comments, having the opportunity today to witness the swearing in of Dr. David Shulkin as our next VA Secretary, being there with Vice President PENCE along with Senators ISAKSON and TESTER on the Senate side and Dr. ROE, of whom you spoke very accurately, Mr. O'ROURKE—a true gentleman, an impassioned advocate for veterans, and a no-nonsense legislator, exactly what we need.

□ 1930

You just have to watch the sense of can-do spirit up there and see Dr. Shulkin and his family—with young children—and the sacrifice that goes into public service. This is a gentleman who could make far more money and probably have a lot less headaches if he would continue to serve in the private sector. He chose not to do that for all the right reasons.

I think it probably brings us to the message that Mr. O'ROURKE is delivering. This is something that unites this country more than anything else: the care and service to our veterans.

It doesn't matter your political persuasion, it doesn't matter where you fall on the spectrum, it doesn't matter what you necessarily think of the wars or the conflicts that we are engaged in, but the care for those veterans is something that my folks in Mankato, Minnesota, your folks in El Paso, folks in Philadelphia, Los Angeles, Seattle, and every small town in between want us to get right. They want us to use the data to deliver the benefits that were earned. They want us to get it right to show that this Nation's commitment is not something that is fleeting or comes and goes. I think most people understand this is a complex issue.

Again, I was reading recently—to put this into perspective—when they make this promise, when they raise their hand to serve this Nation, they are in it for the long haul. The Veterans Benefits Administration is still paying out \$73 a month to the daughter of a Civil War veteran. 152 two years after the end of that conflict, this Nation still needs to keep its commitment.

So, when you go to war, it comes with a long tail attached to it. That long tail attached is doing what President Lincoln asked us to do: care for those who bore the battle, their widow, and their orphan.

I think it is within that spirit that I would encourage our constituents, Mr. Speaker, to take an eye and look at what is happening with veterans' issues. When they don't believe anything can work, and they believe everything up here is a fight and that we couldn't agree it is Tuesday today, that is simply not the case. We have good, smart people working for solutions to difficult problems who are in the best interest of this Nation, the best interest of our veterans, and the best interest of taxpayers.

I would encourage people not to make rash generalizations. When people say, Oh, nothing works in the VA, that is not true. Many things work in the VA, and many things work very well. But when they don't, that is an abject failure. When one veteran is left behind or a situation like Phoenix arises, no, that is not good enough, and we can do better.

But we have an attitude that we don't need to keep this commitment to the VA, that we don't need to do that, or somehow that we are not already using our resources in the private sector. The gentleman, I am sure, will talk about it, but last year, 31 percent of all healthcare needs were delivered in the private sector in fee-for-service.

When that makes sense, when it is most efficient, when it is most convenient for the veteran, we should deliver that, but with an understanding the VA has a core mission to do research into extremity injuries or things that would not happen, outside of industrial accidents or war. The VA needs to be there. The VA needs to be there to train physicians. The VA needs to be there to make sure we keep that accountability, instead of telling a veteran: You are just on your own. Good luck getting your care.

It is in that spirit that I, too, am hopeful. I think it needs to be said to our constituents, Mr. Speaker, and it goes through administration after administration, whether you like the administration or not, the commitment to veterans has to be there.

They have got some of it right; they have got some of it wrong. I think there is a responsibility that, in the first choice of this administration in dealing with veterans, I believe they might have picked the one person in this country best suited to do the job for veterans. That says a lot.

I think it is important to stress that point, understanding that that Secretary can't do it alone. Congress writes the laws. This House authorizes the money to make that happen. We have oversight responsibility, and we have partners in our veterans service organizations who are there to help, whether it be the American Legion, whether it be the VFW, the DAV, the Iraq and Afghanistan veterans. These are all folks out there who want to keep that commitment to want to help.

The gentleman spoke true, and he spoke true from the heart that, at that one time, people may not have seen service on the VA Committee as something as a prize position. The folks who have found themselves there are committed to this, above everything. They are committed to it above party. They are committed above their own personal advancement. On both sides of the aisle, there is a camaraderie that is rarely seen in the press, that is rarely seen by the general public about getting this right.

I think there is much that can be restored. If anything, I oftentimes say how we conduct ourselves in this people's House of Representatives must be a direct reflection on the sacrifice that gives us the right to self govern.

Those who paid the ultimate sacrifice were doing it so that citizens could elect their Representatives to debate the issues of the day in a free and open democracy. So just the exercise tonight of having the opportunity and the privilege to share a little of the floor was given to us at great sacrifice. We need to conduct ourselves in a bipartisan, results-oriented manner that honors that commitment.

I thank the gentleman from El Paso and look forward to his leadership as our ranking member on subcommittees that are coming up on issues that will affect employees at the VA and delivery of care. I know they are in good hands. As I say it again, I love the stories of El Paso from such an impassioned son of El Paso. I think your constituents should be proud you are there.

Mr. O'ROURKE. I thank the gentleman from Minnesota and the ranking member of the full committee of the House Veterans' Affairs Committee for being here tonight and talking about not just our challenges, but some of the hope and opportunity that we have ahead with this new Secretary for the VA, this new leadership on the committee, and this renewed commitment from this Congress and this country to do the right thing by her veterans.

I am so glad, Mr. Speaker, that he mentioned the necessity to ensure the long-time health and viability of the VA. There has been some talk about privatizing the VA and of just essentially asking our veterans to go find their own doctors and their own medical providers in the communities in which they live, no longer having the VA as the core of the delivery of care that they have depended on for so long.

I think it is important that Secretary Shulkin, in his confirmation hearing, said that he would never be part of privatizing the VA, at least not on his watch, at least not during his tenure.

While there are opportunities to capitalize on care in the community, as the ranking member said, only at the

VA will we have doctors, nurses, providers, and frontline staff, many of whom are, by the way, themselves veterans who have uniquely cared for other veterans, know the signs to look for when we are trying to reduce veteran suicide, know specifically how to treat post-traumatic stress disorder, traumatic brain injury, military sexual trauma, traumatic amputations—the kinds of conditions that don't typically occur in the civilian population and that we don't see at our general private-public hospitals, but are unique to the VA and unique to military medicine, where we uniquely will ensure that our veterans and military retirees get world-class care from those who are uniquely trained to deliver that to ensure the best outcomes.

While we should never shy from the shortcomings or the challenges within the VA—and there are plenty of them—I think it is really important to reiterate how often we are successful in seeing veterans whose care depends upon a doctor or a provider at the VA who leaves that appointment grateful for the time that they were able to spend there, grateful for the care they received, and grateful for the fact that there is a VA.

This last week, on Friday—it was a few days early—we took some Valentine's Day cards made by elementary school students at LBJ Elementary in El Paso to veterans at the VA. I was joined by Colonel Mike Amaral, the new permanent director of the El Paso VA, formerly chief of staff at William Beaumont Army Medical Center.

We shook hands with veterans, shook hands with frontline staff, shook hands with nurses and providers at the VA, thanking them for their service, wishing them an early happy Valentine's Day. To each veteran either coming in or leaving the VA, I asked them what their experience was like in either making an appointment, if they were on their way in, or how their appointment went when they were on their way out.

As the ranking member knows, the veterans who we represent are never shy about sharing the truth and the facts of their experience with the VA. We hear the good, we hear the bad, we hear the ugly.

At the El Paso VA on Friday, for every veteran who had been seen by a doctor, the story was a positive one. For every veteran going in to see a doctor, the story was a positive one. It doesn't mean that every single veteran's story in El Paso is positive. Let's acknowledge that some appointments are dropped. Sometimes the phone isn't answered. Sometimes an appointment is made and the doctor is not there to see the veteran.

All of those circumstances are unacceptable. I know Colonel Amaral feels the way I do. I know Secretary Shulkin feels the way I do. I know every single

Member of Congress feels the way I do. But let's remember that the vast majority of veterans are able to be seen, are getting great health care at the VA, and, for the most part, when they are referred to care in the community when a doctor is unavailable at the VA, when a psychiatrist is not able to see that veteran for a behavioral health appointment and referred to a provider in the community, most of those right now are working well. Not perfectly, not all the time.

There is work before us that we must do, and it is critically important, but I am making the point that the VA needs to maintain the core of delivery of care to our veterans. We can add to that core the providers in our communities, public hospitals, private hospitals, clinics, doctors, those who want to step up at not great profit to themselves. The rates that they are reimbursed are just at or less than Medicare, but they do it because they want to do their part to continue to serve this country, to serve veterans who stood up, put their lives on the line, and ensured that we have the United States that we are so grateful for today.

So I think that is a positive situation on which we can build with the right team here in Congress, at our local VAs, and with our new Secretary.

I will tell you a story about Secretary Shulkin. Shortly after he was named Under Secretary of Veterans Health Administration, I brought to his attention the suicide crisis that we have in El Paso among El Paso veterans, in Texas, and in the United States, where we now know that today, by VA's latest estimate, 20 veterans are taking their own lives. The old estimate was 22. It was based on incomplete data. All 50 States' basis for the new numbers shows us that we are at 20. That is too many. It is unacceptable. It has to become our number one priority. Unless it is, we won't reduce that number, we won't save more lives, we won't prevent more preventable deaths.

I shared with Dr. Shulkin that, after hearing from veteran after veteran after veteran, while generally their care received in the VA was excellent—when they were there, they were treated like a king or a queen—too often, when they were seeking a behavioral health appointment, mental health care appointment, maybe related to post-traumatic disorder, maybe a Vietnam-era veteran who had successfully bottled his trauma, experiences for 40, 45, 50 years who was now coming to terms when he reached certain crossroads in his life with that trauma and needed to speak to someone, too often they were not able to get in to see somebody at the VA.

So we conducted a scientific, objective, third-party survey of veterans in El Paso, and we found—with a margin

of error less than 4 percent, so this is pretty conclusive—that more than a third of veterans in our community could not get in to see a mental health care provider when, at that time, the prescribed 2 weeks, not within 30 days, not within a year. Just not ever.

We know for a fact that care delayed becomes care denied. It leads to terrible outcomes. At a minimum, unnecessary suffering for that veteran; at worst, preventable deaths. Veterans taking their own lives.

So I brought this issue to Dr. Shulkin's attention. I told him this community had rallied around our veterans in El Paso, Texas, and that the VA providers there, the public hospital, University Medical Center; Del Sol Hospital; Providence Hospital; Mentis Neurological Rehabilitation Center, another private facility; all of these folks wanted to come together to see if they could fill the gap in care and coverage that the VA was unable to meet.

But we needed some leadership from the VA. We needed them to take a chance on a model that had never been tried before. We wanted Dr. Shulkin and the VHA to get behind a pilot program in El Paso that would allow us to take some of these matters into our own hands, where, despite the best intentions and significantly increased funding from the VA in El Paso, we still weren't able to see veterans who desperately need care.

Dr. Shulkin reviewed the proposal with us, made some suggested changes, and within 4 months of having been sworn in as Under Secretary of VHA, he was able to help us get this pilot program approved, underway, with a collaboration with Texas Tech University Health Sciences Center in El Paso, after finding that the best performing VAs in the country are associated with academic teaching institutions.

He made that partnership with Texas Tech possible. He made referring care out into the community where we didn't have the doctors in the VA possible. He ensured that at the VA we continue to concentrate on those areas of excellence—on service and combat-connected disabilities and conditions that we don't see in the general population that, more than anything else, makes the case for the VA: for strengthening the VA, for ensuring that it is not there just today, but forever.

As long as we have a country, we should have a VA that performs at the high levels in those areas where veterans need it most—post-traumatic stress disorder, traumatic brain injury, traumatic amputation, military sexual trauma—those conditions that are unique to service and to combat.

□ 1945

So I am really encouraged that we have him now as the Secretary of the full VA. I am really encouraged that

we have the leadership like Mr. WALZ and Dr. ROE in the Committee on Veterans' Affairs in the House. I am really encouraged by the leadership that we see on the Senate side, and I have got to tell you—and I am sure that Mr. WALZ would agree with me—we have leadership out in every single community in this country, from the Veterans of Foreign Wars, from the Vietnam Veterans of America, from the Iraq and Afghanistan Veterans of America, from the Disabled American Veterans, from the Paralyzed Veterans of America, from every single veterans service organization, too many to mention in the time that I have allotted today, who put the pressure, provide the solutions, make trips up to Washington, D.C., as they will this next week, to ensure that they are holding us accountable for the terrific responsibility that we have before us, and that we perform against that responsibility and that we perform against the goals that we have set—very ambitious, but achievable goals—for this country and every single veteran who has served who lives in this country who we have a sacred obligation to today.

I am encouraged that this committee, this Congress, this country works on a bipartisan—or let's just say a nonpartisan—basis to get that work done. We are introducing two bills tomorrow, for example, both with Republican cosponsors. The first bill is the Veteran Prescription Continuity Act with Representative MIKE COFFMAN from Colorado and Representative WALTER JONES from North Carolina. That bill, if made into law, will ensure that veterans who were dependent on the care provided in part through prescriptions prescribed while they were Active Duty servicemembers at a military treatment facility are still able to receive those prescriptions as veterans. A lot of folks don't know this, but we don't have a unified formulary between DOD and VA. Some veterans, some prescriptions get dropped along the way. Here is a no-brainer, quick bipartisan fix to that part of the problem.

The other bill is the Mental Health Care Provider Retention Act, also introduced with WALTER JONES from North Carolina. This ensures at a time of crisis when it comes to veteran suicide that if you are an Active Duty servicemember and you are receiving good treatment at a military treatment facility for post-traumatic stress disorder, for example, or other mental health issues, that if the VA cannot continue that care because we don't have enough psychiatrists or psychologists—we are 45,000 clinical positions short in the VA today—if you are getting good care in the Department of Defense military treatment facility and there is not that care for you on the VA side as you transition out and separate in a given community like El Paso, that you will be able to continue

to receive quality mental health care treatment at that military treatment facility.

Again, this isn't going to solve every access problem. It is not going to, in itself, reduce or solve the suicide crisis we have amongst veterans, but it is a commonsense, bipartisan approach that makes things a little bit better, that ensures that we have more access for more veterans and begin to take more steps toward reducing veteran suicide.

Mr. Speaker, I am very encouraged today by the opportunities before us, by the leadership that is ready to take on that work, and with the opportunity I have to join these leaders to ensure that we fulfill every commitment that we have to every veteran in America.

Mr. Speaker, I yield back the balance of my time.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON FINANCIAL SERVICES FOR THE 115TH CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,

Washington, DC, February 14, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I submit for publication the attached copy of the rules of the Committee on Financial Services of the U.S. House of Representatives as adopted on February 2, 2017, for the 115th Congress.

Sincerely,

JEB HENSARLING,
Chairman.

RULE 1

GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the "Committee") and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2

MEETINGS

Calling of Meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for Meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on any such day) before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least three calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on any such day) before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) At least 24 hours prior to the commencement of a meeting for the markup of legislation, the Chair shall cause the text of such legislation to be made publicly available in electronic form.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee or by the Chair with the concurrence of the ranking minority member.

RULE 3

MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by a member designated by the Chair to carry out such duties.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) To the extent feasible, members and witnesses may use the Committee equipment for the purpose of presenting information electronically during a meeting or hearing, provided the information is transmitted to the appropriate Committee staff in an appropriate electronic format at least one business day before the meeting or hearing so as to ensure display capacity and quality. The content of all materials must relate to the pending business of the Committee and conform to the rules of the House. The confidentiality of the material will be maintained by the technical staff until its official presentation to the Committee members. For the purposes of maintaining the official records of the committee, printed copies of all materials presented, to the extent practicable, must accompany the presentations.

(5) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena (other than a subpoena authorized and issued by the Chair pursuant to subsection (e)(1)), of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the Rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In addition to any other requirement of these rules or the Rules of the House, including clause 2(e)(1)(B) of rule XI, the Chair shall make the record of the votes on any question on which a record vote is demanded publicly available for inspection at the offices of the Committee and in electronic form on the Committee's Web site not later than one business day after such vote is taken. Such record shall include in electronic form the text of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the Committee present but not voting. With respect to any record vote on any motion to report or record vote on any amendment, a record of such votes shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members of the committee present but not voting.

(5) POSTPONED RECORD VOTES.—(A) Subject to subparagraph (B), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote.

(C) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(D) The Chair's authority to postpone recorded votes will not be used to prejudice a

member with regard to the offering of an other amendment. In the application of this rule, the Chair will consult regularly with the ranking minority member regarding the scheduling of the resumption of postponed votes.

Hearing Procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing (excluding Saturdays, Sundays, and legal holidays except when the House is in session on any such day) announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered. At the same time the Chair provides the information required by the preceding sentence, the Chair shall also provide to the members of the Committee a list of the witnesses expected to appear before the Committee at that hearing. The witness list may not be modified within 24 hours of a hearing, unless the Chair, with the concurrence of the ranking minority member, determines there is good cause for such modification.

(2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years. Such disclosure statements, with appropriate redactions to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4)(A) Subject to subparagraph (B), the five-minute rule shall be observed in the interrogation of witnesses before the Committee or any of its subcommittees until each present member thereof has had an opportunity to question the witnesses. No member shall be recognized for a second period of five minutes to interrogate witnesses until each present member of the Committee or such subcommittee has been recognized once for that purpose.

(B) The Chair may permit a specified number of members to question one or more witnesses for a specified period of time not to exceed 60 minutes in the aggregate, equally

divided between and controlled by the Chair and the ranking minority member.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon. The Chair, with the concurrence of the ranking minority member, will determine the date, time, and place of such hearing.

(6) At any hearing of the Committee, opening statements by members of the Committee shall be limited to 10 minutes in the aggregate. The Chair shall control five minutes and recognize members in the Chair's sole discretion. The ranking minority member shall control five minutes; the Chair shall recognize members for such five minutes according to the direction of the ranking minority member as communicated to the Chair.

(7) Notwithstanding any member's oral delivery of an opening statement, written opening statements by any member of the Committee submitted to the Chair within 5 legislative days after the adjournment of a hearing shall be made a part of the official hearing record thereof

Subpoenas and Oaths

(e)(1) The power to authorize and issue subpoenas is delegated to the Chair. The Chair will provide written notice to the ranking minority member at least 48 hours in advance of the authorization and issuance of a subpoena, except when exigent circumstances exist that do not permit such amount of notice, in which case the Chair shall provide such notice as soon as possible.

(2) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(3) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4

PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members."

(e) The Chair is directed to offer a motion under clause 1 of rule XXII of the Rules of

the House whenever the Chair considers it appropriate.

RULE 5

SUBCOMMITTEES

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be six subcommittees of the Committee as follows:

(A) SUBCOMMITTEE ON CAPITAL MARKETS, SECURITIES, AND INVESTMENT.—The jurisdiction of the Subcommittee on Capital Markets, Securities, and Investment includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities, including securitization, business capital formation, securities lending, and repurchase agreements;

(iii) investment companies and advisers to private funds;

(iv) activities involving accounting and auditing;

(v) activities involving futures, forwards, options, and other types of derivative instruments;

(vi) the Securities and Exchange Commission;

(vii) the Financial Accounting Standards Board;

(viii) the Municipal Securities Rulemaking Board;

(ix) the Public Company Accounting Oversight Board;

(x) the Securities Investor Protection Corporation; and

(xi) self-regulatory organizations registered with the Securities and Exchange Commission.

(B) SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) all matters related to the Bureau of Consumer Financial Protection;

(iii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iv) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers, including consumer transactions using mobile devices;

(v) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(vi) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vii) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(viii) deposit insurance; and

(ix) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(C) SUBCOMMITTEE ON HOUSING AND INSURANCE.—The jurisdiction of the Subcommittee on Housing and Insurance includes—

(i) insurance generally; terrorism risk insurance; private mortgage insurance; government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; the Federal Insurance Office;

(ii) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; secondary market organizations for home mortgages, including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation; the Federal Housing Finance Agency; the Federal Home Loan Banks; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(iii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales; and,

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(D) SUBCOMMITTEE ON MONETARY POLICY AND TRADE.—The jurisdiction of the Subcommittee on Monetary Policy and Trade includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing;

(vi) development of new or alternative forms of currency;

(vii) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(viii) international trade, including but not limited to the activities of the Export-Import Bank;

(ix) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(x) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(E) SUBCOMMITTEE ON TERRORISM AND ILLICIT FINANCE.—The jurisdiction of the Subcommittee on Terrorism and Illicit Finance includes—

(i) financial support networks of national security threats, including matters related to terrorist financing, money laundering, drug sale proceeds, and alternative remittance systems;

(ii) methods to detect and inhibit terrorism and illicit finance, including matters related to anti-money laundering and combating the financing of terrorism (AML/CFT) standards, asset forfeiture, and financial sanctions, as well as programs related to such matters administered by agencies or subunits thereof, including activities of the Office of Terrorism and Financial Intelligence and the Financial Crimes Enforcement Network; and

(iii) Inter-governmental initiatives to detect and inhibit terrorism and illicit finance, including the Financial Action Task Force.

(F) SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Chair, in his or her sole discretion, may discharge a subcommittee from consideration of it any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall

designate a member of the majority party on each subcommittee as its vice chair. The Chair may designate one member of the Committee who previously has served as the chairman of the Committee as the Chairman Emeritus.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees. The Chairman Emeritus shall be an ex officio member without voting privileges of each subcommittee to which he or she is not assigned and shall not count for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets, Securities, and Investment shall be comprised of 28 members, 16 elected by the majority caucus and 12 elected by the minority caucus.

(B) The Subcommittee on Financial Institutions and Consumer Credit shall be comprised of 26 members, 15 elected by the majority caucus and 11 elected by the minority caucus.

(C) The Subcommittee on Housing and Insurance shall be comprised of 23 members, 13 elected by the majority caucus and 10 elected by the minority caucus.

(D) The Subcommittee on Monetary Policy and Trade shall be comprised of 21 members, 12 elected by the majority caucus and 9 elected by the minority caucus.

(E) The Subcommittee on Terrorism and Illicit Finance shall be comprised of 25 members, 14 elected by the majority caucus and 11 elected by the minority caucus.

(F) The Subcommittee on Oversight and Investigations shall be comprised of 21 members, 12 elected by the majority caucus and 9 elected by the minority caucus.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a Vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6

STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under

the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee staff be available to all members of the Committee.

Subcommittee Staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of Staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7

BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8

COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available in electronic form and for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet

(b) The Chair shall maintain an official Committee website for the purpose of carrying out the official responsibilities of the Committee, including communicating information about the Committee's activities. The ranking minority member may maintain an official website. To the maximum extent feasible, the Committee shall make its publications available in electronic form on the official Committee website maintained by the Chair.

Audio and Video Coverage of Committee Hearings and Meetings

(c)(1) To the maximum extent feasible, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily 24 listen to and view the proceedings; and,

(2) maintain the recordings of such coverage in a manner that is easily accessible to the public.

ADJOURNMENT

Mr. O'ROURKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 15, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

572. A letter from the Acting Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report entitled "Strategic and Critical Materials Operations Report To Congress: Operations under the Strategic and Critical Materials Stock Piling Act during Fiscal Year 2016", pursuant to 50 U.S.C. 98h-2(a); June 7, 1939, ch. 190, Sec. 11(a) (as amended by Public Law 103-35, Sec. 204(d)); (107 Stat. 103); to the Committee on Armed Services.

573. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding "Intended Uses"; Delayed Effective Date [Docket No.: FDA-2015-N-2002] (RIN: 0910-AH19) received February 12, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

574. A letter from the President, National Legislative Assembly of Thailand, transmitting a letter expressing condolences to the victims and affected families of the Pulse Club shooting in Orlando, Florida; to the Committee on Foreign Affairs.

575. A letter from the Division Chief, Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting the Department's interim final rule — Onshore Oil and Gas Operations — Civil Penalties Inflation Adjustments (RIN: 1004-AE46) received February 12, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

576. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule — Civil Penalties Inflation Adjustments [NPS-WASO-NAGPRA-22726; GPO Deposit Acct. 4311H2] (RIN: 1024-AE37) received February 12, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURGESS: Committee on Rules. House Resolution 123. Resolution providing for consideration of the joint resolution (H.J. Res. 43) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients; providing for consideration of the joint resolution (H.J. Res. 69) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on

National Wildlife Refuges Alaska"; and providing for proceedings during the period from February 17, 2017, through February 24, 2017 (Rept. 115-12). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RODNEY DAVIS of Illinois:

H.R. 1029. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve pesticide registration and other activities under the Act, to extend and modify fee authorities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 1030. A bill to direct the Director of National Intelligence to conduct a study on cyber attack standards of measurement; to the Committee on Intelligence (Permanent Select).

By Mr. RATCLIFFE (for himself, Mr. WALKER, Mr. RICE of South Carolina, Mr. PALMER, Mr. AMASH, Mr. GOMMERT, Mr. BIGGS, Mr. ROE of Tennessee, Mr. WESTERMAN, Mr. HURD, Mr. PERRY, Mr. DUNCAN of Tennessee, Mr. HUDSON, and Mr. KING of Iowa):

H.R. 1031. A bill to eliminate the Bureau of Consumer Financial Protection by repealing title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act, commonly known as the Consumer Financial Protection Act of 2010; to the Committee on Financial Services.

By Mr. BYRNE:

H.R. 1032. A bill to expand the eligibility of veterans for hospital care and medical services provided by non-Department of Veterans Affairs medical providers under the Veterans Choice Program; to the Committee on Veterans' Affairs.

By Mr. COLLINS of Georgia (for himself, Ms. CHENEY, Mr. COHEN, Mr. CHAFFETZ, Mr. SCHRADER, Mr. GOSAR, Mr. THOMPSON of Pennsylvania, Mr. LABRADOR, and Mr. PETERSON):

H.R. 1033. A bill to amend titles 5 and 28, United States Code, to require the maintenance of databases on, awards of fees and other expenses to prevailing parties in certain administrative proceedings and court cases to which the United States is a party, and for other purposes; to the Committee on the Judiciary.

By Mr. ELLISON (for himself, Ms. LEE, Mr. QUIGLEY, Mr. CARTWRIGHT, and Ms. NORTON):

H.R. 1034. A bill to authorize the Administrator of the Environmental Protection Agency to award grants for municipal solid waste prevention, reuse, and recycling program development, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself, Mr. COHEN, Mr. RYAN of Ohio, Mrs. MIMI WALTERS of California, Ms. CLARK of Massachusetts, Ms. KUSTER of New Hampshire, Mr. RODNEY DAVIS of Illinois, and Mr. MOULTON):

H.R. 1035. A bill to extend the civil statute of limitations for victims of Federal sex offenses; to the Committee on the Judiciary.

By Mr. O'ROURKE (for himself, Mr. PEARCE, and Mr. SWALWELL of California):

H.R. 1036. A bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes; to the Committee on the Judiciary.

By Mr. LYNCH (for himself, Mr. KING of New York, Mr. RUIZ, Mr. LIPINSKI, Mr. DUNCAN of South Carolina, Mr. HECK, Ms. CLARK of Massachusetts, Mr. WALZ, Mr. MCGOVERN, Miss RICE of New York, Mr. KEATING, and Mr. KENNEDY):

H.R. 1037. A bill to authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIFFITH (for himself, Mr. WELCH, Mr. COLLINS of Georgia, Mr. JONES, Mrs. McMORRIS RODGERS, Mr. BLUM, Mr. CRAWFORD, Mr. CARTER of Georgia, Mr. ROE of Tennessee, Mr. BABIN, Mr. SESSIONS, Mr. BARLETTA, Mr. MASSIE, Mr. HARPER, Mr. FERGUSON, Mr. GOODLATTE, Mr. DOGGETT, and Mrs. ROBY):

H.R. 1038. A bill to amend title XVIII of the Social Security Act to prohibit prescription drug plan sponsors and MA-PD organizations under the Medicare program from retroactively reducing payment on clean claims submitted by pharmacies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself and Mr. PASCRELL):

H.R. 1039. A bill to amend section 3606 of title 18, United States Code, to grant probation officers authority to arrest hostile third parties who obstruct or impede a probation officer in the performance of official duties; to the Committee on the Judiciary.

By Mr. BURGESS (for himself and Mr. FARENTHOLD):

H.R. 1040. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers a flat tax alternative to the current income tax system; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Mr. JONES):

H.R. 1041. A bill to amend the Internal Revenue Code of 1986 to deny the refundable portion of the child tax credit to individuals who are not authorized to be employed in the United States and to terminate the use of certifying acceptance agents to facilitate the application process for ITINs; to the Committee on Ways and Means.

By Mr. GOSAR (for himself, Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mr. FRANKS of Arizona, Mr. HENSARLING, Mr. JONES, Mr. RICE of South Carolina, Mr. SCHWEIKERT, and Mr. STEWART):

H.R. 1042. A bill to require that the prevailing wage utilized for purposes of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act), be determined by the Bureau of Labor Statistics; to the Committee on Education and the Workforce.

By Mr. DEUTCH:

H.R. 1043. A bill to amend title 18, United States Code, to limit the recovery of dam-

ages in a civil action related to the disclosure of certain personal information from State motor vehicle records, and for other purposes; to the Committee on the Judiciary.

By Mr. ELLISON (for himself and Mr. BLUMENAUER):

H.R. 1044. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on House Administration.

By Mr. GIBBS (for himself, Mr. FARENTHOLD, Mr. MCKINLEY, Mr. SESSIONS, Mr. ROE of Tennessee, Mr. LONG, Mr. FLEISCHMANN, Mr. PEARCE, Mr. AMODEI, Mr. BOST, Mr. BUCSHON, Mr. RENACCI, Mr. WEBER of Texas, Mr. TURNER, Mr. ABRAHAM, Mr. YOUNG of Alaska, Mr. GOSAR, Mr. HENSARLING, Mr. MEADOWS, Mr. RICE of South Carolina, Mr. LAMALFA, Mr. HARRIS, Mr. DUNCAN of South Carolina, Mr. DUNN, Mr. BERGMAN, Mr. WENSTRUP, Mr. MCCLINTOCK, Mr. BRAT, Mr. GRAVES of Missouri, Mr. OLSON, Mr. GAETZ, Mr. BABIN, Mr. JOHNSON of Ohio, Mr. GOMMERT, Mr. JOYCE of Ohio, and Mr. YOUNG of Iowa):

H.R. 1045. A bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GUTHRIE (for himself and Ms. CASTOR of Florida):

H.R. 1046. A bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products; to the Committee on Energy and Commerce.

By Mr. JODY B. HICE of Georgia (for himself, Mr. ROTHFUS, Mr. GRAVES of Georgia, Mr. MEADOWS, Mr. FARENTHOLD, Mr. LAMBORN, Mr. WEBER of Texas, Mr. DESANTIS, Mr. JONES, and Mr. FRANKS of Arizona):

H.R. 1047. A bill to require the Bureau of Alcohol, Tobacco, Firearms, and Explosives to make video recordings of the examination and testing of firearms and ammunition, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa:

H.R. 1048. A bill to direct the President to impose duties on merchandise from the People's Republic of China in an amount equivalent to the estimated annual loss of revenue to holders of United States intellectual property rights as a result of violations of such intellectual property rights in China, and for other purposes; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself, Mr. COFFMAN, Mr. LOBIONDO, and Mrs. DAVIS of California):

H.R. 1049. A bill to enhance the database of emergency response capabilities of the Department of Defense; to the Committee on Armed Services.

By Mr. LARSEN of Washington (for himself, Mr. TONKO, Ms. NORTON, Mr. SMITH of Washington, Mr. KHANNA, Mr. THOMPSON of California, Mr. KEATING, Mr. SWALWELL of California, Mr. KILMER, Mr. RYAN of

Ohio, Mr. GARAMENDI, Ms. SPEIER, Ms. KAPTUR, Mr. GRIJALVA, Ms. JUDY CHU of California, Mr. VARGAS, Ms. VELÁZQUEZ, Mr. POCAN, Mr. LANGEVIN, Mr. MCNERNEY, Ms. SLAUGHTER, Ms. SHEA-PORTER, Ms. TITUS, Mr. DESAULNIER, Ms. ESTY, Mr. NOLAN, Ms. JAYAPAL, Ms. KUSTER of New Hampshire, Mr. HECK, Ms. ESHOO, Ms. DELBENE, Ms. CASTOR of Florida, and Mr. HASTINGS):

H.R. 1050. A bill to establish a pilot program to promote public-private partnerships among apprenticeships or other job training programs, local educational agencies, and community colleges, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MCSALLY (for herself, Mr. WITTMAN, Mr. OLSON, Mr. MACARTHUR, Mr. TIBERI, Ms. JENKINS of Kansas, Mr. BISHOP of Michigan, Ms. SINEMA, and Mr. WEBSTER of Florida):

H.R. 1051. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care; to the Committee on Ways and Means.

By Ms. MENG (for herself and Mr. MAST):

H.R. 1052. A bill to direct the Secretary of Veterans Affairs to develop best practices for caring for high-risk military occupation veterans as part of the evaluation of mental health care and suicide prevention programs administered by the Secretary; to the Committee on Veterans' Affairs.

By Mr. NADLER:

H.R. 1053. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. QUIGLEY (for himself and Ms. ROS-LEHTINEN):

H.R. 1054. A bill to promote botanical research and botanical sciences capacity, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Armed Services, Transportation and Infrastructure, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 1055. A bill to acknowledge the fundamental injustice and the subsequent de jure and de facto racial and economic discrimination against those African-Americans impacted by the "War on Drugs" and the subsequent disparate and discriminatory mass incarceration, to determine the role that private corporations played in the prison industrial complex, to determine the impact of these forces on their families, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHRADER (for himself, Ms. BONAMICI, Mr. BLUMENAUER, and Mr. DEFAZIO):

H.R. 1056. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. TIBERI (for himself, Mr. NEAL, Mr. MCCAUL, Mr. HUNTER, Miss RICE of New York, Mr. KELLY of Pennsylvania, and Mr. BUCHANAN):

H.R. 1057. A bill to amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WENSTRUP (for himself, Mr. ABRAHAM, Ms. BROWNLEY of California, and Mr. RUZ):

H.R. 1058. A bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BUDD (for himself and Mr. HUNTER):

H.J. Res. 72. A joint resolution relating to the disapproval of the proposed foreign military sale to the Government of Kenya of Air Tractor aircraft with weapons, and related support; to the Committee on Foreign Affairs.

By Mr. WILLIAMS (for himself, Mr. KING of New York, Mr. LUCAS, Mr. MCHENRY, Mr. PEARCE, Mr. POSEY, Mr. LUETKEMEYER, Mr. HUIZenga, Mr. DUFFY, Mr. STIVERS, Mr. HULTGREN, Mr. ROSS, Mr. PITTINGER, Mrs. WAGNER, Mr. BARR, Mr. ROTHFUS, Mr. MESSER, Mr. TIPTON, Mr. HOLLINGSWORTH, Mr. POLIQUIN, Mr. HENSARLING, Mrs. LOVE, Mr. HILL, Mr. EMMER, Mr. ZELDIN, Mr. TROTT, Mr. LOUDERMILK, Mr. MOONEY of West Virginia, Mr. MACARTHUR, Mr. DAVIDSON, Mr. BUDD, Mr. KUSTOFF of Tennessee, Ms. TENNEY, Mr. ROYCE of California, and Mr. GRAVES of Georgia):

H.J. Res. 73. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act; to the Committee on Financial Services.

By Mr. BURGESS:

H. Con. Res. 23. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. LANGEVIN:

H. Con. Res. 24. Concurrent resolution establishing a Joint Committee on Russian Interference in the 2016 Election and the Presidential Transition; to the Committee on Rules.

By Mr. LIPINSKI (for himself, Mr. COLLINS of New York, Ms. BORDALLO, Mr. CÁRDENAS, Mr. COSTA, Ms. ESTY, Mr. AL GREEN of Texas, Ms. JACKSON LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILMER, Mr. LARSEN of Washington, Mr. MCNERNEY, Mrs. MURPHY of Florida, Ms. NORTON, Mr. PETERS, Ms. ROSEN, Mr. RUSH, Mr. RYAN of Ohio, Mr. SWALWELL of California, Mr. TONKO, and Ms. CLARKE of New York):

H. Res. 124. A resolution supporting the goals and ideals of Engineers Week; to the Committee on Science, Space, and Technology, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

sions as fall within the jurisdiction of the committee concerned.

By Mr. HARPER (for himself and Mr. BRADY of Pennsylvania):

H. Res. 125. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mr. HENSARLING (for himself and Ms. MAXINE WATERS of California):

H. Res. 126. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Fifteenth Congress; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RODNEY DAVIS of Illinois:

H.R. 1029.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce and with foreign Nations pursuant to Article 1, Section 8, Clause 3. In addition, the Congress has the power to provide for the general Welfare of the United States under Article 1, Section 8, Clause 1.

By Mr. WILSON of South Carolina:

H.R. 1030.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 and requirements outlined in the National Security Act of 1947. Article I, section 8 gives Congress the power "to . . . provide for the common defense and general welfare of the United States." The Necessary and Proper Clause of that section also grants Congress the power "[t]o make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof." Title I, Sec. 101 of the National Security Act of 1947, requires the National Security Council to "assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security; for the purpose of making recommendations . . ."

By Mr. RATCLIFFE:

H.R. 1031.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. BYRNE:

H.R. 1032.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the U.S. Constitution: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

By Mr. COLLINS of Georgia:

H.R. 1033.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the United States Constitution, which states that "No

money shall be drawn from the Treasury but in consequence of Appropriations made by law; and a regular, statement and account of the receipts and expenditures of all public money shall be published from time to time."

By Mr. ELLISON:

H.R. 1034.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States, which states:

The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. POE of Texas:

H.R. 1035.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution which states that Congress has the power "to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. O'ROURKE:

H.R. 1036.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Office thereof.

By Mr. LYNCH:

H.R. 1037.

Congress has the power to enact this legislation pursuant to the following:

Article 1 section 8 Clause 3 of the United States Constitution.

By Mr. GRIFFITH:

H.R. 1038.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress Under Article I, Section 8 of the United States Constitution.

By Mr. REICHERT:

H.R. 1039.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. BURGESS:

H.R. 1040.

Congress has the power to enact this legislation pursuant to the following:

The attached bill falls within Congress' constitutionally enumerated power to enact legislation pertaining to an income tax pursuant to Article I, Section VIII, "The Congress shall have power to lay and collect Taxes."

Moreover, Congress was given the authority to tax income at the federal level pursuant

to Amendment XVI, "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

By Mr. BILIRAKIS:

H.R. 1041.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect Taxes, Duties, Imposts and Excises as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. GOSAR:

H.R. 1042.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—This legislation adjusts the formula the federal government uses to spend money on federal contracts and is authorized by the Constitution under Article 1, Section 8, Clause 1, which grants Congress its spending power.

By Mr. DEUTCH:

H.R. 1043.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the U.S. Constitution and Clause 18 of Section 8 of Article I of the U.S. Constitution.

By Mr. ELLISON:

H.R. 1044.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Mr. GIBBS:

H.R. 1045.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution and the Second Amendment, which states: A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

By Mr. GUTHRIE:

H.R. 1046.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. JODY B. HICE of Georgia:

H.R. 1047.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution that states that Congress shall have Power "To regulate Commerce with foreign Nations, and among the several States . . ."

By Mr. KING of Iowa:

H.R. 1048.

Congress has the power to enact this legislation pursuant to the following:

Congress's Power to regulate Commerce with foreign Nations under Article I, Section 8, Clause 3 of the Constitution.

By Mr. LANGEVIN:

H.R. 1049.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 16 of section 8 of article 1 of the United States Constitution.

By Mr. LARSEN of Washington:

H.R. 1050.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress."

By Ms. MCSALLY:

H.R. 1051.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1, "This Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Ms. MENG:

H.R. 1052.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. NADLER:

H.R. 1053.

Congress has the power to enact this legislation pursuant to the following:

clauses 9 and 18 of section 8 of article I and section 1 of article III of the Constitution.

By Mr. QUIGLEY:

H.R. 1054.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

By Mr. RUSH:

H.R. 1055.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have power to . . . provide for the . . . general welfare of the United States . . ."; and

Article I, Section 8, Clause 18: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . ."

By Mr. SCHRADER:

H.R. 1056.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to act under Article I, §8, clause 3—the Commerce Clause.

By Mr. TIBERI:

H.R. 1057.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the U.S. Constitution

By Mr. WENSTRUP:

H.R. 1058.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. BUDD:

H.J. Res. 72.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, granting authority to regulate commerce with foreign nations, and Article 1, Section 8, Clause 18, granting authority to make all laws that are necessary and proper for executing the foregoing powers.

By Mr. WILLIAMS:

H.J. Res. 73.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

- H.R. 60: Mr. MAST.
H.R. 80: Mr. SANFORD.
H.R. 83: Mr. SANFORD.
H.R. 99: Mr. KEATING, Mr. RYAN of Ohio, Ms. MOORE, Ms. CLARKE of New York, and Mr. PERLMUTTER.
H.R. 100: Ms. MOORE.
H.R. 104: Ms. JAYAPAL.
H.R. 106: Mr. RYAN of Ohio.
H.R. 113: Mr. MEEKS, Mr. CURBELO of Florida, and Mr. ZELDIN.
H.R. 159: Ms. WASSERMAN SCHULTZ and Mr. SCHRADER.
H.R. 173: Mr. JOYCE of Ohio, Ms. ESTY, and Ms. KUSTER of New Hampshire.
H.R. 175: Mr. BROOKS of Alabama.
H.R. 241: Mr. KING of Iowa and Mr. HENSARLING.
H.R. 303: Mr. YOUNG of Alaska, Mr. BERGMAN, Mr. SEAN PATRICK MALONEY of New York, Ms. SHEA-PORTER, Mr. MEEHAN, Mrs. COMSTOCK, Mr. BYRNE, Mr. GALLEGGO, and Mr. TURNER.
H.R. 305: Mr. KHANNA and Mrs. BEATTY.
H.R. 333: Mr. MCGOVERN, Mr. DAVID SCOTT of Georgia, Mr. YARMUTH, Mr. SEAN PATRICK MALONEY of New York, Mr. RYAN of Ohio, Mr. KILMER, Mr. LARSEN of Washington, Mr. DEFazio, Ms. PINGREE, Mr. CICILLINE, Mr. SIMPSON, Ms. DELBENE, Mr. VELA, Mr. VEASEY, Mr. GARAMENDI, Mr. HECK, Ms. MCSALLY, Mr. KIND, Mrs. DAVIS of California, Mr. WITTMAN, Ms. BORDALLO, and Mr. DEUTCH.
H.R. 350: Mr. KINZINGER, Mr. FLEISCHMANN, Mr. TROTT, Mr. ROYCE of California, Mr. BLUM, and Mr. MESSER.
H.R. 367: Mr. BARR and Mr. FERGUSON.
H.R. 371: Mr. WALZ.
H.R. 400: Mr. COLE, Mr. THOMAS J. ROONEY of Florida, Mr. MOOLENAAR, Mr. BOST, and Mr. YOUNG of Iowa.
H.R. 426: Mr. CALVERT.
H.R. 453: Mr. LOEBSACK.
H.R. 482: Mr. SMITH of Texas.
H.R. 483: Mr. DUNCAN of South Carolina.
H.R. 519: Mr. LAMBORN.
H.R. 525: Mr. KELLY of Mississippi.
H.R. 530: Ms. SPEIER.
H.R. 547: Ms. LOFGREN.
H.R. 548: Mr. PITTENGER, Mr. MULLIN, and Mrs. BLACKBURN.
H.R. 559: Mr. HENSARLING and Mr. RATCLIFFE.
H.R. 564: Mr. AMODEI, Mr. LUETKEMEYER, Mr. FRELINGHUYSEN, Mr. CRIST, and Mr. GRIFFITH.
H.R. 591: Mr. HENSARLING.
H.R. 611: Mr. SMITH of Missouri, Mr. GARRETT, Mr. BISHOP of Michigan, Mr. HENSARLING, and Mr. GIBBS.
H.R. 628: Mr. YOUNG of Iowa.
H.R. 632: Mr. THOMAS J. ROONEY of Florida.
H.R. 644: Mr. PETERSON.
H.R. 662: Mr. GIBBS.
H.R. 664: Ms. JAYAPAL and Mr. TURNER.
H.R. 669: Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. JAYAPAL, and Mr. ELLISON.
H.R. 676: Mr. RASKIN and Mr. KHANNA.
H.R. 683: Mr. CAPUANO and Ms. MENG.
H.R. 696: Mrs. BUSTOS.
H.R. 720: Mr. SESSIONS.
H.R. 725: Mr. SESSIONS.
H.R. 747: Mr. FARENTHOLD, Mr. WELCH, Mr. LOEBSACK, and Mr. CHABOT.
H.R. 754: Mr. BILIRAKIS and Mr. ENGEL.
H.R. 769: Mr. RATCLIFFE.
H.R. 770: Mr. LONG, Mr. KATKO, Mrs. WALORSKI, and Mr. ZELDIN.
H.R. 771: Mr. CRIST.
H.R. 772: Mr. BARR and Mr. FERGUSON.
H.R. 781: Mr. ABRAHAM, Mr. FLORES, Mr. ADERHOLT, Mr. ALLEN, Mr. BUDD, Mr. COLE, Mr. COLLINS of Georgia, Mr. CRAMER, Mr. GOHMERT, Mr. GRIFFITH, Mr. GROTHMAN, Mr. HARRIS, Mr. HENSARLING, Mr. JORDAN, Mr. KING of Iowa, Mr. LABRADOR, Mr. LOUDERMILK, Mr. MEADOWS, Mr. PEARCE, Mr. ROTHFUS, Mr. ROUZER, Mr. AUSTIN SCOTT of Georgia, Mr. WALBERG, Mr. WEBER of Texas, Mr. WESTERMAN, and Mr. LUETKEMEYER.
H.R. 786: Ms. TSONGAS, Mr. POLIS, and Ms. ESTY.
H.R. 787: Mr. SOTO.
H.R. 790: Mr. COHEN, Mr. LOWENTHAL, Mr. DANNY K. DAVIS of Illinois, Mr. KHANNA, and Mr. YARMUTH.
H.R. 801: Mr. FOSTER.
H.R. 804: Ms. FUDGE, Mr. LOWENTHAL, Mr. AL GREEN of Texas, and Ms. KELLY of Illinois.
H.R. 807: Mr. WITTMAN, Ms. TSONGAS, Mr. LIPINSKI and Mr. DUNCAN of Tennessee.
H.R. 816: Ms. MCSALLY, Ms. LOFGREN, and Mr. CICILLINE.
H.R. 819: Mr. FERGUSON.
H.R. 821: Ms. BROWNLEY of California, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. DESAULNIER, Mr. NORCROSS, Mr. SCOTT of Virginia, Mr. RUPPERSBERGER, Mr. SARBANES, Mr. MCNERNEY, Mr. TONKO, Mr. LANGEVIN, and Mr. RASKIN.
H.R. 824: Mr. DUNCAN of South Carolina and Mr. BANKS of Indiana.
H.R. 833: Mr. FRANCIS ROONEY of Florida and Mr. HASTINGS.
H.R. 837: Mr. DESAULNIER, Mr. TED LIEU of California, Mr. PANETTA, Mr. THOMPSON of California, Ms. WASSERMAN SCHULTZ, Mr. AGUILAR, Mr. HUFFMAN, Mr. MOULTON, and Mr. CONYERS.
H.R. 850: Mr. LOUDERMILK.
H.R. 854: Mr. BARR.
H.R. 870: Mr. BRIDENSTINE.
H.R. 872: Mr. GRIJALVA.
H.R. 878: Mr. GRIFFITH, Mr. GAETZ, Mr. HENSARLING, and Mr. BACON.
H.R. 881: Mr. RATCLIFFE and Mr. MEEKS.
H.R. 906: Mr. SESSIONS.
H.R. 909: Mr. UPTON, Mr. LARSON of Connecticut, and Mr. ROSS.
H.R. 914: Mr. NADLER, Mr. AL GREEN of Texas, Mr. GARAMENDI, Ms. ADAMS, Ms. CLARK of Massachusetts, Ms. LEE, and Ms. SCHAKOWSKY.
H.R. 937: Mr. GOSAR.
H.R. 938: Mr. GUTHRIE.
H.R. 943: Mr. DIAZ-BALART.
H.R. 947: Ms. ESHOO, Mr. DEUTCH, Mrs. MURPHY of Florida, and Mrs. BEATTY.
H.R. 973: Mr. YARMUTH.
H.R. 980: Ms. JUDY CHU of California.
H.R. 985: Mr. SESSIONS.
H.R. 1001: Mr. MCGOVERN and Mr. KEATING.
H.R. 1004: Mr. SESSIONS and Mr. MITCHELL.
H.R. 1005: Mr. WALZ.
H.R. 1006: Mr. DEUTCH, Mr. SOTO, Ms. SCHAKOWSKY, Mr. CONNOLLY, Mr. KILDEE, and Mr. LEWIS of Georgia.
H.R. 1009: Mr. SESSIONS.
H.R. 1017: Mrs. WAGNER and Mr. COLLINS of New York.
H.R. 1022: Mr. SCOTT of Virginia and Mrs. BEATTY.
H.R. 1026: Mr. KATKO and Ms. TENNEY.
H.R. 1027: Mr. CONYERS, Ms. MOORE, and Ms. MATSUI.
H.J. Res. 27: Mrs. NOEM, Mr. TURNER, and Mr. AUSTIN SCOTT of Georgia.
H.J. Res. 33: Mr. LOBIONDO and Ms. VELÁZQUEZ.
H.J. Res. 43: Mr. TIBERI.
H.J. Res. 59: Mr. LONG and Mr. PEARCE.
H.J. Res. 65: Mr. KILDEE and Mr. SOTO.
H.J. Res. 71: Mr. PEARCE, Mr. GOSAR, Mr. CRAMER, Mr. GOHMERT, Mr. LAMBORN, Mrs. RADEWAGEN, Mr. STEWART, Mr. CHAFFETZ, Mr. BUCK, and Mr. BIGGS.
H. Con. Res. 10: Mr. REICHERT and Mr. HECK.
H. Res. 28: Mr. VALADAO, Mr. CARSON of Indiana, Ms. SCHAKOWSKY, Ms. MOORE, Mr. RYAN of Ohio, Mr. LANCE, Mr. SCOTT of Virginia, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, and Ms. SEWELL of Alabama.
H. Res. 30: Mr. SIRES, Mr. RUIZ, and Ms. BASS.
H. Res. 44: Mr. DESAULNIER, Mr. RASKIN, and Mr. KRISHNAMOORTHY.
H. Res. 68: Mr. BOST.
H. Res. 90: Mrs. LOWEY.
H. Res. 92: Mr. MARINO, Mr. FRANKS of Arizona, Mr. CONNOLLY, Ms. BORDALLO, Mrs. HARTZLER, Ms. TITUS, Mr. COFFMAN, Mr. SCHNEIDER, Mr. BROOKS of Alabama, Mr. DESANTIS, Mr. GAETZ, Mr. DESJARLAIS, Mr. BANKS of Indiana, Mr. SHUSTER, Mr. AUSTIN SCOTT of Georgia, Mr. BARR, Mr. ROKITA, Mr. GOHMERT, Mr. BYRNE, Mr. FITZPATRICK, Mr. COOK, Mr. LAMBORN, Mr. BRAT, Mr. FRANCIS ROONEY of Florida, Mrs. WALORSKI, Mr. SAM JOHNSON of Texas, Mr. OLSON, Mr. WILLIAMS, Mr. KELLY of Pennsylvania, Mr. MURPHY of Pennsylvania, Mrs. LOVE, Mrs. ROBY, Ms. STEFANIK, Mr. DUNN, Mrs. RADEWAGEN, Mr. RICE of South Carolina, Mr. ROYCE of California, Mr. ENGEL, Mr. ROSKAM, Mr. BISHOP of Utah, Mr. AMODEI, Mr. STEWART, Ms. ROSELEHTINEN, Mr. CHABOT, Mr. KING of Iowa, Mr. BABIN, Mr. WITTMAN, Mr. BERA, Mr. CULBERSON, Mr. HUIZENGA, Mr. COLE, Mr. JOHNSON of Ohio, Mr. SENSENBRENNER, Mr. KELLY of Mississippi, Ms. HANABUSA, Ms. ROSEN, Mr. BACON, and Mr. HILL.
H. Res. 104: Mr. SOTO.
H. Res. 105: Ms. KUSTER of New Hampshire.
H. Res. 111: Mr. COHEN, Ms. SHEA-PORTER, Mr. KENNEDY, Mr. POCAN, Mr. PALLONE, Ms. CLARK of Massachusetts, Mr. CAPUANO, Mr. ESPAILLAT, Mr. BEYER, Ms. DEGETTE, Mr. GUTIÉRREZ, Mr. PERLMUTTER, Mr. QUIGLEY, Mr. MCGOVERN, Ms. ESHOO, Mr. TED LIEU of California, Mrs. CAROLYN B. MALONEY of New York, Ms. CLARKE of New York, and Mr. DANNY K. DAVIS of Illinois.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

15. The SPEAKER presented a petition of the Council of the City of Salem, VA, relative to Resolution 1308, urging Senate Majority Leader Mitch McConnell, Senator Mark Warner, Senator Tim Kaine, and all United States Senators to reintroduce the Marketplace Fairness Act into the United States Senate during its 2017 session; to the Committee on the Judiciary.

16. Also, a petition of the Board of Supervisors of Roanoke County, VA, relative to Resolution 012417-1, urging Congressional action on the Marketplace Fairness Act or other legislation to collect and remit sales taxes structured on a system of collection based upon the purchaser's location; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

IN HONOR OF CHIEF WARRANT OFFICER FIVE MARY A. HOSTETLER

HON. JIMMY PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PANETTA. Mr. Speaker, I rise today to congratulate Chief Warrant Officer Five Mary A. Hostetler on her retirement from the United States Army Reserve and to recognize the tremendous contributions of her 40 years of service to our Central Coast and country.

Chief Hostetler has a special connection to the Central Coast, receiving degrees from Monterey Peninsula College and the University of California, Santa Cruz. She has also worked as a Supervisory Criminal Investigator for the Presidio of Monterey and as a Police Officer for the Seaside and Sand City Police Departments, all located in my congressional district.

In 2003, Chief Hostetler deployed for the first time to Iraq. There, she provided security to the Presidential Envoy to Iraq, L. Paul Bremer. Not only was this her first deployment, but she also distinguished herself as the first woman to provide protective services in a combat zone.

After her deployment to Iraq, she served as the team officer in charge of the protective detail for former Secretary of Defense Leon Panetta, my father. Her service to my family is greatly appreciated by my parents, my two brothers and me. There is nothing more awe inspiring than public servants who are willing to place themselves in harm's way for the protection of others. I know my family joins me in commending Mary for her forty years of public service to our nation, and wishing her the very best for a well-deserved retirement.

RECOGNIZING VIRGINIA GOLDEN FOR HER COMMITMENT TO SERVICE AND VOLUNTEERISM IN THE CITY OF BUFFALO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor Mrs. Virginia Golden, a dedicated volunteer and resident of Buffalo, New York. Virginia's tireless service is recognized today by None Like You/We Care Outreach and the City of Buffalo.

Virginia is a graduate of the State University of New York at Buffalo and is a proud mother and grandmother. Virginia worked for 37 years as a human service provider at various agencies and retired as the director of rehabilitative service at an adult residence program.

Mrs. Golden is a member of a number of organizations in the Buffalo community and is an active advocate for the beautification of the community, environmental justice and adult education. She volunteers her time tutoring and educating those in low income communities. She had shown her devotion to education by working with youth over the summer and with the None Like You/We Care Outreach program to improve their reading and writing skills and helps students who want to attend college.

Virginia is a member of the None Like You Community Outreach board and volunteers to improve the quality of life in our community by aiding in the conversion of empty lots into gardens and clean green space, turning abandoned houses into homes, and working on clean-up initiatives with local colleges. She's worked with United Way and their Day of Care project for the past 7 years and is an active member of the Clean Air Coalition and Neighbors and Friends Fighting for Justice.

Mr. Speaker, I honor Mrs. Virginia Golden and her admirable dedication to the City of Buffalo. Her commitment to education and the rehabilitation of the community is exceptional, and she is most deserving of this recognition by None Like You/We Care and the City of Buffalo.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. RUSH. Mr. Speaker, on February 13 through 16, 2017, circumstances beyond my control necessitated my absence from the House and I, therefore, am requesting a leave of absence from the House.

IN HONOR OF KATHY McLAUGHLIN'S SERVICE TO HER COMMUNITY

HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. GOSAR. Mr. Speaker, today I would like to recognize Ms. Kathy McLaughlin of Prescott, Arizona. Kathy is an accomplished and respected former law enforcement officer whose career has resulted in a series of firsts for women serving on the force in Arizona. Her distinguished service is deserving of all of our admiration.

Kathy's career in law enforcement began in 1977, when she was hired as Yavapai County's first female fulltime patrol deputy. She excelled in the role. Having proven her place on

the force, she was transferred in 1987 to Black Canyon City and promoted to sergeant. This promotion provided Kathy the second first of her career, as no other woman had served as a patrol supervisor in Black Canyon City until then. In 1998, while stationed in Prescott, Kathy was promoted to Lieutenant. Kathy prioritized community engagement and trust while in the line of duty, a necessity in smaller, rural communities. She played a key role in the introduction and implementation of Yavapai County's Volunteers in Protection program in 1994, which to this day recruits qualified and trained citizen volunteers to participate in uniformed patrols.

Following her service on the police force, Kathy transitioned to serving as the Executive Director of the Arizona Child and Family Advocacy Network. Kathy's track record of excellence continued on into this role, which she held until her retirement last year. From her position at the helm of the Network, Kathy leveraged her organizational abilities and her tremendous compassion for the plight of victims of sexual and physical abuse to deliver resources and training to advocacy centers across Arizona. Kathy and her amazing career serve as a beacon of civic duty and care for one's community, and I sincerely appreciate the opportunity to recognize her today.

REMEMBERING THOMAS O'CONNOR

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. FARENTHOLD. Mr. Speaker, I rise today to honor the life and legacy of a great fourth-generation Texan, Thomas Marion O'Connor of Victoria, Texas, who passed away recently at the age of 94.

Like his family before him who settled in Refugio County in the 1800s, Mr. O'Connor was a true Texan, a cattleman and a devout Catholic. He lived his life with gusto, practicing exemplary land stewardship, philanthropy and commitment to his community—traits he passed on to his children and grandchildren. He was also an American hero, serving during World War II in the United States Army Air Corps, the precursor to the United States Air Force.

Mr. O'Connor was well known in the community for his philanthropic endeavors, providing support to the church, the arts, schools, local health care systems and more. He was a leader in the community and an active board member for many different groups representing broad interests like agriculture, banking and education. He leaves behind a loving family of children, grandchildren and great-grandchildren who share his love for community and spirit. I offer my condolences to his family. Mr. O'Connor will be missed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE ABO GROUP

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize The Abo Group, Inc. for being honored as the Minority-Owned Business of the Year by the West Chamber of Commerce.

The Abo Group is a full service architectural firm providing design, project management, construction documentation and administration, historic preservation, space planning, master planning and facility assessments. Earning wide recognition for sustainable design, the firm incorporates the highest possible energy efficiency technologies in their designs.

For more than 20 years, The Abo Group has designed highly specialized laboratories to meet LEED "Gold" standards at the National Renewable Energy Laboratory (NREL) in Golden, CO. In 1999, the Thermal Test Facility at NREL won the ASHRAE Award of Excellence for Energy Efficient Design. The firm has also completed a Master Plan for the ultimate buildout of NREL's South Table Mountain Campus in Golden.

I extend my deepest congratulations to The Abo Group for this well-deserved honor from the West Chamber of Commerce.

CELEBRATING THE LIFE OF
FORMER REPRESENTATIVE ROBERT GARCIA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to a good friend and colleague, Mr. Robert Garcia, better known as "Bobby," who passed away on January 25, 2017. Bobby was an influential leader and trailblazer in New York, first serving the people of the South Bronx as a representative in the New York State Assembly and as the first Puerto Rican in the New York State Senate. His decade-long career in the U.S. House of Representatives began when he was elected to Congress in a special election on February 14, 1978 on the Republican and Liberal tickets to fill the vacancy caused by the resignation of Congressman Herman Badillo. He took his seat on February 21, 1978 as a Democrat.

Bobby played an instrumental role in several local, national, and international initiatives and served New York for more than 25 years. His legacy of public service will not be forgotten.

Bobby was born in the Bronx in 1933 to Puerto Rican parents. His dedication to serving his country was demonstrated at a young age when he served overseas during the Korean War in the U.S. Army's Third Infantry, earning two Bronze stars. He attended college under the GI Bill, and then began a career in public service.

Bobby's political career is highlighted by his dedication to fight against inequality, intolerance and injustice. He worked on issues such

as immigration reform, voting rights, Puerto Rico, economic opportunities, and U.S. policy towards Central America. Representing the South Bronx, Bobby is remembered as a significant reformer and a leader for those whose voices were too often lost. While in Congress, Bobby served on the Banking, Finance and Urban Affairs Committee and the Foreign Affairs Committee. He also sat on the Post Office and Civil Service Committee, where he championed the Garcia Amendment to the Civil Service Reform Act of 1978 to ensure the recruitment of minorities for the civil service.

During his time in Congress, Bobby was a co-founder of the Congressional Hispanic Caucus, which allowed the Hispanic community to gain national recognition in Congress and helped develop young Latinos to be the next generation of leaders in America. In addition, he co-sponsored the bill establishing a national holiday to commemorate the life of civil rights hero Martin Luther King, Jr.

Bobby also advocated to transform the South Bronx district through federal funding, jobs and projects. He co-authored the Kemp-Garcia Enterprise Free Zone Bill as an initiative to attract businesses to areas faced with severe depression, unemployment, and poverty.

Bobby also had a profound respect for and a deep understanding of religious and spiritual development for others, and was active in several Christian organizations.

Bobby received numerous awards and recognition for his pioneering work and was an outstanding citizen, a transformational leader in New York, and an important voice for the Hispanic community. Garcia was a pioneer and a legend in the Latino community, and those that knew him will never forget him. Mr. Speaker, I ask my colleagues to join me in honoring our former colleague, Robert Garcia, for his service, leadership, and accomplishments. He will be greatly missed.

CONGRATULATING DONNA GORITY
ON RECEIVING THE 2017 RESPECTED CITIZEN AWARD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Donna GORITY on receiving the Central Blair Recreation and Park Commission's (CBRC) Respected Citizen Award for 2017.

This is not the first time I have had the honor to congratulate Mrs. GORITY. I had the privilege of congratulating her on her retirement in 2012 for 28 accomplished years in public office. Mrs. GORITY, the first female member of the Blair County Board of Commissioners, is well known in central Pennsylvania for her extensive track record of dedicated service, advocating strongly for children and human services, and being a loud voice for the citizens of Blair County on all community issues.

Mr. Speaker, I am proud to say that Donna, in her usual manner, has not slowed down. In fact, Mike Hofer, the Executive Director of the

CBRC, said that it is possible Donna may be busier now since before her retirement in 2012. This example set by Donna is one we all should strive for. Her willingness to serve her community and Pennsylvania, especially as a private citizen, sets her apart as an outstanding individual and I am honored to represent her in the United States Congress.

Mrs. GORITY will be honored February 25, 2017 with the Respected Citizen Award by the Central Blair Recreation and Park Commission at the 8th Annual Community Classic Dinner and Auction at the Bavarian Hall in Altoona. I congratulate Donna and her family on this recognition, and thank her for her extraordinary contributions to the community. I ask that all of my colleagues in the United States House of Representatives join me in congratulating Donna for this achievement and wishing her nothing but continued success.

RECOGNIZING YURI
HRESHCHYSHYN FOR HIS COMMITMENT TO SERVICE AND VOLUNTEERISM IN THE CITY OF BUFFALO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor Mr. Yuri Hreshchyshyn, a friend and a dedicated volunteer and resident of Buffalo, New York. Yuri's tireless service is recognized today by None Like You/ We Care Outreach and the City of Buffalo.

Yuri is a South Buffalo resident who has been a committeeman for the Erie County Democratic Committee, a member of the Buffalo Cooperative Federal Credit Union and the Buffalo Central Terminal, and has worked for the Erie County Department of Social Services.

Mr. Hreshchyshyn has worked with multiple community partners including None Like You/ We Care Outreach, Buffalo State College, the University at Buffalo and Canisius College. He worked on many projects in the West Side and East Side communities planting trees, helping to build community gardens and cleaning city lots. Yuri has given his time and talents to the community youth by teaching them how to cut grass and trim trees and bushes. Yuri has dedicated much of his time to maintain the building and grounds of the Buffalo Central Terminal. During the holiday season, Yuri has been a tremendous help with the Thanksgiving Dinner and Christmas giveaway for over 12 years.

Mr. Speaker, I honor Mr. Yuri Hreshchyshyn and his admirable dedication to the City of Buffalo and the aesthetics of our community. Yuri's commitment to his City is exceptional, and he is most deserving of this recognition by None Like You/We Care and the City of Buffalo.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for roll call votes 86 and 87 on Monday, February 13, 2017. Had I been present, I would have voted "Yea" on roll call votes 86 and 87.

PERSONAL EXPLANATION

HON. MICHAEL T. MCCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. MCCAUL. Mr. Speaker, on February 13, 2017, I missed the voting session. If present, I would have voted as follows:

YES—H.R. 244—HIRE Vets Act, as amended

YES—H.R. 974—BRAVE Act

JIM AND KATHLEEN CURTIS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Jim and Kathleen Curtis for being honored by the West Chamber of Commerce with the Steve Burkholder Diamond Legacy Award.

Both Colorado natives, Jim and Kathleen (Kate) met at Colorado National Bank and went on to marry in 1972. After leaving the bank in 1994, the couple purchased The Village Roaster, a specialty coffee business in Lakewood. At the time, it was the only store in the Colorado area that roasted specialty coffee in-house. Today that tradition continues with roasted whole bean coffee as their number one selling product. They also provide catering services and have a mobile espresso bar they can set up for any type of event in the Denver metro area. In addition, The Village Roaster strives to make sustainability a focus and preserving the environment a priority.

Jim and Kate support the community that supports them. Jim served as the Chairman of the Board of Directors for the West Chamber in 2013, is a past president of the Kiwanis Club of Lakewood, is a sponsor for the Catch a Calf program with the National Western Stock Show, and volunteers for the Lakewood Police Department. Jim was selected for the Real Men Who Wear Pink recognition by the American Cancer Society in 2016.

Kate serves as the Foundation Chair for St. Anthony Hospital, sits on the board for the Alameda Gateway, and as the Secretary for the Alameda Corridor Business Improvement District. She was recognized at the West Chamber's Celebrate Women event in 2011. Both Jim and Kate serve as deacons for St. James Presbyterian Church.

I extend my deepest congratulations to Jim and Kathleen Curtis for this well-deserved honor from the West Chamber of Commerce.

PERSONAL EXPLANATION

HON. BRENDAN F. BOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, yesterday I missed roll call vote No. 86 and 87 on the floor of the House of Representatives. Had I been present, I would have voted yea on both bills.

PERSONAL EXPLANATION

HON. JOHN K. DELANEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. DELANEY. Mr. Speaker, I was unable to cast my vote on roll calls No. 86 and No. 87. Had I been present to vote on roll call No. 86, I would have voted Aye. Had I been present to vote on roll call No. 87, I would have voted Aye.

PERSONAL EXPLANATION

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Ms. PINGREE. Mr. Speaker, on Roll Call Vote 77 to H.J. Res 40 which took place on February 2, 2017, I was not present. It was my intention to vote No on that resolution.

DANIEL D. BIGANDT AGENCY WITH AMERICAN FAMILY INSURANCE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize The Daniel D. Bigandt Agency with American Family Insurance for being honored as the Small Business of the Year by the West Chamber of Commerce.

The Daniel D. Bigandt Agency with American Family Insurance was established in 2002 in Lakewood. The agency now serves more than 2,000 households in the Denver metro area, with a majority in Jefferson and Denver counties.

At the beginning of 2016, the agency started the year with one full-time employee and 4 part-time employees at one location in Lakewood. At the end of 2016, the agency had grown to 4 full-time and several part-time staff members with two locations, one in Lakewood and one in Englewood. Over the last 15 months, the agency has been awarded many sales and service awards.

Dan Bigandt is deeply involved in the community and has been an active member of the West Chamber for the last nine years. Dan is also involved in the leadership of other organizations in Jefferson County, serving as the Board Vice Chair for the Sooper Credit Union and as a Board Member of the Panorama Ridge Homeowners Association. Recently, Dan finished serving for 12 years on the Board of Directors for Front Range Christian School in Littleton.

I extend my deepest congratulations to The Daniel D. Bigandt Agency with American Family Insurance for this well-deserved honor from the West Chamber of Commerce.

RECOGNIZING MARY ROSS FOR HER COMMITMENT TO SERVICE AND VOLUNTEERISM IN THE CITY OF BUFFALO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor Mrs. Mary Ross, a dedicated volunteer and resident of Buffalo, New York. Mary's tireless service is recognized today by None Like You/We Care Outreach and the City of Buffalo. Mary is the proud mother of six children and four grandchildren who reside in Buffalo.

Mary has worked as a counselor for eleven years for the Buffalo Public Schools. She is also an active member of the Women and Children's Foundation Board, Bison Fund Board, Olmstead Parks Conservancy Board, None Like You/We Care Outreach and the Bison's Children's Scholarship Fund. Mary is instrumental in various projects throughout the city of Buffalo including Thanksgiving Dinners, Christmas Giveaways and community garden projects.

Mary has a strong passion for the youth of Buffalo and is always willing to help them in regards to furthering their education, athletics, and employment. She is always eager to help them by driving them places, feeding them, making sure they have warm clothing. Mary also advises students and youth for court matters. Her dream is to see every child have the opportunity to be successful in whatever they want to do in life and it is clear in her day to day actions that she is dedicated to this dream.

Mr. Speaker, I honor Mrs. Mary Ross and her admirable dedication to the City of Buffalo and the youth of our community. Mary's commitment is exceptional, and she is most deserving of this recognition by None Like You/We Care Outreach and the City of Buffalo.

RECOGNIZING THE WOMEN PORTRAYED IN HIDDEN FIGURES—
DR. KATHERINE GOBLE JOHNSON, DOROTHY VAUGHAN, AND
MARY JACKSON

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. SCOTT of Virginia. Mr. Speaker, I rise today on behalf of myself and Representatives ROBERT WITTMAN, DONALD MCEACHIN, and SCOTT TAYLOR to honor Dr. Katherine Goble Johnson, Dorothy Vaughan, and Mary Jackson, an extraordinary group of women from Hampton Roads, Virginia recently featured in the critically acclaimed and Oscar-nominated film *Hidden Figures*. Tomorrow evening, Senators WARNER, KAINE, and BROWN are joining me in hosting a screening of *Hidden Figures* here at the United States Capitol. I would like to take a moment to recognize the accomplishments of the remarkable women depicted in this film.

Breaking down barriers of both gender and race at the National Aeronautics and Space Administration, these women, and many like them, laid the groundwork for John Glenn to become the first American to orbit the earth, and for Neil Armstrong to walk on the moon. I am proud that their stories are reaching a wider audience.

Though she began her career as an educator, in her 28 years working for the National Aeronautics and Space Administration and the National Advisory Committee for Aeronautics (the forerunner to NASA) Dorothy Vaughan helped pave the way for the diverse workforce and leadership NASA enjoys today. Beginning at NACA Langley in 1943, Mrs. Vaughan was assigned to an all-black computer pool. By 1949, she was the Section Head of her group, becoming NACA's first black supervisor and one of NACA's first female supervisors. Mrs. Vaughan was one of the first to master computer programming and said that she felt like her work at NASA Langley put her on "the cutting edge of something very exciting."

While she broke barriers at NACA, Mrs. Vaughan also took an active role in her community as a member of Alpha Kappa Alpha Sorority, Inc. and a longtime member of St. Paul AME Church of Newport News.

Early on, Dr. Katherine Goble Johnson showed that she was an exceptionally bright young woman. Graduating high school at 14 and college at 18, Dr. Johnson worked as an educator before relocating to Newport News where, in 1953, she began her work at NASA Langley. She too was assigned to an all-black computer pool. Within weeks of her entry in the NASA ranks, Dr. Johnson was asked to temporarily assist in the Spacecraft Dynamics Branch in the Flight Dynamics and Control Division. She never left. There, she became known for her knowledge, accuracy and contributions in providing trajectories necessary to successful spaceflight.

Dr. Johnson has been the recipient of numerous awards throughout her 33 year career with NASA, and was recently awarded the Presidential Medal of Freedom by President Barack Obama. A leader in her community,

Dr. Johnson has served as President of the Lambda Omega Chapter of the Alpha Kappa Alpha Sorority, Inc. and as a Trustee and Elder at Carver Memorial Presbyterian Church in Newport News, Virginia, where she continues to be a dedicated member.

Mary Jackson was born and raised in Hampton, Virginia, and attended the Hampton Institute, now Hampton University. She too was an educator prior to joining NASA, and after a circuitous journey found her way to NASA Langley working as a mathematician in 1951, reporting to Dorothy Vaughan. Following additional math and physics work at previously segregated Hampton High School, Mrs. Jackson became NASA's first black female engineer in 1958.

An accomplished mathematician, she remained committed to ensuring that NASA's female professionals had the opportunity to succeed and finished her 34 year career as Langley's Federal Women's Program Manager working to hire and mentor NASA's next generation of leaders.

Mrs. Jackson kept active in her community, as a member of Bethel AME Church in Hampton, the Newport News-Hampton Chapter of the Continental Societies, Inc., and Alpha Kappa Alpha Sorority, Inc.

Mr. Speaker, I would like to thank Margot Lee Shetterly, author of *Hidden Figures*, for shining a spotlight on the remarkable story of these women. As the daughter of a NASA Langley scientist, Mrs. Shetterly was surely steeped in the accomplishments of these great women growing up. I would also like to thank Theodore Melfi, director of the film, actors Octavia Spencer, who played Dorothy Vaughan, Janelle Monae, who played Mary Jackson, and Taraji P. Henson, who played Katherine Johnson, and all others who played a part in telling these women's stories on the silver screen.

Mr. Speaker, I am proud that the stories of these exceptional women are no longer hidden. It is my hope that this film will help inspire the next generation of leaders to challenge themselves and to strive to break through any barriers they may face.

IN RECOGNITION OF THE LOUDOUN
ABUSED WOMEN'S SHELTER

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mrs. COMSTOCK. Mr. Speaker, I am honored to use this time to recognize a local non-profit organization in Virginia's 10th Congressional District that has strengthened our Loudoun community for over 30 years by helping families in need. The Loudoun Abused Women's Shelter (LAWS), founded in 1984 under the name Loudoun Citizens for Social Justice, Inc., opened as a shelter where women and children fleeing domestic violence could find refuge. Since then, LAWS has grown immensely and now provides a plethora of different services to victims of sexual and domestic violence.

Aside from providing emergency shelter, LAWS now also offers counseling, a 24-hour

hotline, legal services, support groups, community outreach, and even operates a thrift store in Leesburg called the Resourceful Woman. LAWS now has 30 employees, 75 volunteers, and a diverse Board of Directors, led by my constituent Nicole Acosta, from Purcellville, Virginia, all dedicated to eliminating personal and societal violence. Ms. Acosta started as a volunteer many years ago and her vision and dedication led to her employment by the organization in 2012 as the Executive Director. Since joining the board, she has championed efforts to not only expand the organization but also enhance its governance and oversight operations to the great benefit of Loudoun County.

In 1984, three women founded LAWS with a total of \$3,000 of donations, but today the organization, hosting several annual fundraisers and events, has morphed into a multi-million dollar non-profit. One reoccurring event which has garnered a great deal of popularity as a result of diligent staff and volunteering planning is the yearly Martini Matters event. It is fun, forward thinking community events, like Martini Matters, that have helped the organization thrive tremendously over the years.

Each year LAWS helps over 1,000 women and children lead better lives without fear and anxiety through their various services, and I am grateful to have such a prominent and resourceful organization in the 10th district. Mr. Speaker, I ask my colleagues to join me in applauding LAWS for its dedication to serving our community for so many years. I wish Ms. Acosta and the entire organization the best in their future endeavors.

CITYWIDE BANKS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Citywide Banks for being honored as the Medium Business of the Year by the West Chamber of Commerce.

Citywide Banks is an independent, family owned business that has been focused on moving the Front Range community forward for more than 50 years. With client needs as their focus, they have created a unique banking culture that continues to benefit their clients as well as their employees and the broader Colorado community.

This local focus means their customers' deposits stay in Colorado and get reinvested to help our community move forward. They work to help Colorado companies grow, ensure Coloradans' financial assets are protected, and give a hand-up to our neighbors in need. Citywide Banks provides local businesses equipment financing, lines of credit, construction loans and treasury management products to help simplify cash flow operations, strengthen fraud protection and maximize the earning power of their deposits.

I extend my deepest congratulations to Citywide Banks for this well-deserved honor from the West Chamber of Commerce.

HONORING THE LIFE OF
CONGRESSMAN ROBERT GARCIA

HON. JENNIFFER GONZÁLEZ-COLÓN

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, I rise today as Puerto Rico's sole elected representative in Congress to speak about a great man who gave up his voting rights in order to live and die in the place he loved so much, my Puerto Rico.

Former Congressman Robert "Bob" Garcia devoted his life to helping our nation become more open and diverse. Before 1990, being Hispanic was not even a classification in the census. Thanks to him, from 1990 on, Hispanics are now counted. Thanks to him, we now know that there are nearly 60 million Hispanics in America, over 50 million in the 50 states and over 3.4 million in Puerto Rico and the rest of our territories.

Thanks to Bob Garcia, the early divisions between African-Americans and Hispanics began to heal. Thanks to his solidarity, our nation now devotes a federal holiday to honor the most important African-American in our nation's history, Dr. Martin Luther King, Jr.

Thanks to Bob Garcia and his fellow Congressman Jack Kemp, a Republican, their good idea of creating Enterprise Zones, where poverty is fought through job creation and not through handouts, became a reality. Today I stand for the expansion of this program.

Like hundreds of thousands of Puerto Ricans, Bob Garcia served in the United States Army, in his particular case during the Korean War as a radio operator with the Third Infantry Division. Yet, like his fellow veterans on the Island, his right to vote for the President and a full-fledged delegation in the U.S. Congress was taken away the minute he moved to Puerto Rico.

On a lighter note, every time I spoke to him, he would remind me that, since his first election to Congress in 1978, he had never voted for a Republican, that is, until he voted for me, a Republican woman, to represent him as a non-voting delegate in this House.

I am honored that for three weeks, Bob was my constituent. He and his wife Jane moved a few years ago to Puerto Rico, knowing that in so doing, they, like the other 3.4 million U.S. citizens residing on the Island, would become disenfranchised. Last November, they couldn't vote for the President, U.S. senators or voting members of Congress, but they chose me to be Puerto Rico's sole elected voice in this chamber. Bob empowered me to fight to give him back his voting rights, not through relocation to the states, but in the Puerto Rico he chose to live the last days of his long, fruitful and accomplished life.

Twelve days ago, while lying in state in the territorial Capitol building, Bob Garcia was honored by the people of Puerto Rico. Today, I join my fellow members in honoring a friend and mentor who left his mark in this body and in the history of a nation. May God bless Congressman Bob Garcia and his legacy.

RECOGNIZING HOME DEPOT STORE
1234 FOR THEIR COMMITMENT TO
SERVICE AND VOLUNTEERISM IN
THE CITY OF BUFFALO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor the managers and employees of Home Depot Store 1234, who have consistently gone out of their way to support and restore a clean and safe community in Buffalo, New York. Their service and work with community leaders is recognized today by None Like You/We Care Outreach and the City of Buffalo.

Employees from the Service Desk, Pro Desk and the Garden, Paint and Plumbing departments have been instrumental in helping to restore several houses on Southampton Street and other areas in the Eastside and Westside of the City of Buffalo. They have given paint for inside and outside house projects for over 30 years and have also been a tremendous help in providing flowers, shrubs, bushes, top soil and mulch for the past several years. These materials have gone to help community gardens, and the properties of seniors, disabled residents and families who could not otherwise afford it.

During the Christmas season, Home Depot Store 1234 has supplied None Like You/We Care Outreach and St. Luke's Mission of Mercy with fresh cut Christmas trees for families in need.

Mr. Speaker, I honor Home Depot Store 1234 and their admirable dedication to the City of Buffalo. Home Depot and its employees have made many dreams come true for the citizens of our community and certainly deserve this recognition by None Like You/We Care Outreach and the City of Buffalo.

THE RETIREMENT OF MS. KAREN
SPAR AFTER A 37-YEAR CAREER
OF SERVICE AT THE CONGRES-
SIONAL RESEARCH SERVICE
(CRS)

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. BRADY of Texas. Mr. Speaker, I rise to offer my congratulations and best wishes to Ms. Karen Spar on the occasion of her retirement from a lifetime of dedicated service at the Congressional Research Service. Since she began her career in 1980 at CRS, Karen has risen from an analyst to the head of the Children and Families Section and eventually the Division of Social Policy's first Division Research Coordinator.

In her early days as an analyst, Karen worked on major legislative initiatives of American social policy, including the Omnibus Budget Reconciliation Act of 1981, the Job Training Partnership Act of 1983, the Personal Responsibility and Work Opportunity Act of 1996, and the Adoption and Safe Family Act of 1997.

As head of the Children and Families Section, she supervised work in many of these same policy areas, including income support, child care, nutrition assistance, housing, child welfare, vulnerable youth, child support enforcement, poverty, and others. Her leadership efforts shaped a disparate group of policy areas and analysts from different backgrounds. They became a coherent and highly effective research group to support Members from both sides of the aisle.

Of special importance to the Committee on Ways and Means, Karen has been a major contributor to nearly every one of the 23 editions of the Committee's Green Book, going back to its creation in 1980. She has contributed sections on child care, child welfare, and the Social Services Block Grant. For more recent editions, she managed the extensive contributions from CRS and helped shepherd it into its new electronic format, which has enabled the Committee to publish it on a more frequent and consistent basis.

On behalf of especially the many Members of the Committee on Ways and Means who benefitted from her thoughtful work over her decades of service, I say thank you and congratulations to Karen Spar on an outstanding career. She truly has made a difference, which is a testament to her hard work and dedication. I wish her nothing but the very best for all that awaits her in the future.

PHILIP WINN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to posthumously recognize and honor Philip Winn for his service and dedication to the State of Colorado. For more than forty years, Phil has had a remarkable career as a public servant to the citizens of Colorado.

Starting in 1964, Phil worked for Witkin Homes and served as their Senior Vice President until 1976. He then went on to become the Chairman of the Board of Philip D. Winn and Associates from 1976–1988. During that time, he also served as the Chairman of the Colorado Republican Party from 1979–1981. In 1981, under the Reagan Administration, Phil was appointed Assistant Secretary to the Federal Housing Commissioner of Housing and Urban Development. From 1983–1984, he was a member of the Federal National Mortgage Advisory Council. In 1988, Phil was nominated to be the Ambassador of Switzerland serving as such until 1989. He received many awards in his life including Man of the Year from the Home Builder's Association in 1971 and Citizen of the Year from the Colorado Association of Housing and Building in 1981.

One of Phil's greatest accomplishments is the work he and his wife, Elle, have put into The Bridge Project at the University of Denver's Graduate School of Social Work. Phil co-founded the Bridge Project in 1991 to provide educational opportunities and assistance in developing life skills for Denver's low-income youth. Over the past 25 years, Phil and his

wife have been leaders, donors, advisors and friends to the organization and its mission. They have helped make an impact on the lives of thousands of children and youth in Denver.

I extend my deepest appreciation to Phil Winn for his service and dedication to the citizens of Colorado. His positive impacts will be felt for many years to come.

RECOGNIZING BUFFALO STATE
COLLEGE VOLUNTEER AND
SERVICE LEARNING CENTER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor Buffalo State College's Volunteer and Service Learning Center and their work and civic engagement throughout the City of Buffalo. Their partnerships across the city and collaborations with the east side and west side of Buffalo are recognized today by None Like You/We Care Outreach and the City of Buffalo.

The Volunteer and Service-Learning Center was founded in 2004, and since that time 15,431 students have participated in 820 service-learning courses taught by 137 faculty members. Over 360,000 hours of service have been completed through academic service learning and 103 volunteer events have also engaged students directly with community organizations. Approximately 250 region wide community organizations have partnered to meet community need while enhancing student learning.

Service-learning is faculty driven, with faculty members seeing the academic value in establishing partnerships to support student learning and meet community driven goals. In a recent community partner survey, 100 percent of respondents reported that service-learning impacted their organization in at least one positive way including increasing the number of services offered, increasing the number of clients served, or assisting in meeting the organization's mission.

This significant commitment has also led to the college being placed on the President's Community Service Honor Roll eight times in the past ten years. The President's Honor Roll is the highest federal recognition an institution can receive for its commitment to community, service-learning, and civic engagement. For the 2015 honor roll application, Buffalo State identified more than 492,000 hours of community service activities during the 2014–15 academic year by students, faculty, and staff in the Western New York region.

One overarching goal of the new college strategic plan is to create an engaged campus community that fosters civic responsibility by increasing civic engagement and service-learning experiences, deepening commitments as an anchor institution, and expanding support for faculty and students engaged in this work. Buffalo State's President, Dr. Katherine Conway-Turner inspires the campus to engage in partnership to foster social responsibility. She, for example, hosts the annual Ben-

gals Dare to Care: Buffalo State Community Service Day which last year saw 550 students, faculty, and staff engaged in a day of service with 22 community organizations.

Mr. Speaker, I honor Buffalo State College and their commitment to volunteerism and service-learning in the Buffalo community. It is through these important partnerships that students are given the opportunity to examine and explore their role as citizens, and to identify opportunities to become active citizens in Buffalo and beyond. There are numerous unique and innovative programs at Buffalo State that support student civic engagement and address education, social justice, refugee supports, and social responsibility across campus and therefore are most deserving of this recognition by None Like You/We Care and the City of Buffalo.

RECOGNIZING DELTA SIGMA
THETA SORORITY, INC. COLUMBUS
ALUMNAE'S FOUNDERS DAY
LUNCHEON

HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mrs. BEATTY. Mr. Speaker, today, I salute Delta Sigma Theta Sorority, Incorporated.

For 104 years and counting, Deltas have been strong advocates for our communities, the nation and around the globe.

As a proud Delta myself, I had the honor to speak over the weekend to my fellow Sorors at the Columbus Alumnae Chapter's 2017 Founders Day Luncheon.

On Saturday, February 11th, I joined a room full of women standing up for civil rights and voting rights, equal pay for equal work, financial literacy, and high-quality education for all children.

Women committed to fighting for the 30 million newly-insured Americans through the Affordable Care Act as well as seniors and individuals with disabilities who rely on Social Security, Medicare and Medicaid.

Yes, we the more than 200,000 strong, representing 1,000 chapters around the world, are working to honor our rich past by focusing on the future.

Thanks to the amazing leadership of Columbus Chapter President Deidra Reese and National President Dr. Paulette Walker, that future looks brighter than ever.

Go Deltas.

IN RECOGNITION OF MOREHOUSE
COLLEGE'S 150TH ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to rise today to recognize my alma mater, Morehouse College in Atlanta, Georgia, as it celebrates 150 years of educating, training, and empowering outstanding leaders. The year-long Sesquicenten-

nial Celebration began in January 2017 and will include many events for students, faculty, staff, administrators, donors, families, and friends of Morehouse College. The theme of the Celebration is A House United, which highlights Morehouse's position as a unifying force around the globe and here at home.

Tracing its roots back to the Reconstruction Era after the Civil War, Morehouse College was founded in 1867 as the Augusta Theological Institute in Augusta, Georgia. The school was founded by Rev. William Jefferson White with the encouragement of Rev. Richard Coulter and Rev. Edmund Turney, and it aimed to prepare black men for ministry and teaching.

In 1879, the Augusta Theological Institute moved to the basement of Friendship Baptist Church in Atlanta and was renamed the Atlanta Baptist Seminary. In 1885, the institution relocated to its current site in Atlanta's West End community. The seminary became a liberal arts college and was subsequently renamed the Atlanta Baptist College. During these early years in Morehouse history, the institution expanded its curriculum and established the tradition of educating leaders for all areas of life. In 1913, Atlanta Baptist College was renamed Morehouse College after the corresponding secretary of the Northern Baptist Home Mission Society, Henry L. Morehouse.

Throughout its 150-year history, Morehouse College has made a significant mark on our state, our nation, and the world. Here, many notable men gained the knowledge and training that enabled them to become some of the greatest influencers of our time, including Dr. Martin Luther King, Jr.; noted theologian, Dr. Howard Thurman; civil rights leader, Julian Bond; filmmaker Shelton "Spike" Lee; Olympic gold medalist Edwin Moses; CEO of the Silicon Valley Community Foundation, Emmitt Carson; and many more.

Morehouse principles often instill a desire for public service to benefit mankind. In the United States Congress, Representative CEDRIC RICHMOND, Chairman of the Congressional Black Caucus, as well as many staff members and former Members of Congress, hold degrees from Morehouse. U.S. Presidents have relied on alumni such as former Secretary of Homeland Security, Jeh Johnson; former Secretary of Health and Human Services, Dr. Louis Sullivan; former Surgeon General, Dr. Davidatcher; and former U.S. Ambassador to the United Nations, James Nabrit. Around the country, state and local governments have been led by alumni such as Maynard H. Jackson, the first African-American mayor of Atlanta, Georgia.

As a 1968 graduate of Morehouse College, this one-of-a-kind institution has a special place in my heart. During my matriculation, I got to know on a personal level the late Dr. Benjamin Elijah Mays, the most renowned President of Morehouse who was a mentor to Dr. Martin Luther King, Jr. Through him, I met Dr. King during his life, followed him in protest marches, and sang at his funeral, which was held on the campus and attended by many national and international luminaries.

Today, under the leadership of the 11th President of Morehouse College, Dr. John Silvanus Wilson, Jr., also an alumnus, the

school continues to be consistently ranked as one of the top colleges in the nation and among the highest respected Historically Black Colleges and Universities. As the nation's largest liberal arts college for men, Morehouse has conferred more bachelor's degrees on black men than any other institution in the world.

Mr. Speaker, today I ask my colleagues to join me in recognizing Morehouse College for 150 years of preparing young men to aspire to unique and distinctive goals while leading lives of leadership and service. This institution was born out of the death of slavery in America, it guided young black men through the era of segregation in the South, and it continues to empower marginalized populations against the oppression still prevalent in the world today. It is my hope that the generations of Morehouse Men of today and tomorrow will continue the progress and continue to leave their marks on our nation and the world.

RECOGNIZING THE LIFE OF DR.
ROBERT M. WOODS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise today to recognize the life of Dr. Robert M. Woods.

Dr. Robert Mathew Woods, Evangelist, age 86, passed away on February 8, 2017. Born on June 2, 1930 in Gallatin, Tennessee, Dr. Woods was the only son born to James Herkless (Herk) and Susie Woods. He had four sisters, Amanda, Mymie, Lottie, and Elsie, (all deceased). At the age of eleven, he enrolled in the Nashville Christian Institute (NCI), in Nashville, Tennessee. The late Bro. Marshall Keeble was president at the time. Dr. Woods preached his first sermon at age eleven and soon started to travel with Bro. Keeble as one of his "Boy Preachers".

In 1949, he graduated from NCI and moved back to Gallatin, where he became the minister of his home congregation. In 1952, he married Anna Holiday and moved to the Chicago area. Dr. Woods served as minister of Monroe Street Church of Christ from September, 1952 until he retired on December 31, 1997, at which time he was ordained as Minister Emeritus.

After the death of his first wife, Anna, Dr. Woods married the former Sara Marie Taylor. Dr. Woods was instrumental in implementing numerous programs during his tenure at Monroe Street Church of Christ. Among them are: a Summer Day Camp, an Intensive Teacher Training Program, an active Jail Ministry in the Cook County Jail where numerous inmates have been baptized in the Church, a Tutoring Program, Adopt-A-Child Program, and an Evangelism Outreach Program. He actively participated with the Block Club and the Midwest Community Council.

He has conducted Gospel Meetings in many cities in the United States, as well as Bermuda and Nassau. He was often called upon to speak at multi-cultural functions to share views about the uniqueness of fellowship between

blacks and whites. He often speaks on National, Southwestern, and Regional Lectureships. He served as a member of the Advisory Board for both the Midwest Lectureship and the Midwest Youth Conference. He has been a Trustee for Southwestern Christian College for over fifty years. He received an Honorary Doctorate from Southwestern Christian College in 1992.

After retiring, Dr. Woods and his wife, Sara Marie moved to Villa Rica, Georgia. There they continued their work for the Lord's Church; actively serving as Minister at the Hayes-Glass Church of Christ in Bremen, Georgia.

He is survived by his wife, Sara Marie; Daughters, Sue and Sheri; Son, Stephen; Grandchildren, Ericka, Kilian and Janiah; Great-Grandchildren, Kilian, Erick and Baron, and numerous other family & friends.

Dr. Woods was often soft spoken and his messages carried great weight. It was nothing uncommon for two of our community's most endeared and beloved citizens to repeat or say what Pastor Brother Woods had told them or preached about; my barber for about thirty years, Lawyer Stevens and Ms. Nancy Jefferson, Executive of the Midwest Community Council, whom we called our community's Mother Theresa.

Both of them were two of Brother Woods' star pupils and ardent parishioners and I am sure they would want people to know this.

May he rest in peace and in love.

RECOGNIZING STAN SIMPSON FOR
HIS COMMITMENT TO SERVICE
AND VOLUNTEERISM IN THE
CITY OF BUFFALO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor Mr. Stan Simpson, a dedicated volunteer and resident of Buffalo, New York. Stan's tireless service is recognized today by None Like You/We Care Outreach and the City of Buffalo.

Mr. Simpson is a U.S. Navy veteran and the father of two. He has worked for the city court as a liaison for 11 years; he advises alumni of the Buffalo City Drug Court and is also a patient health navigator at GBUAHN.

Stan is an important leader and role model for community youth. He spends his weekends and the summer months working with young men volunteering with None Like You Outreach Program and other agencies that focus on children. He is always eager to teach youth valuable life skills all while building their confidence and character. Stan takes great pride in passing along his wisdom about maintaining and beautifying properties throughout the city.

Mr. Simpson's help is also crucial in executing None Like You's Thanksgiving and Christmas dinners. He always makes himself available to aid in organization, arranging volunteers and personally cooking and preparing food. He is often vice chair for community meetings. Each week he picks up and delivers food and clothing to those in need, and has

helped with many United Way Day of Caring projects. In 1996, Stan's commitment was vital to the restoration of multiple properties on Southampton and Sycamore Streets. Stan prides himself in the way he has changed his own life and encourages others to do the same by getting involved in the community and seeking out ways to give to others.

Mr. Speaker, I honor Mr. Stan Simpson and his admirable dedication to the City of Buffalo. His commitment to our youth and the rehabilitation of the community is exceptional, and he is most deserving of this recognition by None Like You/We Care and the City of Buffalo.

PASTOR GEORGE MORRISON AND
CHERYL MORRISON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Pastor George Morrison and his wife, Cheryl Morrison, for their service and dedication to their community and the Faith Bible Chapel.

As devoted servants of the Lord, Pastor George Morrison has served the Faith Bible Chapel with faith, devotion and integrity for 33 years. Under his leadership, and with Cheryl by his side, the church has grown in membership and expanded in the community to meet the needs of every age group. Prior to joining Faith Bible Chapel, Pastor George Morrison served as a lay pastor and owned a construction company in Arvada, Colorado.

Cheryl Morrison has also inspired many throughout her work in the community and at Faith Bible Chapel. She has served as a mentor to individuals in the community, and has been very involved with Christians United for Israel including leading a group of 37 pastors from the U.S. who will be visiting Israel with Pastor George Morrison in 2017.

Together, they also serve in various leadership capacities across a variety of local organizations. They have spoken at numerous leadership conferences both in the U.S. and overseas, and Pastor George Morrison authored a book entitled, If It's Not Broken, Break It. In addition, Pastor George and Cheryl have both received numerous awards, citations and commendations in both the secular and Christian communities for their service.

I extend my deepest appreciation to Pastor George and Cheryl Morrison for their service and dedication to the Faith Bible Chapel congregants and our community.

HONORING A DISTINGUISHED REPORTER AND COMMENTATOR,
BRUCE DEPUYT

HON. JAMIE RASKIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. RASKIN. Mr. Speaker, I rise today to honor a distinguished reporter and commentator, Bruce DePuyt, on the occasion of his retirement from News Channel 8. For over 25

years, Mr. DePuyt has been a steadfast and trusted source of news for millions of people in Maryland, Washington, D.C. and Virginia. As most recently the producer and host of NewsTalk on WJLA News Channel 8, he has covered with true zeal, old-fashioned erudition and relentless energy not only local news but national and international news, weaving them together to create the special news ethos of the Washington area. His journalistic excellence has been recognized by local institutions such as the Washington Blade, which listed him as Best TV Personality of 2013, and the Washington City Paper, which named him Best Newsmaker of 2010. Mr. DePuyt is widely respected among his fellow print and broadcast journalists, who compete to have him as a commentator. I have had the privilege to witness firsthand, both as a guest on his show and as a loyal member of the audience, Mr. DePuyt's exemplary skill as an interviewer and piercing insight as an analyst. Although a bulldog for a straight answer, he can always be trusted to facilitate fair, enlightening and compelling conversations on the essential topics of the day.

Please join me and many residents of Maryland, as well as our friends in Virginia and D.C., as we thank Mr. DePuyt for his many years of service in educating and informing the community. He has made great journalistic contributions already, and we congratulate him on his rich and impressive career and wish him well in all of his future endeavors as a journalist and a citizen.

PERSONAL EXPLANATION

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. WELCH. Mr. Speaker, because of flight cancellations due to inclement weather, I was unable to vote on Roll Call 86 and 87. I would have voted Aye on Roll Call 86 and 87 had I been there.

A POETIC TRIBUTE TO FALLEN NAVY SEAL RYAN OWENS

HON. DARIN LAHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. LAHOOD. Mr. Speaker, I rise today with a heavy heart at the passing of one of my constituents, an American hero, Navy SEAL Ryan Owens, who was killed on a mission in Yemen on January 29, 2017. Our prayers and thoughts go out to his loved ones, loving wife, and three beautiful children. Our Nation owes a great debt of gratitude to these magnificent members of our Armed Forces and their families for their selflessness. Give thanks to them each day as you hold your family close. I include in the RECORD this poem penned in his honor by Albert Carey Caswell.

RYAN'S SONG

Ryan's Song,
so loud and long,

so very strong,
will live on and on,
On and on,
As an American Hero,
as it's oh so clear oh,
now that he's gone,
He will live on,
Now, up in heaven where he belongs,
Moments
Are all we have,
To fight the evil,
to vanquish the bad,
To make a difference,
all in the short time we have,
To bring the light,
all in our hearts of courage full shining
bright,
Upon, death's altar in this never ending
fight,
Of Good vs Evil,
there are but our Lord's chosen people who
fight the fight,
who will defend our freedoms with all their
might,
Who with their band of brothers,
as like none others,
side by side to their left,
to their right
A freedom fighter,
For there can be no brighter light,
Who for each other are so willing to die in
this fight,
With kind of selflessness which brings tears
to even the Angels' eyes,
way up high on this night,
For there can be no greater gift or treasure,
than To Give That Last Full Measure,
Then, to lay down one's life,
To leave your three beautiful children,
and your loved ones and your most loving
wife,
As it's for you Ryan and your family,
we all so cry this night,
For you have blessed our Nation with all
your light,
And all across Peoria this night,
there comes a gentle rain,
As you lay your heads down to rest,
all in your heartache that which remains,
Are but our Lord's tears to wash down upon
your family Ryan,
to so ease your pain,
Until, once again up in heaven you will meet
again,
And you won't have to cry again,
Better to die for something,
than to live for nothing at all,
For this was but Ryan's clarion call,
Mount up my son,
for your new battle has just begun,
As an Angel in The Army of our Lord as you
now must run,
To continue this battle which must be won,
And we will hear you on the breeze,
And we will see you in places so all at ease,
As we will awake in the morning so all in
peace,
knowing you were watching over us all in
our sleep,
As now we lay your most sacred body down
to rest,
At Ease my son,
sealed with a kiss,
Ryan you were and will always be one of
America's Best,
Her son,
Hush little children don't you cry,
one day up in heaven you will look into your
fine Father's eyes,
Amen

—Albert Carey Caswell

In memory of a magnificent American hero,
Navy SEAL Ryan Owens. May God watch
over his family and hold them in his arms.

RECOGNIZING BOB AND LINDA
KUEBLER FOR THEIR COMMIT-
MENT TO SERVICE AND VOL-
UNTEERISM IN THE CITY OF
BUFFALO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor Mr. Bob Kuebler and his wife, Mrs. Linda Thornhill Kuebler, dedicated volunteers and residents of Buffalo, New York. Their tireless service is recognized today by None Like You/We Care Outreach and the City of Buffalo.

Fifteen years ago, Bob founded Youth With a Purpose (YWAP) at the Holy Cross building on the West Side of Buffalo. The mission of YWAP is to inspire inner city youth to develop as God's leaders who overcome the mindset of segregation, poverty and violence. Bob and his team continue to teach young people how to cope with pain and develop perseverance as they seek purpose and direction in their life. Linda has helped Bob as an YWAP director and prayer leader who is loved by the community she serves.

The Kueblers live on the East Side of Buffalo where they maintain a park on the corner of Carlton Street. Through their work with None Like You/We Care and YWAP, Bob and Linda provide activities for youth, clean and develop community gardens, help elderly residents and are active during the holiday season serving at the Thanksgiving and Christmas dinners and giveaways.

Bob fulfills his dream of helping as many people as he can by travelling outside of the city to pick up furniture and supplies for those in need, his constant involvement with young adult volunteers at local colleges and his time and effort in the community gardens.

Mr. Speaker, I honor Mr. and Mrs. Kuebler and their admirable dedication to the City of Buffalo and the youth of our community. The Kueblers' commitment to their community is exceptional, and they are most deserving of this recognition by None Like You/We Care and the City of Buffalo.

THE WINGMAN ACT (H.R. 244)

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to commend the House on the passage of the WINGMAN Act.

The WINGMAN Act will allow designated Congressional staffers to work with the Department of Veterans Affairs to expedite the resolution of veterans' claims and better serve constituents.

The need for this legislation is best illustrated by example. One of my constituents, John Harrison, has been battling with the VA over multiple claims for many years. He has continuously dealt with frustration, stagnation, and complications due to poor communication from the VA.

In November 2016, Mr. Harrison was notified that one of his longstanding claims was closed. The VA claimed it closed the case because Mr. Harrison failed to submit a rebuttal to the VA's decision in an appropriate time-frame.

However, Mr. Harrison did in fact submit the rebuttal, and he did so long before the deadline. Mr. Harrison was denied access to his benefits due to disorganization and miscommunication by the VA.

Unfortunately, lack of transparency and delays in communication are regular occurrences for veterans seeking to resolve claims with the VA. Like many veterans, Mr. Harrison is a captive of the process. There is no way for him to know who is handling his claim or how his claim is being resolved.

The WINGMAN Act will help address problems like those experienced by Mr. Harrison by increasing access to essential documentation for Congressional staffers working on cases, expediting claims' resolution, and providing for better communication regarding claims decisions.

It is critical that we establish policies to process claims more efficiently and provide better care for our veterans. This bill will allow the excellent caseworkers in my office, and others across the country, to help the VA be more efficient, and more importantly, to help veterans access their benefits.

I am proud to support and cosponsor the WINGMAN Act to help ensure veterans across the United States receive timely access to the benefits they earned and deserve.

LOCALWORKS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Localworks for being honored with the Nonprofit of the Year Award by the West Chamber of Commerce.

Initially incorporated as Wheat Ridge 2020, the organization was renamed in 2015 to better reflect their purpose. Localworks connects residents and businesses in order to create a vibrant and more engaged community. Through programs like Harvest and Active, Localworks brings residents together to learn about urban farming, attend local fitness classes or learn more about canning fruits and vegetables. In 2016, Localworks held more than 60 events aimed at connecting residents through common interests and activities.

Each year, Localworks hosts seven events to attract people to the Wheat Ridge business district. In 2016, more than 19,000 people attended events on Ridge at 38 such as the Criterium and Brewfest, Ridgefest, Trunk or Treat, Friday Night Live and the Holiday Celebration.

In 2016, the organization also offered bus tours of Wheat Ridge and hauled away more than 1,000 cubic yards of junk from local neighborhoods through a partnership with the Wheat Ridge Police Department. They also provided loans to residents and businesses for property improvements and were recently

awarded a very competitive three-year "Active Living Neighborhood" grant through Kaiser Permanente and The Denver Foundation. These contributions to the Wheat Ridge Community are made possible by volunteers who contributed more than 2,000 hours to the organization.

I extend my deepest congratulations to Localworks for this well-deserved honor from the West Chamber of Commerce.

RECOGNIZING DIANE PESCH-SAVATTERI FOR HER COMMITMENT TO SERVICE AND VOLUNTEERISM IN THE CITY OF BUFFALO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor Mrs. Diane Pesch-Savatteri, a dedicated volunteer and resident of Buffalo, New York. Diane's tireless service is recognized today by None Like You/We Care Outreach and the City of Buffalo.

Diane is a graduate of the State University of New York at Buffalo and is a proud mother and grandmother. She is the president of Concordia Cemetery, a board member of None Like You/We Care Outreach, and a volunteer for the American Red Cross Disaster Relief. Diane is a developmental Disabilities Program Specialist for the New York State-WNY Developmental Disabilities Services office where she advocates for, and teaches and trains her patients.

As president of Concordia Cemetery, Mrs. Pesch-Savatteri had led a valiant effort to transform the abandoned cemetery into a place of history, beauty and serenity. While serving on the None Like You/We Care Outreach board, she has been a tremendous help in aiding with the organization, preparation and execution of their annual Christmas and Thanksgiving dinners. She also supervises volunteers and uses her experience in social work to help those in need.

Mr. Speaker, I honor Mrs. Diane Pesch-Savatteri and her admirable dedication to the City of Buffalo. Her commitment to the rehabilitation and beautification of the community is exceptional, and she is most deserving of this recognition by None Like You/We Care and the City of Buffalo.

DERRICK CRANDALL RECEIVING THE CORPS CHAMPION AWARD

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to congratulate my constituent, Derrick Crandall, on receiving the American Recreation Coalition's Corps Champion Award. Mr. Crandall has diligently supported efforts to bolster the outdoor economy and recreation opportunities for all, including our youth.

Since 1981, Mr. Crandall has served as the President and Chief Executive Officer of the American Recreation Coalition. The Washington-based nonprofit organization aims to enhance and preserve outdoor recreational opportunities and protect environmental resources. Upon joining the organization, Mr. Crandall quickly became the national voice of outdoor recreation. He has played an important role in dozens of public policy programs including the National Scenic Byways Program, Recreation Fee Demonstration Program, Recreational Trails Program, Wallop-Breaux Program, and the National Recreation Lakes Study Commission.

Mr. Crandall's efforts have been recognized in many respects. He has received several national awards and recognitions such as induction into the RV Hall of Fame, the receipt of the Annual Award of the National Association of State Boating Law Administrators, and the Chevron Conservation Award. Additionally, he has served as the Chairman of the Take Pride America Advisory Board and as a Founding Director of the National Forest Foundation; in each role he was appointed by the Secretary of the Interior and the Secretary of Agriculture respectively.

His dedication to improving and preserving outdoor recreational activities is evident through his illustrious career of dedication and accomplishments. Mr. Speaker, I ask that my colleagues join me in congratulating Mr. Crandall on receiving the American Recreation Coalition's Corps Champion Award. It is a privilege to represent him and I wish him all the best in his future endeavors.

PERSONAL EXPLANATION

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Ms. PINGREE. Mr. Speaker, I was unable to be present and voting in the House of Representatives on February 13, 2017 due to weather conditions in my home state of Maine that prevented me from travel. If I had been present and voting, I would have voted Aye on Roll Call vote 86 and Aye on Roll Call vote 87 to H.R. 244 and H.R. 974 respectively.

HONORING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) ON ITS 108TH ANNIVERSARY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a proud member of the Congressional Black Caucus, I am pleased to join my colleagues in honoring the National Association for the Advancement of Colored People (NAACP) for its 108th Anniversary after the organization was first founded on February 12, 1909. The NAACP is a prominent African-

American civil rights organization in the centuries-old fight for social, economic, and political equality under the law for all Americans.

The NAACP is an organization that is deeply rooted in our nation's history. It is the oldest and largest civil rights organization in the United States. The NAACP is founded on the noble pillars of equality, non-discrimination, and morality, and has historically been successful in achieving its goals through non-violent protest, education, and legal and moral persuasion. The NAACP was pivotal in the passage of historic pieces of legislation such as the Civil Rights Act, the Voting Rights Act, and countless other legal victories in our nation's history.

As a member of the African-American community, fighting for the rights of African-Americans, and other minority populations across the country, is of personal significance. Our desire to bring equal treatment and rights to all Americans has helped fuel the diversity and strengths that we as a country enjoy today. It is through our differences that we are able to see value in many different perspectives. However, it was not without struggle to arrive at this point and we have organizations such as the NAACP, in part, to thank for the reconciliation of past harms while having the tools to address new challenges.

Mr. Speaker, it is important that we recognize the contributions and struggles of the people behind organizations such as the NAACP so that we can learn from our past and avoid making the same mistakes again in the future. The NAACP continues to be a leader in raising awareness around social issues facing our country today, such as threats to voting rights. We owe it to future generations to continue the legacy of the NAACP, so that we can continue to build a stronger and better nation for our children.

ADWEST CONSULTING, INC. NANCY CREGO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize AdWest Consulting, Inc. for being honored as the Woman-Owned Business of the Year by the West Chamber of Commerce.

AdWest Consulting was founded in Jefferson County in 1986 by Nancy Crego. AdWest delivers multi-media branding, community marketing and publications through video, film and magazines. The AdWest team is local and collaborates with more than 400 Colorado clients to promote their businesses and messages. It currently publishes the West Chamber's Best of Business magazine and the award-winning Wellness Living Magazine. AdWest also publishes the Colorado Women's Chamber of Commerce directory and magazine.

Nancy's career spans four decades of serving her community and understanding the needs of women who own companies as they balance family and career. She has worked with dozens of nonprofit associations and business groups. Currently, she volunteers for

the Colorado Symphony Orchestra Guild, Plan Jeffco, and Mount Vernon County Club Metro District Financial Planning Committee.

I extend my deepest congratulations to AdWest Consulting for this well-deserved honor from the West Chamber of Commerce.

RECOGNIZING THE CONTRIBUTIONS OF MS. MONTANA BYERS TO THE UNITED STATES CONGRESS AND CALIFORNIA'S 11TH CONGRESSIONAL DISTRICT IN THE SPRING OF 2017

HON. MARK DeSAULNIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. DeSAULNIER. Mr. Speaker, I rise today to recognize an exceptional young woman who is spending the spring semester interning in my Washington, D.C. office. Ms. Montana Byers came to our office as part of the Uni-Capitol Washington Internship Programme (UCWIP), and has been a valuable contributor to our efforts on behalf of California's Eleventh Congressional District.

Since 2000, UCWIP has worked with congressional offices to foster strong ties and understanding between the United States and Australian governments by bringing the best and the brightest from top Australian universities to intern on Capitol Hill. I am proud to be involved in this wonderful program for the second year in a row.

Montana Byers, a student from the University of Wollongong, has worked in our office since January and quickly proved herself to be a highly valuable member of our team. She has drafted legislative requests, attended briefings, written constituent mail, and researched important issues, among many other duties. She consistently displays a deep desire to learn and treats everyone that she encounters with respect. Her hard work and dedication is a tremendous asset to our office and the Eleventh Congressional District.

My team has learned a great deal from Montana about her native country as she has learned about the United States and the U.S. Congress. She is an absolute pleasure to have in the office and I offer her my thanks for a job well done. I wish her the best of luck in all of her future endeavors.

RECOGNIZING MARK AND CYNTHIA CRAIG FOR THEIR COMMITMENT TO SERVICE AND VOLUNTEERISM IN THE CITY OF BUFFALO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to honor Mr. and Mrs. Mark and Cynthia Craig, dedicated volunteers and residents of Buffalo, New York. Their tireless service is recognized today by None Like You/We Care Outreach and the City of Buffalo.

Mark is a Buffalo native, a University at Buffalo graduate and was employed by County Lime Stone in Akron for 36 years. Cynthia moved to Buffalo in 1984 and began work with the New York State Department of Health Bureau of Funeral Directing. Since 1987 she has worked in the New York State Department of Cemeteries and is a New York State Licensed Funeral Director.

The Craigs are a great team who have been a part of None Like You/We Care Outreach program since 2000. They have served on the board, worked on the reorganization and rehabilitation of the Concordia Cemetery and have served thousands over the past 15 years at Thanksgiving and Christmas dinners with None Like You/We Care Outreach.

Mark and Cynthia have been instrumental in the reconstruction of abandoned houses in the City of Buffalo and have helped supervise summer and student volunteers who help to clean up empty lots and build community gardens.

Mr. Speaker, I honor Mr. and Mrs. Craig and their admirable dedication to the City of Buffalo. The Craig's commitment to their community is exceptional, and they are most deserving of this recognition by None Like You/We Care and the City of Buffalo.

CONGRATULATING THE HOTEL CHINESE ASSOCIATION OF USA ON THEIR 10TH ANNIVERSARY GALA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to congratulate the Hotel Chinese Association (HCA) of USA on their 10th Anniversary Gala.

Over the past decade, the Hotel Chinese Association of USA has been a leader in the New York City immigrant community. By providing assistance to workers in the Hospitality industry, the HCA has helped thousands of hotel workers in their 10 year history.

Founded in 2007, the HCA's mission is to promote the understanding of the rights and responsibilities of hotel employees, primarily immigrant workers, who have language and cultural barriers. HCA coordinates with hotel unions and management, as well as recruiting and training immigrants, many of whom aim to have a career in the hospitality industry in New York City.

The HCA has become an important anchor in New York's Chinese community by offering communication assistance and vocational training to Chinese employees. Whether it is providing networking and job opportunities, education, or cultural activities, the HCA aims to assist and lift up striving employees and give them the tools they need for success.

I thank and congratulate the HCA for their 10 years of continuous service to our community and hope they continue to be a fixture in New York City.

TRIBUTE TO UNITED WAY OF
CENTRAL IOWA**HON. DAVID YOUNG**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate United Way of Central Iowa on celebrating their 100th year in service to the communities of Central Iowa.

Over the last 100 years, United Way of Central Iowa has brought together non-profits, local organizations, elected officials and a whole host of others to make a long-lasting impact on the central Iowa community. Because of their hard work and dedication to improving the lives of others, they have tackled some of the most challenging issues their community faces. With the unique ability to bring together people and organizations from all walks of life, United Way of Central Iowa has championed vast and noticeable improvements throughout central Iowa. By focusing on

education, families and healthy living they have impacted the lives of so many and left a lasting mark on central Iowa.

Mr. Speaker, I commend and congratulate United Way of Central Iowa for their many years of dedicated and devoted service to central Iowa. They have made a difference by serving others and it is with great honor that I recognize them today. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this historic milestone and in wishing them nothing but continues success.

SENATE—Wednesday, February 15, 2017

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who is the strength of our lives, let us live to tell of Your wondrous work. How magnificent are Your acts, O Lord. How deep are all Your thoughts.

Bless our lawmakers. Empower them to endure the challenges of these times. Give them a humility that will make them willing to decrease, so that Your Spirit may increase in their lives. Lord, renew their minds with truth and sharpen their skills in each important area of living. Bless the members of their staffs, who labor so faithfully for freedom's cause.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

WELCOMING THE PRIME MINISTER OF ISRAEL

Mr. MCCONNELL. Mr. President, let me begin by welcoming a true friend to the United States, Israeli Prime Minister Benjamin Netanyahu, who will be visiting the Capitol later today. Over the years our nations have built a strong and enduring relationship—a relationship grounded in common values like democracy and individual freedom, a relationship guided by a clear-eyed view of the threats that face us.

This relationship has grown closer and more valuable as terrorism has become a constant threat to our homeland—something the Israelis have known, literally, for decades and as Iran has sought to expand its sphere of influence in an effort to remake the Middle East. I value our relationship greatly. I know President Trump does as well.

Now is the time to strengthen and affirm this important partnership as we

move on from 8 years of often needless tension, as we turn the page on an administration that chose as one of its last actions in office to abandon our ally Israel, and in so doing to undermine any semblance of a peace process by encouraging the Palestinians to forego direct negotiations.

This afternoon I will reiterate to the Prime Minister my determination, which I know many in Congress share, to work with our new administration and underline America's commitment to achieving peace with the Palestinians through a negotiated settlement in a way that protects Israel's vital national security interests.

Our nations face many common threats. Strengthening this relationship makes each of us safer. I hope colleagues will join me in extending a warm welcome to Prime Minister Netanyahu on his visit to the Capitol later today.

SOCIAL SECURITY ADMINISTRATION RESOLUTION OF DISAPPROVAL

Mr. MCCONNELL. Mr. President, the Senate has been acting to provide relief from harmful regulations by utilizing the Congressional Review Act, which provides the legislative tools needed to repeal them.

I am pleased to report that just yesterday the President signed the first of several regulation-relief resolutions we hope to send him. Later this week, he will sign a second resolution—a resolution identical to the one I sponsored in the Senate that can bring relief to thousands of mining families in Kentucky and across the country by overturning the problematic stream buffer regulation.

Today, we will send him another one. In a few minutes we will vote to protect the constitutional rights of Americans with disabilities. The resolution will provide relief from an overly broad and legally deficient regulation that threatens the Second Amendment rights of law-abiding Americans with disabilities.

Specifically, in the waning days of the Obama administration, the Social Security Administration issued a rule that the ACLU and disability groups across the country oppose because it unfairly treats many Americans with disabilities.

Under this rule, the Social Security Administration must report to the National Instant Criminal Background Check System anyone who receives benefits for certain disabilities and whom the Social Security Administra-

tion believes needs a representative payee to help manage these benefits. As a result of being included on this list, many disabled Social Security beneficiaries are barred from lawfully purchasing a firearm, even though there has been no adjudication that the beneficiary is “mentally defective,” which is the standard under both the Gun Control Act of 1968 and the NICS Improvement Amendments Act of 2007 for being barred from buying a firearm.

Numerous disability rights groups oppose the regulation as unfairly stigmatizing the disabled. They agree with us on the need to stop the regulation. The substantive problem with the regulation is compounded, the groups note, by “the absence of any meaningful due process protections prior to the Social Security Administration’s transmittal of names to the NCIS database.”

The National Council on Disability, the nonpartisan independent Federal agency charged with advising the President and Congress on policies that affect people with disabilities, opposes the regulation, too. The Council also urges us to use the Congressional Review Act to repeal this eleventh hour regulation “because of the . . . constitutional right at stake and the very real stigma that this rule legitimizes.”

Our colleague from Illinois, the assistant Democratic leader, apparently disagrees with the ACLU, the National Council on Disability, and disability rights groups across the country. He came to the floor yesterday to discuss this issue. Like him, we are all deeply saddened by the senseless loss of life due to gun violence. It is alarming indeed that we have seen it increase in certain communities, like Chicago. But the way to address this problem is not to stigmatize the disabled or to deprive law-abiding Americans of their Second Amendment rights without due process of law.

The Department of Justice states that “firearms violations should be aggressively used in prosecuting violent crime.” The DOJ goes on to state that such violations are “generally simple and quick to prove.” Under the Obama administration, however, there was a 35-percent decrease in gun prosecutions as compared to the Bush Administration, when measured over a 10-year period. In fact, gun prosecutions decreased in almost every year of the Obama administration. I am hopeful that the new leadership at the Justice Department will reverse this alarming trend.

What is not helpful, of course, is the assistant Democratic leader’s implication that the Senate is addressing this

regulation as some sort of payback to the National Rifle Association. I would inform my friend that almost two dozen groups oppose this last-minute regulation, including nearly 20 disability rights groups.

Does he think the opposition to this regulation from groups like the American Civil Liberties Union, the National Coalition for Mental Health Recovery, and the American Association of People with Disabilities is based on some sort of payback? The reality is that, like us, they believe this regulation is simply bad policy. It places an unfair stigma on those with disabilities and violates their constitutional rights, which is why a wide array of groups oppose it.

I am glad the Senate will now join the House in protecting the constitutional rights of Americans with disabilities by voting to undo the unfair stigma this regulation imposes on them.

I want to thank my colleague from Iowa, Senator GRASSLEY, who has been a leader in addressing this regulation. He introduced the Senate companion of the bill we will vote on today, with over 30 cosponsors.

CABINET NOMINATIONS

Mr. MCCONNELL. Mr. President, our Democratic friends are getting a lot of pressure from the far left to resist just about everything these days—reality, for one.

The responsible route for Democrats would be to have some real talk with the far left about how it is past time to come to grips with the outcome of the last election. Instead, our Democratic friends have allowed themselves to be pushed around by the fringes into a strategy in search of a purpose—a strategy in search of a purpose.

They really can't prevent the President's Cabinet nominees from being confirmed, and yet they have undertaken the most unprecedented obstruction of Cabinet nominees in modern history. They have postponed hearings repeatedly. They have boycotted committee meetings altogether. They have forced unnecessary procedural hurdles to delay as long as possible. It has resulted in this President's having the fewest number of Cabinet Secretaries confirmed on a percentage basis at this point of any incoming President since George Washington—and to what end?

It hasn't changed the results. What it has done is forced the American people to go on for an unprecedented length of time without leadership in some of the government's most important agencies.

We are determined to work through this pointless obstruction. We will take the next step in that process soon with a vote to advance a nominee to bring fiscal and regulatory sanity to our economy after 8 years of stagnation. Representative MULVANEY knows that making government more effective and

accountable is conducive to economic growth, and he knows that getting our fiscal house in order goes hand in hand with compassion. As he put it:

Fixing the economy doesn't mean just taking a green eyeshade approach to the budget. Our government isn't just about numbers. A strong, healthy economy allows us to protect our most vulnerable.

That is just the kind of attitude we need in the Office of Management and Budget. It is good to finally see new economic leadership in place atop Treasury and the Small Business Administration. Now we can chart a better direction for this important budgetary agency, as well, and after we do, we will continue working through this unprecedented obstruction to seat the rest of the Cabinet.

I would urge our friends across the aisle to work with us in doing so. Without cooperation, then, under the regular order we are going to end up working here well into the weekend.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CALLING FOR AN INDEPENDENT INVESTIGATION

Mr. SCHUMER. Mr. President, I rise this morning to address the events of General Flynn's resignation as National Security Advisor on Monday night and the need for a full, independent, impartial, and transparent investigation into the facts of the case. It is now readily apparent that General Flynn's resignation is not the end of the story. It is merely the beginning of a much longer story.

The circumstances of General Flynn's contacts with the Russian Ambassador during the transition, the recent reports of potential high-level contact between the Trump campaign and Russian intelligence, including General Flynn, should raise hairs on the necks of everyone in this body and every American of goodwill—Democrat, Republican, conservative, liberal, Independent. This is not a partisan issue. This is an issue about our country and how it is governed. It is also an issue about our security. We are now left with more questions than answers, and it is imperative to find the truth. With every hour that goes by, more and more questions are raised. Every White House press briefing and early morning tweet seemingly introduces new inconsistencies and contradictions that demand a full accounting. Every report that suggests deeper ties between the Trump campaign and the Russian Government needs to be followed up on and verified.

We need to get all the facts.

So in the days and weeks ahead, the Trump administration needs to answer

some serious questions. These questions must be asked by an independent and unbiased law enforcement authority. They must be answered truthfully by administration officials. Any attempt to lie or to mislead must be countered with the full force of law.

There needs to be an independent and transparent investigation on two fronts: one in the legislative branch, where we have an obligation to conduct oversight, and one in the executive branch, which has the responsibility of finding and prosecuting potential criminal liability.

Today I wish to address the investigation that must occur in the executive branch.

The new Attorney General, Jeff Sessions, cannot be the person to lead that investigation. In fact, Justice Department regulations specifically prohibit individuals who have political ties to the subjects of an investigation from leading that investigation. It is a clear conflict of interest. I want to read the regulations of the Department of Justice. They are right here, and every American should see them because they are clear as can be.

No Department of Justice employee may participate in a criminal investigation or prosecution if he has a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution or who would be directly affected by the outcome.

No employee shall participate in a criminal investigation or prosecution if he has a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation or the prosecution.

The regulations continue. They define political relationship, again, clear as a bell:

Political relationship means a close identification with an elected official, candidate, political party or campaign organization arising from service as a principal advisor or official. Personal relationship means a close and substantial connection of the type normally viewed as likely to induce partiality.

Jeff Sessions was chairman of the National Security Advisory Committee alongside LTG Michael Flynn. He was a senior adviser in the Trump campaign, the first Senator to endorse the President's campaign, and nominated him at the Republican Convention in Cleveland. Those facts and the Department of Justice's own rules disqualify Attorney General Sessions from running this investigation.

The words are crystal clear; there is no wiggle room. If Attorney General Sessions were to conduct or in any way be involved with this investigation, he would be violating Justice Department guidelines.

As bad a start as the Trump administration is off to, it would make things dramatically worse to ignore these guidelines, which were set up for the

purpose of getting to the truth in a fair and impartial way.

Attorney General Sessions must recuse himself immediately. Any investigation headed by, directed by, or influenced by the Attorney General will be jaundiced from the very start.

Because the rules are so clear, I expect the Attorney General will recuse himself and allow an independent and thorough investigation to go forward.

We have an additional reason to seek an independent and transparent investigation because of how the White House has treated this matter over the past few weeks.

The White House knew for weeks that General Flynn misled the Vice President and let General Flynn stay on the job. They knew for weeks that his discussion about sanctions with the Russian Government could potentially compromise our national security because he would be subject to blackmail, and they let him stay on.

The President knew for weeks about this and let General Flynn stay on in his full capacity, present at and participating in the highest level of national security discussions, until those reports were made public.

If the reports of General Flynn's incorrect statements to the Vice President were never made public by the Washington Post, would the President's trust ever have eroded? Would General Flynn ever have been fired? Would he still be in his job today? We will never know now. The answer is very troubling.

If an investigation is not independent, nonpartisan, and, most of all, transparent, there is no guarantee this administration will take the decisive and immediate actions necessary to keep our country safe.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 40, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate, equally divided.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before we vote on the resolution of dis-

approval, I want to reiterate several very important facts.

This resolution of disapproval is bipartisan. The resolution is also supported by 23 groups, mostly disability rights groups.

The disability groups believe that this agency—the Social Security Administration—and its regulation will unfairly stigmatize those with disabilities. Of course, they are right.

The American Civil Liberties Union has said this:

We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent and should not own a gun. There is no data to support a connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The ACLU goes on to say:

Here, the rule automatically conflates one's disability-related characteristic, that is, difficulty managing money, with the inability to safely possess a firearm.

The agency regulation is defective in many ways. Namely, the regulation does not require the agency to prove a person is dangerous or mentally ill. The regulation also provides no formal hearing or due process before a person is reported to the gun ban list.

Supporters of the gun ban have said that repeal of this regulation will interfere with the enforcement of the gun prohibition laws. I want to say plainly and simply: This is hogwash. We should not let baseless scare tactics confuse this important issue.

Important Federal gun laws are still on the books, even if the agency rule is repealed. We aren't repealing any laws.

The new regulation is inconsistent with these existing Federal gun laws.

The agency still has a duty to report anyone who has actually been adjudicated as dangerously mentally ill to the gun ban list. That is also true of anyone convicted of a felony or a misdemeanor crime of domestic violence or involuntarily committed to a mental institution.

The Federal law requires this:

If a Federal department or agency . . . has any record of any person demonstrating that the person falls within one of the categories . . . shall . . . provide the pertinent information contained in such record to the Attorney General.

This law remains in effect.

Repealing this regulation will merely ensure that disabled citizens' Second Amendment rights are, in fact, protected.

Those rights will no longer be able to be revoked without a hearing and without due process. It will take more than a personal opinion—just a personal opinion of a bureaucrat—to abridge one's Second Amendment rights.

An existing statute requires agencies to report the individuals to the gun ban list who are ineligible to possess firearms. That requirement remains intact even if this regulation is repealed.

So it is plainly wrong to claim, as has been said, that if the regulation is disapproved, agencies will no longer have to report prohibited persons.

If the supporters of this regulation want to take away people's gun rights, then they need to acknowledge the government must carry the burden to actually prove a person—prove a person—is dangerously mentally ill. And the government must provide due process in that process.

They need to go back to the drawing board, in other words, because this rule is inconsistent with the very important Second Amendment rights to bear arms, own, and possess guns—buy and possess guns. Therefore, it must be repealed, and this resolution must be approved.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to urge my colleagues to defeat a Congressional Review Act resolution that would weaken the FBI's gun background check system and make it easier for individuals with severe mental illness to buy guns.

Gun violence is an epidemic in our communities—killing more than 30,000 people each year; yet this resolution would prevent the Federal Government from taking even the most basic steps to improve enforcement of current gun laws.

It blocks a rule that requires the Social Security Administration to report to the FBI background check system individuals who have a severe mental illness that prevents them from managing their own affairs. This determination is made during the application process for Social Security disability benefits.

This policy could have prevented tragedies like that of Janet Delana and her daughter Colby. Colby was diagnosed with paranoid schizophrenia in 2011. She received Social Security disability payments as a result of her mental illness and lived with her parents in Missouri. A year after her diagnosis, Colby used the money from her disability check to buy a gun at a local dealer. Her mom called the dealer and begged him not to make the sale. Janet explained that her daughter was mentally ill and suicidal and that she would likely use the gun to harm herself or others. Nonetheless, Colby passed her background check and bought the gun. Just an hour later, Colby shot her father to death and tried to kill herself. Janet's now a widow, and Colby lives in an institution. Their story didn't have to end that way. We should all agree that severely mentally ill individuals like Colby should not have access to guns. Federal law already says that individuals with severe mental illness are barred from purchasing or possessing guns. Yet time and again, we have seen prohibited purchasers like Colby pass background checks. That is because

the background check system does not have records of all mentally ill individuals barred from buying guns.

While the background check system has denied gun transfers to 1.3 million prohibited individuals—including felons, drug addicts, and fugitives—it isn't perfect. There are individuals like Colby whose information should be in the system—but isn't. We need to improve the background check system and ensure information that is supposed to be in the system is in fact included.

A recent report by the Police Foundation and Major Cities Chiefs Association noted that this is critically important if we are going to reduce violent crime in our country. The 2007 mass shooting at Virginia Tech—the second deadliest mass shooting in our history—could have been prevented if we had a better background check system. Seung-Hui Cho, an angry, mentally disturbed individual, slaughtered 32 students and teachers and wounded many others. After the massacre, we learned that Cho in 2005 had been ordered to attend psychiatric treatment and a judge ruled that he presented “an imminent danger to himself as a result of mental illness.” As a consequence of this judge's determination, Cho's name should have been entered in the NICS database. But it wasn't—that is because the FBI didn't have the records.

In response to the shooting, Congress in 2007 unanimously approved the NICS Improvement Amendments Act to improve record keeping in the background check system. Senators Ted Kennedy, PAT LEAHY, CHUCK SCHUMER, and Tom Coburn worked together on the bill, and President Bush signed it into law. The bill was supported by both the National Rifle Association and the Brady Campaign to Prevent Gun Violence. That never happens.

It is this bill—passed unanimously and supported by the gun lobby—that required the Social Security Administration to issue the rule we are debating today. The Social Security Administration engaged in a painstaking process over the past year to develop this policy. It received more than 90,000 comments from advocates and members of the public. The rule was carefully crafted to identify individuals like Colby, while protecting due process.

The majority of individuals with mental illness do not commit acts of violence, and they would not be affected by this rule. The rule covers only individuals with serious conditions, including schizophrenia, who need additional assistance to manage their affairs. This determination is made following an extensive review of medical evidence, which takes place before the person is approved for Social Security disability benefits.

The rule further specifies that it would only apply to prospective claim-

ants—starting in December 2017. That means it would not apply to individuals who already receive disability benefits. Repealing this rule through the Congressional Review Act would not only overturn the policy that's been developed. It would block the Social Security Administration from ever taking action to implement the NICS Improvement Act and report mentally ill individuals to the FBI.

Time and time again, my Republican colleagues respond to horrific mass shootings by saying that we don't need any new gun laws. We just need to better enforce the gun laws we already have. That is exactly what this rule aims to do—improve enforcement of current law and make sure people already barred from buying guns can't buy guns.

So, the question comes: What won't Republicans do to appease the gun lobby?

We lose more than 30,000 people to gun violence each year in this country, many of whom are mentally ill and commit suicide. It should shock the conscience of the American people the Senate is considering weakening our Federal background check system in response to this unabated epidemic of violence.

I urge my colleagues to vote against repealing the Social Security Administration's rule. Thank you.

Ms. COLLINS. Mr. President, I rise in support of H.J. Res. 40, a resolution of disapproval of the rule submitted by the Social Security Administration relating to the implementation of the NICS Improvement Amendments Act of 2007. The rule in question would require the Social Security Administration to send to the Attorney General the names of certain beneficiaries for inclusion in the NICS background check database and would make it illegal for these beneficiaries to own or possess a firearm.

In matters where the government is promulgating regulations limiting the Constitutional rights of Americans, it is especially important that the regulations be drafted carefully. I am concerned that this rule targets individuals with mental illness without requiring the Social Security Administration to determine that the individuals whose rights are being limited are dangerous either to themselves or others. As a result, this rule inadvertently reinforces an unfortunate and inaccurate stereotype that suggests that most individuals with mental illness are violent.

Rather than focus on whether the beneficiary presents a danger, the rule instead turns on beneficiaries' ability to manage their finances. Because of this, the rule includes a test that could lead to absurd and unfair results. Under the rule, two individuals could present the exact same condition and symptoms, but if one of them required

assistance with their financial affairs, that person would be reported to the NICS background check system, while the other would not.

I hope that the Social Security Administration will consider these suggestions as well as the comments from my good friend from Pennsylvania, Senator TOOMEY, and others, and promulgate a new rule. Addressing these concerns would result in a more effective rule, consistent with Constitutional requirements, which would make Americans safer while protecting the rights of those living with mental illness.

Mr. VAN HOLLEN. Mr. President, guns kill 36,000 Americans every year. That's nearly 100 Americans every day.

To help address this scourge of violent death, Congress enacted the Brady Handgun Violence Prevention Act in 1993. The Brady Act required the Attorney General to establish the National Instant Criminal Background Check System, or NICS, to determine whether Federal law prohibits a potential buyer from getting a gun.

Following the Virginia Tech massacre in 2007, which left 33 dead, President George W. Bush signed into law the NICS Improvement Amendments Act to improve the national background check system. The Virginia Tech shooter was able to buy a gun because the background check system did not include information about his mental health.

The prohibition on buying a gun now applies to people who, as a result of their mental condition, have been determined to pose a danger to themselves or others or lack the capacity to manage their own affairs. The Social Security Administration proposed its rule to meet the requirements to strengthen the background check system in the 2007 NICS Improvement Amendments Act.

The Social Security Administration's rule defined Social Security disability beneficiaries who are have a mental impairment and need another person—known as a “representative payee”—to handle the receipt of their benefits to fall within the category of those who lack the capacity to manage their own affairs. Importantly, these determinations would be subject to judicial review. The rule is not a perfect fit, but it is an appropriate one.

I have heard from some disability rights advocates that this rule may be unduly broad and might prohibit too many people from owning a gun. I am sensitive to the concerns of people with disabilities. It is wrong to stigmatize people with mental disabilities as the cause of gun violence. And people with disabilities, like all Americans, have important rights under the Second Amendment. I would be open to changes to the rule that would make appeals from determinations easier to make, and I would be open to other

ways to better identify people who are a danger to themselves or others or lack the capacity to manage their own affairs.

A resolution to disapprove the rule under the Congressional Review Act, however, is not the right way to get to a better result. If Congress enacts the resolution of disapproval, then the law would prohibit the Social Security Administration from writing a better rule in its place.

Better still, Congress could enact sensible gun legislation. But instead of working with Democrats to improve the law, Republicans have chosen to use the blunt instrument of the Congressional Review Act to repeal the rule. Using the Congressional Review Act is far from the most precise way to address this problem.

The powerful gun lobby has prevented Republicans in Congress from supporting common sense legislation that most Americans favor. The overwhelming majority of Americans believe in universal background checks and that guns should be kept out of the hands of people who have been determined to pose a risk or are unable to manage their affairs. Repealing the Social Security Administration's rule would go in the opposite direction. Enacting this resolution of disapproval will only make it harder to keep American communities safe, and thus I oppose the resolution.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, whenever the discussion in the Senate turns to gun violence, we often hear Senators say: We shouldn't be talking about guns; we ought to be talking about mental health. That is exactly what we are trying to make sure is the focus of this debate because this proposed rule is about mental health, and it is about background checks; it is not about taking away anyone's constitutional rights.

Here is how the proposal works. If there is an individual with a severe mental impairment—that means that another person, perhaps a family member—is in charge of their Social Security benefits, then the background check is to be informed by Social Security that the person with a severe mental impairment is ineligible to buy a gun.

Having listened to the debate yesterday, I think everybody is going to be a little confused about what happens then because the reality is that anyone who thinks they have been unfairly affected can appeal, and the likelihood is substantial that they are going to win. If the appeal goes the other way and the individual believes the decision is wrong, then that person can take the matter to court. It is not true to say this rule deprives any American of due process. It is a rule aimed directly at the two areas in this debate—mental

health and background checks—where there is enormous support from the American people.

The reality is you can talk to people in virtually any community—you can go to a townhall meeting in any part of the United States—and you will hear enormous support for background checks. One recent poll found that 92 percent of gun owners supported expanded background checks. Ninety-two percent of gun owners supported background checks. So not only is the position I am articulating not extreme, opposing background checks is the position that, in fact, has become increasingly out of the mainstream.

As the courts continue to interpret the language of the Second Amendment, one matter has been clear: Background checks are a constitutional part of the exercise of those rights.

I have heard some saying that the rule can be improved, that it ought to be tailored. I am very open to having a debate around those kinds of questions. That is not going to be possible if this resolution passes. This will preempt debate. The resolution doesn't just scrap the rule, it blocks any further step on this issue for years. In my view, that would be the wrong way to go, even if you have suggestions for improving the rule.

So to wrap up the debate, I want colleagues to know that this rule, this proposal that has been described on the floor—this resolution—ought to be opposed because for those who want improved mental health, for those who want background checks, for those who are just saying what we need to do in this area as it relates to gun violence—it is not about Democrats and it is not about Republicans; it is about common sense. The commonsense position today for background checks, a focus on mental health, and, most importantly, common sense is to oppose the resolution.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. GRASSLEY. Mr. President, on this side I yield back our unused time.

Mr. WYDEN. I yield back.

The PRESIDING OFFICER. All time is yielded back.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—57

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Strange
Crapo	King	Sullivan
Cruz	Lankford	Tester
Daines	Lee	Thune
Donnelly	Manchin	Tillis
Enzi	McCain	Toomey
Ernst	McConnell	Wicker
Fischer	Moran	Young

NAYS—43

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Udall
Casey	Markey	Van Hollen
Coons	McCaskill	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

The joint resolution (H.J. Res. 40) was passed.

ORDER FOR RECESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2 p.m. today; further, that the time during the recess count postcloture on the Mulvaney nomination.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

CLOTURE MOTION

Mr. McCONNELL. I yield back all the time on this side.

Mr. CORNYN. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

Mitch McConnell, John Cornyn, Mike Rounds, Tim Scott, Johnny Isakson, James M. Inhofe, Roger F. Wicker, John Thune, Michael B. Enzi, Lindsey Graham, David Perdue, Orrin G. Hatch, Mike Crapo, James E. Risch, James Lankford, John Hoeven, Chuck Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of MICK MULVANEY, of South Carolina, to be Director of the Office of Management and Budget shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Shelby
Corker	Johnson	Strange
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 48.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of MICK MULVANEY, of South Carolina, to be Director of the Office of Management and Budget.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today as the Senate considers the nomination of MICK MULVANEY of South Carolina to be the Director of the White House Office of Management and Budget. That is OMB. We are long overdue in confirming Mr. MULVANEY to this key post because our Nation has so many pressing budgetary issues requiring the attention of this new administration. First among them is the staggering \$20 trillion debt burden we are now faced with after 8 years of anemic economic policy and growth—and growing at the rate of half a trillion dollars a year.

Confirming an OMB Director we can work with will put America on a more responsible fiscal path.

With their unprecedented attempts to delay the new Cabinet, Senate Democrats have ensured that the President has now been without an OMB Director longer than any other President in the past 40 years. That is how long the Budget Act has been in place. According to Senate records, from President Jimmy Carter to President Obama, the longest it has ever taken to approve a first budget director for a new President was 1 week—1 week. We are now in week 4, with little or no movement. As Majority Leader McCONNELL said last week, this is the slowest time for a new Cabinet to be up and running since President George Washington—and that was last week. It is even slower than that, and we are still not done.

It is vital that we fill this position as soon as possible because the Director of the Office of Management and Budget will help set the President's budget priorities and play an important role in working with Congress on setting the appropriate spending levels for the Nation. This position is crucial to helping the Federal Government function in what is shaping up to be a very challenging fiscal environment that requires all of our attention.

Some may wonder why Democrats are opposed to Mr. MULVANEY. It could be because he has been a vigilant budget hawk during his 6 years in Congress, focused on the question of how we ultimately stop the Federal Government from overspending while continuing to fund the country's core priorities and responsibilities. They could be worried that the White House Budget Director will be a prominent voice, arguing for fiscal restraint, for responsible budgets, and for honest budgeting that avoids the use of gimmicks, such as emergency funding designations for nonemergencies.

I am hopeful Mr. MULVANEY and the OMB will ensure the taxes the hard-working Americans send to Washington are spent in the most efficient and effective way. The Federal Government has not been currently focused on making sure hard-working taxpayers get the best deal for their money. A new OMB Director focused on responsible budgeting can help ensure that when duplication in government programs and agencies is discovered, it is addressed. This will help make the Federal Government more accountable and effective.

The Government Accountability Office, GAO, every year outlines tens of billions of dollars in savings that can be achieved through various efficiency measures. OMB can play an important role in ensuring that spending programs do not duplicate each other while protecting hard-working taxpayers. Additionally, reforming and

consolidating these programs can ensure that they focus on real needs and be managed with an eye on real results.

The Federal Government has grown so large and so complex that no one seems to know how many Federal programs exist. Even the executive branch can't tell us how many programs it administers. I have directed a lot of questions to the past administration, trying to find out exactly that. Of course, I would like to not only know how many programs they administer, I would like to know how many dollars are involved, I would like to know how many people it employs and how many customers they serve. There ought to be some kind of relationship there that means we are making a difference, but nobody is looking at it.

Several years ago, Congress even passed a law requiring the administration to publish a list of all Federal programs on a central governmentwide website, along with related budget and performance information—some of what I was just talking about. Unfortunately, when the program lists were put online, GAO reviewed the information and discovered that the inventory, in their words—listen to this carefully—was “not a useful tool for decision making.” What were they afraid of? But even if the government can't answer that question, we can find strong evidence that the number is on the rise, and Mr. MULVANEY will be able to play a crucial role in taming the unchecked growth of the Federal Government.

I also look forward to working with him on the urgent need to reform the broken budget process, which has contributed to the budgetary stalemate and recurrent continuing resolutions to which Congress now routinely resorts in order to postpone hard decisions about spending and debt, which delays agencies from being able to plan.

There is an urgent need for important reforms to the process, such as implementing biennial budgeting so they can plan 2 years at a time, and the overhaul of outdated budget accounting concepts that have outlived their usefulness. Ultimately, my goal is to have Congress work with this new administration to produce comprehensive and lasting budget reform that can put our Nation on a better fiscal path. The Budget Committee has been working on that for a year in a very bipartisan way. It is time for us to put some of those into place.

Despite its significance, the preparation of the President's annual budget submission is only one of the responsibilities of OMB. As an entity within the Executive Office of the President, OMB has numerous governmentwide management responsibilities, in addition to budgeting and spending, that concern various activities carried out by Federal agencies. These include

agency rulemaking, agency contracting, agency grants management, agency financial management, information technology, program assessment, personnel policy, property management. We don't even have a list of what property we have, let alone when it is probably going to outlive its usefulness and when it needs to be replaced. That would be capital budgeting. I hope we can do that at some point.

It is for these reasons and more that I encourage the Senate to exercise its constitutional duties to provide their advice and consent on this key Cabinet-level position and confirm Representative MICK MULVANEY of South Carolina to be Director of the Office of Management and Budget.

I have talked to him extensively. I have known him for a long time, and I know he will do a spectacular job with this at providing good advice to the President so we can do whatever we can do and bring as many people together in meeting the responsibilities of this government. I hope the people will join me in support of this outstanding nominee.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, we are moving forward now on the consideration of Congressman MICK MULVANEY, the President's nominee to head the Office of Management and Budget, which is an enormous responsibility and which often directs the traffic of what is going to happen in all of the agencies and directs traffic as to what legislation the White House is going to be working on and working with the Congress on. This is an enormous responsibility and a very powerful position.

When looking for someone to lead this agency, we have to carefully consider the person's record. The Presiding Officer is someone who is practical, who is a military officer, and who understands a lot about human nature, as I hope this Senator from Florida does, and what I suspect that both of us have found is that you can often tell where a fellow is going by where he has been.

Let's look at Congressman MULVANEY's record on everything from things like Social Security and Medicare. Let's look at what his record is on climate change and sea level rise, and, oh, by the way, of particular note to the gentleman presiding in the Chair, what is his record on defense spending. Office of Management and Budget is going to have a great deal to

say about what is in the budget with regard to any kind of spending, but let's see what he has said with regard to defense spending.

Congressman MULVANEY has advocated for raising the retirement age for Social Security to 70. He has also said he wants to raise the Medicare eligibility age from 65 to 67, both of which would require senior citizens to work longer, even though they have worked a long time and have paid into these programs in good faith.

Take, for example, Medicare. People have tried to provide for health insurance, if they have enough money, or otherwise through the ACA, getting subsidies to afford health insurance or, if they don't have enough money, having Medicaid, and they are waiting for the day they turn 65 to be eligible for Medicare.

It is the same thing with Social Security. Social Security over time has been raised from 65 to 67, but Congressman MULVANEY has talked about raising the eligibility for Social Security to age 70. I don't think this is going to go over too well with a population of senior citizens who have paid into Social Security, who have paid in to finance Medicare and now are being told they are going to have to wait until later.

I know how you can dress it up. You can say: Oh, it is not going to affect anybody who is currently eligible, but what about all the young people who are paying in? Well, time flies, and suddenly they find they are approaching that age in their midsixties. I don't think people are going to take very well to Congressman MULVANEY's position.

Let's see what else he has said. He called Social Security a Ponzi scheme. He further has said he supports turning Medicare into a voucher system. That, under any independent economist's examination, would lead to big cuts for seniors, many of our senior citizens who have no other options for health coverage.

When the President was running for office—remember, he said exactly the opposite. Then-Candidate Trump said he promised there would be no cuts to Medicare and Social Security. Yet the White House has nominated somebody who has taken positions contrary to that because it is clear from Congressman MULVANEY's past positions, that we can't rely on him to keep this promise that the President made.

Again, I remind our listeners that the head of the OMB is like a chief air traffic controller. He is directing a lot of the traffic of what the White House will bless, and it is a position—need I remind you—that is also considered a member of the President's Cabinet. Well, the positions MULVANEY has taken are opposite to those stated by Candidate Trump.

Let's look at something else. You know the Nation has debt. In fact, U.S.

bonds are the strongest investment in the world because they are backed up by the full faith and credit of the U.S. Government, the strongest government in the world. So any kind of U.S. debt, backed by the full faith and credit, is the strongest investment in the world, but Congressman MULVANEY has taken an alarming position on our Nation's debt, advocating for shutting down the government and defaulting on the debt—all a part of a political game to gain leverage in budget battles.

Anybody who takes a position that you want our government to go into default on its financial obligations—that is a pretty extreme position. So this Senator would merely say we can't have somebody in charge of our budget as the Director of the Office of Management and Budget who is willing to risk a default on our government to meet a personal ideological agenda.

Let's look at something else. The Presiding Officer is in one area of the United States outside of the continental United States, and yours truly is in another part of the United States. One is near the Arctic, and the other is near southern climes. Our State, and specifically South Florida, is ground zero for sea level rise.

I think most people are familiar with the photographs on television showing seawater washing through the streets during the seasonal high tides of Miami Beach. Most people have heard that in some of the coastal cities they had to relocate well fields further west because of sea level rise and the intrusion of salt water, which is heavier than freshwater, into the interior. Florida sits on top of a honeycomb of limestone that is filled with water. That is what is happening in the southern part of the United States.

A NASA scientist testified to the Commerce Committee that—these are measurements, not forecasts or projections but measurements over the last 4 years—the sea has risen in South Florida 5 to 8 inches. Of course, we have heard the projections. This is something we are getting ready for. The city of Miami Beach is spending millions of dollars on very expensive pumps. Other governments in South Florida are planning to do the same. It is not a forecast. It is happening.

Three-quarters of our State's population in Florida lives on the coast. Look at the population in the United States. A lot of people live on the coast, and those populations are going to bear the brunt of sea level rise from the flooded streets to tainted drinking water. But during his confirmation hearing, the fellow being considered to be head of the OMB, Congressman MULVANEY, questioned the scientific fact of climate change.

We can't muzzle scientists. We can't muzzle science. It is not going to go away. You can attempt to muzzle the scientists as some Governors in the

South have done, and alarmingly, as I have found in the last few weeks, some agencies of government are having implied threats that they stop using the words “climate change.” You can’t muzzle this when the effects of scientifically proven climate change are posing a real threat to a lot of our people.

I specifically made it a point to question the fellow whom we will vote on next week—a really good person, Wilbur Ross, who is going to be the Secretary of Commerce. He came out of our Commerce Committee with an overwhelming vote. I specifically said, and it is on the record: What do you think about climate change science?

I said: Mr. Ross, Wilbur Ross, do you know you have three Nobel laureates as scientists who are employed in the Department of Commerce? Do you know that you have not only NOAA and all the intricate measurements that are so important for us to protect ourselves, to read in-bound hurricanes, tornadoes, the amount of rain that is going to fall for our agriculture industry, all the rest, but also we have scientists over there in the Department of Commerce, I reminded him, who are doing the delicate measurements of science, of standards and technology that are kneading science to sniff the atmosphere for nuclear explosions by potential enemies. We don’t want to muzzle these scientists. We want them to bring forth the best that they can come up with in modern-day techniques.

I would ask the Presiding Officer to look at the bill we have filed with a number of our fellow Members of the Commerce Committee, the Scientific Integrity Act, which would ensure that Federal scientists can freely communicate their findings with the public and with Congress. It requires Federal agencies to implement and enforce scientific integrity policies and to ensure that adequate procedures are in place to report when those integrity policies are violated. That ought to be common sense. That ought to be the normal course of business around here. Let people speak their minds, speak their expertise. That is what we want. That bill requires Federal agencies to implement and enforce those policies.

Let’s get to defense spending. The nominee for Office of Management and Budget—Congressman MULVANEY’s—record on military spending is concerning. In 2011, in an interview on ABC’s “Top Line,” Congressman MULVANEY said:

Defense has to be cut—it has to be on the table, no question. There is a group of Republicans—myself included—who think that we should be cutting defense. There’s a large portion of folks in our own party who know that you can cut defense and not impact the ability of our troops in the field to be defending us.

Why don’t we ask the people in Ukraine who are fighting for their lives

against the projected arm of Vladimir Putin trying to take over their territory, just like he already did in taking over Crimea? Why don’t we ask our NATO allies? Why don’t we ask our troops in the hot, sandy regions of Iraq and Syria right now? Yes, our U.S. troops are in Syria—the Special Operations forces advising the combined forces over there fighting ISIS. Why don’t we ask them if they want defense cuts? As we see the continuous projection of the ability of Russia to move on to three Baltic States which are our NATO partners, why don’t we ask them if they would like our defense budget cut? Why don’t we ask our allies in the Pacific region that are so concerned about the testing of these increasingly longer range, intermediate range ballistic missiles by North Korea—why don’t we ask them if they want us to cut back on the assets that we have in the region to be able to protect them from the North Koreans if that child dictator suddenly goes off on some crazy tangent and pushes the button?

So I will just summarize and state that Congressman MULVANEY has repeatedly demonstrated an unwillingness to face domestic and global realities, and for this Senator, that raises serious concerns as to whether he can be trusted to responsibly oversee our Nation’s budget process. For these reasons and others, I will be voting no on Congressman MULVANEY’s nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

Mr. KAINE. Thank you, Mr. President.

I rise to speak on the nomination of Representative MULVANEY to be Director of the Office of Management and Budget, the matter currently pending before us.

I will vote against the nomination because of Representative MULVANEY’s opposition to bipartisan budget accords, targeting of Federal employees, and his willingness to use the full faith and credit of the United States as negotiating leverage.

Background. This is a really important position and I am on the Budget Committee that oversees OMB and its opportunities. The OMB Director is a primary adviser to the President on budgetary matters. The OMB Director is in charge of preparing the annual budget submission to Congress, and the management function of the OMB is a very important one in terms of management of the Federal workforce and the work of the executives.

We have seen OMB Directors in the past deeply involved in fiscal negotiations of national importance, most notably in the time I have been here on deals to address the across-the-board sequester cuts and even the shutdown of government in October of 2013. So it is very important that in this position the Director have a proven record of public service. One side or the other is fine, but there has to be a recognition of the value of bipartisan compromise, putting the country first, putting pragmatism ahead of ideology, and a commitment that is rock solid to maintaining the fiscal credibility and integrity of the country. I worry about Representative MULVANEY in each of these areas.

With respect to bipartisan compromise on budget matters, I was a budget conferee in 2013 after the government shutdown. The Senate and House each had a budget. There was a refusal to sit down to do a budget conference. That led to the absence of a budget and the shutdown of the government for 16 days—the greatest government on Earth.

As we came out of that, there was a recognition and an agreement that we would sit down and try to hammer out a budget compromise. People didn’t give us a lot of odds that we would do it, but because of the leadership of then-Budget chairs, now the current Speaker of the House, PAUL RYAN, and PATTY MURRAY, the Budget chairs enabled us to reach a compromise that was for the good of the country by the end of calendar year 2013.

At that point, the nominee was a Member of Congress and played a very active role in opposing the budget compromise. He voted against the deal we needed to get following the shutdown of the government, and his quote was:

It seems, yet again, that Washington cannot wean itself from its spending addiction. Indeed, what we saw today is another example of how we got \$17 trillion in debt: we can have lots of bipartisanship, as long as we spend more money.

The unwillingness to embrace a bipartisan compromise, even after the Government of the United States shut down, troubles me significantly.

I worry about his pragmatism on these matters. He has supported using government shutdown and the threat of government shutdown as a lever—as a lever to defund Planned Parenthood, as a lever on other matters that he thinks are important, and that is fine, but to use those as a lever—to use the shutdown of the Federal Government—that government that Abraham Lincoln said was a government by, of, and for the people and it should not perish from the face of the Earth—I view that as we shouldn’t shut the Federal Government of the United States down—but he has used debt ceiling and shutdown as a leverage to gain his way on points of lesser importance than whether the government stays open.

He has continued to support the sequester, which I believe is bad policy for the United States: "We want to keep the sequester in place and then take the cuts we can get."

There is also a significant issue that matters to me in my State. I asked him about it during the hearing that demonstrates an ideology over pragmatism, which is, Does he accept the science behind climate change? Why does that matter for an OMB Director?

Well, we are investing money in storm relief. We are investing money in emergency relief. We are investing money when we rewrite the flood insurance program.

In Hampton Roads, Virginia, in the State where I live, 1.6 million people—the biggest center of naval power in the country—deeply affected by sea level rise. If you are a Budget Director, some of what you do is make recommendations for how to spend money on things like resilience to sea level rise, but if you do not believe that humans are affecting climate change, then your budgets are not going to show that you think that is a priority. In questions before the committee, Representative MULVANEY challenged the notion that humans are affecting climate change.

Finally, I worry about his effect on the Federal workforce. There are more than 170,000 Federal employees in Virginia, a large part of my constituency. They do a great job. There is going to be some challenging employees in any entity, whether it is in the Senate or whether it is in a private entity. On balance, our Federal employees are people who deserve our thanks for the job they do.

The House took an action at the beginning of January—the Senate did not take this action, but the House took an action that reinstated something called the Holman rule. The Holman rule is a longstanding, but for a long while unused, doctrine that allows the House, in an appropriations bill, to target an individual employee and reduce their salary to as low as \$1 a year. They couldn't fire someone without violating civil service rules, but the House voted to be able to target individual employees and reduce their salaries to \$1 a year. This, together with a Federal hiring freeze and other actions, is causing a great deal of angst among the Federal workforce. Congressman MULVANEY supported the notion of bringing back the Holman rule so individual employees could be targeted. I asked him about that when we visited in the office, and he did not have an answer that I found convincing or credible.

Finally, the debt ceiling. We are going to confront within a few months the debt ceiling of the United States—our willingness to honor the obligations of the debt that has previously been incurred. The full faith and credit

of the United States shall not be questioned is something that is very important. I think it is in the 14th amendment to the Constitution. Certainly, that has been our example that we have set around the world; that we have strong credit and no one can ever question whether the United States will stand behind its debts.

Congressman MULVANEY has often taken the position that the United States could default on debt and then prioritize which debts it would pay. That happens in the commercial space sometimes. Sometimes it is an intentional tool and sometimes it is an accidental tool and we have bankruptcy laws to allow the prioritization of debt. The United States does not repudiate its debts, and we should not flirt with something like a debt ceiling and suggest that we are going to repudiate our debts.

In closing, I am troubled by the nominee's opposition of bipartisan budget efforts. I am troubled by an ideological position that says we could potentially default on our debts or flirt with shutting down the government to achieve my way on this or that issue. For those reasons, I would oppose him.

His public service in Congress is something I respect, and I respect the fact that he has been returned to the body multiple times by his voters. That should be worthy of respect as well, but in terms of being the chief budget official for the United States, I do not think he has demonstrated the ability to do that and to keep America's fiscal policy and reputation sound.

For those reasons, I will oppose him. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROUNDS. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CLINT ROBERTS

Mr. ROUNDS. Mr. President, I rise today to commemorate the life and legacy of Clint Roberts, who passed away in the early morning hours of February 13 at the age of 82.

Clint is a former Member of the U.S. House of Representatives, the South Dakota State Senate, and a former South Dakota secretary of agriculture. He helped give birth to the Conservation Reserve and the Conservation Reserve Enhancement Program, which have been extremely beneficial to farmers, ranchers, and landowners, not only in South Dakota but across the

country. These programs helped increase farm and ranch family incomes at a time of great economic turmoil.

But more importantly, Clint was a mentor and a hero to me and to many others and, I am proud to say, a lifelong friend to me and Jean. I have always looked up to Clint and sought him out for advice.

I first met Clint when I was an intern in the South Dakota State Senate in 1976. He was serving in a leadership position. He taught me many valuable lessons over the years about politics, policy, family, and public service, just to name a few. He also is credited with introducing me to that exquisite combination of water and Scotch over 40 years ago at the Kings Inn in Pierre.

Clint grew up on a ranch near Presho, SD, in Lyman County, and never let go of his cowboy roots, his hat, or his boots. He was an iconic symbol of a cowboy and of the Wild West, so much so that he was one of the finalists to be the "Marlboro Man" in the mid-1970s. He also appeared in minor roles in films and even in a Super Bowl commercial.

But even off camera, he was a cowboy through and through. He was down to earth, a straight shooter, and a practical conservative who believed in freedom and helping those in need. He was also a problem-solver who fixed what was wrong instead of just talking about it.

He was one of the true conservationists in South Dakota, promoting wildlife and conservation on his operating farm and ranch. He taught many the importance of the CRP, or the Conservation Reserve Program, and preserving our natural resources. During pheasant hunting season, he always opened his ranch to hunters, and loved making his secret recipe for chili for all to enjoy. But most of all, he understood the importance of family. He was a great husband to Bev, a father, grandfather, and great-grandfather, and he was a great friend to all who knew him. He had a tremendously positive impact on the many thousands of people whom he met and touched with his kindness, selflessness, and generosity. South Dakota is truly a better State, and we are a better people because of his hard work and dedication to making things better.

With this, I welcome the opportunity to recognize and commemorate the life of this public servant and my friend, Clint Roberts. We will treasure his legacy for years to come.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent that I have the opportunity to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent that I be able to express my entire remarks during this period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING LADD SEABERG

Mr. MORAN. Mr. President, Ladd Seaberg, a Kansas resident whose home was in Atchison, KS, passed away on Kansas' 156th birthday. My State lost an individual who epitomizes all that it means to be a Kansan.

Throughout his life, Ladd was dedicated to serving his family, his friends, his colleagues, and his hometown of Atchison.

Atchison is along the Missouri River, the Kansas River, and right on the border with the neighboring State. They have a long history in that community, and he and his family have had a long opportunity, which they have taken advantage of, to benefit the citizens of that community. He fought a courageous fight with a terrible, progressive neurodegenerative disease, and he was laid to rest last week.

As a stalwart figure of Northeast Kansas who worked at MGP Ingredients for 40 years, he will long be remembered for his character and his leadership. Most everything good in Atchison involved Ladd and his family.

Ladd was not born a Kansan. He was born in West Texas and graduated from Texas Tech University, where he met his wife Karen Cray during a national science fair put on by the U.S. Air Force. Naturally, they both won first place awards at the fair, and later moved to Karen's hometown of Atchison, where they made their life and raised their family.

With a degree in chemical engineering and the mind of a true engineer, he had a passion for understanding the way things work on a mechanical level. His love of tinkering led him to a longtime hobby as an avid amateur radio operator.

Upon moving to Atchison, he began working at MGP as a distillery production manager. During his first 11 years there, Ladd rose to become the company's president and later CEO and, then, chairman of the board. He had an integral role in bringing the company public, when it became listed on Nasdaq's exchange.

Ladd and his beloved wife Karen, who now serves as MGP's board chairwoman, were blessed with two daughters and six grandchildren, who still live in Kansas today.

Beyond his leadership at the company MGP, where his intelligence and encouraging management style will long be remembered, Ladd contributed

on numerous boards and to even more organizations that improve the lives of those who live in the community and around the State. To name but just a few, he was a founding member of the International Wheat Gluten Association, separately represented the U.S. grain community at the World Trade Organization meetings, and was a board member of the Kansas Chamber of Commerce and Industry.

He was also one of the original founders of the Atchison Area Economic Development Council, a longtime member of the Historical Society, and a former chairman of the Atchison Area Chamber of Commerce board.

Ladd's leadership was indispensable on the Amelia Earhart Memorial Bridge committee to construct a new bridge in 2012 across the Missouri River named for a fellow pilot and fellow Kansan, Amelia Earhart, one of our State's proudest daughters.

He cared deeply about education in his community, as evidenced by the recognition he and his wife received from Benedictine College, the Cross of the Order of St. Benedict, the institution's highest honor. His faith also played a significant role in his life, having served as an elder and deacon of the First Presbyterian Church of Atchison.

One can hardly overstate what he meant to northeast Kansas, as Ladd always sought opportunities to serve his fellow Kansans. He was a mentor to many and gave of himself to all who were fortunate enough to pass his way.

I appreciate his contributions to our State, and my prayers have been with his wife and family, father and grandfather. It is sad that Ladd was laid to rest, but may he rest in peace.

APPROPRIATIONS PROCESS

Mr. President, there is a lot going on in the Senate, and I am grateful for that. I hope we can resolve our differences and begin to work on policy. Personnel do matter. But what I want to highlight, as we look at the agenda for the Senate, when we look at an agenda for this Congress and the Federal Government, is the appropriations process.

One of my goals as a Member of the Senate—I didn't expect this when I was elected; I didn't expect there to be a problem—what I want to see is the Senate function. All 100 U.S. Senators, whether they are Republican or Democratic, ought to take a great deal of responsibility for seeing that this place, the U.S. Senate, gives each Senator the opportunity to present his or her ideas, to represent his or her constituents, and to make a difference on their behalf. One of the ways we can do this is in the way that we appropriate money.

The appropriations process is important. At the moment, we are operating under a continuing resolution that expires in a few months. We have had lots of conversations about the first 200

days of this Congress, the first 100 or 200 days of the administration. We have talked about the importance of confirming Executive nominations. We have talked about the importance of dealing with the consequences of the Affordable Care Act. We have talked about the need and the desire to repeal regulations that are onerous and damaging to our ability to create jobs. We certainly have talked about the need to do an overhaul in a comprehensive way of the U.S. Tax Code.

I want to raise to my colleagues' attention and hopefully generate awareness about one of the things that seem to be missing in that discussion about what our agenda is or should be, which is the necessity of doing appropriations bills.

The way this place is supposed to work is that by law, by April 15, we are to have passed a budget, and then 12 separate appropriations bills march their way through the Appropriations Committee and come to the Senate floor, where they are available for amendment, discussion, and debate by every Member of the Senate. We ultimately pass each of those 12 appropriations bills and send them to the House or vice versa. Those 12 appropriations bills fill in the blanks.

Unfortunately, what has happened way too often is we have gotten in the habit of passing something we call a continuing resolution. Continuing resolution means that we are going to fund the Federal Government, its agencies and departments, at the same level of spending next year as we did this year. That suggests that there is no ability to prioritize how we should spend money. That is poor government. In fact, if you have had continuing resolutions year after year, the priorities of spending that were in place 2, 3, 4 years ago have become the priority of spending next year.

In my view, it would be a terrible mistake for us to reach the conclusion that we can do no better than a continuing resolution in the appropriations process this year that takes us to the end of the fiscal year. It is not just about priorities; we need to get spending under control. In fact, the appropriations process has generally done that. There is a reasonably flat line in the growth of government spending on the discretionary side, the things that the Appropriations Committee deals with, the things that we as Senators deal with on an annual basis.

In addition to determining priorities and levels of spending, another reason this is important is that it is our opportunity to influence decisions made by various agencies, departments, and bureaus of the Federal Government.

In my view, the Constitution of the United States created the Congress—the congressional branch, the legislative branch—for reasons of trying to restrain Executive power. When we do

a continuing resolution, we leave so much discretion, so much power in the executive branch. It doesn't matter whether it is a Republican President or a Democratic President, Congress is here to protect the American people from an ever-encroaching desire on any administration to garner more power and to make more influence in the Nation. Congress has the ability, if we will use that ability, to restrain Executive action. We are going through a series of Congressional Review Act procedures in which we are rejecting regulations made in the final days of the past administration.

A more effective long-term approach to dealing with the expansive nature of the bureaus, departments, and agencies is to have an appropriations process in which the agency head, the Cabinet Secretary, or the bureau chief knows that his or her relationship with Congress may determine how much money he or she has to spend within that agency. If we do a continuing resolution, there is little reason for an agency head, a Cabinet Secretary, or a bureau chief to pay attention to Congress, and that is contrary to the constitutional provisions giving us the responsibility to appropriate money, and it continues the practice of an administration expanding their role in the lives of Americans and its businesses.

We need an appropriations process different from just a continuing resolution. We need to have the opportunity for agency heads to know that the appropriations process is going to matter to them. It causes them to have conversations and discussions with us, gives us the ability to tell an executive branch official: This doesn't work in my State. This is very damaging. This rule or regulation you are proposing is harmful. Can you go back and do it in a different way? Do you understand what this means in this circumstance?

Again, our leverage to have those conversations is often whether or not we are going to appropriate money and what that level of spending will be for that agency.

The other aspect of this is that in the absence of that dialogue and change of heart by that agency head, we then have the ability to say as a Congress that no money can be spent to implement this idea, this regulation, this rule.

While we focused attention—rightfully so—on the Congressional Review Act and its ability to limit and in this case repeal and reject regulations, the long-term ability to rein in any administration that exceeds its authority and operates in a way that develops regulations that lack common sense or an appreciation of how they might affect everyday Americans is through the appropriations process, and a continuing resolution will once again take away the constitutionally mandated, the constitutional responsibility we

have in doing our jobs to protect the freedoms and liberties of the American people.

We have had a lot of conversations about what we are going to try to accomplish. One of the things that I want to make sure is on the agenda is, when the time comes, which is now, the conversation is—I hope the conversation is not “Well, we have run out of time. We are just going to do another continuing resolution and fund the Federal Government for the next few months at the same level as we did last year.” We need to exert our authorities to make sure the American people are out of harm's way from what government can do. The Constitution was created to protect Americans from an ever-expansive government, and it only works when Congress works.

The time is short. We hear that the administration is going to offer supplementals or amended requests for additional spending, especially in the defense arena. We need to get our appropriations work completed so that they have an opportunity to supplement, to make suggestions to Congress about what that appropriations bill should finally look like. We are close to failing in our responsibility to do that. Congress needs to do its work.

All 100 Members of the U.S. Senate can have their opportunity to have input in how money is spent. We can defend and protect the taxpayer; we can defend and protect the consumer; we can defend and protect the job creator; we can defend and protect the employee—but not if we don't do our work, not if we don't do appropriations bills and we rely once again on this technique of shrugging our shoulders, throwing our hands in the air, and saying that the best we can do is tell an agency that their spending authorities will be the same next year as they were last year.

We need to do our work. We need attention. The appropriations process should begin. And I ask my colleagues to give serious thought to helping accomplish that.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. COTTON).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, earlier today the Senate moved forward with the President's nominee to head up the Office of Management and Budget, Congressman MULVANEY. Congressman

MULVANEY spent years representing the people of South Carolina and has been thoroughly engaged on budget issues during his time in the House of Representatives.

He has highlighted the fact that the Federal Government is on an unsustainable fiscal path if nothing changes in Washington, DC, and that it is reckless to keep running up the Nation's credit card with trillions in more debt and unfunded liabilities, not to mention the immorality of passing down to the next generation the obligation of actually paying that money back.

So Congressman MULVANEY is actually, I think, a very good choice for this critical role, and I look forward to voting on his confirmation soon.

TRADE

Mr. President, I want to weigh in briefly on the issue of trade. During the Presidential campaign and since then, there has been a lot of talk about international trade. It has led to a healthy debate about lopsided trade deals—whether bilateral trade deals or multinational trade deals actually are better—and how best to leverage trade to help American workers and consumers.

In my State of Texas, there is no question trade delivers in two ways. One, it helps Texas families stretch their paychecks by providing greater access to more affordable goods. That is a good thing. And two, it helps our farmers, our ranchers, our small businesses, and other manufacturers access more customers around the world.

Texas continues to lead the Nation as the top exporting State, and it has done so for about a decade now. It is one reason our economy has done better than the national economy in recent years. And it is estimated that Texas trade supports more than 1 million jobs currently.

But it is important to understand that our economic partnership with Mexico has been a key part of that success, and that is thanks, in part, to the North American Free Trade Agreement, or NAFTA, the trade deal between the United States, Mexico, and Canada.

Our southern neighbor is our largest export market, with more than one-third of all Texas goods—including ag products and manufactured goods, to the tune of close to \$92 billion a year—heading south of our border because of NAFTA and trade. Well, this may not be universally true around the country, but suffice it to say that in Texas, NAFTA has been a big success for our economy. And because Texas has been leading the Nation in terms of economic growth and job creation, I think it is fair to say that it has helped the Nation as a whole not recede into a recession with the anemic growth rates that we have seen since 2008.

It is not just that my State benefits from the deal. The agriculture industry

across the country benefits greatly. Mexico is one of the biggest buyers of crops grown in the United States, like corn. In fact, Mexico is the third biggest export market for American agriculture.

NAFTA is not just critical to my State, but for those far away from the southern border, as well, like Ohio and Michigan, which export a majority of their goods to NAFTA partners. I think it is important to acknowledge the fact that roughly 6 million jobs in the United States depend on bilateral trade with Mexico.

But here is the truth: The world looks a lot different today than it did 20 years ago when NAFTA was negotiated, and there is ample opportunity to work with our partners to craft a better deal for the United States. We can update it to be even more constructive and an even bigger driver of the U.S. economy.

Trade is essential to our economy, and I believe the administration agrees with me on that. In my conversations with Mr. Ross, who will head up the Department of Commerce, and others—the trade negotiator and the like—they all tell me that this administration is pro-trade, although they are skeptical of large multinational trade deals like the Trans-Pacific Partnership.

We have also recently heard the President himself talk about the importance of our relationships with countries like Canada and Japan. During the visits of the Prime Ministers of each of those countries in the last week, with both heads of State, the administration continues to stress the importance of robust trading partnerships. And the President has made it clear that he supports those.

I believe that good trade deals help everyone, so I want to be clear that the United States is not retreating from the global economy, as if we even could. With more than 95 percent of the world's consumers outside of our borders, our citizens rely too much on free trade and fair trade to turn inward and retreat.

Texas certainly proves that trade deals can help everyone from manufacturers to farmers, to small businesses, all of whom find more markets for the goods they make or grow. That, in turn, creates more jobs and provides greater access to more goods for consumers. And it is a good example for the broader U.S. economy as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise in strong opposition to the nomination of

Congressman MICK MULVANEY to be the Director of the Office of Management and Budget. Based on his appearance before the Senate Budget and Homeland Security Governmental Affairs Committees, he appears to be a smart and articulate individual, but after examining his record and his testimony, I believe he lacks the fundamental judgment to serve in this important role.

Mr. MULVANEY's tenure as a Member of Congress has been marked by symbolic stands and stunts that have been most successful in generating bipartisan opposition rather than support. Until now, it has mattered little whether his proposals have been motivated by firmly held principles or other motives. We have just been fortunate that few of Mr. MULVANEY's ideas have been made into law. However, with an appointment to a position of real authority at OMB, Mr. MULVANEY will have great power to put his ideas into practice. For that reason, it is worth reflecting on the positions he has taken.

At times of national fiscal and economic turmoil, Congressman MULVANEY could consistently be found among those stoking the flames of pandemonium in order to advance a partisan or ideological point. Indeed, he was among those Republican Members of Congress who cheered efforts to force the country to default on our financial obligations in 2011, dismissing the domestic and global alarm over Republican brinkmanship as "fear mongering" and as promoting a "fabricated crisis."

In 2013, he voted to support the Republican shutdown of the Federal Government, which ultimately cost American taxpayers \$2 billion in back wages for Federal workers who were locked out of their jobs. In addition to this and other fiscal waste, the 16-day shutdown hurt the economy. Moody's estimated that it "cut real GDP by \$20 billion, shaving half a percentage point off growth in the fourth quarter [of 2013]."

In 2015, Mr. MULVANEY was part of another Republican shutdown effort. This time it was to shutter the Department of Homeland Security to protest President Obama's immigration policy. Thankfully, House Republicans relented before the shutdown took effect. Otherwise, the closure would have caused about 30,000 furloughs and about 200,000 other people, including Coast Guard personnel, TSA, ICE, Border Patrol and Customs officers, to report to work, most of them without the promise of a paycheck.

When Americans have suffered natural disasters, Mr. MULVANEY has shown himself among those who are the least sympathetic about providing Federal assistance, insisting, for example, that emergency aid for the victims of Hurricane Sandy should be offset. He has at least been consistent in this re-

gard, since he voted against similar aid to his home State of South Carolina. Of course, his opposition in that instance was mainly symbolic because it was a foregone conclusion that the bill would pass. But this should give every American pause. Mr. MULVANEY's record of supporting brinkmanship and his responses to written questions show that his first instinct will be to use any one-time emergency as an opportunity to force lasting budgetary cuts.

I am also concerned about Mr. MULVANEY's intentions with regard to the elimination of the sequester-level budget caps. In 2013, with sequester cuts on the horizon, Mr. MULVANEY ruled out revenue increases or scaling back the sequester. He said: "We want to keep the sequester in place and take the cuts we can get."

As the nominee to OMB director, Mr. MULVANEY now believes, like President Trump, that the sequester caps should be lifted for defense, but he has made no allowance for nondefense discretionary programs and agencies, including the FBI and the Department of Homeland Security. Mr. MULVANEY has thus far failed to grasp that there is simply no way to secure support for sequester relief without addressing both the defense and nondefense sides of the ledger. Moreover, he has not recognized that it is repugnant to many to suggest that one side of the budget can be cannibalized to fund the other side. The best way to fund sequester relief is through the proven combination of additional revenue and reasonable cuts. It has worked before, and we should look to that solution again.

We should also reject efforts to use Overseas Contingency Operations accounts, or OCO funding, to fill the gap when it comes to defense spending. It is not a legitimate tool to fix the sequester. Despite my many disagreements with Mr. MULVANEY, this is one point where we do appear to see roughly eye to eye in terms of using the OCO for those overseas contingencies they were designed to fund.

Where we disagree most vehemently is on the matter of core programs that help Americans lift themselves up so they can participate fully in our economy and society. Although he has recently changed his position, Mr. MULVANEY, as a State legislator, voted for legislation that questioned the constitutionality of Medicaid and Social Security, and today he still questions the constitutionality of Federal involvement in education. This is more than a philosophical stand. His position will color how the administration invests in schools and students over the next 4 years. I am especially disturbed that Mr. MULVANEY is not even willing to commit to protecting funding for the Pell Grant Program and to reducing college debt, a burden faced by students and their families all across this country.

I have also been disturbed by Mr. MULVANEY's cavalier position about benefit cuts to Social Security and Medicare, by such measures as increasing the retirement age. Let's be clear. When you force a person to wait 2 or 3 more years to begin collecting the full benefits they have earned, it is a cut. If poor health or lack of job prospects forces a person to begin collecting benefits before reaching the normal retirement age, he or she will see a significant reduction in monthly benefits.

These cuts fall heaviest on the most vulnerable—low-income workers and workers in the most physically demanding jobs, those who simply cannot continue to work for another few years. We can make changes to sustain these programs without the deep cuts to benefits that Mr. MULVANEY would promote.

In this one area, I would hope the President could prevail over his staff. Many times during the campaign, President Trump promised to protect Social Security and Medicare. In fact, last March he said: "It's my absolute intention to leave Social Security the way it is. Not increase the age and to leave it as it is."

It remains to be seen how sincere the President is on this issue. Last month, he was effectively rebuffed by 49 Republicans who voted successfully to kill Senator SANDERS' amendment to create a point of order that would prevent the Senate from breaking President Trump's promise that "there will be no cuts to Social Security, Medicare, and Medicaid."

Unfortunately, the President said nothing about this vote, which should lead all Americans to ask how committed he is to his promise. His choice of Mr. MULVANEY also leaves me concerned that he is not sincere about this promise, since Mr. MULVANEY seems clearly intent on making cuts to these vital programs.

Mr. MULVANEY has also proven himself unsympathetic to the challenges facing working men and women in this country. He has sponsored legislation to bar the Federal Government from requiring project labor agreements. He has voted to repeal Davis-Bacon prevailing wage requirements, and he has cosponsored legislation to undermine the ability of workers to collectively bargain.

Moreover, Mr. MULVANEY failed to pay more than \$15,000 in unemployment and FICA taxes for a household employee between 2000 and 2004, only making good on that obligation during his nomination process. Even if this could be characterized as an oversight, it is worth noting that Mr. MULVANEY has previously proposed legislation to bar tax delinquents from serving in elected office in South Carolina and to authorize supervisors of Federal employees to take punitive action against workers who have failed to pay taxes.

One wonders how Mr. MULVANEY would feel about the fitness of a Democratic nominee with a similar challenge.

Finally, let me say a few words about Mr. MULVANEY's laissez-faire approach to regulation, particular the oversight of Wall Street. I believe strongly that the lack of effective regulation, the lack of oversight, and the lack of appropriations for the financial regulatory agencies contributed heavily to the great recession, which is why I worked so hard to support the adoption of the Dodd-Frank Wall Street Reform and Consumer Protection Act, including the creation of the Consumer Financial Protection Bureau (CFPB).

Mr. MULVANEY, not surprisingly, takes a different view. As a member of the Financial Services Committee in the House, he said: "I don't like that the Consumer Financial Protection Bureau exists." The CFPB is a consumer-focused agency that has brought nearly \$12 billion in refunds and restitution to consumers for Wall Street's abuses. This includes more than \$120 million that have been returned to our military families through the efforts of the Bureau's Office of Servicemember Affairs, which I worked with Senator Scott Brown of Massachusetts to establish.

Because of the Dodd-Frank Wall Street Reform and Consumer Protection Act, working Americans have an advocate in the consumer finance marketplace that is laser-focused on protecting them. Mr. MULVANEY would prefer to transform this agency into a paper tiger that is subject to partisan political pressure and influence from the various industries it is attempting to police. We should not allow him the chance to do that from a perch at OMB.

The country has been fortunate that House Republican leadership, with good reason, in my view, did not reward Mr. MULVANEY with a position of authority from which he could exercise real control. Unfortunately, the promotion that President Trump has offered would give him great power—power that will ultimately, I believe, be destructive in his hands. As a result, I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from Rhode Island who has been such a champion for working people and economic progress in manufacturing and economic fairness so that our country as a whole can advance together.

I am proud to be a Senator who fights to preserve, protect, and strengthen the safety net for all Americans, as my colleague from Rhode Island does, and many of us here do. So I come to the floor to speak on Con-

gressman MICK MULVANEY, with reluctance and sadness, because he is out of the mainstream and, really, an adversary of programs that assure that safety net and basic fairness that is at the core of our great democracy and our economic system.

I oppose his nomination to serve as Director of the Office of Management and Budget, hardly the best known of agencies and not necessarily the most glamorous or glitzy but among the most important. His position is among the most consequential because he serves as an economic adviser, as well as an allocator of funding throughout the Federal Government and a leader on important social programs.

He has proved strongly antithetical to those programs that have made America great: Medicare, Social Security, and other efforts, including the Affordable Care Act, which are essential to our future.

He has broad responsibilities for our Nation's budget. He also has important oversight responsibilities about Federal rulemaking—those unglamorous, sometimes invisible regulations and rules that affect real lives and livelihoods throughout this country. They establish rules of the road in industry. They establish access for people to Federal programs. They provide an essential means of achieving fairness in our democracy—that important process that agencies use to enact safeguards, for example, that keep our air and water clean and our workplaces safe.

Congressman MULVANEY's positions on these vital issues are out of step with American values, out of the mainstream of American popular opinion, and out of the area of acceptability in terms of basic public interest.

Our economic reality is characterized by one simple stark economic fact: Burdens are falling hardest on the people who can least afford them. I am not talking about people at the lowest rungs of income or wealth but middle-class Americans who work hard and who have seen their incomes stagnant over 5 years, 10 years, 20 years. Stagnating incomes and stagnating futures destroy the American dream.

So the Federal Reserve, for example, has reported in 2014 that average incomes have remained flat or fallen for all but the most affluent 10 percent of American families. That is a staggering fact about our economic system and its ability to deliver for Americans generally. That is the context for this nomination. I consistently hear from my constituents in Connecticut that income has failed to keep pace with overall economic recovery. Even as Wall Street has risen, Americans see nothing but stagnant income, sometimes falling economic prospects. Things have gotten better, but good jobs are still out of reach for far too many.

Retirement for increasing numbers of baby boomers makes it all the more vital that we protect and strengthen our safety net. The safety net is not the sole answer to larger challenges that must be solved by robust economic growth. That has to be our priority—economic growth in Connecticut and around the country. But increased opportunity depends on growth for ourselves and for our children—my wife and my four children and our way of life.

In fact, President Trump himself seemed to recognize this economic fact, one of the few areas where we agree, because he pledged during the campaign to keep our Nation's safety net firmly, irrevocably intact—not to make any cuts to Social Security or Medicare. He pledged and promised.

Now, who is his nominee to be head of the OMB, that crucial agency with responsibility for Social Security, Medicare, and Medicaid? MICK MULVANEY has an affinity for draconian budget cuts and far-right positions that are completely out of step with this promise and pledge.

The President must have reversed himself or revoked his promise, because Congressman MULVANEY has spent his entire political career crusading against exactly these programs that keep millions of Americans out of poverty. Social Security is one of the great achievements of our American democracy. In fact, it is one of the greatest achievements the world has known because it has allowed this Nation to promise its people that they can avoid crushing poverty if they simply work hard and if they contribute to this program that is a form of insurance.

It is not a gift. It is not really an entitlement. It is an insurance program. It makes us a humane and decent nation. We care for people who have worked hard all of their lives and need to be protected so they need not depend on their children or their grandchildren.

Congressman MULVANEY has called Social Security a "Ponzi scheme." Tell that to the Social Security recipients in Connecticut. Tell that to the working people of Connecticut. He is out of step with working people and middle-class people who know that Social Security does not contribute to the Federal budget deficit, and it is not the Ponzi scheme that Congressman MULVANEY mischaracterizes it as being.

It is fashionable on the far right to use that characterization, suggesting it will run out of money unless severe restrictions are put in place. He has championed those kinds of restrictions—means testing, for example, and raising the retirement age. Those proposals are a disservice to hard-working Americans who reach that retirement age having been promised that they

would receive Social Security when they did or work hard to make Social Security work for them, without a means test, without anybody asking them to fill out forms or disclose their incomes and establish standards or tests that make them ineligible.

It is true that there are changes to these programs that may be necessary. In fact, I proposed a plan for enhancing Social Security, making it a stronger insurance program by raising the cap on the payment of taxes that are due and other kinds of reforms that will more properly allocate the burdens but not means-testing, not raising the retirement age, which are radical and draconian favorites of the far right. Lifting the payroll tax cap so the wealthiest Americans contribute their fair share, as I have proposed, will keep this program solvent for decades into the future.

The only reason to reject the commonsense changes I have proposed is a political aversion to raising taxes on anyone at any time, even the wealthiest individuals or the most powerful and profitable companies, which is the mantra of people who have climbed the ladder and want to raise it so that no one else has access to those top rungs. It makes no sense to me that we would ask great sacrifices of our senior citizens but do nothing about eliminating the loopholes that privilege some of the most affluent people and the largest and most profitable companies in the world.

We should not and must not use the Social Security trust fund as a means to pay down the debt or reduce the deficit or gamble with the hard-earned benefits 61 million Americans rely on during their retirement. Those 61 million Americans, who come from all of the States and all over the Nation, are represented in this Chamber, and they deserve better than MICK MULVANEY's far-right radical ideas that would restrict their Social Security. He fails to recognize this reality and would prevent Social Security from continuing to flourish and provide the stability so essential to this great Nation—already the greatest Nation in the history of the world because of programs like Social Security and Medicare.

Speaking of Medicare, Congressman MULVANEY's proposal for Medicare also betrays the President's promise to leave Medicare intact. He has been vocal, absolutely frank about his support for tearing down Medicare, going as far as to say: "We have to end Medicare as we know it." Do we really have to end Medicare as we know it, tear it down, destroy it? That is what MICK MULVANEY says. That betrays President Trump's promise to keep Medicare intact.

MICK MULVANEY has also supported proposals to privatize this lifesaving healthcare program by turning it into a voucher system, which would effec-

tively gut its promise of guaranteed health benefits. A "voucherized" Medicare would be devastating for our Nation's seniors. Many of them are already on fixed incomes. This plan would allot them a fixed amount of funds—fixed funds to purchase all of their health insurance, which would result in higher premiums and increased out-of-pocket costs. Connecticut seniors deserve better than MICK MULVANEY's efforts to restrict Medicare in such a disruptive and destructive way.

Congressman MULVANEY's actions and statements on Medicare point to a future budget director who has no intention of keeping the President's promise to protect this crucial health program. This country counts on its next budget director to prioritize facts and responsibilities and the public interest above political games; to rely on real facts, not alternate facts.

Our budget, our deficit, our national debt are, in fact, fact-bound and fact-based. The world relies on real facts when it looks at the American economy, and the people who work in that economy, whether they are young or old, veterans or civilians, depend on real economic growth. Yet Congressman MULVANEY's reckless approach to fiscal issues has jeopardized this country's stability, causing real danger for the sake of ideology. That approach in the Congress has led to uncertainty and unpredictability, which are the bane of small- and medium-size businesses, which are, in turn, the major job creators in our society and economy.

Congressman MULVANEY's extreme views already have negatively impacted the American economy. While in the House of Representatives, he led efforts to leverage the threat of a government shutdown as a tactic to push for specific demands, which included radical anti-choice policies, measures antithetical to women's healthcare and the right of privacy, including defunding Planned Parenthood.

As one of the most senior economic advisers to the President and the head of OMB, he would have immense responsibility to influence this administration and the President. His outright disregard for the harm caused by a government shutdown—a tactic that jolts and jeopardizes our economy and disrupts the lives of millions of Americans—should itself alone disqualify him from this critical role within the Federal Government.

He also sought government shutdowns as well to block the implementation of the Affordable Care Act, which has helped so many people in Connecticut receive the coverage and care they need. I could spend a lot of time talking about the benefits people in Connecticut have received from the Affordable Care Act. Its future is key to the financial future of this country,

but MICK MULVANEY has consistently advanced misconceptions and mistruths about the nature and functioning of this law.

Again, we can agree to disagree on policy, but misrepresenting the truth and relying on alternate facts is exactly what the budget director should not be doing. He is the one whom we rely on for real facts about our economy and our budget.

Even more worrying was Congressman MULVANEY's archaic approach to addressing the debt ceiling. In the face of all evidence, he flatly stated that he did not believe this country would default on its debt as a result of the failure to raise the debt ceiling. Economics 101: The debt ceiling, if it is not extended—that means a default.

Experts across the political spectrum agree that a breach of the debt ceiling, and consequently our Nation's full faith and credit, would be catastrophic. I am absolutely unable to vote for someone who fails to recognize that basic economic truth and takes this threat so lightly.

Finally, Congressman MULVANEY has demonstrated a near reflexive hostility to Federal agencies and the important work they do. As with so many of the President's nominees, unfortunately, he seems to be hostile to the very mission and purpose of the agency he is going to lead—whether it is the EPA or the Department of Labor or other agencies where nominees have taken stands that, in effect, say: Let's dismantle and destroy this agency. Yet they are the ones who are supposed to be leading and inspiring its efforts.

I believe that government could be more efficient and responsive. Waste ought to be eliminated. Fraud ought to be prosecuted. I am eager to work with my colleagues on good-faith proposals to achieve these goals.

Federal agencies remain vital to important public purposes that people cannot achieve on their own. They cannot clean our air and water on their own. They cannot ensure public safety through policing on their own. They cannot make sure our national defense is strong on their own. A whole myriad of functions depend on a functional Federal Government. Commonsense rules that prohibit excessive pollution or unsafe working conditions protect all of us.

As the head of OMB, which includes offices that oversee Federal funding, he has a responsibility to make sure that rules are enforced and that people are protected. Yet he has opposed the existence of the Export-Import Bank, an institution that is critically important to so many of our job creators, big and small businesses in Connecticut and around the country.

He opposed emergency funding for the victims of Hurricane Sandy, despite the devastation caused by this terrible storm, which was unleashed in Connecticut and nearby States.

He has questioned the need for government-funded research, despite the myriad advances in science and medicine that have come from government laboratories and research institutions.

His record shows that he would be the wrong person for this job, harming our safety net and our fiscal stability. I oppose his nomination, and I urge my colleagues to do the same.

I yield the remainder of my postcloture debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

Mr. BLUMENTHAL. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I yield my postcloture debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

Mr. COONS. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

NOMINATION OF NEIL GORSUCH

Mr. FLAKE. Mr. President, as I did last week and as I will continue to do until he is confirmed, I rise to support the nomination of Judge Neil Gorsuch to serve on the Supreme Court. Judge Gorsuch is an accomplished, mainstream jurist. I look forward to helping make sure he receives an up-or-down vote here on the Senate floor.

After meeting with Judge Gorsuch and learning more about his judicial philosophy, I continue to be impressed by his humble respect for the law and by his commitment to service.

Before the Judiciary Committee begins our hearings, I want to highlight aspects of his jurisprudence that qualify him to serve on our Nation's highest Court and make him an ideal candidate to fill such a consequential position.

Earlier this month I spoke about his fitness to fill Justice Scalia's seat, as well as his respect for the separation of powers. Today I would like to focus on his approach to religious freedom.

I have always supported religious freedom as a universal principle. It doesn't matter if we are defending our own First Amendment right to the free exercise of religion here at home or standing up for the religious freedoms of people under repressive regimes abroad, our country has always valued the right of individuals to practice their faith as they please.

Just as religious freedom is part of our national character, it also provides insight into the character and judicial philosophy of a prospective justice. When I had the privilege of meeting with Judge Gorsuch last week, I asked him about his thoughts on religious freedom. I was struck by his ability to plainly articulate his understanding of the law and the Constitution. He explained his religious liberty opinions

by telling me that he simply went "where the law led him." His explanation was indicative of his fundamental approach to interpreting the law. Judge Gorsuch doesn't make the law; he follows the law. He reads the Constitution as the Framers understood it. He interprets laws the way they were written.

Lately, our colleagues on the other side of the aisle have been vocal about the importance of respecting our independent judiciary. I couldn't agree more. They have decried the perils of discriminating on the basis of religious belief. Well, they are in luck. The Supreme Court nominee before us would be a staunch defender of independent courts and religious freedom. All they have to do is help us confirm him.

I don't blame them for wanting to do their homework on a Supreme Court nominee. They should, as should we all. They will find that studying Judge Gorsuch's record will make for enjoyable reading.

On the Tenth Circuit Court of Appeals, Judge Gorsuch has authored a number of judicial opinions respecting the fundamental principles of religious liberty. His most notable was a concurring opinion in the Hobby Lobby case. In this landmark legal case interpreting the Religious Freedom Restoration Act, Judge Gorsuch ruled that the Federal Government cannot force individuals to assist in conduct that violates their deeply held religious convictions. I note that this law used to be noncontroversial. The Religious Freedom Restoration Act was introduced by Senators Ted Kennedy and then Congressman CHUCK SCHUMER. It was passed almost unanimously in 1993 and signed into law by President Bill Clinton.

In his concurrence, Judge Gorsuch wrote: "The [Religious Freedom Restoration Act] doesn't just apply to protect popular religious beliefs: it does perhaps its most important work in protecting unpopular religious beliefs, vindicating this nation's long-held aspiration to serve as a refuge of religious tolerance."

Religious tolerance—that is what our country stands for, and that is what Judge Gorsuch stands for. Judge Gorsuch's position was later vindicated by the Supreme Court. The Court agreed that it is the government's job to protect an individual's ability to practice their religion, not to instruct them on how to practice their religion.

In closing, let me reiterate that I believe Judge Gorsuch is a mainstream jurist who will uphold the Constitution to ensure justice for all, regardless of an individual's religious beliefs or which administration is in power. As someone who embraces religious freedom, it is a privilege to support and confirm a judge like Neil Gorsuch, who respects this central constitutional principle. As I have said before, and I

will say again, Judge Gorsuch deserves fair consideration by those who serve in this body, and he deserves an up-or-down vote on the Senate floor. He should be confirmed overwhelmingly, and I am confident he will be.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ANDREW PUZDER

Ms. WARREN. Mr. President, on December 8, Donald Trump nominated Andrew Puzder to serve as Secretary of Labor. He was scheduled to come before the HELP Committee tomorrow for his confirmation hearing. There is some reporting suggesting that he is having some second thoughts, and I sincerely hope that is true. The reasons Mr. Puzder is a terrible choice for this job are literally too numerous to cover fully, but I will at least give it a start.

If you work for a living, the Labor Secretary is very important to you. This person is responsible for protecting the interests of 150 million American workers. He will be the person responsible for enforcing the law that ensures that employers actually pay workers for every hour they work and setting the standards to prevent workplace injuries and even deaths.

Unfortunately, Mr. Puzder is not the kind of person the American people can trust to stand up for workers. Since 2000, Mr. Puzder has served as the CEO of the billion-dollar company CKE Restaurant Holdings. You may know it better as the parent company of Carl's Jr. and Hardee's. These two fast-food chains are known for paying very low wages to workers. Mr. Puzder has a long record of cheating workers out of overtime. He has paid out millions of dollars to settle claims when he was caught cheating. We are not talking about isolated incidents. They reflect the kind of business Mr. Puzder built. Mr. Puzder is a frequent political pundit and commentator who has vocally opposed higher minimum wages. He has also strongly opposed new overtime protections that would give 4 million workers an estimated \$1.5 billion raise in a single year.

Mr. Puzder also delights in expressing personal disdain for his workers. He bragged in his very first memo as CEO. He wrote that he wanted "no more people behind the counter unless they have their teeth." Ha, ha. He said he would like to replace his workers with robots because "they are always polite, they always upsell, they never take a vacation, there's never a slip-and-fall, or an age, sex or discrimination case."

The Senate has an obligation to hear from those who are best qualified to

tell America about Mr. Puzder's suitability to be Labor Secretary and to stand up for American workers—his own workers. That is why many of us asked the chairman of the HELP Committee to include Mr. Puzder's workers in his confirmation hearing. When the chairman refused to do so, we just went ahead and convened our own forum to allow those workers a chance to speak.

Seventeen Senators attended. Those 17 Senators heard from Laura McDonald, who worked as a general manager at Carl's Jr. in Tucson, AZ, for 20 years. For years, she was forced to work extra hours without pay. Employees like Laura are the subject of a major lawsuit against Mr. Puzder's company, CKE, regarding unpaid overtime.

Those 17 Senators heard from Lupe Guzman, who is a single mother who has devoted the last 7 years of her life to Carl's Jr. in Las Vegas, NV. She has worked the graveyard shift for rock bottom wages. Seven years of loyalty, and Lupe is still paid so little that she is on food stamps to feed her kids. Lupe sat in front of the U.S. Senate and wept openly about her terrible treatment at the hands of Mr. Puzder's company.

The Senators also heard from Roberto Ramirez, who has worked in the fast food industry for over 20 years, mostly at Carl's Jr. in Los Angeles, CA. He worked regularly off the clock at Carl's Jr., meaning they didn't pay him. Roberto even had a full paycheck stolen by his manager.

For every Laura, Lupe, and Roberto, we found dozens of workers who were afraid to speak out about the terrible conditions at CKE. We compiled some stories from folks brave enough to speak up into a 20-page report detailing firsthand accounts of the men and women who work for Mr. Puzder. Those stories are horrifying, and I will read some of them later today.

Mr. Puzder's company has a truly atrocious record of treating his own workers terribly. Indeed, he has dripping disdain for people who work for a living. This alone disqualifies him to be Secretary of Labor.

But there is more. In recent weeks, it has come out that Mr. Puzder employed an undocumented immigrant in his household for years, and he didn't pay taxes on that employee. Yep, you heard that correctly. The Trump administration, which bellows about building a wall and pounds its chest about ripping millions of families apart with a deportation force, threatens millions of DREAM Act kids with deportation, has no problem putting a guy in charge of the Labor Department who cheats on his taxes and employs undocumented workers. The hypocrisy of that is pretty stunning, even for the Trump administration.

And then there is the controversy over alleged spousal abuse. Over 25

years ago, Mr. Puzder's first wife appeared on an episode of Oprah Winfrey in a show about spousal abuse. I have watched the episode in which she appeared, as I believe every Senator should. I found it extraordinarily troubling.

Alongside his company's poor record of treatment of female employees, his highly explicit and sexualized ads, and his snide comments about sex discrimination, there is ample evidence that Mr. Puzder is a terrible choice to head the agency charged with ensuring that women and men are treated fairly in the workplace.

I understand that no matter who President Trump picks to run the Labor Department, I am probably going to have a lot of issues with that person, but this is different. Andrew Puzder should not be the Labor Secretary. And if you ask the Senators in this body—Republicans and Democrats—if you ask them behind closed doors with the cameras turned off, you will have a hard time finding people who think this divisive nomination is good for the country.

It has been suggested that Mr. Puzder is "tired of the abuse" that he has received during this confirmation process. Well, I think the workers at his companies are pretty tired of the abuse they have received while being at the mercy of an employer who doesn't care about them at all and who goes out of his way to squeeze them out of every last dime. That is literally the opposite of what we need in a Labor Secretary.

I was prepared to question him on these issues tomorrow, but I hope it is true that he will withdraw his nomination before then.

Mr. President, I also rise today to express many concerns over the appointment of Congressman MULVANEY as Director of the Office of Management and Budget and to urge my colleagues to seriously consider these issues before voting to confirm him.

One of the best ways to understand what a nation stands for is to look at its budget. It is all right there. The budget tells who counts, it tells who gets a chance, and it tells who gets cast aside.

The OMB Director prepares the President's budget. He safeguards the President's promises by turning them into real commitments backed by your tax dollars.

During the campaign, President Trump promised over and over again that he would protect Medicare and Medicaid. He didn't imply it; he didn't drop hints about it. No, he made the clearest, plainest possible promise. He said: "I am not going to cut Medicare or Medicaid."

But since the election, he has done a complete 180. He put up a transition team website that just dripped with code words for cuts, saying that he would modernize and maximize flexibility for these programs. Gone were

the unambiguous promises to protect Medicare and Medicaid.

Then he started nominating people who have made it their life's work to gut Medicare and Medicaid. His Secretary of Health and Human Services has proposed cutting more than \$1 trillion from these programs, and now his nominee for OMB Director is someone who wants to cut Medicare and Medicaid to the bone.

Congressman MULVANEY has voted to increase the retirement age for Medicare. Hey, you have paid into that program with decades of hard work? Too bad, just keep waiting.

He also wants to privatize Medicare, and he wants to slash and burn his way through Medicaid—a program that is a lifeline for millions of people—for parents of people in nursing homes, for people with disabilities, for premature babies.

In his confirmation hearing, Congressman MULVANEY was asked whether he would set aside his rightwing ideology to fulfill the President's campaign promises to protect Medicare and Medicaid. The Congressman could not have been clearer in his response: Forget all of that. Nope, not interested. MULVANEY is still a true believer in Medicare and Medicaid cuts, and whenever he has the President's ear, he will continue to advance his own radical ideas for burning down these indispensable programs.

President Trump also promised that he would not cut Social Security. He guaranteed it. Here is his quote—many times: “We’re going to save your Social Security without making any cuts,” he said.

Here was his closer on that: “Mark my words.”

OK. Nice words. But he could have picked someone—anyone—to run his budget, and instead he picked Congressman MULVANEY—one of Congress's most partisan crusaders against the Social Security program. He wants to raise the retirement age to 70. Heck, this is a person who calls Social Security a Ponzi scheme, and, boy, he is not messing around, either.

During his confirmation hearings, Congressman MULVANEY doubled down on his promise to rob American workers and retirees by gutting Social Security. When pressed by Republican Senator LINDSEY GRAHAM about whether he would urge President Trump to reconsider his promise not to cut Social Security, hey, MULVANEY said that he absolutely would.

Is this just a mistake? Did President Trump just pick Congressman MULVANEY by accident? The Congressman certainly doesn't seem to think so.

At his hearing he said: “I have to imagine that the President knew what he was getting when he asked me to fill that role.”

Yes, MULVANEY himself believes he is being brought in to push for cuts in Medicare and Medicaid.

Trump reverses his promise, a second person determined to cut Medicare and Medicaid makes it into a key government role, and who will pay the price? America's seniors, that is who.

Apparently, Congressman MULVANEY isn't satisfied with cutting benefits for Americans who have worked and paid into the program for their entire lives. When it comes to abandoning American workers and families, for him, that is just the beginning.

He has also called the Consumer Financial Protection Bureau “a sick, sad joke.” Maybe he should spend a little more time talking to his constituents and a little less time talking to bank lobbyists.

The CFPB has helped thousands of people in every State—including dozens of people in Congressman MULVANEY's own district—recover unauthorized fees on their credit cards and checking accounts. It has helped them to correct errors on their credit reports. These are students, seniors, servicemembers, and veterans, who may have spent months haggling with their bank or student loan servicer over a wrong charge, only to get quick and complete relief after they went to the Consumer Financial Protection Bureau.

In total—the agency has only been up for about 5½ years now—it has forced the largest banks across this country, many of those who have been out there cheating consumers, to return nearly \$12 billion directly to the people they cheated. That is \$12 billion that was stolen by big banks, by payday lenders, by debt collectors, and is now back in the pockets of the people who rightfully earned it.

The only sick, sad joke is that Congressman MULVANEY thinks we should turn the big banks loose to prey on American families once again.

Under Congressman MULVANEY's budget, Americans who have been cheated and scammed by huge financial institutions will just be cast aside. Families who work hard for every dollar, only to have some ruthless corporation steal their savings right out from underneath them, will be cast aside. And the millions of Americans who have worked for decades planning to collect Social Security or Medicare when they retire will be told to just wait four more years. They will be thrown straight to the curb. None of that—none of that—is what America stands for.

That is just the stuff that directly contradicts the President's campaign promises. The stuff that is totally in line with the President's campaign promises is genuinely scary too.

On the campaign trail, Donald Trump stated that he “may cut the Department of Education.” Will Congressman MULVANEY stand up for students? Unlikely.

Congressman MULVANEY's record shows that he is fine building a Federal

budget that crushes students who are trying to get a college education. Students already pay too much for student loans, and Congressman MULVANEY's solution is to force students to pay more. He supports forcing more college students to borrow more money from private banks that charge sky-high interest rates without any of the basic protections Federal student loans have. He clearly wants to let private banks and Wall Street squeeze as much cash out of hard-working students as humanly possible to build their profits. In fact, Congressman MULVANEY wants to help these giant banks out even more by taking a sledgehammer to the Federal student loan program and making Federal loan terms lousy for students. That is why he repeatedly voted to eliminate subsidized student loans for low-income students and why he helped block legislation to allow borrowers to lower their monthly payments by refinancing their student loans to lower interest rates. Not only has he voted to increase the interest rates the government charges students, he has also voted to cut Pell grants to poor college students. If Congressman MULVANEY had his way, millions more hard-working students would be shoved even deeper into debt at the start of their working lives just because they couldn't afford the high cost of college. Under his budget, students will just be cast aside.

In his confirmation hearing, Congressman MULVANEY also said he is “in lockstep” with Donald Trump's plans to grow military spending, but he said he would pay for that increase in funding with deep cuts to domestic programs that working men and women around the country depend on—programs that could easily include Head Start, which provides opportunities for low-income children; the disaster aid, which supports families in crisis after a hurricane or tornado; or resiliency programs to protect America as worldwide climate changes.

Listen to that again. The children who attend Head Start can stay home so Donald Trump can divert more money to military spending. The people who get buried in a 100-year snowstorm can stay buried so Donald Trump can divert more money to military spending. The people who live near coasts and rivers and streams can be washed away by rising oceans and other waterways so Donald Trump can divert money to military spending—and this nominee, Congressman MULVANEY, is in lockstep to make it happen.

Under President Trump's new one-in, two-out Executive order, it is Mr. MULVANEY who would have discretion to give each agency a regulatory budget and to approve any proposed regulations that increase that budget. The order is supposedly designed to make life easier and to make government

work better, but Congressman MULVANEY isn't interested in making government work better, and he is certainly not interested in making life easier. In fact, he has spent his entire political career working to cripple the agencies that protect American families—American workers, American consumers, and American small businesses. Nowhere is this clearer than in his attacks on the Federal agencies that protect consumers, that preserve our environment, and that help keep our country safe. He has worked to starve agencies of the resources they need to do their jobs, voting to cut funding to law enforcement, voting to gut the Social Security Program, and voting to completely defund the organization that provides critical legal services to low-income American children, families, seniors, and veterans.

But it is not enough for him to starve agencies to the breaking point. He has also supported radical bills to stop agencies from issuing regulations that keep our air clean, our food safe, and our economy from suffering another devastating financial crisis. Congressman MULVANEY wants to require agencies to adopt a bill that imposes the least costs on big businesses, even when those costs are about making sure companies don't cut corners by cheating, poisoning, and killing people. Look, if it is cheaper for a corporation to kill you than it is for the corporation to redesign the product or clean up their mess, Congressman MULVANEY stands with the corporation. I am sure he would be willing to say something nice at your funeral about how your contribution helped give the corporation record profits.

If all that wasn't bad enough, Congressman MULVANEY is ready to rock and roll on secret money in politics. Washington is already awash in dark money, but that is not enough for Congressman MULVANEY. He has worked to open the doors even wider to secret spending in politics. Over and over, he has voted to shield the identity of political donors, keep them secret. For example, he opposed a rule that required corporations applying for government contracts to disclose their political contributions. Again, just think about that one for a minute. He doesn't want corporations that bid for government contracts to be forced to tell when they give money to help targeted government officials. We already have a problem with money in politics. MULVANEY just wants to make it worse.

Congressman MULVANEY's record shows one thing. He will make sure our Federal Government works well for giant corporations and billionaires who don't like to play by the rules, and he will cast aside the rest of the public to do that. That is definitely not what our Nation stands for.

I understand Democrats and Republicans have different priorities when it

comes to the Federal budget. I get that, but when one person wants to slash Social Security for American retirees, to cut Medicare for senior citizens, to gut health benefits for low-income families, to drive up the cost of paying for college, and to gut programs that help families in crisis and low-income children, all in the name of making life even easier for giant corporations and billionaires—well, I think it is clear that his priorities do not include the safety and security of millions of Americans. That is a priority that should be at the top of all of our lists in the Senate, Republican and Democratic.

I will stand with the Americans whom Congressman MULVANEY will cast aside as Budget Director, and I will vote no on his nomination.

MICK MULVANEY wants to slash benefits under Medicare, Medicaid, Social Security, and countless other programs. These are just numbers to him, but behind those numbers are real people. Real lives are at risk with every decision he will make as the Budget Director. So what I want to do is take the time I have remaining and share the stories of just a few of the people who would be affected.

Lea from Plymouth wrote to me, worried that Congressman MULVANEY would cut Social Security for her and for others in Massachusetts. Lea had an interesting suggestion. Here is what she wrote:

I have just sent off an email message to Representative Mulvaney regarding his spearheading of the cutting of Social Security benefits.

I challenged him and many of his colleagues to do this: Live on an income like mine—of \$1,219.80—for one month.

Having received my first increase of \$2.50 in several years, it was offset by a Medicare cost increase of \$11.50. Do the math.

I hope you and the other Democratic members of both houses fight like hell to raise our benefits.

We are definitely in for a bumpy ride for the next 4 years. As the saying goes . . . "it ain't going to be pretty!"

Thank you for listening.

Thank you, Lea. Thank you for writing.

I also heard from Janneke from Williamstown, who is worried about several nominees working to cut Social Security. Here is what Janneke had to say:

It is terrifying to consider either of these nominees, Price or Mulvaney, being confirmed for the position to which they have been nominated. They will work to undo, not to strengthen, social security. This is a profoundly disturbing possibility.

I urge you to do everything you can to oppose their confirmation!

Thank you, Janneke. I will. I will keep fighting for your hard-earned benefits.

Janet from Florence also reached out to me. She shared the inspiring stories of her and her husband, and then she told me how worried she is that cuts to

Social Security and Medicare could be coming under Congressman MULVANEY's watch. Here is what she wrote:

I am 60 years old and have always been employed—in higher education jobs where I worked hard and long for modest wages, frequently the case in women-dominated professions.

My husband is a childcare worker who works with infants and toddlers. The work we do is meaningful and makes a societal contribution.

At 60 and 64, we have always lived like graduate students. We shop at the Goodwill, cook from scratch, bring our lunch, and drive old cars—and bike and walk. We will each be working until age 70, or longer, if our health permits. This is fine. We are fortunate to live as we do. But with market-based retirement funds and with family members needing our support, we need Social Security, which is NOT BROKEN, to remain, and be strengthened. And we need access to health care, for ourselves, children, and grandchildren.

This is a plea from the fading middle class to oppose the Price and Mulvaney nominations. We—and people far less fortunate than we are—need your stout support.

Thank you, Janet. Thank you and your husband for all you do for your community. I promise I will do my best to protect your benefits.

I have received hundreds of these types of letters—letters from constituents who are scared that cuts to Medicaid and Medicare could endanger their basic ability to survive, letters from constituents who have seen how important these services are to thousands across the State and millions across the country, constituents who aren't sure where to turn and whom to blame. They just know they cannot afford to lose these benefits, like a woman from Somerville, who wrote to me about the work she does as an intensive care coordinator. Here is what she had to say:

I am an Intensive Care Coordinator through Riverside Community Care, a statewide human service agency that delivers crucial mental health services to at-risk youth. In my program, the Guidance Center Community Service Agency, we specifically provide Child Behavioral Health Initiatives (CBHI) services to youth in Cambridge, Somerville, Medford, Malden, Waltham, Woburn, Wilmington, and other northern towns.

I am extremely nervous that the new presidential administration will attack Medicaid and put our programs in jeopardy.

If you're not familiar with the CBHI wrap-around model, I can briefly explain why these services are so important. One: we serve youth in poverty. Two: our services are community based, so we go to the homes of the families we're serving, so they don't need to rely on transportation. Three: we are a form of outpatient care that prevents youth who are suicidal/homicidal from needing hospitalization. Or, if they are hospitalized, helping the family develop a plan for when they're discharged. Four: Although the child with mental health diagnosis is our identified client, the services benefit the whole family. We understand that taking care of children with special needs is taxing, so we identify resources and services for parents as well. Five: we work with state departments

like Department of Children and Families, Department of Health, and Department of Developmental Disabilities. Six: our model works. I myself rarely close a case without having had at least one goal (identified by the family) met and there are growing statistics about the benefit of having us in place.

I hope you can bring this argument where it needs to go to ensure that we have a future here in Massachusetts.

I want to say on this one: Thank you. Thank you for writing, and thank you for the work you do.

I am doing my best to bring this story. This is a story everybody in the Senate should listen to. It is a story about how we reach out to those who most need us and provide the kind of care they need.

Thank you. Thank you for your work, and thank you for writing.

I also received a letter from an occupational therapist from Massachusetts. She told me all about the important work she has been doing and how Medicaid has been crucial to that work. Here is what she had to say:

As a constituent and occupational therapy practitioner, I am writing to you to express my concerns about a major restructuring of the Medicaid program.

Medicaid is an essential safety net program for the most vulnerable in our society. In 2015, 39% of children received health insurance either through the Children's Health Insurance Program or through Medicaid. More than 60 percent of nursing home residents are supported primarily through Medicaid. Additionally, Medicaid provides health care services and long-term services and supports to more than 10 million people living with disabilities, and 1 in 5 Medicaid recipients receive behavioral health services.

Restructuring of the Medicaid program through per capita caps or block granting and significant cuts to the Medicaid program would jeopardize the long-term health and independence of current Medicaid beneficiaries. Thus I urge extreme care and caution when considering a major restructuring of the program or other significant changes, waiver of mandatory services, or dramatic cuts.

Thank you for all the work you do, and thank you for writing and making this important point about who uses Medicaid and how critical it is to the basic support services that we provide.

Another constituent wrote to me about the amazing work that she does in the Boston area for those with severe mental illness and how Medicaid and Medicare help these people. Here is what she had to say:

I work with people with severe Mental Illness in the greater Boston area. A majority of my patients receive their therapy and medication through Medicaid and Medicare. Even the thought of losing coverage heightens their anxiety. If coverage is reduced or co-pays raised, they stand to lose not only therapy and group interventions but also the medication which is essential to avoiding higher levels of care. Given the high rate of co-occurring physical and mental health issues, the general health of my patients will be severely compromised with any reduction in access to care.

Nearly 1 out of 3 people covered by Medicaid expansion live with a mental health or

substance use condition and people with marketplace insurance plans have fair and equal mental health coverage. With this coverage, people have access to mental health services that support recovery.

As a constituent, I would like you to keep in mind that Medicaid or insurance marketplace plans are helping all of those who struggle with mental illness who, with accessible supports, can lead healthier lives.

Again, thank you for the work you do, and thank you for writing. It is a powerfully important point.

Congressman MULVANEY wants to slash these programs. That is why I will be voting against his nomination.

I also received more personal stories from people like Michael from Acton, who told me about his son. Here is what he wrote:

My particular concern is the attack on the ACA and Medicaid and Medicare.

My biggest worry is my 27 year old son, Adam, who was born with microcephaly. He is a very loving person with a great smile, but functions roughly at the level of a 12 month old. He currently lives in a group residence and goes to a day habilitation program during the week. Both of these programs are funded in part by Medicaid. If Medicaid funds are cut, I worry that the day-hab program will not be able to continue or, at the least, will operate at a much reduced level. This would seriously degrade the quality of Adam's life. I worry what will happen at his already understaffed residence.

As it is, the staff at Adam's residence and day-habilitation programs are paid very little wages to do very tough jobs. Because of this, there is already a constant problem of finding enough people to staff these. . . . jobs if they are paid less or have to do even more work because of lower staffing levels[.]

The prospect of what is coming scares me. What will my son's life be like?

Thank you for writing, Michael. I appreciate it. I will be out there fighting for Adam. I hope we can get a lot of people in the Senate to do that as well. Thank you.

We also heard from Daniel Mumbauer, who is president of the High Point Treatment Center in Massachusetts. Daniel has experienced firsthand how Medicaid funds can change the lives of thousands of people in Massachusetts alone. This is what Daniel wrote:

On behalf of High Point Treatment Center, I am writing to urge and request your support in protecting the Affordable Care Act and preserving Medicaid expansion in the 115th Congress.

High Point served over 30,000 individuals last year. We provide substance use disorder and mental health services to adolescents and adults.

Recent health insurance data show that Americans with mental health and substance use disorders are the single largest beneficiaries of the Affordable Care Act's Medicaid expansion. Nearly one in three who receives health insurance coverage through Medicaid expansion either has a mental illness, a substance abuse disorder, or both. By repealing the Medicaid expansion, this population of vulnerable Americans would be left without access to lifesaving treatment, driving up costs in emergency department visits and hospital stays.

I am also writing to urge your support for the protection of the Medicaid program from

proposals to restructure Medicaid as a block grant or capped program. These proposals would reduce federal investment in Medicaid and leave millions of Americans without access to needed mental health and addiction treatment in our communities. Please work with your colleagues to protect our nation's most vulnerable patient population and preserve their access to treatment.

Thank you, Daniel. Thank you very much for writing, and thank you for the work you do.

Congressman MULVANEY wants to eviscerate health programs that would help Michael's son and the thousands who are treated at the High Point Treatment Center. That is exactly the opposite of what we should be doing.

I have also heard from many constituents worried about losing their Social Security benefits under the new administration, like Kensington from Hatfield, who is terrified that his mother, who depends on Social Security, will lose her benefits. Here is what he wrote:

Last night scared me for the first time. My mother is 69 and depends on Social Security for her income and has severe COPD and relies on medicare and medicaid for prescriptions and medical supplies to help her breath[e]. She was crying and is afraid of losing everything and that she will die. I know it's extreme thinking, but without her medicine and income it is unfortunately the truth. I didn't know what to say to comfort her and that scared me! What can I say to ease her mind and let her know that she will be OK. Will she be OK?

Thank you, Kensington, for your note. Your mother is right to be worried, and that is why I am fighting this nomination.

I have so many more stories—many, many stories—that I could read, but I am running out of time here.

I want to say that MICK MULVANEY is dangerous to the American people, and he is dangerous to the Federal Government. He will slash programs right and left without worrying about the living, breathing people whom he is hurting in the process. That is why I will be voting against his nomination as Director of the Office of Management and Budget and why I urge my colleagues to do the same.

Let's make sure that MICK MULVANEY never ends up as the head of the Office of Management and Budget, never is in a position to put together a budget to cut Medicare and cut Medicaid. Let's make sure that we keep our government, our Medicare, our Medicaid, and our Affordable Care Act working for the American people. That is what I will keep fighting for.

Mr. President, I yield.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Missouri.

Mr. BLUNT. Mr. President, every day we continue to set new records for how long it takes for the new President to get his Cabinet in power—in office—and the responsibility to carry out the things that the President said that he wanted to do when he was elected.

In the great history of confirming people, from the Garfield administration in the 1880s until Franklin Roosevelt in 1932, the entire Cabinet in that whole period of time was confirmed on the first day. Now we are in the longest period in the history of the country since George Washington was President to try to get a Cabinet in place, not to mention all of the other jobs that go along with confirming the Cabinet. It is a good thing and no wonder that a few years ago the Senate looked at the numbers of people we had taken responsibility to confirm and said: Now, which of those do we really have to confirm and which of those would we only confirm if someone in the Senate believes we have to have a hearing on that level of person and that agency at that time?

We tried to streamline a process that we all know needs to be streamlined, but with only a couple of exceptions, every nominee so far has been the most dangerous nominee of all time for whatever job it is. There must be fill-in-the-blank speeches back there somewhere that go from one to the next: This would be the worst person who could ever possibly hold this job.

In the case of Congressman MULVANEY, it appears to be because he wants to try to do things that allow our entitlement programs to survive; he wants to do things that allow the deficit at some point to be eliminated. And no matter what point that is, that point would be too early for some of our friends on the other side.

Interestingly, as we talk about the Affordable Care Act, which has turned out to be very unaffordable for almost any family on the individual market and many families who had insurance that worked for them before—the Affordable Care Act cut Medicare in the plan by \$500 billion over 10 years. We hear speaker after speaker on the other side say: We would never do anything to cut Medicare. I argued vigorously against those cuts when they occurred.

As we move forward, I think we ought to be very thoughtful that we restore the cuts in areas where clearly it is not working the way people thought the Affordable Care Act would work. The person in charge of the numbers, the person in charge of the balance sheet, the person who calculates the costs should be someone with the capacity to do that. The President has decided, and the Senate, when finally allowed to vote, will determine that person is Mr. MULVANEY.

NOMINATION OF SCOTT PRUITT

Mr. President, the other thing we hope to do this week is to get to the EPA Administrator. I have a hard time imagining that anybody had more future damage lined up for the economy than the past Administrator of the EPA. Rules like the clean power rule—all these rules almost always have a good name. Clean power, who wouldn't

be for that? I am certainly for clean power, but the clean power rule, in virtually every State in the country, would have increased utility rates from the middle of the State of Pennsylvania to the western edge of at least Wyoming, if not beyond that.

Fifty percent of the power produced by coal-powered utility plants, most of which are cleaner than any utility plants that use coal have ever been or are anywhere in the world today, many of which are almost new, many of which aren't paid for—and, of course, who pays for that utility plant, whether you use it or not? It is the family who pays the utility bill. There is no mythical somebody else who will pay this bill. So if you shut down a plant sooner than you should, somebody has to pay for that.

You could write those same rules if your goal were to eliminate coal. That is a different debate. It is a debate we could have at another time. If your goal were to eliminate coal, you could write those same rules. If the rule simply said: When the utility plants you are using right now, which meet all the current standards, which are, in many cases, the cleanest coal-fired plants that have ever been built or are being used anywhere in the world today—when that plant is paid for, here is what you have to do next. Then, when you get your utility bill, you are not paying for the plant you are not using and also paying for the plant you are using. This would be as if there were a new standard—this is the EPA view of this—on automobile mileage, and that standard came out and said: Here is what automobiles have to look like, in terms of standards, on miles per gallon, and, by the way, you have to have that car or that truck right now. If you have a truck or car that you are already driving that doesn't meet that standard, you can't drive it any longer. Of course, you still have to pay for it, but you can't drive it any longer. We have been doing mileage standards in this country that have made a significant difference for a long time, but we have never said: You have to stop driving the car you are driving, and you have to buy a new car. And, of course, you have to pay for the car you are driving or the bank is unlikely to give you the loan for a new car. But that is what the EPA said in the clean power rule.

There is a commonsense way to do things, and the next nominee we will be dealing with, Attorney General Pruitt, is a commonsense guy. He has had great responsibility as attorney general, but he has been willing to challenge these rules that didn't make sense.

On the clean power rule, by the way, Missouri is the fourth biggest user of coal-produced energy. Projections were that the average Missouri utility bill under that rule, if it had been allowed

to go into effect—still in the courts because the courts say that EPA really doesn't have the authority to do that; at least the lower courts have all said that. If that had been allowed to go into effect, the average Missouri utility bill would have doubled in 10 or 12 years. It is not hard for a family to figure out. Get your utility bill out, look at it, multiply it by two, and see what happens to the things you were doing before you had to pay, in effect, a second utility bill.

It is time that these agencies had some common sense, whether they are agencies that are being evaluated by the Office of Management and Budget or agencies that are being tasked by the Congress and the President to do certain things. It is time they thought about families. It is time they thought about jobs.

If the economy of the country is better next year, the country will be stronger 25 years from now. I think we spend a lot of time thinking about what America should look like 25 years from now instead of what we can do so that families have better jobs next month and next year. It is time we got some common sense into trying to reach the goals we want to reach, rather than coming up with goals and then reaching them in a way that clearly will not work.

The waters of the United States—that is not a bad title. Water is important. Waters of the United States is important. The EPA talked about the waters of the United States and decided to take a definition that the Federal Government has used for well over 150 years. By the way, the EPA was given control of navigable waters in the Clean Water Act and decided that navigable waters aren't just what for 150 years the Federal Government said they were—from 1846 until just a couple of years ago, more than 150 years—which was something you could move a product on, which meant interstate commerce, which meant the Constitution gave that responsibility to the Federal government, but they said: That is actually any water that could run into any water that eventually could run into navigable waters. That is what the Clean Water Act said when it said the EPA could regulate navigable waters.

This is a Farm Bureau map that has been available for a long time but that the EPA never did challenge during this debate. Only the red part of our State would be covered by the EPA for anything involving water—things like a building permit or things like whether you can mow the right of way on the highway or things like whether farmers could use fertilizer in their field, even if it were 100 miles away from any navigable water. All of those things under the rule could have been under the authority of the EPA. Let me mention again, only the part of the map

that is red would have been covered by the EPA, the part is that 99.7 percent of the map.

We have a lot of caves in our State and a few sinkholes. I think those white dots, the three-tenths of one percent, are some combination of caves and sinkholes where the water appears to run right back into the middle of the earth, instead of into any water. What a ridiculous rule. It is the kind of rule that the Office of Management and Budget should challenge whenever they are asked to look at the cost-benefit analysis. It is the kind of rule that a reasonable Administrator at the EPA would never let be issued. In fact, I would say it is the kind of rule that this Congress eventually, hopefully, will take this responsibility back and say: We have to vote on these rules. We have to take responsibility for things that cost families their extra income and cost people their jobs.

As we get along with the business of confirming MICK MULVANEY to the Office of Management and Budget—and then after that and before we leave this week—Attorney General Scott Pruitt to be the Administrator of the EPA, hopefully both of them will use common sense as their guideline. Both of them will look at, What does this really mean to hard-working families? What does this mean to struggling families? What does this mean to single-mom families? What does this mean to young families who are trying to figure out how they can save for the future of their kids' college or even summer camp? A lot of things go away if you double the utility bill. A lot of things go away if it takes a year to get a building permit. A lot of things go away if we don't have common sense in our government.

I think this nominee, MICK MULVANEY, and the next nominee, Scott Pruitt, both bring that common sense to the jobs they have been asked to do and have agreed to do, if confirmed by the Senate.

I see my friend from Massachusetts is here.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I thank my friend from Missouri, and the Senate, for giving me this opportunity to speak. I rise to speak in opposition to the nomination of Representative MICK MULVANEY to be Director of the Office of Management and Budget.

Congressman MULVANEY represents the latest of President Trump's broken promises to the American people. In this case, it is President Trump's campaign promise to protect Social Security, and Congressman MULVANEY is the man who will lead the charge. The Office of Management and Budget, OMB, as it is called, is like that group of scientists in the movie "Apollo 13"

who have to figure out how to bring the spacecraft home with only a few items found in a couple of boxes. In the movie, they describe it as fitting a square peg in a round hole. In government, we call it the Federal budget.

The crucial role of OMB and the development of the Federal budget means that the Director often has the final word on the priorities of our Federal agencies. The Director must be someone who will approach the enormity of the Federal Government in a thoughtful and deliberative manner. They must be able to consider how the budget will impact the everyday lives of all Americans.

Representative MULVANEY's support for reckless, across-the-board cuts demonstrates that he is not up to this challenge.

Donald Trump campaigned on the promise that he would make no cuts to the Social Security safety net. That means no cuts to Social Security, Medicare, and Medicaid. Congressman MULVANEY's nomination shows that, despite what candidate Trump may have said, President Trump intends to do just the opposite. This is not what millions of people voted for. MICK MULVANEY's nomination has Americans across the country fearful for their futures, and they have every right to be scared.

Congressman MULVANEY represents an immediate threat to Social Security. He represents a threat to the 1.2 million seniors in Massachusetts who currently rely on Social Security. He represents a threat to the millions more who expect the program to be there when they retire in coming years.

MICK MULVANEY has attempted to declare Social Security unconstitutional and has referred to the program as a Ponzi scheme. Well, Social Security is not a Ponzi scheme. Social Security is not a handout. Social Security is a promise we make to America's seniors after decades of hard work. It is the commitment we made to those who built this Nation, fought in wars, and provided for their families. Seniors pay into the system throughout their working lives, and they expect it to be there for them when they retire. We need to keep that promise.

Social Security is not just a line in the budget. It is a lifeline for millions of Americans.

In Massachusetts, the program keeps 295,000 people above the poverty line. Across the country, more than 15 million elderly Americans are able to live out their lives and not be driven into poverty because they have a Social Security check. That is what it does for 15 million Americans. Seniors will have nowhere to turn if President Trump and Representative MULVANEY have their way and Social Security ceases to exist. Congressman MULVANEY has repeatedly suggested raising the Social Security retirement age to 70 years

old. Let me repeat that. MICK MULVANEY wants grandma and grandpa to wait until they are 70 years old—that is 4 years older than the current retirement age—before they can call upon the benefits they deserve.

Not only does MICK MULVANEY want to make it so Americans have to work longer, he wants them to receive less when they finally do retire. At his Budget Committee hearing, MICK MULVANEY said that he himself was willing to be subject to these new rules, since they might require him to work a couple of extra months before retirement and require his children to work until they are 70.

Nothing could be more out of touch with working-class, blue-collar workers across our country. I have no doubt that MICK MULVANEY would be able to work a few extra years in his current role as a Congressman or Director of OMB or a great job that he would get after those responsibilities, but what about millions of construction workers, carpenters, waitresses, gardeners, busdrivers, and others with physically demanding jobs? My father, a milkman—how many years can you work being a milkman? You have to go until you are 70 to receive a Social Security benefit in this country in the future? That is the challenge we have. We ask milkmen, we ask 69-year-old construction workers to lay cement in blistering summer heat because Social Security is no longer there when it is promised. Do we expect a 68-year-old window washer to climb the scaffolding every day when they cannot afford to retire without their Social Security benefits? We should not balance the budget on their backs. That is just plain wrong.

Raising the Social Security retirement age is just one of many of President Trump's broken promises. He also wants to cut Medicare and the health care of millions of Americans. Congressman MULVANEY looks ready to do the President's bidding as well.

Congressman MULVANEY has said we need to end Medicare as we know it and supported House Speaker PAUL RYAN's destructive ideas to turn Medicare into a voucher program. Congressman MULVANEY went even further saying that those efforts did not go far enough. Those kinds of cuts to Medicare would be nothing short of a disaster for the 55 million Americans enrolled in the program, including the more than 1 million individuals in Massachusetts who rely on Medicare for their health care needs.

Seniors deserve an OMB Director who will protect their health care, not put it on the chopping block. We know Congressman MULVANEY is deeply committed to these misguided ideas because we have seen how far he is willing to go to support them. He was one of the few key cheerleaders of the Republican government shutdown in 2013.

He was willing to put millions of American families, businesses, and services at risk in order to defund the Affordable Care Act.

That shutdown cost the United States more than \$24 billion. At that time, Congressman MULVANEY said it was good policy. He said it was all worth it in order to prove a point. That simply is irresponsible. That kind of recklessness has no place in the Office of Management and Budget. Congressman MULVANEY also does not believe in raising the debt limit.

Back in 2011, he put the economy at risk when Republicans held our debt limit hostage. He put the full faith and credit of the United States in danger by his willingness to allow the Treasury to default. That would have wreaked havoc on the financial markets and could have destabilized our entire economy, but Congressman MULVANEY dismissed these concerns and called the potential breach of the debt limit a fabricated crisis. Nothing could be more fiscally irresponsible and further from the truth.

Congressman MULVANEY is not the type of leadership Americans expect in their government, and he is not the type of leadership needed to direct the Office of Management and Budget. Strong leadership is especially crucial at the Office of Management and Budget, where responsible oversight of the regulatory process is a requirement of the Director's job. The individual in charge must be willing to make fair determinations based on facts and evidence.

Congressman MULVANEY's record gives me no confidence that he will meet this standard. Congressman MULVANEY also dismisses accepted science and rejects established facts. He has stated global warming is based on questionable science and has outright dismissed the threat that climate change imposes on the planet. OMB oversees agencies' use of the social cost of carbon, the Federal metric that assigns a dollar value for future damages to each ton of carbon dioxide emitted into the atmosphere. We need an OMB Director who accepts the consequences of climate change because it will be the most vulnerable in our society who will pay the highest price if we ignore climate science and the danger it poses, not only to our own country but to the rest of the planet.

Our country faces serious challenges that require the careful and non-partisan allocation of resources. We need a Director of the Office of Management and Budget who will hear the concerns of all Americans, not promote dangerous fiscal ideologies. Congressman MULVANEY has indicated that he will approach our budget with an ax, and it will be our seniors who will be first on the chopping block. I do not believe he is qualified to lead the Office of Management and Budget.

I do so remembering 1981 and 1982. Ronald Reagan arrived, and Ronald Reagan had a very simple plan for America. He was going to do three things fundamentally: No. 1, massive tax cuts for the wealthiest and biggest corporations in America; No. 2, simultaneously increasing defense spending massively; No. 3, to simultaneously pledge that he was going to balance the budget while unleashing massive economic growth in our country.

What he did then was to put together a team that had a remarkable ability to harness voluminous amounts of information to defend that knowingly erroneous premise. You cannot say you are heading toward balancing the budget if you are simultaneously saying: I am going to give massive tax breaks to those who need them the least and massive defense increases, which are going to further lead to Federal expenditures, because then you have to turn and you have to cut programs. You have to cut Medicare. You have to cut Social Security. You have to cut the EPA. You have to cut Head Start. You have to cut food stamps. You have to cut programs for the poorest. You have to cut all of those investments in science in the future. You have to cut and cut and cut.

That really was not the goal because ultimately Ronald Reagan just retreated from the cuts because the pressure came from across America, but he had accomplished his principal goal, which was the massive defense increases and the tax cuts for the wealthy because that was the real agenda all along.

So there is a great book, "The Triumph of Politics: Why the Reagan Revolution Failed," by David Stockman. He was the head of OMB for Ronald Reagan back in the early 1980s. He wrote a book in 1986 about his experiences with this failed economic philosophy. It is a blistering, scalding indictment of what they tried to do in 1981 and 1982. He wrote this as a warning to the future, about why we should not try to repeat what Reagan tried to do in 1981 and 1982.

What he talks about in the book is this. The same kind of made-up numbers to put a Panglossian—rose-colored glasses—the most optimistic projection on what would happen to our economy if we had these massive tax cuts and increases in defense spending, while pretending that we were going to do all of these other things, which actually never did occur.

So he said, because the numbers did not add up, they had to engage in a lot of fiscal chicanery. What he did was he constructed two little separate categories. No. 1, he called it the magic asterisk. The magic asterisk was this attempt to avoid ever specifically having to itemize all of the budget cuts that would cause a revolution in America because they knew they could not put that list out.

So they called it a magic asterisk—cuts to be named later, programs to be cut later. We all know the names of those programs—Medicare, Medicaid, education, Environmental Protection Agency, Head Start, all the way down the line—but we will just hide the ball on that.

Secondly, he constructed another idea, he said, which was also fraudulent, which was called "rosy scenario." What they would do is, they would put together a group of economists who would then, using completely bogus projections for the future, project massive economic growth. That is what Donald Trump talks about now: Oh, we will see growth that you have never seen before in the history of mankind—rosy scenario.

There is no economic data to back it up, but that is just how much Trump is trying to model himself after this attempt in 1981 and 1982 to sell the exact same bill of goods, which collapsed, by the way. They collapsed like a house of cards economically because it did not add up. You cannot have a magic asterisk for all of these cuts that are never going to happen because ultimately the Democrats are going to back down the Republicans.

We are going to back them down on cutting Medicare. We are going to back them down on cutting education. We are going to back them down on cutting the budget for all of these great programs. We are going to have this battle. They already know it, but it is not going to stop them in terms of the first two programs, the tax cuts and the defense increases. They are going to still try to ram them through. That just creates bigger and bigger and bigger deficits.

The only way they can get away with it is if they can project massive economic growth in our country, which is the "rosy scenario." Then you have a bunch of economists who are kind of supply-siders who kind of look back at the 1980s and ask: Can't we go back to the Reagan era again and repeat that?

You don't want to repeat it. The guy who put the program together said: Please don't do that again. Please don't do that again. He said here: Ronald Reagan chose not to be a leader but a politician, and in doing so, showed why passion and imperfection, not reason and doctrine, rule the world. "His obstinacy," said David Stockman, "was destined to keep America's economy hostage to the errors of his advisers for a long, long time."

Mark Twain used to say that "history doesn't repeat itself, but it does tend to rhyme." So, yes, this isn't exactly like Ronald Reagan in 1981 and 1982, but it rhymes with 1981 and 1982. It rhymes with it. They are trying to argue economics like lawyers, right? Politicians, PR people. Sell the bill of goods. Donald Trump calls it "truthful hyperbole," like when he is selling a

piece of property. Well, the United States is not a piece of property. The American economy is not a piece of property. It is the central organizing principle for all of the hopes and all of the dreams of every person who lives in our country.

You cannot allow for knowingly false premises to be advanced, and that is what Congressman MULVANEY will represent in this entire process if he is confirmed as the new head of the Office of Management and Budget. He represents someone who is going to reach back into time to this era which has already been shown to have completely failed and repeat the exact same experiment again. The American people just can't run the risk because ultimately the economic catastrophe—the impact on ordinary families—would be so great that ultimately we would look back and say that this Senate failed, that we did not discharge our responsibilities to those families.

So from my perspective, I stand out here knowing that once again we are faced with this prospect of repeating David Stockman's book "The Triumph of Politics: Why the Reagan Revolution Failed" and knowing that when Donald Trump said: Oh, don't worry, I am going to take care of you, ordinary Americans; you are going to get the biggest tax breaks—they are not. That is not his plan.

Oh, don't worry. I am going to give you better healthcare. I am going to give you more coverage for your families.

That is not going to happen. That is not his plan.

I am going to give you cleaner air and cleaner water. It is going to be the best. It is going to be the greatest.

That is not going to happen.

It is the triumph of politics. It is the triumph of the special interests, of the oil and gas industry, of the defense establishment that wants bigger and more contracts, of the wealthiest who want big tax breaks. It is the triumph of politics—the politics of the most powerful, of the wealthiest, of the most entrenched. That is what this Trump administration is already about, and they are going to continue to say: Don't worry. Your healthcare will be better. Your air will be cleaner. Your children will be safer. Social Security will be protected.

But then who gets named to run the Office of Management and Budget? Somebody who wants to raise the retirement age to 70; someone who wants to fundamentally change Medicare as we know it; somebody who has an agenda that looks a lot like 1981 and 1982 in the Reagan years, very much like it.

So is there anything new here? No. Is this just a sales job, a con job? Yes. Because when you pull back the covers and you look at what is about to unfold, it is something that is going to be

very destructive of our economy. It is going to further income inequality across our country. It is going to reduce opportunity for every child in our country. Rather than democratizing access to opportunity through healthcare and education, they are going to work systematically to undermine those opportunities, to reduce the chances that they can maximize their God-given abilities.

That is why this nomination is so important, because the OMB controls the Federal budget. That is all the hopes and all the dreams. That is where the money goes. Who gets it? What are the incentives?

Right now, once again, Donald Trump is embracing Ronald Reagan's trickle-down economics: the more money you give to the people who are already rich, the more it will trickle down to ordinary folks.

We don't hear him saying: Oh, don't worry, the overwhelming majority of these tax breaks are going to go to the blue-collar people in our country. You are not going to hear him say that. And when you look at all the proposals they have made, it always goes to the corporations, it always goes to the upper 1 or 2 percentile.

Those promises he made are just the same as David Stockman's and Ronald Reagan's back in 1981 and 1982—identical almost down to the final detail—and are just as guaranteed to fail.

We have Congressman MULVANEY who has been nominated. And give him credit—he is actually honest about what he believes. He is actually very clear in his explanation of what the goals are going to be for our country if he is confirmed and can partner with Donald Trump to implement this agenda. We give him credit for his honesty, but it is only honesty in saying that he is going to defend a set of economic assumptions that are completely and totally fallacious and have already been disproved in the marketplace—the political marketplace.

So all I can say here is that it would be reckless of the Senate to deliver over to the American people once again someone whose intent is to try to take this formula which gathers voluminous amounts of information to defend knowingly erroneous premises.

You cannot have massive tax cuts and massive increases in defense spending and balance the budget without killing all of these programs that almost every American family relies on, beginning with Social Security and Medicare and Medicaid, education programs, all the way down. We can't do it.

So that is why we are fighting out here. We are fighting to make sure we don't repeat the same history we have already lived through.

By the time Reagan reached near the end of his career, guess what he did. He changed and began to acclimate him-

self to reality. He began to accept, through a group of new advisers, the actual impact his initial policies were having. And that is all we are trying to do right now. We are trying to start out where we are going to be forced to wind up anyway. Why not do that since we have already learned the lesson? Why not have those lessons of the past be implemented? But no. They are committed to a repetition syndrome, a reenactment of what has already occurred, rather than a reconciliation with history, learning from it and then trying to move forward in a way which is wise, protective of every American.

I stand here to oppose Congressman MULVANEY's nomination for the Office of Management and Budget. I do not believe it would be a good thing for our country, for our economy. This is just too dangerous a roll of the dice with our entire Nation. So I say to the Senate, please vote to reject this nomination, and ask the President to nominate someone who does reflect the best economic values that our country has.

With that, I yield to the Senator from Washington State, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

ANDREW PUZDER

Mrs. MURRAY. Mr. President, before I begin to speak about the nomination before us right now, I did want to comment on the breaking news regarding the nomination of Andrew Puzder.

There is some good news today for workers and women and families in America. Back on the campaign trail, President Trump promised to put workers first, but from the start, it has been pretty clear that his nominee for Secretary of Labor, who has now withdrawn, was a clear signal that President Trump had no intention of keeping that promise, and instead he planned to rig his Cabinet with the staunchest allies for Wall Street—big corporations and special interests—that he could find.

So I am not surprised that when workers and families heard about the pride Mr. Puzder takes in objectifying women, that he called his own workers "the best of the worst," and that his vision for our economy is one in which workers are squeezed so those at the top can boost their profits higher and higher, they said no. They spoke up loud and clear that they want a true champion for all workers in the Labor Department.

I just want to thank all the workers who bravely shared their stories in the last few months. It is clear today that your words are powerful, and I am going to keep bringing your voices here to the Senate, and we will keep fighting.

With that, Mr. President, I wanted to be here today to speak about OMB Director Nominee MULVANEY. I submitted comments on this nomination in the Budget Committee, and I want to bring them to the full Senate today.

I am here today to urge my colleagues to oppose Congressman MULVANEY. Mr. President, we all know that a budget is more than just numbers on a page; a budget represents our values and our priorities, the kind of Nation we are now and the kind of Nation we want to be.

Congressman MULVANEY is not shy about where he stands on this. When I sat down with him a couple of weeks ago, he made it very clear that he would use our budget to radically reshape our country in a way that I believe would be devastating to families, to seniors, to veterans, to the middle class, and to many others.

Congressman MULVANEY has said he wants to take drastic, radical cuts to Federal investments, trillions of dollars across the board. His budget proposals would slash Federal funding for education, leaving students across the country with fewer opportunities to learn and to succeed. They would cut investments in jobs and training, leaving our workers scrambling to keep up with the changing economy. They would eliminate support for children and families who need a hand up to get back on their feet. They would eliminate basic medical research that creates jobs and leads to lifesaving cures. They would continue the work President Trump has done to destroy healthcare in America and create even more chaos and confusion. They would lead to dramatic cuts to Medicare and Medicaid, betraying the commitments we have made to our seniors and so much more. He wants to do that while giving away even more tax cuts to the wealthiest Americans and biggest corporations and has proposed raising the Social Security retirement age to 70, causing millions of Americans to drop under the poverty line. In other words, Congressman MULVANEY's nomination is another perfect example of how President Trump is breaking the promises he made on the campaign trail to stand with workers and seniors and the middle class.

Just a few years ago, Congressman MULVANEY was at the fringes of the Republican Party. He is one of the most extreme members of the tea party wing of the party who supported the government shutdown when others were working to end it; who failed to show the proper concern about a potentially catastrophic breach of the debt limit and remains cavalier even now, telling me he would advise the President against accepting a clean debt limit; who, by the way, isn't even willing to support the budget deal I reached with Speaker RYAN. He is someone whom responsible members of his own Republican Party scorned just a few years ago and whose budget ideas they rejected as damaging, unworkable, and political suicide. But now he is the person whom Republicans are holding up as a budget leader.

As we see this nomination, as we see Republicans use the budget process to slam through a partisan plan to destroy our healthcare system, it is clearer than ever how far the Republican Party has moved, even from the days of our bipartisan budget deal.

Finally, I am extremely troubled by Congressman MULVANEY's failure to pay taxes and comply with the law. I know I am not the only one who has been here long enough to see Cabinet nominees withdraw over less egregious breaches than this. Congressman MULVANEY's motivations, explanations, and defenses have not been credible. It is hard to believe that every single one of my Republican colleagues feels comfortable with someone with such a serious lapse of judgment in charge of the budget of this administration.

I voted against Congressman MULVANEY in the Budget Committee for those reasons and more, and I am here today to oppose his nomination, and I urge my colleagues to do the same. Certainly, we can do better than this.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I think Senator MURRAY has said it very well, and I want to pick up on what I think is really at stake with this nomination. In effect, if confirmed, Congressman MULVANEY would be the numbers guy for the Trump team, the architect for the President's fiscal plan for the Nation's future.

I want to start by way of saying that, when you look at the President's promises that he made on the campaign trail to protect Medicare and Social Security from draconian cuts, Congressman MULVANEY's nomination and his record would be one of the biggest bait-and-switch schemes inflicted on America's seniors that I can imagine.

I am going to start by taking a minute to read some of what the President said on the campaign trail. He said:

Every Republican wants to do a big number on Social Security. They want to do it on Medicare . . . and we can't do that. It's not fair to the people.

The President said: "It's my absolute intention to leave Social Security the way it is, not increase the age, but to leave it as-is."

The President said:

You can't get rid of Medicare. Medicare's a program that works . . . people love Medicare and it's unfair to them. I'm going to fix it and make it better, but I'm not going to cut it.

So those are just some of the promises that President Trump made with respect to Social Security and Medicare. There are quotes like that from rallies and campaign events and debates over a period of some months. I think it would be fair to say that, for

a lot of seniors, when they heard that—when they heard these promises that these vital programs would be protected—that was a political litmus test for many American older people. So I describe this contrast between the promises of President Trump and Candidate Trump and Congressman MULVANEY as a bait and switch, but I think the Senate needs to know a little bit more detail with respect to specifics.

In 2011 Congressman MULVANEY said: "We have to end Medicare as we know it." He added in another interview: "Medicare as it exists today is finished." He proposed raising the Social Security age to 70. He called the program a Ponzi scheme. While he was a State lawmaker, he even voted to declare Social Security unconstitutional.

My sense is it will be a while before seniors get over the whiplash from the 180-degree turn the administration has pulled on Medicare and Social Security cuts.

Now, with respect to the days ahead, for me, a lot of this debate starts in my days when I was codirector of the Oregon Gray Panthers. The seniors that I worked with knew what those programs meant. It was their grandparents who faced old age without Social Security. Those seniors with whom I worked during those Gray Panther days remember what happened before we had the safety net. Before there was Social Security and Medicare, you would have needy older people shunted off to poor farms and almshouses. Even if you had meager savings, you were on your own for income or you had to rely on family, and lots of family members were not exactly well off. If you came down with a serious illness, it really meant that you would be living in poverty and squalor. Social Security and Medicare changed those unacceptable terms of the social contract between this country and older people—and changed it for all time. Those programs were about saying that in America—for the older people who fought our wars, strengthened our communities day in and day out, made America a better place because they were always pitching in to help and be constructive—Medicare and Social Security meant that older people and seniors would not face a life of destitution.

That is why I believe every Member of this body—and I heard Senator MURRAY talk about this—ought to find what Congressman MULVANEY has said against Medicare—his anti-Medicare and anti-Social Security agenda—so troubling. I want to be very specific about the days ahead. Medicare, at its core, has always been a promise. It has been a promise of guaranteed benefits. It is not a voucher. It is not a slip of paper. It is a promise of guaranteed benefits. We made the judgment—I just went briefly through some of the history—because no one would ever know

how healthy they would be when they reached age 65. We talked about it in the Budget Committee and in a number of meetings here in the Senate. I am definitely for updating the Medicare promise, updating the Medicare guarantee, and improving it, for example, to include chronic care services, cancer services, diabetes, services dealing with a whole host of chronic illnesses. That is going to consume much of the Medicare budget. We can have more home care and we can use telemedicine, and we can use nonphysician providers.

Senator MURRAY knows that in our part of the country we really have found a way to get people good quality care in an affordable way, but we are keeping the promise. We are keeping the promise of the Medicare guarantee.

Congressman MULVANEY would break the promise of Medicare. If confirmed, he would join his former House colleague who just became Health and Human Services Secretary, Tom Price, who said in really very blunt terms over the years that he wanted to privatize the program. He wanted to privatize and cut the program. He basically indicated with his legislation that he didn't really believe in Medicare, and he didn't believe in the guarantee of services that Medicare provided. If you look at Congressman MULVANEY's record, it certainly indicates he shares the views of our former House colleague who just became Health and Human Services Secretary, Tom Price.

With respect to Social Security, this year nearly 62 million Americans and their families count on receiving retirement, survivors, and disability benefits to stay afloat. This is a program that keeps tens of millions of seniors out of poverty. It is unquestionably one of the most popular programs in American history. It has changed the fabric of the country for the better.

Again, I think about the days when I worked with older people. We had millions of older people who month in and month out would just walk an economic tightrope. They would try to balance their food costs against their fuel costs and their fuel costs against their medical costs. Social Security and Medicare came along to make sure those older people wouldn't be pushed off that economic tightrope. So Social Security has changed the fabric of the country for the better without doubt, and yet Congressman MULVANEY proposes to raise the Social Security age to 70, which would be a 20 percent cut to benefits.

Let's picture what this means, particularly for the millions of older people who might not have had a job where they could work on their laptop, and they had a physical job. They worked hours and hours on their feet day in and day out. Ask the single mom who spent decades working mul-

tiple jobs that way to put food on the table and send her kids to school what it is going to mean to cut their benefits that way—or the loggers or the dock workers, the miners, and all of those people who have worked hard and have been on their feet with physically grueling work. Ask them about raising the Social Security age this way. I think you are going to get a pretty good sense of how strongly Americans oppose this kind of Mulvaney approach.

So by way of summing up, I think it would be hard to find a more significant task for the Congress at this time than protecting Social Security and Medicare, advocating for the two as great achievements in the history of American policymaking. They are right at the center of our safety net.

Now you have to give Congressman MULVANEY credit for one thing. He has been blunt, he has been explicit, and he is not shy about essentially his vision of hollowing these programs out and dismantling them. When asked about whether he was going to stick to his proposal to cut the programs, he said:

I have to imagine that the President knew what he was getting when he asked me to fill this role. I would like to think it is why he hired me.

That is why I say—and Senator MURRAY touched on this—what kind of a bait-and-switch game are we talking about here? You have the President—Candidate Trump—saying: Nothing doing; nobody is going to mess with Social Security and Medicare—off limits. I want older people in America to know they are going to be safe if they elect me.

It was almost like a litmus test for America's older people. Then Congressman MULVANEY comes along and he basically calls the bluff on the whole thing. He describes the bait and switch in very blunt terms, where he says: "I have to imagine the President knew what he was getting when he asked me to fill this role"—that the President knew what the Mulvaney record was all about, which was about ending Medicare as we know it.

So I will just close by way of saying that I see that a big part of my job, and what Oregonians sent me here to do, is to defend Medicare and Social Security for generations of Americans to come. That is why I am a no on the Mulvaney nomination. I urge my colleagues to oppose the nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, most Americans don't know who the

Director of OMB is, but I want to stand today and explain what an important position in our government it truly is.

The Director of OMB is responsible for not only implementing and articulating the President's budget but also safeguarding the regulatory process. I would say there is another part of the job because when you are Director of OMB and you are putting the budget out, you also have to understand the checks and balances of our government, including that there are two Houses in Congress and there are different opinions in Congress. Sometimes, in order to get a budget, the word "compromise" has to be utilized, which, by the way, was one of the favorite concepts of our Founding Fathers in our Constitution. That is why they embraced checks and balances, because they wanted to foster compromises and consensus.

That is why Representative MULVANEY is not the right person for this job. He is someone who has been a disrupter. There is a place for disrupters in government. I am not casting aside all disrupters, but I don't think a disrupter belongs as the head of the OMB.

Some people are going to talk a lot about his career and quote him: "We have to end Medicare as we know it." Others will talk about how he has agreed with the characterization of Social Security as a Ponzi scheme; that he has advocated raising the Social Security eligibility age to 70, even for people who would be as old as 59 right now and maybe having worked in physical labor all of their lives. Yes, he has advocated dramatic changes in dismantling Medicare and Social Security in many ways. I would like to focus on the fact that he thinks it is OK to default on the debt, that he thinks a government shutdown was good policy in terms of making a point, and that he has supported indiscriminate cuts to our defense budget that were a blunt instrument based on an ideology and not a thoughtful position based on our national security.

I listened to Mr. MULVANEY as he said to me in a one-on-one meeting how he would prioritize the debts he would pay if he defaulted on the debt. Wouldn't that be a great addition to the chaos we are all feeling right now; that the U.S. Government would be Turkey or Greece or another country that is having trouble meeting its obligations.

We have been a beacon on the Hill not just for freedom and not just for liberty but a beacon on the Hill in terms of economic strength. The notion that we would not rise to our obligations—understanding, as Congressman MULVANEY does, that this is not a spending issue; this is a meeting-our-obligations issue. This is like buying a pickup truck and halfway through the payments you decide you don't want to pay anymore. This isn't a matter of deciding whether you are going to buy

the pickup truck in the first place. That is the appropriations process. Raising the debt limit is merely deciding we are going to pay our obligations.

So the fact that he believes brinkmanship is a good thing in terms of shutting down the government, the fact that defaulting on our debt is an option for Congressman MULVANEY, the fact that if you look at those positions, you realize compromise is not part of his vocabulary; that brinkmanship and rigid ideology is what he would bring to this process, that is the last thing we need in Washington, DC, right now, brinkmanship and rigid ideology, especially when it comes to our budget and prioritizing our funds.

So I cannot support Congressman MULVANEY. As the ranking member on the Homeland Security and Governmental Affairs Committee, I hope I can urge my other colleagues to understand that there are many people whom I could support for Director of OMB, but Congressman MULVANEY is not one of them.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise in opposition to the nomination of Congressman MICK MULVANEY to serve as the Director of the Office of Management and Budget.

Under most circumstances, I always give the benefit of the doubt to the incoming President for obvious reasons; that he is the choice of the American people. So it is with great reluctance that I come to the floor of the Senate to rise in opposition to the nomination of Congressman MICK MULVANEY.

President Trump has committed to "end the Defense sequester and rebuild our military." Earlier this month, the President promised troops at CENTCOM headquarters that his administration "will make an historic financial investment in the armed forces of the United States." I fully support the President's commitment. I fear that Congressman MULVANEY, as the Director of the Office of Management and Budget, does not.

I believe we must rebuild our military while at the same time putting our Nation on a sustainable, long-term fiscal path. We can and must do both. Unfortunately, Congressman MULVANEY has spent his last 6 years in the House of Representatives pitting the national debt against our military. He offered amendments in support of cutting our national defense funding year after year after year.

As my colleagues and I sought repeatedly to find legislative solutions to reverse dangerous defense cuts and eliminate arbitrary defense spending caps, it was Congressman MULVANEY and his allies who repeatedly sought to torpedo these efforts.

In 2013, Congressman MULVANEY succeeded in passing an amendment to cut

\$3.5 billion from the Defense appropriations bill. His website featured an article touting the achievement, but when I asked him about that vote during his confirmation hearing, Congressman MULVANEY said he didn't remember that amendment. I think anybody who treats our national defense with the seriousness it deserves would remember a vote like that.

President Trump has said that defense cuts over the last several years have depleted our military. Our military leaders have testified that these cuts have placed the "lives of" our military "servicemembers at greater risk." That is an exact quote from our military leaders, but Congressman MULVANEY has said that in the greater scheme of things, sequestration cuts were not that big. He also said: "The only thing worse than those military cuts would be no cuts at all."

This is the kind of statement that can only be made by a person detached from the reality of what these cuts have meant to military servicemembers. Tell that to the thousands of soldiers who were forced out of the Army because of these cuts. Tell that to the Marine pilots who fly fewer hours per month than their Russian and Chinese counterparts because of these cuts. Tell that to the Air Force maintainers, stealing parts from retired aircraft and museum pieces to keep their planes in the air because of sequestration. Tell that to the crew of the submarine USS Boise who can't deploy because their boat is no longer qualified to dive and can't receive required upkeep because of chronic maintenance backlogs. Tell that to the thousands of Navy sailors who have picked up the slack for an overworked Navy by going on extended deployments and spending more and more time away from their families, all because of the defense cuts.

Congressman MULVANEY's beliefs, as revealed by his poor record on defense spending, are fundamentally at odds with President Trump's commitment to rebuild our military. This record can't be ignored in light of the significant authority exercised by the Director of the OMB over the Federal budget.

Almost every one of my colleagues in this body—all but one—voted for Jim Mattis to be Secretary of Defense because they knew he was the right leader to help the Department of Defense confront growing threats to our national security. I share that same confidence, but I also know he can't do it alone. Voting in favor of Congressman MULVANEY's nomination would be asking Secretary Mattis to spend less time fighting our enemies overseas and more time fighting inside the beltway budget battles with an OMB Director with a deep ideological commitment to cutting the resources available to his Department.

Congressman MULVANEY's record is equally troubling when it comes to for-

eign policy. Apparently, Congressman MULVANEY shared President Obama's naive assumptions about Russia's threat to Eastern security when he voted to require the withdrawal of two Army brigade combat teams from Europe in 2012. He compounded the error in 2013 when he voted to withdraw the 2nd Cavalry Regiment from Europe. Congressman MULVANEY and others supported these withdrawals in the name of saving money, but the short-sighted decision to withdraw troops and capabilities from Europe ended up costing the taxpayers billions more, not less.

When Russia invaded Ukraine in 2014, America's military presence in Europe was inadequate to the scale and scope of Russia's threat to our interests and our allies. Addressing this problem has required billions of dollars in new investments to enhance our deterrent posture in Europe; in other words, American taxpayers, quite literally, paid the price for the strategic mistake of withdrawing from Europe, supported by Congressman MULVANEY.

In 2011, Congressman MULVANEY voted for the immediate withdrawal of all U.S. troops from Afghanistan. I repeat that. This is not a typographical error. In 2011, Congressman MULVANEY voted for the immediate withdrawal of all U.S. troops from Afghanistan. Congressman MULVANEY voting to abandon America's mission to prevent Afghanistan from becoming a safe haven for terrorists to attack our homeland as they did on September 11, is disturbing enough, but Congressman MULVANEY's testimony during his confirmation hearing that he did so at the urging of a single constituent, with no apparent regard for the national security consequences, leaves me with serious doubts about his judgment on matters of national security.

Beyond matters of defense and national security policy, I am also concerned about Congressman MULVANEY's support for reckless budget strategies that led to a government shutdown. He made frequent attempts to diminish the impact of the shutdown by referring to it as a "government slowdown," or the more Orwellian term, "temporary lapse in appropriations." There are few people whose views and record are more representative of the dysfunction that has gripped Washington for the last several years than that attitude.

Over my 30 years in the Senate, I have shown great deference to Presidents of both parties in selecting members of their Cabinet, but I cannot on this nominee. My decision to oppose this nomination is not about one person. It is not about one Cabinet position. This is not personal. This is not political. This is about principle. This is about my conviction as chairman of the Senate Armed Services Committee that providing for the common defense

is our highest constitutional duty and that rebuilding our military must be the No. 1 priority of the Congress and the White House.

I will vote to oppose Congressman MULVANEY's nomination because it would be irresponsible to place the future of the defense budget in the hands of a person with such a record and judgment on national security.

This is the beginning, not the end, of the fight to rebuild our military. I will continue to stand on principle as this body considers a budget resolution for the coming fiscal year and Defense authorization bill and a Defense appropriations bill, and I will continue to stand on principle in fighting to bring a full repeal of the Budget Control Act's discretionary spending caps to the floor of the Senate.

For 6 years now, Washington dysfunction has imposed very real consequences on the thousands of Americans serving in uniform and sacrificing on our behalf all around the Nation and the world.

From Afghanistan to Iraq and Syria, to the heart of Europe, to the seas of Asia, our troops are doing everything we ask of them. It is time for those of us in this body to do all we can for them. So long as I serve as chairman of the Armed Services Committee, it is my pledge to do just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF NEIL GORSUCH

Mr. HATCH. Mr. President, 2 weeks ago, President Trump nominated Tenth Circuit judge Neil Gorsuch of Colorado to fill the vacancy left by the death of Supreme Court Justice Antonin Scalia. Judge Gorsuch, in my opinion, is the ideal choice to fill this seat. He has impeccable credentials and a decade-long record on the bench demonstrating a keen understanding of the proper role of a judge.

Given the increasingly contentious nature of the confirmation process, it is not surprising that many of my colleagues on the other side of the aisle and their special interest group allies are stretching to find anything objectionable about Judge Gorsuch, no matter how ridiculous.

Today, I wish to address one of their latest, most outlandish claims: that Judge Gorsuch would not serve as an independent check on the executive branch. For example, last week in Politico, Senator SCHUMER, the distinguished Senator from New York, declared in an opinion piece: "The most important factor in assessing a Supreme Court nominee . . . is whether or not the potential justice will be an independent check on an executive who may act outside our nation's laws and the Constitution." Senator SCHUMER doubled down on these comments in the New York Times. There, he argued that it was impossible for him to dis-

cern Judge Gorsuch's judicial independence when they met in person. Why? Because Judge Gorsuch refused to say how he would rule on specific issues or how he would review particular government actions. These misleading narratives are an irrelevant, wasteful distraction from our consideration of Judge Gorsuch's sterling record and the merits of confirming him to the Supreme Court.

Last month, I warned that the left would use these diversion tactics in an attempt to discredit the President's nominee. Shortly before Judge Gorsuch's nomination was announced, I predicted in an opinion piece in the Washington Post that advocates and interest groups would want to know how the nominee would decide particular cases before those cases ever reached the Court to make sure the nominee is on the right team. I was right.

Our Nation's Founders would have been embarrassed by such questions. Instead, the questions we ask should focus on whether the nominee will interpret and apply the law faithfully and neutrally no matter what the issue is. After all, that is what our Constitution demands.

Our Founders are not the only ones who would be embarrassed. I have been in the Senate for the last dozen Supreme Court confirmations. Every nominee we have considered has rightly refused to answer such questions. Consider, for example, Justice Ginsburg's response at her confirmation hearing. She said:

A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of the particular case, it would display disdain for the entire judicial process.

Just last month in a speech in Arizona, Justice Sotomayor had an even stronger warning against asking and answering such questions. She said:

What you want is for us to tell you how as a judicial nominee we're going to rule on the important issues you find vexing. . . . Any self-respecting judge who comes in with an agenda that would permit that judge to tell you how they will vote is the kind of person you don't want as a judge.

So let's stop with this nonsense of trying to get Judge Gorsuch to pre-judge issues that could come before the Court. I hope my colleagues appreciate the irony in asking a judge to say how they would rule on particular issues in order to prove that the judge is judicially independent. I agree with Justice Sotomayor: A nominee who will tell you how she would vote is the kind of person you do not want as a judge.

But if judicial independence really is the most important factor, as Senator SCHUMER suggests, then this confirmation process should be the easiest one in the Senate's history. Over 11 years on the Tenth Circuit, Judge Gorsuch has consistently demonstrated in his judicial opinions and other writings

that he deeply values the constitutional separation of powers between the three branches of the Federal Government. Judge Gorsuch understands that the Constitution gives each branch distinct roles: Congress makes the laws, the President enforces those laws, and the courts interpret those laws and the Constitution. The branches may act only according to the powers the Constitution grants them, with the remaining powers and rights reserved to the States and ultimately to the people.

With respect to the power of the executive branch, Judge Gorsuch has a strong record of reining in actions which violate the Constitution and the law. Perhaps the best example is his opinion in the immigration case *Gutierrez-Brizuela v. Lynch*. There, the Attorney General attempted to apply a new agency rule retroactively prohibiting a noncitizen from receiving relief under Federal immigration law. Writing for the Tenth Circuit, Judge Gorsuch ruled that such action exceeded the executive's power to enforce the law.

In a separate opinion, he noted that there is an elephant in the room: the so-called Chevron deference doctrine, which requires courts to defer to Federal agency interpretations of the law we pass. He expressed constitutional concerns about Chevron deference. Judge Gorsuch wrote:

[T]he fact is Chevron . . . permit[s] executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution of the framers' design. Maybe the time has come to face the behemoth.

Judge Gorsuch then proceeded to provide a textbook explanation of the proper separation of powers under our Constitution. As he stated, the Founders included a strong separation of powers in the Constitution because "[a] government of diffused powers, they knew, is a government less capable of invading the liberties of the people."

As my colleagues know, I am no fan of Chevron deference. Last Congress, I introduced the Separation of Powers Restoration Act to get rid of it. As I noted when I introduced the legislation, regulators have taken advantage of the courts' deference under Chevron to shoehorn the law for their own political agenda, expanding their authority well beyond congressional intent. But the Constitution's separation of powers makes clear that it is the responsibility of the courts, not the bureaucracy, to interpret the law. So I am pleased Judge Gorsuch understands that the Constitution requires Federal judges to serve as an independent check on how Federal agencies interpret the laws we enact.

Separation of powers is not just about ensuring that the executive branch performs its proper role of executing the law; separation of powers is

also about making sure Federal judges understand their proper role under the Constitution. As Chief Justice Marshall famously explained in *Marbury v. Madison*, judges have a constitutional duty to say what the law is. Simply put, judges must be faithful interpreters of our laws and the Constitution.

Under our constitutional separation of powers, it is not the role of Federal judges to make or change laws by imposing their own policy preferences. It is not their role to look beyond the law to consider their personal views and feelings. And it is not their role to choose winners and losers based on subjective beliefs that favor one group over another.

In my 40 years in the Senate, I have reviewed the record of hundreds of nominees for the Federal bench. I don't think I have ever reviewed the record of a nominee who better understands his proper role under the Constitution than Judge Gorsuch. Consider, for example, Judge Gorsuch's touching tribute to Justice Scalia that was published last year in the *Case Western Reserve Law Review*. In that speech, Judge Gorsuch eloquently explained how judges should not be in the business of ruling in ways that reflect their own political views or policy preferences. Judges, after all, are not elected legislators. Instead, judges should interpret the law as written. They must start with the text of the statute and then utilize the traditional tools of statutory interpretations to discern the meaning of any particular law.

Judge Gorsuch understands, to borrow from Alexander Hamilton, that the judiciary should be the least dangerous branch. These aren't just words; Judge Gorsuch's judicial record confirms that he lives this judicial philosophy of restraint and humility.

In an essay I published last week on SCOTUSblog, I reviewed a number of judicial opinions by Judge Gorsuch that demonstrate his commitment to the separation of powers and the proper role of a judge in our Federal system. I will not go through all of those cases here, but I ask unanimous consent that the essay be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From SCOTUSblog]

WORRIED ABOUT THE SEPARATION OF POWERS?
THEN CONFIRM JUDGE GORSUCH

(By Senator Orrin Hatch)

Last week, President Donald Trump nominated Judge Neil Gorsuch to replace Justice Antonin Scalia on the U.S. Supreme Court. Judge Gorsuch is an ideal choice to fill this seat: He has impeccable credentials and a decade-long record on the bench demonstrating a keen understanding of the proper role of a judge. Given the increasingly contentious nature of the confirmation process, it is no surprise that many Democrats are stretching to find anything objectionable about Judge Gorsuch, no matter how ridicu-

lous. In the current political environment, they have focused much of their criticism on one particularly strained argument: their claim that Justice Gorsuch would not serve as an independent check on the executive branch.

Fortunately, we do not have to speculate about how Justice Gorsuch would decide these kinds of cases. Judge Gorsuch has consistently demonstrated in his judicial opinions and other writings that he deeply values the constitutional separation of powers between the three branches of the federal government. Judge Gorsuch understands that the Constitution gives each branch distinct roles: Congress makes the laws, the President enforces those laws, and the courts interpret those laws and the Constitution. The branches may act only according to the powers the Constitution grants them, with the remaining powers and rights reserved to the states and, ultimately, to the people.

With respect to the power of the executive branch, Judge Gorsuch has a strong record of reining in unlawful overreach. For instance, in *Gutierrez-Brizuela v. Lynch*, the Attorney General had attempted to apply a new agency rule retroactively to prohibit a noncitizen from receiving relief under federal immigration law. Writing for the U.S. Court of Appeals for the 10th Circuit, Judge Gorsuch concluded that such action exceeded the executive's power to enforce the law. In a separate opinion, he went one step further and expressed concerns about how judge-made doctrines that require judicial deference to federal agency actions—namely, *Chevron* deference and its progeny—“permit executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution of the framers’ design.” Judge Gorsuch then proceeded to provide a textbook explanation of the proper separation of powers between the three branches, concluding that “[i]t was to avoid dangers like these, dangers the founders had studied and seen realized in their own time, that they pursued the separation of powers. A government of diffused powers, they knew, is a government less capable of invading the liberties of the people.”

Nor is Judge Gorsuch a supporter of federal judges who go beyond their constitutional role in interpreting the law. As Judge Gorsuch has eloquently explained, “judges should be in the business of declaring what the law is using the traditional tools of interpretation, rather than pronouncing the law as they might wish it to be in light of their own political views, always with an eye on the outcome, and engaged perhaps in some Benthamite calculation of pleasures and pains along the way.” It is not judges’ role to make or change laws by imposing their own policy preferences instead of what Congress actually passed. It is not their role to look beyond the text of the law to consider their personal views and feelings. And it is not their role to choose winners and losers based on subjective beliefs that favor one group over another. Judge Gorsuch’s opinions reinforce his judicial philosophy of restraint and humility and his proper understanding—to borrow from Alexander Hamilton—that the judiciary should be the “least dangerous” branch.

Consider, for example, *United States v. Games-Perez*. There, the 10th Circuit upheld a conviction for possession of a firearm by a felon. The criminal defendant argued that he was unaware that he was a convicted felon, but the court rejected this argument as fore-

closed by the court’s prior precedent. Judge Gorsuch penned a separate opinion. He agreed that the court was bound by its own precedent, but he wrote separately to urge the court to reconsider its precedent in light of the plain text of the statute that requires the government to prove the defendant knew he was a convicted felon. As Judge Gorsuch explained, “we might be better off applying the law Congress wrote than the one [the court] hypothesized. It is a perfectly clear law as it is written, plain in its terms, straightforward in its application.” He continued: “Of course, if Congress wishes to revise the plain terms of [the statute], it is free to do so anytime. But there is simply no right or reason for this court to be in that business.”

Sometimes a judge is asked to consider the proper separation of powers between all three branches. For instance, in *Hobby Lobby Stores, Inc. v. Sebelius*, the 10th Circuit considered whether certain regulations issued by the U.S. Department of Health and Human Services under the Patient Protection and Affordable Care Act violated the plaintiffs’ rights under the Religious Freedom Restoration Act. In particular, the plaintiffs argued that the regulations’ health insurance mandate for employers violated RFRA’s statutory protections on religious freedom by forcing employers to provide health insurance coverage for abortion-inducing drugs and devices. Judge Gorsuch’s opinion explained why the owners of one of the plaintiff companies were entitled to relief under RFRA. As an initial matter, he noted that the owners’ “religious convictions are contestable” and that “[s]ome may even find [their] beliefs offensive,” but that RFRA “does perhaps its most important work in protecting unpopular religious beliefs.”

Judge Gorsuch then turned to the statutory interpretation question at issue and noted that the case was a “tale of two statutes.” Wrote Judge Gorsuch: “The ACA compels the [plaintiffs] to act. RFRA says they need not. We are asked to decide which legislative direction controls.” To decide which statute controlled, he did not defer to the executive branch’s position on the matter. Nor did he seek to impose his own policy preferences. To the contrary, he noted that “[t]he tiebreaker is found not in our own opinions about good policy but in the laws Congress enacted.” Because “Congress structured RFRA to override other legal mandates, including its own statutes, if and when they encroach on religious liberty,” and “because the government identifies no explicit exclusion in the ACA to its dictates,” Judge Gorsuch concluded, RFRA’s directive prevailed.

Even a casual review of Judge Gorsuch’s opinions should eliminate any concerns my Senate colleagues may have concerning his commitment to the Constitution’s separation of powers. In his opinions, Judge Gorsuch has resisted executive branch efforts to make laws as opposed to merely enforcing those laws as written. Indeed, his opinions and other writings cogently make the case for this approach to separation of powers in a way that finds few rivals on the federal bench and reminds me much of the case Justice Scalia made during his time on the Court. Judge Gorsuch, moreover, has been a model of respect for the proper judicial role, a judicial philosophy under which “judges seek to interpret texts as reasonable affected parties might have done rather than rewrite texts to suit their own policy preferences.”

To be sure, that Justice Gorsuch would be a fierce defender of the separation of powers and the rule of law does not mean his rulings will match his policy preferences, much less mine. In fact, in his tribute speech to Justice Scalia last year, Judge Gorsuch embraced Justice Scalia's philosophy of judicial restraint: "If you're going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach." That is precisely why Judge Gorsuch is the right choice for the Supreme Court.

Mr. HATCH. To be sure, that Justice Gorsuch would be a fierce defender of the separation of powers does not mean his rulings will match his policy preferences. As Justice Scalia wisely remarked, good and faithful judges will not always like the conclusions they reach in interpreting the law. And it certainly does not mean that his rulings will match my policy preferences or those of my colleagues. As I have repeatedly stated on this floor over decades, that is not the proper inquiry when we assess the qualifications of a nominee to the Federal bench. Federal judges must be judges, not super-legislators.

The bottom line is, even a casual review of Judge Gorsuch's opinions should eliminate any concerns my colleagues may have concerning Judge Gorsuch's commitment to the Constitution's separation of powers. Any review would lead to that conclusion. In his opinions, Judge Gorsuch has resisted executive branch efforts to make laws as opposed to merely enforcing those laws. Judge Gorsuch's opinions and other writings make the compelling case for separation of powers in a way that finds few rivals on the current Federal bench.

If my colleagues are truly concerned about the proper separation of powers between the three branches of government, there is a simple solution: Confirm Judge Gorsuch as an Associate Justice on the United States Supreme Court.

REPEALING AND REPLACING OBAMACARE

Mr. President, I want to once again discuss the ongoing effort to repeal and replace the so-called Affordable Care Act. This is one of our most vexing issues of the day. Of course, this isn't the first time I have come to the floor to discuss ObamaCare, and I am fairly certain it won't be the last.

I was here just last week, in fact, talking about the general unanimity among Republicans on these issues, despite the seemingly eternal focus on the supposed divisions among our ranks. While some are still advancing that narrative, Republicans are, overall, still united in our desire to repeal and replace ObamaCare. As I said last week, I don't know if there is a single Republican in Congress who supports keeping the healthcare status quo in place. All of us want to right what went wrong with the poorly named Affordable Care Act and provide patients

and consumers with more healthcare choices that address healthcare costs.

Most differences of opinion that do exist on these matters are more about timing than anything else. As I have said before, I support moving quickly to repeal ObamaCare and include as many replacement policies as possible under the rules of the reconciliation process. More specifically, I support repealing ObamaCare's harmful taxes, and I will explain why.

Put simply, the tax provisions in ObamaCare were poorly conceived and recklessly enacted, and they are harmful to our economy. Those taxes came in a number of forms, including the employer mandate and the individual mandate, both of which are enforced through the Tax Code.

In addition, there is the health insurance tax, the Cadillac tax, along with new taxes on healthcare savings and pharmaceuticals. ObamaCare also included a payroll tax hike for some high-income earners as well as additional taxes on investing. And, of course, we cannot forget the medical device tax, which, in just the first 3 years that ObamaCare was implemented, resulted in more than 30,000 lost jobs in that important industry.

All told, the tax provisions of the Affordable Care Act represented a trillion-dollar hit on the U.S. economy in the first 10 years, and the burdens of the vast majority of these taxes are ultimately borne by patients and consumers in the form of higher costs, larger tax bills, and reduced value in existing health plans and savings accounts.

I know some of my colleagues like to plead ignorance on the notion that taxes on a particular industry tend to be passed along to that industry's consumers, but it is a fact that can't be ignored. Taxes on health insurance plans increase premiums for patients. Taxes on drug companies make drugs more expensive. Taxes on medical device sales increase the costs of those devices.

It is not a complicated concept; it is the natural byproduct of tax provisions negotiated with stakeholders behind closed doors under threat of increased government intrusion and market regulation. These taxes weren't drafted solely to pay the cost of ObamaCare; they were also part of a strategy to get the law through Congress, dividing the business community and pitting industries against one another to prevent widespread opposition. As I said, at the end of the day, it is patients and consumers—individuals and families—who pay most of the freight on these types of tax policies.

Don't take my word for it. Let's look at one major example. Congress's non-partisan scorekeeper, the Joint Committee on Taxation, indicated that, by and large, the tax on health insurance premiums would be passed along to health insurance policyholders.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the JCT to Senator GRASSLEY, dated October 28, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, October 28, 2009.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR RANKING MEMBER GRASSLEY: You requested that we provide you with an analysis of the incidence of the insurance industry fee provision of S. 1796, the "America's Healthy Future Act," our estimate of the effect on the after-tax price of purchased health insurance, and a distributional analysis of the provision.

INSURANCE INDUSTRY FEE

Sec. 6010 of S. 1796 would impose an annual fee on any covered entity engaged in the business of providing health insurance with respect to United States health risks. Under the provision, employers who self-insure their employees' health risks and governmental entities are not covered entities.

The fee applies for calendar years beginning after 2009. The aggregate annual fee for all covered entities is \$6.7 billion. Under the provision, the aggregate fee is apportioned among the covered entities based on a ratio designed to reflect their relative market share of U.S. health business.

For each covered entity, the fee for a calendar year is an amount that bears the same ratio to \$6.7 billion as (1) the covered entity's net premiums written during the preceding calendar year with respect to health insurance for any United States health risk, bears to (2) the aggregate net premiums written of all covered entities during such preceding calendar year with respect to such health insurance.

INCIDENCE OF INSURANCE EXCISE TAXES

The proposed fee is similar to an excise tax based on the sales price of health insurance contracts. The effective excise tax rate varies from year to year depending upon the aggregate value of health insurance sold. The economic incidence of an excise tax imposed on sale of health insurance contracts (that is, who actually bears the cost of the tax) may differ from the statutory incidence of the tax (that is, the person on whom the tax is levied). Taxes may be borne by any of the following: consumers in the form of higher prices; owners of firms in the form of lower profits; employees in the form of lower wages; or other suppliers to firms in the form of lower payments. This makes generalizations about the incidence of taxes difficult to make. Nonetheless, two principles have general validity. First, economic incidence does not depend on whom the tax is levied. Whether the statutory incidence of the tax is on the consumer, the employer, or the insurer, the economic incidence is the same regardless of who writes the check to the government. Second, taxes are shifted from those who are more sensitive to price changes (economists describe these individuals and entities as having more "elastic" supply and demand) to those who are less sensitive to price changes (those with more "inelastic" supply and demand).

In the case of competitive markets, an excise tax generally is borne entirely by consumers in the form of higher prices in the long term. An excise tax increases the cost

of producing an additional unit, or incremental cost, of the taxed good by the amount of the tax. In a competitive market, market forces cause the after-tax price of a good to equal the additional cost of producing and selling another unit of the good. Competition drives the price down to equal the incremental cost of the provision of the good or service, including the return to incremental invested capital. If supply is perfectly responsive to price changes, any price above incremental cost would induce new firms to enter and increase production until prices were bid back down to incremental cost. Similarly, any price below incremental cost would induce firms to exit or reduce production (because they would now be losing money selling the taxed good). The reduction in supply allows prices to increase back up to incremental cost.

This response may be observed even if some of the participants in the competitive market do not seek to maximize profits as their primary objective. Tax-exempt and nonprofit producers may also pass on the tax as they also face the increased incremental cost, which they will need to recover. If they cannot, for example, raise additional funds from donors, effectively passing the tax on to them, their alternative is to pass on the tax to consumers in the form of higher prices.

While consumers are thought to bear the burden of excise taxes in competitive markets, some may question the degree of competition in health insurance markets. Recent surveys have noted that many markets are characterized by the presence of only a few firms. Additionally, there may exist barriers to entry in the health insurance market, including multiple State regulatory requirements, the cost of establishing health provider networks, health provider network effects (i.e., the value of a health provider network to consumers rises with the size of the network), and efficiencies in risk shifting and risk distribution for large firms.

However, the absence of many competitors does not by itself imply that there is no competitive pressure on prices. The threat of potential entrants may provide competitive price pressure on the existing firms. Furthermore, the option to self-insure may provide a source of potential competition for full, purchased insurance, at least for larger firms.

If the insurance industry is not perfectly competitive in a particular market, the question remains as to what extent an insurance excise tax would be borne by consumers or producers in that market. Theoretical analysis has shown that, depending upon market conditions, the price could increase by: (1) more than the amount of the tax; (2) exactly the amount of the tax; or (3) less than the amount of the tax. Various empirical studies have examined the effect of excise taxes on prices in less than perfectly competitive markets. Studies of the tobacco industry suggest that manufacturers pass on more than the full amount of the tax, while studies of less than perfectly competitive retail gasoline markets in rural areas suggest that producers pass on nearly all of the tax. Even in the rural retail gasoline markets in which gas stations may be the sole provider of gasoline for many miles and firms exhibit some pricing power, nearly 95 percent of the excise tax is still passed on to consumers.

While uncertainty exists, we assume that a very large portion of the excise tax on purchased insurance will be borne by consumers in most markets, including in some markets with a high level of concentration among market participants covered by the proposed

excise tax. In the context of general health care reform legislation, this assumption is further supported by the presence of an excise tax on individuals without minimum essential benefits coverage, which is likely to make demand for insurance somewhat less sensitive to changes in price, as consumers will have to buy insurance or face a penalty. While consumers (or employers) may respond by changing their insurance coverage from more expensive coverage to less expensive plans to offset any potential price increase, this behavior too is properly characterized as the consumers bearing the burden of the excise tax by accepting lower quality (for example, a more restricted physician network) for the same price rather than paying a higher price for the quality of insurance that they would prefer if there were no tax. To the extent that firms can avoid the tax by switching from full insurance to self-insurance, this may suggest that insurers are unable to pass on the full cost of the excise tax on purchased insurance. Increased self-insurance from firms avoiding the excise tax may increase the cost of this health benefit to employees as firms that previously chose full insurance, presumably because it cost less in the absence of the excise tax than self-insurance, switch to higher cost self-insurance. Additionally, to the extent that insurers maintain some pricing power in the administrative services that they provide self-insurers, the self-insurance market may bear some of the burden of the excise tax as well.

EFFECT OF THE FEE ON THE COST OF PURCHASED HEALTH INSURANCE

The aggregate value of the proposed fee is the same for each year. The current law baseline for health insurance premiums projects rising health insurance premiums annually through the budget period. Consequently the magnitude of the proposed fee declines annually relative to the sale of health insurance. Given the incidence analysis discussed above, while there is uncertainty, we expect a very large portion of proposed insurance industry fee to be borne by purchasers of insurance in the form of higher premiums. Our estimate is that the premiums for purchased health insurance policies, including the tax liability, would be between 1.0 and 1.5 percent greater than they otherwise would be as a consequence of the industry fee for calendar years 2010, 2011, and 2012.

DISTRIBUTIONAL ANALYSIS OF THE INSURANCE INDUSTRY FEE

Regardless of the determination of the economic incidence of the proposed insurance industry fee of S. 1796, at the present time the staff of the Joint Committee on Taxation is not able to distribute the effects across individuals on our individual tax model. The proposed insurance industry fee would apply only to the revenues from underwritten policies sold to third parties. It would not apply to the value of health benefits received by individuals through their employers who self-insure the health risks of their employees. Our individual tax model is based upon a sample of approximately 180,000 actual tax returns. To distribute proposed tax changes related to economic activity that is not already reflected on the individual tax return we impute values or statistically match supplemental information such as data gathered by the Census Bureau, to the individual tax returns of our model. For our quantitative analysis of employer-provided health benefits we have made such imputations of data relating to employees' employer-provided health care benefits to the individual model.

These imputations are based on the data collected as part of the Medical Expenditure Panel Survey ("MEPS"), a survey undertaken by the Agency for Healthcare Research and Quality of the Department of Health and Human Services. However, the imputations we have made to the individual tax model at this time relate only to the value of employer expenditures for the health care of their employees. These imputations do not generally distinguish between the employers' purchased insurance coverage and benefits for which the employer self-insures. Consequently, we are unable to distribute either the economic incidence or the revenues generated from the proposed fee of S. 1796, which applies only to purchased health insurance.

I hope this information is helpful to you. Please contact me if we can be of further assistance.

Sincerely,

THOMAS A. BARTHOLD.

Mr. HATCH. While we are setting the record straight on ObamaCare, my colleagues on the other side have repeated a particular false claim that needs correction. My Democrat friends are fond of characterizing the repeal of ObamaCare as a tax cut for high-income earners and a tax increase for low- and middle-income taxpayers. That claim is simply false.

According to JCT, the Joint Committee on Taxation, the Affordable Care Act imposed significant and widespread tax increases on taxpayers earning less than \$200,000 a year, despite President Obama's repeated promises that the law would not do so. In fact, in 2017, a single provision—the reduction in the deductibility of catastrophic losses—is projected to raise taxes on 13.8 million taxpaying families and individuals, mostly from the middle class. That is more than the number of taxpayers who receive exchange credits and other premium subsidies under current law. That is just one example. There are others.

Fortunately, we have been able to forestall the impact of a number of the ObamaCare tax provisions. We have fought and negotiated long and hard to do so, but virtually all of those taxes are still looming on the ObamaCare horizon.

Most of us on the Republican side have been fighting these taxes more or less since the day ObamaCare was signed into law. We have highlighted their harmful impact on the economy and decried the crony capitalism that was behind the effort to draft and enact them.

Given this long history, at least in my view, it is essential that we repeal all of these taxes, along with the rest of ObamaCare. It is difficult to imagine how Republicans, who are now in the majority in large part due to the promises we made to repeal and replace the Affordable Care Act, can now sift through ObamaCare's taxes and decide which ones are the least objectionable so that we can use them to pay for our own healthcare reforms.

ObamaCare isn't problematic simply because healthcare costs are not going

up; it was fundamentally flawed at the outset. The way the law was drafted was, and still is, a problem. The way the law was negotiated—with stakeholders being played against each other—was, and still is, a problem. Of course, the way the law was paid for was, and still is, a problem. The ObamaCare taxes are a big part of this equation. In my view—and, I think, the view of the vast majority of my Republican colleagues—they have to go.

As I said, there really are not widespread disagreements among Republicans on these issues. Overall, we broadly agree on the fundamental issues surrounding ObamaCare, and, as I noted last week, it is not all that problematic to have some differences of opinion on the initial stage, so long as we can overcome those differences in the end. I think we can do that. More importantly, I think we will.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Illinois.

Mr. DURBIN. Mr. President, pending before the U.S. Senate is the nomination of MICK MULVANEY, a Congressman who is seeking to be the Director of the Office of Management and Budget.

If you were to ask the people of America about the Cabinet positions filled by the President, the one they probably would miss is the Office of Management and Budget. It turns out to be one of the more important positions, but it is not as well known historically as Treasury Secretary, Secretary of State, and Attorney General. It is an important job. It is one of the most consequential jobs because the Director of the Office of Management and Budget is responsible for preparing the President's budget, setting the priorities of the Federal budget, and overseeing the performance of Federal agencies. It is a big and challenging job.

Many other nominees for positions in the Cabinet are well known and have been debated on the floor of the Senate. Today I come to say a few words about the record of this Congressman, MICK MULVANEY, who is seeking this directorship of the Office of Management and Budget. It is a very interesting record.

It is not unusual for Members of the House and the Senate to have unusual positions on issues. I guess each one of us has something we believe intensely that other people question. When it comes to Congressman MULVANEY, there is a long litany of positions he has taken that are far out of the mainstream of either political party. Yet President Donald Trump decided this is the man, this is the person he wanted to head up his budgeting effort. This is the person he wants to set the priorities for spending in the United States of America during his Presidency.

If you look at the record of MICK MULVANEY, you will find that he has

had an eagerness to dictate large and draconian cuts across the Federal Government in some of our most important and most cherished programs. Let me tell you about a few that highlight his record in Congress. Each one of these that I will speak to, if advanced by the Director of the Office of Management and Budget, would have far-reaching consequences on families and individuals across the United States, not only in the operation of government but also in the effectiveness of our Federal workforce.

To start with—and this, I think, is the right place to start—Congressman MULVANEY, who seeks the position of Director of the Office of Management and Budget, has repeatedly led efforts to shut down the Federal Government. When Mr. MULVANEY and the Republicans succeeded in shutting down the government for 16 days in 2013, it cost the American economy \$20 billion. Do you remember that?

Rush Limbaugh got on his radio show and said: If they shut down the government, no one will even notice.

Guess what, Mr. Limbaugh. They noticed.

All across America, working families paid the price for that foolish political act of shutting down the government. The real cost of the government shutdown is not just measured in dollars. The real cost is in hardships unnecessarily created, hardships for Federal employees who didn't receive their checks on a timely basis, hardships for people struggling to survive in America, who relied on programs like food stamps. We call them SNAP benefits now. They had their food in jeopardy and endangered because Congressman MULVANEY and his friends thought that a display of political power—shutting down the government—was the right recipe for America.

These government shutdowns delayed 2 million Federal workers from receiving their checks, real people with real families to feed. Congressman MULVANEY doesn't seem to care about these real-world consequences of a shutdown. Instead, he called the shutdown of the Federal Government "good policy." Those are his words: "good policy."

Then, when we finally reached an agreement to reopen the government, he was one of the few Members of the House to vote against the compromise in reopening the government.

In recent years, he has repeated his calls. He is willing to shut down the government of the United States of America to defund Planned Parenthood. This man wants to craft our national budget, and he would shut down the government over one provision in that budget? That is what he said.

Time and again, he has taken extreme positions on the Federal budget. We have a standing tradition in the House and the Senate. Since not one of

us can predict when the next natural disaster is going to occur, we try to help one another.

I have voted for funds during the course of my congressional career for disasters in probably every State in the union. Do you know why? Because I knew the day would come—and it did, several times during my tenure in the House and Senate—when there would be a natural disaster in my State, and we needed a helping hand, emergency disaster assistance. That is a tradition which has been around Congress—I can go back almost centuries to see it in past history.

Listen to what Congressman MULVANEY did. He tried to block emergency disaster assistance to States that desperately needed the help of the Federal Government in their recovery efforts. He offered a poison pill amendment to the Hurricane Sandy relief package that would have required across-the-board cuts in military spending—military spending—to pay for disaster relief from Hurricane Sandy. Then he went further and said: Not just military spending, I want cuts in entitlement programs—Medicare, Medicaid. Let's cut the healthcare assistance for Americans to pay for that disaster. That is his idea of social justice.

Despite President Trump's campaign promises to rebuild the Nation's crumbling infrastructure, Congressman MICK MULVANEY has taken an extraordinary and extreme view. He wants to eliminate Federal funding for transportation projects. He cosponsored a bill that would slash the Federal gas tax. That is how we pay for repairing Federal roads and mass transit across America. He isn't interested in fixing the highway trust fund solvency problems. His solution is to bankrupt it.

This is the man who wants to write the budget for America? His extreme ideology would threaten billions of dollars that my State receives in Federal transportation funds. We put money into the Federal highway trust fund, too, every time we buy a gallon of gas in Illinois. He would cut back on the resources coming back to my State and others to repair the very roads we drive on.

He has consistently supported across-the-board cuts for the Department of Defense, regardless of those affected. Just a few minutes ago, Senator JOHN MCCAIN, the senior Senator from Arizona, came to the floor to announce that because of Congressman MULVANEY's positions on cuts in the military, he—Senator MCCAIN—would oppose the appointment of MULVANEY as head of OMB. Senator MCCAIN said that it is a rare day when he comes out against a Presidential nominee of his own party. But he thinks MULVANEY's record is worrisome, and I couldn't agree more. The positions that Congressman MULVANEY has taken are

reckless and would jeopardize the economic security of working families and put our Nation and economy at risk.

Possibly one of the most troubling positions that Congressman MULVANEY has taken is the fact that he is opposed to the Federal Government spending funds for medical research. Last year when Congress was deliberating how to combat the Zika virus, Representative MULVANEY wrote this on his Facebook page: "Do we really need government-funded research at all?"

Let's think about that for a moment. Do we really need government-funded medical research in the United States? Do we need the National Institutes of Health, the Department of Defense, and the Veterans' Administration investing in trying to find new cures for diseases?

Government-funded research in the Department of Defense has produced fascinating insights into the biology of breast cancer that have greatly impacted the treatment of that disease and saved lives in America. Look at the revolutionary Department of Defense-funded work that led to the development of the innovative drug Herceptin. Government-funded research, which Congressman MULVANEY does not believe we should do, at the National Institutes of Health has accomplished the following. It has cut the U.S. cancer death rate by 11 percent in women and 19 percent in men. And Congressman MULVANEY says: Do we really need to do that? Is that important? I would guess that his family, like every family in America, has a story to tell about cancer—what it has meant, the devastation it has created, the deaths that have resulted.

But Congressman MULVANEY doesn't get it. He just doesn't understand anything as basic as investing in medical research to save lives. HIV/AIDS is no longer a death sentence in America. I saw Magic Johnson just a few weeks ago at a farewell party for President Obama. I remembered the day in the House of Representatives when I was told that he had AIDS. We assumed he would die in just a short period of time. But that was over 25 years ago. He has survived because of research that was done at the National Institutes of Health, and he is not alone. There are thousands just like him.

When I was a kid, polio was something every mother and father were frightened of. What in the world was happening? How could your child be infected with polio and end up being crippled for life? Our Republican leader here, MITCH MCCONNELL, went through that in his childhood and has talked about that episode in his life and how devastating it was. He has had a full life since then, but he has overcome the problems of that disease. I remember as a kid in grade school, when they announced that our government research had come up with a vaccine that

would protect kids from polio. That, to me, was a breakthrough, and one that I welcomed and our family welcomed.

Congressman MULVANEY questions whether or not medical research should continue, even in the light of the achievements in eradicating polio and small pox and other diseases in our country. These advances didn't just magically happen because of the miracle of the marketplace. They occurred because of sustained taxpayer investment in Federal medical research.

I will tell you this. If he wants to make a referendum in the Senate or the House on medical research a part of his budget debate, I welcome the challenge. I believe that Members of both political parties would stand up for medical research, despite Congressman MULVANEY's extreme positions.

So when someone asks if we really need government-funded medical research, the answer on behalf of cancer patients who are beating the disease, on behalf of HIV/AIDS patients who are living longer and normal lives, on behalf of all those families hoping and praying that some Federal researcher will come up with a breakthrough for Alzheimer's, for autism, or Parkinson's or diabetes—the answer, Congressman MULVANEY, is unequivocally, yes. America needs to invest in medical research. And the fact that you would question it really raises the question of your judgment.

Let me tell you another thing that he is for, which I think is the single most irresponsible budgetary position he has taken. He has been an opponent of raising the country's debt ceiling.

What is the debt ceiling? That is America's mortgage. That is the amount of debt we incur as a nation. It is a mortgage that is incurred for things that we have already spent money on. So when we come and vote for \$600 billion for the Department of Defense and the intelligence agencies and we don't have enough money coming in taxes to pay for it, we have to extend America's mortgage to cover it. Congressman MULVANEY says that is the wrong thing to do—extending the debt ceiling of this country. While running for Congress, Congressman MULVANEY, who now wants to manage our Nation's budget, pledged he would never ever vote to raise the country's debt ceiling. He voted against it four different times.

In 2011, when we were just about to breach the debt limit and default on our national debt for the first time in the history of our country, MULVANEY was a leading voice in support of default. He called it a "fabricated crisis," and accused both parties of "fear mongering."

I am not sure what is more disturbing—Mr. MULVANEY's willingness to default on our country's obligations, the full faith and credit of the United States, or his lack of appreciation for

the devastating economic consequences which would follow. I can tell you what is at risk with that kind of reckless attitude toward our Nation's debt. What is at risk are the savings and investments and retirement accounts of ordinary Americans across the Nation. Mr. MULVANEY may be willing to gamble the full faith and credit of the United States; I am not. Forcing the Federal Government to default on the Nation's debt would harm the economy and affect the government's ability to make payments to Social Security and Medicare recipients, military personnel, veterans, Federal employees, defense contractors, State governments, and to the bondholders of the United States, here and overseas.

We would lose our credibility if Mr. MULVANEY had his way and allowed us to default on our national debt. We should not ever consider confirming an OMB Director who has repeatedly risked the economic security of our Nation to score political, rhetorical points.

Throughout his campaign, President Trump promised to protect Medicare and Social Security and make decisions that would "benefit American workers and American families." That is a quote. However, instead of making good on the promise, President Trump has chosen a man to head the Office of Management and Budget who has led calls for devastating cuts to Federal programs that millions of Americans rely on every day.

Mr. MULVANEY has said he wants to "end Medicare as we know it," and he has called Social Security a "Ponzi scheme." He has called for raising the retirement age for Social Security to 70, from the 67 that it currently is. Well, 3 more years at work may not mean much to a Member of Congress, because we sit down a lot in these comfortable chairs and people bring us things when we need them. But 3 more years of working before you qualify for Social Security means something to a waitress, whose hips and ankles and knees have been bothering her for years, but she has no choice but to get up every morning, go to work, carry those trays, and try to bring enough money home to help a family. It means something to someone who works in a coal mine—I guarantee you that—3 more years at work, exposing yourself to the lung diseases and other things that might come with the job. It means something to a truckdriver, spending days and nights on the road. It means something to people who have to move freight around. It is the kind of thing that means a lot to ordinary working people. It clearly doesn't mean anything to Congressman MULVANEY. Three more years working, as far as he is concerned, is an acceptable alternative.

He wants to privatize Medicare and turn Medicare back into the loving

arms of private health insurance companies, and let's see what seniors end up experiencing. Almost 60 million Americans now rely on Medicare. In Congressman MULVANEY's point of view, the guarantee of Medicare would end. This is the man President Trump has chosen to head the budget for the United States of America. MULVANEY has called repeatedly for cuts to Social Security, Medicare, and Medicaid, including a "cut, cap, and balance" budget, which would cut each of these programs by 25 percent. When you say the word Medicaid, people have an image in their mind: Oh, that is health insurance for poor people. And that is generally correct, although it also covers disabled Americans. But do you know who the major recipients of Medicaid are in America? The largest single group of people receiving help from Medicaid are children—children in poor, low-income families who get medical care through Medicaid. The biggest expenditure for Medicaid is not children though. The biggest expenditure is for the elderly Americans who are living largely at institutional settings, in these care homes, nursing homes. Medicaid keeps them in that place with adequate medical care. So now comes Congressman MULVANEY and says: Let's just cut those by 25 percent. There is one good way to reduce Federal spending.

Really? So that means fewer immunizations for children. What does it mean for your mother or your grandmother in the nursing home when it is announced that we don't have enough money to cover the cost to keep her here in a good, safe, positive environment? For Congressman MULVANEY, it is just numbers on paper. For real families across America, it is the reality of life.

Much like our new Secretary of Health and Human Services, Congressman Price, Representative MULVANEY wants to dramatically undermine the Medicare Program for our Nation's seniors. Let's look at what Medicare has meant to our country since it was created in 1965. Before Medicare, only 51 percent of Americans 65 and older had health care coverage. Nearly 30 percent lived in poverty. Today, 98 percent of seniors have health care, and less than 10 percent live below the poverty line. Has Medicare work? You bet it has. It has provided health insurance for seniors, and it has given people dignity and independence in their senior years—something that everyone should value. And, incidentally, the life expectancy of Americans has grown by 5 years since we created Medicare. It is working. Medicare helps seniors, helps their families, and it helps America. But Congressman MULVANEY doesn't get it.

This man has been chosen by President Trump to write the budget of America. Why is Congressman

MULVANEY so hell-bent on ending a program like Medicare that 98 percent of our Nation's seniors depend on? Well, I can tell you, if his comments on Medicare scare you, on Medicaid he is even worse. This program, combined with the Children's Health Insurance Program, ensures health coverage for 70 million Americans. One out of every five nationwide depend on Medicaid. It helps low-income families, pregnant women, children, and those with disabilities. Currently, if you qualify for Medicaid, you are guaranteed to get health coverage. Congressman MULVANEY thinks he has a better idea. He wants to change that.

Congressman MULVANEY wants to significantly cut the Federal funding for Medicaid and leave States to fend for themselves when it comes to caring for these 70 million Americans. Faced with less Federal funding, States would be forced to find ways to cut spending and save money. They might start Medicaid waiting lists or impose work requirements or slash benefits. At the end of the day, the result would be catastrophic.

I just spent the last weekend in Southern Illinois. We had a roundtable down there to talk about the impact of the repeal of the Affordable Care Act. These hospital administrators from smalltown hospitals came in to tell me that losing Medicaid reimbursement could force them to dramatically cut their workforce and maybe even face closure. Here is Congressman MULVANEY suggesting: Let's just do that across America. I wonder where he lives. I wonder if there are any small towns or rural areas near him. I wonder if he values those hospitals the way the people living in communities that I represent value them. These are not only lifelines for people who desperately need timely, professional medical care, but they are the source of the best jobs in the community. Congressman MULVANEY could care less: Let's just keep cutting on Medicaid and see what happens.

What will happen will be devastating.

Mr. MULVANEY isn't content with just throwing seniors off Medicare and low-income families off Medicaid. He wants to punish women by taking away their healthcare providers and inserting his own decisions into their medical decisions. Mr. MULVANEY has repeatedly attempted to defund Planned Parenthood health centers, which provide women and men with important cancer screenings, family planning, STD testing, and other important health care services.

The laws of the United States of America provide that not one penny can be given to Planned Parenthood for abortion services—not one penny under the law. Most people, if asked what percentage of the Planned Parenthood budget is actually spent on abortion services would get it wrong. The actual

number is 3 percent. Ninety-seven percent of what Planned Parenthood does, in terms of family planning, cancer screening, STD screening, has no relation directly to abortion services, and that is compensated, but abortion services are not under the law. Congressman MULVANEY could care less. He would close down the sources of family planning in small towns and communities around America.

The concerns I have laid out today are just a few that I have about this nomination. The millions of hard-working Americans who believed President Trump's campaign promises, and as a champion for the most vulnerable, deserve far better than Congressman MULVANEY.

There are real problems facing this Nation. Far too many people are struggling, and there is a lot of work to do. We cannot afford to risk our economic recovery, the retirement plans and savings of working Americans, the health of our children, the kind of care we want for our mothers and grandmothers—we cannot afford to risk them by appointing OMB Director MICK MULVANEY.

I have no choice but to oppose MICK MULVANEY's nomination for Director of the Office of Management and Budget.

Mr. President, MICK MULVANEY is a founder of the House Freedom Caucus, which has made repeal of the Affordable Care Act—without a replacement—one of their main causes. This is not about good policy or the real consequences for people around the country. This is about ideology.

Mr. MULVANEY wants to rip health insurance away from nearly 30 million people and deny people the important consumer protections they have come to depend upon. He would once again allow insurers to impose pre-existing condition exclusions and discriminate based on gender and cut off coverage when someone gets sick and needs it most.

His answer to fixing our health care system is "free-market competition" and "crackdown on frivolous lawsuits. Those might make good talking points, but they will not stabilize our insurance market and help people in need.

The Illinois Hospital Association estimates that Republican plans to repeal the Affordable Care Act will result in the loss of up to 95,000 jobs in Illinois—in hospitals, doctor's offices, construction, real estate, and beyond.

Over the last month, I have been going around my State, meeting with hospitals and providers, talking to them about what repeal would mean. They are worried.

You see, Illinois hospitals and health systems generate nearly \$90 billion in the State and local economies each year, and 1 in 10 jobs in Illinois is in health care. Hospitals are vitally important to our State's economy and vitally important to patients in need.

Don't just take my word for it, Franklin Hospital CEO, Jim Johnson told me:

In our community, at the time that the hospital in West Frankfort closed, we [Franklin Hospital in Benton] managed to stay open . . . they're just eaten up that they don't have a hospital anymore. It's incredible what the loss of a hospital can do to a small community. And I'm down there talking to those guys every day because naturally I like them to use our hospital . . . but those conversations, it has just torn this community apart.

In Illinois and nationwide, rural hospitals would be particularly hurt by Mr. MULVANEY and Republicans' prescription for chaos.

In Illinois, 62 of our 102 counties are rural. We have 51 Critical Access Hospitals, which are the hubs of their communities. Rural hospitals typically are more reliant on Medicaid and Medicare, and have tighter operating margins.

So what has the ACA meant for them? In States that expanded Medicaid, like Illinois, rural hospitals have seen greater financial stability thanks to the decrease in uncompensated care—or charity care—costs.

Thanks to the Affordable Care Act, the uninsured rate in rural communities has dropped by nearly 40 percent. This is not only great for those individuals obtaining insurance, it is also great for the rural hospitals who are now getting paid for the health services they provide.

Community Health & Emergency Services CEO Fred Bernstein told me:

You can look at Cairo as the ghost of the future. Because there is not much left that we have to lose . . . We've lost the only grocery store, and the only drug store in Cairo. If this Affordable Care Act thing isn't resolved and if we go to block grant in the Medicaid program, there's not going to be any resolution to those problems down there. We are not going to be able to stay open. At least 72-74 percent of my patients depend upon Medicaid . . . Without the expansions of Medicaid that we've already seen, and without some of the subsidies that those who can get some insurance will get to keep that insurance, there's not going to be the ability to afford any care for most of the people we serve.

Since 2009, the number of rural hospitals in Illinois operating in the red has decreased by 46 percent. Put another way, 16 rural hospitals in Illinois are now on much more solid financial footing thanks to the ACA.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arkansas.

TAX REFORM

Mr. COTTON. Mr. President, our Tax Code is a mess. No one voted for it, no one wants it, and no one likes it. I have said many times we should eliminate all of the special interest loopholes in the code and use that money to cut taxes for everyone, including American businesses. We want to encourage them to invest, grow, and create more jobs right here in America.

I know my colleagues are working on a tax bill, and I want to stress how much I support their efforts. I will, of course, withhold judgment on any proposal until I see the final text, but I also want to say today, I have reservations about one idea that is being considered. It is called a border adjustment tax. It sounds like something from Orwell's *Newspeak*.

Here is how it would work. We would cut taxes for corporations. To make up for the lost revenue, we would tax businesses whenever they bought something from another country. For instance, every time Ford bought an auto part from Canada, it would pay a 20-percent tax or every time your local grocery store bought bananas from Guatemala, it would pay a 20-percent tax. Whatever money businesses made from selling their products in other countries would be exempt. In other words, what all this would amount to is a 20-percent tax on imports. The proponents of this tax contend it would stop businesses from leaving our country because right now some are moving overseas to avoid paying our corporate tax rate, which is the highest in the modern industrial world. Under this proposal, it would not matter where you put your headquarters, you would be taxed according to what you bought, not where you put down your stake.

The hope is, this arrangement would mean more headquarters, more factories and the jobs that come with them staying right here in America, which of course is a desirable goal, no doubt, but I am not at all convinced this is the best way to do it. Consider this. It is estimated that this one change alone would produce something like \$100 billion a year in additional tax revenue. That is a lot of money, and someone has to pay for it. I will tell you exactly who is going to pay: working Americans who have been struggling for decades. A tax on imports is a tax on things working folks buy every single day. I am not talking about caviar and champagne. I am talking about T-shirts, jeans, shoes, baby clothes, toys, and groceries.

I have heard from thousands of Arkansans who are already struggling just to get by. Why would we make the stuff they get at Walmart more expensive? Its defenders say the tax will not increase the cost of imports. What will happen, they say, is our exports will be cheaper because we no longer tax them so then more people overseas will buy our exports from us, which means the dollar itself will increase in value. That means imports will not be expensive because you will be able to buy them with a stronger dollar. So even with the tax added on, you will still come out right where you were before.

This logic reminds me of Orwell again: Some ideas are so stupid only an intellectual could believe them. This is a theory wrapped in speculation inside

a guess. Nobody knows for sure what will happen. No one can know for sure because currency markets fluctuate daily based on millions of decisions and events. Just because an economist slaps an equation on a blackboard does not make it real so I am more than a little concerned these predictions will not pan out.

As the old joke goes, after all, economists have predicted nine of the last five recessions. But if that happens, it will not be economists and intellectuals and politicians in Washington and New York left holding the bag; working Americans will get stiffed again.

Finally, I want to say a word about jobs. One of the biggest reasons for fixing the Tax Code is that it would help create more jobs, but if we increase the cost of goods, people obviously can't buy as much, which will hurt retail sales and retail jobs too. Retail companies are the largest private sector employers in almost every State. Are we really going to impose a huge tax on the livelihood of so many Americans and say: Oh, don't worry. It will all work out in the end.

We have to take a hard look at this proposal right now. Therefore, while I support fundamental tax reform and commit to reserve judgment on any final bill until I read it, today I want to put on the record my serious concerns about a border adjustment tax. Many other Senators share those concerns. We most certainly will not keep our powder dry and see working American's railroad with a precooked deal that raises their taxes and increases the price of the stuff they buy every single day.

It is February 15. By law, the President is required to submit a budget to Congress by the first Monday of this month. That was over a week ago. Now, being a new administration, we expect him to be a few weeks late as has typically happened in recent times. The difference this year, though, is that President Trump still does not have a budget director. We are 4 weeks into his Presidency, and we are only just now getting around to confirming his nominee.

For those of you keeping score at home, that is the longest delay in recent history. Every one of the last six Presidents had their budget director confirmed by a week's time—as in 7 days. In other words, what we are seeing is a deliberate act of obstruction. Here is the real problem. We have serious work to do. It is that much more difficult for the President to do his job when all he has is a headless horseman bureaucracy.

Senate Democrats might consider this payback. They might consider it their chance to audition for the 2020 Presidential primary, but the American people are the ones paying the price for this obstruction.

I want to say again, this is not a game. This is not a protest. This is our job. This is what the American people sent us to do. It is time we got down to business. In that spirit, I want to say a few words in support of the President's nominee for the Director of the Office of Management and Budget, MICK MULVANEY. I don't have to cite or recite MICK's biography for many of you.

He has been representing the good people of South Carolina's Fifth District in the House of Representatives for more than 6 years now. Before that, he led an impressive career as what he called a serial entrepreneur, starting four different businesses. I hear some of them may have even succeeded.

He has worked in fields as varied as law, real estate, homebuilding, and restaurants. He is highly educated and very accomplished. I would like to point out, he is a friend of mine, a trusted confidant, someone whose advice and counsel I have often sought.

I can say with confidence, he will serve President Trump and the American people with dedication and distinction. I believe MICK will bring a needed voice to the President's Cabinet, a voice for fiscal responsibility after so many years of irresponsible sky-is-the-limit spending.

All that experience in the real economy gives him something more than a lengthy resume. He knows from personal experience what it takes to create jobs and create opportunities out of almost nothing. He knows the self-discipline it takes, the hard work, the perseverance. He knows what Americans have to go through every day just to earn an honest dollar. That is why he has been so protective of every taxpayer dollar ever put in his care. That is the kind of man we need as our next OMB Director.

It is only when Washington appreciates what goes into making all of those taxpayer dollars that it will show the taxpayers the respect they deserve. I want to express my strong support for the next Director of the Office of Management and Budget, my friend, MICK MULVANEY.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, unfortunately I don't share the enthusiasm of my colleague from Arkansas for MICK MULVANEY to serve as the Director of the Office of Management and Budget. In fact, I have great concerns about this nominee's views on a whole range of issues.

Because those views are far outside the mainstream of this country, I intend to vote against his confirmation. First and foremost, I am concerned about MICK MULVANEY's repeated votes against raising the debt ceiling and his reckless willingness to shut down the government in order to advance his extreme views.

It is Representative MULVANEY's longstanding position that failure to raise the debt ceiling would not precipitate a crisis. He said: "I have yet to meet someone who can articulate the negative consequences." Well, let me articulate the consequences in very simple terms. If we refuse to raise the debt ceiling, we would default on the national debt, destroy the credit worthiness of the U.S. Government, and trigger a global financial crisis.

As the Governor of New Hampshire, I worked very hard with our State treasurer and with the legislature, through some very challenging fiscal times, to maintain New Hampshire's State bond rating. We did that because we knew that lowering the State's bond rating would mean an increase in costs for businesses trying to borrow money, for the government trying to borrow money, for taxpayers because they would have to pay those increased costs, and it would have a ripple effect across the economy that would have a real impact on the people of New Hampshire.

Representative MULVANEY does not seem to appreciate what would happen if the Federal Government defaulted on our debt. He has argued that the Treasury Secretary could avoid such a crisis by prioritizing interest payments; in other words, paying foreign holders of U.S. debt but not Social Security beneficiaries or the men and women of our Armed Forces, but there is no legal authority to do this. It is impractical, and recent Treasury Secretaries have denounced the idea. We got a foretaste of the consequences of default in 2011, when Representative MULVANEY and others blocked legislation to raise the debt ceiling, a crisis that took nearly 3 months to resolve.

That manufactured crisis shook financial markets, caused a spike in interest rates on U.S. securities, and it lead Standard and Poor's to take away America's AAA credit rating, and it cost \$18.9 billion. Who does MICK MULVANEY think paid those \$18.9 billion? It was the people of this country. Representative MULVANEY has repeatedly threatened to shut down the Federal Government.

He helped lead the charge in shutting down the government in October of 2013 in a failed and misguided attempt to repeal the Affordable Care Act. In 2015, he threatened to shut down the government again in order to defund Planned Parenthood. Both of those programs are critically important to the people of New Hampshire. Nearly 1 out of 10 Granite Staters have health insurance thanks to the Affordable Care Act. Planned Parenthood provides accessible, affordable healthcare to women all across the State of New Hampshire, women who, in most cases, could not get their healthcare any other way.

As Senator DURBIN pointed out earlier, 97 percent of the services provided

by Planned Parenthood are services that have nothing to do with abortion; they have to do with access to mammograms, to cancer screenings, to STD testing, the whole range of healthcare services that women need.

Unfortunately, the 16-day shutdown in 2013 created havoc across the economy, leading to the loss of an estimated 120,000 jobs. Millions of small businesses faced significant disruptions, many employees were laid off, and some businesses could not make payroll. But Representative MULVANEY is unrepentant. He insists that the shutdown was worth it. Well, tell that to some of the businesses in New Hampshire that took a huge hit. His brand of government by temper tantrum is reckless, it is irresponsible, and it should not be rewarded with a nomination to be the chief budget officer for the country.

Representative MULVANEY's disdain for true fiscal conservatism and his unbalanced budget priorities should also give us pause. He supports budgets that would provide massive tax cuts for corporations, for those at the top, and he would pair those with deep budget cuts for the middle class and the most vulnerable people in our society, including seniors and people with disabilities.

Representative MULVANEY advocates for radical cuts to Social Security and to Medicare and Medicaid. He has promised to end Medicare as we know it, privatizing it and converting it to a voucher program that shifts costs to seniors.

He advocates raising the retirement age to 70 for Social Security and 67 for Medicare. Imagine telling construction workers and others who perform heavy labor that they have to work until age 70 before they can retire with the security of a Social Security check.

He also advocates shifting costs to States by block-granting Medicaid. Essentially what block grants do is give the money to States and allow them to administer those dollars. As a former Governor, I think States can administer those dollars, but when you want to cut as much as \$1 trillion from healthcare services, which is what MICK MULVANEY wants to do, then you can administer them as well as possible, but you are still not going to be able to make up to the seniors and to disabled Americans and others in nursing homes for the cuts that are going to come when you block-grant those dollars to States.

Unfortunately, that is not the end of his extreme budget ideas. He advocates taking a meat-ax to the whole range of programs that bolster the middle class, everything from cancer research, to Pell grants, to healthcare.

Representative MULVANEY has even questioned the appropriateness of Federal funding for scientific research. In a Facebook post questioning the scientific consensus linking the Zika

virus to microcephaly, he wrote: "What might be the best question: Do we really need government funded research at all?" Think about that.

Senator DURBIN was very eloquent in talking about the difference that research has made in ending polio and addressing so many other diseases, such as HIV, that have affected Americans and people across the world. Well, the President's choice—MICK MULVANEY—to draft his annual budget, to be the head of his budget office, openly doubts that the government should be involved in addressing public health threats, such as Zika. So how deeply does he plan to cut funding for the Centers for Disease Control, for the National Institutes of Health, for our National Laboratories, and for federally funded extramural research? We don't know the answer to that, but we can assume from his statements that it is going to be significant.

Federally funded R&D is critical not only to addressing threats to public health but also to developing new technologies that enhance our national security and protect the environment. These technologies are essential to growing our economy and maintaining America's global leadership in technology and biomedical sciences.

In New Hampshire, the most dynamic sector of our economy is high-tech manufacturing and innovation. For our economy to grow, we need to stay ahead of global competition. But that doesn't happen on its own; it requires sustained investment in basic research—often research that the private sector considers too risky to do on its own.

As ranking member of the Senate Small Business Committee, I have seen this vividly demonstrated by the very successful Small Business Innovation Research Program, or SBIR. SBIR works by harnessing the creativity and ingenuity of America's small businesses to meet the R&D missions of our Federal agencies, while also supporting the growth of small, high-tech companies that create good jobs in local communities across this country.

One recent study found that every dollar awarded by the Air Force to SBIR firms generated \$12 in economic growth. That growth happens because small businesses develop technologies and then commercialize those technologies, creating good jobs in each of our States.

Many of these technologies are developed for our Armed Forces to better protect the homeland. A great example of that, which I have seen firsthand, is a company based in Hanover, NH, called Creare. Creare is working with the Navy to develop an innovative clothes dryer that dramatically reduces the risk of fires on submarines, and that is just one example of why the SBIR Program is the envy of the world.

I want to quote Dr. Charles Wessner, who led the National Academy of

Sciences study of the SBIR Program. In describing that program, he said: "The rest of the world thinks this is the greatest thing since sliced bread."

Well, make no mistake, this successful program is in serious jeopardy if Representative MULVANEY puts Federal R&D investments on the chopping block.

It is truly shocking that the President has nominated a budget director who questions the value of Federal funding for R&D. We need to invest in science. We need to invest in our small businesses, which create two out of every three jobs in this economy.

The OMB Director is one of the most senior economic advisers to the President of the United States, with enormous influence on policy matters.

Representative MULVANEY has been a zealous advocate for radical cuts to Social Security, to Medicaid, to the whole range of programs that support the middle class in this country. In addition, his willful failure to pay required Federal taxes has raised serious concerns about his integrity, which we all know is essential for every Cabinet officer.

After careful study of his record, I urge my colleagues on both sides of the aisle to come together to reject this nominee. Putting MICK MULVANEY in charge of OMB is not just letting the fox guard the hen house; it is giving him a gun to kill the chickens, a pot to boil those chickens in, and a knife to eviscerate them when they are done.

Let's give President Trump the opportunity to put forward a qualified candidate with mainstream views to protect the middle class and to honor this Nation's financial obligations.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise today to support the nomination of Congressman MICK MULVANEY and ask my colleagues to vote to confirm him as the next Director of the Office of Management and Budget.

It may not surprise folks that I have a markedly different viewpoint than the Senator from New Hampshire. Congressman MULVANEY wants to save Social Security and Medicare. Congressman MULVANEY wants to prevent, stop the mortgaging of our children's future, the bankrupting of America.

One thing on which I do agree with the good Senator from New Hampshire is that we need to concentrate on economic growth. It is the primary component of the solution. But this Nation faces many, many challenges. From the standpoint of foreign policy, take a look at what is happening around the world, the turmoil in so much of the world. We are in a generational struggle against Islamic terror, against ISIS, al-Qaida. Iran—that nuclear agreement was horrible. It modified the behavior for the worse. We have

just witnessed North Korea test-fire another missile. Combined with their nuclear capability at some point in time—probably not in the too distant future—they will threaten America. China has been emboldened. Russia has become more aggressive. Why? Because in so many instances, these nations perceive America as weaker than we once were, lacking the strength and resolve to provide the leadership, project our values around the world.

With all these threats that America faces, at the same time our military is being hollowed out. We won't have the resources militarily to fight back if they strike first.

Domestically, we also face many perils, many challenges. ObamaCare didn't work. The Patient Protection and Affordable Care Act did not protect the patients. It is not affordable. In my State, Wisconsin, premiums on the individual market have doubled and tripled. A young mother working a part-time job so she could stay home with her children had to quit that job to take full-time work to pay her \$8,000 per year increase in premiums. Wages have stagnated for years. Our infrastructure is old and in many cases, crumbling. Our borders are porous. We are not winning the War on Drugs because of porous borders in many respects. Unfortunately, the War on Poverty has also not been won. In many cases, it has created perverse incentives that have trapped generations in a cycle of poverty and dependency and despair. It has resulted in the national debt rapidly approaching \$20 trillion. Again, that is that mortgaging our children's future that Congressman MULVANEY wants to prevent.

As the chart nearby shows, we are on a completely unsustainable path that Congressman MULVANEY also understands must be stopped. If you take a look at this chart, according to the Congressional Budget Office, over the next 30 years, our projected deficit will total \$103 trillion. That would be put on top of that \$20 trillion in debt. It will be \$10 trillion over the next 10 years, \$28 trillion in the second decade, \$66 trillion in the third decade. That is completely unsustainable.

By the way, the components of that \$103 trillion deficit—\$14 trillion in Social Security. In other words, Social Security will pay out \$14 trillion more in benefits than it takes in from the payroll tax over the next 30 years; Medicare, \$34 trillion. The remainder of that \$103 trillion is interest on the debt. If we want to avoid paying creditors more than \$50 trillion in interest on our debt over the next 30 years, we need to address Social Security and Medicare. Congressman MULVANEY wants to do that. He wants to save Social Security and Medicare—not demagogue it; save it.

As the Senator from New Hampshire was pointing out, we need economic

growth. That is the No. 1 component of the solution. I don't care what problem I just mentioned above, economic growth is the primary component of the solution.

What is hampering our economy from growing? The fact is, since the Great Depression, our economy has averaged 3.2 percent annual real growth. Since the great recession, we have only been growing about 2 percent. I would argue that there are a number of factors causing that tepid growth: overregulation, an uncompetitive tax system. We are not fully utilizing our energy resources. The Presiding Officer certainly understands that from his State. We are not utilizing our abundant energy resources. And of course there is this: our unsustainable fiscal path, our \$20 trillion in debt.

I oftentimes make the analogy between our national debt and a family in debt over their head. It is just a nation-state; it is just many, many, many orders of magnitude larger. But the fact is, if you are a family in debt over your head, how can you grow your personal economy? All your disposable income is spent on the basics and servicing the debt. The same thing is true of a nation-state. Again, our enemies perceive that weakness caused by our indebtedness.

So when you take a look at the role of the Director of the Office of Management and Budget, what we need to do to grow our economy comes under his jurisdiction basically. He has to address this deficit. He has to put forward a budget that is sustainable. MICK MULVANEY is dedicated to doing that.

Then, of course, the other thing the Office of Management and Budget is really designed to combat is overregulation. They are all about taking a look at cost-benefit and making sure the regulations that are implemented by this Federal Government are reasonable from a cost-benefit relationship. That has not been the case recently.

Just a couple of examples of how economic growth really is going to help solve this problem. If you go from 2 to 3 percent annual growth, that is \$14 trillion in added economic benefit in just over a decade. If you go from 2 to 4 percent, that is \$29 trillion. And even with the meager economic growth we have had since 2009, revenue to the Federal Government has increased by more than \$1.1 trillion per year with meager economic growth. Just think of what would happen if we could reduce the regulatory burden, have a competitive tax system, and put our Federal Government on a sustainable fiscal path. Revenue would be flowing to the Federal Government, we could stop hollowing out our military, and we could start addressing these threats.

As to the regulatory burden, when we held hearings on this in my committee, the numbers showed that regulatory

burden at \$2 trillion per year. Just put that into perspective because I know we are getting immune to these massive numbers: \$2 trillion is larger than all but 10 economies in the entire world. That is a self-imposed, self-inflicted wound on our economy. If you take that \$2 trillion and divide it by the number of households in America, it is \$14,800 per household. No American writes a check to the Federal Government to pay their share of the regulatory burden; instead, they realize that burden in reduced opportunities.

Why are wages stagnated? That is a good part of it—increased prices, and of course, again, those lower wages. It is a massive problem. One Wisconsin paper manufacturer I was talking to—and by the way, I can't tell you who because he fears retaliation by the government, which is a different subject—did a cost calculation of just four recently issued regulations and came up with a total cost of \$12,000 per year per employee. There you go. That is money that could have been available for increasing wages or for investing in business to create better opportunities and better paying jobs. The regulatory burden is massive.

I had the chancellor of the University of Wisconsin-Madison come into my office during the last 2 years with the primary complaint—the primary task—being to reduce that regulatory burden. Last year, she came in armed with a study commissioned by research universities that said that 42 percent of researcher time on Federal grants was spent complying with Federal regulations. Think of the opportunity cost of that overregulation. Those Federal grants are meant to pay for studies and doing research on curing diseases, not filling out Federal paperwork. So again, the Director of the Office of Management and Budget will take a look at those regulations, particularly now under this President, who has issued an Executive order to make sure that for every one regulation issued by a new agency, they have to remove two. That is a very good start. I would have gone with one-in, ten-out, but I will settle for one-in, two-out. I will certainly be supportive of an Office of Management and Budget that understands the incredible burden of overregulation on our economy.

During our committee markup—I heard earlier the Senator from Arkansas, who knows Congressman MULVANEY, served with him in the House, and understands how dedicated and serious Congressman MULVANEY is to stopping this mortgage of our children's future. Senator LANKFORD also had the opportunity to serve 4 years in the House with Representative MULVANEY. This is what Senator LANKFORD had to say about his friend and colleague at the nomination hearing:

You were a serious student. You looked hard at difficult issues. You understood that

there were difficult decisions that needed to be made and made proposals to do that.

In testimony before our committee, Congressman MULVANEY told my committee:

When President-elect Trump announced my nomination, he noted that our nation was nearly \$20 trillion in debt and stated that I have the skills and convictions to responsibly manage our nation's finances. I believe that is why he nominated me for this position.

He went on to state:

For the first time in America's history, the next generation could be less prosperous than the generation that preceded it.

That is a very sad possibility. We need to prevent that.

He went on to say:

To me and to the people in this room, that is simply unacceptable. We CAN turn this economy, and this country around . . . but it will take tough decisions today in order to avoid impossible ones tomorrow.

Congressman MULVANEY went on:

I believe, as a matter of principle, that the debt is a problem that must be addressed sooner, rather than later. I also know that fundamental changes are needed in the way Washington spends and taxes if we truly want a healthy economy.

Again, he fully understands the connection between our unsustainable fiscal path, our deficit, our debt, and economic growth. He said we "must include changing our government's long-term fiscal path—which is unsustainable."

Finally, he said:

I recognize that good public service—whether in a state legislature, Congress, or OMB—takes both courage and wisdom. The courage to lead, and the wisdom to listen. I have learned that I do not have a monopoly on good ideas. Facts—and the cogent arguments of others—matter. I will be loyal to the facts and to the American people whom I serve.

My commitment to you today is to take a fact-based approach to get our financial house in order.

This is exactly the type of person—Congressman MICK MULVANEY—somebody who is dedicated to solving these problems, who has the courage and the wisdom to stop mortgaging our children's future, to put America's budget on a sustainable fiscal path, to grow our economy, to make sure that future generations inherit a stronger, more prosperous America.

I am proud to support and I urge all my colleagues to support and vote for the confirmation of Congressman MICK MULVANEY to be the next Director of the Office of Management and Budget.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Thank you, Mr. President. I rise this evening to speak on the nomination of Congressman MICK MULVANEY to be the Director of the Office of Management and Budget. I am going to start by talking in a minute about some of the critical roles that the Office of Management and Budget plays.

Before I do that, I want to go back for a moment to some of the comments of my friend who just preceded me on the floor. Going back 8 years ago, I remember that in the last 6 months of 2008, we lost 2.5 million jobs in this country—2.5 million jobs in 6 months. In the first 6 months of 2009, we lost 2.5 million more new jobs. That is 5 million jobs in 12 months.

Since the beginning of 2010, we have added 16 million jobs in this country. The unemployment rate in this country jumped as high as 10 percent by the end of 2009, and by the beginning of this year the unemployment rate was cut in half. During the first fiscal year of this last administration, the Obama-Biden administration, the deficit, the budget they inherited for that fiscal year ballooned to \$1.4 trillion. I am an old State treasurer, Congressman, Governor, and now Senator. That's a lot of money. We have had in terms of GDP probably higher deficits than that during World War II, but that is a lot of money.

During the last administration, the debt, deficit as we knew it, dropped by about two-thirds, maybe a little more than two-thirds. Do we have a balanced budget coming into this year? No. Is it better than \$1.4 trillion? It sure is.

The unemployment rate was cut by half, the annual deficit has been cut by two-thirds, and instead of losing 5 million jobs as we did in 2008 and 2009, we added 16 million jobs. Could we do better than that? We have. Have we ever had a longer running economic expansion in the history of our country than the last 7 years? I am told we have not. Can we do better? Yes.

Hopefully, in our spending plans and in the regulatory work that we do, we will adopt policies that provide the kind of environment that leads to job creation and job preservation. That is what we do. We don't create jobs here. As my friend who is presiding knows, we help create a nurturing environment for job creation. One of the things we need for that is common-sense regulation.

If you look at the role of the OMB Director, one of those listed on this chart, No. 2, is regulatory process. The regulatory process is the way regulations are created in this Congress, and as the Presiding Officer and others know, it is dictated by legislation called the Administrative Procedure Act.

If the Presiding Officer were an agency that was considering promulgating a rule or regulation, the agency would basically say to the rest of the world: We are thinking of promulgating a regulation on subject x. It is really a heads-up that they are thinking about doing this. It doesn't mean they are going to, but they are thinking about it, so those who might be affected by that regulation, regulation x, would have a chance to say: Hmm, something

might be coming our way, and we have an interest in it—or we don't. This gives them a chance to go to the agency and say: We hear you are interested in promulgating a regulation on this particular subject. Let's talk about it. That is why the agency gives a heads-up, so that those who might be affected by it have the opportunity to talk to the agency, come to their elected officials, and share their opinions.

The agency can accept the comments they get or reject them. The Members of Congress can accept or reject them. We can actually arrange for our constituents who might have an interest in a proposed or possible regulation to arrange for meetings to make sure the agency that is thinking about promulgating a new rule or different rule or regulation has an opportunity to meet with those who would be affected positively or negatively.

The agency, armed with that information—the input they receive from filing a notice of rulemaking—if they decide to go forward, they will eventually propose a draft rule. This is not a final rule or regulation, but a draft. They promulgate that draft regulation under the Administrative Procedure Act, and those who are interested in or affected positively or negatively by the draft regulation again have the opportunity to go back and talk to the folks who promulgated that rule or regulation, stating what it is they like or don't like, proposing changes. They look us up—the Representatives, Senators—and say: Here are our concerns. We think this should be strengthened or weakened or taken out or added.

There is a period of time—a comment period—for the draft regulations. Sometimes those who can be affected by the regulations will come to us and say: We don't think we have enough time to fully understand what the effects of this draft regulation would be, and we would like to have more time to comment. Then what we do as elected officials is reach out to the agency and say: We don't have enough time. We are hearing from too many of our constituents that there is not enough time. How about another week or month or some reasonable period of time? Sometimes we get what we ask for, and sometimes we don't. Sometimes we get half of what we ask for, but that is the way it works.

At the end of the day, the agency may decide that they have enough of a bad response—bad vibrations from those who would be affected, as opposed to picking up good vibrations—and the agency may pull the reg entirely and say: We will do this another time but not now. But they might go ahead and change the drafting to prepare to offer the final regulation.

When the agency is ready to report out the drafted regulation, that is not the end of it because that is where OMB comes into play. There is an

agency within OMB called OIRA, which refers to an oversight role that the OMB plays. Essentially, as we used to say in the Navy, if a message or something were sent from one level of command to another to another, we actually say we "chopped" it through different levels of command. My colleague who has better experience in the military, as I recall, may have had a similar kind of experience. But the draft regulation that is promulgated has to be chopped through OMB. It has to be chopped through OMB. They have the final say, and they can kick it back to the agency or not.

Changes may or may not be made, but eventually the final reg is published in the Federal Register. There is a period of time that runs, and eventually if folks really don't like it enough they can basically file a suit and go to court to try to block the regulation. We see that happen from time to time. Faced with a suit, the agency might want to pull it back and make some further modifications. We can join in those amicus briefs or not. If all else fails, Harry Reid, who used to be the majority leader, a Democrat, wrote a law a number of years ago, the Congressional Review Act, which allows the Congress, years from now, to take another look and see if it is something—it is not that old, it had regs come out in the last couple of months—and ask: Is this a good idea or not? And if the majority of the House and Senate, with the consent of the President, say: No, we don't think this regulation is a good idea, it can basically be taken off the field and put on the shelf.

That is the way the process works. Some people don't think that is a very good process. I think it is pretty good. I hope that if MICK MULVANEY is confirmed to this job, this regulatory process is one that will be put to good use.

One of the things Cass Sunstein did, at the direction of President Obama, was begin a look-back policy, saying we are going to look not just forward for new regulations, we are going to look back at the old ones we have and see which ones have maybe outlived their utilization and should be eliminated or modified. I have stopped counting how much money has been saved during the look-back process over the last several years, but it is in the billions of dollars—maybe even in the tens of billions of dollars by now. I hope the next OMB Director will continue it.

We have been joined here by my colleague from Michigan. I would just ask him if he is pressed for time. I will go maybe about another 10 minutes, and then it is all yours.

Another big job of the OMB Director, not surprisingly, is to help the President prepare in submitting a budget. I want to take just a minute and maybe use another chart to talk about how we

spend our money. As my colleagues know, the spending is a pie chart kind of like this, and it is divided into maybe four major areas. One of those is—some people call it mandatory spending. I call it entitlement spending: Medicare, Medicaid, Social Security, maybe veterans' benefits. It is spending the people are entitled to by virtue of being a certain age, being disabled, maybe having served in our Nation's military, maybe being disabled in the course of military service, maybe they earned a GI bill. Those are the kinds of things that are being considered as entitlements or mandatory spending. As a percentage of the budget, if we look at the green colors here, it adds up to a little more than half the budget.

Another maybe 5 to 10 percent of the budget is this sort of beige color or gray—this area right here. It is about 5 to 10 percent of the budget. It is debt service, principal interest on our Nation's debt. Fortunately, our interest rates are low. If they ever go up, "Katy, bar the door." Then the principal on the debt service will go up a whole lot. We have been blessed with low interest rates. It will not be that way forever.

So entitlement spending, a little over 50 percent; debt service, principal interest on the debt, 5, 10 percent.

The rest is called discretionary spending. It is defense spending so it is about 40 percent discretionary spending. That is the spending that is done by our Appropriations Committee, about a dozen Appropriations subcommittees, including Agriculture, Armed Services, Housing, Transportation, you name it.

Over half of the amount of spending that is called discretionary spending, right here in the blue, more than half of that is defense spending and less than half of that is called nondefense discretionary spending.

As it turns out, we could eliminate, I am told, every bit of our nondefense discretionary spending, and we would still have a budget deficit. That would be everything from agriculture to the environment, to transportation, law enforcement, prisons, you name it; the whole kit and caboodle, everything other than defense. I don't think we want to get rid of all that. We might want to find more efficient ways to spend that money. God knows we can find more efficient ways in spending defense money.

One of the ways we can do that is to take a page from something that happened today in the Committee on Homeland Security and Governmental Affairs, and with our governmental affairs hat on, we had the leader of the Government Accountability Office with us. We also had a couple of inspectors general, and we had the head of the Census Bureau. They came to talk with us and present to us something

called the GAO—Government Accountability Office—high-risk list. What is a high-risk list? It is a list of programs that are in danger of wasting a lot of money. It could include roughly \$400 billion a year in revenues that we are leaving on the table; owed but not collecting. It could be \$300 billion a year in major weapons systems cost overruns. It could be \$110 billion, \$115 billion a year on something called improper payments, moneys that are paid wrongly, mistakenly—not fraud but just mistaken payments—and it can include a lot of other things. It could be properties that the Federal Government needs to get rid of, and we have done good work on that. Senator PORTMAN and I worked on that, as did Senator Coburn when he was here, and we worked a lot on property reforms. With the help of Senator JOHNSON last Congress, I think we made pretty good progress.

There are a lot of ways we waste money. What we do in the Committee on Homeland Security and Governmental Affairs, with our governmental affairs hat on, is we use the GAO high-risk list as a to-do list to be able to save money. If you have GAO, in concert with the Office of Management and Budget, working together with the inspectors general in every major Federal agency, working with the oversight committees in the Senate, Homeland Security and Governmental Affairs, and with our counterpart oversight committee in the House—if we all are working together, going in the same direction, we can actually figure out how to save a lot of money in defense spending and nondefense. With all the overpayments that occur in Medicare and Medicaid—it is almost \$100 billion just between those two—we could actually make some real progress. Our budget deficit is still too large.

Not that many years ago, when Bill Clinton was President, the last 4 years of that administration, we had 4 years of balanced budgets. We had not had a balanced budget since 1968. Over the last 4 years of the Clinton administration, we had four balanced budgets in a row.

How did we do it? One, we had a good economy, as you all recall. There were more jobs created in those 8 years than any 8 years in the history of the country. I was Governor then, and there were more jobs created in those 8 years in Delaware than any year in the history of our State. I like to say I didn't create one of them, but we tried to create a nurturing environment for job creation and job preservation. One of those ways—one of the elements that is important—is certainty and predictability.

It has been mentioned earlier today that the concern that a number of people have with Congressman MULVANEY as OMB Director is he allegedly has

said government shutdowns are not that concerning. I don't know his exact words. One of the things we were reminded of today by GAO is, businesses need predictability, they need certainty, but the other thing they need—what the Federal Government needs and its employees need are some predictability and certainty as well. Stop-and-go government is painful to businesses, but it is especially painful and wasteful for the Federal Government. Continuing resolutions, government shutdowns—our Federal employees spend a lot of time just preparing for shutdowns. That is wasteful, it is demoralizing, and we can't do that.

I think that is—I will stop there. I see the majority leader is here, and I want to be respectful to him. There are other concerns I have that I will submit, but I hope my colleagues will keep these thoughts and these concerns in mind when we consider the nomination of Mr. MULVANEY to head up OMB.

I would say to my friend the majority leader, I appreciate the time we had together in your office earlier this week. I would just ask him to consider one more time, if we had the opportunity for a judge in Oklahoma to make a decision tomorrow on the access to the emails we discussed, I think we could all vote with a clear conscience a week from Monday on the nomination of the Administrator for the EPA. I would encourage the majority leader to do that.

Thank you very much.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I thank my friend from Delaware for his suggestion and giving me a moment here—I am not sure whether he is finished—but to just ask unanimous consent on a matter.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that following leader remarks on Thursday, February 16, there be 10 minutes of debate, equally divided, prior to the confirmation vote on Executive Calendar No. 16, MICK MULVANEY to be Director of the Office of Management and Budget, followed by up to 10 minutes of debate, equally divided, prior to the cloture vote on Executive Calendar No. 15, the nomination of Scott Pruitt to be Administrator of the Environmental Protection Agency, and if cloture is invoked, time be counted as if invoked at 7 a.m. that day.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. So for the information of all Senators, under the regular order, the Senate is scheduled to vote on the Pruitt nomination on Friday afternoon. All Members should plan to stay here Friday to complete consideration of the Pruitt nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I rise in opposition to the nomination of Representative MULVANEY to be the Director of the Office of Management and Budget because I have deep concerns about his record.

I believe his far-right views are out of the mainstream and wrong for our Nation and wrong for the people of Michigan.

In part, my vote against his nomination is due to his long-held public belief that we should balance the Federal budget on the backs of seniors and retirees who have worked their entire lives. Representative MULVANEY's policies would mean raising the retirement age, making deep cuts in Medicare, and driving up costs for seniors who already struggle to afford the care they need. These are policy proposals that Mr. MULVANEY would bring to the highest levels of government, if confirmed, and I fundamentally disagree with his approach to budget policy.

While I disagreed with a number of Representative MULVANEY's positions when we served together in the U.S. House of Representatives, I entered his confirmation hearing with an open mind. I thought that in preparing for a role with broad jurisdiction over the Federal Government, he might have developed more nuanced views on some of these difficult issues. However, after speaking with Representative MULVANEY during our recent hearing and reviewing his responses to my colleagues, it is clear he will bring the same extreme views to the administration that he brought to the Congress.

On Social Security, which is absolutely critical to seniors and families across the State of Michigan, Representative MULVANEY has repeatedly called for congressional action to raise the retirement age and reduce benefits. He has publicly called Social Security a "Ponzi scheme." When I asked Representative MULVANEY about his views during this hearing, he confirmed to me that raising the retirement age is a central piece of what he calls Social Security reform.

I could not disagree more. Michigan workers have worked their entire lives and have contributed out of their paycheck to the Social Security trust fund. I simply cannot vote for someone who takes pride in telling these Michiganders—construction workers, nurses, autoworkers—that they need to spend another 5 years on their feet after a lifetime of hard work.

Social Security is not a Ponzi scheme, and labeling it as such shows callous indifference to Michigan families. Social Security is one of the most successful programs in our Nation's history. Confirming Congressman MULVANEY to lead the Office of Management and Budget is a direct threat to the financial security of millions of seniors and retirees.

If you believe Mr. MULVANEY's proposals on Social Security are wrong-headed, just wait until you hear his views on Medicare. He has vowed to "end Medicare as we know it." He has said the plans of House Speaker PAUL RYAN, which called for drastic cuts to Medicare, didn't go far enough.

During the first term of President Reagan, a saying entered into the public discourse as the newly elected President was staffing up his administration: "Personnel is policy."

While President Trump said on the campaign trail that he opposes changes to Social Security and Medicare, personnel is policy. While the title of the job, "Director of the Office of Management and Budget," might conjure up images of a bureaucratic backwater for many Americans, make no mistake, we are currently debating who will hold one of the most powerful positions in this new administration—and personnel is policy.

Let's be clear. Congressman MULVANEY's nomination presents a direct threat to Medicare and to Social Security. While his positions on these critical programs are enough to warrant my "no" vote, let's examine how we might address other aspects of the Federal budget.

We don't need to work at the Office of Management and Budget or be an accountant to know that President Trump's budget priorities simply do not add up. The Federal debt and deficit are serious issues, but we haven't seen one serious proposal from this administration on how we reach fiscal sustainability. It is the job of the OMB Director to help bring some sense to these proposals.

What are the proposals? They include \$10 trillion in tax cuts; \$40 billion on a border wall—with some kind of IOU from Mexico; drastically increasing defense spending; \$1 trillion on infrastructure; and a campaign promise to never, ever touch Social Security and Medicare.

It simply doesn't add up. Either President Trump is planning to grow our debt and deficit to dangerous levels or he is going to ask his advisers which of his many campaign promises he should break. Given Representative MULVANEY's belief that deficits can be solved by cutting benefits for seniors and slashing investments in basic science and research, he is not the person I want in the position of OMB Director.

This role is also not just about expenditures and revenue. As a senior member of the President's economic team, you need a steady hand to help lead the government of the world's largest economy. Given the disarray that we are now seeing in the White House, I am convinced now more than ever that Representative MULVANEY is not that steady hand to help lead fiscal policy in this Nation.

In 2013, Representative MULVANEY supported and helped lead the effort for a government shutdown. Let me repeat: He helped lead the effort to shut down the U.S. Government. More specifically, he helped lead the effort to shut down the government because the Senate would not agree to defund Planned Parenthood.

In his confirmation hearing, he had a chance to explain this position. Our ranking member, Senator McCASKILL, asked him flat out: Do you still believe that the 2013 government shutdown was good policy?

His response: Yes, ma'am. It was polite, but wrong. Polite isn't enough. We simply cannot have these views in the highest levels of government.

This spring, on April 28, funding for the Federal government expires. Critical programs, from childcare to scientific research, will halt unless there is an agreement in place. It is hard to have confidence that this administration will come to a reasonable agreement when their nominee for the highest budget position believes it is "good policy" to shut down the Federal Government.

This will not be the first, or last, potential budgetary crisis the OMB Director could face. Sometime this summer, the U.S. Congress will need to address the debt ceiling in order to meet our previously agreed-to financial obligations. If we do not come to an agreement, the effects on the global economy will be devastating. We risk permanently downgrading our credit rating and setting off a worldwide financial crisis.

Representative MULVANEY on many occasions has doubted the need to raise the debt ceiling. He has doubted that the U.S. Government should meet our financial obligations. This makes me doubt his very basic qualifications to serve as the Director of OMB.

This is far beyond partisan politics. This is the fiscal health of our Nation that will be at stake—truly, the full faith and credit of the U.S. Government. If Congressman MULVANEY, as the highest ranking budget official in the Nation, is not going to advocate on behalf of this commitment, who will?

I am also worried that Congressman MULVANEY simply lacks the ability to see how fiscal and financial decisions impact working people. He looks past them and doesn't give them a second thought. During his confirmation hearing, I offered Mr. MULVANEY the chance to explain why he did not pay payroll taxes for the nanny who took care of his children. To be frank, I was shocked by his response. To him, there was a "differentiation," in his mind, between the employee who was spending 40 hours a week helping to raise his triplets and the employees who spent 40 hours a week in his law firm. To him, the white collar workers in his law firm were employees, and his

nanny was not. I am shocked that Mr. MULVANEY did not realize that childcare is work, and it is some of the hardest, most important work there is. Whether a nanny, babysitter, or childcare provider, this employee mattered, and he looked past her and didn't give her a second thought—until he was nominated to be Director of the Office of Management and Budget.

I don't believe my colleagues should give him the opportunity to advance his extreme positions on Medicare and Social Security and look past hard-working Michiganders. I will oppose Representative MULVANEY's nomination, and I urge my colleagues to join me.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

THE ECONOMY

Mr. PERDUE. Mr. President, I rise tonight to speak about the opportunity our country has to move this country forward.

I appreciate the comments by my good friend from Michigan. I appreciate all the comments in this hallowed ground called the U.S. Senate. But I have to say that while I agree on some points, I disagree on others.

The one I am really troubled by tonight is the fact the other side is creating the ultimate shutdown in government right now. We had an election. Our democracy has worked. We have a new person in the White House. We have a new direction for our country. Yet this person in the White House cannot even get his team approved in the U.S. Senate.

After some 27 days, I think President Obama had 26 of his Cabinet and other appointees already confirmed. At this point, President Trump has only 13 of his nominees. Quite frankly, had we not turned the Senate on 24/7 over the last few weeks, it would be until June or July of this year before we could get the full slate of just the 15 Cabinet officers confirmed. That is no way to run the Federal Government and, indeed, shows the hypocrisy of the other side. They complain about shut down this and shut down that. What is happening right now in the U.S. Senate is that the other side is shutting down this administration from getting on with the people's business of what they elected him to do.

Today, after 8 years of failed fiscal policies that have produced the weakest recovery in 70 years, the lowest GDP growth on a per capita basis in our history, a devastating time that left 4 million women in poverty after the last 8 years and left many people struggling to get from payday to payday—after those 8 years, tonight I am actually very encouraged to finally be debating pro-growth tax ideas that can actually grow the economy and put people back to work. We now have an enormous moment of opportunity to

change the direction of our country and unleash a new era of economic growth and prosperity for every American.

President Trump has repeatedly said that job one is growing the economy. Personally, having worked in most parts of the world in my career, I see this so differently from Washington. My perspective is that of someone who has a global business perspective, not unlike that of our President. I know the way forward is not complicated. We absolutely can grow this economy.

There are three things this administration is already talking about to grow the economy: One, they have said we need to deal with this archaic, outdated, and noncompetitive tax structure that we have; second, we need to push back on these arcane regulations that have sucked the very life out of our economy; third, we need to unleash the God-given energy potential that we have in our country today. The bottom line is we have to create a more level playing field generated by trade negotiations to allow us to compete on a level playing field with the rest of the world.

The first two pieces of these changes are the changes to the Tax Code and rolling back the regulatory regime. Several ideas from both President Trump and Congress have surfaced in recent days to improve our Tax Code: No. 1, lowering individual rates and cleaning up some of the deductions to simplify the individual code; No. 2, lowering the corporate tax rate to become more competitive with the rest of the world and cleaning up corporate welfare deductions that confuse the competition among players here at home and create winners and losers inadvertently; and, No. 3, dealing with the archaic repatriation tax. We are the last country in the world that has this tax, and it penalizes our companies for competing abroad.

These three components of changing the Tax Code will make us more competitive with the rest of the world, stimulate economic investment, and spawn a new era of economic innovation in America. These changes would help millions of Americans who have been crushed by this stagnant economy for much too long.

I am encouraged that today there are so many of my colleagues in Congress interested in generating new pro-growth ideas. It is a new day in Washington.

I have long been an advocate of simplifying the way we fund our Federal Government. In my opinion, the best way to do that is ideally with a new system, like the fair tax, for example, which would move us to a totally new tax system and completely eliminate the personal, corporate, and payroll taxes we suffer through to date. I think all of these ideas need to be considered, and none should be taken off the table arbitrarily.

Having said that, one idea bears much scrutiny at this point in time, and that is the so-called border adjustment tax now being discussed in Congress. It would hammer consumers, shut down economic growth, and ultimately grow the size of government.

In the last 16 years, under both Republican and Democratic Presidents, the Federal Government has grown from \$2.4 trillion in constant dollars to \$3.8 trillion last year—some 60 percent growth in just two Presidencies, one Republican and one Democrat.

Tax schemes similar to the border adjustment tax in Europe grew the size of those governments in Europe by more than 60 percent. That is the last thing we need to be talking about right now, after we just experienced a similar type of growth in our government over the last 16 years. Growing government with a new layer of complexity on top of our existing income tax system is the last thing we need to be doing at this point in time, when we should be talking about, How do we downsize the Federal Government, make our system more competitive with the rest of the world, create jobs, and create the atmosphere for capital formation and innovation again?

Historically, lawmakers have crammed numerous proposals into single, massive, overreaching bills. It is the Washington way. Those bills have often hurt the very people that they claim to champion. When bad ideas get mixed with good ideas, the bad ideas oftentimes become law. That is exactly what could happen here if changes to the individual code, the corporate rate, the repatriation tax, and this border adjustment tax are combined into one sweeping bill. This is exactly what Washington has historically done, and the results have been devastating.

Each of these proposals could be considered independently and evaluated on their own merits. There is no reason we can't do that. That is not possible today because many people here believe we are locked into the Washington scoring equation instead of looking at the real economic long term value of any of these ideas.

Many other countries, such as the United Kingdom, have faced these opportunities, made decisions, and acted accordingly without combining other extraneous ideas, and the results speak for themselves. Today, the United States is in the least competitive position it has been, I believe, in the last 100 years.

In the last 70 years, America has enjoyed the greatest economic miracle in the history of mankind. It was developed on the back of innovation, capital formation, and the rule of law, combined with the best workforce in the history of the world. Those are four things that America possesses uniquely, and which many other countries are working hard to emulate.

For too long, the strength of our economy has been held down by politicians in Washington and the unintended consequences that occur when they try to interfere with the free enterprise system. It is time to trust that free enterprise system to get this economy going again, and change the rules to create a more competitive environment here at home that will allow us to compete overseas on a level playing field. It is time to simplify our individual Tax Code, reduce our corporate tax rates, eliminate conflicting business tax deductions, and eliminate the repatriation tax so we can once again become competitive with the rest of the world.

In recent decades, many other countries have made these changes, and we are losing our competitive edge. Today, I am encouraged to see both Congress and the White House working together on policies that will potentially grow our economy and bring relief to businesses and families who have been crushed by improper fiscal policies that are driven by political attempts to manage our economy.

Now is exactly the time to get these changes right. We have an opportunity to change our Tax Code to a more competitive structure that doesn't pick winners and losers, that doesn't penalize people for successes, and that allows us to compete with the rest of the world on a level playing field.

I like our chances if we can accomplish that, but let's not confuse the issue with what may seem acceptable in Washington but is devastating back home to men and women who are trying to create jobs in their local economies.

We need to free up capital. We need to make sure the rule of law supports the Constitution for every American. The American people deserve Congress treating these issues individually and independently to generate a simplified approach to funding our government and growing our economy.

I hear the other side whine about not hearing any proposals coming out of the White House. Donald Trump has been talking about what he would do with the economy for the past 2 years. There is no mystery. He wants to grow the economy. Job one, he said, is growing the economy. That doesn't mean for the rich. That means for the working men and women of America.

I believe they have a plan. It includes adjusting our tax system, pushing back on unnecessary regulations that are sucking the very life out of our economy and, finally, once and for all, unleashing this great energy potential that we have.

We already see moves today on some of the regulatory fronts, where we see the new Secretary of HHS issuing a new rule today. We see the new leaders that have been confirmed already taking action in this administration. I, for

one, am anxious to move forward with this debate.

I applaud our compatriots in the House for bringing up these ideas. I look forward to an open and active conversation, but now is the time for the other side to begin confirming these nominees so that we can get this economy growing.

I know you also are aware that our military is in devastating shape now after 8 years of disinvestment and 15 years of war. There is enough blame to go around here. This is not about the blame game. This is about getting this economic situation right where we can fund our military so we can defend our country.

I am very concerned that the other side is putting politics in the way of solving some of these problems that we have that are so devastating to men and women who are disenfranchised in our economy and our men and women in uniform around the world who are put in danger every day because we are not funding our military the way we should.

The time for rhetoric has passed. We are already past the tipping point of the most serious, I believe, physical crisis in our history. This debt crisis is very real. We don't need to grow the economy just to grow the economy. We have to grow the economy because it is one of several steps that are absolutely mandatory to solving this debt crisis, and we will not and cannot solve our national security crisis unless and until we solve this debt crisis. I am optimistic tonight because we are beginning to talk about these very issues.

I yield my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

TRIBUTE TO MONA PAINTER

Mr. SULLIVAN. Mr. President, in the past month, I have come to the floor to recognize Alaskans who have generously devoted their time and talents to our State and made it a better place for all of us to live in. It is a great place to live. There is a mystique surrounding my great State—a well-earned mystique. People travel to Alaska from all over the world to discover a part of themselves that craves high peaks, beautiful mountains, streams, and swaths of wilderness.

The real wonders of Alaska are our people—kind and generous people, many of whom have etched warm homes and welcoming communities out of wilderness. One of those people who has helped make my State truly extraordinary is Mona Painter, our Alaskan of the Week.

Mona, who will be 80 years old soon, first visited Alaska when she was just 11 in 1949. She flew, by herself, with others in a tiny four-engine passenger plane to visit relatives. In the 1950s, she moved to Alaska for good and eventually settled in Cooper Landing. Cooper Landing has about 350 year-round residents, but that number swells in the summer. It has some of the best fishing and rafting anywhere in the world—an astonishingly beautiful place.

It has people like Mona, a devoted wife, grandmother, great-grandmother, and someone, who according to one fellow resident, is “the glue that binds the community of Cooper Landing together.”

She has done so much for this community—volunteering countless hours over the decades to ensure community cohesion in the schools, churches, and various clubs, including the Cooper Landing Community Hall, which serves as the community's unofficial city council.

Since living in Cooper Landing, Mona received an art degree, has taken anthropology classes, and even took a taxidermy class—once practicing her skills on a moose left on the side of the highway.

One of Mona's passions throughout the years has been to keep history alive in Cooper Landing. To that end, she started the Cooper Landing Historical Society and Museum, with which she is still very involved. For years she has devoted her time and energy to collecting bits of history about Cooper Landing and sharing that history with her neighbors, with residents, and with all Alaskans. She is also the founding member of the Kenai Communities Association and helped to spearhead the effort to create a national heritage area in that part of our State.

One of her friends said about her: “The whole essence of her life has been to make this community a better place to live and to restore the history of the community.”

People like Mona make my State great, and I want to thank Mona for all she has done for Alaska, and thanks for being our Alaskan of the Week.

TRIBUTE TO DELYNN HENRY

Mr. President, I want to talk about another Alaskan. She is a great Alaskan, an honorary Alaskan, but to all those who know her, a real Alaskan. So many people in my State know her. So many people in my State love her. I am talking about DeLynn Henry.

When I got elected in 2014, I was looking for important members of my office to staff my office. As we all know on the Senate floor, the scheduler is probably the most important position. I asked around, and the unanimous response was to hire DeLynn Henry. That is what everybody told me. In Alaska, in DC, hire DeLynn Henry. She is a legend. She will make everybody feel at home.

DeLynn had been the scheduler for former Senator Ted Stevens, a titan of the Senate since 1989. For the past two decades, she has met thousands of Alaskans. She has done the vitally important work of making sure that when Alaskans come to DC—to our embassy here, the Alaskan embassy—they feel welcome, they get to meet with their Senator.

To many of us, including my wife Julie, DeLynn is like family. Her job, which she takes very seriously, is something she has done extraordinarily well—for me and for Senator Stevens—for decades. She is personal and kind. She does everything she can do to make sure that Alaskans feel welcome, part of our family, and feel at home. She has also raised two fine sons, Blake and Graham, and will soon be a doting grandmother.

DeLynn has accepted a job as the scheduling coordinator for our new Secretary of Transportation. I am sad and happy for that. She will be leaving my office. She will be leaving a big hole in my office. We, and so many Alaskans, will miss her dearly, but we know she will be serving Secretary Chao's office with the same warmth and welcoming attitude she has served Alaskans for nearly 25 years.

Thank you, DeLynn, for your years of service to Alaskans. You will always, always have a home with us.

Mr. President, I rise in support of Congressman MULVANEY's confirmation to be OMB Director for many of the reasons that a number of my colleagues have come to the floor and mentioned. The Presiding Officer just talked about some of those reasons. My colleague and friend from Wisconsin did a few minutes ago, also. Those are two issues that don't get talked about enough here and, certainly, weren't talked about enough in the last 8 years; that is, economic growth and the overregulation of our economy.

Again, it wasn't talked about a lot, but we had a lost decade of economic growth. The end of the Bush years and the entire Obama years never hit 3 percent GDP growth in 1 year—never. That is the first President in the history of the country not to do that.

For thousands, millions of Americans the American dream was starting to disappear because nobody focused on the issue of growth. I think in November the American people voted and said: We are not going to give up on the American dream. We want growth. We want opportunity. Why did we have that lost decade of growth where the economy grew at an anemic 1.5-percent GDP growth each quarter?

I think this chart shows a lot of the reasons right here—the explosion of Federal regulations that have literally choked opportunity and economic growth in our country. Year after year—Democrat or Republican—this is what we see. This regulatory overreach

impacts all kinds of Americans, mostly small businesses. This is a big reason why this economy has been stuck in first gear.

When I had my discussions with Congressman MULVANEY, we focused on this issue of growth, and we focused on this issue of overregulation. We haven't had an OMB Director in years who is focused like a laser on growth, like a laser on making sure we don't overburden our economy the way the Federal Government has done for decades. That is exactly what we need right now. We need growth. We need opportunity for Americans. We need the Federal Government to be a partner in opportunity, not an obstacle, as it is in so many States.

For these reasons and because I believe the next OMB Director is going to be focused on these issues—opportunity for Americans and growth for our economy, which sorely needs it—I plan on voting for the confirmation of Congressman MULVANEY, and I encourage my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, as the ranking member of the Budget Committee, I rise in strong opposition to the nomination of Congressman MICK MULVANEY to be the next Director of the Office of Management and Budget, or OMB.

Like many of President Trump's other nominees, my opposition to Congressman MULVANEY has less to do with his extreme rightwing economic views than it has to do with the hypocrisy and the dishonesty of President Trump. The simple truth is that Congressman MULVANEY's record, in many respects, is the exact opposite of the rhetoric that then-Candidate Trump used in order to get votes from senior citizens and working families. Now, if Candidate Trump had run his campaign by saying: I am going to cut your Social Security benefits if elected President, well, you know what, Congressman MULVANEY would have been the exact person that he should bring forth as OMB Director. If President Trump had said: I am going to privatize your Medicare; vote for me because I am going to privatize your Medicare—if that is what he had campaigned on, then Congressman MULVANEY would have been exactly the right choice for OMB Director. If Candidate Trump had said: I want to devastate Medicare, I want to make it harder for poor people to get the healthcare they need, and I want to threaten the nursing home care of millions of senior citizens—if that is what Candidate Trump had said, MICK MULVANEY would have been exactly the right and appropriate leader for the job.

But those are not the words, that is not the rhetoric, and those are not the ideas that Candidate Trump raised dur-

ing his Presidential race. In fact, Candidate Trump said exactly the opposite on May 7, 2015. We are all familiar with Mr. Trump's tweets. Here is a tweet that he made on May 7, 2015:

I was the first and only potential GOP candidate to state there will be no cuts to Social Security, Medicare and Medicaid. Huckabee copied me.

So you have Candidate Trump making it very clear that there would be no cuts to Social Security, Medicare, and Medicaid.

On August 10, 2015, Trump said:

[I will] save Medicare, Medicaid and Social Security without cuts. [We] have to do it. . . . People have been paying in for years, and now many of these candidates want to cut it.

On November 3, 2015, Mr. Trump said:

I will save Social Security. I'll save Medicare. . . . People love Medicare. . . . I'm not going to cut it.

On March 10, 2016, Mr. Trump said:

I will do everything within my power not to touch Social Security, to leave it the way it is . . . it's my absolute intention to leave Social Security the way it is. Not increase the age and to leave it as is.

It is my absolute intention to leave Social Security the way it is. Not increase the age and to leave it as is.

It can't be much clearer than that.

On May 21, 2015, Mr. Trump tweeted:

I am going to save Social Security without any cuts. I know where to get the money from. Nobody else does.

On January 24, 2015, Mr. Trump said:

I'm not a cutter. I will probably be the only Republican that doesn't want to cut Social Security.

Those are pretty strong statements. What he just told you, in no uncertain terms, can't be clearer than that. He doesn't want to cut Social Security. He doesn't want to cut Medicare and doesn't want to cut Medicaid. And you know what, millions of people actually believed what he said. They actually thought that Candidate Trump was telling the truth.

But now that the election is over, President Trump has nominated a budget director, Mr. MULVANEY, who would cut Social Security, would cut Medicare, would cut Medicaid, and would threaten the entire security of millions of Americans.

We just heard the exact quotes coming from candidate Donald Trump. Let's now hear the exact quotes coming from Congressman MICK MULVANEY about his views on these very same issues.

On May 15, 2011, Congressman MULVANEY said on FOX Business News:

We have to end Medicare as we know it.

On April 28, 2011, Congressman MULVANEY said:

Medicare as it exists today is finished.

On August 1, 2011, Congressman MULVANEY said:

You have to raise the retirement age, lower a pay-out, change the reimbursement system. You simply cannot leave [Social Security] the way it is.

On May 17, 2011, Congressman MULVANEY said: "I honestly don't think we went far enough with the Ryan plan" because it did not cut Social Security and Medicare "rapidly enough."

Just 2 years ago, Congressman MULVANEY voted against the budget proposed by House Budget Committee Chairman Tom Price and House Speaker PAUL RYAN, opting instead to vote in favor of an even more extreme budget by the Republican Study Committee. The budget that Congressman MULVANEY supported would have cut Medicare by \$69 billion more than the Price-Ryan budget. It would have cut Social Security by \$184 billion more, and it would have cut Medicaid by \$255 billion more than the budget proposed by Chairman Price and House Speaker RYAN.

In fact, Congressman MULVANEY made it clear during his confirmation hearing in the Budget Committee that he would advise President Trump to break his promises not to cut Social Security, Medicare, and Medicaid. During that hearing, Senator CORKER called President Trump's campaign promises "totally unrealistic" and said that they "make no sense whatsoever."

When Senator CORKER asked Congressman MULVANEY if he would advise the President not to follow through on the campaign promises he made to seniors, this is what Congressman MULVANEY said:

I have to imagine that the President knew what he was getting when he asked me to fill this role. . . . I'd like to think it is why he hired me.

Whoa, what we have been discussing is precisely why so many people have contempt for what goes on here in Congress and what goes on in Washington, in general. What is going on here is that a candidate for President of the United States says one thing in order to get votes, but the day after he is elected, his tune dramatically changes, and he nominates a number of people to his Cabinet and to high-level positions within his administration who intend to do exactly the opposite of what he campaigned on. Once again, Congressman MULVANEY—and I believe he is exactly right—said:

I have to imagine that the President knew what he was getting when he asked me to fill this role. . . . I'd like to think it is why he hired me.

So the President hires somebody who has been one of the most vigorous proponents of cutting Social Security, cutting Medicare, and of cutting Medicaid after he ran his entire campaign telling the American people he would not cut Social Security, cut Medicare, and cut Medicaid.

Outside of Capitol Hill, where real people live, it turns out, not surprisingly, that the overwhelming majority of Americans—be they Democrats, Republicans, or Independents—are op-

posed to cutting Social Security. In fact, according to an October 2016 survey by Public Policy Polling, 72 percent of the American people, including 51 percent of Republicans, "support increasing, not cutting, Social Security benefits by asking millionaires and billionaires to pay more into the system."

As it happens, that is exactly the heart and soul of the legislation that I will soon be offering. Legislation that I will be offering will expand Social Security benefits, not cut them. It will do so by asking the top 2 percent to pay more in taxes, which, it turns out, is not only the right thing to do, but it is precisely what the American people want us to do. Various other polls have reached similar results. The people of our country—once you get outside the Congress and outside of the Republican caucus, in particular—the American people know that when millions of seniors, disabled veterans, and people with disabilities are trying to get by on \$13, \$14, \$15,000 a year, you do not cut their benefits, while at the same time give hundreds of billions of dollars in tax breaks to the top 1 percent. That is not what the American people want.

In my view, we don't need a budget director like Congressman MULVANEY, who believes that Social Security is a "Ponzi scheme." We don't need a budget director who once voted to declare Social Security, Medicaid, and the U.S. Department of Education unconstitutional. He was in, I believe, the South Carolina State Legislature, State Senate. He actually voted on a vote—which got very few votes—in the South Carolina State Senate. He voted to declare Social Security, Medicaid, and the U.S. Department of Education unconstitutional. This is the person whom President Trump has nominated to become the head of OMB.

So if you believe Social Security is unconstitutional, if you believe it is a good idea to cut benefits for people who will be living on \$13,000 or \$14,000 a year, I guess Mr. MULVANEY is your choice. If that is whom my Republican colleagues want to vote for, that is their business, but my job and the job of everybody is to make it clear to the American people that the Republicans are far more interested in cutting Social Security and in giving huge tax breaks to billionaires than they are in taking care of the needs of the American people.

We need a budget director who understands that we have a retirement crisis in America today. Today, more than half of older Americans have no retirement savings. That is just an extraordinary reality. Over half of older workers in this country have zero in the bank. Think about what they are feeling when they hear people like Congressman MULVANEY saying: Hey, you got nothing now. You are going to try to get by on \$12,000, \$13,000 a year in Social Security, and we are going to cut those benefits.

Today, more than half of older Americans have no retirement savings. More than one-third of senior citizens depend on Social Security for all of their income. One out of five senior citizens is trying to make ends meet on income of less than \$13,000 a year. I will tell you, I hope people are able to sleep well, people who think it is appropriate to give tax breaks to billionaires and cut benefits for people who are trying to get by on Social Security checks of \$13,000 a year.

In my view, we don't need a budget director who believes that "we have to end Medicare as we know it," nor do we need a budget director who has said that "Medicare as it exists today is finished." Let's remember for a moment what things were like before Medicare was signed into law back in 1965. At that point, about half of all seniors were uninsured and millions more were underinsured. Today, thanks to Medicare, about 45 million seniors have health insurance, and the senior poverty rate has plummeted. Seniors are living healthier, longer lives. Thank you, Medicare.

In my view, we do not need a budget director who supports cutting Medicaid by more than \$1 trillion, threatening not only the healthcare of low-income people but also the nursing home care of millions of vulnerable senior citizens and persons with disabilities. There are millions of not just low-income families but middle-class families who today are getting help with the nursing home payments for their parents through Medicaid. If you make devastating cuts in Medicaid, you are not only going to take away health insurance from low-income Americans, you are going to put enormous economic stress on middle-class families who will now have to pay the full tab for the nursing home care of their parents.

Finally, there is another issue; that is, Mr. MULVANEY's taxes. After Congressman MULVANEY was nominated to become the next OMB Director, it was revealed that he failed to pay over \$15,000 in taxes for a nanny he employed from the year 2000 through 2004. Here is what Congressman MULVANEY wrote in response to a question I asked him on January 11:

I have come to learn during the confirmation review process that I failed to pay FICA and Federal and State unemployment taxes on a household employee for the years 2000 through 2004. Upon discovery of that shortfall, I paid the Federal taxes. The amount in question for Federal FICA and unemployment was \$15,583.60, exclusive of penalties and interest which are not yet determined. The State amounts are not yet determined.

This is a very serious issue. As you will recall, 8 years ago Senator Tom Daschle withdrew his nomination as Secretary of Health and Human Services after it was discovered that he failed to pay taxes for one of his domestic workers.

On this issue, I agree wholeheartedly with Minority Leader Schumer, who said:

When other previous Cabinet nominees failed to pay their fair share in taxes, Senate Republicans forced those nominees to withdraw from consideration. If failure to pay taxes was disqualifying for Democratic nominees, then the same should be true for Republican nominees.

Mr. President, here is the irony: Over and over again, Congressman MULVANEY has sponsored and cosponsored legislation designed to prohibit people from serving in the government if they fail to pay their taxes. In 2015, Congressman MULVANEY voted for a bill in the House that stated: "Any individual who has a seriously delinquent tax debt should be ineligible to be appointed or to continue serving as an employee" of the Federal Government. Congressman MULVANEY cosponsored three bills when he was in the South Carolina State Senate that would have prohibited tax cheats from serving in the South Carolina State government. In other words, it looks like there is one set of rules for Congressman MULVANEY and another set of rules for everyone else.

In light of this information and in light of Congressman MULVANEY's extreme rightwing record of attacking the needs of the elderly, the children, the sick, and the poor, I would urge all of my colleagues to vote no on this nomination.

With that, I yield the floor.

Mr. UDALL. Mr. President, I wish to oppose the confirmation of Congressman MICK MULVANEY as Director of the Office of Management and Budget. I respect Mr. MULVANEY's public service representing the people of South Carolina, who elected him to serve in the State legislature and in Congress. However, the question before us today is whether the Senate should confirm him to one of the most important economic positions in our government—a position that has major ramifications for global financial markets, the United States and New Mexico economies, and the jobs, health care, and retirement security of every American.

Unfortunately, Representative MULVANEY's record shows a shocking willingness to put at risk the security of the public debt of the Nation and endanger essential Federal programs that New Mexicans depend upon. I want to underscore a few of Representative MULVANEY's previous statements made as a Member of Congress.

First, he has supported playing chicken with the debt ceiling over partisan political issues, an action that would jeopardize the U.S. Government's ability to repay the public debt. If the debt ceiling is not raised, Federal officials have said that the revenue coming into the government would not be enough to cover its obligations—potentially disrupting Social Security,

Medicare, Medicaid, veterans benefits, military payments, student loan payments, and many other government services.

Despite these clear dangers, Representative MULVANEY voted no on raising the debt ceiling every time it came up for a vote in 2011, 2012, and 2013. He claimed that risking disruption to Social Security and veterans benefits was "a fabricated crisis." He went so far as to question the majority leader, claiming that, if the Senate chose to raise the debt ceiling, the majority leader "should just quit and go home." I, for one, will be here to defend the full faith and credit of the United States' public debt and protect essential government services that our sick, our elderly, and our veterans depend upon.

Putting someone with such strongly held and reckless views into power at the OMB is an endorsement of policies that could cause another global financial crisis—devastating millions of American families. I cannot in good conscience support his nomination for this reason alone.

Second, Representative MULVANEY is a founding member of the group of extreme House Republicans who forced the government to shut down in October 2013 over their blind opposition to the Affordable Care Act. In New Mexico, the impacts of the shutdown were felt immediately as our civilian employees were sent home from military installations, national parks and forests were closed to tourists, and countless other services were halted. The shutdown lasted over two weeks, and Representative MULVANEY and other members of his extreme wing of the House could have ended the shutdown at any time.

Representative MULVANEY claims that he opposes wasteful government spending, but an analysis by Standard and Poor's found that the October 2013 government shutdown cost \$24 billion—\$24 billion with nothing to show for it. Even Representative MULVANEY admitted that his shutdown hurt people. On October 16, 2013, he told CNN, "Were people hurt by this? Sure." He admitted that, if you were one of the millions of people who relied on the shuttered services, his shutdown hurt you, but Representative MULVANEY showed little remorse. I stand by what I said at the time. Insisting on blind cuts or a government shutdown to prove a point isn't leadership.

Third and finally, Representative MULVANEY is on record advocating enormous cuts to Medicare, and he is a proponent of Speaker RYAN's preferred voucher concept for Medicare. He also has long been hostile to Social Security and voted in the South Carolina State Senate to declare Social Security, along with Medicaid and the Department of Education, unconstitutional.

Workers earn their Social Security benefits through a lifetime of paying into the Social Security system. And it is unfair to delay or cut the benefits they have paid into. Raising the retirement age to 70, as Representative MULVANEY has advocated, would cut benefits by nearly 20 percent for all beneficiaries. Raising the retirement age would be hardest for those New Mexicans who work in jobs that require heavy manual labor, which becomes harder to do as we age. With all the challenges people have saving for retirement, especially as New Mexico continues to struggle to recover, the last thing we should do is raise the Social Security retirement age.

In conclusion, Representative MULVANEY has demonstrated that he has no reservations about using a government shutdown or the public debt as bargaining chips. He has stated that he will push to eliminate Social Security for people under 70. He will slash Federal consumer protections and cut support for small businesses, labor rights, financial oversight, community health, and environmental protection. I have heard from many people and groups—a broad coalition of consumer, small business, labor, good government, financial protection, community, health, environmental, civil rights, and public interest organizations—who oppose the nomination. I stand with them. I strongly oppose Representative MULVANEY's nomination to be Director of the Office of Management and Budget and urge my colleagues to do so as well.

Mr. SANDERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, here we are on another evening, debating another Cabinet nominee, addressing the question that Hamilton put before us, which is whether an individual is of fit character to serve in a particular post. This effort, this advice and consent responsibility held by the Senate, is one that was anticipated by our Founders to be used rarely because the very existence of this power, they felt, would ensure that a President would nominate people who are appropriately suited to the post they would hold. So I do find it troubling the number of times I have come to the floor in these last few weeks to speak about a nominee and consider whether they are fit and to find that perhaps the individual is lacking.

Tonight we are considering the nomination of Congressman MICK MULVANEY to head the Office of Management and

Budget. This is a powerful organization, and it is a very important position. It plays a critical role in the oversight and management of our Federal budget. It plays a critical role in determining what gets funded and what doesn't get funded. So with that in mind, it is important that we have a robust debate about this position and about this nominee.

To break that down a little bit, the Office of Management and Budget puts together the budget for the President. In doing so, they take the vision our President has articulated, and they build it into a roadmap to accomplish that vision because where you spend money affects what actually happens as we pursue programs here in the United States of America.

It is the Director of the OMB who works to make sure the various pieces of the Federal Government are working together like gears that mesh cleanly together and do not conflict. It is the Director of the OMB who helps to determine the cost of proposed legislation, which can advance or doom any particular proposal. It is the position of the OMB Director to review the impact of proposed regulations, and that can also have a significant impact.

I come to this conversation with a number of concerns, and the first is the position of the nominee on Social Security. For 82 years, Social Security has provided for the American people, and it has helped our Nation prosper.

On the third anniversary of the Social Security Act, in 1938, Franklin Roosevelt pointed out: "Men and women too old and infirm to work either depended on those who had but little to share, or spent their remaining years within the walls of a poorhouse."

That is not the vision we have today. Thanks to Social Security, our seniors have a basic income to see them through their golden years. They can live out their lives in relative comfort and security, rather than, as Franklin Roosevelt put it, "within the walls of a poorhouse."

In 2016, roughly 61 million Americans received over \$900 billion in Social Security benefits. That is a huge injection into our economy, and it is spent almost immediately on fundamental goods. Nearly 9 out of 10 Americans older than 65 receive Social Security benefits, and for one-quarter of our Social Security beneficiaries, including both those who are single and those who are married, Social Security accounts for virtually their entire income. That would be many millions—more than 15 million Americans who would definitely be struggling in the most difficult fashion financially if Social Security didn't exist.

Retired workers and their dependents account for about 71 percent of the benefits paid. Funds also go to disabled workers. Disabled workers and their dependents account for about 16 per-

cent of the benefits. Survivors of deceased workers account for another 13 percent or roughly one-eighth of the benefits paid.

Simply put, Social Security assists our retired workers, our disabled workers, and the survivors of our deceased workers. It is one of the best ideas America has ever put forward, but Congressman MULVANEY doesn't agree. He sees Social Security as a Ponzi scheme. Let me explain what a Ponzi scheme is. A Ponzi scheme is something where the incoming amount raised immediately pays for the benefits of somebody who paid in money previously.

We actually have a Social Security trust fund, which is the difference between MICK MULVANEY's description of Social Security and what we actually have. If we made no changes, no changes at all to increase the lifetime of the trust fund, it would continue to be able to pay 100 percent of the benefits through 2034 and roughly three-quarters of all benefits currently promised ever after. That is if we make no changes.

If we make small changes, our Social Security trust fund is solvent for decades and decades into the future. Certainly, I think we should aspire to that vision of a trust fund that has a 75-year horizon, a full solvency.

The issue that Congressman MULVANEY raises, the idea he raises for changing how we adjust Social Security, however, isn't one of increasing the amount of wages that are subject to Social Security tax; it is not one of putting premiums on the income earned through nonwages, which is primarily income raised by wealthier Americans. Instead, it is to say to folks: Just retire later.

When you are a white-collar worker and you work in an office that is nicely air-conditioned and you have had full healthcare benefits throughout your entire life, maybe when you get into your sixties, you say, "Well, maybe I could keep working a little longer," but the reality for a huge percentage of Americans who work difficult jobs, who work jobs where their bodies wear out, they don't have the choice of simply saying: I will retire in another 5 years, because they literally have developed so many issues and challenges that it is impossible to do the same kind of work they did in their twenties and their thirties in their sixties.

So that strategy of moving the goalpost on American workers, many of whom are decades already into the work they are doing, doesn't fulfill the promise and the vision of the Social Security Program.

While Social Security is a great idea, moving the retirement age to age 70—which MICK MULVANEY advocates for, from his view as someone who comes from a job that perhaps isn't as arduous as many jobs in America—is a bad idea.

This vision continues on into Medicare. Like Social Security, Medicare is also a generational promise, a lifeline for countless Americans since President Johnson signed it into law now more than five decades ago. Over 55 million Americans rely on Medicare for their health and their financial security. Roughly, 46 million are older Americans, 9 million are younger Americans with disabilities or certain illnesses.

While this program has worked incredibly well, our nominee wants to "end Medicare as we know it." Those are ominous words for the 55 million Americans relying on Medicare. He also believes we have to raise the retirement age.

He told Bloomberg News in 2011: "You have to raise the retirement age, lower a payout, change the reimbursement system."

The problem with raising the retirement age is the same problem we have with Social Security. For American workers working hard in many types of jobs, their bodies are worn out. I used to have folks come to my townhalls and say: Senator, I am just trying to stay alive until I get to age 65, and they would tell me how they had multiple diseases and they were choosing between which disease to treat or how they had a single significant problem, but they were deciding to skip their pills every other day or cut their pills in half or perhaps go a week without their pills at all or how they were choosing not to go to the doctor when they developed a difficulty because they were afraid they wouldn't be able to afford the payment. That is not a healthcare system, but MICK MULVANEY wants to say to those folks: Oh, you reached age 65, too bad. I am providing this healthcare program another 5 years into the future. That is simply wrong, but more than wrong, it is also in direct contradiction to the promises made by President Trump during his campaign.

The contrast is incredibly stark between the President's promise to Americans that unlike so many of the folks in his party, he would not be the one to promote tearing down Medicare and Social Security. He would not be the one to promote advancing the retirement age so people who are struggling have to struggle for another 5 years. So it is a poor fit between this individual and the office and the promises made to the American people.

Another concern I have is in regard to Congressman MULVANEY's advocacy for shutting down the economy. He seems very comfortable playing Russian roulette with our economy. He and a group of other House Members brought our government to a screeching halt in 2013 because they wanted to defund the Affordable Care Act. What is the Affordable Care Act? The Affordable Care Act has enabled 20 million

Americans to gain access to healthcare that they didn't have previously.

In my home State of Oregon, the Affordable Care Act has enabled about one-half million people to gain access to healthcare, both through expansion of Medicaid, known as the Oregon Health Plan, and also through the healthcare exchange and marketplace where you can compare one policy to another, shop for the policy that best fits your family, and those of modest means get credit to help pay for those policies so they can actually afford them. It is an affordable care plan that provides for a healthcare set of benefits—benefits such as the ability to keep your children on your policy through age 26, benefits such as not having an annual limit or a lifetime limit on your policy so that when you do get seriously ill, you don't run out of healthcare partway into treating your disease. It is the Affordable Care Act that ends gender discrimination in the insurance marketplaces. It is the Affordable Care Act that says if you have a preexisting condition, you can still get insurance.

I was at a fundraising walk for a woman who had a family member with multiple sclerosis. It was a fundraiser for multiple sclerosis. She said: Senator, this year is so different from last year. That was the year before the Affordable Care Act was implemented. I asked: How so? She said: A year ago, if your loved one was diagnosed with MS and they had insurance, you knew there was a good chance that your insurance was going to run out at the end of the year or they would hit a lifetime limit, and they wouldn't be able to pay for the care they needed. She said: If you didn't have insurance, you now have a preexisting condition that would prevent you from ever getting insurance.

She went on to say that the difference between last year and this year, because of the Affordable Care Act, is that now members in the MS community—those who had the disease and their family members who were supporting them all out at this fundraising walk—now knew their loved one would have the peace of mind that they would get the care they needed. This is what a healthcare system is all about, peace of mind, but MICK MULVANEY wanted to tear away that peace of mind. He proceeded to support a 16-day government shutdown that cost our country \$24 billion—and to what purpose? To rip peace of mind away from 20 million Americans.

Back in 2015, he threatened to do it all again. The damage he had done—the \$24 billion he had stolen from the American Treasury in the context of damaging the government with that shutdown—he was ready to do it all again in order to make sure Planned Parenthood never gets a dime from the government. To be clear, not a single

dime from the government goes to Planned Parenthood for abortions. In fact, the organization that has done more to decrease abortions than any other in our country is Planned Parenthood. The government funds go for different purposes. They go to Planned Parenthood to do cancer screenings, breast cancer screenings, prostate cancer screenings, and a whole host of fundamental basic healthcare. They are the healthcare provider for 2.5 million American women. Just as he was ready to recklessly shut down the government to rip healthcare away from 20 million Americans in 2013, he was ready to defund these essential healthcare clinics serving 2.5 million Americans in 2015. That is a sign of someone who has lost their policy foundations and is acting in an irresponsible and unacceptable manner.

Let's talk a little bit about the Consumer Financial Protection Bureau. The CFPB was in response to a big problem in America, which was that we had no one looking out to shut down predatory financial practices. It was the responsibility of the Federal Reserve, but the Federal Reserve had their conversation on monetary policy up in the penthouse—the top level, if you will. That is what the Chairman of the Federal Reserve paid attention to. They took the responsibility for consumer protection and put them down in the basement, and they locked the door and threw away the key.

Folks kept coming to the Federal Reserve saying: Hey, there is a major concern here. We have these predatory mortgages that have these teaser rates, and they are going to destroy the families who get those mortgages. They are going to destroy their dream of homeownership and turn it into a nightmare. People went to the Federal Reserve and said: By the way, we now have these wire loans, where there is no documentation of income and people are being sold these loans that they have no hope of repaying. In addition, we have another predatory practice called steering payments, which are kickbacks to originators. So they are getting kickbacks to steer people into subprime loans with high interest rates rather than prime loans that they qualify for. What happened? The Federal Reserve ignored all of that. That is the foundation for the collapse of our economy in 2008.

So along comes ELIZABETH WARREN. ELIZABETH WARREN, as an advocate, not yet a Senator, comes to this body and said: We need an agency whose mission is to look out and stop predatory financial practices, a Consumer Financial Protection Bureau, and we got it done.

What does MICK MULVANEY say about this effort to stop predatory financial practices? He says it is a "sick, sad joke." So I asked him about this in committee. I said: Really? This is an

agency that finally is watching out for working families so they are not prey to predatory, fraudulent practices. And he said: Yes, "a sick, sad joke."

I said: You know, they have returned funds to 27 million Americans. What other agency has fought for Americans in that fashion—returned funds to them from folks who were operating in a predatory fashion, to 27 million Americans. I didn't change his view by raising that.

I said: You know, this agency, to those 27 million people, has returned \$12 billion. There was \$12 billion returned to people who were cheated; isn't that a good thing? But I didn't persuade him.

He said: You know, I don't like the way this agency is set up. I want it to be a commission rather than an individual who heads it, and I want the funds to be appropriated annually by Congress.

I can tell you exactly why he wants those provisions, because that is the way Congress, at the behest of Wall Street, can step on the air hose that supplies the oxygen to CFPB. They can stop the CFPB from functioning as a guardian, as a watchdog for consumers in America by simply defunding it.

We have a President who ran on the principle of taking on Wall Street, but MICK MULVANEY doesn't want to take on Wall Street. He wants to do their bidding, to be able to shut down this agency that is finally fighting for financial fairness for working families. Wait. We have a President who said he is going to fight for working families. MICK MULVANEY should be backing the CFPB. He should be expanding the CFPB. He should be championing the CFPB, but, no, he wants to tear it down. That is deeply disturbing.

I see my colleague, the Senator from Hawaii, who is prepared to make remarks. I am going to wrap up my remarks.

There are more concerns that I have about the policy perspectives and how out of sync this nominee is with the promises the President made to fight for working Americans, the promises he made to take on Wall Street, the promises he made to protect Social Security, the promises he made to strengthen Medicare, not to tear it down. So for all these reasons, I find MICK MULVANEY is not the right person to fill this post, and I encourage my colleagues to vote against confirming him in this capacity.

The PRESIDING OFFICER. The Senator from Colorado.

ORDERS FOR THURSDAY, FEBRUARY 16, 2017

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, February 16; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the

two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of Senators SCHATZ, WHITEHOUSE, and HIRONO, the Senate resume morning business and then stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. SCHATZ. Mr. President, the Senate is preparing to vote on Congressman MICK MULVANEY to lead the Office of Management and Budget. This nomination may seem like it doesn't deserve a lot of attention because we don't hear much outside of Washington about the OMB, the Office of Management and Budget. It is kind of a wonky, obscure office, with fewer than 500 staff members.

At a time when there are so many looming questions about this Republic, about this administration, it is easy to overlook the Congressman's nomination, but it actually matters very much, particularly at this moment, and that is because the person who controls the budget, the person who has the final say on fiscal and financial priorities for the administration has immense power. This position controls the President's budget, and that means that this person can give the green light to programs and policies across the Federal Government or stop them in their tracks. And because he has a long track record as a legislator, Congressman MULVANEY has already shown what kind of decisionmaker he will be if he is in charge of the Office of Management and Budget, OMB.

I will be blunt. His record and his ideas are worrisome. It should concern every Senator who is worried about some of the biggest issues facing Americans, from Social Security, to public health, to the basic, uninterrupted operations of the government itself. So this vote is a moment of truth. It will determine where we really stand on the issues that shape both individual lives and our country's future.

Let me highlight just four issues to show why this person is the wrong person to run OMB.

The first is Social Security. More than 80 years ago, President Roosevelt signed the Social Security Act into law. In doing so, he created a national plan to provide economic security for American workers. Since then, Social Security has proven to be the most successful anti-poverty program in our history. Each year, it lifts more than

20 million Americans, including 1 million children, out of poverty.

It is hard to imagine a world without Social Security, but I want everybody to understand that pre-Social Security, we had tens of millions of Americans—more than we do now—who would be in poverty upon retirement. So this program has actually reduced poverty among the elderly more than any other program could possibly have accomplished.

Nowhere is Social Security more important than in Hawaii. More than 200,000 people receive Social Security benefits. For more than one in four Hawaii seniors, Social Security is their only source of income. And the money just isn't enough; it is about \$14,000 a year. Just to give folks an understanding of Hawaii, we are considered the second or third most expensive housing market in the United States. We are after New York and sometimes in second place or third place, depending on where San Francisco is, but we are one of the most expensive places to live in the United States. For one in four Social Security recipients, that is all they get—\$1,200 a month. Usually that will cover your apartment. That will not cover your electricity, it won't cover your utilities, it won't cover your food or clothing, and it won't cover your healthcare.

Today, most working households have little or no retirement assets at all, and many rely entirely on Social Security. This is partly because employer-provided pensions are becoming a thing of the past. So Social Security is more important than ever. It has become a pillar of our retirement system that continues to work well. It is a universal guaranteed source of income that workers earn and depend on when they retire, but it is just not enough.

I will just add that it is only in Washington, DC, where entertaining the idea of cutting Social Security is considered moderate or mainstream or conservative, even, or adult. I mean, there is this sense that the way we ought to fix the challenges we have fiscally as a country is to take it out of the hides of people who get \$1,200 a month to live.

Instead of strengthening the program, Mr. MULVANEY's ideas are very radical. He has said he wants to systematically alter Social Security by raising the retirement age to 70 years old. He wants to raise the retirement age to 70 years old. This is not an obscure person being appointed to an obscure post; this is a Member of Congress being appointed to be the head of the Office of Management and Budget. We are going to vote on him tomorrow, and everybody who says they are for Social Security is about to vote for a person who wants to raise the Social Security retirement age to 70 years old.

He has called Social Security a Ponzi scheme. When he worked in the South

Carolina State Senate, he voted to declare Social Security unconstitutional. Again, he voted to declare Social Security unconstitutional, and I predict he will get all of the Republican votes. And all of these folks who say they wanted to protect your Social Security, after they put Tom Price at the head of HHS, they are about to put someone who is dedicated to undermining the most successful anti-poverty program in American history.

When asked in his confirmation hearing—because, look, you are a Member of Congress; you represent a certain constituency; you have certain views. Some people are able to sort of pivot from their role as a legislator, as a politician, and into a role as an appointee, a Secretary, a nominee. So when he was asked in this confirmation hearing if he would recommend that the President break a campaign promise to leave Social Security alone, the Congressman said that he would recommend that the President make cuts to the program. So this isn't something he has recanted; this is something he stands by—up until and including through his confirmation and his service at OMB.

But why make cuts to the most successful anti-poverty program in American history? Why would we make cuts to a program that is financed by its own revenue stream and by law does not add \$1 to the deficit? Why would we cut benefits now just because we may have to cut them in 20 years? If we are going to change Social Security, let's do it in a way that expands benefits for generations to come. Let's lift the cap on taxable earnings. Let's remove the wage cap that unfairly shelters the highest earning Americans from paying into the Social Security trust fund that the majority of hard-working Americans do.

Here is how it works. The cap is roughly \$120,000. So you pay Social Security—almost everybody pays Social Security tax, up to \$120,000 in income. That is mostly everybody, right. But if you make \$120,000, all of that is taxed up to \$120,000. If you make \$70,000, it is taxed up to \$70,000. If you make \$120 million in income, your first \$120,000 is taxed for Social Security purposes; everything else is taxed at zero for Social Security purposes.

My view is that every dollar of income should be taxed for Social Security purposes, and that does two things: First, we are going to be in a position to increase benefits—not massively, but every little bit counts. Second, we will be able to increase the solvency of the Social Security trust fund to the year 2049.

Most every family has a Social Security story, whether it is a grandmother who relies on the program's benefits to pay for groceries, a father who suffered a debilitating injury after decades of hard work and receives much needed

Social Security disability benefits, or a widowed mother who relies on Social Security survivors benefits to bring up her children.

In my own home, we have three generations living together—my wife Linda and me; our kids, Tyler and Mia; and Linda's parents, George and Ping Kwok. George Kwok lived the American dream. He ran a chop suey house, a Chinese restaurant in Honolulu, Kwok's Chop Suey, and worked hard all his life to give opportunities to his kids, until his eyes gave out. Like 200,000 seniors across Hawaii, he now relies on Social Security—SSDI—Social Security disability.

I tell you about my family not because we are unique but because we are not, because we are like so many families in Hawaii and across the country. And with the number of retirees growing, we need to do everything we can to strengthen this program, not to weaken it.

After a lifetime of hard work, seniors deserve to retire with the dignity and the benefits they have earned. This is a promise from the Federal Government. The current generation of Americans must keep our promises to seniors, but given his record, I am convinced that Congressman MULVANEY will try to do the opposite.

The second issue I am concerned about is the basic operations of government. Whether you are a member of the military, a visitor to a national park, or a worker looking to retire in the near future, we all need for the government to fulfill its basic obligations. But Congressman MULVANEY voted to default on the U.S. debt several times, and he did it in the face of warnings from the U.S. Treasury that this would be unprecedented and catastrophic for our economy and that it could drive the world deep into another recession just as we were finally recovering from the last one.

Think about how markets would react if the U.S. Government declared that it would not make good on its financial obligations. The stock markets would go crazy, and not in a good way. That would be terrible for the millions of people who invest their savings in the market for their retirement.

The Congressman has also voted several times to shut down the Federal Government, all in the name of getting his way. I cannot emphasize enough how dangerous his approach to government is. It is one thing as a Member of the House Freedom Caucus, as a Member of the U.S. House of Representatives—there are 435; you can take positions—but it doesn't have quite the direct impact that the Office of Management and Budget does. He has put party and partisan views over some of the most fundamental and basic principles of our government. To close the government, to stop paying our bills, to make people across the planet ques-

tion the full faith and credit of the United States is beyond comprehension.

It should take a real crisis to pull Congress away from the negotiating table and all the challenges in front of us. But it actually wasn't a crisis that led the Congressman to vote to close our government; it was Planned Parenthood and the ACA. While we may disagree about the best approach on healthcare and even on reproductive choice and women's health, those disagreements should never get in the way of the U.S. Government going about its business. Yet Congressman MULVANEY's actions went against that basic principle.

With respect to our Democratic institutions, the procedural violence that was done to the U.S. Congress is hard to overstate in this case. The idea that a faction of a party would demand concessions—and I think we remember this—would demand concessions in exchange for satisfying their infliction of pain on the United States is unbelievable. And why? Because we are all Americans here. We all want to do right by our country. So the idea that one party would be willing to inflict terrible pain on the country, or else, was so beyond the pale that there is no rule against it, there is no law against it. And do you know why there is no rule and no law against it? It is because nobody contemplated that a major political party would behave in such a way. The assumption has always been that elected leaders would find a better way to stand up for their strongly held beliefs than by threatening to bring the American economy to its knees. Up until the shutdown led by the Congressman, that had been a safe assumption.

In 2011, Congress's delay in raising the debt limit forced the Department of Treasury to take what they call extraordinary measures to ensure that our government could pay its bills. GAO estimates that this raised Treasury's borrowing costs by about \$1.3 billion in fiscal year 2011. That is \$1.3 billion in added government costs just for coming close to defaulting. The Bipartisan Policy Center projects that the full cost of that crisis to the Federal Government alone—not to the private sector economy, just the Federal Government—was around \$20 billion over the maturity of that debt.

There is nothing conservative about defaulting on what we owe. It cripples free markets. It is Russian roulette playing, with a bullet in every chamber. There is nothing conservative about that.

When the government closed in 2013, we paid Federal workers to stay home. I want everybody to understand what we ended up doing. Listen, it wasn't their fault. These government employees are not the ones who screwed up; it was the Congress that screwed up. We

paid dedicated Federal workers who want to do their jobs, not to do their jobs. We forced them to stay home and paid them anyway. I defy you to find a conservative outside of the Halls of Congress who finds that to be a conservative proposition. It is one thing to shut down the government for a couple of weeks and accrue the savings. I think that is inhumane, I think that is bananas, but at least you would save the money. These folks ended up paying all the money out and just forcing government workers to not do their jobs. This is not the left or right; this is upside down. We prevented Federal workers from doing their important work, like assisting small businesses and combating terrorism.

Ultimately, the 2013 shutdown was a bad move for our economy and for our budget. It cost us money instead of saving us money. In just the first week, it cost the economy \$1.6 billion in lost economic output, and it cost about \$160 million a day on the private sector side.

Worst of all, the Congressman has not seen the error of this. There were a lot of Members of Congress on both sides of the aisle who—in the heat of the battle, you sort of think the other side is going to back off and listen. We all learn lessons. We all make mistakes. There are a lot of Republicans who went through that shutdown and said: We never want to do that to the country again. But Congressman MULVANEY has not seen the error of his ways. He still believes the government shutdown was a good idea, and he said so at the confirmation hearing.

Senator McCASKILL asked if he still thought the shutdown was the right way to go about things, and he answered yes. He answered yes. This kind of budget brinkmanship is not good for our government, to say the least, but it is certainly a bad fit for the person running the OMB.

The third issue I want to talk about is the Congressman's rejection of the role of public health and science. If we look at some of the biggest issues our country faces, it is clear that we need an OMB Director who understands the value of science, research, and public health. But the Congressman has said that climate change is based on "questionable science" and "baseless claims." He has asked if we need government-funded research at all. These are not the views we should see from the person who directs the budget of the executive branch.

In September of last year, Congressman MULVANEY posted a statement about Zika on Facebook. He said:

I have received all sorts of email and Facebook comments this week on Zika. Some people want me to pass a "clean" bill (which I suppose means not paying for it with spending reductions elsewhere.) Other folks want us to fund more research if we can find a way to pay for it.

No one has written me yet, though, to ask what might be the best question: Do we really need government research at all? Do we really need government funded research at all?

In his statement, he goes on to ask questions that many have asked about what we are seeing in Brazil, as opposed to other countries affected by Zika. But that is exactly why you do the research. It is not for a Member of Congress to referee how much money should go to CDC and play amateur scientist. We have expert agencies. The CDC did an extraordinary job, not just on Zika but on Ebola. They have done extraordinary work over the decades in keeping people safe. If he is saying there are some scientific mysteries remaining around Zika, that is absolutely true. That is why we need to give the CDC and the National Institutes of Health money to try to figure this out. Those questions are the very reasons we need government-funded research, not an excuse to get rid of it.

I want to be clear as to why this matters so much. I am not trying to catch him saying something that is a little off. There is a foundational, bipartisan consensus around public health research, and the person who has been nominated to run the Federal budget doesn't appear to believe in that research. This isn't just out of the political mainstream. People will die if he implements his point of view.

Look at some of the diseases where government-funded research has had a significant impact on saving lives: Ebola, HIV/AIDS, malaria, polio, to name a few. We have made the advances we see today because the government stepped in and invested in the research, and that has to continue.

Right around the time we debated funding for Zika, I visited the Centers for Disease Control and Prevention, or CDC, in Atlanta to learn more about their efforts to combat Zika, dengue, and other diseases. I left Atlanta feeling totally confident that the CDC will help our country with challenges like Zika. Millions of Americans are counting on the government to maintain that confidence. But that can happen only if CDC has the strongest funding possible so they can continue to do their good work.

Taking money away from the Prevention and Public Health Fund would strip the CDC and other important agencies of the funds they need to protect our country from within and from without. That is what happened in Congress. The legislative branch did not fully step up to the plate and do its job in addressing Zika. Because of that, we forced the Obama administration to pull money from the CDC to address Ebola or from States to address other public health risks. Doing so disrupted public health infrastructure planning across the world that we still need to make sure that Ebola never ravages communities again.

Regardless of your side of the aisle, we can all agree this is the one thing that government has to do; that is, to keep us physically safe. Investing in CDC and other agencies that protect our citizens from diseases shouldn't depend on your philosophy of government. Unless you believe in, literally, no government, this is money well spent. This is the kind of thing the government does. We cannot walk away from our country's legacy of funding good research that saves lives, but that is exactly what Congressman MULVANEY suggests we do.

He has also made deeply disturbing comments about the science behind climate change. There can be no doubt that climate change is real, that it is caused by humans, and that we have a responsibility to take action. We ignore the science that shows us this at our own risk, and it is a risk our country cannot take.

The fourth and final issue I want to touch upon is healthcare—specifically, Medicare and Medicaid. I am a little worried that people feel reassured because of the rhetoric they heard last year from the President. He did reassure his voters that he was going to save Medicare and Medicaid and protect it from cuts. He promised several times that he wouldn't make any cuts whatsoever to Medicare and Medicaid. But when a Senator reminded Congressman MULVANEY about this during his confirmation hearing, he did not say he would support the administration's promises to the American people. He said that he would advise the President to break that promise. He said that he would advise President Trump to break his campaign promise and change Medicare and Medicaid. Why are we voting for this person? He said that he would advise the President to break the promise and change Medicare, Medicaid, and Social Security.

He wants to cut Medicaid—a program that millions of people rely upon. More than 50 years ago, when Medicaid was created, Congress made a really smart decision and designed the program so that if and when healthcare costs rise or the economy starts to struggle, Medicaid would be there for the American people, no matter what. Now the counselor to the President says that as part of the ACA replacement plan, Medicaid will be converted to block grants.

I worry a little bit about the phrasing “block grants” because that doesn't sound that bad. I used to work in the not-for-profit sector. I like grants, and I used to pursue Community Development Block Grants, Community Services Block Grants. I like grants; I like Medicaid. I am not sure whether “block” means anything positively or negatively, but I want everybody to understand what block-granting Medicaid means: It means cutting Medicaid. That is exactly what it

means. It is a euphemism. People in this administration and people nominated to be part of this administration share that view, and they have a long history to back it up.

The term “block grants” is a euphemism. It is not quite a lie, but it is a way to describe something so that you don't know what it is. They are calling it a block grant because they don't want to say they are cutting Medicaid. That is what they are doing; they are going to cut Medicaid, and these cuts will hurt millions of people. They will hurt working families.

Everybody understands Medicaid is there for the economically indigent, in the case of an emergency. But the thing that people also don't realize—and that is a really important aspect of that program—but it is also really important for nursing home care. That is not just an issue for people who are down on their luck financially or while they are young or while they are parents. When people get older, it is really difficult to afford nursing home care. For most people who are not extraordinarily wealthy, Medicaid is the way to handle nursing home care. It is reimbursable.

I know that nursing home care in Hawaii costs \$8,000, \$9,000 a month. I don't know anybody who can run through \$8,000, \$9,000 a month for very long. I know a couple of people, but most people I know can't do that without Medicaid. Certainly, Medicaid is an issue that affects the very poor, but it also affects the rest of us. It affects people who aren't just lying on a pile of cash to take care of their grandmother or their mother or their father or their spouse when they are in their golden years.

These cuts will hurt women who need Medicaid for maternal health services, as well as seniors and people with disabilities. These people have nowhere else to turn. Medicaid is their only option.

Some people point to expanded local control as a reason to move forward with block grants. That is just nonsense. They are basically going to flatten out or cut the amount a State gets, and then they can sit there and divide up an increasingly smaller pie. I am not sure if that is even a euphemism. That is just nonsense. That will not help any State to meet their needs. That is why Republican Governors—anybody with responsibility for actually governing, delivering services to their constituents—don't want to cut Medicaid. They don't want to reduce Medicaid expansion under ACA, and they certainly don't want a block grant because they know what that will mean. Even if you are a fiscal conservative, if you are in charge of a State, you understand exactly what is going to happen to your constituents if Medicaid is cut.

This is another instance of a party that promised not to touch Medicaid.

But here we are, debating a nominee to lead the OMB who wants to make cuts to this program. This is a deal breaker for me and for many others, and it will be a disaster for millions of Americans. That is why today we have to stand up for seniors, for women, for children and fight any cuts to Medicaid. That starts with voting no on this nomination.

I have heard about Congressman MULVANEY from hundreds of people from the State of Hawaii. I want to share a few of the messages that I have received from people in Hawaii.

Here is what one man from Oahu wrote:

As a researching scientist, I recognize the very significant damage these appointees will have on US health and competitiveness in the world.

A break in research funding, or politically-directed and censored research, impacts long term research. A brief hiatus can result in many years set-back of programs and resulting societal benefits.

A woman from Volcano Village on the Big Island sent me this message:

[This administration's] agenda lies in [the] nominees for the department of Health and Human Services and the Office of Management and Budget who have spent their congressional careers trying to destroy [Social Security, Medicare, and Medicaid].

Another woman wrote me with this:

[The] nominees for HHS and OMB are walking disasters for the department they'd lead.

Both have spent their congressional careers trying to destroy [Social Security, Medicare, and Medicaid]. Oh, yes, and the ACA/Obamacare, which has proven to be resoundingly popular.

We are hearing from so many people on these issues because they understand how this works. They understand that personnel is policy. You don't get to say you are for protecting Social Security, and then vote for someone who wants to eliminate Social Security as we know it. You don't get to say you are for protecting Medicare and Medicaid, and then vote for someone who has dedicated their career to eliminating or at least seriously undermining this program.

If you want to increase the Social Security retirement age, then this is your nominee. If you aren't opposed to seeing our country go through a series of precipices with the shutdown of the Federal Government—from the huge drops in the market to the closing of our National Parks—then this is your nominee. If you think Federal investments in public health, disease control, and prevention should be eliminated, then this is your nominee. If you want to see cuts to Medicare and Medicaid by 25 percent or more, then vote yes.

But if, like me, you know that this is not the right approach to governing, that this is not how we should go about caring for our people and preparing for the future, then you need to vote no.

At the end of the day, the leader of the Office of Management and Budget

will need to understand how to build a budget for our country and make sure U.S. Government agencies have the resources they need to pursue the mission. This person will need to understand why diplomacy matters, why Medicare and Medicaid matter, why job training and education programs matter, and why financial and fiscal stability matters. Ultimately, he needs to know that government matters and that it can make a difference in people's lives. It determines how bright tomorrow can be for our kids and grandkids and how safe of a world we can create for them.

Congressman MULVANEY does not have that record or a confirmation hearing record that can convince any of us that he understands the potential we all have—the obligation we have—to make the right investments that reflect who we are and the future that we want as a country. That is why I will be voting no on this confirmation, and I urge my colleagues on both sides of the aisle to join me.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Mr. President, the Director of the Office of Management and Budget, or OMB, is probably the most powerful Federal job that most Americans have never heard of. If you were to ask five out of five regular people whether they have even heard of the Office of Management and Budget, or its importance, I would say that probably five of them would say: I have never heard of it; what do they do?

The Director of OMB has broad discretion to develop Federal regulations and to set spending priorities across the government—spending priorities across the government. I think we should make sure that this person actually cares about service to the people of America.

For example, if the Defense Department needs more resources for our troops, OMB has to sign off. If the Environmental Protection Agency wants to protect our communities from air and water pollution, OMB has to sign off. If the President wants to cut Social Security, Medicare, and Medicaid under the guise of “saving money,” the OMB Director is responsible for implementing the policy.

Given the tremendous power invested in this position, the next OMB Director should, at a minimum, believe in the central government functions he or she will be tasked to carry out. That is why I strongly oppose the nomination of Congressman MIKE MULVANEY to

serve as the next Director of the Office of Management and Budget.

Congressman MULVANEY came to Washington at the very right fringe of the tea party wave in 2010. Since then, he has consistently pursued policies that would be disastrous for our economy, for the most vulnerable members of our society, and for America's seniors—our kupuna.

Congressman MULVANEY has been one of the strongest proponents for privatizing and voucherizing Medicare and dismantling Medicaid during his time in Congress. In 2011, while explaining his support for the draconian, really terrible Republican budget that would have destroyed the social safety net and gutted funding for nearly every domestic program—nearly every domestic program and you can imagine the thousands and thousands of domestic programs people across the country are relying upon—Congressman MULVANEY said:

Two nights ago, there was a group of Republicans in the House of Representatives who voted to dramatically overhaul Medicare and Medicaid and lightning did not strike us. If that is not a sign that maybe things can be different around here, I don't know what is. So I'm hoping that—I hope we have that exact debate over the course of the next year.

Let me be clear. Congressman MULVANEY was gloating over a bill that would be devastating to millions of seniors and Americans on Medicaid and Medicare. If confirmed, Congressman MULVANEY would not just be one extremist in the House of Representatives; he would be the person—the one person—responsible for developing, rolling out, and implementing the President's budget and his priorities.

With this power, he would be in a position to fulfill his heart's desire—all of the things he worked on as a member of the tea party and a Member of the House of Representatives. He could destroy programs like Medicare and Social Security, which more than 200,000 seniors in Hawaii and tens of millions across the United States depend on every single day. There are things we can do to fight back.

Last month, I fought alongside my friend and colleague from Indiana, Senator JOE DONNELLY, to prevent Congressman MULVANEY and the Trump administration from using budget gimmicks to privatize Medicare and cut funding from Medicaid. While our amendment was defeated in a very close vote, I was encouraged that two of our Republican colleagues—Senator DEAN HELLER of Nevada and Senator SUSAN COLLINS of Maine—voted in favor of my amendment.

This vote demonstrated that there is bipartisan opposition to balancing the budget on the backs of our seniors. This is exactly what Congressman MULVANEY wants to do. He has called Social Security a Ponzi scheme. Ponzi schemes are illegal, but he calls Social

Security—a program that millions and millions of people throughout our country rely upon—a Ponzi scheme and countries raising the eligibility for it to 70 years old.

When he was in the South Carolina legislature, he even supported a bill that said that Social Security was unconstitutional. I would say even the most conservative person would not deem Social Security to be unconstitutional, but that is the kind of position that Congressman MULVANEY takes. His positions on Medicare, Medicaid, and Social Security are enough to disqualify him from serving as OMB Director.

We do not need an ideological flame-thrower like Congressman MULVANEY at the helm of OMB. Sadly, there is more. Congressman MULVANEY is a debt limit denier. To demonstrate the point, I wish to read his response to a question he received from the Budget Committee:

I do believe that defaulting on America's debts would have grave worldwide economic consequences. I do not believe that breaching the debt ceiling will automatically or inevitably lead to that result.

Not only is this statement wrong, but it contradicts itself. I was in the House in 2011 when Congressman MULVANEY and his colleagues played political games with the debt limit. I can tell you that the stock market did not agree with his assessment that there wouldn't be an immediate negative impact.

Here is what happened over the course of a week. The stock market lost \$1 trillion in value—\$1 trillion in value. Standard & Poor's downgraded the U.S. credit for the first time in our country's history.

The Government Accountability Office later found that the standoff increased our borrowing costs by \$1.3 billion, which Congressman MULVANEY and his Republican allies were all too happy to pass along to the American taxpayers to pay.

Congressman MULVANEY's record clearly demonstrates why he is unfit to serve as the Director of the Office of Management and Budget. He wants to balance the budget on the backs of seniors and other vulnerable communities. He believes in governing from fiscal crisis to fiscal crisis. It isn't even clear if he supports the mission of the department he has been nominated to lead.

Congressman MULVANEY joins a list of nominees—many of them confirmed at this point, sadly—ranging from an Education Secretary who does not believe in public education to a Secretary of Health and Human Services who wants to basically dismantle Medicare, Medicaid, and Social Security not far behind.

I ask my colleagues, when does this long list of nominees come to a stop? I say, at the very least, someone with

the power of the Director of OMB is where we should be drawing the line, unless we want one who thinks that defaulting on our national debt is not a problem, unless we think that hurting millions and millions of seniors on Social Security and Medicare is not a problem.

I feel as though Congressman MULVANEY perhaps has not encountered enough people in his time in public service who have come to him to share their stories of the devastation that would come into their lives if these safety net programs were not there for them. I feel as though maybe if they have come to talk to him, he hasn't listened very well.

I encourage my colleagues to hold the line at this point and to oppose this nomination. Congressman MULVANEY is not the person for OMB.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, we are considering the nomination of Congressman MULVANEY to become the Director of the Office of Management and Budget. In the context of the review of this nomination, there has been a lot of talk about Congressman MULVANEY being a "straight shooter." I do appreciate his courtesy meeting with me and his participation in our Budget Committee confirmation hearing last month, but I have to say that his 6-year record in the House of Representatives makes it completely impossible for me to vote for him as our Nation's chief budget officer.

He may be a straight shooter, but he shoots straight at the wrong targets. One of them is the credit of the United States of America. In the House of Representatives, Congressman MULVANEY repeatedly put our economy in jeopardy by voting to let the Federal Government default on its obligations. He had an opportunity after his nomination, when he came before the Budget Committee, to pivot to a more mainstream and responsible position, but he refused. In an answer to a prehearing question he said:

I do believe that defaulting on America's debts would have great worldwide consequences. I do not believe that breaching the debt ceiling will automatically or inevitably lead to that result.

Well, if you breach the debt ceiling, and if you honor the debt ceiling law, that means that our government would not have the money to pay all of its bills. Something has to be defaulted on or the debt ceiling is a complete chimera.

Mr. MULVANEY's completely unsupported faith that a default on some of our Nation's obligations might not have grave consequences ignores basic economics, and it ignores the guidance of liberal and conservative economists and experts alike, including Douglas Holtz-Eakin, Benjamin Bernanke, Hank Paulson, Janet Yellen, Jack Lew, and many, many others.

In fact, many of my Republican colleagues in this room were gravely concerned about what happened if we blew through the debt ceiling, and that we perhaps had made a bet we would be unable to pay. To put it simply, lenders tend to charge more for riskier loans, and a borrower that won't pay all of its bills on time is riskier than one that does.

Tom Donahue of the U.S. Chamber of Commerce is not someone that I ordinarily cite favorably here in the Senate. He is an inveterate enemy on doing anything on climate change. He and I disagree on a great number of issues, but even Tom Donahue noted that a small increase in treasury rates, which would happen as the result of a default, "would translate into hundreds of thousands of jobs lost every year."

A member of the self-styled "shutdown caucus," Mr. MULVANEY chooses to ignore the fact that his fiscal brinkmanship has already cost the American people. Playing around with the debt ceiling and shutting down the government are not free exercises. According to the Wall Street firm Standard and Poor's, the 16-day government shutdown that the Congressman helped orchestrate in 2013 cost the American economy \$24 billion. That is shooting straight at our economy just to prove a political point. That is not the kind of straight shooter that we need. Of course, that doesn't even mention the unnecessary stress that the shutdown caused for millions of government contractors who weren't sure they would be paid. There is pain and there is damage from the reckless decisions that Congressman MULVANEY seems to make so easily.

Congressman MULVANEY's blind faith is not limited to economics. He disregards science too. In response to questions I asked him at the hearing, he said he is not convinced by the evidence presented that climate change is at least partly driven by human activity. Well, he ought to take a little look at what is going on at his home State university, the University of South Carolina, which has the School of the Earth, Ocean, and Environment. It actually teaches climate change. The University of South Carolina doesn't just believe climate change; it teaches it. It has a faculty who are involved in teaching the students about what is happening in our atmosphere and in our oceans as a result of climate change.

This is not all that complicated stuff. We have known since President Lincoln was riding around Washington in his top hat that greenhouse gases in the atmosphere would catch heat in the atmosphere and would warm the Earth. That was a scientist named Tyndall. This is not news; this is 150 years old. It is simple, elemental chemistry, what happens when you ramp up the level of CO₂ in the atmosphere and how that works in the oceans. The CO₂ gets absorbed by the oceans. The oceans, as a result of absorbing CO₂, become more acidic. What we are seeing now is the acidification of the ocean in the experience of humankind—indeed, in probably like 100 times the experience of humankind. You have to go back 50 years to find a similar rate of acidification of the ocean.

Well, Mr. MULVANEY represents South Carolina. South Carolina is a coastal State. It is an ocean State. The University of South Carolina studies its oceans. They know ocean acidification is happening. When the Congressman says that he is not convinced by the evidence presented, something other than being a straight shooter is going on.

According to NASA, for instance, the National Aeronautics and Space Administration—which, by the way, right now is driving a rover around on the surface of the planet Mars. So can we perhaps stipulate that the scientists at NASA know what they are talking about? No other country in the world, no other society in human history has had the capacity to launch from Earth a rover, fly it through space to Mars, land it safely on that other planet, and drive it around. We can do that. NASA scientists did that. So when NASA scientists say that “multiple studies published in peer-reviewed scientific journals show that 97 percent or more of actively publishing climate scientists agree climate-warming trends over the past century are extremely likely due to human activity”—so essentially all the experts agree.

His home State university, the University of South Carolina, teaches this. They don't just listen to it, they teach it. They understand what is going on. But MULVANEY says he is not convinced. What is it going to take to convince him? How can you be a straight shooter when you ignore this kind of certainty in science, particularly when around this building you see the circling menace of the fossil fuel industry always with its guns out, always trying to shoot down anybody who will disagree with them, always trying to pretend that climate change isn't real, always trying to defend a \$700 billion-a-year subsidy that they get at the expense of the rest of America? And because, thanks to Citizens United, they have the capacity to spend enormous, unlimited amounts of money in politics, they can spend a great deal to pro-

tect that \$700 billion in subsidies, and they do.

So we do nothing about climate change here. You can't get a Republican to talk seriously about climate change here. The oceans are changing off of their States, and they won't talk about climate change here. Their universities are saying that climate change is real. Their universities are teaching that climate change is real. And they won't say one thing about climate change here. And this so-called straight shooter is going to go along with that racket rather than listen to his home State universities and to the scientists at NASA, who have put the rover on Mars? Give me a break.

While this man claims to be a deficit hawk, I asked him if he was ready to take on the hundreds of billions of dollars that go out the back door of our economy in tax breaks, in wasteful tax loopholes, in tax benefits for special interests, and he wouldn't give me a straight answer to the question.

From his record in the House, it appears pretty clear that Mr. MULVANEY would rather balance the budget by going after seniors, by going after Social Security, by going after Medicare, by going after the families who have children on Medicaid because their children have lifetime disabilities that require Medicaid support. Those are the targets. That is who this so-called straight shooter wants to shoot at. But as for, say, the tax benefit that lets billionaires depreciate their private jets faster than the airline can, oh, no, can't touch that. As for the tax loophole that lets carried interest Wall Street billionaires pay lower tax rates than their doormen, than their janitors, oh, no, can't possibly touch that. As for the subsidies we give through the Tax Code to the fossil fuel industry every year when they are the most lucrative corporations in the history of the planet, oh, no, we can't possibly do that. Let's go after the old folks. That is not being a straight shooter; that is shooting at the wrong people.

Someone who is a straight shooter when it happens to agree with the politics that they like but is a flatout denier when it doesn't, that is not my idea of a straight shooter.

Congressman MULVANEY is possessed by conservative ideology that I strongly believe is going to prevent him ever from working across party lines on the budget, on health care, or on other major issues that he will have to face at OMB. His counsel is likely to pull President Trump further out to the extremes, which already divide this country.

And by the way, to all of those voters who voted for President Trump because he said that he was different from all the other Republican candidates; that he was different from the other 15 candidates because he wasn't going to hurt Social Security and he wasn't going to

hurt Medicare; that he was different from all the others because he was going to protect Social Security and he was going to protect Medicare—folks, I think you were sold a bill of goods because when you look at Congressman PRICE and when you look at Congressman MULVANEY and when you look at their records, you see the records of people who have targeted Social Security and targeted Medicare for years. They may be straight shooters, but they have Social Security and Medicare in the crosshairs. Those are not the right targets for us to be shooting at in a tax system that is riddled with special interest loopholes and in a country that is so divided and where the poor and the elderly are struggling compared to the people who are at the very top, who have basically gathered all of the economic benefit of our growth since the great recession.

So, for all of those reasons, I will be completely unable to support this person's confirmation. I am sorry because I would like to have seen the President make the slightest gesture in the direction of bipartisanship, the slightest gesture in the direction of compromise, the slightest gesture in the direction of reasonableness, but out of this White House, on the civilian Cabinet, we have seen nothing like that.

It is a Cabinet that is completely controlled by rightwing ideology and appalling special interests. Usually, the special interests are the most dangerous and worst special interests that the agency has to regulate. Instead of accepting that as the agency's responsibility, he has brought that special interest in, brought the fox into the henhouse. If there was ever a fox in the OMB henhouse to take our Social Security folks and our Medicare folks and hurt them, it is this Congressman.

I cannot accept his nomination. I will vote against it.

I yield the floor.

LEGISLATIVE SESSION

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SCOTT). Under the previous order, the Senate will be in a period of morning business.

SOCIAL SECURITY ADMINISTRATION RULE

Mr. SCHUMER. Mr. President, I rise to speak on the potential repeal of the Social Security Administration's rule that helps keep guns out of the hands of those with a severe mental illness. I voted no.

First, I want to point out that this rule only addresses a shortcoming in the existing background check law that Congress passed legislation to address. We use the National Instant

Criminal Background Check system to prevent criminals and the adjudicated mentally ill from purchasing firearms.

In order for the FBI to have access to all the data they need to run those background checks, Congress passed the NICS Improvement Act in 2007—in bipartisan fashion, signed into law by President George W. Bush, hardly a gun safety activist—to instruct Federal agencies to send information to the NICS system about criminal records and mental illness.

This rule at the Social Security Administration is simply implementing that bipartisan law.

Second, let me underscore the point, this rule only applies to those who have severe mental health disorders, like schizophrenia. These are folks who, because of their disorder need assistance managing their own affairs and are so severely impaired that they cannot hold down a full-time job. It simply requires the Social Security Administration to pass that data on to the NICS background check system so the FBI can stop gun sales to the seriously mentally ill.

It doesn't get much more common sense than that.

Frankly, I find it absurd that the Republicans have chosen to repeal this rule as one of their first priorities in this Congress.

Does the Republican majority really think it is wise, as my colleague from Connecticut asked, that folks who are so severely mentally ill that they cannot work and require assistance managing their finances should be assumed to be able to responsibly own and protect a gun?

Mental illness is a serious topic. We have debated it many times in this body—how to better provide for treatment, how to decrease the stigma surrounding it—but I don't remember the part where we debated whether it was wise or not to allow folks with a severe, almost incapacitating, mental illness to easily purchase a gun.

Gun violence takes far too many lives each year. At the very, very least, we should be doing all that we can to prevent criminals, potential terrorists, and the adjudicated mentally ill from purchasing firearms; yet Republicans consistently line up behind the NRA to block or repeal policies that would do those things—even though 8 or 9 out of every 10 Americans supports them, though a vast majority of gunowners support them.

Whenever Republicans talk about gun violence, they say, "Let's enforce the laws on the books!" Well, as I mentioned, this regulation does just that; it implements the bipartisan 2007 NICS Improvement Act that Republican President George W. Bush signed into law.

Today, Republicans are calling their own bluff; they are not interested in enforcing the laws on the books—they

just want to repeal them, even when that puts innocent American lives at risk.

If Republicans have a problem with this rule, they should have pushed the Social Security Administration to modify it, rather than repealing it outright and blocking any similar rule-making on the subject, which is what this CRA would do.

Thank you.

NOMINATION OF SCOTT PRUITT

Ms. COLLINS. Mr. President, after careful consideration, I have decided to oppose the confirmation of Scott Pruitt, the nominee for Administrator of the Environmental Protection Agency, EPA. I have met at length with Mr. Pruitt, who is an accomplished attorney with considerable knowledge about environmental laws. We discussed many important environmental issues about which I care deeply—from EPA's enforcement of landmark environmental laws, including the Clean Air Act and the Clean Water Act, to climate change and the Clean Power Plan, to protections from harmful pollutants such as lead and mercury. I also have reviewed testimony from his confirmation hearing.

In keeping with my past practice, regardless of which party is in the White House, I will vote for cloture on his nomination so that every Senator can have a clear, up-or-down vote on this important nomination of a member of the President's Cabinet. But I will vote no on Mr. Pruitt's confirmation.

The fact is Mr. Pruitt and I have fundamentally different views of the role and mission of the EPA. That does not mean that I agree with every regulatory action that EPA has taken. At times, the Agency has been difficult to work with and unresponsive to bipartisan congressional concerns, but the EPA plays a vital role in implementing and enforcing landmark laws that protect not only our environment but also public health.

Specifically, I have significant concerns that Mr. Pruitt has actively opposed and sued EPA on numerous issues that are of great importance to the State of Maine, including mercury controls for coal-fired power plants and efforts to reduce cross-State air pollution and greenhouse gas emissions. His actions leave me with considerable doubts about whether his vision for the EPA is consistent with the Agency's critical mission to protect human health and the environment.

The State of Maine, located at the end of our Nation's "air pollution tailpipe," is on the receiving end of pollution generated by coal-fired power plants in other States. Reducing harmful air pollutants is critical for public health, particularly for Maine, which has among the highest rates of asthma in the country. Controls for mercury,

one of the most persistent and dangerous pollutants, are especially important for children and pregnant women. Moreover, there is no doubt that the greenhouse gas emissions driving climate change pose a significant threat to our State's economy and our natural resources, from our working forests, fishing, and agricultural industries, to tourism and recreation.

The opposition to the nominee expressed by Friends of Acadia is grounded in concerns about the importance of emissions reductions for lessening the impacts of climate change that affect this gem of a national park. The changes we are already seeing in the aquatic life in Casco Bay and the Gulf of Maine, for example, are cause for alarm. The incidence of Lyme disease in northern Maine and high asthma rates throughout the State are also linked to environmental changes that threaten the health and well-being of too many Maine people.

These are among the reasons why I have voted to uphold the EPA rule governing mercury and air toxics standards from coal-fired power plants and the cross-State air pollution rule, as well as the Clean Power Plan to limit carbon pollution from existing and new fossil fuel-fired power plants.

I reject the false choice of pitting the environment against the economy because, for much of the State of Maine, the economy and the environment are inextricably linked. A strong commitment to protecting the health of our Nation's environment is critical for protecting Maine's natural beauty, the State's economy, and the health of those of us fortunate enough to call Maine home.

Due to my concerns about Mr. Pruitt's commitment to the mission of the EPA, I will cast my vote in opposition to his confirmation.

75TH ANNIVERSARY OF THE U.S. NAVY SEABEES

Mr. COCHRAN. Mr. President, today I wish to pay tribute to the U.S. Navy Construction Battalion, also known as the SeaBees, and congratulate them on their 75th anniversary. It was March 5th, 1942, when the SeaBees were charged by the Navy with the task of building, maintaining, and supporting base infrastructure in remote locations for the Navy and Marine Corps. SeaBees execute this critical mission, while also maintaining the capability to engage in combat operations.

For 75 years, the SeaBees have met challenges in times of war and peace. They have been deployed all over the world, contributing to our national security interests by constructing military bases, building airfields, roads, bridges, and even underwater structures. In every major operation our Nation has carried out, from World War II to present operations in Iraq and Afghanistan, the Navy SeaBees are there,

demonstrating unmatched courage, strength, and professionalism. Their personal sacrifices are a testament to the dedication of the Navy's elite construction force.

As we honor the SeaBees today, let us not forget to acknowledge the many sacrifices their families have made throughout their 75 years. Whether at home or abroad in the more than 30 countries to which they deploy, it is the support of their families that enables the brave men and women of the SeaBees to accomplish their mission with the utmost devotion to duty, honor, and country. I am proud that Gulfport, MS, serves as home to the Naval Construction Battalion Center, where more than 12,500 SeaBees, sailors, airmen, and soldiers have received valuable training this past year alone.

We congratulate the U.S. Navy SeaBees on their 75th anniversary and reaffirm our commitment to them.

TRIBUTE TO ROSE ILES FEALY

Mr. THUNE. Mr. President, today I wish to recognize the hard work of my Commerce, Science, and Transportation Committee intern Rose Iles Fealy. Rose hails from Perth, Western Australia, where she studies political science at the Australian National University.

While interning on the Commerce Committee, Rose has assisted the Consumer Protection, Product Safety, Insurance, and Data Security Subcommittee. Following her internship, Rose intends to pursue law school. I extend my sincere thanks and appreciation to Rose Iles Fealy for all of the fine work she has done for the committee and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

RECOGNIZING PIMENTEL & SONS GUITARMAKERS

• Mr. HEINRICH. Mr. President, it is an honor to join musicians and music lovers in recognizing Albuquerque's Pimentel family for their 65 years of building handcrafted instruments that are sought after by guitar players and collectors around the world.

Pimentel & Sons is a successful family-owned small business that was started from scratch and has been sustained with innovation, hard work, and a commitment to excellence.

As the ranking member on the Joint Economic Committee, I am proud to recognize successful entrepreneurs and small business owners like the Pimentels.

Lorenzo Pimentel learned the craft of building guitars as a teenager in Ciudad Juarez. After marrying his wife, Josefina, Lorenzo moved his family to Albuquerque after falling in love with

the Sandia Mountains. Over his lifetime, Lorenzo Pimentel accumulated an incredible list of accolades for his guitars.

Four of Lorenzo's sons, Agustin, Ricardo, Roberto, and Victor, have continued their late father's work as master guitar makers in their own right. They have each played an integral role in shaping New Mexico's music scene for decades.

Pimentel & Sons has earned the Hispanic Heritage Month Distinguished Honor Award, the Governor's Award for Excellence and Achievement in the Arts, and an invitation to the Smithsonian Institute's Festival of American Folklife.

In 2009, Governor Bill Richardson signed a bill designating Pimentel's Sunrise model as the official State guitar of New Mexico.

Generations of musicians have played and appreciated the world-renowned Pimentel guitars that capture the spirit and culture of New Mexico.●

MESSAGES FROM THE HOUSE

At 10:59 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 428. An act to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res 23. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

ENROLLED BILLS SIGNED

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 255. An act to authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 321. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WHITEHOUSE (for himself, Mr. COTTON, Mr. NELSON, and Ms. MURKOWSKI):

S. 379. A bill to amend title II of the Social Security Act to eliminate the five month

waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis; to the Committee on Finance.

By Mr. PETERS (for himself, Ms. STABENOW, Mr. DONNELLY, Mr. REED, Mrs. FEINSTEIN, and Mr. BROWN):

S. 380. A bill to amend the Securities Exchange Act of 1934 to require the disclosure of the total number of the domestic and foreign employees of a company, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mrs. ERNST, and Mr. LEAHY):

S. 381. A bill to repeal the Act entitled "An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation"; to the Committee on Indian Affairs.

By Mr. MENENDEZ (for himself, Mr. MURKOWSKI, Mr. RUBIO, Ms. KLOBUCHAR, Mr. MARKEY, Mr. BLUMENTHAL, Mr. DAINES, Mr. BOOKER, Mr. FRANKEN, Mr. SCHUMER, Mr. MCCAIN, Mrs. GILLIBRAND, and Mr. TESTER):

S. 382. A bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. WARNER, Mrs. SHAHEEN, Mr. PORTMAN, and Mr. MERKLEY):

S. 383. A bill to coordinate the provision of energy retrofitting assistance to schools; to the Committee on Energy and Natural Resources.

By Mr. BLUNT (for himself, Mr. CARDIN, Mr. SCHUMER, and Mrs. GILLIBRAND):

S. 384. A bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes; to the Committee on Finance.

By Mr. PORTMAN (for himself, Mrs. SHAHEEN, Mr. COONS, Mr. WICKER, Mr. FRANKEN, Ms. COLLINS, Mr. MANCHIN, Mr. BENNET, Mr. WARNER, Ms. HEITKAMP, and Mr. HELLER):

S. 385. A bill to promote energy savings in residential buildings and industry, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LANKFORD (for himself, Mrs. FISCHER, Mr. CRUZ, and Mr. INHOFE):

S. 386. A bill to amend title 31, United States Code, to provide for transparency of payments made from the Judgment Fund; to the Committee on the Judiciary.

By Mr. PERDUE (for himself, Mr. DAINES, Mr. INHOFE, Mr. ENZI, Mr. BARRASSO, Mr. TILLIS, Mr. PAUL, Mr. ISAKSON, Mr. LEE, Mrs. ERNST, Mr. RUBIO, Mr. JOHNSON, Mr. KENNEDY, Mr. FLAKE, Mr. BOOZMAN, Mr. HOEVEN, and Mr. CRUZ):

S. 387. A bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 388. A bill for the relief of Maha Dakar; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. GARDNER):

S. 389. A bill to amend the Internal Revenue Code of 1986 to ensure that kombucha is exempt from any excise taxes and regulations imposed on alcoholic beverages; to the Committee on Finance.

By Mr. HEINRICH (for himself and Mr. UDALL):

S. 390. A bill to withdraw certain Bureau of Land Management land from mineral development; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself and Mr. SCHUMER):

S. 391. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KAINE (for himself, Mr. WARNER, Mr. BOOKER, and Mr. BLUNT):

S. 392. A bill to establish the 400 years of African-American History Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCOTT (for himself and Mr. BOOKER):

S. 393. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employees who participate in qualified apprenticeship programs; to the Committee on Finance.

By Mr. ROUNDS (for himself, Mr. THUNE, Mr. INHOFE, Mr. CRAPO, Mr. LANKFORD, Mr. RUBIO, and Mr. GRAHAM):

S. 394. A bill to amend chapter 44 of title 18, United States Code, to provide that a member of the Armed Forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member; to the Committee on Armed Services.

By Mr. WYDEN:

S. 395. A bill to amend title 18, United States Code, to specify the circumstances in which a person may acquire geolocation information and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON (for himself, Mr. RUBIO, Mr. MORAN, and Mr. MANCHIN):

S. 396. A bill to make technical amendments to certain marine fish conservation statutes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself, Mr. WARNER, Mr. ALEXANDER, Mr. BROWN, Mr. SHELBY, and Mr. KAINE):

S. 397. A bill to amend title XVIII of the Social Security Act to ensure fairness in Medicare hospital payments by establishing a floor for the area wage index applied with respect to certain hospitals; to the Committee on Finance.

By Mr. NELSON:

S. 398. A bill to direct the Secretary of the Army to provide for modification of certain Federal water resources development projects on the Apalachicola, Chattahoochee, and Flint Rivers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COONS (for himself, Ms. COLLINS, and Mr. DAINES):

S. 399. A bill to establish the United States Chief Manufacturing Officer in the Executive Office of the President with the responsibility of developing a national manufacturing strategy to revitalize the manufacturing sector, spur economic growth, and expand United States competitiveness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY:

S. 400. A bill to establish the Susquehanna National Heritage Area in the State of Pennsylvania, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. CARDIN, and Mr. VAN HOLLEN):

S. 401. A bill to establish the Appalachian Forest National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VAN HOLLEN (for himself and Mr. CARDIN):

S. 402. A bill to direct the Joint Committee on the Library to enter into an agreement with the Harriet Tubman Statue Commission of the State of Maryland for the acceptance of a statue of Harriet Tubman for display in a prominent location in the United States Capitol; to the Committee on Rules and Administration.

By Mr. HATCH (for himself and Mr. RUBIO):

S. 403. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON (for himself and Mr. BENNET):

S. 404. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the process for inspections of device establishments for granting export certifications; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KAINE (for himself, Mr. WARNER, Mr. CARDIN, and Mr. VAN HOLLEN):

S.J. Res. 22. A joint resolution granting the consent and approval of Congress to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN:

S. Res. 61. A resolution calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. PAUL, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 16, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 26

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 26, a bill to amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes.

S. 27

At the request of Mr. CARDIN, the names of the Senator from Delaware

(Mr. COONS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 27, a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election, and for other purposes.

S. 66

At the request of Mr. HELLER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 66, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 82

At the request of Mr. REED, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 82, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 94

At the request of Mr. CARDIN, the names of the Senator from Montana (Mr. DAINES), the Senator from Indiana (Mr. DONNELLY), the Senator from Indiana (Mr. YOUNG), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Delaware (Mr. COONS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 94, a bill to impose sanctions in response to cyber intrusions by the Government of the Russian Federation and other aggressive activities of the Russian Federation, and for other purposes.

S. 96

At the request of Ms. KLOBUCHAR, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Iowa (Mrs. ERNST) were added as cosponsors of S. 96, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 184

At the request of Mr. WICKER, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 184, a bill to prohibit taxpayer funded abortions.

S. 223

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 223, a bill to provide immunity from suit for certain individuals who disclose potential examples of

financial exploitation of senior citizens, and for other purposes.

S. 236

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 260

At the request of Mr. CORNYN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 260, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S. 324

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 372

At the request of Mr. PORTMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 372, a bill to amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes.

S. 375

At the request of Mr. CORNYN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 375, a bill to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements.

S. 376

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 376, a bill to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes.

S.J. RES. 1

At the request of Mr. BOOZMAN, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE) and the Sen-

ator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 55

At the request of Ms. MURKOWSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 55, a resolution recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska.

S. RES. 60

At the request of Mr. DAINES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 60, a resolution designating May 5, 2017, as the "National Day of Awareness for Missing and Murdered Native Women and Girls".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Kaine (for himself, Mr. WARNER, Mr. BOOKER, and Mr. BLUNT):

S. 392. A bill to establish the 400 years of African-American History Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. Kaine. Mr. President, today I am reintroducing the 400 Years of African American History Commission Act.

We are 2 years away from a key anniversary in American history. August 2019 will mark 400 years since the first documented arrival of Africans who came to English America by way of Point Comfort, VA. This historic and tragic moment, when "20 and odd" Africans, as it was recorded were the first recorded group of Africans to arrive involuntarily and were sold as involuntary laborers or indentured servants in the colonies. This indelible mark in American history should not pass without recognition.

During my tenure as Governor of Virginia, I presided over the 400th anniversary of the founding of Jamestown, VA, by the English colonists in 1604. Two years ago I attended the 450th anniversary of the founding of St. Augustine, FL, which celebrated Hispanic heritage. Both commemorations included activities sponsored by Federal commissions, which were voted on and passed by Congress.

Having commemorated the English and Spanish heritage of our founding, there is no reason it should be any different for the arrival and continuous presence of Africans and African Americans in the English settlements in 1619. There is no dispute that the beginning of African and African-American presence in what is now the United States was both heartbreaking and regrettable. Although in 1619 slavery was not yet an institution, the in-

voluntary status of those first Africans was the impetus to slavery. Slavery as an institution broke up families, resulted in the deaths of thousands, and caused irreparable damage to our American psyche. And though we should never forget that period of stain on our history, slavery is not the only part of African-American history. I have had an opportunity to visit the National Museum of African American History and Culture. The museum makes a tremendous effort to tell the complete story of African Americans and it is important that we remember the whole story. African Americans have contributed to the economic, academic, social, cultural and moral well-being of this Nation. Their impact and influence has shaped this nation to what it is today.

So today, with my cosponsor Senator MARK WARNER, I reintroduce the 400 Years of African American History Commission Act, which would establish a commission that would plan programs and activities across the country to recognize the arrival and influence of African Americans since 1619. It is my hope the establishment of a "400th" commission would create an opportunity to bring continued national education about the significance the arrival of African Americans has made to the United States and the contributions that have been made since 1619. Additionally, the commission would create space to discuss race relations in America and focus on dismantling the institutional systems that have adversely hindered African American progress.

By Mr. WYDEN:

S. 395. A bill to amend title 18, United States Code, to specify the circumstances in which a person may acquire geolocation information and for other purposes; to the Committee on the Judiciary.

Mr. Wyden. Mr. President, today I, along with my colleagues Congressmen CHAFFETZ from Utah and CONYERS from Michigan, am introducing the Geolocation Privacy and Surveillance Act, a bill that protects Americans from seeing their phones and other devices turned into location trackers without so much as a warrant or a warning. While law enforcement agencies can and have obtained, and should obtain, probable cause search warrants from a neutral judge authorizing them to track the location of Americans, in many other cases, government agencies obtain sensitive location information without a warrant. My colleagues, Mr. CHAFFETZ and CONYERS, and I intend to fix that.

This is a situation where government agencies' use of new technology has gotten ahead of the laws in ways that would surprise many Americans. Federal, State, and local agencies routinely track Americans' locations

through a variety of methods, most of the time without people knowing they are being tracked. Some tracking demands go directly from the government to phone companies. In the first 6 months of 2016, law enforcement agencies submitted at least 86,000 demands to telephone companies for subscriber location data. Some of these demands were for the records of hundreds or even thousands of customers at a time.

Law enforcement agencies also regularly track cell phones with the use of a surveillance technology known as a cell site simulator or Stingray. A recent bipartisan report by the Committee on Oversight and Government Reform in the House of Representatives found that the Departments of Justice and Homeland Security have spent more than \$95 million to buy over 430 Stingrays. Although Federal agencies now obtain warrants before using this technology, many State and local agencies do not.

There is currently no uniform legal standard that regulates how Federal, State, and local law enforcement agencies are able to spy on the location of Americans. Instead, there exists a confusing patchwork of State laws, policies adopted by law enforcement agencies, and legal precedents set by Federal and State courts. As a result, Americans in one part of the country may enjoy less privacy, based on the policies adopted by their local police department, privacy laws passed by their State legislatures, or the willingness of their phone provider to push back in court, than Americans who happen to live in a privacy-superior jurisdiction. This patchwork quilt of rules and regulations has led to confusion among law enforcement, prosecutors, and service providers, who waste valuable time and resources litigating and appealing what should be clear-cut rules—clear-cut rules that start from the premise that privacy is an inviolable right, not a convenience granted by local law enforcement.

Under President Obama, there was a policy in place that required Federal law enforcement officers to get a probable cause warrant before tracking an American's location. Under the current administration, we do not yet know if this policy will remain, which makes this bill even more critical.

This bill has three main components.

First, it requires the government to show probable cause and get a warrant before acquiring the geolocational information of a U.S. person, while setting out clear exceptions such as emergency or national security situations or cases of theft or fraud. This probable cause requirement would apply to all law enforcement acquisitions of the geolocational information of individual Americans without their knowledge. This requirement will include indirect location information acquisition from commercial service providers and di-

rect acquisitions using Stingrays and similar devices, including tracking devices covertly installed by the government. This bill would regulate both real-time tracking of a person's movements, as well as the acquisition of records of past movements.

Second, the bill creates criminal penalties for secretly using an electronic device to track a person's movements that parallel those for wiretapping. Currently, if a woman's ex-husband taps her phone, he is breaking the law. This legislation would treat hacking her cell phone to track her movements as a similar offense.

Finally, it prohibits commercial service providers from sharing customers' geolocation information with outside entities without customer consent.

Passage of this bill would provide much needed privacy protections to Americans and ensure that location data is adequately protected from warrantless surveillance by law enforcement agencies.

I thank my colleagues CHAFFETZ and CONYERS for their efforts on this bill, and I hope the Judiciary Committee will consider our proposal quickly.

By Mr. KAINE (for himself, Mr. WARNER, Mr. CARDIN, and Mr. VAN HOLLEN):

S.J. Res. 22. A joint resolution granting the consent and approval of Congress to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission; to the Committee on the Judiciary.

Mr. KAINE. Mr. President, the National Capital Region relies on DC Metrorail. Hundreds of thousands of commuters take it every day, including the Federal workforce. Visitors use it when they come to our Nation's Capital on vacations, school trips, or events of national significance. Yet for too long, critical safety maintenance has been neglected, at the cost of countless lost hours and frustration for riders, and tragically, several fatalities.

That is why I and my colleagues from Virginia and Maryland—Senators MARK WARNER, BEN CARDIN, and CHRIS VAN HOLLEN—and our bipartisan House colleagues are today introducing this compact creating the new Metro Safety Commission. This measure is introduced in concert with the Virginia and Maryland General Assemblies and the Council of the District of Columbia, to build momentum to encourage all three jurisdictions to enact this compact as quickly as possible, to get Metro back to safe reliable operation.

After fatal incidents on Metrorail in 2009 and 2015, the Federal Transit Administration took the unprecedented step of assuming direct safety oversight over the Washington Metropol-

itan Area Transit Authority WMATA, stating that it would not return control until it certified that a robust safety oversight body was in place. The safety commission envisioned by this compact is that body.

There are many WMATA matters on which different stakeholders have different opinions, but everyone agrees that safety must be our top priority. Upon enactment of this compact by the three jurisdictions, I urge my colleagues to take swift action to approve this measure so that daily commuters and visitors to Washington, DC, can regain confidence that Metro will take them safely to their destinations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 61—CALLING ON THE DEPARTMENT OF DEFENSE, OTHER ELEMENTS OF THE FEDERAL GOVERNMENT, AND FOREIGN GOVERNMENTS TO INTENSIFY EFFORTS TO INVESTIGATE, RECOVER, AND IDENTIFY ALL MISSING AND UNACCOUNTED-FOR PERSONNEL OF THE UNITED STATES

Mr. MCCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 61

Whereas more than 83,000 personnel of the United States are still unaccounted-for around the world from past wars and conflicts;

Whereas, though recognizing that an estimated 50,000 of these World War II personnel, were lost deep at sea and are unlikely ever to be recovered, thousands of families and friends have waited decades for the accounting of their loved ones and comrades in arms;

Whereas the families of these brave Americans deserve our Nation's best efforts to achieve the fullest possible accounting for their missing loved ones;

Whereas the National League of POW/MIA Families, and their iconic POW/MIA flag, pioneered the accounting effort since 1970 and has been joined in this humanitarian quest for answers by the Korean War, Cold War and World War II families, fully supported by the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, Jewish War Veterans, AMVETS, Vietnam Veterans of America, Special Forces Association, Special Operations Association, Rolling Thunder, and other more recently formed groups, and thousands of families are yearning and advocating for answers concerning the fates of their loved ones and comrades in arms;

Whereas the mission of the Defense POW/MIA Accounting Agency of the Department of Defense is to provide the fullest possible accounting for missing members of the Armed Forces of the United States, designated civilians of the Department, and other designated personnel; and

Whereas the recovery and investigation teams of the Department of Defense deploy to countries around the world to account as fully as possible for these missing and otherwise unaccounted-for personnel of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) calls upon the Defense POW/MIA Accounting Agency and other elements of the Department of Defense, other elements of the Federal Government, and all foreign governments to intensify efforts to investigate, recover, identify and account as fully as possible for all missing and unaccounted-for personnel of the United States around the world; and

(2) calls upon all foreign governments with information on missing personnel of the United States, or with missing personnel of the United States within their territories, to cooperate fully with the Government of the United States to provide the fullest possible accounting for all missing personnel of the United States.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ROUNDS. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, February 15, 2017, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The committee will hold a subcommittee hearing on "Moving Amer-

ica: Stakeholder Perspectives on Our Multimodal Transportation System."

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, at 10 a.m., in room 406 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight: Modernization of the Endangered Species Act."

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, at 10 a.m., to hold a hearing entitled "Ending Modern Slavery: Building on Success."

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, at 2:45 p.m. in order to conduct a hearing titled "High Risk: Government Operations Susceptible to Waste, Fraud, and Mismanagement."

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, to conduct a hearing entitled "Stopping Senior Scams: Developments in Financial Fraud Affecting Seniors". The committee will meet in room 562 of the Dirksen Senate Office Building beginning at 2:30 p.m.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, at 10 a.m.

PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Mike Boettcher of my personal staff have floor privileges through December 31, 2017, and Andrew J. Wishnia and Ann Marie Chaney of my Environment and Public Works Committee staff have floor privileges for the duration of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Josh Lind, be granted privileges of the floor for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 9:16 p.m., adjourned until Thursday, February 16, 2017, at 10 a.m.

HOUSE OF REPRESENTATIVES—Wednesday, February 15, 2017

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 15, 2017.

I hereby appoint the Honorable HAROLD ROGERS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

TWENTY-FIFTH AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, like many people, I have noticed renewed interest in the 25th Amendment, as we have seen erratic behavior out of the White House, an inability of Donald Trump to even tell whether it rained on him during his inaugural speech, and repeating false statements that are demonstrably wrong.

Last Friday, the mechanism to deal with Presidential incapacity, the 25th Amendment, celebrated its 50th anniversary. I became intrigued with its history and application because it is clear, whether with Donald Trump or a future President, this mechanism is very important. Accidents can happen: President Reagan suffered from early onset Alzheimer's that concerned his staff. President Wilson was incapacitated by a stroke, and his wife, Edith, effectively governed the United States for months.

It is only a matter of time before we face these challenges again. As I examined the amendment, it became clear

that, in the case of mental or emotional incapacity, there is a glaring flaw. For a mentally unstable, paranoid, or delusional President, the 25th Amendment has no guarantee of its application. In fact, it is likely that it would fail.

As written, the 25th Amendment requires the Vice President and a majority of the Cabinet to concur that the President is no longer capable of exercising authority. There are other safeguards. It would take time to process. Ultimately, two-thirds of both Houses of Congress must agree.

But look at the current Cabinet. Even if one thinks that a group with no meaningful government experience, all approved in a heightened partisan context, most of whom don't even know the President personally, could objectively exercise the power should the President become mentally incapacitated, the larger question is whether they would ever be allowed to do so.

A President who is paranoid or delusional is very unlikely to tolerate dissent within the ranks. He or she could simply fire any Cabinet member who would stand up to them.

That is why we need to exercise the other part of the 25th Amendment that allows Congress to designate another body, instead of the Cabinet. Who could exercise that authority with the confidence of the American public and with the knowledge of what it takes to understand the personal and political stresses of the Presidency?

I submit that the best failsafe to a President who is emotionally unstable would be to impanel our previous Presidents and Vice Presidents to make that determination.

Think about how it would work. Currently, there are 10 bipartisan former distinguished Americans who, in most cases, enjoy even greater public support than when they left office. Most importantly, there is no group of people better suited to evaluate the evidence and the dynamics at work for the good of the country and the President who needs help.

Now, we have made real progress with mental illness. We have made it easier to get care. We are taking away the stigma for the one in five Americans who suffer from mental health issues. We find people to be more open and candid and accepting of themselves and others. We are making real strides in terms of treatment and acceptance.

But all of this requires access to help; and this drama should not play out with somebody whose fingers are

on the nuclear buttons and whose every pronouncement can unsettle diplomatic conditions, affect war and peace, and the global economy.

Having Congress establish this panel of former Presidents and Vice Presidents from both parties as a guardian and failsafe mechanism is important, and it needs to happen as soon as possible.

We never know when catastrophe might strike. There is no good time to fix this problem. In today's world of alternative facts and fake news, in a sea of bitter partisan controversy, we need to have a mechanism that can be reliable, command public confidence, and be above politics.

It is hard to think of a group that would collectively have more support and credibility than the distinguished Americans who have been in that position and, regardless of partisan differences, whose allegiance to America is unquestioned.

We need to start now to protect the integrity of the most powerful position on the planet.

BLACK LUNG BENEFITS

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. JENKINS) for 5 minutes.

Mr. JENKINS of West Virginia. Mr. Speaker, my home State of West Virginia has almost 20,000 coal miners. Tens of thousands more worked in the mines and are now enjoying a well-deserved retirement.

They proudly mined the coal that powers our Nation, and it puts food on their table. These miners worked hard each and every day, and we owe them a debt of gratitude.

Our Nation made them a promise to take care of them if they developed black lung disease. And for decades now, the Federal Government has guaranteed black lung benefits, and the so-called Byrd amendment 7 years ago reiterated that commitment to our miners.

As we draft healthcare reform here in Congress, I urge my colleagues to maintain these essential black lung benefits for our miners and their families.

I have introduced legislation to affirm our commitment to protecting the Byrd amendment and these critical black lung benefits. I introduced it last Congress, too, and I am committed to continuing to fight for it because we cannot let our miners down.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

While mine safety continues to improve, we must guarantee that our miners have the benefits they need in case they are diagnosed with black lung disease. These benefits provide critical support for our retired miners and their families. For some disabled miners, it may be the only income they have. In West Virginia, almost 5,000 families rely on these benefits.

This is a promise we made to them, and it is a promise that we must keep. Just as we have relied on our miners to mine the coal that built the skyscrapers and won world wars, our miners should be able to rely on us.

I urge my colleagues to support the protection of black lung benefits and to honor the hard work of our miners.

A GLACIER OF RUSSIAN INTERFERENCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, we are in a constitutional crisis. Make no mistake about it. Yes, the National Security Adviser Michael Flynn resigned. Yes, he should have resigned, but he is just the tip of the iceberg. A glacier of Russian interference is plaguing our country right now.

In his resignation letter, General Flynn wrote: "I have always performed my duties with the utmost of integrity and honesty to those I have served, to include the President of the United States."

I believe General Flynn. I believe he did precisely what the President of the United States asked him to do. General Flynn is a military man. He is accustomed to the chain of command. He did not do anything that he was not asked to do. He was not a rogue agent, but had the complete knowledge and cooperation of his Commander in Chief.

We have all heard Donald Trump boast of how smart he is and how he calls his own shots. Why then should we believe that, when it comes to national security, he prefers to be kept in the dark? A President can't be both in charge and out of the loop.

The only way we can ever hope to know what happened is if there is a thorough investigation. I believe it should be an independent investigation, an independent commission. But if we are going to go down the route of having it be a congressional investigation, then it needs to be a comprehensive investigation and one that has the resources to do the job.

I am calling on Chairman NUNES of the House Permanent Select Committee on Intelligence to schedule hearings immediately.

We heard 14 hours of testimony from Secretary Clinton about her emails. I think we can agree that foreign infiltration of our government at the highest level is at least as important as

using a private email server, especially, I might add, when President Trump and his team used unencrypted cell phones during their North Korea strategy session at Mar-a-Lago in a dining room with many other guests.

Today, an Active Duty, four-star general said publicly that "our government continues to be in unbelievable turmoil" and that he hopes "they sort it out soon, because we're a nation at war."

He continues: "As a commander, I'm concerned our government be as stable as possible."

It is critical that Congress take heed of this unprecedented public warning and act.

I am well aware this is a partisan institution. I also know that there have been times in our proud history in the United States Congress when Members have pushed partisanship aside in search of the truth. The Warren Commission, following the assassination of President Kennedy, is one example. The 9/11 Commission after the terrorist attacks in 2001 is another.

In the Senate, at least three Republicans have directly called for investigations into this matter and several more have acknowledged that these questions must be answered. I wonder, will one House Republican Member come forward and say we must investigate?

Colleagues, I urge you to think this through. Vladimir Putin ordered agents to meddle in our election. Did he do it out of love for Mr. Trump? I doubt it. More likely, he did it so he could do to a democracy what we and our allies did to communism, send it to the ash heap of history. If America's elections can be hacked, what chance is there for budding democracies to make it?

Don't believe me? Look at what Putin has done in just 3 weeks of this new administration. He had government agents poisoned. He sent a political rival to prison. He sent \$12 million to Jean-Marie Le Pen, the far-right candidate for the President of France. His latest move was to launch a cruise missile that is in direct defiance of treaties.

Putin's Russia is playing chicken with President Trump, and what is our President's response? A tweet complaining about leaks within his administration and, according to the latest reports, pressuring the Prime Minister of Japan to forge closer relations with Russia.

□ 1015

President Trump's "bromance" is dangerous. It undermines our democracy, and it is destabilizing the globe.

What does Putin have on President Trump? What does President Trump owe Putin?

We will not know until we exercise U.S. Code section 6103. A vote yester-

day in Ways and Means was a totally partisan vote. We deserve to know what his tax return shows us. We deserve the truth.

CALIFORNIA'S MARCH TO THE EXTREME LEFT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, one of the most troubling aspects of California's lurch to the left are the rise of two doctrines unknown in this country since the last gasp of the Southern Confederacy.

The first is the doctrine of nullification, the notion that States may defy Federal laws that their leaders simply don't like. The most outspoken advocate of this doctrine was John C. Calhoun, who, in referencing our Nation's most-revered document, the Declaration of Independence, observed that our Nation had been founded on—his words—"self-evident lies."

The doctrine of nullification has been revived in the sanctuary cities movement, and has now reared its head as State legislation. Our Constitution clearly gives Congress the sole prerogative to make immigration law, and it commands the President to faithfully execute these laws. Our President is now doing so. Yet, California's legislature is actively considering a bill that would assert an independent power to defy them. And this is not just happening in California.

Mr. Speaker, States ought to be jealous guardians of their organic powers and the prerogatives against unwanted encroachments by the Federal Government. But the Supremacy Clause binds the States to our Federal laws. This is the very essence of Constitutional Federalism in Article VI:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and of all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

If a State, in rightfully guarding its powers, believes that a Federal law unconstitutionally infringes on those powers, the Constitution provides that the courts shall resolve such disputes. But asserting the power to nullify a Federal law, a law that is clearly within the enumerated powers of the Congress and clearly under the Supremacy Clause of the Constitution, that crosses a very bright line that no State has breached since the first State seceded in 1861.

Which brings us to the second, even more disturbing development in California's march to the extreme left.

There is no single act which more ultimately and categorically rejects our Constitution, our country, and all that they stand for, than a proposal to secede from the Union that has preserved our liberties for nearly two and a half centuries. It is logically impossible to support secession and, yet, maintain loyalty to the Union from which you propose to secede.

Secession is the ultimate act of disloyalty today, no less than during the days of Confederacy. Yet, in California, a formal secession movement is now circulating petitions for signature to place exactly such a proposal on the ballot.

It should come as no surprise that one of its leading proponents is an American expatriate now living in Russia who declared he "could no longer live under an American flag." It should not even come as a surprise that the movement is cheered on by California's increasingly radical left.

But what came as a stunning surprise is that 32 percent of Californians support this measure, according to a recent poll. Let me repeat that. One in three Californians, according to this poll, want to repudiate our Federal Union and its Constitution.

We can only hope that the polling is wrong, or that the disaffected Californians who answered the poll in this fashion did so with reckless abandon that calm reflection will cure. But it is impossible to avoid the implication that so many people in my afflicted State hold so little loyalty to our country that they would support a measure that willfully rends it asunder.

These movements, nullification and secession, cross from lawful dissent into lawless rebellion. In these turbulent times, our greatest strengths are our rule of law, our constitutional institutions, and the loyalty of Americans to their priceless legacy of freedom and justice and the Union that preserves them.

Every person who takes the oath of office under our Constitution swears an oath to support and defend the Constitution. These modern resurrections of the long-buried doctrines of nullification and secession strike at the heart of our Constitution. These movements of the left would undermine the very foundation of our American civilization. They ought to be condemned in the strongest possible terms and opposed by every American of goodwill who remains loyal to our free government.

RUSSIA'S AGGRESSIVE INTENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, as we are sitting here in this Chamber, right

now off the coast of Groton, Connecticut, 30 miles from the Groton Navy Sub Base, which is the oldest submarine base in America, there is a Russian spy ship, the Viktor Leonov, that is loitering—as was reported this morning from the Navy and news sources—off the coast, again, within the bare minimum of international waters.

I can attest to the fact that—having just flown down from Connecticut a few days ago—anyone who would loiter off the coast of Connecticut is not doing it because of the great climate and weather. It is freezing weather out there. They are doing it, obviously, with aggressive intent, to say the least.

Mr. Speaker, this is part of a pattern that is going on right now not just off the East Coast of the U.S., but also overseas. The USS *Porter*, which is a Navy missile ship, was buzzed by military aircraft from Russia on February 10. They came within 200 yards of the ship. Again, because we have such incredibly competent and professional leadership that captain those vessels, an incident was avoided.

However, the danger of jet aircraft moving within 200 yards of a U.S. naval ship obviously is just common sense to anyone how high risk that is in terms of creating an incident that could have huge ramifications.

In addition to that, the news reported again just the last couple of days or so that the Russian military is now deploying intermediate medium-range nuclear warheads in different places throughout Western Russia, near Eastern Europe. Again, this is clearly in violation of treaties that go back decades.

As General Breedlove, who was the commander of NATO and the European Command who just stepped down, said that this new effort really just cannot go unanswered. It completely destabilizes the balance of power in that theater of the world.

Again, the folks in Connecticut woke up this morning with that news about the spy ship off the coast. As you can imagine, it has created a lot of consternation and questions.

Once again, I would reiterate that I have total confidence in our Navy leadership both at the Groton Navy base and here in Washington that they will react to this with total vigilance and professional competence to make sure that, again, our security is protected.

But I think it is time now for all of us in Washington, D.C., to understand that Vladimir Putin, during the 5 years that he has been in power, again, has taken a posture that is completely destabilizing any sort of global system of peace and security.

This new administration, which clearly has an infatuation with Putin—and this goes back during the campaign with President Trump talking on the campaign trail about his high re-

gard for Putin's leadership—needs to basically move on and recognize that this is an emerging threat and that we have to take all necessary steps to respond to it both in the short-term and, obviously, as we take up defense policy and defense budgets, which is that the resurgence of the Russian Navy is a game-changer in terms of the demands on our fleet.

That is something that, again, on the Seapower and Projection Forces Subcommittee, which I am the ranking member, we are working hard in terms of implementing the Obama administration's boost to Navy shipbuilding and increasing the fleet size.

Again, we need to really, as I said, just disavow ourselves of any naive assumptions that somehow the Putin government is somehow something that we can trust, and shows any regard for international norms or international law.

Again, to the folks back home, I want you to know that we are monitoring this situation with our Navy team down here in Washington and I have total confidence that we are on top of this situation.

It is a reminder that the Russian Government and the investment that they have put into their Navy fleet is not a friendly gesture in terms of creating a system of global peace and security; and this administration needs to wake up and recognize that and move on to a bipartisan effort to respond to this threat.

They can do that by, again, disclosing all the background regarding General Flynn's interaction with the Russian Government because it is part and parcel of all those incidents which I listed in terms of aggressive actions that are happening in real time as we are here in Washington, D.C., today.

TITLE X GRANT ALLOCATIONS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN) for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I come to the floor this morning to talk about a piece of legislation that is going to be before us this week, and we are bringing it forward through the Congressional Review Act.

In our office, we have had so many people ask: What is a Congressional Review Act, and how is it that you can recall these rules?

This allows Congress to exercise their authority over the agencies and the administration and the executive branch interaction where they make rules. Many times they do these rules, as this previous administration did, at the last minute, as they are heading out the door, trying to put their thumb and their imprint on actions and prohibit Congress or prohibit the States from taking an action.

So as we meet in this Chamber this week, we are going to take up H.J. Res. 43. H.J. Res. 43 is a resolution which will disapprove of one of these last-minute rule changes that President Obama made as he was exiting his office. This one deals with title X funds and the grant allocations that come through title X funds.

Now, title X funds were put in place to serve women and their healthcare needs, underserved women in underserved areas, and to make certain that there were provisions so that they could access women's health and have access to preventive screenings, to annual immunizations, those checkups that they need to have each year. Many times these funds have been used by individuals who will say: We do women's health and we also do abortion services.

Now, what the rule would have done was to block the States and to take away their ability to go in and ask: Who is going to have access to these funds, and are we going to disallow them to go to entities that provide abortion services?

So H.J. Res. 43 repeals the previous administration's rule and it restores and gives back to the States the flexibility that they want and desire to have to distribute these title X grants under the parameters for which this program was designed.

States should be able to offer family planning funds to providers that offer a full and complete range of healthcare services for women, but do not participate in elective abortions.

Title X funds, outside of the Affordable Care Act, were intended to help keep patients healthy and to help them on the road to a better quality of life and better health outcomes, not to take away life.

H.J. Res. 43 also redirects title X grant funds to other clinics comprised of local health departments, hospitals, and federally qualified health centers that seek to protect life and offer healthcare services to women.

Mr. Speaker, I ask my colleagues to support H.J. Res. 43, which repeals the previous administrative efforts which undermine State laws and restores to the States the title X grant program for its original purpose.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 30 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, O God, for giving us another day.

As You make available to Your people the grace and knowledge to meet the needs of the day, we pray that Your spirit will be upon the Members of this people's House, giving them the richness of Your wisdom.

May the power of Your truth and our faith in Your providence give them all the confidence they must have to do the work required for service to our Nation.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Illinois (Ms. KELLY) come forward and lead the House in the Pledge of Allegiance.

Ms. KELLY of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

RECOGNIZING AMERICAN HEART MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as our Nation celebrates American Heart Month, I want to highlight the groups and individuals working to ensure that south Florida is filled with healthy hearts.

Organizations like the Ft. Lauderdale-Miami chapter of the American Heart Association work tirelessly every day to raise awareness and support patients, as well as caregivers. The members will be hosting the Miami Heart and Stroke Ball to help fund lifesaving research and prevention programs in our community.

I would also like to recognize the medical researchers, the doctors, and the nurses at the Miami Cardiac and Vascular Institute and so many other

medical centers that are working to pioneer innovative treatments that save lives in south Florida every day.

This American Heart Month, let us unite as a community to promote exercise, healthy eating habits, and frequent checkups to ensure that south Florida is heart-healthy throughout the entire year.

WHERE IS THE HEARING

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, in the wake of troubling events in the Trump White House, I have one simple question: Where is the hearing?

In less than a month, we have watched the credibility and security of our democracy endangered by a descent into scandal, distrust, and an authoritative environment. What are we going to do about it?

I serve as the top Democrat on the Oversight and Government Reform Committee's IT subcommittee, yet I have heard nothing about a hearing to investigate Russia's cyber attacks on our elections. Where is the hearing?

Officials are hawking the First Daughter's private clothing line from the White House. Where is the hearing?

I sit on the Foreign Affairs Committee, and we have not had a discussion on Russia's potential blackmailing of our President or former NSA Director Flynn. Where is the hearing?

The President's tweets show an utter lack of respect for our free press and independent judicial system, hallmarks of our democracy. Where are the hearings?

Russia, election hacking, unconstitutional Muslim bans, gag orders on public servants, unfinished and unfilled ethics paperwork, politically motivated witch hunts against scientists and reporters, blackmail from a foreign government, and the list goes on and on. All of these deserve answers so, once again, I ask, where is the hearing?

The people of Illinois and the American people deserve to know. They deserve a hearing.

MILITARY FOOD INSECURITY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the House Agriculture Committee has been focused on the issue of food insecurity and the programs that serve those in need beyond personal resources, family support, and community programs.

Many are surprised to learn that 22,000 Active Duty military families receive supplemental nutritional assistance, or SNAP. Food insecurity for the families of these American heroes can

be triggered by low pay among lower-ranking enlistees, high military spouse unemployment, larger household sizes, and unexpected financial emergencies.

We lifted one barrier to SNAP assistance for military families by disbanding the Department of Defense-administered Family Subsistence Supplemental Allowance, or FSSA. It was determined that the FSSA benefit was duplicative, underutilized, hard to qualify for, and less valuable than SNAP, with as few as 100 military families utilizing FSSA.

Another significant barrier that prevents some military families from qualifying for SNAP is the fact that their off-base housing allowance counts as income when computing eligibility. It is my hope we remedy this.

Mr. Speaker, as we prepare for reauthorization of the Supplemental Nutrition Assistance Program, we must remember the needs of America's finest and their families, our American military. After all, nutrition matters.

AFFIRMING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

(Mr. HIGGINS of New York asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS of New York. Mr. Speaker, I rise to affirm the great work of the United States Environmental Protection Agency.

In my home community of Buffalo, New York, we have seen the EPA's effectiveness firsthand. Thirty years ago, the Buffalo River was declared biologically dead and ecologically destroyed because of industrial dumping of toxic waste directly into the river bed. Today, the Buffalo River has been remediated and continues to show vastly improved water quality.

The Great Lakes Restoration Initiative, administered by the EPA; the Buffalo Niagara Riverkeeper; and our corporate partner, Honeywell, have invested more than \$70 million to remove 67,000 truckloads of toxic waste from the Buffalo River.

Today, the Buffalo River and adjacent land are helping to lead an economic and life-quality renaissance at the water's edge in Buffalo, New York.

TO THE CHINESE GOVERNMENT: IT'S TIME

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, it is a bitter reality that universal human rights are under daily assault around the world.

I rise today joining in celebration and in mourning with Chinese democracy activist Zhu Yufu. This past week, he turned 64, but he marked the occasion in prison.

Zhu Yufu has devoted his life to promoting democracy and human rights, to the ire of Chinese authorities. In 2012, he was condemned to 7 years imprisonment on unjust charges. Since then, his health has deteriorated, made worse by denial of medical care and inhumane treatment. His family fears for his life.

The poem that led to Yufu's imprisonment is called "It's Time." I completely agree. It is time. It is time for the Chinese government to provide Zhu Yufu with proper medical treatment and humane care. More than that, it is time for the Chinese Government to release Zhu Yufu and political prisoners like him who are unjustly detained. It is time for the Chinese Government to recognize and support freedom of speech, assembly, thought, and belief.

PUT AMERICA FIRST INSTEAD OF THE KREMLIN

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, for the sake of our country, I was relieved that General Michael Flynn resigned from his post as National Security Adviser. Not only did he mislead the Vice President and the public on his secret conversations with the Russian government, he may have also violated Federal law.

But what is just as concerning is that the Trump administration was aware of General Flynn's misconduct weeks ago and did nothing about it. The American people deserve to know what President Trump knew, and when he knew it.

And let me be clear: General Flynn's resignation is not the end of the Trump administration's shady ties to Russia. We still don't know President Trump's financial interests in Russia because he refuses to release his tax returns.

We still don't know the extent of Russia's disturbing interference in our election because our calls for an investigation have been stonewalled.

And we just learned that the Trump campaign was in regular conversation with Russian intelligence officials.

President Trump's coziness with Vladimir Putin is an urgent matter of national security.

It is time that the Trump administration truly put America first, rather than the Kremlin.

AMERICAN HEART MONTH

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, I rise today to recognize American Heart Month and the need to encourage and support one another to be proactive in preventive heart care.

I would like to thank President Trump for honoring the tradition of dedicating February as American Heart Month so that we may continue our fight against heart disease and heart defects as a nation.

Heart disease is the leading cause of death in the United States. Every year, one in four deaths is caused by heart disease, and approximately 40,000 babies are born in the U.S. with a congenital heart defect, including myself.

The good news is that heart disease can often be detected earlier and even prevented when we are proactive, make healthy choices, manage our health conditions, and keep up with our annual physicals.

Communities, health professionals, and families can work together to create opportunities for people to make healthier life choices and to lessen the stigma and fear of simply going to the doctor.

As this is American Heart Month, I encourage all Americans to use this month to raise awareness about heart disease and heart defects, and how we can prevent, treat, and cope with them, both at home and throughout our communities.

Through the support of my family and friends, the guidance of my doctors, and the grace of God, I am blessed to be standing here to support those across our Nation who are affected in some way by heart disease and heart defects. My prayers and thoughts go out to every one of you.

I ask my colleagues to join me in promoting American Heart Month so that we can all help save precious lives.

WE OWE THE AMERICAN PEOPLE THE ABSOLUTE TRUTH

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, National Security Adviser Michael Flynn's resignation is no substitute for answers to the serious questions that remain over President Trump's questionable connections to Russia, to Vladimir Putin.

Federal investigators believe that Flynn, who held secret communications with Russia's Ambassador, could have been compromised, or even the subject of blackmail. The Justice Department disclosed this danger to the White House weeks ago, yet the President allowed Mr. Flynn to continue in his position as National Security Adviser, after having that information disclosed to them.

This conduct could only be the tip of the iceberg. There are serious, unanswered questions that remain, and our national security is at stake. Americans deserve answers.

Did the President or others know or direct Flynn's secret communications with Russia?

Why did the White House sit on its hands for weeks, even after being told

its National Security Adviser could have been compromised?

Were Trump campaign officials colluding with Russians?

These are questions that the American people deserve answers to. We need a bipartisan, independent commission to examine these questions. The credibility of our government is at stake. Congress must act.

VOTERS TRUST TRUMP, NOT THE MEDIA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, despite the saturation of negative media coverage of President Trump, the people have spoken. A recent poll found that President Trump is thought more trustworthy than the news media.

The administration is considered truthful by 49 percent of registered voters, but the media is less trusted than the administration, with only 39 percent finding it honest. So President Trump is more credible than the liberal national media.

That is no surprise. If the media wants to increase their credibility, they should report the news fairly, objectively, and without malice.

INHUMANE HUNTING TECHNIQUES ON WILDLIFE REFUGES IN ALASKA

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Mr. Speaker, so far, in 2017, Donald Trump and the Republicans have targeted women, immigrants, and health care. Now they are setting their sights on bear cubs, wolves, and coyotes.

Republicans, in cahoots with the gun lobby and with trophy hunters, want to eliminate a rule that currently prohibits hunters from using brutal means to kill our majestic animals in Alaska's 16 wildlife refuges.

This rule prevents snaring and trapping bears, including cubs, hunting wolves in their dens, and shooting bears from helicopters, among other methods.

Now, those opposed to the rule say that it hurts Alaska's economy, but there is no evidence of that. In fact, big game hunting represents only 2 percent of wildlife-related recreation on our national wildlife refuges.

Meanwhile, the National Park Service has estimated that wildlife watchers, those who go to see wildlife, not to shoot them, contribute \$1 billion to the State's economy.

I ask you: Is a trophy on the wall really worth it?

So please vote "no" on H.J. Res. 69 introduced by our colleague, Mr. YOUNG.

□ 1215

GENERAL MICHAEL FLYNN'S RESIGNATION

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute.)

Mr. HUFFMAN. Mr. Speaker, I rise today to call for a nonpartisan, independent commission to immediately and thoroughly examine the influence in the 2016 election and at the Trump White House of the Russian Government. This House should have begun this critical oversight work immediately and served as a check on the White House to protect the American people, but it has failed to do so.

The resignation of General Michael Flynn has raised far more questions than it answered, and it is not acceptable to simply sit on our hands or to say that somehow the only problem is the leaks that exposed this misconduct and not the misconduct itself. That won't cut it.

The American people deserve to know the full picture of Russia's involvement in the election, of General Flynn's communication with Russian officials, and why President Trump took no action for weeks after learning of General Flynn's misconduct.

Unfortunately, this administration's idea of transparency is conducting sensitive national security discussions in the middle of a crowded Mar-a-Lago dining room in full view of his wealthy patrons. The American people deserve better. They deserve an independent, nonpartisan commission, and it is time for this House to do its job.

POTENTIAL CRIMES AND COVERUPS

(Mr. JEFFRIES asked and was given permission to address the House for 1 minute.)

Mr. JEFFRIES. Mr. Speaker, Donald Trump poses the greatest Presidential threat to our democracy since Richard Nixon. It is about the potential crimes and the potential coverup. Seventeen different intelligence agencies have concluded that the Russians interfered with the election in order to help Donald Trump. Top Trump cronies like Carter Page, Paul Manafort, and Michael Flynn all had regular communications with high-level Russian intelligence agents at the same time they were engaging in hacking.

The National Security Adviser resigned in disgrace because of illegal communication with the Russian Ambassador. The President refuses to denounce Vladimir Putin and continues to try to make Russia great again.

Connect the dots. It is time for House Republicans to do their job and put country ahead of party. Join us in a bipartisan investigation of the White House. What did the President know, and when did he know it?

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members to avoid improper references to the President.

TAKING CARE OF OUR VETERANS

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today on behalf of the many veterans and the work that Congress is doing to support and represent them on the House floor this week. These are the heroes who keep us safe and secure each and every day.

This week, this body passed a few important bills to streamline access to care for veterans as well as provide new and better opportunities for veteran-owned businesses and veterans seeking employment.

Last month, the unemployment rate for Iraq and Afghanistan veterans increased to 6.3 percent, marking the fourth time in the last 7 months that group's percentage has been higher than the overall veteran unemployment rate. That means that about 211,000 Iraq and Afghanistan veterans are still looking for work. That is 211,000 too many.

That is why one of the bills we passed this week establishes a Federal program recognizing private businesses that employ veterans and engage in community service to help our veterans.

Mr. Speaker, helping our Nation's veterans who have sacrificed so much for us is a critical priority and remains one of the most important objectives of this Congress. I will continue to use my time and effort to fight for every opportunity to support them when they return home to give them the hero's welcome they deserve.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 15, 2017, at 9:19 a.m.:

That the Senate passed without amendment H.R. 255.

That the Senate passed without amendment H.R. 321.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

CONGRESS NEEDS TO SCRUTINIZE THE NEW ADMINISTRATION'S EXECUTIVE ORDERS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to highlight the growing number of executive orders issued by President Trump and the silence from our House majority.

President Trump has signed 12 executive orders in the first 5 weeks in office. Many, like the border wall, the Muslim ban, and the ACA sabotage order, are highly misguided and exceed the intent of the law.

Congress has a constitutional duty to oversee and investigate the actions of the Executive. To date the House majority has said little and taken no action to oversee the Trump administration's abuse of power through executive orders.

When President Obama sat in the White House, the House majority called his administration every name under the sun. Agencies were closely scrutinized. Federal officials were regularly subject to hostile questioning.

Where is the oversight, Mr. Speaker? Where is the criticism? What happened to limiting executive power?

I hope my colleagues in the majority will uphold Congress' constitutional duties and vigorously scrutinize President Trump's actions and mounting abuse of power.

PROVIDING FOR CONSIDERATION OF H.J. RES. 43, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE BY SECRETARY OF HEALTH AND HUMAN SERVICES; PROVIDING FOR CONSIDERATION OF H.J. RES. 69, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE OF DEPARTMENT OF THE INTERIOR; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM FEBRUARY 17, 2017, THROUGH FEBRUARY 24, 2017

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 123 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 123

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 43) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall

be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 69) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska". All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

SEC. 3. On any legislative day during the period from February 17, 2017, through February 24, 2017—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the Rules Committee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 123 provides for a rule to consider two Congressional Review Act resolutions which will undo burdensome and harmful regulations put into place by the Obama administration during the final hours of his Presidency. The rule brings before the House these resolutions so that Congress may remove, through the proper legislative process, rules promulgated by bureaucrats who remain unaccountable to the American people. This process allows those who are accountable—the elected

Representatives in the Congress—to fight for their constituents' rights and liberties.

House Resolution 123 provides for a closed rule for each of the Congressional Review Act resolutions, both H.J. Res. 43 and H.J. Res. 69, the standard procedure for such resolutions, since the sole purpose of each is to remove a harmful regulation from the Federal Register.

The rule allows for 1 hour of debate, equally divided between the majority and the minority leader or their designees, for H.J. Res. 43, and 1 hour of debate, equally divided between the Chair and the ranking member of the Committee on Natural Resources, for H.J. Res. 69. On each resolution contained in the rule, the minority is afforded the customary motion to recommit.

H.J. Res. 43 is a joint resolution which would repeal the Obama administration's midnight rule that takes away States' ability to direct funding within their own borders to certain healthcare providers that conform to the States' values.

In her final days in office, Secretary Mathews Burwell pushed forward a rule that would require States to fund, with public dollars, facilities that perform abortions, potentially against the will of the people of that given State. This flies in the face of the 10th Amendment which grants to States the authority to make such decisions within their borders and to prioritize which healthcare providers should receive funding based on the greatest need in their own communities.

Those of us who care about the carefully crafted Federal system which our Founding Fathers set up, which allows different States to operate differently based upon their own values and priorities, recognize the Obama rule for what it is: a power grab by the Federal Government. This is why the House will take up this resolution today—to continue to fight for states' rights—and will repeal this burdensome regulation that ties the hands of every State legislature and ties the hands of every Governor in the Nation.

H.J. Res. 69 is a Congressional Review Act resolution to repeal an overreaching regulation by the United States Fish and Wildlife Service which usurps Alaska's ability to manage its own lands within its own borders. Federal law has long recognized that Alaska—that Alaska—and her elected officials are in the best position to make the decisions on what actions to permit on the public lands in that State, whether those lands are Federal, State, or private.

Despite this long precedent, codified by Congress in the Alaska National Interest Land Conservation Act, the Obama administration moved forward in its waning days with a rule that imposes Federal restrictions on lands

that have been, up until the end of the Obama administration, successfully regulated by the State of Alaska. Like H.J. Res. 43, this resolution recognizes the important 10th Amendment protections put in place by the Founding Fathers in our Constitution which protects states' rights to govern within their own borders.

The Congressional Review Act is an important tool in maintaining accountability at the Federal level. Its necessity has never been more apparent than over the past few weeks where this Congress has needed to step in and remove burdensome and unbalanced regulations put in place by President Obama and his team just as they were walking out the door.

House Republicans today will stand up for the rights of our constituents against an out-of-control Federal bureaucracy. I urge my colleagues to support today's rule and the two underlying Congressional Review Act resolutions.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague from the Rules Committee for yielding me the customary 30 minutes.

Before I start, I include in the RECORD a letter from over 20 healthcare provider organizations regarding the danger of cutting certain providers off from title X funding because they also provide abortion with private funds.

FEBRUARY 3, 2017.

Hon. MITCH MCCONNELL,
Senate Majority Leader,
Washington, DC.

Hon. CHARLES SCHUMER,
Senate Minority Leader,
Washington, DC.

Hon. PAUL RYAN,
Speaker of the House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR LEADER MCCONNELL, SPEAKER RYAN, LEADER SCHUMER and LEADER PELOSI: As organizations representing health care and public health professionals and the people they serve across the country, we strongly oppose any effort to prevent Planned Parenthood health centers from participating in federal health programs, including Medicaid and the Title X family planning program. Any proposal to exclude Planned Parenthood from public health programs will severely curtail women's access to essential health care services, including family planning, well-woman exams, breast and cervical cancers screenings, and HIV testing and counseling. At a time when there is much uncertainty about the future of affordable health care in our country, it is dangerous to cut off access to the life-saving preventive care that Planned Parenthood provides to some of our nation's most vulnerable patients.

Planned Parenthood health centers play a crucial role in improving the health and lives of people across the country. In fact, 2.5 million women, men and young people rely on Planned Parenthood for health care every

year. For many women, Planned Parenthood is their only source of care—offering basic preventive services that are fundamental to women's health and well-being. More than 50% of Planned Parenthood health centers are in areas with health professional shortages, rural or medically underserved areas. In 2014 alone, Planned Parenthood health centers provided nearly 400,000 cervical cancer screenings and more than 360,000 breast exams. Additionally, Planned Parenthood provides contraceptive services for over 2 million patients and more than 4 million tests and treatments for sexually transmitted infections, including HIV. These services improve women's health, prevent an estimated 579,000 unintended pregnancies, and decrease infant mortality.

Policies that would exclude Planned Parenthood from public health funding would hurt millions of patients and undermine health care access in communities across the country. Limiting access to Planned Parenthood's approximately 650 health care centers across the country would prevent patients from having timely access to basic preventive health care services. Approximately 60 percent of Planned Parenthood patients access care through Medicaid and Title X, in addition to those who rely on other essential programs, including maternal and child health programs and Centers for Disease and Prevention (CDC) breast and cervical cancer screening programs. In some states, Planned Parenthood is the only provider participating in Title X, and more than 50 percent of Planned Parenthood health centers are located in a medically underserved or health professional shortage area. Because federal law already requires health care providers to demonstrate that no federal funds are used for abortion, prohibitions on funding for preventive care at Planned Parenthood health centers will only devastate access to these life-saving services.

In addition to limiting patients access to health care, defunding Planned Parenthood is not cost effective. The Congressional Budget Office (CBO) estimates that approximately 390,000 women would lose access and up to 650,000 patients could face reduced access to preventive health care within a year should Congress act to block all Medicaid patients from receiving care at Planned Parenthood health centers. The CBO also projects that excluding Planned Parenthood health centers from receiving reimbursement through the Medicaid program would result in a net cost to taxpayers of \$130 million over 10 years because of the increase in unintended pregnancies without the contraceptive care provided by Planned Parenthood. Other publicly funded health centers would not be able to compensate for the loss of affordable family planning and reproductive health care services provided by Planned Parenthood.

Every day, we see the harmful impact that unequal access to health care has on women and communities across the country, and we therefore strongly support policies that improve access to affordable, quality health care. Policies that would deny Planned Parenthood public health funds only serve to cut millions off from critical preventive care, and we strongly oppose any effort to do so. We also recognize this as part of a broader effort to undermine access to safe, legal abortion and curtail access to other reproductive health care by limiting the ability of abortion providers to participate in public health programs.

Sincerely,

American Academy of Nursing, American Academy of Pediatrics, American College of

Nurse-Midwives, American Congress of Obstetricians and Gynecologists, American Medical Student Association, American Medical Women's Association (AMWA), American Nurses Association, American Psychological Association, American Public Health Association, American Society for Reproductive Medicine, Association of Reproductive Health Professionals, Doctors for America, GLMA: Health Professionals Advancing LGBT Equality.

Midwest Access Project, The National Alliance to Advance Adolescent Health, National Family Planning & Reproductive Health Association, National Medical Association, National Physicians Alliance, North American Society for Pediatric and Adolescent Gynecology (NASPAG), Nurse Practitioners in Women's Health, Nursing Students for Sexual & Reproductive Health, Physicians for Reproductive Health, Society for Adolescent Health and Medicine, Society for Maternal-Fetal Medicine, Society of Family Planning.

Ms. SLAUGHTER. Mr. Speaker, I include in the RECORD a letter from myself and 161 other Members to Speaker RYAN opposing the Republican majority's efforts to undermine title X family planning programs and women's access to health care.

CONGRESS OF THE UNITED STATES,

Washington, DC, February 14, 2017.

Hon. PAUL RYAN,
Speaker of the House of Representatives, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN: We write to express our grave concern for efforts to undermine Title X family planning. Despite promises to focus on jobs and the economy, Republicans have started the 115th Congress with a total assault on women's choices, access to care, and economic security by:

Charging ahead to sabotage and dismantle the Affordable Care Act (ACA) while making no promises to preserve vital protections for women;

Providing little to no details on their plans to replace ACA, while making a point to announce that their ACA repeal package will block access to Planned Parenthood, a high-quality, long-trusted provider of reproductive health services;

Rushing to impose and dramatically expand the global gag rule, harming women around the world; and

Advancing the No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act (H.R. 7) through the House, effectively banning private insurance companies from covering comprehensive reproductive health services.

Now, with their most recent effort to weaken the Title X national family planning program through the Congressional Review Act, Republicans have demonstrated that they will stop at nothing to limit women's access to vital health care. Sadly, this includes contraception and family planning services that all women need.

For more than 40 years, Title X has served as a cornerstone of safety-net care. As the only dedicated source of federal funding for family planning, Title X allows a diverse network of providers to deliver high-quality care to low-income, uninsured, or underinsured individuals and to those seeking confidential care. In 2014 alone, Title X-funded clinics helped prevent approximately 904,000 unintended pregnancies, 326,000 abortions, and 439,000 unplanned births. In addition to direct clinical care, Title X also supports critical infrastructure needs for health centers, including new medical equipment and

staff training that are not reimbursable under Medicaid and commercial insurance. This infrastructure is vital to ensuring safe, quality care at health centers which serve and provide basic health services to high-need populations.

Throughout both Democratic and Republican administrations, Title X has been interpreted to prohibit state actions that block providers or classes of providers from participating in a Title X project based on factors unrelated to a provider's qualifications to perform the required services. The networks include providers ranging from state, county, and local health departments as well as hospitals, family planning councils, Planned Parenthood affiliates, federally qualified health centers and other private non-profit organizations. In fact, in instances when states have passed laws to limit provider participation in Title X, federal courts have consistently held that those state laws are contrary to, and preempted by, federal law.

In response to a growing number of states targeting family planning providers for exclusion from key federal health programs, including Title X, the previous Administration proposed the regulation "Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients." The regulation, which was finalized in December 2016, helps ensure patient access to family planning services and supplies through qualified providers by reiterating that "no recipient making subawards for the provision of services as part of its Title X project may prohibit an entity from participating for reasons other than its ability to provide Title X services. During the rulemaking process, the Department of Health and Human Services received more than 145,000 comments, the vast majority of which supported the rule.

Women across the United States, and the men who support them, have had enough. It is unconscionable that this common sense clarification has become a political football for members of Congress who want to limit women's access to comprehensive reproductive health care. We urge you to stand in support of women and oppose this assault on contraceptive access and care.

Sincerely,

Judy Chu, Louise Slaughter, Diana DeGette, Frank Pallone, Jr., Earl Blumenauer, Suzan DelBene, Lois Frankel, Alcee L. Hastings, Brenda L. Lawrence, Sean Patrick Maloney, Jerry McNerney, Danny K. Davis, Eliot L. Engel, Raúl M. Grijalva, William R. Keating, Barbara Lee, Doris Matsui, Gwen Moore, Eleanor Holmes Norton, Jan Schakowsky.

Jackie Speier, Peter A. DeFazio, Katherine Clark, Dina Titus, Linda T. Sánchez, Mike Quigley, Mark Pocan, Grace F. Napolitano, Alma S. Adams, Mark Takano, Grace Meng, Yvette D. Clarke, Kathleen M. Rice, Brian Higgins, Debbie Wasserman Schultz, Pete Aguilar, Betty McCollum, Lucille Roybal-Allard, Suzanne Bonamici, Luis V. Gutiérrez, Raja Krishnamoorthi.

Scott H. Peters, Anna G. Eshoo, James P. McGovern, John Yarmuth, Wm. Lacy Clay, Gene Green, Jimmy Panetta, José E. Serrano, Joseph P. Kennedy, III, Carol Shea-Porter, Jared Huffman, Nita M. Lowey, Carolyn B. Maloney, Niki Tsongas, André Carson, Jerrold Nadler, Chellie Pingree, Zoe Lofgren, Seth Moulton, Kurt Schrader, C.A. Dutch Ruppersberger.

Sander M. Levin, Rick Larsen, Bill Foster, Frederica S. Wilson, Adam Smith, David Scott, Pramila Jayapal, Paul Tonko, Kathy Castor, Marc A. Veasey, Ted W. Lieu, Peter

Welch, Ami Bera, Eddie Bernice Johnson, G.K. Butterfield, Steven Cohen, Henry C. "Hank" Johnson, Jr., Daniel T. Kildee, Beto O'Rourke, Julia Brownley.

Marcia L. Fudge, Tony Cárdenas, Joseph H. Crowley, Marcy Kaptur, Alan Lowenthal, Bill Pascrell, Jr., Albio Sires, Eric Swalwell, Joyce Beatty, Ron Kind, Pete Visclosky, Cedric L. Richmond, Al Green, Darren Soto, Juan Vargas, Mike Doyle, Bradley S. Schneider, Donald S. Beyer, Jr., Raul Ruiz, Elizabeth H. Esty.

Salud Carbajal, Robert A. Brady, Derek Kilmer, Gregory W. Meeks, Emanuel Cleaver, Theodore E. Deutch, Mike Thompson, Hakeem Jeffries, Adriano Espaillat, David N. Cicilline, Tim Ryan, Val Butler Demings, Adam B. Schiff, Brad Sherman, Rosa DeLauro, Bonnie Watson Coleman, Jim Himes, Donald Norcross, Michelle Lujan Grisham, Matt Cartwright.

John Conyers, Jr., Gerald E. Connolly, Debbie Dingell, David Loebsack, Stephen F. Lynch, Keith Ellison, Mark DeSaulnier, John Garamendi, Denny Heck, Jamie Raskin, Nydia M. Velázquez, Sheila Jackson Lee, David E. Price, James R. Langevin, Colleen Hanabusa, Robin L. Kelly, Terri Sewell, Ben Ray Lujan, Josh Gottheimer, Susan Davis.

Cheri Bustos, Michael Capuano, Jacky Rosen, Norma J. Torres, Donald M. Payne, Jr., A. Donald McEachin, John Lewis, Joe Courtney, Ruben J. Kihuen, Brendan F. Boyle, Jared Polis, Ann McLane Kuster, Jim Cooper, Charlie Crist, Anthony Brown, Filemon Vela, Ed Perlmutter, Lisa Blunt Rochester, John Sarbanes, John B. Larson.

Members of Congress.

□ 1230

Ms. SLAUGHTER. Mr. Speaker, the majority is in the midst of an unprecedented and relentless assault on women's health—and many other regulations while we are at it—that are being overturned every day here.

Although it pledged to govern by prioritizing jobs and the economy, the majority is, instead, escalating its war on women with H.J. Res. 43, a dangerous continuation of its never-ending crusade against access to health care for women.

The majority started the 115th Congress by moving quickly to eviscerate the Affordable Care Act, a law that finally barred insurance companies from treating women as being a preexisting condition. Without this law, women once again would pay a higher rate for coverage than men.

Think about that for a moment. If everybody doesn't know it, before this law, single women paid from 10 to 57 percent more than men for their health insurance in States that allowed gender rating. A lot of people don't understand this, but it costs American women nearly a billion dollars every year. But Republicans are rushing to repeal the Affordable Care Act without anything to take its place.

The majority has also advanced H.R. 7, a sweeping bill that would go beyond even the Hyde amendment, a 40-year provision that has been around for four decades too long.

This legislation wouldn't just make this amendment permanent; it would

also place unprecedented limits on women's access to reproductive health services even if they wanted to pay out of their own pockets to access constitutionally protected abortion services.

These moves by the majority, along with the President signing a dramatic expansion of the global gag rule immediately after taking office, have brought millions of people pouring into the streets in protest.

During the National Women's March, millions of people marched all across the country and even around the globe to defend women's rights. These marches were likely the largest day of protests in American history. More than half a million people took to the streets right here in the Nation's Capital. They were peaceful, without a single arrest reported anywhere in the country.

Far from respecting those rights, the majority is today considering a measure that marks an entirely new front in their war against women's rights. This is the most serious threat facing women so far in this Congress, and it is only February.

Programs supported by title X help provide lifesaving preventative healthcare services like contraception, cancer screening, and STD testing to the men and women who need them most.

It is outrageous that the majority today is trying to allow conservative State legislatures to pick and choose who can provide this essential care with Federal money. That is one of the worst things in the world. The luck of the draw of where you live will determine whether or not you have access that is entitled to all people from the Federal money. This would threaten health centers from coast to coast.

Mr. Speaker, we are facing the same problem today we faced for a very long time: men in blue suits and red ties determining what women can and should do when it comes to their own health. They believe the majority of persons—women—in the United States are incapable of making their own decisions.

Do you think that about your own mother or your wife?

Because Washington, D.C., is controlled by this Republican majority, the stakes for women are higher today than they have been in generations, as we turn over laws passed by the elected government of the District of Columbia.

Mr. Speaker, Republican leaders in Congress turn a deaf ear to the majority of Americans who oppose this dramatic government intervention into women's health care. They, unfortunately, have the votes to pass it, but they will have to reckon with the overwhelming majority of the public who understands it is time for the government to get out of the business of taking away women's healthcare rights.

Mr. Speaker, let me take a personal moment to speak about the departure of a long-time member of my staff on the Rules Committee. I have always believed that this committee is like family and that we have one of the most respected staffs on Capitol Hill. Adam Berg, the deputy staff director and counsel on the Democratic staff personifies this.

After a decade of working for the Rules Committee, Adam is beginning a new chapter on a different committee in the House of Representatives. His knowledge and guidance these last years have been immeasurable.

During his time here, he has married his wife, Erika, who is beautiful and talented, and became a father to his daughter, Ariel, who was singing songs with her mother at the age of 3 months. That is a precocious child.

Adam has played a key role as this committee brought landmark legislation to the floor of the House, including Dodd-Frank, the Affordable Care Act, and legislation to raise the Federal minimum wage.

The committee wouldn't have been as effective without Adam's counsel, and he will be greatly missed. I wish him nothing but the best in his new endeavor.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this rule, which would enable States to discriminate against healthcare providers and deny women access to critical healthcare services.

This rule would put the only Federal program exclusively dedicated to family planning and reproductive health services in jeopardy. It reverses the Health and Human Services title X rule prohibiting discrimination against title X healthcare providers. It would have devastating healthcare consequences.

In 2015, 88 percent of patients at title X clinics received subsidized or no-charge care, and many of these clinics provide primary health care in addition to family planning services. This could upend public health networks in communities across the country.

Supporters of this amendment claim that other health providers can absorb the clients who would lose access to their title X clinics. This is false. Community healthcare centers have said that they do not have the capacity, and they are often not located near these patients.

We need to protect these healthcare providers. We need to uphold our responsibility to the American people to provide critical services to those who need them. I cannot and will not sup-

port this rule or this resolution. It is detrimental to women's health in this country.

Mr. BURGESS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I do want to point out that H.J. Res. 43 would repeal the Obama administration's rule and allow States to enjoy the freedom and flexibility to distribute title X grant money in a way that serves the needs of their constituents.

Just in the way of background, December 16, 2016, the Obama administration finalized a rule that prevents States from eliminating abortion providers from title X grant distributions. Title X is a family planning program authorized in 1970, and was intended to provide family planning services to low-income women. The Obama rule was widely perceived as an attempt by the Obama administration to require States to fund Planned Parenthood, the Nation's largest abortion business.

Prior to the Obama administration's rule, States were free to direct their title X funds to healthcare providers that did not participate in abortion. When States had this freedom, they were able to choose to invest in women's health care instead of investing in Big Abortion.

States should be able to choose to prioritize family planning funds to health clinics that offer a full range of healthcare services, including family planning, but do not participate in abortion.

States can fully support family planning and other health services without funding abortion providers like Planned Parenthood. Planned Parenthood only comprises 13 percent of approximately 4,100 title X service sites.

Redirecting funds away from abortion providers does not reduce funds for the title X program. When States set criteria that eliminates abortion providers from title X distributions, those funds are then directed to other clinics.

Eighty-seven percent of current title X service sites are comprised of local health departments, local hospitals, and Federally qualified health centers.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I think I need to make this point one more time. I really believe that everybody in this House understands that not a dime of Federal money is used for abortions. It never has been, never will. There is meticulous care taken by Planned Parenthood to separate those funds. They have never been questioned in any way by the IRS as to how those funds are being used.

I am sick and tired of everybody saying you can't give anything to Planned Parenthood. The money that goes to Planned Parenthood from this Federal Government goes to reimburse for serv-

ices rendered for the things I had talked about before: cervical cancer tests, cancer tests of all sorts, and health care that they cannot get anywhere else, such as screening for STDs. That is totally separate.

Yet, that fable that Federal money is used for abortions if you fund Planned Parenthood is totally false. I think it is time that grownups that can read in the House of Representatives do away with that notion.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CÁRDENAS).

Mr. CÁRDENAS. Mr. Speaker, I rise today to speak against this rule and H.J. Res. 69, which we will be debating tomorrow.

Last year, the U.S. Fish and Wildlife Service updated its regulations for national wildlife refuges in Alaska to prohibit the cruelest killing methods of wolves, grizzly bears, and other native mammals in Alaska.

The rule FWS put forward makes sense. It even makes clear that it does not apply to subsistence hunting or restrict the taking of wildlife for public safety purposes or in defense of property. Yet, here we are, just 6 months later, and Republicans are pushing through this resolution to overturn the rule and make egregious and cruel hunting methods common practice in Alaska.

They are inhumane methods, such as denning of wolves and their pups, using airplanes to scout and shoot grizzly bears, and trapping grizzly bears with steel-jawed traps. These cruel methods should never be allowed anywhere. This resolution is irresponsible and inhumane.

As with other Congressional Review Act resolutions, H.J. Res. 69 will have a chilling effect. This and future administrations would be prohibited from ever issuing a similar rule, making inhumane and reprehensible hunting methods the law of the land.

This resolution handcuffs our Federal wildlife managers from protecting our refuges, our national resources, and our wildlife. We must ensure that our children and grandchildren will someday enjoy the majestic national beauty of the native mammals in Alaska and across our great Nation.

I urge my colleagues to reject this rule and also vote "no" on H.J. Res. 69.

Mr. BURGESS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I reference a letter that was sent to Speaker PAUL RYAN and Majority Leader KEVIN MCCARTHY by a number of sports-related organizations.

They say: "We write representing organizations that collectively include millions of wildlife conservationists . . . wildlife enthusiasts, and wildlife scientists, in strong support of H.J. Res. 49 from Cong. YOUNG of Alaska. . . . Our community exhausted all Executive Branch appeals and remedies

urging the FWS to slow down the Proposed Rule, and revise it to reflect a proposal mutually agreed to by the State of Alaska and the FWS; all to no end. It is time for Congress to nullify this final rule."

They go on to say: "This final rule boldly preempts the authority of the Alaska Department of Fish and Game to manage wildlife for both recreational and subsistence hunting on NWRs, which authority of the state is affirmed by Congress in the Alaska Statehood Act, the Alaska National Interests Land Conservation Act, and the National Wildlife Refuge System Improvement Act. The FWS final rule was premised on a meeting as a priority the FWS policy on Biological Integrity, Diversity and Environmental Health. . . . Many members of our organizations enjoy Alaska's bounty of fish and wildlife resources and their habitats for unrivaled hunting, fishing and outdoor experiences. The sustainable management of these natural resources needs to be led by the State working in cooperation with the FWS. We urge that you favorably consider H.J. Res. 49 which will restore the jurisdictional state-federal relationship as Congress has previously directed."

Mr. Speaker, I reserve the balance of my time.

□ 1245

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I rise today to speak against restricting the family planning services that are provided by title X.

Just prior to signing title X into law, back in 1970, President Richard Nixon recognized how essential family planning was to public health. He actually sent a message to Congress telling them, "no American woman should be denied access to family planning assistance because of her economic condition." Last year, Mr. Speaker, President Obama reaffirmed that sentiment by making family planning services a part of basic health care, regardless of where one lives. Although Presidents Nixon and Obama couldn't be more divided in their politics, even they were united behind title X. I believe this is understandable, considering how title X ensures basic preventive health care and family planning services for 4 million low-income people every year.

In my district, title X family planning services saves an average of \$7 on Medicaid-related costs for every dollar of Federal investment. That means that clinics in my district, like Mar Monte, are able to help more women and men receive a full range of healthcare services.

Rather than restricting family planning clinics, we should be promoting, we should be protecting, and we should be preserving access to those vital

services, especially for those families that value and need it most.

Mr. BURGESS. Mr. Speaker, I include in the RECORD a letter written to the Honorable Sylvia Mathews Burwell signed by 110 Members of the House and Senate to express strong opposition to the Department of Health and Human Services' September 7, 2016, notice of proposed rulemaking titled "Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients."

CONGRESS OF THE UNITED STATES,
Washington, DC, September 23, 2016.
Hon. SYLVIA MATHEWS BURWELL,
Secretary, Department of Health and Human
Services, Washington, DC.

DEAR SECRETARY BURWELL, We write to express our strong opposition to the Department of Health and Human Services (HHS) September 7, 2016, notice of proposed rulemaking titled "Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients." Although we appreciate the Department's intent to follow proper regulatory procedure pursuant to the Administrative Procedure Act, HHS's purpose for engaging in the rulemaking appears on its face to be an attempt to subvert the will of elected representatives.

Moreover, apart from the Department's impetus for the notice of proposed rulemaking, we also question whether the Department's stated rationale adequately supports its conclusion that providers with a reproductive health focus are more "effective" than other health providers that offer comprehensive care for women and men. Nowhere in the proposed notice of rulemaking does HHS clearly define what it means to provide Title X services in an "effective" manner. It does appear to assert that a number of factors—such as the range of contraceptive methods on-site, the number of clients in need of publicly funded family planning services served, and the availability of preconception care—distinguish providers with a reproductive health focus as more "effective" and "high quality" than other types of providers. However, that list of factors falls far short of all of the attributes and recommendations included in the Centers for Disease Control and Office of Population Affairs report entitled "Providing Quality Family Planning Services: Recommendations of CDC and the US Office of Population Affairs."

To further complicate the argument about quality and effectiveness, the data cited in the notice of proposed rulemaking is not adequate for determining patient outcomes. The Department relies heavily on utilization and demographic statistics, but appears to lack hard data regarding actual patient outcomes and need, as the Department does not require grantees to track patients or verify their income. As you know, the issue of inadequate data has previously been raised by the Institute of Medicine (IOM), after the HHS Office of Family Planning in 2007 asked IOM to provide a critical review of the Title X Family Planning Program. In addition to finding "no clear, evidence-based process for establishing or revising program priorities and guidelines," IOM stated the following in its May 2009 Report Brief:

"The committee concludes that the program does not collect all the data needed to monitor and evaluate its impact. Therefore, the committee proposes a comprehensive framework to evaluate the program and assess how well clinics meet the family plan-

ning needs of the program's clients. The committee concludes that additional data will be needed in the areas of client needs, structure, process, and outcomes in order to assess the program's overall progress."

We welcome evidence that this recommendation has been fully adopted, but are unaware of any clear evidence confirming that to be the case. If HHS cannot clearly define an "effective" or "high quality" provider, it is unclear to us how state and local project grantees are supposed to do so in order to comply with this proposed rule. It is also therefore unclear how HHS will be able to accurately determine in every case whether state or local project recipients—who are generally closer to and more familiar with subrecipients and the patient base in their geographical region—have considered inappropriate criteria in evaluating subrecipients. Rarely do the American people benefit when the federal government attempts to substitute its judgment for that of state or local governments—particularly when the criteria used to inform that judgment are unclear, and that judgment is not supported by coherent and impartial facts.

Finally, if HHS is going to assert the authority to adapt its rules in order to address changing circumstances, we implore HHS to consider the recent general shift in health care policy toward comprehensive care. As HHS states on its website, in addition to assisting individuals and couples in planning and spacing births, part of the mission of Title X is to contribute to "improved health for women and infants." HHS's suggestion that subrecipients like federally qualified health centers—which provide greater preventive and primary health care services than providers with a reproductive health focus—are per se less "effective" than providers with a reproductive health focus does not comport with that stated mission.

We urge HHS to reconsider this overreaching and ill-supported rule. We will continue to closely monitor this proposed rulemaking, and intend to submit this letter as a formal comment. We look forward to a detailed response from your Department.

Sincerely,

JONI K. ERNST,
United States Senator.
DIANE BLACK,
United States Con-
gresswoman.

Senators Roy Blunt (R-MO), John Boozman (R-AR), Bill Cassidy (R-LA), Mike Crapo (R-ID), Ted Cruz (R-TX), Steve Daines (R-MT), Mike Enzi (R-WY), Deb Fischer (R-NE), James Inhofe (R-OK), James Lankford (R-OK), Mike Lee (R-UT), Jerry Moran (R-KS), Jim Risch (R-ID), Pat Roberts (R-KS), Marco Rubio (R-FL), Ben Sasse (R-NE), Tim Scott (R-SC), David Vitter (R-LA).

In addition, Congressman Robert Aderholt (R-AL), Rick Allen (R-GA), Brian Babin (R-TX), Lou Barletta (R-PA), Andy Barr (R-KY), Gus Bilirakis (R-FL), Marsha Blackburn (R-TN), Charles Boustany, Jr. (R-LA), Kevin Brady (R-TX), Michael Burgess (R-TX), Earl "Buddy" Carter (R-GA), Tom Cole (R-OK), Chris Collins (R-NY), Doug Collins (R-GA), Mike Conaway (R-TX), Ron DeSantis (R-FL), Scott DesJarlais (R-TN), Jeff Duncan (R-SC), John Duncan, Jr. (R-TN).

Stephen Fincher (R-TN), Chuck Fleischmann (R-TN), John Fleming (R-LA), Bill Flores (R-TX), Jeff Fortenberry (R-NE), Virginia Foxx (R-NC), Trent Franks (R-AZ), Bob Gibbs (R-OH), Louie Gohmert (R-TX), Paul Gosar (R-AZ), Trey Gowdy (R-SC), Tom Graves (R-GA), Glenn Grothman (R-WI),

Andy Harris (R-MD), Vicky Hartzler (R-MO), Jeb Hensarling (R-TX), Jody Hice (R-GA), Tim Huelskamp (R-KS), Bill Huizenga (R-MI), Randy Hultgren (R-IL), Lynn Jenkins (R-KS).

Bill Johnson (R-OH), Sam Johnson (R-TX), Walter Jones (R-NC), Mike Kelly (R-PA), Trent Kelly (R-MS), Steve King (R-IA), Doug LaMalfa (R-CA), Doug Lamborn (R-CO), Robert E. Latta (R-OH), Daniel Lipinski (D-IL), Barry Loudermilk (R-GA), Mia Love (R-UT), Blaine Luetkemeyer (R-MO), Kenny Marchant (R-TX), Cathy McMorris Rodgers (R-WA), Rep. Mark Meadows (R-NC), John Moolenaar (R-MI), Markwayne Mullin (R-OK), Randy Neugebauer (R-TX), Pete Olson (R-TX).

Steven Palazzo (R-MS), Gary Palmer (AL), Steve Pearce (R-NM), Collin Peterson (D-MN), Robert Pittenger (R-NC), Joe Pitts (R-PA), Ted Poe (R-TX), Bill Posey (R-IN), Tom Price (R-GA), John Ratcliffe (R-TX), Martha Roby (R-AL), Phil Roe (R-TN), Dana Rohrabacher (R-CA), Peter Roskam (R-IL), Keith Rothfus (R-PA), David Rouzer (R-NC), Steve Scalise (R-LA), Austin Scott (R-GA).

James Sensenbrenner, Jr. (R-WI), Pete Sessions (R-TX), John Shimkus (R-IL), Adrian Smith (R-NE), Chris Smith (R-NJ), Ann Wagner (R-MO), Tim Walberg (R-MI), Randy Weber (R-TX), Brad Wenstrup (R-OH), Joe Wilson (R-SC), Kevin Yoder (R-KS), and Ted Yoho (R-FL).

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. I yield myself the balance of my time to close.

Mr. Speaker, we are deeply concerned by reports from our intelligence community regarding the foreign interference in our most recent election. The fears have only been compounded by the troubling revelations published in The New York Times last night that members of the Trump campaign had been in frequent contact with Russian intelligence officials during that campaign.

Mr. Speaker, the future of our democracy is at stake. We are seeing the same kinds of things that have happened all over Europe, as governments have been changing away from democracies. It is at stake here, and it is time this Republican-controlled Congress does its job and gets to the bottom of this.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up Representative SWALWELL's and Representative CUMMINGS' bill which would create a bipartisan commission to investigate foreign interference in our 2016 election.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I recently had the privilege of meeting hundreds of constituents who traveled from Rochester, New York, to Washington, D.C., for the Women's March on Washington. Some of them came with

three generations, and it was most impressive, but it is troubling to me that we are fighting many of the same battles that were fought and won generations ago.

The unprecedented marches and rallies that have been happening are necessary because of efforts like this to continually chip away at women's healthcare rights. The sad reality is that politicians have always worked to put up new roadblocks between women and their health care. It has always been my personal belief that when faced with a decision that needs to be made about a pregnancy, a woman should consult whomever she chooses—certainly her husband, her spiritual adviser, her medical adviser, but no one wants to wait in the room until a Congressperson gets there to make the final decision. We are going way beyond our depth to try to make that decision for persons. The government should not be in the business of doing that. The majority has made attacking women's constitutional rights the first order of business this year, working alongside our new President, and it is shameful.

Lastly, Mr. Speaker, the other measure before us today would repeal the Alaska predator rule which protects the interests of all Americans in national wildlife refuges while banning some of the most inhumane tactics for killing, like killing black bears from an airplane and killing coyote pups in their dens. We should be listening to scientists who study and understand these species, not an ideological minority that sees every animal with teeth as a threat to civilization and a potential addition to their trophy hunting collection.

Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, in a time when so many Americans are looking for ideas and policies we can unite around, one point of agreement stands out. There is strong consensus among Americans that they do not want their taxpayer dollars being used to fund abortions. A Marist poll released in January revealed that 61 percent of Americans feel this way.

States have always had the freedom to direct funds away from abortion providers, such as the Nation's largest abortion provider, Planned Parenthood, and there are many reasons States may wish to do so. The most important reason, one that we should all carefully consider, is that abortion is not health care. Abortion takes the lives of unborn children and hurts women. Many States have recognized this tragic reality and, as a result, have chosen to award funds to health clinics and organizations that do not provide abortions.

But in December, the Obama administration issued a regulation that forces many States to drastically alter their previous course of action. The regulation requires States to include abortion providers as recipients of title X grant distributions. Not only does this regulation ignore the American people's wish that their tax dollars be directed away from abortion providers, it also denies States the flexibility to choose to allocate title X funds in a way that meets the needs of their citizens.

H.J. Res. 43 disapproves of this unacceptable regulation, allowing States to return to the status quo under which they were operating prior to the rule's issuance. If States wish to disburse title X funds away from abortion providers, that wish should be respected. For these reasons, I urge my colleagues to vote in favor of this rule and H.J. Res. 43.

Mr. BURGESS. I yield myself such time as I may consume.

Mr. Speaker, today's rule provides for the consideration of two critical Congressional Review Act resolutions to repeal burdensome Federal regulations dropped on the doorstep of the American people in the waning hours of the Obama administration. The rules the House will be voting to repeal today would infringe upon states' rights to govern themselves within their own borders and would impose new Federal requirements and oversight in contravention of the 10th Amendment. This is why removing these regulations is critical. It is critical to maintaining the proper State-Federal balance that our Founding Fathers so carefully crafted in our Constitution.

I thank Representative DIANE BLACK and Representative DON YOUNG for their work on these pieces of legislation to protect states' rights. I urge my colleagues to vote "yes" on the rule and "yes" on the two underlying resolutions.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 123 OFFERED BY
MS. SLAUGHTER

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 356) to establish the National Commission on Foreign Interference in the 2016 Election. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for

amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 356.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, sec-

tion 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time of any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 233, nays 190, not voting 8, as follows:

[Roll No. 93]

YEAS—233

Abraham	Culberson	Hollingsworth
Aderholt	Curbelo (FL)	Hudson
Allen	Davidson	Huizenga
Amash	Denham	Hultgren
Amodei	Dent	Hunter
Arrington	DeSantis	Hurd
Babin	DesJarlais	Issa
Bacon	Diaz-Balart	Jenkins (KS)
Banks (IN)	Donovan	Jenkins (WV)
Barletta	Duffy	Johnson (LA)
Barr	Duncan (SC)	Johnson (OH)
Barton	Duncan (TN)	Johnson, Sam
Bergman	Dunn	Jones
Biggs	Emmer	Jordan
Bilirakis	Farenthold	Joyce (OH)
Bishop (MI)	Faso	Katko
Bishop (UT)	Ferguson	Kelly (MS)
Black	Fitzpatrick	Kelly (PA)
Blackburn	Fleischmann	King (IA)
Blum	Flores	King (NY)
Bost	Fortenberry	Kinzing
Brady (TX)	Fox	Knight
Brat	Franks (AZ)	Kustoff (TN)
Bridenstine	Frelinghuysen	Labrador
Brooks (AL)	Gaetz	LaHood
Brooks (IN)	Gallagher	LaMalfa
Buchanan	Garrett	Lamborn
Buck	Gibbs	Lance
Bucshon	Gohmert	Latta
Budd	Goodlatte	Lewis (MN)
Burgess	Gosar	LoBiondo
Byrne	Gowdy	Long
Calvert	Granger	Loudermilk
Carter (TX)	Graves (GA)	Love
Chabot	Graves (LA)	Lucas
Chaffetz	Graves (MO)	Luetkemeyer
Cheney	Griffith	MacArthur
Coffman	Grothman	Marchant
Cole	Guthrie	Marino
Collins (GA)	Harper	Marshall
Collins (NY)	Harris	Hartzler
Cramer	Hartzer	Hensarling
Crawford	Hensarling	Herrera Beutler
	Herrera Beutler	Hice, Jody B.
	Hice, Jody B.	Higgins (LA)
	Higgins (LA)	Hill
	Hill	McHenry
	Holding	McKinley

McMorris	Rogers (KY)	Taylor
Rodgers	Rohrabacher	Tenney
McSally	Rokita	Thompson (PA)
Meadows	Rooney, Francis	Thornberry
Meehan	Rooney, Thomas	Tiberi
Messer	J.	Tipton
Mitchell	Ros-Lehtinen	Trott
Moolenaar	Roskam	Turner
Mooney (WV)	Ross	Upton
Mullin	Rothfus	Valadao
Murphy (PA)	Rouzer	Wagner
Newhouse	Royce (CA)	Walberg
Noem	Russell	Walden
Nunes	Rutherford	Walker
Olson	Sanford	Walorski
Palazzo	Scalise	Walters, Mimi
Palmer	Schweikert	Weber (TX)
Paulsen	Scott, Austin	Webster (FL)
Pearce	Sensenbrenner	Wenstrup
Perry	Sessions	Westerman
Pittenger	Shimkus	Williams
Poliquin	Shuster	Wilson (SC)
Posey	Simpson	Wittman
Ratcliffe	Smith (MO)	Womack
Reed	Smith (NE)	Woodall
Reichert	Smith (NJ)	Yoder
Renacci	Smith (TX)	Yoho
Rice (SC)	Smucker	Young (AK)
Roby	Stefanik	Young (IA)
Roe (TN)	Stewart	Zeldin
Rogers (AL)	Stivers	

NAYS—190

Adams	Foster	Meng
Aguilar	Frankel (FL)	Moore
Barragan	Fudge	Moulton
Bass	Gabbard	Murphy (FL)
Beatty	Gallego	Nadler
Bera	Garamendi	Napolitano
Beyer	Gonzalez (TX)	Neal
Bishop (GA)	Gottheimer	Nolan
Blumenauer	Green, Al	Norcross
Blunt Rochester	Green, Gene	O'Halleran
Bonamici	Grijalva	O'Rourke
Boyle, Brendan	Gutierrez	Pallone
F.	Hanabusa	Panetta
Brady (PA)	Hastings	Pascarella
Brown (MD)	Heck	Pelosi
Brownley (CA)	Higgins (NY)	Perlmutter
Bustos	Himes	Peters
Butterfield	Hoyer	Peterson
Capuano	Huffman	Pingree
Carbajal	Jackson Lee	Pocan
Cardenas	Jayapal	Polis
Carson (IN)	Jeffries	Price (NC)
Cartwright	Johnson (GA)	Quigley
Castor (FL)	Johnson, E. B.	Raskin
Castro (TX)	Kaptur	Rice (NY)
Chu, Judy	Keating	Richmond
Ciilline	Kelly (IL)	Rosen
Clark (MA)	Kennedy	Roybal-Allard
Clarke (NY)	Khanna	Ruiz
Clay	Kihuen	Ruppersberger
Cleaver	Kildee	Rush
Clyburn	Kilmer	Ryan (OH)
Cohen	Kind	Sánchez
Connolly	Krishnamoorthi	Sarbanes
Conyers	Kuster (NH)	Schakowsky
Cooper	Langevin	Schiff
Correa	Larsen (WA)	Schneider
Costa	Larson (CT)	Schrader
Courtney	Lawrence	Scott (VA)
Crist	Lawson (FL)	Scott, David
Crowley	Lee	Serrano
Cuellar	Levin	Sewell (AL)
Davis (CA)	Lewis (GA)	Shea-Porter
Davis, Danny	Lieu, Ted	Sherman
DeFazio	Lipinski	Sinema
DeGette	Loeb	Sires
Delaney	Loftgren	Slaughter
DeLauro	Lowenthal	Smith (WA)
DelBene	Lowe	Speier
Demings	Lujan Grisham,	Suozi
DeSaulnier	M.	Swalwell (CA)
Deutch	Lujan, Ben Ray	Takano
Dingell	Lynch	Thompson (CA)
Doggett	Maloney,	Thompson (MS)
Doyle, Michael	Carolyn B.	Titus
F.	Maloney, Sean	Tonko
Ellison	Matsui	Torres
Engel	McCollum	Tsongas
Eshoo	McEachin	Vargas
Espallat	McGovern	Veasey
Esty	McNerney	Vela
Evans	Meeks	Velázquez

Visclosky
Walz
Wasserman
Schultz

Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

Yarmuth

NOT VOTING—8

Carter (GA)
Cummings
Davis, Rodney

Mulvaney
Payne
Poe (TX)

Soto
Zinke

□ 1318

So the previous question was ordered.
The result of the vote was announced
as above recorded.

Stated for:

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 93.

Stated against:

Mr. SOTO. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “nay” on rollcall No. 93.

The SPEAKER pro tempore (Mr. COLLINS of New York). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 188, not voting 10, as follows:

[Roll No. 94]

YEAS—233

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Bartlett
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer

Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.

McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blunt Rochester
Bonamici
Boyle, Brendan
F.

Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison
Engel
Eshoo
Españal
Esty
Evans

Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Ross
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers

NAYS—188

Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebbeck
Lofgren
Lowenthal
Lowe
Lujan Grisham,
M.
Luján, Ben Ray
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks

Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Velázquez
Visclosky
Walz

Wasserman
Schultz
Waters, Maxine
Watson Coleman

Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Blumenauer
Carter (GA)
Cummings
Lynch

Mulvaney
Payne
Poe (TX)
Roskam

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1325

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

- (1) COMMITTEE ON ETHICS.—Mr. Cohen.
- (2) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Sarbanes.
- (3) COMMITTEE ON SMALL BUSINESS.—Mr. Schneider.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO DRUG TESTING OF UNEMPLOYMENT COMPENSATION APPLICANTS

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 99, I call up the joint resolution (H.J. Res. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 99, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 42

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to “Federal-State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of 2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants” (published

at 81 Fed. Reg. 50298 (August 1, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) and the gentleman from Massachusetts (Mr. NEAL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 42, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Next Wednesday, February 22, will mark 5 years since the Middle Class Tax Relief and Job Creation Act was signed into law. This 2012 law has made important reforms in the unemployment insurance system, improvements that were specifically designed to help more out-of-work Americans successfully return to the workforce.

□ 1330

This included a key provision which overturned a 1960s-era ban by the Department of Labor on drug screening and testing of unemployment insurance applicants.

Unemployment insurance serves those that have lost their jobs through no fault of their own. It seeks to promote swift reemployment through several key requirements. Namely, to be eligible for unemployment insurance benefits, applicants must be able to work, available to work, and actively seeking work. So if a worker loses his or her job due to drug use, that worker is not truly able to work. In addition, if a worker cannot take a new job because they can't pass a mandatory drug test from their employer, this worker is not truly available to work either.

In recognition of this issue, the 2012 Middle Class Tax Relief and Job Creation Act allowed but did not require States to drug screen and test certain unemployment applicants, specifically those seeking a job or an occupation that regularly required new employees to pass a drug test. I was proud to lead this effort in 2012 because I knew it would have a meaningful impact on the lives of many Americans struggling with drug use.

The goal is simple: get the incentives right in unemployment insurance so that Americans can confront and overcome these challenges.

With a growing number of employers now requiring drug tests for new workers, we wanted to empower these out-

of-work Americans to be ready to pass that drug test, take that new job, and get back on the path to earning their own success.

My home State of Texas was one of the first to step up when this provision was established by the 2012 law. They even changed their own laws to get ready. But before this provision could be implemented by States, the law required the Department of Labor to issue a regulation defining those occupations that regularly conduct drug testing. The intent was to match real-world expectations from employers.

In a 2012 hearing of the Committee on Ways and Means' Human Resources Subcommittee, an official from the Department of Labor assured us the rule could be drafted quickly and according to congressional intent. Well, despite those assurances, months went by with no action from the Obama administration.

During that time, the Ways and Means Committee held another hearing on this issue and even sent a letter to the Department of Labor in anticipation of the regulation. We urged them to craft the rule broadly, which was consistent with what we were hearing from businesses.

In October of 2014, more than 2 years after the law was passed, the Department issued its proposed rule. Counter to our recommendations, the draft rule was incredibly narrow. So narrow, in fact, that States like Texas would be severely limited in their ability to successfully implement an unemployment insurance drug testing program.

Again, the Ways and Means Committee made our concerns known to the Obama administration by submitting a public comment on the draft rule, calling for significant revisions. We made clear that the proposed rule did not faithfully adhere to the intent of Congress, and these same concerns were also echoed in other public comments from prominent stakeholders.

Two more years went by. Meanwhile, Congress continued to press the administration to revise the rule so it followed the intent of the bipartisan law.

That brings us to August of last year, when, at long last, the Department of Labor published its final rule. And just like the proposed rule 2 years earlier, it ignored the intent of Congress. It disregarded most of the comments and the concerns of stakeholders. Above all, the final rule directly undermined the ability of States to implement this important bipartisan reform that would help unemployed workers in their quest to find a good-paying new job.

So on his way out of office, former President Obama flat out refused to implement the law he signed in 2012. Instead, he directed the Department of Labor to issue a regulation that effectively blocks States from taking action.

Mr. Speaker, the American people are sick of Washington not keeping its

promises. They are sick of unaccountable Federal bureaucrats abusing their authority to undercut the will of Congress and the American people. And this eleventh-hour regulation by the Obama Department of Labor is a prime example of just that.

The debate we are having today is not about the merits of drug testing unemployment insurance applicants. That is now for the States to decide because, in 2012, Congress passed a law providing them—not the Federal Government—with the ability to do so.

This debate is about placing a check and balance on blatant executive overreach that all but prohibits States from moving forward with this reform. More importantly, it is about ensuring that the will and the intent of this body is upheld.

In closing, I thank the House for its consideration of H.J. Res. 42. I urge all my colleagues to join me in supporting its passage.

Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska (Mr. SMITH) be permitted to control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Nebraska. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.J. Res. 42, a measure disapproving the rule submitted by the Department of Labor regarding drug testing unemployment compensation applicants. This legislation would overturn a Department of Labor regulation which, as directed by the Middle Class Tax Relief and Job Creation Act of 2012, defines the occupations in which States may require unemployed workers to take drug tests as a condition of collecting earned unemployment benefits. Consistent with the Fourth Amendment, which protects us against searches without reasonable cause, the regulation limits drug testing to occupations where drug testing is required, like pipeline safety, some transportation operators, and jobs that require carrying a gun.

Many communities are facing a rising rate of drug use, including my hometown of Springfield. Congress could and should do more to help people struggling with addiction, but the legislation that we are debating today has nothing to do with fighting drug abuse. It is about allowing States to put one more time-consuming, humiliating obstacle in the way of Americans who work hard and were laid off from their jobs and need unemployment insurance to pay the bills while they look for new jobs. As a reminder, in the aftermath of the recession, the unemployment rate in America went to 10 percent.

There is no evidence that unemployed workers have higher rates of drug abuse than the general population. In fact, logic suggests that rates of serious drug abuse are lower. To be eligible to collect unemployment, a worker must have substantial, recent work experience. He or she must not have been fired for cause. And workers can only collect unemployment insurance if they demonstrate they are actively searching for work.

Instead, it appears that some States may be trying to limit the number of workers who collect unemployment insurance when they are laid off as a way to reduce pressure on underfunded unemployment trust funds. More than half of the State unemployment trust funds are still insolvent, years after the Great Recession.

Dozens of States have changed their eligibility criteria for unemployment benefits, imposed administrative hurdles to filing for unemployment, or cut the number of weeks benefits can be received while individuals search for a job. Partly because of those changes, only about one in four unemployed workers in the United States receive unemployment benefits, even though the vast majority of them worked for employers who paid unemployment payroll taxes on their wages. That is the lowest level of benefit receipt among laid-off workers since the Federal-State unemployment insurance program began.

Instead, we should be here crafting bipartisan policies to strengthen unemployment insurance protections to help workers who genuinely want to work to pay their bills while they are looking for new jobs. I remind our colleagues to look at the worker participation rate, not encouraging States to create more obstacles.

I hope that both sides of the aisle will vote "no" on this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. DANNY K. DAVIS) control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.J. Res. 42 disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants.

The goal of the 2012 bipartisan law signed by President Obama in February 2012 is to reassure employers who fund the unemployment compensation system that unemployment compensation claimants reentering the workforce are truly able and available for work.

When I speak with employers in Nebraska's Third District, they express a strong desire to hire individuals in a way that is beneficial for both the employer and the employee.

According to UWC, the national association representing businesses in the areas of unemployment compensation and workers' compensation: "The regulations adopted in final form not only severely limited the circumstances under which a state may conduct a drug test, but also unduly limited the types of tests that a state would be permitted to conduct. . . ."

States, which are responsible for administration of the unemployment compensation program, are also concerned.

Back in 2014, Wisconsin Governor Scott Walker wrote to the Secretary of Labor saying: "Providing States more flexibility in defining occupations that regularly conduct drug testing not only better serves the public interest, but recognizes the unique labor force and diversity in industry in each State."

In recognition of the support we have received from employers who fund the system and States which administer it, I include in the RECORD their letters of support.

FEBRUARY 10, 2017.

Hon. KEVIN BRADY,
Chairman, House Ways and Means Committee,
Washington, DC.

DEAR CHAIRMAN BRADY: We write to you today in support of H.J. Res. 42, your legislation that would disapprove of the United States Department of Labor's recent regulation regarding states' ability to drug test individuals who apply for unemployment insurance (UI).

Congress authorized the Labor Department to craft a rule that would provide states the option to drug test unemployment insurance applicants. Unfortunately, the Obama Administration drafted the rule too narrowly, undermining the intent of Congress and permitting drug testing in too few instances.

Drug testing UI applicants can help individuals suffering from substance abuse to access necessary care and treatment so they may re-enter the workforce as healthy and productive members of society. We believe this rule should be replaced with a new rule that allows increased flexibility for states to implement UI drug testing that best fits the needs of each state.

Thank you for introducing this important legislation and we look forward to working with Congress on this issue going forward.

Sincerely,

SCOTT WALKER,
Governor of Wisconsin.

GARY R. HERBERT,
Governor of Utah.

GREG ABBOTT,
Governor of Texas.

PHIL BRYANT,
Governor of Mississippi.

STATE OF NEBRASKA,
OFFICE OF THE GOVERNOR,
Lincoln, NE, February 14, 2017.

Re H.J. Res. 42—Drug Testing of Unemployment Compensation Recipients.

Hon. ADRIAN SMITH,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SMITH: Thank you for being a co-introducer of House Joint Resolution 42. The regulations which H.J. Res. 42 seeks to disapprove greatly exceed the authority granted to the U.S. Department of Labor under Section 2105 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).

The U.S. Department of Labor regulations effectively limit the application of P.L. 112-96 authorized drug testing to the point that a state is, for all practical purposes, prevented from adopting a meaningful drug testing program for unemployment compensation claimants. These regulations are an exhibit of executive overreach where the U.S. Department of Labor effectively seeks to block the implementation of an Act of Congress.

I thank you for your efforts to restore to the states their right to enact drug testing requirements for unemployment compensation claimants.

Sincerely,

PETE RICKETTS,
Governor.

UWC,

Washington, DC, February 7, 2017.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

Hon. RICHARD NEAL,
Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN BRADY AND RANKING MEMBER NEAL: I am writing on behalf of UWC—Strategic Services on Unemployment and Workers' Compensation (UWC) in support of Resolution H.J. Res. 42 that would disallow the final regulations posted by the United States Department of Labor on August 5, 2016.

UWC is a national association representing business, specifically in the areas of Unemployment Compensation and Workers' Compensation. UWC members include many Fortune 500 companies as well as business associations and small businesses impacted by unemployment law and policy.

The regulations as posted in final form are inconsistent with the intent of Congress in enacting the Middle Class Tax Relief and Job Creation Act of 2012 and unduly restrict state agencies choosing to test applicants for the use of controlled substances.

Drug testing is a critical requirement of employment in many industries and generally in determining whether a prospective employee will be able to perform the responsibilities of work for which the individual has applied. The results of drug tests are also indications of whether an individual is able to work and available to work so as to be eligible to be paid unemployment compensation.

It is a federal statutory requirement of administrative grants to states that as a condition of being paid unemployment compensation for a week or weeks an individual must be able to work, available to work, and actively seeking work. The additional authority provided in Section 2105 of the Middle Class Tax Relief and Job Creation Act of 2012 permitted states to test for controlled substances consistent with the able to work and

available to work requirements that were also included in the act.

The regulations adopted by the U.S. Department of Labor were so narrowly drawn as to severely limit states from electing to provide for drug testing of applicants. By limiting the time within which a test may be conducted to the period between the date of application and the date at which the applicant began to claim a week of unemployment compensation, such a test would be less likely to connect a positive drug test with a subsequent week of unemployment compensation that could be claimed up to 52 weeks after the date of initial application.

The effect of such an interpretation is to render a test useless for weeks claimed many weeks after the individual became unemployed and prohibit testing for the weeks of unemployment compensation as they are claimed.

The regulations adopted in final form not only severely limited the circumstances under which a state may conduct a drug test, but also unduly limited the types of tests that a state would be permitted to conduct, the claimants that could be tested, and the occupations with respect to which tests could be conducted.

A number of states have indicated an interest in enacting legislation consistent with federal law to permit drug testing, but the severe limitations imposed by the regulations have frustrated administration of drug testing as part of the UI administrative process.

Employers pay the federal and state unemployment taxes required to fund administration and benefits paid through the Unemployment Insurance system. Drug testing of UI claimants should be permitted as part of proper administration by states to assure that only eligible claimants are paid and that unemployed workers are able and available to work to meet workforce needs of employers.

Thank you for the opportunity to express our support for H.J. Res. 42.

Sincerely,

DOUGLAS J. HOLMES,
President.

SECRETARIES' INNOVATION GROUP,
Milwaukee, WI, January 31, 2017.

KEVIN BRADY,
*Chairman, Committee on Ways and Means,
House of Representatives, Washington DC.*

DEAR CHAIRMAN BRADY: I am writing you on the topic of drug screening and testing of Unemployment Insurance claimants in my capacity as the Executive Director of the Secretaries' Innovation Group, after consultation with Texas Workforce Commission Executive Director Larry Temple and workforce secretary members of SIG on a recent national conference call. As you know, the Secretaries' Innovation Group is a network of state workforce and human service secretaries from states with Republican governors making up about half of the country. We meet to exchange state program innovations and opportunities and to press for national policies favoring work, healthy families, federalism and limited government.

By way of background, in 2012, the bipartisan Middle Class Tax Relief and Job Creation Act made a number of reforms to the UI program, including overturning a 1960s-era DOL ban on the screening or testing of UI applicants for illegal drugs. The 2012 provision allowed (but did not require) states to test UI applicants who either (1) lost their job due to drug use, or (2) were seeking a new job that generally required new employees to

pass a drug test. However, in implementing this law through regulation, DOL issued an overly prescriptive final regulation making it almost impossible for most states to implement the provision.

Our SIG state secretaries who run UI, WIOA and welfare to work programs routinely meet with employers to seek their input as to what characteristics they require to meet their business needs. By far the most common stated requirements are requests for individuals who are reliable and can pass a drug test. Therefore it is highly important that states to have the ability and authority to operate drug screening and testing. It is also important they have the option to condition UI benefits on cooperation in such tests and to mandate treatment, if and when necessary, on a case by case basis. States do not have the ability to operate this way under the current restrictive regulation promulgated by the Department of Labor.

During the national conference call with SIG workforce secretaries to discuss drug screening and testing which took place on January 24th and included TX, AL, AR, ID, KS, ME, MD, MS, NE, NM, NH, NV, ND, OH, OK, UT, WI, WY, none of the secretary participants endorsed the DOL rule in question as written.

We hope the Congress will take up this issue and permit states who wish to do so the ability to implement screening and testing of UI claimants with the flexibility intended by Congress.

Yours truly,

JASON TURNER,
Executive Director.

Mr. SMITH of Nebraska. Mr. Speaker, as Chairman BRADY highlighted earlier, Members of this body have clearly stated their intent time and time again over the last few years through letters, hearings, public comments, and meetings. Yet, the Department of Labor has continued to push Congress' concerns to the side and legislate from the executive branch.

Supporting this resolution means supporting the role of Congress to write laws and for them to be implemented as intended.

Mr. Speaker, I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Workers collecting unemployment benefits earned their benefits by working hard. Workers only receive benefits if they are out of work through no fault of their own and are actively searching for new jobs.

There are considerable challenges facing our unemployment system. More than half of the State trust funds, including that in my home State, are insolvent and could only pay earned benefits for a short period of time if a recession hits. Only about one in four unemployed workers currently receives unemployment insurance benefits. Some States have cut benefits, increasing the chance that workers will exhaust benefits before finding jobs. H.J. Res. 42 does not address these challenges.

There are also real problems with drug use in this country and a severe

shortage of treatment options for those who need them. H.J. Res. 42 does not address these problems either.

Instead, we are considering a policy that slanders unemployed workers by assuming that they are drug users; that ignores all research showing that drug use is not higher among unemployed workers than in the general population; and that violates the constitutional protection against illegal search and seizure, a protection that courts have clearly said exists regardless of whether one receives public benefits.

The statutory provision that has required this regulation was appropriately limited to a very narrow group of workers, those for whom finding suitable work required a drug test.

Counter to some GOP arguments, this resolution is not about helping those with drug problems get treatment. It is about cutting benefits. States with drug-testing provisions do not pay for expensive treatment services for those who test positive. Moreover, workers cannot receive benefits while in treatment because they are not actively seeking work. Thus, they lose their earned unemployment benefits.

Congress should be helping communities suffering from high unemployment, addressing persistent long-term unemployment, aiding workers in upgrading their skills to get good jobs. Congress should be strengthening our unemployment insurance system to make sure it is ready to respond in the next recession.

□ 1345

We should not encourage States to waste resources on an unconstitutionally-based drug testing requirements for struggling unemployed workers who claim benefits.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Speaker, I rise today in strong support of H.J. Res. 42. This resolution is the latest effort in the House to undo the wave of bureaucratic overreach from the Obama administration.

Five years ago, Congress passed a bipartisan law that included a common-sense provision giving the States flexibility to drug test some applicants for unemployment insurance.

Instead of following the law Congress passed and allowing—not requiring—States to implement the policies right for their citizens, the Obama administration decided to tie States' hands. It issued a regulation that left no flexibility for States, the opposite of the bipartisan law Congress passed.

Mr. Speaker, frankly, it is sad that we are even here today. This all could have been avoided if the Obama administration had simply followed the congressional intent, but yet here we are.

I support this resolution, and I urge my colleagues to do the same.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), former chairman of this committee and, certainly, a former ranking member on this side.

Mr. LEVIN. Mr. Speaker, at the onset of the Great Recession, our unemployment insurance system was completely inadequate. Democrats took the lead, against increasing Republican opposition, to improve the system and to provide unemployment benefits to Americans who lost their jobs through no fault of their own. The result was an emergency Federal unemployment compensation program which helped more than 24 million people.

Research from a broad array of experts shows these Federal UI benefits, in combination with State-provided benefits, saved more than 2 million jobs, prevented 1.4 million home foreclosures, and kept an estimated 5 million Americans out of poverty. In short, a strong unemployment insurance system helped prevent the Great Recession from turning into another Great Depression.

Today, our unemployment insurance system is again inadequate and totally unprepared to respond to a future recession; and once again, rather than stepping up with solutions, Republicans' answer to working people is a cold shoulder. Instead of responding to the deterioration of our unemployment insurance system, Republicans today want to shame and blame Americans who have lost their jobs through no fault of their own, while also violating their constitutional rights.

Here are the real problems this legislation completely ignores:

Number one, only one out of every four jobless Americans now receives unemployment benefits, near a record all-time low.

Two, eight States have cut back on the maximum number of weeks of benefits available for unemployed workers, including my home State of Michigan.

Three, the value of UI benefits has declined over time, with 30 States now having maximum UI benefits that are less than half of the State's average weekly wage.

Four, the triggers for the federally funded Extended Benefits program, EB, are extremely out of date, so they do not turn on when unemployment begins to rise significantly.

Five, our Nation's UI system is underfunded, with only 18 States' funds reaching a minimum level of adequate solvency, according to a 2016 DOL report.

Six, the Federal UI trust funds, which support extended benefits during downturns in the economy, have a deficit of over \$8 billion, hurt by the majority's decision to allow part of the

revenue stream to those funds to expire in 2011.

Seven, our spending on workforce development as a percentage of GDP is now only one-seventh of its 1979 peak; and since 2010, Republicans in Congress have cut workforce education programs by \$400 million. So we are doing less to help the unemployed while they look for work and less to help them prepare for a new job.

Today's bill ignores these problems completely and, instead, attempts to demean those needing help. In discouraging access to unemployment benefits, it reminds me of a massive problem we have uncovered in Michigan that involved at least 20,000—and perhaps many more—UI claimants being wrongly accused of fraud and ordered to pay huge penalties.

We should be focusing today on ensuring our UI system is ready for the great challenge, not to mention helping Americans who are seeking work right now. Instead, this majority has brought up this misguided bill, and I urge all Members to oppose it.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SMITH).

Mr. SMITH of Missouri. Mr. Speaker, I rise in support of H.J. Res. 42, to eliminate the Obama administration's intentionally unfaithful execution of our laws.

Make no mistake, Mr. Speaker, the previous administration knew exactly what they were doing when they wrote this regulation. President Obama signed off on the underlying law to allow States to drug test certain unemployment insurance recipients, then he worked to block its implementation. Today, we will vote to end President Obama's obstruction.

Instead of faithfully executing the law, as our Constitution demands, the Obama administration effectively blocked States from making sure hard-working taxpayer dollars only go to deserving citizens.

The Congress spoke in 2012, before I arrived here, but here is what happened. Congress spoke, and the President signed a bill into law to give States an option—not a mandate, an option—to drug test.

I stand today to say let's roll back and undo our previous President's unfaithful execution of the law and allow States like Missouri to have the freedom to decide for themselves. This is not a mandate; this is simply about states' rights.

Mr. Speaker, I urge my colleagues to vote in support of this joint resolution.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON), a tireless protector of the rights of individuals.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to voice my strong opposition to H.J. Res. 42.

I think most Americans are tired of hearing about what President Obama did or didn't do while, at the same time, it seems like it has been years since we had his stable leadership and we have been proceeding under the chaos of the current administration. It seems like much longer than 25 days.

But I will tell you, the campaign is over. It was a long campaign. Throughout the entire campaign, the Republicans controlled both Houses of Congress, House and Senate, and we had the President who was a Democrat. So the Republicans complained that they weren't able to do anything and they needed a Republican President.

Now they have a Republican President, and what have they done during this last 25 days in terms of a jobs bill? Not one, not one job created in the last 25 days.

If the public goes back and looks over the calendar of proceedings for this body, they will find that it has simply been one regulatory bill after another, to change a regulation that was set during the Obama administration. That is all we have been doing over the last 3-plus weeks is trying to reverse regulations—not one affirmative bill that establishes one job.

So what are they doing? They are kind of dancing for the American people, while the House burns, while the President is conducting foreign policy at Mar-a-Lago, in the open air, to impress all of his well-heeled friends that have paid \$100,000 and now have to pay \$200,000 to join his club, while we should be overseeing the operations of the Trump Hotel and who is paying millions of dollars to reserve banquet facilities in that taxpayer-owned location.

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The time of the gentleman has expired.

Mr. DANNY K. DAVIS of Illinois. I yield the gentleman an additional 2 minutes.

Mr. JOHNSON of Georgia. Those are the issues that the American people certainly would be interested in knowing, what is happening with their property.

But instead of creating a jobs bill, what we are dealing with here is a measure that would repeal a Department of Labor rule that limits which unemployment compensation applicants can be tested for drugs.

Supporters of this resolution are suggesting that there is a nexus between losing your job and being unemployed and illicit drug abuse. However, there is no evidence that suggests higher drug use among unemployed workers compared to the general population; though I will concede that it has been a time-honored tradition that when you lose your job, you go down to the local bar and drown in a glass of beer.

But nobody is talking about disabusing alcohol abuse with this legislation—no alcohol testing, just drug testing.

Why?

It is because they want to get at a certain group of people who they want to deprive of the ability to receive the unemployment compensation that they have paid in and earned.

It is penny-wise and pound-foolish to take away the financial security for people who have the least. That is the only thing they have, and you are going to take it away from them and make them pay for the drug test, too. It is ridiculous.

We should be considering legislation that would create jobs and address economic disparities, but instead, we are looking to roll back provisions that undergird the financial security of the most vulnerable among us. I would ask that my colleagues oppose this H.J. Res. 42 and get on with the business that matters most to the American people.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOHIO).

Mr. YOHIO. Mr. Speaker, I rise today in support of H.J. Res. 42, and I thank Chairman SMITH for taking the lead in fighting for American workers with this commonsense piece of legislation.

I believe there has been a misconception about the intent of this CRA. Congress is not acting because we have a malicious intent to punish American workers. We are not even trying to disincentivize them from participating in the program.

My colleague, Mr. DAVIS, said we should strengthen our programs, and what we are attempting to do is exactly that: strengthen the system that is intended to help unemployed Americans and allow them to prepare to re-enter the workforce.

The 2012 Middle Class Tax Relief and Job Creation Act made commonsense reforms to the unemployment insurance system with the goal of assisting Americans in returning to gainful employment. Yes, this included allowing States, like my own of Florida, to determine whether or not they wanted to include drug screening and test unemployment insurance applicants. And, yes, the law specifically stated two conditions: if the applicant had lost their job due to drug use and if they were seeking a new job that regularly required new employees to pass a drug test.

Now, when the Department of Labor drafted the rule, they clearly went beyond the intent of Congress and tailored it too narrowly. This will only hurt prospective employees in the long term.

The rule covers occupations such as those that require the employees to carry firearms, flight crews, transportation, and the like.

□ 1400

The problem here is that employers in occupations outside of this narrow

scope also regularly require drug testing of their employees.

So under this rule, unemployed Americans who are using and looking for employment outside of the specific occupations outlined in the rule could potentially find employment in a different industry, be drug tested, and subsequently terminated.

How is this helping American workers? It doesn't make sense to me, and it shouldn't make sense to any of my colleagues either. This is a bad rule, and it needs to be repealed so the Department of Labor can go back to the drawing board and craft a rule that will actually strengthen the unemployment insurance, help the American worker, and ultimately strengthen the economy.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first, let me thank Congressman DAVIS for yielding and for his tireless advocacy on behalf of the most vulnerable everywhere.

I rise in strong opposition to H.J. Res. 42, which is really another baseless attack on the poor, on low-income individuals, and on the unemployed. Drug testing unemployed individuals is downright wrong.

Let me be clear. This resolution is another way for Republicans to stop workers from claiming their right to unemployment benefits. It also is a scare tactic that flies in the face of facts.

First, there is no evidence that people who receive public assistance use drugs any more frequently than those in the general population. Unemployment compensation, mind you, is not public assistance.

By unnecessarily drug testing jobless workers, we are throwing them out in the cold when they are simply trying to get back on their feet.

Mr. Speaker, workers receive unemployment benefits because they worked hard, they played by the rules, and they were laid off through no fault of their own.

More importantly, working people have earned their right to apply for these benefits. They pay into the program. Their constitutional rights should not be violated.

I also know that people want to work. People don't want to be on unemployment insurance. They want to provide for themselves and their families.

Let me remind you, there is an opioid and heroin drug epidemic in this country, and it not only affects Democrats, this drug crisis is affecting Republicans, Independents—everyone. Yet, once again, you are throwing them out in the cold.

Instead of passing this appalling resolution—and this resolution is appalling—we should be expanding job training, unemployment benefits for all, and

provide resources for drug treatment. It is hard to believe that you want to punish people. That is what this resolution really does. It punishes people for working. That is really a shame and disgrace.

So I strongly oppose this bill. I urge my colleagues to vote "no," and I also urge you to encourage people to work, to provide those job training resources and drug abuse resources for our mental health centers, for our drug counseling centers, and for everyone who needs treatment rather than drug testing to keep them from getting a job.

Mr. SMITH of Nebraska. Mr. Speaker, I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE) who had an office next to mine for many years. I know she has tremendous commitment, energy, and fortitude.

Ms. JACKSON LEE. Mr. Speaker, I thank the distinguished gentleman, and I thank the manager of this legislation. But my distinguished friend, Mr. DAVIS, and I have worked on societal issues dealing across the gamut, and the respect that he holds in the communities across America that recognize that second chances, unemployment compensation, summer jobs, and a whole manner of opportunities for individuals to restore their lives is the right way for America to go.

In the backdrop of an executive order that saw one of my constituents, a 16-year-old with proper papers coming in from Jordan, held for 50 hours at George Bush Intercontinental Airport, in defense of those employees that I respect, CBP, they had no information how he got in, but they took this young man. Lo and behold, he wound up in Chicago because he didn't speak English, and that was the only bed they have.

Why am I mentioning this? I am mentioning this because sometimes government gets it wrong. They get it wrong. This disapproval is wrong.

What did happen was right, because what happened was that this rule didn't just pop up in the administration, meaning the Obama administration. It came about through a compromise—an intelligent compromise—dealing with middle class tax relief and job creation. Because at that time, there were people who randomly wanted to drug test, but wise individuals said this, they said that you could allow drug tests if you had lost your job or you are a drug user, so we want to get you right; therefore, you could be tested.

Some people agree to disagree, but that is reasonable. Or that the job that you were looking for or had a job that required the kind of criteria and the kind of skills that drug use would impair or impact, that makes sense.

But now you are talking about someone at the lowest ebb of life, losing jobs

through no fault of their own, giving States that may be sensitive to human needs or reckless the ability to randomly test people because they lost their jobs, because they have been defeated.

Well, I know it is too late, but maybe we should amend for Congresspersons, Senators, and Governors who get unelected. They lost a job; didn't they? It doesn't make sense.

I rushed to the floor. We are in the Judiciary Committee addressing the question of how we are going to utilize the oversight plan, whether we want to investigate and fix for the American people this horrible scenario of the Russian involvement in the elections and the connection to the present administration.

We want to fix things, but what you are doing here is that you are casting a bad light on people who are in need. I just want to say States have the ability to administer drug testing, and this change would needlessly shift employer costs to the States. State unemployment programs already penalize job-related drug use.

The SPEAKER pro tempore (Mr. WEBSTER of Florida). The time of the gentlewoman has expired.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman.

Twenty States also explicitly deny benefits for any job loss connected with drug use or a failed drug test. In addition, six States—Arizona, Arkansas, Indiana, South Carolina, Tennessee, and Wisconsin—passed legislation equating a failed or refused preemployment drug screen for refusing suitable work. We are already condemning everybody. Other States have other programs. This is not one that falls under the 10th Amendment.

But the specialist drug testing of government-benefit recipients likely violates the Fourth Amendment, and it is cruel and inhuman treatment.

I ask my colleagues to reject this cruel and inhuman treatment of individuals who, through no fault of their own, are unemployed or they may be poor or they may be needing public assistance. Let America's humanity shine. Vote "no" on the bill.

Mr. SMITH of Nebraska. Mr. Speaker, I want to hopefully draw some attention to the fact that we have a problem on our hands. We have a problem with the Federal Government going too far, and we have a problem with the State governments coming to us as policymakers at the Federal level wanting to help their own constituents, their own citizens in need. Right now the Federal Government stands in the way.

It is time for us as policymakers hopefully to act in a responsible fashion to assist States in their need and their desire to help their own citizens.

States are better at that than is the Federal Government, and I hope that we can empower the States to help their own constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, as I prepare to close, let me just, first of all, thank the more than 40 organizations who have sent letters in opposition to this legislation, especially the African Methodist Episcopal Church, the African American Ministers in Action, National Association for the Advancement of Colored People, and many others. They have sent letters because they have a will to help, not a will to hurt. They have a will to assist. They know that the individuals we are talking about have lost their jobs, their opportunity to work, and their connection, in many instances, with humanity.

I would urge that we do everything in our power to help them find their way back and not hurt them. Therefore, I would urge all of my colleagues to oppose this legislation and vote "no."

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since the law was enacted some 5 years ago, Members of this body have clearly stated their intent time and time again through letters, hearings, public comments, and meetings, and yet the previous Department of Labor continued to push Congress' concerns to the side and legislate from the executive branch.

Again, supporting this resolution means supporting the role of Congress to write laws and for the laws to be implemented as intended.

I urge my colleagues to support H.J. Res. 42, disapproving of the Department of Labor's regulation of the drug testing on unemployment insurance applicants.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

□ 1415

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY STATES FOR NON-GOVERNMENTAL EMPLOYEES

Ms. FOXX. Mr. Speaker, pursuant to House Resolution 116, I call up the joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 116, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 66

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "Savings Arrangements Established by States for Non-Governmental Employees" (published at 81 Fed. Reg. 59464 (August 30, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Ms. FOXX) and the gentlewoman from Oregon (Ms. BONAMICI) each will control 30 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.J. Res. 66.

The Obama administration spent a lot of time and taxpayer dollars emphasizing the need to protect retirement savers, but as was often the case with the previous administration, their rhetoric rarely matched their actions.

For example, the Obama Department of Labor spent years advancing a flawed rule that will limit access to affordable retirement advice for low- and middle-income families. Despite repeated calls for a more responsible approach, the Department pushed forward with an extreme, partisan rule. Then, late last year, the Department finalized two additional rules that will also negatively impact the retirement security of workers. The administration crafted a regulatory loophole that allows States to establish government-run IRAs by circumventing protections workers and employers have enjoyed for decades.

As was usually the case, the actions of the previous administration hurt the very people it claimed to be helping. First, this loophole would lead to fewer protections for retirement savers.

Working families will have less information about how their retirement plans are managed, and they will have fewer options if those plans are not managed well. They will also have less control over the money they worked so hard to put away.

We need to honor hardworking taxpayers, Mr. Speaker, who save for their retirement and not have the Federal Government do things to harm them.

The loophole also threatens to inflict significant harm on small business employees. It is already hard enough for many small businesses to provide their employees with retirement options, and this regulation only makes it less likely they will do so. In fact, many small businesses could actually be discouraged from offering 401(k)s or other private sector options. Others could cancel their retirement plans and dump their employees into government-run retirement plans.

Finally, the Obama administration's regulatory action puts taxpayers at risk. We already know that many government-run pension plans for public employees are woefully underfunded. Let me repeat that, Mr. Speaker. We already know that many government-run pension plans for public employees are woefully underfunded. If government-run IRAs for private sector workers are mismanaged, does anyone seriously believe hardworking taxpayers won't be asked to foot the bill?

These may be unintended consequences, but they will be detrimental to workers, retirees, and small business all the same. Too many hardworking men and women struggle to plan for the future and retire with financial security and peace of mind. The resolution under consideration today will close a loophole that threatens that security and peace of mind.

To be clear, these resolutions will not prevent States and cities from providing workers and retirees with new, innovative retirement options. These resolutions will simply ensure that all workers and retirees enjoy the same protections that have been guaranteed for decades.

I want to thank Representatives WALBERG and ROONEY for leading this effort and working to protect the retirement security of hardworking men and women across the country. I urge my colleagues to support both resolutions.

Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to H.J. Res. 66.

Working families in my home State of Oregon and across the country deserve the opportunity to retire with security and dignity. Unfortunately, that is not a reality for far too many Americans who face a growing retirement security crisis. In fact, nearly 40 million

private sector workers, including an estimated 1 million in Oregon, do not have access to retirement savings plans at their jobs.

The AARP and others have noted that people who do not save for retirement risk becoming dependent on social safety net programs that increase costs for taxpayers.

Mr. Speaker, Congress has not stepped up to address our country's retirement security crisis, so several States, including my home State of Oregon, have developed and implemented innovative solutions that will help workers save for retirement.

Oregon's program is set to launch in just 5 months. Workers who do not have access to a retirement plan through their employer will have access to a plan facilitated by the State. It is not mandatory—workers can opt out—and there is minimal paperwork for employees. Oregon's plan is portable, so workers can keep their retirement savings when they change jobs.

Consider Oregonian Penny Wicklander, who has worked hard but hasn't had access to a good retirement plan. Penny managed an apartment complex for low-income seniors, and she saw the hardships that residents faced without retirement security. Some lived on \$10 in the last 10 days of the month. She said, in support of Oregon's plan:

No one wants to retire into poverty and rely on public services, but it's hard to plan for the future when there are so many other financial challenges facing our families. We need a simple retirement account that makes it easy for everyone to save part of what they earn, regardless of where they work.

Bobbie Sotin, a home care worker who cares for seniors and people with disabilities doesn't have access to a retirement savings plan through her employer. Bobbie said:

Working with seniors in poverty, many care providers see their own future every day. Once they reach retirement age, they have to make the decision to live in poverty or keep working until they die. Even if it means just \$50 or \$100 more per month, that kind of income would make a huge difference to each and every one of us.

Penny, Bobbie, and people across the country need access to retirement savings plans. Oregon and several other States are working to fill that need. Congress should be supporting them and encouraging retirement savings programs like Oregon's and similar plans in California, Illinois, Connecticut, and Maryland. Instead, House Republicans are advancing a Congressional Review Act joint resolution of disapproval that would endanger these plans, discourage other States from taking action, and undermine states' rights.

Specifically, this resolution would nullify an important Department of Labor rule that simply clarifies that these State-based savings plans do not

run afoul of ERISA, the Employee Retirement Income Security Act. The safe harbor rule went into effect last October.

Now, my friends on the other side of the aisle may characterize this as "closing regulatory loopholes" and they may question whether more government is the answer, but that is not what this is about.

The National Conference of State Legislatures and the State treasurers of Oregon, Illinois, and California submitted letters in opposition to this resolution. They found the "DOL safe harbor provides flexibility to states, codifies clear protections for employers who facilitate retirement savings arrangements for their employees, and enables innovative solutions to addressing the growing retirement crisis facing this country."

Mr. Speaker, I include in the RECORD these letters and several other letters in opposition to this resolution.

FEBRUARY 10, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

SPEAKER RYAN: Earlier this week, Reps. Tim Walberg and Francis Rooney introduced two resolutions of disapproval (H.J. Res. 66, H.J. Res. 67) to roll-back key Department of Labor (US DOL) rules. These resolutions will limit our abilities as states to provide solutions to the growing retirement savings crisis, and could make it harder for small businesses to participate in state-run programs.

We are writing to ask that you defend our state's rights by voting "No" on H.J. Res. 66 and H.J. Res. 67.

The rule in question gives clarity for states across the country to provide access to retirement savings options for millions of private-sector workers. California, Illinois, and Oregon are all in the process of implementing legislatively approved state-administered plans that will enable nearly 8 million private-sector workers to save their own money for retirement.

As Treasurers, we chair the respective Boards governing our state plans and have been actively working with employers, employees, payroll providers, and financial service organizations for the last two years. The reality is, that without access to an easy and affordable savings vehicle, far too many workers risk retiring into poverty and becoming overly reliant on Social Security or state and federal safety net programs.

The final rule from US DOL provides key protections for employers who facilitate enrollment for their employees—confirming a safe harbor from ERISA and protecting businesses from litigation or liability related to state programs—while maintaining key consumer protections for program participants.

While this rule has been finalized, opponents are seeking to repeal or weaken the rule through the Congressional Review Act. We respectfully request that you oppose efforts to repeal the rule and vote no on H.J. Res. 66 and H.J. Res. 67. The US DOL safe harbor provides flexibility to states, codifies clear protections for employers who facilitate retirement savings arrangements for their employees, and enables innovative solutions to addressing the growing retirement crisis facing this country.

We are happy to provide additional information. Thank you for your support.

Sincerely,
JOHN CHIANG,

California State Treasurer.

MICHAEL FRERICHs,
Illinois State Treasurer.

TOBIAS READ,
Oregon State Treasurer.

AARP,

February 8, 2017.

DEAR MEMBER OF CONGRESS: On behalf of working Americans who struggle to save for their retirement, AARP urges you to vote against a Congressional Review Act resolution to overturn the Department of Labor's final rule on "Savings Arrangements Established by States for Non-Governmental Employees". AARP, with its nearly 38 million members in all 50 States and the District of Columbia, Puerto Rico, and U.S. Virgin Islands, is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities and fights for the issues that matter most to families such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse.

Today, 55 million working Americans do not have a way to save for retirement out of their regular paycheck. Despite decades of federal incentives, employer sponsorship of retirement savings plans has remained static. The lack of employer-sponsored savings plans has a direct impact on the retirement readiness of workers, because employees are 15 times more likely to save if they have access to a payroll deduction savings plan at work.

In response to the stubborn lack of growth in employer-sponsored retirement savings plans, numerous states have removed regulatory and operational barriers for small businesses who want to offer a retirement savings vehicle to their workers. These bipartisan, commonsense solutions are known as Secure Choice or Work and Save. In the last two years more than half the states considered a variety of options to provide employers and their employees with low-cost savings options, including Arizona, California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

In 2016, the Department of Labor promulgated a rule providing states with guidance on how to enter into public-private partnerships aimed at increasing personal savings rates among small business employees. This rule makes it clear that any automatic IRA program established by a state must remove the operational burden of running a retirement plan from small business owners. In fact, it asserts that a small business owner's only interaction with a Work and Save plan would be to facilitate payroll deductions for these individual savings plans.

A Congressional Review Act resolution to overturn this rulemaking will have a significant chilling effect on states, sending the political message that state flexibility is not a priority. There is successful precedent for states to take action to promote personal financial responsibility. When college savings plans, known as 529 plans, were created twenty years ago, less than \$2.5 billion had been saved for college in these programs.

Today, individuals have put away more than \$253.2 billion for college in 529 plans. Similarly, in the retirement context, states are acting as facilitators, aggregating small businesses to get the cost benefit of pooling. All private financial firms can bid to invest the savings from employees. The only employer role is to set up the payroll deduction and forward materials to employees, a role employers already perform for unemployment insurance, workers' compensation, and other similar programs.

Often, states are the pioneers of solutions. State governments more directly interact with both workers and employers, and state policymakers are aware that growth in the number of older Americans who do not have a secure retirement will be felt most acutely in cities and states. As laboratories of change, states are often more willing and able to test creative solutions to improve the retirement security needs of their workforce while respecting the unique characteristics and demographics of each jurisdiction. The lack of options to save for retirement at work is a persistent problem that demands action today. States desire flexibility to move forward with innovative reforms—Congress should not curtail state efforts to promote retirement savings. Americans need easy savings options. No one wants older Americans solely dependent on Social Security. Employer plans are not growing and states are trying to meet the needs of their citizens using private investment firms. Lack of access to workplace savings plans is especially acute for people of color—only 54 percent of African American and Asian employees and 38 percent of Latino employees work for an employer that sponsors a retirement plan, compared to 62 percent of White employees. Those who do not save enough for retirement risk becoming dependent on social safety net programs, costing taxpayers down the line. In fact, states taking action today could save taxpayers as much as \$4.8 billion in the next ten years. Congress should support these important state savings programs, not take steps to end them.

AARP urges Congress to support private retirement savings and vote no on a Congressional Review Act resolution to overturn the Department of Labor's rule on Savings Arrangements Established by States for Non-Governmental Employees. If you have further questions, please feel free to contact me.

Sincerely,

NANCY A. LEAMOND,
Executive Vice President and Chief Advocacy and Engagement Officer.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, LEGISLATIVE ALERT,
Washington, DC, February 15, 2017.

DEAR REPRESENTATIVE: The AFL-CIO urges you to oppose H.J. Res. 66 and H.J. Res. 67. These resolutions of disapproval block Department of Labor (DoL) regulations that create safe harbors under which certain retirement savings arrangements established by states or eligible political subdivisions for private-sector workers will not be considered ERISA-covered employee benefit plans.

While the vast majority of union members who work in the private sector benefit from collectively bargained pensions and retirement savings plans, over 38 million private-sector workers are not offered any kind of plan at work. The DoL regulations provide a path forward for states and municipalities to create an easier way for these Americans to begin building a retirement nest egg through

payroll deduction contributions into their own Individual Retirement Account (IRA). A vote to rescind these regulations is a vote to ensure that these Americans will remain financially vulnerable in retirement.

Thank you for your consideration of our views.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Department.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO,
Washington, DC, February 10, 2017.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC,

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to oppose the two Congressional Review Act (CRA) resolutions of disapproval blocking the U.S. Department of Labor (DOL) regulations for state and city retirement savings programs, H.J. Res. 66 and H.J. Res. 67.

Using the CRA to overturn these rules is an example of an arbitrary process that upsets years of work by federal agencies acting in strict adherence to the Administrative Procedures Act to promulgate important federal rules and actions. After thorough consideration that has involved the public, state and local governments, and the Congress, resolutions of disapproval should not be used for partisan purposes to scrap agency rules at the last minute and to subvert the regulatory process contrary to real needs of Americans.

We know there is a growing retirement security problem in this country. It is estimated that 55 million full- and part-time private sector workers in the U.S. lack access to retirement coverage through work. This problem has grown unabated and without adequate attention at the federal level. Finally, new DOL rules that are under attack will enhance retirement security for the millions of Americans who do not have access to pensions and have limited means to increase savings for retirement. The new rules simply allow states and cities to set up important auto-enrollment programs to enhance savings if they chose to do so. One rule encourages state auto-enrollment tax-free savings plans, or state-created tax-free saving plans for private business. The second resolution would block a rule that clarifies when county and city auto-enrollment plans will be exempt from federal retirement law. California and a number of other states have either already adopted plans or are considering adopting plans. In addition, cities such as New York, Philadelphia and Seattle are also considering similar measures.

These resolutions of disapproval would unfairly impact these new plans and the millions who want to take advantage of them. Approximately half of all workers lack access to any type of pension or employment-based retirement savings plan. The DOL regulation is narrowly tailored to authorize governments to establish plans for those employers who do not offer retirement programs. The burden imposed upon such employers is minimal. Significantly, the regulation simply clarifies that states and local governments can create auto-enrollment programs. In the absence of the regulation, states may still offer the programs, although the legal status is uncertain. These regulations not only clarify the matter, but provide some important protections for participants.

I urge you to vote no on H.J. Res. 66 and H.J. Res. 67, which would harm these important state and local savings programs.

Sincerely,

SCOTT FREY,
Director of Federal Government Affairs.

AMERICAN FEDERATION
OF TEACHERS,
Washington, DC, February 15, 2017.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: For many Americans, the ability to maintain their living standards in retirement continues to be a source of anxiety and concern. Two-thirds of participants in the Employee Benefit Research Institute's 2016 Retirement Confidence Survey indicated that they had no retirement plan, and more than 50 percent reported they had less than \$25,000 in retirement savings.

As a result, a large number of states are moving legislation to help employees of small employers to access retirement savings plans. The Department of Labor has assisted this effort by excluding such plans from ERISA. In light of these facts, the AFT urges you to vote no on Congressional Review Act resolutions (H.J. Res. 66 and H.J. Res. 67) that would reimpose ERISA standards on governments and only serve to chill state and city innovation.

Although most jobs are created by small businesses, most small business workers are not offered any retirement plan. According to the Center for Retirement Initiatives (CRI), 98 percent of all firms in the U.S. employ fewer than 100 workers, and about two-thirds of these workers lack access to any retirement plan. Many small-business owners who were contacted by the Government Accountability Office reported shying away from sponsoring any retirement plan because of all of the administrative requirements and fiduciary responsibilities for selecting investment funds and managing plan assets. Unless something is done to improve the retirement prospects of the small-employer workforce, these individuals will fall into poverty in retirement, and place emotional stress on their families and financial stress on their government sponsors.

In response to this retirement savings gap, a large number of states have removed regulatory and administrative barriers for small businesses that want to offer a retirement savings vehicle to their workers. These bipartisan common-sense approaches are collectively known as "Secure Choice." In the last few years, about half of all states have considered ways to provide small employers and their employees with low-cost, professionally managed savings options. Seven states already have enacted legislation and are preparing to implement their plans.

In 2016, the DOL promulgated a rule providing states and cities with guidance on how to enter into public-private partnerships, with the goal of increasing savings rates among employees of small businesses. The rule clearly states that an automatic IRA program established by a state or city must remove the burden of administering the retirement plan from small-business owners. The rule puts in place only one requirement: Small employers that do not offer any other retirement plan to their employees must offer a payroll deduction for employees who voluntarily choose to participate in the savings plan. In short, the DOL rule eliminates much federal red tape, and gives governments more flexibility to innovate. This allows states and cities to provide

a glide path for small employers to offer a retirement savings plan to their workers.

Just as states facilitated the pooling and investing of 529 college savings plans in partnership with private investment firms, the same convention is being employed in a retirement savings context. Private investment companies can bid to invest the pooled savings from employees of small employers. Workers will enjoy the twin benefits of low-cost and well-managed investments. Small employers are only required to provide payroll deduction and forward the program information to employees.

Again, the AFT urges Congress to support these state-sponsored, public-private retirement savings programs—collectively referred to as Secure Choice—by voting against Congressional Review Act resolutions H.J. Res. 66 and H.J. Res. 67.

Sincerely,

RANDI WEINGARTEN,
President.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, February 13, 2017.

MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: The National Conference of State Legislatures (NCSL), the bi-partisan organization representing the legislatures of our nation's states, territories, and commonwealths, urges you to vote against H.J. Res. 66, a Congressional Review Act resolution to overturn the Department of Labor's final rule on "Savings Arrangements Established by States for Non-Governmental Employees."

As our nation's laboratories of democracy, states are developing and implementing innovative solutions that will improve the retirement security of private sector workforces and that will also save taxpayers billions of dollars. Passage of this resolution is an affront to those in Congress who advocate for the 10th Amendment as it will result in an unwarranted preemption of state innovation, will restrict the ability of millions of hardworking Americans to save for retirement, and will prove costly to federal and state budgets.

As the number of workers who lack enough savings to cover the costs of retirement expenses continues to grow, states need the flexibility to develop creative solutions to this problem. Restricting the ability of states to establish private sector savings plans will put an even greater strain on public finances because states and the federal government are ultimately responsible for funding the social safety programs that are utilized by retirees who are not financially independent. Eight states have enacted laws that will establish state-facilitated retirement plans' and many other states are considering these plans for their state's private sector workers. Passage of H.J. Res. 66 will likely prevent states from establishing these innovative plans and will result in increased costs for federal and state budgets as tens of millions of Americans who depend solely on social security will increase dependency on other entitlement programs.

Finally, we challenge the argument that private sector workers, who lack retirement options, should not depend on their state governments to establish these retirement saving programs. We ask members of Congress that if states did not act to address this growing problem, who would? It was only after years and years of failure by the private sector to address the retirement of its small business workers that state governments were left with no alternative but to

provide an innovative solution for these retirees' future. Congress should respect the states' efforts to reduce a further financial burden on future taxpayers.

NCSL urges Congress to support state innovation regarding private retirement savings and vote no on a Congressional Review Act resolution to overturn the Department of Labor's rule on "Savings Arrangements Established by States for Non-Governmental Employees."

Sincerely,

SENATOR DANIEL T. BLUE,
JR.,
North Carolina, President, NCSL.

SENATOR DEB PETERS,
South Dakota, President-Elect, NCSL.

RETIREMENT SAVINGS FAST FACTS

Three-quarters of private sector workers feel anxious about having enough money to live comfortably in retirement.

Fifty-five million Americans work for employers that do not offer any form of a retirement savings plan.

80 percent of private sector workers between the ages of 18 and 64 support state-facilitated plans designed to help them save their money for retirement.

State-facilitated retirement savings plans are designed similarly to the popular 529 college savings plans, as the plan's assets would be the personal property of the individual saver, and their money could only be used to benefit the individual saver.

State-facilitated retirement savings plans would be managed by outside private sector fund managers and there will be no connection between state-facilitated programs and public pensions for government employees.

State-facilitated retirement savings plans would provide employees the options to decline participation; however, data suggests that employees with access to workplace retirement plans are 15 times more likely to save for retirement.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, February 10, 2017.

Hon. VIRGINIA FOXX,
Chairman, House Committee on Education & Workforce, Washington, DC.

Hon. BOBBY SCOTT,
Ranking Member, House Committee on Education & Workforce, Washington, DC.

DEAR CHAIRMAN FOXX AND RANKING MEMBER SCOTT: On behalf of the National Council of La Raza (NCLR), the nation's largest Latino civil rights and advocacy organization, I write to ask you to oppose H.J. Res. 66 and H.J. Res. 67, resolutions of disapproval under the Congressional Review Act (CRA), to block the Department of Labor (DOL) rules that allow states and cities to implement their own Individual Retirement Account (IRA) retirement plans.

In the absence of congressional action to increase access to retirement plans, state plans have stepped up to innovate and fill that gap. H.J. Res. 66 and H.J. Res. 67 impedes state and local innovation and entrepreneurialism to solve the retirement issue. If the DOL rules are abolished, it would have a chilling effect on the states and cities that are working to implement programs, including California, Connecticut, Illinois, Maryland, and Oregon, which have all passed legislation to setup these programs and New York City, Philadelphia and Seattle which are currently considering their own auto IRA plans.

Rep. Tim Walberg's (R-MI) H.J. Res. 66 and Rep. Francis Rooney's (R-FL) H.J. Res. 67

would nullify the DOL rules that offered the clarification necessary to help states and cities implement their own auto-IRA plans consistent with The Employee Retirement Income Security Act of 1974 (ERISA), which would provide millions of workers access to a workplace retirement plan. If these retirement plans were to become subject to ERISA, they would not be able to move forward.

One of NCLR's goals in 2017 is to ensure the successful implementation of the California Secure Choice Retirement Savings Program. In September 2016, California Governor Jerry Brown signed into law a bill that allows workers to access state-run IRAs, which will feature automatic enrollment for people working for employers with five or more employees. Just over 7.5 million Californian workers who do not currently have an employer-sponsored plan—half of whom are Latino—will benefit from this program.

LATINOS HAVE A STRONG DESIRE TO SAVE

NCLR has worked to improve opportunities for Hispanics in the United States for nearly 50 years. One of our core areas of work is economic security, which is contingent on an individual's retirement readiness. While many Americans have difficulty saving for retirement, the issue is even more acute for communities of color. For example, 62% of Black and 69% of Hispanic households lack any assets in a retirement account. For those who can save, their account balances are disproportionately low: four in five Latino households aged 25–64 have less than \$10,000 in retirement savings, compared to one in two White households. Prior to the DOL rule, limited access to traditional retirement savings products severely affected Latino workers' ability to invest in their future. Efforts, whether at the federal or state level, to increase access to quality retirement savings plans are crucial to enhance Latino retirement readiness.

The difficulty in saving for retirement is the result of a variety of factors, including lack of availability of employer-sponsored retirement plans and lower rates of participation in those plans when they are offered. Workers of color have less access to retirement savings vehicles compared to Whites: 38% of Latino employees aged 25–64 work for an employer that sponsors a retirement plan, compared to 62% of White employees. Of those workers who have access to an employer-sponsored plan, not all participate: only 29.7% of Latino workers who have an employer plan participate compared to 53.8% of White workers.

Low wages make investing for retirement especially challenging given that housing, health care, and education costs continue to rise while wages remain stagnant. 42% of all Latinos earn poverty-level wages, even with having the highest rate of labor force participation among all racial and ethnic groups. Despite earning low wages, numerous studies have shown that Hispanics value saving. A 2014 national Prudential survey of Latino consumers found that “the ‘saver’ mindset prevails” with Latinos. However, while 53% Latinos think that saving for retirement is a high priority, near-term financial needs often compete for limited resources.

Limited access to traditional retirement savings products severely affect Latino worker's ability to invest in their future. Efforts to increase access to quality retirement savings plans are crucial to enhance Latino retirement readiness. In the absence of congressional action to increase access, state and city plans can help to fill that gap. It is

for the above reasons that NCLR urges you to oppose H.J. Res. 66 and H.J. Res. 67 and ensure that millions of workers have access to a workplace retirement plan.

Sincerely,

ERIC RODRIGUEZ,
*Vice President, Office of Research,
Advocacy, and Legislation.*

Ms. BONAMICI. In summary, proponents of this Congressional Review Act resolution are rushing to nullify a rule that will make it easier for people save for retirement. That is unacceptable. Every American deserves to retire with dignity, and this resolution puts that fundamental American value at risk.

I ask my colleagues to join me in opposing H.J. Res. 66.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan (Mr. WALBERG) be permitted to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 66.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume, and I rise today in strong support of H.J. Res. 66, a resolution to protect retirement savers.

During the final days of the Obama administration—in fact, the final hours—the Department of Labor created a regulatory loophole that threatens the retirement security of working families. We are here today to use Congress' authority under the Congressional Review Act to close that loophole by blocking a misguided regulation from taking effect.

The regulation paves the way for States to force certain employers to automatically enroll their employees into government IRAs. States would be allowed to skirt Federal law and deny workers important protections designed to safeguard their retirement savings.

The Obama administration's action is somewhat perplexing. The Employee Retirement Income Security Act, ERISA, has enjoyed strong bipartisan support for decades. As President Ford said when he signed the law, the American people have “greater assurances that retirement dollars will be there when they are needed.” Yet, over 40 years later, the same administration that frequently touted the importance of consumer protections moved to exempt States from ERISA.

□ 1430

The question is why. To facilitate the creation of government-run plans that would lack basic protections for retirement savers? As a result, workers and retirees would have nowhere to turn if their savings were mismanaged.

Let's be honest about what this regulation is really about. It is part of an assault on small business retirement plans that began under the Obama administration. First, small businesses were hit by the fiduciary rule that would make it harder for them to access the financial advice they need to set up retirement plans for their employees. Then the Obama administration created a last-minute regulatory loophole that could discourage small businesses from offering retirement plans in the first place. As a result, many families could soon realize, if you like your 401(k) plan, you may not be able to keep it.

Because of this loophole, taxpayers also are at risk. Many of the States leading the charge on these government-run plans have a long history of mismanaging public employee pensions. Today there is an estimated \$5 trillion in unfunded State pension promises—\$5 trillion. That figure is completely unsustainable. It begs the question: Will taxpayers or retirement savers foot the bill if these government-run IRAs are similarly mismanaged?

However, we are not here today to debate the merits of State policy. To be clear, States should be free to experiment with new retirement options, and more options are certainly needed. It is up to the voters in each State to hold their elected officials accountable. The point of this debate is that States should not be exempt from a law that has, for decades, provided important protections for retirement savers. If States want to come up with new ways to help workers save for retirement, they can. But they should follow the law in the process.

The goal of this resolution is simple. It is to uphold protections Congress—including Members of both parties—have long afforded retirement savers. Today we can close a regulatory loophole that would be detrimental to the retirement security of hardworking Americans, and we can ensure retirement savers in every State continue to have the same protections under Federal law. I urge my colleagues to support strong protections for retirement savers by voting in favor of H.J. Res. 66.

Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on Education and the Workforce.

Mr. SCOTT of Virginia. Mr. Speaker, our country is experiencing a retirement security crisis. Nearly 40 million

private sector workers do not have access to a retirement savings plan at their jobs. The data and research also show that many middle- and low-income workers lack the ability to save enough on their own for retirement. Too many Americans lack access to retirement savings plans and too few are able to build a retirement nest egg on their own.

Unfortunately, Congress has not stepped up to comprehensively address our country's retirement security challenges, but many States have stepped up and enacted innovative solutions to expand working people's access to retirement savings. California passed a law establishing a program that is estimated to provide 6.8 million workers access to a retirement savings plan. In Illinois, more than a million people are expected to benefit from the State's retirement savings program.

Six other States have enacted programs. Dozens more have considered proposals to study or implement State-based retirement plans. Several of these States have worked with the Obama administration's Department of Labor on rules to ensure that their workplace retirement savings initiatives did not inadvertently run afoul of ERISA, the Federal law establishing minimum standards for private sector pensions.

Last August, the Department of Labor finalized the rule specifying the ERISA safe harbor conditions for State payroll deduction retirement savings plans. The rule went into effect last October.

In December, the Department of Labor finalized another rule that made certain cities and counties eligible for the same safe harbor protections. This rule only went into effect last month.

Now, if there are legitimate concerns with the rules, the Trump administration has the administrative tools available to appropriately amend the final rules in the same fair, thoughtful, transparent manner in which they were promulgated. However, this CRA disapproval resolution, which was just introduced last week, will nullify the rule that puts a safe harbor in place to ensure the plans do not run afoul of ERISA. At the same time, under the CRA rules, it would make it impossible to enact a similar rule to protect these savings plans in the future without specific congressional approval.

This afternoon, the House will also consider a CRA disapproval resolution which would overturn the month-old rule aimed at helping certain cities and counties offer workplace retirement programs.

Mr. Speaker, Congress should not be in the business of destabilizing efforts that increase workers' ability to save for retirement, and we should not be going out of our way to undermine states' rights to implement their own innovative solutions. These two resolu-

tions represent an attack on our Nation's working families. Congress must stand up for working people who do not have access to retirement plans at their jobs. America's working families deserve an opportunity to be able to save enough to retire with dignity and peace of mind.

I urge my colleagues to reject both of these CRA joint resolutions of disapproval.

Mr. WALBERG. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. ROE), the immediate past chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. ROE of Tennessee. Mr. Speaker, I rise today in support of H.J. Res. 66, a resolution that uses the Congressional Review Act to roll back the Department of Labor's harmful so-called safe harbor rule. This rule allows States to automatically enroll employees in government-run IRAs without the important consumer protections provided by ERISA. This bureaucratic regulation restricts working families' access to essential plan information required to make wise investments, while also increasing the risk for financial mismanagement of State-run IRAs which would ultimately fall on the backs of the taxpayers across the U.S.

Mr. Speaker, there is a retirement crisis occurring in this country. The Government Accountability Office reports that 29 percent of Americans age 55 and older have no retirement savings—zero—and no traditional pension plan. Further, nearly 40 million working families also haven't saved a dime for retirement. This is a serious problem, and we must work together across the aisle to pursue policies that make it easier, not harder, for families to save.

Unfortunately, the Obama administration's answer to the retirement crisis was less consumer choice and more financial risk. This all started with the Department of Labor's misguided decision to pursue a fiduciary rule which, if implemented, will be a disaster for low and middle class savers. The DOL published a rule that is nearly 1,000 pages to define the word "fiduciary." Let me say that again, a 1,000-page rule to define the word "fiduciary." I hold in my hand Webster's Collegiate Dictionary, which has a few more pages than that to define every word in the English language. This dictionary defines every word in the English language, and it takes a thousand-page rule to define fiduciary.

Does anybody think that is going to be better for savers?

I seriously doubt it.

Thankfully, the President is working to delay its implementation. Here we are today trying to keep yet another misguided rule from the waning days of the last administration from taking effect. It should be no surprise that the

Obama administration's safe harbor rule continues to trend toward a lack of consumer choice and more Federal involvement through a patchwork of bureaucracy.

Mr. Speaker, the American people deserve the opportunity to choose their retirement savings vehicle and not to be thrust into a government-run IRA that could eventually fall on the backs of their fellow taxpayers to fund. I have worked tirelessly with my colleagues in the House to overturn these harmful regulations, and I look forward to continuing to work with the Trump administration to do just this.

I agree with my colleagues across the aisle wholeheartedly that we need to work together to encourage and create policies that encourage the American people to save for their retirement.

Mr. Speaker, I urge my colleagues to support this resolution.

Ms. BONAMICI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), the ranking member of the Committee on Ways and Means.

Mr. NEAL. Mr. Speaker, I thank the doctor for that Webster's dictionary. That dictionary was published in Springfield, Massachusetts, and I am glad that the doctor from Tennessee sees it as the last word.

Mr. Speaker, let me rise in opposition to the CRA resolutions we are debating today that would block Department of Labor regulations on State-run retirement programs. Our country is in the midst of a retirement savings crisis, as duly noted. To address this issue, we should be working together to help people get into a responsible retirement savings plan. Half the people who get up to go to work every single day in America are not in a qualified savings plan for retirement.

This opportunity here is to begin a history lesson. In July of 2007, a decade ago, I introduced the Automatic IRA Act with my Republican Ways and Means colleague, Phil English. That same year, Senators Bingaman and Smith introduced a companion bill in the U.S. Senate. The Brookings Institution and The Heritage Foundation scholars jointly developed my auto IRA concept. So conservatives and liberals came together on a commonsense proposal to make it easier for working families to save.

However, fast forward to 2017. I can't find a Republican to join me in sponsoring the auto IRA legislation. Remember, The Heritage Foundation worked with me to construct this initiative. If we can just keep it amongst ourselves here, being a Democrat from Massachusetts and having a plan that is endorsed by The Heritage Foundation is not one of our easier endeavors. But between Brookings, a liberal think tank, and Heritage, a conservative think tank, we came up with a pretty good plan.

Today American families struggle to prepare for retirement. To make matters worse, 55 million Americans work for employers who don't offer a retirement plan. As I noted earlier, that is half the workers between 18 and 64.

Because of Congress' failure to act on any legislation and address the retirement savings crisis, many States implemented their own auto IRA plans based upon the Neal-English bill. In fact, 30 States have moved to implement or are considering a State-facilitated retirement plan. Credit unions would love this, community bankers would love this, and insurance agents would like to sell these plans, but here we can't find a Republican to sign on.

So today they are trying to block the guidance that provides clarity and flexibility to States that want to launch their own initiative. This is troubling. If these resolutions become law, it would have a chilling effect on State efforts. The States are the laboratories of experimenting on these retirement plans because the Federal Government doesn't get it done. If Republicans are looking for a single national effort, let's work together to develop a Federal auto IRA legislation piece that would work in the interim and work in the future and help people set up, Mr. Speaker, a responsible retirement savings plan.

Mr. WALBERG. Mr. Speaker, I guess the point that I would make again is not the fact that we are trying to stop States from doing this. In fact, this CRA does not do that at all. It just simply says we express our concern that States would be allowed as a result of what was put through in midnight fashion that exempted States from having to come under the same protections of ERISA that we would expect to be covered for all retirement plans. That is the challenge. We want to make sure that retirees' incomes are protected in a secure, safe way, and that is the value of ERISA. This proposal or the rule that was put through did not cover that, and that is our concern, again, protecting retirees.

Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. DAVIS), a senior member of the Committee on Education and the Workforce.

Mrs. DAVIS of California. Mr. Speaker, after the extraordinary events of this week, I certainly had hoped that the House would move forward with a swift investigation into White House dealings with Russia. But, not to be distracted, it looks like the majority would rather spend the day stripping retirement benefits from millions.

We have known for a long time that workers who have access to retirement plans through their workplace are more likely to save for retirement than those who don't. It makes sense.

□ 1445

We also know that nearly half of middle class workers will fall into poverty when they retire.

Last year, the State of California did a great thing. It established a program to provide 7 million Californians with the tools to save for retirement.

The Secure Choice program lets workers who do not have a retirement plan through their employer contribute a share of their income to an IRA account administered by the State. Under this voluntary program—and I stress voluntary—countless Californians will get access to tax preferred retirement accounts for the very first time. That is extraordinary.

In August, the Department of Labor cleared the way for Secure Choice by ruling that States could move forward with their own programs to help workers save for retirement. Seven other States are in the process of implementing similar laws, and dozens more are considering their options.

The resolution in question today would undo the DOL's ruling, leaving States in a legal gray area that could put these programs in jeopardy. So I ask, Mr. Speaker, is this really how we should be spending our time?

DOL spent months reviewing public comments and carefully crafting this rule. The House will vote to repeal it without a single hearing. Really?

We should be doing everything we can to encourage savings across the board, certainly not voting to making savings harder for folks.

In States across the country, this effort has been bipartisan. I wonder if we would be considering this resolution if the rule in question had not been issued by a Democratic administration?

The word "irresponsible" does not even begin to do this for what would be justice in this area.

So I urge, Mr. Speaker, a "no" vote on this. Let's move forward. Let's allow more States to experiment so they can decide for themselves whether or not this is something that the folks in their State want to do.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

I want to make note that, as we discuss this here today, there have been points made about businesses wanting this change, they want to work with the States, and they are concerned about liabilities. Well, if that were the case, we wouldn't have endorsements of this coming from the Chamber of Commerce, Air Conditioning Contractors of America, American Benefits Council, NFIB, just looking through, the Small Business and Entrepreneurship Council, National Federation of Independent Business, National Electrical Contractors Association, National Black Chamber of Commerce, and I could go on and on, businesses and the business associations and groups that deal with

this and have concern about their employees, their retirees, having a good and safe mechanism by which to have their retirement savings protected, supporting our efforts here to take back what took place under the cover of darkness, as it were, which took retiree savings off the benefit of ERISA. I just want that to be made clear.

I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, just to clarify, there was a comment made that these are government-run plans. Under these plans, the States establish the framework for deducting the contributions, but these will be managed by investment professionals, not by the State.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DESAULNIER), my colleague, and a leader on the Education and the Workforce Committee.

Mr. DESAULNIER. Mr. Speaker, I thank my good friend from the State of Oregon (Ms. BONAMICI) for the brief opportunity to speak.

I did want to speak personally just briefly on my experience in my previous job in the California legislature when I voted for the Secure Choice Act. Then we spent over 4 years working with the business community, the investment community, and our attorneys to make sure the issues that the majority have brought up in regards to ERISA and other concerns, and I did this specifically as a former small-business person with the small-business stakeholders, to make sure these concerns were taken care of. We think that they have been taken care of, and we are proud of the Secure Choice Act.

Close to 7 million Californians and 55 million people nationwide, most of them low- and middle-income, don't have access to retirement benefits through their employer. We are talking about people mostly who work for small businesses where neither the employer nor the employee can afford to enroll in expensive Wall Street-type financial advisers. They aren't able to pay the fees and the expenses.

This element of the U.S. economy, and at this point I have to agree with The New York Times editorial today, that this resolution appears to be more directed towards Wall Street than to Main Street. Wall Street, the financial sector, takes around 25 percent of all corporate profits in the United States, represents 7 percent of the U.S. economy, and creates merely 4 percent of all jobs.

The Secure Choice Act was directed away from those expensive investments and allowed for a more efficient process for working class Californians and Americans to be able to replicate this program and to be able to have a secure retirement.

The majority often talks about states' rights and having States be the laboratories of creation. I think in

California we have done that on multiple issues, and certainly on this issue.

Without programs like this, most of the 55 million private sector Americans will end up relying on social security for more than half of their retirement income, which averages about less than \$1,400 a month.

California and seven other States that have created similar retirement programs are looking out for working families. American workers are doing more today than they ever have before. Over the last 40 years, worker productivity has risen 73 percent, yet hourly pay has only increased 11 percent. Now they find their retirement more and more in jeopardy.

I would ask the majority to strongly reconsider this approach, and to work with California and other States to make sure that we can allow these Americans to have access to a secure retirement.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

We are certainly willing to work with the States and would concur that there ought to be a laboratory.

But again, our concern, and basically the only concern, that this resolution deals with is that they be managed in such a way that they come under the protections given under ERISA. And why do we say that?

Well, we look at, for instance, Illinois' unfunded liability. We are looking at \$114.8 billion at the end of fiscal year 2016—a State plan managed by, yes, an outside manager—but \$114.8 billion under. We look at California Public Employees' Retirement System, CalPERS, which has a \$228.2 billion shortfall in funding. Oregon's unfunded actuarial liability of the Oregon Public Employees Retirement Fund, again, managed by someone for Oregon, of \$21.8 billion. If we looked at it all put together, we have over \$5 trillion unfunded liability for State plans managed by some outside source.

That is where our concern comes from—this rule that was put through—that takes people out of the protections of ERISA. So we are saying: Have at it, States, but do it according to the rules and the protections that are there. That is all we are asking. We want retirees' savings to be protected for the purposes that they planned for and not come up short some day because of a lack of care and the coverage of ERISA on their plans.

I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I assure my colleague that, as someone with a consumer protection background, I would not be opposing this resolution if it had consumer protections. In fact, this rule applies when States have strict investor protections.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MAXINE WATERS), the ranking member of the Financial Services Committee.

Ms. MAXINE WATERS of California. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, I rise today in opposition to H.J. Res. 66, which is just a continuation of the House Republicans' attack on working families and their retirement security.

H.J. Res. 66 would dismantle the Department of Labor rule allowing for State-based retirement savings programs. This does nothing more than make it harder for this country's roughly 40 million private sector workers who do not have a way to save for retirement directly out of their regular paycheck.

Under the current Department of Labor rule, State administered retirement programs can allow employees, who do not have access to a workplace savings plan, to establish an IRA through a payroll deduction. In my State of California, we have the California Secure Choice retirement savings program through which the State is working to provide a savings option to roughly 6.8 million low- to middle-income workers.

Last Congress, House Republicans unanimously voted to undermine another Department of Labor rule designed to protect retirement security for working families. In that case, the rule ensured that workers receive retirement investment advice that is in their best interest, referred to as the "fiduciary rule." Now congressional Republicans want to prevent workers from participating in voluntary savings programs.

The Department of Labor rule that the Republicans are now seeking to roll back provides clarity for States and employers so that California, and the several other States that have already enacted similar plans, can provide a simple savings tool for millions of working families.

Mr. Speaker, I just don't understand the arguments that are being made against the average working person who would like to have retirement savings. I don't know who is going to benefit if we do away with their ability to have a savings plan, even if they don't have one under the job that they work on. Who benefits? Is it Wall Street again? What is happening here, and why is it that we have H.J. Res. 66?

Mr. WALBERG. Mr. Speaker, we are not opposing voluntary plans. We are not opposing States setting up plans that will encourage retirement. We are not opposing that. We are just saying we want to make sure they are protected under the same requirements of ERISA that all other plans are. We want to make sure that those dollars are there when the people need them. That is all we are saying. We are not opposed to voluntary or plans for retirement.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM),

my colleague and good friend, the chairman of the Ways and Means Subcommittee on Tax Policy.

Mr. ROSKAM. Mr. Speaker, I thank Chairman WALBERG.

There is an irony here, and it is an irony I think that is worth pointing out. This is, obviously, in the context, like the gentlewoman from California pointed out, of the fiduciary rule, which we are familiar with. That was an effort by the Obama administration to promulgate a new rule to create a new standard that would have an impact, Mr. Speaker, on investment advice.

It was clear that the net result of that was to do what? It would have crowded people out at the lower end of the economic spectrum, not give them access to the coverage or the advice that they needed, because the advice, Mr. Speaker, would have been too expensive, and it would have created the self-fulfilling prophecy, unfortunately, where wealthier people, who can afford it, are able to get good advice.

It was a terrible idea. We worked on a bipartisan basis. The administration wouldn't have any part of the bipartisan solution. They jammed the rule down. It was a bad idea.

Yet, the same administration, Mr. Speaker, is now saying to the entities that we really shouldn't have confidence in, that is States and localities on these pensions, you have more flexibility. So think about it. Taking away flexibility from people who need help, locking them out, not intentionally, but locking them out, and yet giving more flexibility to the very entities that have demonstrated that they have not used that properly.

It is ironic. I mean, you can't make this up, basically. We need to do what we can, and here is what we can do. We can support this resolution, H.J. Res. 66—and 67—move its passage, reset this debate, and fundamentally have a new discussion about this, but we don't have to yield to these poor plans from the Obama administration.

□ 1500

Ms. BONAMICI. May I inquire as to the remaining time.

The SPEAKER pro tempore. The gentlewoman from Oregon has 11½ minutes remaining.

Ms. BONAMICI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a senior member of the Ways and Means Committee.

Mr. BLUMENAUER. Mr. Speaker, my friend, Mr. ROSKAM, said you can't make things up. Well, unfortunately, people are. First and foremost, my colleagues on the other side of the aisle are conflating accounts that are in the name of individual savers who don't have pensions that would be set up under these proposals, with what has happened with State and local pension plans and, frankly, private pension

plans that got over their skis, that overpromised, that added to things. These are just the accounts that belong to individuals.

Now, the hypocrisy strikes me that my Republican friends want to strip away the protections of the Affordable Care Act and turn it back to the States. Let them do with it what they will for Medicaid, for other local health programs. They think that is a great idea. But when governments on the State level like mine spent years developing a proposal that is innovative, that would protect people, that would involve no public tax dollars but at least engage people in a low-cost, transparent savings plan like we all have as Federal employees, then they don't want innovation, then they don't trust the States, then they want extra regulation that was never designed for programs like this.

I find it troubling that we would take a low-cost, high-impact program that has been developed in a number of States to help savers who have no program, that the private sector doesn't think they are important enough to invest in—or it is not worth their while—and strip that away. I think there is a reason why some business organizations, like the Chamber and other financial groups, are worried about this because this is a low-cost, high-impact, transparent program that will deliver benefits directly to employees. That is what more people should have.

I think they are afraid of the model and they are not willing to give the flexibility to the States in retirement that they are trying to do, throwing out the Affordable Care Act and having all sorts of innovation there.

Mr. WALBERG. Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I include in the RECORD additional letters in opposition to this resolution.

SERVICE EMPLOYEES
INTERNATIONAL UNION,

Washington, DC, February 13, 2017.

DEAR REPRESENTATIVE: On behalf of the two million members of the Service Employees International Union (SEIU), I urge you to vote against H.J. Res. 66 and H.J. Res. 67, resolutions disapproving of the Department of Labor's rules relating to retirement savings arrangements established by states and qualified state political subdivisions. The Department of Labor rules make it easier for small employers to offer their workers access to programs for retirement savings and achieve an essential component of the American dream.

There is a retirement savings crisis in our country. Fifty-five million workers do not have access to a retirement savings plan at work. As a result, nearly half of all workers have no retirement assets—no pension, no 401(k), and no IRA. States have stepped in to begin to address this crisis with innovative legislation that gives workers the opportunity to set aside their own money in low-fee, professionally managed savings accounts. Importantly, private sector money managers and administrators will be hired to run these programs on behalf of the states,

generating American jobs. The Department of Labor issued rules that clarified that employers would not be subject to the fiduciary responsibilities and reporting requirements of the Employee Retirement Income Security Act (ERISA) under these state initiatives.

In addition to helping workers achieve a dignified retirement, the state initiatives provide small businesses with easy, low-cost access to a retirement savings plan. Small employers are the least likely to offer retirement savings plans because the cost can be prohibitive and the ERISA requirements can be onerous at the start. The state initiatives also are fiscally prudent actions that will save public spending. A new study by Segal Consulting estimated that state Medicaid costs would be reduced by \$5 billion within the first ten years of implementation of the state plans. Those savings would grow exponentially over time as more workers retired with greater amounts of savings.

Five states—California, Connecticut, Illinois, Maryland and Oregon—have enacted legislation and will soon begin taking payroll contributions. About half of states have studied or are studying this concept. Massachusetts and Vermont are considering legislation that would also allow employer contributions. Contrary to misinformation being spread about these plans, the program funds are not guaranteed by the state, and state and participating employers will have no liability for the payment of retirement funds earned by the participants. These state plans are bipartisan public/private initiatives that appropriately use states as laboratories for innovation. They are a win for workers, for employers, and for governments at all levels.

SEIU is also deeply concerned with efforts under the Congressional Review Act (CRA) to circumvent the Executive Branch process of rulemaking and issuing regulatory guidance. Using the CRA authority to undo Agency regulations and guidance crafted carefully and with public input strips away the importance of the rulemaking process. Using this authority could significantly weaken or undo past and future rules that protect workers.

SEIU respectfully urges you to vote against resolutions H.J. Res. 66 and H.J. Res. 67 disapproving of these important rules. We may add votes on this legislation to our legislative scorecard. If you have any questions please contact John Gray, Legislative Director.

Sincerely,

MARY KAY HENRY,
International President.

SMALL BUSINESS MAJORITY,
Washington, DC, February 13, 2017.

Re House Joint Resolutions 66 and 67.

Hon. KEVIN MCCARTHY,
Majority Leader, House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER MCCARTHY: As a leading representative of the 28 million small businesses in America, Small Business Majority writes today urging you to oppose HJR 66 and HJR 67, which would overturn the U.S. Department of Labor's rule enabling states to establish retirement savings plans for private sector workers. Striking down this rule would have a chilling effect on states that are setting up their own retirement savings programs, which would be harmful to small businesses and their employees. We strongly believe states should be allowed to decide whether to implement these types of programs and how best to ad-

minister them in order to serve small businesses and employees who struggle to save for retirement.

The U.S. currently suffers from a retirement savings gap of more than \$6 trillion, and more than three million households do not have any retirement savings at all. This lack of savings for retirement disproportionately affects those who are employed by small businesses. Eighty percent of workers employed by businesses with fewer than 25 employees do not have any sort of pension or retirement plan at all. This is important because small businesses employ about half of all private sector workers. Unless small business owners and their employees start doing more to prepare for the future, many Americans will not have enough money for their golden years.

Small Business Majority's state opinion polling found small business owners struggle to offer retirement savings programs due to a number of barriers, but they want to offer this benefit to their employees because it helps them attract and retain talent. What's more, the majority of small employers are concerned their employees will not have enough saved for retirement. That's why small businesses overwhelmingly support state efforts to establish state-administered retirement savings programs, like the Secure Choice Savings programs in Illinois and California.

When implemented, these programs will offer a convenient and affordable option for small businesses and their employees to save for the future. What's more, these programs will not be funded by taxpayer dollars, and employers will not contribute to funds, manage funds or have any responsibility for financial advice for their employees' investments.

Business owners know offering benefits like retirement savings create a happier and more productive staff, which in turn leads to increased productivity. Many small business owners think of their employees as family, so it's not surprising they support programs that enable them to foster a happier workforce while protecting their workers and their bottom line.

Additionally, programs like these help level the playing field between small businesses that want to offer retirement benefits but can't, and their larger counterparts that can. This helps small businesses compete for the best employees, and gives employers peace of mind that they are doing what's best for their workers.

Small employers need retirement savings options for their employees that make sense for their business and their bottom line. State-administered retirement savings programs, like those currently being established in California and Illinois, can help many small business employees better save for their futures. We urge you to uphold the Labor Department's rule and allow states to decide how best to serve their small businesses and private sector workers.

Sincerely,

JOHN ARENSMEYER.

TUESDAY, FEBRUARY 14, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

SPEAKER RYAN: Nearly 55 million workers across the country lack access to employer-sponsored retirement plans, and millions more fail to take full advantage of employer-supported plans. Without access to easy and affordable retirement savings options, far too many workers are on track to retire into

poverty where they will depend on Social Security, state, and federal benefit programs for their most basic retirement needs. States across the country have been innovating to address this problem. We are writing to respectfully urge you to protect the rights of states and large municipalities to implement their own, unique approaches.

Last week, two resolutions of disapproval (H.J. Res. 66, H.J. Res. 67) were introduced to repeal key Department of Labor (US DOL) rules. If passed, these resolutions would make it more difficult for states and municipalities to seek solutions to the growing retirement savings crisis. We ask that you support the role of states as policy innovators by voting "No" on H.J. Res. 66 and H.J. Res. 67.

Thirty states and municipalities are in the process of implementing or exploring the establishment of state-facilitated, private-sector retirement programs. Eight states have passed legislation to allow individuals to save their own earnings for retirement (no employer funds are involved as these are not defined benefit plans). While most state and municipal plans will be governed by independent boards, the day-to-day investment management and recordkeeping would not be conducted by the state, but rather by private sector firms—the same financial institutions that currently provide retirement savings products. These programs would apply to businesses that don't currently offer a retirement plan, and would in no way limit an employer's ability to seek out and offer their own employer-sponsored plan.

Many states and municipalities are planning to use Individual Retirement Accounts (IRAs) that will be wholly owned and controlled by the participant, while others are pursuing options such as Voluntary Multiple Employer Plans (MEPs) and marketplace concepts. These plans would follow all relevant guidelines and other noted regulations, and current consumer protections would apply. Many of these programs are modeled off of the 529 College Savings Plans or supplemental public retirement plans that states administer today.

States are pursuing a multitude of solutions to address this growing retirement savings crisis. We request that you vote "No" on H.J. Res. 66 and H.J. Res. 67 with the understanding that the US DOL rule provides important flexibility to states and large municipalities as they seek to address the growing retirement crisis facing this country. We insist that states be allowed to maintain their constitutional rights to implement such legislation.

We are happy to provide additional information or answer any questions. Thank you for your support.

Sincerely,

Beth Pearce, Vermont State Treasurer; Joseph Torsella, Pennsylvania State Treasurer; Allison Ball, Kentucky State Treasurer; Ron Crane, Idaho State Treasurer; David Damschen, Utah State Treasurer; Kelly Mitchell, Indiana State Treasurer; Tobias Read, Oregon State Treasurer; Lynn Fitch, Mississippi State Treasurer; Terry Hayes, Maine State Treasurer; Michael Frerichs, Illinois State Treasurer; John Chiang, California State Treasurer; Brian Bonlender, Director, Washington State Department of Commerce; Nancy Kopp, Maryland State Treasurer; Kevin Lembo, Connecticut State Comptroller; Ron Henson, Louisiana State Treasurer.

FEBRUARY 14, 2017.

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Washington, DC.

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Sincerely,

TIM BURGESS,
Seattle City Council,
Finance Chair.
SCOTT M. STRINGER,
New York City Comptroller.
ALAN L. BUTKOVITZ,
Philadelphia City
Controller.

FEBRUARY 15, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: We are writing to strongly oppose H.J. Res. 66, which overturns the recent Department of Labor rule supporting states' efforts to establish retirement savings plans for non-governmental workers. As a national, non-partisan Millennial research and advocacy organization, we have been working hard to strengthen the financial security of young adults by increasing access to retirement savings plans. This legislation may have a chilling effect on the implementation of Secure Choice, an important new program that will help address the looming retirement crisis without costing taxpayers a dime.

Changing dynamics in the workforce mean that Millennials tend to work in industries that offer lower wages and fewer benefits. Despite an interest in saving the small amounts of discretionary income they do have, many young adults do not have access to workplace retirement savings plans, including less than half of low-income Millennial workers. Young adults are significantly less financially secure today than their parents were just one generation ago: 25-34 year-old Millennials have half the net wealth and earn 20 percent lower incomes when compared to 25-34 year-old Baby Boomers. Limiting access to tools for saving makes catching up financially that much more challenging for this generation.

Many states have worked diligently for over four years to develop Secure Choice, which will provide workers who do not have access to a workplace retirement plan a simple, voluntary, low-cost, and portable retirement plan. Experts agree that direct contributions from a paycheck into a retirement account is the simplest and most effective way for individuals to save.

This is why support among Millennials for a state facilitated retirement savings plan like Secure Choice is extraordinarily high: over 85 percent of young adults across political affiliation and ideology support "a voluntary option for workers without a way to save for retirement at work."

We urge you to oppose H.J. Res. 66 and allow individual states to develop the tools young Americans need to save for retirement.

Sincerely,

YOUNG INVINCIBLES.

STATE OF CONNECTICUT,
OFFICE OF THE STATE COMPTROLLER,
Hartford, CT, February 14, 2017.

Hon. JOE COURTNEY:
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE COURTNEY: I am writing to seek your support in preserving and strengthening the rights of Connecticut and other states to address a growing retirement savings crisis that threatens our state and national economy.

I am proud that Connecticut is among the states leading the way for retirement security. The Connecticut Retirement Security Authority savings program will ensure that retirement savings opportunities are more readily attainable for the 600,000 private-sector workers who lack access to a retirement savings plan through the workplace and who deserve financial security after a lifetime of work.

According to Connecticut-specific data from the Schwartz Center for Economic Policy Analysis at The New School, between 2000 and 2010, employers offering a retirement plan declined from 66 percent to 59 percent. In other words, four out of 10 workers

residing in Connecticut do not have access to a retirement plan at work.

In Connecticut's market analysis conducted by Boston College, we found that these uncovered workers were more likely to earn lower income and are largely unserved by the financial sector, so their needs are often different from other 401(k) participants. It is important to protect against a transfer of wealth from the bottom to the top because high fees on low dollar accounts are a huge obstacle to retirement savings, particularly for lower income workers.

There is an entire generation of employees, many of them lifelong hard-working middle class people, who are headed to retirement financially unequipped, in part due to lack of access to a workplace-based retirement savings option. This is a problem, not only for those individuals and families who are financially forced to delay retirement indefinitely, but for our entire state and economy. In many cases, these individuals may be forced to turn to the state for assistance with health care, nursing care, food, housing, energy or other costly services.

The goal is not to compete or replace the private market, but to fulfill a significant unmet need in the market that must be answered for the sake of those families and our entire state economy. The market is currently failing to reach nearly half of our workforce even though the demand is there. According to an AARP 2015 survey, 64% of small businesses in Connecticut that were not offering a retirement plan stated that they would take advantage of a state plan if it were offered.

Connecticut was heartened by the U.S. Department of Labor rule last August, providing a safe harbor for states to conduct these programs. While we have been advised by several ERISA attorneys that the U.S. Department of Labor rule was not required, and that states already have the right to establish such programs, the proposed bills nullifying the U.S. Department of Labor rule and attempting to roll back states' rights may create a chilling effect on the companies who would want to administer these programs. I strongly urge you to vote against H.J. Res. 66 and support states' rights to create these programs.

Sincerely,

KEVIN LEMBO,
State Comptroller.

Ms. BONAMICI. I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the co-chair of the Congressional Task Force on Seniors.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for yielding and her leadership on the Working Families Agenda.

Get this: Americans over 44 years of age are more afraid of running out of income in retirement than they are afraid of dying. Median retirement savings in the United States of America is only \$2,500. We have a retirement crisis. Only my Republican colleagues haven't gotten the message.

The New York Times asked: "Who'd Want to Limit Retirement Plans?" and answered with two words: "House Republicans."

It isn't just that Republicans haven't made retirement security a priority; they are actually working against it. They oppose the rule that saves retirees up to \$17 billion a year, lost to bad

investment advice, a rule that simply requires financial advisers to give advice that is in the client's best interest, not their own.

Today Republicans are trying to prevent States and cities from expanding private retirement savings. Nearly 1.3 million workers in my State, Illinois, lack job-based retirement savings options. State Senator Daniel Biss won passage of the Illinois Secure Choice Savings Program that creates a retirement plan with automatic deductions that has proven successful in increasing individual retirement savings. Last summer, the U.S. Department of Labor acted to move this plan forward for Illinois and other States.

Today we face Republican efforts to block action, to overturn the Department of Labor rule and jeopardize the financial security of 1.3 million Illinois workers and millions of others across the country without access to job-based retirement plans.

There is a saying: "Lead, follow, or get out of the way." If my Republican colleagues won't lead or follow, at least they should get out of Illinois' way.

I urge a "no" vote.

Mr. WALBERG. Mr. Speaker, I include in the RECORD a letter, undersigned, representing thousands of businesses, individual employees, and retirees from almost two dozen specific groups in support of H.J. Res. 66.

FEBRUARY 13, 2017.

TO THE MEMBERS OF THE UNITED STATES CONGRESS: The undersigned organizations, representing thousands of businesses, express our support for H.J. Res. 66 and H.J. Res. 67, resolutions of disapproval under the Congressional Review Act ("CRA") to invalidate the Department of Labor's ("DOL") "safe harbor" regulations on Savings Arrangements Established by State and Political Subdivisions for Non-Governmental Employees.

These "safe harbor" regulations allow states and cities to mandate private employer participation in state-sponsored automatic IRA programs. It also provides that states that offer these programs are not subject to ERISA despite considerable opinions to the contrary. Thus the DOL is encouraging state and local governments to provide private sector employees retirement programs that do not have the same high-level protections as other private employer-sponsored plans.

Below we highlight a number of our concerns with the "safe harbor."

Lost worker protections—States offering these plans to private sector employees are not subject to ERISA, therefore limiting the protections for workers in these plans.

Different standards from state to state result in an administrative quagmire for employers—States can and will have different rules for their programs, so employers operating in multiple states, or just with workers from multiple states, will have to track the complex web of varying rules to ensure compliance.

Fewer employer plans, especially among small businesses—If a state mandates auto-IRAs, some employers will decide to avoid taking on the work of offering their own plans and let the state take it on instead, resulting in the loss of significant retirement savings opportunities for their workers.

Mismanagement of state pension funds—Many states have mismanaged their public employee retirement systems, and it's not clear they'll do a better job controlling assets of millions of small private sector savers. Also, some state pension funds restrict investments to favor state initiatives or engage in politically motivated investment and divestment schemes instead of investing in the economic interest of the workers.

Imposes a mandate on private employers—The "safe harbor" requires that the state program mandate employer participation even though retirement savings plans are traditionally voluntary.

We urge Congress to take timely action under the CRA to vitiate these misguided regulations. We thank you for addressing this important issue.

Sincerely,

Air Conditioning Contractors of America, American Benefits Council, American Composites Manufacturers Association, Financial Services Institute, Financial Services Roundtable, Heating Air-conditioning & Refrigeration Distributors International (HARDI), Insured Retirement Institute, International Franchise Association, Investment Company Institute, National Association of Insurance and Financial Advisors (NAIFA), National Black Chamber of Commerce.

National Electrical Contractors Association, National Federation of Independent Business, National Retail Federation, Secondary Materials and Recycled Textiles Association (SMART), Small Business & Entrepreneurship Council, Small Business Council of America, Small Business Legislative Council, Society for Human Resource Management, The ESOP Association, The Latino Coalition, U.S. Chamber of Commerce.

State Chapters of NAIFA

NAIFA—Alabama, NAIFA—Alaska, NAIFA—Arizona, NAIFA—Arkansas, NAIFA—California, NAIFA—Colorado, NAIFA—Connecticut, NAIFA—Delaware, NAIFA—Florida, NAIFA—Georgia, NAIFA Greater Washington D.C., NAIFA—Guam, NAIFA—Hawaii, NAIFA—Idaho.

NAIFA—Illinois, NAIFA—Indiana, NAIFA—Iowa, NAIFA—Kansas, NAIFA—Kentucky, NAIFA—Louisiana, NAIFA—Maine, NAIFA—Maryland, NAIFA—Massachusetts, NAIFA—Michigan, NAIFA—Minnesota, NAIFA—Mississippi, NAIFA—Missouri, NAIFA—Montana.

NAIFA—Nebraska, NAIFA—Nevada, NAIFA—New Hampshire, NAIFA—New Jersey, NAIFA—New Mexico, NAIFA—New York, NAIFA—North Carolina, NAIFA—North Dakota, NAIFA—Ohio, NAIFA—Oklahoma, NAIFA—Oregon, NAIFA—Pennsylvania, NAIFA—Puerto Rico, NAIFA—Rhode Island.

NAIFA—South Carolina, NAIFA—South Dakota, NAIFA—Tennessee, NAIFA—Texas, NAIFA—Utah, NAIFA—Vermont, NAIFA—Virginia, NAIFA—Washington, NAIFA—West Virginia, NAIFA—Wisconsin, NAIFA—Wyoming.

Mr. WALBERG. Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), a senior member of the Appropriations Committee.

Ms. KAPTUR. Mr. Speaker, America should no longer be shocked with the Republican mantra of "no" to everything—that is, until Wall Street and the financial services industry calls. Today's action on H.J. Res. 66 and 67 illustrates this unfortunate reality.

Congressional Republicans once again are putting the financial industry ahead of average American workers. Their attempt to roll back President Obama's Department of Labor rules, which expanded working families' abilities to save their own retirement money through State- and large-city-administered retirement savings programs. The Republican proposal restricts saving options for working people.

For years, Republicans have hawked a false crisis about Social Security solvency; meanwhile, now they are proposing a very real retirement security crisis for America's seniors. We are nearing a boiling point. The difference between what average Americans have saved for retirement and where their savings should be is staggering: more than \$6 trillion in shortfalls.

Roughly half of all U.S. families have no money set aside for retirement. Thirty-nine million Americans don't have access to a workplace retirement savings plan. Even Americans who work diligently to save for retirement are falling behind. With 10,000 American seniors reaching retirement age every day, enormous strain on the Federal budget is mounting to make up the difference.

Today most workers don't have a pension. Those that do, can't be so sure it will be there throughout their golden years. There has been a dramatic decline in guaranteed retirement benefits through employer support.

Without access to easy and affordable savings vehicles, far too many American workers will retire into poverty. This leads to overreliance on Social Security and other State and Federal assistance programs. It surely isn't the American Dream.

President Obama identified this crisis. He spoke to Congress about trying to work together to address it through bipartisan action, but our Republican colleagues said "no." Their failure to act drove President Obama to coordinate with States, eight of which have already passed laws to create State-administered retirement programs for private sector workers, which H.J. Res. 66 and 67 would roll back.

More than half the States are considering similar action to improve retirement readiness, and these plans help small businesses offer savings plans for their employees without imposing financial burdens.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. BONAMICI. Mr. Speaker, I yield an additional 10 seconds to the gentlewoman.

Ms. KAPTUR. Mr. Speaker, so what do Congressional Republicans have as an alternative solution? Nothing.

The cost to roll this rule back is significant. It is not good for retirees or workers, and it maintains the growing burden on taxpayers who fund assistance programs.

I urge all of my colleagues to reject this shortsighted action. Stand up for the American working class and oppose both H.J. Res. 66 and H.J. Res. 67.

Mr. WALBERG. Mr. Speaker, I just make one comment that, when my colleagues on the other side of the aisle had both Houses and the White House and the opportunity to do these reforms, they weren't done. Yet, now, when we stand with great concern because of a midnight rule that was put through that takes away the security of retirees in programs that will be, as I said earlier, foisted upon employers to automatically enroll their employees into government-run IRAs—allowing the same States to skirt the Federal law of ERISA—and deny workers important protections, we are pushed back on.

I have some concern about that. When the opportunity to do what they say they want to be done could have been done with both Houses under control of the same party and the White House, this was not undertaken. Yet we are called out and told that we are hurting retirees when, in fact, we are giving assurances to retirees that you will come under the same protections regardless of where you go, and we expect that to be the case because it has worked. That is decried. I find that less than objective in its honesty.

Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader of the U.S. House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for her hard work on this important issue.

Mr. Speaker, every American should be able to trust in the promise that, after a life of hard work, a secure and dignified retirement will be there for them. But today, that promise is at risk. Half of all private sector employees in America, almost 60 million people, do not have access to any type of employer-sponsored retirement plan.

It is a problem that Republicans should remember when they plan to raise costs on seniors, when they work to slash Medicaid and they destroy the sacred guarantee of Medicare.

Yet, once again, Republicans have come to this floor not with the retirement security of hardworking families in mind, but with a greedy Wall Street first agenda.

Under the Obama administration, the Department of Labor empowered the States to create innovative solutions to the retirement savings crisis. The gentleman is talking about—some of these savings didn't even exist when we had the majority.

In States across the Nation, the great laboratories of our democracy went to work just as they should. My State of California decided to create

something called Secure Choice, a State-run retirement plan that allows employees to be auto-enrolled into an IRA if they work for a business with five or more employees.

In doing so, California will give almost 7 million workers access to retirement savings—no substitute for a pension or a 401(k), but a vital step toward a greater retirement security. Other States have stepped forward with their own plan, the gentlewoman's State of Oregon being one of them: Oregon, California, Illinois, Washington State, Connecticut.

The Republican measure targets workers' savings accounts in those States and chills efforts to foster retirement savings accounts in some 20 other States. In some cities, including the city of our chair, Mr. CROWLEY, New York City is attempting to move in that direction.

So today, instead of supporting States' innovation—this is a states' rights bill to the party of states' rights—Republicans have decided Wall Street's profits are more important than workers' retirement savings.

This Republican resolution is opposed by the AARP, the National Conference of State Legislatures, the AFL-CIO. In fact, the AARP letter to Congress states, starts, as a matter of fact:

On behalf of hardworking Americans who struggle to save for retirement, AARP urges you to vote against a Congressional Review Act resolution to overturn the Department of Labor's final rule on "Savings Arrangements Established by States for Non-Governmental Employees."

And while Republicans race to do the bidding of their Wall Street friends, they still have not lifted a finger to create more good-paying jobs for hardworking Americans.

□ 1515

Let's just make a comparison. On Friday, it will be 4 weeks since President Trump took office.

Let's go back 8 years to when President Obama took office. On January 20, 2009, President Obama stood on the steps of the Capitol and asked for swift, bold action now to create good-paying jobs, to establish education for the 21st century, and the list goes on for swift, bold action now.

One week and one day later, the House passed the American Recovery and Reinvestment Act. One week after that, the Senate passed the bill. And on February 17, which would be Friday of this week, 4 weeks since the inauguration of President Obama, President Obama signed into law the American Recovery and Reinvestment Act, which created or saved around 4 million jobs of the American people, stopping the loss of jobs that existed in the Bush administration. That is something that is so remarkable.

So where is the jobs bill from the Republicans? Wasn't this election about jobs? Where is their jobs bill? Where is the infrastructure bill?

By the way, President Obama also passed the Lilly Ledbetter Fair Pay Act even before the American Recovery and Reinvestment Act. He also signed the SCHIP program, which had bipartisan support in the Congress and much more.

This do-nothing Congress, except do stuff for your friends who will exploit the environment, clean air, clean water—you name it—retirement savings, has done nothing.

As I said, within 4 weeks of the Obama administration, all those bills had passed.

Today is February 15, and I ask my Republican colleagues: Where is your jobs bill? Why do you have time for Wall Street's agenda, but no plans to create jobs for hardworking Americans?

This is the people's House. We must do the people's business. You must do a better job by the people we serve. When you are ready to do that, we look forward to working with you in that regard.

I join the AARP in urging a "no" vote on this ill-advised CRA.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

In response to the gentlewoman from California, I would just say that much of what we have been doing for the past 4 weeks on the floor, including today, is trying to give a shot in the arm to our economy, to our workers, our workforce, our retirees, and savers to take off some of the traps that have been put in place that have frustrated this economy and the growth of this economy for 8 years.

There is a reason for what took place at the ballot box. And the expectation is that we move to take some of the clamps of the Federal Government off the private sector, the States, the local communities, and, more importantly, the citizens of this country.

I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I would like to inquire as to the remaining time, please.

The SPEAKER pro tempore. The gentlewoman from Oregon has 4¼ minutes remaining.

Ms. BONAMICI. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Speaker, I rise today in opposition to yet another reckless attack by the majority on the retirement security of millions of Americans. I don't get why the majority is so determined to go after the retirement security of so many millions of Americans across this country, but that is what H.J. Res. 66 would do.

It may get harder for everyday Americans to prepare for their retirement. The resolution we are considering today would prevent State governments—it doesn't make any sense to do this—from providing retirement savings opportunities for their citizens.

The fact of the matter is, as was just alluded to, this resolution was designed at the behest of Wall Street and well-connected lobbyists to sideline competition and transparent financial products in the retirement savings market. But this isn't the first time.

They put all their energy behind blocking the automatic IRA when it was a proposal that came forward a few years back, even though it was a Heritage Foundation proposal. Then they went after the fiduciary rule that President Obama and the Department of Labor sought to put in place that would protect our retirees from unscrupulous investment advisers.

Then President Trump comes in with an executive order to undo what the Department of Labor was trying to do. So we shouldn't be surprised by this action, but we ought to be furious about it.

My State, Maryland, was one of the States that tried to figure out how to protect retirees because we couldn't get it done up here. Now, what are we doing? The party of states' rights is advancing a Congressional Review Act resolution designed to hinder State legislatures that are working to provide access to safe and affordable retirement savings options for their citizens. We shouldn't allow this to happen.

I encourage my colleagues to reject this senseless resolution.

Mr. WALBERG. Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield myself such time as I may consume.

I thank all of my colleagues who came this afternoon to speak in opposition to this resolution. It shows how important it is to the working people in our States and in our districts. These are people who do not have a retirement plan. That is who we are looking out for.

I urge all my colleagues today to stand up for workers who deserve that chance at saving for retirement and who will get that chance because Oregon and other States have stepped up and are taking action.

Again, the Department of Labor safe harbor rule applies to States that have strict investor protections. We wouldn't be here today if those strict investor protections were not maintained.

I especially urge my colleagues, particularly those of us who are concerned about states' rights, not to undermine States like Oregon and all the others that have stepped up to create these innovative solutions. There is a gap. That is why so many people today do not have retirement savings.

Colleagues, please join us in opposing H.J. Res. 66.

I yield back the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield myself the balance of my time, and I express appreciation for the full-throated debate that went on here. It is good to do that.

It is good for the opportunity to make it very clear that retirement security is a significant challenge facing this country. We have said that. I am glad that on the floor of the House today both sides of the aisle indicated concerns for that. Far too many men and women are struggling to save for their retirement years.

Unfortunately, in recent years, we have seen regulations like the fiduciary rule that will make it harder for low- and middle-income families to save for retirement. And we have seen a regulation that would strip away important protections for retirement savers.

As policymakers, we must do more to expand retirement options for workers. That is a given. That we can agree on. However, the regulatory loophole created by the Obama administration is clearly not the answer.

I want to remind my colleagues that this resolution does not prevent States from coming up with new retirement options for workers. That is not what this resolution is about, and simply reading it will assure you of that.

This resolution is about ensuring every American has strong protections for a secure retirement.

I urge my colleagues to protect retirement savers by voting in favor of H.J. Res. 66.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 116, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. BONAMICI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY QUALIFIED STATE POLITICAL SUBDIVISIONS FOR NON-GOVERNMENTAL EMPLOYEES

Mr. WALBERG. Mr. Speaker, pursuant to House Resolution 116, I call up the joint resolution (H.J. Res. 67) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by

qualified State political subdivisions for non-governmental employees, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 116, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 67

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "Savings Arrangements Established by Qualified State Political Subdivisions for Non-Governmental Employees" (published at 81 Fed. Reg. 92639 (December 20, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. WALBERG) and the gentlewoman from Oregon (Ms. BONAMICI) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 67.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.J. Res. 67, the second of two resolutions the House is debating today to ensure strong protections for retirement savers.

There are two parts to the regulatory loophole we are seeking to close today. First, the Obama administration created a sweetheart deal that would allow States to deny important protections for retirement savers. Then, a second regulation was issued to extend that sweetheart deal to cover certain cities and counties.

The resolution we are debating right now would block the second regulation and ensure retirement savers in every city are afforded longstanding protections under Federal law. It would also ensure employers continue to have clear rules of the road for retirement plans. The last thing employers, who are trying to provide benefits for their employees, need is a confusing patchwork of rules that vary across cities and counties, even in the same State.

As I mentioned during the earlier debate, States and cities should be free to experiment with new ways to help workers save for retirement. All this resolution says is that they must follow the law and provide retirement savers strong protections. That is a commonsense idea that we should all get behind.

I urge my colleagues to support H.J. Res. 67.

I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to H.J. Res. 67, which would nullify the Department of Labor rule enabling certain State political subdivisions, such as cities or counties, to establish payroll deduction retirement savings plans.

Working families across the country deserve the opportunity to retire with security and dignity. That is not a reality for millions of Americans. In fact, about 40 million private sector workers do not have access to retirement savings plans at their jobs and are struggling to make ends meet.

Several States, including my home State of Oregon, have developed and are ready to implement innovative solutions that will help workers save for retirement. Municipalities are also interested in stepping up to address this challenge and help their residents save. These are people who do not have a plan currently. They want help; they need help in saving.

So in August of 2016, the Department of Labor issued its final rule providing guidance and clarity to States and private sector employees on the kind of State-based payroll deduction retirement savings programs that would not be subject to ERISA, the Employee Retirement Income Security Act.

As part of that August 2016 final rule, the Department of Labor indicated that it would initiate another rule-making process to consider whether and how to include other jurisdictions. The Department of Labor invited and considered public comment on this process.

As a result, in December of 2016, the Department of Labor issued a final rule that would allow certain localities under specific conditions to establish retirement savings programs.

□ 1530

To be eligible, the locality must have an authority under relevant State law; it must be larger than the least populous State, which is currently Wyoming, at approximately 600,000 residents; it must not be in a State that has already enacted a statewide payroll deduction savings plan; and it must implement and administer the plan for its workers.

Now, according to the Department of Labor's final rule, three cities, New York City, Philadelphia, and Seattle, were identified as having potential interest. New York City's comptroller has noted that 57 percent of the city's private sector workers do not have access to a retirement plan at their place of employment.

This final rule just went into effect last month, and now my friends on the other side of the aisle are rushing to

repeal the rule and prevent the Labor Department from issuing any substantially similar rule in the future.

Congress should be in the business of helping people save for retirement, not in the business of unfairly limiting or jeopardizing workers' ability to save for retirement; nor should Congress go out of its way to undermine the rights of cities and counties to implement innovative solutions that are needed for their residents.

I urge my colleagues to reject H.J. Res. 67 and get to work on meaningful solutions to address our country's retirement security crisis. America's working families deserve the opportunity to be able to save enough to retire with dignity and security.

Mr. Speaker, I reserve the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FRANCIS ROONEY), who evidenced his complete commitment to meeting the needs of all people by receiving an ambassadorship and performing duties very well to the Holy See.

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I rise today in strong support of H.J. Res. 67, a resolution which will protect individual savers for their retirement and small business retirement plans.

I was proud to introduce this resolution to affirm the bipartisan protections the ERISA law has afforded workers and retirees for decades. ERISA offers important legal safeguards so workers and retirees will receive their hard-earned savings.

We need Federal Government policies that will empower workers to save for their retirement and incentivize small businesses to offer 401(k) plans to their employees.

H.J. Res. 67 preserves these policies and protections, and will terminate the defective efforts instituted in the last hours of the recent administration, in which they implemented regulatory loopholes to replace private savings for retirement with sweetheart deals for city- and State-run programs with fewer protections and lower standards.

The California folks that are in charge of this stuff were quoted in an article in a national publication in the spring, gloating about their exciting win, and that it "would have no liability or fiduciary duty for the plan. . . . We have been given the green light. . . ."

The regulation we are terminating here would restrict our hardworking savers from deciding what they can invest in. They will be required to blindly entrust their hard-earned money to State and local bureaucrats unless they affirmatively opt out.

The government will decide what investment options will be available to them. There is a serious risk of political or social investing by these bureaucrats instead of individual investor-based decisions.

Worst of all, the regulation which we are abolishing would undermine the very successful 401(k) retirement savings program. Due to 401(k)'s and related defined-contribution plans, savings have gone from \$7.8 billion to over \$25 billion in about 20 years. It has been a huge success.

We should be encouraging Americans and private companies to privately invest in 401(k) plans, which offer three distinct advantages:

The contribution amount to a 401(k) plan is three times what can be put in an IRA.

Employers match contributions. Many companies match 1 for 1 up to 4 percent of what the employee puts in. That is a powerful incentive for the employee to save.

The last thing is, 401(k) plans are protected by the ERISA law. They ensure that workers' savings are secure.

Furthermore, some 57 million Americans currently participate in privately funded IRAs.

In the end, the regulations which we are abolishing were just another Big Government mandate to crowd out the private sector. These resolutions will put an end to the Obama administration's sweetheart deal, and will ensure that private sector workers continue to receive strong protections as they save for their retirement.

This resolution will block the chance for cities and States to get their hands on our friends' and our employees' retirement savings.

Mr. Speaker, I urge my colleagues to protect retirement savers today by voting in favor of H.J. Res. 67.

Ms. BONAMICI. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. CROWLEY), the chair of the House Democratic Caucus and a senior member of the Ways and Means Committee.

Mr. CROWLEY. Mr. Speaker, sweetheart deals?

Since when is it a sweetheart deal to have a modicum of retirement for working poor and middle class people?

That is a sweetheart deal?

All I hear from the other side of the aisle is people talking about government overreach, executive orders, and unnamed bureaucrats. So it is surprising that today the Republican majority is creating a manmade roadblock toward helping working Americans save their own money for their own retirement.

We have all heard about the olden days when, if you worked for a company for life, you could retire with a guaranteed pension. Now, with the exception of union workers, the days of a guaranteed pension plan for most private sector workers are a thing of the past. Captains of industry don't offer them anymore. They line their own pockets instead.

Some employers have tried to fill that retirement income gap by offering

401(k) retirement savings plans. Not a bad thing, but it was not the answer that everyone thought it was going to be, the panacea that everyone made it out to be.

But for far too many companies, they don't offer any retirement package to their employees at all. Today, half of all Americans going to work are not offered a retirement plan from their employer, meaning these workers are not accumulating any nest egg outside of Social Security for their retirement years.

To address this growing retirement savings crisis, the Obama administration made it easier for States and large municipalities to sponsor their own 401(k)-style retirement plan for their residents who work in the private sector, but are not offered any retirement plan from their private sector job. They are not offered by their employer that 401(k) plan. They have nothing, no opportunity.

These rules do not require employees to participate, so the captains of industry who don't offer their employees a retirement plan, under the Obama administration rules, would not even have to participate. These rules do not require any employer contributions.

What these rules simply do is create a pathway for States and large cities, if they choose, to enroll private sector workers into a retirement savings vehicle so they can start saving early to enjoy the benefits of a more financially secure retirement. And what is wrong with that?

It is a universal fact that the most successful way to get people to save for their retirement is to enroll them in a retirement plan through their workplace and have a percentage of their pay taken out automatically and invested for the long-term future and for their benefit.

So these Obama administration rules were actually adopting best practices to help workers who had been offered no opportunity to save for their retirement, to start to build their own nest egg with their own money for their own future, potentially even investing in a private 401(k) plan down the road.

The cruel irony is, if these two bills pass, congressional Republicans will have prohibited States and local governments from trying to help those workers who have been forgotten about by some in the Federal Government and ignored by the private sector marketplace.

What ever happened to local government being the laboratory of democracy?

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. BONAMICI. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York.

Mr. CROWLEY. Now, I could understand if Republicans in Congress were working on a national plan to ensure

that every American who works their whole life could have some form of guaranteed income in addition to—and not as a replacement for—Social Security.

But you don't have one. You never have. I won't say you never will, but you don't have, and you never have yet. Then maybe there would be some justification for the action you are taking today, but that is not the case.

In fact, Republicans in Congress have done nothing to protect workers or retiree benefits, and they are the party that wants to privatize Social Security.

But today, with these two bills, they go one step further to eliminate the ability of millions of workers from even the potential to enjoy some financial comfort after a lifetime of work.

It is time for a progressive agenda for America that puts America's workers first and their families first.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

Again, I just—for matters of accuracy about the legislation that is in front of us, I think it ought to be clear that both sides of the aisle can agree that we ought to encourage retirement savings and we ought to be willing to look for choices, opportunities, variety, all of that, and allow States, local communities, cities, to be creative, to look for a means by which we can foster increased retirement savings.

All this legislation is doing, though, is saying that we want those approaches to be protected for the retirees. That is all we are saying. We are not opposing States. We are not opposing cities. We are not opposing counties, municipalities, from establishing plans. But we want them to come under ERISA, the same requirements that other people come under, and make sure that people aren't sold a bill of goods that they lose in the future. That is all we are saying.

Mr. Speaker, I just want to make that clear. None of the proposals or the statements that are being made that what we are trying to do is stop people from having retirement options is accurate. We just want them to be protected.

Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, to clarify further, this rule simply amends the State rule that we addressed in H.J. Res. 66, that gives the safe harbor to jurisdictions with strict investor protections.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ESPAILLAT), a new member of the Education and the Workforce Committee.

Mr. ESPAILLAT. Mr. Speaker, I rise today in strong opposition to H.J. Res. 67, which is yet another assault on working families.

Mr. Speaker, not only are my Republican colleagues launching a broad,

overreaching attack on increasing access to retirement savings opportunities for our workers, but through H.J. Res. 67, they are directly targeting my home of New York City and the constituents of New York's 13th Congressional District. Once again, without any regard to the consequences of these reckless actions, Republicans are playing politics with the lives and financial security of our citizens.

If passed, H.J. Res. 67 will nullify a Department of Labor rule, just 1 month after it went into effect, that supports the efforts of large cities or counties, like New York City, in establishing retirement savings plans for their residents.

This rule is narrowly applied to jurisdictions that are populous enough to be their own State and whose States do not already have provided statewide payroll deduction saving plans. This is to ensure that the policy only goes into effect in cities where the people are in real need.

In New York City alone, 1.5 million private sector workers—almost 60 percent of the private sector workers throughout the city—do not have access to a retirement plan through their employer or business.

□ 1545

This rule gives New York City the ability to expand access for private sector workers to retirement savings plans. Rolling back this rule rips the opportunity to save for retirement out of the hands of millions of people.

Mr. Speaker, rushing to overturn this innovative rule without offering a single constructive alternative is irresponsible. This is just another example of Republicans attempting to hastily undo provisions that have helped people in real need without even providing a replacement plan to ensure working families have financial security after their retirement.

To make matters worse, using the Congressional Review Act to roll back this rule will prevent the Department of Labor from reissuing any substantially similar rule in the future. This is all on top of last year's Congress' abuse of the CRA in an attempt to nullify the fiduciary rule, which ensured that the advice workers receive is in their best interest.

This only further solidifies that House Republicans are not interested in helping workers. Instead, they are interested in deconstructing rules that protect our workers. House Republicans have failed to pass comprehensive and potentially bipartisan legislation to address our Nation's retirement security crisis and, instead, are pushing partisan legislation that is harmful to our Nation's workers.

Mr. WALBERG. Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield an additional 3 minutes to the gen-

tleman from New York (Mr. CROWLEY) because New York, according to their comptroller, has noted that 57 percent of the city's private sector workers do not have access to a retirement plan at their place of employment.

Mr. CROWLEY. Mr. Speaker, we need to tackle a challenge that is threatening the financial security of the middle class and those who are working hard to remain in it. That is not just in New York City, that is throughout our entire country, but particularly in my home city and my home State, and that is a savings and retirement security crisis in America.

The word "crisis" is no exaggeration, Mr. Speaker. Nearly half of U.S. households do not have a savings plan. Less than one-third have a cushion to cover basic expenses for just 3 months if a layoff or other emergency leads to loss of income.

The status for retirement savings is even more dire, Mr. Speaker. Remember, one out of every two Americans going to work today doesn't have a retirement plan provided by their employer. We are seeing a new generation of Americans growing up with little or no savings to help them climb the economic ladder or simply weather a difficult time.

Younger workers are trying to save for their children to go to college. They are trying to buy a home or build the emergency fund they will need if their car breaks down. Others are wondering if they can afford to start their own business or have the financial security to leave their job for a better opportunity. Older Americans are looking at retirement and if they will be able to support themselves and maintain a good quality of life without working. We know that savings are the path for middle class families to achieve the American Dream, yet that dream is increasingly being put at risk.

We can turn this around, Mr. Speaker. We can put building a college savings account, a nest egg, and a retirement plan back in reach for millions of American families.

That is why I have put forward a plan of action entitled "Building Better Savings, Building Brighter Futures." You can read my action plan on my website at crowley.house.gov.

This plan is a comprehensive approach to ensure no American who works their whole life will spend their retirement in poverty. But to get to that point, we need to stop wasting time going backwards. So let's allow States and local governments to continue to do what they are doing to help those workers who are being left behind now.

Oppose these two bills that target workers' retirement savings, and let's work towards positive solutions to address the real problems of America's working families. We can do that with my proposal, Building Better Savings, Building Brighter Futures.

Mr. WALBERG. Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield myself the balance of my time.

This has been a good discussion, but I want to reemphasize that there is a need in this country. People are insecure about their retirement. There are too many people—millions of people across the country—who do not have retirement savings. So, today, my colleagues aren't coming here and saying: We have a plan; let's help these people save for retirement.

Instead, they are going to make it harder for States and municipalities who are stepping up to fill this critical need.

Mr. Speaker, I urge my colleagues to stand with workers who deserve a chance at saving for retirement and who will get that chance because, as with the State bill, now there are several large municipalities stepping up to help.

I urge my colleagues not to undermine the work of those cities and municipalities that are working to enact innovative solutions. Again, these are managed by investment professionals. There are investor protections in these plans. People do not have to participate, but they are hungry for this opportunity. Millions of people across the country are watching.

Where is the solution?

Let's not get in their way. Please join me in opposing H.J. Res. 66 and H.J. Res. 67.

Mr. Speaker, I yield back the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, I appreciate the full-throated debate that went on here in the discussion of a most important issue. I am grateful that ERISA was in place for my father, a tool and die maker, a machinist. He didn't have pensions, but he was able to, as a result of making little-by-little allocations to a retirement savings plan, set aside money to make sure that, most specifically, my mother was taken care of—and she was—as a result of protections that were put in place, requirements that were put in place, and a savings plan for retirement outside of any pension. Her basic needs were cared for until the end of her life.

So I certainly resonate with the desire to make sure middle-income, middle class families, and everyone has the opportunity for secure retirement savings. We all support creating new options for retirement savers. Unfortunately, the regulatory loophole created by the Obama administration is not the answer.

Every American, regardless of what city or State they live in, deserves strong protections and secure retirement. That is why, for over 40 years, the Employee Retirement Income Security Act has been the law of the land.

Denying those longstanding protections to certain workers is a completely backwards approach that undermines the retirement security of working families, and I know my colleagues on the other side of the aisle don't want that to happen. We agree on that.

I urge my colleagues to vote in favor of H.J. Res. 67 to ensure workers and retirees in every city across the country continue to have the legal safeguards they need to retire with security and peace of mind.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 116, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. BONAMICI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 54 minutes p.m.), the House stood in recess.

□ 1630

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN of Tennessee) at 4 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Passage of H.J. Res. 67;

Passage of H.J. Res. 66; and

Passage of H.J. Res. 42.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY QUALIFIED STATE POLITICAL SUBDIVISIONS FOR NON-GOVERNMENTAL EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 67) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 234, nays 191, not voting 6, as follows:

[Roll No. 95]

YEAS—234

Abraham	Duncan (TN)	LaMalfa
Aderholt	Dunn	Lamborn
Allen	Emmer	Lance
Amash	Farenthold	Latta
Amodei	Faso	Lewis (MN)
Arrington	Ferguson	LoBiondo
Babin	Fitzpatrick	Long
Bacon	Fleischmann	Loudermilk
Banks (IN)	Flores	Love
Barletta	Fortenberry	Lucas
Barr	Fox	Luetkemeyer
Barton	Franks (AZ)	MacArthur
Bergman	Frelinghuysen	Marchant
Biggs	Gaetz	Marino
Billirakis	Gallagher	Marshall
Bishop (MI)	Garrett	Massie
Bishop (UT)	Gibbs	Mast
Black	Gohmert	McCarthy
Blackburn	Goodlatte	McCaul
Blum	Gosar	McClintock
Bost	Gowdy	McHenry
Brady (TX)	Granger	McKinley
Brat	Graves (GA)	McMorris
Bridenstine	Graves (LA)	Rodgers
Brooks (AL)	Graves (MO)	McSally
Brooks (IN)	Griffith	Meadows
Buchanan	Grothman	Meehan
Buck	Guthrie	Messer
Bucshon	Harper	Mitchell
Budd	Harris	Moolenaar
Burgess	Hartzler	Mooney (WV)
Byrne	Hensarling	Mullin
Calvert	Herrera Beutler	Murphy (PA)
Carter (TX)	Hice, Jody B.	Newhouse
Chabot	Higgins (LA)	Noem
Chaffetz	Hill	Nunes
Cheney	Holding	Olson
Coffman	Hollingsworth	Palazzo
Cole	Hudson	Palmer
Collins (GA)	Huizenga	Paulsen
Collins (NY)	Hultgren	Pearce
Comer	Hunter	Perry
Comstock	Hurd	Pittenger
Conaway	Issa	Poe (TX)
Cook	Jenkins (KS)	Poliquin
Costello (PA)	Jenkins (WV)	Posey
Cramer	Johnson (LA)	Ratcliffe
Crawford	Johnson (OH)	Reed
Cuellar	Johnson, Sam	Reichert
Culberson	Jones	Renacci
Curbelo (FL)	Jordan	Rice (SC)
Davidson	Joyce (OH)	Roby
Davis, Rodney	Katko	Roe (TN)
Denham	Kelly (MS)	Rogers (AL)
Dent	Kelly (PA)	Rogers (KY)
DeSantis	King (NY)	Rohrabacher
DesJarlais	Kinzinger	Rokita
Diaz-Balart	Knight	Rooney, Francis
Donovan	Kustoff (TN)	Rooney, Thomas J.
Duffy	Labrador	Roskam
Duncan (SC)	LaHood	

Ross	Smith (TX)
Rothfus	Smucker
Rouzer	Stefanik
Royce (CA)	Stewart
Russell	Stivers
Rutherford	Taylor
Sanford	Tenney
Scalise	Thompson (PA)
Schweikert	Thornberry
Scott, Austin	Tiberi
Sensenbrenner	Tipton
Sessions	Trott
Shimkus	Turner
Shuster	Upton
Simpson	Valadao
Smith (MO)	Wagner
Smith (NE)	Walberg
Smith (NJ)	Walden

NAYS—191

Adams	Garamendi	O'Rourke
Aguilar	Gonzalez (TX)	Pallone
Barragan	Gottheimer	Panetta
Bass	Green, Al	Pascarelli
Beatty	Green, Gene	Payne
Bera	Grijalva	Pelosi
Bishop (GA)	Gutiérrez	Perlmutter
Blumenauer	Hanabusa	Peters
Blunt Rochester	Hastings	Peterson
Bonamici	Heck	Pingree
Boyle, Brendan F.	Higgins (NY)	Pocan
Brady (PA)	Himes	Polis
Brown (MD)	Hoyer	Price (NC)
Brownley (CA)	Huffman	Quigley
Bustos	Jackson Lee	Raskin
Butterfield	Jayapal	Rice (NY)
Capuano	Jeffries	Richmond
Carbajal	Johnson (GA)	Ros-Lehtinen
Cárdenas	Johnson, E. B.	Rosen
Carson (IN)	Keating	Roybal-Allard
Cartwright	Kelly (IL)	Ruiz
Castor (FL)	Kennedy	Ruppersberger
Castro (TX)	Khanna	Rush
Chu, Judy	Kihuen	Ryan (OH)
Ciçilline	Kildee	Sánchez
Clark (MA)	Kilmer	Sarbanes
Clarke (NY)	Kind	Schakowsky
Clay	Krishnamoorthi	Schiff
Cleaver	Kuster (NH)	Schneider
Clyburn	Langevin	Schrader
Cohen	Larsen (WA)	Scott (VA)
Connolly	Larson (CT)	Scott, David
Conyers	Lawrence	Serrano
Cooper	Lawson (FL)	Sewell (AL)
Correa	Lee	Shea-Porter
Costa	Levin	Sherman
Courtney	Lewis (GA)	Sinema
Crist	Lieu, Ted	Sires
Crowley	Lipinski	Slaughter
Cummings	Loeb sack	Smith (WA)
Davis (CA)	Lofgren	Soto
Davis, Denny	Lowenthal	Speier
DeFazio	Lowe	Suozzi
DeGette	Lujan Grisham, M.	Swalwell (CA)
Delaney	Luján, Ben Ray	Takano
DeLauro	Lynch	Thompson (CA)
DelBene	Maloney	Thompson (MS)
Demings	Carolyn B.	Titus
DeSaulnier	Maloney, Sean	Tonko
Deutch	Matsui	Torres
Dingell	McCollum	Tsongas
Doggett	McEachin	Vargas
Doyle, Michael F.	McGovern	Veasey
Ellison	McNerney	Vela
Engel	Meeks	Velázquez
Eshoo	Meng	Visclosky
Espallat	Moore	Walz
Esty	Moulton	Wasserman
Evans	Murphy (FL)	Schultz
Foster	Nadler	Waters, Maxine
Frankel (FL)	Napolitano	Watson Coleman
Fudge	Neal	Welch
Gabbard	Nolan	Wilson (FL)
Gallego	Norcross	Yarmuth
	O'Halleran	

NOT VOTING—6

□ 1653

Mr. AGUILAR, Ms. ROSEN, Messrs. DeSAULNIER and ELLISON changed their vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY STATES FOR NON-GOVERNMENTAL EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 193, not voting 7, as follows:

[Roll No. 96]

YEAS—231

Abraham	Dent	Johnson (LA)
Aderholt	DeSantis	Johnson (OH)
Allen	DesJarlais	Johnson, Sam
Amash	Diaz-Balart	Jordan
Amodei	Donovan	Joyce (OH)
Arrington	Duffy	Katko
Babin	Duncan (SC)	Kelly (MS)
Bacon	Duncan (TN)	Kelly (PA)
Banks (IN)	Dunn	King (NY)
Barletta	Emmer	Kinzinger
Barr	Farenthold	Knight
Barton	Faso	Kustoff (TN)
Bergman	Ferguson	Labrador
Biggs	Fitzpatrick	LaHood
Bilirakis	Fleischmann	LaMalfa
Bishop (MI)	Flores	Lamborn
Bishop (UT)	Fortenberry	Lance
Black	Foxx	Latta
Blackburn	Franks (AZ)	Lewis (MN)
Blum	Frelinghuysen	LoBiondo
Bost	Gaetz	Long
Brady (TX)	Gallagher	Loudermilk
Brat	Garrett	Love
Bridenstine	Gibbs	Lucas
Brooks (AL)	Gohmert	Luetkemeyer
Brooks (IN)	Goodlatte	MacArthur
Buchanan	Gosar	Marchant
Buck	Gowdy	Marino
Bucshon	Granger	Marshall
Budd	Graves (GA)	Massie
Burgess	Graves (LA)	Mast
Byrne	Graves (MO)	McCarthy
Calvert	Griffith	McCaul
Carter (TX)	Grothman	McClintock
Chabot	Guthrie	McHenry
Chaffetz	Harper	McKinley
Cheney	Harris	McMorris
Coffman	Hartzler	Rodgers
Cole	Hensarling	McSally
Collins (GA)	Herrera Beutler	Meadows
Collins (NY)	Hice, Jody B.	Meehan
Comer	Higgins (LA)	Messer
Comstock	Hill	Mitchell
Conaway	Holding	Moolenaar
Cook	Hollingsworth	Mooney (WV)
Costello (PA)	Hudson	Mullin
Cramer	Huizenga	Murphy (PA)
Crawford	Hultgren	Newhouse
Cuellar	Hunter	Noem
Culberson	Hurd	Nunes
Curbeo (FL)	Issa	Olson
Davidson	Jenkins (KS)	Palazzo
Denham	Jenkins (WV)	Palmer

Paulsen	Royce (CA)
Pearce	Russell
Perry	Rutherford
Pittenger	Sanford
Poe (TX)	Scalise
Poliquin	Schweikert
Posey	Scott, Austin
Ratcliffe	Sensenbrenner
Reed	Sessions
Reichert	Shimkus
Renacci	Shuster
Rice (SC)	Simpson
Roby	Smith (MO)
Roe (TN)	Smith (NE)
Rogers (AL)	Smith (NJ)
Rogers (KY)	Smith (TX)
Rohrabacher	Smucker
Rokita	Stefanik
Rooney, Francis	Stivers
Rooney, Thomas J.	Taylor
Roskam	Tenney
Ross	Thompson (PA)
Rothfus	Thornberry
Rouzer	Tiberi
	Tipton

NAYS—193

Adams	Gallagher	Nolan
Aguiar	Garamendi	Norcross
Barragán	Gonzalez (TX)	O'Halleran
Bass	Gottheimer	O'Rourke
Beatty	Green, Al	Pallone
Bera	Green, Gene	Panetta
Beyer	Grijalva	Pascarella
Bishop (GA)	Gutiérrez	Payne
Blumenauer	Hanabusa	Pelosi
Blunt Rochester	Hastings	Perlmutter
Bonamici	Heck	Peters
Boyle, Brendan F.	Higgins (NY)	Peterson
	Himes	Pingree
Brady (PA)	Hoyer	Pocan
Brown (MD)	Huffman	Polis
Brownley (CA)	Jackson Lee	Price (NC)
Bustos	Jayapal	Quigley
Butterfield	Jeffries	Raskin
Capuano	Johnson (GA)	Rice (NY)
Carbajal	Johnson, E. B.	Richmond
Cárdenas	Jones	Ros-Lehtinen
Carson (IN)	Kaptur	Rosen
Cartwright	Keating	Roybal-Allard
Castor (FL)	Kelly (IL)	Ruiz
Castro (TX)	Kennedy	Ruppersberger
Chu, Judy	Khanna	Rush
Cicilline	Kihuen	Ryan (OH)
Clark (MA)	Kildee	Sánchez
Clarke (NY)	Kilmer	Sarbanes
Clay	Kind	Schakowsky
Clyburn	Krishnamoorthi	Schiff
Cohen	Kuster (NH)	Schneider
Connolly	Langevin	Schrader
Conyers	Larsen (WA)	Scott (VA)
Cooper	Larson (CT)	Scott, David
Correa	Lawrence	Serrano
Costa	Lawson (FL)	Sewell (AL)
Courtney	Lee	Shea-Porter
Crist	Levin	Sherman
Crowley	Lewis (GA)	Sinema
Cummings	Lieu, Ted	Sires
Davis (CA)	Lipinski	Slaughter
Davis, Danny	Loeb sack	Smith (WA)
Davis, Rodney	Lofgren	Soto
DeFazio	Lowenthal	Speier
DeGette	Lowe	Suozzi
Delaney	Lujan Grisham, M.	Swalwell (CA)
DeLauro	Luján, Ben Ray	Takano
DeBene	Lynch	Thompson (CA)
Demings	Maloney	Thompson (MS)
DeSaulnier	Carolyn B.	Titus
Deutch	Maloney, Sean	Torres
Dingell	Matsui	Tsongas
Doggett	McCollum	Vargas
Doyle, Michael F.	McEachin	Veasey
	McGovern	Vela
Ellison	McNerney	Velázquez
Engel	Meeks	Visclosky
Eshoo	Meng	Walz
Espallat	Moore	Wasserman
Esty	Moulton	Schultz
Evans	Murphy (FL)	Waters, Maxine
Foster	Nader	Watson Coleman
Frankel (FL)	Napolitano	Welch
Fudge	Neal	Wilson (FL)
Gabbard		Yarmuth

NOT VOTING—7

Carter (GA)	Mulvaney	Zinke
Cleaver	Stewart	
King (IA)	Tonko	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1702

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TONKO. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 96.

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO DRUG TESTING OF UNEMPLOYMENT COMPENSATION APPLICANTS

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 189, not voting 6, as follows:

[Roll No. 97]

YEAS—236

Abraham	Coffman	Gaetz
Aderholt	Cole	Gallagher
Allen	Collins (GA)	Garrett
Amash	Collins (NY)	Gibbs
Amodei	Comer	Gohmert
Arrington	Comstock	Goodlatte
Babin	Conaway	Gosar
Bacon	Cook	Gowdy
Banks (IN)	Cooper	Granger
Barletta	Costello (PA)	Graves (GA)
Barr	Cramer	Graves (LA)
Barton	Crawford	Graves (MO)
Bergman	Culberson	Griffith
Biggs	Curbelo (FL)	Grothman
Bilirakis	Davidson	Guthrie
Bishop (MI)	Davis, Rodney	Harper
Bishop (UT)	Denham	Harris
Black	Dent	Hartzler
Blackburn	DeSantis	Hensarling
Blum	DesJarlais	Herrera Beutler
Bost	Diaz-Balart	Hice, Jody B.
Brady (TX)	Donovan	Higgins (LA)
Brat	Duffy	Hill
Bridenstine	Duncan (SC)	Holding
Brooks (AL)	Duncan (TN)	Hollingsworth
Brooks (IN)	Dunn	Hudson
Buchanan	Emmer	Huizenga
Buck	Farenthold	Hultgren
Bucshon	Faso	Hunter
Budd	Ferguson	Hurd
Burgess	Fitzpatrick	Issa
Byrne	Fleischmann	Jenkins (KS)
Calvert	Flores	Jenkins (WV)
Carter (TX)	Fortenberry	Johnson (LA)
Chabot	Foxx	Johnson (OH)
Chaffetz	Franks (AZ)	Johnson, Sam
Cheney	Frelinghuysen	Jones

Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar

Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schradler
Schweikert
Scott, Austin
Sensenbrenner

Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stivers
Taylor
Tennet
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—189

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cardenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Ciilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummins
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings

DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison
Engel
Eshoo
Espallat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)

Lawrence
Lawson (FL)
Lee
Levin
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lowe
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Ros-Lehtinen
Rosen

Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter

Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozi
Swailwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres

Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—6

Carter (GA)
Lewis (GA)

Mulvaney
Palazzo

Stewart
Zinke

□ 1710

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARTER of Georgia. Mr. Speaker, on Wednesday, February 15, 2017, I was absent due to personal reasons and missed votes. Had I been present, I would have voted as follows: Rollcall No. 93 on Ordering the Previous Question, “aye”; Rollcall No. 94 Adoption of the Combined Rule of H.J. Res. 43 and H.J. Res. 69, “aye”; Rollcall No. 95 passage of H.J. Res. 67, “aye”; Rollcall No. 96 passage of H.J. Res. 66, “aye”; and Rollcall No. 97 passage of H.J. Res. 42, “aye”.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 15, 2017, at 3:59 p.m.:

That the Senate agreed to without amendment H.J. Res. 40.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

APPOINTMENT OF MEMBERS TO THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 2 U.S.C. 501(b), and the order of the House of January 3, 2017, of the following Members to the House Commission on Congressional Mailing Standards:

Mrs. DAVIS, California
Mr. SHERMAN, California
Mr. McEACHIN, Virginia

□ 1715

EYES IN THE SKY: FLIGHT ATTENDANT SAVES VICTIM OF TRAFFICKING

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, on a recent flight, flight attendant Shelia Fedrick of Alaska Airlines noticed a young girl, 14 or 15 years old, with blonde hair. Shelia approached two individuals, but the young girl refused to speak or make contact with her. The man next to the girl was defensive as she tried to make conversation.

Something was just not right. Shelia quickly devised a plan. She convinced the girl to go to the bathroom where Shelia had left a note stuck to the mirror. The girl wrote back on the note, and she needed help.

The flight crew quickly alerted the police on the ground. Shelia Fedrick ended up saving a victim of human trafficking.

Traffickers often ship their victims across the country like baggage. The Department of Homeland Security and flight attendants are working together through training to spot warning signs of modern-day slavery.

Thanks to Shelia Fedrick and other flight attendants for their work in rescuing victims of trafficking. We must continue to stop traffickers in their tracks.

And that is just the way it is.

OUR NATIONAL SECURITY

(Mrs. DEMINGS asked and was given permission to address the House for 1 minute.)

Mrs. DEMINGS. Mr. Speaker, I rise today to speak on an issue that is of critical importance to every person in this room, every father, mother, every family in our Nation. That issue is our national security.

While the resignation of General Flynn was appropriate, it has led to more questions than answers. One of the most important, who directed General Flynn to do what he did?

In my 27 years as a law enforcement officer, I have conducted both internal and criminal investigations at the highest level of law enforcement. I understand the importance of seeking the truth through such investigations.

In a time of confusion and uncertainty, the American people deserve answers and transparency. That can only come through a thorough, bipartisan, independent investigation.

Mr. Speaker, I urge my Republican colleagues to join me in calling for a thorough investigation. I know they understand the gravity of this issue and believe it is our duty to work together to keep our Nation safe.

OUR NATION'S INFRASTRUCTURE

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, California has been blessed with a lot of rain this year, a lot of snowfall in order to alleviate a drought. It has gone a little extreme here, but we are still thankful for the water.

I would like to report that Lake Oroville is stable right now with the dam, and the spillway situation is such that they are working very hard to make sure that that will be something, if we get continued rainfall, we will be able to handle the new load.

I also want to commend and thank President Trump for his very rapid reaction to our request for emergency help from the Federal Government on Oroville Dam. His team responded very quickly to our ask, and he understands and is working for infrastructure needs and repairs across this whole country.

He also understands that it isn't just about building new things, but it is going back and repairing our aging infrastructure, whether that is our highways, our bridges, or what needs to be done, like on Oroville Dam spillway. So I appreciate that.

Again, my full thanks to President Trump's staff, as well as the President himself, on his speedy response to our need.

HUMAN RIGHTS, DEMOCRACY, AND THE RULE OF LAW IN CAMBODIA

(Mr. LOWENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENTHAL. Mr. Speaker, last week, Congressman STEVE CHABOT and I, as the co-chairs of the Cambodia Caucus, called upon Secretary Tillerson and the administration to prioritize human rights, democracy, and the rule of law in Cambodia.

Just days later, Sam Rainsy, the leader of the opposition party in Cambodia, resigned in the face of a proposed bill that would dissolve the opposition party if he continued to lead the party.

This law on political parties would give the government far-reaching powers to suspend political parties at will. I urge the Cambodian National Assembly to set aside this undemocratic law that dangerously moves Cambodia toward being a one-party state, and to allow the Cambodian people to freely choose their own leaders.

ONLY CONGRESS HAS THE POWER TO DECLARE WAR

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, I have just seen a news report that the President may invade Syria with ground troops.

Now, I criticized former President Obama for his actions in Libya, Iraq, and Syria, without seeking authorization from Congress, and leaning on the weak need that these were somehow authorized back in the AUMF after 9/11. This is far beyond the scope of that resolution, which I helped write, so to have a ground invasion of Syria, without authorization from Congress, will trigger the War Powers Act.

Let's be clear: The Constitution says, once we are at war, the President runs the war as Commander in Chief. But it is only the United States Congress that has the power to declare war, authorize war, which this essentially would be.

So the President must come to the Congress and ask for a new Authorization for Use of Military Force before launching any ground invasion of Syria.

SEATTLE'S DIVESTMENT FROM WELLS FARGO

(Ms. JAYAPAL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JAYAPAL. Mr. Speaker, I want to congratulate my hometown, the city of Seattle, on its historic decision to terminate its \$3 billion relationship with Wells Fargo Bank over its financing and support of the Dakota Access pipeline.

Last week, the Seattle City Council voted unanimously to divest from Wells Fargo, making it the first major city to do so.

Led by Native American and environmental activists, our city made an important statement about the vision that we have for our community and for our world. That vision centralizes both the rights of our native brothers and sisters, and our environment.

Just like it did with the \$15 minimum wage, Seattle continues to be a leader and a model for the rest of the country, and activists and cities around the United States have picked up the torch.

We stand united in prioritizing our environment, as it is deeply connected to the health of our communities. Rather than allowing dangerous pipeline projects to continue, putting millions of people at risk, we should be focused on being leaders in the international fight against climate change.

I am committed, Mr. Speaker, to taking every opportunity to protect our resources and fight for a bold alternative energy plan that includes a just transition that creates great union jobs and puts us on a sustainable path forward.

IN RECOGNITION OF THE HONORABLE JOHN MERCER LANGSTON

(Mr. MCEACHIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCEACHIN. Mr. Speaker, I rise today in recognition of the Honorable John Mercer Langston, who served in the 51st Congress as the first African-American Congressman from Virginia and, incidentally, represented the same district that I do, Virginia's Fourth.

Representative Langston became the fifth African-American man to graduate from the Oberlin Collegiate Department, and continued his education at Oberlin to receive a master's degree in theology.

Although he was deprived of admission to law school, Mr. Langston studied law under Philemon Bliss and passed the bar in 1844 to become Ohio's first African-American lawyer.

Mr. Langston's passion to uplift the Black community was demonstrated through the organization of State and local antislavery societies, his efforts to assist runaway slaves, and through calls for social reform.

Among his many other life accomplishments, Langston also served as the president of what is now known as Virginia State University.

I have great respect and appreciation for Mr. Langston and the life he led. Not only will his legacy live on through his descendants, but through myself and all of us who occupy this great hall who fight for the spirit of equality and justice.

RUSSIAN INFILTRATION

(Mr. BRENDAN F. BOYLE of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, it is literally every day now that something new and even more shocking comes out about the Trump administration and its connections with the Russian Government. Just last night, it was reported that, according to American intelligence officials, at least four members of the Trump campaign, senior members, were in constant contact with Russian intelligence officials for a year.

Mr. Speaker, this is not so much about Republican or Democrat as it is about democracy, our democracy. I want to thank those few Republicans in the Senate who have had the courage to put country before party and come forward and demand an independent, bipartisan investigation. Sadly, that has been met with silence on the Republican side of the aisle in this House.

We must have a 9/11-like commission to investigate to what extent Russian intelligence infiltrated our election.

MUSLIM AND REFUGEE BAN

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I want to read a letter from a Syrian refugee to the interfaith coalition sponsoring his family, which settled in Bloomfield, New Jersey, last month.

Muhammad is a father of four. His family was one of the last to arrive prior to the signing of President Trump's ban.

Muhammad wrote:

I feel ashamed when I repeat the words: Thank you.

I feel it's very few and very weak in front of your interest and your generosity.

The first thing I want to learn in the English language is how I can thank you more and more.

America is beautiful because you live in it.

These are the kind of families the Trump administration wants to turn away. They are the oppressed and the persecuted, the kind of people this country was founded for.

I understand the need to vet people coming to our country, and the importance of protecting our Nation's security. No one questions that at all.

But we cannot close our country to refugees like Muhammad and his family. We cannot sacrifice what it means to be American.

Muhammad is right, America is beautiful, and we can keep it that way by remaining a beacon of freedom and hope.

APPOINTMENT OF MEMBER TO BRITISH-AMERICAN INTER- PARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. BERGMAN). The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 2761, and the order of the House of January 3, 2017, of the following Member on the part of the House to the British-American Interparliamentary Group:

Mr. RODNEY DAVIS, Illinois

□ 1730

THE BLUE COLLAR CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. VEASEY) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. VEASEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VEASEY. Mr. Speaker, we are going to talk today about something very important: our economy, jobs, and the state of America in regards to those subject matters.

Mr. Speaker, I yield to the gentleman from the State of South Carolina (Mr. CLYBURN), who is a good friend of mine, our colleague, and our assistant leader, to come address us on a very important issue that relates to many of those things that we talk about.

I would like to invite Leader Clyburn to come and talk to today. I really appreciate his coming and taking the time to be part of this hour.

Mr. CLYBURN. Mr. Speaker, I thank my friend, Congressman VEASEY, from the great State of Texas.

Mr. Speaker, I rise today as part of the observation of Black History Month to continue my series of remarks recognizing HBCUs, Historically Black Colleges and Universities. I ask my colleagues to join me in celebrating Benedict College in Columbia, South Carolina.

Founded in 1870, just 5 years after the end of the Civil War, by the American Baptist Home Mission Society, Benedict was originally named Benedict Institute, after Stephen and Bathsheba Benedict of Rhode Island, Baptist abolitionists who had donated the funds to acquire the property on which the campus sits. Formerly the site of a pre-Civil War plantation, the first classes were held in a dilapidated mansion on the grounds. Benedict Institute was formerly chartered by the South Carolina General Assembly in 1894 and renamed Benedict College.

From its founding through 1930, Benedict was led by northern White Baptist ministers. In 1930, Reverend John Starks, an alumnus of Benedict, became the school's first African-American president. The heart of its campus has been designated the Benedict College Historic District, consisting of Morgan Hall, Pratt Hall, Duckett Hall, Antisdel Chapel, and Starks Center.

Like Allen University, its neighbor, Benedict College has a long legacy of activism for civil rights and social justice. One of the very first civil rights campaigns in South Carolina was organized at Benedict College in 1937. Students participating in a national NAACP campaign led a demonstration in support of antilynching legislation pending in Congress.

One of Benedict's early graduates was Reverend Richard Carroll. Born into slavery in Barnwell, South Carolina, Reverend Carroll was a prominent Baptist minister in the late 1800s who received honors and appointments from both President William McKinley and President Theodore Roosevelt. Other prominent alumni include Modjeska Simkins, a prominent civil rights and public health champion; General Mat-

thew Zimmerman, who served as Chief of Chaplains of the United States Army; and I.S. Leevy Johnson, the first African-American president of the South Carolina State Bar Association.

In the modern era, under the leadership of President David Swinton, Benedict has grown to a student body of more than 2,800 undergraduate students. In 1995, Swinton revived the football program and marching band 30 years after they had been shut down. He also championed a new sports complex on Two Notch Road in Columbia, which includes a football stadium, tennis courts, baseball fields, and fitness facilities. The liberal arts curriculum now offers degrees in 30 different disciplines. President Swinton also has led the efforts to preserve and restore many of the historic buildings on the campus, in part paid for with Federal funds from the HBCU Historic Preservation Program that we in this Congress have championed.

President Swinton will retire this summer after 23 years of service to the institution. I wish him well and thank him for his leadership.

Today, on the same land where Blacks once toiled in slavery, their descendants are now learning the tools they need to live up to Benedict College's motto: to be powers for good. Like so many HBCUs, Benedict offers a unique religious experience in which students from many different backgrounds share a common struggle for equality, and I am pleased to recognize them today.

Mr. VEASEY. Mr. Speaker, I want to thank the leader for his comments and for participating tonight. I really appreciate his words and that recognition.

I want to thank everyone that is with us today to talk about our Blue Collar Caucus and jobs in this country. I think that there is nothing more important to any individual—any man or woman—than the ability to be able to have a good job, to take care of your family, and to be able to be a part of the American economy and to contribute to that economy.

I want to start off talking about President Barack Obama. Under President Barack Obama, the American economy added 9.3 million jobs and overcame one of the worst economic crises our Nation has ever seen.

In Arlington, Texas, which is part of the district that I represent in the Dallas/Fort Worth area, we have a General Motors plant. As you know, we could have lost our car industry. We have probably the most profitable plant in the General Motors family. All of the cars that you see around here at the Capitol, all of the Yukons, all of the Suburbans, the Tahoes, the Escalades, we make those in Arlington, Texas. We are very proud of our plant, very proud of the company being there all those years and for the UAW workers there that help make that plant great.

Despite the gains that we have seen with President Obama's saving the auto industry with the 9.3 million jobs and our overcoming one of the worst economic crises, again, that our country has ever seen, many workers across the U.S. felt that the economic recovery had left them behind. The rise of automation and outsourcing pushed many of those workers out of jobs that they absolutely loved. The frustration felt by these workers is understandable. Everyone—everyone—wants a good job that lets them, for their family, be able to take care of themselves, be able to pay their bills, send their kids to college, and buy a car.

President Trump appealed to many blue-collar workers during his campaign with a populist message and pledges to help working America, but his actions since taking office directly contradict so many of his promises. President Trump is playing one of the slickest political scams we have ever seen on hardworking American families. It is a scam. It is not real.

On his first day in office, President Trump signed an executive order that raised mortgage rates for new homeowners. Those same people that live in those Rust Belt States are those same individuals that were Democrats that went on television and went on social media and said they were going to give this guy a chance. What does he do on the very first day? We are going to raise interest rates on new homeowners, people trying to live the American Dream. There is nothing more that embodies the American Dream than being able to buy that first home. It was a slap in the face to those blue-collar workers and a boost to Wall Street.

President Trump also signed an executive order that made it easier for Wall Street bankers to make money on risky bets. His Labor and his Treasury Cabinet nominees both have track records that are very unfriendly to the middle class and have no understanding what middle class workers face.

It is clear that President Trump does not have a plan to fight for the working man and woman as he promised on the campaign trail. That is why my colleagues and I—BRENDAN BOYLE who is here with me from the State of Pennsylvania, we formed the Blue Collar Caucus to address challenges facing blue-collar workers in today's economy. We are going to stand up to the Trump administration when he turns his back on working class America.

Our mission is to listen directly to middle class America's concerns and translate their needs into policies that allow them to adapt to the changing job market. We have to be able to equip our blue-collar workers with training that leads to jobs and opportunities. We just can't say "job training." Those training opportunities have to lead to

something of substance, which is a real job with a paycheck and some benefits.

This year alone, the U.S. is expected to add 2.5 million middle-skill jobs, the majority of which employers are telling me—and they have been to my office, and Mr. BOYLE has probably heard the same thing. They are saying that these jobs are hard to fill. The Blue Collar Caucus is going to prioritize training and retraining initiatives to provide real opportunity and security to working class Americans.

I have a lot more to say, but I do want to turn it over to BRENDAN BOYLE from Pennsylvania, my good friend, who also has the same passion to represent and really stand up for working class America, for blue-collar America—not just promise them things, not just get them pumped up with a bunch of hype, but to really talk about real policy initiatives that will help them be able to put some food on the table, put some money in the bank, be able to buy that first house and buy that car that they always wanted. I thank the gentleman very much for his dedication to blue-collar America.

Mr. BRENDAN F. BOYLE of Pennsylvania. I am very excited to be joined in this effort with the gentleman.

Mr. Speaker, this comes out of a number of conversations that my colleague, MARC VEASEY, and I have had just in the back of this Chamber about both of our experiences growing up, which are very similar, coming from working class or blue-collar parents who worked very hard to make sure that their children had opportunities that they may not have had. In many ways, that is the American experience: people who work hard, play by the rules, pay taxes, raise their kids, and hope that their kids will have opportunities that they didn't have. That is what built the American middle class.

What is so difficult about the time in which we are living is that it is not just about an economic growth that is 2 percent; it is not just about the statistics that we often cite on this House floor. It is about a loss of hope in the power of the American Dream.

There was a statistic that came out—having just said it is not about statistics, let me cite one—that I think is, in fact, very telling and really shocking. Ninety-two percent of the World War II generation went on to earn more than their parents did. For the generation of which I am a part and MARC is a part, taken at exactly the same point in life, that figure is exactly one-half—46 percent.

Consider another statistic. Compared to the year 2000, in inflation-adjusted figures, the middle class has less wealth today than at that point 16, 17 years ago. That is the only decade-and-a-half that you can look at in American history in which the middle class is worse off than the decade-and-a-half that preceded it.

So while these are presented as just "economic issues," really, they are much more than that. They strike at the very heart of who we are as Americans and what we stand for. So we are going to be talking, as part of this caucus and over the next close to an hour or so and for many weeks and months to come, about what we can do specifically for the blue-collar economy, for those who work with their hands and for those who have been, in many ways, held back because of transitions that our economy has faced.

I have many things that I want to talk about as part of that, but I don't want to go on too long because we have been joined by someone who doesn't just talk the talk, but has walked the walk, a union worker himself, an ironworker, I believe, a good friend of mine from Massachusetts, and someone who works hard himself both in his previous occupation and now standing up and fighting for working people.

Mr. VEASEY. Mr. Speaker, I yield to the gentleman from the State of Massachusetts (Mr. LYNCH).

□ 1745

Mr. LYNCH. It is wonderful to join Mr. BOYLE and Mr. VEASEY from Texas. I thank them for creating the Blue Collar Caucus. I think the time is perfect for the challenges that we face as a country, and I think also, as a Democrat, embracing some of our tradition. I think, in some cases, we have drifted from that.

I do want to talk about the blue-collar economy and what is happening to people who work in the building trades and work as truck drivers and nurses and people who are really the backbone of this country.

As BRENDAN mentioned, I was an ironworker for about 20 years. I know what it is when you are trying to work from paycheck to paycheck, strapping on a pair of work boots every single day.

I also want to focus tonight on one part of Mr. Trump's executive orders and policies that have really hurt people in our demographic: regular working people. I want to speak specifically about veterans.

As most people heard, President Trump, when he came into office, initiated what was called a Federal worker hiring freeze, stopping any workers from going to work for the Federal Government. I just want to remind people out there that about 30 percent of those workers are veterans. So 30 percent of the people who go to work for the Federal Government are veterans. By putting a freeze on Federal workers, you are blocking almost one-third of workers who are veterans who would be trying to go to work.

The Federal Government is expansive. That includes workers at the VA; it includes workers at the FAA; it includes workers at the Defense Department, the State Department; on and on

and on. So this is really freezing out veterans from going to work.

I had a young veteran in my office the other day who had some skills in radiology. He learned that through his military service in the Navy, but also when he got out, with the GI bill, and trying to go to work at the VA. I had to explain to him that President Trump, when he came into office, put a hiring freeze on, and that we were going to have to try to figure out another way to put him to work.

Well, that case is playing out over 50 States, and thousands—probably tens of thousands right now—of veterans are being denied the opportunity to go to work for the Federal Government. Many of them have skills that are necessary.

We have people retiring and leaving Federal employment on a daily basis. We have nurses that are retiring at the VA and folks that work for the EPA are leaving at the end of their working lives. They are retiring. Yet, we are blocking these veterans from filling those positions because of the President's hiring freeze.

Seeing that, I actually drafted a bill that I am happy to share. It is H.R. 1001. It will basically create an exception. It will keep the President's freeze in place, except for veterans coming back from Iraq and Afghanistan, veterans who have served in previous conflicts. Anyone who has put on this country's uniform as a veteran would be exempt from the hiring freeze so that we can do the right thing.

Each and every one of these young men and women—and there are a lot of women—I have been to Iraq 17 times now; Afghanistan, about 9 times; and I am amazed at the number of young women who serve our country in uniform.

I already have, including my colleagues here, 23 Democrats who have signed on. I would love to get some of my Republican friends on this bill. This should not be a partisan issue, trying to put veterans to work. I am sure we have got some good Democrats and Republicans out there that agree on this, and this should be a bipartisan issue. We can stop the—let's be hopeful it was unintended consequences of the hiring freeze. We can stop this by coming together. Sign onto H.R. 1001.

Again, I thank my colleagues for their advocacy on behalf of workers.

I notice today that the President's nominee for Labor Secretary, Mr. Puzder, who had a very bad record with workers, withdrew his nomination. He has withdrawn from consideration. I think it is because of the hard work that Mr. VEASEY and Mr. BOYLE have done in speaking out on behalf of American workers and pointing out the bad decisions and the wage and garnishment issues that Mr. Puzder had. I just think that their advocacy helped enormously in having him withdraw that nomination.

I thank my colleagues again for the great work that they do on behalf of all American workers, and I appreciate their service to the country.

Mr. VEASEY. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. We are planning, actually, to talk about someone who was, quite frankly, the worst Labor Secretary nominee in our Nation's history; literally putting the fox in charge of the henhouse. You can tell I am from the city because I botched that metaphor, but maybe MARC will be able to help me with that.

To put someone in charge of the Labor Department who had a complete history of ripping off fast food workers, paying in some places, in some Hardy's, below minimum wage because they were falsely classifying workers, I can't think of really someone who, in many ways, epitomized the kind of greed that we see in our economy today than the former Labor Secretary nominee.

That actually works to a point that I wanted to raise. I think it is a big part of what has been happening in our American economy today.

In the post-World War II era, for roughly three decades we had large gains in productivity and large gains in wage growth. That is from roughly the mid-1940s to about the late 1970s. You saw workers becoming more productive, working harder and smarter and better than ever, and you saw wages growing to almost exactly the same percentage: 97 percent increase in productivity, 91 percent increase in wage growth.

But then, over the last 30 years, something quite different has happened. The productivity growth has continued. The American worker is more productive than at any point in our Nation's history and is the most productive workforce in the world. That is not boasting; that is an economic fact.

Yet, since the 1970s, wages have barely gone up at all. Those are the averages. That doesn't account for the fact that when you are talking about the blue-collar economy, when you are talking about those who don't have a higher education, when you control for just that group, wages are actually lower today than they were 30, 40 years ago.

Now you might wonder: Well, how are CEOs doing? Have they shared in the pain?

Well, 50 years ago, CEOs made 20 times what typical workers make. As of 2013, they make just under 300 times a typical worker's pay—from making 20 times more than your average worker to more than 300 times your average worker.

I believe in capitalism and I believe in the market, but clearly something is

deeply wrong in our economy, the structure of it, when we have that sort of situation, when workers are not being rewarded for their hard work.

I recall my colleague, Mr. VEASEY, talking a little bit about his family experience and the similarities to my own and the fact that blue-collar workers like our parents actually have fewer opportunities in America today than they did when we were growing up: fewer job opportunities for lower wages and not as rich benefits. I say not as rich benefits, but, actually, very insecure benefits in terms of health care and a lack of a defined pension.

If Mr. VEASEY would possibly talk more about that and other parts of the heart and soul of our Blue Collar Caucus.

Mr. VEASEY. One of the things I remember growing up in Fort Worth, Texas, was that we were blessed to have several manufacturing facilities that were union shops. We had General Dynamics, which is now Lockheed Martin. When I was growing up, it had about 30,000 employees out there.

We had Bell Helicopter, which is owned by Textron now. There are lots of employees out there. We had Miller Brewing Company, which is still there. Now it is MillerCoors. We had several places, like General Motors, which I think I mentioned a little bit earlier.

So we had several places that had good benefit. I had family members that worked at many of those places. Good benefits, good jobs that people could really be proud of. One of the reasons why we have seen the decline of pay in this country is because of the Republicans and their efforts to undermine labor.

When you start talking about undermining labor and when you turn on these talk radio shows—you turn on The Rush Limbaugh Show, you turn on Mark Levin, you turn on these shows—they are always talking about how bad unions are in this country. But when I think about my own experience growing up in Fort Worth and I think about towns like White Settlement; towns like Benbrook; the community that I grew up in, Stop Six and Como; and I think about the middle class jobs that many of these union shops brought to all communities, again, whether it was the White community, the Hispanic community, or Black, they allowed people to be able to put some food on the table.

I have got to tell you, I was really kind of tickled and shocked at the same time by an article in the opinion section in The Wall Street Journal back on September 3, 2015. It was titled: "The Shop Steward in the White House." It was taking a shot at President Obama for all of the things that he was doing for American workers, and many of the things that the Wall Street guy that wrote the article was complaining about, saying all these

things about President Obama, they were all actually really good things that the President was advocating for.

My question and what I want to know and what I want Rust Belt workers and people all around the country to ask: Is this Presidency, is this administration going to embody and really embrace those same principles that were talked about for President Obama when he was really trying to protect these workers? Is this President going to do the same thing? Are his partners in the legislative branch, our colleagues on the other side of the aisle, the Senators on the other side of the Capitol that are Republicans, are they going to also stop going after American wages, stop going after American workers and their benefits, and start standing up for these workers so they can put some more food on the table?

That is what I want to know. Those are the type of questions that we should be asking and we should be talking about.

President Trump can put out a statement on this right now if he wanted to, but obviously he has a lot of other things going on.

The Davis-Bacon Act, as many of us know, is the rule that ensures all Federal contractors are paid a fair wage while they are working on public works projects.

If there was ever a repeal of Davis-Bacon, we would see a decrease in the quality of blue-collar jobs, and we can absolutely not afford that. Stagnating wages, like I talked a little bit about earlier, has left workers unable to care for their families. As a result, one-third of blue-collar families are enrolled in one or more social safety net program.

That is not what blue-collar workers want. They want the ability to be able to take care of their own families. They don't want these social safety net programs. They want to be providers and be proud of their jobs.

The Blue Collar Caucus intends to defend the Davis-Bacon Act and fight any attempts to decrease wages for America's already struggling working class. We know that we can build an economy that works for everybody if we just work together. So work with us as we stand against President Trump's unfulfilled promises and stand up for these blue-collar workers. That is what we want our friends on the other side of the aisle to do.

But what I would really like to see right now, even before President Trump reaches out to, again, his Republican friends in the legislative branch, is for him to come out and make a statement for these blue-collar workers, for these people in the Rust Belt, for these people in the South, for these people in Dallas-Fort Worth, and all over the country. I want him to come out and make a statement on where he stands on Davis-Bacon.

□ 1800

It is one thing to just talk in broad categories about bringing jobs back to our country, stopping our jobs from going overseas. This is an actual policy that we know has been good for many workers in Mr. BOYLE's district and in mine and, again, everywhere. Where is the President on this issue? Why is he not saying anything about Davis-Bacon? I want to hear what he has to say. I know that Mr. BOYLE knows about just how important things like Davis-Bacon are and other issue areas are.

Another area is the Supreme Court nominee, Mr. Gorsuch. Where is he going to rule when it comes to working families? That is what I want to know. That is the type of thing that I hope that people on the factory floors and shops across this country start talking about is how is this man going to rule? We already know that he has made several bad rulings as it relates to working families, rulings that will directly affect how big their paychecks are, literally has made rulings that have taken money right out of their pockets, right out of their bank accounts. Those are the types of things that we need to be talking about, not all this 35,000-feet-up-in-the-air-type stuff, but actual policy details that we know can impact and hurt families.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, MARC is exactly right. I was so glad that he brought up unions and the important role that they play because when I talked earlier about the fact that for 30, 40 years we had an economy that was working well, that saw productivity gains but also wage gains in roughly equal proportion. And then suddenly in the last 30 years you have seen that change. You have seen the productivity gains continue, but you have seen wage growth at practically zero.

Well, it is not a coincidence that for three, four decades you had strong unions, from the mid-1940s until about the late 1970s or so. They were there fighting for workers, fighting for increased wages, fighting for a secure retirement, fighting for real health benefits.

Then you saw an economy beginning in the early 1980s where the power of unions declined. The number of workers involved in the workforce who were unionized declined. I don't think it is a coincidence that just as you saw the number of workers in unions decline and the number of unions decline and the power of unions decline, you also saw real wages decline. Certainly no coincidence. For 70 years, worker wages and the strength of unions have moved in tandem, going up together or going down together.

Critical to the strength of the American workforce are provisions like Davis-Bacon that have existed since the late 1940s that guarantee a pre-

vailing wage on Federal projects. It helps not just those workers who are unionized. It lifts all workers because when you have a union that is out there fighting for higher wages and fighting for better benefits for its members, it helps all workers. It helps all of those in the workforce.

I talked earlier, and I was thinking about this when MARC was talking about his family's experience in those towns in the Dallas-Fort Worth area. I remember from my own family's experience, we were very lucky that my dad, without a college education, with the equivalent of a high school education, after many years of trying, was able to break in to Teamsters Local 169 as a warehouseman. It simply means he worked in a warehouse for Acme Markets. He did that for 25 years. There were a couple thousand such workers who were employed in the city of Philadelphia.

Then in the late 1990s, around the year 2000, they closed all those warehouses. They laid off close to 2,000 workers. They decided that they would set up shop, instead, in a place where they could pay the workers half the wages, reduced benefits, and not as many workers. Fortunately, things worked okay for my dad. He ended up on his feet. He spent the last 16 years as a worker, as a janitor for SEPTA, the Southeastern Pennsylvania Transportation Authority.

Many of the guys who got laid off in their 50s and 60s weren't as lucky. Many of them never found, again, a job as well paying or as secure. Some of them turned to alcohol. Some of them turned to drugs. A couple even committed suicide. Again, I want to show that these are not just economic issues. Sometimes the elites—and I mean elites not just on the Republican side; elites of all political ideologies—sometimes look at these as just economic issues. They are real-life issues.

When we see the diseases of hopelessness that are happening right now in places like western Pennsylvania or Texas or Kentucky or, really, all parts of our country—and, by the way, White, Black, Hispanic, Asian, what we are talking about touches all races, all ethnicities, all backgrounds—these diseases of hopelessness that have been on the dramatic rise are a real problem for our society, but to look at them as just a drug problem or just an alcohol problem or just a mental health problem and not see the economic link is very naive and incomplete and will never solve the real problem, go to the heart of solving the real problem.

Mr. Speaker, MARC and I both look forward—he had mentioned it to me—to periodically coming to this House floor and talking about this new President's record when it comes to addressing these issues. He talked a lot during the campaign, made a lot of promises. He is great at making promises. In

fact, you would probably say he is the best ever at making promises. Well, we are going to be showing his record, to see if he is keeping those promises to the American people.

On some issues, he sounded like a Democrat. On some issues, when it came to infrastructure or trade, he said things that I can agree with and do agree with. Now that he is President, let's see if the record matches the rhetoric. We are going to be here to hold him accountable, to hold both sides accountable because, you know, the fact is this town, for many decades, has not looked out for the blue-collar worker. We are quick to indict the other side where they are wrong, and I think appropriately so.

This Blue Collar Caucus is for all those who really want to make a difference in the blue-collar economy, for those who want to put the American worker first and foremost. I can say President Trump is not off to a great start with some of his Cabinet picks, who look more like the board at Goldman Sachs than any union hall. I hope that this first month will not be a sign of more to come, but whether he is getting an A or an F, we are going to be here to grade his performance on these real-life, meat-and-potato issues that matter to the vast majority of American families.

Mr. Speaker, MARC and I represent two different regions of the country, two different areas, yet, in many ways, exactly the same kind of folks. I wanted to know what MARC is hearing as he goes out into his community in Fort Worth about how things are going for American workers and what they want from this administration.

Mr. VEASEY. Absolutely. When I am back in the district in the Dallas-Fort Worth area—and Dallas and Fort Worth are the two most recognizable cities that I represent in the district, but there are other cities. We have Irving that is there, we have Grand Prairie, we have Arlington where the Cowboys stadium is located, and a lot of people are asking: When are we going to get these good jobs back? We want to see some of these good jobs come back. I have got to tell you, the President made a lot of promises when he was on the campaign trail about bringing some of these jobs back, and I want to see those jobs come back, too.

I think that with everything going on right now, with the resignation of General Flynn and there being so much talk about campaign operatives on the Trump campaign talking to Russian intelligence officials, I think that he is going to be too distracted to help these workers. I think that Republicans are going to be too distracted to help these workers in the Rust Belt, to help these middle class, these blue-collar workers.

I have got to tell you, during our retreat last week while we were in Baltimore, I opened up *The Wall Street*

Journal first thing in the morning. I saw this article about how—and it was about jobs still pouring in to Mexico, and it was really one of the saddest things that I ever read. For some manufacturers, Mexico is still the best move. They specifically were talking about a corporation called the Rexnord Corporation.

It really broke my heart when I was reading the articles about how they were asking the workers at this plant in America, in our country, to actually train individuals from foreign countries to replace them. They wanted them to train them for the jobs that they currently had here in our country and asking them to, you know, train these people so we can ship your job out of the country and you can be replaced. How demoralizing to go to work knowing that you are training someone next to you for your job to be sent overseas or sent out of the country, your livelihood, everything that you have known. For a lot of these little, small towns, these companies really are the face of the town.

In Texas, and I am sure it is like this in Indiana and in other parts of the Rust Belt and other parts of blue-collar America, Friday night football is a really big deal, maybe the local high school basketball game is a really big deal, but also that ranks right up there with both of those two athletic activities in these towns, their identity is driven by their job. I thought that was such a sad commentary about where we are now.

Again, with all of the executive orders, when you start talking about the travel ban on citizens from Muslim countries, when you start talking about the executive order to raise interest rates on first-time homeowners, no executive orders whatsoever to protect the American worker. We are a month into the administration. No executive order, no action, no comments on Davis-Bacon, nothing to reinforce the fact that we are with these guys, and it is really sad.

I am sure that these workers out there, in America, in New Jersey, in other States, I bet you they are sitting back watching, saying: How in the world is this President going to help us with all of the distractions that are going on over there? When is he going to help us? He has done all these other things with the executive order, why not do something for the American worker?

Mr. BRENDAN F. BOYLE of Pennsylvania. We have been joined by DONALD NORCROSS, our colleague within the Democratic Caucus and here in the House, and my neighbor from just the other side of the Delaware River. MARC brought up football a couple times. Yes, he is a diehard Cowboys fan. Well, as a Philadelphia Eagles fan, I am glad to have been joined by another Eagles fan, someone much like STEPHEN

LYNCH, someone who doesn't just talk the talk but has walked the walk, who has worked with his hands and is someone who brings great credibility to these issues, as someone who himself was out as a blue-collar worker every day and now gets the chance to fight for them here on the House floor where that fight is badly needed.

Mr. VEASEY. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. NORCROSS).

Mr. NORCROSS. Mr. Speaker, I thank BRENDAN—Representative BOYLE—and MARC for putting together a Blue Collar Caucus just to remind ourselves what we should be doing here is focusing on jobs. Jobs, which is the best social program I have ever been with.

I entered my professional life as an electrician, as an electrical apprentice. I went through the other 4 years of school. It was called an apprenticeship. I worked on bridges, refineries, pipelines throughout the Delaware Valley. I understood how tough it is sometimes for people to make it. When work got slow, we got laid off. We collected unemployment. Those are the struggles that men and women in our great country are going through each and every day. If anything, this last election cycle reminded us of that, that sometimes the dignity of being able to take care of your family, send your kids to school, and retire with dignity is the most important thing we can do.

□ 1815

I have seen firsthand what happens with minimum wage. They tend to think it is all a bunch of kids flipping hamburgers. Well, it is much more than that. It is a woman I spoke to, who had a child 8 years old, who had to work two jobs just to make sure that in the winter, when her daughter needed a coat for winter, that she could take care of her. And she recalled to us how badly she felt that her daughter's teacher for PTA wanted her to come in and help. She had to decide whether or not to keep food on her table or participate in her child's school. That is a tough decision when we both want to help.

When we look at what we have done as a country, as compared to elsewhere in the world, it is very different when we look at the blue collar, particularly in the building trades where I came from. Throughout Europe, particularly in Switzerland and Germany, they look at working with your hands with just the same dignity as going through college. This country doesn't always do that. Guidance counselors tend to push them into college as the only measurement.

College isn't for everybody. I have three brothers. They went the traditional college route. I decided I really enjoyed working with my hands. I went and became an electrician. Those jobs,

we are on over 20 years ago, I still talk to my kids about it today—the dignity of working with your hands.

This country is starting to change, particularly when you need an electrician. When Mr. BOYLE's lights in his house go out, who does he call? That electrician is worth his weight in gold, isn't he?

And I know Mr. BOYLE's story. His parents came over here as first generation and are living the American Dream. They have to be so proud of him.

And in Mr. VEASEY's district, those refineries are important for jobs, as they are in mine. I think we absolutely have to keep the focus on making sure that we have renewables, that we have clean energy. But we also understand with each of those decisions comes whether or not somebody is going to be able to go home and say: Honey, I lost my job today.

Today was a remarkable day—the first withdrawal of a nominee for the Department of Labor. And I guess this is where, during the election cycle, I see the difference.

It is very clear that the President wanted to talk about jobs, good jobs, putting America back to work. And then we have the secretary nominee put up—who talks about minimum wage is a bad thing, talks about robots are things you don't have argument with. He wants to outsource. That is not the way to rebuild the economy.

Mr. BOYLE talked about the discrepancy between those who work for a living, the average worker on the line, and those who are the CEOs. When I grew up, there was an implied partnership with so many of those companies. Those who went to work in a first-generation company, that CEO knew every employee's name. But time after time, when that company gets sold, that disconnect comes in. They forget about that. And that is where those relationships, that partnership that is so important, starts to break down.

We had a conversation in our Education and the Workforce Committee the other day about the NLRB, which is the group from the Department of Labor that judges whether or not elections with unions are done fairly. There was a suggestion somehow that they are not being treated fairly. It couldn't be any further from the truth. If workers want to have a voice, they should have that voice and choose whether or not they want to join with the union. That is the American way—that democracy. Yet, the nominee for Labor wanted to do away with the NLRB. In fact, when we look at the total case history, it is like putting the fox in charge of the henhouse, unless, of course, you own the henhouse, and then it is okay.

I want to finish up by saying to Mr. VEASEY and Mr. BOYLE how appreciative I am of keeping this focus on

the forefront of what we do here in Congress. I created a Building Trades Caucus, along with a colleague, Mr. MCKINLEY, out of West Virginia. We could try to move this forward, create an infrastructure package that puts America back to work and keeps our roads, our bridges, and our grid safe.

Let's remember one thing: a fair day's pay for a fair day's work and the dignity of a job. I appreciate what you have done.

Mr. VEASEY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. NORCROSS). I really appreciate his heartfelt words. I thank him for telling us about his journey, employment, and how much electricians mean to this country, and other people that work with their hands.

I think it is sad that in a lot of our public schools that type of work has been—quite frankly, there is no other way to say it—some of it has been put down. But those workers are important. We need to stop having people rank jobs and make sure that we know that all jobs in this country are important.

Since 2000, the United States has lost about 4.8 million manufacturing jobs. That is a 29 percent decrease in jobs for blue-collar workers. Again, manufacturing jobs are good-paying jobs. Manufacturing jobs pay about 20 percent higher than service jobs do. So any manufacturing job that we lose in this country is bad.

One of the saddest stories—and there are so many sad stories about these plants that have closed down, and so much of the focus has been on the Rust Belt, and rightfully so. And MARCY KAPTUR may tell me if I am pronouncing the name of this city correctly. But there is a story about the closing of a Rubbermaid facility in a place called Wooster, W-O-O-S-T-E-R. They said that they were shutting down this Rubbermaid facility in Wooster, Ohio, but they were going to keep the big outlet mall open. And I thought to myself: How in the world can people afford to go to the outlet mall, or any shop, if the jobs are gone? It is just another sad story about how America is losing manufacturing jobs.

Luckily, we have people like the gentlewoman from Ohio (Ms. KAPTUR), who fights for her State and fights for manufacturing jobs, and not just in her State, but for the entire country.

Mr. Speaker, I thank Ms. KAPTUR for her dedication to the working class men and women in this country and for all blue-collar workers.

Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Texas (Mr. VEASEY) for his great leadership in bringing us together in this Blue Collar Caucus. I feel very comfortable. I actually have blue on today.

I thank the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE) of the

greater Philadelphia area, the gentleman from New Jersey (Mr. NORCROSS), and myself from the Toledo to Cleveland, Ohio, part of our country to bring to the attention of the American people the fact, for example, that workers in northern Ohio, since the year 2000, earn on average \$7,000 less than they did at the beginning of the century. They have taken some great hits. They are hardworking people. They are fighting back, but they need our help.

In the last 3 weeks, if we take a look at President Trump's term thus far, we begin to see the real Donald at work, if I might quote one of the news media. After months of grandiose campaign promises to renegotiate NAFTA, bring back American manufacturing jobs, and make America great, we can begin to assess where he is putting his attention. I think this is really important for us, as we represent blue-collar America, what is he doing for them. I think the proof is in his actions, or lack thereof.

After roughly 20 executive orders and actions, we see President Trump has a penchant for mediagenic events and moments with a hodgepodge of executive orders, but apparently not sending any legislation up here yet. And most striking is his clear motivation to assist his wealthy friends on Wall Street with appointments to the administration, such as Secretary of Treasury, rather than paying attention to average Americans who voted for him. He exhibits a great penchant for public approval rather than a focus on efforts to improve the current economic stagnation of average Americans.

We are noting that he has filled his Cabinet with billionaires and multimillionaires who simply can't figure out how to walk in the shoes of blue-collar America. His actions to help the wealthiest Americans will have significant consequences.

So what happened with his promise to drain the swamp?

I thought in the first month we would have had something that would really resonate out in the heartland.

While all of this happens just miles away at the White House, our Republican congressional colleagues remain either silent or moving the car in reverse.

Why would they criticize activity that helps those who fund their elections?

We need campaign finance reform to dominate their political focus and write their policy objectives, like taking away today here in the House the ability of workers to save money for their own pensions, for heaven's sake.

In Trump's first days, he took action to roll back the financial reform bill called Dodd-Frank and tried to eliminate protections for seniors as they seek retirement investment advice. We know there are a lot of sharks out there in the financial waters.

Why wouldn't you want to help the American people rather than hurt them more?

He did nothing to address the trade issues, which were in his power to do on day one, and propelled his victory through our part of the country. I note my colleagues come from Texas, Pennsylvania, New Jersey, and me being from Ohio. It was actually the Midwestern States that lifted this President to victory. He hasn't declared China as a currency manipulator. He could have done that already.

He had no elimination of the Buy America waiver, which affords access to U.S. Government contracts for all firms and goods from 45 World Trade Organization nations and 16 additional U.S. Free Trade Agreements that exist. Not a word about that.

No NAFTA renegotiation. He could have pulled the plug on that on day one. Nothing.

Where is the negotiating team in place to take care of what NAFTA has done to the people of the heartland and our country in general?

What will President Trump do for ongoing negotiations he inherited on the U.S.-China Bilateral Investment Treaty, the Trade in Services Agreement, the Transatlantic Trade and Investment Partnership? Will he put American workers, global workers, and environmental concerns at the forefront of negotiations? Or will he continue to allow corporate and wealthy financial interests to dominate and run roughshod over workers and communities?

Candidate Trump promised the 15,000 steelworkers laid off due to a flood of unfairly traded imports that he would support America's manufacturing and industrial base. He came to Ohio and said that. He promised to protect our industries from the Chinese and to keep jobs at home. But in the pipeline of executive action, he actually enforced the trade agreement Buy America waiver, negating his promises to help America's steelworkers. How about that? That was done in the first month.

Just recently, the U.S. Department of Commerce released a report that showed the U.S. trade deficit hit a 4-year high as it rose to over half a billion dollars for 2016. Middle America isn't surprised this trade deficit continues to hollow out U.S. manufacturing jobs and depress incomes across our great Nation. Reducing our trade deficit should be a top priority for the new administration. I hope the President puts a big scoreboard in front of the White House on his progress on this front. It would do wonders to fix the economy for working Americans if we balanced that trade deficit.

As Congressman VEASEY has said, the Democratic Party has long championed issues for blue-collar America that create real life success for working class people. Lost in the political dialogue is

the reality that Democrats have always stood for individual and economic rights for average Americans of all backgrounds. Each of us in our own lives represents that, and it is a privilege to serve here in this House.

For blue-collar families, education remains a vital stepping-stone in upward mobility. Democrats continue to prioritize early childhood literacy and STEM education, efforts to make Americans globally competitive in advanced manufacturing, science, medicine, and research and development. Democrats continue to expand apprenticeship options to allow young people to enter the workforce trained and without the enormous burden of student loans.

Meanwhile, Republicans push policies that exacerbate the ever-expanding wealth gap, even allowing it to invade our school systems. Just watch the opposition Mr. Trump and his newly minted Education Secretary Betsy DeVos have towards public schools.

In closing, let me thank our esteemed leaders here in the Blue Collar Caucus, Congressman VEASEY and Congressman BOYLE. I don't see that this President is draining the swamp. He is actually digging deeper into it. I really thank them for being an accountability wing here in the first branch mentioned in the Constitution—the legislative branch. I congratulate both of them. It has been a great privilege to join them this evening.

Mr. VEASEY. Mr. Speaker, I thank Representative KAPTUR and everybody that has participated tonight.

I yield back the balance of my time.

□ 1830

ISSUES OF THE DAY AND REFLECTING BACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, in our Judiciary Committee today, we have been marking up what should have been a couple of rather simple bills, but it is really as if the instructions on the Soros-funded website, manual, things telling people how to obstruct the current majorities in the House and Senate and administration, could possibly be carrying over here into the Capitol itself because there are so many amendments being offered and things being drug out and people saying the same thing over and over. It is about Russia and corruption and one thing and the other—on and on and on.

It is just interesting when people are talking about their dramatic concerns over Russia, who, for years, have been totally silent. When everybody I know of on the Republican side here had been

asking that President Obama and his administration do something about the terrible hacking problem from Russia, China, North Korea, Iran, he didn't seem terribly bothered.

I mean, it was as if he were afraid he might hurt Putin's feelings or Khamenei's feelings in Iran and maybe they would want to kill Americans in a more brutal way, the Iran terrorists being paid. I can't help but think that there will be people in the next 4 years who are Americans, who are Muslim, Jews, Christians—especially those groups—who would be killed because of the billions and billions of dollars that this administration forced into the hands of the largest supporter of terrorism in the world: Iran.

It was as if the world—and in particular, the United States—had not been punished enough for the mistakes of the Carter administration in thinking that by pushing the Shah of Iran—not a great man. Apparently, he could be pretty brutal in his own right, but he kept radical Islam at bay.

When President Carter encouraged his forcing out of office, much as President Obama did the same thing with the President of Egypt, in both cases, it created a vacuum that was immediately filled by radical Islamists. The Muslim Brotherhood is who filled it in Egypt. In Iran, yes, it was radical Islamists. And probably for the first time since the Ottoman Empire, radical Islamist leaders were given a country, a country's military with which to wreak their havoc on the world.

It is just hard to believe that, in the intervening years between President Carter leaving office in January 1981 and President Obama coming in in January of 2009, all history had been forgotten or possibly even not really learned.

I guess, if you are learning at the hands or at the feet of Jeremiah Wright, who has such contempt—GD America was his feelings and expression—or if you are at the feet of Bill Ayers, who felt that blowing up police stations, things like that, hadn't quite served the purpose, or perhaps if we take over educating college students who will one day train elementary students and high school students, then we can ultimately create the anarchy that we were trying to create in the late 1960s and early 1970s. Back then, we were unsuccessful, but great inroads have been made here recently. You would just have to believe that America was the problem for the world in the last 100 years, and apparently there are those who feel that way.

But for those of you who have talked with friends of different religions—Muslim, Christians, Jews, secularists—in different parts of the world, those who are actually fair minded make it very clear: the United States has been the greatest force for good as a nation that the world has ever known since the Dark Ages. It just has.

And thank God we have had such wonderful allies in the endeavors that we have undertaken. Of course, in the liberation of Kuwait from Saddam Hussein's hands, we had many other countries who joined us. President George H.W. Bush was going to liberate Iraq. So many Democrats had screamed at President George H.W. Bush as troops were moving into Iraq after the liberation of Kuwait, screaming: Stop, stop, stop. They are giving up. They are giving up.

President George H.W. Bush ordered the stoppage, and immediately thereafter, the Democrats had screamed for him to stop began berating Bush because he didn't finish the job in Iraq. Some of those same people were around to condemn his son George W. Bush when he actually did finish the job.

There was yellowcake uranium that was taken out which showed that Joseph Wilson had apparently said one thing to CIA agents and testified to something totally different, who said something totally different from his original interview when he got back from Africa. Of course, he was heralded a hero by the mainstream media.

But it has just been amazing to see the ebb and flow of international relations. And reflecting back as I did earlier today, as so much from my Democratic friends in Judiciary was made about connections between the Trump administration and Russia, it is just hard not to remember so vividly the comments by Mitt Romney in a debate with President Obama in 2012 that Russia was potentially the greatest threat.

I may be mistaken, but it seems like President Obama even said something glibly like, you know, "The 1980s called and they want their foreign policy back," something rather cheeky like that, when, actually, my friends across the aisle, in Judiciary at least, have come to realize that that was one thing Mitt Romney was right about and President Obama was wrong about.

But if you look at what the Obama administration did, as soon as President Obama took office, instead of taking a principled stand—and I know there was a lot of perceived hatred by those coming in with the Obama administration for George W. Bush. Perhaps it goes back to President Obama's days when he was growing up in Indonesia and he commented in his book, "Dreams from My Father," about how his stepfather was apparently paid off by these fat-cat guys from Texas, oil guys, fat cats from Texas and Louisiana, something to that effect, and you realized, holy smokes, he has had a great disdain for Texas, for Louisiana going back to, you know, preteen years. You couldn't help but wonder if, in policies, it was carried through. Of course, he didn't appreciate his stepfather for working, and working with the Americans back in those days. But perhaps that has affected him.

So if George W. Bush took a principled stand against Russia after Russia assaulted the independent nation of Georgia—I mean, some of us remember that President George W. Bush, trying to look for the good in people, came back from meeting Putin and said, you know: I looked into his eyes and saw his soul. He thought that is what he saw—may have been looking into shark eyes. But in any event, he soon learned the error of his ways. And that is one of the things I liked about President George W. Bush. If he made a mistake, he was big enough to say that wasn't the right way to go, and he would try to fix it.

That is exactly what he did in his relationship with Russia. When Russia attacked Georgia—unprovoked, really—President George W. Bush, his administration, properly took a very principled stand. Some didn't think it went far enough, but he immediately caused a cessation of the great relations that had been going on and took some steps to chill those relations because of Russia's unilateral attack against Georgia, hoping to wake Putin up that you can't just go attack a neighboring country like that. Even if you want the old Soviet Empire back, you can't just do that without repercussions. So because of Putin's imperialistic attack, Bush took a strong stance and let Russia know: We don't approve of what you have done, and we are cooling things, we are freezing things.

One of the first things that occurred after President Obama took office, he sent his new Secretary of State, Hillary Clinton, to meet with the Russians and they had this red plastic button—looked pretty cheap, but it was supposed to have said "reset," but apparently, they couldn't get the translation right. I am not sure what it said, peregruzka. I don't know what it said. I don't know what it was. But somebody that didn't know how to translate "reset" put it on and delivered the wrong message.

But the more important message that Secretary Clinton and President Obama delivered to the rather ruthless imperialist leader of Russia was this: George W. Bush overreacted when you attacked your neighbor, Georgia, Mr. Putin, and we want you to know, we don't have a problem with you attacking Georgia, attacking your neighbors, trying to take over their territory. So we are here with big smiles and big laughs because we want to be such a good friend of yours, and we think it is perfectly fine what you are doing. We think you are terrific.

□ 1845

That is the message after Bush let Putin know: Wait a minute. We are not going to let you be the big bully in the world. Enough.

But the Obama administration sent a very clear message: We are not Bush.

We don't have a problem with you attacking Georgia.

And it is hard to think anything but that message that Hillary Clinton and Barack Obama, as our President, sent to Putin was clear: We would be okay if you attacked Ukraine, Crimea. You know, we are okay with that. If it is adjoining, yeah, yeah, attack away.

What else is Putin supposed to think when President Bush reacts harshly when he attacks a neighboring country, and the new President comes in and says: We are fine with everything you are doing. We are nothing but smiles and plastic red buttons. We are good. We don't mind anything you have done. We want to be your good friend.

If the message from that was not clear enough, before he was reelected in 2012, a microphone he didn't realize could pick him up, picked up our President telling the President of Russia: Basically tell Vladimir I will have a lot more flexibility after the election.

Well, now that could only have one meaning, and that is, I got to look tough and like I am standing up tough to Putin right now before the 2012 election, but make sure Putin knows that after the election I can give the farm a whole lot easier. I can let him do a whole lot more that he wants to do. We can be a lot more chummy once I get past my second and last election as President. So you make sure Vlad knows—my bosom buddy over there, my best friend forever—I am going to be able to work with him like he wants me to once I get past the next election.

So with those kind of messages, then, as if it wasn't enough, followed up by another message to Russia and the world when he stated that, basically, if President al-Assad in Syria used gas on people in Syria, that would be a red line. And if he crossed it, obviously we would have to do something. He created a red line. Nobody asked him to.

Putin picks up messages like that. For all of the problems he presents, one problem he does not present is where he stands, where he wants to go, and what motivates him. He's very clear.

I have never met the man, but I have studied enough about Russia, and I have learned enough about Putin to know exactly who he is, what he is capable of, what he wants to do. And it is pretty clear: He wants to rebuild his empire. He hates the United States. He blames the United States for the fall of the glorious Soviet Union, that great USSR that once ruled the waves and the world. He wants a grand return to those days, and he wants to be the leader like Khrushchev or Brezhnev. Really, he would rather be in the nature of Stalin.

As Stalin himself once said, a translation: With power, dizziness. Stalin said that, and he should certainly know.

I think probably Putin has run into that as he has gotten all this glamour.

During the Obama years, so many magazines and journalists just couldn't get enough of Putin with his shirt off. I mean, it may have helped the sex status of—as the status symbol of people who were bald. Maybe I should be proud and happy for that, but it didn't seem to affect me at all.

But there was so much laid on the shoulders—the mantle laid by the Obama administration on the shoulders of Putin. And when that didn't seem to work out very well, it looked like the next big step was to ingratiate this Nation's Presidency, administration to the most evil leaders in the world, those who are leading Iran.

They can be an evil empire all by themselves. They have wreaked so much havoc in the world. So many of the Americans that died liberating Iraq, lost their lives at the hands of IEDs or other weapons of war inflicted on them by Iranians—are sent to Iraq from Iran.

There is a big price to pay for mistakes in judgment of Presidents.

I believe Donald Trump will ultimately end up being one of the greatest Presidents in foreign relations because I think he is going to figure out, as George W. Bush did, Putin is not someone you can trust. You need to understand where he is coming from and where he wants to go. And you can use him when it is to our advantage against a common enemy. But make no mistake, he would glory in the fall of the United States.

He is wrong about why the Soviet Union fell. It fell because it was based on communism, totalitarianism, and it was destined to fall.

I could see that during the summer that I was there as an exchange student, and I went out to a collective farm. And being from East Texas, I worked on farms and ranches. And during summer, as this was sometime in July, I went out to a collective farm there; and there were massive acres, huge numbers of acres out there.

I couldn't really tell what was being cultivated and what wasn't, what even the crop was. It didn't look good. It was brown. I couldn't get over how sad things looked out there. This was down in the Ukraine, the bread basket of what was the Soviet Union at the time.

I know that if you are going to work around the latitude that that was in Ukraine—similar to ours back in Texas—in the summer, you best start around sun up so that you don't have to work when the Sun reaches its hottest time in the day.

Seeing all of the farmers gathered in the shade there near the center of the village—a little town they had there—they were all sitting in the shade mid-morning. I tried to use my best Russian that I could speak at the time and asked them, tried to use a smile: You know, when do you work out in the field?

They laughed. I thought, well, maybe I messed up a word and made it into a weird translation.

Then one of them spoke up in Russian, and he said: I make the same number of rubles if I am out there in the field or if I am here in the shade—if I am out there in the Sun or here in the shade, so I am here in the shade.

I thought at the time that is why socialism, communism could never work. If you are going to pay people the same thing not to work as you do the people who are working, then eventually most people are not going to work.

It is a good thing to have a safety net for those who, through no fault of their own, find themselves unemployed; but you can't turn into a Socialist nation where you reward people—provide the safety net, sure—but you can't provide incentives to sit in the shade and not work at all. Because eventually some day, your people will go hungry and your nation will fail as a nation-state, and it did. There were many factors that contributed, but the bottom line is that type of system can never work in this world, in this life.

The Pilgrims tried it in that beautiful Mayflower Compact where they were all going to work and bring into the common storehouse and share. It was just a beautiful, lovely way to approach things.

I have loved looking, as I did last night, at the painting there in the rotunda reflecting the Pilgrims' famous prayer meeting there in Holland. It says "Speedwell" right under the platform where they were. They were on the ship, the *Speedwell*, before they left in two ships—the big *Speedwell* and the small *Mayflower*—and went over to England.

The *Speedwell*, the big ship that was going to allow them to take so many more to the new land, America, began taking on water, for whatever reason. There were different things said about what may have been the cause.

But for whatever reason, they had to do a bit like Gideon did. They had to winnow it down to the people that had the best chance of making it to America so they could fit on that small *Mayflower*. So they winnowed the group down. They came over on the *Mayflower*.

It was a beautiful thing, loving, working hard as they did. But when such a huge number of their settlers died during that first winter, basically, the short version, they ultimately tried something new resembling private property: You take your property. You grow. You use it however you want. And whatever you grow and produce, that is yours.

It's amazing that worked out so well. Unlike the collective farms in the Soviet Union, there was incentive to work hard, produce, and people thrived, did so well. That actually gave a lot of incentive to others. Hey, this private property thing can work out well.

Here, all these years later, we have people wanting to go back to that way of life that has failed every time it has been tried. Even when the Apostle Paul tried it, he ultimately had to throw up his hands and say: Okay. New rule. If you don't work, you don't eat.

Because the socialist way of doing things in this world is not going to work.

I am glad that my friends who were so vocal about not wanting a strong relationship with the current leader of Russia, I am glad they finally realized what those of us on the Republican side—most of us—have been saying for a very long time. Yeah, we can work with the Russians to defeat our common enemy, but you should never lose sight of the fact Putin does not really want us for friends. He wants to see this country gone. He wants to see our way of life fail. So just don't lose sight of that.

It is also interesting—we had amendments being proposed today with the same theme being repeated constantly about a Muslim ban, in essence, that we should not ever take religion into account when it comes to immigration. That has no place.

Yet, when our chairman, one of our other Members brought up the—I believe it was RAÚL LABRADOR—the Lautenberg amendment that so many of us support, when you know a group of people—such as the Jewish people in another part of the world—are being killed and they are being persecuted, when we know that is taking place, it is a good thing to consider who they are and that their religion is being persecuted.

When there are Christians in another part of the world being persecuted beyond what other religions are, it is a good thing to try to help them.

□ 1900

When there were Muslims being persecuted in Eastern Europe, the Clinton administration responded, came to their aid. And for those that say, gee, standing up to radical Islam will only encourage more recruitment—my word—how much worse can it get than it has gotten during the last 8 years?

There was no ISIS. President Obama took office, Afghanistan, they were still fighting; but actually, the Taliban had been totally—any organized Taliban had been destroyed by February of 2002, and we hadn't lost a single American life. We had used—we had let the Northern Alliance, residents, citizens in Afghanistan, we let them fight our enemy because, though they were Muslim, most of them, they didn't want radical Islamists running Afghanistan.

A mistake was made after our friends in the Northern Alliance totally routed the Taliban. We sent in tens of thousands of American troops, and our friends, who loved us and heralded us

for our liberation from the Taliban in Afghanistan, began to look at us as occupiers. I have been to Afghanistan enough. I have seen the way that relationship has gone, from us being the heroes that liberated their country from these radical Islamists that were a bane to the existence of just peace-loving Muslims wanting to live and not be terrorized by radical Islamists, and somehow we ended up becoming bad guys to so much of the country because of our massive presence.

I do believe, Mr. Speaker, there is potential with all of the chaos that is beginning to raise its head again in Afghanistan. I heard a report this morning that Afghans had confided to a Republican here in town when he was over there visiting that al-Qaida is even back in Afghanistan. So it is not just the Taliban back stronger than ever; now al-Qaida is back in Afghanistan.

And what was the cost to America, to our military over the last 8 years in allowing the Taliban to come back stronger than they were originally, to al-Qaida, to come back in Afghanistan stronger than they were originally? My personal opinion, I believe it was because of President Obama's rules of engagement. But we lost four times more precious military lives in Afghanistan during President Obama's command than were lost during just under 8 years under Commander George W. Bush.

How could we lose four times more American military and suffer such a setback over the last 8 years, where we are back maybe a little worse off than things were when we went in to Afghanistan in October of 2001? Well, it has to do with the commitment. I heard former Vice President Cheney say that when President Obama announced he is committed to Afghanistan and he sent a surge into Afghanistan, he also announced, what seemed almost simultaneously, and we are going to be out in 18 months.

As we know from history, nobody that ever won a war, a police action, a confrontation, ever set a deadline: We are going to win by this date or we are coming out, whether we have won or not. That message went out loud and clear to the Taliban that was growing back that if we can just hang on for 18 months, we will own Afghanistan all over again.

I understand that, apparently, General Harwood, that has apparently been named by President Trump as the new National Security Adviser—and Mr. Speaker, I am sorry. I have got to say this because of what Billy and Karen Vaughn have come to mean to me since I met them some years back, after the death of their SEAL Team 6 son, Aaron. Gosh, I have come to know—I never met him while he was alive, but I have come to know him and feel like I knew him as a friend and as one of his

admirers, vicariously, through his parents, Billy and Karen.

When I heard the general's name come back up as one of those being considered, I thought, oh, please, surely not, because Billy and Karen made clear, you know, as family members were finding out what happened there in Afghanistan that took the most SEAL team lives we had ever had, they went onto a Chinook that should not have carried our SEAL team members. They went onto this Chinook and, supposedly, going on a mission, and yet because of the rules laid down by President Obama and his administration, they had to make sure that the Afghans knew exactly what was going to occur, where they were going, what they were going to do.

Even knowing that after Vice President Joe Biden's gaffe, where he released classified information, that it was the SEALs who took out Osama bin Laden, it wasn't supposed to come out. It was another gaffe. But immediately, Bill and Karen said, after Biden outed the SEALs and it came out it was SEAL Team 6, they got a call from Aaron saying: Hey, you need to get off social media. The radical Islamists are going to be looking for us, for our family members.

So this administration put big targets on SEAL Team 6 by disclosing classified information that ultimately led to their deaths, and it put targets on family members of SEAL Team 6. I know they didn't mean to do it. I know it wasn't intentional. They just didn't realize how serious things were.

I know they must not have realized, or at least President Obama must not have realized, how serious it was when I watched the video of the gentleman that was called his body man, was with him through so many days, and he was answering questions at a university in California. It has been some years back that I watched. But he was asked, in effect, what was it like being with President Obama when he went into the room where they were watching SEAL Team 6 go after Osama bin Laden. He basically said: Oh, we didn't stay in there long. The President looked in but said, "I'm not watching this," and they went and played cards, several hands of cards, while the SEAL Team 6 was putting their lives on the line for their country.

So if that is your way of thinking, then it is understandable that you wouldn't appreciate the dangers in which you put SEAL Team 6 when you out them as the people who went after Osama bin Laden. But they knew, and the chatter was clear, and it was loud. They wanted to take casualties and get a price back with lives of SEAL Team 6 members.

The mission that they were on should have ended right then, when the Afghan commander came up. They knew where they were going. He comes up

and pulls off their elite soldiers, off the Chinook helicopter, and replaced them with people whose names were not on the manifest. Well, under the rules, that should have ended the task, should have ended the operation right there. They were told to go on, so they went—I have seen the transcript of testimony, statements—by gunship, C-130 gunship in the area. They had all kinds of imaging.

And this isn't classified because this was on the DVD that was given to the family members. They were later asked if they would give it back. They didn't realize quite how much information they had put. Yeah, they sure didn't because the family members, like the Vaughns, watched it, read it, found out what was on it.

We had a C-130 gunship, and I—my 4 years on Active Duty in the Army, I was never in combat. I think we should have gone into combat in Iran when an act of war occurred and our embassy was attacked. But that was Commander-in-Chief Carter's call, and he decided not to send anybody. I think if he had responded within 48 hours and said, "You either release our hostages, or we are sending our United States military, and you better not hurt them or there will be a powerful price paid by you and your country," I think they would have released them. I think that is why, probably—I mean, I was watching closely from Fort Benning. All of us were watching the news. Were any of us going to be sent?

The Ayatollah had a spokesman. I have not seen anything about it since I watched back in those days, '79, but I recall him. It was very interesting. For a few days, he kept distinguishing that it was the students that attacked the U.S. Embassy. It was the students that had the hostages.

I said to some of my Army friends at Fort Benning: I think he is afraid Carter's going to send our military, and he is using the students as a back door for him. So if Carter shows a backbone and says, "You either release our hostages or we are sending—you are going to feel the full vengeance of the United States military," they had a back door. It gave the Ayatollah an opportunity to save face by saying: You don't have to do it. We have negotiated with the students. Here are your hostages back. You don't have to invade Iran and take out our administration. See, we are your friend. We helped you out.

But after a few days, I am not sure exactly what it was, but after a few days, it was clear, I think, to the Iranian leaders that this President is not going to do anything. He is just going to ask us to let their people go, and so we don't have to worry. They began to say "we have the hostages" because they knew Carter wasn't going to do anything.

I still believe, based on what I learned at Fort Benning, that if President Carter had allowed all the helicopters to go that I was told were originally requested, then there would not have been one chopper—they had to have six to be able to make it the 500 miles into the staging area there in Iran. As has come out publicly, they all knew, if we don't get six choppers out of the—eight was all the Carter administration would allow to go. They should have sent 12 because they expected to have a 50 percent loss, turbine engines going across sand like that 500 miles. They knew they had to have six or the mission was an automatic abort.

As we know, when only five got there and it was clear there was not another one coming, then it was aborted. As I understand, the investigation indicated the helicopter pilot, as sand swirled around his chopper, must have gotten vertigo and not relied on his instruments. The helicopter tilted. The blade went through the C-130, and everybody on the chopper and the C-130 was killed.

□ 1915

But, once again, we were embarrassed because we didn't have a Commander in Chief that was totally committed to doing what it took to get our hostages out. Again, I will always believe, if he had shown a backbone within 48 hours of our embassy being attacked and our hostages being taken, there would be thousands of American military lives still in being today.

So having witnessed firsthand lessons of poor decisions by Commanders in Chief, having seen the data, the statistics of dead American military in Afghanistan, four times more under Commander Obama than under Commander Bush in approximately near the same amount of time, we haven't learned the lessons of the past very well.

I feel absolutely confident that the President is going to learn his lessons. He has made a couple of mistakes. And certainly I agree, you can't have a National Security Adviser that is not completely honest with the Vice President and the President; you just can't. You have to be able to totally trust him. That has been a problem in our intelligence community. They were leaking and undermining President Bush, and now it is happening again to President Trump.

So as I was talking about SEAL Team Six, these devastated families that had lost the greatest military members that we could have lost at that point, their every life is just priceless, invaluable. But there was so much money spent in training up these SEAL teams. It is an investment. You need to make sure they have the right equipment, that you don't have Afghans pulled off that are the best fighting members that Afghanistan has, and

you put what they considered expendable Afghanistan soldiers on with our elite SEAL Team Six, especially when you know there are targets on their backs.

But when the families met General Harward, they said they were just so crushed, they were so devastated, and they found out that this AC-130 gunship, that there were opportunities to take out this patrol, this team, that shot down the Chinook and our SEAL team members. And there were other precious American lives on that helicopter in addition to the SEAL Team Six members, and they should not be shorted in when we owe them and their memories.

But they asked if they had an opportunity to take these guys out. And the crew said they did. They had the thermal imaging. They could see these guys moving like military. They could see them moving up to the high point and getting ready to fire. They asked for permission to take them out, and they were denied permission to take them out. They watched them fire over and over at the helicopters with the rocket-propelled grenades apparently of some kind, and they missed with the first one. As I understand it, they were still not allowed to shoot them down, take out the Afghan rebels. They fired again, and they fired again. And the second and third took out our precious American military members along with those precious Afghan lives who should never have been on that helicopter to begin with.

Then they watched them dismantle their equipment and start to climb down. They asked permission to take them out, it is my understanding, and, once again, they were told there may be civilians in the area, so, no, do not fire; and they watched them fade back into the population of Afghanistan after killing so many of our SEAL Team Six and others on the helicopter.

They asked the general who is now apparently going to be our National Security Adviser: Why didn't you take out these people, these Afghan radical Islamists? Why didn't you take them out before they took out our military members, our SEAL Team Six? Why?

His statement, from their memory, as related to me, was, in essence: Because we were trying to win hearts and minds.

Our National Security Adviser is going to be more interested in—or at least he has in the past—apparently has been more interested in winning hearts and minds of people that hate our guts than he is of protecting the most precious assets the United States of America has: American lives.

We haven't won any hearts and minds by allowing SEAL Team Six—so many of those members on that Chinook—to be killed. We haven't. That strategy didn't work.

I am sorry. I want to be supportive. I was excited President Trump won, but

when I know how this man, who I understand today has now been named to be the new National Security Adviser, was given the task of encouraging and being empathetic to the family members who lost those precious American family members in that Chinook that should never have been shot down, it should never have been allowed to take off, and the best he could do is say: Sorry, they had to die because we were trying to win hearts and minds instead of win the war.

I hope that his mentality has changed. I hope he will not be willing to expend the best trained, the best and brightest military members we have, as he tries to win hearts and minds instead of trying to win a battle and win the war; but I guess time will tell.

Mr. Speaker, I want to finish by saluting all those brave Americans that have defended freedom, that have fought for America, and who have responded in a voluntary military since 1979 and given their lives at the hands of radical Islamists. I hope and pray this President will pick people from here who will have the same feelings about precious American lives.

I know Donald Trump does, and I think he will be a good President. I think he blew it on this call, but time will tell.

Mr. Speaker, I yield back the balance of my time.

INTERNATIONAL HOLOCAUST REMEMBRANCE DAY

The SPEAKER pro tempore (Mr. HIGGINS of Louisiana). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 30 minutes.

Ms. KAPTUR. Mr. Speaker, I want to welcome my colleague, Congressman JOE CROWLEY, the chair of the Democratic Caucus who is joining us this evening as well. I know how very busy he is, and I appreciate it.

As author of the legislation that created our Nation's World War II Memorial here in Washington, I felt obligated and actually compelled to come to this well tonight.

Mr. Speaker, I include in the RECORD the Trump administration's hollow January 27 statement commemorating International Holocaust Remembrance Day.

STATEMENT BY PRESIDENT TRUMP ON INTERNATIONAL HOLOCAUST REMEMBRANCE DAY—JANUARY 27, 2017

"It is with a heavy heart and somber mind that we remember and honor the victims, survivors, heroes of the Holocaust. It is impossible to fully fathom the depravity and horror inflicted on innocent people by Nazi terror.

"Yet, we know that in the darkest hours of humanity, light shines the brightest. As we remember those who died, we are deeply grateful to those who risked their lives to save the innocent.

"In the name of the perished, I pledge to do everything in my power throughout my

Presidency, and my life, to ensure that the forces of evil never again defeat the powers of good. Together, we will make love and tolerance prevalent throughout the world."

Ms. KAPTUR. Astoundingly, the White House statement made no reference to the 6 million Jews that perished in the Holocaust. There was no mention of anti-Semitism nor a reference to Israel, as has been customary in prior statements issued by our past Presidents.

Mr. Speaker, I include in the RECORD a statement by President George Bush in 2008.

STATEMENT BY PRESIDENT GEORGE W. BUSH ON THE INTERNATIONAL DAY OF COMMEMORATION IN MEMORY OF THE VICTIMS OF THE HOLOCAUST—JANUARY 27, 2008

On the third International Day of Commemoration, we remember and mourn the victims of the Holocaust.

I was deeply moved by my recent visit to Yad Vashem, Israel's Holocaust museum. Sixty-three years after the liberation of Auschwitz, we must continue to educate ourselves about the lessons of the Holocaust and honor those whose lives were taken as a result of a totalitarian ideology that embraced a national policy of violent hatred, bigotry, and extermination. It is also our responsibility to honor the survivors and those courageous souls who refused to be bystanders and instead risked their own lives to try to save the Nazis' intended victims.

Remembering the victims, heroes, and lessons of the Holocaust remains important today. We must continue to condemn the resurgence of anti-Semitism, that same virulent intolerance that led to the Holocaust, and we must combat bigotry and hatred in all forms in America and abroad. Today provides a sobering reminder that evil exists and a call that when we find evil, we must resist it.

May God bless the memory of the victims of the Holocaust, and may we never forget.

Ms. KAPTUR. Mr. Speaker, I will also include in the RECORD a statement by President Barack Obama from 2015 showing what the White House said about Holocaust Remembrance Day.

STATEMENT BY PRESIDENT OBAMA ON INTERNATIONAL HOLOCAUST REMEMBRANCE DAY AND THE 70TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ-BIRKENAU—2015

On the tenth International Holocaust Remembrance Day and the 70th anniversary of the liberation of Auschwitz-Birkenau, the American people pay tribute to the six million Jews and millions of others murdered by the Nazi regime. We also honor those who survived the Shoah, while recognizing the scars and burdens that many have carried ever since.

Honoring the victims and survivors begins with our renewed recognition of the value and dignity of each person. It demands from us the courage to protect the persecuted and speak out against bigotry and hatred. The recent terrorist attacks in Paris serve as a painful reminder of our obligation to condemn and combat rising anti-Semitism in all its forms, including the denial or trivialization of the Holocaust.

This anniversary is an opportunity to reflect on the progress we have made confronting this terrible chapter in human history and on our continuing efforts to end genocide. I have sent a Presidential delegation to join Polish President Komorowski,

the Polish people, official delegations from scores of nations, and many survivors, at today's official commemoration in Poland.

As a founding member of the International Holocaust Remembrance Alliance, the United States joins the Alliance's thirty other member nations and partners in reiterating its solemn responsibility to uphold the commitments of the 2000 Stockholm Declaration. We commemorate all of the victims of the Holocaust, pledging never to forget, and recalling the cautionary words of the author and survivor of Auschwitz Primo Levi, "It happened, therefore it can happen again. . . . It can happen anywhere." Today we come together and commit, to the millions of murdered souls and all survivors, that it must never happen again.

Ms. KAPTUR. Mr. Speaker, let me be clear: between 1933 and 1945, 14 million unarmed men, women, and children were murdered in Eastern Europe. These bloodlands were where most of Europe's Jews lived and where Hitler's and Stalin's imperial plans overlapped. Of the 14 million human beings who were killed, at least 6 million were Jewish souls. Their carnage was the largest in human history.

Thus, the brevity of the Trump administration's statement was surprisingly and unusually short and general—only about 100 words. When the White House was asked about these glaring omissions, multiple officials in the new administration at the White House merely confirmed "the statement was no mistake."

The Trump White House statement chose not to explicitly acknowledge the deaths of 6 million Jews during the Holocaust. This is atypical of any former President of our country. Moreover, the Trump statement implies that the recognition of the death of Jews during the Holocaust would come at the exclusion of other groups. The tone of those remarks takes the reader in the direction of denying the suffering of the Jewish people.

For the President not to mention Jews is a terrible omen.

So let us go through some history. The term "holocaust," arising from World War II, has come to mean annihilation of Jewish persons. From 1933 to 1945, those Jewish souls who perished in Europe totaled at least 6 million human beings. Between 2.7 million and 3 million Jews were murdered in Nazi-run death camps. In the USSR, 1,340,000 Jewish deaths were ordered by Joseph Stalin. At least 1.5 million of the victims forcibly killed by Hitler and Stalin were children.

Cumulatively, this carnage represented about two-thirds of the 9 million Jews who had resided in Central Europe. By way of explanation, for the 8 million Christians and others who were also murdered, the term generally used to describe their carnage is martyrdom. As an example, in Poland, 3 million Catholic Christian Poles were martyred by Nazi and Soviet killing machines.

The Holocaust also included Stalin's mass executions and forced starvation

and relocation of Soviet prisoners of war to fight in horrendous places like the Battle of Monte Cassino after being marched through the Middle East. Many of them were buried in Tehran.

Stalin also perpetrated a massive post-war ethnic and religious cleansing of Jews and non-Jews. As Hitler and Stalin fought for control of the European continent, over 14 million innocent people—these aren't soldiers I am talking about. This was in addition to the 14 million—women, children, and men who were civilians died in their vastly evil plunder. Millions of Eastern Europeans were trapped between the two most murderous regimes in not only European history, but human history: Nazi Germany and Communist Soviet Union.

As an aside, I found it chilling that President Trump's top adviser, Steve Bannon, in an address to the Vatican in 2014, referenced in a most troubling line of thought the name of Julius Evola and his murderous movement.

Mr. Speaker, I include in the RECORD excerpts of an article entitled "This is How Steve Bannon Sees the Entire World," which is also available at www.buzzfeed.com.

[From BuzzFeed News Reporter]

THIS IS HOW STEVE BANNON SEES THE ENTIRE WORLD

(By J. Lester Feder)

Donald Trump's newly named chief strategist and senior counselor Steve Bannon laid out his globalist nationalist vision in unusually in-depth remarks delivered by Skype to a conference held inside the Vatican in the summer of 2014.

Bannon: I think it's a little bit more complicated. When Vladimir Putin, when you really look at some of the underpinnings of some of his beliefs today, a lot of those come from what I call Eurasianism; he's got an advisor who harkens back to Julius Evola and different writers of the early 20th century who are really the supporters of what's called the traditionalist movement, which really eventually metastasized into Italian fascism. A lot of people that are traditionalists are attracted to that.

One of the reasons is that they believe that at least Putin is standing up for traditional institutions, and he's trying to do it in a form of nationalism—and I think that people, particularly in certain countries, want to see the sovereignty for their country, they want to see nationalism for their country. They don't believe in this kind of pan-European Union or they don't believe in the centralized government in the United States. They'd rather see more of a states-based entity that the founders originally set up where freedoms were controlled at the local level.

I'm not justifying Vladimir Putin and the kleptocracy that he represents, because he eventually is the state capitalist of kleptocracy. However, we the Judeo-Christian West really have to look at what he's talking about as far as traditionalism goes—particularly the sense of where it supports the underpinnings of nationalism—and I happen to think that the individual sovereignty of a country is a good thing and a strong thing. I think strong countries and strong nationalist movements in countries make strong neighbors, and that is really the

building block that built Western Europe and the United States, and I think it's what can see us forward.

Ms. KAPTUR. Mr. Speaker, Julius Evola has been described as one of the most influential Fascist racists in Italian history, admired by the Nazi SS, its commander, Heinrich Himmler, and Benito Mussolini. Nazi SS Reichsführer Heinrich Himmler was most certainly responsible for the Holocaust.

Hitler's madness obsessed over creating an Aryan nation. Joseph Stalin's depraved dream of conquest knew no bounds. Stalin even conscripted Jews to lead hunts to exterminate other ethnic groups, and then killed the Jews when the mission was completed. The level of Stalin's depravity is difficult for sane people to understand.

Violent anti-Semitism and hatred did not end with the defeat of Nazi Germany and the ultimate collapse of the Communist Soviet Union. We can observe a resurgence in certain places in Europe and, sadly, even in isolated incidents here in the United States.

□ 1930

History tells us that the rising anti-Semitic violence is not just a threat to civil society today, but the future of free people everywhere. The recent anti-Semitic terrorist incidents in Paris at the Bataclan, Jewish-owned enterprises, or Nazi symbols appearing in hateful situations here in our own beloved country demand that decent people find peaceful means to stare down hate.

Timothy Snyder's masterful book "Bloodlands" documents the 6 million souls of the Holocaust and 8 million souls of martyrdom and murder. The Nazis established killing centers for efficient mass execution. These killing centers, also referred to as "extermination camps" or "death camps," were almost exclusively "death factories." German Schutzstaffel and police murdered nearly 2.7 million Jews in these killing centers either by asphyxiation with poison gas or by shooting.

For the non-Jewish populations of Europe, the 8 million non-Jewish victims of Nazi and communist campaigns of mass murder include Romas, Soviet prisoners of war, Aktion T4 patients, Ukrainian Holodomor famine victims, Serbs, the disabled, the LGBTQ communities, and others known only to God.

There were also unfathomable crimes against entire nations, as Poland and Belarus were both slated for complete extinction. Poland lost an astounding 20 percent of its entire population, with 6 million killed in the war, and Belarus, though smaller in population, lost 25 percent of its population.

In Poland, leaders were annihilated. Many members of the Catholic clergy were either threatened with deportation, kept in custody, or sent to camps.

The Catholic Church was particularly suppressed, for nearly a fifth of all priests—over 3,000—were killed between 1939 and 1945, most in concentration camps.

From 1932 to 1933, Joseph Stalin's forced famine engulfed much of present-day Ukraine and its eastern flank. The heaviest losses were in Ukraine—which is struggling for its freedom today—which had been the most productive agricultural area of the Soviet Union. Stalin was determined to crush all evidence of Ukrainian pride. As with Poland's leadership, the famine was accompanied by a devastating purge of all of Ukraine's intelligentsia.

Millions of peasants were condemned to death by starvation. Troops and secret police units waged a merciless war against peasants who refused to give up their grain. Any man, woman, or child caught taking even a handful of grain from a collective farm could be, and often were, executed or deported to work camps. Stalin's system of internal passports and brutal secret police forced collectivization of the land to Communist-run production.

After a long search through history and recordkeeping, I can personally give testimony and even learned that the Catholic Church located in today's Ukraine, in which our maternal grandparents were married, held a dark secret. Joseph Stalin's secret police, the People's Commissariat for Internal Affairs, the NKVD, killed 168 people in its basement as Stalin's Black Raven trucks drove the innocents to their death.

Historians continue to seek truth even until today about what happened. Their painstaking research includes information from the Soviet archives. Though some people try to erase history or ignore it, others work diligently to record it and learn from it.

I recall how fondly our grandmother spoke of Jewish storekeepers in the region from which she emigrated, welcoming her before and after church on Sunday and telling her to change into her church shoes there before attending mass and after her 5-mile hike from her village and the 5-mile hike back. The Jewish storekeeper would always give her a piece of candy.

There are other Members here tonight that wish to speak. I am so grateful for their presence here tonight because we are the bearers of liberty's torch.

Mr. Speaker, I yield to the gentleman from New York, (Mr. CROWLEY), the great leader of the Democratic Caucus, and I thank him for taking time from his busy schedule to be here with us.

Mr. CROWLEY. I thank my friend, the gentlewoman from Ohio, for being here this evening to have this Special Order to speak on an issue of such magnitude, of importance to we the people of the United States, important to the

world, that we never forget what took place: the horror, the utter destruction of humankind during the Holocaust, but, in particular, the focus of that destruction upon the Jewish race.

It is important because we are seeing a rise, quite frankly, of anti-Semitism not only around the world, but right here in the United States. It takes different forms in different places, but, in the end, has the same result of targeting and hurting one of the historically most vulnerable groups in our world: the Jewish people.

One of the things that has been the most concerning to me is the minimizing of the suffering of the Jewish people during the Holocaust. Frankly, it is really outright disturbing—I don't know if that does it justice—that the White House of the United States of America, the home of our President, our present administration, representing the same country that defeated Nazi Germany, the same country that bore the Greatest Generation, the same country that led the fight against anti-Semitism worldwide, while recognizing from time to time it had to douse it here in the United States, our country, this same White House that I referred to deliberately refused to mention that the Holocaust was designed to eliminate the Jewish people from the face of the Earth. Not a single mention of the Final Solution. The Final Solution was to obliterate, eliminate the Jewish people off the face of the Earth.

Yes, many people died in the Holocaust, as the gentlewoman made reference to so eloquently—disturbingly, but eloquently. Of the tens of millions of people who died, we know of them historically, but no race or religion was designated for elimination like the Jewish people were. The Final Solution was about ridding the Jewish people from the face of the Earth. It is that simple. It is imperative that this moment does not pass without some clarity.

What is clear is that the White House purposely removed the reference. They are proud of it. They doubled down. They tripled down. They removed the reference to the Jewish people in its statement on International Holocaust Remembrance Day.

Why does this matter, you may ask? Well, first and foremost, it feeds the extremists. We know they exist. Let's face it, extremists have welcomed this White House statement. They love it, they glorify it, not just theoretically, but literally. Literally, White supremacists have welcomed the White House decision to leave any mention of the Jewish people out of the Holocaust remembrance.

Secondly, it matters because a lot of people in the world today either don't know that the Holocaust happened or

don't believe that the Holocaust happened—not just theoretically, but literally don't believe that the Holocaust took place.

Literally, a 2014 global survey of anti-Semitic attitudes found that 35 percent of people around the world have never heard about the Holocaust. Maybe you can understand that. But an additional 32 percent, more importantly, believe it is a myth or greatly exaggerated.

Thirdly, it matters because there are many Holocaust survivors—I know them and their descendants—in the United States and throughout the world.

The actions behind the statement were just downright cruel and inhumane to them, not just theoretically, but literally cruel and inhumane.

Literally, groups that are dedicated to this issue are deeply, deeply disturbed. The Anne Frank Center and others have raised their voices.

This is not just coming from Democrats. I don't want to mislead here at all. There are a range of Republican leaders—and there are four of them—and Republican groups that have expressed their anger at the White House position on the Holocaust, but one entity. We will come back to this House in a moment.

The White House hasn't seemed to have heard their outcry, but the gentlewoman from Ohio and I, the Democratic Caucus, we have heard.

What has taken place is wrong; simply wrong. You would think that the President would correct the situation. In fact, today, he had the opportunity to condemn anti-Semitism at his press conference with Prime Minister Netanyahu, and he didn't do it. In fact, when he was asked on this very subject of the failure to mention the Jewish people of the Holocaust, he used the opportunity not to clarify his position, but to make reference to how great his election victory was.

In watching that press conference, as disturbed as I was about the answer from our President, I was more than a bit disappointed, quite frankly, by Prime Minister Netanyahu's failure to challenge the President on that. I wish Prime Minister Netanyahu would have asked President Trump to change his statement; not to whitewash what was done, but to change his statement on the Holocaust. I still hope that the Prime Minister does that in the time that he is here.

So this Special Order tonight will help us set the record straight, not just on behalf of the millions of Jewish Americans across this country, but to send a clear message to all those who engage in this type of behavior.

I ask this question: Where are our Republican colleagues on this issue?

Do you hear that? Silence.

We have given them opportunity after opportunity to speak out against

what the White House has done, but our Republican colleagues refuse to criticize the White House for the omission of the Jewish people in the Holocaust resolution.

Could you imagine for a moment what the outcry would have been had President Obama accidentally omitted this, putting aside purposely omitting it, but the outcry if he had accidentally omitted the mentioning of the Jewish people in his annual statement? He never did that, though, nor did President Bush, as the gentlewoman from Ohio (Ms. KAPTUR) has pointed out. This was no mistake. It was a willful omission. Yet still, nothing from our Republican colleagues.

The gentlewoman from Ohio knows that I have offered a resolution. We will continue to ask our Republican colleagues to join us on that resolution asking the White House to set the record straight and to include the mentioning of the Final Solution and the attempt by the Nazi regime to eliminate the Jewish people from the face of the Earth.

□ 1945

We will use every legislative mechanism possible to do that, whether it is a motion to discharge, whatever that will be. I am putting my Republican colleagues on notice, because they must raise their voices. They must raise their voices to what has taken place in this White House. Whether it is Steve Bannon and those who work within the cellar, the deep cellar of the White House who came up with this resolution to purposely omit the mentioning of the Jewish people, our Republican colleagues will either have to answer for the White House and defend it or condemn it. You can't have it both ways.

I want to thank the gentlewoman from Ohio once again for bringing us together. It needed to be done. We will continue to raise this question until the White House comes to its senses and sets the record straight and does no longer continue to enable Holocaust deniers. I thank the gentlewoman from Ohio for holding this Special Order this evening.

Ms. KAPTUR. Mr. Speaker, I am so grateful for Mr. CROWLEY's presence and his eloquent remarks this evening, representing one of the major cities in our country where Jewish leaders from all walks of life have helped elevate America. I know how proud they are of him and what he is attempting to do. I hope every one of our colleagues, all 435, sign on to his resolution. It is most worthy. I thank him so very, very much for joining us this evening.

I want to tell a story in the region that I represent, though this particular neighborhood was cut out of my district. A Nazi swastika was painted on a garage door recently of the home of a Muslim family. It was really repugnant

and very cruel, but what happened in our community? What did the American people do? One neighbor came over with a bottle of red paint and she made a big heart over the swastika. Then the conductor of the symphony came and musicians came, and they played "Ode to Joy" to the family, and other friends came and the American people.

I love the American people because deep in their hearts they live the values of liberty and justice for all. The garage door itself was replaced by the Toledo Overhead Door Company. They gave the family a new door for free. I am just so proud of them. I am just so proud of them.

Our communities don't have to bear this sadness of anti-Semitism and of degradation by those who really don't get what this country is made of. I know the Trump White House statement on the Holocaust falls far short of the administration's ability to properly recognize and record history accurately.

The Trump White House has the means to hire appropriate staff to prepare thoughtful, carefully researched statements, and their 2017 statement is out of touch with history. History teaches us that wherever anti-Semitism has gone unchecked, the persecution of others has been present or not far behind. Presenting historical truth and defeating anti-Semitism must be a cause of great importance not only for Jews but also for us, for people who value liberty, truth, free expression of religion, justice for all. I know that is the vast majority of the American people.

GENERAL LEAVE

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of our Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. I want to thank Mr. BRENDAN F. BOYLE of Pennsylvania also for coming to the floor this evening. If there is any remaining time, I would just like to read a couple of the sentences of Congressman BOYLE's remarks because they are so incredible.

He talks about Deborah Lipstadt, an American historian and author of influential books such as "Denying the Holocaust," who wrote an important article in *The Atlantic*, entitled, "The Trump Administration's Flirtation With Holocaust Denial."

He talks about "hardcore Holocaust denial." In this type of rhetoric, anti-Semites argue that the Holocaust simply did not occur; that there was no systematic plan to destroy the Jewish people based solely on their religion.

“This type of hate speech has unfortunately been espoused by those who seek to delegitimize the suffering of the Jewish people since the Holocaust began.”

But he talks about a more insidious form of denial in rhetoric that has begun to creep into our national discussion. Lipstadt terms this “‘softcore Holocaust denial.’ This form of denial, argues Lipstadt, uses different tactics but has the same end-goal. . . . It does not deny the facts, but it minimizes them, arguing that Jews use the Holocaust to draw attention away from criticism of Israel. . . .

“Softcore denial also includes Holocaust minimization, as when someone suggests it was not so bad. Softcore denial, then, is potentially more insidious than our traditional form of denial, by minimizing the suffering of the Jewish people and suggesting that while the Holocaust may have occurred, it was not just about the Jews per se.”

I appreciate those listening this evening and am very grateful to have this privilege of entering into the RECORD materials we believe important not only to our Republic, but to free people everywhere.

Mr. Speaker, I yield back the balance of my time.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, recently, Deborah Lipstadt, American historian and author of influential books such as *Denying the Holocaust*, wrote an important article in *The Atlantic*. In this article, entitled “The Trump Administration’s Flirtation with Holocaust Denial,” Lipstadt specifies an important distinction in types of Holocaust denial.

Most people are familiar with what Lipstadt identifies as “hardcore Holocaust denial.” In this type of rhetoric, anti-Semites argue that the Holocaust simply did not occur; that there was no systematic plan to destroy the Jewish people based solely on their religion.

This type of hate speech has unfortunately been espoused by those who seek to delegitimize the suffering of the Jewish people since the Holocaust began. It is not acceptable and we must do all we can to teach our children the tragic events of the Holocaust and how to counter such hateful rhetoric.

Yet, perhaps a more insidious form of denial rhetoric has begun to creep into our national discussion.

This is what Lipstadt terms “softcore Holocaust denial.” This form of denial, argues Lipstadt, “uses different tactics but has the same end-goal. . . . It does not deny the facts, but it minimizes them, arguing that Jews use the Holocaust to draw attention away from criticism of Israel. . . .

“Softcore denial also includes Holocaust minimization, as when someone suggests it was not so bad.” Softcore denial, then, is potentially more insidious than our traditional form of denial, by minimizing the suffering of the Jewish people and suggesting that while the Holocaust may have occurred, it was not about the Jews per se.

By minimizing the suffering of the target of the Holocaust and the six million Jews who

perished at the hands of the Nazis, we are denying the truth and setting ourselves up to forget the worst genocidal massacre in human history.

What is more disgusting and unacceptable, though, is that the President of the United States is now espousing these dangerous and hateful ideas.

By refusing time and again to acknowledge that Jews were the targets and victims of the Holocaust, our President is denying the truth of the Holocaust and is aiding and abetting the Holocaust deniers and White Nationalists in their goals of once again persecuting individuals based on their ethnicity, religion, race, etc.

We must do better. I call on the President to recall his statement and make clear that the Holocaust was a systematic persecution of the Jewish people.

Anything less than this outright admission is Holocaust denial.

Ms. JACKSON LEE. Mr. Speaker, I thank my colleague, Congresswoman MARCY KAPTUR of Ohio, for anchoring this Special Order and rise to remember and mourn the millions of souls lost in the Holocaust, the worst instance of man’s inhumanity to man in human history.

Nearly 72 years have passed since the end of World War II but for those who survived, and the descendants and relatives of those who perished, the Holocaust is not ancient history but a reminder of the evil that can be unleashed when humans give into their worst instincts and appetites.

The Holocaust’s magnitude of destruction numbered more than 12 million deaths, including 6 million Jews and 1.5 million children (more than 2/3 of European Jewry), and the ramifications of prejudice, racism and stereotyping on a society.

A haunting quote in the United States Holocaust Memorial Museum refers to the story of Cain and Abel:

The Lord said, “What have you done? Listen! Your brother’s blood cries out to me from the ground (Genesis 4:11).

The Holocaust forces us to confront uncomfortable questions such as the responsibilities of citizenship and the consequences of indifference and inaction, and the importance of education and awareness.

The Holocaust is a testament to the fragility of democracy.

We must resolve to resist prejudice and intolerance in any form.

It fills me with grief to know that the leaders of nations can destroy their own, as did the Nazi regime. Yet I hope that we can continue to strengthen the means by which we can pursue justice.

And I am saddened, outraged, and embarrassed that the current President of the United States could think it appropriate to issue a statement on Holocaust Remembrance Day that fails to make any mention of the defining crime of the 20th Century, the murder of 6 million persons for no reason other than they were Jews.

But the vast majority of Americans remember and are united in this prayer and promise: Never Again.

Thank you, Congresswoman KAPTUR, for holding this important special order.

I include in the RECORD the following statement from the President regarding International Holocaust Remembrance Day:

THE WHITE HOUSE

Office of the Press Secretary

[For Immediate Release—January 27, 2017]

STATEMENT BY THE PRESIDENT ON INTERNATIONAL HOLOCAUST REMEMBRANCE DAY

It is with a heavy heart and somber mind that we remember and honor the victims, survivors, heroes of the Holocaust. It is impossible to fully fathom the depravity and horror inflicted on innocent people by Nazi terror.

Yet, we know that in the darkest hours of humanity, light shines the brightest. As we remember those who died, we are deeply grateful to those who risked their lives to save the innocent.

In the name of the perished, I pledge to do everything in my power throughout my Presidency, and my life, to ensure that the forces of evil never again defeat the powers of good. Together, we will make love and tolerance prevalent throughout the world.

AMERICA 2.0

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2017, the Chair recognizes the gentleman from Ohio (Mr. RYAN) for 30 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity. I just want to say thank you to the gentlewoman from Ohio (Ms. KAPTUR) for her great words and Congressman CROWLEY, who was here a little bit earlier, for his good words as well.

I am starting tonight a segment that I am calling America 2.0. I think we are in the midst of, obviously, some chaos in the United States, in Washington, D.C., and in so many communities across the country that feel we are disoriented with our politics, disconnected from our politics, and we are disoriented around the idea of what is happening in our economy. Globalization, automation, all of these things have dramatically affected the American economy and American wages and standard of living.

We have actually seen, Mr. Speaker, over the course of the last 20 years, a huge decline, a sucking out of middle class wages that have gone primarily to the top 1 percent. Now, I am not here to bash rich people. I am not here to make any enemies, but I think it is important and instructive for us to look at where we were and where we are now.

If you look at where we were in 1980, of all the income growth in the Nation in 1980, 70 percent of all income growth went to the bottom 90 percent of Americans. So we had some significant income growth, and 70 percent of it went to the bottom 90 percent, 30 percent went to the top 10 percent. The wealthy were getting more, but the middle class, the upper middle class and the lower middle class, the bottom 90 percent saw 70 percent of the gains.

Fast forward from the early 1990s until just recently just a few years back, the bottom 90 percent, Mr. Speaker, got zero percent of the income growth that happened in the United States—zero. So the economy in 1980, for average families in Youngstown, Ohio, or Struthers, Ohio, or Akron, Ohio, saw that hard work paid off; that if you worked hard, you played by the rules, you did what you were supposed to do, and if you were in the bottom 90 percent, you saw some income gains. Fair enough.

Where the anxiety has come in now is that people are working harder, they are working longer hours, and they are not seeing any growth in their incomes. We have teachers, for example, in the Youngstown City Schools who have not seen a cost-of-living raise in 9 years—9 years. Police and fire, people who cut hair, people who are waitresses, people who take showers after work instead of before work, those people aren't getting ahead, and the cost of everything is going up. So that is where we are, erosion of our manufacturing base and globalization and automation.

I was just looking at an article earlier about a new Amazon project—I think it is called Amazon Go—where you can actually go into a grocery store—how cool is this? You can actually go into a grocery store and shop and pick out whatever it is that you want at the grocery store and walk out. Everything gets rung up, scans and all the rest, and you get billed, and you pay your bill.

Now, here we are in 2017, that is pretty cool stuff. The downside of that is, there are 2.7 million workers who work at grocery stores. Where I come from, some of those grocery stores are actually unionized where the person at the counter actually makes a pretty good wage and has a pension and has a decent healthcare plan, standing on their feet all day long, probably not the easiest line of work to be in, but people go there and they work hard. Those jobs are going to be gone.

We hear all this technology about driverless cars and driverless trucks. Youngstown is not too far from Pittsburgh, and Ford just committed a billion dollars to Pittsburgh to advance driverless vehicles. Uber is in Pittsburgh talking about investing in the research and development for driverless vehicles. It is going to be great. The downside is, in about 25, 26, 27 States, the number one job is driving a truck. It is driving a truck. Pretty cool that my son, who is going to be 3 in June, may never have to drive a car. As a parent who also has a 13- and 14-year-old at home and talking about when they are going to get the keys to the car, I kind of like the idea of a driverless car. I kind of like that. At that point, it would be pretty safe.

But we have the downside to that, which is the loss of all of these jobs. So

what we need to do as a country, as a dynamic country, as a wealthy country, as a creative country is we need to figure out what is America 2.0 because this isn't your dad's or your grandfather's America. This isn't going to be your grandmother's America or even your mother's America.

Things are accelerating so quickly that as a legislative body that was designed to be slow, and those of us operating in a political system that was designed to slow things down, we didn't want a concentration of power where a king ruled. We took that, and we divided the power up into a legislative branch, and then divided that up between the House and the Senate and the executive branch. The executive branch has some powers, and they have got to figure out how to work with each other. If they have got a problem, we have got a judicial branch that is going to reference the Constitution of the country to make sure that everything that is going on is abiding by the basic values on which we started the country. Pretty cool system, elections every 2 years, replenish the ideas in the legislative branch, and every 4 years in the executive branch, so we can try to get some new ideas. But the system was designed to be slow.

So here we are, working within a system that is designed to be slow with an economy that is going 150 miles an hour down the highway, which means the legislators and the President and the Governors and the people elected to office, we better get our act together. We better figure out how to make things work because that is what we owe our constituents. That is what we owe that family who, for 30 years, hasn't seen a raise. You know what? They want to send their kid to college.

□ 2000

Do you know what? They want to have a job, they want to have a pension, they want to have a secure retirement, and they want their kid to have more opportunity than they had. They are not going to complain, they are not going to moan, they are going to put their boots on, and they are going to go to work. It is our job to help create an environment where they can go and take advantage of those opportunities.

God helps those that help themselves. You have got to go to work and you have got to put the time in. It is not going to be easy, especially in this economy. It is going to be tough. It seems like it is going to get harder.

But with all of this automation coming down the pike, what are we going to do as a country with all of these people in my district that are 50-year-old men who used to work in a steel mill, now it is closed, or used to work in an auto plant that used to have 16,000 people working there and now it is down to 3,000, or the supplier to that auto plant that used to have 13,000 people and now it is 1?

So we can say, yeah, pull yourself up by your boot straps and work hard. The jobs aren't there. They are not there anymore.

So what are we going to do here in 2017? How are we going to get our President with his good brain that he has to sit down with us and figure out what we are going to do? So America 2.0 is: What is the next version of this great country, what is the next version, to where my grandfather could be a steelworker and a couple of generations later his grandkids are doctors, lawyers, and Congressmen?

That is what is important about these jobs we have. That is why they shouldn't be taken lightly. That is why instead of tweeting about some show or some family business, you should be focused like a laser beam on how we fix these problems. If you are not, you are not doing what you said you were going to do.

America 2.0 is a series of ideas. I will share a few tonight and a few over time on what I think we need to do. We have a near-term problem, mid-term, and long-term, some of what I mentioned.

The near-term problem is wages, jobs, and workforce participation. Workforce participation rates are at 63 percent. They are still too low. People aren't just employed, they are underemployed. They are making less today than they were before the great crash in 2008, 2009, and 2010.

So what are we going to do? I know we have talked a lot about we are going to retrain. It is going to be great. We are going to get you this job, and you are going to be trained up and ready to take it.

What job?

We need to create jobs. And it just so happens we need to rebuild the country. So let's make the investment to put people back to work by rebuilding the country. We need waterlines. We need new sewer lines. We have lead in our pipes that people are drinking. We have old dilapidated homes all over older communities that need to be taken down. Even if we are going to put up just parks and green space, take those down. Those are all jobs that could be created. We need roads and new bridges. Most bridges are deficient in the United States. A good many of them need to be rebuilt. We need steel in those bridges, and we need concrete.

So let's do a big jobs bill where we rebuild the country. I am not making stuff up. We have got to do this. Let's put Buy American provisions in there so we put the American steelworker back to work, and the people that work at the concrete plants in America get the money, get the contract.

Those private businesses that do the roads and bridges and all of the rest, let's make sure it is Davis-Bacon, it is a prevailing wage, so that our friends who work so hard and are so skilled in the unions are able to get that work

because they have a good pension, a good wage, a good retirement plan, good healthcare benefits, and they are the most skilled workers in the country. Let's make sure they get the work so we are actually lifting people up; and get people in these unions so that more people can earn a good wage, have a secure retirement and a little bit less anxiety.

So roads, bridges, pipes, airports, ports on the ocean, rebuild them. This is nobody's fault. The country is getting older. A lot of this stuff was done 50, 60, 70 years ago. It is time to reinvest. It is time to put a new roof on the house. We will put people back to work.

For every \$1 billion we spend on infrastructure, we put about 27,000 people to work. So if we have a \$1 trillion infrastructure plan and we ask the wealthiest people in the country—maybe people in the capital markets who have seen a significant amount of wage growth, we ask them to help us pay for it so we don't have to borrow the money and put it on the backs of our kids.

So we are putting people back to work, we are doing what needs to be done, we are using American steel and American concrete and American union workers and having more people join the union so more people can have a secure living, and we are creating jobs. That is step one.

What also needs to be included in this is: How are we setting ourselves up for success in the next 10, 20, or 30 years? How are our kids going to be able to operate in this bridge we are creating to this new economy?

One of the things we need to do is we need to wire the country. We need to have the most sophisticated, broadband capabilities in every corner of the country so that every community can participate in the new economy that is driven by a digital world.

We have companies, for example, in Youngstown, where we don't have a whole lot of broadband in Youngstown. We don't have a whole lot of penetration for broadband in Youngstown. We have companies that are very sophisticated that try to get defense work or work with defense contractors that actually are put at a disadvantage because they don't, and we don't, have the broadband capability for them to be able to download the kind of files they need to be able to download in order to get the contracts they need to do the advanced manufacturing work. So not having broadband in your community would be like not having a road going in and out of your community, or waterlines going in and out of your community 50, 60, 70 years ago.

Do you want to start a factory and create jobs? How are you going to get the raw materials in and the product out if you don't have a road? The same concept with broadband in a 2017, 2027,

2037, 2047 economy. So this is a great investment.

The World Bank has studied this. They have said that every 10 percentage-point increase in broadband penetration equals 1.2 percent growth in your GDP. So you are making these investments and you are growing your economy at the same time.

I think we go to these coal miners who have been put out of work, we go to the steelworkers who have been put out of work, we go to the autoworkers who have been put out of work through the deindustrialization, through globalization and automation, and we say: You are hired. You are going to get on-the-job training. This isn't going to be: We are going to train you for some job that may or may not come. You are hired in America 2.0. You are going to work. You are going to lay broadband.

We need to upgrade our energy grids. We need smart grids that are more efficient, more secure, and less prone to terrorist attacks—more efficient, can communicate with the end user better so you know how much money you are spending when you wash your clothes. And you may go off hour so you can wash them at a different time and save a little money on your energy bill, money in your pocket because we make these investments.

You are going to work now on the smart grid. You are hired. And this country, as wealthy as we are, we are going to pay for it. We are going to build it, and we are going to change the trajectory of our country, and we are going to be ready to play ball in the economy.

So these workers that we are hiring that may be 50 or 55 years old, they don't know how they are going to get to retirement, they are hired. They are hired. And this is no make-work job because we feel bad for you. This is a job we need you to have in order for you to change the trajectory of our country for your kids and for your grandkids. If we don't make these investments, if we don't make this happen, America is going to be bringing up the rear.

We have got a great dynamic economy still, even with the stagnation that we have. We have just got to make a few key investments and not get caught up in this polarized political discussion that is getting us nowhere. Nobody in this Chamber suffers. Everybody in this Chamber draws a paycheck. They have got a job.

It is the family in Youngstown, it is the family in Gary, Indiana, it is the family in Milwaukee that suffers because we have failed to make the basic investments that this country has always made—always: the interstate highway, the intercontinental railroad, land grant colleges, NASA, the space program. Look at all of the technologies that spun out of NASA—in health, telecommunications, energy—

because we said, "We are going to the Moon"; and it was as much about going to the Moon and about spinning off new technologies and saying, "We can figure out how to go to the Moon" because we were committed, as a country, to do great things.

And now we are committed to tweeting about some nonsensical show that is on TV or some backhanded comment that somebody gives. There is too much at stake. Every time we do that, we fall further and further and further behind.

One other piece of America 2.0, and the final piece or two I will share tonight, is green energy, resuscitating manufacturing in the United States. How do we do it?

I know we have discussions here about climate change. Some people say it is not happening. Some people say it is not man made. It is an important point to make that 98 percent of scientists who have reviewed all of the literature on this say it is happening and it is caused by man. I think that is an important point. But let's set that aside.

How do we help people with their energy bill and how do we resuscitate manufacturing in the United States? I believe that, if we move towards a green economy, we will have a renaissance in manufacturing, and let me tell you why. Because for every windmill that we put up, there are 8,000 component parts to the windmill: gearshifts, hydraulics, steel, aluminum, plastics, all kinds of things, bolts. There is a sidewalk mile of concrete in a windmill.

□ 2015

These are things we make in this country. These are things we make in northeast Ohio. Talk to Timken; talk to Parker Hannifin; talk to some of these energy companies that make solar panels. That stuff needs manufacturing. And we can do it here in the United States with the smart energy grid, and broadband, and use renewable energy to increase our manufacturing base, reduce our carbon footprint in our country and around the world, export the technologies and the stuff that we make, and put people back to work.

What is the matter with this? What is wrong with this picture?

We have a country now that is more reliable on renewable energy, that is increasing our manufacturing base, that is putting people back to work.

To me, that makes a lot of sense. So these families that are struggling—because we will be making a heck of a lot more solar panels than we are now—we can start getting these solar panels up on people's homes and reducing their energy cost. So if we do the smart grids and we do the solar panels, and we start reducing people's energy costs in their homes, you are putting money in their pocket, you are starting to close

that gap a little bit, you are starting to reduce that anxiety a little bit, and you are starting to get us into new technologies and new ideas that are going to lead to growth.

So let's build out the country. Let's build out our roads, bridges, ports, and airports. Let's extend broadband to every corner of the country and hire Americans to go do this work. Let's redo our grid and extend it so that we can get this renewable energy all across the country; put people to work doing that; resuscitate our manufacturing base; and change the trajectory of our country so that our kids are wired, prepared, and living in a country that is ready to lead the world again in some of the great challenges that face us.

That is the outline of America 2.0. In my mind, that is the direction we need to go in. It starts, Mr. Speaker, by get-

ting people back to work, by us getting focused and being disciplined, and talking about the things and figuring out how to work out the deals that need to be worked out here in order to help those people back home.

That is our obligation because the generations before us—whether it was the Intercontinental Railroad, or the social justice movement, or the equality movement, or the interstate highway, or the land-grant colleges, or NASA—gave us a pretty good world to grow up in. And now it is our obligation to take this to the next level and create the next version of America.

Create America 2.0.

Mr. Speaker, I yield back the balance of my time.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills

of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 255. An act to authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 321. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 16, 2017, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2016, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Ileana Ros-Lehtinen	10/29	10/30	Haiti		226.00		439.56				665.56
Edward Acevedo	10/28	10/30	Haiti		236.00		1,077.61				1,313.61
Sadaf Khan	10/28	10/30	Haiti		512.00		1,064.16				1,576.16
Douglas Seay	10/17	10/19	Latvia		303.37		1,388.06				1,691.43
	10/19	10/21	Lithuania		400.44						400.44
Sarah Blocher	10/17	10/19	Latvia		411.55		1,388.06				1,799.61
	10/19	10/21	Lithuania		617.40						617.40
Jason Steinbaum	10/17	10/19	Latvia		437.13		3,182.46				3,619.59
	10/19	10/21	Lithuania		408.66						408.66
Scott Cullinane	10/23	10/25	Belgium		558.00		3,089.76				3,647.76
	10/25	10/28	Italy		863.00						863.00
Philip Bednarczyk	10/23	10/25	Belgium		578.00		3,696.16				4,274.16
	10/25	10/28	Italy		888.00						888.00
Kyle Parker	10/23	10/25	Belgium		578.00		3,166.56				3,744.56
	10/25	10/28	Italy		888.00						888.00
Hon. Eliot L. Engel	12/19	12/21	Israel		1,117.00		11,111.79				12,228.79
Mira Resnick	12/19	12/21	Israel		1,119.00		10,404.39				11,523.39
Hon. Eliot L. Engel	11/19	11/20	Dominican Republic		276.00		380.56				656.56
Hon. Lee Zeldin	12/26	12/26	Qatar				7,560.36				7,560.36
	12/27	12/28	Afghanistan		33.00		(³)				33.00
	12/28	12/29	Qatar		388.61						388.61
Kristen Marquardt	10/29	10/30	Bahrain		315.00		5,065.86				5,380.86
	10/30	11/2	United Arab Emirates		1,561.00						1,561.00
	11/2	11/4	Oman		1,165.09						1,165.09
Matthew Zweig	10/29	10/30	Bahrain		315.00		5,065.86				5,380.86
	10/30	11/2	United Arab Emirates		1,561.00						1,561.00
	11/2	11/4	Oman		1,120.09						1,120.09
Mira Resnick	10/30	11/2	United Arab Emirates		1,530.77		5,350.66				6,881.43
	11/2	11/4	Oman		965.40						965.40
Thomas Hill	10/9	10/11	South Korea		849.84		7,527.92				8,377.76
	10/11	10/13	Taiwan		530.89						530.89
	10/13	10/15	Thailand		492.05				* 435.27		927.32
Hunter Strupp	10/9	10/11	South Korea		708.17		5,206.56				5,914.73
	10/11	10/13	Taiwan		532.40						532.40
	10/13	10/15	Thailand		483.97						483.97
Timothy Mulvey	10/9	10/11	South Korea		849.84		7,527.92				8,377.76
	10/11	10/13	Taiwan		530.89						530.89
	10/13	10/15	Thailand		492.05						492.05
Hon. Gerald Connolly	11/22	11/23	Turkey		353.00						353.00
Committee total					25,195.61		83,694.27		435.27		109,325.15

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

* Indicates Delegation Costs.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2016

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Chris Smith	12/18	12/21	Iraq				11,735.42				11,735.42
Mark Milosch	12/18	12/21	Iraq				11,815.42				11,815.42
Erika Schlager	9/17	10/1	Poland	Zloty	3,808.00		11,395.56				15,203.56
	10/16	10/21	Austria	Euro	1,610.00		12,244.26				13,854.26
	12/4	12/10	Germany	Euro	1,758.00		12,190.46				13,948.46
Janice Helwig	9/18	10/1	Poland	Zloty	3,536.00		2,048.60				5,584.60
	10/1	12/31	Austria	Euro	29,624.00						29,624.00
	12/4	12/10	Germany	Euro	1,758.00		977.90				2,735.90
Robert Hand	9/28	10/3	Macedonia	Denar	786.00		2,433.46				3,219.46
Everett Price	10/3	10/13	Austria	Euro	5,108.47		6,368.32				11,476.79
			Turkey	Lira							
	12/18	12/21	Iraq				5,220.42				5,220.42
Alex Tiersky	10/15	10/21	Austria	Euro	1,932.00		1,821.26				3,753.26
Paul Massaro	10/15	10/22	Austria	Euro	2,254.00		2,008.76				4,262.76
Nathaniel Hurd	12/18	12/21	Iraq				9,170.42				9,170.42
Committee total					52,174.47		89,430.26				141,604.73

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHRISTOPHER H. SMITH, Co-Chairman, Feb. 7, 2017.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOYER (for himself, Mr. THOMAS J. ROONEY of Florida, Mr. ENGEL, Mr. KINZINGER, Mr. SCHIFF, Mr. SMITH of Washington, and Mr. TURNER):

H.R. 1059. A bill to provide for congressional oversight of actions to waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions with respect to the Russian Federation, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. THOMPSON of Pennsylvania, and Mr. FASO):

H.R. 1060. A bill to amend the Higher Education Act of 1965 to include certain individuals who work on farms or ranches as individuals who are employed in public service jobs for purposes of eligibility for loan forgiveness under the Federal Direct Loan program; to the Committee on Education and the Workforce.

By Mr. CHAFFETZ (for himself, Mr. CONYERS, Mr. FARENTHOLD, Mr. POE of Texas, and Mr. WELCH):

H.R. 1061. A bill to amend title 18, United States Code, to regulate the use of cell-site simulators, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAFFETZ (for himself, Mr. CONYERS, Mr. POE of Texas, Mr. LYNCH, Mr. WELCH, Mr. LABRADOR, Mr. JORDAN, and Mr. ISSA):

H.R. 1062. A bill to amend title 18, United States Code, to specify the circumstances in which a person may acquire geolocation information, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. O'ROURKE (for himself, Mr. COFFMAN, Mr. JONES, Mr. PETERS,

Miss RICE of New York, and Ms. TITUS):

H.R. 1063. A bill to ensure that an individual who is transitioning from receiving medical treatment furnished by the Secretary of Defense to medical treatment furnished by the Secretary of Veterans Affairs receives the pharmaceutical agents required for such transition; to the Committee on Veterans' Affairs.

By Mr. O'ROURKE (for himself and Mr. JONES):

H.R. 1064. A bill to authorize an individual who is transitioning from receiving treatment furnished by the Secretary of Defense to treatment furnished by the Secretary of Veterans Affairs to continue receiving treatment from such individual's mental health care provider of the Department of Defense, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MESSER (for himself, Mr. SCHRADER, Mr. CARTWRIGHT, Mr. DESJARLAIS, Mr. SWALWELL of California, Mr. O'ROURKE, Mr. ROE of Tennessee, Mr. MOULTON, Mr. RODNEY DAVIS of Illinois, Mr. DELANEY, Mr. ZELDIN, Mr. STIVERS, Mr. LOBIONDO, Mr. RUSSELL, Mr. MARSHALL, Mrs. WALORSKI, Ms. SINEMA, Mr. WITTMAN, Ms. GABBARD, Mr. SOTO, Mr. WALZ, Mr. DUFFY, Mr. PETERS, Mr. BUCSHON, Mr. SENSENBRENNER, Mr. DESAULNIER, Mr. DEFazio, Mr. BOST, Mr. COOPER, Mr. FRANKS of Arizona, Mr. COOK, Mr. GOHMERT, Mr. HULTGREN, Mr. PITTENGER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. COSTELLO of Pennsylvania, Mr. GUTHRIE, Mr. HILL, Ms. STEFANIK, Mr. MOONEY of West Virginia, Mr. JONES, Mr. UPTON, Mr. KATKO, Mr. GOODLATTE, Mr. COLLINS of New York, Mrs. BLACKBURN, Mrs. BUSTOS, and Ms. JENKINS of Kansas):

H.R. 1065. A bill to establish biennial budgets for the United States Government; to the Committee on the Budget, and in addition to the Committees on Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILMER (for himself and Mr. NEWHOUSE):

H.R. 1066. A bill to direct the Secretary of Veterans Affairs to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report regarding the organizational structure of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H.R. 1067. A bill to amend section 524(c) of title 18, United States Code, to use lawfully forfeited drug seizures to increase border security; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. TONKO, Mr. CÁRDENAS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BLUMENAUER, Ms. DELAURO, Mrs. DINGELL, Ms. MATSUI, Ms. DEGETTE, and Mr. MCNERNEY):

H.R. 1068. A bill to enable needed drinking water standards, reduce lead in drinking water, plan for and address threats from climate change, terrorism, and source water contamination, invest in drinking water infrastructure, increase compliance with drinking water standards, foster greater community right to know about drinking water quality, and promote technological solutions for drinking water challenges; to the Committee on Energy and Commerce.

By Mrs. LAWRENCE (for herself, Mr. LANGEVIN, Ms. BASS, Mrs. NAPOLITANO, Ms. NORTON, and Ms. WILSON of Florida):

H.R. 1069. A bill to amend part B of title IV of the Social Security Act to ensure that mental health screenings and assessments are provided to children and youth upon entry into foster care; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 1070. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's 'regular rate' for purposes of calculating overtime compensation will not be affected by certain additional payments; to the Committee on Education and the Workforce.

By Mr. TONKO (for himself, Mr. PALLONE, Ms. MATSUI, Ms. NORTON, Mr. BLUMENAUER, Mr. CÁRDENAS, Mr. SARBANES, Mrs. DINGELL, Mr. MCNERNEY, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. SCHAKOWSKY, Mr. PETERS, Mr. WELCH, Ms. DEGETTE, and Ms. CASTOR of Florida):

H.R. 1071. A bill to amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; and to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANFORD (for himself, Mr. DUNCAN of South Carolina, Mr. MEADOWS, Mr. GOSAR, Mr. GARRETT, and Mr. MOONEY of West Virginia):

H.R. 1072. A bill to repeal provisions of the Patient Protection and Affordable Care Act and provide private health insurance reform, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEYER (for himself and Mr. COOK):

H.R. 1073. A bill to authorize the Secretary of the Interior to establish a structure for visitor services on the Arlington Ridge tract, in the area of the U.S. Marine Corps War Memorial, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUM (for himself, Mr. YOUNG of Iowa, Mr. LOEBSACK, and Mr. KING of Iowa):

H.R. 1074. A bill to repeal the Act entitled "An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation"; to the Committee on Natural Resources.

By Ms. CLARKE of New York (for herself, Mr. SOTO, Mr. BROWN of Maryland, Ms. NORTON, Ms. BASS, Mr. KIHUEN, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. VEASEY, Mr. EVANS, Mr. BUTTERFIELD, Mr. MEEKS, Mr. CLEAVER, Mrs. DEMINGS, Ms. KELLY of Illinois, Mr. LAWSON of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 1075. A bill to provide that the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Homeland Security, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York (for herself, Ms. VELÁZQUEZ, Mr. DANNY K. DAVIS of Illinois, Ms. NORTON, Ms. BASS, Mr. ESPAILLAT, Mr. SOTO, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. EVANS, Mr. BUTTERFIELD, Mr. MEEKS, Mr. CLEAVER, Mrs. DEMINGS, Ms. BLUNT ROCHESTER, Ms. KELLY of Illinois, Mr. LAWSON of Florida, Mr. DAVID SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. BEATTY):

H.R. 1076. A bill to provide that section 9 of Executive Order 13768, relating to sanctuary jurisdictions, shall have no force or effect, to

prohibit the use of funds for certain purposes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Ms. NORTON, Mrs. CAROLYN B. MALONEY of New York, and Mr. SCOTT of Virginia):

H.R. 1077. A bill to amend title 31, United States Code, to direct the Secretary of the Treasury to regulate tax return preparers; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Ms. JENKINS of Kansas, Mr. MCGOVERN, Mr. YOUNG of Alaska, and Mr. WALZ):

H.R. 1078. A bill to amend title 37, United States Code, to exclude the receipt of basic allowance for housing for members of the Armed Forces in determining eligibility for certain Federal benefits, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself, Mr. SERRANO, Mr. GRIJALVA, and Ms. JUDY CHU of California):

H.R. 1079. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose their concealed carry or open carry policies with respect to firearms, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ELLISON (for himself, Mr. SCOTT of Virginia, Ms. ADAMS, Mr. CONYERS, Ms. LEE, Mr. PAYNE, and Ms. MOORE):

H.R. 1080. A bill to amend the Securities Act of 1933 and the Internal Revenue Code of 1986 to provide an exemption and payments from taxation for 501(c)(3) bonds issued on behalf of a historically Black college or university; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMMER:

H.R. 1081. A bill to eliminate the discretion of the Secretary of Homeland Security regarding the definition of the term "official purpose" as it applies to drivers' licenses and personal identification cards, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GUTHRIE (for himself and Mr. MULLIN):

H.R. 1082. A bill to amend title XIX of the Social Security Act to eliminate the State option to reduce the home equity exemption amount for purposes of eligibility for long-term care assistance under Medicaid, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUFFMAN (for himself, Ms. BONAMICI, Ms. LOFGREN, Mrs. NAPOLITANO, Mr. GARAMENDI, Ms. LEE, Mr. THOMPSON of California, Mr. VARGAS, Mr. TED LIEU of California, Mr. TAKANO, Mr. MEEKS, and Mr. CONYERS):

H.R. 1083. A bill to establish an American Savings Account Fund and create a retire-

ment savings plan available to all employees, and for other purposes; to the Committee on Ways and Means.

By Ms. KELLY of Illinois (for herself, Mr. POCAN, Mr. EVANS, Ms. LEE, Ms. SLAUGHTER, Mr. SWALWELL of California, Mr. HASTINGS, Mr. BUTTERFIELD, Mr. CARTWRIGHT, Ms. NORTON, Mrs. LAWRENCE, Ms. MOORE, Mr. RICHMOND, Mr. KHANNA, Mr. SCOTT of Virginia, Ms. CLARKE of New York, Mr. CLEAVER, Mr. MEEKS, Mr. THOMPSON of Mississippi, Mr. VEASEY, Ms. SEWELL of Alabama, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. RYAN of Ohio, Ms. KUSTER of New Hampshire, Mr. GUTIERREZ, and Mr. TONKO):

H.R. 1084. A bill to address slow economic growth and spur investment and development in underserved communities across America; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Agriculture, Financial Services, Small Business, Energy and Commerce, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 1085. A bill to withdraw certain Bureau of Land Management land from mineral development; to the Committee on Natural Resources.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 1086. A bill to require executive agencies to notify the public and consider public comment before relocating an office of the agency that has regular contact with the public, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 1087. A bill to establish a pilot program in certain agencies for the use of public-private agreements to enhance the efficiency of Federal real property; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. MEEKS, Ms. CLARKE of New York, Mr. JEFFRIES, and Mr. ESPAILLAT):

H.R. 1088. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Natural Resources.

By Mr. POLIS (for himself, Mr. TIPTON, Mr. BLUMENAUER, and Mr. WALDEN):

H.R. 1089. A bill to amend the Internal Revenue Code of 1986 to ensure that kombucha is exempt from any excise taxes and regulations imposed on alcoholic beverages; to the Committee on Ways and Means.

By Mr. REED (for himself, Mr. MEEHAN, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. FASO, Mr. LARSON of Connecticut, Mr. TONKO, Mr. POCAN, Mr. CÁRDENAS, Mr. ROKITA, Mr. MULLIN, Mr. KIND, Mr. COLE, Mrs. LOVE, Mr. REICHERT, Mr. LOBIONDO, Mr. BLUM, Mr. CURBELO of Florida, Mr. YOUNG of Iowa, and Mr. COSTELLO of Pennsylvania):

H.R. 1090. A bill to amend the Internal Revenue Code of 1986 to extend the credit for residential energy efficient property and the energy credit; to the Committee on Ways and Means.

By Mr. RENACCI (for himself, Mr. BUCSHON, and Mr. KILMER):

H.R. 1091. A bill to amend certain provisions of the Social Security Act relating to demonstration projects designed to promote the reemployment of unemployed workers; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. REED, and Mr. LIPINSKI):

H.R. 1092. A bill to establish the United States Chief Manufacturing Officer in the Executive Office of the President with the responsibility of developing a national manufacturing strategy to revitalize the manufacturing sector, spur economic growth, and expand United States competitiveness, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIREN (for himself and Mr. PAYNE):

H.R. 1093. A bill to require the Federal Railroad Administration and the Federal Transit Authority to provide appropriate Congressional notice of safety audits conducted with respect to railroads and rail transit agencies; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself, Mr. GARAMENDI, Mr. SWALWELL of California, Mr. LARSON of Connecticut, Mr. CLYBURN, Mr. TONKO, Mr. KIHUEN, Mr. HASTINGS, Ms. DELAURO, Mr. POCAN, Mr. LEWIS of Georgia, Ms. MENG, Mr. ELLISON, Ms. MCCOLLUM, Mr. TED LIEU of California, Ms. CASTOR of Florida, Mr. POLIS, Mr. SCOTT of Virginia, Ms. SEWELL of Alabama, Ms. SPEIER, Mr. DEFAZIO, Mr. BEYER, and Mrs. NAPOLITANO):

H.R. 1094. A bill to change the date for regularly scheduled general elections for Federal office to the first Saturday and Sunday after the first Friday in November in every even-numbered year; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself and Mr. MCGOVERN):

H.R. 1095. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEWART (for himself, Mr. LONG, Mr. ROSKAM, Mr. TIPTON, Mr. CHAFFETZ, Mr. PEARCE, Mr. MCCLINTOCK, Mr. BISHOP of Utah, and Mr. BURGESS):

H.R. 1096. A bill to amend title 31, United States Code, to provide for transparency of payments made from the Judgment Fund; to the Committee on the Judiciary.

By Mr. TAKANO (for himself and Mr. BISHOP of Georgia):

H.R. 1097. A bill to increase consumer protection with respect to negative option agreements entered into on the Internet, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIBERI (for himself, Mr. NEAL, Mr. REED, Mr. KELLY of Pennsylvania, Mr. MEEHAN, Mr. MCKINLEY, Mr. KIND, Mr. HIGGINS of New York,

Mr. SMITH of Missouri, Mr. PAULSEN, Mr. BLUMENAUER, Mr. DANNY K. DAVIS of Illinois, Mr. THOMPSON of California, Mr. PASCRELL, Ms. SEWELL of Alabama, Mr. LARSON of Connecticut, Ms. SANCHEZ, Mr. TURNER, Mr. JOYCE of Ohio, Mr. JOHNSON of Ohio, Mr. STIVERS, and Mr. RENACCI):

H.R. 1098. A bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. WITTMAN (for himself and Mr. THOMPSON of California):

H.R. 1099. A bill to extend the authorization of appropriations for allocation to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2022; to the Committee on Natural Resources.

By Mr. ZELDIN (for himself and Ms. GABBARD):

H.R. 1100. A bill to amend title 38, United States Code, to eliminate copayments by the Department of Veterans Affairs for medicines relating to preventive health services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. POCAN (for himself, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, Mr. TAKANO, Ms. NORTON, Mr. COHEN, Ms. KAPTUR, Mr. CUMMINGS, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. MOORE, Mr. CARTWRIGHT, Mr. GARAMENDI, Mr. LOWENTHAL, Mrs. WATSON COLEMAN, Ms. WASSERMAN SCHULTZ, Mr. DESAULNIER, Ms. SLAUGHTER, Mr. NORCROSS, Mr. MCGOVERN, Mr. BLUMENAUER, Ms. JUDY CHU of California, Mr. JEFFRIES, Mr. VEASEY, Mr. CONYERS, Mr. GRIJALVA, and Ms. ROYBAL-ALLARD):

H.J. Res. 74. A joint resolution proposing an amendment to the Constitution of the United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.J. Res. 75. A joint resolution to amend the War Powers Resolution; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ADAMS (for herself, Ms. VELÁZQUEZ, Ms. MOORE, Ms. CLARKE of New York, Mr. HASTINGS, Mr. MCGOVERN, and Mr. SOTO):

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress on the admission of refugees and immigrants to the United States; to the Committee on the Judiciary.

By Mr. ADERHOLT (for himself, Mr. CULBERSON, and Mr. SMITH of Texas):

H. Con. Res. 26. Concurrent resolution to express the sense of Congress that the first launch of the Space Launch System should be named for Captain Eugene Andrew "Gene" Cernan; to the Committee on Science, Space, and Technology.

By Mr. LOWENTHAL (for himself, Mr. REICHERT, and Mr. GRIJALVA):

H. Con. Res. 27. Concurrent resolution expressing the sense of Congress that America's Federal public lands are national treasures that belong to all Americans; to the Committee on Natural Resources.

By Mr. CROWLEY:

H. Res. 127. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. SMITH of New Jersey (for himself, Ms. BASS, Mr. COFFMAN, Ms. KELLY of Illinois, Mr. VEASEY, and Mr. ELLISON):

H. Res. 128. A resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia; to the Committee on Foreign Affairs.

By Mr. SAM JOHNSON of Texas:

H. Res. 129. A resolution calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. COURTNEY, Mr. BLUMENAUER, Ms. BONAMICI, Mr. GARAMENDI, Mr. ELLISON, Ms. NORTON, Mr. POLIS, Ms. SHEA-PORTER, Ms. ROYBAL-ALLARD, and Ms. DELAURO):

H. Res. 130. A resolution supporting efforts to increase competition and accountability in the health insurance marketplace, and to extend accessible, quality, affordable health care coverage to every American through the choice of a public insurance plan; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HOYER:

H.R. 1059.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying the execution of the foregoing powers, and all powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. COURTNEY:

H.R. 1060.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CHAFFETZ:

H.R. 1061.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 3, and the 4th and 14th Amendments to the U.S. Constitution

By Mr. CHAFFETZ:

H.R. 1062.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 3, and the 4th and 14th Amendments to the U.S. Constitution.

By Mr. O'ROURKE:

H.R. 1063.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the

foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. O'ROURKE:

H.R. 1064.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MESSER:

H.R. 1065.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 9, clause 7 of the United States Constitution.

By Mr. KILMER:

H.R. 1066.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 1067.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. PALLONE:

H.R. 1068.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mrs. LAWRENCE:

H.R. 1069.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. CALVERT:

H.R. 1070.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution, specifically clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. TONKO:

H.R. 1071.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SANFORD:

H.R. 1072.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. BEYER:

H.R. 1073.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States

By Mr. BLUM:

H.R. 1074.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Ms. CLARKE of New York:

H.R. 1075.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I of the United States Constitution and its Subsequent ammendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. CLARKE of New York:

H.R. 1076.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I of the United States Constitution and its subsequent ammendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. COHEN:

H.R. 1077.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution and Amendment XVI of the United States Constitution

By Mrs. DAVIS of California:

H.R. 1078.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. ELLISON:

H.R. 1079.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Mr. ELLISON:

H.R. 1080.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Mr. EMMER:

H.R. 1081.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 Clause 18

By Mr. GUTHRIE:

H.R. 1082.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. HUFFMAN:

H.R. 1083.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or office thereof.

By Ms. KELLY of Illinois:

H.R. 1084.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 1085.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 1086.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the U.S. Constitution

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 1087.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the U.S. Constitution

By Mr. NADLER:

H.R. 1088.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clauses 1, 17, and 18.

By Mr. POLIS:

H.R. 1089.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution [Page H156].

By Mr. REED:

H.R. 1090.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. RENACCI:

H.R. 1091.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.

By Mr. RYAN of Ohio:

H.R. 1092.

Congress has the power to enact this legislation pursuant to the following:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. SIRES:

H.R. 1093.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

By Ms. SLAUGHTER:

H.R. 1094.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section IV of the Constitution

By Mr. SMITH of New Jersey:

H.R. 1095.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 10

By Mr. STEWART:

H.R. 1096.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the Constitution gives Congress the authority to enact this legislation.

By Mr. TAKANO:

H.R. 1097.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. TIBERI:

H.R. 1098.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1.

By Mr. WITTMAN:

H.R. 1099.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. ZELDIN:

H.R. 1100.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. POCAN:

H.J. Res. 74.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States, which states:

"The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. DEFazio:

H.J. Res. 75.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 31: Mr. RICE of South Carolina.

H.R. 38: Mr. FERGUSON.

H.R. 44: Mr. LANCE and Mr. GENE GREEN of Texas.

H.R. 82: Mr. WITTMAN.

H.R. 113: Mr. CLAY, Mrs. BEATTY, and Mr. ELLISON.

H.R. 140: Mr. SESSIONS.

H.R. 179: Mr. THOMPSON of Pennsylvania.

H.R. 198: Mr. SMUCKER.

H.R. 257: Mr. JODY B. HICE of Georgia.

H.R. 275: Mr. ROTHFUS and Mrs. DINGELL.

H.R. 305: Mr. KILMER.

H.R. 355: Mr. THORNBERRY.

H.R. 367: Mr. SCALISE.

H.R. 371: Mr. NORCROSS.

H.R. 392: Ms. LOFGREN, Mr. KINZINGER, Ms. SPEIER, Mr. LUCAS, Mr. PRICE of North Carolina, Mr. KIND, and Mr. DELANEY.

H.R. 400: Mr. BERGMAN and Mr. WILSON of South Carolina.

H.R. 415: Mr. AL GREEN of Texas, Ms. LEE, and Ms. MOORE.

H.R. 429: Mr. PETERS.

H.R. 476: Mr. AGUILAR, Mr. KILMER, Mr. MOULTON, and Miss RICE of New York.

H.R. 525: Mr. AUSTIN SCOTT of Georgia.

H.R. 530: Ms. MCCOLLUM and Mr. LEVIN.

H.R. 544: Mr. KIND and Mr. FRELINGHUYSEN.

H.R. 553: Mr. WESTERMAN, Mr. ZELDIN, Mr. BRAT, Mr. HENSARLING, Mr. MEADOWS, Mr. COLE, Mr. POLIQUIN, Mr. GOSAR, and Mr. ROTHFUS.

H.R. 586: Mr. JONES and Mr. MEADOWS.

H.R. 592: Mr. GOODLATTE, Mrs. HARTZLER, Mr. FITZPATRICK, Mr. WENSTRUP, Mr. COMER, Mr. WALKER, Miss RICE of New York, and Mr. BRADY of Pennsylvania.

H.R. 613: Mr. SMITH of Washington.

H.R. 625: Mr. MOULTON, Mr. KILMER, Miss RICE of New York, and Mr. LANGEVIN.

H.R. 628: Mr. MACARTHUR and Mr. TAYLOR.

H.R. 644: Mr. MARSHALL, Mr. TURNER, and Mr. LIPINSKI.

H.R. 664: Mr. STIVERS.

H.R. 695: Mr. PAULSEN, Ms. SHEA-PORTER, and Ms. ROS-LEHTINEN.

H.R. 696: Mr. QUIGLEY and Mr. RUSH.

H.R. 706: Mr. FORTENBERRY.

H.R. 710: Mrs. WAGNER.

H.R. 732: Mr. GROTHMAN and Mr. YOUNG of Iowa.

H.R. 741: Mr. O'HALLERAN.

H.R. 747: Mr. HULTGREN, Mr. GARAMENDI, Mr. LANCE, Mr. CURBELO of Florida, Mr. TURNER, Mr. LEWIS of Minnesota, and Mr. HUDSON.

H.R. 770: Mr. FOSTER.

H.R. 772: Mr. ROE of Tennessee.

H.R. 793: Mrs. DAVIS of California, Mr. SCHNEIDER, and Mr. BEYER.

H.R. 794: Mrs. BEATTY, Ms. BONAMICI, Mr. CARBAJAL, Mr. CARTWRIGHT, Mr. CLYBURN, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DESAULNIER, Mr. ESPAILLAT, Mr. GALLEG0, Ms. HANABUSA, Ms. KAPTUR, Mr. KILDEE, Ms. LEE, Mr. LEWIS of Georgia, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Ms. MENG, Mr. O'HALLERAN, Mr. PASCRELL, Mr. SOTO, Mr. PAYNE, Ms. ROSEN, Mr. GONZALEZ of Texas, Mrs. DEMINGS, Mr. KIHUEN, Mr. BROWN of Maryland, Mr. KRISHNAMOORTHY, Mr. JOHNSON of Georgia, Mr. FOSTER, Ms. DELBENE, and Ms. PINGREE.

H.R. 804: Mr. SCHNEIDER, Ms. GABBARD, Mr. PRICE of North Carolina, and Mr. VELA.

H.R. 806: Mr. VALADAO.

H.R. 816: Mr. SWALWELL of California.

H.R. 817: Ms. PINGREE and Mr. YARMUTH.

H.R. 820: Mr. FLORES, Mr. DEFazio, Mr. LARSEN of Washington, Mr. GIBBS, and Mr. LOEBSACK.

H.R. 823: Ms. SANCHEZ and Mr. GRIJALVA.

H.R. 830: Mr. POE of Texas.

H.R. 844: Mr. ABRAHAM and Mr. PALMER.

H.R. 849: Mr. WILSON of South Carolina.

H.R. 851: Ms. KAPTUR.

H.R. 873: Mr. KNIGHT, Mrs. WAGNER, Mr. YODER, and Ms. MCSALLY.

H.R. 909: Mr. WITTMAN.

H.R. 912: Mr. PASCRELL.

H.R. 918: Ms. SHEA-PORTER.

H.R. 941: Ms. STEFANIK.

H.R. 949: Mr. KING of New York, Mrs. COMSTOCK, Mr. MEEHAN, Mr. DENT, Mrs. WAGNER, Mr. BYRNE, Mr. KELLY of Pennsylvania, Mr. PERRY, Mr. KILMER, Mrs. NAPOLITANO, Ms. SINEMA, Mr. SWALWELL of California, Mr. BRADY of Pennsylvania, Mr. PASCRELL, Mr. GRIJALVA, and Mr. HASTINGS.

H.R. 966: Mr. VISCOSKY.

H.R. 970: Mrs. CAROLYN B. MALONEY of New York and Mrs. DINGELL.

H.R. 981: Mr. KEATING.

H.R. 985: Mr. GROTHMAN.

H.R. 997: Mr. MCCLINTOCK, Mr. PALAZZO, Mr. LOUDERMILK, and Mr. TURNER.

H.R. 1002: Ms. JENKINS of Kansas and Mr. KELLY of Pennsylvania.

H.R. 1005: Mr. JONES.

H.R. 1006: Mr. POLIS, Ms. CASTOR of Florida, Ms. BONAMICI, Mrs. LAWRENCE, and Ms. MCCOLLUM.

H.R. 1017: Mr. YOUNG of Alaska and Mr. MEEHAN.

H.R. 1022: Mr. SWALWELL of California, Mr. MCGOVERN, Ms. DELAURO, Mr. ENGEL, Mr. RUSH, and Mr. DANNY K. DAVIS of Illinois.

H.R. 1026: Mr. FORTENBERRY and Mr. GROTHMAN.

H.R. 1031: Mr. YOUNG of Alaska, Mr. WILSON of South Carolina, Mr. BUCK, and Mr. CULBERSON.

H.R. 1037: Mr. LOEBSACK.

H.R. 1038: Mr. PETERSON, Mr. LOEBSACK, Mr. AMODEI, Mr. SARBANES, and Mr. AUSTIN SCOTT of Georgia.

H.R. 1051: Mr. HUDSON.

H.J. Res. 6: Mr. MASSIE and Mr. COMER.

H.J. Res. 9: Mr. GAETZ.

H.J. Res. 27: Mr. BOST.

H.J. Res. 66: Mr. MESSER, Mr. WILSON of South Carolina, and Mr. MITCHELL.

H.J. Res. 67: Mr. MESSER, Mr. WILSON of South Carolina, and Mr. MITCHELL.

H. Res. 28: Ms. SINEMA, Mr. KENNEDY, and Mr. O'HALLERAN.

H. Res. 31: Ms. SINEMA and Mr. O'HALLERAN.

H. Res. 104: Mr. HASTINGS and Ms. SANCHEZ.

H. Res. 111: Mr. FOSTER, Mr. DOGGETT, Ms. BONAMICI, Ms. JAYAPAL, Ms. SCHAKOWSKY, Mr. LYNCH, Mrs. LOWEY, Ms. MCCOLLUM, Mr. SMITH of Washington, Mr. DEFazio, Mrs. WATSON COLEMAN, and Mr. Cárdenas.

H. Res. 118: Mr. GRIJALVA.

H. Res. 124: Ms. LOFGREN and Mr. FOSTER.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. VISCLOSKY. Mr. Speaker, on February 14, 2017, I was absent from the House and missed Roll Call Votes 88 through 92.

Had I been present for Roll Call Vote 88, on ordering the previous question, I would have voted "No."

Had I been present for Roll Call Vote 89, on agreeing to the resolution, H.Res. 99, providing for consideration of H.J. Res. 66, Disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, I would have voted "No."

Had I been present for Roll Call Vote 90, on ordering the previous question, I would have voted "No."

Had I been present for Roll Call Vote 91, on agreeing to the resolution, H.Res. 116, providing for consideration of H.J. Res. 66, Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees and H.J. Res. 67, Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees, I would have voted "No."

Had I been present for Roll Call Vote 92, on passage of H.R. 428—Red River Gradient Boundary Survey Act, I would have voted "No."

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. WALZ. Mr. Speaker, I was absent in the House chamber for roll call votes 89, 90 and 91 on Tuesday, February 14, 2017. At the time, and at the request of the President, I was attending the swearing-in ceremony of VA Secretary Shulkin. Had I been present, I would have voted Nay on roll call votes 89, 90 and 91.

RECOGNIZING DR. DALE MCCALL

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize Dr. Dale McCall on being inducted into

the Colorado Agriculture Hall of Fame. This honor is reserved for those who have made a significant contribution to the agricultural industry of Colorado and the United States.

Dr. McCall has made a great impact on the agricultural industry throughout his life. He devoted 40 years to agricultural education after receiving his bachelors, masters, and Ph.D. degrees from Colorado State University. He has helped the next generation of agriculture producers through his roles as a teacher, Agricultural Education staff member, and even Executive Director of Boards of Cooperative Educational Services (BOCES).

Not only has Dr. McCall given his time to agricultural education, he also has first-hand experience working on the farm. He and his wife have grown a variety of crops including oats, wheat, and milo. He is the current president of the Rocky Mountain Farmer's Union and has received numerous awards for his various agriculture and educational achievements.

On behalf of the 4th Congressional District of Colorado, I extend my best wishes as Dr. McCall pursues his future endeavors. His passion and dedication to the agricultural industry makes him more than worthy of this distinct recognition. Mr. Speaker, it is an honor to recognize Dr. Dale McCall for his accomplishments.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI SOLDIER MARINE SERGEANT (SGT) DONNIE LEO FORD LEVENS

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Marine Sergeant (SGT) Donnie Leo Ford Levens who paid the ultimate sacrifice while defending our great nation on February 17, 2006, during Operation Enduring Freedom. SGT Levens was killed when two CH-53E Sea Stallion helicopters crashed into the Gulf of Aden near Ras Siyyan, northern Djibouti, while on a training mission in the Godoria Range area.

SGT Levens of Long Beach, MS, was assigned to the Marine Heavy Helicopter Squadron 464, Marine Air Group 29, 2nd Marine Aircraft Wing, II Marine Expeditionary Force, New River, N.C. He was deployed to Djibouti as part of the U.S.-led Combined Joint Task Force—Horn of Africa, a counterterrorism force. SGT Levens was an Aircraft Ordnance Technician.

SGT Levens's mother Margaret and brother Matt honored SGT Levens by completing their studies at Mississippi Gulf Coast Community College in 2006. Margaret Levens said Donnie's courage inspired her to go back to

school and earn a degree. President George W. Bush delivered the commencement address at the graduation ceremony held in Biloxi. President Bush praised SGT Levens for his service and sacrifice.

SGT Levens will be remembered for his courage and determination to keep America safe.

HONORING MR. RICHARD BIEDENBACH AS VETERAN OF THE YEAR

HON. BOB GIBBS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. GIBBS. Mr. Speaker, I am honored to recognize Mr. Richard Biedenbach for his achievement as Veteran of the Year for 2016 by the Greater Canton Veterans Council.

Upon his graduation from Central Catholic High School in Canton, Ohio, Mr. Biedenbach joined the Army in the 1960s, where he was stationed in Berlin, Germany at the height of the Cold War. As a photographer in West Germany, Mr. Biedenbach monitored East German activity near the border between East and West Germany. His contributions to the effort against the Soviet Union helped advance the cause for democracy around the world.

After he was discharged from the Army at the rank of E-4 Specialist in 1963, Mr. Biedenbach dedicated his time to his fellow veterans, volunteering to transport veterans to and from the Veterans Affairs clinic in Canton. Today, he is a member of American Legion Canton Post 44, where he serves on the Burial Honor Guard.

On November 11, 2016, Richard was named Veteran of the Year by the Greater Canton Veterans Council for his selfless commitment to caring for and improving the lives of his fellow veterans.

Mr. Speaker, it is truly an honor to represent SPC Richard Biedenbach in the United States Congress. He established a patriotic example for all Americans to emulate and I am humbled to recognize Mr. Biedenbach's service to our great nation.

IN RECOGNITION OF THE DUCHESS OUTLET FOR 60 YEARS OF SERVICE TO THE GREATER PITTSBURGH AREA

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor the Caprari Family of Pittston

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for celebrating the 60th Anniversary of their family business, the Duchess Outlet, last year on Friday, November 11. The Duchess Outlet, which began as a textile manufacturer, operates as a retail clothing outlet and seller of heirloom toys.

Established in 1956 by Sam and Theresa Caprari, the Duchess Coat & Suit Manufacturing plant was a major garment producer for northeastern Pennsylvania and employed over 150 workers. As the business grew, the Duchess opened a discount retail outlet that offered raincoats, wool jackets, leathers, and outerwear.

When Sam and Theresa retired, they handed over the business to their son Paul and his wife Paula. The Duchess Outlet expanded their inventory with suits, sport jackets, outerwear, and name-brand raincoats. The store also began carrying Madame Alexander Dolls and opened a Doll Museum. The Museum now has more than 1,000 pieces, dating from the 1930s to the present.

In addition to operating the Duchess Outlet, the Caprari family has a long record of service to their community and country. During World War II, Sam Caprari served as a military aircraft-manufacturing instructor. He was a member of the Greater Pittston Chamber of Commerce, the Lions Club, the Elks Club, and the Italian American Association. Theresa is the Vice-President of the Business and Professional Women's Club Association. She was also a member of National Federation of Independent Business and the Pennsylvania Mental Health Association.

Paul Caprari is the founder of Hear for You, a program that provides hearing aids to those who cannot afford them. Paul also serves with the Knights of Columbus Council 372 as a 4th Degree Knight. Paula Caprari has received multiple honors and awards for overseeing Duchess Outlet Doll Museum, including being recognized by the Madame Alexander Company. Julio Caprari is also a 4th Degree Knight of Columbus with Council 372. As Co-Chairman of Pittston City History Day, Julio has worked with Misericordia University and Luzerne County Agency on Aging to preserve the history of Greater Pittston.

It is an honor to recognize the Caprari family as they celebrate the Duchess Outlet's 60th Anniversary. May they continue to serve their neighbors and community in the Greater Pittston Area with distinction.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. ELLISON. Mr. Speaker, due to other commitments, I missed the following roll call votes. Had I been present, I would have voted as follows: Roll call no. 86, I would have voted yes. Roll call no. 87, I would have voted yes.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI SOLDIER ARMY SERGEANT (SGT) TIMOTHY R. OSBEY

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Sergeant (SGT) Timothy R. Osbey who paid the ultimate sacrifice while defending our great nation February 16, 2005, during Operation Iraqi Freedom III. SGT Osbey lost his life along with Army Sergeant (SGT) Joseph Andrew "Drew" Rahaim when a roadway collapsed and their vehicle rolled into a canal at Forward Operation Base Iskandariyah, Iraq.

SGT Osbey, a Mississippi Army National Guard soldier and Pike County native, was assigned to the 1st Battalion, 155th Infantry Regiment (Mechanized), Mississippi Army National Guard, McComb, MS. SGT Osbey served as an emergency medical technician. Before he entered the military, SGT Osbey excelled in track at the University of Southern Mississippi. During his funeral, Rev. Alphonse Patterson remembered SGT Osbey as a gifted athlete who also achieved academic success. SGT Osbey was a University of Southern Mississippi graduate.

Major General (MG) Harold A. Cross, Adjutant General of the Mississippi Army National Guard, presented SGT Osbey posthumously with a Bronze Star medal for meritorious service and a Mississippi Medal of Valor.

SGT Osbey will always be remembered as a role model who inspired so many others he served with. SGT Osbey is survived by his wife, Willie Marie Dickerson Osbey and daughter, Saderia Osbey.

HONORING WAYNE OLDHAM

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mrs. BLACKBURN. Mr. Speaker, from time to time members of this House rise, address the body to honor events in their districts, members of their communities, or occurrences in their towns. To be read into the CONGRESSIONAL RECORD is an honor our constituents cherish. Today, though Mr. Speaker, the honor is all mine to rise and tell this body about one of the Tennessee 7th Congressional District's most cherished and devoted citizens, Wayne Oldham, as his life and homegoing is celebrated this week.

Wayne was born in Montgomery County and made his life there and at every stage of his life, he would be found championing the conservative cause. From creating the Austin Peay State University College Republican chapter still in existence today, to being the longest serving State Executive Committee member of the Tennessee Republican Party, Wayne had a drive and a passion to support the people and causes he held dear. There was never a meeting too small or a race too

insignificant for Wayne to attend and support. He was a fixture in Clarksville and his absence will be felt for years to come.

There are those whose light shines so brightly, boldly, and consistently that we are confident their legacy will remain long after they are gone. I join with family, friends, political activists, neighbors, committee members, and all those who will miss Wayne's supportive phone calls, his never-fading friendship, and his heart-felt laugh. I ask my colleagues to join with me in remembrance of my dear friend. May his life's work be a reminder in serving the world around us, no matter how big or small.

RECOGNIZING MR. CHARLES BARTLETT

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize Mr. Charles Bartlett on being posthumously inducted into the Colorado Agriculture Hall of Fame. This honor is reserved for those who have made a significant contribution to the agricultural industry of Colorado and the United States.

Mr. Bartlett made a substantial impact on the Colorado agriculture industry throughout his lifetime. He got his start at an early age, when he undertook a supervisory role on his family's farm when he was 20 years old. Dedicating his time to protecting Coloradan's water and agriculture, he became Chairman of the Colorado Water Conservation Board and co-founded First FarmBank and FarmBank Holding Company.

Mr. Bartlett maintained a commitment to education in his community. He served on several school boards including the Board of Cooperative Educational Services and the Buffalo School District Board of Education. He received numerous prestigious awards, including the Colorado Corn Amicus Friend of Agriculture Award, throughout his lifetime for his many acts of public service. It is clear that he cared greatly about bettering his community through leadership and hard work.

On behalf of the 4th Congressional District of Colorado, I extend my best wishes to the family of Mr. Charles Bartlett. His passion and dedication to the agricultural industry makes him more than worthy of this distinct recognition. Mr. Speaker, it is an honor to recognize Mr. Charles Bartlett for his accomplishments.

RECOGNITION OF JOSEPH CACHERO SELECTION AS A DELEGATE TO THE CONGRESS OF FUTURE SCIENCE AND TECHNOLOGY LEADERS

HON. JUAN VARGAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. VARGAS. Mr. Speaker, I rise today to honor Joseph Cachero, a student at Hilltop

High School in Chula Vista, California, for his selection to represent the State of California as a Delegate at the Congress of Future Science and Technology Leaders. The event will be held at the Tsongas Center at University of Massachusetts Lowell in Lowell, MA, from June 29, 2017 to July 1, 2017.

The Congress of Future Science and Technology Leaders is an honors-only program designed to motivate and direct the top students in our country who aspire to be scientists, engineers, and technologists and encourage them to stay true to their dream. All delegates are nominated by their teachers or the National Academy of Future Scientists based on proven academic excellence and a demonstrated desire to enter the scientific or technology professions.

I want to congratulate Joseph Cachero and Hilltop High School in their success and leadership in the scientific field.

TRIBUTE TO JOYCE WATTS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to my friend Joyce Watts.

After 40 years as Allegan County Clerk and Register, this past December Joyce made the tough decision to hang it up and retire.

She did so as the longest-serving elected county clerk in the entire state of Michigan and simply put one of the most dedicated public servants our great state has ever seen.

Joyce juggled many duties in her career. Before she was clerk-register, she was register of deeds for 12 years. She also served on the board of directors of the National Association of County Recorders and Clerks.

Joyce always impressed me with her professionalism, work-ethic, and tireless advocacy on behalf of our corner of the state. Joyce was someone you could trust to get the job done right. And as a clerk handling elections, it's absolutely imperative you have someone of her character and integrity serving in that position.

There is no doubting her passion and commitment. But above all, Joyce was a wife, mother, and a friend to me and countless others in our Allegan community.

And so, I want to wish Joyce, her husband John, and their son Jason and his wife Lesley best of luck in the coming years and I look forward to remaining close friends.

RECOGNIZING THE LIFE OF CECILIA ZÁRATE-LAUN

HON. MARK POCAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. POCAN. Mr. Speaker, I rise today to recognize the life of Cecilia Zárate-Laun, a constituent and dear friend of mine who dedicated her life to building a more just and peaceful world. I first met Cecilia while serving

on the Dane County Board of Supervisors in Wisconsin, where we worked together on a sister-city relationship between Dane County and Apartadó, in Antioquia, Colombia. I had the honor of visiting Apartadó on a delegation that Cecilia led, and worked with her to host Colombian dignitaries visiting the U.S. over the years.

Cecilia was born in 1945 in the Santander Province in Colombia. The eldest of five sisters, she studied nutrition in Bogotá, and later, as a Master's student at the University of Wisconsin. In 1976, she married Jack Laun, whom she had met while studying in the United States. They celebrated their 40th anniversary together last year.

Her lifelong mission was to educate and inspire ordinary people to become involved in the messy work of democracy. She had an intimate understanding that efforts to change government policy here in the U.S. had a profound impact on the lives of untold billions across the world. By shifting our priorities away from militarism and war-making, the United States could instead contribute to sustainable development and solving real human needs globally.

Co-founding the Colombia Support Network (CSN) in 1987, Cecilia went on to lead more than 50 delegations of residents of the United States to Colombia, supporting the formation of CSN chapters in the U.S. and matching them with communities in areas of conflict. CSN sought to achieve peace with justice in Colombia by changing U.S. policy and minimizing the violence faced by people caught between guerrillas on the one hand and state security forces and paramilitaries on the other.

Cecilia's commitment to social and economic equality, and a deep sense of solidarity with people around the world, drove her tireless efforts. That passion had a lasting effect on me and will continue to inform my work and the values I strive to uphold as a public servant.

Even in the weeks just before her passing, she worked closely with me as we pursued strategies to ensure accountability, truth, and justice for the victims of Colombia's 50-year conflict. She lived to see the end of Colombia's brutal civil war, which was the fruit of her labors and the efforts of persistent, dedicated peace activists just like her. Her life is a window into the decades-long commitment from millions of people in order to produce real social change.

Mr. Speaker, it is with great honor that I recognize the life and legacy of Cecilia Zárate-Laun today.

PERSONAL EXPLANATION

HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mrs. BEATTY. Mr. Speaker, on February 7, 2017, I did not cast my vote on roll call votes No. 81 and No. 82. Had I been present, I would have voted "NAY" on both votes.

On February 14, 2017, I was unavoidably absent due to illness and unable to cast my votes on roll call votes Nos. 88 through 92.

Had I been present, I would have voted as follows: Roll call vote 88 on ordering the previous question; NAY; Roll call vote 89 on agreeing to the Resolution, H. Res. 99; NAY; Roll call vote 90 on ordering the previous question; NAY; Roll call vote 91 on agreeing to the Resolution, H. Res. 116; NAY; Roll call vote 92 on final passage of H.R. 428, the Red River Gradient Boundary Survey Act; NAY.

CELEBRATING THE 100TH BIRTHDAY OF KENNETH WILLIAM THOMPSON

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor Downey resident, Mr. Kenneth William Thompson on the occasion of his 100th birthday.

Ken was born on February 9, 1917, to William and Eleanor Thompson in Virginia, Minnesota. The third of four boys, he spent his childhood in nearby Duluth, where the Thompson family survived the many challenges of the Great Depression. In 1940, the family moved west to California.

In 1942, at the outbreak of World War II, Ken was drafted into the U.S. Army, where he served as a Radar Technician (T5). Two of his brothers also served in World War II, in the U.S. Navy. During his tour of duty from 1942 to 1945, Ken served overseas in France, Belgium, and Germany. He fought in five major battles, including the Battle of the Bulge and at Bastogne. When the war in Europe ended, he was one of four in his unit who was scheduled to go to Japan because of his radar training, but the war ended before he shipped out.

After the war ended, Ken returned to California, where he met Vivian Laura Oden of St. Paul, Minnesota. They were married in 1948, and settled in Downey, California, where they raised their three beautiful daughters: Joan, Kathy, and Mary.

Ken was employed by Maytag for 35 years, where he worked in many positions until he retired in 1982. His loving wife, Vivian, died on February 19, 2000. Today, their family includes nine grandchildren and eight great-grandchildren.

Ken has made his home in Downey for 67 years, and has been very active in the community schools, for which he was awarded the Honorary Service Award. He has also been actively involved with the Evangelical Free Church in Fullerton and the Trinity Baptist Church in Downey.

According to people who know Ken, and that is quite a large group, his life is built on love for faith, family, friends, a good wit, laughter, service to others, hard work, and a deep and abiding passion for his country.

Ken became 100 years old on February 9, 2017, and is celebrating this significant milestone on Saturday, February 18, 2017, at the Trinity Baptist Church.

I am honored to join with local leaders, and with Mr. Thompson's family and friends, in wishing him a very happy 100th birthday.

RECOGNIZING ED AND MARY
GEORGE POSS

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize Ed and Mary George Poss, who will be celebrating 71 happy years of marriage on March 20th of this year.

The couple met one another in third grade, but didn't have the chance to go on their first date until Ed asked Mary George out seven years later. Ed was a typical class clown, and Mary George was a Grade A student who was admired for being dedicated to her studies. The two didn't want much to do with each other during elementary and junior high school, but Ed continuously admired Mary George's beautiful character.

After the two graduated high school, they decided to get married and begin a life together. As the two entered their freshman year of college as an engaged couple, it became clear that Mary George's father wasn't quite ready to let his little girl go. He tried to offer her gifts to postpone the wedding, but she insisted that Ed was the one for her and married him only 10 days after her eighteenth birthday.

Since then, Mr. and Mrs. Poss have maintained their commitment over many years and long distances. Mary George stayed close to home to attend the University of Georgia while Ed played football at Auburn University. Ed later enlisted in the United States Navy, and moved from Virginia to San Diego, California to carry out his duties. Throughout the seasons spent in various homes from coast to coast, they have raised two children, both of whom live in Rabun County.

Together, Ed and Mary George have presented their children and our community of northeast Georgia with an enduring example of commitment and trust. May we all look to Mr. and Mrs. Poss for an example of the joy that comes from a life of love and service to another.

IN TRIBUTE TO AL JARREAU

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Ms. MOORE. Mr. Speaker, I rise today to recognize Alwin Lopez Jarreau, also known as Al Jarreau. He was a vocalist, musician, songwriter, and father. Al was born on March 12, 1940 in Milwaukee, Wisconsin and passed away at the age of 76, on February 12, 2017.

He was born into a musical family; his father was a pastor with a fine voice and his mother, the church's pianist. Al began singing at the age of 4, harmonizing with his 5 siblings. He graduated from Lincoln High School in 1958 where his love of music and singing deepened. He earned a bachelor's degree from Ripon College in Wisconsin in 1962, and a master's degree from the University of Iowa. He worked as a rehabilitation counselor for people with disabilities. Al Jarreau's full-time

musical career began when he was nearly 30 and he could no longer resist the pull of jazz.

Al Jarreau was a versatile vocalist who recorded 21 albums, won seven Grammys and remains the only vocalist in Grammy history to win in the jazz, pop, and R&B categories. He was proud that his mix of styles prevented him from being easily categorized. Al Jarreau had a vocal style that was appealing and highly unusual. He could produce an array of vocalizations and was nicknamed the acrobat of scat because of this talent. Al reached a national audience with his second album *We Got By*, released in 1975. In 1965, he recorded his first album entitled "1965" belatedly released in 1982 which is esteemed by jazz connoisseurs today. In 1981 he had his biggest hit with the song "We're in This Love Together." He won his first Grammy in 1978, for his album "Look to the Rainbow" and his last in 2007, for best traditional R&B vocal performance. He shared the award with George Benson and Jill Scott for their collaborative performance, "God Bless the Child." Among Mr. Jarreau's best-known recordings was the theme song for the television series, "Moonlighting."

Al Jarreau was proud of his hometown and at the beginning of most performances announced that he was from Milwaukee. The Wisconsin Foundation for School Music honored Jarreau with a Lifetime Achievement Award in October 2016, and established an endowment in his name for Milwaukee Public School music programs. He was concerned that children in Milwaukee and across the country would not have exposure to music and the arts. In fact, Al Jarreau's parting request to mourners was that contributions be made to children from his hometown in lieu of flowers and gifts.

He leaves behind many friends, admirers and family members to mourn his passing including his wife, Susan, his son Ryan and two brothers, Marshall and Appie; and a sister, Rose Marie Freeman. Al Jarreau made a positive impact on Milwaukee, Wisconsin and the world and I am proud that he hails from Milwaukee. Mr. Speaker, for these reasons I rise to pay tribute to a man whose legacy will continue to benefit the Fourth Congressional District.

RECOGNIZING THE LIFE OF FALL-
EN MISSISSIPPI SOLDIER ARMY
SERGEANT (SGT) JOSEPH A.
RAHAIM

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of fallen Mississippi soldier Army Sergeant (SGT) Joseph Andrew "Drew" Rahaim who gave his life while in service to our great nation February 16, 2005, during Operation Iraqi Freedom III. SGT Rahaim lost his life when a roadway collapsed and his vehicle rolled into a canal at Forward Operation Base Iskandariyah, Iraq. SGT Timothy R. Osbey was also killed in the accident.

SGT Rahaim was assigned to the 1st Battalion, 155th Infantry Regiment (Mechanized),

Mississippi Army National Guard, McComb, MS.

Major General (MG) Harold Cross, Adjutant General of Mississippi, posthumously presented SGT Rahaim the Bronze Star Medal and the Mississippi Medal of Valor. During the funeral for the 22-year-old Magnolia, MS native, MG Cross described the medals as two of the nation's highest awards.

SGT Rahaim was remembered by many as a great storyteller. Soldiers from his unit said their guardian angel will probably be listening to his tall tales in heaven. Rev. Phil McMinn of the Brookwood Baptist Church in Lawrenceville delivered his eulogy. He said SGT Rahaim was destined to be a soldier from childhood, and that when Drew was a young boy, he kept his GI Joe toy close by.

SGT Rahaim will be remembered for his sacrifice and for demonstrating the qualities of a great soldier and American.

INTRODUCTION OF TAX RETURN
PREPARER ACCOUNTABILITY ACT

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. COHEN. Mr. Speaker, today I introduced, along with my colleagues Reps. ROBERT "BOBBY" SCOTT, CAROLYN MALONEY and ELEANOR HOLMES NORTON, the Tax Return Preparer Accountability Act of 2017, which would provide explicit authority for the Internal Revenue Service (IRS) to protect taxpayers from unscrupulous tax cheats masquerading as bona fide tax preparers.

As we near April 15th, millions of taxpayers will pay someone to help them fill out their tax returns. Many of these tax preparers are honest and trustworthy. But, unfortunately, too many of them take advantage of their customers or help their customers engage in tax fraud themselves.

In Memphis, my Congressional district, a company named Mo' Money Taxes was caught charging taxpayers deceptive and outrageous fees and cheating them out of their refunds. The company also helped some customers prepare fraudulent returns that claimed bogus deductions and cheated the public of needed tax revenue. Fortunately, the Department of Justice has shut down the tax preparer company but there are many businesses just like them cheating taxpayers and the government alike.

The IRS issued rules in 2011 regulating the tax return preparer industry by requiring them to register with the IRS and meet certain education and testing standards. However, a federal court held that the IRS did not have the authority under existing law to issue these regulations and they could not come into effect.

That's why I introduced the Tax Return Preparer Accountability Act because it's important that anyone who assists in filing federal taxes is sufficiently trained and maintain a certain level of professional conduct.

I hope that Congress will quickly act on this bill to ensure that these dishonest business practices cannot continue, and protect the pocketbooks of middle-class families.

IN RECOGNITION OF MARTHA E. POLLACK'S SERVICE ON BEHALF OF THE UNIVERSITY OF MICHIGAN

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Martha E. Pollack, Provost and Executive Vice President for Academic Affairs at the University of Michigan as she moves to the next chapter of her life. Ms. Pollack has led a distinguished academic career and helped the university effectively serve its students, faculty and the Ann Arbor community during her tenure with the school.

After receiving her doctorate in Information Science from the University of Pennsylvania in 1979, Ms. Pollack began her academic career with the nonprofit research organization SRI International. She then served as faculty for the University of Pittsburgh until 2000, when she joined the University of Michigan as a Professor of Computer Science and Engineering. Ms. Pollack distinguished herself through her outstanding scholarship and leadership. As a result, she was named chair of the School of Information in 2007 and Provost and Executive Vice President for Academic Affairs in 2013. As Provost, she oversaw academic and budgetary affairs for the entire academic enterprise, which includes the 19 schools and colleges within the university, as well as libraries, museums and other institutions in the University of Michigan system.

Ms. Pollack has received numerous accolades for her work as a leader and scholar at the University of Michigan. In 2007, Ms. Pollack received the Sarah Goddard Power Award for contributing to increased recognition and involvement of women in the sciences. She was also elected as a Fellow of the American Association for the Advancement of Science and the Association for Computing Machinery for her pioneering research. Under her leadership, the university has made important strides in improving affordability for students and continuing to attract world-class scholars to the University of Michigan community. Her leadership and experience will be missed as she moves on to become Cornell University's president this year.

Mr. Speaker, I ask my colleagues to join me in honoring Martha Pollack and her years of service to the University of Michigan and Ann Arbor community. She has proven to be a capable and committed leader who has helped address the most challenging issues facing the university.

RECOGNIZING MR. MARC ARNUSCH

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize Mr. Marc Arnusch on being selected as the 2016 Rising Star in Colorado Agriculture. This honor is reserved for those who have

made a significant contribution to the agricultural industry of Colorado and the United States.

Mr. Arnusch has an extensive background in Colorado agriculture. After receiving a degree in Agricultural Economics, he returned home and began working the land adjacent to his father's farm. He now operates Marc Arnusch Farms, LLC which stretches across 2,400 acres in Prospect Valley. Mr. Arnusch is a member of the Colorado Corn Administrative Committee and the Colorado Farm Bureau, and has held various leadership roles within the Colorado Farm Bureau.

His attendance and participation in local forums, appearance in television commercials, and efforts on behalf of agriculture have helped make him a prominent figure in his community. He has become a powerful voice for agriculture in Colorado and I look forward to learning of his future endeavors.

On behalf of the 4th Congressional District of Colorado, I extend my best wishes as Mr. Arnusch pursues his future undertakings. His passion and dedication to the agricultural industry makes him more than worthy of this distinct recognition. Mr. Speaker, it is an honor to recognize Mr. Marc Arnusch for his accomplishments.

HONORING MAE BETH PALONE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. MARCHANT. Mr. Speaker, I rise today to congratulate Mae Beth Palone on her well-earned retirement from the Independent Bankers Association of Texas, after twenty-two years of dedicated service.

After graduating from the University of Texas with a bachelor's degree in journalism, Palone's distinguished career began at the Texas Capitol in 1975 working for Representative Elmer Martin. She then faithfully served Representative Walter Grubbs, Representative Jimmy Mankins, Representative Foster Whaley and even assisted a newly elected Representative Rick Perry before he had his own staff, finishing her Capitol career in the service of Representative Robert Earley.

Nearly twenty years later, she joined the Independent Bankers Association of Texas (IBAT) serving as IBAT's Government Relations Officer where she continued to cultivate her exemplary relationships with her legislative peers and promote the cause of community bankers in Texas. Palone's journalism degree was put to great use as the author of the script for IBAT's Annual Convention and other key IBAT events and communications. Palone was promoted to Vice President in 2000. She took the reins of the IBAT Leadership Division in 2004, the most treasured experience of her IBAT career, growing membership to over 590 and implementing a regional governance structure as she mentored the future leaders of the Texas community banking industry.

Despite her busy professional life, Ms. Palone also found time to give back to her community as a CASA volunteer as well as serving on the board of directors of her home-

owners association. Palone is perhaps best known for her undying loyalty to her Texas Longhorns, attending every home football game and supporting them regardless of their ranking.

Palone's dedication, professionalism, and commitment to excellence have greatly benefited those who depend upon the Texas community banking industry. She has earned the respect and admiration of her peers.

Mr. Speaker, it is a pleasure to recognize the tireless efforts that Mae Beth Palone has made to the people of the great state of Texas and Texas community bankers. I ask all of my distinguished colleagues to join me in congratulating Mae Beth Palone on her many years of loyal service.

RECOGNITION OF EDGAR JACOME GUZMAN SELECTION AS A DELEGATE TO THE CONGRESS OF FUTURE SCIENCE AND TECHNOLOGY LEADERS

HON. JUAN VARGAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. VARGAS. Mr. Speaker, I rise today to honor Edgar Jacome Guzman, a student in San Ysidro, California, for his selection to represent the State of California as a Delegate at the Congress of Future Science and Technology Leaders. The event will be held at the Tsongas Center at University of Massachusetts Lowell in Lowell, MA, from June 29, 2017 to July 1, 2017.

The Congress of Future Science and Technology Leaders is an honors-only program designed to motivate and direct the top students in our country who aspire to be scientists, engineers, and technologists and encourage them to stay true to their dream. All delegates are nominated by their teachers or the National Academy of Future Scientists based on proven academic excellence and a demonstrated desire to enter the scientific or technology professions.

I want to congratulate Edgar Jacome Guzman in his success and leadership in the scientific field.

RECOGNIZING THE LIFE OF FALLEN NATIONAL GUARD SOLDIER ARMY STAFF SERGEANT (SSG) NICHOLAS J. OLIVIER

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Staff Sergeant (SSG) Nicholas J. Olivier who paid the ultimate sacrifice while defending our great nation on February 23, 2005, during Operation Iraqi Freedom III. SSG Olivier's final mission was to conduct a foot patrol in Baghdad, Iraq in order to find terrorist elements reported to be operating in the area. While on the patrol, enemy forces initiated a complex ambush with an improvised explosive device and small arms fire

that resulted in the mortal wounding of SSG Olivier and the injury of several of his fellow soldiers.

SSG Olivier was described as a leader who made it a top priority to get the men under his command back home to their families and loved ones once their tour was complete.

SSG Olivier, of Jackson, MS, was assigned to B Company, 3rd Battalion, 156th Infantry Regiment, 256th Infantry Brigade Combat Team, V Corps, Pineville, LA. He was the 15th member of the 256th from Louisiana to lose his life in Iraq.

SSG Olivier is survived by his parents, William and Linda Olivier and his wife, Angelle. In a statement issued by the National Guard, Angelle Olivier said her husband was committed to Operation Iraqi Freedom III and his country because he felt it was necessary to ensure America's freedom and to fight to abolish terrorism.

SSG Olivier gave his life to protect the freedoms we all enjoy. His sacrifice will not be forgotten.

THE EVOLVING THREAT OF TERRORISM AND EFFECTIVE COUNTERTERRORISM STRATEGIES

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. JOHNSON of Georgia. Mr. Speaker, the House Armed Services Committee held a full committee hearing on The Evolving Threat of Terrorism and Effective Counterterrorism Strategies. The hearing featured three witnesses, Professor Bruce Hoffman, Mr. Brian Jenkins, and Ambassador Michael Sheehan, all of whom are well-known counterterrorism subject matter experts.

There is no question that terrorism is a serious problem that requires holistic solutions, and there is no doubt that countering terrorism at home and abroad at times requires using hard power. This is a point that we can all agree. However, I am concerned that we have spent the overwhelming portion of our federal resources and national attention on the security dimensions of terrorism since 9/11 while largely ignoring the intangible elements, such as those requiring soft power solutions. This approach has led our government to adopt policies which only exacerbate the problem of terrorism rather than solve it.

President Trump's recent Executive Orders (EOs), in particular the Muslim ban and the virulent language being promulgated by senior officials, will only bolster the narrative which terrorist groups such as the Islamic State (IS) seek to spread, i.e. the West is at war with Islam. In his testimony in front of the House Committee on Homeland Security, Secretary of Homeland Security John Kelly called the EO barring individuals from seven majority-Muslim countries from entering the United States a "temporary pause." While I will not question the sincerity of this remark, the vast majority of counter-terrorism experts, including Michael Leiter, the former Director of the National Counterterrorism Center, agree that at

best the EO completely "misses the point." At worst, the EO is "stupid," and "counter-productive," according to Patrick Skinner, a former CIA counterterrorism case officer.

As Skinner and other counterterrorism experts note, we currently rely upon local partners in Syria, Libya, and Iraq with whom we work side by side to expel IS terrorists from Mosul and Al Bab and other areas. With the Immigration EO, we are effectively telling our partners now that we won't need them and will abandon those who have sacrificed greatly for our cause. This is false. We do need them. It is also worrying that this EO supports the hateful West vs. Muslim World narrative terrorists are trying to propagate. As Jessica Stern, a counterterrorism expert, recently reported, "jihadis are already celebrating Trump's executive order as a 'blessed ban.'" Let me repeat that: terrorists are celebrating Trump's Immigration Executive Order.

It does not stop there. Late last month Reuters reported that the administration is moving away from using the neutral term, Countering Violent Extremism (or CVE), to Countering Islamic Extremism. Reuters further reported that the administration is focusing the work of a CVE Task Force on programs solely tackling radical Islamic groups, although the evidence clearly shows that since right-wing extremists have killed more people in the United States than Islamic Extremists. The world is following these developments, and terrorist leaders are using them to rally supporters and garner recruits.

In late January 2017, the New York Times provided evidence of a leaked draft of an EO that would have revived C.I.A. prisons, also known as black sites, where terrorism suspects were detained and tortured following the 9/11 attacks. The draft EO was reminiscent of the immediate years following 9/11, when torture was condoned by some of the highest levels of our government. Torture did not work back then and it does not work now. Simply put, torture makes us less safe. In early January 2017, a group of 176 retired flag officers from all branches of the United States military signed a letter to then President-elect Trump calling torture "unnecessary" and "counter-productive because it undermines our national security." A few days ago the New York Times reported that although the idea of black sites seemed to have been dropped, the Trump Administration was finalizing a new EO draft that would bring future IS detainees to the wartime prison at Guantanamo Bay.

In the years following the 9/11 attacks, Americans were forced to confront our policies of torture, black sites, the Abu Ghraib prison scandal, and the wartime prison at Guantanamo Bay Cuba. These policies not only left a stain on our conscience and America's moral standing, but they also led to the radicalization of countless individuals. It is well known that Abu Bakr al Baghdadi, the leader of IS, spent significant time at American detention centers in Iraq, including Abu Ghraib and Camp Bucca. It was there that he and other future leaders of IS first met. Former prison commanders, analysts, and soldiers all reported that these prison sites "provided a unique setting for both prisoner radicalization and inmate collaboration—and was formative in the development of today's most potent jihadist force."

Mr. Speaker, it is plain to see the means this administration will use to counter terrorism will only lead to further radicalization, the birth of more terrorist groups, and increasingly strained relations with the Muslim world. I hope that we in Congress do everything we can to ensure that our counter terrorism policies live up to our values, and that we do not repeat the mistakes of the past.

RECOGNIZING MR. BILL MARKHAM

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize Mr. Bill Markham on being inducted into the Colorado Agriculture Hall of Fame. This honor is reserved for those who have made a significant contribution to the agricultural industry of Colorado and the United States.

Throughout his life, Mr. Markham has contributed to the agricultural industry. His dedication to educating the youth in Colorado about the importance of agriculture inspired him to donate his time and resources to the Colorado Young Farmers Educational Association, serving as state president and national secretary. He was also a member of the Colorado Livestock Association and Colorado Corn Growers Association. Throughout the years, he has won various awards for his commitment to agriculture, and even appeared in a Coors television commercial.

Despite Mr. Markham's accomplishments within his community, he is most proud to hold the title farmer. Mr. Markham is the owner of M&M Farms, where he has spent countless days growing Rocky Mountain Barley for Coors Brewing Company.

On behalf of the 4th Congressional District of Colorado, I extend my best wishes to Mr. Bill Markham. His passion and dedication to the agricultural industry makes him more than worthy of this distinct recognition. Mr. Speaker, it is an honor to recognize Mr. Bill Markham for his accomplishments.

HONORING OAKWOOD MIDDLE SCHOOL AS FUTURE CITY FINALISTS

HON. BOB GIBBS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. GIBBS. Mr. Speaker, I am honored to recognize the students of Oakwood Middle School, finalists in the Future City competition.

Each year, more than 40,000 students from 1,350 schools across the country compete in the Future City competition, which challenges students to create futuristic cities and solve sustainability issues within the city. Thirty-four eighth-grade students from Oakwood Middle School in Canton, Ohio participated in this year's competition under the guidance of their teacher, Ms. Vanessa Board.

This year's competition tasked the students to create an efficient, eco-friendly city set 100

years in the future. These talented students used their knowledge in Science, Technology, Engineering, and Math to create the city of Skotgeta, an Icelandic city powered by geothermal energy, which harnesses sustainable natural resources and utilizes technology to cure cancer. Their hard work earned them First Place at the regional competition and qualified them to compete in the national Future City competition.

The achievements of these students demonstrate the same ingenuity and determination of other Ohioans like Neil Armstrong, Thomas Edison, and the Wright Brothers. I am confident in the future of our nation when Oakwood Middle School's Future City team represents the next generation of American leadership.

Mr. Speaker, this accomplishment is a testament to the students and their teacher's dedication to academic excellence. I am proud of each of these individuals, and I wish them much success in the future.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Ms. MOORE. Mr. Speaker, on February 13, 2017, I missed four votes as a result of personal illness. Had I been present, I would have voted YES on H.R. 609, YES on H.R. 512, YES on H.R. 244, YES on H.R. 974.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI SOLDIER SERGEANT FIRST CLASS (SFC) WILLIAM C. SPILLERS

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Sergeant First Class (SFC) William C. Spillers who paid the ultimate sacrifice while defending our great nation on February 17, 2007, during Operation Iraqi Freedom III. SFC Spillers died of a non-combat related injury in Baghdad, Iraq.

SFC Spillers worked at the Joint Forces Headquarters in Jackson, MS. He was assigned to the 230th Finance Detachment, 15th Finance Battalion, 13th Finance Group, Jackson, MS. Twenty-one members of his unit were mobilized in May 2006. They arrived in Iraq in August 2006.

SFC Spillers, a Terry, MS native, was described by Major General Harold Cross as a model soldier who was always attentive to his duties, Adjutant General of the Mississippi National Guard. At the time of SFC Spillers's death, at least 47 soldiers or sailors with Mississippi ties had died in action since operations began in Iraq and Afghanistan.

SFC Spillers devoted his life as a full-time soldier in service to our nation. He is survived by his parents Robert E. Spillers and Sharon Johnson, his wife Kim, his daughter Hailey, and sons Daniel and Myles.

RECOGNIZING MR. BILL WEBSTER

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize Mr. Bill Webster on being inducted into the Colorado Agriculture Hall of Fame. This honor is reserved for those who have made a significant contribution to the agricultural industry of Colorado and the United States.

Mr. Webster has had a tremendous impact on agriculture in Colorado. He started Webster Land and Cattle Company at a young age and managed the company for over thirty years. After his retirement, Mr. Webster served in the Colorado State Legislature and as the Weld County Commissioner at Large. He has continuously been a leader in his community, serving on multiple boards and participating in various organizations. Today he is involved in the Greeley Rotary Club, T-Bone Club, First Congregational Church, and the American Legion.

In addition to being a leader in his community, Mr. Webster served his country for two years in the United States Army. After his many years of public service, Mr. Webster returned to Colorado State University to complete his Bachelor of Science degree in Animal Science. Mr. Bill Webster has set an exceptional example of leadership and public service, and it is a great honor to call him a dear friend and my father-in-law.

On behalf of the 4th Congressional District of Colorado, I extend my best wishes to Mr. Bill Webster. His passion and dedication to the agricultural industry makes him more than worthy of this distinct recognition. Mr. Speaker, it is an honor to recognize Mr. Bill Webster for his accomplishments.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. HUIZENGA. Mr. Speaker, I rise today regarding missed votes due to my attendance at the White House for the signing ceremony for H.J. Res. 41 on Tuesday, February 14, 2017. Had I been present for roll call vote number 88, ordering the previous question of H. Res. 99, I would have voted yea. Had I been present for roll call vote number 89, Adoption of H. Res. 99, the combined rule providing for consideration of H.R. 428—Red River Gradient Boundary Survey Act and of H.J. Res. 42—Disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, I would have voted yea. Had I been present for roll call vote number 90, ordering the Previous Question on H. Res. 116—I would have voted yea. Had I been present for roll call vote number 91, Adoption of H. Res. 116—The combined rule providing for consideration of H.J. Res. 66—Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States

for non-governmental employees and of H.J. Res. 67—Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees, I would have voted yea.

PRIME MINISTER BENJAMIN NETANYAHU VISIT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. WILSON of South Carolina. Mr. Speaker, President Donald Trump warmly welcomed Prime Minister Benjamin Netanyahu to the White House today on his first official state visit of the new Administration. Under the leadership of President Donald Trump and Vice President MIKE PENCE, I am confident that this visit will leave no doubt that the United States stands firmly with our ally, Israel.

Throughout his campaign and since being sworn in as President, Donald Trump has made it a priority to stand up for Israel and promote peace in the Middle East, specifically, by opposing growing Iranian aggression. Just last week, the President swiftly imposed strong sanctions on Iranian officials for testing yet another intercontinental ballistic missile to threaten American families with death.

I look forward to working with President Trump to show our support for Israel and I appreciate that he has appointed Governor Nikki Haley as U.S. Ambassador to the United Nations, where she will be a strong voice for American families.

In conclusion, God Bless Our Troops and we will never forget September 11th in the Global War on Terrorism. God Bless Benjamin Netanyahu, a dynamic leader of peace through strength.

TRIBUTE TO BILL C. HUNTER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I wish to take a moment to pay tribute to Bill Hunter, the father of one of my long-time staff. I did not have the privilege of knowing Bill personally. However, I know how deeply he was loved and how greatly he is missed. I offer my condolences to his family as they both mourn his loss and celebrate his life after his home-going on January 17th of this year.

Known to many as Hunter, Bill was raised in West Texas and embodied many classic American traits—independent, driven, and fiercely loyal. His childhood was not easy, and it engendered in him his lifelong drive to work hard, fight for the underdog, and aid those in need. Bill lost his father when he was only 5, causing him to grow up early to help his mother pay the bills, whether as a paperboy, grocery clerk, or telegram courier. He recalled how it was cold in West Texas and his family

couldn't make the gas payment. So, at only 7, he biked a paper route around 5 in the morning and then wore his cold, wet shoes the remainder of the day at school just to do his part. Bill put himself through college at Texas Tech and law school at Southern Methodist University. Key accomplishments for a boy from Monahans, Texas.

Bill lived, loved, and practiced law for over 50 years. Legal adversaries and allies agree that Bill was a brilliant attorney and a formidable opponent who earned the respect of his peers for his innovative legal arguments and his vigorous advocacy for his clients. Bill was tough as nails but soft as a kitten. He could aggressively fight a bully in court or quietly teach Sunday school or speak in silly voices to show his pets how much he cared for them. Bill deeply enjoyed providing high-caliber legal assistance to those who couldn't afford it. However, he didn't announce his efforts to help others. Rather, his family and friends learned of his extensive pro bono work when community members would share how much Bill had helped, be it the staff of his favorite restaurant or the workers at his retirement village.

Dallas was Bill's true home. He was President of the Dallas School Board, a member of Highland Park Presbyterian Church, a part-owner of the ABA basketball team the Dallas Chaparrals, a frequenter of Dallas' wonderful museums, and an avid Cowboys fan. He loved God and his family. He was very proud of his children and delighted in watching his grandchildren and step-grandchildren grow.

Bill leaves behind many who loved him: his wife, Pati, her 5 children and 5 grandchildren; his three children—Sam, Chris, and Jill, and his 9 grandchildren; and hundreds of attorneys, judge and friends who know that Dallas and the legal community lost an important member.

Although I did not know Bill personally, I know how much his family and community miss him. I imagine that his family can take comfort in knowing that Bill can still enjoy many of his favorite past times in heaven—engaging in some healthy arguments with St. Peter, listening to country music, whistling some tunes to pass the time, working challenging crossword puzzles, laughing at clever comic strips, or, most importantly, watching his beloved Cowboys.

PERSONAL EXPLANATION

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. ROE of Tennessee. Mr. Speaker, I missed Roll Call votes 89, 90 and 91 on February 14, 2017.

I missed these votes while attending the swearing-in ceremony at the White House for VA Secretary Shulkin.

Had I been present, I would have voted YEA on Roll Call No. 89, YEA on Roll Call No. 90, and YEA on Roll Call No. 91.

RECOGNIZING MR. ROBERT MILLER

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize Mr. Robert Miller's retirement after a lifetime of service to the state of Colorado and the United States.

Bob Miller has dedicated his life to the pursuit of justice and order in our country. Bob received his Juris Doctor from the University of Colorado in 1965. He then worked 51 years in the legal profession as the first full-time District Attorney of Weld County, the U.S. Attorney for the District of Colorado, and an equity partner at Perkins Coie LLP. In addition to his work in the legal profession, he also served our nation as a member of the United States Air Force.

Besides his incredibly successful career, Bob Miller is most proud to have raised his family in Greeley, Colorado. In fact, his fondest memory is of watching his son, now Assistant District Attorney of Weld County, succeed in cracking a horrendous murder cold case.

Though he is stepping down as a partner at Perkins Coie LLP, Mr. Miller will continue to serve the people in a consulting role with the firm. Mr. Speaker, it is an honor to recognize Mr. Robert Miller for his accomplishments.

HONORING THE NAACP FOR 108 YEARS OF REMARKABLE SERVICE AND EXTRAORDINARY CONTRIBUTIONS TO THE NATION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise to commemorate the 108th anniversary of the oldest, largest, most historic and most influential civil rights organizations in the United States, the National Association for the Advancement of Colored People, known to all simply as the NAACP.

The NAACP is the oldest, largest, most historic and most influential civil rights organizations in the United States.

First organized in 1905, the group was known as the Niagara Movement when members began meeting at a hotel situated on the Canadian side of the Niagara Falls.

Members of the group had to meet in Canada because American hotels in Niagara Falls were segregated.

Under the leadership of the Harvard-educated scholar, the great W.E.B. Du Bois, the group would later be known as the National Negro Committee before finally adopting the name by which it has been known for the last 106 years—the National Association for the Advancement of Colored People, or NAACP—at its second conference in 1910.

The first official meeting was held in 1909 exactly 108 years ago this past Sunday: February 12, the centennial of the birth of President Abraham Lincoln.

The mission of the association was clearly delineated in its charter:

To promote equality of rights and to eradicate caste or race prejudice among the citizens of the United States;

To advance the interest of colored citizens; to secure for them impartial suffrage; and

To increase their opportunities for securing justice in the courts, education for the children, employment according to their ability, and complete equality before law.

Mr. Speaker, for more than a century, the NAACP has stayed true to its charter and championed the cause of justice and equality in America.

It has fought valiantly and tirelessly on behalf of African-Americans and others to secure their civil rights and liberties and the full measure of justice and equality for all.

At a time when African-Americans were treated as second-class citizens and the scourge of slavery was still rampant, the NAACP emerged to ensure that the rights, interests and voices of African-Americans did not go unheard.

During World War I, the NAACP successfully campaigned for African Americans to be commissioned as officers in the army, resulting in President Woodrow Wilson commissioning 600 African American officers.

During World War II, the NAACP persuaded the administration of President Franklin Roosevelt to issue an executive order banning racial discrimination in war-related industries and federal employment.

In 1948, President Harry Truman became the first president to formally address the NAACP and he worked with the NAACP in appointing a commission to study and offer ideas to improve civil rights and equality of opportunity for all persons in the United States.

The NAACP's close relationship with President Truman helped to influence him to issue Executive Order 9981, which desegregated the United States Armed Services by announcing the new "policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin," and that this policy be put into effect as rapidly as possible.

Mr. Speaker, the NAACP was perhaps the leading member of the "Big Six"—the coalition of religious, labor and civil rights organizations that organized and staged on August 28, 1963 the historic March on Washington, the most famous act of peaceful protest in our nation's history.

Other members of the Big Six were the Southern Christian Leadership Conference (SCLC); the National Urban League; Student Nonviolent Coordinating Committee (SNCC); the International Brotherhood of Sleeping Car Porters; and the Congress of Racial Equality (CORE).

The March on Washington was a seminal event in our nation's history and awakened Americans of goodwill to the urgent need to rededicate ourselves to the great unfinished task of making real the promise of America for all Americans, especially African Americans.

Mr. Speaker, the current president of the NAACP is Cornell William Brooks and the Board Chairman is Roslyn M. Brock; through the years, the NAACP has been led by some

of bold, visionary, and effective leaders, including:

Walter White;
Roy Wilkins;
Benjamin Hooks;
Benjamin Chavis;
Merlie Evers-Williams, widow of Medgar Evers;

Kweisi Mfume;
Bruce S. Gordon; and
Benjamin Todd Jealous.

Mr. Speaker, America would be a very different place were it not for the brilliance of the NAACP's Clarence M. Mitchell, Jr., the legendary Director of the Washington Bureau from 1950 to 1978.

So effective was Clarence Mitchell in the campaigns to win passage of civil rights laws, including the 1957 Civil Rights Act, the 1960 Civil Rights Act, the 1964 Civil Rights Act, the 1965 Voting Rights Act of 1965, and the Fair Housing Act of 1968, that his sobriquet was the "101st Senator."

The NAACP is perhaps best known for the practice pioneered by the legendary Charles Hamilton Houston and Thurgood Marshall of "impact litigation," the strategy of bringing carefully selected cases to court to establish legal precedents of beneficially affecting thousands, and frequently millions, of persons beyond the immediate parties to the case.

Among the historic victories won by NAACP lawyers are:

1. 1940—*Chambers v. Florida*, which established that confessions obtained as the result of police coercion are inadmissible at trial;
2. 1944—*Smith v. Allwright*, which outlawed the South's "white primary";
3. 1948—*Shelley v. Kraemer*, which ruled racially restrictive covenants and unconstitutional and legally unenforceable;
4. 1950—*Sweatt v. Painter* and *McLaurin v. Oklahoma State Regents*, which held that separate law and graduate school are inherently unequal and thus constitutional;
5. 1954—*Brown v. Board of Education of Topeka*, landmark case overruling separate but equal doctrine of *Plessy v. Ferguson*; and
6. 1956—*Browder v. Gayle*, which outlawed the practice of racial segregation on buses and led to the end of the Montgomery Bus Boycott.

Mr. Speaker, as Chair for the Congressional Children's Caucus, I am especially concerned with fair access to quality education for today's youth and am personally grateful to the NAACP for its leadership in winning the greatest legal victory for civil rights in American history, the 1954 landmark decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), in which the Supreme Court struck down de jure segregation in elementary schools.

NAACP General Counsel Thurgood Marshall, who would later become the first African American Solicitor General and Associate Justice of the Supreme Court, forcefully argued and persuaded the Court to rule unanimously that in the field of public education, "separate but equal" was inherently unequal.

That decision gave hope to millions of Americans that their children might enjoy the full promise of America that had been denied their forebears for more than three centuries.

Mr. Speaker, the NAACP remains committed to achieving its goals through non-

violence, the legal process, and moral and political suasion, and through direct actions such as marches, demonstrations, and boycotts to give voice to the hopes and aspirations of African-Americans and others who lack the power to make their voices heard.

There is still a need for justice and equal treatment for African Americans and other vulnerable populations in our country, and thankfully, we still have a vibrant NAACP to advocate their cause and fight for their interests.

I am grateful for the many battles for equality that the NAACP organization has fought and won, and thankful that the NAACP will be there in the future to wage the fight for justice wherever and whenever justice needs a champion.

Happy 108th birthday, NAACP, and thank you for all you have done to make our country better.

TRIBUTE TO THE EAGLE HEIGHTS ELEMENTARY SCHOOL SECOND GRADE CLASS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to include in the RECORD some very special words of advice for our nation's 45th President, Donald Trump. These are words of welcome and advice from the students of Eagle Heights Elementary School's second grade class in Clinton, Iowa.

As their teacher Wendy Jennings notes, "My second grade class has been following the election and your road to becoming our new president. They were interested in the important things: the name of your son, the color of your ties, if you would use the bowling alley in the White House, why other grown-ups made mean faces when you were speaking and the fact you always smile. It has been fun to watch all of this through their eyes."

These following letters I include in the RECORD were hand written by each group of the seven and eight year olds in the class. I regret that I cannot include the wonderful artwork each student drew at the top of their notes. They drew American Flags, airplanes, hearts, houses, bowling alleys, and some pretty good drawings of our new president.

Please enjoy the wisdom and advice of these students, in their own words.

DEAR MR. PRESIDENT TRUMP

DEAR MR. PRESIDENT: I watched you become President. You have a beautiful wife. My teacher loved her blue dress. What does it look like in the White House? Is it beautiful? If I was President I would fix cancer.

Love, LILLIAN ASAY.

DEAR MR. PRESIDENT: My class watched your speech last week. When I watched your speech one man did not like what you said. I still love you. Oh! Your family is so sweet.

Love, VENELEA DUNCAN.

DEAR MR. PRESIDENT: I am glad you are President. I like you. I know you are nice because you are always smiling. I like you.

Love, RAYHNE BOWMAN.

DEAR MR. PRESIDENT: I know that you will be the best President ever. You are very very

smart because you know a lot of math problems. You are brave to tell the law.

Love, ANTHONY BOVIS.

DEAR MR. PRESIDENT: My class would like it if you came to Eagle Heights. The kids in my class are smart. My teacher loved the dress your wife was wearing. I like that you always smile. Is Air Force One loud?

Love, PAYTON EGGERS.

DEAR PRESIDENT TRUMP: What is it like being President? You should come to our class. We have very good kids. You are very nice. If I was President I would say no smoking.

Love, NOAH SEXTON.

DEAR MR. PRESIDENT: I know you will make a great President. Do you like your job? If I was President I would help the United States. I hope you make friends.

Love, JAMES BLOOMQUIST.

DEAR MR. PRESIDENT: My class wants you to come to Eagle Heights. I liked your speech. Do you like being President so far? If I was President I would help sick people.

JAKOB GEESTMAN.

DEAR PRESIDENT TRUMP: How hard is it to be President? Good job on being President. If I were President I would make more laws because I would make the world a better place.

Love, COOPER BELITZ.

DEAR PRESIDENT TRUMP: I really like how you smile in your pictures. How big is your family? I watched your inauguration with my class.

Love, JUSTIS WELCH.

DEAR PRESIDENT TRUMP: We watched your inauguration together in our class. I'm happy that you were running for President. Good job for running for President. I can tell that you are nice because you always smile.

Love, DARREN SCHEMERS.

DEAR PRESIDENT TRUMP: I watched your speech last week. I like your speeches. How fast is Air Force One? If I were President I would say no drugs because it is bad for you.

Love, JACOB NASH.

DEAR MR. PRESIDENT: How late did the inauguration go? I know you're going to be a great President. If I were President I would make school break longer. I watched you on TV and I thought you did good.

Love, ANDREA STEWART.

DEAR PRESIDENT TRUMP: We watched the inauguration in my class. You write good signatures! How do you start to be President? If I were President the law would be no saying bad words in school.

Love, DANIEL SCHEMERS.

DEAR PRESIDENT TRUMP: I watched your inauguration. I think you are going to be an excellent President. How do you think you are going to do? If I were President I would get rid of all the guns except for cops.

Love, JHARIA KNOX.

DEAR MR. PRESIDENT: I watched your inauguration last week. You are a really good President. Do you always smile? I know you are smart because you became President.

Love, JAYDA SKIFF.

DEAR MR. PRESIDENT: Great job for becoming President! I hope you like being President! Do you like being in the White House? Presidents are good, so be good!

Love, EMERSEN JENSEN.

DEAR MR. PRESIDENT: On Friday my class and I watched your inauguration. What was it like in New York? I like your tie. If I were President, I would probably make up a new fun world like in the book Frindle.

Love, STEPHANIE ROLLINS.

DEAR MR. PRESIDENT: I like your job. Is your job hard? If I were President I would

change the law of no smoking. Your family looks like they are nice.

Love, JORDAN HELLWEG.

DEAR MR. PRESIDENT: We watched your inauguration speech. Do you like Hillary Clinton? You are the best President in the world because you will make good laws.

Love, GRIFFEN MANGELSEN.

DEAR MR. PRESIDENT: You always look really good on TV. You should come visit our school because Hillary Clinton came and you should too.

Love, EMMA RODRIGUEZ.

DEAR MR. PRESIDENT: Congratulations on being our new President. Do you like your new home at the White House?

DONOVAN MATOS.

ADVICE FOR OUR PRESIDENT

Buy your wife lots of pretty dresses so she looks good on TV.—JUSTIN WELCH.

Even if people are mean to you, keep being yourself.—VENELEA DUNCAN.

Keep the Secret Service with you at all times to keep you safe.—NOAH SEXTON.

Ask if you can take a tour of the White House so that you know where you will be living. There is a bowling alley and a movie theater there you will like.—LILLIAN ASAY.

Don't run away from the Secret Service. They are fast and everywhere.—EMERSEN JENSEN.

Don't give up and always remember to smile.—DANIEL SCHEMERS.

Make sure your son brushes his hair every day so he looks good on TV.—JACOB NASH.

If someone makes a mean or mad face at you just ignore them.—DARREN SCHEMERS.

If someone makes a face at you keep standing tall.—PAYTON EGGERS.

Make sure you are always smiling when you are on TV or giving a speech.—JHARIA KNOX.

I think that good advice is to make school break longer because then more families have more time with their kids.—GRACE STEWART.

Make your family do chores each day even though you have help.—JAKOB GEESTMAN.

When you fly on Air Force One always wear your seatbelt.—JAYDA SKIFF.

If you have some money left you should donate it to people who are poor.—RAYHNE BOWMAN.

Do your best at work or you might get in trouble.—COPPER BELITZ.

If you have extra time, go have fun! Play in your bowling alley.—JORDAN HELLWEG.

Make sure you use the tennis court and your gym. Let the Secret Service come with you to protect you. They could work out too.—GRIFFEN MANGELSEN.

If I were President and I couldn't fall asleep I would get a drink and a snack and do some work or read a book.—STEPHANIE ROLLINS.

Always wear a red, white, or blue tie when you are on TV.—EMMA RODRIGUEZ.

If someone bothers you, tell the Secret Service.—DONOVAN MATOS.

Make sure you remember to spend time with your family.—ANTHONY BOVIS.

Have the White House chef cook your favorite meal.—TYCE RICHARDSON.

Always wear a red, white, or blue tie to stand for our country.—JAMES BLOOMQUIST.

Take good care of our country.—JAMES BLOOMQUIST.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 16, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED FEBRUARY 28

2 p.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of the Disabled American Veterans.

SD-G50

MARCH 1

10 a.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of The American Legion.

SD-G50

2 p.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars of the United States.

SD-G50

MARCH 8

10 a.m.
Committee on Commerce, Science, and Transportation
To hold an oversight hearing to examine the Federal Communications Commission.

SH-216

MARCH 9

10 a.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of multiple veterans service organizations.

SD-G50

MARCH 22

10 a.m.
Committee on Veterans' Affairs
To hold a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentation of multiple veterans service organizations.

SD-G50

HOUSE OF REPRESENTATIVES—Thursday, February 16, 2017

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 16, 2017.

I hereby appoint the Honorable HAROLD ROGERS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

VETERANS LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. COSTELLO) for 5 minutes.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of three veterans' bills the House considered this week and passed. I would like my constituents to know how the House is working to better serve our veterans, and I want to specifically focus on the WINGMAN Act, which we passed.

Mr. Speaker, enabling caseworkers to more efficiently handle the casework that we receive from veterans is critically important. Right now, my office, much like most Members in Congress, is experiencing a tremendously high volume of phone calls and office visits about a multitude of issues; and I welcome that continued energy and interest from my constituents.

I also want to remind everyone that a central function of congressional district offices—perhaps its most important day-to-day function—is to be a clearinghouse for solving a variety of problems for our constituents and a resource to help them. And the case-

workers in our district offices do an exceptional job. That is why enhancing the tools available to caseworkers to more efficiently serve veterans can result in more cases being effectively administered and answers provided to veterans.

This week we took an important step in streamlining this process by passing the WINGMAN Act. This bill would allow caseworkers to access read-only versions of veterans' records without having to first contact the Department of Veterans Affairs. This is if a veteran grants their congressional office this access.

It is important to note that casework staff is already trained to handle this sensitive information as part of their work to serve constituents who are veterans. I was pleased to support this bill and believe it will have a positive result for veterans seeking assistance from my office in Pennsylvania and veterans across the country.

In fact, I did ask for some comments from caseworkers in my office in Wyomissing and West Chester; and I especially want to thank them for the above-and-beyond, 110 percent effort that they are giving day in and day out. Particularly, at this point in time, with such a high volume of phone calls and office visits, they are still getting their casework done.

This bill that we passed in the House will help them further in helping veterans. Jason, my constituent services director, had this to say about the bill:

The accountability piece is extremely important. This will allow us to see a more complete picture rather than just relying on what we are told by the VA. This should also help us triage the inquiries, thereby reducing the number of contacts we have to make to our VA liaisons, something they would probably welcome as well.

Lisa from my West Chester office indicated that she also believes it is a great initiative.

It is important to note the claims process is a lengthy one. It would be beneficial to be able to periodically check in on the record to monitor its progress. Most times veterans say they would just like the VA to let them know that the claim is still being worked on rather than forgotten. It would let our office provide that information without the added steps of contacting VA employees.

Patrick, from my Wyomissing office, a veteran himself, said that:

In my view, it is an interesting concept which would allow us to move more swiftly from information gatherer to advocate for cases that legitimately warrant it. Oftentimes, there is a significant lag time between placing the inquiry and receiving substantive feedback, at which time we will

then have to make the judgment if further action is justified. It would also appear to hold the VA more accountable as well to outside eyes, which is also very much needed. So it sounds good to me.

Mr. Speaker, it also sounds good to me, and I believe it will do good for veterans across this country. I am pleased to see it pass the House, and I encourage the Senate to move swiftly on it.

TREDYFFRIN/EASTTOWN WINS MATHCOUNTS COMPETITION FOR THIRD YEAR

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today to speak about MATHCOUNTS, a national program designed to improve math skills among U.S. students. The 2017 MATHCOUNTS competition series will consist of approximately 40,000 students.

Twenty-three schools with 182 students competed in the 32nd Chester County MATHCOUNTS competition at Great Valley Middle School recently. I want to commend Tredyffrin/Easttown School District, specifically Tredyffrin/Easttown Middle School and also the Valley Forge Middle School of the Tredyffrin/Easttown School District for placing in the top six schools, as well as the following other schools in my congressional district: Great Valley Middle School, Lionville Middle School of the Downingtown Area School District, and J.R. Fugett Middle School of the West Chester Area School District.

Congratulations to all schools involved, all students participating.

I want to thank all the teachers, staff, and administrators who helped make MATHCOUNTS an enjoyable, enriching experience for all the students.

DEBATE OVER PUERTO RICO'S FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, I will speak in Spanish to the people of Puerto Rico. The translation is at the desk.

(English translation of the statement made in Spanish is as follows:)

Mr. Speaker: I am going to speak Spanish, the language of Puerto Ricans because democracy demands transparency and clarity.

The essence of the debate over Puerto Rico's future is the difference between assimilation, represented in the legislation proposed by Resident Commissioner Jenniffer Gonzalez (H.R. 260) and the legislation I have introduced (H.R. 900).

I have never excluded statehood. The assimilationists have excluded independence and free association from their proposals.

What my legislation does is simply add balance and corrects a disequilibrium.

From now on, the debate is between the assimilationist leaders and the people, the Puerto Ricanists. Assimilation is not the only option before the Congress of the United States.

My bill proposes free association and independence as options. This is what the Puerto Ricanists propose.

What motivates us? The love of Puerto Rico and defending our heritage; believing that we can be self-sufficient; believing that we can determine our own future without masters; believing in ourselves. The Puerto Ricanists are convinced that we can create jobs in a strong and vibrant economy with people who are innovative, creative and completely capable of determining their own future.

The assimilationist leaders think that we'll starve to death without the United States.

The Puerto Ricanists do not arrest students when they lift their voices in defense of democracy. That is what the assimilationist leaders do.

The Puerto Ricanists believe that first you pay the pensions of working people, while the assimilationists prefer to pay American bondholders on Wall Street.

The Puerto Ricanists love and protect the land. The assimilationists want to destroy it by constructing pipelines.

The Puerto Ricanists understand that democracy must flourish. The free expression of the people is sacred. Assimilationist leaders, when they don't like what they hear from the people, call in the riot squad.

Assimilationist leaders haven't attacked what my legislation would do, they have attacked its proponents.

Assimilationists want Members of Congress to only hear their version of the future. They are annoyed because this Member has brought before the Congress the other two options, which, in fact, are the options up for a plebiscite vote in Puerto Rico this year. In Puerto Rico, they want one reality and in the Congress they pretend there is another.

No, with my bill we have balance, truth and transparency. This is democracy. In this Puerto Ricanists believe: debate, discussion, freedom of ideas. Assimilationist leaders throughout history have chased and jailed Puerto Ricanists, and when they did not jail them, they took them to Cerro Maravilla.

Assimilationists say the Puerto Ricanists are anti-American. No, the Puerto Ricanists and anti-colonialists. They want for Puerto Rico the sovereignty enjoyed and celebrated in the United States. Yes, the

Puerto Ricanists want the same thing the Americans have, to live in a free and sovereign nation where we determine our own destiny without masters.

Puerto Ricanists see the sun and see the energy we can harvest; see the land and the food we can eat.

Puerto Ricanists are motivated by love of country, love of our heritage and the understanding that we can be great, that we are intelligent and capable of innovation and creativity.

From my infancy in exile in the United States I listened to the song "Preciosa" and came to understand that the tyrant—the dark evil—is American colonialism. So said Rafael Hernández, the singing conscience of my people.

Puerto Ricanists longingly recall the song "En mi Viejo San Juan (In my Old San Juan)" where it says "this strange nation," just as Puerto Ricans in the U.S. say "this is not my land"—when they confront abuse, discrimination and racism. "Puerto Rico is."

The Puerto Rican is his diaspora, from New York to Chicago, San Juan to Ponce, we are all Puerto Ricans. As our national poet, Juan Antonio Corretjer, wrote: "I would be Puerto Rican even if I were born on the moon." To which I would add, with a great deal of respect, "I would be Puerto Rican, even if I lived on the moon."

Señor presidente: Voy a hablar en español, el vernáculo de los puertorriqueños porque la democracia exige transparencia y claridad.

La esencia del debate acerca del futuro de Puerto Rico es la diferencia entre el asimilismo, representado por el proyecto presentado por Jenniffer González, y el que yo presenté.

Yo nunca he excluido la estadidad. Los asimilistas han excluido la independencia y la libre asociación.

Lo que hace mi proyecto es sencillamente traer balance, corregir un desequilibrio.

De aquí en adelante, el debate es entre los líderes asimilistas y el pueblo, los puertorriqueños. La asimilación ya no es la única opción ante el Congreso.

Mi proyecto propone la libre asociación y la independencia. Eso es lo que proponen los puertorriqueños.

¿Qué nos motiva a los puertorriqueños? El amor a Puerto Rico; defender su herencia; creen que podemos ser autosuficientes; creen que podemos determinar nuestro futuro sin tener amos; creen en sí mismos. Están convencidos que podemos crear empleos, con una economía fuerte y vibrante de un pueblo innovador, creativo, y totalmente capaz de determinar su propio futuro.

Los líderes asimilistas piensan que nos morimos de hambre sin los Estados Unidos.

Los puertorriqueños no macanean a los estudiantes cuando levantan su voz en defensa de la democracia—eso lo hacen los líderes asimilistas.

Los puertorriqueños creen que primero hay que pagar las pensiones al pueblo mientras los asimilistas prefieren pagar los bonistas norteamericanos de Wall Street.

Los puertorriqueños aman y protegen su tierra. Los asimilistas quieren destruirla construyendo un gasoducto.

Los puertorriqueños entienden que la democracia debe florecer. La libre expresión del pueblo es sagrada. Los líderes asimilistas, cuando no les gusta lo que escuchan del pueblo, llaman a la fuerza de choque.

Los líderes asimilistas no han atacado lo que propone mi proyecto. Ellos atacan al proponente.

Los asimilistas quieren que los congresistas solamente escucharan su versión del futuro. Están molestos porque este congresista ha traído antes el Congreso las otras dos alternativas, que de hecho, se van a votar en el plebiscito de Puerto Rico. En Puerto Rico quieren una realidad, y los asimilistas en el Congreso quieren pretender que hay otra.

No, con mi proyecto, aquí va a haber balance, verdad y transparencia: esa es la democracia, en eso creemos los puertorriqueños—el debate, la discusión y la libertad de ideas. Los líderes asimilistas, a través de la historia han perseguido y metido a los puertorriqueños en la cárcel, y si no en la cárcel, los llevan hasta Cerro Maravilla.

Los asimilistas dicen que los puertorriqueños son antiamericanos. No y no. Los puertorriqueños son anticoloniales. Quieren para Puerto Rico la soberanía que tienen y disfrutan los norteamericanos. ¡Sí, así es! Los puertorriqueños quieren lo mismo que tienen los norteamericanos: vivir en una nación libre y soberana donde ellos mismos dictan su futuro y no tienen amo.

Los puertorriqueños ven el sol y ven energía que podemos cosechar. Ven la tierra y ven alimentos que nos darán de comer.

Los puertorriqueños están motivados por el amor a la patria y su herencia, y el conocimiento de que podemos ser grandes, que tenemos la inteligencia y la capacidad de innovar y crear.

Desde mi infancia en el destierro en Estados Unidos escuché la canción "Preciosa" y vine a entender que el tirano, la negra maldad es el colonialismo norteamericano. Lo dijo Rafael Hernández, la conciencia cantada de mi pueblo.

Los puertorriqueños recuerdan con añoranza su patria "En mi Viejo San Juan" la canción que dice "... esa extraña nación", como decían los boricuas en Estado Unidos, "esta no es mi tierra," cuando confrontaban el abuso, discriminación y racismo. Puerto Rico lo es.

El puertorriqueño es su diáspora de Nueva York a Chicago, de San Juan a

Ponce, todos somos puertorriqueños. Como escribió nuestro poeta nacional, Juan Antonio Corretjer, "Yo sería boricua aunque naciera en la luna". Y, añadido con todo el respeto, "sería boricua aun si viviese en la luna".

The SPEAKER pro tempore. The gentleman from Illinois will provide the Clerk a translation of his remarks.

A CENTURY OF SUCCESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. EMMER) for 5 minutes.

Mr. EMMER. Mr. Speaker, I rise today to celebrate Mackenthun's Fine Foods in Waconia, Minnesota, for 100 years of business success.

At the beginning of the 20th century, August Mackenthun began a family tradition of making homemade sausage. This tradition was commercialized in 1917 when his son, Arthur, bought a sausage maker from Germany and opened Mackenthun's Meat Market in Waconia.

What began as a modest business quickly transformed into a booming success as Mackenthun's developed a reputation for producing quality meats.

Today, the business is run by Kim and Laurie Mackenthun and their family. While it is now a full-service supermarket, they have maintained the family tradition by offering their signature homemade sausage in the meat department.

Congratulations to the entire Mackenthun family for their 100-year commitment to the family business, for upholding their longstanding tradition, and for exemplifying the American Dream.

We wish you another century of success.

A LEGEND LOST

Mr. EMMER. Mr. Speaker, I rise today to celebrate the life and career of a legendary Minnesotan who passed away just last week. Ray Christensen was a renowned sportscaster in the North Star State and best known for his radio play-by-play for the Minnesota Golden Gophers.

A native-born Minnesotan, Ray grew up in Minneapolis and bravely served our country in World War II. After returning from the war, Ray attended the University of Minnesota where he lettered in baseball.

Upon graduation, Ray began his career announcing Gopher football games for WCCO in 1951 and basketball games in 1956. Ray worked for WCCO as a sportscaster until 2001 and was inducted into the Minnesota Broadcast Hall of Fame in 2002.

Ray was the voice that we all grew up with. His voice was the one that we listened to every game day, and Minnesota athletics will certainly not be the same without him. I speak for all Minnesotans when I say that he will truly be missed.

A TOP MINNESOTA SCHOOL

Mr. EMMER. Mr. Speaker, I rise today to celebrate Delano Elementary School in my district for being recognized as a Reward School for the fourth time in the past 5 years.

In order to be categorized as a Reward School, the school must be in the top 15 percent of the highest performing schools in the State. Delano Elementary School's updated curriculum, improved physical education program, and new music classes are the best.

□ 1015

A good education opens all of life's doors, and I would like to thank Delano Elementary School for giving Minnesota students the key. Your dedication to our children deserves recognition, and I am proud to congratulate your work here today.

HONORING CLINTON COLLEGE AND MORRIS COLLEGE IN CELEBRATION OF BLACK HISTORY MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. CLYBURN) for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I rise today, as part of the observation of Black History Month, to continue my series of remarks recognizing HBCUs, Historically Black Colleges and Universities. I am asking my colleagues to join me in celebrating Clinton College, in Rock Hill, South Carolina, and Morris College, in my hometown of Sumter.

Clinton College was founded in 1894 by the A.M.E. Zion Church, under the leadership of Presiding Elder Nero A. Crockett and Reverend W.M. Robinson to combat illiteracy of former slaves. The institution was named for Bishop Caleb Clinton, then the presiding bishop of the Palmetto Annual Conference of the A.M.E. Zion Church. Originally named Clinton Institute, in 1909, it was renamed Clinton Normal and Industrial Institute, and was authorized to grant State teaching certificates.

In the late 1940s, the school was again reorganized as Clinton Junior College, offering various associate degrees in religion and other liberal arts. Still affiliated with the A.M.E. Zion Church, the college has grown and expanded under its current president, Dr. Elaine J. Copeland, who has led the institution since 2002.

In 2013, the college, for the first time, was accredited to offer two bachelor's degree programs, a bachelor of arts in religious studies, and a bachelor of science in business administration. Subsequently, it has changed its name to Clinton College, and enrollment is at a 15-year high.

For the past 120 years, Clinton College has been providing academic ex-

cellence, as well as instilling moral and spiritual growth into their students. The college takes pride in being, and I quote its motto, "A Beacon of Light for Today's Scholars and Tomorrow's Leaders."

I thank all of my colleagues for joining me in honoring Clinton College today.

Morris College was established in my hometown of Sumter, South Carolina, by the Baptist Educational and Missionary Convention of South Carolina in 1908, to provide religious and educational training to African Americans. Originally, the college featured elementary and high school education, as well as a college curriculum. Its college offered teaching certificates and degrees in liberal arts and theology. In the 1930s and 1940s, Morris dropped its elementary and high school programs and became solely a liberal arts and religious college.

Morris' graduates include First Lieutenant Leroy Bowman, who was part of the original class of Tuskegee Airmen. These African-American pilots trained in a segregated complex near Tuskegee, Alabama, and the Walterboro Army Air Field in Colleton County, South Carolina.

First Lieutenant Bowman served in World War II, flew 36 combat missions over Germany, and had a decorated service record. He was among 300 surviving Tuskegee Airmen honored with the Congressional Gold Medal in 2007 by President George W. Bush.

My mother graduated from Morris College in 1953, when I was 12 years old. My father studied theology at Morris in the early 1940s for 3 years, but was not allowed to finish his studies because he had not graduated high school. Having been born in 1897, in segregated South Carolina, he was not allowed to advance beyond the seventh grade. But because he continued to self-teach and study, he was able to pass the college entrance exam. Though he was not allowed to graduate in 1945, as he should have, he was posthumously awarded his bachelor of theology degree 58 years later, in 2003.

Having been led by Dr. Luns Richardson for the past 43 years, Morris College has grown to an enrollment over 1,000. Under President Richardson, Morris has established an Army ROTC unit, joined the United Negro College Fund, and has constructed 18 new campus buildings.

Reverend Dr. Charles Jackson, president and chairman of Morris' board of trustees, recently announced that President Richardson will retire this summer, leaving Morris well-poised for the future.

I ask my colleagues to join me in honoring Clinton and Morris Colleges in celebration of Black History Month.

RECOGNIZING MARY GROSSE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. CARTER) for 5 minutes.

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize Ms. Mary Grosse, from Tybee Island, Georgia. At 85 years young, she remarkably set a USA Track & Field Masters Outdoor 10K record.

She accomplished this during the 2016 Enmarket Savannah Bridge Run, where she finished with a time of 1 hour, 35 minutes, and 59 seconds. Not only did that time win her the 80 to 98 age group, but it also placed her in the top 10 of the women's 65 to 69 age group.

With her passion for exercise, Ms. Grosse has gained local celebrity status on Tybee Island, where the locals greet her as she walks her daily 6-mile route.

In 1964, Ms. Grosse moved to Tybee Island after working as an FBI secretary in Washington for several years. In 1971, Ms. Grosse and her family opened The Sugar Shack, which is now a staple of the Tybee Island community.

Her daily walks, for the past 30 years, have been a positive outlet for her and kept both her body and mind young over the years. Her dedication serves as inspiration for her family and the community.

I am proud to congratulate Ms. Grosse on her new record, but also recognize her for her positive attitude, her dedication, and her contributions to Tybee Island.

FAILURE OF OBAMACARE

Mr. CARTER of Georgia. Mr. Speaker, I rise today to discuss how ObamaCare has impacted families in the First District of Georgia.

I want to share the story of the Joiner family from southeast Georgia. Bob Joiner is an independent wealth adviser. His wife, Kim, works at a small practice as an audiologist. They have a 28-year-old son named Wesley.

Bob, Kim, and Wesley are healthy individuals who exercise regularly and eat healthy. Before ObamaCare, the Joiner family's annual premium was \$7,428 for the whole family. At that time, the Joiners had the ability to choose from multiple providers and dozens of healthcare plans. Unfortunately, thanks to ObamaCare, this is no longer the case for the Joiners.

In 2016, Bob's monthly healthcare premium skyrocketed 134 percent, and Wesley's increased an incredible 190 percent. In total, the family's 2016 annual premiums were \$4,285 for Wesley, and \$19,026 for Bob and Kim.

Let me repeat that. In total, the family's 2016 annual premiums were \$4,285 for Wesley, and \$19,026 for Bob and Kim.

The Joiners had hoped to change their plan in 2017 to something more affordable but found only one ObamaCare-compliant plan to choose

from. Now, the family worries about their ability to pay down their mortgage and save for retirement because of increasing healthcare costs. And the Joiners aren't alone.

I hear similar stories all the time as I travel the district, because ObamaCare has brought chaos into our healthcare system. Patients in south Georgia and across America deserve better. That is why we are on a mission to resuscitate our healthcare system.

CENTRAL AMERICAN REFUGEES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. TORRES) for 5 minutes.

Mrs. TORRES. Mr. Speaker, I rise today to talk about one of the consequences of Donald Trump's refugee ban that has so far been ignored.

The day after Donald Trump issued his executive order to ban refugees and all citizens from seven Muslim majority countries, four children from El Salvador landed in Miami International Airport.

It is a short flight from El Salvador, but the children had been waiting a long time to come here. In 2015, they applied to come here through the Central American Minors program that was started in 2014 as a safe and legal way for a limited—a very small—number of children from Central America.

After submitting to DNA tests, screenings, and a long application process, they were finally given visas, and they were on their way here. However, after landing at Miami and passing through the Customs and Border Protection screening, and on their way to their connecting flight, they were stopped and pulled into a secondary inspection. For six long hours, these children were detained in a cold room without food or water.

These children had done everything right, and waited a long time to flee a very traumatic situation. They came here, and their first experience was to be treated like criminals.

This is just one example of how Trump's hasty, harmful executive order is undermining our American values. It is just one more reason why, instead of rewriting it, as he says that he is doing, he should rescind it altogether.

But, of course, these children are the lucky ones, the fortunate few who got a chance to come here legally.

Many of my colleagues will recall that, in the summer of 2014, thousands of children from Central America arrived at our southern border. Those children were fleeing gangs and violence. Many of them turned themselves in to the Border Patrol. They were not trying to sneak in to our country. They were asking for asylum. They were asking for relief and protection.

We knew that if we were going to stop kids from making that dangerous

journey to come here, some of them walking over 1,000 miles to our southern border, that we would have to tackle the root causes that compelled them to leave. So the leaders of Honduras, El Salvador, and Guatemala, with some help from General John Kelly, came up with a plan to bring some stability to those three countries. And Congress, working on a bipartisan basis, provided some financial support.

But even as we make long-term investments in the Northern Triangle, we need to deal with the fact that children from these countries still need our protection in the short-term. That is why the Obama administration created a few programs to help a very small number of those children.

Those children did what we asked them. They didn't come across our border. They didn't cross Mexico. They waited in line as they were told, even if waiting in line meant staying in harm's way. Because of Donald Trump's executive order, those children now face a very uncertain future.

Lost in the media coverage of this order is the suspension of the refugee program, blockage of these vulnerable children as well. I am glad that the judge has stayed the order. I hope that the President will respect the judge's order.

But more than that, I hope that the President will take a real look at all the harm that he has already caused for so many people, including so many innocent children. I hope that he puts an end to his cruel, counterproductive executive order once and for all.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

□ 1030

RECOGNIZING SMC
MANUFACTURING SERVICES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. BARR) for 5 minutes.

Mr. BARR. Mr. Speaker, I rise today to recognize a cutting-edge aerospace and defense company located in the Sixth Congressional District of Kentucky, SMC Manufacturing Services.

For more than 30 years, the Coats family has been the epitome of Kentucky ingenuity and progress. In 1978, they began Southland Manufacturing Company, which has evolved into SMC Manufacturing Services, and now employ more than 140 people at its Nicholasville, Kentucky, headquarters.

Recently, I had the chance to visit SMC and tour their 45,000-square-foot facility, which helps to build components for the Common Remotely Operated Weapon Station, or CROWS. This product is a stabilized mount that contains a sensor suite and fire control software, allowing on-the-move target

acquisition and first-burst target engagement.

This facility has increased by 20,000 square feet in 2016 and has the ability to house more than 300 employees, drawing its employees from counties in the Sixth District and surrounding counties.

However, SMC not only supplies companies in Kentucky, but across the United States and abroad. One example of where SMC supports the defense of this Nation is their partnership with Kongsberg Protech Systems, KPS, of Johnstown, Pennsylvania, which is located in the district of my friend and colleague Congressman KEITH ROTHFUS.

Today, with more than 15,000 CROWS in service, this weapon system can be found on more than 25 different platforms in the United States arsenal, including the Stryker, MRAP, Abrams, and Amphibious Combat Vehicle. It is a tested, proven system that is relied on by the Army, the Navy, and the Marines.

I applaud SMC for being a veteran-friendly workplace and a manufacturing company that is proud to employ about an equal number of men and women. I am pleased to support job-creating manufacturing companies like SMC and KPS which positively impact States like Kentucky and help to strengthen our national security capabilities while supporting our veterans.

THE SAFETY AND SECURITY OF EL PASO, TEXAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. O'ROURKE) for 5 minutes.

Mr. O'ROURKE. Mr. Speaker, I rise today out of deep concern about the safety and security of the community that I represent and of this country.

El Paso, Texas, the city that I am so fortunate to serve and represent in Congress, happens to be the safest city not just in the State of Texas, but in the entire United States. There are a number of reasons for that: We have outstanding local law enforcement, whether it is the Sheriff's Department or El Paso City Police, State DPS troopers or Federal law enforcement, Border Patrol agents, Customs and Border Protection officers, and the agents of Immigration and Customs Enforcement.

A big part of the explanation for our safety is the fact that 24 percent of the people that I represent were born in another country. They have come to this country to do better, to get ahead, and to contribute to our success and to the American Dream. It is also because everyone in the community of El Paso feels comfortable and safe in reporting crime, in testifying and coming forward—especially in cases of domestic abuse—to local authorities.

That is why I am so concerned after I received a call last night from the El

Paso County judge, Veronica Escobar, to share with me an incident that happened last week in the El Paso County Courthouse, where a woman, undocumented Mexican national, had gone to the Center Against Sexual and Family Violence out of fear for her life after being abused, she alleged, by her boyfriend.

The Center Against Sexual and Family Violence escorted her to the El Paso County Courthouse to receive a protection order. The judge granted that order. But in that courtroom where the judge granted the order were, according to the county attorney, the county judge, and the judge who presided over that trial, agents from Immigration and Customs Enforcement who escorted the domestic abuse survivor out of the courthouse and into detention and perhaps deportation to Mexico.

We will not continue to be the safest city in America. We will not continue to contribute to the safety of the United States and to the State of Texas if people don't feel comfortable reporting domestic abuse, reporting crimes, serving as witnesses, and working with law enforcement.

I urge this President, this administration, to send an unequivocal message to the Federal agents working in El Paso and every single one of our communities that it is imperative for the safety and security of this country and every person who is in this country that we respect all people of all communities regardless of their immigration status.

(English translation of the statement made in Spanish is as follows:)

We are the safest community in the United States because every person in our community feels safe. They feel safe because they can report crime to the authorities; they can report cases of domestic abuse to the authorities. And, through our work together, we are the safest city. We are going to lose this if we can't continue on this manner. If anyone has a question or problem about this, please contact my office at (915) 541-1400.

Somos la comunidad más segura de los Estados Unidos porque cualquier persona en nuestra comunidad se siente segura. Se siente segura porque puede reportar el crimen a las autoridades, pueden reportar los casos de abuso doméstico a las autoridades. Y trabajando juntos, somos la ciudad más segura. Vamos a perder esto si no podemos continuar en esta manera. Si alguien tiene pregunta o problema con esto, por favor llámenos a nuestra oficina (915) 541-1400.

Mr. Speaker, if anyone in the community of El Paso is concerned, fears that they will not be able to come forward to report crime or domestic abuse, has a question and wants my help, I want to be there for them. They need to call me: (915) 541-1400.

Mr. Speaker, we will continue to be the safest city in America when every member of our community feels safe, can work with law enforcement, and when law enforcement respects every single member of our community.

The SPEAKER pro tempore. The gentleman from Texas will provide a translation of his remarks to the Clerk.

THE IMPACT OF REPEALING TITLE X REGULATIONS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to the title X resolution of disapproval that will be on the floor later today.

This misguided resolution will limit access to critical healthcare services by allowing States to cherry-pick which family planning providers they want to participate in the title X program.

Mr. Speaker, millions of Americans rely on family planning clinics for cancer screenings, well-woman exams, birth control, and sexually transmitted disease screenings and treatment. Eighty-five percent of the people served by these clinics have incomes below 200 percent of the Federal poverty level, and 48 percent of them are uninsured. Furthermore, at least half of family planning clinics are located in rural and underserved communities already with limited access to health care.

If this resolution passes, politicians in any State or community will be able to interfere with eligible and competent title X providers who care for the most vulnerable and underserved in our country. The only factors that should ever dictate eligibility to provide family planning health services are professional competency and State licensure.

I urge my colleagues to vote "no" on H.J. Res. 43 and protect healthcare access for 4 million Americans who rely on the title X clinics for their care.

CONTRIBUTIONS OF AFRICAN AMERICANS DURING WORLD WAR II

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE. Mr. Speaker, first of all, I include in the RECORD the names of the men and women who died in World War II while posted in Normandy, specifically the African-American men and women whom I will speak about.

NAMES OF AFRICAN AMERICAN MEN BURIED AT
NORMANDY AMERICAN CEMETERY (NAC)

The 320th Battalion served with distinction during the D-Day invasion of Normandy,

France on June 6, 1944. That day, the 320th lost two of their own, Corporals Brooks Stith and Henry Harris.

CPL Brooks Stith was born in 1922. While he was originally from North Carolina, he enlisted in the Army in Richmond, VA in December 1942. Corporal Stith had a family and made a living working with metal before the war. He was decorated with the Purple Heart, American Campaign Medal, and WWII Victory Medal.

CPL Henry J. Harris was born in 1907. While he was originally from Pennsylvania, he enlisted in the Army in Boston, MA in April 1941. He was single and worked in furniture manufacturing before the war. Corporal Harris was decorated with the Purple Heart, American Campaign Medal, and WWII Victory Medal.

PFC James M. McLean was born in 1922 and enlisted in the Army at Fort Bragg, North Carolina in December 1942. He was single and worked as a farm laborer before the war. Private First Class McLean was decorated with the American Campaign Medal, and WWII Victory Medal. He was a member of the 320th who died later on July 16, 1944.

Others buried at the NAC are listed below:

PFC Elihue E. Baltimore from Indiana of 963 QM SV CO served his country honorably during WWII and died on April 28th, 1945. He was 27 years old. PFC Elihue E. Baltimore is buried in plot B, row 3, grave number 20. He was decorated with a Purple Heart.

PFC Howard Anderson from Virginia of 3878 QM GAS SUP CO served his country honorably during WWII and died on July 6th, 1944. He was 32 years old. PFC Howard Anderson is buried in plot B, row 6, grave number 43. He was decorated with a Purple Heart.

CPL Roy Bell from Pennsylvania of 237 QM SALV CO served his country honorably during WWII and died on July 29th, 1944. He was 21 years old. CPL Roy Bell is buried in plot G, row 13, grave number 12. He was decorated with a Purple Heart.

PVT James Blair from South Carolina of 4090 QM SV CO served his country honorably during WWII and died on June 10th, 1944. He was 22 years old. PVT James Blair is buried in plot A, row 1, grave number 37. He was decorated with a Purple Heart.

PVT John S. Brannon, Jr. from Massachusetts of 502 PORT BN served his country honorably during WWII and died on June 7th, 1944. He was 29 years old. PVT John S. Brannon, Jr. is buried in plot H, row 25, grave number 3. He was decorated with a Purple Heart.

PVT Vernon F. Campbell from New York of 237 QM SALV CO served his country honorably during WWII and died on July 29th, 1944. He was 24 years old. PVT Vernon F. Campbell is buried in plot J, row 6, grave number 35. He was decorated with a Purple Heart.

PVT Andrew Collins, Jr. from Wisconsin of 237 QM SALV CO served his country honorably during WWII and died on July 29th, 1944. PVT Andrew Collins, Jr. is buried in plot J, row 12, grave number 35. He was decorated with a Purple Heart.

SGT Willie L. Collins from Georgia of 490 PORT BN served his country honorably during WWII and died on June 6th, 1944. He was 22 years old. SGT Willie L. Collins is buried in plot F, row 28, grave number 31. He was decorated with a Purple Heart.

TEC 4 Oscar W. Davis from Texas of 815 TRK CO served his country honorably during WWII and died on June 10th, 1944. TEC 4 Oscar W. Davis is buried in plot D, row 11, grave number 25. He was decorated with a Purple Heart.

TEC 5 Howard F. Ellis from Virginia of 237 QM SALV CO served his country honorably during WWII and died on July 29th, 1944. He was 38 years old. TEC 5 Howard F. Ellis is buried in plot E, row 13, grave number 14. He was decorated with a Purple Heart.

TEC 5 William Gray from Mississippi of 3393 QM TRK CO served his country honorably during WWII and died on July 28th, 1944. He was 20 years old. TEC 5 William Gray is buried in plot C, row 9, grave number 16. He was decorated with a Purple Heart.

M SGT Zylphus L. Greene from Pennsylvania of 237 QM SALV COLL CO served his country honorably during WWII and died on July 29th, 1944. He was 27 years old. M SGT Zylphus L. Greene is buried in plot B, row 8, grave number 44. He was decorated with a Purple Heart.

PVT Charlie G. Harvey from Illinois of 3275 QM SV CO served his country honorably during WWII and died on June 27th, 1944. He was 22 years old. PVT Charlie G. Harvey is buried in plot I, row 16, grave number 10. He was decorated with a Purple Heart.

CPL Joseph N. Headd from New Jersey of 3912 QM TRK CO served his country honorably during WWII and died on August 16th, 1944. CPL Joseph N. Headd is buried in plot J, row 26, grave number 28. He was decorated with a Purple Heart.

SGT Luther J. Irvin, Jr. from Indiana of 237 QM SALV CO served his country honorably during WWII and died on July 29th, 1944. He was 29 years old. SGT Luther J. Irvin, Jr. is buried in plot G, row 19, grave number 31. He was decorated with a Purple Heart.

PVT Eugene Jones from Illinois of 3275 QM SV CO served his country honorably during WWII and died on June 30th, 1944. He was 22 years old. PVT Eugene Jones is buried in plot G, row 24, grave number 17. He was decorated with a Purple Heart.

CPL James A. Long from Mississippi of 4090 QM SV CO served his country honorably during WWII and died on June 10th, 1944. He was 27 years old. CPL James A. Long is buried in plot A, row 18, grave number 37. He was decorated with a Purple Heart.

1 SGT Willis G. Peele from North Carolina of 4454 QM SV CO served his country honorably during WWII and died on March 21st, 1945. He was 29 years old. 1 SGT Willis G. Peele is buried in plot D, row 1, grave number 24. He was decorated with a Purple Heart.

TEC 5 James G. Richardson from Texas of 237 QM SALV CO served his country honorably during WWII and died on July 29th, 1944. He was 34 years old. TEC 5 James G. Richardson is buried in plot H, row 5, grave number 19. He was decorated with a Purple Heart.

TEC 5 Robert J. Self from Virginia of 237 QM SALV CO served his country honorably during WWII and died on July 29th, 1944. He was 29 years old. TEC 5 Robert J. Self is buried in plot E, row 9, grave number 14. He was decorated with a Purple Heart.

TEC 5 Edward J. Thompson from Mississippi of 388 ENGR GEN SV REGT served his country honorably during WWII and died on March 6th, 1945. He was 28 years old. TEC 5 Edward J. Thompson is buried in plot D, row 13, grave number 41. He was decorated with a Purple Heart.

TEC 5 Lee H. Watson from Arkansas of 494 PORT BN served his country honorably during WWII and died on May 12th, 1945. TEC 5 Lee H. Watson is buried in plot B, row 19, grave number 11. He was decorated with a Purple Heart.

PFC William D. Adams from Alabama of 1323 ENGR GEN SV REGT served his country honorably during WWII and died on September 20th, 1944. He was 31 years old.

PFC Joseph Allen from Mississippi of 244 QM BN served his country honorably during WWII and died on February 3rd, 1945. He was 26 years old.

TEC 4 Florzell Anderson from New Jersey of 3116 QM SV CO served his country honorably during WWII and died on January 19th, 1945. He was 23 years old.

PVT Issac R. Anderson, Jr. from South Carolina of 4148 QM SV CO served his country honorably during WWII and died on December 31st, 1944. He was 20 years old.

PVT James R. Anderson from Indiana of 513 PORT BN served his country honorably during WWII and died on October 9th, 1944. He was 21 years old.

TEC 5 Alvin T. Austin from Texas of 549 ENGR L PON CO served his country honorably during WWII and died on December 9th, 1945.

TEC 5 Daniel Batts from Virginia of 485 PORT BN served his country honorably during WWII and died on April 20th, 1945. He was 38 years old.

PVT William E. Beadle from Georgia of 511 PORT BN served his country honorably during WWII and died on March 29th, 1945. He was 21 years old.

PVT E. L. Bolton from Tennessee of 3453 QM TRK CO served his country honorably during WWII and died on March 15th, 1945. He was 25 years old.

PVT Dan Bouie, Jr. from Georgia of 821 AMPH TRK CO served his country honorably during WWII and died on April 21st, 1945. He was 20 years old.

SGT Bennie Boyd from South Carolina of 516 PORT BN served his country honorably during WWII and died on May 31st, 1945. He was 24 years old.

TEC 5 Rochester Boyd, Sr. from Florida of 3398 QM TRK CO served his country honorably during WWII and died on August 1st, 1944. He was 24 years old.

PVT Samuel S. Branson, Jr. from Pennsylvania of 4190 QM SV CO served his country honorably during WWII and died on July 12th, 1944. He was 24 years old.

TEC 5 Clyde Bridges from Georgia of 3519 QM TRK CO served his country honorably during WWII and died on May 24th, 1945.

CPL Henry Brown from New Jersey of 999 FA BN served his country honorably during WWII and died on July 18th, 1944. He was 27 years old.

PFC Otis Brown from Georgia of 388 ENGR GEN SV REGT served his country honorably during WWII and died on October 12th, 1944. He was 24 years old.

PFC William Law Campbell from New York of 435 ENGR DUMP TRK CO served his country honorably during WWII and died on August 4th, 1945. He was 34 years old.

SGT Robert Carey from Louisiana of 3399 QM TRK CO served his country honorably during WWII and died on August 11th, 1944. He was 20 years old.

PFC Earlie Carothers from Mississippi of 364 ENGR GEN SV REGT served his country honorably during WWII and died on July 7th, 1944. He was 25 years old.

PVT William Carter from Michigan of 3862 QM TRK CO served his country honorably during WWII and died on November 8th, 1944.

PVT Harold K. Chambers from Kansas of 452 AAA AW BN served his country honorably during WWII and died on August 6th, 1944.

PVT Len Cleveland from Georgia of 501 PORT BN served his country honorably during WWII and died on January 1st, 1945.

PFC Willie F. Cooper from Illinois of 399 QM LDYR CO served his country honorably during WWII and died on August 9th, 1944. He was 34 years old.

STM2C Clarence N. Copeland from New York of USNR served his country honorably during WWII and died on June 8th, 1944.

TEC 5 Eddie B. Culpepper, Jr. from Georgia of 17 SP SV CO served his country honorably during WWII and died on August 21st, 1945.

TEC 4 Hoyt N. Daniels, Jr. from Arkansas of 414 PORT CD served his country honorably during WWII and died on June 19th, 1945.

PFC William E. Davis from Pennsylvania of 515 PORT BN served his country honorably during WWII and died on April 26th, 1945. He was 21 years old.

TEC 4 Dawson E. Dennis from Pennsylvania of 658 PORT CO served his country honorably during WWII and died on September 20th, 1945. He was 31 years old.

PVT Cecil Dorsett from New York of 815 TRK CO served his country honorably during WWII and died on August 24th, 1944. He was 34 years old.

CPL Edward L. Drasdel from Kentucky of 4270 QM TRK CO served his country honorably during WWII and died on November 5th, 1944.

CPL Randolph Easter from New York of 3867 QM TRK CO served his country honorably during WWII and died on January 21st, 1945. He was 33 years old.

TEC 5 Cyrus S. Elliott from Arkansas of 514 PORT BN served his country honorably during WWII and died on November 5th, 1944. He was 23 years old.

PVT Leo A. Fair from South Carolina of 4083 QM SV CO served his country honorably during WWII and died on July 12th, 1944. He was 21 years old.

PFC Harold G. Foster from New York of 818 TRK CO served his country honorably during WWII and died on August 12th, 1944. He was 28 years old.

PVT Sidney B. Fountain from Mississippi of 3135 QM SV CO served his country honorably during WWII and died on June 3rd, 1945. He was 22 years old.

MS Earlie J. Gabriel from North Carolina of USMM served his country honorably during WWII and died on December 14th, 1944.

PVT Victor H. Gambles from Missouri of 365 PORT BN served his country honorably during WWII and died on April 4th, 1945. He was 32 years old.

TEC 5 Frank Glenn from Texas of 1310 ENGR GEN SV REGT served his country honorably during WWII and died on May 22nd, 1945. He was 31 years old.

PVT Jessie Goode from North Carolina of 3556 QM TRK CO served his country honorably during WWII and died on November 7th, 1945. He was 22 years old.

PFC Levester Goodman from North Carolina of 3193 QM SV CO served his country honorably during WWII and died on September 16th, 1944. He was 24 years old.

TEC 5 Ross Graham from South Carolina of 3138 QM SV CO served his country honorably during WWII and died on August 29th, 1944. He was 23 years old.

TEC 5 Tom Griggs from Ohio of 3682 QM TRK CO served his country honorably during WWII and died on September 24th, 1944.

TEC 5 Thomas Hammonds from North Carolina of 392 ENGR GEN SV REGT served his country honorably during WWII and died on November 30th, 1944. He was 31 years old.

SGT Alex Hansboro from Texas of 434 PORT CO served his country honorably during WWII and died on January 21st, 1945. He was 22 years old.

PVT John H. Harris from the District of Columbia of 1323 ENGR GEN SV REGT served his country honorably during WWII and died on August 20th, 1944. He was 30 years old.

PVT Roberta Hawkins from Texas of 3869 QM TRK CO served his country honorably during WWII and died on April 9th, 1945. He was 23 years old.

CPL Charlie L. Herndon from Kentucky of 4083 QM V CO served his country honorably during WWII and died on July 12th, 1944. He was 23 years old.

PVT William Hester from Arkansas of 306 RHD CO served his country honorably during WWII and died on September 10th, 1944.

CPL Jimmie Hicks from Georgia of 1323 ENGR GEN SV REGT served his country honorably during WWII and died on September 6th, 1944. He was 22 years old.

TEC 5 Roy Hill from Oklahoma of 483 PORT BN served his country honorably during WWII and died on February 3rd, 1945.

PFC Horace Horton from North Carolina of 499 PORT BN served his country honorably during WWII and died on June 3rd, 1945. He was 30 years old.

PVT Harrison Hubbard from Arkansas of 3867 QM TRK CO served his country honorably during WWII and died on September 4th, 1944.

PVT George Jackson from Ohio of 624 PORT CO served his country honorably during WWII and died on January 23rd, 1945. He was 29 years old.

CPL Jinse C. Jackson from Kentucky of 549 ENGR L PON CO served his country honorably during WWII and died on July 8th, 1945. He was 27 years old.

PVT Pete L. Jarber from Kentucky of 74 CML GENERATOR CO served his country honorably during WWII and died on December 2nd, 1944. He was 21 years old.

1 SGT Gelain J. Jefferson from Pennsylvania of 4335 QM SV CO served his country honorably during WWII and died on March 14th, 1945. He was 22 years old.

PFC Henry Jefferson from Louisiana of 988th QM Service Co served his country honorably during WWII and died on September 20th, 1944. He was 28 years old.

PVT James H. Jeffries from Pennsylvania of 509 PORT BN served his country honorably during WWII and died on April 23rd, 1945. He was 20 years old.

TEC 5 Albert Jenkins from New Jersey of 485 PORT BN served his country honorably during WWII and died on September 30th, 1944.

PVT William H. Johnson from Virginia of 306 RHD CO served his country honorably during WWII and died on September 7th, 1944. He was 22 years old.

TEC 5 John T. Jones from Virginia of 502 PORT BN served his country honorably during WWII and died on September 19th, 1944. He was 21 years old.

SGT Melvin Jones from Georgia of 364 ENGR REGT served his country honorably during WWII and died on July 8th, 1944. He was 22 years old.

PFC Leroy Kelly from North Carolina of 516 PORT BN served his country honorably during WWII and died on November 24th, 1945. He was 24 years old.

PVT Selmer Kendrick from Indiana of 4083 QM SV CO served his country honorably during WWII and died on July 12th, 1944. He was 23 years old.

M SGT James W. Kersh from Tennessee of 364 ENGR GEN SV REGT served his country honorably during WWII and died on August 11th, 1944.

PVT Nollie J. Lewis from Texas of 317 QM SV CO served his country honorably during WWII and died on March 7th, 1945. He was 34 years old.

PVT Edmon T. Littleton from Alabama of 131 QM BN served his country honorably dur-

ing WWII and died on April 30th, 1945. He was 23 years old.

PVT Lindsay Lyles from Alabama of 511 PORT BN served his country honorably during WWII and died on March 4th, 1945. He was 21 years old.

CPL Lloyd A. Martin from Pennsylvania of 236 QM BN served his country honorably during WWII and died on November 5th, 1944. He was 32 years old.

2 LT Eddie L. May from Wisconsin of 1349 ENGR GEN SV REGT served his country honorably during WWII and died on May 26th, 1945.

PFC Earl W. Mayes from Florida of 501 PORT BN served his country honorably during WWII and died on May 31st, 1945. He was 23 years old.

PFC Vincent A. Mayo from New York of 4059 QM SV CO served his country honorably during WWII and died on August 26th, 1945. He was 26 years old.

TEC 4 Oscar L. Middlebrook from Tennessee of 513 PORT BN served his country honorably during WWII and died on April 7th, 1945. He was 21 years old.

PFC Raymond T. Moore from Virginia of 1310 ENGR GEN SV REGT served his country honorably during WWII and died on September 21st, 1944. He was 20 years old.

PVT James E. Myers from Virginia of 3692 QM TRK CO served his country honorably during WWII and died on December 16th, 1944. He was 26 years old.

PVT Chester Nash from Tennessee of 505 PORT BN served his country honorably during WWII and died on May 8th, 1945. He was 26 years old.

TEC 5 Samuel G. Nathaniel from South Carolina of 3132 QM SV CO served his country honorably during WWII and died on March 5th, 1945. He was 35 years old.

PFC George M. Parker from Pennsylvania of 1323 ENGR GEN SV REGT served his country honorably during WWII and died on September 9th, 1944. He was 35 years old.

PVT Lawrence Payton from Louisiana of 388 ENGR REGT served his country honorably during WWII and died on March 18th, 1945. He was 31 years old.

SSGT Hiawatha L. E. Perry from Tennessee of 652 QM TRK CO served his country honorably during WWII and died on October 19th, 1944. He was 34 years old.

PVT John D. Phillips from Pennsylvania of 502 PORT BN served his country honorably during WWII and died on May 29th, 1945. He was 21 years old.

PVT James H. Pickens from Pennsylvania of 511 PORT BN served his country honorably during WWII and died on April 19th, 1945.

PFC William A. Platt from North Carolina of 388 ENGR GEN SV REGT served his country honorably during WWII and died on February 7th, 1945. He was 30 years old.

TEC 5 Ernest R. Potts from Oklahoma of 3497 QM TRK CO served his country honorably during WWII and died on March 11th, 1945. He was 25 years old.

SGT Curry Purser from Georgia of 389 ENGR GEN SV REGT served his country honorably during WWII and died on August 6th, 1944.

TEC 5 Mack Roby from Mississippi of 514 PORT BN served his country honorably during WWII and died on August 15th, 1944. He was 22 years old.

PFC Jesse Rose from Illinois of 1432 Labor Sup Co served his country honorably during WWII and died on May 20th, 1945. He was 30 years old.

PFC Paul L. Russell from Illinois of 3219 QM SV CO served his country honorably during WWII and died on April 11th, 1945.

PFC William L. Ryerson from New York of 364 ENGR REGT served his country honorably during WWII and died on July 7th, 1944. He was 24 years old.

TEC 5 Booker T. Saddler from Mississippi of 516 PORT BN served his country honorably during WWII and died on May 21st, 1945. He was 26 years old.

PFC Orin D. Saddler from New York of 485 PORT BN served his country honorably during WWII and died on May 11th, 1945. He was 39 years old.

PVT Logan S. Scott from Georgia of 951 QM SV CO served his country honorably during WWII and died on November 18th, 1944.

PVT John H. Showes from Ohio of 954 QM SV CO served his country honorably during WWII and died on November 19th, 1944. He was 39 years old.

CK3C Malcolm Slaughter from Mississippi of USNR served his country honorably during WWII and died on June 9th, 1944.

PFC Charles C. Smith from Missouri of 4371 QM BAKERY CO served his country honorably during WWII and died on January 1st, 1945. He was 32 years old.

PFC Frank W. Smith from South Carolina of 1697 ENGR COMBAT BN served his country honorably during WWII and died on July 16th, 1945. He was 25 years old.

PVT Albert Suber from Michigan of 1323 ENGR GEN SV REGT served his country honorably during WWII and died on August 21st, 1944.

TEC 5 Rufus Sykes from Virginia of 549 ENGR L PON CO served his country honorably during WWII and died on July 16th, 1945. He was 25 years old.

PFC Luther J. Thompson from Michigan of 521 PORT BN served his country honorably during WWII and died on April 7th, 1945.

PVT Vandyke S. Toye from Virginia of 388 ENGR GEN SV REGT served his country honorably during WWII and died on June 10th, 1945. He was 27 years old.

PVT Alexander Troop from Indiana of 165 CML GENERATOR CO served his country honorably during WWII and died on March 25th, 1945. He was 35 years old.

PVT James Tucker from North Carolina of 973 QM SV CO served his country honorably during WWII and died on July 19th, 1945. He was 25 years old.

CPL Ernest J. Walker from Illinois of 4058 QM SV CO served his country honorably during WWII and died on July 28th, 1944. He was 28 years old.

CPL General U. Walker from Florida of 364 ENGR GEN SV REGT served his country honorably during WWII and died on July 7th, 1944. He was 25 years old.

PVT David Webster from New Jersey of 3871 QM TRK CO served his country honorably during WWII and died on June 15th, 1945. He was 39 years old.

TEC 5 Willie R. Weston from Pennsylvania of 663 QM TRK CO served his country honorably during WWII and died on September 18th, 1944. He was 20 years old.

TEC 5 Albert B. Williams from Georgia of 470 TRK CO served his country honorably during WWII and died on August 20th, 1944. He was 23 years old.

PVT J. S. Willis from Missouri of 450 GAS SUP CO served his country honorably during WWII and died on December 27th, 1944. He was 22 years old.

PVT William A. Wilson from Illinois of 485 PORT BN served his country honorably during WWII and died on March 31st, 1945.

PFC Clifford Woods from Tennessee of 4057 QM SV CO served his country honorably during WWII and died on December 28th, 1944. He was 39 years old.

NAMES OF AFRICAN AMERICAN WOMEN BURIED AT NORMANDY AMERICAN CEMETERY (NAC)

6888th Central Postal Directory Battalion was an all-women, all-black unit which processed mail in Europe during WWII. While women were not allowed in combat, PFC Mary H. Bankston and PFC Mary J. Barlow were killed in an auto vehicle accident on July 8, 1945 and SGT Dolores M. Browne from Connecticut died later from injuries on July 13, 1945.

AFRICAN AMERICAN MEN MISSING IN ACTION

These men remain missing in action today. They are memorialized on the Wall of the Missing at the Normandy American Cemetery (NAC).

TEC 5 Resse G. Boone from North Carolina of the 514 PORT BN.

PFC Sylvester D. Haggins from New York of the 364 ENGR GEN SV REGT.

TSGT Raymond Heads from Texas of the 3688 QM TRK CO. He was decorated with a Purple Heart.

PFC Mack Homer from Georgia of the 364 ENGR GEN SV REGT.

TEC 5 Daniel Wyatt from Louisiana of the 364 ENGR GEN SV REGT.

Ms. LEE. Mr. Speaker, every year when we celebrate and reflect on Black History Month, we learn the stories of some of America's greatest scientists, actors, writers, entertainers, scholars, workers, and ordinary people who made major contributions to this great country.

As a member of the Military Construction, Veteran Affairs, and Related Agencies Subcommittee of the Committee on Appropriations, I want to share the unsung stories of the valiant Black men and women who served their country dutifully during World War II even in the face of adversity.

We know about the brave Tuskegee Airmen—Red Tails—who flew fighter and bomber planes during World War II, but many do not know that the Red Tails were only a few of the nearly 1 million African Americans who served during the war. These courageous men and women fought bravely to protect the democratic ideals of freedom and equality.

Sadly, the country they served did not live up to those ideals. When they returned from victory in Europe and the Pacific, many did not receive a hero's welcome because of the color of their skin.

My dad, the late Lieutenant Colonel Garvin Tutt, was one of those heroes. He served in the 92nd Battalion in Italy supporting the Normandy invasion, was in World War II, the Korean war, and served in the Army for 25 years.

Only recently have the contributions of African-American men and women during World War II been recognized as our country has attempted to acknowledge its sad and dark past. That is why I am taking time on the floor today to honor the 138 African-American men and women buried in Normandy American Cemetery and the 5 men who remain missing. It is my hope that, by sharing these stories today and entering their names into the RECORD, more

people will come to appreciate the sacrifices of these brave men and women who served this country with distinction during World War II.

Now, most people know that on June 6, 1944, approximately 2,000 soldiers landed on the beaches of Normandy for what would be a major turning point in the war, but far fewer know that the all-Black 320th Barrage Balloon Battalion served with distinction during the D-day invasions. The 320th was the only Black unit to take part on D-day and the only balloon battalion dedicated to protecting troops from intense German aircraft attacks on Omaha and Utah beaches. This was unique because Black units were usually kept from combat and fulfilled essential support services instead.

As part of their mission to protect Allied troops, the men of the 320th implemented innovative ideas to ease transportation to shore of barrage balloons that weighed half a ton. In addition to defending American soldiers during D-day invasions, the battalion also secured its own successful offensive strikes. The battalion's ingenuity and service was later recognized as an important element of the air defense team by Dwight D. Eisenhower, who was Supreme Allied Commander General at the time.

Sadly, no sacrifice comes without the loss of human life. During the D-day invasion, the 320th suffered two casualties. Corporal Brooks Stith and Corporal Henry J. Harris from the 320th are both buried at the Normandy American Cemetery. Each of these men was decorated with the Purple Heart, the American Campaign Medal, and the World War II Victory Medal for their valiant service. There is James M. McLean of the 320th, who died on July 16, 1944. He was also buried at the cemetery.

African Americans who were buried at the cemetery, the men from the 320th, were buried with their White peers. Even though units were segregated until President Harry Truman changed official Department of Defense policies in 1948, Black and White soldiers who died in Normandy were buried together. At the Normandy American Cemetery, 135 African-American men and 3 African-American women were laid to rest from 1944 to 1945.

Mr. Speaker, there are five Black men who remain missing in action while posted in Normandy. They are honored on the Walls of the Missing at Normandy with more than 1,700 others.

While women were not allowed in combat during World War II, three Black women from the 6888th Central Postal Directory Battalion of the Women's Army Corps are also buried at the cemetery. They were killed during an accident with a jeep.

Now, this was an all-women, all-Black unit that helped process mail in Europe during World War II. They were

the first Black battalion deployed after First Lady Eleanor Roosevelt and civil rights leader Dr. Mary McLeod Bethune advocated for Black women to join the Women's Army Corps, the WAC, for nearly a year and a half. The women received basic training and were trained in jujitsu because they were not allowed to carry firearms. They successfully helped clear massive mail backlogs in various cities across Europe.

While the women of the 6888th were celebrated for their work in Europe, some historians speculate that inspectors would sometimes give unsatisfactory reviews because of their prejudices.

Unit commander Major Charity Adams was court-martialed once for pushing back when a general threatened to send a "white first lieutenant" to show her how to command her unit.

We are indebted to these women for their exemplary work processing mail efficiently to keep up the morale of our troops during WWII. But more importantly, we owe them the respect they never received.

Mr. Speaker, these men and women lost their lives too soon for a country that hasn't done a great job of remembering their bravery and their sacrifices.

An analysis conducted by the Army showed that the average age of African American service members buried at the NAC is 27 years—the prime age when a young person is starting their life.

That is why it is so important for us to remember and tell their stories during Black History Month.

As Black History Month continues, I hope my colleagues will consider joining me in honoring their memories by also speaking on the Floor about other all-Black battalions who fought during WWII.

As the daughter of a WWII and Korean Veteran, I am very honored to be on the Military-Veterans Appropriations Subcommittee to ensure our veterans receive the care and recognition they deserve.

Let me close by thanking our Military-Veterans Chair, Congressman CHARLIE DENT and then Ranking Member SANFORD BISHOP and then full Committee Chair ROGERS and Ranking Member LOWEY, for their support in the Appropriations Committee and the commission for helping bring these great heroes and sheros to the attention of the American people and by properly recognizing their sacrifices and their legacies.

Hopefully this effort will help us locate their descendants and families to and thank them and honor them as part of yes—Black History but of course this is American History that all Americans should recognize and learn from.

Mr. Speaker, I want to thank the chair of our subcommittee, Mr. DENT, Ranking Member LOWEY, Mr. BISHOP, and you, Mr. ROGERS, for your support in the Appropriations Committee and for the American Battle Monuments Commission's very dedicated work in helping us bring these great heroes and sheros to the attention of the American people by properly recognizing their sacrifices and their legacies.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

The Psalmist cannot find enough words to express trust in You. Personal experience of Your presence, care, and abiding guidance gives rise to his song: "O Lord, my rock, my fortress, my deliverer. My God, my rock of refuge, my shield, the fullness of my salvation, my stronghold."

Stir in our hearts today Your Holy Spirit. Touch the soul of this Nation, that we may see Your saving work in our work, Your strength behind our weakness, Your purpose in our efforts at laws of justice, Your peace drawing all of us and the world to lasting freedom.

You are ever faithful, O Lord, worthy of all our trust. May all that is done in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BISHOP of Utah. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BISHOP of Utah. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Washington (Mr. NEWHOUSE) come

forward and lead the House in the Pledge of Allegiance.

Mr. NEWHOUSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
February 16, 2017.

Hon. PAUL D. RYAN,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN: This letter is to inform you, in your role as Speaker, that I have today sent a letter to my Governor resigning my seat in Congress. A duplicate of that letter is attached.

I am truly honored that President Trump has given me the opportunity to lead the Office of Management and Budget. The opportunity to work with such a talented and intelligent group of people—in an effort to try to restore our country's fiscal security—was too good to pass up. It does, however, come at the price of leaving the House.

I am thankful for the efforts you made on my behalf in this effort. I am thankful for the leadership you have shown during my time in the House. But, more than all of that, I am thankful for your friendship over the last six years. Working with you—as a Chairman and the Speaker—will forever be one of the highlights of my career.

I sincerely hope my resignation is not the end of that relationship. Indeed, I choose to see it as simply the next chapter of our mutual effort to try to serve the nation.

All the best. Thanks again. And God Bless.
Sincerely,

MICK MULVANEY.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 2017.

Hon. HENRY McMaster,
Governor, State of South Carolina,
Columbia, SC.

DEAR GOVERNOR McMMASTER: Earlier today I was confirmed by the United States Senate to serve as President Trump's Director of the Office of Management and Budget. Assuming this office requires me to resign my position as the United States Representative for the 5th Congressional District of South Carolina.

It has been a great honor and personal privilege to represent the people of South Carolina in Congress. The people of my district, and of our state, are some of the nicest, hardest working people I've ever met. They care deeply about our state and our nation, and I will be forever grateful for the opportunity to have been able to serve them.

However, the opportunity to work directly with the President in his Cabinet to shape our nation's budget and ensure financial stability for generations to come is a call to service I simply cannot ignore. I am truly honored that President Trump has given me this opportunity.

So, in hopes that I can better serve our nation, the President, the people of the 5th Congressional District, and the state of South Carolina, I hereby tender my resignation as United States Representative, effective immediately.

Thank you for your service to our state and your continued friendship.

Respectfully,

MICK MULVANEY,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from South Carolina (Mr. MULVANEY), the whole number of the House is 431.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

RECOGNIZING THE RETIREMENT OF GARY PETERSEN

(Mr. NEWHOUSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEWHOUSE. Mr. Speaker, I rise today to recognize the retirement of my dear friend, and fellow WSU alumnus, Mr. Gary Petersen.

Following his graduation in 1965, Gary began a distinguished career on behalf of our country and notable Washington institutions, such as the Pacific Northwest National Laboratory, Hanford, Energy Northwest, the State Department, and, recently, as vice president of the Tri-City Development Council.

For 5 decades, Gary has been a devoted advocate for the Tri-Cities, and his efforts have been critical to the area's growth and development. He is also an unwavering proponent of PNNL and the defense nuclear waste cleanup mission at Hanford. In Congress, Gary has provided me with critical counsel, while generously serving on my Hanford Working Group.

His integrity and distinguished career were recognized with his 2013 induction into WSU's Murrow Alumni Hall of Achievement.

I am honored to call Gary a friend, and will be forever grateful for his patriotism and dedicated service to the Tri-Cities and our great Nation.

HONORING THE SERVICE OF BOB OLIVER

(Mrs. WATSON COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WATSON COLEMAN. Mr. Speaker, today I have the personal pleasure and honor of saying a few words about a leader in our community who has dedicated his life to the betterment of others.

Bob Oliver is the president and CEO of Otsuka America Pharmaceutical,

Inc., which is a healthcare company based in my district in Princeton, New Jersey. Bob's strategic leadership over the last 7 years has been instrumental in developing a diverse portfolio of marketed products, specifically focusing on neuroscience, cardio-renal, and oncology. He is personally passionate about helping others and those who care for them.

He has worked for over 40 years helping others navigate the healthcare system more easily and has publicly addressed mental health stigma, disparity in healthcare treatment, and the future of health care using technology advancements. He has worked closely with local advocacy groups to aid veterans and other individuals struggling with homelessness, mental illness, addiction, and poverty.

In addition to being a community partner, through his leadership role at Otsuka, he has been instrumental in driving economic growth in the pharmaceutical sector, as well as creating job opportunities in my State.

Most recently, he was featured as one of *Ebony* Magazine's Power 100, an esteemed panelist with CNN's Fareed Zakaria, and a featured leader in *Forbes* Magazine. The journey is just beginning as he closes this chapter in Otsuka and proceeds to move forward in his life.

He has made us very proud. We are proud to take this moment to address his accomplishments and to thank him for his lifetime of achievement. We wish him the best of luck and Godspeed.

CELEBRATING THE LIFE OF BILL COOPER

(Mr. LEWIS of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Minnesota. Mr. Speaker, I rise today to recognize and celebrate the life of Bill Cooper. Bill was a leader, innovator, philanthropist, and a friend, and he lived the American Dream.

He grew up in Detroit, where he worked as a police officer while earning a degree in accounting. His career in banking brought him to Minnesota in 1985, when he became CEO of Twin Cities Federal. He transformed this small savings and loan into a thriving national bank.

Bill worked to ensure that all children also had access to a quality education by founding the Friends of Education, which sponsors 15 schools and serves more than 9,000 children.

Bill was a defining force as well in Minnesota politics. He always stood up for conservative principles and served as chairman of the State Republican Party from 1997 to 1999.

Bill Cooper left his mark on Minnesota, and he will be deeply missed by all of us who knew him.

ALL PERPETRATORS OF CHILD ABUSE MUST BE HELD ACCOUNTABLE

(Ms. DELBENE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELBENE. Mr. Speaker, today, I am introducing important legislation to ensure that all perpetrators of child abuse are held accountable. It closes a Federal loophole that wrongly denies justice for some survivors, like Penny Saum from Washington State.

Last month, I heard from Penny directly about the horrific abuses she faced at the hands of her father. He was convicted, sentenced to prison, and ordered to pay \$5 million in damages. But because he is a military retiree, Federal law has shielded him from paying a cent of the restitution that he owes. It is unacceptable.

Congress already passed a law in 1994, holding Federal retirees accountable for abusing a child. Now it is our responsibility to apply the same standard to all perpetrators.

I am honored to be working with my colleague from Washington State, Congresswoman HERRERA BEUTLER, to close this heartbreaking loophole. In these challenging times, this is exactly the kind of bipartisan solution we can all work together on.

RARE DISEASES ARE NOT A RARE PROBLEM

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today on behalf of the 30 million Americans affected by a rare disease. An astounding 95 percent of rare diseases have no approved treatments or cures. My bill, the OPEN Act, seeks to change that.

The OPEN Act provides incentives for drug makers to repurpose major market treatments for rare disease patients. It could open the door for a surge in biotechnology jobs and investment. Most importantly, the OPEN Act would help make sure those suffering from a rare condition can finally find safe, effective, affordable medication.

I was inspired to write the OPEN Act after meeting with folks who live with rare diseases, like Ashleigh Pike, Candace Lerman, and Kelly Freeman from Florida. The ideas that shaped this legislation came from those who it will help most, rare disease patients. After all, rare diseases are not a rare problem.

The OPEN Act has the potential to bring hope to millions of patients and their families.

NEW MARKET TAX CREDITS

(Mr. HIGGINS of New York asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS of New York. Mr. Speaker, the new market tax credits have helped inject new economic viability into my western New York community. The program continues to help revitalize economically distressed cities throughout America; in western New York, more than \$300 million in private investment in the past decade that would not have occurred without the tax credit program.

Historically and architecturally significant buildings like the Electric Tower and Asbury Hall in downtown Buffalo are buzzing with new residential and commercial life. Most recently, Roswell Park Cancer Institute, the Nation's first cancer center, opened their new clinical sciences building with the help of the new market tax credit program.

I urge my colleagues to support my legislation to make the new market tax credits permanent.

OBAMACARE IS FAILING PATIENTS

(Mr. BUCSHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCSHON. Mr. Speaker, many of us have come here to the floor to share with the country and our colleagues statistics and data demonstrating how ObamaCare is failing patients. We have shown the numbers related to skyrocketing premiums and deductibles and reduction of patient choice.

Today, I want to share what my constituents are saying about their firsthand experiences with ObamaCare. From comments we have received:

My deductible went from \$250 to \$2,500.

Our deductible skyrocketed to double the amount we were paying. Plus, it provided fewer options.

Our premiums have skyrocketed. We had few options from plans. We had to switch doctors.

We own a pharmacy. We see many with high premiums who can't afford the very things they need.

Cost of insurance keeps going up. It has never gone down.

I don't have insurance. It is too expensive, and I have kids to feed.

Mr. Speaker, the status quo under ObamaCare is unacceptable. It would be irresponsible and unethical not to act.

Our plan, House Republicans, will bring families relief by repealing and replacing the Affordable Care Act with reforms that lower costs and expand access to quality affordable health care to all of our citizens.

□ 1215

BLACK HISTORY MONTH

(Ms. ADAMS asked and was given permission to address the House for 1 minute.)

Ms. ADAMS. As an African-American woman and a Member of Congress, I know I stand on the shoulders of giants.

My election would not have been possible without the efforts of Maya Angelou, Shirley Chisholm, Fannie Lou Hamer, Sojourner Truth, Rosa Parks, and many other heroes who came before me. These women championed civil rights and women's rights and fought oppression so that African-American women could have a voice in politics.

When I was elected, I became the 100th woman to serve in the 114th Congress, the 20th woman in the Congressional Black Caucus, and only the second African-American woman to represent North Carolina in Congress. That night was a historic win for women, but it was particularly special for African-American women.

Shirley Chisholm once said: "Women must become revolutionary. There cannot be evolution but revolution."

At a time when the President's Cabinet does not include a single African-American woman and just one African-American woman in the Senate, we are reminded that there is still much work to do.

If this administration will not make a place for us, we will make one for ourselves. It is time to stand up, speak up, and make our voices heard.

MOMENT OF SILENCE HONORING
QUENTIN MOSES

(Mr. JODY B. HICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JODY B. HICE of Georgia. Mr. Speaker, I rise today to honor the life of Quentin Moses, a 10th District native, a star athlete, and a dedicated coach who tragically passed away in a house fire this past Sunday morning.

I pray and grieve for the family and friends of Quentin, as well as the family of Andria Godard and her daughter, Jasmine, who also lost their lives.

Mr. Speaker, Quentin Moses grew up in my home district in Athens, Georgia. He attended Cedar Shoals High School, starting his career as a defensive standout. He went on to play for the University of Georgia, was named first-team All-SEC on the Bulldogs' 2005 SEC Championship team. Following that, he spent 4 years in the NFL as a linebacker. He returned to our community in 2012, where he started coaching student-athletes at Reinhardt University in Waleska, Georgia.

Mr. Speaker, Quentin's positive impact on the community was evident by

the outpouring of love and condolences by coaches, players, and fans.

Mr. Speaker, I ask my colleagues to rise and join me for a moment of silence to honor the lives of Quentin Moses and Andria and Jasmine Godard—precious lives lost too soon.

GENERAL FLYNN

(Ms. JUDY CHU of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JUDY CHU of California. Mr. Speaker, this week, after news came out that General Flynn lied to the people and even to the Vice President, Donald Trump was forced to fire yet another adviser because of their inappropriate ties to Russia.

That brings the total since he first launched his campaign to at least three. This includes former campaign chairman, Paul Manafort, who resigned after secret records showed he worked with, and profited from, the corrupt pro-Russian Government in Ukraine before it was ousted.

As we suspected, it turns out that Trump's campaign was in near constant contact with Russia.

Now we ask the questions: Why? Did Trump know? How will these secret talks influence our foreign policy?

We deserve answers. Republicans have said that they don't want to politicize this, and I agree. That is why I support an independent investigation conducted by experts who will provide a more public report.

We have a responsibility to the people to unearth the truth.

OPIOID ABUSE EPIDEMIC

(Mr. MAST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAST. Mr. Speaker, I rise today because the opioid abuse epidemic continues to worsen across this country.

In Florida alone, heroin and fentanyl deaths have risen by nearly 80 percent. Local governments in Florida are responding as best they can with their limited resources, but they cannot solve the problem alone. The 18th District of Florida includes parts of Palm Beach County, where my colleague, LOIS FRANKEL, resides, which is one of the hardest hit counties in the State. In 2016, the county received more than 4,000 overdose calls, and there were approximately 500 opioid-related deaths.

Mr. Speaker, our Nation's veterans are uniquely vulnerable to this crisis. We must never forget our responsibility to these brave men and women to ensure that, when they leave the battlefield overseas, they aren't left to fight their personal battles here at home all alone.

I commend Congress for passing legislation last year to combat this epidemic, but we have to do more. I urge

my colleagues to pass the bipartisan STOP Act to crack down on illicit opioid shipments into the U.S., and I also hope that we can continue to work together in other ways to fight this epidemic.

Only by working together at the Federal, State, and local government levels can we defeat this terrible scourge that is creating new tragedies daily.

WE MUST HAVE AN INDEPENDENT INVESTIGATION

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, Russia is an alarming force in the world, a nuclear power with an authoritarian President, menacing our European allies with invasion into Ukraine and threats of incursion into other Baltic states, lifting mass murderer Assad in Syria, interfering in democratic elections around the world and here in our country, and now evidence is mounting that the White House-Putin connections run deep.

Michael Flynn's shady dealings and lies to the Vice President and the public—what did the President know? When did he know it?

Answers to these and other questions are critical to our national security. We must have an independent investigation. The American people deserve nothing less.

DUCKS UNLIMITED'S 80TH ANNIVERSARY

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise today to congratulate Ducks Unlimited on its 80th anniversary. Over the past eight decades, Ducks Unlimited has partnered with local communities and Members of Congress to support conservation of millions of acres of waterfowl habitats across North America.

As a lifelong outdoorsman, I know the value of these habitats and the benefits that they provide to countless Americans who enjoy these areas for a wide array of recreational and scientific activities.

We must ensure the preservation of these habitats for future generations, and I know that Ducks Unlimited will work to ensure this goal for another 80 years.

I would like to extend my thanks and congratulations to DU and wish them continued success for many generations to come.

HONORING MARK HAWKINS

(Mr. TAKANO asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. TAKANO. Mr. Speaker, I rise to honor and congratulate Mark Hawkins, who will retire tomorrow after 29 years as chief executive officer of Altura Credit Union in Riverside, California.

After nearly three decades, Mark's greatest contribution is likely not to the credit union, which grew significantly under his leadership, but to the members of our community who have benefited so much from his commitment to supporting the Inland Empire.

Whether it is academia, athletics, the arts, or charitable organizations, Mark has been a fixture in promoting the institutions that define and enrich our community. His work with organizations, including the United Way, the Kiwanis Club, and the University of California-Riverside, has strengthened our community and expanded opportunities to thousands of Inland Empire residents. I know he will continue that work for many years to come.

Once again, I congratulate Mark on his well-earned retirement, and I thank him for his continued service to our community.

CONGRATULATING QUINCY NOTRE DAME HIGH SCHOOL

(Mr. LAHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, I rise today to congratulate Quincy Notre Dame High School on 150 years of academic excellence and service to the community of Quincy, Illinois.

Quincy Notre Dame Catholic High School originally opened as a school serving young women. Mother Caroline and the school sisters of Notre Dame answered the call to meet the growing need for primary studies in 1859. The school opened its doors in 1867 and quickly exploded in growth.

Throughout the past 150 years, Quincy Notre Dame has always sought to serve the needs of the Quincy community and adapt to the changing times.

QND remains steadfast in its mission to educate lifelong learners in a strong faith-based environment. I am certain that Mother Caroline and her Sisters would be humbled to know their simple act of faith and service resulted in a legacy that has impacted thousands of lives for 150 years.

To each educator, administrator, and individual who has helped build Quincy Notre Dame into the stellar institution it is today, congratulations. I wish you another successful 150 years.

GENERAL FLYNN, PRESIDENT TRUMP, AND RUSSIA

(Mr. KIHUEN asked and was given permission to address the House for 1 minute.)

Mr. KIHUEN. Mr. Speaker, the question that I have heard many times from my constituents deserves to be answered: With respect to General Flynn and Trump campaign aides, what did President Trump know, and when did he know it?

How high does this go up?

Now he is calling this fake news.

Mr. President, this is not fake news. This is real.

The American people deserve a transparent, independent investigation into Russia's involvement with the White House and President Trump.

President Trump continually says he wants to protect our national security, but he ignores the real security threats within his administration.

Even my colleagues across the aisle would rather focus on taking away health care from millions of Americans and thousands of Nevadans instead of investigating the clear and present danger in the Trump administration.

Enough is enough. Protecting our national security is not a Democratic issue or a Republican issue. It is an American priority.

GENERAL FLYNN, PRESIDENT TRUMP, AND RUSSIA

(Miss RICE of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss RICE of New York. Mr. Speaker, Michael Flynn's resignation and reports of constant contact between Russia and the Trump campaign raise serious questions, and the American people deserve answers.

President Trump was informed weeks ago that Flynn lied about his discussions with the Russian Ambassador and might be vulnerable to blackmail.

Why did the President take no action until that lie became public?

President Trump has reportedly been briefed about contact between his campaign and Russian intelligence officers.

Why does he continue to insist that there was absolutely no communication with Russia?

These questions cannot go unanswered. We need to put politics aside, do what is right for our democracy, and create an independent commission to fully investigate Russia's influence on the Trump administration and the Presidential election.

GENERAL FLYNN'S RUSSIAN CONNECTION

(Ms. BARRAGÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. BARRAGÁN. Mr. Speaker, I rise today to echo concerns by my colleagues. I am concerned, but not surprised, about the growing revelations from the intelligence community of

the Trump campaign's contact with Russian officials. Russia's involvement in our elections undermines American democracy.

General Flynn's resignation is no substitute for answers to grave concerns and questions over President Trump's involvement in secret communications with the Russians and Vladimir Putin's hand in our elections.

I believe that this is just the tip of the iceberg. This is not just about leakers, but this is about the Trump-Russia ties. We need a full, bipartisan investigation. It is our duty.

TRUMP'S MUSLIM BAN AND TOWN HALL IN THE DISTRICT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I hosted a community listening session where my fellow citizens and I listened to the personal experiences of Muslims, refugees, and other immigrants in the aftermath of the President's Muslim/immigrant ban and ICE dragnet crackdown on Latinos.

It was a safe place for Muslims, refugees, and immigrants to come and share their experiences, values, and love for this country, and it provided an opportunity for us to embrace our fellow citizens in love. We insist that these valuable members of our community and their children be able to live without fear, and to thrive.

Unlike the Muslim/immigrant ban, the people of Georgia's Fourth Congressional District welcomed those of all backgrounds and religions and those fleeing persecution and facing war and bloodshed.

Trump's immigration executive order is contrary to our values and dangerous to our security. Americans who respect the Constitution must oppose these kinds of acts, the injustice they represent, and the suffering that they impose upon the innocent.

□ 1230

RECOGNIZING PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS

(Mr. BROWN of Maryland asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Maryland. Mr. Speaker, I rise today to recognize Prince George's County Public Schools for achieving a record high school graduation rate. Prince George's schools are living up to their motto of being Great By Choice.

Eight schools have met the goal of graduating 90 percent of seniors within 4 years, including three schools in the Fourth Congressional District: Charles Herbert Flowers High School, DuVal High School, and the Academy of

Health Sciences at Prince George's Community College.

Many schools in the Fourth District, including Suitland, Potomac, and Forestville high schools have demonstrated real progress, with graduation rate gains of more than 4 percentage points.

Mr. Speaker, these gains have been made possible by the incredible dedication of educators and parents who are focused on policies that improve student success like expanding mentoring programs, effectively using data to target student needs, and emphasizing core reading and math skills.

Mr. Speaker, we must prepare students for successful lives and careers once they graduate from high school. That is why I am committed to working during this Congress to ensure every student has access to rigorous, relevant, and results-driven career technology education programs to equip them with the skills to succeed in the 21st century.

STRANGER THINGS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, like the main characters in "Stranger Things," we are now stuck in the "Upside Down." Right is wrong. Up is down. Black is white.

The White House deceives the American public for weeks about their contacts with Russia, but an Attorney General who followed her conscience is fired.

Executive orders are signed to ban Muslims in order to keep us safe, while top secret national security conversations are held out in the open.

President Trump showers praise on a thug like Vladimir Putin, while threatening and bullying our longstanding allies.

President Trump signs an executive order to spend \$20 billion on a border wall, while Flint, Michigan, still goes without clean drinking water.

Mr. Speaker, mornings might be for coffee and contemplation, but Chief Jim Hopper is not coming to rescue us. This is not a TV show. This is real life. We have a President unlike any we have ever known. And like Mike, Dustin, Lucas, and Eleven, we must remain focused on the task at hand and hold this administration accountable so we can escape from our own version of the "Upside Down."

INTEGRITY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, the United States of America is known for many things. It is known for its integrity, its honesty, and its high moral compass.

We are well aware that the United States intelligence community is united in its assessment that Russia attacked our Nation in 2016, and interfered in our elections. In response, President Obama imposed sanctions on the Russian Government and personnel entities, including intelligence services. He also expelled dozens of Russian officials from the United States. Now, we know that General Flynn, in violation of many laws, intruded and discussed these issues with the Russian Ambassador.

His departure does not end this investigation. Who knew what, when? When did the President know it? The integrity of this country is higher and more superior than one individual.

Why, when other Presidents have used Camp David and the White House for international diplomacy most often, did we have, over the past week-end, the embarrassment of international and national security issues, and personnel being filmed in an ordinary restaurant owned by the President?

Finally, let me say, with the many hundreds of thousands of DACA children who need relief, the question is: Can the President attend to serious business fighting for these young people and saving lives?

WE DESERVE TO KNOW

(Mr. RUPPERSBERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUPPERSBERGER. Mr. Speaker, we live in a dangerous world, and the President needs a National Security Adviser who isn't under a cloud of suspicion. But this resignation isn't the end. Americans now deserve to know if General Flynn was operating under anyone else's authority.

The American people deserve to know if Russia has financial, personal, or political grip on President Trump or his campaign. I am urging the agencies involved in the investigation to continue their important work vigorously.

I also ask my colleagues in House leadership to launch a bipartisan, independent congressional investigation into Russia's influence on the election and the new administration.

Lastly, I once again am calling on President Trump to remove his cheap political strategist, Steve Bannon, from the National Security Council and reinstate the Director of National Intelligence and the Chairman of the Joint Chiefs of Staff to restore some semblance of respectability to the organization's structure.

RESIGNATIONS AS MEMBER OF COMMITTEE ON THE JUDICIARY AND COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore (Mr. PALMER) laid before the House the following resignations as a member of the Committee on the Judiciary and the Committee on Education and the Workforce:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 2017.

Speaker PAUL RYAN,
Speaker of the House,
Washington, DC.

DEAR SPEAKER RYAN: Due to my election to the Committee on Ways and Means, this letter is to inform you that I resign my seats on the House Judiciary committee and the Committee on Education and the Workforce. Sincerely,

MICHAEL D. BISHOP.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 131

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON THE BUDGET: Mr. Smith of Missouri, to rank immediately after Mr. Johnson of Ohio.

COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Russell, to rank immediately after Mr. Grothman.

COMMITTEE ON WAYS AND MEANS: Mr. Bishop of Michigan.

Mr. BISHOP of Utah (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE OF DEPARTMENT OF THE INTERIOR

Mr. BISHOP of Utah. Mr. Speaker, pursuant to House Resolution 123, I call up the joint resolution (H.J. Res. 69) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife,

and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska", and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 123, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 69

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (81 Fed. Reg. 52247 (August 5, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) and the gentleman from Virginia (Mr. BEYER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.J. Res. 69.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield 5 minutes to the gentleman from Alaska (Mr. YOUNG), the only Member of Congress in the House from Alaska, the dean of the Republican side.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for bringing this legislation to the floor.

H.J. Res. 69 is very simple. It overturns an illegal rule by the Obama administration—an illegal rule.

This House created the State of Alaska in 1959, under the Statehood Act. It clearly granted Alaska full authority to manage fish and game on all lands in the State of Alaska, including all Federal lands.

The Alaska National Interest Lands Conservation Act in 1980 further, in fact, verified what the Statehood Act did: protecting the right of the State to manage fish and game.

Mo Udall was chairman of the Interior Committee at that time, and he agreed that this was the right thing to do. The thing that we had to do was make sure there was no misinterpretation of the Alaska National Interest Lands Conservation Act and the Statehood Act.

What occurred under the Obama administration is that—your administration, on that side—in the wee hours of the night, they passed a rule that took that away from the State. And it is

huge, if you think about it: 16 refuges, 76.8 million acres. That is bigger than most of the States in this Union. They took the right away from the State to manage fish and game.

There has been a lot of interest groups and some Members of Congress that have been conveying falsehoods, flat out dishonesty on what the taking back of the management of fish and game will do. They talk about killing puppies and grizzly bears. That does not happen, nor, in fact, is it legal in the State of Alaska under our management.

The opposition will claim there was consultation with the State of Alaska. If that is the case, why did Alaska file suit to overturn this rule? There was no consultation.

Yesterday, I met with most of the leaders of the Alaskan Native community that live in this area in the refuges and around the refuges. Not one of them support the rule passed by the Obama administration.

The other side says they are all for helping the American Indians, the first people, yet they are supporting a rule that is illegal. Illegal. I want to stress that.

This rule passed by the Obama administration is opposed by the total delegation, the Governor, all the elected officials in the State of Alaska, and it is an infringement upon the State of Alaska, and it should be an infringement upon your States.

Maybe we ought to go back to every State in the Union, maybe even Virginia, and see how we might change the right of Virginia when the Federal lands were involved in the State of Alaska.

You stood up in front of this body and held your hand and said: I swear to uphold the Constitution of America and laws pertaining to it. Every one of you took that oath. Every one of you. Yet, you stand on this floor, and some of you will say: Oh, we have to protect the wolf puppies. That is not what this is about. It is about the law. It is the Statehood Act, the right of Alaskans, and the right of Alaska to manage all fish and game.

If you vote against this resolution, you are saying the Congress does not count, nor can we keep our word. We will do whatever is popular at the time. I say: Shame on you. You said you would uphold the Constitution.

Let's pass this legislation that Mr. BISHOP has brought to the floor. Let's turn back that illegal law that they are trying to impose upon the people of Alaska and the American people. If you don't believe in that, then I suggest you resign from the body, because you are not upholding the law that you swore you would do.

Mr. Speaker, I thank the Members of this House for their support of the legal aspects of the State of Alaska.

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair.

Mr. BEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am dismayed to be part of this discussion of H.J. Res. 69.

Day in and day out, we have meaningful debate in committees and the House floor that reflect very real philosophical differences about the responsibilities and the limits of the Federal Government. These differences and world views inevitably reflect differences in values.

Today, I can't understand how my Republican friends can defend values that allow and promote the cruelest possible killing methods.

Humans have hunted for millennia. This hunting traditionally requires patience, skill, cunning and encourage, but not sugar doughnuts, helicopters, gasses, or leg traps.

Today's House joint resolution would overturn this incredibly fair and reasonable U.S. Fish & Wildlife Service regulation that would rightly prohibit controversial and scientifically justified killing methods on 76 million acres of Federal wildlife refuge lands—76 million acres that belong to the American people.

□ 1245

The National Wildlife Refuge System Improvement Act and the Alaska National Interest Lands Conservation Act authorize—and, in fact, require—the Fish and Wildlife Service to maintain the natural diversity of refuges in Alaska, regardless of State wildlife laws. This includes protecting healthy populations of apex predators like wolves and bears.

So this rule would prohibit the inhumane and indiscriminate killing of keystone species in the national wildlife refuges. This does not interfere with fair chase hunting methods. It doesn't even prevent inhumane and indiscriminate killing on State and private lands.

Anyone voting to support this Congressional Review Act resolution today is tacitly supporting using airplanes and helicopters to scout land and shoot grizzly bears, killing wolves, black bears, coyote mothers and their pups and cubs in dens, actually gassing them, and the trapping of grizzly bears and black bears with steel-jawed leg-hold traps and wire snares, where they are trapped, bleeding, frightened, slowly dying of thirst and starvation. Statewide polls show that Alaskans strongly support eliminating these cruel and unsporting practices.

Alaska also gains over \$2 billion in economic activity for wildlife viewing, which is five times what it earns from hunting. This makes economic sense. It is a huge driver of tourism. Many come to Alaska for the unique opportunity to see bears, wolves, and other keystone species. They are the very ones at risk if we pass this resolution.

I urge my colleagues to oppose this resolution, to oppose these cruel and

inhumane practices. They are not sporting practices, and they violate any understanding of humane values and respect for nature.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Speaker, I thank the chairman for his time and his leadership on this issue.

I come to the floor today as the co-chair of the largest bipartisan caucus in the United States Congress: the Congressional Sportsmen's Caucus. On behalf of the millions of sportsmen and -women around the country, I say to the Federal Government, enough is enough. We will not be intimidated; we will not be strong-armed; and we will not be silent.

States have enjoyed a cooperative relationship with the Federal Government for years on wildlife management, and this is a disturbing shift that we have seen in the last administration.

Though I come to the floor today in defense of Alaska's management rights of national wildlife refuges, this sets a disturbing precedent for the lower 48 States. It is a disturbingly brazen power grab by the Federal Government against the law, in spite of loud and widespread opposition at the local level.

The rule removes Alaska's authority to manage fish and wildlife for both nonsubsistence and subsistence uses in Federal wildlife. The action by the last administration violated the clear letter of the Alaska Statehood Act, the Alaska National Interest Lands Conservation Act, and the National Wildlife Refuge System Improvement Act.

I encourage my colleagues to support what we are doing today and stand in support of the good men and women, the outdoorsmen in the great State of Alaska. I know you have heard from the gentleman from Alaska who has very clearly articulated the position of the people he represents in that great State.

I applaud the chairman. I applaud the action that we are taking today. I urge my colleagues to support it.

Mr. BEYER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Mr. Speaker, for the third week in a row, Republicans are back on the floor of the House of Representatives seeking to overturn environmental protections for our Nation's deeply valued public lands, this time attacking wildlife protections for iconic species living in national wildlife refuges in Alaska.

This is not a new issue for me or my constituents. My late husband, Senator Paul Tsongas, helped write the Alaska National Interest Lands Conservation Act of 1980. He worked on a bipartisan

basis with Senator Ted Stevens of Alaska to craft legislation that balanced conservation with responsible economic development for Alaskans, including oil exploration, mining, timber harvesting, and sport hunting.

But he also stated on the Senate floor, back in 1980: "Nature made the wilderness and wildlife in Alaska majestic during hundreds of thousands of years. Man"—and, I would add, woman—"is challenged merely to respect and preserve that natural majesty."

He also spoke on the Senate floor about conversations at the dinner table with our then 6-year-old daughter, who asked what her father was doing to protect endangered species. Well, our daughter has grown now, but here we are 37 years later in Congress debating if that bipartisan law crafted with my late husband allows hunters to shoot bear cubs and wolf pups in their den on a national wildlife refuge.

My colleagues are correct that ANILCA, as that law is known, and other Federal laws give the State of Alaska unique privileges and responsibilities to oversee wildlife management on public lands; however, this is not a carte blanche. There has never been a right to set policies on national wildlife refuges that are inconsistent with bedrock environmental laws or ANILCA's mandate to conserve species and habitats in their natural diversity on wildlife refuges.

I fully support the Fish and Wildlife Service's decision to no longer turn a blind eye to harmful practices that are detrimental to nationally significant species and are not rooted in science-based wildlife management practices.

If my colleagues so desperately want to authorize a right to shoot bears from a helicopter in a wildlife refuge, I would be happy to recommend some video games. I hear virtual reality headsets these days make it just like the real thing. I urge a "no" vote on this resolution.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. BEYER. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. GRIJALVA), the ranking member of the Committee on Natural Resources.

Mr. GRIJALVA. Mr. Speaker, today House Republicans are taking a short break from their crusade to make our air and water dirtier so they can now take the time to make it easier to kill bear cubs and wolf pups on our national wildlife refuges in Alaska.

The rule that this resolution seeks to repeal does not infringe upon the State of Alaska's bizarre campaign to destroy wildlife populations on State lands nor does it prohibit the State from conducting scientifically valid predator control measures on refuge lands.

The massive Federal overreach and trampling of states' rights being

claimed by the sponsor of this resolution and its supporters is nothing more than the latest statement of alternative facts by Republicans here in Washington. The truth is both the National Wildlife Refuge System Improvement Act and the Alaska National Interest Lands Conservation Act authorize—and, in fact, require—the Fish and Wildlife Service to maintain the natural diversity of refuges in Alaska, regardless of State wildlife laws. This includes protecting healthy populations of apex predators like wolves and bears.

Instead, the rule prevents the use of methods that hunters in our own country agree violate the “fair chase” ethical standard that separates sports hunting from pleasure killing. I don’t hunt, but no hunter that I know would ever think of catching a bear in a steel trap or luring it in with bait and then shooting it or blowing away a mother wolf and her pups in their den. These are the types of practices this rule bans, and it only prohibits them on national wildlife refuge areas that are owned and maintained by the American people, not the State of Alaska. These tactics are not part of any science-based wildlife management strategy, and despite what Trump’s new Education Secretary might think, these measures are not necessary to protect schoolchildren from grizzlies.

This resolution is just another piece of the Republican agenda to hand our public lands over to States and private interests as well as a distraction from the things House Republicans aren’t doing.

Where is your infrastructure package?

Where is your solution to make technical education and college more affordable?

Where is your plan to combat climate change?

The answer is that they do not exist. So, instead, we are wasting time on yet another Congressional Review Act resolution, standing idly by without putting people to work fixing our roads, bridges, and energy grid; without training Americans to do the job of today’s economy, not to mention tomorrow’s; and without lifting a finger to protect people, many of whom are our own constituents, from the worst impacts of global warming.

The only difference between Trump and the House Republicans is that he distracts the public to try to move his agenda, and they distract the public to hide the fact that they can’t move theirs. I urge you to stop the distractions and vote “no” on this resolution.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK), the chairman of the Subcommittee on Federal Lands in our full committee.

Mr. MCCLINTOCK. Mr. Speaker, in the dying days of the Obama adminis-

tration, and over vigorous protests by many wildlife and user groups, not to mention the State of Alaska itself, the National Fish and Wildlife Service imposed the rule that Congressman YOUNG’s resolution overturns. In violation of the Alaska Statehood Act, the Alaska National Interest Lands Conservation Act, and the National Wildlife Refuge System Improvement Act, the Fish and Wildlife Service removed Alaska’s authority to manage the fish and wildlife populations within its own borders on 76 million acres. That is a land area larger than 45 States.

As part of the Alaska National Interest Lands Conservation Act of 1980, the State agreed to several national wildlife refuges within its borders. In exchange for the Federal Government assuming control of these lands, Alaska was given explicit authority to manage its wildlife populations. This new agency rule breaks this promise. It begins a dangerous process of seizing control of fish and game management decisions which have by right, by law, and by custom belonged to the States.

The North American model of wildlife conservation has been a huge success and has sustained healthy wildlife populations for many generations. Not only is the Fish and Wildlife Service rule illegal, it threatens to reverse these successful land management relationships; it places severe restrictions on the public’s right to hunt and fish on these public lands; it interferes with the State’s success in managing wildlife populations to assure that they don’t overrun the ability of the land to support them; and it shreds the cooperative relationship that Alaska and the Federal Government have enjoyed over these lands since Alaskan statehood.

We have three overarching objectives in the Federal Lands Subcommittee: to restore public access to the public lands, to restore sound management to the public lands, and to restore the Federal Government as a good neighbor to those communities and States impacted by the public lands. In adopting this rule, the agency violated all of these principles.

The Federal Lands Subcommittee will spend this Congress working on legislation to restore our public lands from the policy of benign neglect that has plagued our land management to the point where we are losing entire forests in the West and that has strained the relationships between our communities and our Federal agencies. The resolution sponsored by Congressman YOUNG is an excellent start. I urge my colleagues to support this resolution.

Mr. BEYER. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFazio), the former ranking member of the Committee on Natural Resources.

Mr. DEFazio. Mr. Speaker, let’s talk about what this rule didn’t do.

First off, ANILCA did not grant the State of Alaska any additional authority to manage wildlife on Federal lands. This rule is totally compliant with ANILCA. ANILCA actually prioritizes conservation of these species we are talking about here today, apex predators, on more than half the refuges in the State.

As required by ANILCA, the rule ensures that national wildlife refuges—that is what we are talking about here, wildlife refuges—conserve species and habitats in their natural diversity. That doesn’t mean you kill the predators so that people who don’t have good hunting skills are going to have an easier time getting a caribou or moose. That is not what this is supposed to be about on the national wildlife refuges. It actually prioritizes conservation of these species.

I just heard that something about this will severely restrict hunting and fishing on these lands. Absolutely not true, unless you say shooting wolves and their pups in the den or gassing them in the den is hunting—and we are restricting that.

Bears and cubs would be killed during hibernation, hunters crawling around killing bears during hibernation. No, hunters don’t do that.

Brown and black bears would be trapped, snared using steel-jawed traps, wire snares—again, not hunters, not sportsmen.

Luring and baiting grizzly bears? Wow. Now, that is a real sportsmanlike hunter with a lot of skills kind of guy or woman who has to use bait to kill a grizzly bear.

□ 1300

Aerial gunning of bears by State agency personnel, that is hunters? No, not quite.

Sportsmen? No, don’t think so.

And using aircraft to track bears and kill in the same day, those are the things that would be prohibited. That is what is prohibited.

Subsistence hunting? Absolutely no impact.

Fishing? Fish? I guess the fishing thing would be the grizzly bears eat the fish, and people who don’t have good fishing skills want to catch the fish. So if we kill the grizzly bears, they won’t eat the fish. So it does impact fishing, I guess, sort of, maybe. No, it doesn’t.

This is absolutely inhumane, unsportsmanlike, and unnecessary. The State of Alaska is doing this just to decrease the natural balance of predation, which actually creates healthier herds of caribou and healthier moose populations.

There was a study done in 2015 by professors from both Alaska and Washington that showed that actually having these predators present increases the health and the diversity of the herds of caribou, because the sick and the lame and the old get killed, but the

rest of them flourish and breed. There would be more than enough still to hunt.

Yeah, maybe you won't be able to drive your pickup truck, stick your rifle out of the away, blast away, and get one. You might actually have to get out of the pickup truck. You might actually have to have some hunting skills and track a little bit to get the caribou or the moose.

But if we kill off all of the grizzlies and the wolves, it will be a lot easier. They will overpopulate. Actually, what they will do is they will start going down at the riparian areas, like happened—it is a different ecosystem—in Yellowstone, and then the streams will not be as plentiful with fish.

This is about natural balance, it is about Federal lands, it is about sportsmen and women, and it is about prohibiting the State of Alaska from using its extreme predator control methods. That is what this is called: extreme predator control methods. That is all it prevents.

This is a very sad day in this House if this resolution passes, and it is long-term bad for Alaska.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. WESTERMAN), the vice chairman of the Federal Lands Subcommittee.

Mr. WESTERMAN. Mr. Chairman, I rise today in support of H.J. Res. 69, a bill to use the Congressional Review Act to repeal a rule issued by the Fish and Wildlife Service to restrict hunting within national wildlife refuges in Alaska.

I would like to commend Congressman YOUNG for his leadership on crafting this legislation and for defending his constituents' right to manage the wildlife in their home State.

Mr. Speaker, the assertion that the repeal of this rule would allow unethical management and hunting practices is utterly false. Alaskans have hunted and managed their land for generations, and this overreach by the Fish and Wildlife Service simply impedes their ability to do just that.

Allow me to read from the 2016–2017 Alaska Trapping Regulations, one of many sound management documents usurped by this bureaucratic overreach:

“Wolves and bears are very effective and efficient predators of caribou, moose, deer, and other wildlife. In most of Alaska, humans also rely on the same species for food. In Alaska's Interior, predators kill more than 80 percent of the moose and caribou that die during an average year, while humans kill less than 10 percent. In most of the state, predation holds prey populations at levels far below what could be supported by the habitat in the area. Predation is an important part of the ecosystem, and all . . . wolf management programs, including control programs,

are designed to sustain wolf populations in the future.”

Additionally, the regulations go on to say:

“You may not: disturb or destroy beaver houses or any furbearer den.” Such as wolves, coyote, or mink.

Mr. Speaker, the claim that this bill will allow Alaskans to hunt wolves in their dens is simply false rhetoric, designed to mislead the public, while bureaucrats take away the rights of Alaskans. The people of Alaska rely on these lands to provide for their families, and this Fish and Wildlife rule attempts to insert Washington bureaucrats into that process.

Mr. Speaker, I cringe to think about U.S. Fish and Wildlife usurping established law. I cringe to think about U.S. Fish and Wildlife legislating themselves more power through the rule-making process. I cringe to think about U.S. Fish and Wildlife expanding the regulations in Alaska, and I sure as heck don't want them expanding them in Arkansas.

Mr. Speaker, this is a slippery slope, and I urge my colleagues to rescind this overreach and support this resolution.

Mr. BEYER. Mr. Speaker, a quick response to the notion that the fears of inhumane practices are utterly false. In a Los Angeles Times story in 2012, the headline is: “Alaska officials expand aerial shooting of bears.”

It goes on to say:

“The controversial ‘intensive management’ moves are the latest in a series of increasingly aggressive control methods targeting bears and wolves in Alaska. In some areas, wolf pups can be gassed in their dens, bear cubs and sows can be hunted, and wolves shot from helicopters.”

Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, we really should be calling this bill the “Puppy Killing Act.”

This resolution would overturn a rule that prohibits some of the cruelest hunting practices on Federal lands in Alaska. Now, again, this is not on State land. This is on Federal land that Colorado taxpayers and taxpayers across the country pay for the maintenance of and that we, the people of the country, own.

The Fish and Wildlife rule prohibits so-called predator control activities that Alaska has made legal in State law. As Mr. HUFFMAN said, the Alaska Board of Game specifically voted to allow aerial gunning and snaring of bears. They have engaged in gassing of wolf pups in their dens. These are not theoretical matters. They are actual matters as to why this rule is so important and why I oppose it being overturned.

If this bill passes, the activities that are prevented under this rule for refuges can actually occur.

These cruel and inhumane methods that Alaska wishes to implement, including killing wolf pups and their mothers at or near their dens, killing brown bears with the use of steel-jawed traps, and scouting and shooting grizzly bears from planes and helicopters, are not only unsportsmanlike, but run counter to the directives of the National Wildlife Refuge System and the Alaska National Interest Lands Conservation Act.

Thirty-one scientists submitted their support for the Alaska National Refuge Act, noting that the best available science indicates that widespread elimination of bears, coyotes, and wolves will quite unlikely make ungulate herds magically reappear. So, again, the science is clear on this matter.

There was another study by the 1997 National Academy of Sciences that found that Alaska's predator control system, including the assertion of killing wolves and bears, somehow makes other wildlife populations healthier is simply not supported by sound science.

This blunt and unscientific and inhumane approach to managing apex predators and carnivores employed by the State of Alaska is actually counter to the law and the congressional mandate regarding the National Wildlife Refuge System.

The Alaska National Interest Lands Conservation Act, which passed overwhelmingly in this body, says it requires the Fish and Wildlife Service to:

Conserve Fish and Wildlife populations and their habitats in their natural diversity.

How does it protect our carnivore species and the species they consume in their natural diversity if there is artificial and inhumane human intervention to kill puppies and target bears from aircraft?

It is simply unscientific, inhumane, and wrong.

In direct contrast to Federal law, Alaska has adopted regulations that require the killing of wolves and bears under so-called predation control efforts to artificially inflate game populations frequently above and beyond the carrying capacity of the land. The State currently authorizes extreme practices like aerial shooting of wolves or bears by State agency personnel, trapping of wolves by paid contractors, and using airplanes to hunt wolves and bears.

Not only is this bill inhumane and counter to our stewardship of the National Wildlife Refuge, but it is also counterproductive for jobs in the economy of Alaska. Wildlife watching provides roughly five times more the revenue to the Alaskan economy than hunting or trapping. It turns out that the American people and tourists around the world would rather see these puppies and photograph them rather than shoot them and gas them.

According to the Fish and Wildlife records, wildlife viewing activities in

Alaska support over \$2 billion in economic activity.

Why is Congress spending time trying to allow puppy killing and cruel hunting methods to occur, instead of fair chase methods, especially when this actually undermines Alaska's economy and their ecology of Federal refuges?

Why are we repealing this rule when, in fact, most Alaskans support it?

The American people know there are more pressing issues facing the country than this rule. I urge Members to join me and vote "no" on the CRA and protecting puppies.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BEYER. I yield the gentleman an additional 15 seconds.

Mr. POLIS. I urge my colleagues to join me in voting with the Alaskan people, with the economic interests of Alaska, and with the taxpayers of America, who are stewards of this land, for better wildlife management practices, to stop killing puppies, and engage in inhumane trapping and hunting practices of bears.

Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. GOSAR), a member of our committee, who is also going to talk about the reality of what we are facing here.

Mr. GOSAR. Mr. Speaker, on August 5, 2016, the Obama administration published another overreaching regulation that threatens the authority of States nationwide to manage fish and wildlife.

Specifically, the new rule undermines Alaska's authority to manage fish and wildlife on State, private, and Federal lands. The new regulation destroys the cooperative relationship between the State of Alaska and the agency that historically worked well.

This power grab threatens management policies and wildlife refuges nationwide and, if allowed to stand, will set a dangerous precedent for future top-down mandates from the Federal Government that seize authority from States.

The rule violates the Alaska constitution and two laws that were passed by Congress in the form of the Alaska National Interest Lands Conservation Act and the Alaska Statehood Act. People throughout the country oppose this misguided rule that harms the State of Alaska's authority to manage fish and wildlife within its borders.

In my home State of Arizona, 21 different sportsmen's groups have come out publicly against the rule and endorsed Representative YOUNG's bill to overturn this Washington power grab. The 21 Arizona sportsmen's groups include:

Anglers United; Arizona Flycasters; Arizona Sportsmen for Wildlife Conservation; Arizona Antelope Foundation, Arizona B.A.S.S. Nation; Arizona

Big Game Super Raffle; Arizona Bowhunters Association; Arizona Catfish Conservation Association; Arizona Chapter of National Wild Turkey Federation; Arizona Council of Trout Unlimited; Arizona Deer Association; Arizona Desert Bighorn Sheep Society; Arizona Elk Society; Arizona Houndsmen Association; Arizona Outdoor Sports; Coconino Sportsmen; Outdoor Experience for All; Shake Rattle and Troll Outdoors; the Bass Federation-AZ; Xtreme Predator Callers; and 1.2.3.Go.

Representative DON YOUNG's bill is also supported by 27 different sportsmen and conservation groups throughout the country. The National Rifle Association, who is key voting in support of Representative YOUNG's bill, stated:

The sustainable management of these natural resources needs to be led by the State working in cooperation with the Fish and Wildlife Service. The Fish and Wildlife Service's final rule would set an ill-advised national precedent that could have far-reaching negative implications on the lower 48 States. H.J. Res. 69 will restore the jurisdictional State-Federal relationship as Congress has previously directed.

Americans for Prosperity, who is also key voting in support of H.J. Res. 69, stated:

The Interior rule relating to nonsubsistence take of wildlife, and public participation of closure procedures on national wildlife refuges in Alaska undermines the ability of Alaskans to manage fish and wildlife on refuge lands, which make up more than 20 percent of the State.

Instead, Congress should work with the Trump administration to ensure cooperative Federalism and greater public participation over fish and wildlife management decisions.

I share these concerns and urge rejection of this Obama power grab that undermines Alaska authority to manage fish and wildlife on State, private, and Federal lands. I applaud Representative DON YOUNG for his excellent work and leadership on this issue. He has been remarkably successful over the years of protecting the interests of the people of the State of Alaska. This is yet another classic example of the bureaucratic overreach that Representative YOUNG is working hard to overturn.

The Alaska Department of Fish and Game knows best how to manage fish and wildlife in the State of Alaska, not Washington bureaucrats.

I urge adoption of Representative YOUNG's commonsense bill.

□ 1315

Mr. BEYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I hope my colleagues and my fellow Americans can see what is even greater about this country in its far-reaching wildlife and open areas.

I rise in strong opposition to H.J. Res. 69 because I do think it is important that we be good custodians of what has been given to us. Yes, to pro-

tect those humans who have come to be in places where wildlife was, but to be good custodians.

The rule that was adopted years ago after public engagement from many different people is reasonable and rational:

Denning of wolves and their pups, shooting or trapping them while at their dens in the spring; using airplanes to scout land and shoot grizzly bears; trapping of grizzly bears and black bears with steel-jawed leghold traps and wire snares—this is what that rule prevents—luring grizzly bears with rotting meat, sugar, and pet food to get a point-blank kill; denning of black bear mothers and cubs during hibernation.

It reminds me of the time that I came to the floor last year to stand against a horrible killing of Cecil the lion by someone who wanted a trophy.

So let me tell you about the lesson from Dr. Ed Schmitt, a retired surgeon, a hunter, who moved to Alaska from Colorado to fish in the river that flowed by his house, to be able to hunt. He enjoyed fishing for salmon, casting for salmon, and seeing the brown bears, also known as grizzly bears. Here is what he said:

"Most of us that live in Alaska are here because we recognize that it has something that the rest of the world doesn't," says Mr. Schmitt, president of the Alaska Wildlife Alliance, which is working with the HSUS to protect animals from trophy hunting abuses. "The wildness can be destroyed by people. We've stopped seeing the wildlife because we've made it go away."

He further said: "It's not true that all Alaskans are OK with the state running rampant on public lands."

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BEYER. Mr. Speaker, I yield an additional 1 minute to the gentlewoman.

Ms. JACKSON LEE. "It's not true that all Alaskans are OK with the state running rampant on public lands," he says. "Only a minority of Alaskans are hunters, and even fewer kill animals just for a trophy."

This is Dr. Schmitt, a hunter. This is not a tree hugger. He is a hunter who moved to this beautiful land that we can call America. So many Americans on the mainland, in essence, go to this beautiful, connected Alaska, and so Dr. Schmitt goes on to say, like most hunters in Alaska, he is appalled at practices that have been raised up to not save the beauty of these wild animals. "The notion that people don't want any rules is a myth. We want good rules, just like everybody else."

Well, I want to stand alongside of Dr. Ed Schmitt, a healer, a former doctor, a hunter who moved to Alaska, who understands that what we are seeking to disapprove is wrong because it was a reasoned response to all who were engaged in this area.

Mr. Speaker, I rise in strong opposition to H.J. Res. 69, a congressional resolution rescinding a final rule promulgated by the U.S. Fish and Wildlife Service (FWS) to prevent widely criminalized, cruel, and unsporting hunting methods of killing wolves, grizzly bears, and other native mammals on 76 million acres of federal lands in Alaska.

I oppose the disapproval resolution because it subverts the judgment of professional wildlife managers, and allows appalling methods of killing animals on public lands designated for wildlife.

The FWS rule does not apply to subsistence hunting or sport hunting in general; it simply restricts methods of killing that are not suited anywhere, least of all on national wildlife refuges.

The rule, adopted after years of public engagement and with the support of many Alaskans, bans the following practices:

1. Denning of wolves and their pups—shoot-ing or trapping them while at their dens in the spring;
2. Using airplanes to scout, land and shoot grizzly bears;
3. Trapping of grizzly bears and black bears with steel-jawed leg hold traps and wire snares;
4. Luring grizzly bears with rotting meat, sugar, and pet food to get a point blank kill; and
5. Denning of black bear mothers and cubs during hibernation.

H.J. Res. 69, if adopted, would prevent the Administration from ever issuing a rule on this topic, foreclosing our Federal wildlife managers from regulating these activities in any way under current law.

The decision to ban these cruel hunting practices came directly from professional wildlife managers from the FWS based in Alaska and is consistent with science-based wildlife management practices.

In addition, the FWS statutory mandate requires that the agency conserve wildlife species.

The FWS appealed to the Alaska Board of Game dozens of times to amend its rules to ensure that the FWS statutory mandate was being followed.

The Board of Game's continued refusal to do so forced FWS to initiate this rulemaking to ensure that its statutory mandate of conserving wildlife species on National Wildlife Refuges in Alaska is followed.

Mr. Speaker, a statewide poll conducted in February 2016 showed Alaskans opposed denning of wolves by more than a 2-to-1 margin.

The poll showed that Alaska voters strongly support eliminating these cruel and unsporting methods of killing native carnivores on National Wildlife Refuges in their state.

Additionally, at a series of public meetings on the rule, many Alaskans turned out to publicly support the rule because they want these inhumane, unsustainable, unsporting practices to end.

Mr. Speaker, another reason to oppose H.J. Res. 69 is that it would damage wildlife tourism and hurt the economy of Alaska.

These are federal lands, maintained with federal taxpayer dollars, and millions of Americans travel to Alaska each year for the unique

opportunity to see bears, wolves, caribou, lynx, and other species on these lands.

Wildlife watchers contribute over \$2 billion to the economy of Alaska—five times more than the amount generated in Alaska from hunting activity.

The wildlife within our National Wildlife Refuges is a national resource and Americans across the country care about protecting it for future generations of Americans.

For these reasons, I strongly opposed H.J. Res. 69, and urge my colleagues to join me.

I ask my colleagues to vote “no” on this disapproval and to support and stand with these beautiful animals.

Mr. Speaker, I include in the RECORD the article, “The Fight to Protect Alaska’s Predators,” and an article regarding Safari Club.

[The Humane Society of the United States, Oct. 19, 2016]

THE FIGHT TO PROTECT ALASKA’S PREDATORS (By Karen E. Lange)

Ed Schmitt, a retired surgeon, moved to Alaska to experience the wild. He left Colorado for the Kenai Peninsula, south of Anchorage, where he could fish in a river that flowed right outside his house and hunt, he says, in a way that respects wildlife and the environment. Schmitt enjoyed casting for salmon and seeing brown bears, also known as grizzly bears, fishing nearby.

He never wanted to kill them. But over 25 years, development and new roads ate away bear habitat. And a different mentality from Schmitt's, one that treats large predators as creatures to be eliminated so populations of moose and caribou can flourish, took its toll on the Kenai's brown bears. Schmitt hasn't seen one in three years.

“Most of us that live in Alaska are here because we recognized that it has something that the rest of the world doesn't,” says Schmitt, president of the Alaska Wildlife Alliance, which is working with The HSUS to protect animals from trophy hunting abuses. “The wildness can be destroyed by people. We've stopped seeing the wildlife because we've made it go away.” A U.S. Fish and Wildlife Service rule released in August aims to preserve the state's biodiversity by banning cruel and unsporting hunting methods on the 76 million acres of Alaska's federal national wildlife refuges. (Last year, the National Park Service issued a similar rule for the more than 20 million acres of federal preserves within the state). Under the rule, supported by The HSUS and a network of scientists and local advocacy groups, hunters will no longer be able to bait brown bears, trap brown or black bears or use a plane to find bears from the air and then immediately land and shoot them. In addition, trophy hunters will not be allowed to kill black bear mothers and cubs or wolf and coyote mothers and pups in their dens (subsistence hunters are exempt). And “predator control” programs, which let hunters kill greater numbers of carnivores in the hope the populations of prey animals such as caribou will increase, won't be permitted in national wildlife refuges.

“This is the first time the federal government has stood up to the state of Alaska's brutal practices in 37 years,” says Wendy Keefover, HSUS native carnivore protection manager, who led meetings on the rule in Anchorage, Juneau and Fairbanks to encourage constituents to speak out.

An HSUS poll in March showed a majority of Alaskans support these restrictions, and

the Fish and Wildlife Service says most people who submitted comments favored the rule. The change came despite well-financed campaigns by the NRA and Safari Club International against it, and the opposition of the hunters, trappers and hunting guides on the state's Board of Game, as well as Alaska's representatives in Congress.

HSUS Alaska state director Michael Haukedalen says the number of residents who rallied to support the rule shows there's a constituency for reform. “It's not true that all Alaskans are OK with the state running rampant on public lands,” he says. “Only a minority of Alaskans are hunters, and even fewer kill animals just for a trophy.”

In the 1980s and 1990s, citizen ballot initiatives passed bans on cruel and unsporting hunting practices. However, these were later overridden by the state legislature and governor. In 1994, the legislature enacted a law requiring the state's Department of Fish and Game to practice “intensive management” of predators if caribou, moose and deer populations dropped below certain levels.

For 10 years federal officials tried to negotiate with the Alaska Board of Game to protect wolves and bears from egregious hunting practices, says biologist Francis Mauer, retired from the Arctic National Wildlife Refuge in Alaska.

“It's this ever-increasing fervor to kill predators in Alaska,” he says. “The federal agencies realized these hunting practices are inconsistent with the purpose for which the parks and reserves were established, and they had a responsibility to act.”

The fight against hunting abuses has now shifted to Washington, D.C., where Rep. Don Young (R-AK) got riders into House appropriations and energy bills that would undo both the Fish and Wildlife and National Park Service rules. Similar language was slipped into a Senate appropriations bill. The HSUS and other groups are encouraging Congress to reject these riders before sending the bills to the president.

Schmitt says he, like most hunters in Alaska, is appalled by the practices the Fish and Wildlife Service has banned. “The notion that people don't want any rules is a myth. We want good rules, just like everybody else.”

[From the Clarion, Feb. 9, 2017]

SAFARI CLUB SUES OVER NATIONAL PARK, WILDLIFE REFUGE REGULATIONS (By Elizabeth Earl)

The Safari Club International has filed a lawsuit against the U.S. Department of the Interior, the Fish and Wildlife Service and the National Park Service over its hunting rules on federal lands in Alaska.

The nonprofit, one of the largest hunting advocacy organizations in the country, is challenging a set of rules the three organizations enacted in 2016 to restrict hunting and trapping practices on national preserves and on national wildlife refuges in the state, specifically on the Kenai National Wildlife Refuge. The rules conflict with the state's ability to manage wildlife and interfere with Alaskans' ability to hunt and trap, among other impacts, according to the lawsuit filed Jan. 19 in U.S. District Court for Alaska.

The federal government owns more than half of Alaska, managed by a smattering of different federal agencies. The U.S. Department of the Interior manages national wildlife refuges through the Fish and Wildlife Service and national parks and preserves through the National Park Service. Taken together, NPS manages about 54 million acres of the state, and Fish and Wildlife manages about 76.7 million acres.

Specifically, the lawsuit takes issue with a rule that bans predator control activities on national wildlife refuges “unless based on sound science and in response to a conservation concern or is necessary to meet refuge purposes, federal laws or (Fish and Wildlife Service) policy,” according to an Aug. 3, 2016 press release about the rule.

The National Park Service’s rule, which was finalized Oct. 23, 2015, prohibits the taking of brown bears over bait and the take of wolves and coyotes between May 1 and Aug. 9, which is designated as denning season, and eliminating the “temporary” closure category for national preserves in Alaska, which previously expired after 12 months. The lawsuit claims these closures allow Alaska personnel “unlimited discretion” to close areas to sport hunting without providing rulemaking notice or public comment opportunities.

The lawsuit also claims the consequences of the National Park Service’s actions extend beyond its boundaries because the predators and prey do not remain within the boundaries of the national preserves.

“The NPS exceeded its statutory authority in promulgating the NPS Regulations, as the regulations illegally override the State’s authority to regulate the methods and means of taking Alaska’s wildlife,” the lawsuit states.

The complaint against Fish and Wildlife’s general rule prohibiting predator control activities on Alaska national wildlife refuges is for similar reasons. On the Kenai National Wildlife Refuge specifically, which covers a broad swath of the Kenai Peninsula between the Russian River and the community of Sterling and stretches down toward the Fox River Flats on the southern peninsula, the lawsuit objects to the public use restrictions that prohibit some plane and motorboat use and lynx, coyote and wolf hunting within the Skilak Wildlife Recreation Area and prohibit bear baiting for brown bears, require a permit for baiting black bears and prohibit using a dog to hunt big game except for black bears, with a special use permit, among other rules.

The lawsuit claims that neither the National Park Service nor Fish and Wildlife completed the proper National Environmental Protection Act processes for their regulations.

The lawsuit asks for the court to declare all the regulations as invalid and enjoin the agencies from enacting the regulations.

The suit was filed less than a week after the State of Alaska filed its own lawsuit against the same rules. The state’s suit claims very similar grievances against the rules, saying it breaches the state’s ability to manage its wildlife effectively, according to a news release from Gov. Bill Walker’s website.

The Safari Club International supports the state’s lawsuit but chose to file its own anyway, said Safari Club International President Larry Higgins in a statement. The Safari Club’s lawsuit focuses more specifically on the rights of nonsubsistence users than the state’s lawsuit and contains complaints specific to the Kenai National Wildlife Refuge rules, which the state’s lawsuit does not, he said.

“Safari Club concluded it was necessary to file its own lawsuit to represent and protect fully the interests of its members and others who hunt in Alaska for subsistence and/or for nonsubsistence purposes,” he said. “Both lawsuits challenge regulations adopted by the Obama Administration that prohibit certain hunting methods on National Preserves and National Wildlife Refuges.”

The main issue the group has with the rules is state wildlife management, said Eddie Grasser, the vice president of the Safari Club’s Alaska chapter. All successful wildlife management in the U.S. is based on state management, he said.

“The main emphasis for our part, anyway, is the issue of state management,” he said. “We don’t feel the federal government has the authority to manage wildlife because of the way the system has evolved over time.”

Higgins said in his statement that the club will support the state’s legal efforts as well.

“To the extent possible, Safari Club will work cooperatively with the State, and others who may decide to challenge the regulations, to present the best arguments to the court,” he said.

The National Park Service had no comment on the Safari Club’s lawsuit and the Fish and Wildlife Service did not respond to a request for comment Thursday.

Mr. BISHOP of Utah. I yield 3 minutes to the gentleman from Georgia (Mr. AUSTIN SCOTT).

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, the assertion that removing this rule would allow for egregious, cruel, and unsporting hunting methods is just totally false. The people of Alaska, I trust them to manage the game of that State. The idea, the accusation that this rule allows for shooting of wolf pups in their den is totally false. Disturbing wolf dens for any reason—hunting, trapping, or for wildlife management—is illegal in the State of Alaska.

The 2016–2017 Alaska Trapping Regulations state:

The following methods are illegal for taking furbearers: You may not disturb or destroy beaver houses or any furbearer den.

Again, the people of Alaska can be trusted to manage their game.

Additionally, the claim that removing this rule would allow for the use of airplanes or helicopters to hunt is totally false. Using aircraft is illegal in the State of Alaska. The 2016–2017 Alaska Hunting Regulations state:

You may not take game by driving, herding, harassing, or molesting game with any motorized vehicle such as an aircraft, airboat, snow machine, motorboat, et cetera.

Finally, the claim that removing this rule would allow for trapping of grizzly bears and black bears with steel-jawed leghold traps, again, simply totally false. Trapping or snaring big game is illegal in the State of Alaska.

The 2016–2017 Alaska Hunting Regulations state:

You may not take game by using a trap or a snare to take big game, fur animals, or small game.

As you can see, these claims are nothing but false rhetoric from antisportsmen that think they know better how to manage Alaska’s wildlife than the good people of Alaska do. Alaska law already precludes these practices, yet they are being used as an emotional argument to hide what is clearly a bureaucratic overreach which unfairly targets the citizens of Alaska.

Mr. BEYER. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman’s courtesy and I appreciate his leadership on this.

I just heard my friend talk about these imaginary practices. If they are, in fact, imaginary, what is the problem in terms of having Fish and Wildlife moving to bring hunting standards in Federal lands in Alaska more in line with standards for other Federal lands across America?

The fact is that these practices can, in fact, occur, and it is the judgment of the professionals in this field that developed this proposal for the Fish and Wildlife Service. These are the people who are charged with understanding the dynamics, who understand the interaction, based on sound science going forward. The majority of people in Alaska do not support such practices. These are basically the rules that the rest of America deals with in terms of our wildlife refuges.

I spent a lot of time working in the area of animal welfare. It is something that I find is one of those rare areas in Congress where there is far more agreement than disagreement. We find, across the country, 25,000 organizations that are dedicated to animal welfare. This is an area that I am sad to see we are breaking down now with, I think, unnecessary controversy.

Being able to deal with wildlife management and protection, being able to deal with humane hunting practices, to be able to allow the professionals in the Fish and Wildlife Service and elsewhere to be able to help in developing uniform standards is something that should not be unnecessarily divisive. I am hopeful that we give the Fish and Wildlife Service the authority and responsibility to manage these refuges and that we respect the fact that they took public input into account; they weighed the comments; they put forward a thoughtful rule.

Being able to nullify this rule entirely, return to some of the most inhumane practices, is simply inappropriate. Instead of rolling back these rules, we should respect the agency’s expertise, the wishes of the vast majority of the people we represent, and uniform provisions to apply to all wildlife refuges.

I am really disappointed that the rhetoric reaches this level and that we are rushing ahead with making changes like this without providing the foundation that would normally occur in the legislative process. This rule is a culmination of a great deal of time and energy, public input, scientific expertise, and hard work. To overturn it summarily, as this Congress has been doing in other areas, I think is a step backwards. It is something that is not supported by the public, and I think it is something that we ought to strongly reject.

Mr. BISHOP of Utah. Madam Speaker, I reserve the balance of my time.

Mr. BEYER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, one quick point is that these national wildlife refuges are U.S. public lands paid for by U.S. taxpayers and should be managed for the benefit of all. So let me quote former Fish and Wildlife Service Director Dan Ashe, recently departed, who said these "are not game farms managed for a slice of their diversity for the benefit of a few people who would call themselves hunters."

Much has been made in this debate this afternoon, Madam Speaker, about whether ANILCA prohibits this Fish and Wildlife rule. We have gone back and forth with different cases. Let me just quote a few key paragraphs.

Section 302 and 303 of ANILCA establishes 16 national wildlife refuges, and for each one, the purpose is stated for which the refuge is to be established and shall be managed, including: "to conserve fish and wildlife populations in their natural diversity."

The law doesn't say wildlife should be managed in some alternate state of unnatural diversity where no wolves, no bears, and overpopulated moose herds can destroy the landscape.

Both the ANILCA, and the Improvement Act, the 1998 law that reorganized the National Wildlife Refuge System, managed Alaska's Federal refuge managers to conserve natural diversity, a value that the Fish and Wildlife Services correctly noted is incompatible with indiscriminate predator culls.

Every Federal court to consider the question, including the Ninth Circuit, which contains Alaska, has held the States lack the authority to overrule Fish and Wildlife Service management decisions concerning Federal refuge management. So this has already been before the courts. The courts, I believe, have already decided.

Madam Speaker, in the few minutes I have left, let me just quote a few of the letters we received from Alaska residents in opposition to the resolution before us.

Elizabeth Figus, from Juneau, writes: "I am an Alaskan. I hunt and fish, and I support regulations that prohibit cruel killing. This rule would rightly prohibit controversial and scientifically unjustified killing methods on over 76 million acres of Federal lands in Alaska."

"A hunter who cannot comply with humane methods of the trade/sport is simply lazy and undeserving of the right to harvest the flesh of another living thing."

"This is the 21st century, not the 1800s. We must carry out our hunting in a careful and organized fashion to ensure the safety of Alaskan residents as well as the sustainability of the wild animal resources into the future."

This from Elisabeth Moorehead from Eagle River: "My husband and I owned and operated a successful wildlife tour-

ism business in Alaska for 27 years. The business still continues in the capable hands of one of our guides. . . . I am writing to convey my displeasure over the content of the joint resolution you recently introduced in response to U.S. Fish and Wildlife Service regulations that ban cruel and unsporting methods of killing bears, wolves and coyotes on Federal wildlife refuges in Alaska."

And from Fran Mauer in Fairbanks: "Over the last 15 years I have watched the state hunting regulations for wolves and bears get progressively more extreme. These methods go far beyond any common sense, are not supported by science, and have no place in our Alaskan National Wildlife Refuges. This is the result of the special interest lobby of extreme pro-hunting groups. . . . I for one, and many other Alaskan hunters, do not want to see the State of Alaska turn our National Wildlife Refuges into game farms."

And, finally, from Jeff Fair from Palmer: "I write you as a 23-year Alaskan wildlife biologist. . . . Currently 64 years of age, I hunt and fish and enjoy a permanent license to do so in The Great Land."

"As a biologist, I recognize that predator control does not work in the long run to stabilize or maximize cervid populations. I also recognize that an attempt to repeal U.S. Fish and Wildlife regs on these lands would be an attempt to circumvent, contradict, overturn, or simply break the Federal law that establishes the Fish and Wildlife Service's mission and authority for these lands. And as a hunter I fear for the reputation of the hunting tradition, including conservation and fair-chase, when some service anti-predator techniques are allowed anywhere, including on federal lands."

Madam Speaker, I reserve the balance of my time.

□ 1330

Mr. BISHOP of Utah. Madam Speaker, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the one who actually lives there and knows the area and knows the names of the towns.

Mr. YOUNG of Alaska. Madam Speaker, under the decorum of the House, I won't call it bull. I will just say it is a lot of misinformation and outright story tales, the information conveyed to these gentlemen and the ladies from The Humane Society. That is what it is.

There is no sport hunter who is going to be shooting cubs and sows. In fact, there is no one in the State who does not support my resolution of organized hunters, viewers. I have not had any of that.

Yes, you got some letters. And I believe the best way to judge is, if they don't like what I am doing, don't elect me. I am speaking for the people from my State, not Virginia, not a used car salesman. I am speaking for my people.

The second false claim is it allows aerial shooting and gunning of bears. That is not what this is about. It is about the law, and we will win it in court. But I don't want to win it in court. I want to establish the fact that an agency does not have the right to break the law.

As far as Dan Ashe goes, well, did he have any specialists? No. He did this because of interest groups, governing by interest groups, not the hunters, not the Alaskans, not the gunmen of Alaska, but The Humane Society that put out all of this propaganda.

Denning of wolves—and, by the way, I have to remind people. We used to den wolves. I have done it myself. I got paid 50 bucks for every wolf I got. You know who paid me? Uncle Sam did when we were a territory. And when we became a State, we did not allow that.

So let us do our job as a State, instead of having this Congress try to stop it with an agency.

So I am asking my colleagues to vote for the law, as you should uphold as you took your oath for this office, the law.

And if you continue this misinformation, I feel sorry for you, and I feel sorry for the interest groups.

So, Madam Speaker, I do urge a "yes" vote on this resolution.

The SPEAKER pro tempore (Mrs. WAGNER). The gentleman is reminded to address the Chair.

Mr. BEYER. Madam Speaker, just in mild response, I am, I believe, heartened to know—that may be the wrong verb—but, at least, respect my friend and colleague from Alaska's notion or assertion that these terrible, inhumane hunting practices, which we have talked about for the last hour—whether it is gassing wolves in the den or shooting bears from the helicopter or using bait for the bears or many of the iron leg traps—that all these things do not occur in Alaska on the wildlife refuges; that they are illegal in Alaska. If that is so, that is an excellent thing.

I wonder why the need for the Congressional Review Act resolution to overturn the Fish and Wildlife regulations if none of these are, in fact, happening.

In any case, there is still a legitimate debate about whether the Fish and Wildlife regulation contravenes ANILCA and the state establishment act. Hopefully, this doesn't have to go to court in order to do that, but I think there seems to be enough judicial precedent that if it did go to court, the Fish and Wildlife regulations would be upheld.

Madam Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

Madam Speaker, we are here to repeal a rule issued by the Federal Fish and Wildlife Service to restrict hunting on the national wildlife refuges in Alaska.

This rule is a solution. The only problem is no one knows for what it is a solution because there is no problem. And the sad part is that means that this rule is basically a useless rule. It has no efficacy to it. Despite the assertions that had been made repeatedly and a cacophony of all sorts of practices that are seeming to be wrong and bad, this rule doesn't do that.

This rule does not abandon any of the practices you are talking about on subsistence hunting, only on nonsubsistence hunting, which simply means that, if you are classified as a subsistence hunter, anything that the other side talked about and raled about is actually allowed by the silly rule. That is why the rule makes no sense.

The State of Alaska had it under control, and there is no real problem that is solved by this rule that is totally inefficient, but did make something nice about it.

Now, it makes things worse because it is talking about predator control only on nonsubsistence hunting. Unfortunately, the predators don't know, when they go after their prey, whether that prey is designed for a subsistence hunter or a recreation hunter. They haven't learned to distinguish that yet.

Ergo, how you administer this law is totally ineffective. It is impossible to do so, and what you do is simply make a blanket approach so that everyone gets harmed in the same equal fashion. That is what Fish and Wildlife has decided to do.

In addition to that, yes, it is illegal. It usurps State authority, and it usurps it very clearly. You know, it is amazing to me. I cannot believe that in the first Congress that we had, the Founding Fathers were there coming up with the Bill of Rights and the 10th Amendment, they thought the 10th Amendment would eventually some day be imagined by a bureaucrat in Washington to overrule Congress on matters that were clearly intended for State discretion, but that is precisely what we have done here.

This rule violates three congressionally passed statutes that have precedence on this particular issue. And this rule violates Federal law passed by Congress on three separate occasions.

What was supposed to be envisioned with this system was a cooperative relationship between the State and the Federal Government. What this rule simply does is allow for Fish and Wildlife on the Federal level to have supremacy, to destroy that cooperation and coordination and take over control totally. That is wrong. It should never be there.

There are 16 different refuges up there. That is 76 million acres of land now going to be controlled by the Fish and Wildlife system here in Washington. That is more acreage than 46 of the 50 States that we have. And, once again, for many of those people, this

hunting is a source of subsistence up there.

Here is the bottom line: Mr. BLUMENAUER came up here and said, why don't we let the professionals make their decisions. They do. Those professionals are the Alaska Department of Fish and Game who know exactly what they are doing, they know the area, and they know the animals.

The so-called helicopter hunting that was raled against up here is not done by any recreational hunter. Alaska doesn't allow that. The Alaska Fish and Game will do that for management control based on scientific purposes and reasons and that only.

This rule doesn't change any of that. No. I'm sorry, this rule actually doesn't change any of the recreational hunting, which is already outlawed by the State of Alaska. It only stops the Fish and Wildlife system of Alaska from simply doing their job as they know how to do it.

I include in the RECORD a letter supported by 27 different organizations all dealing with outdoor life in support of this particular resolution.

FEBRUARY 6, 2017.

Hon. PAUL D. RYAN, Speaker, House of Representatives
Washington, DC.

Hon. KEVIN MCCARTHY, Majority Leader,
House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND LEADER MCCARTHY: We write representing organizations that collectively include millions of wildlife conservationists, hunter conservationists, wildlife enthusiasts, and wildlife scientists, in strong support of H.J. Res. 49 from Cong. Young (AK), which would nullify the U.S. Fish and Wildlife Service's (FWS) final rule "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (81 Fed. Reg. 52248 (August 5, 2016)). Our community exhausted all Executive Branch appeals and remedies urging the FWS to slow down the Proposed Rule, and revise it to reflect a proposal mutually agreed to by the State of Alaska and the FWS; all to no end. It is time for Congress to nullify this final rule.

This final rule boldly preempts the authority of the Alaska Department of Fish and Game to manage wildlife for both recreational and subsistence hunting on NWRs, which authority of the state is affirmed by Congress in the Alaska Statehood Act, the Alaska National Interests Land Conservation Act, and the National Wildlife Refuge System Improvement Act. The FWS final rule was premised on meeting as a priority the FWS policy on Biological Integrity, Diversity and Environmental Health; which would inadvisably set a precedent nationally. Many members of our organizations enjoy Alaska's bounty of fish and wildlife resources and their habitats for unrivaled hunting, fishing and outdoor experiences. The sustainable management of these natural resources needs to be led by the State working in cooperation with the FWS. We urge that you favorably consider H.J. Res. 49 which will restore the jurisdictional state-federal relationship as Congress has previously directed.

Thank you very much for your consideration of our concerns about this harmful and illegal rule which if left un-remedied, signifi-

cantly affects the use and appreciation of the magnificent natural resources found in Alaska.

Sincerely,

Archery Trade Association, Association of Fish and Wildlife Agencies, Congressional Sportsmen's Foundation, Council to Advance Hunting and the Shooting Sports, Dallas Safari Club, Delta Waterfowl Foundation, Ducks Unlimited, Houston Safari Club, Masters of Foxhounds Association, Mule Deer Foundation, National Rifle Association, National Shooting Sports Foundation, National Trappers Association, National Wild Turkey Federation, Orion the Hunter's Institute.

Pheasants Forever, Professional Outfitters and Guides, Quail Forever, Quality Deer Management Association, Ruffed Grouse Society, Rocky Mountain Elk Foundation, Safari Club International, Sportsmen's Alliance, Whitetails Unlimited, Wild Sheep Foundation, Wildlife Forever, Wildlife Management Institute.

Mr. BISHOP of Utah. Madam Speaker, this comes from groups all over the Nation who understand what is going on and also realize the problem of this—I mean, there are some people who might think this only deals with Alaska. Technically, it does.

The problem is, if this happens to Alaska, if the ability of the Federal Government to supersede the State happens in Alaska, this could also happen to any one of the lower 48 States.

We are simply one lawsuit away from Fish and Wildlife Service being either allowed or required to order similar regulations for everything across the lower 48 States as well. And that is what is so difficult and impossible to understand.

Look, let me try and sum it up this way: None of the practices that have been railed about today actually are existing, and any of those that are are easily controlled by the Alaska Department of Fish and Game.

The underlying premise, both of the rule that the Fish and Wildlife Service of the Department of the Interior did and the underlying premise of most of the debate that has happened here on the floor, is that only somebody who lives here in Washington has the intelligence, the foresight, the vision to make these kind of rules that unfortunately people in Alaska are simply too dumb to do it. You are a bunch of red-neck hicks that don't understand how to rule yourself. You don't understand science. You barely have television.

I don't know what it is, but why do we have this mindset that only Washington can make these decisions when actually the States have proven, not only that are they capable, they are superior to what happens from this Department here in Washington.

That is what this is about, an illegal rule that simply takes away from the States what they are doing and what they are doing well; and that is why this should be opposed. That is why this rule should be pulled away. This midnight rule, once again, should be taken back.

Allow them to start over and do something intelligently. At least, recognize the professionals—the real professionals who work in the States to make this system work. They can do it. They have done it. Allow them to do their jobs, and protect the rest of us from any judge saying, oh, if it happened in Alaska, maybe it can happen in your State as well. That is the fear.

This is a rule passed by Fish and Wildlife at the last minute of the Obama administration that doesn't solve anything and will be impossible to administer. It violates everything that has gone on before.

Vote for this rule. Bring back sanity and allow the States to do their job as they are supposed to do and as the law prescribes for them to do.

I urge support of this. I don't know if you are undecided on whether I was for this resolution or not. Just, for the record, yes, I support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 123, the previous question is ordered on the joint resolution.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE BY SECRETARY OF HEALTH AND HUMAN SERVICES

Mrs. BLACK. Mr. Speaker, pursuant to House Resolution 123, I call up the joint resolution (H.J. Res. 43) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 123, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 43

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That Congress disapproves the rule submitted by the Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients (81 Fed. Reg. 91852; December 19, 2016), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentlewoman from Tennessee (Mrs. BLACK) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 30 minutes.

The Chair recognizes the gentlewoman from Tennessee.

GENERAL LEAVE

Mrs. BLACK. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.J. Res. 43, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

□ 1345

Mrs. BLACK. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of my resolution of disapproval, H.J. Res. 43, which uses the authority of the Congressional Review Act to overturn the Obama administration's 11th-hour rule forcing States like Tennessee to fund abortion providers.

I want to begin today by stipulating very clearly what this resolution is about because, while I am unapologetically pro-life, you don't have to be in order to support this resolution. You just have to believe in the Tenth Amendment.

Despite the histrionics you may hear on the other side of the aisle today, with today's resolution, we are not, we are not, one, voting to defund Planned Parenthood in any way, shape, or form; we are not voting to cut title X funding; and we are not voting to restrict abortion rights.

Madam Speaker, we are simply voting today to affirm the rights of States to fund the healthcare providers that best suit their needs, without fear of reprisal from their own Federal Government.

I didn't realize this was a partisan issue. It shouldn't be, because that is how the title X grant program functioned for more than 45 years, until the Obama administration decided to leave this parting gift to abortion industry on its way out the door.

For me, this is a personal issue. As a registered nurse, I know that vulnerable women seeking true comprehensive care deserve better than abortion-centric facilities like Planned Parenthood. So, as a State legislator, I worked within my authority to make sure that Tennessee honored the will of our pro-life populace and steered our State's share of title X dollars away from healthcare providers that performed abortion.

As a result, our share of title X grants have been sent exclusively to the Tennessee Department of Health, which then allocates them to the county health departments and other qualified providers that protect the lives of the most vulnerable. That was Tennessee's right, and it has been able to exercise that right while protecting access to comprehensive care for those who are most in need.

As a matter of fact, according to HHS' own 2015 title X Family Planning Annual Report, our State provided care under title X to more than 75,000 Tennesseans. That means that we served even more citizens than the more populated States like Michigan and Virginia.

But in December of last year, the Obama administration decided to intervene, setting unprecedented new parameters on how States must select title X grantees that were specifically designed to prop up its political allies in the abortion industry.

With my resolution, I am proposing that we go back just a few short weeks prior to December 15, 2016, the day before the Obama administration decided to reconfigure this 45-year-old program with its ill-conceived order. That is all my resolution does is to take us back 45 years to the way the program has operated.

I urge my colleagues to give States the freedom and the flexibility to take care of their citizens the best way that they know how by voting "yes" on this H.J. Res. 43.

Madam Speaker, I reserve the balance of my time.

Ms. DEGETTE. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, we are not even a full month into the new Presidency. Yet, the President and the Republicans in Congress have already launched numerous attacks on women's health and access to care. Here's just a few of the examples aside from today.

They are charging ahead to dismantle the Affordable Care Act without making any promises to preserve the vital protections for women that are in that bill.

They imposed and dramatically expanded the global gag rule, which harms women's access to health care around the world.

And just after the historic Women's March, House Republicans passed H.R. 7, an extreme bill that effectively bans private insurance companies from covering comprehensive healthcare services.

But here we are again today, with another bill that threatens access to family planning care for millions of our most vulnerable citizens by attacking title X. Title X is the only Federal program dedicated solely to family planning, which includes a range of services that help women and their partners prepare for pregnancy and ensure healthy spacing between births.

Title X helps 4 million people who are uninsured. Title X centers also play an important role in reducing unintended pregnancy, and title X centers are also major points of access in our safety net.

Six in 10 women who go to a title X center consider it their major source of health care. What this rule that Republicans want to roll back does is it simply reinforces longstanding requirements that say that States cannot discriminate against providers for reasons that are unrelated to their qualifications to perform family planning services when distributing title X funding. In other words, if an organization provides abortions with its own private money but it qualifies for title X, it can still get that funding.

Now I keep hearing from my colleagues that this violates states' rights, but that completely ignores how Federal programs work. Virtually all Federal funding opportunities require a State to adhere to certain standards to ensure policy goals are met, and that is exactly what this rule did.

Republicans will also argue that community health centers can fill all the gaps created and accessed by denying these centers title X funding. This claim has been debunked on numerous occasions.

For example, in 21 percent of counties with a Planned Parenthood center, Planned Parenthood is the only safety net provider in the area. That is why the nonpartisan Congressional Budget Office estimated, if Planned Parenthood were defunded, as many as 390,000 women would lose access to care, and 650,000 women would have reduced access. That is why repealing this rule is a serious problem.

Just this afternoon I read a quote, and here's what it said: "Patients and doctors should be making the big decisions—not government bureaucrats."

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. DEGETTE. Madam Speaker, I yield myself an additional 30 seconds.

Let me say that again. "Patients and doctors should be making the big decisions—not government bureaucrats."

Who said this?

Margaret Sanger? No.

Cecile Richards? No.

Hillary Clinton? No.

The person who said this this afternoon is the Speaker of the House, PAUL RYAN. I couldn't agree with him any more when it comes to title X family planning money. This should be made by patients and their doctors, not by bureaucrats in Washington.

Madam Speaker, I reserve the balance of my time.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), who has been a champion for life and been fighting for life for a long time.

Mr. SMITH of New Jersey. I thank the gentlewoman for her extraordinary leadership on the life issue.

Madam Speaker, subsidized by over \$500 million taxpayer dollars each year, Planned Parenthood dismembers or chemically poisons a baby to death every 2 minutes, killing over 7 million innocent children since 1973.

Undercover videos in 2015 exposed, in numbing candor, several high-level Planned Parenthood leaders nonchalantly talking about procuring children's organs for a price. They describe altering gruesome dismemberment procedures to preserve intact livers, hearts, and lungs from freshly killed babies.

All of this begs the question, Madam Speaker, why are U.S. taxpayers giving half a billion dollars each year to Planned Parenthood?

H.J. Res. 43 simply allows States to redirect funds away from abortion clinics and does not reduce funding for title X by so much as a penny. Those funds are just redirected to other health clinics that provide women's health care and don't engage in abortion.

In mid-December, on his way out the door, former President Obama finalized a rule that coerces States to fund Planned Parenthood with their title X money.

Prior to the Obama rule, States had chosen, five of them, to award title X funds to non-Planned Parenthood entities. These five States, Tennessee, Kansas, Oklahoma, Arkansas, and Ohio, account for nearly \$16 million in annual title X funding and serve over 279,000 individuals a year. These five States redirected those funds to other health clinics.

But under the Obama rule, these State recipients are threatened with losing all—I say again—all of their title X support if they do not comply. This is the definition of coercion.

The Obama administration essentially told States: You must use your family planning dollars to support abortionists, or we will take away your family planning dollars.

I thank the gentlewoman for her courage, for her insight, and for offering this rule for our consideration today.

Ms. DEGETTE. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the House Energy and Commerce Committee.

Mr. PALLONE. Madam Speaker, I rise today in strong opposition to H.J. Res. 43. This resolution is simply another attack on women's health and another attempt by Republicans to limit women's access to high-quality, essential care.

For decades, title X family planning program has funded grants that provide millions of Americans each year with access to a broad range of preven-

tive health services, including contraception care and cancer screenings. Title X is a critical safety net for low-income women and teens; and for many patients, this program is their only source of health care.

But the Republicans want to limit access to these services and allow States to discriminate against certain providers, all as part of their ongoing ideological crusade against abortion.

I stress, this resolution would permit States to prohibit reproductive healthcare providers from participating in the title X program, and would allow States to block access to care if the provider separately performs abortions or is affiliated with health centers that do.

Now, we already have seen what happens when States take actions to discriminate against providers in the title X program. Access goes down, the unintended pregnancy rate goes up, and the spread of sexually transmitted infections increases.

So I would urge my colleagues to vote "no" on this resolution because Republicans should not be entitled to pick and choose providers in the title X program and play politics with women's health.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MARSHALL), a freshman and a physician.

Mr. MARSHALL. Madam Speaker, this past December, our past President finalized a rule requiring States to fund Planned Parenthood through title X funding.

Today I rise as a cosponsor of and in support of this joint resolution, H.J. Res. 43, which repeals this Obama rule and allows States like mine, Kansas, to choose how to best allocate title X funds. The Obama rule is yet another example of government overreach that tries to force my State to fund Planned Parenthood.

Redirecting Federal funds away from abortion providers does not reduce funds for other title X programs. Instead, this will allow even more funding available for county health departments and other public health clinics for family planning, sexually transmitted disease testing, and lifestyle choices education.

While Planned Parenthood remains a political organization that spent tens of thousands of dollars in the last election to oppose pro-life candidates, let me stop and salute the nurses and social workers back home at the Barton County Health Department where I worked for years, and salute my fellow doctors, Dr. Perry Smith and Dr. Bill King, and everyone's favorite nurse practitioner, Sheila Hein, who dedicated themselves to helping women.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I hope the women of America are watching.

Let there be no doubt about the actions of congressional Republicans and the Trump administration. They will oppose your right to make your own health decision and limit access to your reproductive health care at every available juncture.

Rather than work to create jobs, House Republicans are helping State officials block women from getting contraception and other reproductive health services.

Today's bill would particularly harm the neediest Americans, as it could deny them the opportunity to visit the health provider of their choice, which in many instances may be the only provider available within hours of their home.

Sadly, this will be just one of the many assaults on women's rights in the 115th Congress.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MESSER), who is the chairman of our Republican Study Committee.

Mr. MESSER. Madam Speaker, the Federal Government should not fund abortions, and it should not force States to fund them either. That is one reason this body recently voted to make the Hyde amendment permanent and governmentwide.

The vast majority of Americans support this policy as a matter of conscience and agree that tax dollars should not fund abortion procedures. Today's bill is consistent with that principle.

But despite the rhetoric across the aisle, the bill permits, but does not require, States to direct title X funds to health providers that do not provide abortions.

Without this bill, States would be forced to fund the abortion industry by Federal bureaucrats. This is an issue of states' rights as well as one of conscience.

□ 1400

I am proud to support this measure, stand up for States, and defend life.

I want to thank my colleague, DIANE BLACK, for her hard work and leadership on getting this bill to the floor, and I urge my colleagues to vote for its passage.

Ms. DEGETTE. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Madam Speaker, I thank the gentlewoman from Colorado for her leadership.

For almost 50 years, a law called title X has ensured that women across America, no matter their station in life, can receive expert advice on how and when to plan their families, on contraceptives, and also receive breast and cervical cancer screenings.

It is smart public policy. It often allows women to complete their education and to get a job to become financially independent. It is cost effective

for all of us because it saves public money on prenatal, maternity, and newborn care, and it has worked to decrease teenage and unintended pregnancies.

In Florida, in 2014 alone, over 160,000 were counseled through nonprofit agencies and community health centers, and over 38,000 unintended pregnancies were prevented, which helped prevent about 18,000 unintended births. That resulted in hundreds of millions of dollars in cost savings. Plus, it is difficult to put a price tag on the ability of someone to become self-sufficient and get a good start in life.

Title X is critical for many of my neighbors in Florida, and it should be protected. So it is sad to see my Republican colleagues target working families and young women to restrict access to contraceptives, family planning, and other health services. If Republicans are successful, it would only harm our communities, and in doing so, you are targeting the folks who need the help the most.

These politically motivated attacks on women's health are a distraction from the real issues. Across the country, women, parents, moms, and dads need greater economic and personal security, not less. That is what Congress should be focused on.

I urge my colleagues to vote "no" on this harmful resolution.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentlewoman from Alabama (Mrs. ROBY), who is my classmate.

Mrs. ROBY. Madam Speaker, I rise in support of H.J. Res. 43. Congress must use its authority to strike this rule and stop the Federal Government from forcing States to funnel taxpayer money to abortion providers.

This rule is wrong on process and it is wrong on policy. First of all, States have every right to put in place reasonable guidelines for how their Federal dollars are spent. For Washington to attempt to coerce States in this way would be bad enough, but for unelected bureaucrats in the Department of Health and Human Services to go around Congress at the eleventh hour of the Obama administration is just outrageous.

Madam Speaker, I think we all agree that low-income women should have access to essential title X services, but why is it necessary for those services to be funded at the Nation's largest provider of abortion? It isn't, of course, but the abortion industry and its supporters want us to believe that it is.

When it comes to funding, they like to pretend that abortion doesn't exist and that Planned Parenthood is the only place where women can get health care, but that is not true. The truth is that there are more than 13,000 federally qualified and rural health centers that offer low-cost health care to women. These centers outnumber

Planned Parenthood clinics 20 to 1; they just don't preform abortions.

Understanding this, some States have rightly enacted laws and policies redirecting title X dollars away from abortion providers and toward these noncontroversial clinics. If the true goal here were to ensure women's health care, no one should have a problem with that. But that wasn't the goal, and everybody knows it.

There is a reason people call this rule President Obama's parting gift to Planned Parenthood. It was a blatant, transparent attempt to preserve the pipeline of funding to the Nation's largest abortion business. It was wrong, and I urge my colleagues to vote to nullify it today.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. I thank the gentlewoman for her leadership.

Madam Speaker, it is very hard for me to listen to the conversation on the other side of the aisle because it is a conversation they are having with themselves, and it is a conversation we are having with ourselves.

Let me be really clear. This is not about Planned Parenthood and abortion because we already know that Planned Parenthood gets no funding for abortions in this country, pure and simple. Planned Parenthood gets funding through title X to provide services for breast cancer screenings, cancer screenings, STDs, and contraception.

What my colleagues on the other side of the aisle are willing to say is: We just want to make sure Planned Parenthood doesn't get a dime. Just squeeze every dime out of them that may be Federal dollars, even though they provide a really important health service.

So I say to my colleagues on the other side of the aisle, I guess what you are saying is, to the 80,000 women last year who were diagnosed with cancer because they went to a Planned Parenthood facility and of the 800,000 that were screened for cancer, you would rather see them die.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Mrs. NOEM), who is my fellow Ways and Means Committee member.

Mrs. NOEM. Madam Speaker, I rise today in support of H.J. Res. 43 which overturns an Obama-era regulation forcing States to administer title X healthcare funding to abortion providers like Planned Parenthood.

Time and again, this Congress has risen with bipartisan support to oppose the taxpayer funding of abortions. Annual provisions, including the Hyde amendment, have been passed repeatedly and have saved an estimated 2 million innocent lives.

Today, we rise again to stop the taxpayer funding of abortion providers. I

want to be clear. Nothing we do today will take a penny from women's health. Instead, we are empowering States to redirect these funds to community health centers and hospitals that offer more comprehensive coverage to women.

In 2014 alone, Planned Parenthood performed more than 300,000 abortions while failing to provide even the most basic services, like prenatal care, at many of their facilities.

Hospitals and federally qualified health centers not only offer a broader range of services, but also greater accessibility in many cases. While there is only one Planned Parenthood center in South Dakota, we have six federally qualified health centers that operate in 45 service sites and serve more than 54,000 individuals per year. These care centers offer low-income families health services, but they don't perform abortions. We can support women's health—and, specifically, health care for low-income women—without supporting abortion providers.

Simply put, H.J. Res. 43 does not restrict access or funding to health care for low-income women. What it does do is help protect taxpayers from funding abortion providers. It empowers the States to direct healthcare funding to organizations that truly do support women's health, and it makes strides toward protecting the most vulnerable among us, the unborn.

I thank Chairman BLACK for her commitment to this issue, and I am proud to stand beside her as a partner in this effort.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from the State of Washington (Ms. DELBENE).

Ms. DELBENE. Madam Speaker, another week, another attack on women's health. Only 6 days ago, the Senate confirmed a Secretary of Health and Human Services who opposes women's access to no-cost birth control—a man who claimed that not one woman has struggled to afford contraception. Now, House leaders are working to eradicate the number of places where women can access birth control. It is unacceptable.

For more than 40 years, title X has been a bipartisan program that helps vulnerable Americans get basic health care like cancer screenings, HIV tests, and contraception. In 2014 alone, it prevented over 900,000 unintended pregnancies. But if this resolution passes, millions will find themselves without access to the essential care that they need, especially those in rural and underserved communities.

I have said it before and I will say it again: Our constituents deserve better. It is time to focus on the priorities that matter to the American people.

Madam Speaker, I urge my colleagues to vote "no."

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentlewoman from In-

diana (Mrs. WALORSKI), who is a fellow Ways and Means Committee member and advocate for children.

Mrs. WALORSKI. Madam Speaker, I thank Representative BLACK.

Madam Speaker, I rise today in strong support of H.J. Res. 43. This resolution will overturn an Obama administration rule that forces States to direct Federal funds to abortion providers like Planned Parenthood.

States receive Federal funding to support family planning services, and they have the discretion to distribute these title X funds in the way that best serves their communities. Many States have exercised their discretion to direct title X funding to community health centers and family health clinics that do not provide abortions and withhold funding from abortion providers like Planned Parenthood.

It is just common sense that States know the needs of their people and their communities better than Washington bureaucrats do. The States should be able to decide how these Federal funds are distributed.

Unfortunately, the Obama administration disagreed, so they issued a last-minute regulation in their final days in office that would force States to distribute funding to abortion providers. Their rule would take away States' abilities to direct title X funds to providers that offer comprehensive care but do not participate in abortion. It would force States to enable the flow of funds to Planned Parenthood and others in the abortion industry. I think it is reprehensible.

Now Congress has the opportunity to right this wrong and undo the massive overreach. We are taking action to defend taxpayers and defend life by using the Congressional Review Act to overturn this rule. Overturning this rule won't reduce funding for women's health care. In fact, it will let States direct these funds in the way that is best for their citizens. It will ensure States can support women's health as well as protect the unborn.

Madam Speaker, this resolution is essential to rolling back executive overreach and standing up for the sanctity of life. I urge my colleagues to join me in supporting H.J. Res. 43.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I thank the gentlewoman for her leadership.

This is not about States, and it is not about the Federal Government. It's about women and the rights of women. H.J. Res. 43 could impact nearly 4 million primarily low-income patients that receive family planning services at title X sites, annually, across the United States.

Of those 4 million patients, approximately 69 percent had incomes at or below the Federal poverty line, while

61 percent of those patients claimed the title X clinic as their only regular source of health care. About 60 percent of women who access care from family planning health centers consider it their main source; 4 in 10, it is their only source of care.

Approximately 1.5 million Planned Parenthood patients benefit from the Nation's family planning program. Approximately 20 percent of these patients identify as Hispanic and approximately 50 percent as African Americans.

Every public dollar invested in Planned Parenthood, \$7.09 is saved in Medicaid-related costs. Planned Parenthood centers are roughly one-third of the program's clients, although Planned Parenthood health centers comprise 10 percent of the publicly supported safety and family net.

This resolution for which we should vote "no" is going to take away money from people who are in need, who need health care. Where are the Republicans on women's rights?

Madam Speaker, I rise in strong opposition to H.J. Res. 43, a congressional resolution rescinding a rule promulgated by the U.S. Department of Health and Human Services providing important protections to ensure that women, men, and young people can see trusted reproductive health care providers, like Planned Parenthood, through the Title X family planning program.

I oppose the disapproval resolution because it is nothing more than a blatant attempt to persecute Planned Parenthood and make it easier for the state politicians to take away people's health care, specifically, the four million people who rely on Title X for birth control and other care.

From birth control, to well-woman exams, to cancer screenings, millions of Americans nationwide turn to Planned Parenthood and other safety net reproductive health providers as their trusted source of health care.

Many of these Americans, including low-income women, women of color, and those living in rural areas, are uninsured and rely on important public health programs for affordable health care, including Medicaid and the Title X family planning program.

But their access to health care is under attack across the country because in recent years because politicians in at least 14 states have taken action to block access to care through Title X, willfully ignoring the law, the recommendations of public health experts, and the clear and present need in their communities.

In September 2016, HHS issued a notice of proposed rulemaking (NPRM) titled "Compliance With Title X Requirements by Project Recipients in Selecting Subrecipients" aiming to explicitly bar these types of actions.

HHS opened the proposed regulation to public comment, which closed in October 2016 and garnered widespread support, with 91% of the roughly 145,000 responses in favor of the rule.

Madam Speaker, Title X provides lifesaving, preventive care to millions of people and is cost-effective.

Title X helps ensure more than four million persons of low-income have health care in this country.

In fact, Title X is the only way that millions of low-income women or uninsured women have access to birth control, cancer screenings, STI tests, and other basic care.

Eighty-five percent of the people served by Planned Parenthood's family planning program have incomes below 200 percent of the federal poverty level, and 48 percent are uninsured.

In 2015 alone, Title X provided nearly 800,000 Pap tests, breast exams to 1 million women, nearly 5 million tests for STIs, and 1 million HIV tests.

About 60 percent of women who access care from a family planning health center consider it their main source of health care; for 4 in 10, it is their only source of care.

Approximately 1.5 million Planned Parenthood patients benefit from the nation's family planning program, 78 percent of whom live with incomes of 150 percent of the federal poverty level or less, the equivalent of \$35,775 a year for a family of four in 2014.

Approximately 20 percent of these patients identify as Hispanic; and approximately 15 percent identify as African American.

For every public dollar invested in family planning, \$7.09 is saved in Medicaid-related costs; that is savings to both federal and state governments and taxpayers.

Planned Parenthood health centers serve roughly one-third of the program's clients, although Planned Parenthood health centers comprise 10 percent of publicly supported safety net family planning centers.

Planned Parenthood health centers are located in the communities where access to care is most needed.

More than half of Planned Parenthood's health centers across the U.S. are in rural and underserved communities with limited access to health care.

Seventy-five percent of Planned Parenthood patients have incomes at or below 150 percent of the federal poverty level (FPL).

The idea that other providers could absorb Planned Parenthood's patients has been resoundingly dismissed by experts.

In fact, the American Public Health Association called the idea "ludicrous."

Planned Parenthood health centers are also considerably more likely to offer Title X patients a broader range of contraceptive methods than other providers.

In a study of Community Health Centers (CHCs), among CHCs that reported an independent family planning clinic in their largest site's community, 69 percent reported referring their patients to providers specializing in reproductive health services, like Planned Parenthood health centers, for family planning care.

H.J. Res. 43 is a blatant effort to embolden states to try to block women from getting birth control and other preventive care at highly qualified family providers.

By issuing this important protection, the Obama Administration made sure that politicians cannot ignore the law and stand in the way of the care that women need.

I urge all Members to vote No on H.J. Res. 43.

Madam Speaker, I include in the RECORD a letter and article in opposition to this resolution.

FEBRUARY 14, 2017.

Hon. MITCH MCCONNELL,
Senate Majority Leader,
Washington, DC.

Hon. CHARLES SCHUMER,
Senate Minority Leader,
Washington, DC.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR LEADER MCCONNELL, SPEAKER RYAN, LEADER SCHUMER AND LEADER PELOSI: As organizations committed to improving access to health care for all people, the undersigned groups write to strongly oppose H.J. Res. 43 and S.J. Res. 13, legislation to overturn the U.S. Department of Health and Human Services (HHS) final rules updating the regulations governing the Title X family planning program. This critical rule clarifies and reinforces the longstanding requirement that health care providers may not be excluded from the program for reasons unrelated to their qualifications to perform Title X-funded services.

The Title X family planning program is a vital source of family planning and related preventive care for low-income, uninsured, and young people across the country. Every year, more than 4 million individuals, including LGBTQ people and people living in rural and medically underserved areas, access life-saving care such as birth control, cancer screenings, and testing for sexually transmitted infections (STIs) including HIV at Title X-funded health centers. Title X cannot succeed unless states and other Title X grantees include providers that are optimally qualified to furnish the range of Title X-funded services according to national standards of care. This task becomes all but impossible if experienced, reputable reproductive health care providers are arbitrarily barred from fair consideration.

An increasing number of states have nevertheless tried to block trusted reproductive health care providers from participating in Title X. To date, at least 14 states have taken official action to target and exclude otherwise eligible providers from the program. Other states have threatened to follow suit. Mounting evidence shows that the exclusion of reproductive health care providers from publicly funded health programs harms health outcomes, widens disparities, and erects new barriers to care. When the very providers that are best suited to deliver Title X-funded services are targeted for exclusion based on factors wholly unrelated to the program's objectives, federal health care resources are poorly and inefficiently distributed and care is less likely to reach individuals in need.

Ideological exclusions of trusted, highly qualified providers from federally supported health programs undermine health care access and jeopardize the health of the patients these programs serve. Title X patients deserve the opportunity to obtain high-quality family planning care from the providers that are best equipped to provide it. As such, we strongly support HHS's rule reinforcing that grantees must design their provider networks based on the ability to provide care to Title X patients in an effective manner—not based on the political preferences of state lawmakers.

We strongly urge you to oppose H.J. Res. 43 and S.J. Res. 13, legislation that will overturn this important rule and embolden states to attempt to block women from get-

ting birth control and other preventive care at highly qualified family providers.

Sincerely;

Advocates for Youth; AIDS Foundation of Chicago; AIDS United; American Association of University Women (AAUW); American Civil Liberties Union; American Medical Student Association; American Society for Reproductive Medicine; Anti-Defamation League; Asian & Pacific Islander American Health Forum; Catholics for Choice; Center for Reproductive Rights; Feminist Majority Foundation; Hadassah, The Women's Zionist Organization of America, Inc.; Human Rights Campaign; Human Rights Watch.

Ibis Reproductive Health; In Our Own Voice; National Black Women's Reproductive Justice Agenda; Institute for Science and Human Values; The Leadership Conference on Civil and Human Rights; Methodist Federation for Social Action; NARAL Pro-Choice America; National Abortion Federation; National Asian Pacific American Women's Forum; National Center For Lesbian Rights; National Council of Jewish Women; National Family Planning & Reproductive Health Association; National Health Law Program; National Latina Institute for Reproductive Health; National LGBTQ Task Force Action Fund; National Organization for Women; National Partnership for Women & Families.

National Women's Health Network; National Women's Law Center; People For the American Way; Physicians for Reproductive Health; Planned Parenthood Federation of America; Population Connection Action Fund; Positive Women's Network—USA; Raising Women's Voices for the Health Care We Need; Religious Institute; Sexuality Information and Education Council of the U.S. (SIECUS); The Black Women's Health Imperative; The United Methodist Church, Church and Society; Unitarian Universalist Women's Federation; United Church of Christ, Justice and Witness Ministries; URGE: Unite for Reproductive & Gender Equity; Voices for Progress.

[From Mother Jones, Jan. 31, 2017]

SENATE REPUBLICANS TAKE THE FIRST STEP
TO DEFUND PLANNED PARENTHOOD

(By Hannah Levintova)

Leticia Parra, a mother of five scraping by on income from her husband's sporadic construction jobs, relied on the Planned Parenthood clinic in San Carlos, an impoverished town in South Texas, for breast cancer screenings, free birth control pills and pap smears for cervical cancer.

But the clinic closed in October, along with more than a dozen others in the state, after financing for women's health was slashed by two-thirds by the Republican-controlled Legislature.

The cuts, which left many low-income women with inconvenient or costly options, grew out of the effort to eliminate state support for Planned Parenthood. Although the cuts also forced clinics that were not affiliated with the agency to close—and none of them, even the ones run by Planned Parenthood, performed abortions—supporters of the cutbacks said they were motivated by the fight against abortion.

In December, the Department of Health and Human Services finalized a rule that would prohibit states from withholding federal funds—including Title X family planning money—from Planned Parenthood. On Monday afternoon, a Republican senator introduced a bill that would reverse it, along with a second bill that would prohibit Planned Parenthood from receiving any federal funding—including Medicaid.

The bills, from Sen. Joni Ernst (R-Iowa), would redirect federal funds away from Planned Parenthood to other health care providers. The Hyde Amendment already prohibits federal funds from being used for most abortions, but this legislation would bar low-income women who rely on Medicaid and Title X funding for subsidized care from obtaining other women's health care services at Planned Parenthood.

"With a pro-life president in the White House and pro-life majorities in the House and Senate, we will continue to work together this year to undo the damage done by the Obama administration," wrote Ernst and Rep. Diane Black (R-Tenn.) in an op-ed published in the Washington Examiner on Friday, the day of the annual anti-abortion March for Life.

The text of one of the bills, S. 241, explains that other entities, including "state and county health departments, community health centers, [and] hospitals," will be able to fill women's health care needs, including contraception, STI testing, and cervical and breast cancer screening. Many health experts say other health providers would not be able to absorb Planned Parenthood's patients. An analysis conducted by the Guttmacher Institute, which publishes research on reproductive health, found that in two-thirds of the counties that have a Planned Parenthood center, these centers serve at least half the women seeking publicly funded contraceptive care. In one-fifth of those counties, Planned Parenthood is the only provider offering subsidized contraceptive care.

"If passed, these bills will cause a national health care crisis, leaving millions with nowhere to go for basic care," said Dana Singiser, vice president of public policy and government affairs for the Planned Parenthood Federation of America, in a statement.

Texas offers an example of what women's health care looks like when Planned Parenthood is excluded from public funding. In 2011, the state stopped state funds from going to Planned Parenthood, leading to numerous clinic closures. Other health centers attempted to step in, but Medicaid contraception claims declined by 35 percent, suggesting that fewer low-income women were obtaining contraceptive care. There was also an increase in childbirths among women receiving Medicaid who'd previously received contraception from Planned Parenthood clinics.

A bill to deny federal funds to Planned Parenthood passed both chambers of Congress last year, but was vetoed by then-President Barack Obama. Trump is likely to sign Ernst's version of this bill should it cross his desk: Throughout his campaign, Trump promised that defunding the women's health care provider would be a priority for his administration.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. WEBER).

Mr. WEBER of Texas. Madam Speaker, I rise with my Republican colleagues in support of H.J. Res. 43.

Under the Obama administration's last-minute rule change to title X funding, States like Texas are prevented from establishing criteria that would eliminate abortion providers from receiving title X grant money.

States have the right and responsibility to choose the health providers that best provide and serve the needs of their moms and their babies. During

my time in the Texas Legislature, we used the Alternatives to Abortion program.

This program provides low-income pregnant women and their babies care items during pregnancy, and it also provides preventing information. It also funds the counseling referral and pregnancy information hotline and the Texas Pregnancy Care Network. Additionally, this program supports groups in maternity homes, provides referrals to community and social service programs like child care, and offers classes on life skills, budgeting, parenting—yes, parenting—stress management, and GED preparation.

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Nationally, 13,000 federally qualified health centers and rural health centers provide comprehensive healthcare services to low-income moms and their babies.

In my district, the 14th Congressional District, over 30 clinics are committed to our community, including moms and their babies. These organizations do a terrific job of supporting women, and yes, their babies, too.

We are not cutting funding. We are not cutting care. We are ensuring that Federal health centers have the funds and the support they need to give the women and the babies the care that they deserve.

I want to thank the gentlewoman from Tennessee for her efforts to stand up for women and their babies.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, let me thank Congresswoman DEGETTE for her tireless leadership in fighting for women's health, for healthy families in general, and for our children.

I rise in strong opposition to H.J. Res. 43. It is no surprise that, once again, congressional Republicans are trying to undermine women's access to health care and basic family planning services.

This ideological crusade—and that is what it is—will hurt those who need help the most, including low-income women, women of color, and young women. It would also deny thousands of families from choosing their provider of choice—and sometimes the only accessible provider—under title X.

Not only is this resolution antiwoman, it is also counterproductive. We know that for every dollar spent on title X family planning, we save more than \$7 on Medicaid-related costs. But my Republican colleagues are so determined to take family planning options away from low-income women that they are prepared to put ideological perspectives above public health.

As a member of the Labor, Health and Human Services Subcommittee of

the Appropriations Committee, I, unfortunately, see these attacks on women's health all too well. Last year, Republicans tried to completely eliminate funding for title X.

So don't be fooled. This piece of legislation is not about Planned Parenthood. It is about Members of Congress trying to control women's bodies.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Madam Speaker, I thank Representative BLACK for her work on this subject.

I rise today in strong support of H.J. Res. 43, a joint resolution to stop an Obama administration rule that will force States to send taxpayer dollars to abortion providers, including abortion giant Planned Parenthood.

In addition to last year's shocking videos where we heard high-ranking Planned Parenthood officials use jarring language such as doing a less crunchy type of procedure to preserve body parts, we have recently learned in Pennsylvania that Planned Parenthood was using false advertising on its websites.

The Pennsylvania Family Institute recently found that each Planned Parenthood affiliate in Pennsylvania does not provide prenatal services, even though all 27 Planned Parenthood locations in Pennsylvania had listed "prenatal" as a service on their website.

After these clinics were called and asked, Do you provide prenatal services, not one had any such services to offer, but they did offer terminations. Planned Parenthood has since removed the word "prenatal" from their booking appointments website.

They should not be receiving one dime of Federal dollars when they are actively attempting to deceive women to get them in the door. Abortion is not health care. Subsidizing the destruction of human life with Federal dollars in the name of family planning is simply unconscionable.

I urge my colleagues to join me in defending the lives of the unborn and support this important joint resolution.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Madam Speaker, I rise today in strong opposition to H.J. Res. 43. This bill is another in a long line of attacks on women's health, women's choices, and women's lives.

For 50 years, title X has been the only federally funded program dedicated to providing comprehensive family planning services for low-income patients. Thanks to title X, these women have gained access to services like birth control, STD testing, cancer screenings, counseling, and sex education.

For most of its history, title X has received broad, bipartisan support from

Congress. That is because it has helped millions of women and families. But now, Republicans are using this long-standing program to continue their attack on women's health.

Last year, Republicans eliminated title X funding from their budget altogether. This bill is just the latest attempt to do the same thing by putting family planning resources out of reach for poor women across the country. We cannot let this happen. We cannot let healthy pregnancies and healthy families become a luxury reserved only for the wealthy. It must remain a right for all.

I urge my colleagues to vote against this resolution.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. HARTZLER), chair of our Values Action Team.

Mrs. HARTZLER. Madam Speaker, I rise today to offer my unwavering support for the lives of the unborn, to stand in solidarity with the States, and to urge my colleagues to support the passage of H.J. Res. 43.

This resolution does not cut a dime from family planning funding available to States. It simply enables States to direct the funding towards nonabortion "whole women" healthcare providers, such as rural health clinics and federally qualified health centers.

It is important to remember that, for every Planned Parenthood clinic, there are 20 federally qualified health centers. Each year, these centers serve over 21 million American women. This is almost eight times the impact of Planned Parenthood clinics.

We know that Federal law requires that federally qualified health centers provide mammograms, prenatal services, and emergency medical services, none of which are offered by Planned Parenthood clinics.

The States were wise to prioritize such quality health care for women with title X funds. Prior to this new, heavy-handed, agenda-driven policy, the States maintained the flexibility to determine grant recipients. This last-minute Obama administration rule effectively nullifies the policy of 13 States that want to prioritize women's health over abortion.

This Obama-era rule could also impair funding for another 10 States that have chosen comprehensive care over abortion-focused clinics like Planned Parenthood. But it gets worse. Of the 13 States impacted by this rule, five States—Tennessee, Kansas, Oklahoma, Arkansas, and Ohio—could lose almost \$16 million in title X funding for failing to abide by the rule. This regulation forces these States to forego their title X funding for all of the women in their State.

Today's resolution resolves this encroachment on the States, rolls back this last-minute rule, and restores flexibility to the States so that women

can receive the health care they deserve.

I would like to thank Chairman BLACK for her work on this resolution, and I urge my colleagues to support the passage of H.J. Res. 43.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, the war on women is escalating and more dangerous with H.J. Res. 43.

Let's not beat around the bush. Let's call this joint resolution what it really is. It is a backdoor attempt to restrict access to a woman's constitutional right to an abortion.

We all know that Federal funding for abortion is already prohibited, but this goes further—much further. It cuts off funding for contraception, screenings, and treatment if a provider also offers abortions paid for with private funds.

Providers either stop doing abortions or they lose the Federal funds they need to keep their doors open to serve their communities. In other words, the supporters of this resolution are willing to sacrifice women's access to basic healthcare services in order to stamp out abortion. It is cruel, it is wrong, and I would say it is discriminatory. When is the last time this body was called upon to cut off access to basic health care for men?

Vote "no."

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. THOMAS J. ROONEY).

Mr. THOMAS J. ROONEY of Florida. Madam Speaker, as one of his final acts in office, President Obama issued a rule requiring that States give title X family planning fund grants to abortion providers like Planned Parenthood.

States have always had the autonomy to distribute these grants to providers that they choose. Obama took that freedom away from States by requiring them to directly fund abortions under the false assertion that this provides women with greater access to health care. That is just not true.

What people seem to forget is that for every 1 Planned Parenthood facility in the United States, there are 20 federally funded community health centers that stand ready and eager to provide health services to women and don't perform abortions.

States should be able to make their own healthcare decisions. By passing this resolution, we return that power to the States.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. FRANKEL), the chair of the Democratic Women's Working Group.

Ms. FRANKEL of Florida. Madam Speaker, for women to thrive in the economic and social opportunities of

our Nation, we must have the ability to control our own reproductive lives with full access to healthcare choices.

Now, here we go again: another Republican bill aimed at taking us back to the dark, dangerous days when women were prisoners of their own bodies; back to 50 years ago when Katy, a nurse in Florida, had no access to legal contraception or abortion. She was a mother of two, recently divorced.

Pregnant and unable to responsibly raise another child, she made an appointment on the phone with a nameless person who met her on a lonely street corner in Miami. She blindfolded her, hid her under a rug in a car, and took her to a garage where she had an abortion.

But Katy was one of the lucky ones. She survived. Not so fortunate were the women who threw themselves down stairs or inserted chemicals or coat hangers into their uteruses in order to terminate their pregnancy.

Madam Speaker, we will not go back to those dark, dangerous days.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BANKS), one of our freshman Members.

Mr. BANKS of Indiana. Madam Speaker, I rise today to voice my strong support for H.J. Res 43, which would overturn the previous administration's title X family planning funding rule.

In December, the Obama administration finalized a misguided rule which dictates that States must send title X family planning grant money to abortion providers. Even more, this rule also threatens to deprive noncompliant States, such as Representative BLACK's home State of Tennessee, of all title X family planning funds.

This politically motivated requirement was made neither in the interest of protecting life, nor in the interest of the States.

Under the rule, States that decline to send title X funds to abortion clinics would lose their title X funding completely. If States make the decision they want to use their funding to affirm life, then they should be allowed to do so. This rule blatantly steps all over states' rights and goes out of its way to favor abortion providers at the same time.

Let's ensure States continue to have the freedom and flexibility to make the right decisions for themselves. That is exactly what I have advocated for my entire career, both in the Statehouse in Indiana and again here on the floor of the U.S. House of Representatives.

I express my strong support for the passage of H.J. Res. 43, introduced by Representative BLACK.

□ 1430

Ms. DEGETTE. Madam Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentlewoman from Colorado has 15 minutes remaining. The gentlewoman from Tennessee has 8 minutes remaining.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from Washington State (Ms. JAYAPAL).

Ms. JAYAPAL. Madam Speaker, I rise in strong opposition to this resolution. For many people, particularly women, title X funding literally means the difference between receiving reproductive health care or being forced to go without birth control, critical cancer screenings, and other preventive care.

For the 4 in 10 women who access health care at title X-funded providers, cutting this funding would mean cutting their access to health care altogether. For people of color, rural communities, and those who struggle to make ends meet, cutting title X funds will certainly have a disproportionate impact.

Let's be very clear that these funds are not controversial, but the Republican majority in Congress and anti-choice groups are doing their best to create a false narrative in order to demonize this funding, which has done nothing but improve the lives of millions of people. Cutting this funding would actually increase the number of unwanted pregnancies by nearly 1 million in just a year alone and would increase abortions by 33 percent.

Women need title X so they can continue to make decisions with their doctors. It is 2017, and a woman's uterus is not a political football.

Mrs. BLACK. Madam Speaker, I must, once again, talk about what this resolution really does. This resolution empowers States. It empowers States that are able to choose to invest in women's health care over abortion by sending those title X dollars to clinics that do not destroy innocent life. My colleagues on the other side talked about how this is destructive to women's health. I want to just mention that the true destruction to women's health is abortion. That is the little girl who is aborted that will never know about being a woman.

This bill does nothing to prohibit States from deciding where to best use their dollars, but in States such as mine in Tennessee for the last 6 years, who have made that decision to send their dollars to facilities that they believe give the best women's health care, comprehensive health care, to over 75,000 women in our State, more than many States that surround us that have larger populations.

If this were prohibiting women from getting services, we wouldn't be so successful with providing services to more than 75,000 women in our State. We haven't seen a decrease in services. We have seen an increase in services. If you were to ask these women what they thought about services that they

are getting in these other facilities such as Department of Health and federally qualified health centers, you would see they are very satisfied because they get comprehensive services that go beyond what places like Planned Parenthood can even provide for them. They do mammograms, they do procedures if there are cancer cells found in a woman's cervix.

So this whole ruse that this is a war on women and that we are taking away women's right to healthcare services is a ruse. All this does is to say, if a State like Tennessee decides this is the best place to give the best quality of care for a woman, and hopefully their babies and their children—which, if you go to these clinics, you will see them all running around, they have life—it just gives them the choice to do that.

Don't take away that choice from my State. Don't punish my State because we do what we believe is the best thing for women's health.

Madam Speaker, I reserve the balance of my time.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. BERA).

Mr. BERA. Madam Speaker, I thank my colleague for her leadership on this subject.

I am a doctor, and I have worked in low-income and free clinics, and I know title X funding works. It has impact. Here is how we also know it works: by expanding access to full reproductive services under the Affordable Care Act and contraception, we have seen a dramatic reduction in the number of unintended pregnancies.

We are debating the wrong thing here. We should be increasing title X funds right now. We should be debating how we make access to full reproductive services more readily available. That is what the women of America want.

I urge my colleagues to vote "no" on this dangerous bill. I urge my colleagues to understand the women of America are watching.

I also urge, if somehow this makes it to the President's desk: The mothers and daughters, Mr. President, are watching; so be careful here. This is about preserving access to care and full reproductive rights. We are watching.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mrs. BLACK. Madam Speaker, I reserve the balance of my time.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from Maine (Ms. PINGREE).

Ms. PINGREE. Madam Speaker, title X family planning services are an essential lifeline for Mainers who need access to high-quality preventive and reproductive care, from cancer screenings to STI testings, to birth control. The resolution we are debating today threatens access to these critical services.

Every year, Maine's network of title X providers serves more than 22,000 individuals in nearly every county, including some of the most rural and underserved communities in our State. Sixty-five percent of last year's patients had outcomes that qualified them for free or reduced-cost services.

Family planning health centers often end up being their patients' primary source of health care. Providers are trusted members of the community. The care they deliver is high quality, and often they are the only affordable local option. Without title X funds, thousands of women and men throughout Maine would struggle to access and afford alternative primary care.

At a time when Republicans want to repeal the Affordable Care Act without a replacement plan, it is more important than ever to preserve title X as a cornerstone of our safety-net healthcare system.

Mrs. BLACK. Madam Speaker, I reserve the balance of my time.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Speaker, I thank my friend for her incredible leadership on this issue.

Rather than working across the aisle with Democrats to grow our economy, to rebuild older communities, to create new jobs, Republicans are, again, focused on attacking women's health, undermining healthcare programs that provide preventive care for over 4 million Americans, many low-income women who would otherwise be uninsured.

Eliminating this rule makes it harder for women and families to have access to lifesaving cancer screenings, for example, birth control, and other vital health services. These funds are providing necessary health services, Madam Speaker, and everyone in this debate knows what this is about. These dollars do not support abortion. We know Federal law prohibits these dollars from being used for that purpose, but to hear our friends on the other side, they would imply that is the case.

Now, there is and should be a legitimate debate on that subject, but it has been the law and it continues to be the law that these dollars are not used for abortion services. This is about health care. This is about lifesaving health care for women, and it ought to be preserved.

Mrs. BLACK. Madam Speaker, I reserve the balance of my time.

Ms. DEGETTE. Madam Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. Madam Speaker, I rise today in strong opposition to H.J. Res. 43, yet another partisan attack against women's health care.

For more than four decades, title X has helped some of the most underserved women in our country get access to family planning services that

otherwise would not have been received.

Once again, some of my colleagues believe that they have the right to impose their beliefs on a nonpartisan issue. Instead of allowing women to choose family planning services that are right for them, this Chamber is voting to take that choice away. Instead of attacking legitimate title X qualified providers who serve women across our country, our Chamber should be working to ensure that all Americans have the right to quality health care.

Madam Speaker, I urge my colleagues to stop this attack on women's health care. I urge my colleagues to defeat this resolution.

Ms. DEGETTE. Madam Speaker, it is my understanding that the other side is reserving its time to close. Is that correct?

Mrs. BLACK. That is correct.

Ms. DEGETTE. I yield 1 minute to the gentlewoman from Massachusetts (Ms. CLARK).

Ms. CLARK of Massachusetts. Madam Speaker, I thank the gentlewoman from Colorado for all her leadership.

We are barely 6 weeks into this new Congress and the Republicans are back at it again, attacking comprehensive health care for American women. The regulation under attack says that in order to be awarded title X funding, you must be able to deliver the services. Those services are family planning and related preventative health services.

The majority is correct, we are not talking about abortion because abortion is not funded by title X.

Why would Republicans oppose this regulation?

Because it allows them a backdoor way to make funding decisions based on ideology, not quality of care.

Don't we want the best health outcomes for the over 4 million patients who benefited last year from HIV tests, breast exams, and contraception coverage under title X?

Title X-funded healthcare providers around this country are high-quality professionals who provide needed care for millions of families, many of whom are underserved. I oppose this resolution.

Ms. DEGETTE. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), a member of the Committee on Energy and Commerce.

Mr. ENGEL. Madam Speaker, this is not a women's issue or a men's issue. It is an issue for what is right. People have a right to make health choices. If someone doesn't believe in abortion, then make that choice for yourself. If someone believes in something else, then they have the right to make that choice. So eligibility for title X funding should be based on a provider's

ability to provide family planning services, period. Whether a provider offers safe and legal abortions with private funds should not be used to prevent women and men from getting preventative care like cancer screenings or HIV tests. That is all the rule requires.

It should not be controversial. Yet, here we are.

What effect would this Congressional Review Act have?

Well, Kansas has given us an ominous preview. When Kansas defunded providers that offered abortion services, the number of Kansans accessing cancer screenings, STI tests, and other care through the title X program plummeted by thousands. A vote for this CRA is a vote to multiply that number.

The Americans who will be affected by this CRA will lose the opportunity to see the provider of their choice, sometimes the only viable provider.

Why would we want to put women—why would we want to put anybody in that category, where they cannot see the only viable provider because someone else doesn't like what the doctor can do?

I urge my colleagues to vote “no.” My Republican friends always talk about individual freedom and how important it is. This is an individual freedom of a woman's right to control her own body and to make personal choices on health care. We should not interfere with that. We should allow the most and the best health care to be available to all people. I urge a “no” vote.

Ms. DEGETTE. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, Republicans are continuing their crusade to cut off access to comprehensive family planning services. Last year they tried to zero out title X in their budget. This year they intend to repeal ACA's cost-free contraception coverage for women with private insurance. Today Republicans are attempting to stop the flow of title X grants to health centers around the country.

Title X grants ensure that low-income families have access to birth control and can plan their pregnancies so that moms and kids stay healthy. Research has shown that without these vital services, the unintended pregnancy rate would be 33 percent higher and the number of abortions would also be higher. My anti-choice Republican colleagues should cheer this program, but instead not only are Republicans trying to defund Planned Parenthood so they won't be able to provide contraception help, but now we are hypocritically rolling back a rule that allows title X funds to flow to reproductive health centers, which are the most effective providers of title X services and which we were told would provide the contraception and other health services that Planned Parenthood no longer would be able to.

□ 1445

Women are watching us today. They know that this joint resolution is nothing more than another attempt to stop low-income women from accessing the health care they need and to allow the government to once again step between women and their doctors.

It is no secret I support a woman's constitutional right to access abortion; but even if you don't and are committed to reducing abortion in this country, you should step up to the plate and support comprehensive and robust family planning for all women. This joint resolution should do the opposite. We should all support contraception for the women of this country.

I urge my colleagues to reject this joint resolution.

Ms. BLACK. Madam Speaker, I continue to reserve the balance of my time.

Ms. DEGETTE. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, well, here we are again, considering legislation that would harm women and families.

Let's be clear: House Republicans do not support family planning title X. For years, Republicans have tried to completely eliminate funding for title X through the appropriations process. So think about that. We are debating contraception in 2017—astonishing.

Title X provides millions of low- and middle-income men and women with access to reproductive healthcare services. The joint resolution we are voting on today would allow States to discriminate against title X providers who perform abortion with non-Federal funds by removing them from the program, leaving patients with few options for the care they need.

Again, let's be clear. If you want to reduce the number of abortions, you need to ensure everyone has access to family planning. Teen pregnancy and the rate of abortion are at historic lows because we have worked to make contraception more affordable and accessible.

For over 60 percent of title X patients, the clinics they visit for family planning services are their only regular source of care, and yet we are considering legislation that would result in clinic closures and would prevent men and women from seeing trusted providers in their own communities.

Do Republicans oppose cancer screening for cervical breast cancer? Do they oppose STI testing? Do they oppose contraception? The answer seems to be yes because Republicans continue to ignore these facts in their effort to harm women's health.

I urge my colleagues to put an end to the war on women and to oppose this very dangerous legislation.

Ms. BLACK. Madam Speaker, I continue to reserve the balance of my time.

Ms. DEGETTE. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, we hear today this really isn't about denying women and families access to family planning and birth control because States would just simply take that title X money and put it somewhere else. Unfortunately, this seems to be a bit of magical thinking. Even the Congressional Budget Office said that as many as 390,000 women would lose access to care and 650,000 women would have reduced access if legislation like this passed.

The fact of the matter is you can't simply shift all of these people from title X family planning centers like Planned Parenthood to community health centers, as the other side asserts. For one thing, 69 percent of the community health centers actually refer patients to family planning providers like Planned Parenthood, and only 19 percent of community health centers report that their largest sites both prescribe and dispense all types of contraceptive methods. Only half of community health centers that received title X funding provide IUDs and other types of long-acting birth control, the most effective type of birth control, so you can't just shift everybody else someplace else.

In fact, the National Association of Community Health Centers itself said that they could not treat all of the patients that Planned Parenthood now has if this legislation went through. Let's just call this joint resolution what it is. It is an attempt to take away important family planning resources from the women and families of America.

Now, I think if we all support title X when the annual appropriations bill comes up this year, I would ask my colleagues on the other side of the aisle to please join me and my colleagues in an effort to increase title X funding. In all the years I have been in Congress, I have seen attempt after attempt not only to reduce abortion availability, but also to stop family planning services. I think that is something we could agree with on, and I think we could do that.

So in the meantime, let's make sure that the women of America can get access to the family planning they need, and let's continue to give family planning money to all of these interests to do that.

Again, I would like to reiterate, we have no family funding for abortions. That is the law. I don't like the law, but that is the law. We are talking about family planning and title X. That needs to be preserved and enhanced. Vote "no" on this joint resolution.

I yield back the balance of my time.

Mrs. BLACK. Madam Speaker, I yield myself the balance of my time.

I include in the RECORD letters from March for Life Action, Christian Med-

ical and Dental Associations, and United States Conference of Catholic Bishops.

MARCH FOR LIFE ACTION,
Washington, DC, February 15, 2017.

REPRESENTATIVE,

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: On behalf of March for Life Action and the hundreds of thousands of our supporters and fellow marchers, I urge you to vote in favor of H.J. Res. 43, sponsored by Rep. Diane Black (R-TN). When H.J. Res. 43 comes to the House floor for a vote we will be scoring the vote in our annual scorecard for the First Session of the 115th Congress.

In the waning days of his Administration President Barack Obama, using his power at Health and Human Services, issued a rule that locked down federal grants for abortion-giant Planned Parenthood but also usurped state's rights by blocking states seeking to defund the abortion industry and redirect funds to county health departments, community health centers and other clinics that put women's health above an abortion agenda.

H.J. Res. 43 does not reduce funds for family planning, but allows states to assure that taxpayer funds do not support or underwrite abortion providers when so many Americans have ethical reservations about this procedure. The time has come for a clean break between government support of family planning activities and abortion.

Again, on behalf of March for Life Action, I strongly encourage your vote for H.J. Res. 43. March for Life Action will score this vote in our annual scorecard.

Sincerely,

THOMAS MCCLUSKY,
Vice President of Government Affairs.

CHRISTIAN MEDICAL &
DENTAL ASSOCIATIONS,
Bristol, TN, January 16, 2017.

Hon. PAUL RYAN,

Speaker, House of Representatives, Washington, DC.

Hon. MITCH MCCONNELL,

Majority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER RYAN AND MAJORITY LEADER MCCONNELL: Thank you for your strong, principled and common-sense leadership on the issue of preventing American tax dollars from funding abortion on demand. Thank you also for your commitment to providing healthcare access to the poor and other vulnerable patients in need.

On behalf of the over 18,000 members of the Christian Medical Association, we urge you to:

1. ensure the reallocation of funding currently used by abortion-performing, partisan political organizations such as Planned Parenthood, by directing that funding instead to the over 13,000 Federally Qualified Health Centers (FQHCs) and Rural Health Centers (RHCs); and,

2. overturn, through the Congressional Review Act, the US Department of Health and Human Services (HHS) rule finalized December 19, 2016, titled "Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients," in order to ensure that states are allowed to take a similar direction in allocating federal funding.

Many of our members serve in federally funded centers that focus on providing care to patients regardless of who the patient is or what the patient's values, orientation, ethnicity or any other qualities may be. As you know well, needy patients depend on these centers and on physicians like our

members to provide healthcare when likely no one else would provide healthcare for them. FQHCs provide comprehensive services and a "medical home" for whole families and work in the areas of most critical need.

According to the independent government watchdog GAO in 2012, FQHCs served 21 million individuals and provided services including STD testing, cancer screening and contraceptive management, as well as other services including immunizations and general child wellness exams. FQHCs and RHCs often meet patient needs on modest budgets, and those who serve in these centers often do so at great personal financial sacrifice. Unlike Planned Parenthood, which follows an aggressive business plan designed to maximize profits on services such as abortion, these centers exist for the purpose of serving the nation's most needy patients.

Yet some medical groups like the American Congress of Obstetricians and Gynecologists, whose pro-abortion ideology aligns with Planned Parenthood and whose members profit personally from working with Planned Parenthood, decry "political interference in the patient-physician relationship." This cry comes, oddly enough, while applying pressure on politicians to fund political groups like Planned Parenthood. It is also worth observing what sources such as the nonpartisan Center for Responsive Politics and PolitiFact National have confirmed—that Planned Parenthood spends millions of dollars each year for one partisan purpose: to elect Democrats and defeat Republicans.

It's hard to get more political than that, and it's impossible to get more politically partisan than that.

The majority of Americans do not want their tax dollars to subsidize abortion, and they certainly do not want their tax dollars to subsidize an abortion-performing partisan political machine. Because of the strong concern of American taxpayers, existing federal law addresses direct funding of abortion. However, the fungible nature of federal grants to Planned Parenthood means that every American's tax dollars, regardless of their convictions about abortion, are being used to prop up the abortion industry.

Any organization that wishes to avoid political entanglement can do so quite easily—by simply foregoing government funding. Those who seek funding should expect federal and/or state oversight, requirements and standards.

Even the most modest of standards should disqualify from federal funding organizations such as Planned Parenthood, given the recent findings of the Select Investigative Panel on Infant Lives, the list of 15 criminal and regulatory referrals made by the Panel, and the referral by the Senate Committee on the Judiciary to the FBI and the Department of Justice for investigation and potential prosecution.

If any organization can and should do without federal funding, the billion-dollar, corrupt abortion business Planned Parenthood is a prime example.

We respectfully urge you to reallocate American tax dollars away from such profit-centered, divisive and partisan organizations and provide funding instead to patient-centered, non-controversial and nonpartisan Federally Qualified Health Centers (FQHCs) and Rural Health Centers (RHCs). And we urge you to ensure that states can do the same, applying reasonable state standards and requirements to those who seek to use taxpayer funds. Thank you very much for

your consideration of these views, and for your leadership on this issue.

Sincerely,

DAVID STEVENS, MD, MA (*Ethics*) CEO.

UNITED STATES CONFERENCE OF
CATHOLIC BISHOPS, SECRETARIAT
OF PRO-LIFE ACTIVITIES,

Washington, DC, February 14, 2017.

DEAR REPRESENTATIVE: I write on behalf of the U.S. Conference of Catholic Bishops' Committee on Pro-Life Activities to urge your support for H.J. Res 43. This resolution of disapproval would nullify former President Obama's final rule relating to compliance with Title X requirements by project recipients. 81 Fed. Reg. 91852 (Dec. 19, 2016). The stated purpose of this rule change is to prevent states from excluding providers such as Planned Parenthood from sub-awards based on state criteria, such as a requirement that sub-recipients provide comprehensive primary and preventive care in addition to family planning services.

The Title X rule change is bad public policy and should be nullified for several reasons. First, it is deeply troubling to many Americans that Planned Parenthood, the nation's largest abortion network (performing over a third of all abortions), receives more than half a billion taxpayer dollars per year. This concern has rightly grown with revelations about Planned Parenthood's willingness to traffic in fetal tissue from abortions, and to alter abortion methods not for any reason related to women's health but to obtain more "intact" organs. Additionally, a recent revelation that the vast majority of Planned Parenthood facilities do not provide prenatal services provides additional evidence of its bias toward providing and promoting abortion.

Second, the Department of Health and Human Service's stated objective in preventing states from ensuring the seamless delivery of comprehensive care places the Department in a self-contradictory position. Last year in the Nation's highest court, HHS touted the seamless coverage of health services as a virtue. Indeed, the Department argued that seamlessness is a government interest of the highest order, sufficient to outweigh constitutionally and statutorily protected religious objections.

In this new rule, however, HHS takes the opposite position, saying that the seamless provision of services is an ill to be avoided. The present rule would ensure that the provision of care is fragmented, rather than seamless, because it would undermine state requirements that sub-recipients provide primary and preventive care in addition to family planning. Seamlessness cannot at one and the same time be a government interest of the highest order when it disadvantages religious organizations, but an affirmative ill to be avoided when it disadvantages Planned Parenthood.

Third, states may have other reasonable and persuasive grounds for disqualifying entities from sub-awards that go beyond the ability of such entities to "provide Title X services" as the rule states (81 Fed. Reg. at 91860). For example, a sub-award applicant may have been involved in fraudulent practices, or the applicant or its stakeholders may even have committed a crime, bearing on the applicant's fitness and suitability for a sub-award. Indeed, the requirements for federal awards and sub-awards in general are typically accompanied by all sorts of standards, many of which are imposed by the federal government itself, and those standards often have little or nothing to do with the

ability to provide services (governmental guidelines are replete with such requirements). States may also have widely differing standards for sub-awardees based on the states' own policy judgment. Therefore, it should be permissible for states to decline to make a sub-award when the sub-awardee does not meet applicable criteria, whether federal or state, even if the entity is, strictly speaking, able to "provide Title X services." Those criteria, of course, themselves remain subject to applicable federal and state law.

For each of these reasons, we urge you to support H.J. Res. 43.

Sincerely,

TIMOTHY CARDINAL DOLAN,
Chairman, Committee
on Pro-Life Activities,
United States
Conference of
Catholic Bishops.

Mrs. BLACK. Madam Speaker, the 10th Amendment of the Constitution reads pretty clearly to me: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

I understand that there is a diversity of views represented in this Chamber on matters of health care and human life. I am not asking my colleagues to set those views aside with this vote. I am simply asking them not to substitute their judgment for the will of the States.

With this resolution, we are letting States care for their citizens the best way they know, just as they have had that ability for the past 45 years, and we are maintaining access to care for women and families.

I urge a "yes" vote on this resolution.

I yield back the balance of my time.

Ms. ESHOO. Madam Speaker, I rise today in opposition to H.J. Res. 43 which is another baseless and dangerous attack on women's health care providers.

The title X Family Planning Rule, passed almost 50 years ago, already requires states to base title X funding on a provider's ability to provide title X services. This rule protects title X providers from facing unwarranted discrimination and allows them to continue doing the important work 4 million Americans rely on every year. Title X services include family planning services, cancer screenings, birth control, STI testing and basic care. To diminish these services will result in women, men and young people with the greatest need being denied the opportunity to have any health care.

Whether or not a provider provides safe and legal abortions with private funds is irrelevant to their ability and capacity to provide title X services. In fact, it is preventive services and family planning offered through title X programs that help to lower the number of unintended pregnancies. But attacks on these providers and the services they offer in their communities persist.

This resolution rolls back protections that should already be guaranteed, but repeated attacks on family planning providers have resulted in the need for rules like the one this resolution dismantles. That is why I strenu-

ously oppose this resolution. It should be rejected as an unjustified and unnecessary attack on title X programs and the services they provide for millions of low income Americans.

Mrs. DAVIS of California. Madam Speaker, it's been less than two months since the start of the 115th Congress and Republicans have already taken every opportunity to roll back progress made for women.

They have pledged to tear down the Affordable Care Act and block access to Planned Parenthood.

They passed a bill through the House that limits insurance coverage for comprehensive reproductive healthcare.

Now they've turned their sights to title X, a family planning program that is crucial for women's health.

There are serious consequences for scaling back title X: without the contraceptive services provided at these title X sites, pregnancy rates would be 30 percent higher among teens.

We in government should be making it easier for young people to make smart and informed decisions, not depriving them of the ability to be responsible about their health.

Please, Madam Speaker, think about those young women. Their lives and their health should be a concern to all of us.

Mrs. BLACK. Madam Speaker, I include in the RECORD 3 letters, one from myself and Senator JONI ERNST, a letter from the Family Research Council, and one from 25 outside organizations, which support H.J. Res. 43.

CONGRESS OF THE UNITED STATES,

Washington, DC, September 23, 2016.

Hon. SYLVIA MATHEWS BURWELL,
Secretary, U.S. Department of Health and
Human Services, Washington, DC.

DEAR SECRETARY BURWELL: We write to express our strong opposition to the Department of Health and Human Services (HHS) September 7, 2016, notice of proposed rulemaking titled "Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients." Although we appreciate the Department's intent to follow proper regulatory procedure pursuant to the Administrative Procedure Act, HHS's purpose for engaging in the rulemaking appears on its face to be an attempt to subvert the will of elected representatives.

Moreover, apart from the Department's impetus for the notice of proposed rulemaking, we also question whether the Department's stated rationale adequately supports its conclusion that providers with a reproductive health focus are more "effective" than other health providers that offer comprehensive care for women and men. Nowhere in the proposed notice of rulemaking does HHS clearly define what it means to provide Title X services in an "effective" manner. It does appear to assert that a number of factors—such as the range of contraceptive methods on-site, the number of clients in need of publicly funded family planning services served, and the availability of preconception care—distinguish providers with a reproductive health focus as more "effective" and "high quality" than other types of providers. However, that list of factors falls far short of all of the attributes and recommendations included in the Centers for Disease Control and Office of Population Affairs report entitled "Providing Quality Family Planning Services: Recommendations of CDC and the U.S. Office of Population Affairs."

To further complicate the argument about quality and effectiveness, the data cited in

the notice of proposed rulemaking is not adequate for determining patient outcomes. The Department relies heavily on utilization and demographic statistics, but appears to lack hard data regarding actual patient outcomes and need, as the Department does not require grantees to track patients or verify their income. As you know, the issue of inadequate data has previously been raised by the Institute of Medicine (IOM), after the HHS Office of Family Planning in 2007 asked IOM to provide a critical review of the Title X Family Planning Program. In addition to finding “no clear, evidence-based process for establishing or revising program priorities and guidelines,” IOM stated the following in its May 2009 Report Brief:

“The committee concludes that the program does not collect all the data needed to monitor and evaluate its impact. Therefore, the committee proposes a comprehensive framework to evaluate the program and assess how well clinics meet the family planning needs of the program’s clients. The committee concludes that additional data will be needed in the areas of client needs, structure, process, and outcomes in order to assess the program’s overall progress.”

We welcome evidence that this recommendation has been fully adopted, but are unaware of any clear evidence confirming that to be the case. If HHS cannot clearly define an “effective” or “high quality” provider, it is unclear to us how state and local project grantees are supposed to do so in order to comply with this proposed rule. It is also therefore unclear how HHS will be able to accurately determine in every case whether state or local project recipients—who are generally closer to and more familiar with subrecipients and the patient base in their geographical region—have considered inappropriate criteria in evaluating subrecipients. Rarely do the American people benefit when the federal government attempts to substitute its judgment for that of state or local governments—particularly when the criteria used to inform that judgment are unclear, and that judgment is not supported by coherent and impartial facts.

Finally, if HHS is going to assert the authority to adapt its rules in order to address changing circumstances, we implore HHS to consider the recent general shift in health care policy toward comprehensive care. As HHS states on its website, in addition to assisting individuals and couples in planning and spacing births, part of the mission of Title X is to contribute to “improved health for women and infants.” HHS’s suggestion that subrecipients like federally qualified health centers—which provide greater preventive and primary health care services than providers with a reproductive health focus—are per se less “effective” than providers with a reproductive health focus does not comport with that stated mission.

We urge HHS to reconsider this overreaching and ill-supported rule. We will continue to closely monitor this proposed rulemaking, and intend to submit this letter as a formal comment. We look forward to a detailed response from your Department.

Sincerely,

JONI K. ERNST,
United States Senator.
DIANE BLACK,
United States Congresswoman.

FAMILY RESEARCH COUNCIL,
Washington, DC, February 14, 2017.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Family Research Council and the families we represent, I urge you to vote Yes on Rep. Diane Black’s (R-TN) H.J. Res. 43, a joint resolution of disapproval under the Congressional Review Act to overturn former President Obama’s HHS final rule on Title X family planning funds (81 FR 91852, December 19, 2016). This rule blocks states from restricting Title X family planning funds to abortion providers like Planned Parenthood, effectively creating a backdoor handout for the abortion industry. Congress can and must act to overturn this harmful rule, which lacks any statutory basis. FRC will score in favor of this resolution.

This rule prohibits Title X primary grant recipients, including states and some private entities, from “prohibit[ing] an entity from participating for reasons other than its ability to provide Title X services.” The stated intent of this rule is to coerce numerous states to give family planning funds to abortion providers like Planned Parenthood. This harms states which have chosen to prioritize these family planning funds to health clinics and community health centers that seamlessly offer a full range of healthcare services, including family planning, but which do not participate in abortion. In addition, the rule disrupts the current health care arrangements of tens of thousands of women who obtain services that are uniquely provided to them by current Title X-funded comprehensive health care clinics in those states.

The Title X statute of the Public Health Service Act itself requires that no funds may be used for “programs where abortion is a method of family planning,” but nowhere does the law say that states cannot exclude certain providers, let alone abortion providers. Furthermore, states realize that money is fungible. When Planned Parenthood or other abortion providers receive Title X grant funding, it frees up resources for them to spend more on abortion, their main source of non-governmental income.

States should be free to allocate Title X funds in a way that clearly keeps family planning and abortion separate by not funding abortion providers like Planned Parenthood, which use abortion, the killing of an innocent unborn human being, as a form of “family planning.” Obama’s HHS rule on Title X is an executive overreach and a handout to the abortion industry that is simply without basis in the law.

Again, on behalf of FRC, I urge you to vote for Rep. Diane Black’s H.J. Res. 43, a Congressional resolution of disapproval to overturn this harmful rule. FRC will score in favor of this resolution.

Sincerely,

DAVID CHRISTENSEN,
Vice President for Government Affairs.

FEBRUARY 15, 2017.

DEAR MEMBER OF CONGRESS: On behalf of the millions of members of our national and state-based pro-life and pro-family organizations listed below, we urge you support application of the Congressional Review Act to eliminate former President Obama’s 11th-hour rule preventing states from eliminating Title X funding from Planned Parenthood and other abortion providers.

During the 114th Congress, efforts to defund America’s abortion giant were spurred by undercover videos which show

that Planned Parenthood has been engaged in unethical and possibly illegal practices connected to the trafficking of unborn children’s organs for profit. The videos detail Planned Parenthood’s willingness to manipulate abortion methods—at times, in ways that raise questions about whether the ban on partial-birth abortion has been violated—to more easily obtain intact hearts, lungs, brains, and other organs to be sold to tissue brokers.

Because of Congressional efforts to defund Planned Parenthood and President Donald Trump’s campaign commitment to defend the nation’s largest abortion provider, President Obama finalized an 11th-hour rule forcing states to award Title X funds to Planned Parenthood and other abortion providers.

Like other efforts to defund Planned Parenthood, the Congressional Review Act eliminating President Obama’s 11th-hour rule would allow states to continue using their legal authority to award Title X funds to family planning clinics that do not engage in abortion or trafficking of baby body parts.

We urge the 115th Congress to act swiftly to undo the bureaucratic protectionism that President Obama put in place to grant America’s largest abortion provider permanent and privileged access to our taxpayer dollars.

For Life,

Marjorie Dannenfelser, President, Susan B. Anthony List; Paul Weber, President & CEO, Family Policy Alliance; Tom McClusky, Vice President, March for Life Action; Frank Cannon, President, American Principles Project; Clarke Forsythe, Acting President & Senior Counsel, Americans United for Life Action; Penny Nance, CEO & President, Concerned Women for America; Kristan Hawkins, President, Students for Life; Lauren Muzyka, Executive Director, Sidewalk Advocates for Life; Melissa Ortiz, Able Americans; Eric Teetsel, President, Family Policy Alliance of Kansas; Troy Newman, President, Operation Rescue; Brian Fisher, Human Coalition, President & Co-Founder.

Maria McFadden Maffucci, Editor, Human Life Review; Matt Lockett, Executive Director, Bound4LIFE International; Roland C. Warren, President and CEO, Care Net; Judie Brown, President, American Life League; Jim Sedlak, Founder, STOPP International; Steven Ertelt, Editor, LifeNews.com; Joe Ortwerth, Executive Director, Missouri Family Policy Council; Denise Leipold, Executive Director, Right to Life of Northeast Ohio; Tami L. Fitzgerald, Executive Director, NC Values Coalition; Jeanette Burdell, Executive Director, St Joseph County Right To Life; Nicole Theis, President, Delaware Family Policy Council; John Helmberger, Chief Executive Officer, Minnesota Family Council; Chris Slattery, Director, Expectant Mother Care-EMC FrontLine Pregnancy Centers.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 123, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. DEGETTE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Passing H.J. Res. 69;

Passing H.J. Res. 43; and

Agreeing to the Speaker's approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE OF DEPARTMENT OF THE INTERIOR

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 69) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska", on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 193, not voting 12, as follows:

[Roll No. 98]

YEAS—225

Abraham	Blum	Chaffetz
Aderholt	Bost	Cheney
Allen	Brady (TX)	Coffman
Amash	Brat	Cole
Arrington	Bridenstine	Collins (GA)
Babin	Brooks (AL)	Collins (NY)
Bacon	Brooks (IN)	Comer
Banks (IN)	Buchanan	Comstock
Barletta	Buck	Conaway
Barr	Bucshon	Cook
Bergman	Budd	Costello (PA)
Biggs	Burgess	Cramer
Bilirakis	Byrne	Crawford
Bishop (MI)	Calvert	Cuellar
Bishop (UT)	Carter (GA)	Culberson
Black	Carter (TX)	Davidson
Blackburn	Chabot	Davis, Rodney

Denham	Katko	Rogers (AL)
Dent	Kelly (MS)	Rogers (KY)
DeSantis	Kelly (PA)	Rohrabacher
DesJarlais	Kind	Rokita
Diaz-Balart	King (IA)	Rooney, Francis
Duffy	Kinzing	Rooney, Thomas
Duncan (SC)	Knight	J.
Duncan (TN)	Kustoff (TN)	Roskam
Dunn	Labrador	Ross
Emmer	LaHood	Rothfus
Farenthold	LaMalfa	Rouzer
Faso	Lamborn	Royce (CA)
Ferguson	Lance	Russell
Fleischmann	Latta	Rutherford
Flores	Lewis (MN)	Sanford
Fortenberry	Long	Scalise
Fox	Loudermilk	Schweikert
Franks (AZ)	Love	Scott, Austin
Frelinghuysen	Lucas	Sensenbrenner
Gaetz	Luetkemeyer	Sessions
Gallagher	Marchant	Shimkus
Garrett	Marino	Shuster
Gibbs	Marshall	Simpson
Gohmert	Massie	Smith (MO)
Gonzalez (TX)	Mast	Smith (NE)
Goodlatte	McCarthy	Smith (TX)
Gosar	McCaul	Smucker
Gowdy	McClintock	Stefanik
Granger	McHenry	Stivers
Graves (GA)	McKinley	Taylor
Graves (LA)	McMorris	Tenney
Graves (MO)	Rodgers	Thompson (PA)
Griffith	Meadows	Thornberry
Grothman	Meehan	Tiberi
Guthrie	Messer	Tipton
Harper	Mitchell	Turner
Harris	Moolenaar	Valadao
Hartzler	Mooney (WV)	Vela
Hensarling	Mullin	Wagner
Herrera Beutler	Murphy (PA)	Walberg
Hice, Jody B.	Newhouse	Walden
Higgins (LA)	Noem	Walker
Hill	Nunes	Walorski
Holding	Palazzo	Walters, Mimi
Hollingsworth	Palmer	Weber (TX)
Hudson	Paulsen	Webster (FL)
Huizenga	Pearce	Wenstrup
Hultgren	Perry	Westerman
Hunter	Peterson	Williams
Hurd	Pittenger	Wilson (SC)
Issa	Poe (TX)	Wittman
Jenkins (KS)	Poliquin	Womack
Jenkins (WV)	Posey	Woodall
Johnson (LA)	Ratcliffe	Yoder
Johnson (OH)	Reed	Yoho
Johnson, Sam	Renacci	Young (AK)
Jones	Rice (SC)	Young (IA)
Jordan	Roby	Zeldin
Joyce (OH)	Roe (TN)	

NAYS—193

Adams	Costa	Green, Al
Aguilar	Courtney	Green, Gene
Barragán	Crist	Grijalva
Beatty	Crowley	Gutiérrez
Bera	Cummings	Hanabusa
Beyer	Davis (CA)	Hastings
Blumenauer	Davis, Danny	Heck
Blunt Rochester	DeFazio	Higgins (NY)
Bonamici	DeGette	Himes
Boyle, Brendan	Delaney	Hoyer
F.	DeLauro	Huffman
Brady (PA)	DelBene	Jackson Lee
Brown (MD)	Demings	Jayapal
Brownley (CA)	DeSaulnier	Jeffries
Bustos	Deutch	Johnson (GA)
Capuano	Dingell	Johnson, E. B.
Carbajal	Doggett	Kaptur
Cárdenas	Donovan	Keating
Carson (IN)	Doyle, Michael	Kelly (IL)
Cartwright	F.	Kennedy
Castor (FL)	Ellison	Khanna
Castro (TX)	Engel	Kihuen
Chu, Judy	Eshoo	Kildee
Cioccine	Españat	Kilmer
Clark (MA)	Esty	King (NY)
Clarke (NY)	Evans	Krishnamoorthi
Clay	Fitzpatrick	Kuster (NH)
Cleaver	Foster	Langevin
Clyburn	Frankel (FL)	Larsen (WA)
Cohen	Fudge	Larson (CT)
Connolly	Gabbard	Lawrence
Conyers	Gallego	Lawson (FL)
Cooper	Garamendi	Lee
Correa	Gottheimer	Levin

Lewis (GA)	O'Halleran	Sewell (AL)
Lieu, Ted	O'Rourke	Shea-Porter
Lipinski	Pallone	Sherman
LoBiondo	Panetta	Sinema
Loebach	Pascarella	Sires
Lofgren	Payne	Slaughter
Lowenthal	Pelosi	Smith (NJ)
Lowe	Perlmutter	Smith (WA)
Lujan Grisham,	Peters	Soto
M.	Pingree	Speier
Lujan, Ben Ray	Pocan	Suozi
Lynch	Polis	Swalwell (CA)
MacArthur	Price (NC)	Takano
Maloney,	Quigley	Thompson (CA)
Carolyn B.	Raskin	Thompson (MS)
Maloney, Sean	Reichert	Titus
Matsui	Rice (NY)	Tonko
McCollum	Ros-Lehtinen	Torres
McEachin	Rosen	Tsongas
McGovern	Roybal-Allard	Upton
McNerney	Ruiz	Vargas
McSally	Ruppersberger	Veasey
Meeks	Ryan (OH)	Velázquez
Meng	Sánchez	Visclosky
Moore	Sarbanes	Walz
Moulton	Schakowsky	Wasserman
Murphy (FL)	Schiff	Schultz
Nadler	Schneider	Waters, Maxine
Napolitano	Schrader	Watson Coleman
Neal	Scott (VA)	Welch
Nolan	Scott, David	Wilson (FL)
Norcross	Serrano	Yarmuth

NOT VOTING—12

Amodei	Butterfield	Rush
Barton	Curbelo (FL)	Stewart
Bass	Olson	Trott
Bishop (GA)	Richmond	Zinke

□ 1516

Messrs. WALZ and REICHERT changed their vote from "yea" to "nay."

Mr. ADERHOLT changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE BY SECRETARY OF HEALTH AND HUMAN SERVICES

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 43) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients, on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 188, not voting 12, as follows:

[Roll No. 99]

AYES—230

Abraham	Babin	Bergman
Aderholt	Bacon	Biggs
Allen	Banks (IN)	Bilirakis
Amash	Barletta	Bishop (MI)
Arrington	Barr	Bishop (UT)

Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Crawford
Culberson
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler

Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson

Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Evans
Faso
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Klimer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)

Lieu, Ted
Loebsock
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Rosen
Roybal-Allard

Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?
There was no objection.

APPOINTMENT OF MEMBERS TO THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 3003, and the order of the House of January 3, 2017, of the following Members on the part of the House to the Commission on Security and Cooperation in Europe:
Ms. JACKSON LEE, Texas
Ms. MOORE, Wisconsin

□ 1530

DISMANTLING THE WOTUS RULE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, waters of the United States, or WOTUS, has been a thorn in the side of Americans, especially our farmers, since its introduction. WOTUS is a rule issued under the Clean Water Act by the EPA and Army Corps of Engineers designed to redefine the scope of waters protected and regulated by the Federal Government.

WOTUS would grant the Federal Government regulatory power over virtually any place where water flows in the United States; that includes ditches, puddles, streams, or any man-made constructions, you name it. If enacted, it would undermine the rights of States, local governments and landowners, and create more red tape, preventing economic growth and jobs, particularly in the agriculture industry. If it sounds ridiculous, that is because it is.

WOTUS was flawed from the beginning. It has been held up in the courts since 2015.

To ensure WOTUS never sees the light of day and completely eliminate the potential of it becoming a reality, I introduced legislation to repeal this harmful rule.

I look forward to working with President Trump and my colleagues on this very important issue.

CERBERUS CAPITAL MANAGEMENT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, before President Trump and Steve Bannon bring in a Wall Street billionaire to delve into our Nation's most classified intelligence, the American people have a right to know the facts about who he and his firm are.

If you believe in the United States military, as I do, and not simply cashing it out to private guns for hire, then

NOT VOTING—12

Amodei
Barton
Bass
Bishop (GA)

Butterfield
Cramer
Curbelo (FL)
Richmond

Rush
Stewart
Trott
Zinke

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1527

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CURBELO of Florida. Mr. Speaker, I missed votes due to a family obligation. Had I been present, I would have voted "yea" on rollcall No. 98 and "yea" on rollcall No. 99.

THE JOURNAL

The SPEAKER pro tempore (Mr. HOLLINGSWORTH). The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

HOURLY OF MEETING ON TOMORROW

Mr. KATKO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow.

NOES—188

Adams
Aguilar
Barragán
Beatty
Bera
Beyer
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright

Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings

Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Dent
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison
Engel
Eshoo
Español
Esty

we would best pay attention to Stephen Feinberg, CEO of Cerberus, who is to be tasked with leading a review of our U.S. intelligence agencies.

Cerberus also owns DynCorp, which is in a legal dispute over a \$10 billion State Department contract for operations in foreign countries.

The Director of Homeland Security, retired General Kelly, received \$166,000 as an adviser to DynCorp prior to his Cabinet appointment. Simply put, Cerberus profits off the privatization of war.

Handing the keys to our intelligence agencies over to Wall Street is dangerous. Privatization of our homeland security and Armed Forces jeopardizes our national security. It is critical we stand together, take action to demand transparency, prevail for the sake of future generations, and prevent the siphoning of funds intended for our military.

Before any Wall Street speculator sets foot on our Nation's most precious security turf, the American people and our military need complete disclosure and divestiture of all Cerberus' and Mr. Feinberg's holdings.

PARKING DRIVE-BY LAWSUITS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Weingarten Realty owns several shopping centers in Texas. Recently they were sued by plaintiffs who had never visited the shopping center.

The complaint?

Allegedly, nine designated ADA van-accessible parking spaces were not dispersed far enough apart.

The plaintiff did not notify Weingarten of the alleged violations before filing the lawsuit, so Weingarten couldn't comply.

The real estate company believes they were in compliance with the ADA. But often companies like Weingarten decide the best economic decision is to settle the lawsuit rather than an expensive court trial. Businesses are told to either pay a settlement or face an expensive trial.

The bipartisan bill, the ADA Education and Reform Act of 2017, requires plaintiffs to give businesses notice and time to fix the alleged ADA infraction before a lawsuit is filed.

Mr. Speaker, the ADA was designed to improve access for the disabled, not allow a handful of greedy plaintiffs who have never been on the premises to use a loophole to extort unsuspecting businessowners of money.

And that is just the way it is.

THE WIDENING FLYNN SCANDAL

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, are we witnessing the first Manchurian presidency in the history of the United States?

This resignation of President Trump's National Security Adviser, Michael Flynn, has done nothing to end the controversy surrounding the administration's relationship with Russia. I am calling for an independent investigation into Flynn's actions.

The White House knew for weeks that Flynn misled about his secret communications with the Russian Ambassador, but apparently that was not a problem for the Trump administration as long as it was hidden from the public.

Did the White House authorize Flynn's secret communications? Did the President? Why wasn't Flynn gone sooner?

We don't know yet the answers to these and other questions. What we do know is that the Trump administration is not prepared to protect this Nation.

For all their talk of national security, Republicans are giving President Trump a pass. An independent investigation into Flynn's actions is needed. The investigation must determine if improper relationships between the Trump administration and the Russian Government exist.

Mr. Speaker, the American people are demanding to know, and they deserve to know just how tight Russia's grip is on the Trump administration.

CUT BUREAUCRACY OUT OF THE CASEWORK PROCESS

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I rise today in support of H.R. 512, the WINGMAN Act. The WINGMAN Act will help Members of Congress and our staff members better assist the constituents that we serve. It cuts bureaucracy out of the casework process, and it makes it easier to connect Pennsylvania families with the services and benefits that they need.

Our staff members in our district do tremendous work every day. They help constituents and their families navigate the Federal bureaucracy, whether it is helping veterans obtain care through the VA, seniors access their Medicare or Social Security benefits, or even helping a traveler obtain a passport for an emergency trip overseas. Too often that work goes unsung and the hard work they do goes unrecognized.

I am blessed to have a terrific staff in my district office, led by my district chief of staff, Caitlin Ganley. Our team, Bill Dondero, Maureen Quinn, Alaina Sforza, and Brian Gallie have helped literally thousands of individuals as we have worked to cut through

the red tape and get the answers they need from the agencies across the Federal Government. The WINGMAN Act will make this difficult job just a little bit easier, and I am proud to support it.

WHAT IS THE RUSSIAN CONNECTION

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, after only 24 days in office, President Trump's National Security Adviser, Michael Flynn, resigned in disgrace.

Why?

He had direct contact with the Russian Ambassador, assuring him, in likely violation of U.S. law, that the Obama sanctions against Russia would be reversed. And then he lied about it.

There is evidence of Trump campaign officials having regular contact with Russians officials, and we know Russia hacked into DNC files and doled out stolen information with the goal of aiding the Trump campaign.

So the question is: What is the Russian connection?

Congress must do its job. We should conduct a full-scale, no-holds-barred investigation of the links between the Trump campaign and Russian officials. There is a mountain of evidence we cannot ignore.

The American people have a right to know, of course. But even more importantly, the enduring strength of our democracy is being tested. Congress must maintain our constitutional protection of checks and balances. Investigate now. Investigate fully.

THE STATUS QUO IS UNSUSTAINABLE

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, we have seen more troubling signs this week that things continue to get worse under the healthcare law.

Humana announced they are dropping out of the ObamaCare marketplace next year. The CEO of Aetna said that ObamaCare is in a "death spiral."

Families in Michigan and across the country are left with fewer choices and soaring costs. Mari, from Jackson, in my district, is one of them. Her premiums nearly quadrupled last year under ObamaCare; and this year, her premiums went up so high, she could not afford to pay them. So she and her husband, who is self-employed, dropped the plan and now are going without any health insurance at all.

The status quo is simply unsustainable, and we are working to provide relief to families who are struggling. This will be an orderly, step-by-step process as we transition to

patient-centered solutions that lower costs, increase choices, maintain pre-existing conditions coverage, and meet the needs of all Americans. That is what Mari and every single American deserves.

TITLE X FUNDING FOR PLANNED PARENTHOOD

(Mr. SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHNEIDER. Mr. Speaker, I rise today deeply disappointed that the House has again put attacking women's health over the important priorities the American people sent us here to address.

More than 4 million individuals across the country, many of them low-income, uninsured, or young, depend on title X for family planning and related preventative care. This is lifesaving care: birth control, HIV and other STI testing, and cancer screenings, to name a few.

The resolution that passed today allows States to deny trusted reproductive healthcare providers from receiving title X funds for purely ideological reasons. Already, 14 States have taken official action to exclude Planned Parenthood and other critical reproductive healthcare providers from serving patients through the title X program.

This shameful legislation puts politics ahead of women's health and does a disservice to women and families across our Nation.

WHY THE MEDIA ATTACKS PRESIDENT TRUMP

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, it is no surprise that the media's credibility has hit a record low with the American people, according to a recent Gallup Poll.

The media attacked President Trump because he proved their predictions wrong and their candidate lost. They attack him because they are mostly liberal Democrats and he is a conservative Republican. They attack him because he is reversing many of the policies of President Obama, whom they openly supported. They attack him because he is going around them, directly to the American people with his Twitter messages. They attack him because they can't intimidate or control him.

The media's hate is poisoning the country.

Wouldn't it be better for our country if the media gave the American people the facts rather than told them what to think?

Wouldn't it be better for our country if the media treated the President fairly and without malice?

WHEN WILL CONGRESS FINALLY ACT

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, yesterday, CNN reported that the Pentagon is considering a proposal to send U.S. ground troops to northern Syria. This is for a report to President Trump on the war against ISIS due this month.

But the very idea that the Pentagon is seriously considering sending more troops into Syria should be a wake-up call to Congress and to all Americans. Three years after the U.S. first sent troops to Syria and Iraq, Congress still hasn't voted to authorize the fight against ISIS.

Do we really want to send more Americans into war? What is the mission? How does it end?

For 3 years, Congress has failed to do its constitutional duty. Three years of cowardice. Three years of a blank check.

Speaker RYAN promised action in 2016, but did nothing.

When, Mr. Speaker, will this House finally do its job? After 100 more American troops are sent to Syria and Iraq? Five hundred more? A thousand? When will Congress finally act?

Mr. Speaker, I say the time is now.

□ 1545

COMMEMORATING THE LIFE OF TIM PRENDIVILLE

(Ms. MCSALLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCSALLY. Mr. Speaker, I rise to commemorate the life of Tim Prendiville, an active member of Tucson's Irish community and dear friend of my family and mine who sadly passed away on February 14.

Tim dedicated his life to giving back to others. For example, he organized meals and bought sleeping bags for the homeless at Armory Park, and he donated his time to help those who could not read or write send letters to their loved ones.

He was a founding member of Tucson's St. Patrick's Day committee and was honored last year as grand marshal of the annual parade.

He was a gifted storyteller, a reflection of his Irish roots. One of his favorites was the time he sang "Oh Danny Boy" at a dinner with then-Presidential candidate John F. Kennedy.

I've known Tim ever since I was a young child. When I was 12, he delivered the eulogy at my father's funeral. Throughout my life, he has been a constant source of encouragement, and, although we belonged to different political parties, he was somebody who

shared widely his faith and belief in me.

Mr. Speaker, I am deeply grateful for Tim Prendiville's love and support. My thoughts and prayers go out to his family and loved ones in our time of grief. I know he is now singing "Oh Danny Boy" with the angels.

APPLAUDING THE OSCAR DE LE RENTA POSTAGE STAMP

(Mr. ESPAILLAT asked and was given permission to address the House for 1 minute.)

Mr. ESPAILLAT. Mr. Speaker, I rise today to applaud the United States Postal Service for its dedication of the Oscar de la Renta postage stamp. This stamp was unveiled today at Grand Central Station in New York City in a wonderful ceremony, and it is part of the U.S. Postal Service's Forever collection.

As a lifelong friend, I dearly miss Oscar de la Renta and care about honoring his work and his memory.

To me and so many Americans, particularly immigrants, he was more than just a designer, he was a good friend and a pioneer. As a member of the Dominican-American community and as a member of the U.S. Congress, it is my goal to highlight the achievement of immigrants who have contributed to American society and culture.

Though Oscar was highly regarded by some of the most prominent figures of our time, including first ladies, he maintained his humility and never cast aside those who were less fortunate.

His creativity, resourcefulness, and love for life are admirable characteristics that made him a true national treasure. Oscar was widely known for his love of country and deep affection for the Dominican-American community.

I am proud to see Oscar's legacy honored and hope to keep his memory alive. Oscar is still with us. Once someone asked him how he wanted to be remembered, and he simply said: As a pretty dress.

LAUDING MANUFACTURING EXTENSION PARTNERSHIPS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to speak about the important role the Manufacturing Extension Partnership plays in strengthening U.S. manufacturing. This public-private partnership consists of a nationwide system of centers located throughout the United States.

Manufacturers can receive several services by visiting a designated MEP center, including workforce development, supply chain development, commercialization, exporting, and many other helpful strategies.

I recently had the opportunity to meet with the Innovative Manufacturers' Center in my home district. The IMC works to increase the innovation, productivity, and growth for manufacturers in central Pennsylvania. Over the past 25 years, IMC has helped more than 600 manufacturing companies in its 12-county region of the Keystone State.

Mr. Speaker, American manufacturing is a critical part of our economy. I am pleased to see that public-private partnership is working to help support small and mid-sized manufacturers.

These are the businesses that employ our neighbors and produce quality made in America products. I look forward to seeing their continued growth, and I salute the centers nationwide that help them do just that.

THANKING ATTORNEY GENERAL XAVIER BECERRA

(Mr. SOTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOTO. Mr. Speaker, I rise to recognize and congratulate California's new attorney general, my friend, Xavier Becerra.

As many of you know, former Congressman Becerra was the Congressional Hispanic Caucus chair from 1997 to 1999. He was our Democratic Caucus vice chair from 2009 to 2013, and also our Democratic Caucus chair for the 114th Congress.

We all know that Attorney General Becerra was a staunch defender of Social Security, Medicare, Medicaid, SNAP, and other support for people in need. He was also a supporter for our DREAMers, for DACA, and for women's rights. He was also a mentor to me. Aspiring new Members who came here looked to him for advice, especially in their first couple weeks here.

I want to thank Attorney General Becerra for coming to a roundtable in my district over in Polk County to visit with so many of our agricultural workers in our community and so many DREAMers. It is so critical for agriculture, for our farmers, and for rural America that we continue to make sure that agriculture continues to be strong in our Nation. As a Californian, he also even starred in Stephen Colbert's "Better Know a District."

So I just want to thank, once again, Congressman Xavier Becerra for being an American Member of Congress, someone who looked out for all of us and defended our values.

COAL REFUSE-TO-ENERGY LEGISLATION

(Mr. ROTHFUS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, I rise today to highlight the progress hard-working western Pennsylvanians have made in restoring our hillsides and streams in historic mining communities polluted by waste coal.

Through the use of innovative technology, workers in the coal refuse-to-energy industry have brought about an incredible transformation of formerly polluted areas, restoring landscapes to their original natural beauty.

It is a success story all around, both environmentally and economically. Unfortunately, one-size-fits-all Washington regulations threaten to stop this success story in its tracks and to destroy the family-sustaining jobs the coal refuse-to-energy industry supports.

That is why, for the third time, I am reintroducing the Satisfying Energy Needs and Saving the Environment, or SENSE Act, in the 115th Congress as H.R. 1119.

My legislation ensures that regulations are tailored to allow a very specific and small subset of power plants to continue their remediation efforts and restore western Pennsylvania's natural beauty, as well as landscapes in historic mining communities across the country.

This legislation passed the House with bipartisan support last year, and I urge my colleagues to support it once again so that the vital and successful work of providing electricity while cleaning up the environment can continue.

AFFORDABLE CARE ACT SAVES LIVES

(Mr. LOWENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENTHAL. Mr. Speaker, from the mother of four with a preexisting condition to the family of a young boy who can now afford health insurance for the first time—we have heard constantly and over and over how the Affordable Care Act has saved lives. The Affordable Care Act provides quality, affordable insurance to millions of Americans.

For example, just in my district alone, nearly 100,000 people who are now covered through the Covered California exchange or through the Medicaid—which is in California Medicaid—expansion, they stand to lose coverage if the Affordable Care Act is repealed.

It is completely irresponsible to speak about repealing the Affordable Care Act with no replacement. I urge my colleagues to think about their own constituents before doing so.

THE THIRTY MILLION WORDS INITIATIVE

(Mr. GAETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAETZ. Mr. Speaker, I rise today to bring attention to a truly innovative pilot program in my district in Pensacola, Florida. This one-of-a-kind program, known as the Thirty Million Words Initiative, is a collaborative effort brought by researchers from the University of Chicago in partnership with the Studer Community Institute.

The Thirty Million Words Initiative will educate parents of newborns at Sacred Heart Hospital, Baptist Hospital, and West Florida Hospital on best practices for speech and engagement during the critical learning stage up to 3 years old.

As we all know, interaction by speech or music with young children has not only had an impact on learning abilities but also emotional needs. This program builds on this principle and strives to include all newborns, regardless of income level, race, or ethnicity.

Through this simple commitment, we can challenge the socioeconomic stereotypes we have become too used to and build a future for leaders and innovators stemming from all walks of life and bringing new ideas for a vision for the future.

This truly unique partnership between our community leaders and the parents of our future generation will garner a secure foundation for our children to bring stronger education, allow limitless possibilities, and meeting the challenges to build a better tomorrow.

U.S.-ISRAELI RELATIONS

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, the relationship between the United States and Israel is a very important one, a moral one, and one beneficial to both sides.

I was very glad to see this week the President, so early on in his term, inviting and making welcome Prime Minister Benjamin Netanyahu to this country and showing that the U.S. relation with Israel is as important to us as it is to them.

Israel has a right to exist as a Jewish state, through much of its history of this Earth has been a very strong one for their assertion for their rights to be part of the fiber of the Middle East. The United States needs to be on their side and a firm partner in what they need to do.

So, again, kudos to President Trump for making this establishment of this relationship early on in his term and sending that assurance to Prime Minister Netanyahu, the people of Israel,

and the importance to the people of this country of that relationship.

LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my privilege to be recognized to address you here on the floor of the United States House of Representatives, this great deliberative body.

To start this off, I yield to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, I thank the gentleman from Iowa. Perhaps this will embarrass you, my colleague, STEVE KING, but as I was flying into Nebraska last week—and I do this on occasion—I am looking out of the window and looking at the rolling hills of the western edge of Iowa as it borders the Missouri River and all of that beautiful terracing that has been done, all of that extraordinarily productive farmland, in order to save the soil and increase yields, and I wonder how much of that STEVE KING did himself in a former life. So I am grateful not only for the opportunity but mostly for your friendship.

Mr. KING of Iowa. The answer would be a fair amount, and I yield to the gentleman.

Mr. FORTENBERRY. Mr. Speaker, as I was going through my mail last week, I read a publication that I receive frequently at my house from what is known as the Great Plains Trail Network. This is a dedicated group of people who enjoy, promote, and foster the growing network of hiking and biking trails in my hometown of Lincoln and the vicinity. They provide an extraordinary service to our community. Most notably, the trail systems provide an alternative means of transportation, physically linking our community in creative ways along creek beds and underpasses, through open plains and wooded areas, and beside the wooden fences between residential neighborhoods. These trails also link us in a more profound way. They link us to the values of healthy exercise, neighborliness, and the beauty of nature—even in the setting of the urban city environment.

Now, Mr. Speaker, I received an unusual media request recently. New York Magazine wished to speak to me. I took the meeting because I wanted to give a broader perspective on the issue of environmental stewardship, particularly in light of policy debates about energy and the environment. Since this topic can be so toxic, I thought it was important to reframe the issues with some prairie perspective, if you will. Perhaps, Mr. Speaker, it is time to

spike the football and focus on solutions and activities that all of us can agree on and that all of us see are beneficial.

Mr. Speaker, for the 21st century, we must harmonize environmental and economic security. As a different public policy approach, I am considering a new idea called the zero-emissions energy credit, or ZEEC.

□ 1600

The more that we can do, I believe, to stop waste and pollution through conservation and innovation gives us peace of mind in regards to the proper use of our resources.

This ZEEC concept would reward reduced emissions through a tax credit system. In this way, the government is not picking one technology over another or fighting over one regulation versus another, but positively valuing the diminishing externality cost of polluting emissions.

Mr. Speaker, environmental initiatives can also take many other forms. I am very proud to be recently named the co-chair of the International Conservation Caucus, called the ICC. It is one of the largest bipartisan caucuses in the Congress.

The ICC works to ensure the sustainability of both persons and wildlife, works to promote market innovation, as well as proper stewardship of our precious natural resources.

As an example, not long ago, in the African country of Mozambique, in the midst of a civil war, the Gorongosa National Park was completely stripped of wildlife and devoid of people. A once lush microecosystem is dead, primarily due to political disagreement.

Interestingly, fascinatingly, extraordinarily, a mere 10 years later, thanks to the work of a major philanthropist and a receptive government, a park system now teams with wildlife, with indigenous people reintegrated back into their homeland, who are engaged in now good and sustainable farming methodologies, engaged in park management, as well as conservation, all creating an atmosphere in which the entire ecosystem once again thrives.

Mr. Speaker, I don't know anyone in this body or anywhere else who wants dirty air or dirty water. However, as another example, if you live in Beijing, polluted air alone costs you 5½ years off your life. Parts of India are perhaps worse.

By the way, the Chinese Government was infuriated with the United States because we created at our embassy a pollution monitoring device, and then publicly released that data to Chinese society. It had a major effect. As one Chinese person once whispered to me: What is the point of all this economic development if it kills you?

Economic development without a soul strips us of the capacity to fully prosper. On the other hand, one of the

prime contributors to environmental desecration is economic underdevelopment. Persons who have diminished economic options will use the resources at hand, sometimes merely to survive.

The tragedy of the commons occurs when there are fractured social linkages, a lack of access to technology and information to feed, clothe, and house in a more sustainable way.

Mr. Speaker, I believe this: as new technologies emerge, we may see exciting opportunities to build our own sustainably sourced microenergy economy, one that harmonizes with the environment and creates new economic opportunities and linkages.

This doesn't mean we all live on game preserves, but through proper public policy and innovation, we may be on the trail to environmental, economic, and community security, and perhaps create a new type of Great Plains Energy Network.

Mr. Speaker, I thank my good friend, Congressman KING, for the various aspects of leadership he has provided, particularly today, on an essential issue: a pro-life issue.

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the gentleman from Nebraska (Mr. FORTENBERRY) for his presentation here today, his friendship, and the job he has been doing for a long time representing the eastern third of Nebraska, generally speaking.

I would point out also, Mr. Speaker, that we actually first met on the pro-life issue. As I was looking at the primary candidates that were vying for that position in eastern Nebraska, I wanted to measure their character, the content of their character, the value of their faith and their commitment to principle and planning and Constitution, but especially life. In looking at the candidates, it didn't take very long to figure that out.

I think Nebraskans have done very well with the representation that they have sent to this Congress, especially in the case of Mr. FORTENBERRY, who has exceeded my expectations. And I am pleased to say that here.

As the gentleman indicated, I came to the floor here this afternoon, Mr. Speaker, to speak about life, about innocent, unborn human life.

To start with, I will put it this way, Mr. Speaker. There are a series of values that we hold dear. Many of the debates here on this floor and in the committees and the various committee rooms around the Hill that we have are more or less working around the edges of the central issue. Sometimes, though, we do get to the central issue. The central issue was debated here on the floor earlier with a different piece of legislation.

When young people are growing up in America and they are listening to their parents, their teachers, other friends and relatives and schoolmates, the question will emerge—and you can't

grow up in America without the question of abortion emerging; and sometimes they are counseled on one side of that question and sometimes on the other—but when I am talking to young people, I want them to shape their values around the most solid principles, as our Founding Fathers shaped the values of America around the solid moral principles.

It doesn't do to simply pass off the idea of abortion and say: I am not going to think about it; or I am going to leave it up to God to decide. He calls on us also to contemplate these things.

Our Founding Fathers wrote into the Declaration of Independence that we have a right to life, liberty, and the pursuit of happiness. When I contemplate those words and the order of those words, often it is conflated together as equal or equivalent values as if life and the pursuit of happiness are equivalent values, with liberty in the middle of all that, and you can stir it up and no one's pursuit of happiness should be diminished by someone else's search for liberty or the exercise of their liberty or that no one's life should trump that of someone else's pursuit of happiness or liberty.

Mr. Speaker, in understanding the Declaration of Independence, the foundational document that undergirds our Constitution and the most beautiful document written in the history of the nation-state—and I believe that the Declaration of Independence and the Constitution were inspired with divine guidance, just a little bit lower standard of true than divine inspiration; a divine guidance—I believe our Founding Fathers thought deeply about that message that was coming to them from above and the words that were put down on that parchment by Thomas Jefferson.

The right to life, liberty, and the pursuit of happiness were rights that were considered carefully to be prioritized in their order of what was the most important down to the least important of the three. Life came first. They didn't say right to pursuit of happiness, to liberty, to life. They didn't say right to liberty, pursuit of happiness, and then to life. They wrote life, liberty, and the pursuit of happiness.

To understand what that means, think of this. First, the definition of pursuit of happiness is understood by our Founding Fathers. Our Founding Fathers didn't see this pursuit of happiness as let's just say a tailgate party on a Saturday noon or early Saturday afternoon. It wasn't about going off to a party or sitting in your backyard with your family or doing the things we enjoy to do, enjoying sports, watching or participating; or being out on the water or down the ski slopes.

That was not imagined at all as the pursuit of happiness because they understood pursuit of happiness to be the definition of the Greek term that I pro-

nounce eudemonia, pronounced with a Greek accent. But what it means is: in pursuit of happiness.

Happiness under the Greek understanding of the term was the whole person; to develop one's self as the whole person. That would be to develop yourself physically. As you grow into adulthood, keep yourself in shape, build your muscles up, eat healthy, sleep healthy, do the healthy things, make sure that this temple of our body is taken care of and respected and appreciated. That is the vessel through which we carry our values and are able to carry out many of the things we do in our lives.

So physical health was part of the pursuit of happiness, but also the mental development. And it is not just pursuing knowledge, not rote memorization alone, which has its value—always has, always will have—but also the understanding of a philosophical person and an intellectually complete individual to complement the physically healthy and in-shape individual, philosophically sound, intellectually sound, but also theological sound.

That is eudemonia. That is the complete human being. That is making the most out of God's gift to us and developing ourselves physically, mentally, emotionally, theologically, and psychologically. The whole human being.

The understanding that our Founding Fathers had was that you have a right to pursue this. You have a right to develop yourself. In fact, the implication is that we have an obligation to do so. That means we have got an obligation to evaluate the moral questions in front of us with the brain that we are given and the values that we have developed and the education that we worked to earn.

That is pursuit of happiness. But that is the lowest of the three on the priority, Mr. Speaker.

The next value is liberty. With that value of liberty, there are certain things that are liberty. We take liberty with our speech. We take liberty with our religion. We take liberty with the press. We have our right to assemble and all of those things. If someone is in pursuit of happiness, they are not going to take away our rights to our liberty.

Most of our rights to liberty are wrapped up in the Bill of Rights. The First Amendment catches the most important ones early. Also, the liberty to keep and bear arms, the property rights that come along in the Fifth Amendment, the components of liberty that we have and the provisions that allow us to face a jury of our peers and no double jeopardy. Those are liberties. The liberties that are defined trump the pursuit of happiness. In other words, someone else can't take away our freedom of speech because they are in search of a good tailgate party.

We go from the lowest priority, the pursuit of happiness, to the next level

up, liberty, and to the highest level up, which is the right to life. Life itself is sacred.

When I talk to young people, I ask them the question: Do you believe that human life is sacred in all of its forms?

They look around each other in the bleacher seats in the gymnasium, if it happens to be a school in that fashion, and they come to a consensus: Yes.

And I will ask them: Is your life sacred? How about the person sitting next to you, is their life sacred?

After a little while, they start to nod their heads and agree.

It is no trick question. Human life is sacred in all of its forms. Once we understand that and we accept that universal consensus that is here in this society of America, then the only other thing we have to say is: Well, if human life is sacred and we protect it with all that we have, then we need to know when life begins and we need to know when life ends.

We know that in 1973, 44 years ago, the Supreme Court came to a conclusion. Well, actually, they didn't know, but they spoke of viability and they used a vague, mushy definition of viability and trimesters, but that is not a way to define life. When you deal with something that is sacred in all of its forms, you don't use a definition that says maybe it is or maybe it isn't a life; maybe it is viable, maybe it isn't; maybe it has actually crossed this threshold of this trimester or this one or this one.

So what they ended up in *Roe v. Wade* and *Doe v. Bolton*, the combination of the two was abortion on demand and the person's right to life. That personhood that begins at the moment of conception is subject to the judgment of the mother, who may think that this life is inconvenient to her liberty or her pursuit of happiness.

□ 1615

That was when they crossed a moral line that needs to be examined by everyone in this country who goes to the polls and votes or conducts themselves in a fashion that is affected by the abortion industry itself.

So I say to them, students especially: Is human life sacred in all of its forms?

The answer comes back: Yes, it is.

And then I say: Then you have to choose a moment that life begins, and that moment, there is only one moment that we know, and that is the moment of conception. That moment of conception that life begins is a moment that I believe that God places the soul in that little being that is a full complement of a combination of the DNA of the father and the mother, the full complement of the human being, a unique human being, a unique human being that there will never be another one exactly like that little baby that is conceived.

There will never be another one. Even identical twins have their distinctions, Mr. Speaker. Mothers can tell

them apart. Not always easily, but they can tell. Fathers can tell little babies apart. Even though they have got matching DNA that is exactly the same DNA, they are still unique. They are still a little bit different in certain ways. Their personalities develop in different ways, and they have physical characteristics that become more and more apparent as the years go on. There are no two human beings exactly the same. That is because God made it that way. Think of how unique this is.

There are over 7 billion people now on this planet. Our population has gone over 7 billion people. Of all the people who have gone to their graves throughout history from the beginning of time, from the Garden of Eden until today, and all the people who live on the planet, 7 billion today, and of all the people who will come, likely by the billions, into the future, there are no two faces that are the same. They sometimes look a little the same—more than a little—but there are no two faces that are the same. There are no two faces that anybody who knows them can't tell the difference.

Think how genius it is to create a species, *Homo sapiens*. We each have a unique visage that will never be matched again throughout the duration of time. It has never been matched before from the beginning of time, and no matter what any scientist might do in a laboratory, there is never going to be anybody exactly the same, even if the DNA matches exactly. That is a unique approach to this.

Think about this: The thing that we measure ourselves by and recognize ourselves by, our face, our visage, carries with it the package of all of the emotions and the thoughts and the expressions that bypass so much need to use the words in this very excellent language that we have.

Think of how you interact with your friends, your family, your neighbors, when you are sitting at a meeting, when you are giving facial expressions that don't require a sound. People read those facial expressions, and they react off of them.

I think of the days that I am out, as Mr. FORTENBERRY said, working on a crew, maybe laying pipe with my three sons, and we may not even have to speak all day long because facial expressions, a nod here and there, we know each other, we can communicate with our facial expressions, and that is enough. That is a unique thing that we have been blessed with.

Every one of us is unique. Our lives begin at the moment of conception. We can't measure and we can't prove scientifically when that moment of conception is. We just know. We know that that is when that baby, when the components of the DNA of the father and the mother come together in that fertilized egg. That is the moment of conception; that is the moment that life begins.

I would like it if we could identify scientifically, if a little bell went off and we knew, here is conception. There is a unique little life here in the womb of the mother—and, by the way, she is a mother at that moment. But we can't do that yet.

We have come a long way. When our family was born, at that time, we couldn't tell whether it was a boy or a girl, and so it was nice, in my opinion, to have a surprise on whether it is a boy or a girl. Of course, I always prayed that they would be mentally healthy and, after that, physically healthy, but never began to ask whether it should be a boy or a girl.

But today we know. We can measure if it is a boy or a girl. We can tell facial characteristics. We can see the personality of these little unborn babies in the womb. When they make faces, you can see them grimace. You can see them smile. You can see them suck their thumb. There are many, many people in this country today who have a 4-D ultrasound of one or more of their children that is taken well before they are born.

I can think of one of my district personnel who has, in his office in Sioux City, a framed picture of the ultrasound of Joseph Dean Anderson, my godson. It is there, framed, the ultrasound of that little baby boy months before he was born. Now he is about 7 years old or so, perfect little towheaded, blond-haired kid running around, full of happiness, love, and energy. But he was first known in his mother's womb and first recognized as a family member there and his picture framed. It still is there in the office in Sioux City. He is about tall enough to see it straight on these days.

That happens all over America because we know that life begins at the moment of conception. We hold it; we cherish life as sacred to us.

These little babies are the future of America. They are God's will, and they are the future of America. Yet, nearly 60 million of them have been aborted over the years since 1973 and *Roe v. Wade*, nearly 60 million. Think of that, 60 million babies in 44 years. And we are watching a nation that has a birth-rate now that is lower than the replacement rate.

You hear debate on this floor, Mr. Speaker, that says that we have to go to foreign countries to bring people in here to do the work that we don't have enough people to do. I don't accept that as a rational thing for a country to do in that way.

What we need in this country is we need good people to have more babies and raise them right, and yet we are missing 60 million. That doesn't include the second generation of those who were aborted in the first half of the 44 years of *Roe v. Wade*.

Thomas Jefferson concluded that a generation was 19 years. It is probably

a little longer than that today. Generations turned over, by his estimation, in 19 years. It is just convenient for me, 44 years since *Roe v. Wade*. I am going to call that, divided by two, two generations, 22 years a generation. Two generations, a third of Americans, gone because of a court decision that unjustly found, unconstitutionally found, immorally found, irrationally found, and the guilt that this Nation carries for tolerating a Supreme Court decision and accepting that Supreme Court decision.

But it is not everybody in this country who carries that guilt because we have armies of pro-life workers who are out there on a daily basis doing all they can to bridge the gap for, let's say, a mother who is in a crisis and can't care for the baby that is on the way; the crisis pregnancy centers that are there; the lives that have been saved by the thousands and thousands by the pro-life workers, the lives that have been saved by the inspiration that comes from seeing hundreds of thousands of pro-life marchers come to this city and make that march from around the Washington Monument on up to the Supreme Court and to the west side of the Supreme Court to plead for justice for those who are voiceless in the unborn.

Well, Mr. Speaker, it is time for this Congress to address this. It is time for Congress to move along the issue. And so because we cannot medically prove when a conception begins, we believe profoundly that personhood begins at the moment of conception, and personhood needs to be protected in all of its forms. The closest we can get to verifying that personhood, that conception, is the measure of the heartbeat. We all know that a beating heart is life. When the heart stops beating, life ends.

Now, we can detect a heartbeat as early as 16 days from conception, and often the number is published to be 18 days from conception, Mr. Speaker. It may not always be detectable in every pregnancy that early, but it is entirely detectable early on in the pregnancy.

So I have introduced legislation, Mr. Speaker, to protect these innocent babes, these babes that can't speak for themselves, that can't cry out for their own mercy, but they are already formed in their mother's womb, and the unique individual that grows from the matching of those two DNAs. And when that heart starts to beat, a physician can detect that heartbeat, when they can detect the heartbeat, we need to protect the baby. With the understanding that when a heartbeat can be detected the baby must be protected, I have drafted and introduced legislation that is H.R. 490, Mr. Speaker.

Now, this bill is titled the Heartbeat Protection Act of 2017. It makes a life-saving stride in enshrining the rights, the rights of the unborn, into U.S. law.

It ensures that no child for whom a heartbeat is detectible is aborted unless the life of the child's mother is endangered in fact by a physical disorder, by a physical illness, or by a physical injury.

Any abortionist who performs an abortion under this legislation, H.R. 490, the Heartbeat Protection Act of 2017, any abortionist who performs an abortion in spite of a detectible heartbeat and outside of the exceptions that I have defined, which is for a physical disorder, a physical illness, or a physical injury, any physician who performs an abortion outside of those exceptions would be subject to a fine or imprisonment—and that is for a period up to 5 years—or both. This is a serious piece of legislation, and it needs to be, because life itself is the number one thing that is sacred here on this planet, especially in this country.

This legislation, the Heartbeat Protection Act of 2017, will require all physicians before conducting an abortion to detect the heartbeat of the unborn child; and that means they have to maintain the records of their endeavor to detect a heartbeat, and if a heartbeat is detected, the baby is protected. That is the center of this law.

Ever since *Roe v. Wade*, which was unconstitutionally decided in 1973, 44 years ago, these 60 million babies—almost 60 million babies that have been ended by the abortion industry—have received a rubber stamp from the courts, from the Federal Government, not from this Congress and not from the States. The Supreme Court overrules the efforts in the States to protect innocent, unborn human life. The Supreme Court overrules this Congress to protect unborn human life, and we have been trying to find ways around that decision ever since 1973. But I have introduced the bill, and it will protect the lives of the voiceless innocents.

Then to make a point now, Mr. Speaker, there are probably some people who are thinking this is a little bit too big of a leap for where we are on the topic today. I would submit that it is not, that we have been working too patiently with what I will call incrementalism. When I came to this Congress more than a decade ago, I had been, at that time, already working to try to help pass legislation that banned partial-birth abortions, and the Supreme Court had found the partial-birth abortion ban to be unconstitutional based on a couple of things. One of them was the Supreme Court ruled that it was necessary to save the life of the mother or the health of the mother, and the other one was that Congress hadn't defined the act precisely enough.

So we went to work in the Committee on the Judiciary. I want to thank Congressman STEVE CHABOT of Ohio for taking the lead on this issue.

We held hearing after hearing, and Congress had findings that a partial-birth abortion was never medically necessary to save the life of the mother; and that is with much, much testimony of experts before the committee for a long period of time definitively concluding such, and then the act itself was more precisely defined.

Then it went back before the courts, and each of the Federal districts that heard the case, three of them, simultaneously, all of them turned it down as unconstitutional. But it went to the Supreme Court, where the ban on partial-birth abortion was upheld. It has saved some lives but has put a small dent in this huge 60 million aborted babies industry.

We began to go to work on this in other ways. We have legislation that is introduced before this Congress that bans sex-selected abortions.

We know that there are mothers and fathers that will use the ultrasound to determine the sex of the baby. If they want a little baby boy and it is a girl, sometimes they will abort that little girl and try again for a boy. We know this is happening in places like China, where they have had, up until recently, the one-child policy, and the proportion of boys to girls is way out of whack in China because they are aborting little baby girls because they would prefer having a boy.

□ 1630

That happens in America, too, but not as statistically evident. It is immoral to do that. That piece of legislation has 77 percent support. That is the strongest support we have, statistically, for abortion legislation that exists, as far as I know, in this Congress.

Then we have pain-capable legislation, little babies that can feel the pain of abortion when that needle with a saline solution is stuck into—Mr. Speaker, I am just going to bypass the details of how this functions. Babies can feel pain. They can experience joy; they can experience pleasure; and they can experience pain. We have legislation to prohibit abortion from the time that we can determine that that baby feels the pain of being aborted. But that is a definition of pain, not a definition of life.

If this is a unique life, as I have described at length here, then this unique life must be protected. We don't say this unique life which has this soul—and God put in this soul from the moment of conception—doesn't deserve to be protected unless they feel pain. What we are saying is it bothers our conscience too much to have a baby killed that can feel the pain and suffering.

I support these other two pieces of legislation that I have described: the ban on sex-selective abortion and the ban on pain-capable abortion. But, Mr.

Speaker, that doesn't get at the heart of this.

The heart of this is this: sacred human life. Human life, sacred in all of its forms, begins at the moment of conception. We need legislation to protect that personhood. And when we can define and clearly detect a heartbeat, a heartbeat in a baby from as early as 16 days, we must protect the life of that innocent baby.

So that, Mr. Speaker, is my conviction, my deep conviction, my very profoundly held conviction. But I wonder: What does the rest of the country think?

Sometimes I find myself out there right without a majority. Sometimes they will say: Well, you didn't have a majority because you weren't right. And this one, I have no doubt, Mr. Speaker, human life is sacred in all of its forms.

So we ask the question in polling across America: What do the American people think of the proposal to ban abortion once a heartbeat can be detected? Mr. Speaker, the polling that we have out there is very carefully done, and I am going to give you the numbers first. This is the general number that asks the question, if the heartbeat is detected, the baby is protected, and here is how the polling came together. Sixty-nine percent agree with the position that I have just taken here in the bill that I have introduced, which is H.R. 490, the Heartbeat Protection Act of 2017.

The data contained in this polling report are responses to a question that was commissioned by Faith2Action. That is in a Barna Group OmniPoll. 1,002 interviews were conducted of U.S. adults nationwide. The sampling error for this 1,002 interviews is plus or minus 3.1 percent. That is about as accurate as you get with polling. That means that there is a 95 percent confidence level that these numbers are right.

The data is weighted in the national distribution of U.S. adults. They took minimal statistical weighting and they used it to calibrate the samples—so, of known population percentages—and it is in relation to the demographic variables of age, gender. I bet it is age, sex, education, and region, so that it is scientifically applied. It is a poll that was run from January 19 until January 27. This is pretty fresh information, about as fresh as it gets.

These interviews were conducted over a majority landline—60 percent or so off landlines and 40 percent off cell phones or other mobile devices, so that we got a good cross section of people throughout that. They were conducted by experienced, trained interviewers. They were supervised at all times. They were monitored. They were computer-assisted telephone interviewing to make sure that the balance of this thing was as good and as objective as it could get, Mr. Speaker.

So this polling result says, among U.S. adults nationwide, a slight majority, 55 percent, agree strongly that, if a doctor is able to detect the heartbeat of an unborn baby, that baby should be legally protected—that is the core of the question that was asked—and 18 percent disagree either strongly or somewhat with this.

So when I look at the numbers here, 69 percent overall are packaged up within the agree strongly component—fifty-five percent. Now, that is landslide in a political election, 55 percent. And this will be a landslide in the polling that says 55 percent strongly agree that, if a doctor can detect a heartbeat, the unborn baby should be protected by law, a 55 percent landslide majority, Mr. Speaker. And then you add to that the 14 percent who agree somewhat with this.

So, from a general agreement standpoint, 69 percent, or as close as you can get and not exactly hit the number, 7 in 10 Americans say let's protect those lives of those innocent, unborn babies when you can hear their heartbeat.

The people who disagree strongly are only 10 percent. And then those who disagree somewhat are another 8 percent; 18 percent disagreeing on the other side, but only 10 percent disagree strongly.

So 55 percent say they strongly support a ban on abortion, once a heartbeat can be detected, the baby is protected, and only 10 percent disagree with that strongly. I am going to say that they are probably some of the hardcore leftists that I am engaged in debate with on almost a daily basis with here, Mr. Speaker. But you can divide 10 percent into 55 percent and say, for everyone out here who says we should not protect that innocent, unborn baby whose heart is beating, for everyone who says that, there are five and a half Americans who say we have to protect, we have got an obligation to, and they believe strongly that we protect the lives of those innocent, unborn babies with a heartbeat.

That is a huge majority on the side of life. I am very gratified to know that that is the position of the American people, with only a 3.1 percent margin of error in a scientific poll that I am happy now is part of the RECORD in the United States Congress.

I would say there is another way to analyze this poll. I am looking at this one that says there are 13 percent undecided, Mr. Speaker. So you have 69 percent who agree altogether, and you have got 18 percent that disagree altogether, and 13 percent that neither agree nor disagree. Now, I always wonder, when we are doing polling, why do we measure those without an opinion? If they don't agree or disagree, that is about the definition of ambivalent. They call that *mox nix* where I come from.

So if I take that out of there and calculate it the other way and put it to-

gether, you add together 69 percent and 18 percent, and then you say what percentage are those that agree, well, it is actually 79.3 percent say we should not abort a baby whose heart is beating, and 20.7 percent say, well, it would be okay with them if we did. That is another way of measuring this. And that is a 4-to-1 measure—5.5-to-1, 4-to-1 Americans are ready to protect innocent, unborn human life.

Mr. Speaker, think what this means. Think what it means that we are a society that seems to have plugged our ears to the understanding that life begins at conception. I have known this for a long time. It wasn't a mystery to me.

I see the beautiful little baby going out now. Mr. Speaker, that is a very gratifying thing to see from down here, parents raising their children right.

But from my standpoint, I have this memory. Marilyn and I were married in 1972. I remember sitting there in card club, and the discussion at that time was we have all these babies being born in Central America and why do they have these babies if they can't feed them? Why don't they just abort them? I remember that discussion around card club on a Friday night.

It didn't really trigger me at the time because we hadn't been very far into the abortion debate. I hadn't thought about it very much. We weren't parents, and Marilyn wasn't pregnant at the time. We were just married.

So I remember that discussion though, and it just didn't hit me. It just kind of went through. I don't even know if I engaged in it. I just remember that somebody at the table said, well, if they can't feed them, why don't they just have an abortion?

Well, not very long after that our first child was born. And I picked up that little baby—actually, he wasn't little. He was just a little bit short of 9 pounds. But I looked at him, and I was in such awe of the miracle of that little boy, that little baby boy named David. There was an aura about him. He was a product of Marilyn and me from our love. And there he is, a miraculous little child in my hands, warm and squirmy and soft and beautiful and a miracle. It is different if it is somebody else's child, I suppose, because it hadn't hit me like that. But there was an aura about this little baby, and you could have convinced me he was the second coming of Jesus Christ, himself.

And I looked at him and I thought, how could anyone take this little miracle's life? How could they kill this baby now? He is minutes old. How could they take his life the minute before he is born? No one could do that—well, almost no one. Could they take his life the minute after he was born? Or could they take it the minute before he was born? Or could someone take his life an hour before he was born or a

day? Or could they take it a week before he was born or a month or one trimester or two trimesters or 8 months or 36 weeks or 37 weeks before he was born? What changed? What changed throughout that time?

In a matter of minutes, it all fell into place for me. From the moment of conception he was formed in his mother's womb, and from that point on he is growing on the genetic configuration that he is, blessed with a soul placed in him at that moment. That little boy grew from that point on, and now he is the father of three of my grandchildren. They are all miracles to me. And our other sons are all miracles to me, and our other grandchildren are all miracles to me.

But I can't conceive of doing anything except sacrificing, if I needed to, my life to protect them because they are unique human beings, worthy of all of the protection that society can give them, just like every American is; and, in fact, everybody on this planet is seen in God's eyes.

There has to be a moment that our lives begin. We have to choose that because we can't have an immoral position coming out of law that says, well, it is up to the mother to decide whether this baby is going to have an opportunity to fill its lungs full of free air and scream for its own mercy. They can't do that from the moment of conception, but they can do that from the moment of birth. And if we could hear that inner womb scream at that moment of abortion, we would plug our ears in terror and fright at the crime that abortion is.

So it is our moral obligation to protect all human life from the moment of conception until natural death. That is what this bill does, H.R. 490, the Heartbeat Protection Act of 2017.

The polling that we have here says clearly that the American people agree. And it is not only, Mr. Speaker, the American people—well, it is actually in the polling. But I separated them out into categories so we could understand how people think about this and how they think about it from the categories of being Republicans and Democrats and no party or Independents.

As you can see, among the Republicans, 86 percent agree that, if a heartbeat can be detected, the baby is protected. That is 86 to 6 percent disagree. Eighty-six percent of Republicans, that is about as high a number as you see on anything.

I should run a little measure sometime when you ask, does the Sun come up in the east. That is probably about only a 97 percent issue. But it is 86 percent want to protect a baby with a heartbeat—Republicans.

Democrats, still that landslide majority of 55 percent of Democrats want to protect a baby from the moment a heartbeat can be detected—25 percent

say no, 55 percent say yes. It is more than a 2-to-1 support among Democrats to support the language that is in this bill for H.R. 490, the Heartbeat Protection Act.

And then when you go among Independents, they are a little more pro-life than Democrats are. I shouldn't be surprised at that. Sixty-one percent of Independents want to protect a baby from the moment that their heartbeat can be detected.

□ 1645

This is a huge issue for America. America is not yet informed enough about this legislation that is available. And sometimes we get stuck in a rut and we decide, well, we have been working on the sex-selective legislation or the pain-capable legislation, or we have been trying to get Planned Parenthood defunded—which this Congress must do—and we need to do it perpetually, not just annually.

Those are all things that we need to be working on, but it is time now for this Congress to swing for the fences, to move legislation that is based upon a clear and distinct principle of life. If that heartbeat of that little baby's heart, that innocent little baby can be detected, we have a moral obligation to protect that baby.

Then how do we measure the end of life? And how has it been from time immemorial? When the heart stops? When the heart can no longer beat?

Yes, we measure brain waves and we do other things. But when that heart stops and it can't be started and we can't sustain life, we call that death. And when an abortion is committed, that little baby's heart is beating. And you know that the abortion stops a beating heart. That is on posters by the Knights of Columbus and others all over this country. Abortion stops a beating heart.

We need to protect the lives of all of those little babies with beating hearts. We can detect them now with the ultrasound and the science that we have. It is time for this Congress to move.

In our March for Life here that I mentioned a little earlier, Mr. Speaker, when we have hundreds of thousands of people that come out here and gather on The Mall and then march to the Supreme Court building to plead for the court to protect innocent, unborn human life, what is happening is America is waking up. America is feeling the guilt, and we pray for the mothers who have had abortions. But America is also understanding that there is a life that begins at the moment of conception.

So of all of the families that have first bonded with this little unborn baby by seeing the ultrasound—sometimes by framing it, as exists in my Sioux City office for Joseph Dean Anderson's ultrasound—but millions of

those cases across the country are raising the awareness of the American people, and it is not just the mother and the father that see that ultrasound.

They see it in realtime, and they hear the sound for real. It is not just a picture that goes up on the wall that is framed, but it is a living, breathing, moving organism where you can see that innocent little baby squirming and moving around inside in the amniotic fluid, and you can see the expressions on their face and the movement that is there. That this is a real human being and you want to get your hands on that little baby and hold them and love them, but you have to wait until they grow enough that you can do that.

But family after family has this, and little brothers and sisters are shown that ultrasound and they say: This is your little brother or little sister that we expect on such and such date—we have become pretty close with that date. And so kids, brothers and sisters, the siblings are recognizing their brother or their sister, acknowledging that they are an innocent unborn human being well before they are born. And they grow up knowing this.

Now, for the 44 years since *Roe v. Wade*, we have millions of millions of pro-life people and millions and millions of anti-abortion people who understand this. They grew up understanding this. And no one can any longer tell them that it is just a blob of a tissue and that it is not alive.

I recall a World War II veteran, one who I admired and respected. He has passed away now, as many of them have. His name was Vic Lunsman. We were having this discussion while we were talking about building terraces and tiling, and he said: When the pro-abortion people say that this baby is not alive—if this baby is not alive, why then do you have to kill it? Why do you have to kill it?

I thought he put that into a package about as compressed as it could be. We know that abortion ends an innocent life of an innocent human being that is created in the same image that we are recreated in, in God's image. And now we know from 16 days on that—it is not just that we know that there is a heartbeat, but we can hear it. We can hear the beat, beat, beat, beat, beat of that little heart. And to think of that little heart struggling for life; to think of that baby squirming to try to avoid the abortionist; to think of that baby feeling the pain; to think of that baby being aborted because the mother or the father wanted a boy or a girl; or because somebody told them that that baby wasn't going to be exactly perfect, none of that measures up against innocent, unborn human life, sacred life, that life that we have to protect from the moment of conception to natural death.

That is what is wrapped up in this heartbeat bill. And if we had the

science to prove the moment of conception, I would be standing here with a moment of conception bill. We don't have that science today, but we do have the science of detecting a heartbeat.

And we know the sound of a beating heart is the sound of life. And if you can detect a heartbeat, if you can hear that heart beating in any of us, you know that person is alive; you know there is a spirit within us; you know that our soul is still within our body; and you know that there is a hope for us—at least whoever that might be whose heart we are listening to—to get up and to move about, to live, love, laugh, learn, reproduce, and contribute, to glorify this Earth in a way that we are challenged to do.

Yet, 60 million babies have been denied that opportunity and have been denied that gift of life.

What might they have done? What might they have done for America? What might they have done for the world? How many Presidents, how many Mother Teresas, how many Billy Grahams? How many people have lost their life before they ever had a chance to breathe and fight for it that might have solved the problems that we are facing today here in this United States Congress?

We can't deny that potential. We carry that guilt today, but the best we can do is end it as soon as we can end it. And we would end 90 to 95 percent of the abortions in America with H.R. 490 the Heartbeat Protection Act.

Mr. Speaker, I want to remind you here in this Congress that this is a bill that has strong support in the polling that we have rolled out here. Eighty-six percent of Republicans say that if a heartbeat can be detected, the baby should be protected. Fifty-five percent of Democrats agree that if a heartbeat can be detected, the baby is protected. Sixty-one percent of Independents say that if a heartbeat can be detected, the baby is protected. And of those who oppose it—at least those who oppose it vigorously—only 6 percent of Republicans, 25 percent of Democrats—and I am going to suspect that a fair amount of these 25 percent of Democrats, Mr. Speaker, are more for political reasons and that they wouldn't be able to sustain themselves in a moral debate on the topic. I think that may or may not be the case for the 27 percent of no parties.

But to put this back into summary, Mr. Speaker, here are easier numbers to remember: 69 percent of the American people, with only a 3.1 percent margin of error, believe that if a heartbeat can be detected, the baby is protected. That is 7 in 10 Americans that take that stand. And that is one of the strongest pieces of support you can get for any bill that would ever come to this floor or any discussion that we ever have if you get up to that level of

7 out of 10, and only 18 percent disagree vigorously.

So, Mr. Speaker, I hope that the people that listen in on this conversation between us have contemplated the central points that I have put into this debate and this discussion here this evening, and I hope they have thought about the principles that are involved. I hope they are able to carry this message along to their children and grandchildren, and into our schools and our classrooms, our churches and our synagogues all across this land, this profound belief that if Americans share; that we believe that human life is sacred and it needs to be then sacred in all of its forms.

The second question is: At what moment does life begin?

There is only one moment in the full development of a full human being, and that is the moment of conception. The closest we can scientifically get to proof of that conception is the sound and the detection of that heartbeat, which we all recognize to be the sound of life. That sound of life, that beat of that heart cannot be extinguished by a moral human being who believes that a human life is sacred in all of its forms, and knows that it begins at the moment of conception. And then we can measure the heartbeat and protect that baby from the moment that that heart has begun to beat.

Any doctor that fails to follow the directive in this legislation, in H.R. 490, any doctor that fails to search for a heartbeat and conducts an abortion without—or conducts an abortion in spite of that beating heart is facing a fine and a prison term up to 5 years, or both.

That is a respect for human life. By the way, we hold the mother harmless. She is also protected from any touch of this law. It is only the abortionist that is the subject of this piece of legislation that I have introduced. But it aims to protect human life from at least the moment that the heartbeat can be detected; the baby is protected. And this will gain momentum as we go forward.

The American people will understand what this means. I am hopeful that across our churches, across our schools, across our families, they begin to talk about the Heartbeat Protection Act of 2017. And our little kids that grow up, as mine did—having once seen the film, that families grow up respecting the heartbeat of innocent, unborn human life.

Mr. Speaker, I appreciate your attention this evening. I yield back the balance of my time.

DISMANTLING THE FEDERAL GOVERNMENT

The SPEAKER pro tempore (Mr. JOHNSON of Louisiana). Under the Speaker's announced policy of January

3, 2017, the gentleman from Maryland (Mr. RASKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RASKIN. Mr. Speaker, I am delighted to be with you this afternoon. I have a series of other speakers who will be joining me later in the hour from the Progressive Caucus, as we discuss some of the key events of the week from our perspective.

GENERAL LEAVE

Mr. RASKIN. Mr. Speaker, I ask unanimous consent that all the Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RASKIN. Mr. Speaker, I love magic, and I bet a lot of people out there watching today love magic, too. Ever since I was a kid, I loved the cup tricks, the card tricks, and the rabbit coming out of the hat. When I was in college, I even used to entertain at elementary school birthday parties, helping to pay my way through college.

The key move in magic, as you know, Mr. Speaker, is the sleight of hand. I looked up the definition of "sleight of hand" in the Merriam-Webster Dictionary, which defines it as a cleverly executed deception.

A sleight of hand is also sometimes called a prestidigitation, quick fingers, or legerete de la main, which is the French phrase for "lightness of hand." It is defined as the set of closely related techniques used by a stage magician to manipulate the perceptions of the audience.

Sleight of hand depends on the use of psychology, careful stage misdirection, constant blabbering, and strategic confusion to distract the audience.

Mr. Speaker, the President of the United States has been masterfully deploying sleight of hand ever since his inauguration. With his nonstop tweeting and his incessant mad antics, the President distracts us from the real action, which is what is happening here in Congress. We are witnessing a magic trick on the world's largest stage, the auditorium of American democracy. And we, the people, are the captive, bedazzled, and totally distracted audience of the President. The tweets are a massive sleight of hand distracting us from the serious destruction of public policy and law that is taking place right here in Congress.

□ 1700

I want to say, at the outset, I prefer to think of this as a magic trick because the alternative that the President simply can't control himself is almost too horrific to contemplate.

The Constitution does have a way of dealing with that problem, too, and you can find it in the 25th Amendment.

Today, we are going to assume that all of this is a magic show. I used to coach kids' soccer. And when I coached soccer, I would always tell the kids: Don't bunch. Keep your eye on the ball. Stay in your lane and pass the ball.

Without fail, the youngest kids who are just starting out, they all chase the ball. They move around the field in a big clump, a big mob. And I would say: Don't follow the mob that is following the ball. Go to where the ball is going to be going.

When they are young, they don't know how to do it.

I think that advice applies here as well to America, to the body politic. Don't follow the mob that is following the ball. Let's not be distracted full time by all the tomfoolery and tweetfoolery.

There are important and dangerous things happening right here in Congress right now. While the President is tweeting insults and fake news and inflating his slender college victory and the size of his inaugural crowd and making fun of Meryl Streep and chatting about Nordstrom's department store and talking about how he is going to make Mexico pay for his wall and so on, what is taking place in Congress is the systematic dismantling of the regulatory apparatus that the American public depends on for clean air, clean water, safe food, a decent environment, and control of criminality in the country.

The fundamental political action that we must be paying attention to now is the dismantling of the regulatory apparatus of the Federal Government, which is happening every day right here in the Halls of Congress. This is the apparatus that protects our food, our air, our water, our health care, our financial system, the ability of people to invest safely on Wall Street, occupational safety and health for our workers. All of this is being attacked in terrifying and often invisible ways.

Behind the scenes, while the wizard of odd convenes a dinner in Mar-a-Lago where he entertains a national security crisis discussion in full view of other diners who begin to tweet out and Facebook out what they are seeing happen, while all of that is happening, Congress is rolling back environmental protections to protect streams, rivers, and drinking water from pollution. They are savaging the rules that restrict the volume of greenhouse gas emissions that are leaked into the atmosphere, destabilizing our climate system. Check out H.J. Res. 38 and 36.

While the distractor in chief whines about leaks, while his whole campaign was based on leaks of emails that were captured by Russian agents working to get him elected, in Congress, they are rolling back financial regulations which ensure that workers have retirement savings options, H.J. Res. 66, and

which protect consumers from excessive financial risks, H.R. 78.

They have also targeted and rolled back labor regulations that promote safe and healthy workplaces and fair employment practices, H.J. Res. 37.

Amazingly, while President Trump's National Security Adviser, General Flynn, was forced to resign when it was revealed that he had been colluding with Russians to lift the sanctions that the Obama administration had imposed on Russia, here in Congress, we are passing joint resolutions to rescind anticorruption regulations that required oil and gas companies to report monetary payments that they made to foreign governments, H.J. Res. 41.

So Trump tweets about leaks, while his administration is one vast leak to the Russians. And here, Members of the GOP are working to throw an invisibility and secrecy cloak over corporate payments being made to foreign governments and corporations.

While the world is distracted by all of the sleight of hand, this Congress is passing bills to give government back to giant corporations and special interests that care not for the common good but simply for their own bottom line.

Mr. Speaker, as a freshman, I have been here for only 8 weeks. I have to tell you that I am disappointed that I have not voted on a single bill in the House Judiciary Committee that has had so much as a hearing. Yes, I want to repeat that. We have voted on five bills since I got here and not one of them has had a hearing.

Now, I come from the Maryland State Senate where I proudly served for 10 years as a State senator. When we had a bill coming up, no bill could be brought to the floor without a hearing first, and anybody who wanted to come testify on the bill could come testify on it. Now, that is not practicable here in the U.S. Congress. However, we could at least have experts relating to the bill and people who are affected by the bill come in and testify, but we haven't done that in the House Judiciary Committee. Instead, we voted on a series of bills which, to my mind, dramatically curtail the public interest.

Yesterday, we voted on a bill to dismantle, essentially to put into a stifling straightjacket, the class-action mechanism that has been used over the decades to vindicate the interest of people who are victims of sex discrimination, victims of race discrimination, victims of toxic torts, victims of asbestos poisoning. We voted basically to trash class action yesterday without even so much as a bill.

Now, on some of the other bills, it was said to me: Well, there were hearings in prior Congresses. One Member said: We had a hearing on that back in 2012.

This is 2017, 5 years later. But on this particular bill that I am talking about, nobody even heard the bill. There was

no hearing on it. It was simply brought up for a vote. That is irresponsible legislation. That is not real democracy when you don't even have a hearing and people who are affected by the legislation don't have the opportunity to come and talk about it.

Now, they are not having hearings because they think—and they are probably right—we're not paying attention. What are we paying attention to? We are paying attention to the magician. We are paying attention to the wizard of odd. We are paying attention to the tweets instead.

The good news is that the audience is starting to wise up. The whole country is waking up to the profound dangers of the administration's financial and political entanglements with Russia, with the Russian corporate and governmental elite.

Just this week, the National Security Adviser, Mr. Flynn, resigned after reports came out about his communications with the Russian Ambassador while President Obama was still in office, communications dealing with the lifting of sanctions on Russia, communications that General Flynn lied about and was forced from office because of it. He misled Vice President MIKE PENCE and other officials about his conversations with the diplomat, which was being monitored and recorded by the intelligence community.

Now, Mr. Speaker, ladies and gentlemen, my fellow Americans, let's think about this for a moment. As a former chief of the Defense Intelligence Agency, Mr. Flynn was no innocent about the world of spy versus spy. He must have known that his telephone call with the Russian Ambassador was being monitored and recorded. If he really wanted to go rogue and operate on his own without the permission and the license of President Trump, he never would have allowed that telephone conversation to be recorded. But he did allow it to be recorded. He made the call with presumable full knowledge that other people in the intelligence community would be listening in on it, which leads me to the inescapable, logical conclusion that Flynn knew that, in making that call, he enjoyed the full support of the one person above him who could remove him from his job, the President of the United States.

Now, do I know that? No, I don't know it. I surmise it. How are we going to know whether or not this is true? How do we get to the bottom of the Russian connection in the campaign? How do we get to the bottom of the Russian connection in the Trump administration?

We need to have a full, complete, independent investigation by experts, like the 9/11 Commission, which gets to the bottom of this profound danger, this dagger pointed at the throat of American democracy.

Mr. Speaker, everybody loves magic, I think. Everybody loves the enchantment of being fooled, of being distracted, of being diverted. That is why people go to magic shows. It is diverting. It is amusing. It is fun.

Everybody loves a great magician, too. None was greater in our history than the great Houdini, who dazzled the world with his extraordinary optical illusions and effects, his amazing ability to simulate telepathy and telekinesis.

Houdini also had a very strong ethical and professional code about being a magician. He never revealed a trick. More importantly, he never tried to fool people in order to defraud them. He never tried to fool people in order to humiliate them. He never tried to fool people in order to take away their rights. He never tried to fool people in order to demoralize and crush them or to strip them of their freedom. He never tried to fool people in order to victimize them.

Indeed, in the 1920s, Mr. Houdini channeled all of his magnificent energy away from doing his magic shows and instead put it into the separate but related task of exposing psychics, mediums, con men, charlatans, and practitioners of the occult and the dark arts who did take advantage of people's good will, who did take advantage of people's impressionability to defraud them, to take their money, their belongings, and to distract them from the real world, and to undermine the moral and ethical principles that should govern human behavior and must govern social life.

Although Houdini is no longer with us, he has great heirs today in socially responsible magicians like the Amazing Randi and Penn & Teller.

Already millions of Americans themselves—millions of us in the audience—have woken up to the fact that we have been pulled into an irrational and dangerous fantasy world, an echo chamber of malignant narcissism, cruelty, and paranoia.

It is time for all of us to stop being distracted, to stop being bedazzled, and pay attention to the real game, which is, one, trying to get America to join with Vladimir Putin, a dictator and an autocrat who said that the single greatest catastrophe of the 20th century was the dissolution of the Soviet Union, in order to create an international league of dictators, demagogues, and despots to violate human rights and crush liberal democracy; and, two, to dismantle at home the public regulatory infrastructure which protects our land, our air, our water, our climate, our liberties, our freedoms, our equal rights, and our capacity to function as the greatest democracy on Earth and to function as an efficient and effective government meeting the needs of the people.

The magicians out there—there aren't many—but you have a special

obligation to help us blow the whistle, and you are doing it. But it is really the American people—it is all of us who must stand up.

The Constitution talks about three branches of government. Article I is Congress. Article II is the executive. Article III is the judiciary. Let's call Congress the first branch.

But when you think about it, what is even more important than the Congress is the trunk, the roots of democracy. Everything grows up from the people. The branches are out there, but Congress works for the people. The President works for Congress and the people. The Supreme Court and the judiciary work for the people.

It is time for the people to dissolve the spells that have been cast over the country, to say this is a democracy. We operate by the Constitution and the rule of law.

Mr. Speaker, I yield to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I really appreciate participating in this Special Order hour about things that, I think, the American people really ought to be caring about.

The minute that Donald Trump took the oath of office and put his hand in the air, he was in violation of the law. It is just a fact that the Trump Hotel, which is in the old post office building—there is a very explicit contract that says no elected official may enter into a contract for that hotel and profit from the business in that hotel. There was a lawsuit that was filed. It is still pending.

You may not think that is a really big deal, but how about this: What if there were delegations from somewhere else in the world, some country that really wanted to curry favor with the United States of America, and decided a really good way to do it would be to move our delegation to stay at the Trump Hotel?

□ 1715

Maybe we could have a big gala, we could have a party, and we could make a lot of money from that. And guess what. Maybe the President of the United States would notice that we are spending money in a hotel from which he gains a profit, and that would be a really swell idea.

Well, actually, the Framers of the Constitution thought that was not such a grand idea and very explicitly put into the Constitution something that would prohibit any foreign government from influencing U.S. policy. They were worried about the King of England. They were worried about France. They were worried about other countries having too much influence on the United States by currying favor with the President and the decision-makers, and so they introduced and put into the Constitution very explic-

itly what they called the Emoluments Clause in Article I, section 9 of the Constitution.

While "emoluments" is certainly not a word we use in regular conversations—emoluments, I never used it before this and never heard of it before this, actually—it is a concept that is part of our Constitution, and it is very simple: that no government official should receive benefits of any kind—of any kind—from a foreign government. President Trump is clearly violating that constitutional principle.

So, unlike any Presidents before him, President Trump has actually refused to fully separate himself and his family from his business dealings. It is also very unusual, of course, that we haven't seen his tax returns, which has been pretty standard for any President to release his tax returns, and it has been a requirement for the Cabinet that Mr. Trump has exacted from those nominees.

Because of his business holdings, Trump and his family are constantly—constantly—receiving benefits from other countries, whether it is foreign governments renting that space at the Trump Hotel in D.C. or the loans and business agreements that the Trump organization has with China, Russia, and many other countries. We don't know them all. We haven't seen them all. That would be in his tax returns and all the different sections of the tax return, his holdings in Saudi Arabia, and Turkey, which he has refused to put into a blind trust.

So it is troubling enough that President Trump and his family are profiting off the Presidency, but now it is becoming clearer that this lack of ethics could threaten our national security and national interests. So if you haven't cared until now, you ought to start caring.

Look at Russia. Trump has done business in Russia and has remained uncomfortably close to Vladimir Putin. He refuses to release his tax returns, which could clarify the specific financial interests that he has in Russia.

President Trump knew his National Security Adviser, Michael Flynn, was compromised by Russian intelligence and had misled Vice President PENCE; yet Flynn was allowed to remain in one of our most sensitive national security positions until criticism from Congress, the media, and the public became too much to ignore.

President Trump continues to gloss over the serious problems that led to Flynn's resignation. Instead, he attacks the messenger and the leaks that brought Flynn's conduct to light. These are bright red flags. These are signs that the President has something to hide.

Americans deserve a President who they can trust is putting the country's interests ahead of his own, that he is putting the country's interests instead

of another country's interests because that deal might be in his interest.

There should be no question over the purity of the President's motives, especially when he is making critical security decisions on behalf of the Nation. If President Trump wants to assure the American people that he deserves our trust, he must be transparent. We need a bipartisan, independent investigation of his conflicts of interest, particularly with Russia, but not exclusively. He must release his tax returns, and he must fully separate himself from his business dealings.

The corrupt practices of this administration must stop. Our country and our Constitution demand nothing less.

Mr. RASKIN. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. CLYBURN), my good friend, the Assistant Democratic Leader.

HONORING VOORHEES COLLEGE AND DENMARK TECHNICAL COLLEGE

Mr. CLYBURN. Mr. Speaker, I rise to continue honoring HBCUs, Historically Black Colleges and Universities, for their significant contributions to our Nation's history.

While only 3 percent of our Nation's higher education institutions are Historically Black, HBCUs produce 20 percent of the African-American college graduates. Today, I recognize and celebrate two of the seven HBCUs in my congressional district, Voorhees College and Denmark Technical College, both in Denmark, South Carolina.

Voorhees College was founded as Denmark Industrial School in 1897 by Elizabeth Evelyn Wright when she was just 23 years old. Wright studied at Tuskegee Institute and was a devotee of Booker T. Washington. She had previously led efforts to start schools for African Americans in South Carolina, which were always met with arson and threats of violence. She persisted in her efforts to offer African Americans an opportunity for a better life and, with Voorhees, created an institution that would stand the test of time.

Wright originally taught classes in an old store in Denmark, but, in 1902, New Jersey philanthropist Ralph Voorhees donated money to purchase land and construct a building for the school. A high school at first, Voorhees offered classes at this level for African Americans in the area.

In 1924, the Episcopal Church partnered with Voorhees, and an affiliation with that church continues to this day. The college began to offer junior college degrees in 1947 and 4-year degrees in 1962. While originally founded on the principles of Booker T. Washington to teach job and trade skills to African Americans, Voorhees now proudly claims to offer a blend of Washington's philosophy and that of W. E. B. Du Bois, who believed a classical liberal arts education was vital to the development of African Americans.

The college's recently retired president, Dr. Cleveland Sellers, is a Denmark native who graduated from Voorhees High School. Sellers went on to Howard University, where he became active with the Student Nonviolent Coordinating Committee, participating in its 1966 March against Fear.

In 1968, after returning to South Carolina, Sellers was arrested and imprisoned for supposedly inciting the confrontation between students and police that became known as the Orangeburg massacre, when police opened fire on students, killing 3 and injuring 27.

Voorhees' College's new president, Dr. W. Franklin Evans, previously served as interim president of my alma mater, South Carolina State. In that role, he successfully led South Carolina State out of a financial crisis. I sincerely believe that Voorhees College is well-positioned for the future with Dr. Evans at its helm.

Denmark Technical College, whose campus is adjacent to Voorhees, was originally a branch of the South Carolina Trade School System. It was created in 1948 by the South Carolina General Assembly and mandated to provide trade skills to African Americans. During the "separate but equal" era, Denmark Tech was one of the few opportunities for trade school education offered to African Americans by the State.

In the early 1960s, Governor Fritz Hollings and then-Senator John West led the effort to create the South Carolina Technical College System. In 1969, the existing trade school in Denmark was transferred into the system and the modern Denmark Technical College was created. Its total enrollment is approximately 2,000, 96 percent of whom are minority students. Denmark Tech continues to provide technical education and trade skills in its assigned region of Bamberg, Barnwell, and Allendale Counties.

Voorhees College and Denmark Technical College, like their fellow HBCUs, have made an indelible impact on their communities, South Carolina, and the Nation. They have provided generations of African Americans educational opportunities, and I look forward to their continued success.

Mr. RASKIN. Mr. Speaker, we should be joined momentarily by Representative SHEILA JACKSON LEE. I want to close out, though, my own thoughts by responding to something I have been hearing over the last week here in the Halls of Congress.

Now that it is clear from our intelligence agencies, 16 of them, including the CIA, the FBI, the Defense Intelligence Agency, the National Security Agency, and so on, that Vladimir Putin had a deliberate campaign of espionage, cyber sabotage, propaganda, and fake news to undermine American democracy in the 2016 election, and now that it is clear that there were high-

level contacts between Trump associates and officials of the Russian Government, it is no longer being denied by anybody on either side of the aisle. What I have started to hear is, well, sure, they tried to hack our election, and, sure, they leaked thousands of emails, and, sure, they changed the dynamics of the campaign and what people were talking about in the campaign, but there is no proof that they stuffed any ballot boxes or they hacked into the computers. And that is true; we don't know that they stuffed any ballot boxes or hacked into computers, and we will have to see if anything comes out about that when we finally get to do a real comprehensive investigation. But, Mr. Speaker, the reality is that we should be terrified and appalled and outraged that they were allowed to go as far as they did.

How many people in this body would accept a foreign entity coming into our congressional districts and spending millions or hundreds of thousands of dollars against us, hacking into our computers, releasing our emails, and completely changing the dynamics of the campaign?

So when I hear from colleagues that, well, yes, they distorted the campaign, they hacked into the campaign, but they didn't steal the election, I think that they are making a distinction with no difference at all. If you derail the campaign, you kidnap the campaign, you hijack the campaign, you have altered the outcome of the election, especially one in which your opponent gets 2.9 million votes more than you did, especially in an election where you were able to torture out only the slenderest of electoral college victories in three States by 70,000 votes.

□ 1730

So I simply reject the constant claim that I am hearing from colleagues, Mr. Speaker, that we don't need to worry about Russian subversion of the 2016 election because it only affected the campaign; it didn't necessarily affect the election outcome. To influence the campaign is to influence the election outcome.

Mr. Speaker, I am seeing Congresswoman SHEILA JACKSON LEE is not here, so I yield back the balance of my time.

THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 30 minutes.

Mr. WOODALL. Mr. Speaker, we see so much on TV. I was watching the President's press conference a little while ago. We see so much discord out there, and this opportunity that we have in the afternoon to really delve deep into the issues is so valuable to

me. It is one of the only opportunities that the American people get to see us delving deeply into the issues.

You and I know that we are in the committee room, we are behind closed doors in a bipartisan way grappling with all of the hardest issues that face American families, but folks don't see it and they don't feel it. Why it is we celebrate the discord instead of celebrating the discourse is a mystery to me.

I bring, Mr. Speaker, today some stories about the Affordable Care Act from my district at home. It is not going to be a surprise to you that these are stories of challenges.

In Cumming, Georgia—it is up in Forsyth County, Georgia, just north of Atlanta—I heard from a single mom. She has two kids, ages 11 and 13. They have a family physician that they want to hang on to.

She says: I work part-time as a paralegal. I earn \$25,000 a year, and I also receive child support payments.

She said that she was encouraged by a health insurance company to go out and enroll in Medicaid instead, but neither of her children's doctors accept Medicaid.

How often do we hear that?

The solution for everything is to dump everyone into Medicaid. Medicaid is not a healthcare system. It is a healthcare payment system. You have to find a doctor who will accept a payment. This young woman's doctors do not.

She said she went on healthcare.gov, filled out an application, and was offered a plan for \$464 a month with a \$12,600 deductible. She makes \$25,000 a year, and what we have offered her is a \$500-a-month policy, \$464 a month, with a \$12,000 deductible. That is not affordable, she said. She called an insurance broker and looked for a similar policy. They were priced the same way.

She said: I have decided to pay the ObamaCare fines instead.

Mr. Speaker, I tell this story because I know that every single Member of this body wants to serve the constituency that sent them here. Every single Member of this body wants to find solutions for folks back home.

As we look at the numbers across the country, we find that more Americans that we purported to help with the Affordable Care Act have decided to pay a fine instead of join the exchange system.

Mr. Speaker, we have more Americans opting out of the system than opting into the system because we have failed those very people we purported to help.

From Buford, Georgia, Mr. Speaker: I'm a full-time student with a part-time job that doesn't offer health or dental insurance. I can't get health insurance through my parents because they are on Medicare. I shopped for health plans, but all of the ones on the

exchange are out of my budget. I shouldn't have to pay a fine because I can't afford health care.

Now, think about that, Mr. Speaker. This young student says: I shouldn't have to pay a fine because I can't afford the health care. If I can't afford the health care, I certainly can't afford the fine.

These are the people that we purported to help with the Affordable Care Act, and they are not being served.

Back in Cumming, Georgia, Mr. Speaker: Today I have been in my office for hours trying to find affordable health care that accommodates my primary care physician. Prices start for me at \$750-plus. Before ObamaCare, I was paying \$365 with more access to doctors.

It is not just about the money, Mr. Speaker. These networks, as you know, are closing. More than one-third of the counties in America have no choice of insurance whatsoever. The networks are narrowing. Folks are not just finding it hard to pay for care, but they are finding it hard to choose their physician.

A retired couple in Peachtree Corners, Mr. Speaker: I retired last year, and my husband retired this year. Both of us are in our sixties. We knew we would have to pay a lot for health insurance, but I was stunned when we signed up for the Affordable Care Act to the tune of more than \$1,200 per month. I recently received a notice from our insurer that premiums for 2017 will go to over \$2,000 per month.

This family played by the rules their entire life, Mr. Speaker. They retired, needed access to health care, and went to the exchanges that were purported to help people find affordable health care. They found a \$1,200-a-month policy that this year rises to \$2,000 a month.

I say this to the young people planning for their retirement and thinking about putting something away for a rainy day: This couple pays \$2,000 a month simply for their premium.

Another family in Cumming, Georgia, Mr. Speaker: Six years ago, we had a perfectly acceptable high-deductible plan with an HSA for \$300 a month. As ObamaCare has been implemented, it has gone from \$300 to \$450 to \$950 per month, and our only remaining option is a \$1,450-per-month plan that provides effectively the same coverage.

Mr. Speaker, I added that one because these folks weren't looking for help. These folks weren't uninsured. These folks didn't have a problem finding insurance. They had it under control themselves. In the name of helping the uninsured, the Affordable Care Act came in, re-regulated the entire insurance industry, even for people who already had health care, and drove this family's premiums from \$300 a month to \$1,400 a month.

Mr. Speaker, who defends these things? Who defends these things?

I tell you, I will not have a colleague from the Democratic side or the Republican side who would say that any of these consequences were intended when the Affordable Care Act was passed. They might have been inevitable, but they were not intended.

So we can agree there is a problem. We can agree there is a problem. And if you don't think that we can agree, let me refer first to former President Barack Obama. Just last fall, he said this: Despite this progress, too many Americans still strain to pay for their physician visits and prescriptions, cover their deductibles or pay their monthly insurance bills. They struggle to navigate a complex, sometimes bewildering system, and they remain uninsured.

That's right. They remain uninsured. The trillion-plus dollars that we spent to solve the issue of the uninsured solved nothing. We continue to have a problem with the uninsured, yet we have added problems to those who are insured.

Democratic Governor Mark Dayton from Minnesota in October of last year, Mr. Speaker: The reality is the Affordable Care Act is no longer affordable.

The reality is the Affordable Care Act is no longer affordable—these are words of folks who supported the Affordable Care Act.

Former President Bill Clinton: "So you've got this crazy system where all of a sudden 25 million more people have health care and then the people who are out there busting it, sometimes 60 hours a week, wind up with their premiums doubled with their coverage cut in half. It's the craziest thing in the world."

There is a group of people, mostly small-business owners and employees, who make just a little too much to qualify for Medicaid expansion or for the tax incentives who can't get Affordable Care Act premiums in a lot of places.

Former President Bill Clinton says that there are guys out there busting 60 hours a week trying to make it work for their families, and we have failed them.

It is not that they had a problem to begin with. Many of these folks had insurance that they liked to begin with. We failed them when we re-regulated them into problems instead of solving problems.

Mr. Speaker, the broken promises began right away. You will remember the fact check organization that named "If you like your doctor, you can keep your doctor. If you like your health care plan, you can keep your health care plan" as the Lie of the Year.

Overpromising and underdelivering has been the nature of ObamaCare. We were promised premiums would decline by \$2,500. The average family premium has increased by \$4,300. We were promised the cost of health care would go

down, but deductibles have risen more than 60 percent. We were promised you can keep your doctor, but 70 percent of us find ourselves in narrower networks today than we did before. Middle class Americans were promised we wouldn't see a tax increase, but as we just heard from this young student, when you can't find a plan that meets your needs, then you are fined by the IRS. You are paying taxes right then.

Now, Mr. Speaker, I am not blaming these systemic problems on President Obama. I am not blaming these systemic problems on the Affordable Care Act. What I am doing is pointing out that we passed the Affordable Care Act with \$1 trillion in new tax increases and with a re-regulation of all of the insurance plans that people liked before in the name of solving these problems, which we did not solve.

I will take you to my home State of Georgia, Mr. Speaker. On average, 32 percent is the increase that we are seeing in premiums on our exchange—32 percent this year alone. Of the folks who are participating in the exchange, Mr. Speaker, 80 percent of them receive a government subsidy.

Let me say that again: Of the folks who participate in the \$1 trillion Affordable Care Act exchange program in the State of Georgia, 80 percent of them do so because the government is paying for their health care. That is a pretty good incentive to get in the system. If you're going to get a subsidy payment, folks are in the system. Eighty percent require that subsidy in order to be enticed into the system.

As you know, Mr. Speaker, more people rejected going into the system opting instead for no health care than went into the system with the Affordable Care Act.

The average wage earner in Georgia, Mr. Speaker, gets no subsidy from the government. Four hundred percent of the poverty line, as you know, is where that subsidy kicks in. That is about \$48,000 a year in the State of Georgia. I am telling you, if you earn \$48,000 a year, you have bills, obligations, and responsibilities, and you find yourself in one of these \$2,000-a-month premium situations that this retired couple in Georgia did, you cannot afford health insurance—or at least you cannot afford the health insurance that the government today is requiring that you have.

Let's think about those requirements, Mr. Speaker. The government, in its wisdom, decided it was going to force folks into plans that it deemed appropriate. Many of those came in the form of healthcare CO-OPs. It was certainly a reasonable idea: let's allow folks in States back home to join together and provide health insurance.

We sucked folks into those CO-OPs, Mr. Speaker. Again, an unsustainable system, this death spiral of ObamaCare. One million folks were

sucked into CO-OPs that went belly up, Mr. Speaker. They lost their insurance once when ObamaCare came into business, and they lost their insurance again when these CO-OPs failed.

As you can see on this map, the orange CO-OPs have failed. Only a few remain in business today. It remains to be seen if they will make it through the year.

When we talk about choice, Mr. Speaker, five States have only one insurer in the exchange. That was the whole point of the exchange. That is why we spent literally billions upon billions to set up these exchanges so that consumers could compare and choose.

Now, two things went wrong. Number one, we set up this list of mandates that every insurance plan had to comply with, which disincentivized folks to join those plans to begin with. Then, number two, by setting up what you had to have in a plan, you, by definition, restricted the choice of individuals to choose what they want. So you end up with five States with only one insurer under ObamaCare.

Now, that is before the announcement this week from Humana that it is withdrawing from all of the ObamaCare plans at the end of 2017. That was before the announcement this week from the Aetna CEO that he sees the death spiral that ObamaCare is involved in—his words—and it remains to be seen whether they will participate next year or not.

I don't need to find consensus among 218 Members or even 435 Members about whether or not ObamaCare is succeeding or failing.

□ 1745

What I need is for folks to look at the 19 million uninsured Americans who had an opportunity to go into this trillion-dollar system; an opportunity to reach for the golden ring, as it was described by its authors and its proponents, and they said: No. They said: It doesn't work for me. They said: It is not the right thing for me. They said: It doesn't fit into my families' needs and desires and expectations.

Of these 19 million, Mr. Speaker, 6.5 million paid a tax penalty. That is 6.5 million Americans failed by their government in a trillion-dollar healthcare regulation, failed by their government in an expansion through ObamaCare and Medicaid, and failed by their government yet again when they received a bill because the trillion-dollar program we put together didn't work for them and their families.

Can't we agree that if our goal was to solve the problem of the uninsured American, having 19 million Americans who would rather stay uninsured than participate in the Affordable Care Act is the definition of failure?

We can do better. There is a better way, Mr. Speaker, let there be no mistake about that.

I know there is a lot of anxiety out there. I don't want to minimize that. Fear is a corrosive emotion to have. I want to do my very best to allay the fear of anyone in America, Mr. Speaker, who is benefiting from the Affordable Care Act. As these numbers have demonstrated, there are not many. But if you spend a trillion dollars and re-regulate an entire industry, I certainly hope there is at least one family out there who got something out of it. I know that there are.

I quote GREG WALDEN, the chairman of the Energy and Commerce Committee, Mr. Speaker, who, as you know, has wide jurisdiction for re-regulating health care. He says this in January of this year: "We want to make sure that people with pre-existing conditions continue to get covered."

Mr. Speaker, it is a myth that Congress didn't care about preexisting conditions. It was Republicans in Congress, led by Republican Newt Gingrich of the great State of Georgia, who abolished preexisting conditions in every federally regulated plan back in 1996. He did that in partnership with Bill Clinton.

What you have heard from our chairman of the Energy and Commerce Committee is that we are committed to dealing with preexisting conditions. Take that anxiety off your list.

From Tom Price, now the Secretary of Health and Human Services: "Nobody is interested in pulling the rug out from anybody."

We believe that it is absolutely imperative that individuals who have health care be able to keep health coverage and move, hopefully, to greater choices and opportunity for them to gain the kind of coverage that they want for themselves and their families.

There has been a lot of talk about individuals losing health care. That is not our goal, nor is it our desire, nor is it our plan. The new Secretary of Health and Human Services said that this year.

Now, Mr. Speaker, I don't want to overpromise and underdeliver. ObamaCare is failing. The exchanges are failing. Insurance companies are leaving. Plans are being canceled.

I am not saying that if you like your plan, you can keep it. Your plan may be one of the overly regulated, overly priced plans that is collapsing across this country. What I am saying to you is, our commitment is to help and not hurt in that area.

I cannot prevent ObamaCare from failing. I cannot prevent your plan from going away, but I can provide an off ramp for you and your family so that you can find, as Secretary Price says, better choices and better opportunities.

From the United States Senate, Mr. Speaker, Majority Leader MITCH MCCONNELL: "There will be a stable transition period, and once repeal is

passed we will turn to replacement policies that cost less and work better than what we have now."

Some contend that, by fulfilling our promise to the American people, we are somehow going to go back to the way things were before ObamaCare, which we all know is untrue.

If your family grappled with pre-existing conditions because your State didn't address it the same way the Federal Government did back in 1996—folks are committed, if you are playing by the rules, to stick with you and your family through this transition.

If your family benefits from the raising of the lifetime caps that was a part of the Affordable Care Act, you have won that debate. You needn't worry as we go through this transition.

If you like the fact that your kids are unemployed and staying on your policy until they are 26 years old, I think you have won that debate. I think that is absolutely going to be a part of that conversation in this transition.

If you have a fear, if you have a worry, if you have a concern, I don't want to minimize it. I want to allay it. But come and share it with your Member of Congress, share it with your United States Senator. We have a group of leaders committed to addressing those concerns.

Finally, PAUL RYAN, our Speaker of the House: "We can and should have a system in this country where everybody can have access to affordable health care, including people with pre-existing conditions."

There are things that unite us in this body, and one of those things is caring for people, caring about people, wanting folks to get a fair shake. If you have played by the rules, you deserve a fair shake. That brings us all together in this institution.

I don't want any family to find themselves in fear that they are being forgotten in this transition, but there is a very real fear that, if you are in an Affordable Care Act plan today, that plan will fail.

Mr. Speaker, there are two things we can do. We can pretend that failure is not imminent. You can look at all the insurers withdrawing from ObamaCare, you can look at all of the rate increases going up in double digits, you can look at all of the folks who are opting out because it has gotten too expensive and doesn't serve their families' needs.

You can see the failure of ObamaCare. But the number of options that we have, the number of plans under discussion to replace it is numerous, Mr. Speaker. We have got the Better Way healthcare plan, we have got the American Health Care Reform Act, we have got the Empowering Patients First, we have got our Rules Committee chairman's The World's Great Healthcare Plan Act, the Patient Freedom Act, the ObamaCare Replacement Act.

Mr. Speaker, we have options. To begin to get to those options, we need to be honest with ourselves, whether we opposed ObamaCare from the beginning or whether we hoped it was going to be the best thing since sliced bread, that ObamaCare has failed.

With that recognition, we can repeal those costly mandates, we can repeal those constrictive agreements, we can repeal those things that have isolated us from choice, that have separated us from our doctors, and we can begin to restore a patient-centered, family first system.

Mr. Speaker, I have no doubt that you are a smart man. I have no doubt that you work hard from dawn to dusk every day. But no matter how hard you work, I promise you that you will not know better than the families in my district which healthcare plan is best for them, and I appreciate you not trying to second guess them.

I cannot make everybody in America happy, Mr. Speaker, but I can give everybody in America the choice to make themselves happy. I can't empower families in America to make their own choices, their own decisions about what works best for them.

Put your mind at ease. For folks who have concerns, we hear you. For folks who have been hurt, we are coming for you. And for folks who know there is a better way, we stand with you.

It is going to be a long spring and summer, Mr. Speaker, because this is only heavy lifting, but it is the right thing to do, and we have got the right group of men and women here to do it.

Mr. Speaker, I yield back the balance of my time.

FRIDAY NIGHT IN CAIRO

THE SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Arkansas (Mr. HILL) for 30 minutes.

Mr. HILL. Mr. Speaker, as we gather tonight in the historic House Chamber, where so much of our Nation's history has been debated and dispatched, it is good to hear my friend from Georgia talk about the challenges that face our country with the failure of the Affordable Care Act and his thoughtful presentation on just precisely what we need to do to save Americans from the failures of this bad law.

It is an honor to be in the historic House Chamber where every day the distinguished lawgivers in our history look down on this Chamber. George Mason, who wrote the Virginia Declaration of Rights, looks down on the Speaker's dais, as does Thomas Jefferson, the author of our Declaration of Independence.

No speaker stands at the dais and addresses the people's House without the steely gaze of Moses, the ultimate, most revered lawmaker, Mr. Speaker.

He looks down on you and on this Chamber for truth and justice.

Mr. Speaker, we Americans work hard. We work hard every day of the week, and we love Friday. We love Fridays so much that we say: Thank God it's Friday. Over the years, TGIF has become not only something that everyone in our country who works hard recognizes, but it became the name of a popular restaurant.

In the autumn, we love our Friday nights watching high school football. In the winter, maybe it is catching a movie and eating a pizza with our friends or family. In the spring, Friday can find us catching a baseball game, the American pastime.

Mr. Speaker, last Friday night, I was in Cairo, Egypt, and what I saw was that same joyous, happy experience of families sharing their successes of the week; celebrating a great soccer victory; clapping to wonderful, warm local music; and witnessing the squealing of their kids running around their parents, celebrating a birthday or just a good week at work or school.

The streets of the Khan el-Khalili Bazaar in Cairo were chock-full last Friday, Mr. Speaker, with the living and the loving, just going about that weekly experience pursuing their own version of happiness and TGIF.

Friday night in Cairo, the land of the Pharaoh, the land of the beginning of much of human education and civilization, there was dining and bargaining in the bizarre that has been the centerpiece of trading and manufacturing and merchandising for half a millennia.

Mr. Speaker, my trip to Egypt was marked not just with witnessing the joy of Egyptian family life and seeing and sharing what we have in common. It was a reminder that the 91 million Egyptians are on the front line of the global war on terror, a war that unites the leadership of Egypt and the United States arm-in-arm to design and implement the most effective strategies we can to defeat the malevolent evil enemy of ISIS, al-Qaida, Boko Haram, and their bloody cohorts across the globe.

In my view, after the approach of the past 8 years, our enemies are stronger and engaged more broadly than ever before. Nothing has driven this point home more than a visit in Cairo to the St. Peter and St. Paul's Coptic Church.

Located on the plaza adjacent to the offices of His Holiness Coptic Pope Tawadros II, there was joy there last Saturday morning, Mr. Speaker, listening to the chants of the priests, the reverence of the families in the pews, the kids again squealing and smiling in their parents' arms.

But, Mr. Speaker, on the periphery of that joy was a stark reminder of the destruction there on December 11, when a male ISIS jihadist suicide bomber entered that church disguised as a woman and detonated his vest,

murdering 25, mostly women, splattering the walls and the floors of God's House with their blood.

As I walked through that same entrance last Saturday, Mr. Speaker, the church has developed a reverent shrine to those who were lost. The pockmarks in the marble are there from the shrapnel from the vest.

□ 1800

But that church is a symbol of unity in Egypt, not division, as it was visited by President el-Sisi, a devout Muslim leader of all Egyptians, who came to share his concern, his affection for Egyptians no matter what their religious background. Best summarized by the wise Pope of the Coptic church—Mr. Speaker, we have to remind ourselves that the word "Coptic," of course, comes from the Greek word "aigyptios," which means Egypt. The Coptic church is as old as St. Mark's arrival in Alexandria in the first century.

That wise old Pope told us, and I think really, Mr. Speaker, captured the whole spirit of the Egyptian people and the resolve that is taking place in that country under President el-Sisi when he said, Egyptians take two things from the Nile River on which they have lived some 5,000 years. They take water, and they take moderation in their beliefs.

Mr. Speaker, tonight I wanted to come to the House Chamber and pay tribute to the Egyptian people for being on those front lines in the fight against radical Islamic terrorism, pay tribute to the Christian and Muslim people of Egypt working together to defeat this ideology. I want to commend President el-Sisi for his courageous leadership in the Muslim world.

Coinciding with the birthday celebration of the Prophet Muhammad on New Year's Day 2015, President el-Sisi went to the Islamic world's most respected institution, Al-Azhar University, and called upon the world's 1.6 billion faithful Muslims and the faith's imams to support a religious revolution. He called on the leaders to reject the mindset of death and jihad.

Mr. Speaker, in both Egypt and America, we come from dust and to dust we shall return. We are made in God's image, and God has granted us such unalienable rights of life, liberty, and the pursuit of happiness. While we are breathing, each of us has an obligation to serve our fellow man, work to value our societies and make them the best that they can be.

In January, we witnessed a change in leadership here in the United States. We had a former President who grew up in Hawaii and grew up riding the waves in Hawaii. He rode a wave into the White House and then drifted along, bobbing on top of those waves for 8 years. Now, Mr. Speaker, we have a President in the White House who is

not riding the waves; he is making waves. It is my hope that he will execute a new direction and take new actions to win the global war on terrorism.

I have to say, Mr. Speaker, whether it takes 3 months or 30 years, I won't rest until we unify the civilized world to reject jihad, reject the terror we saw at St. Peter and St. Paul's Church in Cairo. Mr. Speaker, we need to condemn those who condone it. We need to condemn those who finance it. We need to reject it when we see it taught in the mosque. We need to reject it on Facebook. We need to reject it in the media. We must condemn those who say it is wrong but stand silent.

Mr. Speaker, there are no bystanders in this fight, and there is no substitute for victory. Mr. Speaker, all across the world tonight, we Egyptians, we Americans, we want our Fridays back. TGIF, Mr. Speaker, TGIF.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CURBELO of Florida (at the request of Mr. MCCARTHY) for today on account of family obligations.

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today.

ENROLLED JOINT RESOLUTION SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 40. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

ADJOURNMENT

Mr. HILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, February 17, 2017, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

577. A letter from the Principal Civilian Deputy ASN(RD&A), Department of the Navy, Department of Defense, transmitting the Navy's annual report to Congress on Repair of Naval Vessels in Foreign Shipyards, pursuant to 10 U.S.C. 7310(c); Public Law 110-417, Sec. 1012; (122 Stat. 4584); to the Committee on Armed Services.

578. A letter from the Chair, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report to the Congress, pursuant to Public Law 106-569; to the Committee on Financial Services.

579. A letter from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Food and Drug Administration's FY 2016 Performance Report to Congress for the Generic Drug User Fee Amendments; to the Committee on Energy and Commerce.

580. A letter from the Regulations Coordinator, Division of Global Migration and Quarantine, CDC, Department of Health and Human Services, transmitting the Department's final rule — Control of Communicable Diseases; Delay of Effective Date [Docket No.: CDC-2016-0068] (RIN: 0920-AA63) received February 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

581. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Revisions to Procedure 2 — Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources [EPA-HQ-OAR-2016-0382; FRL-9959-43-OAR] (RIN: 2060-AT15) received February 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

582. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerance [EPA-HQ-OPP-2015-0705; FRL-9957-00] received February 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

583. A letter from the Director, National Science Foundation, transmitting the Foundation's Fiscal Year 2016 Agency Financial Report, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

584. A letter from the Regulatory Liaison Officer, Bureau of Ocean Energy Management, Department of the Interior, transmitting the Department's final rule — Leasing of Sulfur or Oil and Gas in the Outer Continental Shelf [Docket ID: BOEM-2016-0031] (RIN: 1010-AD06) received February 15, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

585. A letter from the Acting Assistant Secretary, Land and Minerals Management, Bureau of Ocean Energy Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Civil Penalties Inflation Adjustments [Docket ID: BOEM-2016-0055] (RIN: 1010-AD95) received February 15, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

586. A letter from the Secretary, Judicial Conference of the United States, transmitting the Report of the Proceedings of the Judicial Conference of the United States for the September 2016 session; to the Committee on the Judiciary.

587. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury,

transmitting the Department's temporary rule — Implementation of Statutory Amendments Requiring the Modification of the Definition of Hard Cider [Docket No.: TTB-2016-0014; T.D. TTB-147; Re: Notice No.: 168] (RIN: 1513-AC31) received February 15, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THORNBERRY: Committee on Armed Services. H.R. 393. A bill to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces (Rept. 115-13). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself and Mr. WALBERG):

H.R. 1101. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce.

By Ms. LOFGREN (for herself, Mr.

BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mr. CLAY, Mr. COHEN, Mrs. DAVIS of California, Mr. DEFazio, Mrs. DINGELL, Mr. ELLISON, Ms. ESHOO, Ms. ESTY, Mr. FOSTER, Mr. GARAMENDI, Mr. HASTINGS, Mr. HOYER, Mr. HUFFMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mrs. LAWRENCE, Ms. LEE, Mr. LOWENTHAL, Ms. MATSUI, Mr. NADLER, Ms. NORTON, Mr. O'ROURKE, Ms. PELOSI, Ms. PINGREE, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RYAN of Ohio, Mr. SARBANES, Mr. SCHIFF, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Mr. VEASEY, Mr. WELCH, Mr. DELANEY, Mr. YARMUTH, Mr. TED LIEU of California, Mr. SHERMAN, Mr. LARSON of Connecticut, Mr. RASKIN, Mr. BROWN of Maryland, and Mr. NOLAN):

H.R. 1102. A bill to require States to conduct Congressional redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Ms. DELBENE (for herself, Ms. HERERA BEUTLER, Mr. LARSEN of Washington, Ms. SPEIER, Mrs. HARTZLER, Ms. DEGETTE, Mr. REICHERT, Mr. MEEHAN, Mr. COHEN, Mr. POE of Texas, Ms. MOORE, Mr. CICILLINE, Ms. SLAUGHTER, Ms. JAYAPAL, Mr. SOTO, Mrs. WATSON COLEMAN, Mrs. NOEM, Mr. RYAN of Ohio, Ms. CLARK of Massachusetts, Ms. KELLY of Illinois, Mr. ROYCE of California, Ms. NORTON, and Mr. HECK):

H.R. 1103. A bill to amend title 10, United States Code, to provide for garnishment pursuant to a court order to satisfy a judgment against a retired member of the uniformed services for physically, sexually, or emotionally abusing a child; to the Committee on Armed Services.

By Mrs. BROOKS of Indiana (for herself and Miss RICE of New York):

H.R. 1104. A bill to amend title 38, United States Code, to provide for pro-rated charges to entitlement to educational assistance under Department of Veterans Affairs Post-9/11 Educational Assistance Program for certain licensure and certification tests and national tests, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ALLEN:

H.R. 1105. A bill to repeal the rule entitled "Clean Water Rule: Definition of 'Waters of the United States'"; to the Committee on Transportation and Infrastructure.

By Mr. AMODEI:

H.R. 1106. A bill to provide for the conveyance of small parcels of National Forest System land and small parcels of public lands administered by the Bureau of Land Management to private landowners, State, county, and local governments, or Indian tribes whose lands share a boundary with the National Forest System land or public lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AMODEI (for himself and Ms. TITUS):

H.R. 1107. A bill to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes; to the Committee on Natural Resources.

By Ms. DELAURO:

H.R. 1108. A bill to provide for the mandatory recall of drugs regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. WALBERG (for himself, Mrs. DINGELL, Mr. HUDSON, Mr. MCNERNEY, and Mr. MULLIN):

H.R. 1109. A bill to amend section 203 of the Federal Power Act; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself, Mr. CONYERS, Ms. DELBENE, Mr. SENSENBRENNER, Mr. AMASH, and Ms. LOFGREN):

H.R. 1110. A bill to repeal certain amendments made to rule 41 of the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

By Ms. LEE (for herself, Ms. MOORE, Ms. NORTON, Mr. DEFAZIO, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. CONYERS, Ms. MAXINE WATERS of California, Mr. HASTINGS, Mr. CÁRDENAS, Mr. ELLISON, Mr. TED LIEU of California, Mrs. DAVIS of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. MCGOVERN, Mr. SOTO, Mr. AL GREEN of Texas, Ms. JUDY CHU of California, Mr. DESAULNIER, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. PINGREE, Mr. POLIS, Mr. DANNY K. DAVIS of Illinois, Mr. SCOTT of Virginia, Mrs. WATSON COLEMAN, and Ms. KAPTUR):

H.R. 1111. A bill to establish a Department of Peacebuilding, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LABRADOR (for himself, Mr. JONES, Mrs. RADEWAGEN, Mr. THOMPSON of Pennsylvania, Mr. JODY B. HICE of Georgia, Mr. BYRNE, Mr. BRAT, Mr. KATKO, Mr. TIPTON, Mr. LOUDERMILK, Mr. POLIQUIN, Mr. SMITH of Texas, and Miss GONZÁLEZ-COLÓN of Puerto Rico):

H.R. 1112. A bill to amend title 38, United States Code, to authorize the transfer of unused Post-9/11 Educational Assistance benefits to additional dependents upon the death of the originally designated dependent; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO:

H.R. 1113. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget and to provide that Social Security contributions are used to protect Social Security solvency by mandating that Trust Fund monies cannot be diverted to create private accounts; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. CÁRDENAS, Ms. CLARKE of New York, Mr. COHEN, Mr. CONYERS, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. NORTON, Ms. KAPTUR, Mr. KEATING, Ms. JAYAPAL, Mr. KHANNA, Ms. LEE, Mr. MCGOVERN, Ms. MOORE, Mrs. NAPOLITANO, Mr. POCAN, Mr. RASKIN, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Ms. SLAUGHTER, and Mr. TONKO):

H.R. 1114. A bill to enhance Social Security benefits and ensure the long-term solvency of the Social Security program; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULTGREN (for himself, Mr. NEAL, and Mr. RENACCI):

H.R. 1115. A bill to amend the Internal Revenue Code of 1986 to modify certain rules applicable to qualified small issue manufacturing bonds; to the Committee on Ways and Means.

By Mr. TIPTON (for himself, Mr. PITTENGER, Mr. ROYCE of California, Mr. POSEY, Mr. WILLIAMS, Mrs. LOVE, Mr. LOUDERMILK, Mr. TROTT, and Mr. BARR):

H.R. 1116. A bill to require the Federal financial institutions regulatory agencies to take risk profiles and business models of institutions into account when taking regulatory actions, and for other purposes; to the Committee on Financial Services.

By Mrs. HARTZLER:

H.R. 1117. A bill to require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster; to the Committee on Transportation and Infrastructure.

By Mr. FARENTHOLD (for himself, Mr. DUNCAN of Tennessee, and Mr. SMITH of Texas):

H.R. 1118. A bill to prevent undue disruption of interstate commerce by limiting civil actions brought against persons whose only role with regard to a product in the stream

of commerce is as a lawful seller of the product; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHFUS (for himself, Mr. THOMPSON of Pennsylvania, Mr. MCKINLEY, Mr. BARLETTA, and Mr. KELLY of Pennsylvania):

H.R. 1119. A bill to establish the bases by which the Administrator of the Environmental Protection Agency shall issue, implement, and enforce certain emission limitations and allocations for existing electric utility steam generating units that convert coal refuse into energy; to the Committee on Energy and Commerce.

By Mr. CARTWRIGHT (for himself, Mr. AGUILAR, Mr. CROWLEY, Mr. CUMMINGS, Mr. DELANEY, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. MCKINLEY, Ms. MENG, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Pennsylvania, Mr. THOMPSON of California, and Ms. TSONGAS):

H.R. 1120. A bill to promote and ensure delivery of high quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or deaf-blind through instructional methodologies meeting their unique learning needs; to enhance accountability for the provision of such services, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WALDEN (for himself, Mr. LATTA, Mr. WALBERG, Mr. GUTHRIE, Mr. LANCE, Mr. MCKINLEY, Mr. BILIRAKIS, Mrs. MIMI WALTERS of California, Mr. MITCHELL, Mr. BISHOP of Michigan, Mrs. WAGNER, Mrs. BROOKS of Indiana, Mr. KNIGHT, Mr. BUCSHON, Mr. CRAMER, Mr. RODNEY DAVIS of Illinois, Mr. POLIQUIN, Ms. HERRERA BEUTLER, Mr. REICHERT, Mr. HARPER, Mr. UPTON, Mr. ROYCE of California, Mr. ALLEN, Mr. ABRAHAM, Mr. TIPTON, Mr. SMUCKER, Mr. KELLY of Pennsylvania, Mr. DENHAM, Mr. DONOVAN, Mr. FORTENBERRY, Ms. JENKINS of Kansas, Mr. COLLINS of New York, Mr. STIVERS, Mrs. MCMORRIS RODGERS, Mr. COSTELLO of Pennsylvania, Mr. FLORES, Mr. ROSKAM, Mr. KINZINGER, Mr. SHUSTER, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. SIMPSON, and Mr. MURPHY of Pennsylvania):

H.R. 1121. A bill to amend the Public Health Service Act to prohibit application of pre-existing condition exclusions and to guarantee availability of health insurance coverage in the individual and group market, contingent on the enactment of legislation repealing the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of Pennsylvania (for himself and Mr. KIND):

H.R. 1122. A bill to amend title XVIII of the Social Security Act to provide for clarification and rationalization of Medicare prescription drug plan recovery rules for certain

claims; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ADAMS (for herself, Mr. BYRNE, Ms. SEWELL of Alabama, and Mr. HILL):

H.R. 1123. A bill to amend the Higher Education Act of 1965 to modify certain provisions relating to the capital financing of historically Black colleges and universities; to the Committee on Education and the Workforce.

By Mr. BABIN (for himself and Mr. MCCLINTOCK):

H.R. 1124. A bill to prohibit the Secretary of the Treasury and the Board of Governors of the Federal Reserve System from providing bailouts or other financial assistance to a pension plan of a State or political subdivision thereof, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BANKS of Indiana:

H.R. 1125. A bill to amend the Immigration and Nationality Act to provide for new procedures pertaining to the processing of petitions and applications for immigrant or non-immigrant visas, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR (for himself, Mr. GUTHRIE, Mr. COMER, Mr. MASSIE, and Mr. ROGERS of Kentucky):

H.R. 1126. A bill to exempt the aging process of distilled spirits from the production period for purposes of capitalization of interest costs; to the Committee on Ways and Means.

By Ms. BASS:

H.R. 1127. A bill to increase purchasing power, strengthen economic recovery, and restore fairness in financing higher education in the United States through student loan forgiveness, caps on interest rates on Federal student loans, and refinancing opportunities for private borrowers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BEATTY (for herself, Mr. SMITH of New Jersey, Ms. MOORE, Ms. SEWELL of Alabama, and Ms. JACKSON LEE):

H.R. 1128. A bill to assist survivors of stroke and other debilitating health occurrences in returning to work; to the Committee on Education and the Workforce.

By Mr. BILIRAKIS:

H.R. 1129. A bill to require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States, and for other purposes; to the Committee on the Judiciary.

By Mrs. BLACK (for herself, Ms. SEWELL of Alabama, Mrs. BLACKBURN,

Mr. ROE of Tennessee, Mr. BYRNE, Mr. COHEN, Mrs. ROBY, Mr. ROGERS of Alabama, Mr. BROOKS of Alabama, Mr. DUNCAN of Tennessee, Mr. COOPER, Mr. DESJARLAIS, Mr. FLEISCHMANN, Mr. KUSTOFF of Tennessee, and Mr. ADERHOLT):

H.R. 1130. A bill to amend title XVIII of the Social Security Act to ensure fairness in Medicare hospital payments by establishing a floor for the area wage index applied with respect to certain hospitals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOST (for himself, Mr. COSTA, Mr. RODNEY DAVIS of Illinois, Mr. SWALWELL of California, Mr. SHUSTER, Mrs. DINGELL, Mrs. HARTZLER, Ms. SHEA-PORTER, Mr. O'HALLERAN, Mr. BERGMAN, Ms. GABBARD, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. RYAN of Ohio, and Mr. LOWENTHAL):

H.R. 1131. A bill to direct the Secretary of Veterans Affairs to develop and implement a plan to hire directors of the medical centers of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BUCK (for himself, Mr. TED LIEU of California, and Mr. POLIS):

H.R. 1132. A bill to amend title 5, United States Code, to provide for a 2-year prohibition on employment in a career civil service position for any former political appointee, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CARTER of Texas (for himself, Mr. MCCAUL, Mr. LAMALFA, Mr. POE of Texas, Ms. STEFANIK, Mr. BISHOP of Georgia, Mr. FLORES, Mr. THOMAS J. ROONEY of Florida, Mr. JODY B. HICE of Georgia, Mr. FARENTHOLD, Mr. ROUZER, Mr. CUELLAR, Mr. KING of Iowa, Mr. VALADAO, Mr. YOHIO, Mr. JOYCE of Ohio, Mr. JONES, Mr. COLE, Mr. THOMPSON of Pennsylvania, Mr. SMITH of Texas, Mr. HURD, Mr. AMODEI, Mr. GOHMERT, Mr. LAMBORN, Mr. KING of New York, Mr. OLSON, Mr. THORNBERRY, Mr. RUPPERSBERGER, Mr. WEBER of Texas, Mr. SAM JOHNSON of Texas, Mr. GOODLATTE, Mr. WILLIAMS, Mr. COOK, Mr. DIAZ-BALART, Mr. FRANKS of Arizona, Mr. BABIN, Mr. ADERHOLT, Mr. CULBERSON, Mr. MARINO, Ms. GRANGER, Mrs. BLACK, Mr. CALVERT, Ms. KAPTUR, Mr. MULLIN, Mr. PITTENGER, Mr. LONG, and Mr. MACARTHUR):

H.R. 1133. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide for an operation on a live donor for purposes of conducting a transplant procedure for a veteran, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CICILLINE (for himself, Mr. AGUILAR, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. CAPUANO, Mr. CÁRDENAS, Ms. CASTOR of Florida, Mr. CONYERS, Ms. JUDY CHU of California, Ms. CLARK of Massachusetts, Mr. CLYBURN, Mr. CROWLEY, Mr. CUMMINGS, Mr. COHEN, Mr. CONNOLLY, Mr. COURTNEY, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Ms. DELBENE, Mr. DEUTCH, Mr. ENGEL,

Ms. ESHOO, Ms. ESTY, Mr. EVANS, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr. HASTINGS, Mr. HECK, Mr. HIGGINS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KEATING, Mr. KILDEE, Mr. KILMER, Mr. KIHUEN, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE, Mr. LEVIN, Mr. TED LIEU of California, Mr. LIPINSKI, Mr. LOEBESACK, Mr. LYNCH, Mr. BEN RAY LUJÁN of New Mexico, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Mr. NADLER, Mr. NOLAN, Mr. NORCROSS, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Mr. POLIS, Mr. QUIGLEY, Miss RICE of New York, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. SOTO, Mr. SWALWELL of California, Mr. TONKO, Ms. TITUS, Mrs. TORRES, Ms. TSONGAS, Mr. WELCH, Mr. YARMUTH, Ms. PELOSI, Mr. RICHMOND, Mr. SARBANES, Mr. HIMES, Mrs. WATSON COLEMAN, Mr. GALLEG0, Mr. VARGAS, Mr. SIREs, Mr. MCNERNEY, Ms. JAYAPAL, Mrs. NAPOLITANO, Mr. KHANNA, Mr. AL GREEN of Texas, Mr. GARAMENDI, Mr. FOSTER, Ms. VELÁZQUEZ, Ms. WILSON of Florida, Mr. COSTA, Mr. ELLISON, Ms. GABBARD, Mrs. LOWEY, Mr. PAYNE, Mr. SMITH of Washington, Mr. THOMPSON of California, Mrs. DEMINGS, Mr. TAKANO, Ms. SEWELL of Alabama, Mrs. LAWRENCE, and Mr. RASKIN):

H.R. 1134. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, and other entities, and for other purposes; to the Committee on House Administration, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN (for himself, Mr. RICHMOND, Ms. ADAMS, Ms. BASS, Mrs. BEATTY, Mr. BISHOP of Georgia, Ms. BLUNT ROCHESTER, Mr. BROWN of Maryland, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DEMINGS, Mr. ELLISON, Mr. EVANS, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HASTINGS, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE, Ms. JACKSON LEE, Mr. LEWIS of Georgia, Mr. MCEACHIN, Mr. MEEKS, Ms. MOORE, Ms. NORTON, Mr. PAYNE, Ms. PLASKETT, Mr. RUSH, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Ms. SEWELL of Alabama, Mr. THOMPSON of Mississippi, Mr. VEASEY, Mrs. WATSON COLEMAN, Ms. WILSON of Florida, Ms. CLARKE of New York, Mrs. LOVE, and Ms. MAXINE WATERS of California):

H.R. 1135. A bill to reauthorize the Historically Black Colleges and Universities Historic Preservation program; to the Committee on Natural Resources.

By Mr. COLE (for himself and Mr. BISHOP of Georgia):

H.R. 1136. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a certain effective date with respect to deemed tobacco products, to provide for the establishment of product standards for vapor product batteries, to provide for regulation of vapor products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COLLINS of Georgia (for himself, Ms. CHENEY, and Mr. BABIN):

H.R. 1137. A bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK (for himself, Mr. ROYCE of California, Ms. BROWNLEY of California, and Mr. AGUILAR):

H.R. 1138. A bill to amend title 18, United States Code, to provide a criminal penalty for launching drones that interfere with fighting wildfires affecting Federal property, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 1139. A bill to amend the Communications Act of 1934 to protect low-income Lifeline subscribers by mandating a continuing role for States in designating eligible telecommunications carriers for participation in the Universal Service program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DELANEY:

H.R. 1140. A bill to provide additional funding for the Washington Metropolitan Area Transit Authority and improve upon the Washington Metropolitan Area Transit Authority Compact, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAEL F. DOYLE of Pennsylvania (for himself and Mr. SMITH of New Jersey):

H.R. 1141. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. DUNCAN of Tennessee (for himself, Mr. CULBERSON, and Mr. FLEISCHMANN):

H.R. 1142. A bill to award a Congressional Gold Medal to Master Sergeant Rodrick "Roddie" Edmonds in recognition of his heroic actions during World War II; to the Committee on Financial Services.

By Mr. ELLISON (for himself, Ms. DELAUNO, Mr. CONYERS, Mr. NADLER, Ms. NORTON, and Ms. MICHELLE LUJAN GRISHAM of New Mexico):

H.R. 1143. A bill to amend the Public Health Service Act to address the increased burden that maintaining the health and hygiene of infants and toddlers places on families in need, the resultant adverse health ef-

fects on children and families, and the limited child care options available for infants and toddlers who lack sufficient diapers; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. GRIJALVA, Mr. POCAN, Mr. BLUMENAUER, Ms. CLARK of Massachusetts, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. TED LIEU of California, Mr. LOWENTHAL, Mr. MCGOVERN, Mr. NOLAN, Ms. NORTON, Ms. ROYBAL-ALLARD, Mr. SARBANES, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Mr. TAKANO):

H.R. 1144. A bill to impose a tax on certain trading transactions to invest in our families and communities, improve our infrastructure and our environment, strengthen our financial security, expand opportunity and reduce market volatility; to the Committee on Ways and Means.

By Mr. ELLISON (for himself and Mr. PAULSEN):

H.R. 1145. A bill to amend the Internal Revenue Code of 1986 to qualify homeless youth and veterans who are full-time students for purposes of the low-income housing tax credit; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 1146. A bill to require the Secretary of Housing and Urban Development to establish a pilot program to make grants to eligible organizations to provide legal assistance to low-income families regarding housing disputes, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESTY (for herself and Mrs. WALORSKI):

H.R. 1147. A bill to provide for the issuance of a Families of Fallen Heroes Semipostal Stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFITH (for himself, Mrs. BEATTY, Mr. CARTER of Georgia, Mr. RYAN of Ohio, Mr. COLLINS of New York, Mr. ROE of Tennessee, Mr. BILLRAKIS, Mr. ABRAHAM, Mr. BABIN, Mr. TURNER, and Mr. JOHNSON of Ohio):

H.R. 1148. A bill to amend title XVIII of the Social Security Act to expand access to telehealth-eligible stroke services under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JODY B. HICE of Georgia (for himself, Mr. SMITH of Texas, Mr. FARENTHOLD, Mr. CARTER of Georgia, Mr. JONES, Mr. ROE of Tennessee, Mr. BRAT, and Mr. MARCHANT):

H.R. 1149. A bill to amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLDING (for himself and Mr. PETERSON):

H.R. 1150. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services; to the Committee on Ways and Means.

By Mr. HUDSON:

H.R. 1151. A bill to amend title XIX of the Social Security Act to encourage the prioritization of the most vulnerable individuals under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. HUDSON (for himself and Mr. RUPPERSBERGER):

H.R. 1152. A bill to eliminate the sunset date for the Veterans Choice Program of the Department of Veterans Affairs, to expand eligibility for such program, and to extend certain operating hours for pharmacies and medical facilities of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HUIZENGA (for himself, Mr. ROYCE of California, Mr. DAVID SCOTT of Georgia, Mr. STIVERS, Mr. MEEKS, and Mr. JOYCE of Ohio):

H.R. 1153. A bill to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction; to the Committee on Financial Services.

By Mr. HUNTER (for himself, Mr. CUMMINGS, Mr. GIBBS, Mr. KING of New York, Mr. BYRNE, Mr. FARENTHOLD, Mr. LOBIONDO, Mr. RICHMOND, Mr. BOST, Mr. HARPER, Mr. JENKINS of West Virginia, Mr. BABIN, Mr. GRAVES of Louisiana, and Mr. LEWIS of Minnesota):

H.R. 1154. A bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a commercial vessel; to the Committee on Transportation and Infrastructure.

By Ms. JENKINS of Kansas (for herself and Mr. LEWIS of Georgia):

H.R. 1155. A bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Ms. JACKSON LEE, Mr. SCHWEIKERT, Mr. WOMACK, Mr. FRANKS of Arizona, Mr. FARENTHOLD, Mr. SESSIONS, Mr. GOSAR, Mr. MULLIN, Mr. CARTER of Texas, Mr. BUCHSON, Mr. VALADAO, Mr. MEADOWS, Mr. WENSTRUP, Mr. FLORES, Mr. THORNBERRY, Mr. FORTENBERRY, Mr. BRIDENSTINE, Mr. POE of Texas, Mr. BABIN, Mrs. WALORSKI, Mr. ROKITA, Mr. MOONEY of West Virginia, Mr. WILLIAMS, Mrs. BROOKS of Indiana, Mr. COLE, Mr. RUSSELL, Mr. HENSARLING, Mr. OLSON, Mr. CRAWFORD, Mr. BARTON, Mr. BANKS of Indiana, Mr. CARTER of Georgia, Mr. HILL, Mr. HARRIS, Mr. GONZALEZ of Texas, and Mr. COSTELLO of Pennsylvania):

H.R. 1156. A bill to repeal changes made by health care reform laws to the Medicare exception to the prohibition on certain physician referrals for hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KEATING:

H.R. 1157. A bill to clarify the United States interest in certain submerged lands in

the area of the Monomoy National Wildlife Refuge, and for other purposes; to the Committee on Natural Resources.

By Mr. KELLY of Pennsylvania (for himself, Mr. BLUMENAUER, Mr. PALAZZO, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Ms. SEWELL of Alabama, Mr. HARPER, Mr. MEEHAN, Mr. TURNER, Mr. REICHERT, Mr. SESSIONS, Mr. KIND, Mr. BYRNE, Ms. TSONGAS, Mr. MCGOVERN, Ms. DELBENE, Ms. NORTON, and Mr. TIBERI):

H.R. 1158. A bill to amend the Internal Revenue Code of 1986 to improve the Historic Rehabilitation Tax Credit, and for other purposes; to the Committee on Ways and Means.

By Mr. KILMER (for himself, Mr. BRIDENSTINE, Mr. DIAZ-BALART, and Mr. VEASEY):

H.R. 1159. A bill to provide for continuing cooperation between the National Aeronautics and Space Administration and the Israel Space Agency, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. KILMER (for himself and Ms. JENKINS of Kansas):

H.R. 1160. A bill to amend title XVIII of the Social Security Act to improve the way beneficiaries are assigned under the Medicare shared savings program by also basing such assignment on primary care services furnished by nurse practitioners, physician assistants, and clinical nurse specialists; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINZINGER (for himself, Mr. RODNEY DAVIS of Illinois, Mr. SHIMKUS, Mrs. BUSTOS, Mr. BOST, and Mr. LAHOOD):

H.R. 1161. A bill to include Livingston County, the city of Jonesboro in Union County, and the city of Freeport in Stephenson County, Illinois, to the Lincoln National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. KNIGHT (for himself, Mr. HECK, Mr. JONES, Mr. RUSSELL, Mr. VALADAO, Mr. STEWART, Mr. KEATING, Mrs. DAVIS of California, Mrs. WALORSKI, Mr. MOULTON, Ms. STEFANIK, Ms. KUSTER of New Hampshire, Mr. PRICE of North Carolina, Mrs. ROBY, Mr. JOYCE of Ohio, Mr. CALVERT, Mr. LOBIONDO, Mr. BYRNE, Mrs. RADEWAGEN, Mr. FRANKS of Arizona, Mr. O'ROURKE, Ms. GABBARD, Ms. PINGREE, Mr. COLE, Mr. BACON, Mr. GARAMENDI, Mr. WITTMAN, Mr. KING of New York, Mr. BERGMAN, Mr. AUSTIN SCOTT of Georgia, Mr. THOMAS J. ROONEY of Florida, Mr. PERRY, Mrs. HARTZLER, Mrs. MIMI WALTERS of California, Ms. SHEA-PORTER, Mrs. COMSTOCK, Mr. BANKS of Indiana, Mr. TED LIEU of California, Mr. MCKINLEY, Mr. SOTO, Mr. LAMALFA, Mr. DENHAM, Mr. FITZPATRICK, Mr. THOMPSON of California, Mr. COOK, Mr. LANGEVIN, Mr. MCCARTHY, Mr. COHEN, Mr. POE of Texas, Mr. QUIGLEY, and Ms. SLAUGHTER):

H.R. 1162. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans; to the Committee on Veterans' Affairs.

By Ms. KUSTER of New Hampshire (for herself, Mr. CRAWFORD, and Mr. ABRAHAM):

H.R. 1163. A bill to amend the Food Security Act of 1985 to exempt certain recipients of Department of Agriculture conservation assistance from certain reporting requirements, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself and Mr. ZELDIN):

H.R. 1164. A bill to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia:

H.R. 1165. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for AmeriCorps educational awards; to the Committee on Ways and Means.

By Mr. LONG:

H.R. 1166. A bill to amend title XIX of the Social Security Act to provide greater State flexibility and innovation through Medicaid cost-sharing waivers; to the Committee on Energy and Commerce.

By Mrs. LOVE (for herself, Mr. RUSH, and Mrs. McMORRIS RODGERS):

H.R. 1167. A bill to amend title XVIII of the Social Security Act to promote physician training in newly recognized primary medical specialties, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. LANCE, Ms. MCCOLLUM, Ms. DELAURO, Mrs. DINGELL, Mr. ENGEL, Mr. LOWENTHAL, Mr. RYAN of Ohio, Ms. HANABUSA, Mr. MCGOVERN, Ms. BORDALLO, Mr. KEATING, and Mr. POLIS):

H.R. 1168. A bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs, and other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEN RAY LUJÁN of New Mexico (for himself, Ms. MCCOLLUM, Mr. YOUNG of Alaska, Mr. O'HALLERAN, Mrs. NAPOLITANO, Mr. SMITH of Washington, Mr. CÁRDENAS, Mr. GRIJALVA, Mr. SOTO, Mr. COOK, Mr. COLE, Ms. SLAUGHTER, Mr. ISSA, Mr. ELLISON, Mr. KIND, Ms. NORTON, Mr. POCAN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. MOORE, Mr. PEARCE, Mr. KILDEE, Mr. LUCAS, and Mr. HUFFMAN):

H.R. 1169. A bill to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages; to the Committee on Education and the Workforce.

By Ms. MCSALLY (for herself, Mr. ARRINGTON, Mr. YOHIO, Mr. WALKER, and Mr. PALMER):

H.R. 1170. A bill to require each Federal agency to review rules made after the enactment of the Congressional Review Act to ensure that all such rules were made in compliance with the Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MOULTON (for himself, Mr. KING of New York, Mr. BILIRAKIS, Mr. BLUMENAUER, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. COHEN, Mr. CONYERS, Mr. DEFAZIO, Ms. DELBENE, Mr. ENGEL, Mr. GARAMENDI, Mr. HECK, Mr. JONES, Mr. KEATING, Mr. KILMER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MACARTHUR, Mr. MCGOVERN, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Miss RICE of New York, Mr. RICHMOND, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SCHIFF, Mr. SESSIONS, Mr. TONKO, Mr. WALZ, and Mr. SWALWELL of California):

H.R. 1171. A bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits for individuals with amyotrophic lateral sclerosis (ALS); to the Committee on Ways and Means.

By Mr. NEAL (for himself, Mr. PASCRELL, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. CROWLEY, Mr. DANNY K. DAVIS of Illinois, Ms. SÁNCHEZ, Mr. HIGGINS of New York, Ms. DELBENE, Ms. SEWELL of Alabama, Ms. JUDY CHU of California, Ms. BONAMICI, Mr. CICILLINE, Mrs. DAVIS of California, Ms. DELAURO, Mr. DESAULNIER, Mr. ELLISON, Mr. HIMES, Ms. KAPTUR, Mr. NADLER, Mr. POCAN, Mr. POLIS, Mr. SCOTT of Virginia, Ms. SLAUGHTER, Ms. TSONGAS, and Ms. MAXINE WATERS of California):

H.R. 1172. A bill to require the President to disclose income, assets, and liabilities associated with countries with which the United States is negotiating a trade or investment agreement, countries subject to Presidential determinations in trade enforcement actions, and countries eligible for trade preference programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NOEM (for herself, Ms. SCHA-KOWSKY, Mr. CURBELO of Florida, and Mr. MULLIN):

H.R. 1173. A bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. DEFAZIO, and Mr. JOHNSON of Georgia):

H.R. 1174. A bill to provide a lactation room in public buildings; to the Committee on Transportation and Infrastructure.

By Mr. PAULSEN (for himself, Mr. KELLY of Pennsylvania, and Ms. JENKINS of Kansas):

H.R. 1175. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PINGREE (for herself and Mr. WITTMAN):

H.R. 1176. A bill to amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, and for other purposes; to the Committee on Natural Resources.

By Mr. POLIQUIN:

H.R. 1177. A bill to direct the Secretary of Agriculture to release on behalf of the United States the condition that certain lands conveyed to the City of Old Town, Maine, be used for a municipal airport, and for other purposes; to the Committee on Agriculture.

By Mr. POSEY (for himself, Mr. GOODLATTE, Mr. HENSARLING, Mr. FARENTHOLD, Mr. DUNCAN of Tennessee, Mr. SMITH of Texas, Mr. MARCHANT, Mr. GOSAR, and Mr. BABIN):

H.R. 1178. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. RICE of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. ROUZER, Mr. TIBERI, Mr. MOONEY of West Virginia, Mr. BRAT, Mr. DUNCAN of South Carolina, Mr. YOHIO, Mr. AMODEI, Mr. SCHWEIKERT, Mr. ALLEN, Mr. GROTHMAN, Mr. ROKITA, Mr. DENHAM, Mr. CONAWAY, Mr. ARRINGTON, Mr. PERRY, Mr. AUSTIN SCOTT of Georgia, Mr. STEWART, Ms. GRANGER, Mr. BIGGS, and Mr. ABRAHAM):

H.R. 1179. A bill to amend the Federal Water Pollution Control Act with respect to citizen suits and the specification of disposal sites, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. ROBY:

H.R. 1180. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and the Workforce.

By Mr. ROE of Tennessee (for himself, Mr. CONAWAY, and Mr. WENSTRUP):

H.R. 1181. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Alabama (for himself and Mr. POE of Texas):

H.R. 1182. A bill to require certain actions regarding Russian Federation noncompliance with the INF Treaty, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUIZ (for himself, Mr. POLIS, Mr. COOK, Mr. O'HALLERAN, Mr.

POCAN, Mr. PETERS, Mr. HUFFMAN, Mr. BLUMENAUER, Mr. GARAMENDI, Mrs. NAPOLITANO, and Ms. SINEMA):

H.R. 1183. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve mitigation assistance; to the Committee on Transportation and Infrastructure.

By Mr. RUSH (for himself, Mr. BUTTERFIELD, and Ms. NORTON):

H.R. 1184. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules regulating inmate telephone and video service rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYAN of Ohio:

H.R. 1185. A bill to amend titles 10 and 41, United States Code, to provide a contracting preference for contractors that retain American jobs and purchase goods and services in the United States, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Ms. KAPTUR, Mr. POCAN, and Ms. SLAUGHTER):

H.R. 1186. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to increase the percentage of loans guaranteed for small business concerns that are manufacturers; to the Committee on Small Business, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 1187. A bill to expand the research activities of the National Institutes of Health with respect to functional gastrointestinal and motility disorders, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. GOODLATTE, Mr. FRANKS of Arizona, Mr. THOMPSON of Pennsylvania, and Mr. SEAN PATRICK MALONEY of New York):

H.R. 1188. A bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes; to the Committee on the Judiciary.

By Mr. SERRANO:

H.R. 1189. A bill to amend the Food and Nutrition Act of 2008 to provide greater access to the supplemental nutrition assistance program by reducing duplicative and burdensome administrative requirements, authorize the Secretary of Agriculture to award grants to certain community-based nonprofit feeding and anti-hunger groups for the purpose of establishing and implementing a Beyond the Soup Kitchen Pilot Program for certain socially and economically disadvantaged populations, and for other purposes; to the Committee on Agriculture.

By Ms. SEWELL of Alabama (for herself, Mr. BYRNE, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Ms. JACKSON LEE, Ms. ESTY, Mr. MEEKS, Mr. KIND, Ms. KELLY of Illinois, Mr. NOLAN, and Mr. KILMER):

H.R. 1190. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for wages paid to employees who participate in qualified apprentice-

ship programs; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Ms. WILSON of Florida, Mr. HULTGREN, Mr. MCGOVERN, and Mr. WEBER of Texas):

H.R. 1191. A bill to ensure effective implementation of the Child Soldier Prevention Act of 2008 and hold governments accountable for involving children in armed conflict activities, whether as combatants, servants, or sex slaves; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. FRANKS of Arizona, Ms. FOXX, Mrs. HARTZLER, Mr. JONES, Mrs. WAGNER, Mr. STEWART, Mr. ADERHOLT, Mr. HILL, Mr. FARENTHOLD, Mr. YODER, Mr. WILSON of South Carolina, Mr. BABIN, Mr. WENSTRUP, Mr. BRIDENSTINE, Mr. LUETKEMEYER, Mr. PALAZZO, Mr. MOONEY of West Virginia, Mr. YOHIO, Mr. BANKS of Indiana, Mr. MARSHALL, Mr. RUSSELL, Mr. OLSON, Mr. WEBSTER of Florida, Mr. HUIZENGA, Mr. PITTINGER, and Mr. JOHNSON of Ohio):

H.R. 1192. A bill to amend title 18, United States Code, to prohibit dismemberment abortions, and for other purposes; to the Committee on the Judiciary.

By Mr. TROTT:

H.R. 1193. A bill to amend the Higher Education Act of 1965 to authorize institutions of higher education to provide additional loan counseling, and for other purposes; to the Committee on Education and the Workforce.

By Ms. WILSON of Florida (for herself, Mr. VEASEY, Ms. NORTON, Mr. CUMMINGS, Mr. MEEKS, Mr. HASTINGS, Mr. RICHMOND, Mrs. BEATTY, Ms. MOORE, Ms. KELLY of Illinois, Mr. JOHNSON of Georgia, Mr. RUSH, Mr. DAVID SCOTT of Georgia, Mr. CONYERS, Mr. JEFFRIES, Ms. ADAMS, Mr. CLYBURN, Mr. CLAY, Ms. CLARKE of New York, Ms. MAXINE WATERS of California, and Mr. DANNY K. DAVIS of Illinois):

H.R. 1194. A bill to establish the Commission on the Social Status of Black Men and Boys, to study and make recommendations to address social problems affecting Black men and boys; to the Committee on the Judiciary.

By Mr. ZELDIN:

H.R. 1195. A bill to authorize the Secretary of Commerce to permit striped bass fishing in the Exclusive Economic Zone transit zone between Montauk, New York, and Point Judith, Rhode Island, and for other purposes; to the Committee on Natural Resources.

By Mr. ZELDIN (for himself, Mr. MCCAUL, and Ms. SINEMA):

H.R. 1196. A bill to require a plan to combat international travel by terrorists and foreign fighters, accelerate the transfer of certain border security systems to foreign partner governments, establish minimum international border security standards, authorize the suspension of foreign assistance to countries not making significant efforts to comply with such minimum standards, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Homeland Security, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Ms. NORTON, Mr. SARBANES, Mr. CONNOLLY, Mr. DELANEY, Mr. BEYER, Mr. BROWN

of Maryland, Mr. RASKIN, and Mrs. COMSTOCK):

H.J. Res. 76. A joint resolution granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission; to the Committee on the Judiciary.

By Mr. DUNN (for himself, Mr. GAETZ, Mr. DESANTIS, Mr. FRANCIS ROONEY of Florida, Mr. ROSS, Mr. BILIRAKIS, Mr. MAST, Mr. POSEY, Mr. RUTHERFORD, Mr. CURBELO of Florida, Mr. LAWSON of Florida, Mr. DIAZ-BALART, and Mr. BUCHANAN):

H.J. Res. 77. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Army Corps of Engineers relating to the Apalachicola-Chattahoochee-Flint River Basin Water Control Master Manual; to the Committee on Transportation and Infrastructure.

By Mr. SAM JOHNSON of Texas (for himself, Mr. COLE, and Ms. MATSUI):

H.J. Res. 78. A joint resolution providing for the reappointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself, Mr. COLE, and Ms. MATSUI):

H.J. Res. 79. A joint resolution providing for the appointment of Michael Govan as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself, Mr. COLE, and Ms. MATSUI):

H.J. Res. 80. A joint resolution providing for the appointment of Roger W. Ferguson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Ms. MCCOLLUM:

H.J. Res. 81. A joint resolution proposing an amendment to the Constitution of the United States regarding health care; to the Committee on the Judiciary.

By Mr. WESTERMAN (for himself, Mr. PEARCE, Mr. GOSAR, and Mr. CRAMER):

H.J. Res. 82. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Oil"; to the Committee on Natural Resources.

By Mr. LAHOOD (for himself, Mr. LIPINSKI, Mr. KRISHNAMOORTHY, Mr. KIND, Mr. MOULTON, Mr. WALZ, Mr. O'HALLERAN, Mrs. MURPHY of Florida, Ms. WASSERMAN SCHULTZ, Mr. SIREN, Mr. PETERS, Mr. VARGAS, Mr. HUFFMAN, Mr. VEASEY, Mr. LOEBSACK, Mr. REED, Mr. HULTGREN, Mr. MOOLENAAR, Mr. YOUNG of Iowa, Mr. GRAVES of Louisiana, Mr. DENHAM, Mr. KINZINGER, Mr. BYRNE, Mr. BERGMAN, Mr. CURBELO of Florida, Mr. GRIFFITH, Mr. RENACCI, Mr. BOST, Mr. ROSKAM, Mr. RODNEY DAVIS of Illinois, Mr. THOMAS J. ROONEY of Florida, Mr. MESSER, Mr. COFFMAN, Mr. GALLAGHER, Mr. FITZPATRICK, Mr. O'ROURKE, Mr. COOPER, Mr. COSTA, Ms. BROWNLEY of California, Ms. SINEMA, Mr. SMUCKER, Mr. JOYCE of Ohio, Mr. DONOVAN, Mr. ROUZER, and Mr. BACON):

H. Con. Res. 28. Concurrent resolution establishing a Joint Committee on the Organization of Congress; to the Committee on Rules.

By Ms. LEE (for herself, Ms. JUDY CHU of California, Mr. RICHMOND, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. BUTTERFIELD, Mr. KHANNA, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. KELLY of Illinois):

H. Con. Res. 29. Concurrent resolution expressing the sense of the Congress regarding the need for increased diversity and inclusion in the tech sector, and increased access to opportunity in science, technology, engineering, arts, and mathematics (STEAM) education; to the Committee on Education and the Workforce.

By Mr. BISHOP of Utah:

H. Res. 131. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. DEFAZIO (for himself, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. CICILLINE, Ms. DELAULO, Mrs. DINGELL, Mr. ELLISON, Mr. GENE GREEN of Texas, Ms. KAPTUR, Mr. LIPINSKI, Mr. NOLAN, Mr. POCAN, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, and Ms. SLAUGHTER):

H. Res. 132. A resolution calling on the President to initiate renegotiation of the North American Free Trade Agreement (NAFTA) and further calling on the President to consider withdrawing the United States from NAFTA if the renegotiations are not satisfactorily completed within one year; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mr. VEASEY, Mr. QUIGLEY, Mr. FARENTHOLD, Mr. JONES, Mr. CICILLINE, Ms. TITUS, Mr. NADLER, Mr. JOYCE of Ohio, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Mr. DONOVAN, Mr. BLUMENAUER, Mr. COHEN, Mr. ROSKAM, Ms. MOORE, and Mr. FASO):

H. Res. 133. A resolution expressing support for designation of April 11 as "National Pet Adoption Day" and the month of April as "National Pet Adoption Month" to highlight the important role pets play in the lives of United States citizens; to the Committee on Oversight and Government Reform.

By Mrs. BEATTY (for herself, Ms. KAPTUR, Ms. FUDGE, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COHEN, Mr. RUSH, Mr. YARMUTH, Mr. BUTTERFIELD, Mr. STIVERS, and Ms. ADAMS):

H. Res. 134. A resolution supporting the goals and ideals of Black History Month and honoring the outstanding contributions of African-American Medal of Honor recipients; to the Committee on Armed Services.

By Mr. BISHOP of Michigan (for himself and Mr. TROTT):

H. Res. 135. A resolution urging North Atlantic Treaty Organization (NATO) member countries to meet or exceed the two percent gross domestic product commitment to spending on defense; to the Committee on Foreign Affairs.

By Mr. CARSON of Indiana (for himself, Mrs. BEATTY, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BROWNLEY of California, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. COHEN, Mr. CROWLEY, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DELANEY, Ms.

DELBENE, Mrs. DINGELL, Ms. ESTY, Mr. FOSTER, Ms. FRANKEL of Florida, Mr. GARAMENDI, Mr. AL GREEN of Texas, Mr. GUTIÉRREZ, Mr. HASTINGS, Mr. HIGGINS of New York, Ms. JACKSON LEE, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Mr. KEATING, Mr. KILDEE, Mr. KILMER, Mr. KRISHNAMOORTHY, Mr. LARSEN of Washington, Ms. LEE, Mr. LOWENTHAL, Mr. BEN RAY LUJÁN of New Mexico, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Mr. SEAN PATRICK MALONEY of New York, Ms. MCCOLLUM, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MOULTON, Mr. NADLER, Mr. NEAL, Mr. NORCROSS, Ms. NORTON, Mr. PANETTA, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Mr. POLIS, Mr. RASKIN, Miss RICE of New York, Mr. RUSH, Mr. RYAN of Ohio, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCHRAEDER, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Mr. TONKO, Ms. TSONGAS, Mr. VEASEY, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Mr. YARMUTH, Mr. AGUILAR, Mr. KHANNA, and Ms. SLAUGHTER):

H. Res. 136. A resolution expressing the sense of the Congress that lesbian, gay, bisexual, and transgender individuals should be protected from discrimination under the law; to the Committee on the Judiciary.

By Mr. CICILLINE (for himself, Ms. BONAMICI, Mr. CHABOT, Ms. JUDY CHU of California, Ms. CLARKE of New York, Mr. COFFMAN, Mr. COHEN, Mr. CONNOLLY, Mr. COSTA, Mr. DEUTCH, Mr. DONOVAN, Mr. ELLISON, Mr. ENGEL, Mr. EVANS, Mr. FOSTER, Ms. FRANKEL of Florida, Ms. GABBARD, Mr. GOTTHEIMER, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KING of New York, Mrs. LAWRENCE, Mr. TED LIEU of California, Mr. LOWENTHAL, Mrs. LOWEY, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MENG, Mr. MOULTON, Miss RICE of New York, Mr. ROKITA, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SCHNEIDER, Mr. SIREN, Mr. SMITH of Washington, Mr. SWALWELL of California, Ms. TITUS, Mrs. TORRES, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WEBER of Texas, Mr. YARMUTH, and Mr. ZELDIN):

H. Res. 137. A resolution honoring the life of Shimon Peres; to the Committee on Foreign Affairs.

By Mr. DEFAZIO (for himself, Mr. LOBIONDO, and Mr. LARSEN of Washington):

H. Res. 138. A resolution recognizing the 40th anniversary of the founding of the Professional Aviation Safety Specialists; to the Committee on Transportation and Infrastructure.

By Mr. DUFFY:

H. Res. 139. A resolution expressing support for the designation of the week beginning on February 19, 2017, as "American Birkebeiner Week"; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Ms. JUDY CHU of California, Mr. DANNY K. DAVIS of Illinois, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. LOFGREN, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. POCAN, Mrs. WATSON COLEMAN, Mr. VEASEY, Mr. EVANS, Mr. BUTTERFIELD, Mr. MEEKS, Ms. MAXINE WATERS of California, Mr.

CLEAVER, Mr. DESAULNIER, Mrs. DEMINGS, Ms. CLARKE of New York, Ms. BLUNT ROCHESTER, Mr. SCOTT of Virginia, Ms. KELLY of Illinois, Mr. LAWSON of Florida, Mr. LEWIS of Georgia, Ms. WILSON of Florida, Mr. RICHMOND, Mr. VARGAS, Mr. MCGOVERN, Mrs. LAWRENCE, Ms. BONAMICI, Mr. JEFFRIES, Mr. BROWN of Maryland, Ms. SÁNCHEZ, Mr. PAYNE, Mr. SWALWELL of California, Ms. SHEA-PORTER, Mr. COHEN, Mr. RUPPERSBERGER, Mr. CROWLEY, Mr. HASTINGS, Ms. MENG, Mr. QUIGLEY, Mr. THOMPSON of California, Ms. SCHAKOWSKY, Mr. CASTRO of Texas, Ms. BARRAGÁN, Ms. VELÁZQUEZ, Mr. KRISHNAMOORTHY, Ms. FUDGE, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. BEATTY, Mr. BISHOP of Georgia, Mr. GARAMENDI, Ms. WASSERMAN SCHULTZ, Ms. CLARK of Massachusetts, Ms. BASS, Mr. LOWENTHAL, Mr. DEFAZIO, Mr. CLAY, Mrs. NAPOLITANO, Mr. THOMPSON of Mississippi, Mr. RASKIN, Mr. GUTIÉRREZ, Mr. CLYBURN, Mr. CICILLINE, Ms. DELAURO, Mr. LEVIN, Mr. BLUMENAUER, Ms. PINGREE, Mr. ESPAILLAT, and Mr. PAL-LONE):

H. Res. 140. A resolution condemning the appointment of Steve Bannon to the National Security Council and urging his immediate removal; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MENG (for herself and Mr. CROWLEY):

H. Res. 141. A resolution supporting the goals and ideals of International Mother Language Day in bringing attention to the importance of preserving linguistic and cultural heritage through education; to the Committee on Oversight and Government Reform.

By Mr. PAULSEN (for himself and Mr. KIND):

H. Res. 142. A resolution expressing support for designation of the week of October 29 through November 4, 2017, as “National Obesity Care Week”; to the Committee on Energy and Commerce.

By Mr. TAKANO (for himself, Ms. BORDALLO, Ms. JUDY CHU of California, Mr. COHEN, Mrs. DINGELL, Ms. GABBARD, Mr. GRIJALVA, Ms. HANABUSA, Mr. KILMER, Ms. LEE, Mr. TED LIEU of California, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MATSUI, Mr. NADLER, Mrs. NAPOLITANO, Mr. PETERS, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. SWALWELL of California, and Mr. VARGAS):

H. Res. 143. A resolution recognizing the significance of the 75th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and incarceration of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. TAKANO (for himself, Ms. CLARKE of New York, Mr. AL GREEN

of Texas, Mr. GUTIÉRREZ, Ms. HANABUSA, Ms. JAYAPAL, Ms. LEE, Mr. TED LIEU of California, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MENG, Mrs. NAPOLITANO, Mr. PETERS, Ms. SPEIER, and Ms. VELÁZQUEZ):

H. Res. 144. A resolution recognizing the importance of establishing a national “Fred Korematsu Day of Civil Liberties and the Constitution”; to the Committee on the Judiciary.

By Mrs. TORRES (for herself, Mr. MOOLENAAR, Mr. ENGEL, Mr. MCCAUL, Mr. SIREN, Mr. VALADAO, Mr. POE of Texas, and Mr. YOUNG of Alaska):

H. Res. 145. A resolution expressing the sense of the House of Representatives regarding the fight against corruption in Central America; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII,

4. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1706, strongly supporting pregnancy maintenance resource centers in their unique, positive contributions to the individual lives of women, men and of babies; which was referred to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. DAVIS of California:

H.R. 1197. A bill for the relief of Beloved Jefeti; to the Committee on the Judiciary.

By Mrs. DAVIS of California:

H.R. 1198. A bill for the relief of Flavia Maboloc Cahoon; to the Committee on the Judiciary.

By Mr. PASCRELL:

H.R. 1199. A bill for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SAM JOHNSON of Texas:

H.R. 1101.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States), Clause 3 (relating to the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Ms. LOFGREN:

H.R. 1102.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the Constitution of the United States gives Congress the power to enact laws governing the time, place, and manner of elections for Members of the House of Representatives.

Section 5 of the Fourteenth Amendment to the Constitution gives Congress the power to enact laws to enforce Section 2 of such Amendment, which requires Representatives to be apportioned among the several States according to their number.

By Ms. DELBENE:

H.R. 1103.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mrs. BROOKS of Indiana:

H.R. 1104.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. ALLEN:

H.R. 1105.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. AMODEI:

H.R. 1106.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. AMODEI:

H.R. 1107.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Ms. DELAURO:

H.R. 1108.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 in Article I, Section 8, Clause 18 of the United States Constitution

By Mr. WALBERG:

H.R. 1109.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution, Which gives Congress the power to “regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

By Mr. POE of Texas:

H.R. 1110.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Ms. LEE:

H.R. 1111.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LABRADOR:

H.R. 1112.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. DEFAZIO:

H.R. 1113.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

By Mr. DEFAZIO:

H.R. 1114.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

By Mr. HULTGREN:

H.R. 1115.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, providing Congress with the authority to enact legislation necessary to execute one of its enumerated powers.

Article I, Section 8, Clause 3, as this legislation regulates commerce between the states.

By Mr. TIPTON:

H.R. 1116.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: "The Congress shall have power . . . To regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

By Mrs. HARTZLER:

H.R. 1117.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: Clause 3 The United States Congress shall have power

"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. FARENTHOLD:

H.R. 1118.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3, 9, and 18 of section 8 of article I of the Constitution of the United States, and the 14th Amendment to the Constitution of the United States

By Mr. ROTHFUS:

H.R. 1119.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution, "[t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes . . ."

By Mr. CARTWRIGHT:

H.R. 1120.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8; Clause 1 of the Constitution states The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WALDEN:

H.R. 1121.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution.

By Mr. MURPHY of Pennsylvania:

H.R. 1122.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to the Congress under Article 1, Section 8, Clause 3 of the United States Constitution, and Article IV, Section 3, Clause 2 of the United States Constitution.

By Ms. ADAMS:

H.R. 1123.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution.

By Mr. BABIN:

H.R. 1124.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, clause 7, which states that, "No money shall be drawn from the Treasury, but in consequence of appropriations made by the law."

By Mr. BANKS of Indiana:

H.R. 1125.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 grants the Congress power to establish a uniform rule of naturalization.

By Mr. BARR:

H.R. 1126.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. BASS:

H.R. 1127.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article. I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mrs. BEATTY:

H.R. 1128.

Congress has the power to enact this legislation pursuant to the following:

Article I of the U.S. Constitution.

By Mr. BILIRAKIS:

H.R. 1129.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. BLACK:

H.R. 1130.

Congress has the power to enact this legislation pursuant to the following:

United States Constitution Article I Section 8

By Mr. BOST:

H.R. 1131.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. BUCK:

H.R. 1132.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, of Article I of the United States Constitution, which states "The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

By Mr. CARTER of Texas:

H.R. 1133.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution, which grants Congress the power to provide for the common Defense and general Welfare of the United States.

By Mr. CICILLINE:

H.R. 1134.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mr. CLYBURN:

H.R. 1135.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. COLE:

H.R. 1136.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, which permits Congress to regulate commerce. This legislation would modify the manner in which tobacco products are regulated.

By Mr. COLLINS of Georgia:

H.R. 1137.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. COOK:

H.R. 1138.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CRAMER:

H.R. 1139.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution (The Commerce Clause).

By Mr. DELANEY:

H.R. 1140.

Congress has the power to enact this legislation pursuant to the following:

Article 8, Section I of the U.S. Constitution.

By Mr. MICHAEL F. DOYLE of Pennsylvania:

H.R. 1141.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 3 to the U.S. Constitution.

By Mr. DUNCAN of Tennessee:

H.R. 1142.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 5.

By Mr. ELLISON:

H.R. 1143.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Mr. ELLISON:

H.R. 1144.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 7, Clause 1 and Section 8, Clause 1.

By Mr. ELLISON:

H.R. 1145.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1.

By Mr. ELLISON:

H.R. 1146.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Ms. ESTY:

H.R. 1147.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of section 8 of article I of the Constitution.

By Mr. GRIFFITH:

H.R. 1148.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. JODY B. HICE of Georgia:

H.R. 1149.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which states that Congress has the power "to establish a uniform Rule of Naturalization and uniform Laws on the subject of Bankruptcies throughout the United States."

Article I, Section 8, Clause 18, which states that Congress has the power to "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof . . ."

By Mr. HOLDING:

H.R. 1150.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, [. . .]"

By Mr. HUDSON:

H.R. 1151.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. HUDSON:

H.R. 1152.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. HUIZENGA:

H.R. 1153.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. HUNTER:

H.R. 1154.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 of the Constitution.

By Ms. JENKINS of Kansas:

H.R. 1155.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 9:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

By Mr. SAM JOHNSON of Texas:

H.R. 1156.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. KEATING:

H.R. 1157.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. KELLY of Pennsylvania:

H.R. 1158.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I Section 8 of the United States Constitution.

By Mr. KILMER:

H.R. 1159.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. KILMER:

H.R. 1160.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. KINZINGER:

H.R. 1161.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. KNIGHT:

H.R. 1162.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. KUSTER of New Hampshire:

H.R. 1163.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—To make all Laws which shall be necessary and proper

By Mr. LAMBORN:

H.R. 1164.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

"To regulate commerce w/foreign nations . . ."

By Mr. LEWIS of Georgia:

H.R. 1165.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LONG:

H.R. 1166.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mrs. LOVE:

H.R. 1167.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority in which this bill rests is in the power of Congress To regulate Commerce as enumerated by Article 1, section 8 of the United States Constitution as applied to providing for the general Welfare of the United States through the Center for Medicare and Medicaid Services.

By Mrs. LOWEY:

H.R. 1168.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the Constitution

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 1169.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Ms. MCSALLY:

H.R. 1170.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MOULTON:

H.R. 1171.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution

By Mr. NEAL:

H.R. 1172.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect duties and to regulate Commerce with foreign Nations, as enumerated in Article I, Section 8.

By Mrs. NOEM:

H.R. 1173.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Ms. NORTON:

H.R. 1174.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

By Mr. PAULSEN:

H.R. 1175.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 which provides Congress the power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defence and general welfare of the United States.

By Ms. PINGREE:

H.R. 1176.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of the U.S. Constitution

By Mr. POLIQUIN:

H.R. 1177.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

By Mr. POSEY:

H.R. 1178.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. RICE of South Carolina:

H.R. 1179.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mrs. ROBY:

H.R. 1180.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. ROE of Tennessee:

H.R. 1181.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. ROGERS of Alabama:

H.R. 1182.

Congress has the power to enact this legislation pursuant to the following:

Congress' authority under Article 1 Section 8 to "provide for the common defense" and "raise and support armies . . . and to provide and maintain a navy . . . and to make rules for the government and regulation of the land and naval forces."

By Mr. RUIZ:

H.R. 1183.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution

By Mr. RUSH:

H.R. 1184.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have power to . . . provide for the . . . general welfare of the United States . . .";

Article I, Section 8, Clause 3: "To regulate commerce . . . among the several states . . ."; and

Article I, Section 8, Clause 18: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . ."

By Mr. RYAN of Ohio:

H.R. 1185.

Congress has the power to enact this legislation pursuant to the following:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. RYAN of Ohio:

H.R. 1186.

Congress has the power to enact this legislation pursuant to the following:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. SENSENBRENNER:

H.R. 1187.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SENSENBRENNER:

H.R. 1188.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. SERRANO:

H.R. 1189.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution The Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States [Page H8414]

By Ms. SEWELL of Alabama:

H.R. 1190.

Congress has the power to enact this legislation pursuant to the following:

By Ms. SEWELL of Alabama:

H.R. 1781.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the sixteenth amendment [Page H2211]

On January 5, 2011, the House of Representatives adopted an amendment to House Rule XII. Rule XII, clause 7(c) requires that, to be accepted for introduction by the House Clerk, all bills (H.R.) and joint resolutions (H.J.Res.) must provide a document stating "as specifically as practicable the power or powers granted to Congress in the Constitution to enact the bill or joint resolution."

By Mr. SMITH of New Jersey:

H.R. 1191.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8, Clause 1, 3, 10, 12, and 14.

By Mr. SMITH of New Jersey:

H.R. 1192.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to protect unborn children under the Supreme Court's Commerce Clause precedents and under the Constitution's grants of power to Congress under the Equal Protection, Due Process, and Enforcement Clauses of the Fourteenth Amendment.

By Mr. TROTT:

H.R. 1193.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8

By Ms. WILSON of Florida:

H.R. 1194.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. ZELDIN:

H.R. 1195.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 grants Congress the authority to regulate "commerce among the several States." This bill addresses the interstate commerce issue of striped bass fishing regulations in the federally controlled waters located between New York and Rhode Island.

By Mr. ZELDIN:

H.R. 1196.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

Mrs. DAVIS of California:

H.R. 1197

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mrs. DAVIS of California:

H.R. 1198.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. PASCRELL:

H.R. 1199.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section I

By Mr. HOYER:

H.J. Res. 76.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 10

By Mr. DUNN:

H.J. Res. 77.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the Constitution of the United States.

By Mr. SAM JOHNSON of Texas:

H.J. Res. 78.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 17, giving Congress exclusive jurisdiction over the District of Columbia. That clause was cited as the authority for the government's ability to accept the original Smithsonian donation and the creation of the Smithsonian Institution via the Act of August 10, 1846.

Article 1, Section 8, Clause 18, the Necessary and Proper clause, which provides the power to enact legislation necessary to effectuate one of the earlier enumerated powers, such as the authority granted in Clause 17 above.

By Mr. SAM JOHNSON of Texas:

H.J. Res. 79.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 17, giving Congress exclusive jurisdiction over the District of Columbia. That clause was cited as the authority for the government's ability to accept the original Smithsonian donation and the creation of the Smithsonian Institution via the Act of August 10, 1846.

Article 1, Section 8, Clause 18, the Necessary and Proper clause, which provides the power to enact legislation necessary to effectuate one of the earlier enumerated powers, such as the authority granted in Clause 17 above.

By Mr. SAM JOHNSON of Texas:

H.J. Res. 80.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 17, giving Congress exclusive jurisdiction over the District of Columbia. That clause was cited as the authority for the government's ability to accept the original Smithsonian donation and the creation of the Smithsonian Institution via the Act of August 10, 1846.

Article 1, Section 8, Clause 18, the Necessary and Proper clause, which provides the power to enact legislation necessary to effectuate one of the earlier enumerated powers, such as the authority granted in Clause 17 above.

By Ms. MCCOLLUM:

H.J. Res. 81.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. WESTERMAN:

H.J. Res. 82.

Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3, Clause 2

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 20: Mr. CARBAJAL.
H.R. 24: Mr. SMITH of New Jersey, Mr. WENSTRUP, Mr. GOODLATTE, Ms. MCSALLY, and Mr. MOONEY of West Virginia.
H.R. 36: Mr. CONAWAY, Mr. ROE of Tennessee, and Mr. ALLEN.
H.R. 37: Mr. CONAWAY.
H.R. 38: Mr. BRADY of Texas.
H.R. 40: Mr. BISHOP of Georgia and Mr. RICHMOND.
H.R. 60: Mr. MULLIN, Mr. RICE of South Carolina, Mr. HILL, Mr. GUTIÉRREZ, Mr. LARSON of Connecticut, Mr. RICHMOND, Mr. CARSON of Indiana, Mr. POLIS, and Mr. PANETTA.
H.R. 84: Mr. FRANKS of Arizona.
H.R. 104: Mr. VARGAS.
H.R. 147: Mr. CONAWAY.
H.R. 161: Mr. MCNERNEY and Mr. TAKANO.
H.R. 173: Ms. STEFANIK.
H.R. 179: Mr. ROGERS of Alabama, Mrs. LOVE, and Mrs. ROBY.
H.R. 198: Mr. HENSARLING.
H.R. 246: Mr. CULBERSON, Mr. GRAVES of Georgia, Mr. MARSHALL, and Mr. LEWIS of Minnesota.
H.R. 299: Mr. CARTWRIGHT, Mr. RICE of South Carolina, Mr. HULTGREN, Ms. TENNEY, Mr. TURNER, Mr. YOUNG of Alaska, Mr. DEUTCH, Mr. BLUM, Mr. O'ROURKE, Mr. ROTHFUS, Mr. GROTHMAN, Ms. ROS-LEHTINEN, and Miss GONZÁLEZ-COLÓN of Puerto Rico.
H.R. 305: Mr. RASKIN.
H.R. 356: Mr. JONES.
H.R. 367: Mr. CULBERSON, Mr. POE of Texas, and Mr. PERRY.
H.R. 371: Mr. CARBAJAL.
H.R. 377: Ms. CHENEY.
H.R. 380: Mr. ZELDIN.
H.R. 402: Mr. GRIJALVA.
H.R. 422: Mr. PALMER.
H.R. 448: Mr. PETERS.
H.R. 480: Mr. THORNBERRY.
H.R. 502: Mr. CARTWRIGHT, Mrs. BUSTOS, Mr. MCHENRY, Mr. DESAULNIER, Mr. DEUTCH, Ms. ROYBAL-ALLARD, Mr. ENGEL, Ms. BONAMICI, and Ms. PINGREE.
H.R. 548: Mrs. WALORSKI.
H.R. 553: Mr. LAHOOD.
H.R. 556: Mr. LOBIONDO and Mr. FRELINGHUYSEN.
H.R. 564: Mr. FARENTHOLD, Mr. TROTT, and Mr. COSTA.
H.R. 625: Mr. CORREA.
H.R. 630: Ms. VELÁZQUEZ and Mr. GRIJALVA.
H.R. 631: Mr. CRAWFORD, Mr. BUCK, Mr. KINZINGER, Mr. CALVERT, Mr. JODY B. HICE of Georgia, Mr. COLLINS of New York, Mr. SHIMKUS, Mr. HENSARLING, Ms. MCSALLY, Mr. ROE of Tennessee, and Mr. WALBERG.
H.R. 632: Mr. SCHRADER, Mr. LEVIN, Mr. KNIGHT, and Mr. GUTIÉRREZ.
H.R. 637: Mr. GRAVES of Georgia.
H.R. 639: Mr. RICE of South Carolina.
H.R. 641: Mr. MOOLENAAR, Mr. ROSS, and Mr. HUIZENGA.
H.R. 662: Mr. KING of Iowa.
H.R. 669: Mr. THOMPSON of California.
H.R. 692: Mr. MARSHALL, Mr. MEADOWS, Mr. RUSSELL, Mr. WEBSTER of Florida, Mr.

LUETKEMEYER, Mr. PITTENGER, and Mrs. ROBY.

H.R. 696: Mr. CARBAJAL.
H.R. 710: Mr. FORTENBERRY.
H.R. 721: Mr. KELLY of Mississippi and Mr. WILLIAMS.
H.R. 726: Mr. BIGGS and Mr. FRANCIS ROONEY of Florida.
H.R. 727: Mr. BIGGS and Mr. FRANCIS ROONEY of Florida.
H.R. 732: Mr. ALLEN.
H.R. 747: Mr. MACARTHUR.
H.R. 750: Mr. COOPER.
H.R. 753: Mr. PANETTA.
H.R. 757: Mr. GENE GREEN of Texas, Mr. PERLMUTTER, Mr. BROWN of Maryland, Ms. KELLY of Illinois, Mr. ELLISON, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Mr. BEN RAY LUJÁN of New Mexico.
H.R. 772: Mr. CARTER of Texas.
H.R. 778: Mr. KIND.
H.R. 781: Mrs. HARTZLER.
H.R. 800: Ms. PINGREE.
H.R. 804: Mr. CONNOLLY, Mr. LEWIS of Georgia, and Mr. LEVIN.
H.R. 807: Mr. WALBERG and Ms. SPEIER.
H.R. 808: Mr. COFFMAN.
H.R. 816: Mr. LOBIONDO, Mr. PETERS, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. ISSA.
H.R. 820: Mr. CURBELO of Florida, Ms. GRANGER, Mr. TURNER, Mr. GUTHRIE, Mr. BARTON, Mr. DENHAM, Mr. FRELINGHUYSEN, and Mr. KING of Iowa.
H.R. 821: Mr. DEFazio, Mr. DEUTCH, Mr. ENGEL, Mr. HASTINGS, Ms. LEE, Mr. TED LIEU of California, Mr. PALLONE, Mr. HUFFMAN, Mr. KEATING, Mr. LOEBSACK, and Ms. FUDGE.
H.R. 838: Ms. KAPTUR, Ms. SHEA-PORTER, and Ms. JAYAPAL.
H.R. 839: Ms. KAPTUR and Ms. SHEA-PORTER.
H.R. 840: Ms. KAPTUR and Ms. SHEA-PORTER.
H.R. 848: Mr. KELLY of Mississippi, Mr. GONZALEZ of Texas, Mr. FERGUSON, Mr. HURD, Mr. BYRNE, and Mr. GRIFFITH.
H.R. 849: Mr. FRELINGHUYSEN.
H.R. 850: Mr. MARCHANT.
H.R. 860: Mr. DESJARLAIS.
H.R. 866: Mr. AL GREEN of Texas.
H.R. 878: Mr. POSEY, Mr. ABRAHAM, and Ms. SINEMA.
H.R. 898: Mr. PITTENGER.
H.R. 909: Mr. LEVIN.
H.R. 914: Mr. VISCLOSKEY and Mr. GRIJALVA.
H.R. 920: Mr. CONYERS, Mr. GUTIÉRREZ, Mr. PAYNE, Mr. MCGOVERN, Ms. JACKSON LEE, Mr. MEEKS, Mr. GALLEGO, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. NADLER, Mr. COHEN, Ms. MENG, Ms. JUDY CHU of California, Ms. ESHOO, Mr. QUIGLEY, Mr. LEWIS of Georgia, Mr. KENNEDY, Mr. VEASEY, Ms. MATSUI, Mr. PANETTA, Mr. CROWLEY, Mr. CICILLINE, Ms. CLARKE of New York, Ms. MOORE, and Mr. CAPUANO.
H.R. 921: Mr. CONYERS, Mr. GUTIÉRREZ, Mr. PAYNE, Mr. MCGOVERN, Ms. JACKSON LEE, Mr. MEEKS, Mr. GALLEGO, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. NADLER, Mr. COHEN, Ms. MENG, Ms. JUDY CHU of California, Ms. ESHOO, Mr. QUIGLEY, Mr. LEWIS of Georgia, Mr. KENNEDY, Mr. VEASEY, Ms. MATSUI, Mr. PANETTA, Mr. CROWLEY, Mr. CICILLINE, Mr. YARMUTH, Ms. CLARKE of New York, Ms. MOORE, and Mr. CAPUANO.
H.R. 926: Ms. SLAUGHTER.
H.R. 928: Mr. CULBERSON.

H.R. 930: Mr. BRENDAN F. BOYLE of Pennsylvania, Mrs. BROOKS of Indiana, Ms. BROWNLEY of California, Mr. DEFazio, Ms. DELAURO, Ms. DELBENE, Mr. FOSTER, Mr. FRELINGHUYSEN, Mr. HARPER, Mr. HECK, Mr. KIND, Mr. LIPINSKI, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MEEHAN, Mr. MULLIN, Ms. PINGREE, Mr. ROE of Tennessee, Ms. SLAUGHTER, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mr. WITTMAN, Mr. YOHO, Mr. KING of Iowa, Mr. EMMER, and Mr. CONYERS.

H.R. 947: Mr. KENNEDY and Mr. CARBAJAL.
H.R. 953: Mr. AUSTIN SCOTT of Georgia, Mr. MITCHELL, Mr. COMER, Mr. ARRINGTON, Mr. KELLY of Mississippi, Mr. GUTHRIE, Mr. LUCAS, and Mr. HULTGREN.

H.R. 959: Mr. WALZ and Mr. LIPINSKI.
H.R. 960: Mr. THOMPSON of California and Mr. MARCHANT.

H.R. 967: Mr. FRELINGHUYSEN.
H.R. 975: Mr. COFFMAN and Mr. WELCH.
H.R. 986: Mr. LEWIS of Minnesota.
H.R. 1004: Mr. PETERSON.

H.R. 1005: Mr. BERGMAN, Mr. SEAN PATRICK MALONEY of New York, Mr. CHAFFETZ, Mr. SMITH of Washington, and Mrs. LOVE.

H.R. 1006: Mr. O'ROURKE, Mr. CICILLINE, and Ms. TITUS.

H.R. 1009: Mr. WALBERG.
H.R. 1017: Mrs. WALORSKI, Mr. RODNEY DAVIS of Illinois, Mr. MULLIN, Mr. ROGERS of Kentucky, and Mrs. BLACKBURN.

H.R. 1022: Mr. CARBAJAL.
H.R. 1026: Mr. RYAN of Ohio.
H.R. 1038: Mr. CRAMER.
H.R. 1049: Ms. BORDALLO.
H.R. 1057: Mr. TURNER, Ms. SHEA-PORTER, and Mr. WALBERG.

H.R. 1065: Mr. CONNOLLY.
H.R. 1067: Mr. SMITH of Texas, Mr. CHABOT, and Mr. FRANKS of Arizona.

H.R. 1083: Ms. DELAURO.
H.R. 1094: Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. CONYERS, and Ms. NORTON.
H.R. 1098: Ms. NORTON and Mr. CURBELO of Florida.

H.J. Res. 59: Mr. GRAVES of Missouri, Mr. COLE, Mr. KING of Iowa, and Mr. SMITH of Missouri.

H.J. Res. 68: Mr. PEARCE.
H.J. Res. 72: Mr. LAMALFA, Mr. PALMER, Mr. DUNCAN of South Carolina, Mr. MEADOWS, Ms. ROS-LEHTINEN, and Mr. JONES.

H.J. Res. 74: Mr. HASTINGS and Ms. CLARK of Massachusetts.

H. Con. Res. 10: Mrs. NOEM and Mr. LARSON of Connecticut.

H. Con. Res. 16: Mrs. LAWRENCE.
H. Con. Res. 22: Mrs. LAWRENCE.
H. Con. Res. 26: Mr. BABIN and Mr. BRIDENSTINE.

H. Res. 15: Mr. CARSON of Indiana, Mr. WITTMAN, Ms. SINEMA, Mr. DIAZ-BALART, Mr. HUFFMAN, and Mr. O'HALLERAN.

H. Res. 28: Mr. LEVIN and Mr. HUFFMAN.
H. Res. 30: Mr. RUTHERFORD, Mr. JOYCE of Ohio, and Mrs. LAWRENCE.

H. Res. 31: Mr. HUFFMAN.
H. Res. 111: Ms. SLAUGHTER, Mr. PETERS, Mr. WALZ, Mr. COURTNEY, Mr. DEUTCH, Mr. DESAULNIER, Mr. VARGAS, Ms. MENG, Mr. LOWENTHAL, Mr. LEWIS of Georgia, Ms. MOORE, Mr. GALLEGO, and Mr. TONKO.

H. Res. 113: Mr. KING of Iowa.
H. Res. 118: Ms. BONAMICI and Ms. NORTON.
H. Res. 124: Mr. KENNEDY.

SENATE—Thursday, February 16, 2017

The Senate met at 10 a.m. and was called to order by the Honorable MIKE ROUNDS, a Senator from the State of South Dakota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, to whom we must give an account for all our powers and privileges, guide our steps, use us to bring healing to our Nation and world.

Give wisdom to our Senators, making them faithful stewards of Your will. As they strive to serve You, help them to remember that to whom much is given, much will be required. Open their minds and hearts to know and do Your will, relying on Your strength to empower them to serve You with honor. May they discover in their daily world the joy of partnership with You.

Lord, use them to keep America a shining city on a hill. As they delight in Your presence, plant within their hearts a greater desire to glorify You.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE ROUNDS, a Senator from the State of South Dakota, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. ROUNDS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF SCOTT PRUITT

Mr. MCCONNELL. Mr. President, in just a few minutes we will have an opportunity to confirm the nominee for the Office of Management and Budget. I had several things to say about him yesterday. Now I want to talk about the nominee we can advance after that confirmation vote.

Let me start by saying this. We all want clean water. We all want clean air. Promoting these goals is supposed to be the mission of the Environmental Protection Agency, but under the Obama administration, the agency's leadership prioritized partisan politics instead. It pursued policies that often put political benefits ahead of environmental ones. It ignored laws. It acted beyond its authority. It even treated middle-class coal families as enemies and then attacked them without a real sense of compassion.

The nominee before us, Oklahoma attorney general Scott Pruitt, thinks it is time for the EPA to get back to the business of clean air and clean water instead, and to do so with an appreciation for the complexity of our modern world, with awareness of the broader economy, with compassion toward those impacted, with respect for the rule of law and the rights of State and local governments.

Pruitt has earned the support of countless groups across the country, from State environmental protection officers to agricultural leaders. He has the bipartisan backing of dozens of his fellow attorneys general as well. They say he is someone who is "committed to clean air and clean water," one who is apt to "come to Congress for a solution, rather than inventing power" for himself.

What a welcome change. What a welcome change from the previous administration.

This is from a predecessor of Pruitt's in the attorney general's office, Democrat Mike Turpen:

As a Democrat, I take seriously the threats to our environment. . . . I may not agree with all the President-elect's policies or nominees, but I do know that Oklahoma Attorney General Scott Pruitt is a good choice to head up the Environmental Protection Agency.

Scott Pruitt's background in constitutional law, combined with a nuanced understanding of how environmental regulations affect the economy, mean that he will be a thoughtful leader of the EPA, and one capable of striking the balance between protecting the environment and our economy.

Here is another Democratic attorney general:

I am a Member of the Democratic National Committee and was a strong supporter of

Secretary Clinton's campaign for President. I believe in the core mission of the Environmental Protection Agency.

And the nominee before us is known to him as "a staunch defender of sound science and good policy as appropriate tools to protect the environment of his State."

As one Democratic Senator put it, Scott Pruitt simply has "the right experience for the position."

He is exceptionally qualified. He is dedicated to environmental protection, and, as someone with State government experience, he understands the real world consequences of EPA actions and knows that balance is the key to making policies that are sustainable over the long term. Pruitt is just the candidate we need at the helm of the EPA.

We should confirm him. Doing so will represent another positive change in Washington that can give hope to families in Kentucky and across the Nation who are still recovering from the last 8 years.

RESOLUTION OF DISAPPROVAL

Mr. MCCONNELL. Mr. President, here is something else that will give cheer to Kentucky families. I am pleased to report that today the President will sign a resolution identical to a proposal I introduced, a resolution that will undo a harmful regulation that could threaten nearly one-third of America's coal mining jobs. I am looking forward to attending that signing ceremony later today.

This resolution is just one of several that we hope to send to the President to begin providing the American people with relief, protecting jobs, and growing our economy. It reflects promises made and promises kept.

REPEALING AND REPLACING OBAMACARE

Mr. MCCONNELL. Mr. President, now on another matter, let me begin with a statement of the obvious. ObamaCare is a disaster, an absolute disaster. Just one in five Americans say their families are better off since it went into effect. More actually say they are worse off. And, really, is it any wonder?

Americans were promised that costs would go down, but in fact they skyrocketed. Americans were promised choice, but it shriveled. We have been warning that choices would continue their downward decline under the ObamaCare status quo, and that is just what we saw this very week. One large national insurer announced it was

being forced from the marketplace altogether—meaning thousands, including many in Kentucky, will lose their current health plans, thanks to ObamaCare.

The CEO of another major insurer predicted more insurers would soon follow—meaning thousands could find themselves without a single choice of health coverage, thanks to ObamaCare. This partisan law has entered a “death spiral,” the CEO warned, and “it is not going to get any better; it’s getting worse.”

This should be a wake-up call to the do-nothing crowd on the left. ObamaCare isn’t working. It isn’t sustainable, and it is going to continue attacking the middle class until it is repealed and replaced.

We have already begun the process here in Congress. We are going to continue working hand in hand with the administration to get it done. In the meantime, there is much the administration can do to help bring calm out of the chaos from ObamaCare’s broken promises. That is especially true of Health and Human Services Secretary Tom Price, who was finally confirmed after weeks of unprecedented obstruction from across the aisle.

We saw a great example yesterday of what he can do to help stabilize the insurance market and protect consumers. The commonsense reforms he issued can help put downward pressure on costs and help prevent the fraud and abuse that ultimately hurt everyone. I commend him for taking these important first steps. They will help provide relief for Americans as broader efforts are made to address the underlying concerns with ObamaCare.

The status quo on ObamaCare is simply unsustainable. Congress will continue working to repeal and replace it with commonsense, step-by-step reforms. As we do, I hope the administration will continue using its existing authority to protect Americans from the unnecessary harm of this broken law.

NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, on one final matter, Neil Gorsuch is one of the most impressive Supreme Court nominees we have ever seen. His resume is a mile long, his reputation is second to none, and his record is literally something to behold.

In nearly a decade on the circuit court, his work was so outstanding, the Supreme Court didn’t need to check it very often. In fact, as we recently learned from his Judiciary Committee questionnaire, the High Court felt the need to review on the merits an opinion he offered only once in 10 years. In that one case, a broad cross section of the Justices on the Court voted to affirm his work, with Justices Ginsburg, Breyer, and Sotomayor joining Justices Thomas and Alito in affirming his opinion.

Let me put that in context. Out of 240 opinions Judge Gorsuch wrote for the Tenth Circuit or where he authored a concurrence or dissent—not to mention the 500 additional unpublished dispositions he has written—the Supreme Court reviewed only one—one of his cases on the merits, and it affirmed the one case.

As for the cases where Judge Gorsuch did not write the opinion but joined in the opinion of his colleagues, the Supreme Court reviewed five of those cases, and the Court affirmed four out of five. So even including opinions that Judge Gorsuch did not author but joined, his overall record in the Supreme Court is being affirmed in five out of six cases.

How does that record compare to some of his would-be colleagues on the Supreme Court?

Well, President Obama’s first nominee, Sonia Sotomayor also was a circuit court judge before she was appointed to the Supreme Court, and she was a circuit court judge for about the same amount of time as Judge Gorsuch has been, approximately a decade.

The Supreme Court reviewed on the merits five opinions she authored as a circuit court judge. But the Court reversed her most of the time—reversing her three out of five times. And in one of those two cases that it affirmed, the Supreme Court unanimously rejected her reasoning in doing so, finding that it “flies in the face of the statutory language.”

So the Supreme Court actually rejected the approach of then Judge Sotomayor in four out of five opinions she authored.

Our Democratic colleagues are insistent that we have someone mainstream appointed to the Court, with the definition of mainstream, of course, being determined by their particular worldview. Since all of our Democratic colleagues who were here when her nomination to the Supreme Court was pending supported Justice Sotomayor, I know that they found her to be mainstream. Given that Judge Gorsuch’s record before the Court he seeks to join is quite a bit better than hers, I assume they would concede, even if grudgingly, that as measured by one’s record before the Supreme Court as a lower court judge, Judge Gorsuch is at least as “mainstream” as she is.

With Judge Gorsuch’s impressive record before the Supreme Court and other impressive qualities, it is no wonder, then, that both sides of the political spectrum can’t help but praise him. I have shared some of that praise already from those who have worked alongside him, from those who have studied underneath him, and now some thoughts from those who appeared before him.

Let me read to my colleagues from an article that appeared just a few days ago in the Albuquerque Journal:

Local attorneys from across the political spectrum who have appeared before U.S. Supreme Court nominee Judge Neil Gorsuch call him a “gentleman,” “extraordinarily affable,” and “an exceptional nomination.” As a Federal Court of Appeals judge posted in Denver for the last 10 years, Gorsuch has ruled on numerous cases from New Mexico, giving many local attorneys an up-close view of the man who could fill the seat of the late U.S. Supreme Court Justice Antonin Scalia.

Here is one local lawyer who praised his fairness:

He is an enormous intellect, a really, really bright guy. . . . He’ll be one of the brightest justices on that court—if not the brightest. It was always a pleasure to be in front of him because whether you won or lost, you knew you were going to be treated fairly.

Here is another lawyer, a Democrat who appeared before him a dozen or so times, mostly on civil rights cases:

Gorsuch is not an “ideologue.” Politics aside, Judge Gorsuch would be someone good for the judiciary and the country. People should rest assured that he would always try to make the most learned and just decision and politics would not be a consideration or factor in his decisions. . . . And that’s from me, and I’m a longtime Democrat.

Here is one more who noted the legacy he has already left behind:

Gorsuch has placed 11 of his (Appeals Court) clerks with Supreme Court justices, so he is in the very top. And not only has he placed them, his law clerks go all over the place. They’ve clerked for Kennedy, Scalia, Thomas, and they’ve also clerked for Kagan and Sotomayor. . . . This is a really good indicator of what the justices think of this guy before he was even a nominee to the Supreme Court. It’s like a Good Housekeeping seal of approval. And it cuts across the political spectrum.

In other words, clerks of Judge Gorsuch have gone on to clerk for Supreme Court Justices across the ideological spectrum.

Speaking of those who have clerked for Sonia Sotomayor, we recently heard a testimonial from an Obama administration lawyer who clerked for both Sotomayor and Gorsuch. “I don’t think folks on the Left should be concerned about Judge Gorsuch becoming a Supreme Court Justice,” she said. “He is extraordinarily fair-minded . . . [h]e will approach each case the same, regardless of the issue or the parties before him, and he will have a great deal of respect for folks on all sides of the ideological spectrum.”

That is very high praise. It is coming from both sides of the aisle. And I am sure we will hear even more of it as the days go by.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

INVESTIGATION INTO TIES BETWEEN THE TRUMP ADMINISTRATION AND THE RUSSIAN GOVERNMENT

Mr. SCHUMER. Mr. President, we are in a moment of profound unease about the stability of the executive branch of our government.

The recent reports about General Flynn detailing constant, high-level contact between members of the Trump administration and the Russian Government raise serious doubts about this administration's competence in the realm of foreign policy and national security and even graver doubts about the sanctity of our democratic process.

We do not know all the facts, and in the coming days and weeks, more information may well surface about these disturbing revelations, but we already know that something is rotten in the state of Denmark.

I have been in Congress a long time, and I have never, ever seen anything like this. The institutions of government are being tested in a way they have not been tested in some time.

At this juncture, we would all do well to remember that democracy—the most benevolent, desirable, effective, and just form of government devised by man—is also one of the most fragile systems of government devised by man. It requires constant vigilance and strong democratic institutions to bolster one another.

At the time of the drafting of the Constitution, Thomas Jefferson expressed doubt that a government founded on such a document could long endure. Varying factions in our founding generation worried alternatively about the threats posed by mob rule and potential autocrats.

One of the things that the Framers of the Constitution most worried about was the threat of foreign intervention in our government, what they called foreign intrigue. Federalist No. 68, likely authored by a famous resident of my State, Alexander Hamilton, labeled the “desire in foreign powers to gain an improper ascendant in our councils” as one of the “most deadly adversaries of republican government.” That fear is the origin of the emoluments clause, which safeguards against bribery of government officials by foreign powers.

It cannot be that officers at the highest echelons of our government owe favors to foreign capitals. But it may well be that a high-level member of President Trump's campaign and administration, General Flynn, violated the emoluments clause by accepting money from the Russian Government during a trip to Moscow in 2015. The reported contact between operatives in the Trump campaign and Russian intelligence officials is exactly the kind of intrigue that our Founders sought to prohibit.

I mention all of this because I believe the stakes to be very high. This is not

a drill. Nothing less than our system of checks and balances, the rule of law, and our national security is at stake.

Our Nation does not face moments like this often. Frankly, the fact that foreign powers would have high influence in our government has not been on the front page for decades. But the wisdom of the Founding Fathers shines through. It is a real danger, and now the possibility of that danger being real is here today.

History will look upon us and will no doubt judge our efforts to stem this wrong wherever it occurs. Our Nation does not face moments like this often.

From the earliest days of the Republic, what has always sustained us has been the strength of our democratic institutions of government. We have distinct pillars of power that check and balance one another for the very purpose of fortifying our government whenever one branch is deficient. On this matter, the legislative branch has a responsibility to be that check and balance via our oversight duties.

All of us can agree that right now what are required are the facts. We have to evaluate the scope of Russia's interference in our election and assess if agents of their government have penetrated to the highest levels of our government. Throughout the process, we have to avoid jumping to conclusions or engaging in wild speculation. We must seek the truth, the whole truth, and nothing but the truth. Once we have all the facts at our disposal, Democrats and Republicans alike can debate what to do next.

The investigation should proceed along two tracks. The first is Congress. My friend from Virginia, Senator WARNER, the ranking member on the Senate Intelligence Committee, is committed to using every resource and authority in that committee to seek the truth. His committee will take the lead, but it will not be the only committee that looks into ties between the Trump campaign, transition, or administration, and Russia. The Judiciary, Foreign Relations, HSGAC, Banking, and Commerce Committees all have significant roles at getting to the bottom of this. They should also move forward in their areas of jurisdiction. These committee investigations must be bipartisan; they must have access to all intelligence officials, transcripts, documents, and other related materials that they need to answer critical questions; and they must be permitted to make their findings public to the maximum extent possible.

Of course, anything that Congress does requires Republican support because they are in the majority. I am gratified that some of our Republican colleagues have called for that. Bipartisan letters from the Judiciary Committee and the Intelligence Committee have been and are being sent last night and today. These letters will ask for

document preservation, briefings, and for information related to the investigations.

As for the Intelligence Committee, Senator BURR, the chairman, originally expressed skepticism about his committee proceeding with an investigation into the ties between the Trump campaign and Russia, but he is now working well with Senator WARNER to do this. We will be watching very carefully. If the Intelligence Committee investigation is not proceeding to unearth the entire truth, we will seek alternative tools and structures to get to the truth because get to the truth we must.

The second part of the investigation is in the executive branch, where law enforcement resides. While Congress has a constitutional oversight ability to bring facts to light, it is only the executive branch that can prosecute potential criminal liability.

The two are not mutually exclusive. They are not either/or. They must move forward simultaneously on parallel tracks.

On the executive branch side, three specific things must now happen:

First, Attorney General Sessions must follow Department of Justice guidance and recuse himself.

When the FBI looks into a matter, they do so right alongside prosecutors from the Justice Department. Those prosecutors should not be reporting to the first Senator who endorsed Donald Trump's campaign, who served on the same campaign committee as General Flynn, and who nominated Donald Trump at the Republican convention. The Justice Department's own guidelines demand that Attorney General Sessions remove himself from this matter immediately. If he does not, he will be breaking serious guidelines that have been in place for decades, followed by both Republican and Democratic administrations alike. To disregard or ignore these rules would be a major transgression by this administration, so early in its term, and would bode poorly for the future impartiality of the criminal justice system.

We now know that the President and the Attorney General are meeting today. Of course the President needs to meet with the Attorney General; that is important for national security. But until the Attorney General recuses himself, those meetings raise serious questions. There will be a cloud hanging over every meeting and conversation between the President and the Attorney General until the Attorney General recuses himself. We presume that they would not even think of discussing the investigation—that the Attorney General and the President would not—because if they were to discuss any investigation, it would constitute a massive, massive ethical violation.

Second, to reiterate, from the executive branch point of view, we expect

the administration will order all records from administration, transition, and campaign officials to be preserved.

There is real concern that some in the administration may try to cover up its ties to Russia by deleting emails, texts, or other records that could shine a light on these connections. These records are likely to be the subject of executive branch as well as congressional investigations and must be preserved.

Third, campaign, transition, and administration officials must be made available to testify in public, under oath, on these issues.

It has been reported that campaign officials have had constant contact with Russian intelligence officials. They must testify.

Our caucus is united in these three requests, and we hope and expect our Republican colleagues to join in these appeals as well.

Senate Democrats are faithfully committed to keeping this issue above partisan politics. The gravity of this issue demands nothing less.

Throughout the history of this country, the Senate has come together to steer the ship of state through stormy seas when the times required it. Republican Senators like Howard Baker, Hugh Scott, and Bob Dole rose above politics during the Watergate, Iran-Contra, and Whitewater scandals to demand the truth. I am very hopeful my Republican colleagues on the other side will follow in that grand tradition. I am very hopeful the other side wants to get at all the facts, just as our side wants to get at all the facts.

I disagree with my friends on the other side of the aisle often on a number of issues—often, we disagree vociferously—but I have never once doubted their patriotism. This is an issue on which patriotism must prevail over politics because before we are Democrats or Republicans, we are Americans, with respect for the rule of law.

I have a hope and a faith that these reports and revelations will not pit the two parties against one another—that they will unite the parties in pursuit of the full truth.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of MICK MULVANEY, of South Carolina, to be Director of the Office of Management and Budget.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes of debate equally divided.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, this may be one of the most important votes in this new session of the Senate relative to the Trump administration. It is a Cabinet position most people are not aware of, except if you work here. It is the Director of the Office of Management and Budget.

This individual has the authority to write the President's budget, to establish priorities, and to review Federal spending governmentwide. It is a big job. It is an awesome responsibility. The way it is executed will not only lead to an accounting of our Federal expenditures, but it will have a direct impact on America's economy.

The choice of Congressman MICK MULVANEY of South Carolina for this job is wrong. It is wrong based on his record in the House of Representatives. He was a founding member of the Freedom Caucus in the House of Representatives. That is a group which led to the resignation of Speaker Boehner and continues to tie the House of Representatives into knots. Why? Because they have certain tactics they believe are credible tactics, which Congressman MULVANEY signed up for. Let me give one of them.

They think closing down the government is a good way to get people's attention. Well, they are right. It sure gets attention. But it does it at the expense of innocent people across America—taxpayers, those who are receiving critical programs, and Federal employees who are waiting for their paychecks. Congressman MULVANEY signed up for that.

Once every year or so we have to decide to lift what is called the debt ceiling, which is the indebtedness of the United States, the full faith and credit of our government—really, the credibility of our government when it comes to financing. Congressman MULVANEY, who wants to head the Office of Management and Budget, has said we can default on our national debt, and it really won't cause that great of a problem. That is just the beginning of some of his bizarre views.

He said he wants to end the Medicare program as we know it. He calls Social

Security a Ponzi scheme. He has called for a 25-percent reduction in reimbursement for Medicaid; that is health insurance for children, the disabled, and the elderly in America. He also has questioned whether the United States as a government should continue to invest in medical research.

I am not making this up. This man who wants to set the priorities for the Trump administration and deliver the budget for America's future questions whether our Federal Government should invest in medical research.

When it came to paying for natural disasters like Hurricane Sandy—and it happens to every State—he decided that instead of coming to the rescue of people in an emergency, we would have to cut entitlement programs—Social Security, Medicare, and Medicaid—as well as military spending, in order to pay for disasters. That is how shortsighted he has been, and President Trump has chosen him to write the budget for America.

I just have to say that his priorities as a founding member of the Freedom Caucus disqualify him for this job, in my consideration. The fact that he would repeal the Affordable Care Act without a replacement and leave some 30 million insured Americans without the promise of healthcare security for their families is another indication of an extreme point of view which should not be defining our government in Washington.

I have no doubt Republicans are going to march in lockstep, with maybe one exception. Senator MCCAIN has said he is going to vote against him. I think they will end up giving President Trump his man as head of the Office of Management and Budget. But we are in for a battle royal over the values in America. You can judge that values of a nation not by political speeches but by our budget.

Congressman MULVANEY will cut some of the most basic and fundamental programs of our government, would endanger our economy by questioning the full faith and credit of the United States, and is prepared to shut down the government to get his way. That is not a responsible course when it comes to budgetmaking in a great nation like America.

I will be opposing the nomination of MICK MULVANEY to be head of the Office of Management and Budget.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, when I woke up this morning I was remembering some of the Old West stories about catching the culprit and hanging him. Then we got a little more sophisticated out West, and we said: You know, we need to give that person a fair trial and then hang him.

Sometimes I feel like these Cabinet position hearings are exactly that. They let the person ask questions.

They ask very leading questions. I am not sure anybody listens to the answers. Then they have to answer a whole bunch of questions. I am not sure anybody reads the answers to those questions, and if they do, any time you read something, there can be a certain bias that is built into it. I am sorry that is happening to Cabinet after Cabinet after Cabinet position.

Traditionally, a President has gotten the Cabinet that he wanted, often in the first week that he was in. Some of them got it on the first day they were in.

This is a key position for the President. But we have to remember that he doesn't get to make any final decisions. He gets to recommend to the President and make a presentation to the President on what there ought to be, and then the President presents a budget.

Looking back over the last 8 years, we have voted on the President's budget. For 7 years, the President got zero votes. That means his budget did not go into place. In the eighth year, he got one vote. I am hoping that Representative MULVANEY can do a considerably better job than that in outlining what our needs are, presenting it to the President, and getting some agreement so that we can get this country on a plan to where we can quit increasing the \$20 trillion debt burden which faces us because of the 8 years of anemic economic and policy growth we have had.

With unprecedented attempts to delay the new Cabinet, Senate Democrats have ensured the President has been without an OMB Director longer than any other President in the past 40 years. The reason I use 40 years is that is as long as that position has been in place.

According to Senate records, from President Jimmy Carter to President Obama, the longest it ever took to approve a first budget director for new Presidents was 1 week—1 week. We are now in week 4 and with little movement. As Majority Leader MCCONNELL said last week, this is the slowest time for a new Cabinet to be up and running since President George Washington—and that was last week that he said that.

It is vital we fill this position. I am hopeful Mr. MULVANEY and the OMB will ensure that the taxes of hard-working Americans sent to Washington are spent in the most effective and efficient way. The Federal Government has not been currently focused on making sure hard-working taxpayers get the best deal for their money. A new OMB Director focused on responsible budgeting can help ensure the duplication of government programs and agencies is discovered and it is addressed. This will help the Federal Government to be more accountable and more effective.

I remember walking over to the inauguration next to the new Senator from

Maryland, who talked to me about MULVANEY and said that he was kind of impressed that the two of them had agreed on some budgetary principles. That was a bit of a shock to me.

The Government Accountability Office every year outlines tens of billions of dollars in savings that can be achieved through various efficiency measures. OMB can play an important role in ensuring that spending programs don't duplicate each other. That is what MULVANEY is excited about. Additionally, reforming and consolidating these programs can ensure they focus on real needs and be managed with an eye toward real results.

Several years ago, Congress passed a law requiring the administration to list all Federal programs on a central governmentwide website, along with related budget and performance information, maybe saying how many people work there and how many customers they serve. Unfortunately, when the program lists were put online, GAO reviewed the information and discovered that the inventory, in their own words, was "not a useful tool for decisionmaking." That has to change. MULVANEY can change that. Even if the government can't answer that question, we can find strong evidence that the numbers are on the rise, and Mr. MULVANEY will be able to play a crucial role in taming the unchecked growth of the Federal Government.

To conclude, I have full faith in Representative MULVANEY. That is why I am asking you today to take my word for his capability. I do take my word very seriously. Please support Representative MULVANEY for this important position and get this position onboard so we can do the work that we are supposed to do—one of which is to get a budget from the President by today. That is not going to be possible because he doesn't have anybody to do the budget yet. Then, we can get on with the business of this country. We have been working on some bipartisan budget processes that we can do. We will get that done, too, with his help, with the President's help, and with help from both sides of the aisle. We badly need it.

I ask for support for Representative MULVANEY.

I yield the floor.

Mr. CARDIN. Mr. President, I oppose the nomination of Representative MICK MULVANEY to serve as Director of the Office of Management & Budget, OMB. Representative MULVANEY's radical views regarding the fundamental role of government in our society make him philosophically ill-suited to run OMB. I will list a number of those views.

Social Security—In May 2009, Representative MULVANEY was a member of the South Carolina State Senate and voted to declare that Social Security is unconstitutional. He also wants to raise the retirement age to 70. Raising

the retirement age to 70 would cut earned benefits by nearly 20 percent for all beneficiaries. With all the challenges people have saving for retirement, the last thing we should do is raise the Social Security retirement age.

Medicare—Representative MULVANEY is on record advocating enormous cuts to Medicare and is a proponent of Speaker RYAN's preferred "premium support," i.e., voucher, concept for Medicare. "Premium support" is a euphemism for privatizing Medicare. Representative MULVANEY said on Fox News, in April, 2011. "We have to end Medicare as we know it." And he indicated that he wants to raise the eligibility age to 67.

Medicare guarantees comprehensive health insurance coverage for almost 50 million Americans. Only 2 percent of elderly Americans are uninsured; nearly 50 percent were before Medicare was signed into law.

Debt ceiling—Representative MULVANEY appears willing to jeopardize the full faith and credit of the U.S. Government. He claims that breaching the debt ceiling would not automatically trigger a default on Treasury debt; he calls such concern "a fabricated crisis." Representative MULVANEY believes the Treasury would be able to "prioritize" payments and avoid a default.

His "pay China first" policy is contrary to the opinion of several recent Treasury Secretaries, would be impossible to execute from a logistical standpoint, and is based on a 1985 Government Accountability Office report the agency has since walked away from. The Treasury Department lacks legal authority to establish "priorities" with respect to paying the Nation's obligations. Each law obligating funds and authorizing expenditures stands on an equal footing, so the Department has to make payments on obligations as they come due.

Debt limit brinksmanship is expensive. According to the Bipartisan Policy Center, the 10-year cost to taxpayers of the 2011 debt limit standoff was \$18.9 billion because of the increased interest rates on U.S. securities issued in 2011. On August 5, 2011, Standard & Poor's downgraded the long-term credit rating of the U.S. government for the first time in history, from AAA to AA+.

Government shutdowns—Representative MULVANEY believes that shutting down the Federal Government is an acceptable way to do business. He stated on CNN that shutting down the government over funding the Affordable Care Act was "worth it" in October 2013 and embraces the term "shutdown caucus." In a September 2015 Atlantic article, he argued that shutting down the government is important because it is what "the base of the (Republican) party wants."

Standard & Poor's determined that the October 2013 government shutdown cost \$24 billion.

Federal workers—Representative MULVANEY has sponsored numerous bills attacking the Federal workforce, including many that freeze Federal workers' pay. Federal workers have already "contributed" over \$180 billion to deficit reduction through pay freezes and other measures. He has sponsored the Federal Workforce Reduction Through Attrition Act, the most recent version of which caps the Federal workforce at 90 percent of its current level. A previous version would have mandated that "agencies do not appoint" for 3 years "more than one employee for every three employees retiring or otherwise separating from government service."

Women's reproductive health—in September 2015, Representative MULVANEY spearheaded a letter signed by 38 House Republicans—all men—opposing any legislation to fund the government that also continues to fund Planned Parenthood. In an August 2015 email to the Washington Post, Representative MULVANEY wrote that, if the Congress were to shut down the Federal Government over Planned Parenthood funding, "so be it."

Science and climate change—in a Facebook post from last September, quoted in Vox, Representative MULVANEY questioned the need for government funded research "at all" in the context of doubting the scientific consensus that the Zika virus causes microcephaly.

Representative MULVANEY disputes the overwhelming scientific consensus on climate change. During the Budget Committee's nomination hearing, when Senator KAINE asked Representative MULVANEY about human-caused climate change, Representative MULVANEY replied, "I challenge the premise of your fact."

The Union of Concerned Scientists opposes Representative MULVANEY's nomination, writing:

He has backed legislation to change the regulatory process in ways that would give an even stronger influence to industry, increase political interference and undermine science-based decision-making . . . Too often, the voices of people who will be hurt the most by rolling back science-based safeguards are drowned out by industries. The next OMB director needs to enact science-based laws in a timely manner, with a focus on ensuring benefits for all Americans.

Not surprisingly, Koch Industries has been a primary donor to Representative MULVANEY's campaigns and his PAC.

Regulations—Representative MULVANEY's voting record has been hostile to regulatory efforts to improve health, safety, and consumer protections. This is especially alarming because as OMB Director, Representative MULVANEY will oversee the Office of Information and Regulatory Affairs. Rep-

resentative MULVANEY has voted to curtail regulations regarding debit cards, medical devices, public swimming pools, excessive executive compensation, consumer financial protection, energy exploration, investment advisers, mortgage lenders, and so on.

House Republican budget plans—the last time House Republicans brought a full budget resolution to the House floor, Representative MULVANEY voted against it because it wasn't extreme enough. He supported the Republican Study Committee, RSC, budget instead. Provisions of the most recent version of the RSC budget include: No. 1, a 10-year \$261 billion cut to Social Security by cutting cost-of-living adjustments, COLAs, increasing the retirement age to 70, and "increasing means-testing"; No. 2, \$662 billion in cuts to Medicare by changing the program into a "premium support" model, i.e., "voucher-izing," increasing the eligibility age, and phasing in means-testing; No. 3, \$1.6 trillion in cuts to Medicaid and the Children's Health Insurance Program, CHIP, which would be combined into one block grant program; No. 4, \$925 billion in savings by repealing the Affordable Care Act exchanges; and No. 5, \$2.2 trillion in cuts to undefined "other mandatory" spending. Notably, the budget would not raise one dime in new revenue from the Nation's wealthiest individuals and largest corporations.

"Nannygate"—Representative MULVANEY failed to pay FICA and Federal and State unemployment taxes on a household employee for the years 2000 to 2004. Representative MULVANEY admitted that the nanny in question worked full time—40 hours a week—for 4 to 5 years.

Representative MULVANEY said that he didn't believe he owed payroll and unemployment insurance taxes on his nanny because "she simply helped [my wife] with the children. We considered her a babysitter." This is despite the fact that, as the owner of several small businesses, he knew to pay these taxes for his other full-time employees.

As a State Senator in South Carolina, Representative MULVANEY sponsored the following three bills: No. 1, to prohibit candidates from the ballot for the State legislature if they had not paid all Federal and State income taxes over the past 10 years; No. 2, to prohibit candidates from the ballot for State office if they had not paid all Federal and State income taxes over the past 10 years; and No. 3, to prohibit the governor from appointing anyone who had not paid all Federal and State income taxes over the past 10 years.

Representative MULVANEY voted for H.R. 1563, Federal Employee Tax Accountability Act of 2015, which authorizes "the head of an agency to take personnel actions against an agency employee who willfully failed to file a required tax return or willfully under-

stated federal tax liability." It is worth noting here that Federal workers have a lower percentage of tax noncompliance than the general public—a 3.1 percent delinquency rate versus 8.7 percent. And Representative MULVANEY sponsored the Spending Reduction Act of 2011, which would have made people with "seriously delinquent tax debts" ineligible for Federal employment.

Representative MULVANEY is the wrong choice to run the OMB,

Mr. VAN HOLLEN. Mr. President, I know MICK MULVANEY. We served together for 6 years in the House of Representatives. I have always found him to be a straight shooter. And he was a champion of budget transparency. I also respect him for taking on some budget fights even when they were not popular with his Republican leadership. We worked together to ensure honest budgeting when we joined in efforts to prevent the use of overseas contingency operations funding as a slush fund for unlimited Pentagon spending.

I have deep concerns, however, about many of the positions that Mr. MULVANEY has taken over the years on matters vital to the Nation.

He has proposed radical measures that would undermine our fundamental safety net. He has said, "We have to end Medicare as we know it." And he criticized Congressman PAUL RYAN's already harsh budget because it did not cut important programs like Social Security, Medicare, and Medicaid fast enough.

Mr. MULVANEY has taken too cavalier an attitude toward the threat of default on U.S. Government obligations. He called the need to raise the debt ceiling a "fabricated crisis." And he has repeatedly introduced legislation to prioritize payment of obligations to bondholders—who are often foreign—over other government obligations, including those to our veterans—in effect paying China first. At his confirmation hearing, he did not indicate that he has changed his view. The failure of the U.S. Government to pay its debts would wreak havoc on the economy.

Similarly, Mr. MULVANEY has been far too flippant about budgetary confrontations. He was a leader of a group threatening to shut down the government in order to defund Planned Parenthood, saying, "If we can do that while still funding the rest of the government, fine. If we cannot, and there is a lapse in appropriations, so be it." And when asked if the 2013 government shutdown fight over Obamacare was worth it, he said it was.

Mr. MULVANEY has shown too great a willingness to eliminate government functions that protect consumers or help create jobs. Speaking of the Consumer Financial Protection Bureau, he said, "I don't like the fact that CFPB exists." And he referred to legislation reauthorizing the Export-Import Bank as "a piece of crap." Those were his words.

At his hearing, he did not appear to have a grasp of the size of the Federal workforce, and that it is smaller than any time during the Reagan administration. He did not seem to realize that the share of the population employed in the Federal Government is at the lowest point on record, since reliable data first became available shortly before World War II. These are fundamental facts the OMB Director should know.

Because of these concerns, I will be unable to support Mr. MULVANEY's nomination.

The Director of the Office of Management and Budget is a key player in setting the Nation's economic policy. The Director of OMB produces the President's budget, enforces funding laws that Congress enacts, and oversees the regulations that protect Americans' health, safety, and environment through the Office of Information and Regulatory Affairs.

If the Senate confirms Mr. MULVANEY, I will watch with great interest how he reconciles his past positions with his new responsibilities representing the administration and the American people. I hope that he will respect the hard-working Federal employees who serve our Nation. In his new position, I do believe that his personal relationships with Members of Congress will prove useful, and I will look for areas where we can work together.

Mr. UDALL. Mr. President, I yield back the time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The question is, Will the Senate advise and consent to the Mulvaney nomination?

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second?

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 68 Ex.]

YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—49

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCain	Warner
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murphy	
Gillibrand	Murray	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SULIVAN). The majority leader.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on the nomination, I move to table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate, equally divided, prior to the vote on the motion to invoke cloture on the Pruitt nomination.

Who yields time?

The Senator from Delaware.

Mr. CARPER. Mr. President and colleagues, if I could have your attention, please. Five minutes please. Two years ago, the Center for Media and Democracy filed a petition under Oklahoma FOIA law called the Oklahoma Open Records Act. For 2 years, the appeal of that petition was blocked. Earlier this year, a lawsuit was brought to require the release of thousands of emails from the AG's office in Oklahoma with the fossil fuel industry, oil companies, coal companies, and the like. Six hours from right now, an expedited hearing will take place in the district court of Oklahoma.

Earlier this week, nine members of the Environment and Public Works Committee wrote and asked the judge who is going to preside over that hearing today to move forward expeditiously, and she is. We also wrote and asked the majority leader to delay the vote on cloture for Scott Pruitt until a week from Monday. He has declined.

Thomas Jefferson used to say: If the people know the truth, they will not make a mistake. Colleagues, we need to know the truth. Speaking of the truth, there is an old saying that says: People may not believe what we say. They will believe what we do.

As a candidate, as nominee, and President-elect, Donald Trump has made clear his job, his goal is to downgrade and to destroy the Environmental Protection Agency. Like a lot of things he says, we asked: Did he mean it? With the nomination of Scott

Pruitt to lead the EPA, it is clear he did.

In Mr. Pruitt, Trump has found someone who, as AG of the State of Oklahoma, shut down your environmental protection unit in that office. He went on to raise millions of dollars for fossil fuel industries and other sources used to sue the Environmental Protection Agency because of their efforts to reduce methane emissions, their efforts to stop cross-border pollution, their efforts to cut methane emissions, their efforts to fight smog, haze, and ozone. Under Attorney General Pruitt's stewardship in Oklahoma, child asthma is well above the national average. Fish advisories in lakes in Oklahoma have more than doubled. All 16 counties in Oklahoma that are evaluated by the American Lung Association for clean air received an F last year—every one of them. Earthquakes have risen over the last dozen years in Oklahoma, from one or two per year to one or two per day. That is only the earthquakes that exceed 3.0 on the Richter scale.

When we asked Scott Pruitt today to name one battle he had led to reduce pollution in his State, he cited the issue involving the Illinois River, which we later learned was actually much more the work of his predecessor than it was his. When I asked him to name one environmental rule and regulation that he supported, he declined to do so. We are coming off of yet another hottest year on record. They are experiencing monsoon-like rains in California this month after years of drought. Temperatures in Alaska are so warm, we are not sure some years that they are going to actually have the Iditarod dog race, sea levels are rising from New England to Miami, there is a huge crack in the ice in Antarctica, and Scott Pruitt raises questions about the validity of the science around climate change. In last year's election, a lot of people said: We want to take our country back. To what? The Cuyahoga River which caught on fire; the L.A. smog that was so bad, when I ran it hurt my lungs.

Some say: Is it possible to have clean air and clean water with a strong environment? That is nonsense. We can have both. Since Richard Nixon signed into law creating the EPA, guess what. GDP in this country has grown by 200 percent or more. Since losing 5 million jobs in the great recession, we added 16 million jobs, the unemployment rate is down by half.

We still have work to do, my friends. There are communities in the United States where water is unsafe to drink. There are millions of kids and grandkids who have asthma. We have fish advisories that abound from sea to shining sea. The sea level is rising up and down the east coast. State Route 1 in my State, our major highway, was shut down again last week, not because

of a huge storm but just because of sea level rise.

Let me close by saying that when our grandchildren ask us years from now what we did about it, I want to tell them we did the right thing. We did not back down. We stood our ground. We voted to face this challenge to our people and to the planet, and to overcome those challenges.

Please, join us in voting no on the motion to invoke cloture.

Thank you.

The PRESIDING OFFICER. All time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

Mitch McConnell, John Cornyn, Mike Rounds, Tim Scott, Johnny Isakson, Lindsey Graham, James M. Inhofe, David Perdue, Shelley Moore Capito, Roger F. Wicker, Orrin G. Hatch, Mike Crapo, James E. Risch, James Lankford, John Hoeven, John Thune, Deb Fischer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 54, nays 46, as follows:

[Rollcall Vote No. 69 Ex.]

YEAS—54

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Strange
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Manchin	Tillis
Enzi	McCain	Toomey
Ernst	McConnell	Wicker
Fischer	Moran	Young

NAYS—46

Baldwin	Casey	Gillibrand
Bennet	Coons	Harris
Blumenthal	Cortez Masto	Hassan
Booker	Donnelly	Heinrich
Brown	Duckworth	Hirono
Cantwell	Durbin	Kaine
Cardin	Feinstein	King
Carper	Franken	Klobuchar

Leahy	Peters	Udall
Markey	Reed	Van Hollen
McCaskill	Sanders	Warner
Menendez	Schatz	Warren
Merkley	Schumer	Whitehouse
Murphy	Shaheen	Wyden
Murray	Stabenow	
Nelson	Tester	

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise today to speak about the nomination of Attorney General Scott Pruitt to be the Administrator of the Environmental Protection Agency. Scott Pruitt is the right person to run the Agency, and we need to confirm him.

Over the past 8 years, the political leaders of the EPA have taken actions that have undermined the American people's faith in the Agency. They have pushed broad and sweeping regulations that have hurt our economy and have failed to protect our environment. These regulations include the so-called Clean Power Plan. This is a rule that will kill job growth in States like Indiana, Wisconsin, Ohio, and my home State of Wyoming. These also include regulations defining the term "waters of the United States." This was a classic example of Washington overreach. The Agency brought irrigation ditches, plowed farm fields, and even parking lot puddles under Federal control. With both of these rules, dozens of State governments have had to take Washington to court. Why? Well, to try to stop the crippling effects of these Washington-based regulations.

The Agency's outrageous actions have extended beyond these rules and have had real consequences for many American families. According to the chamber of commerce, since 2008 this regulatory rampage by the EPA has destroyed 19,000 coal-mining jobs nationwide. In Kentucky, nearly 4 out of every 10 coal-mining jobs have disappeared over the past 8 years. Ohio and Pennsylvania have each lost more than 1,000 fossil fuel electric power jobs during the same period. In West Virginia, 5,200 coal-mining jobs have vanished just since 2011.

The total cost of all of this new red-tape from the Environmental Protection Agency is more than \$300 billion. The leadership at the EPA has failed. It has failed because a lot of their regulations are bad ideas.

That is not the only way the political leaders at the Agency have failed; they have actually hurt people and damaged

the environment directly. In 2015, more than 3 million gallons of toxic wastewater spilled into the river at the Gold King Mine in Colorado. The government Agency charged with protecting our environment actually caused this spill and poisoned a river. This was a direct result of negligence on the part of the Environmental Protection Agency. This plume of toxic liquid flowed downstream to New Mexico and polluted the Navajo Nation's main source of drinking water and irrigation water.

In the final days of the Obama administration, the EPA then denied \$1.2 billion in damage claims from the farmers, the Native American tribes, and small businesses impacted by the EPA's own negligence.

In Flint, MI, old pipes and improperly treated water caused lead poisoning in children. When the leadership at the EPA learned of the issue, they failed to respond in a timely manner. The regional EPA administrator actually resigned following the incident.

For the last 8 years, the political leaders of this Agency have been reckless, irresponsible, and arrogant. Change is badly needed at the Environmental Protection Agency and Scott Pruitt will be that change. Mr. Pruitt has served as attorney general in the State of Oklahoma since 2011—6 years. He has worked to protect the environment in his State, while also working for the benefit of all the people of Oklahoma.

He has taken on polluters. He has worked across party lines to do it. When poultry farmers in Arkansas, a neighboring State to Oklahoma, were increasing phosphorous levels in the Illinois River that runs between the States, he worked with Arkansas' Democratic attorney general on a solution. They found a way to reduce pollution and establish permanent standards.

Former Arkansas Attorney General McDaniel, a Democrat, called Pruitt a "staunch defender of sound science and good policy as appropriate tools to protect the environment in his State."

Scott Pruitt also helped negotiate a water rights settlement between tribes in Oklahoma. The deal will help preserve scenic rivers and lakes so they can be enjoyed for generations to come.

Scott Pruitt also stood up to industry when they caused pollution. That is why the entire Oklahoma congressional delegation has endorsed his nomination. He has been an advocate for the environment in Oklahoma, and he will be an advocate for the environment in Washington.

When the EPA overstepped its mission, Attorney General Pruitt led the charge to rein in Big Government Washington overreach. Time after time, Scott Pruitt worked with other States to challenge the Agency when it exceeded its authority. Under his leadership, this Agency will respect the rule of law.

Attorneys general from 24 States have endorsed Scott Pruitt as someone who can protect the environment while also protecting State decisionmaking. He has also won the support of small businesses and farmers around the country. Groups like the National Federation of Independent Business, the U.S. Chamber of Commerce, the National Association of Home Builders, the American Farm Bureau Federation, and many others have voiced their support for Mr. Pruitt.

As chairman of the Environment and Public Works Committee, I take the nomination process very seriously. Our committee thoroughly vetted Mr. Pruitt. We held a confirmation hearing that lasted more than 6 hours. That is by far the longest confirmation hearing for an EPA Administrator on record. During this hearing, Attorney General Pruitt was asked more than 200 questions by Members of the committee. We had four rounds of questions—an unprecedented number. Our Democratic colleagues on the committee noted during the hearing how fair the process was. They said how much they appreciated the opportunity to ask so many questions. After the hearing, committee members submitted another 1,078 written questions to Mr. Pruitt to answer for the record. Again, this is the most ever for a nominee to be Administrator of the Environmental Protection Agency. His answers were thoughtful, and they were thorough. That is why I was very disappointed to see the Democrats on the committee decide to boycott the meeting to vote on the Pruitt nomination.

The minority complained that he didn't answer enough questions. Democrats have even complained that he has not been vetted thoroughly enough. That is ridiculous. Scott Pruitt is the most thoroughly vetted nominee we have ever had to lead this Agency. Democrats are using delaying tactics to slow down the confirmation of many of this administration's most important nominees. These boycotts and delay tactics do nothing to protect our environment or the health of Americans. Democrats are engaged in nothing more than political theater. They are wasting time while the Environmental Protection Agency needs a new Administrator.

Attorney General Pruitt has protected the environment in his home State. He is endorsed by his peers, and he has been thoroughly vetted for the job. He will make an excellent EPA Administrator. It is time for the Senate to confirm him.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD the following items in support of Mr. Pruitt's nomination: First are two op-eds I authored, one is from FOX News that is entitled "For Eight Years, the EPA Has Made Life Hard for Too Many Americans. That's About to Change."

The second is from USA TODAY, entitled: "The Strong Leader the EPA Needs."

I also ask unanimous consent to have printed in the RECORD some other items: a letter from Dustin McDaniel, Democrat and Arkansas former attorney general. In the letter, he writes that he "saw firsthand how Attorney General Pruitt was able to bridge political divides and manage multiple agency agendas to reach an outcome that was heralded by most credible observers as positive and historic."

Another item for the RECORD is a letter from 24 State attorneys general who wrote in support of Mr. Pruitt's qualifications.

Also for the RECORD is a letter I received from J.D. Strong. He is the director of the Oklahoma Department of Wildlife Conservation. In the letter, Mr. Strong directly refutes a New York Times article titled "Scott Pruitt, Trump's EPA Pick, Backed Industry Donors over Regulators."

Mr. Strong writes:

As a fifth generation Oklahoman and someone who has devoted my career to natural resource protection, I take great pride in the progress that has been made in improving Oklahoma's land, air, water, and wildlife resources.

He goes on to say—

For the past six years, General Pruitt has been instrumental in many of our successes and never asked me to compromise regulatory efforts to benefit industry.

Also, I would like to include in the RECORD an op-ed by Ed Fite, the former agency administrator of the Oklahoma Scenic Rivers Commission. He writes:

Scott Pruitt is one who is committed to finding a balance that protects and preserves our environment while at the same time affords an opportunity for a robust economy to exist. Achievement of one doesn't have to be exclusive of the other.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[FoxNews.com, Jan. 17, 2017]

SEN. BARRASSO: FOR 8 YEARS THE EPA HAS MADE LIFE HARD FOR TOO MANY AMERICANS. THAT'S ABOUT TO CHANGE

(By Sen. John Barrasso, M.D.)

Seventy-five thousand dollars per day. That's how much the Environmental Protection Agency threatened to fine a private land owner in my home state of Wyoming. The crime: digging a pond in his back yard.

This was an appalling overreach by the Obama administration's EPA and its regulation of American's property.

Sadly, this story is not unique.

For the past eight years, the EPA has abused and attacked far too many hard-working American families.

A regulatory rampage by EPA has led to the loss of thousands of coal mining jobs in Wyoming, West Virginia, Ohio, Pennsylvania, and Kentucky.

Wisconsin is poised to lose more than 20,000 jobs in the next decade because of the Obama administration's proposed regulations on carbon emissions.

The misguided obsession of the EPA has created needless economic burdens for Amer-

icans. It has, at the same time, put people's health in danger.

Negligence on the part of the EPA resulted in more than 3 million gallons of toxic wastewater being dumped into a river at the Gold King Mine in Colorado.

The plume of toxic liquid flowed downstream to New Mexico and polluted the Navajo Nation's main source of drinking and irrigation water.

In Flint, Michigan, aging pipes and improperly treated water caused lead poisoning in children. When EPA officials learned of the pending disaster, they failed to respond.

The agency's misplaced priorities are harming state governments as well.

North Dakota stands to lose more than \$100 million in tax revenue over the next four years because of the Obama administration's "clean power plan" regulations. The state will have to look to already-strapped families to make up the difference or else cut back on services.

Disregard for the consequences of its actions has become the trademark of the EPA for the last eight years. Policy goals and talking points have consistently taken priority over American families. This cannot be the case any longer.

As chairman of the Senate Committee on Environment and Public Works, I look forward to ushering in wholesale change at the EPA. I will be doing it alongside a committed and capable administrator.

President-elect Trump has named Oklahoma Attorney General Scott Pruitt to lead the EPA and to overhaul the agency. Attorney General Pruitt has seen the effects of over regulation in his own state and has worked to stop them.

Pruitt has distinguished himself by challenging the Obama administration on several of its most burdensome rules. He stood up for Oklahomans against the EPA's extreme regulations on greenhouse gasses, methane emissions, and cross state air pollution. He took action against unworkable water rules and air standards. He sued the federal government to make sure that it was interpreting the Clean Air and Clean Water Acts as Congress actually wrote them, not how it benefited President Obama's political agenda.

Attorney General Pruitt is respected by his peers for the work he has done. His work in Oklahoma protected the environment and strengthened the economy by standing up for states' rights. Attorneys general from 24 states authored a letter in support of his nomination. They know he can and will rein in Washington.

President-elect Trump has vowed that his administration will overturn two federal regulations for every new one it proposes. The administrator of EPA will play a vital role in keeping that promise. He must make sure that the agency meets its mission of protecting our environment—ensuring clean water, air, and land—while allowing our economy to grow.

Our committee is taking up the nomination of Attorney General Pruitt this week. I look forward to hearing more about his vision for the agency and how he will help get Americans back to work.

The EPA has made the last eight years hard for families in Wyoming and across rural America. Today, there is reason to be hopeful.

The status quo at the EPA is changing.

"THE STRONG LEADER THE EPA NEEDS"

(By John Barrasso)

The Environmental Protection Agency needs reform.

Anyone who doubts the deterioration at this once-respected agency should recall the summer of 2015, when the EPA spilled more than 3 million gallons of toxic wastewater into a Colorado river.

Last month, the EPA denied \$1.2 billion in damage claims from farmers, Native American tribes and small businesses. This disaster followed the EPA's mishandling of the water crisis in Flint, Mich.

The government agency responsible for protecting the environment and the health of Americans has been endangering the public's health.

The EPA has become a bloated regulatory behemoth that has lost sight of the needs of the American people and the environment. The agency's bureaucrats have been more preoccupied with pushing punishing new regulations.

This red tape killed thousands of jobs in energy-producing and manufacturing states such as West Virginia, Pennsylvania, Kentucky, Indiana, North Dakota and my state of Wyoming.

Oklahoma Attorney General Scott Pruitt, President Trump's nominee to lead the EPA, is committed to protecting the environment—ensuring clean air, water and land—while allowing the American economy to grow.

Pruitt will be the strong leader the EPA needs. He has seen the consequences of the agency's overreach, and he has worked to restore its original focus. He negotiated a water rights settlement with tribes to preserve scenic lakes and rivers.

He worked with Dustin McDaniel, a Democrat and former Arkansas attorney general, to reduce pollution in the Illinois River, which flows between their two states. He stood up to oil and gas companies that polluted his state's air and water. Pruitt has won bipartisan recognition and support. McDaniel called him a "stalwart defender of sound science and good policy as appropriate tools to protect the environment."

Scott Pruitt will be an excellent EPA administrator, committed to reform.

STATE OF ALABAMA,
OFFICE OF THE ATTORNEY GENERAL,
Montgomery, AL, January 4, 2017.

Hon. JOHN BARRASSO,
Dirksen Senate Office Building,
Washington, District of Columbia.
Hon. TOM CARPER,
Hart Senate Office Building,
Washington, District of Columbia.

DEAR CHAIRMAN BARRASSO AND RANKING MEMBER CARPER: As the attorneys general of our respective states, we write to express our unqualified support for our colleague and the Attorney General of Oklahoma, E. Scott Pruitt, as Administrator of the U.S. Environmental Protection Agency.

As attorneys general, we understand the need to work collaboratively to address threats to our environment that cross state lines, as well as the importance of a federal counterpart in the EPA Administrator who possesses the knowledge, experience, and principles to work with our states to address issues affecting our environment. We believe that no one exemplifies these qualities more than Scott Pruitt.

As the Attorney General of Oklahoma, Mr. Pruitt developed expertise in environmental law and policy. He negotiated a historic water rights settlement with Indian tribes that preserved the ecosystems of scenic lakes and rivers; he worked with his Democrat counterpart in Arkansas to reduce pollution in the Illinois River; and he represented the interests of Oklahomans in rate

cases against utility companies and in numerous actions against those who contaminated his state's air and water.

Attorney General Pruitt is committed to clean air and clean water, and to faithfully executing the environmental laws written by Congress. He believes that environmental regulations should be driven by State and local governments—a notion endorsed by Congress in the Clean Air Act and Clean Water Act. When our nation is confronted with issues affecting the environment that are not covered by a particular statute, Scott will come to Congress for a solution, rather than inventing power for his agency. He wholeheartedly believes in a strong Environmental Protection Agency that carries out its proper duties, providing a backstop to state and local regulators as they develop environmental regulations suited to the needs of their own communities.

Scott Pruitt is more than just an exemplary state attorney general, he is also our friend. A man of deep faith who is committed to his family and to his friends, Scott seeks always to do the right thing. His friendship and leadership have been invaluable to us over the years.

The Administrator of the Environmental Protection Agency plays a critical role in our Nation's government. Attorney General Pruitt has proven over the course of his career that he has the right character, experience, and knowledge to serve as the Administrator of the EPA. We urge the Senate to confirm his nomination.

Sincerely,

Jeff Landry, Attorney General, State of Louisiana; Alan Wilson, Attorney General, State of South Carolina; Luther Strange, Attorney General, State of Alabama; Marty Jackley, Attorney General, State of South Dakota; Patrick Morrissey, Attorney General, State of West Virginia; Adam Laxalt, Attorney General, State of Nevada; Mark Brnovich, Attorney General, State of Arizona; Herbert Slater, Attorney General, State of Tennessee.

Curtis Hill, Attorney General, State of Indiana; Brad Schimel, Attorney General, State of Wisconsin; Ken Paxton, Attorney General, State of Texas; Bill Schuette, Attorney General, State of Michigan; Doug Peterson, Attorney General, State of Nebraska; Chris Carr, Attorney General, State of Georgia; Sean Reyes, Attorney General, State of Utah; Wayne Stenehjem, Attorney General, State of North Dakota.

Leslie Rutledge, Attorney General, State of Arkansas; Pam Bondi, Attorney General, State of Florida; Lawrence Wasden, Attorney General, State of Idaho; Tim Fox, Attorney General, State of Montana; Derek Schmidt, Attorney General, State of Kansas; Josh Hawley, Attorney General, State of Missouri; Peter Michael, Attorney General, State of Wyoming; Mike DeWine, Attorney General, State of Ohio.

MCDANIEL RICHARDSON
& CALHOUN, PLLC,

Little Rock, AR, January 18, 2017.

Re Attorney General Scott Pruitt's Nomination To Serve as Director of the Environmental Protection Agency.

Hon. JOHN BARRASSO,
Chairman, U.S. Senate Committee on Environment & Public Works, Washington, DC.

Hon. TOM CARPER,
Ranking Member, U.S. Senate Committee on Environment & Public Works, Dirksen Senate Office Building.

DEAR CHAIRMAN BARRASSO, RANKING MEMBER CARPER, AND MEMBERS OF THE U.S. SEN-

ATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE: My name is Dustin McDaniel. I am an attorney in Little Rock, Arkansas. I served as the Democratic Attorney General of the State of Arkansas from 2007-2015. During that time, I served for three years as the Co-Chair of the Democratic Attorneys General Association, I am a member of the Democratic National Committee and was a strong supporter of Secretary Clinton's campaign for President. I am grateful for your work on this committee. I believe in the core mission of the Environmental Protection Agency. I believe that climate change is real and overwhelmingly the result of human activity. I believe that the United States has a moral obligation to lead the world in shaping climate policy. These challenges in a hostile political environment will be acutely felt by the next director of the EPA.

As you consider the nomination of my friend Scott Pruitt, I respectfully ask that you enter this letter into the record so that I may attempt to clarify what I believe to be unfair criticisms of the historic agreement negotiated between myself on behalf of the State of Arkansas and Attorney General Pruitt on behalf of the State of Oklahoma regarding water quality in the Illinois River watershed.

Prior to the elections of General Pruitt or myself, Oklahoma grappled with Arkansas municipal water systems and Arkansas industry, primarily poultry companies, over increased phosphorous levels in the Illinois River watershed. Pollution was substantially impacting the water quality in one of Oklahoma's most scenic waterways. In 2003, an agreement was executed that would require that the phosphorus levels be reduced over the next 10 years to a level .037 parts per million. As a result, all parties on both sides of the state line worked diligently to substantially improve the water quality.

At the same time, then-Oklahoma Attorney General Drew Edmondson filed suit using an out of state plaintiffs' firm against Arkansas's poultry industry. Many criticized the litigation as taking the focus away from the environment and placing it on money damages. The State of Oklahoma's outside counsel presented their case to U.S. District Court Judge Gregory Frizzell. Almost all the claims were dismissed by the court. The evidence was fully submitted to the judge in March of 2010 on the remaining question regarding injunctive relief. To this day, no ruling in that litigation has been handed down.

As 2013, the ten-year deadline for the reduced phosphorus levels, was approaching, two things were evident: 1.) despite huge improvements in water quality, the phosphorus levels in the river would not be at .037 parts per million before the deadline, and 2.) research into the standard itself called into question its origin and basis in hard science.

The States of Arkansas and Oklahoma were facing a point of litigating against one another (again) over this issue to the detriment of all concerned, I approached General Pruitt to ask if we could reach a solution that would protect the environment and demonstrate to our citizens that we were committed to working together on their behalf rather than litigating against one another using taxpayer dollars for lawyers instead of scientists.

The resulting agreement reflects that Oklahoma enhanced, not relaxed, its enforcement of environmental protections. Scientists were appointed to establish the proper water quality metrics, establish a binding standard, and at no time was phosphorous

abatement measures relaxed. It was an historic moment that demonstrated that cooperation in pursuit of environmental protection yielded better results than litigation. The resulting report was recently released from the commission and is available for your review, (See, www.ok.gov/conservation/documents/IR%202016.12.19%20Final%20Report.pdf)

Recent press accounts regarding these efforts unfairly mischaracterize the work that was done by General Pruitt and his team. He was a staunch defender of sound science and good policy as appropriate tools to protect the environment of his state. I saw firsthand how General Pruitt was able to bridge political divides and manage multiple agency agendas to reach an outcome that was heralded by most credible observers as both positive and historic.

As I am sure that this committee will have questions about this matter, I wanted to take this opportunity to add facts and context to an accomplishment that should stand as a credit to General Pruitt's career and qualifications for this nomination.

I sincerely appreciate the opportunity to submit this letter to you and to your committee and to be a part of the record in these proceedings. I thank you for your service to our nation.

Respectfully submitted,

DUSTIN MCDANIEL.

OKLAHOMA DEPARTMENT OF
WILDLIFE CONSERVATION,

Oklahoma City, OK, January 15, 2017.

Re Debunking New York Times article, "Scott Pruitt, Trump's E.P.A. Pick, Backed Industry Donors Over Regulators," January 14, 2017.

Hon. JOHN BARRASSO,
Chairman, U.S. Senate Committee on Environment & Public Works, Washington, DC.

Hon. TOM CARPER,
Ranking Member, U.S. Senate Committee on Environment & Public Works, Washington, DC.

DEAR CHAIRMAN BARRASSO AND RANKING MEMBER CARPER: Rarely do I feel compelled to respond to a newspaper article, particularly one that runs in a nationally renowned news outlet like the New York Times. I've learned over 23-years as a State environmental regulator to value the media's role in uncovering and exposing the truth, not to mention the wisdom found in the quote, "Never pick a fight with anyone who buys ink by the barrel." However, the mistruths propagated by the above captioned article undoubtedly caught the attention of you, your fellow committee members, and many of your respective constituents just days before Attorney General Scott Pruitt's confirmation hearing for EPA Administrator, and thus deserve a response from at least one of the regulators that allegedly lost out to industry donors.

First, it's worth noting that I spoke with the New York Times for nearly fifteen minutes laying out the facts from my perspective as Oklahoma's former Secretary of Environment and a plaintiff in the state's litigation against the poultry industry, then later as Director of the Oklahoma Water Resources Board—the agency responsible for establishing the phosphorus standard referenced in the article. One would think such experience deserves significant play in an article of this focus, yet more column space was devoted to a retired employee of the Oklahoma Department of Environmental Quality who was incorrectly listed as the leader of the agency's Water Quality Division

and wrongfully given credit for being responsible for "overseeing the poultry-related cleanup." The poultry industry and its related cleanup are governed by our Oklahoma Department of Agriculture, Food & Forestry. Rather than insinuating that Mr. Derichsweiler retired out of frustration with General Pruitt, instead of the fact that he retired after 40 years of service to the State, the New York Times should have at least divulged that Derichsweiler currently serves as Vice Chair of the Oklahoma Chapter of Sierra Club, an organization that has launched a campaign to oppose General Pruitt's confirmation.

The facts that I shared in my interview with the New York Times paint a completely different picture than the article portrays. If I were writing the headline, it would read, "Pruitt Helps Deliver Water Quality Improvement in Oklahoma's Scenic Rivers." At the end of the day, that has been Oklahoma's goal in the Illinois River watershed for decades, and that is what is happening during General Pruitt's term as Attorney General. As I stated to the New York Times, no State Attorney General can force a Federal Judge to rule, or I'm certain former Attorney General Drew Edmondson would have taken such action during his last two years in office. Rather than beating his head against that wall, Pruitt helped Oklahoma negotiate a new agreement with the State of Arkansas that prompted not just a study of the appropriate phosphorus level necessary to protect our shared scenic rivers, which the article dismissed as trivial, but more importantly provided for continued phosphorus controls on wastewater and poultry facilities. For the first time in my career, Oklahoma measured decreasing phosphorus levels and water quality improvement in the Illinois River watershed beginning in 2012. While many people on both sides of the border deserve credit for this result, General Pruitt definitely was a key player. This mere "study" ultimately led to a recent agreement between the states of Arkansas and Oklahoma wherein Arkansas committed to meet a more stringent phosphorus standard—another shocking development for two states that have quarreled for decades and quite the opposite result one would expect from an Attorney General that is being unfairly maligned as a shill for industry.

Rather than spend several more pages contesting the inaccuracies found in the New York Times article, I will leave you with this overarching truth. As a fifth generation Oklahoman and someone that has devoted my career to natural resource protection, I take great pride in the progress that has been made in improving Oklahoma's land, air, water and wildlife resources. For the past six years, General Pruitt has been instrumental in many of our successes and has never asked me to compromise regulatory efforts to benefit industry. On the contrary, all of our projects and cases that involved his office were given staff support at the highest level and, more often than not, resulted in more stringent environmental protections. Please do not confuse Pruitt as being anti-environment because of his well justified (and strongly supported by me) efforts to counter the EPA's various attempts to second-guess or usurp State authority. Rather, he has been a strong ally in defending our ability to continue the great progress that we've made in protecting Oklahoma's environment at the state level—progress that is too often impeded by Federal overreach and interference.

If I can be of further assistance as you embark on your important task of reviewing

Mr. Pruitt's qualifications and disposition to serve as EPA Administrator, please do not hesitate to contact me. I've always found Mr. Pruitt to be a man of great honesty and integrity, so you should have the perfect opportunity in your hearing to gather facts before making your final decision. If truth prevails, you will find what most of us in Oklahoma know to be true: Scott Pruitt stands for responsible, common sense, State-led environmental protection efforts that generate positive results.

Respectfully,

J.D. STRONG,

Director.

[Jan. 12, 2017]

A FIRSTHAND PERSPECTIVE FROM A MAN IN
THE MIDDLE: PRUITT NOMINATION IS WELCOME

(By Ed Fite)

We have all heard much yammering, left and right, about President-elect Donald Trump having selected Oklahoma Attorney General Scott Pruitt as the next head of the U.S. Environmental Protection Agency. As a conservationist and riverologist, I have worked firsthand with Scott Pruitt and know a good deal more about him than those nationally that are attempting to malign him.

I have made it my life's work and my career to look after our states designated Scenic Rivers. As a state employee and a resource facilitator (I cannot take care of these valued-treasured water resources by myself), I always find myself arguing for the middle ground, for the workable solution upon which both sides of an issue can agree. I have looked and worked for real solutions, and have implemented them with help from all sides.

I have found that General Pruitt has always done right by our Scenic Rivers. He has done every constructive thing that he told me he would do. Furthermore, for the first time ever, he has gotten the State of Arkansas, which happens to have portions of the streams we've designated as "scenic rivers" originating in and flowing through their state, to agree to Oklahoma's Scenic Rivers Phosphorus Standard—an incredible environmental accomplishment, the impact of which cannot be understated. Instead of engaging in years of inter-state litigation, he did this by negotiating an agreement with Arkansas Attorney General Dustin McDaniel, a practical and economical approach that will yield enormous environmental benefits.

To understand the magnitude of this agreement, one must consider that Oklahoma and Arkansas have litigated over Illinois River water quality for more than three decades. The latest action brought by Oklahoma, about abating water quality degradation from the land-application of poultry waste in the Illinois River watershed, has languished for more than six years in the federal district court. Many thought that when General Pruitt took office he would abandon this suit because he is also known for his staunch support of farming and ranching communities. However, not only did General Pruitt allow the case to be fully litigated, he proactively sought this joint state solution to let science determine the phosphorus standard for the Illinois River. In the end, a study conducted by Baylor University reinforced that the phosphorus standard Oklahoma sought to protect would remain.

Last, I have not seen him advocate dismantling the EPA. Rather, he has rightfully supported necessary laws but has challenged the agency when they have written new rules without Congress having given them authority to do so. An administrative agency

should not decide what the law is in the absence of legislation.

And so, my middle-of-the-river view is that Scott Pruitt is one who is committed to finding a balance that protects and preserves our environment while at the same time affords an opportunity for a robust economy to exist. Achievement of one doesn't have to be exclusive of the other.

Mr. BARRASSO. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I just want to follow up on the comments of my friend, the chairman from Wyoming, and I note that Scott Pruitt has responded to more questions than anyone in EPA history since Gina McCarthy, the past Administrator who responded to more than 1,400 questions, and she actually responded to them completely, not evasively and not indirectly. She needed more time, given the volume of questions, and more time was granted so she might more fully answer the questions that were raised. I just wanted to add that if I could.

Mr. President, I come to the floor to share with you and with our colleagues the reasons I oppose the nomination of Attorney General Scott Pruitt to be the EPA Administrator. Over the last month, we have had a number of President Trump's nominees come before the committee and be debated on the Senate floor, as you know.

We have had multiple confirmation hearings in a single day, with Members running to and from hearings trying to learn more about nominees and get important questions answered. So I understand if some of my colleagues who have attended back-to-back hearings have not yet delved into Scott Pruitt's record as deeply as we have on the Environment and Public Works Committee, and that is why we are here today.

As ranking member of the Environment and Public Works Committee, I, along with my colleagues on the committee, have scoured Mr. Pruitt's record to the best of our ability with the somewhat limited information the nominee has provided.

We sat through his nomination hearing, where we asked him fundamental questions about his views on the role of the EPA and what he would do to protect our environment and public health. We submitted additional questions we had for the record and read through all of Mr. Pruitt's responses. We have done our due diligence with the information we received, and I want to share with my colleagues and all of those watching exactly why, based on this review, I cannot support Mr. Pruitt's nomination.

First, I think it is important to revisit just why the EPA is still so critical. This Agency was created 46 years ago by a Republican President named Richard Nixon with the support of a bipartisan Congress. Their task was implementing our Nation's most impor-

tant clean air, clean water, and safe chemical laws. The EPA is required to use sound science to protect both our environment and our public health, and, by and large, the EPA has done it successfully—not perfectly but successfully for decades while our economy has continued to grow. Many people may not remember a time before the EPA, a time when States had to work individually to protect citizens in the communities in which they lived, a time before the Clean Water Act and Clean Air Act were signed into law, a time when businesses operating throughout the United States were faced with a myriad of conflicting State and local laws affecting our health and environment. The choking smog and soot of a half century ago seems unfathomable now. Rivers on fire and deadly toxic plumes sound like something almost for another world, impossible in our United States of America.

Today we have the luxury of largely forgetting these frightening circumstances, thanks to the efforts of the EPA and its employees, in partnership with State and local governments and with countries and companies and businesses across America. The EPA and its many partners throughout the country have been so successful that it is easy for some of us to forget why this Agency is so critical. Some may presume there is not much more for this Agency to do. That could not be further from the truth.

The environmental threats we face today are real. They don't respect State boundaries. Over time, my State of Delaware has made great strides in cleaning up our own air pollution, but our work only goes so far.

In Delaware, like many States on the east coast, we sit at the end of what is known as America's tailpipe. Ninety percent of the pollution in Delaware comes from outside the First State, from plants hundreds of miles away in places like Kentucky, Ohio, my native West Virginia, Indiana, and throughout the Midwest.

As Governor of Delaware, even if I had eliminated every source of air pollution within our State by stopping every combustion source and ordering every motor vehicle off our roads, Delawareans would still face deadly doses of air pollution. Should Delawareans be forced to live with consequences of decisions made by polluters hundreds or even thousands of miles away from us? I don't think so. I don't think so. That is not the Golden Rule I know.

Fortunately, the EPA has recently implemented something called the good neighbor rule to make sure all States do their fair share to clean up our air. Every citizen in this country has a right to breathe clean air, regardless of where they live, whether they live in a downwind or an upwind State. That is why we have the EPA.

We have known for decades that most of the mercury in our fish comes from air pollution that is emitted from the dirtiest coal plants and then settles in our waterways. We know mercury is a powerful neurotoxin that accumulates in our body over time, threatening the health of this generation and generations to come. The EPA recently issued public health protections to clean up the toxic air pollution from our dirtiest coal plants, allowing families in Danville, where I grew up alongside the Dan River, and thousands of other communities that can once again eat fish from our rivers, lakes, and streams without concern of mercury poisoning. That is why we have the EPA.

Too often, when States and local communities are pinched for cash, they try to save money by shortchanging clean air and water protections. Improvements to infrastructure are often ignored, corners are cut, and solutions are adopted that may save dollars now but inflict costly unnecessary damage later.

As we have seen most recently in the city of Flint, MI, these cuts can have a terrible and even tragic impact on the health of the most vulnerable in our society, especially on the youngest among us. Today, the citizens of Flint still lack clean drinking water, and a new generation in that city which has been exposed to high levels of lead faces an uncertain future. That is why we have the EPA.

Many people don't know it, but Delaware is the lowest lying State in our Nation. The highest point in the State of Delaware is a bridge. Back home, the reality that our climate is changing is not up for debate. Families and business owners face the stark realities of climate change almost every single day. Tackling that challenge is not just the right thing to do or what is best for Delaware's economy, it is a matter of survival. Our little State alone cannot stem the flow of greenhouse gases into our atmosphere that is largely causing our climate to change, our seas to rise, and our coastlines to retreat. Every State—every State—must do its fair share to safeguard our climate and their neighbors. That is why we have the EPA.

Examples of the air and water pollution produced by one State and fouling the air and water of others can still be found in too many parts of America, like the runoff from Pennsylvania that degrades the waters of the Chesapeake Bay or the haze exported from other States that oftentimes shrouds the Smoky Mountains and degrades visibility at the Grand Canyon. That is why we have the EPA.

Throughout my years in the Senate and as a member of the Environment and Public Works Committee, I have had the opportunity to consider the credentials of five different nominees to serve as EPA Administrator—individuals put forth by both Democratic

and Republican Presidents. I have supported candidates in the past because they were able to clearly demonstrate their commitment—candidates like former New Jersey Republican Governor Christine Whitman and former Utah Governor Mike Leavitt. I was proud to support them both, proud of their service, and proud of their role as head of EPA. But I have supported candidates like them because they clearly demonstrated their commitment to advancing the mission of the EPA—the mission to protect human health and to protect our environment. Never have I been forced to consider a candidate to lead the EPA who has been so focused throughout his career on crippling the Agency he now seeks to lead or so hostile to the basic protections to keep Americans and our environment safe.

So, with that, I am going to close, and I will come back many times in the hours to come as we continue the consideration of this candidate's nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I am here to address an issue that I think is of great importance to this country and to this administration; that is, the nomination of Scott Pruitt to be the new EPA Administrator.

We are nearly 8 years removed now from what we consider—many of us, I think, particularly as we look back—the great recession. However, many American workers, their families, and their communities have yet to feel the benefits of any kind of a recovery. A key component to a slow recovery—the slowest recovery since World War I—is the regulatory overreach coming out of this city—Washington, DC.

Since the end of the recession in June 2009, Federal agencies have burdened a weakened economy with thousands of pages of new rules, costing consumers billions of dollars. Tens of thousands of workers have lost their jobs. The EPA has perhaps become the poster child for this overreach, from restricting carbon emissions without the direction of Congress—and according to the clean air direction of Congress of what is important—to federalizing every stream, every pond, every wetland under the waters of the United States rule, to unilaterally banning virtually Appalachian coal mining by obstructing the permitting process and pursuing ozone standards that the vast majority of the country cannot meet. The vast majority of the country is still trying to meet the ozone standards that were established under the last regulation.

I support the mission of the EPA in protecting human health, in protecting our air and our water, but there has to be a balance. There has to be a balance

between growing the economy and preserving the environment. Over the last several years, we have seen that balance very disrupted. This disruption is at odds with the law and the well-being of many of our working families.

This has been acutely felt in my State of West Virginia where we have lost more than 35 percent of our coal jobs since the year 2011. That is more than 7,000 jobs eliminated in a relatively small State like West Virginia, and many of these jobs are very high-paying jobs.

As a nation, we have lost more than 60,000 coal miners in the same timeframe. This has hurt our workers, our families, our communities, and our State.

The loss of good-paying jobs means less commercial activity. It means less tax revenue to support our education, our county school systems, our county ambulances, our county sheriff's departments, and our law enforcement. For example, little old Wayne County in West Virginia has lost 88 percent of its coal severance taxes between 2013 and 2016. This year, our Governor and our legislature are struggling right now with a \$500 million budget deficit, largely due to the loss of our coal jobs.

Patching that shortfall could mean significant tax increases, painful cuts in public services, or both, which could further hurt and cripple our local economy. It will be a long road undoing the legal and economic damages suffered over the last several years.

Voters in my State and across the country have made it clear that fixing Washington includes meaningful reforms for the way that the EPA operates and has been operating.

So what do we have before us? We have a great nominee for EPA Administrator, Scott Pruitt, who is presently the attorney general of another energy-producing State—Oklahoma. Scott is committed to returning the Agency to its core mission of protecting our air, our water, and our land without undercutting the economy. At least, we know that he will listen to the other side and try to be reasonable.

He will ensure that the EPA abides by congressional intent, and he will be an active partner with State and local stakeholders in the rulemaking process.

Going back to the stream buffer rule and the reason that fell apart—and I am so pleased that the President is going to be signing the CRA on that today—the EPA invited States to come in and speak about the rulemaking process. Within months, it became very apparent to the States that are charged with protecting the water that this is just window dressing. They realized: They are not listening to us, and they don't really want us to buy in. Eight of those States left.

So as the attorney general for the State of Oklahoma, he has held indus-

try to account as well protected lakes and streams in his State. I asked him in the committee: If the State or local government doesn't intervene in what looks to be an environmental issue—not just a crisis, but if they are not doing their job in protecting the air and the water—what would you do as the EPA Administrator? He said: That is where we should be stepping in. That is where we should be helping those States meet those standards, helping those States get the right information.

So I think he is going to be unafraid to take on the EPA when it is set to ignore a State's sovereignty.

Mr. Pruitt is the most thoroughly vetted candidate for this position in history. He fielded 6 hours' worth of questioning before the Committee on Environment and Public Works, where I serve. During that hearing, he assured me that he will engage directly with the State of West Virginia and visit our State. We could never get the EPA Administrator to visit our State and listen to our side. He will visit our State, listen to our side, and reform the rulemaking process to prevent another open assault on our economy by unelected bureaucrats.

He also committed to me that he would pursue full implementation of the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act, a bill on which we joined together—Republicans and Democrats, both sides of the aisle, with President Obama—to modernize our toxic chemical regulations in terms of water.

This is important to me. I was talking to my colleague from Michigan about this issue. We had a water crisis in West Virginia where we had a large chemical spill. This bill, under Scott Pruitt's leadership and my pressing for the implementation, as others will be, will help us in situations like this.

Beyond the over 200 questions he answered in the hearing, he answered more than 1,000 followup questions. He is the most thoroughly vetted nominee for Administrator in the history of the EPA. I am confident—very confident—as he assured me in committee and in personal meetings, and I have watched him in action in terms of questioning the overreach in the court systems. He has worked with our attorney general, Patrick Morrisey, to be the leader in this.

I have confidence that he embodies the leadership that we need to restore the balance and accountability to the EPA in a way that will benefit the public health and benefit environmental preservation, as well as restore much-needed economic growth that needs to be a part of the balance that we want to see restored back to the EPA.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, let me say first that I join with the distinguished Senator from West Virginia in

expressing concern about our water infrastructure and water issues. As many of us know, we have had terrific challenges in Flint, MI, with an entire water system being unable to be used because of lead poisoning and the terrible decisions made, primarily at the State level.

I was very concerned—when I speak about Mr. Pruitt and his nomination—that when asked by Senator CARDIN if he believes there is any safe level of lead that can be taken into the human body, particularly a young person, he said that this is something he hasn't reviewed and doesn't know anything about. That is deeply concerning to me—that the person who would be heading the EPA would not know anything about lead poisoning and what that means, first of all, in a child's body, where it is poisoned and affects their development throughout their life. It is critically important for us in Michigan—and there are many, many places where there are serious water quality issues that need to be addressed—that we have someone who understands the science and the need for clean water rules and protecting our waters so that any family, any community can have the confidence of turning on the faucet and knowing that there is going to be clean water coming out into their sink in their home. It is very concerning to me that we have a nominee who indicated that he really didn't know anything about this issue.

So for that and a number of reasons—many, many reasons—I am joining with so many colleagues in opposing Scott Pruitt to be the next Administrator of the Environmental Protection Agency.

The EPA Administrator is a very important position. As I indicated, to those of us in Michigan, surrounded by the beauty of the Great Lakes, having the responsibility for protecting the Great Lakes, this is a very, very important position.

After examining Mr. Pruitt's record on a broad range of issues, as well as his views about the Agency he has been nominated to lead, I have significant concerns about the direction and the priorities the EPA would take if he becomes Administrator.

Now, this is not based on partisan politics. When George W. Bush was President, I joined 98 of my colleagues to vote to confirm Christie Todd Whitman to be EPA Administrator. Two years later, I was among 87 other Members of the Senate to vote to confirm Michael Leavitt to succeed her at the EPA.

But the facts are—the evidence is—that Scott Pruitt does not have the requisite experience and track record to successfully lead an Agency that plays such a critical role in protecting the health and the well-being of the American people, and, certainly, the people that I represent in the great State of Michigan.

As I mentioned before, we are very, very familiar with the importance of clean water and the consequences of environmental mismanagement. We need an EPA that will act quickly when there is a crisis like the one that happened in Flint, which is, unfortunately, still going on. This was a man-made crisis inflicted by the State of Michigan's actions on a number of different levels that created a situation where the State would rather save \$100 a day than treat the water for lead corrosion. So \$100 a day they wanted to save rather than treat the water to prevent children and families from being exposed to lead-tainted water. This was a State decision.

Mr. Pruitt has made it clear that it is his intention to defer as much as possible to States—to States like Michigan, which didn't treat the water, then didn't tell the truth, then covered it up, and still has not done—despite Congress and the President together acting to support that community, the State still has not stepped up to meet their responsibilities. After more than 2 years, people still cannot turn on the faucet and have confidence that they are going to have clean water. Yet Mr. Pruitt says the State ought to be the one making these decisions.

While I firmly believe an effective EPA is one that works closely and often in concert with State and local communities, we must also be sure we have leadership at the EPA that is willing and capable of providing the oversight necessary to ensure environmental and public health standards.

We also need an EPA Administrator whom we can trust to protect and preserve our amazing Great Lakes. Critical to this objective is a grant program administered by the EPA called Great Lakes Restoration Initiative. I was very pleased to champion and help launch this in 2010 with strong support from the Obama administration. This accelerates efforts to protect and restore the Great Lakes by providing grants to clean up contaminated areas; prevent and control invasive species, things like Asian carp, which we are constantly having to focus on to push back these fish from destroying our fisheries and boating operations and environments in the Great Lakes; to address harmful algae blooms and restore habitat; and to protect native species.

Scott Pruitt's long record of opposing nearly all Federal environmental programs raises serious questions to me about his commitment to the Great Lakes Restoration Initiative and all of the efforts we have worked on in a bipartisan, bicameral way to make sure we are protecting 20 percent of the world's freshwater, 30 million people's drinking water, and a huge economic engine called the Great Lakes.

I always like to say the Great Lakes are in our DNA, and that is very true

for all of us who live in Michigan and certainly around the Great Lakes because we understand that this great natural resource supports more than 1.5 million jobs and nearly \$62 billion in wages tied to jobs and industries, and, frankly, it reflects our wonderful quality of life in Michigan.

I also have great concerns about Mr. Pruitt's long-running opposition to the landmark renewable fuel standard, which puts him at odds with the Agency that administers the program. The President promised us a farmer-friendly EPA. Yet this nominee to lead the Agency wants to dismantle one of the most successful economic drivers in rural America. Mr. Pruitt has repeatedly spoken out against the renewable fuel standard, calling the program flawed and unworkable.

Mr. Pruitt heading up EPA, coupled with former ExxonMobil executive Rex Tillerson at the State Department and oil refinery owner Carl Icahn advising the White House, may well be the end of the RFS as we know it. That is, frankly, bad news for biofuels producers in Michigan, bad news for Americans who care about creating economic growth and jobs in rural communities, and bad news for small towns and communities throughout Michigan. Mr. Pruitt's record of siding with polluters over sound science puts him outside the mainstream of what we should expect from our EPA Administrator.

It is for these reasons that I intend to vote against his nomination, and I urge my colleagues to do the same.

THE PRESIDING OFFICER. The Senator from Virginia.

MR. KAINE. Mr. President, I also rise to oppose the nomination of Scott Pruitt as EPA Administrator.

To summarize—and then I will go into some detail—Virginians are pro-science people. The political figure we most venerate is still Thomas Jefferson, who was the preeminent scientist of his day. We are pro-science people. Second, the evidence from Mr. Pruitt's career demonstrates he is anti-science in the climate area and possibly others. Third, there is no position in the Federal Government that more relies upon accurate science and scientific judgement than EPA Administrator.

I think the President is afforded significant discretion in appointing members of the Cabinet, and I have voted to confirm a number of President Trump's nominees even if I wouldn't have nominated them myself because I think they meet the basic test of competence and integrity. But I have voted against individuals if they can't satisfy me that they meet our ethical standards or that they are qualified for the position or that they are able to do the job fairly and objectively.

The ability of the EPA Administrator to do this job fairly and objectively requires an acknowledgement of

the scientific reality of climate change and other science. This isn't an abstract matter for Virginia, and it is not an abstract matter for the EPA Administrator.

Next only to coastal Louisiana, Virginia is the most susceptible State to sea level rise. Hampton Roads, VA, with 1.6 million people—our second largest metropolitan area—not only is it a busy and thriving metropolitan area, but it is the center of American naval power and the largest base of naval operations in the world. It is the homeport for the U.S. Atlantic fleet. What we are seeing throughout Hampton Roads, VA, is that neighborhoods where you could sell and buy a house 15 years ago, you now can't because normal tidal action renders the homes impossible to sell. It affects businesses.

By 2040, the main road into the largest naval base in the world, Norfolk, will be covered 2 to 3 hours a day just by normal tidal action, not by storm surges, which make it more significant. So now the cities of Norfolk, Virginia Beach, Portsmouth, Suffolk, Chesapeake, Newport News, and Hampton are all trying to figure out ways to make resiliency investments to protect against sea level rise, and the Department of Defense is having to contemplate the same kinds of investments to protect our naval operations in Hampton Roads.

The EPA's mission and its entire existence revolve around science. To enforce the Clean Water Act and the Clean Air Act, to set limits on pollutants that are stringent enough to have measurable benefits but reasonable enough to avoid negative economic impacts to the degree we can, and to pore over reams and reams of data and analysis and figure out whether a chemical in a consumer product is harmful takes science. To analyze whether fracking or some other method of extracting energy is dangerous to drinking water or not dangerous or somewhere in the middle or what the right limits should be takes science.

In an earlier iteration, I was the mayor of Richmond. My city has a river in the middle of it that was so polluted—the James River—you couldn't swim in it and you couldn't fish in it. There was no bird life in it because it had been polluted over such a long time. Today, go to Richmond, VA, and you will see people canoeing and kayaking. You will see people fishing and taking the fish home to eat. You will see people swimming. It has gone from the sewer of our city to the front yard of our city, to the thing that has helped bring population back into downtown Richmond and grow our population, and it happened because of the Clean Water Act.

There is always a question in regulation—too hot, too cold, or just right. But my city would not be what it is today had there not been a Clean Water

Act that required us—in some ways that were painful at times—to save the river, and now it has herons, bald eagles, fish, kayakers, and canoeists, and everybody's quality of life and the economy are better too.

Mr. Pruitt has been asked repeatedly about his views on climate science. Just 4 months ago, he stated:

We've done a lot [in reducing carbon emissions], and that's not even addressing, guys, the fact that there's a tremendous dispute, as you know, that's going on in the marketplace about how much this global warming trend that the [Obama] administration talks about, if it's true or not.

Is it truly man-made and is this simply just another period of time where the Earth is cooling, increasing in heat? I mean is it just typical natural type of occurrences as opposed to what the Administration says?

That was just 4 months ago. This kind of skepticism—we don't know whether humans cause it; we don't know whether it is natural—is exactly the kind of thing we have seen in Congress before. There was a famous hearing in Congress that was sort of emblazoned on people's memories of a whole bunch of witnesses standing up and swearing to tell the truth and saying: We don't know that there is a connection between cigarette smoking and cancer. This kind of denial of the scientific consensus from an Administrator of the chief agency that needs science in this country is deeply troubling.

I don't think it should be going out on a limb to declare that climate change is happening, driven largely by the burning of fossil fuels, and is a problem we have to deal with in some way. How to deal with it, how quickly to deal with it—those are tough questions, but acknowledging the science should not be tough.

That acknowledgement of the science was the policy of a predecessor of mine, Virginia Senator John Warner, a Republican, who introduced one of the first climate bills in Congress with Democratic Senator Joe Lieberman in 2006. This policy that we recognize science was the policy of the George H.W. Bush administration, which negotiated the U.N. Framework Convention on Climate Change more than 25 years ago. It was the policy that underlay the Presidential campaign of one of our colleagues, Senator JOHN MCCAIN, in 2008.

Acknowledging the science of climate change isn't a matter of political views; it is a matter of science and reality. We can discuss and debate what to do about it, and I think those are challenging discussions to have. That is fair game. Differences of opinion about what to do about—that is fair game. But denying an overwhelming scientific consensus that climate change exists and that it is driven by human activity in the burning of fossil fuels—something ExxonMobil scientists were agreeing to in papers writ-

ten in the 1980s, not 4 months ago—denying that is a denial of science.

I worry. If Mr. Pruitt denies science on this matter, what other science will he deny? His record as attorney general in Oklahoma bears me out on my worry to some degree. In virtually every decision, the attorney general's office defended the interests of oil and gas, of Big Agribusiness, and basically the interests of polluters against the interests of clean air and water, which are the interests of our families and our kids.

A New York Times article from 2 years ago—before Mr. Pruitt was nominated for this position—identified that when the EPA was looking at the potential impacts—potential, not guaranteed; we are trying to determine if there are impacts—of fracking on water quality and seismic instability, Attorney General Pruitt submitted comments on behalf of the State of Oklahoma that expressed skepticism that fracking was causing any problems. Well, why not do the investigation? Why not get to the bottom of it? Was the opinion that he expressed backed by science? Was it backed by a deep analysis that had been done by scientists or smart attorneys in Mr. Pruitt's office? No. In this instance, good investigative journalism determined that the comment expressing skepticism about fracking having any effect on water quality was actually written by an energy company, copied, and pasted onto official Oklahoma letterhead and submitted to the EPA as representing the views of Oklahoma public officials.

Would it be appropriate for the attorney general of Oklahoma—a State that has significant oil and gas—to take into account the views of oil and gas producers on something as important as fracking? Absolutely. In fact, you would not be doing your job if you didn't take the views of those companies into account. But considering industry views is very different from taking their views and portraying them as coming from you, a holder of a public trust who is supposed to be working for everybody and not just one company or one industry.

Here is one more example I will give before I conclude, because I take it personally. Virginia is one of the six States in the Chesapeake Bay watershed. I worked on this matter as Governor of Virginia, along with colleagues in the other States and the District of Columbia, and we worked together with the EPA on how to clean up the bay. This is a treasured resource for Virginians. It is about as bipartisan a thing as there is in Virginia. Probably next to support for veterans, support for the Chesapeake Bay would be a close second in bipartisanship. As public officials, we worked out with the EPA a strategy we thought would be

conducive to cleaning up the Chesapeake Bay—which is not just about enjoyment, not just about water quality, but also about traditional Virginia industries, like watermen's industry tourism, which is a big industry in our State.

We worked it out to our satisfaction, but when we did, there was a lawsuit filed against this particular regulation by the Farm Bureau. The attorney general of Oklahoma—not one of the six States in the Chesapeake Bay watershed—the attorney general of Oklahoma intervened and filed a friend-of-the-court brief to try to strike down the regulation that the EPA and Virginia officials had worked on in tandem for the good of the Chesapeake Bay, for the good of our Commonwealth, for the good of our citizens.

I contend: Why would an attorney general in Oklahoma care so much about a Chesapeake Bay rule that we had worked out together? I contend that he and some other attorneys general who joined in this were worried that if the EPA succeeded, then the EPA might try something in other large watersheds, including those in their States.

The matter did go to the Federal appellate court. The Federal appellate court upheld the Chesapeake Bay plan. The attorneys general and others tried to take it to the Supreme Court. The Supreme Court wouldn't take the appeal, and so the Chesapeake Bay plan is in operation. We were all struck about why an Oklahoma attorney general would be going after something affecting the Commonwealth of Virginia, and there is a point there.

The point was this. EPA scientists working in tandem with State officials had analyzed the water quality in the bay, and they had followed the State's progress, or lack thereof, over time, and they finally said, again, working in tandem with many of us: The pollution levels are so bad that we are never going to return the bay to what it can be unless we need to take action.

It was that scientific consensus that Mr. Pruitt as attorney general of Oklahoma was challenging. Science is the pursuit of truth. Science is supposed to follow where the facts lead, no matter what the scientist's initial views might be.

Mr. Pruitt's record does not tell me he will follow the data wherever it leads. It tells me that whenever there is a menu of options, he is going to take the option that is most beneficial to polluters rather than beneficial to public health.

I will conclude with the point at which I started. There is no Federal agency that needs to have somebody who accepts science and scientific consensus more than the EPA. It matters deeply to Virginia, but I don't think Virginians are unique to this. I think it matters to the citizens of 50 States.

EPA regulations are not all wise, and some need to be dialed back. I have seen the positive effects of wise EPA regulations in my city and in my State. I am going to vote no on Mr. Pruitt because I don't believe his first duty will be to follow science and enforce just laws and regulations, appropriately governing the water we drink and the air we breathe.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

GUN VIOLENCE

Mr. DURBIN. Mr. President, I rise again to speak about the epidemic of gun violence in the city of Chicago and across America.

The American Medical Association has declared gun violence as a public health crisis in America. Every day, almost 300 men, women, and children are shot in this Nation. Gun violence touches every American community, but no community has suffered more than the city of Chicago.

I am honored to represent that city. I love it, and I think it is a great city. I spend a lot of time there to get to know the people who were born there and live their lives there and call it home. It is a great honor to call it part of my State that I am honored to represent.

The stories that are coming out of the city of Chicago are heartbreaking stories—and none worse than this week. This week there was a slaughter of the innocents. In a 4-day period earlier this week, three beautiful children under the age of 12 were fatally shot.

On Saturday night, 11-year-old Takiya Holmes, sitting in her mom's car, was shot in the head and killed. A 19-year-old suspect in custody has been charged. He reported that he was shooting from across the street at rival gang members, and a stray bullet hit Takiya. She died on Tuesday morning.

On Saturday, 12-year-old Kanari Gentry-Bowers was shot while playing basketball in the West Englewood neighborhood. She passed away just yesterday.

On Tuesday at 1:30 in the afternoon, 2-year-old Lavontay White was shot and killed while sitting in the car with his pregnant aunt and uncle. Lavontay's uncle was also killed. His aunt was wounded.

These shootings are senseless, devastating, and heartbreaking. Already this year there have been over 400 shootings in Chicago—so far this year. That is after there were more than 4,300 shootings last year.

My thoughts and prayers, of course, go to the victims and their families. I have attended so many marches and parades, funerals, and memorial services. But thoughts and prayers are not enough. We need to do something to reduce this epidemic of gun violence. There have been too many funerals, too many families who have lost that baby

they loved, too many children who suffered the physical and mental trauma of gunshot wounds and witnessing violence. Many of these shootings could have been prevented, but it is going to take changes in our laws and changes in our attitude for that to happen.

We have absurd loopholes in our gun laws that make it easy for dangerous people to get their hands on guns. We have obvious gaps in our gun background check system. We have inadequate Federal laws to stop gun trafficking and straw purchases of guns. These factors allow a flood of illicit guns to come into Chicago from other towns and States, from gun shows in neighboring States where there is no background check. These drug gangs drive over to these locations and fill up the trunks of their cars with guns to take them and sell them in the neighborhoods to kids who shoot and kill one another day in and day out.

We have gun dealers—federally licensed gun dealers—who look the other way when someone comes in to make a straw purchase. That is the purchase of a gun that the purchaser is not going to use but is going to give it to somebody who is prohibited from buying a gun.

In light of the epidemic of gun violence in our country, Congress should be working around the clock to fix these gaps in our Federal law. But the Republican-controlled Senate is doing nothing to address gun violence in Chicago or anywhere else. Instead, look at what we just did yesterday. Just yesterday, this Senate, on this floor, voted to weaken the gun background check system instead of strengthening it. It is hard to understand how the Republican Party can have its priorities so wrong when it comes to gun violence.

We can respect Second Amendment rights of individuals. We can respect the rights of people to own a gun for self-defense, for sporting and hunting purposes. I have gone hunting. I have used a firearm. I complied with every law in the books, all of them. The hunters who were with me did too.

Why is it so hard to ask before we sell a gun to someone whether they have a criminal record, whether they are buying it for another person who might have a criminal record, or whether they have a history of mental instability, which would disqualify them from owning a gun?

We are facing a crisis in Chicago and across the Nation because of this violence. We in Congress have a responsibility to do everything we can at the Federal level to protect our constituents, our neighbors, from getting shot. We can't ignore this responsibility, and we certainly shouldn't be weakening gun laws as the Senate did yesterday.

We also need the Federal Government to be an engaged partner with cities like Chicago to help reduce violence and expand economic options in

depressed neighborhoods. You can pick out three neighborhoods in the city of Chicago that account for almost 50 percent of gun violence—three neighborhoods. I visited some of them. They warned me: Don't get out of the car. They are right. Random gunfire is a reality of life in those neighborhoods. We know where they are. We know where the shooters live. We know where the victims are. We can do more.

President Trump sends out a lot of tweets. He likes to tweet about Chicago, and I am not quite sure why. Tweeting doesn't save lives. Saying that you are going to send in the Feds may be one of those short tweets that is catchy, but it doesn't mean a damned thing to the people who are being shot and are dying in the city of Chicago.

Last week I joined my colleague Senator TAMMY DUCKWORTH, and we sent a letter to the President asking him to do more than tweet when it comes to Chicago.

I ask unanimous consent to have printed in the RECORD this letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, February 10, 2017.

President DONALD J. TRUMP,
The White House,
Washington, DC.

DEAR PRESIDENT TRUMP: During the 2016 presidential campaign and in numerous tweets and comments since the election, you have lamented the recent surge of gun violence in Chicago and said the federal government could help stop the violence. While the level of shootings and homicides is clearly unacceptable, tweeting alone will not fix it. Tweeting does not break cycles of violence; tweeting does not help lift people out of poverty; tweeting does not save lives. We urge you instead to provide a surge in federal support and resources for Chicago to reduce violence and expand economic opportunities for neglected communities.

Public safety is primarily a local responsibility, but the federal government must be an engaged partner in public safety efforts alongside local officials, law enforcement, and community stakeholders. There is much the federal government can do to help.

Instead of tweeting, you could begin by directing your Administration to enhance U.S. Department of Justice (DOJ) programs that improve community policing, such as the COPS Hiring Program to help local police departments put more cops on the beat, and the Byrne-JAG grant program to enable local law enforcement to purchase or upgrade equipment. We note that in his first year in office, President Obama pushed for a surge in COPS and Byrne-JAG funding through the Recovery Act and the appropriations process that provided Chicago with \$13.256 million in COPS Hiring funding and \$35.637 million in Byrne-JAG finding. This is more than four times the amount of COPS funding and 15 times the amount of Byrne-JAG funding that the City received last year. You could push for a similar funding surge.

We also urge you to direct DOJ to promote mentoring and job training programs for youth and the formerly incarcerated. We are

ready to work with you to strengthen the Office of Juvenile Justice and Delinquency Prevention to improve mentoring and violence prevention initiatives and to boost funding for recidivism reduction programs under the federal Second Chance Act. We urge you to direct DOJ to abide by its commitment to help implement policing reforms recommended by the Department's Civil Rights Division. We also request your support for legislation to close gaps in the FBI gun background check system and in federal firearm laws that enable straw purchasers and gun traffickers to flood Chicago's streets with illicit guns.

Federal efforts must also transcend law enforcement and criminal justice programs to focus on causal factors, including the lack of economic opportunity. We urge the U.S. Department of Education and the U.S. Department of Labor to prioritize important career and youth training programs that, if properly funded and expanded, would address the role that poverty plays in the violence epidemic facing Chicago and other communities around the country.

Before you send your next tweet, you could request a surge in additional federal resources for these public safety and economic development efforts in Chicago. But so far, your Administration has refused to commit to spend any additional resources to combat Chicago's violence and has actually threatened to cut federal funds for the City. Now is not the time for the federal government to abandon its support for Chicago and its people.

This week, you reportedly attributed Chicago's crime situation to the presence of undocumented immigrants. This coincides with your January 25 executive order that makes up to eight million immigrants priorities for deportation and seeks to create a mass deportation force by tripling the number of immigration agents. The vast majority of immigrants in our country are peaceful and have strong family values, and studies have shown that immigrants are less likely to commit serious crimes than native-born individuals. We are aware of no evidence that undocumented immigrants are responsible for any significant proportion of the murders in Chicago, and claims otherwise do nothing but distract from efforts to meaningfully reduce the City's recent increase in violence.

We note that you have urged Congress to fund the construction of a wall on the Southern border that would reportedly cost at least \$21.6 billion, even though the wall would not fix our broken immigration system and even though Republican Congressman Will Hurd, whose district covers 800 miles of the border, has said "building a wall is the most expensive and least effective way to secure the border." If your Administration were to take even one percent of this funding and devote the resources instead to help Chicago's public safety efforts, it would make a dramatic difference in reducing Chicago's violence. We urge you to reprioritize federal resources that you would request for wall construction and commit those resources instead to reducing gun violence in Chicago and other violence-prevention efforts around the nation. Doing so could save many more lives than tweeting.

Thank you for your consideration on this important issue.

Sincerely,

RICHARD J. DURBIN,
U.S. Senator.

TAMMY DUCKWORTH,
U.S. Senator.

Mr. DURBIN. We asked the President to put his twitter account down for a

few minutes and instead direct his Department of Justice to enhance programs that improve community policing, such as COPS and the Byrne-JAG grants. We asked him to provide a surge in these programs, just like President Obama did in his first year through the Recovery Act and the appropriations process.

We also asked the President to direct the Justice Department to promote mentoring and job training programs. I want peace on the streets of Chicago and every American city, and I know that one of the keys to this is the belief that there is a chance in this economy for you and your family.

We need to have mentoring and job training programs for young people through the Office of Juvenile Justice and Delinquency Prevention and for former incarcerated persons through the Federal Second Chance Act.

We asked the President to support policing reforms recommended by the Justice Department in Washington. We asked him to support our efforts to close the gaps in Federal gun laws.

There is no denying that poverty plays a role in fueling violence and in violating justice. We asked the President, also, to prioritize funding for jobs programs under the Departments of Labor and Education. These are concrete steps that would help reduce violence in Chicago.

So far, President Trump's administration has not committed any additional resources to combatting Chicago's violence. Mayor Emanuel was here a few days ago to meet with the Department of Justice and to make the same plea. The administration instead is threatening to cut funding, on top of the devastating funding cuts we have already seen in Illinois under our current Governor.

Now is not the time for the Federal Government to abandon support for the families living in this great city. I urge the President and his administration to reprioritize Federal resources to reduce gun violence in Chicago and around the Nation. It is going to save a lot more lives than tweeting.

If you will not do it for two Democratic Senators, do it for these families. Do it for the moms and the relatives who are now planning the funeral services of these babies who were gunned down in the city of Chicago this week.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROUNDS. Mr. President, I rise to discuss Mr. Trump's nominee to be Administrator of the U.S. Environmental

Protection Agency, Oklahoma Attorney General Scott Pruitt.

His background with the EPA regulatory process makes him well suited to lead this Agency. He has an in-depth understanding of the impact regulations have on landowners, American businesses and State and local governments. As attorney general, Mr. Pruitt has been a leader in standing up for the rights of State governments in the face of an aggressive EPA that has imposed increasingly costly and burdensome regulations on the States.

During his time as the attorney general, Mr. Pruitt established Oklahoma's first Federalism Unit in the Office of Solicitor General to more effectively combat unwarranted regulation and overreach by Federal agencies. General Pruitt is a strong believer in federalism and States' rights, which have been often overlooked by the previous administration, often to the detriment of the U.S. economy and our environment.

I am hopeful Attorney General Pruitt will take steps to improve the Federal regulatory process to make certain Federal regulations are promulgated with adequate public participation, underpinned by the best scientific evidence available and in a transparent and open manner. Attorney General Pruitt understands the importance of taking stakeholder, State, and local government comments and expertise into account when promulgating regulations. He understands that listening to and considering the differing viewpoints of stakeholders will improve the regulatory process and lead to better regulations. This will lead to fewer burdensome and costly regulations for South Dakota farmers, ranchers, and landowners, while at the same time making certain we have clean air and clean water.

The Obama EPA's process for considering scientific information was flawed and unbalanced. There was a lack of balanced opinion, geographic diversity in State, local, and tribal representation on EPA's Science Advisory Board, which is tasked with providing scientific advice to the EPA. Attorney General Pruitt understands the importance of relying on the most up-to-date science to underpin environmental regulations.

During his confirmation hearing, he affirmed to me that he would uphold his obligations to use the most current, accurate data and sound science when making decisions, especially when it comes to the renewable fuel standard. The RFS has been successful in South Dakota in encouraging investments and creating jobs in corn ethanol production. Mr. Pruitt understands the importance of corn ethanol to the Midwest.

Throughout his tenure as attorney general, Attorney General Pruitt witnessed firsthand the negative impact

that EPA regulations, such as the waters of the United States rule, have on U.S. landowners and on our business owners. He saw how incomplete economic analysis did not account for the full impact of regulations on U.S. citizens, and the regulatory burden was often far greater than what the EPA claimed it would be.

The attorney general can modernize the EPA's approach to regulation and make certain that regulations are promulgated in a deliberate, fair, and transparent process. A better regulatory process will lead to better regulations. Better regulations will make certain our air, water, and land is protected, our economy continues to grow, and American jobs can continue to be created.

Attorney General Pruitt has had a rigorous vetting process since first being nominated by President Trump. He has answered more than 1,200 questions from Senators, more than 1,000 more questions than nominees for the EPA Administrator from the incoming Obama administration to the Bush administration or the Clinton administration. Additionally, his confirmation hearing was the longest for any EPA Administrator.

I, personally, would like to thank Chairman BARRASSO for spearheading this fair and very transparent confirmation process. I would also like to thank Attorney General Pruitt for taking the time to answer all of the questions that were asked of him and meeting with Senators both on and off the EPW Committee.

General Pruitt's impressive background and depth of knowledge on EPA issues make him well suited to be the next EPA Administrator. As a member of the Senate Environment and Public Works Committee and chairman of the subcommittee which has oversight of the EPA, I look forward to his eventual confirmation and to working with him in the future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG PRICES

Mr. COTTON. Mr. President, I recently read a story in the Wall Street Journal that I thought was so alarming it demanded action. Here is the headline: "Marathon Pharmaceuticals to Charge \$89,000 for Muscular Dystrophy Drug After 70-Fold Increase."

Yes, that is \$89,000 a year, and, yes, that is a 70-fold increase—70-fold, as in 7,000 percent.

For those of you who have not read the article, here is the story. There is

a rare disease called Duchenne muscular dystrophy. It affects about 12,000 young men in the United States. Most of them, unfortunately, end up dying in their twenties and thirties because of it.

We don't have a cure yet for Duchenne. Until recently, there was not even a treatment with FDA approval. So, for many years, patients and parents have been importing a drug called deflazacort, a steroid, from other countries. Even though it is not a cure, it at least helps treat symptoms and has been a welcome relief to many families.

Well, technically it is illegal to import a drug that doesn't have FDA approval. But there is a catch. The FDA does not quite enforce the ban against all unapproved drugs. In fact, it has issued regulatory guidance saying that you can get an exemption and buy an unapproved drug from overseas if you meet five conditions. First, you have to have a serious illness for which there is no other treatment available. Second, you can't sell the drug. Third, you can't pose an unreasonable risk to your health. Fourth, it has to be for you and you alone. Fifth, you can't buy more than a 3-month supply.

All of that sounds fair enough. But if someone comes along and gets FDA approval for their version of the exact same drug, the exact same chemical composition of the drug that is being imported, then you cannot buy it overseas anymore. That is exactly what happened here.

This was not a new drug. This was not a medical breakthrough. This was not a scientific advance. This was, plain and simple, an arbitrage opportunity. Other people had already gone to the trouble of making a drug that worked, but if you paid the expenses of getting FDA approval, you would essentially buy for yourself monopoly pricing power. That is what other companies missed, and now, to cover the costs of going through that approval process, Marathon is increasing the price from roughly \$1,500 a year to \$89,000 a year.

I don't think it is an overstatement to say that this turn of events is nothing short of outrageous. It defeats the very purposes of our FDA laws. The reason we offer people the chance to create a monopoly is to encourage innovation and medical breakthroughs, to generate new drugs that are going to solve diseases or illnesses.

What we are saying is, if you go to the pain and expense of developing a new treatment, we will give you the sole rights to sell it for a number of years so you can recover your costs, and, therefore, we will encourage more medical breakthroughs to alleviate the pain and suffering of the American people. In other words, monopoly rights are not merit badges. They are not a reward for business smarts. They are

supposed to serve the interests of patients. They are supposed to expand access to treatment. But in this case, what we see in our system is, in fact, restricting access and driving up the price for that coverage.

I understand that many people with Duchenne are happy that Marathon has done this because now that the drug has FDA approval, insurance companies will likely cover it—unlike before when people had to pay out of pocket, meaning that poor kids didn't get access to deflazacort, whereas upper middle-class and rich kids typically did.

I also know that Marathon has promised to increase spending on research on a new drug and to help people of limited means afford that treatment. That, too, is all to the good.

I am not casting aspersions on anyone's motives here, but let's be real. Someone has to pay the full price of this drug at \$89,000 a year. We have a drug that used to be available for \$1,500 a year, and now it is \$89,000 a year. Whatever happened, that is a system-wide failure. We as a Congress have to address it.

There is simply no getting around the fact that this story should never have been written in the first place because it should have never happened in the first place. We should be channeling peoples' ambition and entrepreneurial spirit into finding cures, not finding new and clever ways to make a profit. That is what our food and drug laws are designed to do. That is what they have clearly failed to do in this instance.

I just want to say that I am not going to let this story disappear. I am going to work with my colleagues to find a legislative solution to this mess and promote affordable, high-quality healthcare for all, for all families whose young children suffer from Duchenne and for every other orphan disease that has drugs that can be used for treatment and right now are being blocked from the market or for which we are paying way too much money as a society.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, for the last 47 years, the EPA has enforced science-based environmental policies that have resulted in cleaner air and water, the cleanup of some of our Nation's most contaminated lands and waters, and has improved our understanding of our changing climate. All of this has led to a healthier America.

Bipartisan Administrators of the Environmental Protection Agency—ev-

erybody from the great Washingtonian Bill Ruckelshaus to most recently Gina McCarthy—took on the role and responsibility as EPA Administrator, knowing that it was their responsibility to protect existing environmental law and to let science be the guide on research and new policies. They took the EPA mission to heart, and they fought to protect human health and the environment.

I have questions about whether the nominee, Mr. Pruitt, follows those same values, and I come to the floor to oppose his nomination to be the Administrator of the EPA.

Mr. Pruitt has repeatedly attacked needed EPA regulations, and he supports polluters at the expense of the environment and health laws. He doesn't believe the scientifically proven causes of climate change are real.

Less than a year ago, then-Oklahoma attorney general Scott Pruitt, working in their State, wrote: "Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind." That was written in the *Tulsa World*.

When questioned by my colleagues during the hearing process, he said: "The climate is changing, and human activity contributes to that in some manner" but the degree of that contribution is "subject to more debate."

The reason I raised these issues is that this issue of climate and climate impact is so real in the State of Washington. It is already happening, and it is already affecting our industries.

As EPA Administrator, Mr. Pruitt would have the responsibility for setting the Agency's agenda, including how to respond to climate change, yet the fact that he doesn't support the existing climate change science puts him in a role where I think he would not protect the economic interests of our State.

We cannot have a lackadaisical attitude about these issues. It is not a hypothesis. It is here. It is happening.

In the Pacific Northwest, it is altering our region's water cycle, putting Washington's farming jobs and our \$51 billion agriculture economy at risk. Wildfire seasons are longer and more severe than ever before. It is costing our Nation billions of dollars.

Warmer water temperatures in our streams and rivers have degraded salmon spawning habitat, led to massive die-offs, and certainly our shellfish industry has been very challenged.

With 25 percent of carbon dioxide emissions being absorbed by our oceans, it is raising the acidity level, and that is impacting the chemistry of Puget Sound. Oceans and their absorption of carbon dioxide emissions and these acidic conditions are making it hard for our shellfish industry to do the type of seeding that needs to take place. It is severely impacting the Pacific Northwest's \$278 million shellfish

industry. Ocean acidification has been found to dissolve the shells of important prey species, and the ocean acidification effects then carry up the food chain, if they are not addressed.

If we have an EPA Administrator who isn't going to work to cut down on carbon emissions and thinks that it is only part of the impact, aren't there a lot of Northwest jobs at stake? For example, our maritime economy alone is worth \$30 billion, so I would say there is a lot at stake.

In looking at the record of Oklahoma attorney general Scott Pruitt, he fought EPA regulations that protect public health, including the cross-state air pollution rule, the regional haze rule, the clean air standards for oil and gas production sites, and the clean water rule.

Despite this issue of repeatedly suing the EPA, he recently told Congress: "I do not expect any previous lawsuits to adversely affect my performance as EPA Administrator."

Well, I have serious concerns about how Mr. Pruitt's past lawsuits will influence his aggressive attitude as EPA Administrator in not fighting for the things that are going to protect the jobs and economy in Washington State that count so much on a pristine environment.

A letter was sent by 773 former EPA employees who served under Democratic and Republican administrations, stating: "Mr. Pruitt's record and public statements strongly suggest that he does not share the vision or agree with the underlying principles of our environmental statutes."

His record does not give me the confidence that he is the right person to lead this Agency at this point in time.

But there are other issues. During his time as Oklahoma attorney general, Scott Pruitt planned the Summit on Federalism and the Future of Fossil Fuels. This summit brought together energy industry executives with attorneys general to strategize against EPA, and they specifically discussed EPA's overreach, as they put it, regarding a very important issue called the Pebble Mine.

The Pebble Mine is an attempt by some who want to actually establish a gold mine in the very place of one of the most successful salmon habitats in the entire world: Bristol Bay, AK.

The EPA followed the letter of the law in their multiyear, science-based assessment of Bristol Bay. They basically made sure that everybody understood what was at risk: that Pebble Mine would destroy up to 94 miles of salmon spawning streams; it would devastate anywhere from 1,300 to 5,350 acres of wetlands; and it would create 10 billion tons of toxic mine waste, which is nearly enough to bury Seattle. And all of this would occur in the headwaters of the greatest salmon fishery on Earth, where half of the sockeye salmon on the planet spawn.

So the notion that this is how this nominee would spend his time—as I said, the mine itself is a direct threat to the \$1.5 billion salmon industry in Bristol Bay. That is 14,000 jobs just in the Pacific Northwest. The importance of making sure that the mine is not located there is of the utmost importance, I say, to the salmon fisheries of the entire Pacific Northwest.

I want to make sure we are putting someone in place who is going to fight for the laws that are on the books and to show leadership, not spend time trying to undermine the Agency, the organization, and its existing authority.

If Scott Pruitt allowed Bristol Bay to go forward, it would be devastating to our State. It would be voting in favor of these polluters instead of making sure that we are protecting science and environmental law.

I have very serious concerns, and that is why I am opposing this nominee. I hope my colleagues on the other side of the aisle will realize that these economies—the ones that depend on clean air and clean water, safe salmon spawning grounds—are dependent on our doing the right thing to protect what is really our stewardship of this planet that we are on only for a very short period of time. I hope my colleagues will consider all of this and oppose this nominee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I want to speak about this nomination from the standpoint of our State, our State of Florida, because we are famous for sugar-white beaches, fertile fishing grounds, and unique environmental treasures, such as the Florida Everglades. These precious natural resources need our protection and our stewardship. In fact, Florida's multibillion-dollar tourism industry is driven by the fact that people come to our State to enjoy these kinds of environmental treasures.

I have just come from a meeting with the American Hotel & Lodging Association. With multibillions of dollars of investments all over Florida, what happens if the guests don't come? That is a major investment that is lost.

And, oh, by the way, a few years ago during the BP oil spill—when the oil got only as far east from Louisiana as Pensacola Beach, and some oil was in Choctawhatchee Bay and Destin and some tar balls were as far east as Panama City Beach, but not any further—the visitors didn't come because they thought the beaches were covered with oil.

Well, right now Florida's unique environment is threatened by several environmental challenges, from the threat of fracking in this honeycomb of limestone filled with freshwater that supports the peninsula of Florida to algal blooms that have plagued much

of Florida's Treasure Coast this last year, to the red tide in the Tampa Bay area, and to Burmese pythons in the Everglades. And that is just a little bitty partialness of the plagues. To deal with these challenges, States such as ours depend on the EPA as a backstop.

I am here to express my concerns about the President's pick to lead this agency. It has been well documented that the President's pick is a friend of the oil industry. There is nothing wrong with that. But this is an industry that has invested hundreds of thousands of dollars in political contributions to Mr. Pruitt and the PACs supporting him over the years.

Ever since I was a young Congressman, I have been fighting to keep oil rigs off the coast of Florida. In the first place, there is not a lot of oil out there, but Florida's unique environment—from what I just told you about, the BP oil spill—its tourism-driven economy, and, oh, by the way, the largest testing and training area for the U.S. military in the world, the Gulf of Mexico off of Florida, as well as all of the testing ranges on the east coast, and how about the rockets coming out of the Cape Canaveral Air Force Station and the rockets coming out of the Kennedy Space Center—because of all of those, you can't have oil rigs down there. For all of those reasons, it makes Florida incompatible with offshore oil drilling. An EPA Administrator with such close ties to the oil industry is deeply concerning for the people of Florida.

But Mr. Pruitt's ties to Big Oil aren't the only concern that we have in Florida. During his confirmation hearing, Mr. Pruitt said that he believes that his views on climate change are “immaterial” to the job of the EPA Administrator.

Whoa, the EPA Administrator is directly involved in things that involve climate change. I can't think of a more relevant issue for our EPA Administrator to be concerned with because Florida is ground zero when it comes to the effects of sea level rise.

These are not projections, not forecasts. These are measurements over the last 40 years in South Florida. The sea has risen 5 to 8 inches.

By the way, where is three-quarters of the population of Florida? It is along the coast. We are already seeing regular flooding at the mean high tide in the streets of Miami Beach, and they are spending millions on infrastructure in order to get those pumps working to get the water off the streets and raising the level of the streets.

We are seeing the saltwater, which is heavier than freshwater, seep into the ground where there is a honeycomb of limestone filled with freshwater, and the seawater is seeping into the freshwater. So cities are having to move their city well fields further to the west because of the saltwater intrusion, and it only gets worse.

The threat Floridians face every day is a result of this sea level rise that is very real. It is critical that we have an EPA Administrator that understands that there are things that are happening because of climate change. It is not immaterial to the job of the EPA Administrator; it is very relevant.

There is Mr. Pruitt's history of questioning science, especially when the facts conflict with his friends, whom he surrounds himself with, about the effects of science. So whether it is protecting Florida's livestock from deadly parasites or protecting the air we breathe, science informs policy decisions that affect all of us—clean water, clean air. It affects public health, national security, and the environment.

Yet we continue to see troubling reports about scientists being muzzled from the State level all the way up to the Federal level in the EPA. So it just seems that this is unacceptable. Our scientists should be free to publish scientific data and not be muzzled. They should be able to publish their reports without fear of losing their jobs or being censored for using phrases like “climate change.”

That is why I recently sponsored legislation to protect our scientists from political interference. The Scientific Integrity Act would ensure that Federal scientists can communicate their findings with the public. It requires Federal agencies to implement and enforce scientific integrity policies and ensure that procedures are in place so that if those policies are violated, it is known and there is a procedure to deal with that.

I conclude by stating that Floridians and the State of Florida cannot risk the health of our environment or our economy on an EPA Administrator who pals around with folks that do all of what I am talking about—they question our scientists, denying the true threat we face from sea level rise and climate change. Floridians can't afford such a risk, and they shouldn't be forced to take this risk. Therefore, I will vote no on Mr. Pruitt's nomination to be EPA Administrator.

Mr. President, I yield the remainder of my postcloture debate time to Senator CARPER.

The PRESIDING OFFICER. The Senator has that right.

Mr. NELSON. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I join my colleagues today to recognize that the environment is critically important. One of the true issues States face is getting back to the promises of the Clean Air Act and Clean Water Act to make sure States enjoy primacy, and I think that is a critical component that is not being discussed today as we look at guaranteed clean water and clean air—making sure that those closest to those issues have the ability to have

the input that was anticipated by almost every environmental statute. So I would remind my colleagues that when we focus many times on Federal issues and Federal appointments, one of the most important things that we can do is focus on the fact that these Federal agency heads need to work cooperatively with State organizations.

Scott Pruitt, who is a soon-to-be former attorney general, understands the State role, and I think that is a critical qualification and an important distinction to make.

EX-IM BANK

But I didn't come to talk about the appointment of Scott Pruitt. I came to talk about something we could all agree on, and in fact the President and I agree on this, and I think everyone agrees on this almost unanimously, which is that American jobs matter. Putting Americans back to work in manufacturing is one of the most critical things that we can do in the Senate, making sure that our people have an opportunity to succeed, participate, and have an opportunity to produce goods and services that can be exported and can grow the wealth of our country and grow the economy of our country.

Last week I joined President Trump in a small bipartisan lunch. We had a chance to talk about a variety of issues. There are very many issues that divide us, but this issue unites us. I specifically talked with the President about the need to get the Export-Import Bank up and running. I also talked to him about the Export-Import Bank in December and talked about the importance of enabling this institution to function for the American manufacturing worker. The great news is that President Trump agrees, and he informed me that we can in fact say he supports the Ex-Im Bank and that he would be nominating someone soon to serve on the Export-Import Bank.

That led off a rash of discussion among the usual naysayers with the Ex-Im Bank, mostly driven by ideology and not fact. So I think it is important to come once again to reiterate the importance of the Ex-Im Bank.

I certainly appreciate the President's interest in making American workers a priority. He will be at Boeing in South Carolina on Friday. I don't know if he will make any announcement about nominating someone to the Ex-Im Bank. I hope he does.

There has been a lot of talk about supporting the economy and boosting American manufacturing jobs, but all that talk falls on deaf ears if we don't take action on the simple issues when we can accomplish those goals, and that simple issue is enabling the Export-Import Bank to function. For decades the Export-Import Bank has leveled the playing field for American workers and businesses. Yet heavy politics is enabling one Senator to put political ideology before the jobs and

well-being of thousands of American workers across our country.

We worked very, very hard in 2015. We knew that we were going to be challenged to get the Ex-Im Bank reauthorized. In June of 2015, the Export-Import Bank expired and did not have a charter. It was not authorized for the first time in its more than 80-year history. I fought very hard to reauthorize it, as did a number of my colleagues. Finally, in December 2016, 6 months later, the Bank was given a charter, given an authorization. I want to point out something because I think way too often we think what stops this endeavor is partisan politics. Guess what. Over 70 percent of the House of Representatives voted for the Ex-Im Bank and over 60 percent of the Senate voted for the Ex-Im Bank. This is not a partisan issue. There is bipartisan support. Yet there is a narrow group of people who would rather put ideology ahead of American jobs. It is wrong on so many levels.

Despite the fact, unfortunately, that we finally authorized the Ex-Im Bank over a year ago with overwhelming support, we do not have a Bank that can authorize any credits over \$10 million. That is because it requires a quorum of Bank board members to make that decision. We only have two out of the five members of the board. That means that we don't have a quorum. So what has been happening is that there is \$30 billion—think about that, \$30 billion—of American exports waiting in the queue, waiting for approval, hoping desperately to get the Ex-Im Bank up and running so those exports can receive the credit they need and receive the guarantees that those exports need and get people back to work.

Do you know what else has been happening since we haven't had a quorum on the Bank? Thousands of American jobs have been transported to places like France and Canada. We are losing thousands of jobs.

When I hear people say the Ex-Im Bank is the bank of Boeing or the bank of GE, trust me, I do not bleed for the executives of Boeing. I do not bleed for the executives of GE. They will do fine. In fact, they know how to get around this problem. They just move those manufacturing jobs to a country that will recognize the exports and will provide that export credit. That is what is happening. But guess what is happening to the American worker and families across these manufacturing facilities? They are getting pink slips. Why? Because this body refuses to give us a quorum on the Ex-Im Bank.

The President understands this. The President understands how important it is to get these American workers back together. Now I want you just to think about what \$30 billion of exports is worth to American employment. If we use the numbers that extrapolate, it is hard to know, but it is over 170,000

jobs. Think about the fact that 170,000 jobs are waiting in the wings for us to do the right thing. When we move forward with the Ex-Im Bank, I think we will have a good day—a good bipartisan day when the President of the United States joins with those of us who care about workers and manufacturing in this country—and we will get the Ex-Im Bank up and running. I think if we fail to do it and if we fail to send the signals that help is coming and that the Ex-Im Bank is going to be an effective institution that will once again play a role in American manufacturing and will be in that tool chest of trade opportunities—if we don't do it—then they are going to give up all hope, and they are going to find some other place to manufacture the products that will allow them to access the credit, that will allow them to sell their products overseas. So it is critically important.

I want to leave with one statistic. The Peterson Institute recently estimated that the United States is losing \$50 million in exports for every day that a nomination is not confirmed—\$50 million of new wealth creation for our country. It is a travesty.

Of all of the things I have seen here—the callous things—that sound so bureaucratic when you talk about the Ex-Im Bank, when you pick up the curtain and you look underneath, what we see are American jobs and American families and American opportunity and new wealth creation for our country and economic growth for our country. And because some institution that could give you a black mark in a political campaign says “We don't like it,” it doesn't get done. Shame on us.

Thank you to the President for agreeing to help us move the Ex-Im Bank forward. Thank you to all of my colleagues—64 in the last Congress—who stood with us to get the Ex-Im Bank reauthorized and the over 70 percent of the House of Representatives, on a stand-alone vote, who voted for the Ex-Im Bank, who know how critically important this is. We can get this job done, and we can stop the migration of these jobs to other countries.

I look forward to hearing more this week and hopefully early next week from the President. As a member of the Banking Committee, I look forward to pushing for a hearing and a vote on this nominee. And I look forward to the day that all of these exporters and these American workers can see that this institution can work for them, and that will be the day that those credits are approved at the Ex-Im Bank.

Thank you so much, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is postcloture on the Pruitt nomination.

Mr. WICKER. Mr. President, I rise in support of the nomination of Scott Pruitt.

Ms. HEITKAMP. Mr. President, will my friend from Mississippi yield the floor for one moment?

Mr. WICKER. I am delighted to yield.

Ms. HEITKAMP. I thank the Senator from Mississippi.

Mr. President, I yield the remainder of my postcloture debate time to Senator CARPER.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Mississippi.

Mr. WICKER. Mr. President, I am delighted to rise this afternoon in support of Scott Pruitt, nominated for EPA Administrator, and to congratulate the leadership of this Senate and the administration for persevering on this nomination to the point where we will get a vote tomorrow afternoon and I think be able to end the week on a positive note.

My good friend, the Senator from North Dakota, had just called for a good bipartisan day on the Senate floor, and I support many of the remarks she made in that regard. I would hope we could begin having some good bipartisan days with regard to the administration's nominations for these important positions.

Sadly, it looks as though we will not have a bipartisan vote for Scott Pruitt. He will be confirmed but not nearly with the vote he should receive from Members on both sides of the aisle who know that there has been extreme overreach on the part of the EPA leadership under the Obama administration. The EPA needs a change in direction, and they need to become more sensible with regard to stopping pollution, while at the same time being friendly on job creation. So we will get this nomination finished tomorrow and we will have a good Administrator, but regrettably it will not be on a very bipartisan basis.

This is the Scott Pruitt whom I have had a chance to learn about since he was nominated in January.

The Scott Pruitt I have had a chance to learn about took on the polluters as attorney general for his State of Oklahoma and finalized multistate agreements to limit pollution, and he did so working with Democrats and working with Republicans on a bipartisan basis across the political spectrum. I think we need that sort of person as EPA Administrator. Scott Pruitt negotiated a water rights settlement with the tribes to preserve scenic lakes and rivers, and I think he is to be congratulated on that, not scolded. He stood up to oil companies and gas companies as attorney general for the State of Oklahoma and challenged them when they were polluting his State's air and water. Then—something I applaud—when the EPA overstepped its bounds and its mission and ceased to follow the law,

he challenged the EPA. I submit to my colleagues that that is exactly the sort of balance we need to return to as Administrator of the EPA.

In the hearing, which was rather extraordinary because of its length, Attorney General Pruitt demonstrated his knowledge, he demonstrated his intellect, and he demonstrated his patience. He was available all day long—an extraordinarily long hearing—answered more than 200 questions propounded at the hearing, and then beyond that he has now answered more than 1,000 questions for the record. Yet, in spite of this, it is disappointing that some of my colleagues, some of my friends on the other side of the aisle, have taken not only to disparaging his qualifications and his suitability for this position but also engaged in a slow-walking process designed to keep this nomination from even coming forward.

Every Democrat boycotted the committee meeting that was called to report this nomination to the floor so that we could even have an up-or-down vote. They walked out of the meeting. This is the sort of tactic we were able to overcome on a parliamentary basis, but it has given us what we now know is the slowest confirmation process in 225 years. The only President to have a slower confirmation process was the one who was getting it all kicked off to start with; George Washington's was a bit slower. We will see. Maybe if this keeps going, we could surpass the slowness of the confirmation process that occurred for our first President.

We need a change at EPA. The American people are ready for a change at EPA. We need an EPA Administrator who will listen to the environmentalists but also listen to the job creators. This means listening to the election but moving past the election and getting on to filling the positions that are important to Americans, such as the EPA Administrator.

Most Americans believe we can protect the environment and still protect job creators, and so does Attorney General Scott Pruitt. Most Americans believe we can have clean air and water without destroying thousands upon thousands of jobs for Americans. That is what I believe. That is what Scott Pruitt believes.

I would quote from a recent op-ed in the Wall Street Journal which William McGurn wrote in support of Mr. Pruitt but also generally in support of other nominations. With regard to Pruitt, Mr. McGurn says this: "The fierce opposition to Mr. Pruitt speaks to the progressive fear that he might help restore not only science to its rightful place but also federalism." I think that is what Scott Pruitt is going to be about when he is confirmed tomorrow and finally gets down to working for us, the taxpayers, as Administrator of EPA.

This is about the 1-month mark in this administration, and we are slowly getting past this unprecedented slow-walk effort by our colleagues. I certainly hope that with the 1,100 other appointments that have to be submitted and have to be spoken to by this Senate, we can hasten the process so we can pass legislation and be about the business our constituents sent us here to do.

Approving Attorney General Scott Pruitt will allow us to move forward with the people's business with a man who has demonstrated courtesy, intelligence, patience, and professionalism, and I will be honored to be one of those voting yes tomorrow when we confirm this outstanding candidate as EPA Administrator.

I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I would like to follow up on something our friend from Mississippi was just saying. I want to make it clear that I am not really interested in obstructing. I am not interested at all in obstructing. What I am interested in is getting to the truth about this nominee and others.

Two years ago, an organization called the Center for Media and Democracy petitioned, under the Oklahoma open records law—it is a FOIA-like law at the State level—they asked for access to thousands of emails that were sent from or to the attorney general's office under Scott Pruitt. That was 2 years ago. They have repeatedly renewed that request over time, and it has not been granted.

Why might emails be germane? Well, they are germane because many of the emails were with industries that have differences with the EPA and in some cases are involved in lawsuits, a number of which were sponsored by or joined in by Attorney General Pruitt.

Two years after the request to see those emails was submitted to the attorney general's office, they had not seen one of them. A lawsuit was filed earlier this month asking the court—I think it is called the district court of Oklahoma, a State court—asking to see the emails and asking that the court intervene so that the Center for Media and Democracy would have access to the emails.

The Democrats on the Environment and Public Works Committee wrote to the judge, and we shared our voice because we have been making the same request of the attorney general's office—of the attorney general—as part

of the nominations process. He has declined to provide the emails to the Congress, the Senate, and we have let the judge know that we appreciate her attention to this matter and hope she might even expedite it. Well, an expedited hearing is called for this afternoon on the sharing of these emails that have been blocked, stonewalled, for 2 years.

What we did as Democrats on the Environment and Public Works Committee is I met with the majority leader, and nine of us wrote to the majority leader, and we said: With all due respect, we suggest to give the judge time to make a decision, and if the judge says the emails should be opened up, allow us to have until a week from this coming Monday to look at the emails to see if there is anything inappropriate or untoward that could be revealed.

That request to the majority leader—he was very nice about it, but he basically said: We are not going to do that.

I renewed the request here yesterday on the floor, and he said: No, we are not going to do that.

I am generally one who thinks it is very important for us to communicate, collaborate, cooperate around here, as I think most of my colleagues would attest, but in this case, I don't think we made an unreasonable request of the nominee. And I think to block access to these emails—even when petitioned under the Oklahoma FOIA law, backed up by our support—for nothing to happen is just wrong. That is just wrong.

So hopefully when the judge has this hearing later this afternoon—actually, in 2 hours—we will find out a bit more as to whether the AG's office is going to be asked to turn these emails over and make them public with that information. I hope the answer will be yes. We will see.

I asked Mr. Pruitt 52 questions on December 28 and asked they be responded to by January 9. January 9 came and went, and we were told maybe we would get the responses at the hearing we were going to have on January 18. We had the hearing on January 18, and some of the specific questions were answered, some not, but we submitted as a committee some 1,000 additional questions for the record. That is a lot of questions. I suggested to the committee chairman he give the nominee a reasonable amount of time to respond to those questions. The chairman, in the interest of moving things along, I think, gave the nominee 2 days, which is, in my view, not nearly enough.

If we go back several years ago, the last EPA Administrator was a woman named Gina McCarthy. She was asked a number of questions. She was actually asked more questions, I think 1,400 questions, which is several hundred more than Scott Pruitt but a lot of questions. She did not have enough

time to answer the questions, and a little extra time, maybe a week or so, was granted. She answered the questions, as I understand, fully, completely, and directly. I will read some of the questions we asked of Scott Pruitt later today, later tonight, with examples of the kind of answers he provided. Some were reasonably complete, but too many were evasive, indirect, or just nonresponsive. Maybe that is because the chairman only gave him a couple days to respond. That is not the way we ought to be about the business.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I came to the floor today to oppose the nomination of Scott Pruitt to serve as Administrator of the Environmental Protection Agency. I thank my colleague from Delaware, whom I had the honor to serve with when we were both Governors, for his good work to point out why Scott Pruitt is the wrong person to head the Environmental Protection Agency.

The EPA was created by a Republican President in 1970, Richard Nixon. I remember very clearly when he did that. Across subsequent decades, support for this Agency and for its important mission has been a strongly bipartisan endeavor. Our Nation has benefited from the service of dedicated, highly effective EPA Administrators from both parties, but I am deeply concerned that Scott Pruitt is a radical break from this bipartisan tradition.

After reviewing Mr. Pruitt's environmental record, I have to ask: Why was he nominated for this critically important position? He rejects the core missions of the Environmental Protection Agency at every turn. He has sued the EPA to block protections for clean air and clean water; he is an outspoken climate change denier; he seeks to dismantle the EPA's Clean Power Plan, which was put in place to address climate change; and he opposes other efforts to slow the warming of this planet. Time and again, he has put private interests and their profits ahead of public interests and public health.

As attorney general of Oklahoma, he has sided with oil and gas companies, and he has failed to protect the people of his State from some of the worst impacts of hydraulic fracturing. He has taken hundreds of thousands of dollars in campaign contributions from fossil fuel industries, and he zealously advocated for their freedom to pollute our air and water.

So again I ask: Why was Scott Pruitt nominated to serve as Administrator of the Environmental Protection Agency? Well, I think it is clear Mr. Pruitt was nominated not to lead the EPA forward but to prevent it from carrying out its mission. Make no mistake, Mr. Pruitt and his extreme agenda are a threat to

the environment, to the planet, and to our public health.

Christine Todd Whitman, a former Republican Governor of New Jersey and whom I also had the honor of serving with when I was Governor—Senator CARPER, Christie Whitman, and I all served as Governors together. She also was EPA Administrator during George W. Bush's administration. What she said about Pruitt I think is worth listening to. This is a Republican talking about Scott Pruitt: "I don't recall ever having seen an appointment of someone who is so disdainful of the agency and the science behind what the agency does."

People in the State of New Hampshire have no doubt about the reality of climate change. In the Granite State we see it. We experience it all the time. The steady increase in yearly temperatures and the rise in annual precipitation are already affecting New Hampshire's tourism and our outdoor recreation economy, which accounts for more than \$4 billion a year and employs over 50,000 people. Each year, hundreds of thousands of sportsmen and wildlife watchers come to New Hampshire to enjoy our beautiful mountains, our lakes, our other natural resources, and our 18 miles of coastline, which we are very proud of. As I said, hunting, fishing, and outdoor recreation contribute more than \$4 billion to New Hampshire's economy each year, but much of this is now threatened by the warming of our planet. Rising temperatures are shortening our fall foliage season, they are negatively affecting our snow- and ice-related winter recreation activities, including skiing, snowboarding, and snowmobiling. An estimated 17,000 Granite Staters are directly employed by the ski industry in New Hampshire, and the New Hampshire Department of Environmental Services warns that those jobs are threatened by climate change.

Likewise, New Hampshire's and indeed all of New England's brilliant fall foliage is at risk. I wish to quote from a report by New Hampshire Citizens for Responsible Energy Solutions. They say: "Current modeling forecasts predict that maple sugar trees eventually will be completely eliminated as a regionally important species in the northeastern United States."

Climate modeling by the Union of Concerned Scientists projects that by the end of this century, New Hampshire summers will feel like present-day summers in North Carolina, 700 miles to our south. We have a map that shows what is going to happen to our red maples and the maple sugaring industry. We can see everything here that is in red, these are all those sugar maples. It is projected that by 2070 or 2100, they are gone. They are gone from New England, from the Northeast, and from most of the Eastern part of this

country. If we fail to act on climate change, this could mean a steep loss of jobs. It could mean a loss of revenue. It will destroy our maple sugaring industry and will damage our outdoor recreation industry.

Maple sugar production is entirely dependent on weather conditions, and changes—no matter how modest—can throw off production and endanger this industry. Maple trees require warm days and freezing nights to create the optimal sugar content in sap production. The changing climate is putting more and more stress on sugar maples. As this map shows so well, it is already significantly affecting syrup production. If we fail to act on climate change, this could destroy our maple syrup industry. If you haven't done maple sugaring in the springtime, there is nothing like maple syrup over snow. There is nothing else like it. To lose that and to lose the jobs that are there is a real change to one of the recreational activities we love in New Hampshire.

Climate change is also threatening our wildlife species and their habitats. The moose is an iconic feature of New Hampshire's culture and identity, but as the results of climate change, we have seen a 40-percent decline in New Hampshire's moose population. We can see clearly from these pictures why we are losing our moose: Because of milder winters, ticks don't die off. It is really very tragic. The ticks multiply on a moose, they ravage it, and they eventually kill it. I don't know if people can see, but what look like little balls on the end of that moose's tail are ticks. This moose probably has brain worm, which is another problem the moose have because of winters that aren't cold enough to kill off those parasites. Ticks multiply on a moose, they ravage it, and they eventually kill it.

We have seen modeling from the University of New Hampshire which suggests that by 2030, moose will be gone—not only from northern New Hampshire but from much of the northern part of this country.

Other newly invasive insects are harming wildlife species as well as trees. Of course, people are also suffering from the impacts of climate change. Rising temperatures increase the number of air pollution action days. They increase pollen and mold levels, outdoors as well as allergen levels inside, and all of these things are dangerous to sensitive populations with asthma, allergies, and chronic respiratory conditions. In fact, New Hampshire has one of the highest rates of childhood asthma in the country because we are the tailpipe. All of New England is the tailpipe for the rest of the country. Pollution blows across this country from the Midwest and exits through New Hampshire and New England.

Rising temperatures facilitate the spread of insect-borne illnesses such as Lyme disease. We could see on that moose what the impact is. Those ticks aren't just multiplying on the moose, they are multiplying in a way that affects people as well.

Fortunately, because we have seen the impact of climate change, New Hampshire and the other New England States are taking the lead in reducing carbon emissions and transitioning to a more energy-efficient, clean energy economy. We are one of nine Northeastern States participating in the Regional Greenhouse Gas Initiative called RGGI. It is essentially a cap-and-trade system in the Northeast. New Hampshire has already reduced its power sector carbon pollution by 49 percent since 2008. That is a 49-percent reduction in less than a decade. Thanks to efforts by State and local communities, New Hampshire is on track to meet the Clean Power Plan's carbon reduction goals 10 years early. In addition, we are using proceeds from emissions permits sold at RGGI auctions to finance clean energy and energy efficiency investments.

Unfortunately, Scott Pruitt seems to believe that reducing pollution and investing in a clean environment are somehow bad for the economy. He is just wrong about that. Our efforts in New Hampshire and across New England to fight climate change and promote clean energy have been a major boost to economic growth. We have seen jobs added as a result. During its first 3 years, RGGI produced \$1.6 billion in net economic value and created more than 16,000 jobs in our region. Nationwide, employment in the fossil fuel sector is falling dramatically, but job creation in the clean energy and energy efficiency sectors is exploding. According to the U.S. Department of Energy, more than 2 million jobs have been created in the energy efficiency sector alone—and if we can ever get Congress to move the energy efficiency legislation Senator PORTMAN and I have introduced—would create, by 2030, another 200,000 jobs, just on energy efficiency. Across New England, we are demonstrating that smart energy choices can benefit the environment and strengthen job creation and the economy overall.

So, again, we have to ask: Why does Scott Pruitt deny the science of climate change? Why has he urged States to refuse to comply with the Clean Power Plan? Why has he filed lawsuit after lawsuit to block enforcement of the Clean Air Act? Why does he deny something as nearly universally recognized as the dangers of mercury pollution?

The bottom line, I believe, is that Scott Pruitt is first and foremost a fierce defender of the oil and gas industry. If scientists point to carbon emissions as the main cause of climate

change, then he has to deny that science. If science and common sense point to hydraulic fracking as the cause of thousands of earthquakes in the State of Oklahoma, then he must deny that too. If the EPA's mission is to protect clean air and clean water from pollution caused by fossil fuels, then he has to sue the EPA and try to cripple it.

Scott Pruitt's nomination is not about shaking things up in Washington. It is about turning over control of the EPA to the fossil fuel industry and turning back the clock on half a century of bipartisan efforts—in Democratic and Republican administrations alike—to protect clean air and clean water and to pass on to our children a livable environment and an Earth that they can inhabit from future generations.

My office has been flooded with calls, emails, and letters from Granite Staters. They not only oppose Mr. Pruitt's nomination, they are genuinely afraid of the consequences of putting him in charge of the EPA.

I heard from Deb Smith from Hampton, NH. That is a small community on our coastline. She wrote:

I am a birder, love to walk on the beach and in the mountains, and rely on time spent in nature to cope with a [stage four] lung cancer diagnosis. Clean air is especially important to me! Pruitt's long history of suing the EPA and reversing decades of progress in improving the environment disqualifies him for this post. It is essential to continue to preserve and improve our natural environment for people, birds, and other wildlife!

Elizabeth Garlo of Concord writes:

New Hampshire, due to quirks in its geology and the Earth's rotation, is the "tailpipe" of the Nation with much of the air pollutants from the Midwest exiting to the ocean from here. The people of New Hampshire cannot sit back and watch our children suffer from asthma and be restricted from outside activities due to "bad air quality days." Mr. Pruitt will be a very significant detriment to the quality of life in New Hampshire.

Eugene Harrington of Nashua writes:

I am AGAINST the appointment of Scott Pruitt to head the EPA. He does not seem to support the purpose of the EPA. Now I hear that even scientific papers are being reviewed to be sure they support the current administration's view of "facts." Please do what you can to support a functioning EPA.

Christopher Morgan of Amherst, NH, writes:

This is my first message I have ever sent to my senator in my 32 years as a voting American. . . . As a registered Republican . . . I am vehemently opposed to Mr. Pruitt leading the EPA. He has consistently shown he does not believe in the threat posed by climate change. Climate change affects every citizen in this country and has a detrimental effect on the New Hampshire climate specifically. President Trump's willful disregard for the safety and protection of all Americans cannot go unchecked.

Let me emphasize that I have heard from many Republican constituents who oppose Scott Pruitt's confirmation. My Republican friends point with

pride to the fact that the EPA was created by a Republican President. After all, what could be more conservative than conserving our environment and preserving a livable Earth for future generations? For nearly half a century, protecting the environment has been a bipartisan priority and endeavor. That is especially true in the State of New Hampshire, where folks understand that clean air and water and fighting climate change are not and should not be partisan issues. We all have a profound stake in protecting the environment.

Unfortunately, with the nomination of Scott Pruitt to head the EPA, the Trump administration is willing to shatter this bipartisan tradition and consensus, and we must not allow this to happen. I appeal to all of my colleagues but especially to all of those on the other side of the aisle: Don't allow this nominee to destroy your party's hard-earned, commonsense efforts to protect clean air, clean water, and a sustainable Earth.

I urge us to come together—Senators on both sides of the aisle—to reject this effort to undo nearly five decades of bipartisan efforts to protect our environment and our planet.

The stakes are incredibly high for all of us. By rejecting this unsuitable nominee, we can reconsider our approach to the EPA. We can embrace this Nation's bipartisan commitment to protecting the environment for future generations. This is what the great majority of Americans want us to do. Let's listen to their voices, and let's say no to this nominee, Scott Pruitt, who is not only not qualified for this position, he is not committed to the EPA and its mission.

Mr. President, at this time I yield 30 minutes of my postcloture debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I rise today, honored to speak after my colleague from New Hampshire and joining my other colleagues in opposing the nomination of Oklahoma attorney general Scott Pruitt to serve as the Administrator of the Environmental Protection Agency.

Our beautiful natural resources define my home State of New Hampshire. From the White Mountains to the Seacoast, to our pristine lakes and our forests, our natural resources are critical to our economy, our environment, our way of life, and protecting these resources plays a critical role, as well, in protecting public health.

However, we are already beginning to see the real impacts of climate change in New Hampshire, and these impacts threaten to have major consequences for our natural resources and families and businesses in every corner of my State. Recognizing that fact, members

of both parties have come together in New Hampshire to enact commonsense bipartisan solutions to take on climate change and to grow and maintain our State's renewable clean energy sector. We have worked to protect our land, our air and water, and the health of our citizens.

Unfortunately, it is clear from Mr. Pruitt's opposition to the Agency he will be tasked to lead, his record of working to weaken critical environmental protections that our citizens need to thrive, and his unwillingness to fight climate change, that he is unfit to serve in this position.

The mission of the Environmental Protection Agency begins with protecting our environment and the health of all of our citizens. The EPA does critical work to protect the water we drink and the air we breathe.

In recent years, the EPA has used sound scientific evidence to take strong measures to protect our environment. Unfortunately, President Trump has made clear that he does not support this critical Agency. Throughout his campaign, the President has repeatedly attacked the EPA, calling for its elimination and saying that our environment would be "just fine" without it. The President has doubled down on his hostility toward this Agency by nominating Mr. Pruitt to serve as its Administrator.

As attorney general, Mr. Pruitt has been a vocal critic of the very Agency he has now been nominated to lead, and he has been involved in over 20 legal actions against it.

According to the Washington Post, Mr. Pruitt has "spent much of his energy as attorney general fighting the very agency he is being nominated to lead."

On social media, Mr. Pruitt has referred to himself as "a leading advocate against the EPA's activist agenda." He has questioned the role of the Agency, stating that "the EPA was never intended to be our Nation's frontline environmental regulator."

When asked by one of my colleagues if there were any clean air or clean water EPA regulations in place today that he could support, Mr. Pruitt declined to name a single one.

The foundation of a future where all Americans have an opportunity to thrive starts with a healthy environment and healthy families. The EPA serves an important role in protecting the health of our people. We must do better than having an Administrator who has fought so tirelessly to undermine the work that this Agency does.

I am also concerned by an EPA Administrator who has consistently voiced skepticism about the clear facts on climate change. Throughout my time in office, I have always fought to protect our environment and have been a strong supporter of curbing the impacts of climate change. As a State

senator, I sponsored legislation that allowed New Hampshire to join the Regional Greenhouse Gas Initiative, and I helped pass the State's renewable portfolio standard to maintain and grow New Hampshire's clean renewable energy sector.

During my time as Governor, I worked with members of both parties to strengthen and build on those efforts, signing legislation to update the renewable portfolio standard and to maximize the benefits of the Regional Greenhouse Gas Initiative.

I am proud that my State has long led efforts to cut carbon emissions, and it is crucial that other States follow our lead and take responsibility for the pollution that they cause. That is exactly why I am a strong supporter of measures like the Clean Power Plan.

I also strongly support the Paris agreement on climate change and believe that the United States must take action to implement the agreement while also ensuring that our international partners fulfill their obligations.

Mr. Pruitt, however, has been a consistent skeptic on the role of climate change and the role that it has had on our environment.

Mr. Pruitt has stated that we do not know the extent of human impact on climate change and has called climate change a natural occurrence. He has said that climate change is "one of the major policy debates of our time."

And he continued:

That debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind.

Scientists are clear in their understanding of the climate change science. The American Association for the Advancement of Science says the scientific evidence is clear: Global climate change caused by human activities is occurring now, and it is a growing threat to society.

The American Geophysical Union says that humanity is the major influence on the global climate change observed over the past 50 years.

The American Meteorological Society says it is clear from extensive scientific evidence that the dominant cause of the rapid change in climate of the past half a century is human-induced increases in the amount of atmospheric greenhouse gases.

The Intergovernmental Panel on Climate Change says that warming of the climate system is unequivocal and human influence on the climate system is clear.

The EPA is a science-based organization, and it is unacceptable for the EPA Administrator to be at odds with the well-established views of leading scientists. As the Agency's own website says:

EPA is one of the world's leading environmental and human health research organizations. Science provides the foundation for

Agency policies, actions, and decisions made on behalf of the American people. Our research incorporates science and engineering that meet the highest standards for integrity, peer review, transparency, and ethics.

Mr. Pruitt disagrees with well-established climate science. Simply put, that disqualifies him from leading an agency where “science provides the foundation for . . . policies, actions, and decisions.” If you refuse to believe research from the world’s leading scientists, you cannot lead a science-based agency.

From protecting our environment to protecting public health, the EPA plays a critical role in protecting the health of Granite Staters and all Americans. We know that a cleaner environment plays a key role in the economy, for the economy of New Hampshire and our entire country. We should be building on the critical efforts the EPA has taken to combat climate change and protect public health, not rolling them back.

Mr. Pruitt’s hostility to the basic functions of the Environmental Protection Agency and his work to undermine protections for clean air, land, and water make clear that he should not serve in this role.

I will vote against Mr. Pruitt’s nomination, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I rise in opposition to the nomination of Scott Pruitt as the Administrator of the Environmental Protection Agency.

When Democrats on the Environment and Public Works Committee asked Scott Pruitt for critical information on his environmental record as attorney general of Oklahoma, Scott Pruitt said no to the Environment and Public Works Committee.

When Democrats on the Environment and Public Works Committee asked our fellow Republicans to delay Mr. Pruitt’s vote until he got that important information, the Republican leadership here said: No, we won’t wait for that critical information so that all Senators and the American people can understand who is being nominated.

When I asked Scott Pruitt if he would recuse himself from all issues relating to the cases that he has brought against the EPA as Oklahoma attorney general, Scott Pruitt said no to me.

Today we are here to respond to these very serious issues that are being raised about his ability to be an impartial Administrator of the EPA because the question before the American people and the Senate is whether Scott Pruitt should be the Administrator of the Environmental Protection Agency, and that answer is no.

The EPA is our cop on the beat, protecting the American people and our environment from harmful pollution,

hazardous waste, and the impacts of climate change. But as attorney general of Oklahoma, Scott Pruitt has tried to undermine the clean water rule and the Clean Air Act, putting the public health of millions of Americans at risk.

Scott Pruitt questions the science of climate change. Scott Pruitt has accused the EPA of overestimating air pollution from drilling of natural gas wells in Oklahoma. Scott Pruitt has argued against President Obama’s Clean Power Plan, which the EPA is supposed to implement. Scott Pruitt has sued to block the EPA from restricting mercury, a toxin that causes brain damage in children in the United States.

The only thing that Scott Pruitt is certain of is that he wants to represent the interests of the fossil fuel industry. He wants to change the environmental watchdog into a polluter lapdog. And today we are drawing a line out here on the Senate floor because it is critical that the American people understand the moral implications for the water Americans drink, for the air they breathe, for the mercury that could go into the blood systems of children in our country, for the amount of smog that is allowed to be sent into the air, the amount of haze that is created across our country, and why the nomination of Scott Pruitt leads inevitably, inexplicably toward more pollution, more unhealthy air, and more unhealthy water going into the systems of our families across our country.

That really goes to what the moral duty is of the Senate, the moral duty we have to ordinary families across the country. Do Americans really think the air we are breathing is too clean? Do people really believe the water we drink is too clean? Do people really want to water down those standards? Do they want to reduce the safeguards we have put in place?

One hundred years ago, life expectancy in the United States was about 48 years of age. In other words, we had gone from the Garden of Eden all the way to about 100 years ago, and we had increased life expectancy to about 48 years of age—not much progress. Now, it was always good for the Methuselah family. The wealthy always did pretty well. They could protect themselves from the things that would affect ordinary families, poorer families, from the Bible to 100 years ago. But then what happened? All of a sudden there was an awakening in our country that we had to make sure the sewage systems in our country were not going to be able to pollute families across our society. Then step by step, beginning with sewage and water, we in our Nation came to understand that we had to remove the majority of pollutants that were out there that were damaging the lives of ordinary Americans. That was a

change that transformed not just the United States but, over time, the whole rest of the world.

Now, 100 years later, life expectancy goes out to age 80. In other words, we have added 32 years of bonus life to the average American over the last 100 years. And what did it? Well, it is no secret formula; it is just that we looked around and we saw the things we had to put in place in order to protect families, and we took a moral responsibility to make sure that those industries, especially those that were not providing protections, were forced to provide protections for those ordinary people.

Here we are now considering Scott Pruitt as the new Administrator of the Environmental Protection Agency. Here is what Mr. Pruitt has done as the attorney general of Oklahoma: He has sued the national Environmental Protection Agency for the State of Oklahoma 19 times, and the issues on which he has sued are almost a litany of the things that go right to the heart of the protections the American people want for their families.

There are still eight cases that he brought pending before the EPA.

I said to Scott Pruitt in the confirmation hearing: Attorney General Pruitt, will you recuse yourself from consideration of any of those eight pending cases during the time you are Administrator of the EPA if you are confirmed? And Mr. Pruitt said no. Well, as I said to him in the hearing, if you do not recuse yourself, Mr. Pruitt, that turns you into the plaintiff, the defendant, the judge, and the jury for all of those cases, and that is just an unconscionable conflict of interest. As a result, he would never be seen as an impartial Administrator at the EPA as he moved forward trying to repeal or weaken environmental protections through regulations that he originally sought to accomplish through litigation.

We all know that across our country, overwhelmingly, the American people want—in the highest possible polling numbers, Democrat and Republican, liberal and conservative—they want the EPA to protect clean air, clean water, public health. They don’t want children unnecessarily being exposed to pollutants in the atmosphere that can cause asthma. Those numbers are going up. The goal in America is to see the numbers go down, but that will not be the agenda Scott Pruitt brings to the EPA if he is, in fact, confirmed.

This question of his fitness for this job also goes to the question of climate change. The science of climate change is now well established.

Pope Francis came to the Capitol a year and a half ago to deliver his sermon on the hill to us, and what Pope Francis said to us is very simple: No. 1, that the planet is dangerously warming and that it is something which is being

caused by human activity largely and that those who are going to be most adversely affected are the poorest and most vulnerable in our society. As the Pope said, we have a moral responsibility to do something about it as the most powerful country in the world and, along with China, the leading polluter in the world. This is Pope Francis talking to us about climate change.

What does Scott Pruitt say about climate science? He says he is not quite certain any actions really have to be taken in order to deal with that issue. Well, we have a Pope who actually taught high school chemistry and who delivered a science and morality lesson to the Congress. He told us that science is certain, and he told us that our moral obligation is unavoidable.

If we had a nominee for the Environmental Protection Agency who embraced that science and morality, I would be voting for him, but that is not who Scott Pruitt is. He is ignoring the impact the fossil fuel industry is having, and he is unwilling to commit to taking steps that can reduce that danger for our planet and for the most vulnerable on the planet.

So I stand in opposition to his nomination, as I will be standing out here all day and into the night. I don't think that we are going to have a more important discussion than the direction of the health of our planet and the health of the children in our country. I think it is something that the American people have to hear all day and through the night.

With that, I see the arrival of the Senator from Ohio. I know that he has time to speak on the Senate floor. So I yield back my time so that my good friend Senator PORTMAN can be recognized.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I thank my colleague from Massachusetts for yielding his time.

OPIOID EPIDEMIC

Mr. President, I rise today to talk about this issue of opioids—heroin, prescription drugs, now fentanyl—coming into our communities. It is at epidemic levels. We have worked on this issue over the last year in a bipartisan way and have made some progress. But I come today to the floor to report bad news and also to report something that Congress could do to help to address a new problem.

There was a report recently that came out by the U.S.-China Economic and Security Review Commission—very disturbing. It said that there is a new influx of what is called fentanyl coming in from China. This is a synthetic form of heroin. It can be up to 50 times more powerful than heroin. Think about that.

The report says:

The majority of fentanyl products found in the United States originate in China. Chi-

nese law enforcement officials have struggled to adequately regulate the thousands of chemical and pharmaceutical facilities operating legally and illegally in the country, leading to increased production and export of illicit chemicals and drugs. Chinese chemical exporters covertly ship these drugs to the Western Hemisphere.

So that comes from an official report from this Commission on the United States and China. It is confirmed, unfortunately, back home. I was home this week meeting with law enforcement on Monday. They told me: Rob, the top issue in our community is now not heroin; it is fentanyl, and it is this synthetic form of heroin that is far more powerful.

At least in their minds, they think that it is also more effective at making people addicted because it is less expensive and the trafficking of it is more aggressive. So this is a big concern because we were finally, I thought, making some progress on the prescription drugs and the heroin, and now this fentanyl, Carfentanil, and U4—it goes by various names depending on the chemical compounds—are coming into our communities.

It is truly scary. The consequences are, I hope, obvious to everybody now. We are losing one American every 12 minutes. This speech will be about 12 minutes. We will lose another American to an overdose. But it is getting worse, not better. By the way, it is everywhere. Last year, in 2016, every single State in the Union had at least one forensic lab test positive for fentanyl.

According to the Centers for Disease Control and Prevention, the number of positive forensic tests for fentanyl in the United States doubled, in fact, from 2014 to 2015. We believe it is worse. We know it is worse than 2016 from the information we have. Unfortunately, even this year, this month and a half, we have seen more and more evidence of fentanyl coming into our communities.

According to the China Commission's report, the top destination for Chinese fentanyl, by the way, is my home State of Ohio. We had more positive tests for fentanyl than any other State. By the way, Massachusetts—to my colleague who has been involved in this issue and worked on this issue and helped to try to stop the overprescribing of prescription drugs—was No. 2.

We are talking about 3,800 positive tests for fentanyl in Ohio alone. I do believe this is something that is being confirmed at the local level, not just from my meeting on Monday but from what I am hearing from around the State. Just 2 days after the Commission's report came out, in Butler County, OH, police seized \$180,000 in fentanyl-laced heroin after suspected fentanyl overdoses killed five people in just 2 days.

Drug overdoses in Butler County, by the way, have nearly tripled since 2012. When I was in Dayton, I met with the

Dayton R.A.N.G.E., which is a law enforcement task force—the Regional Agencies Narcotics and Gun Enforcement Task Force. They told me that this is now their biggest problem.

They said, because it is stronger, there are more overdoses and more deaths than there are with a similar amount of heroin or the number of people using heroin. They said that just over a 2-week period, they had seized more than 40 pounds of drugs off the streets, including 6 pounds of fentanyl last week. Now, 6 pounds of fentanyl, as I do the math, is at least 20,000 doses—20,000 doses in 1 town in Ohio.

I want to thank Montgomery County Sheriff Plummer, the task force, and all of our law enforcement for their hard work to get this poison off the street. But they need our help. They need some additional tools. They told me about a 14-year-old girl who had tried fentanyl for the first time. She had never tried, apparently, any other drug. She snorted it. The people she was with had snorted drugs before, but she had not, which is one reason she not only overdosed but she died immediately. At 14 years old, her promising life was cut short.

It was in the Dayton suburb of Enon, a little more than a week ago, that a 5-year-old boy was seen running down the streets yelling: "Mom and dad are dead. Mom and dad are dead."

A driver saw the boy and called the police. They went to his house and found his parents. They weren't dead, fortunately, but they were unconscious. Mom was on the kitchen floor. Dad was on the living room floor. His skin had already turned blue, which is a sign of someone who overdoses and is close to death.

The first responders heroically saved both of them using Narcan—naloxone—this miracle drug that reverses the effects of an overdose. By the way, it took six doses of naloxone to revive the boy's father—a good sign, according to law enforcement, that this was not heroin but that it was heroin laced with fentanyl, something far stronger than the normal heroin—six doses.

We saw a 37-percent increase in drug overdose deaths last year in Dayton, OH, with victims as old as 87 and as young as 2 years old. Drug overdose deaths in Dayton are now on pace this year to be even more dramatic—54 deaths already in the last month and a half, which is more than any month and a half last year. Some 235 people have had their lives saved with naloxone. The Dayton Fire Department's call volume went up 17 percent compared to last January already.

So, again, it is not getting better. It is getting worse.

It is not just Dayton. It is not just cities. This addiction knows no ZIP code. In suburbs, rural areas, and the inner city—it is everywhere, and, by the way, in all demographics. In Medina County, OH, in Northeast Ohio,

their overdoses doubled from 2015 to 2016. In Darke County, OH, north of Dayton, a rural county, they are on pace to quadruple last year's number of drug overdoses already this year.

So why are these increases happening? One of the reasons is because of the increasing potency of these drugs on the street, particularly, again, this move from heroin to synthetic heroin that is more powerful.

Dayton paramedic David Gerstner puts it this way:

I don't want to say our overdose rate has increased dramatically—because that doesn't even come close to covering it . . . The potency of the drugs has increased to the point that instead of patients needing 2 milligrams of naloxone or 4 milligrams of naloxone or Narcan, we have had patients who need 20 milligrams or more.

Again, it takes many, many doses of Narcan, also called naloxone, to be able to save these lives. In Darke County, which, again, is north of Dayton, Rescue Chief Brian Phillips said:

With the introduction of new illegally made synthetic opiates [like] fentanyl and Carfentanil, heroin users are overdosing at a more rapid rate. These derivatives are much more potent and deadlier. The majority of our overdoses are not breathing, and in some cases are in complete cardiac arrest. We are also finding ourselves using more Narcan to resuscitate these patients.

So this is the word from those who are in the trenches dealing with this every day. It is not good news. In just the first week of February, by the way, in his department in Darke County, OH, they had 12 overdose calls—in the first week of February. This is a town of 13,000 people.

So it is clear that these drugs are getting on the street, and they are stronger, more addictive, and more dangerous. Heroin is already addictive enough and relatively inexpensive compared to prescription drugs, which is why many people move from prescription drugs to heroin. Probably four out of five heroin addicts in Ohio started with prescription drugs, according to the experts.

But now it is being laced, this more powerful synthetic drug. The Ohio Bureau of Criminal Investigation tested 34 cases of fentanyl in 2010. In 2015, they tested 1,100—a thirtyfold increase. Last year that number doubled again to 2,400 cases. Again, they have already tested for a record breaking number this year in the last month and a half.

According to the Ohio Substance Abuse Monitoring Network, you can buy small doses of heroin and fentanyl for as little as \$5 to \$10 now in Southwest Ohio. A lot parents and family members of those struggling with addiction worried about this, and it is very easy to see why. As the coroner in Butler County said:

Buying heroin today is like playing Russian roulette . . . people don't know what's in the product they're going to use, and it may not be the same [from] one use to the next.

The coroner in my home town of Cincinnati, Lakshmi Sammarco, put it like this. You buy heroin, and "you may be gambling with your life" because it is more dangerous than ever.

We have to get that message out there. We have not done a good job of communicating this basic message that you are gambling with your life.

Dr. Richard Marsh, Clark County coroner, says:

We're seeing a lot more fentanyl than heroin now. It started about the middle of 2015 . . . there are all kinds of labs producing it now and a lot of people think they're buying heroin when in fact they're getting fentanyl, which is fifty times as powerful.

How powerful is that? Let me give you an example. According to the DEA, or the Drug Enforcement Administration, it takes only 2 milligrams of fentanyl, about the same as a pinch of salt—think about that—to kill you. That is how powerful it is.

So again, going back to this China Commission report, they say most of these synthetic drugs are being made in labs in China and being shipped to the Western Hemisphere—to our country, to our communities.

How is it coming in? People are surprised to learn that it is coming in through the mail system. These deadly poisons are coming in through the mail system.

So unlike heroin, which primarily goes over land, primarily from Mexico, these drugs are actually coming in from Asia, from China and India, through the mail system. Unlike the private mail carriers, such as UPS or FedEx, our mail system does not require that people say where the package is coming from, what is in it, or where it is going. I think people are kind of surprised to hear that too.

That, of course, makes it is easier for the traffickers and much harder for our law enforcement to be able to deal with this problem. They cannot scan these packages that are suspect for drugs like fentanyl or other smuggled products because there are just too many packages—millions of packages. But if they had that information, if that was required on every package—electronically, in advance, digitally; this data, where it is coming from, what is in it, where it is going—our law enforcement officials tell us they would have a better shot at being able to stop this poison and being able to identify those packages.

I applaud my colleagues because with the Cures Act last year—it passed at the end of last year—we provided much more funding to our communities, to our States. Half a billion—\$500 million—is going out to our States to be able to deal with the issue of drug treatment and recovery services. It is very important.

That \$500 million, by the way, is this year and next year. That is really important to fight the epidemic. I also, of

course, applaud my colleagues with regard to the legislation called CARA, the Comprehensive Addiction and Recovery Act. This provides us with not just more funding but better practices with regard to prevention, education, treatment and recovery, and providing the police with Narcan training and providing more Narcan resources to our first responders, whom we talked about.

So again, in the last year, Congress has taken some important steps forward. I commend the House and Senate for that. By the way, it was bipartisan from the start. I think that is beginning to make a difference. I wish the programs in the Comprehensive Addiction and Recovery Act could be implemented more quickly.

Unfortunately, there are still five more CARA grant programs that have yet to be implemented. Many of us pushed the last administration. Now we are pushing this administration to move quickly on that because this crisis is out there in our communities now. We need the help. But we are getting that in place, and that is important.

But we now need to build on those efforts because of this synthetic heroin that is coming in. An obvious step to me would be to simply say that the Postal Service has to require what the private carriers require so these traffickers are not favoring the Postal Service and so we can begin to stop some of these dangerous synthetic drugs from coming into our communities, but also so that we can give law enforcement a tool to be able to target this and so that, at a minimum, we can increase the cost of this poison coming into our communities. It seems common sense to me.

Last week, Senators KLOBUCHAR, HASSAN, RUBIO, and I introduced legislation called the Synthetic Trafficking and Overdose Prevention Act, or STOP Act, to simply close the loophole and require the Postal Service to obtain advance electronic data on packages before they cross our borders. We just introduced it 2 days ago. It simply closes the loophole and requires the Postal Service to obtain advanced electronic data along the lines I talked about: where it is from, what is in it, where it is going.

In the House, by the way, there is companion legislation, which makes it easier to get this done because the House also understands this problem. My colleague, Congressman PAT TIBERI from Ohio, is one of the people who are focused on this issue. He is one of the cosponsors. The other cosponsor is from Massachusetts, RICHIE NEAL. Their companion legislation will make it easier for us to get this job done.

This bill is totally bipartisan—in fact, I would call it nonpartisan. It is based on expert testimony we had before our Homeland Security Committee, where we heard directly from

law enforcement. It is a simple change that would make it much easier for them to detect these packages, particularly those from these Chinese labs that the China Commission report talked about.

It is not a silver bullet. No one has that silver bullet. But our bill will take away a key tool of drug traffickers and help restrict the supply of these drugs, this poison in our community, making their price higher and making it harder to get.

With the threat of synthetic heroin growing worse and worse every day, there is an urgency to this, so today I urge my colleagues to join us in this legislation. Cosponsor it. Let's get this through the committees.

The Finance Committee will be taking up this legislation. I am on that committee. I hope we move very quickly to mark it up, get it to the floor, pass the legislation here in the Senate, combine it with the legislation that is working through the House, get it to the President's desk for signature, and begin to provide some relief to our communities from this influx of synthetic heroin that is continuing to tear our families apart, devastate our communities, and ruin lives.

This is about ensuring that young people, like the young people who are with us today, the pages on the floor, have the opportunity to pursue their dream, whatever it is. This is about ensuring that we are stepping up as a Congress to deal with a global problem. It is coming in from overseas. It is an international problem. Certainly this is one where the Congress ought to act to ensure that our U.S. Postal Service does the right thing to help law enforcement be able to better protect our communities.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASSIDY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise in strong opposition to the nomination of Scott Pruitt to be the Administrator of the Environmental Protection Agency. President Trump has made it clear that he wants to savage environmental protections, and his administration has already started down this path of reversing some of our hard-fought progress to ensure we have a clean environment: clean water and fresh air. By nominating Mr. Pruitt, President Trump has chosen someone equally hostile to the very notion of defending our environment and our Nation's health.

Respected voices on both sides of the aisle have expressed similar alarm over

Mr. Pruitt's nomination. President George W. Bush's former EPA Administrator, Christine Todd Whitman, who led the Agency from 2001 to 2003, stated in reference to Mr. Pruitt: "I don't recall ever having seen an appointment of someone who is so disdainful of the Agency and the science behind what the Agency does."

This is a sentiment I have heard from over a thousand Rhode Islanders—environmentalists, researchers, conservationists, community leaders, parents, concerned citizens—who agree that Mr. Pruitt is a troubling choice for this role. They have contacted my office to express how distressed they are that someone with Mr. Pruitt's record and background could be chosen to lead the EPA.

Last week I hosted a roundtable to hear these concerns directly from my constituents. These Rhode Islanders shared their worries about the state of our changing environment, anxiousness about Mr. Pruitt's nomination, and concerns over what they have seen so far, and fear is coming with respect to the Trump administration's approach to our environment. Nevertheless, they remain committed to ensuring that we have clean air and clean water because these natural resources are so important to our economy, our health, and our quality of life.

I share that commitment. I have consistently voted for strong environmental policies that seek to limit pollution, promote renewable energy, and mitigate the effects of climate change.

The EPA oversees the Federal Government's role in protecting our health and environment. It needs a leader who fundamentally believes in its core mission. Scott Pruitt has a record of working against the Agency's goals to protect Americans from pollution. That is the goal of the Agency. He does not believe or respect the scientific findings regarding climate change, and his close ties to the oil and gas industry are a serious concern.

These kinds of beliefs and views should be of concern to everyone in this Chamber.

As Oklahoma's attorney general, Mr. Pruitt sued the EPA multiple times seeking to eliminate pollution regulations. He has a record of not only challenging the legal, scientific, and technical foundations of EPA rules, but he has also questioned the EPA's authority to issue them.

Mr. Pruitt filed as the plaintiff in these lawsuits, many of which are still pending. If confirmed as the EPA Administrator, he would be switching sides to become the defendant in these lawsuits. And yet, he has refused to recuse himself from any of these or related cases. He has also failed to provide records of his communications with fossil fuel companies during the years he served as attorney general.

It is abundantly clear that he cannot be impartial.

This lack of transparency regarding Mr. Pruitt's connections to the oil and gas industry raises serious questions about what influence these conflicts will have on his ability to enforce regulations that protect everyday Americans from pollution generated by fossil fuel use.

The EPA Administrator must be someone who will uphold and enforce Federal environmental laws impartially and honorably, with Americans' health in mind.

One issue in particular that comes to mind is one I have worked on for decades across multiple Federal agencies—lead poisoning prevention. I have long advocated for better Federal policies and more funding to protect children from lead hazards. While the Department of Housing and Urban Development and the Centers for Disease Control and Prevention do much of this work, the EPA plays an important role as well.

I think we saw that very clearly over the last year with the situation in Flint, MI.

I was deeply concerned that when asked about lead poisoning among children during his confirmation hearing, Mr. Pruitt told the committee that he, in his own words, "really wasn't familiar with the basic science surrounding the health effects of lead poisoning." For the sake of his education on this issue—and to make all my colleagues who might not be aware of the impact—lead poisoning in children can cause serious and irreversible developmental and health problems.

We need an EPA Administrator who is familiar with and committed to protecting the health of our children from these and other kinds of environmental health hazards. Unfortunately, I do not believe Mr. Pruitt is qualified to do so.

During his confirmation hearing, Mr. Pruitt also displayed a lack of understanding of the role human activity plays in climate change, as well as a disregard for the scientists who have spent their lives studying and carefully observing our Earth's changing climate.

Our next EPA Administrator should understand the threat of climate change and base the Agency's policies on scientific data and findings without ideological influence. Many people across the Nation were distressed and deeply concerned by the removal of climate change reports from the EPA's website shortly after President Trump took office. I share that concern, and I am disturbed that the EPA has recently put a hold on issuing new grants and instituted a gag order on all communications.

This is alarming. The halting of Federal funds means that our investments in our water infrastructure, remediation of our watersheds, and support for numerous others environmental initiatives so vital to our local communities and States will be affected, and

this will seriously harm environmental protection efforts. In Rhode Island, these cuts could have devastating effects, such as hindering the State's ability to provide clean air and clean drinking water for all residents.

We need an EPA Administrator who is committed to safeguarding clean water and clean air and who is experienced in environmental protection. This role demands someone who is prepared to preserve and defend our environment from harm, who can make decisions based on scientific evidence, and whose financial ties will not impact his decisions when it comes to protecting the American public from pollution.

Scott Pruitt is not the EPA Administrator we need. The nature of the lawsuits he filed attempting to dismantle EPA regulations that protect clean air and water—the very regulations he would be charged with enforcing—demonstrates that he is not committed to defending our natural resources, our health, and our well-being. Mr. Pruitt, in my estimate, is unsuited and unqualified for this critical leadership position.

For these reasons, I cannot support his nomination, and I urge my colleagues to join me in voting no.

Mr. President, I respectfully ask unanimous consent that I be allowed to yield the remainder of my time on this nomination to my colleague, Senator SHELTON WHITEHOUSE from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to urge my colleagues to vote no on the nomination of Scott Pruitt to lead the Environmental Protection Agency, a nomination that marks yet another broken promise from the new President to put the needs of American families first over the wishes of big corporations and special interests. And just like we have seen with Betsy DeVos at the Department of Education or Steve Mnuchin at Treasury, we have yet another Trump nominee whose record demonstrates a direct conflict with the mission of the agency they wish to lead. On the EPA's website, that mission is pretty clear—"to protect human health and the environment"—and EPA achieves that by enforcing regulations based on laws passed by Congress. So I will be voting no on this nomination.

I want to make two points on why Mr. Pruitt heading up the EPA would be wrong for our country and why it would be wrong for the families I represent in Washington State. It starts with his record and clear conflicts of interest.

During Mr. Pruitt's term as the attorney general for Oklahoma, he filed no less than 19 cases to overturn environmental regulations, including one

to topple the EPA's Clean Power Plan. These regulations specifically seek to protect public health by reducing harmful air and water pollution and are projected to save tens of thousands of lives each year.

As if it wasn't bad enough that Mr. Pruitt spent so much time filing lawsuits in court and fighting policies designed to protect the health of the environment as well as people, it is pretty shocking that at the same time, he was collecting millions of dollars from the very industries he will regulate if he is confirmed. This is no small conflict of interest between his former and potentially future position, and that he was still nominated to be EPA Administrator is mind-blowing to me.

I echo the sentiments of so many who have expressed serious concerns about Mr. Pruitt's conflict of interest, that his ties to the fossil fuel industry make him more indebted to backing policies that loosen environmental regulations, benefiting big oil and gas companies, rather than backing policies that protect the American people.

Mr. President, I want to voice another concern my constituents have shared with me. It is unnerving to think the President would choose a climate change denier to set our national environmental policy. I don't see how someone who has openly denied the existence of climate change—the devastating effects of which we are already beginning to see in Washington State and around the country—will effectively protect human health or the environment.

This is about more than just the environment. A report by the Congressional Budget Office last year found that climate change is a serious threat to our economic stability. As the occurrence of national disasters continues to rise, the cost of disaster assistance and rebuilding rises too.

If we want to be responsible about tackling our fiscal challenges—which I would think the President and Mr. Pruitt would agree on—we need to take the impacts of climate change seriously. At a time when we are already seeing the very real effects of climate change in my home State, from longer, more devastating wildfire seasons to ocean acidification and rising sea levels, it is more important than ever. This brings me to how Mr. Pruitt's confirmation would be devastating for my home State of Washington.

As someone who personally spends a great deal of time fishing and hiking in my home State of Washington, I am committed to conservation and preservation efforts so generations to come can appreciate the high quality of life we enjoy and experience the splendor of America's natural spaces, one of the most important being the restoration and recovery of salmon runs and habitat throughout the Pacific Northwest, which is a vital part of our Northwest economy and its heritage.

I am deeply concerned about whether this support would continue under an EPA Administrator like Mr. Pruitt. I have similar concerns about the Hanford cleanup, a critical part of our State's history that EPA plays a very important role in to protect the health and safety of our Tri-Cities community, Columbia River, and Washington State.

I will fight against any EPA nominee or an Administrator who will not join us in the fight for a better future for generations to come. I sincerely hope the President and Mr. Pruitt truly understand the enormous responsibility of the Environmental Protection Agency, not only in protecting our environment for future generations but for the families we represent who rely on clean air and clean water right now.

For the sake of our children and grandchildren, we need to act now to avoid lasting, irreversible damage to our health, our environment, our economy, and our country's future. I am not confident in putting that future in Scott Pruitt's hands.

Thank you, Mr. President.

I yield the remainder of my postcloture debate time to Senator CARPER.

The PRESIDING OFFICER. Senator CARPER can receive 21 minutes of that time.

Mrs. MURRAY. Additionally, I yield the remainder of my time beyond that, of my postcloture debate time, to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

Mrs. MURRAY. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to rescind my previous request and reclaim my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise this afternoon to speak in opposition to the nomination of the Oklahoma attorney general, Scott Pruitt, to be the next Administrator of the Environmental Protection Agency which we all know as the EPA.

My concern—I have a number of them, but the principal concern of Mr. Pruitt's nomination is rooted in his record, which I believe is totally inconsistent with the mission of the EPA.

That mission is to protect human health and the environment. We know the EPA achieves this core goal through the development and enforcement of standards to protect children and families from exposure to dangerous pollutants in our air and water.

Protection of human health means ensuring that our children have clean air and clean water, tackling climate change, which leads to the kind of food insecurity that causes malnutrition in children throughout the world.

I have to say that as a Pennsylvanian, I think I have an obligation to not only speak about these issues but to fight on behalf of policies that will advance the knowledge and mission of the EPA but will be consistent with the directive I am obligated to follow in my State's constitution. In Pennsylvania, if you go back to the founding of Pennsylvania forward, we had many generations, especially through the beginning of the Industrial Revolution, throughout most of the 1800s and into the 1900s, until about the midcentury point, where we didn't do a very good job of protecting our air and water and human health because we let one or another industry pretty much do whatever they wanted until the modern era. Fortunately, since that time, Pennsylvania has made a lot of progress. One of the measures of that progress and something I am bound by is a provision of the State's constitution, article I, section 27, that says people shall "have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment."

That constitutional provision goes on to talk about each of us as citizens of the Commonwealth of Pennsylvania being trustees of the environment—especially and ever more so if you are a part of State government, and I would argue the Federal Government as well. To say I feel an obligation is a major understatement. I think I am bound by that, and that enters into my determination and analysis of Mr. Pruitt's record.

We know in recent years the EPA, acting under the authority it is granted through laws like the Clean Air Act and Clean Water Act, has developed a number of important standards to advance these priorities—rules like the mercury and air toxics standards, the cross-state air pollution rule, the ozone rule, the new source performance standards for the oil and natural gas industry, the Clean Power Plan, which is meant to obviously focus our policy on climate change, and other policies to reduce exposure to pollutants like methane, volatile organic compounds, mercury, and carbon pollution itself.

According to the American Lung Association's "State of the Air 2016" report, these rules reduce the likelihood of premature death, asthma attacks, lung cancer, and heart disease. I would

hope that if you have a series of measures in place that reduce the likelihood of asthma attacks, lung cancer, heart disease, and premature death—I would hope we would not only advance those policies but make sure they are not destroyed, undermined, or compromised. It is just common sense to make sure we regulate pollutants like lead, mercury, arsenic, and acid gases, just by way of example.

Yet Mr. Pruitt, who is the attorney general of Oklahoma, filed 14 lawsuits against the EPA to halt the regulation of these pollutants that threaten our children's health. Mr. Pruitt has stood up for the interests of oil and gas companies but has failed to defend, in my judgment, the most vulnerable members of our society, or at least not defend them to the extent that I would hope he would, not only as attorney general of Oklahoma but as the EPA Administrator were he to be confirmed.

When asked during his confirmation to name one clean air or clean water regulation he supported, he couldn't name one.

I believe his record is clear. He fought to dismantle the Clean Air Act, the Clean Water Act, anti-pollution programs to target ozone and mercury in the air, the agreement to clean up the Chesapeake Bay—which I will get to in a moment—and has even denied the science of climate change. Suffice it to say, I have a number of basic concerns about his record and what he would do were he to be confirmed.

One example of the concerns I have involve the Chesapeake Bay with regard to impact in Pennsylvania. Although Pennsylvania doesn't border the Chesapeake, the Pennsylvania Susquehanna River is the bay's largest source of freshwater. Improving the health of the Chesapeake Bay requires a sustained, coordinated commitment from all of the States in the watershed. I have repeatedly written to the U.S. Department of Agriculture for increased funding and technical assistance for farmers in Pennsylvania so Pennsylvania can continue to improve the health of the Susquehanna River and the bay.

Pennsylvania has made great strides in addressing the issue of nutrient and sediment runoff into the Chesapeake Bay, but there is more to be done, and Pennsylvania is far from meeting its 2005 Chesapeake Bay pollution reduction goals.

Ensuring that all States in the watershed are coordinated and meeting their commitments is exactly the type of role the EPA should be filling. Mr. Pruitt called the EPA's Chesapeake Bay TMDL standard "the culmination of the EPA's decade-long attempt to control exactly how States achieve federal water quality requirements under the Clean Water Act, and marks the beginning of the end of meaningful state participation in water pollution regulation."

Well, I disagree. We don't have time to outline all the reasons, but I strongly disagree with that assessment of the EPA's actions with regard to the Chesapeake Bay, but we do have a long way to go to make sure that we keep it clean. So on clean water, I think we have to insist that neither the EPA Administrator nor anyone in Congress does anything compromising when it comes to clean water.

Climate change. This fall I had an opportunity to spend time in Pennsylvania with Senator WHITEHOUSE of Rhode Island, one of the leaders in the Senate on the issue of climate change. We did a tour, and one of the places we went was the John Heinz National Wildlife Refuge. It is America's first urban refuge named after one of my predecessors, Senator Heinz, who tragically died in 1991, but his work on the environment is remembered in places like this wildlife refuge. This is a public space that allows us to enjoy wildlife, outdoor recreation, and environmental education opportunities right outside of a major city—in this case, Philadelphia. And this refuge also plays a vital role in climate change resiliency.

Marshes help to filter pollutants from water and can absorb water during heavy rain events, thus helping to reduce the magnitude of flooding. However, the refuge is facing a number of environmental stressors.

Sea level rise could have serious consequences for this fresh water marsh. Not only would rising sea levels lead to the loss of undeveloped dry land and habitat for wildlife, but increased salinity could change the plant makeup of this marsh at the wildlife refuge.

According to EPA, Pennsylvania's climate has warmed more than half a degree Fahrenheit in just the last century. Sea level has also risen nearly 1 foot over the past century, according to NOAA, measured by the tidal gauge in Philadelphia. That means that significant portions of the city of Philadelphia could be underwater, including the Philadelphia International Airport, if we fail to act.

We know that 2016 was the warmest year on record for a third year in a row. Also, climate change is not some distant possibility in Pennsylvania or throughout the Nation; it is real, and we are already feeling the effects of climate change.

I will close with one story from one mother who talks about air quality, or the impact of bad air quality and the issue of climate change itself. Jacqueline Smith-Spade, a mother from Philadelphia, recently wrote to me about her 6-year-old son Jonas's struggle with asthma and the emotional and financial toll it takes on her family:

Every time there is an extreme or irregular climate shift, I can pretty much predict that my son is going to end up in the emergency room due to the effect of air quality.

She goes on to say later in the letter:

I routinely check the air quality to help predict what type of day my son and my family might have: With or without nebulizer?

The physical toll on Jonas also creates a financial burden on my family. The emergency visits cost \$100 each time we go; \$30 copays for each specialist visit; \$15 copays for each pediatrician visit.

She goes on to say:

This is not cheap; however, my insurance greatly helps to reduce the costs.

She worries, of course, about what might happen on healthcare, but I will not read all of those portions.

She concludes this part of the letter this way:

A reduction in air pollution and climate change will make life for my 7-year-old son, Jonas, much easier. His reactions to those changes will be reduced. It will also save my family countless dollars, stress, and panic attacks.

So said one mom about her son Jonas.

What we must do, and especially what Mr. Pruitt must do, were he to be confirmed, is to answer her questions—to answer her questions, Jacqueline's questions, and the concerns she has about her son Jonas. She is not only a taxpayer, but she is someone who will be impacted directly by the actions and the policies that come from this administration as well as the EPA itself.

So I believe that Mr. Pruitt, if he were to be confirmed, must meet the expectations of Jonas and his mother. He works for them, or will work for them, were he to be confirmed.

I know I am out of time. I will just conclude with this: There are a long series of reasons, some of which I wasn't able to get to today, that undergird and form the foundation of my decision not to support the nomination of Scott Pruitt as the next EPA Administrator.

With that, I yield the floor.

THE PRESIDING OFFICER. The majority whip.

WORKING TOGETHER

Mr. CORNYN. Mr. President, today is February 16, 2017. President Trump was sworn in on January 20, 2017.

For the past several weeks now, we have come to the floor and talked about the slow pace at which the Senate has considered and voted on the President's nominees for his Cabinet. Well, there is good reason for that because one of our roles is to consider and vote on advisers selected by the President, regardless of political party, and to help this new administration lead the country.

President Obama, to his credit, after the election, sat down with President-Elect Trump and said he was committed to a peaceful transition of power from his administration to the Trump administration. But, apparently, some of our colleagues didn't get the memo. We continue to slog along at the slowest pace since George Wash-

ington to vote on nominees to the President's Cabinet.

The reason it has gone on so slowly is clear by now. It is because our friends across the aisle are still upset and have not yet reconciled themselves with the results of the election on November 8. They just kind of can't get over it. Yes, they are being encouraged by the radical elements of their party who don't want us to fulfill our responsibilities, who don't want a new President to have the Cabinet that he needs in order to govern the country. Yes, there are some who want to halt our work in this Chamber and perpetuate dysfunction. They don't want us to focus on legislating because they want to keep us tied up in the confirmation process.

I will just interject right here, as I have said before, that we know these nominees will be confirmed because, thanks to the nuclear option under Senator Reid, the previous Democratic leader, all it takes is 51 votes to confirm a nominee to a Cabinet post. But the fact is, the country needs a functioning Senate. We need a functioning executive branch.

So I hope our colleagues across the aisle will understand soon that if they want to be effective—if they want to actually move the needle and help those who have entrusted them with the future of this country—then we need to turn from gridlock to action.

Last Congress, even under President Obama in the White House, we did not let partisan dysfunction keep us from working together. There is a difference between elections and governing. But, for some reason, too many people want to keep relitigating the election and not allow us to actually govern.

Of course, during the Obama administration, Republicans had many points of departure from the Obama administration, and we used the tools available to us to provide the oversight and ask the critical questions that the American people demanded. But our friends across the aisle are now being tempted to shut down the government, to run away from policy debates, and point fingers. Why? Because it is always easier to throw stones than it is to actually accomplish something—roll up your sleeves, focus on the task, and turn to legislating.

Yes, it may be easier just to criticize and to obstruct, but it is not the right thing for the American people. Our colleagues across the aisle know that, but, as I said earlier, they are being unduly influenced by some of the radical elements in their political base who will not let them do it or who say that if you do cooperate on a bipartisan basis and actually do your job, then we are going to recruit people to run against you in a primary.

Well, that is part of the risk we all take. We didn't come here to appease a portion of our political base and neglect our most basic duties as Members

of the U.S. Senate. Again, I would point to last Congress and the work we did together on a bipartisan basis. I might add, as evidence of what you can accomplish when you try to do that.

The 114th Congress, after the 2014 election, saw a new majority, a new Republican leadership, and we did our best to help restore order to this Chamber and get it working again after years of dysfunction. Under the previous regime, Members of both the majority and minority parties were actually prevented from coming to the floor and offering legislative ideas in the form of amendments and getting votes on them, but that backfired when some of our colleagues who were running for reelection in 2014 realized that they had very little to show the voters by way of accomplishment—even those in the majority party, the Democratic Party, at that time. So one would have thought that there would be some lessons learned there.

In the last Congress—in the 114th Congress that began 2 years ago—we voted on legislative ideas from both sides of the aisle with more than 250 rollcall votes. That represented a sea change from the previous administration and the way Senator Reid ran things.

We were able to get the Senate functioning as the Founders intended, and that led to big results for the American people. We took care of big, intractable problems that had trouble getting anywhere during the previous Congresses. For example, we passed a transportation bill—the highway bill—to help Americans deal with safety on the roadway, to deal with concerns about pollution due to congestion and people in gridlock, and we helped our economy in the process. That was a big, important bill. That was the first time we had been able to pass a long-term highway bill in about 30 different, separate attempts where we had patched the funding mechanism for 6 months or a year, which made it nearly impossible for our highway departments across the country to actually plan. It actually ended up being more expensive and less effective than it would be with a multiyear highway bill, which we passed. So that was a big bipartisan accomplishment.

We also made great progress in reforming our public education system by passing, again, on a bipartisan basis, the Every Student Succeeds Act, which went a long way to devolving power from here in Washington, DC, back to the States, back to local school districts, back to parents and teachers—something that, fortunately, we were able to agree upon on a bipartisan basis. That change was applauded by my constituents back home, and, I believe, people around the country.

We also made great headway in making our country safer and our government more just by taking up and passing legislation to support victims of

abuse and violence and to craft laws to better equip our law enforcement to handle growing threats.

For example, we passed the Justice for Victims of Trafficking Act 99 to 0. Some people say that nothing ever gets done in Washington; well, 99 to 0—it is hard to beat that, except by maybe 100 to 0, but we will take it.

That law was signed into law by President Obama 2 years ago, and it is helping victims of human trafficking get the healing and recovery they need, while also providing help to law enforcement to help root out the people who patronize modern day slavery, which is what human trafficking amounts to.

We also, on a bipartisan basis, reauthorized the Justice for All Act to strengthen victims' rights in court and increase access to restitution and services that can help them recover. It helps reduce the national backlog in untested rape kits, forensic evidence collected after a sexual assault that is necessary to identify the assailant through the use of DNA testing. That was really important, after we heard the horror stories of as many as 400,000 untested rape kits in laboratories or evidence lockers—evidence which was critical to identifying the assailant; many times they were serial assailants. In other words, they didn't just attack one time, they attacked multiple times over the years—and to get them off the streets. That type of evidence is also very important in exonerating the innocent because if we can exclude someone from one of these terrible assaults, that means a person who is innocent of the crime will be free.

We also passed a bill called the POLICE Act, signed into law last summer, so our first responders and law enforcement officers can learn the latest techniques to deal with violence so they are ready to face the unimaginable or previously unimaginable threats in our communities.

I could go on and on, but I will just mention a few more. We passed bipartisan legislation to combat opioid abuse and heroin addiction, the Comprehensive Addiction and Recovery Act. We passed laws to make our government more transparent so it is more accountable to the public and to voters. We helped capitalize on our God-given natural resources by lifting the crude oil export ban, for example—something important not only to domestic producers and job creation here but also to our friends and allies around the world who frequently depend on a single source for their energy. Unfortunately, people like Vladimir Putin in Russia have discovered you can use that sole source of energy as a weapon by threatening to cut it off.

The reason I mention some of these accomplishments is to make the point that nothing happens in Congress,

nothing happens in the Federal Government, unless it is bipartisan.

It is one thing to fight hard in an election and try to win the election so you can gain the privilege of actually being in the majority or having the White House, but after the election is over, our responsibilities shift to governing. Right now, our friends across the aisle are continuing to obstruct and drag their feet and make it impossible for the President to get the Cabinet he needs in order to get the government up and running.

We need to return to the pattern we established in the last Congress, to work together, to build consensus, to help make America stronger, our citizens safer, and our laws a better service to all the people. I would plead with our colleagues across the aisle to stop the dysfunction, stop wanting to relitigate the outcome of the election. You can't. It is over. We know what the outcome was. They need to move on, and we need to move on—not just for the political parties we are members of, not just for the benefit of those elected here in Washington but for the benefit of 320-some-odd million people whom we have the responsibility of representing. Instead of foot-dragging, obstruction, and dysfunction, let us fight, as we always have, for those people we represent and work together to find common ground where we can to put forward legislation that serves them well.

I hope our colleagues across the aisle would remember those lessons they learned in the 2014 election; that dysfunction is bad politics. It does not help their political cause. I understand the temptation of wanting to yield to the most radical elements in a political party, but we are elected to the Senate for 6-year terms to be that cooling saucer, to try to have debate and deliberation, to try to work out the hard problems. That is our responsibility, and just to blindly obstruct when you know you can't change the outcome—particularly when it comes to the President getting the Cabinet he has chosen and he deserves—makes no sense whatsoever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AGRICULTURE

Mr. GARDNER. Mr. President, there are few things that I enjoy more than bragging about my hometown. I live in a little town called Yuma, CO, out in the Eastern Plains. It is a town of about 3,500 people. If maybe you overexaggerate a little bit, it reaches 4,000. It is out in the middle of the High Plains of Colorado, 4,000 feet in elevation, 40 miles or so from the Kansas-Nebraska border. It is a farming community, 100 percent farming. Everything related to the town is farming. Even the clothing stores are related to farming because if you don't have a

strong agriculture economy, nobody is buying blue jeans, nobody is going up to the car dealership to buy a pickup if the bushel of corn isn't priced right. So everything we do in that town is related to agriculture and farming.

My family comes from a background of farm equipment business and started a business—101 years old this year—by my great-grandfather. My time working in the dealership started roughly when I was in seventh, eighth grade. They let me do some very complicated tasks, high-skill tasks they let me perform: cleaning the bathroom, sweeping the floors. I did that throughout my time in eighth grade, high school, and college. If I go back today, I am sure they would let me do the same job, clean the bathrooms and sweep the floors. Part of that is because I was selling the wrong parts to a lot of farmers who would come into the dealership. Maybe they were just keeping me off the parts counter for the time being. In fact, maybe that is why people voted for me, to get me off the parts counter and quit selling the wrong parts.

Over my time working at the dealership, we witnessed a lot of good times in agriculture. I can remember one time going into my dad's and granddad's office and saying: You know what, the economy is really good. The price of corn is really high right now. We ought to order a whole bunch of farm equipment—a whole bunch of pieces of implements, tillage equipment, tractors, combines—and have them on the lot so we can take advantage of the good times in agriculture.

My granddad paused and looked at my dad and said: No, I don't think we should do that because I don't think times are going to be good next year.

They were right. This was back in probably the mid-1990s. They had seen it coming because of their experience in the business, the ebbs and flows of agriculture, the good times and the bad times. They were able to recognize, through their own experience, what different economic indicators meant to them and how they could forecast, using their experience, what was going to happen in the farm world the next year. So they decided not to order all that brandnew equipment. They decided not to order the tractors, the combines, and the tillage equipment. It was a good thing because the next year wasn't that great. If this 18-year-old, 19-year-old kid would have had his way, we would have had a whole lot of iron we were paying interest on that year without being able to sell it.

Colorado is pretty blessed, with 4,000 companies involved in agriculture, 173,000 jobs in Colorado directly involved in agriculture. The State has more than 35,000 farms and 31 million acres used for farming and ranching. If we look at the Colorado business economic outlook, the net farm income of

ranchers and farmers in 2016 is estimated this year to be the lowest it has been since 1986, and the projections for 2017 are even lower.

I grew up as a kid in the 1980s, watching perhaps the hardest times agriculture in the United States had faced in decades, watching a lot of people I knew my whole life going out of business, people having to sell the farm because of what was happening in the 1980s, leading to a banking crisis in agriculture in the 1980s, watching banks I had grown up with close.

I am concerned in this country that we are going to see the same thing again, beginning in 2016, into 2017, and then into 2018 next year. I am very worried that those tough times we saw in the 1980s, and some of the tough with the good times we saw in the 1990s, and some really good years a few years ago are going to seem like distant memories come later this summer and into next year if we don't do something.

I had the opportunity to visit with the Colorado commissioner of agriculture in my office last week, a gentleman by the name of Don Brown. Don Brown is from my hometown of Yuma, CO. It has done pretty well for itself, 3,000 people. The State commissioner of agriculture is from my hometown. The previous commissioner of agriculture, a gentleman by the name of John Stoltz, was from my hometown of Yuma. Both of them grew up in agriculture in that area, understanding what it is like on the High Plains, understanding what it is like to live through good times and bad times. Both of them today I think would tell you, they are very concerned as well about what happens over the next year, the next 2 years.

It wasn't that long ago when we saw some of the highest priced commodities this country has ever seen, at least in a very long time—the golden years of agriculture, some people said—where corn and wheat were priced high. People were able to pay their bills and buy new equipment. Commodity prices don't always stay that high though. The one thing a farmer will tell you is, the price of a piece of farm equipment stays high, the price of fertilizer seems to stay high. When prices come down on their commodities, the other prices—the inputs—stay high, and they find themselves in significant trouble.

The price of corn today is estimated to be about \$3.15 per bushel. That is what it was in 2016, less than half of the 10-year high price of corn of \$6.86 in 2012, just a few years ago. To put that in historical context, the price of corn in 2016 at \$3.15 is lower than the price of corn in 1974, the year I was born, when it was \$3.20. The price of corn in 2016 was 5 cents lower than it was the year I was born, 1974. It is the same story across the board for Colorado. Wheat prices are down more than \$1 from 2015 to 2016 alone and down more

than 50 percent since 2012. I can guarantee, even though I may have sold a lot of wrong parts at the implement dealership, those wrong parts didn't come down in price 50 percent.

The livestock industry has seen similar trends, with cattle prices at their lowest level since 2010. In farming and agriculture, a lot of times we might see a year where the price of corn is high, but the price of cattle is low or the price of other commodities are high where the price of cattle is low, but when cattle are high, maybe other commodities are low. Farmers who have a diverse operation are able to offset the lows and the highs with a diverse operation—but not this year, and it looks like that may be the case next year.

Declines in States' agriculture economy are not unique to Colorado. According to the U.S. Department of Agriculture's Economic Research Service, revenues have decreased for agriculture nationwide by more than 10 percent since 2014.

Recently, the Wall Street Journal wrote this, and I will show the headline of the Wall Street Journal piece just a couple of weeks ago. The Wall Street has an article entitled "The Next American Farm Bust Is Upon Us."

We have had a lot of debates on this floor. We have had debates about Cabinet members. We have had debates about resolutions of disapprovals. We are talking about a lot of things, but there is a lot of suffering beginning in the heartland of America right now. A lot of farmers and ranchers are suffering. They are worried about how they are going to survive, not just into the next year but how they are going to survive into the next couple of months. The telltale signs of difficult times are all around us in agriculture. This article, "The Next American Farm Bust Is Upon Us," begins to tell the story. Here is what the Wall Street Journal said:

The Farm Belt is hurtling toward a milestone: Soon there will be fewer than two million farms in America for the first time since pioneers moved westward after the Louisiana Purchase.

Across the heartland, a multiyear slump in prices for corn, wheat and other farm commodities brought on by a glut of grain worldwide is pushing many farmers further into debt. Some are shutting down, raising concerns that the next few years could bring the biggest wave of farm closures since the 1980s.

The article highlights the story of a fifth-generation farmer from Western Kansas. I mentioned my hometown is 40 miles away from Kansas. It looks very similar to the Eastern Plains of Colorado where I live. Here is his story:

From his father's porch, the 56-year-old can see the windswept spot where his great-grandparents' sod house stood in 1902 when they planted the first of the 1,200 acres on which his family farms alfalfa, sorghum and wheat today. Even after harvesting one of their best wheat crops ever last year, thanks to plentiful rain and a mild winter, Mr. Scott

isn't sure how long they can afford to keep farming that ground.

There is a lot of work we need to do to make sure Mr. Scott and farmers who live in my community around the Eastern and Western Slope of Colorado will be able to survive over the next year—steps so we can help to make sure we are addressing this crisis head-on, before it begins and develops into a full-blown farm crisis like we saw in the 1980s. We must have serious regulatory reform.

In a letter I received from the Colorado Farm Bureau, the letter read:

Colorado Farm Bureau recognizes that a major impediment to the success of American agricultural industries and the national economy is rampant federal regulation and the associated cost of compliance.

We have to allow U.S. agriculture to flow to markets around the world, so in addition to that regulatory reform—some of which we are undertaking now through resolutions of disapproval by peeling back the overreach of government, we have to allow farmers access to more markets. That is a concern we all should share: What is going to happen with our trade policy in this country? Because if we decide to shut off trade in this country, if we decide to close access and avenues to new markets, the first people who are going to be hurt are those farmers and ranchers in Colorado and Kansas and throughout the Midwest of the United States. We have to have the opportunity to be able to send that bushel of wheat to Asia, that bushel of corn around the globe to make sure we are providing value-added opportunities for the world's best farmers and ranchers. Opening up new markets for Colorado and American agriculture is a clear way we can support rural economies.

Let's be clear. What I said at the beginning of these comments—there are farm communities that have diversity in their economic opportunities. A farm economy may not be 100 percent dependent on farms or ranches. Maybe they have tourism. Maybe they have some recreational opportunities. Maybe they are close to a big city where people can live there and commute. But there are a lot of towns across the United States that are solely, 100 percent committed to agriculture. They don't have access to anything but farming and ranching. When the price is down, the town is down. When the town is down, Main Street erodes. When Main Street erodes, it affects our schools and our hospitals and our relationships and our families. And somebody has to be looking out for our farmers and ranchers because the next American farm bust is upon us.

We have to take the necessary steps to pass a farm bill that gets our policies right when the new one expires. The current one expires in 2016, and these discussions are just now underway. If we have regulatory reform, if

we open up new trade opportunities for agriculture and we give farmers certainty—those are three things we can do to help address this crisis before it becomes a full-blown crisis.

We have to make sure that we support our farmers and ranchers, that we have their backs in good times and in bad times. Giving farmers certainty through a farm bill, through a regulatory landscape that provides certainty and relief, is important.

I talked to a family member of mine the other day who talks about his fear that he sees conditions similar to what we saw in the 1980s. The final relief we can provide is relief from financial regulations that are stifling the ability of banks to provide workout opportunities for farmers and ranchers when they need it.

Four things we ought to be doing for our farmers and ranchers: provide them certainty, regulatory relief, new trade opportunities, and targeted financial relief on regulations that are preventing workouts through our banks and our communities.

We have the opportunity now to prevent this country from seeing what it saw in the 1980s, but let's not be reactionary. Let's do what we can to get ahead of this before we start seeing what Secretary-designee Perdue told me the other day. One of the customers of his agricultural business took his life because he didn't know what was going to happen to his farm, and his three kids are now left wondering what they are going to do.

I hope this country understands how supportive we are of American agriculture and the actions we need to take to stand with them when times get tough.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I take this time to explain to my colleagues why I will be opposing the nomination of Scott Pruitt, the attorney general of Oklahoma, to be the next Administrator of the Environmental Protection Agency.

I first want to start by saying I had an opportunity to visit with Attorney General Pruitt. He is a person who wants to serve our country, and we very much appreciate that. He has a distinguished career in public service, and we appreciate his willingness to continue to serve at the national level.

My reason for opposing his nomination is that he has opposed most of the missions of the Environmental Protection Agency as the attorney general of Oklahoma. He has filed numerous lawsuits that would compromise the ability of the Environmental Protection Agency to protect our environment.

I come to this debate acknowledging that there are national responsibilities to protect our environment. The United States must also be engaged in

global leadership as it relates to our environment. The people of Maryland want clean air. The people of Maryland want clean water. No State can guarantee to its citizens that its air will be clean or that its water will be safe. These issues go well beyond State boundaries. They go beyond national boundaries. It is for that reason that we need an Administrator of the Environmental Protection Agency who will lead our Nation both in the appropriate controls and regulations to protect our air and water but also work for our country in regard to the global efforts to protect our environment for future generations.

Let me talk about the issue of climate change. Climate change is one of the greatest threats of our times. We know that this year, according to NASA—they looked at the temperature rise in 2016 and found it to be the hottest year ever recorded. We know something is happening in regard to global climate change. It is affecting so many different areas. We have eroding shorelines that our constituents see. We have major military installations located along our coast that are at risk as a result of rising sea levels from ice melt. We have populations that are at risk in the United States.

Let me give one example, if I might. Smith Island, MD, is a very proud community. It is a community that historically has been one of the strongest in regard to watermen and dealing with the fruits of the Chesapeake Bay. It is a proud community, and it is in danger of disappearing because we have sea level rises resulting from ice melting from climate change. We know there is a problem developing that we need to deal with. It is affecting our economy.

In my State of Maryland, the seafood industry is concerned about the future of the blue crab crop. They know that juvenile crabs need sea grass in order to be able to be protected and mature into full-blown blue crabs. With water becoming warmer, the future of sea grass is challenged, putting the blue crab at risk.

That is just one example. There are many more examples I can give about how it is affecting the economy of my State. It is affecting our ability to enjoy our environment, the recreation itself, and it is certainly providing a real risk in regard to the real estate. We have some very nice real estate located right on the coast or on barrier islands that is at risk of being lost as a result of climate change. We see more and more major weather events occur on a much more regular basis, causing billions of dollars of damage and putting lives at risk.

We know climate change is here. It is happening. The science is pretty clear. When we asked Attorney General Pruitt his view about the science of climate change, his answer was “far from settled.”

The science is well understood. What we do here on Earth—the release of carbon emissions—is causing an abnormal warming of our climate. There are activities that we can do to reduce that effect on our climate. We know that. That is what science tells us. We know we can affect the adverse impacts of climate change if we take action. That is what scientists are telling us.

The world came together on this issue in COP21. I was proud to head a delegation of 10 Members of the U.S. Senate as we went to Paris to make it clear to the international community that the United States wanted to be part of a global solution to climate change. Not any one country can reverse the trendline that we are on that is catastrophic; we need all nations to do everything they can to reduce the impact of climate change by reducing their carbon and greenhouse emissions. That is what the global community needs to do, but we have been unable to get the global community for all countries to live up to their responsibilities.

Under President Obama and our leadership, we were able to get the world community—over 190 nations—to come together in Paris, in COP21, for every nation to take responsibility to reduce their carbon emissions so that we all can benefit from that effort.

I am concerned as to whether Mr. Pruitt, if confirmed as the EPA Administrator, will continue that U.S. leadership. He has not been at all committed to U.S. programs on dealing with climate change, let alone our international responsibilities to lead other countries to do what they need to do. I will give one example. Part of our way of showing the international community that we are serious about the climate issue was the powerplant rule issued under the Obama administration. Attorney General Pruitt joined a group in opposing that powerplant rule through filing suit against the implementation of that particular law.

We need someone who is going to lead on this effort in America and understand that we have responsibilities to lead the international community. We are at great risk from the impact of climate change, and that needs to be understood and recognized by the leader of the Environmental Protection Agency. I am not convinced Attorney General Pruitt would do that.

I want to talk a little bit about clean air. Maryland has taken pretty aggressive steps to improve the air quality from emissions within the geographical boundary of the State of Maryland. That is what every State should do. But here is the challenge: Maryland is downwind from many other States' emissions, so we are seeing days in which our air quality is below what it should be, not because we haven't taken action but because we don't have a national policy to protect our clean air.

The health of Marylanders depends on the Federal Government being aggressive in guaranteeing that all citizens of this country—that steps are taken to protect the air they breathe. I can tell you the number of children who have asthma who suffer when the air quality is not what it should be. It is not only wrong from the point of view that we have an obligation to our children to make sure we give them the healthiest air to breathe, it is also costing our economy because every day that child stays home, a parent cannot go to work. The child loses their time in school; they are being disadvantaged. If they have to take a day off from summer camp, the parent has to stay home, and it is wasting resources in this country.

For many reasons, we need an Administrator of the EPA who is committed to a national effort to make sure the air we breathe is clean and healthy.

Likewise with clean water. Some of us remember when the Cuyahoga River caught fire in 1969. We know that pollution was so bad, you literally could set our rivers afire. We took steps. And it was not partisan—Democrats and Republicans came together with the Clean Water Act. We recognized that the Federal Government has the responsibility to protect the quality of our water so that we have safe, clean water in America.

I think we have been working to improve the Clean Water Act consistently on a nonpartisan basis, but now we have Supreme Court decisions that challenge what water the Federal Government can regulate. Congress has not taken steps to clarify that. The administration took efforts to try to clarify that under the waters of the United States, only to see a Court action to put that on hold in which Mr. Pruitt joined as the attorney general of Oklahoma, once again slowing down our effort to protect the clean waters of America.

I have spoken numerous times on the floor of the Congress about the Chesapeake Bay and how proud I am to be a Senator from Maryland, one of the six States that are in the Chesapeake Bay watershed, along with the District of Columbia.

We know that the Chesapeake Bay is a national treasure. It has been so designated by many Presidents of the United States. It is the latest estuary in our hemisphere. The watershed contains 64,000 square miles, has over 11,000 miles of shoreline, and 17 million people live in the Chesapeake Bay watershed—150 major rivers, \$1 trillion to our economy. It is part of the heritage of my State and our region. We are proud that it is part of our life. It is part of why people like to live in this region. They know the Chesapeake Bay makes their life so much more enriched and so much more valuable.

The Chesapeake Bay is in trouble. I could talk about it from a technical point of view. It doesn't flush itself as quickly as other water bodies. The historic oyster population is not what it has been. We have to, therefore, make special efforts to clean up the Chesapeake Bay. Over 30 years ago, almost 40 years now, while I was in the State legislature, when I was speaker of the house, I worked with Governor Harry Hughes, and we developed a State program to deal with the Chesapeake Bay.

We did it the right way. We started at the local levels. We got all the stakeholders together: the farmers, the developers, the local governments, the private sector, our local governments, the State government. We worked with Pennsylvania because Pennsylvania is where the Susquehanna River flows, and that produces most of the fresh water that goes into the Chesapeake Bay. We worked with Delaware, Virginia, New York, and West Virginia, and we developed the Chesapeake Bay Program that is worked from the local level up. We get together to determine what is reasonable: What does science tell us we can do?

We have all the stakeholders sitting around the table as we develop these plans. They all sign up. Our farmers recognize that clean water will make their agriculture more profitable. They recognize that. Developers understand that we need a clean Chesapeake Bay as part of our ability to develop profitable real estate in our community. These are not inconsistent. A serene environment, clean agriculture, a strong agriculture, a strong economy are all hand in hand together.

It is not a choice between one or the other. We recognize that. That is why the Chesapeake Bay Program has never been partisan in Maryland. We have had Democratic and Republican Governors who supported the Chesapeake Bay Program. We have had legislators lead this effort from both parties. Senator Mac Mathias, who served as the U.S. Senator from Maryland, was the champion of bringing the Federal Government into the Chesapeake Bay Program. The program is working. It is making the bay safer today, but we still have a long way to go.

We enforce it through the TMDL, the Total Maximum Daily Loads, so we can monitor that we are making the progress we said we could make, based upon best science. And that is what the local stakeholders have signed up for.

When we did our TMDL's, it was challenged. It was challenged in the courts. Mr. Pruitt was one of those who brought a challenge against the TMDL Program in Maryland. I am thankful that the Third Circuit upheld the legal right of the TMDL, and the Supreme Court affirmed that decision by the Third Circuit. So we won the legal case.

But it troubles me that a program that is from the ground up, from the

local governments up, in which the Federal government is a partner—why it would be challenged when it was supported by the local communities. To me, that case should never have been challenged.

We need the Federal Government to continue to participate with us. The Chesapeake Bay Program is supported through the farm bill, through the Water Resources Development Act, through the Clean Water Act, and through annual appropriations. So we need continued support at the Federal level for the Chesapeake Bay Program. And we need a champion in the Environmental Protection Agency that will help us in that regard.

I want to talk briefly about the Safe Drinking Water Act. Safe drinking water is critically important. We know that in recent years, we have found too much lead in drinking water. We all know, of course, the story of Flint, MI. I could take you to Baltimore where our schools have to cut off their water fountains because of the unsafe levels of lead in the drinking water, if they were permitted to drink from the water fountains.

We can tell you about so many communities in the Nation that have a desperate need to clean up their safe drinking water so that we can protect our children from lead poisoning. I hope my colleagues understand that there is no safe level of lead in the blood. It robs children of their future. It poisons them. I think most people are familiar with the Freddie Gray tragedy in Baltimore. Freddie Gray was a victim of lead poisoning when he was young.

We owe it to our children to make sure we do everything we can so they are not exposed to lead. I asked questions about that during the confirmation hearing of Mr. Pruitt. The answers were less than acceptable and showed his lack of real information about the dangers of lead.

Every Congress should look at their responsibility to build on the record, to leave a cleaner and safer environment for the next generation. The EPA Administrator should be committed to that goal. I do not believe Mr. Pruitt will be that type of leader. For that reason, I will vote against his confirmation.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Ms. HARRIS. Mr. President, I rise today, humbled to offer my first official speech as the junior U.S. Senator

from the great State of California. I rise with a deep sense of reverence for this institution, for its history, and for its unique role as the defender of our Nation's ideals.

Above all, I rise today with a sense of gratitude for all those upon whose shoulders we stand. For me, it starts with my mother Shyamala Harris. She arrived at the University of California, Berkeley, from India in 1959 with dreams of becoming a scientist. The plan, when she finished school, was to go back home to a traditional Indian marriage. But when she met my father Donald Harris, she made a different plan. She went against a practice reaching back thousands of years, and instead of an arranged marriage, she chose a love marriage. This act of self-determination made my sister Maya and me, and it made us Americans, like millions of children of immigrants before and since.

I know she is looking down on us today, and knowing my mother, she is probably saying: Kamala, what on Earth is going on down there? We have to stand up for our values.

So in the spirit of my mother, who was always direct, I cannot mince words. In the early weeks of this administration, we have seen an unprecedented series of Executive actions that have hit our immigrant and religious communities like a cold front, striking a chilling fear in the hearts of millions of good, hard-working people, all by Executive fiat.

By fiat, we have seen the President stick taxpayers with a bill for a multi-billion-dollar border wall, without regard to the role of the U.S. Congress under article 1 of the Constitution. By fiat, we have seen a President mandate the detention of immigrants, both documented and undocumented, creating a dragnet that could ensnare 8 million people. By fiat, the President has ordered the creation of what essentially will be a 15,000-member deportation force. By fiat, he wants to take away State and local authority by making local police officers act as Federal immigration officials. By fiat, the President wants to slam the gates of freedom by instituting a Muslim ban—a ban which was as carelessly written as it has been incompetently enforced.

In recent days, we have seen an increased severity in immigration raids sweeping across this country, including the arrest of a DREAMer in Seattle and a domestic violence victim in Texas. And we have seen an administration violate court orders, attack the First Amendment, bully Federal judges, and mock Americans exercising their right to freely assemble.

I rise today to discuss how these actions impact my State of California and our country. In particular, the State of California, I believe, is a microcosm of who we are as America. In California, we have farmers and envi-

ronmentalists, welders and technologists, Republicans, Democrats, Independents, and the largest number of immigrants, documented and undocumented, of any State in the Nation.

I rise because the President's actions have created deep uncertainty and pain for our refugee and immigrant communities. I rise on behalf of California's more than 250,000 DREAMers, who were told by the Federal Government: If you sign up, we will not use your personal information against you. I rise to say the United States of America cannot go back on our promise to these kids and their families.

I rise today as a lifelong prosecutor and as the former top cop of the biggest State in this country to say that these Executive actions present a real threat to our public safety. Let me repeat that: The President's immigration actions and Muslim ban will make America less safe.

As a prosecutor, I can tell you it is a serious mistake to conflate criminal justice policy with immigration policy, as if they are the same thing. They are not. I have personally prosecuted everything from low-level offenses to homicides. I know what a crime looks like, and I will tell you, an undocumented immigrant is not a criminal. But that is what these actions do; they suggest all immigrants are criminals and treat immigrants like criminals.

There is no question, those who commit crimes must face severe and serious and swift consequence and accountability. But the truth is, the vast majority of the immigrants in this country are hard-working people who deserve a pathway to citizenship.

Instead of making us safer, these increased raids and Executive orders instill fear in immigrants who are terrified they will be deported or have to give up information resulting in the deportation of their family members. For this reason, studies have shown Latinos are more than 40 percent less likely to call 9-1-1 when they have been a victim of crime. This climate of fear drives people underground and into the shadows, making them less likely to report crimes against themselves or others—fewer victims reporting crime and fewer witnesses coming forward.

These Executive actions create a strain on local law enforcement. Any police chief in this country will tell you that they barely have enough resources to get their job done. So when you make local law enforcement do the job of the Federal Government, you strain the resources for local law enforcement and that hurts everybody's safety.

Let's consider the economic harm this order will cause. Immigrants make up 10 percent of California's workforce and contribute \$130 billion to our State's gross domestic product. Immigrants own small businesses, they till

the land, they care for children and the elderly, they work in our labs, they attend our universities, and they serve in our military. So these actions are not only cruel, but they cause ripple effects that harm our public safety and our economy.

The same is true of this Muslim ban. This ban may as well have been hatched in the basement headquarters of ISIS. We handed them a tool of recruitment to use against us. Policies that demonize entire groups of people based on the God they worship have a way of conjuring real-life demons. Policies that isolate our Muslim-American communities take away one of the greatest weapons we have in the fight against homegrown extremism.

Here is the truth. Imperfect though we may be, I believe we are a great country. I believe we are a great country. Part of what makes us great are our democratic institutions that protect our fundamental ideals: freedom of religion and the rule of law, protection from discrimination based on national origin, freedom of the press, and a 200-year history as a nation built by immigrants.

So this brings me to my message today. We have a responsibility to draw a line with these administrative actions and say no. This is not a question of party. This is about the government of coequal branches, with its inherent checks and balances. This is about the role of the Senate, the greatest deliberative body in the world. I know, having spent now a few weeks in this Chamber, that we have good men and women on both sides of the aisle—men and women who believe deeply in our immigrant communities and who understand that nationalism and patriotism are not the same thing.

I know that it was the junior Senator from the State of Texas who said: "It is an enormous blessing to be the child of an immigrant who fled oppression, because you realize how fragile liberty is and how easily it can be taken away."

It was the junior Senator from the great State of Kentucky who said: "We must always embrace individual liberty and enforce the constitutional rights of all Americans, rich and poor, immigrants and natives, black and white."

It was the senior Senator from the great State of Arizona who said: Undocumented immigrants should not be "condemned forever" to a twilight status.

So, yes, we have good people on both sides of the aisle. I say that we must measure up to our words and fight for our ideals because the critical hour is upon us.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma

CONGRATULATING SENATOR HARRIS

MR. INHOFE. Mr. President, let me say that that was an excellent presentation by Senator HARRIS. I can recall

when she first came here, and I sat down with her and we talked about her predecessor and about how people with diverse philosophies can get along and actually love each other.

I would expect the same thing to happen in this case—because it does. I listened to some of the things that were said by the new Senator from California, talking about the rule of law, about freedom of religion, freedom of speech, and the First Amendment. I agree. I am hoping that we end up with more things in common than things that would keep us apart because we have a lot to do. We need to get busy doing it. I appreciate very much hearing the opening speech by Senator Harris.

Mr. President, I wanted to get to the floor because it won't be long until we will be voting on my Oklahoma attorney general, Scott Pruitt. I am looking forward to it. He and I go back a long way. I know that he has been through the ringer, as a lot of them have. I look at Jeff Sessions and some of the abusive things that were said about him during the time that he was going through this process. Of course, the same thing has been true with Scott Pruitt.

Scott Pruitt just happens to be not only a candidate who is going to make an excellent Administrator of the EPA, but he is also one who knows the job. He has been there. He has been attorney general for Oklahoma, my State. He lives in my home town of Tulsa, OK. So I know him quite well. In fact, I am in aviation, and I remember flying him around the State in some areas, introducing him when he was just starting out in the statewide race.

I think he is going to do a really good job. It is my understanding that my colleagues on the other side are determined to run the clock before we vote on Attorney General Pruitt, and they are using the opportunity to make the case that he will destroy the environment and return pollution to the air and water.

Yet they know that he will do nothing of the sort. Attorney General Pruitt is highly qualified. Yes, it is true that he has had the occasion to file lawsuits on behalf of the State of Oklahoma against the Environmental Protection Agency. I can assure you that he knows that he has represented the State of Oklahoma. There are many other States that were doing the same thing.

He is a believer in the rule of law and will uphold the laws as passed by Congress within constitutional bounds. He has built a career defending the law, and I see no cause for concern that he will ever stop. He has been practicing law in Oklahoma since 1993, when he graduated from law school at the University of Tulsa. In 1998, he ran and was elected to the Oklahoma State Senate, where he served for 6 years. During

that time in the Oklahoma State Senate, he was seen as a leader, someone who could be counted upon, and someone who should be in higher office in the State.

Of course, that is what happened. Since 2010, he has been the Attorney General for Oklahoma. He became a respected defender of the State's role in our Federal system of government. As EPA Administrator, Pruitt will continue to uphold core constitutional principles and won't be engaged in the same Federal overreach that we have seen over the last 8 years.

I know there are varying philosophies in this body. I know there are people who want to concentrate the power in Washington. They see nothing wrong with what we refer to as governmental overreach. I have experienced this because it happens that I was the chairman, as well as the ranking member, of the Environment and Public Works Committee, which has the jurisdiction over the Environmental Protection Agency. So I have watched this take place.

I know that there are members of the Environment and Public Works Committee who have differing philosophies as to what the EPA should be doing. They see outsiders. They see the State, sometimes, as someone who is opposed to the things they are trying to do. But we have watched this happen over the last 8 years.

Attorney General Pruitt has said again and again that he will uphold the laws that we pass right here in Congress—no more and no less. So it is up to us as lawmakers to provide him with effective bipartisan legislation that will make a positive difference for the environment and for our future, while balancing State and private interests. This balance is possible and Scott Pruitt is a testament to this balance.

Oklahoma is an energy State. Oklahoma is an agricultural State. We care a great deal about the land we live on and the air we breathe, and we want to be sure it is safe for our families and for generations to come. I think about the Administrator that was there during the years of the Obama administration, and he was actually in a hearing just a few hours ago. He talked about how comforting it was to come to our State of Oklahoma—which he did twice. He learned that landowners are on the side of the environment. They are the ones who want to care for the land. They are the ones who want to exert whatever energies are necessary to take care of the problems with pollution that are present in this world.

As attorney general, Mr. Pruitt has worked closely with the Oklahoma Department of Environmental Quality and the Oklahoma Water Resources Board to protect Oklahoma's scenic rivers from upstream pollution. As a matter of fact, as to his reputation, he is "Mr. Scenic Rivers" back in Okla-

homa. I don't understand how people concerned with the environment are opposing him and saying things about him that are detrimental.

He was able to use unbiased logic and science to reach an agreement with the State of Arkansas to protect our water in Oklahoma. He has also been instrumental in negotiating a historic water settlement agreement. This agreement was between the State of Oklahoma, the Choctaw Nation, and the Chickasaw Nation.

This thing, I say to the Presiding Officer, has been in litigation for 100 years. He walked in, and he resolved the problem. It was a battle that had gone on for 100 years. One of the chief concerns of the Chickasaw and the Choctaw Nations was to ensure that conservation guidelines were preserved. The agreement not only provides Oklahoma City with its long-term water needs but also protects our two Indian nations with their conservation goals. Again, this was tried by a lot of people over a period of 100 years until Scott Pruitt came along. He is the one who did it.

He has sued the EPA and fought against the Fish and Wildlife Service at times. It has all been in Oklahoma's best interest. Now he will have the entire Nation's best interest in mind when making decisions as the EPA Administrator. I have no doubt that he will continue to protect our State's interests from overreach and unnecessary harmful regulations.

It is no secret that Attorney General Pruitt's confirmation process has been unusually lengthy. It is time we vote to confirm him in this position. We had his nomination hearing in the Environment and Public Works Committee. That was back on January 18, almost a month ago. That hearing was one to be remembered because we broke a record by asking 4 rounds of questions. I suggest that no one in this confirmation process this year or in the last three generations has had to undergo four rounds of questions.

During the course of this day-long, 8-hour hearing, he answered more than 200 questions. Now, after this, he responded to more than 1,000 questions for the record, including the extra questions Senator CARPER asked him in a December 28 letter, as Attorney General Pruitt promised he would.

Now, this means that he answered—these are questions for the record—1,600 questions. The average director, during confirmation over the last 3 Presidential years, had 200. So it is 200 questions, as opposed to 1,600 questions that he was subjected to. He never complained about it and actually did a great job.

Now, despite the Democrats' efforts to delay his confirmation vote, we need to be responsible and move forward to confirm Attorney General Pruitt. The longer we postpone this vote, the

longer it is going to take for things to get done at the EPA. Right now nothing can get done. Everyone knows that. That is wrong. I know that Attorney General Pruitt will continue to be a champion for economic development and environmental responsibility by upholding the law and restoring the Environmental Protection Agency to its role as a regulatory agency, not an activist organization.

You know, this is all for show because everybody knows the votes are there. He is going to be approved. I look forward to working with him. I think he is ready now to move in and do the job. It is going to be a while before he is able to get the other positions confirmed. That is why it is important to go ahead and do it, and I understand we are going to be doing it when this time runs out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I yield the remaining time I have to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today in opposition to the nomination of Scott Pruitt to serve as the Administrator of the Environmental Protection Agency. The Environmental Protection Agency, or EPA, is tasked with protecting human health and the environment, including our precious air, land, and water. This is clearly one of the most critical missions in the Federal Government.

Americans believe that a great country deserves safe drinking water, clean air, and to know that the products we use are safe. And Americans care about continuing this legacy for future generations, believing that we should leave the environment in good shape or better than we found it, and that is where the EPA comes in.

Before the Agency was created in 1970, a hodgepodge of inconsistent State and city regulations proved to be inadequate for protecting the right of Americans to have a clean, safe environment. Before the EPA, in some cities in this country, the air was so polluted that during the day, drivers could barely see the car in front of them. Studies indicate that the air in the 1950s in Los Angeles, as measured by particulate matter and ozone pollution, was worse than it is in Beijing today. Our rivers, including the Cuyahoga River in Cleveland, caught fire. Schools were built on toxic chemical dumps. I know the thought of public health risks like these sound preposterous today, but this was all the case back before the EPA. It took parents and regular citizens standing up and demanding better to finally force action. In 1970, President Richard Nixon and a Democratic Congress worked in a bipartisan manner to create the EPA.

Let me be clear. The EPA is not perfect. There are many instances when I have stood up to the Agency because I felt its actions were not in the best interests of Minnesotans. That said, since the creation of the Agency, the EPA has significantly improved our public health and our environment by cleaning up our air and cleaning up our water.

We still have a lot of work left to do. Yet we are now faced with a President and an EPA nominee who want to gut the Agency and reverse the progress we have made. President Trump has repeatedly attacked environmental protections and the EPA. He has called to "get rid of" the Agency. And during an interview with FOX News, Candidate Trump said of the EPA: "What they do is a disgrace." And now he is in a position to try to implement his stated goal of gutting the EPA—gutting the EPA, that is right. He wants to slash critical public health and environmental safeguards, and to do this, he handpicked Mr. Pruitt.

Mr. Pruitt intends to prevent the EPA from protecting public health and the environment by reducing the budget by two-thirds. Trump transition team member Myron Ebell made these plans clear. Mr. Pruitt will cut and then cut some more and then cut some more, until the Agency we trust to keep us safe is no bigger than it was when Richard Nixon was President.

So what exactly should we cut? Which aspect of public health and our environment is in need of less protection and research? Well, let me tell you about some of the things the EPA has accomplished since its creation.

The EPA helps protect us from toxins. From 1948 to 1988, 30 million homes were treated for termite infestation with two related, very longlasting chemicals: heptachlor and chlordane. These chemicals are among the 12 worst known persistent organic pollutants—a rogues' gallery called the dirty dozen. A long-term study found that millions of Americans have these chemicals in their blood and in their fat and that the higher the levels, the more likely a person is to suffer from dementia, type 2 diabetes, prostate cancer, testicular cancer, breast cancer, or lymphoma.

The problems arising from heptachlor and chlordane are still with us, but at least they are not getting worse. Why? Because hard work by EPA scientists helped expose the risks of these chemicals and led them to be banned in the United States in 1988. The world didn't catch up to the protection offered to the American people by our EPA until an international ban came into effect in 2001.

The Agency also determined that lead in our paint and lead in our gas caused terrible public health problems, and they got the lead out. In the 1970s, 88 percent of American children had

elevated levels of lead in their blood. Now the number is less than 1 percent.

However, we know that the battle against old toxins is far from over, as the disastrous lead poisoning in Flint, MI, tragically reminds us. We also know that new risks appear every year. That is why Congress recently passed bipartisan legislation to allow the EPA to take action on the most concerning toxic chemicals, including asbestos. Slashing the EPA budget endangers future progress and will not make us better off, will not make us safer, will not make our children safer.

The EPA has also made our air cleaner. Thanks to the EPA, we have reduced air pollution—like smog and ozone and particulate matter—by more than 70 percent since 1970, thus preventing millions of asthma attacks, hospital visits, lost workdays, and more than 100,000 premature deaths every year. At the same time, the American economy has grown 240 percent.

The Agency was also instrumental in the phaseout of harmful substances responsible for depleting the ozone layer. The ozone layer shields us from harmful ultraviolet radiation that leads to sunburns or, worse, skin cancer. Thanks to the work of the EPA and other Federal agencies in cooperation with the international community, ozone depletion has now stopped and the layer has begun to regenerate.

The EPA has also made our water cleaner. The Agency invests billions in drinking and wastewater infrastructure every year through the Clean Water and Drinking Water State Revolving Funds. These funds are particularly important to rural communities.

What is more, the EPA is actually saving consumers money. Take the fuel efficiency standards that require car companies to manufacture vehicles that go farther on a gallon of gas. These standards both reduce air pollution and save people money. Thanks in part to the EPA, from 1975 to 2013, the average fuel economy of a car sold in the United States more than doubled. Further increases in fuel economy standards under the Obama administration mean that if you buy a new car, you can expect to save an average of \$7,300 on gas during the lifetime of that vehicle. As a whole, Americans will save \$1.7 trillion at the pump.

This is just a small subset of what the EPA has accomplished over the years to protect public health and the environment. And I didn't even mention cleaning up toxic waste sites or testing foreign products for lead and mercury. But if Mr. Pruitt is confirmed to lead the EPA, all this progress and continued work is at risk.

As the attorney general of Oklahoma, Mr. Pruitt put the will of his corporate donors above the public interest time and time again, suing the Agency 18 times—suing the EPA 18

times—to block clean air and clean water protections. Now Mr. Pruitt wants to run the EPA, but he refuses to say that he will permanently recuse himself from those lawsuits that are still pending. Thus, he would be both the defendant and plaintiff in those cases. This is a bizarre world nomination. We cannot allow this type of conflict of interest at the EPA.

As attorney general, he failed to take environmental protections seriously. He dismantled the environmental protection unit within the AG's office, and in particular Mr. Pruitt's record shows a disdain for protecting the air we breathe. He filed three lawsuits to block EPA health standards for smog, soot, mercury, arsenic, lead, and other air pollutants. His actions directly threaten those who suffer from asthma and other lung conditions. We can't go back to the air we had in the 1970s. We can't afford the air Beijing has today.

Mr. Pruitt is so ideologically driven to protect the interests of oil, gas, and other polluters that he even gets in the way of clean energy projects that would create jobs. Take for example the Plains & Eastern Clean Line, a high-voltage transmission project that President Trump has identified as an infrastructure priority. It will bring clean wind power from the heartland to power-hungry cities. As Oklahoma attorney general, Mr. Pruitt did everything he could to kill that very same project.

Even more concerning to me is Mr. Pruitt's years of opposition to the renewable fuel standard, the RFS. This program is vital in our fight against dirty air, and it also greatly benefits Minnesota's rural economy. It is certainly better to drive our cars on biofuels from the Midwest than on oil from the Middle East. I know that Mr. Pruitt pledged during his hearing to honor the RFS, but this same law provides him with an important loophole: The RFS permits the head of the EPA to reduce the congressionally mandated levels of biofuel production. I, for one, do not trust an avid opponent of the RFS to now be responsible for its implementation.

During the confirmation hearings, my Democratic colleagues pushed Mr. Pruitt on climate change. His answers were not reassuring. Unlike our new President, Mr. Pruitt did not call climate change a "hoax." Instead, he was more subtle, repeatedly saying: "The climate is changing, and human activity impacts are changing climate in some manner." Those words are intentionally deceptive. They are meant to sound reasonable but also to excuse inaction. If we look at Mr. Pruitt's record, it shows that he has been steadfastly against action on climate change, including a suit to block the first requirements for powerplants to reduce their carbon emissions. Let me remind you that these requirements

are based on Supreme Court rulings from a conservative majority Court at that.

In a 2007 decision, *Massachusetts v. the EPA*, the Supreme Court found that the EPA had authority to regulate greenhouse gases under the Clean Air Act. It also directed the EPA to assess whether climate change endangers public health, which the Agency correctly determined it does. The Court further ruled that because of this hazard, the EPA is obligated to regulate greenhouse gases.

During his hearing, Mr. Pruitt made clear that all he wants to do is transfer more environmental protection duties to the States, but there are two major problems with that. First, 50 States each implementing different requirements is both inefficient and likely to lead to a race to the bottom. There are many States that will be tempted to trade away the long-term public health of their citizens for the quick financial rewards that will come if they are able to lure businesses from other States with the promise of lax environmental regulations.

All Americans deserve a clean environment. If States want to innovate, free them to do better than our national standards, but there needs to be an EPA that can make sure they don't do worse than our national standards.

While my State of Minnesota has been a leader in environmental protection, the second problem with the State-by-State approach is that pollution doesn't respect State boundaries. The people of my State should not suffer ill effects of pollution from States upwind.

Mr. Pruitt also implied during his hearing that the EPA's regulations are killing jobs, suggesting we must either choose employment and economic prosperity or public health and environmental protection, but this is a false choice. We know we can and must in fact have both. Addressing environmental challenges like climate change will not only help prevent unprecedented damage to our economy but will also spur economic growth and innovation.

My home State of Minnesota has shown how we can do this. In 2007, under a Republican Governor, we established a renewable energy standard that produced 25 percent of our power from renewable sources by 2025. We established an energy efficiency resource standard requiring utilities to become a little more efficient every year. We established an aggressive target to reduce greenhouse gases by 80 percent by 2050, and we are national leaders in biodiesel blending requirements. These policies have not led to economic ruin in Minnesota. They have led to economic development—rural economic development—as we harvest the wind and Sun and convert our biomass into energy. We are investing in clean en-

ergy technology not only because it cleans up the air but because it creates thousands of jobs. In fact, a clean energy economy now employs more than 50,000 people in Minnesota, and it will continue to grow.

In 2005, 6 percent of Minnesota's electricity came from renewable sources. Today it is almost 25 percent, and we continue to go higher. In addition to good jobs for Minnesotans, this transition brought a 17-percent decline in power sector greenhouse gas emissions during a decade when the population of Minnesota increased 7 percent. It is clear that an EPA led by Mr. Pruitt will not move us in the direction Minnesota is going.

Americans expect and deserve clean water, clean air, and a hospitable environment. Although EPA is far from perfect, the Agency has shown that a cleaner environment is compatible with economic growth. In fact, cleaning the environment helps drive economic growth. We cannot afford to entrust the EPA to Mr. Pruitt or anyone else who has a history of putting polluters' interests above the public's and above the economy as a whole. We cannot afford to entrust this Agency to someone the President has handpicked to slash its budget and to prevent it from carrying out its mission. Mr. Pruitt represents a step backward, not a step forward. He is maybe the last person who should be the next leader of the EPA. I will oppose this nomination, and I call on my colleagues to do the same.

Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER.

But first, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUNT). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Mr. President, I am proud to stand today and support Scott Pruitt, President Trump's nominee to head the Environmental Protection Agency.

I can think of no one who is better suited or more fully qualified to lead this Agency and to advance within it the reforms it so desperately needs. I look forward to voting to confirm Mr. Pruitt as EPA Administrator, and I encourage my colleagues to do the same.

In many ways, the EPA epitomizes the broken status quo in Washington—a status quo that is increasingly and rightfully viewed with suspicion and a certain amount of contempt by the American people. That broken and discredited status quo has been described in various ways: out of touch, arbitrary, inflexible, unreasonable, heavy-handed, unaccountable. These words

could apply to any number of institutions or offices here in Washington, DC, but they are the hallmarks of the rule-writing departments that make up our Federal bureaucracy.

Technically, these bureaucratic agencies are creatures of the executive branch—creatures that exist to assist the President in fulfilling his constitutional duty to take care that the laws, written by the legislative branch, are to be faithfully executed. But over the past several decades, they have been recast as the Federal Government's center of gravity, both writing and enforcing and, in many cases, even interpreting, the vast majority of laws governing America's society and America's economy.

Elevating the unelected, unaccountable bureaucracy to the driver's seat of the Federal Government—to the driver's seat, specifically, of Federal policymaking—is mostly the work of Members of Congress, of both Chambers and of both political parties, who understand that the best way to avoid being blamed by voters for unpopular laws is not to make them—at least not to make them completely—but rather to empower unelected bureaucrats to make the laws for them. But the regulatory agencies themselves sometimes deserve some of the blame as well.

Congress is guilty of writing laws that are couched in vague terms, centered around gauzy goals, instead of strictly defined as understandable rules. But Federal regulators are guilty of interpreting—and repeatedly reinterpreting—those laws in order to accommodate their ever-expanding conception of their own power, of their own authority to work their own will on the American people.

For instance, in the years since Congress passed the Clean Air Act amendments in 1977, Federal bureaucrats have used the law to enact more than 13,500 pages of regulations, which works out to roughly 30 pages of regulations for every 1 page of underlying legislative text.

The fundamental problem with this expansion and centralization of regulatory authority is the tendency of Washington, DC, bureaucrats to be ignorant of—and often very indifferent to—the interests of the people who live in the various communities who are affected by the rules they make and the rules they also enforce.

This isn't a knock on the individual men and women who work within the Federal bureaucracy, most of whom are well-educated, well-intentioned, and highly specialized. But there is no doubt that a regulator in Washington, DC, knows a whole lot less about a melon farm in Emery County, UT, and cares a lot less about the fate of the people who work at that melon farm in Emery County, UT, than what the regulators say in Salt Lake City.

The Environmental Protection Agency, in particular, is notorious for its

top-down, Washington-knows-best approach to regulation, which often runs roughshod over the immense diversity of local circumstances in our large country.

Too often, the EPA treats States and State regulators not as partners but as adversaries. It treats the States themselves not as laboratories of republican democracy but, rather, as lab rats to be tested upon for their own amusement and for the exertion of their own political power.

Scott Pruitt understands this well because he has seen it firsthand as attorney general of Oklahoma. Mr. Pruitt has spent many years being ignored and pushed around by Washington, an experience that has taught him the need for the EPA to work with and not condescend to the States.

In his Senate confirmation hearing, Mr. Pruitt explained why improving the relationship between the EPA and State-level regulators is the best way to protect our environment and uphold the separation of powers that is the cornerstone of our constitutional system. He said: "Cooperative Federalism is at the heart of many of the environmental statutes that involve the Environmental Protection Agency."

The reason for that is that it is the States that many times have the resources, the expertise, and an understanding of the unique challenges of protecting our environment and improving our water and our air. We need a true partnership between the EPA in performing its roll, along with the States in performing theirs. If we have that partnership, as opposed to punishment, as opposed to the uncertainty and duress that we currently see in the marketplace, I think we will have better air and better water quality as a result.

For many Americans—and certainly for many of my fellow Utahns—the EPA is pejorative. It is synonymous with an out-of-touch and out-of-control government.

This is a shame. Americans want—and Americans certainly deserve—clean air and clean water. The EPA has the potential to help them achieve these goals, but only if the EPA itself returns to its core mission and works well, works wisely to accomplish that mission, and works within our constitutional system.

That is why I am so pleased that Scott Pruitt is on his way to lead the EPA. The Agency exists to protect the American people, not advance the narrow agenda of some special interests while punishing others.

I am confident that Mr. Pruitt is the right man for the job and that he will remain independent while correcting the troubling course that the EPA has taken in recent decades.

I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING FOR A SPECIAL COUNSEL

Mr. BLUMENTHAL. Mr. President, we are in a day—in fact, yet another day—of fast-developing, dramatic events. The news today that LTG Michael Flynn, who served until recently as National Security Advisor, may be culpable of lying to the FBI and therefore prosecutable for a Federal criminal violation adds urgency to the need for a special independent counsel to investigate all of the events surrounding his conversation with the Russian Ambassador and who knew what about it when and what was done.

The severity of this potential constitutional crisis—and we are careening toward a constitutional crisis—makes it all the more necessary that we have an objective and independent investigation, that Attorney General Jeff Sessions recuse himself, and the White House guarantee that documents are preserved—as we have requested in a letter sent by Members of the Judiciary Committee, including myself—today.

The severity of this potential constitutional crisis cannot be exaggerated. Still we are in the early days of a new administration but already the turmoil and turbulence throw into question almost all of the proceedings here on other issues, urgent and important issues—whether infrastructure, trade policy, job creation, economic growth, all of the pressing issues of our day. They also raise potential conflicts of interest on the part of other officials before us now, including the nomination of Scott Pruitt. News that we have also learned very recently, in this day of fast-developing events, increases the importance of deliberate and thoughtful consideration of this nomination.

Just within the last hour, a judge in Oklahoma has ordered the release of thousands of emails sent by this nominee, Scott Pruitt, the attorney general of Oklahoma, relevant to his dealings with oil and gas interests in his State and elsewhere on relevant legislative and litigation issues. This development really requires a delay in this vote so we can review those emails and know what those conflicts of interest were, what they may continue to be, and whether his answers to our colleagues in his testimony at his confirmation hearing were completely accurate and truthful. We need to delve into those emails, know their contents, examine the contents, in fairness to him and in fairness to an administration that may be appointing for confirmation yet another official like General Flynn, who

was forced to resign just days after his appointment.

The interests of the Trump administration, as well as this body, would be well served by delaying this vote so we can review those emails. I call upon the Republican leadership to delay this vote, give us a chance to review the emails, and give the American public a chance to understand how those emails reflect on the qualifications of Scott Pruitt and the potential conflicts of interest that may disqualify him from serving in this all-important role.

I am here to oppose the nomination of Scott Pruitt, but whether we oppose or approve of this nomination, we owe it to ourselves—I say to my colleagues—we owe it to the United States Senate to delay this vote so the potentially explosive material and contents of these emails can be fully considered. If we fail to delay, we are, in effect, potentially confirming a nominee who may be compelled to resign after his disqualifying conflicts of interest are exposed to public view. We have an obligation in advising and consenting to be as fully informed as possible. If there were no such emails, if there were no such court order, there might be an excuse for rushing to judgment as we are on track to do now. There is no excuse for a rush to confirmation. Our obligation to advise and consent implies also an obligation to review these emails as comprehensively and fully and fairly as possible before we make this decision.

The President has nominated Scott Pruitt as the next Administrator of the Environmental Protection Agency to serve a mission, which is to protect human health and safeguard the environment. Even before disclosure of these emails, which involve his contacts with oil and gas interests, he came before us as perhaps one of the least-qualified people in the United States of America to serve in this position. I don't make this statement lightly. It may sound like hyperbole or exaggeration, but the fact is, anyone who studies Scott Pruitt's record as attorney general of his State—and I served as attorney general of mine so I know his position pretty well—can see that his record is antithetical and hostile to the mission and purpose of this Agency.

He is a potential Administrator who will take office at a critical juncture for our planet. Sea levels continue to rise, long-established weather patterns have begun shifting, and the average global temperature is rapidly approaching 2 centigrades Celsius above preindustrial levels. That is an increase which many climate scientists believe may be a point of no return—no return for the planet, no return for us, no return for generations to come. We are at a historic moment.

The question will be whether Scott Pruitt will be dedicated to doing some-

thing about climate change, about the pollution of our air, streams, rivers, and oceans, whether he will be committed to enforcing the rules and laws that protect us against those dangers of degradation of our environment—degradation of the air we breathe, the water we drink, the open spaces we enjoy.

That is the same Scott Pruitt who was pressed by our colleagues during his confirmation hearing and could not name a single regulation designed to protect clean air or water that he supports—the very same Scott Pruitt, who was asked by our colleague JEFF MERKLEY whether he agreed with the statement, “Warming of the climate system is unequivocal,” and he dodged and equivocated. When he was questioned about hundreds of thousands of dollars he has received in campaign contributions from energy companies, he basically refused to answer. He dodged the question. That is the Scott Pruitt who would become Administrator of the EPA, and it is the same Scott Pruitt who, as attorney general of Oklahoma, fought the tremendous progress made by the Obama administration at every turn, taking legal action against the EPA no fewer than 14 times.

While he was in office, he worked hand in hand with Oklahoma's largest energy companies to roll back regulations that are vital to the health and well-being of the American people, not just the people of Oklahoma, as bad as that would be, but of all Americans, all of our plant.

When he worked hand in hand with the Oklahoma energy industry, those common bonds of purpose and work would be well illuminated by these emails that today will be disclosed. In fact, maybe some of those conflicts of interest will be revealed and dramatized by those emails. That is why we must wait to have this confirmation vote.

He sued to try and block efforts to reduce nationwide emissions of methane, a greenhouse gas roughly 30 times more effective at trapping even carbon dioxide. He block the Clean Power Plan. He took three separate actions against the EPA's mercury and air toxic rule, targeting standards that the EPA estimates will save 45,000 lives. Those are three more actions, it should be noted, than he took to proactively promote clean air and clean water on behalf of the people of Oklahoma in his entire time in office. Why did he take those actions? Who helped him do it? How and why? The emails will help tell that story and answer those questions.

Taken alone, even without the emails, these actions hardly show a record of someone dedicated to promoting and protecting the environment. Not once during his confirmation process did Mr. Pruitt demonstrate to me a convincing willing-

ness, let alone eagerness, to uphold the mission of the Agency he now hopes to run, nor has he shown an intent to be open and responsive with Members of this body. Most troubling of all, he has, in no uncertain terms, failed to give any indication that he will be a champion for our environment and that he will advance scientifically sound policies to protect the public's health.

The only thing Attorney General Pruitt has made abundantly clear is that he holds a derisively dismissive attitude toward the Agency he now seeks confirmation to lead. His nomination is an affront to the EPA, but even more, it is a threat to our health, a threat to our environment, a threat to the quality of our air and water, and a risky gamble on the world we will leave to our children and our grandchildren.

There is a very real concern about whose side Scott Pruitt will be on. The question is, Whose side will he be on when and if he is Administrator of the EPA? He has already shown a willingness to use the power of whatever office he holds to advance an extreme agenda and to malign opponents. Polluters do not need another champion in this administration, and our environment does not need another foe. We have enough foxes guarding henhouses as it is in this administration.

Mr. Pruitt's coziness with the firms that he will be required to regulate—again the emails will tell the story about his relationships with special interests. That is critically important, and, in fact, even on the record we have now, it should disqualify him from this position.

He doubts the effects of climate change and the extent to which our rapidly warming climate is as a result of human activity, calling this debate “far from settled” and placing himself well outside mainstream opinion. His denials are rooted in the promise of funds from corporations and interest groups that think it is far better for their bottom line to pretend that incontrovertible climate change simply doesn't exist.

He is a beneficiary of the denying corporations and special interests, and those contentions are not only regressive and fallacious but dangerous. If he is a prisoner of those special interests, as these emails may show him to be, my colleagues will regret voting for him—another reason that delaying his confirmation vote is appropriate and necessary now.

The scientific evidence of climate change and human involvement is overwhelming. You don't have to look hard to see it. Most of us in this Chamber would need to speak only with a handful of our constituents—the men and women who sent us here—to see the real impact this crisis is having.

My home State of Connecticut has experienced a major rise in storms that

have cost hundreds of millions of dollars in damage as well as several lives. It seems that as soon as our State begins to rebuild from one storm, another wreaks havoc on many of the same devastated communities. These monster storms have become the new normal.

In Connecticut and around the country, weather disasters are rapidly becoming part of a way of life, tragically, for innocent people caught in their wake. In just 6 years, Connecticut has weathered the damage and destruction of a freak October snowstorm, Superstorm Sandy, and the force of numerous nor'easters. Severe storms like these, as well as other disasters—floods, tornadoes, droughts—are happening at a rate four times greater than just 30 years ago.

I am not here to argue climate change. I am here to argue that Scott Pruitt is unqualified to fight climate change because he denies it is a problem, and he denies the mission and purpose of the EPA as a vital purpose and mission of our Federal Government.

The people of Connecticut understand climate change, and they get it. They understand that it is happening and that it is happening in their everyday lives. They see its effects. They know its causes, and they know the truth. It will get worse. We need to take action.

This body is on the verge of action that should be postponed so that we can consider vitally important information in those emails that reflects on conflicts of interest, ties to special interests, influence on Scott Pruitt, benefits to him in the past, and debts that he may owe, literally and figuratively, to those special interests that may impact his performance as Administrator of the EPA.

As attorney general of my State, environmental protection was a priority to me. I will be honest; I sued the Federal Government, just as Scott Pruitt did. I sued the Federal Government so that environmental protection would be made more rigorous and stringent and people would be protected, not to slow down the EPA but to speed it up to provide impetus for its action and, in fact, to compel it to carry out its mission and purpose.

Scott Pruitt has acted in exactly the opposite way, and the reasons for his antipathy and hostility to the EPA may well be illustrated even more dramatically and directly by these emails that we should consider.

I urge the Republican leadership to postpone and delay this vote so that we may, in fact, consider those emails.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I want to first thank Senator CARPER for his leadership today, and I rise today to join him in speaking about the nomination of Scott Pruitt to be Adminis-

trator of the Environmental Protection Agency.

I will not be voting in favor of Mr. Pruitt's nomination for EPA Administrator because of his record and views on issues that are very important to the people of my State—issues like climate change, which matters in Minnesota, and issues like the Renewable Fuel Standard. I am not sure everyone has focused on that today, but I think it is important, especially for States in the Midwest, to focus on what his record has been on this issue.

Mr. Pruitt has written that the climate change debate is "far from settled" and has made other troubling comments about climate change. I could not disagree more. I believe that the debate on whether climate change is happening is over. The facts are in, and the science is clear.

The "2014 National Climate Assessment" stated the most recent decade was the Nation's warmest on record. U.S. temperatures are expected to continue to rise. It was drafted by over 300 authors and extensively reviewed by the National Academy of Sciences and a Federal advisory committee of 60 members.

The "Quadrennial Defense Review 2014" of the Department of Defense of the United States stated: "The pressures caused by climate change will influence resource competition while placing additional burdens on economies, societies, and governance institutions around the world."

Climate change isn't just about melting glaciers and rising ocean levels, although it is certainly about that. It is also about what we have experienced in the Midwest. When I first got to the Senate, I remember hearing from experts, including people in our own Defense Department and major military leaders who talked about the fact that one of the consequences of climate change will be, first of all, all over the world in economies that are already struggling. We are going to see some of those developing nations encounter unpredictable weather—hurricanes, tsunamis.

In the Midwest, while we may not have tsunamis, what we see is major, unpredictable weather, which is just as dangerous. We have seen the devastating impacts of natural disasters like Hurricane Matthew, and we have seen flooding from Cedar Rapids and Duluth.

We now know the risk of climate change to Minnesota, to our country, and to our planet. We must reduce greenhouse gas and tackle the challenge of global climate change head-on. If we don't tackle this issue, we are going to continue to struggle with the far-reaching economic and environmental consequences.

Shifting global trends have the potential to wreak more long-term havoc on our businesses and our industries.

That is why businesses in my State—major companies like Cargill and General Mills—have been willing to take this on, have been willing to talk about this as a problem. They see this as a moral obligation to their employees and their customers, but they also see it as part of their business. They can't simply continue in business and serve people all over the world if major economies could be ruined by one storm or if we see areas flooded that are on our coast or the kind of weather we have seen in the Midwest. It is bad for business, and they are willing to admit that.

As a Senator from Minnesota with a strong ag industry and also a tradition of hunting and fishing, I see climate change as a direct threat to my State's economy for recreation. It is also a threat to our State's heritage of enjoying the outdoors, whether that is snowmobiling or whether that is our wildlife. We have seen some major changes to the wildlife in our State.

I have always believed that an "all of the above" plan is necessary to build a new energy agenda for America, but it must be an agenda that recognizes the challenges of climate change. Someone who heads up the EPA must believe in science. It is an Agency grounded in science.

Mr. Pruitt has also been quoted as saying "the ethanol fuel mandate is unworkable." I know he has changed some of his views since he was nominated, but I, as a Senator from a State that relies on renewable fuels as one of our major industries in the ag part of our State, must look at his entire record and what he has actually said when he has been in positions of power.

How do I see the Renewable Fuel Standard? The Renewable Fuel Standard has led to important advancements in clean energy, and the standard has provided stability and predictability that have and will continue to drive long-term investments in the renewable space.

Every time a new study is released on the subject, I become even more convinced that investments in renewable fuels are investments in the future health of our economy and our environment. A recent study by ABF Economics showed that the ethanol industry generated \$7.37 billion in gross sales in 2015 for Minnesota businesses and \$1.6 billion in income for Minnesota households. Here is a big one: The ethanol industry also supports over 18,000 full-time jobs in Minnesota.

Senators on both sides of the aisle understand that renewable fuels are important as a home-grown economic generator. They also are about 10 percent of our fuel supply in the United States. That is a competitor for oil. When we have that kind of competition, that allows us to have everything from electric cars to other kinds of renewables, and we should not simply

rely on the oil industry to fuel our vehicles. Renewable fuels are an important competitor.

As I mentioned, there is strong bipartisan support for renewable fuels. I have worked closely with many friends across the aisle for many years on this issue. And, of course, the further ethanol and renewable fuels take us, the less dependent we will be on foreign oil. We need and want a mixed fuel supply.

Now is not the time to waiver on support for renewable fuels. The EPA Administrator has many flexibilities under the law to slow or make changes to the Renewable Fuel Standard, and that is why I am concerned about the past record of this nominee on this important issue.

Another reason we need consistent and effective leadership at the EPA is in the fight to maintain and restore the Great Lakes. Our Great Lakes contain 90 percent of our Nation's supply of fresh surface water and supply drinking water to 30 million Americans. And our economy? The Great Lakes' combined economic impact is so enormous that restoration alone is estimated to provide \$50 billion in long-term economic benefits. That is why last year's Water Infrastructure Improvements for the Nation Act reauthorized the Great Lakes Restoration Initiative. These projects have helped eliminate toxins from our waters, combat invasive species—something very critical in my State with invasive carp—protect against pollution, restore habitats for fish and wildlife, and promote the overall health.

The Administrator of the EPA is responsible for leading efforts to implement, administer, and distribute grant funding across agencies that undertake restoration activities. As I noted, Minnesota is home to a thriving outdoor economy that relies on clean water, free of invasive species. It is vital that our next EPA Administrator continue to take action to stop the spread of invasive carp before they reach the Great Lakes and many of our most important northern waters.

My background? My grandpa was an iron ore miner. He worked 1,500 feet underground in the mines most of his life. Every day when he went down in that cage, he would always think about what he would like to do in the outdoors. He loved to hunt. About once a year, they would borrow a car from my uncle. They would go to see Lake Superior, and he would bring his sons to see Lake Superior.

I want an EPA Administrator that sees that, yes, you want a strong economy, and yes, those things can work together with the environment, but you also need to preserve that outdoors and wildlife and those Great Lakes my grandpa and my family hold so dear.

Mr. Pruitt has articulated extreme views about the role of the EPA, but there is a bigger problem here. We still

don't know his full views and record. My colleagues who sat on the Environment and Public Works Committee have asked Mr. Pruitt to produce critical documents that will clarify his record and vision for the EPA, and 19 times, Mr. Pruitt told Senators they should get the information from his attorney general's office. Well, they tried and they have not succeeded. The Oklahoma attorney general's office told them that they have a 2-year backlog for such requests. In committee questions for the record, my colleagues asked Mr. Pruitt to clear the backlog and provide the committee with these communications. Once again, he declined. Mr. Pruitt has not provided the Senate with the information we need to make an informed decision about his nomination.

The EPA Administrator will be entrusted with protecting the health and well-being of Americans. This is a tremendous responsibility. That is why Americans deserve a clear picture of Mr. Pruitt's record on protecting public health, clean air, and clean water, including a review of the emails that were ordered to be released today.

RUSSIA

Now, Mr. President, I would like to turn to another topic. Actually, after watching parts of the President's lengthy and unpredictable news conference today, I came upon some of the parts dealing with Russia. I thought it was important that I come down to the floor and address them.

The part of the press conference that I saw was where the President referred to the reporting that has been done on Russia as fake news. The reporting that has been done about all of the contacts between members of his campaign and the Russian intelligence agencies—I assume he includes the reporting that has been done on the phone call that was made to the Russian Ambassador—and the various other reporting that we have seen—that is very troubling about this administration's dealing with Russia from the campaign time, to the transition, to the present.

I would just like to say that this is far from fake news; this is fact. And if you don't believe it is fact, then that means you don't believe 17 U.S. intelligence agencies and that instead you take the word of Russians, Russian intelligence and Putin's word. I go with our 17 U.S. intelligence agencies that have made it very clear that Russia had been attempting to influence our election.

This was borne out to me when Senator MCCAIN, Senator GRAHAM, and I visited the Baltics, Ukraine, and Georgia at the end of last year in December. What we saw there and what we heard there makes us know that this is not just one single incident of Russia trying to influence one candidate's campaign or even one election or even one

country's election, but that this is a *modus operandi*, that they have done this before. They did it in Estonia when they were mad that they moved a statue. What did they do? They shut down their internet. They did it in Lithuania when the Lithuanians had the audacity to invite members of the Ukrainian Parliament who were in exile because they were part of the legally annexed Crimea. Lithuania invites them to their 25th anniversary celebration of their independence from Russia. What happens? Russia attacks the accounts of members of the Lithuanian Parliament.

I have already expressed deep concern about this administration's lack of transparency on a variety of critical issues, but nowhere is this more true than when it comes to this administration's interactions with the Russian Government. For months, U.S. intelligence agencies have said that Russia used covert cyber attacks, espionage, and harmful propaganda—\$200 million worth—to try to undermine our democracy. Reports show it and the facts prove it.

Unlike what the President said today at the press conference, this is not fake news. Last week, in fact, we learned that the very day President Obama imposed sanctions on Russia for their unprecedented attacks on our democracy, a member of the Trump transition team spoke to a senior Russian official regarding those sanctions and then did not tell the truth about it. The National Security Advisor—the person charged with the most sensitive matters of U.S. national security—misled the Vice President and, in turn, the American people. We have now seen two people resign: the campaign manager for Trump's campaign and the National Security Advisor. And one of the things they have in common is Russia and a relationship with Russia.

So, no, this is not what the President said at his press conference today or earlier in a tweet. This is not about some kind of sour grapes—those were not his words but his implication about the loss of Hillary Clinton. That is not what this is. This is not about her loss in the last campaign. No. These are facts that have emerged since that time that I think are important to everyone.

I appreciated the words a few months ago from Senator RUBIO, who said that this is not about one campaign, this is not about one election, because it could quickly turn on the other party. We have an obligation as Senators to protect our democracy. That is what this is about—to make sure we have fair and free elections that are not influenced by foreign governments.

Today, Secretary Mattis said that Russia's behavior is aggressive and destabilizing. I thought that was a good caricature of not only what we have seen in our own country but also what

we have seen overseas. And then he went on to say that right now we are not negotiating from a position of strength. Well, that is certainly true when our own President then, a few hours later, takes to the stage and says that this is simply fake news and that we are talking about Russia's aggression as some kind of response to the loss in the last campaign.

We need to know the full extent of the administration's contact with the Russian Government during the campaign and transition, including what was said, what was done, and who knew about it. Only then will we answer that fourth "w." Who, what, where—it is the only way we are going to answer why. Why is this administration so focused on trying to placate Russia?

I recently joined Senators CARDIN, LEAHY, FEINSTEIN, and CARPER—this was early January—to introduce legislation that would create an independent, nonpartisan commission to look at the facts and to make recommendations about how we can handle future elections so they will be free and safeguarded from foreign interference. This would, of course, be in addition to the thorough investigation that I have been ensured will occur with the Intelligence Committee under the leadership of Senators BURR and WARNER.

In the last few weeks, we have heard a lot about the three branches of government and our system of checks and balances. One of the fundamental jobs of Congress is to closely oversee the executive branch to ensure that the law is being properly followed and enforced. I think my colleagues on both sides of the aisle understand how important that is.

I am the ranking member of the Senate Rules Committee, and one of our jobs is to oversee our election system. A big part of my job as the Democratic leader of this committee will be to ensure that our election system is safe from foreign interference in the future.

Intelligence experts have been clear: Russian interference in our 2016 election was not an anomaly. The threat of future tampering is real and immediate. As Senator RUBIO said and I just noted, this time it was the Democrats who were attacked. Next time it could be a Republican. And it is not something that is limited to one party. Future threats could come in the form of more misinformation. They could range from using social media to disrupt the voting process to even hacking into State reporting websites to alter vote totals. Russia's goal is to create confusion and undermine people's trust in our democratic institutions. That is why they spent \$200 million last year to fund the spread of fake news.

We need solutions and not more problems. Just last week, the House voted to eliminate the Election Assistance

Commission, the only Federal agency charged with protecting American elections from hacking. As ranking member of the Rules Committee, I find this unconscionable. We have to do more, not less, to protect American elections from foreign interference.

The EAC and the Department of Homeland Security were in communication with State election officials prior to election day promoting cyber security best practices. Our agencies have ensured that safeguards, like provisional ballots, would allow people to cast ballots even if their systems were hacked. We have to do more, not less, to support this effort. That is why I am currently developing legislation that will protect our elections from foreign interference. We are going to work with the EAC, DHS, and all 50 States to protect voting systems and registration data bases from cyber security threats. We will also make sure State and local election officials have the resources they need to make these critical cyber security upgrades.

Recent news events show us just how severe the problem is. Now we have to come up with the solutions. My Republican colleague, Senator MCCAIN, got it right yesterday when he said this. This gets to the security issue that goes even beyond our elections:

General Flynn's resignation also raises further questions about the Trump administration's intentions toward Vladimir Putin's Russia, including statements by the president suggesting moral equivalence between the United States and Russia despite its invasion of Ukraine, annexation of Crimea, and threats to our NATO allies.

The day that the Obama administration was imposing sanctions on Russia—and the Trump campaign was allegedly undermining those sanctions—I was with Senators MCCAIN and GRAHAM in Eastern Europe. The goal of our trip was to reinforce support for NATO and our allies in the face of increased Russian aggression. We visited the Baltics, Ukraine, and Georgia—countries on the frontlines of this fight, and they know Russia's playbook well.

In our meetings with Presidents and Prime Ministers of those countries, it was increasingly evident that if we don't stop Russia now, cyber attacking against governments, political parties, newspapers, and companies will only get worse.

This is a pattern of waging cyber attacks and military invasions against democratic governments across the world. Ukraine itself has been targeted by Russian hackers more than 6,500 times in just the past 2 months—earlier I used the examples of Estonia and Lithuania, but 6,500 times in just the past 2 months. Now we have evidence that Russia is working to undermine the elections in France and Germany.

This is not just about defending our own democracy; it is about defending the democratic way of life and democracies across the world. We must be a

united front in fighting Russian aggression, and we must make it clear to Russia that there are consequences to their actions. That is why I joined a bipartisan group of my colleagues to introduce the Countering Russian Hostilities Act, legislation that would impose strong actions against Russia. These sanctions would address cyber attacks, human rights violations, and the illegal annexation of land in Ukraine and Georgia.

The world continues to look to America for its steadfast, steady leadership. The United States, a beacon for freedom and democracy, must continue to stand up against Russian aggression. The leader of our country should not be calling those reports that have been substantiated by 17 U.S. intelligence agencies "fake news." That is what happened today.

On New Years' Eve, together with Ukrainian President Poroshenko and Senators McCain and Graham, we stood at the border of eastern Ukraine, 2 years after Russia's illegal annexation of Crimea, 2 years after the invasion of eastern Ukraine, 10,000 lives lost.

Ukrainian soldiers stood, and they have continued to stand, protecting their homeland and defending their democracy. For years, our allies have been subject to aggression and invasions, but they are undeterred, unwilling to give up what they fought so hard for: independence, freedom, and democracy. If we are committed to ensuring that Russia's hacking invasions and blackmail do not go unchecked, we must do everything in our power to uncover the full extent of this interference in our own political system. As our allies stand there every day losing people on the frontlines, looking to us for support, looking to us, we cannot turn our own backs on an invasion—a cyber invasion on our own democracy. We must also stand up for independence, freedom, and democracy.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Delaware.

Mr. COONS. Mr. President, I want to initially begin by thanking my colleague from Oklahoma for graciously allowing me to proceed first ahead of him. He is, as ever, a terrific colleague. I would like to associate myself with the remarks of my colleague from Minnesota. I, too, led a bipartisan delegation—two Republican House Members and two Senate Democrats—to Eastern Europe in August and observed many of the same issues and concerns that she just raised and have joined her, along with 10 Republican Senators and 8 other Democratic Senators, in the legislation she mentioned. I think this is an important issue on which all of us should focus.

Mr. President, let me turn to the matter at hand, the nomination of Scott Pruitt to serve as the director of

the EPA. I thank my colleagues, many of whom have come to the floor to speak about the nomination of Scott Pruitt to lead the EPA, and most essentially, my senior Senator and friend from my home State of Delaware, TOM CARPER, ranking member of the Environment and Public Works Committee, who has ably led this fight.

I am glad to be able to join my colleagues to make clear why, in my view, someone who does not believe in a core Federal role in protecting the environment is not the right person to lead the Federal Agency charged with just that mission. It is possible that we in this Chamber have now forgotten why the Environmental Protection Agency was created in the first place. The idea of Federal protection of our environment really started to take hold when the Cuyahoga River caught fire, again, in June of 1969. The public outrage that rightfully followed this near-spontaneous combustion of a river helped lead to the EPA's creation in 1970 and the passage of the Clean Air Act the same year and the Clean Water Act in 1972.

Now, nearly a half century later, it is precisely because these laws and others like them have been successful in making us healthier and safer that it is easy to forget why we need them.

Institutions like the EPA don't run themselves. The environment does not protect itself, and big oil and gas and coal companies certainly don't police themselves. That is why the EPA exists. You would certainly hope that at the very least the Administrator of that Agency would support that core mission. Yet this evening we are considering the nomination of someone whose main experience with environmental protection at the Federal level is filing lawsuits against the Federal Environmental Protection Agency.

In fact, he has filed 14 of those lawsuits in just 6 years as attorney general of the State of Oklahoma. That is not all he has done. Scott Pruitt, in his confirmation hearing, refused to recuse himself from consideration of future cases which he brought against the EPA if confirmed.

Mr. Pruitt has also suggested that Senators who want more information about the details of his record should file FOIA requests rather than providing that information voluntarily. He has described himself as "a leading advocate against the Federal EPA's activist agenda." Scott Pruitt has not been able to name in confirmation hearings one single environmental protection statute he supports. In my view, that is unacceptable for a State attorney general let alone someone nominated to be our Nation's highest ranking environmental protection official.

Mr. Pruitt's disdain for the core mission of the EPA leaves me without a doubt that he is unfit to take on this important role, but that is not all.

Scott Pruitt either ignores or is ignorant of the core and important science of climate change, mercury, lead exposure, ocean acidification, to name just a few of many topics uncovered in his confirmation hearing.

Mr. Pruitt acknowledges the climate is changing but says the role, the influence of human activity is "subject to debate." I am here to say this evening, that is simply not true. Only in an alternative universe, based on alternative facts, is the human impact on climate change still subject to debate. That is like saying that Scott Pruitt is fit to lead the EPA is subject to debate. I think after an exhaustive confirmation hearing and a review on the floor of the facts, it is not. It is simply not true.

Scott Pruitt also led a lawsuit against EPA rules that would reduce mercury emissions from coal-fired powerplants. He argued it was too expensive, too burdensome, but he also questioned whether mercury itself was harmful to health. On that issue, the science is clear. Mercury has devastating effects on the development of the human nervous system.

Does Mr. Pruitt not get that or does he not care? Those are pressing questions for me. During his confirmation process, Mr. Pruitt was confused about ocean acidification, a process explained by very basic science. A question I was left with was whether Mr. Pruitt just did not get it or just did not care.

In that same hearing, he made statements that indicated he was unfamiliar with the Federal standards regarding lead in drinking water. I had to ask myself whether he simply has not heard of Flint, MI, or was not concerned.

My office alone has received nearly 1,000 calls and emails from Delawareans expressing concern about Scott Pruitt and the future of the EPA under his potential leadership, expressing concern and opposition. Delawareans have reached out to me saying they are worried about their kids with asthma; they are worried about clean drinking water for their families; they are worried about protecting our rivers, our wetlands, and other outdoor spaces in Delaware and around the country.

With Scott Pruitt potentially at the helm of the EPA, they are right to be worried. Let me end by sharing a brief excerpt of a letter from one of my constituents who lives in my hometown of Wilmington, DE. She wrote:

Please vote against Scott Pruitt as leader of the EPA. Our children's future, their health and well-being, and their right to inherit a world we have not irreversibly destroyed may depend on it.

She is absolutely right. Our kids do deserve a better environmental future. To her and all the Delawareans who have contacted me and my friend and colleague from my home State, I hear

you. I intend to vote against Scott Pruitt. If my colleagues in the Senate really want to stop pollution, we can start by keeping Scott Pruitt from going to lead the EPA.

Our environment should not be for sale, should not be neglected, and should not be turned aside from being the core mission of the Environmental Protection Agency. I think we all should stand firm against the nomination of Scott Pruitt to lead that important Agency.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

MR. LANKFORD. Mr. President, it is an absolute honor to be able to rise and speak in support of Attorney General Scott Pruitt. For the last 6 years, Scott has been a leader in the State of Oklahoma. He has been strongly committed to enforcing the law in Oklahoma as it is written and as is consistent with the Constitution. He is a statesman. He is a dedicated public servant.

As the Administrator of the EPA, I fully expect Scott to be able to lead the Agency to follow every environmental law and to partner with States, local authorities, and tribes to do what is best for the present and for the future. I have heard some people talk about their opposition to Scott's nomination, saying they don't believe Scott believes in clean air, in clean water.

That is not the issue for Scott. Scott absolutely believes in clean air and clean water, and the accusations that somehow he wants dirty air and dirty water and our children to be poisoned is ludicrous.

The question for Scott is not if we should have clean air and clean water, it is who is the primary steward of our clean air and our clean water. Everyone has a role. We are a nation that is connected to each other. What happens in one State does affect another State. That is why we have a national strategy working with the Environmental Protection Agency, but in the Clean Water Act and in the Clean Air Act, the States are given primary responsibility through what is called a State Implementation Plan to determine what is in their best interests and the best solutions to be able to deal with the issues of air and water.

Scott has fought for the State to be allowed to be in the driver's seat with regard to all of the State resources, arguing for those that work in wind farms, in oilfields, and on cattle ranches, for families who have drinking water and breathe the air and who live there. The people who should have the loudest voices should be the people who actually drink that water and breathe that air and understand the effects of it firsthand.

He has not been alone in this fight. As the attorney general of Oklahoma, he stood shoulder to shoulder with

more than half of the States to ensure the Federal Government operates within the bounds of the statutes and the Constitution. He has consistently argued that the EPA, when they promulgate rules that violate that basic principle of the State Implementation Plan, should stop, do what the EPA does best, and have the EPA push the States to do what they should do best.

In an environment where Chevron deference is the precedent set, it is critical that the leader of an Agency that has such wide latitude to extract costs out of the economy, should respect the federalist foundation we have, and the pocketbooks of hard-working families, as well as our air and our water.

In previous congressional testimony, he stressed the importance of laws like the Clean Air Act, stressing that the intention was for States to work together under a model of cooperative federalism that protects the environment while considering economic costs.

Scott pursued cases against the EPA and other Federal agencies in an effort to enable and embolden our State government officials to craft the legislation that needs to be done. His focus has been not to eliminate environmental protections, it is to honor a country with tremendous diversity, from rocky mountains to open deserts, to beautiful woodland areas.

Surprisingly enough, the issues that we face on our environment, in the concrete jungle of Washington, DC, is different than it is in Woodward, OK. Let me give you an example of one of those cases that he engaged in. It is a case where the EPA created a new regulation called waters of the United States. It dramatically changed the definition of what are the areas the EPA can oversee and increased their regulatory authority by millions of acres in just one regulatory sweep.

The courts immediately stepped in and stopped this, and Scott Pruitt and many other States' attorneys general said: The EPA does not have the right to be able to step into almost every inch of our State and say they suddenly have regulatory authority.

In fact, the court said this: "We conclude that petitioners have demonstrated a substantial possibility of success on the merits of their claims."

Furthermore, they said this: "What is of greater concern to us, in balancing the harms, is the burden—potentially visited nationwide on government bodies, state and federal, as well as private parties."

The court stepped in and agreed with Scott Pruitt that the EPA was overreaching, and that case is still in the courts right now. That is a reasonable thing to be able to do, for an attorney general who has the responsibility to not only manage the legal issues of the State but also to watch out for the

consumers of the State. As funny as it sounds, if you go to the EPA's website today and look at Oklahoma and air quality, here is what it says. The EPA website today reads: "CAA permitting in Oklahoma. Clean Air Act permitting in Oklahoma is the responsibility of the Air Quality Division Exit of the Oklahoma Department of Environmental Quality."

The EPA's website today says responsibility for this is from the Department of Environmental Quality in Oklahoma.

All our attorney general has done is said to the EPA: You should probably follow the law or at least your own website to be able to handle all of the permitting issues of who has authority to do this. For the past month, I have heard Senator after Senator come to this floor and describe my great State of Oklahoma in a way that makes Scott Pruitt sound like an ogre and my State sound like a toxic waste dump.

Let me give you an example. Attorney General Pruitt has been dismissed by some who say that he has personally been engaged in leading our State to such terrible air quality that the American Lung Association has given the counties in Oklahoma an F rating.

Well, that is an interesting accusation, until you actually go to the American Lung Association website and see that they give almost every county in America an F rating. In fact, they give every county in Delaware an F rating in air quality. They categorize those under "high ozone days" and one of three counties just barely skated by with a D in particle pollution for Delaware, while in Oklahoma the two largest metropolitan areas actually received an A from the American Lung Association. Similarly, in that same study, Rhode Island lacks a single county that doesn't get an F for air quality on high ozone days, while only two counties received passing grades for particulate pollution.

The accusation that somehow the American Lung Association has looked at Scott Pruitt and his record on environmental policy and has given us dirty air quality is not actually true when you see the full study.

What is interesting, as well, is that the EPA publishes data about whether counties meet the national ambient air quality standards, and they have six criteria that the EPA puts out. In fact, recently they dropped their criteria significantly from the previous years. What is interesting, as well, is that for Oklahoma, last week, the EPA released their national ambient air quality standards, trying to determine which counties had attainment of the standard or nonattainment. Guess what. Every single county in Oklahoma—all 77—have attainment. Even as to the new standard that was just released, that we don't even have to operate under, we already meet those standards for ambient air quality.

Meanwhile, Maryland has 12 counties in nonattainment for at least 1 of those criteria. Connecticut has eight counties that don't meet those standards. California has 38 of their 58 counties failing to meet those standards in at least 1 criteria. There are 77 counties in Oklahoma, and every single one of them meets attainment.

I don't hear anyone standing on this floor challenging the attorney general of California or of Maryland or of Connecticut and demonizing them and accusing them of not taking care of the air and the water in their State.

By the way, I have also heard on this floor, as my State is being ripped apart for political gain, over and over that asthma rates for children are catastrophically high in Oklahoma and that Scott Pruitt should have been more engaged, filing lawsuits so that asthma rates would go down—until you look at the CDC website for asthma rates for children. It is 10.1 in Oklahoma. One child is too many. It is 10.1 percent in our State, but you can compare that to Rhode Island, which is 12.4; or Michigan, which is 10.7. Vermont beat us, by the way. They are 9.9—0.2 below us.

Again, I don't hear anyone on this floor calling out the attorneys general of Vermont, Michigan, and Rhode Island and saying they failed to protect their children because children have asthma in their State.

Another thing that is commonly said about Scott Pruitt and the State of Oklahoma is that he is committed to conventional energy sources and that he is stuck in the past, dealing with oil and gas.

I will tell you that Oklahoma is rightfully right proud of its history of oil and gas in our State. We have unlocked resources that have absolutely powered our Nation forward. We also have an incredible group of visionaries in our State that are driving renewable resources as fast as we are driving oil and gas in our State.

For all the folks that are here bashing oil and gas, I would remind you that you traveled to Washington, DC, on a plane, in a car, or on a train that was powered by Oklahoma energy. So you are welcome. And I will assume that, 2 weeks from now, when we return back for session, you are going to ride in on a horse just to be able to spite Oklahoma's energy—probably not. But can I remind you of something?

What is often overlooked about Oklahoma and what has not been stated here is that Oklahoma truly is an all-of-the-above energy State—solar, hydroelectric, geothermal, wind, oil, gas, and coal.

Let me give you an example—just one of the examples from that. Recent data shows that Oklahoma ranks third nationally in total wind power. We just passed California for total wind production. We are just barely behind Iowa

and Texas. The installed capacity for Oklahoma alone—just in wind generation—is 1.3 million households powered by wind power out of Oklahoma.

I will admit that I am a little biased about my State. But I am weary of hearing people inaccurately demean the air and water in Oklahoma and try to accuse it of something that is not true for their political benefit.

Here is my invitation to any Member of this body. Why don't you come home to Oklahoma with me? I will buy you some great barbecue and drive you around the State. I will take you through the Green Country in the northeast part of the State, over to Kenton, OK, and Black Mesa to see the majestic area around our panhandle. We will drive four-wheelers in Little Sahara, and maybe we will drive down to Beavers Bend Park, stand under the tall trees, and put our feet in the crystal clear water of that river. I will even take you to my house in Oklahoma City, a community of a million people that exceeds the EPA air quality standards for ambient air quality.

We say in Oklahoma: "The land we belong to is grand," and we mean it. We are passionate about our land, and we are passionate about our air and water. I will tell you that Scott Pruitt is passionate about his State and what we do there.

I will tell you how political this has really become. Mike Turpen is the former attorney general of the State of Oklahoma and, by the way, he is also the former chairman of the Oklahoma Democratic Party. Mike Turpen, when it was announced that Scott Pruitt was going to be tapped to be head of the EPA, released this statement:

Oklahoma Attorney General Scott Pruitt is a good choice to head up the Environmental Protection Agency. I am convinced Scott Pruitt will work to protect our natural habitats, reserves and resources. His vision for a proper relationship between protection and prosperity makes him superbly qualified to serve as our next EPA administrator.

That is from the former head of the Oklahoma Democratic Party.

So far, my colleagues have found a good reason for every Cabinet nominee to delay, delay, delay. This has now been the slowest confirmation process for any President since George Washington. The tradition has always been that the President won an election, and he should be able to hire his own staff and his own Cabinet and get busy going to work. That is what the American people asked him to do.

Scott Pruitt deserves an up-or-down vote, and he deserves our trust to be able to take on and follow the law, doing what the EPA requires him to do.

Scott Pruitt is a friend. I understand that some of the folks who have attacked him have only met him at a hearing or read about him on some blog site. But I have prayed with Scott. I have seen Scott struggle with the

hard decisions that affect our State's future. I have seen Scott listen to people from all sides of an issue, and I have seen him take difficult stands. I think he will be an excellent EPA Administrator, and I think he will make some wise choices to not only protect what is happening now but to be able to help protect us for the future.

You see, Scott is a husband and a dad as well, and he cares also about the future of our country. I think he is going to go after it, and he will be able to be an excellent Administrator in the days ahead.

TRIBUTE TO BRYAN BERKY

Mr. President, I would like to take a quick moment just to be able to reflect. I have a staff member named Bryan Berky. He is running off. He has been quite a leader. He is leaving us to be able to take on a new task and a new role.

Since 2010, he has been a tremendous asset to the Senate. Bryan Berky is a student of Senate procedures. He is the one in the office whom everyone wishes they had because, when something comes up and someone has some novel new idea of how the rules work, he is typically the one on the corner saying: Yes, that really won't work, and here is why.

He has been sharp on budget issues, on tax issues, and efficiency in government. He has been the one who has been passionate about the national debt—and not just talking about national debt but actually trying to solve it.

You see, Bryan Berky is one of those unique staffers not trying to make a point. He is trying to actually solve the problem.

He was mentored by a guy named Dr. Tom Coburn, who wasn't too bad on those issues himself. He has led well, and I am proud that he has been on my staff.

As he leaves from the Senate, he will be sorely missed by this whole body—even by people who never met him. He had an impact, based on the things that he worked on.

If you want to get a chance to visit with Bryan Berky, though, you can talk about Senate procedures, tax policy, and nerdy budget issues or you can chat with him about Oklahoma State football. He spent his time through college working for the Oklahoma State football team, watching the films and breaking down every single play, preparing the team for practice and for the game days.

He is a great student of people and of process.

I just want to be able to pass on to the Presiding Officer that there is a guy named Bryan Berky who is leaving the Senate in the next week, and he will be sorely missed by this Senate and by our team in the days ahead.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, last year was the hottest year on record, and 16 of the last 17 years have been the warmest years ever recorded. Climate change science is some of the most thoroughly established and well-tested research in history, and 97 percent of the published research says climate change is real and caused by humans.

Climate change is an urgent threat to our health, our national security, and our economy. How we address it is what we need to debate, not whether it is real.

As I have said before, I will work with anyone in this Chamber—Republican or Democrat—to address this issue. That is appropriate because survey after survey of people in Colorado—a State that is a third Democratic, a third Republican, and a third Independent—demonstrates that they believe the science, no matter which party they belong to.

In a very welcome sign, just last week, a group of statesmen, including former Secretary of State James Baker III, former Secretary of State George Shultz, and former Secretary of the Treasury Henry Paulson, Jr.—all Republicans—released what they described as a "conservative climate solution."

These distinguished leaders have come together at just the right moment—at the perfect moment—because our new President says that he is "not a big believer" in climate change. In fact, he claimed during the campaign that climate change was a hoax invented by the Chinese to make U.S. manufacturing noncompetitive.

Consistent with that view, the President's nominee to run the Environmental Protection Agency, Scott Pruitt, recently said that the debate over climate change is quote "far from settled." He wondered in December whether global warming is "true or not," whether it is caused by humans and whether the Earth is cooling instead of heating. As attorney general of Oklahoma, he sought to prevent the very Agency he has been nominated to lead from fighting climate change, suing the EPA 14 times.

It is important, I guess, to note that while it is rare for somebody in America to share these views, Attorney General Pruitt is not alone in his extreme views in the new President's Cabinet. Rick Perry, the nominee to be Secretary of Energy, wrote in his book that climate science is "all one contrived phony mess" and that the Earth is actually "experiencing a cooling trend." Ben Carson, the nominee to run the Department of Housing and Urban Development, said: "It is not clear if temperatures are going up or going down." Rex Tillerson, the new Secretary of State, said: "None of the models agree on how climate change works." Mr. Trump's CIA Director,

Mike Pompeo, said: “There are scientists who think lots of different things about climate change.”

When the Pope was talking about the importance of addressing climate change, which he said was a very real threat, there was an American politician who said that the Pope should stick to religion and that he wasn’t a scientist. In fact, the Pope studied chemistry. I am glad he is using his voice on this important issue.

To be clear, some nominees seem to have undergone a confirmation process evolution on climate, but this seems more an effort to hide their extreme views in an effort to be confirmed rather than a genuine conversion based on facts or science, and that is a shame because the world cannot wait for this administration to stop ignoring the science.

Over the past 150 years, human activity has driven up greenhouse gas levels in our atmosphere higher and faster than at any time over the last 400,000 years. That is not surprising because we have pumped almost 400 billion metric tons of carbon into the atmosphere since the start of the Industrial Revolution. As a result, carbon dioxide concentrations have risen from 280 parts per million to 400 parts per million for the first time in recorded history. That significant change over an insignificant period of time is dramatically changing the Earth. These emissions act like closed car windows: They allow light and heat in, but they don’t allow most of the heat to ever escape.

Already, record heating has melted ice sheets as large as Texas, Georgia, and New York combined, adding billions of tons of water to our oceans every year. These rising seas have partially submerged cities in Florida and Georgia several times per year. They threaten 31 towns and cities in Alaska with imminent destruction. They are forcing a city in Louisiana to relocate its residents away from what is now an almost permanently flooded coast. By 2030, there won’t be any glaciers left in Montana’s Glacier National Park.

While extreme events and natural disasters become more frequent, so do the effects climate change has on our daily lives. In my home State, 7 out of 10 Coloradans know that climate change is happening, and nearly half say they have personally experienced its effects. Shorter winters are already a threat to Colorado’s \$4.8 billion ski and snowboard industry and its 46,000 jobs.

Since the snow is melting sooner, there is not enough water for what are now longer summers. Colorado’s farmers are forced to grow food with less water, a changing growing season, and higher temperatures. Our agriculture industry employs over 170,000 Coloradans and contributes more than \$40 billion a year to our economy. These changes are not only threatening farm-

ers’ livelihoods, they are changing production and food prices at grocery stores.

Our beer industry is even weighing in. This week, I received a letter from 32 brewers from around the country, including three from Colorado, who oppose Scott Pruitt’s nomination because they depend on America’s clean water resources to brew their beer.

Hotter summers and the droughts they prolong cause wildfires that now burn twice as much land every year than they did 40 years ago. Together, State and Federal agencies are paying nearly \$4 billion a year to fight those fires. Warmer waters and drought are hurting animals everywhere, like our cutthroat trout populations in Colorado. That is not just a problem for the fish; in Colorado, rivers generate more than \$9 billion in economic activity every year, including supporting nearly 80,000 jobs.

As warmer temperatures increase and spread across regions, so do incidents of vector-borne diseases like the West Nile virus and the hantavirus. And what do we do when we have longer, hotter summers? We crank up the air-conditioning, burning more fossil fuel and only perpetuating the problem.

I understand that sometimes it is hard to focus on climate change when the effects seem distant, but it should be impossible to ignore the immediate national security threat posed by climate change that is here today. Here in the Senate, in 2015, we passed a budget amendment with bipartisan support to promote “national security by addressing human-induced climate change.” That is what the amendment said. It got bipartisan support.

The former Secretary of Defense, the former Director of National Intelligence, and the former admiral in charge of U.S. Naval forces in the Pacific have all warned us that climate change is a threat to our national security.

Around the world, climate change is increasing natural disasters, refugee flows, and conflicts over basic resources like food and water, complicating American involvement and security. Climate change is linked to drought and crop loss and failure in southern Africa, leaving more than 6 million children malnourished by famine. It is increasing monsoons and heat waves in Pakistan, driving 11 million people out of their homes. It is even connected to water and food shortages that have intensified civil unrest from Egypt to Syria.

At home, climate change already has cost us billions to relocate and buffer military infrastructure from coastal erosion and protect military installations from energy outages. At the U.S. Atlantic Fleet in Norfolk, VA, the largest naval installation in the world, sea levels have risen over 1 foot in the past

100 years. All the systems that support military readiness, from electrical utilities to housing at that base, are vulnerable to extreme flooding.

When the Department of Defense “recognizes the reality of climate change”—those are their words—“and the significant risk it poses to U.S. interests globally,” we should listen. When the Nation’s most recent national security strategy says that “climate change is an urgent and growing threat,” we should act.

As a Senator from Colorado, I understand very well why people sometimes are frustrated when the EPA, for instance, does take action—or sometimes when it doesn’t take action.

There are certainly some regulations that don’t make sense, where a well-intentioned idea or an ill-intentioned idea—I think they are usually well-intentioned—from Washington ends up not making sense when it hits the ground. That is why I fought to revise EPA fuel storage tank regulations that hurt Colorado farmers, ranchers, and businesses in my home State. I supported an amendment making the Agency take a look at a new regulation that burdens families trying to remodel older homes. There are other regulations that I voted to get rid of. I supported, for instance, lifting the export ban on crude oil from the United States of America, a bill that we passed last year in connection with a 5-year extension of the tax credits for wind and solar energy, a great deal for the State of Colorado—both the lifting of the crude oil export ban and the extension of the tax credits for wind and solar.

I have also supported and fought for our coal community. In Colorado, working with my colleague Senator GARDNER, I fought to keep a Colorado mine open to protect good-paying jobs in my State. I am proud to have a hard hat in my office bearing the signatures of the people who work at that mine.

I have to say tonight that the often-asserted claim that efforts to regulate carbon or more generally to protect our water and our air have significantly led to job losses in this country is false. This argument is a fraud perpetrated by politicians making promises that are broken from the start.

The reality—and it is important to understand the reality so we can remedy the situation—the reality is that free market forces and not mostly Federal regulation are transforming American electricity production.

American coal employment peaked in the early 1980s, long before we began seriously expanding natural energy. Natural gas has been gaining market share compared to coal since before 1990. Colorado, for example, has benefitted greatly from the natural gas boom. In almost every part of the United States, natural gas plants are now cheaper to build than coal plants.

Facilities that were built when I became a Senator 8 years ago were built to import natural gas and are now being retrofitted to export natural gas to the rest of the world. That is good for our environment, and it is good for the geopolitical position of the United States.

Innovation is making renewable electricity more affordable for everybody. Between 2008 and 2015, the cost of wind power fell 41 percent. The cost of large-scale solar installations fell 64 percent. This has led to a 95-percent increase in solar deployment in 2016 over the previous year. The annual installation doubled in 1 year.

If we truly want to support our world communities, we should listen to Teddy Roosevelt, who once said that “conservation and rural-life policies are really two sides of the same policy; and down at the bottom this policy rests upon the fundamental law that neither man nor nation can prosper unless, in dealing with the present, thought is steadily given to the future.”

The truth about the future is that there may be a lot of sound reasons to review, revisit, and even retire any number of Federal regulations, and I will bet there are, but cutting regulation will not reopen shuttered coal mines.

It is not about regulations or the EPA or about a War on Coal. Economic factors, market factors are driving the shift from coal to natural gas and renewables, and we need to recognize this shift and help coal communities adapt to a changing energy economy. They have contributed to building the economic vitality of this country. Their work helped us win World War II. We have to recognize the contribution; we can't just turn our backs. But we also need to acknowledge what is causing the changes that are occurring in our energy production because if we can't acknowledge the causes, we can't fix the problem; we can't make a meaningful difference for people in the communities that are affected by these changes; we can't fulfill what have become empty political promises instead of making real commitments on behalf of the American people.

We also have to take advantage of the changes in energy production to fuel economic growth and create new jobs. Already, renewable energy is creating jobs throughout the country. Energy efficiency employs 2.2 million Americans. Solar and wind companies employ more than 360,000 Americans, including more than 13,000 in my home State of Colorado. Colorado now ranks first in the country in wind energy manufacturing. All together, clean energy employment grew 29 percent between 2009 and 2014 in Colorado.

This isn't a Bolshevik plot, as I said on the floor before. These are American jobs. These are manufacturing jobs.

These are plants where it is not just about the wind turbine but about all of the supply chain that goes along with it that can't be made in China and shipped to the United States and installed here. These jobs in this supply chain are American jobs. They are good jobs that pay a good wage, and they are meaningful to our economy. Last year, solar jobs grew 17 times faster than jobs in the rest of the national economy. They increased by 20 percent in Colorado in 1 year.

The expansion of natural gas, as I mentioned earlier, is also aiding our transition to a cleaner energy economy. Between 2005 and 2012, natural gas production grew by 35 percent in the United States. In Colorado, it expanded by 139 percent. Colorado now ranks sixth in the country in natural gas production as 10 of the Nation's 100 largest natural gasfields are now located in Colorado.

These industries together create good-paying jobs that can't be exported overseas; and all of these changes, taken together, are beginning to address climate change. From 2008 to 2015, the American energy sector reduced its carbon emissions by 9.5 percent. We reduced our carbon emissions by almost 10 percent while the country's economy grew by more than 10 percent, and we are starting to see the same trend around the world. Global emissions stayed flat in 2015 while the global economy grew. Turning our backs on reality is not a recipe for job creation in this country, but embracing the reality is.

So I would ask this new President, after the campaign he ran and the promises he made, why he would promote policies that will kill American jobs and industries. Unfortunately—I regret to say this—even though 70 percent of Coloradoans say climate change is real and that humankind is contributing to it, the answer to my question about this administration's policies comes back to what it believes—to what it believes is a debate on climate change.

If we allow science to become debatable, we can contort our thinking to fit any fiction at all to support or undermine any public policy. We risk discarding facts we don't like and ignoring experts with whom we don't agree in favor of special interests, which often dominate our political system. Our country needs more from us than that. Our national defense demands more than that from us.

When State Department analysts concluded with evidence, with science, that the Keystone Pipeline would not materially increase carbon emissions—facts lost in the phony debate here in Washington—I voted for it against intense opposition from my own party and many of my strongest supporters. That was a painful vote, one of the most painful I have ever taken and dif-

ficult to explain to many people I admire, but I was guided by the facts, not by politics, guided by the science, not by politics.

We have always drawn strength as a country from our belief in science, our confidence in reason and evidence. It is what Harry Truman called our “unflinching passion for knowledge and truth.” In school, we teach children to support theories with facts and look to science to explain the world. When it comes to climate change, we cannot allow the narrow limits of political expediency and special interests to cloud our sound judgment. That is not a lesson we should be teaching our children who need us to act on climate. That would set a horrible example for the people who are coming after us.

Our ultimate success in addressing climate change will rely on the same scientific method that sent us to the Moon and eradicated smallpox. If we surrender evidence to ideology, when it comes to climate change, we abandon the process of scientific inquiry. We leave ourselves completely unequipped to defend what we discover to be true. We loosen our grip on the science that allows us to understand that evolution is real and vaccines are effective; that something is true and something else is false. That, not doubt and denial, is the lesson we should leave our children; that we have the courage to confront this challenge without bias; that we have the wisdom to follow facts wherever they lead. That is what this Senate should do. That is what our country should do.

We have seen the evidence now. It is not theoretical anymore that we can grow our economy, the fact that we will grow our economy, that we can conserve energy while we do it, that we can create entirely new industries and technologies to power the most significant economy that human beings have ever seen in the history of the world, and that we can deal with climate at the same time. The two are linked.

Apparently, that is not what this President believes, and that is not what his nominee to be Administrator of the Environmental Protection Agency believes. Because that is so far out of step with what Colorado believes and for all of the reasons I have talked about today and for the sake of our climate and for good-paying American jobs all over this country—but particularly in Colorado—I am compelled to vote no on the President's nominee to head the Environmental Protection Agency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to express my strong opposition to President Trump's nomination of Scott Pruitt to be the next Administrator for the Environmental Protection Agency.

The reason is simple. In a choice between corporate polluters and people

who want to breathe air and drink water, Scott Pruitt sides with the corporate polluters. He has no business being the head of the EPA.

During his nomination hearing, Mr. Pruitt had countless opportunities to answer for his record. His responses were flippant, evasive, and outright misleading. He has been asked repeatedly to provide records from his office concerning dealings with big oil companies, but he told the Senators that, hey, they should submit an open records request, hoping that his confirmation would be over long before those documents would see the light of day.

Just a few hours ago, an Oklahoma district court judge ordered a dose of sunshine for Mr. Pruitt's dirty dealings from his perch as attorney general of Oklahoma. The judge has demanded that Mr. Pruitt cough up more than thousands of emails pertaining to his cozy relationship with Big Oil—emails he has been hiding from Oklahoma open records requests for over 2 years, but the Republican leadership is not interested in waiting. Its plan is to jam this nomination through tomorrow—4 days before the emails are slated to become public.

Are you kidding me?

If those emails show corruption, every Senator should have that information before—not after—they vote to put someone in charge of the EPA who may be there for years.

Clean air and clean water used to be a nonpartisan issue. In earlier decades, leaders in both parties had the courage to say no to suffocating smog and towering plumes of toxic chemicals poisoning our children. Republicans and Democrats came together, and together they declared that access to clean air and clean water was a basic right for all Americans. We passed the Clean Air Act, and we passed the Clean Water Act. We updated those laws when necessary, and we did those things together.

Together, we depend on the Environmental Protection Agency for three critical reasons: The EPA is the cop on the beat, protecting American families from corporate polluters that would put profit ahead of safety. It watches out for us and for our children; the EPA exists because pollution knows no State borders. What is burned at the powerplant in Ohio is breathed by children across Massachusetts; and the EPA takes on the ever-changing task of researching, monitoring, and regulating toxic emissions because the job is far too great for any one State to tackle.

To do all of this, the EPA routinely turns to local governments, businesses, and innovative workers for local solutions; the EPA turned to the University of Massachusetts to create a research center to assist smalltown water systems; the EPA turned to

towns along Cape Cod and on Martha's Vineyard to pursue innovative solutions to increase coastal resiliency as sea levels have risen; and the EPA recently recognized New Bedford's exceptional work in monitoring industrial waste discharge in the city's collection system.

Across Massachusetts and across the Nation, the EPA sets big national goals that help inspire ingenious local solutions. The EPA is one of our great successes as a nation, but that success has not come without a fight. Each time the EPA has taken a step to clean our air, industry has poured more and more money into the debate, yelling that regulation is just too costly and that companies can never survive if they have to clean up their act.

In the 40 years following the Clean Air Act, emissions of common air pollutants fell nearly 70 percent while the number of private sector jobs doubled. Industry talks about the costs of pollution controls because dirty is cheap. Clean air saves more than 160,000 lives each year. Clean air saves more than 3 million schooldays our children would have collectively lost. Clean air saves 13 million workdays the hard-working, healthy Americans simply can't afford to miss.

Scott Pruitt doesn't measure success by this yardstick. No. He measures success by how happy his corporate donors are. As Big Oil's go-to attorney general from Oklahoma, Pruitt has spent the last 6 years trying to silence the life-saving, data-driven work of dedicated EPA employees and scientists. And now, those big polluters have their fantasy EPA nominee—someone who will work on their side and not on the side of the American people.

How about a couple of examples. When EPA issued a rule to limit mercury, arsenic, and other toxic chemical emissions from coal powerplants, Mr. Pruitt questioned whether mercury poses a health hazard. Mercury is a well-known neurotoxin. It means that it poisons the nervous system. And Scott Pruitt thinks he should question whether it poses any health hazard. Wow.

Or maybe it is this example. When the EPA moved to reduce leaks of methane, a greenhouse gas that is 30 times more potent than CO₂, he turned the Oklahoma AG's office into a clearinghouse for big oil to pursue lawsuits attacking the EPA. Scott Pruitt has spent so much time with his campaign donors that he honestly appears incapable of understanding the difference between the financial interests of millionaires who run giant oil companies and the health and well-being of the 4 million human beings who actually live in Oklahoma.

The people need a voice more than ever. For generations, Oklahoma has had very few earthquakes. Then, oil companies decided to up production, to

pull every last drop of oil out of the ground. But with every drop of oil came useless, toxic radioactive salt water waste, and it has to go somewhere. So they took the cheapest option available: Pump billions of barrels of wastewater deep underground, under immense pressure, and that is when the problems started. Suddenly, earthquakes—big earthquakes with a magnitude of 3.0 and above, started occurring every day across Oklahoma.

Here was Mr. Pruitt, the State attorney general, the people's lawyer. What did he do? Did he seek relief for the families that were stiffed by insurance companies? Did he join residents who were suing to stop the drilling while their homes crumbled? Did he even pretend to do something—you know, like maybe issue a strongly worded press release supporting frightened citizens? No, not Mr. Pruitt. No, Mr. Pruitt stood by his friends in the oil industry, and the heck with everybody else.

Mr. Pruitt has been consistent in his work for big oil. As attorney general, he dismantled the environmental protection unit in his office—dismantled the environmental protection unit. He appointed a billionaire oil man to be his 2014 campaign chair, and he ignored the citizens he was sworn to protect. That is the measure of Mr. Pruitt as a public servant.

A State attorney general is supposed to serve the people. Right now, Massachusetts attorney general Maura Healey is leading the case to prove that ExxonMobil deliberately deceived the public about the impact of climate change on our economy, our environment, our health, and our future. Good for Maura. Did Scott Pruitt join that suit? Of course not. Pruitt ran to the defense of one of the world's largest corporations, whining about how that corporation felt bullied. Instead of working as the attorney general for Oklahoma, Mr. Pruitt has served as the attorney general for Exxon.

Finally, Scott Pruitt has the nerve to say that the cause of climate change is "subject to more debate." More debate? We had that debate in the 1980s, in the 1990s, in the 2000s. Maybe Mr. Pruitt missed it, buried under a pile of big oil money.

So let me just offer a summary. For well over a century, we spewed fossil fuel filth into our atmosphere. And, yes, this allowed us to fuel the thirsty appetite of our 20th century economy. But that blistering pace came at a price.

Our planet is getting hotter. Our coasts are threatened by furious storm surges that sweep away homes and devastate our largest cities. Our poorest neighborhoods are one bad storm away from being under water. Our naval bases are under attack—not by enemy ships but by rising seas; droughts and wildfires are all too familiar across the country. Refugees are fleeing homes

that are no longer livable. And the risk of rapidly spreading diseases like malaria and Zika is on the rise.

Our coastal communities don't have time for politicians who deny science. Our farmers don't have time for more debate. Our children don't have time for more cowards who will not stand up to big oil companies defrauding the American people.

Scott Pruitt has been working hard for big oil to dismantle the EPA, and now, President Trump wants to give him that chance.

Where are the Senators who will stand up for the health, the welfare, and the safety of their citizens? Where are the Senators who will stand up for the people's right to breathe clean air and drink clean water? Where are the Senators who will have the courage to demand action on climate change so that our children will have a chance to inherit a livable Earth?

In the end, despite this despicable record, if the Republicans link arms again, there will not be enough of us to stop this nomination. But make no mistake, if President Trump wants a fight over the health of our children, a fight over the creation of clean energy jobs, a fight over the very future of our planet, then we will fight every step of the way.

We will fight alongside moms and dads who know the terror of a childhood asthma attack. We will fight alongside the cancer victims. We will fight alongside the fishermen and the hunters. We will fight alongside the families of Flint, MI, and everywhere else in America where families cannot safely turn on their water taps or step outside and take a deep breath.

We are all in this together.

People in Massachusetts care deeply about preserving a safe and healthy environment for our kids and our grandkids. We see it as a moral question. And I receive letters from people all across the State, describing how important clean air and clean water are to them and how worried they are about what Scott Pruitt leading the EPA will mean for our most vital natural resources. I hear those concerns and I share those concerns.

I would like to read just a few of the many letters that I have received about this nomination.

Edward from Dennis wrote to me on behalf of the Association to Preserve Cape Cod about the importance of the EPA to coastal communities in Massachusetts. Here is Edward's letter:

The Association to Preserve Cape Cod (APCC), the Cape Cod region's leading non-profit environmental education and advocacy organization, writes to state our strong opposition to the appointment of Oklahoma Attorney General Scott Pruitt for the position of Administrator of the Environmental Protection Agency. We urge you to vote against his nomination.

APCC is deeply concerned that Mr. Pruitt's record of vigorously opposing the efforts of

the EPA to protect the nation's water and air quality is in direct conflict with his responsibilities as EPA Administrator to ensure that the agency's important work continues. In fact, his record clearly shows that his loyalties side with polluters instead of with the environment and the welfare of the American people. Of particular concern is Mr. Pruitt's refusal to accept the science of climate change and the implications this has for EPA's ongoing efforts to reduce greenhouse gas emissions.

In addition, the EPA has most recently played a vital role in furthering efforts to protect and restore water quality through its Southeast New England Program (SNEP) for Watershed Restoration, a program that has greatly benefited coastal communities in Rhode Island and southeastern Massachusetts. We worry that important initiatives such as the SNEP program, which was originally proposed by Senator REED with the strong support from each of you, will be in jeopardy under the oversight of Mr. Pruitt, should he be confirmed as EPA Administrator.

The New England states, as well as the entire nation, have made significant strides forward in addressing the protection of our air and water. However, much more needs to be accomplished. With so much at stake, we cannot afford to step backward in our effort to protect the environment. We, therefore, urge you to oppose the nomination of Mr. Pruitt for EPA Administrator.

Thanks, Edward, for writing, and thanks to all of you at the Association to Preserve Cape Cod for the work you are doing every single day. It makes a real difference.

While all sorts of people have written to my office about Mr. Pruitt, I have noticed that a lot of people are writing in about kids—their kids, kids they work with, or just kids in general. My constituents are concerned about Scott Pruitt's commitment to protecting the air our kids breathe and the water they drink, and I share those concerns.

I heard from Mary in Worcester, who is concerned about the effects of environmental toxins like lead on children. She is concerned both as a parent and as a family doctor. Here is what Mary had to say:

With so much focus in Washington on ensuring politicians are held to a strong ethical standard, I ask you to oppose the nomination of Scott Pruitt as EPA Administrator. I wrote to you yesterday asking the same, but after the hearing yesterday, it is increasingly clear that Mr. Pruitt is unfit.

In addition to being a parent, I am also a Family Medicine physician. Rarely, I see children who are exposed to lead through environmental sources. This is rare because lead has been regulated, and as such rates of lead poisoning, and the accompanying irreversible brain damage, have plummeted.

But yesterday Mr. Pruitt revealed that he knows nothing about this issue, responding to Senator Cardin, "Senator, that is something I have not reviewed nor know about."

I continue to ask you to oppose him and to encourage colleagues to do the same.

Thank you for writing, Mary. That is why I am here tonight—to encourage my colleagues to oppose him.

I heard from Elizabeth in Belchertown, as well. Here is what she wrote:

As a resident of MA and a teacher of AP Environmental Science in a public high school in western MA, I am writing to express my concern about the appointment of Scott Pruitt as director of the EPA. He appears to be the exact opposite of the qualifications and perspective of a person who should have that position. As you know, he has close ties to fossil fuels, has repeatedly sued the EPA, avoided mercury legislation, and espoused the belief that the EPA is too powerful. I urge you to work with other Senators to block this appointment.

Thank you, Elizabeth. The work that you are doing, that teachers are doing, is more vital than ever now, and I share your concerns. Thank you.

A man from Boston wrote to me with concerns about Scott Pruitt's ties to fossil fuel companies, and here is what he said:

As a constituent who cares about our environment, I want you to know I am deeply concerned about the nomination of Scott Pruitt to lead the Environmental Protection Agency.

Scott Pruitt is firmly in the pocket of the oil and gas industry. He is not concerned with the world we leave for our children. As a father and an educator, I am fighting his nomination because I have a responsibility to care about the world I leave children and not merely the wealth my cronies accumulate.

Pruitt has actively worked to dismantle protections for clean air and clean water that people and birds need to thrive. The EPA must adhere to science and support common-sense solutions for ensuring a healthy environment and stable climate for people and wildlife.

Please oppose confirming Scott Pruitt and demand a nominee instead who will represent the vast majority of Americans—regardless of party affiliation—who support strong action and safeguards for our air, water, and climate.

I couldn't agree more with what he said.

Wendy from Newton wrote to me about the concerns as well. Here is what she had to say:

Dear Senator, I am appalled and scared by the possibility of Scott Pruitt to head the EPA. It will be disgraceful if he is confirmed. To appoint someone who stands against everything that agency is for is cynical, disrespectful and dangerous in this urgent time of climate change. Now more than ever we need a strong EPA that believes in science and will protect us from environmental disaster. I hope you will do everything you possibly can to fight against Pruitt getting confirmed.

Thank you for writing.

I also heard from Arlene in Wayland, who is worried about what the future of the EPA means for her two grandchildren. Here is what she had to say:

Senator Warren, please assure your constituents that you will not support Scott Pruitt's nomination to head the EPA. Mr. Pruitt is an enemy of the agency and of the future of our environment. He has stood in the way of the agency's purpose to protect our air and water. He is ignorant of the findings of climate science and medical studies on toxicity, has dealt dishonestly with Congress, and is so obviously in the pocket of the fossil fuel industry. Please use your considerable persuasiveness and rigor to convince your colleagues in the Senate to ditch

his nomination. The future of my two grandchildren depends on it. Thank you.

Thank you for your note, Arlene. I am doing my best, and so are the rest of the Democrats. We just need some Republicans to help us out here.

Joan from Maynard reached out to me about her experience working with children who have suffered from lead poisoning. Here is what Joan wrote:

I have been an Educational Advocate for children with disabilities for 24 years. I've worked with children who suffer from lead poisoning, and they are heartbreaking. Even the smallest exposure has life-long profound consequences. I haven't personally seen anything the level of what has happened in Flint, MI, but I know that it's a tragedy for a generation of children in Flint.

Pollution of our waters is just one of the risks we face if Scott Pruitt is approved. There are countless more, many evident and others not readily apparent, but ready to unfold. Please, please fight this appointment in every way you can.

Thank you, Joan, for writing and for the important work you do. Believe me, I am fighting in every way I can.

A man from North Falmouth wrote to me, worried that the progress we have made on protecting public health and the future of our planet is in danger. Here is what he said:

Oklahoma Attorney General Scott Pruitt is a lifelong ally of corporate polluters. Pruitt's nomination is a clear threat to the nation's public health and the progress made on common-sense pollution standards. I cannot tolerate the appointment of a fossil fuel cheerleader to lead the nation's environmental protection efforts. In 2014, Pruitt literally acted as a messenger between Devon Energy and the EPA in an attempt to stifle public health protections.

Please continue to defend the Clean Power Plan and methane pollution standards against the influence of the fossil fuel industry. 64% of Americans are concerned about climate change, we deserve a leader who will take action to protect air quality.

Thanks for writing. I really appreciate it.

Since President Trump nominated Mr. Pruitt, I have received hundreds of letters like these from people in Massachusetts who are worried about what he will mean for the environment and for the future of our planet, but I have also heard from the experts, people who understand the ins and outs of the EPA and its mission. Hundreds of former EPA employees who have serious concerns about Mr. Pruitt's record on the environment sent a letter to me and my colleagues here in the Senate. Here is what they wrote:

We write as former employees of the Environmental Protection Agency (EPA) to share our concerns about Oklahoma Attorney General Scott Pruitt's qualifications to serve as the next EPA Administrator in light of his record in Oklahoma. Our perspective is not partisan. Having served under both Republican and Democratic presidents, we recognize each new Administration's right to pursue different policies within the parameters of existing law and to ask Congress to change the laws that protect public health and the environment as it sees fit.

However, every EPA Administrator has a fundamental obligation to act in the public's interest based on current law and the best available science. Mr. Pruitt's record raises serious concerns about whose interests he has served to date and whether he agrees with the longstanding tenets of U.S. environmental law.

Our nation has made tremendous progress in ensuring that every American has clean air to breathe, clean water to drink and uncontaminated land on which to live, work and play. Anyone who visits Beijing is reminded of what some cities in the U.S. once looked like before we went to work as a people to combat pollution. Much of the EPA's work involves preserving those gains, which should not be taken for granted. There are also emerging new threats as well as serious gaps in our environmental safety net, as the drinking water crisis in Flint, Michigan, painfully demonstrates.

Our environmental laws are based on a partnership that requires EPA to set national standards and give states latitude when implementing them so long as certain minimum criteria are satisfied. This approach recognizes that Americans have an equal right to clean air and water, no matter where they live, and allows states to compete for business without having to sacrifice public health or environmental quality.

Our environmental laws include provisions directing EPA to allow for a "margin of safety" when assessing risks, which is intended to limit exposure to pollutants when it is reasonable to expect they may harm the public health, even when all the scientific evidence is not yet in. For example, EPA's first Administrator, Bill Ruckelshaus, chose to limit the amount of lead in gasoline before all doubt about its harmfulness to public health was erased. His actions spared much of the harm that some countries still face as a result of the devastating effects of lead on human health. Similarly, early action to reduce exposure to fine particle pollution helped avoid thousands of premature deaths from heart and lung disease. The magnitude and severity of those risks did not become apparent until much later.

Mr. Pruitt's record and public statements strongly suggest that he does not share the vision or agree with the underlying principles of our environmental statutes. Mr. Pruitt has shown no interest in enforcing those laws, a critically important function for EPA. While serving as Oklahoma's top law enforcement officer, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards to limit mercury emissions from power plants, reduce smog levels in cities and regional haze in parks, clean up the Chesapeake Bay and control greenhouse emissions.

In contrast, none of Mr. Pruitt's many press releases refer to any action he has taken to enforce environmental laws or to actually reduce pollution. This track record likely reflects his disturbing decision to close the environmental enforcement unit in his office while establishing a new litigation team to challenge EPA and other federal agencies. He has claimed credit for an agreement to protect the Illinois River that did little more than confirm phosphorus limits established much earlier, while delaying their enforcement another three years.

In a similar vein, Mr. Pruitt has gone to disturbing lengths to advance the views and interests of business. For example, he signed and sent a letter as Oklahoma Attorney General criticizing EPA estimates of emissions from oil and gas wells, without disclosing

that it had been drafted in its entirety by Devon Energy. He filed suit on behalf of Oklahoma to block a California law requiring humane treatment of poultry. The federal court dismissed the case after finding that the lawsuit was brought not to benefit the citizens of Oklahoma but a handful of large egg producers perfectly capable of representing their own interests. To mount his challenge to EPA's rules to reduce carbon pollution from power plants, he took the unusual step of accepting free help from a private law firm. In contrast, there is little or no evidence of Mr. Pruitt taking initiative to protect and advance public health and environmental protection in his state.

Mr. Pruitt's office has apparently acknowledged 3,000 emails and other documents reflecting communications with certain oil and gas companies, but has yet to make any of these available in response to a Freedom of Information Act request filed more than two years ago.

Contrary to the cooperative federalism that he promotes, Mr. Pruitt has suggested that EPA should refrain from trying to control pollution that crosses state lines. For example, he intervened to support a Farm Bureau lawsuit that would have overturned a cooperative agreement between five states and EPA to clean up the Chesapeake Bay (the court rejected the challenge). When asked how a state can protect its citizens from pollution that originates outside its borders, Mr. Pruitt said in his Senate testimony that states should resolve these disputes on their own, with EPA providing "informational" support once an agreement is reached. But the 1972 Clean Water Act directs EPA to review state water quality plans, require any improvements needed to make waters "fishable and swimmable," and to review and approve plans to limit pollutant loads to protect water quality. EPA's power to set standards and limit pollution that crosses state lines is exactly what ensures every American clean air and water, and gives states the incentive to negotiate and resolve transboundary disputes.

We are most concerned about Mr. Pruitt's reluctance to accept and to act on the strong scientific consensus on climate change and act accordingly. Our country's own National Research Council, the principal operating arm of the National Academies of Science and Engineering, concluded in a 2010 report requested by Congress that human activity is altering the climate to an extent that poses grave risks to Americans' health and welfare. More recent scientific data and analyses have only confirmed the Council's conclusion and added to the urgency of addressing the problem.

Despite this and other authoritative warnings about the dangers of climate change, Mr. Pruitt persists in pointing to uncertainty about the precise extent of humanity's contribution to the problem as a basis for resisting taking any regulatory action to help solve it. At his Senate confirmation hearing, he stated that "science tells us that the climate is changing, and that human activity in some manner impacts that change. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue, and well it should be." This is a familiar dodge—emphasizing uncertainty about the precise amount of humanity's contribution while ignoring the broad scientific consensus that human activities are largely responsible for dangerous warming of our planet and that action is urgently needed before it is too late.

Mr. Pruitt's indulgence in this dodge raises the fundamental question of whether he agrees with the precautionary principle reflected in our nation's environmental statutes. Faithful execution of our environmental laws requires effectively combating climate change to minimize its potentially catastrophic impacts before it is too late.

The American people have been served by EPA Administrators, Republicans and Democrats, who have embraced their responsibility to protect public health and the environment. Different administrators have come to different conclusions about how best to apply the law in view of the science, and many of their decisions have been challenged in court, sometimes successfully, for either going too far or not far enough. But in the large majority of cases it was evident to us that they put the public's welfare ahead of private interests. Scott Pruitt has not demonstrated this same commitment.

Thank you for considering our views.

Thank you to all who signed that letter and for the incredibly important work that you have done to protect our environment. I am with you all the way.

Next, I wish to read an article published by *The Atlantic* that uses Scott Pruitt's actions to critique his appointment to head the EPA. Actions speak volumes louder than words, and his tell a pretty compelling story of exactly how he will lead the Agency. Here is what it says:

While broad strokes of Trump's policies were never in doubt, there was often enough bizarreness to wonder what he would do with the powers of the Environmental Protection Agency.

On Wednesday, those questions were all but settled. Trump has chosen E. Scott Pruitt, the attorney general of Oklahoma, to lead the EPA. . . .

In a certain light, Pruitt is an inspired choice to lead the EPA, as he has made fighting the agency a hallmark of his career. His own website calls him "a leading advocate against the EPA's activist agenda." The significance could not be more clear: As he promised on the trail, Trump will likely use the powers of the presidency and the legal expertise of Pruitt to block or weaken the Obama administration's attempts to fight climate change.

And Trump will be able to try for more than that. For what distinguishes Pruitt's career is not just his opposition to using regulations to tackle climate change, but his opposition to using regulation to tackle any environmental problem at all. Since he was elected Oklahoma's attorney general, in 2010, Pruitt has racked up a sizable record—impressive in its number of lawsuits if not in its number of victories—of suing the EPA.

Many of these suits did not target climate-related policies. Instead, they singled out anti-pollution measures, initiated under presidential administrations, that tend to be popular with the public.

In 2014, for instance, Pruitt sued to block the EPA's Regional Haze Rule. The rule is built on a 15-year old program meant to ensure that air around national parks is especially clear. Pruitt lost his case.

Last year, he sued to block a rule restricting how much mercury could be emitted into the air by coal plants. He lost that, too.

And early in his tenure, he sued to keep the EPA from settling lawsuits brought by environmental groups like the Sierra Club. That one was dismissed.

He has brought other suits against EPA anti-pollution programs—like one against new rules meant to reduce the amount of ozone in the air—that haven't been heard in court yet. While ozone is beneficial to humans high in the atmosphere, it can be intensely damaging when it accumulates at ground level, worsening asthma and inducing premature deaths. The American Lung Association calls it "one of the most dangerous" pollutants in the United States.

All this is not to say that Pruitt has omitted climate regulations from his litigation. His most common target has been the Clean Power Plan, the Obama administration's set of Clean Air Act rules meant to reduce greenhouse gas emissions from power plants. The Clean Power Plan is Obama's main mechanism for pushing the United States to meet its pledge under the Paris Agreement.

Pruitt began suing the EPA to block the Clean Power Plan more than two years ago. Now, Oklahoma is one of the 28 states challenging the agency in court, and it helped succeed in getting the Supreme Court to block the rules in February.

But Pruitt's understanding of the bill seems not entirely legally minded in two significant ways. First, Pruitt's knowledge of global warming appears to be lacking, at best. Earlier this year, for instance, he wrote in the *National Review* that "scientists continue to disagree about the degree and the extent of global warming and its connection to the actions of mankind."

While this sounds reasonable, it is not true. The overwhelming consensus among scientists who study the Earth is that humans are largely to blame for the planet's warming. Climate scientists understood this to be the case since at least the early 1990s, and since then, scholarly consensus on the issue has only strengthened. The majority of scientists also believe that global warming will be quite harmful; the scientific debate about its "degree and extent" is only about how bad it will be and how soon its consequences will kick in.

Second, Pruitt has worked extremely closely with oil and gas companies in opposing the plan. In one case, a *New York Times* investigation revealed that Pruitt sent an official letter to the EPA, bearing his signature and letterhead, that had been almost completely written by lawyers at Devon Energy, a major oil and gas company. It was delivered to Pruitt's office by Devon's chief lobbyist.

Energy firms and lobbyists, including Devon, have donated generously to the Republican Attorneys General Association, which Pruitt has led. In interviews after the *Times* report, Pruitt described the collaboration as a kind of constituent service, saying that Devon is based in Oklahoma City. He agreed with the letter's legal reasoning, he said, so he signed it.

"I don't think there is anything secretive in what we've done," Pruitt told *The Oklahoman*. "We've been very open about the efforts of my office in responding to federal overreach."

Now Pruitt could be the one doing the federal reaching. Environmental groups immediately condemned Trump's selection of him. "The EPA plays an absolutely vital role in enforcing long-standing policies that protect the health and safety of Americans, based on the best available science," said Ken Kimmell, president of the Union of Concerned Scientists, in a statement. "Pruitt has a clear record of hostility to the EPA's mission, and he is a completely inappropriate choice to lead it."

Once, it had seemed like perhaps Trump—who speaks often of his adoration for clean air and clean water—would bypass those old fights and only target Obama's new climate rules. But with Pruitt leading his EPA, it seems that Trump's administration will act like its GOP predecessors. Whether it is successful depends on the Senate, on the courts, and on how well environmental advocates make their case to the public.

Finally, I wish to share a few excerpts from an in-depth *New York Times* article that uncovered Scott Pruitt's extensive ties to energy companies. The article clearly explains the massive conflicts of interest that Mr. Pruitt would face as Administrator of the EPA. Here is what it says:

The letter to the Environmental Protection Agency from Attorney General Scott Pruitt of Oklahoma carried a blunt accusation: Federal regulators were grossly overestimating the amount of air pollution caused by energy companies drilling new natural gas wells in his state.

But Mr. Pruitt left out one critical point. The three-page letter was written by lawyers for Devon Energy, one of Oklahoma's biggest oil and gas companies, and was delivered to him by Devon's chief of lobbying.

"Outstanding!" William F. Whitsitt, who at the time directed the government relations at the company, said in a note to Mr. Pruitt's office. The attorney general's staff had taken Devon's draft, copied it onto state government stationery with only a few word changes, and sent it to Washington with the attorney general's signature. "The timing of the letter is great, given our meeting this Friday with both the E.P.A. and the White House."

Mr. Whitsitt then added, "Please pass along Devon's thanks to Attorney General Pruitt."

The email exchange from October 2011, obtained through an open-records request, offers a hint of the unprecedented, secretive alliance that Mr. Pruitt and other Republican attorneys general have formed with some of the nation's top energy producers to push back against the Obama regulatory agenda, an investigation by the *New York Times* has found.

Out of public view, corporate representatives and attorneys general are coordinating legal strategy and other efforts to fight federal regulations, according to a review of thousands of emails and court documents and dozens of interviews.

For Mr. Pruitt, the benefits have been clear. Lobbyists and company officials have been notably solicitous, helping him raise his profile as president for two years of the Republican Attorneys General Association, a post he used to help start what he and his allies called the Rule of Law Campaign, which was intended to push back against Washington.

"We are living in the midst of a constitutional crisis," Mr. Pruitt told energy industry lobbyists and conservative state legislators at a conference in Dallas in July, after being welcomed with a standing ovation. "The trajectory of our nation is at risk and at stake as we respond to what is going on."

Mr. Pruitt has responded aggressively and with a lot of helping hands. Energy industry lobbyists drafted letters for him to send to the EPA, the Interior Department, the Office of Management and Budget, and even President Obama, the *Times* found.

Industries that he regulates have joined him as plaintiffs in court challenges, a departure from the usual role of a state attorney general, who traditionally sues companies to force compliance with state law.

Energy industry lobbyists have also distributed draft legislation to attorneys general and asked them to help push it through state legislatures to give the attorneys general clearer authority to challenge the Obama regulatory agenda, the documents show. And it is an emerging practice that several attorneys general say threatens the integrity of the office.

The message is clear across Massachusetts and across the Nation: Big Oil's go-to attorney general is Scott Pruitt, and he has no business running the EPA. He has proven over and over again that he will put short-term industry profits ahead of the health of our children. This nominee has no interest in protecting every American's right to breathe clean air and drink clean water. We cannot put someone so opposed to the goals of the EPA in charge of that very Agency.

For these reasons, I will be voting no on Scott Pruitt. I urge my colleagues to do the same.

I yield the floor.

EXECUTIVE CALENDAR

Mr. YOUNG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of all nominations on the Secretary's Desk; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

PN16 ARMY nominations (2) beginning Jeremy D. Karlin, and ending Irahim A. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2017.

IN THE NAVY

PN17 NAVY nomination of Mathew M. Lewis, which was received by the Senate and appeared in the Congressional Record of January 9, 2017.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that of the postcloture debate time under my control, that 60 minutes be yielded to Senator SCHATZ, 60 minutes be yielded to Senator WHITEHOUSE, 35 minutes be

yielded to Senator MERKLEY, and 15 minutes be yielded to Senator CANTWELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that of the postcloture debate time under my control, that 50 minutes be yielded to Senator MERKLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I think it is important to understand what just happened today that makes this debate on Scott Pruitt to lead the EPA so critically important. We call ourselves the world's greatest deliberative body, and that is actually a well-earned reputation. Sometimes we move slowly. Sometimes we move so slowly that it is maddening for both parties and for the American public. There is a reason that the Senate moves slowly. It is because in a lot of instances it has the weightiest decisions that any public official could ever make. In this instance, we are deciding on the person to comply with the Clean Air and the Clean Water Acts, the Endangered Species Act, to discharge their duties as the leader of the EPA.

Something happened today that changes this whole debate. In Federal law, there is something called FOIA, the public records law regarding Federal officials. Most State laws have some kind of open records law, and Oklahoma is no different. There was a lawsuit against the Oklahoma attorney general, Scott Pruitt, and it basically said: Listen, you have to disclose the emails between your office and a bunch of energy industry companies. And the context here is absolutely important. Scott Pruitt is not just a person who is bad on the issue of climate; this is a person who is a professional climate denier. This is a person who has made his bones, politically and professionally, trying to undermine all the authorities the EPA possesses. This is a person who is a plaintiff in multiple lawsuits, as the Oklahoma attorney general, against the EPA. This is a person who has not promised to recuse himself when he is running the EPA. So imagine that there are going to be pending lawsuits where he was the plaintiff, and they are going to still be before the EPA. He was asked in committee whether he would recuse himself, because obviously it is preposterous to be both the plaintiff and the defendant in a lawsuit. It just stands to reason. He did not promise to recuse himself.

So this is a person who has an incredibly close, uncomfortably close working relationship with the fossil fuel industry. He may have that as a sincerely held belief, but the Oklahoma State law requires that he disclose

whom he is working with. Why is that relevant? Well, he actually had a couple of instances where he has taken language given to him, sent to him by email from oil companies, and he just copied it—select all, copy, drop it, paste it—onto Oklahoma attorney general letterhead, and then transmitted it to the EPA as if it were from the AG's office in Oklahoma. So that is the context.

What did this Federal judge say today? An Oklahoma County district court judge said that according to the Oklahoma Open Records Act—Aletia Haynes Timmons from the district court of Oklahoma instructed Pruitt's office to hand over the emails by close of business next Tuesday.

So here we are, trying to jam through this nomination, and now it makes perfect sense why they wanted to run the clock. They had congressional delegation trips to Munich for the security conference. There were Republicans who were planning to meet with NATO allies. There was another overseas trip of great import. Yet they abandon all other obligations, all other objectives, and they are bound and determined to run this clock until 1 p.m. tomorrow because they need to vote before these emails become disclosed. Tuesday is when we will see these emails. Yet we seem to be in a race to get this vote done tomorrow at 1 p.m. Something feels wrong about this. Something feels like they are worried about the contents of those emails.

Gosh, I hope I am wrong. I hope on Tuesday that these emails are perfunctory, professional, proper. I hope I am wrong. I hope my fears and suspicions about what may be in those emails are unfounded. But here we are in the so-called world's greatest deliberative body, and we decided we don't even need another 2 business days to deliberate or to gather more information.

This is a decision that will stick for 4 years. This is a nominee who will run one of the most important Federal agencies that there is, the one in charge of clean air and clean water. The person in charge of clean air and clean water has been corresponding with oil and gas and coal companies—nothing necessarily illegal or untoward about that, but he seems to not want people to know what the content of that correspondence was.

The context here is very, very important, and that is why I am asking that we delay this vote until every Member of the Senate can read and review these emails. I think it is very important that we understand what is in the contents of those emails because there are some things we know about Mr. Pruitt. I am going to try really hard not to impugn his personal motivation. I have no doubt he feels sincerely about the issues we are arguing about. I don't have any reason to believe he has personally done anything improper. But I

think it is totally reasonable for us to just see what is in those emails next Tuesday.

This isn't that we are trying to drag this out for 6 weeks or 6 months. This isn't that we are trying to cook up an issue. I didn't know about these emails, actually, until Monday. I didn't know there was a court case. I was perfectly ready to say: Look, it looks like they have the votes. We will have our argument. Maybe we can persuade a couple of people—certainly SUSAN COLLINS has been a profile in courage here, and there are Members of the Senate on the Republican side who have been on the right side of climate. But you know what, all that gets washed away. All that gets washed away because you don't get to be on the right side of climate and vote for a climate denier for the Environmental Protection Agency.

And lest you think I am being a little bit overheated here in terms of who Scott Pruitt is, this is what Scott Pruitt has said about himself. He describes himself as a leading advocate against the EPA's agenda. On the role of the EPA he says:

I believe that the EPA has a role to play in our Republican form of government. Air and water quality issues can cross State lines, and can sometimes require Federal intervention. At the same time, the EPA was never intended to be our Nation's frontline environmental regulator.

That is kind of a well-put-together statement, but I want you to understand how radical of a statement that is, because the EPA was designed to be the Nation's frontline environmental regulation.

The basic premise is that there are certain things that can be done at the local level that ought to be done at the local level. When we configured our governments, we decided we want police forces and firehouses and other municipal services—sewer and water, and trash pickup—certain things get done locally. Some things get done at the county level. Some things get done at the State level. And what we have decided as a nation is that because pollution doesn't recognize municipal, State, or even Federal boundaries, that we actually need Federal law to make sure that if one State is polluting, it doesn't move over to the other State. So the idea that the EPA was never intended to be our Nation's frontline environmental regulator, which is what Mr. Pruitt says, is actually quite radical. It is an intentional misunderstanding of what the EPA is for. It is intended to be our frontline environmental regulator.

Here is Mr. Pruitt on climate change:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connections to the actions of mankind. That debate should be encouraged in classrooms, public forums and the halls of Congress.

I have to hand it to Mr. Pruitt—he magnificently describes radical policies as though they are not radical. He is very skillful at that. He is very lawyerly at that.

He did very well, in my view, in the EPW Committee, but his views are essentially that the EPA is not the front-line in terms of protecting clean air and clean water, and that blows up the mission of the EPA.

I see the Senator from Rhode Island is here. I would be happy to entertain any questions he may have in a moment.

A couple more quotes from Mr. Pruitt on the Clean Power Plan:

The president could announce the most "state-friendly" plan possible, but it would not change the fact that the administration does not have the legal authority under the Clean Air Act to regulate carbon emissions.

"[T]hat the administration does not have the legal authority for regulate carbon emissions." Wrong. Factually wrong. Legally wrong. This has been settled. *Massachusetts v. EPA*. I left my law degree in my apartment, but I know *Massachusetts v. EPA*, and I know this is flat wrong. So what he says is totally radical. He is a skillful guy. I assume he is a good guy, but he wants to undermine the basic authorities of the Clean Air Act and the Clean Water Act.

I will finish with this quote before I yield for a question from the Senator from Rhode Island on methane regulation.

My concern is that the EPA is employing its flawed methodology in order to rationalize new and unjustified federal regulations to solve a methane emissions problem that simply does not exist.

That has no basis in fact.

I see the Senator from Rhode Island. Before I yield for his question, Mr. President, I ask unanimous consent to engage in a colloquy with the Senators from Rhode Island and Oregon.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHATZ. I would be happy to yield to the Senator from Rhode Island, if he is ready.

Mr. WHITEHOUSE. A question of Parliamentary order here. The time during the colloquy will continue to be charged to the Senator from Hawaii, correct?

THE PRESIDING OFFICER. The Senator is correct.

Mr. WHITEHOUSE. Through the Chair, I would inquire of the distinguished Senator from Hawaii whether, in addition to the concern about pollution that crosses borders when it flows down rivers or that crosses borders when it comes out of smokestacks and floats across State borders into other States, is there not also a supremacy clause in the U.S. Constitution that puts Federal law ahead of State law where there is a conflict?

Are there not means and manners by which a Federal official could either

pretend or actually believe or try to impose a Federal rule in a way that interferes with the rights of States that wish to protect themselves more than the fossil fuel-friendly Administrator and inhibit their ability to do so?

Mr. SCHATZ. Well, I thank the Senator from Rhode Island. I think one of the great challenges is that it is one thing to misunderstand the EPA's role here; that is dangerous enough as the attorney general of a State or the head of the Republican Attorneys General Association. But when you are in the EPA and you have charge to administer the law, to discharge your duties under Federal law, to the degree and extent that you misunderstand the authorities in the Clean Air Act as either weaker than they may be or sort of optional—I mean, this is the issue in *Massachusetts v. EPA*.

For instance, the question around carbon was resolved. There were a couple of questions. First of all, is carbon an airborne pollutant? The Supreme Court and the EPA made their finding, and they determined that it was an airborne pollutant.

Once you determine that something is an airborne pollutant, it is not for the EPA, on a discretionary basis, to try to regulate that airborne pollutant. They are then required under Federal law to regulate that pollutant.

So part of the misunderstanding here is the question isn't, Is the EPA authorized to regulate carbon? It is, Are they required to regulate carbon? So he has it wrong doubly—first of all, on the law and second of all, on the science.

I think the danger of putting someone like that in a position of authority is that they will preempt States, California and others—although California has some pretty significant carve-outs—but they will at least attempt to preempt the States from doing what they want to do to protect their clean air and their clean water.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. SCHATZ. Yes.

Mr. WHITEHOUSE. The Senator from Hawaii is a very kind as well as a very distinguished individual, and he is willing to spot Mr. Pruitt's sincerity in the way he goes about his business. I am a skeptical New Englander, and I think Mr. Pruitt looks a little bit too bought and paid for to spot him that same degree of sincerity.

But to the question of the Federal and the State role, to the extent that it was Mr. Pruitt's position that the EPA should not be on the front line, that it is actually up to the States to bear the bulk of this burden and to be on the front line and enforce environmental laws and protect their Senators, what about the conduct of the Oklahoma attorney general's office might give us some pause as to his sincerity in this being a federalist question in which the power to regulate

should be enforced at the State level by strong attorney general enforcement as former attorneys general like myself know?

Mr. SCHATZ. Well, I thank the Senator for that question. It is a really important one because essentially what Scott Pruitt is saying is: Hey, let's let the States handle this. But if you are to take him at his word, I think it is not unreasonable to say: Well how did you handle enforcement of either State or Federal environmental law as the top cop in the State of Oklahoma? Right?

He did two things that would cause everybody to question his commitment to even local environmental protection. The first thing he did when he came in as Oklahoma AG—a lot of offices the attorney general have environmental protection units. It is like a big law firm. They have different units that handle different kinds of crime. They have a civil division; they have a criminal division. They do lots of things. One of the divisions is to enforce environmental law. He disbanded it. He disbanded the State attorney general's division that enforces environmental law. Then he beefed up this thing that did not exist until he got there, which was essentially a division to undermine Federal authorities.

So you are right. He has them coming and going. He is making an argument that the State should be empowered to enforce environmental law. At least we could take that as kind of on-the-level federalism. We have some good Republican colleagues who just really believe that the government that governs least governs best. They think that local problems should be solved at the local level, even though, in my view, when it comes to air pollution and water pollution, that is essentially preposterous because pollution moves.

I really believe that for some of these Members it is a sincerely held belief. It is hard to believe this attorney general when he says: Hey, give us the authority to enforce our environmental laws, and then, when the rubber hits the road—which is how many lawyers you put on the job, how many cops you put on the beat—he basically eviscerates the division that enforces environmental law, and he beefs up this division that is basically a little shop that sues the EPA to undermine the Clean Air Act and Clean Water Act federally.

Mr. WHITEHOUSE. If I recall the facts of this correctly, not only did he shut down the environmental unit of the department of the attorney general, but in subsequent reporting you could not find a dollar allocated to environmental activities in the Oklahoma attorney general's budget. And he abandoned what his predecessor, Drew Edmondson, had been running, which was not just to have an environmental enforcement unit within the de-

partment of the attorney general, but also to have an environmental enforcement team that brought together Federal folks, State regulators, water officials, and put together the multi-agency task force that prosecuted environmental cases—gone also.

Finally, Drew Edmondson used to do an annual report, as I recall, on the successes of his environmental enforcement and his environmental task force, the multiagency group. That was gone too.

In addition to all of those facts, what worries me a little bit—you know, one of the things we have to assess in this process is the credibility of the nominee. Are they going to tell you the truth in the nomination process? If they are not going to tell you the truth in the nomination process, you are probably going to get a lot of malarkey out of them down the road as well.

He took the position that he actually had not gotten rid of the environmental unit. He said he had moved it into a new unit—the federalism unit—which, if you go to their own website and read about the federalism unit, it says it is an appellate. You don't do environmental enforcement at the appellate level; you do environmental enforcement at the trial level, and you do it at the investigative level.

Further, if you read down, the word "environment" never appears in the general description of that unit. So it is not as if there is just one little wrinkle of the environmental unit kind of magically disappearing under this guy. Wherever there was any activity by the department of the attorney general with respect to the environment, he shut it down, zeroed it out, silenced it, finished it.

I believe that is a pretty fair description of the status in Oklahoma.

Mr. SCHATZ. Well, I think the Senator is right. You know, it is fair to look at his record. It is also fair to look at his words. In 2016—so this is not 10 years ago; this is less than a year ago—he said: Legislation should not be "we like clean air, so go make clean air." It is something that bothers me, that Congress then gives this general grant of authority to EPA.

Congress has given a general grant of authority to the EPA. That is what the law says. So, my concern, when it comes to Mr. Pruitt, is that he understands, as a member of the bar, as an attorney general, what the law says. He has been operating in a political context, I think it is fair to say, as the head of the Republican Attorneys General Association. Working with energy companies, he has been very aggressive in cultivating friends across the country who are very enthusiastic about his nomination and potential confirmation.

But he totally misunderstands the mission of the EPA. It is granted by the Congress, a general authority to

enforce clean air. That is what the EPA is, really; it is clean air, and it is clean water. That is what the EPA is about.

The thing I think is especially troubling for me when it comes to the politics of this, is that there was a bipartisan consensus for many, many, many years around the Clean Air Act and the Clean Water Act. I believe the reauthorization of the Clean Air Act came under President George H.W. Bush. This used to be not very controversial because, actually, we can fight about the Iran deal, we can fight about women's reproductive health, we can fight about LGBT rights, we can fight about civil rights, we can even fight about foreign policy and the size and scope of the government, but even if you are an extremely conservative individual, you ought to believe, to the extent that we have government at all, that it should be responsible for keeping us safe and that it is a Federal role to make sure our air is clean and our water is clean.

So this person who is very skillful in kind of eluding—you know, he basically dodged punches in that EPW Committee. We have some very skillful members on the EPW committee. They are very knowledgeable, very passionate. It was rough, but he was able to avoid a sort of knockout blow. The reason is that he is a professional climate denier. This is what this guy has been training to do all of his life.

So, again: We like clean air, so go make clean air. That is something that bothers me.

The Congress then gives a general grant of authority to EPA on the Oklahoma environmental regulations. He said: Federal regional haze standards—if you live in Oklahoma, I understand. You did not vote for Barack Obama, but I don't think you thought you were voting to reduce air quality. So he says that Federal regional haze standards threaten the competitive edge Oklahomans have enjoyed for years with low-cost and reliable electric generation. This low-cost energy not only benefits Oklahoma manufacturers, but gives the State a considerable edge in recruiting jobs. He is the attorney general. He is supposed to enforce the law. I mean, that sounds like a Member of Congress. That sounds like a Member of the State legislature. But it does not sound to me like someone who is prepared to discharge their duties under the Federal law.

Another space where Mr. Pruitt has some alarming views is on science itself. I am deeply concerned about what is happening to science, to scientists, to government research. We just confirmed the Director of OMB who, in a Facebook post, wondered out loud—he had some questions about the Zika virus. I am not sure he had any special expertise to be raising these questions. We should all be researching and be as scientifically literate as possible, but the OMB Director put on his

Facebook post: I have these questions. I am really interested in this, but the real question is whether we should have publicly funded research at all.

So there is a full-on attack on science and facts. There is a full-on attack on reality. But when it comes to environmental science, it is so consequential. I am looking at these pages sitting here. I think about everybody's children and grandchildren. We just have an obligation to get the data right, to really understand what is happening with air quality and water quality.

Here is what Mr. Pruitt says about mercury. "Human exposure to methylmercury resulting from coal fired EGUs is exceedingly small."

This is, again, the White Stallion Energy Center versus EPA.

This is what the scientists say: "As a result of these long-term mercury inputs, there are hotspots and whole regions, such as the Adirondacks of New York, the Great Lakes region of the Midwest and large portions of the Southeast where the fishery is contaminated with mercury."

There are more fish consumption advisories in the United States for mercury than all other contaminants combined.

I can tell you, just on a personal level, to the Senator from Rhode Island, that I like my ahi. I like my fresh sashimi. I like tuna, and everybody in Hawaii likes fish. So you kind of watch how much marlin you eat, how much ahi you eat because we understand that there is a real mercury problem. This isn't made up. If you talk to ER doctors in Honolulu, they have to deal with mercury poisoning on a weekly basis. That is what the science shows, and that is what the reality shows.

Here is what Mr. Pruitt says: "The record does not support EPA's findings that mercury, non-mercury metals, and acid gas pose public health hazards."

And here is what the scientists say: "There is no evidence demonstrating a safe level of mercury exposure."

So before yielding for a question, I think it is really important for all of us to understand what is at stake here. We have a nominee who is really unique in the history of the EPA because never before have we had a person who has made it their life's mission to undermine the Agency which they wish to lead.

You could probably argue that Mr. Puzder, who just withdrew his nomination yesterday, had a similar kind of attitude about the Department of Labor.

But even under Republican administrations, we have had Republican Administrators of the EPA who understood: Hey, look, the law is the Clean Air Act, the law is the Clean Water Act, the law is the Endangered Species Act, and I have an obligation, as the

EPA Administrator, to accept those premises—right?—and to be the EPA Administrator, to not sort of be on my crusade against Federal law.

If he wants to undermine Federal law, he can go litigate that. He can be a private attorney or he could run for the Congress and try to be a lawmaker. But to the degree and extent that he wants to run the Agency with a specific statutory mission, he has to follow those statutes. And I have seen no evidence that he has any respect for or understanding of those statutes.

I would be happy to yield to the Senator from Rhode Island.

Mr. WHITEHOUSE. Well, on the subject of respect for and obedience to statute, I thought we might want to discuss for a minute the Oklahoma open records law which the attorney general of Oklahoma not only needs to obey, but he needs to enforce it. He is not just subject to that law. He is the agency responsible for policing compliance with it.

What we have just seen is 750 days of noncompliance by his office with an Open Records Act request where he refused to provide anything to us in the EPW Committee. And, by the way, shame on the Environment and Public Works Committee for allowing that to happen. Shame on the Environment and Public Works Committee for—on a purely partisan basis—not allowing us to get those emails that this office had covered up and suppressed for 2 years.

Finally, they got before a judge and the judge said: Release that first set Tuesday—Tuesday. So he is sitting on several thousand emails between his office and the big energy companies and the big energy organizations, and he stonewalls everybody for 2 years.

When a judge finally gets a look at this misbehavior, first she says: That is an abject failure. Second, she says: That is unreasonable under the statute. And third, she says: Produce them Tuesday.

This was a guy who didn't think he could produce them Tuesday. He couldn't produce them for 2 years, and now the judge says Tuesday.

So when you are looking at his adherence to law, his respect for law, it seems to me that this is yet another example in which off he goes. The beneficiaries are himself and all the big fossil fuel companies that he was engaged with. That is who the beneficiaries were.

The people who lost were the ones who were supposedly the beneficiaries of the law—the public, the right to know, transparency.

So it makes for an interesting comparison to his version of compliance with the law. And if that is the best he can do complying with an Oklahoma statute that he is obliged not only to comply with but to enforce, what reasonable conclusion would my colleagues draw about his willingness to

follow Federal law, which he also despises?

Mr. SCHATZ. Well, I thank the Senator for the question.

This is what is happening today. It would be enough if we were in the process of debating and confirming a climate-denier to the EPA. It would be enough that this person is a plaintiff in 17 lawsuits against the EPA. It would be enough that he is a plaintiff in these lawsuits against the EPA and he refused to recuse himself if he is running the EPA. As Senator MARKEY says, he is going to be plaintiff, defendant, and judge in these lawsuits.

All of that would be enough, but today a judge is compelling him to release around 3,000 emails that have squarely to do with the debate that we are having, which is this: Is this person a little too close to the industry that he is going to regulate?

As I said before, gosh, I hope these emails, as they are disclosed, show nothing. I hope that my suspicions, my fears, my concerns are without foundation. But I think about the Republicans, the good Republicans on the other side of the aisle who are voting for this man tomorrow.

Boy, they had better hope there is nothing in those emails. They had better think very carefully about what is in those emails. They might want to delay this vote themselves because, look, if there is nothing in those emails, then we can vote two Mondays from now—no harm no foul. You have career professionals at EPA doing their job. EPA will run for another 5 or 6 business days. It is OK.

We are the world's greatest deliberative body. We go slow on almost everything, and we are rushing on this. Why are we rushing?

Well, I was trying to figure out all week why we were rushing. Then I understood that the court was going to rule today, and they are jamming this. They are ramming this down the American people's throats.

I would just offer this to my Republican colleagues: These emails are going to be disclosed, and maybe you guys and gals know that there is nothing to be concerned about in terms of the content of these emails, where the Oklahoma attorney general is corresponding with a bunch of fossil fuel companies. Maybe it is all good in those emails.

But the thing is, if that is the case, why did he refuse for 750 days to offer the emails up? I mean, it literally takes more work to not provide the emails than to provide the emails. You have to lawyer up to not do something. You are going to lawyer up as the Oklahoma attorney general to not comply with an Oklahoma statute. This takes a special effort.

Why would somebody want to undertake such a special effort to not comply with State law? I don't know. But I think we may find out on Tuesday.

Gosh, I hope I am wrong. But I have a feeling that the people who are most nervous right now about what is in those emails—in addition to the American public who care about clean air and clean water—are the Republicans who are being forced to vote at 1 o'clock without seeing them. They are being forced to vote on this person to run the EPA that they know is unpopular.

I mean, I understand that in some States this guy is tremendously popular because it is very easy to blast the EPA. In some portion of the Republican conference, Scott Pruitt is totally popular. I get that.

There is a nontrivial number of Members on the Republican side who actually don't want to be on the wrong side of the public when it comes to clean air and clean water, but they are going to be on the wrong side of the public when it comes to clean air and clean water. And it might get worse next Tuesday.

I really wonder why you would work so hard to not disclose the contents of 3,000 emails over a 750-day period.

I want to quote from Mr. Pruitt again on climate change:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled.

Here is what the scientists say: "The scientific understanding of climate change is now sufficiently clear to justify taking steps to reduce the amount of greenhouse gases in the atmosphere." This is from the U.S. National Academy of Sciences in 2005. This wasn't just some sort of recently arrived at conclusion.

Here is Mr. Pruitt again on climate:

We've had ebb and flow. We've had obviously, climate conditions change throughout our history. That's scientific fact. It gets cooler, it gets hotter. We don't know the trajectory, if it is on an unsustainable course. Nor do we know the extent by which the burning of fossil fuels, man's contribution to that, is making this far worse than it is.

I mean, sorry, this is not what the scientists say. This is what I say. That is just bunk. There was a point at which that was a tenable position, even if it was scientifically bunk, easily 15 years ago. It was politically kind of workable 10 years ago—maybe even 8 years ago and, depending on your community, 5 years ago. But there is a majority of Republicans who understand the urgency of climate change.

The only place where the reality of climate change continues to be debated fiercely is in the halls of Congress.

Local people in every community across the country understand that this thing is settled fact. This thing is upon us. You don't have to be some wonk. You don't have to understand ocean acidification. You don't have to understand exactly what is going on. You just have to, A, listen to experts who know about climate, who know about weather, who know about atmos-

pheric science. Even if you don't believe any of the experts, you just have to believe your own experience. There is not a person out there—whether they are a fisherman on the Big Island or a farmer in the Midwest or a hunter in the Southwest—there is not a person out there who isn't experiencing the weather getting strange.

Everybody understands that 1 day of weird weather does not climate change make. But there is just no doubt that severe weather and odd weather is getting more frequent and more odd and more severe.

Here is what the scientists say about climate change:

The scientific evidence is clear: Global climate change caused by human activities is occurring now, and it is a growing threat to society.

Here is Mr. Pruitt again:

Is it truly man-made and is this just simply another period of time where the Earth is cooling, increasing in heat? Is it just typical, natural type of occurrences as opposed to what the administration says?"

I mean, this is so far out of the mainstream that it would be funny if it weren't terrifying. It would be funny if it weren't terrifying to think that the person who is going to run the Environmental Protection Agency, the person who is going to be in charge of administering the Clean Air Act and Clean Water Act is saying: Is it truly man-made and is this just simply just another period of time where the Earth is cooling, increasing in heat? I mean, is it just a natural type of occurrence, as opposed to what the Obama administration says?

I would be happy to yield to the Senator for a question. I will note that we have a joke where I am the good cop and he is the bad cop, but I think over time, we are merging.

Mr. WHITEHOUSE. Well, I wanted to go back to lawyering for a minute in response to the Senator's comments about the predicament that the other side is being put into—being asked to vote on the nominee, knowing that the disclosure of thousands of emails between the nominee and the industry and companies that he is going to supposed to regulate is imminent—is imminent. As the distinguished Senator from Hawaii said, maybe there is nothing in those; maybe this is just an empty concern. But over and over and over, emails have been really important at breaking investigations open. Certainly, our friends on the other side—until the election in November—had a fascination with emails, a fixation with emails. They couldn't get enough of other people's emails. And now suddenly everybody is looking at the ceiling, examining the ceiling tiles when it is time to wonder about these emails.

There is a doctrine, if I recall successfully back in the days when I was a more active lawyer, called willful

blindness, which is the wrongful act of intentionally keeping oneself unaware of something—the wrongful act of intentionally keeping oneself unaware of something. If that doesn't describe what is being done right now to the Republican Senators about these emails with this vote, I don't know what does, but what I do know is that willful blindness under the law is a culpable state of mind. It is a culpable state of mind in civil cases, where you can be held liable because of deliberate willful blindness, and it is a culpable state of mind in criminal cases, where you can be found guilty of a criminal offense based on a finding of willful blindness.

So this is no small predicament that the majority leader is creating for his Republican Members in the mad rush to get this fossil fuel tool voted on before this stuff all comes out, and it is either going to be good or it is going to be bad, and if it is bad, there will be a price to pay for having ignored this emerging avalanche of emails. If they are good, fine, no harm done, but who really gets hurt if it is bad?

We are going to be examining Pruitt over this, when they come out. If these are bad things, there could be investigations that ensue and an enormous amount of stuff can take place, but there will be ownership on the other side of the aisle for the willful blindness they are displaying toward this package of emails that we now know are on their way and that we know were wrongfully withheld because the judge said so. The judge said it was an "abject failure" under the law. The judge said it was unreasonable. So we know it is wrong, and still, still, comes the vote.

You have to wonder what the power force is here that makes that happen. In astronomy, there are dark stars, black holes. Because they are dark and because they are black, you can't see them in the sky. You have to deduce their presence when light bends around them and when their gravitational pull affects the behavior of other heavenly bodies. When you look for those weird, anomalous behaviors in space, that is a signal that some dark star is out there operating. This is a lot of weird and anomalous behavior. And what is the dark star that is causing the majority leader to put all the Republican Senators, other than SUSAN COLLINS, in peril, in terms of willful blindness to this release of emails, which everybody knows now is coming and which everybody knows now was wrongfully delayed—wrongfully and deliberately delayed—by this attorney general as the enforcer of the disclosure of his own emails.

Mr. SCHATZ. Well, I think—

Mr. WHITEHOUSE. If there was a question in there.

Mr. SCHATZ. You were asking about the willful blindness.

Mr. WHITEHOUSE. There you go.

Mr. SCHATZ. I want to make an observation that there are a couple of kinds of willful blindness. One is willful blindness about climate change in the first place, a desire not to hear the truth, a desire to put blinders on when it comes to these issues. I will note that not every time but almost every time we have a debate on climate, we have a nice complement of Democrats on this side and a totally empty Chamber on the other side. It is not that they don't know what is going on, it is that they know exactly what is going on, and they don't want to deal with it. They don't want to deal with it, and they are good people and patriotic people, but there is a reason to believe this willful blindness is not coincidental.

I would just implore the Senate Republicans who respect the Senate, who understand our special role under the Constitution to give advice and consent on nominations for Cabinet positions, that this isn't some minor sub-Cabinet position. This isn't some matter of little import. I understand both sides employ tactics to delay action on the Senate floor. That is kind of part of the way this body works, right? The minority slows the majority down, and we try to come to some kind of consensus, sometimes a unanimous consent agreement or whatever it may be, to try to make this place work a little better, and it is maddeningly slow, but it forces bipartisanship, right?

I understand the accusation that sometimes gets made that we are just trying to delay for delay's sake. At the beginning of this week—look, I ran for the Senate because of climate. That is how passionately I feel about this issue, but I understood how this thing was lining up, and I said: Look, let's fight the fight. There is no magic between 28 hours and 30 hours. There is no magic between 29 hours of talking about this and 26 hours of talking about this. I was prepared to fight the fight and move this week. I didn't want to employ extraordinary delay tactics. I was actually even arguing with some of my colleagues, with whom I agree so much on climate, about the sort of efficacy just delaying for another couple of hours, but we are not trying to delay another couple of hours for no particular reason. There are 3,000 emails that a judge in Oklahoma is compelling Scott Pruitt to provide to the public, and not 6 weeks from now or 6 months from now but 3 business days from now. On Tuesday morning, the public and, maybe in this instance even more importantly, the Members of the U.S. Senate, who are in a position to determine whether this is the right person to run the Environmental Protection Agency, are going to see the contents of these emails. Do you know what? It is probably nothing. These 3,000 emails that are correspondence between the Oklahoma attorney general, the head of the Republican Attorneys General

Association, and a bunch of fossil fuel companies—this guy who has sued the EPA and tried to undermine the Clean Air Act and Clean Water Act 17 times, this guy who refuses to recuse himself from running the EPA, from being both a plaintiff and a defendant, I am sure the 3,000 emails he has delayed releasing for 750 days—I am sure the 3,000 emails he has delayed releasing for 750 days and is only going to have to provide them to the public because a court is making him, I am sure there is nothing in them. But just in case, why don't we just find out what is in them? Because it seems to me that if they are awful, it would give pause to Republicans.

I just don't get why the Republicans—I understand why people want to jam this through before maybe something bad happens on Tuesday, but if I were a rank-and-file Republican, I would be saying: This looks a little goofy. We don't normally vote on Fridays at 1 p.m., we normally vote on Thursdays at 2:15 so everybody can race off to the Reagan airport and go home. If it is 2:15, I can't get home until Friday, but most people can get home. We vote on Thursday afternoons, and in rare instances do we vote on Fridays—debt ceiling, continuing resolutions, big stuff. We have been moving on nominees kind of at a normal pace. Listen, it has been tough. We have a lot of late nights here. We thank the Senate staff for hanging in here with us. We apologize for the difficulty that you have to undertake to make the Senate work and for us to do our constitutional duties, but isn't it weird that we are just jamming this through on a Friday afternoon?

If I were a rank-and-file Member, I would go to my leadership and say: Hey, this is getting a little weird. I don't want this thing to blow up when I am back home at a townhall.

I would be happy to yield to the Senator from Oregon. There is no better climate champion than JEFF MERKLEY. It is probably a two-way tie with the junior Senator from Oregon and the Senator from Rhode Island. Before yielding to a question, thank you for your dedication on this issue for the people of Oregon and for the people of this country, but I am happy to yield for a question.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the opportunity that my colleague from Hawaii has given me to ask a question. Particularly, I appreciate his willingness to be on the floor making this case because being the guardians of clean air and clean water in the United States of America is an incredible responsibility, and the individual we place in this position as Director of the Environmental Protection Agency is going to make decisions that will affect the life and death of mil-

lions of American citizens, that will affect the quality of life of millions of American citizens.

When the Director of the Environmental Protection Agency proceeds to say we are to fight for the mercury standard, that means that fewer children will be exposed to a persistent neurotoxin that stunts the development of our children's brains. On the other hand, if that individual says: I am not concerned about that or I think I will just look the other way because I want to help the fossil fuel industry make a few more bucks, and he decides that weighs more heavily than the health of our children, then the health of our children is impacted. That is true with one form of pollutant and another, and they are just across the landscape. This is an incredibly important position. That is why understanding the viewpoints of the nominee is so critical.

My understanding is that the individual who controls access to the emails in Oklahoma is the attorney general; am I correct in that understanding?

Mr. SCHATZ. Yes, the Senator is correct.

Mr. MERKLEY. So we have a situation where an individual has accepted a nomination from the President for this incredibly important position and then has turned around and said: By the way, I am the guardian of the gate for the very records the Senate needs to see in order to determine if I am a fit character for this position, and he says: No, I will not allow the Senate to see my records.

My question to my colleague from Hawaii is as follows: Just the fact that a nominee, accepting a nomination and knowing the Senate has a responsibility to vet the nominee, who turns around and says, but you can't have access to my records, shouldn't that in itself disqualify that individual from consideration?

Mr. SCHATZ. I thank the Senator for the question. I just want to ask the Presiding Officer what the parliamentary situation is; has my 60 minutes expired?

The PRESIDING OFFICER. It has not.

Mr. SCHATZ. How much time remains?

The PRESIDING OFFICER. The Senator has used 54 minutes.

Mr. SCHATZ. I thank the Presiding Officer.

I don't know if it is disqualifying. I would say it is strange, in the extreme, to have the chief law enforcement officer of a State and the head of the Republican Attorneys General Association not comply with his own State statute. This isn't trivial. Not that it would be OK for the attorney general not to comply with any law, but this isn't a nontrivial issue. This is letting the public know the nature of your correspondence with industry—especially

since I think it is fair to say that I think even he would agree that he has distinguished himself among attorneys general as a lead advocate against the EPA and as an advocate for fossil fuel-generating companies. So it is not unreasonable for the public to say: Well, let me understand what the nature of your correspondence was.

My very basic question to the Members of the Senate on the Republican side is, Why in the world would we vote at 1 o'clock before we get these emails? I understand that if we had said, give us 6 months so we can see these emails, that would be preposterous. That would be us delaying for delay's sake. Listen, we feel so strongly, I think it is fair to say about this nominee that we might have even tried that, but then in that case the majority would be within their rights to say: We are not going to let you delay for delay's sake.

But this is not delay for delay's sake. There is information that is exactly on point.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. SCHATZ. Yes.

Mr. WHITEHOUSE. With respect to delay for delay's sake, when a judge finds that the emails can be made available and the judge finds today that the emails can be made available by Tuesday and the attorney general has kept them bottled up for more than 750 days, it would seem that the accusation that delay for delay's sake does not belong with the Democratic minority on this issue. Would it not be a badge that would fit rather well on the attorney general from Oklahoma?

Mr. SCHATZ. I thank the Senator from Rhode Island for that question. The Senator is right that he has been delaying because he wants to be confirmed as the EPA Administrator before these emails become public. There is no other reason that I can think of that is so important that we get the EPA Administrator in. Remember, we have the HUD nominee, we have the Department of Commerce nominee, we have the Department of the Interior nominee, and we have the Department of Energy nominee, who has responsibility and stewardship over our nuclear arsenal. We have decided we are not going to run until Friday afternoon getting a person in charge as the Secretary of Energy to take care of our nuclear arsenal, but it is a really big hurry—and we have to literally prevent Members from meeting with NATO allies—to get this guy through. I really didn't understand earlier in the week what the big rush was and why Pruitt and why now.

Listen, every Wednesday we are in some kind of negotiation about what kind of legislation and what kind of matters come before the Senate, and both sides sort of puff up their chests and make threats about going through the weekend, and we usually come to

some sort of agreement. Yet this week there was no budging, and now I get it. They were afraid this judge was going to do what this judge did. This judge is requiring these emails to come out, and I think they are terrified about what these emails say.

Do you know what? There is only one way to prove me wrong, which is to call our bluff and delay. Let's go two Mondays from now. We have a recess, and we will all read the emails. Then it will be great. We will find out that there was nothing untoward, nothing improper, nothing concerning about these 3,000 emails between the Republican attorney general from Oklahoma and these oil and gas and coal companies. I think maybe something is in those emails. Maybe I am wrong. I hope I am wrong. For the country, for the planet, I hope I am wrong.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to engage in a colloquy with the Senators from Hawaii and Rhode Island over the course of the coming hour.

The PRESIDING OFFICER. Has the Senator from Hawaii yielded the floor?

Mr. SCHATZ. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I believe that will be charged to my time, but I have asked for that to be the case.

The PRESIDING OFFICER. The Senator is correct.

Mr. MERKLEY. Mr. President, in this conversation about these emails, the thing that keeps striking me is that our fundamental question is, Is the individual, is the nominee, given his record in Oklahoma, going to be an advocate for the environment, an advocate for the health of the citizens of the United States of America, an advocate for upholding clean water and clean air that have done so much to improve the quality of life for Americans, or is the individual, Scott Pruitt, going to be, instead, an advocate for the oil companies and the coal companies and the gas companies? That question goes to the heart of whether the individual, Scott Pruitt, is fit to carry this responsibility.

The American people have been very pleased with the enormous changes in the quality of the environment over the last 30 or 40 years, and it has added a tremendous amount of improvement to their lives. Here we have somebody who, possibly, is not going to advocate and fulfill the responsibilities of the office but who is going to use the office as director of the EPA as an extension of the complex matrix of fossil fuel companies and work on their behalf and not on the people's behalf.

I will invite my colleagues, if they have insight or questions related to this question of whether Scott Pruitt

is going to serve the interests of the people or the interests of the fossil fuel companies, to feel free to weigh in.

Mr. WHITEHOUSE. I thank the Senator from Oregon.

Mr. President, I note the diagram that I am showing beside me here on the floor, which is the work of an academic professor. He is one of a considerable number of professors and researchers who are looking at the fossil fuel-funded climate-denial operation as a socioeconomic creature. They are studying it. It is rather new. This is a diagram done by Professor Robert Brulle of Drexel University, one of the many academics and researchers who are looking into what I call the denial beast, because obviously if you are ExxonMobil, if you are the Koch brothers, you don't want to be out front yourself. You want to put outfits with names that sound much more benign out there—the Heartland Institute, the George C. Marshall Institute. These groups get thrown up by the fossil fuel company, stuffed with their money, filled with their employees, and they all run around saying more or less the same thing, which is, don't worry about climate change; don't worry about our carbon emissions.

When the Senator from Oregon refers to a complex matrix that this individual serves, this is just one visual description of that complex matrix of fossil fuel interests with which he has been so closely involved.

Here is one other example. This is Mr. Pruitt's fundraising from all of these energy companies and then the different ways he raised money. Liberty 2.0 was his super PAC. We still don't know a single thing about it. We haven't talked about the dark money life of Scott Pruitt because—why?—our colleagues on the other side won't require those questions to be answered. They are perfectly willing to scoot him through without knowing a single thing about his dark money operation—his attorney general reelection, which was chaired by a fossil fuel billionaire; the Oklahoma Strong Leadership PAC, which was his leadership PAC that took constant fossil fuel money; the Rule of Law Defense Fund, which was the laundering operation for bringing money to the Republican Attorneys General Association.

If you were one of these big companies and if you could drop money into the Rule of Law Defense Fund, it would wash your identity clean of the money, and then the money could go over to the Republican Attorneys General Association as if it were a gift from the Rule of Law Defense Fund, when all they did was launder the identity off of the fossil fuel donor. Then you had, of course, the Republican Attorneys General Association, which was so loaded up with fossil fuel interests that they had special, secret, private meetings with these big donors at their retreats.

It was right on the secret agenda of the retreats, which we have been able to get our hands on.

I add that to the equation because when the Senator from Oregon talks about a complex matrix of fossil fuel interests, he is not kidding. This is a very, very significant matrix of fossil fuel interests, and that is what Scott Pruitt has been serving, not the public and not his duties.

Mr. MERKLEY. My colleague from Rhode Island put up the web. Maybe "web" is a better word than "matrix" because it looks like a giant spiderweb. What is being ensnared in this spiderweb, in this web of denial, in this "denial beast" as you have labeled it, is the truth.

What the complex group of organizations does is to put out information from every possible direction. They hold conferences; they hold workshops; they write letters to the editor; they write opinion editorials in our newspapers; they organize research—all so that it can reverberate in a way that an ordinary citizen hears from here and here and here the same lie—the lie that it is not clear whether carbon dioxide from burning fossil fuels is damaging our environment.

Here is the truth: We know very clearly the damage that is being done by burning fossil fuels, by burning natural gas, by burning coal, by burning oil, but there is so much money, so much profit, that they can build this enormous web of organizations to mislead the public, and that is half of it.

Then there is the second chart my colleague put up, which lays out these funds of dark money. This is really about the corruption of our democratic Republic. Maybe if I come over here, this will be in the same frame of reference. These funds flow through in a fashion that they contaminate the debate among citizens in election after election after election. This dark money is corrupting the very soul of our democracy—our elections.

Here is the interesting connection. Right now, a judge has ruled and said: "There was an abject failure to provide prompt and reasonable access to documents requested." Our nominee is in control of these emails, his own emails. He has been stopping access to them because he has that power as attorney general of Oklahoma because he is afraid of the information the public will learn from his communications.

The lines on the chart that my colleague from Rhode Island put up showed his connection to fund after fund after fund. In his communications with these groups, which may possibly be among the communications that the judge has just said will be released to the public, wouldn't it be interesting to find out what he said related to those organizations? Was he serving the public, or was he serving the fossil fuel industry?

This information will be available next Tuesday, but the majority leader has said, essentially, that he is willing to deny Americans the right to know the truth about Scott Pruitt. He is willing to deny Americans the right to know the truth about these emails. He is willing to deny Americans the right to know about these leaks between organizations and whether Scott Pruitt served the public trust or served the fossil fuel industry, served the Koch brothers.

It is an offense to this body and it is an offense to the American citizens' right to know that we might be voting tomorrow without getting the information necessary to make a considered judgment on this nominee.

Mr. SCHATZ. Will the Senator from Oregon yield to a question?

Mr. MERKLEY. Yes.

Mr. SCHATZ. I thank the Senator from Oregon.

I have been thinking a lot about the job of the EPA Administrator. It is one of those things we have taken for granted over many, many years, that we are going to get someone who is going to sort of play it right down the middle of the fairway, but now we are forced to sort of challenge all of our assumptions with respect to what we can expect in an EPA Administrator.

When I think about the Clean Air and Clean Water Acts, they are very important, especially for young people who are so passionate about the environment, as they may not know what life was like and what the environment was like before the Clean Water Act. The majority of waterways in the United States were not swimmable. You had rivers catching on fire.

I went to college in Southern California in, I guess, 1990 through 1994, and the success of the Clean Air Act is incredible. I mean, L.A. still has its smog, but because of CAFE standards, because of the Clean Air Act, because of other environmental regulations, you don't have nearly the air quality problems that you had even 20, 25 years ago, and this is a nationwide success story.

Kids had to stay home from school because of air pollution. I know everybody understands that is happening in Shanghai and in Beijing, parts of Africa, parts of the developing world, parts of the industrializing world. But 10, 20 years ago, you would have smog alerts, and kids would have to stay home from school in the United States of America. You had kids who couldn't function because of their asthma. So what is at stake is not a bird or a butterfly.

I got my start in politics because of conservation issues. I am interested in forest ecology and reef ecology, but I understand a lot of people live a different life than that, and they are not in a position to be worrying about birds and butterflies. But everybody worries about clean air and clean water.

So I was wondering if the Senator from Oregon could talk a little bit about the foundation of this debate. I saw the Senator from Rhode Island do this incredible exposition—as I have seen before, and nobody is better at this—in describing the forces behind what is going on. But I would like to talk about the premise that undergirds this debate, which is not about fossil fuel companies versus conservationists; it is about clean air versus dirty air, and it is about clean water versus dirty water.

I know that is something that the Senator from Oregon is very passionate about, and I wonder if he might comment on the basic idea of a clean and healthy environment and the bipartisan consensus that we ought to have related to that.

Mr. MERKLEY. Mr. President, I appreciate the questions from my colleague from Hawaii. As we stand here tonight, I think about how Hawaii is a State completely surrounded by water. It is very vulnerable to changes in the environment, very vulnerable to the introduction of invasive species, very vulnerable to changes in the acidity of the ocean, which is affected by carbon dioxide, and very vulnerable to the rising sea level.

I appreciate so much that as a citizen of Hawaii as well as now a leader for the voice of the State here in this Chamber, he keeps going back to his fundamentals of concern for our broader environment.

As you were asking this question, I was thinking about President Richard Nixon creating the Environmental Protection Agency in 1970. He recognized that we all share "a profound commitment to the rescue of our natural environment and the preservation of the Earth as a place both habitable by and hospitable to man."

Well, that is a pretty clear statement that things were in trouble and we needed to operate a rescue. I think about that in the context of growing up in Oregon and, as I grew up, through my church and through my Boy Scout troop, we would go and do different projects to try to clean up messes that had been left. One of those was that we had a problem with these plastic six-pack rings that held all of the six cans together and the birds that were on the Pacific Flyway would stick their head through one of these plastic rings that would have held the top of a soda can, and they wouldn't be able to get it off, and they would end up choking or dying. Also, these plastic rings were being digested by the animals, and it was affecting them.

Then we had these flip-tops where you would open a can of soda by pulling off a triangular piece of metal and it would be a little hook that would sit on the beach or the pathway, and then somebody would step on it and cut their foot open or an animal would eat

it, and this nice little curved object would tear up their throat and kill them. Those issues of: Why? Why do we have to operate with these consumer products in the fashion that are creating these specific hazards? The answer was: We didn't.

There was a bill in the Oregon legislature, and we eliminated the plastic rings that birds were sticking their heads through. And then we had a proposal—and I can't really recall if it was done by initiative or by the legislature—to eliminate these flip-tops. The industry said: You cannot eliminate these flip-tops. People will not be able to open their cans of soda. It will be a terrible tragedy for America. There is no solution. You cannot touch this. Adamantly, they said: Nothing can be done. It is an impossible problem to solve.

But we passed the law. We adopted that law, either by initiative or by the legislature, and a magical thing occurred. Within what seemed like a few days—maybe it was a few weeks—those peel-off flip-tops disappeared and were replaced by a different mechanism that opens that same triangle, but stays attached to the can.

Well, I have seen this time and again where there is a proposal where we need to improve our habits as humans, and as we are engaged in making our consumer products more complimentary to the environment, we are told: It can't be done. It will be too expensive. It will be too difficult. And then, when we say no, it can be done, and we pass a law, the solutions appear. And everyone says: Oh, that works just fine.

So now we don't have those plastic rings. Now we don't have those peel-off flip-tops that sit on the ground.

But we would go out in my Scout troop or in my church group and we would clean up and we would think that this would be so unnecessary to have these, and I saw the changes that occurred.

Then people said: What about all of these aluminum cans and glass bottles that are sitting all around here on the pathways around our State. Oregon had a strong ethic for the environment, but we were littered by all of these aluminum cans and steel cans back then, and also by glass bottles and broken glass bottles. If you have cleaned up a broken glass bottle, you know that it is real a pain to do that. And if you step on the shards from a glass bottle, you regret that somebody else shattered it and left it on the ground.

So we said: Why can't we change that? So the legislature put forward the idea and said: Let's just put a deposit on this so when you turn it in, you get 5 cents back. So we had the first bottle bill in the Nation, and that bottle bill got a huge percentage of those cans and those bottles returned that were left out in the public. And if somebody did leave something in the

public space, somebody else would come along and say: There is a nickel; I will grab it and return it.

I must say that the amount of deposits in Oregon hasn't kept pace with inflation. When my kids were small, I would say: There is a bottle; grab it. There's a nickel. And they would say: It is just a nickel, Dad. A nickel isn't what it was three or four decades ago. But nonetheless, it still was an innovation that served as well.

About that same time, Oregon was worried about the developments of its beaches because we had a huge public trust with the beaches. The beaches belonged to all the people in the State, but the law was a little bit vague in this regard. But there was a provision that said that essentially public byways would remain public byways, and those beaches were established then by law in Oregon as belonging to all of the people of the State, and that access would be available to all of the people in the State. So nobody could take a piece of beach and say: This is mine. It belonged to everyone. So we gained our public beaches during that time period.

Then, someone else said: Well, look, we are seeing what is happening with congestion in some other States. And, with apologies to my fellow Senators from California, a lot of Oregonians turned to California and said: We are seeing a lot of sprawl, we are seeing a lot of congestion, and maybe we can do something about that and change the way that development occurs.

So under the governorship of Tom McCall, who, by the way, was a Republican and who, like Richard Nixon, believed in the environment—it was Richard Nixon who was President when we did the Clean Water Act and the Clean Air Act, and we established the EPA, and it was the Republican Tom McCall who preserved the beach bill and the bottle bill and this land use planning bill that said: Let's put a boundary around each town and city, and you will not be able to build outside of that boundary so that we don't have sprawl. And some said: Well, we want to still have the right to build anything. So a compromise was struck. And it was that the tax rate outside of those boundaries would be much lower. So, with that, the farmers said: That is a sweet deal, we will take that. And the forest industry said: We will take that. Meanwhile, it meant that our city started to develop more densely with intense services, and we avoided the sprawl that had been experienced elsewhere.

I mention each of these issues—the bottle bill, the beach bill, the land use bill, the fact that we got rid of the flip-tops—because these were strategies to make us be able to operate in a more sustainable fashion, in accordance with the vision that Richard Nixon laid out when he created the Environmental Protection Agency.

Let me read that one more time. He said that we all share "a profound commitment to the rescue of our natural environment and the preservation of the Earth as a place both habitable by and hospitable to man."

Mr. SCHATZ. Will the Senator yield for a question?

Mr. MERKLEY. He will.

Mr. SCHATZ. Through the Chair, I would just like to ask the Senator a question. It strikes me that Governor McCall, President Nixon, I am thinking of Governor Schwarzenegger, I am thinking of SUSAN COLLINS, although I am almost sheepish to continue to single her out; it may not always be helpful to her to be singled out as the lone pro-climate person on the Republican side of the fence on this issue—but it strikes me that your beginning as an environmentalist was not based on being liberal or progressive, but your community's values, your family's values, your church's values, your Scout troop's values.

We had a really interesting lunch today with a preacher from North Carolina talking about framing political issues as moral issues. It really touched me because I am telling you, it breaks my heart to think—I mean, look, for some of these arguments about the size and the scope of the government, we just have different views on what the right size and scope and role of the Federal Government is. Some of these questions about geopolitics—tough stuff. You try to get it right. You try to have a coherent world view. Tough stuff. If you serve in the Senate long enough, you are going to get some stuff exactly right, and you may be wrong a few times.

But what really breaks my heart is to see the once-bipartisan consensus, which was based on common sense and morality that we just don't pollute our oceans, our streams, our aquifers, the air we breathe; that we try to preserve our environment for each other and for posterity; and a basic understanding that people who own businesses—especially once those businesses are incorporated and especially if those businesses are publicly traded—have a different set of imperatives. It is really hard to get each individual business that is in the mining industry or the electricity generation industry or the extraction industry or the transportation industry or the manufacturing industry to voluntarily worry every day about clean air and clean water. It is kind of like not their job. They are supposed to make stuff. They are supposed to extract stuff. They are supposed to make electronics. They are supposed to make this economy work.

So one of the ideas of the Clean Air Act and the Clean Water Act and the Endangered Species Act is that we have an obligation to creation itself for those of us who are religious and for those of us who are not. That is a

moral obligation, not a political obligation. We have a duty that has nothing to do with us being Democrats, and that duty doesn't stop because they decided to run for office as a Republican.

I am wondering if the Senator from Oregon could comment on the sort of degradation of the bipartisan consensus around protecting our environment, which used to be a sort of 90-percent issue, a bipartisan issue. I am wondering how the Senator from Oregon feels about that.

Mr. MERKLEY. I appreciate that question. It is something we have witnessed unfold over the last two decades. It was not that long ago Republicans—both parties—for example, would stand up and say: We have a serious threat to our planet. That threat is the temperature of the planet is increasing, that we are suffering the impacts of methane and carbon dioxide pollution, and we must address that threat, but in the last few years, we have seen a steady diminishment of Republican commitment to address that threat. What does that correspond to? It corresponds very precisely to the growth of dark money from the fossil fuel industry.

I hate to lay out this story because it is offensive to anyone—any patriotic American who wants to see government of, by, and for the people—to hear this story about the massive corruption of our body politic by this dark money.

If I go back a few years and look at a set of campaigns the last time I ran for office, that dark money became involved in Senate campaign after Senate campaign after Senate campaign, and it very much had an impact on the composition of this body. As those races were won with dark money from the fossil fuel industry, the willingness of some individuals to stand up and speak truthfully, forthcomingly, and powerfully about the challenge to the environment diminished and diminished. That really has to change. It is why we have to take on this role of dark money. It is the factor that means there is no longer a Governor McCall—a Republican who is fighting for the beach fill, a Republican who is fighting for the bottle bill, a Republican who is fighting for the land use bill to make our environment work better.

As a kid, we had rivers in Oregon you couldn't swim in, and now you can. Now, they are not perfect. They still show a touch of humankind on them, but the point pollution—the pipes full of toxic materials that went in the river—those are gone. What we have left primarily is nonpoint pollution, which is a much harder thing to tackle, but even that we are working to control through buffers and a variety of regulations to try to clean that up. We have made big improvements.

That, to my colleague from Hawaii, I would have to say is the factor that has changed this body.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. MERKLEY. I will.

Mr. WHITEHOUSE. I draw the Senator's attention to this graphic my office has prepared which reflects certainly my recollection. When I came to the Senate, I want to say there were at least five Republican-sponsored climate change bills floating around. Senator John Warner, a Republican of Virginia, had one; Senator SUSAN COLLINS, a Republican of Maine, had one; Senator JOHN MCCAIN, a Republican of Arizona actually ran for President on a strong climate change platform; Senator LINDSEY GRAHAM, a Republican of South Carolina, was working with Senator Kerry on one; Senator LAMAR ALEXANDER, a Republican of Tennessee, had one.

So there was a regular heartbeat of activity in this body on climate change, a bipartisan heartbeat of activity. Then, pow, came Citizens United 2010, and it has been flatlined since. It is the power of money unleashed into our politics, and nobody plays harder and nobody plays rougher and nobody plays meaner with the power of money than the fossil fuel industry that Scott Pruitt serves.

Mr. MERKLEY. I appreciate the Senator's chart because I think it demonstrates, in a much more precise way, what I was describing, the corrupting role of dark money. Here, the Senate has illustrated how that money was really unleashed by the Citizens United decision and how the impact has been dramatic, just squelching the ability of my Republican colleagues to share this effort to create a sustainable planet.

I think, when we are asking for these emails to be reviewed before we vote, we are asking the question: Does Scott Pruitt share the mission that Richard Nixon stated when we created the Environmental Protection Agency? If you are going to head the Agency, do you share the mission? We want to know whether Scott Pruitt has, in Richard Nixon's words, "a profound commitment to the rescue of our natural environment." We want to know whether Scott Pruitt has a profound commitment to the preservation of the Earth as a place habitable to mankind. We want to know whether he has a commitment to the preservation of the Earth as hospitable to mankind.

Henry David Thoreau kind of summed it up like this: What use is a house if you don't have a tolerable planet to put it on? That is a good question. It is a commitment to the fact that where we live is just not the house, the structure of our bedroom and our kitchen and dining room, where we live is on this beautiful blue-green planet. That is our home, and we must care for it just as we do the structure of our house.

When I ask this question: Is Scott Pruitt committed to the mission of rescuing our natural environment, I think there will be answers to that in these emails. That is why we should see these emails, as the judge has said that we should see those emails. He said there was an abject failure to provide prompt and reasonable access. By whom? The person who blocked it was the attorney general of Oklahoma, who is the nominee whose record we are examining—the attorney general of Oklahoma. The reason this body hasn't had these emails, the reason the American public has not been able to answer the question: Are you committed to the mission of the Environmental Protection Agency, is because Scott Pruitt prevented us from being able to answer that question.

He has been quite clear in other circumstances which amplify our concerns. On the Agency he has been nominated to lead, he describes himself as a "leading advocate against the EPA's activist agenda." Just with those words, we sense a certain hostility to the work the EPA does to try to clean up the air, clean up the water, and hold polluters accountable. Activists. Isn't it a good thing to fulfill the mission you are charged with doing? It is not a pejorative. It is an important commitment to work hard to fulfill the responsibilities of the office.

That is one piece of evidence, but here is another. Devon Energy sent a letter to Scott Pruitt and said: Would you please make this the position of your office and address it to the Environmental Protection Agency, to the Honorable Lisa Jackson, head of the EPA.

Here is the letter as it was sent to Scott Pruitt by Devon Energy, saying: Won't you take our position as your position. Here is the letter that was sent on. This is the first page. There was a longer amount to it. As we can see, these paragraphs in yellow were lifted 100 percent over here into the letter. There was one sentence that was dropped out in the course of this lengthy letter. I think it is less than 5 percent of the letter was dropped out. Essentially, he took their letter and printed it on his stationery as the position of the attorney general on behalf of the people of the State of Oklahoma.

So I asked him in the hearing whether he felt he was representing Devon Energy and making his office an extension of this corporation or whether he was serving the people of the State. He had earlier said he would like to hear from everyone and get all sides of something. He said: Well, I consider, in printing Devon's letter as Oklahoma's attorney general's letter, simply advocating for an industry that is important to Oklahoma—so making the oil position the position of the attorney general's office.

I said: Well, earlier you stated that you liked to hear the various sides of

an issue and consider the input. Whom else did you talk to about this issue before you simply took the position of the oil company?

The answer was: No one.

So we can only conclude that, at least in this one instance, the nominee before us didn't look out to the people he was representing as attorney general. He didn't look after the body of law, the body of opinion, the body of effects. He didn't consult with anyone, except one organization—Devon Energy.

I must say, this is evidence, at this moment, of not serving the people, as an officer of the people is committed to do, but serving a company. So is this an anomaly or is this essentially the way he operated day in and day out? The answer is in the emails that we do not have. That is why it is a travesty if we vote tomorrow without getting those emails next Tuesday and enabling the public to examine them.

We normally have 30 hours of debate postcloture after we officially close debate. We don't quite close it but say there is another 30 hours of debate. That is what we are in right now, and that is why we are here tonight. Wouldn't it make sense to suspend this debate until after the citizens of the United States of America have a chance to pour through those emails and know the answer? Is this what we can expect; that we will have an Administrator of the Environmental Protection Agency who is serving Devon Energy and the Koch brothers and this dark money cartel or is he going to serve the citizens of the United States of America? That is what we want to know the answer to.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. MERKLEY. I will.

Mr. WHITEHOUSE. One of the points I think could be made here with respect to the emails is that the first tranche of emails—the ones the judge instructed be released on Tuesday—are communications with Scott Pruitt's donors, with Devon Energy right here, with Peabody coal—which I don't see on the list—and with API, the American Petroleum Institute, which is right here. That funding has gone into his political operation.

It is worth understanding how that pays off. I don't know if we can see this, but this says "confidential." I don't know if that is clear on the screen. This is the confidential agenda for a Republican Attorneys General Association meeting, at a nice place—the Greenbrier in West Virginia. It is pretty swish. Look here on the agenda: Private meeting with Murray Energy. There is Murray Energy, right in the energy donors. He is attorney general. Look at what they get—a private meeting with the Republican attorneys general on the confidential agenda. If you go to the next day, the morning meet-

ing is an issue briefing on the dangerous consequences of the Clean Power Plan and other EPA rules, and guess who the lead panelist is—Attorney General Scott Pruitt of Oklahoma.

What you have is this link between a big political donor, Murray Energy, and a private meeting for Murray Energy on the confidential agenda and a followup meeting at the same retreat on attacking the Clean Power Plan. And guess who a lead plaintiff with Scott Pruitt is in the lawsuit against the Clean Power Plan? Boom—Murray Energy.

There is a little machine here that turns between money in from the fossil fuel industry and litigation out on behalf of the fossil fuel industry. These emails aren't just matters of general interest. These emails may provide some good connection, some good evidence into what exactly that little feedback loop entails, because there are plenty of circumstances, and, as somebody who spent years as an attorney general and years as the U.S. Attorney, those little feedback loops is sometimes called corruption.

Depending on what those emails say, that could easily be prosecutable corruption. Rather than answer that question, of whether this link between big donors and action on cases using the badge of the State of Oklahoma as a shield to protect the fossil fuel interests, which were the donors, and talking about it in confidential meetings, in private meetings on confidential agendas—to me, that smells pretty high all by itself, before you have actually dug into it and seen what the emails say and gotten to the potentially really stinky part.

The fact that this is being jammed through is not without consequence for the Republicans on the other side who are not being given the chance by their leadership to say: Hold it. Whistle. Let's give this a couple of weeks. Let's see if there is something beyond how bad it is already—that perhaps might even make this chargeable stuff—before we are forced to vote on this guy.

Once again, the fact that they are being forced to vote on this guy in this circumstance is very, very unusual behavior. And unusual behavior, to me, signals powerful forces.

I could not agree more with the Senator from Oregon about the importance of these emails and their potential significance. I agree with my friend from Hawaii that I hope there isn't anything really bad here, but the likelihood that there is is very strong. The dogs are hunting.

Mr. MERKLEY. One of the things that I want to return to is why we are so concerned about this complex matrix of corruption, of dark money changing the outcome of campaigns, changing the makeup of the Senate, changing the type of rules that are adopted and the laws that are passed,

because behind it all is a rising tide of pollution that is changing the chemistry of our air and changing the temperature of our planet.

This is a very simple chart here, and this shows temperature and carbon dioxide. If we look at this carefully, you can see that the carbon dioxide rises and the temperature rises. This is what has happened. The scientists have looked back hundreds of thousands of years. Carbon dioxide goes down, and the temperature goes down. Carbon dioxide goes up, and the temperature goes up because carbon dioxide is essentially a blanket.

If you increase the thickness of that blanket—that is, the density of the carbon dioxide—more heat is trapped on the Earth's surface. When we realize the age of the Earth, which is measured in billions of years, the time that we have been here in human civilization is pretty brief. And the time that we have been burning fossil fuels for energy is very brief—150 years—a very small blink of the eye.

In that time, we have changed the chemistry of the air. We have increased the size and the weight of the blanket substantially. Prior to the burning of coal, for many thousands of years, the carbon dioxide level had varied up and down, but the top level was 280 parts per million. That is this blue line.

What we see is that the carbon dioxide level has steadily climbed as we burn the coal, the natural gas, and the oil. As we have done that, the black line is going up and down. It has varied a little bit from year to year. It has steadily increased as well.

There are many folks who look at this and say that is just lines on a chart. If you project into the future, that is just a computer model. It can have different assumptions, and you can tweak that computer model. But this is a powerful, powerful explanation of facts on the ground that we are seeing every day.

Let's look at the facts on the ground. Let's set aside the computer models. Let's even set aside this chart showing temperature rising as the carbon dioxide levels rise.

What do we see in my home State of Oregon? What we see is that we have warmer winters, and those warmer winters mean that the pine beetles don't die off in the same way they do when there is a very cold winter. So they come out, and they attack more trees and more trees are killed. That is damaging to our forests. We see that effect.

What else do we see? We see a change in forest fires. Our forest fire season has grown enormously, by more than 2 months over about the last 40 years. Two months is a big additional portion of the year with fires raging, and the fires have been more intense. Partly, they are more intense simply because the forest is different.

The old-growth forests were more resistant to fire than the second-growth forests, and that is a result of our logging practices. In addition, there is the dryness of the forest. The forest is more dry. Sometimes the wood on the floor of the forest is as dry as a kiln-dried two-by-four. Then we have these weather patterns that involve more lightning, and there are more lightning strikes that are starting fires. So we have drier forests.

We have more lightning strikes. We have more dead trees, and we have more damage from these fires. We see a significant impact on our forest. How about on our farming? Farming depends on water. We have had three worst ever droughts in the Klamath Basin over the last decade and a half—three worst ever droughts. It had a huge impact on ranching in that basin and a huge impact on farming in that basin.

As we see that impact, we realize that on the frontline—on the very frontline—in the battle with rising temperatures is rural America, where we have industries that depend on our natural resources, on our forests, on our fishing, and on our farming.

Let's turn to our fishing for a moment. As the winters have gotten warmer, we have seen that in most winters—not in all but in most winters—the snowpack has been decreasing. What does that do? Partly, it affects farming because you have less water stored in the form of the snowpack, but it also affects the mountain streams. So you have warmer, smaller mountain streams for trout and for salmon.

For those who love to fish in Oregon—and so many people do love to fish in Oregon; in fact, people come from many parts of the world to come and fish in Oregon—you now have streams that are less hospitable for that purpose.

Let's think about what is happening on the coast of Oregon. On the coast, we are a Pacific Rim State. We have the vast Pacific Ocean. Ponder this question. Is it possible that you could burn so much coal and so much oil and so much natural gas in 150 years that you could put so much carbon dioxide into the air, that the ocean could absorb a good share of that, and you could change the chemistry of the ocean?

I have to tell you this. Apologies to my colleague from Hawaii. This is the most beautiful coastline on the planet. You have these incredible mountains dashing into the ocean. You have these gorgeous Pacific waters. You have all kinds of wildlife, all kinds of fishing industry. The Oregon coast is one of the most spectacular places in the world. I must say that, in fairness, I have really enjoyed seeing the Hawaii coastline as well. It is different. It is beautiful and rugged in a different way, but spectacular.

There you are on the coast of Oregon, and you are looking out from those mountains that come crashing into the sea. We have capes—one cape after another. The cape is a big projection of land. You can stand on top of those capes, and you can see out to the horizon of the ocean. You can't see any land. You realize you can only see about 20 miles with the curvature of the Earth, but you know that the ocean goes on and on, far more than a thousand miles. And you say: That is a lot of water. That is an incredible amount of water on the planet Earth. It surely can't be possible that we have changed the basic chemistry of the ocean through the burning of carbon dioxide.

Then you talk to the marine biologists who measure what makes up the Pacific Ocean, and they tell you: You know what, the burning of coal and oil and natural gas is changing our ocean in a way that is making it less hospitable to life.

Here is what they are talking about. The ocean through wave action absorbs that carbon dioxide that we have been putting into the Earth. In fact, the carbon dioxide level in the air would be much, much higher if it weren't for the oceans pulling a good deal of it out. And then, in the water of the ocean, the carbon dioxide becomes carbonic acid.

When you hear the word "acid," you say: Well, that doesn't sound very good. And you are right. That acid, then, has an impact on the ability of marine organisms to create shells. One specific example of this are the oysters on the Oregon coast. The oysters, as little babies, start to pull molecules out of the water and form shells. If the water is more acidic, it is much more difficult for them to do that, and the result is they die. They put all their energy into that effort. They can't do it. So they die.

In about 2008—the year I was running for office—we had this big die-off of baby oysters in the hatchery on the Oregon coast. It was a big scientific puzzle: What is causing this? What is the virus or the bacterium that is causing this?

The scientists got together, and with a lot of help from Oregon State University, the industry got together and they studied this, and they couldn't find that there was a virus causing this action. They started looking for a bacterium. Well, they looked. They didn't find that either.

What else could it be? It has to be one disease agent or another. It turned out that it wasn't a disease agent. It was the increasing acidity of the Pacific Ocean.

Now, this morning, the owner of that hatchery happened to be coming through DC and came to my "Good Morning Oregon" reception. I hold this every Thursday morning that I am

here. People can show up. We have a little bit of good Oregon coffee and a warm chance to reacquaint ourselves with old friends and to hear what folks who are visiting are thinking. He said to me this morning: Buffering is now continuous.

What did he mean by that? What he meant was, when they discovered it was the acidity that was killing the baby oysters, they had to start taking this seawater—they have a big pipe that pulls seawater up into the oyster hatchery, and they have another pipe that recirculates it back into the ocean. They had to start artificially reducing the acidity of the seawater so the baby oysters could thrive. What he said this morning is: We now have to buffer continuously. The condition has become so bad, it is bad on any given day. So that is where we are.

If the acidity of the ocean has changed from the burning of coal and oil and natural gas, isn't it time for us to wake up and pay attention? Isn't it time for us, as the stewards of the environment here in terms of making laws, to be paying attention? Shouldn't we be thinking again about those words that President Richard Nixon said when he created the Environmental Protection Agency in 1970; that we all "share a profound commitment to the rescue of our natural environment."

How are we going to rescue our natural environment from the harm of burning fossil fuels if we keep burning fossil fuels? That is the question before us, and the answer is that we can't. We have to stop.

We have to, in a modest period of time, a rather short period of time—really, in the course of human civilization, just a microsecond of time—we have to move from burning fossil fuels to basing our economy on energy from clean and renewable sources. We have to do this very conscientiously. We have to do it through grassroots action. We have to do it through a framework that we create here at the national level. Both are powerful. Let's do both.

In the middle of that is the Environmental Protection Agency. That is why it is so important that we have a Director of the EPA who is committed to the vision of rescuing our natural environment, and that is why we need to have access to these thousands of emails before we vote in the U.S. Senate.

I think that as we consider this, we need to ponder that the conditions we see in Oregon—that are derived from global warming, increasing temperatures—are not simply happening in my State. I used those examples because I come from Oregon. I represent Oregon. You can see these things right where I am, but you can look across our Nation, you can look across our planet, and see the effects everywhere.

If you take the 100 largest glaciers in the world and track their average retreat, it is dramatic. There are those, by the way, who say if you want to see a glacier at Glacier National Park, you better go soon because a number of glaciers in Glacier National Park have retreated substantially.

You can go to other parts of the country and see other impacts. For example, if you go to the Northeast, you have the challenge—just like the pine needles aren't being killed in the winter, the ticks aren't being killed, and the ticks are infesting the moose, and the moose are dying because you have these big clumps of ticks sucking the blood from the adults and from the babies. The list goes on.

Our colleague from Maine says: We are concerned about our lobsters. Our lobsters are migrating up the coast to find a temperature of water that used to be in Maine, and now they are moving north toward Canada.

You can talk to those who track insects, like certain types of mosquitoes that carry the Zika virus, and their range is spreading. There is an insect called a sandfly that thrives in Central America, that is starting to show up in the United States of America because the temperature is changing, and that sandfly carries a disease called leishmania. This disease basically is extraordinarily difficult to cure, and it is a single-cell parasite. When you get bit by a sandfly, you get an enormous number, if it is an infected sandfly, of these parasites that start eating a hole either in your organs or in your skin—very difficult to cure.

As I describe this, I am just touching the surface. I haven't talked about the Great Barrier Reef, much of which has died over the last couple of years off Australia, and the list goes on and on.

So to close, we need a Director of the Environmental Protection Agency who has that profound commitment to the rescue of our natural environment, and the preservation of the Earth as a place habitable by and hospitable to humankind. That is why we need the emails, and that is why this vote should be delayed until they have been examined fully by the public.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from New Jersey.

Mr. BOOKER. Mr. President, very good to see you. I want to again, as I stated in the past, thank the staff. We are obviously pushing late into the night, and there are unsung heroes who are here in the U.S. Senate working in a nonpartisan way, keeping the Senate going. I want to thank them all for being here tonight. Definitely, the folks who are typing with their fingers are heroic. They have muscles in them. Thank you very much for your work. Of course, I want to just highlight the pages and thank them for yet another late night, when they still have cal-

culus homework, I am sure, to work on.

Mr. President, I am honored to be able to join my colleagues, three of whom themselves are some of the great voices, in my opinion, in the United States on issues of the environment, issues of protecting the health and safety of our communities: Senators MERKLEY, WHITEHOUSE, and SCHATZ. I am grateful to be able to stand with them, joining them in a chorus of conviction about our opposition to the nomination of Scott Pruitt to serve as the Administrator of the Environmental Protection Agency.

The EPA is a critical Federal Agency. It was established through an Executive order by President Nixon and charged with the protection of human health and the protection of the environment. Given the pressing health issues, environmental challenges we face in our Nation, and frankly the growing environmental challenges around our planet today, we should make sure we are confirming an Administrator who has a conviction for the protection of the health and safety of people; that he or she prioritizes the well-being of Americans and is focused tirelessly, exhaustively, on making sure the mission of the Agency is made real, that other factors, conflicts, wealth of industries—that their No. 1 concern is not all of those things but is really the health and safety of people, of Americans, because we know what it means when the health or safety of Americans is undermined.

This idea of life, liberty, and the pursuit of happiness is completely compromised if cancer rates are going up because of toxic dumps or superfunds or asthma rates are epidemic because of toxins in the air.

We need a person who is in charge of making sure we are not prioritizing polluters or industries; that we are prioritizing people first and their safety. This is not just a moral calling of this Agency, but it is actually a practical one too. It is an economic one, too, because the cost to society of pollution, we already know, is extraordinarily high.

I see this in the community where I live. I am a proud resident of Newark, NJ, but I see a polluted river, the Passaic River, that has caused health issues, that has taken away sports and recreation, actually taken away a source of bounty of fish and clams and other shellfish. In addition to that, now it is costing taxpayers hundreds of millions of dollars to clean up the waste and mess that was made by corporations that were allowed to get away with that polluting. That is the common sense of this.

Not only is it an issue of justice—something our country stands for, this ideal of justice—not only is it compromising life and liberty and the pursuit of happiness, but it also ultimately

costs us so much more not to be vigilant in the protection of our environment. It is actually stealing, as we have seen all across this country—stealing from future generations. As you pollute now, you are stealing from future generations and calling it profit.

So this is what I see as a person who is in charge of this Agency, someone who is putting health, common sense, pragmatism before the short-term avarice that often has undermined the great bounty of this Nation.

In this particular case, in this moment in time, with this Agency started by a Republican, we now have a President who is not only putting someone up who is singularly unqualified—and as a person who worked with EPA Administrators, Republican and Democratic, we had a great Republican Governor from New Jersey who was the head of the EPA. Republicans and Democrats, if you compare this person, it is my conviction that he is singularly unqualified to lead the Environmental Protection Agency at this moment. That is Scott Pruitt.

I do not believe Scott Pruitt will lead this Agency in a way that upholds this critical mission in our country. Again, I don't care if you are in a so-called red State or so-called blue State, I don't care what your background is, your religion, your race, if you are living in an environment that is toxic—the air, the water—it is undermining your ability to enjoy the liberty and the freedom and justice of our country.

So if you look at this individual, Scott Pruitt, if you look at his track record, you will see that his actual work has undermined the mission of the Agency that he is now nominated to lead.

At his confirmation hearing, Scott Pruitt stated, as attorney general for the State of Oklahoma, he was responsible for protecting the welfare of Oklahoma citizens. This was his statement. Yet during his 6 years as attorney general, Scott Pruitt spent his time doing the bidding of the polluters, and filing or joining 14 lawsuits against the EPA's effort to clean up the air and water of a State, challenging water and clean air rules.

On top of this, on top of his track record, not for doing things to improve the quality of the air and water but doing things consistently to fight the EPA—on top of this, on one of the largest issues going on with our planet right now, Mr. Pruitt says clearly that he denies the science and the reality of climate change.

So many in his own community who have come to this building to give their voice and their facts believe this person being nominated has a nonexistent record in Oklahoma when it comes to protecting the environment and that he actually aided and abetted many of the people who were doing some of the worst harm to the water and to the air.

Mr. Pruitt seems to say this is a philosophical thing; that he is a Federalist. What amazed me, as I dealt with Mr. Pruitt, engaged with him during the hearings, is it exposed the fact that he not only tried to get the Federal Government to stop acting to clean up the air and water and constrain the avaristic polluting of these industries, but he actually worked to make sure the State government didn't have the power to do it as well, as I will show momentarily.

But here is somebody who is not into philosophy. The driving force is his picking polluters over people. Mr. Pruitt also has serious conflicts of interest. What is amazing to me is that he has stonewalled the Senate, claiming to us that all of the emails from his agency that should be open—listen, we went through a whole Presidential campaign with all of this talk about email. How ironic is it that we are now putting someone up for EPA Administrator who suddenly is not allowing open public record requests to view his emails.

This is hiding, as Senator WHITEHOUSE has gone through—not allowing the public to see what is their right to see—the emails and communications he has had with polluting industries, as well as other organizations plowing money into his campaign and others. Not only has he denied us access to that, but he has used lies that this could not be produced.

Well, we have just had a judge in Oklahoma, contrary to what he said, force the viewing of these emails. This is really important. Here is a judge who literally calls his failure to release the emails an abject failure, that not releasing these emails in accordance to the public information laws of the State—the judge called it an “abject failure” to not produce this information and called it “unreasonable under the law”; those are the quotes—and ordered him to release these thousands of emails, to release the first tranche on Tuesday.

These are records pertaining to communications with Devon Energy, Peabody Coal, and other organizations. These should be released on Tuesday. We are going to see a lot in these emails.

Then he was ordered to release another tranche to organizations like ALEC, the American Legislative Exchange Council that supports a tremendous amount of partisan policy, the State Policy Network, and other organizations. Those will be released in 10 days.

By the way, the requests for those go back to April 27, 2016. So one thing I have to say that I object to—and actually I am shocked and appalled that, suddenly, when you have a judge now forcing the release of these emails, which are going to give us transparency, which are going to answer the

questions many of us have been asking about the conflicts he might have and how he used or potentially abused his power working in collusion with private industry, we can now see all of this plainly. But suddenly, now, this vote on Mr. Pruitt has been scheduled for tomorrow. Why not wait to let the Senators who have been asking for these emails for months—now that we are finally getting them, why are we now rushing a vote before we get to analyze his record?

So for these reasons—his lack of qualifications, his demonstration of working against the mission of the Agency, his denial of something as important and significant and planetarily consequential as climate change, his clear demonstration of his work on behalf of polluting industries, and the potential for serious conflicts of interest—we should not only oppose him, but at the very least what we should be asking is to have the vote postponed until the transparency that has been requested by Senators is achieved.

Any of these deficiencies individually should have us move the vote or vote against, but let me take some of these issues now. Let me look right now at the issue of climate change and his positions. The EPA is the most important Agency in the United States in the fight against climate change. Through its authority under the Clean Air Act, the EPA is tasked with regulating harmful air pollutants, including carbon dioxide.

I do not believe that Scott Pruitt will adhere to this EPA mandate. It is an EPA mandate that he has shown a disregard for that he will be tasked with enforcing. He not only has no record of enforcing it, but even believing in the harm that these pollutants can cause. He has openly questioned the need for climate change action on numerous occasions. He is on the record for pondering whether climate change is even happening at all.

Less than a year ago, he told a public audience the debate about climate change is just that, a debate. He has said that climate change is a religious belief and a political bumper sticker. Scott Pruitt appeared to walk back that language on climate denial during his confirmation hearing before the committee of jurisdiction, the Environment and Public Works Committee, last month. He claims that science tells us that the climate is changing, and human activity in some manner impacts climate change. The human ability to measure with precision the extent of that impact is subject to continuous debate and dialogue, as well it should be.

Well, I am happy to see that he is moving. But here Mr. Pruitt now is taking a different tactic. He is acknowledging that our climate is changing, without accepting the scientific consensus that human activity is the

primary cause. But this seemingly softer language is actually a damaging tactic and in many ways is just as damaging as outright climate denial.

This is a hallmark of the new strategy: Hey, let's admit the climate is changing, but let's try to cast doubt on whether human activity is doing it. The language may be different, but the implication is the same: If we don't know how much human activity contributes to climate change, hey, then we don't need to do anything about the crisis.

This reminds me of Big Tobacco. There were these big tobacco scientists who made their living insisting that the link between cigarettes and lung cancer was uncertain. To cast doubt on it was their strategy—that link between lung cancer and smoking. This is a strategy we have seen before, again and again and again. Even though there is a consensus of science about smoking—or in the case of climate change—cast doubt, cast doubt. That is what Scott Pruitt does; he is a merchant of doubt when it comes to climate change.

He is attempting to sow uncertainty where there is, in fact, considerable certainty. As a result, he is deliberately undermining and misrepresenting the reality of the case. This is the person we want to put—who is intended by the President to be put at the head of the Environmental Protection Agency, someone who is a merchant of doubt.

Well, let me just go through the climate change evidence. Let's be clear about the facts. There are extraordinary indicators to provide strong evidence not just for climate change but for rapid, human-caused climate change. Atmospheric carbon dioxide now is higher than at any point in recorded history; 15 of the 16 warmest years on record have occurred since 2001; the pace of global sea level rise has doubled in the last decade; surface ocean acidity has increased by 30 percent since the beginning of the industrial revolution.

Those are dramatic changes in what is happening to our oceans. The evidence of this is global, from the bleaching of reefs to the killing of the biomass, to the extinction of species.

Arctic sea ice is declining by over 13 percent per decade. Just yesterday, scientists published a large research synthesis that has detected a decline in the amount of dissolved oxygen in oceans around the world, a long-predicted result of climate change that is expected to have severe consequences for the marine ecosystem and fisheries.

Some 97 percent of the actively published climate scientists agree that these climate change trends—I would say crises—are extremely likely due to human activity. Scientists this month released an estimate that human activity is causing the climate to change 170

times faster than natural forces alone would cause.

I just sat with an incredible author who wrote "The Sixth Extinction," a book that documents the rapidity with which we are now in a period of global climatic extinction, with species disappearing from the planet Earth at a speed that she compared, in the larger perspective of time, to the impact of a massive asteroid that was one of the major extinction periods. This is happening rapidly, like no period before in history, except that of massive climactic events like the asteroid hitting Earth. This is a crisis. The crisis is already being felt in terms of human impacts. Right now, we know that, unabated, these climate trends will continue to have impacts, and they will grow more devastating for our planet, especially for our children and our grandchildren.

By 2045, some east coast cities could flood three times a week. Scott Pruitt's home State may not have to worry about this, but New Jersey, a coastal State—we now have everyone from people in the military to businesses, to leaders in government, all realizing that this is going to have a serious effect on our State and we have to start preparing now to deal with that crisis.

Weather patterns are going to become more erratic. Hurricanes and other major storms in the North Atlantic will become stronger and more intense. Drought and heat waves will increase in parts of Arizona, California, Texas, and, yes, even Oklahoma could exceed 100 degrees for over 120 days a year. The U.S. crop yields will drop significantly. Estimates suggest that under a business-as-usual scenario, by 2100, wheat yields could drop 20 percent, maize by 40 percent, soybeans 40 percent, causing global spikes in food prices.

The rising seas, with more intense storms and worsening drought, could create climate refugees. In fact, we are seeing climate refugees already form small island states. The United States is already facing the reality, with many of these people from around the globe, that several communities in low-lying coastal areas in Alaska and Louisiana are in the process of relocating to higher ground. It is happening right now, where you are seeing evacuations from coastal areas that are no longer habitable.

Regarding climate refugees, I would like to quote Pope Francis. He said:

Many of the poor live in areas particularly affected by the phenomenon related to warming, and their means of subsistence are largely dependent on natural reserves and ecosystem services such as agriculture, fishing and forestry. They have no other financial activities or resources which can enable them to adapt to climate change or to face natural disasters. Their access to social services and protection is very limited.

The Pope continues:

There has been a tragic rise in the number of migrants seeking to flee from growing poverty caused by environmental degradation. They are not recognized by international conventions as refugees; they bear the loss of the lives they have left behind, without enjoying the legal protection whatsoever. Sadly, there is widespread indifference to their suffering, which is even now taking place throughout our world.

All of this—and perhaps lastly—it is this global insecurity that will grow. Major climate events like drought and floods have clearly been linked to violent conflicts around the globe. Climate extremes are worsening tensions in some parts of the world. There is a widespread international scientific agreement on the scope of this problem and international urgency about doing something about it.

The Intergovernmental Panel on Climate Change has unequivocally concluded that there is a clear human influence on the climate system. To keep global temperatures from rising more than 2 degrees Celsius, the IPCC estimates that we need to reduce emissions by 40 to 70 percent by 2050, compared to the 2010 levels. Warming beyond this level, 2 degrees Celsius, is often cited as that threshold.

Warming beyond this level will result in surface temperatures above anything our planet has experienced in the last 100,000 years. Given current emissions scenarios, keeping temperature increases below this 2-degree threshold will be extremely challenging, but this only underscores the urgent need for rapid and dramatic emissions reductions.

Unsurprisingly, given these numbers, there is also an international agreement on the need for action. We are seeing people come together and make strong commitments. In 2015, 195 countries adopted the first-ever binding global climate change agreement in Paris. The national commitments established in the Paris Agreement would put us on a trajectory to limit warming to 2.7 degrees Celsius—not enough of a limit, but it is a start. It is a start and a remarkable moment in planetary cooperation.

There is no question that given planetary cooperation, there is no question that given a consensus of scientists, there is no question that, given the factual urgencies being created by climate change, Scott Pruitt is on the wrong side of history in refusing to acknowledge global scientific and political consensus on climate change and the urgency that we need to act. We are potentially going to put someone who stands against this global consensus in charge of the EPA.

Much of the opposition to climate action in our country is motivated by false narratives about economic costs—people who are selling this idea that somehow doing the responsible thing is going to hurt our economy. The idea that addressing climate change could

actually make us less of a wealthy nation is propaganda, and it is propaganda that is being pushed by the people who are doing significant amounts of the polluting, the people whom Scott Pruitt has spent time advocating on behalf of.

Last year, Mr. Pruitt parroted the argument that fighting climate change is bad for the economy. He parroted that on an Oklahoma radio station, arguing that climate action is "hurting our ability to manufacture, to grow our economy, it's hurting the fossil fuel industry, it's an assault, and it's all done outside of the Constitution and the law, which makes it even more egregious."

That is a strong statement. Besides the fact that addressing climate change is very much within the law, this economic devastation narrative is simply patently false. Just last month, a renowned climate economist who had long argued that emissions reductions would damage economic growth actually changed his mind after running a more accurate analysis of carbon dioxide's impact on temperature.

In fact, responding to climate change will help grow new parts of our economy. Last year, nearly half a million Americans were employed in whole or in part by the solar energy and wind energy industries. Wind energy jobs grew by 32 percent in 2016, and solar jobs grew by 25 percent. Solar jobs, in fact, have tripled since 2010. We should be focusing on actively expanding our promising clean energy sector. Frankly, we should be racing, as the great Nation of innovation that we are, to lead in these areas and not let our competitors get there first. We should be doing the breakthroughs, making the investments, growing the jobs.

Scott Pruitt is one of the last stand-offs. In fact, the GOP—the Republican Party—is the only major political party in the developed world that refuses to acknowledge that climate change poses a problem. All of our other allies—their right parties, their left parties; you name it—all the other major political parties on the planet Earth recognize that this is a problem, but it is unconscionable that we, here in America, are still pushing a narrative that is contrary to the global consensus and the consensus of science, that denies the reality of human-caused climate change and the urgent need for action.

Recent polling says that nearly 8 out of 10 registered voters—people on the right and the left, especially with our millennial generation—support regulating carbon dioxide as a pollutant. Seven out of 10 registered voters support setting strict carbon dioxide limits on coal-fired powerplants, a core aspect of the Clean Power Plan that Scott Pruitt and the Trump administration have vowed to repeal. Seven out of 10 registered voters think the

United States should participate in the Paris Agreement, another critical moment where the planet was coming together in cooperation. Seven out of 10 voters agree that we should be a part of the global movement to cooperate on dealing with climate change.

Nothing in Scott Pruitt's record as Oklahoma attorney general suggests he will uphold Americans' desire for climate action. A public servant who abides by the wishes of polluting industries, instead of the wishes of the American people, instead of the real tangible health challenges in their own State—someone who is standing with the industries and contrary to people suffering in their own State—has not earned the right to be our Administrator of the EPA.

Look at his record in Oklahoma. Well, let's just start with air pollution. At his confirmation hearing, I asked Scott Pruitt if he knew how many children in his State had asthma. He did not know. So I informed him. According to the data published by the American Lung Association, more than 111,000 children in Oklahoma—more than 10 percent of all the children in Oklahoma, so more than 1 out of every 10 children in Oklahoma—has asthma. This is one of the highest State asthma rates in the Nation. This is a crisis.

As former mayor of Newark, I know the devastating impact that asthma has on parents and children. This is the number one health-related reason why kids miss school not only in my city, not only around my State—it is still one of the top reasons, if not the top—but in our Nation.

I have talked to parents and teachers about this crisis, about kids who are struggling to breathe, children rushed to emergency rooms, children missing school. This is literally undermining kids' ability to succeed in school and to get the benefits of life from academic success.

In a State where more than 1 out of every 10 kids—a State where more than 10 percent of your children—have asthma, clean air should be an urgency.

So what did Scott Pruitt do, as it relates to air pollution? Well, he actually took every major possible opportunity to help the polluters, joining with them to block the EPA from taking action to clean up the air and protect the children in his State.

When I say "joining with them," and that is not a hyperbolic exaggeration. Scott Pruitt sent a letter to the Environmental Protection Agency in 2011, accusing Federal regulators of grossly overestimating the amount of air pollution that natural gas companies were releasing from well sites in Oklahoma. The letter was sent to the EPA on Mr. Pruitt's official attorney general letterhead. So we might assume its contents represented the State's official stance on what was best for the welfare of Oklahoma families and children be-

cause, as he testified, his job was to represent what was best for the welfare of Oklahoma's families and children.

This is what he said in his testimony here in the Senate. This is what he said. That was his job. So he is writing a letter, challenging the EPA, saying they grossly overestimated the amount of air pollution that natural gas companies were releasing.

Well, the problem is that we would be wrong if we had thought that this was something that his office came up with. No, what Mr. Pruitt did was actually take a letter written by lobbyists at Devon Energy, one of the State's largest oil and gas companies, change maybe a few words—maybe three, maybe four—and, basically, took these words, took off their letterhead, put the same letter on his letterhead, and passed it along to the EPA.

Remember, Devon Energy is one of those organizations that we want the emails from, back and forth between his office.

Now, did he go out from his position and do research on air quality? Did he interview families with asthma? Did he test air quality? How did he come up with his conclusions that what the EPA was doing was wrong?

Well, clearly he couldn't write his own letters. He just took the information from Devon Energy, put it on his letterhead, and sent it off. He was doing the bidding of one of the people, one of the companies that was undermining the air quality for the 1 out of 10 children that have asthma.

So we, as U.S. Senators, who believe in thorough vetting—we hear a lot about intense vetting for refugees; I am a guy who just wants a thorough vetting for nominees—asked for his communications, using public FOIA, or the Freedom of Information Act. What are your communications with this company that seems to be writing your letters for you?

What he said to us was—he stonewalled: I can't get those things to you.

Well, thank God a judge in Oklahoma has now ordered him to release it, calling a failure to do so an abject failure.

Well, great, we are going to see the letters to understand what kind of cooperation or even collusion he had with these companies, but we are going to see them too late because the vote is tomorrow. We are going to get that information a day, 2 days, a few days too late.

So here is someone who says his job, as attorney general, was to represent the welfare of children and families. Here we have a State with a crisis in air quality, a crisis in asthma, and where the EPA is working to do something about air quality in the State, and he is coming to conclusions that we don't know if they are his or not, but we know there are industries that do not want to change their practices

at all and want to continue to pollute the air.

Whose side is Scott Pruitt on—the side of the children in his State, 1 out of every 10 who has asthma, or of Devon Energy? And we want to put him in charge of the EPA, without even having a thorough understanding of what his relationship was with these companies.

Well, my colleague did his own exhaustive research about the campaign funding he had received and more support from companies like this, and it creates an implication. Well, let's get to the bottom of what is happening. Let's see the emails before we vote. What do these say to these corporations?

I asked him: He allowed polluting companies to write emails to the EPA on his letterhead; did he let any children with asthma or their parents write letters that he then just put on his letterhead—people who were suffering from the poor air quality?

Later, the director of government relations at Devon Energy emailed Mr. Pruitt's office—this, we do know—to express gratitude to the attorney general for sending the letter.

Beyond this note of thanks, there were other clear benefits of this type of behavior for Mr. Pruitt. Energy industry lobbyists and executives worked tirelessly to help Mr. Pruitt raise his profile as president of the Republican Attorneys General Association. As president of this nationwide group, Mr. Pruitt set up something called the Rule of Law Defense Fund, a super PAC that allowed corporations benefiting from the actions of Mr. Pruitt and other Republican attorneys general to make unlimited and anonymous donations. This super PAC raised \$16 million in essentially untraceable fundraising in 2014 alone.

Companies were partnering with him to fight the EPA in its efforts to fight for cleaner air in a State with children struggling from widespread asthma challenges. This would be bad enough, but this in many ways is only the beginning of Mr. Pruitt's collaborations with air polluting corporations. Scott Pruitt filed two lawsuits challenging the EPA mercury and air toxics standards.

So the EPA is working to clean up mercury. He filed lawsuits against the EPA to stop them. These were the first Federal standards to require powerplants to limit their emissions of such toxic air pollutants. The EPA's final rule set standards for known hazardous air pollutants emitted by coal- and oil-fired powerplants above a certain generating capacity.

This rule sought to limit Americans' exposure to airborne toxics like mercury. Mercury in the air settles on the surfaces of water and land where rain washes it further into surface water. Once in the water, mercury is converted to a toxic chemical called

methylmercury, and this accumulates in increasing levels up the aquatic food chain. It is one of the reasons that doctors often will advise pregnant women not to eat certain fish because of the high mercury content. Why is there a high mercury content in some of those fish? This is the reason: mercury spewing out into our air, coming down and settling on land and water, getting into our waterways, and working its way up the aquatic chain, ultimately getting into our food.

Humans, especially young children and pregnant women, are vulnerable to mercury exposure from consuming contaminated fish or shellfish. This is a tragedy. Over 400,000 newborns are affected by mercury pollution each year in the United States—400,000 of our children, the greatest hope for our country, 400,000 children affected by mercury pollution each year in the United States.

What does mercury exposure do? It damages the brain, heart, kidneys, lungs, and it damages the immune system of people of all ages but, again, particularly vulnerable populations. It is a horrific toxin. This is not an argument. It is scientifically clear that the largest source of mercury air emissions are our power companies. It doesn't mean we want to shut the powerplants down; it doesn't mean we want to stop them. We want to take measures to remove the mercury emissions.

So what happened in the State of Oklahoma to hundreds of thousands of our children? What happened in the State of Oklahoma? The man who was on the job—he told the U.S. Senate that his job was protecting the welfare of the people. What Mr. Pruitt did is attack the EPA. He said that they lacked the legal authority to regulate powerplant mercury emissions and other hazardous pollutants under the mercury and air toxics standards. He did not do this once; he did it twice. When the EPA moved under the mandate they had, he tried to stop them twice.

He went even further than that because he apparently doesn't even believe that mercury is toxic to humans. In his challenge to the EPA's mercury rule, this is what he wrote: "The record does not support the EPA's findings that mercury . . . pose[s] public health hazards."

Reading this was astonishing to me. This was written by someone whom we want to put in charge of the Environmental Protection Agency? I am sure that even his family was told not to eat certain fish because of mercury. It is astonishing to me that he would say that "the record does not support the EPA's findings that mercury . . . pose[s] public health hazards."

Mercury is a scientifically proven, well documented, deadly neurotoxin, and the person we are about to elevate to head the Environmental Protection

Agency when he had the chance to fight to protect people from mercury not only fought to stop efforts to restrain mercury being put into the air and into our water, he went as far as to say: Hey, this stuff isn't so bad.

While he was focused on attacking these mercury standards and denying its status as a toxic metal, the number of lakes in Oklahoma with mercury-related fish consumption advisories has doubled since 2010. Think about this. The attorney general, in charge of protecting people, has the Federal EPA saying: Hey, you have a problem here. Let's address it. The mercury levels in your lakes have doubled since 2010. The scientists and experts in your State are releasing advisories to your community that state: Don't eat the fish from Oklahoma's lakes. His response is to fight against efforts to clean that up in support of those industries, as we are finding out, that are pumping money into his super PAC.

If I lived in a community and I lived next to a river that had deadly toxins in it—I have spent my entire professional career as a city councilman, as a mayor, and now here to fight to clean the Passaic River. I swore an oath to defend people. I am fighting for them.

What did Pruitt do when he had a shot to be there for the people who were living by lakes that literally had a doubling of the advisories about fish consumption? What did he do? Did he stand for the people or the polluters? What did he do? It is clear what he did. He stood with the polluters.

But there is more. Scott Pruitt filed a lawsuit challenging EPA's 2015 national ambient air quality standards for ozone. The Clean Air Act required the EPA to set national ambient air quality standards for air pollutants considered harmful to the public health and the environment.

Under this authority in 2015, the EPA strengthened the standards for ground-level ozone from 75 to 70 parts per billion, based on substantial scientific evidence about ozone levels on health. This updated ozone standard improved public health protections, particularly for children, older adults, and people who suffer from lung diseases like asthma. The new standard will prevent hundreds of thousands of asthma attacks. This is not rhetoric; this is scientifically based. The reductions will save hundreds of thousands of asthma attacks.

As already stated, Oklahomans have some of the highest incidence of asthma in our country. But like the mercury contamination in the lakes, this excessive asthma rate did not stop Scott Pruitt from trying to block EPA from regulating harmful air pollutants under the national ambient air quality standards. So this is Scott Pruitt.

The list goes on and on and on, of his attacks on the environment, of his doing the bidding of the polluting cor-

porations, of literally taking his letterhead and taking their letters and putting them on his letterhead and using that, not his own research, not his own interviews with scientists, not his work connecting to people with asthma—which, unfortunately, in his State with one of the highest asthma rates isn't hard to find—not talking to the people who were in his State releasing advisories not to eat the fish because of increased mercury content. What he did was the bidding of the polluting industries, and he sued the EPA again and again and again and again and again.

The EPA estimated in 2015 on their regional haze rule—this is the Agency he is about to take over—that implementing the rule would prevent 1,600 premature deaths, 2,200 nonfatal heart attacks, 960 hospital admissions, and over 1 million lost schooldays and workdays. That is the EPA's estimate on one rule, the regional haze rule.

Think about that. He is going to lead an Agency where the scientists in that Agency are going to be telling him: Hey, this rule that you fought against is going to save lives. What is his response going to be?

Can we as Americans trust that he is going to run an Agency where he relies on science or is he going to run an Agency where he relies on polluting industries to give him advice on what he should do? If he relies on them, there will be 1,600 more premature deaths, 2,200 nonfatal heart attacks, 960 more hospitalizations. We will suffer. People will suffer.

Scott Pruitt also filed a lawsuit challenging the EPA cross-state air pollution rule. This rule tightens limits on the amount of sulfur dioxide and nitrogen oxide pollution that powerplants in 28 States in the eastern United States are allowed to emit. Once in the air, this pollution drifts across state borders, meaning that States that had no role in contributing to the pollution suffer the repercussions. It is this type of interstate pollution that EPA is especially well positioned to address.

Further solidifying his stance as a staunch opponent of climate action, he filed four lawsuits. He filed four lawsuits challenging the EPA Clean Power Plan. He also sued the EPA to challenge the Clean Air Act 111(b) standards for carbon dioxide emissions from new powerplants. And in all those lawsuits except one, Scott Pruitt joined with the polluting companies that were also suing the EPA.

So amidst all this in the confirmation hearing, I asked Scott Pruitt, given all those lawsuits he had filed with the polluters against the EPA to block the EPA from reducing air pollution—he had even filed one lawsuit on behalf—he literally was advocating for polluting industries to the point where he was even using their letter on his letterhead to make his point. So my

question was, in all this fighting against the EPA, all of this, using their words, using their facts, not the scientists in your community, not the scientists telling you about the mercury in the lakes and the fish that you shouldn't eat and one of the highest asthma rates in the Nation, I asked him: Have you ever filed at least one lawsuit on behalf of those 111,000 children in your State with asthma? Have you filed one lawsuit on their behalf to try to reduce the air pollution and help those kids? Have you ever filed one lawsuit as attorney general of the State? And his answer was no.

Had he ever tried as Oklahoma attorney general to take any action—any action to help those children who struggle with asthma? What reason did Mr. Pruitt give for failing to even try? Mr. Pruitt stated that he lacked the statutory authority to file that type of legal action.

Let's think about that for a minute. Again, it doesn't take a law degree to understand the problems with that statement. You see, Scott Pruitt was more aggressive than any other attorney general in our country's history in suing the EPA, often using completely novel theories in court that lost—novel theories that lost. He was trying to find all kinds of ways on behalf of polluting industries to stop the EPA and thought of using creative legal approaches for doing it. Yet, when it came to the children in his State, 111,000 children suffering from asthma, one of the highest rates in our country, could he think of one novel thing to do on their behalf? Did he file one lawsuit to try to help those children? No, he claimed he lacked the legal authority.

What Scott Pruitt lacked was not legal authority. What I believe he lacked was any interest in trying to truly help those kids, to stand up for people against polluters. Those sick children were not powerful. They didn't have millions of dollars for a super PAC. They couldn't make campaign contributions. It seems, when it comes to their advocacy, that they were not important enough for him to even try.

When Mr. Pruitt was questioned by a reporter on his practice of letting polluting companies write letters challenging EPA regulations, which he then copied onto his official attorney general letterhead and he then sent, this is what Scott Pruitt said. This is his defense for letting polluting companies write letters that he put on his letterhead and then sent off to the EPA, advocating for them: "That is actually called representative government in my view of the world."

That is, simply, not an acceptable world view for the head of the Environmental Protection Agency. His view of representative government isn't any one of those 111,000 children. His idea of representative government isn't a family living next to a lake from where

they are advised not to eat the fish anymore. His idea of representative government isn't pregnant mothers who are worried about eating fish that are caught in the State. His idea of representative government is giving voice to the polluters—to the powerful, money-laden interests—and not to those of the people.

If Scott Pruitt wants to be the EPA Administrator, we as Americans should insist that we have transparency into what he did in his work beforehand—what he did on air quality, which I just went through. But the truth of the matter is that it is the same story for water pollution in the State, and it is the same story for other health and safety issues that the EPA was doing.

I conclude by saying that it is unfortunate that, at a time when we are finally going to get transparency into Scott Pruitt and what he has been doing as attorney general, after his stonewalling week after week, month after month, saying he wasn't going to release these records—by the way, the person in charge of enforcing Oklahoma's Freedom of Information Act is the attorney general. So it is kind of ironic that the attorney general was refusing to enforce them himself—the laws that public officials have to abide by in the State. It finally took a judge to order him to release that transparency. Now we are going to get these letters and see more about his connections to polluting companies—what kind of potential collusion went on and what conversations went on. Was he fundraising even from his official capacity? What was happening?

Alone, that is unfortunate that we are not, at least, postponing this vote until we get transparency in the Senate. Our role, as spelled out by the Constitution, is to advise and consent the President on these choices, and we are about to vote on somebody on whom we don't have full transparency to give advice.

The final point is that here is someone who is going to be the head of an agency that was started under the Nixon administration that is focused on protecting the health and safety of Americans, and he has demonstrated in no way his commitment to doing that—that he is putting people first. More than that, he has the ability to pull back these regulations that he himself has been fighting and that the scientists are saying will literally save lives.

It is not just what he will do. It is what he won't do in that job that is so threatening and so potentially devastating to families and communities like the one he is coming from. I cannot support someone who denies climate change, someone who clearly prioritizes polluting companies over people, someone who has spent his career in not protecting folks but in fighting the EPA.

I end where I began, with this Nation's ideals of life, liberty, and the pursuit of happiness. I would hope that an EPA Administrator, regardless of party, would understand the sanctity of those ideals and those aspirations. This person is clearly, clearly not someone who will support the common good but narrow interests to the detriment of, not just of his State, not just of our United States, but to the detriment of our children's future and of the future of the very planet.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I just want to follow up on what Senator BOOKER has been talking about.

This is a historic nomination tonight. This reminds the country so much of James Watt being nominated in 1981 to be the Secretary of the Interior. That turned out disastrously. He had to resign. This reminds the Nation of the nomination of Anne Gorsuch, in 1981, as the head of the EPA. That ended disastrously. She had to resign.

We are just repeating history here today as we are going through the very same stages of an administration—a radical rightwing, anti-environmental administration—that is trying to dismantle environmental laws across our country. It did not end well back then, and this will not end well. Scott Pruitt, as attorney general of the State of Oklahoma, has not demonstrated the qualities that are going to be necessary in order to protect the environment of our country.

Today, many of us recognized a day without an immigrants. Businesses across the country closed, students did not attend classes, and workers did not head to their jobs—in protest. In my own home State of Massachusetts, the museum at Wellesley College took down all of the works of art that were created and donated by immigrants. Bare walls, empty desks, shuttered restaurants—all of these things—show us just how essential, how fundamental immigrants are to our economy and to the very fabric of our Nation.

Now imagine if tomorrow we recognized a day without the Environmental Protection Agency. Imagine that—with no Environmental Protection Agency; no Clean Air Act enforcement; no clean water rule enforcement; no one to clean up abandoned Superfund and toxic waste sites; more climate change; more kids with asthma; more rivers with toxins running through them; more families with cancer; more environmental injustice for communities of color because it is those communities, the most vulnerable communities, that will suffer the worst consequences on a day without the EPA.

If Scott Pruitt has his way, it won't just be a day without the EPA. It could be a nation without the EPA. That is

what Scott Pruitt wants. That is what congressional Republicans want. That is what Donald Trump wants—no more clean air and water protections, no more pollution controls, no more environmental justice. That is Scott Pruitt's favorite day. That is Scott Pruitt's EPA.

That is why we are out here tonight. We are out here tonight to begin this warning to the country that there is trouble brewing if Scott Pruitt is, in fact, confirmed as the next head of the Environmental Protection Agency.

What is it that we can look forward to?

The oil, the gas, the coal industries opposed many of the Obama administration's commonsense protections for our air, for our water, for our climate.

One by one, Republicans in Congress are working to legislatively overturn many of those protections. They now have twice deployed a very rarely used procedural tool known as the Congressional Review Act to benefit the coal, the oil, the gas industries by rolling back environmental protections. Republicans are planning to use the Congressional Review Act to hand out even more giveaways to the fossil fuel industries in the coming weeks.

You can pick any industry you want—coal, oil, mining, timber, grazing. You go through, and no matter how you spin it on the Republican "Wheel of Giveaways," some industry gets a big giveaway. They are trying to decide right now what is the next one they will bring out here that waters down the protections that the American people need in each and every one of these areas. But don't question for a second if that is what this whole year is going to be about. Just take oil. There will be big tax breaks for oil coming very, very soon—like they need it. The same thing is going to be true in area after area. We have our helpful tool here, the GOP "Wheel of Giveaways," to help viewers at home keep track of which industries the Republicans are making the weekly winners.

Now, by nominating Scott Pruitt to head the EPA, President Trump and Senate Republicans have found their new host for this great Republican show—the "Wheel of Giveaways"—and that will be Scott Pruitt, attorney general of Oklahoma, because Scott Pruitt has already made a career of handing out prizes to the fossil fuel industry in our country.

As attorney general of Oklahoma, he sued to block the EPA from restricting toxic mercury pollution from powerplants in order to benefit the coal industry—that is right—blocking protections from mercury that could affect the lungs of children in his own State and, ultimately, across the whole country.

Then, as attorney general of Oklahoma, he questioned the EPA's estimate of air pollution from new natural

gas wells in Oklahoma. By doing that, he took natural gas and oil, and he made sure that would, as well, be something that wasn't subject to the types of regulations that were necessary in order to protect the public health and safety.

Then he moved on, as attorney general of Oklahoma, to push for a rollback of protections of our Nation's waterways to the benefit of corporate polluters. Corporate polluters love to use the waterways of our country as one big sewer. Why do you have to store that dirty water? Why do you have to make sure that it is just not put in some safe place when you can just use rivers? Just dump all of that garbage right in the river. Put all of that pollution right in the river. Who cares what impact it has upon families? Who cares what impact it has upon children?

So, again, this "Wheel of Giveaways" is really a way to ensure that the polluting industries don't have to pay to clean up the messes they create, just pass it on to innocent families, because with Scott Pruitt as the new host of the Republican "Wheel of Giveaways," we know who will always win every time, every week, during all 4 years of the Trump administration. It will always be the oil industry, the natural gas industry, the coal industry, the polluters of all stripes that otherwise the EPA would be regulating and protecting the public health and safety of our country.

It is going to ultimately be those American families who are left to lose protections which for generations we have fought to put on the books in order to ensure that we increase life expectancy and reduce exposure to asthma and other diseases that otherwise, because of these polluting companies, are going to be visited upon hundreds of thousands and millions of families within our country.

When we think about this whole issue of the environment, many times we say: Well, the Republicans—the coal industry, they say there is a War on Coal in the United States of America, an absolute war, a war out there to destroy the industry. However, upon closer examination, it turns out that it is the free market that has been working to replace coal with other sources of energy.

A decade ago—here are the numbers—50 percent of all electricity in the United States came from coal; now it is down to 30 percent of all electricity in our country. What has replaced coal? Well, the free market has actually substituted natural gas, which has grown from a little over 20 percent of U.S. electrical generation a decade ago to 35 percent of all electricity in our country right now. And coal has been replaced by clean energy—by wind, which has grown to 5 to 6 percent of our generation from almost nothing, and solar, which is up to 1 percent of all of our

electrical generation. And between wind and solar, there are additions of 1.5 percent every single year between those two sources, to renewable electrical generation capacity in our country. So we can see that every year that goes by—over a 15-year period, for example, that would be 22 percent of all electricity would be wind and solar if we just keep on the current pace.

From the coal industry's perspective, that is terrible. That is a War on Coal, what natural gas is doing, what wind and solar are doing. But the reality is that they are losing it in the marketplace. ADAM SMITH is spinning in his grave—so quickly, by the way, that he would actually probably qualify as a new source of energy. So the Republican complaint is that the free market is killing coal; it is a war. It is capitalism, actually, and it is working. So the only way they can stop it, the only way they can slow it down, is to get somebody like Scott Pruitt to be the new head of the Environmental Protection Agency. This isn't a conspiracy; it is actually a competition, and the competition for those clean energy jobs is global.

Back in the 1990s, I was the author of a law that moved over 200 megahertz of spectrum. In 1993 in America, the average phone that was wireless was the size of a brick. It looked like the phone Gordon Gekko had in the movie "Wall Street." People didn't have one. It cost 50 cents a minute. But I was able to move over 200 megahertz of spectrum in 1993, and four new companies were able to compete. They both went digital, and by 1996, this is what people had in their pocket—under 10 cents a minute, and all of a sudden everyone had this phone. It just killed that phone that was the size of a brick.

But then another remarkable thing happened. Within 8 or 10 more years, there was a guy out in Silicon Valley, and he came up with an idea for an iPhone, and that revolution just kept moving because we had opened it up to competition.

You can imagine there were devotees to the black rotary dial phone who kept saying: Oh my goodness, it is a war on the black rotary dial phone, all of these new devices. But it wasn't. It was just technology. It was a revolution. It was capitalism, and it had finally been opened to that competition after 100 years.

Well, that is what has happened in electrical generation. We finally have passed laws that open it up to competition. It is not a secret. And the only way to shut it down is to have someone like Scott Pruitt as the head of the EPA because then, all of a sudden, you can have an EPA chief who says: We are not going to have any new rules on climate change. We are not going to have any more rules that reduce the amount of pollution that goes up into the atmosphere. We are not going to

have any more rules that ensure that President Obama's Clean Power Plan is implemented in our country, which would again telescope the timeframe that it would take in order to deploy these massive amounts of new renewable electricity sources in our country and expedite the pace at which natural gas resources get deployed in our country.

So that is really what this is all about. It is a special interest giveaway—pick your industry. How do we protect it? How do we make sure we don't move beyond the 20th century? How do we not have this incredible green generation be able to invent the new energy technologies of this century, the same way that they invented the new telecommunications technologies at the end of the 20th century? How do we stop them? Well, you have to really find people who are willfully committed to it.

Let's go to Scott Pruitt. Scott Pruitt, as the attorney general of Oklahoma, unbelievably sued the EPA 19 times. Now, what attorney general sues the EPA 19 times? Well, let's look at the subjects he sued on—clean air, clean water, soot, mercury, haze. It is almost like a laundry list of the dirtiest issues that America would want us to have an Environmental Protection Agency working on. And he sued over and over and over again. And even as he is being considered for confirmation, after I questioned him in the hearing, saying: Will you recuse yourself from any consideration of any issue that you have already sued the agency on that is still pending, he said he would not recuse himself.

So I said to Mr. Pruitt in that hearing: Well, if you don't recuse yourself and you still have eight pending cases, that will make you the plaintiff, the defendant, the judge, and the jury on these matters that are at the heart of the clean air, clean water agenda that the American people want to see implemented in the 21st century.

What was he doing in Oklahoma? What was he trying to accomplish? Well, I decided to ask Mr. Pruitt some questions.

Question No. 1: I asked Mr. Pruitt to describe the actions he took as Oklahoma's attorney general to enforce the State's environmental laws. His response: He told me to go file an open records request.

Secondly, I asked Mr. Pruitt how much of the budget he controlled as attorney general did he devote to Oklahoma's Office of Environmental Enforcement. Do you know what he told me? He said: Go file an open records request.

No. 3: I asked Mr. Pruitt how many individuals he employed in the Office of Environmental Enforcement. Do you know what his answer was? You are asking for too much information. Go file an open records request.

No. 4: I learned that Mr. Pruitt had hired one of his campaign contributors to sue the EPA, so I asked him to show me the contract. And do you know what he told me? You are right. You guessed it. He told me to go file an open records request.

So his answer to me over and over again was go FOIA yourself. But that is not a sufficient answer to a Member of Congress because we actually get the right to ask for critical information on the environmental records of those who are applying for the job of chief environmental protector of our country. And if you are looking for evidence to convict Scott Pruitt on the charge of protecting public health and the environment, he is unwilling to give it to you.

During his confirmation hearing, we heard a lot about Scott Pruitt respecting States' rights. Scott Pruitt's record shows that he is in favor of States' rights but only when it is good for the State of Oklahoma and the oil industry of Oklahoma. When I asked him about protecting the rights of States like California and Massachusetts to do more to protect their environment, he declined to support their rights to do that for their States.

So under Scott Pruitt, EPA is going to turn into Every Polluter's Ally. He won't be there as the cop on the beat to ensure that those protections are in place to ensure that every American—all 320 million—is given the protections they need. No. It will no longer be an Agency that is a watchdog for the environment; this is an Agency that is going to be a lap dog for polluters across our country. And if that is the case, then we are going to see a rollback in the health, the safety of those protections that all Americans have come to expect in the area of the environment.

When we raised the issues of his conflict of interest in the committee, we received unsatisfactory answers. When we raised the issues of providing us the information we were going to need in order to fully understand his complete record, we were not given the answers we need.

Now let me once again come back to 1981 and 1982. What did James Watt do at the Department of Interior? Well, he wound up selling off for bargain-basement prices the coal resources in the Powder River Basin in Wyoming. It was a scandal of massive proportion. It led to his resignation. It was avoidable but predictable because he made very clear what his attitude was about all of these resources.

The same thing was true over at the EPA with Anne Gorsuch. It was an Agency that the Reagan administration, in actual reports, said that the goal of the EPA Administrator would be to bring the Agency to its knees—to its knees—and that became the goal during the Gorsuch time at the EPA. So another resignation.

We have here with Scott Pruitt someone who has the same agenda, the same goals, and the same unfortunate allies to accomplish those goals.

So I am going to continue, along with my colleagues, for the rest of the evening to bring this case to the American people. We believe this is a preview of coming attractions. We want America to know who Scott Pruitt is because when he begins to take action in March, in April, and in May, if he is confirmed, then they will know who he is very simply because everything we are saying tonight is going to be a preview of those coming attractions.

So at this point, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARKEY. Mr. President, earlier today I spoke on the floor about Oklahoma attorney general Scott Pruitt and his nomination to lead the Environmental Protection Agency. Since that time, an Oklahoma judge has now ruled that Scott Pruitt must comply with a 2-year-old request to release email correspondence between the attorney general's office and fossil fuel companies, like oil company Devon Energy and coal company Murray Energy.

After an over 2-year struggle, these communications will finally come to light starting next Tuesday, but the Senate is due to vote on Scott Pruitt's nomination tomorrow afternoon, Friday, at 1 p.m. Now, that smells to the high heavens. The American people in the Senate have a right to know what is in all of those emails that have finally been ordered to be released by a court. Instead, what the Republican leadership is going to do is rush to judgment, forcing Members of the Senate to vote on this confirmation without knowing what is in all of these emails that have been subject to litigation for the last 2 years.

Now, it is a little bit fishy because Republicans have been obsessed with emails for over 2 years. They have spent millions of dollars on attempts to gain access to emails during the Presidential campaign, but now they are denying the Senate and the American public the right to examine Scott Pruitt's emails. That, again, is not OK. The only thing Senate Republicans seem to want to deny more than climate change is the right of Senators to review these 3,000 emails. That, again, is not OK. So we are going to be in a very funny situation at 1 tomorrow afternoon. The emails are on the way. We are going to find out what was in all of those emails. We are going to

find out what kind of correspondence Attorney General Pruitt had with all of these different entities with which he was communicating, but the Senators will not have it for a basis of casting a vote.

Now, maybe it is benign, but maybe it is not. Maybe that is why this vote is being rushed. It is being rushed so the Senators don't know what is in there; that they are blind as they vote. Then, as each email becomes public, as each new revelation becomes public in the weeks and months ahead, people are going to look back at this body and they are going to say: Why could you not wait just another week so Senators could know what was in those emails? I think there is a reason why many people have arched eyebrows that are going up so high that it would hit the roof a ceiling. There is a reason to be skeptical that something is happening here that is meant to be a rush to judgment to avoid all of the evidence being placed in front of the Senators and the American people in terms of his nomination.

Members of the faith community are weighing in as well. They have opposed Mr. Pruitt's nomination. I want to read portions of a letter that the bishops of the Episcopal Church of Massachusetts sent to President Trump:

The Episcopal Church stands strongly for the protection of the environment. We respect the facts of science. We support the laws and policies that address the reality of climate change.

Our respect for our government leaders and our reverence for the earth as God's creation impel us to write you to express our dismay about your selection of Scott Pruitt to head the Environmental Protection Agency.

These are the bishops of the Episcopal Church of Massachusetts. They continue:

We wonder why a person who has consistently and adamantly opposed all laws and policies that provide even minimal "protection" to the environment should be entrusted with leading such an agency.

President-elect Trump, you have promised economic development. Like you, we value a stable and prosperous economy. However, a thriving economy depends on a healthy environment. The more we weaken and dismantle the E.P.A.'s vital protections of our natural world, the more we threaten the common good.

You have also promised to strengthen our national defense. Like you, we value national security. However, our country's top military intelligence have concluded that climate change is a "threat multiplier" that is already creating instability around the world and will likely create significant security challenges in the years ahead. If someone who casts doubt on the reality of climate change becomes the head of the E.P.A., our national security will be compromised.

As citizens of this beloved country, we intend to write our members of Congress, urging them to block the nomination of Scott Pruitt to lead the E.P.A. We will pray for a better choice.

The letter is signed by the following faith leaders: Right Reverend Douglas J. Fisher, Bishop Diocesan of Western

Massachusetts; the Right Reverend Alan M. Gates, Bishop Diocesan of Massachusetts; the Right Reverend Gayle Harris, Bishop Suffragan of Massachusetts; the Right Reverend Barbara C. Harris, Bishop Suffragan of Massachusetts; the Right Reverend Roy F. Cederholm, Bishop Suffragan of Massachusetts.

The reality is, this is not just a question of these Episcopal bishops, but Pope Francis came to the Congress just last year and preached a sermon on the Hill, saying the planet is dangerously warming, human activity is causing it, and we have a moral responsibility to take action as Americans, as the House and Senate, a moral responsibility to protect this planet that God created and those who are the poorest and most vulnerable who will be most exposed.

This is a moral issue of the highest magnitude. The leaders of religions all across our country are praying for us, begging us to do something in order to protect this planet. Scott Pruitt does not intend on taking those actions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARKEY. Mr. President, I want to continue on the subject that I was just referencing. This is a story from Oklahoma that is on the wires right now across the country.

Headline: "Judge orders Oklahoma Attorney General Scott Pruitt to release emails related to fossil fuel industry."

Let me read a little bit of this news story. This is Oklahoma City.

A judge has ruled that Americans have a right to know how much of a relationship Oklahoma Attorney General Scott Pruitt has with oil and gas leaders before becoming the head of the Environmental Protection Agency.

For years, Pruitt has been an outspoken adversary of the EPA and is currently suing the agency.

In December, President Donald Trump selected Pruitt to lead the agency despite concerns from lawmakers.

A 2014 New York Times report claimed that Pruitt's ties to Devon Energy Corporation directly influenced decisions he made while in office in Oklahoma.

Through open records requests, the New York Times obtained a letter written by Devon's attorneys, which was then taken to Pruitt.

The article states, "The attorney general's staff had taken Devon's draft, copied it onto state government stationery with only a few word changes, and sent it to Washington with the attorney general's signature."

In 2014, KFOR asked for a comment to the allegations, but received a statement focusing on the benefits of the oil industry. . . . Six Senators from the Senate Environment

and Public Works Committee asked Pruitt to list his connections to energy companies so they can decide whether those interactions will affect how he will run the EPA. . . . The Center for Media and Democracy filed nine open records requests with the AG's office, beginning in January 2015.

"Probably the largest request we have is for communication: emails, phone calls, [and] scheduling related to his involvement with various energy companies, as well as his involvement with the republican attorney general's association," attorney Blake Lawrence said.

The group alleges that Pruitt received nearly \$350,000 in campaign contributions from the fossil fuel industry. They want his dealings with those in the industry made public—and soon.

"Just last week our office contacted the Center for Media and Democracy to notify them that release of their request was imminent. The fact that they have now filed suit despite our ongoing communications demonstrates that this is nothing more than political theater," AG spokesman Lincoln Ferguson said in a statement.

According to the Hill, Democrats asked Pruitt for the documents as part of his confirmation hearing, but he declined. Instead, he told them to file public records requests themselves.

Now, a judge has ordered the Oklahoma Attorney General's Office to turn over close to 3,000 documents related to Pruitt's communications with oil, gas, and coal companies, according to E&E News.

Pruitt's office has until Tuesday to release the emails, but his confirmation vote was originally believed to be held Friday, Feb. 17.

Meaning today, in 5 more minutes.

"Scott Pruitt and Senate Republicans have made a mockery of the confirmation process, permitting the nominee to escape scrutiny and hide his deep ties to the fossil fuel industry. What is he hiding in all of these emails? The vote to confirm Pruitt must now be delayed until every senator can see just who Pruitt is and what he will do if permitted to run the EPA," a statement from the Sierra Club read.

That is where we are right now, ladies and gentlemen. We are 6 minutes to midnight on Thursday night. The vote is now scheduled in 13 hours 5 minutes here on the Senate floor.

These emails are going to be released next Tuesday so there can be a public examination of them, to finally determine what is the relationship between Scott Pruitt and these industries that he will be given responsibility to regulate.

What are they hiding? Why are they rushing? Why will they not give the American people the ability to find out what is inside these emails before there is a vote on the Senate floor? Because once that vote takes place, he will be the head of EPA, and then we will find out what conflicts may exist, what relationships may exist, what decisions had been made. But, no, the Senate leadership will not give the American people the respect they deserve to ensure that all of that information is out for public viewing so they can make an informed judgment as to the exact nature of the relationships between this nominee for the EPA and industries

that he has had responsibility for regulating in Oklahoma and he will have responsibility for regulating as the head of the national Environmental Protection Agency.

It is an absolutely unacceptable policy to know that critical information that makes it possible for the public and the Senate to understand a candidate for such a powerful office is to be available and yet not in fact considered as part of this historic decision.

For me, it is a "March of Folly." It is just another example of how the Republican Party, the GOP, has become the gas and oil party. That is really what it stands for now, just committed to ensuring that they cover up what is in these emails. They don't give the public the chance to be able to understand what these potentially explosive relationships may be so the Senate can deliberate fully on whether Mr. Pruitt does in fact qualify to be an impartial head of the Environmental Protection Agency of our country and ultimately of the world because the world looks to us to determine where climate change is going, where environmental protections are going, not just for our own citizens but for theirs as well. What we do is replicated inevitably, inextricably in the rest of the world.

This man will have one of the most powerful positions on the planet. Emails are available right now if we just wait to help us in our deliberation. It is really a tragedy. It is a sad commentary upon this institution that rather than just delaying, examining, and then giving the public the information they need in the Senate, instead we rush to judgment. We rush to judgment, but ultimately the judgment of history is going to be on us if it is determined, through these emails, that Mr. Pruitt is unqualified for this position; that the conflicts which he has had disqualify him for this position; that the emails disclosed to us the conflicts of interest that are going to ultimately impair his ability to be impartial in his regulation of clean air and clean water and mercury and haze and soot and smog and this whole litany of issues that go right to the public health and safety of every American.

From my perspective, it is a sad day in the Senate when the information is now available, a brief delay would make it possible for each Senator to be able to make an informed decision, and yet the Senate moves on, not waiting, not listening, not willing to give the American public the information they will need to make an informed decision that they can then give to their Senators to make a wise decision that could lead to much stronger protections that they can receive from this critical Agency that is the overseer of the environment in our country.

Again, I oppose Mr. Pruitt's nomination. I would ask for a delay. I know it is not going to happen. I understand

why, but it is a sad day in the history of the Senate.

Mr. President, I wish to reclaim the remainder of my time and yield the floor.

MORNING BUSINESS

COMMITTEE ON RULES AND ADMINISTRATION

RULES OF PROCEDURE

Mr. SHELBY. Mr. President, the Committee on Rules and Administration has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator KLOBUCHAR, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE

MEETINGS OF THE COMMITTEE

Rule 1. The regular meeting date of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR-301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

Rule 2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (a) through (f) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

Rule 3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

Rule 4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

Rule 5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

Rule 6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

Rule 7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

QUORUMS

Rule 8. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

Rule 9. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

Rule 10. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

Rule 11. Under no circumstances may proxies be considered for the establishment of a quorum.

VOTING

Rule 12. Voting in the committee on any issue will normally be by voice vote.

Rule 13. If a third of the Members present so demand a roll call vote instead of a voice

vote, a record la vote will be taken on any question by roll call.

Rule 14. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

Rule 15. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

AMENDMENTS

Rule 16. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

Rule 17. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Rule 16 shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

Rule 18. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

Rule 19. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

Rule 20. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

Rule 21. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

Rule 22. The Chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

Rule 23. The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, today I wish to celebrate Black History Month, a time to honor and reflect on the many achievements and sacrifices of African Americans throughout our Nation's history.

This February, we highlight the titans of African-American history. We honor the culture-shifting accomplishments of civil rights icons such as Dr. Martin Luther King, Jr., Dr. Dorothy Height, and our esteemed colleague, Congressman JOHN LEWIS.

As the senior Senator from Maryland, I would be remiss if I didn't also honor Harriet Tubman, Thurgood Marshall, and—perhaps one of the greatest Marylanders in our long history—Frederick Douglass. There are some out there who may not know it, but Douglass was born in Maryland around 1818. He learned to read and write in Baltimore before escaping slavery. Despite unknowable hardship and systemic discrimination, he went on to become one of the most influential writers, orators, publishers, and abolitionists of his time. Though Douglass fiercely and vocally opposed slavery, he would want us to remember that he stood for the rights of all Americans, regardless of race, color, religion, gender, or national origin. These views—revolutionary for the time—gained him increasing prominence, leading to 1872, when Victoria Woodhull chose him as her Vice Presidential nominee.

Frederick Douglass was the first Black American ever to hold that title. His legacy continues to make Maryland proud.

While we take time to recognize Frederick Douglass and others this month, we must also celebrate the countless men and women whose names and heroism will never grace the history books. Let us never forget all of those who suffered discrimination in silence, who endured civil rights abuses without recognition, who sat-in and stood up to oppression without accolade. We should use this month to lift up their memories and to recommit to the causes of justice and equality for which they also fought so diligently.

In particular, we should honor the Black teachers who taught generations of children in the dark, against the odds and sometimes the law, with little more than old, secondhand books and makeshift buildings. We honor the businessowners who laid the foundations of the Black community in places like Baltimore, Harlem, Chicago, Washington, DC, and Tulsa. We honor the civil rights movement foot soldiers who rejected subservience and embraced rebellion by marching in the streets of Selma and Birmingham. We honor the factory workers who left the South behind with hopes of a brighter future, only to struggle in Northern cities for pennies.

For too long, Black Americans' rich and vibrant history has been ignored or

obscured by the specter of prejudice. But today, and for the rest of the month, in classrooms and cities across our Nation, we will shine a spotlight on that history.

We will vow to honor it here, now, in the present and in the future, through protecting both the legacy of civil rights and the Americans who are counting on us to uphold them. As lawmakers and as leaders, it is our duty to fight on their behalf. It is our duty to pass laws that will protect all Americans, support all Americans, and defend all Americans, especially those who have been victims of institutional and systemic prejudice.

That is why I introduced the End Racial Profiling Act in 2011. It is incumbent upon every Member in this Chamber to be an advocate for the men and women of color who are singled out every day simply because of their skin color and appearance. These individuals are your constituents. They are my constituents. They are our fellow Americans.

They deserve our commitment and an attention span that lasts longer than 1 month a year.

Discriminatory profiling based on race—or religion or gender identity, nation of origin, sexual orientation—has no place in our society. It is un-American; it is also counterproductive. Racial profiling doesn't keep us safer. To the contrary: it breeds hostility and distrust, and it turns communities against law enforcement and against each other. It wastes resources that our law enforcement agencies can't afford to spend. And the more time we waste targeting Americans because of their race or religion, the less time we are devoting to those who are actually committing crimes or trying to harm us.

My End Racial Profiling Act, which I plan to reintroduce this week, would eliminate this harmful practice and instead offer resources for more police training, mandate greater accountability, and offer recourse for Americans who have been unduly profiled.

Our duty to African Americans does not end there. That is why, as ranking member of the Foreign Relations Committee, I intend to introduce the National Security Diversity and Inclusion Workforce Act, which would codify and build upon President Obama's efforts to diversify our national security workforce. Having a workforce that looks like America is not just good personnel policy, it is also a national security imperative.

Our diversity is one of the strongest assets that the United States has. It allows us to connect and work with different communities and countries across the globe; it helps us to foster the relationships we need to fight terrorism across the globe. And having a diverse set of backgrounds, skills,

knowledge, perspectives, and experiences contributes to better national security decisionmaking. We should lead the world and protect our homeland not just by preaching pluralism and tolerance, but by practicing it.

While we embark on that mission, we should take with us the words of Frederick Douglass: "If there is no struggle, there is no progress." Everyone in this body has a responsibility to be part of the struggle and, through it, to be part of progress. Everyone in this body has a responsibility to embrace struggle, even when it occurs right here on this floor, if it is in the name of progress.

I am talking about protecting the Voting Rights Act. The right to vote is fundamental to every democracy. Every vote counts and must be counted fairly.

I am talking about ending the senseless and discriminatory practice of racial profiling. It is painful that, in 2017, we still need to explain that Americans should not be considered suspects or targets because of the color of their skin.

I am talking about criminal justice reform—and prioritizing criminal justice reform in this Congress.

I am talking about recognizing the incredible contributions of Frederick Douglass, Dorothy Height, Harriet Tubman, Katherine Johnson, Mae Jemison, and others in our public school curricula.

Many Americans would not even recognize their names, and that is a tragic failure on our part to honor Black history.

I am talking about not just talking, but committing to these causes through actions around our States and through legislation right here in this Chamber. Whether through passing my End Racial Profiling Act or my National Security Diversity and Inclusion Workforce Act or any other bills introduced by my colleagues, Black History Month reminds us that we can and must do more. Let us begin by remembering that Black history is American history. Their story is our story. When we celebrate Black pioneers and activists and inventors and artists, we celebrate the diversity and the strength of character that are the reasons we are here today.

SECURITY AND HUMANITARIAN SITUATION IN NORTHEASTERN NIGERIA

Mr. CARDIN. Mr. President, today I wish to shine a spotlight on the dire security and humanitarian situation in northeastern Nigeria and the Lake Chad basin, precipitated by Boko Haram, and to urge the new administration to organize quickly to address it. Nigeria has been referred to as one of the anchor states of sub-Saharan Africa and our bilateral relationship is one of our most important on the con-

continent. It is the most populous country on the continent. It has the biggest economy. It has contributed troops to regional and U.N. peacekeeping missions for decades and is a major oil-producing country. Nigeria's population is forecast to grow to 400 million by 2050, overtaking the United States and becoming the world's third most populous country. Nigeria's political and economic influence in the region is difficult to overstate, and it will only increase as the population and economy grow.

That is why I joined Senator CORKER in writing to President Obama urging high-level engagement with Nigeria in the wake of the 2015 elections, elections which, while perhaps not perfect, turned out to be a positive story of respect for democracy in the region. For the first time in the nation's history, there was a peaceful transition of power between opposing political parties. Though people feared the worst, Nigerians proved they can be leaders on the continent and in the world. However, for Nigeria to fully realize its enormous promise, it must deal with a range of challenges from rampant corruption, to insecurity and intercommunal violence in the Niger Delta and the Middle Belt, tensions in the southeast, and most immediately the continuing threat Boko Haram poses in northeastern Nigeria and other countries in the Lake Chad basin. It is critical that we help with these efforts.

Since 2010, Boko Haram has devastated northeastern Nigeria. According to the 2016 Global Terrorism Index, Boko Haram has the chilling distinction of being among the deadliest terrorist groups in history, with the second highest death toll from attacks out of all terrorist groups since 2000. In recent years, its attacks have spread to Cameroon, Chad, and Niger. The group, which pledged allegiance to ISIS in 2015 and now calls itself the Islamic State West Africa Province, has killed almost 16,000 people. Thousands of others have died as a result of clashes between the military and Boko Haram. The terrorist group has kidnapped thousands, including nearly 300 girls from Chibok in April 2014. The whereabouts of almost 200 of the girls remains unknown.

Countries in the Lake Chad basin are experiencing what U.N. officials and aid workers have called a forgotten crisis as a result of the terrorist group's activities. Nearly 2 million people have been displaced in Nigeria alone. Two hundred thousand Nigerians have fled across borders as refugees. Eight-and-a-half million people in northeast Nigeria are in need of humanitarian assistance. Nearly 2 million people are estimated to be at risk for starvation. Continued insecurity has prevented aid workers from reaching some areas, so the actual needs may be even greater. Last November, Doctors Without Bor-

ders expressed fears that malnutrition could wipe out the under-5 population in parts of Nigeria's Borno state.

In his 2015 inaugural address, President Muhammadu Buhari cited Boko Haram as the most pressing issue facing his administration, and to his credit, he has taken some action. The command center for counter Boko Haram operations has been relocated to Maiduguri, and Nigerians are coordinating military action with other countries in the Lake Chad basin. However, despite the Nigerian Government's claims, Boko Haram has not been largely defeated, and attacks continue. Just last month, the Nigerian military warned of a horrifying new tactic: women suicide bombers carrying babies in order to evade detection.

The reports of continued attacks are profoundly disturbing. As tempting as it is to focus on a military solution, we must be very wary of falling into the trap of thinking that the scourge of Boko Haram can be overcome through military means alone. It is critical that we continue to encourage and support the Nigerian Government's use of all of all available tools to counter violent extremism in the northeast. The Obama administration engaged former President Goodluck Jonathan on the need to develop a holistic civilian-security focused counterterrorism strategy, one that addresses legitimate political and economic grievances in affected communities, but that approach was never fully embraced.

There has been movement towards a countering violent extremism approach under President Buhari's leadership, and we should continue to encourage Nigerians to do more. One of the most important ways to engender the trust of the population is to provide access to justice for human rights abuses by security forces. After nearly 2 years in office, Buhari has yet to keep commitments to do so. The government created a human rights desk for the national army last year, which I welcome, but the establishment of the desk in and of itself is not enough. The military has made very serious mistakes for which it must be held accountable.

In mid-2015, Amnesty International released a report alleging that the deaths of 8,000 civilians are attributable to the Nigerian military in northeast Nigeria. The report calls for the investigation of specific military commanders who are alleged to have had knowledge of torture, extrajudicial killings, and arbitrary detentions in overcrowded facilities that lead to thousands of deaths. Buhari said he would launch an investigation. However, we have yet to see any one prosecuted, tried, or convicted. The results of a commission of judicial inquiry into the massacre of more than 300 people in the northern city of Zaria in December 2015 were made public last year.

The inquiry found that the deaths were a result of excessive force on the part of the Nigerian army. To date, there has been no action on the part of the federal government to hold abusive security forces accountable. Impunity for human rights abuses serves to undermine all of the work we are doing to counter violent extremism.

In addition to widespread allegations of extrajudicial killings, there are accusations that the military has stolen humanitarian supplies and sexually exploited and abused those living in camps for internally displaced. And many of those freed from Boko Haram have been kept in internment camps for indefinite amounts of time, subject to a screening process that appears inconsistent and is not transparent. Internally displaced persons have reported that the military and local militia take men and boys seeking refuge in camps for screening and they are never seen again. All of these actions have a deleterious effect on efforts to win the hearts and minds of the communities of the northeast, a critical objective to any strategy to defeat Boko Haram.

Military impunity is why I remain leery of the proposed sale of Super Tucano fighter aircraft to Nigeria. Now is not the time for the United States to focus on the provision of aircraft and heavy munitions, especially in the wake of the Nigerian Airforce's bombing of a camp for IDPs last month that may have killed up to 200 innocent people and injured many more. Make no mistake. I support security assistance provided in compliance with the Leahy laws. But I support assistance that will have an actual impact on the Nigerian military's effectiveness. Lack of airpower or munitions are not its problem. The real impediments to success include poor command and control, insufficient air to ground coordination, impunity for human rights abuses, and little to no experience working with local communities and humanitarian partners. Addressing those issues could have an enormous impact on the ground.

To help Nigeria respond to the challenges in the northeast, I urge the new administration to take three steps immediately. First, increase our overall humanitarian assistance budget. The administration should ensure that the President's budget request for fiscal year 2018 provides increased baseline funding for all foreign assistance programs. Such funding is currently 30 percent lower than it was in fiscal year 2010, and it is critical that we return baseline funding to a normal and sustainable level following several years of inadequate requests. An approach that erodes baseline funding while temporarily substituting emergency funds is not workable if the United States wants to continue to set an example in the world. An increase in the budget

will enable us to make a significant pledge at the February 24 donors conference in Oslo. We have been generous, but the scale of the emergency demands that we—and our partners—do more. The United States has always led the international response to emergencies such as these, and we must continue to do so. But we can't get blood from a rock. There is no way we can provide adequate money to help the traumatized people in Nigeria and other countries of the Lake Chad basin unless we ensure that the budget for humanitarian assistance is robust without relying on transient funding like OCO. I encourage the administration to continue to inform Congress of the status of the humanitarian response, so that we can work as a unified government to help the people of Nigeria overcome the destruction left in the wake of Boko Haram.

Nor can we afford a draconian cut to our contributions to international organizations. The World Food Program, WFP, is just beginning to scale up its operations in northeastern Nigeria. But it is under enormous strain. In December, the organization was forced to cut the amount of food it is providing to people in the Central African Republic due to insufficient resources. In fact, funding for CAR is so scarce that in 2016 it was able to give aid to less than a third the number of people it aimed to support. A new drought in Ethiopia has left 5.6 million people in urgent need of assistance according to authorities. The U.N. humanitarian coordinator for Somalia, Peter de Clercq, warned earlier this month that, without a massive scale up in assistance, parts of Somalia may face famine. Needs in South Sudan continue to rise, with warnings of famine on the horizon. Slashing funding to WFP would be incredibly unwise, as would deep cuts to UNFPA. Women have suffered enormously in this conflict. UNFPA is on the ground supporting mechanisms to both prevent and respond to gender-based violence and care for pregnant women and newborns. We cannot let the specific needs of women and girls go unmet.

Second, the new administration must work with career experts to surge our capacity on the ground. The administration needs to make clear that the current hiring freeze will not affect lifesaving efforts here or abroad, and Embassy Abuja should approve USAID's request to station additional humanitarian experts at post as quickly as possible. We need experienced people working with the Nigerian Government and the international community to coordinate more effective aid delivery. I applaud the U.S. Agency for International Development, USAID, for dispatching a disaster assistance response team, DART, to Nigeria in November to support government of Nigeria-led efforts to reduce food insecurity

in the Boko Haram-affected regions of the country's northeast. The country has not faced a humanitarian emergency like this in a generation. National and state emergency management agencies are overtaxed, have little familiarity with providing a large-scale aid response, and are not accustomed to working with the U.N. in this manner. Our aid professionals can help. Let me be clear; Nigeria must continue to do its part. It is imperative that President Buhari set a positive cooperative tone with the international community. However, there is no question that we must continue our robust humanitarian response.

Finally, we must get smart about our security assistance. Agreeing to sell planes with more sophisticated targeting systems that will not be on the ground for 2 more years will not fix what is broken with respect to the Nigerian military's response in the north. Right now—today—we and our international partners should redouble our efforts to work with the Nigerians to develop a list of short-term interventions and a long-term plan to address issues related to military professionalism, accountability, improved command and control, more effective communication between and within services, strategic planning, logistics, and auditing. The strategic governance initiative is a step in the right direction, but we must take action that will translate into results in the field as quickly as possible.

The situation in Nigeria is urgent. Few Americans are aware of the importance of Nigeria to the United States or the degree of suffering in northeastern Nigeria, but those of us who are policymakers cannot afford to drop the ball on our support of Nigeria's fight against Boko Haram or for those suffering in the Lake Chad basin. I recognize that it seems to some people that we are being called on to do more now internationally than ever. But we can do this. We are the Nation that conceived the Marshall Plan, worked with allies to execute the Berlin Airlift, and more recently, developed and implemented PEPFAR. We are up to the task. And we are not alone. Where America leads, our partners will follow. And I strongly encourage them to do so. Failure to redouble our efforts in these areas could mean that ISIS will gain a foothold in West Africa for a generation.

I thank my colleagues.

TRIBUTE TO PAUL FRANCIS

Mr. McCain. Mr. President, today I wish to recognize the dedicated public service of Paul Francis, who will soon retire as managing director for acquisition and sourcing management with the Government Accountability Office, GAO, a position he has held since 2009. For more than 42 years, Paul has

helped the U.S. Congress analyze the \$2 trillion in the ships, planes, tactical vehicles, satellites, and scores of other systems and related services that the Department of Defense, DOD, has procured to make our Nation safe. In so doing, Paul has obtained the respect of the Members of this body and the deep affection of his colleagues, who for decades have hewed to his fine example of public service.

An important congressional oversight tool that Paul helped develop at GAO almost 15 years ago is its annual "Quick Look" assessment of the Pentagon's procurement of its most expensive, most complicated weapon systems. In these reports and in the hundreds of individual reports that GAO has released on major defense acquisition programs, Paul's teams first identified, and railed—occasionally like a lone voice in the wilderness—against the proliferation of "concurrent development" throughout the Pentagon's portfolio of major procurement programs. As Paul and his team observed, this acquisition strategy, which features an excessive overlap between development and production, has exposed the DOD's largest weapons procurement efforts to an undue, high risk of discoveries late in production, often requiring costly redesign, production cut-ins and retrofits—driving up the costs of these programs exponentially, especially those executed carelessly under cost-plus contracts. These observations have been vital to Congress's attempts to reform, among other programs, the joint strike fighter and the aerial refueling tanker programs and provided Congress with a valuable framework for analyzing and overseeing how the DOD spends hundreds of billions of taxpayers' dollars each year.

Since first becoming a member of the Senior Executive Service in 2002, Paul has testified before Congress more than 20 times—sounding the alarm on everything from unmanned aerial vehicles, the Army's Future Combat System, shipbuilding and missile defense programs, and broader issues of acquisition best practices and reform. For more than a decade, I have relied greatly on his clear analysis and recommendations related to the Ford-class aircraft carrier and littoral combat ship programs.

In addition, Paul has been an excellent witness, who counterbalances the Pentagon's complicated, technical, and bureaucratic mumbo-jumbo, which I sometimes think the DOD purposefully uses to resist being understood by a layperson, with cogent, plainspoken, evenhanded, but nuanced assessments. Time and again, Paul has thoughtfully illustrated the practices that should be followed to ensure success, as well as how poorly aligned bureaucratic incentives lead to failure despite well-intentioned individuals. Also noting that all individuals participating in the defense

acquisition process "see their needs as rational and aligned with the national interest, collectively" and that "these needs create incentives for pushing programs and encouraging undue optimism, parochialism, and other compromises of good judgment," Paul has reminded us that the problems we see in the defense acquisition process are not the fault of any one actor—they are the collective responsibility of all of us.

Paul epitomizes what Congress and the American public value about the Government Accountability Office—the honest broker. In believing that oversight of programs funded by taxpayer dollars represents a sacred trust and in embracing this responsibility aggressively with joy, Paul has been a tireless, effective advocate for both the American taxpayer and the men and women in service to the government's many and varied missions. He has inspired his teams with this notion of resource stewardship, that American taxpayers should get what they have paid for and American warfighters should get the capabilities they need to defend this great Nation.

Paul has received numerous GAO awards during his career, including the Comptroller General's Award and the John Henry Luke Mentoring Award. Leading by example at GAO, he models his own motto, which is "Be right. Communicate well. Don't leave people in body bags."

Throughout his remarkable career with GAO, Paul has been supported by a wonderful family, including his wife, Vicky, and two daughters, Sheri and Katie—all of whom are engaged in public service in various ways. We wish Paul a fond farewell and thank him for his distinguished service to Congress and the American public. Thank you.

ADDITIONAL STATEMENTS

RECOGNIZING BENNETT LUMBER PRODUCTS, INC.

• **Mr. RISCH.** Mr. President, Idaho's small businesses and the entrepreneurs behind them are known for their perseverance and get-it-done mentality. They have a seemingly innate understanding of the importance of delivering the highest quality products and services. Successful small businesses are also known for their commitment to getting the job done right. These qualities are on display in this month's Small Business of the Month. Located in north Idaho's rich timber country, this month's honoree is well known in my home State for its strong commitment to its local community and sustainable forestry. As chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to recognize Bennett Lumber Products, Inc., as the Senate Small Business of the Month for February 2017.

Led by a legendary lumberman, Mr. Frank Bennett, Bennett Lumber Products, Inc., is a family-owned and operated company headquartered in Princeton, ID. The company has two highly efficient mills, one in Princeton, ID, and the other in Clarkston, WA. Bennett Lumber also owns and sustainably manages approximately 70,000 acres of forest lands throughout the Northwest. The Idaho location, originally known as Boones' Mill, was purchased by Bennett Lumber in the early 1950s. The company invested in upgrading the old mill's equipment and modernized its processes in order to mill smaller dimension logs with a largely automated milling process. Always at the forefront of innovation in the lumber industry, Bennett Lumber implemented the use of a mechanical lumber sorter in 1972, which set the company apart as being ahead of its time. In addition to their commitment to innovation and efficiency, owners and employees of Bennett Lumber pride themselves on producing high-quality products while also adhering to sustainable land management principles.

Bennett Lumber also displays a commitment to the communities in which the company operates by contributing to the Idaho Forest Products Commission's Project Learning Tree. This award-winning organization is dedicated to children's environmental education programs that help to teach students about land stewardship. Bennett Lumber also organizes youth summer reading programs, scholarship awards, school forestry tours, 4-H projects, and contributes to the Distinguished Young Women of Idaho Program. I would like to extend my sincerest congratulations to the employees and owners of Bennett Lumber Products, Inc., for being selected as the February Small Business of the Month. You make our great State proud, and I look forward to watching your continued growth and success.●

25TH ANNIVERSARY OF ALEXION PHARMACEUTICALS

• **Mr. BLUMENTHAL.** Mr. President, I am proud to recognize and celebrate the 25th anniversary of Alexion Pharmaceuticals, a company that has brought life-transforming therapies to patients around the world from its headquarters in New Haven, CT. Since its establishment by Leonard Bell in 1992, Alexion has become a global leader in discovering, developing, and delivering therapies for people with devastating and rare disorders. I have always been honored to call Alexion a Connecticut company, and I applaud the life-changing gains in medicine that it has made from the city of New Haven since 1992.

Even while maintaining a commitment to developing new therapies that impact the lives of patients with rare

disorders throughout the world, Alexion has always remained committed to its community in Connecticut. Whether it is helping connect individuals who are homeless with temporary work assignments in New Haven, partnering with scientists at the University of Connecticut, or subsidizing public transportation to help students get to their classes at Gateway Community College, Alexion has proven time and time again that its commitment to the people of Connecticut and to its over 1,000 employees in the State is as strong as ever.

On its 25th anniversary, I applaud Alexion and the people who work so tirelessly for Alexion's values and commitment each and every day. Alexion continues changing lives through its medical breakthroughs, and I am so pleased to know that they call Connecticut home. Thank you.●

REMEMBERING WILLARD "WILL" P. HEDDLES

● Mr. BROWN. Mr. President, today I wish to remember the life and legacy of Mr. Willard "Will" P. Heddles, a champion of American manufacturing who dedicated much of his life to improving his home—the community of Tiffin, OH.

A native of Colorado, Mr. Heddles moved to Tiffin in the 1970s to oversee Tiffin Art Metal Company. The company was founded at the turn of the century, originally making stamped ornamental ceiling panels. When cars became popular in the 1920s, the company seized the opportunity and began making large billboard frames.

When its parent company wanted to sell the plant, Mr. Heddles wasn't impressed by any of the potential buyers. He knew how important this plant was to his community. So Mr. Heddles organized a management buyout and eventually became the owner of the company, known today as Tiffin Metal Products.

Under Mr. Heddles' leadership, Tiffin Metal Products continued to demonstrate the kind of adaptability and creativity that enables a company to grow and thrive. Today Tiffin Metal Products remains one of the two main manufacturers of large billboards in the country, while also making custom products and a popular brand of specialty lockers for law enforcement.

Mr. Heddles took pride in his role in American manufacturing and in keeping his company true to its Ohio roots. Over the years, Tiffin Metal Products has provided good jobs to hundreds of people in Tiffin and Seneca County, and those workers have shown the world that Ohioans know how to make things and make them well.

Will Heddles also took pride in his community, giving generously to local service programs and the arts and helping establish the Seneca Industrial and

Economic Development Corporation, a private nonprofit organization working to drive positive economic and community development in the area.

He will be missed by his family, church, community, and the men and women who have been a part of Tiffin Metal Products, a great Ohio manufacturing success story. I am sure that my Senate colleagues join me in celebrating the life of Mr. Willard P. Heddles and his lifelong commitment to American manufacturing.●

TRIBUTE TO DEBORAH WICKS

● Mr. COONS. Mr. President, I rise to honor the exemplary service of the Smyrna Delaware School District Superintendent, Deborah Wicks, and recognize her upcoming retirement. For nearly half a century, she has been an exceptional teacher and leader, serving in many positions throughout Delaware's fastest growing school district. Her hard work, perseverance, and dedication will truly be missed by students, parents, and Delawareans up and down our State.

Since 1967, Debbie has played an active and integral role within the Smyrna Delaware School District, serving as a special education teacher for 16 years and an associate principal for 4 years, before serving as the district's superintendent for 19 years. Throughout her time in the district, Debbie has been a key leader, instrumental in the successful completion of many projects like the John Bassett Moore Intermediate School and the School Special Services Building. As she steps down from her position as superintendent in June, I join the many Delawareans she has worked with in thanking Deborah for her diligent efforts to improve the education system for Delaware's children through hard work and diligence.

A native of Smyrna, DE, and educated in the same school system that she serves so faithfully, Debbie has always been a champion for students, teachers, and the local community. Being a champion to Debbie means helping to instill values of integrity, compassion, perseverance, respect, and responsibility—values visible in the hallways and classrooms of the schools in Smyrna and in the hearts of its graduates.

Debbie's success can be attributed not only to a commitment to instill essential values in district students, but also to a genuine passion for the betterment of her community. Her ability to develop and foster community relationships essential to the district's long-term educational success can be seen in numerous completed projects and building upgrades, as well as the annual "I Love Smyrna School District Day," which has drawn close to 7,000 attendees in recent years.

Debbie's work has been nothing short of inspirational, and we are sincerely

grateful for all that she has done on behalf of the students and families of Smyrna. Her model leadership and dedication has touched so many lives in Smyrna and beyond. It is my privilege to offer my sincerest congratulations on a job well done and wish her many happy, healthy, and successful years to come.●

VALLEY COUNTY'S CENTENNIAL ANNIVERSARY

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in recognizing Valley County, ID, on its 100-year anniversary of its establishment by the Idaho State Legislature in 1917.

Valley County's rich natural resources and landscapes have long been a draw for the determined and industrious. The Native Americans, packers, prospectors, miners, homesteaders, trappers, ranchers, loggers, farmers, recreationists, conservationists, and more who have made homes in and traversed the county have contributed to its deep and fascinating history and shaped its culture. This expansive county—approximately 2.4 million acres and roughly 3.7 thousand square miles—encompasses hundreds of lakes, three national forests, rivers, fish and wildlife habitat, streams, grassland, and mountainous landscapes. It is no wonder the county's stunning terrain continues to attract those who enjoy the outdoors.

The county's splendor and ruggedness are matched by the grace and determination of the more than 9,000 Idahoans who make the area home. Over the years, Valley County residents have faced booms and downturns in the mining, logging, and agriculture sectors with resilience and continue to forge ahead with collaborative efforts to increase economic opportunities. Mining, fueled by the Idaho Gold Rush, has roots in the county stretching back more than a century. Logging has also been a historically central part of the county's economic base, and efforts to reestablish these sectors continue.

We wish the residents of Valley County all the best as they seek advancements in tourism and innovation for this important part of our great State. Congratulations on this significant milestone in Valley County's history and 100 years of achievements.●

TRIBUTE TO ELLEN WOOD

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Ellen Wood of Winnett. Ellen has been serving up hospitality to the folks in Petroleum County for the past 25 years. Her culinary prowess have also pleased the tastebuds of many others well beyond her central Montana community.

In 1992, Ellen decided it was time to make an occupational change and purchased the Kozy Korner Bar and Cafe. It was not long after that The Kozy Korner became known for its delicious pies. Hunters, ranchers, tourists, and locals are all fortunate if they get a slice. Some even call ahead just to make sure they will not leave empty handed. You know a pie is good when you have to make reservations. Ellen has even shipped her homemade pies to repeat customers around the country. In addition to her pies, Gourmet Magazine did an article in 2005 on Ellen's plate-sized pancakes. It is no wonder that every 5 years during the Winnett all-school class reunion, the Kozy Korner serves as a hub of activity for the local community. A quarter century of hospitality and service to her neighbors and guests is a great accomplishment.

Being a small business owner is tough work, but Ellen had a trusted partner in her husband, Buck. He was U.S. Marine Corps veteran with over 4 years of service in Vietnam. He helped her run the Kozy Korner until he passed away in 2014. Today Buck's Bacon Cheeseburger is still one of the favorite menu items for Kozy Korner patrons. Hometown cafes are a staple of our Montana communities and so are people like Ellen and Buck. With that community spirit in mind, it is an honor to say thank you to Ellen for making a corner of Petroleum County a comfortable place to visit. If you are going to stop in, just remember to call ahead if you want a piece of the marionberry pie.●

TRIBUTE TO BRIGADIER GENERAL TIMOTHY J. CATHCART

● Ms. MURKOWSKI. Mr. President, I wish to recognize the accomplishments of an exceptional Alaskan, Brig. Gen. Timothy J. Cathcart, U.S. Air Force, currently serving as director, Office of Legislative Liaison, National Guard Bureau. He will retire on May 31, 2017, after more than 32 years of honorable service. A master navigator, Brigadier General Cathcart has executed more than 75 operational rescue missions, has over 2,000 flight hours, and has served in a variety of operational, training, command, Air Staff, and joint positions.

Brigadier General Cathcart enlisted in the Alaska Air National Guard in 1985 and received his commission in 1990 through the Academy of Military Science. Upon completion of navigator training in 1992, he returned to the Alaska Air National Guard as a rescue navigator on the HC-130 aircraft and then served as senior controller at the Alaska Rescue Coordination Center. While serving, Brigadier General Cathcart earned a master of business administration and a master of science in computer science from the Univer-

sity of Alaska. In 2000, he was selected as the mobility forces action officer in the Air and Space Operations Directorate at the National Guard Bureau. After 2 years, Brigadier General Cathcart was promoted to mobility forces branch chief and later went on to serve as the operations support branch chief.

In 2005, Brigadier General Cathcart was selected to attend the Industrial College of the Armed Forces, National Defense University, earning a master of science in National Resource Strategy. Following graduation, he served at the Pentagon as the National Guard readiness adviser, Operations Directorate, Joint Staff, while concurrently earning a doctor of philosophy, Ph.D., in Science and Technology Studies from Virginia Tech. From 2008 to 2011, Brigadier General Cathcart served as chief, Joint Training and Education Division, Joint Doctrine, Training, and Force Development Directorate, followed by a position as deputy director for Force Development, Domestic Operations and Force Development Directorate on the National Guard Bureau Joint Staff. From 2011 to 2014, he served as commander of the I.G. Brown Training and Education Center at McGee Tyson ANGB, TN, followed by the General Officer Homeland Security Executive Seminar at the Kennedy School of Government at Harvard University.

Prior to his current position as director of legislative liaison, Brigadier General Cathcart was a special assistant to the director, Air National Guard, assigned to the Air Staff's total force-continuum office. In this role, on behalf of the Secretary of the Air Force and Chief of Staff of the Air Force, he worked to identify the appropriate balance of active and reserve components across missions and platforms and helped reduce legal, organizational, policy, and cultural barriers to a more fully integrated Air Force.

As director, Office of Legislative Liaison, Brigadier General Cathcart is the primary adviser to the chief, National Guard Bureau, on all matters of congressional interest and provides guidance and direction in the development of the National Guard Bureau legislative strategy. He ceaselessly and effectively supported all Air and Army National Guard roles and missions both State and Federal. Brigadier General Cathcart's efforts advanced an unprecedented level of integration and collaboration within the Department of Defense, as well as with State, interagency, and non-Federal entity partners. He educated and informed decisionmakers within the executive as well as legislative branches of U.S. Government to support National Guard priorities, personnel, and resource requirements, resulting in support and funding for core programs in fiscal year 2016 and fiscal year 2017 legislation.

Brigadier General Cathcart's extraordinary career of visionary leadership and highly successful implementation of innovative cutting-edge concepts leaves behind a remarkable legacy of success. His years of dedicated service in the U.S. Air Force and the National Guard represent lifelong dedication and commitment to the defense of our great Nation.

I wish to express my gratitude to Brig. Gen. Timothy J. Cathcart for his many years of distinguished service to this country.●

REMEMBERING ANNIE CARROLL WYCHE

● Ms. MURKOWSKI. Mr. President, when I am home in Anchorage this weekend, I plan to attend the grand opening of Roscoe's Food for the Soul Restaurant at the Aviator Hotel. Last December, the Alaska Dispatch News noted that the name Roscoe's has been synonymous in Anchorage with soul food for decades. The original Roscoe's was a father and son enterprise. Roscoe Wyche, Jr., opened the restaurant on Government Hill with his son Roscoe Wyche III in 1988. Roscoe's Food for the Soul continues the family tradition. It is a partnership of Roscoe Wyche III, now 56, and his son, Roscoe Wyche IV, who goes by the moniker "Roc." Roscoe III told the Alaska Dispatch News that he was passing the torch just like his dad did—a very sweet story.

But this weekend's opening will be a tad bittersweet. The matriarch of the family, Annie Carroll Wyche, Roscoe's mother and Roc's grandmother, passed away on January 18, 2017. Ms. Carol, as she was known, was an entrepreneur in her own right. A native of Thomasville, GA, Ms. Carol came to Anchorage with her late husband, Roscoe Wyche, Jr., who served in the Air Force. Shortly after his retirement, they formed two beauty businesses. Top of the Hill Beauty Salon and Top of the Line Beauty Supply. That was Ms. Carol's domain. Ms. Carol was also a partner in her husband's restaurants. Ms. Carol is remembered for a beautiful spirit, which showed in her smile. She leaves behind a large family. There is no doubt that her entrepreneurial spirit lives on in Roscoe's Food for the Soul.●

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 42. Joint resolution disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants.

H.J. Res. 66. Joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees.

H.J. Res. 67. Joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

The message also announced that pursuant to 22 U.S.C. 2761, and the order of the House of January 3, 2017, the Speaker appoints the following Member of the House of Representatives to the British-American Inter-parliamentary Group: Mr. RODNEY DAVIS of Illinois.

ENROLLED JOINT RESOLUTION SIGNED

At 12:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 40. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. HATCH).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-677. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations" ((RIN0579-AE08) (Docket No. APHIS-2014-0095)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-678. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN3064-AD90) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-679. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustments to Civil Monetary Penalty Amounts" (17 CFR Part 201) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-680. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Transactions and Sanctions Regulations" (31 CFR Part 560) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-681. A communication from the Program Specialist of the Legislative and Regu-

latory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Economic Growth and Regulatory Paperwork Reduction Act of 1996 Amendments" (RIN1557-AD95) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-682. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for General Service Lamps" (RIN1904-AD09) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-683. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Dedicated-Purpose Pool Pumps" (RIN1904-AD52) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-684. A communication from the Director of Congressional Affairs, Office of General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Penalties for Inflation for FY 2017" ((RIN3150-AJ82) (NRC-2016-0165)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC-685. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled "Los Angeles River Ecosystem Restoration Integrated Feasibility Report"; to the Committee on Environment and Public Works.

EC-686. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Town of Princeville, North Carolina, project; to the Committee on Environment and Public Works.

EC-687. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the City of Diomedes, Island of Little Diomedes, Alaska, project; to the Committee on Environment and Public Works.

EC-688. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Puget Sound Nearshore Ecosystem Restoration Project; to the Committee on Environment and Public Works.

EC-689. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Portland, Oregon, project; to the Committee on Environment and Public Works.

EC-690. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Upper Ohio Navigation Study, Pennsylvania; to the Committee on Environment and Public Works.

EC-691. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Individual Shared Responsibility Payment Hardship Exemption

that May Be Claimed on a Federal Income Tax Return Without Obtaining a Hardship Exemption Certification from the Marketplace" (Notice 2017-14) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-692. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of the Peace Corps, received in the Office of the President of the Senate on February 14, 2017; to the Committee on Foreign Relations.

EC-693. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Director of the Peace Corps, received in the Office of the President of the Senate on February 14, 2017; to the Committee on Foreign Relations.

EC-694. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-695. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions" (RIN1840-AD22) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-696. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions" (RIN1840-AD22) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-697. A communication from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Open Licensing Requirement for Competitive Grant Programs" (RIN1894-AA07) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-698. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Examinations of Working Places in Metal and Nonmetal Mines" (RIN1219-AB87) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-699. A communication from the Attorney-Adviser, Office of the Legal Adviser, Department of State, transmitting, pursuant to law, the report of a rule entitled "2017 Civil Monetary Penalties Inflationary Adjustment" (RIN1400-AE09) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Foreign Relations.

EC-700. A communication from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services,

transmitting, pursuant to law, the report of a rule entitled "Mandatory Guidelines for Federal Workplace Drug Testing Programs" received in the Office of the President of the Senate on February 14, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-701. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Federal Labor Relations Authority, received in the Office of the President of the Senate on February 14, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-702. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements under Section 635 of the Adam Walsh Child Protection Act of 2006; to the Committee on the Judiciary.

EC-703. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities of the Community Relations Service for fiscal year 2016; to the Committee on the Judiciary.

EC-704. A communication from the Office Program Manager of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Recognition of Tribal Organizations for Representation of VA Claimants" (RIN2900-AP51) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Veterans' Affairs.

EC-705. A communication from the Chief of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Fertility Counseling and Treatment for Certain Veterans and Spouses" (RIN2900-AP94) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Veterans' Affairs.

EC-706. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Pleasure Beach Bridge, Bridgeport, CT" ((RIN1625-AA00) (Docket No. USCG-2015-1088)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-707. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Pipeline Canal, Orange, TX" ((RIN1625-AA00) (Docket No. USCG-2016-1051)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-708. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lower Mississippi River, Natchez, MS" ((RIN1625-AA00) (Docket No. USCG-2016-1017)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-709. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant

to law, the report of a rule entitled "Safety Zone; James River, Newport News, VA" ((RIN1625-AA00) (Docket No. USCG-2016-0987)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-710. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; 2016 Recreational Closure for Hogfish in the South Atlantic" (RIN0648-XF042) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-711. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 16" (RIN0648-BD78) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-712. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2016 Commercial Accountability Measures and Closure for Atlantic Migratory Group Cobia" (RIN0648-XF056) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-713. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Possession and Trip Limit Modifications for the Common Pool Fishery" (RIN0648-XF074) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-714. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for the State of New York" (RIN0648-XF043) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-715. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer" (RIN0648-XF069) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-716. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2017 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts" (RIN0648-XF104) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-717. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications" (RIN0648-XE568) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-718. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reopening of Recreational Sector for the South Atlantic Other Jacks Complex" (RIN0648-XF046) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-719. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Dispute Resolution Procedures Under the Fixing America's Surface Transportation Act of 2015" (RIN2140-AB30) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-720. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revised Inspection of Records and Related Fees" (RIN2140-AB34) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-721. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties—2017 Adjustment" (Docket No. EP 716) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-722. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary/Administrator, Transportation Security Administration, Department of Homeland Security, received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-723. A communication from the Chief of the Satellite Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules for the Ancillary Terrestrial Component of Mobile Satellite Service Systems" ((IB Docket No. 13-213) (FCC 16-181)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-724. A communication from the Assistant Chief Counsel for Regulatory Affairs, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Operator

Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Changes" (RIN2137-AE94) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Rules and Administration, without amendment:

S. Res. 62. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2017 through September 30, 2017, October 1, 2017 through September 30, 2018, and October 1, 2018 through February 28, 2019.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COONS (for himself, Mr. KING, Mr. PORTMAN, Ms. STABENOW, Mr. ISAKSON, Mr. BLUMENTHAL, Mr. HOEVEN, Mr. CARPER, Mr. GARDNER, Mr. KAINE, Mrs. FEINSTEIN, Mrs. MURRAY, and Ms. COLLINS):

S. 405. A bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. PAUL, Ms. BALDWIN, Mr. DAINES, Mr. TESTER, and Mr. LEE):

S. 406. A bill to repeal certain amendments made to rule 41 of the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Ms. STABENOW, Mr. INHOFE, Mr. WYDEN, Mr. MORAN, Mr. SCHUMER, Mr. WICKER, Mr. CASEY, Mr. ROBERTS, Mr. BLUMENTHAL, Mr. ISAKSON, Mr. HELLER, and Mr. THUNE):

S. 407. A bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. CARDIN, Ms. STABENOW, Mr. SCHUMER, Mr. BROWN, Mr. CASEY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. LEAHY, Mrs. MCCASKILL, Mr. VAN HOLLEN, Ms. WARREN, Mrs. FEINSTEIN, and Mr. REED):

S. 408. A bill to require the President to disclose income, assets, and liabilities associated with countries with which the United States is negotiating a trade or investment agreement, countries subject to Presidential determinations in trade enforcement actions, and countries eligible for trade preference programs, and for other purposes; to the Committee on Finance.

By Mr. LEE (for himself and Mr. PAUL):

S. 409. A bill to provide that the President must seek congressional approval before engaging members of the United States Armed Forces in military humanitarian operations; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 410. A bill to amend title 38, United States Code, to authorize the transfer of un-

used Post-9/11 Educational Assistance benefits to additional dependents upon the death of the originally designated dependent; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mr. FRANKEN, Ms. HARRIS, Mr. HEINRICH, Ms. HIRONO, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. SANDERS, Ms. STABENOW, Mr. UDALL, Mr. WYDEN, Ms. WARREN, Mrs. GILLIBRAND, Mr. KAINE, and Mr. VAN HOLLEN):

S. 411. A bill to eliminate racial, religious, and other discriminatory profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERS (for himself and Mr. PERDUE):

S. 412. A bill to amend the Homeland Security Act of 2002 to require State and local coordination on cybersecurity with the national cybersecurity and communications integration center, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CAPITO (for herself, Mr. TESTER, Mr. LANKFORD, Mr. GRASSLEY, Ms. HEITKAMP, Mr. WICKER, Mr. BOOZMAN, and Mr. COTTON):

S. 413. A bill to amend title XVIII of the Social Security Act to prohibit prescription drug plan sponsors and MA-PD organizations under the Medicare program from retroactively reducing payment on clean claims submitted by pharmacies; to the Committee on Finance.

By Mr. HELLER:

S. 414. A bill to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CORTEZ MASTO (for herself, Mr. DURBIN, Mr. COONS, Ms. HIRONO, Mr. FRANKEN, Mr. SANDERS, Mr. BOOKER, Mr. MARKEY, Mr. LEAHY, Mr. WYDEN, Ms. HARRIS, Mrs. MURRAY, Mr. KAINE, Mr. BENNET, Mr. MERKLEY, Mr. VAN HOLLEN, Ms. WARREN, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. MENENDEZ, and Mrs. FEINSTEIN):

S. 415. A bill to nullify the effect of the recent Executive order that makes the vast majority of unauthorized individuals priorities for removal and aims to withhold critical Federal funding to sanctuary cities; to the Committee on the Judiciary.

By Mr. DONNELLY (for himself and Mr. TILLIS):

S. 416. A bill to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation; to the Committee on Small Business and Entrepreneurship.

By Mr. RUBIO (for himself, Mr. COTTON, and Mr. CARDIN):

S. 417. A bill to reinstate reporting requirements related to United States-Hong Kong relations; to the Committee on Foreign Relations.

By Mr. YOUNG (for himself, Mr. MENENDEZ, Mr. RUBIO, and Mr. COONS):

S. 418. A bill to require reporting on the implementation of Government Accountability Office recommendations by the Department of State and the United States

Agency for International Development; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mrs. GILLIBRAND, Mr. HATCH, and Mr. COONS):

S. 419. A bill to require adequate reporting on the Public Safety Officers' Benefits program, and for other purposes; to the Committee on the Judiciary.

By Mr. RUBIO (for himself, Mr. CORNYN, Mr. SASSE, and Mr. PERDUE):

S. 420. A bill to require the President to report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities, and for other purposes; to the Committee on Foreign Relations.

By Mrs. FISCHER (for herself and Mr. UDALL):

S. 421. A bill to amend the Communications Act of 1934 to protect low-income Lifeline subscribers by mandating a continuing role for States in designating eligible telecommunications carriers for participation in the Universal Service program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. DAINES, Mr. TESTER, Mr. CRAPO, Mr. MARKEY, Ms. MURKOWSKI, Ms. WARREN, Mr. RUBIO, Mr. LEAHY, Ms. KLOBUCHAR, Ms. HEITKAMP, Ms. BALDWIN, Mr. SCHATZ, Mr. WHITEHOUSE, Mr. WYDEN, Mr. CASEY, Mr. KAINE, Ms. STABENOW, Mr. WARNER, Mr. PETERS, Mr. MENENDEZ, Mr. PORTMAN, Mr. BLUNT, and Mr. ROUNDS):

S. 422. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself, Ms. BALDWIN, Ms. STABENOW, Mrs. GILLIBRAND, Mr. BROWN, Mr. SANDERS, Mr. MANCHIN, Mrs. MURRAY, Mr. DURBIN, Mr. REED, and Mr. UDALL):

S. 423. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOOKER (for himself and Mr. PORTMAN):

S. 424. A bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. COCHRAN, Mrs. GILLIBRAND, Mr. WICKER, and Mr. LEAHY):

S. 425. A bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes; to the Committee on Finance.

By Mr. TESTER (for himself, Ms. BALDWIN, and Mr. BROWN):

S. 426. A bill to increase educational assistance provided by the Department of Veterans Affairs for education and training of physician assistants of the Department, to establish pay grades and require competitive pay for physician assistants of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS (for himself and Mrs. GILLIBRAND):

S. 427. A bill to enhance Social Security benefits and ensure the long-term solvency of the Social Security program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BENNET, Mr. PORTMAN, Ms. HARRIS, Mr. BLUNT, Mr. NELSON, Mr. BROWN, Mr. GARDNER, and Mrs. MURRAY):

S. 428. A bill to amend titles XIX and XXI of the Social Security Act to authorize States to provide coordinated care to children with complex medical conditions through enhanced pediatric health homes, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 429. A bill to exempt the aging process of distilled spirits from the production period for purposes of capitalization of interest costs; to the Committee on Finance.

By Mr. COTTON (for himself, Mr. JOHN-SON, and Mr. RUBIO):

S. 430. A bill to provide for compliance enforcement regarding Russian violations of the Intermediate-Range Nuclear Forces (INF) Treaty, and for other purposes; to the Committee on Foreign Relations.

By Mr. THUNE (for himself, Mr. SCHATZ, and Mr. WICKER):

S. 431. A bill to amend title XVIII of the Social Security Act to expand the use of telehealth for individuals with stroke; to the Committee on Finance.

By Mr. HEINRICH (for himself and Mr. UDALL):

S. 432. A bill to designate the Cerro del Yuta and Rio San Antonio Wilderness Areas in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 433. A bill for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself and Mr. PORTMAN):

S. 434. A bill to amend the Internal Revenue Code of 1986 to qualify homeless youth and veterans who are full-time students for purposes of the low income housing tax credit; to the Committee on Finance.

By Mr. HEINRICH (for himself and Ms. COLLINS):

S. 435. A bill to establish programs to improve family economic security by breaking the cycle of multigenerational poverty, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HEINRICH (for himself and Mr. UDALL):

S. 436. A bill to authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, to substitute certain land selections of the Navajo Nation, to designate certain wilderness areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 437. A bill to provide for environmental oversight and remediation activities at Red Hill Bulk Fuel Storage Facility; to the Committee on Armed Services.

By Mr. CRUZ:

S.J. Res. 23. A joint resolution disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY:

S. Res. 62. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2017 through September 30, 2017, October 1, 2017 through September 30, 2018, and October 1, 2018 through February 28, 2019; from the Committee on Rules and Administration; placed on the calendar.

By Mr. CARPER (for himself and Mrs. CAPITO):

S. Res. 63. A resolution expressing support for the designation of the week of October 29 through November 4, 2017, as "National Obesity Care Week"; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. PAUL, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 16, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 27

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 27, a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election, and for other purposes.

S. 37

At the request of Mrs. ERNST, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 37, a bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

S. 65

At the request of Ms. WARREN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 65, a bill to address financial conflicts of interest of the President and Vice President.

S. 108

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a co-

sponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 150

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 150, a bill to amend title 18, United States Code, to provide an additional tool to prevent certain frauds against veterans, and for other purposes.

S. 170

At the request of Mr. RUBIO, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 170, a bill to provide for nonpreemption of measures by State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 203

At the request of Mr. BURR, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 236

At the request of Mr. WYDEN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 242

At the request of Mr. CASSIDY, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 242, a bill to amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 294

At the request of Mr. NELSON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 294, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 301

At the request of Mr. LANKFORD, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 301, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

S. 315

At the request of Mr. SULLIVAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 315, a bill to direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the helicopter pilots and crewmembers who were killed while serving on active duty in the Armed Forces during the Vietnam era, and for other purposes.

S. 324

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 350

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 350, a bill to amend the Securities Exchange Act of 1934 to prohibit Members of Congress from receiving a discounted price in certain private offerings of securities.

S. 368

At the request of Mr. FLAKE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 368, a bill to require the Director of the United States Fish and Wildlife Service to issue a scientifically valid and State-supported recovery plan for the Mexican gray wolf.

S. 379

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED), the Senator from Massachusetts (Ms. WARREN), the Senator from Delaware (Mr. COONS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 379, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S.J. RES. 5

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S.J. Res. 5, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and auto-

matic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. CARDIN, Ms. STABENOW, Mr. SCHUMER, Mr. BROWN, Mr. CASEY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. LEAHY, Mrs. MCCASKILL, Mr. VAN HOLLEN, Ms. WARREN, Mrs. FEINSTEIN, and Mr. REED):

S. 408. A bill to require the President to disclose income, assets, and liabilities associated with countries with which the United States is negotiating a trade or investment agreement, countries subject to presidential determinations in trade enforcement actions, and countries eligible for trade preference programs, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I, along with 13 of my Senate colleagues, am introducing the Presidential Trade Transparency Act of 2017. This bill establishes new reporting requirements directing the President to disclose foreign income, assets, and liabilities when initiating or continuing trade or investment negotiations with a foreign country, taking or refraining to take certain trade enforcement actions, or granting or modifying preferential tariff treatment under statutory trade preference programs. Each of these decisions may have significant commercial implications, both as to a foreign country's economy as a whole and with respect to particular investments within a foreign country. Given the complexity and lack of transparency with respect to the President's finances, additional country-specific reporting is necessary for Congress to properly exercise its oversight responsibilities and assess whether the authority it has granted to the President is the subject of undue influence due to a business relationship between the President and one or more foreign entities. Reporting of this information will also help address questions regarding improper influence by foreign entities when the President exercises trade authorities granted by Congress.

Americans have a right to know if the President is looking out for the good of the country or just his own bottom line when he negotiates a trade deal, decides whether or not to enforce our trade laws, or decides whether to cut tariffs on imports from a developing country. The President has business interests around the world, but he continues to keep the full nature of those ties secret.

Under the Constitution, Congress is responsible for regulating foreign commerce, including setting U.S. tariff rates applicable to imports from for-

eign countries. However, Congress has granted the President limited authority to modify U.S. tariffs in certain circumstances, including to enforce U.S. laws protecting U.S. industry from harmful trade or to address foreign trade barriers, to negotiate trade agreements that eliminate foreign barriers to U.S. exports, and to grant developing countries preferential access to the U.S. market.

In many instances, the President himself is granted this authority and does not exercise it through a Cabinet official. While Congress has granted such authority to the President, it retains the responsibility to ensure that the President uses the authority in a manner consistent with congressional objectives.

The bill directs the President to report to Congress information regarding foreign income, assets, and liabilities, consistent with the information required to be disclosed under the Ethics in Government Act, specifically as to any country that is the subject of a trade negotiation, trade enforcement action or inaction, or decision to grant or deny tariff preferences, and to describe in detail the nature of the connection between the income, asset, or liability and the foreign country. The bill specifies deadlines for disclosure of the information with respect to each action that generally track existing deadlines for Presidential reporting under U.S. law.

Failure to timely submit a report would render without legal effect a Presidential proclamation modifying U.S. tariffs with respect to the country and, with respect to a trade agreement, would disqualify the agreement from eligibility for expedited consideration under trade promotion authority.

Passage of this bill would close a key loophole in congressional oversight authorities over trade and shine much needed daylight on the financial relationship between the President and America's trading partners.

I thank my colleagues for their efforts on this bill, and I hope the Finance Committee will consider our proposal quickly.

By Mr. BOOKER (for himself and Mr. PORTMAN):

S. 424. A bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BOOKER. Mr. President, I rise today to reintroduce the Law Enforcement Officers' Equity Act. This good government bill will provide Federal law enforcement officers with the Federal benefits they deserve for their service. I thank Senator Rob Portman for being an original cosponsor of this bill.

There is perhaps no harder job in the United States than that of law enforcement officers. Each day, brave men and women work under tremendously stressful conditions to keep our communities safe. From apprehending violent criminals to arresting drug kingpins, these brave men and women in uniform put their lives on the line for a higher cause. We owe them our sincerest gratitude for their service.

Due to the high level of training required for their job and the ever-present danger in their profession, Congress determined that Federal law enforcement officers should receive higher salaries and enhanced benefits compared to other Federal employees. Unfortunately, due to a technical error, nearly 30,000 Federal law enforcement officers classified as G5-0083 police officers do not receive enhanced benefits under the United States Code. As a result, certain officers who work for Federal agencies—such as the Department of Defense, Department of Veterans Affairs, Federal Bureau of Investigation, U.S. Postal Service, U.S. Mint, National Institute of Health and many more—receive lower pensions as compared to other law enforcement officers with similar responsibilities. It makes no sense that postal police officers or any other Federal law enforcement officers receive less benefits even though they have the similar duties and functions as other law enforcement officers.

The Law Enforcement Officers' Equity Act would fill in this gap in the law and expand the number of Federal law enforcement officers who can receive benefits. The bill would expand the definition of "law enforcement officer" for retirement purposes to include all Federal law enforcement officers. The change would grant law enforcement officer status to the following individuals: employees who are authorized to carry a firearm and whose duties include the investigation or apprehension of suspected criminals; employees of the Internal Revenue Service whose duties are primarily the collection of delinquent taxes and securing delinquent returns; employees of the U.S. Postal Inspection Service; and employees of the Department of Veterans Affairs who are Department police officers. These officers face the same risks and challenges as the men and women currently classified properly under Federal law as law

The Law Enforcement Officers' Equity Act would allow incumbent law enforcement officers' Federal service—after the enactment of the act—to be considered service performed as a law enforcement officer for retirement purposes.

This legislation has the support of law enforcement groups, including the Fraternal Order of police, the Federal Law Enforcement Officers' Association, and the Law Enforcement Action Network.

Fundamental fairness demands that we close this loophole in Federal law and give all Federal law enforcement officers the retirement benefits they deserve—Trask my colleagues to support the Law Enforcement Officers' Equity Act, and I urge its speedy passage.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 429. A bill to exempt the aging process of distilled spirits from the production period for purposes of capitalization of interest costs; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing Growth in the Economy through Distilled Spirits Act" or the "AGED Spirits Act".

SEC. 2. PRODUCTION PERIOD OF DISTILLED SPIRITS.

(a) IN GENERAL.—Section 263A(f) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (4) as paragraph (5), and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) EXEMPTION FOR AGING PROCESS OF DISTILLED SPIRITS.—For purposes of this subsection, the production period shall not include the aging period for distilled spirits (as described in section 5002(a)(8)), except such spirits that are unfit for use for beverage purposes."

(b) CONFORMING AMENDMENT.—Paragraph (5)(B)(ii) of section 263A(f) of the Internal Revenue Code of 1986, as redesignated by this section, is amended by inserting "except as provided in paragraph (4)," before "ending on the date".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest costs paid or incurred in taxable years ending on or after December 31, 2018.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 62—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2017 THROUGH SEPTEMBER 30, 2017, OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018, AND OCTOBER 1, 2018 THROUGH FEBRUARY 28, 2019

Mr. SHELBY submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 62

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of

the Senate, there is authorized for the period March 1, 2017 through September 30, 2017, in the aggregate of \$57,801,217, for the period October 1, 2017 through September 30, 2018, in the aggregate of \$99,087,800, and for the period October 1, 2018 through February 28, 2019, in the aggregate of \$41,286,584, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2017 through September 30, 2017, for the period October 1, 2017 through September 30, 2018, and for the period October 1, 2018 through February 28, 2019.

(c) EXPENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of each standing committee of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the applicable committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$2,463,834, of which—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$4,223,716, of which—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$1,759,882, of which—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,783,845, of which—

(1) not to exceed \$46,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$17,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$6,486,591, of which—

(1) not to exceed \$80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,702,746, of which—

(1) not to exceed \$33,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$12,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,119,153, of which—

(1) not to exceed \$8,370 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$503 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$5,347,119, of which—

(1) not to exceed \$14,348 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$861 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,227,966, of which—

(1) not to exceed \$5,978 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$358 may be expended for the training of the professional staff of such

committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,534,372, of which—

(1) not to exceed \$35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$21,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$6,058,924, of which—

(1) not to exceed \$60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$36,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,524,552, of which—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,879,581, of which—

(1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$6,650,710, of which—

(1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,771,129, of which—

(1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,219,522.

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$5,519,181.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,299,659.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,060,871, of which—

(1) not to exceed \$4,666 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$5,247,208, of which—

(1) not to exceed \$8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,186,337, of which—

(1) not to exceed \$3,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$834 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March

1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$4,710,670, of which—

(1) not to exceed \$17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$8,075,434, of which—

(1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$3,364,764, of which—

(1) not to exceed \$12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,889,028, of which—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$6,666,904, of which—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,777,877, of which—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$5,105,487, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$8,752,264, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of indi-

vidual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$3,646,777, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$5,591,653, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$9,585,691, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$3,994,038, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of indi-

vidual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and the Government's relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety, including investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States

and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) **EXTENT OF INQUIRIES.**—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) **SPECIAL COMMITTEE AUTHORITY.**—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) **AUTHORITY OF OTHER COMMITTEES.**—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee

and any duly authorized subcommittee of the committee authorized under S. Res. 73, agreed to February 12, 2015 (114th Congress) are authorized to continue.

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$5,461,388, of which—

(1) not to exceed \$116,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$11,667 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$9,362,379, of which—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$3,900,991, of which—

(1) not to exceed \$83,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$8,333 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) **ADDITIONAL COMMITTEE AUTHORITY.**—For the purposes of carrying out its investigative powers, duties, and functions under the Standing Rules of the Senate and in accordance with Committee Rules of Procedure, the committee is authorized to require by subpoena the attendance of witnesses at depositions of the committee, which may be conducted by designated staff.

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of such committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,375,819, of which amount—

(1) not to exceed \$43,750 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of such committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,358,546, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of such committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$982,728, of which amount—

(1) not to exceed \$31,250 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration,

to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,520,944, of which—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,607,332, of which—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$1,086,388, of which—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,283,522, of which—

(1) not to exceed \$2,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,750 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,200,323, of which—

(1) not to exceed \$5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$916,801, of which—

(1) not to exceed \$2,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,250 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,399,763, of which—

(1) not to exceed \$3,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,399,594, of which—

(1) not to exceed \$6,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$999,831, of which—

(1) not to exceed \$2,500 may be expended for the procurement of the services of individual

consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,217,448, of which not to exceed \$10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$5,515,626, of which not to exceed \$17,144 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,298,177, of which not to exceed \$7,143 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,184,317, of which—

(1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(C) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,030,258, of which—

(1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(D) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$845,941, of which—

(1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account “Expenses of Inquiries and Investigations”, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) for the period March 1, 2017 through September 30, 2017, an amount shall be available, not to exceed 7 percent of the amount equal to 7/12th of the appropriations for the account that are available for the period October 1, 2016 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018, an amount shall be available, not to exceed 7 percent of the appropriations for the account that are available for that period; and

(3) for the period October 1, 2018 through February 28, 2019, an amount shall be available, not to exceed 7 percent of the amount equal to 5/12th of the appropriations for the account that are available for the period October 1, 2018 through September 30, 2019.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

SENATE RESOLUTION 63—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF OCTOBER 29 THROUGH NOVEMBER 4, 2017, AS “NATIONAL OBESITY CARE WEEK”

Mr. CARPER (for himself and Mrs. CAPITO) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 63

Whereas the disease of obesity is a major source of concern across the United States, and more than one-third of adults in the United States are affected by obesity, with the number of people with severe obesity in the United States continuing to grow;

Whereas experts and researchers agree that obesity is a complex disease influenced by various physiological, environmental, and genetic factors;

Whereas, while prevention programs have successfully established the seriousness of the public health crisis posed by obesity, it is also imperative that individuals and families currently affected by obesity receive comprehensive care and treatment;

Whereas studies show that bias against and stigma associated with people affected by obesity among general society and healthcare professionals are significant barriers to effectively treating the disease;

Whereas healthcare professionals, policymakers, patients, and families should regard obesity with the same level of seriousness with which other chronic diseases are regarded;

Whereas research suggests that weight loss of as little as 5 to 10 percent of the total weight of an individual affected by obesity can improve the associated health risks affecting many patients living with obesity and can thereby support the goals of Federal and State initiatives to reduce chronic disease, improve health outcomes, and help control healthcare costs;

Whereas healthcare professionals should treat patients with respect and compassion and should partner with patients to develop comprehensive and individualized approaches to weight loss and weight management that consider all appropriate treatment options, such as reduced-calorie diets, physical activity modifications, pharmacotherapy, and bariatric surgery;

Whereas it will take a long-term collaborative effort, which will involve individual, corporate, and institutional partners in all fields taking active roles, to ignite the betterment of obesity care and treatment; and

Whereas the week of October 29 through November 4, 2017, would be an appropriate week to designate as “National Obesity Care Week”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of “National Obesity Care Week”; and

(2) encourages all people in the United States to create a foundation of open communication to break barriers of misunderstanding and stigma regarding obesity and to improve the lives of all individuals affected by obesity and their families.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. CAPITO. Mr. President, I have seven requests for committees to meet during today's session of the Senate.

They have the approval of the Majority and Minority leaders.

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, February 16, 2017, at 9:30 a.m.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Thursday, February 16, 2017, at 10:30 a.m. in room 253 of the Russell Senate Office Building. The committee will hold a subcommittee hearing on “Stakeholder Perspectives on Improving TSA for the Security of the Traveling Public.”

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, February 16, 2017, in 215 Dirksen Senate Office Building.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, February 16, 2017, at 10:05 a.m., to hold a hearing entitled “Nominations.”

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Thursday, February 16, 2017, at 10 a.m.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, February 16, 2017, from 2 p.m. to 3:30 p.m., in room SH-219 of the Senate Hart Office Building.

SUBCOMMITTEE ON WESTERN HEMISPHERE, TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY, HUMAN RIGHTS, AND GLOBAL WOMEN'S ISSUES

The Committee on Foreign Relations Subcommittee on the Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues is authorized to meet during the session of the Senate on Thursday, February 16, 2017, at 2:45 p.m., to hold a hearing entitled “Democracy and Human Rights: The Case for U.S. Leadership.”

PRIVILEGES OF THE FLOOR

Mr. PORTMAN. Mr. President, I ask unanimous consent that Barbara Repeta, a congressional fellow with the Committee on Energy and Natural Resources, be granted floor privileges through December 31.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I ask unanimous consent that Leah Rubin Shen of my staff be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. WARREN. Mr. President, I ask unanimous consent that a fellow on my staff, Brian Clark, be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that Christy Veeder be granted floor privileges through the remainder of the year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOOKER. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following members of my staff. One is an incredible young person, Ariana Spawn: the other is a very special human being—this will be his first time ever on the Senate floor, so history for him—Zach “Jersey Giant” McCue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARKEY. Mr. President, I ask unanimous consent that Andrew Falacci, an intern in my office, be granted floor privileges for the duration of debate on the Pruitt nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 2017:

EXECUTIVE OFFICE OF THE PRESIDENT

MICK MULVANEY, OF SOUTH CAROLINA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH JEREMY D. KARLIN AND ENDING WITH IRAHAM A. SANCHEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2017.

IN THE NAVY

NAVY NOMINATION OF MATHEW M. LEWIS, TO BE LIEUTENANT COMMANDER.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, in late October, people who lived in a place called Donora shrugged off the thick, yellow smog that had covered their small town. It was 1948. It wasn't unusual to see a smog blanket the town, thanks to the zinc plant and the steel mill that smoked endlessly into the Pennsylvania sky. It wasn't unusual to see people coughing as they went about their day. As one reporter put it, “People are always coughing in Donora.”

What was unusual is that the smog did not clear as the day went on. It lingered, hanging around the town, wreaking havoc for the next 5 days. At first, life seemed to go on. The Halloween parade went on as planned, even though no one could really see the people marching. The high school football game went on as planned, although the quarterbacks avoided passing plays

since the wide receivers couldn't see the ball. But then someone died. People couldn't breathe. As the local hospital started to fill, the town hotel set up beds for overflow patients. By the fourth day, the hotel had to set up another emergency section—this time, a temporary morgue. The town's three funeral homes were overwhelmed. On the fifth day, the stacks of a zinc plant stopped their endless streams of smoke, and the smog that would become known as the Donora death fog finally lifted but not before nearly 7,000 people fell ill and 20 died.

This is one of the many stories that show us what life was like in the United States of America before the EPA was created. In the early 1960s, millions of freshwater fish and rivers around the country were poisoned by insecticides—hurting consumer trust and the countless fishermen and their families who relied on the fish to make a living. Pollution was so bad that debris floating in the Cuyahoga River actually caught on fire, causing thousands of dollars in property damage. The water in Lake Superior, one of the most beautiful lakes in the United States, became so toxic from companies dumping asbestos-laden waste that local communities had to start filtering their water. Think about that. People could drink the water from local reservoirs, unfiltered, until pollution came along. This was the path our country was on.

Pollution was destroying some of the most beautiful places in this country—on the planet, in fact—putting the health of the public and the health of our economy at grave risk.

There was another event in the early 1960s that helped our country to see clearly that the path we were on would only lead to destruction. Rachel Carson, scientist, public servant, and author, published a book called “Silent Spring.” This book laid out in simple, beautiful prose the threats that pesticides and pollution posed to our environment or what Carson called a “Fable for Tomorrow.” She wrote: “The most alarming of all man's assaults upon the environment is the contamination of air, earth, rivers and sea, with dangerous and even lethal materials.”

Carson's book made clear that we were contaminating the environment and that this could not go on. Her book sounded a call for change, as millions of Americans began demanding that the government take action, but there was also a backlash. Here is what one industry spokesman said as public opinion began to coalesce around addressing pollution:

The major claims of Miss Rachel Carson's book *Silent Spring* are gross distortions of the actual facts, completely unsupported by scientific experimental evidence and general, practical experience in the field. Her suggestion that pesticides are in fact biocides destroying all life is obviously absurd in the

light of the fact that without selective biologicals, these compounds would be completely useless.

This is how the controversy went on for the next few years. The public, the science, and the reality all pointed toward the truth, but a few loud voices persisted. They did not want the movement to go forward. This continued even after Rachel Carson passed away, tragically and prematurely, of cancer in the year 1964.

Here is what the New York Times published in her obituary:

The most recent flare-up in the continuing pesticide controversy occurred early this month when the Public Health Service announced that the periodic huge-scale deaths of fish on the lower Mississippi River had been traced over the last 4 years to toxic ingredients and three kinds of pesticides. Some persons believe that the pesticides drained into the river from neighboring farm lands.

A hearing by the Agriculture Department of the Public Health Service's charges ended a week ago with a spokesman for one of the pesticide manufacturers saying that any judgment should be delayed until more information was obtained.

The line of argument captured in the New York Times is familiar to anyone who has watched our Nation struggle to come to a shared set of facts around a number of difficult issues, but even in the face of so much controversy, the country did the right thing. In addressing the threats to our environment, the U.S. Government—with substantial and commendable support from Republicans—began to lay the foundation for a new America, one that would preserve and protect our country and its resources for the next generation.

I would like to highlight three of the critical cornerstones in the foundation: the EPA, the Clean Air Act, and the Clean Water Act.

Let's start with the EPA itself. It was established in 1970 by President Nixon. He united several offices and bureaus already in the Federal Government into a single agency—one that would oversee all of the laws, protections, research, and policies about the Nation's environment. The mission of the EPA was clear from the start, to protect human health and the environment. Almost immediately, something really exciting happened. There was a feeling of hope and anticipation for what this Agency could do for the country. Within the first few months, tens of thousands of resumes came flooding in from across the country as people clamored to work for the EPA.

Here is how one man who worked for the Agency described it:

There was a palpable sense of excitement that we were about to do something big. We had to do things big because the newspapers and news magazines were filled with stories about Lake Erie dying. I think it was a year or two before that the Cuyahoga had indeed caught on fire. I believe the Houston Ship Channel had the same issue. We knew we were there to really deal with substantial problems, and we were going to meet with immediate pushback.

For the next 40 years, the EPA would build a legacy of preserving and protecting the country's air, water, and natural resources, working to make our country a better place to live.

I just want to say that whatever the final disposition of this nomination ends up being—and I know we will push as hard as we possibly can for the delay of this decision, until we are able to see the contents of Mr. Pruitt's emails as directed by the court this afternoon—but whatever the decision is of the Senate under advice and consent, it is really important that this be said: EPA employees still have an obligation under Federal law to do their job, to protect air and water, to administer the Clean Air and Clean Water Act, to enforce the Endangered Species Act. We are confirming a head of an Agency, but this new head of an Agency is not the Emperor of the Agency.

This new head of an Agency has obligations under the statute to enforce the laws on the books, and he has a current role as the lead of the Republican Attorneys General Association and as a plaintiff in multiple lawsuits against the EPA, and that is a reason many of us object to his confirmation. If he is confirmed, every EPA employee has rights. They have whistleblower rights, they have protections, and they have obligations under the statute so that if this EPA tries to do anything unlawful, anything that contravenes the Clean Air Act, the Clean Water Act, the Endangered Species Act, then all of the EPA employees are dutybound under the law to follow the law.

No one in the Federal Government should be forced to do anything unlawful, and we support the EPA employees, in particular, who we know work so hard and are so dedicated to such an important cause. We know they are under intense scrutiny and pressure, and I think it is worth saying that we support them but also that the law supports them.

One of the first actions of the Agency was to ban DDT, a pesticide used in World War II. At first, DDT seemed like a dream chemical. It was used to protect soldiers from pests and then to protect crops like cotton, but soon it became clear—thanks to Rachel Carson and others—that this chemical was creating far more harm than good. Public health was really in danger. The bald eagle and other wildlife were being poisoned, and the pests that were supposed to be put off from bothering the crops were adapting, becoming more resistant, even as the chemicals became more potent and ultimately more dangerous.

Thanks to the EPA, the use of DDT came to an end. The health of children, families, and wildlife immediately improved. The bald eagle slowly recovered, to the point where it is no longer a threatened or an endangered species.

The Agency also found a solution to acid rain, which was a major problem that killed fish, hurt American farmers, and caused damage to forests and infrastructure alike. After studies showed how high concentrations of lead were hurting our kids, the EPA took action to remove it from gasoline and from the air. Because of that action, lead levels in both kids and adults have dropped by more than 80 percent since the late 1970s. We have a lot more work to do on lead, but that is one of the many EPA success stories.

The EPA then took on secondhand smoke, banning smoking in indoor public places. It pushed the auto industry to design technology that would reduce the amount of pollution created by cars, a step that would reduce the amount of pollution per mile emitted by cars by up to 90 percent. It provides technical assistance to State and local governments that otherwise don't have the resources or the know-how to tackle problems on their own.

The Agency has also empowered the public through right-to-know laws that give people access to information about chemicals, toxic substances, and pollution in their own communities. After studies show how low-income and minority communities face greater environmental risks, the EPA formed an Office of Environmental Justice, dedicated to making these communities as safe as any other in the country. As is so often the case, this Federal Agency set the bar for the rest of the world on how governments can protect and preserve the environment.

One leader of the EPA who served under President George H.W. Bush recalled that the Agency worked with countries as varied as Morocco and Mexico to battle fires or spills. After the EPA sent people to help with a Russian spill that was impacting Estonia, the Prime Minister wrote the EPA a letter, saying their visit was the most important visit of any American's since Charles Lindbergh had flown from Russia to Estonia in 1933.

So the EPA has had incredibly important impacts, from boosting diplomacy around the world to protecting the lungs of little ones right here at home.

The second cornerstone of our efforts to protect the environment is the Clean Air Act. Before the EPA opened its doors, States set their own standards for clean air, and most States had weak standards because they were in a race to the bottom to attract companies that didn't want to have to deal with the damage they caused. Imagine you are in a State and have three or four adjacent States and someone wants to cite a factory. Well, it is very difficult to have a strong environmental standard because that factory is no doubt going to find the place where they are allowed to pollute the most, which is why you have Federal

standards. Not surprisingly, these low standards were fueling air pollution.

Every day, the average American takes between 17,000 and 23,000 breaths. If the air we are breathing is filled with toxic chemicals, we are at risk for cancer, birth defects, and damage to our lungs, our brain, and our nerves. That risk is even higher for people with asthma and for senior citizens.

Remember, humans are not the only ones that rely on clean air. Trees, crops, wildlife, lakes, fish are all at risk of damage when we have dirty air. So eventually the American public demanded that something be done to clean up our air.

In 1970, Congress on a bipartisan basis, passed the Clean Air Act. This law, along with later amendments, makes up the complete Federal response to air pollution. It is a beautifully written law. It gives the EPA the authority to limit air pollutants and emissions from industry plants. It empowers the Agency to research and fund different approaches to keeping the air clean. It creates partnerships between Federal, State, and local governments to reduce air pollution. Who could argue with that?

As soon as it was passed, people knew that this law was a game changer. President Nixon said: "I think that 1970 will be known as the year of the beginning, in which we really began to move on the problems of clean air and clean water and open spaces for the future generations of America."

That is exactly what happened. The impact was actually felt very quickly, starting with the auto industry. The Clean Air Act called on the auto industry to drastically reduce the amount of nitrogen oxide, carbon monoxide, and other harmful chemicals that came out of the tailpipes across the country within 5 years.

Consider that today there are more than three times the amount of cars on the road than they were in the 1970s. Now imagine that the chemicals coming out of each of those car's tailpipes were 90 percent more harmful. That is where we would be without the Clean Air Act.

It was not so long ago that communities would cancel high school for kids because the air pollution was so bad, not in Beijing but in California. That is no longer the case, not for numerous reasons, not for a dozen or so causes but because of the Clean Air Act. This law has literally saved millions of lives. It has improved the health of millions of others.

Because the EPA has been there to enforce it, air pollution has fallen by 70 percent since 1970. Smog levels in Los Angeles have fallen from their peak by two-thirds. Nationwide, lead in our cars is down 98 percent, carbon monoxide is down 85 percent, sulphur dioxide is down 80 percent, acid rain is down 50 percent, and all at a fraction of anticipated costs.

Let me make two points here. First of all, it is actually rare that a law works this well. I mean, it is hard to make a good law. Everybody talks about it as a sausage-making process; you don't want to see what goes into it. But not all laws work over time.

This law actually worked. This law actually cleaned up our air. That is a really important thing to remember. If you undermine this law, if you undermine the agency that enforces it, the air does not clean up itself. This is not an automatic thing. The air is clean because the government protects the air.

I understand that, including the Presiding Officer and many Members of the Republican Party, we have tough debates about how big the government should be, what its responsibility should be. But if you go from BERNIE SANDERS, a democratic socialist, to RAND PAUL, the sort of Republican libertarian—and I am not sure if you just sat down and had a cup of coffee with either of them or everybody in between on the political spectrum, in terms of their view of what the Federal Government ought to do, gosh, I can't imagine that anybody—if you kind of get them in a private moment—does not think that it is a Federal role to keep the air clean.

There are moments where I see a program within a Federal agency and I might love it, right, because of my political persuasion. But I can understand how a BEN SASSE or a RAND PAUL or a MARCO RUBIO might object to it because they might say: Well, that sounds like a good idea, but my goodness, if that is so important, why don't we let communities decide whether or not to do that?

This is not one of those issues. Go and talk to your constituents about whether they want clean air. I don't know that you are going to find too many Republicans out there—I mean voters, not elected officials—voters, who think clean air is, take it or leave it, not a Federal role.

The truth is, that first of all, clean air is important enough to make a Federal law about in the first place. But there is also a technical reason, not a very complicated technical reason, but a technical reason that you need a Federal law that is about clean air as opposed to a State-by-State patchwork, and that is because the air travels. You cannot pollute in one State and expect that it will not impact the other State.

So one State having tough clean air standards doesn't really function in terms of the ecology because pollution knows no boundaries. The same study that I referred to found that air pollution has improved in the United States, thanks to environmental protection. But our work is not done. Nearly 90,000 people every year in the United States are at risk of a premature death because of air pollution. That number

will rise if we chip away at this basic foundation.

The third and final cornerstone of that foundation is the Clean Water Act. It is really important to remember how bad things were before the Clean Water Act. I mean, we are not where we need to be in terms of protecting our water resources. But it is kind of unfathomable how bad it was before this law was passed.

Water in communities across the country was dirty. You could not swim or fish in two-thirds of the lakes, rivers, and coastal waters in the country. You couldn't swim or fish in two-thirds of the lakes, rivers, and coastal waters in the country. That is a data point that you would expect in a country that is still industrializing, that just doesn't have the pollution controls.

When you go to certain parts of the planet and you see essentially a very dirty environment, you would assume two-thirds, maybe more, of those lakes and streams and waterways are too polluted to fish or swim. But this is the United States. It was allowable to dump untreated sewage into open water. You could dump untreated sewage into open water before the Clean Water Act.

But that changed in 1972, when what is now known as the Clean Water Act became law and cleared the way for the Federal Government to restore and protect the health of our water.

According to a study by the Aspen Institute, the Clean Water Act stopped billions of pounds of pollution from fouling the water and dramatically increased the number of waterways that are safe for swimming and fishing. Twenty years ago, you would have had to have a death wish to go swimming in Boston Harbor. Today, you don't have to think twice. That is because of the Clean Water Act.

But this is not just about enjoying the beauty of the water that it provides to so many communities, although not is not a small thing. Look, a lot of people—left, right, and center—people who are not political, people on the progressive side, people on the conservative side, people like lakes. People like the beach. People like the ocean.

It is not unreasonable, whoever you voted for, to think that there are a few things that government should do: They should probably have some kind of transportation infrastructure. There should probably be a law enforcement function. Make sure that the water is clean, the air is clean, and we have some national defense. Right? That is some basic stuff. Even if you are a libertarian, if you are not nuts, you think that the government should do a couple of very basic things, and among them is to keep the water clean.

I wanted to share some interactions I have had with the craft beer industry. They wrote a letter this week about

how important clean water is to them. Here is a section of it:

Beer is about 90 percent water, making local water supply quality and its characteristics such as pH and mineral content, critical to beer brewing and the flavor of many classic brews.

Changes to our water supply—whether we draw directly from a water source or from a municipal supply—threaten our ability to consistently produce our great-tasting beer, and thus, our bottom line.

Protecting clean water is central to our business and our long-term success. Not only does great-tasting beer we brew depend on it, but so do the communities in which we operate.

Some of the largest and best craft breweries in the country signed onto this letter, from the Allagash Brewing Company in Maine to the New Belgium Brewing Company in Colorado. They are right to be concerned because it will not take much for our water to go back to where it was in the 1970s. So it is in the interest of many industries for our country to have clean water, but not all of them.

Publicly traded companies will do the minimum. In a lot of ways, the way these companies are set up, they are actually obligated under the law to do the minimum. They have to maximize shareholder profit. They have boards of directors, they have earnings reports, they have quarterly obligations. Whether you like it or not, that is the way our system works. So, if you have a fiduciary obligation to maximize profits, then you may give short shrift to environmental concerns.

Compliance costs money. So most companies will comply only if they have to. If they are good companies, they feel that their obligation is to sit down with their lawyers and have the lawyers explain to them what they must do to comply.

But it is a rare company that says: Hey, I want to do much more than that. I mean Patagonia is great. There are other companies that do good work in the environmental space. But let's be very clear: There are a handful of companies that are so motivated, either as a brand strategy or a mission-driven approach, that they are going to exceed their obligations under the law. Most companies are going to do what is required under the law and not much more.

We can count on someone saying on a board of directors in some corner office or someplace on Wall Street: Hey, we can save 3 percent here if we don't clean the water. That is why we need a Clean Water Act. That is why we need the EPA. It is not a matter of left or right; this is a matter of right or wrong. This is a matter of clean or dirty.

This is especially important because our work is not done. We still have a ways to go. We still can't swim or fish in about one-third of our waterways. So these three cornerstones—this foundation of more than 40 years of

progress—have prepared us to tackle what is the challenge of our lifetime, climate change. There was a time when this was primarily the concern of the conservation minded among us, people like me: hikers, swimmers, surfers green groups, bird and butterfly people. Right? I understand that.

There was a time where this was mostly an ecological concern. You had science people, you had hiking types who said: Hey, this thing is happening. I read Al Gore's book. This is a big deal. They were 10 years ahead of the curve. But climate change is no longer just an ecological issue; it is an economic issue. It is a quality of life issue. It is an American way of life issue. It is causing real harm to people and costing us billions of dollars now—not in the future, but now.

In recent years, the United States has experienced a record number of devastating storms, extreme temperatures, severe floods and lasting droughts. It is not a coincidence. As the climate changes, normal weather patterns are altered, and this affects our environment, our health, and our economy by influencing everything from the price of produce at the grocery store to our home insurance rates.

So we know that climate change is real. The science makes that clear. In fact, our own personal experience makes that real. A lot of people fish or hunt or hike or surf or snorkel or go to the lake or just go outside and experience something that seems to be changing.

There is a difference between weather and climate. The weather is tomorrow morning's temperature and whether it is raining or not and whether it is windy or not. The climate is the conditions that create the weather. It is not arguable anymore by anybody credible that the climate has changed and, therefore, the weather is getting absolutely more volatile.

Now we can, unfortunately, rely on our own experience and our own eyes to confirm that the climate and the weather are getting weirder—in some cases, more dangerous and certainly more unpredictable. Make no mistake, this is caused by humans, and that means we can do something about it.

Climate change deniers need to know that they are on the wrong side of history. They can't just cite the cost of transitioning to a clean energy economy—a cost that continues to decline, I should point out—while ignoring the cost of doing nothing, because the cost of doing nothing on climate change is absolutely astronomical, whether in storm aid, infrastructure mitigation, private property loss, or disruption in financial and insurance markets. It is much less expensive to move toward a clean energy economy than to allow severe weather to drain our economy as a whole.

As a Senator from the State of Hawaii who has led the way in building a

clean energy infrastructure—producing clean, renewable energy and cutting our dependence on fossil fuels—I know that we can achieve meaningful change across our Nation, but we need the EPA and an Administrator to achieve this.

By law, the EPA has the authority to take steps to cut any pollution that threatens human health and welfare, including carbon pollution. Even the Supreme Court agreed that if EPA found carbon pollution to be a danger, the Agency was obligated to act to reduce the threat. So EPA has begun undertaking efforts to rein in those emissions.

Every protection that the EPA creates is the result of years of scientific inquiry, stakeholder involvement, public comments, and technological feasibility studies.

For all the talk of Federal overreach, EPA gives an enormous amount of authority to the States. For instance, in the Clean Power Plan, EPA sets emissions targets—that is true—but it was up to each State to develop a plan that is best suited to its unique circumstances.

The State of Hawaii has a really unique situation because we have lots of clean energy opportunities. But in terms of baseload power, we get all of our fuel from Asia, and it is LSFO. It is low sulfur fuel oil. So what we do is we bring in oil on tankers, which is costing three and a half times the national average for electricity, and we light it on fire, and that creates electrons. That is not smart. So we are in a transition.

But there are other States that have geothermal resources or biofuel resources. So the EPA said: Hey, carbon is a pollutant. You have to reduce carbon pollution because, under the law, under the Clean Air Act, any airborne pollutant must be regulated, right? You have to reduce the airborne pollutants.

The EPA said: You have to do this over time, but we understand you are going to have your own energy mix and your own challenges. All you have to do is submit a plan that is kind of like thought through. So West Virginia's plan is different from California's plan and is different from Hawaii's plan. They empowered the States to endeavor to come up with their own energy mix.

Here is the good news about EPA's rules. This news is on the Clean Air Act. It is on the Clean Power Plan. This is always the case. It always comes in below the estimated cost because what happens is, if you tell industry to innovate, even if they don't want to, frankly, even if they complain about it, even if they tell you that it is going to crash the American economy, which they often say, they end up driving innovation in the private sector.

In the case of electricity generation and transportation, the Clean Power

Plan and the CAFE standards, the fuel efficiency standards for cars, accelerated the technological transition that was already underway.

Here are a couple of examples. When the auto bailout came in, President Obama negotiated very hard for an increase in fuel efficiency standards. You can imagine that the American auto industry was basically on the ropes. It was about to die without a major bailout. So they got the bailout, but there were also some strings attached, which were that they bring up fuel efficiency standards. They freaked out. And you know what happened? They met the standards. And you know what happened after that? The American auto industry has never been stronger because people like fuel-efficient cars, right?

What has happened with the Clean Power Plan and with the Paris climate accord and the investment tax credit and the production tax credit is that the cost of solar and wind energy is declining. But when utilities began thinking about long-term investments in a carbon-constrained world, the increased demand for clean energy drove down these costs even further, which is good for both consumers and the environment. In fact, more solar capacity was added in 2016 than any other energy source, by far. Solar and wind combined to make up almost two-thirds of the new capacity last year.

I want people to understand that the clean energy revolution is underway. The only question is whether we are going to have to take a 4-year break from this clean energy revolution and give the keys to the car to China and other countries, which would be pleased to let the United States abdicate its role as the leader of the clean energy revolution. We are going to lose all of those solar jobs, we are going to lose the innovation opportunities, and we are going to lose all of those wind energy opportunities.

The question is not whether we are going to make a transition to clean energy. The question is how quickly and whether the United States will drive it or not.

Consumers loved the first generation of hybrid vehicles so much that there were waiting lists to buy them. CAFE standards, along with similar fuel economy standards around the world, drove the automotive industry to innovate even further. Now we have unprecedented numbers of hybrid and hybrid electric vehicles on the road, and we stand at the precipice of a new age of electric vehicles.

So we find ourselves at a crossroads. If we continue down the path President Obama set us on, I have no doubt that American ingenuity and innovation will allow us to continue to lead the world in the clean energy economy, but if we turn back the clock and hand our future back over to the dirty fuels of

the past, we will cede economic leadership to China, India, Germany, and the rest of the world. Those countries are moving toward clean energy so quickly that we may never catch up; we may never be able to take full advantage of the economic opportunities that clean energy represents. It is sad, but it is true, that this is the path that our country will go on if Scott Pruitt is confirmed to lead the EPA.

I know for the public, after so many troubling nominees, that it is hard to wake up outraged for yet another nominee. But the reason to freak out about this one is very simple—clean air and clean water. Ask anyone who lived in L.A. or in Boston since the 1970s, and they can tell you that our country has clean air and clean water because of the laws that were put in place and the Agency that has done its job to implement them.

All of this will be in jeopardy with Scott Pruitt at the helm. He made his political bones trying to shred the EPA's ability to enforce the laws that protect clean air and clean water. Now this administration wants to give Mr. Pruitt the ultimate opportunity to lead the Agency that he has worked so hard to undermine. And he hasn't hidden the fact that he is utterly opposed to the EPA.

Let me highlight four statements that he has made that illustrate this point. He said: "The EPA was never intended to be our Nation's frontline environmental regulator."

The reality is that the opposite is true. The EPA was created for exactly that reason. Before the EPA existed, there were a number of offices and bureaus across the Federal Government that worked on protecting the environment, but the government saw—Congress saw—that it wasn't enough. Our Nation's waters were polluted, and the air was not clean. People were getting sick and even dying because there wasn't enough being done to protect the environment. So the intention behind the EPA was absolutely to put a single Agency on the frontlines of protecting and preserving clean air and clean water.

Not only does Mr. Pruitt disagree with the very mission of the EPA, but he also doesn't seem at all interested in the work being done by this Agency. He was asked during the confirmation process to name a single protection on the books at the EPA. Here is his answer:

I have not conducted a comprehensive review of existing EPA regulations. As attorney general, I have brought legal challenges involving EPA regulations out of concern that EPA has exceeded its statutory authority based on the record and the law in that matter.

I mean, just as a parent—forget my job as a Senator—as a parent and as a citizen, this really concerns me. I don't want to see the EPA led by someone

who is basically given a softball question in the confirmation hearing: Name something you like about the EPA. But he declines to go on the record supporting clean air or clean water.

I mean, you would think that he could just say: Well, I like the Clean Water Act; I like the Clean Air Act. He could even offer caveats, saying: I think there has been overreach, and I think there needs to be a recalibration. Say whatever you want, but he couldn't even bring himself to say he supports the Clean Air Act or the Clean Water Act. That was the second comment that he made that was disturbing.

The third one relates to a Federal standard that targets pollution that decreases visibility. Mr. Pruitt had this to say about these standards:

[They] threaten the competitive edge Oklahoma has enjoyed for years with low-cost and reliable electric generation. This low-cost energy not only benefits Oklahoma manufacturers, but gives our State a considerable edge in recruiting new jobs.

What Mr. Pruitt is referring to is actually another reason why the EPA was created in the first place. When States were in charge of environmental protections, it was often a race to the bottom. Everyone would try to lower their standards so that companies would move plants and factories to their State. And the result is exactly what you would imagine. Companies were happy to meet the lowest standard possible, leaving huge messes for the State to clean up, and that is not a good use of our taxpayer dollars.

It isn't the government's job to allow companies to make a huge mess and say: Hey, we will clean that up for you. There is no need to clean it up. We have it.

Let's look at how this has worked out for Oklahoma. I would like to read an article by journalist, author, and climate expert Eric Pooley, which was published by Time magazine:

Mercury is a deadly neurotoxin that damages the brains of the "developing fetus and young children," according to the American Academy of Pediatrics. It is spewed into the air from coal-fired power plants and other industrial sources before settling into lakes and waterways and contaminating the fish we eat.

But Pruitt's challenges against the EPA's mercury standards include a tidy piece of scientific denial, claiming "the record does not support the EPA's findings that mercury . . . pose[s] public health hazards."

After that legal challenge failed, Pruitt sued a second time to block the mercury rules—even though virtually all power plants had already complied with them at a fraction of the expected cost.

Thanks in part to the EPA rules Pruitt opposed, mercury levels in Atlantic Bluefin tuna are rapidly declining.

This isn't an abstract thing. If there are high mercury levels in fish and people eat the fish, they actually get the mercury poisoning. This happens in Honolulu all the time. We like our fish.

And people go to the ER all the time. They don't know what it is, and it turns out that it is mercury poisoning.

But Oklahomans aren't so lucky. While Pruitt was busy trying to kill national mercury rules, the number of Oklahoma lakes listed for mercury contamination was climbing. This year, the state lists 40 lakes with fish consumption advisories due to mercury levels—up from 19 listed in 2010. Eight lakes were added just this year.

Another Attorney General might have been trying to identify the sources of the pollution. But Pruitt was apparently too busy suing the EPA.

Pruitt also attacks limits on ground level ozone. The ground level ozone—better known as smog—despite the fact that ozone problems are huge and worsening in Oklahoma. The latest American Lung Association report gave all Oklahoma counties surveyed an "F" for ozone problems and found that the number of high ozone days had increased in most counties as compared to 2010 to 2012.

The argument in this article can be boiled down to a single phrase: With Mr. Pruitt leading the EPA, we can bet that as goes Oklahoma, so goes the Nation. I can't speak for the people of Oklahoma, but I can say that when it comes to these kinds of statistics on polluted air and water, we would like to pass. If you ask most people in this country, they would agree that this is not the kind of environment they want their kids to grow up in.

The fourth disturbing statement Mr. Pruitt has made is about lead. Because of the EPA we have seen lead levels in both kids and adults drop by more than 80 percent in the past few decades. This is one of the legacy achievements of this Agency. This is something the next leader of the EPA should understand, but the senior Senator from Maryland, Mr. CARDIN, raised this during a confirmation hearing. The Senator asked Mr. Pruitt if "there is any safe level of lead that can be taken into the human body, particularly a young person." Another softball question.

Here is how Mr. Pruitt answered him: "Senator, that is something I have not reviewed nor know about." This is pretty alarming because clearly he does not understand that in just 30 years this is an issue that the EPA has taken on as a high priority. This is an issue that we need the next leader to take seriously so we don't see any kind of backsliding. If you look at Mr. Pruitt's actions, they do, in fact, speak loudly about his approach to the EPA. Here is another news report:

The new administration is reportedly looking to close the Office of Enforcement and Compliance Assurance, and instead let individual program offices handle enforcement. The outlet inside EPA quoted "a source familiar with the plan" who says the Trump administration intends to "disassemble the enforcement office . . . take it, break it up, and move it back into the program offices."

Environmental advocates were quick to point out that Scott Pruitt—the Oklahoma Attorney General Trump picked to lead the EPA—made almost the same move back home. Pruitt closed his office's Environmental Protection Unit not long after he took office in 2011.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. SCHATZ. But Mr. Pruitt did more than close Oklahoma's Environmental Protection Unit. He also started a new unit solely dedicated to suing the EPA. He closed the Environmental Protection Unit and set up a unit to sue the EPA. That is all they do—the other unit that people in Oklahoma might count on to investigate water contamination or illegal dumping. Mr. Pruitt's new unit has been quite active. Their office has filed more than a dozen lawsuits against the EPA. He has sued the EPA because of the way it tackles cross-state air pollution and the Agency's limits to oil and gas pollution. He sued to allow air pollution when facilities start up, shut down, malfunction, and to stop plans to address air pollution in his home State.

He sued the EPA because he disagrees with the Clean Power Plan, which will prevent an estimated 90,000 asthma attacks every year while saving American families money on their electric bill. He sued EPA to end protections against carbon pollution from new powerplants, even though these protections will cost companies very little to implement, and he challenged the clean water rule, which the EPA says protects the streams and wetlands that form the foundation of our water resources.

This is not a comprehensive list. I think there are 17 lawsuits he has filed. Guess what. Some of them are still pending. Mr. Pruitt was asked: Will you recuse yourself from the lawsuits in which you are the plaintiff? And he refused. So he is going to be the plaintiff and the defendant.

I am sure Mr. Pruitt is a good person, I am sure he is good to his family, but he also needs to be good to the American people and faithful to the law: the Clean Air Act, Clean Water Act, and Endangered Species Act. This is the foundation of what the EPA does. He doesn't get to have an opinion about those laws. He gets to implement those laws. If he wants to run for office, he can run for office and change those laws. If he wants to referee what authorities exist on those lawsuits, he can litigate, but if he is going to be the EPA Administrator, he has to check his ideological baggage at the door, and there is only one way we can be sure that he will not take his biases to the EPA.

I don't understand why in his confirmation hearing he didn't say: Look, anywhere I brought suit, anywhere I am a plaintiff, I am out. It is not unusual for a nominee to say on certain issues: I will recuse. There is ample precedent. It was done this year. It is also just plain common sense. It is the moral thing to do, the ethical thing to do, and it is politically smart because

it is a problem that this person wants to remain plaintiff and defendant.

So it is disappointing and it is worrying. The agenda needs to uphold the Agency's mandate not to dismantle what the EPA has already done.

Senator BOOKER asked Mr. Pruitt how many kids in Oklahoma had asthma. Fair question to ask when you consider how many lawsuits Mr. Pruitt has filed against the EPA that if he wins will increase air pollution, and you can bet that more air pollution will hurt those kids who already have trouble breathing. Mr. Pruitt did not know how many kids in his home State have asthma, but here is the answer: 1 in 10—1 in 10 kids have asthma.

If Mr. Pruitt takes over the EPA, he is no longer responsible for just the kids in Oklahoma who have asthma. He is also responsible for the kids across the country and in my home State of Hawaii. There are millions of people in the United States who suffer from asthma, and for each and every one of them, not to mention the countless others at risk, Scott Pruitt guarantees that it will become harder to breathe. Scott Pruitt is going to guarantee that it becomes harder to breathe because he has sued the EPA to end the regulations that keep our air clean enough for us to breathe. Never before in the history of the Environmental Protection Agency has a President nominated someone so opposed to the mission of the EPA. Look, this administration has made it very clear where it stands on climate, on science, on protecting clean air and clean water.

We have seen climate change called the Chinese hoax. We have heard rumors that scientists will be muzzled and research stopped. We have seen the President sign a law that allows oil companies to hide what kinds of payment it is making to foreign governments in exchange for extracting oil. So there is no question that dirty energy is preferred by the current administration, but that doesn't mean the Senate has to be a rubberstamp here.

We are the Senate, and the United States Senate has a specific role under our Constitution and in our history. There comes a time where issues related to party have to be subsumed by issues related to the health and welfare of the country, and we have strayed from the bipartisan consensus that existed for decades and decades and decades, the basic premise that it is an American value in every small town, in every urban place from coast to coast, and everywhere in between, everybody likes clean air and clean water. Everybody at some point on a weekend wants to drive someplace or walk someplace and just be outside and be able to take a deep breath, enjoy your family, enjoy your friends, enjoy not having to work for 2 or 3 hours—go fishing, go hunting, go hiking, go surfing, go snowboarding, go skiing, whatever it is that people

like to do to kind of restore themselves, that depends on our commitment to a legacy, and it depends on a commitment to these statutes. It really does. It depends on our commitment to the Clean Air Act and to the Clean Water Act and to the Endangered Species Act.

I will just close with this. I have never seen the Senate in such a rush when there is not an actual deadline. I mean, we hurry when the government may shut down—and sometimes we screw that up too—but usually when we are in a hurry like this, when we are doing all night, there is a reason for it. I think it is just weird that congressional delegation trips overseas were canceled, multiple Members on a bipartisan basis were supposed to be meeting with NATO allies about 2 hours from now, but all of that got canceled.

Normally our vote is on a Thursday afternoon or a Friday morning, and this vote is at 1 p.m. on Friday. That is because somebody is bound and determined to get this vote done before those 3,000 emails between Scott Pruitt and a bunch of energy companies are disclosed. It is not a theoretical thing anymore. There was some talk about whether this was going to be disclosed. Now a judge is ordering that these emails get disclosed. Now everybody seems to be in an incredible hurry to make sure that we conduct this vote before those emails are disclosed.

I was talking to Senator WHITEHOUSE and Senator MURPHY about the content of those emails. I don't know what is in those emails, but here is what I know. I know the attorney general spent 750 days trying not to disclose those emails. I know they are between him and a bunch of energy companies. I know there seems to be a strong motivation on the Republican side to conduct the vote before we get the emails. And in the world's greatest deliberative body, it seems absolutely reasonable and consistent with our constitutional obligation to provide advice and consent on nominees and especially for a Cabinet position as important as this.

It just seems like we should probably wait to see what is in those emails. If I were a Republican on the other side, I would be very uncomfortable casting a "yes" vote, and I would be waking up Tuesday morning, probably at 1 a.m., and checking on the Internet and hoping there was nothing explosive in those emails. I hope there is nothing explosive in those emails. I don't want to know that we just confirmed someone who is inappropriate for the EPA, but we are going to know by Tuesday.

If my concerns are not well-founded, great. We can vote two Mondays from now, and we will have a new EPA nominee, but why not wait to find out what is in the emails. So I urge a "no" vote tomorrow, but more than that, I urge that we give ourselves the time to deliberate and to be a Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I would like to take this time to share with my colleagues why Scott Pruitt is unqualified to be Administrator of the EPA and why I oppose his nomination.

I just got a new job here in the Senate when the people of Illinois elected me last November, and I have a little advice for Mr. Pruitt on how to succeed in an interview. No. 1, don't go to a job interview and spend the entire time dodging questions. You don't tell the people interviewing you to go file document requests, which Mr. Pruitt can reject as attorney general, and you don't oppose policies that strengthen our energy security like the renewable fuel standard. I am concerned that the RFS will be gutted under a Scott Pruitt-led EPA.

As someone who fought to defend this great Nation, I see firsthand the price we pay for our dependence on oil imported from our adversaries. I already fought a war over oil, and I would rather run my car on American-grown corn and soybeans than oil from the Middle East. During Operation Iraqi Freedom, 50 percent of all casualties occurred during convoy operations, and 80 percent of all convoy operations were conducted to transport diesel fuel. I think it is high time we invest more energy and more money and more support into development of biofuels like ethanol.

In addition to risking lives, we are wasting resources. Annually, we spend approximately \$67.5 billion protecting global oil supplies. At home, Americans are using more gas than ever before. Yet OPEC has made it clear they are controlling the price we pay at the pump.

For example, in November of 2016, OPEC decided to cut its oil production to increase prices, and it caused a 10-percent increase in prices that very day. By December 12, prices had reached an 18-month high. We should not be risking lives and wasting money when we can use energy grown right here at home in States like mine. When we are producing more oil at home than ever before, that doesn't mean we can gut policies that are helping our Nation become energy independent. We need an EPA Administrator who will work with Congress to help us find ways to cut, not increase, our use of oil.

Scott Pruitt called the RFS unworkable. He clearly doesn't know that the renewable fuel standard is delivering triple bottom-line benefits. It is good for our security, it is good for our economy, and it is good for our climate. In my State of Illinois alone, the RFS employs more than 4,000 people and generates more than \$5 billion in economic impact. Nationwide it is supporting 86,000 direct jobs. Those are good jobs

with good wages. Those are people who are going home and paying their mortgages, sending their kids to school, and saving money toward retirement. It has helped to generate \$8.7 billion in tax revenues that go to schools, roads, and first responders.

Mr. Pruitt's failure to support the RFS is not the only reason I oppose his nomination.

During his confirmation hearing before the Environment and Public Works Committee, which I sit on, Mr. Pruitt gave vague, hollow, and evasive answers. It was clear that he either doesn't support or understand the mission of the very Agency he would like to lead.

Mr. Pruitt, the mission of the Environmental Protection Agency is to protect the basic ingredients that people need for a good life. It is to protect our air and our water. These issues, public health issues, are what he has spent his career in helping Big Oil to dismantle.

Take the issue of lead poisoning. One of the responsibilities of the EPA is to enforce our lead contamination laws that keep lead out of our air and water. When questioned at his confirmation hearing, I was shocked that Mr. Pruitt was unaware that there was no safe level of lead for children.

As a mom, this terrifies me. I remember sitting in the House Oversight and Government Reform Committee when we had hearings on the Flint water crisis. I am a mom of a 2-year-old, and at the time my baby was just 1 year old. I remember being pregnant and having my daughter. I looked out into that audience, and I saw a mom holding a baby bottle that looked exactly like one my daughter drank out of—a little bottle with a pink top on it. The water in her baby bottle that she had to make her formula with was brown. It was brown. I thought about what it would have been like for me to have been drinking that water while I was pregnant and to have fed that water to my child and to have had the choice of: Could I have afforded bottled water or would I have to feed my daughter that water? It is not acceptable, not in the greatest country on the face of the Earth.

Mr. Pruitt doesn't know there is no safe level of lead allowed in the drinking water for children? Even low levels of lead can cause permanent brain damage in kids, lower IQs, and inflict other cognitive damage. There is no excuse for our Nation's EPA Administrator to not know that basic fact. That is a serious oversight, especially in the aftermath of the Flint water crisis. Lead in schools and in public waterways is a serious problem for Illinois children as well as for the children of Michigan. It is a problem for families. It is a problem for families and for children all across this Nation.

The EPA should work proactively to prevent crises like in Flint and to protect America's water supplies, but Mr.

Pruitt's record of filing lawsuit after lawsuit that challenge the EPA's authority to carry out its mission doesn't inspire much confidence that his goals are the same as the Agency's that he seeks to lead. The American people simply cannot afford to have someone with a well-documented history of putting corporate polluters' profits before our clean air and water leading the Agency that is meant to safeguard them—the EPA.

We are only starting to learn the extent of Mr. Pruitt's conflicts of interest, and we have an opportunity to learn more about these conflicts now that a State judge in Oklahoma has ordered Mr. Pruitt to release by Tuesday potentially thousands of emails he exchanged with fossil fuel interests in his job as the Oklahoma attorney general. Senate Republicans are forcing us to vote on Mr. Pruitt before Tuesday because they know the American people will be alarmed and shocked by what his correspondence will reveal.

Mr. Pruitt has shown he is unwilling and unable to do this job. I remember, during questioning in committee, he was asked what was the role of the EPA. He spent the majority of his answer talking about the Federal Government not infringing on States' rights and talking about pulling the Federal Government and the EPA out of the States' business. Only at the very end did he add, almost as an afterthought—oh, yes—"and to safeguard the water and the air." The name of the Agency is the Environmental Protection Agency. That should have been the first thing he said, not the last.

He doesn't understand the central public health and environmental challenges that face us. Instead of siding with people, he has chosen to side with corporate polluters. He doesn't have a single environmental accomplishment to his name. He is unqualified, and I urge my colleagues to join me in opposing his nomination.

As someone who represents a farming State, I remember when President Trump came out to the Midwest and promised the American farmers that he would support the renewable fuel standard. I am deeply disappointed he has nominated someone to head the EPA who is clearly opposed to the renewable fuel standard.

I asked Mr. Pruitt several times in committee, in several different ways, if he would stand by the American farmer. I even told him what the right answer was—side with, stand with, protect the producers, and he refused to answer. He gave vague, evasive answers and refused to commit and refused to support the American farmer.

It is a no-brainer. Support the American farmer. Don't break the President's promise. Don't back away from the RFS.

Mr. Pruitt is continuing his administration's tradition of using alternative

facts. The alternative to facts is fiction, and we cannot afford to have an Administrator who questions climate change. Climate change is an urgent threat to our Nation. Increasing temperatures are causing extreme weather events at alarming rates. We are witnessing more intense droughts, wildfires, and extreme weather across this country. If we put our heads in the sand and fail to curb the pollution that drives climate change, the effects will be devastating as our air quality will worsen, which will trigger more asthma attacks and other respiratory issues for our children; our coastal communities will be threatened by sea level rise; our national security will be threatened as climate change creates instability around the world.

ADM Mike Mullen, who served as Chairman of the Joint Chiefs of Staff under the Bush and Obama administrations, had this to say about climate change:

Whatever the cause, climate change's potential impacts are sobering and far-reaching. Glaciers are melting at a faster rate, causing water supplies to diminish in Asia; rising sea levels could lead to a mass migration and displacement similar to what we saw in Pakistan's 2010 floods.

The National Intelligence Council's report, "Global Trends 2030," made similar observations.

Their report states: "Many developing and fragile states, such as in Sub-Saharan Africa, face increasing strain from resource constraints and climate change, pitting different tribal and ethnic groups against one another and accentuating the separation of various identities."

Climate change, clean air, clean water, and fighting lead contamination are not partisan issues. We don't only have these issues in red States or blue States—they are universal—and the American people expect us to make sure the head of the Agency that is charged with safeguarding these vital health priorities will be able and willing to do the job.

Since Mr. Pruitt was nominated, I have heard concerns from thousands of my constituents. Let me share a few words that I have received from my home State.

This letter is from one of my constituents from Illinois.

He writes:

I am asking you to vote "no" on Scott Pruitt's nomination as Administrator of the Environmental Protection Agency. America's clean water and air are a shining example for much of the world, and the EPA is their defender. Mr. Pruitt demonstrates no understanding of ocean acidification and the urgent risk it poses to American marine life, fishermen, and the communities that depend on them. Americans must protect our water and air from further pollution while we work collaboratively toward win-win solutions to challenges like ocean acidification. Mr. Pruitt ignores established science, and he is the wrong choice to lead the EPA. As my Senator, please vote "no" on my behalf.

I hear you, and I share your concerns, and I will be voting no on Mr. Pruitt as Administrator of the EPA.

As you may know, EPA region 5 is based in my State, in Chicago. I have heard from a number of EPA employees as well as from constituents—employees, both past and present—who are worried about the Agency they have served and loved. Here are some words from a former region 5 employee.

He writes:

Dear Senator Duckworth, I and many other former employees of the Environmental Protection Agency want to share our concern about Attorney General Scott Pruitt's qualifications to serve as the next Administrator of the EPA. Our perspective is not partisan. Having served under both Republican and Democratic Presidents, we recognize the right of a new administration to pursue new policies that protect our environment, but the EPA's Administrator must act in the public's interest and not simply advance the agendas of the industries that it regulates.

Decisions that affect the public's health or natural resources should respect the law and reflect the best scientific evidence available. Mr. Pruitt's record and public statements suggest that he does not share these values. As Oklahoma's attorney general, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards to limit mercury emissions from powerplants, reduce smog levels in cities and regional haze in parks, clean up the Chesapeake Bay, or control greenhouse gas emissions. In contrast, none of Mr. Pruitt's press releases refer to any action he has taken to enforce environmental laws or to actually reduce pollution.

Of even greater concern, his statements frequently ignore or misrepresent EPA's authority to regulate or its obligation to do so under the Clean Air or Clean Water Act. Mr. Pruitt has shown little interest in the kind of scientific and factual evidence that must guide EPA decisions. Mr. Pruitt has said that humanity's contribution to global warming is subject to considerable debate. That statement is at odds with the consensus among scientists. Mr. Pruitt fails to understand the difference between the public interest and the private interest.

It is just amazing to me that we are even here, that this man was even nominated—someone who has sued the EPA, someone who has so clearly been in partnership with the fossil fuel industry and who has not put the interests of families and children first as opposed to the interests of the fossil fuel industry, which have been guiding him all the way.

I, in fact, was shocked to learn that Mr. Pruitt closed the Oklahoma Environmental Enforcement Unit established by his predecessor. Instead, he established a new litigation team to challenge the EPA and other Federal agencies. Let me say that again. When he became the Oklahoma attorney general, he closed the Oklahoma Environmental Enforcement Unit. Instead, he chose to start a new litigation team to challenge the EPA and other Federal agencies.

I did not see any indication from him, in his confirmation hearing, that

he would not do the same once he gets to the Federal EPA. Perhaps that is the intent of the Trump administration, to bring someone in who will dismantle the EPA. That is why I am here tonight. That is why I am opposing him—because I put the needs of our children, the needs of our environment, and the needs of our national security in front of the needs of the biofuel industry. We need an Administrator who has the patience, skill, and commitment to public service in order to steer the EPA through challenges that are associated with protecting our public health.

I, too, cannot believe Mr. Pruitt has demonstrated that he has the qualities needed to lead the Environmental Protection Agency. I hope you will be happy to know that is why I am opposing his nomination.

A constituent wrote to me:

I am writing to ask that you raise your voice in Washington against Scott Pruitt as President Trump's nominee for EPA Administrator.

The EPA is an organization driven by science and dedicated to protecting the climate and environment, not just for Americans but for all citizens of the Earth. Mr. Pruitt, on the other hand, disagrees with a vast majority of the scientific establishment as to the extent of climate change and humanity's role in it. He has made a name for himself by opposing EPA's policies and missions in the past.

It is beyond me that anyone believes Mr. Pruitt could effectively head the EPA and lead it further in its mission to ensure we are responsible stewards of this planet's environment and resources. I ask that you do your duty as a citizen of this planet and vote "no" on Mr. Pruitt for this position.

The EPA is an organization driven by science and dedicated to protecting the climate and environment, not just for Americans, but for all nations of the Earth. Mr. Pruitt, on the other hand, disagrees with the vast majority of the scientific establishment. Vote no on Mr. Pruitt for this position.

I hope you all do your duty as representatives of the American people by vocalizing our concerns with Mr. Pruitt to your fellow Senators, urging them to see the fault in President Trump's nomination.

Well, I am doing exactly that. That is why I am here today—to make sure that our colleagues understand how poorly suited Mr. Pruitt is to this job of Administrator of the Environmental Protection Agency.

Here is a letter from a Ph.D. student from Northwestern University.

As a Northwestern University doctorate student, I have chosen to devote my life to the pursuit of scientific knowledge. I am deeply troubled by the nomination of Scott Pruitt, and I am really concerned about the upcoming Senate vote.

The head of the EPA must uphold basic science and should not be colluding with the polluters they are required to regulate. Scott Pruitt cannot be trusted to head the EPA, an agency that is charged with protecting all Americans from threats to their water, air, and health.

Pruitt is also out of step with the vast majority of scientists, not only those working

in the field of climate change, but also those who have dedicated their lives to protecting our air and water. As a scientific agency charged with protecting the public's health according to the best and most recent science, the EPA deserves to be headed by someone with a scientific background, or at least an appreciation for scientific truth.

I strongly urge you as my Senator to stand up for me and my neighbors, and I oppose this nomination.

Well, I get it. I am with you. I, of course, did not pursue a Ph.D. in a scientific field, but it doesn't take a Ph.D. in a scientific field to know that a man who has sued the EPA over a dozen times is not someone suitable to lead the EPA; that a man who said that he doesn't know whether climate change truly is scientific fact should not be the man who is going to head the Agency enforced with dealing with the effects of global warming. He should not be the person who is in charge of the Agency that will be protecting our air and our water supply.

We have not even touched on what the costs will be to this Nation if we continue to neglect the well-being of our environment. Rising rates of asthma of our children will mean higher medical costs. Lead in the water supply causing cognitive damage to our children will mean that additional resources must be spent in our schools in order to provide those children with the best opportunities that they can have to grow and thrive and will also result in greater medical bills to treat those children for the rest of their lives.

If you don't believe me, just ask the people of Flint, MI. They are dealing with it every single day—every single day—those parents of children who have now been affected by the lead in that water supply. And Mr. Pruitt chooses to defend and protect the needs of the fossil fuels industry over the needs of our children. That is not someone worthy of representing the American people. That is not someone worthy of heading this Agency.

Let's just stick to Mr. Pruitt's own words, not the words of others, not the words of my constituents, but his own words. This is what he said about the Agency that he has been chosen to lead. Mr. Pruitt describes himself as "a leading advocate against the EPA's activist agenda." He said this on his LinkedIn page. We accessed this in January of 2016.

On the role of the EPA he says:

I believe the EPA has a role to play in our Republican form of government. Air and water quality issues can cross State lines and can sometimes require Federal intervention. At the same time, the EPA was never intended to be our Nation's frontline environmental regulator.

This was his testimony before the House Committee on Science, Space, and Technology in May of 2016.

I disagree with you. I disagree with you, Mr. Pruitt, because I was there at

that hearing where there were both State EPA officials as well as Federal EPA officials trying to explain why they allowed Detroit's children to be poisoned. And the Federal EPA official knew about the lead in the water supply—in fact, had discovered it—and they were so timid about pursuing it that they waited too long and allowed the State to continue to move forward. Those Federal EPA officials were indeed on the frontline.

I asked the Regional Administrator, Would you not rather be in front of this committee today explaining why you acted too quickly to save the health and the future well-being of the children of Flint than to be here in front of us today explaining why you allowed them to be poisoned, and not exercise your right as the Federal EPA to step in when the health and well-being of American citizens were at stake?

So Mr. Pruitt, I disagree with you. The EPA was indeed intended to be one of our Nation's frontline environmental regulators.

On climate change, Mr. Pruitt has said:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connections to the actions of mankind. That debate should be encouraged in classrooms, public forums, and the halls of Congress.

Really. He is actually arguing that we should be teaching false science and should be encouraging it in classrooms and public forums. I can't think of something that would be a greater disservice to America than for the EPA Administrator to be someone who actually looks at scientific data—proven scientific data, facts—and rejects them. Yet, we know why he does. We know from his history. We know from his record in Oklahoma. He does it because the fossil fuel industry tells him so.

This is what he said about the Clean Power Plan:

The President could announce the most "state friendly" plan possible, but it would not change the fact that the administration does not have the legal authority under the Clean Air Act to regulate carbon emissions.

Yes, it does. Yes, it does, Mr. Pruitt. He just said that in August of 2015.

Here is what he said on methane regulation:

My concern is that EPA is employing its flawed methodology in order to rationalize new and unjustified Federal regulations to solve a methane emissions problem that simply does not exist.

This man does not believe in global warming. This man does not believe in scientific data.

If you don't believe the scientists, at least look at what is happening with the storm systems, with what is happening to the climate that is changing and affecting this Nation with in-

creased drought, increased flooding, more severe weather, and erosion. We had the first climate change refugees of Louisiana where people who have lived for generations in the gulf have now seen their islands washed away and have to be resettled.

Even if you don't believe in the data, believe your eyes and believe the facts.

Mr. Pruitt also said:

The record does not support EPA's finding that mercury poses public health hazards. Human exposure to methylmercury resulting from coal-fired EGUs is exceedingly small.

That is simply untrue.

On legislating, he has said:

Legislation should not be "we like clean air, so go make clean air." That is what bothers me, that Congress gives this general authority to EPA.

On Oklahoma's race to the bottom on environmental regulations—this has to do with the Federal regional haze standards—Mr. Pruitt said:

These standards threaten the competitive edge Oklahoma has enjoyed for years with low cost and reliable electric generation. This low-cost energy not only benefits Oklahoma manufacturers but gives us a considerable edge in recruiting new jobs.

He would rather increase the haze and the pollution in the environment. He would rather have an economic edge at the expense of the people of Oklahoma who must live and breathe more polluted air.

This is what he said on the renewable fuels standard:

The evidence is clear that the current ethanol fuel mandate is unworkable. The decision by the EPA to lower that standard is good news for Oklahoma consumers.

What he means is that it is good news for Oklahoma's fossil fuel producers. In fact, the renewable fuel standards have been a success and we should be adhering to them and we should be keeping the renewable fuel standards and supporting the producers.

I will bet on the American farmer any day of the week. Our farmers work hard. Our farmers produce the corn for ethanol right here in the United States. I would rather invest in them than in foreign oil. I would rather invest in them and in a fuel that is clean-burning versus a fuel that pollutes the environment for the next generation of our Nation.

Even if you don't believe in the science, believe in the dollars. Ethanol and biofuels employ tens of thousands of hard-working Americans all across this great Nation. It accounts for large proportions of the economies of the farming States, including Illinois, Iowa, Ohio. So even if you don't believe, you should at least support our farming communities.

It is a fact that Scott Pruitt is simply too extreme to lead the EPA. He once wrote an entire op-ed questioning the science of climate change. He said:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled. Scientists continue

to disagree about the degree and extent of global warming and its connection to the actions of mankind.

This is according to an op-ed written by Scott Pruitt in the *Tulsa World*.

He goes on:

Healthy debate is the lifeblood of American democracy, and global warming has inspired one of the major policy debates of our time. That debate is far from settled.

I agree that healthy debate is important to democracy, but when that debate is over and becomes an item of fact, it is just simply silly, and in the case of clean air and clean water and climate change, it gets to be dangerous.

His climate denial goes against the scientific community. Ninety-seven percent of scientists, including those at NASA, agree that human activities are causing climate change.

The 18 major national scientific organizations issued a joint statement with the following conclusion:

Observations throughout the world make it clear that climate change is occurring and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver.

Mr. Pruitt's climate denial is also against the will of the American people. In fact, a New York Times/Stanford poll from 2015 showed that 77 percent of Americans support government action to combat climate change. This poll found that 83 percent of Americans, including 61 percent of Republicans, say that if nothing is done to reduce emissions, global warming will be a serious problem in the future. Seventy-seven percent of Americans, according to this poll, say that the Federal Government should be doing a substantial amount to combat climate change.

In a Wall Street Journal/NBC poll from 2009, 67 percent of Americans stated that they supported EPA action to curb carbon pollution from powerplants, while only 29 percent opposed them. In that same poll, 57 percent supported requiring companies to cut emissions even if it means higher power bills. This was an increase from 48 percent in October of 2009 to the poll that was conducted in June of 2014.

Mr. Pruitt's blatantly anti-environment agenda threatens public health. He is unfit to lead an Agency that he sued at every turn to block protections for clean air and water. He sued the EPA over the legality of the Clean Power Plan. He claims that the EPA does not have the authority under the Clean Air Act to regulate greenhouse gas emissions.

Since becoming Oklahoma's top legal officer in 2011, Mr. Pruitt has unsuccessfully attempted to stop vital protections of public health—unsuccessfully. This includes standards for reducing soot and smog pollution that crosses interstate lines; protections against emissions of mercury, arsenic,

acid gases, and other toxic pollutants from powerplants; and standards to improve air quality in national parks and wilderness areas. Each time he has done this, he has failed. Yet he continues to file suit.

He did many of these suits in conjunction with the fossil fuel industry. Some of those suits are still outstanding. Yet he has said—he has refused to commit to recusing himself from any of these lawsuits that may come in front of the EPA while he is the Administrator of the Agency. That is a conflict of interest. He will simply become the plaintiff, the judge, and the jury if he does not recuse himself. But of course that is his goal. His goal is to dismantle the EPA. His goal is to dismantle the Clean Water Act. His goal is to take away the authority of the EPA to regulate and protect those activities that affect our environment.

Mr. Pruitt launched three separate failed lawsuits against EPA's clean air rules, the regional haze cross-state air pollution rule, and the mercury and air toxics protections, otherwise known as MATs. The Supreme Court flat-out rejected Mr. Pruitt's challenges to the EPA's mercury standards. Thank God, because it protects millions of children from the effects of mercury, arsenic, and other dangers neurotoxins from coal plants.

Mr. Pruitt wants to block the EPA's clean water rule, which will protect the drinking water for over 117 million—that is one in three—Americans. One in three Americans gets drinking water from streams that lacked clear protections before the clean water rule.

According to analysis of over 1,200 peer-reviewed scientific reports, small streams and wetlands play a critical role in the health of larger downstream bodies, such as rivers, lakes, bays, and coastal waters.

Mr. Pruitt doesn't even want the EPA to study fracking's potential links to water contamination. As recently as 2014, he sent a letter to the EPA Office of Inspector General warning against preliminary research into threats to water resources posed by hydraulic fracturing. He said he believed EPA's efforts to study whether fracking was linked to groundwater contamination was politically motivated. He is even afraid of a study. Not only is he trying to block the EPA's ability to regulate, he doesn't even want the EPA to study it. He doesn't even want it to have the chance to develop the data to show that our water supply is under danger from fracking.

This man doesn't believe in scientific data, but he is afraid of it. If he weren't afraid of it, he would support these studies because they would show that he was right. But here is the problem: He is not right. He is wrong. The scientific data shows that such activities pollute our water supply.

Mr. Pruitt has repeatedly failed to act to protect the people of Oklahoma

from increasingly powerful earthquakes caused by fossil fuel extraction through the process of fracking as well. We have had a string of level 5 magnitude earthquakes hit the State of Oklahoma. Scientists have indicated that they are being caused by a dramatic rise in the use of hydraulic fracturing—fracking—to produce oil and gas. The problem lies in the massive volumes of wastewater unearthed in the process of unlocking oil and gas. Operators typically dump salty wastewater, injecting high volumes of fluid into the disposal wells dug thousands of feet below the Earth's surface, but the pressure from wastewater is wreaking havoc on Oklahoma's fault lines.

The Oklahoma Geological Survey bluntly concluded last year that it was very likely that the majority of earthquakes that ripped through the central and northern regions of the State were caused by this process of injecting wastewater into disposal wells. This was reported by NBC News in November of 2016.

In 2016, the National Review reported that Mr. Pruitt compared taking on Big Oil to offenses committed by the British leading to the American Revolution. It said:

The United States was born out of a revolution against, in the words of the Declaration of Independence, an "arbitrary government" that put men on trial for "pretended offenses" and "abolish[ed] the Free System of English laws." Brave men and women stood up to that oppressive government, and this, the greatest democracy of them all, one that is governed by the rule of law and not by men, is the product.

Some of our States have forgotten this founding principle and are acting less like Jefferson and Adams and more like George III.

A group of Democratic attorneys general has announced it intends to criminally investigate oil and gas companies that have disputed the science behind manmade global warming. Backed by green energy interests and environmental lobbying groups, the coalition has promised to use intrusive investigations, costly litigations, and criminal prosecutions to silence critics of its climate change agenda. This is from the National Review.

He is comparing the efforts to take on Big Oil to offenses committed by the British leading to the American Revolution. I will take on Big Oil any day. I think it is important for our Nation's future.

As we have heard during the course of this debate, those of us who are troubled by the prospect of Mr. Pruitt becoming EPA Administrator believe that the process to this point has been marred by his failure to provide us with the information we feel we need to evaluate his suitability to serve in this critical role. Meanwhile, our colleagues on the other side of the aisle argue that Mr. Pruitt has been fully forthcoming. So let's put this dispute

aside and turn our attention to a question Mr. Pruitt did answer. It may be among the most revealing of his responses. Unfortunately, what his answer reveals is the precise reason so many of us and so many of the people we represent are opposed to his confirmation and convinced he is absolutely the wrong person to head the agency.

Senator CARPER asked Mr. Pruitt: Are there any other EPA regulations that are on the books today that you do support?

Mr. Pruitt declined to name a single one. Not one. He has many that he could choose from. In fact, the question should have been something of a softball, in my view, giving him a chance to embrace the EPA's core mission as a public health Agency. He couldn't find a single regulation that he could support within the EPA. The man who is supposed to be heading the EPA could not think of a single regulation of this Agency that he could support.

Instead, what Mr. Pruitt does not seem to grasp is that EPA regulations are not simply policies to be litigated. In reality, they are lifesaving protections for so many Americans, and they create millions of dollars of net benefits.

Let's take a look at some of the public health environmental protections Mr. Pruitt cannot bring himself to support.

The mercury and air toxic standards have been projected to save up to 11,000 lives annually from premature deaths—11,000 lives annually from premature deaths, saved because of these regulations. They also prevent heart attacks and avoid 5,700 emergency room visits. That translates into over \$80 billion in net benefits in a single year. That is a lot of lives saved, illnesses avoided, and economic benefits created that a would-be EPA Administrator can't bring himself to support.

Of course, we should have expected Mr. Pruitt to name that rule since he has sued to block it twice, the second time being after EPA modified the rule to address concerns raised by the Supreme Court. Perhaps the number of rules we could expect Mr. Pruitt to support is a bit smaller than we might have thought since he blocked so many of them. In case after case after case, he has sued to block the EPA from working to save lives, prevent illnesses, and create economic benefits.

He has sued on behalf of Oklahoma to block the cross-state air pollution rule, otherwise known as the good neighbor rule. That rule cuts the pollution that leads to dangerous, sometimes deadly, urban smog and soot. When he sued, he was suing to block the American public from enjoying the following benefits: up to 34,000 lives saved per year, along with some \$280 billion in health benefits.

When Mr. Pruitt brought an action against EPA's health-based standards

for ground-level ozone, he was standing in opposition to the protections that would help avoid 660 premature deaths and over 230,000 asthma attacks, while creating \$4.5 billion in health benefits net of cost. Even if you don't believe in the science, you should at least believe in the dollars and cents of the lives saved. Yet he continues to sue the EPA to oppose these regulations.

Although Mr. Pruitt has been a tireless litigator, he has not challenged every one of EPA's public health protections. But still, when asked, the man who wants to become the Administrator of the EPA could not name a single regulation of the Agency that he is about to take charge of that he supported. That means, for example, Mr. Pruitt probably doesn't support a rule that reduces the sulfur in gasoline so that emission control devices on cars can work more effectively. Don't we all want cars to work effectively? I guess he doesn't. This particular rule stands to create net benefits of up to \$17.5 billion by 2030. Those dollar figures include the benefit of saving up to 2,000 lives and preventing 2,220 hospital admissions and asthma-related emergency room visits.

In 2015, the EPA set standards for the emissions of toxic air pollutants at refineries. As a result, 1.4 million fewer people will be exposed to cancer risks, yielding a 15- to 20-percent reduction in cancer incidents linked to refinery air pollution. According to his answer, Mr. Pruitt—who is seeking to be the EPA Administrator—doesn't support those advancements in public health.

He also doesn't support rules that are protecting the brain development of our children from exposure to lead in both gasoline and paint. Otherwise, he may have answered my colleague Mr. CARPER by saying that he supported the highly successful gasoline lead phaseout that dates all the way back to 1988. That regulation produced health benefits to the tune of over \$6 billion. He didn't even indicate that he supports a rule addressing childhood lead exposure and renovation repair and painting.

Mr. Pruitt didn't even tell us that he supports rules that put or keep money in the pockets of families and businesses along with the environmental benefits they deliver.

EPA's greenhouse gas and fuel efficiency standards for cars and light-duty trucks are calculated to save families \$1.7 trillion—that is a "t"—in fuel costs.

The EPA's 2012 rule limiting the emissions of volatile organic compounds in natural gas production were calculated to create up to \$19 million in cost savings in 2015 alone because of the value of the material recovered in the process of controlling emissions. Those benefits, however, did not inspire Mr. Pruitt to support them.

The list of health protections Mr. Pruitt does not support goes on and on.

It includes health-based standards for fine particles or soot which will achieve between \$3.7 billion and \$9 billion in health benefits net of cost.

All of the rules I have mentioned are just a representative sample, nowhere near an exhaustive list.

When Mr. Pruitt declined to name a single environmental regulation he supported, he showed us how little he supports the central mission of the EPA, which is not to produce rules and regulations but to take action that creates health, environmental, and economic benefits for the American people.

Clearly, along with much of the rest of his record, Mr. Pruitt is declining to tell us he does support the health and environment protection EPA has established. It shows why he is not a suitable candidate to lead this Agency. He has shown throughout his career that he has a blatantly anti-environmental agenda, and this agenda threatens public health. He is not fit to lead this Agency—an Agency that he has sued every single chance he has gotten to block protections for clean air and water. I wonder why he does that. I wonder why.

Well, this might be a reason why. According to the National Institute on Money and State Politics—we accessed this in December of last year, just a few months ago—it appears that Mr. Pruitt has received over \$314,000 from fossil fuel industries since 2002. According to them, Scott Pruitt has received a total of \$314,996. He received \$8,201 in 2002, \$76,970 in 2006, \$112,150 in 2010, and \$117,775 in 2014.

It keeps growing and growing. I guess he is being rewarded by the fossil fuel industry for suing the EPA over and over. I can't imagine why they would continue to give him more money, other than the fact that he keeps suing the EPA.

He has used letters written by Devon Energy lawyers to send to the EPA. According to the New York Times, he sent a letter to the EPA from his own office that was written by lawyers of Devon Energy, one of Oklahoma's big oil and gas companies, and was brought to him by their chief lobbyist. Their chief lobbyist, Mr. William Whitsitt, at the time directed government relations for the company, and had presented a note to Mr. Pruitt's office. Mr. Pruitt had taken Devon's draft, copied it onto State government stationery with only a few word changes and sent it to Washington with the attorney general's signature.

I don't think that is acceptable, and I certainly don't think that it is a suitable way for someone who is going to head the EPA to conduct himself.

Mr. President, I ask unanimous consent to have printed in the RECORD a January 17 letter from the African American environmental justice community leaders.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 17, 2017.

Hon. JOHN BARRASSO,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. THOMAS R. CARPER,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATORS BARRASSO AND CARPER:
Please name one achievement by Scott Pruitt, as Oklahoma State Attorney General, that has improved the environment or protected civil rights. Don't bother to Google it because the answer is NONE.

As the African American leaders of environmental justice organizations, we urge the Senators serving on the Environment and Public Works Committee to oppose the confirmation of Scott Pruitt as Administrator of the U.S. Environmental Protection Agency. We are outraged that Mr. Pruitt promises to set back and dismantle the policies and programs we have worked for more than 30 years to develop with community organizations across the nation. These policies were developed pursuant to both federal civil rights laws and environmental laws in order to remove racial disparities in environmental protection.

As you know, the Senate's Environment and Public Works Committee has scheduled a hearing on January 18, 2017 to examine the nomination of Mr. Pruitt to the office of the EPA Administrator by President-Elect Donald Trump. There is nothing in Mr. Pruitt's record as the current Oklahoma State Attorney General to demonstrate that he would be dedicated to the mission of the EPA, which is to protect human health and the environment. Nor does his career indicate any action to improve environmental conditions in people of color communities, who are disproportionately burdened with pollution.

Mr. Pruitt seeks to rise to the position of EPA Administrator as a reward for his efforts to block the EPA from mitigating the harmful effects of pollution "outside the fence-line" of toxic industries.

Let's be clear: the people who live beyond the fence of polluting industrial facilities and suffer the acute, chronic, cumulative and synergistic effects of exposure to pollution are predominantly African American and other people of color.

Mr. Pruitt appears to relish the opportunity to remove standards that are protective of our basic rights to a healthy and safe environment. Case in point: Mr. Pruitt's dogged effort to axe the Obama Administration's Clean Power Plan would have devastating effects on predominantly African American communities. The Clean Power Plan requires the reduction of carbon pollution from power plants. It is the first federal air quality standard to establish requirements for states to achieve environmental justice. These requirements are based on the egregious fact that 78% of power plants are disproportionately located in close proximity to people of color and poor communities. The Clean Power Plan recognizes the vulnerability of people of color and poor communities to the disastrous effects of climate change, which is brought on by the burning of fossil fuels. In the U.S., the largest source of pollution driving climate change is power plants. Additionally, this air quality standard direct states to ensure meaningful and effective participation of vulnerable communities in developing state plans for reducing power plant pollution.

We recognize that the biggest climate and environmental threats to our nation and planet are fueled, in part, by racial disparities in environmental protection. Industrial sites and major transportation routes are disproportionately located in and around predominantly African American neighborhoods, where residents are daily exposed to the smokestack and vehicle emissions that warm the planet as well as trigger asthma attacks and cause other severe health problems. We cannot effectively confront the threats of climate change by confirming Mr. Pruitt, a climate denier, to the post of EPA Administrator. We also cannot pursue remedies for racial disparities in environmental protection with Mr. Pruitt at the helm of the EPA, as he has shown himself to be hostile to preventing pollution that occurs disproportionately in communities of color.

We need an EPA Administrator who will work to remedy the persistent and pervasive problem of environmental racism that results in:

79% of African Americans living in polluted neighborhoods;

African American children being three to five times more likely than white children to be hospitalized or die from asthma;

African Americans in 19 states being more than twice as likely as whites to live in neighborhoods with high pollution levels, compared to Hispanics in 12 states and Asians in 7 states;

more than 68% of African Americans living within 30 miles of a coal-fired power plant—the distance within which the maximum negative health effects of the smokestack plume are expected to occur—compared with 56% of whites and 39% of Latinos who live in the same proximity to a coal-fired power plant;

African Americans being more vulnerable than whites to climate change, and less likely than whites to recover from disastrous weather events;

the percentage of African Americans living near the fence line of a chemical plant is 75% greater than for the US as a whole, and the percentage of Latinos is 60% greater; and

predominantly African American neighborhoods with households incomes between \$50,000 and \$60,000 being more polluted than predominantly white neighborhoods with households incomes below \$10,000.

There is nothing in Mr. Pruitt's record as Oklahoma State Attorney General to indicate that he would be sensitive to and willing to help communities throughout the United States, where African Americans and other people of color disproportionately suffer and die from unhealthy environmental conditions, which also contribute to climate change. For all of the reasons stated above, we urge you to take a stand in opposing the confirmation of Mr. Pruitt as EPA Administrator.

Should you have any questions, please do not hesitate to contact Dr. Beverly Wright, Executive Director of the Deep South Center for Environmental Justice, Inc.

Sincerely,

Dr. Beverly Wright, Executive Director, Deep South Center for Environmental Justice, Inc.; Dr. Robert D. Bullard, Distinguished Professor, Urban Planning and Environmental Policy, Texas Southern University; Ms. Peggy Shepard, WeACT for Environmental Justice; Rev. Lennox Yearwood Jr., President/CEO, Hip Hop Caucus; Ms. Francis Gilcrest, President, NAACP—Flint Branch; Dr. Charlotte Keys, Executive Director, Jesus People Against Pollution; Rev. Leo Woodberry, Director, Kingdom Living Temple; Mrs. Sylvia Scineaux-Richard,

President, East New Orleans Advisory Commission; Mr. Hilton Kelley, Founder & Director, Community In-Power & Development Association; Mr. Kali Akuno, Co-Director, Cooperation Jackson; Mr. David Fellows, Dehlon Chair of Environmental Studies, Director, Global Environmental Justice Project, University of California, Santa Barbara; Ms. Sharon E. Lewis, Executive Director, Connecticut Coalition for Environmental Justice.

Major Joe Womack, Vice-President, Mobile Environmental Justice Action Coalition; Mr. Arthur Johnson, Chief Executive Officer, Lower Ninth Ward Center for Sustainable Engagement; Ms. Katherine T. Eglund, Chairperson, Environmental and Climate Justice Committee, NAACP National Board of Directors; Ms. Rebecca O. Johnson, Consultant, Road Map Consulting, c/o Common Counsel Foundation; Ms. Donele Wilkins, President/CEO, Green Door Initiative; Rev. James Caldwell, Executive Director, Coalition of Community Organizations; Dr. Mildred McClain, Executive Director, Harambee House, Inc.; Ms. Ruth Story, Executive Director, Education, Economics, Environmental, Climate and Health Organization; Mr. Derrick Evans, Director, Turkey Creek Community Initiatives; Mrs. Dorothy McWilliams, Concerned Citizens for Melia; Rev. Calvin Avant, Director, Unity in the Family Ministry; Ms. Bridgett Murray, Director, Achieving Community Tasks Successfully; Mr. Brian Butler, Communications Outreach, Director, Air Alliance Houston.

Ms. DUCKWORTH. Mr. President, as is stated in this letter, it says:

As the African American leaders of environmental justice organizations, we urge the Senators serving on the Environment and Public Works Committee to oppose the confirmation of Scott Pruitt as Administrator of the U.S. Environmental Protection Agency. We are outraged that Mr. Pruitt promises to set back and dismantle the policies and programs we have worked for more than 30 years to develop with community organizations across the nation.

There is nothing in Mr. Pruitt's record as current Oklahoma State Attorney General to demonstrate that he would be dedicated to the mission of the EPA, which is to protect human health and the environment. Nor does his career indicate any action to improve environmental conditions in people of color communities, who disproportionately burdened with pollution.

Mr. Pruitt appears to relish the opportunity to remove standards that are protective of our basic rights to a healthy and safe environment. Case in point: Mr. Pruitt's dogged effort to axe the Obama Administration's Clean Power Plan would have devastating effects on predominantly African American communities.

Mr. President, I ask unanimous consent to have printed in the RECORD a January 17 letter from the leaders of over 20 regional and nationwide Latino civic organizations to Members of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[January 17, 2017]

LATINOS OPPOSE SCOTT PRUITT FOR EPA ADMINISTRATOR

DEAR SENATOR: As Latino leaders, members and representatives of the undersigned organizations committed to efforts that support our communities' health, advancement,

safety and well-being, and on behalf of the concerned communities we represent, we strongly urge you to oppose the president-elect's nominee to lead the U.S. Environmental Protection Agency, Oklahoma Attorney General Scott Pruitt.

Mr. Pruitt has made a career of suing the Environmental Protection Agency, and has used his office to attack lifesaving public health protections time and time again. His record exhibits a reckless disregard for public health and a deeply troubling contempt for the very mission of the agency he has been nominated to lead. Mr. Pruitt denies the science of climate change, suing to block national standards to fight this crisis; he has fought against clean air protections, opposing the Mercury and Air Toxics standard which would prevent premature deaths and asthma attacks; he has sued the EPA to overturn clean water safeguards for more than half of the nation's waterways, including streams that feed into the drinking water supplies of hundreds of millions of Americans. Scott Pruitt is simply unfit to lead the EPA and, if confirmed, would pose a danger to our communities.

Latinos overwhelmingly support actions to fight climate change. We recognize the importance of protecting the environment: 97 percent of Latinos agree we have a moral obligation to take care of our environment. In December, the National Hispanic Leadership Agenda, a coalition of 40 of the leading Latino organizations nationwide, voiced their opposition to Mr. Pruitt's nomination, stating that they were "particularly troubled by this choice," and pointing to the prevalence of asthma and other respiratory diseases among Latinos living near polluting power plants, truck routes, and factories; as well as the large number of Latinos who are employed in outdoor occupations, including agriculture, where they are exposed to health hazards, bad air quality, and the impacts of extreme weather.

Americans did not vote for more air pollution, toxics, or dirty water, nor did they vote to undo critical protections that safeguard our children and communities. We did not vote for more climate change or dirty energy. Putting the EPA in Mr. Pruitt's hands does just that: he will threaten our children's health, turn back the clock on landmark efforts to clean up our air, water and climate, and imperil the United States' position as a global clean energy leader.

We call on you to publicly declare your commitment to stand up for our right to breathe clean air, drink clean water, and be protected from pollution. We urge you to vote against all legislative proposals that would in any way repeal, weaken or undermine these rights, laws and safeguards. Our community is counting on you to protect us by voting to reject Scott Pruitt's nomination for Administrator of the U.S. EPA.

Ms. DUCKWORTH. Stated in this letter, it says:

As Latino leaders, members and representatives of the undersigned organizations committed to efforts that support our communities' health, advancement, safety, and well-being, and on behalf of the concerned communities we represent, we strongly urge you to oppose the president-elect's nominee to lead the Environmental Protection Agency. Latinos overwhelmingly support actions to fight climate change. We recognize the importance of protecting the environment: 97 percent of Latinos agree we have a moral obligation to take care of our environment. In December, the National Hispanic Leadership Agenda, a coalition of 40 of the leading

Latino organizations nationwide, voiced their opposition to Mr. Pruitt's nomination.

Putting the EPA in Mr. Pruitt's hands will threaten our children's health, turn back the clock on landmark efforts to clean up our air, water and climate, and imperil the United States' position as a global lead energy leader.

I am also deeply concerned that we are holding this vote so quickly, when not all of the evidence of Mr. Pruitt's activities has been brought to light.

The fact of the matter is that we are still waiting for almost 2,000 emails to be released from his time as the Oklahoma State attorney general. Only on Thursday afternoon was there a ruling that said those emails must be released. Yet we are going to hold a vote, and my colleagues will be forced to make a decision on behalf of the constituents of their great States based on incomplete information.

I don't understand the need to rush this. I don't understand why we would hold this vote so soon, so quickly, when there are other nominees for other positions in the President's Cabinet whom we could vote on, who do not have 2,000 hidden emails waiting to be released, waiting to be reviewed.

I served on the Benghazi Committee in the House. I have to tell you that one of the refrains I heard over and over from my Republican colleagues, Republican voices, was that they just wanted to pursue transparency, and they wanted to see all the emails, and yet the very same people who were so dogged not too long ago now don't care to look at any emails when it comes to Mr. Pruitt.

Why is that? Why are we so eager to have this vote? Do you just want him to start dismantling the EPA that much sooner? Can't we wait a week? I think we are doing a disservice to the gentlemen and women who serve in this body. They deserve to have complete information before we hold this vote. I think those emails that would be disclosed deserve to be looked at. They deserve the light of day—transparency—so that we can continue to evaluate and truly have more complete information on Mr. Pruitt and his time as the Oklahoma State attorney general before we pass this vote.

Mr. President, I ask unanimous consent to have printed in the RECORD a February 6 letter from nearly 500 former employees of the EPA to Leader MCCONNELL.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 6, 2017.

Subject: Concerns about Scott Pruitt's qualifications to serve as EPA Administrator.

Hon. MITCH MCCONNELL,
Washington, DC.

DEAR SENATOR MCCONNELL AND THE U.S. SENATE: We write as former employees of the Environmental Protection Agency (EPA) to share our concerns about Oklahoma Attorney General Scott Pruitt's qualifications to

serve as the next EPA Administrator in light of his record in Oklahoma. Our perspective is not partisan. Having served under both Republican and Democratic presidents, we recognize each new Administration's right to pursue different policies within the parameters of existing law and to ask Congress to change the laws that protect public health and the environment as it sees fit.

However, every EPA Administrator has a fundamental obligation to act in the public's interest based on current law and the best available science. Mr. Pruitt's record raises serious questions about whose interests he has served to date and whether he agrees with the longstanding tenets of U.S. environmental law.

Our nation has made tremendous progress in ensuring that every American has clean air to breathe, clean water to drink and uncontaminated land on which to live, work and play. Anyone who visits Beijing is reminded of what some cities in the U.S. once looked like before we went to work as a people to combat pollution. Much of EPA's work involves preserving those gains, which should not be taken for granted. There are also emerging new threats as well as serious gaps in our environmental safety net, as the drinking water crisis in Flint, Michigan, painfully demonstrates.

Our environmental laws are based on a partnership that requires EPA to set national standards and gives states latitude when implementing them so long as certain minimum criteria are satisfied. This approach recognizes that Americans have an equal right to clean air and water, no matter where they live, and allows states to compete for business without having to sacrifice public health or environmental quality.

Our environmental laws include provisions directing EPA to allow for a "margin of safety" when assessing risks, which is intended to limit exposure to pollutants when it is reasonable to expect they may harm the public health, even when all the scientific evidence is not yet in. For example, EPA's first Administrator, Bill Ruckelshaus, chose to limit the amount of lead in gasoline before all doubt about its harmfulness to public health was erased. His action spared much of the harm that some countries still face as result of the devastating effects of lead on human health. Similarly, early action to reduce exposure to fine particle pollution helped avoid thousands of premature deaths from heart and lung disease. The magnitude and severity of those risks did not become apparent until much later.

Mr. Pruitt's record and public statements strongly suggest that he does not share the vision or agree with the underlying principles of our environmental laws. Mr. Pruitt has shown no interest in enforcing environmental laws, a critically important function for EPA. While serving as Oklahoma's top law enforcement officer, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards to limit mercury emissions from power plants, reduce smog levels in cities and regional haze in parks, clean up the Chesapeake Bay and control greenhouse gas emissions. In contrast, none of Mr. Pruitt's many press releases refer to any action he has taken to enforce environmental laws or to actually reduce pollution. This track record likely reflects his disturbing decision to close the environmental enforcement unit in his office while establishing a new litigation team to challenge EPA and other federal agencies.

He has claimed credit for an agreement to protect the Illinois River that did little more

than confirm phosphorus limits established much earlier, while delaying their enforcement another three years.

In a similar vein, Mr. Pruitt has gone to disturbing lengths to advance the views and interests of business. For example, he signed and sent a letter as Oklahoma Attorney General criticizing EPA estimates of emissions from oil and gas wells, without disclosing that it had been drafted in its entirety by Devon Energy. He filed suit on behalf of Oklahoma to block a California law requiring humane treatment of poultry. The federal court dismissed the case after finding that the lawsuit was brought not to benefit the citizens of Oklahoma but a handful of large egg producers perfectly capable of representing their own interests. To mount his challenge to EPA's rule to reduce carbon pollution from power plants, he took the unusual step of accepting free help from a private law firm. By contrast, there is little or no evidence of Mr. Pruitt taking initiative to protect and advance public health and environmental protection in his state. Mr. Pruitt's office has apparently acknowledged 3,000 emails and other documents reflecting communications with certain oil and gas companies, but has yet to make any of these available in response to a Freedom of Information Act request filed more than two years ago.

Contrary to the cooperative federalism that he promotes, Mr. Pruitt has suggested that EPA should refrain from trying to control pollution that crosses state lines. For example, he intervened to support a Farm Bureau lawsuit that would have overturned a cooperative agreement between five states and EPA to clean up the Chesapeake Bay (the court rejected the challenge). When asked how a state can protect its citizens from pollution that originates outside its borders, Mr. Pruitt said in his Senate testimony that states should resolve these disputes on their own, with EPA providing "informational" support once an agreement is reached. But the 1972 Clean Water Act directs EPA to review state water quality plans, require any improvements needed to make waters "fishable and swimmable," and to review and approve plans to limit pollutant loads to protect water quality. EPA's power to set standards and limit pollution that crosses state lines is exactly what ensures every American clean air and water, and gives states the incentive to negotiate and resolve transboundary disputes.

We are most concerned about Mr. Pruitt's reluctance to accept and act on the strong scientific consensus on climate change. Our country's own National Research Council, the principal operating arm of the National Academies of Science and Engineering, concluded in a 2010 report requested by Congress that human activity is altering the climate to an extent that poses grave risks to Americans' health and welfare. More recent scientific data and analyses have only confirmed the Council's conclusion and added to the urgency of addressing the problem.

Despite this and other authoritative warnings about the dangers of climate change, Mr. Pruitt persists in pointing to uncertainty about the precise extent of humanity's contribution to the problem as a basis for resisting taking any regulatory action to help solve it. At his Senate confirmation hearing, he stated that that "science tells us that the climate is changing, and that human activity in some manner impacts that change. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to

continuing debate and dialogue, and well it should be." This is a familiar dodge—emphasizing uncertainty about the precise amount of humanity's contribution while ignoring the broad scientific consensus that human activities are largely responsible for dangerous warming of our planet and that action is urgently needed before it is too late.

Mr. Pruitt's indulgence in this dodge raises the fundamental question of whether he agrees with the precautionary principle reflected in our nation's environmental statutes. Faithful execution of our environmental laws requires effectively combating climate change to minimize its potentially catastrophic impacts before it is too late.

The American people have been served by EPA Administrators, Republicans and Democrats, who have embraced their responsibility to protect public health and the environment. Different administrators have come to different conclusions about how best to apply the law in view of the science, and many of their decisions have been challenged in court, sometimes successfully, for either going too far or not far enough. But in the large majority of cases it was evident to us that they put the public's welfare ahead of private interests. Scott Pruitt has not demonstrated this same commitment.

Thank you for considering our views.

Ms. DUCKWORTH. The unemotional appeal lays out the facts directly and clearly and, as such, reads as a scathing condemnation of the Oklahoma attorney general. Stated in this letter it says:

Our perspective is not partisan. . . . Having served under both Republican and Democratic presidents, we recognize each new Administration's right to pursue different policies within the parameters of existing law and to ask Congress to change the laws that protect public health and the environment as it sees fit.

In the large majority of cases it was evident to us that they put the public's welfare ahead of private interests. . . . Scott Pruitt has not demonstrated this same commitment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I come to the floor this morning to join my colleagues to speak on the nomination of Scott Pruitt to be Administrator of the EPA. Like my colleagues who have been out here tonight, the great Senator from Illinois, Senator DUCKWORTH, and my colleague from Hawaii who preceded her, we are here to talk about the importance of our environment and what a critical asset it is to each of our regions of the United States.

Certainly, you can say for the State of Washington that the environment is our economy—the beautiful aspects of our clean water, the resources of our beautiful mountains and wonderful

streams, Puget Sound itself, our mountains that so many of my colleagues ask me about. These are all assets that make Washington State a great place to live, work, and recreate in.

Our companies would tell you that one of the great things they have in recruiting people to the State of Washington is that it is a competitive advantage to say their business is located in Washington. People understand what that means to the quality of life and to the opportunities for those workers. It is with that in mind that I rise in strong opposition to this nomination.

I had a chance yesterday to discuss Mr. Pruitt and to discuss some of the concerns that I have with his role as Administrator, and in Oklahoma in the attorney general slot, and also his nomination process. Many of my colleagues this morning have brought up his record, what that record represents, and their concerns about his answers to very important questions.

This is about stewardship. Stewardship is about how we are going to manage our resources and apply the laws of clean air and clean water to protect not just this generation of Americans, but future generations of Americans.

Mr. Pruitt's poor environmental record—in my opinion, he is choosing to side with those companies that have been polluters of clean water and failed to protect in an aggressive way the important public health issues that were before people in his State.

Obviously, there is a big discussion tonight. My colleagues have been out here discussing whether there is transparency in Oklahoma regarding his ability to discuss with them his failures or his successes, if you will, in a public process. That is why people have been demanding these emails. These important documents are things that, not only the people of Oklahoma, but people in the U.S. Senate have a right to have answers to as we consider his nomination.

I join my colleague from Hawaii in saying, What is the rush? What is the rush to push forward somebody as an administrator for something that is about the stewardship of our air and water—something that is going to be important, not just to our generation but future generations? We want an EPA Administrator who is going to protect that. That is what we want to know: Are you going to be an aggressive steward for future generations?

I had an opportunity a couple of years ago to hear one of the great authors who has written all these books about economics. He was talking about the great implosion of the economy in 2008, 2009. His point was that was going to cost future generations—not just this generation, but maybe three generations of Americans were going to be affected by that big great recession of our economy. It is the same issue tonight.

Our future environment is going to be impacted, not just for today, but for future generations by what the next EPA Administrator does. It is critical that we recognize the important need for clean air and clean water now and take steps to be aggressive about it.

This is something that is important to our State because it is affecting us economically. It is affecting us with water and ocean acidification, challenging our seafood industry and our food chain, and challenging us with wildfires. We want to make sure that we have an EPA Administrator who is going to do their job.

In my opinion, Mr. Pruitt has ignored big polluters and discharge in drinking water in Oklahoma. In my opinion, he has not been strong enough with regards to the big oil and big mining companies who have attempted to undermine what is EPA law. As attorney general, he tried to undermine the laws that are already on the Federal books. It leaves my colleagues and I questioning. How could he ever stand up for those laws if he has spent so much time trying to undermine them?

He has helped organize strategies and discussions about how to aggressively stop the EPA from doing its job. Some of these discussions used the example of the Pebble Mine. The Pebble Mine is a mine that companies are proposing in Alaska at the headwaters of the largest sockeye salmon run in the world, one of the most important sockeye salmon runs in the world. So as EPA Administrator, when he is supposed to be protecting clean water, is he going to side with those mining companies? He spent a whole strategy session with them trying to figure out how to overrun EPA. Is he going to be the kind of person who is going to help us stand up for clean water so we can have salmon on the west coast? Or is he going to join with those who think that you can degrade the environment and still preserve these incredible resources?

I know that people think Mr. Pruitt and his statements about climate change are important. I agree because part of that stewardship on clean air is basically implementing and carrying forward strategies to make sure that polluters reduce pollution in our air and that we come up with a plan to diversify energy sources to reduce that pollution. I should say his job is not that, but it is clearly to call out what the Supreme Court has said is implementation of the Clean Air Act.

My colleagues, I think, are failing to recognize that Mr. Pruitt's hesitancy on this issue is really going to cause problems or challenges for us here in the Senate. It is going to cause challenges for us to move ahead when we are seeing so much impact.

I know my colleague from Maine, Senator COLLINS, and I have asked the GAO for an analysis of what climate change is costing us. What is the im-

pact of climate change costing us? Why did we ask for that letter over a year ago? Because we are seeing devastating impacts in the shellfish industry, in the timber industry, in various aspects of our economy as it relates to that.

In the Tulsa World Mr. Pruitt said: "Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."

That is what he said in the newspaper in Oklahoma.

I know several of my colleagues and I have further discussed exactly this issue, but the United States has made great strides to reduce carbon dioxide, and we need to have someone who is going to be aggressive about doing more work on this. The consequences of increased carbon dioxide have been everything from extreme weather patterns to impacts on water quality, which causes impacts to our salmon, to drought conditions, which a lot of legislation—various committees have been discussing exactly what to do about the drought situation in Washington, Oregon and California. I am sure it is going to continue into many other States. It is impacting even the chemistry of Puget Sound—something I will get into in a minute with ocean acidification.

To have somebody who doesn't get how aggressive we have to be on addressing these issues is very problematic. It is an economic issue.

I would like to say, as I mentioned earlier, it is about good stewardship because it is about future generations and whether someone did their job in leaving this place to the next generation, but it is also about economic issues.

Mr. Pruitt failed to be accountable as attorney general in releasing emails, and that is so much of the discussion today about his nomination. During his confirmation hearing, he repeatedly failed to answer questions. And he told Senators: Submit an open records request to the attorney general's office—his own office. It is as if Mr. Pruitt is taunting our colleagues, not answering the questions about his policy, hoping that my colleagues on the other side of the aisle and this side of the aisle will support him, even though he will not give us answers on his policies. And then he says: Well, if you want to know, you can submit an open records request. We have; people have. We want the answers, and a court today has said: Let's give people those answers.

We don't have those answers today, yet my colleagues want to rush to have his nomination pushed through when something as important as the environment is at stake.

On average, Oklahoma State government agencies complied with their open records request within 68 days. That was the average, yet Mr. Pruitt, as attorney general, has taken over 2

years. A few weeks ago when a lawsuit was filed against Mr. Pruitt on this very issue, the suit requested that he respond to 9 open records requests, asking for as many as 3,000 emails.

As I just said, yesterday, a judge said that he has to turn over those records, those documents, and he has to do so by Tuesday. It is not a long time to wait. It is not a long time to discuss the concerns that our colleagues have with this position. In fact, I would be happy to come back on Wednesday and make sure we have consideration then, giving people time until Tuesday. But people are pushing us to vote for this nomination tomorrow or, I should say today.

What do my colleagues not want to see in the Pruitt emails? What is it that they don't want to know? Attorney General Pruitt has been part of close to 30 anti-environmental legal actions. Is that what they don't want to see?

I know one of my colleagues has said he is going to make polluters pay. He is going to assure that these issues are implemented.

Scott Pruitt has sued the EPA 14 times. He fought the cross-state air pollution rule. He fought the regional haze rule. He fought the clean air standards for oil and gas production sites. He fought the clean water rule. He fought the mercury rule twice, and he fought the Clean Power Plan four times.

So are my colleagues interested in giving this job to someone who has fought the EPA and tried to stop them from making sure that polluters pay? This is what the responsibility of the Environmental Protection Agency is, to make sure that we have good stewardship.

In one case, Attorney General Pruitt failed to pursue a Phillips 66 refinery in an Oklahoma City, which the EPA found was one of the worst polluting refineries in the entire country. Phillips 66, in this case, impacted groundwater. That was the pollution in this case. Yet Scott Pruitt failed to enforce the environmental laws there.

As attorney general, Scott Pruitt has been absent in other cases. There was a groundwater case and pollution by Haliburton. Where was the attorney general in that case?

In another case, in Bethany, the city's water wells were impacted by a toxic plume of chemicals that impacted access to safe drinking water.

This case is still going on. But the attorney general failed to step in and protect those citizens.

So this is what we want to understand, given what Attorney General Pruitt said in his testimony: Ask for requests. Get the emails. See the positions.

That is what we have done. As we can see from his record, he knew very well it took a long time, that he had every

tool to make this a very hard process for people to get the answers. Yet we are now within days of having those answers. My colleagues want to go ahead and vote.

During his confirmation hearing, Mr. Pruitt was asked to identify lawsuits he filed against private companies in Oklahoma for violation of pollution laws. Despite these examples I just mentioned, Mr. Pruitt could think of only one specific instance in which he filed a settlement after his predecessor completed an investigation into how a dozen or so poultry producers illegally disposed of animal waste. So let's take a closer look at that case.

The poultry companies in the northeast corner of Oklahoma were not properly disposing of 300,000 tons of animal waste per year. Attorney General Pruitt's predecessor had sued the companies for damages caused by pollution and forced the companies to change disposal practices. But Mr. Pruitt in this case, rather than advocating for the judge to make a ruling, negotiated an agreement with the company to do a study on the appropriate levels of phosphorus in the Illinois River.

So while some might say "Well, isn't that a good step?" he let the agreement expire that was already in place to reduce that waste and did not seek a formal extension. He shut down the environmental unit that helped start the lawsuit against those companies. This unit was in charge of making sure that agricultural waste cleanup and millions of dollars to clean up those toxic sites were in place. Yet he let that expire.

So I have grave concerns about whether he is going to be aggressive about these issues all across the United States. Is he going to work to make sure these laws that are on the books already continue to be enforced? Is he going to fight to make sure that clean air and clean water—the rights of the citizens here in our country—are preserved and preserved for future generations?

I noticed that in Oklahoma there was question 777, a ballot measure. On that ballot measure was Oklahoma's right-to-farm statute that was proposed by the Oklahoma Legislature. If the voters in Oklahoma approved it, it would have created an amendment to the Oklahoma Constitution prohibiting the legislature from enacting laws restricting agricultural production unless laws were needed to advance a "compelling State interest."

I think this is a very interesting demonstration of how people are trying to use a process, just like the House colleagues are sending over regulatory reform bills. They are going to hide behind regulatory reform when in reality they are trying to curtail clean water and clean air rules.

Well, the people of Oklahoma were a little smarter than that. Right-to-farm

laws are not uncommon, and there are currently variations in all 50 States. But many such statutes, including Oklahoma's current law, protect farmers and ranchers from nuisance claims as long as they operate in acceptable practices.

This question that was put on the ballot to Oklahomans went further than the typical right-to-farm law; it would have amended their State constitution. The State constitution holds a higher authority than these State statutes. So if that initiative was enacted, it would have guaranteed that agriculture can engage in farming practices without interference from the legislature, and it would even have prohibited the public from suits. Can you imagine that? I know that that is what some of the proponents of these issues want; they want to do whatever they want on the land whether it impacts the neighbors or impacts clean air or clean water. They just want to keep moving it forward.

So Mr. Pruitt was in support of question 777. He talked about the "intrusive rules from government regulators" that often "fail to achieve the stated health, safety and environmental goals." Well, we know we want to have a balance. We can have jobs, we can have agriculture, and we can have environmental stewardship. I think we, in Washington, work very hard to achieve that.

Drought issues like we are experiencing in the Yakima Basin got everybody to the table—farmers, Native Americans, fishermen, everybody. Instead of trying to pass initiatives like this—which, by the way, failed in Oklahoma—people said: We need to work together in these challenging times of a changing climate and work on preserving what is most important to all of us. They have done a good job in doing that.

So what we are looking for is an Administrator who is going to help in that process, who is going to continue to make sure we live up to these laws that are on the books and help in the challenging times of drought and environmental impact.

Of Attorney General Pruitt's 14 cases against EPA, 13 of those suits were joined by the fossil fuel industry. The attorney general has been known to send letters to Federal agencies that basically were identical to the fossil fuel industry letters; that is, as attorney general, he wasn't making his case, he was just making the case for the fossil fuel industry.

The CEO of Continental Resources, a top oil producer in the United States—their organizations basically were trying to push Mr. Pruitt during his time as attorney general, instead of standing up for clean air and clean water. And we want to know what he is going to do in this new job—work with Members here in the Senate on continuing to implement the law.

One of the best examples of what I would expect him to do is to continue the good work of the Federal Government in protecting salmon. Of particular importance, as I mentioned earlier, is the issue of Pebble Mine. During his time as attorney general, Scott Pruitt, as I said, planned the Summit on Federalism and the Future of Fossil Fuels. That is a pretty interesting task to take if you are the attorney general of a State, the Summit on Federalism and the Future of Fossil Fuels. That summit brought together energy executives with attorneys general to strategize against what they thought was so-called EPA overreach and how to defeat it.

One of the key examples they brought up was the Environmental Protection Agency's efforts to protect Bristol Bay, AK, from a proposed mine that is called Pebble Mine. Pebble Mine is a proposed large hard rock mine, as I mentioned earlier, in the headwaters of Bristol Bay. Each year nearly 40 million sockeye salmon return to Bristol Bay. In total, Bristol Bay supports 29 species of fish, including all 5 North American salmon species. That is why Bristol Bay is called one of the greatest fisheries on Earth. Bristol Bay supports a \$1.5 billion sockeye salmon fishery, which provides 14,000 jobs throughout the Pacific Northwest.

Even my colleague, the late Ted Stevens, was opposed to the Pebble Mine. I think he knew the great resource and the importance of Bristol Bay.

This fishery, and the people in that fishery, and the tribes of Bristol Bay, petitioned the EPA to evaluate the impact of the proposed Pebble Mine and what it could do to salmon.

In 2014, after years of research, EPA finalized a science-based assessment of the Pebble Mine called the Bristol Bay Watershed Assessment. This assessment found that Pebble Mine posed a direct threat to Bristol Bay salmon.

I am not sure this is a picture of Bristol Bay salmon, but this is definitely an iconic symbol of what we are talking about here tonight, that thousands of jobs in our State rely on salmon, and the subsistence culture of many Native Americans also rely on Bristol Bay salmon. That is why so many people weighed in at meetings with EPA and agencies in various parts of the Northwest to talk about this issue, because so many jobs would be impacted. That mine would destroy up to 94 miles of salmon spawning streams, devastate up to 5,350 acres of wetlands, and create 10 billion tons of toxic mine waste.

So you can imagine my concern when the attorney general out of Oklahoma decided he was going to take a very lenient attitude on animal waste and hold the summit trying to basically figure out ways to disrupt EPA's questioning and assertions about Bristol Bay. How far he is going to go as EPA

Administrator to basically have a negative impact on our salmon economy?

He could have said: It was just a session, and I support EPA's actions. But that is not the message we are receiving. The toxic mine waste that would exist at Bristol Bay would contaminate massive amounts of areas behind the second largest dam in the world, and that mine waste would be there in perpetuity in Bristol Bay.

So the science was very clear. The Pebble Mine was in the wrong place, and it was the wrong idea. Large mining companies have come to that same conclusion. Just a few weeks ago, an analyst issued a report that said Pebble Mine is "not commercially viable." That is because of the tremendous costs that are associated with it and the risks associated with it.

After the EPA assessment found that salmon were at risk from the Pebble Mine, I definitely want to make sure that Bristol Bay salmon are protected forever. The EPA had the authority to basically use a section of the Clean Water Act to make sure those Bristol Bay salmon were protected. That is what I expect. That is what I expect after public hearings, an open process, using the authority. Why would it be a good idea to let a mine be located at the headwaters of one of the most important salmon runs in the world? Why would we do that? Yet Mr. Pruitt took time to join an effort to say: How can we overturn EPA's efforts here?

I need an EPA Administrator who is going to stand up for our environment in the Pacific Northwest and protect us on clean air and clean water. It is critical that those individuals who were proposing this mine continue to be thwarted.

While the EPA has been close to making sure there are permanent protections for Bristol Bay, I am very concerned that this EPA Administrator could start this process all over again. That is something we can't afford. We cannot have an EPA Administrator who is on the wrong side of the Pebble mine issue. They need to protect Northwest salmon.

I would also like to talk about another threat to our environment, to our fishing economy that is certainly happening today and why we need an EPA Administrator not to be spending their time joining forces with polluters, figuring out ways to avoid law, but figuring out ways to implement the Clean Air Act that the Supreme Court says we must follow through on.

Last year, Attorney General Pruitt stated that there is a disagreement about whether human activity has had an impact on climate. When he was pressed on this issue during his hearing, he continued to question scientific facts. He said he believed climate change is irrelevant to his role as EPA Administrator. Well, I disagree. Climate change is not a future hypo-

thetical issue. We are seeing it today, and we are seeing it in our State.

Our fishermen want to continue the great legacy that we have in our fishing traditions, and we are going to get to why this picture is affected by what I am going to talk about next, but we want to continue to have thriving Northwest fisheries. We want to continue to have a healthy environment and food chain that is going to allow us to have a robust fishery in the Northwest.

I think our fisheries can be cited as some of the best managed fisheries in the entire world. That is how good we are at it. That is how scientific we are at it. That is how collaborative we are at it. That is how much hard work has been put into stewardship and managing the resources and making sure the jobs still exists. I would match that with any other part of the United States or this planet. The Northwest fisheries are managed well, but they are being challenged. They are being challenged by the fact that our climate is changing and that the oceans absorb 25 percent of the carbon dioxide emissions, which resulted basically in a changing of the chemistry in our waterways. That is right; the oceans absorb 25 percent of carbon emissions. So basically they become this sink for the emissions.

We have scientists who are out on the Olympic Peninsula studying this very issue, not for us in the Northwest; they are studying it for the entire United States. It is part of our National Laboratory system. They are looking at this very important issue and the challenges we face from it.

The fact that the oceans have been the sinks for that carbon has made the rate of ocean acidification 10 times faster than anything we have seen on Earth in the last 50 million years. In Puget Sound, that means that ocean acidification has resulted in massive die-offs of young oysters. Juvenile shellfish cannot survive in these corrosive waters, and their shells actually dissolve.

So this economy for us is in the hundreds of millions of dollars, the shellfish industry. A few years ago, we were successful in getting some very minor—I think it was in the definitely thousands of dollars—to help that industry figure out what was happening because the shells weren't forming. We were able to see that ocean acidification was having such a corrosive impact, we helped the industry figure out when a better time for seeding was and to get to a point where those extreme conditions weren't having their most devastating impact.

This die-off in 2005 caused a major plummeting of the shellfish industry. An industry that employs over 3,000 people in the State of Washington. I have met shellfish growers who are fourth-generation shellfish growers in

our State. So this way of life around Puget Sound is important to us. You can go to probably a dozen restaurants here. I am sure you could have gone across the street to Johnny's Half Shell and ordered a product from Washington State. It would be one of the premier products on the menu.

We have to fight to keep this industry. We have to make smart decisions about our environment. We have to make good stewardship decisions or those four generations of shellfish growers are not going to be here anymore.

The pollution that is coming from carbon into our water is a big deal. How big a deal is it? Well, it is a big enough deal to put on the front page of the Seattle Times above the fold—and probably not just once, probably several times. Why? Because we live and have a huge population around the shores of something called Puget Sound.

Almost everyone, everyone there understands the importance of clean water and a healthy environment to protect this maritime economy and to make the right decisions moving forward.

We don't want to see what happened in 2005 and in 2006. We don't want to see that. We want to see more of our shellfish actually able to survive the seeding process, and we want to continue to be smart about this. This is where the science question comes in.

If we have an EPA Administrator who doesn't believe this impact is happening, if he is going to thwart the efforts to do the research and the science, if he is going to spend more time trying to thwart these laws than implement strategies to mitigate the impact of climate change, we are not going to be successful economically. We need technology like ocean acidification sensors.

Why were we successful at turning that situation around with the shellfish industry and making sure? It is because we were able to locate buoys in the water to give us data and information about these warming temperatures, what problems it was causing, and come up with a strategy to lessen the impact of acidification. They measured our waters and how to modify growing practices. That is basically what they did. If you are denying that climate change is even happening or that it is having this impact and you are not planning for it, you are not going to go out and help our growers strategize for the future.

They use that real-time information to increase the production from the 20 percent of historical levels that it was to 70 percent, but without that data in collaboration with places like NOAA, our shellfish industry would have continued to just decline.

I need an EPA Administrator who is going to support monitoring; that is

going to understand this impact and do something about it.

Now why did I have the other picture of the salmon fisherman? Because ocean acidification, as I mentioned, basically dissolves the shells of important prey species we call pteropods, and they are the base of the food chain. So not only am I just talking about the thousands of jobs and millions of dollars associated with the shellfish industry, if you have so much carbon sinking into our waters that you are destroying this part of the food chain, it impacts the rest of the food chain. It impacts all the way up the species, including salmon, herring, mackerel, and other species. So this is why we have to have an EPA Administrator who is going to follow science and be aggressive at protecting these issues.

Last month, a new study published by scientists at the University of Washington and NOAA found that even Dungeness crabs are at risk because of these pteropods. I think that is what it says right there: "Scientists fear ocean acidification will drive the collapse of Alaska's iconic crab fishery." Thank you, thank you, Seattle Times.

That is what this is about, are we going to leave it up to the newspapers of America to describe the scientific impact of what is happening so we can force people whose job it is to be the stewards here to do their jobs?

They should be the leaders, the people we put in this position. They should be the ones who lead our Nation in protecting our most valuable natural resources and making sure these pristine areas that we need for our economy, for our quality of life, for our recreation are there, and we need an EPA Administrator who is going to be aggressive about that.

So that is a little preview of this issue and what it looks like in the State of Washington, but on this climate issue, as I mentioned, my colleague from Maine and I actually joined forces probably 6 or 7 years ago on this issue when the Senator from Maine was aggressive about pushing legislation, asking Federal agencies to make sure they had a response to climate change. I think the Senator from Maine probably saw then how important this issue was, and it was legislation we actually passed out of the Commerce Committee. I don't think it was actually implemented into law, but it was a very good directive at saying to agencies: This is going to impact us, and what is your mitigation plan.

We, in the Commerce Committee, held a hearing about this because what we were finding was that a huge part of the U.S. economy—it was definitely a high number, maybe as much as 50 percent—was driven by States with coastal economies. A report was issued about how all of these changes impacted sea level rising, impact in ocean acidification, all of these things were

going to impact these coastal economies and thereby have a dramatic effect on the U.S. economy.

For example, just because it might not be front and center for somebody from Oklahoma, it was going to become very front and center for the U.S. economy if we didn't have a mitigation plan and did something about it, and this report was a heralding call for the United States to wake up to this issue.

I will never forget that hearing because the actress Sigourney Weaver was there to testify. She was there to testify because she really wanted to make the point about how important these issues were, as it related to our waters and the impact.

You would think a brilliant actress like Sigourney Weaver would steal the show. You would think her testimony before the Commerce Committee would be it. That would be the news of the day, and that is what would be written about, but it was actually a fisherman from a Southern coastal State who stole the show because he spoke about how his job was threatened, how fisheries were threatened, how, if we don't protect our oceans and our air, we are going to have devastating effects on our fisheries. This gentleman, whose family and livelihood was dependent upon it, spoke in such an unbelievably meaningful way, he upstaged her.

So this isn't something we are coming at just because President Trump has nominated Scott Pruitt; this is something we are going to fight for every single day because it is important that our Nation have a response to it.

My colleague from Maine was on it a long time ago. She said: Let's make sure that every agency is going to have a plan for what we are going to do about mitigation and impact as a result of climate.

As I mentioned just recently, in the last year or so, she and I joined and sent a letter to GAO asking them to actually give us an estimate across the whole Federal Government. What is going to be the cost and impact of these changes to climate on our economy and the Federal Government? This is a very important answer to have from the GAO because my guess is that they are going to show that it costs a lot of money. It is not surprising to me because I have seen it in my own State, with catastrophic wildfires that have burned up hundreds of thousands of acres of land at an unbelievable cost to the Federal Government.

We are trying to come up with a better strategy for combatting these wildfires. We can't get our House colleagues to engage in a serious Energy bill process. Hopefully someday we will get them to understand that the Senate in a bipartisan fashion did its homework and had approval.

But these issues are not going away. Next summer there will be another

part of the United States that will be in the hot spot again, and instead of making sure we are addressing that, some of our colleagues just want to ignore it, just like they are ignoring Mr. Pruitt's emails and his answers to these important questions.

That is the Northwest. Let's look at other parts of the country on ocean acidification. Here is an example of a coral reef in the State of Florida. In 2016, the University of Miami published a study which found that Biscayne Bay coral reefs are already suffering the impacts of ocean acidification. I would expect that coral reefs in Florida are probably as important to their economy as salmon is to our economy. I say that because I know people go to visit those coral reefs. Actually, their reefs, according to economic analysis, are worth over \$7.6 billion. That is what coral reefs are worth, apparently, due to their importance in recreational and commercial fisheries and tourism.

Everybody wants to stand up for the fossil fuel industry because they have jobs, but they forget the jobs that are related because of our environment and how important it is to our economy.

In this particular picture, we are seeing the devastating impact and changes of this coral reef in just a very short period of time.

This upper picture taken in 1976 shows a very vibrant coral reef. I think this is an area where there has been a lot of discussion. I am not exactly sure where Carysfort Reef is, but I think there has been a lot of discussion here in the Senate about making sure people have access to it or what ways the public can enjoy this particular site. But when I look at this picture and I look at the devastating impact we see on this coral reef, I question what our strategy is to preserve what is an important recreational and commercial asset to Florida. What is our strategy?

When I think about an EPA Administrator, are they going to act now in balancing this issue and making sure that things like the Clean Power Plan, which is saying to polluters: You must reduce pollution—are they going to do that for the fishermen and recreationists and those who believe in the beauty of these coral reefs in Florida? Just like the Washingtonians in my State who go out and recreate on Puget Sound and want to fish salmon and want to make sure our fishing economy stays strong—are they going to have an Administrator who is going to do this?

I can tell you that next summer I guarantee you there are going to be unbelievable discussions about fishing in the Northwest. Why? Because there is going to be an impact on salmon, and everybody is going to want to fish—commercial fishermen, sports fishermen—everybody is going to want to fish, and unless we have an EPA Administrator and a NOAA Administrator

and people who are implementing great conservation strategies, we are not going to be successful because this pollution is impacting our natural areas.

I can see here that it is impacting Florida's economy the same way.

During an interview, Scott Pruitt's predecessor, former Attorney General Drew Edmondson, who served as Oklahoma attorney general from 1995 to 2001, stated:

"Under his tenure as attorney general, I don't think environmental crimes have disappeared. It is just the filing of cases alleging environmental crimes that has largely disappeared."

So I think that somebody knows something about this.

I have constituents who are also writing and communicating to me about these issues, about whether they think Mr. Pruitt is the right person to be EPA Administrator. It is not surprising that we have a quote here from one of my constituents from Poulsbo, WA. I just talked about the Puget Sound economy. I just talked about this economy. Puget Sound is town after town of communities with fishermen who go out and take advantage of that economy within our waters and also go as far away as Alaska to fish. So I am not surprised that somebody from Kitsap County has written to the Kitsap Sun and said: "I voted for Trump, but I certainly did not vote for a government takedown of my State's most important asset, our water and our economy."

It doesn't surprise me that that is what somebody in Kitsap County said—not somebody in Poulsbo. You should just go look it up, people who are listening. People listening, anybody listening tonight from other parts of the United States, go look up Poulsbo, WA. It is a beautiful community that is all about what Puget Sound can deliver for us, and they will be the first part of our State to tell you what ocean acidification is doing in Hood Canal to impact our fishermen. They will be the first people. They know because this has been part of their livelihood.

So I want to close tonight—this morning, I should say—by saying that I hope our colleagues will at least consider the fact that we are raising concerns, because we have great concerns about the economy of the future, and that economy of the future depends on clean air and clean water and an Administrator who is going to fight to implement the law.

We need an Administrator who is going to be there not on the side of the polluters but on the side of the people in dealing with some of the thorniest environmental problems because of the change in climate this country has seen. We want someone who is going to use that science and information to help provide the stewardship for future generations. I don't think that is Mr. Pruitt.

I ask my colleagues to help turn down his nomination and to move forward—at least give us the chance to look at his emails so we know exactly what we are dealing with and to make sure that our country is going to continue to be committed to these men and women who work in this resource economy that depends so much on clean water and air.

I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Thank you, Mr. President.

There is a lot we don't know about Scott Pruitt. We know that thousands of emails between this man and the industry that he is supposed to be regulating as EPA Administrator have been suppressed by him for years. We know that just yesterday a court found that suppression of his emails unreasonable, an abject failure of his duties under the law to disclose. Those ought to be alarm bells for the side of the aisle that is forcing, jamming this nomination through.

He told us he couldn't get these emails released for more than 2 years, and the court ordered him to release the first chunk Tuesday, just days from now; the second big chunk, 10 days from now. So clearly there has been some mischief here, when on the one hand this office pretends that it can't get the emails out for more than 2 years, and a court looks at the situation and says: No. You make them available Tuesday. That is not a sign of good things.

No. 2, this is a guy who, as part of his political money operation—a political money operation that is heavily funded by big fossil fuel industry players about whose carbon emissions he will be making vital decisions as EPA Administrator. So far, his relationship with them has been to take their money and to be their lawyer. That is not a good start, either, for an EPA Administrator.

Here is the other thing we don't know: We don't know about his dark money operation. The Rule of Law Defense Fund—the whole reason you set up something like that is to hide the source of money that you use in politics. That is why the entity exists. It is to take groups like this and launder their identities right off of them so that, when money shows up, for instance, at the Republican Attorneys General Association, it is not attached to Devon Energy; it is not attached to ExxonMobil; it is not attached to Mur-

ray Energy; it is not attached to the Koch brothers or to their front groups—Freedom Partners and Americans for Prosperity—it is not attached to the company whose billionaire president was his finance chairman for his campaign, Continental Resources; it is not attached to the Southern Company and to other big energy companies. It just comes out of the Rule of Law Defense Fund. The identity of the donor has been scrubbed away. It is an identity laundering machine.

These are the relationships that are forged when you are asking people for hundreds of thousands of dollars, and \$1 million a year was the budget for the Rule of Law Defense Fund. If you are asking for that kind of money from these people, it is elementary that the Senate should know about that, but our colleagues on the other side of the aisle have completely stonewalled this—zero inquiry into the dark money operation that this individual was allowed.

Why is that? That is pretty unusual. Why were we not allowed to get these emails? Why were we told: Oh, you will have to line up behind everybody else in this FOIA line that I have maintained for 2 years. That was an adequate answer to the majority on the EPW Committee, but the judge who took a look at that same situation said: No, you get them Tuesday. If the chairman had said: No, you get them Tuesday, we wouldn't be having this problem. We would have seen them weeks and weeks and weeks ago.

All of the pressure from the majority on this nominee has been to cover up this stuff. Don't let it in. Nothing to see here, folks. Move along. Move along.

That is not right. That is not the way the Senate should behave. That is not consistent with our advice and consent responsibilities, and, frankly, it sets up Republican Senators. If and when it ultimately does come out that there is significant mischief exposed in those emails or if there are significant conflicts of interest created by that dark money operation, the Senate does not look great for having used its energy and effort in this nomination to cover that stuff up.

There is a doctrine called willful blindness, which is the wrongful intention to keep oneself deliberately unaware of something. It is a culpable state of mind in criminal and civil law. That is the state of mind that is being maintained by the majority with respect to this individual, and one has to wonder why. Why are there these big things that we don't know about Scott Pruitt?

It is not that we didn't ask. It is that we got told by the majority: Run along; it doesn't matter. You will have no support from us. We are going to clear this guy anyway. It doesn't matter if his answers to you make no

sense. It doesn't matter if his answers aren't truthful. It doesn't matter if his answers put you at the end of a long FOIA line when this is the Senate's advice and consent process. None of that matters.

Just by one point of evaluation, the difference is that, when the Senate Committee on Environment and Public Works looked at this, they said: Run along; nothing here. We are not interested. Don't show us a single email.

And the judge looking at it said to get them out Tuesday—a local State judge.

Since when is the double standard in which Senators are deprived of seeing highly relevant evidence? What is being covered up and why? Who is pulling the strings around here so that these obvious questions don't get answered when you put it side by side with a State court proceeding that asks the same question and the questions get answered like that. Something is rotten in Denmark.

It hasn't fooled Rhode Islanders. My correspondence is running about 50 to 1 against Scott Pruitt. Over 1,000 Rhode Islanders have written in against him. Let me just read a couple of their communications with me.

This is from Amanda Tarzwell:

As a member of the Committee on Environment and Public Works, I urge you to do all you can—

“All you can,” she says—

to block Mr. Pruitt's nomination as the head of the EPA. My grandfather, Clarence Tarzwell, worked for the EPA and opened the EPA lab in Narragansett.

Narragansett is a Rhode Island town.

It is located on Tarzwell Drive in his honor. He is now deceased, but I believe in the work he did and the necessity to protect our environment and continue to work on climate change. Please do everything you can to urge your fellow committee members on both sides of the aisle to do the same. Thank you.

On the next, her name is right in the letter. So I will read it:

I am a 23-year-old woman with a bachelor of science degree in wildlife and conservation biology from the University of Rhode Island.

I am writing to respectfully demand you vote “no” on the approval of Scott Pruitt for Administrator of the Environmental Protection Agency. It is extremely clear that Pruitt is the WRONG choice to head the EPA.

As someone with an extensive education in environmental sciences, conservation, wildlife and plant biology, chemistry, and physics, I am deeply concerned with Pruitt's capabilities. A climate change skeptic, with no formal science-based education, Pruitt has zero concept of what it takes to make informed decisions about the current and future stakes of our environment.

Rhode Island is leading the country in many environmental fields, such as renewable energy, environmental protection, and sustainable agriculture and aquaculture. We cannot allow a climate change skeptic, with a love affair with fossil fuels, to make important decisions regarding our precious environment and those working hard to protect it.

I urge you to vote no on the approval of Scott Pruitt for Administrator of the Environmental Protection Agency.

Catherine Hoyt wrote in:

I have a special concern for the upcoming vote on the EPA Director, Scott Pruitt. I know you are on the Committee for Environment and Public Works so you are more informed than most people—

Although, as I just explained, we are deliberately underinformed in some very telling ways—

and I trust that you are unlikely to vote contrary to the interests of our beautiful and environmentally unique coastal State.

Among other things I do, I am a sailing instructor in Edgewood, in Cranston.

Cranston is another one of our municipalities.

I have been sailing in the Upper Bay for about 10 years. Even in that amount of time, the bay is noticeably cleaner. The water is clearer, and there are more birds and fish and crabs and other creatures that signify, through my direct experience, that the environment is healthier in the Upper Bay.

My anecdotal evidence is also confirmed by scientific reports from URI—

The University of Rhode Island—

over the summer that Narragansett Bay is cleaner now than it has been in 150 years. Wonderful. I would be very sorry to see that trend reverse. I am old enough to remember what it was like before the EPA, and I do not want to go back to smog-filled skies, polluted waters, and tragedies like Love Canal and Woburn's poisoned well water.

I am sure that, if it were not for the EPA and groups like Save the Bay—which is a local environmental organization—that the Upper Bay would have become more toxic and polluted due to industrial use, sewage, rainwater runoff, pesticides, and road salt. What is more, I believe that the EPA regulations have been good for business. Because pollution is, ultimately, wasteful and counterproductive, and clean businesses often are efficient and, therefore, more successful businesses. Look at the careful reutilization of materials by companies like Apple, who are investing in the future and their profitability by going further than required. They are nearly cash neutral at this point.

Some of that is through buying carbon credit, but, clearly, they are not afraid of being environmentally responsible.

As a concerned citizen of Rhode Island and America, regarding President Trump's nomination for head of the Environmental Protection Agency, Scott Pruitt, I believe deeply that this is not the person for the job, that there is nothing in his background that suggests he has any interest in protecting American citizens and their health and environment from harm. I have never written any of my congressional Representatives in my many, many years on this planet until today.

I remember the air quality in Rhode Island in the late sixties and through the seventies-plus. Those visible brown clouds, especially in the summer, as pollution and smog drifted from New York or Connecticut towards Rhode Island. I remember the pollution in our beautiful Narragansett Bay. I see the changes ocean rise has already effected.

Climate change is real, and it is scientifically accepted across the world. I am deeply troubled by Mr. Pruitt's statements and legal actions he has instigated against this

Agency. I am asking you to take a stand for the health of the citizens of Rhode Island and the American people. Please vote no when the votes are called for Mr. Scott Pruitt's nomination.

Here is the last one I will read:

As a retired Federal scientist, meteorologist, I am deeply concerned that the EPA continue to be an agency that makes decisions about our environment that are based on the best science available.

Scott Pruitt has a record of supporting policies that are pro-business at the expense of the environment despite what the science shows. How can he possibly be considered as the voice that will fight for clean air and clean water? Despite excellent progress over my lifetime, pollution continues to be a major problem for the air we breathe and the water that sustains us.

Please join the voices on the Hill that block the appointment of Scott Pruitt as EPA Administrator. Thank you.

I wish we could block the appointment of Scott Pruitt as EPA Administrator. It is really rare to see a nominee for a Federal agency who is as unqualified—indeed, as disqualified by conflict of interest—as this individual. As for the idea that he is being jammed through just as thousands of emails are going to be released about him—between him and his big funders and the groups that they funded him through—something is wrong. This is not the way the Senate should behave.

The people on that side—in taking all of this mystery, all of this mischief, all of the emails, all of the dark money—who are being asked to vote are being told: Don't even look at that.

I can promise you that if the shoe were on the other foot, Republicans would be clamoring for emails.

This is a grim day for this Chamber—what we are doing here, knowing of this man's record, knowing of his record of shutting down the environmental agency in his home State while attacking the environmental agency of the Federal Government while pretending that his concern is federalism; right? He has pretended that he thinks that the enforcement responsibility shouldn't be at the Federal level, that it should be down at the State level. But if that were even remotely sincere, he wouldn't have shut down his own office's environmental enforcement unit as the attorney general of Oklahoma.

The common thread here is that he doesn't want any environmental enforcement at the Federal level and he doesn't want any environmental enforcement at the State level. He shut down the unit. He zeroed out the budget. He gave us a bunch of soft soap about how actually he moved the environmental unit into something called a federalism unit. But if you look at his own website for the federalism unit, the word “environmentalism” or “environment” doesn't appear. It is news that that is his environmental enforcement section, because it doesn't say so on his own website. That was an invention just for the hearing.

When you look at his own budget, the amount he budgets for environmental enforcement disappears. It has gone to zero. When you look at the Environmental Enforcement Task Force that his office's environmental unit had participated in under the previous attorney general, Drew Edmondson, that has disappeared too. He has gotten rid of every element of environmental enforcement that he controlled at the State level, while taking money from all of the big polluters, while having the CEO of Continental Resources—a billionaire—as his fundraising chair.

He took money from the fossil fuel industry through all of these different entities—through his leadership PAC, Liberty 2.0; through his campaign, Pruitt for Attorney General; through his super PAC, Oklahoma Strong PAC—sorry, that is his leadership PAC, and Liberty 2.0 is his super PAC—through the Rule of Law Defense Fund, which is his dark money operation. By the way, whatever the attorney general needs is a dark money operation. Really? Through the Republican Attorneys General Association, which he raised money for, and who knows what else.

This guy is fully fossil fuel funded. And in his entire career, he has dedicated himself to getting rid of and attacking environmental enforcement wherever he finds it—at the State or Federal level. You can't beat shutting down the environmental unit in your own office.

So that is what we are looking at. When you look at that combination and throw in the secrecy about the dark money operation and this mad rush to get this guy through before the week is out in which these emails come out, it stinks.

What we are doing here is a deliberate act of sabotage of the orderly and honest operation of an agency of our government. We are putting in a person who can demonstrably be shown to be incapable of and disqualified for those duties. I think that is actually not a bug in this program; that is the feature. That is the feature because these same forces that have been behind Scott Pruitt all his life, as he has fought all environmental enforcement—State and Federal—are awfully powerful in this Chamber as well, and they are obviously calling the shots at the White House, where a nominee like this would come from.

We are in the process of deliberately sabotaging the orderly and honest operation of an agency of the U.S. Government, not at the behest of a foreign power but after a special interest—the biggest and, in my view, the foulest special interest in the world today—the fossil fuel industry.

The fossil fuel industry has become so big and so powerful and so mercenary that it has decided its best investment is no longer in oil fields or coal seams or fossil fuel processing plants,

but in acquiring a controlling interest in the Government of the United States. And it turns out we come pretty cheap.

According to the International Monetary Fund, we give the fossil fuel industry a subsidy every year in the United States alone of \$700 billion. That is a more valuable prize than any drilling rights or any mining lease. To protect it—to protect \$700 billion a year—acquiring a controlling interest in the U.S. Government is a bargain. One fossil fuel front group spent \$750 million in the last election. That is a 1-to-1,000 payback—a 1,000 times ROI—each year that they keep the \$700 billion subsidy if they keep plowing \$700 million a year into politics to produce results like this nominee for EPA.

You get benefits once you have acquired that controlling interest.

Only one Republican has publicly taken a stand against Scott Pruitt, the most compromised and corrupted nominee in memory, with huge holes of secrecy still around his relationship with the industry he is supposed to regulate—nobody else, just the one. No Senators from States whose big cities are flooded by rising seas on sunny days, no Senator from States whose historic native villages are washing into the sea, no Senators from States who are losing ancient forests to pine beetles and wildfires, nor from States whose farmers see unprecedented extremes of flood and drought, and whose home State universities assign responsibility for those new extremes to climate change caused by carbon emissions from companies like these—none from the States whose fisheries are imperiled by warming and acidifying seas—no one. There is just that one Senator. How well this industry is succeeding.

This EPA nominee may be compromised and corrupted, but he is compromised and corrupted by the fossil fuel industry. So there is no talking about it on that side. Everybody just studies the ceiling tiles when the subject comes up. Nobody will help us find out about the thousands of stonewalled emails with his fossil fuel industry patrons. Nobody will help us inquire into the nominee's fossil-fuel-funded dark money operation. Nobody challenges his nonsense answers in the confirmation process. He answered, he answered; let's move along, let's move along.

The dark hand of the fossil fuel industry is all over this nomination. This is the wolf being deliberately inserted into the lamb fold. It is from the fossil fuel money that fueled his politics—unknown fully because we refuse to shine the Senate's light into his dark money operation—to the thousands of emails between him and his fossil fuel industry patrons, only a fraction of which have been brought to light throughout our confirmation process, and which

were only uncorked after his office was sued—not because of any effort on the other side in the confirmation process—to the fossil fuel front groups that have come out supporting this nominee and are spending millions to push him through. Think about that. These groups are funding ad campaigns to push this guy through. Obviously, they have expectations about how well they are going to be treated by him. Through all of that, the sting of this industry's influence is profound.

Just reflect on that last point. A dark money operation is being cranked up by polluters to ram the EPA nominee through.

Here is a headline:

Energy executives, secretive nonprofit raise money to back Pruitt.

New group warns that EPA nominee's confirmation "is not a certainty" and millions of dollars are needed for the fight.

There would have been a time when it would have been disqualifying when polluters were raising millions of dollars needed for a fight to ram through an EPA nominee. This is conflict of interest in plain day, but it is a conflict of interest with the right folks around here, I guess, and so we don't consider it conflict of interest any longer.

Whom do you suppose most of the dark money is? Well, we don't know, because it is dark money. But who is it usually? Well, the fossil fuel industry, the Koch brothers, and their front groups. And what do you suppose they want to spend millions of dollars for? What could be better for them, the biggest polluters on the planet, than a little minion to run the EPA as Every Polluter's Ally.'

In any sane world, the fact that all this dark and dirty money is being spent to ram through an EPA nominee would be disqualifying all by itself—but not here, not now, not in a Congress that is so compliant to the fossil fuel industry that this alarm bell doesn't even register.

Fossil fuel front groups sent a joint letter of support for their little minion Pruitt. Here is the letter with all of these various groups who I think are united in their dependence on fossil fuel money.

Here is the legendary Heartland Institute. They are that classy group that compared climate scientists to the Unibomber. That has been their contribution to the discussion about climate change.

Competitive Enterprise Institute, Americans For Tax Reform, groups from the State Policy Network—why don't these folks turn up somewhere else? They turn up in the research of academics who are actually studying the climate denial operation—because it is an operation. You can follow the money from the fossil fuel industry out into an array of front groups—front groups by the dozen—whose whole purpose in life is to make them look like

they are not fossil fuel industry front groups. So they have names like the Heartland Institute or the George C. Marshall Institute, which, by the way, has nothing to do with George C. Marshall or his family. They just took the name because everybody knows what a respected individual George C. Marshall was. They just took the name and went to work phonying up the climate change debate under the name of George C. Marshall.

That is a pretty shameful act when you think what George C. Marshall did for this country, but these are not people for whom shame has much effect.

If you look at Dr. Brulle's analysis—he is one of the academics who looks at this array of front groups that are fossil fuel funded—this group of people, of entities that signed the letter for this guy—they show up here too—small world.

Well, I wonder whom they thought that letter would convince? I don't think they expected it would convince many Democrats. Many of us on the Democratic side have gone to the floor of the Senate to call out these fossil-fuel-funded, dark-money-driven front groups, as the fossil-fuel-funded, dark-money front groups that they are.

So I don't think Democrats are very plausible targets for that letter. So why the letter? Well, my view is that this was done because everyone in this building knows that the Koch brothers' political operation is behind all of these groups—many wiggly tentacles of the same fossil fuel polluter Hydra. Behind this letter is the same Koch brothers' political operation that warned Republicans of the political peril—not my word, their word—that Republicans would be in if they crossed this industry, of “how severely disadvantaged”—another quote from the industry books—“they would be if they dared to do anything on climate change.”

That is what this letter is. It is a signal. It is the political mailed fist of the Koch brothers in a front-group glove giving its marching orders. In any sane and normal world, this letter by itself from all these polluter front groups would be disqualifying, but it appears this body will obediently turn the Environmental Protection Agency of our government over to the minion of the polluters to join an administration dead-set to destroy science with politics. It is like everyone on the other side has been sworn to secrecy while this happens in plain view.

This is a heartbreaking speech for me. I perhaps need to start with a little personal background to explain.

Last year, we commemorated the 75th anniversary of the Pearl Harbor attack. After Pearl Harbor was attacked, boys across America rushed to sign up for the service of their country. My father and my uncle were two of those boys. Both became pilots in the

Pacific theater. My dad was a Marine Corps dive bomber pilot; my uncle was a carrier-based Navy fighter pilot. My uncle was killed over the Philippines. Actually, he was under JOHN MCCAIN's grandfather's command—small world—but I doubt that Admiral McCain knew who Ensign Whitehouse was.

My father came home from the war, and he served our country all his life, first as a CIA officer and then as a decorated career diplomat. I believe he won every award the State Department has to offer, and he served in difficult, challenging, poor, and war-torn countries his whole life. At the end, he came out of retirement to set up Special Operations Command in the Pentagon for President Ronald Reagan.

I was raised in that life. We were often in dangerous and war-torn places, and we were surrounded by American families who faced the discomforts, the diseases, and the dangers of those far-away postings because to them something mattered. Something mattered to take your family to a place where, if your child was sick, there was no decent hospital. Something mattered to take your family to a place that if your child was bit by a dog, there was a good chance the dog was rabid. Something mattered to take your family to places where the electricity wasn't reliable, the water wasn't clean, the people weren't friendly, and diseases abounded.

These folks didn't talk about it a lot. Today, a lot of people wear their patriotism on their sleeve. It was not really a topic of conversation, but it was a thread through their lives that showed that in their choices something mattered. They didn't wear their patriotism on their sleeves; they lived it.

The American Government that they served and that my uncle died serving was, to them, an ideal. Did America sometimes fall short of that ideal? Sure. But I will tell you what: Every other country in the world knew the difference between America and everybody else. We stood out for what we stood for. Across our agencies of government, for decades, many Americans have worked quietly and honorably to advance that American ideal.

At the heart of that ideal is a duty, and the duty is to put country first, to put the American people first, even before your own families' comfort and safety. That honor and that duty running through the lives and service of millions of public servants are the core heartstrings of American democracy.

Into that government, this Trump administration has nominated as Administrator of the EPA, a tool of the fossil fuel industry, a man who demonstrably will not take his government responsibilities seriously because he never has. He has never taken EPA's responsibility seriously. He has done nothing but sue them. He has never taken his State's environmental re-

sponsibility seriously. He has shut down the enforcement arm that his office had. He will represent with the biggest conflict of interest in history a polluting industry whose regulation is actually now the EPA's primary public duty. This isn't some fringe question of conflict of interest about some question that may emerge. This is the biggest stinking conflict of interest I think we have ever seen in this body about the issue that is at the center of the Environmental Protection Agency's responsibilities. With the most important task before the EPA being to control carbon emissions before we push this planet over the climate cliff, the industry in question will now rule the regulator.

Well, this hits home. I have fishermen in Rhode Island who need honest environmental policy to protect our seas. “It is not my grandfather's ocean,” they have told me. “Things are getting weird out there,” people who have fished since childhood have told me.

Moreover, Rhode Island is a downwind State from the midwestern smoke stacks and a downstream State from out-of-state water pollution. Rhode Island needs a strong EPA to enforce clean air and clean water laws from harm starting outside our boundaries. My attorney general has not shut down his environmental unit, and my department of environmental management is doing our best to keep Rhode Island clean and livable. But they can't do much about out-of-state polluters. That is where the EPA comes in. For a man who so plainly disbelieves in and deprecates the EPA's mission, it is an alarming picture for Rhode Island.

We are a coastal State, and a small one. We don't have a lot to give back to rising seas. I have to say, I am sick of having to comfort people whose homes have been washed away into the sea.

This is a picture I took not too long ago. Colleagues who have been here for a while might remember this individual. He was the Governor at the time, but he was my predecessor in my seat in the Senate, Lincoln Chafee. His father served here with enormous distinction for many, many years and was actually a Republican chairman of the Environmental and Public Works Committee who cared about the environment. He was an environmental Republican leader.

These are houses that have washed into the sea as the result of a storm. Sea level rise has raised the level of the ocean so that storms throw their water farther in, and they take little houses like these that have been beachfront houses for many years and they just pull them into the ocean.

I spoke to the lady who I think owned that house. She was, I would say, in her seventies. She had childhood memories of that house. It had been her grandparents', and she would

come to visit as a little girl. What she remembers as a little girl is that she would come out of that house, and in front of the house was a little lawn big enough to put up a net and play volleyball or badminton. Across from their lawn was a little road, just a sand-and-gravel road, but it allowed cars to come down and park near the beach. On the other side of the road was a little parking area where the cars could pull in. Beyond the lawn and the road and the parking area was the beach. Her memories of the beach were of sunny days with the sun beating down on the sand, and she would get across the lawn and across the road and across the parking lot, and then she would just have to scamper as fast as she could on her little feet across the hot sand. She described to me remembering what a long run that felt like for her to rush down to the ocean where she could put her feet into the cool Atlantic waters and swim. That beach, that parking area, that road, that lawn, and now her house are all gone. These are the things that are happening in my State that the Republicans in this building could not care less about—could not care less about.

The math is obvious: When you add heat into the atmosphere, the ocean absorbs the heat. Indeed, the ocean has absorbed almost all of the heat of climate change. God bless the oceans because if it weren't for them, we wouldn't be worried about hitting 2 degrees' increase in temperature. We would be worried about hitting 30 degrees' increase in global temperature. Because of all the heat that has been piled up, it has gone into the oceans 93.4 percent. That is like setting off more than two Hiroshima nuclear bombs in the ocean every second. Every second.

Think of the heat of a nuclear explosion of the level that destroyed Hiroshima. Think of the—whatever it would be—terajoule of heat energy that gets set off by a nuclear explosion. Our oceans are absorbing heat. If we measure over the last 20 years how much heat they have absorbed, they are absorbing heat at the rate of multiple Hiroshima nuclear explosions happening in the ocean every second for 20 years.

We wonder why Senator CANTWELL was talking about strange things going on in the oceans. We wonder why my fishermen are saying it is getting weird out there. But when all that heat goes into the oceans, there is a law called the law of thermal expansion. That is not the kind of law we debate around here. That is one of nature's laws. That is one of God's laws. That is one of the laws of physics and chemistry that we so ignore around here because we are paying attention to the laws of politics and the "golden rule": Who has the gold, rules.

But these are laws that we don't get to repeal or amend. What they are

doing is swelling the seas with that heat. On top of that, in comes the water from melting glaciers and there is your sea level rise, 10 inches of sea level rise that we have measured at Naval Station Newport, to the point where we face scenes like this: a man in a kayak going down in front of the Seamen's Church Institute in Newport, RI. This is not water in the ordinary course. This is a place where tourists walk. That is a storefront with water coming through the doorway. This was the storm surge, the tide, that came in with Sandy—which missed us, by the way.

We have a Coastal Resources Management Council that defends our shores, and our University of Rhode Island and Coastal Resources Management Council work together to see what is coming. They have developed new computer tools to determine which houses are going to be lost in what kind of storms, how often this scene is going to have to repeat itself in Rhode Island. We are anticipating 9 feet of sea level rise by the end of this century.

My colleagues may think that is funny, that this is all sort of an amusing hoax we can talk about, but any State whose coasts are threatened with 9 feet of sea level rise, any representative of that State has a responsibility to come here and fight to try to defend that State.

When the adversary is the big special interests that is causing that and that has mounted the vast campaign of lies I talked about earlier to try to cover it—it is \$700 billion in subsidies every year—then that is an adversary worth going after because that is a dirty and wrongful adversary.

When their representative is going to run the EPA, that is a disgusting state of affairs. If Rhode Island had to suffer this to save our country for some great goal, if Rhode Islanders had to go off to war again like my father and uncle and Rhode Islanders have since the first battles in Portsmouth, RI, the Revolutionary War, we would saddle up—sign us up—to take on whatever we need to defend this great country, but don't ask us to take a hit like this to protect a big special interest.

The arrogance and the greed of the fossil fuel industry and the dirty things it is willing to do to advance its interests knows no bounds. It lobbies Congress mercilessly against any action on climate change, and it has for years.

It runs a massive political electioneering operation of dark money and false attacks to prevent any action on climate change, and it has for years. It operates that giant array of front groups, a multi-tentacled, science-denial apparatus to put out streams of calculated misinformation. It does this all to protect what that International Monetary Fund report identified as a \$700 billion annual subsidy.

What would big corporations do to protect \$700 billion? Well, we are find-

ing out. For years, the fossil fuel industry has been deliberately sabotaging the honest and orderly operation of the legislative branch of America's government to protect its subsidy. With this appointment, it would be able to corrupt and sabotage the EPA.

I use the word "corrupt" because this is indeed the very definition of corruption in government. This is government corruption in plain view. In the Supreme Court decision *Austin v. Michigan State Chamber of Commerce*, here is how the U.S. Supreme Court described corruption. The Court described it as "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas."

Back we go to this network of false front operations, established by immense aggregations of wealth that are accumulated with the help of a corporate form and that have little or no correlation to the public support for the corporation's ideas.

We got some interesting polling recently. The George Mason University went out recently and conducted a poll of Trump voters. What did Trump voters think? It turns out that more than 6 in 10 Trump voters support taxing and/or regulating the pollution that causes global warming. In general, Trump voters were asked: Which of these two approaches to reducing the pollution that causes global warming do you prefer? Well, 16 percent said: I don't know; 21 percent said: Do nothing; but 13 percent of Trump voters said: Tax pollution; 18 percent said: Regulate pollution; and 31 percent said: Tax pollution and regulate pollution.

That adds up to more than 6 out of 10 Trump voters thinking that the pollution that causes climate change should be taxed or should be regulated or should be taxed and regulated.

When you go back to the *Austin v. Michigan State Chamber of Commerce* definition of corruption and look at the section that says that the policies pushed by the massive aggregations of wealth accumulated with the help of the corporate form want to go one way and the public wants to go another way and the corporate powers' views have little or no correlation to the public support for the corporation's political ideas, well, heck, we know Democrats support doing stuff about climate change.

It turns out Trump voters do too. The public is actually happy to get something done. It is this mess that is stopping us. It is groups that spend \$700 million in a single election to influence Congress that is the problem, not the American public.

Teddy Roosevelt described corruption this way. He described corruption as a sinister alliance between crooked politics and crooked business, which he

said has done more than anything else for the corruption of American life against the genuine rule of the people themselves.

If you look at the influence of Big Business—particularly the fossil fuel business—it has been something else around here. I was elected in 2006. I was sworn in, in the Senate, in 2007. When I was first here in those early years, there was a Republican climate bill floating around the Senate virtually all the time.

My recollection is that there were five Republican cosponsored climate bills during my time there. SUSAN COLLINS did a climate bill with Senator CANTWELL; Senator John Warner of Virginia, Republican, did a bill with Senator Lieberman; Senator GRAHAM worked on a bill with Senator Kerry; Senator LAMAR ALEXANDER had a bill of his own; and Senator MCCAIN supported climate legislation and ran for President of the United States on a strong climate change platform. And then came 2010. Then came a decision called *Citizens United*, which the fossil fuel industry asked for, expected, and immediately acted on when it came out, and it said to the big special interests: Go for it, boys; spend all you want in politics. We five Republican appointees to the Supreme Court are going to make the comically false finding that nothing you can do with unlimited money could possibly ever corrupt American democracy or could possibly even be seen as corrupting by the American public.

Of course, that is such hogwash that right now the Supreme Court is viewed by people who have been polled on this question as not likely to give a human being a fair shake against a corporation.

If I remember correctly, the numbers were 54 to 6. In a polling group of 100, 6 Americans believe they could get a fair shot in the Supreme Court against corporations and 54 believed they could not get, as human beings, a fair shot in the U.S. Supreme Court against a big corporation, but with the big corporations at the Supreme Court, the fix was in—not a great place for the Court to be when by 9-to-1 American human beings think they can't get a fair shot in front of that Court against a corporation.

They did deliver, and they delivered *Citizens United* and opened the floodgates. The next thing out there was groups like Americans for Prosperity, the front group for the Koch brothers, Donors Trust, which launders away the identity of big corporations like ExxonMobil, and all of these other front groups we looked at earlier, and they are spending immense amounts of money. The result is, if there was a heartbeat of activity on climate change with Republicans before *Citizens United*, it has been a flat line since. That has been the story behind this.

Not only has dark money poisoned our conversation about climate change, this guy actually ran his own dark money operation. His Rule of Law Defense Fund, a 501(c)4 organization that does not disclose its donors have been linked to the Koch brothers, who run one of the biggest polluting operations in the country, but we don't really know. We don't really know. It has been kept absolutely quiet.

There is a black hole of secrecy around this nominee's dark money operation; whom he raised it from, what the quid pro quo was, what he did with it. Not allowed to know. Move along. Move along. It doesn't matter.

This is a test. This is a test of the Senate. Will this nominee ever tell us exactly what his relationship with the fossil fuel industry is? Will we get these emails in time to make an informed decision before his nomination is rammed through one step ahead of the emails that the judge said had to be released?

I can't get over the fact that this guy covered up the emails for 750-plus days for more than 2 years and a judge said: No, get them out Tuesday. And they are going to get them out Tuesday. The second chunk, you have 10 days to get them out. He sat there in our committee and acted as if this was some huge terrible task that he couldn't possibly get done; that with 2 years to do it, he couldn't get a single email out. By the time of our hearing, zero of those thousands of emails had come out. A judge took a look the same situation and said: Do it Tuesday. And they are doing it.

We have been so deliberately stonewalled, and it has been so painfully and plainly made clear by what the judge has ordered. We are not passing this test of how a Senate should act.

President-Elect Trump promised to restore genuine rule of the people themselves. Remember, Teddy Roosevelt's quote that the sinister alliance between crooked politics and crooked business has done more than anything else for the corruption of American life against the genuine rule of the people themselves. President Trump promised to restore genuine rule to people and themselves, and yet it is looking more and more like shadowy and industry-funded groups will really run our government.

This is a test also for the rest of corporate America. A lot of corporate America has good climate policy. Most of corporate America has good climate policy, but when are they going to stand up about an EPA Administrator who is the minion of the fossil fuel industry? What will Coca-Cola say to the Georgia Senators? What will Walmart ask of its Arkansas Senators? What will VF Corporation urge its North Carolina Senators to do? How will Rio Tinto advise its Senators from Ari-

zona? All these companies have taken important stands on global warming. Why not now?

Let's talk about the due diligence that a nomination like this should get, particularly the due diligence about climate change that the present urgency demands. I wondered what due diligence my colleagues have done to assess the reality of climate change before making this fateful and foul vote. The fossil fuel fox is on its way to the henhouse now, and I challenge the colleagues who will have put him there: Have you gone to your home State university for a briefing on climate science to understand what your own universities are teaching?

This nominee, Mr. Pruitt, never had. When we met in my office, he didn't even know who Berrien Moore was. Berrien Moore is the dean of the College of Atmospheric and Geographic Sciences at the University of Oklahoma. He is a nationally renowned climate scientist. Before this nominee and I met in my office, for all this nominee's years of litigation against doing anything about climate change, he had never bothered to go to his own University of Oklahoma and find out from there, his home State expert, what climate change was, how it worked, and what it meant. Why not? The most logical answer is because he didn't care to know. He had already chosen sides and had been richly rewarded for doing so, although we don't know exactly how richly, since his dark money operation is still a secret, protected by the Senate Republicans who are shoving this nomination through.

Here is what Mr. Pruitt would have found out if he had bothered to go to the University of Oklahoma to ask the dean about climate change. The dean of the University of Oklahoma's College of Atmospheric and Geographic Sciences has said: "On the increasing strength of earth sciences, we can now state that global warming is 'unequivocal.'"

The fact that the planet's warming and the fact that CO₂ is a greenhouse gas and the fact that it is increasing in the atmosphere and that increases in the atmosphere due to humans—about those things? There is no debate.

He has said:

We know precisely how fast CO₂ is going up in the atmosphere. We have made a daily measurement of it since 1957. We have ice-core data before that.

He continued:

We know without any question, that it has increased almost 40 percent since the industrial revolution, and that increase is due to human activity primarily fossil-fuel burning.

Those are the words of the dean at the University of Oklahoma, who is the expert in this subject. And Mr. Pruitt had never bothered to actually ever ask him. The fossil fuel industry had told him all he needed to know, and

that is going to be a continuing problem with him as EPA Administrator.

I thought to myself, have any of the Senators on the Environment and Public Works Committee, who voted for this nominee out of committee, done any better? Which Senator on that committee has been troubled to go for, say, half a day, to their own home State university and get a briefing on climate science? As I have said, this matters to Rhode Island because we are a downwind State. We have had bad air days where little kids and seniors and people with breathing difficulties are supposed to stay indoors in the air conditioning, not go outside. We are seeing warming rising, acidifying seas along our shores, hurting our fishermen, causing those families to lose those coastal homes I showed.

And the hits are just going to keep on coming. A child born today at Women & Infants Hospital in Providence, RI, can expect to see upward of 9 feet of sea level rise raging on Rhode Island shores in her lifetime, according to the University of Rhode Island and our State agencies.

Well, it seems to me the least a downwind State like Rhode Island might expect is some modicum of due diligence by colleagues who are blocking action on this subject. At the University of Rhode Island, the due diligence is very clear. URI is working with Rhode Island fishermen to help predict the harm from warming and acidifying seas and figure out what that means for our fisheries and our agriculture.

The Senator is from a State that has very distinguished fishing and agriculture himself, and I am sure his home State universities are doing similar research.

URI and our State agencies are drilling down to generate fine local data on sea level rise and storm surge, and we are starting to be able to predict, with specificity, which homes are likely to be lost in storms, which roads will become inaccessible in coming decades, what plan B is necessary to get emergency services to communities when flooding bars the way, and what water and sewer and other public infrastructure is at risk. These are all now the daily questions of Rhode Island coastal life, thanks to climate change, and our University of Rhode Island is at the forefront of studying that.

Of course, URI is not alone. You can go to every State university and find climate change concerns. They just understand this stuff. They are not actually just learning climate science, they are teaching about climate change. It is astonishing that Senators from those States will not listen to what their own universities teach.

Let's call the Republican roll of the Environment and Public Works Committee, all of whom voted to suspend the committee rules to jam this fossil

fuel industry minion through to the Senate floor as Administrator of the EPA, notwithstanding the black hole of secrecy around his dark money dealings with the polluting fossil fuel industry, and notwithstanding his years of stonewalling dozens of Open Records Act requests, including the one that has just been ordered to be disclosed by the judge today—thousands of emails.

Let's see what our Environment and Public Works Committee colleagues, who cleared the way in committee for this nominee, would find at their home State universities, if they looked.

Chairman BARRASSO could go to the University of Wyoming, where he would find the University of Wyoming Center for Environmental Hydrology and Geophysics reporting: "Many of the most pressing issues facing the western United States hinge on the fate and transport of water and its response to diverse disturbances, including climate change."

He would find University of Wyoming scientists publishing articles on "The effects of projected climate change on forest fires' sustainability" and the University of Wyoming awarding university grants to study the effects of climate change on pollinators, on water flow, on beaver habitat, and on whitebark pine growth, all work being done sincerely at the University of Wyoming on climate change.

Next down the line, we come to Senator INHOFE of Oklahoma. The senior Senator from Oklahoma could also go, of course, and consult Dean Moore of the College of Atmospheric and Geographic Sciences at the University of Oklahoma. But if he really wanted to dig in, he could also go over to Oklahoma State and get an update from Oklahoma State Professor Riley Dunlap, who has written in a peer review and scientific journal: "Climate science has now firmly established that global warming is occurring, that human activities contribute to this warming, and that current and future warming portend negative impacts on both ecological and social systems."

"Portend negative impacts on both ecological and social systems"—that is science-ese for it is going to hurt people, as we Rhode Islanders already see all too plainly.

Oklahoma State's Professor Dunlap goes on to write something more. However, he goes on to say:

There has been an organized "disinformation" campaign . . . to generate skepticism and denial . . . to "manufacture uncertainty," . . . especially by attacking climate science and scientists.

Wow. Huh?

And he goes on:

This campaign has been waged by a loose coalition of industrial (especially fossil fuels) interests and conservative foundations and think tanks—

Look at that. He seems to be agreeing with Dr. Brulle at Drexel University—

that utilize a range of front groups and Astroturf operations [to manufacture that uncertainty].

That is the research that Senator INHOFE would find at Oklahoma State. That organized disinformation campaign that Professor Dunlap reports on and the massive political muscle operation that supports it explains a lot of what goes on around here. And if you cross-reference the entities that Professor Dunlap puts into that organized disinformation campaign, you will find them on the record supporting this nominee. He is the nominee of the organized disinformation campaign. And that is because, behind this whole mess of a nomination, is the fossil fuel industry.

Let's go back to the Environment and Public Works Committee and continue down the row on the majority side. We come next to Senator CAPITO. Senator CAPITO from West Virginia could go to West Virginia University, where the Mountaineers could show her their mountain hydrology laboratory, which tells us, "Climate change has important implications for management of fresh water resources." These include, "that the highlands region in the central Appalachian Mtns. is expected to wet up." As warmer air, which carries more moisture, leads to what West Virginia University is calling "intensification of the water cycle," the laboratory warns that, "the implications of this intensification are immense."

West Virginia University's Wildlife Conservation Lab publishes regularly on climate change effects, and one of West Virginia University's climate scientists, Professor Hessel, has been recognized by West Virginia University as West Virginia University's Benedum Distinguished Scholar. West Virginia University even sends people all the way to China to study climate change. Some hoax.

Onward. My friend, Senator BOOZMAN, is next in the line. His home State University of Arkansas has actually signed onto both the first and second university president's climate commitments. And the University of Arkansas has undertaken what it calls an aggressive and innovative Climate Action Plan to reduce greenhouse gas emissions and help prevent climate change. The University of Arkansas explains the need to reduce greenhouse gases, particularly including carbon dioxide and methane. It is because these gases' "absorption of solar radiation is responsible for the greenhouse effect."

Explaining further, the University of Arkansas describes that the greenhouse effect "occurs as these gases are trapped and held in the Earth's atmosphere, gradually increasing the temperature of the Earth's surface and air in the lower atmosphere."

A University of Arkansas scientist predicts "that the spread of plant species in nearly half the world's land

areas could be affected by global warming by the end of the century."

On down the EPW row is my friend ROGER WICKER from Mississippi. Down in Mississippi, the University of Mississippi, Ole Miss, actually has an Office of Sustainability. The Ole Miss Office of Sustainability is there "to further the university's efforts to combat global climate change."

Believe it or not, Ole Miss is another signatory to that University Presidents' Climate Commitment just like Arkansas. It is moving toward net zero greenhouse gas emissions. By the way, so is the University of Southern Mississippi. The director of the University of Mississippi's Center for Hydroscience and Engineering explains why this matters.

Human influence and greenhouse gasses are the dominant causes of the increase in global average temperature of the earth. The impacts are observed in rising sea levels, precipitation patterns, hydrologic regimes, floods and droughts, and environmental processes.

He continues.

We must reduce our carbon footprint and take the necessary steps to reduce our vulnerability to future climate change impacts.

From the University of Mississippi. Also, at Ole Miss, anthropology professor Marcos Mendoza warns that "climate change is the greatest environmental threat facing global society in the 21st century." Let me say that again—from Ole Miss. "Climate change is the greatest environmental threat facing global society in the 21st century." But the fossil fuel machine is going to see to it that we put a climate denier into the EPA Administrator's seat.

So let's stay in Mississippi and go over to Mississippi State University, where several professors contributed to the American Society of Agronomy's report, "Climate Change and Agriculture: Analysis of Potential International Impacts." The forward to that volume states that "the threat of global climate change due to anthropogenic modification of the atmosphere—the so-called greenhouse effect—could potentially be one of the major environmental problems of our time."

Down on the gulf, all three Mississippi universities are working together with Sea Grant, on what they call a climate team to assess "the risk of environmental, economic, and societal impacts from rising sea levels and storm surges." My friend who is presiding knows well the effects in the gulf. When you are looking at the risk of environmental, economic, and societal impacts from rising sea levels and storm surges, you have something in common with Rhode Island as well.

Let's go on to Nebraska from where Senator FISCHER hails. The University of Nebraska has published extensive reports on what they call "Climate Change Implications for Nebraska."

One University of Nebraska report leads with this blunt sentence: "Climate change poses significant risks to Nebraska's economy, environment, and citizens." Well, Nebraskans, it turns out, agree. The University of Nebraska has published research that "most rural Nebraskans believe the state should develop a plan for adopting to climate change, as do 58 percent of Nebraskans 65 and older."

So even the elder Nebraskans by 58 percent believe it, and nearly 70 percent of young Nebraskans, from 19 to 29 years old. On the science, the University of Nebraska reports the following:

Is there debate within the scientific community with regard to observed changes in climate and human activities as the principal causal factor? The short answer here is no, at least certainly not among climate scientists; that is, scientists who have actual expertise in the study of climate and climate change.

Let me repeat that again from the University of Nebraska.

Is there debate within the scientific community with regard to observed changes in climate and human activities as the principal causal factor? The short answer here is no, at least certainly not among climate scientists; that is, scientists who have actual expertise in the study of climate and climate change.

The University of Nebraska goes on.

For more than a decade, there has been broad and overwhelming consensus within the climate science community that human-induced effects on climate change are both very real and very large.

As to scope of those effects, the University of Nebraska warns:

The magnitude and rapidity of the projected changes in climate are unprecedented. The implications of these changes for the health of our planet and the legacy we will leave to our children, our grandchildren, and future generations are of vital concern.

The University of Nebraska has even published what it calls "Key Climate Change Data for Nebraska." This is the list:

Temperatures have risen about 1 degree Fahrenheit since 1895; frost-free season has increased 5 to 25 days since 1895; very heavy precipitation events have increased 16 percent in the Great Plains Region; projected temperature increase of 4 to 5 degrees Fahrenheit, low-emissions scenario, or 8 to 9 degrees Fahrenheit, high-emissions scenario, by 2100; projected summer of 2100 will have 13 to 25 days over 100 degrees Fahrenheit; number of nights over 70 degrees Fahrenheit will increase by 20 to 40 by 2100; soil moisture is projected to decrease 5 to 10 percent by 2100; reduced snowpack in Rocky Mountains equals reduced streamflow in our rivers; increasing heavy precipitation events; increasing flood magnitude; increasing drought frequency and severity.

That is the University of Nebraska's list of coming attractions to Nebraska from climate change.

On to Kansas, where Senator MORAN would learn from Kansas State University about climate change's effects on agriculture in his home State. Kansas State University Professor Charles Rice, Distinguished Professor of Agronomy, working with the National Science Foundation is using "climate modeling tactics to predict the effects of climate change in the Great Plains, and to develop adaptation and mitigation strategies for agriculture in the region," to help meet what Kansas State calls "one of the grand challenges of the 21st century: evaluating and predicting the biological and ecological consequences of accelerating global climate change."

Kansas State brought the executive director of agricultural giant Cargill to talk about climate change. News reports describe what the Cargill executive stated; that "climate change is real and must be addressed head-on to prevent future food shortages." Specifically, the Cargill executive said that "U.S. production of corn, soybeans, wheat, and cotton could decline by 14 percent by mid-century and by as much as 42 percent by late century." This is a senior corporate executive in one of our leading agricultural companies, warning of a 14-percent decrease in these essential crops by midcentury, and as much as a 42-percent decrease by late century.

From an agricultural standpoint, the executive said, "We have to prepare ourselves for a different climate than we have today." Maybe that is why Kansas State calls evaluating and predicting the biological and ecological consequences of accelerating global climate change one of the grand challenges of the 21st century.

Let's head out to South Dakota, where Senator MIKE ROUNDS would hear from South Dakota State University about climate change on the Dakota Plains. South Dakota State's Leffler Lab calls climate change "the signature challenge of the 21st century." So let's bear in mind, we have the Kansas State University calling climate change "one of the grand challenges of the 21st century." We have South Dakota State's Leffler Lab calling climate change the "signature challenge of the 21st century." We have an EPA nominee who is a climate change denier, wrapped so tight with the fossil fuel industry, you can't tell where one ends and the other begins, and he has the support of the Senators from Kansas and South Dakota.

It is a riddle. South Dakota State scientists are not just saying that climate change is the signature challenge of the 21st century, they are out studying climate change around the globe. From the Upper Ghanaian forests of West Africa to the West Antarctica ice sheet. South Dakota State University Professor Mark Cochrane is working with the U.S. Forest Service to determine "how a changing climate impacts

forest ecosystems" and reported that "forest fire seasons worldwide increased by 18.7 percent due to more rain-free days and hotter temperatures."

The South Dakota State University News Center has reported that season-shifting climate changes "are all being affected by warming from an increase in greenhouse gases due to human activity"—"all being affected by warming from an increase in greenhouse gases due to human activity."

South Dakota State University even brought in Harvard Professor and "Merchants of Doubt" author Naomi Oreskes, saying that her work "has laid to rest the idea that there is significant disagreement in the scientific community about global warming." Somebody needs to translate between South Dakota State University and this EPA nominee.

So on we go to Iowa, continuing down the Environment and Public Works Republican roster, where Senator JONI ERNST could hear from an Iowa State University professor who told a United Nations conference not long ago that "climate change was already affecting Iowa farmers. This is not just about the distant future," he said. Iowa State has published extensive reach and I will just quote the title of it, "Global Warming: Impact of climate change on global agriculture." Iowa State's prestigious Leopold Center views climate change not merely as warming, but as a "worsening destabilization of the planet's environmental systems."

Climate change is not just warming, it is a "worsening destabilization of the planet's environmental systems" and yet the good Senator voted to move this climate-denying industry tool forward to be our EPA Administrator.

A worsening destabilization of the planet's environmental systems, they call it, that will create "an aggravated and unpredictable risk that will challenge the security of our agricultural and biological systems"—"aggravated and unpredictable risk that will challenge the security of our agricultural and biological systems."

That is Iowa State talking. They conclude: "The scientific evidence is clear that the magnitude of the changes ahead are greater, the rate much faster, and [the] duration of climatic destabilization will last much longer than once thought."

Now we come to the end of the row of the Republicans on the Environment and Public Works Committee.

As an Alaskan, Senator DAN SULLIVAN would get double barrels from the University of Alaska, first about climate change and second about ocean acidification.

"Alaska is already facing the impacts of climate change," the University of Alaska reports.

This question of "facing the impacts of climate change" matters enough to

the University of Alaska that, on global warming, the university has stood up the Alaska Climate Science Center. The Alaska Climate Science Center has been established to help understand "the response of Alaska's ecosystems to a changing climate."

The Alaska Climate Science Center of the University of Alaska is charting the recordbreaking, year-over-year warming in Alaska, analyzing temperature trends, and receiving awards for "modeling and evaluating climate change impacts in the Arctic."

"One thing for sure," the center says, is that the climate "will continue to change as a result of various natural and anthropogenic forcing mechanisms."

Then there is the other climate change punch coming at Alaska, from the sea. In addition to its Alaska Climate Science Center, the University of Alaska is serious enough about this to have also stood up an Ocean Acidification Research Center to address what it calls "growing concerns over increased acidity in the ocean and the impacts this phenomenon will have on Alaska's marine ecosystems"—"growing concerns over increased acidity in the ocean and the impacts this phenomenon will have on Alaska's marine ecosystems."

Alaska's seafood industry is an enormous asset to Alaska's economy, and it depends on Alaska's marine ecosystems. Well, the University of Alaska's Ocean Acidification Research Center warns that ocean acidification "has the potential to disrupt this industry from top to bottom"—"to disrupt this industry from top to bottom."

The Ocean Acidification Research Center identifies the culprit of this phenomenon as "the transport of CO₂ from the atmosphere into the ocean."

Indeed, as we have loaded up the atmosphere with more and more CO₂ emissions from the burning of fossil fuels, the ocean has actually absorbed chemically about a third of that CO₂.

In addition to all that heat I mentioned earlier that the ocean had absorbed—more than 90 percent of the added heat—it actually absorbed one-third of the carbon dioxide. Of course, when carbon dioxide interacts with seawater, there is a change that takes place.

Indeed, why don't we see about doing a demonstration of that change. It will take a minute to get that organized. While we are getting that organized, let me continue.

Here is a description—thank you to the University of Maryland for the graphic—of how atmospheric carbon dioxide turns the ocean acidic.

When you add additional CO₂ to the atmosphere, at the surface, where it meets the sea, there is a chemical exchange, and the CO₂ can be absorbed by the ocean. As I said, one-third of it has been. That dissolved carbon dioxide

joins with the water chemically, and it creates carbonic acid. The carbonic acid, in turn, creates bicarbonate ions, hydrogen ions, and carbonate ions, and those ions interfere with the makeup of marine creatures, which make their shells out of free carbon in the oceans, and some of those effects are pretty apparent.

This is the shell of an ocean creature called a pteropod. It is at the base of a great deal of the ocean food chain. There are studies off the northwest coast that show that more than 50 percent of this creature have experienced what the scientists who them caught them and studied them called severe shell damage. Here is what happens when you expose them to high concentrations of acidified seawater, higher than usual. That is what it looks like day 1. That is a healthy shell. Fifteen days later, it is starting to gray. Thirty days later, beyond just starting to gray, it is starting to actually come apart. And by 45 days, the shell is a wreck. That is not an animal that is capable of surviving.

So let's see how this works. This is a glass of water, and I have just put 20 drops of a pH test into it. That shows what the acidity is of the water. As you can see, it has turned the water rather blue, which matches roughly this level of pH.

Mr. President, I ask unanimous consent that I be permitted to continue with this little demonstration.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, this is a very simple bubbler that anybody with an aquarium will recognize. All you simply do is you put the bubbler in. I produce carbon dioxide as I exhale. So I am exhaling one breath into this same glass. I will do one more. It was not even a full breath, but there it is.

It used to match that color; do you remember? Now look at what color it matches. Just breathing carbon dioxide through the water has changed its pH and has made it more acidic.

I can do that right here with a breath. It is happening on a global scale, as the interaction between the atmosphere and the oceans transports CO₂ into the oceans. When that happens, the same chemical effect that we modeled here takes place, and the oceans become more acidic, and the effects continue to be damaging.

The previous shell that I showed was the pteropod, a humble creature, but an important creature in the food chain. It is actually called the ocean butterfly by some because its snail foot has been transformed by God's law of evolution into an oceanic wing that allows it to fly in the seas.

This is an oyster. The Senator's State of Louisiana does a lot of work with oysters, as does Rhode Island.

Again, exposing oyster larvae to ocean water with heightened levels of acidity—day 1, day 2, day 4, and then we see exposure to acidity. Here is what a healthy larva looks like; here is what one exposed looks like. Here is what the healthy one looks like; here is what the exposed one looks like. Here is a healthy one; here is one exposed.

You will see that the healthy larva is growing day after day. It is getting bigger. It is going to become an oyster. Somebody is going to have a great oyster stew some day with that oyster with any luck.

This one is shrinking and deforming, and the reason is that the little creature is trying to take the carbon out of the ocean to make its shell—the calcium. And because of those ions that I pointed out, it is bound up, and they can't get it. So they deform this way.

When you are at a point where more than 50 percent of ocean pteropods are experiencing severe shell damage, if you are not paying attention, you are going to take a big punch.

Now I know around here we don't give a darn about God's creatures as being God's creatures. I probably sound funny to some people talking about a funny little creature in the ocean called a pteropod. The things we care about here are things that we can monetize because this is Mammon Hall. This is the temple where gold rules.

These little creatures are a little bit away from the gold. But who cares about the pteropod? I will tell you who cares about the pteropod. Salmon care about the pteropod, and people care about the salmon, and Alaska has a pretty good salmon fishery. The Pacific Northwest has a pretty good salmon fishery. If you drop out the pteropod from the bottom of the oceanic food chain because it can't grow because the ocean has acidified, there is a big collapse to take place.

As scientists would say, the upper trophic levels fall as the lower trophic levels collapse. So this is serious.

As I went through all these different Republican Environment and Public Works Committee Senators' home State universities, maybe you could say that all those home State universities are part of the climate change hoax that our President is so pleased to tweet about.

If so, my colleagues really ought to call their home State universities out about that. If they think their home State universities are in on a hoax, I think it wouldn't be right, and they ought to call out their home State universities. If the home State universities are part of a big old hoax, say so. Say so. But if all of my Republican colleagues' home State universities right down the line on the Environment and Public Works committee aren't in on a hoax, if what they are doing is good science, why not listen to them? Why not listen to them? What is the dark

star in this firmament that causes the real science from the home State universities of these Senators to warp and twist around as it comes to this body? What is the power? What is the force that is causing every single one of these home State universities to be ignored by their home State Senators?

Let me go back and review very briefly what they said. Home State universities of the Republican Senators on the Environment and Public Works Committee warn of "pressing issues" related to climate change. That is Wyoming—pressing issues.

Assert that the science of climate change is "unequivocal," "without any question." That is from Oklahoma.

Foresee "immense" implications related to climate change. That is West Virginia.

Making anti-greenhouse gas "climate commitments" to fight climate change. That is the University of Arkansas.

Warn that "climate change is the greatest environmental threat facing global society." That is Mississippi.

Find the "significant risks" from climate change to be "of vital concern." That is Nebraska. That is the one that had the hit list of coming attractions from Nebraska of climate change

Describe climate change as "one of the grand challenges of the 21st century." That is Kansas.

Call climate change "the signature challenge of the 21st century." South Dakota.

Predict "aggravated and unpredictable risk" from climate disruption. That is Iowa.

Prepare for fisheries risk that could shake the State's seafood industry "from top to bottom." That is Alaska.

Right down the row of Republican Senators who voted for this climate denying nominee, you have home State universities that say the opposite, that say that it is real, that it is beyond scientific debate at this point, that its effects are here, that its effects are worsening, and that it is going to shake industries like the fishing industry from top to bottom and create significant risk and disturbances in agriculture. But not one of those Senators stood up against the nominee who is the shameless tool of the industry that is causing all that harm.

So I have to ask, how does that end? If you listen to what all your home State universities are saying, this is a pressing and immense grand challenge. This greatest environmental threat—it doesn't go away. This is truth measured by science, God's and nature's truth, and truth always demands a reckoning.

If we listen only to the fossil fuel industry as it lies and prevaricates and propagandizes and disassembles and does all its nonsense to protect its all-important right to pollute for free, how do we expect this turns out in the end?

Do you think these acidifying shells give a red hot damn what a fossil fuel industry lobbyist says? They are responding to laws of chemistry and nature that we don't get to repeal or amend.

Let me make one last point in closing, as I saw Senator CARPER here, our distinguished ranking member, and I am sure he wants to speak.

Our Republican friends claim to support market economics. They are big on how you have to trust the market. You shouldn't regulate. Markets are the way to go. Market economics is the most efficient tool for allocating resources. Market economics are how we create wealth. Actually, I agree. So let's look at market economics.

What I believe and what economists say on all sides of the political spectrum is that it is market economics 101 that for the market to work, the harm of a product has to be built into the price of a product.

The fossil fuel industry, the dark star of our politics, absorbing and bending all of this home State information, absorbs and bends even conservative market principles so that they disappear here in Congress, at least wherever those principles conflict with what appears to be our first principle: the well-being and the power of the fossil fuel industry.

The fact that Senators do not hear or do not care about this science from their home State universities tells you all you need to know about the brute political force of the fossil fuel industry here in Congress.

(Mrs. ERNST assumed the Chair.)

Let me go back just a moment to something I said earlier, since we have been joined by the Senator from Iowa at this fine early hour in the morning. Just before she arrived, I was talking about Iowa State. Since she is here, I will go back to those remarks and to the Iowa State University professor who told a United Nations conference not long ago that climate change is already affecting Iowa farmers. "This isn't just about the distant future," the Iowa State scientist said.

I noted that Iowa State has published extensive research on, and I quote Iowa State University here, "global warming, the impact of climate change on global agriculture."

Iowa State has a center called the Leopold Center, which perhaps the Presiding Officer can confirm is a fairly prestigious institution within the University of Iowa. Iowa State's Leopold Center "views climate change not merely as warming, but as a worsening destabilization of the planet's environmental system."

I hope the distinguished Senator from Iowa will review Iowa State's view that this worsening destabilization of the planet's environmental system will create, and I quote Iowa State University again, "aggravated and unpredictable risks that will challenge

the security of our agricultural and biological systems” and consider their conclusion: “The scientific evidence is clear that the magnitude of the changes ahead are greater, the rate much faster, and the duration of the climatic destabilization will last much longer than once thought.”

Let me close, while we wait for Senator CARPER, who is nearby, with my final exhibit.

This is a page from the New York Times in 2009. It is a full-page ad that was taken out in the New York Times in 2009, and it reads:

Dear President Obama and the United States Congress, tomorrow leaders from 192 countries will gather at the U.N. Climate Change Conference in Copenhagen to determine the fate of our planet. As business leaders, we are optimistic that President Obama is attending Copenhagen with emissions targets. Additionally, we urge you, our government, to strengthen and pass U.S. legislation and lead the world by example. We support your effort to ensure meaningful and effective measures to control climate change, an immediate challenge facing the United States and the world today. Please don't postpone the earth. If we fail to act now, it is scientifically irrefutable that there will be catastrophic and irreversible consequences for humanity and our planet.

Please allow us, the United States of America, to serve in modeling the change necessary to protect humanity and our planet.

That is the text of this advertisement in the New York Times in 2009. And guess who signed it. Donald J. Trump, chairman and president; Donald J. Trump, Jr., executive vice president; Eric F. Trump, executive vice president; Ivanka M. Trump, executive vice president; and the Trump Organization.

I will close with the sentence from this New York Times advertisement, signed by Donald J. Trump, that “the science of climate change is irrefutable and our failure to act will have consequences that are catastrophic and irreversible.” President Trump's words, not mine.

I yield the floor.

Mr. CARPER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, good morning to our pages and members of our staff, some of whom have been up all night.

I just walked over here from my office in the Hart Building and, along the way, I ran into the Capitol Police and others who are putting in a long day and a long night. I, on behalf of all of us, want to express my thanks to them.

I have said this on several occasions—that I take no joy in going

through a chapter like we are going through tonight.

I come from a State on the east coast where we get along pretty well. Democrats and Republicans sort of like each other. They tend to be mainstream, both on the Democratic side and on the Republican side. We have something called the Delaware way, and it is sort of based on the three C's—communicate, compromise, and collaborate. This is what we do. We have done it for a long time, and it seems to work for us. Hopefully, when we get through this chapter—when we get through the nomination process—we will be able to get back to the three C's.

I have the privilege, as the Presiding Officer knows, that when I got out of the Navy I moved to Delaware, and I had an opportunity to serve in a couple of different roles—as the treasurer, as a Congressman, and then as the Governor for 8 years. In my time as Governor, according to laws and the constitution of Delaware, the Governor nominates people to serve as cabinet members, as members of the judiciary, and on a lot of boards and commissions.

During those 8 years that I was privileged to serve as Governor, the legislature was split—the House was Republican, and the Senate was Democrat. When it came time to nominate members of my cabinet, my predecessor was Governor Mike Castle, as the Senator from Rhode Island knows. He was a moderate Republican, and he had been our Governor, and before that our Lieutenant Governor. He was a State legislator and a very successful attorney. When I was elected Governor, he was elected Congressman. So we literally traded places. He took my job in Congress, in the House, and I took his job as Governor.

It was really a wonderful transition, where I tried to help him make that transition to be successful in the House of Representatives, and he tried very much to help me be successful as a new Governor.

I, actually, went to something called the New Governor's School, hosted by Roy Romer, who was then the chairman of the National Governors Association—a wonderful guy. We were in the New Governor's School out in Colorado, the newly elected Governors of 1992—Democrats and Republicans, including people like George W. Bush, Tom Ridge, and the list goes on. If I had had more sleep, I could remember every one of them. It was just wonderful. Mike Levin, who later became the head of the EPA, was one of them.

We learned a lot at the New Governor's School about how to set up and establish an administration, how to put together an administration. Mike Castle, Delaware's Governor, was part of the faculty, if you will, of current Governors who mentored us in the New Governor's School, and it was a blessing in my life.

I asked Governor Castle, as we were going through that transition, to sort of walk me through his own cabinet and to suggest who might want to stay, who might be interested in staying on in a new administration—in my administration—and who, maybe, who would not. It ended up, when I nominated people to serve in my cabinet, that there were several there who had actually served in his. We had mostly Democrats. I am a Democrat. But there were some Republicans as well. Below the cabinet level, we had division directors, and we kept almost all—not all but almost all of the division directors we asked to stay, too.

For 8 years as Governor of Delaware, I would nominate people to serve in either cabinet positions or on the judiciary or at other posts; but, for 8 years, we batted 1,000. The State executive committee was terrific in approving people, confirming people to serve in these roles. It was not like I just rushed things—here is who we are nominating. Go pass them.

That is not the way they worked. I asked them for their ideas. We solicited their ideas, not just for the cabinet but, also, for the judiciary.

At the end of the day, it was my role to actually nominate people, and it was their role to provide advice and consent, and they did—a little bit before but, certainly, throughout the nominating process. It worked pretty well. It worked pretty well for our State, and I am proud of the 8 years that our administration worked with the legislature and with nonprofit communities, the faith community, and the business community with what we accomplished.

I was trained as a leader from the age of 12, and our Presiding Officer was trained as a leader, probably, from about the same age. We both served in the military. She is a retired lieutenant colonel, and I am a retired Navy captain. But I was trained that leaders are humble, not haughty. I was trained that leaders should have the hearts of servants, as our job is to serve and not be served. I was trained that we basically call on people not to do what we say but to do what we do. I believe in leadership by example. I was taught that leaders don't hold their fingers up to the wind and see which way the wind is going, but that we should have the courage to stay out of step when everyone else is marching to the wrong tune. I was trained that leaders do not lead by dividing folks but by uniting people—by building bridges, not walls. I was trained that leaders should be purveyors of hope—that we should appeal to people's better angels. I was trained that leaders ought to focus on doing what is right, not what is easy or expedient, that we should embrace the Golden Rule—really, embody the Golden Rule—by treating people the way we want to be treated, that we should

focus on excellence in everything we do and surround ourselves with the best people we can find. When the team that we lead does well, they get the credit, and when the team that we lead does not do so well, the leader takes the blame. I was trained as a leader with the idea that, when you know you are right, be sure you are right. You just never give up. You never give up.

Those are the leadership skills that were infused into me by my family and my faith. I was in the military for 23 years, plus 4 years as a midshipman, and it helped make me who I am. Those are, really, the leadership blocks that I bring to my job here.

We have had some great leaders in this body. We could use a leadership like I have just described at the top of the food chain in this country, in this administration. We could use that. I, thus far, after about one month into this administration, I haven't seen that kind of leadership that I had hoped for, that we had seen not that long ago.

I want to commend everyone who has come to the floor in the last almost 20 hours on our side—the Democratic side—and on the Republican side to explain our points of view with respect to the nomination of Scott Pruitt to be Administrator for the EPA in this country.

When Donald Trump was running for President, he said pretty consistently that part of what he wanted to do as President was to degrade and, essentially, destroy the Environmental Protection Agency. He didn't just say it once or twice but again and again. When he won the nomination, he said the same thing—that, if elected President, part of his goal would be to degrade and, essentially, destroy the Environmental Protection Agency. When he was elected President—a couple of days after being elected—he repeated that pledge.

Sometimes people may not believe what we say, but they will believe what we do. For me, the first clear indication that what he said with respect to the Environmental Protection Agency was something that he intended to do was the selection of a person to lead the Environmental Protection Agency, and he chose the attorney general of Oklahoma Scott Pruitt.

Scott was introduced at his confirmation hearing before the Environment and Public Works Committee by the two Senators from Oklahoma—JAMES LANKFORD, with whom I serve on the Homeland Security and Governmental Affairs Committee—he is a great member—and JIM INHOFE, who is our senior Republican on the Environment and Public Works Committee.

They have very high regard for Scott Pruitt. They have spoken here on the floor with regard to him and to his service. When someone whose service and friendship I value as much as I do—

JAMES LANKFORD and JIM INHOFE—speak so highly of a friend and a colleague from their State, it is not easy for me, and it is not easy for the rest of us to oppose that nominee—their friend. But we have done that. We have done that for weeks now, and we have done that now throughout this night.

I take no joy in doing this. Having said that, I take no joy in the fact that the levels of the seas around my little State of Delaware are rising, and we are the lowest lying State in America, and we see every day the vestiges of sea level rise.

I take no joy when I catch the train in the morning to come down here—I go back and forth every day—I take no joy in standing on the platform at the Wilmington train station and in looking at a beautiful riverfront, which we have worked on for 20 years so as to transform an industrial wasteland into something that is lovely, beautiful, and clean. Even now, with the fish that swim in the Christina River, we cannot eat them. In fact, from most of the bodies of water in my State, we cannot eat the fish, and that is because of the mercury that is contained in them. It is not just in my State, and it is not just in our neighbors' States—Maryland and New Jersey. It is in the States all up and down the east coast.

We live in what is called the end of America's tailpipe. A lot of emissions that are put up into the air come from coal-fired plants to our west—from Ohio, Indiana, Kentucky, West Virginia, which is my native State, and other States. They have, in many cases, really tall smokestacks, and they put their pollution—their air emissions—up through the smokestacks. They go up hundreds and hundreds of feet into the air. The air carries them out of their States. It carries the pollution out of their States, and where does it settle? It settles in ours. In States from Virginia on up into Maine. We live at the end of America's tailpipe.

I take no joy that, of the freshwater fish in our State and a lot of other places on the east coast and, frankly, in other places around the country, you cannot eat those fish anymore.

I want to take a few minutes and pivot from that as background to what we are going to look at—some charts—in a minute. Before we do, I want to talk about why we can't eat the fish in too many places around this country. And the reason why is because we get, I would say about 40 percent of our electricity from coal. Today it is maybe down to around 30, maybe 25 to 30 percent, and maybe 25 to 30 percent from natural gas. We get maybe 20 percent from nuclear, and the rest is from the renewable forms of energy, including wind and solar technology as it has gotten better and better and better.

One of the reasons my colleagues, particularly on this side, have great

concerns about the nomination of Scott Pruitt has to do with mercury. As I have shared with the Senate, a review of Mr. Pruitt's record yields some troubling information about how he managed the unit within his own office in Oklahoma charged with responding to environmental matters. Upon taking office, Mr. Pruitt essentially gutted his own Environmental Protection Unit within the attorney general's office. It appears he abandoned his responsibilities to use his office to protect the public health of Oklahomans and declined to use his authority to hold polluters and bad actors accountable.

A review of Mr. Pruitt's record yields nothing that shows how he will change this behavior if he is confirmed to be EPA Administrator. In fact, the New York Times reported earlier this month, on February 5, that Mr. Pruitt is drawing up plans to move forward on the President's campaign promise to "get rid of" the EPA.

Just remember, the EPA does not just involve clean air and clean water and the cleanup of hazardous waste sites. The implementation of the Toxic Substances Control Act deals with hazardous materials and the products we use every day. The Environmental Protection Agency is a huge player in the public health of our country for not just adults like us but for young people like these pages, like my children, our grandchildren—all of us—our parents, grandparents. The EPA is in large part responsible for our being a healthier nation.

I am a big believer in going after root causes for illness and sickness, and if you have mercury in your fish, if you have bad stuff in your air, it degrades your health, and that is a big problem. It is a big problem for us in Delaware because we spend a whole lot of money. Ninety percent of the air pollution in my State doesn't come from Delaware. It isn't generated in Delaware. It is bad stuff. It is air emissions that come from other States. They are able to burn coal, get cheap electricity, and because they put stuff in the air in tall smokestacks, they send it over to us. They end up with cheap electricity, lower healthcare costs, and we end up with having to clean up our emissions dramatically, more so than we otherwise would. It is expensive. So we end up with expensive electricity and also healthcare costs that are higher than the places where the pollution is coming from. That is just not right.

I said earlier that I get no joy from going through this nomination battle for Mr. Pruitt with my friends on the other side, but believe me I get no joy from the idea that we end up with expensive electricity in my State and higher health costs because other people in other parts of our country don't embrace the Golden Rule, to treat other people the way you want to be treated.

Going back to the New York Times article on February 5 that indicated that Mr. Pruitt is drawing up plans to move forward on the President's campaign promise to get rid of the EPA, they had these landing teams in the course of the transition to go through each of the agencies. The person who apparently was leading the administration's landing team into the EPA called for reducing the head count at EPA. They didn't say we are going to have a hiring freeze at the EPA. They didn't say we are going to have a 1- or 2- or 3-percent reduction. They didn't say we were going to reduce it by 5, 10, 15, 20, 25 percent. They said we are going to reduce the head count at the Environmental Protection Agency by two-thirds.

I guess it is possible that whoever this person is that heads up the landing team of the EPA, maybe they don't have pollution in their State. Maybe the air is pristine, and they can get all the fish they want from all the other rivers, lakes, and streams. They don't have to worry about toxic waste sites or any of that stuff. I doubt it.

I think part of our job is to make sure the EPA can do their job better, but the kind of draconian changes President Trump has talked about—and when you look at the record of the fellow they nominated to lead the EPA, you get the feeling that maybe they are not just talking.

There is an old saying that sometimes people may not believe what we say, they believe what we do so let's just take a look to see what Mr. Pruitt has done in his own State of Oklahoma. I would say there are two sides to every story, and we are hearing two sides to every story. What I am going to do here is just draw on his own words.

The New York Times story goes on to say that Mr. Pruitt "has a blueprint to repeal climate change rules, cut staffing levels, close regional offices and permanently weaken the agency's regulatory authority."

It continues:

As much as anyone, Mr. Pruitt knows the legal intricacies of environmental regulation—and deregulation. As Oklahoma's attorney general over the last six years, he has led or taken part in 14 lawsuits against the EPA.

His changes may not have the dramatic flair favored by Mr. Trump, but they could weaken the agency's authority even long after Mr. Trump has left office.

And how will he achieve this objective of weakening the Agency's authority? First, by diminishing the scientific basis by which the Agency makes decisions.

Mr. Pruitt does not seem to value or understand the science that is at the core of this Agency's actions to protect public health or the important role EPA plays ensuring all States are doing their fair share so every American can breathe clean air and drink clean water.

One area where his propensity to disregard science is especially evident is Mr. Pruitt's extreme views on mercury and other air toxic pollution from electric powerplants.

Much of our country's ongoing efforts to clean up air pollution hinges on every State playing by the rules and doing their fair share to reduce air pollution because the pollution generated in one State does not just stay in that State. The air carries it across State borders. Streams and rivers carry it across State borders as well.

As I said earlier, in my home State of Delaware, we have made real strides in cleaning up our own air pollution that we generate. Unfortunately, the other States to the west of us have not made the same kind of commitment.

As I said a few minutes ago, over 90 percent of Delaware's air pollution comes from our neighboring States. The air pollution is not only a danger to our hearts and lungs and brains, it also costs a lot in doctor bills and hospital bills and in our quality of life.

Not all, but some of this pollution is toxic. It comes across our borders. These toxins that are in the air get in the food we eat as well as the air we breathe and build up in our bodies without our knowledge. Those buildups can lead to cancer, mental impairment and, in some cases, even to death.

Delawareans depend on the EPA to ensure that our neighbors do their fair share so we can protect our citizens. It hasn't always moved as quickly as we would have liked, but without the EPA, our State of Delaware wouldn't have many other options at our disposal.

Mr. Pruitt, however, seems to have spent a good part of his career fighting to dismantle the Federal Environmental Protection Agency. In my State, our neighboring States, those of us who live especially at the end of America's tailpipe depend on it for cleaner air and cleaner water.

I have a poster here. Here is a fish, not one we would want to eat. The poster says: "Why isn't Scott Pruitt convinced?" The scientists and doctors tell us that mercury is a harmful toxin.

Mr. Pruitt has been a part of multiple lawsuits against the Federal environmental protections—protections that are offered by EPA. Many of these lawsuits again are against clean air protections. He has fought against a rule to reduce mercury and other air-toxic pollution in this country three separate times.

In 1990, Congress had enough scientific information to list mercury, as well as 188 other air toxics, such as lead and arsenic, as hazardous air pollutants in the Clean Air Act.

Lawmakers at the time, including me, serving in the House of Representatives, thought this action would ensure our largest emitters of mercury and air toxins would soon be required

to clean up. Unfortunately, it took 22 years for the EPA to issue the mercury and air toxic rule, which reduced mercury and other air toxins from coal-fired powerplants, our largest source of mercury emissions in this country.

The EPA modeled this rule after what was being done in the States and required coal plants to install existing affordable technology that could reduce mercury and toxic emissions by 90 percent. The reason the EPA ended up having to go through all these processes over all these years in issuing this regulation is because Congress did not act in passing legislation, which we should have done. We could have, and we tried—a bipartisan effort—LAMAR ALEXANDER, a wonderful Senator from Tennessee, and myself, and others sought to get it done, and we were unable to get it done legislatively. We were opposed by the utilities, and in the end, the EPA said enough and we are going to issue this rule.

But for a lawmaker who supported the Clean Air Act amendments of 1990, and as someone who represents a downwind State, this rule is a long time in coming. You would not know this from the claims in these lawsuits, but since 1990, medical professionals and scientists have learned quite a bit about the environmental and health impacts of mercury.

The mercury emitted into the air deposits into our water. It then builds up in our lakes and rivers and streams and eventually makes its way into our food supply, through fish and fowl that we eat.

Children are most at risk, as many of us know. Pregnant mothers who eat the mercury-laden fish can transfer unhealthy doses to their unborn children, impacting neurological development of their babies.

Prior to EPA's mercury rule, the Centers for Disease Control estimated that 600,000 newborns were at risk a year from mercury poisoning—600,000.

In 2012, Dr. Jerome Paulson, from the American Academy of Pediatrics, testified before our EPW Committee, stating that "there is no evidence demonstrating a safe level of mercury exposure."

Dr. Jerome Paulson, American Academy of Pediatrics, testified before our committee in 2012. Again, he said: "There is no evidence demonstrating a safe level of mercury exposure."

Our Nation's most reputable pediatric organization, dedicated to the health and well-being of our children, has made clear that medical research shows there is no safe level of mercury exposure for our children—none.

Mr. Pruitt has come to his own conclusions about mercury.

The 2012 lawsuit that Mr. Pruitt joined with coal companies against the mercury and air toxics rule stated—this is what the lawsuit said: "The record does not support EPA's findings

that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants pose public health hazards.”

I have to read that again. In the 2012 lawsuit in which Mr. Pruitt joined with coal companies against the mercury and air toxics rule, which was like 20 years in the making, finally adopted because Congress refused to act, said these words: “The record does not support EPA’s findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants pose public health hazards.”

This is not the first time Mr. Pruitt contradicted the medical and scientific community on mercury and the threats it poses to public health.

As I said, EPA took 22 years to get the coal plants to clean up the mercury emissions. Every year that our country delayed the cleanup of the emissions, more and more mercury settled and accumulated in our rivers, streams, lakes, and fish.

I don’t know how many lakes they have in Oklahoma, but I know that in 2010, there were fewer than 20 on which there were issued fish consumption advisories because of mercury. I know last year that number more than doubled.

Every State, including Oklahoma, has fish consumption advisories because of mercury. As we see here, the number under Mr. Pruitt’s watch has seen the mercury-caused fish advisories to actually more than double in the last 6 years.

In 2012, Dr. Charles Driscoll from Syracuse University—one of the leading mercury scientists in the world—testified before our committee. Dr. Driscoll told us that because of the long-term emissions of mercury from coal plants, there are—his words—“hotspots and whole regions, such as the Adirondacks, the Great Lakes region of the Midwest and large portions of the Southeast, where the fish is contaminated with mercury.”

He went on to say: “There are more fish consumption advisories in the U.S. for mercury than all contaminants combined.”

Instead of agreeing with leading scientists on this issue, Mr. Pruitt has come to a different conclusion.

I think we have a poster that speaks to this.

Mr. Pruitt’s 2012 lawsuit with the coal companies against EPA’s mercury protection stated:

The record does not support EPA’s finding that mercury . . . poses public health hazards. . . . Human exposure to methylmercury resulting from coal fired EGUs is exceedingly small.

Mr. Pruitt argued that, despite the fact that every State has at least one mercury fish consumption advisory and despite there being 40 lakes in his own State of Oklahoma now that have mercury fish advisories, we shouldn’t

worry about mercury pollution from our country’s largest source of emissions. That denial of facts makes no sense. Luckily, the courts rejected Mr. Pruitt’s arguments that the mercury and air toxic rules should be vacated. Four years later, most coal plants are meeting the new standards, and we are already seeing the benefits.

Just a few weeks ago, some of my Environment and Public Works colleagues and I heard from Dr. Lynn Goldman, a pediatrician and former EPA Assistant Administrator for Toxic Substances, about this very issue when she said: “U.S. efforts to reduce mercury emissions, including from power plants, are benefiting public health faster than could have been predicted in 1990.”

Great news. Dr. Goldman’s comments stand in stark contrast to the ones made in Mr. Pruitt’s latest mercury lawsuit, filed just 2 months before his confirmation hearing. In this most recent lawsuit, Mr. Pruitt argued that the benefits of cleaning powerplant mercury emissions are “too speculative” and—again, his words—“not supported by the scientific literature.” Really? The lawsuit goes on to conclude that it is not “appropriate and necessary” for the EPA to regulate mercury and other air toxic emissions.

So Mr. Pruitt argued just 3 months ago that it is not appropriate or necessary for the EPA to regulate the largest source of mercury pollution—a pollutant that we know damages children’s brains and could impact up to 600,000 newborns every year. Just 3 months ago, Mr. Pruitt listened to the industry instead of listening to our Nation’s pediatricians when determining what is good for our children’s health. Just 3 months ago, Mr. Pruitt sided with coal companies instead of our leading scientists. Just 3 months ago, Mr. Pruitt argued that States should be on their own when it comes to dealing with toxic pollution that crosses State borders.

In Mr. Pruitt’s confirmation hearing, I asked about these lawsuits and his views on regulating mercury and air toxics from powerplants. He was evasive and misleading, I believe, in his answers and claimed his lawsuits were merely about process. Process.

Well, let’s be perfectly clear. Mr. Pruitt’s lawsuits are trying to undermine a rule that protects the health of our children and our grandchildren. His extreme views on mercury pollution clearly show Mr. Pruitt believes that Americans have to make a choice between having a strong economy and a safe, clean environment. I think this is a false choice. We can have both, and indeed we must have both.

His extreme views on mercury pollution also show that Mr. Pruitt will side with polluters over science and doctors—maybe not every time, but way too often.

Americans deserve an EPA Administrator who believes in sound science and who will listen to the medical experts when it comes to our health and be able to strike a balance between a strong environment and a strong economy. I don’t believe Mr. Pruitt will be such an Administrator, which is why I am asking my colleagues to join me in voting against his confirmation.

I see we have been joined on the floor by the Senator from Indiana. I am prepared to hit the pause button for a few minutes and welcome my friend. I welcome him and thank him for his commitment, not just to the people of Indiana but to our country and embracing the Golden Rule, the idea that we have to look out for each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Madam President, it is an honor and a privilege to be here with my colleague from Delaware. I wish to take a few moments to talk about the nomination of Scott Pruitt to be the Administrator of the Environmental Protection Agency.

I have expressed my fair share of constructive criticism of the EPA over the years. I wish the Agency would work more effectively with States and stakeholders. Collaborative partnerships are the best way to ensure that our environmental policies meet our fundamental responsibility to be good stewards of the environment, while also being narrowly tailored to avoid overburdening Hoosier families and businesses.

Teamwork is what will give us the best chance at responding effectively to emergencies like the ones facing my friends in the East Chicago neighborhood of West Calumet. Cooperation with farmers, not overregulation, is how we keep nutrients and inputs in the field and improve water quality.

If confirmed, I hope Scott Pruitt will focus on improving the EPA’s working relationship with State partners and all stakeholders as the Agency engages in its mission to protect our environment. That is an issue I have been working on for years, and I will continue to do so. I cannot, however, support Scott Pruitt’s nomination to lead the EPA.

When I think of who should lead the EPA, given all the Hoosiers who are impacted by the rules and policies developed by this Agency, I think of how we are all dependent on clean air and water, but I also think of the last time an EPA Administrator visited my home State. It was in 2013, in a cold barn in Whiteland, IN, when then-Administrator Gina McCarthy visited with me and a number of my good friends—Hoosier farmers from across the State. It was the morning after the EPA had announced drastic cuts to the renewable fuel standard—not an ideal time to be Administrator of the EPA in a barn with a group of Hoosier farmers.

That morning, farmers told the story of how important the renewable fuel standard is to rural economies and our national security. They told Administrator McCarthy how her Agency's decision had eliminated market opportunities for their products, for all of the things they had been growing, and it meant that we were putting our energy security at risk as well because less ethanol and biodiesel being used meant importing more foreign oil instead of growing our fuel on Hoosier farms.

A few days later, Scott Pruitt sent out a press release calling those RFS cuts "good news" and highlighting his earlier efforts suing the EPA in an attempt to block the regulatory approval of E15. I cannot support an EPA nominee who has sued the EPA to stop the sale of E15 and who praised the erosion of a policy designed to strengthen our energy security and to promote homegrown Hoosier biofuels.

If confirmed, however, I look forward to working with Scott Pruitt to develop a better and more collaborative approach to regulation by the EPA. We have very, very important work to do, including cleaning up environmental dangers in our communities, like those in East Chicago; ensuring the safety of drinking water systems; developing a better WOTUS rule; and finding a workable solution to address climate change.

That work in East Chicago is going to prevent me from being able to be here to vote against the Pruitt nomination. The Governor of our State has called a working meeting today in East Chicago with the mayor, State and local elected officials, representatives from HUD and EPA, and other neighborhood stakeholders. It is of utmost importance for me to be on the ground with the community to let them know we are listening and we are working to get the resolution they deserve and to protect their health and safety.

As I will be heading back home to Indiana before the vote on the Scott Pruitt nomination, I would like the record to state that, if here, I would have voted against the nomination of Scott Pruitt for the EPA.

I wish to recognize my colleague and friend from Delaware, who has done such an extraordinary job in protecting the resources of this country and in protecting the security of this country as well—his love for his home State, with the beautiful beaches, beautiful oceans. And my home State—we have the Great Lakes, which are an extraordinary resource, which we are so blessed to have, and which are a trust we keep for one generation after another. I have always felt it my obligation to make sure I turn over those lakes and, in fact, the oceans in better condition than we receive.

I yield to my colleague from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I thank my friend for those kind and generous remarks. I thank him for coming to Delaware. I have been privileged to visit the Hoosier State any number of times. I have a basketball in my office from Notre Dame, and I know our friend from Indiana is a huge Notre Dame fan. Their basketball coach, Mike Brey, is the former basketball coach of the University of Delaware. Just like air pollution and water pollution can move across borders, so can head coaches of great basketball teams.

Tomorrow night, God willing, I will be at the Bob Carpenter Center at the University of Delaware to watch the University of Delaware's men's basketball team play. Our new head coach is one of Mike Brey's assistants who has come to our State to head us up. We look forward to seeing how he and our Fightin' Blue Hens do.

I thank the Senator for sharing—a whole lot less air pollution—after stealing our basketball coach, a very good replacement; I guess not the player to be named later but the coach to be named later.

Mr. DONNELLY. Madam President, the Senator's efforts on this have been extraordinary. To see the depth of concern the Senator has for our oceans, for our lands—we have both worked so hard to make sure we can work together with our farm communities to keep inputs on the farm, to protect our rivers, to protect our streams. We know how hard our farmers are working on that as well. I know the Senator has a tremendous and strong farm community in Delaware. It was a privilege to sit and listen while the Senator was speaking before.

I will note, as he said, you may have sent us a basketball coach, but in return, we sent you one as well.

I turn the floor over to my colleague from Delaware.

Mr. CARPER. Madam President, one of the things I love about the Senator from Indiana is he understands there is a Golden Rule. We are one another's neighbors, and we need to treat others the way we want to be treated. States need to treat other States the way they would want to be treated.

He also understands a very valuable principle: that it is actually possible to have cleaner air, cleaner water, and strengthen our economy.

When I was an undergrad at Ohio State, a midshipman there, I remember a time up north of us in Cleveland, OH, when the Cuyahoga River caught on fire. The kind of smog we have now in parts of the country, running in places in California, when I was stationed in California in the Navy for a while—there are days when I ran that I knew I wasn't doing a good thing for my lungs.

We have done a lot better than that. While we cleaned up rivers like the

Cuyahoga River and we cleaned up the air in a lot of places in the country, we still have work to do. We have made those changes and those improvements and developed technology that we have been able to sell all over the world. That is a good thing.

I thank my friend for getting up at this hour of the day and joining us here and for his leadership, not just in Indiana but here in the Senate. It has been a joy. Thank you.

I want to go back to what I was talking about earlier—Scott Pruitt's views. I think they are extreme, uninformed views on mercury regulation. Mr. Pruitt's views on core clean air and clean water laws and the somewhat misleading and oftentimes evasive answers he has given to Members of this body, including myself, ought to be reason enough for Members of this body to reject his nomination.

Two months prior to his confirmation hearing, Mr. Pruitt filed his third major legal action against the EPA's mercury and air toxics rule. This case is still pending before the courts.

For those who don't know the EPA's mercury and air toxics rule, it requires our Nation's largest source of mercury pollution—coal-fired plants—to reduce mercury in a wider range of air toxins.

The EPA issued this rule in 2012, and because of the low cost of compliance, most utilities are already meeting the standards. We made more progress at a faster time, at a lower cost than was actually anticipated. The same thing is true with the elimination of acid rain in New England. The deal that was worked out was a cap-and-trade approach, but the idea was developed when George Herbert Walker Bush was President. We ended up with better results for less money and faster time than was anticipated. We can do this.

Mr. Pruitt filed his latest lawsuit alongside with one of the Nation's largest coal companies, Murray Energy Corporation, arguing that the benefits of cleaning up powerplant and mercury and air toxic emissions are "too speculative" and not necessary.

Mr. Pruitt goes on to argue that there are only "hypothetically exposed persons" from mercury and air toxic emissions from powerplants. Imagine that—"hypothetically exposed persons." Again, I would say: Really?

Finally, Mr. Pruitt argues: "The EPA cannot properly conclude it is appropriate and necessary to regulate hazardous air pollutants under Section 112."

His boiled-down arguments before the U.S. Court of Appeals for the DC Circuit is basically this: If the EPA cannot quantify benefits in dollars, then those benefits don't count. Never mind that we know the real-world health threats to people this kind of air pollution poses.

The idea of looking at public health protection only through the lens of dollars and cents is not a new one, but it

can be a dangerous one. The tools we have for projecting costs and putting a dollar value on the health benefits are not gospel and are not the only way of analyzing the economic impacts of reducing pollution on a community. With toxic substances, such as lead, arsenic, and mercury, health benefits are sometimes difficult to quantify.

Meanwhile, the EPA is chock-full of examples where benefits are underestimated and costs overestimated once programs are implemented and businesses find efficient ways of cutting pollution. In my part of the country, we call that Yankee intuition.

Mr. Pruitt's argument ignores that it is difficult, if not impossible, to quantify the loss of IQ, increased risk of cancer, or other long-term health effects known to occur when exposed to mercury and air toxic emissions.

In Mr. Pruitt's world, if we can't accurately translate loss of IQ into dollars lost, the benefits of cleaning up mercury for other children is "too speculative" for it to be "necessary and appropriate" for EPA to act. As a father of three sons, I find this way of thinking alarming.

I have a poster here with a message from a woman in Wilmington, DE. Wilmington is in the northern part of the State, where our congressional delegation and Governor and his family live.

This is from Sarah. I would ask Mr. Pruitt this: How much does it cost to lose an organ like I have, to lose a parent or child from cancer? How much do sick days and inhalers cost? Families are struggling to make ends meet. Many of these costs are not in dollars alone.

Thank you, Sarah.

Sarah is a mother and a registered nurse. She wrote to me earlier this month to express her concerns regarding Mr. Pruitt's nomination. In her letter, she explained to me that she was born in 1978, in Western New York State. It is miles away from the Love Canal neighborhood. It is the site of one of the most appalling environmental disasters in American history.

For those who don't know or don't recall, Love Canal was a planned community that eventually had to be evacuated after 22,000 barrels of toxic waste were dumped into the nearby canal—22,000 barrels. Families whose homes were contaminated with chemicals and toxic waste had to leave. Many faced serious health challenges later in their lives. These were the real threats we faced before we had the EPA or laws on the books that held polluters accountable for dumping hazardous chemicals in our waters.

Sarah's mother was pregnant with her while Love Canal was being evacuated, just 7 miles away from their home. Fast forward a few decades. When Sarah was 30, she found out that she had thyroid cancer. Doctors told her that exposure to radiation, perhaps

from the radioactive hotspots near her hometown, is a proven risk factor for thyroid cancer.

Sarah now has a daughter of her own who, unfortunately, suffers from reactive airway disease that causes her trouble breathing, and symptoms can last anywhere from a few minutes to hours at a time.

Sarah, in her letter, said to me:

Mr. Pruitt believes that the EPA places economic hardships on businesses through unnecessary regulation. True economic hardship is experienced by those who are often least protected by environmental laws.

She went on to say:

I would ask Mr. Pruitt: How much does it "cost" to lose an organ like I have? To lose a parent or child to cancer? How much do sick days and inhalers cost families already struggling to make ends meet? What is the life path of a person who starts out with compromised lungs? Many of these costs are not in dollars alone.

Sarah couldn't be more right. An EPA Administrator must be able to understand the true human cost of rolling back or eliminating critical environmental regulations.

Mr. Pruitt's persistent and extreme views—or at least extreme views in my mind—on the mercury and air toxics rule are some of the reasons I have grave concerns about his nomination to be EPA Administrator.

I can't help but wonder if Mr. Pruitt will continue to fight this rule—not from outside the Agency, but from inside the Agency.

I wonder if Mr. Pruitt would uphold the clean air protection that has bipartisan support or if he would kill the rule and take his extreme views of cost-benefit analysis broader, to other issues such as cleaning up lead in our water or addressing climate change.

That is why I asked him not once, not twice, but three times about his views on the mercury and air toxics rule. I asked him directly three times if EPA should move forward with the rule and if EPA should be regulating mercury and air toxic emissions from powerplants. Each time I asked, the more evasive and misleading the answers became.

In our three exchanges, I was very clear that I was asking about EPA's regulations and the authority to address mercury emissions from powerplants.

However, in Mr. Pruitt's answers, he was very careful to mention that mercury pollution should be regulated under the Clean Air Act but never said that mercury and other air toxic emissions from powerplants should be or must be regulated.

Mercury, as it turns out, is emitted by many sources. Coal-fired powerplants happen to be the largest emitter in this country. Under section 112 of the Clean Air Act, Congress listed mercury as a hazardous air pollutant and required the EPA to regulate all major emissions sources.

It seems that Mr. Pruitt tried to avoid the questions I asked him about controlling mercury and air toxic powerplant emissions. He, instead, answered about regulating mercury more broadly.

While he was trying to evade the questions, what he did say was very misleading to the committee.

In our second exchange, I mentioned his three lawsuits against the mercury and air toxics rule. I asked Mr. Pruitt if he believed the EPA should not move forward with this rule and, if there were no rule, how would States clean up mercury?

Mr. Pruitt answered: "I actually have not stated that I believe the EPA should not move forward on regulating mercury or adopting rulemaking in that regard."

He went on to say: "There is not a statement—or belief—that I have that mercury is something that shouldn't be regulated under Section 112 as a Hazardous Air Pollutant."

Well, anyone who supports the mercury and air toxics rule and heard that might be very encouraged by these comments.

Sadly, Mr. Pruitt is on record many times stating that the EPA should not move forward regulating mercury and air toxic powerplant emissions.

Here are a few quotes from the legal briefs that Mr. Pruitt filed in his many lawsuits against this rule that directly contradict his statements in our hearing.

In his first lawsuit against the mercury and air toxics rule, called *White Stallion v. EPA*, Mr. Pruitt argued: "Finally, the record does not support EPA's findings that mercury, non-mercury Hazardous Air Pollutant metals, and acid gas Hazardous Air Pollutants pose public health hazards."

In his most recent case with *Murray Energy*, he argues that, with respect to powerplant mercury emissions, the "EPA cannot properly conclude that it is appropriate and necessary to regulate Hazardous Air Pollutants under Section 112."

These statements go well beyond questioning the "process." Instead, they suggest the EPA should not be regulating mercury and toxic air emissions from powerplants.

This is not what even Trump voters voted for in November. They did not go to the polls hoping that the new President would make their air dirtier or their water more polluted.

This is another case of this nominee trying to mislead, or at least obscure, the truth before Congress. It is a troublesome pattern that I fear will only get worse if Mr. Pruitt is confirmed as EPA Administrator.

With that, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mr. CARPER. Mr. President, I want to continue to share with you and my colleagues the reasons I am opposed to the nomination of Attorney General Scott Pruitt to be the Administrator of the Environmental Protection Agency.

What we do know about Mr. Pruitt's past record—and there is still a good deal we don't know and are not able to learn in committee. We know Mr. Pruitt abandoned his responsibilities to protect Oklahomans from harmful pollution. Instead of holding polluters and bad actors in the State accountable, Mr. Pruitt spent a lot of his time as attorney general in Oklahoma suing the Environmental Protection Agency.

These days, going after the EPA public health protection seems like a popular thing to do. In fact, the EPA is often a target of nasty tweets from our current President.

Without the burning rivers or thick smog and soot in the air, which used to be all too common, some may presume that there is not much more for the EPA to do to protect the public health of our country from pollution. People may presume that our environmental protection problems are behind us, and States can take care of themselves when it comes to clean air and clean water, as Mr. Pruitt has suggested time and again.

I am a recovering Governor, a former Governor for 8 years. I have huge regard for what Governors can do, States can do. There is a lot we can do, but not everything. That is not the idea—that States can simply take care of themselves when it comes to clean air and water, and there is no need for Federal oversight. It is just wrong. I think it is untrue. The EPA continues to play a critical role in protecting our health, especially for the most vulnerable, including the very young and the elderly. The environmental threats we face today are real and do not respect State borders.

One such threat is ozone, known to some as smog pollution. Five times, Mr. Pruitt has sued the EPA over regulations to require new ozone, smog protections. Several of these lawsuits are still pending before the courts.

Mr. Pruitt's actions against ozone health protection are deeply concerning to me, as I represent a State at the end of what many of us on the east coast call America's tailpipe. Emissions come up from the Midwest, largely, and blow from west to east and end up in our air and in our water. Ninety percent of the smog and air pollution in Delaware comes from outside of our State, partly from hundreds of miles

away—places like Kentucky, Ohio, Indiana, and across the Midwest.

I said many times as Governor of Delaware that I could have eliminated every source of pollution within my State—shut down the factories, cleared every car off the road, stopped trains and transit or boats. Delaware would still face the deadly doses of air pollution, not from our own emissions, but from those blowing in our State from hundreds of miles away.

We have a chart here to my left that we call the Ozone Report Card. Ozone is smog pollution. It deals not with quality of air pollution in Delaware, but it is a report card for Oklahoma. Cross-state ozone air pollution continues to be a major problem for our State, but it also is for many States across the country.

In Mr. Pruitt's own home State of Oklahoma, every county with an air quality monitor—16 counties; they have more than 16 counties, but 16 have air quality monitors—has an unhealthy level of ozone pollution, according to the American Lung Association. The American Lung Association assigns grades in subjects, just as for our pages here in school. My home State has A's and B's. The Oklahoma Lung Association assigns a grade for ozone pollution. In these 16 counties, they assigned a grade of F, not just in 1, 2, 3, 4, 5 or 10—all 16.

For decades, we have known that air pollution is linked to serious health problems like asthma attacks, strokes, heart attacks, and other respiratory illnesses. Most recently, ozone has been linked to early deaths.

We have another chart that refers to Oklahoma's asthma rate. According to the Centers for Disease Control and Prevention, 6.3 million children in this country have been diagnosed with asthma—6.3 million children diagnosed with asthma. In Mr. Pruitt's home State of Oklahoma, 1 in 10 children have asthma, which is higher than the national average. That is 6.3 million children nationwide, and more than 112,000 in Oklahoma who have to worry, during the high ozone days, if they are going to have an asthma attack.

Recognizing the very real dangers of ozone pollution, Congress passed the EPA to provide our country with the ozone air quality standards based on the best science available, and they review that standard every 5 years. After reviewing more than 1,000 medical and scientific studies, the EPA concluded about 2 years ago, in 2015, that the 2008 ozone health standard was too weak and no longer adequately protected public health.

The EPA's 2015 rule was purely a statement of fact to protect our health. To protect the 6.3 million children with asthma, we need less ozone pollution in our air. To protect 112,000 children with asthma in Oklahoma, we need a stronger air quality standard.

Fortunately, many of today's biggest emitters of ozone pollution, such as older coal plants, are already scheduled to be cleaned up. This means the costs of compliance are not as high as they might have been 2, 4, or 6 years ago.

As attorney general, Mr. Pruitt had a choice between two paths. If he had taken the first path, Mr. Pruitt could have worked with his Department of Environmental Quality and the business community to ensure ozone polluters in his own State cleaned up. He could have worked with the EPA, not against it. By doing so, he would have protected Oklahomans and citizens living in downwind States from ozone pollution and helped economic growth and the State at the same time. It is important to note that many attorneys general in this country decided to take this path, including our own attorney general, Matt Denn, in Delaware.

Instead, Mr. Pruitt took a second path, the one that led to suing the Agency, the EPA, in an attempt to weaken protections. It is no surprise that Mr. Pruitt chose to sue the EPA, based on his clear record.

I have a poster here with some of his own words. After all, it was Mr. Pruitt who just last summer explicitly said it bothers him that Congress and the EPA work together to ensure Americans have clean air to breathe—or appears to say that. Specifically, here is what he said:

Legislation should not be “we like clean air, so go make clean air.” That’s something that bothers me, that then Congress gives to EPA this general grant of authority.

That was at Hillsdale College in July of 2016. I would just ask, What then does Mr. Pruitt think the role of EPA is? It is hardly some kind of extreme overreach to keep deadly pollutants out of the air we breathe. I think most people think that. Mr. Pruitt chose to sue the EPA over the science used to justify the regulations, citing the polluters over the medical and scientific experts who have published over 1,000 scientific studies that the EPA has reviewed.

Mr. Pruitt did not stop there. He also sued the EPA over protections for downwind States. Delaware is one of them. Let me repeat that. Mr. Pruitt not only sued the EPA over science used in the 2015 ozone rule, but he also sued the EPA over the good neighbor rule to make sure all States do their fair share to clean up the air. Without the good neighbor rule, Delawareans, and all Americans living in downwind States, will be forced to live with the consequences of decisions made by polluters hundreds or thousands of miles from them. Mr. Pruitt took the stance that every citizen in this country does not have the right to breathe clean air. Mr. Pruitt took the stance that the lawyers and polluters know better than scientists and medical experts when it comes to ozone pollution and health.

The President is asking us in this body to confirm Mr. Pruitt as our EPA Administrator. As Senators, we can also choose between two paths. The first path is protecting public health and ensuring that those who elected us have clean air to breathe. The second path is protecting polluters. I will be taking the path that protects the health of my constituents. I urge my colleagues to do the same for theirs.

In just a moment, I am going to pause. Before I do, I mention this good neighbor rule. Some people call it the cross-border rule. The idea behind it is that we ought to treat one another as neighbors.

Where does the good neighbor rule come from? It actually comes from the Bible. And it comes not just from the Bible, it comes from almost every major religion in the world—the idea that we ought to treat other people the way we want to be treated. If you look at every major religion in the world, it pretty much says that.

In the New Testament, some will recall, there is a passage where the Pharisees were after this young Rabbi, a couple thousand years ago, trying to put Him on the spot. They said: You are so smart, young Rabbi, why don't You tell us what is the greatest rule of law, the greatest commandment of all? He said: Not one, there are two. He mentioned the first. Then He said: The second is love thy neighbor as thyself.

One of the pharisees said to Him: Who is our neighbor? And He went on to tell them the parable of the good Samaritan. A man traveling through the country was attacked, left for dead in a ditch. Later in the day, three people walked by, one from a part of the country where this guy was sort of his neighbor. He walked on by. Next, a person of the cloth, a rabbi, walked on by. He didn't stop. The third guy that came through was from a place called Samaria. They are like at enmity, at odds with one another. They are not friendly; they are at odds with one another.

He saw the fellow had been beaten and left for dead. He ministered to him and put him on his animal and took him to an inn. For a day and a night, he tried to help him get better. After the second day, the guy from Samaria had to leave and had to go someplace else. He said to the innkeeper: This fellow still isn't well enough to travel, but here is some money to help pay for his care here for another day or two. When I come back through, if you need more money or it costs more, I will even up with you. He left, but he left the guy who had been beaten in a lot better shape.

After telling His story, the young Rabbi turned to the pharisee and he said: Who was the good neighbor?

Well, there was the one—the first fellow who came by who took pity on the guy who had been beaten and left for

dead and treated him the way he would have wanted to be treated.

That is really the foundation of the good neighbor rule that the EPA has promulgated. It is the foundation of the idea that pollution does cross borders and because of that, we need to have—if we can't pass a law, we need some kind of rule or regulation to ensure that everybody is being a good neighbor because it is not fair that my State—that we can pretty much close down my State's economy, transportation systems, powerplants, and still have a problem with air quality. That is just not fair.

I think next we are going to look at some editorial statements that are in opposition to Mr. Pruitt. I know there are editorial statements that support him. I don't have any of those today, not surprisingly. But I do want to go through a couple from newspapers around the country: New York Times, Bangor News up in Maine, L.A. Times, Denver Post, Chicago Sun Times, Dallas Morning News.

I have received a number of letters from Delawareans about the nomination of Mr. Pruitt to lead the EPA. For the record, as of I guess last night, my office had received a total of seven letters, emails, or faxes supporting Mr. Pruitt's nomination. I guess this is from all sources, not just Delaware. But we have gotten seven letters supporting Mr. Pruitt's nomination. I received 1,880 letters opposing his nomination. That is pretty amazing. We don't get this kind of volume of letters, emails, or faxes, but 1,880 opposed, 7 letters supporting.

But it is not just Delawareans who are worried about the idea of Mr. Pruitt at the helm of EPA; over the past 3 months, editorial boards across our country have expressed their own serious concerns about this nominee as well.

I want to share a few of those with my colleagues and the world this morning. Back in December, the New York Times wrote these words. I will read them. This is from December, a couple of months ago:

Had Donald Trump spent an entire year scouring the country for someone to weaken clean air and clean water laws and repudiate America's leadership role in the global battle against climate change, he could not have found a more suitable candidate than Scott Pruitt, the Oklahoma Attorney General.

That is a pretty bold charge. The editorial describes Mr. Pruitt's nomination—it goes on to say “an aggressively bad choice”; “a poke in the eye to a long history of bipartisan cooperation on environmental issues.”

Again, the EPA was not created in a law signed by a Democrat, it was by a Republican.

The Times goes on to say “bad choice”; “a poke in the eye . . . to a nation that has come to depend on an agency for healthy air and drinkable water.”

And to the 195 countries that agreed in Paris last year to reduce their emissions, climate-changing greenhouse gas, in the belief that the United States should show the way, the Times concludes with these words: “Mr. Pruitt is the wrong person to lead an agency charged with the custody of the nation's environment.”

The Senate cares about public good and needs to send his nomination to the dustbin.

But I know that not everyone is a huge fan of the New York Times these days, so let's move a little further north. Let's go up to Maine. They have a paper up there called the Bangor Daily News. I have a poster from them as well. Last month, the Bangor Daily News Editorial Board wrote these words. Again, this is last month:

As attorney general of Oklahoma, Mr. Pruitt has been openly hostile to the EPA's mission of protecting human health by regulating dangerous pollutants, such as mercury and carbon dioxide. Someone who has repeatedly tried to prevent the EPA from doing its job surely should be disqualified from overseeing the agency.

You know, we generally believe that Presidents have wide latitude in choosing the members of their Cabinet. I think Governors should have wide latitude. As a former Governor, I said to our Delaware Legislature: I have been elected; give me the opportunity to put together my own team and judge us on our performance.

However, some nominees of some Presidents are so—probably Democrats and Republicans, but especially in this case, with this President—some nominees are so unqualified or philosophically unfit that Senators should use their constitutional powers to reject them. Scott Pruitt, President Donald Trump's pick to head the EPA, is one of those nominees.

I voted for more of the nominees of this President than against. Several of them are quite good. I serve on a committee called Homeland Security and Governmental Affairs. To succeed Secretary Jeh Johnson, the President nominated retired Marine general John Francis Kelly, who was a terrific soldier, marine, leader for our country, and will be a great Secretary. I wish they were all of his caliber. I wish they were.

The Bangor paper went on to write:

Critics of the EPA tend to focus on rules and laws that the agency is involved in writing that protect little-known animals or landscapes, such as wetlands. But, the agency's primary mission is to safeguard the health of Americans through landmark laws such as Clean Water Act and Clean Air Act.

Finally at the Bangor paper, they got to what is really at stake with Scott Pruitt at the head of EPA when we have a President who has repeatedly said he would like to get rid of the EPA in almost every forum. This is what they said at the Bangor News:

We are under no illusions that Mr. Trump is suddenly going to become a champion of

environmental protection, even if that is synonymous with protecting human life. But Pruitt is so hostile to the EPA's core mission that putting him in charge would move the United States dangerously backwards.

But it is not just the east coast editorial boards that are worried about Scott Pruitt's nomination. Let's go to the west coast, the L.A. Times in California, the State that has led the way in environmental protection. The L.A. Times Editorial Board wrote—let's see if we have a date. It is February 4, this month. This is what they wrote:

Yes, Trump won the election, and as president, he's entitled to appoint people who reflect his political views. But when the president's policies and appointees pose such a fundamental threat to the nation, even a Senate controlled by his fellow Republicans—whose first loyalty should be to the people of the United States—must put the nation's best interests ahead of party loyalty.

They continue at the L.A. Times and say:

Pruitt wouldn't run the agency as just another small-government Republican interested in paring excessive limitations on business. He actually disagrees with the fundamental mission of the EPA. He has argued that the federal government should play a lesser role in environmental protection, and that primary control should be given to the states.

That is wrongheaded. Putting West Virginia, my native State, in charge of its coal industry or Texas in charge of its oil industry would lead to horrific environmental damage, not just there but in the neighboring States downwind and downstream, according to the L.A. Times Editorial Board.

The L.A. Times Editorial concludes by saying:

Putting Pruitt in charge of the EPA, however, poses an irreversible risk to the planet, and the Senate needs to ensure that doesn't happen.

It is not just the coastal editorial boards that have opposed Mr. Pruitt. The Denver Post noted that—these are their words from 2 months ago, December 8, 2016:

It looks like Trump truly does wish to dismantle the EPA. His pick of Scott Pruitt to lead it strikes us as unnecessarily reckless, and we urge the Senate to deny confirmation and to demand a better way forward.

It is not on the poster, but the Denver paper went on to add: Does the Nation really want a Big Oil mouthpiece running the agency that's charged with the laudable task of keeping our air and water safe?

Let's head up to Chicago, where the Sun Times was editorializing in the great State of Illinois. The Chicago Sun Times Editorial Board—let's see what we have for a date. It looks like December 8, a couple of months ago. This is what they said:

We are living in a time that calls for stepping up efforts across the board to protect our environment for future generations.

Unfortunately, President-elect Donald Trump has appointed Scott Pruitt, an open

foe of environmental initiatives, to head the U.S. Environmental Protection Agency. That demonstrates a callous disregard for the health of our nation and planet just as rapid technological advances hold out hope for avoiding the worst effects of climate change.

It went on to say:

During his campaign, Trump said he would dismantle President Barack Obama's environmental policies and pull the United States out of the 195-nation Paris accord to reduce greenhouse gases and climate change. After the election, Trump moderated his tone, saying he has an open mind about climate change. His appointment of Pruitt, however, suggests that if he's open to anything, it's strictly more pollution.

They concluded with these words:

At a time when serious scientists worry about cataclysmic disasters threatened by climate change, we can't afford to put our future in the hands of an apologist for the fossil fuel industry. America needs an EPA chief who understands the value of environmental successes we have achieved and the critical importance of building on them.

But perhaps these aren't convincing enough. Travel with me down to Texas because they have a problem even in Texas, in the Lone Star State. One of the newspapers there, the Dallas Morning News, wrote just last week:

Oklahoma Attorney General Scott Pruitt, a veteran of a years-long courthouse campaign to undermine the Environmental Protection Agency, is the wrong choice to lead the agency under President Donald Trump. It's hard to imagine a worse choice.

They highlighted the long-term impact of putting Mr. Pruitt in charge of the EPA. Here is what they said:

The post of EPA administrator is a critical one, and nowhere is that more tangible than here in energy-rich Texas.

Again, this is the Dallas Morning News:

Many industry voices have already raised doubts to Pruitt's nomination, concluding that his plans to eviscerate the EPA's regulatory oversight of oil and gas companies, and other polluters, will strengthen the state's economic fortunes.

The Morning News went on to write that the Senators from Texas must "look beyond the short-sighted calculus and vote in the long-term interests of Texas. Put simply, Texas' economy will be stronger over time if its environment is cleaner and if its people are healthier."

This is just one of a handful of the editorial boards that have raised serious and substantive objections to Mr. Pruitt's nomination, and for very good reason. They don't just come from the Northeast or from the east coast, they don't just come from the Southeast or the Midwest; they come from the west coast and even Texas itself. We ought to listen to them. We ought to listen to them. They are not all wrong. In fact, I fear they are right.

With that, I see we have been joined on the floor by a young man from Connecticut who came to share some of his own thoughts with us on these important topics.

I just want to thank him for the good work he does in so many areas. He and I have been partners together on trying to make sure the people of this country have access to affordable healthcare, and we get better results for less money, and I applaud him for those efforts, as he knows probably better than I, to try to ensure that people are healthy. It is not enough just to provide healthcare for them when they get sick. We call that sick care. We try to make sure we are doing things up front to prevent people from getting sick, to enable them to stay healthy. A lot of that really leads right to the work of the Environmental Protection Agency.

Leadership is so important in everything we do. It is the most critical factor in everything. Leadership is the key to the success of any organization, large or small, that I have ever been a part of or observed. I don't care if it is a business, I don't care if it is a church, I don't care if it is a school, I don't care if it is a military unit, a sports team, or the U.S. Senate, leadership is key. The EPA is key.

Show me enlightened, well-qualified leadership, and I will show you a successful operation. We need to be real careful in making sure the EPA has the kind of leadership that will lead them and our Nation well into the future.

With that, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARASSO). Without objection, it is so ordered.

Mr. MURPHY. Thank you, Mr. President.

Once again, let me extend my gratitude to all of the staff who are pulling yet another overnight. I know this isn't easy, and I feel like every time we have done one of these I have been on the floor during the late night or very early morning hours to express my gratitude to those who are making this possible.

While I am grateful for those who are here, I think it is also incredibly important and vital that we are here. This is exceptional to have so many late nights, to have pushed through the evenings, to stay in session 24 hours and 48 hours at a time. I understand that last week we engaged in the longest session—second longest continuous session in the history of the Chamber, and I think we are doing so because we are living through truly exceptional times today.

We are living through a moment where this administration is simply not prepared to govern, and many of

the individuals who are being appointed to Cabinet positions, being selected to serve in this administration simply aren't ready to get the job done.

We saw that with respect to Michael Flynn, who was named to quite possibly the most important position in the national security Cabinet. The National Security Advisor is, on most days, the first person and the last person the President talks to about national security, about protecting the Nation. Many of us raised alarm bells when Mr. Flynn was selected for the job because of his radical statements on Islam, his questionable connections to Russia, having sat next to Vladimir Putin in a celebration of Russian propaganda didn't seem right to us, something didn't smell right to many of us. We expressed those objections when Mr. Flynn was chosen. Our objections did not prevail, and within 30 days Mr. Flynn was fired from his position. It is still unclear as to why he was fired. The President was out in front of the cameras, bizarrely defending Mr. Flynn to the cameras having just fired him 30 days into the job, but it seems that it was some combination of undermining a sitting President by attempting to coordinate with the Russian Ambassador right after President Obama had levied sanctions on Russia, potentially making some promises to the Russians that they didn't have to worry about it because once the Trump administration got into office, they would modify or lift those sanctions or perhaps it was lying to the Vice President and others in the White House about what the substance of those conversations were.

Regardless, within 30 days, maybe the most important person in the security Cabinet, who many of us thought was unqualified, was fired from his position in the shortest tenure that anybody could discover for National Security Advisors.

More news in the last 48 hours is that there were a host of other White House officials who were unceremoniously ushered out of the White House because they couldn't pass their criminal background checks. Why on earth they were in the White House working in positions if they hadn't already taken criminal background checks, that is a very important question we should get answers to, but yet another example of selection of people to serve in sensitive posts who weren't ready for the job.

Betsy DeVos wasn't ready for her confirmation hearing. She came to the Health, Education, Labor, and Pensions Committee and didn't know the basic facts about Federal education law. She couldn't tell the difference between measuring proficiency and measuring growth, and maybe for most people you don't know the difference either, but if you are going to be the Secretary of Education, you have to know the difference between measuring for

proficiency and measuring for growth. She was confused about the Federal law that guarantees children with disabilities an equal education. She told Senator Kaine and Senator Hassan it would be OK for States to ignore that law or ignore that protection. That actually is not the case. Every State has to observe the individuals with disabilities law as it pertains to students.

Just this week, we had a nominee withdraw after a drip, drip, drip of allegations regarding his personal conduct and his business practices made it pretty clear that somebody whose restaurants are half the time in violation of Federal labor laws, somebody who has employed undocumented workers probably isn't suitable to be the chief protector of workers in this country as the Secretary of the Department of Labor. It just doesn't seem that a lot of thought has been put into some of these selections.

So we are taking our time. We are using our prerogative as Members of the minority party to make sure there is a full, complete debate on all these nominees to make sure, at the very least, the American public knows what they are getting.

Our worry is not just that these nominees are often woefully unprepared for the job, it is that many of them appear to be fatally compromised. I listened to a lot of what President Trump said on the campaign trail, and I heard him spending a lot of time attacking the way business had historically been done in Washington, DC. Maybe some of us privately cheered him on when we heard him say that because we have watched corporate America own this town for a long time.

I watched the drug industry essentially have veto power over health policy in this town. I have watched the oil and gas industry run the show. From a personal basis, nothing aggrieves me more than seeing the gun industry get whatever they want from this Congress. If you have a couple hundred million dollars of market capitalization and a good lobbyist and a political action committee you can get a lot done in Washington.

So maybe when I tried to think of that silver lining to the election of Donald Trump to the Presidency of the United States, something that was deeply morally objectionable to me, it was that maybe there is a possibility to take on some of these special interests, to say enough is enough, the size of your wallet shouldn't have anything to do with the amount of influence you command here, but then those hopes were dashed as we watched who President Trump decided to nominate for the Cabinet.

Over and over again, billionaires, sometimes millionaires, but more often than not billionaires were selected for this Cabinet, many of whom had ties to

the very special interests or were members of the very special interests that Donald Trump told people he was going to take on when he became President of the United States.

So we had one of the biggest fast food operators being installed in the Department of Labor—somebody who attacked workers and said that break time was a nuisance, that robots should replace his employees, we had an oil executive nominated to serve as our chief diplomat, and now we have an individual who has very publicly and unapologetically done the bidding of big energy companies being enlisted to be the chief environmental protector in this country.

So we are here tonight because the nomination and selection of Scott Pruitt to be the next Administrator of the EPA fits neatly into a pattern of behavior by this administration in which very, very rich people or people who have very close ties to powerful interests are being put in the government, and our worry is that they are being put there not to serve the American people but to serve those interests.

Scott Pruitt has a very interesting history of defending the oil and gas industry, which I admit is important to his State of Oklahoma—more important than it is in my State of Connecticut—but he has a very interesting history of defending that industry against the EPA. Scott Pruitt has sued the EPA to overturn standards to curb mercury and other toxic air pollutants, standards that would prevent 11,000 premature deaths and up to 130,000 asthma attacks per year.

He sued to void standards to reduce soot and smog pollution, projecting to prevent up to 15,000 nonfatal heart attacks, to prevent 34,000 premature deaths, and almost 400,000 asthma attacks every year.

He sued unsuccessfully to overturn the EPA's scientific danger determination that carbon dioxide and other heat-trapping air pollutants are harmful, and he even sued to block water pollution into the Chesapeake Bay which has no connection to Oklahoma.

Scott Pruitt has been a crusader. He has been a crusader on behalf of the energy industry against environmental protection, and he would probably tell you there is a choice to be made between protecting our environment and protecting our economy. That is ridiculous. That is patently ridiculous.

If we don't protect our planet, if we don't protect the quality of our air and the quality of our water, there will be no planet for businesses to grow in, and every kid who suffers through a lifetime of asthma is a fundamentally less productive worker to be able to add value to the American economy. When you are attacking health standards that would reduce asthma attacks by over 500,000 a year, you are attacking the economy, not just the environment.

It is really hard for a kid to learn and become an entrepreneur or a business creator if they are not healthy. Frankly, it is really hard for a family to be able to manage their own economic affairs when they have kids who are that unhealthy. So Scott Pruitt, in continuing to attack the EPA, continuing to stand up for the oil and gas industry, is weakening our economy.

Maybe even more importantly, when you are standing up for only one segment of the energy industry, you are ignoring all the potential jobs that come through a true energy transformation. I get it that today there are a lot of oil jobs in Oklahoma, but there could also be a lot of wind and solar and advanced battery and fuel cell jobs in his State as well. Frankly, as you look at the jobs that will be created over the next 50 to 100 years, not just in this country but across the globe, the real job growth in the energy sector is not just going to be in the oil and gas sector, it is going to be in this broader renewable energy sector.

I don't know if these statistics are up to date, but a few years ago, I read that, of the top 10 solar companies in the world, the United States has one of them; of the top 10 wind turbine companies in the world, the United States has one; and of the top 10 advanced battery companies in the world, the United States has two. There are going to be millions and millions of jobs to be had all across the world in the renewable energy economy.

So long as our energy policy is only about protecting oil and gas and coal and not about truly advancing renewable energy, we are hurting our economy; we are preventing massive job creation from happening; and we are letting other countries eat our lunch because 9 out of those 10 top wind turbine companies and top solar companies and 8 out of those top 10 advanced battery companies are in other countries—other countries that have decided to have policies that create internal markets for those new renewable technologies, unlike here in the United States.

Germany is pumping out wind turbines and is selling them all over the globe, not because Germany has any more wind than the United States but because they have decided to pursue a policy in which they give advantage to those renewable energy companies. The United States has decided to pursue policies, by and large, through giving advantage to fossil fuel companies.

In making his name as a crusader against the EPA, not only is Scott Pruitt endangering the health of our kids, but he is endangering the health of our economy as well. It is not guesswork when it comes to the connection of Scott Pruitt to the industry. If he had really studied the facts and if he had sat down and sort of weighed the benefits of the industry's claims against the

benefits of the claims of 99 percent of the scientists in this country, it would be worth a listen.

But, as attorney general of Oklahoma, he sent a letter to the EPA, skewering its efforts to limit methane leaks from oil and gas companies. He didn't write the letter. Nobody on his staff wrote the letter. Oklahoma's Devon Energy Corporation wrote the letter. Pruitt's office changed a few words and sent it on to the EPA on the attorney general's stationery. That is how close the relationship is between Scott Pruitt and these energy companies. He just takes what they write—what they say—and forwards it on under his own signature. If you were to do that in a classroom, that would be plagiarism, and you would get kicked out of school; but if you were to do that as the attorney general of Oklahoma, you would get nominated to be the Administrator of the EPA.

It might get a lot worse. You might find out that it is a lot worse on Tuesday of next week because, for some reason, Scott Pruitt has been hiding email correspondence between his office and these energy companies. He has put up roadblock after roadblock to try to stop freedom of information requests to get these emails, this correspondence.

Finally, yesterday, a judge ruled that you cannot stop that information from coming out—they are public documents—and on Tuesday of next week, they are going to be made public. I don't know what they were going to say, but as I suspect with Donald Trump's tax returns, when you are expending great effort to hide something from the American public, there is probably a reason you are hiding those things. There is something incredibly damaging, embarrassing, or illegal in those tax returns, and there is, probably, something very damaging, embarrassing, or illegal in those emails.

So we are rushing through a nomination of Scott Pruitt tomorrow, which will not allow us to see this email correspondence that is going to come out next week. That is a shame because it, likely, will show us how close that connection has been between the next Administrator of the EPA and the energy companies that he has been regulating and will be charged to regulate.

I get really concerned about Scott Pruitt when I think about the kids in my State. I will tell you about one very specific way in which I think about it, and then I will talk a little bit more broadly.

We have talked a lot about lead, mostly in the context of this tragedy that has played out in Flint, MI, but, in Connecticut, the tragedy of lead poisoning plays out every single day. Why? Because we have really old housing stock; we have old infrastructure; we have lead that is in paint; we have lead that is in pipes; we have lead that is in fixtures that exist in old homes.

While our State has been just plugging along, trying to do better to remediate these old homes and clean up lead and test kids earlier, lead poisoning has been a reality for us in Connecticut for a very, very long time. Boy, there are a lot of awful things that can happen to you as a kid in this country, but lead poisoning is at the top of the list. Watching a family go through the horror of serious lead poisoning is nothing that you want to witness because, once lead gets into your system—once it gets trapped inside your brain—it is impossible to reverse.

In his confirmation hearing, Mr. Pruitt was asked whether there was any safe level of lead in drinking water. If you are going to be the Administrator of the EPA, you should probably know the answer to that question. The answer is, no, there is no safe level of lead in drinking water. Given all of the tumult and attention over what happened in Flint, you would think that would be something he would be prepared for. His response was: "That's something I have not reviewed nor know about."

Lead is a neurotoxin that can have devastating, long-term effects on the lives of children. The correct answer, of course, is that there is no level of lead that is safe in drinking water.

I don't want to be too tough on him because I don't expect somebody who hasn't spent his lifetime in the field to know every answer about environmental standards, but this one was a pretty important one. For those of us who do think he is, ultimately, going to do the bidding of industry rather than the bidding of kids, not having an awareness about something as simple as acceptable lead levels in water makes us wonder whether he is really prepared to do his homework because on the other side of the lead fight are special interests. This is one that has special interests too. Whether it be the home builders or other folks who might have to pay a little bit of money out of their pockets to fix up old homes, there are people who are not always with us on this.

More broadly, I worry about my kids. My kids are not going to suffer from lead poisoning, but if we don't get serious about the pace of climate change now—in the next 5 to 10 years—the problem may not be available to solve for my kids. It may be too late, once they become of age, to try to do something about it as a public servant, as a scientist, as an activist. Any scientist can explain the reason for that.

The reason is that, for many greenhouse pollutants—carbon dioxide, in particular—as they get released into the atmosphere, they stay, and they continue to warm—heat up—as time goes on. There are some pollutants that don't act that way. There are these things called fast-acting climate pollutants, like methane, frankly, that are released into the atmosphere, that

are powerful heaters for a short period of time, but then they dissipate. Carbon dioxide is different. That one sticks around forever and ever—a long, long time—and continues to heat and continues to heat and continues to heat. So, if you don't reverse the trajectory of the human contribution to climate change soon, it may be too late.

As folks have read, just in the last 60 days, that phenomenon is playing out in parts of the globe that are already at a pace that was unimaginable just 5 years ago. In the Arctic, we are seeing just unthinkable warming.

I don't make policy by anecdote, but about a year ago, I was in the Arctic. I was on a submarine, doing an exploration under the ice—a truly amazing thing to be a part of. I was on the USS *Hartford*, which was a ship that was made in Connecticut, and the port is in Connecticut. We were up there as part of an exercise called ICEX, which was an exercise to try to understand what is happening in the Arctic so as to try to understand what the implications are for humans of this massive melting of arctic ice.

There were supposed to be two weekends of exercises in which there was a camp on a very stable piece of ice. Experiments were happening at the camp, and a submarine was helping to engage in those experiments. We were part of the first weekend's exercise. Then, the next weekend, another group of Congressmen was going up to witness that second weekend's exercise. The second group of Congressmen did not make it. They were literally on a van to the plane when they were told there was an emergency evacuation of the camp because the ice was melting underneath the camp. This was a spot that was picked because of how stable they thought it was. In the short period of time in which the camp had existed on the ice that March, it had started to break up and melt underneath them, and they had to engage in an emergency evacuation.

That is just one story. I understand we don't legislate or regulate by anecdote, but when you piece it together with all of the other evidence that tells you that every single year is the warmest on record, that shows you this massive trend line of melting in the Arctic. Even scientists who were of that 1 percent, who were sort of judged or deemed to be climate skeptics, are now saying: Whoa, there is clearly something nonnatural happening in the Arctic, resulting in this massive melt that happens season after season.

If that melt that is being mirrored in Antarctica continues at this pace, it will be too late for my kids to do something about it. In my State of Connecticut, a coastal State—a State in which the majority of our economic assets are buffered right up against the water of the Long Island Sound—we

cannot survive in a world in which sea level rise doubles compared to what it has been over the last 1,000 years.

We cannot survive in a world in which, by the end of this century, the average temperatures will be 8 degrees higher than they are today. When I came to Congress in 2007, the worst case estimates were that, by the end of this century, the global temperature rise would be 6 to 8 degrees beyond what it is today. Those are now mainstream estimates. It is not politicians, and it is not activists. Those are scientists—mainstream scientists—who are making those estimates. Yet, we are going to put somebody into the EPA who proudly has been a mouthpiece for the idea that climate change is a hoax—a hoax.

There is this tiny group of scientists who say: Well, it is not really clear whether human activity is leading to climate change. There is a tiny group of scientists who say that. Ninety percent of scientists agree that humans are contributing to climate change.

But Scott Pruitt goes further than that. Scott Pruitt has said that climate change—he has said it over and over again—that climate change is a hoax. What does that mean? Does that mean it is an intentional campaign by people to try to fool people into believing that climate change is happening? That is an extreme position. I don't even know how you explain what the genesis of the hoax is. What benefit do people get from trying to create this fiction? And of all the people out there who could possibly be the EPA Administrator, President Trump chose someone who calls climate change a hoax.

He had a confirmation conversion. He backtracked on that and said something before the committee about not being completely sure about the human contribution to climate change, but acknowledging that it probably exists. It is not the first confirmation conversion we have had. The Presiding Officer and I were at a very interesting hearing yesterday in which the nominee to be Ambassador to Israel essentially recanted everything he had ever said that was strong in tone about people he disagreed with on the position of U.S.-Israel relations.

So Scott Pruitt has changed his rhetoric in order to get confirmed. But he said that climate change is a hoax enough times to understand that likely, in his gut, that is what he still believes. It was a convenient position to have if you were an attorney general concerned with doing the bidding of big energy companies and special interests, which fed into their narrative as well.

These are exceptional times. I am sorry that we are back on the floor overnight again. But we are deeply concerned that this special interest Cabinet—this billionaire Cabinet—is not being put in place to do right for the American people. It is being put in

place to do right for big corporations that don't need any more allies here in Washington. For all the rhetoric about upsetting the way things are done in Washington, President Trump is doubling down on special interest influence by handing them the keys to the Secretary's offices and major Departments, now including the Environmental Protection Agency.

That was not a President at that press conference yesterday. That was hard to watch, I imagine for both Democrats and Republicans. It was not a higher calling to public service for anybody in this country. Maybe there was 20 percent of the President's base that the press conference played to, but that was not an advertisement for America.

These are exceptional times, and they do command those of us who are worried about the direction of this country to use all the power we have to try to get the facts out there and on the record.

I was standing next to Senator ANGUS KING at a press conference shortly after we were sworn in, talking about this issue of climate change and our responsibility as public servants to protect the quality of our air and the quality of our water. We were recalling how this wasn't as partisan an issue 40 years ago as it is today.

The EPA was established under a Republican President. The Clean Water Act and the Clean Air Act had bipartisan support. There was a time in which Republicans were for environmental protection, and now we are nominating somebody to be the Administrator of the Environmental Protection Agency who made his name fighting environmental protection, who made his name suing the Agency that was established by a Republican President, who has called the global climate change phenomenon, supported by 99 percent of scientists, a hoax.

It is disturbing to many of us how deeply politicized this issue is because it used to be relatively nonpartisan. It used to be that for all of the things we disagreed on, we at least recognized that one of our responsibilities as stewards of this sphere that we live on is to make sure that it exists in the same shape that it is today for our kids.

What ANGUS KING said that day in that press conference, as always, stayed with me. Senator KING said that in Maine they have the rototiller rule. If you borrow a rototiller or, frankly, any piece of equipment from your neighbor, you have an obligation when you are done with it to return that piece of equipment to your neighbor, or return that rototiller to your neighbor, in at least as good a condition as you found it. That makes sense. You borrowed the rototiller. If you break it you probably should fix it before you hand it back or you just use it in a way so that you are careful with it so that

you don't break it, so that when you give it back to your neighbor, it is in that same condition. Senator KING applied that standard to the standard that we should hold ourselves to when it comes to protecting this planet.

My kids are going to inherit this planet. My grandkids, hopefully, will inherit it from them. Our charge should be to hand this planet to our kids in at least as good a shape as we found it. If we break it, if we damage it, we should fix it before we hand it over.

We are breaking this planet right now. We are releasing so much pollution into the atmosphere to have compromised its integrity for the next generation. We have broken the rototiller, and the rototiller rule tells you that before you give it back to your neighbor, you should fix it. And we have it in our power to do it.

When we damaged the ozone layer through the release of CFCs, we got together and fixed that problem. We engaged in a global conversation to regulate CFCs through something called the Montreal protocol. We were able to attack that problem, fix it at no significant cost to the economy, and show that if we really do care about the quality of this globe, there is nothing that is outside of our power. There is no choice to be made between observing the rototiller rule—protecting our planet—and growing our economy.

But if Scott Pruitt becomes the next Administrator of EPA and the oil companies and the gas companies essentially get whatever they want, well, their bottom lines probably will be improved, shareholders in those companies will probably do a little bit better, but our kids' health, our larger economy's future will be compromised.

So that is why we are here on the floor objecting to Mr. Pruitt's nomination. That is why we have asked for this nomination to be delayed until later next week so that we can see what is in these emails, where we already have some pretty concerning evidence of this deep connection between Mr. Pruitt and the companies he will regulate at EPA—a letter that they wrote for him that he sent under his name. What if there is more information like that in this correspondence?

What if there is more evidence that he, as attorney general, was just a mouthpiece for industry rather than a mouthpiece for consumers? What if that is predictive of his behavior at EPA? I think that would be something that both Democrats and Republicans would be concerned with because I think I know my colleagues, and while my colleagues have certainly been more protective of industries' interests than Democrats have been, we both agree that the industry shouldn't have an unnatural advantage in these agencies above the public interest. I am pretty sure we agree on that. And in

just 4 short days, we will get a better understanding as to whether that is definitively the case for Scott Pruitt.

So I would urge my colleagues to either delay this vote that is happening later today or to vote against the nomination.

I appreciate, again, everyone who has been part of facilitating another very late night on the floor.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HARRIS. Mr. President, I come to the floor to convey my wholehearted opposition to the nomination of Scott Pruitt as Administrator of the U.S. Environmental Protection Agency, the EPA.

The EPA, at its core, is an Agency established to protect the environment and the public health of our Nation. This Agency looks to establish policies and guidelines that would benefit all Americans—and in essence is not an Agency of partisanship. In fact, the EPA was created through legislation led by a Republican President, Richard M. Nixon, and enacted by a bipartisan Congress in 1970.

The EPA has a duty to protect the air we breathe, the water we drink, and the environment we hope to pass on to future generations. In accomplishing this mission, it enforces some of our most valued laws like the Clean Air Act and Clean Water Act, which have been in effect for more than 30 years.

Unfortunately, this President asked the U.S. Senate to confirm a nominee who has dedicated his career to undermining the very Agency he is asked to lead. Mr. Pruitt's record and consistent failure to commit to being a fair Administrator of the EPA further demonstrates that the Trump administration's agenda is to weaken protections that guarantee every American access to clean air and clean water. From his actions as attorney general of Oklahoma up to his testimony at his hearing before the Environment and Public Works Committee, it is clear Mr. Pruitt is simply unqualified.

I express my strong concerns, as a Senator from California, a global leader in environmental protections that allow our 39 million residents to live healthy lives. It is my hope that with similar smart Federal regulations, which are led by the EPA, our Nation can enjoy these same benefits that I have seen Californians experience firsthand.

Californians have always been and will continue to be proud of our environmental leadership. In 1977, Cali-

fornia passed the first energy efficiency standards in the country. Our friends from the States of Florida, Massachusetts, Connecticut, and New York quickly followed suit. This set a precedent. Federal officials agreed that having responsible renewable energy guidelines should be a priority.

Ten years later, the EPA implemented national standards across the United States, saving a tremendous amount of energy, sustaining our precious environment and resources for future generations, and providing financial benefits for families and households across the country.

To put it into perspective, one of the national energy standards for refrigerators—that was the result of a policy initially enacted in California—has saved more than 130,000 megawatts of electricity to date. This is equivalent to the production of energy that roughly 250 powerplants might produce. This example is not a rare occurrence. Energy policies have continued to be adopted from smart initiatives started in various States.

Starting as early as 1978, California passed an energy efficiency standard for newly constructed buildings. This standard is now adopted not only in our Nation but worldwide. The State legislature listened to the objective and factual data from scientists on the dangers of climate change and, as a result, passed the California Global Warming Solutions Act of 2006, which requires California to reduce its total greenhouse gas emissions by 2020. We created the California Cap-and-Trade Program, which implemented an innovative, market-based system to allow companies to continue to produce while also helping to reduce emissions; instituted a low-carbon fuel standard, which reduced the carbon intensity of all transportation fuels in California. We passed the Sustainable Communities and Climate Protection Act of 2008, which urged local transportation planning agencies to consider the statewide greenhouse reduction standards and goals in their long-term transportation plan, and we set a renewable portfolio standard, which implored retail sellers of electricity to provide 33 percent of their electricity from renewable resources by 2020 and 50 percent by 2030.

We are proud indeed of what we have accomplished in California, but the importance of this issue goes beyond just the environment. It is an economic issue, and it has been undeniable in helping California grow to be the sixth largest economy in the world. California shows that a healthy environment and a healthy economy and the choice between the two is a false choice. We can have both. From 1990 to 2014, California's population and economy grew while achieving a 36-percent drop in emissions per gross domestic product. This clearly demonstrates

that you can successfully have economic growth and reduce carbon intensity. The State has done a great job of creating employment through the promotion of clean energy technology and green economies. A report by the University of California Labor Center found that the California renewable portfolio standards contributed to the creation of 25,500 hours for what was referred to as “blue-collar” job opportunities and 7,200 hours of what was referred to as “white-collar” jobs.

Most importantly, the environmental laws that the EPA enforces protects the health of future generations. Science has shown that children living in communities with a higher concentration of particulate matter developed respiratory difficulties and those children living in regions with higher ozone levels were more likely to develop asthma and miss school.

This is only a small part of the impact that ignoring the protections of our environment can cause to the ones we love most. On that point, of children missing school because of health concerns, there is a significance to this because of a connection between what we need to do to educate our population and also what we see in the criminal justice system.

For example, it is well known and established the significance of a third grade reading level. By the end of the third grade, if the child is not at the third grade reading level, they literally drop off because, when we think about it, we know before third grade a child is learning how to read, and then comprehension kicks in, and they are reading to learn. If they have not learned how to read, they cannot read to learn and they drop off.

What is the connection between that and the concern we have about pollution in the air and water? Well, there is a connection between pollution in the air and asthma rates. Asthma causes children to miss school. What we know is that we have seen that an elementary school truant is three to four times more likely to be a high school dropout; 82 percent of the prisoners in the United States are high school dropouts; African-American men between the ages of 30 and 34, if he is a high school dropout, is two-thirds likely to be in jail, have been in jail, or dead. There is a real connection between elementary school truancy and what we see in public safety systems. What we also know is that it costs money when children miss school. It costs us money in terms of the money that schools miss out on because they are not being reimbursed for attendance every day. All of these issues are connected.

As a former attorney general, I have worked to enforce California's cutting-edge environmental laws. This is what an attorney general should do and is obligated to do as a representative of her State. Without reservation, I can

say I am proud of the work of my office—of my former office, the California Department of Justice, and the work that is happening and has happened throughout the years doing the right thing for the people of the State and for the environment.

In February of 2011, I filed an amicus brief in the Ninth Circuit Court to support the efforts of the Port of Los Angeles to reduce air pollution through its Clean Trucks Program. In 2011, I had the pleasure of being a voice to protect an area of Southern California known as Mira Loma Village, a town of hard-working people, by representing them in a lawsuit to assure that a project would not significantly deteriorate the air quality in their community.

I had been hearing stories of the grandmothers in that community for years asking that they would be heard. I had been hearing for years, before I visited Mira Loma, about the fact that studies showed the children of that community had the lowest rate of lung development of any region in that part of California. There was a serious concern about the pollution in the air and the children of that community and their ability to be healthy.

So this is what we did and what I was able to do as the attorney general of the State that year. We met them with the developers in that community, we sat down, and we had some tough discussions, but we agreed that there had to be mitigation. They had to reduce the emissions in that community that resulted in the public health problems for that community. Two years later, that resulted in the city and the developer moving forward with the project while implementing measures to protect the residents from being exposed to diesel contamination. Litigation was critical. The role of the attorney general to be able to intervene and be a voice for that community and so many voiceless and vulnerable people was critical.

In June of 2014, as attorney general of California, I publicly opposed the lack of environmental review for the expansion of a Chevron refinery project in a place called Richmond, CA, and demanded they consider the public health of the nearby residents.

These are examples of the role and responsibility of a State attorney general to take seriously their oath in terms of protecting the health and welfare of the residents of their State. I offer these examples to further support the concerns we have that this nominee—when he has held such an important position and has taken an oath to represent the people—has failed to perform his duties. I would suggest that his past is prologue for the future. His past is an indication of what he will do if he is confirmed as the next head of the EPA.

I would hope that instead we would have a nominee—someone who would

head these most important agencies in our government—who could say the same thing about their record as I am proud to say about the record of the California Department of Justice.

In my opinion, our current nominee cannot in good conscience speak to the same type of record. Instead, Mr. Pruitt has talked about how he wants to protect States from what he believes is “overreach” of the Federal Government. His commitment to what he would call States’ rights is so strident that a December 6, 2014, New York Times article reported that Mr. Pruitt has a painting in his office “that shows local authorities with rifles at the ready confronting outsiders during the land rush era.” He also established what he described and named as a Federalism Unit in the Oklahoma attorney general’s office that was committed to fighting against Federal regulations. When he came before the Environment and Public Works Committee for his confirmation hearing, of which I am a Member, Mr. Pruitt stated that “it is our state regulators who oftentimes best understand the local needs and uniqueness of our environmental challenges.” He then went on to speak about how States “possess the resources and the uniqueness of our environmental challenges.”

These statements might lead one to believe that Mr. Pruitt would be in support of any opportunity possible to give power back to the States to create environmental regulations. However, when I asked Mr. Pruitt at the committee, when he came before us, if he would commit then to upholding California’s right to set its own vehicle emission standards, he would not commit to doing so.

I will remind this body that the EPA has a long tradition of respecting California’s and other States’ ability to set higher standards where they can control the emissions and the greenhouse gas emissions that as we have mentioned before, directly have an impact on the health and well-being of the residents of our State and particularly the children and the elderly of our States.

Under the Clean Air Act, California has set its own standards for how it wants to regulate vehicle emissions. We have done this for decades now, and previous EPA Administrators have upheld California’s right to set them.

Although there is precedence for doing so, Mr. Pruitt would not commit to granting California the waiver to allow my State to continue to set its own vehicle emissions standards. This is simply unacceptable.

This is a blatant double standard for someone who claims to be committed to breaking down regulations at the Federal level and giving power back to the States. In fact, it makes me wonder how truly committed Mr. Pruitt is to States’ rights or if States’ rights are

just a convenient argument for him in order to pursue actions that are beneficial to industries that pollute instead of the residents and the people of his State and, by extension, our country.

Just look at his record as attorney general of Oklahoma, a position he used to challenge the laws of other States. As attorney general, he challenged a California law when he joined a lawsuit that targeted a referendum that California's voters approved in 2008 to require more space in cages for egg-laying hens. That measure, California proposition 2, prohibited the confinement of hens used to produce eggs in California in any manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs. The law is popular, and it was passed by the voters in my State by 63.5 percent. In 2010, the California Legislature expanded that law to make it so that it applied to all eggs sold in California.

Mr. Pruitt joined a lawsuit suing California over this law, presumably because he did not like that a regulation approved by our voters and affirmed by our State legislature would do a good job. He just didn't like it. Mr. Pruitt's case was ultimately rejected by the Federal appellate court because his lawsuit failed to demonstrate how the California law presented a harm to his State. You would think that a States' rights proponent would appreciate that one State passes a law and it should be respected, especially when it doesn't create any harm to his own State, but that was not the case.

Mr. Pruitt has filed seven lawsuits against the EPA that have since been settled. In those lawsuits, he opposed the Clean Power Plan and the Clean Water Act. He sued over regulations to make electricity-generating powerplants install technology to curb air pollution. He sued over a plan to reduce pollution from coal-fired powerplants and a regulation aimed at reducing greenhouse gases. He sued and filed a lawsuit that claimed that the EPA encourages environmental nonprofits to bring lawsuits.

It is important to know that Mr. Pruitt lost six out of those seven lawsuits. Mr. Pruitt is a baseball fan, as am I. I love my Giants. I find it hard to believe that my San Francisco Giants would look at a hitter who slogged through spring training with a .142 batting average and have no concerns whatsoever calling him up to the big league roster. Why does the U.S. Senate have a lower standard for reviewing a nominee who would be charged with safeguarding human health and our environment?

What about the opportunities Mr. Pruitt has had to defend the interests of the people he was elected to represent? What about issues that directly impact the people of Oklahoma?

In 2011, 49 States signed on to a \$25 billion mortgage settlement. There was

only one State's attorney general who decided not to sign on. I think you know where I am heading. That one attorney general was Scott Pruitt. Mr. Pruitt said he didn't think it was the appropriate role of the State attorney general to advocate for the homeowners of their States but wanted to be sure to protect the banks instead.

As a former State's attorney general, I am here to say that the role of an attorney general is to represent the people of your State. When an injustice is committed to one person, an injustice is committed to all of the residents of your State. In fact, after doing the work of an attorney general over the course of 7 years in California, I will tell you that every time we filed a suit, that document, that complaint never read the name of the victim versus the name of the offender. It always read the people versus the offender because in our system of democracy and in our system of justice as a country, we have rightly said that a harm against any one of us is a harm against all of us. Mr. Pruitt has failed to appreciate the significance of that point.

He has developed a long list of lawsuits filed. Through all of that litigation, he has delivered very little for the people of Oklahoma—the very people who elected him to represent them. Why should we expect that he will protect the interests of all Americans and the environment we all share?

During his 6-year tenure as attorney general of Oklahoma, Scott Pruitt stated only in one instance—a lawsuit against Mahard Egg Farm—could he recall initiating an independent lawsuit as attorney general against private air polluters. It was later revealed that even this claim was misleading, and it turned out it was his predecessor who had done the legwork and initiated the proceedings, along with the assistance of the EPA.

In the 2014 New York Times article, it was reported that Mr. Pruitt used his official position as Oklahoma attorney general to protect the interests of a private gas and petroleum company, Devon Energy, not the people of Oklahoma. Using his official government position, Mr. Pruitt sent a three-page letter to the EPA stating that Devon Energy did not cause as much air pollution as was calculated by Federal regulators.

In open records of exchanged emails between Devon Energy and the Oklahoma attorney general's office, it was discovered that the lawyers at Devon Energy were the ones who actually drafted the letter and that Mr. Pruitt used a nearly identical letter to express it as his State's position. Following the letter, Devon Energy wrote to his office:

Outstanding! The timing of this letter is great given our meeting with both the EPA and the White House.

"Outstanding," the energy company said—not the people of the State of Oklahoma.

It is also unclear how far this abuse of power has gone. A lawsuit by the Center for Media and Democracy has been filed in an Oklahoma district court to release information on Mr. Pruitt's dealings as attorney general. It is with great concern that we would try to rush this nomination without these records coming to light. Senators should have all the facts before us before we vote.

Should Mr. Pruitt be confirmed as EPA Administrator, I am deeply concerned that he has refused to use his discretion to recuse himself from litigation he was involved with in his role as Oklahoma attorney general unless required to do so by the Ethics Commission.

I asked him about this during our hearing at the Environment and Public Works Committee. I asked him if he would be willing to recuse himself notwithstanding a finding by the Ethics Commission but based on what is right and an appearance of conflict. He agreed, after many questions, that he has the discretion—regardless of action, regardless of waiting until the Ethics Commission rules—to recuse himself from those lawsuits that he as attorney general of Oklahoma brought against the Agency he wants to lead. He agreed he had the discretion and yet failed to agree that he would exercise that discretion and recuse himself because of an appearance of a conflict. That is simply unacceptable.

It is so important that in our government, the public has confidence in us, that they trust we will do the right thing, that they trust we will use our discretion in an appropriate way. But this is a nominee who has asked us to trust him to lead the EPA, the people's Agency that has been charged with protecting the resources that are vital for all human life. A nominee who has failed to represent his own constituents' interests by making a career of partisanship is not the right nominee for this office, period. He is a nominee who has lobbied for corporations instead of the people he was charged with representing. He is a nominee who has a clear record of using his position in a way that has not been in the best interest of the people he serves.

There is evidence, unfortunately, of his record that is before us as a body. We should take heed of this evidence. We should pay attention to it, and we should not confirm this nominee to be the next head of the EPA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I lived in Palo Alto Park, that part of the State. The Naval Air Station was there. It used to be called Moffett Field. It is still there. I remember the

hangars that we used during the time we served on Active Duty.

I had the privilege of knowing a number of attorneys general from California, and we are very pleased to be able to welcome Senator HARRIS to our floor. Yesterday she gave her maiden address on the Senate floor.

Thank you.

She is pretty good.

I would say that you are even better than I thought. That was wonderful. Those were wonderful comments. I know our Presiding Officer is also the chairman of our committee and probably is not enjoying your comments as much as I am, but I thought you were evenhanded and fair in sharing that.

The Presiding Officer is a pretty good friend of mine, and I don't know if he is a big baseball fan. I am. I love sports. I am a huge Detroit Tigers fan. You are a Giants fan. The leadership in baseball is critically important. It is important to have good infielders, good outfielders, good pitchers, catchers, and so forth. What is really important is to have great leadership and great leadership in terms of the coaching staff. Leadership is always the most important ingredient in every organization I have ever been a part of.

The Tigers just lost their owner, Mike Ilitch. He was a legendary figure in Detroit in baseball. He passed away earlier this week at the tender age of 86. It is a big loss for Motown and, frankly, for baseball.

In terms of leadership, we wouldn't want to hire somebody to coach a baseball team who was a football coach or someone who is great with a basketball team. I don't doubt that Scott Pruitt is a skillful lawyer. I met his family. I like him. I think he is arguably a good dad and a good husband. But it is a little bit like asking a pacifist to lead something like the Department of Defense—may be a skillful person but maybe just not the right person to do a particular job.

I thought you outlined that very well. I wanted to say welcome to the big leagues. We are going to learn a lot from you.

I yield back.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I come to the floor today to speak on the nomination of Scott Pruitt to be Administrator of the Environmental Protection Agency, whom I intend to support.

Over the past several weeks, we heard a number of Senators come to the floor hour after hour, 24-hour sessions through the night—1 o'clock, 2 o'clock, 3 o'clock, 4 o'clock—in the morning and beyond, to complain about this nominee or that nominee, to express their concern about this nominee or that nominee. In fact, many times I think the only reason there is opposition to a nominee is that they

disagree with a nominee because it wasn't Hillary Clinton who made the nomination.

We have heard countless people come to the floor today to talk about their opposition to the Trump administration EPA. I have a picture on the floor that shows the Obama EPA. This is a river in Colorado, enjoyed by thousands of people each and every summer. This is a picture of that same river under the Obama EPA. This was caused by 800,000 pounds of mineral and other waste going into the river because of a mishandled EPA project. This wasn't Scott Pruitt. This wasn't Donald Trump. This was the Obama EPA that did this. I only wish that my colleagues who have come to the floor for the past several hours had shown similar outrage when the Obama EPA did this to Colorado—inflicted this kind of damage on people in Southwestern Colorado in the Gold King Mine spill. You want to talk about protecting States? Why didn't we stand up and protect this river?

On August 5, 2015, the EPA caused this spill. They admit they caused this spill, dumping 3 million gallons of toxic waste into Cement Creek and into the Animas River. Most Americans remember seeing this river. Most Americans remember seeing pictures of what this river looked like across newspapers, across television stations in August of 2015. When I visited South Korea, the President of South Korea asked me: How is the river in Colorado that the EPA dumped toxic sludge into?

In fact, I saw this picture on the news just a couple of days ago. Somebody was using it to complain about the Trump EPA administration. Somebody was using it to attack Scott Pruitt. This picture had nothing to do with Scott Pruitt. This was the EPA led by Gina McCarthy. My response to the spill was that the EPA should be held accountable to the same level at which the EPA holds private businesses accountable. I think that is a pretty good standard. But if the EPA is going to make sure that somebody lives up to a standard, then the EPA should live up to the same standard—that basic standard for the EPA, because the Agency caused this spill, and it simply must apply the same requirements to itself that it does to a private company.

So it was with great disappointment, but very little surprise, that, when the EPA decided to not subject itself to those same standards, they walked away from the promises they made. Sure, the EPA had standards under Barack Obama. They were double standards. The Obama administration EPA's refusal to not receive and process the personal injury or economic loss claims arising out of this spill of the Gold King Mine in Southwest Colorado is appalling. I simply wish the

outrage was there when the EPA walked away from the people that it had injured in Colorado. We haven't heard talk about it here.

We have heard a lot of complaints here, but nobody is saying they should be paying for the damage in Colorado they created. After all, we are discussing the EPA, which with the strike of a pen, and oftentimes with very little input from those people who would be affected, uses overly burdensome regulations and a heavyhanded enforcement to punish private businesses.

Despite the assurances and promises of the then-EPA Administrator Gina McCarthy that the Agency takes full responsibility of the Gold King Mine spill, the Agency in 2017—weeks ago—turned its back on the promises it made and denied paying claims for the harm they caused Coloradans. Promises were broken to our neighbors downstream in New Mexico and Utah, including the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, and the Navajo Nation.

Administrator McCarthy called me last month, just before the news broke that the EPA would not be processing the claims of dozens of individuals and businesses in Southwest Colorado under the Federal Tort Claims Act against the Federal Government. The spill occurred in August 2015. Over a year later, and in the waning days of the Obama administration, they turned their backs on their promises they made to Colorado and notified us in the waning hours of an administration saying: I am sorry. We are not going to help the individuals who are harmed. This refusal to compensate for the spill is unacceptable and wholly inconsistent with the EPA's commitment to take full responsibility with the States, local and tribal governments and communities.

This past election, voters said they wanted something different from the last 8 years in Washington because what they experienced was not working for the people—broken promise after broken promise. A year and a half ago, the EPA caused the Gold King Mine spill, and the past administration refused to make it right for Colorado. The status quo at the EPA is not acceptable because broken promises are the status quo.

I have had earnest conversations with Mr. Pruitt over the past several weeks about my sincere disappointment about those broken promises, what we had to go through in Colorado, and what businesses had to go through in Colorado as a result of the EPA spill.

You can imagine that in an area that is reliant on tourism, what photographs of this in headlines across the country and in nightly news stories can do to a tourism-based economy. Those kayakers we saw in this chart had to shut the river down. Outfitters

weren't allowed to be on the river. Dollars were lost because guides couldn't get out there. Booked trips that had already been paid for had been canceled. People didn't go because of the EPA's spill. The EPA's refusal to pay for lost property, lost economic opportunity, and lost business opportunity is simply unacceptable.

In the earnest conversations I have had with Scott Pruitt, he has promised to make it right. He has promised to stand up for the people in Colorado. He has promised that he will make amends and pay for the damages that the Obama administration refused to pay for. He assured me that he is going to make it right, that he is going to work with the people the EPA injured and those who experienced economic losses and make sure that they are fully compensated. He agreed to come to Colorado shortly after his confirmation to make sure that the people of Colorado know that he will fulfill the promises that were failed under the Obama administration.

I would also like to talk about another top legislative priority of mine—passing Good Samaritan legislation. Good Samaritan legislation would allow Good Samaritans, like the mining industry, State agencies, local governments, nonprofits, and other groups the ability to clean up the environment and improve water quality conditions around abandoned mines. According to the Government Accountability Office, or the GAO, it is estimated that there are more than 160,000 abandoned hard-rock mines that exist across the United States, and at least 33,000 of these mines pose environmental or safety concerns.

One of the immediate actions we can do in Congress to address this toxic waste and improve our environment is to pass Good Samaritan legislation. It has been decades that this Congress has tried. It has been decades that this Congress has failed. It is time to start succeeding and time to start cleaning up the environment.

The last time the Environment and Public Works Committee was able to advance legislation on Good Samaritan was in 2006, from my predecessors, Senators Wayne Allard and Ken Salazar. Unfortunately, since 2006, this concept has been unsuccessful and caught in partisan politics.

It is time to take steps forward for facilitating cleanup of the Nation's abandoned mines to prevent more spills like the Gold King Mine.

I have secured the commitment from Scott Pruitt to work with me on this legislation at the EPA to get this done, to work with both sides of the aisle to accomplish something, so that we can prevent this from happening. I am not going to stop working until our constituents are made whole from the EPA-caused spill at the Gold King Mine. I am not going to stop working

until we pass—and we have to continue working to pass—the Good Samaritan legislation.

The 33,000 mines that pose a risk to the West is unacceptable. Our citizens, our pristine environment, our waterways, our children—this wasn't Scott Pruitt. This wasn't Donald Trump. This was an EPA under the previous administration, led by Gina McCarthy and President Obama, that walked away from the people of Colorado and the promises made. And it heartens me greatly to know, at least, that we have an administration that will move away from every promise abandoned to fulfilling the promises of protecting our environment.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Illinois.

Mr. DURBIN. Mr. President, before I make a statement on Scott Pruitt, to my colleague and friend from Colorado, I couldn't agree with you more. What happened in Colorado was an environmental tragedy, and we saw the photos. It is horrible. I don't know who is responsible for it, but it appears to be a government agency, and they should be held accountable. I will join you in that effort. I don't think there is any Member who wouldn't join you in saying there ought to be justice done here. We shouldn't let them off the hook because they are EPA employees or employees of the Federal government.

But I don't understand the leap in logic from that position to Scott Pruitt. Scott Pruitt is a man who, as attorney general of Oklahoma, has filed more than 14 lawsuits to restrict the authority of the EPA to clean up rivers.

Mr. GARDNER. Will the Senator yield?

Mr. DURBIN. I am happy to yield for the purpose of a question.

Mr. GARDNER. To the Senator from Illinois, the EPA admits they caused this spill. Does the Senator from Illinois realize that the EPA then failed to live up to that promise?

Mr. DURBIN. I said to the Senator from Colorado that I will join you. If the EPA is responsible for this spill, then I will stand with you. Justice should be done.

The point I am making to you is that this leap of logic then—to put Scott Pruitt in charge of the EPA—is really taking away the power of this Agency to avoid that kind of environmental disaster.

Mr. GARDNER. Will the Senator yield for a question?

Mr. DURBIN. I will be glad to yield for a question.

Mr. GARDNER. To the Senator from Illinois, the EPA stated that they caused this spill. Dozens upon dozens of individuals and businesses filed a claim against the EPA for damages caused by a spill that the EPA admits. Scott Pruitt has said that he will fulfill the

promise of paying for those claims the Obama administration denied.

Will the Senator agree that the EPA, under the last administration, failed to deliver on the promises made of paying these claims?

Mr. DURBIN. I reclaim my time and just say this. I do not know the particulars. I understand that what you said is what I read, that it was the fault of some government employee—perhaps of the EPA. I don't dispute that fact. If that is the case, then we have a responsibility to your State to make it whole again. And whoever the EPA Administrator is should face that responsibility. I will join you in that effort.

But to go from there to say Scott Pruitt is the man to head the EPA because he is going to acknowledge this one fact, is to ignore his record, to ignore his position on the environment.

The Senator from Colorado, I know has to leave the floor, but I want to continue on this vein. Yesterday, the President of the United States decided to sign a resolution. He had a big gathering. He had Senator MCCONNELL, the Republican leader and other Members of the Senate and the House. It was a big celebration. Representatives of mining companies, coal companies, even mine workers were there celebrating the repeal of an EPA rule. What was the repeal of that rule? The repeal of that rule related to what the mining companies could dump into rivers and streams from their mining operations. What was the fear? The debris in toxic waste that they would dump in the rivers would end up killing rivers, just like the river that the Senator from Colorado has given a speech on.

I might add that he voted to repeal that rule. So now we have the President of the United States saying we are going to revitalize the mining economy by eliminating a rule that restricts mining companies from dumping debris and toxic waste into rivers and streams. Now, that doesn't follow.

If you are dedicated to keeping our rivers and streams healthy and pure and reliable sources for safe drinking water, you don't do what President Trump did yesterday. You don't do what the Republicans in the Senate did just a few days ago and remove this rule. I struggled to understand.

I see my friend from Delaware is here. The Senator and I have been in this business for a long time together. I won't say how many years.

He knows, I know, and some others know, but most people would be surprised of the following: Which President of the United States created the Environmental Protection Agency? Richard Milhous Nixon, 1970. A Republican President created this Agency which has become the bete noire for the Republicans—the most hated Federal agency, created by a Republican President.

Why? Because at that moment in time, America was awakening to Rachel Carson's "Silent Spring" and to so many other factors, when we finally concluded there was something we were doing to the environment that was harmful, not just to the environment but to the Earth, which we hoped to leave our children.

We joined together on a bipartisan basis—this is before I was in Congress—to create this Agency which Scott Pruitt seeks to lead. Now, what has happened? What has happened is there has been a role reversal here. The Republicans, who used to be part of environmental protection and safety, have now abandoned it.

In fact, that is the drum they beat on most often, when they talk about overregulation, the Environmental Protection Agency. Yesterday, this President—28 days into his Presidency—could not wait to sign a rule that allows mining companies to dump toxic waste and debris into rivers and streams. You know the argument: It is just too expensive not to. If we are going to make a profit, if we are going to employ people, then you have to let us dump this into the rivers and streams.

I don't buy it. The reason I don't buy it is that I can remember many years ago, the first time I went across my State of Illinois and took a look at abandoned mine lands. These were lands that were strip mined, which means they brought in bulldozers and really just found the coal deposits, not just that for below the surface of the land. They ripped out the coal and left the mess behind for future generations.

It was horrible—a horrible environmental disaster. They walked away from them after they made the money. They went out of business and left that mess behind for the next generation or the one beyond it.

I am all in favor of mining. Fundamentally, there is nothing wrong with it at all. But responsible mining means that you are responsible when it comes to the environment. You just don't make your money and leave, you accept the responsibility to leave behind something that is as good as or better than the way you found it. It is known as stewardship. It is Biblical.

This is kind of a moral responsibility which we accept on this Earth that we live on, to leave it better than we found it. The Environmental Protection Agency is there for that purpose.

I would say to the Senator from Delaware, they did a survey in Chicago a few years ago. They asked the people of Chicago: What is the one thing unique and defining about that city? Overwhelmingly, the response was Lake Michigan, as it should be—this magnificent great lake which borders the city of Chicago.

It is a source of so much fun and joy and aesthetic beauty. We look at it and

thank the good Lord that we have the good fortune of living, as many of us do, part time, full time, right there on the banks of Lake Michigan.

It was about 5 or 6 years ago that I heard a story about a ship on Lake Michigan. It was an auto ferry. It took passengers and automobiles across that beautiful great lake. It moved them from Wisconsin to Michigan. The name of the ship was the *SS Badger*. It had been around for decades. It was kind of an institution.

Come the summer months when people would cross that lake to head over to Michigan or back over to Wisconsin, they would pile on and bring on their automobiles and families. It was a great excursion. But we came to learn that there was another side to the story. The *SS Badger* was the last coal-fired auto ferry on the Great Lakes. It burned coal to run the engine to move the ship across Lake Michigan.

That, in and of itself, raises some interesting questions about pollution coming off the smokestack of the *SS Badger*. It turned out that wasn't the worst part. The worst part is that for decades, as the *SS Badger* trekked across Lake Michigan, it not only burned coal, it dumped the coal ash overboard while it was going across the lake.

This potentially dangerous and toxic coal ash was being dumped into Lake Michigan day after day after day. The Environmental Protection Agency came in and gave us the facts. It turned out that the auto ferry, that one ship, was the dirtiest ship on the Great Lakes. It created more pollution, more damage to the Great Lakes and its environment, than any other ship. Believe me, there are plenty of ships that traverse the Great Lakes. This was the filthiest, dirtiest ship.

The EPA said to the *SS Badger*: We know you employ people. We know you perform an important function. But clean up your act. So what did the *SS Badger* do, in light of this EPA finding? Well, they fought them all the way. They came to Congress and asked that Congress designate the *SS Badger* as a historical monument. A historical monument? Well, it was an old ship. There is no doubt about it. But the notion that came from the Congressmen from Michigan and Wisconsin was, by designating it a historical monument, it would be exempt from environmental protection laws.

So the dirtiest ship—the *SS Badger*—on the Great Lakes would somehow have historical status and continue to pollute Lake Michigan. I thought it was outrageous. A number of us joined in stopping that effort. Instead, we said to the EPA: You have given them years to clean it up. Now do something about it.

Next thing, surprisingly, the owner of the *SS Badger* asked to meet with me in my office. I said sure. He came in

and he said: Senator, we employ 100 people. We have been doing this for years. We cannot technologically clean up the *SS Badger*. It just can't be done. We would lose too much money.

I said: I am sorry, but that is unacceptable. You cannot tell me that because of profitability you need to continue to create a bigger mess in the Great Lakes than any other ship on the Great Lakes.

So he went back and lawyered up and decided he would fight the EPA. I stood with the EPA, the regional office out of Chicago. We had a battle on our hands. A rule was issued by the EPA.

I hear so many Republicans come to the floor bemoaning rules and regulations. Let me join that chorus. Are there too many rules and regs in some areas? Yes. Are there some rules and regs which I could never explain or even try to defend? Certainly.

But the rules and regulations of the EPA many times are critically important. In this case, that was exactly what we found. So the EPA issued a rule and regulation that said to the *SS Badger*: You have been given years to clean up, and you will not do it. So now the clock is ticking. There will come a moment when you will be subject to a substantial fine if you don't clean up your act.

Do you know what happened because of this onerous EPA regulation? Do you know what happened to the *SS Badger*, whose owner said that it was technologically impossible for them to clean up this mess? They came up with the most basic, simple solution. You wonder why they waited so long. They now hold the coal ash on the *SS Badger* as they go back and forth across Lake Michigan. They remove it once they get to shore and put it into an environmentally acceptable waste disposal.

This was an obvious answer for decades, but they would not do it. It took the Environmental Protection Agency to step up and threaten it with a rule and a fine. Now they are finally doing it.

So I say to those who loathe government rules and regulations: This was a good one. For the health of the Great lakes, for God's gift to us of that beautiful body of water, we did the right thing and the EPA was there to do it.

Yesterday, when President Trump signed this new resolution that repealed the rule, he was reversing what I just described to you. He was saying to mining companies across the United States: Be my guest. Dump toxic waste and debris in our rivers and streams.

He did it in the name of job creation. We all want to create jobs, but if we are creating jobs at the expense of the health of rivers and lakes, if we are creating jobs at the expense of safe drinking water, that is a bargain I will not be part of.

Many times I have had a conversation with my wife and friends. I guess

it reflects the fact that we have been on this Earth a little longer than some. You wonder out loud. You say: Why in the world do we have more autism today than we once had? Why do we have more cancers than we once had? People have a lot of theories. Some of them are wild and unfounded. But many times people say: Could it possibly be the chemicals in our drinking water? I do not know.

I am a liberal arts lawyer. Don't get me near a laboratory; I would not know what to do with it. But it is a legitimate question, whether there is some contamination in our drinking water, which has a public health impact. Someday we may discover that.

Isn't it best for us to err on the side of keeping our drinking water as safe and clean as possible? I think so. I don't want to turn on the tap and drink the water and think that I am making myself sicker or more susceptible to a disease. I sure as heck don't want to do it for my kids and grandkids. What Agency is responsible for that? It turns out to be the Environmental Protection Agency. That is the Agency that Scott Pruitt seeks to head.

He is a terrible choice. I am sorry to say that. I shook hands with him once. I don't know him very well. But when you look at what he has done—I think of a letter I received from Dale Bryson in Illinois. I don't know him personally. He wrote to me and he said:

Having served under both Republican and Democratic Presidents, we recognize each new administration's right to pursue different policies or ask that Congress change the laws that protect our environment. But EPA's administrator must act in the public's interest and not simply advance the agenda of any specific industry that EPA regulates.

Mr. Bryson goes on to say:

The agency is lucky to have had EPA administrators, Republicans and Democrats, with the patience, skill and commitment to public service that is needed to steer through these challenges and deliver the clean and healthy environment that Americans want at a price they are willing to pay. We do not believe Scott Pruitt has demonstrated that he has the qualities needed to lead the Environmental Protection Agency.

He was not the only one who wrote to me. I have heard from constituents who believe that sensible environmental regulation is critical for us to have a clean planet to live on and leave to our kids. Tim Hoellein, a professor at Loyola University in Chicago, conducts research on water pollution in city environments. He wrote to me and said:

I note our city, State and county have made some major advances toward better infrastructure and policy for clean water. However, we are still not meeting our obligations to our neighbors and future generations by rising to the best standards of water stewardship. Those gains are at eminent risk with the appointment of Mr. Pruitt to the EPA.

Finally, I want to read a letter from a Chicago resident, Ms. Maureen Keane. She wrote to me and she said:

I love my country. I love our beautiful environment and my family. We need a strong advocate for our land and people to head the EPA. That person is not Scott Pruitt. Hundreds of former employees of the EPA agree with me. That must mean something. Pruitt has a record of doing everything he can to shut down and dismantle the EPA. We need a strong advocate who has the ability to create a balance between business and our land and people resources, one who can create strong laws for which businesses can agree on and adhere to while protecting our most precious assets, people, wildlife, and our land.

She says:

As someone who grew up surrounded by dirty water in the Little Calumet River, next to a train yard, and surrounded by onion fields with pesticides, I have seen first hand family and neighbors die young from cancer. Please oppose Pruitt if you love America and your family. This is a decision that can be costly for future generations.

These letters really are just a handful of those that I have received on the subject. Scott Pruitt has alarming conflicts of interest with the oil and gas industry.

My friend and colleague, Senator CARPER of Delaware, has taken on this nomination professionally and in the right way. He has helped us reach a point now where we have to say to our friends on the Republican side of the aisle: Be careful about the vote that you cast at 1 o'clock today, because by 1 o'clock on Tuesday or Wednesday, in the following week, you may regret that vote.

The reason I say it is that Senator CARPER has been working with groups trying to get a disclosure of the emails that Scott Pruitt, attorney general of Oklahoma, had during the course of serving as attorney general, while he was filing some 14 different lawsuits against the Environmental Protection Agency. He was caught red-handed taking a letter written by one of these energy companies and changing the letterhead and calling it an official statement from his own attorney general's office. So he clearly has a comfortable, if not cozy, relationship with the energy companies. That, in and of itself, is not condemning or damning, but if it ends up that he is seeking this position to advocate their political position, rather than to protect America's environment, that is a relevant issue.

Senator CARPER has been working with groups night and day to get disclosure of emails that were sent to Scott Pruitt and sent by him between oil and gas companies and other energy companies to determine whether there are any conflicts we should know about before giving him this job.

I understand that late this morning, our Senator from Oregon, Mr. MERKLEY, may be coming and asking for us to postpone this vote until these emails are publicly disclosed. Is it 5, 6, 10 emails? I think it is thousands, isn't it? Some 3,000 emails.

The Republican Senators and Senator MCCONNELL have said: We don't

want to read them. We don't care what is in them. It doesn't make any difference if there is a conflict of interest. This is Scott Pruitt. He is our man. President Trump wanted him. We don't want to read the facts. We don't want to know the evidence. We just want to give a good, loyal vote to our President.

I don't think that is the way we should meet our responsibilities in the Senate. This thoughtful and sensible thing to do is to postpone this vote until we return. We are going to be gone next week because of the President's recess. Scott Pruitt can wait 10 days, and we can wait for the truth, can't we?

The Environmental Protection Agency will continue to do its business with its professionals, but before we put him in the job—which we may come to regret in just a few days—shouldn't we take the time to do this and do it thoughtfully?

As Oklahoma attorney general, he sued the EPA 14 times. He was often partnering with the very industries he is now being called on to regulate. Though some of these lawsuits are still ongoing, he will not even commit to recuse himself.

He was asked during the course of his hearing: As attorney general of Oklahoma, you sued the EPA. The EPA, as an Agency, has the first level of administrative hearing on those lawsuits. Will you, if you become Administrator and Secretary of the EPA, commit to recuse yourself from those lawsuits you filed?

He said: No.

That means he could have a very interesting position when those lawsuits come up for consideration. He will be the petitioner and the plaintiff; Scott Pruitt, attorney general of Oklahoma. He will be the defendant; Environmental Protection Agency, Scott Pruitt, Administrator, and Secretary. He will also be the jury; the Environmental Protection Agency, headed up by Scott Pruitt in his administrative capacity.

What a sweetheart deal. I used to be a trial lawyer. This would be the answer to a prayer. I get to be the plaintiff and the defendant and the judge?

Scott Pruitt wants to protect his right to do that so he can continue to protect the special interests he represented as attorney general of Oklahoma.

Common sense suggests to any lawyer licensed to practice in America that this is a conflict of interest which needs to be avoided, but Scott Pruitt says: No, they have to go forward, and I have to win this lawsuit.

You know what, I think he is going to win the lawsuit if he doesn't recuse himself.

We need to ensure that the EPA has strong leadership, that it is dedicated not to energy companies, not to oil

companies, not to gas companies but to protecting all Americans. Literally, lives depend on it.

President Donald Trump has chosen not just a man with an extraordinary amount of conflicts of interest but a person who is a climate-denier. He said some things that are nothing short of amazing.

Look at this quote by Scott Pruitt, candidate for Administrator of the EPA:

The debate about climate change is just that, a debate. There are scientists that agree, there are scientists that don't agree, to the extent of man's contribution and whether it is even harmful at this point.

Really? So 98 percent of scientists—98 percent—have said that something is happening to this world, and human activity is the reason, 98 percent of them. Greenhouse gas emissions, carbon in our atmosphere, obvious changes, glacial melts, the rising of the oceans, extreme weather conditions that we are facing—just a casual observer would understand that is a reality, but not this man, not the man who seeks to head the Environmental Protection Agency. To him, it is still being debated.

He is in this rarified group with blinders. You see him here with his glasses. He wants to put on blinders when it comes to climate change. And this is the man President Trump has chosen to head up the Environmental Protection Agency?

The Chicago Sun Times, on December 8, had an editorial entitled "Foe of EPA is wrong person to lead it." Here is what they said:

Unfortunately, President-elect Donald Trump has appointed Scott Pruitt, an open foe of environmental initiatives, to head the U.S. Environmental Protection Agency. That demonstrates a callous disregard for the health of our nation and planet just as rapid technological advances hold out hope for avoiding the worst effects of climate change.

The U.S. Senate should reject Pruitt.

They go on to say:

During his campaign, Trump said he would dismantle President Barack Obama's environmental policies and pull the United States out of the 195-nation Paris accord to reduce greenhouse gases and climate change. After the election, Trump moderated his tone, saying he has an open mind about climate change. His appointment of Pruitt, however, suggests that if he's open to anything, it's strictly more pollution.

They go on to say:

The EPA is all about science. Someone who doesn't believe in science can't do the job.

His appointment would send a message to the rest of the world that the United States is not a partner in efforts to reduce emissions of greenhouse gases. The damage could be incalculable.

If a house divided against itself could not stand, neither can a government agency.

When you listen to what Scott Pruitt has said about science, you realize this man has no business heading up the Environmental Protection Agency.

Listen to what he said in February 2012: The amount of human exposure to mercury from U.S. powerplants is small. "Human exposure to methylmercury resulting from coal fired EGUs is exceedingly small."

Here is what the scientists say:

As a result of these long-term mercury inputs [from coal-fired electric utilities], there are hotspots and whole regions, such as the Adirondacks of New York, the Great Lakes region of the Midwest and large portions of the Southeast where the fishery is contaminated with mercury. . . . There are more fish consumption advisories in the U.S. for mercury than all other contaminants combined.

The source of this scientific statement: Dr. Charles Driscoll from Syracuse University.

Here is what Mr. Pruitt said about mercury and air toxic emissions from power plants: "Finally, the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs pose public health hazards."

Here is what the scientists say: "There is no evidence demonstrating a 'safe' level of mercury exposure." Source of that statement: Dr. Jerome Paulson from the Council on Environmental Health, American Academy of Pediatrics, before the Senate EPW Committee.

Scott Pruitt isn't quite sure if mercury is really that dangerous. Scientists disagree.

Mr. Pruitt, when talking about the benefits from cleaning up powerplant mercury emissions: The benefits of cleaning up powerplant mercury are "too speculative," said Mr. Pruitt, and "not supported by the scientific literature." Concluding, "EPA cannot properly conclude that it is 'appropriate and necessary' to regulate hazardous air pollutants under section 112."

That is a statement from Scott Pruitt's legal brief in *Murray Energy Corporation v. EPA*, November 2016.

What do the scientists say about Mr. Pruitt's observations? "U.S. efforts to reduce mercury emissions, including from power plants, are benefiting public health much faster than could have been predicted in 1990." Source of that statement: Dr. Lynn Goldman, dean of Milken Institute School of Public Health, George Washington University, January of this year.

Here is what Mr. Pruitt had to say about the debate over whether climate change is real:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind. That debate should be encouraged—in classrooms, public forums, and the halls of Congress.

That quote is from an article in the *National Review*, May of 2016.

What do scientists say about Mr. Pruitt's observation? "The scientific understanding of climate change is now sufficiently clear to justify taking steps to reduce the amount of greenhouse gases in the atmosphere."

That was a statement from the U.S. National Academy of Sciences in 2005—12 years ago. Twelve years later, Scott Pruitt is still wrestling with whether this is a problem.

How about Mr. Pruitt, when it comes to the extent of the human activity on climate change? He said:

We've had ebb and flow, we've had obviously climate conditions change throughout our history, and that is scientific fact. It gets cooler. It gets hotter. And we do not know the trajectory is on an unsustainable course. Nor do we know, the extent by which the burning of fossil fuels, and man's contribution to that, is making it far worse than it is.

That was a statement he made on the "Exploring Energy" radio program in May of 2016.

What do the scientists say about that? "The scientific evidence is clear: global climate change caused by human activities is occurring now, and it is a growing threat to society." Source: American Association for the Advancement of Science, 2006—11 years ago.

They said this unequivocally. Scott Pruitt still doesn't buy it.

What did he say about climate change being a natural occurrence? I will quote him.

Is it truly man-made and is this simply just another period of time when the Earth is cooling, increasing in heat, I mean it is just typical natural type of occurrences as opposed to what the (Obama) Administration says?

Again, this is from that radio program "Exploring Energy." This was in October of 2016.

What do the scientists say about Mr. Pruitt's observation?

Human-induced climate change requires urgent action. Humanity is the major influence on the global climate change observed over the past 50 years. Rapid societal responses can significantly lessen negative outcomes.

The source: The American Geophysical Union; the date, 2003—14 years ago.

Here is Scott Pruitt, this man who wants to head up our Environmental Protection Agency, still at war with scientific fact. What has he said about the debate over climate change? He said:

The debate about climate change is just that, a debate. There are scientists that agree, there are scientists that don't agree, to the extent of man's contribution and whether it is even harmful at this point.

Again, this is from the "Exploring Energy" radio program show in May of 2016.

What do the scientists have to say about that?

It is clear from extensive scientific evidence that the dominant cause of the rapid change in climate of the past half century is human-induced increases in the amount of atmospheric greenhouse gases, including carbon dioxide (CO₂), chlorofluorocarbons, methane, and nitrous oxide.

The source of that statement: The American Meteorological Society, 2012—5 years ago.

What Mr. Pruitt says about how reasonable minds can disagree on climate:

How [climate change] is happening, if it is, clearly is subject for reasonable minds to disagree. Whether man is contributing to it or not.

Again, this is from his “Exploring Energy” radio program, April 2016. I am sorry I missed that one too.

Here is what the scientists say in response:

The evidence is incontrovertible: Global warming is occurring. If no mitigating actions are taken, significant disruptions in the Earth’s physical and ecological systems, social systems, security and human health are likely to occur. We must reduce emissions of greenhouse gases beginning now.

The source of that scientific statement: The American Physical Society, 2007—10 years ago.

Now we know what this man is all about. He denies science. He is an advocate for those special interest groups who make money off of pollution. He doesn’t believe the Environmental Protection Agency should have the authority it has today. He has challenged it 14 times in court. He won’t recuse himself from even the petitions he has personally filed as attorney general of Oklahoma, and he is anxious to be approved by the Senate before we get a chance next Tuesday or Wednesday to read 3,000 emails he received and sent as attorney general of Oklahoma, including emails between Mr. Pruitt and energy, gas, and oil companies.

I think it is pretty clear what this is all about. This is an effort by special interests in America to put their best friend on the job at the Environmental Protection Agency. They want to make sure he is there to look the other way when we should be regulating to keep this planet we live on safe and in good shape for future generations. That makes it a clear choice for all of us. I am going to vote against Scott Pruitt.

I am sorry, I say to Donald Trump. You have a right to have your point of view, but you don’t have a right to put a man in this job who denies basic science that has been agreed upon for over a decade. You certainly don’t have a right in this circumstance to put a man in charge of the EPA who is going to add to the climate change problem in our world, who is going to diminish the reputation in the United States on fighting this on an international basis, and who is going to kowtow to special interest groups, which has been shown over and over again when it comes to his service as the attorney general in the State of Oklahoma.

Mr. President, I ask unanimous consent to have 5 minutes to make a statement on a separate topic.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTIGATION INTO RUSSIAN INVOLVEMENT IN U.S. ELECTION

Mr. DURBIN. Mr. President, yesterday the President of the United States had a long and eventful press conference—77 minutes—talking about the issues before us in this country and his administration. He referred to his administration as “a fine tuned machine.” That was his 28th day in office.

I will observe the following: This so-called fine-tuned machine was forced to dismiss the Acting Attorney General of the United States in the first 3 weeks. This fine-tuned machine was reprimanded by three different Federal courts for an Executive order on immigration and refugees which they found to be inconsistent with the law and the Constitution of the United States. This so-called fine-tuned machine had to accept the resignation in the first 24 days of the National Security Advisor to the President of the United States. Mr. Trump is making history. No President has been through those experiences. None. I wouldn’t say it is a fine-tuned machine; I would say it is a history-making machine. And sadly this fine-tuned machine, as he calls it, has had some rough spots. That is not all.

This issue about the Russian connection in President Trump’s campaign is not going away. Seventeen different intelligence agencies have verified the fact that Vladimir Putin and the Russians expressly tried to invade on a cyber basis the United States of America and to influence the outcome of an election. And it wasn’t an equal opportunity effort—they were there to elect Donald Trump and defeat Hillary Clinton.

To make the record perfectly clear, as they say, there is no evidence that the Russians had any actual impact on the actual casting or counting of votes, but they did everything else they could dream of. They tried to invade and hack sources of files and information and to disclose and release them in a timely fashion.

There was that horrible episode involving “Entertainment Weekly,” or whatever the name of that operation was, where they had a recording of then-candidate Donald Trump saying some awful things. It was no coincidence that 2 hours after that recording was released, they started releasing John Podesta’s emails and files—the Russians did—to try to resurrect the Trump campaign that hit some pretty rocky shoals. So we know that happened.

We also know there was contact with General Flynn, the National Security Advisor to Donald Trump, prior to the President being sworn in. The extent of the contact, we don’t know. The num-

ber of people in the Trump campaign who may or may not have had contact with the Russians, we don’t know, but we do know this: The Federal Bureau of Investigation has an investigation underway into this very question because it raises some big issues.

This is the first time we know in the history of the United States that a foreign power has tried to invade our electoral process. And it isn’t just a benign invasion; this is one of our major enemies when it comes to national security, and the reason is obvious. Travel to the Baltics, travel to Poland, travel to Ukraine, and talk to them about Vladimir Putin. He isn’t this great hero, as President Trump has characterized him, from their point of view; he is a threat to their existence. They know what happened when the Soviet Union had the power. It controlled the Baltics. It controlled Poland. It controlled Ukraine. They don’t want to see that day return. They want the United States and NATO to stand up and help make sure they have a way to continue their democracy and continue making their own sovereign decisions. Meanwhile, our President of the United States, Donald Trump, is tossing political bouquets and sweet little kisses to Vladimir Putin and his Russian regime. Is this worth looking into? You bet it is.

This week we made a leap of faith right here in the Senate. We have decided to give to the Intelligence Committee of the Senate the authority to move forward on this investigation. I reluctantly agreed to that approach. I am skeptical. I will tell you why I am skeptical. I served on the Intelligence Committee. It is a critically important committee, but the Intelligence Committee, 95 percent of the time, meets behind closed doors in a secret space without a sign on the door, and the proceedings of the Intelligence Committee necessarily are secret. This is not an issue that should be kept secret. We need to make sure the American public understands in an independent and transparent way exactly what happened when it came to the Russian involvement in America’s election, who was involved in the Trump campaign, if anyone. We need names, and we need people to be held responsible.

The second thing is, the Intelligence Committee—if and when it finally issues a report, that report is going to be classified to some extent. We have seen pages, I am sure, of redacted materials, big black lines and maybe one or two words emerging from a single page. Who decides to take away the black lines and tell the American people exactly what they found? The ultimate decision on declassifying documents in the Intelligence Committee is made by the White House.

So here is the White House, President Trump and his people under investigation by the Intelligence Committee,

and they have the last word about what the American people will see. Isn't it interesting—when it came to the investigation of Benghazi with Hillary Clinton, when it came to the investigation of emails with Hillary Clinton, the Republicans couldn't wait to have week after week and month after month of public hearings. Now they want a secret hearing in the Senate Intelligence Committee and no hearing in the House Intelligence Committee. It is a big “shrug your shoulders; boys will be boys” moment for the Republicans in control of the Congress. It shouldn't be for the American people. The American people have a right to know what the Russians did, and they have a right to know if and when members of the Trump campaign or his close associates were engaged and involved in what he has dismissed as a ruse. Seventeen intelligence agencies don't dismiss it.

We need an independent, transparent investigation of what happened. The American people have a right to know. And we ought to say to this President: You may conceal your income tax returns, unlike any other Presidential candidate in modern memory, but you cannot conceal from the American people the facts as to whether the Russians were attempting a cyber attack on the United States during the course of our last election. That is too critical a question to ignore.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Maine.

Mr. KING. Madam President, I rise today in one sense as a former Governor. In looking at nominations of Cabinet members by the Executive, I start with a position of deference to the Executive because I think he or she should be able to choose the people who surround them and give them advice. I understand that. I did that as a Governor, and I understand that principle. Indeed, in the proceedings before this body thus far, I think I voted for 7 or 8 or perhaps 10 of the nominees for Cabinet members who advise the President.

But today we are considering a nominee who is hostile to the fundamental purpose of the Agency to which he is being appointed. We are appointing a person to be the head of an Agency that is called the Environmental Protection Agency. All you need to know about the mission of that Agency is contained in the name, the Environmental Protection Agency, and we are considering a nominee who has no record that I have been able to discover of protection of the environment. None. Zero. No history of actions on behalf of the environment, on behalf of the health and welfare and well-being of the citizens of his State or of the United States.

It is bizarre, to me, to be appointing people to an office where they are hostile to the mission of the office to

which they are being appointed. In fact, not only has he no record of positive environment activity, his record is completely to the contrary where he has opposed activities of the Environmental Protection Agency.

As everybody knows, as attorney general of Oklahoma and leading other attorneys general around the country, he sued the Environmental Protection Agency numerous times; I think something like 20 times. And some of those rules—all of those rules were put into place to protect the health and well-being of the American people. There are several of them that I am particularly sensitive to.

When I was the Governor of Maine, we had an issue of air quality. We still do. The reason we have an air quality issue in Maine is because of the air that is coming in on the prevailing westerly winds from the rest of the country. At one point, we had a time where we did the calculations, and we could have taken every car off our highways, closed every one of our factories, and we still would have had air quality violations on the coast of Maine. Pollution doesn't respect borders. It doesn't respect State borders, and it doesn't respect international borders. That is why it has to be a national responsibility.

Of course, each State can also have, as we do in Maine, its own department of environmental quality, its own department of environmental protection. Each State could and should and will do that and has done that, but we also need to have national standards because otherwise the States will race to the bottom: How friendly are you to business? Come on in; we have no rules. This was realized almost 50 years ago by a Senator from Maine, a Senator whose seat I occupy, a Senator whose desk I have in my office, Edmund Muskie. Edmund Muskie was the father of the Clean Air Act and the Clean Water Act, and he came from a State where this was not politically easy. The rivers in Maine had been grossly polluted by industrial waste. Yet he took the lead on this important issue.

Here is something extraordinary: The Clean Air Act, one of the most important environmental laws of the 20th century and very controversial, widespread impact around the country, passed this body unanimously. It is unbelievable looking back to that day. We couldn't pass the time of day unanimously in this body today, but there was bipartisan consensus that protecting the environment for ourselves and for the future of our citizens was not a political issue. It was an issue of responsibility. It was an ethical issue. And Ed Muskie, a giant in this body, created the groundwork and the legislative basis for the work we are still doing today.

In Muskie's time, the pollution was obvious. You could see it, and you

could breathe it. I live on the Androscoggin River in Brunswick, and when I first went there 35 years ago, you could smell the river in the spring. You could smell it. You knew it was spring; you could smell the foam and waste that was coming down the river. That is gone today because of the work of people like Ed Muskie.

By the way, people like Howard Baker, Republicans—and in our State of Maine, the environmental movement was led by Republicans in those days. Hoddy Hildreth, David Huber, Ken McCloud, Harry Richardson—those are all prominent Republican leaders in our State who also led the environmental protection movement in our State.

As I said, it was easy. You could smell it; you could see it. The smog in Los Angeles was so bad that it was ridiculous, and it was unhealthy, so we took some steps that dealt with that.

We are facing an environmental threat today that is somewhat less visible—although I will argue that it is actually quite visible—but it is no less profound. In fact, I believe it is more dangerous, more threatening, more important to the future of this planet and our country and our people than those obvious threats that were faced back in 1970 and beyond.

Environmental protection, in my view, is a moral and an ethical issue; it is an intergenerational ethical issue; and it can all be summarized by what I call the main rototiller rule. The main rototiller rule goes like this: If you borrow your neighbor's rototiller in the spring in order to plow up your garden and get ready to plant, you have an obligation to return it to him in as good of shape as you got it and with a good tank of gas. That is all you need to know about environmental stewardship, because we have the planet on loan. We don't own it. We own it temporarily. We own plots of land temporarily, but we don't own the planet. We have it on loan from future generations—from our children and our grandchildren and seven generations hence. Yet our age, our generation, is acting like it is all ours, like everything is ours.

It took millions of years, for example, to create the fossil fuels that are underneath the Earth. The word “fossil” has a meaning. They are there because they are from fossils. It goes back literally millions of years for the Earth to distill the plant and animal matter into this miraculous substance called oil—millions of years. Yet we are using it up. Forget about the pollution for a moment; just think about the idea that we are using an asset that the Earth produced over millions of years, and in a matter of—I don't know—200 to 300 years, we are going to use it all. It is as if on Thanksgiving the turkey comes to the table, all of the family is sitting around, and Dad

says: OK, I am going to eat this whole turkey. You don't get any.

What do we tell people when they look back on us in 20, 50, 100, 200 years? What are they going to think of our generation? What is our defense going to be?

We know it is not infinite. There is argument about how much is there, but it is not infinite. There is no machine in the center of the Earth that is creating these substances; therefore, we have a responsibility to future generations, as my friends in Maine would say, not to pig out on what we have and just forget about who comes next. Of course, as it becomes more rare, it will become more expensive, so we are passing those costs off as well. Beyond that is the environmental cost.

I mentioned the obvious environmental problems back in the seventies and eighties of when you could see the air, when you could smell the rivers, but today the problem is what we are doing to the planet, which is climate.

What bothers me about this nominee is he basically says: Well, it is a controversial issue. The sciences differ.

No. The science is clear.

Before I get to that, I have one more point about the ethical and moral responsibility.

Last year, we had Pope Francis here. Pope Francis has talked a great deal about this issue and the ethical and moral and, indeed, religious obligation we have to be good stewards of our environment and of our planet. People criticized the Pope. They said: Let the Pope stick to religion and stay away from science.

It turns out that the Pope is a chemist. That is an unfortunate fact.

When the Pope was here, I did a little act of Jesus in the Good Book and found a number of references to the responsibility we have to protect the environment and the land. Indeed, in the Old Testament—and we all know about the Sabbath, that on the seventh day, He rested. There is a provision in the Old Testament whereby every 7 years the people were instructed to let the land lie fallow for a year—a Sabbath for the land in order to preserve its productivity.

I believe this is fundamentally an ethical issue. What do we owe our children—to just forge ahead in the face of overwhelming science and all of the predictions? What is happening in the world around us is selfishness. It is unethical. It is wrong. It is unfair.

As I said, we are talking about a nominee for this body who says the debate about climate change is just that—it is a debate.

There are scientists that agree, and there are scientists that don't agree to the extent of man's contribution and whether it is even harmful at this point.

Give me a break. The scientific community is virtually unanimous, and, indeed, the data is unanimous.

I carry a little card around with me. This is a blowup of it. I am a visual person—I like to see things, and I understand them better. To me, this is what you need to know about what is going on.

By the way, what this is, is CO₂ in the atmosphere, parts per million, for 800,000 years. People say: Well, it has varied over time. It goes up and down. It is just a natural cycle.

It does vary over time. Here is 850,000 years, and you can see that it varies from a low of about 180 parts per million up close to 300 parts per million, and that is the variation. Absolutely true. That is the variation until you get to about 1860, and that is when it starts to go up. Now we are at 400 parts per million, which is 25 percent higher than it has been in 5 million years. Was it a coincidence that it started to happen when we started to burn fossil fuels in such vast quantities? Of course not. Was there a big outburst of volcanos in the mid-1800s? Of course not.

This is not debatable. These are measurements. These are scientific measurements. Debating this is like debating that water boils at 212 degrees: Oh, no. I think it boils at 214 degrees.

No. It is 210.

It is 212.

Light travels at 186,000 miles a second. That is not debatable. Neither is this.

We are in a very dangerous place. Scott Pruitt calls it an argument and doesn't want to do anything about it. Not only does he not want to do anything about it, he wants to undo the things that have been done to try to protect us.

You can look at this chart and say CO₂ is going up. It is invisible gas. You cannot taste it. You cannot smell it. It does not poison us. It is in the atmosphere anyway. Who cares? What difference does it make?

Here is what difference it makes. This is the other side of my little card. This is the correlation of over 800,000 years between temperature and CO₂. Of what you can see, the blue is the CO₂, and the temperature is red, and what you see is an almost exact correlation. It is beyond coincidence. When CO₂ goes up, the temperature goes up. When CO₂ goes down, the temperature goes down. You can see it over the time. Do you know where we are now in CO₂? Here. The correlation is unmistakable, it is powerful, and it is dangerous.

The nominee for the Environmental Protection Agency denies this. He says it is a debate. Just for a moment, let's take him at his word. Let's say it is a debate. Let's say it is not entirely settled. If the risk is so catastrophic, wouldn't it be prudent to try to take some measures to prevent it even if you are not sure? By the time we are sure—by the way, we are sure now. By

the time Scott Pruitt is sure, it will be too late. It may already be too late. We may be beyond the tipping point, and all we can do is mitigate the danger, not stop it altogether, because we have been heedless of the consequences of the results that will impact the next generation of Americans and of people around the world.

What are the consequences going to be? What if it gets a little bit warmer? We will be able to play golf longer in Maine—hey, not bad—but the consequences in many cases are going to be catastrophic. There are many already affecting Maine in terms of where our lobster population is moving.

I had a sea farmer in my office 2 days ago, a fellow who has a great business. He has grown it for years. It is really a serious business of growing oysters, and he has always grown them in the Damariscotta River. In fact, if you go to a fancy restaurant and ask for Damariscotta River oysters there, they are the top-level oysters in the world. He has always grown them in the river. He puts in the little seed. They start in little, tiny shells, and then they grow out. He can no longer grow them initially in the river because the water is so acidic from carbon dioxide in the atmosphere, which is absorbed by the ocean, that the shells don't grow. He had to move the incubation part of his business onshore and treat the water to lower the acidity so that the shells will grow, and then when they get a certain size, he puts them back in the river.

This is a real, direct, obvious, observable effect of global climate change and of too much CO₂ in the atmosphere. It is not theoretical. It is not debatable. It is not that scientists differ. This guy is trying to make a living, and he can only do it by treating the water because the acid that has been created by the ocean in its absorbing the CO₂ is making it impossible for the oysters to develop. That is a direct impact. Probably the most direct impact we are going to be able to see and identify and not avoid is sea level rise.

Last summer—as a matter of fact, in August—I went to Greenland. Let me just put that in context. It is the continent of Greenland. The ice on Greenland, if and when it melts—and I think it is when, not if—will add 61 feet to the ocean depth. The ice in Antarctica has 212 feet of sea level rise contained in it. Just think about that for a minute. Greenland is melting at a rate no one has seen before. I saw it with my own eyes. I saw these big things in the ice. We helicoptered out over the ice sheet, and you could see these big holes in the ice called moulins. Into those moulins are flowing, rushing rivers of meltwater. You can see them. They are blue, and they run across the ice and down into the hole, and they go all the way down to the bottom, 2 miles thick, where they lubricate the

space between the ice and the land and accelerate the ice in its moving toward the ocean. "Accelerate." That is an important term. That is a term I heard at the University of Maine from their climate scientists. That is a term I have heard from scientists in other parts of the country. "Accelerate." "Abrupt."

We all think of things changing very slowly; as a matter of fact, the very term glacial means "moving slowly." Not anymore. We went to the Jakobshavn Glacier, the largest glacier that is draining the ice sheet of Greenland, and it has retreated as much in the past 10 years as in the prior 100 years. It has retreated as much in the past 10 years as in the prior 100 years. Do the math, and that is 10 times the rate that the ice is flowing off the Greenland ice sheet into the ocean and raising sea levels.

One of the problems with what is going on now is the process of acceleration. For example, everybody knows that the ice in the Arctic Ocean is disappearing at an unprecedented rate. A cruise ship went through the Arctic Ocean last summer. The Arctic Ocean has been closed throughout human history. It has been unavailable for commerce. You couldn't get through. It was always covered with ice. In the summer it would clear a little bit. Now we are talking about international trade through the Arctic Ocean.

What happens, though, scientifically, when the sun's rays hit the ice and the snow, 85 percent of the energy of the sun is bounced back. That is science. When the ice is gone and the dark ocean is available, 85 percent of the sun's energy is absorbed into the ocean. That is called a feedback loop. That accelerates. The more it melts, the more it gets melted, and that is the kind of thing that is happening in Greenland, in Antarctica, and, indeed, all over the world.

Here is something I learned on my trip to Greenland that I really hadn't absorbed. If there is anything we think of as a constant, it is the ocean. You walk down to the beach in Maine or on to the dock in Portland, you look out, and you see it. There it is. It is the way it has always been. It turns out it has always been that way for only 8,000 years. It happens to have always been that way when people have been around and keeping records and taking pictures, but it hasn't always been that way.

Here is an amazing bit of science that, frankly, I wasn't aware of. This is the ocean depth 24,000 years ago. This is the ocean depth today. So 24,000 years ago, it was 390 feet shallower than it is today. It was 390 feet shallower 24,000 years ago. Why 24,000 years ago? Because all the water was locked up in the glaciers. In one sense, Greenland and Antarctica are the last remnants of the glaciers, and they are now melting.

This period, 24,000 years up to today, is how the oceans have risen. You can see coincidentally, it has been pretty fixed for 8,000 years, and that is why we think it is going to always be that way. I used to teach about the recency effect. All human beings tend to think that what happened last week is going to happen next week. But this tells us that the ocean level is variable.

Here is the amazing spot, right here. It is called the meltwater pulse 1A; all geologists know about this. And if you do the calculation on this period, the ocean gained about a foot a decade. It got deeper. The sea level rose about a foot a decade during this period, and this is what we are facing right now.

The best estimates I have been able to obtain are that we are facing about a foot to a foot and a half of sea level rise in the next 15 years, and a foot a decade thereafter for the rest of the century. If you do the math, that is an additional 6 to 8 feet.

In fact, there was an estimate just released last week that says it is more like 9 feet, 3 meters. Nine feet? Miami is gone; New Orleans, gone; New York, under deep threat; Bangladesh—we are talking about national security here because the people who are going to be pressed into migration because of this are going to create a national security and a migration crisis, the likes of which this country and the world has never seen. We are talking about 1 million or 2 million people out of Syria, and it has caused great uproar here and in Europe. The estimates are for the migration from climate change in the reasonably foreseeable future to be 200 million to 500 million people. Think of the national security implications of that.

And here we are debating a nominee for the Environmental Protection Agency who says: Well, it is debatable; maybe it is, maybe it isn't.

It is not debatable. This is happening. And for us to ignore it and to approve this nominee who is hostile, who has sued the Agency, and who has never done a thing in his life to protect the environment, is just outrageous. It is a dereliction of our responsibility, and we are going to look back on this moment and say: What were we thinking?

I understand that the President won. Elections have results. He can move in the direction he wants to on policy, but this is beyond policy. This is just fundamentally irresponsible to our children, to their children, and the future of this country.

So I hope, after this debate and after this discussion, the people of this body will come together—just as they did with the Secretary of Labor nominee, who really wasn't appropriate—and say the same thing.

Plus, finally—I will just note this as a parenthetical—there is the issue of the emails in and out of this fellow's

office when he was attorney general that they have been hiding for 2½ years or 3 years that may well become available in a week. If I were someone contemplating voting for this fellow, I sure as heck would want to wait until I saw these emails because there may be things there that are going to be profoundly embarrassing, if not worse.

So there is no reason to move this nomination today, and there is no reason, in my view, to move this nomination at all.

I understand that the EPA can overreach—any agency can overreach—and there should be control on regulations. I have worked on regulatory reform since I have been here, but there is a difference between regulatory reform and a wrecking ball to the fundamental protections that have made so much difference to the people of this country.

So I hope we will consider the future in our vote today—not just ourselves, not just the regulations, not just a few people who may be profiting by the exploitation of these resources, but think about our kids, our grandchildren, and our ultimate responsibility to this country.

Thank you, Madam President.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

MR. VAN HOLLEN. Madam President, I wish to start where the Senator from Maine left off, and that is with respect to the approximately 3,000 emails that Scott Pruitt, the nominee to lead the Environmental Protection Agency, has been hiding from public view. I hope all Senators know now that last night, a judge, Judge Timmons, ordered that those emails be released so the American public can see exactly what is going on.

Here is what the judge said: "There was an abject failure to provide prompt and reasonable access to the documents that had been requested."

Willful ignorance is always a bad policy, and I really hope that the Senate will not engage in willful ignorance when it comes to the nomination of Scott Pruitt. Why not wait a few days to see what is in the emails that were so deliberately hidden from public view? That should worry every Senator, Republican and Democrat alike.

In addition to all of the concerns that have been raised by my colleagues on this floor with respect to having Scott Pruitt at the helm of EPA, Marylanders have a special concern. In fact, those who are part of the Chesapeake Bay States have a very, very special concern.

The Chesapeake Bay is a natural treasure, and it is a national treasure. It is the Nation's largest estuary. It is beloved by Marylanders and beloved by all who benefit from its great bounty.

Marylanders get up in the morning and go crabbing on the bay. It has also been a source of income for our State and the other bay States.

The reality is that our tourism industry depends on a healthy bay. Our watermen depend on a healthy bay. Our boating industry depends on a healthy bay. So it is not only an environmental imperative, it is an economic imperative in the State of Maryland. And the Chesapeake Bay is threatened more than almost any other water body in the United States by pollution. That is because its tidal tributaries have a shoreline more than the whole west coast of the United States. In other words, if you look at the water surface of the bay and you look at the surface area of the rivers and streams feeding into the bay and you look at all the shoreline there, it is greater than the west coast.

The surface water area, including the 150 major rivers and streams and more than 100,000 smaller tributaries, is 4,500 square miles. But the watershed—the landmass that drains into that area—is 64,000 square miles, from six States and the District of Columbia, everywhere from Virginia to parts of New York State. And because the bay is threatened by pollution coming from throughout that great area—those six States and the District of Columbia—back in the 1960s, people recognized we had to do something about it because we had combined sewer water overflows, we had fertilizer runoff, we had stormwater runoff from six States and the District of Columbia bordering the Chesapeake Bay and threatening its livelihood and threatening the economy of the State of Maryland.

That is when a number of States got together and said: We have to do something about it. Senator Mathias, who was a Republican Senator from the State of Maryland, brought people together and said: We need to do a national study funded by the Federal Government because, in a situation where you have so many States contributing to the pollution of the bay, obviously, it is not within the power of only one State to do something about it.

And over nearly three decades from those early days back in the 1960s and beyond, we entered into a number of bay agreements with the three States immediately around the bay: Pennsylvania, Virginia, Delaware, and the District of Columbia, and then it got expanded over time. But despite all of the efforts in those States, it was as if we were on a treadmill.

The good news is the actions taken by the States, with the help of the EPA, meant that we were not going backward. It was a little bit as if we were trying to run up a down escalator. If we hadn't been taking any action, we would be going down fast. The bay would get more and more polluted, become less and less healthy. But even with all the measures we were taking, it was as if we were running in place on that escalator that was going down.

So in 2009, the bay States decided that they needed to put more teeth in the enforcement mechanisms to make sure that everybody was being held accountable for their share of cleaning up this precious natural resource and natural treasure.

That is when we entered into an agreement with the Environmental Protection Agency, giving the EPA the authority to help enforce the provisions of that agreement if any State strayed. And the results have been very important and very encouraging. Just this January, the Chesapeake Bay Foundation, in its biannual "State of the Bay Report," gave the Chesapeake Bay its highest, its healthiest score since the report began in 1987.

I want to be clear. We are still a long way from a healthy Chesapeake Bay, but we have gone from running in place to actually making a few steps forward, and that is largely as a result of the efforts of the bay agreement and the new leverage that the Environmental Protection Agency has to enforce compliance with that agreement.

Here is where the story of the President's nominee to be the head of EPA intersects with the Chesapeake Bay. As attorney general of the landlocked State of Oklahoma, Scott Pruitt decided to join in a court case to try to blow up this Chesapeake Bay agreement. He decided from Oklahoma that he wanted to get in the business—the bipartisan business that had been supported by Republican and Democratic Governors alike, Republican and Democratic Senators alike, over a long period of time. He sued, along with others, the EPA to try to prevent the EPA from playing this important role that helped give us a boost.

Now, the good news is Scott Pruitt and the others failed. The judge said: Sorry, you are wrong; this does not exceed the EPA's authority. The good news is that we are going to continue to proceed. But what are we going to do when Scott Pruitt, who brought that lawsuit against the Chesapeake Bay agreement, is the Administrator of the EPA?

Senator CARDIN, my friend and colleague from the State of Maryland, asked him about this at the hearing. At the hearing, Scott Pruitt made some positive statements about this agreement. Then Senator CARDIN wanted to follow up and make sure he heard it straight, and so he followed up with some questions in writing. What came back were a series of statements that showed that Scott Pruitt was backtracking on the commitment he had made—backtracking on his promise to lead a strong EPA and have an important EPA role in enforcing this Chesapeake Bay agreement.

In addition to the fact that he has shown willful ignorance about the dangers of climate change, which are all so very real to the State of Maryland—

just go down to the Naval Academy and ask the superintendent there, and he will tell you they have many more storm surges right there in Annapolis as a result of climate change—and so many other areas where Scott Pruitt has sided with big money, special interests, polluting special interests, he clearly is somebody whom we worry about in the State of Maryland with respect to protecting the Chesapeake Bay.

So I ask all my colleagues to join with us in at least demanding now that we have an opportunity to see the 3,000 emails, which a judge has required be provided to the public next week.

I hope all Senators don't want to be embarrassed by voting for somebody today, only to find very compromising emails next week. I really believe we have an obligation to the American people to ensure that we have an opportunity to view those emails. I certainly know the people of Maryland, when it comes to protecting our beautiful Chesapeake Bay—both because of its natural beauty but also because it is essential to our economy—join me in encouraging my colleagues to ask for a delay and, at the very least, vote no on the nomination of Scott Pruitt.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, as everyone in this Chamber knows, we are currently debating and preparing to vote on the nomination of Scott Pruitt to be the next Administrator of the Environmental Protection Agency.

The truth is that we don't have all the information we need to make this important decision. We don't have all the facts we ought to have. That is because the nominee, in his role as attorney general of Oklahoma, worked very hard to keep the information contained, controlled, and unavailable to the Senators in this Chamber and unavailable to the citizens of the United States of America.

For 2 years now, his office has stonewalled attempts to make public the records of over 3,000 email communications with members of the fossil fuel industry. Two years ago, the Center for Media and Democracy requested these emails through the Oklahoma Open Records Act. Who is the person who decides whether to release those records? The attorney general of Oklahoma. Who is the nominee before us? The attorney general of Oklahoma.

When Democrats on the Environment and Public Works Committee requested these records from Mr. Pruitt during the confirmation process, the answer we got back was this: "I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act." Now, when he encouraged us to make that request, he knew—and we shortly knew—that he had no intention of actually granting access. He was telling

us to get in line behind more than 50 other requests for that information, and that request has not yet been answered. In fact, Senator WHITEHOUSE did put in a request directly to the Oklahoma attorney general's office using the Oklahoma Open Records Act. Imagine what the result was. Did the attorney general of Oklahoma immediately release these records? He did not. Have we those records today? We do not.

But yesterday, Oklahoma County District Judge Aletia Haynes Timmons ruled on whether or not the public deserves access to these emails and deserves access to these records, and she ordered the attorney general to do his job—to release the records so that we here in the Chamber will have that information, so that the American public will have that information. Judge Timmons said there was “an abject failure to provide prompt and reasonable access to documents requested.”

On Tuesday, the first batch of emails is going to be released to the public. That is just a few days from now. But if we vote today, we won't have that information before us. It will be too late for us to have all the facts and information we need to make a qualified decision on whether Mr. Pruitt is a fit character or unfit character to be a member of the President's Cabinet. That is exactly what the Founders of our Nation charged us with doing in the advice and consent responsibility—to determine whether a nominee is a fit character or unfit character.

So we here in the Senate are not doing our job. Under our responsibility under the Constitution, if we vote today, not having yet reviewed the information in those emails that the judge has just said must be released, we are being asked—or, more pointedly, forced—by the majority leader to rush through the confirmation of Mr. Pruitt without having this vital information.

This is a question of transparency. This is a question of exercising our authority in a responsible fashion. This is about the right of the Members of the Senate to have the information needed to fulfill their responsibility under the Constitution. This is about the right of the citizens of the United States to know Members here are doing their job and to weigh in—to weigh in with us on what they consider to be fit character and unfit character. We should not deny Americans the right to know.

That is why I will ask unanimous consent of this Chamber in a moment to postpone the vote until 10 a.m. on March 3, because that would give us the full ability to get both sets of emails and have 3 days to review them, which I think is most reasonable.

Madam President, I ask unanimous consent that the confirmation vote on Calendar No. 15, the nomination of Scott Pruitt for Administrator of the

Environmental Protection Agency, be postponed until 10 a.m. on March 3.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I am disappointed with the majority leader's objection. I know all of us who serve in this Chamber want to do our job in a fashion in which we thoroughly and responsibly execute the responsibilities of our office. We can't do that without these emails. These emails have been stonewalled for 2 years. I know that if the shoe were on the other foot, there is a very good chance the advocacy for transparency would be coming from multiple Members across the aisle.

So I am disappointed the decision has been made to object to holding the vote after the time that both sets of emails have been released. But I do understand the majority leader has responsibility for the schedule for the Senate. So I am going to tailor back my request and ask that the vote be held after the first batch of emails is released. They are going to be held next Tuesday and we are going to be out next week. So under this request, no time is lost in the Chamber in considering the nomination. It does not delay any other work of this Chamber. It does not stand in the way of anything else we might do. It just means that we hold the vote when we get back, instead of holding it this afternoon before we leave.

Madam President, I ask unanimous consent that the confirmation vote on Calendar No. 15, the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency, be postponed until 9 p.m. on February 27.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Madam President, both of my unanimous consent requests have been rejected, as is the right of any Member. But still, there is a principle here—a principle of executing our responsibilities and a principle of transparency, a principle of understanding whether or not the individual before us is a fit character to serve in the office.

So I am going to make a formal motion, which is allowed under the rules, to extend this debate. The rules call for 30 hours of debate but provide a clause that, by a vote, we can extend that debate. I propose we extend that debate for an additional 248 hours. That 248 hours would take us until Monday evening, on the evening we return. So again, no time is lost with the agenda before this body, but we would all have

the chance to review those 3,000—or at least the first batch of those emails—to determine if there is information that is related to whether the nominee is fit or unfit to hold this office.

MOTION TO EXTEND DEBATE

Therefore, I move to extend postcloture debate on Calendar No. 15, the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency, for an additional 248 hours.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, a vote in relation to the motion to extend debate on the Pruitt nomination occur at 12:30 p.m. today, and that following disposition of that motion, there be 4 minutes of debate equally divided in the usual form prior to a vote on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent that following disposition of the Pruitt nomination, the Senate resume consideration of the following nominations en bloc: Wilbur Ross to be Secretary of Commerce, RYAN ZINKE to be Secretary of Interior, Ben Carson to be Secretary of Housing and Urban Development, and Rick Perry to be Secretary of Energy.

I further ask unanimous consent that there be 30 minutes of debate on the nominations, equally divided in the usual form, and that following the use or yielding back of time, the Senate vote on the nominations in the order listed with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Madam President, over the past several weeks, we have seen a historic level of obstruction from our Democratic colleagues on the President's Cabinet. Let me say that again—truly historic, unprecedented, harmful, and pointless obstruction. It is one thing to obstruct to get some outcome. Really, these are a collection of futile gestures not changing the outcome on any of these nominations.

They have postponed committee meetings as long as they possibly could. They forced unnecessary procedural hurdles, and they have even boycotted markups altogether.

So as I indicated, to what end? It hasn't prevented the Senate from moving forward with the confirmation of these nominees. And, by the way, it hasn't—and it won't—change the outcome of the election, either, which was

back in November. I think it is pretty clear that that is what this is all about.

Instead, this Democratic obstruction has just kept many of our Nation's most critical agencies without a leader for too long—needlessly delaying the President from fully standing up this new administration. It has led to what is now the longest it has taken to confirm most of the President's Cabinet since George Washington—what a record for our Democratic colleagues to hold.

Enough is enough. We need to put the rest of the President's Cabinet into place without further delay. Confirming these well-qualified nominees is what is best for our country. My goodness, isn't that what we should all want?

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I speak in opposition to Scott Pruitt, and I thank Senator CARPER for the good work he has done in leading the opposition to someone who is a climate change denier and will not release information that the public should see.

I want to say a few comments about the majority leader's comments. I am incredulous that he thinks this has been unfair to the Trump administration and Republicans; that we have not moved faster. We know a bunch of things. We know President Trump didn't begin his vetting process, as most Presidential candidates do, in August.

We then know right after the election he fired his person in charge of vetting and of the transition. We know then he appointed people without vetting them because he wanted to speed it up, and we also know that a number of people who President Trump nominated were billionaires and Wall Street bankers, and they had very complicated financial backgrounds and holdings, and because the Trump administration didn't do it, the Senate had to do it, and the media had to do it—to look at the backgrounds of some of these nominees.

Then, on top of that, we saw a level of corruption we had never seen in Presidential nominations. We saw a Secretary of Health and Human Services—passed by being voted for by every Republican—who bought and sold healthcare stocks while a Member of Congress, voting on and sponsoring healthcare amendments and bills.

We saw other nominees. We saw Secretary Mnuchin, and Senator CARPER played a role in this, now-Secretary Mnuchin, who forgot to disclose a \$100 million investment he had and then lied to the Senate committee, as pointed out by the Columbus Dispatch—the most conservative paper in my State—about robo-signing, sending hundreds of people in my State into foreclosure.

The ethics of these nominees are such, and then you have Scott Pruitt to be Administrator of the EPA, and he will not disclose 2,600 emails that we know how—as Senator CARPER has done such a good job on—we know how a number of these emails point to—I am not a lawyer—if not the word “collusion,” certainly doing the bidding of the fossil fuel industry that he might occasionally want to regulate instead of the EPA. That is the story.

I want an Administrator of the EPA who wants to protect the country's great natural resources, not someone hell-bent on undermining the Agency he will lead. The environmental challenges we face in my State are too great to put the EPA in the hands of someone with a track record of putting polluters before public health, of choosing companies that pollute over communities that are victimized by that pollution, and too often he is doing the work of campaign donors instead of the public.

I know what the Clean Air and Clean Water Acts have meant to my State. I know what Lake Erie looks like. When I was a kid, I lived about an hour and a half away. Lake Erie was an environmental disaster. The counties of Cuyahoga, Erie, and Lorain couldn't clean it up. The State of Ohio didn't have the resources to clean it up.

It was only that terrible fire in Cleveland where bridge trestles on the Cuyahoga River caught on fire that got the Nixon administration to move and create the EPA, and then we cleaned up Lake Erie. That was one of the great accomplishments in our country's history—environmental and otherwise, one of the great accomplishments.

It was a Republican administration with the Democratic Congress, when good environmental policy was bipartisan, when Republicans as well as Democrats believed in being stewards of the Earth in following a number of the teachings of the New Testament about being stewards of the Earth.

It was a sustained effort by citizens and by their elected officials in both parties to protect our public health. The EPA affects the water that comes into our children's drinking fountains. It affects our small businesses that rely on tourists at our lakes and beaches. It affects farmers who feed the Nation. According to Dr. Aparna Bole—a pediatric specialist at Cleveland's University Hospital in Cleveland—asthma rates in my part of Ohio are above the national average because of the region's poor air quality.

Climate change is not some distant problem. We tend to think about wildfires in the West or devastation faced by coastal communities, like those affected by Hurricane Sandy. The Midwest is affected too.

In August, 2014, a harmful algae bloom left 500,000 Ohioans in Greater

Toledo, in Northwest Ohio, without safe drinking water for nearly 3 days. This is Lake Erie. This is more or less the natural color of Lake Erie. This is the algal bloom. It is a stunning, beautiful picture if you don't know what it is, but when you see a boat cutting through these algal blooms and seeing what this meant, as the algae chokes Lake Erie—Lake Erie right here is about 30 feet deep. Contrast that with Lake Superior, 600 feet, and you will see why Lake Erie is more vulnerable.

Lake Erie is 2 percent of the water in all the Great Lakes. Lake Erie has 50 percent of the fish of all the Great Lakes. The fish like shallower and warmer water, but they don't like these kinds of algal blooms and what they do to this community. Because it is the shallowest of the Great Lakes, and this is the shallowest part of this great lake, it is uniquely vulnerable to these harmful algal blooms.

We know these blooms are caused by excess nutrients in our water—untreated sewage, urban runoff, and runoff from farm fields. This Maumee River Basin going into the lake from the south, going into the lake just north of Toledo, drains the largest 2 million acres, the largest basin of any tributary going into any of the Great Lakes.

On Wednesday, I met with David Spangler, a charter boat captain on Lake Erie. We talked about how the Great Lakes region has seen a 37-percent increase in heavy rain events. We have seen that hotter summers make the blooms worse. We talked about protecting the lake as one of the great environmental challenges, not just for Ohio or even the industrial Midwest but protecting Lake Erie and the Great Lakes, the greatest source of freshwater in the world, by most measurements—how important that is.

Dave has been fishing on this lake and its tributaries for decades. He bragged about the improvements we have seen over the year—how water quality has improved, how walleye and yellow perch populations have rebounded, how he leads fishing expeditions on the Great Lakes, on Lake Erie. You know what, look at what these algal blooms have done. You can guess what they have done. Nobody will go fishing in these kinds of waters.

If the algal bloom is there too long, lots of fish die in addition to that. We need an EPA Administrator who understands that the contamination hurts everything from our children's health to our small businesses. He told me he doesn't think Scott Pruitt is the right person for this job. He believes that with Scott Pruitt at the helm of the EPA, we would likely lose the gains we made in the lake.

Of particular concern to both Mr. Spangler and me is that Mr. Pruitt said mercury does not cause a threat to human health. Really? Mercury doesn't

cause a threat to human health? If Mr. Pruitt doesn't believe that, I would like him to explain to me why the Ohio EPA, the Ohio Department of Health—both with Republican administrators—have a statewide mercury advisory stating that women of childbearing age and children under 15 are advised to eat no more than one meal per week of fish from any Ohio water body. Think about that. You shouldn't eat more than one meal a week of fish taken out of any of the Ohio aqua system—limit the amount of fish eaten from our State's largest body. That means even though we worked for decades to reduce mercury emissions, apparently Mr. Pruitt doesn't think mercury exposure is a threat to public health.

Mr. Pruitt has solicited thousands of dollars of campaign contributions for himself, the Republican Attorneys General Association, all the Republican attorneys general. There are three dozen or so of them. They work together to raise lots of money to keep themselves in office so they can continue to do some of the work they do. Some of the work they do is stand in the way of good environmental policy.

He has refused, for years, as Senators MERKLEY and CARPER have pointed out consistently, to disclose some 2,600 documents, showing correspondence between his office and the very companies he is supposed to ensure follow the law.

We know who some of those companies are. What is he hiding? Why won't he tell the Senate what is in those documents? Why does the Senate Republican leader not want us to see those documents? Because he is saying, no, we have to vote on this now. It just happens to be we will be looking at documents over the next few days, but apparently it is not going to be able to affect this vote.

It could be because in the past he submitted letters to the EPA that were written by the companies he is supposed to regulate. Think about that. An oil company writes a letter and then that letter remarkably ends up pretty much word for word to be sent to the EPA.

Allowing him to become EPA Administrator is like allowing an arsonist to become the fire chief—the goal of both is to burn things down. Mr. Pruitt's record clearly shows he is not the right person to lead our Environmental Protection Agency.

Mr. LEAHY. Madam President, today I must vote to oppose the confirmation of Scott Pruitt as the President's nominee for Administrator of the Environmental Protection Agency, EPA. While I believe that the President enjoys some privilege of selecting administration officials, the views that Mr. Pruitt and I hold on a wide range of key environmental issues are completely irreconcilable. I was deeply disturbed by Mr. Pruitt's lack of speci-

ficity and his evasiveness during his hearing and in response to written questions.

While no one would expect Mr. Pruitt to detail the new Trump administration's policies on these complex issues, we do expect the nominee to lead the Environmental Protection Agency to share with us his own views on important matters, including whether there are any EPA regulations he supports, or whether he would fully recuse himself from making decisions in all legal cases in which he was an original party—but no. Instead, he testified that he had not conducted a comprehensive review of existing EPA regulations. With respect to recusals, he asserts that he would simply follow the recommendations of the EPA's ethics office. That is not good enough.

I am deeply disturbed by Mr. Pruitt's evasive responses. This does not bode well for his future interactions with Congress where he will certainly be required to appear before committees and provide testimony, briefing materials, and other information in a timely manner. Under oath before the Environment and Public Works Committee, he told the committee members, U.S. Senators, to go to the back of the line, to make records requests to his home State if they wanted information. This is information that Mr. Pruitt could and should have provided to the committee. As a result, information needed by the Senate to judge his fitness for this position has yet to be revealed.

Committee members were told 19 separate times to get the information they were requesting from his own office, the Oklahoma Attorney General's Office, an office that has more than a 2-year backlog for such requests. That is not the spirit of openness and transparency we expect and must demand from witnesses, let alone from nominees who come before the U.S. Senate. How can the Senate adequately fulfill its responsibility of advice and consent if nominees will not cooperate? Mr. Pruitt has stonewalled the committee and the entire Senate on answers to basic questions about possible conflicts of interest. He has refused to provide relevant emails and other documents. This is unacceptable. It is also unacceptable to advance and approve this nominee without a clear and complete view of his record and his close relationships with the very companies he will be tasked with regulating.

With respect to the Agency that he has been nominated to lead, it is imperative that we not reverse or halt the tremendous progress that has been made in achieving strong, scientifically based environmental protection goals. The EPA itself was born out of an environmental crisis in this country, in the wake of elevated awareness of and concern about pollution. This came after our Nation watched in horror as the Cuyahoga River in Cleve-

land, OH, burst into flames again as it was so saturated with sewage and industrial waste that it oozed rather than flowed. That pollution was a by-product of unchecked pollution from industrial wastes.

Over its 46 years, the EPA has made enormous progress and become one of the world's most successful protectors of public health and the environment. Americans now expect clean air and clean water, where, before the EPA was created, we expected nothing more than burning rivers and polluted air. While cleaning up the environment, we have also grown jobs and strengthened our economy. However, we continue to face an environmental crisis of our own making with climate change, and EPA's mission to protect public health and the environment reminds us that the tasks of this Agency are essential to every single American. Americans care about having clean air to breathe, safe drinking water, and swimmable and fishable rivers and streams. They want their food to be free of pesticides and their workplaces to be healthy and safe. They want their children to have a future that is free of the dangers of climate change.

Sadly, Mr. Pruitt refuses to accept the scientific community's overwhelming consensus that unchecked increases in greenhouse gas emissions will have catastrophic effects. The science is crystal clear that the impacts of climate change will increase in frequency and scale. Even the Department of Defense recognizes that climate change will impact the complexity of future missions, including defense support to civil authorities, while at the same time undermining the capacity of our domestic installations to support training activities.

Climate change cannot be dismissed as merely a political issue. We need to address the unfettered release of carbon and other greenhouse gases and have a strong resilience strategy to address the plight of future generations and the hazards already plaguing this one; yet we continue to have political claims thrown about that the EPA's work to address climate change and limit carbon emissions is to blame for the decline in the coal industry. At their base, these are more "alternative facts." This was confirmed yet again this week as the owners of the Navajo Generating Station, a coal-fired power plant in Arizona, voted to close the facility at the end of 2019. It was not EPA regulations or the Clean Power Plan that were cited as the reason for the closure of the coal-fired plant. No, it was the fact that, in a market that is saturated by cheap natural gas prices, the plant was no longer economical to operate. Attempts by the President and this nominee to spread alternative facts and to misleadingly promise to prop up an industry, by blaming action on climate change, is not the way to

move our country forward and stimulate innovation that will create good, new American jobs that cannot be shipped overseas.

For the benefit of the Senate record on this nominee, I would like to take this opportunity to share some of the messages that I have received from thousands of Vermonters over the past few weeks about this nominee. One Vermonter from Norwich, VT, a student studying sustainability and environmental management, said she is fearful of Mr. Pruitt's focus on eliminating and defunding any programs that could help to stop climate change. She went on to describe the importance of peer-reviewed scientific research on climate change and how Federal support for our leading academic institutions to complete this research is in our national interest as we monitor the Earth's vital signs.

I also heard from a constituent from Essex Junction, Vermont, who shared with me how he has seen firsthand at his technology company how the Federal promotion of research and development has directly promoted innovation and technological change. This innovation and these technical advances have led to new technologies that have radically changed many aspects of our lives and have transformed our economy, creating jobs, and invigorating our entrepreneurial spirit. He was concerned that Mr. Pruitt would seek to dismantle work that the EPA has done to find better ways to solve environmental problems, from research and technology to regulation, community programs, and external partnerships as they work to find creative ways to achieve results.

I also heard from Vermont farmers like one in Bristol, VT, who shared with me how her family farm has experienced the firsthand chaotic effects of climate change and has responded to the call to be more resilient. She voiced her willingness to cooperate with government regulations to protect our air, water, and soil and that we "need the EPA to use science and enforcement to lead the charge." She went on to say that the head of the EPA should be working to ensure that our air is clean to breathe and our water is safe to drink, not to ensure that polluters get a free pass. I agree wholeheartedly with her.

From rural Hartland, I heard from one Vermonter who said that "the health and wellbeing of Americans must be a priority—not the wealth of a few corporations and the individuals that benefit from that wealth. America must be a global leader when it comes to addressing climate change if all nations are to take appropriate measures."

As Vermont's ski resorts have enjoyed over ample snow in the last week, I have heard from hundreds of snow sport enthusiasts who are deeply

worried about Mr. Pruitt leading the EPA. They know that climate change is a threat to our planet and to our economy. In recent years, we have seen abnormally high temperatures that severely hurt our ski and tourism industries in Vermont. Many ski areas saw business down 20 percent, and some saw a drop of as much as 40 percent. This does not just affect our ski areas and our mountains, but also our restaurants, our local hotels, contractors, and countless other businesses that are driven by the vitality of our ski industry. For the State of Vermont, the revenue from ski slopes is an important part of our economy, and we need an EPA Administrator ready to tackle the problems of climate change, not one whose primary goal is supporting business as usual for the worst polluters.

I agree with the thousands of Vermonters who have contacted me concerned about this nominee. I believe that Mr. Pruitt's nomination sends exactly the wrong signal to the country and to the world as we are combatting the global impacts and causes of climate change. His nomination represents a massive shift away from putting public health and the environment first, and towards "Polluters 'R' Us"—the industries that directly benefit from being given free rein to pollute. His past conduct suggests that he will do everything he can to support those polluters and put their profits ahead of the public good.

The decisions made by the Administrator of the EPA affect the air we breathe, our scenic rivers, our precious resources, the water that our children drink, and the rate at which the United States contributes to the rapidly changing global climate. This appointee's work will have a long-term global impact and a major impact on all of our children and grandchildren and on our shared heritage and our natural legacy as Americans.

In my years in the U.S. Senate, I have evaluated many nominees and I have supported nominations from both Republican and Democratic Presidents, despite my reservations on some views they held. I have also opposed some nominees because their records were so clearly contrary to the public interest. Rarely have I seen a nominee so totally unqualified and so profoundly a threat to our environment. The views Mr. Pruitt and I hold on protecting Americans' health and our environment and addressing climate change are far too conflicting to allow me to support his nomination.

The Senate will confirm Mr. Pruitt. Of this, there is no question. But then we will begin our duty to provide dogged oversight of his actions at the EPA. Public trust and confidence demand the highest level of accountability to ensure the stewardship of our federal funds, to safeguard the integrity of the EPA, to base decisions on

rigorous, fact-based, peer-reviewed science, for the protection of both public health and our environment.

I worry that confirming Mr. Pruitt will turn the Environmental Protection Agency into the "Polluters Protection Agency." I cannot support his confirmation.

Mrs. FEINSTEIN. Madam President, I rise today to voice my concerns about the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency.

More than 74,000 Californians have contacted my office expressing serious concerns about Mr. Pruitt's nomination.

Californians want an EPA Administrator with a demonstrated commitment to protecting public health and the environment. Unfortunately, Mr. Pruitt's record shows the opposite: a clear hostility to public health and environmental protections at both the Federal and State level.

Californians rightfully fear that Mr. Pruitt's only plan for the EPA is to dismantle the Agency from within and give polluters free rein.

The EPA is the lead enforcement agency for bedrock environmental laws like the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act. The EPA works with States, local communities and tribes to provide funding and expertise for fulfilling these environmental laws that keep our communities healthy and safe.

Based on his record as Attorney General of Oklahoma and his past statements, including in his confirmation hearing, Scott Pruitt is not the right man for this very important job.

As the Oklahoma Attorney General, Mr. Pruitt eliminated the State's environmental protection unit, which enforces State environmental laws, including suing polluters for criminal negligence.

Meanwhile, he's led or participated in over 14 partisan lawsuits against the EPA, challenging the Agency's ability to implement Federal environmental protections, lawsuits that challenged protections against mercury pollution, "polluter pays" clean-up requirements, the Clean Air Act, and the Clean Water Act.

And his rhetoric matches his record. Mr. Pruitt has repeatedly questioned the validity of widely accepted science that undergirds EPA action. He routinely treats the scientific consensus on climate change as merely a debate. In an interview with *Exploring Energy*, Pruitt stated: "There are scientists that agree, there are scientists that don't agree, to the extent of man's contribution and whether it is even harmful at this point."

He dismissed the dangers of mercury pollution, arguing in one of his lawsuits: "The record does not support EPA's finding that mercury . . . poses public health hazards. . ."

At his confirmation hearing, when asked whether there is any level of lead exposure that is safe for children, he could only reply “that is something that I have not reviewed nor know about.”

Even on his public profile, he described himself as “a leading advocate against the EPA’s activist agenda.”

We are supposed to trust someone to enforce our environmental laws who considers himself the primary foe of the EPA? That record is troubling enough, but Mr. Pruitt also faces many conflict of interest issues that he has refused to commit to recusing himself from as EPA Administrator, including: conflicts that would exist over ongoing lawsuits that he brought against the EPA as Oklahoma’s Attorney General or matters or cases under the EPA’s authority that involve organizations from which Pruitt has solicited campaign funding.

During his hearing, Mr. Pruitt deflected questions over potential conflicts of interest by stating the “EPA ethics counsel will evaluate that if a matter or case comes up in the future.” This is an inadequate protection against conflicts of interest.

The Environmental Protection Agency is very important to the health and well-being of the people of California.

For example, California received over \$100 million in loans from the EPA last year to maintain and improve our water infrastructure, including wastewater treatment systems, drinking water systems, and water recycling facilities. Those funds were vital as our State grappled with an historic drought.

The EPA has also been a vital partner with California in developing stronger motor vehicle efficiency standards. One of my proudest accomplishments was enacting landmark fuel economy legislation, the Ten-in-Ten Fuel Economy Act, which raised fuel economy standards to the maximum achievable rate. This law marked the largest increase in fuel efficiency in more than two decades and led to an administrative program expected to raise average fuel economy to 54.5 miles per gallon by 2025.

This program is the greatest tool we have to reduce greenhouse gas emissions from the transportation sector, and it is working. An important technical review concluded this July that automakers are already exceeding Federal benchmarks for improved fuel economy by 1.4 miles per gallon.

A large part of its success is the cooperation between the Federal Government and California to establish a single, coordinated, national program that is strong enough to satisfy all parties and stable enough to guide investment decisions by the auto makers.

During his confirmation hearing, my colleague Senator HARRIS asked Mr. Pruitt directly if he would commit to

upholding California’s right to issue its own regulations, which is the way we participate in creating the national program. He declined, committing only to review the issue, which is not acceptable.

We in California know that climate change is real and is happening now. It is contributing to more volatile weather, including longer, stronger droughts and harsher bursts of rain.

We have a limited amount of time left to reduce the greenhouse gas emissions of our transportation and energy systems. If we allow the world to warm by more than 2 degrees C, we will be locking in a future of unacceptable disasters for our children and grandchildren.

Now, more than ever, we need strong leadership as other major countries like China and India have begun to engage on the issue, and we cannot allow the EPA to reverse course and go backward after the progress we have made.

In his words and actions, Scott Pruitt has demonstrated more interest in fighting against the mission of the EPA than in fighting for it.

Mr. Pruitt has done little to nothing to protect the people of Oklahoma from the dangers and health problems caused by pollution, preferring to sue on behalf of corporate interests. There is nothing to suggest he would do anything different for the American people as EPA Administrator.

For this reason and many more, I will vote against Scott Pruitt’s confirmation to head the EPA.

Mr. COTTON. Madam President, it is hard to overstate the amount of distrust there is between rural America and the EPA.

I represent the State of Arkansas, where about 70,000 of our citizens are farmers. Agriculture is our largest industry, adding about \$16 billion to our economy every year. But even those members—big as they are—can’t give you a full appreciation of just how important the land is to our people. Sure, they make a living off it, but farming isn’t just an “industry” to us—it is not just another statistical category like “nondurable goods manufacturing.” It is a way of life. The people of Arkansas cultivate the land. They nurture it. They teach their children how to care for it. These are people who get up at 5 a.m. to milk the cows. They have had these farms in their families for generations. They pass on the land—and the values they have learned along with it. They believe in the EPA’s mission of preserving a healthy environment just as much as anyone.

Yes, they are stewards of the earth, these men and women, yet the EPA too often treats them as criminals. In the last 8 years alone, the EPA has been treating their property rights more like a form of parole. It has passed sweeping regulations that presume to tell farmers when they can plant and

how often they can run a tractor. It has declared something as tiny as a mud puddle on a family farm as a “navigable water”—thus under the EPA’s jurisdiction it has put on a show of soliciting “feedback” from the people who have to live under its rules, while cavalierly dismissing most of their concerns, and all the while pursuing an activist agenda, whether through the Clean Power Plan or the waters of the United States rule, it has failed to fulfill its core mission: keeping our people safe. Just remember, the EPA helped bring criminal charges and a \$15,000 fine against a North Carolina farm owner who accidentally spilled cow dung into a river; yet when it caused the wastewater spill into the Animas River, it stalled and withheld important information from investigators. If a company had acted like the EPA, it would likely have faced criminal charges—brought about by the EPA.

It is this state of affairs that our next EPA Administrator will inherit, and I want to take this opportunity to say President’s Trump nominee, Scott Pruitt, has my support.

I think he is especially qualified to lead the Agency at this time because he comes from rural America himself. As the attorney general of Oklahoma, he fought the EPA’s overreach in court more than half a dozen times. I believe he understands that Arkansas farmers and the American people know the needs of their land far better than Washington bureaucrats do. When I met with him a few weeks ago, we discussed the impact EPA regulations are having on Arkansas farms, businesses, and energy companies. We also talked about Fort Smith’s issues with an inflexible EPA consent decree. It was clear from our conversation he knew environmental law backwards and forwards, but he also had something else: a real-world appreciation of the burden that heavy-handed regulations put on our farmers and on rural America.

I believe Scott Pruitt understands we can have both a robust economy and a healthy environment. I believe he will pull back the EPA’s excesses and focus on its core mission. I believe, under his leadership, the EPA can begin to rebuild the trust it has lost with rural America, the trust that is necessary for it to achieve its goals. And so, for all of these reasons, I will be voting to confirm.

Mr. WYDEN. Madam President, last month I stood here to express my serious concerns about the nomination of Scott Pruitt to lead the U.S. Environmental Protection Agency.

As the vote draws closer, I want to reiterate those concerns and give voice to the thousands of individuals and groups in Oregon who have sent letters and made calls and spoken up in my town hall meetings. Oregonians have expressed their fears that Pruitt will steer us into a ditch when it comes to

protecting the environment and public health. I share their concerns, and I cannot support this nomination.

In my view, the importance of the EPA cannot be overstated. The EPA is at the heart of maintaining clean air and clean water for every person in this country, but Mr. Pruitt has made a career of denying climate science, attempting to weaken or even get rid of worker protections, air quality standards for toxic air pollutants, and basic environmental standards. Those rollbacks would hurt us all.

One prime example of how the EPA has stepped in to protect Oregonians is during a recent air quality scare in Portland. In 2015, researchers with the U.S. Forest Service discovered that heavy metals including cadmium and arsenic had been emitted for decades into the air of Portland neighborhoods and schoolyards at dangerous levels.

I called on the EPA to take action, and within days they were on the ground in Portland, testing the air quality and helping our community wrap our heads around the public health risks. It wasn't long before they identified the root of the problem and corrected course.

I am not confident that a Pruitt EPA would have jumped to the aid of my community in a time when parents wondered if they had been poisoning their own children simply by feeding them vegetables grown in their backyards.

Mr. Pruitt's career is defined by repeated attempts to weaken or eliminate health-based environmental standards, weaken or eliminate limits on carbon emissions that would help address the challenge of climate change, weaken or eliminate air quality standards to fight the kinds of toxic air pollutants we saw in Portland. Those rollbacks hurt us all.

Mr. Pruitt has a history of attacking the very Agency he now wants to lead. As attorney general of Oklahoma, he has been involved in more than 20 lawsuits against the EPA, and he has failed to give Congress any kind of assurances that he would recuse himself from matters related to those lawsuits.

Mr. Pruitt has clear connections with big businesses who profit from polluting—oil and gas companies and coal-hungry electricity giants, among others. He has a history of siding with these special interests at the direct expense of the health of our families and communities.

According to news reports, as Oklahoma's Attorney General and head of the Republican Attorneys General Association, Pruitt helped raise millions from industries he is now expected to regulate.

More and more of this shadowy history is coming to light. Particularly after a judge has ordered him to release thousands of his emails as Oklahoma's Attorney General just days from now,

the Senate should not hold a vote on a nominee when more information may come to light about an alarming association with the very industries he would be regulating as head of the EPA.

However, Mr. Pruitt has until next Tuesday to release those emails—4 days after Senate Republicans are forcing a confirmation vote. In the interest of transparency, the Senators should be able to read these emails before voting so we can make a fully informed decision.

By jamming this nomination through today, Senate Republican leadership is forcing the Senate to vote on a nominee without knowing the content of the full background of this nominee. In my view, that is legislative malpractice.

So I join my Democratic colleagues in asking that the vote on Mr. Pruitt's nomination to lead the EPA be delayed until those thousands of emails are released and Members of the Senate have the opportunity to review their contents.

The American people are demanding that Senate leadership delay Mr. Pruitt's confirmation until this important information is disclosed and questions about his possible conflicts of interest are answered.

On even the most basic level, Mr. Pruitt has a troubling history. He has denied the fundamental science that should be used to inform public policy.

Time and time again, Mr. Pruitt has argued against the reality of climate change, going so far as to dispute the EPA's rigorous science-based finding that greenhouse gases endanger public health and welfare.

The EPA cannot be run by an individual with a career founded on alternative facts; yet that is much of what Scott Pruitt is promoting.

As I have said to Oregonians about this nomination and others, policymakers ought to come together and find the truth, not fall back on alternative facts.

Nearly 800 former employees of the U.S. Environmental Protection Agency expressed opposition to Pruitt this week in an open letter. These are 800 public servants who are dedicated to the Agency's core mission.

I think Oregonians and the American people need to hear what is in this letter. It states, in part:

Our environmental laws are based on a partnership that requires EPA to set national standards and gives states latitude when implementing them so long as certain minimum criteria are satisfied. This approach recognizes that Americans have an equal right to clean air and water, no matter where they live, and allows states to compete for business without having to sacrifice public health or environmental quality.

Our environmental laws include provisions directing EPA to allow for a "margin of safety" when assessing risks, which is intended to limit exposure to pollutants when it is

reasonable to expect they may harm the public health, even when all the scientific evidence is not yet in. For example, EPA's first Administrator, Bill Ruckelshaus, chose to limit the amount of lead in gasoline before all doubt about its harmfulness to public health was erased. His action spared much of the harm that some countries still face as result of the devastating effects of lead on human health. Similarly, early action to reduce exposure to fine particle pollution helped avoid thousands of premature deaths from heart and lung disease. The magnitude and severity of those risks did not become apparent until much later.

Mr. Pruitt's record and public statements strongly suggest that he does not share the vision or agree with the underlying principles of our environmental statutes. Mr. Pruitt has shown no interest in enforcing those laws, a critically important function for EPA. While serving as Oklahoma's top law enforcement officer, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards to limit mercury emissions from power plants, reduce smog levels in cities and regional haze in parks, clean up the Chesapeake Bay and control greenhouse gas emissions.

In contrast, none of Mr. Pruitt's many press releases refer to any action he has taken to enforce environmental laws or to actually reduce pollution. This track record likely reflects his disturbing decision to close the environmental enforcement unit in his office while establishing a new litigation team to challenge EPA and other federal agencies.

These former EPA employees close the letter by stating:

The American people have been served by EPA Administrators, Republicans and Democrats, who have embraced their responsibility to protect public health and the environment. Different administrators have come to different conclusions about how best to apply the law in view of the science, and many of their decisions have been challenged in court, sometimes successfully, for either going too far or not far enough. But in the large majority of cases it was evident to us that they put the public's welfare ahead of private interests. Scott Pruitt has not demonstrated this same commitment.

I ask unanimous consent that the full letter be printed in the RECORD at the conclusion of my remarks.

Americans ought to have confidence that the head of the EPA recognizes what this job is all about—defending the health of our communities, not the profits of energy companies or any other special interest; yet Mr. Pruitt has given no such assurance. Like these former EPA employees, I would not have that confidence in a Pruitt EPA.

And now, with the release next Tuesday of thousands of his emails that may document an alarming association with the very industries he is supposed to regulate, it seems particularly premature, even irresponsible, to push for a vote on his confirmation today.

I share the concerns of the thousands of Oregonians and hundreds of current and former EPA employees who have expressed their opposition to Mr. Pruitt. I will vote against him today because I do not have confidence in a Pruitt EPA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 15, 2017.

Subject: Concerns about Scott Pruitt's qualifications to serve as EPA Administrator.

Hon. RON WYDEN,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR WYDEN, We write as former employees of the Environmental Protection Agency (EPA) to share our concerns about Oklahoma Attorney General Scott Pruitt's qualifications to serve as the next EPA Administrator in light of his record in Oklahoma. Our perspective is not partisan. Having served under both Republican and Democratic presidents, we recognize each new Administration's right to pursue different policies within the parameters of existing law and to ask Congress to change the laws that protect public health and the environment as it sees fit.

However, every EPA Administrator has a fundamental obligation to act in the public's interest based on current law and the best available science. Mr. Pruitt's record raises serious questions about whose interests he has served to date and whether he agrees with the longstanding tenets of U.S. environmental law.

Our nation has made tremendous progress in ensuring that every American has clean air to breathe, clean water to drink and uncontaminated land on which to live, work and play. Anyone who visits Beijing is reminded of what some cities in the U.S. once looked like before we went to work as a people to combat pollution. Much of EPA's work involves preserving those gains, which should not be taken for granted. There are also emerging new threats as well as serious gaps in our environmental safety net, as the drinking water crisis in Flint, Michigan, painfully demonstrates.

Our environmental laws are based on a partnership that requires EPA to set national standards and gives states latitude when implementing them so long as certain minimum criteria are satisfied. This approach recognizes that Americans have an equal right to clean air and water, no matter where they live, and allows states to compete for business without having to sacrifice public health or environmental quality.

Our environmental laws include provisions directing EPA to allow for a "margin of safety" when assessing risks, which is intended to limit exposure to pollutants when it is reasonable to expect they may harm the public health, even when all the scientific evidence is not yet in. For example, EPA's first Administrator, Bill Ruckelshaus, chose to limit the amount of lead in gasoline before all doubt about its harmfulness to public health was erased. His action spared much of the harm that some countries still face as result of the devastating effects of lead on human health. Similarly, early action to reduce exposure to fine particle pollution helped avoid thousands of premature deaths from heart and lung disease. The magnitude and severity of those risks did not become apparent until much later.

Mr. Pruitt's record and public statements strongly suggest that he does not share the vision or agree with the underlying principles of our environmental statutes. Mr. Pruitt has shown no interest in enforcing those laws, a critically important function for EPA. While serving as Oklahoma's top law enforcement officer, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards to limit

mercury emissions from power plants, reduce smog levels in cities and regional haze in parks, clean up the Chesapeake Bay and control greenhouse gas emissions.

In contrast, none of Mr. Pruitt's many press releases refer to any action he has taken to enforce environmental laws or to actually reduce pollution. This track record likely reflects his disturbing decision to close the environmental enforcement unit in his office while establishing a new litigation team to challenge EPA and other federal agencies. He has claimed credit for an agreement to protect the Illinois River that did little more than confirm phosphorus limits established much earlier, while delaying their enforcement another three years.

In a similar vein, Mr. Pruitt has gone to disturbing lengths to advance the views and interests of business. For example, he signed and sent a letter as Oklahoma Attorney General criticizing EPA estimates of emissions from oil and gas wells, without disclosing that it had been drafted in its entirety by Devon Energy. He filed suit on behalf of Oklahoma to block a California law requiring humane treatment of poultry. The federal court dismissed the case after finding that the lawsuit was brought not to benefit the citizens of Oklahoma but a handful of large egg producers perfectly capable of representing their own interests. To mount his challenge to EPA's rule to reduce carbon pollution from power plants, he took the unusual step of accepting free help from a private law firm. In contrast, there is little or no evidence of Mr. Pruitt taking initiative to protect and advance public health and environmental protection in his state. Mr. Pruitt's office has apparently acknowledged 3,000 emails and other documents reflecting communications with certain oil and gas companies, but has yet to make any of these available in response to a Freedom of Information Act request filed more than two years ago.

Contrary to the cooperative federalism that he promotes, Mr. Pruitt has suggested that EPA should refrain from trying to control pollution that crosses state lines. For example, he intervened to support a Farm Bureau lawsuit that would have overturned a cooperative agreement between five states and EPA to clean up the Chesapeake Bay (the court rejected the challenge). When asked how a state can protect its citizens from pollution that originates outside its borders, Mr. Pruitt said in his Senate testimony that states should resolve these disputes on their own, with EPA providing "informational" support once an agreement is reached. But the 1972 Clean Water Act directs EPA to review state water quality plans, require any improvements needed to make waters "fishable and swimmable," and to review and approve plans to limit pollutant loads to protect water quality. EPA's power to set standards and limit pollution that crosses state lines is exactly what ensures every American clean air and water, and gives states the incentive to negotiate and resolve transboundary disputes.

We are most concerned about Mr. Pruitt's reluctance to accept and to act on the strong scientific consensus on climate change and act accordingly. Our country's own National Research Council, the principal operating arm of the National Academies of Science and Engineering, concluded in a 2010 report requested by Congress that human activity is altering the climate to an extent that poses grave risks to Americans' health and welfare. More recent scientific data and analyses have only confirmed the Council's

conclusion and added to the urgency of addressing the problem.

Despite this and other authoritative warnings about the dangers of climate change, Mr. Pruitt persists in pointing to uncertainty about the precise extent of humanity's contribution to the problem as a basis for resisting taking any regulatory action to help solve it. At his Senate confirmation hearing, he stated that "science tells us that the climate is changing, and that human activity in some manner impacts that change. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue, and well it should be." This is a familiar dodge—emphasizing uncertainty about the precise amount of humanity's contribution while ignoring the broad scientific consensus that human activities are largely responsible for dangerous warming of our planet and that action is urgently needed before it is too late.

Mr. Pruitt's indulgence in this dodge raises the fundamental question of whether he agrees with the precautionary principle reflected in our nation's environmental statutes. Faithful execution of our environmental laws requires effectively combating climate change to minimize its potentially catastrophic impacts before it is too late.

The American people have been served by EPA Administrators, Republicans and Democrats, who have embraced their responsibility to protect public health and the environment. Different administrators have come to different conclusions about how best to apply the law in view of the science, and many of their decisions have been challenged in court, sometimes successfully, for either going too far or not far enough. But in the large majority of cases it was evident to us that they put the public's welfare ahead of private interests. Scott Pruitt has not demonstrated this same commitment.

Thank you for considering our views.

(All signatories are former EPA employees)

Mr. MENENDEZ, Madam President, I rise today in strong opposition to the nomination of Scott Pruitt to be the Administrator of the Environmental Protection Administration.

When looking at Mr. Pruitt's record on environmental issues, it is almost hard to know where to start.

You could examine his history of climate denial, in which he has repeatedly rejected the scientific consensus on the threat of climate change.

You could look at his cozy relationship with the oil and gas industry during his tenure as attorney general of Oklahoma.

You could argue that Scott Pruitt represents the same corporate interests and crony capitalism that have long prevailed inside the Beltway.

You could discuss his refusal to answer basic questions from the Environment and Public Works Committee, even as he asks those same Senators to vote for his confirmation.

Any one of these items should be disqualifying for a candidate tasked with leading the EPA, but the list of problems with Mr. Pruitt's nomination goes even beyond those concerns.

His nomination threatens the very foundations of the department he has been tasked with leading—whether you

are talking about the Clean Air Act, the Clean Water Act, the Superfund Program, or any of the other cornerstone environmental protections Americans have long enjoyed.

Scott Pruitt has made a career out of characterizing these environmental protections as red-tape, as job-killers, and as government overreach.

That might be good rhetoric when you are arguing on the side of corporate polluters, as Mr. Pruitt has spent his career doing.

It might be good rhetoric when you are trying to mask the significant benefits of the laws you are fighting to unravel.

It might be good rhetoric, but it is not reality. The reality is that our Nation's environmental laws are designed to provide basic protections for human health and quality of life.

But that fact is often obscured by the rhetoric that Mr. Pruitt peddles. And since the EPA and many of its foundational laws were created decades ago, it can be easy to forget what the world looked like before we had strong environmental protections.

So before we confirm an EPA Administrator intent on dismantling every one of those protections, let's do a quick history lesson.

Democrat, Republican, or Independent, one thing that Americans agree on is the need for clean water. In fact, according to a 2016 Gallup poll, 61 percent of all Americans are "a great deal" worried—not a little worried, but a great deal worried—about pollution of drinking water, and 56 percent of all Americans are "a great deal" worried—again, a great deal worried—about the pollution of rivers, lakes, and reservoirs.

Among hunters and anglers, a group that many of my friends across the aisle claim to champion, those numbers are even more dramatic. A 2015 poll found that nearly 90 percent thought that the Clean Water Act was a good thing, and 75 percent supported the application of the Clean Water Act to headwater streams and wetlands.

Now, at a time when a strong majority of Americans are so concerned about the quality of their drinking water and the cleanliness of waterways across the country and support the application and enforcement of the Clean Water Act, it seems that we should be working to strengthen the protections that keep our water clean.

But that is not what Scott Pruitt has done, and it is not what he will do if we allow him to become the Administrator of the EPA. No, instead Scott Pruitt has worked tirelessly to gut the Clean Water Act.

His lawsuits have sought to undermine the fundamental protections afforded to our waterways to the detriment of the health of our families and our environment.

He has sued to prevent the Clean Water Rule, a court-ordered clarifica-

tion of the protections of the Clean Water Act, from going into effect.

He has joined lawsuits and filed briefs to make it easier for mining companies to dump waste and fill material anywhere they want, destroying mountain streams and negatively impacting water quality.

Scott Pruitt didn't feel that the EPA should even have the authority to conduct a survey about industrial farming practices that can generate toxic runoff that could find its way into our rivers and streams and drinking water resources.

He has even joined big polluters in a lawsuit against a collaborative effort by Chesapeake Bay States and the EPA to clean up the bay, despite the fact that it had nothing to do with Oklahoma.

I think that Mr. Pruitt's views can best be summed up in his own words. He claims that, "the EPA was never intended to be our Nation's frontline environmental regulator."

Well, I have news for Scott Pruitt. When the EPA doesn't lead, cost-cutting measures undertaken by a State can lead to thousands of Americans being poisoned by lead in their water. When the EPA doesn't lead, polluters, blinded by the pursuit of profit above all else, can dump unlimited and unregulated amounts of pollution into our water.

This isn't speculation. We have seen it before. The Clean Water Act was passed in 1972 in large part due to public outrage after the Cuyahoga River caught fire in 1969. Yes, the river caught fire. This sounds outlandish and incredible to us today, but perhaps even more astounding is the fact that this was not necessarily abnormal. It wasn't the result of some single incident or accidental spill. This was the result of years of pollution and unsound practices employed by many different industries across the economic spectrum.

The Washington Post notes that the Cuyahoga burned at least 13 times, and that is just one river. River fires were recorded in Maryland, Michigan, New York, Pennsylvania, and other States as well. So it becomes clear that this was a pervasive problem, and a national problem, and a problem that had to be addressed on the national level. And we did address it largely through the Clean Water Act, but we have to continue that progress, not roll it back. Even now, in places like China, where strong federal clean water laws don't exist, these river fires still occur.

Scott Pruitt calls himself an "advocate against the EPA's activist agenda."

If fighting for clean water is an activist agenda; if enforcing sound environmental practices that safeguard public health is an activist agenda; if protecting wetlands that not only provide critical wildlife habitat, but also act as

vital buffers that protect our communities from flooding, is an activist agenda; well, then I guess you can call me an activist, and his record has shown that Scott Pruitt is anything but. And his attacks on the Clean Water Act aren't unique. Mr. Pruitt has sued the EPA time and again in an effort to dismantle the Clean Air Act.

The Clean Air Act was enacted in 1970, at a time that many of our Nation's cities and industrial regions were blanketed in smog. In the 47 years since the passage of the law, the Clean Air Act has proven to be one of the most effective public health measures ever taken in this country. Under the Clean Air Act, we have achieved 70 percent reductions in the levels of six of the most dangerous air pollutants.

Under the Clean Air Act, new heavy-duty trucks and buses became 99 percent cleaner than those vehicles were in the 1970s. Under the Clean Air Act, lead was banned from gasoline, ending a significant health risk—one that was particularly dangerous for children. It was the Clean Air Act that gave us the tools to drastically cut the pollutants that cause acid rain. The Clean Air Act helps to protect downwind States like New Jersey from pollution emitted by power plants in other States. The Clean Air Act has been used to phase out pollutants that destroy the ozone layer, yielding significant health benefits including a reduction in skin cancer. The Clean Air Act has been used to reduce mercury from power plants, preventing tens of thousands of premature deaths, heart attacks, and asthma attacks. The Clean Air Act has helped reduce pollution at our National Parks, supporting tourism and local economies across the country. And in 2007, the Supreme Court affirmed the Clean Air Act's role in the environmental crisis of our time, the fight to reduce greenhouse gas emissions and protect against the threat of climate change.

It is worth noting that, since the Clean Air Act became law, the Nation's gross domestic product grew by 246 percent—so much for job-killing regulations.

But in spite of these benefits, benefits that accrue to every American and benefits that save lives and reduce disease, Scott Pruitt has a record a mile long trying to dismantle the Clean Air Act.

He sued the EPA over cross-state air pollution rules. He sued the EPA over mercury and air toxin limits. He sued the EPA when they tried to reduce smog. He sued the EPA when they limited pollution in national parks. And he sued the EPA when they proposed limiting carbon pollution from power plants.

Mr. Pruitt's record has repeatedly demonstrated that he has no interest in maintaining basic environmental standards. I have no reason to believe that he would behave any differently if

confirmed as EPA Administrator. But Scott Pruitt's disdain for the EPA goes beyond even the lawsuits he filed.

In questions for the record for the Environment and Public Works Committee, Mr. Pruitt was asked to name even one EPA regulation he supported and he couldn't name even one.

He wasn't put on the spot. These were written questions, which Mr. Pruitt had ample time to consider and answer. And yet he couldn't produce a single example of an EPA standard he supported.

An EPA standard that immediately comes to my mind is Superfund—a bipartisan program committed to ensuring that polluters pay to clean up their toxic dump sites.

New Jersey has the most Superfund sites of any State in the Nation—114 total. These sites threaten public health, stifle economic opportunity, and undermine quality of life.

They are a toxic legacy from a time when we had no watchdog to prevent corporations from dumping their waste into our soil or our water.

Today there are over 1,300 Superfund sites throughout the Nation—13 sites in Alabama, 37 sites in Wisconsin, 53 sites in Florida, and even 7 sites in Oklahoma, Mr. Pruitt's home State.

This is a problem that transcends geographic and partisan divides. It is a challenge we should be united in our commitment to fixing. Yet Mr. Pruitt wouldn't even cite Superfund as an example of an EPA regulation he supported. If he doesn't support the program, how can we trust him to implement it?

EPA is absolutely critical in bringing the companies responsible for pollution to the table, creating strategies for cleaning up these sites, and overseeing the clean-ups themselves.

How can we trust Mr. Pruitt to negotiate on behalf of our communities if he can't even bring himself to admit the value of the law?

The fact that a program as basic and bipartisan as Superfund didn't garner Scott Pruitt's support should be of concern to us all.

The U.S. has many environmental challenges left to confront, but we have also made a lot of progress since the days before we had strong environmental protections.

We can't turn back the clock to the days when rivers caught on fire, when smog choked our cities, and when corporations were free to dump unlimited chemicals into the soil and water. Yet, that is exactly what Scott Pruitt has spent his career doing. His tenure as Oklahoma Attorney General provides example after example of legal actions taken on behalf of moneyed corporate polluters, but he failed to provide even one real example of action he took against polluters on behalf of the people of Oklahoma.

I take my responsibility to provide advice and consent to the President on

his nominees very seriously, and as I have looked into Mr. Pruitt's record, one thing has become abundantly clear. Scott Pruitt doesn't work for you. He works for the polluting industries that have bankrolled his political career. His nomination to head the EPA poses significant risk to our Nation's most basic environmental protections.

Protections like the Superfund program, the Clean Air Act, and the Clean Water Act have provided a legacy of health and wellness for millions of Americans. And time and time again, Mr. Pruitt has proven untrustworthy as a protector of that legacy.

For that reason, I oppose his nomination as Administrator of the EPA and urge my colleagues to do the same.

Mr. SANDERS. Madam President, I have very serious concerns about the nomination of Attorney General Scott Pruitt for Administrator of the Environmental Protection Agency, EPA, and oppose his nomination. His record on the environment is abysmal. My office received a great number of comments from people in the State of Vermont, which takes environmental protection very seriously, as well as from all over the country. They fear that Mr. Pruitt is bought and paid for by the fossil fuel industry and the protection of our environment is in serious jeopardy. Make no mistake, the nomination of Scott Pruitt is a nomination designed to protect the fossil fuel industry and not the environment.

In many ways, Scott Pruitt, the nominee for EPA Administrator, is the worst of the worst of all of Trump's nominees. Donald Trump was going to drain the swamp. He promised to "break the cycle of corruption" and "give new voices a chance to go into government service." Well, guess who is running the swamp now: the same corporate cronies Trump promised to drain out of Washington.

Scott Pruitt wants to be the Administrator of the Environmental Protection Agency, but he is no friend of the environment. He boasts on his website that he is a "leading advocate" against the EPA. He said, "The agency's actions are at best incompetent, and at worst reprehensible." He testified to the House Committee on Science, Space, and Technology in May 2016 that "the EPA was never intended to be our Nation's frontline environmental regulator."

What is particularly troubling is his record as Oklahoma's attorney general—as Oklahoma's chief enforcer of clean air and water protections for his constituents—he sued the EPA 14 times and still has 8 active cases against the EPA. In all but one of these 14 cases Pruitt brought against the EPA, he was on the side of corporate interests. And in 13 of the 14, these companies or trade associations were also financial contributors to Mr. Pruitt's political causes.

Shockingly, Scott Pruitt disbanded the Environmental Protection Unit of the Oklahoma Attorney General's Office. He claims that he continued environmental protection, but the State budget shows that funding for "environmental law" in the attorney general's office fell from \$486,000 in 2011 to 0 in 2014. In the State's 2016 budget, there was a line item for "environmental law"—with \$0. In fact, of the more than 700 press releases he issued as Oklahoma's top law enforcement official, not one touts an environmental enforcement case in Oklahoma. It seems clear that he abandoned all meaningful environmental protection. This is concerning because reports show that the Trump administration is considering eliminating the EPA's Office of Enforcement, which would mean that the Agency would no longer be able to independently enforce our Nation's antipollution laws.

At a time when we have to strengthen environmental protection, Mr. Pruitt will be working overtime to carry out President Trump's goal to destroy the EPA. Does this sound like someone who should be running the EPA? Not to me. More than 230 different environmental, health, and public interest groups agree that Pruitt is unqualified—so do former EPA employees. More than 770 of them from across the country all signed on to a letter that asked us to reject Pruitt as the next EPA Administrator. When hundreds of environmental groups and former EPA employees tell us that this guy is not qualified, maybe we should listen.

The scariest thing about Scott Pruitt being the Administrator of the EPA is that our EPA should be working non-stop to address the most pressing environmental issue of our time—the global crisis of climate change. In 2009, the EPA Administrator found that the carbon pollution causing climate change threatens the public health and welfare of current and future generations; yet President Trump has called climate change a "hoax." In November 2012, he tweeted: "The concept of global warming was created by and for the Chinese in order to make U.S. manufacturing non-competitive."

Perhaps it should come as no surprise that Mr. Pruitt takes the same page from President Trump. Pruitt said in March 2016, "Reasonable minds can disagree about the science behind global warming, and disagree they do." He also said "The debate about climate change is just that, a debate. There are scientists that agree, there are scientists that don't agree, to the extent of man's contribution and whether it is even harmful at this point," he added "We've had ebb and flow, we've had obviously climate conditions change throughout our history and that is scientific fact. It gets cooler. It gets hotter. And we do not know the trajectory is on an unsustainable course. Nor do

we know, the extent by which the burning of fossil fuels, and man's contribution to that, is making it far worse than it is."

When I questioned Mr. Pruitt in his confirmation hearing on January 18, he said: "I believe . . . the degree of human activity's impact on the climate is subject to more debate on whether the climate is changing or whether human activity contributes to it." He even told me that he thinks that his opinion on climate change is immaterial to his role as EPA Administrator. This is ludicrous. It is not immaterial—it is in fact essential—that we have an EPA Administrator who agrees with the scientific data and is willing to lead the fight against climate change. Yet, in his answers, he stated, "there is a diverse range of views regarding the key drivers of our changing climate among scientists. I believe that these differences should be the subject of robust and open debate free from intimidation. If confirmed, I will continue to encourage an honest debate on our changing climate, the role of human activity, our ability to measure the degree and extent of human activity, and what to do about it."

Almost all—97 percent—of scientists have concluded that climate change is real. It is caused by human activity. And it is already causing devastating problems in our country and around the world. If we do not move aggressively to transition our energy system away from fossil fuels toward sustainable energy like solar, wind, and geothermal, the problem will become much worse.

Just this month, a report in the peer-reviewed journal *The Anthropocene Review*, researchers found that humans are causing the climate to change 170 times faster than natural forces. This is just another reason why it is unacceptable for Mr. Pruitt to say that he "believe[s] the ability to measure with precision, the degree of human activity's impact on the climate is subject to more debate on whether the climate is changing or whether human activity contributes to it."

For 200 years, we have been burning increasing amounts of fossil fuels to heat our buildings, generate electricity, and power our vehicles. When we burn fossil fuels, we release significant amounts of carbon pollution into the atmosphere. In fact, today, humans release more than 35 billion tons of CO₂ in the atmosphere every year. According to NASA, the concentration of atmospheric carbon dioxide has never exceeded 300 parts per million in the past 650,000 years. In 2013, CO₂ levels reached 400 parts per million for the first time.

So it should not come as a surprise to hear that the planet is warming at an alarming rate: 2016 was the hottest year on record, and 16 of the 17 hottest years have occurred since 2000. Nor

should it come as a surprise that we are already seeing devastating effects of climate change all across the United States and around the globe: more intense wildfires, heatwaves, drought, extreme storms, flooding, rising sea levels, and more. Americans are worried. A study released last month shows that more than 6 in 10 Americans say that they worried about global warming.

But climate change is not the only area that makes Americans worried about Pruitt being the EPA Administrator. They are worried about Pruitt's inaction in the face of a growing number of earthquakes in Oklahoma. In the past few years, Oklahoma has been plagued by thousands of earthquakes, which the U.S. Geological Survey said are tied to fracking wastewater injection. Oklahoma's current earthquake rate is now 600 times higher than its prefracking rate. Oklahoma now has more earthquakes on a regular basis than California.

In 2011 in Prague, OK, *The Oklahoman* newspaper reported a 5.6 earthquake, stating that scientists "believe the earthquake was caused by injection wells in the area." To put that in perspective, an earthquake in the magnitude 5 range, like the one reported, releases as much energy as the atomic bomb dropped on Hiroshima in 1945. But, before 2009, there were, on average, two earthquakes a year in Oklahoma that were magnitude 3 or greater. By 2013, there were 109 magnitude 3 or greater earthquakes; by 2014, that had grown to 585 magnitude 3 or greater earthquakes; and by 2015, there were 907 magnitude 3 or greater earthquakes.

The damage was extensive; 40 to 50 buildings in Cushing, OK, were substantially damaged in a November 2016 earthquake. In reaction to the then-largest earthquake in September 2015, the Pawnee Nation passed a resolution against fracking activities after suffering damage to seven historic tribal buildings. The Ponca Nation also passed has a moratorium on fracking because the earthquakes have caused damage to their crumbling water infrastructure and buildings. Scientists say that Oklahoma is "almost certain" to have more earthquakes, with heightened risks of a large quake probable to endure for a decade.

The Attorneys General in my State of Vermont, California, and New York have all frequently acted quickly to address environmental problems; yet, during Mr. Pruitt's hearing, he told me he did nothing to help folks in Oklahoma who had been hurt by earthquakes caused by fracking in Oklahoma. Pruitt's sole response to my questions during his hearing about what he had done to address the earthquake problem in his State was to say he has "acknowledged that he is concerned." That is it. "He's concerned." He did not stand up and say he will do

everything he can to stop future earthquakes as a result of fracking. He did not sue the corporations who were causing the earthquakes on behalf of the people of Oklahoma. He did not hold a press conference. He did nothing.

These earthquakes are so concerning because the EPA "regulates the construction, operation, permitting, and closure of injection wells used to place fluids underground for storage or disposal" as part of its role in preventing contamination of drinking water. So, if we let Pruitt will nor lead the EPA, there is nothing to say he will not abandon efforts to regulate waste fracking water injection to protect the American people from earthquakes. If his past record is any indication, it is very questionable that he will take action to protect communities from harmful effects like these.

Maybe the reason so many are concerned he will abandon efforts to enforce environmental laws and why he was willing to abandon Oklahomans when they needed him is because he is in the pocket of corporate industry. Pruitt received more than \$350,000 in contributions from the fossil fuel industry. Pruitt raised huge amounts for his two Federal PAC—known as Liberty 2.0 and Oklahoma Strong. According to Politico, Liberty 2.0 has raised more than \$168,000 from energy interests, and Oklahoma Strong leadership has raised \$72,000.

In 2014, in a Pulitzer Prize winning investigation, the *New York Times* exposed that Pruitt and numerous other Republican attorneys general had formed secret alliances with energy corporations. The *New York Times* also exposed the Defense Fund, which is a dark money offshoot of the Republican Attorneys General Association. The Defense Fund received \$175,000 in 2014 from Freedom Partners, which coordinates the Koch brothers' political activities. The *New York Times* also detailed how, in 2011, Pruitt wrote a letter to the EPA Administrator claiming that Federal regulators were grossly overestimating the amount of air pollution caused by energy companies drilling new natural gas wells in his State. Pruitt did not write the letter on behalf of Oklahoma residents; he did it on behalf of one of Oklahoma's biggest oil and gas companies, Devon Energy. As he fought for corporate donors, the American Lung Association named three urban regions in Oklahoma as having the 25 most heavily polluted air regions in the United States.

These examples of Pruitt's corrupt relationship with corporate polluters are so shocking and dangerous because he wants to lead the EPA, an Agency which is most responsible for protecting our kids and grandkids from the very polluters he has protected for so long. For the sake of our children

and grandchildren and the future of this planet, are there none of my colleagues on the other side of the aisle who will speak out to say that Mr. Pruitt should not be confirmed as head of the EPA?

The last time I checked, no one voted to pollute the environment in the last election. The majority of Americans do not agree that we should be dismantling protections that ensure clean air and clean water. In fact, according to Gallup, more than 7 in 10 Americans worry about drinking water pollution and air pollution. That is why we cannot allow Scott Pruitt to drive the EPA into the ground. He has shown that he wants to dismantle basic air, water, and climate protections.

We cannot rollback decades of progress. In fact, we are in desperate need of strong laws and regulations to protect the environment and fight climate change. Do not be fooled. Scott Pruitt is not for protecting American citizens and the environment, but for protecting giant polluting corporations. With a record like his, we cannot expect Pruitt to safeguard our drinking water and air from pollution. With Pruitt, the environment will be auctioned off to the highest corporate bidder no matter the cost to the American public. It is for all these reasons that I strongly oppose Mr. Pruitt's nomination, and I urge my colleagues to join me in voting no.

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Madam President, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE

Mr. MORAN. Madam President, the Natural Resources Conservation Service is one of the best opportunities we have—and some of the best stewards we have for caring for lands in Kansas are our farmers and ranchers. What a great combination in the public-private partnership when we work together to improve our water quality and quantity, work to make sure our air is cleaner, make certain, as best we can, that the dust doesn't blow in Kansas.

While we talk about environmental issues, I want to mention the work that goes on in my home State and places across the country with a partnership that occurs by the Department of Agriculture—USDA—its agency, the NRCS, and landowners in my State.

I want to highlight the circumstances those farmers and ranchers

find themselves in today. In 2016, the price of wheat hit a decade low. Wheat prices fell from a high of \$7.60 a bushel in 2013 to \$4.11 per bushel in 2016, from \$7.60 to \$4.11 in just a short period of time.

Unfortunately, those prices have continued to stay low. Often in Kansas, when commodity prices are a challenge for those who raise crops, we are able to supplement our income by the price of cattle—our ability to raise quality beef and to sell that in markets and to compensate for the challenges that occur on the crop side of agriculture.

Unfortunately, the same thing has happened in the livestock market as well. Live cattle prices dropped from \$166 per hundredweight in January of 2015 to \$132 per hundredweight in January of 2016; again, a fall from \$166 to \$132.

Those things combined, low commodity prices, low price for wheat, low prices for cattle, mean that agriculture in rural America is hurting greatly. This is a tremendous challenge and appearing to be perhaps the most difficult time that agriculture producers, farmers, and ranchers face in the Midwest since the thirties.

I have come to speak about this today. Senator ROBERTS, the chairman who chairs the Agriculture Committee, is having a hearing of the Agriculture Committee in Kansas during the next few days. I appreciate the opportunity he is providing Kansans to have input as the process begins for a new farm bill. I congratulate him and welcome the input that everyday folks who earn a living in agriculture will have as a result of his efforts.

What I want to highlight today is that with the circumstances so challenging, we need to do things that reduce the input cost associated with production agriculture. But the focus I want to make today is that we need every market possible for our farmers and ranchers to sell into. Ninety-five percent of the mouths to feed, 95 percent of the consumers are outside the United States, and our ability to survive in agriculture in Kansas and this country is related to our ability to export those agriculture commodities, as well as food products, around the globe.

In the confirmation hearings that I have been involved in based upon my committee assignments and in addition to conversations with the nominee to be the Secretary of Agriculture, Governor Perdue, I have highlighted time and time again the importance of exports.

If we face this struggle—a struggle we do absolutely face today—a way we can help improve that circumstance is to sell more grains, more meat products, more beef, more pork into foreign country markets. It is not happening the way it needs to happen to lift the prices and therefore increase the chances that farmers and ranchers will

survive the difficult and challenging economic circumstances.

I almost said “as an aside.” Let me mention another challenge. It really isn't an aside, it is so important. We have difficult times in agriculture. It is a cyclical world, and prices are up and prices are down based upon the laws of supply and demand. But in difficult times, we have always in the past been able to count upon a lender, a banker who is willing to help that farmer, that rancher get through difficult times.

The regulatory environment our bankers now face, particularly in rural communities where there is a relationship—we often operate in banks in my State, and certainly in rural communities across Kansas, as a result of a relationship. So our bankers—those who lend money to farmers—know those farmers. They know their families. They know their parents, their grandparents. They were the financier. They were the ones able to lend working capital to farmers in good times and bad.

Our regulators and I have visited with the Officer of the Comptroller of the Currency, the FDIC, the Federal Reserve, the state banking commissioner in our State, all with the message that in these difficult times, we can't let the consequences of Dodd-Frank overwhelm the ability for a banker to continue to make decisions about lending money to agriculture producers. We can't let the authority of making that decision, based upon long generations of relationships between those in agriculture and those in financing agriculture, be overcome by the rules and regulations that followed the passage of Dodd-Frank, particularly as it relates to those relationships with community banks and lenders.

So while it is challenging in agriculture due to the prices, one of the reasons we have been able to survive over the years in low-price times is because of that relationship and understanding.

I know this farm family—this is the banker talking—I know this farm family, and I have lent money to them for a long time. I lent money to their father or their grandfather, their mother or their grandmother. They have the integrity, the character, and the ability to repay.

If the lending in rural America becomes nothing more than a computer program in which you punch in the numbers and character becomes something that is irrelevant—there is not a computer program to measure character. If we lose the opportunity for a relationship developed between a lender and a farmer, we lose the ability to make things work in difficult times. Those times are with us.

The primary point I would like to make today is that we need exports and we need them now. And while there is always a debate about the value of a

particular trade agreement—and that debate is useful—we ought never lose sight that there is no real debate about the value of exports. So we need to put in place the mechanisms that allow farmers and ranchers and others in my State to be able to export a product around the globe.

I would encourage the administration and I would encourage Members of Congress, as we develop our policies in this new session, to make certain that exports are front and center in our economic policy because the survival of the folks I represent in Kansas and the communities in which they live is in jeopardy if we don't get those markets back and if we don't retain those markets.

Exports are important to us. We can't afford not to pursue each and every one of them. If we are not going to have multilateral trade agreements, we need to have bilateral trade agreements, and we can't wait very long for those agreements to take place.

Again, 95 percent of the consumers live outside the United States, and our ability in Kansas to have a bright future is determined by the ability to connect with those consumers outside the United States.

If I can take just one more moment to also point out that I have requested USAID and the Department of Agriculture in our food and hunger programs around the globe to increase the role that wheat and other commodities play in feeding a hungry world. We want to sell commodities in the export market, but as we develop our programs to combat hunger, we can get something that is very noble and something very valuable—helping people around the globe be able to go to bed with a full stomach is a desirable and noble goal, and the utilization of an increasing amount of agriculture or commodities grown in the United States in that effort would benefit farmers in our country, as well. It is the proverbial win/win. The noble accomplishment of helping people fight back food insecurity and at the same time creating an additional opportunity for the export of wheat, for example, which, because of significant amounts of harvest, is in an overabundant supply—is in abundant supply here in the United States.

Madam President, thank you for the opportunity to visit with my colleagues here on the Senate floor today and to express the desire to work with each of them as we develop the efforts to make certain that exports are front and center, particularly as they relate to agricultural interest of the United States.

Madam President, I yield my time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, my friend from Kansas is here. A lot of people around the country think there

is probably not much we agree on. I want to say that I agree with just about everything the Senator from Kansas just said. And the fact that 95 percent of the world's markets are outside of our borders—if we lose sight of that, forget about the value of exports; we make a huge mistake.

I was a supporter of the Trans-Pacific Partnership. I believe the Senator from Kansas was, as well. Some people are saying: Well, we need to forget all about that, and what we need to do is renegotiate NAFTA.

In the context of negotiating the transpacific trade agreement, we negotiated NAFTA. I hope you won't throw out that baby with the bath water as we go forward.

I commend the Senator for his remarks and say how much I enjoyed working with him on many issues. I hope to work with him again.

Madam President, I mentioned earlier today before the Presiding Officer took the chair that I received a lot of letters, emails, phone calls, and faxes from Delawareans who are concerned about the nomination of Mr. Pruitt to lead the EPA. As of today, my office has received a total of 7 letters supporting Mr. Pruitt's nomination and we have received 1,880 letters opposing his nomination—remarkable numbers. Please compare this number to the 278 letters my office received opposing the nomination of Congressman TOM PRICE to lead the Department of Health and Human Services. That is pretty amazing. The Republican nominee to lead the Department of Health and Human Services, 278 letters against; Mr. Pruitt, 1,880 letters and emails against. Delawareans are clearly paying attention, and they are clearly concerned by the idea of Mr. Pruitt being charged with safeguarding our environment and our health.

I want to take a moment to read a letter sent to me—I have gotten a lot of letters—a letter sent to me last week from a woman named Danielle D., a new mother and small business owner who lives in Wilmington with her infant son. Danielle wrote to me because her concerns go beyond politics and to the core values of giving our children the best lives possible. Danielle writes:

Dear Senator Carper, I am reaching out to you today as both a new mother and a small business owner urging you to oppose Scott Pruitt's nomination as Administrator of the U.S. Environmental Protection Agency.

As a business owner, I support a number of President Trump's cabinet nominations and many of his pro-business policies. But there are very few policy decisions that touch every facet of our lives like environmental policies do. Our environment affects our health, our economy and our everyday lives. The decisions we now make will affect Americans for generations to come.

She goes on to say:

My son is 5 months old. Like any parent, I can only hope I am able to advance my son's life by leaps and bounds, as my parents did for me.

However, I am extremely concerned that, should Mr. Pruitt be chosen as the next Administrator of the EPA, the decisions we make today will make it nearly impossible for me to leave my son a better environment than the one I brought him into.

In short, we need an EPA Administrator who will work to prove America is the best when it comes to environmental policy. Mr. Pruitt is not that person.

I share this letter today so that our colleagues know that my constituents and, indeed, Americans across the country do care deeply about the person who will lead the EPA, although they may support other nominees of President Trump. Those who have contacted us want to know that the individual leading the EPA is on their side and that the first question that person will ask is, How will this affect the environment and how will this affect the health of the least of these, like Danielle's 5-month-old son?

Clearly, thousands upon thousands are afraid or fearful that Scott Pruitt doesn't care to ask those questions and that he will not be an advocate for the American people whom the EPA is charged with protecting. I share their concerns.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, I rise in support of Attorney General Scott Pruitt to be the next Administrator of the Environmental Protection Agency, and I think it is important, as we are continuing this debate, to make a couple of things perfectly clear.

We all, like the Senator from Delaware who has been leading the debate, believe in clean water, clean air, how important that is to all Americans, certainly important to my State, which has some of the cleanest water, cleanest air, the most pristine environment in the world. I certainly don't think any of us debate that. We all agree on properly disposing of waste and cleaning up contaminated sites. And just this past year, Congress passed very dramatic legislation, very important—bipartisan, by the way; I am on the Environment and Public Works Committee—the Toxic Substances Control Act, TSCA, which does that. And I think most of us agree that the EPA has an important role in ensuring that we have clean water—within the authority granted to that Agency by Congress. So I think the vast majority of this body agrees with that.

But as I have been listening to my colleagues on the other side of the aisle and their criticism of Attorney General Scott Pruitt, one thing that has not come up over the past 24 hours in this debate—as a matter of fact, on the EPW Committee, on which I sit, the past 2 years, I don't think I heard my colleagues on the other side of the aisle ever talk about this issue, and it is a very important issue for the country.

It is the rule of law and the U.S. Constitution.

We have been debating Scott Pruitt's nomination for a while now, but not one of my colleagues has uttered that phrase—not one—even though many of my colleagues are lawyers and former law professors and former attorneys general themselves.

Why is this important? Why is it important to have a debate on the rule of law when we are looking at Scott Pruitt's nomination?

Well, I think it is incredibly important because if you looked at the EPA's actions and activities and focus over the last 8 years—the last 8 years—it has not been an Agency that has focused on the rule of law. In many ways it has been a lawless Agency, a rogue Agency. So when we are having this debate, we need to put the debate of Scott Pruitt's nomination and confirmation in the context of what has happened over the last 8 years.

We have had an Agency in the EPA that does not listen to States, even though it is required to by Federal law; that ignores the rule of law, as evidenced by numerous Federal court decisions rebuking it; and that believes it has the power to regulate every nook and cranny of American life—every economic activity of America. That is literally what we have right now with regard to our current EPA. This is not just one Senator making this claim. It has become the conventional wisdom and the common narrative with regard to this EPA in the last 8 years by a variety of Federal courts and law professors throughout the country.

Let me provide a few examples. A number of my colleagues have talked about the waters of the United States rule, WOTUS, and how this aggressive, far-reaching rule claims authority—the EPA claims authority to regulate literally puddles and irrigation ditches throughout the country, an enormous power grab.

A number of us were concerned about this. In hearings and in letters, I asked the previous EPA Administrator, Gina McCarthy, where she got the legal authority to do this. It was a pretty big deal. It took months to get an answer. States, under the law, are supposed to be consulted on this issue. States like my State, the great State of Alaska, were not consulted. They were ignored.

So what happened? What happened? Thirty-two States—bipartisan by the way, including Alaska—sued the EPA over this law, over this regulation, the waters of the United States. This is a critical point. “Cooperative federalism,” another term I have heard very little of in this debate, is the bedrock of environmental laws like the Clean Water Act and the Clean Air Act. The principle establishes that the States and the EPA are partners. Indeed, under these Federal laws, the States are the primary protectors and

implementers of our environmental protection laws.

That is in the law. That is in the Federal law. But for the past 8 years, the EPA has consistently ignored this on major rules. The most dramatic is right here, the waters of the United States. Thirty-two States sued to stop the EPA on this regulation. What happened in the lawsuit? The Sixth Circuit Court of Appeals put a stay on the entire rule, expressing serious doubts about its legality. That is one instance and a big deal.

Let's look at another one, the so-called Clean Power Plan. I know the Presiding Officer has talked this, about how it is very concerning for her State of West Virginia. Whatever your views are on climate change and the appropriate response, there should no debate in this body that we have to address this issue in a way that is consistent with the U.S. Constitution and rule of law—no debate.

Again, I never hear anyone talk about the rule of law on the other side. So this rule is promulgated. Once again, the Environmental Protection Agency, in the promulgation of this rule, took actions that the court and commentators across the political spectrum viewed as likely another illegal rule by the EPA.

So, like the waters of the United States rule, numerous States and others sued to stop the Clean Power Plan, in which the Environmental Protection Agency claimed somehow they had the authority to regulate almost the entire U.S. energy sector. Look at the rule. That is what they are claiming, that Congress somehow gave them that power.

In a previous Supreme Court case called *Utility Air Regulatory Group*, which was a lawsuit against the EPA—at the time I was serving as attorney general for the State of Alaska and was one of the AGs who initiated this suit—the EPA lost that one, and the Supreme Court and Justice Scalia, in writing the majority opinion stated:

When an agency, the EPA, claims to discover in a long extant statute an unheralded power to regulate a significant portion of the American economy, we typically greet its announcement with a measure of skepticism. We expect Congress to speak clearly if it wishes to assign an agency decisions of vast economic and political significance.

In other words: EPA, you didn't have the power to regulate a huge swath of the American economy. The Supreme Court struck that down—*Utility Air Regulatory Group v. Environmental Protection Agency*—so it was not surprising that with regard to the Clean Power Plan regulation, the Supreme Court of the United States put a stay on that rule. The Supreme Court of the United States put a stay on that rule before any other court, any other lower court, a district court, a court of appeals, had heard the arguments on that rule. Think about that. Do you know

how many times the U.S. history that has happened? Do you know how many times in the history of the U.S. Supreme Court that has happened? Never before. It was the first time in the history of the Supreme Court that it saw a rule that it probably felt was so egregious that it put a stay on it before any other court ruled on that rule. It was pretty dramatic, pretty remarkable.

Clearly, the U.S. Supreme Court has serious doubts about whether the EPA is acting in a lawful manner on the Clean Power Plan. If you think it is just conservative jurists and lawyers and Senators who hold that view, you would be mistaken. Here is what Laurence Tribe said about the EPA's authority with regard to the Clean Power Plan.

For those of you who don't know Laurence Tribe, he is a very well-respected constitutional law professor at Harvard but very liberal. He was President Obama's law professor, but he is well-respected. Here is what he said about the EPA's authority on this very important regulation. He wrote in challenging the Clean Power Plan:

Even more fundamentally, the EPA, like every administrative agency is constitutionally forbidden to exercise powers Congress never delegated to it in the first place. The brute fact is that the Obama administration failed to get climate legislation through Congress. Yet the EPA is acting as though it has the legislative authority anyway to re-engineer the nation's electrical generating system and power grid. It does not have this power.

That is Laurence Tribe. He later testified in front of the House Energy and Commerce Committee in 2015 with regard to this regulation:

The EPA is attempting to exercise law-making power that belongs to Congress and the judicial power that belongs to the Federal courts. Burning the Constitution should not be part of our national energy policy. EPA is attempting an unconstitutional trifecta: usurping the prerogatives of the States, Congress and the Federal courts all at once.

That is Laurence Tribe. That is Harvard professor Laurence Tribe, who believes EPA is clearly acting in an unconstitutional manner.

It is not just losing in court and in the realm of both conservative and liberal leagues of public opinion; it has been the way that the EPA leadership, from the top to its foot soldiers, has treated the American people over the last 8 years—the American people whom the Environmental Protection Agency is supposed to serve.

That treatment can be described in many ways as with disdain. Let me provide a few examples of that. On the eve of another Supreme Court case, which the EPA lost—this is *EPA v. Michigan*—EPA Administrator Gina McCarthy was asked on a TV show, Did she think she was going to win the case?

She responded as you would think most Administrators would. She said

yes, she was going to win. OK. That is fine. She probably believed it and had good lawyers telling her that. But then she went on to say this:

But even if we don't [win], it was 3 years ago. Most of [the companies] are already in compliance, investments have been made, and we'll catch up.

Think about that quote. This is the head of the EPA, essentially saying: Even if we lose, we win. We are the Federal Government. We don't have to abide by the law. Those companies and American citizens who are abiding by the law, who are abiding by the regulations, they have already made investments—hundreds of millions. They are stuck. We win. Heads we win, tails we win. That is a remarkable statement by the leader of a Federal Agency who shows disdain for the law.

Let me give you another example. My colleague and good friend from Colorado came down and talked about the Animas River and what happened there. Clearly it was a mistake. I don't believe that the EPA meant to do that, to spill millions of gallons of toxic waste into a river. But in a hearing in the EPW Committee, I asked the Administrator: Well, are you going to hold the EPA officials who did that to the same standard you would the private sector? In the private sector, in similar kinds of activities, the EPA has actually criminally charged people for doing something like that—negligence—criminally charged them.

She looked at me and said: Senator, not only are we going to hold ourselves to that standard, we are going to hold ourselves to a higher standard.

OK. That is a pretty good answer.

So what has happened on the Animas River, with the EPA holding themselves to a higher standard? Remember, they put people in jail for doing this. Was anyone held responsible? Was anyone criminally charged? Did anyone go to jail?

Of course not. Nothing happened.

In my State, the EPA's disdain for my constituents has manifested itself in a couple of remarkable ways. First, we had the Administrator, former Administrator Gina McCarthy, in Alaska visiting after she came into office.

There was a big Wall Street Journal article on her visit. She was given some gifts by Alaskans, my constituents, the people she serves. When she was given gifts from my constituents on her visit to my State, she was later asked by a reporter what she did with them according to the government ethics rules.

Here is a quote from that story:

[Gina McCarthy] has been surprised by the government ethics bureaucracy and its gift guidelines. Remarking how officials chased her down for a dinky North Pole—

That is a community in Alaska—

pin someone gave her at an event as a gift ("I threw the f-ing thing away," she told them).

With regard to another gift she got, a jar of moose meat from a young girl at a hearing in Alaska, she said that gift "could gag a maggot."

This was the leader of an Agency serving the people, and yet she was doing it in a way that is clearly disrespectful.

Let me talk about another incident in Alaska, in a place called Chicken, AK, where we have plaster miners out mining—small mining operations, family businesses, mining for gold.

The EPA thought there was going to be some Clean Water Act violations, which they never found. So what did they do? They didn't talk to the local community. They did a raid—body armor, assault weapons—on my constituents, a raid, a military assault to find clean water violations, which they never found, and they never apologized for the raid.

Now, you might ask: What does all this have to do with the nomination of Attorney General Pruitt? My answer is: Everything; everything.

He understands that the EPA needs a serious course correction, that it must get back to listening to the States and following the rule of law and, most importantly, regaining the trust of the American people, which has been lost over the last 8 years due to some of the actions I just described.

The American people see this. They see statements like this, and they know this has been an Agency that has not been acting in their interests and has not been acting according to the law.

Not only does Attorney General Pruitt understand this, he emphasized this during his confirmation hearing—6 hours long, which I sat through the entire thing.

Let me conclude by reading a few excerpts of his opening statement. The American people need to hear this because this is what Attorney General Pruitt is going to do when he leads the EPA. He said his priorities were:

First, under our Constitution, the role the EPA plays in protecting the environment is defined by statute, just as statutes limit every Federal Agency.

Members of this body—the Senate—and the House of Representatives have worked tirelessly over decades to set the balance in environmental policies through laws that have been passed. The EPA's role is to administer those laws faithfully.

As attorney general of Oklahoma, he stated: I saw examples where the Agency became dissatisfied with the tools Congress had given it to address certain issues and bootstrapped its own powers and tools through rulemaking. This, unfortunately, has only resulted in protracted litigation, where the courts suspended most of these rules after years of delay.

In the meantime, we lost the opportunity for true environmental protec-

tion as a nation. This approach is not right. So getting back to the rule of law, that is No. 1 for Attorney General Pruitt.

Second, he said:

Cooperative federalism must be respected and applied by the EPA with regard to our environmental laws. Congress has wisely and appropriately directed the EPA through our environmental statutes to utilize the expertise and resources of the States to better protect the environment, and for the States to remain our nation's frontline environmental implementers and enforcers. If we truly want to advance and achieve cleaner air and water the States must be partners and not mere passive instruments of federal will. If confirmed, I will utilize the relationships I have forged with my counterparts in the States to ensure that EPA returns to its proper role, rather than using a heavy hand to coerce the States into effectuating EPA policies.

Cooperative federalism—that is in the law, and he wants to uphold it.

Third, and finally, he said:

It is critical to me that EPA also truly listen to the diverse views of the American people, and learn from them. If confirmed as Administrator, I am committed to ensuring EPA's decisions are conducted through open processes that take into account the full range of views of the American people, including the economic consequences of any regulation.

Environmental regulations should not occur in an economic vacuum. We can simultaneously pursue the mutual goals of environmental protection and economic growth. But that can only happen if EPA listens—listens to the views of all interested stakeholders, including the States, so that it can determine how to realize its mission while considering the pragmatic impacts of its decisions on jobs, communities, and most importantly, families.

Finally, in the closing of his opening statement, Attorney General Pruitt said this:

My time as Attorney General of Oklahoma afforded me the opportunity to travel my state meeting farmers, ranchers, landowners, and small business owners of all sorts. These are good people—hardworking Americans who want to do the right thing by the environment. They want the air that their children breathe and the waters in which they swim to be clean. They want to follow the law. But recently they have felt hopeless, subject to a never ending torrent of new regulations that only a lawyer can understand. They fear the EPA, and that just shouldn't be the case. If confirmed, I will work tirelessly to ensure that the EPA acts lawfully, sensibly, and with those hardworking Americans ever in mind.

That is how he ended his testimony.

Scott Pruitt is the right person to lead the EPA. We have gotten to the point, as he noted in his testimony, where millions of Americans, including some of my constituents in Chicken, AK, certainly have come to fear their own Federal Government, especially when it acts in a lawless fashion.

He is exactly the right person, with the right qualifications and the right emphasis to fix this problem, and I encourage all of my colleagues to support the confirmation vote we are going to make on him in a few hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, no one wants to live on a dirty planet. Before we created the Environmental Protection Agency, the EPA, nearly 50 years ago, rivers actually caught fire from pollution, smog covered our cities, and powerplants spewed arsenic and mercury into the sky with impunity.

In the years since, the EPA has been at the vanguard of the effort to protect the air we breathe and the water we drink.

This work is not easy, and the person who leads the EPA has a tough job. It requires toughness and fortitude to fight back against polluters and special interests.

In all the years the EPA has been around, we would be hard-pressed to find someone more hostile to the Agency's fundamental mission or as less suited to leading it than Scott Pruitt is.

As Oklahoma's attorney general, Mr. Pruitt organized, led, or participated in virtually every challenge to the EPA's work during his time in office. His lawsuits have, among other things, sought to prevent the EPA from enforcing rules that keep our water safe, protect our air from harmful pollutants, like mercury and arsenic, and limit the carbon pollution that causes climate change.

These lawsuits beg the question: Does Scott Pruitt believe the EPA should even exist? In the weeks and months since he was nominated, Mr. Pruitt has gone out of his way to try and smooth over his record and say what he thinks we want to hear, but we can't fall for it.

Instead of listening to what he is saying now, let's examine more closely what he has done as Oklahoma's attorney general.

His record is troubling. Throughout his term of office, Mr. Pruitt has been very cozy with fossil fuel companies and affiliated interest groups.

A 2014 investigation by the New York Times revealed that energy lobbyists drafted letters for Mr. Pruitt to send on State stationery to the EPA against the Obama administration's environmental regulations.

The CEO of Continental Energy—an oil and gas company based in Oklahoma—served as the campaign chairman for his reelection bid. We just got word yesterday that a State district judge in Oklahoma ordered the attorney general's office to turn over as many as 3,000 documents related to Mr. Pruitt's communications with oil, gas, and coal groups during his time in office. Unfortunately, we will not get a chance to see what these documents reveal before voting on his confirmation.

Based on his record and associations, however, I think we can make an edu-

cated guess that these documents will reveal the extent of Mr. Pruitt's ties to fossil fuel interests, and we have no reason to believe he will renounce these connections if confirmed to serve as EPA Administrator.

He also fought relentlessly against the EPA's efforts to establish basic limits on smog, arsenic, mercury, and other dangerous air pollutants.

Mr. Pruitt, for example, sued the EPA not once but twice to overturn the Mercury and Air Toxics Standards. These standards would prevent 40,000 pounds of mercury emissions every year and would help keep our food supply safe from contamination.

Mr. Pruitt has also repeatedly questioned whether climate change is real.

In an op-ed in the Washington Times, Mr. Pruitt refused to accept settled science that humans contribute to climate change. He said there are "a wide range of viewpoints regarding the extent to which man contributes to climate change."

In the National Review, Mr. Pruitt said "scientists continue to disagree about the degree and extent of global warming."

The fact is, 97 percent of scientists agree that climate change is real and that human beings contribute to it. I hardly think 97 percent of scientists agreeing constitutes a wide range of viewpoints on climate change and the extent to which man contributes to it.

From his perch as Oklahoma's attorney general, Mr. Pruitt sued to prevent President Obama's Clean Power Plan to cut carbon emissions from taking effect. He argued that the Federal Government doesn't have the authority to regulate carbon emissions. This is wrong.

The Supreme Court ruled twice—first in *Massachusetts v. EPA* in 2007 and again in *Utility Air Regulatory Group v. EPA* in 2014—that the EPA has the authority to regulate carbon emissions as pollution under the Clean Air Act.

If confirmed, Mr. Pruitt has promised to kill the Clean Power Plan and undo much of the positive work that President Obama did to address climate change.

Mr. Pruitt also has a track record of undermining enforcement of environmental laws and regulations. Shortly after becoming Oklahoma's attorney general in 2010, Mr. Pruitt gave us a taste of what is to come at the EPA when he eliminated the Environmental Protection Unit within the Oklahoma attorney general's office.

For years, this unit investigated water contamination from refineries, lead paint waste, and illegal dumping. In its place, he created the innocuous sounding Federalism Unit. Unlike the unit he eliminated, whose mission was to protect the health and safety of Oklahomans, the Federalism Unit's job is to handle all of Mr. Pruitt's legal challenges against the EPA. Over the

past 3 years, Mr. Pruitt has increased the budget of the Federalism Unit by over 700 percent, and the taxpayers of Oklahoma get to foot that bill.

Mr. Pruitt's record paints a clear picture: His priorities directly conflict with the EPA's mission to protect public health and the environment. He is much more concerned about protecting corporate interests than keeping our communities healthy and safe from pollution.

Over the past few months, I have heard from thousands of my constituents who have urged me to oppose Mr. Pruitt's nomination. I would like to read two of the letters I have received. Georgia is a Ph.D. student at the University of Hawaii. She wrote:

I strongly oppose Scott Pruitt's confirmation as EPA Administrator. Mr. Pruitt is a climate change denier who has actively worked against the mission of the agency.

As a Ph.D. student in science, I know we need an EPA administrator that respects science and supports clean air, clean water, and a healthy environment. Pruitt is the wrong choice for our nation and must be rejected.

Keiko from Kaneohe also wrote to explain what this fight means to her.

This is not a bipartisan issue, but it is as much an American issue as it is a Hawaiian issue, a human issue, and an issue of all inhabitants of Papa, mother earth. I ask that you continue to be vigilant and 'onipa'a in the face of climate change deniers . . . Mahalo for looking out for everyone living today and going to be born tomorrow.

We have come too far over the past 8 years to let someone like Scott Pruitt destroy the progress we have made. I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Madam President, I also rise today to oppose the nomination of Scott Pruitt to be Administrator of the Environmental Protection Agency.

I believe the President should be able to assemble his or her own team, and I understand that elections have consequences and that a President should be able to put forth his or her policy agenda. I voted on this floor many times in support of nominees with whom I have policy differences, but they have been qualified persons, experienced in their field, who believe in the fundamental mission of the agency they are tasked to lead. That is not the case with Attorney General Pruitt. Mr. Pruitt has extreme environmental policy views, and he has zero experience running the Environmental Protection Agency. In fact, he does not believe in the fundamental mission of the EPA. Attorney General Pruitt made his name opposing EPA rules that protect human health and the environment—fighting against clean air and clean water, disregarding the science behind the EPA's protections for human health and the environment on behalf

of for-profit special interests, not the public interest.

He has brought 19 suits against the EPA. Eight are currently pending in courts, and if confirmed, he won't recuse himself from all the pending cases. As a lawyer and especially as your State's top lawyer, you shouldn't change sides in litigation. It is just not right. There may be an ethics violation here. I have never heard of a lawyer representing both sides of a case.

Let's look at just a few examples from his litigation records, starting with his opposition to clean air. Mr. Pruitt is leading litigation against the EPA's ozone or smog rule. In 2015 the EPA revised its ambient air standards for ground level ozone. The EPA was long overdue in revising its ozone standards to protect public health. It even had to be sued by States and environmental organizations to make sure the standards adequately protected human health. High concentrations of ozone are bad for public health, children, and older adults, and people with lung diseases such as asthma are especially vulnerable.

The EPA set a standard of 70 parts per billion. This standard is based on the best science, which included thousands of studies analyzing the effects of ozone on public health. In addition, the EPA built in flexibility for States that would have trouble meeting the standard. But the Oklahoma attorney general currently leads a four-State charge to do away with the rule.

Mr. Pruitt thinks it is OK for powerplants to emit unhealthy levels of mercury and other toxins into the air. In 2011, the EPA passed the mercury and air toxics standards. This rule limits emissions from powerplants of mercury, arsenic, and other metals. Like the ozone standard, this rule was long overdue, and the EPA was forced by the courts to develop the standard.

The science is well established that these toxins are a serious public health threat. Fortunately, there are proven and available technologies to limit the emissions. Scott Pruitt fought the mercury and air toxics standards, and he is still litigating in court against the standards even though the vast majority of powerplants in the Nation are currently in compliance with the standards.

Just to show you how serious this is in my home State of New Mexico, pregnant women and children can only eat a very small amount of fish from the streams of New Mexico. Our streams are polluted with mercury. The levels are so high that vulnerable populations are advised to severely limit their consumption. Scott Pruitt wants to continue this pollution of our streams.

Mr. Pruitt testified in the hearing before the EPW Committee that he saw a role for the EPA to address pollution that crosses State boundaries, but his litigation history does not support that

testimony. As Oklahoma attorney general, he fought the EPA's cross-state air pollution rule, a rule designed to reduce powerplant emissions across State lines that cause smog and pollution and health problems in downwind States. Especially, the cross-state air pollution rule reduces sulfur dioxide, or SO₂, and oxides of nitrogen or NO_x emissions. NO_x emissions contribute to fine particle and soot pollution and to ground level ozone formation, otherwise known as smog. Even though this pollution affects the air and health of downwind States, Mr. Pruitt sided with the powerplants.

Air pollution is not the only problem that crosses State lines. River and stream pollution does not stop at State boundaries either. The EPA and the U.S. Army passed the clean water rule in 2015. The rule clarified a dizzying set of Supreme Court cases defining protected water. The EPA and the Army reviewed the best science, reviewing more than 1200 peer-reviewed public scientific studies to define protected waters.

New Mexico is an arid State. We have very little surface water. We need to protect all of our surface water for domestic, agricultural, industrial, and recreational uses. By the way, the EPA and the Army's definition of surface waters is no broader than my own State's definition of surface waters. New Mexico's definition is appropriate and reasonable to protect our precious surface water.

The attorney general of Oklahoma is fighting the clean water rule, too, even though it protects against cross-state pollution.

Here is one more example—the Clean Power Plan. The Clean Power Plan is our country's best effort to address climate change. We know that climate change is happening. We know that the climate change is primarily caused by humans. We know that powerplants are a major contributor. We know that we need to take action and that we need to take action fast to protect our planet. The Clean Power Plan significantly reduces carbon dioxide emissions from existing, modified, and future powerplants. The Clean Power Plan was developed based on the best science. It was developed based on a tremendous amount of input from the States, industry, environmentalists, and others. It provides States with a lot of flexibility with how to comply. Mr. Pruitt, true to form, is litigating against the Clean Power Plan. Mr. Pruitt apparently does not understand the science of climate change.

In the *National Review* in 2016, he wrote: "Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind." During his confirmation hearing, he similarly stated:

Science tells us that the climate is changing and human activity in some manner im-

pacts that change. The human ability to measure the extent of that impact is subject to continuing debate and dialogue as well as they should be.

That is not what science tells us. That is maybe what fossil fuel special interests tell him, but that is not what science tells us. His views are not consistent with the scientific consensus on climate change. The 2013 report from the Intergovernmental Panel on Climate Change found it "extremely likely" that more than half of the global warming that occurred between 1951 and 2010 was a consequence of human emissions of carbon dioxide and other greenhouse gases.

So many of the decisions made and the regulations passed by the EPA rely heavily upon good science. It is absolutely critical that the EPA Administrator understand and use the best science.

I am not convinced that Mr. Pruitt understands and will use the best science if he is confirmed to lead the EPA.

When developing regulations, the EPA must first follow the law's requirements to protect human health and the environment. Then, within the law's requirements, the EPA should take account of input and information from all sources—from industry, environmentalists, States, and public agencies.

I am not convinced that Mr. Pruitt will follow the law's requirements to protect public health and the environment, and I am not convinced that he will take into account the input of all stakeholders. Throughout his career as attorney general, Mr. Pruitt has aligned solely with industry and against public health and the environment. He has no record of aligning with the public or of securing our environment for the future.

As attorney general, he engaged in a scorched earth policy against environmental regulations. He dismantled his environmental protection unit. He became very close politically to the energy industry. He adopted letters written by energy lobbyists almost verbatim, and then submitted them on behalf of the State of Oklahoma in Federal legal proceedings.

As chair of the Republican Attorneys General Association, he became even more closely aligned with the fossil fuel-related companies.

Mr. Pruitt's record is one-sided and extreme, and it does not give me confidence that as EPA Administrator he would have any commitment to protecting the public health now or protecting the environment for future generations.

Finally, I am concerned that Mr. Pruitt has not shown and does not have the proper respect for tribal sovereignty. Oklahoma is home to 39 tribes. Mr. Pruitt's litigation history as attorney general has consistently

been anti-tribe. As vice chair of the Senate Committee on Indian Affairs, I pay special attention to a nominee's record on tribal issues, especially nominees for agencies that will deal with tribes on a government-to-government basis, like the EPA.

As Oklahoma's top attorney, Mr. Pruitt routinely sought out ways to fight tribal sovereignty—even all the way to the Highest Court in the land. In *Dollar General Corp. v. Mississippi Band of Choctaw Indians*, Mr. Pruitt filed an amicus brief in support of a corporation that refused to submit to tribal jurisdiction. Mr. Pruitt's side lost. This case is a prime example of Mr. Pruitt's misguided views of tribe and their inherent sovereignty. Indian Country needs an EPA Administrator who respects tribal sovereignty. I am not convinced Mr. Pruitt does.

Just recently we had in town the National Council of American Indians. They submitted a letter on January 18. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS OF
AMERICAN INDIANS,

Washington, DC, January 18, 2016.

Re Indian Country's Concerns with EPA Administrator Nominee Scott Pruitt.

Hon. JOHN BARRASSO,
Chairman, U.S. Senate Committee on Environment and Public Works, Washington, DC.

Hon. THOMAS CARPER,
Ranking Member, U.S. Senate Committee on Environment and Public Works, Washington, DC.

DEAR CHAIRMAN BARRASSO AND RANKING MEMBER CARPER: On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative American Indian and Alaska Native organization serving the broad interests of Tribal governments and communities, I am writing to express our deep concern with the nomination of Oklahoma Attorney General Scott Pruitt to be the Administrator of the Environmental Protection Agency (EPA) based on his history of fighting environmental regulations and the new Administration's statements denying the existence of climate change. The continuing impacts of climate change are a major concern of Tribal Nations and, before this Committee votes to move forward with Attorney General Pruitt's nomination to lead the EPA, it must thoroughly consider the potential impacts that his nomination will have on climate change, the protection of natural resources, and protection of Tribal trust and treaty rights.

American Indians and Alaska Natives are disproportionately impacted by climate change due to our geographical areas and direct connection and reliance on the surrounding environments. It is threatening to destroy our lands, waters, and natural resources, which will impact our traditional and customary ways of life that has been sustainable for thousands of years. The well-documented plight of Alaska Native villages is probably the most profound manifestation of the climate crisis and requires focused, high priority attention from the federal government. NCAI's Tribal leadership and members have spoken strongly on climate change

by passing four resolutions in the past four years calling for action and setting Tribal Climate Change Principles calling on further federal action and partnership with Tribal governments.

The federal government's treaty and trust responsibilities to protect Indian lands includes the duty to protect lands from the impacts of climate change, which requires not only that sufficient federal resources be equitably allocated to address climate change, but that Tribes be included as partners to solve these issues. Federal programs and policies must allow Tribal Nations to engage effectively in adaptation and mitigation strategies that will help ensure the integrity of our cultures, homelands, infrastructures, and services. Further, it is imperative that federal agencies enforce Tribal treaty and reserved rights to both on- and off-reservation resources.

The EPA's mission to protect human health and the environment means that it plays an essential role in fighting climate change-related impacts. Due to its charge, EPA also has a sacred responsibility to uphold and protect Tribal trust and treaty rights through the protection of Tribal natural resources. In fact, the EPA acknowledges the importance of reviewing how agency actions will impact treaty rights in its recent policy guidance EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights.

Since the EPA is critical to combating climate change and protecting Tribal trust and treaty rights, Indian country is deeply concerned with Attorney General Pruitt's nomination to head the Agency. It is our understanding that, in his role as Attorney General for the State of Oklahoma, Pruitt has repeatedly filed suits against the EPA for its regulations seeking to protect the environment. Further, his nomination comes from an incoming Administration which claims that climate change is a 'hoax' and questions whether the EPA should continue to exist.

This Committee must ensure that attorney General Pruitt understands and acknowledges the realities of human impacts on global climate change, the need for the EPA and federal regulations to protect the environment, and the importance of EPA's role in protecting Tribal lands, waters, and natural resources. We must get his commitment on the record to sustain the EPA's role in fighting climate change and protecting Tribal trust and treaty rights. Without these acknowledgements, Indian Country cannot support Attorney General Pruitt's nomination for Administrator of the EPA.

We are at a critical moment in combating the increasing climate changes effects from human-made sources. Indian Country, the United States, and the world cannot afford to take a backseat role in fighting climate change.

Sincerely,

BRIAN CLADOOSBY,
President.

Mr. UDALL. Madam President, I would like to just read a couple of paragraphs from the letter.

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative American Indian and Alaskan Native organization serving the broad interests of tribal governments and communities, I am writing to express our deep concern of the nomination of Oklahoma attorney general Scott Pruitt to be Administrator of the Environmental Protection

Agency based on his history of fighting environmental regulations and the new Administration's statements denying the existence of climate change. The continuing impacts of climate change are a major concern of Tribal Nations and, before this Committee votes to move forward with Attorney General Pruitt's nomination to lead the EPA, it must thoroughly consider the potential impacts that his nomination will have on climate change, the protection of natural resources, and protection of Tribal trust and treaty rights.

American Indians and Alaskan Natives are disproportionately impacted by climate change due to our geographic areas and direct connection and reliance on the surrounding environments. It is threatening to destroy our lands, waters, and natural resources, which will impact our traditional and customary ways of life that have been sustainable for thousands of years.

We are at a critical moment in combating the increasing climate change effects from human-made sources. Indian Country, the United States, and the world cannot afford to take a backseat role in fighting climate change.

In conclusion, my concerns about Mr. Pruitt's record on environmental policy aren't just because we disagree on policy. Mr. Pruitt has made his reputation in litigating fiercely against the EPA's most important regulations to protect public health and the environment, clean air, clean water, toxics on land—you name it—regulations that comply with Federal environmental laws that are based on good science, that have taken years to prepare, and that have taken fair account of all stakeholders' input.

I cannot support a nominee to lead this Agency whose record is so hostile to the environment. For all of these reasons, I must vote no on Mr. Pruitt's nomination to be EPA Administrator.

Finally, we have today the court's ordering Mr. Pruitt to release a large number of records that are relevant to this particular nomination. He has refused to release them. The administration, in vetting him, did a very poor job. As you know, they do not vet anybody. They throw it up here, and we have to do the vetting. That is our job to do the vetting. This is a critical part of the record—a vast number of emails that should be looked at.

Many of us believe we should have the time to look at these emails, to deliberate about them, to maybe even ask some written questions to Mr. Pruitt about them, but this nomination is being rammed through. In a couple of hours, we are going to have a vote. Luckily, Senator MERKLEY is going to urge that we vote to delay this so we can have a chance to look at those emails. It is so that all of us—all of the 100 Senators—have the opportunity to have a full, complete record on Mr. Pruitt.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I rise to speak in support of the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency.

Attorney General Pruitt has a distinguished record of public service in having served for 8 years in the Oklahoma State Senate before being sworn in as the attorney general of Oklahoma in 2010. Two dozen State attorneys general wrote to the Senate Committee on Environment and Public Works in support of Mr. Pruitt's nomination. He has been endorsed by a wide variety of organizations representing a broad swath of America culture and industry, including the U.S. Chamber of Commerce, the National Association of Home Builders, the American Farm Bureau Federation, the National Cattlemen's Beef Association, the Western Energy Alliance, and the Western Growers Association, just to name a few.

In his capacity as State attorney general, Mr. Pruitt has consistently fought against Federal intrusion on State and individual liberties, and he has shown himself to be a thoughtful attorney who is dedicated to the Constitution and to the rule of law. The next Administrator of the EPA must respect the limits of Federal power. Few know these limits better than Mr. Pruitt, which is why I believe he will be a capable leader at the EPA.

Mr. Pruitt will rein in Federal overreach and put a stop to many of the overbearing regulations that have done very little to protect the environment but much to hurt businesses, large and small.

Modernization of the Environmental Protection Agency is long overdue. For too long, the Agency has acted outside its legal authority. For too long, the Agency has strayed from its core mission of protecting human health and the environment. For too long, it has imposed draconian regulations that cause undue harm to America's small businesses and rural communities.

I have long held that the EPA can fulfill its vitally important mission of protecting the environment without causing unnecessary harm to the economy, but to achieve this objective will require a massive culture change at the Agency—a culture change that only Mr. Pruitt can bring.

Mr. Pruitt wants an EPA that is both pro-environment and pro-growth. What is wrong with that? That is long overdue. He understands that protecting our lands and helping our businesses succeed is not a zero-sum game. With Mr. Pruitt at the helm, I am confident he will bring much needed change to the EPA and restore the public's trust in the Agency.

Once confirmed, I am eager to work with Mr. Pruitt to discuss how we can best protect our air and our water and how we can best modernize the EPA.

It is amazing to me that some of the greatest leaders in the bureaucracy over the years have been people who have worked in the fields that really constitute what we are talking about here today. They have surprised people by making sure that both sides have really been taken care of and that the laws are faithfully executed and some of the partisanship and biased approaches toward the environment are overcome.

Mr. Pruitt is capable of doing that—a brilliant man with a brilliant record. He is supported by an awful lot of attorneys general in this country. He is a person who, if liberally given the chance, might be able to help turn around some of the things that are just plain wrong at the EPA.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

REMEMBERING BOB MICHEL

Mr. DURBIN. Madam President, every politician alive should aspire for that moment, like Bob Michel, when the last words of tribute to his public service are: "He was the face of decency in public service."

This morning, Bob Michel, who served as the leader of the U.S. House of Representatives for the Republican Party, passed away at age 93.

His replacement as Republican leader in the House marked the end of an era of civility—Congress has never been the same—but his life as the son of an immigrant, as a decorated veteran of World War II, and as a person who was first a staffer, then elected to Congress, and rose to leadership is a testament to his talent and his commitment to America.

I had known Bob Michel for 35 years. We had adjoining congressional districts downstate. When he was elected in 1982, in the Reagan off-year election, it was a tough year for Republicans. Bob Michel barely survived. Attorney Doug Stevens, of Peoria, had about 48 percent, and Bob had 52 percent. Lane Evans, of the Quad Cities, was elected to Congress, and I was as well.

For 14 years, we were neighboring Congressmen. Bob Michel came in and campaigned for my opponents. I went into his district to campaign for his opponents. You would think that would have created a negative relationship, but it didn't. Despite that—despite our differences on political issues—we were always friends, and we were always respectful.

You could not help but be a friend of Bob Michel's. What an amazing personality—a smile that would light up a room and a man who was determined to fight like crazy, day in and day out, for the things he believed in on the floor of the U.S. House and then, after

adjournment, joined with Tip O'Neill for dinner—a dinner that usually ended up with a lot of people singing songs over a few drinks and great memories.

The codels in those days—the congressional delegation trips—were often bipartisan and had both Speaker O'Neill and the Republican leader, Bob Michel, hosting them as they went to important places in the world.

There was a time when Bob Michel was a Congressman and wanted to get home to Peoria every weekend but couldn't afford the airfare. Do you know what he did? He shared a station wagon with Congressman Dan Rostenkowski of Chicago. They would take off and drive back to Chicago and Peoria and then back to Washington on a regular basis. They were buddies and didn't think twice about the fact that they were of different political parties and had different political philosophies.

That was Bob Michel.

His passing really does mark the end of an era, but every one of us currently in public service should remember the quality he brought to his career and the quality he brought to Congress. He left a great legacy—many important issues, many great things for Peoria and Central Illinois. Possibly, his greatest legacy was his chief of staff—his protege—Ray LaHood, who, to this day, embodies the great values that Bob Michel brought to public service.

I stand in tribute to my friend and my Republican neighboring Congressman who served this Nation so well for so many years.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, when President Richard Nixon created the Environmental Protection Agency in 1970, he recognized that we all share in a "profound commitment to the rescue of our natural environment and the preservation of the Earth as a place both habitable by and hospitable to man." That is a pretty powerful commitment. That is the mission of the Environmental Protection Agency—to rescue our natural environment and keep our planet—our world, our Earth—as habitable and hospitable to humankind.

For more than 46 years, the Environmental Protection Agency has been the top cop on the beat, safeguarding our natural environment while also protecting critical aspects of public health—controlling toxic and poisonous chemicals, improving air and water quality, enhancing vehicle efficiency and emissions controls. The lists of the Environmental Protection Agency's accomplishments go on and on.

Today, we are considering President Trump's nominee for the Environmental Protection Agency. The appropriate question for us to ask is, Does

this nominee hold in his heart the mission of the Environmental Protection Agency? Does he have a profound commitment to the rescue of our natural environment, a profound commitment to the preservation of the Earth to keep it habitable by humankind, hospitable to humankind?

This individual is Oklahoma Attorney General Scott Pruitt. We would like to have the full set of information about his work as attorney general that has been very relevant to this question, because the limited information we have shows that he has very deep connections and very close allegiance to the fossil fuel industry. And rather than displaying during his time as AG a profound commitment to our natural environment, to preserve it and keep it hospitable and habitable, he has instead weighed in time and time again on behalf of the polluters.

So for us to have a full sense of these connections, we need to have access to the emails and correspondence that he has generated over the last 2 years tied to the fossil fuel industry.

There are some 3,000 emails and associated pieces of correspondence—we are not sure of the exact total, but that is a substantial body of information that has been identified—and for 2 years, the attorney general, Scott Pruitt, has stonewalled the efforts to obtain these documents. There have been repeated requests time and time again filed with his office, and his office has failed to produce the information requested under the Public Information Act of Oklahoma. Time and time again, he said no, no, no.

So then he comes to this body as a nominee to be the steward-in-chief of the responsibilities for our environment. So here in the Senate, we asked for those emails to help understand whether he has served the public or whether he has served the polluters. That is the question before us. He said: Well, apply to the attorney general's office of Oklahoma for those emails and information.

This is rather unique. I don't know if this has ever happened in the history of the United States, the nominee saying: Yes, you can acquire that information by applying to me, back in my role as attorney general, knowing full well that he had absolutely no intention of actually providing that information.

Then yesterday a court stepped forward and said: Yes, this information must be provided. This is not the type of information that can be compiled overnight, so they gave Attorney General Scott Pruitt a couple of days—until next Tuesday—to be able to compile this information and provide it. And when it is provided, it will simply be the equivalent of PDF documents—scanned copies, if you will—of the printed copies of the emails and correspondence. Then it has to be shipped out to the group that applied for the

information, and then they have to digitize it and send it out for us to have it here. It is still not searchable. Then we need time to go through it.

Well, it is convenient that we delay this vote until after we have this information because we are not going to be here next week. So whether we hold the vote at this moment, scheduled for 1 p.m., as we are leaving for a week or we hold it until when we return, on the Monday we return, it doesn't have any impact on slowing down this body. It would cost nothing in terms of the processing of the President's nominees to delay this vote until we return, at which time we will have the emails, and we will have had time to examine them, and the public will have had time to examine them, and that would honor our responsibility.

The Constitution was laid out in a fashion to put full responsibility on the individuals staffing the key agencies and Cabinet departments with the President. The Founders, the writers of the Constitution, wrestled with who should have that responsibility. They thought perhaps the appropriate check would be to have the Congress—they refer to it as “Assembly” in their dialogues—the Assembly decide who would be the folks staffing the executive branch at the highest levels of management. They said that was a problem because there wouldn't be full transparency. The public wouldn't be able to determine why one person was chosen or another person was chosen. There might be all kinds of trades taking place between the Senators. One might say: If you give me my choice for this Cabinet post, I will give you your choice for another, and the public wouldn't even know how those deals were being struck.

So the public accountability was honored by our Founders by saying the President will nominate, but in case the President goes off track and starts to nominate people of unfit character—unfit character—the Senate will have the responsibility to review the person's record and stop that nomination. That is our responsibility. That is the deterrence that Hamilton used, that we would take the process of this Chamber to ensure we do not confirm someone of unfit character. But to make that determination, we must have access to those emails, which are going to be distributed next Tuesday.

Madam President, I yield the floor to my colleague.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Thank you, Madam President.

Mr. INHOFE. Madam President, will the Senator yield for a UC request?

Mr. SCHUMER. I will be happy to yield for a UC request.

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator

from New York, I be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Does that meet the favor of my friend from Oregon? Is that OK?

Mr. MERKLEY. Could we have that unanimous consent request restated?

Mr. SCHUMER. The Senator from Oklahoma asked for 5 minutes immediately after my remarks.

Mr. MERKLEY. No objection.

Mr. SCHUMER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

EXECUTIVE BRANCH INVESTIGATION

Mr. SCHUMER. Madam President, I rise today on two topics—the need for Attorney General Sessions to recuse himself from the executive branch investigation into General Flynn and the nomination of Attorney General Pruitt to be the EPA Administrator.

First, on the matter of executive branch investigations into General Flynn's contact with the Russian Ambassador, I rise again to stress my expectation that Attorney General Sessions will recuse himself from this investigation.

This morning we learned—according to reports in the Washington Post—that General Flynn may have lied—lied—to FBI investigators about the content of his phone call with the Russian Ambassador prior to the election. That is a potential felony offense, and it must be looked at and, if validated, potentially prosecuted by law enforcement officials at the Department of Justice. That review must be independent and thorough and completely by the books. In order for it to be so, the Attorney General must recuse himself pursuant to Department of Justice guidelines that prohibit members of the Department from participating in investigations of close political allies or friends.

The guidelines are crystal clear. I have read them on the floor before, but they are worth reading because there is no wiggle room here. It is absolutely clear:

No Department of Justice employee may participate in a criminal investigation or prosecution if he has a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution. . . . Political relationship means a close identification with an elected official, candidate, political party, or campaign organization arising from service as a principal adviser or official.

Those are the words of the DOJ guidelines. Those are not my words, but they are common sense. We don't want conflict of interest in our prosecutors. We don't want the appearance of a conflict in something as sacred as law enforcement here in America.

It is patently absurd to think that the Attorney General—a man who

served alongside General Flynn on Candidate Trump's campaign council—is prepared to lead this investigation in an impartial way and in full compliance with those longstanding Department of Justice rules. There would be a complete appearance of a conflict and might, indeed, be a conflict itself. By the guidelines, it certainly is. There is no wiggle room here. AGs have recused themselves at least eight times over the past two decades to avoid the appearance of bias—twice under President Obama, five times under President Bush, and once under President Clinton.

To conclude my remarks on this topic, I want to show—and I ask unanimous consent that an op-ed coauthored by then-Senator Sessions calling on Attorney General Loretta Lynch to recuse herself in the matter of Secretary Clinton's emails be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From FoxNews.com, Nov. 05, 2016]

GIULIANI, SESSIONS, KEATING, ET AL.: TIME FOR LORETTA LYNCH TO APPOINT A SPECIAL COUNSEL

(Editor's note: The authors of the following column are all supporting Donald Trump for president)

We are concerned about the egregious damage that has been inflicted on two revered government agencies: the Department of Justice and Department of State. The primary missions of both have been derailed for political purposes.

The Department of Justice has been thwarted by its top officials' refusal to conduct a proper investigation of former Secretary Clinton's unsecured email server and the Pay for Play accusations based on millions of dollars paid to President Clinton personally and the Clinton Foundation by entities having issues before the State Department, all while she was Secretary.

Attorney General Lynch and former President Clinton met on the Phoenix, Arizona tarmac days before Secretary Clinton was to be interviewed by the FBI for possible criminal activity. It has been reported that her staff ordered witnesses not to take pictures and no one was present during their 39-minute conversation. General Lynch never recused herself from decisions on the Clinton investigation after her self-admitted "mistake," as it has also been reported that she continues to deny the FBI the authority to convene a Grand Jury, which is necessary for any meaningful investigation.

SECRETARY CLINTON'S CONDUCT AT THE DEPARTMENT OF STATE CORRUPTED OUR FOREIGN POLICY

It has also been reported that General Lynch opposed Director Comey from fulfilling his obligation to Congress by informing members of the discovery of 650,000 emails on Anthony Weiner's and Huma Abedin's computer, the existence of which had been concealed from government authorities.

Recusal is a formal process. It is a written document specifically describing the scope of the recusal and designating the official in charge of the recused matter. If General Lynch went through the proper procedure for recusal, she has not publicly shared it.

Secretary Clinton's conduct at the Department of State corrupted our foreign policy. She and President Clinton turned the agency into a Pay for Play adjunct of the Clinton Foundation and their personal bank account, the latter via his personal "speaking" fees. [UBS, Switzerland's largest bank, contributed over \$600,000 to the Foundation and loaned it over \$30,000,000. UBS was grateful that Secretary Clinton had intervened in the IRS' demand to UBS to provide identities of 52,000 depositors. Secretary Clinton announced the settlement of only 4,450 identities in an "unusual intervention by a top U.S. diplomat," according to the Wall Street Journal. UBS additionally paid President Clinton personally \$1,500,000 for a series of questions and answers with top management.

President Clinton reaped \$6,200,000 personally from foreign governments and businesses for speeches while she was Secretary of State. For example, Ericsson, a Swedish corporation, had sanction issues pending before the State Department regarding telecom sales in certain countries. Ericsson paid President Clinton \$750,000 for one speech. Days later the State Department announced the sanction list and Ericsson was not affected. Why should any spouse of a Secretary of State be permitted ever to receive one cent from a foreign entity?

Because of our grave concern for integrity in government we ask for a Special Counsel. When a high public official is accused of serious wrongdoing and there is a sufficient factual predicate to investigate, it is imperative the investigation be thorough, with dispatch and without partisanship.

Secretary Clinton is the subject of two spheres of criminal conduct: her deliberate, systematic mishandling of official and classified emails and her abuse of a family-controlled, tax-exempt Foundation, and corporate and foreign donations for her own economic and political benefit.

These allegations arose well before this election year.

Clinton's mishandling of emails became public in March 2015, and allegations over abuse of the Foundation arose well before that. There has long been sufficient factual predicate to require these matters be fully investigated.

The appropriate response when the subject matter is public and it arises in a highly-charged political atmosphere is for the Attorney General to appoint a Special Counsel of great public stature and indisputable independence to assure the public the matter will be handled without partisanship.

In 1991-1992, a Special Counsel was appointed for three separate matters: House Bank, Iraqgate, and Inslaw. It was also done in 2003 in the Valerie Plame matter.

Instead of moving with dispatch to ensure a vigorous investigation of Secretary Clinton, it appears that the Justice Department, along with State, have enabled the Clinton campaign to "slow roll" the inquiry.

General Lynch continues to exert control of a matter that she should have assigned to another official.

We are distressed by widespread and credible reports that FBI agents have been hindered by the Justice Department's withholding of basic investigative tools, such as grand jury subpoenas, which are fundamental in a complex investigation.

It is time to do what should have been done long ago—appoint a Special Counsel.

Rudolph W. Giuliani—Former Associate Attorney General and U.S. Attorney in Southern District of New York

Senator Jeff Sessions—former U.S. Attorney for Alabama's Southern District

Frank Keating—Former Associate Attorney General, U.S. in District of Kansas and Special Agent FBI

Victoria Toensing—former Deputy Assistant Attorney General in the Criminal Division of the U.S. Justice Department

Henry McMaster—former U.S. Attorney, District of South Carolina

Rudy Giuliani is the former Mayor of the City of New York.

Mr. SCHUMER. Senator Sessions, right here, called for Loretta Lynch—then Attorney General—to recuse herself because of a conflict of interest under the very same guidelines we cited. We hope and we pray that Senator Sessions doesn't have an enormous double standard by refusing to recuse himself now when he asked the previous Attorney General to do so. We hope that President Trump will abide by the guidelines and encourage Senator Sessions to go by the guidelines and not again invoke any double standard.

This op-ed makes it crystal clear. What was good enough for Loretta Lynch, who did step aside, is good enough for Attorney General Sessions, and it would be outrageous—outrageous—for him to be in charge of this investigation.

The op-ed says: "When a high public official is accused of serious wrongdoing and there is a sufficient factual predicate to investigate, it is imperative the investigation be thorough, without dispatch and without partisanship."

So I hope Attorney General Sessions takes the word of Senator Jeff Sessions to heart. Every day that goes by without a recusal from the Attorney General, the cloud hanging over this investigation and over this administration gets darker and darker. And every time the President and Attorney General Sessions confer, again, the cloud hovers over them: What did they talk about? Was it this investigation?

So I hope Attorney General Sessions will do the right thing and recuse himself. Justice, the American way, and separation of powers require no less.

Madam President, today we will vote on another Cabinet nominee who is clouded by potential conflicts of interest and whose views are almost antithetical to the very purpose of the Agency to which he is nominated.

Mr. Pruitt is a climate science denier—some say skeptic, but this is not an issue where you can be skeptical; either you accept the overwhelming opinion of climate scientists and researchers or you don't.

Here is Scott Pruitt on climate change on Oklahoma talk radio:

Well, reasonable minds can disagree what is actually happening, whether it is happening, number one, whether there is change in climate that is occurring, that the trajectory of it is something that is sustainable and whether that is actually happening . . . the debate about climate change is just that, a debate.

I would invite this nominee to walk through Long Beach or Long Island or Staten Island in New York City in the days and weeks after Superstorm Sandy rocked my State. None of those residents—the thousands who lost homes, the hundreds of thousands who suffered injury, damage, economic problems from the flood—they don't debate it, nor should he. There was no debate there. Folks lost everything that belonged to them. There was no debate about that. Forty-eight people in my State died—no debate about that.

Climate change will lead to more devastating natural disasters like Sandy, which was the third 100-year storm to strike my State in a decade. Climate change will make asthma and respiratory diseases worse. It is increasing the range of deer ticks that cause lyme disease—no debate about that. We have to do something about climate change.

Scott Pruitt as head of our Nation's Environmental Protection Agency likely wouldn't lift a finger. But it is part of a lifelong pattern. Instead of fighting for average Americans, Mr. Pruitt decided to make a name for himself among the far right by endlessly suing the EPA in ways that would benefit large special interests that also happen to be campaign contributors. In 13 of his 14 lawsuits against the EPA, he joined corporations and trade associations that had contributed to his campaign.

Just yesterday, an Oklahoma judge ruled that Scott Pruitt must turn over approximately 3,000 emails relating to his communications with the fossil fuel industry—the very industry he represented in these lawsuits. We won't get those emails until Tuesday. So you would expect my colleagues on the other side of the aisle to be up in arms. Emails. Remember, emails? We should get them out, they said, about Hillary Clinton—the same group. In 2013, Gina McCarthy waited 122 days to be confirmed for EPA Administrator because she wasn't honoring a commitment, they felt, to transparency.

There were several inquiries into the emails of Lisa Jackson, another EPA Administrator. But the majority and majority leader are proceeding right along and rushing Attorney General Pruitt through the process. We know why. They want you, my fellow Republicans, to vote for Mr. Pruitt before those emails come to light. If they weren't worried about them, then why rush? It is not the worst thing in the world to take a few extra days to properly vet someone who will have immense power over our Nation's streams, skies, even the lead level in our homes and water supply.

Those emails could contain material information about his confirmation. But unless we move the confirmation back, the Senate will not get a chance

to review those emails before voting on his nomination.

The PRESIDING OFFICER. The Senator's postcloture time has expired.

Mr. SCHUMER. I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I urge my Republican colleagues to stop rushing this nomination and ensure that we collect all relevant information on these troubling conflicts of interest.

Madam President, I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, since I did not object to the additional 30 seconds, I ask unanimous consent that my 5 minutes be changed to 5 minutes and 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, a quick comment about climate change: No one—no one—has denied that the climate is consistently changing. All the Scriptural evidence, historical evidence, and archeological evidence says, yes, it has always been changing and always will change. But what they are trying to infer is that because of that, then the world is coming to an end because of what? Manmade gases—anthropogenic gases—manmade gases. That is what the real hoax is, but I am not going to waste my time on that. However, I will next week, I might add.

The Senator from New York talked about the fact that we have an attorney general who has sued the EPA many times. Let me just remind everyone—and I don't think I have heard this on the floor, but I have watched Democrat after Democrat after Democrat come by and just brutally attack Scott Pruitt, a guy I know to be an honorable man. I don't know of one attorney general who has served with him who doesn't agree with that.

In terms of suing, I think it is important to understand that almost every Democrat who has stood up and said disparaging things about Scott Pruitt and talked about the fact that he has sued the EPA countless times—their attorney general from their State has also sued the EPA. I will read the States: The attorneys general from Wisconsin, Colorado, Ohio, Nevada, Indiana, New Mexico, Missouri, Florida, Michigan, and Montana, all have Democratic Members of the Senate who have been criticizing Scott Pruitt. Their own States have filed lawsuits against the EPA.

The other thing I want to mention, which I think is very important, is a letter from our newest Senator, LUTHER STRANGE. Senator STRANGE is the replacement for our Honorable Jeff Sessions, who now is the Attorney General. This letter is signed by two pages

of attorneys general from all over America—Democratic States, Republican States, States where Democrats have come to this floor criticizing him. I will read the last two paragraphs of the letter from LUTHER STRANGE signed by all of these Democratic and Republican Attorneys General:

Scott Pruitt is more than just an exemplary state attorney general, he is also our friend. A man of deep faith who is committed to his family and to his friends, Scott seeks always to do the right thing. His friendship and leadership have been invaluable to us over the years.

The Administrator of the Environmental Protection Agency plays a critical role in our Nation's government.

Keep in mind, this is coming from Democratic attorneys general.

Attorney General Pruitt has proven over the course of his career that he has the right character, experience, and knowledge to serve as the Administrator of the EPA. We urge the Senate to confirm his nomination.

This is signed by about 22 attorneys general, Democrats and Republicans.

Madam President, I ask unanimous consent this letter, along with the list of States who have had occasion to sue the EPA, the same as Scott Pruitt has, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ALABAMA,
OFFICE OF THE ATTORNEY GENERAL,
Montgomery, AL, January 4, 2017.

Hon. JOHN BARRASSO,
Dirksen Senate Office Building,
Washington, DC.

Hon. TOM CARPER,
Hart Senate Office Building,
Washington, DC.

DEAR CHAIRMAN BARRASSO AND RANKING MEMBER CARPER: As the attorneys general of our respective states, we write to express our unqualified support for our colleague and the Attorney General of Oklahoma, E. Scott Pruitt, as Administrator of the U.S. Environmental Protection Agency.

As attorneys general, we understand the need to work collaboratively to address threats to our environment that cross state lines, as well as the importance of a federal counterpart in the EPA Administrator who possesses the knowledge, experience, and principles to work with our states to address issues affecting our environment. We believe that no one exemplifies these qualities more than Scott Pruitt.

As the Attorney General of Oklahoma, Mr. Pruitt developed expertise in environmental law and policy. He negotiated a historic water rights settlement with Indian tribes that preserved the ecosystems of scenic lakes and rivers; he worked with his Democrat counterpart in Arkansas to reduce pollution in the Illinois River; and he represented the interests of Oklahomans in rate cases against utility companies and in numerous actions against those who contaminated his state's air and water.

Attorney General Pruitt is committed to clean air and clean water, and to faithfully executing the environmental laws written by Congress. He believes that environmental regulations should be driven by State and local governments—a notion endorsed by Congress in the Clean Air Act and Clean Water Act. When our nation is confronted

with issues affecting the environment that are not covered by a particular statute, Scott will come to Congress for a solution, rather than inventing power for his agency. He wholeheartedly believes in a strong Environmental Protection Agency that carries out its proper duties, providing a backstop to state and local regulators as they develop environmental regulations suited to the needs of their own communities.

Scott Pruitt is more than just an exemplary state attorney general, he is also our friend. A man of deep faith who is committed to his family and to his friends, Scott seeks always to do the right thing. His friendship and leadership have been invaluable to us over the years.

The Administrator of the Environmental Protection Agency plays a critical role in our Nation's government. Attorney General Pruitt has proven over the course of his career that he has the right character, experience, and knowledge to serve as the Administrator of the EPA. We urge the Senate to confirm his nomination.

Sincerely,

Jeff Landry, Attorney General, State of Louisiana; Alan Wilson, Attorney General, State of South Carolina; Luther Strange, Attorney General, State of Alabama; Marty Jackley, Attorney General, State of South Dakota; Patrick Morrisey, Attorney General, State of West Virginia; Adam Laxalt, Attorney General, State of Nevada; Mark Brnovich, Attorney General, State of Arizona; Herbert Slatery, Attorney General, State of Tennessee; Curtis Hill, Attorney General, State of Indiana; Brad Schimel, Attorney General, State of Wisconsin; Ken Paxton, Attorney General, State of Texas; Bill Schuette, Attorney General, State of Michigan.

Doug Peterson, Attorney General, State of Nebraska; Chris Carr, Attorney General, State of Georgia; Sean Reyes, Attorney General, State of Utah; Wayne Stenehjem, Attorney General, State of North Dakota; Leslie Rutledge, Attorney General, State of Arkansas; Pam Bondi, Attorney General, State of Florida; Lawrence Wasden, Attorney General, State of Idaho; Tim Fox, Attorney General, State of Montana; Derek Schmidt, Attorney General, State of Kansas; Josh Hawley, Attorney General, State of Missouri; Peter Michael, Attorney General, State of Wyoming; Mike DeWine, Attorney General, State of Ohio.

TWO CASES IN WHICH STATES WITH DEMOCRAT SENATORS VOTING AGAINST PRUITT HAVE SUE THE EPA

Clean Power Plan: OK is one of 27 states suing

Wisconsin: Baldwin
Colorado: Bennett
Ohio: Brown
Indiana: Donnelly
Virginia: Kaine and Warner
Missouri: McCaskill
Florida: Nelson
Michigan: Peters and Stabenow
Montana: Tester

Waters of the US: OK is one of 32 states suing

Wisconsin: Baldwin
Colorado: Bennett
Ohio: Brown
Nevada: Cortez Masto
Indiana: Donnelly
New Mexico: Heinrich and Udall
Missouri: McCaskill
Florida: Nelson
Michigan: Peters and Stabenow
Montana: Tester

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent that I be allowed to speak for 2 minutes, followed by Senator HEINRICH for 10 minutes and Senator TESTER for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank the floor staff who were here through the night last night and also the staff of the Republican cloakroom and the Democratic cloakroom. They have enabled us to continue this process at great expense to their energy and fatigue. As Senators, we all appreciate the team that has made this possible.

I also want to draw attention to a letter from 773 EPA employees, who state:

We write as former employees of the Environmental Protection Agency (EPA) to share our concerns about Oklahoma Attorney General Scott Pruitt's qualifications to serve as the next EPA Administrator in light of his record in Oklahoma. . . . Our Perspective is not partisan. Having served under both Republican and Democratic presidents, we recognize each new Administration's right to pursue different policies within the parameters of existing law and to ask Congress to change the laws that protect public health and the environment as it sees fit.

However, every EPA Administrator has a fundamental obligation to act in the public's interest based on current law and the best available science. Mr. Pruitt's record raises serious questions about whose interests he has served to date.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, on August 5, 2015, 3 million gallons of acid mine drainage laden with heavy metals and other contaminants were released into Cement Creek by an Environmental Protection Agency contractor investigating contamination at the Gold King Mine in San Juan County, CO.

Contaminated water flowed down Cement Creek, down the Animas River, and into the San Juan River, resulting in water use restrictions and emergency responses in Colorado, New Mexico, Utah, the Southern Ute Reservation, and the Navajo Nation. We need only look at the photos of the bright orange water streaming through these various drainages to see how terrible this spill was for the affected communities and for water users. The Gold King Mine spill placed a heavy burden on States, tribes, local governments, and communities, and the spill hurt businesses, farmers, and ranchers throughout the region.

Since the spill, I have visited impacted residents and communities and worked closely with local, State, and tribal leaders to make sure water is monitored for contaminants, and costs from the spill are repaid.

Last year, I was proud to help pass a measure in Congress which will ensure that State and local and tribal governments will be fully reimbursed for their emergency response costs and which establishes a long-term water quality monitoring program in cooperation with local stakeholders.

However, on January 13 of this year, the EPA and Department of Justice issued an outrageous decision that the EPA is not liable under the Federal Tort Claims Act for damages to water users caused by this Gold King Mine spill. This decision represents a broken promise from the EPA that it would fully address this environmental disaster.

Now, while the agency has taken steps to clean up the mine, no farmer in New Mexico or on the Navajo Nation has received a dime of compensation, and distrust of the government has understandably deepened across the Four Corners region.

During his confirmation hearing before the Senate Committee on Environment and Public Works last month, President Trump's nominee to run the EPA, Oklahoma attorney general Scott Pruitt, said that he would review the Agency's decision not to make payments to claimants affected by this spill.

If he is confirmed as EPA Administrator, Mr. Pruitt must take immediate steps to restore trust among the people of Colorado, New Mexico, Utah, the Southern Ute Tribe, and the Navajo Nation, who have already waited far too long for the EPA to keep its promise and compensate them for the harm that has been caused.

I will hold Mr. Pruitt accountable for cleaning up toxic, abandoned hard-rock mines in the West, such as Gold King, and I will hold him accountable for making sure the water that New Mexico communities and farmers rely on is safe.

We shouldn't wait for more disasters to strike. New Mexico communities deserve full and complete protection for their land, their water, and their livelihoods.

Unfortunately, I have real reason to doubt Mr. Pruitt will take this responsibility and core mission of the EPA seriously in his new role. As the attorney general of Oklahoma, Mr. Pruitt has built a long track record that is antithetical to the EPA's core mission to keep our Nation's land, water, and air clean. Mr. Pruitt repeatedly fought against the EPA as it implemented measures to safeguard our clean air and clean water.

Rather than protecting the health of Oklahoma families, he has filed lawsuits against the EPA to stop rules that would have reduced smog and soot crossing State lines, protected against emissions of mercury, arsenic, acid gases, and other toxic pollutants from power plants, and improved air quality in national parks and wilderness areas.

Mr. Pruitt has shown little regard for the safety of our drinking water, filing a lawsuit to stop the EPA's clean water rule, which would protect the natural filtering system that supplies drinking water to one out of every three Americans.

Mr. Pruitt sent a letter to the EPA opposing even preliminary research into the impacts of hydraulic fracturing on our water resources. Mr. Pruitt has been a friend to polluters, helping them to use his office as a conduit for their special interests. He has sent letters on official letterhead to the EPA, the Department of the Interior, the Office of Management and Budget, and even to the President of the United States, copied and pasted nearly verbatim from language written by industry lobbyists.

Perhaps most damning of all, Mr. Pruitt has repeatedly denied the scientific consensus on the human influence on climate change, including in an op-ed recently published in May of last year. It takes a willful disregard for data-driven science to ignore the increase in extreme weather events that we are now seeing on a regular basis, thanks to climate change.

Just last Saturday in Mangum, OK, an all-time record of 99 degrees Fahrenheit was set on February 11. Imagine that; 99 degrees in the heart of winter. Folks, I wish I were making this up, but no snowball on the floor of the Senate can erase these facts.

It was Mr. Pruitt, the Attorney General of Oklahoma, who sued the EPA to prevent measures to limit greenhouse gas emissions, the very cause of climate change. Americans need a leader at the EPA who will take action on climate change, and we need someone who is guided in their decisions by the best available science.

I have heard from thousands of New Mexicans who have made a strong case that Mr. Pruitt is not the right person for this job. I will not vote to confirm Scott Pruitt. But I will say that if my colleagues move forward with this nomination, they can be sure that we will hold Mr. Pruitt accountable for decisions that hurt the health of New Mexico families. That includes making sure Mr. Pruitt rights the wrongs inflicted on communities in the Four Corners region by the Gold King Mine spill. It is going to take many years to clean up the legacy of 100 years of hard rock mining and the impacts on our watersheds in northwestern New Mexico and on the Navajo Nation.

In New Mexico, we have a saying: "Water is life." The water we drink and the air we breathe are not negotiable.

My constituents in New Mexico cannot afford to see the EPA stop working to protect us from air pollution, to conserve our water resources, and to work to reverse the damaging effects of climate change.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Madam President, I can tell you it is bittersweet to be here today. As we sometimes say back home: I've got some good news; I've got some bad news. On the good news side, we are here today to confirm Attorney General Scott Pruitt to be the next Administrator of the EPA. While he should have been passed through the Senate weeks ago, we are here now. We are here today. We are going to get it done in a couple of hours. That is good news.

As they say about Montana, we are a unique blend of Merle Haggard and John Denver, and mastering that melody is always a challenge. When you do, it results in a commonsense approach to environmental stewardship, and I can tell you Scott Pruitt is the guy to do it.

I literally left my office to come here and make these remarks, and guess who I was meeting with in my office. It was Scott Pruitt.

You know what we talked about?

He came into my office. When you come into my office, you can see Montana all over the walls. You are going to see me with a fly rod in my hand. You are going to see pictures of trout that we have caught and released back into the streams and rivers of our State. We talked about fly fishing in Yellowstone Park. He loves to fly-fish.

In fact, he asked to me: Do you know where Cooke City, MT, is?

I said: Scott, Cooke City, MT? Let me show you. I have a map of the Beartooth in my office with pins in all the lakes that I have blown to. In fact, I spent 65 miles in the Beartooth Wilderness in August on horseback and on foot, above 10,000 feet, with an elk hair caddis and my fly rod, chasing golden trout and cutthroat trout. We spent a lot of time talking about that. We talked about elk hunting and deer hunting in Montana.

Scott Pruitt understands the important role that States play, especially in a State like Montana. I am confident he is going to restore this balanced focus, this Merle Haggard and John Denver balance that Montanans are pleading for. He will bring that back to the EPA, rather than this heavy-handed Gina McCarthy out-of-touch Federal approach.

Let me tell you a couple of stories of what is going on in Montana and why Scott Pruitt is exactly the right guy for the job. Today in the small town of Colstrip, MT, they face a real struggle to survive. Colstrip is a generating station and neighboring mine and the lifeblood of this small town.

Over the years, the Colstrip plant has continued to develop. They have adopted new technologies, and they made remarkable reductions in emissions and

pollution. Yet it has been met with an onslaught of new environmental regulations that are having drastic compliance costs on our State.

Let me share some of those. Under this EPA power plan that was launched by Gina McCarthy, Montana needs to cut its emissions by 47 percent—the largest reduction in the Nation, leading almost inevitably to the entire shutdown of Colstrip.

In fact, according to a study conducted by the University of Montana, they said this plan will cost our State 7,000 jobs, \$500 million in lost revenues, and \$1.5 billion in gross sales for our State. And Montana moves from being an energy exporter to being an energy importer. That is outrageous, and the people of Montana know it.

For what? For what the Obama administration had projected to have a 0.02-degree impact on global temperature in the next 100 years—negligible. In fact, I confronted Gina McCarthy on that in a hearing, and she did not refute my data.

Similarly, the waters of the United States serves yet another example of the detrimental effects of Gina McCarthy's and President Obama's EPA, which has harmed Montana's farmers and ranchers. As I mentioned, one of my favorite things to do is get into the fresh air of Montana, the clean waters of Montana, up in wilderness country with my fly rod in my hand. We all want clean water. We all want clean air. I have yet to meet a single Montanan who says I don't want clean air; I don't want clean water.

The WOTUS rule was a clear effort by the Obama administration to gain control over Montana's livelihoods. It was a private property taking, seeking to regulate virtually every ditch and pond that could be occasionally wet across the State of Montana.

While, thankfully, this incredible overreach by the EPA and the Obama administration has been stopped by the courts, I am looking forward to working with Scott Pruitt to defend Montana farmers and ranchers and to defend Montana property owners from this unnecessary and harmful rule.

Scott Pruitt understands the important role our States play and not to levy unnecessary and overreaching Federal regulations—regulations that could decimate a State's economy. That is unacceptable.

I will tell what you else I talked to Scott Pruitt about; that is, the importance of cleaning up our Superfund sites. This is a critical responsibility of the EPA. We need to unleash American innovation, American cooperation—not cut off affordable energy sources at its heels.

Regarding Superfund cleanup, as Scott and I concluded our meeting, we talked about the Berkeley Pit in Butte.

He has committed to getting that environmental disaster cleaned up. He assured me he will address these issues head-on.

The largest Superfund site in the United States is right there in Butte, MT. We had snow geese that came across our State migrating. They landed in the toxic waters in the Berkeley Pit, and thousands of snow geese died just by landing in the water. Scott is committed to getting that fixed. It has been on the list for over 20 years. It is time to fix it, and Scott is committed, saying: Let's get this done.

That is why he is going to be a great Administrator, to protect the environment in Montana.

That is the good news. We are going to move Scott Pruitt through today, and I am looking forward to casting a "yes" vote for our next Administrator of the EPA.

NOMINATION OF RYAN ZINKE

Let me share the bad news. Just this morning, Leader MCCONNELL came here to move Congressman ZINKE's nomination to be the next Secretary of Interior and debate that on the floor. Let's have unanimous consent; let's get that done.

Guess what. The Democrats objected. Why?

RYAN ZINKE and I went to Boise State in 1979. He will be the first Cabinet appointee in the history of the State of Montana going back to statehood of 1889, and the Democrats are blocking us from getting that done today for no good reason.

He passed with a bipartisan vote of 16 to 6 in the Energy and Natural Resources Committee. He is going to be an outstanding addition to President Trump's Cabinet. I don't understand why it is being blocked.

We can get that done this afternoon—done. Let's get it done now. Instead, RYAN ZINKE is being stopped from assuming his position as Secretary of the Interior. Guess what. We have a long list of things to do in Interior.

I am the chairman of the National Park Subcommittee. We have a backlog of maintenance. We have to get ZINKE in place now to start strengthening our national parks. He is going to be a great addition.

I am pleading with my colleagues. I am asking why. Give me a good reason why you are objecting to moving Congressman ZINKE's nomination forward now? Why are you holding up this historic vote for Montana?

This will be the longest a President has waited for his team to be in place since George Washington. It is ridiculous. We need a Secretary of the Interior who will be a westerner, one who understands that Montana is that balance between Merle Haggard and John Denver; a Secretary who understands that, in Montana, our largest neighbor is the Federal Government; and a Sec-

retary who understands how important our national parks are for us and for the 6 million folks who visit them every year. RYAN ZINKE is a great guy for that job, but we can't even have a vote. So we wait.

We wait on the Democrats' political games to unfold. We wait on Democrats' political posturing. We wait on the Democrats' next delay tactic.

Montanans are saying: You know what, we are tired of these reindeer games. Let's put the President's team in place. Let's at least move RYAN ZINKE through in the next couple of hours.

That should not be a heavy lift, but they are obstructing putting Congressman RYAN ZINKE, who is ready to go—a Navy SEAL—to be the next Secretary of the Interior.

Mr. GARDNER. Will the Senator yield for a question?

Mr. DAINES. I will.

Mr. GARDNER. I thank my colleague from the great State of Montana.

During the debate on the floor just a while ago, we heard more debate on something that is very near and dear to my heart; that is, the matter of the Gold King Mine and the EPA's self-admitted responsibility on spilling 3 million gallons of toxic sludge into the Animas River in Colorado.

The debate around the floor and my comments this morning have centered on the EPA's admitted liability and fault in spilling millions of gallons of sludge into a river, promising they would make the claims, pay for the injury that occurred, and then denying those claims and walking away.

Had the private sector been involved, my question to the Senator is this: If the private sector admitted guilt in spilling 3 million gallons of toxic waste into a river, would they be held accountable?

Mr. DAINES. I am not sure if that is a direct question or a rhetorical question. Of course, CORY—the Senator from Colorado—they would be held accountable, and that is why we need to hold the Superfund sites. We need to hold sites, like what happened here with the mine in Colorado—hold the EPA accountable for that.

Mr. GARDNER. If the Senator would yield, what the EPA has stated is admitting fault, admitting and promising that they would pay for those who were injured, and then just weeks ago, as the previous administration was ending, they denied every single one of the private claimants. The Senator has talked about Scott Pruitt at EPA.

When I spoke with the Administrator-designate of EPA, Scott Pruitt said they would make the private claimants whole; that they would pay the Navajo Nation; that they would pay the claims made by outfitters who were shut down.

Will the Senator help me make sure that the EPA stands up to its obliga-

tions and recognize that Scott Pruitt—at both the EPW confirmation hearing and to me—has committed that the EPA will do what they did not do; that is, to make our citizens whole?

Mr. DAINES. We will work together on that.

I yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I rise today to discuss the nomination of Scott Pruitt.

I understand when we hit high noon, there will be time for prayer. You tell me, and we will yield back and get this done.

I want to talk about the nomination of Scott Pruitt and how this important vote will impact my home State. So many folks call Montana home today because their parents or grandparents or great-grandparents pushed west to start a new life in the homestead era. My family is no different.

I am proud and honored that my wife and I are still able to farm the land that my grandparents homesteaded over a century ago. I know that it does not matter if you are growing alfalfa, winter wheat, spring wheat, safflower, or garbanzo beans. I know it doesn't matter if you are raising cattle or sheep or hogs. You have to have access to clean water or you cannot succeed in agriculture.

In Montana, agriculture is the number one industry. Local economies around our State are driven by that agriculture economy, whether it is farms or ranches. In a good year, our State's wheat production alone will clear a trillion dollars.

This production not only helps create jobs and farms and ranches but it boosts the bottom line for the local grocery store, the hardware store, and local construction crews keep busy. Agriculture is the backbone of Montana's economy, but it is not the only industry in Montana that relies on clean air and clean water.

Montana's outdoor economy is growing rapidly every year. Hunting, fishing, hiking, and camping generate over \$6 billion and sustain over 64,000 jobs in Montana each and every year. More folks are visiting Glacier and Yellowstone National Parks every summer.

And when they visit, these folks spend millions of dollars in communities outside the parks. Communities like Gardner, Livingston, Coram, and Columbia Falls constantly have packed restaurants and bars and hotels, thanks to our clean water and our clean air. Folks are flocking to Montana because of those assets.

PRAYER

The PRESIDING OFFICER. Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the fountain of blessings, may we rest and wait patiently for You. You are the Author and Finisher of our faith, so empower us to embrace Your precepts and walk in Your path.

Lord, prepare our lawmakers to be instruments for Your glory. Inspired by Your Spirit, may they humble themselves, praying fervently, seeking Your face, and turning from evil. Respond to their fervent pursuit of You by bringing healing to our hearts, Nation, and world. Deliver our Senators from evil, and guide them around the obstacles that hinder their progress. Forgive them when they delay the good they can do now, waiting for a more convenient season.

Lord, remember the many staff members and others who have worked long hours through the night. Compensate them for their sacrifices and for their commitment to You and country.

We pray in Your great Name. Amen.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, folks are coming to Montana from all over this country because of our clean air and clean water and the habitat it provides. Not only Montanans, but this entire country respects clean air and clean water. In fact, in Montana, it is Montana's Constitution that says we value clean air and clean water.

The reason we place such a high importance on clean air and clean water is because we see what happens when it is put at risk. On numerous occasions, Montanans have been victims to corporations who treated Montana like a Third World country. They reaped the value of our natural resources, and then they left the American taxpayer to clean up the mess. Folks like the Anaconda Company, W.R. Grace, Glencore, just to name a few.

They left a mess. It wasn't the EPA that left that mess. It was these corporations, and it is the EPA's job to make sure they clean up this mess, not out of the pocketbook of the American taxpayer. These folks, these corporations, have put our clean air and clean water at risk. Not only did they contaminate the land, they contaminated our local economies. One of the largest Superfund sites in this country is in Butte, MT. It took 16 years, nearly \$150 million to clean up just a portion—just a small portion of what the Anaconda Company left behind after mining copper in Southwest Montana.

In Libby, hundreds of people have died, and over 1,000 people are ill because of asbestosis due to asbestos exposure. Even though a local vermiculite mine closed in 1990, folks are still getting sick due to asbestos-related diseases.

And for years, I have been fighting alongside the folks at Columbia Falls,

MT, to hold Glencore accountable to that community for the cyanide and arsenic they left abandoned on the banks of the Flathead River near the gateway of Glacier National Park.

Companies that put our clean water at risk cannot be trusted because they never stick around to clean up the mess they have made. We have seen it firsthand. And that is why we need an EPA Administrator who is going to side with the American taxpayer, with local economies, with local families, and hold the polluters and contaminants accountable for their shortsighted actions.

It is for these reasons that I cannot support Scott Pruitt's nomination for Administrator of the EPA. Throughout his career, he has consistently sided with the big polluters over the local businesses and the local families.

I am not convinced that Mr. Pruitt understands the critical role that clean air and clean water plays in agriculture and our outdoor economies. In my conversations with Mr. Pruitt, I received no assurances that he will be a champion for Montana's family farmers, ranchers, those who love to hunt, fish, and hike in Big Sky Country. Mr. Pruitt has endorsed policies that will put Montana jobs at risk and put our outdoor heritage on the ropes.

Don't just take my word for it. Thousands of Montanans have contacted my office regarding Mr. Pruitt's nomination. Caitlin from Libby wrote me:

No community understands the grave impact lack of regulation or failure to enforce environmental regulations can have on a community like Libby does. Four hundred people died in Libby because W.R. Grace mined vermiculite that was contaminated with asbestos. . . . These people died . . . when they were just doing their job. Libby doesn't want or need another person that looks the other way while big corporations prey on hard-working people.

Stephen from Corvallis wrote:

I am a farmer in Montana, and I regularly use pesticides, where I hope the EPA has my back to make sure these things are safe for me and the environment. . . . Farming continues to be less predictable, due to a change in climate. I want someone in that position that has my back as a farmer, not someone that questions broad scientific consensus.

Rich is a retired public lands manager from Stevensville who wrote me saying this about Pruitt:

Is not fit to be leading an agency responsible for protecting wildlife, clean water, clean air, and leading the charge of addressing a changing climate. Pruitt is anti-science, routinely disregarding well-established studies involving climate change. I recently retired . . . the thought of the possible damage and undoing of what I've lived and worked for over my [entire] life by this man is disheartening to say the least.

Look, folks, the Earth's climate is changing. There is no ifs, ands, or buts about that. If we want to be able to continue to take our fly rod and go fishing down those rivers, you have to have somebody in the EPA who will en-

sure that we have clean water and clean air. I will tell you something that happened in Montana for the first time this year. The Yellowstone River closed. The bottom reason for it was the water warmed that much. If you are going to have good habitat for fisheries, if you are going to have good habitat for elk and big game hunting, if you are going to be able to go up in the mountains and hike, fish, bike, and do the things we do in Montana, you have to have somebody in the EPA that makes a difference.

What we do today will not be felt today. It will be felt tomorrow. That is why today we need a man in the position of EPA who will fight for clean water and clean air. It is critical to our survival, no ifs, ands, or buts about it.

Stephen, Caitlyn and Rich are right. We need folks in the administration who will stand up and understand the value of clean air and clean water. Unfortunately, the President has nominated someone who can't deliver. Therefore, I will oppose Mr. Pruitt's nomination and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent that Senator PETERS be allowed to speak for 5 minutes, followed by Senator CARPER for 10 minutes, followed by Senator BARASSO for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. PETERS. Mr. President, I stand today to express my opposition to the nomination of Scott Pruitt as the Administrator of the Environmental Protection Agency. Mr. Pruitt's track record does not demonstrate a commitment to addressing critical natural resource issues.

As Oklahoma's attorney general, he joined forces with polluters to sue the Environmental Protection Agency again and again, to undermine the safeguards for clean air and for clean water.

I am also dismayed he has not yet committed to recusing himself on those pending lawsuits, if confirmed. Not once, not one single time has he pressed the EPA for more action to protect public health or the environment. He has defined his career by undermining laws that prevent people from getting sick and safeguard the environment from degradation.

In addition, Mr. Pruitt refuses to release thousands of emails related to his ties to special interests, including corporations that may have donated to his political campaigns. These connections to very big energy interests are relevant, given Mr. Pruitt's history of copying and pasting industry requests directly onto his attorney general office's letterhead.

It is very difficult to fully evaluate his record without these emails made public. Just yesterday, an Oklahoma State district judge ruled that Mr. Pruitt's office will have until Tuesday to turn over these emails.

Unfortunately, the Senate will vote on his nomination in just a moment, before these documents are released, and give the American people an opportunity to see what they contain.

I would strongly urge that the nomination vote be postponed until these emails are released, and they can be fully considered. The EPA Administrator must be someone who is committed to improving and enforcing laws and regulations that safeguard clean air and clean water for all Americans.

Mr. Pruitt's record of undermining critical health and environmental protections demonstrate that he is simply not the right person to lead the EPA. I urge my colleagues to oppose Mr. Pruitt's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, a few minutes ago, we stopped everything right here. Stopped. And the Chaplain of the U.S. Senate came in, Barry Black, retired Navy Admiral, and gave a prayer.

We have a Bible study group that meets every Thursday. We met yesterday in JIM INHOFF's hideaway. Every time we meet, almost without exception, Chaplain Black reminds us, Democrats and Republicans—those of us who need the most help—he reminds us that of all the times the Scripture is invoked, we should ask for wisdom.

Well, I ask for wisdom every night for myself, my colleagues in the Senate, over in the House, the President, the Vice President, their spouses, every night, that we have the opportunity to gain some wisdom.

When Scott Pruitt was nominated to be the Administrator for EPA, I sent him a letter December 28, asking 52 questions, asking for responses by January 10. They didn't come by January 10. We had a hearing January 18. I got some answers, not all. One thing I also asked for, also asked for by Senator SHELDON WHITEHOUSE, was access to what the folks had been asking for from the Center for Media and Democracy for 2 years; that is, access to thousands of emails in the AG's office, and their back and forth with the fossil fuel industry, oil, natural gas, coal, a variety of others. We would like to have access to those emails.

When Mr. Pruitt went before our committee for his hearing on January 18, he was asked the question: Do you promise to provide information reasonably requested by committees here in the United States Senate and the Congress, including in electronic form? He said, yes, but he didn't do it. In fact, for 2 years, the AG's office fought off

efforts to try to gain access to that information, electronic media. It took a judge calling an emergency meeting yesterday in Oklahoma to say to the attorney general's office: You have to turn this information over. Normally, you know how long a 4-year request takes in Oklahoma to get results like this? We are talking maybe 2 months. This was over 2 years.

Finally, we are going to get access to those emails. There may be a reason why they were so reluctant to share those emails with us. We are going to find out starting next Tuesday, Wednesday, Thursday, when we get them. If we don't vote to support Senator MERKLEY's proposal, to put off the vote until the Monday after we come back from recess, we will not have the opportunity to take advantage of what the judge—I don't know if it is by Divine intervention, but this judge has given us the opportunity to gain wisdom, to make a smarter decision, to make a better informed decision. If we vote up or down on Mr. Pruitt's nomination today, we pass up a great opportunity to get a fuller picture.

Now, my Republican friends will say: He sat through the longest hearing of any EPA Administrator in the history of our country. He has answered 1,000 questions.

Let me just say that Gina McCarthy answered more when she was the last EPA Administrator. She answered more—quite a few more, actually. She took a little extra time to actually answer the questions.

So many of the responses we got to the thousands of questions for the record asked of this nominee—the answers were evasive, they were incomplete, and sometimes they were just totally nonresponsive. You can say he answered all the questions, but how well? How thoroughly? How responsibly? Not so good. Not so good.

Friends, I want to put up here on the board—I have a board here. Let's look at the third one.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Five and a half minutes.

Mr. CARPER. We have heard from a lot of folks, different views on what we ought to be doing. One of them was from a fellow whose name is Kyle Meyaard-Schaap. Who is Mr. Schaap? Good question. Mr. Schaap is the leader or one of the spokespersons from a group—if I can find it here; here we go—spokesperson for Young Evangelicals for Climate Action.

He wrote us about Mr. Pruitt's nomination. Here is what he had to say:

If Scott Pruitt embraces his own self-described pro-life stance, he should fight to protect vulnerable lives from birth to natural death—the lives of children born and unborn, the elderly, people of color—from environmental pollution. He should work tirelessly to ensure that everyone has clean water and air. He should strengthen, not

eviscerate, an agency equipped to honor God's mandate to steward and care for the creation.

Mr. Meyaard-Schaap goes on to say:

As Oklahoma attorney general, however, [Mr. Pruitt] has done just the opposite. He has had the chance to protect people from pollution and the harms of climate change. Instead, he has brought multiple lawsuits against the EPA to overturn measures that would safeguard clean water and air. He had the chance to defend policies that cut the power plant pollution that fuels climate change and pollutes our air. Instead, he cast doubt on climate change and downplayed the moral imperative to safeguard our climate and environment. He had a chance to assist EPA in its mission to protect public health. Instead, he questioned its mission entirely and sought to defend industry from regulation.

We all have an obligation to protect the health of our children, families, and the world in which we live. For me, this is not only my responsibility as a parent and official elected to serve the people of Delaware, it is a moral calling.

I sat for 8 years as a member of the National Governors Association. For 7 years, this lady sat right next to me. She was the Governor of New Jersey. She went on to become the Administrator of the EPA—the very position to which Scott Pruitt has been nominated. She is not a Democrat. She is not a progressive. She is not a knee-jerk liberal. She is a Republican. She was not only the Governor of her State for 7 years, but she was the head of EPA for a number of years under George W. Bush. Here is what she basically said about Scott Pruitt, her words, not mine. She said: “[I] can't recall ever having seen an appointment of someone who was so disdainful of the agency and the science behind what the agency does.” That bears repeating. “[I] can't recall ever having seen an appointment of someone who is so disdainful of the agency and the science behind what the agency does.” Those are powerful words.

Just as I think that the idea of waiting another week or so to get the wisdom that those thousands of emails might contain—we don't have to wait for the wisdom from this woman who has walked in these shoes, serving her State as Governor and serving this country as the leader of the Agency that protects our public health for all of us. My hope is that our colleagues will not ignore this wisdom.

Lastly, I will say this: Come next Thursday, Friday, we are going to start getting the information from these emails. We will find out if there is fire where there is smoke or not. If there is nothing there, then there is nothing there, but if there is something there, I just want to say to my Republican friends, if you are ready to vote for this nominee without this complete information that we could have here to be put to use in a positive way within 10 days from now, you pass up a big opportunity.

We are in a sense, by voting on this nomination without this information, flying blind. I am an old naval flight officer, 23 years as a naval flight officer, retired Navy captain. In Southeast Asia, you flew into monsoons and really bad weather sometimes. We never wanted to fly blind. We always wanted to have a good weather forecast. We want to avoid the places we ought to avoid. We wanted to fly at altitudes that were safe. We wanted to use our radars to be able to find the pockets to go through to be safe. We never wanted to fly blind.

If we basically, before we close up shop, vote for this nominee with incomplete information, we are flying blind. It wasn't a very smart thing to do in naval aviation, and it would not be a smart thing for us to do here.

This is not a warning; this is just friendly advice from one colleague to another: It is worth waiting an extra week to get this information rather than voting today without it. Again, the words of our Chaplain Barry Black always invoking us to ask for wisdom—I have asked for it. The wisdom that I would impart to all of us today: Hit the pause button. Get the information next week. Make our decision then.

I yield back my time. Thanks so much.

THE PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, over the past weeks, we have seen Democrats continue to use one delaying tactic after another on the floor of the Senate. They have tried to slow down the confirmation of many of the administration's most important nominees. We have seen it time and again. We have seen it in agencies all across the government, including right now the Environmental Protection Agency, the EPA. Democrats are just wasting time, and they are doing it intentionally. They are not protecting our environment, not one bit. They are not safeguarding the health of the American people, not at all.

Government agencies like the EPA and one after another need their leadership in place and they need it in place now. What they don't need, what the American people don't need, is more political theater from the Senate Democrats.

We have heard a lot about Scott Pruitt's nomination to be Administrator of the EPA. Much of what we heard from our colleagues on the other side of the aisle has simply not been true.

I want to set the record straight. As head of the EPA, Scott Pruitt will protect the environment. During his 6 years as attorney general for the State of Oklahoma, Mr. Pruitt has stood up to polluters, he has worked across State lines, and he has worked across party lines. He has done it to lower phosphorous levels in the Illinois

River. He actually negotiated a water rights settlement with Oklahoma tribes. Why? Well, to preserve scenic lakes and rivers. He used commonsense policies. He used them to protect the environment in Oklahoma, and he will follow commonsense policies at the Environmental Protection Agency.

The delays we have seen by Democrats have never actually been about Mr. Pruitt or his record or the answers he has given to questions about his qualifications. He has answered over 1,200 questions. He has answered four rounds of questions in committee, went for 6½ hours. Members on the other side said these were very fair hearings. These delays are all about obstruction. They are all about denying President Trump his Cabinet. That is what this is all about. It is about pretending that their candidate Hillary Clinton did not lose the election in November. That is what this is all about.

We have seen them use the same tactics on one Cabinet nominee after another. As the Cabinet nominees were named, what we saw was a list of eight nominees come out who Senator SCHUMER had as his hit list of nominees he was going to oppose, slow down, obstruct, boycott. Democrats delayed. They delayed again. They delayed again. That is what we saw in one after another.

When Scott Pruitt is confirmed today, he will take office later than any incoming EPA Administrator for any new administration going back to the 1980s.

Our friends on the other side of the aisle need to recognize that the terrible precedent they are setting today with all of these relentless and needless delays will continue into the future. It is a precedent, just like the precedent that Harry Reid set when he changed the rules of the Senate by breaking the rules. The Democrats need to see how their actions will continue to play forward, will affect the confirmation process for all future administrations, including Democratic administrations.

The American people want someone in place to run these important Departments. What we see from the Democrats is political theater on the floor of the Senate.

President Trump deserves to have his team in place. President Trump deserves to have his Cabinet in place. The Cabinet nominees deserve an up-or-down vote from the Senate on the floor of the Senate. That is what we are going to do today with Attorney General Scott Pruitt, who is qualified and who has been nominated to be the Administrator of the EPA.

Scott Pruitt will protect our environment, and he will protect the health of all Americans. He is the right person for the job.

Mr. FRANKEN. Will the Senator yield for a question?

Mr. BARRASSO. At the end of my remarks, I will yield for a question.

So I say to you, as I come here to the floor, I chaired the Environment and Public Works Committee on Scott Pruitt's nomination. I listened to 6½ hours of testimony. I listened to and read through responses that he gave to 1,200 questions that were asked of him. He gave thorough answers—perhaps not the answers the Democrats wanted to hear but answers that I felt were responsive.

So I come to the floor to urge all of my colleagues to support Mr. Pruitt's nomination to be the Administrator of the Environmental Protection Agency. He is a nominee who, as attorney general in Oklahoma, protected the environment, worked to strengthen the economy, and stood up for States' rights, which continues to be most crucial.

With that, Mr. President, I yield for a question.

THE PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, would my friend, the Senator from Wyoming, read back the part that he said earlier in the speech about Democrats doing this, the reasons we are delaying? Would he do me that favor?

The reason I am raising this is that we had a parliamentary question back when ELIZABETH WARREN was speaking on the Sessions nomination which, I guess, the majority leader questioned whether she was, in that case, questioning the motives or actions of a fellow Senator.

It seems to me that the Senator from Wyoming, whom I respect, was doing the same about Democrats in the Senate.

Mr. BARRASSO. Mr. President, responding to the Senator from Minnesota, I think he may be referring to a part where I say: The delays by Democrats have never actually been about Mr. Pruitt's answers to questions or about his qualifications. These delays, I say, are all about obstruction and denying President Trump his Cabinet. I go on to say: It is about pretending that their candidate, Hillary Clinton, didn't lose the Presidential election.

Mr. FRANKEN. Mr. President, I have a parliamentary inquiry for the Parliamentarian.

THE PRESIDING OFFICER. The Senator will state his parliamentary inquiry, please.

Mr. FRANKEN. Mr. President, it seems to me that that is imputing to Democrats' actions and motives not becoming of a U.S. Senator.

Mr. BARRASSO. Well, Mr. President, it is my—

Mr. FRANKEN. I made a parliamentary inquiry, and I would appreciate an answer.

THE PRESIDING OFFICER. In the opinion of the Chair, they do not violate the rule.

Mr. BARRASSO addressed the Chair.

Mr. FRANKEN. Can I get some explanation?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, this is a very highly politicized situation. It is not my intention in any way to impugn any of the motives of any of the Members of this body.

I yield back my time.

Regular order.

Mr. FRANKEN. Mr. President, can I have a minute?

The PRESIDING OFFICER. The question is on the motion to extend postcloture debate.

Mr. FRANKEN. Mr. President, may I ask the Chair for permission to speak for a minute.

The PRESIDING OFFICER. Without objection, the Senator will proceed.

Mr. FRANKEN. Thank you. I had no intention of actually filing a rule XIX objection. My point is—and the reason is because I didn't want to delay things.

But we have a nominee here who has sued the EPA 18 times. The reason we are doing this is because we don't think this nominee is qualified. It has nothing to do with us not recognizing the results of the election, and I actually take offense to that.

I don't know why the Presiding Officer ruled the way he did because I think it is obvious that it is imputing motives unbecoming to Senators, by saying that we don't recognize the legitimacy of the election and we are pretending that Hillary Clinton won the election.

I am just raising this as a point, which is that Senators do this routinely, and if every time we raised a rule XIX on something like that, we would delay—if you want to accuse people of delaying the Senate—

The PRESIDING OFFICER. The Senator's time has expired. Begin to wrap up, please.

Mr. FRANKEN. I appreciate it. I thank very much the Presiding Officer and I thank the Senator from Wyoming.

I am just making a point here.

Mr. BARRASSO. Regular order.

VOTE ON MOTION TO EXTEND DEBATE

The PRESIDING OFFICER. The question is on agreeing to the motion to extend postcloture debate.

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 70 Ex.]

YEAS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

NAYS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NOT VOTING—2

Donnelly McCain

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 51.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the votes following the first vote in the series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

There will now be 4 minutes of debate, equally divided, on the nomination.

Who yields time?

The Senator from Delaware.

Mr. CARPER. Mr. President, I said repeatedly on this floor that I take no joy in discord and disagreement. I am not one who is interested in obstruction. I come from a little State like Senator COONS, where we get along pretty well. We believe in the three Cs—communicate, collaborate, compromise.

But you know what else gives me no joy? I get no joy from rising sea levels from New England to Miami that threatens our way of life. It threatens our way of life. I get no joy from fish advisories that keep us from eating fish in every State in this country. I get no joy being one of the States at the end of America's tailpipe, where we get all this pollution from other States and end up with higher costs and worse healthcare. I get no joy from the millions of kids who go to school this

week with their inhalers because they have asthma. I get no joy from people who appear before us as nominees, take 1,000 questions for the RECORD, and give us answers that in too many cases are evasive, indirect, or incomplete. I get no joy from nominees who appear before us who pledge to provide information requested by us responsibly, including electronic media, and never give it to us, who fight for 2 years to make sure we never get it. I get no joy from those circumstances.

Thomas Jefferson used to say: If the people know the truth, they will not make a mistake. We are prepared to vote here with incomplete information, without the kind of wisdom we could have and vote with if we would wait 10 days—10 days. That is what it would cost. Is that a long time? Ask Gina McCarthy. She waited 132 days to get a vote. If you think 1,000 questions are too many to answer, ask Gina McCarthy. She answered a lot more. Finally, the Republicans got their answers, and we got our vote. She won and, I think, did an admirable job.

We need the truth. We are seeking the truth. I have no interest in obstruction. I want the truth.

Vote no.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, for the past 8 years, the Environmental Protection Agency, through its regulatory rampage, has hurt a lot of people in my home State of Wyoming and all across the country. The EPA's overreaching regulations have stunted job growth, hurt our economy, and failed to help the Agency meet its mission. The mission is to protect the environment and the health of all Americans. The EPA needs to be reformed and modernized.

Oklahoma attorney general Scott Pruitt is the right person for the job. Mr. Pruitt is committed to protecting the environment, ensuring clean air, water, and land while also supporting a strong and healthy economy. He stood up to industry that polluted his State's air and water.

He has received bipartisan support from Senators in this body, from State leaders, from small business, from farmers, from ranchers, and from many others across this country. Attorneys general from all around the country have recognized his good work. Attorney General LUTHER STRANGE of Alabama—now U.S. Senator STRANGE—and 23 of his peers wrote a letter in support of Mr. Pruitt's nomination.

Here is what they wrote:

The Administrator of the EPA plays a critical role in our Nation's government. Attorney General Pruitt has proven, over the course of his career, that he has the right character, experience, and knowledge to serve as Administrator of the EPA.

We urge the Senate to confirm his nomination.

I agree. I urge my colleagues to support the nomination.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Pruitt nomination?

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 71 Ex.]

YEAS—52

Alexander	Gardner	Perdue
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heitkamp	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	
Flake	Paul	

NAYS—46

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Leahy	Udall
Collins	Markey	Van Hollen
Coons	McCasikill	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NOT VOTING—2

Donnelly	McCain

The nomination was confirmed.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on the nomination, and I move to table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Wilbur L. Ross, Jr., of Florida, to be Secretary of Commerce.

Mitch McConnell, John Hoeven, Deb Fischer, John Thune, Johnny Isakson, Tom Cotton, Marco Rubio, Dan Sullivan, Mike Rounds, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts, John Barrasso, John Kennedy, Patrick J. Toomey.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Wilbur L. Ross, Jr., of Florida, to be Secretary of Commerce shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY) is necessarily absent.

The yeas and nays resulted—yeas 66, nays 31, as follows:

[Rollcall Vote No. 72 Ex.]

YEAS—66

Alexander	Fischer	Nelson
Barrasso	Flake	Paul
Bennet	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hassan	Roberts
Capito	Hatch	Rounds
Carper	Heitkamp	Rubio
Cochran	Heller	Sasse
Collins	Hoeven	Schatz
Coons	Inhofe	Scott
Corker	Isakson	Shaheen
Cornyn	Johnson	Shelby
Cortez Masto	Kaine	Strange
Cotton	Kennedy	Sullivan
Crapo	King	Tester
Cruz	Klobuchar	Thune
Daines	Lankford	Tillis
Duckworth	Lee	Toomey
Enzi	McConnell	Warner
Ernst	Moran	Wicker
Feinstein	Murkowski	Young

NAYS—31

Baldwin	Heinrich	Reed
Blumenthal	Hirono	Sanders
Booker	Leahy	Schumer
Brown	Manchin	Stabenow
Cantwell	Markey	Udall
Cardin	McCasikill	Van Hollen
Casey	Menendez	Warren
Durbin	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	
Harris	Peters	

NOT VOTING—3

Cassidy	Donnelly	McCain

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 31.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Wilbur L. Ross, Jr., of Florida, to be Secretary of Commerce.

The PRESIDING OFFICER. The majority whip.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. DURBIN. Mr. President, "Hidden Figures" has been lodged at the top of the box office charts for 2 months now—and with good reason. "Hidden Figures" tells the fascinating, true story of three mathematicians who worked as "human computers" at NASA in the early years of America's manned space program.

Their job involved double-checking the accuracy of intricate calculations made by NASA's computers. And they carried the weight of awesome responsibility. Fifty-five years ago this week, their calculations helped launch Lt. Col. John Glenn into the heavens and return him safely after he had orbited the Earth three times.

Coming in the midst of cold war tensions and the real fear that the Soviet Union was winning the space race, that historic flight was a source of intense pride and relief to Americans. It made John Glenn a national hero and an international symbol of American ingenuity and ambition.

But the brains behind that flight remained largely unknown—until now. Why? It is because those formidable mathematicians—those "human computers"—were three African-American women. They served this Nation at a time when racial segregation was the law of the land and gender-based discrimination was almost as common as air.

As America marks Black History Month, this month seems a good time to say thank you to Mary Jackson, Dorothy Vaughn, and Katherine G. Johnson.

America's history is filled with the stories of men and women whose contributions have been minimized or overlooked entirely for the same reason the "Hidden Figures" of NASA remained unknown for so long—because our Nation's tortured history with race blinded us to large parts of our own national story.

Ninety years ago, an historian and scholar by the name of Carter G. Woodson suggested a way to overcome this historical myopia. Dr. Woodson and

other prominent African Americans proposed that 1 week each February be designated Black History Week.

This is the first Black History Month since the opening last fall of the Smithsonian Museum of African American History and Culture on the National Mall in Washington, DC. This remarkable new museum represents America's first official attempt to tell the African-American story. In the not quite 5 months since the museum opened, more than 900,000 people have visited. My wife and I toured the museum over the Thanksgiving holiday. We spent hours there—what a moving experience.

The history of African Americans is a story that stretches back 600 years. It is a story of brutal subjugation, racial violence, and discrimination. It is also story of a resilient people who survived those horrors and created a rich and vibrant culture and who have enriched our Nation by their contributions in every walk of life.

In a speech a few months ago, then-First Lady Michelle Obama alluded to the vast and inspiring sweep of that history when she said, "I wake up every morning in a house that was built by slaves and I watch my daughters—two beautiful, intelligent, black young women—playing with their dogs on the White House lawn." It was a simple but powerful image that captured how far we have come on questions of race since our founding.

As America's 44th President, Barack Obama grappled honestly with complex challenges facing America and the world and delivered solutions that has improved the lives of millions. He and Michelle served our Nation with uncommon dignity, wisdom, and compassion. I am proud to call them both friends.

The Obamas' story is just one of the stories told in the new African-American History Museum. Other famous African Americans are featured as well, from Crispus Attucks, the first patriot to give his life in the American Revolution; to the great abolitionists and women's suffrage champions, Frederick Douglass, Sojourner Truth, and Harriet Tubman; from Jesse Owens, who won four gold medals at the 1936 Olympics in Berlin and singlehandedly shattered the racist myth of Aryan superiority; to the Tuskegee Airmen, who helped democracy defeat fascist tyranny in World War II.

The museum tells the stories of other prominent men and women, including Martin Luther King and Coretta Scott King; Malcolm X; Thurgood Marshall, the first African-American Justice of the U.S. Supreme Court; Congressman JOHN LEWIS, my friend, an icon of the civil rights movement; and Shirley Chisholm, the first African-American woman ever elected to Congress—in 1968. Some of the best advice I have ever heard about making a difference

came from Shirley Chisholm. She said, "If they don't give you a seat at the table, bring a folding chair." I think Shirley Chisholm would have loved to see the way the women of America are making their voices heard today and changing the debate in this country.

The new African-American History Museum and Black History Month give us a fuller, truer picture of our past. They also give us hope and guidance for today. Here are just a few quick examples of what I mean.

Ida B. Wells, born into slavery in 1862, was a journalist, activist, and feminist who led an antilynching crusade in the 1890s, speaking throughout the United States and Europe. She reminds us that brave journalists, armed with the First Amendment, can shine a light on wrongdoing and change history.

Garrett Morgan had only a sixth-grade education, but he also had a natural mechanical genius and an entrepreneurial bent. In 1914, he invented a "safety hood" that protected wearers from smoke, gases and other pollutants. It became the prototype in World War I for gas masks and for the breathing devices that firefighters wear today. His inventions have saved untold millions of lives.

While some argue that we should cut funding to public schools that serve low-income children, Garrett Morris reminds us that American genius and ingenuity isn't limited by race, or gender, or family income. Our future prosperity depends on our willingness to invest in the potential all of America's children.

Finally, A. Philip Randolph organized and led the Brotherhood of Sleeping Car Porters, the first predominantly African-American labor union. In 1941, he was part of a group that convinced President Roosevelt to ban discrimination in the defense industries during World War II. In 1948, that same group persuaded President Truman to issue an Executive order ending segregation in America's Armed Services. And in 1963, A. Philip Randolph helped led the March on Washington. If you want to know how to raise the wages of working people and mobilize ordinary Americans to create a more perfect union, study the life of A. Philip Randolph.

Black History Month actually started as Black History Week 90 years ago. The choice of the week had special significance; it included the birthdays of both Abraham Lincoln and the mighty abolitionist, Frederick Douglass.

President Lincoln once predicted that, if history remembered him for anything, it would be for issuing the Emancipation Proclamation. With that great promissory note of freedom, President Lincoln declared that the 3 million persons living in bondage in the rebellious states "shall be then, thenceforward, and forever free."

The Emancipation Proclamation marked a turning point in America's Civil War; it transformed the fight to preserve the Union into something even larger and nobler: a battle for human freedom.

But without Frederick Douglass, the "Great Agitator," there might never have been a "Great Emancipator." Frederick Douglass was one of the best-known men in America. He was a powerful and respected speaker and journalist. He criticized Lincoln frequently and publicly for what he viewed as the President's timidity in denouncing slavery. But rather than denouncing Douglass, Abraham Lincoln sought his counsel, and their respectful relationship changed history.

Without Frederick Douglass's prodding, Lincoln might not have issued the Emancipation Proclamation. Lincoln might not have agreed to allow free men of color to serve in the U.S. Army. Without Frederick Douglass, it might have been harder for Lincoln to see that the Civil War could not end until slavery had ended, that only "a new birth of freedom" could redeem the carnage of Civil War.

The relationship between Abraham Lincoln and Frederick Douglass shows us the good that can be achieved when patriotic citizens dare to speak truth to power and leaders are secure enough to listen. That is a lesson worth pondering during this Black History Month and beyond.

ADDITIONAL STATEMENTS

TRIBUTE TO GARY PETERSEN

• Mrs. MURRAY. Mr. President, today I wish to pay tribute to a close friend, ally, and devoted public servant as Gary Petersen retires from a more than 50-year career in support of our national security, environmental cleanup, and furthering the ever-changing missions of the Hanford Nuclear Reservation and Pacific Northwest National Laboratory, PNNL, in my home State of Washington.

A graduate of Omak High School in Okanogan County, Mr. Petersen first came to what is now known as the Tri-Cities in January 1960 as a servicemember stationed with the Nike Ajax missile site at the top of Rattlesnake Mountain. After a duty station transfer to Korea, he came home to Washington and attended Washington State University. With a communications degree in hand, Mr. Petersen had a job lined up with Ford Motor Company in 1965, but in a great stroke of luck for Washington State, he chose not to move to Detroit and instead got a job with Battelle, a company that had recently won a contract to operate a research and development lab—now PNNL—at Hanford in 1965. One could say that Mr. Petersen got in on the

ground floor at PNNL when its scientists were providing critical support to win the cold war.

While at Battelle, Mr. Petersen worked in communications and was the manager of the news service. One of his chief responsibilities was to give tours of the Hanford site to new employees, elected officials and dignitaries, and later, foreign visitors. Congresswoman Catherine May, the first woman elected to Congress from Washington State, was the first Member of Congress Mr. Petersen gave a tour to, but she was certainly not the last. Senator WARREN MAGNUSON, Speaker Tom Foley, and I, to name a few others, have all crisscrossed the Hanford site with Mr. Petersen. He even helped with President Richard Nixon's visit. By now, Mr. Petersen has probably given thousands of tours of Hanford, and many, including myself, have heard the stories from years past, from bumping into the woman who he would later marry during a tour, to the alligators, to bringing moon rocks from the Apollo 11 mission to Hanford for public display.

Mr. Petersen's work with nuclear management began in 1974 for Westinghouse on the construction, start-up, and operation of the Fast Flux Test Reactor and then the Washington Public Power Supply System, which is now Energy Northwest. After spending some time on the International Nuclear Safety Program through the U.S. Departments of Energy and State, Mr. Petersen returned to Battelle as the director of communications and administration at PNNL in the late 1980s.

When he retired from Battelle in 2002, Mr. Petersen was quickly recruited by Sam Volpentest to help him at the Tri-Cities Washington Economic Development Council in a part-time, volunteer capacity to travel to Washington, DC, to secure funding to support Hanford and PNNL. This part-time job quickly became a full-time job, and Mr. Petersen has been advocating on behalf of the Tri-Cities ever since. Since my first days in the Senate, I have worked with Mr. Petersen, and he has been a key ally during many a funding battle. He knows the budget as well as any staff member on the Appropriations Committee, and this isn't just limited to nuclear waste cleanup, but also includes research and development capabilities that support the PNNL mission, transportation, agriculture, and so much more.

It is clear to me that Washington State has benefited greatly from Mr. Petersen's vision and passion for sharing what the Tri-Cities community, its workforce, the Hanford site, and PNNL have to offer. I have seen this firsthand at home and here in the other Washington. His work is evident in the progress that has been made on environmental cleanup at Hanford, to charting out a future vision for the Tri-Cities that looks past cleanup oper-

ations to preserving history through designating the B Reactor as a National Historic Landmark and the Manhattan Project National Historical Park, to growing the workforce safety mission at the Volpentest Hazardous Materials Management and Emergency Response Federal Training Center, and to seeking out new, emerging opportunities like small modular reactors. Through it all, he has remained as committed as they come. Last October, when I had the good fortune to get one more tour with Mr. Petersen at the Hanford site, I saw that he still carried the same enthusiasm and pride for his work as what I had seen in him on my very first tour years ago.

Mr. Petersen has been critical to my work in the Senate and has made a tremendous impact on the Tri-Cities community, Washington State, and our Nation. Today I join with others throughout the State of Washington in thanking him for his many years of service. I congratulate Mr. Petersen on his retirement and wish him and his wife, Margaret, the best of luck as they write their next chapter. ●

MESSAGE FROM THE HOUSE

At 10:01 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 43. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients.

H.J. Res. 69. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska".

The message also announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Ms. JACKSON LEE of Texas and Ms. MOORE of Wisconsin.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-725. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delay of Effective Date for 31 Final Regulations Published by the Environmental Protection Agency between October 28, 2016

and January 17, 2017" (FRL No. 9958-87-OP) received in the Office of the President of the Senate on February 14, 2017; to the Committees on Agriculture, Nutrition, and Forestry; and Environment and Public Works.

EC-726. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propamocarb; Pesticide Tolerance" (FRL No. 9957-68) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-727. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL No. 9957-22) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-728. A communication from the Secretary of Defense, transmitting the withdrawal of a previous certification of satisfactory service for a retired officer; to the Committee on Armed Services.

EC-729. A communication from the Program Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure; Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments" (RIN1557-AE14) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-730. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps" (RIN1904-AD71) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-731. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Compressors" (RIN1904-AD43) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-732. A communication from the Acting Assistant Secretary for Land and Minerals Management, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Civil Penalties Inflation Adjustments" (RIN1010-AD95) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-733. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties Inflation Adjustment" (RIN1024-AE37) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-734. A communication from the Division Chief of Regulatory Affairs, Bureau of

Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Onshore Oil and Gas Operations — Civil Penalties Inflation Adjustments" (RIN1004-AE46) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-735. A communication from the Regulatory Affairs Specialist, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Leasing of Sulfur or Oil and Gas in the Outer Continental Shelf" (RIN1010-AD06) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Energy and Natural Resources.

EC-736. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Walk-in Coolers and Walk-in Freezers" (RIN1904-AD72) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-737. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Procedural Rules for DOE Nuclear Activities" (RIN1992-AA52) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-738. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Ceiling Fans" (RIN1904-AD28) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-739. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Ceiling Fans" (RIN1904-AD26) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-740. A communication from the Chief of the Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Inflation Adjustment" (RIN1014-AA34) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-741. A communication from the Chief of the Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Inflation Adjustment" (RIN1014-AA34) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-742. A communication from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustments" (RIN1029-AC74) (Docket ID OSM-2016-0015)) received in the

Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-743. A communication from the Director of Civil Works, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Issuance and Reissuance of Nationwide Permits" (RIN0710-AA73) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC-744. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS)" (FRL No. 9958-70-OAR) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC-745. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements to Address Interstate Transport for the 2008 Ozone NAAQS" (FRL No. 9958-82-Region 9) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC-746. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Interstate Transport for Utah" (FRL No. 9959-18-Region 8) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC-747. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Interstate Transport for Wyoming" (FRL No. 9959-15-Region 8) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC-748. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II Batch One: Delay of Effective Date" (FRL No. 9958-30-OW) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC-749. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Changes to Rev. Proc. 2010-46" (Rev. Proc. 2017-22) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-750. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Due Date for 2016 Health Coverage Tax Credit (HCTC) Election" (Notice 2017-16) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-751. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Income from Discharge of Indebtedness" (Rev. Proc. 2017-24) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-752. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Management Contracts Safe Harbors" (Rev. Proc. 2017-13) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-753. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Transfers of Property to Regulated Investment Companies (RICs) and Real Estate Investment Trusts (REITs)" ((RIN1535-BN06) (TD 9810)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-754. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance for Determining Stock Ownership; Rules Regarding Inversions and Related Transactions" ((RIN1545-BL00 and RIN1545-BM45) (TD 9812)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-755. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Income from Activities of Publicly Traded Partnerships With Respect to Minerals or Natural Resources" ((RIN1545-BM43) (TD 9817)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-756. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-140); to the Committee on Foreign Relations.

EC-757. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 16-079); to the Committee on Foreign Relations.

EC-758. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-084); to the Committee on Foreign Relations.

EC-759. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-096); to the Committee on Foreign Relations.

EC-760. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-101); to the Committee on Foreign Relations.

EC-761. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to

law, a report relative to section 36(c) and 36(d) of the Arms Export Control Act (DDTC 16-104); to the Committee on Foreign Relations.

EC-762. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-133); to the Committee on Foreign Relations.

EC-763. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-127); to the Committee on Foreign Relations.

EC-764. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-119); to the Committee on Foreign Relations.

EC-765. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 16-109); to the Committee on Foreign Relations.

EC-766. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-116); to the Committee on Foreign Relations.

EC-767. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-115); to the Committee on Foreign Relations.

EC-768. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-108); to the Committee on Foreign Relations.

EC-769. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2017-0004 - 2017-0012); to the Committee on Foreign Relations.

EC-770. A communication from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Family Educational Rights and Privacy Act" (34 CFR Part 99) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-771. A communication from the General Counsel, National Mediation Board, transmitting, pursuant to law, the report of a rule entitled "Access to Information" (RIN3140-AA00) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-772. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Performance Report for fiscal year 2016 for the Generic Drug User Fee Amendments; to the Committee on Health, Education, Labor, and Pensions.

EC-773. A communication from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting, pursuant to law,

the report of a rule entitled "Final regulation; delay of effective dates: Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans; Open Licensing Requirement for Competitive Grant Programs; Family Educational Rights and Privacy Act" (RIN1810-AB27 and RIN1894-AA07) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-774. A communication from the Regulations Coordinator, Division of Grants, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Annual Civil Monetary Penalties Inflation Adjustment" (RIN0991-AC0) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-775. A communication from the Attorney-Advisor, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Adjustments for Inflation" (RIN1601-AA80) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-776. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to the Department's 2012 list of Government activities determined to be inherently governmental and those to be not inherently governmental in nature and the Uniform Resource Locator (URL) for the report; to the Committee on Homeland Security and Governmental Affairs.

EC-777. A communication from the Executive Director, National Mining Hall of Fame and Museum, transmitting, pursuant to law, the Museum's 2015 annual report and financial audit; to the Committee on the Judiciary.

EC-778. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Jurisdictional Thresholds for Section 8 of the Clayton Act" received in the Office of the President of the Senate on February 16, 2017; to the Committee on the Judiciary.

EC-779. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States" for the September 2016 session; to the Committee on the Judiciary.

EC-780. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Bluefin Tilefish Fishery; Secretarial Interim Action" (RIN0648-BG07) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-781. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Management Measures" (RIN0648-BG12) received in the Office of the President of the Senate on Feb-

ruary 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-782. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XF109) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-783. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker Rockfish in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XE897) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-784. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XF103) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-785. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2016 Gulf of Alaska Pollock Seasonal Apportionments" (RIN0648-XE958) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-786. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Island Pelagic Fisheries; 2016 Commonwealth of the Northern Mariana Islands Big-eye Tuna Fishery; Closure" (RIN0648-XE284) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-787. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XE867) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-788. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Trawl Gear in the of the Gulf of Alaska" (RIN0648-XF007) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-789. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic

Bluefin Tuna Fisheries; 2016 General Category Fishery" (RIN0648-XF011) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-790. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XE930) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-791. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XE935) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-792. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; 2016 Recreational Accountability Measure and Closure for South Atlantic Greater Amberjack" (RIN0648-XF045) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-793. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-Opening of the Commercial Sector for South Atlantic Vermilion Snapper" (RIN0648-XF058) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-794. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2016 Management Area 1B Directed Fishery Closure" (RIN0648-XF044) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-795. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers" (RIN0648-XE949) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-796. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XF067) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-797. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2016 Gulf of Alaska Pollock Seasonal Apportionments" (RIN0648-XE958) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-798. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Portsmouth Naval Shipyard, Kittery, ME and Portsmouth, NH" ((RIN1625-AA11) (Docket No. USCG-2016-0935)) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-799. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lower Mississippi River, Natchez, MS" ((RIN1625-AA00) (Docket No. USCG-2016-1017)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-800. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XF061) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-801. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rules Relating to Board-Initiated Investigations" (RIN2140-AB23) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-802. A communication from the Secretary of the Commission, Office of General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustments to Civil Penalty Amounts" (16 CFR Part 1) received in the Office of the President of the Senate on February 16, 2017; to the Committee on Commerce, Science, and Transportation.

EC-803. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Standard Mandating ASTM F963 for Toys" (Docket No. CSPC-2017-0010) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-804. A communication from the Assistant Chief Counsel for Regulatory Affairs, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Safety of Underground Natural Gas Storage Facilities" (RIN2137-AF22) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 63. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act (Rept. No. 115-3).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUNT (for himself and Mr. MANCHIN):

S. 438. A bill to encourage effective, voluntary investments to recruit, employ, and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT (for himself, Ms. STABENOW, Mr. BOOZMAN, and Mr. CASEY):

S. 439. A bill to amend part B of title IV of the Social Security Act to ensure that mental health screenings and assessments are provided to children and youth upon entry into foster care; to the Committee on Finance.

By Mr. HOEVEN (for himself and Ms. HEITKAMP):

S. 440. A bill to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself and Mr. HEINRICH):

S. 441. A bill to designate the Organ Mountains and other public land as components of the National Wilderness Preservation System in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRUZ (for himself, Mr. NELSON, Mr. RUBIO, Mr. PETERS, Mr. THUNE, Mr. UDALL, Mrs. MURRAY, and Mr. CORNYN):

S. 442. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON:

S. Res. 64. A resolution congratulating the Plastics Industry Association on its 80th anniversary; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. COONS):

S. Res. 65. A resolution designating March 3, 2017, as "National Speech and Debate Education Day"; considered and agreed to.

By Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. YOUNG, Mr. BENNET, Mr. BROWN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mrs. CAPITO, Mr. CASEY, Mr. COONS, Mr. DAINES, Mr. DONNELLY, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mr. FRANKEN, Ms. HASSAN, Mr. HATCH, Ms. HIRONO, Mr. ISAKSON, Mr. KING, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. MARKEY, Mrs. MURRAY, Mr. PETERS, Mr. THUNE, Mr. WARNER, Mr. WYDEN, and Mr. ROUNDS):

S. Res. 66. A resolution supporting the goals and ideals of Career and Technical Education Month; considered and agreed to.

By Mr. HEINRICH:

S. Res. 67. A resolution expressing support for health and wellness coaches and for the designation of February 13, 2017, through February 19, 2017, as "National Health and Wellness Coach Recognition Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 21, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 26

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 26, a bill to amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes.

S. 85

At the request of Ms. HEITKAMP, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements.

S. 109

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. ROUNDS), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 128

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 128, a bill to provide provisional protected presence to qualified individuals who came to the United States as children.

S. 143

At the request of Mr. CASEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 143, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 203

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 245

At the request of Mr. HOEVEN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 245, a bill to amend the Indian Tribal Energy Development and Self Determination Act of 2005, and for other purposes.

S. 294

At the request of Mr. NELSON, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 294, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 377

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 377, a bill to amend the Trafficking Victims Protection Act of 2000 to clarify report dates, modify the criteria for determinations of whether countries are meeting the minimum standards for elimination of trafficking, and highlight the importance of concrete actions by countries to eliminate trafficking, and for other purposes.

S. 379

At the request of Mr. WHITEHOUSE, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 379, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 394

At the request of Mr. ROUNDS, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 394, a bill to amend chapter 44 of title 18, United States Code, to provide that a member of the Armed Forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member.

S. 399

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 399, a bill to establish the United States Chief Manufacturing Officer in the Executive Office of the President with the responsibility of developing a national manufacturing strategy to revitalize the manufacturing sector, spur economic growth, and expand United States competitiveness, and for other purposes.

S. 410

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 410, a bill to amend title 38, United States Code, to authorize the transfer of unused Post-9/11 Educational Assistance benefits to additional dependents upon the death of the originally designated dependent.

S. 411

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 411, a bill to eliminate racial, religious, and other discriminatory profiling by law enforcement, and for other purposes.

S. 420

At the request of Mr. RUBIO, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 420, a bill to require the President to report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities, and for other purposes.

S. 422

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 422, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 426

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 426, a bill to increase educational assistance provided by the Department of Veterans Affairs for education and training of physician assistants of the Department, to establish pay grades and require competitive pay for physician assistants of the Department, and for other purposes.

S. RES. 18

At the request of Mr. COONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 18, a resolution reaffirming the United States-Argentina partnership and recognizing Argentina's economic reforms.

S. RES. 60

At the request of Mr. DAINES, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 60, a resolution designating May 5, 2017, as the "National Day of Awareness for Missing and Murdered Native Women and Girls".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 64—CONGRATULATING THE PLASTICS INDUSTRY ASSOCIATION ON ITS 80TH ANNIVERSARY

Mr. JOHNSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 64

Whereas the Plastics Industry Association is the leading association in the United States that represents companies in the plastics industry;

Whereas the Plastics Industry Association was founded as the Society of the Plastics Industry in 1937 in Shawnee-on-Delaware, Pennsylvania, as the collective voice of a then-nascent plastics industry and has since become the chief advocate for the entire plastics supply chain, including plastics machinery manufacturers, plastics material suppliers, plastics processors, moldmakers, recyclers, and consumer brand owners;

Whereas, today, the Plastics Industry Association represents the interests of an industry that makes regular and vital contributions to the healthcare, automotive, advanced manufacturing, transportation, aeronautics, building and construction, telecommunications, recycling, packaging, and consumer electronics sectors;

Whereas, over the course of the 80-year history of the Plastics Industry Association, the association has—

- (1) advocated for the use of plastics; and
 - (2) presided over the development of plastic from a low-cost replacement for metals, wood, glass, marble, shell, and other traditional materials to the sustainable material of choice because of its strength, light weight, recyclability, and design versatility;
- Whereas the Plastics Industry Association hosts NPE: The Plastics Show, which is the second largest trade show in the United States and attracts more than 60,000 plastics professionals from more than 100 countries to the United States every 3 years;

Whereas the Plastics Industry Association has hosted NPE: The Plastics Show in the United States since the show was first founded in 1946 and the show has served as a platform for growth and innovation in the plastics industry of the United States for 70 years;

Whereas the Federal Government, through the War Production Board, recognized the importance of plastics and the contributions of plastics to the war effort during World War II, a conflict in which plastics played an essential military role with respect to weaponry, aircraft, wire and cable technology, medical devices, and troop supplies; and

Whereas the plastics industry generates \$418,000,000,000 in revenue annually in the United States and supports approximately 954,000 jobs: Now, therefore, be it

Resolved, That the Senate—

- (1) congratulates the Plastics Industry Association on its 80th anniversary;
- (2) reaffirms the crucial role that plastics have played over the last 80 years and continue to play in strengthening the economy of the United States and improving the everyday lives of the people of the United States; and
- (3) recognizes the importance of continued investment in plastics, manufacturing, research, and education in the fields of science, technology, engineering, and mathematics.

SENATE RESOLUTION 65—DESIGNATING MARCH 3, 2017, AS “NATIONAL SPEECH AND DEBATE EDUCATION DAY”

Mr. GRASSLEY (for himself and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 65

Whereas it is essential for youth to learn and practice the art of communicating with and without technology;

Whereas speech and debate education offers students myriad forms of public speaking through which students may develop talent and exercise unique voice and character;

Whereas speech and debate education gives students the 21st-century skills of communication, critical thinking, creativity, and collaboration;

Whereas critical analysis and effective communication allow important ideas, texts, and philosophies the opportunity to flourish;

Whereas personal, professional, and civic interactions are enhanced by the ability of the participants in those interactions to listen, concur, question, and dissent with reason and compassion;

Whereas students who participate in speech and debate have chosen a challenging activity that requires regular practice, dedication, and hard work;

Whereas teachers and coaches of speech and debate devote in-school, afterschool, and weekend hours to equip students with life-changing skills and opportunities;

Whereas National Speech and Debate Education Day emphasizes the lifelong impact of providing people of the United States with the confidence and preparation to both discern and share views;

Whereas National Speech and Debate Education Day acknowledges that most achievements, celebrations, commemorations, and pivotal moments in modern history begin, end, or are crystallized with public address;

Whereas National Speech and Debate Education Day recognizes that learning to research, construct, and present an argument is integral to personal advocacy, social movements, and the making of public policy;

Whereas the National Speech & Debate Association, in conjunction with national and local partners, honors and celebrates the importance of speech and debate through National Speech and Debate Education Day; and

Whereas National Speech and Debate Education Day emphasizes the importance of speech and debate education and the integration of speech and debate education across grade levels and disciplines: Now, therefore, be it

Resolved, That the Senate—

- (1) designates March 3, 2017, as “National Speech and Debate Education Day”;
- (2) strongly affirms the purposes of National Speech and Debate Education Day; and
- (3) encourages educational institutions, businesses, community and civic associations, and all people of the United States to celebrate and promote National Speech and Debate Education Day.

SENATE RESOLUTION 66—SUPPORTING THE GOALS AND IDEALS OF CAREER AND TECHNICAL EDUCATION MONTH

Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. YOUNG,

Mr. BENNET, Mr. BROWN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mrs. CAPITO, Mr. CASEY, Mr. COONS, Mr. DAINES, Mr. DONNELLY, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mr. FRANKEN, Ms. HASSAN, Mr. HATCH, Ms. HIRONO, Mr. ISAKSON, Mr. KING, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. MARKEY, Mrs. MURRAY, Mr. PETERS, Mr. THUNE, Mr. WARNER, Mr. WYDEN, and Mr. ROUNDS) submitted the following resolution; which was considered and agreed to:

S. RES. 66

Whereas a competitive global economy requires workers who are trained in skilled professions;

Whereas, according to the National Association of Manufacturers, 80 percent of respondents indicated a moderate to severe shortage of qualified skilled production employees, including front-line workers such as machinists, operators, craft workers, distributors, and technicians;

Whereas career and technical education (referred to in this preamble as “CTE”) ensures that competitive and skilled workers are ready, willing, and capable of holding jobs in high-wage, high-skill, and in-demand career fields such as science, technology, engineering, mathematics, nursing, allied health, construction, information technology, energy sustainability, and many other career fields that are vital in keeping the United States competitive in the global economy;

Whereas CTE helps the United States meet the very real and immediate challenges of economic development, student achievement, and global competitiveness;

Whereas approximately 11,500,000 students are enrolled in CTE across the country with CTE programs in thousands of CTE centers, comprehensive high schools, career academies, and CTE high schools, and nearly 1,700 2-year colleges;

Whereas, according to the Bureau of Labor and Statistics, the 3 fastest growing occupations require an associate’s degree or a degree with fewer requirements, and each has an annual median salary greater than \$50,000;

Whereas CTE matches employability skills with workforce demand and provides relevant academic and technical coursework leading to industry-recognized credentials for secondary, postsecondary, and adult learners;

Whereas CTE affords students the opportunity to gain the knowledge, skills, and credentials needed to secure careers in growing, high-demand fields;

Whereas CTE students were significantly more likely than non-CTE students to report having developed problem-solving, project completion, research, math, college application, work-related, communication, time management, and critical thinking skills during high school;

Whereas students at schools with highly integrated rigorous academic and CTE programs have significantly higher achievement in reading, mathematics, and science than students at schools with less integrated programs; and

Whereas February 23, 2017, marks the 100th anniversary of the signing of the Act of February 23, 1917 (commonly known as the “Smith-Hughes Vocational Education Act of 1917”) (39 Stat. 929, chapter 114), which was the first major Federal investment in secondary CTE and laid the foundation for the bipartisan, bicameral support for CTE that

continues as of February 2017: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2017 as “Career and Technical Education Month” to celebrate career and technical education across the United States;

(2) supports the goals and ideals of Career and Technical Education month;

(3) honors the 100th anniversary of the Act of February 23, 1917 (commonly known as the “Smith-Hughes Vocational Education Act of 1917”) (39 Stat. 929, chapter 114);

(4) recognizes the importance of career and technical education in preparing a well-educated and skilled workforce in the United States; and

(5) encourages educators, counselors, and administrators to promote career and technical education as an option for students.

Mr. Kaine. Mr. President, our Nation’s continued economic competitiveness relies on the education and skills of the American workforce and its ability to meet and adapt to the 21st-century economy. Career and technical education, CTE, programs are a critical component to every student’s education, creating diverse pathways into further education and developing careers. Today, approximately 11.5 million students are enrolled in CTE, encompassing every State through nearly 1,700 two-year and thousands more secondary CTE centers, comprehensive high schools career academies and CTE high schools.

According to the U.S. Department of Education’s Office for Career, Technical and Adult Education, in 2012, the average high school graduation rate for students concentrating in CTE programs was 93 percent, compared with the national average of 80 percent. These students gain real-world skills through applied learning, and integrate their academic curriculum with technical and employability skills. In addition, our Nation’s continued economic competitiveness relies on the skill of the American workforce and its ability to meet and adapt to the 21st-century economy.

CTE prepares students with education and training leading to industry-recognized credentials, including certifications, licenses, certificates and degrees, in a wide variety of fields. According to the U.S. Department of Labor, of the top three fastest-growing occupations, all will require real-world skills that can be mastered through CTE—none require a bachelor’s degree and all have median salaries above \$50,000 per year. By increasing opportunities for students to obtain postsecondary skills training and meaningful credentials, CTE can spread economic opportunity to all students who are willing to work for it.

Today with my Senate CTE Caucus co-chairs Senator Portman, Senator Baldwin, and Senator Young and other colleagues in the Senate, I am introducing a bipartisan resolution to designate February as Career and Technical Education, CTE, Month. CTE

Month provides a chance for students, counselors, educators and administrators to learn more about the educational opportunities available in their communities and recognize the importance of CTE in preparing a well-educated and skilled workforce in the United States. This year’s resolution also marks the 100th anniversary of the Smith-Hughes National Vocational Education Act of 1917, the Nation’s first major federal investment in secondary CTE.

By formally recognizing CTE Month through this resolution, it is our hope that we can build greater awareness for the importance of strengthening access to high-quality CTE for millions of America’s students and our nation’s continued economic competitiveness.

SENATE RESOLUTION 67—EX-PRESSING SUPPORT FOR HEALTH AND WELLNESS COACHES AND FOR THE DESIGNATION OF FEBRUARY 13, 2017, THROUGH FEBRUARY 19, 2017, AS “NATIONAL HEALTH AND WELLNESS COACH RECOGNITION WEEK”

Mr. Heinrich submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas February 13, 2017, through February 19, 2017, is recognized as “National Health and Wellness Coach Recognition Week”;

Whereas the Centers for Disease Control and Prevention considers chronic diseases to be “the public health challenge of the 21st century”;

Whereas decades of research have linked lifestyle factors, such as inactivity, poor diet, tobacco smoking, and sustained stress, with increased risk for major illnesses and death;

Whereas the costs associated with treating many chronic diseases are high and often preventable;

Whereas a health and wellness coach is a new type of healthcare worker who serves as a supportive mentor to motivate individuals to make positive health choices and move toward specific wellness goals;

Whereas health and wellness coaches support clients in achieving good health—

(1) based on the goals of each client; and
(2) in a manner consistent with the treatment plan recommended by a healthcare provider for the client;

Whereas health and wellness coaches assist clients in making healthy lifestyle changes by encouraging them—

(1) to use insight;
(2) to use personal strengths and resources;
(3) to set goals;
(4) to create action steps; and
(5) to hold themselves accountable;

Whereas health and wellness coaches play a vital role in improving individual wellness that complements, and does not replace, the work of healthcare professionals; and

Whereas an increasing number of studies demonstrate the effectiveness of health and wellness coaches in—

(1) improving individual health and wellness; and
(2) reducing healthcare costs: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of February 13, 2017, through February 19, 2017, as “National Health and Wellness Coach Recognition Week”; and

(2) supports the efforts of the health and wellness coaches of the United States in their important work to improve the health and wellness of the people of United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 191. Mr. CORNYN (for Ms. MURKOWSKI) proposed an amendment to the resolution S. Res. 55, recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska.

TEXT OF AMENDMENTS

SA 191. Mr. CORNYN (for Ms. MURKOWSKI) proposed an amendment to the resolution S. Res. 55, recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska; as follows:

Amend the sixteenth whereas clause to read as follows:

Whereas Denali National Park and Preserve has provided a wide array of visitor experiences to tourists, including hiking, dog mushing, rafting, and cycling;

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have one request for a committee to meet during today’s session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today’s session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Friday, February 17, 2017, at 12:30 p.m., in room S-216.

PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that the following congressional fellows in the office of Senator TOM UDALL be granted floor privileges for the remainder of the 115th Congress. Their names are Emma Locatelli, Sean MacDougall, and Angela Tapia.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. CORNYN. Mr. President, I ask unanimous consent that at 7 p.m. on Monday, February 27, all postcloture

time be considered expired and the Senate vote on the confirmation of Executive Calendar No. 3, Wilbur Ross to be Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, for the information of all Senators, there will be two votes at approximately 7 p.m. on Monday, February 27—confirmation of Wilbur Ross to be Secretary of Commerce, followed by cloture on the nomination of RYAN ZINKE to be Secretary of the Interior.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TRANSITION AUTHORIZATION ACT OF 2017

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 442, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 442) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 442) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Aeronautics and Space Administration Transition Authorization Act of 2017”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Fiscal year 2017.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

Sec. 201. Sense of Congress on sustaining national space commitments.

Sec. 202. Findings.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

Sec. 301. Operation of the ISS.

Sec. 302. Transportation to ISS.

Sec. 303. ISS transition plan.

Sec. 304. Space communications.

Sec. 305. Indemnification; NASA launch services and reentry services.

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Space Flight and Exploration Goals and Objectives

Sec. 411. Human space flight and exploration long-term goals.

Sec. 412. Key objectives.

Sec. 413. Vision for space exploration.

Sec. 414. Stepping stone approach to exploration.

Sec. 415. Update of exploration plan and programs.

Sec. 416. Repeals.

Sec. 417. Assured access to space.

Subtitle B—Assuring Core Capabilities for Exploration

Sec. 421. Space Launch System, Orion, and Exploration Ground Systems.

Subtitle C—Journey to Mars

Sec. 431. Findings on human space exploration.

Sec. 432. Human exploration roadmap.

Sec. 433. Advanced space suit capability.

Sec. 434. Asteroid robotic redirect mission.

Sec. 435. Mars 2033 report.

Subtitle D—TREAT Astronauts Act

Sec. 441. Short title.

Sec. 442. Findings; sense of Congress.

Sec. 443. Medical monitoring and research relating to human space flight.

TITLE V—ADVANCING SPACE SCIENCE

Sec. 501. Maintaining a balanced space science portfolio.

Sec. 502. Planetary science.

Sec. 503. James Webb Space Telescope.

Sec. 504. Wide-Field Infrared Survey Telescope.

Sec. 505. Mars 2020 rover.

Sec. 506. Europa.

Sec. 507. Congressional declaration of policy and purpose.

Sec. 508. Extrasolar planet exploration strategy.

Sec. 509. Astrobiology strategy.

Sec. 510. Astrobiology public-private partnerships.

Sec. 511. Near-earth objects.

Sec. 512. Near-Earth objects public-private partnerships.

Sec. 513. Assessment of science mission extensions.

Sec. 514. Stratospheric observatory for infrared astronomy.

Sec. 515. Radioisotope power systems.

Sec. 516. Assessment of Mars architecture.

Sec. 517. Collaboration.

TITLE VI—AERONAUTICS

Sec. 601. Sense of Congress on aeronautics.

Sec. 602. Transformative aeronautics research.

Sec. 603. Hypersonic research.

Sec. 604. Supersonic research.

Sec. 605. Rotorcraft research.

TITLE VII—SPACE TECHNOLOGY

Sec. 701. Space technology infusion.

Sec. 702. Space technology program.

TITLE VIII—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

Sec. 811. Information technology governance.

Sec. 812. Information technology strategic plan.

Sec. 813. Cybersecurity.

Sec. 814. Security management of foreign national access.

Sec. 815. Cybersecurity of web applications.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

Sec. 821. Collaboration among mission directorates.

Sec. 822. NASA launch capabilities collaboration.

Sec. 823. Detection and avoidance of counterfeit parts.

Sec. 824. Education and outreach.

Sec. 825. Leveraging commercial satellite servicing capabilities across mission directorates.

Sec. 826. Flight opportunities.

Sec. 827. Sense of Congress on small class launch missions.

Sec. 828. Baseline and cost controls.

Sec. 829. Commercial technology transfer program.

Sec. 830. Avoiding organizational conflicts of interest in major administration acquisition programs.

Sec. 831. Protection of Apollo landing sites.

Sec. 832. NASA lease of non-excess property.

Sec. 833. Termination liability.

Sec. 834. Independent reviews.

Sec. 835. NASA Advisory Council.

Sec. 836. Cost estimation.

Sec. 837. Facilities and infrastructure.

Sec. 838. Human space flight accident investigations.

Sec. 839. Orbital debris.

Sec. 840. Review of orbital debris removal concepts.

Sec. 841. Space Act Agreements.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) CIS-LUNAR SPACE.—The term “cis-lunar space” means the region of space from the Earth out to and including the region around the surface of the Moon.

(5) DEEP SPACE.—The term “deep space” means the region of space beyond low-Earth orbit, to include cis-lunar space.

(6) GOVERNMENT ASTRONAUT.—The term “government astronaut” has the meaning given the term in section 50902 of title 51, United States Code.

(7) ISS.—The term “ISS” means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term “ISS management entity” means the organization with which the Administrator has a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

(10) ORION.—The term “Orion” means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(11) SPACE LAUNCH SYSTEM.—The term “Space Launch System” has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).

(12) UNITED STATES GOVERNMENT ASTRONAUT.—The term “United States government astronaut” has the meaning given the term “government astronaut” in section 50902 of title 51, United States Code, except it does not include an individual who is an international partner astronaut.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. FISCAL YEAR 2017.

There are authorized to be appropriated to NASA for fiscal year 2017, \$19,508,000,000, as follows:

- (1) For Exploration, \$4,330,000,000.
- (2) For Space Operations, \$5,023,000,000.
- (3) For Science, \$5,500,000,000.
- (4) For Aeronautics, \$640,000,000.
- (5) For Space Technology, \$686,000,000.
- (6) For Education, \$115,000,000.
- (7) For Safety, Security, and Mission Services, \$2,788,600,000.
- (8) For Construction and Environmental Compliance and Restoration, \$388,000,000.
- (9) For Inspector General, \$37,400,000.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

SEC. 201. SENSE OF CONGRESS ON SUSTAINING NATIONAL SPACE COMMITMENTS.

It is the sense of Congress that—

(1) honoring current national space commitments and building upon investments in space across successive Administrations demonstrates clear continuity of purpose by the United States, in collaboration with its international, academic, and industry partners, to extend humanity's reach into deep space, including cis-lunar space, the Moon, the surface and moons of Mars, and beyond;

(2) NASA leaders can best leverage investments in the United States space program by continuing to develop a balanced portfolio for space exploration and space science, including continued development of the Space Launch System, Orion, Commercial Crew Program, space and planetary science missions such as the James Webb Space Telescope, Wide-Field Infrared Survey Telescope, and Europa mission, and ongoing operations of the ISS and Commercial Resupply Services Program;

(3) a national, government-led space program that builds on current science and exploration programs, advances human knowledge and capabilities, and opens the frontier beyond Earth for ourselves, commercial enterprise, and science, and with our international partners, is of critical importance to our national destiny and to a future guided by United States values and freedoms;

(4) continuity of purpose and effective execution of core NASA programs are essential for efficient use of resources in pursuit of timely and tangible accomplishments;

(5) NASA could improve its efficiency and effectiveness by working with industry to streamline existing programs and requirements, procurement practices, institutional footprint, and bureaucracy while preserving effective program oversight, accountability, and safety;

(6) it is imperative that the United States maintain and enhance its leadership in space exploration and space science, and continue to expand freedom and economic opportunities in space for all Americans that are consistent with the Constitution of the United States; and

(7) NASA should have a multi-mission space agency, and should have a balanced and robust set of core missions in space science, space technology, aeronautics, human space flight and exploration, and education.

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Returns on the Nation's investments in science, technology, and exploration accrue over decades-long timeframes, and a disruption of such investments could prevent returns from being fully realized.

(2) Past challenges to the continuity of such investments, particularly threats re-

garding the cancellation of authorized programs with bipartisan and bicameral support, have disrupted completion of major space systems thereby—

(A) impeding planning and pursuit of national objectives in space science and human space exploration;

(B) placing such investments in space science and space exploration at risk; and

(C) degrading the aerospace industrial base.

(3) The National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 119 Stat. 2895), National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422; 122 Stat. 4779), and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.) reflect a broad, bipartisan agreement on the path forward for NASA's core missions in science, space technology, aeronautics, human space flight and exploration, and education, that serves as the foundation for the policy updates by this Act.

(4) Sufficient investment and maximum utilization of the ISS and ISS National Laboratory with our international and industry partners is—

(A) consistent with the goals and objectives of the United States space program; and

(B) imperative to continuing United States global leadership in human space exploration, science, research, technology development, and education opportunities that contribute to development of the next generation of American scientists, engineers, and leaders, and to creating the opportunity for economic development of low-Earth orbit.

(5) NASA has made measurable progress in the development and testing of the Space Launch System and Orion exploration systems with the near-term objectives of the initial integrated test flight and launch in 2018, a human mission in 2021, and continued missions with an annual cadence in cis-lunar space and eventually to the surface of Mars.

(6) The Commercial Crew Program has made measurable progress toward reestablishing the capability to launch United States government astronauts from United States soil into low-Earth orbit by the end of 2018.

(7) The Aerospace Safety Advisory Panel, in its 2015 Annual Report, urged continuity of purpose noting concerns over the potential for cost overruns and schedule slips that could accompany significant changes to core NASA programs.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

SEC. 301. OPERATION OF THE ISS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) after 15 years of continuous human presence in low-Earth orbit, the ISS continues to overcome challenges and operate safely;

(2) the ISS is a unique testbed for future space exploration systems development, including long-duration space travel;

(3) the expansion of partnerships, scientific research, and commercial applications of the ISS is essential to ensuring the greatest return on investments made by the United States and its international space partners in the development, assembly, and operations of that unique facility;

(4) utilization of the ISS will sustain United States leadership and progress in human space exploration by—

(A) facilitating the commercialization and economic development of low-Earth orbit;

(B) serving as a testbed for technologies and a platform for scientific research and development; and

(C) serving as an orbital facility enabling research upon—

(i) the health, well-being, and performance of humans in space; and

(ii) the development of in-space systems enabling human space exploration beyond low-Earth orbit; and

(5) the ISS provides a platform for fundamental, microgravity, discovery-based space life and physical sciences research that is critical for enabling space exploration, protecting humans in space, increasing pathways for commercial space development that depend on advances in basic research, and contributes to advancing science, technology, engineering, and mathematics research.

(b) OBJECTIVES.—The primary objectives of the ISS program shall be—

(1) to achieve the long term goal and objectives under section 202 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312); and

(2) to pursue a research program that advances knowledge and provides other benefits to the Nation.

(c) CONTINUATION OF THE ISS.—Section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351) is amended to read as follows:

“SEC. 501. CONTINUATION OF THE INTERNATIONAL SPACE STATION.

“(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States, in consultation with its international partners in the ISS program, to support full and complete utilization of the ISS through at least 2024.

“(b) NASA ACTION.—In furtherance of the policy set forth in subsection (a), NASA shall—

“(1) pursue international, commercial, and intragovernmental means to maximize ISS logistics supply, maintenance, and operational capabilities, reduce risks to ISS systems sustainability, and offset and minimize United States operations costs relating to the ISS;

“(2) utilize, to the extent practicable, the ISS for the development of capabilities and technologies needed for the future of human space exploration beyond low-Earth orbit; and

“(3) utilize, if practical and cost effective, the ISS for Science Mission Directorate missions in low-Earth orbit.”.

SEC. 302. TRANSPORTATION TO ISS.

(a) FINDINGS.—Congress finds that reliance on foreign carriers for United States crew transfer is unacceptable, and the Nation's human space flight program must acquire the capability to launch United States government astronauts on vehicles using United States rockets from United States soil as soon as is safe, reliable, and affordable to do so.

(b) SENSE OF CONGRESS ON COMMERCIAL CREW PROGRAM AND COMMERCIAL RESUPPLY SERVICES PROGRAM.—It is the sense of Congress that—

(1) once developed and certified to meet the Administration's safety and reliability requirements, United States commercially provided crew transportation systems can serve as the primary means of transporting United States government astronauts and international partner astronauts to and from the ISS and serving as ISS crew rescue vehicles;

(2) previous budgetary assumptions used by the Administration in its planning for the Commercial Crew Program assumed significantly higher funding levels than were authorized and appropriated by Congress;

(3) credibility in the Administration's budgetary estimates for the Commercial Crew Program can be enhanced by an independently developed cost estimate;

(4) such credibility in budgetary estimates is an important factor in understanding program risk;

(5) United States access to low-Earth orbit is paramount to the continued success of the ISS and ISS National Laboratory;

(6) a stable and successful Commercial Resupply Services Program and Commercial Crew Program are critical to ensuring timely provisioning of the ISS and to reestablishing the capability to launch United States government astronauts from United States soil into orbit, ending reliance upon Russian transport of United States government astronauts to the ISS which has not been possible since the retirement of the Space Shuttle program in 2011;

(7) NASA should build upon the success of the Commercial Orbital Transportation Services Program and Commercial Resupply Services Program that have allowed private sector companies to partner with NASA to deliver cargo and scientific experiments to the ISS since 2012;

(8) the 21st Century Launch Complex Program has enabled significant modernization and infrastructure improvements at launch sites across the United States to support NASA's Commercial Resupply Services Program and other civil and commercial space flight missions; and

(9) the 21st Century Launch Complex Program should be continued in a manner that leverages State and private investments to achieve the goals of that program.

(c) REAFFIRMATION.—Congress reaffirms—

(1) its commitment to the use of a commercially developed, private sector launch and delivery system to the ISS for crew missions as expressed in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 119 Stat. 2895), the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422; 122 Stat. 4779), and the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(2) the requirement under section 50111(b)(1)(A) of title 51, United States Code, that the Administration shall make use of United States commercially provided ISS crew transfer and crew rescue services to the maximum extent practicable.

(d) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION CAPABILITIES.—Section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)) is amended to read as follows:

“(a) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION SERVICES.—

“(1) IN GENERAL.—The Federal Government may not acquire human space flight transportation services from a foreign entity unless—

“(A) no United States Government-operated human space flight capability is available;

“(B) no United States commercial provider is available; and

“(C) it is a qualified foreign entity.

“(2) DEFINITIONS.—In this subsection:

“(A) COMMERCIAL PROVIDER.—The term ‘commercial provider’ means any person pro-

viding human space flight transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

“(B) QUALIFIED FOREIGN ENTITY.—The term ‘qualified foreign entity’ means a foreign entity that is in compliance with all applicable safety standards and is not prohibited from providing space transportation services under other law.

“(C) UNITED STATES COMMERCIAL PROVIDER.—The term ‘United States commercial provider’ means a commercial provider, organized under the laws of the United States or of a State, that is more than 50 percent owned by United States nationals.

“(3) ARRANGEMENTS WITH FOREIGN ENTITIES.—Nothing in this subsection shall prevent the Administrator from negotiating or entering into human space flight transportation arrangements with foreign entities to ensure safety of flight and continued ISS operations.”.

(e) COMMERCIAL CREW PROGRAM.—

(1) OBJECTIVE.—The objective of the Commercial Crew Program shall be to assist in the development and certification of commercially provided transportation that—

(A) can carry United States government astronauts safely, reliably, and affordably to and from the ISS;

(B) can serve as a crew rescue vehicle; and

(C) can accomplish subparagraphs (A) and (B) as soon as practicable.

(2) PRIMARY CONSIDERATION.—The objective described in paragraph (1) shall be the primary consideration in the acquisition strategy for the Commercial Crew Program.

(3) SAFETY.—

(A) IN GENERAL.—The Administrator shall protect the safety of government astronauts by ensuring that each commercially provided transportation system under this subsection meets all applicable human rating requirements in accordance with section 403(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18342(b)(1)).

(B) LESSONS LEARNED.—Consistent with the findings and recommendations of the Columbia Accident Investigation Board, the Administration shall ensure that safety and the minimization of the probability of loss of crew are the critical priorities of the Commercial Crew Program.

(4) COST MINIMIZATION.—The Administrator shall strive through the competitive selection process to minimize the life cycle cost to the Administration through the planned period of commercially provided crew transportation services.

(f) COMMERCIAL CARGO PROGRAM.—Section 401 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18341) is amended by striking “Commercial Orbital Transportation Services” and inserting “Commercial Resupply Services”.

(g) COMPETITION.—It is the policy of the United States that, to foster the competitive development, operation, improvement, and commercial availability of space transportation services, and to minimize the life cycle cost to the Administration, the Administrator shall procure services for Federal Government access to and return from the ISS, whenever practicable, via fair and open competition for well-defined, milestone-based, Federal Acquisition Regulation-based contracts under section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)).

(h) TRANSPARENCY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that cost transparency and schedule transparency aid in effective program management and risk assessment.

(2) IN GENERAL.—The Administrator shall, to the greatest extent practicable and in a manner that does not add costs or schedule delays to the program, ensure all Commercial Crew Program and Commercial Resupply Services Program providers provide evidence-based support for their costs and schedules.

(i) ISS CARGO RESUPPLY SERVICES LESSONS LEARNED.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) identifies the lessons learned to date from previous and existing Commercial Resupply Services contracts;

(2) indicates whether changes are needed to the manner in which the Administration procures and manages similar services prior to the issuance of future Commercial Resupply Services procurement opportunities; and

(3) identifies any lessons learned from the Commercial Resupply Services contracts that should be applied to the procurement and management of commercially provided crew transfer services to and from the ISS or to other future procurements.

SEC. 303. ISS TRANSITION PLAN.

(a) FINDINGS.—Congress finds that—

(1) NASA has been both the primary supplier and consumer of human space flight capabilities and services of the ISS and in low-Earth orbit; and

(2) according to the National Research Council report “Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration” extending ISS beyond 2020 to 2024 or 2028 will have significant negative impacts on the schedule of crewed missions to Mars, without significant increases in funding.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) an orderly transition for United States human space flight activities in low-Earth orbit from the current regime, that relies heavily on NASA sponsorship, to a regime where NASA is one of many customers of a low-Earth orbit commercial human space flight enterprise may be necessary; and

(2) decisions about the long-term future of the ISS impact the ability to conduct future deep space exploration activities, and that such decisions regarding the ISS should be considered in the context of the human exploration roadmap under section 432 of this Act.

(c) REPORTS.—Section 50111 of title 51, United States Code, is amended by adding at the end the following:

“(c) ISS TRANSITION PLAN.—

“(1) IN GENERAL.—The Administrator, in coordination with the ISS management entity (as defined in section 2 of the National Aeronautics and Space Administration Transition Authorization Act of 2017), ISS partners, the scientific user community, and the commercial space sector, shall develop a plan to transition in a step-wise approach from the current regime that relies heavily on NASA sponsorship to a regime where NASA could be one of many customers of a low-Earth orbit non-governmental human space flight enterprise.

“(2) REPORTS.—Not later than December 1, 2017, and biennially thereafter until 2023, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on

Science, Space, and Technology of the House of Representatives a report that includes—

“(A) a description of the progress in achieving the Administration’s deep space human exploration objectives on ISS and prospects for accomplishing future mission requirements, space exploration objectives, and other research objectives on future commercially supplied low-Earth orbit platforms or migration of those objectives to cis-lunar space;

“(B) the steps NASA is taking and will take, including demonstrations that could be conducted on the ISS, to stimulate and facilitate commercial demand and supply of products and services in low-Earth orbit;

“(C) an identification of barriers preventing the commercialization of low-Earth orbit, including issues relating to policy, regulations, commercial intellectual property, data, and confidentiality, that could inhibit the use of the ISS as a commercial incubator;

“(D) the criteria for defining the ISS as a research success;

“(E) the criteria used to determine whether the ISS is meeting the objective under section 301(b)(2) of the National Aeronautics and Space Administration Transition Authorization Act of 2017;

“(F) an assessment of whether the criteria under subparagraphs (D) and (E) are consistent with the research areas defined in, and recommendations and schedules under, the current National Academies of Sciences, Engineering, and Medicine Decadal Survey on Biological and Physical Sciences in Space;

“(G) any necessary contributions that ISS extension would make to enabling execution of the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017;

“(H) the cost estimates for operating the ISS to achieve the criteria required under subparagraphs (D) and (E) and the contributions identified under subparagraph (G);

“(I) the cost estimates for extending operations of the ISS to 2024, 2028, and 2030;

“(J) an evaluation of the feasible and preferred service life of the ISS beyond the period described in section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353), through at least 2028, as a unique scientific, commercial, and space exploration-related facility, including—

“(i) a general discussion of international partner capabilities and prospects for extending the partnership;

“(ii) the cost associated with extending the service life;

“(iii) an assessment on the technical limiting factors of the service life of the ISS, including a list of critical components and their expected service life and availability; and

“(iv) such other information as may be necessary to fully describe the justification for and feasibility of extending the service life of the ISS, including the potential scientific or technological benefits to the Federal Government, public, or to academic or commercial entities;

“(K) an identification of the necessary actions and an estimate of the costs to deorbit the ISS once it has reached the end of its service life;

“(L) the impact on deep space exploration capabilities, including a crewed mission to Mars in the 2030s, if the preferred service life of the ISS is extended beyond 2024 and NASA maintains a flat budget profile; and

“(M) an evaluation of the functions, roles, and responsibilities for management and operation of the ISS and a determination of—

“(i) those functions, roles, and responsibilities the Federal Government should retain during the lifecycle of the ISS;

“(ii) those functions, roles, and responsibilities that could be transferred to the commercial space sector;

“(iii) the metrics that would indicate the commercial space sector’s readiness and ability to assume the functions, roles, and responsibilities described in clause (ii); and

“(iv) any necessary changes to any agreements or other documents and the law to enable the activities described in subparagraphs (A) and (B).

“(3) DEMONSTRATIONS.—If additional Government crew, power, and transportation resources are available after meeting the Administration’s requirements for ISS activities defined in the human exploration roadmap and related research, demonstrations identified under paragraph (2) may—

“(A) test the capabilities needed to meet future mission requirements, space exploration objectives, and other research objectives described in paragraph (2)(A); and

“(B) demonstrate or test capabilities, including commercial modules or deep space habitats, Environmental Control and Life Support Systems, orbital satellite assembly, exploration space suits, a node that enables a wide variety of activity, including multiple commercial modules and airlocks, additional docking or berthing ports for commercial crew and cargo, opportunities for the commercial space sector to cost share for transportation and other services on the ISS, other commercial activities, or services obtained through alternate acquisition approaches.”

SEC. 304. SPACE COMMUNICATIONS.

(a) PLAN.—The Administrator shall develop a plan, in consultation with relevant Federal agencies, to meet the Administration’s projected space communication and navigation needs for low-Earth orbit and deep space operations in the 20-year period following the date of enactment of this Act.

(b) CONTENTS.—The plan shall include—

(1) the lifecycle cost estimates and a 5-year funding profile;

(2) the performance capabilities required to meet the Administration’s projected space communication and navigation needs;

(3) the measures the Administration will take to sustain the existing space communications and navigation architecture;

(4) an identification of the projected space communications and navigation network and infrastructure needs;

(5) a description of the necessary upgrades to meet the needs identified in paragraph (4), including—

(A) an estimate of the cost of the upgrades;

(B) a schedule for implementing the upgrades; and

(C) an assessment of whether and how any related missions will be impacted if resources are not secured at the level needed;

(6) the cost estimates for the maintenance of existing space communications network capabilities necessary to meet the needs identified in paragraph (4);

(7) the criteria for prioritizing resources for the upgrades described in paragraph (5) and the maintenance described in paragraph (6);

(8) an estimate of any reimbursement amounts the Administration may receive from other Federal agencies;

(9) an identification of the projected Tracking and Data Relay Satellite System

needs in the 20-year period following the date of enactment of this Act, including in support of relevant Federal agencies, and cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet the projected needs;

(10) the measures the Administration is taking to meet space communications needs after all Tracking and Data Relay Satellite System third-generation communications satellites are operational; and

(11) the measures the Administration is taking to mitigate threats to electromagnetic spectrum use.

(c) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit the plan to the appropriate committees of Congress.

SEC. 305. INDEMNIFICATION; NASA LAUNCH SERVICES AND REENTRY SERVICES.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

“§ 20148. Indemnification; NASA launch services and reentry services

“(a) IN GENERAL.—Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost, and terms of liability insurance, any contract between the Administration and a provider may provide that the United States will indemnify the provider against successful claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from launch services and reentry services carried out under the contract that the contract defines as unusually hazardous or nuclear in nature, but only to the extent the total amount of successful claims related to the activities under the contract—

“(1) is more than the amount of insurance or demonstration of financial responsibility described in subsection (c)(3); and

“(2) is not more than the amount specified in section 50915(a)(1)(B).

“(b) TERMS OF INDEMNIFICATION.—A contract made under subsection (a) that provides indemnification shall provide for—

“(1) notice to the United States of any claim or suit against the provider for death, bodily injury, or loss of or damage to property; and

“(2) control of or assistance in the defense by the United States, at its election, of that claim or suit and approval of any settlement.

“(c) LIABILITY INSURANCE OF THE PROVIDER.—

“(1) IN GENERAL.—The provider under subsection (a) shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

“(A) a third party for death, bodily injury, or property damage or loss resulting from a launch service or reentry service carried out under the contract; and

“(B) the United States Government for damage or loss to Government property resulting from a launch service or reentry service carried out under the contract.

“(2) MAXIMUM PROBABLE LOSSES.—

“(A) IN GENERAL.—The Administrator shall determine the maximum probable losses under subparagraphs (A) and (B) of paragraph (1) not later than 90 days after the date that the provider requests such a determination and submits all information the Administrator requires.

“(B) REVISIONS.—The Administrator may revise a determination under subparagraph (A) of this paragraph if the Administrator determines the revision is warranted based on new information.

“(3) AMOUNT OF INSURANCE.—For the total claims related to one launch or reentry, a provider shall not be required to obtain insurance or demonstrate financial responsibility of more than—

“(A)(i) \$500,000,000 under paragraph (1)(A); or

“(ii) \$100,000,000 under paragraph (1)(B); or

“(B) the maximum liability insurance available on the world market at reasonable cost.

“(4) COVERAGE.—An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services or reentry services:

“(A) The Government.

“(B) Personnel of the Government.

“(C) Related entities of the Government.

“(D) Related entities of the provider.

“(E) Government astronauts.

“(d) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not indemnify a provider under this section unless there is a cross-waiver between the Administration and the provider as described in subsection (e).

“(e) CROSS-WAIVERS.—

“(1) IN GENERAL.—The Administrator, on behalf of the United States and its departments, agencies, and instrumentalities, shall reciprocally waive claims with a provider under which each party to the waiver agrees to be responsible, and agrees to ensure that its related entities are responsible, for damage or loss to its property, or for losses resulting from any injury or death sustained by its employees or agents, as a result of activities arising out of the performance of the contract.

“(2) LIMITATION.—The waiver made by the Government under paragraph (1) shall apply only to the extent that the claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (c)(1)(B).

“(f) WILLFUL MISCONDUCT.—Indemnification under subsection (a) may exclude claims resulting from the willful misconduct of the provider or its related entities.

“(g) CERTIFICATION OF JUST AND REASONABLE AMOUNT.—No payment may be made under subsection (a) unless the Administrator or the Administrator's designee certifies that the amount is just and reasonable.

“(h) PAYMENTS.—

“(1) IN GENERAL.—Upon the approval by the Administrator, payments under subsection (a) may be made from funds appropriated for such payments.

“(2) LIMITATION.—The Administrator shall not approve payments under paragraph (1), except to the extent provided in an appropriation law or to the extent additional legislative authority is enacted providing for such payments.

“(3) ADDITIONAL APPROPRIATIONS.—If the Administrator requests additional appropriations to make payments under this subsection, then the request for those appropriations shall be made in accordance with the procedures established under section 50915.

“(i) RULES OF CONSTRUCTION.—

“(1) IN GENERAL.—The authority to indemnify under this section shall not create any rights in third persons that would not otherwise exist by law.

“(2) OTHER AUTHORITY.—Nothing in this section may be construed as prohibiting the Administrator from indemnifying a provider or any other NASA contractor under other law, including under Public Law 85-804 (50 U.S.C. 1431 et seq.).

“(3) ANTI-DEFICIENCY ACT.—Notwithstanding any other provision of this section—

“(A) all obligations under this section are subject to the availability of funds; and

“(B) nothing in this section may be construed to require obligation or payment of funds in violation of sections 1341, 1342, 1349 through 1351, and 1511 through 1519 of title 31, United States Code (commonly referred to as the ‘Anti-Deficiency Act’).

“(j) RELATIONSHIP TO OTHER LAWS.—The Administrator may not provide indemnification under this section for an activity that requires a license or permit under chapter 509.

“(k) DEFINITIONS.—In this section:

“(1) GOVERNMENT ASTRONAUT.—The term ‘government astronaut’ has the meaning given the term in section 50902.

“(2) LAUNCH SERVICES.—The term ‘launch services’ has the meaning given the term in section 50902.

“(3) PROVIDER.—The term ‘provider’ means a person that provides domestic launch services or domestic reentry services to the Government.

“(4) REENTRY SERVICES.—The term ‘reentry services’ has the meaning given the term in section 50902.

“(5) RELATED ENTITY.—The term ‘related entity’ means a contractor or subcontractor.

“(6) THIRD PARTY.—The term ‘third party’ means a person except—

“(A) the United States Government;

“(B) related entities of the Government involved in launch services or reentry services;

“(C) a provider;

“(D) related entities of the provider involved in launch services or reentry services; or

“(E) a government astronaut.”

(b) CONFORMING AMENDMENT.—The table of contents for subchapter III of chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20147 the following:

“20148. Indemnification; NASA launch services and reentry services.”

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Space Flight and Exploration Goals and Objectives

SEC. 411. HUMAN SPACE FLIGHT AND EXPLORATION LONG-TERM GOALS.

Section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)) is amended to read as follows:

“(a) LONG-TERM GOALS.—The long-term goals of the human space flight and exploration efforts of NASA shall be—

“(1) to expand permanent human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international, academic, and industry partners;

“(2) crewed missions and progress toward achieving the goal in paragraph (1) to enable the potential for subsequent human exploration and the extension of human presence throughout the solar system; and

“(3) to enable a capability to extend human presence, including potential human habitation on another celestial body and a thriving space economy in the 21st Century.”

SEC. 412. KEY OBJECTIVES.

Section 202(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)) is amended—

(1) in paragraph (3), by striking “; and” and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) to achieve human exploration of Mars and beyond through the prioritization of those technologies and capabilities best suited for such a mission in accordance with the stepping stone approach to exploration under section 70504 of title 51, United States Code.”

SEC. 413. VISION FOR SPACE EXPLORATION.

Section 20302 of title 51, United States Code, is amended—

(1) in subsection (a), by inserting “in cis-lunar space or” after “sustained human presence”;

(2) by amending subsection (b) to read as follows:

“(b) FUTURE EXPLORATION OF MARS.—The Administrator shall manage human space flight programs, including the Space Launch System and Orion, to enable humans to explore Mars and other destinations by defining a series of sustainable steps and conducting mission planning, research, and technology development on a timetable that is technically and fiscally possible, consistent with section 70504.”; and

(3) by adding at the end the following:

“(c) DEFINITIONS.—In this section:

“(1) ORION.—The term ‘Orion’ means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

“(2) SPACE LAUNCH SYSTEM.—The term ‘Space Launch System’ means has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).”

SEC. 414. STEPPING STONE APPROACH TO EXPLORATION.

Section 70504 of title 51, United States Code, is amended to read as follows:

“§ 70504. Stepping stone approach to exploration

“(a) IN GENERAL.—The Administration—

“(1) may conduct missions to intermediate destinations in sustainable steps in accordance with section 20302(b) of this title, and on a timetable determined by the availability of funding, in order to achieve the objective of human exploration of Mars specified in section 202(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)(5)); and

“(2) shall incorporate any such missions into the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017.

“(b) COST-EFFECTIVENESS.—In order to maximize the cost-effectiveness of the long-term space exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international, academic, and industry partners, to ensure that activities in the Administration's human space exploration program balance how those activities might also help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

“(c) COMPLETION.—Within budgetary considerations, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

“(d) INTERNATIONAL PARTICIPATION.—In order to achieve the goal of successfully conducting a crewed mission to the surface of Mars, the President may invite the United States partners in the ISS program and

other nations, as appropriate, to participate in an international initiative under the leadership of the United States.”.

SEC. 415. UPDATE OF EXPLORATION PLAN AND PROGRAMS.

Section 70502(2) of title 51, United States Code, is amended to read as follows:

“(2) implement an exploration research and technology development program to enable human and robotic operations consistent with section 20302(b) of this title”;.

SEC. 416. REPEALS.

(a) **SPACE SHUTTLE CAPABILITY ASSURANCE.**—Section 203 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18313) is amended—

(1) by striking subsection (b);

(2) in subsection (d), by striking “subsection (c)” and inserting “subsection (b)”;

and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) **SHUTTLE PRICING POLICY FOR COMMERCIAL AND FOREIGN USERS.**—Chapter 703 of title 51, United States Code, and the item relating to that chapter in the table of chapters for that title, are repealed.

(c) **SHUTTLE PRIVATIZATION.**—Section 50133 of title 51, United States Code, and the item relating to that section in the table of sections for chapter 501 of that title, are repealed.

SEC. 417. ASSURED ACCESS TO SPACE.

Section 70501 of title 51, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) **POLICY STATEMENT.**—In order to ensure continuous United States participation and leadership in the exploration and utilization of space and as an essential instrument of national security, it is the policy of the United States to maintain an uninterrupted capability for human space flight and operations—

“(1) in low-Earth orbit; and

“(2) beyond low-Earth orbit once the capabilities described in section 421(f) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 become available.”; and

(2) in subsection (b), by striking “Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle” and inserting “Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives describing the progress being made toward developing the Space Launch System and Orion”.

Subtitle B—Assuring Core Capabilities for Exploration

SEC. 421. SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) NASA has made steady progress in developing and testing the Space Launch System and Orion exploration systems with the successful Exploration Flight Test of Orion in December of 2014, the final qualification test firing of the 5-segment Space Launch System boosters in June 2016, and a full thrust, full duration test firing of the RS-25 Space Launch System core stage engine in August 2016.

(2) Through the 21st Century Launch Complex program and Exploration Ground Sys-

tems programs, NASA has made significant progress in transforming exploration ground systems infrastructure to meet NASA’s mission requirements for the Space Launch System and Orion and to modernize NASA’s launch complexes to the benefit of the civil, defense, and commercial space sectors.

(b) **SPACE LAUNCH SYSTEM.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that use of the Space Launch System and Orion, with contributions from partnerships with the private sector, academia, and the international community, is the most practical approach to reaching the Moon, Mars, and beyond.

(2) **REAFFIRMATION.**—Congress reaffirms the policy and minimum capability requirements for the Space Launch System under section 302 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322).

(c) **SENSE OF CONGRESS ON SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.**—It is the sense of Congress that—

(1) as the United States works to send humans on a series of missions to Mars in the 2030s, the United States national space program should continue to make progress on its commitment by fully developing the Space Launch System, Orion, and related Exploration Ground Systems;

(2) using the Space Launch System and Orion for a wide range of contemplated missions will facilitate the national defense, science, and exploration objectives of the United States;

(3) the United States should have continuity of purpose for the Space Launch System and Orion in deep space exploration missions, using them beginning with the uncrewed mission, EM-1, planned for 2018, followed by the crewed mission, EM-2, in cis-lunar space planned for 2021, and for subsequent missions beginning with EM-3 extending into cis-lunar space and eventually to Mars;

(4) the President’s annual budget requests for the Space Launch System and Orion development, test, and operational phases should strive to accurately reflect the resource requirements of each of those phases;

(5) the fully integrated Space Launch System, including an upper stage needed to go beyond low-Earth orbit, will safely enable human space exploration of the Moon, Mars, and beyond; and

(6) the Administrator should budget for and undertake a robust ground test and uncrewed and crewed flight test and demonstration program for the Space Launch System and Orion in order to promote safety and reduce programmatic risk.

(d) **IN GENERAL.**—The Administrator shall continue the development of the fully integrated Space Launch System, including an upper stage needed to go beyond low-Earth orbit, in order to safely enable human space exploration of the Moon, Mars, and beyond over the course of the next century as required in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)).

(e) **REPORT.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report addressing the ability of Orion to meet the needs and the minimum capability requirements described in section 303(b)(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323(b)(3)).

(2) **CONTENTS.**—The report shall detail—

(A) those components and systems of Orion that ensure it is in compliance with section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3));

(B) the expected date that Orion, integrated with a vehicle other than the Space Launch System, could be available to transport crew and cargo to the ISS;

(C) any impacts to the deep space exploration missions under subsection (f) of this section due to enabling Orion to meet the minimum capability requirements described in section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3)) and conducting the mission described in subparagraph (B) of this paragraph; and

(D) the overall cost and schedule impacts associated with enabling Orion to meet the minimum capability requirements described in section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3)) and conducting the mission described in subparagraph (B) of this paragraph.

(f) **EXPLORATION MISSIONS.**—The Administrator shall continue development of—

(1) an uncrewed exploration mission to demonstrate the capability of both the Space Launch System and Orion as an integrated system by 2018;

(2) subject to applicable human rating processes and requirements, a crewed exploration mission to demonstrate the Space Launch System, including the Core Stage and Exploration Upper Stages, by 2021;

(3) subsequent missions beginning with EM-3 at operational flight rate sufficient to maintain safety and operational readiness using the Space Launch System and Orion to extend into cis-lunar space and eventually to Mars; and

(4) a deep space habitat as a key element in a deep space exploration architecture along with the Space Launch System and Orion.

(g) **OTHER USES.**—The Administrator shall assess the utility of the Space Launch System for use by the science community and for other Federal Government launch needs, including consideration of overall cost and schedule savings from reduced transit times and increased science returns enabled by the unique capabilities of the Space Launch System.

(h) **UTILIZATION REPORT.**—

(1) **IN GENERAL.**—The Administrator, in consultation with the Secretary of Defense and the Director of National Intelligence, shall prepare a report that addresses the effort and budget required to enable and utilize a cargo variant of the 130-ton Space Launch System configuration described in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)).

(2) **CONTENTS.**—In preparing the report, the Administrator shall—

(A) consider the technical requirements of the scientific and national security communities related to a cargo variant of the Space Launch System; and

(B) directly assess the utility and estimated cost savings obtained by using a cargo variant of the Space Launch System for national security and space science missions.

(3) **SUBMISSION TO CONGRESS.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the report to the appropriate committees of Congress.

Subtitle C—Journey to Mars

SEC. 431. FINDINGS ON HUMAN SPACE EXPLORATION.

Congress makes the following findings:

(1) In accordance with section 204 of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat.

2813), the National Academies of Sciences, Engineering, and Medicine, through its Committee on Human Spaceflight, conducted a review of the goals, core capabilities, and direction of human space flight, and published the findings and recommendations in a 2014 report entitled, "Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration".

(2) The Committee on Human Spaceflight included leaders from the aerospace, scientific, security, and policy communities.

(3) With input from the public, the Committee on Human Spaceflight concluded that many practical and aspirational rationales for human space flight together constitute a compelling case for continued national investment and pursuit of human space exploration toward the horizon goal of Mars.

(4) According to the Committee on Human Spaceflight, the rationales include economic benefits, national security, national prestige, inspiring students and other citizens, scientific discovery, human survival, and a sense of shared destiny.

(5) The Committee on Human Spaceflight affirmed that Mars is the appropriate long-term goal for the human space flight program.

(6) The Committee on Human Spaceflight recommended that NASA define a series of sustainable steps and conduct mission planning and technology development as needed to achieve the long-term goal of placing humans on the surface of Mars.

(7) Expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars requires early planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives.

(8) In addition to the 2014 report described in paragraph (1), there are several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including NASA's "The Global Exploration Roadmap" of 2013, "NASA's Journey to Mars—Pioneering Next Steps in Space Exploration" of 2015, NASA Jet Propulsion Laboratory's "Minimal Architecture for Human Journeys to Mars" of 2015, and Explore Mars' "The Humans to Mars Report 2016".

SEC. 432. HUMAN EXPLORATION ROADMAP.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars in the 2030s requires early strategic planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives;

(2) for strong and sustained United States leadership, a need exists to advance a human exploration roadmap, addressing exploration objectives in collaboration with international, academic, and industry partners;

(3) an approach that incrementally advances toward a long-term goal is one in which nearer-term developments and implementation would influence future development and implementation; and

(4) a human exploration roadmap should begin with low-Earth orbit, then address in greater detail progress beyond low-Earth orbit to cis-lunar space, and then address future missions aimed at human arrival and activities near and then on the surface of Mars.

(b) HUMAN EXPLORATION ROADMAP.—

(1) IN GENERAL.—The Administrator shall develop a human exploration roadmap, including a critical decision plan, to expand human presence beyond low-Earth orbit to the surface of Mars and beyond, considering potential interim destinations such as cis-lunar space and the moons of Mars.

(2) SCOPE.—The human exploration roadmap shall include—

(A) an integrated set of exploration, science, and other goals and objectives of a United States human space exploration program to achieve the long-term goal of human missions near or on the surface of Mars in the 2030s;

(B) opportunities for international, academic, and industry partnerships for exploration-related systems, services, research, and technology if those opportunities provide cost-savings, accelerate program schedules, or otherwise benefit the goals and objectives developed under subparagraph (A);

(C) sets and sequences of precursor missions in cis-lunar space and other missions or activities necessary—

(i) to demonstrate the proficiency of the capabilities and technologies identified under subparagraph (D); and

(ii) to meet the goals and objectives developed under subparagraph (A), including anticipated timelines and missions for the Space Launch System and Orion;

(D) an identification of the specific capabilities and technologies, including the Space Launch System, Orion, a deep space habitat, and other capabilities, that facilitate the goals and objectives developed under subparagraph (A);

(E) a description of how cis-lunar elements, objectives, and activities advance the human exploration of Mars;

(F) an assessment of potential human health and other risks, including radiation exposure;

(G) mitigation plans, whenever possible, to address the risks identified in subparagraph (F);

(H) a description of those technologies already under development across the Federal Government or by other entities that facilitate the goals and objectives developed under subparagraph (A);

(I) a specific process for the evolution of the capabilities of the fully integrated Orion with the Space Launch System and a description of how these systems facilitate the goals and objectives developed under subparagraph (A) and demonstrate the capabilities and technologies described in subparagraph (D);

(J) a description of the capabilities and technologies that need to be demonstrated or research data that could be gained through the utilization of the ISS and the status of the development of such capabilities and technologies;

(K) a framework for international cooperation in the development of all capabilities and technologies identified under this section, including an assessment of the risks posed by relying on international partners for capabilities and technologies on the critical path of development;

(L) a process for partnering with non-governmental entities using Space Act Agreements or other acquisition instruments for future human space exploration; and

(M) include information on the phasing of planned intermediate destinations, Mars mission risk areas and potential risk mitigation approaches, technology requirements and phasing of required technology development activities, the management strategy to be followed, related ISS activities, planned

international collaborative activities, potential commercial contributions, and other activities relevant to the achievement of the goal established in this section.

(3) CONSIDERATIONS.—In developing the human exploration roadmap, the Administrator shall consider—

(A) using key exploration capabilities, namely the Space Launch System and Orion;

(B) using existing commercially available technologies and capabilities or those technologies and capabilities being developed by industry for commercial purposes;

(C) establishing an organizational approach to ensure collaboration and coordination among NASA's Mission Directorates under section 821, when appropriate, including to collect and return to Earth a sample from the Martian surface;

(D) building upon the initial uncrewed mission, EM-1, and first crewed mission, EM-2, of the Space Launch System and Orion to establish a sustainable cadence of missions extending human exploration missions into cis-lunar space, including anticipated timelines and milestones;

(E) developing the robotic and precursor missions and activities that will demonstrate, test, and develop key technologies and capabilities essential for achieving human missions to Mars, including long-duration human operations beyond low-Earth orbit, space suits, solar electric propulsion, deep space habitats, environmental control life support systems, Mars lander and ascent vehicle, entry, descent, landing, ascent, Mars surface systems, and in-situ resource utilization;

(F) demonstrating and testing 1 or more habitat modules in cis-lunar space to prepare for Mars missions;

(G) using public-private, firm fixed-price partnerships, where practicable;

(H) collaborating with international, academic, and industry partners, when appropriate;

(I) any risks to human health and sensitive onboard technologies, including radiation exposure;

(J) any risks identified through research outcomes under the NASA Human Research Program's Behavioral Health Element; and

(K) the recommendations and ideas of several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including the reports described under section 431.

(4) CRITICAL DECISION PLAN ON HUMAN SPACE EXPLORATION.—As part of the human exploration roadmap, the Administrator shall include a critical decision plan—

(A) identifying and defining key decisions guiding human space exploration priorities and plans that need to be made before June 30, 2020, including decisions that may guide human space exploration capability development, precursor missions, long-term missions, and activities;

(B) defining decisions needed to maximize efficiencies and resources for reaching the near, intermediate, and long-term goals and objectives of human space exploration; and

(C) identifying and defining timelines and milestones for a sustainable cadence of missions beginning with EM-3 for the Space Launch System and Orion to extend human exploration from cis-lunar space to the surface of Mars.

(5) REPORTS.—

(A) INITIAL HUMAN EXPLORATION ROADMAP.—The Administrator shall submit to the appropriate committees of Congress—

(i) an initial human exploration roadmap, including a critical decision plan, before December 1, 2017; and

(ii) an updated human exploration roadmap periodically as the Administrator considers necessary but not less than biennially.

(B) CONTENTS.—Each human exploration roadmap under this paragraph shall include a description of—

(i) the achievements and goals accomplished in the process of developing such capabilities and technologies during the 2-year period prior to the submission of the human exploration roadmap; and

(ii) the expected goals and achievements in the following 2-year period.

(C) SUBMISSION WITH BUDGET.—Each human exploration roadmap under this section shall be included in the budget for that fiscal year transmitted to Congress under section 1105(a) of title 31, United States Code.

SEC. 433. ADVANCED SPACE SUIT CAPABILITY.

Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a detailed plan for achieving an advanced space suit capability that aligns with the crew needs for exploration enabled by the Space Launch System and Orion, including an evaluation of the merit of delivering the planned suit system for use on the ISS.

SEC. 434. ASTEROID ROBOTIC REDIRECT MISSION.

(a) FINDINGS.—Congress makes the following findings:

(1) NASA initially estimated that the Asteroid Robotic Redirect Mission would launch in December 2020 and cost no more than \$1,250,000,000, excluding launch and operations.

(2) On July 15, 2016, NASA conducted its Key Decision Point-B review of the Asteroid Robotic Redirect Mission or approval for Phase B in mission formulation.

(3) During the Key Decision Point-B review, NASA estimated that costs have grown to \$1,400,000,000 excluding launch and operations for a launch in December 2021 and the agency must evaluate whether to accept the increase or reduce the Asteroid Robotic Redirect Mission's scope to stay within the cost cap set by the Administrator.

(4) In April 2015, the NASA Advisory Council—

(A) issued a finding that—

(i) high-performance solar electric propulsion will likely be an important part of an architecture to send humans to Mars; and

(ii) maneuvering a large test mass is not necessary to provide a valid in-space test of a new solar electric propulsion stage;

(B) determined that a solar electric propulsion mission will contribute more directly to the goal of sending humans to Mars if the mission is focused entirely on development and validation of the solar electric propulsion stage; and

(C) determined that other possible motivations for acquiring and maneuvering a boulder, such as asteroid science and planetary defense, do not have value commensurate with their probable cost.

(5) The Asteroid Robotic Redirect Mission is competing for resources with other critical exploration development programs, including the Space Launch System, Orion, commercial crew, and a habitation module.

(6) In 2014, the NASA Advisory Council recommended that NASA conduct an independent cost and technical assessment of the Asteroid Robotic Redirect Mission.

(7) In 2015, the NASA Advisory Council recommended that NASA preserve the following key objectives if the program needed to be descope:

(A) Development of high power solar electric propulsion.

(B) Ability to maneuver in a low gravity environment in deep space.

(8) In January 2015 and July 2015, the NASA Advisory Council expressed its concern to NASA about the potential for growing costs for the program and highlighted that choices would need to be made about the program's content.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the technological and scientific goals of the Asteroid Robotic Redirect Mission have not been demonstrated to Congress to be commensurate with the cost; and

(2) alternative missions may provide a more cost effective and scientifically beneficial means to demonstrate the technologies needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission.

(c) EVALUATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(1) conduct an evaluation of—

(A) alternative approaches to the Asteroid Robotic Redirect Mission for demonstrating the technologies and capabilities needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission;

(B) the scientific and technical benefits of the alternative approaches under subparagraph (A) to future human space exploration compared to scientific and technical benefits of the Asteroid Redirect Robotic Mission;

(C) the commercial benefits of the alternative approaches identified in subparagraph (A), including the impact on the development of domestic solar electric propulsion technology to bolster United States competitiveness in the global marketplace; and

(D) a comparison of the estimated costs of the alternative approaches identified in subparagraph (A); and

(2) submit to the appropriate committees of Congress a report on the evaluation under paragraph (1), including any recommendations.

SEC. 435. MARS 2033 REPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall contract with an independent, non-governmental systems engineering and technical assistance organization to study a Mars human space flight mission to be launched in 2033.

(b) CONTENTS.—The study shall include—

(1) a technical development, test, fielding, and operations plan using the Space Launch System, Orion, and other systems to successfully launch such a Mars human space flight mission by 2033;

(2) an annual budget profile, including cost estimates, for the technical development, test, fielding, and operations plan to carry out a Mars human space flight mission by 2033; and

(3) a comparison of the annual budget profile to the 5-year budget profile contained in the President's budget request for fiscal year 2017 under section 1105 of title 31, United States Code.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the study, including findings and recommendations regarding the Mars 2033 human space flight mission described in subsection (a).

(d) ASSESSMENT.—Not later than 60 days after the date the report is submitted under subsection (c), the Administrator shall sub-

mit to the appropriate committees of Congress an assessment by the NASA Advisory Council of whether the proposal for a Mars human space flight mission to be launched in 2033 is in the strategic interests of the United States in space exploration.

Subtitle D—TREAT Astronauts Act

SEC. 441. SHORT TITLE.

This subtitle may be cited as the “To Research, Evaluate, Assess, and Treat Astronauts Act” or the “TREAT Astronauts Act”.

SEC. 442. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Human space exploration can pose significant challenges and is full of substantial risk, which has ultimately claimed the lives of 24 NASA astronauts serving in the line of duty.

(2) As United States government astronauts participate in long-duration and exploration space flight missions they may experience increased health risks, such as vision impairment, bone demineralization, and behavioral health and performance risks, and may be exposed to galactic cosmic radiation. Exposure to high levels of radiation and microgravity can result in acute and long-term health consequences that can increase the risk of cancer and tissue degeneration and have potential effects on the musculoskeletal system, central nervous system, cardiovascular system, immune function, and vision.

(3) To advance the goal of long-duration and exploration space flight missions, United States government astronaut Scott Kelly participated in a 1-year twins study in space while his identical twin brother, former United States government astronaut Mark Kelly, acted as a human control specimen on Earth, providing an understanding of the physical, behavioral, microbiological, and molecular reaction of the human body to an extended period of time in space.

(4) Since the Administration currently provides medical monitoring, diagnosis, and treatment for United States government astronauts during their active employment, given the unknown long-term health consequences of long-duration space exploration, the Administration has requested statutory authority from Congress to provide medical monitoring, diagnosis, and treatment to former United States government astronauts for psychological and medical conditions associated with human space flight.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue to seek the unknown and lead the world in space exploration and scientific discovery as the Administration prepares for long-duration and exploration space flight in deep space and an eventual mission to Mars;

(2) data relating to the health of astronauts will become increasingly valuable to improving our understanding of many diseases humans face on Earth;

(3) the Administration should provide the type of monitoring, diagnosis, and treatment described in subsection (a) only for conditions the Administration considers unique to the training or exposure to the space flight environment of United States government astronauts and should not require any former United States Government astronauts to participate in the Administration's monitoring;

(4) such monitoring, diagnosis, and treatment should not replace a former United States government astronaut's private health insurance;

(5) expanded data acquired from such monitoring, diagnosis, and treatment should be used to tailor treatment, inform the requirements for new space flight medical hardware, and develop controls in order to prevent disease occurrence in the astronaut corps; and

(6) the 340-day space mission of Scott Kelly aboard the ISS—

(A) was pivotal for the goal of the United States for humans to explore deep space and Mars as the mission generated new insight into how the human body adjusts to weightlessness, isolation, radiation, and the stress of long-duration space flight; and

(B) will help support the physical and mental well-being of astronauts during longer space exploration missions in the future.

SEC. 443. MEDICAL MONITORING AND RESEARCH RELATING TO HUMAN SPACE FLIGHT.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by adding at the end the following:

“§ 20149. Medical monitoring and research relating to human space flight

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may provide for—

“(1) the medical monitoring and diagnosis of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers potentially associated with human space flight; and

“(2) the treatment of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers associated with human space flight, including scientific and medical tests for psychological and medical conditions.

“(b) REQUIREMENTS.—

“(1) NO COST SHARING.—The medical monitoring, diagnosis, or treatment described in subsection (a) shall be provided without any deductible, copayment, or other cost sharing obligation.

“(2) ACCESS TO LOCAL SERVICES.—The medical monitoring, diagnosis, and treatment described in subsection (a) may be provided by a local health care provider if it is unadvisable due to the health of the applicable former United States government astronaut or former payload specialist for that former United States government astronaut or former payload specialist to travel to the Lyndon B. Johnson Space Center, as determined by the Administrator.

“(3) SECONDARY PAYMENT.—Payment or reimbursement for the medical monitoring, diagnosis, or treatment described in subsection (a) shall be secondary to any obligation of the United States Government or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment. Any costs for items and services that may be provided by the Administrator for medical monitoring, diagnosis, or treatment under subsection (a) that are not paid for or provided under such other provision of law or contractual agreement, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable by the Administrator on behalf of the former United States government astronaut or former payload specialist involved to the extent such items or services are authorized to be provided by the Administrator for such medical monitoring, diagnosis, or treatment under subsection (a).

“(4) CONDITIONAL PAYMENT.—The Administrator may provide for conditional payments for or provide medical monitoring, diagnosis, or treatment described in subsection (a) that is obligated to be paid for or provided by the United States or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment if—

“(A) payment for (or the provision of) such medical monitoring, diagnosis, or treatment services has not been made (or provided) or cannot reasonably be expected to be made (or provided) promptly by the United States or such third party, respectively; and

“(B) such payment (or such provision of services) by the Administrator is conditioned on reimbursement by the United States or such third party, respectively, for such medical monitoring, diagnosis, or treatment.

“(c) EXCLUSIONS.—The Administrator may not—

“(1) provide for medical monitoring or diagnosis of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not potentially associated with human space flight;

“(2) provide for treatment of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not associated with human space flight; or

“(3) require a former United States government astronaut or former payload specialist to participate in the medical monitoring, diagnosis, or treatment authorized under subsection (a).

“(d) PRIVACY.—Consistent with applicable provisions of Federal law relating to privacy, the Administrator shall protect the privacy of all medical records generated under subsection (a) and accessible to the Administration.

“(e) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to carry out this section.

“(f) DEFINITION OF UNITED STATES GOVERNMENT ASTRONAUT.—In this section, the term ‘United States government astronaut’ has the meaning given the term ‘government astronaut’ in section 50902, except it does not include an individual who is an international partner astronaut.

“(g) DATA USE AND DISCLOSURE.—The Administrator may use or disclose data acquired in the course of medical monitoring, diagnosis, or treatment of a former United States government astronaut or a former payload specialist under subsection (a), in accordance with subsection (d). Former United States government astronaut or former payload specialist participation in medical monitoring, diagnosis, or treatment under subsection (a) shall constitute consent for the Administrator to use or disclose such data.”

(b) TABLE OF CONTENTS.—The table of contents for chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by inserting after the item relating to section 20148 the following:

“20149. Medical monitoring and research relating to human space flight.”

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Each fiscal year, not later than the date of submission of the President's annual budget request for that fiscal year under section 1105 of title 31, United States Code, the Administrator shall publish a report, in accordance with applicable Federal privacy laws, on the activities of the Ad-

ministration under section 20149 of title 51, United States Code.

(2) CONTENTS.—Each report under paragraph (1) shall include a detailed cost accounting of the Administration's activities under section 20149 of title 51, United States Code, and a 5-year budget estimate.

(3) SUBMISSION TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress each report under paragraph (1) not later than the date of submission of the President's annual budget request for that fiscal year under section 1105 of title 31, United States Code.

(d) COST ESTIMATE.—

(1) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall enter into an arrangement with an independent external organization to undertake an independent cost estimate of the cost to the Administration and the Federal Government to implement and administer the activities of the Administration under section 20149 of title 51, United States Code. The independent external organization may not be a NASA entity, such as the Office of Safety and Mission Assurance.

(2) SUBMITTAL TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress the independent cost estimate under paragraph (1).

(e) PRIVACY STUDY.—

(1) STUDY.—The Administrator shall carry out a study on any potential privacy or legal issues related to the possible sharing beyond the Federal Government of data acquired under the activities of the Administration under section 20149 of title 51, United States Code.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the study carried out under paragraph (1).

(f) INSPECTOR GENERAL AUDIT.—The Inspector General of NASA shall periodically audit or review, as the Inspector General considers necessary to prevent waste, fraud, and abuse, the activities of the Administration under section 20149 of title 51, United States Code.

TITLE V—ADVANCING SPACE SCIENCE

SEC. 501. MAINTAINING A BALANCED SPACE SCIENCE PORTFOLIO.

(a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—Congress reaffirms the sense of Congress that—

(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the National Academies of Sciences, Engineering, and Medicine's decadal surveys.

(b) POLICY.—It is the policy of the United States to ensure, to the extent practicable, a steady cadence of large, medium, and small science missions.

SEC. 502. PLANETARY SCIENCE.

(a) FINDINGS.—Congress finds that—

(1) Administration support for planetary science is critical to enabling greater understanding of the solar system and the origin of the Earth;

(2) the United States leads the world in planetary science and can augment its success in that area with appropriate international, academic, and industry partnerships;

(3) a mix of small, medium, and large planetary science missions is required to sustain a steady cadence of planetary exploration; and

(4) robotic planetary exploration is a key component of preparing for future human exploration.

(b) **MISSION PRIORITIES.**—

(1) **IN GENERAL.**—In accordance with the priorities established in the most recent Planetary Science Decadal Survey, the Administrator shall ensure, to the greatest extent practicable, the completion of a balanced set of Discovery, New Frontiers, and Flagship missions at the cadence recommended by the most recent Planetary Science Decadal Survey.

(2) **MISSION PRIORITY ADJUSTMENTS.**—Consistent with the set of missions described in paragraph (1), and while maintaining the continuity of scientific data and steady development of capabilities and technologies, the Administrator may seek, if necessary, adjustments to mission priorities, schedule, and scope in light of changing budget projections.

SEC. 503. JAMES WEBB SPACE TELESCOPE.

It is the sense of Congress that—

(1) the James Webb Space Telescope will—

(A) significantly advance our understanding of star and planet formation, and improve our knowledge of the early universe; and

(B) support United States leadership in astrophysics;

(2) consistent with annual Government Accountability Office reviews of the James Webb Space Telescope program, the Administrator should continue robust surveillance of the performance of the James Webb Space Telescope project and continue to improve the reliability of cost estimates and contractor performance data and other major space flight projects in order to enhance NASA's ability to successfully deliver the James Webb Space Telescope on-time and within budget;

(3) the on-time and on-budget delivery of the James Webb Space Telescope is a high congressional priority; and

(4) the Administrator should ensure that integrated testing is appropriately timed and sufficiently comprehensive to enable potential issues to be identified and addressed early enough to be handled within the James Webb Space Telescope's development schedule and prior to its launch.

SEC. 504. WIDE-FIELD INFRARED SURVEY TELESCOPE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Wide-Field Infrared Survey Telescope (referred to in this section as "WFIRST") mission has the potential to enable scientific discoveries that will transform our understanding of the universe; and

(2) the Administrator, to the extent practicable, should make progress on the technologies and capabilities needed to position the Administration to meet the objectives, as outlined in the 2010 National Academies' Astronomy and Astrophysics Decadal Survey, in a way that maximizes the scientific productivity of meeting those objectives for the resources invested.

(b) **CONTINUITY OF DEVELOPMENT.**—The Administrator shall ensure that the concept definition and pre-formulation activities of the WFIRST mission continue while the

James Webb Space Telescope is being completed.

SEC. 505. MARS 2020 ROVER.

It is the sense of Congress that—

(1) the Mars 2020 mission, to develop a Mars rover and to enable the return of samples to Earth, should remain a priority for NASA; and

(2) the Mars 2020 mission—

(A) should significantly increase our understanding of Mars;

(B) should help determine whether life previously existed on that planet; and

(C) should provide opportunities to gather knowledge and demonstrate technologies that address the challenges of future human expeditions to Mars.

SEC. 506. EUROPA.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Studies of Europa, Jupiter's moon, indicate that Europa may provide a habitable environment, as it contains key ingredients known to support life.

(2) In 2012, using the Hubble Space Telescope, NASA scientists observed water vapor around the south polar region of Europa, which provides potential evidence of water plumes in that region.

(3) For decades, the Europa mission has consistently ranked as a high priority mission for the scientific community.

(4) The Europa mission was ranked as the top priority mission in the previous Planetary Science Decadal Survey and ranked as the second-highest priority in the current Planetary Science Decadal Survey.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Europa mission could provide another avenue in which to capitalize on our Nation's current investment in the Space Launch System that would significantly reduce the transit time for such a deep space mission; and

(2) a scientific, robotic exploration mission to Europa, as prioritized in both Planetary Science Decadal Surveys, should be supported.

SEC. 507. CONGRESSIONAL DECLARATION OF POLICY AND PURPOSE.

Section 20102(d) of title 51, United States Code, is amended by adding at the end the following:

"(10) The search for life's origin, evolution, distribution, and future in the universe."

SEC. 508. EXTRASOLAR PLANET EXPLORATION STRATEGY.

(a) **STRATEGY.**—

(1) **IN GENERAL.**—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for the study and exploration of extrasolar planets, including the use of the Transiting Exoplanet Survey Satellite, the James Webb Space Telescope, a potential Wide-Field Infrared Survey Telescope mission, or any other telescope, spacecraft, or instrument, as appropriate.

(2) **REQUIREMENTS.**—The strategy shall—

(A) outline key scientific questions;

(B) identify the most promising research in the field;

(C) indicate the extent to which the mission priorities in existing decadal surveys address the key extrasolar planet research and exploration goals;

(D) identify opportunities for coordination with international partners, commercial partners, and not-for-profit partners; and

(E) make recommendations regarding the activities under subparagraphs (A) through (D), as appropriate.

(b) **USE OF STRATEGY.**—The Administrator shall use the strategy—

(1) to inform roadmaps, strategic plans, and other activities of the Administration as they relate to extrasolar planet research and exploration; and

(2) to provide a foundation for future activities and initiatives related to extrasolar planet research and exploration.

(c) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 509. ASTROBIOLOGY STRATEGY.

(a) **STRATEGY.**—

(1) **IN GENERAL.**—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for astrobiology that would outline key scientific questions, identify the most promising research in the field, and indicate the extent to which the mission priorities in existing decadal surveys address the search for life's origin, evolution, distribution, and future in the Universe.

(2) **RECOMMENDATIONS.**—The strategy shall include recommendations for coordination with international partners.

(b) **USE OF STRATEGY.**—The Administrator shall use the strategy developed under subsection (a) in planning and funding research and other activities and initiatives in the field of astrobiology.

(c) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 510. ASTROBIOLOGY PUBLIC-PRIVATE PARTNERSHIPS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to study life's origin, evolution, distribution, and future in the universe.

SEC. 511. NEAR-EARTH OBJECTS.

Section 321 of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 71101) is amended by adding at the end the following:

"(e) **PROGRAM REPORT.**—The Director of the Office of Science and Technology Policy and the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, not later than 1 year after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, an initial report that provides—

"(1) recommendations for carrying out the Survey program and an associated proposed budget;

"(2) an analysis of possible options that the Administration could employ to divert an object on a likely collision course with Earth; and

"(3) a description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy in the event of the discovery of an object on a likely collision course with Earth.

"(f) **ANNUAL REPORTS.**—After the initial report under subsection (e), the Administrator shall annually transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes—

“(1) a summary of all activities carried out under subsection (d) since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, including the progress toward achieving 90 percent completion of the survey described in subsection (d); and

“(2) a summary of expenditures for all activities carried out under subsection (d) since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017.

“(g) ASSESSMENT.—The Administrator, in collaboration with other relevant Federal agencies, shall carry out a technical and scientific assessment of the capabilities and resources—

“(1) to accelerate the survey described in subsection (d); and

“(2) to expand the Administration's Near-Earth Object Program to include the detection, tracking, cataloguing, and characterization of potentially hazardous near-Earth objects less than 140 meters in diameter.

“(h) TRANSMITTAL.—Not later than 270 days after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, the Administrator shall transmit the results of the assessment under subsection (g) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.”.

SEC. 512. NEAR-EARTH OBJECTS PUBLIC-PRIVATE PARTNERSHIPS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administration should seek to leverage the capabilities of the private sector and philanthropic organizations to the maximum extent practicable in carrying out the Near-Earth Object Survey Program in order to meet the goal of that program under section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 71101(d)(1)).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to detect, track, catalogue, and categorize near-Earth objects.

SEC. 513. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

Section 30504 of title 51, United States Code, is amended to read as follows:

“§ 30504. Assessment of science mission extensions

“(a) ASSESSMENTS.—

“(1) IN GENERAL.—The Administrator shall carry out triennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that exceed their planned missions' lifetime.

“(2) CONSIDERATIONS.—In conducting an assessment under paragraph (1), the Administrator shall consider whether and how extending missions impacts the start of future missions.

“(b) CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.—When deciding whether to extend a mission that has an operational component, the Administrator shall—

“(1) consult with any affected Federal agency; and

“(2) take into account the potential benefits of instruments on missions that are beyond their planned mission lifetime.

“(c) REPORTS.—The Administrator shall submit to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, at the same time as the submission to Congress of the Administration's annual budget request for each fiscal year, a report detailing any assessment under subsection (a) that was carried out during the previous year.”.

SEC. 514. STRATOSPHERIC OBSERVATORY FOR INFRARED ASTRONOMY.

The Administrator may not terminate science operations of the Stratospheric Observatory for Infrared Astronomy before December 31, 2017.

SEC. 515. RADIOISOTOPE POWER SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) exploration of the outer reaches of the solar system is enabled by radioisotope power systems;

(2) establishing continuity in the production of the material needed for radioisotope power systems is essential to maintaining the availability of such systems for future deep space exploration missions; and

(3) Federal agencies supporting the Administration through the production of such material should do so in a cost effective manner so as not to impose excessive reimbursement requirements on the Administration.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator, in consultation with the heads of other Federal agencies, shall conduct an analysis of—

(1) the requirements of the Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

(c) CONTENTS OF ANALYSIS.—The analysis conducted under subsection (b) shall—

(1) detail the Administration's current projected mission requirements and associated timeframes for radioisotope power system material;

(2) explain the assumptions used to determine the Administration's requirements for the material, including—

(A) the planned use of advanced thermal conversion technology such as advanced thermocouples and Stirling generators and converters; and

(B) the risks and implications of, and contingencies for, any delays or unanticipated technical challenges affecting or related to the Administration's mission plans for the anticipated use of advanced thermal conversion technology;

(3) assess the risk to the Administration's programs of any potential delays in achieving the schedule and milestones for planned domestic production of radioisotope power system material;

(4) outline a process for meeting any additional Administration requirements for the material;

(5) estimate the incremental costs required to increase the amount of material produced each year, if such an increase is needed to support additional Administration requirements for the material;

(6) detail how the Administration and other Federal agencies will manage, operate, and fund production facilities and the design and development of all radioisotope power systems used by the Administration and other Federal agencies as necessary;

(7) specify the steps the Administration will take, in consultation with the Department of Energy, to preserve the infrastructure and workforce necessary for production of radioisotope power systems and ensure that its reimbursements to the Department of Energy associated with such preservation are equitable and justified; and

(8) detail how the Administration has implemented or rejected the recommendations from the National Research Council's 2009 report titled “Radioisotope Power Systems: An Imperative for Maintaining U.S. Leadership in Space Exploration.”

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the results of the analysis to the appropriate committees of Congress.

SEC. 516. ASSESSMENT OF MARS ARCHITECTURE.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to assess—

(1) the Administration's Mars exploration architecture and its responsiveness to the strategies, priorities, and guidelines put forward by the National Academies' planetary science decadal surveys and other relevant National Academies Mars-related reports;

(2) the long-term goals of the Administration's Mars Exploration Program and such program's ability to optimize the science return, given the current fiscal posture of the program;

(3) the Mars exploration architecture's relationship to Mars-related activities to be undertaken by foreign agencies and organizations; and

(4) the extent to which the Mars exploration architecture represents a reasonably balanced mission portfolio.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit the results of the assessment to the appropriate committees of Congress.

SEC. 517. COLLABORATION.

The Administration shall continue to develop first-of-a-kind instruments that, once proved, can be transitioned to other agencies for operations. Whenever responsibilities for the development of sensors or for measurements are transferred to the Administration from another agency, the Administration shall seek, to the extent possible, to be reimbursed for the assumption of such responsibilities.

TITLE VI—AERONAUTICS

SEC. 601. SENSE OF CONGRESS ON AERONAUTICS.

It is the sense of Congress that—

(1) a robust aeronautics research portfolio will help maintain the United States status as a leader in aviation, enhance the competitiveness of the United States in the world economy, and improve the quality of life of all citizens;

(2) aeronautics research is essential to the Administration's mission, continues to be an important core element of the Administration's mission, and should be supported;

(3) the Administrator should coordinate and consult with relevant Federal agencies and the private sector to minimize duplication of efforts and leverage resources; and

(4) carrying aeronautics research to a level of maturity that allows the Administration's research results to be transferred to the users, whether private or public sector, is critical to their eventual adoption.

SEC. 602. TRANSFORMATIVE AERONAUTICS RESEARCH.

It is the sense of Congress that the Administrator should look strategically into the

future and ensure that the Administration's Center personnel are at the leading edge of aeronautics research by encouraging investigations into the early-stage advancement of new processes, novel concepts, and innovative technologies that have the potential to meet national aeronautics needs.

SEC. 603. HYPERSONIC RESEARCH.

(a) ROADMAP FOR HYPERSONIC RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall develop and submit to the appropriate committees of Congress a research and development roadmap for hypersonic aircraft research.

(b) OBJECTIVE.—The objective of the roadmap is to explore hypersonic science and technology using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles.

(c) CONTENTS.—The roadmap shall recommend appropriate Federal agency contributions, coordination efforts, and technology milestones.

SEC. 604. SUPERSONIC RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) the ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities could open new global markets and enable new transportation capabilities; and

(2) continuing the Administration's research program is necessary to assess the impact in a relevant environment of commercial supersonic flight operations and provide the basis for establishing appropriate sonic boom standards for such flight operations.

(b) ROADMAP FOR SUPERSONIC RESEARCH.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and submit to the appropriate committees of Congress a roadmap that allows for flexible funding profiles for supersonic aeronautics research and development.

(2) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate, in a relevant environment, airframe and propulsion technologies to minimize the environmental impact, including noise, of supersonic overland flight in an efficient and economical manner.

(3) CONTENTS.—The roadmap shall include—

(A) the baseline research as embodied by the Administration's existing research on supersonic flight;

(B) a list of specific technological, environmental, and other challenges that must be overcome to minimize the environmental impact, including noise, of supersonic overland flight;

(C) a research plan to address the challenges under subparagraph (B), including a project timeline for accomplishing relevant research goals;

(D) a plan for coordination with stakeholders, including relevant government agencies and industry; and

(E) a plan for how the Administration will ensure that sonic boom research is coordinated as appropriate with relevant Federal agencies.

SEC. 605. ROTORCRAFT RESEARCH.

(a) ROADMAP FOR ROTORCRAFT RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall prepare and submit to the appropriate committees of Congress a

roadmap for research relating to rotorcraft and other runway-independent air vehicles.

(b) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate improved safety, noise, and environmental impact in a relevant environment.

(c) CONTENTS.—The roadmap shall include specific goals for the research, a timeline for implementation, metrics for success, and guidelines for collaboration and coordination with industry and other Federal agencies.

TITLE VII—SPACE TECHNOLOGY

SEC. 701. SPACE TECHNOLOGY INFUSION.

(a) SENSE OF CONGRESS ON SPACE TECHNOLOGY.—It is the sense of Congress that space technology is critical—

(1) to developing technologies and capabilities that will make the Administration's core missions more affordable and more reliable;

(2) to enabling a new class of Administration missions beyond low-Earth orbit; and

(3) to improving technological capabilities and promote innovation for the Administration and the Nation.

(b) SENSE OF CONGRESS ON PROPULSION TECHNOLOGY.—It is the sense of Congress that advancing propulsion technology would improve the efficiency of trips to Mars and could shorten travel time to Mars, reduce astronaut health risks, and reduce radiation exposure, consumables, and mass of materials required for the journey.

(c) POLICY.—It is the policy of the United States that the Administrator shall develop technologies to support the Administration's core missions, as described in section 2(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301(3)), and support sustained investments in early stage innovation, fundamental research, and technologies to expand the boundaries of the national aerospace enterprise.

(d) PROPULSION TECHNOLOGIES.—A goal of propulsion technologies developed under subsection (c) shall be to significantly reduce human travel time to Mars.

SEC. 702. SPACE TECHNOLOGY PROGRAM.

(a) SPACE TECHNOLOGY PROGRAM AUTHORIZED.—The Administrator shall conduct a space technology program (referred to in this section as the "Program") to research and develop advanced space technologies that could deliver innovative solutions across the Administration's space exploration and science missions.

(b) CONSIDERATIONS.—In conducting the Program, the Administrator shall consider—

(1) the recommendations of the National Academies' review of the Administration's Space Technology roadmaps and priorities; and

(2) the applicable enabling aspects of the stepping stone approach to exploration under section 70504 of title 51, United States Code.

(c) REQUIREMENTS.—In conducting the Program, the Administrator shall—

(1) to the extent practicable, use a competitive process to select research and development projects;

(2) to the extent practicable and appropriate, use small satellites and the Administration's suborbital and ground-based platforms to demonstrate space technology concepts and developments; and

(3) as appropriate, partner with other Federal agencies, universities, private industry, and foreign countries.

(d) SMALL BUSINESS PROGRAMS.—The Administrator shall organize and manage the Administration's Small Business Innovation Research Program and Small Business Technology Transfer Program within the Program.

(e) NONDUPLICATION CERTIFICATION.—The Administrator shall submit a budget for each fiscal year, as transmitted to Congress under section 1105(a) of title 31, United States Code, that avoids duplication of projects, programs, or missions conducted by Program with other projects, programs, or missions conducted by another office or directorate of the Administration.

(f) COLLABORATION, COORDINATION, AND ALIGNMENT.—

(1) IN GENERAL.—The Administrator shall—

(A) ensure that the Administration's projects, programs, and activities in support of technology research and development of advanced space technologies are fully coordinated and aligned;

(B) ensure that the results the projects, programs, and activities under subparagraph (A) are shared and leveraged within the Administration; and

(C) ensure that the organizational responsibility for research and development activities in support of human space exploration not initiated as of the date of enactment of this Act is established on the basis of a sound rationale.

(2) SENSE OF CONGRESS.—It is the sense of Congress that projects, programs, and missions being conducted by the Human Exploration and Operations Mission Directorate in support of research and development of advanced space technologies and systems focusing on human space exploration should continue in that Directorate.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a report—

(1) comparing the Administration's space technology investments with the high-priority technology areas identified by the National Academies in the National Research Council's report on the Administration's Space Technology Roadmaps; and

(2) including—

(A) identification of how the Administration will address any gaps between the agency's investments and the recommended technology areas, including a projection of funding requirements; and

(B) identification of the rationale described in subsection (f)(1)(C).

(h) ANNUAL REPORT.—The Administrator shall include in the Administration's annual budget request for each fiscal year the rationale for assigning organizational responsibility for, in the year prior to the budget fiscal year, each initiated project, program, and mission focused on research and development of advanced technologies for human space exploration.

TITLE VIII—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

SEC. 811. INFORMATION TECHNOLOGY GOVERNANCE.

(a) IN GENERAL.—The Administrator shall, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) ensure the NASA Chief Information Officer, Mission Directorates, and Centers have appropriate roles in the management, governance, and oversight processes related to information technology operations and investments and information security programs for the protection of NASA systems;

(2) ensure the NASA Chief Information Officer has the appropriate resources and insight to oversee NASA information technology and information security operations and investments;

(3) provide an information technology program management framework to increase

the efficiency and effectiveness of information technology investments, including relying on metrics for identifying and reducing potential duplication, waste, and cost;

(4) improve the operational linkage between the NASA Chief Information Officer and each NASA mission directorate, center, and mission support office to ensure both agency and mission needs are considered in agency-wide information technology and information security management and oversight;

(5) review the portfolio of information technology investments and spending, including information technology-related investments included as part of activities within NASA mission directorates that may not be considered information technology, to ensure investments are recognized and reported appropriately based on guidance from the Office of Management and Budget;

(6) consider appropriate revisions to the charters of information technology boards and councils that inform information technology investment and operation decisions; and

(7) consider whether the NASA Chief Information Officer should have a seat on any boards or councils described in paragraph (6).

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Administration's Information Technology Governance in ensuring information technology resources are aligned with agency missions and are cost effective and secure.

(2) CONTENTS.—The study shall include an assessment of—

(A) the resources available for overseeing Administration-wide information technology operations, investments, and security measures and the NASA Chief Information Officer's visibility and involvement into information technology oversight and access to those resources;

(B) the effectiveness and challenges of the Administration's information technology structure, decision making processes and authorities, including impacts on its ability to implement information security; and

(C) the impact of NASA Chief Information Officer approval authority over information technology investments that exceed a defined monetary threshold, including any potential impacts of such authority on the Administration's missions, flights programs and projects, research activities, and Center operations.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report detailing the results of the study under paragraph (1), including any recommendations.

SEC. 812. INFORMATION TECHNOLOGY STRATEGIC PLAN.

(a) IN GENERAL.—Subject to subsection (b), the Administrator shall develop an information technology strategic plan to guide NASA information technology management and strategic objectives.

(b) REQUIREMENTS.—In developing the strategic plan, the Administrator shall ensure that the strategic plan addresses—

(1) the deadline under section 306(a) of title 5, United States Code; and

(2) the requirements under section 3506 of title 44, United States Code.

(c) CONTENTS.—The strategic plan shall address, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) near and long-term goals and objectives for leveraging information technology;

(2) a plan for how NASA will submit to Congress of a list of information technology projects, including completion dates and risk level in accordance with guidance from the Office of Management and Budget;

(3) an implementation overview for an agency-wide approach to information technology investments and operations, including reducing barriers to cross-center collaboration;

(4) coordination by the NASA Chief Information Officer with centers and mission directorates to ensure that information technology policies are effectively and efficiently implemented across the agency;

(5) a plan to increase the efficiency and effectiveness of information technology investments, including a description of how unnecessarily duplicative, wasteful, legacy, or outdated information technology across NASA will be identified and eliminated, and a schedule for the identification and elimination of such information technology;

(6) a plan for improving the information security of agency information and agency information systems, including improving security control assessments and role-based security training of employees; and

(7) submission by NASA to Congress of information regarding high risk projects and cybersecurity risks.

(d) CONGRESSIONAL OVERSIGHT.—The Administrator shall submit to the appropriate committees of Congress the strategic plan under subsection (a) and any updates thereto.

SEC. 813. CYBERSECURITY.

(a) FINDING.—Congress finds that the security of NASA information and information systems is vital to the success of the mission of the agency.

(b) INFORMATION SECURITY PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement the information security plan developed under paragraph (2) and take such further actions as the Administrator considers necessary to improve the information security system in accordance with this section.

(2) INFORMATION SECURITY PLAN.—Subject to paragraphs (3) and (4), the Administrator shall develop an agency-wide information security plan to enhance information security for NASA information and information infrastructure.

(3) REQUIREMENTS.—In developing the plan under paragraph (2), the Administrator shall ensure that the plan—

(A) reflects the unique nature of NASA's mission and expertise;

(B) is informed by policies, standards, guidelines, and directives on information security required for Federal agencies;

(C) is consistent with the standards and guidelines under section 11331 of title 40, United States Code; and

(D) meets applicable National Institute of Standards and Technology information security standards and guidelines.

(4) CONTENTS.—The plan shall address—

(A) an overview of the requirements of the information security system;

(B) an agency-wide risk management framework for information security;

(C) a description of the information security system management controls and common controls that are necessary to ensure compliance with information security-related requirements;

(D) an identification and assignment of roles, responsibilities, and management commitment for information security at the agency;

(E) coordination among organizational entities, including between each center, facility, mission directorate, and mission support office, and among agency entities responsible for different aspects of information security;

(F) the need to protect the information security of mission-critical systems and activities and high-impact and moderate-impact information systems; and

(G) a schedule of frequent reviews and updates, as necessary, of the plan.

SEC. 814. SECURITY MANAGEMENT OF FOREIGN NATIONAL ACCESS.

The Administrator shall notify the appropriate committees of Congress when the agency has implemented the information technology security recommendations from the National Academy of Public Administration on foreign national access management, based on reports from January 2014 and March 2016.

SEC. 815. CYBERSECURITY OF WEB APPLICATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) develop a plan, including such actions and milestones as are necessary, to fully remediate security vulnerabilities of NASA web applications within a timely fashion after discovery; and

(2) provide an update on its plan to implement the recommendation from the NASA Inspector General in the audit report dated July 10, 2014, (IG-14-023) to remove from the Internet or otherwise secure all NASA web applications in development or testing mode.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

SEC. 821. COLLABORATION AMONG MISSION DIRECTORATES.

The Administrator shall encourage an interdisciplinary approach among all NASA mission directorates and divisions, whenever appropriate, for projects or missions—

(1) to improve coordination, and encourage collaboration and early planning on scope;

(2) to determine areas of overlap or alignment;

(3) to find ways to leverage across divisional perspectives to maximize outcomes; and

(4) to be more efficient with resources and funds.

SEC. 822. NASA LAUNCH CAPABILITIES COLLABORATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Launch Services Program is responsible for the acquisition, management, and technical oversight of commercial launch services for NASA's science and robotic missions.

(2) The Commercial Crew Program is responsible for the acquisition, management, and technical oversight of commercial crew transportation systems.

(3) The Launch Services Program and Commercial Crew Program have worked together to gain exceptional technical insight into the contracted launch service providers that are common to both programs.

(4) The Launch Services Program has a long history of oversight of 12 different launch vehicles and over 80 launches.

(5) Co-location of the Launch Services Program and Commercial Crew Program has enabled the Commercial Crew Program to efficiently obtain the launch vehicle technical expertise of and provide engineering and analytical support to the Commercial Crew Program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Launch Services Program and Commercial Crew Program each benefit from communication and coordination of launch manifests, technical information, and common launch vehicle insight between the programs; and

(2) such communication and coordination is enabled by the co-location of the programs.

(c) IN GENERAL.—The Administrator shall pursue a strategy for acquisition of crewed transportation services and non-crewed launch services that continues to enhance communication, collaboration, and coordination between the Launch Services Program and the Commercial Crew Program.

SEC. 823. DETECTION AND AVOIDANCE OF COUNTERFEIT PARTS.

(a) FINDINGS.—Congress makes the following findings:

(1) A 2012 investigation by the Committee on Armed Services of the Senate of counterfeit electronic parts in the Department of Defense supply chain from 2009 through 2010 uncovered 1,800 cases and over 1,000,000 counterfeit parts and exposed the threat such counterfeit parts pose to service members and national security.

(2) Since 2010, the Comptroller General of the United States has identified in 3 separate reports the risks and challenges associated with counterfeit parts and counterfeit prevention at both the Department of Defense and NASA, including inconsistent definitions of counterfeit parts, poorly targeted quality control practices, and potential barriers to improvements to these practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the presence of counterfeit electronic parts in the NASA supply chain poses a danger to United States government astronauts, crew, and other personnel and a risk to the agency overall.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the NASA Supplement to the Federal Acquisition Regulation to improve the detection and avoidance of counterfeit electronic parts in the supply chain.

(2) CONTRACTOR RESPONSIBILITIES.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require each covered contractor—

(i) to detect and avoid the use or inclusion of any counterfeit parts in electronic parts or products that contain electronic parts;

(ii) to take such corrective actions as the Administrator considers necessary to remedy the use or inclusion described in clause (i); and

(iii) including a subcontractor, to notify the applicable NASA contracting officer not later than 30 calendar days after the date the covered contractor becomes aware, or has reason to suspect, that any end item, component, part or material contained in supplies purchased by NASA, or purchased by a covered contractor or subcontractor for delivery to, or on behalf of, NASA, contains a counterfeit electronic part or suspect counterfeit electronic part; and

(B) prohibit the cost of counterfeit electronic parts, suspect counterfeit electronic parts, and any corrective action described under subparagraph (A)(ii) from being included as allowable costs under agency contracts, unless—

(i)(I) the covered contractor has an operational system to detect and avoid counterfeit electronic parts and suspect counterfeit

electronic parts that has been reviewed and approved by NASA or the Department of Defense; and

(II) the covered contractor has provided the notice under subparagraph (A)(iii); or

(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were provided to the covered contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation.

(3) SUPPLIERS OF ELECTRONIC PARTS.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require NASA and covered contractors, including subcontractors, at all tiers—

(i) to obtain electronic parts that are in production or currently available in stock from—

(I) the original manufacturers of the parts or their authorized dealers; or

(II) suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) to obtain electronic parts that are not in production or currently available in stock from suppliers that meet qualification requirements established under subparagraph (C);

(B) establish documented requirements consistent with published industry standards or Government contract requirements for—

(i) notification of the agency; and

(ii) inspection, testing, and authentication of electronic parts that NASA or a covered contractor, including a subcontractor, obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which NASA may identify suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize a covered contractor, including a subcontractor, to identify and use additional suppliers beyond those identified under subparagraph (C) if—

(i) the standards and processes for identifying such suppliers comply with established industry standards;

(ii) the covered contractor assumes responsibility for the authenticity of parts provided by such suppliers under paragraph (2); and

(iii) the selection of such suppliers is subject to review and audit by NASA.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACTOR.—The term “covered contractor” means a contractor that supplies an electronic part, or a product that contains an electronic part, to NASA.

(2) ELECTRONIC PART.—The term “electronic part” means a discrete electronic component, including a microcircuit, transistor, capacitor, resistor, or diode, that is intended for use in a safety or mission critical application.

SEC. 824. EDUCATION AND OUTREACH.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States competitiveness in the 21st century requires engaging the science, technology, engineering, and mathematics (referred to in this section as “STEM”) talent in all States;

(2) the Administration is uniquely positioned to educate and inspire students and the broader public on STEM subjects and careers;

(3) the Administration's Education and Communication Offices, Mission Directorates, and Centers have been effective in

delivering educational content because of the strong engagement of Administration scientists and engineers in the Administration's education and outreach activities;

(4) the Administration's education and outreach programs, including the Experimental Program to Stimulate Competitive Research (EPSCoR) and the Space Grant College and Fellowship Program, reflect the Administration's successful commitment to growing and diversifying the national science and engineering workforce; and

(5) in order to grow and diversify the Nation's engineering workforce, it is vital for the Administration to bolster programs, such as High Schools United with NASA to Create Hardware (HUNCH) program, that conduct outreach activities to underserved rural communities, vocational schools, and tribal colleges and universities and encourage new participation in the STEM workforce.

(b) CONTINUATION OF EDUCATION AND OUTREACH ACTIVITIES AND PROGRAMS.—

(1) IN GENERAL.—The Administrator shall continue engagement with the public and education opportunities for students via all the Administration's mission directorates to the maximum extent practicable.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administration's near-term outreach plans for advancing space law education.

SEC. 825. LEVERAGING COMMERCIAL SATELLITE SERVICING CAPABILITIES ACROSS MISSION DIRECTORATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Refueling and relocating aging satellites to extend their operational lifetimes is a capacity that NASA will substantially benefit from and is important for lowering the costs of ongoing scientific, national security, and commercial satellite operations.

(2) The technologies involved in satellite servicing, such as dexterous robotic arms, propellant transfer systems, and solar electric propulsion, are all critical capabilities to support a human exploration mission to Mars.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) satellite servicing is a vital capability that will bolster the capacity and affordability of NASA's ongoing scientific and human exploration operations while simultaneously enhancing the ability of domestic companies to compete in the global marketplace; and

(2) future NASA satellites and spacecraft across mission directorates should be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

(c) LEVERAGING OF CAPABILITIES.—The Administrator shall—

(1) identify orbital assets in both the Science Mission Directorate and the Human Exploration and Operations Mission Directorate that could benefit from satellite servicing-related technologies; and

(2) work across all NASA mission directorates to evaluate opportunities for the private sector to perform such services or advance technical capabilities by leveraging the technologies and techniques developed by NASA programs and other industry programs.

SEC. 826. FLIGHT OPPORTUNITIES.

(a) DEVELOPMENT OF PAYLOADS.—

(1) IN GENERAL.—In order to conduct necessary research, the Administrator shall continue and, as the Administrator considers

appropriate, expand the development of technology payloads for—

- (A) scientific research; and
- (B) investigating new or improved capabilities.

(2) **FUNDS.**—For the purpose of carrying out paragraph (1), the Administrator shall make funds available for—

- (A) flight testing;
- (B) payload development; and
- (C) hardware related to subparagraphs (A) and (B).

(b) **REAFFIRMATION OF POLICY.**—Congress reaffirms that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as authorized by section 907 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405).

SEC. 827. SENSE OF CONGRESS ON SMALL CLASS LAUNCH MISSIONS.

It is the sense of Congress that—

(1) Venture Class Launch Services contracts awarded under the Launch Services Program will expand opportunities for future dedicated launches of CubeSats and other small satellites and small orbital science missions; and

(2) principal investigator-led small orbital science missions, including CubeSat class, Small Explorer (SMEX) class, and Venture class, offer valuable opportunities to advance science at low cost, train the next generation of scientists and engineers, and enable participants to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space and to enhancing United States innovation and competitiveness abroad.

SEC. 828. BASELINE AND COST CONTROLS.

Section 30104(a)(1) of title 51, United States Code, is amended by striking "Procedural Requirements 7120.5c, dated March 22, 2005" and inserting "Procedural Requirements 7120.5E, dated August 14, 2012".

SEC. 829. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

Section 50116(a) of title 51, United States Code, is amended by inserting ", while protecting national security" after "research community".

SEC. 830. AVOIDING ORGANIZATIONAL CONFLICTS OF INTEREST IN MAJOR ADMINISTRATION ACQUISITION PROGRAMS.

(a) **REVISED REGULATIONS REQUIRED.**—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the Administration Supplement to the Federal Acquisition Regulation to provide uniform guidance and recommend revised requirements for organizational conflicts of interest by contractors in major acquisition programs in order to address the elements identified in subsection (b).

(b) **ELEMENTS.**—The revised regulations under subsection (a) shall, at a minimum—

(1) address organizational conflicts of interest that could potentially arise as a result of—

(A) lead system integrator contracts on major acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production;

(B) the ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;

(C) the award of major subsystem contracts by a prime contractor for a major acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture; or

(D) the performance by, or assistance of, contractors in technical evaluations on major acquisition programs;

(2) require the Administration to request advice on systems architecture and systems engineering matters with respect to major acquisition programs from objective sources independent of the prime contractor;

(3) require that a contract for the performance of systems engineering and technical assistance functions for a major acquisition program contains a provision prohibiting the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development of a system under the program; and

(4) establish such limited exceptions to the requirement in paragraphs (2) and (3) as the Administrator considers necessary to ensure that the Administration has continued access to advice on systems architecture and systems engineering matters from highly qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.

SEC. 831. PROTECTION OF APOLLO LANDING SITES.

(a) **ASSESSMENT.**—The Director of the Office of Science and Technology Policy, in consultation with relevant Federal agencies and stakeholders, shall assess the issues relating to protecting and preserving historically important Apollo Program lunar landing sites and Apollo program artifacts residing on the lunar surface, including those pertaining to Apollo 11 and Apollo 17.

(b) **CONTENTS.**—In conducting the assessment, the Director shall include—

(1) a determination of what risks to the protection and preservation of those sites and artifacts exist or may exist in the future;

(2) a determination of what measures are required to ensure such protection and preservation;

(3) a determination of the extent to which additional domestic legislation or international treaties or agreements will be required; and

(4) specific recommendations for protecting and preserving those lunar landing sites and artifacts.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress the results of the assessment.

SEC. 832. NASA LEASE OF NON-EXCESS PROPERTY.

Section 20145(g) of title 51, United States Code, is amended by striking "10 years after December 26, 2007" and inserting "December 31, 2018".

SEC. 833. TERMINATION LIABILITY.

It is the sense of Congress that—

(1) the ISS, the Space Launch System, and the Orion will enable the Nation to continue operations in low-Earth orbit and to send its astronauts to deep space;

(2) the James Webb Space Telescope will revolutionize our understanding of star and planet formation and how galaxies evolved, and will advance the search for the origins of our universe;

(3) as a result of their unique capabilities and their critical contribution to the future

of space exploration, these systems have been designated by Congress and the Administration as priority investments;

(4) contractors are currently holding program funding, estimated to be in the hundreds of millions of dollars, to cover the potential termination liability should the Government choose to terminate a program for convenience;

(5) as a result, hundreds of millions of taxpayer dollars are unavailable for meaningful work on these programs;

(6) according to the Government Accountability Office, the Administration procures most of its goods and services through contracts, and it terminates very few of them;

(7) in fiscal year 2010, the Administration terminated 28 of 16,343 active contracts and orders, a termination rate of about 0.17 percent; and

(8) the Administration should vigorously pursue a policy on termination liability that maximizes the utilization of its appropriated funds to make maximum progress in meeting established technical goals and schedule milestones on these high-priority programs.

SEC. 834. INDEPENDENT REVIEWS.

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing—

(1) the Administration's procedures for conducting independent reviews of projects and programs at lifecycle milestones;

(2) how the Administration ensures the independence of the individuals who conduct those reviews prior to their assignment;

(3) the internal and external entities independent of project and program management that conduct reviews of projects and programs at life cycle milestones; and

(4) how the Administration ensures the independence of such entities and their members.

SEC. 835. NASA ADVISORY COUNCIL.

(a) **ASSESSMENT.**—The Administrator shall enter into an arrangement with the National Academy of Public Administration to assess the effectiveness of the NASA Advisory Council and to make recommendations to Congress for any change to—

(1) the functions of the Council;

(2) the appointment of members to the Council;

(3) the qualifications for members of the Council;

(4) the duration of terms of office for members of the Council;

(5) the frequency of meetings of the Council;

(6) the structure of leadership and Committees of the Council; and

(7) the levels of professional staffing for the Council.

(b) **CONSIDERATIONS.**—In carrying out the assessment under subsection (a), the National Academy of Public Administration shall—

(1) consider the impacts of broadening the Council's role to include providing consultation and advice to Congress under section 20113(g) of title 51, United States Code;

(2) consider the past activities of the Council and the activities of other analogous Federal advisory bodies; and

(3) any other issues that the National Academy of Public Administration determines could potentially impact the effectiveness of the Council.

(c) **REPORT.**—The National Academy of Public Administration shall submit to the appropriate committees of Congress the results of the assessment, including any recommendations.

(d) CONSULTATION AND ADVICE.—

(1) IN GENERAL.—Section 20113(g) of title 51, United States Code, is amended by inserting “and Congress” after “advice to the Administration”.

(2) SUNSET.—Effective September 30, 2017, section 20113(g) of title 51, United States Code, is amended by striking “and Congress”.

SEC. 836. COST ESTIMATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) realistic cost estimating is critically important to the ultimate success of major space development projects; and

(2) the Administration has devoted significant efforts over the past 5 years to improving its cost estimating capabilities, but it is important that the Administration continue its efforts to develop and implement guidance in establishing realistic cost estimates.

(b) GUIDANCE AND CRITERIA.—The Administrator shall provide to its acquisition programs and projects, in a manner consistent with the Administration’s Space Flight Program and Project Management Requirements—

(1) guidance on when to use an Independent Cost Estimate and Independent Cost Assessment; and

(2) criteria to use to make a determination under paragraph (1).

SEC. 837. FACILITIES AND INFRASTRUCTURE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Administration must address, mitigate, and reverse, where possible, the deterioration of its facilities and infrastructure, as their condition is hampering the effectiveness and efficiency of research performed by both the Administration and industry participants making use of Administration facilities, thus harming the competitiveness of the United States aerospace industry;

(2) the Administration has a role in providing laboratory capabilities to industry participants that are not economically viable as commercial entities and thus are not available elsewhere;

(3) to ensure continued access to reliable and efficient world-class facilities by researchers, the Administration should establish strategic partnerships with other Federal agencies, State agencies, FAA-licensed spaceports, institutions of higher education, and industry, as appropriate; and

(4) decisions on whether to dispose of, maintain, or modernize existing facilities must be made in the context of meeting Administration and other needs, including those required to meet the activities supporting the human exploration roadmap under section 432 of this Act, considering other national laboratory needs as the Administrator deems appropriate.

(b) POLICY.—It is the policy of the United States that the Administration maintain reliable and efficient facilities and infrastructure and that decisions on whether to dispose of, maintain, or modernize existing facilities or infrastructure be made in the context of meeting future Administration needs.

(c) PLAN.—

(1) IN GENERAL.—The Administrator shall develop a facilities and infrastructure plan.

(2) GOAL.—The goal of the plan is to position the Administration to have the facilities and infrastructure, including laboratories, tools, and approaches, necessary to meet future Administration and other Federal agencies’ laboratory needs.

(3) CONTENTS.—The plan shall identify—

(A) current Administration and other Federal agency laboratory needs;

(B) future Administration research and development and testing needs;

(C) a strategy for identifying facilities and infrastructure that are candidates for disposal, that is consistent with the national strategic direction set forth in—

(i) the National Space Policy;

(ii) the National Aeronautics Research, Development, Test, and Evaluation Infrastructure Plan;

(iii) the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 119 Stat. 2895), National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422; 122 Stat. 4779), and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(iv) the human exploration roadmap under section 432 of this Act;

(D) a strategy for the maintenance, repair, upgrading, and modernization of Administration facilities and infrastructure, including laboratories and equipment;

(E) criteria for—

(i) prioritizing deferred maintenance tasks;

(ii) maintaining, repairing, upgrading, or modernizing Administration facilities and infrastructure; and

(iii) implementing processes, plans, and policies for guiding the Administration’s Centers on whether to maintain, repair, upgrade, or modernize a facility or infrastructure and for determining the type of instrument to be used;

(F) an assessment of modifications needed to maximize usage of facilities that offer unique and highly specialized benefits to the aerospace industry and the American public; and

(G) implementation steps, including a timeline, milestones, and an estimate of resources required for carrying out the plan.

(d) REQUIREMENT TO ESTABLISH POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish and make publicly available a policy that guides the Administration’s use of existing authorities to out-grant, lease, excess to the General Services Administration, sell, decommission, demolish, or otherwise transfer property, facilities, or infrastructure.

(2) CRITERIA.—The policy shall include criteria for the use of authorities, best practices, standardized procedures, and guidelines for how to appropriately manage property, facilities, and infrastructure.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress the plan developed under subsection (c).

SEC. 838. HUMAN SPACE FLIGHT ACCIDENT INVESTIGATIONS.

Section 70702 of title 51, United States Code, is amended—

(1) by amending subsection (a)(3) to read as follows:

“(3) any other orbital or suborbital space vehicle carrying humans that is—

“(A) owned by the Federal Government; or

“(B) being used pursuant to a contract or Space Act Agreement with the Federal Government for carrying a government astronaut or a researcher funded by the Federal Government; or”;

(2) by adding at the end the following:

“(c) DEFINITIONS.—In this section:

“(1) GOVERNMENT ASTRONAUT.—The term ‘government astronaut’ has the meaning given the term in section 50902.

“(2) SPACE ACT AGREEMENT.—The term ‘Space Act Agreement’ means an agreement

entered into by the Administration pursuant to its other transactions authority under section 20113(e).”.

SEC. 839. ORBITAL DEBRIS.

(a) FINDINGS.—Congress finds that—

(1) orbital debris poses serious risks to the operational space capabilities of the United States;

(2) an international commitment and integrated strategic plan are needed to mitigate the growth of orbital debris wherever possible; and

(3) the delay in the Office of Science and Technology Policy’s submission of a report on the status of international coordination and development of orbital debris mitigation strategies is inconsistent with such risks.

(b) REPORTS.—

(1) COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of efforts to coordinate with foreign countries within the Inter-Agency Space Debris Coordination Committee to mitigate the effects and growth of orbital debris under section 1202(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18441(b)(1)).

(2) MITIGATION STRATEGY.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to the appropriate committees of Congress a report on the status of the orbital debris mitigation strategy required under section 1202(b)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18441(b)(2)).

SEC. 840. REVIEW OF ORBITAL DEBRIS REMOVAL CONCEPTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) orbital debris in low-Earth orbit poses significant risks to spacecraft;

(2) such orbital debris may increase due to collisions between existing debris objects; and

(3) understanding options to address and remove orbital debris is important for ensuring safe and effective spacecraft operations in low-Earth orbit.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator—

(A) in collaboration with the heads of other relevant Federal agencies, shall solicit and review concepts and options for removing orbital debris from low-Earth orbit; and

(B) shall submit to the appropriate committees of Congress a report on the solicitation and review under subparagraph (A), including recommendations on the best options for decreasing the risks associated with orbital debris.

(2) REQUIREMENTS.—The solicitation and review under paragraph (1) shall address the requirements for and feasibility of developing and implementing each of the options.

SEC. 841. SPACE ACT AGREEMENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when used appropriately, Space Act Agreements can provide significant value in furtherance of NASA’s mission.

(b) FUNDED SPACE ACT AGREEMENTS.—To the extent appropriate, the Administrator shall seek to maximize the value of contributions provided by other parties under a funded Space Act Agreement in order to advance NASA’s mission.

(c) NON-EXCLUSIVITY.—

(1) IN GENERAL.—The Administrator shall, to the greatest extent practicable, issue each Space Act Agreement—

(A) except as provided in paragraph (2), on a nonexclusive basis;

(B) in a manner that ensures all non-government parties have equal access to NASA resources; and

(C) exercising reasonable care not to reveal unique or proprietary information.

(2) **EXCLUSIVITY.**—If the Administrator determines an exclusive arrangement is necessary, the Administrator shall, to the greatest extent practicable, issue the Space Act Agreement—

(A) utilizing a competitive selection process when exclusive arrangements are necessary; and

(B) pursuant to public announcements when exclusive arrangements are necessary.

(d) **TRANSPARENCY.**—The Administrator shall publicly disclose on the Administration's website and make available in a searchable format each Space Act Agreement, including an estimate of committed NASA resources and the expected benefits to agency objectives for each agreement, with appropriate redactions for proprietary, sensitive, or classified information, not later than 60 days after such agreement is signed by the parties.

(e) **ANNUAL REPORTS.**—

(1) **REQUIREMENT.**—Not later than 90 days after the end of each fiscal year, the Administrator shall submit to the appropriate committees of Congress a report on the use of Space Act Agreement authority by the Administration during the previous fiscal year.

(2) **CONTENTS.**—The report shall include for each Space Act Agreement in effect at the time of the report—

(A) an indication of whether the agreement is a reimbursable, non-reimbursable, or funded Space Act Agreement;

(B) a description of—

(i) the subject and terms;

(ii) the parties;

(iii) the responsible—

(I) Mission Directorate;

(II) Center; or

(III) headquarters element;

(iv) the value;

(v) the extent of the cost sharing among Federal Government and non-Federal sources;

(vi) the time period or schedule; and

(vii) all milestones; and

(C) an indication of whether the agreement was renewed during the previous fiscal year.

(3) **ANTICIPATED AGREEMENTS.**—The report shall include a list of all anticipated reimbursable, non-reimbursable, and funded Space Act Agreements for the upcoming fiscal year.

(4) **CUMULATIVE PROGRAM BENEFITS.**—The report shall include, with respect to each Space Act Agreement covered by the report, a summary of—

(A) the technology areas in which research projects were conducted under that agreement;

(B) the extent to which the use of that agreement—

(i) has contributed to a broadening of the technology and industrial base available for meeting Administration needs; and

(ii) has fostered within the technology and industrial base new relationships and practices that support the United States; and

(C) the total amount of value received by the Federal Government during the fiscal year under that agreement.

ABIE ABRAHAM VA CLINIC

Mr. CORNYN. Mr. President, I ask unanimous consent that the Com-

mittee on Veterans' Affairs be discharged from further consideration of H.R. 609 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 609) to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the "Abie Abraham VA Clinic."

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 609) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. CORNYN. Mr. President, I ask that the Chair lay before the Senate H. Con. Res. 23, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 23) providing for a joint session of Congress to receive a message from the President.

Thereupon, the Senate proceeded to consider the concurrent resolution.

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 23) was agreed to.

RECOGNIZING FEBRUARY 26, 2017, AS THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF DENALI NATIONAL PARK AND PRESERVE IN THE STATE OF ALASKA

Mr. CORNYN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 55.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 55) recognizing February 26, 2017, as the 100th anniversary of the

establishment of Denali National Park and Preserve in the State of Alaska.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to; the Murkowski amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 55) was agreed to.

The amendment (No. 191) was agreed to, as follows:

(Purpose: To improve the resolution)

Amend the sixteenth whereas clause to read as follows:

Whereas Denali National Park and Preserve has provided a wide array of visitor experiences to tourists, including hiking, dog mushing, rafting, and cycling;

The preamble, as amended, was agreed to.

(The resolution with its preamble, as amended, will be printed in a future edition of the RECORD.)

NATIONAL SPEECH AND DEBATE EDUCATION DAY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 65, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 65) designating March 3, 2017, as "National Speech and Debate Education Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

SUPPORTING THE GOALS AND IDEALS OF CAREER AND TECHNICAL EDUCATION MONTH

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 66, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 66) supporting the goals and ideals of Career and Technical Education Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

EXPRESSING SUPPORT FOR THE DESIGNATION OF "NATIONAL HEALTH AND WELLNESS COACH RECOGNITION WEEK"

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 67, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 67) expressing support for health and wellness coaches for the des-

ignation of February 13, 2017, through February 19, 2017, as "National Health and Wellness Coach Recognition Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR MONDAY, FEBRUARY 20, 2017, THROUGH MONDAY, FEBRUARY 27, 2017

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Monday, February 20, at 4:30 p.m., Thursday, February 23, at 9 a.m.; I further ask that when the Senate adjourns on Thursday, February 23, it next convene at 12 noon, Monday, February 27; that

following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and Morning Business be closed; further, that following leader remarks, the Senate proceed to executive session, as under the previous order; finally, that at 3 p.m., Senator SASSE be recognized to deliver Washington's Farewell Address, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 20, 2017, AT 4:30 P.M.

Mr. CORNYN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:54 p.m., adjourned until Monday, February 20, 2017, at 4:30 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 17, 2017:

ENVIRONMENTAL PROTECTION AGENCY
SCOTT PRUITT, OF OKLAHOMA, TO BE ADMINISTRATOR
OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXTENSIONS OF REMARKS

RECOGNIZING THE PASSING OF
MRS. NANNETTE "NAN"
ANTONELLI CRAVEN OF RICH-
MOND, VA

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the passing of Mrs. Nannette "Nan" Antonelli Craven of Richmond, VA on February 5, 2017. She is survived by her children, Tony Craven (Angela), Debbie Craven Bragg (Sidney), David Craven (Kay), and Chris Craven (Heather); twelve grandchildren, three great-grandchildren and numerous nieces and nephews. Nan was known as a welcoming person to all who met her and a fiercely loving figure to all her friends and family.

She was an active member of her community, volunteering at Benedictine High School and serving as coordinator for the Night Out Against Crime at Regency Woods. She was also a longtime member of St. Paul's and St. Benedict's Church and was a current member of St. Mary's Parish. Nan's friendship, love, and sweet presence blessed all those who knew and loved her. She will be dearly missed by her family and friends.

CELEBRATING MASON DIXON
HOMESCHOOLERS ASSOCIATION'S
30TH ANNIVERSARY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. SHUSTER. Mr. Speaker, I rise today to celebrate the Mason Dixon Homeschoolers Association (MDHSA) on its 30th year of service to families in Pennsylvania and Maryland.

The Mason Dixon Homeschoolers Association was founded in 1986 by two families in Franklin County, Pennsylvania who wanted to homeschool their children. Martin and Mary Hudzinski, along with Barbara and Michael Sniders, were surprised to find out that families all over Pennsylvania were being denied the right to home-educate their children. They began organizing with other families who wanted to see the law changed as opposed to leaving the state to educate their children elsewhere, as some families had done. Soon, the MDHSA had seven families, and its members along with other homeschoolers in Pennsylvania worked for the passage of Act 169, signed by the governor in 1988, which allowed parents and guardians the choice of homeschooling their children.

Today, the MDHSA's membership has grown to support nearly 200 families. In 1997 they were authorized by the PA Department of

Education to issue high school diplomas, and their first graduate was in 1998. Today, the MDHSA issues around 200 diplomas each year. In addition to providing their member families learning materials, they also provide their students with monthly assemblies for guest speakers to attend, classes taught by other homeschooling parents or outside experts in a particular field, field trips for its members, and even a yearly high school prom. Their graduates have become physicians, public school teachers, human rights workers, welders, and much, much more.

Mr. Speaker, I am privileged to congratulate the MDHSA on three decades of history and service to the Central Pennsylvania community, and to thank all who have helped this organization continue its success.

HONORING THE 75TH ANNIVER-
SARY OF TAUXEMONT COOPERA-
TIVE PRESCHOOL

HON. DONALD S. BEYER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. BEYER. Mr. Speaker, I rise today to honor the Tauxemont Cooperative Preschool celebrating its 75th Anniversary on March 18, 2017 at its Diamond Jubilee. Tauxemont, a NAEYC accredited preschool located in the Fort Hunt corridor of Alexandria, Virginia, has been teaching preschool and kindergarten children a love of learning since 1942. The Tauxemont learning experience encourages parents to participate with their children during this major step away from home. At Tauxemont, the faculty is involved with their children both during school and at special events. Family involvement is what makes a child's experience at Tauxemont unique.

Tauxemont's primary purpose is to provide an environment for a child to grow emotionally, developmentally, physically, socially, and intellectually.

Tauxemont, therefore, allows them to: discover that school is a happy place, that learning is fun and rewarding and that teachers are understanding and stimulating human beings; learn how to work and play successfully with other children; learn to develop their own skills, talents, and interests, and to expand each of these to the fullest extent; develop a sense of personal worth and an understanding of the needs and rights of others; and to develop a sense of excitement and interest in the world in which we live and an eagerness to learn more.

Tauxemont prepares children for formal schooling and ready to learn anything.

The secret behind Tauxemont's success for over 60 years is parent involvement. Parents participate in all aspects of the school, contributing to the success of children.

HONORING RETIRING WESTERN
SPRINGS CHIEF OF POLICE PAM-
ELA CHURCH

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Western Springs Chief of Police Pamela Church, who is retiring after 33 years of service in law enforcement.

Chief Church started out as physical education teacher in the Decatur School District. After seven years in education, she decided to switch careers and become a police officer in 1983. She started as a patrol officer for the Downers Grove Police Department where she developed an award-winning community oriented policing program. Chief Church spent more than 20 years serving and protecting the Downers Grove community and rose through the ranks to Deputy Chief.

In November 2005, Chief Church was hired as Chief of Police for the Western Springs Police Department. Upon becoming Chief, she became one of seven female police chiefs in the State of Illinois. Chief Church honorably protected the Western Springs community for over a decade.

In addition, Chief Church has been recognized by a variety of organizations for her exemplary efforts as Police Chief. In 2010, Church became the 50th president and first female president of the West Suburban Chiefs of Police Association, an honorable testament to her work outside of Western Springs and her dedication to law enforcement. She was also given the Illinois State Bar Association Law Enforcement Award in 2009, among countless other awards honoring her commitment to her community. Thanks to her work as Chief, she has made Western Springs a better and safer community.

Mr. Speaker, I ask my colleagues to join me in thanking Chief of Police Pamela Church for all she has done in her years of service to her community and to congratulate her on her retirement. Her contributions have made an important impact in Western Springs and she will surely be missed.

HONORING SARA O'DONNELL

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. HUFFMAN. Mr. Speaker, I rise today in recognition of Sara O'Donnell, founder and Executive Director of the Cancer Resource Center of Mendocino County, who is retiring after 21 years of service.

Sara O'Donnell grew up in rural central California, where she worked in the agricultural

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fields as a teenager and suffered the effects of exposure to pesticides. In 1990, after surviving a personal battle with breast cancer, Ms. O'Donnell set about establishing a resource to help individuals diagnosed with cancer. Five years later, in 1995, she and the founding board of directors opened the Cancer Resource Center of Mendocino County.

Over the following twenty years, the Cancer Resource Center has grown to serve more than 360 people annually. And, under Ms. O'Donnell's leadership, the Center has received grants and funding from the California Endowment, Avon Foundation, and hundreds of local community members.

Ms. O'Donnell's work has not only positively impacted the lives of countless individuals across Mendocino County, but she has shared her research and publications to provide assistance to underserved rural patients across the nation. Her volunteer service extends beyond the Cancer Resource Center. She is an advisory board member for Mendocino County Public Health and Mendocino County Health Insurance for All; she is on the board of directors for the Mendocino Coast Clinics; and she is an associate member of the Alliance for Rural Community Health.

Sara O'Donnell's legacy is one of dedicated service to rural health care and cancer prevention, and it is appropriate to express to her our deep appreciation for her long and exceptional career and her outstanding volunteer service, and to wish her well on her retirement.

CELEBRATING THE RETIREMENT
OF MR. GREG FARMER

HON. ROBERT J. WITTMAN
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, February 16, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the contributions of Mr. Greg Farmer, President and CEO of Colonial Farm Credit of Mechanicsville, Virginia.

Greg Farmer has been involved in agriculture for almost his entire life. From his education at the University of Maryland School of Agriculture to his first job in the poultry industry to his career at financial cooperative Farm Credit, he has worked tirelessly on behalf of farmers and their rural communities.

Mr. Farmer's lasting legacy and greatest impact has been his work at Colonial Farm Credit. He began his career as a loan officer in Farmville, Virginia working with poultry, tobacco, dairy, and cattle farmers during agriculture's difficult times in the 1980s. His efforts kept a lot of farmers in the field and working. These early experiences shaped his determination that the best way for Farm Credit to serve the community was to maintain strong credit standards in order to have the ability to be a steady resource for farmers in both good and bad times.

As Chief Credit Officer, he laid the groundwork to mold Colonial Farm Credit into the cooperative it is today. Respected and admired for his ability to understand credit policy and apply it correctly, he set the standard by which loan officers make and underwrite loans today.

This straightforward approach served him well when he was chosen by the board of directors to be President and CEO in 2000. Since that time, the cooperative has grown in loan volume, become a standard in the industry for its excellent performance, and has become the lender of choice for farmers and foresters in eastern Virginia and southern Maryland.

In addition to leading a \$665 million lending institution employing 76 people, Greg has also found time to be an integral part of the community. He serves on both the board of Agriculture in the Classroom and as a consultant to the Colonial Agricultural Educational Foundation. He is a participant in many agricultural events and has been an active voice on Capitol Hill meeting Members of Congress as an advocate for the interests of the rural and agricultural communities.

Mr. Farmer is widely known as a man of great integrity, intelligence, and common sense and can be relied on to analyze problems and give a reasoned and researched response. He is also a great representative not only for Farm Credit, but for cooperatives and agriculture in general. He loves telling the cooperative story and also bragging about hard working farmers and their vital role in America.

Mr. Speaker, I am pleased to recognize and congratulate Mr. Farmer on his distinguished career and I wish him all the best in this next chapter of life.

HAPPY BIRTHDAY ARIZONA

HON. ANDY BIGGS

OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 16, 2017

Mr. BIGGS. Mr. Speaker, this week, my home state of Arizona turned 105 years old. The Grand Canyon State is an incredible state in which to raise a family and earn a living.

There is so much to love about Arizona. We have over 300 days of sunshine; we enjoy the cool pines of Flagstaff and the rustic and historic towns of Prescott, Show Low, and Tombstone, which give perspective into Arizona's first days as a state; and we greatly benefit from the agriculture city Yuma.

Arizona's lakes, mountains, and skies provide countless activities throughout the year for natives and visitors alike. Arizona also enthusiastically hosts 15 Major League Baseball teams for Spring Training, Super Bowls, College Football playoff games, and the Waste Management Open, which many call the Greatest Show on Grass.

Most of all, I love the people of Arizona. Arizonans are diverse, patriotic, and fiercely independent. They bring so much talent and potential to our communities. I am deeply honored to serve my constituents in Chandler, Gilbert, Mesa, Sun Lakes, and Queen Creek.

After a long week in Washington, I cannot wait to step off the plane into the fresh, free air of Arizona. It is the greatest state in the union, and I will always be proud to call Arizona my home.

Happy Birthday, State 48.

RECOGNIZING THE ACCOMPLISHMENTS OF GRADUATING SENIOR BUFFALO STATE BENGALS MENS BASKETBALL PLAYERS, NICO McLEAN, JORDAN GLOVER, LEON MOISE, JORDAN CHATEAU AND LOVELL SMITH

HON. BRIAN HIGGINS

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 16, 2017

Mr. HIGGINS of New York. Mr. Speaker, I rise today to recognize five exceptional members of the senior class at Buffalo State College, Nico McLean, Jordan Glover, Leon Moise, Jordan Chateau and Lovell Smith. During their collegiate careers, these young men have proven to be talented and dedicated scholars and athletes. Their achievements on and off the court are worthy of praise and I congratulate them on the completion of their undergraduate degrees.

As members of the Buffalo State men's basketball team, these students are known as leaders among their peers and teammates. I commend these young men for their dedication to academics and athletics and congratulate them as their college careers come to a close.

Buffalo native and graduate from Amherst High School, Nico McLean plays Guard for Buffalo State. The senior currently majors in Computer Information's Systems.

Jordan Glover, a Buffalo native and graduate of St. Josephs Collegiate Institute majors in Communications. The senior plays Guard for Buffalo State and leads the team in steals.

Leon Moise, a Brooklyn native and graduate of Thomas Jefferson High School plays Forward at Buffalo State. The senior is currently studying Biology.

Bayside, New York, native and graduate of Lowell High School, senior Jordan Chateau plays either Forward or Center for Buffalo State. Outside of basketball, he is majoring in Criminal Justice.

Lovell Smith, a senior Guard from Buffalo, New York, leads the team in games started. A graduate of McKinley High School, Smith is studying electrical engineering.

Balancing the responsibilities demanded of student athletes is a true challenge, and each of these students handled the test with dignity and grace. As an alumnus of Buffalo State, I will be proud to call them fellow alumni.

Mr. Speaker, I thank you for allowing my colleagues to join me in recognizing these extraordinary Buffalo State Bengals and in congratulating them as they obtain their undergraduate degrees. Their dedication and drive will propel them to success, and I wish them all the best in their future endeavors.

CELEBRATING THE MILITARY
SERVICE OF ROBERT
LUKENBAUGH

HON. BRIAN BABIN

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 16, 2017

Mr. BABIN. Mr. Speaker, I rise today to thank a great man for his military service,

Robert Lukenbaugh. Mr. Lukenbaugh is a 92-year-old veteran of both World War II and the Korean War. After graduating high school in 1943, he enlisted in the United States Marine Corps.

After basic training in San Diego, he shipped out to the Pacific Theatre on a transport ship stopping at Pearl Harbor before heading to Midway. He later returned to the Naval Hospital at Pearl Harbor to receive treatment for a broken leg. He left active duty in the Marines in 1946, but remained in the Reserves. He married his wife, the former Mary Etta that same year. In 1950, he was called back into the Marines to train troops going to Korea at Camp Pendleton. Mr. Lukenbaugh was honorably discharged in 1951 from the Marines and moved back to Oklahoma with his wife.

Mr. Lukenbaugh worked for Union Equity Cooperative Exchange for 50 years, 15 of which were in Oklahoma. In 1965, he and his wife moved to Deer Park, Texas, where he continued working for Union Equity Cooperative Exchange for 35 more years. After retiring, the couple remained in Deer Park where they attend Deer Park United Methodist Church.

It is a tremendous honor to represent Mr. Lukenbaugh in the U.S. Congress and I thank him for his selfless military service to this great nation.

A TRIBUTE TO TIM ALBRECHT

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Tim Albrecht for being named a 2017 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2017 class of Forty Under 40 honorees will join an impressive roster of 680 past business leaders and growing.

Tim is known for his solid reputation, strong work ethic and positive attitude. After years of honing his craft on numerous political campaigns, and four years serving as Communications Director to Governor Terry Branstad, Tim set out on his own in 2016 to establish Albrecht Public Relations. Additionally, Tim is a partner and co-founder of the bipartisan polling firm RABA Research. Tim lives in West Des Moines with his wife Josie, 31/2-year-old son Davis, and baby daughter Avery.

Mr. Speaker, it is a profound honor to represent leaders like Tim in the United States Congress and it is with great pride that I recognize and applaud him for utilizing his talents to better both his community and the great

state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Tim on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2017 Forty Under 40 class a long and successful career.

HONORING CHIEF PROBATION OFFICER JILL SILVA

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Stanislaus County Chief Probation Officer, Jill Silva, who has announced her retirement after more than 27 years of service.

Chief Silva graduated from California State University, Fresno in 1986 with a Degree in Social Work. After graduation, she began her career as a Probation Aid with Fresno County Probation Department, served as a Mental Health Worker with Kings View Behavioral Health Systems, and then came to work with Stanislaus County in Adult Protective Services.

In April of 1989, Chief Silva started her career with Stanislaus County Probation Department as a Deputy Probation Officer assigned to the Juvenile Intake and Investigation Unit. She also worked with the Adult Supervision and the Juvenile Supervision Unit.

In 1996, she was promoted to Deputy Probation Officer III, as well as continuing to work with the Juvenile Intake Unit. She was then promoted to Supervising Probation Officer in 1999 and was assigned to the Juvenile Division's Community Partnerships Unit.

Chief Silva's excellent work ethic in public service was noticed as she continued to receive multiple promotions. In 2001, she was promoted to Manager III and then received another promotion in November of 2002 to Chief Deputy Probation Officer. In June 2007, she transferred to the Institutional Services Division and her position was reclassified as the Assistant Chief Probation in 2009.

Throughout her career, Chief Silva has served on various committees, including the Stanislaus County Children's Council, Stanislaus County Child Abuse Prevention Council, and the Stanislaus County Methamphetamine Task Force. She is also a member of the California Probation, Parole and Correctional Association (CPPCA), California Association of Probation Services Administrators (CAPSA), California Association of Probation Institution Administrators (CAPIA), and the Stanislaus County Peace Officers Association.

Chief Silva assumed the role of Acting Chief Probation Officer in December 2011, and on May 5, 2012, she was appointed Chief Probation Officer of the Stanislaus County Probation Department.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to Stanislaus County by Chief Jill Silva as we wish her continued success in her retirement.

HONORING SHERIFF JAMES L. KNIGHT ON THE OCCASION OF HIS RETIREMENT FROM LAW EN- FORCEMENT

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. BUTTERFIELD. Mr. Speaker, I rise to recognize my longtime friend and constituent, Sheriff James L. Knight as he retires at the end of February after serving 20 years as the top law enforcement officer for Edgecombe County, North Carolina, and more than 33 years in law enforcement. Sheriff Knight is the first African American to serve in this position in Edgecombe County.

James L. Knight was born on July 19, 1959 in the Town of Macclesfield and is the youngest of nine children born to Annie Mae and Willie W. Knight. He attended Living Hope Elementary School in Macclesfield and South Edgecombe High School in Pinetops where he graduated in 1977.

After graduation, Mr. Knight enlisted in the United States Army and served as part of the 82nd Airborne at Fort Bragg, North Carolina. He was a model soldier and was awarded the Parachute Badge, Expert Badge M-16, Humanitarian Service Medal, Army Commendation Medal, Good Conduct Medal, and two letters of commendation. He was Honorably Discharged in 1980 having earned the rank of Specialist E-4.

Sheriff Knight began his law enforcement career with the Edgecombe County Sheriff's Office in July 1984 as a Detention Officer. He rose through the ranks serving first as Deputy Sheriff and later as Detective, where he remained until he was appointed Sheriff of Edgecombe County by the Edgecombe County Democratic Party Executive Committee in 1997, when then-Sheriff Phil Ellis resigned from the position. Sheriff Knight has faithfully served the people of Edgecombe County as Sheriff for the last 20 years and has been re-elected to this office every four years since being appointed.

Sheriff Knight manages more than 100 employees, including over fifty certified officers. Under Sheriff Knight's direction, these officers cover over 526 square miles and are charged with protecting nearly 60,000 Edgecombe County residents.

A dedicated public servant, Sheriff Knight implemented the D.A.R.E. (Drug Abuse Resistance Education) Program within Edgecombe County Schools. D.A.R.E. is an officer-led series of classroom lessons that teaches fifth graders how to resist peer pressure and live productive drug and violence-free lives. There is no doubt that Sheriff Knight had a profound and positive impact on an entire generation of young people. His positive influence continues today.

Sheriff Knight has always been known as a true public servant who is always eager and willing to serve. His long held goal has been to provide effective and efficient law enforcement service while building strong and trusting relationships with the citizens. He has certainly achieved that goal and so much more.

Sheriff Knight's dedication to and impact in Edgecombe County is seen far beyond the

walls of the Sheriff's Department. He has been a strong catalyst in improving and positively impacting the lives of Edgecombe County citizens. In recognition of his selfless work, Sheriff Knight has received numerous awards including the Citizen of the Year, James B. Hunt, Jr. Certificate of Appreciation for Outstanding Volunteer Services, and a Certificate of Appreciation for Outstanding Law Enforcement.

Sheriff Knight has served and continues to serve on several boards including the United Way, Boy Scouts of America, Governor's Crime Commission, National Sheriffs' Association, North State Law Enforcement Officers Association, and the North Carolina Sheriffs' Association where he served as the President of the executive committee. He even proudly represented his community as an Olympic Torch Bearer in the lead up to the 1996 Summer Olympics in Atlanta, Georgia.

At every step along his storied life, Sheriff James L. Knight has been accompanied by his wife, the former Margaret Sharpe. The two were married on August 1, 1982. Together, they have two children, James Jr. and Jamina, and one grandson Jayden. They attend Anderson Chapel Baptist Church in Macclesfield where Sheriff Knight serves on the Board of Deacons.

Mr. Speaker, Sheriff James L. Knight has dedicated his entire adult life to public service. I ask my colleagues to join me in recognizing the dedication and selflessness displayed by Sheriff Knight over more than 30 years first as a soldier, then as a Corrections Officer, Deputy Sheriff, Detective, and finally as Sheriff of Edgecombe County. While Sheriff Knight is deserving of far greater accolades from a grateful public, my colleagues in the United States House of Representatives join me in expressing our sincere appreciation for Sheriff Knight's hard work and sacrifice.

A TRIBUTE TO WILLIAM SCALES

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate William Scales for being named a 2017 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2017 class of Forty Under 40 honorees will join an impressive roster of 680 past business leaders and growing.

William is a member attorney at Whitfield & Eddy Law Firm in Des Moines, tirelessly advocating for his clients and passionate about making Des Moines a better community. Outside of his law practice, William is an Asso-

ciate Fellow in the Litigation Counsel of America, and has been active with the Greater Des Moines Partnership's Youth Leadership Initiative and several other community-centered organizations. William served in the U.S. Army as an Air Defense Officer from 2004–2008, and this year will be marrying the love of his life, Erica.

Mr. Speaker, it is a profound honor to represent leaders like William in the United States Congress and it is with great pride that I recognize and applaud him for utilizing his talents to better both his community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating William on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2017 Forty Under 40 class a long and successful career.

IN HONOR OF HENRY L. "HANK" AARON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and privilege to rise today to recognize a legendary baseball player, great philanthropist, and outstanding citizen, Henry L. "Hank" Aaron. Hank and his wife, Billye, will be honored by the Mobile Area Mardi Gras Association (MAMGA) in Mobile, Alabama, on February 26–27, 2017.

Henry Louis Aaron was born in Mobile, Alabama, on February 5, 1934, the third of eight children born to Herbert and Estella Aaron. Hank was interested in sports from an early age. Although he worked several jobs to help support his family, he spent a lot of time playing baseball at a neighborhood park. He transferred to the Allen Institute in Mobile his junior year of high school to participate in the school's organized baseball program.

After graduating from high school, Hank began to make a name for himself playing with local amateur and semi-pro teams, including the Pritchett Athletics and the Mobile Black Bears. In 1951, Hank was signed as a shortstop for the Indianapolis Clowns, which was part of the professional Negro American League. In 1952, the Boston Braves purchased his contract and he was assigned to Eau Claire, Wisconsin. Hank batted .336 and won the minor Northern League's Rookie of the Year Award. He was then assigned to the Braves' Jacksonville, Florida, team, in the South Atlantic (Sally) League. Despite enduring racial insults from fans and fellow players alike, Hank batted .362, with 22 homers and 125 runs batted in. He was named the league's Most Valuable Player in 1953.

In 1954, Hank began to play for the Braves' major league team. After the 1965 season, the Braves moved to Atlanta, where on April 8, 1974, Hank hit his 715th career home run, breaking Babe Ruth's 39-year-old Major League record. By the time he retired in 1976, Hank had raised his all-time homer output to 755. But although Hank had retired from baseball, baseball had not retired from him. He be-

came Vice President and Director of Player Development for the Braves, scouting new team prospects and overseeing the coaching of minor leaguers, before becoming Senior Vice President for the team. Due to his efforts, the Braves became one of the strongest teams in the National League.

While many people know of Hank Aaron because of his accomplishments in baseball, it is Hank's philanthropy that truly sets him apart. In 1995, Hank and Billye established the Hank Aaron Chasing the Dream Foundation to give young people with limited opportunities a chance to pursue their dreams. While Hank had initially envisioned helping 755 youngsters, the Foundation has provided vital financial assistance to more than 1,000 young people. The Foundation provides scholarships to college students and partners with Boys and Girls Clubs throughout the country to help young people develop their talents.

Hank has received numerous awards and tributes for both his athletic ability and his charitable efforts. In 1982, he was voted into the Baseball Hall of Fame at Cooperstown, New York. In 1997, Hank Aaron Stadium in Mobile was dedicated to him. In 1999, Congress passed a resolution recognizing him as one of baseball's greatest players and praising his work with the Chasing the Dream Foundation. That year, Major League Baseball announced the creation of the Hank Aaron Award, given annually to the best overall hitter in each league. In 2002, Hank received the Presidential Medal of Freedom, the highest civilian award of the United States.

On a personal note, I am proud to consider Hank and the Aaron family friends of long-standing. He and I grew up in the same area of Mobile, Toulminville, and his sister, Alfredia, was my classmate from elementary school through Central High School Class of 1964. She and her husband, Congressman DAVID SCOTT, continue to be dear friends to my wife and me.

Indeed, Hank is a baseball legend but he is also an entrepreneur, civil rights leader, philanthropist, humanitarian and just an outstanding human being, period. His humility is unparalleled and his heart for helping others has made a tremendous impact throughout our nation and the world. He continues to make Mobilians proud.

Mr. Speaker, I ask my colleagues to join me and my wife, Vivian, in recognizing the perseverance, generosity, and legacy of Hank and Billye Aaron. Winston Churchill said: "You make your living by what you get, you make a life by what you give." The Aarons embody this ideal perfectly and their spirit of giving is making lives for generations yet to come.

A CONSTITUENT'S VIEW ON THE STATE OF OUR NATION

HON. DARIN LAHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. LAHOOD. Mr. Speaker, today I rise on behalf of my constituent, Ed Rapp, from Peoria, Illinois. Mr. Rapp recently retired as a top executive and group president from Caterpillar

Inc. after thirty-six years of tremendous and admirable service to the company and the Peoria community. He was recently diagnosed with Lou Gehrig's disease and turned his focus to raising awareness and supporting those in search of a cure. The following is an open letter Mr. Rapp penned to his grandson:

AN APOLOGY TO MY GRANDSON COLE

On the heels of a frustrating election, the combination of reading "Hamilton" and seeing the Chicago Cubs win the World Series, I'm compelled to put my thoughts down in writing taking the form of an apology to my grandson, and the next generation of Americans. "Hamilton" reminded me of the combination of leadership and compromise demonstrated by our Founding Fathers. And the Cubs showed us that, against the odds of history, if you improve competitiveness, you can compete and win. (And let the record show that I—a die-hard St. Louis Cardinals fan—can appreciate that feat!)

Fortunately, what was the most disappointing election process in my history is behind us. My words are not aimed at one party or the other as I am equally frustrated by both sides. Our leaders spend too much time trying to defeat the opposing party instead of focusing on how to make sure that America competes and wins.

At 59 years old, my generation inherited the most competitive country in the world, and that competitiveness led to the highest standard of living in the world. We seem to have overlooked the direct correlation between a country's competitiveness and the standard of living of its citizens.

The Cubs championship team stands as a first class example of how changing the way you compete can change your results. If you want to improve your competitiveness, you adapt. New leadership made great draft choices that complemented wily veterans, ending more than a century of losing.

The same opportunities are afforded to this great nation (yes, it should be noted I remain optimistic about this country's future). However, what lies ahead won't be easy. It will require strong leaders like Hamilton, compromise by both parties and an understanding that it is all about competitiveness.

Like it or not, our infrastructure is in a state of disrepair and we have not addressed its long term funding in more than 20 years. The build-out of our US highway system in the 1960s ignited one of the greatest economic booms in history. But we haven't reinvested. The road to progress still begins with a road, period.

We have gone from having one of the most competitive corporate tax rates in 1986 to being the laggard amongst OECD countries. While the rest of the world has gone to a territorial system, we are still living in the past with our worldwide system. With a corporate tax rate 56 percent higher than the average of other OECD countries, is it any wonder companies want to locate in other parts of the world?

We also seem to have forgotten that our country was built by immigrants. We must remain a nation where the world's best and brightest come to innovate and create new businesses. We can't continue to provide world-class college education to young minds from around the world, and then tell them to pack their bags.

The political debate criticized global trade. Have we forgotten the U.S. is only five percent of the world's population and, for decades, led by example on free trade, which improves the standard of living of Americans and our trading partners? We need to move

forward and trade is fundamental to growth. If countries turn nationalistic, we won't like the long term outcome (Brexit and backing out of the Trans Pacific Partnership really concern me).

I would offer my generation has made no meaningful progress on some of the core elements of competitiveness in decades (no major corporate tax or immigration reform since mid-1980s, no change on infrastructure funding since 1993, no major global trade deal since 1994) and, as illustrated above, the cost will be significant: a lower standard of living for the next generation. For this, I say to my grandson, I am sorry.

But, as emphasized up front, I remain optimistic. I really do hope and pray for the next generation that Congress and the President work together to take on the challenges at hand. Be brave and compromise like Alexander Hamilton. Improve competitiveness like the Cubs. And, as we go about "Making America Great Again," let's just remember what made her great in the first place.

A TRIBUTE TO LARRY ANDERSON

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Larry Anderson for being named a 2017 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2017 class of Forty Under 40 honorees will join an impressive roster of 680 past business leaders and growing.

Larry is a Business Development Officer with Central Bank. He is co-founder of the non-profit organization, Art for Ankeny, dedicated to installing public art across Ankeny. In addition, Larry serves on multiple boards for the City of Ankeny and is active on Grand View University's Business Advisory Board. Larry has been recognized for his exemplary dedication to the welfare of the Ankeny community with awards from Ankeny Young Professionals, the Ankeny Chamber of Commerce, and by being named a finalist for the Young Professional of the Year Impact Award.

Mr. Speaker, it is a profound honor to represent leaders like Larry in the United States Congress and it is with great pride that I recognize and applaud him for utilizing his talents to better both his community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Larry on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2017 Forty Under 40 class a long and successful career.

HONORING NEW JERSEY HALL OF FAME INDUCTEE TOMMY JAMES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in honor of Cedar Grove resident and recent New Jersey Hall of Fame inductee, Tommy James. Mr. James is a pop-rock musician, singer, songwriter, record producer and is one of the fifteen new inductees to the New Jersey Hall of Fame.

America in the 1960s was a time of significant cultural and musical development. From Tommy James to the Beatles, Bob Dylan, Joan Baez, Jimi Hendrix, and a young New Jerseyan named Bruce Springsteen receiving his first guitar from his mother in 1964, the artists from the 1960s shaped the music landscape forever.

In the 1960s, a young, outspoken and politically active generation often told their stories through music and art. As a young person during this era, I can attest to the importance of the messages conveyed by musicians about contemporary society and their unwavering belief in building a better America for future generations.

The State of New Jersey can bestow no higher honor on one of our citizens than induction into our Hall of Fame and I congratulate Tommy James, who helped to influence generations of musicians.

Mr. Speaker, with an award-winning music career spanning over three decades and countless contributions to our State and its citizens, I urge my colleagues to join me in congratulating Tommy James to his induction to the New Jersey Hall of Fame.

THE INTRODUCTION OF THE FAIRNESS FOR BREASTFEEDING MOTHERS ACT OF 2017

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Ms. NORTON. Mr. Speaker, today, I introduce the Fairness for Breastfeeding Mothers Act of 2017, a bill that would require buildings that are either federally owned or leased to provide designated private and hygienic lactation spaces for nursing mothers. The bill was included in the Public Buildings Reform and Savings Act of 2016, which passed the House last Congress. For years, federal agencies such as the U.S. Department of Agriculture and the Centers for Disease Control and Prevention have encouraged breastfeeding. The benefits are so great that federal law now requires employers to provide a designated, non-bathroom space for employees to pump breastmilk for their newborns, ensuring that new mothers would be able to continue this essential practice even after returning to work. My bill would extend this requirement to include not just employees, but visitors and guests to federal facilities across the nation.

In Washington, D.C. alone, millions of tourists visit federal sites, such as the Lincoln Memorial. Increasingly, families understand the

unique benefits of breastfeeding, and visitors to these buildings who have newborns and babies should have a private space to breastfeed or pump. The benefits of breastfeeding are well-documented. Breastmilk contains antibodies and hormones that boost babies' immune systems, and studies have shown lower risks of asthma, diabetes, respiratory infections and other diseases among breastfed babies. Moreover, breastfeeding also has benefits for nursing mothers, who, research has shown, have lower risks of diabetes and certain forms of cancer. Given the significant public health benefits of breastfeeding for both mother and baby, already recognized in federal policy, my bill is a logical next step to ensure visitors to federal sites have access to clean, hygienic, and private spaces to nurse or pump.

I urge my colleagues to support this bill, which would provide access to designated lactation rooms for guests to federally owned or leased buildings.

OPPOSITION TO H.J. RES. 43 AND
H.J. RES. 69

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Ms. BASS. Mr. Speaker, in order to attend a previously scheduled event I had to return to California; however, if I had been present today, I would have continued to voice my strenuous objects to the use of the Congressional Review Act to invalidate a seemingly endless number of agency rules. Today, I would express my opposition to and voted against H.J. Res. 43 and H.J. Res. 69. Use of the Congressional Review Act in the month of February to eliminate agency regulations thereby barring their return in substantially the same form as in some instances negated years of work on the part of agency officials, stakeholders, advocates, and the public. H.J. Res. 43 represents another vehicle to prevent families from having legitimate access in every state to the Title X program, which has been in effect for over 40 years.

Title X of the Public Health Services Act is the only dedicated source of federal funding for family planning. It provides grants to both nonprofit and public entities that, in turn, provide a wide range of both preventative and family planning services. These clinics have provided service to over 4 million men, women and children. The services include preconception health services, contraceptive care as well as breast and cervical cancer screenings and prevention. H.J. Res. 43 would prevent the implementation of a final rule by the Department of Health and Human Services that would have ensured that these patients continued to have access to all qualified Title X providers.

At a time when there has been a call to repeal the Affordable Care Act, which will result in 20 million Americans losing insurance, and negatively impact the benefits currently received by those with insurance and no viable replacement option being put forward. Our efforts should be spent addressing this issue. Instead, we are voting on a measure that will

only serve to decrease access to health services that impact the long term health needs of families.

As for H.J. Res. 69, it represents yet another effort to use the Congressional Review Act to undermine the efforts of stakeholders, advocates, and agencies to address an issue. The promulgation of the rule by the Fish and Wild Life Services addresses Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures. In effect the rule is designed to limit state sponsored and recreational killing of species like grizzly bears and gray wolves unless there is full compliance with existing federal law as well as compliance with the purposes of the refuge. At this time those who have opposed this rule have not provided a scientific bases or sound science as a basis for opposing the final rule issued by the Department of the Interior.

For these reasons and more, I would have opposed H.J. Res. 43 and H.J. Res. 69.

HONORING HAL D. PAYNE ON THE
OCCASION OF HIS RETIREMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. HIGGINS of New York. Mr. Speaker, today I rise to commemorate and honor Mr. Hal D. Payne who is retiring from Buffalo State College after 27 years of service. He will be missed by all at Buffalo State and his years of work will not be forgotten, nor will his tireless commitment to broadening and enhancing the educational opportunities of Western New York.

Mr. Payne joined Buffalo State College in 1990 when he began to work as the assistant Vice President of Student Affairs. After a year he was promoted to Vice President. Under Mr. Payne's leadership, Buffalo State College has upgraded many of their student facilities such as the Frank C. Moore Apartment Complex, the Student Apartment Complex, Cassety Halls, and the Towers as well as the renovation of Houston Gymnasium.

In the summer of 2000, Mr. Payne completed the American Association of State Colleges and Universities' Millennium Leadership Initiative, this program provides leadership development and allows individuals the chance to develop skills and build an advanced network. This program has aided Mr. Payne's work of advancing Buffalo State's connections within and outside of the state of New York.

Before coming to Buffalo State, Mr. Payne served as Senior Associate for the Council for opportunity in Education in Washington, D.C. and as the Chief of Staff to U.S. Representative Louis Stokes of Ohio. He currently acts as a consultant to the U.S. Department of Education, expanding his range of work to support education across America. His commitment to his work was recognized in 2010 by Governor David A. Patterson to the New York State Council on the Arts. Hal Payne's education at Western Reserve University, Cleveland State University, and at the Institution for Educational Management at Harvard University, has edified his knowledge and passion for advancing education.

Mr. Payne is the recipient of numerous awards which attest to the fact that his work has not gone unappreciated or unnoticed. Hal Payne earned the Oberlin Medal, which is the highest individual honor that is awarded by Oberlin College. In addition to the Oberlin Medal, Mr. Payne received the Walter O. Mason Jr. Award from the Council for Opportunity in Education. This national award is presented to those who exhibit distinguished service and leadership.

Outside of his work at Buffalo State College, Mr. Hal Payne has done a great deal of work for the greater Buffalo area. He currently participates in many organizations including the Buffalo Club, the leadership Buffalo Class of 1995, and is an active member of the Board of the Arts Services Initiative of Western New York. His passionate work within Western New York will be remembered for years to come.

Mr. Speaker, thank you for allowing me the chance to honor and recognize the legacy of Hal D. Payne's years of invaluable work. I ask that my colleagues join me in congratulating Mr. Payne on an accomplished career and to commend him for his 27 years of committed work at Buffalo State College.

HONORING THE LIFE OF JOE
WILLIAMS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor the life of Mr. Joe Williams, who passed away on February 8, 2017 at the age of 79. Joe was a loving husband, father and grandfather, who dedicated much of his life to public service. He was a leader in the community, eventually becoming the first African-American elected to the Fresno City Council in 1977. Joe was a friend to many, a mentor, and trailblazer. His presence in the community will truly be missed.

Joe Williams was born on May 8, 1937 in Biloxi, Mississippi to Brooke Lee Starks and Charlie Williams. At the age of nine, his parents, along with Joe, his brother, George, and his sister, Audrey, moved to Fresno, California. He attended Edison High School and enlisted in the United States Army upon graduation in 1956. After his service, Joe enrolled in Fresno City College. He would go on to earn a scholarship to play football at Fresno State, where he graduated with his Bachelor of Arts degree in Social Welfare.

After graduating, Joe began his career with the Fresno County Welfare Department. In 1968, he went to work for the Fresno Economic Opportunities Commission (EOC), as the Director of the Fresno County Head Start Commission, where he would go on to work for 26 years. After two years, Joe was named Executive Director of Fresno EOC. He was the longest tenured Executive Director, serving in that role from 1970 to 1993. During his tenure, Fresno EOC expanded its budget from \$1.8 million to \$37 million, with 35 programs to provide services to 130,000 low income families annually. With the help of over 670 staff members, Fresno EOC was able to implement

many programs including Palm Village family homeless shelter, open the first rural health clinic in Fresno County, and start a Meals on Wheels program for seniors. A sanctuary program for homeless youth was also established and named in his honor upon Joe's retirement. Under his leadership, Fresno EOC became a model for similar programs across the nation.

In 1977, Joe was elected to the Fresno City Council, making him the first African American elected to the council. He served two terms between 1977 and 1985. Joe was voted as Mayor Pro-Tem from 1984–1985.

In 1994, Joe joined Richard Heath and Associates, a privately owned company that aims to provide energy efficiency programs for underserved communities, serving as the CEO until 2005 and serving as board president through 2016. Along with his lifelong friends James Hendricks and Dr. James Aldredge, Joe formed HAW-Fifty Six, which provides services and housing in West Fresno. HAW-Fifty Six developed the Edison HAW Plaza and the first phase of a multi-family apartment complex in West Fresno, in collaboration with the Fresno Housing Authority. Joe volunteered his time, serving on numerous boards, including Community Medical Center Board of Trustees, California State University, Fresno Foundation Board and the Fresno Chamber of Commerce.

Joe is survived by his wife of 40 years Laura, their children Michael and his wife Sonya, Winston, and Terri, his brother George, his grandchildren, great-grandchildren and numerous nieces and nephews.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the life and service of Joe Williams. He will be remembered for the selfless way in which he lived his life, always looking to help those in the community who were in need. I join his family in honoring his life, love for his community, and service to his country. He will be greatly missed.

INTRODUCTION OF THE EQUALITY FOR ALL RESOLUTION

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. CARSON of Indiana. Mr. Speaker, as Americans, we pride ourselves on being the most free and open society the world has ever known. Yet, for far too long, lesbian, gay, bisexual, and transgender (LGBT) Americans have been forced to live in the shadows because of who they are. Year after year, we see attacks on the LGBT community as governments at all levels look to institutionalize discrimination in the name of religious freedom. In 2015, we witnessed my home state of Indiana enact the Religious Freedom Restoration Act, giving businesses the right to refuse service based on sexual orientation and gender identity.

It is clear that the vast majority of Americans oppose this type of discrimination. After Indiana's law passed, the public and the business community came together to express outrage and successfully overturned Indiana's discriminatory law. However, we are still in

need of a federal law to affirm the rights of all individuals to be protected from discrimination. That is why I am introducing the Equality for All Resolution to encourage Congress to take actions that ensure all Americans, regardless of sexual orientation or gender identity, know they are valued members of our society. From housing to employment to education, they deserve to live their lives like any other American, free from intolerance because of who they are.

A TRIBUTE TO AZURE CHRISTENSEN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Azure Christensen for being named a 2017 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2017 class of Forty Under 40 honorees will join an impressive roster of 680 past business leaders and growing.

Azure is the Foundation Executive Director for HCI Care Services and Visiting Nurse Services of Iowa. In her 15-year career in non-profit development, she has helped raise over \$50 million for organizations in Central Iowa. The many causes she has worked hard to benefit include: creating opportunities for young children with cancer so that they can lead normal lives during difficult treatments, ensuring women have access to affordable healthcare, and providing easy access to quality higher education. Azure lives in Johnston with her husband, Zach, and her two young boys, Maddox and Grady.

Mr. Speaker, it is a profound honor to represent leaders like Azure in the United States Congress and it is with great pride that I recognize and applaud her for utilizing her talents to better both her community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Azure on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2017 Forty Under 40 class a long and successful career.

RECOGNIZING MS. ANDREA BROWN
AS THE 2016–2017 OKALOOSA
COUNTY TEACHER OF THE YEAR

HON. MATT GAETZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. GAETZ. Mr. Speaker, I rise to recognize Ms. Andrea Brown as the 2016–2017 Okaloosa County Teacher of the Year. For 18 years, Ms. Brown has served the Okaloosa County School District with exceptional passion and an unwavering commitment to serving others.

In Northwest Florida, we are fortunate to have some of the best teachers in the Nation. It is recognized that the teaching profession is one of the most difficult yet rewarding professions in existence. Ms. Brown has exceptionally performed her teaching duties, while also striving to be an active and supportive member of her team at Baker School.

Most recently, Ms. Brown has served as a Title One Remediation Teacher for both math and reading. Through her work, she has helped countless students improve their reading and writing skills. The effects of her guidance and instruction will continue to have a profoundly positive impact on her students for many years.

Her support and outreach extends beyond the classroom as well, through her service on the Homecoming Committee, involvement with the Aspire after school program, and with Okaloosa Online. Ms. Brown has displayed remarkable compassion and devotion by spending time outside the classroom helping others. I commend her for her steadfast willingness to serve those that matter most, the students and youth of our Nation.

For all of her admirable contributions, I am truly proud to have Ms. Brown as a constituent in Florida's First Congressional District.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Ms. Andrea Brown for her accomplishments and her commitment to excellence in the Okaloosa County School District. I thank her for her service and wish her all the best for continued success.

TRIBUTE TO CHARLES "DEEDLE" WALKER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise today to pay tribute to Charles "Deedle" Walker who will be turning 90 years old on March 4, 2017. Deedle Walker was born in East Tennessee in 1927.

He helped operate his older brother's gas station when the United States was at war during WWII.

He once entered a free throw contest shooting under-handed and managed to finish second after sinking 24 out of 25 free throws.

After graduating from Carter High School, he was offered a basketball/football scholarship at the University of Alabama. Unfortunately, he became ill from spinal meningitis

and did not go there. However, he was lucky to later attend Carson-Newman College.

He hitchhiked to college daily to attend class and starred in basketball and baseball under the tutelage of legendary Coach Frosty Holt. He also signed a minor league contract with the Pittsburgh Pirates.

More importantly he met his future wife, Martha Dale Kitts, of Knoxville, Tennessee while at Carson-Newman.

While attending a friend's wedding, in which Martha was a bridesmaid, in Washington, D.C., Martha and Deedle became engaged. They were married later that day at the Capitol Hill Baptist Church on August 5, 1950.

Martha Walker later taught English and was the librarian at Carter High School where Deedle attended. Deedle enjoyed a 40-year career with the telephone company Southern Bell and its successors, and he was also a longtime basketball referee in the Knoxville area.

Deedle is an early riser and a hard-working man. In fact, he still greets anyone who sleeps past 8 a.m. on a Saturday morning with "Good afternoon."

Martha and Deedle had five children: Mark, Laura, Christopher (died in infancy), Joel and Don. They now have eight grandchildren and five great-grandchildren, with another one on the way.

I hope everyone will join me on March 4th in wishing Deedle Walker a Happy 90th Birthday.

CELEBRATING THE MILITARY
SERVICE OF RAYMOND HOLUB

HON. BRIAN BABIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. BABIN. Mr. Speaker, I rise today to thank a great man for his military service, Mr. Raymond Holub. Mr. Holub is a 92 year old veteran of both World War II and the Korean War. Born in Pleak, Texas, Mr. Holub spent his teenage years working with the Civilian Conservation Corps.

Mr. Holub bravely volunteered to become a Paratrooper and served in the 17th and 82nd Airborne Divisions during World War II from 1943 to 1946. His ship was involved in an accident at sea and hundreds of lives were lost. After overcoming the dangers of the Atlantic, he and his fellow soldiers reached Germany. Upon reaching Essen and Berlin, Holub was reassigned to General Dwight D. Eisenhower's Supreme Headquarters of the Allied Expeditionary Force, as an Honor Guard. Mr. Holub left the Army in 1946, only to reenlist and serve his country a second time, in the Korean War from 1950 to 1951. He received the Bronze Star for his military service.

He has been a resident of Liberty, Texas for 56 years. Mr. Holub remains an active member of the American Legion Post 658 in Crosby, Texas and VFW Post 912 in Baytown, Texas.

It is a tremendous honor to represent Mr. Holub in the U.S. Congress and I thank him for his selfless military service to this great nation.

A TRIBUTE TO TRINA FLACK

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Trina Flack for being named a 2017 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2017 class of Forty Under 40 honorees will join an impressive roster of 680 past business leaders and growing.

Trina is a National Sales Manager at the Greater Des Moines Convention and Visitors Bureau, where she is responsible for attracting meetings and events to the Des Moines area. She finds herself busy outside of work with her involvement in many city, planning, cultural and leadership organizations. An Iowa State alumna and avid Cyclone football and basketball fan, Trina lives in Ankeny with her husband Adam, and their three children, Natalie, Tyler, and Emma.

Mr. Speaker, it is a profound honor to represent leaders like Trina in the United States Congress and it is with great pride that I recognize and applaud her for utilizing her talents to better both her community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Trina on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2017 Forty Under 40 class a long and successful career.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. KING of Iowa. Mr. Speaker, due to traffic delay surrounding a Vice President Motorcade, I missed two votes.

Had I been present, I would have voted Yea on Roll Call No. 95 and Yea on Roll Call No. 96.

IN HONOR OF LIEUTENANT
GENERAL HAL MOORE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to one of the most coura-

geous and distinctive military leaders of our time, Lieutenant General Harold "Hal" G. Moore, the commander at the Battle of Ia Drang in the Vietnam War in 1965. Sadly, LTG Moore passed away on Friday, February 10, 2017. A funeral mass will be held on Friday, February 17, 2017 at St. Michael's Catholic Church in Auburn, Alabama, followed by a memorial service and internment at Fort Benning in Georgia.

Hal Moore was born in Bardstown, Kentucky on February 13, 1922. He began his military career in 1945 upon graduating from the U.S. Military Academy at West Point and was commissioned as a second lieutenant in the infantry. His first tactical assignment was with the 187th Glider Infantry Regiment in Sapporo, Japan. After being reassigned, he made more than 130 test jumps with the 82nd Airborne Division at Fort Bragg, North Carolina, where he also jump-tested experimental parachutes. LTG Moore went on to serve in the Korean War as a regimental operations officer. In 1964, he was stationed at Fort Benning and commanded the newly formed air mobile 11th Air Assault Division.

As a lieutenant colonel during the Vietnam War, Moore was commander of the 1st Battalion, 7th Cavalry Regiment during the first major battle between the United States and the North Vietnamese forces in November 1965, the Battle of Ia Drang. Arriving with about 450 soldiers at Landing Zone X-Ray, a field near the Drang River in South Vietnam situated six miles from the Cambodian border, LTG Moore quickly realized he and his men were vastly outnumbered. Nevertheless, he vowed: "I'll always be the first person on the battlefield, my boots will be the first boots on it, and I'll be the last person off. I'll never leave a body." During the battle, American forces were able to gain the upper hand and lead the U.S. to a triumphant victory.

Alongside award-winning journalist Joe Galloway, who was in Ia Drang as a war correspondent, LTG Moore documented his experiences during the battle in the highly acclaimed 1992 book, *We Were Soldiers Once . . . and Young*. The book received such recognition that it was made into the film, *We Were Soldiers*. The proceeds from the book helped establish the Ia Drang Scholarship Fund, which aimed to help the children and grandchildren of veterans of the Ia Drang battle.

LTG Moore has certainly accomplished many things in his life but none would have been possible without the love and support of his late wife, Julia; his children, Harold Gregory Moore III, retired Lt. Col. Stephen Moore, Julie Moore Orlowski, Cecile Moore Rainey, and retired Col. David Moore; his eleven grandchildren and four great-grandchildren.

Mr. Speaker, today I ask my colleagues to join me, my wife, Vivian, the nearly 730,000 people in Georgia's 2nd Congressional District, and all Americans, in extending our sincerest appreciation to Lieutenant General Hal Moore, an outstanding leader who, in addition to his selfless service and instrumental role in the Korean and Vietnam Wars, has the respect, admiration, and affection of his brothers-in-arms. Indeed, LTG Moore leaves behind a distinguished legacy of service and leadership in the United States Army.

RECOGNIZING BALDWIN COUNTY FAMILY CONNECTION

HON. JODY B. HICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. JODY B. HICE of Georgia. Mr. Speaker, I rise today to recognize the Baldwin County Family Connection, a nonprofit organization dedicated to improving the lives of children across the great State of Georgia. This organization has done outstanding work to revitalize a county hit hard by the Great Recession.

In 2011, Baldwin County faced an unemployment rate of 16.5 percent and Harrisburg, one of its communities, suffered an unemployment rate of 25 percent. However, through a community of partners who were willing to work together and share their resources, the Baldwin County Family Connection was able to secure funding for a community garden, a walking trail, and a pavilion, providing places for families to gather and thrive.

Mr. Speaker, I am grateful to have an outstanding organization that restores health and vibrancy to the local community in my home district. It is my honor to congratulate and applaud the Baldwin County Family Connection for its commitment to serving children and families in the Tenth District of Georgia.

A TRIBUTE TO MICHAEL KRANTZ

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Michael Krantz for being named a 2017 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2017 class of Forty Under 40 honorees will join an impressive roster of 680 past business leaders and growing.

Michael is the CEO of Adventureland Resort in Altoona, Iowa. He has played a key role in constructing the new Monster roller coaster and bringing the popular Jolly Holiday Lights event to Adventureland, where it has received record attendance. Michael also helped to develop and launch Spectator's Sports Bar and Grill in Altoona, and has been given the Tidrick Honors Award for his contributions to the Mentor Iowa program in 2016. Michael and his wife, Kim, have two children, Jack and Emery.

Mr. Speaker, it is a profound honor to represent leaders like Michael in the United States Congress and it is with great pride that I recognize and applaud him for utilizing his

talents to better both his community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Michael on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2017 Forty Under 40 class a long and successful career.

HONORING THE LIFE OF MR. LARRY PISTORESI, JR.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor the life and career of Mr. Larry Pistoresi, Jr., one of Chowchilla's finest residents and public servants, and an exceptional leader of his community. Throughout his life, Mr. Pistoresi, Jr. strived to support and enrich the people of Chowchilla. His selflessness and devotion to family, church, and community have undoubtedly left the world a better place.

Larry Pistoresi, Jr. was born and raised as a 4th generation native of Chowchilla, in Madera County. In his youth, Mr. Pistoresi was an active and accomplished athlete, having played on both the football and golf teams at Chowchilla Union High School until his graduation in 1959. Mr. Pistoresi attended college at Santa Clara University and The University of Washington and later served in the United States Army after dedicating himself to his college ROTC program. Mr. Pistoresi was honorably discharged from the U.S. Army in 1967, where he was awarded the Good Conduct Medal and the National Defense Service Medal.

Mr. Pistoresi returned to Chowchilla after his discharge and worked at Pistoresi Chevrolet Oldsmobile with his father, Larry Pistoresi, Sr., grandfather, Pete, and uncle, Monte, as a car salesman. Something of a sales maverick, he consistently proved that nothing was too big or small to make a favorable deal for his clients. Mr. Pistoresi then set his sights on real estate development, and proceeded to undertake a transformative plan for the Chowchilla area by devoting more than ten years of his life to plan the construction of the Greenhills Estates neighborhood, which nearly doubled the Chowchilla city limit. He also led the effort to establish the Pheasant Run Golf Course, which provides an excellent communal space for the many people seeking new recreational outlets.

Beyond his professional commitments, Mr. Pistoresi was involved in a host of public service engagements, including sitting on the Chowchilla Elementary School Board, serving multiple terms as a Chowchilla City Councilman, and served as Mayor of Chowchilla from 1975 through 76.

Larry Pistoresi, Jr. joins his father, Larry Pistoresi, Sr., and his mother, Bettie Pistoresi, and is survived by his stepmother Velma Pistoresi, stepbrothers Jerry and Kent Danieli, his wife of 47 years Linda Pistoresi, his daughter Laura Pistoresi, his son Daniel Pistoresi and wife Frances and son Bradley Pistoresi. He also leaves behind his loving

grandchildren Samuel, Jackson, Noah, Stella and Micah, and countless friends and colleagues. His patriotism, altruism, and infectious personality will be deeply missed.

Mr. Speaker, I rise today to honor the life and career of Mr. Larry Pistoresi, Jr., illustrious and decorated role model for the people of Chowchilla, and an exemplary family man and friend. His life personifies the anecdote that sometimes a small pond needs a big fish to grow wider.

HONORING VELMA JEAN TIDWELL CONDIT

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the passing of Velma Jean Tidwell Condit. A beloved community member, Mrs. Condit dedicated her life to serving others.

After moving to Ceres from Oklahoma with her husband in 1967, she served the ministry with love and devotion. She spent her Sunday mornings teaching Sunday school, was a loyal member of the Women's Fellowship, and throughout her life supported her husband, Pastor Adrian Condit, as they served the Village Chapel Free Will Baptist Church.

With a medical career spanning more than three decades, Mrs. Condit provided patients with compassion and care as a nurse at the Ceres Memorial Hospital and Scenic General in Modesto. She was equally as devoted to her work as she was to her community.

Although she is widely known for her service, she is also beloved by her family for her fried chicken and birthday pies. Mrs. Condit's greatest joy was cooking for and spending time with her family. Even after being diagnosed with Parkinson's disease in 2014, and soon after developing dementia, she continued to be a loving wife and mother and will be deeply missed. I offer my sincerest condolences to Pastor Adrian Condit, their children, and family.

Mr. Speaker, please join me in honoring Velma Jean Condit as we recognize her tremendous contributions and honor her incredible life.

PET SAFETY AND PROTECTION ACT

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, earlier today I introduced legislation to put an end to an industry that's taken cruelty to animals to a whole new level.

Animal dealers who operate under a USDA Class B license have been guilty of gross violations of the Animal Welfare Act's minimum standards for the decent treatment of animals.

Class B dealers have routinely kept dogs in overcrowded cages, fed them rotten food and

food contaminated with feces, ignored problems like frozen drinking water, failed to provide veterinary care for dogs with serious untreated injuries and diseases, and left live dogs caged up with the carcasses of dead dogs. And if that's not enough to turn your stomach, Class B dealers have beaten, strangled, and shot dogs.

Now, all that would be bad enough, but this story gets even worse. There are two kinds of dealers who sell dogs to research facilities. Class A dealers raise the dogs they sell to researchers, and they are strictly regulated by the U.S. Department of Agriculture. Class B dealers, on the other hand, acquire the dogs they sell from so-called random sources. What this means is that Class B dealers buy animals, often with no questions asked, from an unregulated network of suppliers.

Thanks to the work of animal rights groups and undercover investigators, we know that Class B dealers buy dogs that were family pets: pets that have in many cases been stolen or adopted under false pretenses. Class B dealers often acquire lost pets from local pounds or shelters and it's clear that they do it knowingly.

Like millions of Americans, I've got a dog I love. He's a golden retriever named Brody. I get sick to my stomach when I think about someone treating him the way Class B dealers treat the dogs they buy and sell.

The Animal Welfare Act has been in place for fifty years, but Class B dealers are still getting away with murder. The Class B trade in animals creates strong financial incentives for theft, inhumane treatment of animals, and other crime, as the record of this industry over the years has proven. It's time to shut this barbaric system down.

With that end in mind, Congressman CHRIS SMITH and I have introduced legislation in the U.S. House of Representatives that we believe would ensure that all dogs and cats used by research facilities are obtained legally. This legislation, the Pet Safety and Protection Act, would effectively prohibit the use of animals purchased from Class B dealers by scientific and biomedical research institutions.

Specifically, the Pet Safety and Protection Act would require research facilities to obtain dogs and cats from only five sources: Class A dealers, law-abiding publicly owned and operated pounds or shelters, properly licensed research facilities, federal research facilities, or people who have owned the dogs or cats in question for at least a year and who are donating these animals for research.

This legislation would effectively ensure that lost or stolen pets would no longer be slipped into the supply chain for research animals.

Ending the trade in random source dogs won't halt or harm much-needed research. Most researchers have stopped using animals from Class B dealers, and researchers will still be able to procure purpose-bred research animals from a number of more reliable, more humane, and more reputable sources. But, it will ensure that somebody's beloved pet doesn't end up in a Class B dealer's hands.

The Animal Welfare Institute and the Humane Society strongly support this legislation. In fact, the Animal Welfare Institute and the Humane Society have been actively engaged in trying to end this abuse for years, and they

know more about this problem than anyone else. I'm grateful to them for their efforts to raise public awareness about this problem, and to enact legislation to end it.

Class B dealers across this country violate the provisions of the Animal Welfare Act every day and cause needless suffering for thousands of dogs and cats, many of which were once beloved family pets. Class B dealers starve, beat, and kill these animals, and they deserve to be shut down.

I urge my colleagues to join me in enacting the Pet Safety and Protection Act so we can put an end to this unnecessary and abhorrent practice.

A TRIBUTE TO DYLAN MULLENIX

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Dylan Mullenix for being named a 2017 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2017 class of Forty Under 40 honorees will join an impressive roster of 680 past business leaders and growing.

Dylan serves as the Assistant Director for the Des Moines Area Metropolitan Planning Organization. With his leadership, the organization has developed The Tomorrow Plan, a long-range plan for the sustainable development of the Greater Des Moines area. In addition, Dylan was instrumental in the creation of the Greater Des Moines Water Trails and Greenways Plan. He also serves on other local regional planning organizations. Outside of work, Dylan enjoys following University of Iowa athletics and spending time with his wife, Erin, and son, Jack.

Mr. Speaker, it is a profound honor to represent leaders like Dylan in the United States Congress and it is with great pride that I recognize and applaud him for utilizing his talents to better both his community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Dylan on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2017 Forty Under 40 class a long and successful career.

LATIN AMERICAN ARTICLES

HON. FRANCIS ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I rise today to share with my colleagues several articles that I have written over the years regarding Latin America. As a Member of the Western Hemisphere Subcommittee on Foreign Affairs, these pieces serve to outline and inform discussions that our Committee will cover in the 115th Congress. I include in the RECORD the attached articles.

WHAT REAL PROGRESS ON CUBA SHOULD LOOK LIKE

(By Mel Martinez & Francis Rooney)

When President Obama stepped off Air Force One in Havana, many focused on the historic nature of his visit to Cuba—the first since President Calvin Coolidge. Coverage is focused on a thaw in Cold War animosity, and images of President Obama strolling the Malecón and meeting with Raúl Castro are being broadcast around the world. However, behind those scenes, the Cuban people continue to suffer under a regime that denies them the rights, the freedom, the opportunity, and the dignity they deserve. Without addressing human rights, economic freedom, and freedom of expression, President Obama's trip is likely to be nothing more than speeches and photo ops.

First, President Obama should make it clear that further opening of ties between the U.S. and Cuba is contingent upon further political, economic, and social reforms. These preconditions would make it clear to the Cuban regime that despite the restoration of diplomatic ties, the benefits they seek from trade, investment, and tourism from the United States are destined to benefit the Cuban people—not to buttress a repressive regime.

In Havana, we hope that President Obama reminds the Cuban regime of how far it lags behind its neighbors in the region who have embraced democracy, economic freedom, and the rule of law. Compared to the region, Cuba has remained an economic and political backwater. It must be made clear to the Cuban regime that their restrictions on political freedom, civil rights, free expression, and the rule of law are on the wrong side of history.

To this end, President Obama should push the Cuban regime to begin significant shifts to ensure the rule of law and initial steps towards the creation of an independent judiciary free of Communist Party influence. Protections of human rights, property, and dignity must come before the interests of the Cuban Communist Party. Furthermore, with party poised to hold its Seventh Congress next month, President Obama should suggest that further rapprochement requires that Congress to chart a path towards free and fair elections, and not to serve as a rubber stamp for the next generation of Communist apparatchiks.

More importantly, it must be made clear to the Cuban regime that the United States will not tolerate the continuing brutal detention of human rights activists and regime opposition. In the lead up to President Obama's visit, 300 people have been arrested since March 8th. Dozens of the Damas de Blanco were arrested before Obama's arrival

over the weekend. Their "crime" is to demand the freedoms and rights that are not just U.S. interests, but rather fundamental American values. If the harassment and persecution of these reformers continues, President Obama should let the Cuban regime know that this rapprochement will be at least frozen, if not significantly rolled back.

On the economic front, the U.S. private sector cannot be the successor to the Soviet Union and Chavez's Venezuela in propping up the Cuban regime. The Helms-Burton Act will continue to remain the law of the land, and President Obama should remind the Cuban regime that Congress is unlikely to change that without a significant relaxation of the political and economic fetters the Cuban regime places on its people.

Furthermore, President Obama should make it clear that it is not acceptable for the Cuban government to serve as a pass-through middleman who receives investments in dollars or euros, and pays workers in Cuban Pesos that represent a fraction of the value of worker labor. If U.S. firms do invest in Cuba, they must be allowed to pay their workers directly—in dollars.

Additionally, if further investments are made in Cuban telecommunication systems, and if data connections between the U.S. mainland and Cuba are bolstered, the U.S. government should insist that the Cuban people have access to a free, uncensored version of the Internet. Improved telecommunications need to be contingent on ensuring that Cubans can join the global digital commons and communicate freely. Furthermore, with U.S.-Cuba increased data traffic on the horizon, the Obama Administration should make it absolutely clear that Cuba cannot continue to serve as a listening post for Russian and Chinese signals intelligence and cyber espionage aimed at the United States.

While we still believe that the Cuban regime has demonstrated far too little in the way of reform or openness to warrant the steps the Obama Administration has taken in opening to Cuba, we feel that these actions would ensure that his trip to Havana can bring about real benefits for the Cuban people.

US NEEDS PLAN COLOMBIA FOR CENTRAL AMERICA

(By Mel Martinez & Francis Rooney)

One of the many positive items within the budget omnibus deal reached by Congress and approved by the president is the \$750 million for assisting the countries of Central America that have been beset by crime and instability—which has, in turn, sent vast numbers of unaccompanied minors northward to the United States to seek safety and economic opportunity.

The \$750 million allotted to help El Salvador, Guatemala, and Honduras will help to target the gang violence that has plagued these nations, combined with efforts to promote the rule of law, reduce corruption, and improve governance in these countries. This assistance is a positive step from the United States, but this crisis cannot be solved with American largesse alone.

Over the past year we have led a project focused on the lessons learned from the past decade of Latin American geopolitical trends, and how these trends affect the relationship between the United States and its hemispheric neighbors. One key lesson from this timeframe is how US assistance is only one part of the equation for addressing criminality and corruption. A willing partner on the ground is as important—if not more im-

portant—than the total sum of US assistance.

During the worst years of narcoviolence in Colombia, the Plan Colombia provided [check sum] to the Colombian government for countering the cartels. This assistance would also include training from US forces and high tech surveillance and precision weaponry to target cartel infrastructure and leadership. However, the money and equipment only worked to solve this crisis because they were accompanied by political and military leadership in Colombia willing to make the sacrifices in blood and treasure to defeat the cartels. Colombian leaders understood that the fight against the cartels and rebel groups would also require significant political and economic reforms at home to address structural shortfalls that made cartels and insurgencies viable.

In our overview of the region, we also looked at how Latin American nations are, themselves, emphasizing the importance of the rule of law and reforms to governance that improve not only security, but also economic performance and political freedoms. In this sense, while US assistance can provide financial and technical support, it is also incumbent upon the US to work with its other hemispheric partners to stabilize these countries.

Again, Colombia's experience and success in this area makes it a potential exporter of security expertise and assistance to the region. Reforms and economic structures implemented throughout the region, particularly among the nations of the Pacific Alliance, are also tools that can better integrate Central American economies into the regional economy. This combination of improved security and economic opportunity can starve the flames of gangs and corrupt politicians of their fuel.

Around the region, the growth of a vocal middle class has also increased the pressure on corrupt politicians as the people of Latin America have demanded more of their political class. Like other nations in the region, the assistance the Central American countries receive from the US and other regional partners should also address the need for improved civil society and the independent institutions that foster good governance and the rule of law.

Finally, in confronting the human cost of those fleeing Central America for opportunity elsewhere, we must remember that other nations in the region are our partners in addressing this challenge. The vast majority of those crossing our southern border come from these Central American countries, not Mexico. In fact Mexican nationals are now net migrants out of the United States. With the flow of migrants out of Central America, Mexico also finds itself seeking to better secure its southern borders. Solving this problem—and ensuring that young children do not fall victim to gangs of human traffickers—will require cooperation, not confrontation with Mexico.

The \$750 million appropriated to help Central America is a positive first step, but to maximize the return on this investment, it will be necessary to foster a shared regional approach to stabilizing those countries.

ARGENTINA'S FORK IN THE ROAD: CHOOSING BETWEEN COMPETING LATIN AMERICAN NARRATIVES

(By Francis Rooney and Max Angerholzer III)

When the Argentine people go to the polls in October, they will have an opportunity to reject the protectionism and populism that

are the hallmarks of current President Cristina Fernández de Kirchner's government. There are certainly recent Latin American success stories that point towards a more hopeful path, to include the examples set by more conservative governments like those in Colombia and Mexico. There are also several countries that are both geographically and ideologically closer to home for Argentina that offer valuable lessons as well: consider the Chile of President Michelle Bachelet and former President Ricardo Lagos; the Uruguay of President Tabaré Vázquez and former President Jose "Pepe" Mujica; and, notably, Peru and the transformation launched there by former President Alan García.

Regardless of which role models and regional examples are chosen, there are now two clear and divergent narratives competing for the future of Latin America. The first encompasses those nations that have embraced elements of free-markets, economic diversification and integration into global commerce, reinforcing democratic institutions. The Pacific Alliance is a good example of this hopeful trajectory.

The second narrative is one of corruption, cronyism and populism, and the nations who have chosen this path have found themselves increasingly isolated from international commerce and unable to adequately care for their own citizens. Venezuela under Hugo Chavez blazed this trail, and in many ways Argentina and Brazil followed it down a dead end. Largely as a result these countries have missed the economic and democratic revival underway throughout much of the region, and their governments are faced with growing instability resulting from gross economic mismanagement, corruption, and the erosion of democratic institutions.

In the case of Argentina, "Kirchnerism"—which combines aspects of populism, nationalism, and protectionism—guided the country's development during the late 1990s and early 2000s. This ideology shaped the social and economic institutions of Argentina, leading to the nationalization of the country's largest oil company Yacimientos Petrolíferos Fiscales (YPF); the president's rejection of closer economic ties with the European Union; and Argentina's embrace of the protectionist trade bloc Mercosur. The populist economic policies implemented by the administration have also included freezing utility rates and attempting to combat inflation by doctoring official figures. As the Argentine economy has inevitably slowed, inflation and debt have continued to rise, further revealing the shortcomings of this dead-end ideology.

As Christina Kirchner's second term mercifully comes to an end, presidential candidates Daniel Scioli, Sergio Massa, and Mauricio Macri are looking towards a different path. For Scioli and Massa, that means distancing themselves from "Kirchnerism." Scioli has stated that he would break with populism and protectionism. Massa left Kirchner's FPV Party last year and is running as a candidate for the Renewal Front Coalition. The only non-Peronist candidate, Macri, runs on a more pro-market platform and calls for realignment with the West.

Unfortunately, whoever wins the election will have to break the government's habit of excessive social spending, and confront entrenched unions resistant to change. Likewise, potential Vice President Carlos Zanini and many governors and legislators who share the Kirchner ideology may work against free market reforms. Change will

have to come gradually if sustainable, free market economics are to truly take root in Argentina.

The United States can help by reaching out to Argentina's next president, enabling him with bilateral trade agreements and resources aimed at promoting free markets, democracy and the rule of law. Efforts should also be made to more closely integrate the country into international trade and financing institutions. U.S. think tanks that nurture democratic and free market reforms should also do their part. The next Argentinian president will need all the help we can muster in weaning the country off of the Kirchner brand of cronyism and statism.

The United States has similarly offered assistance to Colombia and Panama as they implemented comprehensive economic, legal and security reforms. Greater security and stronger democratic institutions in those countries have led to increased foreign investment, making their economies more globally competitive. As noted, Argentina can also look hopefully at the example of Peru, which has similarly transitioned from a statist, socialist model to one that embraces free trade, foreign investment and closer engagement with the United States.

Ultimately change will have to begin at home with the choice of the Argentinian people in the upcoming election. If the next president decides to break with the past and steer the country out of the dead end of Kirchnerism and Peronist socialism, and towards free markets and more transparent governance, then the United States should be waiting with an outstretched hand.

A VISION FOR THE WESTERN HEMISPHERE

Consider a region with growing economic and geopolitical importance, home to several of our highest-value trading partners, with significant immigration into and remittances in and out of the U.S., and presenting security challenges vital to our interests. One would think that such a region would be at the top of the list of our foreign policy priorities.

In reality, this region exists in the Western Hemisphere, but our attention to Latin America has been sporadic and episodic since the 1980's and early-1990's. As we moved away from our Cold War-era attention to the region, we had some promising initial steps with efforts at greater regional integration. However, we failed to follow these initial efforts with needed follow-on measures and consistent policy, due to divisive and distracting issues of domestic politics at home and a focus on the Middle East and South Asia, propelled by the wars in Afghanistan and Iraq. As a result, we have been forced to react to events, many of which are dictated by nations openly hostile to the United States.

Whatever the outcome of November 6th might be, the victor has the opportunity, and the responsibility, to build a vision for the reshaping and revitalizing our relationship with the rest of the Western Hemisphere. For the increasingly busy post-campaign transition staffs of President Obama and Governor Romney, it is not too soon to begin laying the groundwork for such a vision.

In a recent exercise we conducted regarding our Western Hemisphere policies and a way forward, we found key items for an Administration's agenda towards the region. An agenda based around an understanding of the need for greater economic ties, a joint approach to security challenges, and shared political and cultural values can be a vision

that shows the region that America is not only a power in the region but also a partner.

Through NAFTA and various preceding organizations like the IADB, the United States was once a key driver in the economic integration of the region. There were subsequent free trade agreements with Chile, Colombia, Panama, Peru, and CAFTA-DR with the countries of Central America and the Dominican Republic. While these trade pacts have opened up economic opportunities for the nations involved, we have failed to capitalize on follow-up opportunities that would further the economic vitality and integration of the region.

Integration of the economies of the United States and Canada with those of the Caribbean and Latin America can not only provide economic benefits but also address the economic inequality that fuels governments which are hostile to the United States, and deprives these nations of the bounty that their natural and human resources could provide. For all the socialist vitriol of leaders like Hugo Chavez, his promises to improve the lot of impoverished masses have kept him in power. His opponent in the recent election also made clear that he would continue many of these social programs.

Furthermore, these commercial partnerships present a clear alternative to the mercantilist policies of China, provide opportunities for American manufacturers and consumers, and create a bloc of Western Hemisphere nations united in negotiations regarding a Pacific trade agenda.

These commercial ties can also leverage educational exchange in strengthening regional ties. As individuals from the Western Hemisphere come to study at our greatest colleges and universities, we can not only attract the best and brightest talent here, but also strengthen and enrich shared values throughout the region. To accomplish this, we must decouple adverse perceptions about mass immigration from a policy which allows visas for top students and entrepreneurs.

In an era where crime and terrorism have undergone the same globalization as economies and cultures, the security challenges of the Western Hemisphere are not the concern of one nation. Building on the success of Plan Colombia, we can continue the fight against narcoterror across the region, based around a model of mutually reinforcing kinetic operations and the building and strengthening of institutions resistant to the pressures of crime and corruption.

Also, as narcotics move from Latin America through Africa into Europe, these issues are no longer solely an American concern. Our traditional security partners in Europe also have a role in the Western Hemisphere through shared interests and their historical and cultural ties to the region.

While it is often an issue that divides the U.S. from other nations in the region, it must also be understood that the oppression, intellectual bankruptcy, and the aging regime of Cuba present a security risk to all of the Americas.

Beyond these economic and security concerns, the vacuum created by the lack of consistent U.S. attention requires a shift in our political approach to the hemisphere. The OAS, long the main multilateral institution for the hemisphere, is now on life support. While it would be destructive to the organization for the U.S. to withdraw its support for the OAS, the next President must also build a close multilateral relationship with the leaders from the region. While it is true that many question the utility of the

regional summits, the President can set forth a U.S. vision for the Western Hemisphere through a summit with the Presidents of Brazil, Chile, Colombia, Mexico, Panama, Uruguay, and the Prime Minister of Canada.

Such a vision can revitalize our policies and partnerships with the Western Hemisphere. No longer can we take this region for granted as merely our backyard, nor can we miss the opportunities presented by a vibrant, integrated Western Hemisphere.

HONORING I LOVE LIFE

HON. KRISTI L. NOEM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mrs. NOEM. Mr. Speaker, I rise today to recognize a radio program that has shared stories of hope, faith and encouragement for more than 35 years. In a world so often filled with heartbreaking narratives, the I Love Life program and its host, Jerry Dahmen, has showcased the stories of more than 1,500 people who have overcome challenges, achieved the unexpected, and inspired those around them.

I Love Life is broadcast out of KXRB in South Dakota, but can be heard across the country. Its inspirational programming has earned dozens of broadcasting and community awards while tackling some of the time's toughest issues, including teenage suicide, human trafficking, love and loss.

The program may make you laugh or cry, but either way, it's likely to teach you that if you can't change your circumstances, maybe you can change your attitude in a way that focuses on gratitude. Because of this program, millions of listeners across the world have been inspired to join in the chorus saying that I too love life.

A TRIBUTE TO JILL NISWANDER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jill Niswander for being named a 2017 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2017 class of Forty Under 40 honorees will join an impressive roster of 680 past business leaders and growing.

With a passion for volunteering, Jill left the world of corporate finance and co-founded Dress for Success Des Moines in 2011. Jill

later became an advocate for refugees when her career took her into business development at an Iowa community health organization. Now she is the Director of Communications and Fund Development at EMBARC, an advocacy and resource center for Burmese refugees. Additionally, Jill works to empower women by serving on the Board of Directors

for the Beacon of Life. Jill is also a proud wife and wonderful mother to four beautiful children.

Mr. Speaker, it is a profound honor to represent leaders like Jill in the United States Congress and it is with great pride that I recognize and applaud her for utilizing her talents to better both her community and the great

state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Jill on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2017 Forty Under 40 class a long and successful career.

HOUSE OF REPRESENTATIVES—*Friday, February 17, 2017*

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. BYRNE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 17, 2017.

I hereby appoint the Honorable BRADLEY BYRNE to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend Vincent DeRosa, St. Francis Xavier Church, Washington, D.C., offered the following prayer:

O God, our creator and ruler, grant us to worship and serve You in truth of spirit and with reverent bodies.

Keep blessing on our lips both in private and in public. Help us to honor the laws that govern us by humble submission.

Dispose us to show affection to our own and to our neighbors. Help us to become truly one Nation under God until one day we share in the fullness of Your kingdom.

We ask this in Your most holy name.
Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 123, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON ETHICS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to clause 5(a)(4)(A) of rule X, and the order of the

House of January 3, 2017, of the following Members of the House to be available to serve on investigative subcommittees of the Committee on Ethics for the 115th Congress:

Mrs. BLACKBURN, Tennessee
Mr. COLLINS, Georgia
Mr. YOUNG, Iowa
Mr. KATKO, New York
Mr. OLSON, Texas
Mr. RATCLIFFE, Texas
Mrs. ROBY, Alabama
Mr. RODNEY DAVIS, Illinois
Mr. FASO, New York
Mr. HULTGREN, Illinois

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON WAYS AND MEANS
FOR THE 115TH CONGRESS

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 2017.

MR. SPEAKER: Pursuant to clause 2 of Rule XI, I submit to the House the Rules of the Committee on Ways and Means for the 115th Congress for publication in the Congressional Record.

Sincerely,

KEVIN BRADY,
Chairman.

(As Adopted by the Committee on January 12, 2017)

A. GENERAL

RULE 1. APPLICATION OF HOUSE RULES

The rules of the House are the rules of the Committee on Ways and Means and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is a non-debatable motion of high privilege in the Committee.

Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

The provisions of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2. MEETING DATE AND QUORUMS

The regular meeting day of the Committee on Ways and Means shall be each Wednesday while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort

shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

RULE 3. COMMITTEE BUDGET

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members for staff under their direction and supervision.

RULE 4. PUBLICATION OF COMMITTEE DOCUMENTS

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall prominently display near the top of its cover the following: "Majority [or Minority] Staff Report," as appropriate.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

RULE 5. OFFICIAL TRAVEL

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

- (1) The purpose of the official travel;
- (2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of the Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the full Committee Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

RULE 6. AVAILABILITY OF COMMITTEE RECORDS AND PUBLICATIONS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of Rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 7. COMMITTEE WEBSITE

The Chairman shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members, other members of the House, and the public. The ranking minority member may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee members, other members of the House, and the public.

B. SUBCOMMITTEES

RULE 8. SUBCOMMITTEE RATIOS AND JURISDICTION

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, 5 or 6 shall be considered by the full Committee and not in Subcommittee. There shall be six standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; a Subcommittee on Human Resources; and a Subcommittee on Tax Policy. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

1. The Subcommittee on Trade shall consist of 16 Members, 10 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means that relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special

rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements involving multilateral and bilateral trade negotiations and implementation of agreements involving tariff and non-tariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the customs revenue functions of the Department of Homeland Security, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with non-market economies.

2. The Subcommittee on Oversight shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 18 Members, 11 of whom shall be Republicans and 7 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means that relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters that relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means that relate to the Federal Old Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well

as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means that relate to the public assistance provisions of the Social Security Act, including temporary assistance for needy families, child care, child and family services, child support, foster care, adoption, supplemental security income, social services, home visiting, and eligibility of welfare recipient for food stamps. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX, and related provisions of titles V, VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means that relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, and the Federal-State Extended Unemployment Compensation Act of 1970, and provisions relating thereto.

6. The Subcommittee on Tax Policy shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Tax Policy shall consist of those revenue measures that, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

RULE 9. EX-OFFICIO MEMBERS OF SUBCOMMITTEES

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for the purposes of determining the ratio of the Subcommittee.

RULE 10. SUBCOMMITTEE MEETINGS

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view towards avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

RULE 11. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner.

No measure reported by a Subcommittee shall be considered by the full Committee

unless it has been presented to all Members of the full Committee at least two legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives.

RULE 12. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

RULE 13. WITNESSES

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his or her appearance a written statement of their proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(5) of Rule XI of the Rules of the House regarding information required of public witnesses, a witness shall limit his or her oral presentation to a summary of their position and shall provide sufficient copies of their written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include in their statement or submission, a list of all clients, persons or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

RULE 14. QUESTIONING OF WITNESSES

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to five minutes on the initial round of questioning. In questioning witnesses under the five minute rule, the Chairman and the Ranking Minority Member shall be recognized first, after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members

shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

RULE 15. SUBPOENA POWER

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives.

RULE 16. RECORDS OF HEARINGS

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his or her testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes that substantially alter the actual testimony will not be permitted. Members shall have the opportunity to correct their own remarks before publication. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure that is the subject of the hearing.

RULE 17. BROADCASTING OF HEARINGS

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

- (1) An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.
- (2) No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.
- (3) Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through an appropriate designee.
- (4) Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.
- (5) Further conditions may be specified by the Chairman.

D. MARKUPS

RULE 18. PREVIOUS QUESTION

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

RULE 19. POSTPONEMENT OF PROCEEDINGS

The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment.

The Chairman may resume proceedings on a postponed request at any time. In exercising postponement authority the Chairman shall take reasonable steps to notify Members on the resumption of proceedings on any postponed record vote.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 20. MOTION TO GO TO CONFERENCE

The Chairman is authorized to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

RULE 21. OFFICIAL TRANSCRIPTS OF MARKUPS AND OTHER COMMITTEE MEETINGS

An official stenographic transcript shall be kept accurately reflecting all markups and other official meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as "uncorrected," shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary.

The Chairman may provide a Member of the Committee with electronic access to an unofficial transcript of an open markup or other open official meeting of the full Committee or a Subcommittee upon written request by the Member to the Chairman, but the Member shall not cause such electronic unofficial transcript to be published or otherwise made publically available.

If (1) the Office of Legislative Counsel in executing technical and conforming changes or (2) the Chief of Staff of the Joint Committee on Taxation in the preparation of a Committee report determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

E. STAFF

RULE 22. SUPERVISION OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on February 16, 2017, she presented to the President of the United States, for his approval, the following bills and joint resolution:

H.R. 255. To authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 321. To inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

H.J. Res. 40. Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to implementation of the NICS Improvement Amendments Act of 2007.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 123, the House stands adjourned until 2:30 p.m. on Tuesday, February 21, 2017.

Thereupon (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Tuesday, February 21, 2017, at 2:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

588. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-613, "Extension of Time to Dispose of the Strand Theater Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

589. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-611, "Closing of a Public Alley in Square 126, S.O. 14-17521, Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

590. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-610, "William Jackson Way Designation Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

591. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-614, "Janice Wade McCree Way Designation Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

592. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-597, "Notice in Case of Emergency Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

593. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-619, "Campaign Finance Reform and Transparency Temporary Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

594. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-615, "Closing of a Public Alley in Square 453, S.O. 14-17847, Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

595. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-618, "Medical Marijuana Dispensary Temporary Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

596. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-616, "Council Independent Authority Clarification Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

597. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-617, "Skyland Town Center Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

598. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-643, "Certified Business Enterprise Bonding Liability Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

599. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-644, "Healthy Public Buildings Assessment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

600. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-612, "Washington Metropolitan Area Transit Authority Compact Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SESSIONS (for himself, Mr. AMODEI, Mrs. BROOKS of Indiana, Mr. BUCSHON, Mr. CARTER of Georgia, Ms. CLARKE of New York, Mr. COLE, Mr. ELLISON, Mr. FARENTHOLD, Mr. GARAMENDI, Mr. HILL, Ms. JENKINS of Kansas, Mr. KELLY of Pennsylvania, Mr. LOEBSACK, Mr. LONG, Mr. MCNERNEY, Mr. MULLIN, Mr. POE of Texas, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. VEASEY, Mr. WILLIAMS, Ms. WILSON of Florida, Mr. YOHIO, and Mr. YOUNG of Alaska):

H.R. 1200. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Mr. RODNEY DAVIS of Illinois (for himself and Mr. KEATING):

H.R. 1201. A bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate, and for other purposes; to the Committee on Ways and Means.

By Ms. HANABUSA (for herself and Ms. GABBARD):

H.R. 1202. A bill to provide for environmental oversight and remediation activities at Red Hill Bulk Fuel Storage Facility; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. DUNCAN of South Carolina, and Mr. DUFFY):

H.R. 1203. A bill to amend the Public Health Service Act to prohibit research with human fetal tissue obtained pursuant to an abortion, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STIVERS (for himself, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. BLACKBURN, Ms. PINGREE, Mrs. COMSTOCK, Mr. COLLINS of New York, Mr. KILMER, Mr. PEARCE, Mr. TIBERI, Mr. DEFAZIO, Ms. SINEMA, and Mrs. BUSTOS):

H.R. 1204. A bill to amend the Internal Revenue Code of 1986 to provide the opportunity for responsible health savings to all American families; to the Committee on Ways and Means.

By Mr. CÁRDENAS (for himself and Ms. ROYBAL-ALLARD):

H. Res. 146. A resolution expressing support for the designation of February 22, 2017, as "National Heart Valve Disease Awareness Day", coinciding with American Heart Month; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas:

H. Res. 147. A resolution expressing concern regarding the prevalence of hexavalent chromium in drinking water in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS of New York:

H. Res. 148. A resolution expressing support for the designation of "National Multiple Myeloma Awareness Month"; to the Committee on Oversight and Government Reform.

By Mr. PETERS (for himself, Mr. KILMER, Mr. O'HALLERAN, and Mr. COFFMAN):

H. Res. 149. A resolution amending the Rules of the House of Representatives to require the House to meet 5 days a week for 39 weeks each year; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SESSIONS:

H.R. 1200.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises

shall be uniform throughout the United States

By Mr. RODNEY DAVIS of Illinois:

H.R. 1201.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. HANABUSA:

H.R. 1202.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mr. SENSENBRENNER:

H.R. 1203.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. STIVERS:

H.R. 1204.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 38: Mr. MCKINLEY.

H.R. 76: Mr. SAM JOHNSON of Texas.

H.R. 90: Mr. PRICE of North Carolina.

H.R. 179: Mr. ROKITA and Mrs. WATSON COLEMAN.

H.R. 449: Mr. CRAMER.

H.R. 489: Mr. SMITH of Washington.

H.R. 539: Mr. HARRIS.

H.R. 544: Mr. ROE of Tennessee, Mr. GALLEG0, Ms. NORTON, and Mr. GALLAGHER.

H.R. 553: Mr. GRAVES of Georgia.

H.R. 795: Ms. SINEMA, Mr. MESSER, Mr. KATKO, Mr. THOMPSON of California, Miss RICE of New York, and Mr. MCNERNEY.

H.R. 804: Ms. MAXINE WATERS of California, Mr. MCNERNEY, and Mr. KENNEDY.

H.R. 1031: Mr. DESANTIS.

H.R. 1051: Mr. SMITH of Missouri.

H.R. 1059: Mr. LANCE, Ms. WASSERMAN SCHULTZ, Mr. NEAL, Mr. COLE, Mr. CICILLINE, Mrs. LOWEY, Mr. DENT, Mr. MEEHAN, Mr. LIPINSKI, Mr. SIMPSON, and Mr. DELANEY.

H.R. 1090: Mr. LAHOOD, Mr. KHANNA, and Mr. RODNEY DAVIS of Illinois.

H.R. 1103: Mr. MCGOVERN and Ms. TSONGAS.

H.J. Res. 59: Ms. MCSALLY.

H. Con. Res. 22: Mrs. DEMINGS and Mr. HECK.

H. Res. 104: Mrs. LOWEY.

EXTENSIONS OF REMARKS

HONORING BANCROFT "NICK"
LITTLEFIELD

HON. JOSEPH P. KENNEDY III

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2017

Mr. KENNEDY. Mr. Speaker, I rise today with a heavy heart to honor the memory of Bancroft "Nick" Littlefield, a dear friend and dedicated public servant who passed away last week.

Few in our country could match Nick's career. From stages on Broadway to classrooms at Harvard Law School to courtrooms in New York City and eventually to the halls of this Capitol as an aide to my uncle Senator Ted Kennedy—Nick did it all.

Always guided by the simple principle that our laws should help and protect our citizens, his fingerprints can be found on every page of landmark legislation such as the Children's Health Insurance Program, Americans with Disabilities Act, Family Medical Leave Act and the 1996 minimum wage increase.

As Senator Kennedy's Staff Director for the Senate Health, Education and Labor Committee from 1989 until 1998, he worked tirelessly behind the scenes to enact bipartisan reforms to our health insurance market and mental health system that would ultimately lay the foundation for the Affordable Care Act.

Each day he arrived at his Senate office, he brought a contagious enthusiasm for his work and extraordinary empathy for the people he served.

For all of his peers, regardless of political party, and for me as well, he will always be an inspiration because of his faith in what our government can accomplish when we work together.

Even while battling the multiple system atrophy that would leave him unable to walk, talk, write and sing, he considered himself "not entirely unlucky" to have the disease because it allowed him to "truly sympathize" with others who had disabilities.

Mr. Speaker, because of Nick's devotion to our country, those effected by once incurable illness have been healed, families struggling to care for a loved one are able to keep their job, millions of children have received the health care they need, and millions more who work for a living have been able to ensure that they do not live in poverty.

His intelligence, compassion, and dedication were matched only by his devotion to his family. In this difficult time, my thoughts and prayers are with Nick's wife, Jenny Lyman, as well as his stepchildren Frank, Tom and Kate. Our nation has lost a good man, but we are all better for the life he lived.

PERSONAL EXPLANATION

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2017

Mr. PAYNE. Mr. Speaker, I was not present for the following Roll Call votes.

Had I been present, I would have voted the following:

1. "NAY" on the Motion on Ordering the Previous Question on the Rule providing for consideration of H.J. Res. 43 and H.J. Res. 69.
2. "NAY" on H. Res. 123.

RECOGNIZING KEEP TENNESSEE
BEAUTIFUL ORGANIZATION

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2017

Mrs. BLACKBURN. Mr. Speaker, it's with great honor that I rise today to recognize the Keep Tennessee Beautiful organization for receiving the Keep America Beautiful State Affiliate Innovation Award for their publication of Nancy and Sluggo Love Tennessee: A Story About Keeping Tennessee Beautiful.

Written and illustrated by Guy Gilchrist, this story showcases the remarkable attractions, natural resources, and historic landmarks of the great state of Tennessee, all while promoting the importance of taking care of our community by recycling and not littering. Nancy and Sluggo Love Tennessee is a treasured keepsake that educates children and instills a sense of pride in being a Tennessean.

As proven by their achievement, Keep Tennessee Beautiful does outstanding work in innovatively educating and engaging the young minds in our community and I applaud their dedication to our state.

HONORING DR. JOHN "JACK"
MANNING

HON. JOSEPH P. KENNEDY III

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2017

Mr. KENNEDY. Mr. Speaker, I rise today with a heavy heart to honor the memory of Dr. John "Jack" Manning who passed away last week at the age of 96.

A life-long resident of Massachusetts, Jack attended Coyle High School in Taunton before enrolling at Boston College and earning his Medical Degree from Tufts University. Immediately after his graduation, he enlisted in the United States Navy and served aboard six

warships from 1946 through 1950 as the only doctor.

When he returned home, he started a family with his beloved wife, Lily, and opened a pediatric office in Fall River. While continuing to operate his own private practice, Jack volunteered to become the Medical Director at a school for children with development disabilities. Through nearly 50 years at the school, he never accepted a penny for his services. Caring for those children became the cause of his life and he continued to fundraise for the school through the end of last year.

More than his professional and community service work, it was his love for his wife and his family that always guided him. Shortly after opening his pediatric office, Lily contracted paralytic polio. At the age of 33, she would never walk again, and Jack would never leave her side. After two years in hospitals throughout Massachusetts, Lily returned to a renovated home that accommodated her every medical need. Together they raised their sons, Jack and Mike.

A little over a decade ago, when Lily returned to the hospital for the last time suffering from pneumonia, Jack was asked how he took care of his wife and their boys for so long.

He replied that, "Ours is not a sad story. I love her just as much today as I ever did, and I know she would have done the exact same thing for me."

If only we could all be so lucky.

On behalf of all the children who Dr. Manning treated and all of the people he inspired, I extend my thoughts and prayers to his family in this difficult time.

RECOGNIZING THE ACCOMPLISHMENTS OF GRADUATING SENIOR
BUFFALO STATE BENGALS WOMEN'S
BASKETBALL PLAYERS
SHYASHA SPENCER, TAYLOR
GRAHAM AND JASMINE SHIRLEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2017

Mr. HIGGINS of New York. Mr. Speaker, I rise to recognize three exceptional members of the senior class at Buffalo State College, Shyasha Spencer, Taylor Graham and Jasmine Shirley. During their collegiate careers, these young women have proven to be talented and dedicated scholars and athletes. Their achievements on and off the court are worthy of praise and I congratulate them on the completion of their undergraduate degrees.

As members of the Buffalo State women's basketball team, these students are known as leaders among their peers and teammates. I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

commend these young women for their dedication to academics and athletics and congratulate them on the completion of their college careers.

Shyasha Spencer is from Geneva, New York and a graduate of Geneva High School. Shyasha is a Guard on the Buffalo State Bengals and will be earning a degree in Criminal Justice.

Taylor Graham is a senior on the Buffalo women's basketball team. The Guard leads the team in assists and steals. Taylor will receive her degree in Business Administration. She attended Maria Carrillo High School in Santa Rosa, CA.

Coming from Bronx, New York, Jasmine Shirley attended Lehman High School. She is majoring in Health and Wellness and is a Guard on the team.

Balancing the responsibilities demanded of student athletes is a true challenge, and each of these students handled the test with dignity and grace. As an alumnus of Buffalo State, I will be proud to call them fellow alumni.

Mr. Speaker, I thank you for allowing my colleagues to join me in recognizing these extraordinary Buffalo State Bengals and in con-

gratulating them as they obtain their undergraduate degrees. Their dedication and drive will propel them to success, and I wish them all the best in their future endeavors.

PERSONAL EXPLANATION

HON. DAVID A. TROTT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2017

Mr. TROTT. Mr. Speaker, due to the funeral of a personal friend, I was unable to vote on Thursday, February 16, 2017. Had I been present, I would have voted YEA on Roll Call No. 99, H.J. Res. 43, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients and YEA on Roll Call No. 98, H.J. Res. 69, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior re-

PERSONAL EXPLANATION

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2017

Mr. PAYNE. Mr. Speaker, I was not present for the following Roll Call votes.

Had I been present, I would have voted the following:

1. "NAY" on the Motion on Ordering the Previous Question on the Rule providing for consideration of both H.R. 428 and H.J. Res. 42.

2. "NAY" on H. Res. 99.

3. "NAY" on the Motion on Ordering the Previous Question on the Rule providing for consideration of both H.J. Res. 66 and H.J. Res. 67.

SENATE—Monday, February 20, 2017

The Senate met at 4:30 and 2 seconds p.m. and was called to order by the Honorable DAVID PERDUE, a Senator from the State of Georgia.

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**APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 20, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID PERDUE, a Senator from the State of Georgia, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. PERDUE thereupon assumed the Chair as Acting President pro tempore.

—————

**ADJOURNMENT UNTIL THURSDAY,
FEBRUARY 23, 2017, AT 9 A.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 9 a.m. on Thursday, February 23, 2017.

Thereupon, the Senate, at 4:30 and 33 seconds p.m., adjourned until Thursday, February 23, 2017, at 9 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, February 21, 2017

The House met at 2:30 p.m. and was called to order by the Speaker pro tempore (Mr. THOMAS J. ROONEY of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 21, 2017.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend Cara Spaccarelli, Christ Church Washington Parish, Washington, D.C., offered the following prayer:

God of all the nations, You have called all people to lives of service. You have called all people to lives of peace and justice.

We confess that sometimes we have cared more for lofty places than we have for places of service. We confess that sometimes we have worked more for power than for peace.

Bless now those who gather in this place. Orient them to serve one another and our country towards the work of peace and justice for all. Grant them the wisdom, the vision, and the resilience that they need. And may this place be a sign of hope that we, Your people, can work together through many difficulties to bring about Your intentions for creation.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 123, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 17, 2017, at 2:46 p.m.:

That the Senate passed without amendment H.R. 609.

That the Senate agreed to without amendment H. Con. Res. 23.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

APPOINTMENT OF MEMBERS TO THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276h and the order of the House of January 3, 2017, of the following Members on the part of the House to the Mexico-United States Interparliamentary Group:

Ms. SÁNCHEZ, California
Mr. GENE GREEN, Texas
Mr. POLIS, Colorado
Mrs. TORRES, California
Ms. LOFGREN, California

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 123, the House stands adjourned until 9:30 a.m. on Friday, February 24, 2017.

Thereupon (at 2 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Friday, February 24, 2017, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

601. A letter from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting the Department's final rule — Confidentiality of Substance Use Disorder Patient Records; Delay of Effective Date [SAMHSA-4162-20] (RIN: 0930-AA21) received February

16, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

602. A letter from the Regulations Coordinator, Division of Select Agents and Toxins, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting the Department's final rule — Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review and Enhanced Biosafety Requirements; Delay of Effective Date [Docket No.: CDC-2015-0045] (RIN: 0920-AA59) received February 16, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 998. A bill to provide for the establishment of a process for the review of rules and sets of rules, and for other purposes (Rept. 115-14, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 1004. A bill to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes (Rept. 115-15). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 998 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RODNEY DAVIS of Illinois (for himself, Miss RICE of New York, Mr. CICILLINE, Mr. TURNER, Mr. PASCRELL, Mr. GARAMENDI, Ms. CLARK of Massachusetts, Mr. CUMMINGS, Ms. LEE, Mr. CALVERT, Mr. LANGEVIN, Mr. CONNOLLY, Mr. MULLIN, Ms. SCHAKOWSKY, Ms. TSONGAS, Mr. JOYCE of Ohio, Mr. SHIMKUS, Mr. SHERMAN, Mr. LARSEN of Washington, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Mr. TED LIEU of California, Mr. VEASEY, Mr. GUTHRIE, Ms. DELBENE, Mrs. DAVIS of California, Mrs. DINGELL, Mrs. NAPOLITANO, Ms. ESHOO, Mr. WITTMAN, Mr. POCAN, Ms. JUDY CHU of California, Mr. GRIJALVA, Mr. KATKO, Mr. SWALWELL of California, Mr. POLIQUIN, Mr. KINZINGER, Mr.

BOST, Mr. VALADAO, Mr. LOESACK, Mr. MCNERNEY, Mr. BRADY of Pennsylvania, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Mr. CONYERS, Mr. FOSTER, Mr. ROYCE of California, Mr. LIPINSKI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. DEFAZIO, Mr. MURPHY of Pennsylvania, Mr. AGUILAR, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. PINGREE, Ms. SPEIER, Mr. RUPPERSBERGER, Ms. BROWNLEY of California, Mr. O'ROURKE, Ms. SANCHEZ, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. RUSH, Mrs. BUSTOS, Mr. YOUNG of Iowa, Mr. BERA, Ms. KAPTUR, Mr. COSTA, Mr. MASSIE, Mr. LOBIONDO, Mr. SARBANES, Mrs. BEATTY, Mr. PALLONE, Mr. NADLER, Mr. TAKANO, Mr. SIRES, Mr. HIMES, Ms. FRANKEL of Florida, and Mr. RICHMOND):

H.R. 1205. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Mr. MESSER (for himself, Mr. LARSEN of Washington, Mr. RYAN of Ohio, Mr. CONNOLLY, Mr. WALKER, Mr. YARMUTH, Ms. KELLY of Illinois, Miss RICE of New York, Mr. RUSH, Mr. GARAMENDI, Mr. HECK, Mr. LOWENTHAL, Mr. DELANEY, Mr. CICILLINE, Ms. JUDY CHU of California, Mr. LIPINSKI, Mr. BYRNE, Mr. LOBIONDO, Ms. STEFANIK, Mr. MCGOVERN, Mr. KATKO, Mr. KING of New York, Mr. SCHIFF, Mr. PERLMUTTER, Mr. WITTMAN, Mrs. DINGELL, Mr. CARBAJAL, Mr. MEEHAN, Mr. ISSA, Mrs. BUSTOS, Mr. CRAMER, Mr. STIVERS, Mr. THOMPSON of California, Mr. FASO, and Mr. FRANKS of Arizona):

H.R. 1206. A bill to amend title 38, United States Code, to include the cost of applying to an institution of higher learning as part of the benefits provided under the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. CUELLAR:

H.R. 1207. A bill to designate the facility of the United States Postal Service located at 306 River Street in Tilden, Texas, as the "Tilden Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CUELLAR:

H.R. 1208. A bill to designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the "Converse Veterans Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CUELLAR:

H.R. 1209. A bill to designate the facility of the United States Postal Service located at 901 N. Francisco Avenue, Mission, Texas, as the "Mission Veterans Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CUELLAR:

H.R. 1210. A bill to designate the facility of the United States Postal Service located at 122 W. Goodwin Street, Pleasonton, Texas, as the "Pleasanton Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CUELLAR:

H.R. 1211. A bill to designate the facility of the United States Postal Service located at 400 N. Main Street, Encinal, Texas, as the "Encinal Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Mr. HUNTER (for himself, Mr. MCGOVERN, Mr. GRAVES of Missouri, Mrs. BUSTOS, Mrs. DINGELL, and Mr. ROTHFUS):

H.R. 1212. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to increase certain veteran funeral benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUSH:

H.R. 1213. A bill to require, as a condition on the receipt of Federal funds, that States require law enforcement agencies to have in effect a policy regarding the use of body-worn cameras and dashboard cameras; to the Committee on the Judiciary.

By Mr. BYRNE:

H.J. Res. 83. A joint resolution disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness"; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RODNEY DAVIS of Illinois:

H.R. 1205.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7, giving Congress the authority to control the expenditures of the federal government.

By Mr. MESSER:

H.R. 1206.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the Constitution of the United States.

By Mr. CUELLAR:

H.R. 1207.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7: To establish post offices and post roads;

By Mr. CUELLAR:

H.R. 1208.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7: To establish post offices and post road;

By Mr. CUELLAR:

H.R. 1209.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7: To establish post offices and post road;

By Mr. CUELLAR:

H.R. 1210.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7: To establish post offices and post road;

By Mr. CUELLAR:

H.R. 1211.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7: To establish post offices and post road;

By Mr. HUNTER:

H.R. 1212.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. RUSH:

H.R. 1213.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have power to . . . provide for the . . . general welfare of the United States . . ."; and

Article I, Section 8, Clause 18: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . ."

By Mr. BYRNE:

H.J. Res. 83.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 38: Mr. HIGGINS of Louisiana and Mr. MOONEY of West Virginia.

H.R. 80: Mr. BUCK.

H.R. 81: Mr. WITTMAN.

H.R. 82: Mr. BUCK.

H.R. 174: Mr. BUCK.

H.R. 390: Mr. LAHOOD.

H.R. 449: Mr. DONOVAN and Ms. STEFANIK.

H.R. 457: Mr. AMODEI.

H.R. 464: Mr. GRIJALVA.

H.R. 530: Mr. RASKIN.

H.R. 539: Mr. RUPPERSBERGER.

H.R. 544: Ms. LOFGREN.

H.R. 627: Ms. KUSTER of New Hampshire.

H.R. 721: Mr. WALZ, Mr. NOLAN, and Mr. MULLIN.

H.R. 757: Mr. YARMUTH.

H.R. 874: Mr. DESANTIS and Mr. VEASEY.

H.R. 878: Mr. GRAVES of Georgia and Mr. TIPTON.

H.R. 898: Mr. SESSIONS.

H.R. 997: Mr. CALVERT and Mr. ROE of Tennessee.

H.R. 1005: Mr. DONOVAN and Mr. HECK.

H.R. 1013: Mr. ZELDIN.

H.R. 1015: Ms. BONAMICI.

H.R. 1017: Mr. JOYCE of Ohio, Mr. SMITH of Missouri, and Mr. SESSIONS.

H.R. 1059: Mr. COFFMAN, Mr. SOTO, Mr. MOULTON, Ms. SHEA-PORTER, Ms. KAPTUR, Ms. ROSEN, and Mr. HIMES.

H.R. 1084: Ms. ADAMS, Ms. PLASKETT, Mr. WELCH, and Mrs. BEATTY.

H.R. 1121: Mr. NEWHOUSE, Mr. YOUNG of Iowa, Mr. HUIZENGA, Ms. STEFANIK, and Mr. POE of Texas.

H.R. 1143: Ms. LEE.

H.R. 1148: Mr. GRAVES of Georgia, Mr. FLORES, and Mr. LIPINSKI.

H.J. Res. 27: Mr. HILL.

H. Res. 15: Ms. MAXINE WATERS of California, Mr. SHIMKUS, and Mr. YARMUTH.

H. Res. 111: Mrs. LAWRENCE, Mr. SERRANO, Mr. LARSEN of Washington, Mr. SCHNEIDER, Ms. TSONGAS, Mr. PANETTA, and Mr. GARAMENDI.

EXTENSIONS OF REMARKS

IN RECOGNITION OF JUANITA
"SHEBA" VELASCO

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 2017

Mrs. COMSTOCK. Mr. Speaker, I am honored to recognize my constituent, Juanita "Sheba" Velasco, on receiving the World Experiences Foundation's 2017 Global Citizen Award in Indigenous Diplomacy. Ms. Velasco, originally a weaver from the highlands of Guatemala, maintains a strong passion for Mayan education and promoting indigenous diplomacy.

Over the course of her life, Ms. Velasco has worked in several museums, culture centers, schools, and universities around the world sharing her knowledge of the Mayan culture. In fact in 2016, Ms. Velasco was appointed the International Ambassador for peace and tourism by the Guatemalan government.

Most recently, Ms. Velasco conducted a goodwill tour in Oklahoma, in which she spoke at universities, schools, and churches in the Oklahoma City metropolitan area. Her tour ended with a farewell reception at the University of Central Oklahoma hosted by President Don Betz.

Mr. Speaker, I ask my colleagues to join me in applauding Ms. Velasco for receiving the Global Citizen Award in Indigenous Diplomacy and for her dedication to Mayan culture. I wish her the best in her future endeavors.

HOLY SEE ARTICLES

HON. FRANCIS ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 2017

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I rise today to share with my colleagues several articles that I have written over the years regarding the Holy See. As a Member of the Europe, Eurasia, and Emerging Threats Subcommittee on Foreign Affairs, these pieces serve to outline and inform discussions that our Committee will cover in the 115th Congress.

REFLECTING ON POPE BENEDICT'S PAPACY
(By Francis Rooney)

The decision by Pope Benedict XVI to retire February 28 is a remarkable act of humility and selflessness, and should be seen as a fitting closure on a papacy that was quietly significant. When Joseph Ratzinger was elected in the 2005 conclave, many pundits viewed him as a temporary officeholder. Yet, Benedict XVI fulfilled the legacy he set out for himself when choosing the name of the World War I Pope. For nearly eight years, Benedict was a firm advocate of dialog with friend and foe. He bravely offered to the

world a gift cherished by the Catholic faith—the union of faith and reason. In this capacity, the Pope was a bridge builder, and lived up to his Latin title Pontifex Maximus. Much maligned, Benedict put the Church in the perilous but necessary position between extremist religious fundamentalism and extremist secular materialism.

As United States Ambassador to the Holy See (2005–2008), I met the Pope on several occasions to discuss the symmetry of values between the Holy See (colloquially referred to as the Vatican) and the United States. In those private meetings and his annual addresses to the diplomatic corps, Pope Benedict XVI exuded a humility that reflected the solemnity of his office. Elected to succeed the charismatic Blessed John Paul II, he is to be commended for continuing the Holy See's active role in promoting human dignity for all individuals. A great scholar, Benedict reminds us that religious values have an important role to play in the public square.

In the span of eight years, Benedict visited 24 nations and the Palestinian Territories. He is the oldest Pope to travel outside of Europe. In each pastoral visit, his diplomacy was understated and subtle, principally the act of Christian love. His influence on Catholics, and also "people of good will", is a testament to soft power. For example, the Pope's letter to Iranian president Ahmadinejad was decisive in resolving the disputed kidnapping of British sailors in 2007. In his trips to Cuba and Lebanon in 2012, Benedict asserted that politics is subordinate to moral considerations.

Two trips epitomize the theme of Benedict's papacy—Regensburg in 2006 and London in 2010. In the former, the erudite professor was quickly denounced by much of the international media for a criticism against a corruption of Islam that is intolerant and rejects human agency. The complex lecture inspired violent reprisals by some misinformed and radicalized Muslims around the world. Months later a Saudi prince visited the Holy See to foster and reciprocate the Pope's forthright dialog.

Four years later, Pope Benedict traveled to London despite vocal opposition from a small group of anti-Catholic critics. Displaying tremendous poise, Benedict graciously spoke in Westminster Hall. Learning from Regensburg the need for clarity and concision more than academic merit, Benedict shared his view that "the world of reason and the world of faith—the world of secular rationality and the world of religious belief—need one another and should not be afraid to enter into a profound and ongoing dialogue, for the good of our civilization." It was a high point for the Catholic Church, and a statement that religion and spirituality are not incompatible with modern life.

The decision to retire is an act of humility. Benedict has left an indelible mark on the Catholic Church, preserved his theme of bonding faith and reason, and even maintained integrity amidst a much-touted scandal over his trusted butler. The Servant of the Servants of God, a phrase introduced by Pope Saint Gregory I near the end of the sixth century, leaves office in an act of selflessness.

Soon after Benedict resigns, a papal conclave will be called in Rome. The College of Cardinals will meet in the Sistine Chapel and elect a new Pope. As decreed by Pope John Paul II, Cardinals more than 80 years old cannot vote. As of right now, 118 Cardinals are eligible to vote.

A PAPAL BULL FOR FOGGY BOTTOM

(By Francis Rooney and Dan Mahaffee)

Met by crowds inspired by both adoration (for the Pope) and indignation (towards their government), the visit of Pope Francis to Brazil provides valuable insights for how the United States can better approach its Latin American neighbors.

The pronouncements of Pope Francis, a Pope of many firsts (first Jesuit, first from the Western Hemisphere), reflect a new Catholic evangelization based around human rights, social justice, and basic dignity. His austere lifestyle, stretching back to his days as a Jesuit priest in Buenos Aires, reflect his desire to refocus the Catholic Church towards its social mission of providing both physical and spiritual nourishment to the masses.

The message he sent to tens of thousands of Brazilians and pilgrims from all over the world was one that sought to balance the pressures of rapid growth in both economic and geopolitical heft with the abject poverty in which many reside. Not far from gleaming high rises and the sandy stretches of Copacabana, he spoke to the favelas where many feel that the economic boom of the past decade has left them behind.

While his message was to those gathered in Rio, it resonates in Caracas, La Paz, Managua, Quito, and beyond. For those steering U.S. policy in the region, it hopefully resonates there as well.

Similar to the Catholic Church, United States foreign policy has been inconsistent and episodic concerning Latin America. Distracted by the continued turmoil in the Middle East and the complexities of the "pivot" towards Asia, we have only furthered a belief that U.S. policy towards Latin America remains unchanged since the days of the Cold War. As the joke often goes, "there are only two real differences in U.S. Latin America policy: whether it is based in the 1960's or the 1980's."

Without understanding the broader dynamics of the region we will continue to view the region solely through the lenses of counter-narcotic operations, illegal immigration, and competition with China. Just as the Pope has taken the message of the Catholic Church directly to the people of Latin America, we must also show how the interests of the United States align with those of the people of Latin America.

While the anti-American leaders in the region certainly have mastered the use of the democratic process, albeit at times under suspicious circumstances, and deploy vigorous anti-American rhetoric, the coalitions they muster are not inspired by a "struggle against the yanqui, the enemy of mankind." Instead, as all politics are local, these anti-American leaders are leveraging a public eager for greater economic and social equality and opportunity.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Despite the poor performance of these leaders (ask any Venezuelan about their access to basic staples such as cooking oil and toilet paper), the U.S. lacks a counter narrative to those espousing socialist or Bolivarian ideologies.

Just as the Pope said that "no one can remain insensitive to the inequalities that persist in the world," U.S. policy must better reflect how we can assist the people of Latin America and better encourage partnerships based on equitable growth and shared interests. While we have strong ties with the globalized elites of these nations, we must also reach out to those left behind.

Again, the church provides the model in the various social and educational missions conducted by Jesuits, Franciscans, and countless other religious orders. These are the type of programs that provide real benefits to Latin Americans, and they can improve both perceptions of the United States and regional stability.

The United States can focus on aid programs that encourage bottom-up development and reduce the corruption inherent in top-down projects. We can provide assistance to promote better policing and social services, in many ways supporting the spread of innovative indigenous programs that ensure social welfare.

We can nurture investment in the people instead of capital assets, and pursue projects that support open and fair economic competition, and equal and transparent enforcement of the law. Through improved access to U.S. markets, we can empower small business owners and entrepreneurs and show that the benefits of economic growth can be equitably distributed. Finally, we can demonstrate through deeds, not words, how the U.S. investments in the region stand in stark contrast to the exploitative, mercantilist approach of China's state-owned industries.

In listening to the Pope's message, we can build our own 21st century approach towards a region that can no longer afford to neglect.

HOLY SEE DIPLOMACY IN THE MODERN ERA

(By Francis Rooney)

In the increasingly secular environment of the developed western world, driven by rapid information exchange and an unprecedented degree of inter-personal connectivity, one might consider the role the Holy See might play in the affairs of states and international relations as a quaint anachronism, a vestige of a distant past, and seek to consign the Holy See to obscurity. However, to do so would ignore the ageless foundation upon which Holy See diplomacy is based, and its relevance to humanity in the 21st century just as in the past. It would also fail to account for the unique role the Holy See plays now, lacking a territorial agenda, in the cultural and religion-inspired conflicts in our world today.

In fact, many leaders at Vatican II urged elimination of the diplomatic role of the Holy See, arguing that the Church should exclusively devote itself theological and pastoral issues. In his papal letter of 24 June 1969, *Sollicitudo Omnium Ecclesiarum*, Pope Paul VI articulated the rational for continued diplomatic engagement as a means of helping the community of nations "achieve the implementation of great human hopes, peace between nations, the domestic tranquility and progress of each country." These words call to mind the Preamble to our Constitution and the lofty goals of U.S. foreign policy of protecting human rights and dignity and spreading the essential freedoms around the world.

A leading Vatican diplomat, Cardinal Jean Louis Tauran, describes the diplomatic force of the Holy See more tangibly as a "moral authority" able to "contest systems or ideas that corrode the dignity of the person and thus threaten world peace."

As the only nation founded from its beginnings on the principle that man is endowed with inalienable rights, emanating from his being and not by the grant of some government, and the creators of the 1st Amendment's protection of the freedom of religion, often called "the first freedom" from which others derive, the United States is a natural partner to the Holy See and can leverage its own goals and policy objectives by continued alignment with it.

The Holy See is most effective when using its platform to denounce actions which undermine human dignity, inhibit freedom and oppress people. It has influence by moral persuasion, often called "soft power," which can accomplish results hegemonic authorities often cannot on their own. It is also effective in working quietly and bi-laterally on certain types of issues which relate to its human rights orientation, and in using the power of its global network of clergy and Catholic organizations to advance its agenda. In countries of high Catholic populations, there is even more potential to have an impact.

The successful alignment of President Ronald Reagan and Pope John Paul II's efforts to undermine communism in the 1980's is well known. As Premier Gorbachev said, "Everything that happened in Eastern Europe would have been impossible without the pope." In fact, the Russian KGB had identified the future pope as a strong anticommunist in 1971 and upon his election, the Communist Party of Poland called him "our enemy" against whom "all means are allowed" in opposing him.

There are many less obvious examples of important work on the part of the Holy See on conflict resolution and the stimulation of dialogue. Pope John XXII played a critical role in creating a window for conciliation during the Cuban Missile Crisis in 1962, via a subtle, clandestine exchange of communications among the pope, President Kennedy and Premier Khrushchev, using the editor of the *Saturday Review*, Norman Cousins, as an intermediary. This effort culminated with the well-known papal message on Vatican Radio on 25 October 1962 and its publication on the front page of *Pravda* then next day.

The work of Myron Taylor at the Holy See during World War II, as President Roosevelt's personal representative, is well documented. In addition to the use of Vatican neutrality to maintain his routine visits to Pope Pius XII and to allow his assistant, Harold Tittmann, to remain in country throughout the war, the Holy See diplomatic pouch was used to send messages to the U.S. through Switzerland, all of which served to maintain a robust and valuable channel of information exchange throughout the war. The role the Holy See played soon thereafter in nudging newly elected (over strong U.S. opposition) Argentine President Juan Peron to send food to alleviate post war famine in Europe is not so well known.

Recently, while I was serving as ambassador, we engaged the Holy See to work to unify the Christian block in Lebanon prior to the 2006 war, so as to fortify the power sharing coalition of Druze, Hezbollah and Christian which had brought relative stability to the country for several years, and to bring the Holy See's influence to bear in Latin America as several leaders, Hugo Cha-

vez, Rafael Correa and Evo Morales in particular, became increasingly hostile to U.S. interests. It was also during my time in Rome that Pope Benedict intervened to help a group of sailors from Britain who had strayed in to Iranian waters, at the request of Prime Minister Tony Blair.

It is worth noting that in June 2009 when Manuel Zelaya, having been removed after provoking a constitutional crisis, attempted to return to Honduras and contest the successor government of Roberto Micheletti, Cardinal Oscar Andres Rodriguez Maradiaga played a significant, if not decisive role in keeping him out of the country.

While these examples of tactical diplomatic engagement are interesting, and demonstrate how effective the Holy See can be, the more sustaining and impactful recent expressions of the Holy See's exercise of its "soft power" come from Benedict XVI's Regensburg speech and subsequent visits to the United Kingdom, the United States and Germany.

When the pope spoke at Regensburg, Germany, in September 2006 against the misuse of religion to incite violence and advance extremism and intolerance in the Islamic world, he used a poignant and controversial metaphor to make his point, and brought the attention of the entire world to bear on the question of how to temper the religious fervor of some interpretations of Islam with the reason and rationality of the modern world. Subsequent to this speech a group of 38 Muslim scholars has convened and explored avenues toward accomplishing this goal, seeking "a consonance between the truths of the Koranic revelation and the demands of human intelligence." While there is much to achieve in this regard, the position of the Holy See, as both global interlocutor and one of the three Abrahamic faiths, has a special role to play.

In a similar vein, the pope and clergy from around the world have discussed the risks to freedom and democracy from degradation of religion in modern society and its replacement with a material secularism. Pope Benedict XVI summarized the position in an address to the German parliament on 22 September 2011, "Politics must be striving for justice, and hence it has to establish the fundamental preconditions for peace . . . systems of laws have almost always been based on religion: decisions regarding what has to be lawful among men were taken with reference to the divinity." Whether the internal national politics of a country, or the external pursuit of relations among states, the thesis is that without the "moral compass" and values of human decency and respect for individual rights inspired and taught by religion, it is difficult to have justice and freedom for long. The 20th century examples of totalitarianism, in Hitler's Germany and Stalin's Russia come to mind.

We will see how the new pope, Pope Francis, takes these principles forward just as Pope Benedict expressed them in a context different from his predecessors, but nonetheless they remain the same, fundamental principles. Popes have consistently applied these concepts through the years, John Paul II focused on Communism, Benedict XVI on radicalization secularism, John XXIII on nuclear war and Benedict XV and Pius XII on the evils of the two World Wars which dominated their papacies.

I am hopeful that this "new world" pope, appearing to be more conversational and less formal, will be able to broaden and deepen the message, and deploy the "soft power" of the Holy See more effectively than ever to

challenge abhorrent and oppressive behaviors in the world. So far, his emphasis on the social mission of the Church squares well with a diplomacy based on the inalienable rights of man and the protection of human dignity for all.

HONORING KATHERINE (KITTY)
MARY GEISSLER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 2017

Mr. ENGEL. Mr. Speaker, communities thrive when hard work, dedication, and sacrifice are set by voluntary example. Katherine (Kitty) Mary Geissler has served her community with honor, and it's a pleasure to wish her well on her 104th birthday year.

Kitty was born in County Limerick, Ireland. She immigrated to the United States in 1930, where she met and married her husband George R. Geissler on October 7, 1942.

Kitty joined the LAOH, Division 9 in Portchester, and transferred to the Tarrytown Division in 1951 when she and her family moved. The division was renamed The Kitty Geissler Division 11 following her tenure, a testament to her work there. Kitty served at every level of leadership, including ten consecutive terms as President. She held several offices on the County level, and has been a delegate to many of the New York State and National Conventions.

In addition, Kitty has been a delegate to the New York City St. Patrick's Day Parade Committee, while also being an active member of the American Irish Association of Westchester, the Catholic Daughters of America, The Ladies of Charity, The Ladies Auxiliary of the Fraternal Order of Eagles, and the Tarrytown Senior Citizens.

In 1979 Kitty was honored by the American Irish Association and became the First A.I.A. Irish Woman of the Year. In 1986, Kitty was Aide to Grand Marshall Patrick Grimes in the Yonkers St. Patrick's Day Parade to Grand Marshall Bill Burke in the New York City St. Patrick's Day Parade. Kitty was the first Grand Marshall of the Sleepy Hollow St. Patrick's Day Parade, served again in honor of her 100th birthday. Kitty's dedication was recognized by the New York State LAOH after she was awarded the Mother Teresa Medal.

Kitty's real love though is family. She is the proud Grandmother of eight and great Grandmother of nine. Kitty's life is a true inspiration, and it is an honor to celebrate her incredible 104th birthday in Congress. I am honored to represent such a special constituent, and I am thankful for all she has done in the community.

IN RECOGNITION OF THE VOLUNTEER FIRE CHIEF HENRY SHILEY

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize and honor my constituent of Middle-

town, Virginia, Volunteer Fire Chief Henry Shiley, who recently retired from the Middletown Volunteer Fire and Rescue Company after 53 years of dedicated service, and also to congratulate him on receiving the status of Fire Chief Emeritus, awarded to retired fire chiefs of extraordinary distinction.

Middletown, Virginia, located in the northern Shenandoah Valley, is home to Lord Fairfax Community College and also the site of the Battle of Cedar Creek during the Civil War. However despite the college and strong history, Middletown would not be the close-knit, caring community that it is without the Middletown Volunteer Fire Station and its long-time leader, Chief Shiley.

For 53 years, Chief Henry Shiley dedicated his life to his community without any compensation, regularly putting himself and his fellow volunteer first responders at risk as they attempted to aid people—neighbors and strangers alike—during some of the most desperate moments of their lives.

Over the course of his career, Chief Shiley has watched Company 12 progress and grow immensely. What was once a small, volunteer unit has morphed into a group of volunteer professionals that have gone through extensive training, including becoming emergency medical services (EMS) certified.

The members of Company 12 are proud of their reputation of excellence and professionalism and attribute it largely to their leader, Chief Shiley. In fact the group unanimously voted to grant Chief Shiley the status of Fire Chief Emeritus—a true testament to his extraordinary knowledge, steady leadership, kindness, and most importantly, sense of humor.

On behalf of Virginia's 10th District, I thank Chief Shiley for his half-century of service to Middletown and the Shenandoah Valley. Mr. Speaker, I ask my colleagues to join me in applauding Volunteer Fire Chief Henry Shiley for his years of selfless service and heroism and I wish him the very best in all of his future endeavors.

TRIBUTE TO LEOMA LOVEGROVE

HON. FRANCIS ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 2017

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I rise today in honor of a creative visionary in Florida's 19th district—Leoma Lovegrove. As an excerpt from the Fort Myers News-Press says, "Walking into Lovegrove Gallery & Gardens is like walking into a rainbow full of eye-popping neon pinks, oranges, purples, greens and blues . . . She applies her paintbrush to everything from cats to hearts to The Beatles."

Leoma Lovegrove is an impressionist-expressionist painter known for her vivid paintings and colorful imagery. Leoma first started her art career making pottery, belt buckles and even decorated cow skulls. Then, a little over 20 years ago, she made her way to Matlacha—a small island community that became her home and her headquarters. Her artwork is represented in numerous galleries

all over the world, including England and France. In fact, Leoma was the first American to paint on the replica of Claude Monet's floating studio in Giverny, France and the first American painter to have an exhibition in the famous Pierre Bonnard home in Vernon, France.

I applaud Leoma and her art studio, Lovegrove Gallery & Gardens, which has brought thousands of visitors to Matlacha and all of Southwest Florida. Leoma is inspired to paint with endless imagination, and her contribution to the arts, culture and economy of Southwest Florida deserves our recognition. She has inspired artists in us all.

IN RECOGNITION OF ERIN HUGHES

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize and honor my constituent and Rock Ridge High School's very own, Erin Hughes, for her impressive academic achievements and volunteer work.

Over the last 3 years, Erin has volunteered over 100 hours between Rosa Lee Carter Elementary School and Legacy Elementary School through both Educators Rising and the National Honor Society. As a mentor to these young students, she teaches them basic studying skills, helps them prepare for exams, and works with them to strengthen their reading and writing abilities.

Recently, Erin received the Virginia State Conference Educators Rising award for Lesson Planning: Delivery of the Arts. This is a true testament to the interest Erin has taken for education at a young age. In addition to this achievement, Erin has been a member of the National Honor Society throughout high school, which requires maintaining a very competitive grade point average. In college, Erin hopes to study elementary education in the hopes of acquiring a teaching job at an elementary school in Loudoun County.

Coming from a family of educators, I appreciate the invaluable role that educators play in inspiring our students and communities. The work Erin has done, and continues to do at Rosa Lee Carter Elementary School and Legacy Elementary School, will inspire and shape the lives of countless young men and women for decades to come.

Mr. Speaker, it is my honor to recognize Erin for her achievements and dedication to education. The interest she has taken at a young age is impressive, and I wish her all of the best in her future endeavors.

SENATE—Thursday, February 23, 2017

The Senate met at 9 and 5 seconds a.m. and was called to order by the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky.

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APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 23, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. PAUL thereupon assumed the Chair as Acting President pro tempore.

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ADJOURNMENT UNTIL MONDAY,
FEBRUARY 27, 2017

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 12 noon on Monday, February 27, 2017.

Thereupon, the Senate, at 9 and 43 seconds a.m., adjourned until Monday, February 27, 2017, at 12 noon.

HOUSE OF REPRESENTATIVES—Friday, February 24, 2017

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. MESSER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 24, 2017.

I hereby appoint the Honorable LUKE MESSER to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend David Godleski, Jesuit Conference, Washington, D.C., offered the following prayer:

Gracious and loving God, look kindly on those gathered here this morning and grant to all of us a sense of zeal and enthusiasm for the work You have called us to do. We are mindful and our hearts are grateful for the many gifts You have bestowed on us, both as individuals and as a Nation, especially the gift of freedom, the gift of our abundant natural resources, and the gift of opportunities to pursue our hopes and aspirations.

We ask that You continue to bless our country and those who govern it, especially the Members of this House of Representatives. Bestow upon them true wisdom, understanding, and insight in their efforts to discern how best to serve the people of these United States. Provide them with the strength and courage of will to promote the common good and to work for justice and peace for all people.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 123, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS AS CONGRESSIONAL ADVISERS ON TRADE POLICY AND NEGOTIATIONS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 3, 2017, of the following Members on the part of the House as Congressional Advisers on Trade Policy and Negotiations:

Mr. BRADY, Texas
Mr. REICHERT, Washington
Mr. NUNES, California

APPOINTMENT OF MEMBERS TO THE UNITED STATES SEMIQUINCENTENNIAL COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 4 of the United States Semiquincentennial Commission Act of 2016, (Pub. L. 114-196), and the order of the House of January 3, 2017, of the following Members on the part of the House to the United States Semiquincentennial Commission:

Mr. MEEHAN, Pennsylvania
Mr. ADERHOLT, Alabama
And from private life:
Mr. Jim Koch, Newton, Massachusetts
Mr. Val Crofts, Milton, Wisconsin
Dr. Wilfred McClay, Norman, Oklahoma
Mrs. Lynn Young, Rockdale, Texas

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 123, the House stands adjourned until noon on Monday, February 27, 2017, for morning-hour debate and 2 p.m. for legislative business.

Thereupon (at 9 o'clock and 33 minutes a.m.), under its previous order, the House adjourned until Monday, February 27, 2017, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

603. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final

rule — Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations; Delay of Effective Date [Docket No.: APHIS-2014-0095] (RIN: 0579-AE08) received February 17, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

604. A letter from the Acting Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a letter stating that data reported in the Federal Procurement Data System for purchases from foreign entities in FY 2016 has been certified, the data is now being compiled to address the specific reporting requirements, and that the Department expects to submit the report in May 2017, pursuant to 41 U.S.C. 8305; Public Law 104-201, Sec. 827 (as amended by Public Law 111-350, Sec. 3); (124 Stat. 3833); to the Committee on Armed Services.

605. A letter from the Acting Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report entitled "Strategic and Critical Materials 2017 Report on Stockpile Requirements"; pursuant to 50 U.S.C. 98h-5(a); June 7, 1939, ch. 190, Sec. 14 (as amended by Public Law 102-190, Sec. 3313(b)(2)); (105 Stat. 1585); to the Committee on Armed Services.

606. A letter from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting the Department's final rule — National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table; Delay of Effective Date (RIN: 0906-AB01) received February 17, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

607. A letter from the Acting Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

608. A letter from the Acting Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Venezuela that was declared in Executive Order 13692 of March 8, 2015, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

609. A letter from the Acting Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Ukraine that was declared in Executive Order 13660 of March 6, 2014, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

610. A letter from the Director, International Cooperation, Office of the Under

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's intent to sign Project Arrangement No. 05 Between the Secretary of Defense on Behalf of the Department of Defense of the United States of America and the Minister of Defence of Australia, Transmittal No. 03-17, pursuant to Sec. 27(f) of the Arms Export Act, and Executive Order 13637; to the Committee on Foreign Affairs.

611. A letter from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting a letter pursuant to the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Convention), pursuant to Condition 9 of the resolution and Executive Order 13346; to the Committee on Foreign Affairs.

612. A letter from the Executive Secretariat, Department of State, transmitting a report pursuant to Sec. 804 of the PLO Commitments Compliance Act of 1989 [Title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Public Law 101-246)] as amended, and Secs. 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Public Law 107-228); to the Committee on Foreign Affairs.

613. A letter from the Executive Secretary, Bureau of Legislative Affairs, Department of State, transmitting the Department's summary of the inventories of commercial and inherently governmental activities for fiscal years 2014 and 2015, as required by the Federal Activities Inventory Reform Act of 1998 (FAIR Act) and the Office of Management and Budget, pursuant to 31 U.S.C. 501 note; Public Law 105-270, Sec. 2(c)(1)(A); (112 Stat. 2382); to the Committee on Oversight and Government Reform.

614. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2016 Annual Report, pursuant to 12 U.S.C. 1827(a)(2); September 21, 1950, ch. 967, Sec. 2(17)(a) (as amended by Public Law 101-73, Sec. 220(a)); (103 Stat. 263) and 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

615. A letter from the Secretary and Treasurer, Financing Corporation, transmitting the Corporation's Statement on the System of Internal Controls and the 2016 Audited Financial Statements, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

616. A letter from the Secretary and Treasurer, Resolution Funding Corporation, transmitting the Corporation's Statement on the System of Internal Controls and the 2016 Audited Financial Statements, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

617. A letter from the Architect of the Capitol, transmitting the semiannual report of disbursements for the operations of the Architect of the Capitol for the period of July 1, 2016, through December 31, 2016, pursuant to 2 U.S.C. 1868a(a); Public Law 113-76, div. I, title I, Sec. 1301(a); (128 Stat. 428) (H. Doc. No. 115-17); to the Committee on House Administration and ordered to be printed.

618. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administra-

tion, transmitting the Administration's temporary rule — Snapper-Grouper Fishery of the South Atlantic; 2016 Recreational Accountability Measure and Closure for South Atlantic Greater Amberjack [Docket No.: 140819686-5999-02] (RIN: 0648-XF045) received February 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

619. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2016 Management Area 1B Directed Fishery Closure [Docket No.: 130919816-4205-02] (RIN: 0648-XF044) received February 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

620. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers [Docket No.: 151130999-6225-01] (RIN: 0648-XE949) received February 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

621. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 150818742-6210-02] (RIN: 0648-XF103) received February 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

622. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-Opening of the Commercial Sector for South Atlantic Vermilion Snapper [Docket No.: 130312235-3658-02] (RIN: 0648-XF058) received February 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

623. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2016 Commercial Accountability Measure and Closure for South Atlantic Gray Triggerfish; July through December Season [Docket No.: 141107936-5399-02] (RIN: 0648-XF081) received February 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

624. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 150121066-5717-02] (RIN: 0648-XF067) received February 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

625. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 150903814-5999-02] (RIN: 0648-XF073) received February 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

626. A letter from the Secretary, Department of Transportation, transmitting the 29th Annual Report of Accomplishments under the Airport Improvement Program for Fiscal Years 2012 and 2013, pursuant to 49 U.S.C. 47131(a); Public Law 103-272, Sec. 1(e) (as amended by Public Law 112-95, Sec. 152(c)); (126 Stat. 34); to the Committee on Transportation and Infrastructure.

627. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model; Delay of Effective Date [CMS-5519-F2] (RIN: 0938-AS90) received February 17, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLATTE: Committee on the Judiciary. H.R. 720. A bill to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes (Rept. 115-16). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 725. A bill to amend title 28, United States Code, to prevent fraudulent joinder (Rept. 115-17). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 906. A bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos, and for other purposes (Rept. 115-18). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARLETTA:

H.R. 1214. A bill to require the Administrator of the Federal Emergency Management Agency to conduct a program to use simplified procedures to issue public assistance for certain projects under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KING of Iowa:

H.R. 1215. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MESSER (for himself, Mr. BANKS of Indiana, Mrs. WALORSKI, Mr. BUCSHON, Mrs. BROOKS of Indiana, Mr. RODNEY DAVIS of Illinois, Mr. BARLETTA, Mr. DESANTIS, and Mr. LAMALFA):

H.R. 1216. A bill to amend title 38, United States Code, to provide veterans affected by school closures certain relief and restoration of educational benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 1217. A bill to direct the Librarian of Congress to obtain a stained glass panel depicting the seal of the District of Columbia and install the panel among the stained glass panels depicting the seals of States which overlook the Main Reading Room of the Library of Congress Thomas Jefferson Building; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG:

H.R. 1218. A bill to amend titles II and XVIII of the Social Security Act to establish a Social Security Surplus Protection Account in the Federal Old-Age and Survivors Insurance Trust Fund to hold the Social Security surplus and a Medicare Surplus Protection Account in the Federal Hospital Insurance Trust Fund to hold the Medicare surplus, to provide for suspension of investment of amounts held in such Accounts until enactment of legislation providing for investment of the Trust Funds in investment vehicles other than obligations of the United States, and to establish a Social Security and Medicare Part A Investment Commission to make recommendations for alternative forms of investment of the Social Security and Medicare surpluses; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BARLETTA:

H.R. 1214.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and Article I, Section 10, Clause 3 (relating to interstate compacts).

By Mr. KING of Iowa:

H.R. 1215.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution (the Spending Clause); Article I, Section 8, Clause 3, of the Constitution, which grants Congress the power to provide for uniform laws that remove barriers to trade and facilitate commerce nationwide; and Article I, Section 8, Clause 9; Article III, Section 1, Clause 1; and Article III, Section 2, Clause 2 of the Constitution, which grant Congress authority over federal courts.

By Mr. MESSER:

H.R. 1216.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States

By Ms. NORTON:

H.R. 1217.

Congress has the power to enact this legislation pursuant to the following:
clause 18 of section 8 of article I of the Constitution.

By Mr. WALBERG:

H.R. 1218.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 38: Mr. MARINO and Mr. MACARTHUR.
H.R. 82: Mr. LAHOOD.
H.R. 92: Ms. PINGREE.
H.R. 115: Mr. POSEY, Mr. BABIN, Mr. REED, Mr. THOMPSON of Pennsylvania, and Mr. MCKINLEY.
H.R. 140: Ms. FOXX.
H.R. 332: Ms. LOFGREN.
H.R. 367: Mr. MARINO.
H.R. 449: Mr. THORNBERRY.
H.R. 489: Mr. HASTINGS and Ms. VELÁZQUEZ.
H.R. 496: Mr. CARBAJAL and Mr. FITZPATRICK.

H.R. 520: Mr. GRAVES of Georgia and Mr. JODY B. HICE of Georgia.

H.R. 564: Mr. RODNEY DAVIS of Illinois, Mr. FRANCIS ROONEY of Florida, and Mr. GARRETT.

H.R. 585: Mr. JOHNSON of Georgia.

H.R. 662: Ms. JACKSON LEE, Mr. RODNEY DAVIS of Illinois, and Mr. RENACCI.

H.R. 721: Mr. KIND, Mr. POCAN, Mr. BOST, and Mr. CICILLINE.

H.R. 771: Mr. KILMER.

H.R. 781: Mr. HUDSON, Mr. BARR, Mr. LAMALFA, Mr. DESJARLAIS, Mr. YOHO, and Mr. WILSON of South Carolina.

H.R. 785: Mr. FARENTHOLD, Mr. MULLIN, and Mr. HUIZENGA.

H.R. 919: Ms. SHEA-PORTER and Mr. LANDEVIN.

H.R. 931: Mr. CURBELO of Florida, Mr. FRELINGHUYSEN, and Mr. LANGEVIN.

H.R. 947: Mr. YARMUTH.

H.R. 997: Ms. FOXX.

H.R. 1002: Mr. KILDEE and Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 1017: Mr. LIPINSKI.

H.R. 1059: Ms. ROS-LEHTINEN, Mr. McEACHIN, and Mrs. COMSTOCK.

H.R. 1103: Mr. HIGGINS of New York.

H.R. 1121: Mr. COFFMAN, Mr. JOHNSON of Ohio, Mr. OLSON, and Mr. FITZPATRICK.

H.R. 1155: Mr. MEEHAN.

H.R. 1170: Mr. DESANTIS and Mr. POSEY.

H.R. 1178: Mr. GRAVES of Georgia.

H.R. 1200: Ms. FUDGE and Mr. COHEN.

H.J. Res. 31: Mr. O'HALLERAN.

H.J. Res. 59: Mr. WEBER of Texas.

H. Con. Res. 9: Ms. BROWNLEY of California, Ms. DELAURO, Mr. GUTIÉRREZ, and Mr. WELCH.

H. Res. 15: Mr. PRICE of North Carolina.

H. Res. 104: Ms. WASSERMAN SCHULTZ.

H. Res. 111: Mr. CONYERS, Mr. PRICE of North Carolina, Mr. AGUILAR, Mr. RASKIN, Mrs. DAVIS of California, Mr. JEFFRIES, and Mr. SWALWELL of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

17. The SPEAKER presented a petition of The Trust for Public Land, San Francisco, CA, relative to seven petitions from private citizens in opposition to Congress's attempts to sell off public lands and turn them over to states to manage; to the Committee on Natural Resources.

18. Also, a petition of New Orleans City Council, relative to Resolution No. R-17-79, condemning the Executive Order entitled "Protection of the Nation From Foreign Terrorist Entry Into The United States", issued January 27, 2017; jointly to the Committees on the Judiciary, Foreign Affairs, Homeland Security, and Intelligence (Permanent Select).

EXTENSIONS OF REMARKS

IN RECOGNITION OF CAROLYN
RODENBURG AND THE IIB'S
FOUNDATION

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 2017

Mrs. COMSTOCK. Mr. Speaker, I am honored to use this time to recognize a local foundation in Virginia's 10th District that has been strengthening our community and raising breast cancer awareness since 2004. The IIB's Foundation, founded, by 14-year breast cancer survivor and proud Leesburg resident, Carolyn Rodenburg, focuses on ensuring that no woman diagnosed with breast cancer feels afraid or alone.

In April of 2002, at the age of 42, Ms. Rodenburg was diagnosed with breast cancer and underwent a double mastectomy. During this difficult time in her life, she recalled feeling very alone and often helpless. However, Ms. Rodenburg found the inner strength and became determined to make a difference when she realized there were others just like her that needed a support system built on trust and understanding. It was a combination of her sudden diagnosis, surgery, and feelings afterwards that sparked her interest in helping like-minded women that were undergoing similar experiences, and she has been making a difference ever since.

Thus in 2004, Ms. Rodenburg left behind her long career in the corporate world to dedicate her life to comforting and educating other breast cancer survivors by founding the IIB's Foundation. IIB's (pronounced three B's) stands for Bosom Buddy Baskets, which were the original basis on which the foundation came about. The pink Bosom Buddy Baskets are filled with treats, back scratchers, pillows, stuffed animals, and protective post-op gear and are intended for women in post operation recovery following mastectomy surgeries. This gesture helps show other women in recovery that they have a line of support from other survivors.

The IIB's Foundation has grown immensely under Ms. Rodenburg's leadership. Initially, Ms. Rodenburg founded it with the intention of helping friends going through the breast cancer treatment process. Today, the organization has morphed into a well-recognized foundation, hosting several annual fundraisers and events each year. One reoccurring event which has garnered a great deal of popularity is the yearly Pink Tie Charity Ball. It is fun, forward thinking community events, like the Pink Tie Charity Ball, that have helped the organization thrive and grow tremendously over the years into the organization it is today.

To date, Ms. Carolyn Rodenburg and the IIB's Foundation have helped thousands of women and families affected by breast cancer, and I am grateful to have such a prominent

and resourceful organization in the 10th District. Mr. Speaker, I ask my colleagues to join me in applauding the IIB's Foundation for its dedication to serving our community for so many years. I wish Ms. Rodenburg and the entire organization the best in their future endeavors.

PERSONAL EXPLANATION

HON. JACKY ROSEN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 2017

Ms. ROSEN. Mr. Speaker, on February 14th on roll call vote 89, I was not present because I was unavoidably detained. Had I been present, I would have voted "No."

THE INTRODUCTION OF A BILL TO REQUIRE THE LIBRARY OF CON- GRESS TO INSTALL THE D.C. SEAL IN THE MAIN READING ROOM OF THE THOMAS JEFFER- SON BUILDING

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 2017

Ms. NORTON. Mr. Speaker, today, I introduce a bill to require the Library of Congress to install the District of Columbia seal in the Main Reading Room of the Thomas Jefferson Building of the Library of Congress concurrently with the renovation and replacement of the existing glass panels. The House Transportation and Infrastructure Committee passed this bill unanimously last Congress. The Library is one of the few buildings in the District that remains open to the public on most holidays. It provides not only D.C. residents but visitors and researchers from across the nation with access to incomparable resources. The bill requires the Library to depict the District's seal on the stained-glass windows in the Main Reading Room, where the seals of all the states and territories that existed when the building was constructed, except for the District, are depicted. D.C.'s seal was readily available at that time and should have been included. The seals of Hawaii and Alaska are not included in the display because they were not states or territories when the building was constructed. The fact that these two states were not part of the Union at the time of the creation of the stained-glass windows argues for the inclusion of the District, which, after all, was in fact the nation's capital at the time. We are asking that the omission of D.C. be corrected immediately. This omission was brought to my attention by a District resident, Luis Landau, a former docent at the Library.

The residents of the District have always had all the obligations of American citizenship, including paying federal taxes and serving in all the nation's wars, including the War of 1812, during which the Capitol building, which then housed the Library of Congress, was burned, prompting construction of the current Library of Congress building with the state and territory seals. It is, therefore, without question that the District and its residents should receive equal treatment among the stained-glass windows that portray the history of the United States. D.C. residents deserve to have their history and American citizenship recognized.

There is existing evidence that the seal of the District should have been depicted. The Members of Congress room in the Jefferson Building, which is not open to the public, has a painted depiction of the D.C. seal, along with state seals, on its ceiling. This precedent reinforces our request to be represented among the stained-glass windows in the Main Reading Room, which is open to the public. There is no reason why the D.C. seal cannot be added with the planned restoration of the stained-glass. The right time to add the seal of the District would be during the planned restoration.

Congress already includes the District, or has corrected the omission of the District, when honoring the states. For example, the District of Columbia War Memorial honors District residents who served in World War I, the World War II Memorial includes a column representing the District, and D.C.'s Frederick Douglass statue now sits in the Capitol alongside statues from the 50 states. The National Defense Authorization Act for Fiscal Year 2013 requires the armed services to display the District flag whenever the flags of the states are displayed. Legislation was also enacted to give D.C. a coin after it was omitted from legislation creating coins for the 50 states. We also successfully worked with the U.S. Postal Service to create a D.C. stamp, like the stamps for the 50 states, and worked with the National Park Service to add the D.C. flag alongside the state flags across from Union Station. It is long overdue to display the D.C. seal, along with the seals of the states, in the Main Reading Room of the Library of Congress.

I urge support for this legislation.

IN RECOGNITION OF THE HONORABLE JONATHAN WAY

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 2017

Mrs. COMSTOCK. Mr. Speaker, I am honored to use this time to recognize my constituent and friend, the Honorable Jonathan Way for his 9 years of service on the Manassas City Council, both as a Councilman and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

later as Vice Mayor, and to celebrate his many accomplishments as one of the Commonwealth's most dedicated civil servants.

Prior to retiring and moving to Manassas 18 years ago, Vice Mayor Way had a 37-year career for various Exxon international affiliates in the U.S. and overseas and also served 6 years as a U.S. Naval Reserve Officer. He decided to first enter government service in the City of Manassas when he saw an advertisement in the local newspaper for an opening on the Planning Commission. From that point forward, Vice Mayor Way embarked on a journey of dedication to the city. In 2001, he was appointed to the commission, where he served as a member and as Chairman for 2 years until his appointment to the City Council in 2007, a position he held until 2015 when he was unanimously selected, by the Manassas city council members, to serve as Vice Mayor. He, along with Mayor Hal Parrish, have played

a vital role in revitalizing downtown Manassas, establishing strong local relationships, and helping build new housing developments in the area.

During his tenure on the Manassas City Council, Vice Mayor Way served on various committees, including the Budget and Finance Committee, the Economic/Community Development and Land Use Committee, the Virginia Railway Express and Potomac and Rappahannock Transportation Committees, the Metropolitan Washington Council of Governments, and the Virginia Municipal League. Additionally, Vice Mayor Way volunteered with various local groups, including the Rotary Club of Manassas, which he joined in 2001. Here he has served on the Club Service Committee for many years and has previously held the position of Secretary. Impressively, he was chosen as Rotarian of the Year in both 2003 and 2008. Despite having to temporarily resign

from the rotary in 2013 due to workload demands of City Council, he happily rejoined last year.

Most impressively, throughout the years, Vice Mayor Way kept a near perfect attendance record in attending city council meetings. This is not only a testament to the commitment he has always felt to the council, but also the commitment he felt to the citizens of Manassas. On behalf of the entire 10th District, I thank Vice Mayor Way. It has truly been a privilege to work with him and his colleagues on the Manassas City Council over the years.

Mr. Speaker, I ask my colleagues to join me in applauding Vice Mayor Way for his service to Manassas, the Commonwealth of Virginia, and the United States. I wish him, his wife, Shirley, his children, and his grandchildren the best in their future endeavors.